

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Fleetwood Motors **FILE #:** 14-345-787
  2. **APPLICANT:** Frank and Mary O'Gorman **HEARING DATE:** December 23, 2014
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 550 Como Ave, SW corner at Burgess Street
  5. **PIN & LEGAL DESCRIPTION:** 252923320144; Foundry Addition Lots 6, 7 & Lot 8 Blk 6
  6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** IR
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** December 18, 2014 **BY:** Josh Williams
  9. **DATE RECEIVED:** November 13, 2014 **60-DAY DEADLINE FOR ACTION:** January 12, 2015
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- A. **PURPOSE:** Rezone from IT Transitional Industrial to B3 General Business.
- B. **PARCEL SIZE:** 16,664
- C. **EXISTING LAND USE:** Commercial/Industrial
- D. **SURROUNDING LAND USE:**
  - North: Residential/Industrial
  - East: Residential/Commercial
  - South: Industrial
  - West: Residential/Commercial
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property was rezoned from I1 (light industrial) to IT (transitional industrial) subsequent to the adoption of the North End-South Como District 6 Plan in 2012. Concurrent with this application, the proprietor of Fleetwood Motors has submitted an application for a conditional use permit for outdoor auto sales on the site.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 6 recommends approval of the rezoning application.
- H. **FINDINGS:**
  1. The owner of the property is seeking to rezone the property from the current IT (transitional industrial) designation to a B3 (general business) designation. The proposed zoning will allow for the property owner to continue his machinery component repair business he runs out of the rear portion of the principal structure as a conforming use, and to rent the front portion of the building and the parking lot to Fleetwood Motors, a used auto sales company. Outdoor auto sales is not allowed in the IT district and is a conditional use in the B3 district.
  2. The proposed zoning is consistent with the way this area has developed. The property is located at the edge of an industrial corridor stretching away to the southeast along Como Avenue and the Burlington Northern Santa Fe rail line. In general, the area is characterized by a mix of residential, commercial, and industrial uses. According to Sec. 66.415 of the zoning code, the intent of the proposed B3 zoning is to *provide sites for more diversified types of businesses than those in the B1 and B2 business districts, and*

*is intended for use along major traffic arteries or adjacent to community business districts.* The use of the proposed zoning for the subject site is consistent with this intent.

3. The proposed zoning is consistent with the Comprehensive Plan. The Future Land Use map of the comprehensive plan identifies the stretch of Como Avenue on which the property is located as a Mixed-Use Corridor. Policy LU1.46 is to *encourage the expansion of compact commercial areas in... Mixed-Use Corridors*. Policy LU1.48 is to *support compatible mixed-use within single buildings*. The proposed rezoning will allow both the existing business and a new business to operate from the subject property, consistent with both of these policies.

In 2012, the North End-South Como District 6 Plan identified a number of zoning changes in the general area. The general intent of the recommended zoning changes and accompanying policies in the plan was to reduce the potential for conflict between adjoining land uses over time by bringing zoning into congruence with property uses where appropriate and identifying existing residential properties to be redeveloped as industrial uses as they become available. The proposed rezoning is consistent with the general intent of the plan.

4. The proposed zoning is compatible with existing uses of surrounding properties, including residential and industrial uses. The more intense commercial uses allowed under B3 zoning are generally consistent with industrial uses. The proposed rezoning from IT to B3 would make the allowed uses on the property more restrictive, per Sec. 60.307, generally increasing compatibility with residential 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.*" The proposed zoning of the property would neither create an island of nonconforming use nor establish a use classification inconsistent with surrounding uses; the proposed rezoning does not constitute "spot zoning".

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the application for rezoning from IT Transitional Industrial to B3 General Business.



**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 #: 14-345-787  
 Fee: 1200  
 Tentative Hearing Date: 12-11-14

**APPLICANT**

Property Owner Frank and Mary O Gorman  
 Address 550 Como ave  
 City St Paul St. MN Zip 55103 Daytime Phone 651-487-1333  
 Contact Person (if different) 651-214-4133 Phone Frank

**PROPERTY LOCATION**

Address/Location 550 Como ave, St. Paul MN 55103  
 Legal Description \_\_\_\_\_  
 Current Zoning IT  
 (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;

Mary O Gorman, owner of land proposed for rezoning, hereby petitions you to  
 rezone the above described property from a IT zoning district to a B3 zoning  
 district, for the purpose of: (with a modified cap) to Allow For Auto Sales

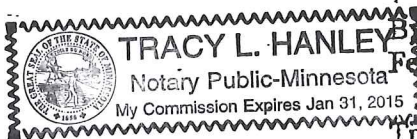
(attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

this 10<sup>th</sup> day

of November, 2014



Mary O Gorman  
 Fee owner of property  
 Title: owner

Notary Public

# Fleetwood Motor LLC/ O'Gorman Zoning Change Request & Conditional Use Permit Application for 550 Como

## Applicant Plan

The applicant is a lifelong St. Paul resident and 17 year Frog town homeowner seeks to establish his outdoor sales/used automobile business for up to 12 vehicles and up to 4 customer parking spots at 550 Como Ave.

## Business Plan

Fleetwood Motor is owned by Phillip Smith with over 30 years of Automotive is establishing said business at the subject property where it leases the front office of the structure and the entire adjacent paved lot and property.

On said property there will be no auto prep work, no automotive garage, no mechanic or body work. Fleetwood Motor will hire up to an initial 3 sales staff including the owner , with operating hours of 9-6 Monday –Friday and 9-4 on Saturdays. With normal business hours and a small number of vehicles for sale at any one time, Fleetwood will strive to sale quality automobiles as it secures the financing for all its customers.

With automobile outdoor companies growing on Como Avenue, including directly across the street from the site, Fleetwood Motor seeks to develop a niche of quality automobile sales in a neighborhood friendly and supportive environment for the average working families of St. Paul.

## Site

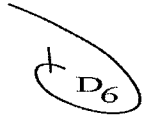
Fleetwood leases the front offices of 550 Como and the entire parking area and outside property therein. ( see photos) The fee owner of the property, Frank and Mary O'Gorman maintains the rear for the building for their small business needs.(see attached drawing) and hereby makes application together with Fleetwood for the requested zoning change.

The current paved lot measures approximately 90 feet x 60 feet and will provide sufficient parking for up to 10-12 automobiles on site for sale , up to 4 customer parking spots and up to 3 staff parking stalls consistent with section 63.305 for off street parking requirements (See photos and black topping specs attached)which will allow for adequate maneuvering room.

Having met with zoning and having scheduled a pre-application conference with the Dept of Planning and Economic development, herein find the request from the landowner to change



the zoning of the parcel from IT to B-3 and the lessee Fleetwood is applying as directed by staff for its CUP under sec.61.501,61.504, and section 65.706 (a) and stipulates its compliance therein as noted herein with modification pursuant to 61.502 given the exceptional undue hardship and expense to allow for Fleetwood, as a new start up business, to make the necessary changes to the lot entrance to conform to section 65.706(b) within six months following the approval of the zoning change and CUP herein.



District 6 Planning Council

171 Front Avenue  
Saint Paul, MN 55117  
651-488-4485 fax: 651-488-0343  
[district6ed@dist6pc.org](mailto:district6ed@dist6pc.org)

December 15, 2014

Zoning Committee of the Planning Commission  
15 West Kellogg BLVD  
Saint Paul, MN 55102

RE: 550 Como Avenue-Frank and Mary O'Gorman- Fleetwood Motors-Establishment of a Conditional Use Permit to allow for Auto Sales and re-zone from IT to B3

At its Land Use meeting on December 1, 2014 the task force met with the applicant and after discussion District 6 Planning Council recommends approval of a conditional use permit and a rezone of the property to B3 to allow for auto sales with the condition the applicant has an approved site plan.

District 6 does not take rezoning a parcel lightly but in this case, the rezoning to a B3 will result in more consistent zoning in the area.

Thank-you for your consideration and if you have questions, please contact the office.

Regards,

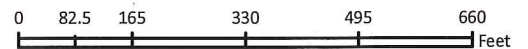
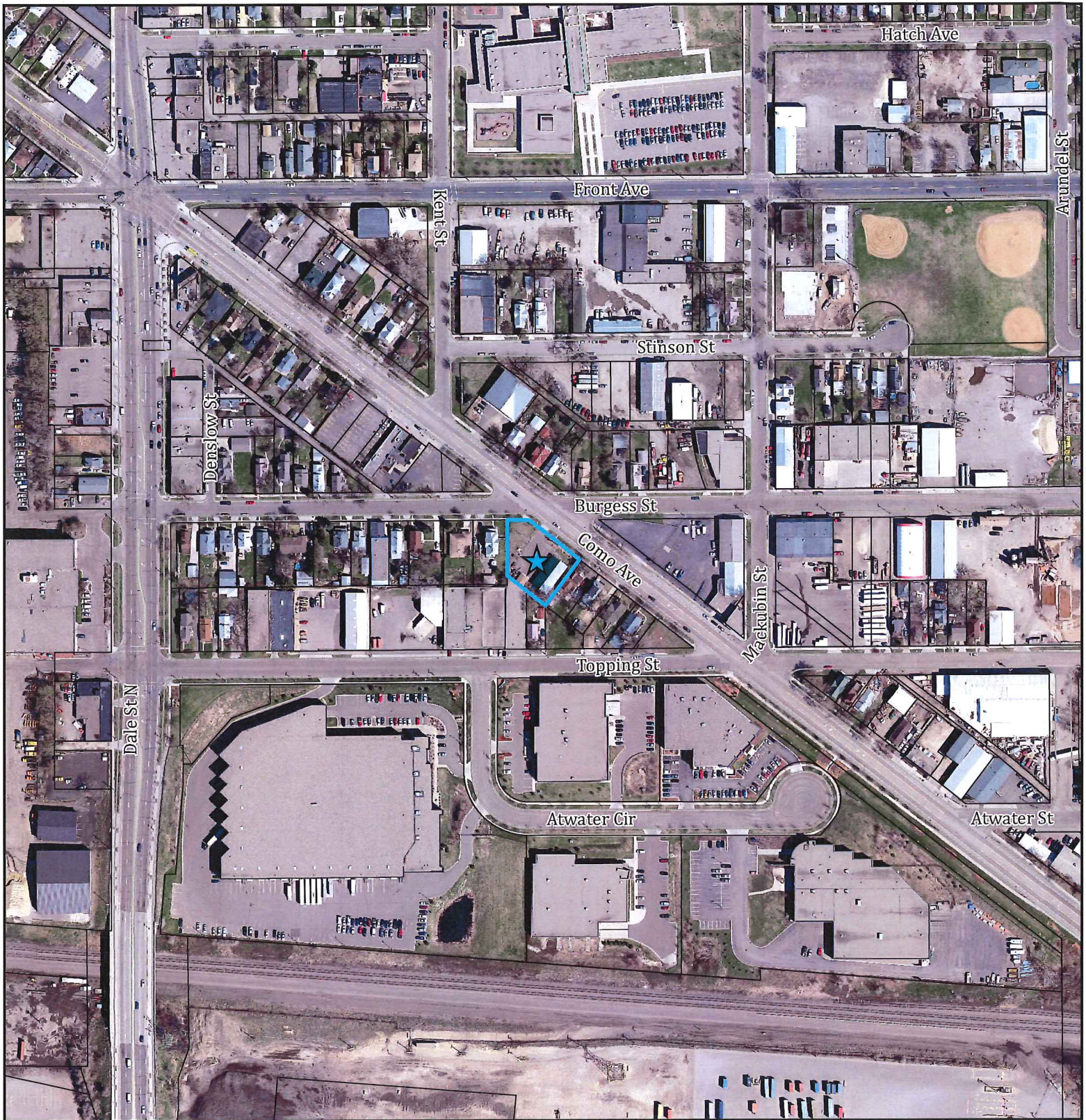
*Jeff Martens*

Jeff Martens  
Land Use Chairman

Cc: Ward 1  
Josh Williams

An Affirmative Action Equal Opportunity Employer





FILE NAME: Fleetwood Motors (Rez)

Aerial

APPLICATION TYPE: Rezone

 Subject Parcels

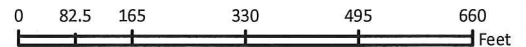
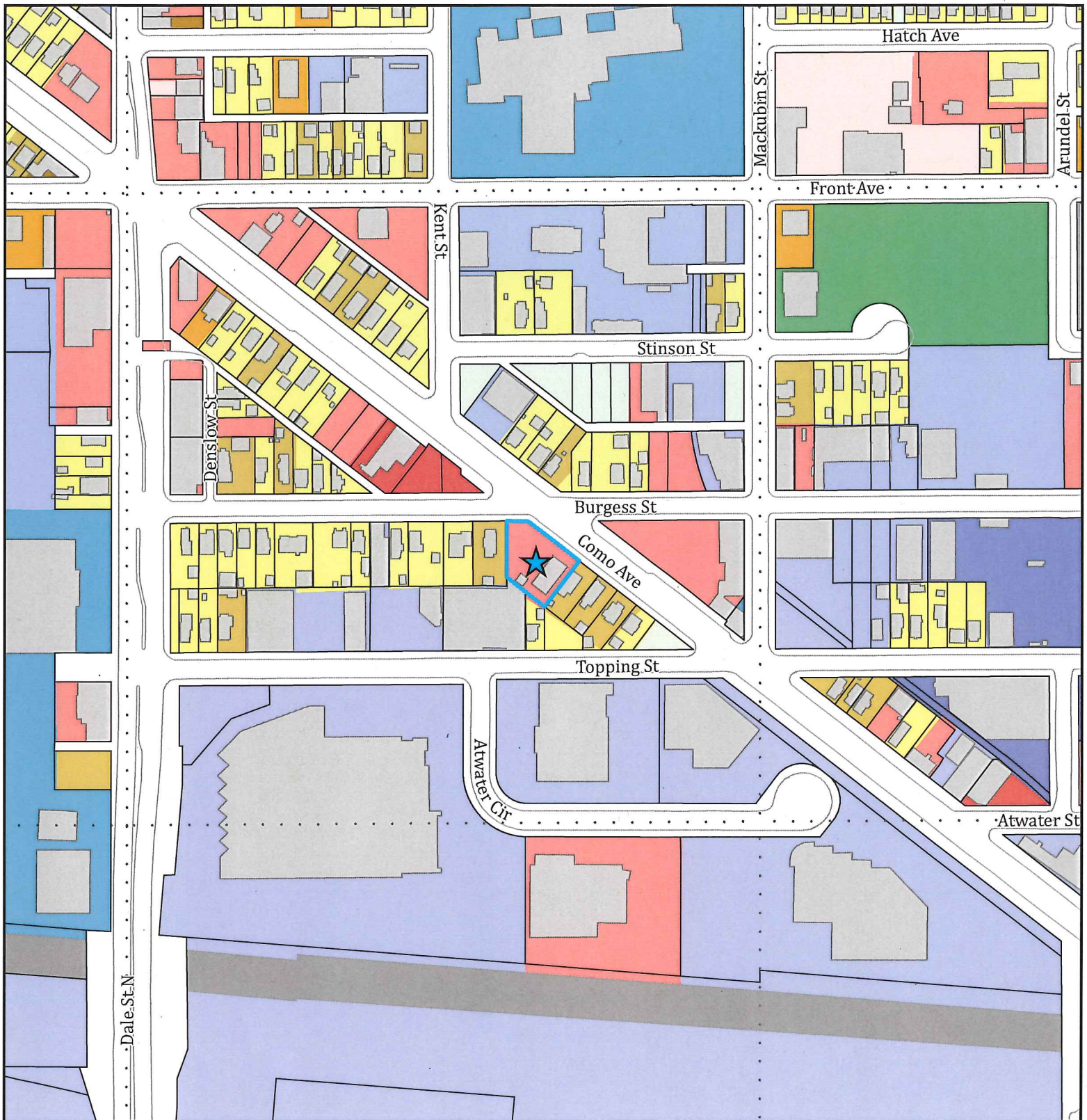
FILE #: 14-345787 DATE: 11/17/2014

PLANNING DISTRICT: 6

ZONING PANEL: 9







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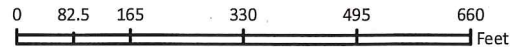
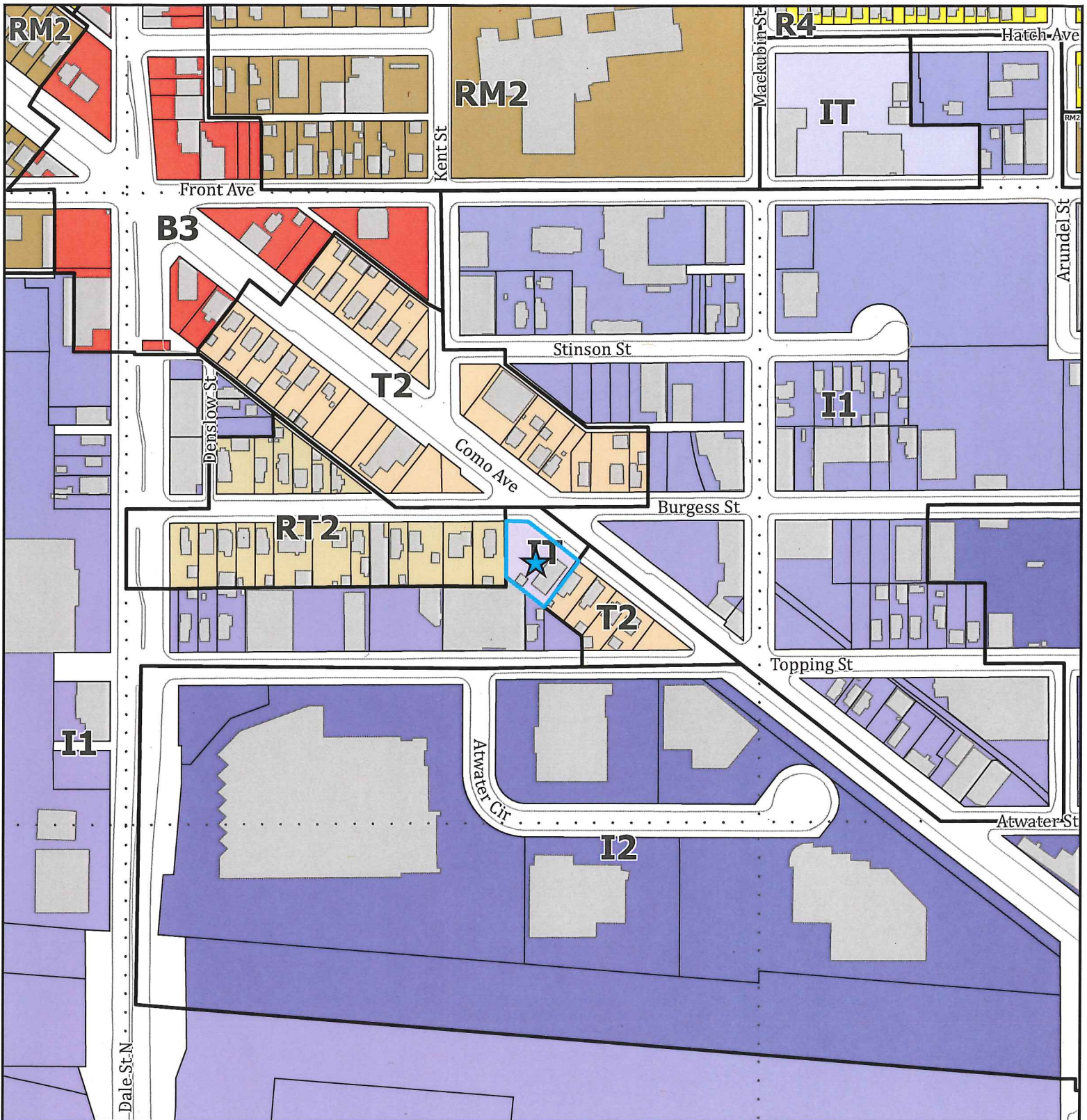
ZONING PANEL: 9

**Land Use**

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







FILE NAME: Fleetwood Motors (Rez)

APPLICATION TYPE: Rezone

FILE #: 14-345787      DATE: 11/17/2014

PLANNING DISTRICT: 6

ZONING PANEL: 9

**Zoning**

- R4 One-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- B3 General Business
- IT Transitional Industrial
- I1 Light Industrial
- I2 General Industrial
- Subject Parcels
- Section Lines

