

city of saint paul
planning commission resolution
file number _____ 11-44
date _____ June 10, 2011

WHEREAS, Gary Blair, File # 11-141-752, has applied for establishment of legal nonconforming use for outdoor storage in a semi trailer under the provisions of §62.109(a) of the Saint Paul Legislative Code, on property located at 1121 Minnehaha Avenue E, Parcel Identification Number (PIN) 282922430096, legally described as Terrys Addition Lot 13 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 2, 2011, 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 owns and operates a retail carpet and flooring business in a residential zoning district at 1121 Minnehaha Ave E; the property already has legal non-conforming use status. **The applicant has owned and operated the business in it's current location for over thirty years**, and in 2008 was recognized by the City of Saint Paul with a *Good Gardener Award* for an outstanding garden at a business in Saint Paul.
2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
 - (1) *The use occurs entirely within an existing structure.* This finding is met. Storage of carpet and other materials ordered by customers but not yet installed occurs entirely within the semi-trailer.
 - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been in existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. The applicant states that the trailer has been in its current location for the entire time he has owned the property, a period of over thirty years. Aerial photographs from 2006, 2001, and 1997 show the same or a similar trailer parked in the same location on the lot. Direct visual inspection of the trailer on the property suggests that it has not moved in quite some time.
 - (3) *The off-street parking is adequate to serve the use.* This finding is met. The off-street parking requirement for the flooring businesses is met or legally non-conforming, and the accessory storage requires no additional off-street parking.
 - (4) *Hardship would result if the use were discontinued.* This finding is met. According to the applicant, the existing building housing the flooring business does not have sufficient space to accommodate both the showroom and product storage, and requiring the applicant to erect a **permanent structure of sufficient size to accommodate storage needs** would present a financial

moved by _____ Kramer
seconded by _____
in favor _____ Unanimous
against _____

hardship.

- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. Outdoor storage is only allowed in industrial zones. The property is completely surrounded by residential zoning and uses, and rezoning to industrial would be inappropriate with regard to the surrounding residential uses.
- (6) *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 met. The use--storage entirely enclosed within a semi trailer--is not inherently detrimental to the character of the neighborhood, nor a danger to the public health, safety and general welfare, provided the structure is visually and functionally similar to a permanent structure in which storage would be permitted as an accessory use. This can be accomplished through continued maintenance of the structure, including but not limited to regular painting.
- (7) *The use is consistent with the comprehensive plan.* This finding is met. Policy LU 1.7 of the Saint Paul Comprehensive Plan is to *permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods*; establishing legal non-conforming use status for storage in a semi-trailer will facilitate the continued operation of the applicant's flooring business. The vision of the Dayton's Bluff District 4 plan includes the *promotion of the livability of the neighborhood by enhancing its appearance through cleanliness...and rectifying code violations*. Establishing legal non-conforming use of the semi trailer for storage with requirements to maintain the visual appearance will both enhance neighborhood appearance and rectify a code violation.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 16, 2011: 14 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Gary Blair for establishment of legal nonconforming use for outdoor storage in a semi trailer at 1121 Minnehaha Avenue E is hereby approved, subject to the following conditions:

1. The semi trailer storage is legally nonconforming only as an accessory structure and use for a carpet and flooring business. When the principal use of the site changes to a use other than a carpet/flooring business, the legal nonconforming status of the semi trailer shall also cease.
2. The semi trailer shall be maintained in good repair, finished in an unobtrusive, neutral color, and kept free of rust and graffiti.
3. The area surrounding the semi trailer shall be kept free of litter and debris.

