

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Chong Vang **FILE #:** 18-064-689
  2. **APPLICANT:** Chong Vang **HEARING DATE:** June 7, 2018
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 494 Farrington St, and 308-310 Sherburne, SE corner of Farrington and Sherburne
  5. **PIN & LEGAL DESCRIPTION:** 36.29.23.13.0177; 36.29.23.13.0175; 36.29.23.13.0173; Lots 7 through 9 Block 27, Warren Rice's Addition
  6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** RT1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** May 29, 2018 **BY:** Tony Johnson
  9. **DATE RECEIVED:** May 22, 2018 **60-DAY DEADLINE FOR ACTION:** July 21, 2018
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- A. **PURPOSE:** Rezone from RT1 two-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 20,683 sq. ft. = 127.75 ft. of frontage on Farrington Street x 164.6 ft. of frontage on Sherburne Ave.
- C. **EXISTING LAND USE:** Single family home (494 Farrington St), Vacant (310 Sherburne Ave), multi-family residential 4-plex (308 Sherburne Ave)
- D. **SURROUNDING LAND USE:**
  - North: Single- Family Residential and Two- Family Residential (RT1)
  - East: Single- Family Residential (RT1)
  - South: Commercial (T2)
  - West: Commercial parking lot (T2) and two- family residential (RT1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property owner has requested a rezoning to T2 in order to construct a parking lot on the subject parcels. At the time of this staff report a conceptual site plan was submitted, but the project has not yet gone through site plan review.
- G. **PARKING:** Zoning Code § 63.207 (b) reduces the minimum parking requirement by 100% for parcels zoned traditional neighborhood within a quarter mile of University Avenue. The maximum number of parking spaces for the food and beverage uses that the proposed parking will serve is roughly 65 parking spaces. Under zoning code section 63.304 surface parking on a separate lot is permitted provided it is in the same or a less restrictive zoning district as the principal use and it is within 300 feet of the building it is intended to serve.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
  1. The applicant is requesting a rezoning to T2 traditional neighborhood in to construct a new parking lot for his multi-tenant commercial building south of the subject parcels located at 307 University Avenue.

2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. The proposed zoning will allow the development of a surface parking lot to the rear of the principal structure that the parking will be serving. The proposed T2 zoning to Sherburne is consistent with other larger commercial and mixed-use developments within the central corridor with the traditional neighborhood zoning to Sherburne.
  3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are within a mixed use corridor and as such the subject parcels are suitable for a range development types. The rezoning to T2 of the subject parcels will allow them to be redeveloped over time, while increasing the viability of the existing businesses in the near term because they are not currently served by any off-street parking facilities. Providing off-street parking to make the current businesses viable is consistent with policy LU-1.50 of the comp plan which calls for facilitating the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses. The placement of the proposed parking is consistent with policy L3 of the District 7 neighborhood plan, which calls for improving parking by encouraging parking in back of buildings.
  4. The proposed zoning is compatible with the surrounding commercial and residential development in the immediate area. T2 zoning permits all of the adjacent 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.*" Rezoning the subject parcels to T2 traditional neighborhood would not constitute spot zoning. The T2 Traditional neighborhood zoning district along University Avenue is simply being extended to north to Sherburne Avenue, similar to other nearby places where this is the case.
  6. The petition for rezoning was found to be sufficient on May 11, 2018, 18 parcels eligible; 12 parcels required; 13 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to T2 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 #: 18-064689  
 Fee: 1260<sup>00</sup>  
 Tentative Hearing Date:  
6-7-18

**APPLICANT**

Property Owner(s) Chong Vang 3629 23 130177  
 Address 315 University Ave. W 3629 23 130175  
 City St. Paul State MN Zip 55103 Phone 952-486-3884 3629 23 130173  
 Contact Person Tom Cheloung Phone 952-486-3884  
 Email xtom123@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.)

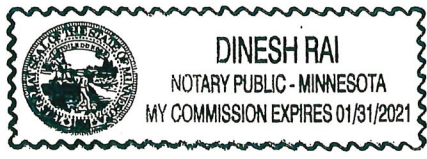
**PROPERTY LOCATION**

Address/Location 494 Farrington Ave., 310 Sherburne Ave, 308 Sherburne Ave  
 Legal Description \_\_\_\_\_  
 Current Zoning RT1  
 (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, \_\_\_\_\_  
Chong Sida Vang  
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a  
RT1 zoning district to a T2 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 05/11 20 18  
 \_\_\_\_\_  
 Notary Public



By: [Signature]  
 Fee owner of property  
 Title: 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 Blaze Property LLC  
(name of petitioner)  
to rezone the property located at 315 University Ave St Paul MN  
from a RT1 zoning district to a T2 zoning district and 494 Farrington  
310 Shurberne  
308 Shurberne TR 5/11/18
2. A copy of sections 66.30 through 66.345 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 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

Blaze property LLC to a T2 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.

*informed that 315 Univ Ave corner into a park lot*

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
301 University Ave W.	PCM2	<i>[Signature]</i>	4-30-18
353 University Ave W.	Hu. Trans	<i>[Signature]</i>	4-30-18
347 University Ave	<del>Fe...</del>	<i>[Signature]</i>	4/30/18
315 University Ave	Victoria Sunday School	<i>[Signature]</i>	5/1/18
516 Farrington St	Aly Blacford <i>Chr Stacey</i>	<i>[Signature]</i>	5/1/18
521 Farrington St	Aly Blacford	<i>[Signature]</i>	5/1/18
510 FARRINGTON ST	Church - inc	<i>[Signature]</i>	5-1-18
507 Shurberne Ave	Louis Courville	<i>[Signature]</i>	5-2-18
333 University Ave W.	Pard G Yontheas	<i>[Signature]</i>	
291 UNIVERSITY AVE.	PETER RAISAMY	<i>[Signature]</i>	5/2/18

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.

# 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 Blaze Property LLC  
(name of petitioner)  
to rezone the property located at 345 University Ave. St Paul MN  
from a RT 1 zoning district to a T2 zoning district and 494 Farrington  
310 Sherburne 300 Charbonne TD 5/11/18
2. A copy of sections T1 through T2, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 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

Blaze Property LLC to a T2 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
294 Sherburne Ave.	Naur Fairfax	[Signature]	5/3/18
290 Sherburne Ave.	Nat W. Herz / Xiang He	[Signature]	5-3-18
295 Sherburne Ave.	Mez Dawson	[Signature]	5/2/18
299 Sherburne Ave.	Thomas Butler	[Signature]	5/3/18
505 Farrington St.	Chao Lee	[Signature]	5/2/18
507 Farrington St.			
29			
330 Sherburne	Jesus Valadez	[Signature]	5/3/18
31			

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CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT  
PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Blaize Property LLC, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 42 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

5/11/18

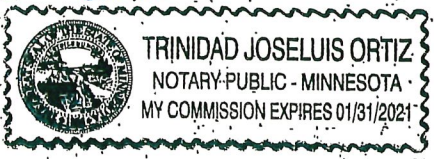
[Signature] 5/11/18

[Signature]  
NAME

315 University Ave West  
ADDRESS

(651) 261-2354  
TELEPHONE NUMBER

Subscribed and sworn to before me this  
3 day of May, 2018  
11 May 2018



[Signature]  
NOTARY PUBLIC  
[Signature]

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

5-8-18

DATE PETITION RESUBMITTED:

5-11-18

DATE OFFICIALLY RECEIVED:

DATE OFFICIALLY RECEIVED:

5-21-18

PARCELS ELIGIBLE:

18

PARCELS ELIGIBLE:

18

PARCELS REQUIRED:

12

PARCELS REQUIRED:

12

PARCELS SIGNED:

10

PARCELS SIGNED:

13

11 5/11/18

CHECKED BY:

Paul Dubrouiel

DATE:

5-10-18

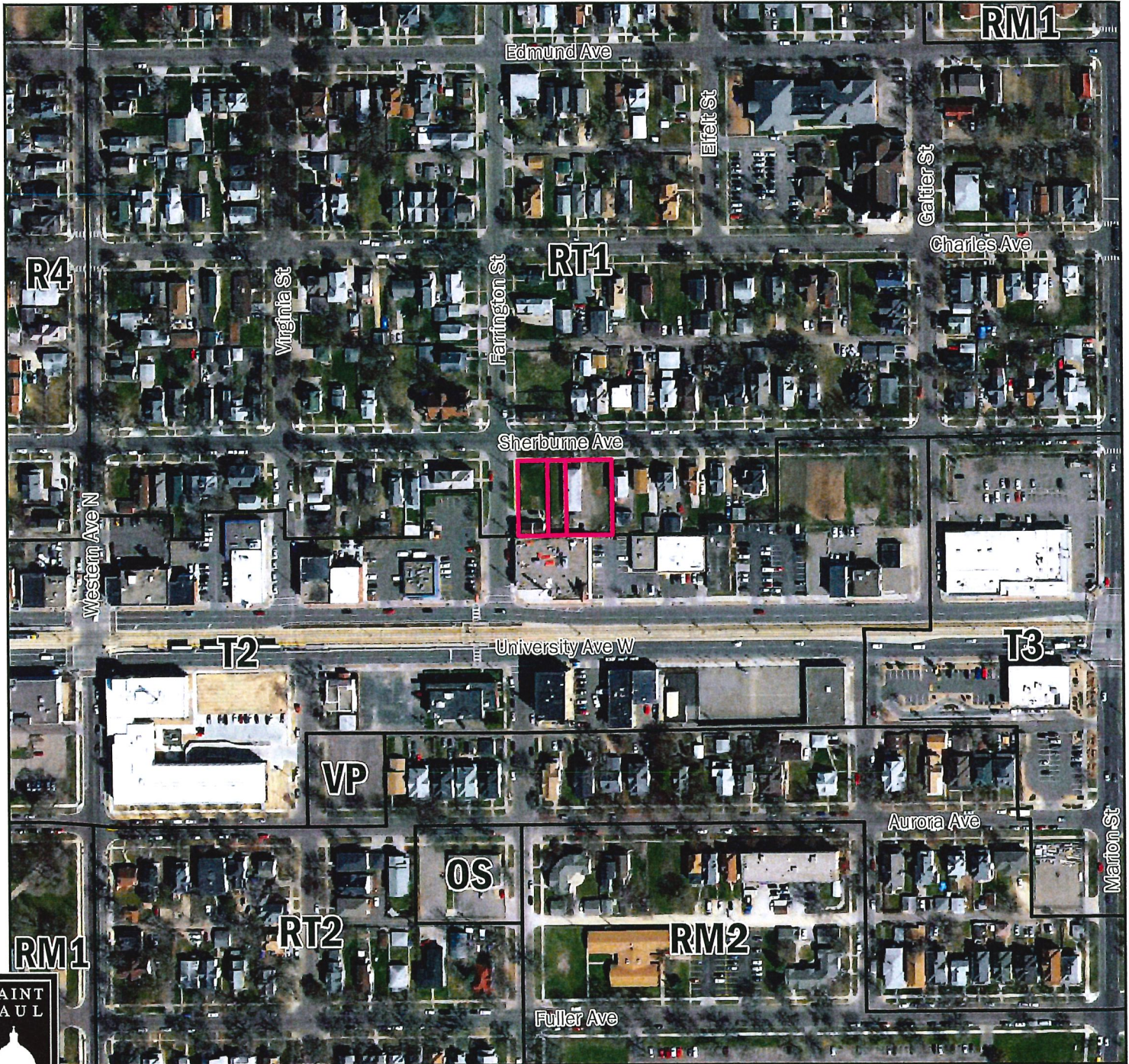
Paul Dubrouiel

5-13-18



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**FILE #18-054689 | AERIAL MAP**  
**Application of Chong Vang**

Application Type: Rezoning | Application Date: May 8th, 2018  
 Planning District: 7 | Zoning Panel: 9

**Subject Parcels Outlined in Pink**

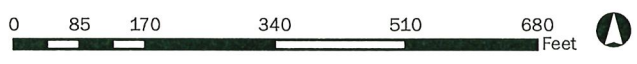


This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, State of Minnesota.



FILE #18-054689 | LAND USE MAP  
**Application of Chong Vang**

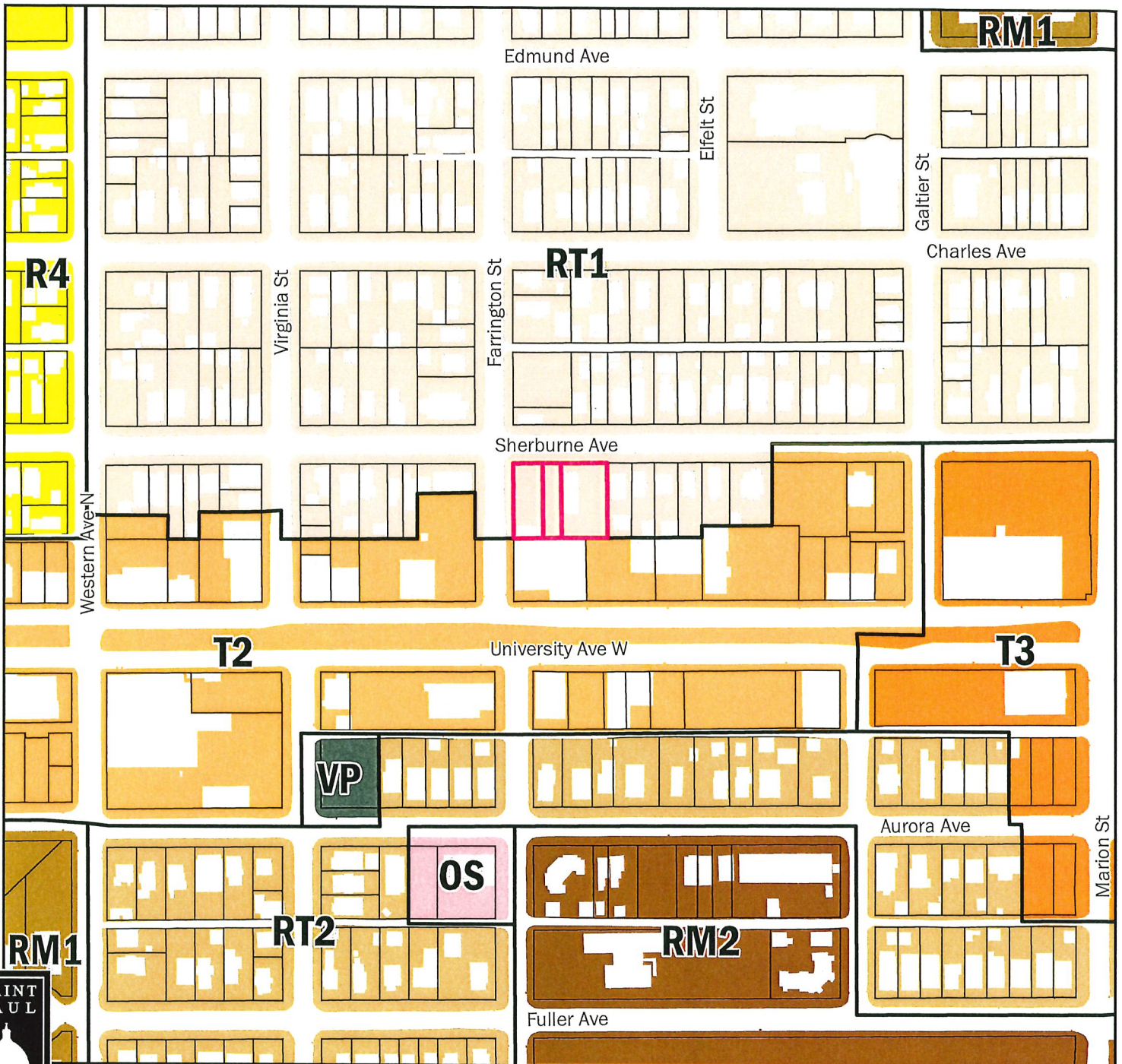
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**Subject Parcels Outlined in Pink**

- |                           |                                |                                |
|---------------------------|--------------------------------|--------------------------------|
| Farmstead                 | Retail and Other Commercial    | Park, Recreational or Preserve |
| Seasonal/Vacation         | Mixed Use Residential          | Golf Course                    |
| Single Family Detached    | Mixed Use Industrial           | Major Highway                  |
| Manufactured Housing Park | Mixed Use Commercial and Other | Railway                        |
| Single Family Attached    | Industrial and Utility         | Airport                        |
| Multifamily               | Extractive                     | Agricultural                   |
| Office                    | Institutional                  | Undeveloped                    |
|                           |                                | Water                          |

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FILE #18-054689 | ZONING MAP  
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**Subject Parcels Outlined in Pink**

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction