

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Reza Inc. **FILE #:** 19-003-730
 2. **APPLICANT:** Reza Inc. **HEARING DATE:** January 31, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 770 Grand Avenue, south side between Avon and Grotto
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.42.0079; Lot 8, Block 8, Summit Park Addition
 6. **PLANNING DISTRICT:** 16 **EXISTING ZONING:** BC
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** January 24, 2019 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** January 10, 2019 **60-DAY DEADLINE FOR ACTION:** March 10, 2019
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- A. **PURPOSE:** Rezone from BC community business (converted) to T2 traditional neighborhood.
- B. **PARCEL SIZE:** The rectangular shaped parcel has about 40 feet of frontage on Grand Avenue and is about 150 feet in depth for a total lot area of about 6,000 square feet.
- C. **EXISTING LAND USE:** Commercial and residential uses in a residential structure in a BC zone. There is one dwelling unit in the structure and space for one commercial tenant.
- D. **SURROUNDING LAND USE:** The property is adjacent to single family (R4) uses on the south and a multifamily (RM2) use on the east. The property is surrounded by commercial uses on the north, east, and west that include restaurants, retail and service, and coffee and ice cream shops in BC, B2, and B3 zones.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** A sign district permit was approved in 1984. The existing residential structure accommodates space for one commercial tenant and one dwelling unit. The commercial portion of the structure is currently vacant; the previous commercial use was a salon. The commercial space includes 700 square feet on the main level and 700 square feet in the basement; customers have access to the space on the main level. The commercial space is ADA accessible from the rear of the building via a ramp.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 4 off-street parking spaces for the proposed uses in the building: 1 space for the dwelling unit and 3 spaces for commercial floor area (1 space per 400 square feet of gross floor area of 1,400 square feet). The previous residential/salon uses also required 4 spaces. There are 4 parking spaces on site; 1 space in the garage and 3 surface spaces at the rear of the property that are accessible from the alley.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 16 Summit Hill Association had not commented on the application at the time the staff report was drafted.
- I. **FINDINGS:**
 1. The applicant owns the property and is requesting rezoning to allow a prospective tenant to establish a tea house serving ice cream, treats, and hot beverages. The building on site is a single family home converted to commercial and residential use. The commercial space in the building is currently vacant but was most recently used as a salon. There is a single residential dwelling unit on the second floor of the building that is occupied and will continue to be occupied for residential use.
 2. The proposed zoning is consistent with the way this area has developed. Traditional neighborhood districts are intended to foster the development and growth of compact,

pedestrian-oriented mixed housing and commercial development along major streets. The districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increase transit usage. Grand Avenue is an existing transit corridor. The proposed T2 zoning is a more appropriate zone than a B2 zone because of the existing residential structure on the property. T2 allows both residential and commercial uses and offers greater flexibility for future use of the residential structure. If the property were rezoned to B2 there would be more restrictions on residential uses than there would be in T2.

3. The proposed zoning is consistent with the Comprehensive Plan. Grand Avenue is identified on the land use map as a mixed use corridor. It is a primary thoroughfare through the city that is served by public transit and includes areas where two or more uses could be located in the same building or in close proximity. Policy 1.23 in the land use plan calls for guiding development along mixed use corridors. Policy 1.24 calls for support of a mix of uses on mixed use corridors. Policy 1.47 supports compatible mixed use within single buildings and in separate buildings in close proximity.

The Summit Hill/District 16 Neighborhood Plan's vision for Grand Avenue is as an eclectic mix and balance of housing, and small-scale shops, restaurants, and services, both locally and nationally owned, for residents and visitors. Strategy G1 of the plan states, *Maintain Grand Avenue as a continuous neighborhood retail and residential corridor and contain commercial uses and accessory parking within existing boundaries.* Strategy G4 states, *Retain BC (commercial uses in residential structures) and residential zoning on Grand Avenue. Discourage rezoning of residential uses on Grand Avenue to more intensive uses.* Strategy G7 states, *the Summit Hill Association recommends implementing mechanisms for supporting and retaining small, locally-owned businesses.*

4. The proposed zoning in this stretch of Grand Avenue is compatible with surrounding uses which include restaurants, retail, service, and coffee and ice cream shops. The zoning is also compatible with the transit corridor that runs along Grand Avenue. While the T2 dimensional standards allow building heights of 35 feet, and a maximum height of 45 feet with a conditional use permit, the East Grand Avenue Overlay District, § 67.602, limits commercial building heights to three stories and 30 feet, mixed commercial-residential building heights to three stories and 36 feet, and residential or institutional building heights to three stories and 40 feet. No additional height based on setbacks is allowed.
 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.*" Uses permitted under the proposed T2 zoning are similar to the residential uses permitted in the adjacent RM2 multiple-family residential district on one side, and to the commercial uses permitted in the adjacent B2 community business district on the other side. T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to rezone from BC community business (converted) to T2 traditional neighborhood at 770 Grand Avenue.



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 #: 19-003730
 Fee: 1260⁰⁰
 Tentative Hearing Date:
1-31-19

PD-16

#022823420079

APPLICANT

Property Owner(s) REZA INC.
 Address 2933 HWY 13 W
 City BURNSVILLE State MN Zip 55337 Phone 952-800-0911
 Contact Person SHAB SHAKIBI Phone 952-800-0911
 Email REZAINCPROPERTY@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.)

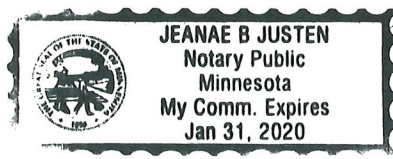
PROPERTY LOCATION

Address/Location 770 GRAND AVE., ST. PAUL, MN 55105
 Legal Description Lot 8, Block 8, Summit Park Addition
to st. Paul Current Zoning BC
 (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, Reza Inc.,
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
BC zoning district to a T2 zoning district, for the purpose of:
Sales of ice cream, treats, and hot beverages.
(Tea house).
 (Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
 Date January 10 2019
Jeanae Justen
 Notary Public



Shab Shakibi
 By: SHAB SHAKIBI
 Fee owner of property
 Title: OFFICER

Subscribed and sworn to before me
 Date Jan 10 2019
[Signature]
 Notary Public

By: _____
 Fee owner of property
 Title: _____

Treats

CEREAL BAR & BOBA

We provide a nostalgic experience within every bite. We pursue to invite many different cultures to intermix in one familiarity, which are our childhood memories and new ones as we take on our favorite cereal choices. Most of us have an early memory of grabbing our favorite cereal box in the pantry and pouring ourselves a generous bowl of cereal and milk. The best part? Slurping the last bit of cereal milk. If you don't recall, we've got you covered. At Treats, we have ice cream, cereal, milk, shakes, and bubble tea. You can pick from your favorite cereals and we'll blend it into a delicious ice cream swirl. We value community and we invite the neighborhood to take a stroll down memory lane. Bring your love ones to share an incredible experience and most importantly a good treat! We look forward to being a part of the community and bringing good synergy.

770 Grand Avenue and low density residential and retail/service uses to the east



Parking, restaurant, and retail uses to the west



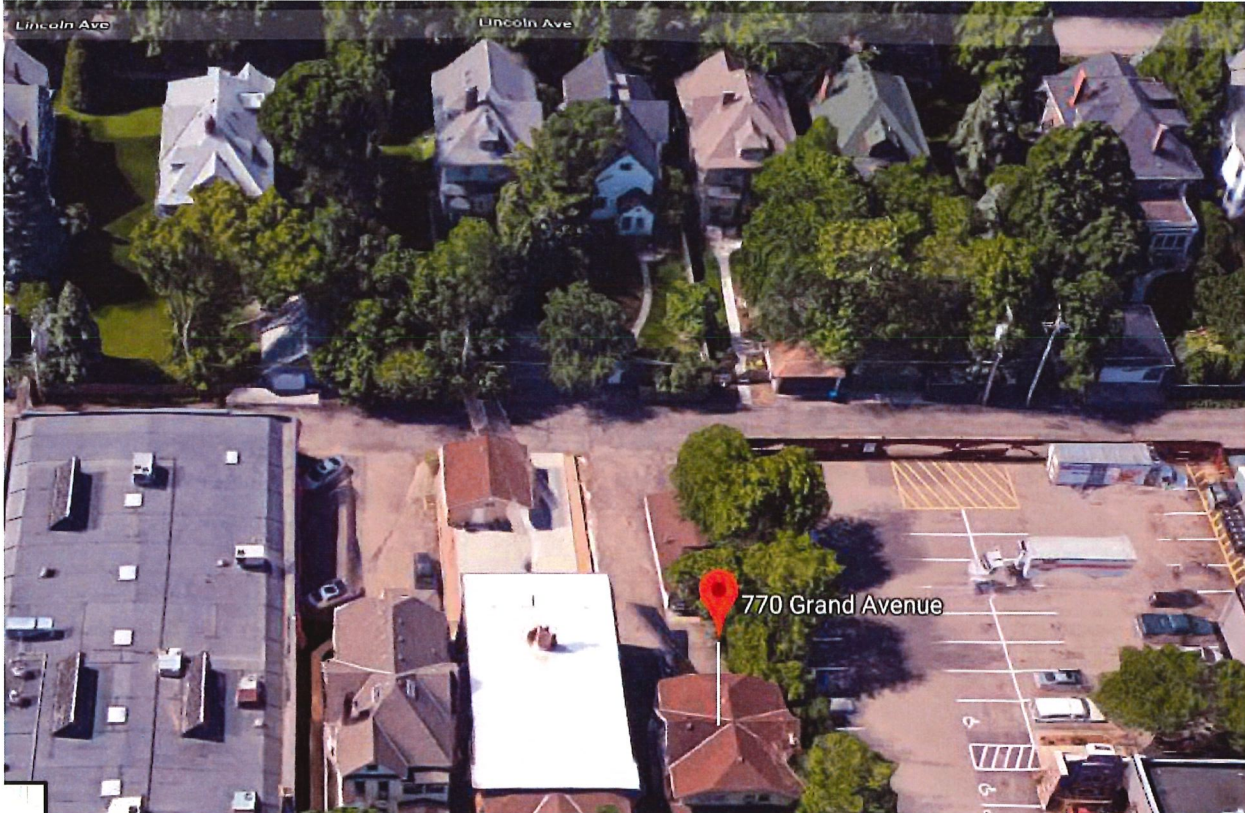
Restaurant, coffee shop, and medium density residential uses to the south

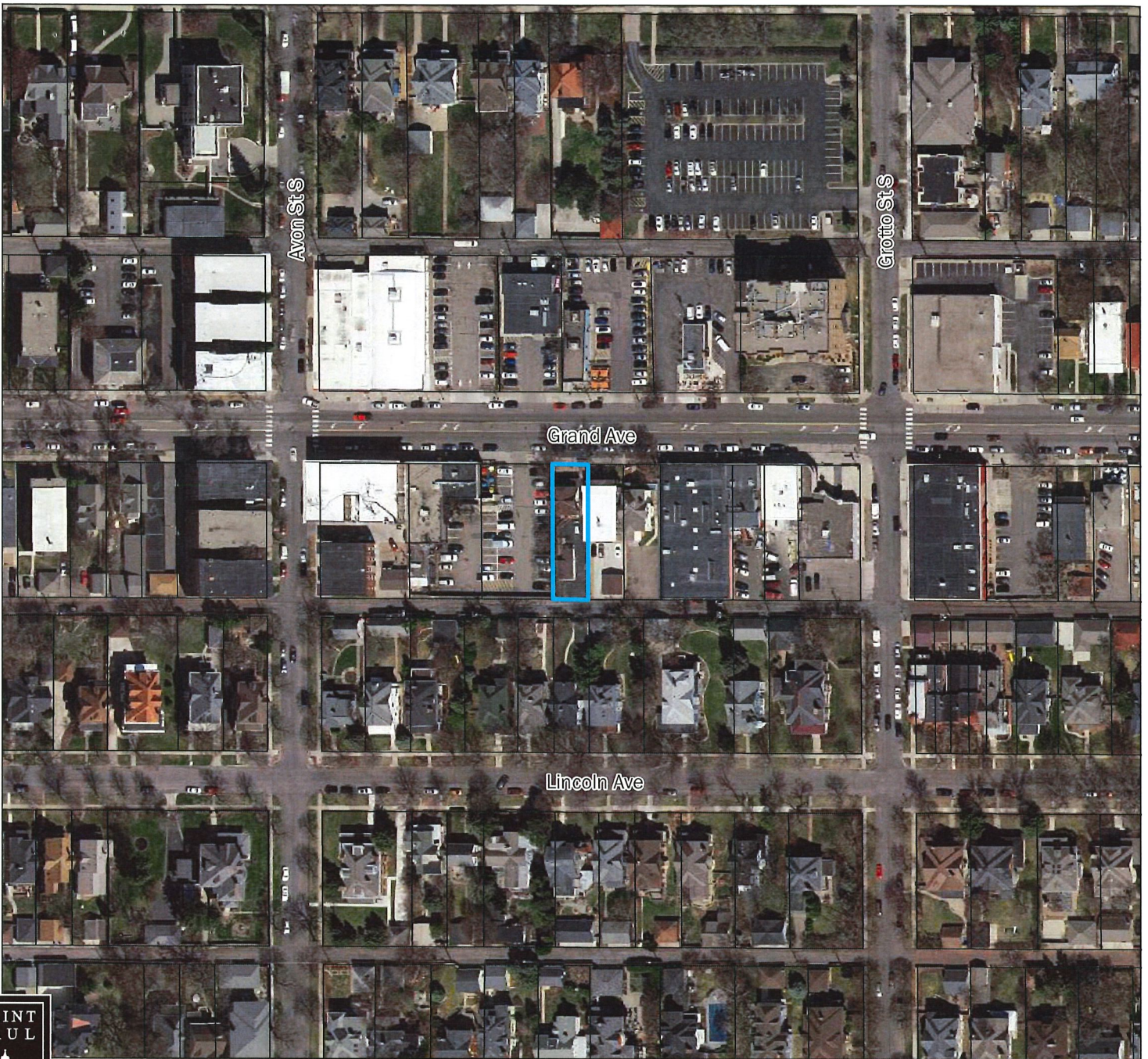


View of 770 Grand Avenue from the alley



Back yards of single family homes fronting on Lincoln Avenue that abut the alley of 770 Grand





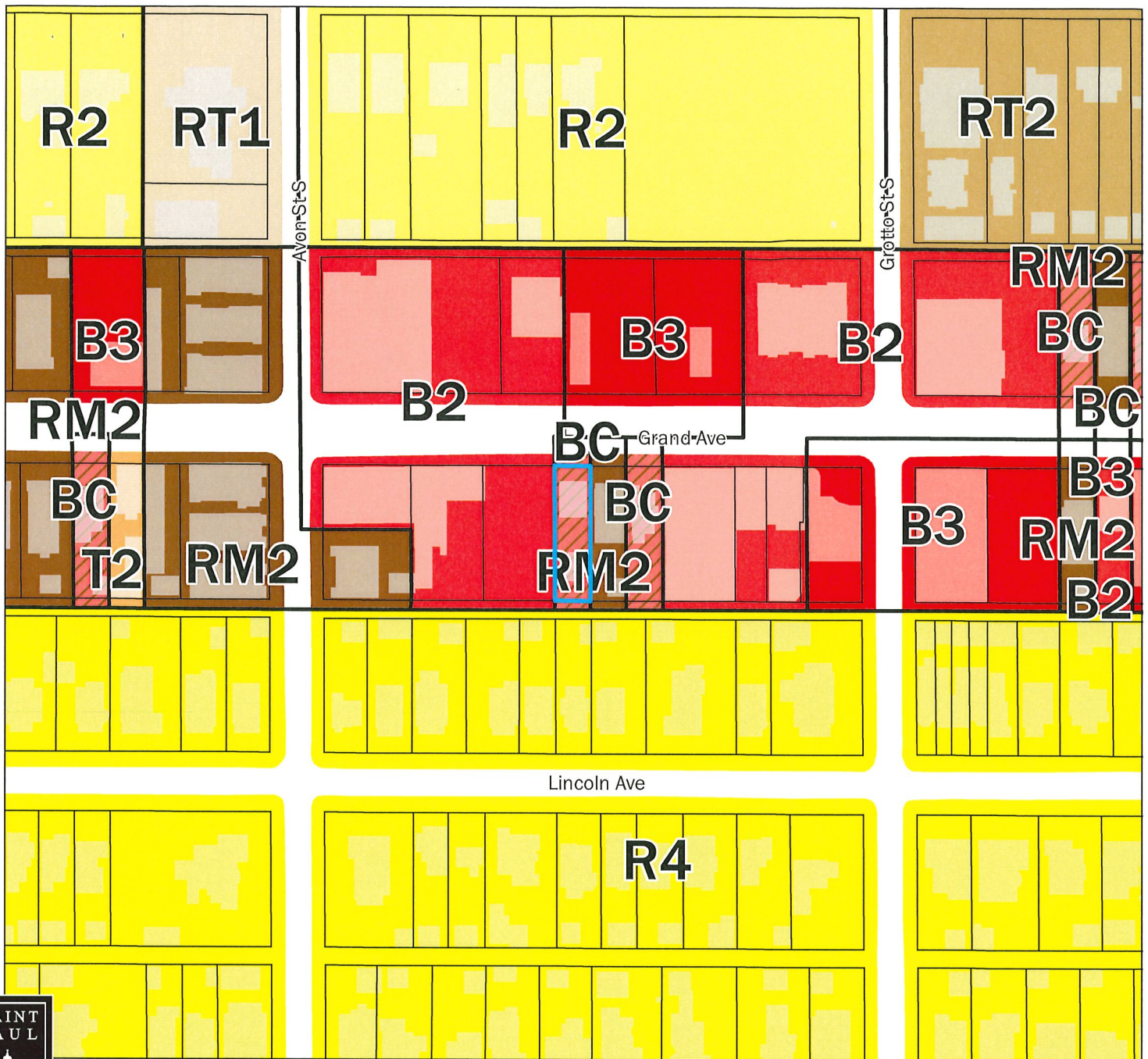
FILE #19-003730 | AERIAL MAP
Application of Reza Inc.

Application Type: Rezone
Application Date: January 10, 2019
Planning District: 16

Subject Parcel Outlined in Blue



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, Metropolitan Council, State of Minnesota.



FILE #19-003730 | ZONING MAP
Application of Reza Inc.

Application Type: Rezone
 Application Date: January 10, 2019
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Subject Parcel Outlined in Blue

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|-------------------------|-----------------------------|-----------------------------------|------------------------------|
| 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 |



FILE #19-003730 | LAND USE MAP
Application of Reza Inc.

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Subject Parcel Outlined in Blue

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