

From: [Julia McColley](#)
To: [*CI-StPaul_Contact-Council](#)
Cc: [Rebecca Noecker](#)
Subject: Letter Regarding Reestablishment of Nonconforming Use Permit, 237 Richmond
Date: Thursday, May 1, 2025 5:43:30 PM
Attachments: [NCUP 237 Richmond City Council 20250507.docx.pdf](#)

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Good evening,
Please see the attached letter regarding public hearing, ZF #25-025-204 from the West 7th/Fort Road Federation.

Thank you,
Julia McColley
Executive Director
West 7th / Fort Road Federation
www.fortroadfederation.org

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West 7th / Fort Road Federation

395 Superior Street

Saint Paul, MN 55102

651.298.5599

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May 1, 2025

City Council

15 Kellogg Blvd. West, 310 City Hall

Saint Paul, MN 55102

**Subject: Letter Regarding Reestablishment of Nonconforming Use Permit, 237 Richmond
ZF #25-025-204**

Hearing Date: May 7, 2025

Members of the City Council,

I am writing on behalf of the West 7th/Fort Road Federation to state our opposition to the Planning Commission's approval of the reestablishment of the nonconforming use permit application for 237 Richmond Avenue. We support the appeal of this decision. The property is currently zoned T1 (Traditional Neighborhood), a designation intended to foster compact, higher-density, walkable neighborhoods with a compatible mix of commercial and residential uses. This proposed use as a "service business with workshop" does not align with the goals and character of the surrounding neighborhood and should be denied. It is important to note that this property had been previously rezoned to T1 in 2011 as part of the District 9 Rezoning Study. The intention of the rezoning was that if the previous auto shop ever closed, the property could be reevaluated for a conforming use that would better serve the neighborhood.

The prior use of 237 Richmond as an auto body shop served neighbors and functioned as an amenity within the community. It provided a direct service to local residents, moreso aligning with the intent of a Traditional Neighborhood district and Neighborhood Node policies of the 2040 Comprehensive Plan. The site is located one block from the St. Clair/West 7th intersection, a designated Neighborhood Node. In contrast, the proposed use as a private workshop for a concrete business does not serve the broader community and fails to contribute to the walkability and vibrancy of the area. Instead, it runs counter to the objectives outlined in the Saint Paul Comprehensive Plan, particularly:

- Policy LU-30: Focus growth at Neighborhood Nodes using the following principles:
 - 1. Increase density toward the center of the node and transition in scale to surrounding land uses.
 - 2. Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.

The Fort Road Federation coordinates participation in advocacy and planning and builds community connections for the residents, businesses, and nonprofit organizations of the West 7th neighborhood so that it is a place where people want to live, work, and play.

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- 3. Cluster neighborhood amenities to create a vibrant critical mass.
- 4. Improve access to jobs by prioritizing development with high job density.

Allowing this use to continue in a critical area of a neighborhood node diminishes the opportunity for clustered neighborhood amenities, high job density, and transit oriented development. This is particularly salient right now, as the West 7th corridor will soon receive long-awaited transit and pedestrian improvements with the proposed BRT project.

- Policy LU-31: Investing in Neighborhood Nodes to promote development that enables residents to meet daily needs within walking distance and improves equitable access to amenities, retail, and services.
- Policy LU-33: Encouraging amenities that support those who live and work in Neighborhood Nodes, including vibrant business districts and neighborhood-scale civic and institutional uses.
- Policy LU-36. Promote neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

Per the staff report, City ordinance § 62.109 (e) guides this decision. A review of the required findings further supports denial of this application and granting of the appeal. In addition to not meeting the required conditions 1-4, the final staff report left off condition 5 and the Planning Commission failed to discuss condition 5.

- **(1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose:** While the existing structure was originally built as an auto repair station, alternative conforming uses should be explored rather than continuing a nonconforming use that does not benefit the broader community. The West 7th neighborhood is filled with creative reuses of similar structures. There are examples such as Bad Weather Brewing (a former auto body), A-Side Public House (a former fire station), Hope Breakfast Bar (another former fire station), Schmidt Artist Lofts (previously an industrial-scale brewery), and even Keg & Case (part of the Schmidt brewery complex, utilized for several different purposes including warehousing and shipping operations). These locations are presently a different use than originally planned, provide beloved community amenities, and add to overall neighborhood vibrancy.
- **(2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use:** The proposed service business with a workshop does not contribute to a pedestrian-friendly, mixed-use environment as encouraged by T1 zoning. The previous use as an auto repair shop at the very least provided direct services to local residents, while the proposed business primarily serves off-site work, offering no neighborhood amenities and only adding detrimental impacts, rather than adding vibrancy.
- **(3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger public health, safety, or**

general welfare: While operational restrictions may mitigate some disruptions, the nature of the business does not align with the pedestrian-oriented vision for this area. The potential for noise, vehicle traffic, and activities of the concrete business negatively impacts the residential and commercial fabric of the neighborhood.

- **(4) The proposed use is consistent with the comprehensive plan:** This proposal contradicts multiple policies within the comprehensive plan, particularly those aimed at fostering neighborhood nodes and walkable communities as noted above.
- **(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.** Staff failed to include this in their packet and this item was not discussed at the Zoning Committee or Planning Commission. Neighbors within 100 feet of the property have been outspoken about opposing the reestablishment of the NCUP.

The Federation has additional serious concerns about transparency and process throughout this zoning application. There were numerous unexplained delays with the item being laid over with little to no notice after community members were already in attendance at the meetings. This was both confusing to neighbors and disrespectful of their time. We also witnessed multiple versions of staff reports in addition to an alternative findings report that was intended to “provide information” but was not intended to act as a formal staff report. The below timeline highlights what has been a lengthy, messy process, with numerous errors in fact, procedure, and finding.

February 7, 2025: City staff issues an initial report recommending approval of the NCUP with two conditions: no operations before 7:00 a.m. and no concrete waste dumping. There is no mention of the 2011 District 9 Rezoning Study or tensions with multiple Comprehensive Plan policies in the report.

February 13, 2025: At the Zoning Committee meeting, no one speaks in support, while eight residents speak in opposition and five letters (including a petition with 19 local signatures and the Federation’s letter) are submitted against the project. The Committee initially voted 5-0 to deny the application, but following discussion with the city attorney, in which it was clarified that denial of application was legally sound and an offer from planning staff to draft new findings supporting denial of the application, a committee member proposed a new motion to lay over the decision for two weeks until an updated staff report could be issued. Three committee members vocally reiterated that they were requesting a staff report backing denial of the application and stated they still planned to vote to deny the NCUP.

February 27, 2025: The Zoning Committee receives alternative staff findings recommending denial due to incompatibility with conditions 2, 3 & 4 (labeled b, c & d in the staff report). The applicant requests another layover one hour before the meeting is scheduled to begin, which planning staff supports. Attendees and committee members find out the vote is again postponed during the meeting itself. On request of staff, the Committee votes to approve the additional delay. Committee Chair Taghioff follows the vote by reiterating the Committee’s intent to deny

the application and repeats his request to have findings supporting denial.

March 6, 2025: Staff issue a revised report recommending approval with additional conditions, reverting to its original recommendation despite public opposition, prior and repeated Committee direction, and confirmation from City attorneys that denial would be a legally sound option.

March 21, 2025: The Planning Commission lays over the item again during the Planning Commission meeting, citing unspecified legal reasons.

April 4, 2025: The Planning Commission votes to approve the application for reestablishment of the NCUP. The discussion centered around nuisance issues and code enforcement instead of the conditions that needed to be met to approve the application. The final decision lacked full discussion and lacked any discussion of condition e (a notarized petition).

Given these factors, we strongly urge the City Council to grant the appeal and deny the reestablishment of the nonconforming use permit application for 237 Richmond Avenue. Preserving the intent of T1 zoning is critical to ensuring a vibrant, pedestrian-friendly, and amenity-rich neighborhood that serves the interests of all residents.

Lastly, we would like to call attention to the 60-day deadline for action which has been extended to May 22, 2025.

If you have any questions, I can be reached at 651-298-5599 or julia@fortroadfederation.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julia McColley', with a stylized, cursive script.

Julia McColley
Executive Director

CC: Council President Rebecca Noecker