

city of saint paul
planning commission resolution
file number 14-54
date September 5, 2014

WHEREAS, Don Buckrey, File # 14-308-882, has applied for a change of nonconforming use permit for auto repair and outdoor auto sales under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 1176 Dale St N, Parcel Identification Number (PIN) 252923220068, legally described as Como Prospect Addition Lots 23 Thru Lot 29 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 31, 2014, 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 applicant, Don Buckrey of More 4 A Buck, has applied for a change of nonconforming use permit to change the mix and layout of auto repair and outdoor auto sales at 1176 North Dale Street from what is specified in conditions of the existing conditional use permit for the site. The existing special condition use permit approved in 1999 specifies a total of 50 parking spaces with 35 parking spaces for for-sale cars on the north side of the building, six parking spaces for cars awaiting repair or pick-up or employee parking on the east side of the building, and eight spaces for customer and employee parking on the south side of the building, including one handicapped space. It also specifies that no cars shall be parked on the Dale Street frontage of the site, except the seven cars in the first row of for-sale cars in the north lot. The applicant proposes to change the use and layout of parking spaces (totaling 45) on the site to be as follows:
 - a) Seven (7) spaces for customers and employees on the south side of the building and three (3) spaces for customers and employees at the southeast corner of the building;
 - b) Four (4) spaces for customer parking to the north of the building;
 - c) Ten (10) spaces for vehicles for sale (including seven (7) spaces along the Dale Street frontage); and
 - d) Twenty-one (21) spaces for cars waiting for repair on the northeast corner of the lot.
2. 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:*

moved by Nelson
seconded by _____
in favor 16
against 1 (Edgerton)

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The existing use is auto repair and outdoor auto sales. The proposed use is auto repair and outdoor auto sales. Both the auto repair and the outdoor auto sales are auto-oriented uses first permitted as conditional uses in the B3 General Business District, which is what this property was zoned through 2010. The neighborhood has a mix of uses, including other auto-related uses, commercial uses, railroad right-of-way, and single-family homes across Dale Street. The auto repair use has been in place since 1955. The outdoor auto sales use has been in place since 1999.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The proposed change to the existing nonconforming use is related to the number of cars and where they are parked on the lot. The applicant states that the number of cars will be reduced from 50 to 45, and the layout of the spaces for cars will change.
- 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 not met. While the proposed use is complementary to the existing use of the site, based on testimony the use has had a detrimental impact on the neighborhood. The applicant has not proved that the use does not endanger the public health, safety, or general welfare. Based on conflicting testimony and property and permitting records, it is unclear what the uses on the site are and whether all uses are permitted on the site. The applicant has not consistently been in compliance with the conditions listed on the existing conditional use permit from 1999 or the existing business license issued by the Department of Safety and Inspection in 2010, and therefore is detrimental to the neighborhood.
- d. *The use is consistent with the comprehensive plan.* This finding can be met. The use is consistent with Saint Paul Comprehensive Plan (2010) strategy LU-1.7, "Permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." This use is located within an "established neighborhood" and provides a service to the community. It is also located within a "mixed-use corridor" and as such meets strategy LU-1.24, "Support a mix of uses on Mixed-Use Corridors." It also may be consistent with the District 6 Plan (2010) strategy LU-5.1, "Encourage existing auto related businesses to upgrade the appearance of their buildings and properties," if the applicant fulfills his intent to provide additional fencing around the property. In the 2006 Loeb Lake Small Area Plan, Commercial Strategy 3 states, "The northeast corner is occupied by an auto repair shop. Redevelopment of this corner is unlikely in the near future due to the small parcel size and recent investments to improve the building. The plan encourages the property owner to improve the appearance of the building and the lot. In the long-term, the site could be developed into general commercial or a mix of commercial and housing." Commercial Strategy 6 states, "The plan encourages existing, viable auto businesses to stay, upgrade their appearance, and continue to serve the neighborhood, but discourages the growth of new auto businesses." If the applicant provides additional fencing around the property and maintains the building in good repair, this condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Don Buckrey for a change of nonconforming use permit for auto repair and outdoor auto sales at 1176 Dale St N is hereby denied.