

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** 847 Hudson Road NCU Reestablishment

**FILE #** 22-026-942

**APPLICANT:** Elite Auto Sales LLC

**HEARING DATE:** February 24, 2022

**TYPE OF APPLICATION:** Nonconforming Use Permit - Reestablishment

**LOCATION:** 847 Hudson Road, NE corner at Plum Street

**PIN & LEGAL DESCRIPTION:** 33-29-22-32-0156; Lot 1, Block 68, Subdivision of Block 68, Lyman Dayton's Addition by H.A. Boardman

**PLANNING DISTRICT:** 4

**ZONING CODE REFERENCE:** § 62.109(e); § 62.105

**PRESENT ZONING:** RT1

**STAFF REPORT DATE:** February 17, 2022

**BY:** Bill Dermody

**DATE RECEIVED:** February 2, 2022

**60-DAY DEADLINE FOR ACTION:** April 2, 2022

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- A. **PURPOSE:** Reestablishment of nonconforming use for auto sales
- B. **PARCEL SIZE:** Triangular-shaped 120' (Plum) x 64' (Hudson), totaling approximately 4835 sq. ft.
- C. **EXISTING LAND USE:** Vacant (former auto repair service)
- D. **SURROUNDING LAND USE:** Single-family, duplex, and multi-family residential to the north, east, and west (RT1); I-94 to the south.
- E. **ZONING CODE CITATION:** § 62.109(e) lists the conditions under which the Planning Commission may grant a permit to reestablish a nonconforming use. § 62.105 provides a two-year period to obtain building permits or establish a use under the terms of a Planning Commission decision, potentially extended by up to one year by the Planning Administrator.
- F. **HISTORY/DISCUSSION:** The site was rezoned to Commercial in 1929 as part of a larger rezoning, rezoned to RM2 Medium-Density Low-Rise Multiple-Family Residential in 1975 as part of a citywide rezoning (which made its auto repair use legal nonconforming), and rezoned to RT1 in the 1980s. The site has historically contained an auto-related use. It is a contributing building in the Dayton's Bluff Historic District and was built in 1929 as a service station. It became a legal nonconforming use in the 1980s. It was an auto repair facility until 1999 when the business ceased operations. It has been on the Department of Safety and Inspections' vacant building list since at least 2001. The Planning Commission approved a reestablishment of nonconforming use permit for auto repair in 2014, which expired in 2016 without having been commenced and for which the Planning Administrator declined a request to extend the expiration date by one year because of nonconformance with the Gold Line Station Area Plans that were adopted as a Comprehensive Plan addendum in 2015. In 2017, the Planning Commission approved a reestablishment of nonconforming use permit for auto sales (ZF #17-065-797), but the use was not commenced within two years and the permit expired in 2019.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Dayton's Bluff Community Council has not provided a recommendation.
- H. **FINDINGS:**
1. The application requests approval to reestablish a nonconforming use of auto sales at 847 Hudson Road, which contains a vacant building previously used for auto repair that is a contributing building within the Dayton's Bluff Historic District and is zoned RT1 Two-Family Residential. The previous auto repair use has been discontinued since 1999.
  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, originally designed for a service station.
- (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 outdoor auto sales use and the previous auto repair use are both first permitted in the B3 General Business District with a conditional use permit.
- (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. The site contains four curb cuts, three of which are very wide (in excess of 30' width) and connect to the parking area. Removal of at least one curb cut would improve the safety of individuals walking adjacent to the site, especially if it is one of the curb cuts along Hudson Road. Such curb cut removal should be a condition of any approval, so long as it abides by Historic Preservation regulations. Also, auto sales are usually limited by the Zoning Code to B3 General Business and IT-I2 Industrial districts, with a minimum lot size of 15,000 square feet. In order to prevent neighborhood detriment on this small 4835 sq. ft. triangular lot in a residential setting, the number of vehicles for sale should be limited and storage of vehicles on the street should be prohibited.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is not met. The District 4 Plan Summary (2009) calls for the reuse, rather than demolition, of existing commercial buildings (Strategy C3) as well as fostering neighborhood-scale commercial (Strategy C8.2). However, the Gold Line Station Area Plans (2015) call for a "pedestrian orientation in any new development/redevelopment." Auto sales uses are by nature not pedestrian-oriented uses, as evidenced by the fact that they are not permitted (by-right or conditionally) in any Traditional Neighborhood zoning districts. Both plans are adopted as addenda to the Comprehensive Plan.
- (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 has been temporarily suspended by a Mayor's Executive Order related to the pandemic.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends denial of the reestablishment of auto sales at 847 Hudson Road.



# 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) 266-6583

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

### APPLICANT

Name ELITE AUTO SALES, LLC  
(must have ownership or leasehold interest in the property, contingent included)

Address 847 Hudson Rd City St. Paul State MN Zip 55106

Email carriemotarjemi@gmail.com Phone 612-965-2064

Name of Owner (if different) CARRIE MOTARJEMI Email \_\_\_\_\_

Contact Person (if different) \_\_\_\_\_ Email \_\_\_\_\_

Address 11670 Fountains Dr #200 City Maple Grove State MN Zip 55369

### PROPERTY INFO

Address/Location 847 Hudson Rd, St. Paul MN 55106

PIN(s) & Legal Description 33.29.22.32.0156, legally described as LOT 1 Block 68, Subd. of Block 68, Lyman Dayton's ~~lot area~~  
(attach additional sheet if necessary) Adoption by HA Boardman  
Current Zoning

**TYPE OF PERMIT:** Application is hereby made for a Nonconforming Use Permit under provisions of Zoning Code § 62.109.

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)

Present / Past Use Auto Sales

Proposed Use Reestablishment of non conforming use for auto sales

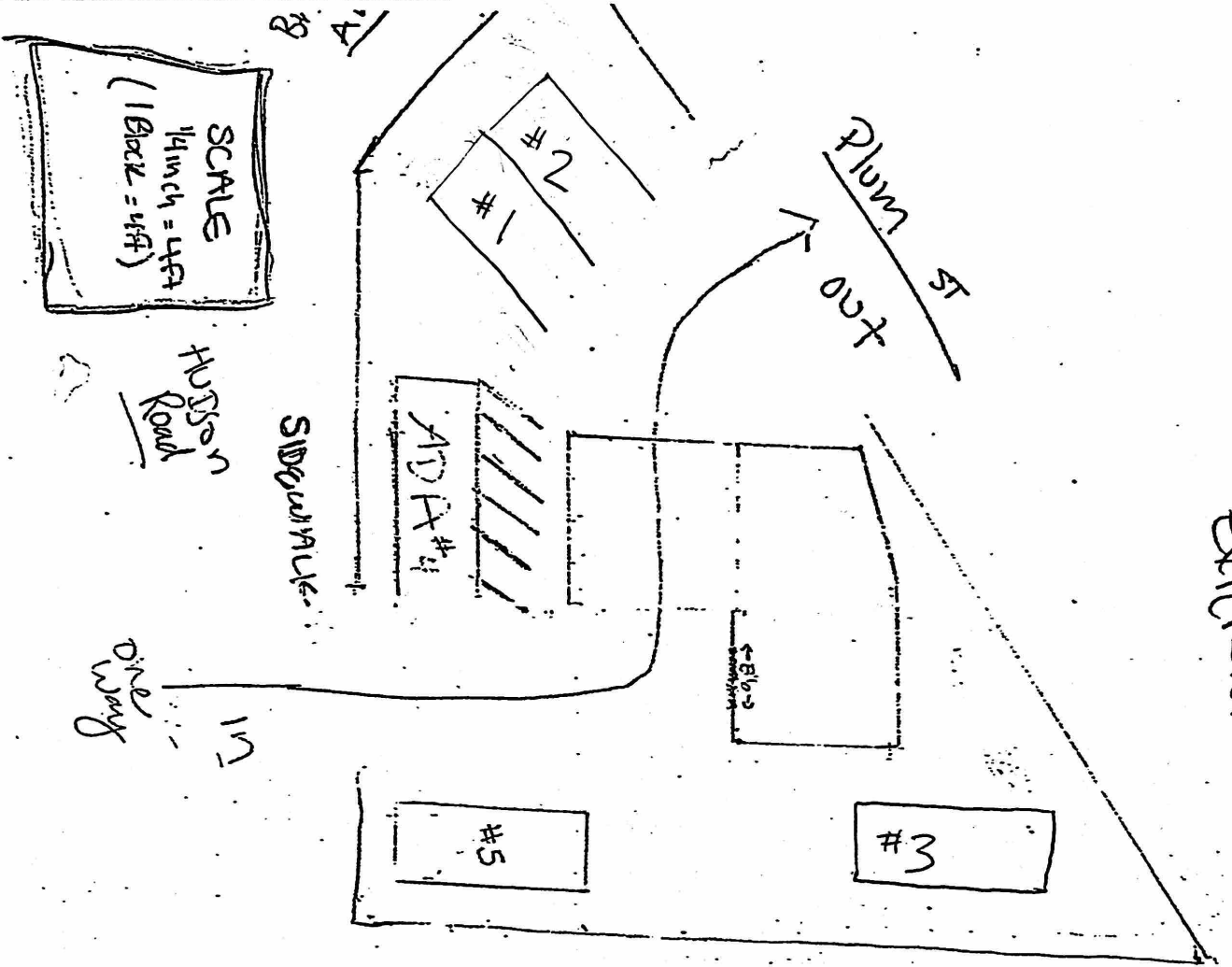
**SUPPORTING INFORMATION:** Demonstrate that each of the requirements in Zoning Code § 62.109 for the type of nonconforming use permit being requested is met. Attach additional sheets if necessary.

Attachments as required:  Site Plan  Consent Petition  Affidavit

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature [Signature] Date 2/1/22

EXHIBIT 102





Nb Mounds Dr

FILE #22-026-942 Aerial Map  
**Application of Elite Auto Sales LLC**

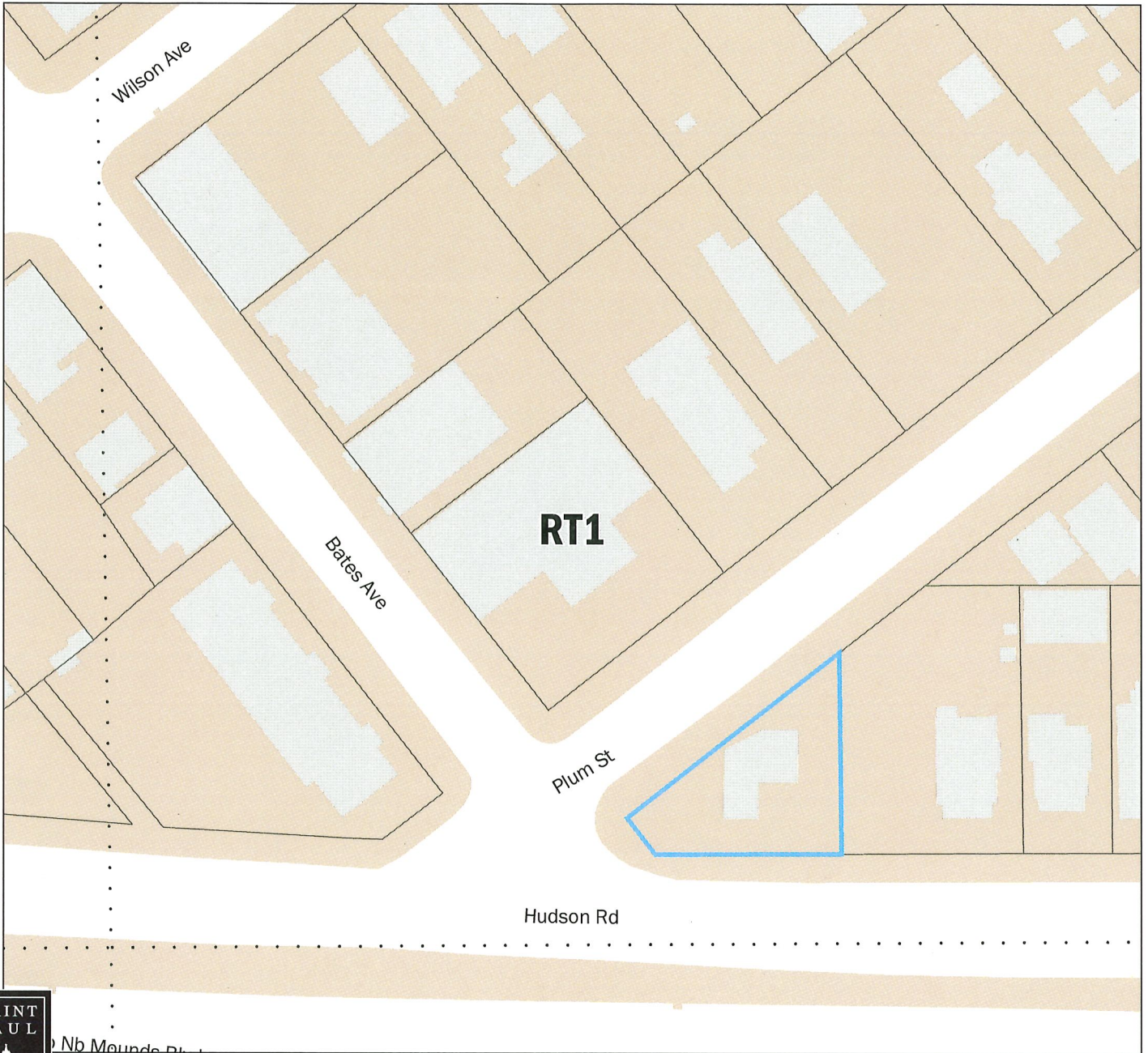
Application Type: Rest. NCUP  
 Application Date: February 2, 2022  
 Planning District: 4



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**Subject Parcel(s) Outlined in Blue**

- Subject Parcel(s)
  - ParcelPoly
  - RGB**
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3
- ImageServices\AerialPhoto2020



**FILE #22-026-942 Zoning Map**  
**Application of Elite Auto Sales LLC**

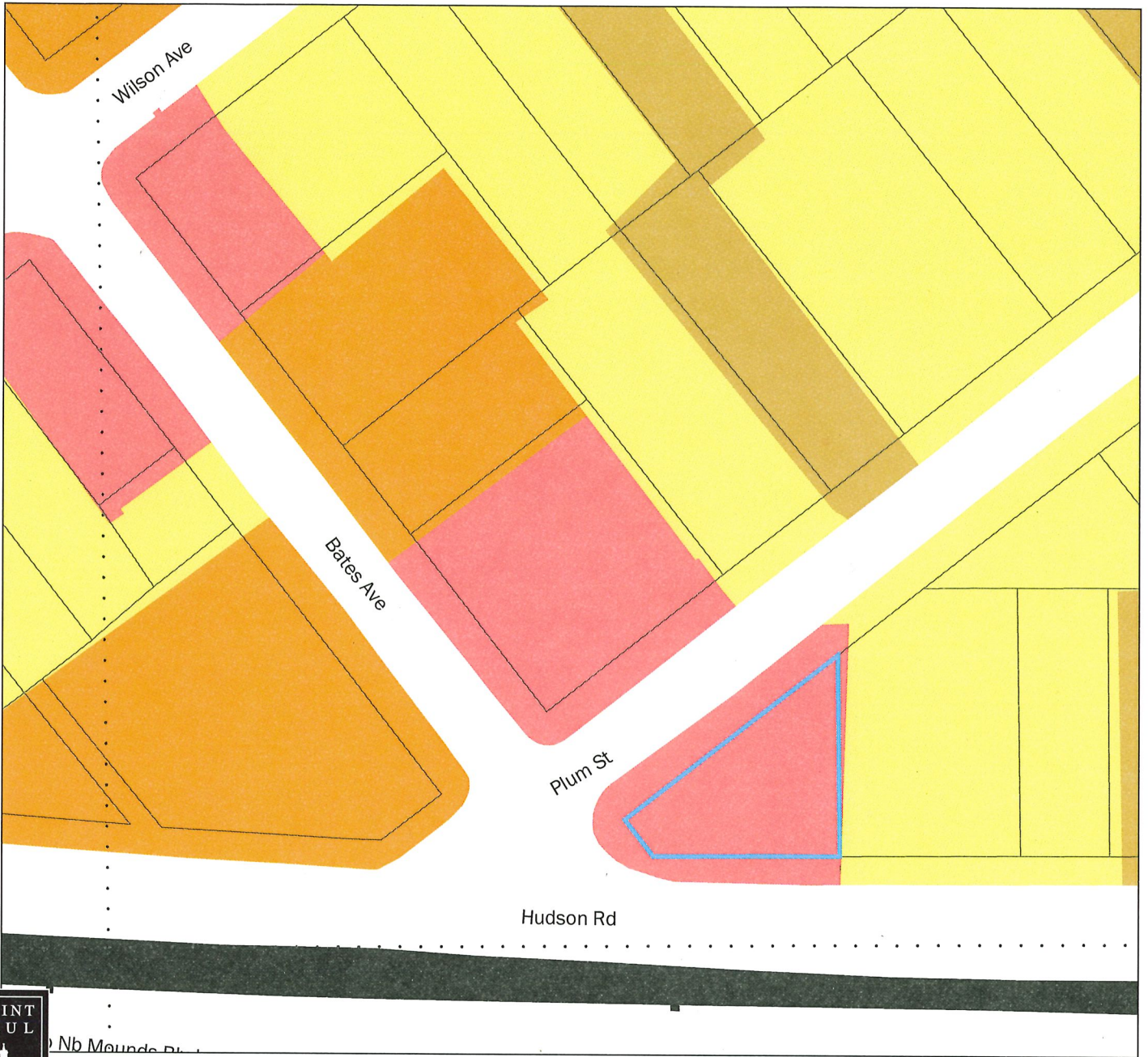
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**Subject Parcel(s) Outlined in Blue**

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



FILE #22-026-942 Existing Land Use  
**Application of Elite Auto Sales LLC**

Application Type: Rest. NCUP  
 Application Date: February 2, 2022  
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**Subject Parcel(s) Outlined in Blue**

- |                           |                             |                                |               |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s)         | Single Family Attached      | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly                | Multifamily                 | Industrial and Utility         | Railway       |
| Farmstead                 | 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         |