

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** New Plan Learning **FILE #:** 15-033-859
 2. **APPLICANT:** 169 Jenks Llc **HEARING DATE:** May 28, 2015
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 169 Jenks Ave, east of Agate between Lawson and Case
 5. **PIN & LEGAL DESCRIPTION:** 302922130141; Soo Line Plat Number 5 vac alley in and Blk 1 In Deer Park Div and vac alley accruing and fol a 15 ft tract of land lying between Lots 8 and Lot 9 and Lots 6 thru Lot 10 Blk 1 In Elbra Div and in sd Soo Line Plat Number 5 vac st and alley accruing and the fol; the W 95.8 ft of Lot A lying S of ext N L of Lawson St and N of ext S L of Jenks St
 6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** I2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** May 21, 2015 (revised June 4, 2015) **BY:** Jamie Radel
 9. **DATE RECEIVED:** May 8, 2015 **60-DAY DEADLINE FOR ACTION:** July 7, 2015
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- A. **PURPOSE:** Rezone from I1 Light Industrial, I2 General Industrial, and VP Vehicular Parking to T1 Traditional Neighborhood.
- B. **PARCEL SIZE:** 187,979 sq. ft. (4.3 acres)
- C. **EXISTING LAND USE:** This parcel is currently primarily used as a school.
- D. **SURROUNDING LAND USE:**
 - North: Multifamily and duplex residential
 - East: Trillium Park
 - South: Industrial
 - West: One- and two-family residential
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** As far back as 1975, this site has had a mix of zoning designations that included residential (RT1), industrial (I2), and parking districts (P1). At some point since 1975, the area at the southeast corner of Jenks and Agate was rezoned from I2 to I1 and a small area at the corner of Case and Agate was rezoned from RT-1 to I1. In 2014, the Saint Paul Planning Commission granted New Plan Learning a conditional use permit to for a school (K-12) on the area of the parcel zoned I2 general industrial (14-186591). The one condition placed on the conditional use permit was that the site be developed consistent with the plan shown. In December 2014, the school received administrative approval of a site plan to restripe the northern parking lot.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 6 Land Use Task Force supports the rezoning of the parcel, but has concerns regarding the school's existing practice of on-street bus loading on Agate Street due to the conflict with other vehicular traffic.
- H. **FINDINGS:**
 1. The applicant is seeking rezoning to T1 traditional neighborhood of the portion currently zoned VP vehicular parking of this parcel to allow for the construction of a new gymnasium for the school. The current VP zoning only allows for the use of that area as

a parking lot. In addition, they are seeking to rezone the remaining portions of the parcel that are currently zoned I1 light industrial and I2 general industrial to T1 traditional neighborhood consistent with the Land Use Plan element of the Comprehensive Plan. The applicant has been asked to provide an existing conditions plan for the entire parcel, a site plan for the entire parcel that includes striping of the southern parking lot, and an analysis to determine the feasibility of using the southern parking lot for bus parking and student pick up.

2. The proposed zoning is consistent with the way this area has developed. T1 traditional neighborhood zoning provides for reasonable use and reuse of the existing buildings built as industrial builds on this site, and allows for a transition between residential neighborhoods and more intense commercial or industrial uses. This area has developed with sharp transition between residential and the more intense industrial uses, and the T1 district would provide a more graded transition.
3. The proposed T1 zoning is consistent with the Comprehensive Plan. This parcel is guided as Established Neighborhood under the Comprehensive Plan. The T1 traditional neighborhood district reinforces the uses identified in that future land use category.
4. The proposed T1 allows residential, office, commercial, and very limited production and processing (specifically agriculture) that are compatible with the surrounding residential, park, and industrial uses.
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.”* This rezoning from I1 light industrial, I2 general industrial, and VP vehicular parking to T1 traditional neighborhood is not spot zoning as it allows for the uses in the adjacent residentially zoned districts as well as some office and commercial uses allowable in the industrial districts. The T1 district will serve as a transition between the residential uses and the more intense industrial uses.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of this parcel from I1 light industrial, I2 general industrial, and VP vehicular parking to T1 traditional neighborhood.



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 #: 15-033839
 Fee: 1200.00
 Tentative Hearing Date:
5-28-15

APPLICANT

Property Owner New Plan Learning
 Address 2250 E. Devon Avenue, suite 239
 City Des Plaines St. Il Zip 60018 Daytime Phone 954-940-1902
 Name of Owner (if different) MURAT ARABACI
 Contact Person (if different) UNAL COBAN Phone 954-940-1902

PROPERTY LOCATION

Address/Location 169 Jenks Avenue
 Legal Description see attached survey
 Current Zoning Vehicular Parking (VP)
 (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,
New Plan Learning, owner of land proposed for rezoning, hereby petitions you to
Vehicular Parking, General
 rezone the above described property from a Industrial, and Light zoning district to a Traditional zoning
industrial Neighborhood
 district, for the purpose of:
 Project consists of a single story, multi-use space added to an existing two story K-8 school. Estimated building addition area 6,500 s.f. Property currently contains multiple zoning classifications, Residential Two Family (RT1), General Industrial (I2), Vehicular Parking (VP), and Light industrial (I1). Area where addition is proposed is zoned Vehicular Parking (VP). Zoning classification does not allow for any use other than vehicular parking. Applicant requests change in zoning classification for areas not currently zoned Residential Two Family (RT1). Area classified as Vehicular Parking (VP) change to Traditional Neighborhood (T1). Area classified as General Industrial (I2) change to Traditional Neighborhood (T1), Area classified as Light Industrial (I1), change to Traditional Neighborhood (T1), Reclassification of zoned areas would allow multi-use addition.
 (attach additional sheets if necessary)

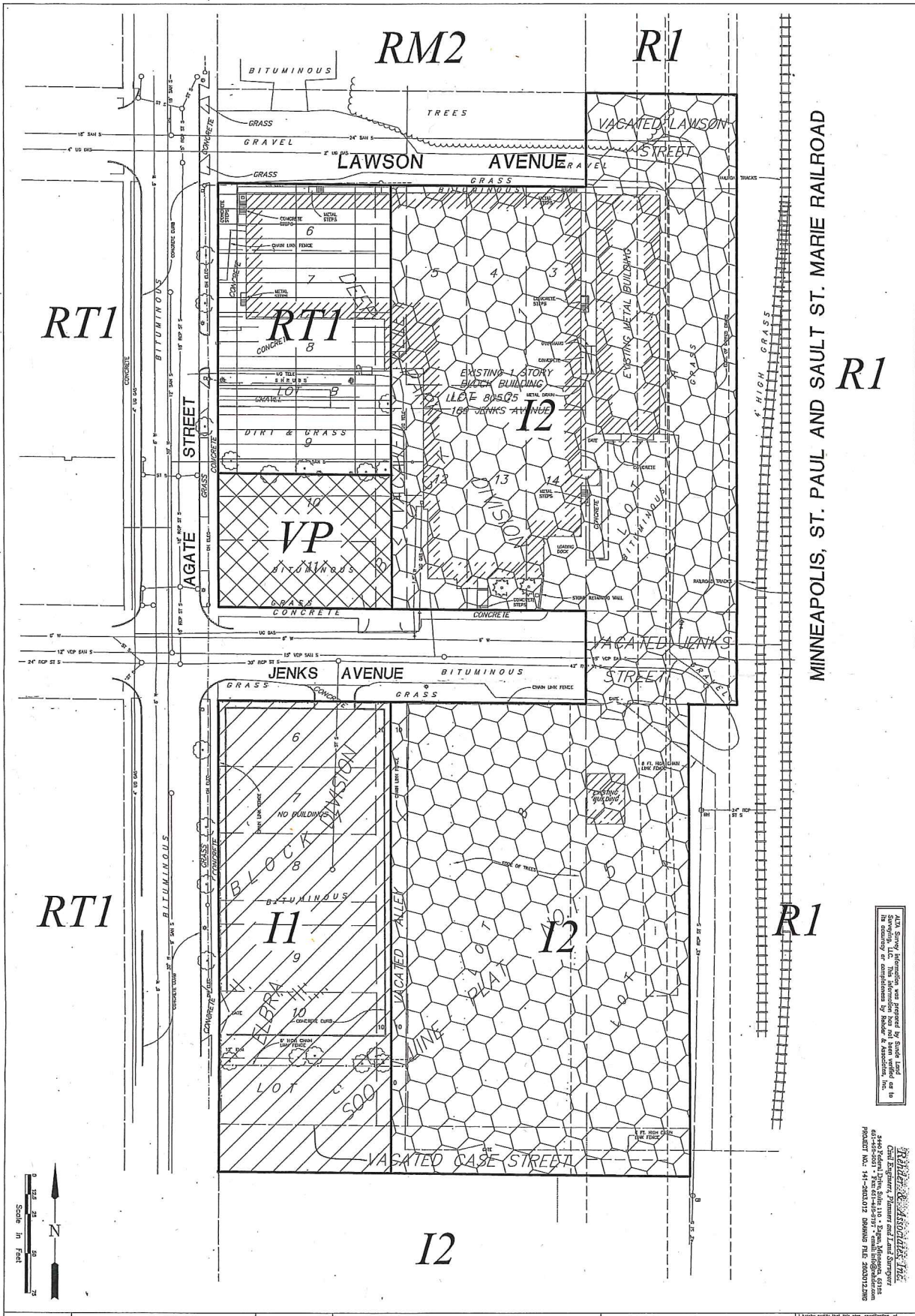
Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

this 14th day
 of MAY, 2015
[Signature]
 Notary Public

By: [Signature]
 Fee owner of property
 Title: President





MINNEAPOLIS, ST. PAUL AND SAULT ST. MARIE RAILROAD

ALL Survey, Information, and proposed by State Land Use for the University or completion by Boulder & Associates, Inc.

RIVERA ARCHITECTS INC.
 778 Peterson Avenue
 St. Paul, Minnesota 55105
 651-446-0011 • Fax: 651-446-9777 • email: info@riveraarch.com
 PROJECT NO. 141-2007012 DRAWING FILE 2007012L005

I hereby certify that the plan, specifications, or reports are prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



MINNESOTA MATH AND SCIENCE ACADEMY - PHASE 3

EXISTING ZONING EXHIBIT

C1.0

60 scale

RM2

R1

LAWSON AVENUE

RT1

RT1

R1

I2

VP

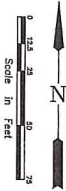
H1

I2

R1

I2

MINNEAPOLIS, ST. PAUL AND SAULT ST. MARIE RAILROAD



ALL Survey Information was prepared by South Land Inc. in conformity or compliance with Minnesota Statutes, Chapter 83A, Section 02.01. The Survey was performed by South Land Inc. on 08/14/2012. Project No. 141-2823.012 DRAWING FILE 2303012.DWG

Rahner & Associates, Inc.
Civil Engineers, Planners and Land Surveyors
654-482-0011 Fax: 654-482-0017
PROJECT NO. 141-2823.012 DRAWING FILE 2303012.DWG

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



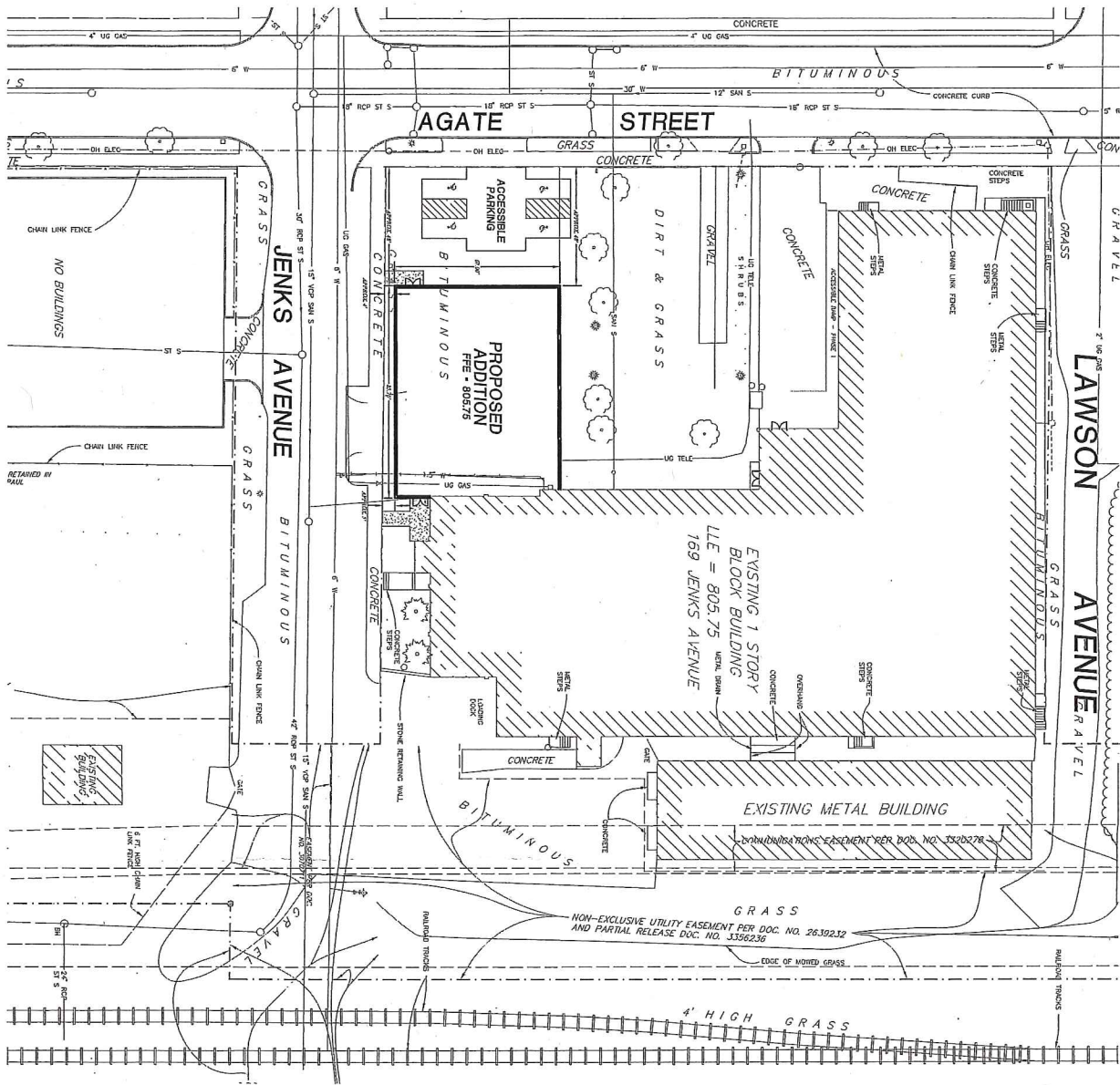
RIVERA ARCHITECTS INC
775 Fairmount Avenue
St. Paul, Minnesota 55105
P:651-222-3245 email:riveraarchitects@westnet.com
Architecture Planning Interiors

MINNESOTA MATH AND SCIENCE
ACADEMY - PHASE 3

5645
200818

EXISTING ZONING EXHIBIT

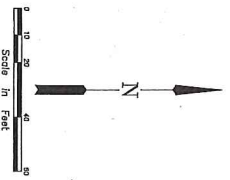
C1.0



All Survey Information was prepared by James Land Surveys, LLC. This information has not been verified as to its accuracy or completeness by Minnesota State Board of Surveyors.

Riviera & Associates, Inc.
 Civil Engineers, Planners and Land Surveyors
 6505 Robert Park Drive, Suite 110, Eden Prairie, Minnesota 55344
 Phone: 952-948-1100 Fax: 952-948-1101
 Project No. 14-0881012 DRAWING FILE: 2003012.DWG

- LEGEND**
- PROPOSED SITE, DIRT BITUMINOUS
 - ▨ PROPOSED CONCRETE
 - ▨ PROPOSED ELAVATION
 - 888.50 EXISTING ELEVATION
 - SET FENCE
 - MET PROTECTION FENCE
 - BOUNDARY/ROW/SIDWALK LINE
 - EXISTING MANSUET
 - EXISTING SANITARY SEWER
 - EXISTING STORM SEWER
 - EXISTING SHARED GAS LINE



VARIANCE APPLICATION SITE PLAN

MINNESOTA MATH AND SCIENCE
 ACADEMY - PHASE 3

RIVIERA ARCHITECTS INC
 776 Fairmount Avenue
 St. Paul, Minnesota 55105
 P561-222-3245 email: riva@rarchitects.com
 Architecture Planning Interiors



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

C1.0

6412 VARIANCE APPLICATION

city of saint paul
planning commission resolution
file number 14-29
date April 4, 2014

WHEREAS, New Plan Learning Inc., File # 14-186-591, has applied for a conditional use permit for an education facility under the provisions of §65.212, §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 169, 175, and 176 Jenks Avenue, Parcel Identification Number (PIN) 30.29.22.13.0062, 30.29.22.13.0122, and 30.29.22.13.0115, legally described as Deer Park Division Ex Lot 9 and Ex W 1/2 of vac alley adj sd Lot 9 vac alley in and Blk 1 and Soo Line Plat Number 5 vac sts accruing & fol: the W 95.8 ft lying S of ext N L of Lawson St & N of ex S L of Jenks St of Lot A and the W 65.3 ft of Lot A that adjoins Lot B & all of Lot B & Lot C; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 27, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. §65.212 identifies the development standards for schools, K-12, which require that the school offer courses in general education and that it shall not be run for profit. These standards are met. The application is proposing to locate a charter school that focuses on math and science for grades K - 8, and will offer a full range of general education classes. The applicant has indicated that the school will not operate for profit.
2. §61.501 lists five standards that all conditional uses must satisfy:
 - a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This application is consistent with the District 6 Plan. This area is guided as Established Neighborhood in the Comprehensive Plan, and a school is consistent with that future land use category.
 - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. This site has two parking lots one of which will be used to stage buses during student drop off and pick up. Each of these parking lots has two entrances/exits that would allow for efficient movement of buses from the city street through the site without causing back up onto the city streets.
 - c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The school will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, or general welfare. As proposed, this use will serve as a transition from the industrial uses to the south and the residential uses to the north and west of the facility. The school will be located in the existing building at the northern portion of the site, which is adjacent to the multi-family buildings to the north and across

Agate Street from the single-family homes to the west. The southern portion of the site will include a parking lot, as it does today, and an undeveloped area.

- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The school use will not impact the orderly development or improvement of the surrounding properties. The proposed school will be housed within an existing building. All the neighboring properties are currently developed. The applicant is aware that they are proposing to locate a school adjacent to an active industrial area that is guided in the City's Comprehensive Plan as industrial into the future and has I2 zoning.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The proposed school will conform to the applicable regulations of the zoning districts within which it is located.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of New Plan Learning, Inc. for a conditional use permit for an education facility at 169, 175, and 176 Jenks Avenue is hereby approved subject to the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.

moved by _____ Nelson _____
seconded by _____
in favor _____ 12 _____
against _____ 1 (Merrigan) _____

169 Jenks Avenue



Northeast corner of Jenks Avenue and Agate Street



Southeast corner of Jenks Avenue and Agate Street

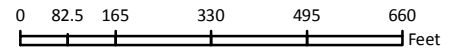
169 Jenks Avenue



Eastern-most portion of the site




Southern portion of the site



FILE NAME: New Plan Learning **Aerial**

Aerial

 Subject Parcels

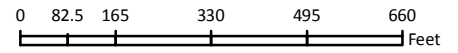
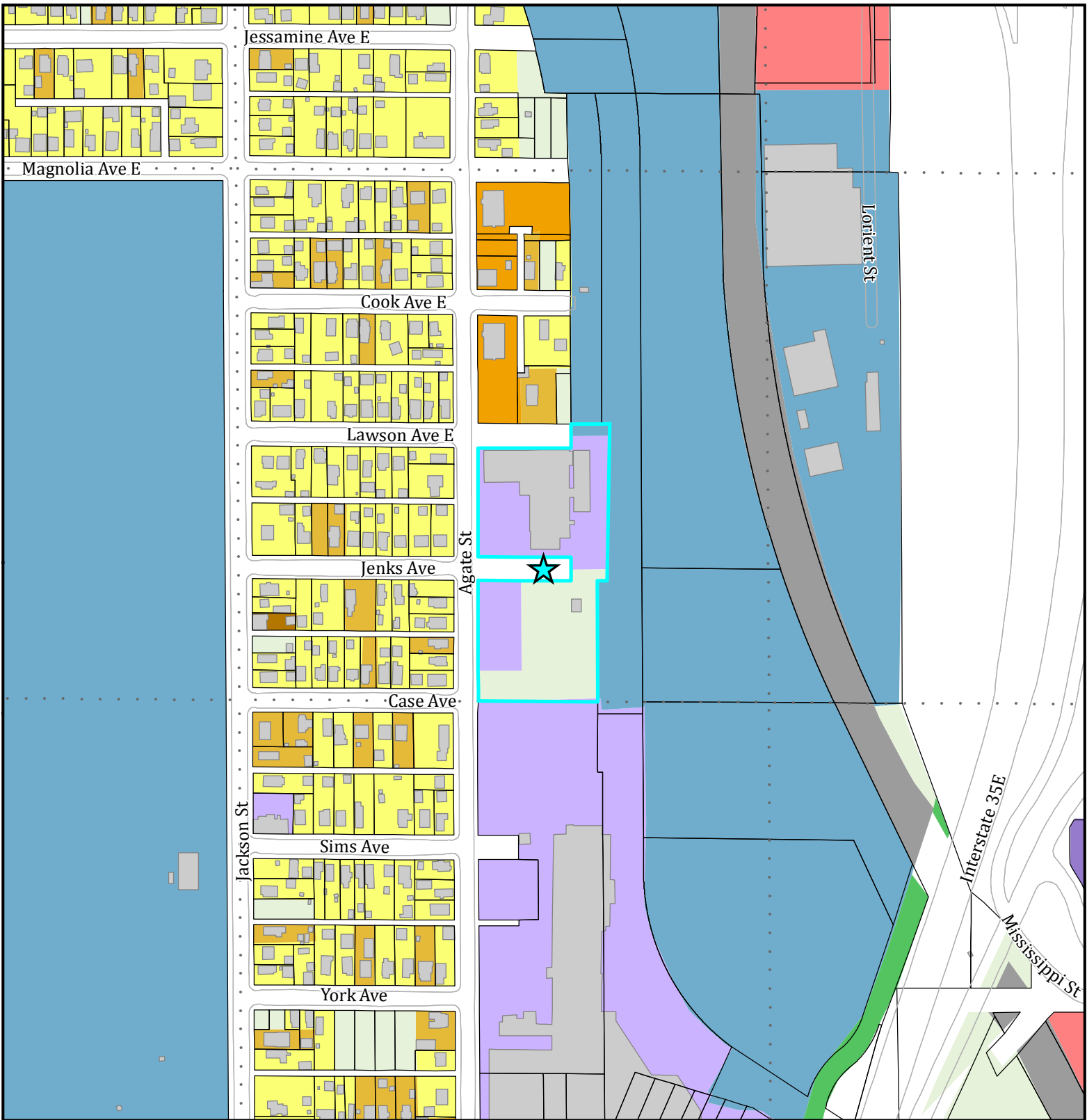
APPLICATION TYPE: Rezoning

FILE #: 15-033859 DATE: 5/14/2015

PLANNING DISTRICT: 6

ZONING PANEL: 10





FILE NAME: New Plan Learning

APPLICATION TYPE: Rezoning

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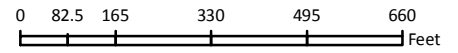
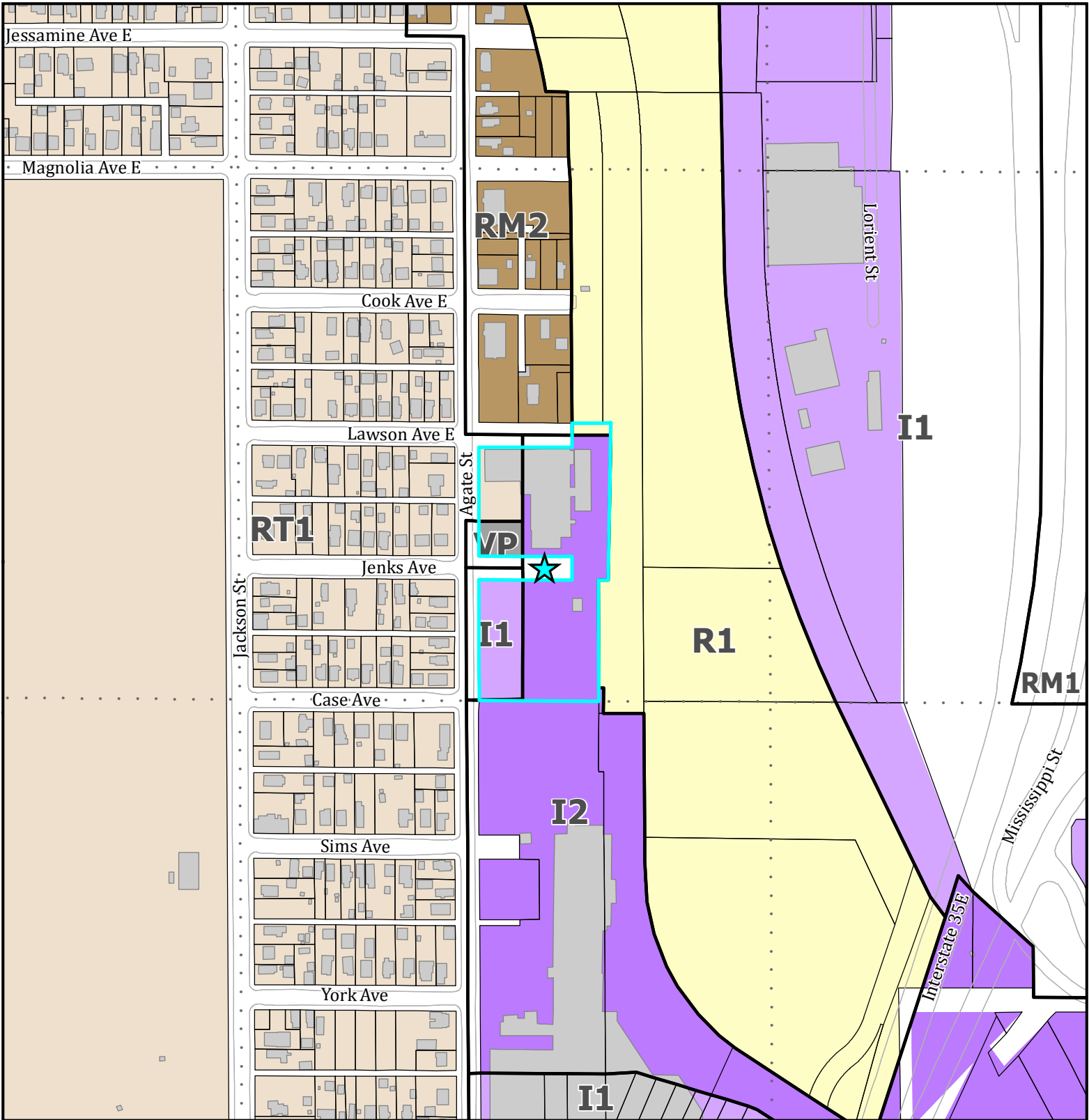
PLANNING DISTRICT: 6

ZONING PANEL: 10

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: New Plan Learning

APPLICATION TYPE: Rezoning

FILE #: 15-033859 DATE: 5/14/2015

PLANNING DISTRICT: 6

ZONING PANEL: 10

Zoning

- R1 One-Family
- RT1 Two-Family
- RM1 Multiple-Family
- RM2 Multiple-Family
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking

- Subject Parcels
- Section Lines

