

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** PPL Hamline Station LLC **FILE #** 14-087-893
 2. **APPLICANT:** PPL Hamline Station LLC **HEARING DATE:** January 30, 2014
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1334 Sherburne Ave, SE corner at Hamline Ave
 5. **PIN & LEGAL DESCRIPTION:** 342923130176, Syndicate No 5 Addition Lots 13 14 And Lot 15 Blk 31
 6. **PLANNING DISTRICT:** 11 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §61.801
 8. **STAFF REPORT DATE:** January 22, 2014 **BY:** Josh Williams
 9. **DATE RECEIVED:** January 8, 2014 **60-DAY DEADLINE FOR ACTION:** March 9, 2014
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- A. **PURPOSE:** Rezone eastern 9.73 ft of parcel from T2 traditional neighborhood to R4 one-family residential
- B. **PARCEL SIZE:** Approx. 12,120 sq. ft.
- C. **EXISTING LAND USE:** Surface parking (currently not in use/vacant)
- D. **SURROUNDING LAND USE:**
 - North: Multifamily residential (RM2), single-family residential (R4)
 - East: Single-family residential (R4)
 - South: Vacant (slated for redevelopment as mixed-use) (T2)
 - West: Single-family residential (R4)
- E. **ZONING CODE CITATION:** §61.801 provides for the City Council's authority to amend the zoning code
- F. **HISTORY/DISCUSSION:** The subject property was rezoned from B2 community business to T2 traditional neighborhood pursuant to the Central Corridor zoning study.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 11 Council had not made a recommendation as of the writing of this report.
- H. **FINDINGS:**

1. Project for Pride in Living (PPL) currently owns 1334 Sherburne. The property was acquired with the purchase of the former Midway Chevrolet site, which also includes all property on the block south of the alley. PPL is redeveloping the entire site with two mixed-use buildings. The majority of the parcel at 1334 Sherburne will be re-used as surface parking. The easternmost approximately 10 feet of the property will be sold to the owner of the adjoining property at 1326 Sherburne. An application for adjustment of common boundary has been filed. The applicant is applying to have the portion of the property being sold rezoned to R4 residential, the current zoning of the property at 1326 Sherburne. An existing fence providing screening between the residential property and the surface parking will be conveyed as part of the transaction.

2. The proposed zoning is consistent with the way the area has developed. The purpose of the sale of the property and associated common boundary adjustment is to make the portion of the subject property under consideration a part of the adjoining property at 1326 Sherburne. The proposed zoning will prevent the parcel at 1332 Sherburne from becoming split-zoned, and will be consistent with the adjacent T2 and RM2 zoning.

3. The proposed zoning is consistent with the Comprehensive Plan. Policy LU1.15 calls for the City to *identify residential areas where single-family, duplex housing, and small multi-*

family housing predominate as Established Neighborhoods. The policy goes on to state that the City should maintain the character of Established Neighborhoods. The proposed rezoning will help to improve the transition between the Mixed-Use Corridor of University Avenue and the adjacent Established Neighborhood, thereby helping to maintain the character of the Established Neighborhood.

4. The proposed zoning is compatible with surrounding uses. The rezoning will provide for better screening between the existing surface parking and residential use.

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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property." The proposed zoning will not constitute spot zoning. The net effect will be to move the boundary between adjacent, existing, large areas of T2 and R4 zoning.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the application to rezone the eastern 9.73 ft of parcel 342923130176, Syndicate No 5 Addition Lots 13 14 And Lot 15 Blk 31, located at 1334 Sherburne, from T2 traditional neighborhood to R4 one-family residential.



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 #: 14-087893
 Fee: _____
 Tentative Hearing Date: 1-30-14

PD=11
 #

342923130176

APPLICANT

Property Owner PPL Hamline Station LLC
 Address 1035 E Franklin Ave
 City Minneapolis St. MN Zip 55404 Daytime Phone 612-455-5100
 Contact Person (if different) Rick Dallmeyer Phone 612-455-5218

PROPERTY LOCATION

Address/Location Parcel B of 1334 Sherburne Ave (See attached Certificate of Survey). This petition is being submitted concurrently with a Lot Split Application
 Legal Description See attached Certificate of Survey for legal descriptions.
 Current Zoning T2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes;

PPL Hamline Station LLC, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a T2 zoning district to a R4 zoning

district, for the purpose of: Selling the parcel to the neighbor residing at 1326 Sherburne Ave, who's fence is currently encroaching on the parcel in question. A Certificate of Survey is attached showing the parcel we intend to split off of 1334 Sherburne Ave for sale to the neighbor residing at 1326 Sherburne Ave.

(attach additional sheets if necessary)

Attachments as required: ☒ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

this 7th day

of January, 2014

Genevieve Williams Murph
 Notary Public

By: Barbara McCormick
 Fee owner of property

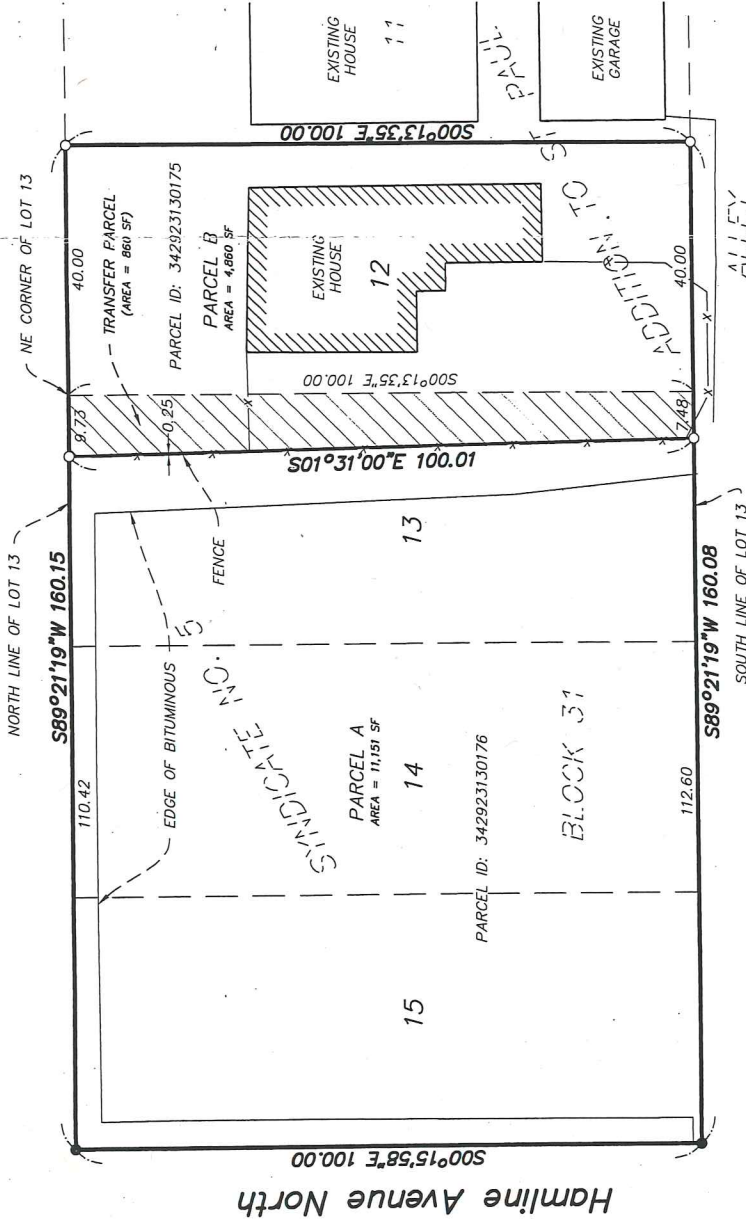
Title: Chief Manager



Rev. 11/21/13

CERTIFICATE OF SURVEY

Sherburne Avenue



EXISTING DESCRIPTION FOR PID NO. 342923130176
Lots 13, 14 and 15, Syndicate No. 5 Addition to St. Paul, Ramsey County, Minnesota, according to the record plat thereof.

PROPOSED DESCRIPTION: PARCEL A
Lots 14, 15 and that part of Lot 13, Block 31, Syndicate No. 5 Addition to St. Paul, Ramsey County, Minnesota, according to the record plat thereof which lies west of the following described line:

Commencing at the northeast corner of said Lot 13; thence South 89 degrees 21 minutes 19 seconds West, assumed bearing along the north line of said Lot 13, a distance of 9.73 feet to the point of beginning of the line to be described; thence South 01 degree 31 minutes 00 seconds East, a distance of 100.01 feet to the south line of said Lot 13 and said line there terminating.

EXISTING DESCRIPTION FOR PID NO. 342923130175
Lot 12, Syndicate No. 5 Addition to St. Paul, Ramsey County, Minnesota, according to the record plat thereof.

PROPOSED DESCRIPTION: PARCEL B
Lot 12 and that part of Lot 13, Block 31, Syndicate No. 5 Addition to St. Paul, Ramsey County, Minnesota, according to the record plat thereof which lies east of the following described line:

Commencing at the northeast corner of said Lot 13; thence South 89 degrees 21 minutes 19 seconds West, assumed bearing along the north line of said Lot 13, a distance of 9.73 feet to the point of beginning of the line to be described; thence South 01 degree 31 minutes 00 seconds East, a distance of 100.01 feet to the south line of said Lot 13 and said line there terminating.

REQUESTED BY:

PROJECT FOR PRIDE IN LIVING



Drawn by: CDH

Date: 12/20/13

Job No:

00019555.00

00019555EXF02.dwg

SURVEYOR'S NOTE:
1) The purpose of this survey is to adjust the property line between the owners of Lot 12 and Lot 13. The "Transfer Parcel" is to be attached to Parcel ID: 342923130175 as shown hereon.

○ Denotes Iron Monument to be Set upon approval of lot line adjustment by the City of St. Paul.

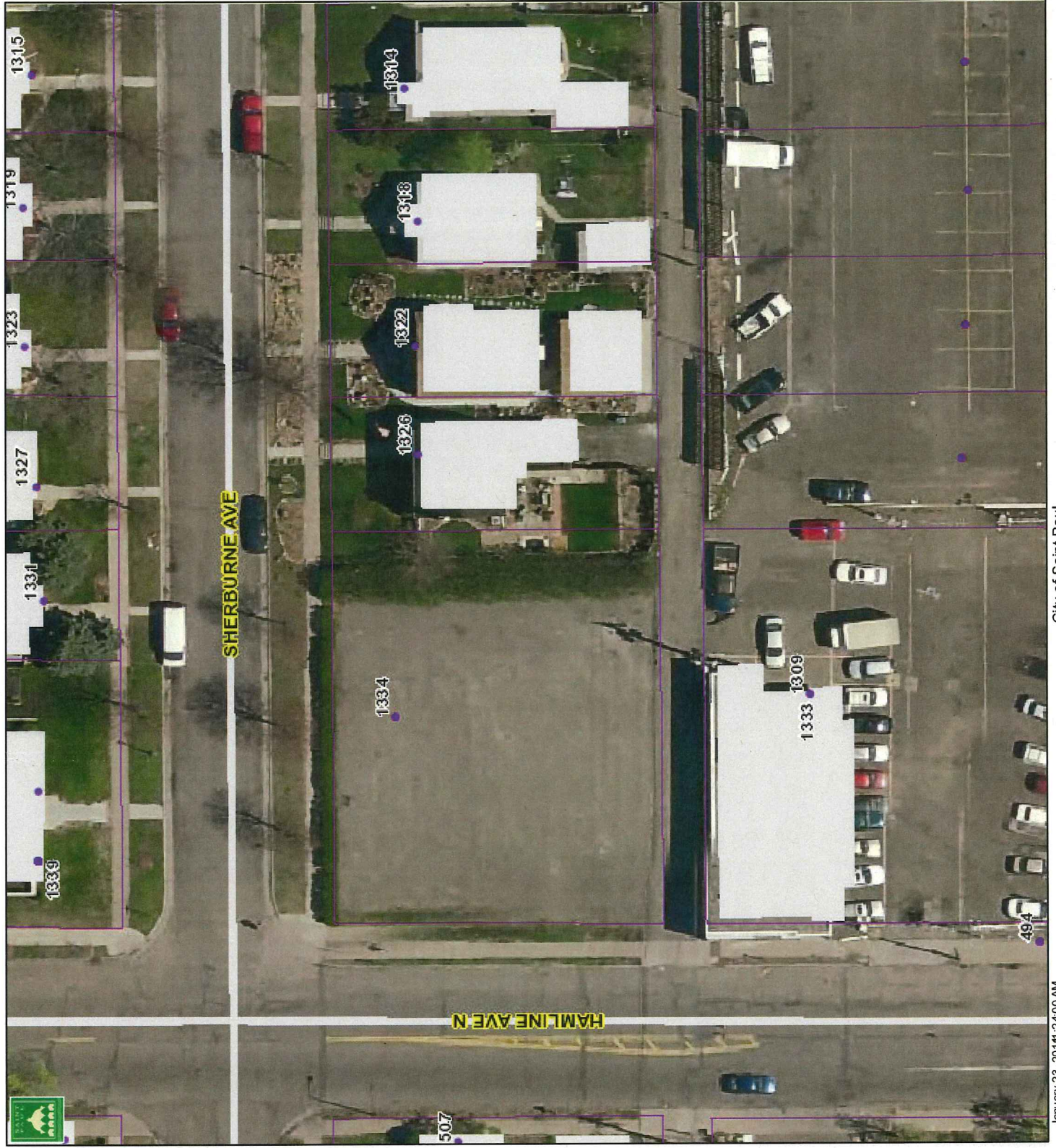
● Denotes Found Iron Monument

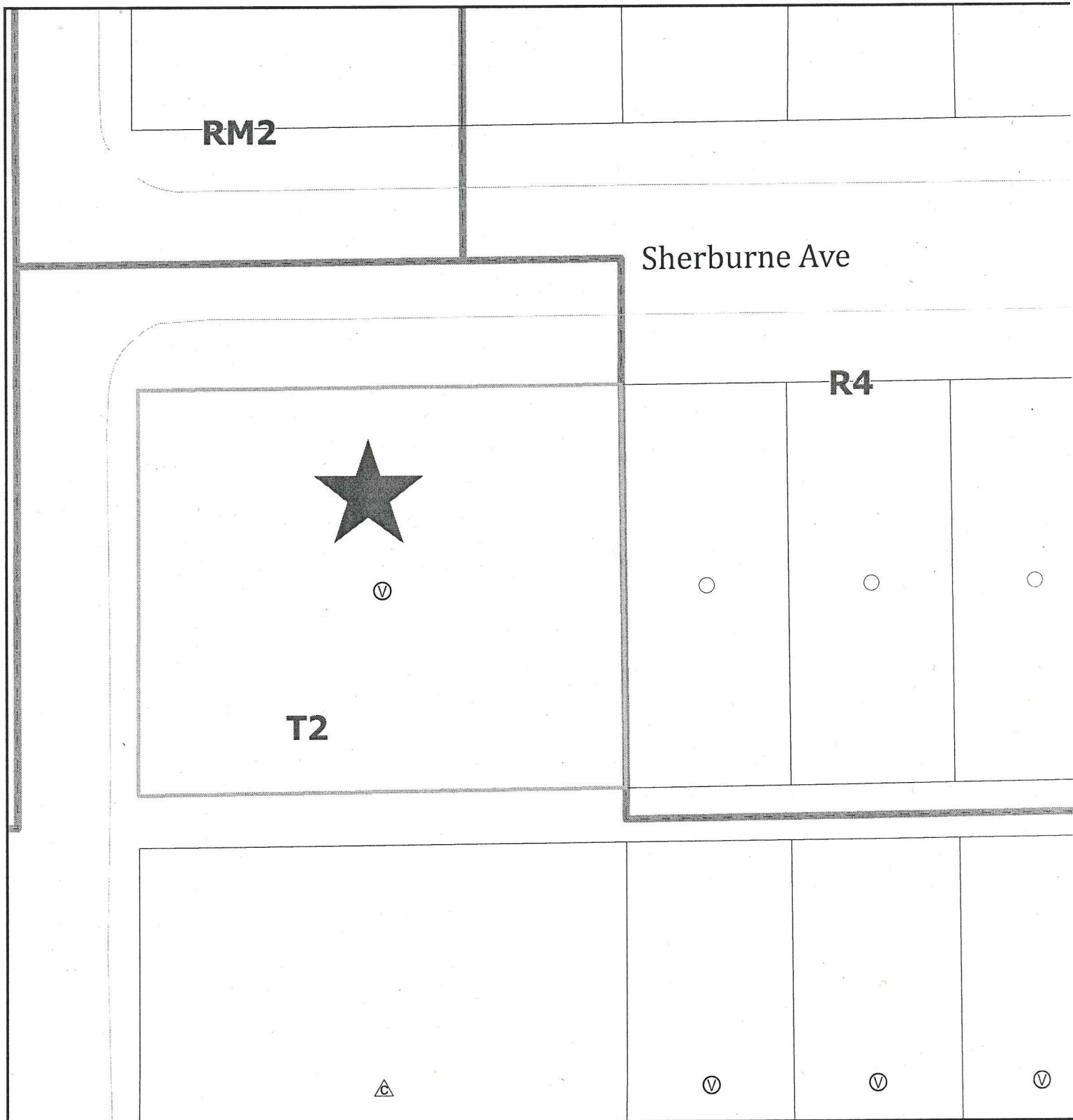
Scale: 1"= 20 feet

Bearings based on assumed datum.

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly-licensed Land Surveyor under the laws of the State of Minnesota.

Chris Hoglund, LS
License No. 43932
Date 12/20/13





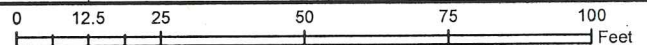
APPLICANT PPL Hamilne Station LLC

APPLICATION TYPE Rezone

FILE # # 14-087893 DATE 1-30-14

PLANING DISTRICT 11

ZONING MAP # 8



- | | |
|----------------------|--------------------------|
| Commercial & Office | Residential One Family |
| Industrial & Utility | Residential Two Family |
| Institutional | Residential Three Family |
| Vacant/Undeveloped | Multifamily |

Saint Paul Department of Planning and Economic Development
Ramsey County



From

