

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Raymond Condominiums / Lakes & Plains LLC **FILE #:** 13-144-945
  2. **APPLICANT:** see attached **HEARING DATE:** February 14, 2013
  3. **TYPE OF APPLICATION:** Rezoning - Consent
  4. **LOCATION:** 854-856 Raymond Ave, 842 Raymond (841 Bradford) and 2330 Long Ave.
  5. **PIN & LEGAL DESCRIPTION:** PINs 292923420109 through 292923420115; CIC No 596 856 Raymond Condominium Units A through G; PIN 292923420047, St Anthony Park Minnesota The SEly 20 Ft Of Lot 8 And All Of Lot 9 Blk 81; PIN 292923420106, St Anthony Park Minnesota Subj To Street And Alley; Lots 10 & Lot 11 Blk 81
  6. **PLANNING DISTRICT:** 12 **EXISTING ZONING:** RM2, VP
  7. **ZONING CODE REFERENCE:** § 66.313, §61.801(b)
  8. **STAFF REPORT DATE:** February 6, 2013 **BY:** Patricia James
  9. **DATE RECEIVED:** January 17, 2013 **60-DAY DEADLINE FOR ACTION:** March 18, 2013
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- A. **PURPOSE:** Rezoning from RM2 Medium-Density Multiple-Family Residential and VP Vehicular Parking to T2 Traditional Neighborhood
- B. **PARCEL SIZE:** 3 irregular parcels totalling 44,172 sq. ft., with 165 ft. of frontage on Raymond, 282 ft. of frontage on Bradford, and 176 ft. of frontage on Long
- C. **EXISTING LAND USE:** Commercial (professional offices, beauty salon) and off-street parking lot
- D. **SURROUNDING LAND USE:**
  - North and East: Medium density residential (RM2)
  - South: high density residential (RM3) and commercial (B2)
  - West: low density residential (R4)
- E. **ZONING CODE CITATION:** § 66.313 provides the intent of the T2 district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Prior to being rezoned RM2 in 1975 as part of a citywide zoning code replacement, the two commercial buildings were zoned Commercial, and the parking lot was zoned C1 Residential (a multi-family district with specific lot dimension standards). The property at 842 Raymond, constructed in 1949, was the Carpenter's District Council office, and the parking lot on Long was created in 1979 (ZF 8499). In 2002 the union moved out and sold the building to the current owner, Lakes and Plains, LLC. Since its construction in 1953, the building at 856 Raymond has been used for a variety of commercial uses. In 2003, the building was used by a film and video production business. Activities carried on by this business included retail, wholesale, office, showroom, light manufacturing, training, repair and service, and warehousing. On September 18, 2003, the Office of License, Inspections, and Environmental Protection (now Department of Safety and Inspections) notified the building's purchaser that these were the legal nonconforming uses permitted in this building. In 2005, the building was converted to commercial condominiums, and the Planning Commission approved a change of nonconforming use for a beauty salon in one of the units and a sign variance for all of the spaces in the building. (ZF# 05-130-499).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 12 recommends approval of the rezoning.
- H. **FINDINGS:**
  1. The applicants are seeking to change the zoning of their properties from RM2 to T2 in order to make the zoning consistent with the current and former uses in the buildings. Rezoning the parking lot from VP to T2 will put it in the same zoning category as the building it serves.

2. The proposed zoning is consistent with the way this area has developed. The immediate area (within 500 feet of these properties) includes a mix of commercial, industrial, and residential uses of varying intensities. The intent of the T2 district, as provided in Sec. 66.313, is to encourage *a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods*. Changing the zoning to T2 will encourage continuing the existing variety of uses in these buildings and also provides for potential redevelopment of the parking lot for uses consistent with the neighborhood and adjacent property.
  3. The proposed zoning is consistent with the Comprehensive Plan. The properties proposed for rezoning are at the boundary of the Raymond-University mixed use corridor and the Raymond Avenue residential corridor as shown on the generalized 2030 land use plan map for the area (LU-L). Mixed Use Corridors include "areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space." Residential Corridors are street corridor segments running through Established Neighborhoods "predominately characterized by medium density residential uses." The Land Use section of the District 12 Plan (2008) states: "[r]edirect land use with appropriate regulatory controls to encourage an integrated mix of industrial, commercial, housing and public amenities, and a larger tax base" and "incorporate appropriate land use changes in the South St. Anthony area that reflect the future introduction of Light Rail Transit to the University Ave corridor and its evolution to a more connected residential and commercial area, while respecting the area's industrial base." A proposed addendum to the District 12 Plan includes this area in a "Creative Enterprise Zone" that seeks to "stabilize and advance conditions in which creative enterprises – light industry, artisans and artists -- can thrive in this area." The proposed rezoning is consistent with all of these policies.
  4. The proposed T2 Traditional Neighborhood zoning is compatible with the mixed use nature of the area, which includes abutting B2 commercial development and mixed density residential developments in the RM2, RM3, and R4 zoning districts.
  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 will permit uses compatible with the existing mix of uses and zoning districts in the immediate area as well as the northern portion of the Raymond/University LRT station area, zoned T3 Traditional Neighborhood, located one block south of these properties. It therefore does not constitute spot zoning.
  6. The petition for rezoning was found to be sufficient on January 17, 2013: 26 parcels eligible; 18 parcels required; 18 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 842 Raymond/841 Bradford and 854-856 Raymond Avenue from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood and the rezoning of 2330 Long Avenue from VP Vehicular Parking to T2 Traditional Neighborhood.

Consent of Adjoining Property Owners For A Rezoning - Exhibit A

Petitioners and Property Locations:

<u>Petitioner</u>	<u>Property Locations</u>
1. Patricia A. George	856 Raymond Ave., St. Paul, MN 55114
2. Cdm Enterprises, LLC	856 Raymond Ave., Unit B, St. Paul, MN 55114
3. Stephen P. Mastey	856 Raymond Ave., Unit C, St. Paul, MN 55114
4. Soth Studios, LLC	856 Raymond Ave., Unit D, St. Paul, MN 55114
	856 Raymond Ave., Unit E, St. Paul, MN 55114
5. Dawn M. Dekeyser and Geoffrey C. Warner	856 Raymond Ave., Unit F, St. Paul, MN 55114
	856 Raymond Ave., Unit G, St. Paul, MN 55114
6. Lakes and Plains, LLC	841 Bradford St., St. Paul, MN 55114
Lakes and Plains, LLC	2330 Long Ave., St. Paul, MN 55114



Area proposed for rezoning



Site at 856 Raymond



Site at 842 Raymond/841 Bradford



Parking lot exit onto Long



Across Long from parking lot



Across Bradford from parking lot



Across Bradford (SE corner Bradford/Raymond)



Baker Court, SW of site across Raymond



Across Raymond



North of 856 Raymond



APPLICANT Raymond Condos / Lake + Plains

PURPOSE REZ RM2, VP → TN

FILE # 13-144945 DATE 1-17-13

PLNG. DIST. 12 Land Use Map # 9

SCALE 1" = 400' Zoning Map # 7

LEGEND

zoning district boundary

subject property

one family

two family

multiple family

commercial

industrial

vacant

