

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Keith Schroeder **FILE #:** 20-076-198
 2. **APPLICANT:** Keith Schroeder **HEARING DATE:** October 8, 2020
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 981 Fuller Avenue, NW corner at Chatsworth Street
 5. **PIN & LEGAL DESCRIPTION:** 35.29.23.32.0089; Lot 16, Block 4, University Subdivision
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** September 30, 2020 **BY:** Tony Johnson
 9. **DATE RECEIVED:** Sept. 21, 2020 **60-DAY DEADLINE FOR ACTION:** Nov. 20, 2020
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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 42 ft. frontage on Fuller x 120.25 ft. frontage on Chatsworth = 5050.5 sq. ft.
- C. **EXISTING LAND USE:** Mixed Use – commercial space is vacant
- D. **SURROUNDING LAND USE:**
 - North: Single Family Dwelling (RT1)
 - East: Single Family Dwelling (R4)
 - South: Duplex (R4)
 - West: Duplex (R4)
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The subject property was originally constructed in 1909 as a mixed-use structure. In 1922, when in zoning when the first zoning code was enacted, the subject property was zoned B residence. The property has been zoned R4 one-family residential since 1975 when the modern zoning code was adopted.
- G. **PARKING:** No parking is required. Per section 63.207 (b) there are no minimum parking requirements for parcels zoned traditional neighborhood within a quarter mile of University Avenue. The applicant is proposing to rezone the parcel to T2, Traditional neighborhood.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff.
- I. **FINDINGS:**
 1. The applicant is proposing to rezone the subject property to T2 traditional neighborhood in order to reestablish a commercial use in the first floor of an existing mixed-use structure.
 2. The proposed zoning is consistent with the way this area has developed. The subject property, along with the majority of the properties in the immediate area, was developed before the first zoning code was adopted in 1922. As a result, nonconforming mixed-use structures such as the subject structure exist throughout the neighborhood, typically near historic streetcar stops. The proposed 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 subject property is in close proximity to the Lexington transit node and the proposed zoning is consistent with the historical pattern of development in the immediate area.

3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is in an area defined by the comprehensive plan as an urban neighborhood. Urban neighborhoods are predominately residential in nature, but they are also appropriate for neighborhood serving commercial uses. Policy LU-36 of the 2040 comprehensive plan calls for promoting neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development. This roughly 3000 square foot mixed use structure is compatible the scale of nearby residential and commercial uses and is consistent with this policy. The subject property is also within the Lexington Neighborhood Node. The proposed zoning is consistent with Policy LU-31, which calls for investing in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services. T2 zoning will enable a long time vacant commercial space to be rehabilitated and a new retail establishment to be established in this neighborhood node. Policy 22 of the District 8 plan calls for continued efforts to foster minority business start-ups, retentions, and expansions from within the community. The proposed rezoning will help facilitate the development of a new minority owned business in this district, and therefore it is consistent with this policy.
 4. The proposed zoning is compatible with the surrounding residential uses and commercial uses along University and Lexington Avenue. The scale of the use is compatible with the scale of the nearby residential 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.”* There are T2 and T3 zoning districts within a block of the subject parcel. The proposed rezoning to T2 traditional neighborhood would not constitute spot zoning.
 6. The petition for rezoning was found to be sufficient on September 23: 15 parcels eligible; 10 parcels required; 11 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 one-family residential to T2 traditional neighborhood at 981 Fuller Avenue.



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) Keith Schroeder / Byron Copeland

Address 981/983 Fuller Ave. City St. Paul State MN Zip 55104

Email bcopeland@gmail.com Phone ~~612-730-1800~~ 612-387-9792

Contact Person (if different) Vonnie Copeland - 612-715-8209 Email cvonnie@hotmail.com

Address 925 Marshall Ave. City St. Paul State MN Zip 55104

(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 981/983 Fuller Ave.

PIN(s) & Legal Description _____
(Attach additional sheet if necessary.)

Lot 16, Block 4, University Subdivision of lots 1, 2, 3 and 8, Hyde Park Lot Area 16 Block 4 Current Zoning R4

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, vs. 613

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R4 zoning district to a T2 zoning district, for the purpose of:

The commercial building, which was utilized as a corner store, was rezoned to a residential building. I would like to have the building zoned to a T2 so that I can create a corner store for the neighborhood. I have spoken to the neighbors and they would welcome this idea, with an idea of creating a place to come sit and have coffee and just relax.

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 8/31 2020

Jennifer Wong
Notary Public



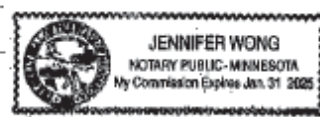
By: Keith Schroeder
Fee owner of property

Title: Fee owner

Subscribed and sworn to before me

Date 8/31 2020

Jennifer Wong
Notary Public



By: Byron Copeland
Fee owner of property

Title: Fee owner

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Byron Capeland, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of ___ 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.

Byron Capeland
NAME

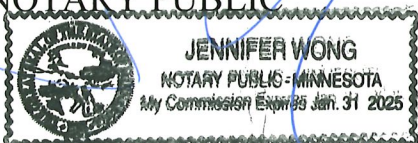
981 FULLER AVE ST PAUL MN
ADDRESS

651-352-2900
TELEPHONE NUMBER

Subscribed and sworn to before me this

14 day of September, 2020.

NOTARY PUBLIC



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 Keith Schroeder
(name of petitioner)
 to rezone the property located at 981/983 Fuller Avenue, St. Paul, MN 55104
 from a Residential (R4) zoning district to a Commercial (T2) zoning district and;
2. A copy of sections 66.321 through 65.613, 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

Keith Schroeder 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
976 Fuller Ave	Nathan Crymble		8-9-2020
986 Fuller	Ross Hunter		8-9-2020
986 Fuller Ave	Carl Erickson		8-9-2020
985-87 Fuller AVE	Emmett Booker		9-10-20
991 Fuller Ave	May Lososo		9-13-2020
995 Fuller AVE	Carlton + Lettie McCalister		9-13-2020
988 Fuller Ave	Alteria McCalister		9-13-2020
982 AURORA AV	Colbourne Hunter		9-14-20
985-87 Fuller	Fam Booker		9-14-20

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 signature of this petition may withdraw his/her name therefrom by written request within that time.

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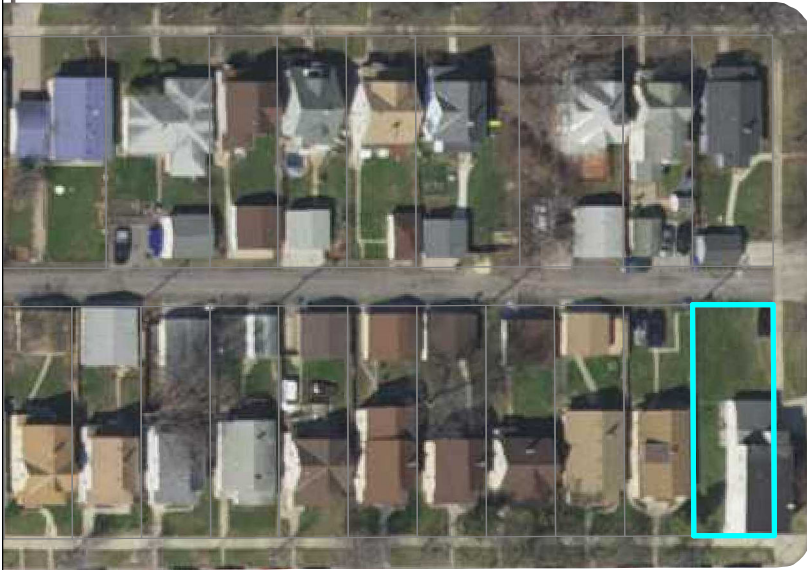
We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
1) 996 Aurora Ave.	Darcie Farrell	<i>[Signature]</i>	8/26/20
2) 996 Aurora Ave	Cavan Farrell	<i>[Signature]</i>	8/26/20
3) 980 Fuller Ave	Teng Vang	<i>[Signature]</i>	8/26/20
7) 977 FULLER AVE	ESTHER CLARK	<i>[Signature]</i>	8/26/20
978 Fuller Avenue	HAROLD MINISTER	<i>[Signature]</i>	8/26/20
1) 988 Aurora Ave	<i>[Signature]</i>	<i>[Signature]</i>	8-22-20
984 Aurora Ave.	B. Thierich	<i>[Signature]</i>	9-1-2020
994 Fuller Ave	YOLANDA PRECIADO	<i>[Signature]</i>	9-2-2020
984 Aurora	STEPHANIE WRIGHT	<i>[Signature]</i>	9-5-20
991 Fuller Ave	Lenneth Strickfield	<i>[Signature]</i>	9-5-20
981 Fuller Ave	KEITH SCHROEDER	<i>[Signature]</i>	9-8-20
977 Fuller Ave	Aaron Clark	<i>[Signature]</i>	9-12-20

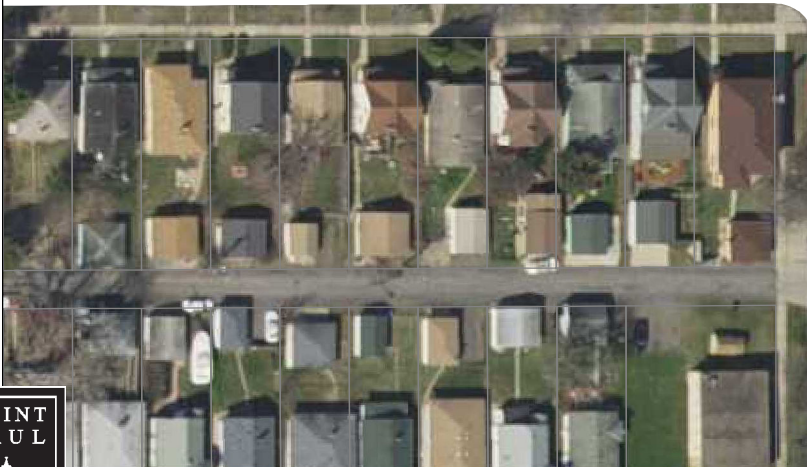
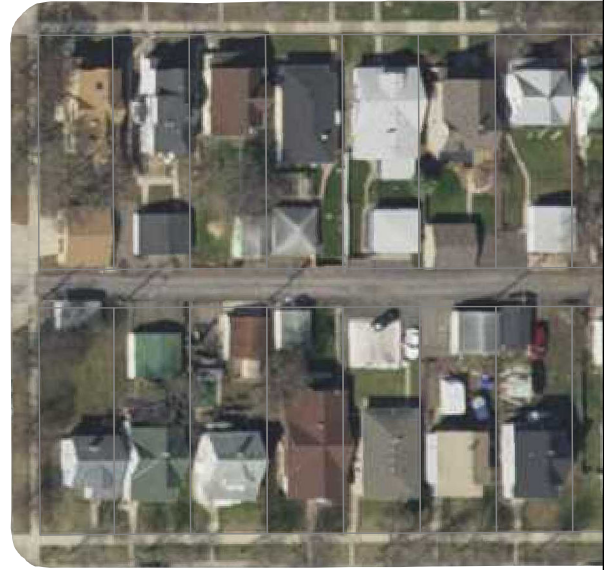
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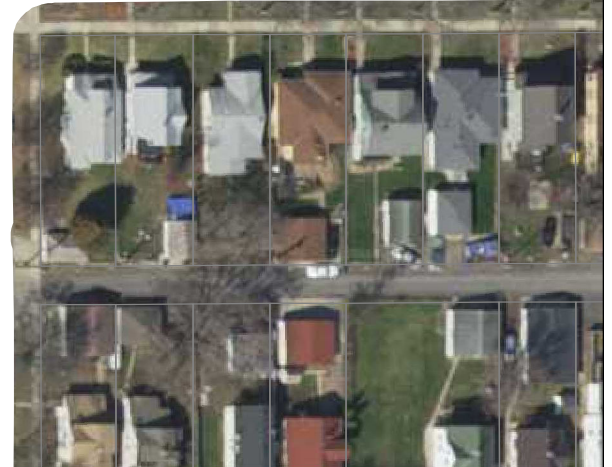
Aurora Ave



Fuller Ave



Chatsworth St N

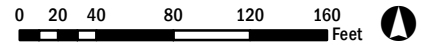


FILE #20-076-198 Aerial Map Application of Keith Schroeder

Application Type: Rezone
Application Date: September 15, 2020
Planning District: 8

Subject Parcel(s) Outlined in Blue

ParcelPoly on

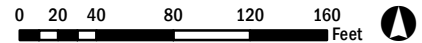


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FILE #20-076-198 Existing Land Use
Application of Keith Schroeder

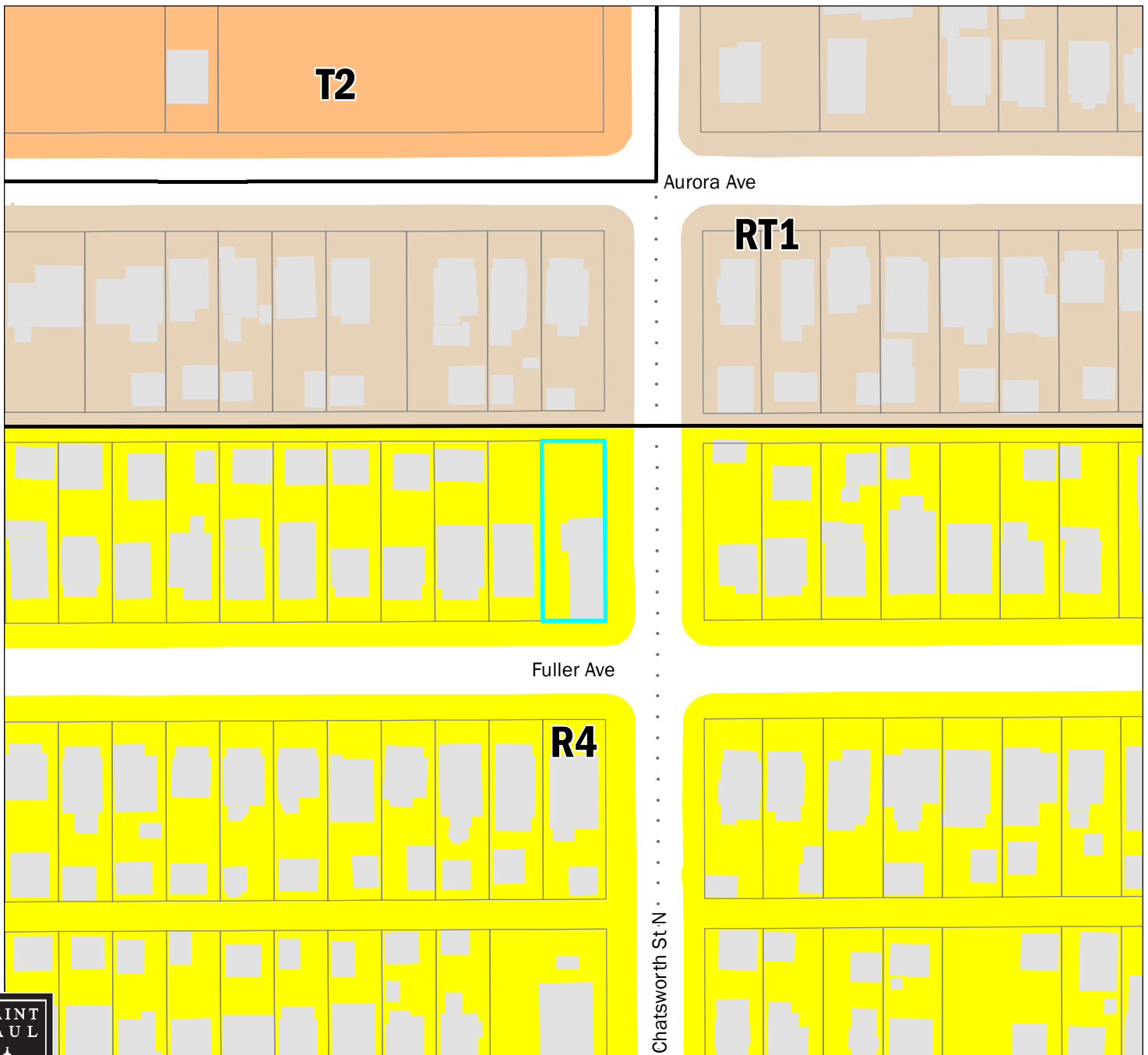
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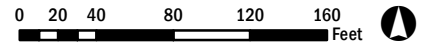
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 #20-076-198 Zoning map Application of Keith Schroeder

Application Type: Rezone
Application Date: September 15, 2020
Planning District: 8



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Subject Parcel(s) Outlined in Blue

Parcel Poly 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	