

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Twin Cities Concrete Products **FILE #:** 15-030-369
  2. **APPLICANT:** Twin City Concrete Products Co. **HEARING DATE:** May 14, 2015
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 1474-1520 Minnehaha Ave E, 685 Hazelwood St., 1446 Beech St., et al between Hazelwood and Birmingham
  5. **PIN & LEGAL DESCRIPTION:** 342922210001-342922210005, 342922210009-342922210039; See Rezoning Application for full legal description
  6. **PLANNING DISTRICT:** 1 **EXISTING ZONING:** I1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** May 5, 2015 **BY:** Bill Dermody
  9. **DATE RECEIVED:** April 27, 2015 **60-DAY DEADLINE FOR ACTION:** June 26, 2015
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- A. **PURPOSE:** Rezoning from I1 Industrial & VP Vehicular Parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family
- B. **PARCEL SIZE:** 9.3 acres
- C. **EXISTING LAND USE:** Industrial & undeveloped/vacant
- D. **SURROUNDING LAND USE:** Single-family residential to the east, south, and southwest (R4), office and parking to the north (OS, VP), and a mix of uses to the northwest at the intersection of Birmingham and Minnehaha, including multi-family residential, a gas station, and a postal facility (RM2, B3, B1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site is currently used by Cemstone for its construction truck fleet operations and was historically also used as a quarry. The site's zoning of I1, VP, and R4 has remained unchanged from its current configuration since 1975. The property purchaser is concurrently pursuing vacation of a street and an alley, as well as consolidation of the various lots into a single property through means separate from this application.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 1 Community Council has not provided a recommendation regarding the application.
- H. **FINDINGS:**
  1. The application proposes rezoning from I1 Industrial & VP Vehicular parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family for an approximately 9.3-acre area consisting of the Cemstone business and undeveloped land. The stated intent is to build a K-12 school campus with buildings up to 35 feet tall.
  2. The proposed zoning is consistent with the way this area has developed. The area contains commercial and multi-family uses along Minnehaha Avenue that are surrounded by single-family uses. The proposed zoning allows for a mix of uses including neighborhood-scale commercial uses along Minnehaha Avenue and Hazelwood Street, and residential uses as well as civic and institutional uses such as schools and churches throughout the site.
  3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan's Land Use Chapter designates the site as Industrial and an Opportunity Site in

Figure LU-B and as an Employment District in Figure LU-F. The Industrial designation is described as primarily manufacturing and/or processing of products, potentially including light or heavy industrial land uses, large warehouse facilities, and/or utilities. The Opportunity Site designation calls for redevelopment to mixed uses (such as those permitted in the T1 zoning district) and/or an employment center (Strategies LU-1.54 & LU-2.7). The Land Use Chapter also encourages remediation and reuse of underutilized industrial land, which is made possible on this site by the proposed rezoning. Strategy LU-1.58 calls for collaborating with educational institutions to promote neighborhood improvement in conjunction with new construction, which is provided by the improved streetscape required by Traditional Neighborhood design guidelines and by the reduction in truck traffic in this largely residential area. The Economic Development Strategy and the District 1 Plan Summary contain no provisions specific to this application.

4. The proposed T1 and RT1 zoning is compatible with the surrounding mixed commercial and multi-family residential uses along Minnehaha Avenue and the surrounding single-family residential uses, and provides an effective transition between those uses. It removes I1 uses that have presented noise and truck traffic conflicts at this location.
  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 T1 and RT1 zoning does not constitute "spot zoning". The proposed zoning is consistent with the surrounding uses and provides an improved transition between the uses along Minnehaha Avenue and the surrounding area.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from I1 Industrial & VP Vehicular Parking to T1 Traditional Neighborhood, and from R4 One-Family to RT1 Two-Family.



**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 #:	15-030369
Fee:	
Tentative Hearing Date:	5-14-15

PD=1

# 3429 2221 0003  
 et al

**APPLICANT**

Property Owner: Twin City Concrete Products Co.  
 Address: 2025 Centre Point Blvd., Suite 300, Mendota Heights, MN 55120  
 Daytime Phone: 651-688-9292  
 Contact Person (if different): Tim Becken

**PROPERTY LOCATION**

Address/Location: See Exhibit B, attached  
 Legal Description: See Exhibit B attached.  
 Current Zoning: See Exhibit A, attached

**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, Twin City Concrete Products Co., owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a (See Exhibit A, attached) zoning district to a (See Exhibit A, attached) zoning district, for the purpose of:

See Exhibit A, attached

(attached additional sheets if necessary)

Attachments as required:     Site Plan     Consent Petition     Affidavit

Subscribed and sworn to before me

April 14, 2015

Notary Public Signature Leah Marie Rose

By: Tim Becken  
 Title: Senior Vice President

Tim Becken



## **EXHIBITS TO PETITION FOR REZONING**

### **Exhibit A to Petition For Rezoning**

#### **Rezoning Sought**

The property at issue contains multiple tracts split into three zoning districts. One of the sets of tracts is zoned R4; one is zoned I1; and one is zoned VP. A diagram is attached showing the current designations

The petitioner is requesting a rezoning of the I1 and the VP tracts to T1.

In addition, the petitioner is requesting a rezoning of the R4 tract to RT1

#### **Introduction**

The zoning change sought in this Petition is not for the purpose of creating a new authorized use for this property. The buyer of this property wishes to build a public charter school on the property. School use is permitted in all current zoning districts that affect the property, as well as in the proposed T1.

The reason for this application is (a) to enable the school to merge the assemblage of tracts into a single parcel with only two zoning designations, (b) with respect to the VP tract, to afford flexibility within the site plan as to where the school facility, sports fields, and parking will be located, and (c) with respect to the residential tract, allow slightly more intensive construction consistent with a public school facility.

#### **Background and Reason for Rezoning**

The property to be rezoned consists of an assemblage of three tracts located on the south side of Minnehaha Avenue at 1474-1520 Minnehaha Avenue, St. Paul, Minnesota, commonly referred to as the "Cemstone site". The total combined land size is approximately 9.27 acres, which includes the streets and alleys to be vacated. The property is currently occupied by Cemstone (the owner listed in this Petition), which uses the site for a cement operation. The cement works has been in place for over 50 years. During this period, the surrounding area has become almost exclusively residential.

The current owner plans to cease using it for a cement operation and sell the property. A Minnesota public charter school is in the due diligence phase of a contract to purchase the property. The school wishes to redevelop the site into a public charter school. The project will include construction of a schoolhouse facility and related vehicle parking, sports fields, storm water retention, and landscaping.

Minnesota charter schools are tuition-free public schools available for admission to anybody of appropriate age, with enrollment on either a first come, first served basis or, if applications exceed capacity, on a lottery basis. A public school on this site would be a resource for the surrounding residential areas.

The property is currently platted as multiple tracts separated by dedicated roads and alleys. Along with this petition, the owner has filed a petition to vacate the streets and alleys. These streets and alleys were dedicated in the plat but have not been developed into physical streets. In other words, the land is unimproved other than the cement works.

Assuming the streets and alleys are vacated, The property will consist of several contiguous tracts divided into three separate zoning districts as noted above. The owner is also in the process of re-platting this site so that ultimately it will be a single parcel.

### **Analysis of Rezoning**

Re-zoning the I1 and VP tracts to T1 would enable the creation of a single parcel with only two zoning designations, both of which permit a school use. School use is a permitted use in T1, and the height limits of T1 allow the construction of the school facility without any variance or even a CUP.

Re-zoning the residential tract from R4 to RT1 would accommodate the level of facility construction that is consistent with a public school facility. More specifically, the current site plan locates the school gymnasium partially on this tract. The RT1 zoning would accommodate this structure without variance or CUP.

Applicant believes this zoning change is consistent with the City of St. Paul Comprehensive Plan. That plan designates this site as an Opportunity Site (Comprehensive Plan, Land Use Section 1.54). Opportunity Sites are to be developed into mixed-use or employment centers. The T1 zoning "is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses...." The RT1 zoning retains the residential category of the existing R4, but is more in harmony with the T1 zoning of the other two tracts.

The charter school, when completed, will create multiple full-time jobs in the neighborhood: teachers, administrators, etc. It will also create a facility that will be used for community purposes such as Boy Scouts, Girl Scouts, Rotary, etc.

Applicant notes that the Cemstone land to the north of Minnehaha is subject to Greater East Side District Plan, which states, among other things, that its goal is to "[promote ... redevelopment sites for either mixed use or housing development on] vacant land, known as the Cemstone site, north of Minnehaha Avenue" (Greater East Side District Plan, Section LU1d). In fact, other than a small piece along the railroad tracks at the extreme northern portion of this land, all of the Cemstone land north of Minnehaha is currently zoned something other than Industrial, with the bulk of it zoned RM1 or RM2. See attached.

Similarly, of the three tracts that comprise the property at issue, only one is currently zoned I1. One is a residential zone, and the other VP.

Thus, out of the entire Cemstone parcel of 20+ acres shown as "Industrial" on the Comprehensive Plan, only one parcel of approximately 4 acres south of Minnehaha, and another of similar size along the railroad tracks at the north of this land, currently carries an Industrial zoning. The rest is subject to the Greater East Side District Plan and is zoned RM or, in the case of the property at issue, zoned R4 and/or VP.

Given (i) that most of the Cemstone land both north and south of Minnehaha is not currently zoned Industrial, (ii) that the land north of Minnehaha is governed by the Greater East Side District Plan, and (iii) that this site is designated as an Opportunity Site on which Applicant wishes to develop a public charter school, Applicant submits that re-zoning the I1 and VP tracts to T1 is appropriate and consistent with the Comprehensive Plan.

## **Exhibit B to Petition For Rezoning**

***The street address of the property to be rezoned is:***

1474-1520 Minnehaha Avenue, St. Paul, Minnesota

***The legal descriptions of the tract zoned R4 is (as of the date of this application – legal description will be revised after the vacation of the dedicated streets):***

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 2, BROUGHER'S SUBDIVISION "A", together with that part of the west half of vacated Barclay Street adjoining thereto and together with that part of the south half of vacated Beech Street adjoining thereto.

***The legal description of the tract zoned VP is (as of the date of this application – legal description will be revised after the vacation of the dedicated streets):***

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 2 BOCK'S DIVISION, together with that part of the east half of vacated Barclay Street adjoining thereto and together with that part of the south half of vacated Beech Street adjoining thereto.

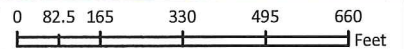
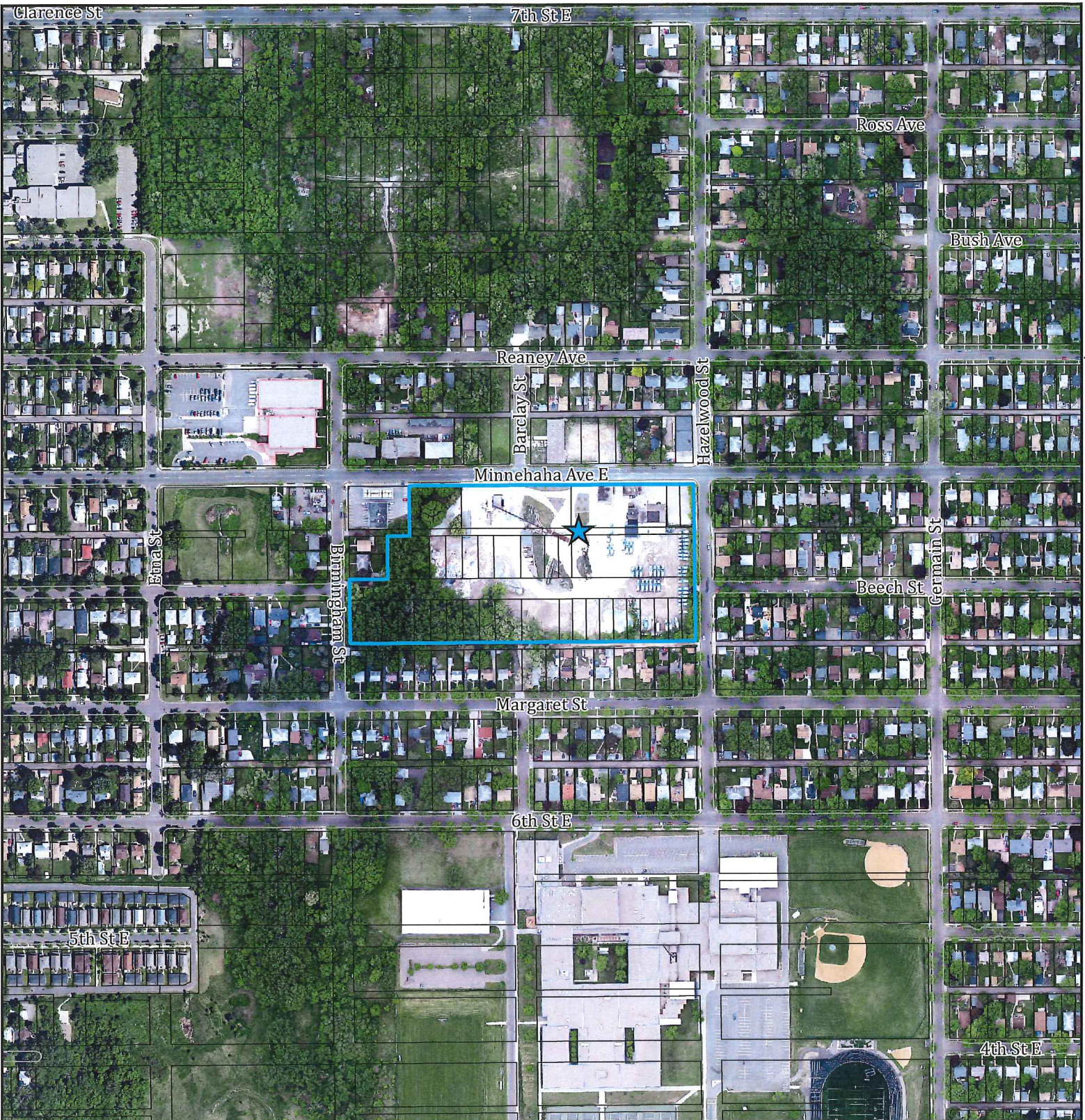
***The legal description of the tract zoned I1 is (as of the date of this application – legal description will be revised after the vacation of the dedicated streets):***

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24, Block 1, BOCK'S DIVISION, together with that part of the east half of vacated Barclay Street adjoining thereto and together with that part of the north half of vacated Beech Street adjoining thereto and together with the vacated Alley adjoining thereto.

And

Lots, 1, 2, 3, 4, 5, 6, 14, 15, 16, 17, 18, 19, 20, the east 10.5 feet of Lot 7 and Lot 13 except the west 19.5 feet thereof, all in Block 1, BROUGHER'S SUBDIVISION "A", together with that part of the west half of vacated Barclay Street adjoining thereto and together with that part of the north half of vacated Beech Street adjoining thereto and together with part of the vacated Alley adjoining thereto.





FILE NAME: Twin City Concrete Products Co

**Aerial**

APPLICATION TYPE: Rezoning

 Subject Parcels

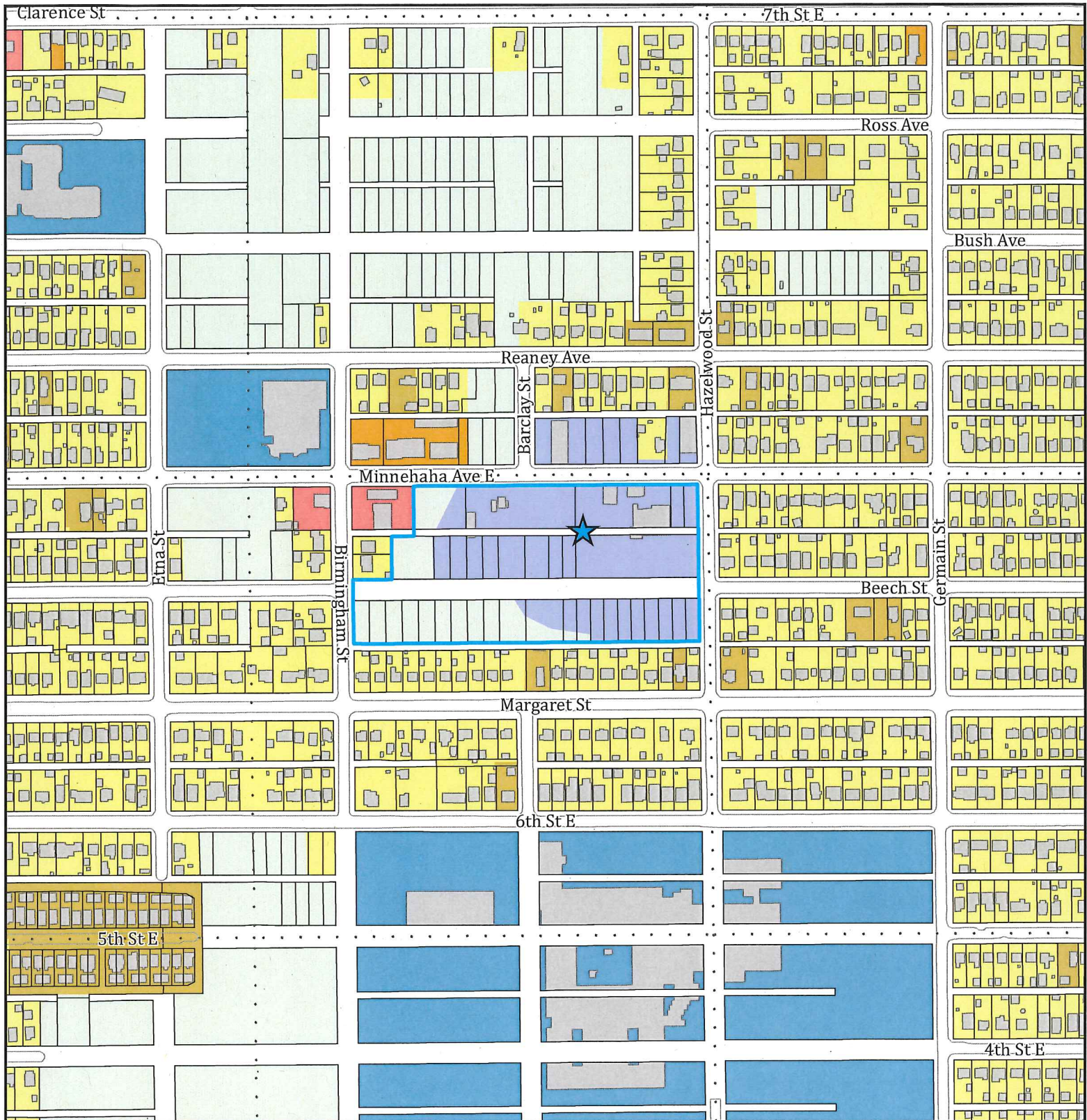
FILE #: 15-030369      DATE: 5/5/2015

PLANNING DISTRICT: 1

ZONING PANEL: 11,12







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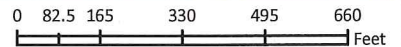
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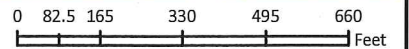
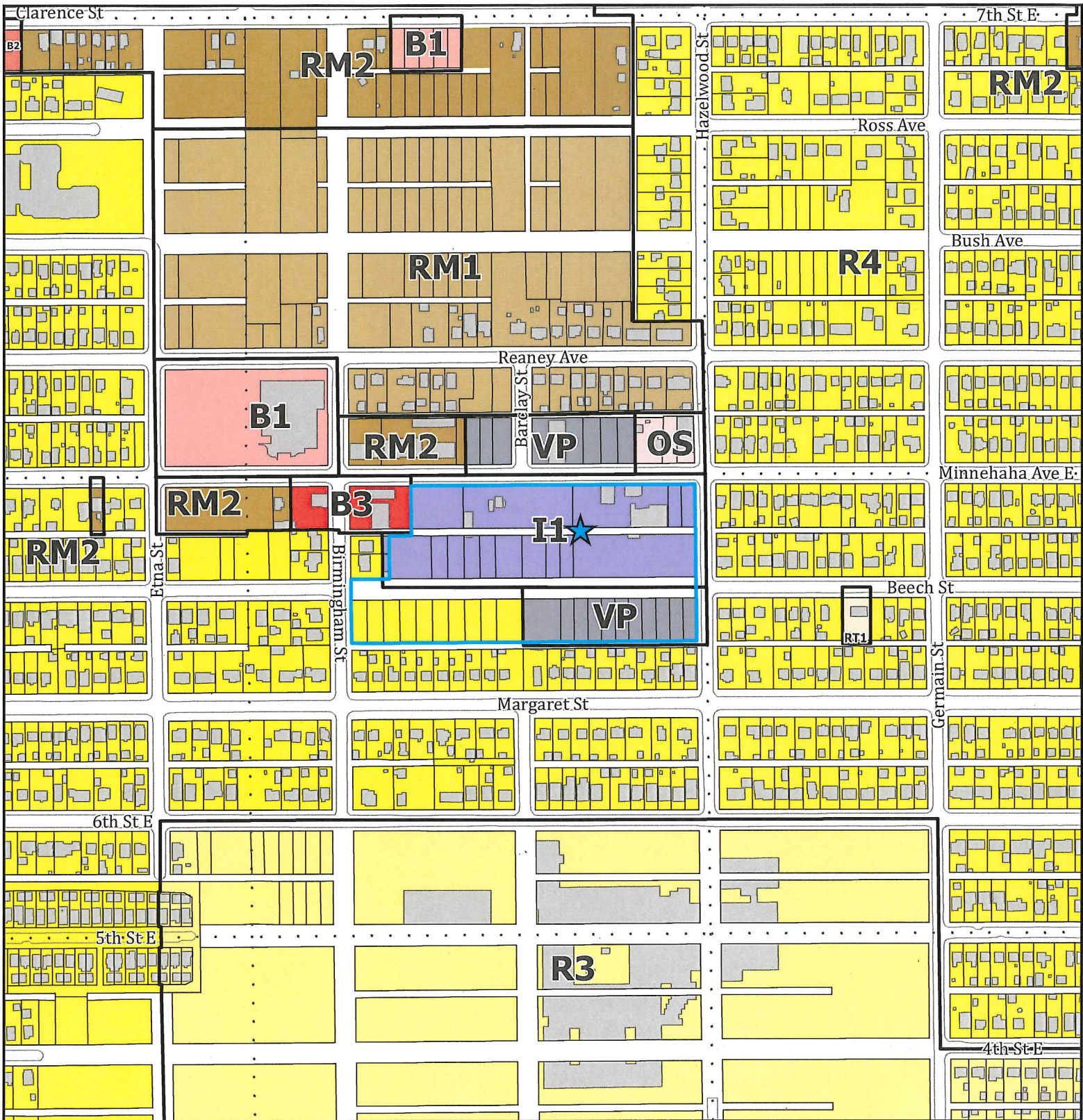
PLANNING DISTRICT: 1

ZONING PANEL: 11,12

**Land Use**

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Industrial and Utility
- Institutional
- Undeveloped
- Subject Parcels
- Section Lines





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APPLICATION TYPE: Rezoning

FILE #: 15-030369

DATE: 5/5/2015

PLANNING DISTRICT: 1

ZONING PANEL: 11,12

**Zoning**

- R3 One-Family
- R4 One-Family
- RT1 Two-Family
- RM1 Multiple-Family
- RM2 Multiple-Family
- OS Office-Service
- B1 Local Business
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- VP Vehicular Parking
- Subject Parcels
- Section Lines

