

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** LeCesse Development **FILE #:** 17-015-513
 2. **APPLICANT:** Turk Trust et al **HEARING DATE:** April 13, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 246-286 Snelling Ave S, between St. Clair and Stanford
 5. **PIN & LEGAL DESCRIPTION:** 102823220164; 102823220165; 102823220166; 102823220167; 102823220168; 102823220169 (Sylvan Park Addition to the City of Saint Paul, All of Lots 1-10 Block 4)
 6. **PLANNING DISTRICT:** 14 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** April 4, 2017 **BY:** Josh Williams
 9. **DATE RECEIVED:** March 1, 2017 **60-DAY DEADLINE FOR ACTION:** May 22, 2017
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- A. **PURPOSE:** Rezone from B2 Community Business to T3 Traditional Neighborhood. .
- B. **PARCEL SIZE:** 60,982 sq. ft. (approx. 1.4 acres)
- C. **EXISTING LAND USE:** Mixed commercial
- D. **SURROUNDING LAND USE:**
North: Mixed use (B2)
East: Commercial, single-family residential (B2, R4)
South: Commercial (B2)
West: Mixed use, single family residential (B2, R4)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by owners of sixty-seven (67) percent of the property.
- F. **HISTORY/DISCUSSION:** The property is currently developed with 5 commercial buildings and associated surface parking, with limited landscaping. The surface parking lot at the northern end of the property also serves several nearby businesses, including the off-street parking required as a license condition for Cinema Ballroom, a dance school and hall just east of the subject property on St. Clair Avenue.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 14 has recommended approval of the rezoning application.
- H. **FINDINGS:**
 1. LeCesse Development has a purchase agreement for all properties proposed for rezoning. They are proposing a 61' 10" mixed use building which will cover nearly the entirety of the properties. They are seeking a conditional use permit (to allow additional height) as well as site plan approval for the project.
 2. The proposed zoning is consistent with the way this area has developed. The surrounding area and subject property is currently characterized by a mix of commercial and residential uses. The subject property is currently occupied by commercial buildings. Two lots at the southern end of the Snelling face of the block on which the subject property is located were recently redeveloped into a new, one-story commercial building. The two lots were previously occupied by a former service station and a single family residence. Two-story buildings with first floor commercial space and second story

residential units occupy the northeast and southwest corners of the intersection of St. Clair and Snelling Avenues, and several multistory commercial buildings occupy the St. Clair block face just east of the subject property. Single family homes are located to the east of the subject property across the north-south alley that bisects the block on which the subject property is located. There are also single family homes across Snelling Avenue and south of the mixed use building at the corner with St. Clair, although these homes are oriented toward the intersecting residential streets rather than Snelling Avenue. The campus of Macalester College occupies the northwest corner of the intersection of Snelling and St. Clair Avenues. The subject property is currently zoned B2, which allows for a range of commercial uses. The proposed T3 traditional neighborhood zoning allows a similar range of commercial uses, along with a range of residential uses. The stated intent of the T3 district is to "provide for higher-density pedestrian- and transit-oriented mixed-use development". In addition to larger sites that can accommodate new mixed-use neighborhoods, it is also intended for use on "smaller sites in an existing mixed-use neighborhood center" which include "a mix of uses, including residential, commercial, civic and open spaces" and a "mix of housing types" within "a reasonable walking distance". The subject property is also located on the A Line BRT, a high-frequency transit line with off-board ticketing. There is an A Line station on the north side of St. Clair Avenue.

3. The proposed zoning is consistent with the Comprehensive Plan. The future land use map of the Saint Paul Comprehensive Plan (2010) identifies Snelling Avenue and the portion of St Clair Avenue including the subject property and properties immediately to the east as a Mixed-Use Corridor. Mixed-Use Corridors are intended to accommodate a mix of commercial, residential, civic, and institutional uses, with residential units at densities of 30-150 units per acre. Policy LU 1.2 of the Macalester-Groveland Community Plan (2016) expresses a strategy to "maintain and/or establish zoning that encourages higher-density (taller) development at the intersection of mixed-use corridors and lower-density (shorter) development at mid-block of mixed-use corridors."
4. The proposed zoning is compatible with surrounding commercial and residential uses. The proposed zoning will allow mixed use development in an area that is already characterized by a similar mix of commercial and residential uses. The proposed zoning would allow for greater density of development as measured by building height and floor area ratio (FAR). The current B2 zoning allows a maximum FAR of 2.0 and a height of 30 feet, with greater height allowed with increased setbacks. The proposed T3 zone allows a maximum FAR of 3.0 and a height of 55' for mixed use buildings, with greater height allowed by a CUP or with additional setbacks from side and rear property lines. However, allowed building heights are reduced to 25' at the property line where T3-zoned properties abut RL, R1-R4, and RT1-RT2 zoning districts (in this case the subject property abuts properties zoned R4 single family). Allowed height at the property line in these situations can be increased with approval of a conditional use permit (CUP) by the Planning Commission.
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 zoning would not constitute spot zoning. Although no T3 zoning exists in the immediate proximity of the subject property, it is used elsewhere along Mixed Use Corridors and the existing B2 and the proposed T3 district are reasonably similar in terms of the range of uses and intensity of development allowed.

6. The petition for rezoning was found to be sufficient on February 23, 2017: five (5) parcels eligible; four (4) parcels required; four (4) parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the application for rezoning of property located at 246-286 Snelling Avenue South from B2 Community Business to T3 Traditional Neighborhood.



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 #: _____
 Fee: _____
 Tentative Hearing Date: _____

PD=14
 #102823220169
 3-16-17
 169

APPLICANT

Property Owner: Turk Trust, LLC etal
 Address: 246-252 Snelling Avenue
 City: St Paul St. MN Zip _____ Daytime Phone _____
 Contact Person (if different): Thomas Hayden Phone 407-645-5575

PROPERTY LOCATION

Address/Location: 246-252 Snelling Avenue / SEC Snelling & St Clair
 Legal Description: lot 1 Block 4 and N 45 ft of lot 2 Block 4 Sylvan
Park Addition and lot 3 Current Zoning: B2
 (attach additional sheet if necessary) and S 5 ft of lot 2 Block 4 Sylvan Park Addition

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.367(5) of Minnesota Statutes;
Turk Trust, LLC, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B2 zoning district to a T3 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 13 day

of February, 2017

[Signature]
 Notary Public

By: [Signature]
 Owner of property
 LINDSAY TAYLOR DUNCAN
 NOTARY PUBLIC - MINNESOTA
 MY COMMISSION TITLE: CEO
 EXPIRES 01/31/2018

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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) 266-8889

Zoning Office Use Only
File #:
Fee:
Tentative Hearing Date:

APPLICANT

Property Owner CRAIG HAMM
Address 183 No. Cleveland AVE
City ST. PAUL St. MN Zip 55104 Daytime Phone 651-644-1229
Contact Person (if different) Thomas Hoyer Phone 407-645-5575

PROPERTY LOCATION

Address/Location 270, 272, 274, 276 So. SNELLING AVE
Legal Description LOTS 6, 7, & 9 BLOCK 4, SYLVAN PARK Addition
Current Zoning B2
(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 482.357(6) of Minnesota Statutes;
Craig Hamm, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a B2 zoning district to a T3 zoning
district, for the purpose of:

(attach additional sheets if necessary)

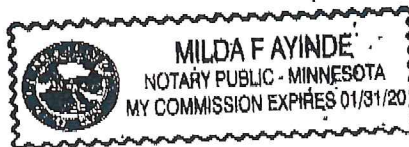
Attachments as required: [] Site Plan [] Consent Petition [] Affidavit

Subscribed and sworn to before me

this 16th day
of February 2017

Notary Public

By: Craig T. Hamm
Fee owner of property
Title: owner



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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) 266-8589

Zoning Office Use Only

File #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANT

Property Owner: Rosemark Bakery, Inc, a Minnesota Corp.

Address: 258 Snelling Avenue

City: St Paul St. MN Zip: _____ Daytime Phone: _____

Contact Person (If different): Thomas Hayden Phone: 407-645-5575

PROPERTY LOCATION

Address/Location: 258 Snelling Ave 1/2 SEC Snelling & St Clair

Legal Description: lots 4 and 5, Block 4 Sylvan Park

Adoption Current Zoning: _____
(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 482.357(5) of Minnesota Statutes;

Rosemark Bakery Inc, a MN Corp. owner of land proposed for rezoning, hereby petitions you to

rezone the above described property from a B2 zoning district to a T3 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 14th day

of February, 2017

Linda Moberg
Notary Public

By: [Signature]
Fee owner of property

Title: Owner

Rev. 11/21/13



LINDA M. OBERG
NOTARY PUBLIC
MINNESOTA

My Commission Expires Jan. 31, 2020

(4)



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 #: _____
 Fee: _____
 Tentative Hearing Date: _____

APPLICANT

Property Owner: JOHN F. BRINKMAN
 Address: 286 SMELLING AVE SO
 City: ST. PAUL St. MN Zip 55105 Daytime Phone 651 695 2307
 Contact Person (if different): Thomas Hayden Phone 407-845-5575

PROPERTY LOCATION

Address/Location: 286 SMELLING AVE SO
 Legal Description: Lot 10 Block 4 Sylvan Park Addition
 Current Zoning: B2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.600 of the Saint Paul Zoning Ordinance and to Section 462.357(6) of Minnesota Statutes;
John Brinkman, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B2 zoning district to a T3 zoning
 district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

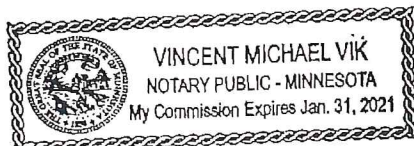
Subscribed and sworn to before me

this 14th day
 of Feb., 2017

Vincent M. Viik
 Notary Public

By: John Brinkman
 Fee owner of property
 Title: owner

Rev. 11/21/13



April 5, 2017

Josh Williams
City of Saint Paul, Dept. of Planning and Economic Development
25 W. Fourth Street
Saint Paul, MN 55102

Dear Josh;

On March 22, 2017, the Housing and Land Use Committee (“HLU”) of the Macalester-Groveland Community Council (“MGCC”) held a public meeting, at which it considered the application for rezoning (from B2 to T3), reference no 17-015513, concerning the properties located at 246-286 Snelling Ave. The applicant, who has appeared before the HLU to discuss the project on three prior occasions, appeared to speak to the application and to answer questions.

Prior to the meeting, the HLU received sixteen (16) comments in support of the rezoning application, and eight (8) comments in opposition to the application. Furthermore, at the meeting the HLU received additional comments in support of and in opposition to the application.

After speaking with the applicant, considering neighborhood feedback, consulting the Macalester-Groveland Long Range plan, and assessing the merits of the application, the HLU passed the following resolution:

“The Housing and Land Use Committee of the Macalester-Groveland Community Council supports the request, Reference No 17-015513, to rezone the parcels located at 246-286 Snelling Ave from B2 to T3”

Important to the HLU’s passage of said resolution, were the following considerations:

- The request is compatible with land use and zoning classification in the general area. The property is adjacent to Snelling and St. Clair Avenues, and the adjacent residential properties are zoned R3.
- The request is consistent with the trend of development in the area. Mixed-use projects have recently been built in the vicinity of parcels at issue in the application.
- The request is consistent with the Macalester-Groveland Long Range Plan, which encourages increased density along mixed-use corridors in the neighborhood, including St. Clair and Snelling Avenues.

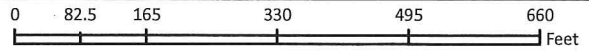
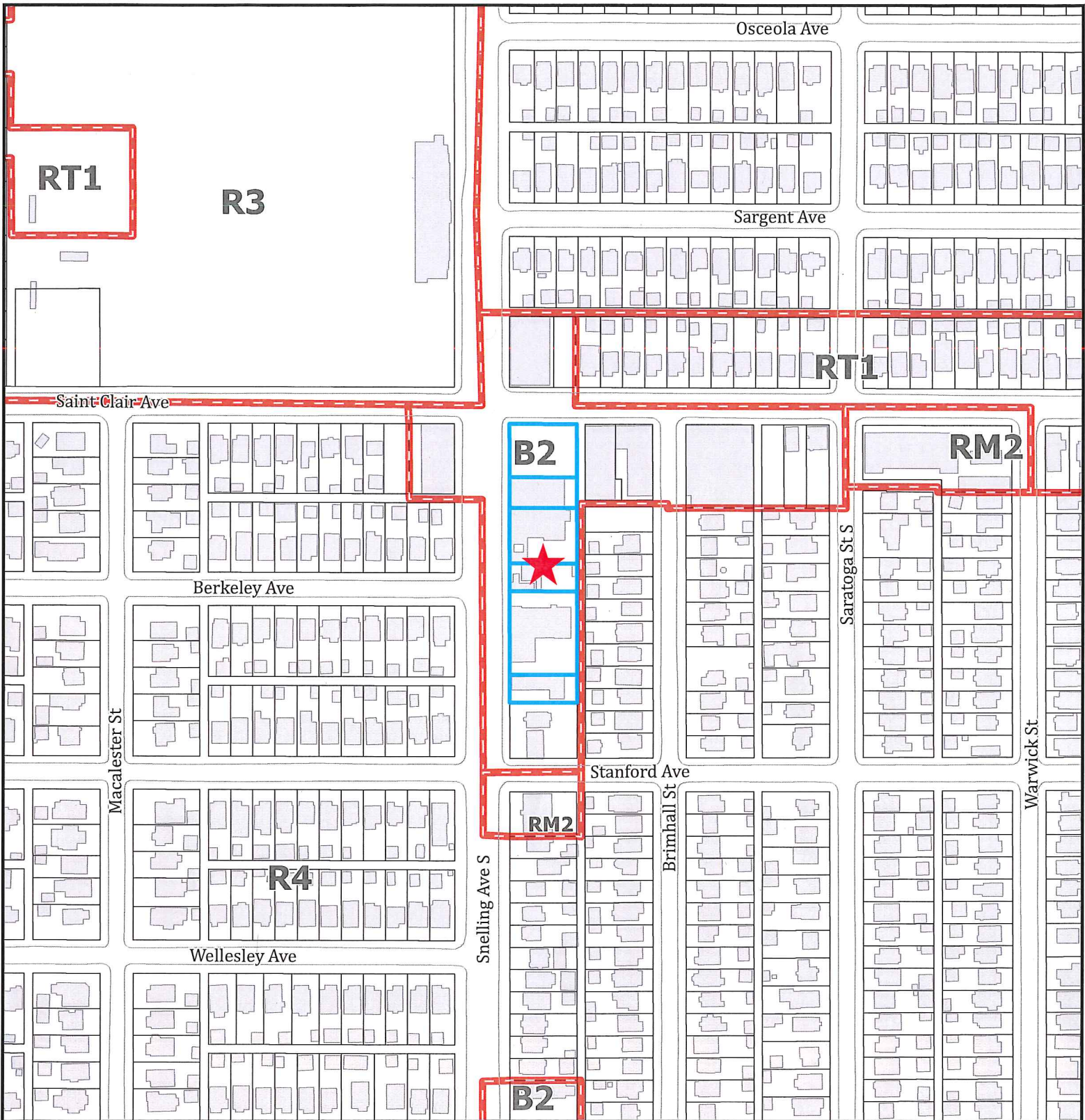
- The request is consistent with the Macalester-Groveland Long Range Plan, which encourages higher density development at the intersection of mixed-use corridors.
- The request is consistent with the currently-underway Snelling Ave South rezoning study, which encourages transit-oriented, mixed-use development along the Snelling corridor.

Please note that said resolution is the formal statement of the committee, notwithstanding any public comments that may be submitted by individuals who also serve as committee members. If you have questions or concerns, please do not hesitate to contact me.



Liz Boyer
Executive Director
Macalester-Groveland Community Council

cc (via email): Ward 3, City of Saint Paul
Tia Anderson, City of Saint Paul Department of License and Inspections
Tom Hayden, LeCesse Development Inc.



APPLICANT: Turk Trust et al

APPLICATION TYPE: _____

FILE #: To Be Assigned DATE: 2/28/2017

PLANNING DISTRICT: _____

ZONING PANEL: _____

ENS

R3 One-Family

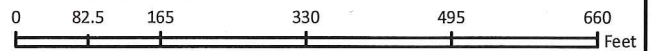
R4 One-Family

RT1 Two-Family

RM2 Multiple-Family

B2 Community Business





FILE NAME: Turk Trust LLC et al

Aerial

APPLICATION TYPE: Rezone

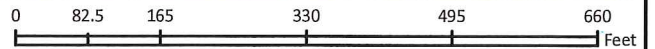
Subject Parcels

FILE #: 17-015513 DATE: 3/1/2017

PLANNING DISTRICT: 14

ZONING PANEL: 20





FILE NAME: Turk Trust LLC et al

APPLICATION TYPE: Rezone

FILE #: 17-015513 DATE: 3/1/2017

PLANNING DISTRICT: 14

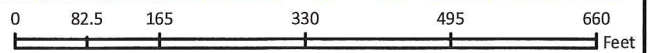
ZONING PANEL: 20

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Subject Parcels

· · Section Lines





FILE NAME: Turk Trust LLC et al
 APPLICATION TYPE: Rezone
 FILE #: 17-015513 DATE: 3/1/2017
 PLANNING DISTRICT: 14
 ZONING PANEL: 20

- Zoning**
- Subject Parcels
 - · · Section Lines
 - R3 One-Family
 - R4 One-Family
 - RT1 Two-Family
 - RM2 Multiple-Family
 - B2 Community Business

