



City of Saint Paul

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

Signature Copy

Ordinance: Ord 13-64

File Number: Ord 13-64

Memorializing City Council action granting the application of Steven L and Jennifer E Virkus to rezone property at 814 Grand Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Saint Paul Legislative Code pertaining to the Saint Paul zoning map. (Public hearing held November 6, 2013)

WHEREAS, Pursuant to Minnesota Statutes § 462.357 and § 61.800 of the Legislative Code, Steven L Virkus and Jennifer E Virkus, in Zoning File 13-230-602, duly petitioned to rezone 814 Grand Ave, being legally described as Summit Park Addition To St Paul, Lot 4, Blk 17, PIN 022823420159, Rezone from B2 Community Business to T2 Traditional Neighborhood ; and

WHEREAS, the Zoning Committee of the Planning Commission held a public hearing on September 26, 2013, for the purpose of considering the rezoning petition, and pursuant to §107.03 of the Administrative Code, submitted its recommendation to the Planning Commission for approval; and

WHEREAS, the Planning Commission considered the rezoning petition at its meeting held on October 4, 2013, and recommended approval to the City Council; and

WHEREAS, notice of public hearing before the City Council on said rezoning petition was duly published in the official newspaper of the City on October 24, 2013, and notices were duly mailed to each owner of affected property and property situated wholly or partly within 350 feet of the property sought to be rezoned; and

WHEREAS, a public hearing before the City Council having been conducted on November 6, 2013, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the petition; now, therefore

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1.

That the zoning map of the City of Saint Paul as incorporated by reference in §60.303 of the Saint Paul Legislative Code, as amended, is hereby further amended as follows:

That the property at 814 Grand Ave, being more particularly described as:

Summit Park Addition To St Paul Lot 4 Blk 17

be and is hereby rezoned from B2 to T2.

Section 2.


This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication.

At a meeting of the on , this Ordinance was Signed.

Yea: 5 Councilmember Brendmoen, City Council President Lantry,
Councilmember Stark, Councilmember Thune, and Councilmember
Tolbert

Nay: 0

Absent: 2 Councilmember Bostrom, and Councilmember Thao

Vote Attested by 
Council Secretary Trudy Moloney

Date 1/8/2014

Approved by the Mayor 
Chris Coleman

Date 1/13/2014

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ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Steven Virkus and Jennifer Virkus
 2. **APPLICANT:** Steven L Virkus/Jennifer E Virkus **HEARING DATE:** September 26, 2013
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 814 Grand Ave, between Avon and Victoria
 5. **PIN & LEGAL DESCRIPTION:** 022823420159; Summit Park Addition to StPaul Lot 4 Blk 17
 6. **PLANNING DISTRICT:** 16 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 12, 2013 **BY:** Scott Tempel
 9. **DATE RECEIVED:** September 5, 2013 **60-DAY DEADLINE FOR ACTION:** November 4, 2013
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- A. **PURPOSE:** Rezone from B2 Community Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** 6000 sq. ft.
- C. **EXISTING LAND USE:** Mixed Commercial/Residential
- D. **SURROUNDING LAND USE:**
 - North: Commercial Retail and Multi-family Residential
 - East: Multi-family Residential
 - West: Single-family and Multi-family Residential
 - South: Single-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:** The property has undergone multiple changes to both structures and uses over the years. The current owners bought the property in 2011. There is a mixed commercial/residential building at the front of the property. The Department of Safety and Inspections sent enforcement letters on February 28, 2013, and on August 28, 2013, stating that residential space in a building at the rear of the property constitutes a separate single family dwelling that is not allowed in the B2 zone. The enforcement letters instructed the owners to either remove the dwelling unit in the building at the rear of the property or rezone to T2.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 16 had not commented on this case at the time the staff report was written.
- H. **FINDINGS:**
 1. The proposed zoning is consistent with the way this area has developed. The proposed zoning is consistent with the way this area has developed and with the historical zoning of the properties. The T2 zoning district permits a varied mix of residential and commercial uses. Grand Avenue is a major commercial corridor. There are mixed residential and commercial uses both east and west of the parcel. §66.313 states the intent of the T2 Traditional Neighborhood District, which 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.
 2. The proposed zoning is consistent with the Comprehensive Plan Land Use policy 1.24, Support a mix of uses on Mixed-Use Corridors. This section of Grand Avenue is identified as a mixed-use corridor in the Land Use Plan element of the Comprehensive Plan, adopted in 2010.
 3. The proposed zoning is compatible with surrounding uses, which are mixed use, commercial, and single-family and multi-family residential. T2 permits both residential

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and neighborhood oriented commercial uses, consistent with the area's existing mix of uses.

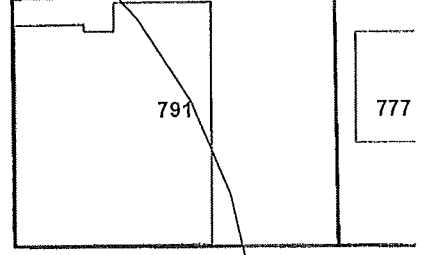
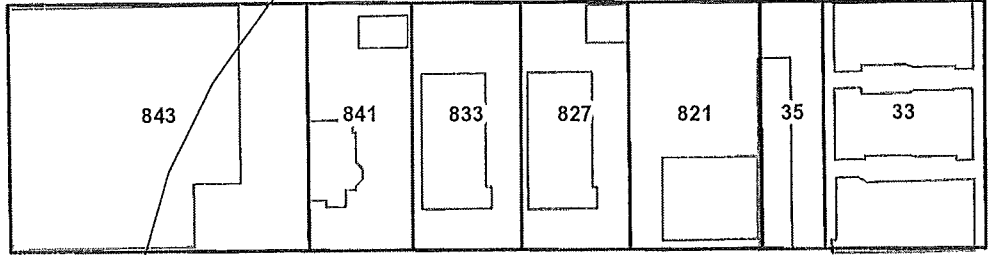
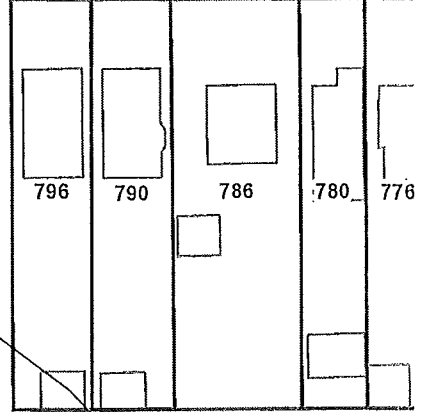
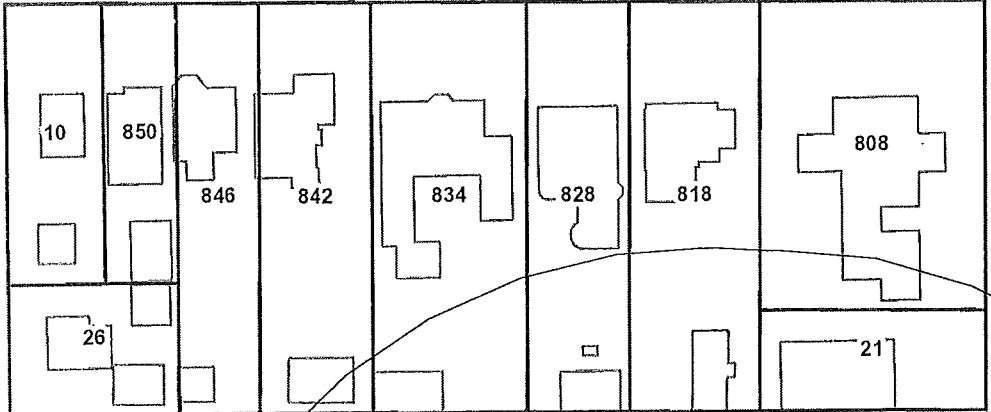
4. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." Approval of this proposal would not result in spot zoning as the area around the subject property has developed with a mix of uses similar to those allowed in T2. The mix of residential and commercial uses proposed by the applicant is consistent with that of the existing neighborhood.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning from B2 Community Business to T2 Traditional Neighborhood.

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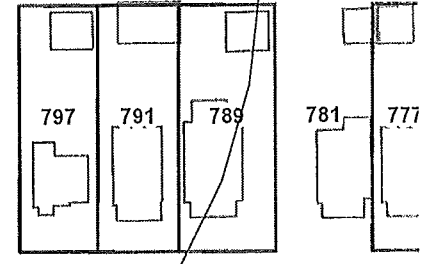
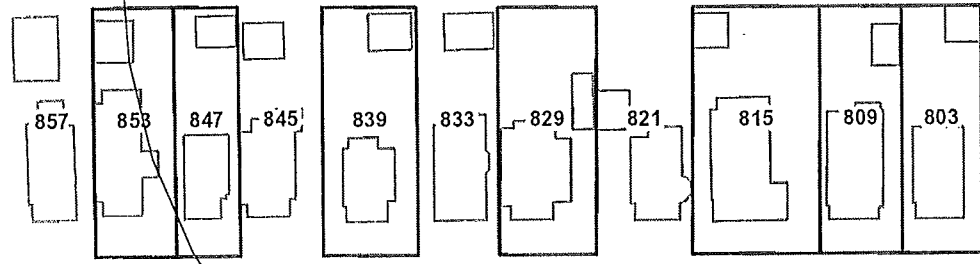
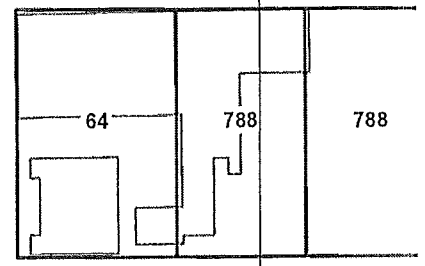
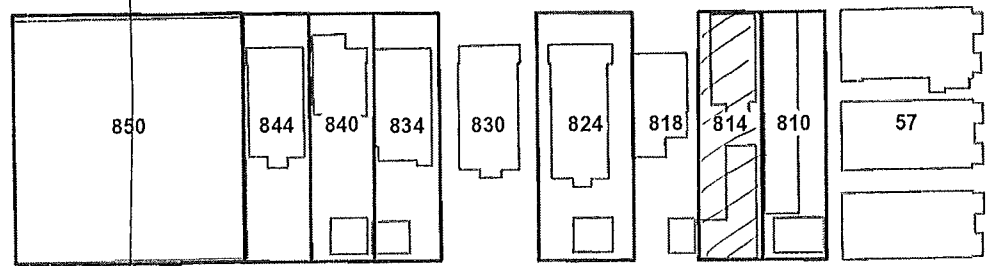
Summit Ave

FILE
14-315255

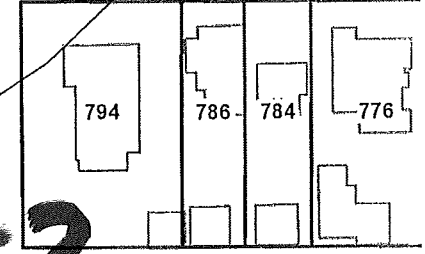
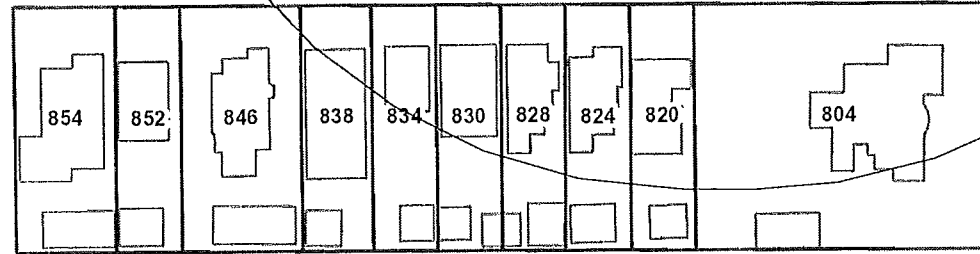
Avon St S



Grand Ave

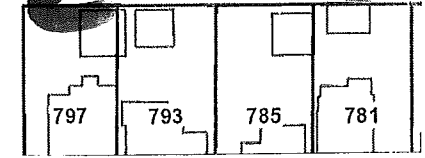
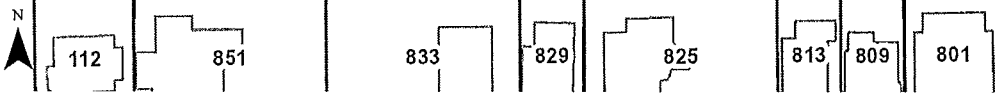


Lincoln Ave



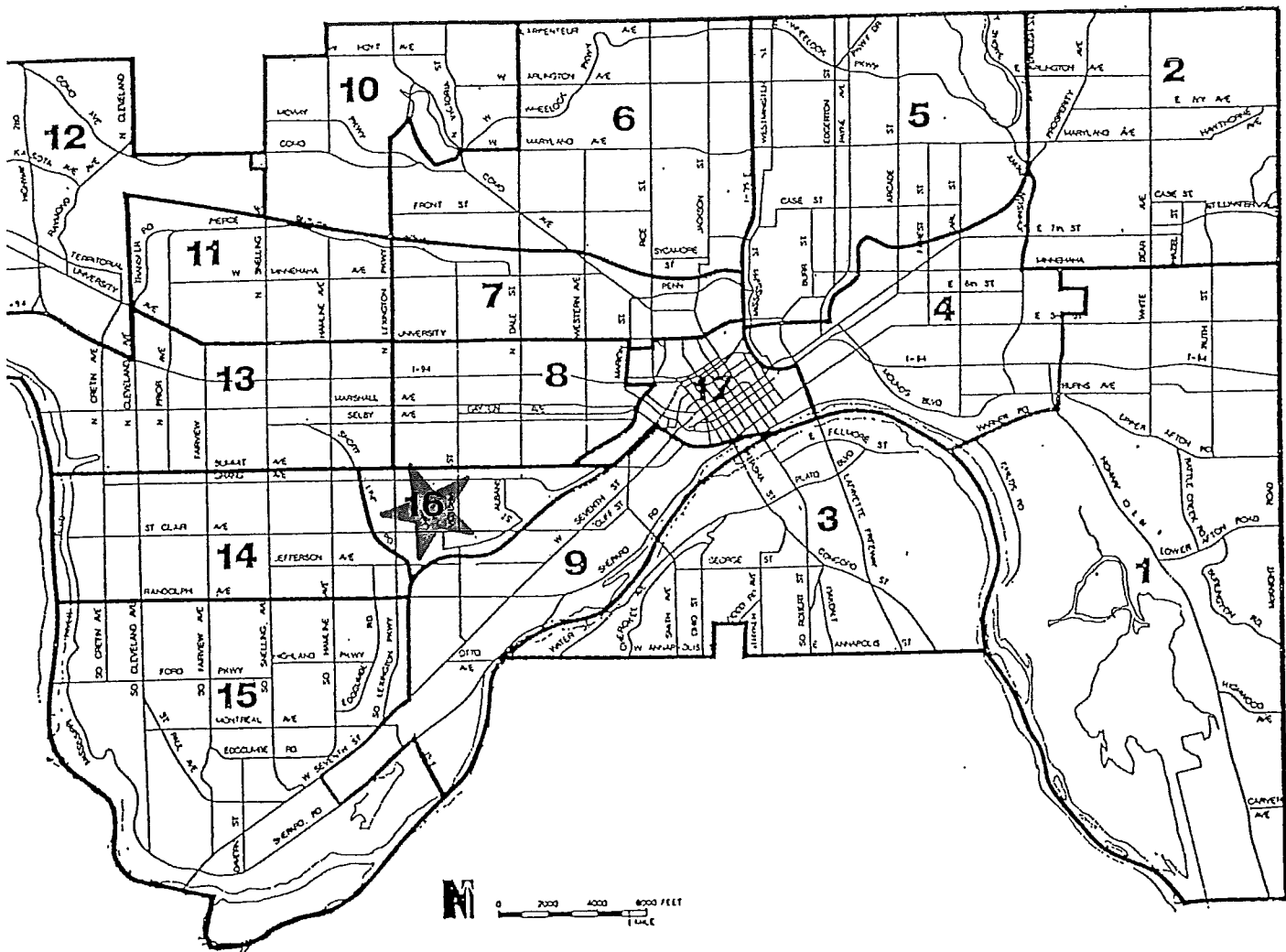
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S2



St S





CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. HAZEL PARK HADEN-PROSPERITY HILLCREST
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLIN-MIDWAY
12. ST. ANTHONY PARK
13. MERRIAM PARK-LEXINGTON HAMLIN-SNELLING HAMLIN
14. MACALESTER GROVELAND
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

ZONING FILE 14-315295

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