

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, 2025

BY: Stefan Hankerson

DATE RECEIVED: January 1, 2025

60-DAY DEADLINE FOR ACTION: March 23, 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.
- 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 is met.*

The proposed use of a service business with a workshop is a similarly or less intensive use 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.

- 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.

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

The property is designated as Urban Neighborhood in the 2040 Comprehensive Plan and is one block from the center of the West 7th – St. Clair Neighborhood Node.

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.
- b. No concrete waste is dumped at the property.



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 Abel Pliego - Burgos
(must have ownership or leasehold interest in the property, contingent included)
Address 794 Armstrong Ave City St. Paul State MN Zip 55102
Email abelsconcreteandconstruction@gmail.com Phone 651-226-7293
Name of Owner (if different) _____ Email _____
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address/Location 237 Richmond Street, St. Paul MN 55102
PIN(s) & Legal Description 012823340190 - Willes addition E 1/3 of S 26th St
(attach additional sheet if necessary)
lot 7 and E 1/3 of lot 8 blk 4 Lot Area 7 Current Zoning T1

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 owner use of maintaining equipment and storage
Proposed Use Service station for auto repair

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.

Property was purchased with a non-conforming use permit for auto repair. The non conforming use permit expired and wasn't renewed by owner - owner would like to re-establish the non-conforming use permit.

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

Abel Pliego

Date

1/17/25



ENFORCEMENT NOTICE

January 14, 2025

Abel Pliego-Burgos
Abel's Concrete & Construction
794 Armstrong Ave.
Saint Paul, MN 55102-3816

Re: 237 Richmond St., St. Paul, MN 55102-3129

Dear Business and/or Property Owner:

This letter serves as an official notice regarding the zoning compliance status of the property located at 237 Richmond St. It has come to our attention that this property is currently being used as a service business with a workshop. Please be advised that this use is not permitted in the T1 Traditional Neighborhood zoning district.

The previous use of this property was an auto repair shop, which was considered a legally nonconforming use because auto repair is currently not a permitted use within this zoning district under Sec. 66.321. Legal nonconforming uses are regulated under Sec. 62.104 - Nonconforming uses of land. The auto repair license associated with this property expired on December 31, 2023. The expiration of the license means that the property's legal nonconforming status has been lost since the use was discontinued for more than a year as stated in Sec. 62.104.

As a result, any new use of this property must comply with the permitted uses outlined for the T1 Traditional Neighborhood zoning district under Sec. 66.321. The current use as a service business with a workshop does not meet these requirements.

To bring this property into compliance with City zoning regulations, you must complete one of the following options:

1. Discontinue all operations at this location that do not comply with zoning regulations.
2. Apply for a Reestablishment of Nonconforming Use permit through the Planning Department in accordance with Sec. 62.109(d). This permit would be required to:
 - a. Use this property as a service business with a workshop; or
 - b. Reestablish the auto repair use at this location.

Please ensure action is taken by February 10th, 2025, to comply with City zoning regulations. Failure to resolve this issue by this date may result in enforcement action. If you have any questions or need further clarification regarding this notice or the steps required to achieve compliance, please contact me at your earliest convenience.

An appeal may be taken by any person, firm or corporation, or by any office, department, board or bureau affected by a decision of the planning or zoning administrator within ten (10) days after the date of the decision. The appeal shall specify the grounds of the appeal. The planning or zoning administrator shall forthwith transmit to the board or commission all of the papers constituting the record upon which the action appealed from was taken. An administrative appeal shall stay all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the zoning administrator certifies to the board or commission, after notice of appeal has been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction.

Thank you for your prompt attention to this matter.

Sincerely,

Matthew Graybar

Matthew Graybar

Phone: 651-266-9080

Email: matthew.graybar@ci.stpaul.mn.us

DSI Zoning Inspector III

Department of Safety and Inspections

Abel Pliego Sr
Abel's Concrete and Construction
794 Armstrong Ave Saint Paul, MN 55102
(651) 226-7293
January 30, 2025

To whom it may concern:

I am writing to request permission to use the property located at 237 Richmond St Saint Paul, MN 55102 for storage purposes. As the owner of Abel's Concrete and Construction, a family-owned business with over 20 years of experience, I am committed to being a responsible neighbor and participant in the community.

With over 40 years of residency in the neighborhood, we have also completed numerous projects throughout the neighborhood. I would like to emphasize our commitment to being good neighbors. We will take all necessary steps to maintain clean and orderly premises, and we will take all necessary measures to minimize any potential disruptions.

Specifically, we plan to use the property for:

- Storing tools and equipment inside the building
- Parking company trucks, trailers, and equipment
- Conducting general maintenance on company trucks using auto lifts
- No concrete will be mixed or dumped on property

Our operating hours are Monday - Friday:

- Summer: 6:00 AM - 7:00 PM
- Winter: 8:00 AM - 4:00 PM

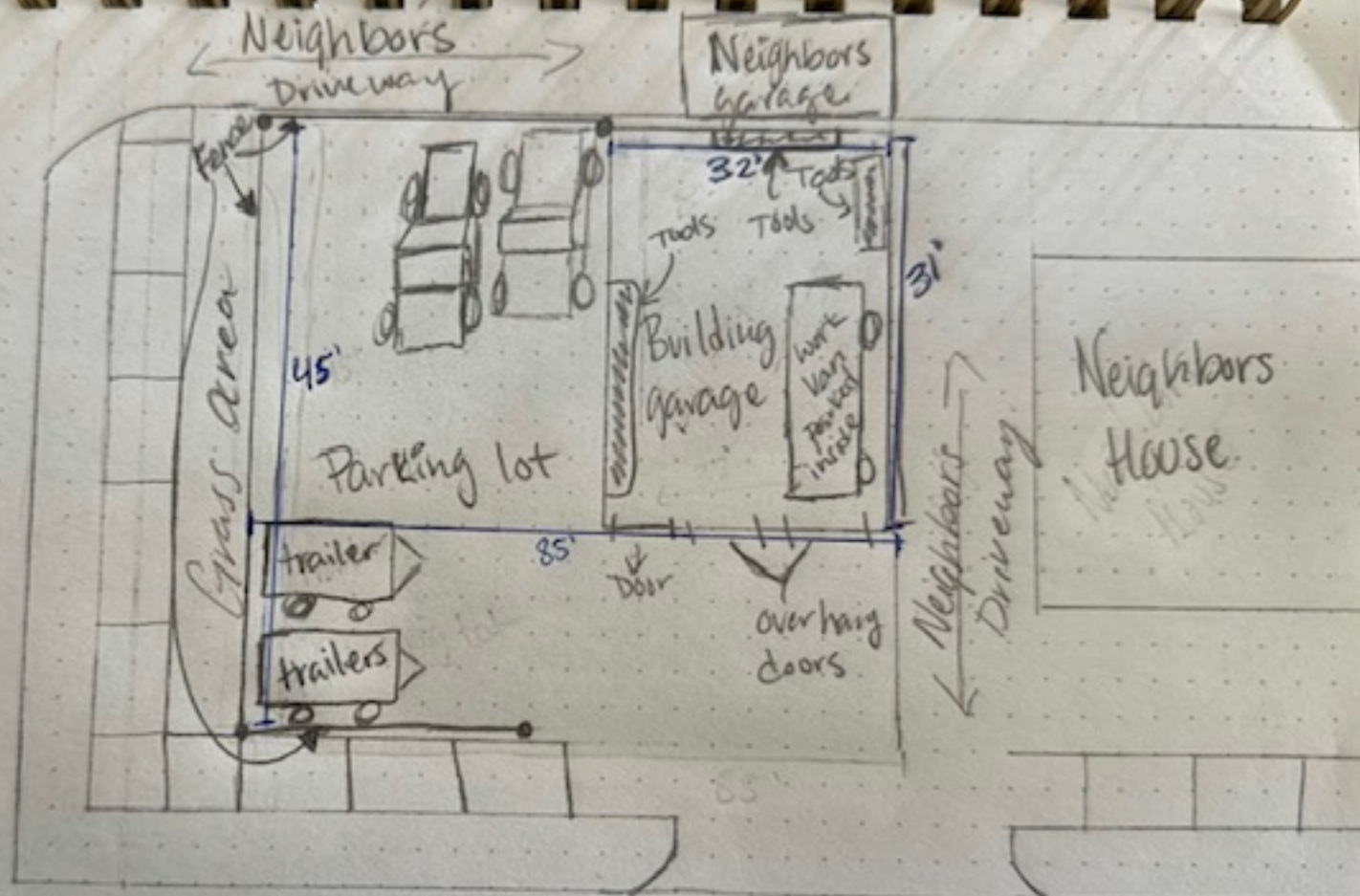
Our schedule consists of loading our equipment onto the company trucks in the morning and leaving for the day. As all our work is done at the job sites, there will be minimal activity. We occasionally return throughout the day in case we forgot a tool or need to exchange trucks/trailers. At the end of the day, we return to store away tools and return trucks/trailers. We do not anticipate any customer visits to the shop. The property will be used strictly for storage purposes only. Our team consists of 7 employees in addition to my daughters, son-in-law and myself.

Thank you for considering our request. I would be more than happy to discuss this further and answer any questions you may have.

Sincerely,

Owner, Abel Pliego Burgos from Abel's Concrete and Construction

St. Clair Ave

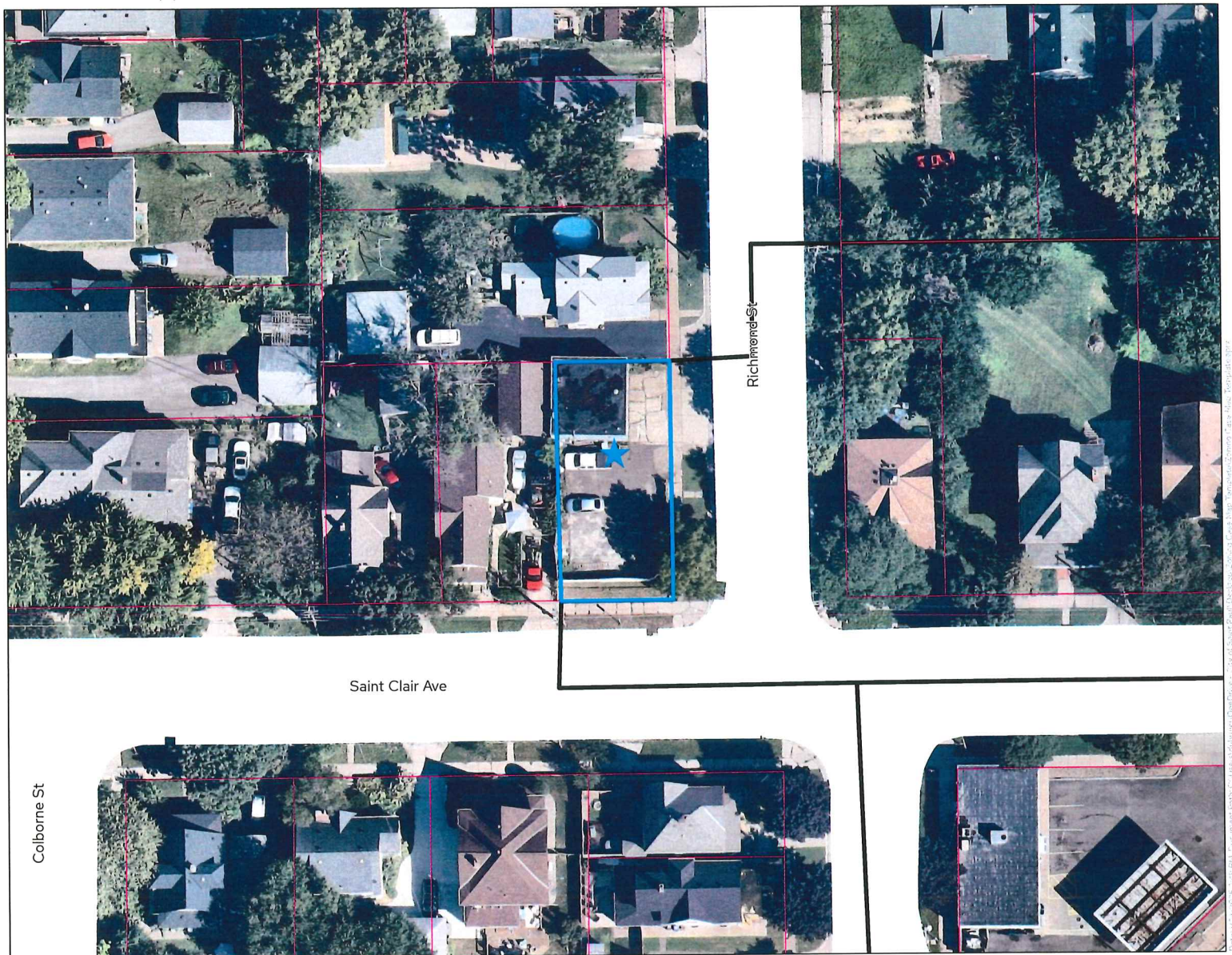


entire lot size is 85' x 45'
Building is 32' x 31'

Richmond St

Aerial map

application number: 25-007-238 • type: Reest NCUP • date: 01-24-25 • planning district: 9



Subject parcel(s) are outlined in blue

Other parcels are outlined in pink



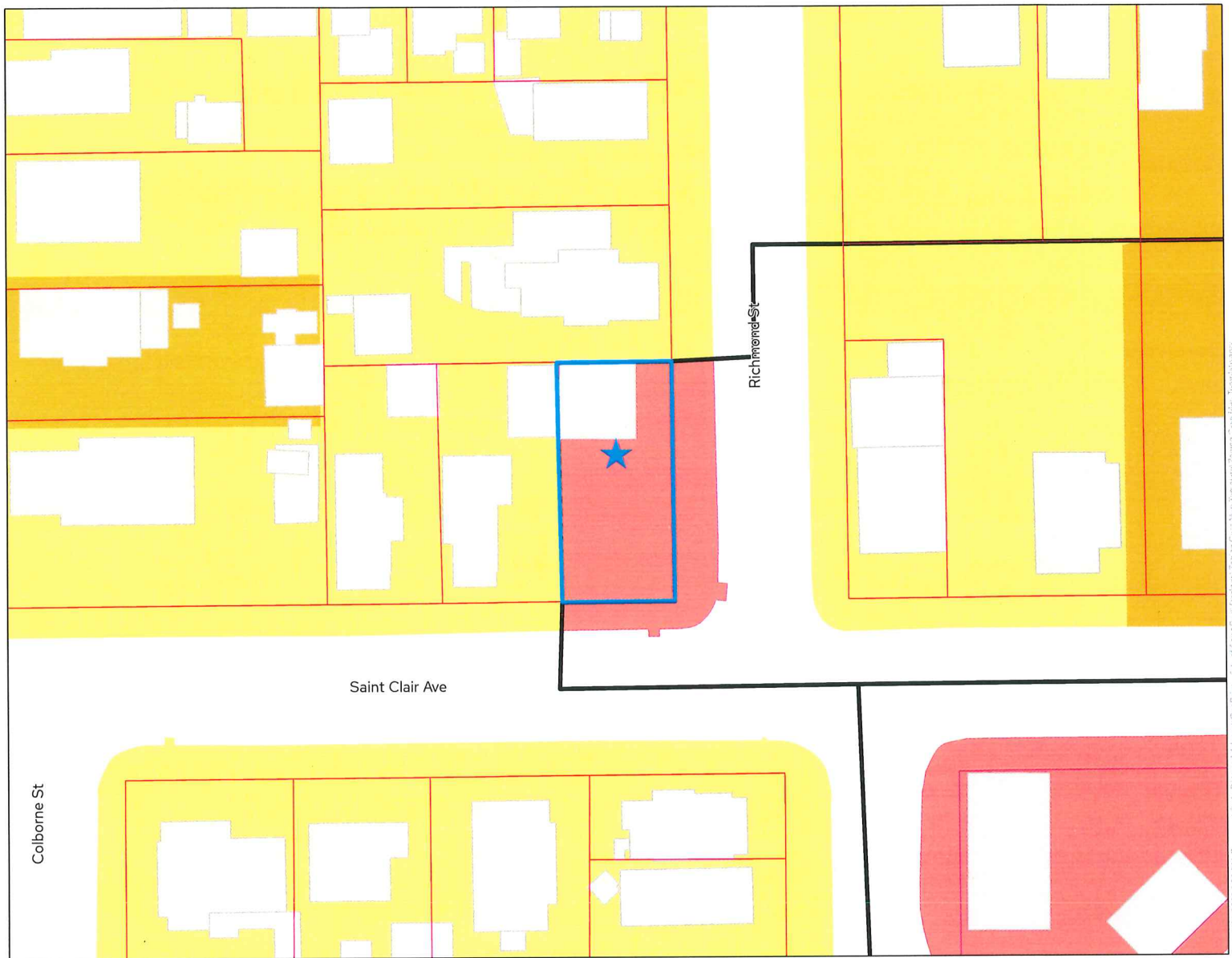
SAINT PAUL
PLANNING & ECONOMIC
DEVELOPMENT

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Feet



Application of
Abel Pliego Burgos
 Land use map

application number: 25-007-238 ▪ type: Reest NCUP ▪ date: 01-24-25 ▪ planning district: 9



Subject parcel(s) are outlined in blue

Other parcels are outlined in pink

Single Family Residential

- Farmstead
- Seasonal/Vacation
- Single Family Detached
- Manufactured Housing Park

Multifamily Residential

- Single Family Attached
- Multifamily

Commercial

- Office
- Retail and Other Commercial

Mixed Use

- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other

Other Uses

- Industrial and Utility
- Extractive
- Institutional

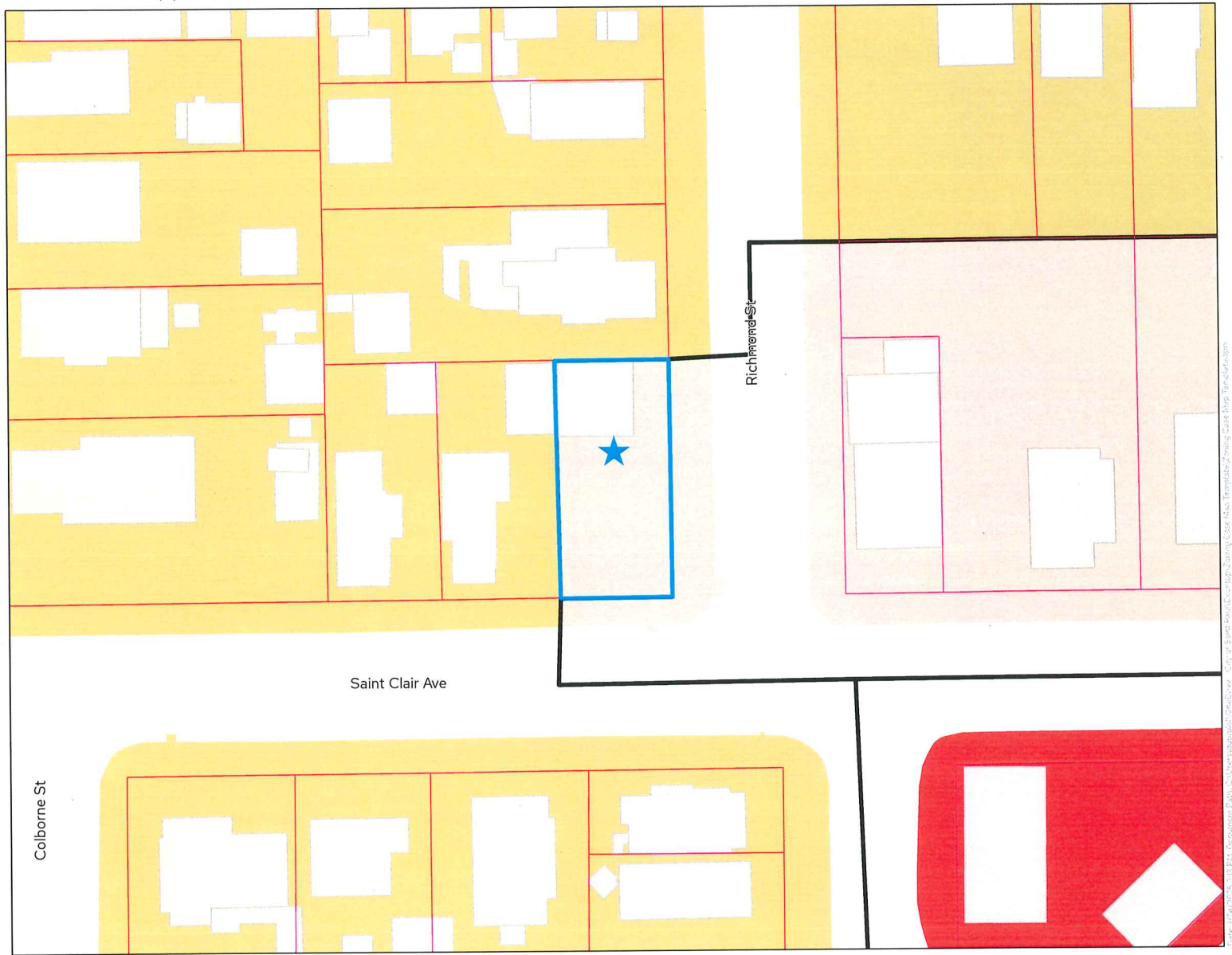
- Park, Recreational or Preserve
- Golf Course
- Major Highway
- Railway
- Airport
- Agricultural
- Undeveloped
- Water

This map is for informational purposes only. It is not intended to be used as a legal document. The map is based on the latest available data and is subject to change without notice. The map is not a guarantee of any kind and is not intended to be used as a basis for any legal action. The map is not a guarantee of any kind and is not intended to be used as a basis for any legal action.

Application of Abel Pliego Burgos

Zoning map

application number: 25-007-238 • type: Reest NCUP • date: 01-24-25 • planning district: 9



Subject parcel(s) are outlined in blue

Other parcels are outlined in pink

RL One-Family Large Lot
H1 Residential
H2 Residential
RM1 Multiple-Family
RM2 Multiple-Family
RM3 Multiple-Family

T1 Traditional Neighborhood
T2 Traditional Neighborhood
T3 Traditional Neighborhood
T3M T3 with Master Plan
T4 Traditional Neighborhood
T4M T4 with Master Plan
OS Office-Service
B1 Local Business
BC Community Business (converted)
B2 Community Business

B3 General Business
B4 Central Business
B5 Central Business Service
IT Transitional Industrial
ITM IT with Master Plan
I1 Light Industrial
I2 General Industrial
I3 Restricted Industrial

F1 River Residential
F2 Residential Low
F3 Residential Mid
F4 Residential High
F5 Business
F6 Gateway
VP Vehicular Parking
PD Planned Development
CA Capitol Area Jurisdiction

This map is a representation of the zoning map as of the date of the map. It is not a legal document. The map is subject to change without notice. The map is not to be used for any purpose other than for general information. The map is not to be used for any purpose other than for general information. The map is not to be used for any purpose other than for general information.



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