

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Patrick Nseumen **FILE #:** 15-173-084
  2. **APPLICANT:** Patrick Nseumen **HEARING DATE:** November 24, 2015
  3. **TYPE OF APPLICATION:** Rezoning - Consent
  4. **LOCATION:** 805 Hudson Road, NE corner at Wilson
  5. **PIN & LEGAL DESCRIPTION:** 322922410147; Willius Sub Of B57 Lyman Dayto Subj To Esmts The Fol Part Nly Of Hudson Rd Of Lots 14 15 And Lot 16 Blk 57
  6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** RT1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** November 17, 2015 **BY:** Bill Dermody
  9. **DATE RECEIVED:** October 26, 2015 **60-DAY DEADLINE FOR ACTION:** December 25, 2015
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- A. **PURPOSE:** Rezone from RT1 Two-Family Residential to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** Triangular-shaped 91' (Wilson) x 122' (Hudson), totaling approximately 3,650 square feet.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Single-family, duplex, and multi-family residential to the north, east, and west (RT1); I-94 to the south.
- 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 was rezoned to Commercial in 1929 as part of a larger rezoning; rezoned to RM2 Medium-Density Low-Rise Multiple-Family Residential in 1975 as part of a citywide rezoning, and rezoned to RT1 sometime after that. It contains a commercial-style building previously occupied by a service business (dog grooming) that has been vacant for more than 1 year. According to Ramsey County property records, the building was constructed in 1930. By 1939 the site was being used for a gas station.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 4 has not provided a recommendation.
- H. **FINDINGS:**
  1. The application requests rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood to allow for a café with drive-through that also acts as a commissary for a mobile food vending business. If the rezoning is approved, a conditional use permit would be needed to allow for the drive-through use.
  2. The previous use was a service business, which is first permitted in the T1 Traditional Neighborhood district. The requested café and drive-through uses are first permitted in the T2 district. It is not clear how a commissary would be classified by the Zoning Code.
  3. The proposed zoning is consistent with the way this area has developed. It allows for a commercial use on this site with a commercial building. The T2 district is intended for use in existing or potential pedestrian and transit nodes, to foster and support compact, pedestrian-oriented commercial and residential development. The Gold Line Bus Rapid Transit project may provide a major transit station about 3 or 4 blocks to the northwest.

3. The proposed zoning is not consistent with the Comprehensive Plan. The Gold Line Station Area Plans, adopted in October 2015, identifies the subject site as being within the Mounds Station Area. The Mounds Station Area Plan chapter identifies a "Primary Transit-Oriented Development (TOD) Zone" about 4 blocks north of the subject site along 3<sup>rd</sup> Street between Mounds Boulevard and Maria Avenue, and along Maria Avenue between 3<sup>rd</sup> Street and 4<sup>th</sup> Street. The Plan states that "established residential areas outside the Primary TOD Zone," such as the subject site, "should maintain their character". The proposed rezoning would change the site's character by allowing uses more intense than the previous use, which is first allowed in the T1 district.
  4. The proposed zoning is not compatible with the surrounding residential uses at this location. Though the site is located at the intersection of two collector streets, its small size and close proximity to residential make T2 uses, which are more intense than the previous use and have a service area beyond the neighborhood, incompatible 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 T2 zoning does represent "spot zoning" at this location in that it establishes a use classification that is inconsistent with the surrounding uses. T2 at this location would be an island of nonconforming use within the larger RT1-zoned area. Unlike T1 zoning, T2 is not intended to serve as a transitional zoning district to residential uses and it includes uses that would be inconsistent with the surrounding uses.
  6. The petition for rezoning was found to be sufficient on October 28, 2015: 8 parcels eligible; 6 parcels required; 6 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the proposed rezoning from RT1 Two-Family Residential 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 #: 15-173084

Fee: 1200.00

Tentative Hearing Date:

11-24-15

PD=4

#322922410147

APPLICANT

Property Owner Pat Nseumen
Address 19101 Twilight Trl
City Eden Prairie St. MN Zip 55346 Daytime Phone 952-451-4550
Contact Person (if different) Phone

PROPERTY LOCATION

Address/Location 805 Hudson Road St Paul MN
Legal Description Willis subdivision of Block 57 of
Human Dayton's addition to St Paul Subj to ESMTS The
1st Part NLY of Hudson Rd of Lots 14, 15 and lot 16 Block 57
Current Zoning
(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,

Pat Nseumen, owner of land proposed for rezoning, hereby petitions you to

rezone the above described property from a RT1 zoning district to a T2 zoning

district, for the purpose of: A small cafe with a
drive thru and used as
a commissary for mobile
vending in St Paul.

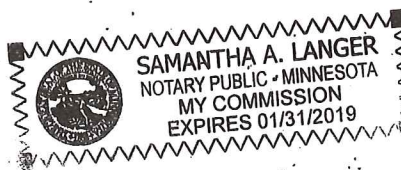
0606
7652
pdd
10-20-15

(attach additional sheets if necessary)

Attachments as required: [ ] Site Plan [ ] Consent Petition [ ] Affidavit

Subscribed and sworn to before me

this 20 day
of October, 2015



By: Pat Nseumen
Fee owner of property
Title: owner

Samantha Langer

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED:

10-20-15

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE:

8

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED:

6

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED:

6

PARCELS SIGNED: \_\_\_\_\_

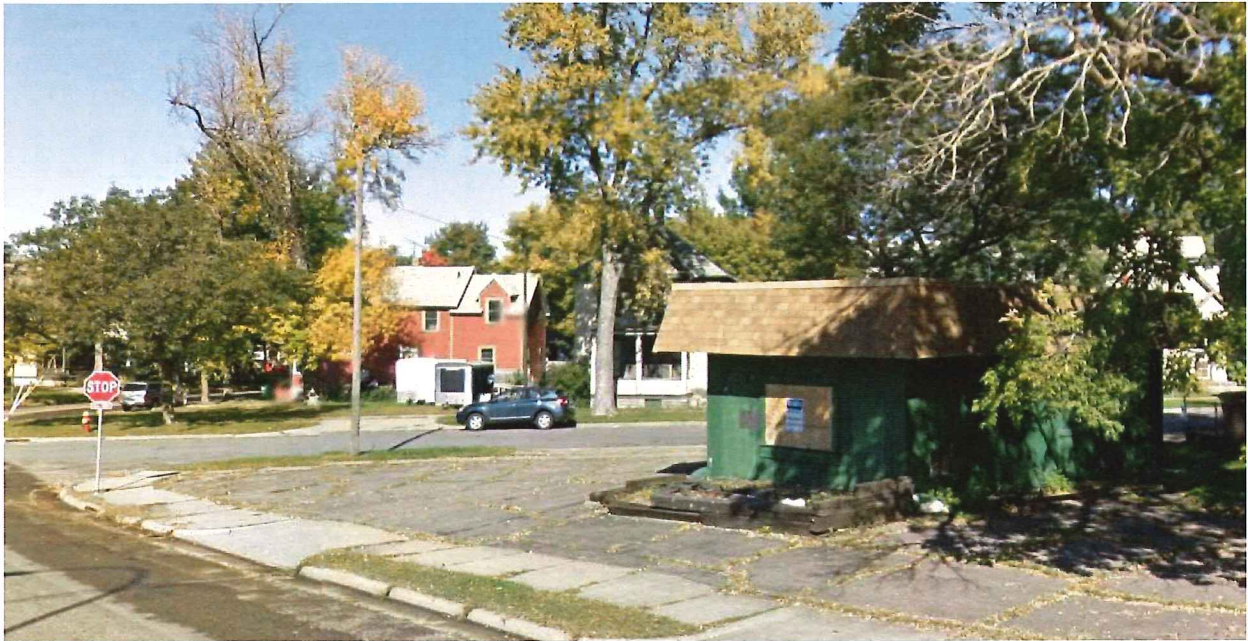
CHECKED BY:

Paul Dubruic

DATE:

10-28-15





Viewed from Hudson Road

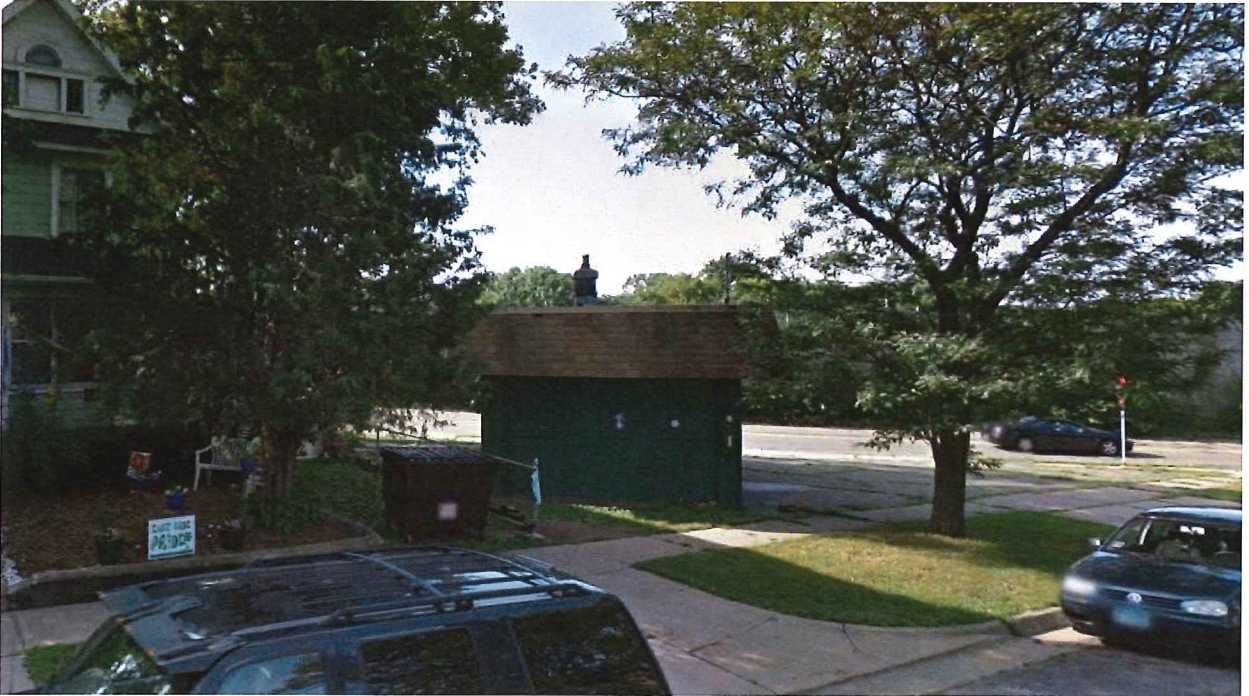


Viewed from Hudson Road





Viewed from Wilson Avenue near intersection with Hudson Road



Building rear, from Wilson Avenue





WILSON AVE

MARIA AVE

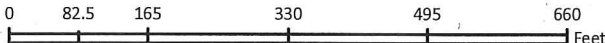
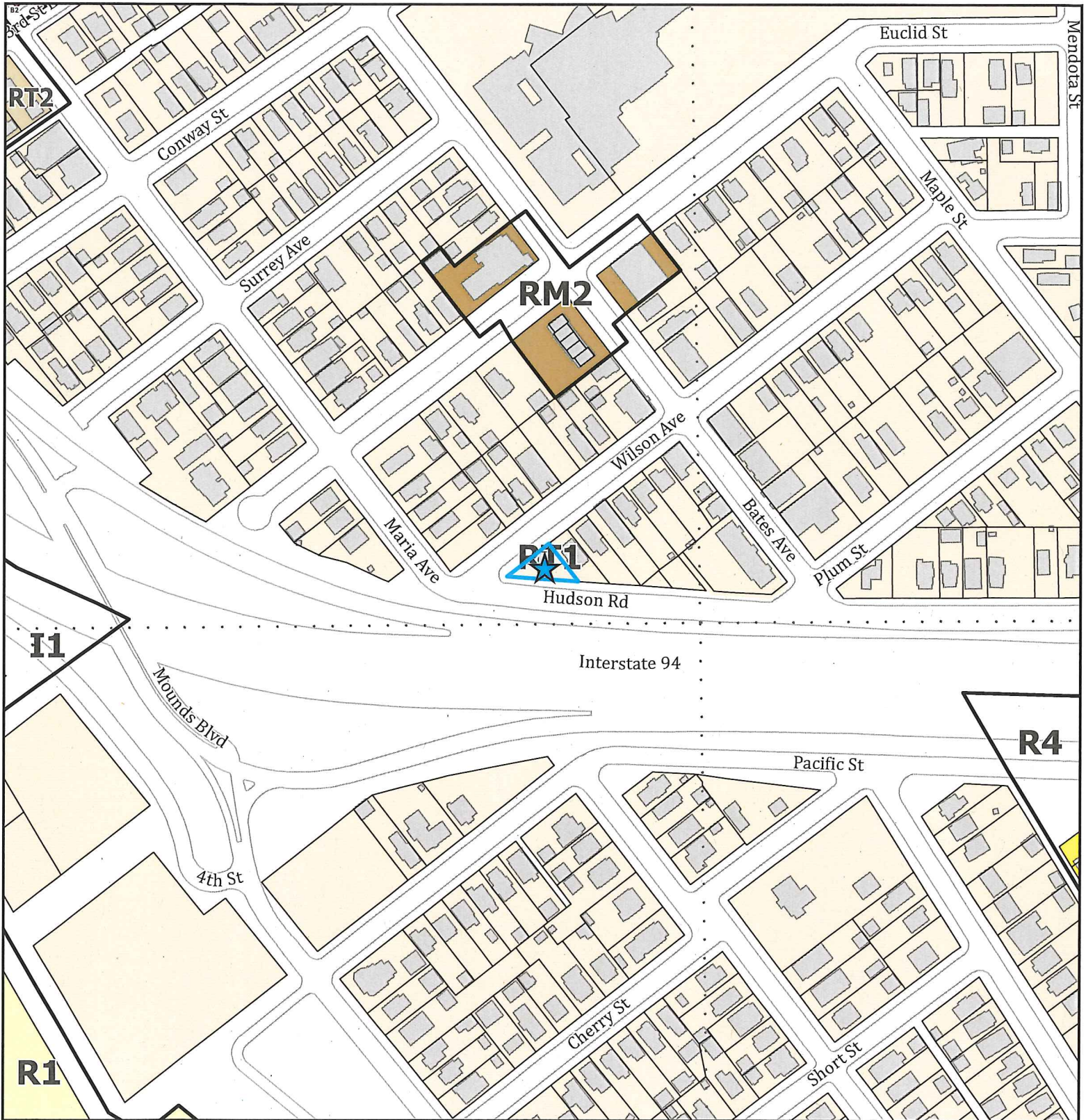
HUDSON RD

Subject site



This is not an official document or survey.





FILE NAME: Pat Nseumen

APPLICATION TYPE: Rezone

FILE #: 15-1730084      DATE: 10/26/2015

PLANNING DISTRICT: 4

ZONING PANEL: 17

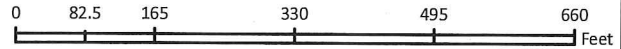
**Zoning**

- R1 One-Family
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- B2 Community Business
- I1 Light Industrial

- Subject Parcels
- Section Lines







FILE NAME: Pat Nseumen

APPLICATION TYPE: Rezone

FILE #: 15-1730084      DATE: 10/26/2015

PLANNING DISTRICT: 4

ZONING PANEL: 17

- Land Use**
- Single Family Detached
  - Single Family Attached
  - Multifamily
  - Office
  - Retail and Other Commercial
  - Institutional
  - Park, Recreational or Preserve
  - Undeveloped
  - Subject Parcels
  - Section Lines

