

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Bring Your Part Auto **FILE #** 14-339-857
 2. **APPLICANT:** Jerry Castillo **HEARING DATE:** November 6, 2014
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment
 4. **LOCATION:** 847 Hudson Road, east at intersection of Plum and Bates
 5. **PIN & LEGAL DESCRIPTION:** 332922320156; Lot: 1 Block: 68, Subdivision of block 68, Lyman Dayton's addition by H. A. Boardman
 6. **PLANNING DISTRICT:** 4
 7. **ZONING CODE REFERENCE:** §62.109(e) **PRESENT ZONING:** RT1
 8. **STAFF REPORT DATE:** October 30, 2014 **BY:** Jake Reilly
 9. **DATE RECEIVED:** October 22, 2014 **60-DAY DEADLINE FOR ACTION:** December 21, 2014
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- A. **PURPOSE:** Reestablishment of nonconforming use for auto repair
- B. **PARCEL SIZE:** Irregularly shaped "triangular" parcel with 120 feet fronting on Plum Street and 64 feet fronting on Hudson Road, totaling 5,100 sq. ft.
- C. **EXISTING LAND USE:** Vacant (former auto repair service)
- D. **SURROUNDING LAND USE:**
 - North: A mix of single- and multi-family residential and commercial (zoned RT1)
 - East: A mix of single- and multi-family residential and commercial (zoned RT1)
 - South: Highway right-of-way (Interstate 94)
 - West: A mix of single- and multi-family residential and commercial (zoned RT1)
- E. **ZONING CODE CITATION:** §62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use.
- F. **HISTORY/DISCUSSION:** This property has historically been an auto repair facility and a legal non-conforming use since at least the 1970s, according to records. It was an auto repair facility until at least 1999 when the business ceased operations. It has been on the Department of Safety and Inspections vacant building list since at least 2001, when a code compliance report was filed. That report has since expired. At this time the building is listed as a Category 2 vacant building.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not provided a recommendation at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant, Jerry Castillo, has applied for a reestablishment of a nonconforming use permit for the property at 847 Hudson Road. He wishes to operate an auto repair business at this location, offering installation of clients' own auto parts. The use has been discontinued for more than one year.
 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 a single-story building with a garage bay door and a small office space and surrounding surface parking and evidently designed for an auto-oriented use such as an auto repair facility.

- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed use is a re-establishment of the previous auto repair use.
- (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 is met. This intersection has more than just single- and two-family dwellings surrounding it. There are several retail establishments, including on the opposite corner.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The District 4 Plan Summary (2009) calls for the reuse, rather than demolition, of existing commercial buildings (Strategy C3) as well as foster neighborhood-scale commercial (Strategy C8.2).
- (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 10/21/2014: eight (8) parcels eligible; six (6) parcels required; six (6) parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the reestablishment of nonconforming use for auto repair subject to the following conditions:
 1. Site plan approval must be acquired from the Department of Safety and Inspections.
 2. All code compliance issues must be addressed prior to operation of the business.



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

Zoning Office Use Only
 File #: 14-339857
 Fee: 700.00
 Tentative Hearing Date: 11-6-14

PD=4

APPLICANT

Name Jerry Castillo
 Address 1155 Cheery Lane NE Colubian Hight
 City _____ St. MN Zip 55421 Daytime Phone 651-272-8187
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 847 Hudson Road E
 Legal Description Auto. Repair
 _____ Current Zoning R71
 (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 _____

Proposed Use _____

Attach additional sheets if necessary

Attachments as required Site Plan Consent Petition Affidavit

Applicant's Signature [Signature]

Date 10-16-14

City Agent

add
10-16-14

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

9/10/14

DATE PETITION RESUBMITTED:

10/16/14

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE:

8

PARCELS ELIGIBLE:

8

8

PARCELS REQUIRED:

6

PARCELS REQUIRED:

6

6

PARCELS SIGNED:

1

PARCELS SIGNED:

3

6 10/21/14
pdd

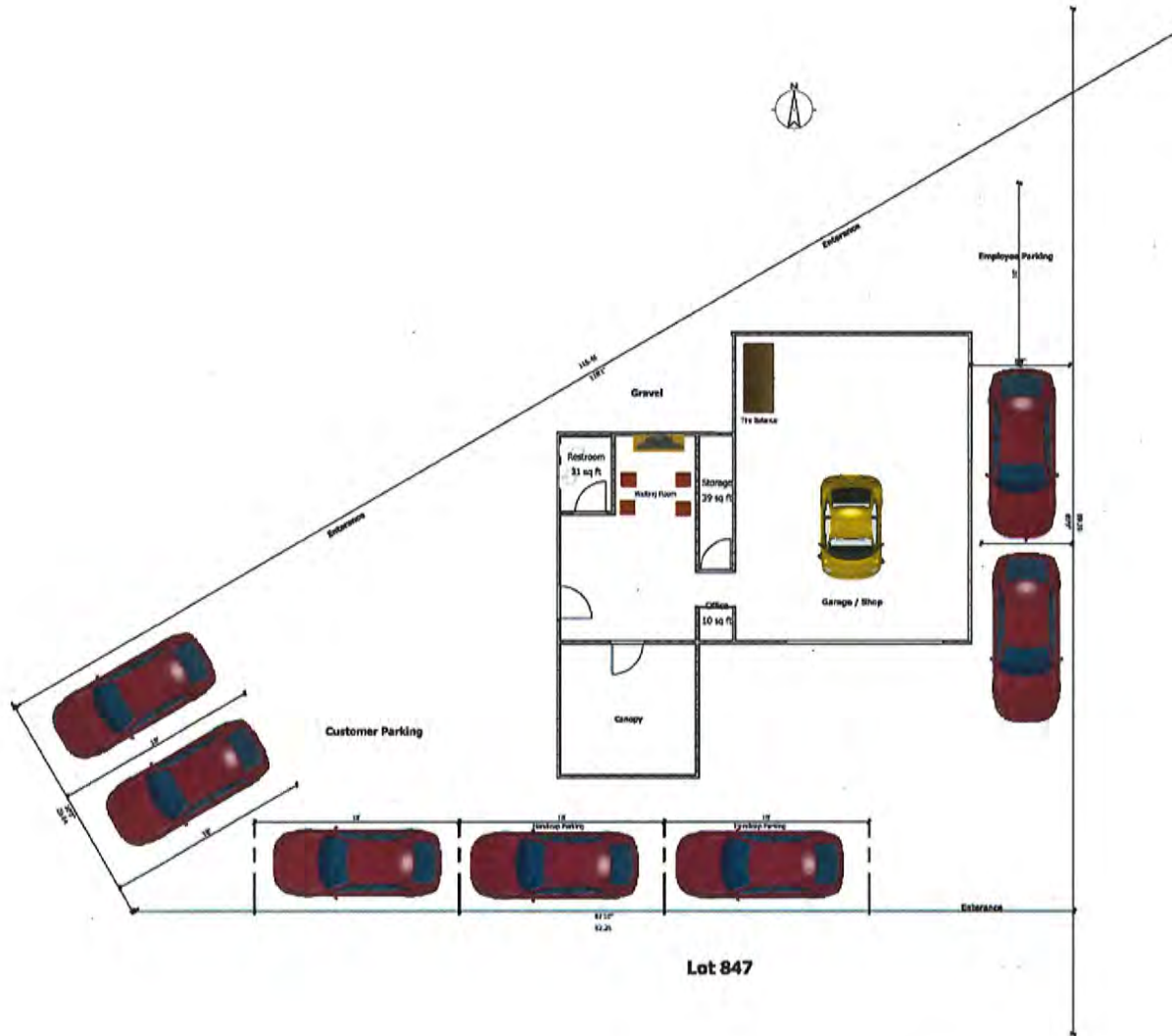
CHECKED BY:

P. Dubrow

DATE:

9-22-14

BRING YOUR PART AUTO



Hours: 8am - 7pm

Days: Mon.- Sat.

2 Employee's: Owner & Brother

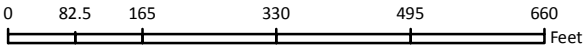
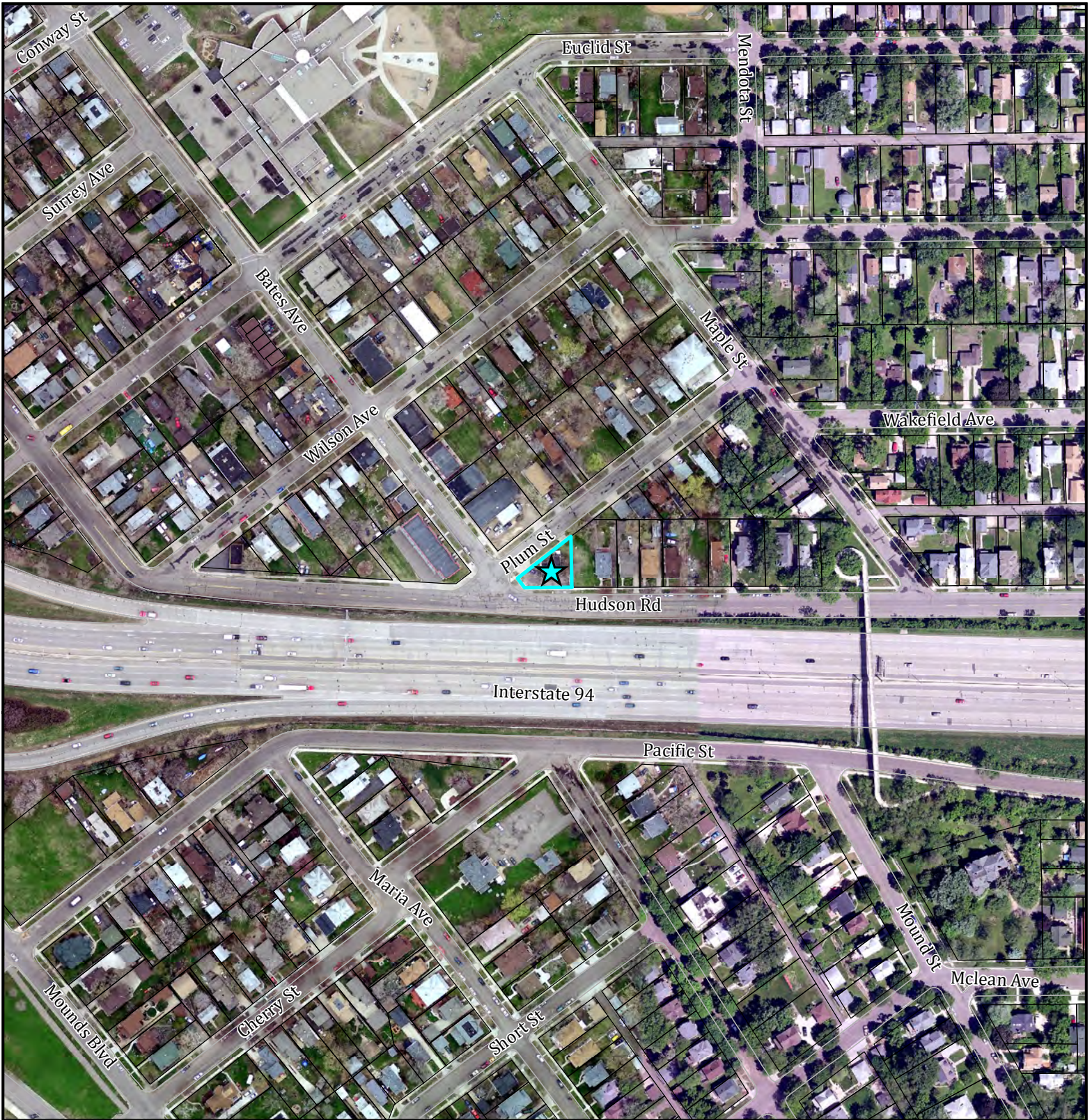
Parking: 7 Customer Spaces

2 Employee Spaces

Gravel on All Property

Cement, Shed, Sidewalk removed and graveled

RECEIVED
OCT 16 2014
 BY: _____



APPLICANT: Jerry Castillo

Aerial

 Subject Parcels

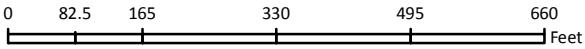
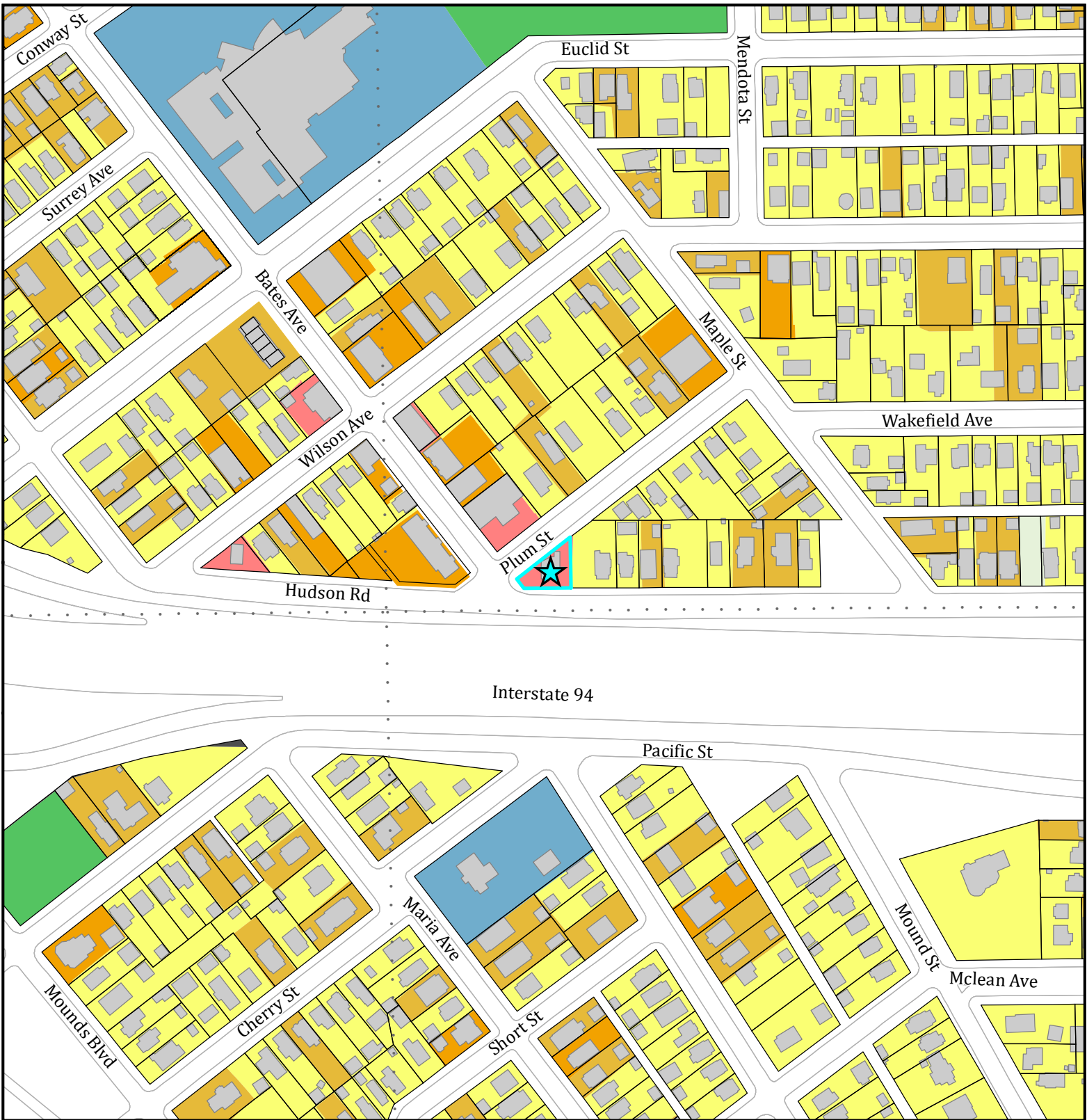
APPLICATION TYPE: Reestablishment of nonconforming use

FILE #: 14-339857 DATE: 10/29/2014

PLANNING DISTRICT: 4

ZONING PANEL: 17





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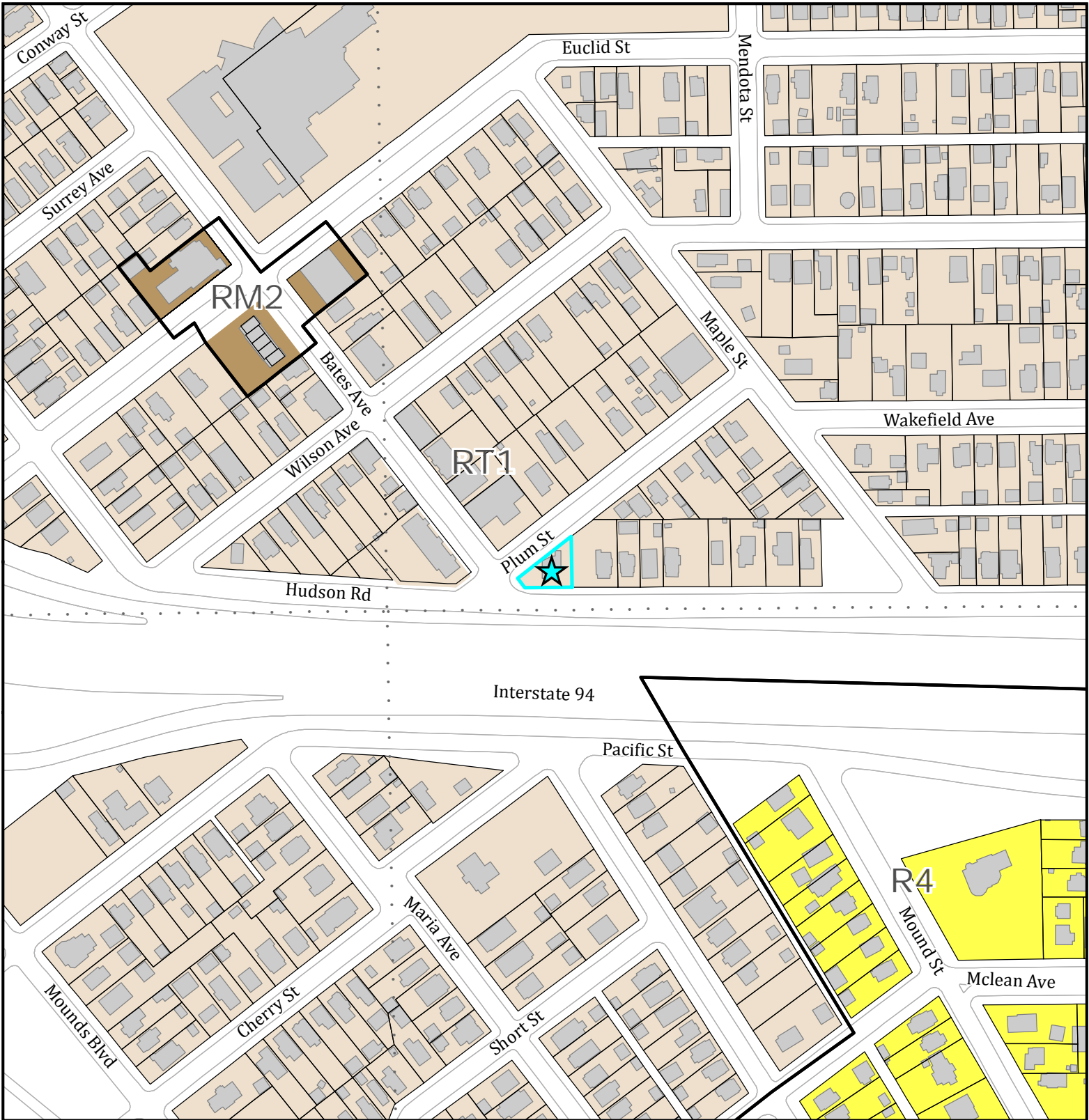
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Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Institutional
- Park, Recreational or Preserve
- Major Highway
- Undeveloped
- Subject Parcels
- Section Lines





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Zoning

- R4 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- Subject Parcels
- Section Lines

