

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dr. David Wetherill **FILE #:** 19-081-471
 2. **APPLICANT:** Dr. David Wetherill **HEARING DATE:** September 26, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 600 and 602 Lawson Avenue West, south side between Dale and Loeb
 5. **PIN & LEGAL DESCRIPTION:** Lots 12 thru 14, Block 13; Como Prospect Addition; PINs 25.29.23.23.0060 and 25.29.23.23.0061
 6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** RM2
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** September 19, 2019 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** September 4, 2019 **60-DAY DEADLINE FOR ACTION:** November 2, 2019
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- A. **PURPOSE:** Rezone from RM2 multiple-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** The property has about 79 feet of frontage on Lawson Avenue and is about 135 feet in depth for a lot area of about 10,676 square feet.
- C. **EXISTING LAND USE:** Duplex structure being used for office and residential uses.
- D. **SURROUNDING LAND USE:**
 - North:** Residential uses in an R4 zone.
 - South:** Residential uses in an RM2 zone.
 - East:** Residential uses, including a six-unit apartment building in an RM2 zone.
 - West:** Commercial uses, including a veterinary clinic, in a B3 zone.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There are no previous zoning cases concerning this property.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of six off-street parking spaces; five for the commercial use and one for the residential use. Seven off-street spaces are provided, accessible from the alley.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The North End Neighborhood Organization supports the rezoning application; see attached letter at the end of the staff report.
- I. **FINDINGS:**
 1. The applicant owns and operates the Como Park Animal Hospital at 1014 Dale Street North. The applicant purchased property at 600 and 602 Lawson Avenue West in 1982 and has been using the duplex for residential use (Unit 2 on the second floor) and for commercial storage for the animal hospital use to the west (Unit 1 on the main level and in the basement), as well as for a meeting area, break room, and occasional conferences. The garage is used for commercial storage and employee parking occurs on the paved area behind the duplex. In addition, dumpsters for the animal hospital use are in front of the garage at 600 and 602 Lawson Avenue West. The applicant states that the area behind the duplex was paved to accommodate additional off-street parking in response to neighbors' complaints about animal hospital employees parking on the street.

2. In January 2019 a fire correction notice was issued as part of the certificate of occupancy inspection stating that the commercial use of the property does not conform to the residential zoning of the property. The notice stated that the basement unit was being used as an office and to house animals in the kennels and that commercial parking for the commercial use to the west was occurring on the residentially zoned property. The applicant petitioned to rezone the property to T2 to make the zoning of the property conform to the use of the property. The applicant states that the kennel in the basement is used for the owner's dog and occasionally for the tenant's dog and that the kennel is not used for the animal hospital's clients. The correction notice is pending before the Legislative Hearing Officer and a hearing was scheduled for September 10, 2019; the applicant has been granted an extension to pursue the rezoning petition. The applicant stated he was unaware of any zoning compliance issues until the recent inspection and is working to correct the situation.
 3. The proposed zoning is consistent with the way the area has developed and with the intent of the T2 zoning district. T2 zoning is designed for use in existing and potential pedestrian and transit nodes. The property is with a Neighborhood Center as defined in the comprehensive plan and within a Neighborhood Node in the 2040 Comprehensive Plan. T2 is a flexible zoning district that allows for residential or commercial uses or a mix of uses, as the applicant currently uses the property.
 4. The proposed zoning is consistent with the Comprehensive Plan. The Land Use chapter of the Comprehensive Plan identifies the subject property as being in a Neighborhood Center, which is described as compact mixed-use areas that historically developed adjacent to major intersections. Neighborhood Centers are served by transit and include two or more of the following uses: residential, commercial retail and office, small scale industry, institutional, and open space. Policy 1.14 in the Land Use Plan states, "Plan for growth in Neighborhood Centers" and policy 1.15 states, "Promote Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences."
 5. The proposed zoning is compatible with the surrounding uses. The site is just east of property in a B3 zone along Dale Street and is just west of a multifamily apartment building and within a Neighborhood Center. The applicant has been using the property for commercial uses for many years without complaint, except for complaints about employee parking on neighborhood streets, which led to paving space to accommodate off-street parking. The proposed zoning, T2, allows veterinary clinics. The definition of veterinary clinic (§ 65.536) is "An establishment for the routine examination, medical or surgical treatment and care of domestic household pets generally with overnight boarding facilities for pets in care but without kenneling of animals" and the standards and conditions for the use are, "All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited. In traditional neighborhood and B2 business districts, there shall be no kenneling of animals not under medical treatment."
 6. The petition to rezone was found to be sufficient on September 4, 2019: 16 parcels eligible; 11 required; and 11 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to rezone property at 600 and 602 Lawson Avenue West from an RM2 district to a T2 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 #: 9-081471
 Fee: 1260
 Tentative Hearing Date:
9-26-19

APPLICANT

Property Owner(s) Dr. David W. Wetherill, DVM
 Address 836 County Road B West
 City Roseville State MN. Zip 55113 Phone 612-910-0910
 Contact Person ALAN J. ROERS Phone 612-816-4378
 Email alroers@cs.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 600-602 LAWSON
 Legal Description Como Prospect Addition Lots 12, 13 and 14
Blk 13 Current Zoning RM2
 (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, _____
Dr. David W. Wetherill
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
RM2 zoning district to a T2 zoning district, for the purpose of:
See Attached ... for the Purpose of:
 CK 18401
 1260⁰⁰
 pdd
 (Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
 Date 8/22 2019
Chor Her Thao
 Notary Public



By: David W. Wetherill
 Fee owner of property
 Title: Property Owner

... for the purpose of:

Continuing to utilize the property as has been done since 1982. Dr. David W. Wetherill DVM is the sole owner of the Como Park Animal Hospital and AfterHours Veterinary Care, a Pet Hospital and an Emergency Pet Clinic.

The property in question is next door to the Animal Hospital at 602 Lawson in Saint Paul, Minnesota. The Animal Hospital is zoned T2 and the subject property is zoned RM2. The 602 Lawson property has been used by the Animal Hospital since 1982. It has been used in part to park doctor and late night staff (the Hospital is open 24 hours a day) automobiles to keep our staffs safe at night and years ago at the request of the neighbors to keep the cars off the street in front of their homes. The property has also been used by the Pet Hospital for space to conduct meetings and conferences. The living room has a large conference table for that purpose. Further the basement area has always been used to store many file cabinets with Como Park Animal Hospital related documents for safe keeping. The Kitchen is used as an occasional staff break room.

The parking area at 602 Lawson was expanded to allow for six cars to be parked across the Pet Hospital parking lot at the request and approval of the neighbors.

We have always been concerned with safety for our employees and this area is well lit at night. Our clinic is small and the 602 property is necessary for the professional care and safety that we provide our clients, staff and of course, their pets.

We are not asking to change what we have been doing since 1982. We are asking for the zoning to be changed to allow us to continue to do what we have been allowed to do for well over 20 years. We have been inspected many times over the years and have always been granted our "Certificate of Occupancy" without exception. Only recently we have been informed that we are not compliant with the current zoning, so we now are requesting to be rezoned as RM2. We are disheartened that the inspections we have had continually, waited over 20 years to inform us that we were non-compliant. We wish to be compliant, so we are before you requesting a change in zoning. All neighbors we asked to sign the

petition were glad to assist us in this endeavor. No one we discussed the rezoning have turned down our request.

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

8/22/19

DATE PETITION RESUBMITTED:

9/4/19

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE:

16

PARCELS ELIGIBLE:

16

PARCELS REQUIRED:

11

PARCELS REQUIRED:

11

PARCELS SIGNED:

10

PARCELS SIGNED:

11

CHECKED BY:

Paul D.

DATE:

8-23-19



North End Neighborhood Organization (District 6)
171 Front Avenue
Saint Paul, MN 55117
651-488-4485
ed@nenostpaul.org

September 9, 2019

Zoning Committee of the Planning Commission
15 West Kellogg BLVD
Saint Paul MN 55102

RE: Rezone 600 and 602 Lawson Avenue West from RM2 to T2

Commissioners:

The North End Neighborhood Organization recommends rezoning 600 and 602 Lawson Avenue West from RM2 to T2. The Land Use and Housing Committee met with the applicant to discuss the proposal. Como Park Animal Hospital utilizes the main floor of the duplex for business use, primarily storage.

The property was recently inspected and the owners were instructed to cease using the property for any reason. A rezone was applied for and it is our understanding that the petition requirements have been met. Since the first floor has been used for storage and light business for decades and there have been no issues or neighborhood complaints the North End supports the rezone.

Thanks for considering our recommendation and if you have questions please contact the office at the numbers above.

Regards

A handwritten signature in blue ink that reads "Karin Groening".

Karin Groening
Board Chair

Cc: Ward 5

600 - 602 Lawson Street – Rezone



Subject property



Rear of subject property



Residential uses to the north



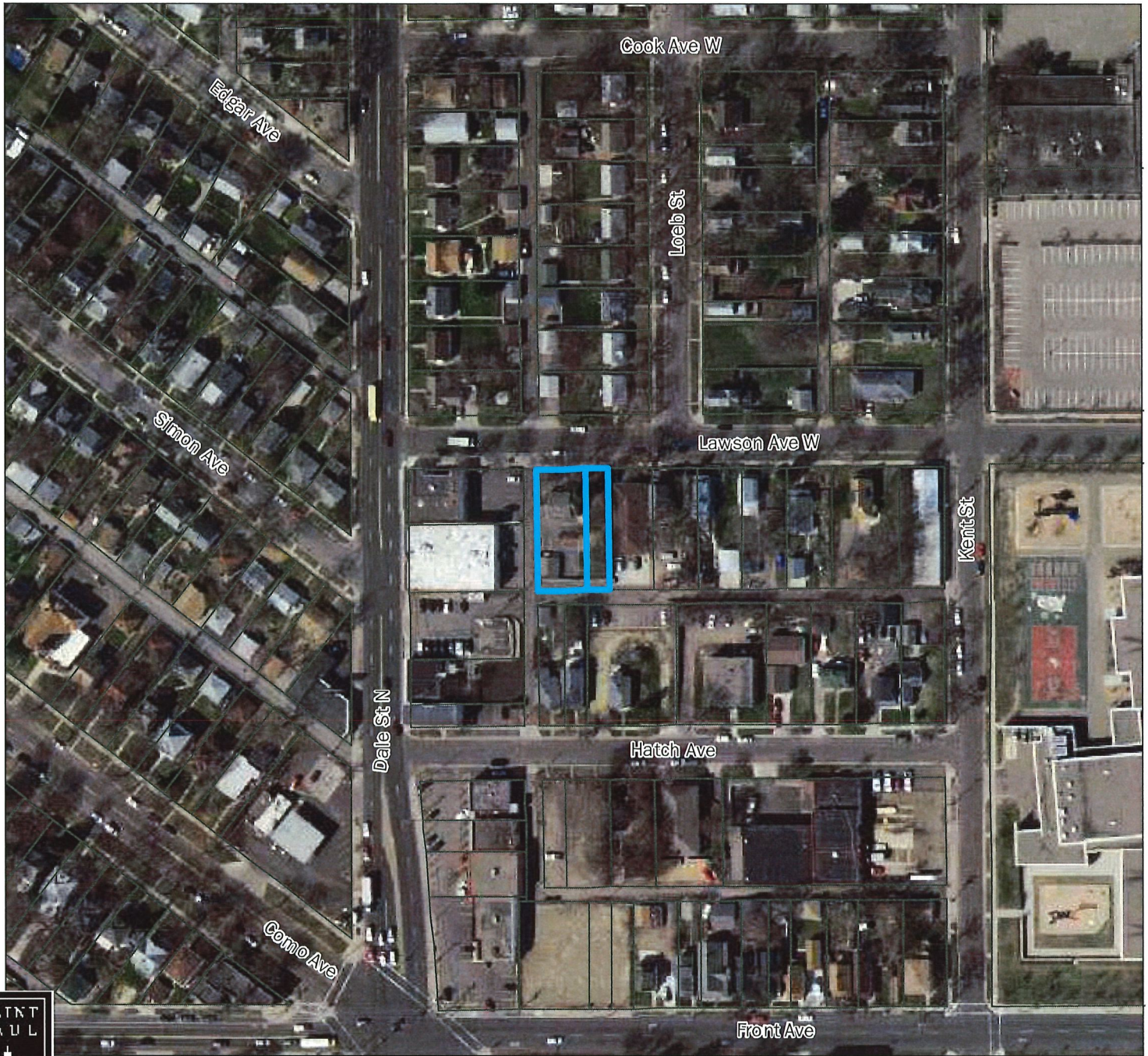
Residential uses to the east



Residential uses to the south



Commercial uses to the west



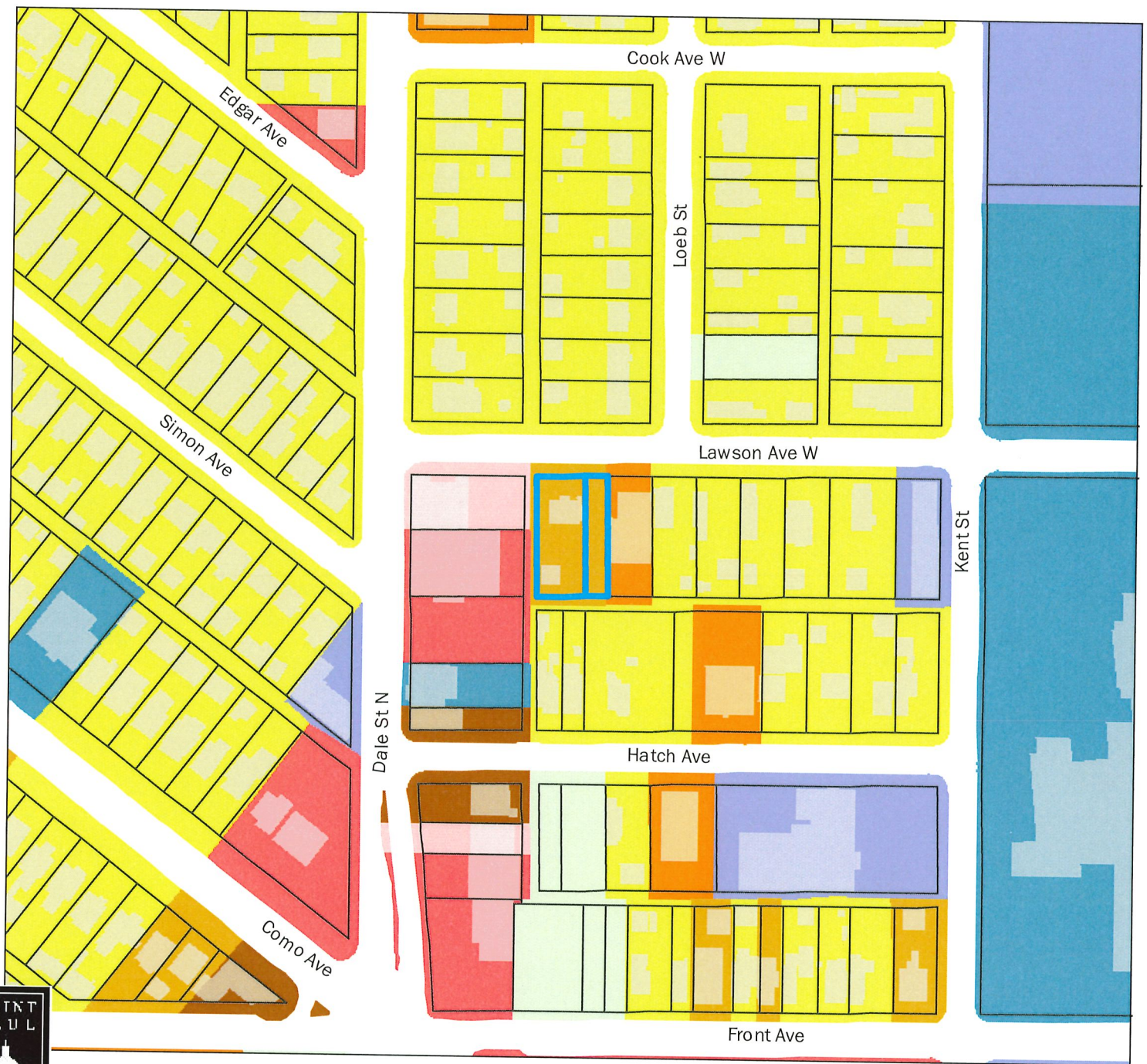
FILE #19-081471 | AERIAL
Application of Dr. David Wetherill

Application Type: Rezone
Application Date: August 22, 2019
Planning District: 6



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 source: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel(s) Outlined in Blue



FILE #19-081471 | Existing Land Use
Application of Dr. David Wetherill

Application Type: Rezone
 Application Date: August 22, 2019
 Planning District: 6



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Subject Parcel(s) Outlined in Blue

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



FILE #19-081471 | Zoning Application of Dr. David Wetherill

Application Type: Rezone
 Application Date: August 22, 2019
 Planning District: 6



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Subject Parcel(s) Outlined in Blue

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