

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Shahid Aziz **FILE #:** 17-042-099
 2. **APPLICANT:** 495 Kenny Road LLC **HEARING DATE:** June 8, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 495 Kenny Road, NE corner at Brunson
 5. **PIN & LEGAL DESCRIPTION:** 322922240066; Brunsons Add Part B1all B2 12 Part Of Lot 9 Lying Wly Of A Line Run From Point On S Line Of & 0.13 Ft E From Sw Cor Of Sd Lot To The Nw Cor Of Sd Lot. Also Vac Parts Of Petit, Brunson & Partridge Sts Adj As Desc In Docs 1472578 & 1472579 & Lots 7 & Lot 8
 6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** I1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** June 1, 2017 **BY:** Bill Dermody
 9. **DATE RECEIVED:** May 23, 2017 **60-DAY DEADLINE FOR ACTION:** July 22, 2017
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- A. **PURPOSE:** Rezoning from I1 light industrial to IT transitional industrial.
- B. **PARCEL SIZE:** 150 ft. (Brunson St.) x 100 ft. (Kenny Rd & Petit St.) = 15,246 sq. ft.
- C. **EXISTING LAND USE:** Mixed residential and commercial
- D. **SURROUNDING LAND USE:** Vacant lots immediately north (RT1) and east (I1), residential and mixed uses farther east along Payne Avenue (I1/B1), office/commercial to the south (I1), residential and industrial to the west (I1).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site has been zoned I1 since 1975. In 2014, the site was noted to be used as a warehouse (1st floor) and office (2nd floor) at the time someone inquired about converting the 2nd floor to a church use.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 5 has not provided a recommendation.
- H. **FINDINGS:**
 1. The application requests rezoning of 495 Kenny Road from I1 light industrial to IT transitional industrial, which Zoning Code §66.511 states is intended to provide sites for commercial, office and light industrial uses that are compatible with nearby residential uses. The rezoning is necessary to allow first-floor residential uses, which per §65.143(b) are not permitted in the I1 district.
 2. The proposed zoning is consistent with the way this area has developed. The remainder of this block, east to Payne Avenue, contains residential and business uses rather than industrial.
 3. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as being within a Mixed Use Corridor.
 4. The proposed zoning is compatible with the surrounding mix of residential and business uses.
 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 to IT does not constitute spot zoning because the uses permitted in IT are not inconsistent with the surrounding uses.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from I1 light industrial to IT transitional industrial.



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 #: 17-042099
 Fee: 1260⁰⁰
 Tentative Hearing Date:
6-8-17
 PD = 5
 # 52 29 22 24 0066

APPLICANT

Property Owner(s) 495-KENNY ROAD LLC
 Address 495 KENNY ROAD ST PAUL MN 55130
 City SPAVL State MN Zip 55130 Phone 612-236-6792
 Contact Person SHANNY AZIZ Phone 612-236-6792
 Email ASEAN5183@gmail.com
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location 495-KENNY ROAD EAST
 Legal Description _____
 _____ Current Zoning I1
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:
 Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, 61-801

 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
I1 zoning district to a I1 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

Date May 17 2017

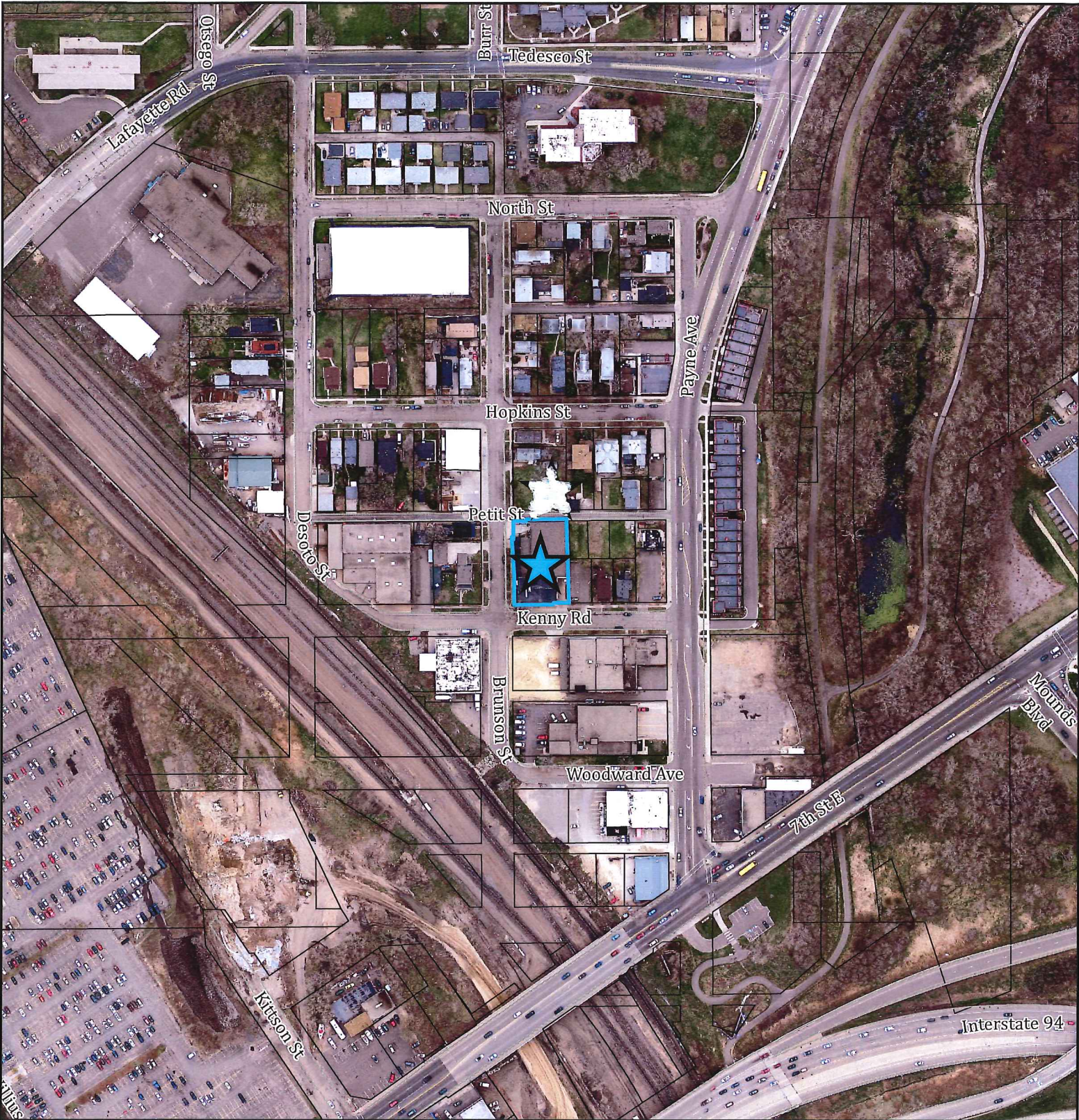
[Signature]
 Notary Public



By: [Signature] owner
 Fee owner of property

Title: _____


add 5/17/17



FILE NAME: 495 Kenny Road LLC

Aerial

APPLICATION TYPE: Rezone

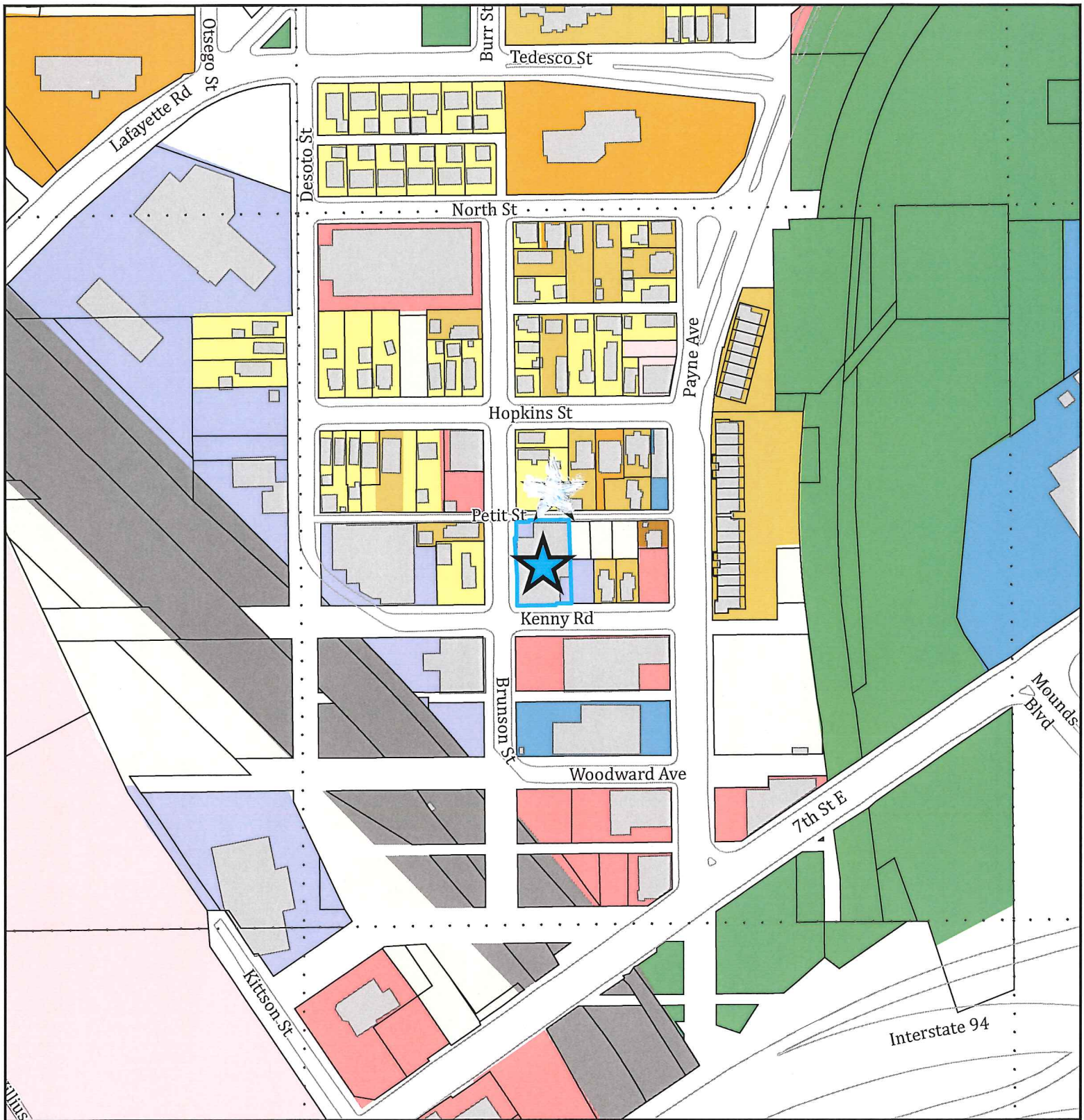
 Subject Parcels

FILE #: 17-042099 DATE: 5/23/2017

PLANNING DISTRICT: 5

ZONING PANEL: 10





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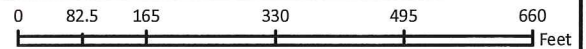
DATE: 5/23/2017

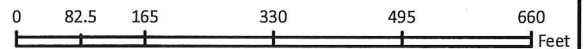
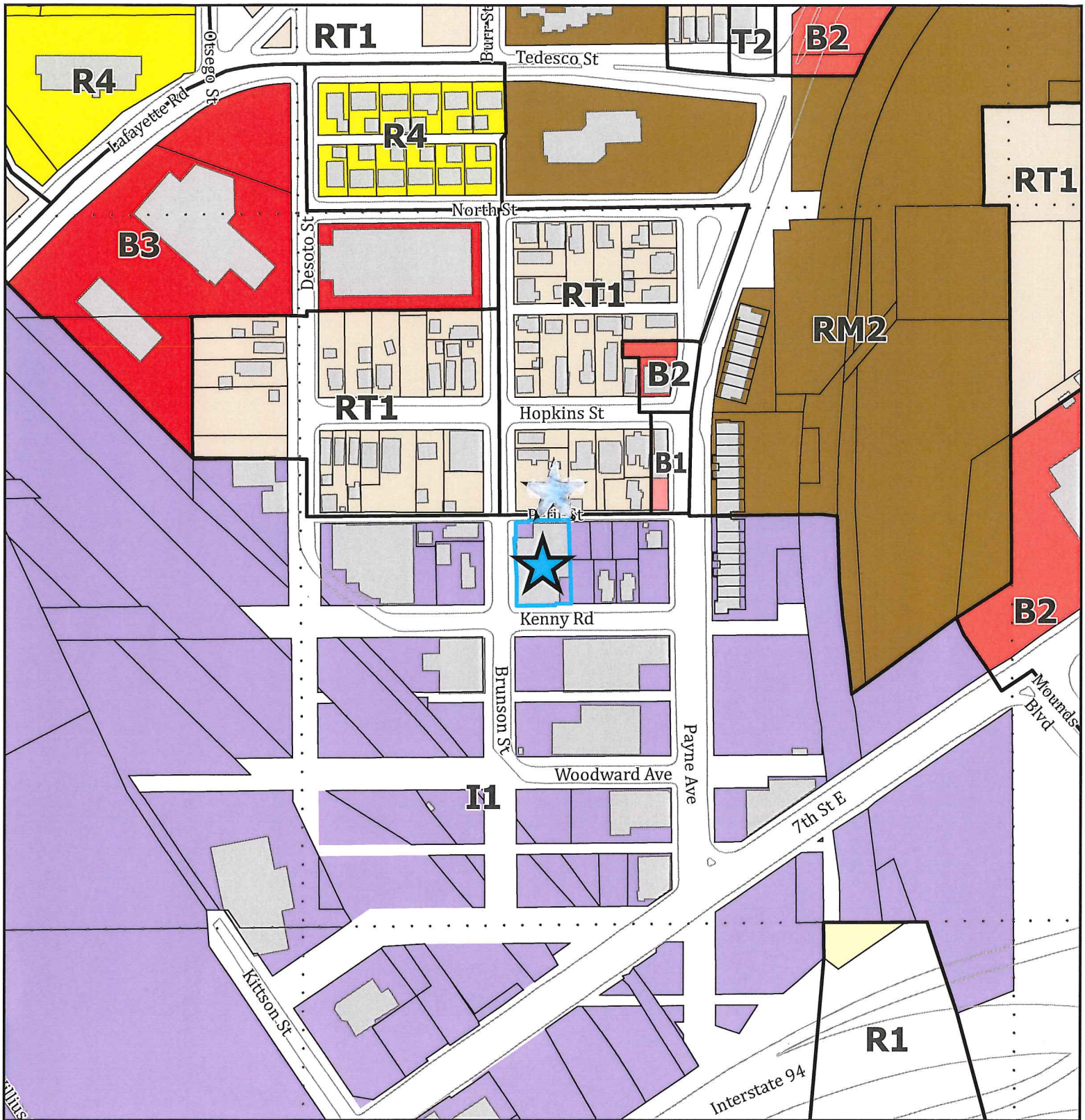
PLANNING DISTRICT: 5

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Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines





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Zoning

-  Subject Parcels
-  Section Lines
-  R1 One-Family
-  R4 One-Family
-  RT1 Two-Family
-  RM2 Multiple-Family
-  T2 Traditional Neighborhood
-  B1 Local Business
-  B2 Community Business
-  B3 General Business
-  I1 Light Industrial

