ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Joe Urbanski **FILE #:** 14-339-430
2. **APPLICANTS**: Joe Urbanski & Andre Duke **HEARING DATE:** November 6, 2014
3. **TYPE OF APPLICATION:** Rezoning
4. **LOCATION:** 1396 White Bear Ave N, between Sherwood and Cottage E
5. **PIN & LEGAL DESCRIPTION:** 232922320082; Hayden Heights Lot 34 Blk 10
6. **PLANNING DISTRICT:** 2 **EXISTING ZONING:** B2
7. **ZONING CODE REFERENCE:** §61.801(b)
8. **STAFF REPORT DATE:** October 29, 2014 **BY:** Bill Dermody
9. **DATE RECEIVED:** October 21, 2014 **60-DAY DEADLINE FOR ACTION:** December 20, 2014

A. **PURPOSE:** Rezone from B2 Community Business to T2 Traditional Neighborhood.

B. **PARCEL SIZE:** 4,958 square feet

C. **EXISTING LAND USE:** Multi-family residential

D. **SURROUNDING LAND USE:**

North: Commercial-restaurant (B2)

East: Residential (R4)

South: Mixed multi-family residential and commercial (B2), with residential further south (R4)

West: Residential (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 site was rezoned from A-Residential to C-Commercial in 1950 to allow construction of plumbers' offices. The site and adjacent B2-zoned properties were rezoned from C-Commercial in 1975 as part of a citywide rezoning, after which the site's residential units became legally nonconforming. The building hosted commercial uses in two suites as recently as 1994. The subject application was prompted by a Certificate of Occupancy inspection that identified a commercial space had been converted to a 7th residential unit.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 2 Community Council recommends approval of the application.

H. **FINDINGS:**

1. The application requests rezoning from B2 to T2 to allow expansion of the residential use through conversion of a commercial unit in a mixed-use building to residential uses.
2. A variance for parking provision is not required because the parking requirement is not increased in this case by the conversion of units from commercial to residential.
3. The proposed zoning is consistent with the way this area has developed. T2 is consistent with the mixed-use nature of development along White Bear Avenue and serves as a transition between the commercial and residential districts.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of a Mixed Use Corridor designation that calls for mixed uses such as those allowed in the T2 district. The proposed zoning is consistent with the White Bear

Avenue Small Area Plan due to its continued inclusion in the White Bear Avenue Overlay District.

5. The proposed zoning is compatible with the surrounding mix of uses, including commercial and mixed uses along White Bear Avenue and residential uses to the east.
6. 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 rezoning is not "spot zoning" in that it does not create an island of nonconforming use, but rather is consistent with adjacent zoning and land use.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B2 Community Business to T2 Traditional Neighborhood.

RECEIVED
OCT 16 2014
BY:

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

PD=2

Zoning Office Use Only
File #: 14-339430
Fee: 1200.00
Tentative Hearing Date: 11-6-14

232122320082

APPLICANT

Property Owner Joe Urbanski
Address 230 Board Circle
City Mahtomedi St. MN Zip 55115 Daytime Phone 612-940-3849
Contact Person (if different) Andre Duerr Phone 6124620935

PROPERTY LOCATION

Address/Location 1396 White bear Ave N
Legal Description
Current Zoning B2
(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 Statues,

Joe Urbanski, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B2 zoning district to a T-2 zoning district, for the purpose of: To change zoning to T-2 - from Commercial to 1BR to fit with rest of Building.

(attach additional sheets if necessary)

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

Subscribed and sworn to before me
this 15 day
of October, 2014.

Mark Schoneberger
Notary Public

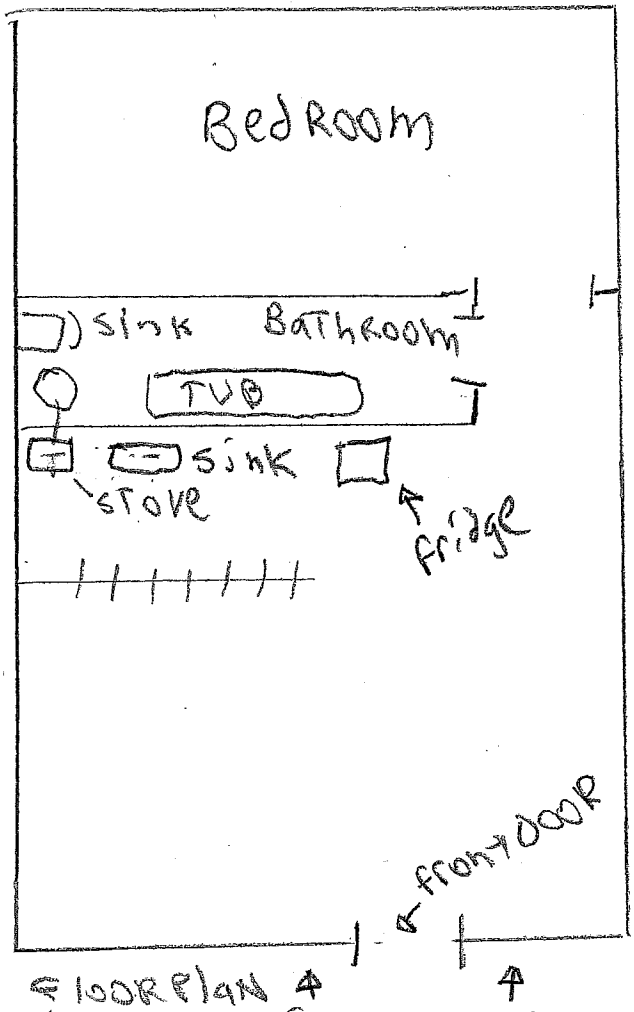
MARK JOSEPH SCHONEBERGER
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2019

By: [signature]
Fee owner of property
Title

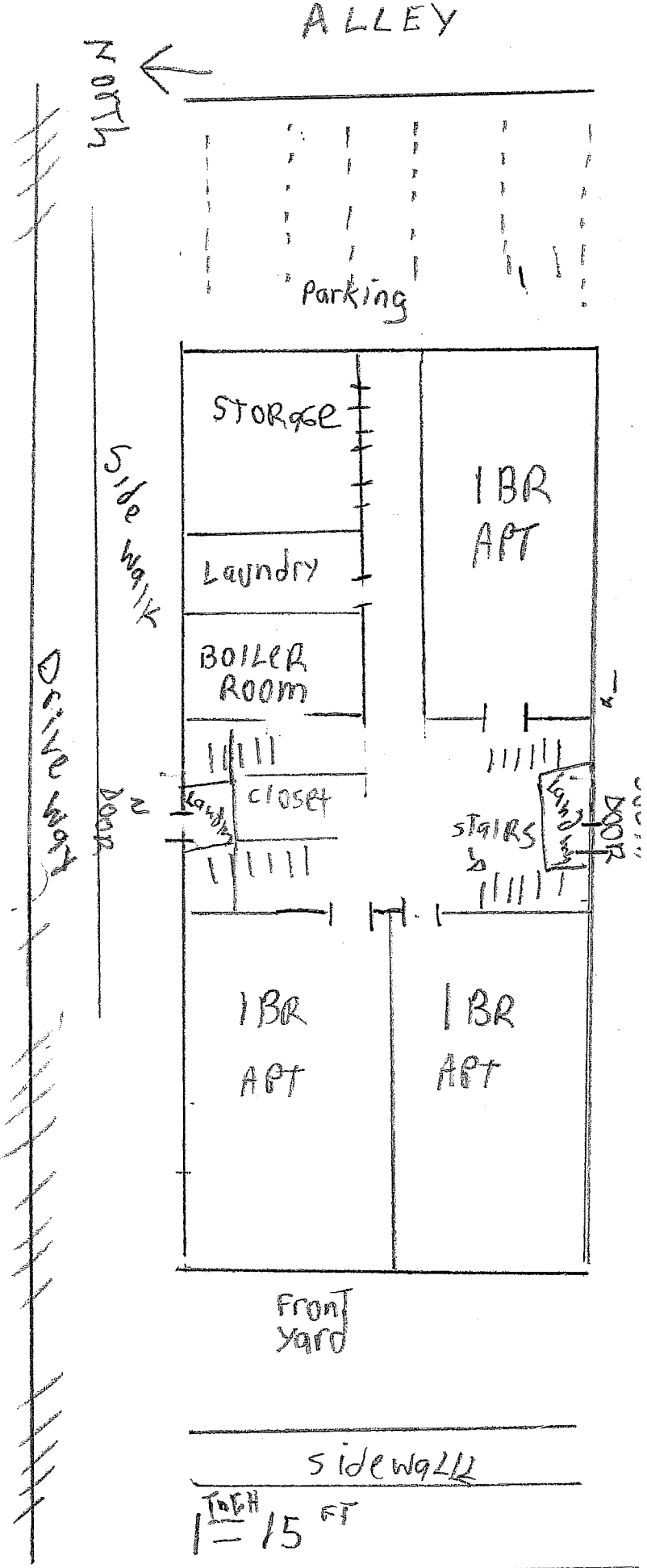
Rev. 11/21/13

1396 White Bear Ave N
B-2 to T-2

PID 23-29-22-22-0082
Hayden Heights Lot 34 Blk 10



Floor Plan
Layout of All Apts
4-1BR up 3-1BR Down



White Bear Ave N

(Andre Duke)

DISTRICT 2 COMMUNITY COUNCIL

1365 Prosperity Avenue
Saint Paul, MN 55106
Phone: (651) 774-2220
Fax: (651) 774-2135

October 16, 2014

To: City of St. Paul
Dept of PED/Zoning
1400 City Hall Annex
25 W Fourth St
St. Paul, MN 55102

Dept of Safety and Inspections
375 Jackson St.
Suite 220
St. Paul, MN 55101

From: Lisa Theis
Community Organizer

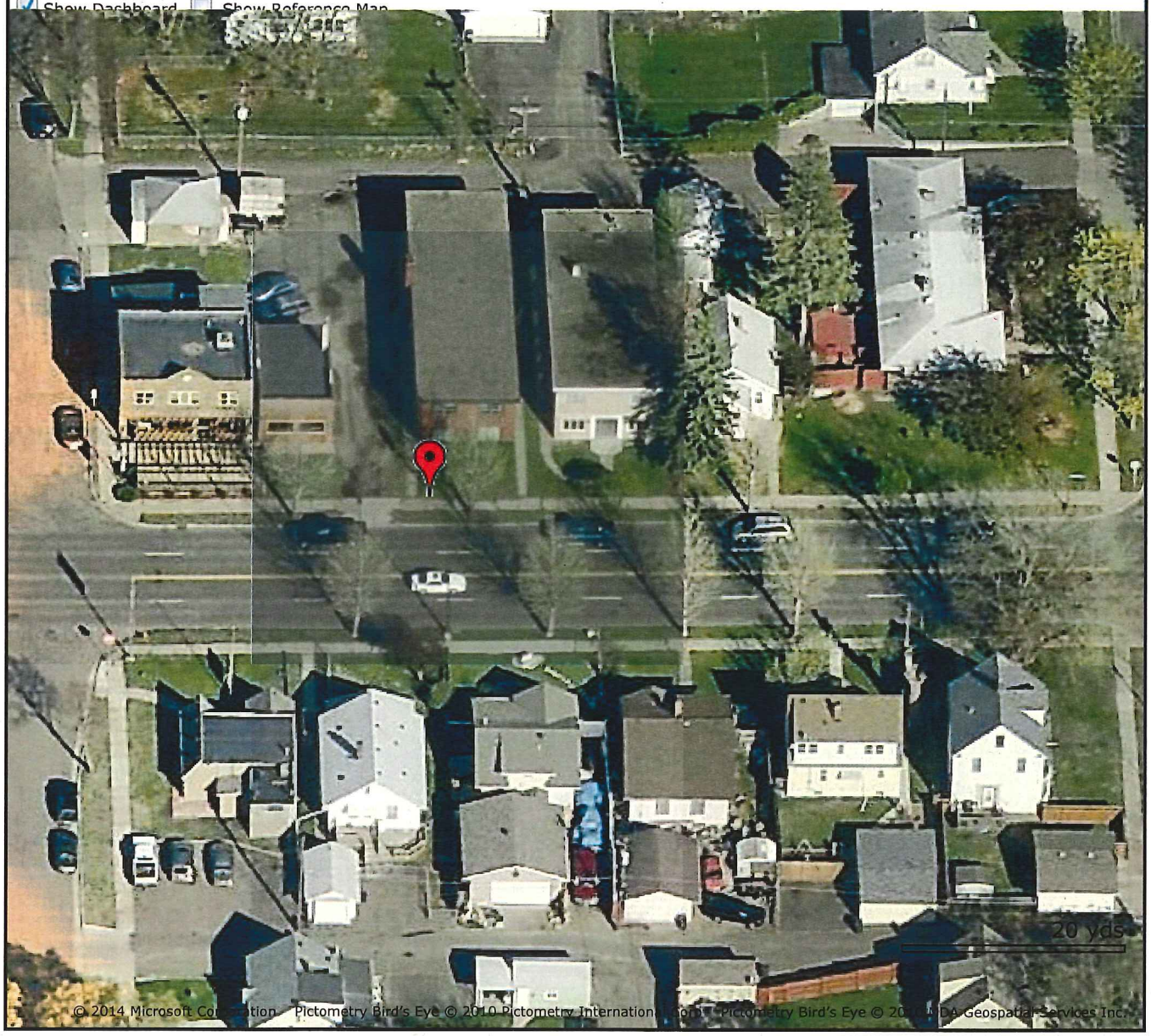
Re: 1396 White Bear Ave

On behalf of the District 2 Community Council Board of Directors, a motion was unanimously passed to support the applications by Andre Duke to change the zoning on the property located at 1396 White Bear from the current B-2 zoning district to a T-2 zoning district as well as his application for a variance for extra parking under the new T-2 zoning. The owner attended the meeting and the board expressed no concerns for making the change nor for the variance. The motion was made at the District 2 board meeting on Wednesday, October 15. Please let me know if you have any questions or concerns. Thank you!

Cc: Andre Duke

GISmo Oblique Photography

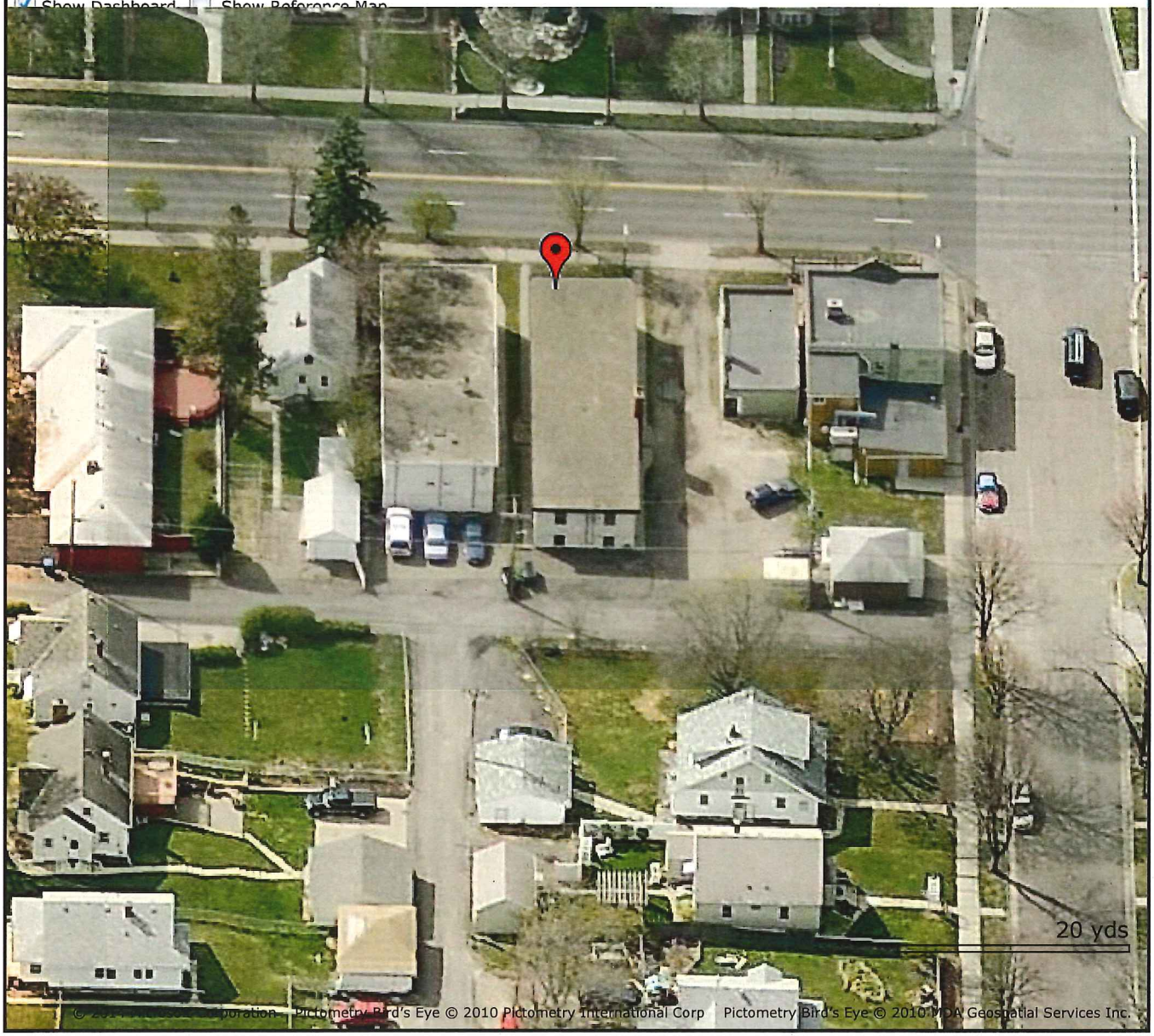
Images courtesy of: Microsoft© Virtual Earth™ 2006

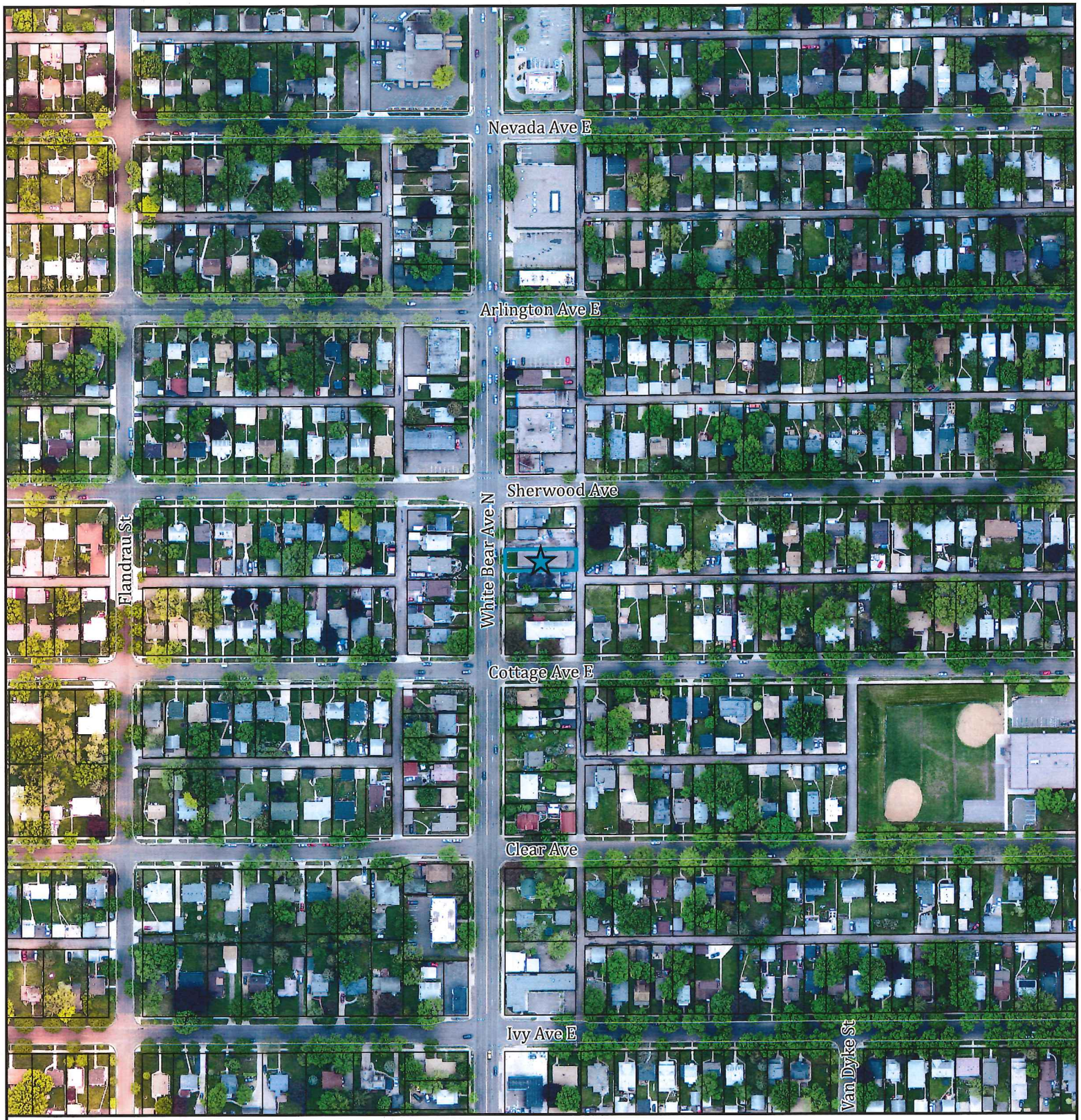


GISmo Oblique Photography

Images courtesy of: Microsoft© Virtual Earth™ 2006

Show Dashboard Show Reference Map





0 82.5 165 330 495 660 Feet

Aerial

Subject Parcels

APPLICANT: Joe Urbanski

APPLICATION TYPE: Rezone

FILE #: 14-339430 DATE: 10/29/2014

PLANNING DISTRICT: 2

ZONING PANEL: 6

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



APPLICANT: Joe Urbanski

APPLICATION TYPE: Rezone

FILE #: 14-339430 DATE: 10/29/2014

PLANNING DISTRICT: 2

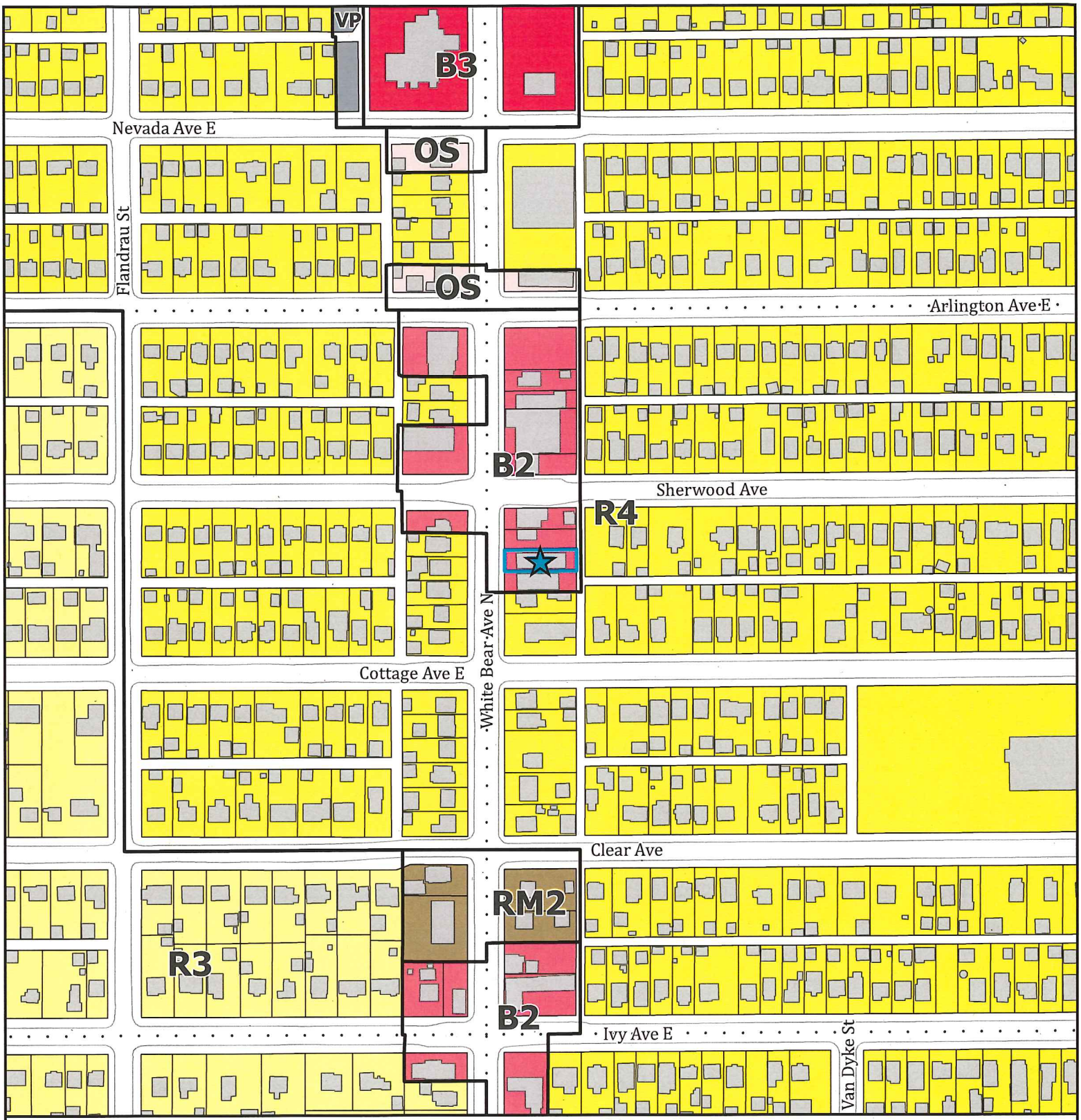
ZONING PANEL: 6

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Undeveloped
- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



APPLICANT: Joe Urbanski

APPLICATION TYPE: Rezone

FILE #: 14-339430 DATE: 10/29/2014

PLANNING DISTRICT: 2

ZONING PANEL: 6

Zoning

- R3 One-Family
- R4 One-Family
- RM2 Multiple-Family
- OS Office-Service
- B2 Community Business
- B3 General Business
- VP Vehicular Parking

- Subject Parcels
- Section Lines

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County