

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Big Steer Meats **FILE #:** 14-339-543
 2. **APPLICANT:** Big Steer Meats **HEARING DATE:** November 6, 2014
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 1762 Minnehaha Ave E, between White Bear Avenue and Flandrau
 5. **PIN & LEGAL DESCRIPTION:** 342922110002; G V Bacons Addition E 1/2 Of Lot 5 And All Of Lot 4 Blk 2
 6. **PLANNING DISTRICT:** 1 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** October 29, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** October 21, 2014 **60-DAY DEADLINE FOR ACTION:** December 20, 2014
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- A. **PURPOSE:** Rezone from R4 One-Family Residential to B2 Community Business and White Bear Avenue Overlay District.
- B. **PARCEL SIZE:** 7,380 square feet
- C. **EXISTING LAND USE:** Single-family residential
- D. **SURROUNDING LAND USE:** Commercial (B2 with White Bear Avenue Overlay) at the corners of the White Bear Avenue/Minnehaha Avenue intersection to the east; single-family residential (R4) to the north, west, and south
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There is no zoning history for this site since 1975. The adjoining site to the east, occupied by Big Steer Meats, is within the White Bear Avenue Overlay District, which was established in 2001 and is generally applied to properties that front White Bear Avenue between I-94 and Nevada Avenue. The White Bear Avenue Overlay District restricts uses, provides special parking regulations, and provides special design regulations for the area as a means of implementing the White Bear Avenue Small Area Plan (2001).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 1 has no objection to the proposal after discussing it at their October 13, 2014, land use committee meeting.
- H. **FINDINGS:**
 1. The application requests rezoning from R4 to B2 and White Bear Avenue Overlay District to allow for expansion of the adjacent business.
 2. The proposed zoning is consistent with the way this area has developed. White Bear Avenue is fronted by commercial and residential uses of varying lot depths, with commercial clustered around key intersections such as Minnehaha Avenue. The proposed zoning is consistent with the existing pattern of development.
 3. The proposed zoning is consistent with the Comprehensive Plan, which designates the land along White Bear Avenue as a Mixed Use Corridor. It is consistent with the White Bear Avenue Small Area Plan by adopting the White Bear Avenue Overlay District.
 4. The proposed zoning is compatible with the existing B2/White Bear Avenue Overlay zoning to the east along White Bear Avenue.

5. 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 rezoning is not "spot zoning" in that it does not create an island of nonconforming use, but rather is consistent with adjacent zoning.
6. The petition for rezoning was found to be sufficient on October 21, 2014: 19 parcels eligible; 13 parcels required; 14 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 One-Family Residential to B2 Community Business and White Bear Ave. Overlay District.



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

Zoning Office Use Only
 File #: 14-339543
 Fee: 1200
 Tentative Hearing Date: 11-6-14

PD=1

34292210002

APPLICANT

Property Owner Cam + R INC / DBA BigSteerMeats
 Address 1766 E. Minnehaha Ave.
 City ST. Paul St. MN Zip 55106 Daytime Phone 651-738-3636
 Contact Person (if different) Charles Cory Phone 738-3636

PROPERTY LOCATION

Address/Location 1762 E. Minnehaha Ave.
 Legal Description Subdivision: East half of Lot 5 + all of Lot 4, Block 2, G.V. Bacon's Addition, Ramsey County Current Zoning R-4
 (attach additional sheet if necessary) PIN: 34.29.22.11.0002

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,

Cam + R INC., owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a R-4 zoning district to a B-2 + WB OVERLAY zoning
 district, for the purpose of: Additional space to expand business.

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 OCT 14 2014
 BY: _____

pdd
 37030
 10-7-14

(attach additional sheets if necessary)

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

Subscribed and sworn to before me

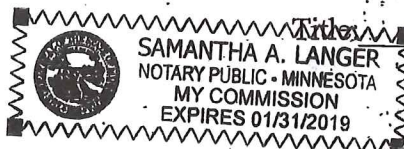
this 7th day

of October 7, 2014

Samantha Langer
 Notary Public

By: Charles M. Cory
 Fee owner of property

OWNER



CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of CM + R INC / DBA: Big Steer Meats
(name of petitioner)
to rezone the property located at 1762 E. Minnehaha Ave.
from a R-4 zoning district to a B-2 zoning district and
2. A copy of sections 66.411 through 66.45, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a B-2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

CM + R INC / Big Steer Meats a _____ zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

| ADDRESS OR PIN # | RECORD OWNER | SIGNATURE | DATE |
|-----------------------------|---------------------------|---------------------------|-----------------|
| <u>1775 Beech St</u> | <u>Sandra Grossiklaus</u> | <u>Sandra Grossiklaus</u> | <u>9-29-14</u> |
| <u>1769 Beech St</u> | <u>PPQ Corp</u> | <u>Rabin Ben</u> | <u>9/29/14</u> |
| <u>1756 E Minnehaha Ave</u> | <u>Derek A. Kuns</u> | <u>Derek A. Kuns</u> | <u>09/29/14</u> |
| <u>1753 Minnehaha Ave</u> | <u>Pasang Lyaltzen</u> | <u>Pasang Lyaltzen</u> | <u>9-29-14</u> |
| <u>1755 Beech St</u> | <u>Andrew Mandel</u> | <u>Andrew Mandel</u> | <u>10-1-14</u> |
| <u>1761 Beech St</u> | <u>Stephen V. Braun</u> | <u>Stephen V. Braun</u> | <u>10-2-14</u> |
| <u>1763 Minnehaha</u> | <u>Ron Kyrle</u> | <u>Ron Kyrle</u> | <u>10/4/14</u> |
| <u>1749 BEECH ST</u> | <u>BRIAN MOORE</u> | <u>Brian Moore</u> | <u>10-6-14</u> |
| <u>1749 Beech Street</u> | <u>Loretha Soderberg</u> | <u>Loretha Soderberg</u> | <u>10-6-14</u> |
| <u>1753 BEECH ST.</u> | <u>Bob Toferne</u> | <u>Bob Toferne</u> | <u>10-6-14</u> |
| <u>1753 Beech St</u> | <u>Kelly Turner</u> | <u>Kelly Turner</u> | <u>10/6/14</u> |

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

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FOR A.

OCT 14 2014

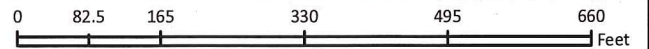
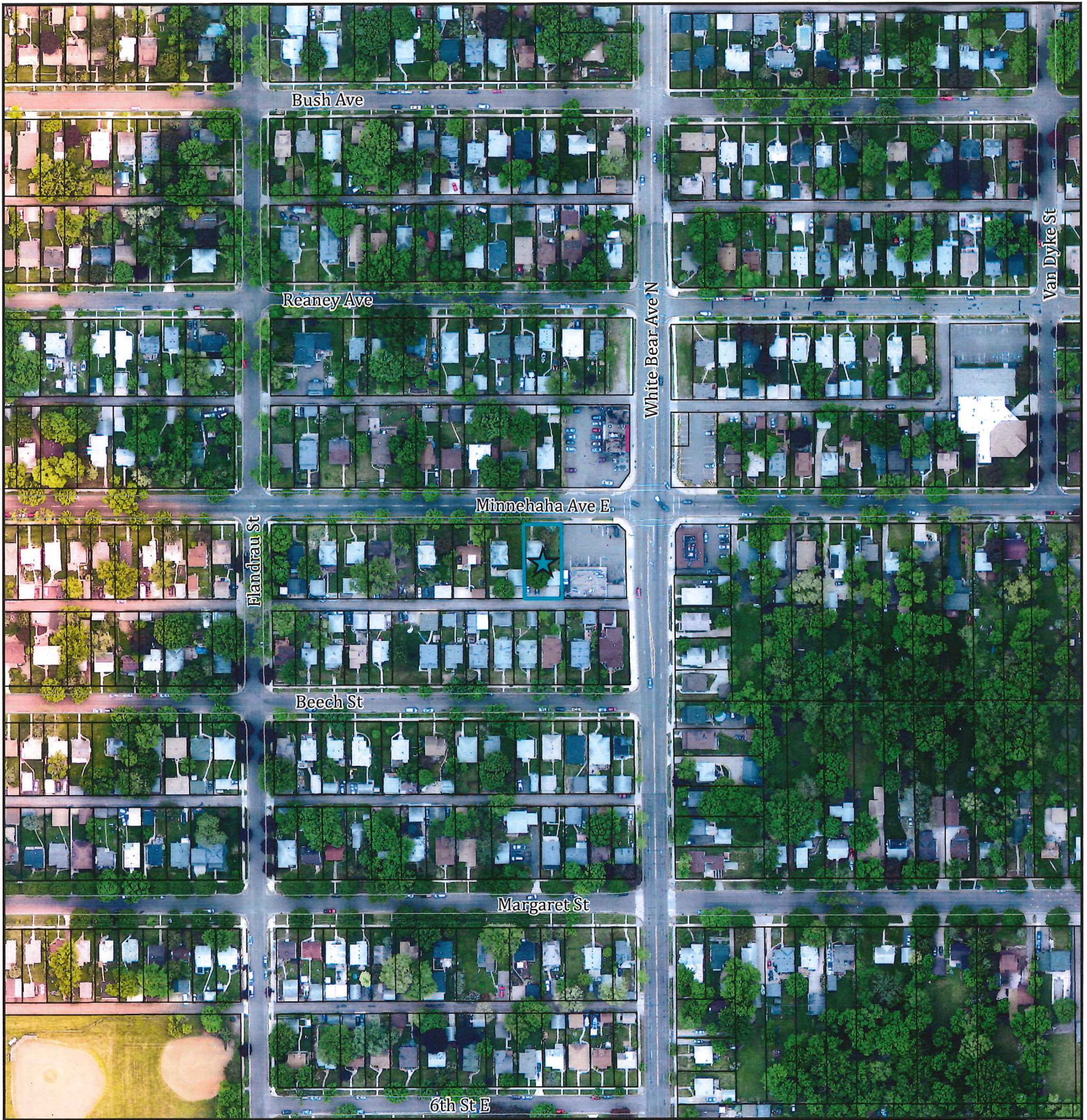
1. A copy of the petition of CM & K INC / Big Steer Meats
(name of petitioner)

2. A copy of sections 66.41 through 66.45, inclusive of the Saint Paul Zoning Code.

Charles M. Cory to a B-2 zoning district.
(name of petitioner)

[illegible]

9/08



APPLICANT: CM & R Inc

APPLICATION TYPE: Rezone

FILE #: 14-339543 DATE: 10/29/2014

PLANNING DISTRICT: 1

ZONING PANEL: 12

Aerial

 Subject Parcels

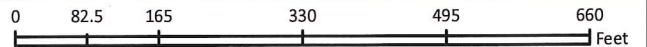




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 FILE #: 14-339543 DATE: 10/29/2014
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Land Use

- Single Family Detached
- Single Family Attached
- Office
- Retail and Other Commercial
- Institutional
- Park, Recreational or Preserve
- Subject Parcels



• • • Section Lines





APPLICANT: CM & R Inc

APPLICATION TYPE: Rezone

FILE #: 14-339543 DATE: 10/29/2014

PLANNING DISTRICT: 1

ZONING PANEL: 12

Zoning

- R3 One-Family
- R4 One-Family
- OS Office-Service
- B2 Community Business
- Subject Parcels
- · · Section Lines

