

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Sola Salon Studios **FILE #** 14-098-714
 2. **APPLICANT:** Patrick Elgen **HEARING DATE:** March 13, 2014
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit – Reestablishment and Change
 4. **LOCATION:** 688 Hague Ave, SW corner at St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 022823110218, Holcombes Addition, Lots 1-4, Block 7
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §62.109(c), §62.109(e)
 8. **STAFF REPORT DATE:** March 5, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** February 20, 2014 **60-DAY DEADLINE FOR ACTION:** April 21, 2014
-

- A. **PURPOSE:** Reestablishment and change of nonconforming use to a beauty salon
- B. **PARCEL SIZE:** 160' (Hague) x 109' (St. Albans), totaling 17,465 sq. ft.
- C. **EXISTING LAND USE:** Vacant, formerly a plumbing contractor's shop
- D. **SURROUNDING LAND USE:** Church to the east, parking lot to the northeast, and single-family/multi-family residential uses in other directions
- E. **ZONING CODE CITATION:** §62.109(e) authorizes the planning commission to permit the reestablishment of a nonconforming use upon making certain findings. §62.109(c) authorizes the planning commission to 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 upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** The property was rezoned from C-Residence to Commercial in 1956 to allow a grocery store to be developed. Also in 1956, the property received a use permit for its parking lot and a variance for the building's 4' setback along the west property line. The property was rezoned RM2 in 1975 as part of a citywide rezoning. By 2000, the use changed to a woodworking factory. A plumbing contractor's shop occupied the building in 2003 and vacated the property in 2012. A 2012 application to rezone the property to B2 for a fitness facility was withdrawn after receiving a Zoning Committee recommendation for denial, though a parking variance was approved at that time, conditional on the fitness facility use being approved through rezoning or other means and compliance with the submitted plans.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, District 8 has not yet commented on the application.
- H. **FINDINGS:**
 1. The application proposes to reestablish a nonconforming use, previously a plumbing business categorized as a service business with a workshop, and change the nonconforming use to a beauty salon categorized as a service business. The proposed use will occupy the first floor, but not the basement, and no building additions are proposed.
 2. The currently vacant subject site is located at the southwest corner of Hague and St. Albans, one block south of Selby Avenue. The site's previous use was a plumbing contractor's shop, which was legally nonconforming.
 3. 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:*
 - a. *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The building, which has been vacant for over a year, is designed for commercial/industrial types of uses rather than the residential and institutional uses permitted in the RM2 district. Repurposing the building for

such uses would be very costly and uneconomical.

- b. *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous plumbing business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - 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 is met. A service business such as proposed is not detrimental to surrounding character and does not endanger the public. Building permits and proper site design will be required in order for a Certificate of Occupancy to be issued for the site.
 - d. *The proposed use is consistent with the comprehensive plan.* This finding is met. The proposed use is consistent with the Comprehensive Plan, which designates the property as part of an Established Neighborhood, as shown in the Generalized 2030 Future Land Use Map (Figure LU-B). The Comprehensive Plan states, "Established Neighborhoods are residential areas of predominately single-family housing and adjacent neighborhood-serving commercial uses. These are areas of stability where the existing character will be essentially maintained." The existing character is maintained by the proposed use, which utilizes an existing non-residential building and, as noted above, is first permitted in a more restrictive zoning district than the previous use. The District 8 Plan does not have any policies that apply to this proposal.
 - e. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within on hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found to be sufficient on February 27, 2014; 22 parcels required, 23 parcels signed.
4. 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. As noted above, the previous plumbing business is first permitted in the T2 Traditional Neighborhood district, while the proposed use is first permitted in the more restrictive T1 Traditional Neighborhood district.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. Though traffic generation could be at different times of day, the peak traffic generation for the beauty salon is anticipated to be similar to the fleet traffic and occasional customer traffic experienced for the plumbing business.
 - 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 is met. As noted above, a service business such as proposed is not detrimental to surrounding character and does not endanger the public.
 - d. *The use is consistent with the comprehensive plan.* This finding is met. As noted above, the proposed use is consistent with the Comprehensive Plan and its Established Neighborhood designation for the subject site.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the reestablishment and change of nonconforming use to a beauty salon.



Little North Fork, Limited Liability Company

DBA Sola Salon Studios

Concept Plan and Supporting Documentation
Prepared for:

Saint Paul Planning Commission
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102

for:

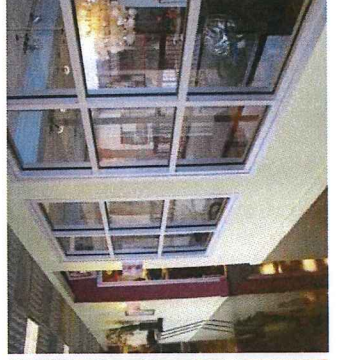
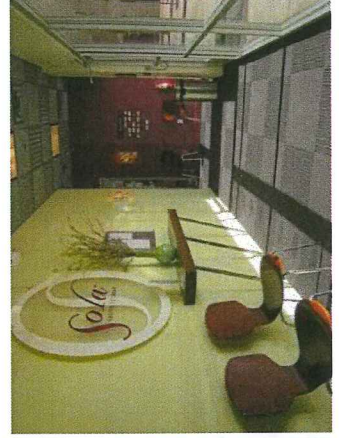
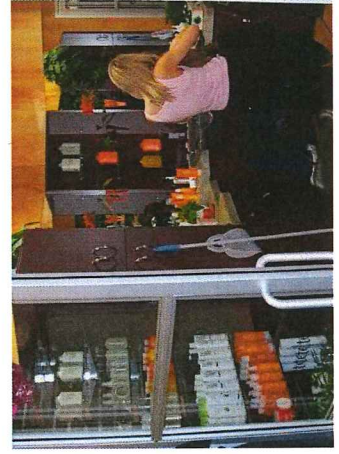
Review of Re-establishment of a Nonconforming Use Permit Application
688 Hague Avenue

Executive Summary



Purpose: Little North Fork, LLC (LNF) seeks a nonconforming use permit to establish a Sola Salon Studios location at 688 Hague Avenue.

Discussion: Although this property is not zoned for a salon, this use is not inconsistent with its past commercial uses as a plumbing company, a showroom and prior to that as a neighborhood grocer. This property has been in foreclosure for more than a year and granting this request will energize the community and bring jobs to the area. This proposal enjoys the support of the immediate neighbors.



Section 62.109 (e)(1)

“The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose”

Yes.

This building has been vacant for over a year and no purchaser has come forward to develop this as residential despite the foreclosure price point the building was being offered at.

This building is not set-up for residential and clearly residential was never the intended purpose. There is inadequate plumbing and electrical on site to provide for residential use. In order to develop for residential, the minimum work required would be to completely gut the building, develop a floor plan for apartments or condos, install brand new plumbing, mechanical and electrical systems, and do exterior work as required. It does not appear that there is a serious buyer willing to undertake this work to bring this property to a conforming use given the length of time this property has been on the market.



Section 62.109 (e)(2)

“The proposed use is equally appropriate or more appropriate to the district than the previous legal non-conforming use”

Yes.

The prior use was as a heating and plumbing company service business with a workshop which is a more restricted category than a hair salon service business.



Section 62.109 (e)(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”

Yes.

This use will not be detrimental to the character of the neighborhood. It is less intrusive than past uses and should not conflict with the use and quiet enjoyment of any neighboring properties.

This building is not ADA compliant and was built using hazardous materials which endangers the public health and safety. We will bring the building to ADA compliance and remove the asbestos building materials from the building using licensed contractors thereby improving the health and safety of the community.

Section 62.109 (e)(4)



“The proposed use is consistent with the comprehensive plan”

Yes.

This use is consistent with all three strategies of the comprehensive land use plan.

Strategy 1: Target Growth in Unique Neighborhoods: Technically not applicable as this is not a targeted neighborhood but this use is consistent with goal of creating mixed use areas where housing and jobs coexist.

Strategy 2: Provide Land for Jobs: Applicable. This site has always been used to provide jobs and granting this permit would bring ~20 long-term jobs to the city.

Strategy 3: Promote Aesthetics and Development Standards. Applicable. This property is currently in disrepair. The façade is cracked everywhere, graffiti is on the side of the building, and the parking lot is completely unserviceable. We have budgeted to repair this building and grounds to like-new conditions.

Section 62.109 (e)(5)

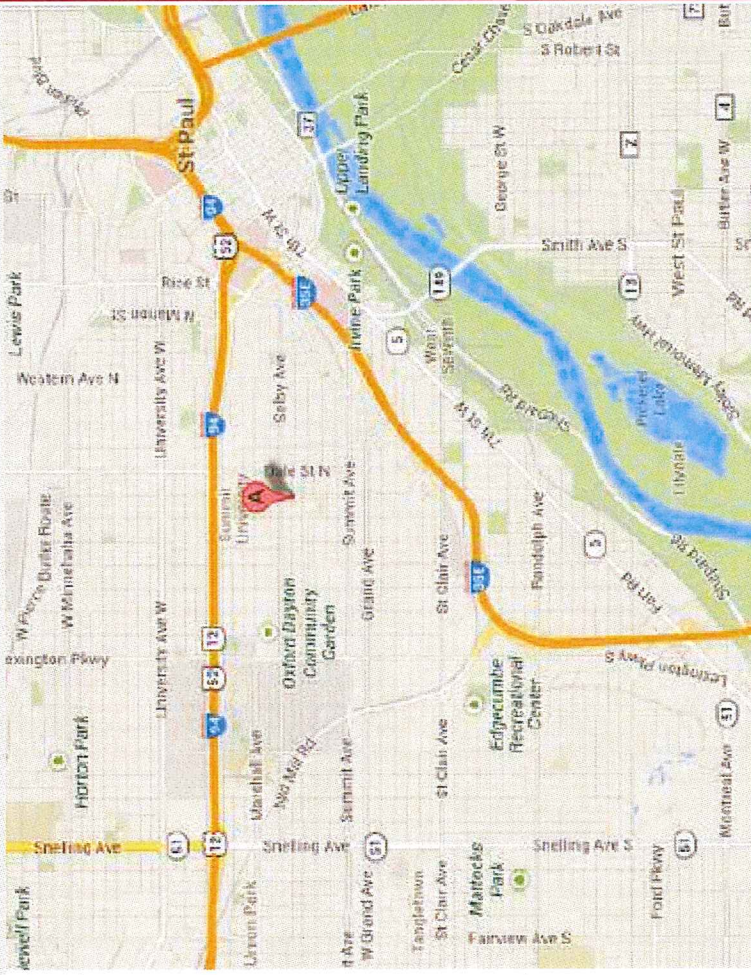
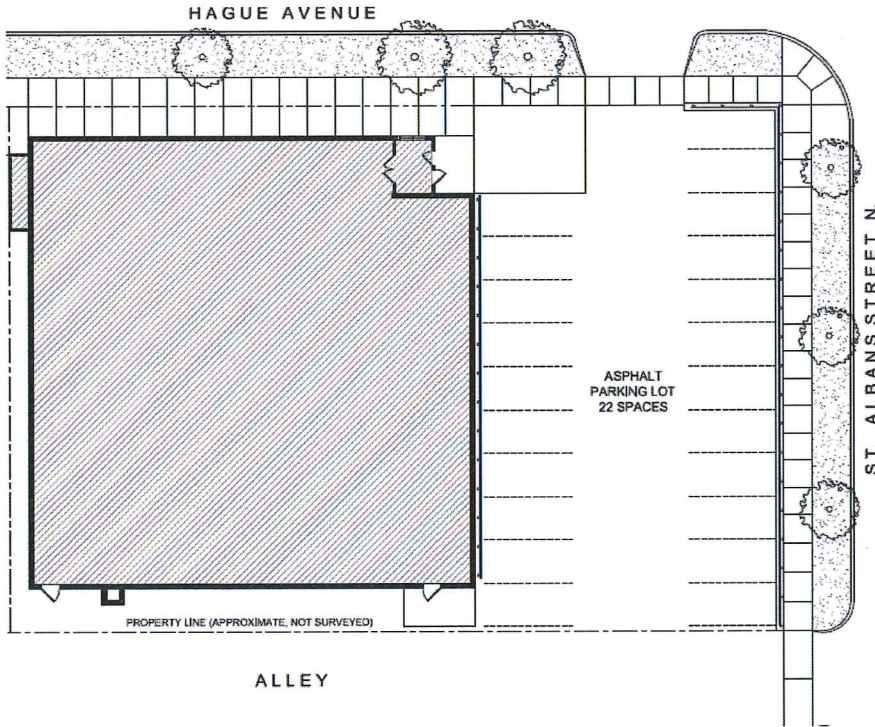
“A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.”

Yes.

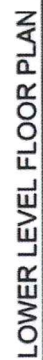
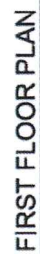
Property records indicate 32 parcels located within 100 feet of the property. 22 parcels constitute a two-thirds majority and the attached petitions are signed by 22 parcel owners.



Site Orientation

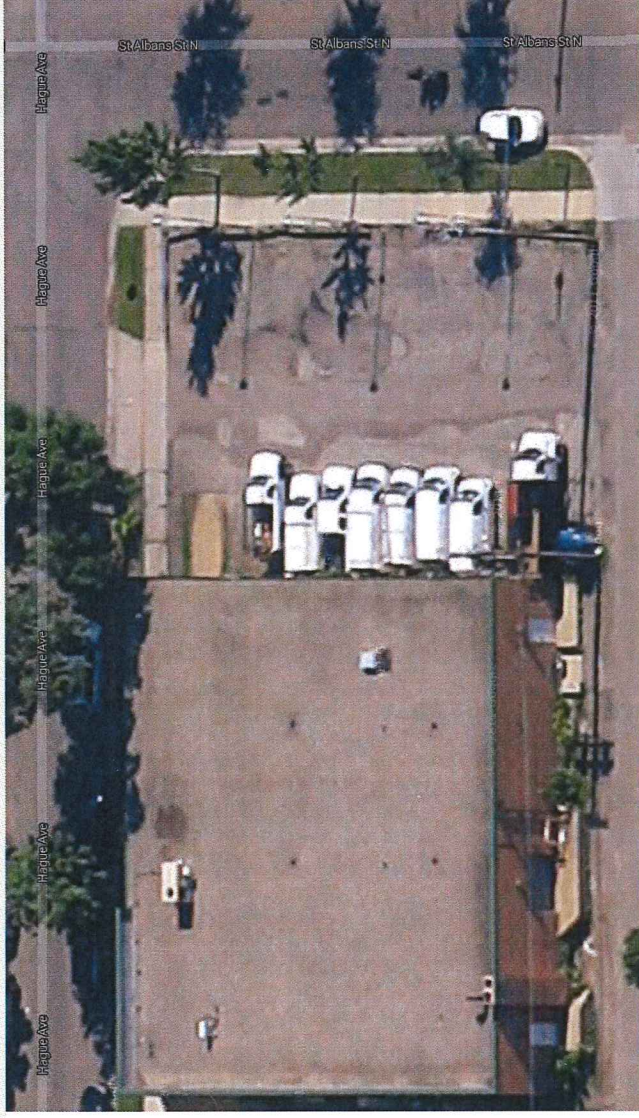


- Located near Selby/Dale
- 22 stall parking lot
- Salon will be approximately 8,200 Square Feet
- remainder of building (primarily basement) to remain unfinished



Exterior Photos

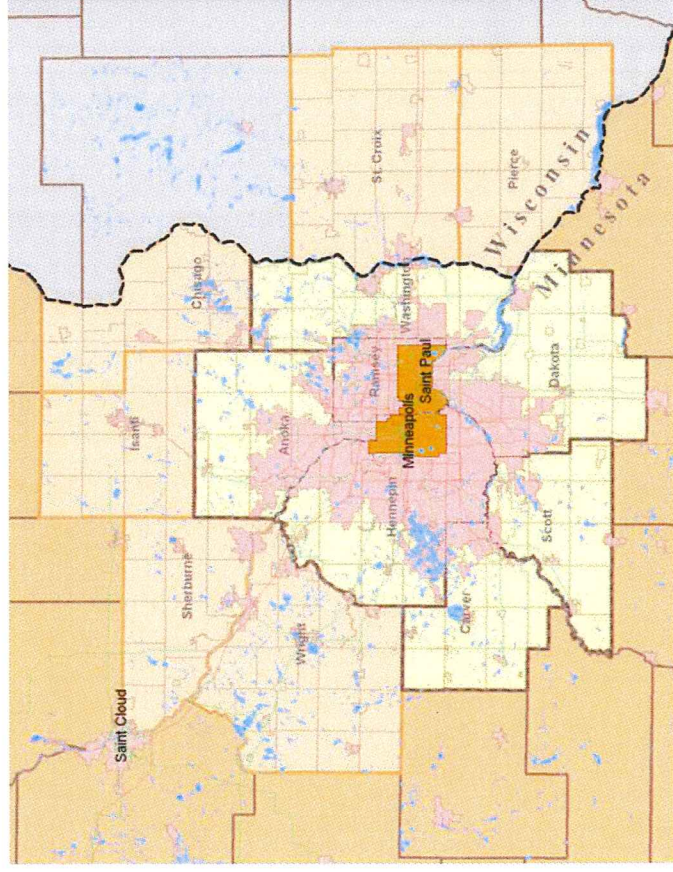
Exterior of building is run-down and in need of repairs. Sola will make these renovations as part of its standard build-out. A Sola Salons at this location will maintain the character of the neighborhood while protecting property values and removing a foreclosure from the market.



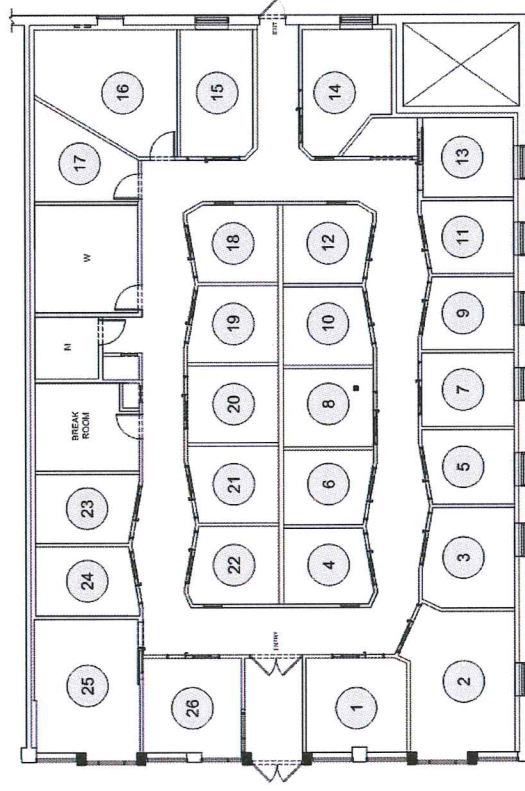
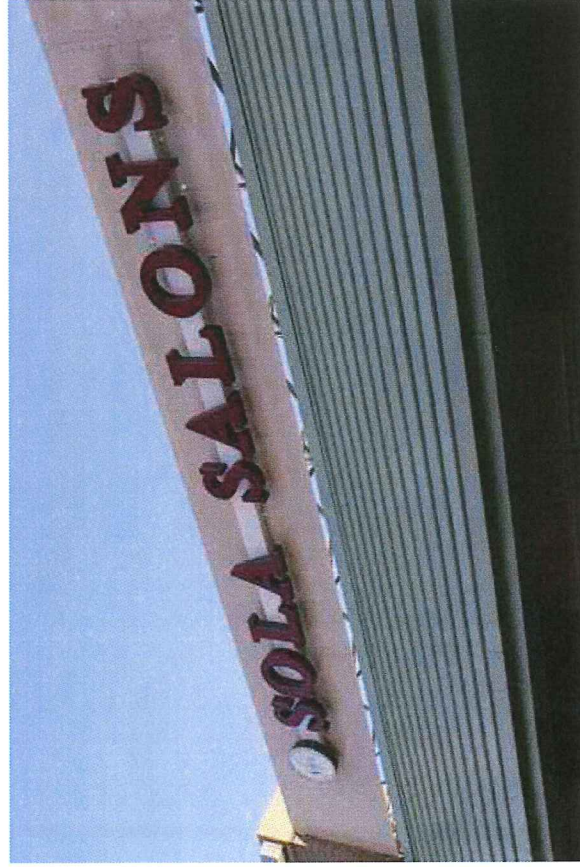
Little North Fork (LNF) Overview



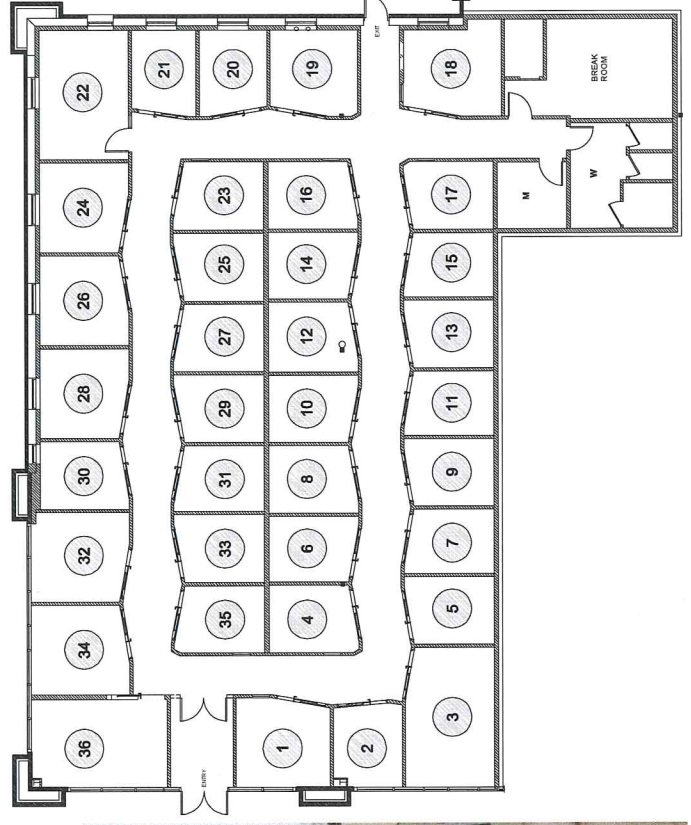
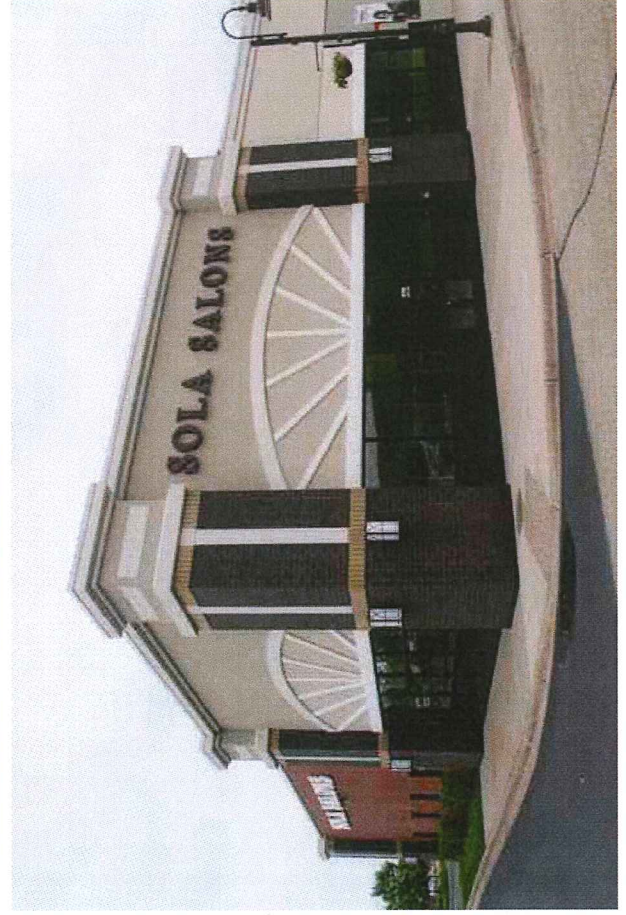
- LNF is a franchisee of Sola Franchise Corp., the Denver, Colorado based franchisor of Sola Salon Studios.
 - LNF currently has two salons in operation: one in Roseville, MN and one in Woodbury, MN.
 - LNF also has a salon opening in Blaine, MN on April 1.
- Other Sola Salon locations operating in Minnesota under different ownership
 - 3519 West 70th Street, Edina 55435 (Next to the Original Pancake House)
 - 14358 Burnhaven Drive, Burnsville 55306 (Across the Street from Burnsville Center Mall)
 - Maple Grove Arbor Lakes Center
 - Under Construction: Uptown Neighborhood of Minneapolis



Example Salon: Roseville, MN



Example Salon: Woodbury, MN



Owner Biography



Patrick Elgin

Mr. Elgin is the member-manager of Little North Fork, LLC. Little North Fork, LLC is 100% owned by immediate members of the Elgin family who live in Minnesota.

Mr. Elgin runs all aspects of the business. He has negotiated three commercial leases, supervised two Sola build-outs, and has licensed studios to over 60 hair stylists. He will continue to be involved in the day to day management of the business.

Mr. Elgin is also a Captain in the Minnesota National Guard and has served for over ten years. Since being commissioned, Mr. Elgin has been placed in positions of increasing responsibility, with number of Soldiers under his command fluctuating from 15 to 205. Under orders, Mr. Elgin has been to Kuwait, Italy, Kansas, Virginia, Georgia, Oklahoma, Missouri, and Washington states. Mr. Elgin is currently the commander of the 34th Military Police Company based in Stillwater, Minnesota.

Mr. Elgin holds a Bachelor's and a Master's Degree from the University of Richmond, Virginia, the 27th ranked liberal arts college in the country. He also holds a law degree from the University of Minnesota, the 19th ranked law school in the nation, and is licensed to practice law in the state of Minnesota.

He resides in Shoreview, MN. He is married to Erin Elgin. He is an Eagle Scout and a Presbyterian.

References: Military Evaluation from Overseas Deployment with 1/34 "Red Bulls"

"CPT Elgin is the best Captain in the battalion. He has continually shown initiative by taking on many additional tasks to improve the battalion... CPT Elgin supervised three multi-million dollar security contracts... groom to become a battalion commander... Outstanding Performance, Must Promote."

-Lieutenant Colonel Dale Snider, Commanding

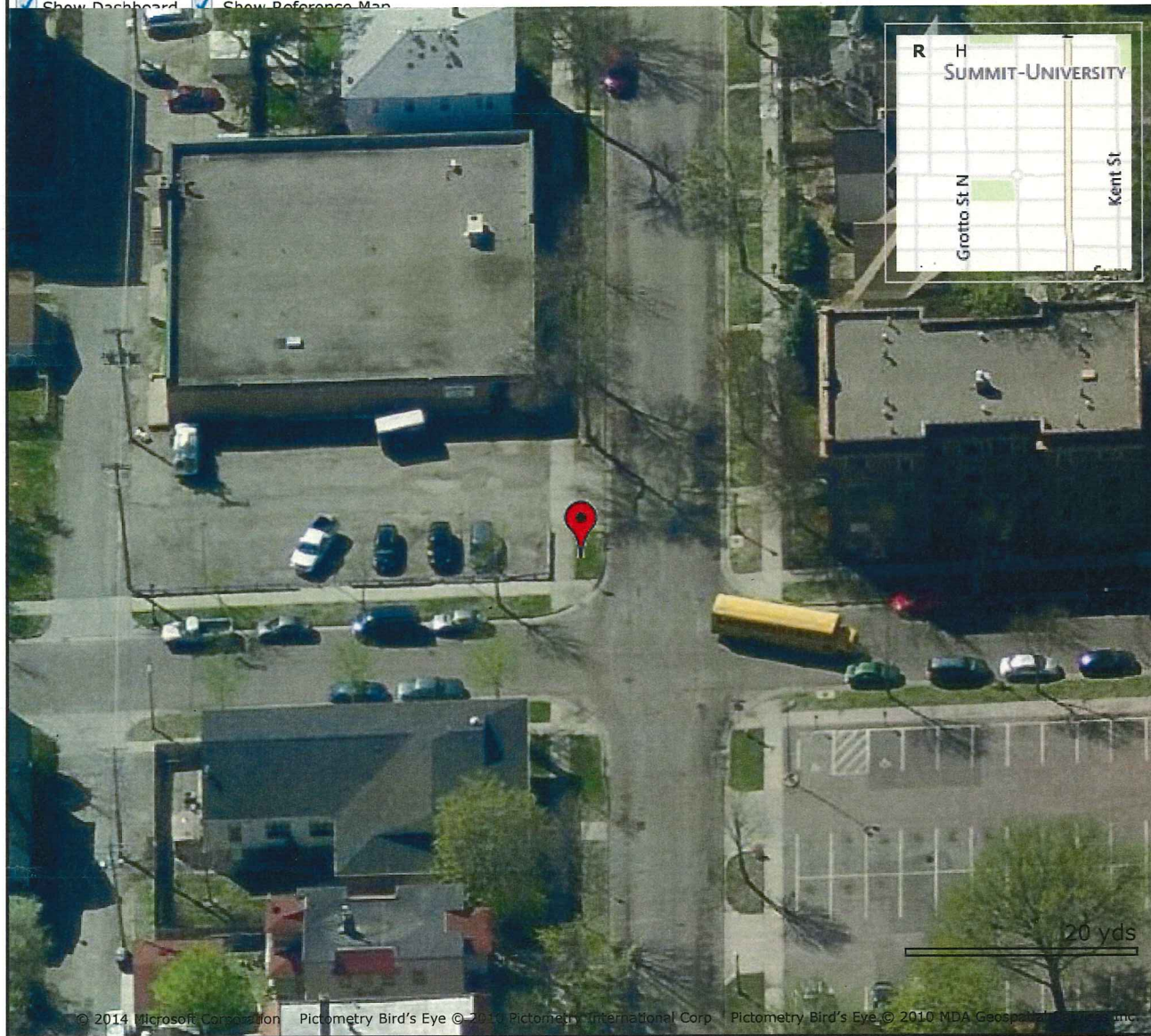
"CPT Elgin is among the top 5%... During times of significant personnel shortage... Pat accomplished many tasks outside his area of concentration... Pat led from the front in all areas of the job, whether conducting security inspections with his Soldiers or leading them in daily physical training."

-Colonel Robert Cheatham, Commanding

GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

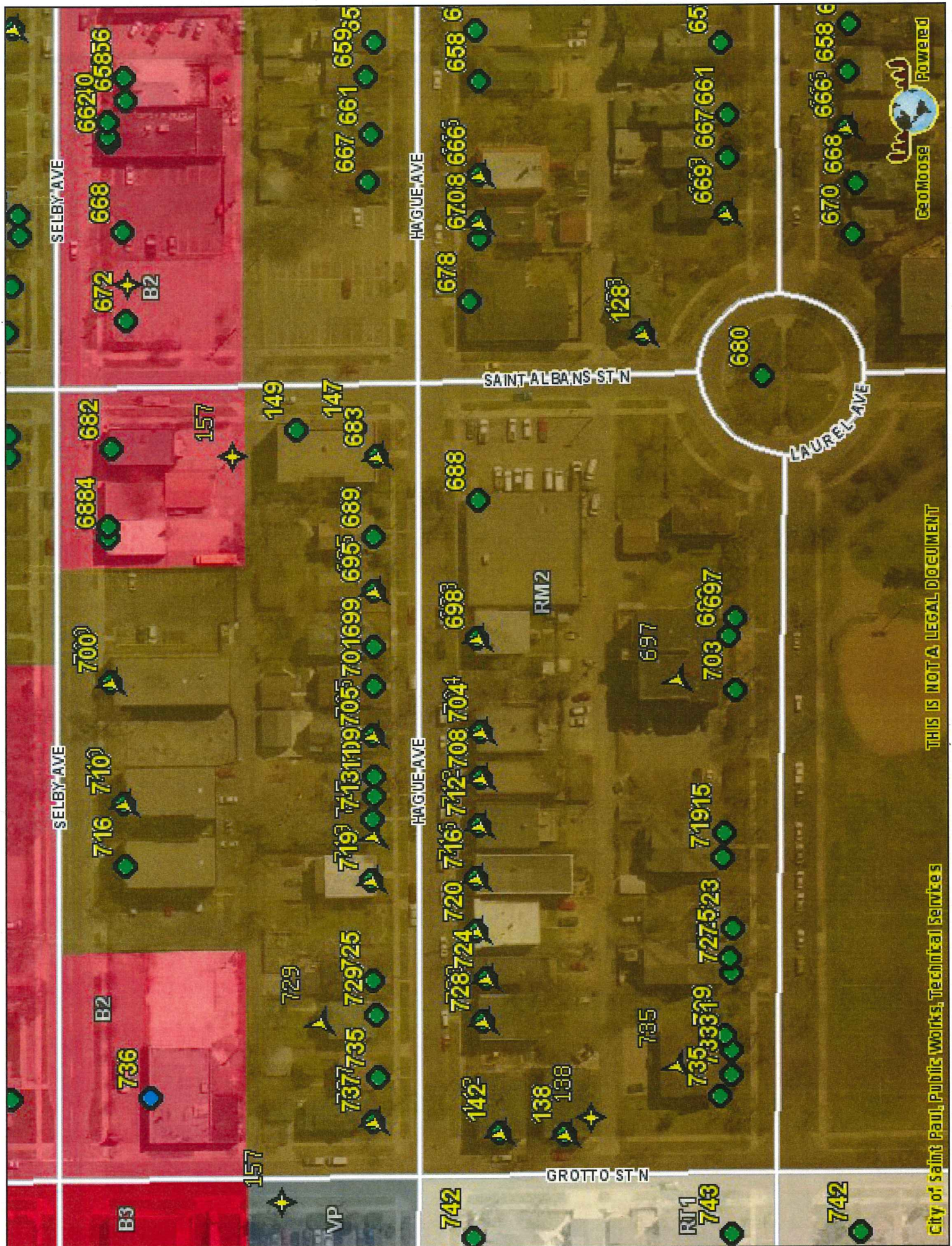
☒ Show Dashboard ☒ Show Reference Map



2012 staff photos







THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works, Technical Services

