

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Olin 5 LLC **FILE #:** 14-093-633
  2. **APPLICANT:** Olin 5 LLC **HEARING DATE:** February 27, 2014
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 1809 Old Hudson Road, NW corner at Van Dyke
  5. **PIN & LEGAL DESCRIPTION:** 352922320046; Hudson Road Gardens Lot 4 Blk 5
  6. **PLANNING DISTRICT:** 1 **EXISTING ZONING:** VP
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** February 18, 2014 **BY:** Bill Dermody
  9. **DATE RECEIVED:** February 6, 2014 **60-DAY DEADLINE FOR ACTION:** April 7, 2014
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- A. **PURPOSE:** Rezone from VP Vehicular Parking to T1 Traditional Neighborhood.
- B. **PARCEL SIZE:** 296' (Hudson) x 91' (Van Dyke), totaling 26,936 square feet
- C. **EXISTING LAND USE:** Parking lot
- D. **SURROUNDING LAND USE:** Retail to the southwest (B3), townhomes to the north (RT2), and multi-family to the west, east, and south (RM2).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 1974, a site plan application by the adjacent hotel to the south for a parking lot was denied for the subject site because the parking use was not allowed in it's "A" Residential zoning district. The site was rezoned to P-1 Vehicular Parking in 1975 as part of a larger citywide rezoning (P-1 is now known as VP). In 1981, variances to setback and screening requirements were approved in order to allow a 50-space parking lot to be constructed. In 2012, the property across the street to the south was converted from a hotel to senior living apartments, which significantly reduced its parking needs and left the subject site generally unused (and unplowed in the winter).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 1's Land Use Committee has provided a letter in support of the rezoning.
- H. **FINDINGS:**
  1. The application requests rezoning from VP Vehicular Parking to T1 Traditional Neighborhood.
  2. The site is currently a parking lot that is no longer required for the adjacent use (senior living multi-family) to the south, nor for any other adjacent use.
  3. The proposed zoning is consistent with the way this area has developed. Old Hudson Road runs parallel and adjacent to I-94, and has developed with a mix of multi-family and commercial development in this area.
  4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of a Mixed Use Corridor and just outside of a Neighborhood Center located to the east. Land Use Strategy 1.24 calls for supporting a mix of residential and commercial uses, such as those permitted in the T1 district. The District 1 Plan contains no provisions specific to the application. The Sun Ray-Suburban Small Area Plan calls

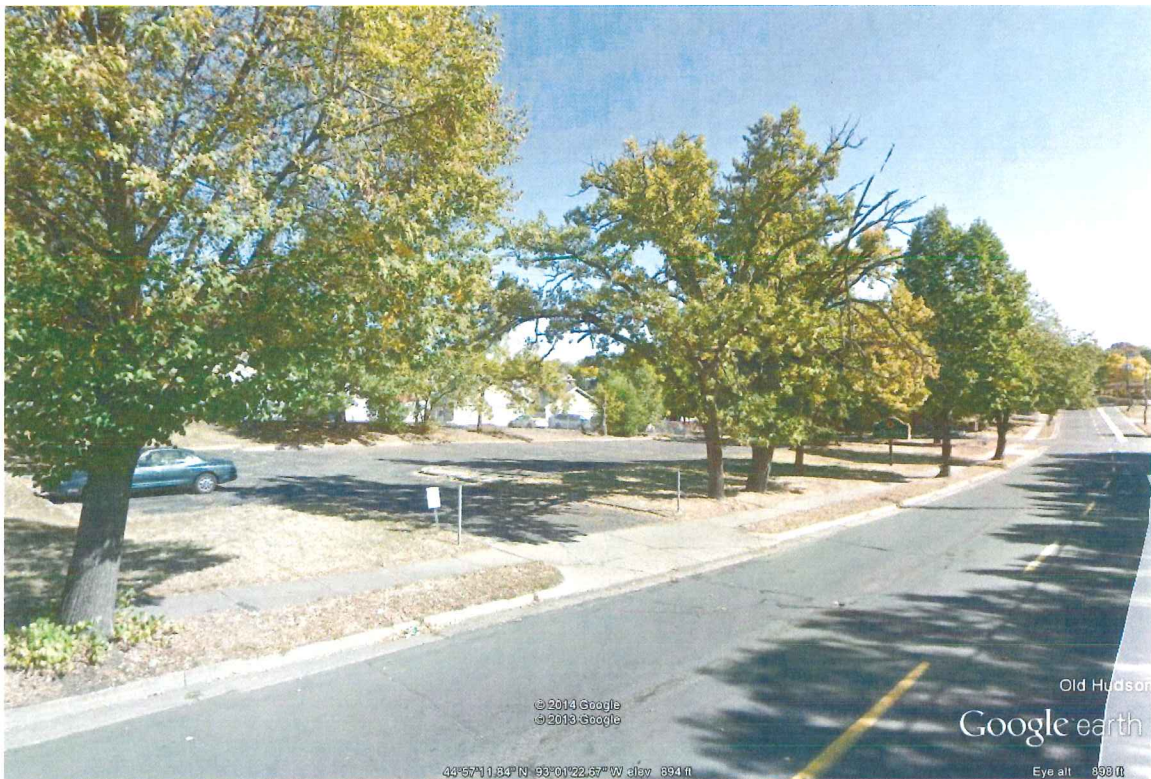
for pedestrian-friendly design along Old Hudson Road, such as what is encouraged and required in the T1 district.

5. The proposed T1 zoning allows a range of neighborhood-scale residential and non-residential uses that are compatible with the surrounding multi-family and commercial uses.
6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* The proposed T1 zoning is not "spot zoning" because the T1 uses are consistent with the surrounding multi-family and commercial zoning designations and uses.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from VP Vehicular Parking to T1 Traditional Neighborhood.



Looking northwest across the subject site



Looking northeast across the subject site in September 2012



**PETITION TO AMEND THE ZONING CODE**  
Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

PD=1

Zoning Office Use Only  
File #: 14-093633  
Fee: 1200<sup>00</sup>  
Tentative Hearing Date:  
2-27-14

352922320046

**APPLICANT**

Property Owner Olin 5 LLC  
Address 9031 Avila Cv  
City Eden Prairie St. MN Zip 55347 Daytime Phone 7  
Contact Person (if different) Jamie Mathwig Phone 612 280 1514

**PROPERTY LOCATION**

Address/Location 1809 Old Hudson Rd. ST. Paul MN  
Legal Description Lot 4 Block 5 Hudson Road Gardens  
(PIN) 35.29.22.32.0046 Current Zoning VP  
(attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes;

Olin 5 LLC, owner of land proposed for rezoning, hereby petitions you to  
rezone the above described property from a VP zoning district to a T1 zoning  
district, for the purpose of:

(attach additional sheets if necessary)

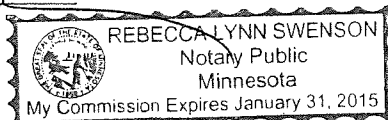
Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

**Subscribed and sworn to before me**

this 31st day

of January, 2014

Notary Public



By: Jamie Mathwig  
Fee owner of property  
Title: Chief Manager

Rev. 11/21/13



**Community Council Office**

(651) 578-7600 (phone)  
(651) 578-7404 (fax)  
district1council@aol.com

**Police Storefront**

(651) 578-7400 (phone)  
(651) 578-7404 (fax)  
district1CPC@aol.com

Zoning Committee of the Planning Commission  
1400 City Hall Annex  
25 W. 4<sup>th</sup> Street  
Saint Paul, MN 55102-1634

18 February 2014

Dear Committee Members,

The Land Use Committee of the District 1 Community Council has spoken several times with the representatives and the owners of 1809 Old Hudson Road about their plans for the lot. We began discussions with them in the early fall of 2013 and have spoken about community plans for the area, long-term transportation development, history of the lot, and relations with the community. We have been thoroughly pleased with the willingness of the owners to listen to neighborhood concerns and dreams, and we feel that, as the lot is developed, our relationship will serve all of us well.

We are in strong support of the proposal to rezone this property from VP to T1. We feel that the new zoning designation is far more appropriate to the location, the surrounding properties, and the potential for this lot. The rezoning fits with planning we have been doing as a part of updating our official community plan.

We urge you to approve this rezoning request. Thank you.

Sincerely,

Betsy Leach

For the Land Use Committee of the District 1 Community Council

**Dermody, Bill (CI-StPaul)**

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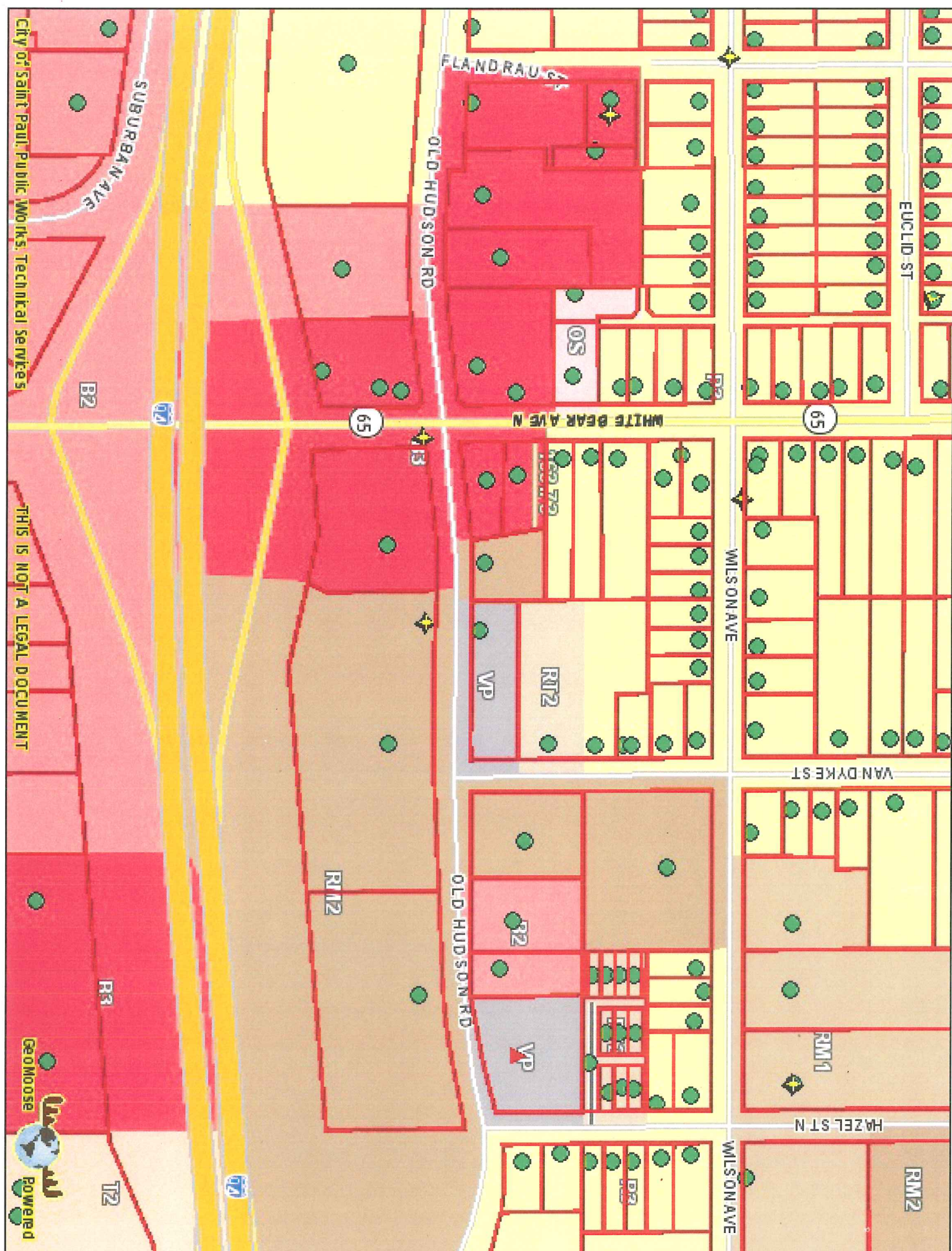
**From:** Jeff Johnson <[johnsonhousingervices@hotmail.com](mailto:johnsonhousingervices@hotmail.com)>  
**Sent:** Tuesday, February 18, 2014 9:26 PM  
**To:** Dermody, Bill (CI-StPaul); Jamie Mathwig  
**Subject:** Olin 5 LLC rezoning of 1809 Old Hudson Road

I am the managing partner of the Van Dyke Townhomes LLC.

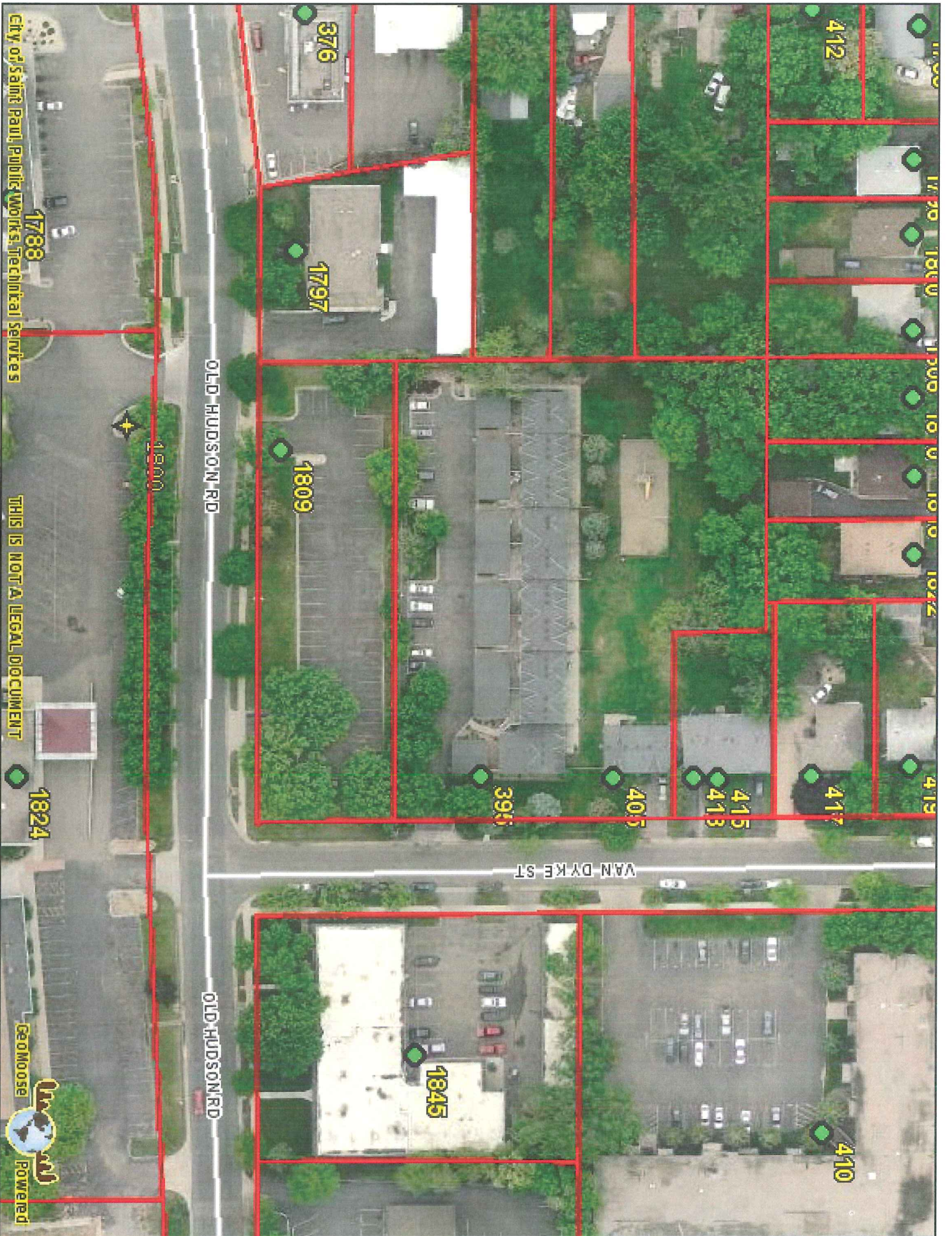
We do not oppose the rezoning request to T1.

Jeff Johnson  
Johnson Housing Services, LLC  
3432 Denmark Avenue #102  
Eagan MN 51523  
Tel & Fax: 651-688-9887  
Mobile Tel: 651-303-6317  
E-mail: [JohnsonHousingServices@hotmail.com](mailto:JohnsonHousingServices@hotmail.com)  
[WWW.JohnsonHousingServices.com](http://WWW.JohnsonHousingServices.com)







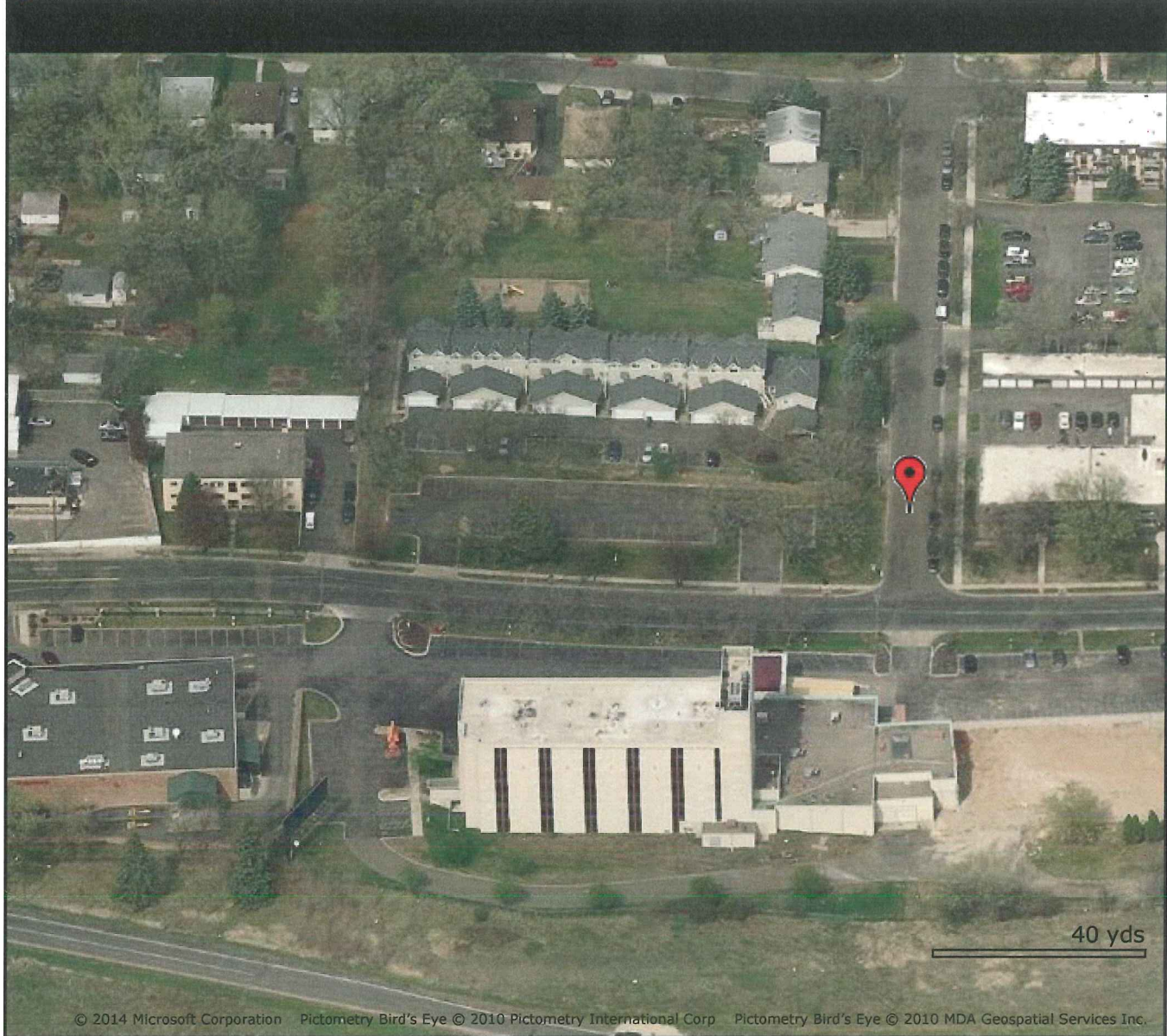


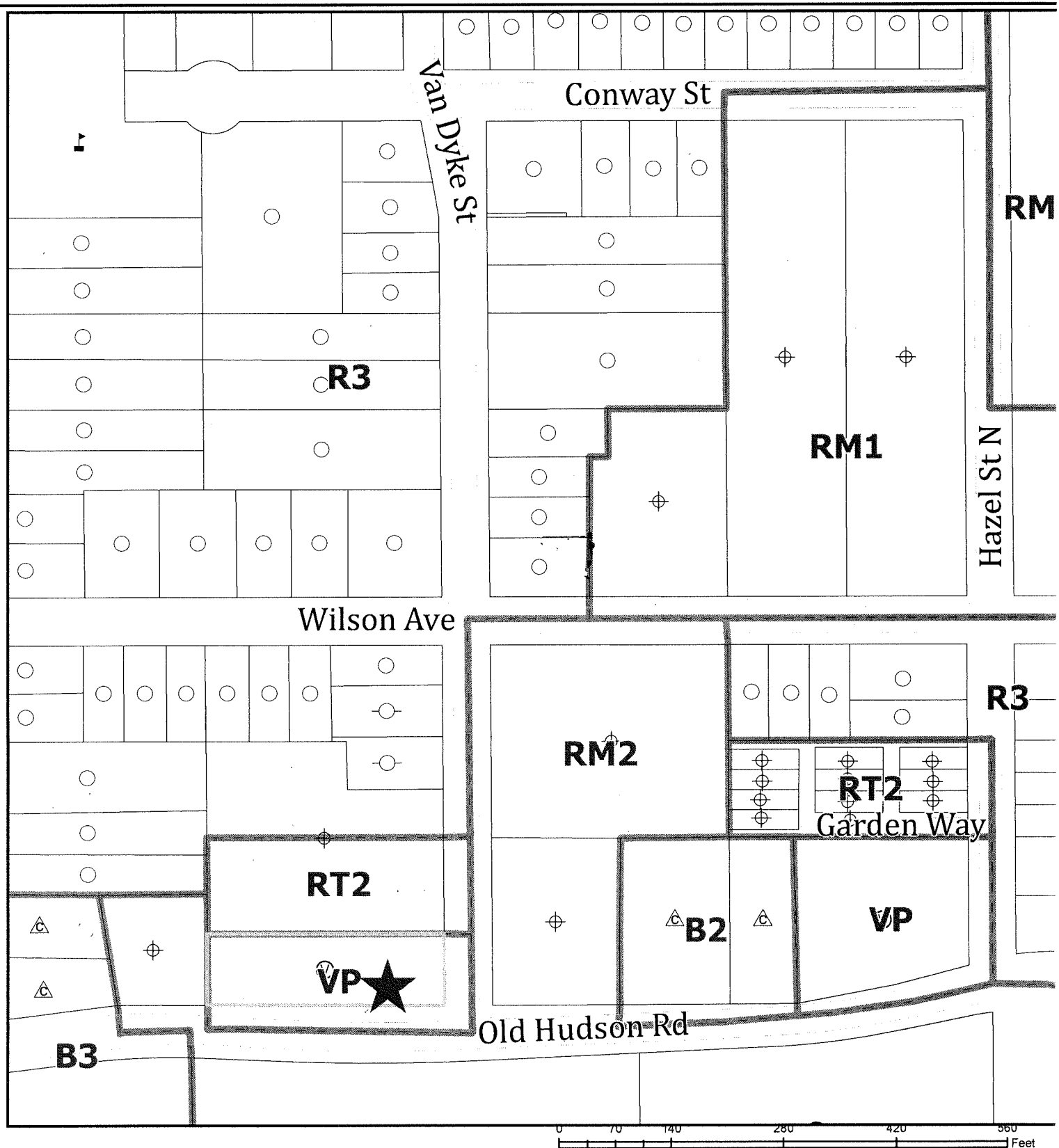


# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map





APPLICANT Olin 5 LLC

APPLICATION TYPE Rez from VP to T1

FILE # 14-093633 DATE 2-6-14

PLANING DISTRICT 1

ZONING MAP # 18

- |                      |                          |
|----------------------|--------------------------|
| Commercial & Office  | Residential One Family   |
| Industrial & Utility | Residential Two Family   |
| Institutional        | Residential Three Family |
| Vacant/Undeveloped   | Multifamily              |

