

city of saint paul
planning commission resolution
file number
date

WHEREAS, Joseph and Nancy Schumacher, File # 19-076-718, have applied to rezone, from OS office service to RT1 two-family residential, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 330 Prior Avenue North, Parcel Identification Number 33.29.23.33.0004, legally described as the south 75 feet of the west 1/2 of Lot 5 and the south 75 feet of Lot 6 Block 15; Merriam Park; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant owns the property and resides in the home on site. The structure was previously used for both commercial and residential purposes from early 2000s to 2008 but is now being used entirely for residential purposes. The applicant states that the intent is to rezone the property for residential use and operate a wood working home occupation at the property.
2. The proposed zoning is consistent with the way the area has developed and with the intent of the RT1 zoning district, which is to provide for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. All the property surrounding the site is zoned RT1, though there are nonconforming commercial and residential uses nearby.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use chapter of the Comprehensive Plan identifies the site as Established Neighborhood, which is described as a residential area with a range of housing types and where single-family homes and duplexes predominate. Objective LU2 of the Union Park Community Plan calls for preserving the well-kept, traditional feel and scale of the neighborhood and strategy LU2.1 of the plan calls for maintaining and establishing zoning that preserves lower density, single-family homes and duplexes outside of mixed-use corridors.
4. The proposed zoning is compatible with the surrounding one and two-family residential uses, institutional uses, and recreation uses. This stretch of Prior Avenue is designated a collector street and carries about 5,000 cars per day.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Joseph and Nancy Schumacher to rezone, from OS office service to RT1 two-family residential, property at 330 Prior Avenue North be approved.

moved by _____
seconded by _____
in favor _____
against _____

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WHEREAS, Arlington Auto Repair LLC, File # 19-078-373, has applied for a reestablishment of nonconforming use for auto repair under the provisions of § 62.109(e) of the Saint Paul Legislative Code, on property located at 1431 Rice Street, Parcel Identification Number 24.29.23.41.0001, legally described as Hager's Subdivison 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; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

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.

moved by _____
seconded by _____
in favor _____
against _____

- (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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Arlington Auto Repair LLC for a reestablishment of nonconforming use for auto repair at 1431 Rice Street is hereby approved, 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.



North End Neighborhood Organization (District 6)
171 Front Avenue
Saint Paul, MN 55117
651-488-4485
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September 9, 2019

Zoning Committee of the Planning Commission
15 West Kellogg BLVD
Saint Paul MN 55102

RE: 1431 Rice Street: Re-Establishment of a Nonconforming Use Permit

Commissioners:

The North End Neighborhood Organization supports the reestablishment of a nonconforming use permit with conditions at 1431 Rice Street. This property has been used as an auto related business for decades and is in unacceptable condition.

The North End is requesting that the property be improved; repave and stripe the parking lot, add a buffer between the sidewalks and property on all sides, repaint the building and install new signage within two years.

Thanks for considering our recommendation and if you have questions please contact the office at the numbers above.

Regards

Karin Groening
Board Chair

Cc: Ward 5