

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** TCB Properties LLC **FILE #:** 14-312-394
 2. **APPLICANT:** TCB Properties LLC **HEARING DATE:** August 14, 2014
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1599 - 1605 Rice St., between Wheelock Parkway and Iowa Avenue
 5. **PIN & LEGAL DESCRIPTION:** 242923110081, 242923110080, & 242923110079; Rice Street Villas Lots 7, 8 & 9; Block 8
 6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** B3
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 7, 2014 **BY:** Jamie Radel
 9. **DATE RECEIVED:** July 24, 2014 **60-DAY DEADLINE FOR ACTION:** September 22, 2014
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- A. **PURPOSE:** Rezone from the B3 General Business district to the T2 Traditional Neighborhood district
- B. **PARCEL SIZE:** 9,148 sq. ft.
- C. **EXISTING LAND USE:** Four-family dwelling
- D. **SURROUNDING LAND USE:**
 - North: Commercial (restaurant) (B3)
 - South: Multi-family residential/nursing home (RM2)
 - East: Commercial (gas station) (B2)
 - West: Single-family/multi-family residential (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** These parcels were vacant or used as parking until early 2004 when a site plan was approved and building permits issued for a four-plex. At that time the B3 General Business district allowed for residential uses. In May 2004, an amendment to the zoning code eliminated most residential uses from that zoning district. This amendment resulted in the four-plex becoming a nonconforming use before construction on the building was completed.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 6 supports approval of this application.
- H. **FINDINGS:**
 1. The application seeks rezoning of 1599 – 1605 Rice Street from the B3 General Business district to the T2 Traditional Neighborhood district in order to more closely align the zoning of the subject parcels to the existing multi-family dwelling use. The applicant has conveyed that the property's nonconforming use status has increased difficulty to obtain financing for the property.
 2. The proposed T2 Traditional Neighborhood zoning for these properties is consistent with the way this area has developed. This segment of Rice Street is generally a mix of housing types and service/retail businesses. The T2 district permits many residential uses, including multi-family residential, and also permits many of the commercial uses found in this area.

3. The proposed zoning is consistent with the Comprehensive Plan, which designates these parcels as being part of a Mixed-Use Corridor. Land Use Strategy 1.24 states: "Support a mix of uses on Mixed-Use Corridors." The District 6 Plan contains no provisions specific to this application.
 4. The proposed T2 Traditional Neighborhood district is compatible with the surrounding land uses. The T2 district supports a range of uses, including those found on and in the vicinity of the subject properties. In addition, the T2 district is designed to provide sufficient transitions between the more intense uses along mixed-use corridors and the surrounding neighborhoods.
 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 T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding residential and commercial zoning designations and uses.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 1599 – 1605 Rice Street from the B3 General Business district to the T2 Traditional Neighborhood 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

RECEIVED
 JUL 15 2014
 BY: _____

Zoning Office Use Only
 File #: 14-312394
 Fee: 1200.00
 Tentative Hearing Date: 8-14-14

APPLICANT

Property Owner TCB Properties LLC
 Address 1280 Ingerson Rd #100
 City St. Paul St. MN Zip 55112 Daytime Phone 612-840-6615
 Contact Person (if different) David Gustafson Phone 612-840-6615

PROPERTY LOCATION

Address/Location 1599, 1601, 1603, 1605 Rice St., St. Paul 55117
 Legal Description Lots 7, 8, 9, Block 8, Rice Street Villas, Ramsey Co., MN
 Current Zoning B3
 (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,
TCB Properties/ David Gustafson, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B3 zoning district to a ~~B3~~ T2 zoning

district, for the purpose of: Because the building is a four unit apartment, the zoning change will better align with the actual purpose of the building and will help prospective owner/occupant buyers

(attach additional sheets if necessary) arrange financing.
 Attachments as required: Site Plan Consent Petition Affidavit

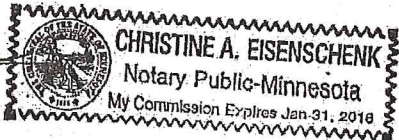
Subscribed and sworn to before me
 this 14th day

By: David Gustafson
 Fee owner of property

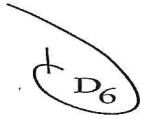
of July, 2014

Title: Owner

Christine Eisenschek
 Notary Public



CK-521
1200.00
 Rev. 11/21/13



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

August 6, 2014

Zoning Committee
15 West Kellogg BLVD
Saint Paul, MN 55102

District 6 Planning Council supports rezoning 1599-1605 Rice Street from a B3 to a T2 classification. In rezoning, the property will conform to the current land use and be aligned with the majority of zoning classifications in the area.

Thank-you for your consideration and if you have questions, please contact the office.

Regards,

Jeff Martens

Jeff Martens
Land Use Chairman
Board of Director's Vice Chairman

Cc: Ward5

Photos: 1599 - 1605 Rice Street



Subject Property: From East



Subject Property: From North



North of subject property



South of subject property



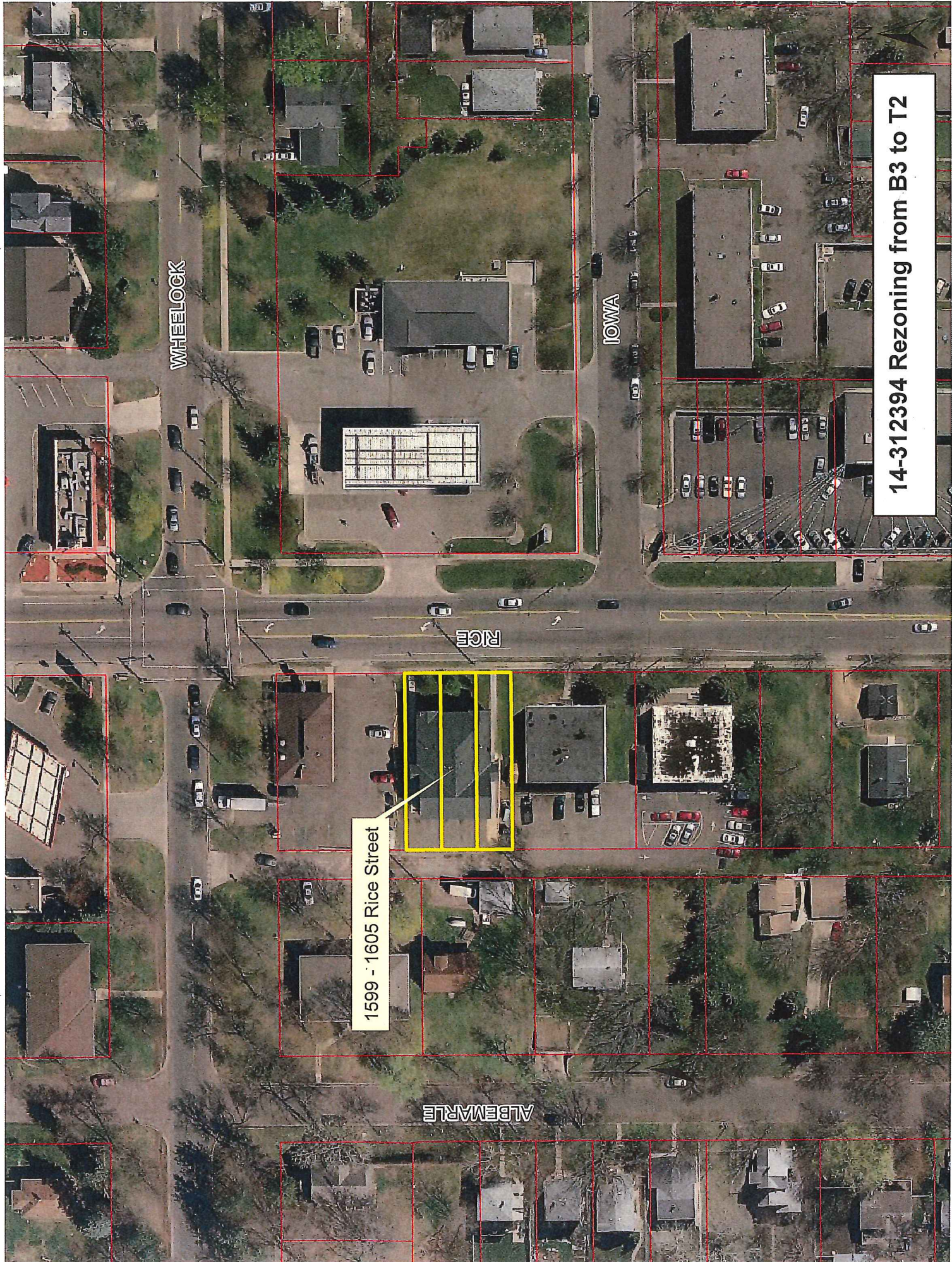
West of subject property



West of subject property



East of subject property



WHEELLOCK

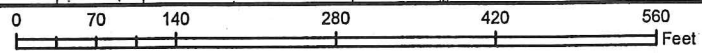
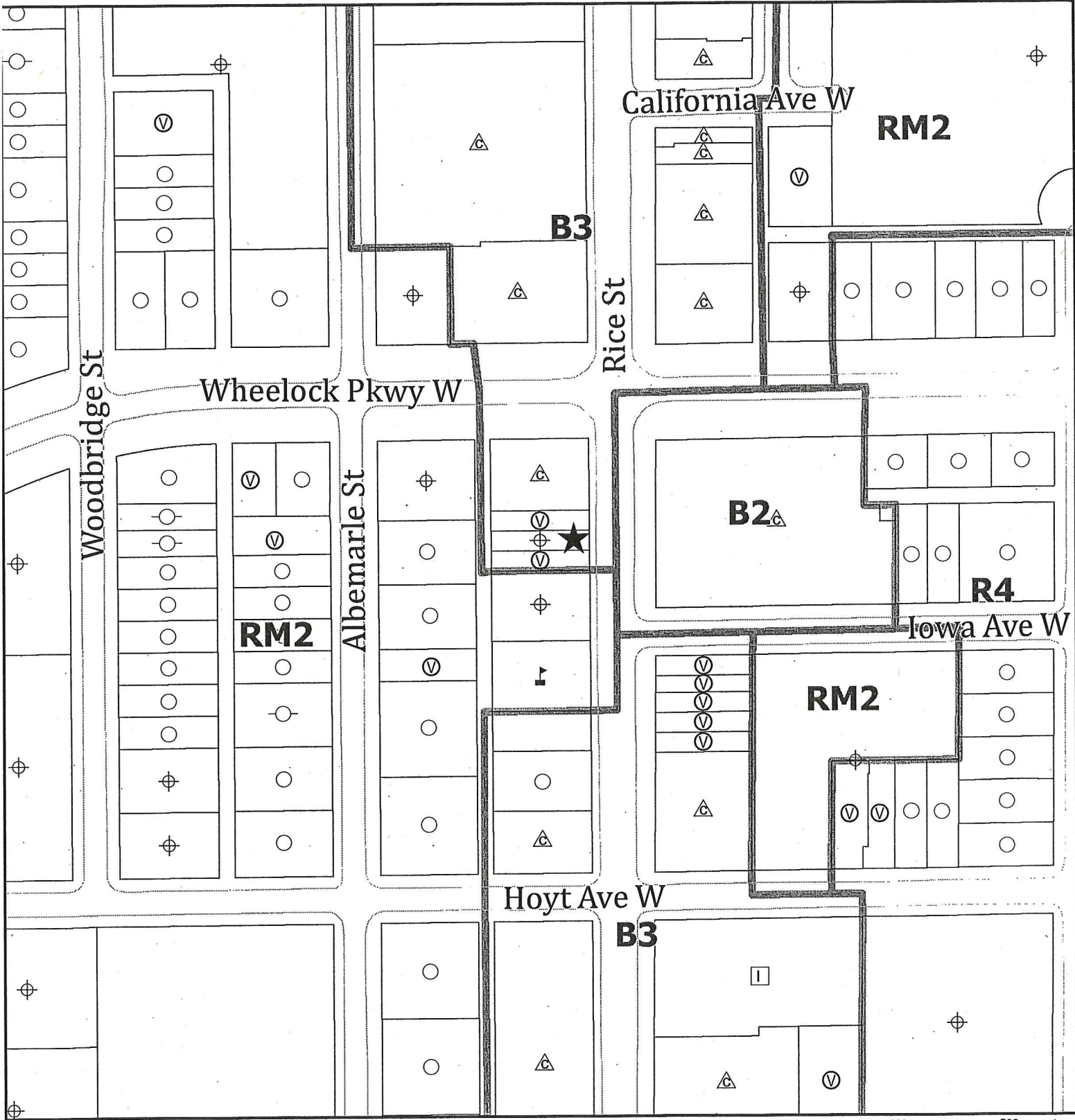
IOWA

RICE

ALBEMARLE

1599 - 1605 Rice Street

14-312394 Rezoning from B3 to T2



APPLICANT TCB Properties
 APPLICATION TYPE Rezoning B3 to T2
 FILE # 14-312394 DATE 7/24/2014
 PLANING DISTRICT 6
 ZONING MAP # 3

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

