

ZONING COMMITTEE STAFF REPORT

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| 1. FILE NAME: Kowalski Companies | FILE #: 15-139-934 |
| 2. APPLICANT: Grand Realty Company LLP | HEARING DATE: July 30, 2015 |
| 3. TYPE OF APPLICATION: Rezoning - Consent | |
| 4. LOCATION: 1261 Grand Ave, NE corner at Syndicate | |
| 5. PIN & LEGAL DESCRIPTION: See vacation documents for existing and proposed legal descriptions. | |
| 6. PLANNING DISTRICT: 14 | EXISTING ZONING: B2 |
| 7. ZONING CODE REFERENCE: §61.801(b); §60.305 | |
| 8. STAFF REPORT DATE: July 23, 2015 | BY: Mike Richardson |
| 9. DATE RECEIVED: July 15, 2015 | 60-DAY DEADLINE FOR ACTION: September 13, 2015 |
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- A. **PURPOSE:** Rezone from R2 One-Family Residential to B2 Community Business.
- B. **PARCEL SIZE:** Approximately 10,135 sq. ft., which includes recently vacated area of 2,376 sq. ft. between the existing building and Ayd Mill Road.
- C. **EXISTING LAND USE:** Retail – grocery store
- D. **SURROUNDING LAND USE:** Institutional parking lot to the north, Ayd Mill Road and right of way to the east, mix of retail and single family residential to the south, and a mix of commercial and single family residential to the west.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §60.305 describes zoning of vacated areas.
- F. **HISTORY/DISCUSSION:** Grand Realty Company LLP is requesting a rezoning of approximately 10,135 sq. ft. of their property at 1261 Grand Avenue from R2 One-Family Residential to B2 Community Business to accommodate the expansion of their existing building. Plans submitted with this application indicate expansion to the east and to the west. The remaining 47,018 sq. ft. (approximate) of their property is already zoned B2.

Zoning on the parcel is currently split between B2 in the south and a smaller piece of R2 in the north. Much of the area to be rezoned is within the Summit Avenue West Historic District. Any future construction activity on the property and within the historic district would be subject to Heritage Preservation Commission review.

The building on this property was built in 1956. There was a significant addition to the north side of the building in 1994 that resulted in its current footprint. This addition required the acquisition of a piece of land north of the alley, which was acquired in August of 1994. At the time of that addition, the building was allowed to expand northward beyond the alley due to an inaccurate interpretation of §60.305, which states that “[W]henever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.” However, the transaction was a sale of property from the Saint Paul Housing and Redevelopment Authority to the property owner, and not the direct result of a transfer of vacated land. The project was allowed to move forward, and the zoning maps were not modified to reflect this automatic zoning change. The rezoning would apply to this

northern area, including the newly vacated 13-foot strip to the east of the site. It would make the current use of the land conforming and allow the expansion of the building to the east.

G. **DISTRICT COUNCIL RECOMMENDATION:** District 14 had not commented by the time of this report.

H. **FINDINGS:**

1. Grand Realty Company LLP is requesting a rezoning of approximately 10,135 sq. ft. of their property at 1261 Grand Avenue from R2 One-Family Residential to B2 Community Business to accommodate the expansion of their existing building. A grocery store is not permitted in an R2 One-Family Residential zoning district. Plans submitted with this application indicate expansion to the east and to the west.
2. There was a significant addition to the north side of the building in 1994 that resulted in its current footprint. This addition required the acquisition of a piece of land north of the alley, which was acquired in August of 1994. At the time of that addition, the building was allowed to expand northward beyond the alley due to an inaccurate interpretation of §60.305, which states that “[W]henver any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.” However, the transaction was a sale of property from the Saint Paul Housing and Redevelopment Authority to the property owner, and not the direct result of a transfer of vacated land. The project was allowed to move forward, and the zoning maps were not modified to reflect this automatic zoning change. The rezoning would apply to this northern area, including the newly vacated 13-foot strip to the east of the site. It would make the current use of the land conforming and allow the expansion of the building to the east.
3. The proposed zoning is consistent with the way this area has developed. The rezoning would be a minor expansion of the existing B2 zoning district, which is intended to “serve the needs of a consumer population larger than that served by the ‘local business district,’ and is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic.” The block on which the rezoning would occur is unique from other blocks between Summit and Grand Avenues in that it is bounded by a major road with a wide right of way on the east and has never had a residential use on the northern half of the block. The presence of the institutional use to the northwest and associated parking lot also differentiates this block from other areas between Summit and Grand Avenues and is consistent with the proposed zoning.
4. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan shows Grand Avenue as a mixed-use corridor and supports a mix of uses, including retail. The area to be rezoned is part of the parcel that fronts Grand Avenue. The zoning is consistent with the following policies of the Land Use Chapter of the Comprehensive Plan:

1.24 *Support a mix of uses on Mixed-Use Corridors.*

And the following policies from the Land Use section of the Macalester-Groveland Community Plan:

3. *Limit commercial expansion to existing commercial clusters.*

5. The proposed zoning is compatible with the surrounding uses. The Mount Zion parking lot on the same block will continue to be shared between Mount Zion and Kowalski’s.

The Grand Avenue corridor in this area is a mix of residential and business uses; the proposed zoning allows the expansion and continued use of a well-established business that has been a part of the neighborhood for many years. There are no use conflicts with Ayd Mill right of way to the east.

6. The rezoning from R2 to B2 would not be considered spot zoning because it is an expansion of an existing zoning district and would not create a district that would be inconsistent with surrounding uses (see Finding 5) and would not create an island of nonconforming use within a larger zoned property.
 7. The petition for rezoning was found to be sufficient on July 16, 2015: 10 parcels eligible; 7 parcels required; 9 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R2 One-Family Residential to B2 Community Business.