

city of saint paul
planning commission resolution
file number
date

WHEREAS, Castillo Auto Repair, File # 20-069-027, has applied for a change of nonconforming use from auto body shop to general auto repair / tire repair under the provisions of § 62.109(c) of the Saint Paul Legislative Code, on property located at 744 3rd Street E, Parcel Identification Number (PIN) 32.29.22.14.0214, legally described as LYMAN DAYTON ADDITION NWLY 76 FT OF LOTS 25 AND LOT 26 BLK 37; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 24, 2020, held a public hearing on said application pursuant to 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 application is to change the nonconforming use from auto body shop to auto repair and tire repair.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. Auto repair is first allowed in the B3 zoning district, which is more restrictive in the first district where auto body repair is allowed: T4.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The use is anticipated to have similar traffic generation as the previous use. The code-required parking for both uses is the same.
 - c. *The 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. Auto repair and tire repair are similar in impact to the surrounding area as auto body repair, except that they do not involve painting and potentially noxious fumes. Therefore, the use is generally an improvement to public health, safety, and general welfare.

moved by _____
seconded by _____
in favor _____
against _____

However, tire storage must be maintained so as not to be detrimental to the neighborhood's existing character. The application proposes tire storage (for disposal) in area "A" on the site plan – a fenced area southeast of the building. It also proposes a for-sale tire display rack to be wheeled out daily to area "B" along 3rd Street in a paved area not used for parking or maneuvering, and to be wheeled indoors each night. The tire storage in area "A" presents a fire hazard in close proximity to the neighboring residence, and so should be eliminated in order to avoid endangering public safety.

- d. *The use is consistent with the comprehensive plan.* This finding is met. The 2030 Comprehensive Plan designates 3rd Street as a Residential Corridor in Figure LU-B. The use is becoming more compatible with that designation. Also, the District 4 Area Plan Summary (2009) includes strategy C3: "Promote the reuse, instead of demolition, of existing commercial buildings."

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Castillo Auto Repair for a change of nonconforming use from auto body shop to general auto repair / tire repair at 744 3rd Street E is hereby approved subject to the following conditions:

1. Substantial conformance with materials submitted for this application, including site/floor plan.
2. No outdoor storage of tires or other materials, except in Area "B" on the site plan there may be a for-sale tire display during open business hours that is stored inside nightly.