

city of saint paul
planning commission resolution
file number 22-15
date March 4, 2022

WHEREAS, Elite Auto Sales LLC, File # 22-026-942, has applied for a reestablishment of nonconforming use for auto sales under the provisions of § 62.109(e) and § 62.105 of the Saint Paul Legislative Code on property located at 847 Hudson Road, Parcel Identification Number (PIN) 33.29.22.32.0156, legally described as Lot 1, Block 68, Subdivision of Block 68, Lyman Dayton's Addition by H.A. Boardman; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 24, 2022, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with 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 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

moved by Reilly
seconded by _____
in favor Unanimous
against _____

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 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). The Gold Line Station Area Plans call for a “pedestrian orientation in any new development/redevelopment.” However, this is a reestablishment of a nonconforming use, not a development or redevelopment. 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Elite Auto Sales LLC for a reestablishment of nonconforming use for auto sales at 847 Hudson Road is hereby approved with the following additional conditions:

1. The site plan shall be reviewed and approved by DSI prior to establishment of the use.
2. The site layout shall be in substantial conformance with the application materials except as revised through site plan review in order to comply with City Code requirements.
3. There shall be no auto repair conducted on the site.
4. There shall be no vehicles associated with the use parked on adjacent streets, besides those for short-term (not overnight) customer use. No employee nor for-sale vehicles may be parked on the adjacent streets.
5. Heritage Preservation Commission (HPC) approval for any exterior changes.
6. The driveway curb cut closest to the intersection shall be eliminated, unless the HPC declares otherwise.