

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Arlington Auto Repair LLC **FILE #** 19-078-373
 2. **APPLICANT:** Arlington Auto Repair LLC **HEARING DATE:** September 12, 2019
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 1431 Rice Street, Southwest corner at Arlington Avenue
 5. **PIN & LEGAL DESCRIPTION:** 24.29.23.41.0001; Hager's Subdivision of Lots 1,2,3,4,5,6,7, 14,15,16,17,18 of Walcott's Addition to Cottage Homes, Lots 33 thru 38, Block 4
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** § 62.109(e), § 61.107, § 62.109 **PRESENT ZONING:** T2
 8. **STAFF REPORT DATE:** September 5, 2019 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** August 23, 2019 **60-DAY DEADLINE FOR ACTION:** October 21, 2019
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- A. **PURPOSE:** Reestablishment of nonconforming auto repair use.
- B. **PARCEL SIZE:** The corner property has 150 feet of frontage on Rice Street and is about 125 feet in depth for a lot area of about 18,750 square feet.
- C. **EXISTING LAND USE:** The property is vacant. The previous use was an auto repair station.
- D. **SURROUNDING LAND USE:**
 - North: Non-profit office and restaurant uses in a T2 zone and residential uses in an RT1 zone.
 - East: Auto convenience market and restaurant uses in a T2 zone
 - South: Food market and dental office uses in a T2 zone.
 - West: Single family homes in an R4 zone.
- E. **ZONING CODE CITATION:** § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use. § 61.107 and § 62.109 authorize the Planning Commission to impose conditions and limitations in granting approval of nonconforming use permits.
- F. **PARKING:** Zoning Code § 63.207 requires a minimum of 10 off-street parking spaces for the proposed use; the site plan submitted shows 20 spaces.
- G. **HISTORY/DISCUSSION:** In spring 2019 the Department of Safety and Inspections received several complaints about inoperable vehicles and auto repair activity occurring on the property. An order was issued for all inoperable vehicles to be removed from the property and for illegal auto repair activity to cease prior to obtaining the proper zoning and licensing approvals; the vehicles have since been removed. The current applicant is not related to the party referenced above that was operating without required approvals. The auto repair garage license that was previously assigned to the property was cancelled at the request of the license holder in 2017. Because more than one year has passed since auto repair was permitted as a legal nonconforming use, a reestablishment of nonconforming use permit must be obtained to continue use of the property for auto repair. The previous auto repair license permitted a maximum of 20 cars to be parked on the premises during business hours and no more than 10 when the business is closed. Numerous complaints were received in previous years about trash in the alley, tall grass and weeds, and snow and ice on sidewalks. There are several previous zoning cases for this property, including a permit for an oil station in 1965, a conditional use permit for an auto sales, service, and rental in 1984, and site plan reviews in 1991 and 2007; all were approved.

H. **DISTRICT COUNCIL RECOMMENDATION:** The North End Neighborhood Organization had not taken a position on the permit application at the time the staff report was drafted.

I. **FINDINGS:**

1. The applicant has a purchase agreement to acquire the property and intends to operate an auto repair business. The existing structure has three service bays (two fronting Rice Street and one facing Arlington Avenue), a customer waiting area, and an office. Hours of operation are proposed to be 9:00 a.m. to 6:00 p.m. The applicant states that the site has 19 parking spaces, five of which will be used for employees and 14 for customer car parking.
2. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure is designed for auto repair use and cannot be reasonably or economically used for a conforming purpose.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. Because the proposed and previous uses are the same, the proposed use is equally appropriate to the district as the previous legal nonconforming use, provided that in no case shall more cars be parked on the property than were permitted for the previous nonconforming use, according to the license cancelled in 2017.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met with a condition attached to the permit requiring approval of a site plan, drawn to scale, that meets current standards for an auto repair station. The following items must be addressed during site plan review to improve the appearance and operation of the property: the screening fence must be repaired or replaced; the parking lot surface must be repaved and striped; and landscaping must be installed in the buffer area along Rice Street and Arlington Avenue. In addition, the tires, trash, and junk should be removed from the south side of the building.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding can be met with a condition attached to the permit requiring approval of a site plan, drawn to scale, that meets current standards for an auto repair station. The Land Use chapter identifies this stretch of Rice Street as a mixed-use corridor and the intersection at Arlington as an opportunity site. Policy 1.53 states, "Encourage changes to the design of existing auto-oriented commercial buildings and areas with elements of traditional urban form to minimize impacts on the pedestrian realm". Objective LU5 of the North End District 6 Plan calls for attractive commercial districts, and strategy LU5.1 encourages existing auto related businesses to upgrade the appearance of their building and properties and discourages the growth of new auto related businesses. Strategy LU5.3 calls for utilizing the Rice Street Guidelines when existing commercial buildings are renovated or improved. The Rice-Larpenteur Vision Plan promotes design excellence in all aspects of the corridor.

- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on August 23, 2019: 14 parcels eligible to sign, 10 parcels required to sign, and 11 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of a reestablishment of nonconforming use permit for auto repair, subject to the following conditions:

1. The applicant shall obtain approval of a site plan, drawn to scale, that meets current standards for an auto repair station. The following items shall be addressed during site plan review to improve the appearance of the property: the screening fence shall be repaired or replaced; the parking lot surface shall be repaved and striped; and landscaping shall be installed in the buffer area along Rice Street and Arlington Avenue. The number of parking spaces shall be determined through site plan review. In no case shall more cars be parked on the property than were permitted for the previous nonconforming use, according to the license cancelled in 2017.
2. Tires, trash, and junk shall be removed from the south side of the building.



NONCONFORMING USE PERMIT APPLICATION
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

AD = 6

Zoning Office Use Only
 File #: 19-078373
 Fee: _____
 Tentative Hearing Date: 9-12-19

242923410001

APPLICANT

Name ARLINGTON AUTO REPAIR LLC Email plaza1musani@gmail.com
 Address 9617 OAK RIDGE TRAIL, MINNETONKA, MN 55305
 City MINNETONKA St. MN Zip 55305 Daytime Phone 612 964 9617
 Name of Owner (if different) DANIEL L GELB
 Contact Person (if different) OSMAN MUSANI Phone 651 352 8208

PROPERTY LOCATION

Address/Location 1431 RICE STREET, ST PAUL MN 55117
 Legal Description _____
 Current Zoning T2
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 Change of nonconforming use (para. c)
 Expansion or relocation of nonconforming use (para. d)
 Reestablishment of a nonconforming use vacant for more than one year (para. e)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use AUTO REPAIR
 Proposed Use AUTO REPAIR

RECEIVED
 AUG 22 2019
 BY: _____

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature Daniel L. Gelb Date 7/23/19 City Agent add 8/22/19
 Chief Manager

Arlington Auto Repair

1431 Rice Street, St Paul MN 55117

August 26th 2019

Executive Summary and Business Plan

Arlington Auto repair is a single member LLC owned by Daniel L Gelb. A qualified manager with auto repair experience will be appointed to manage the auto repair facility. Our goal is to offer automotive repair services for all makes and models of vehicles primarily to residents and businesses in and around the St Paul neighborhood at affordable prices. We intend to provide wonderful customer service and competitive market priced repairs in order to get the market share.

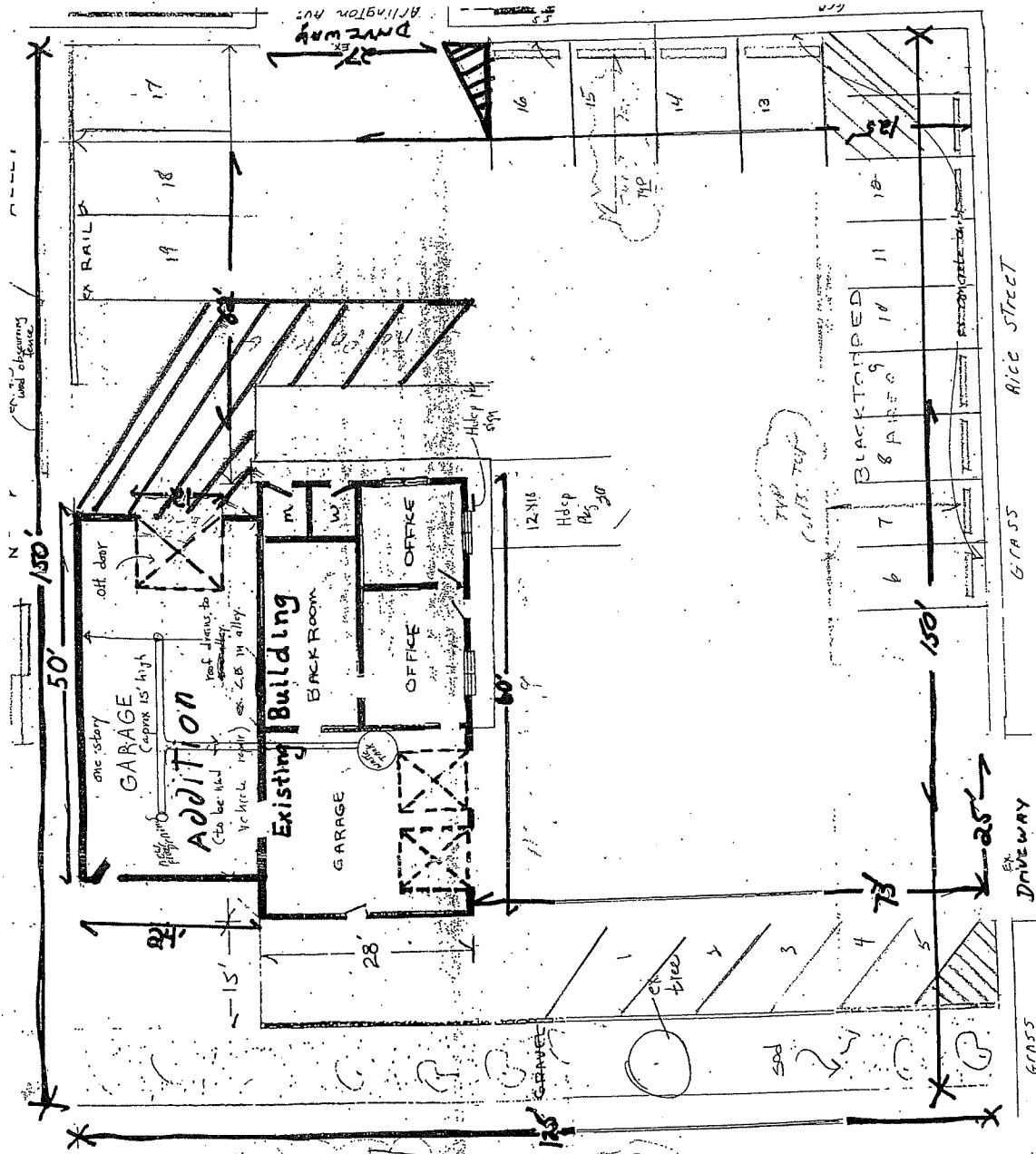
Currently the location has 3 repair bays and a customer waiting area and an office which we intend to keep it the same way. As per the site plan, there are 19 parking spots of which we plan to use 5 for employee parking and 14 for customers parking. The initial business hours will be Monday through Saturday from 9.00am to 6.00pm.

Please let me know if you have any question.

Osman Musani – Manager

651-3528208/612-5529691

1431 Rice Street



8 Plan
 5-12-263
 #91-263-91
 Approved
 NDT
 TAD
 SCARB
 10/2/10 G.M. 2

ZONING REQUEST APPROVED

DATE

4/9/07

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

8/22/19

DATE PETITION RESUBMITTED:

8/23/19

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

8/26/19

PARCELS ELIGIBLE:

14

PARCELS ELIGIBLE:

14

PARCELS REQUIRED:

10

PARCELS REQUIRED:

10

PARCELS SIGNED:

9

PARCELS SIGNED:

11

CHECKED BY:

Paul Dubreuil

DATE:

8-26-19

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of ARLINGTON AUTO REPAIR LLC
(name of applicant)

to establish a AUTO REPAIR
(proposed use)

located at 1431 RICE STREET, ST. PAUL MN 55117
(address of property)



requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1415 RICE STREET	1415 RICE STREET LLC	[Signature]	8/21/19
1419 RICE STREET	1419 RICE STREET LLC	[Signature]	8/21/19
1423 RICE STREET	1423 RICE STREET LLC	[Signature]	8/21/19
PSDL GROUP LLC	1459 RICE STREET	[Signature]	8/21/19
1440 RICE STREET	DDMOIL	[Signature]	8/21/19
1422 RICE STREET	Hght Co	[Signature]	8/21/19
1104 Arlington Arch	Jose Alameida	[Signature]	8/21/19
1432 Albemarle St	Scherbert	[Signature]	8/21/19
1446 Rice St	Amanda Elizabeth	[Signature]	8/21/19
1428 Albemarle St	S. Xiong	[Signature]	8/21/19
1431 Rice St	FRED ONEILL	[Signature]	8/25/19
1432 Albemarle	Bruce Scherbert	[Signature]	8-23-19

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of ARLINGTON AUTO REPAIR LLC,
(name of applicant)

to establish a AUTO REPAIR,
(proposed use)

located at 1431 RICE STREET, ST. PAUL MN 55117,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1415 RICE STREET	1415 RICE STREET LLC		8/21/19
1419 RICE STREET	1419 RICE STREET LLC		8/21/19
1423 RICE STREET	1423 RICE STREET LLC		8/21/19
PSDL GROUP LLC	1459 RICE STREET		8/21/19
1440 RICE STREET	DDMOIL		8/21/19
1422 RICE STREET	Hght Co		8/21/19
1104 Arlington Ave	Jet Alamein		8/21/19
1432 Albemarle St	Scherbert		8/21/19
1446 Rice St	Amanda Elizabeth Audubert		8/21/19
1428 Albemarle St	S. Xiong		8/21/19

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

OSMAN MUSANI, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 6 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

OSMAN MUSANI
NAME

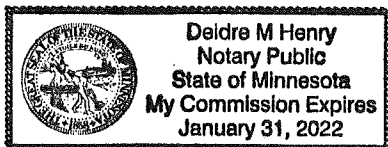
14537 LOCKSLIE TRAIL, SAUVAGE MN 55378
ADDRESS

651 2528208
TELEPHONE NUMBER

Subscribed and sworn to before me this
22 day of August, 2019.

Deidre Henry
NOTARY PUBLIC

10-01



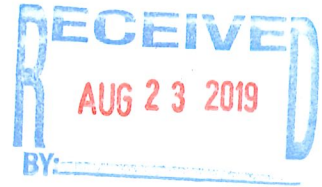
CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)



OSMAN MUSANI, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 5 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

[Signature] 8/23/19

OSMAN MUSANI

NAME

14537 LOCKSLIE TRAIL, SAUWAGE MN 55378

ADDRESS

651 2528208

TELEPHONE NUMBER

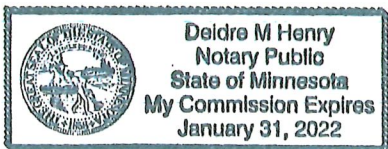
Subscribed and sworn to before me this 22 day of August, 2019.
23rd August, 2019



[Signature]

Deidre Henry
NOTARY PUBLIC

10-01



CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL
USE PERMIT OR A NONCONFORMING USE
PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Osman Musawi, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

Osman Musawi

NAME

14537 LOCKLIE TRAIL, SAUGE MN 55378

ADDRESS

651-3528208 / 612-5529691

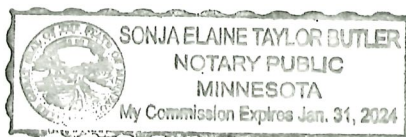
TELEPHONE NUMBER

[Handwritten signature]

Subscribed and sworn to before me this
26th day of August, 2019

[Handwritten signature]

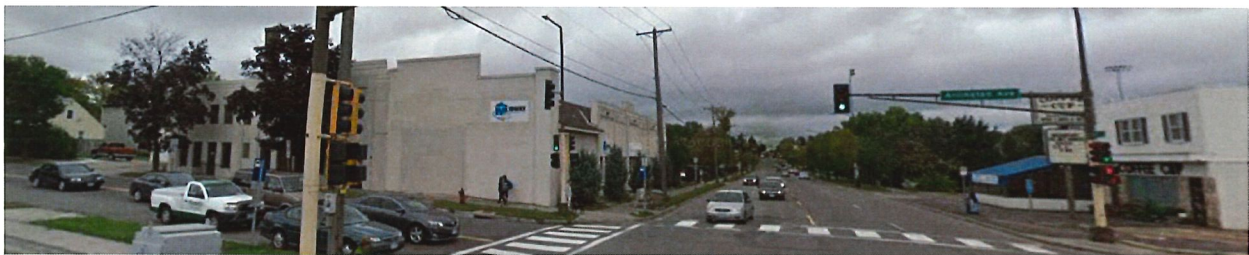
NOTARY PUBLIC



1431 Rice Street



Subject property at Rice and Arlington looking south



Nonprofit offices to the north and restaurant to the north east



Auto convenience and restaurant uses to the east



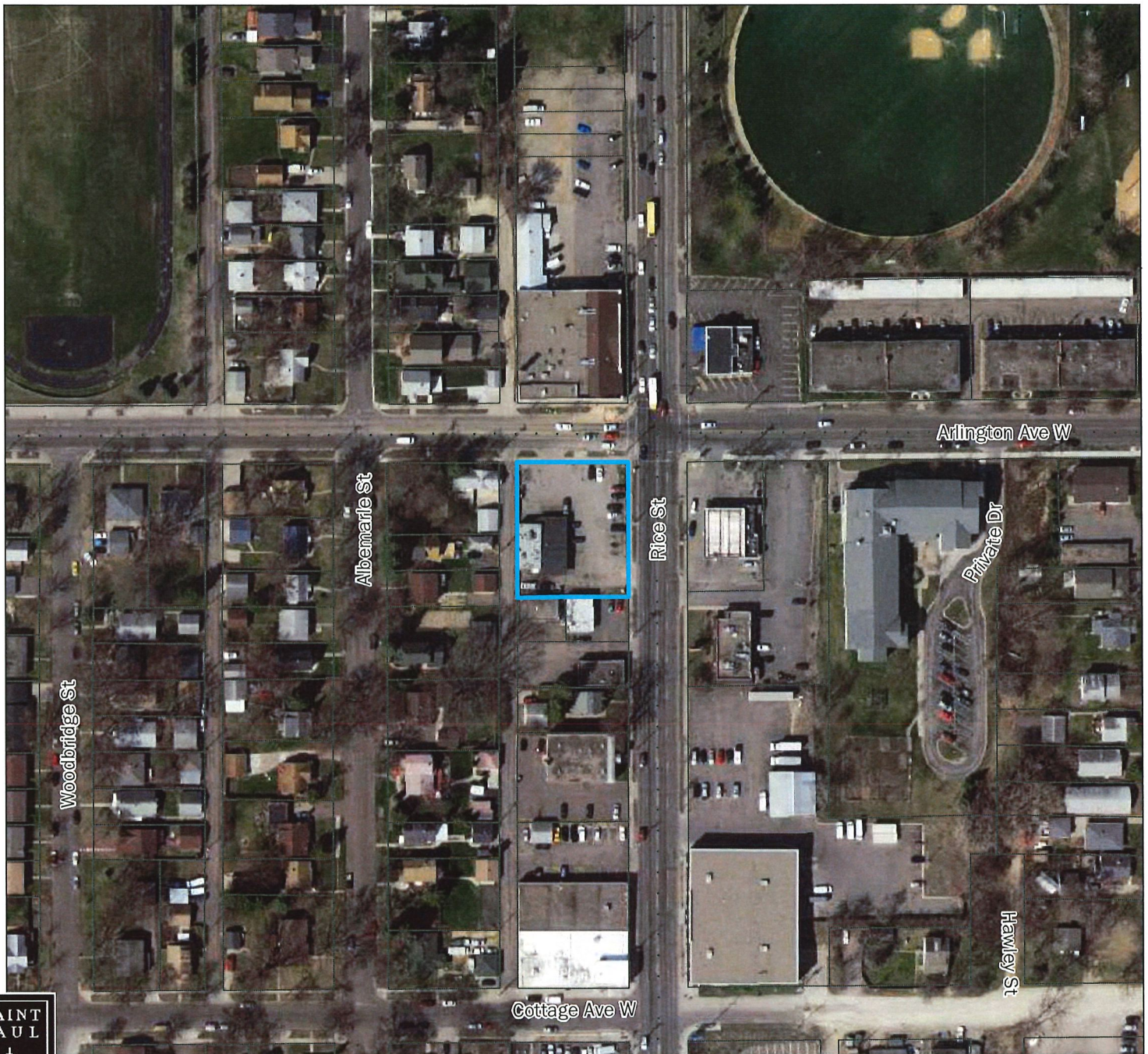
Clinic and grocery uses to the south



Residential use to the west







FILE #19-078373 | AERIAL MAP
Application of Arlington Auto Repair LLC

Application Type: Reestablishment of a Nonconforming Use
Application Date: August 22, 2019
Planning District: 6

Subject Parcel(s) Outlined in Blue

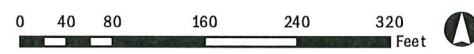


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FILE #19-078373 | LAND USE MAP
Application of Arlington Auto Repair LLC

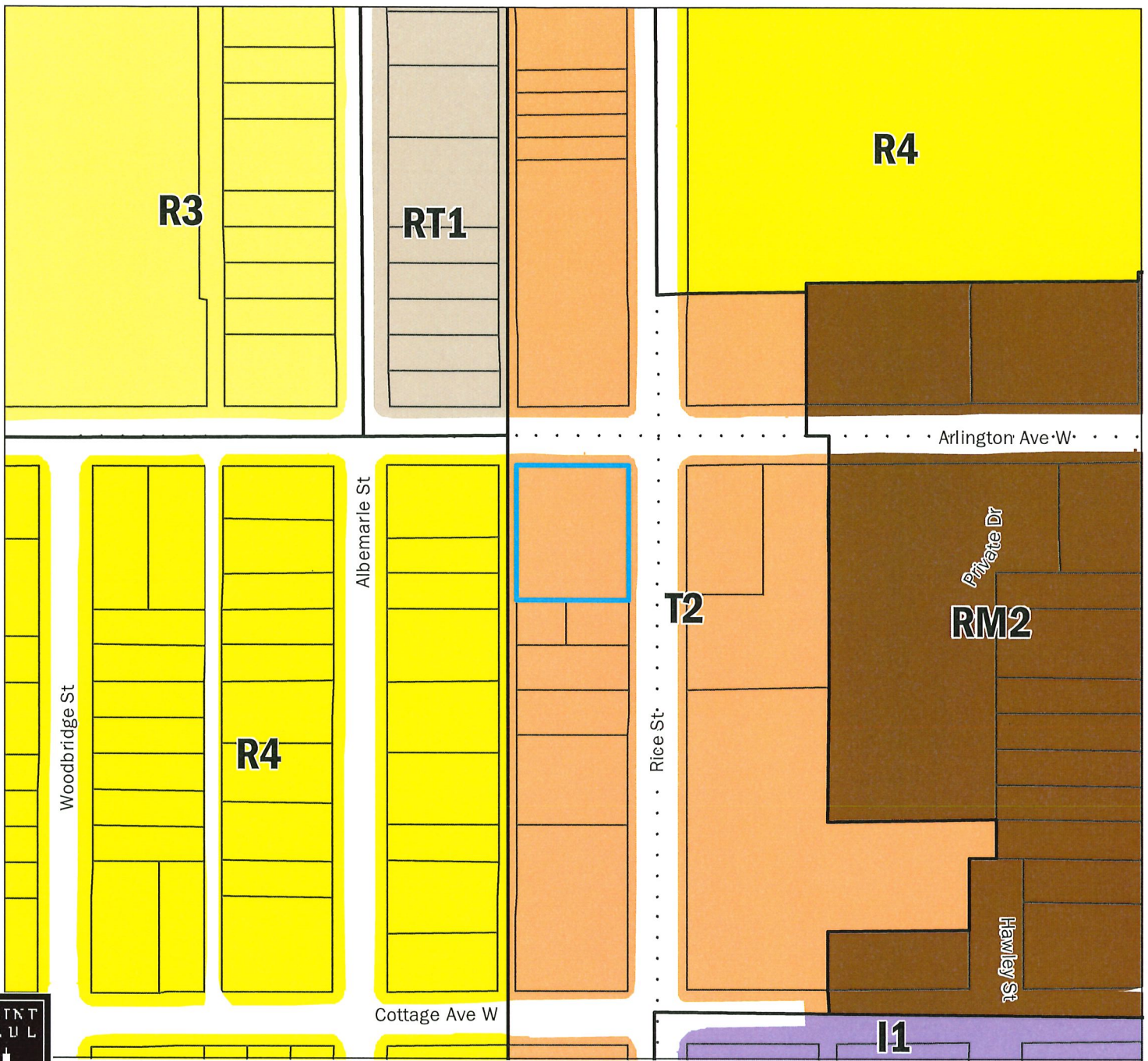
Application Type: Reestablishment of a Nonconforming Use
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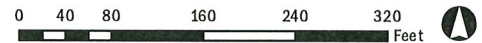
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Famstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



FILE #19-078373 | ZONING MAP
Application of Arlington Auto Repair LLC

Application Type: Reestablishment of a Nonconforming Use
 Application Date: August 22, 2019
 Planning District: 6



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Subject Parcel(s) Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction