

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Interworld Development LLC **FILE #:** 11-292-421
 2. **APPLICANT:** Interworld Development LLC **HEARING DATE:** November 10, 2011
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 1773 Selby Ave, between Wheeler and Fairview
 5. **PIN & LEGAL DESCRIPTION:** 042823120221; Skidmore Cassedyspark Addi Subj To Ave The Fol, Parts Desc As Beg At A Pt On The S Lot Line Of Lot 25 Dist 59 Ft E Of The Sw Cor Of Lot 24 Thence N Par With The E Lot Line Of Lot 25 A Dist Of 66 Ft Thence W Par With The S Lot Lines Of Lots 24 And 25 To T
 6. **PLANNING DISTRICT:** 13 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** November 2, 2011 **BY:** Anton Jerve
 9. **DATE RECEIVED:** October 20, 2011 **60-DAY DEADLINE FOR ACTION:** December 19, 2011
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- A. **PURPOSE:** Rezoning from B2 Community Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** 5429 square feet, 21 feet of frontage on Selby Avenue.
- C. **EXISTING LAND USE:** Commercial office
- D. **SURROUNDING LAND USE:** North – residential (RT1); East – mixed use: office/residential (B2); West – residential (RM2); South – office, residential across Selby Avenue (B2, RM2).
- 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 in 1993 from B3 to B2 as part of the Selby-Snelling Plan and 40 Acre Study. There is no other zoning history for this parcel.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 13 had not commented by the time this report was written.
- H. **FINDINGS:**
 1. The applicant is seeking to rezone the property from B2 to T2 in order to establish the property as a single-family residence for personal use. The applicant is also seeking a variance (ZF# 11-292560) to allow a parking space to be within the front yard.
 2. The proposed zoning is consistent with the way this area has developed. This block on Selby Avenue has developed and existed as a mixed-use commercial street. Mixed use commercial nodes have existed on Fairview and Wheeler and residential uses have been present mid-block.
 3. The proposed zoning is consistent with the Comprehensive Plan. The zoning is consistent with the following policies from the Comprehensive Plan, Merriam Park Community Plan, and Selby-Snelling Plan:
 - Comprehensive Plan:
 - The property is located along a Mixed Use Corridor as identified on Figure LU-B: Generalized 2030 Future Land Uses.
 - Housing Chapter Policy 1.1 Increase housing choices across the city to support economically diverse neighborhoods.

- Merriam Park Community Plan:
 - Merriam Park should maintain its neighborhoods as predominately residential. The community enjoys the environment of walkable neighborhoods with light commercial uses that exist throughout most of the community.
 - Major new development should be mixed-use and located along transit routes.
 - The character of the neighborhood as primarily one of owner-occupied single-family homes to be maintained while supporting opportunities for newly constructed rental housing.
 - New development should emphasize mixed uses. New mixed-use development is encouraged in Iris Park and at the intersections of Cleveland and Marshall, Fairview and Selby, and Snelling and Selby.
 - Selby-Snelling Plan:
 - Maintain the character of the Selby-Snelling area as a thriving neighborhood commercial center and a stable residential community for owners and renters of all income levels. Improve, with appropriate buffering techniques, the transitions between different uses. Integrate existing low and moderate density property uses within the neighborhood.
 - Maintain and improve the housing stock.
 - Maintain the mix of residential and commercial zoning and land use along Selby and Snelling avenues.
4. The proposed zoning is compatible with existing and proposed use of the site which is currently zoned B2 and has most recently hosted an office use. The proposed rezoning is also compatible with adjacent office, mixed use (retail/residential), and residential uses. The proposed use is to be a single family home and will abut three residential properties. It is a reasonable use of the property that is not permitted by the current B2 zoning.
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 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 zoning district is consistent with the surrounding uses. The T2 zoning provides a transition from the B2 zoning along Selby and the RT1 to the north and RM2 to the west by allowing both residential and commercial uses. The proposed use and other uses allowed by T2 zoning are consistent with existing surrounding uses, and the rezoning will not reduce the value of abutting properties.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning of property at 1773 Selby Avenue 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

RECEIVED
OCT 24 2011
Per PD=

Zoning License only
1200.00
11-10-11

APPLICANT

Property Owner Interworld Development LLC
Address 1347 Summit Avenue
City ST PAUL St. MN Zip 55105 Daytime Phone 651-808-5682
Contact Person (if different) RICHARD DANA Phone 651-228-9490

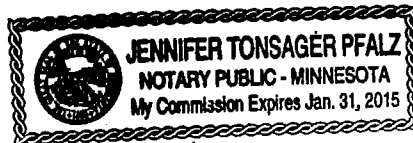
PROPERTY LOCATION

Address / Location 1773 Selby Avenue, ST PAUL
Legal Description P.I.N. 042823120221
Current Zoning B-2
(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, Interworld Development LLC, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B-2 zoning district to a T2 zoning district, for the purpose of:

converting the property to a single family residence



CL 50093
1200.00
pdd
10/20/11

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me this 20th day of Oct, 2011

Subscribed and sworn to before me this 24th day of Oct, 2011
Notary Public

By: Aviel Godman
Fee Owner of Property
Title: Co-owner and Member, Interworld Development LLC



By: Aviel Godman
Co-owner and member, Interworld Development LLC
Page 1 of
Aviel Godman

Notary Public signature

Regarding 1773 Selby Avenue, Saint Paul, MN 55104

Petition to Amend the Zoning Code
And
Application for Zoning Variance

Subject property consists of a single-story 1900 sq.ft. rambler (76' x 25') on a 5700 sq.ft. lot, located at the rear of the property, with a 26' x 80' landscaped yard in front of the building, accessed by a paved driveway 21' wide from Selby Avenue. Owner desires to have the property rezoned from current B-2 to T-2, for the purpose of using the entire property as a single-family residence.

The property was renovated by a previous owner to consist of two commercial office suites, each a large room on either side of a center front entry hall. A ¾ bathroom is located at the end of the hall, between the two rooms. The space is suitable for use as a single family residence. The applicant desires to have the property zoned to allow residential use, for herself. The property is set back from Selby Avenue, with RT-1 behind it, RM-2 and RT-1 to the south across Selby, and R-3 to the west across Fairview.

The driveway from Selby Avenue, 66' long, is the subject of driveway and encroachment easements with the properties to the east and west for delivery access and parking access. Subject property retains use of the driveway portion to access the building and the yard in front. A 20' x 10' parking space, at the end of the driveway, is proposed to meet a parking need. It would end 6' away from the building and approximately 10' from the side property line. A variance is requested to allow parking in the "front yard".

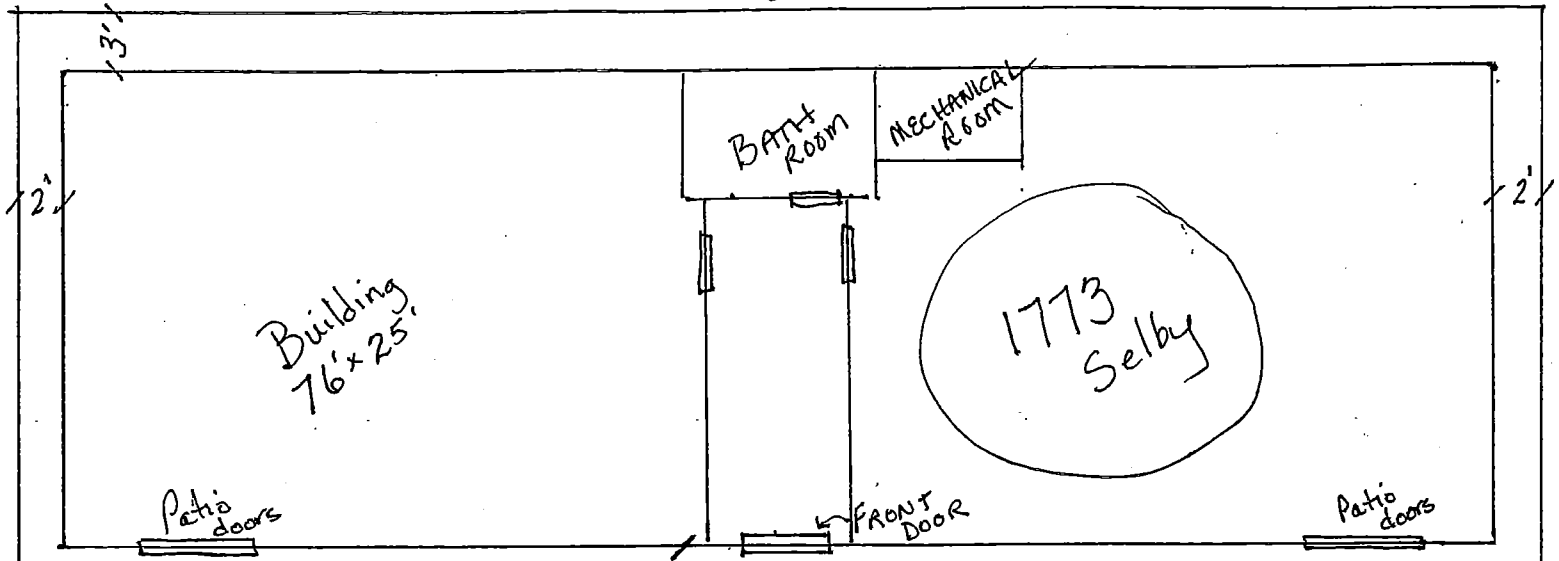
A site plan, easement information, and photographs are included with these applications.

Agent in this matter for Interworld Development LLC is:
Richard E. Dana
JET Construction & Remodeling, Inc.
1025 Selby Avenue
Saint Paul, MN 55104
651 228 9490

1" = 10'

80'

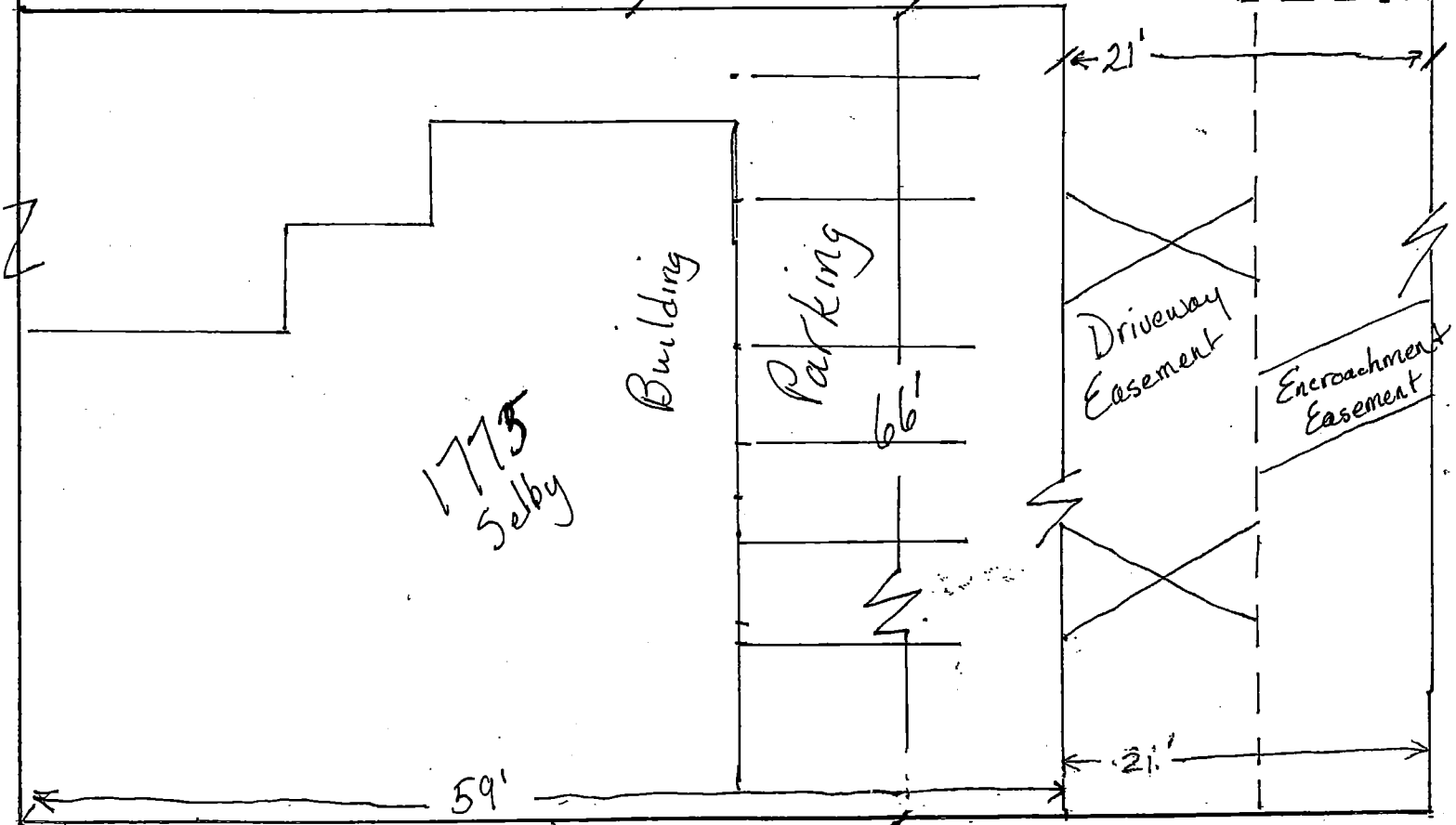
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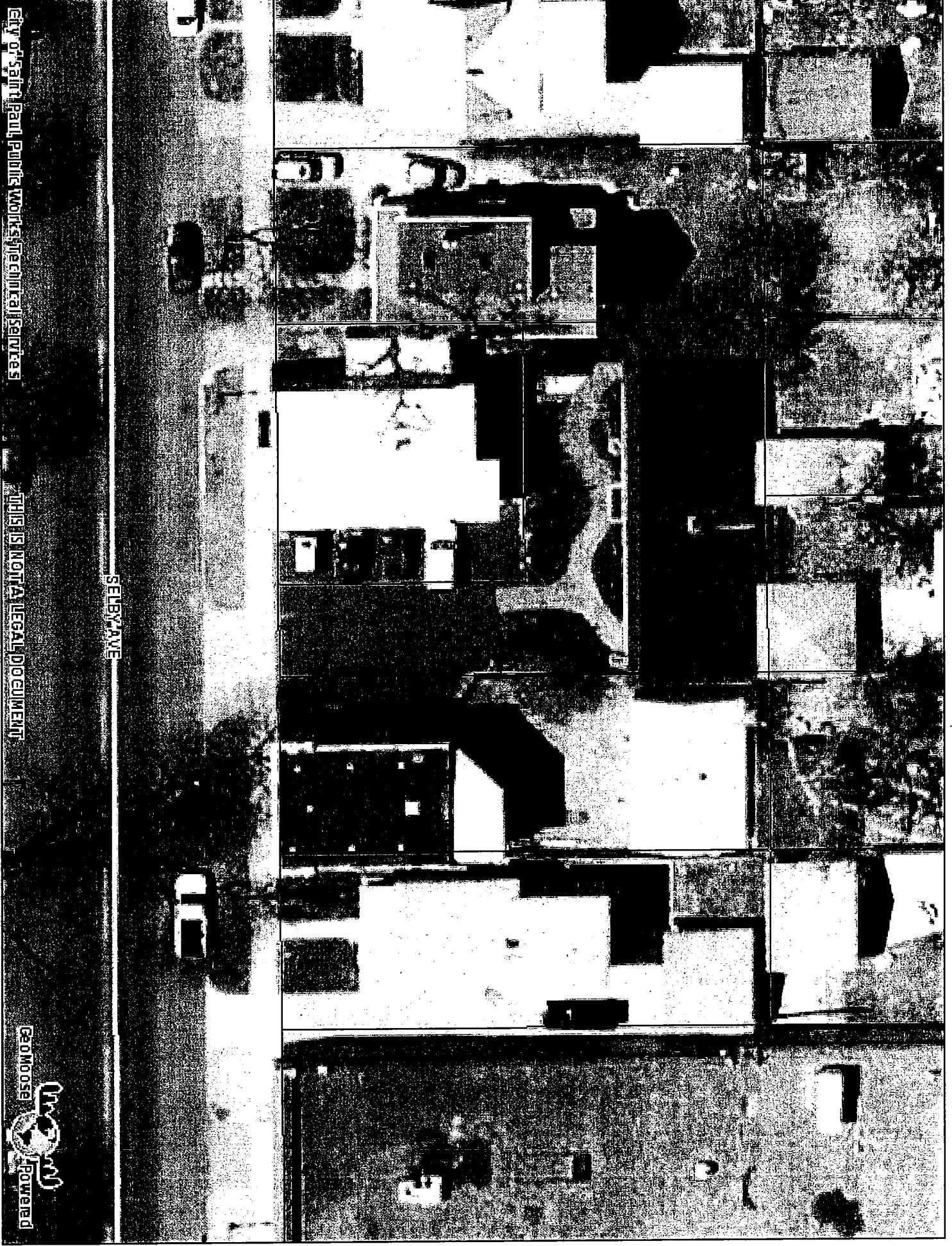
26'

"FRONT YARD"
LANDSCAPED

20' x 10'
Parking Space



1773 SELBY AVENUE



SEELY AVE

CITY OF SAINT PAUL PUBLIC WORKS TECHNICAL SERVICES

THIS IS NOT A LEGAL DOCUMENT



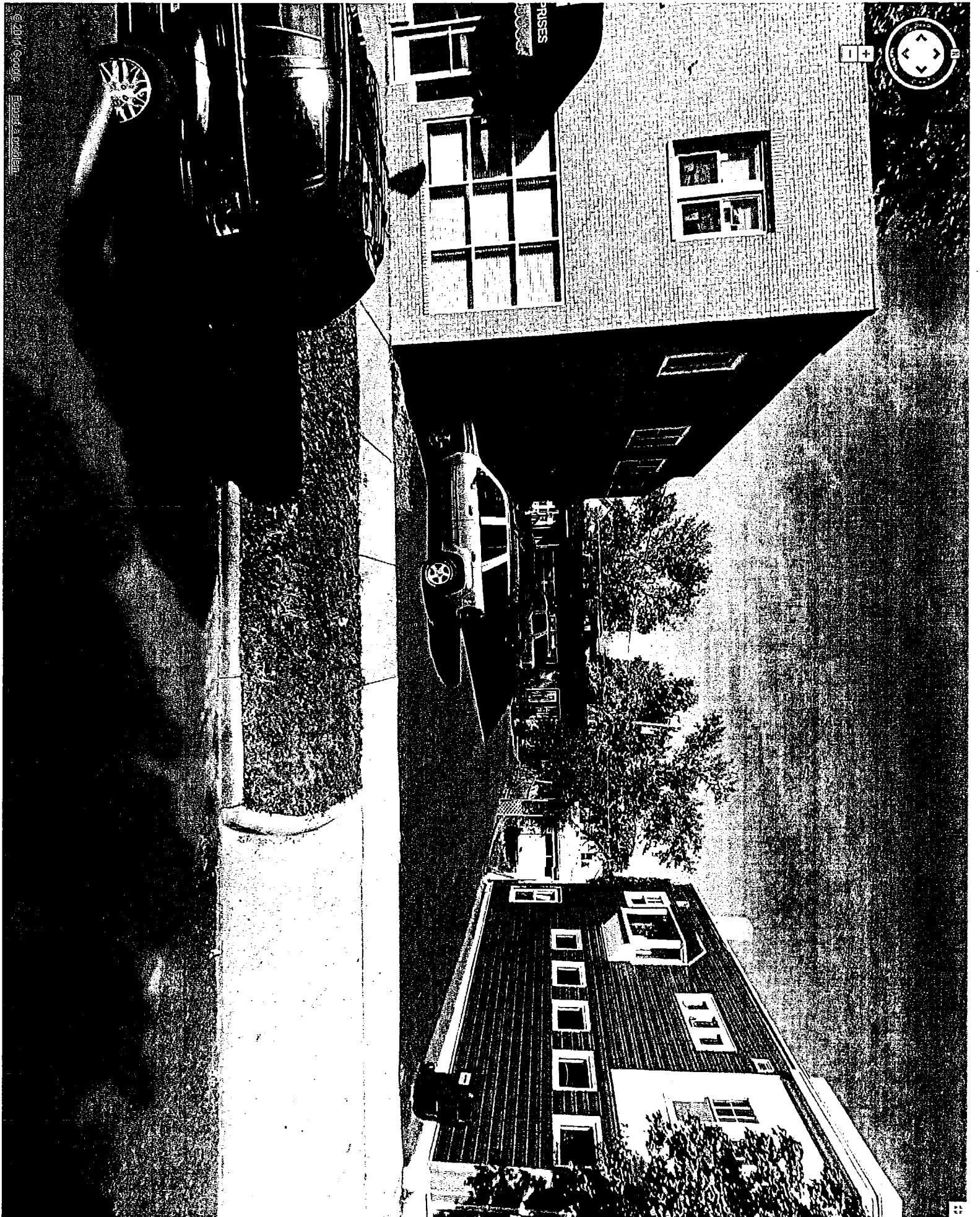


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proposed space for
parking at end of
driveway



front yard
and
front of building



APPLICANT Inter-world Development
 PURPOSE Rez B2 → T2
 FILE # 11-292421 DATE 10-25-11
 PLNG. DIST. 13 Landuse: 18
 Zoning: 13

LEGEND

- zoning district boundary
- subject property
- one family
- two family
- multiple family
- commercial
- industrial
- vacant
- north



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WHEELER

SELBY

