

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 978 Front Ave Rezoning **FILE #:** 20-031-121
 2. **APPLICANT:** 978 Front Llc c/o Theodore N Benson **HEARING DATE:** May 21, 2020
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 978 Front Ave, SW corner at Chatsworth Street
 5. **PIN & LEGAL DESCRIPTION:** 262923320001; Como Park Addition, Lots 1-2, Bockl 1
 6. **PLANNING DISTRICT:** 10 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §§ 61.801(b), 66.313
 8. **STAFF REPORT DATE:** May 14, 2020 **BY:** Josh Williams
 9. **DATE RECEIVED:** April 30, 2020 **60-DAY DEADLINE FOR ACTION:** June 29, 2020
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- A. **PURPOSE:** Rezone from B2 community business to T2 traditional neighborhood.
- B. **PARCEL SIZE:** approx. 7,318 sq. ft.
- C. **EXISTING LAND USE:** Mixed-use
- D. **SURROUNDING LAND USE:**
 - North: Two-family residential (RT1) and commercial (B2)
 - South: Two-family residential (RT1)
 - East: Cemetery (R4)
 - West: Commercial (B2)
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner. § 66.313 describes the intent of the T2 traditional neighborhood district.
- F. **HISTORY/DISCUSSION:** There is no notable zoning history for the property.
- G. **PARKING:** Zoning Code § 63.207 requires minimum parking based on use. In this case, the applicant is not currently proposing a change in use, and the proposed zoning change will not alter the parking requirement. Any future change in use would need to meet applicable parking requirements.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 10 Land Use Committee has recommended approval of the rezoning. The District 10 Como Community Council Board will vote on the recommendation on Tuesday, May 19.
- I. **FINDINGS:**
 1. The applicant is seeking rezoning to allow more flexible use of the subject property. Specifically, the applicant wants to be able to potentially use the existing first floor commercial space for a residential use. Under the current B2 zoning, at least half of the first floor is required to be used for a commercial purpose.
 2. The proposed zoning is consistent with the way this area has developed. Front Avenue was historically a street car line, and developed with a fine-grained mix of uses, which is reflected in the current zoning along Front Avenue. The proposed zoning is consistent with this existing mix of uses. The intent of the T2 traditional neighborhood district is to “foster and support compact, pedestrian-oriented commercial and residential development” and encourage “a variety of uses and housing types”. (§ 66.313).

3. The proposed zoning is consistent with the Comprehensive Plan. Policy 1.24 of the Land Use Chapter of the 2030 Saint Paul Comprehensive Plan states that the City should “Support a mix of use on Mixed-Use Corridors”. The proposed zoning will increase the range of allowed uses of the subject property, and the portion of Front Avenue where the subject property is located is designated as a Mixed-Use Corridor. Policy HLU 1.5 of the District 10 Como Community Plan calls for a small area plan for the Como/Front/Dale intersection and for Front Avenue between Dale and Lexington, where the subject property is located. The policy states that among the purposes of the study should be to identify commercial and residential redevelopment opportunities.
 4. The proposed zoning is compatible with the surrounding existing land uses. The area is a mix of low-density multifamily residential and commercial uses. A cemetery is located to the east of the subject property.
 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 is not “spot zoning”. The proposed zoning allows for a similar type and intensity of land uses as the current B2 zoning. The block face on which the property is located is approximately half B2 zoning currently.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of property located at 978 Front Avenue from B2 community business to T2 traditional neighborhood.



REZONING APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

APPLICANT

Property Owner(s) 978 Front LLC - Theodore Benson & Janet Pope members
 Address 1248 Como Blvd E City St Paul State MN Zip 55117
 Email ted@jpoppe.com Phone 651-494-2662
 Contact Person (if different) same Email _____
 Address _____ City _____ State _____ Zip _____
(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 INFO

Address/Location 978 Front Avenue, St Paul, MN 55103
 PIN(s) & Legal Description 262923320001
(Attach additional sheet if necessary.)
Lots 1 and 2, Block 1, Como Park, Ramsey County, Minnesota
 Lot Area 0.17 acre Current Zoning B2

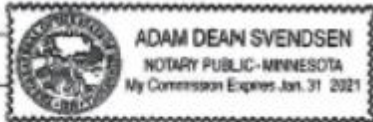
TO THE HONORABLE MAYOR AND CITY COUNCIL:
 Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Theodore N Benson and Janet L Pope,
 sole members of 978 Front LLC,
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
B2 zoning district to a T2 zoning district, for the purpose of:
 increasing the flexibility of uses for the building to allow for the possibility of 100% residential
 use without eliminating the possibility of commercial or mixed commercial/residential uses.

Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date Apr: 1 30th 2020

[Signature]
Notary Public



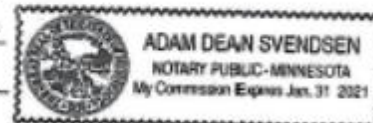
By: [Signature]
Fee owner of property

Title: member

Subscribed and sworn to before me

Date Apr: 1 30th 2020

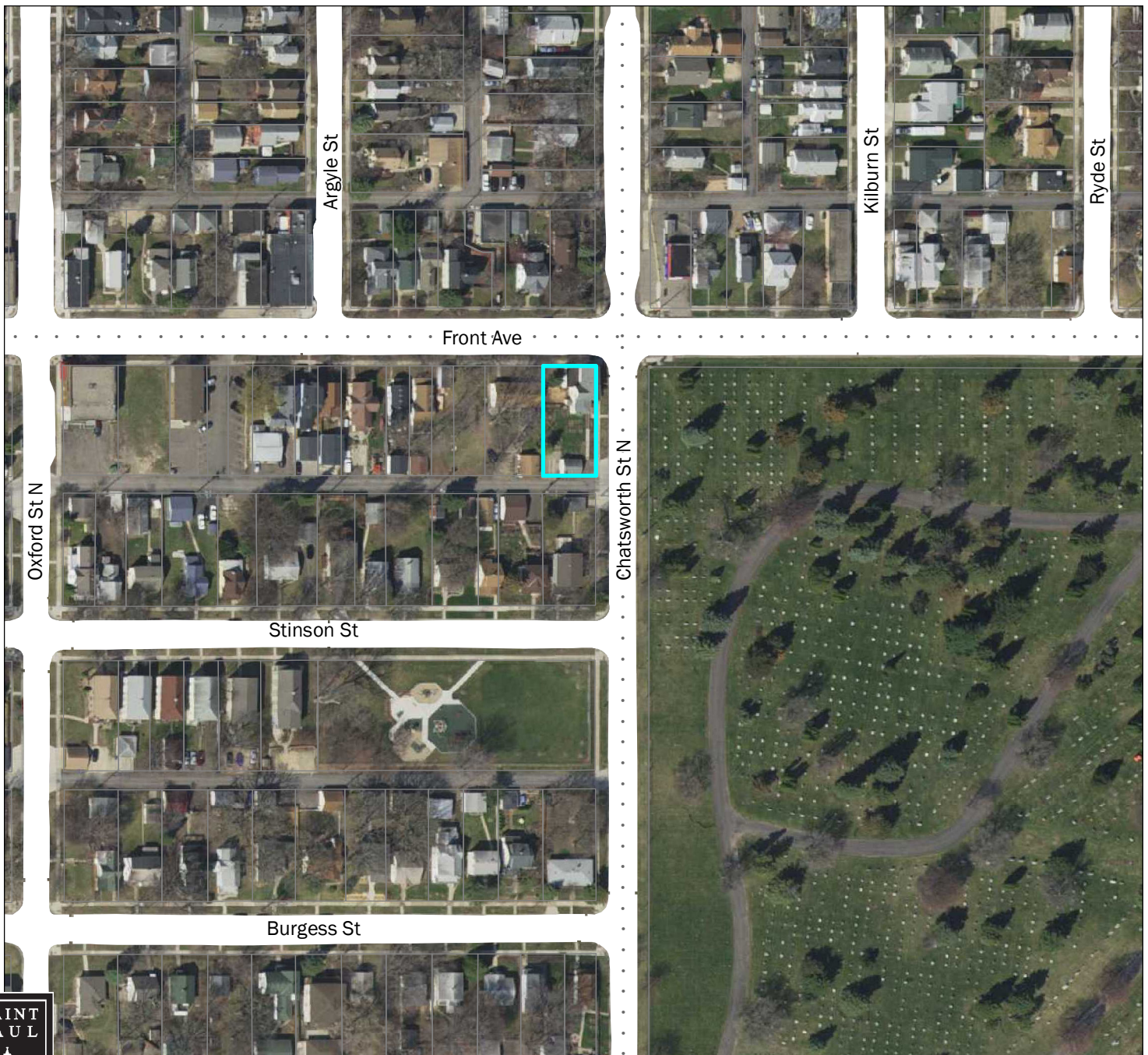
[Signature]
Notary Public



By: [Signature]
Fee owner of property

Title: member



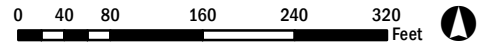


FILE #20-031-121 | AERIAL MAP
Application of 978 Front LLC

Application Type: Rezone
 Application Date: April 30, 2020
 Planning District: 10

Subject Parcel(s) Outlined in Blue

ParcelPoly on

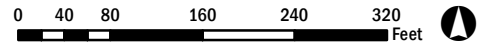


This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data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



FILE #20-031-121 | Existing Land Use
Application of 978 Front LLC

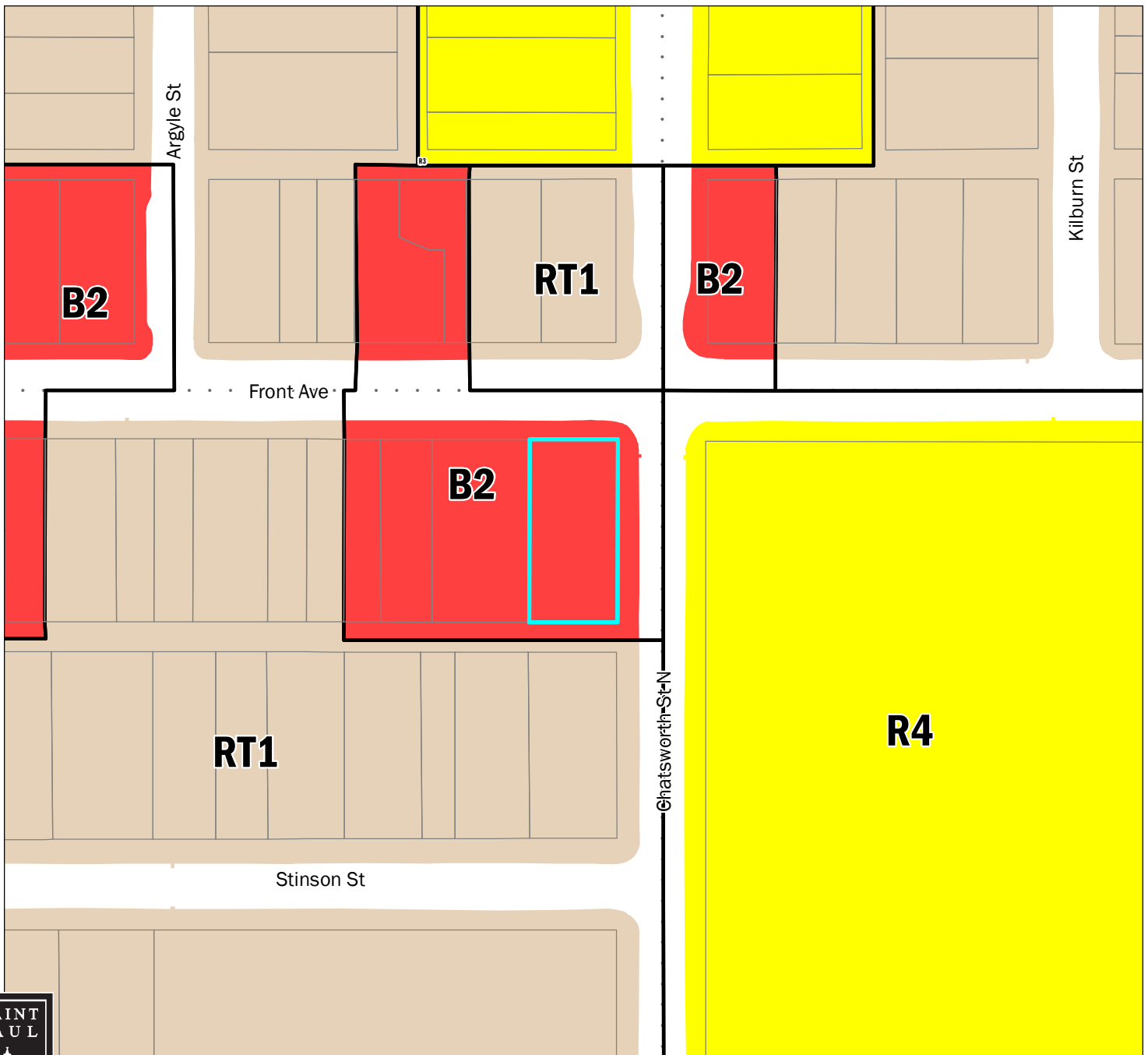
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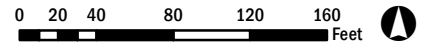
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on | Multifamily | Industrial and Utility | Railway |
| 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 | |



FILE #20-031121 | Zoning map
Application of 978 Front LLC

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Subject Parcel(s) Outlined in Blue

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