

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Cityview Apartments Inc **FILE #** 11-299-652
 2. **APPLICANT:** City View Apartments Inc **HEARING DATE:** December 8, 2011
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 743 3rd St E, NW corner at Maple
 5. **PIN & LEGAL DESCRIPTION:** 322922140187; Lyman Dayton Addition Ex Alley Nely 3
50/100 Ft Of Lot 2 And All Of Lot 1 Blk 34
 6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** November 30, 2011 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** November 10, 2011 **60-DAY DEADLINE FOR ACTION:** January 9, 2012
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A. **PURPOSE:** Rezoning from B2 Community Business to T2 Traditional Neighborhood.

B. **PARCEL SIZE:** 36 ft (3rd Street E) x 106.5 ft. (Maple) = 3,834 square feet

C. **EXISTING LAND USE:** Multifamily residential

D. **SURROUNDING LAND USE:**

North: Single and Two-family residential (RT1)

East: Community business (B2) and Traditional Neighborhood 2 (T2)

West: Single and Two-family residential (RT1)

South: Auto service station (B2)

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council made no recommendation on this application.

H. **FINDINGS:**

1. The property consists of two primary structures. One structure, facing East 3rd Street, is a two-story commercial building. The upper level has been used as a residential unit for several years. According to DSI records the lower level has been used as a residential unit within the last few years, which is not a permitted use in the B2 district. The second structure faces Maple Street and is a three-unit residential building.
2. The applicant has applied to rezone the property from B2 to T2 for the purpose of adding a second residential unit to the first floor of the existing commercial structure.
3. The proposed zoning is consistent with the way this area has developed. Both 3rd and Maple are primarily residential streets with some scattered commercial uses and larger multifamily structures. The T2 district is better suited for this site and the intersection in general, due to its proximity to low density residential uses.
4. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter's Generalized 2030 Future Land Use map designates 3rd Street as a Residential Corridor. The plan encourages the development of medium density multifamily housing along Residential Corridors (LU1.19). The District 4 plan promotes the reuse, instead of demolition, of existing commercial buildings (C3).
5. The proposed zoning is compatible with the existing commercial and single and multifamily residential uses. The range of uses permitted under the T2 zoning is compatible with varying intensities of commercial and residential uses. Development standards associated with the Traditional Neighborhood districts will ensure that a

pedestrian friendly character, neighborhood scale, and positive commercial/residential interface are maintained.

6. 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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* The proposed T2 zoning is compatible with both surrounding uses and zoning. The area is already characterized by business and traditional neighborhood zoning at intersections that are surrounded by residential zoning. Rezoning will not reduce the value of either the rezoned or surrounding properties for allowed uses. The rezoning would therefore not constitute "spot zoning".

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from B2 Community Business to T2 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 # 11-299652
 Fee 1200.00
 Tentative Hearing Date
12-8-11

PD=4

322922 14 0187

APPLICANT

Property Owner City View Apartments, Inc.
 Address 923 Payne Ave.
 City St. Paul St. MN Zip 55130 Daytime Phone 651-776-6021
 Contact Person (if different) George Trembulak Phone 651-276-9758

PROPERTY LOCATION

Address / Location 743 E 3rd St.
 Legal Description See attached.
 Current Zoning B2
 (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,
City View Apartments, Inc., owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B2 zoning district to a T2
 zoning district, for the purpose of:

CK11731
 pdd 11-10-11

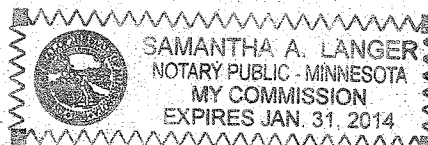
(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan☐ Consent Petition☐ Affidavit

Subscribed and sworn to before me
 this 10th day
 of November, 2011.

By: George Trembulak
 Fee Owner of Property
 Title: Property Manager

Samantha Langer
 Notary Public



Request for Continuance

Date 8 December 2011

Richard Kramer, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, Minnesota 55102

Re: Zoning File # 11-299-652

Dear Mr. Kramer:

I am the applicant or the applicant's duly appointed representative for this zoning file.

I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on 8 December 2011.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for 16 December 2011, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to 22 December 2011, I understand that the Planning Commission would then be scheduled to make their decision on 30 December 2011.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. § 15.99 by 15 days to 24 January 2012, to accommodate the continuance I am requesting.

Sincerely,

George Tramboulak
Signature of Applicant or
Applicant's duly appointed
representative.

George Tramboulak
Printed name of Applicant or
Applicant's duly appointed
representative.



743 E 3rd Street – commercial structure



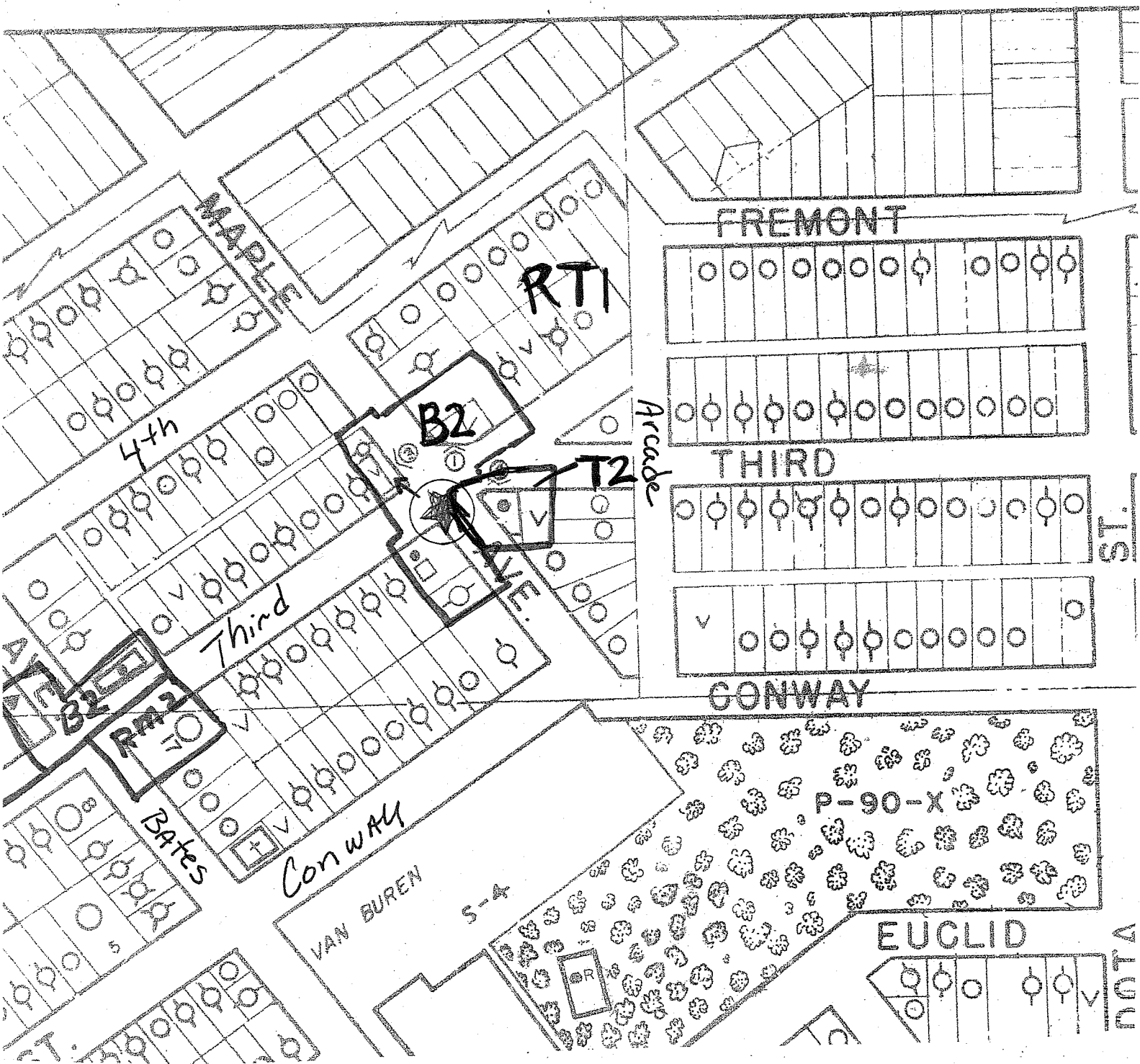
309 Maple – Residential structure



East 3rd Street and Maple – looking southeast



East 3rd Street and Maple – looking northwest



APPLICANT City View Apartments Inc.

PURPOSE REZ B2 → T2

FILE # 11-299652 DATE 11-14-11

PLNG. DIST. 4 Landuse 22

MAP # 11 Zoning: 11

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

- one family
- two family
- multiple family



- commercial
- industrial
- V vacant