

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** 237 Richmond Nonconforming Use Permit

**FILE #** 25-007-238

**APPLICANT:** Abel Pliego Burgos

**HEARING DATE:** 2/13/2025

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

**LOCATION:** 237 Richmond Street, NW Corner of Richmond Street and Saint Clair Avenue

**PIN & LEGAL DESCRIPTION:** 01-28-23-34-0190: 1/3 of S 26 ft of Lot 7 and E ½ of Lot 8, Block 4, Willes Addition

**PLANNING DISTRICT:** 9

**PRESENT ZONING:** T1

**ZONING CODE REFERENCE:** § 62.109, § 65.414

**STAFF REPORT DATE:** February 7 Updated March 6, 2025

**BY:** Stefan Hankerson

**DATE RECEIVED:** January 1, 2025

**60-DAY DEADLINE FOR ACTION:** March 14, 2025

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- A. **PURPOSE:** Reestablishment of nonconforming use as a service business with workshop.
- B. **PARCEL SIZE:** 3,920 sq.ft.
- C. **EXISTING LAND USE:** Vacant auto repair station
- D. **SURROUNDING LAND USE:**  
Residential (primarily single-family) to the north, south, and west (H2); residential to the east (T1); and auto service station to the southeast (B3)
- E. **ZONING CODE CITATION:** § 62.109 (e) authorizes the Planning Commission to permit the reestablishment of a legal nonconforming use upon making certain findings. § 65.414 lists standards and conditions for service business with workshop.
- F. **HISTORY/DISCUSSION:** The property at 237 Richmond St was previously used as an auto repair station. The building was constructed in 1964 and the use has been legally nonconforming since its rezoning to RT2 Two-Family Residential in 1975 as part of a citywide rezoning. It was rezoned to T1 Traditional Neighborhood in 2011 as part of the District 9 Residential Zoning Study. The auto repair license associated with the property expired in 2023. The expiration of the license led to the loss of legal nonconforming use status at the property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 9 Council ~~has not submitted a recommendation at the time of this writing~~ recommends denial of the application.
- H. **FINDINGS:**
1. The applicant proposes to reestablish a nonconforming use at 237 Richmond St as a service business with workshop. More specifically, they propose to “store tools inside the building and park trucks, trailers, and equipment.” They say they “will maintain (the) lot clean from debris” and “will use (the) auto lifts only for general maintenance on company trucks.” The previous nonconforming use of an auto repair station was discontinued on December 31, 2023, and thus lost its legal nonconforming status at the end of 2024.
  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:
    - a. *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met.*

The structure on the property was originally built as an auto repair station. Converting the structure to a residence or other conforming use such as day care or an office would be unrealistic and unreasonable.

- b. *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding can be met.*

The proposed use of a service business with a workshop is ~~a similarly or less intensive use as can be as appropriate as~~ the previous legal nonconforming use of auto repair station. There will be minimal work done at the site, as it will primarily be used to store tools and equipment in the building. Vehicles will typically leave the facility in the morning and return in the evening. ~~The previous use of an auto repair station was more intensive, with auto repair being provided at the property, customers coming and going all day, and similar levels of vehicle and materials storage.~~ Auto repair station is first permitted conditionally in the B3 district, and the proposed service business with a workshop is first permitted without conditions in the B3 district. The applicant purchased the subject property in June of 2023. For part of the time since then, the applicant operated a service business with workshop without legal authority. Public testimony revealed that the use has caused numerous negative effects that are less appropriate to the T1 Traditional Neighborhood district than the previous use, including truck parking on congested streets with limited space for it without impacting residential driveway use, noise from gravel and materials movement in the early morning hours, concrete mixing and other materials causing messes beyond the property line, and trucks damaging boulevards. The comments received through public testimony indicate a more intense use that is less appropriate than the previous legal nonconforming use.

The proposed use can become equally appropriate for the district if they operate only between the hours of 7:00 a.m. and 7:00 p.m. so as to avoid disturbances to nearby residences. Saint Paul Legislative Code Section 293.07 requires reduced sound levels between the hours of 10:00 p.m. and 7:00 a.m. in residential areas. The applicant should also avoid mixing or dumping concrete at the facility. Construction tools, materials should be stored or disposed of in an orderly manner within the property lines, and vehicles associated with the business should be parked properly. Additional boulevard landscaping may be appropriate to discourage parking on the boulevard and improve neighborhood compatibility.

- c. *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 proposed use will have a similar impact to the surrounding neighborhood as the pre-existing use, provided the applicant begins operations after 7:00 a.m. so as to avoid disturbances to residences nearby. Saint Paul Legislative Code Section 293.07 requires reduced sound levels between the hours of 10:00 p.m. and 7:00 a.m. in residential areas. The applicant should also avoid mixing and dumping concrete at the property so as to reduce environmental hazards to nearby residences. If the business operates only between 7:00 a.m. and 10:00 p.m. and avoids dumping concrete, then the use will not be detrimental to the neighborhood or endanger the public health, safety, or general welfare.~~

As noted above, the use operated without permission for some of the time since the applicant purchased the property in June 2023. Public testimony has revealed numerous detriments to the immediate neighborhood's public health, safety, and general welfare, including truck parking on congested streets with limited space for it without impacting residential driveway use, noise from gravel and materials movement in the early morning hours, concrete mixing and other materials causing messes beyond the property line, and trucks damaging boulevards.

However, the use can avoid these detriments if it abides by conditions restricting parking, limiting the hours of operation, providing well-maintained screening, prohibiting concrete mixing and dumping on-site, and requiring orderly storage of tools and materials on-site.

- d. *The proposed use is consistent with the comprehensive plan. This finding can be met.*

The property is designated as Urban Neighborhood in the 2040 Comprehensive Plan and is one block from the center of the West 7<sup>th</sup> – St. Clair Neighborhood Node. The use can be compatible with the character of the existing development in the neighborhood if the detriments to the neighborhood noted in the above findings are addressed through conditions.

#### **2040 Comprehensive Plan:**

##### **Policy LU 6:** Foster equitable and sustainable growth by:

- facilitating business creation, attraction, retention and expansion;
- supporting business, real estate and financial models that keep more money locally, such as locally-owned businesses, local-prioritized employment, employee owned businesses and commercial land trusts
- building and expanding neighborhood economic and cultural assets through the development of the local micro-economies of our Neighborhood Nodes;

**Policy LU-31.** Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.

**Policy LU-33.** Promote amenities that support those who live and work in Neighborhood Nodes, including frequent transit service, vibrant business districts, a range of housing choices, and neighborhood-scale civic and institutional uses such as schools, libraries and recreation facilities.

**Policy LU-36.** Promote neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

#### **District 9 Area Plan**

**49.** Concentrate commercial activity at key nodes along West 7th to improve viability of businesses. These include the intersections of West 7th with Kellogg, Grand, St. Clair, Jefferson, Randolph, Otto, and Montreal.

I. **STAFF RECOMMENDATION:** Staff recommends approval of the nonconforming use permit for a service business with a workshop, subject to the following conditions:

- a. Operations begin no earlier than 7:00 a.m., and conclude no later than 7:00 p.m.
- b. No concrete or construction waste is dumped at the property.
- c. Construction tools and materials must be stored or disposed of in an orderly manner within property lines.
- d. The fence along the property line must be repaired or replaced so that it provides screening in accordance with Zoning Code Section 63.314, including repair of any gaps in the fence. It must be maintained in that condition.
- e. Landscaping in the form of at least three (3) trees must be installed and maintained in the abutting boulevards, unless the Department of Safety and Inspections deems it infeasible. Trees shall be of a species and size directed by the Division of Forestry. If any of the trees are deemed infeasible, shrubs or other vertical landscaping must be installed at a rate of two per infeasible tree.
- f. No employee or business vehicles or trailers may be parked on boulevards or blocking other properties' driveways.