

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** City of Saint Paul - Parks and Recreation **FILE #:** 12-060-055
  2. **APPLICANT:** City of Saint Paul Dept. of Parks and Recreation **HEARING DATE:** June 7, 2012
  3. **TYPE OF APPLICATION:** Rezoning-Council
  4. **LOCATION:** 665 Rose Ave E, south side of Maryland, between Payne and Greenbrier
  5. **PIN & LEGAL DESCRIPTION:** Part of PID 29-29-22-12-0206 Evans Addition Subj To Alley; Lot 12, Blk 1
  6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** VP
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** May 29, 2012 **BY:** Kate Reilly
  9. **DATE RECEIVED:** May 17, 2012 **60-DAY DEADLINE FOR ACTION:** July 16, 2012
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- A. **PURPOSE:** Rezoning from VP Vehicular Parking to RT1 Two-Family Residential.
- B. **PARCEL SIZE:** The overall parcel is 270 ft (Greenbrier) x 480 ft. (Rose) or 129,600 square feet in area. The portion of the parcel zoned VP, proposed to be rezoned to RT1 is 42 ft x 124 ft or 5,208 square feet in area.
- C. **EXISTING LAND USE:** Park and parking lot
- D. **SURROUNDING LAND USE:** The portion of the parcel zoned VP has parkland zoned RT1 to the east and south. To the west is commercial property zoned B3 Community Business. To the north, across Maryland, is a mix of commercial and residential, zoned B3, VP, and RT1.
- 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:** District 5 will hear this item at a June 5 board meeting.
- H. **FINDINGS:**
  1. The property at 665 Rose Ave. E is a split-zoned parcel. The northwestern 5,208 square feet is zoned VP and provides parking for the Ace Hardware on the corner. The majority of the parcel is zoned RT1 and is parkland. City of Saint Paul Parks and Recreation will construct a new community center, park and library on this property and the adjacent properties, including the Ace Hardware site and the VP parking lot. Since the only use permitted in the VP district is off-street parking, the VP zoning must be changed.
  2. The proposed zoning is consistent with the way this area has developed. This area has been developed as a park and commercial property. The proposed new community center is consistent with the way the area has developed.
  3. The proposed zoning is consistent with Land Use Strategy 1.24 – Support a mix of uses on Mixed-Use Corridors of the Saint Paul Comprehensive Plan. Payne Avenue is identified as a Mixed-Use Corridor in the plan and a community center complements the mix of commercial and residential development along Payne Avenue.
  4. The proposed zoning is compatible with surrounding uses as it creates the opportunity for a park and community center to expand in an area where the park and recreation center already exist.
  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.” This is not a case of “spot zoning.” This enlarges an area of RT1 and eliminates split-zoning of a parcel.*

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from VP Vehicular Parking to RT1 Two-Family Residential.



**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 # 12-060055  
 Fee: \$200.00  
 Tentative Hearing Date: 6-7-12

PD =

# 292922120206

APPLICANT

Property Owner CITY OF ST. PAUL, DEPT. OF PARKS & RECREATION  
 Address 25 W. 4th ST., SUITE 400  
 City SAINT PAUL St. MN Zip 55102 Daytime Phone 651-266-6400  
 Contact Person (if different) BRIAN TOURTELLOTT Phone 651-266-6414

PROPERTY LOCATION

Address / Location 665 E. ROSE AVENUE  
 Legal Description LOT 12, BLOCK 1, EVANS ADDITION TO SAINT PAUL Current Zoning VP  
 (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, SAINT PAUL PARKS & RECREATION, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a VP zoning district to a RT1 zoning district, for the purpose of:

DEVELOPMENT OF A COMMUNITY CENTER

(attach additional sheets if necessary)

*Paul Abenail*  
5-17-12

Attachments as required:  Site Plan  Consent Petition  Affidavit

By: [Signature]  
 Fee Owner of Property  
 Title: DIRECTOR

Subscribed and sworn to before me this seventeenth day of May, 2012

Michele Marie LaMere  
Notary Public



= CITY OF ST. PAUL / PARKS & RECREATION  
 655 ROSE AVE. & 650 ROSE AVE.  
 PIM 29.29.22.12.0014

= KENDALL J. CROSBY  
 PIM 29.29.22.12.0004  
 1194 PAYNE AVE.

= WILLIAM C. & GLADYS GONWIN  
 PIM 29.29.22.12.0005  
 1190 PAYNE AVE.

= CARLSON GENERAL HOME, INC.  
 PIM 29.29.22.12.0006  
 1174 PAYNE AVE.

= CITY OF ST. PAUL / IIRA  
 PIM 29.29.22.12.0012 & 29.29.22.12.0013  
 678 ROSE AVE. & 670 ROSE AVE.

= YOU Y & SANG L. YANG  
 PIM 29.29.22.12.0011  
 660 ROSE AVE.

= CHU H. DONN & HONG K. LAM  
 PIM 29.29.22.12.0010  
 654 ROSE AVE.

= THE ARLINGTON HILL ENGLISH EVANGELICAL  
 CHURCH OF ST. PAUL  
 PIM 29.29.22.12.0007  
 1115 GREENBRIER ST.

= SPEEDWAY SUPERAMERICA, LLC  
 PIM 29.29.22.12.0015  
 1146 PAYNE AVE.

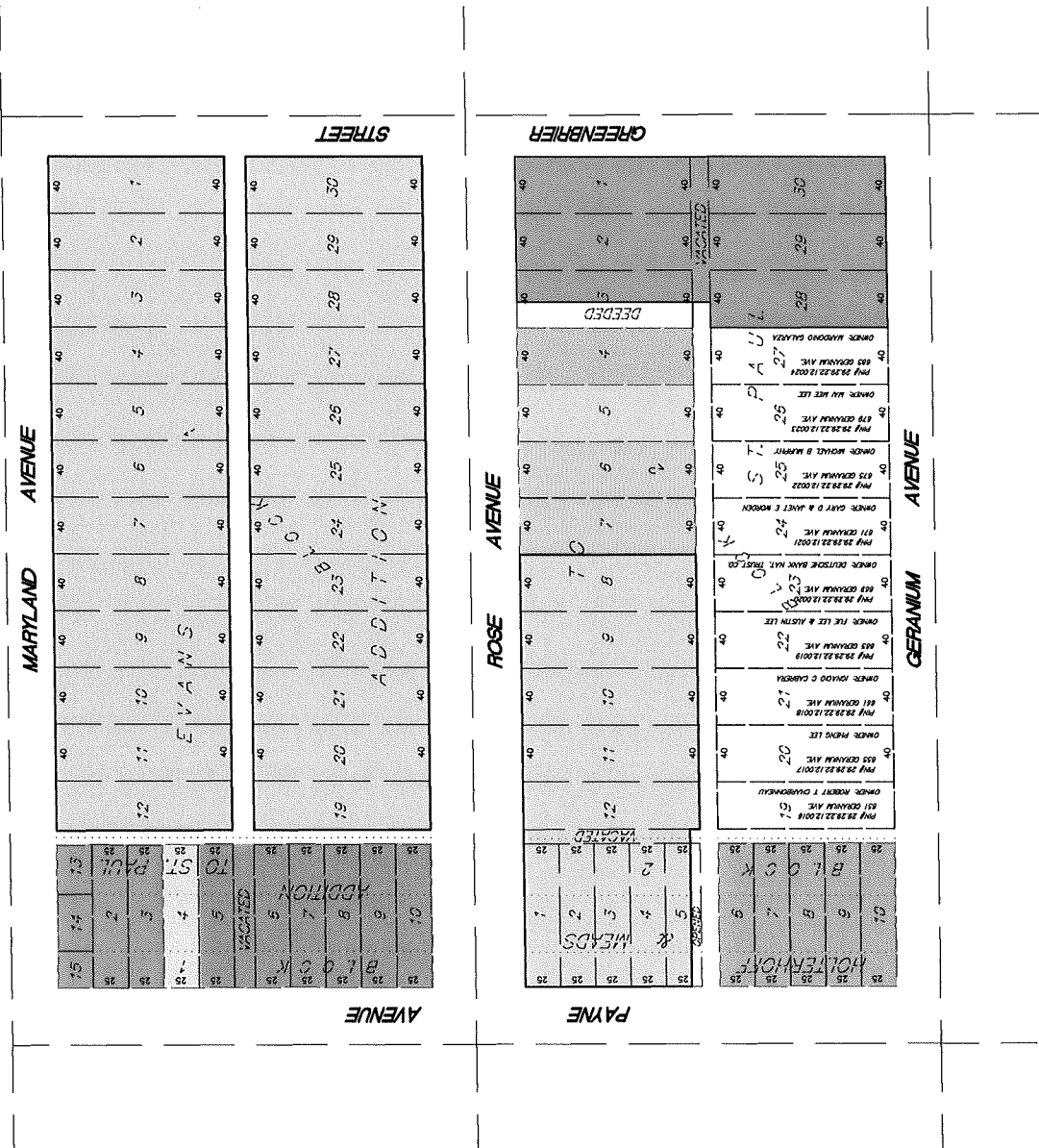
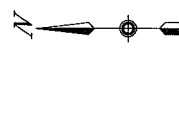
I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and to the best of my knowledge and belief conforms to the laws of the State of Minnesota.  
 Dated this 24th day of November, 2009

By: *[Signature]*  
 SUNDLE LAND SURVEYING, LLC  
 Mark S. Anderson, L.L.S. Minn. Lic. No. 12490

PARCEL OWNERSHIP  
 MAP FOR  
 CITY OF ST. PAUL  
 PARKS & RECREATION

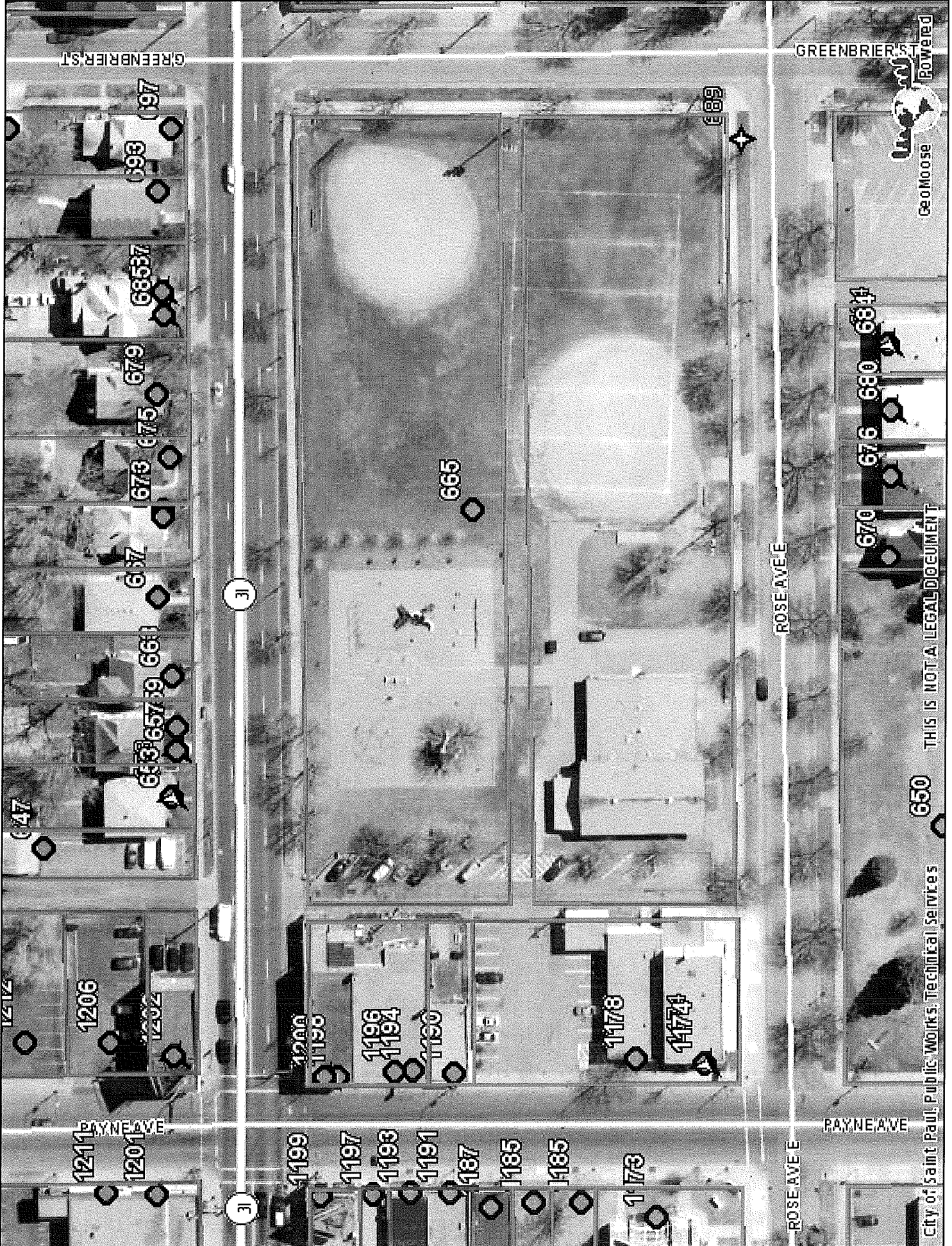
**SUNDE**  
 LAND SURVEYING

www.sundeland.com  
 1001 East Hennepin Avenue, Dept. 1, St. Paul, MN 55101  
 651-441-7400 (Fax) 651-448-2400  
 651-441-7400 (Cell) 651-448-2400  
 11/24/2009  
 Project: 2009-124  
 Sheet: 1 of 1



- = CITY OF ST. PAUL / PARKS & RECREATION  
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 PIM 29.29.22.12.0014
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GREENBRIER ST

GREENBRIER ST



1211  
BYNE AVE

ROSE AVE E

PAYNE AVE

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City of Saint Paul, Public Works, Technical services

THIS IS NOT A LEGAL DOCUMENT

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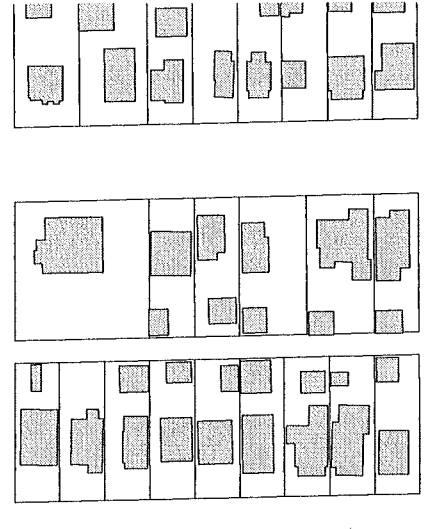
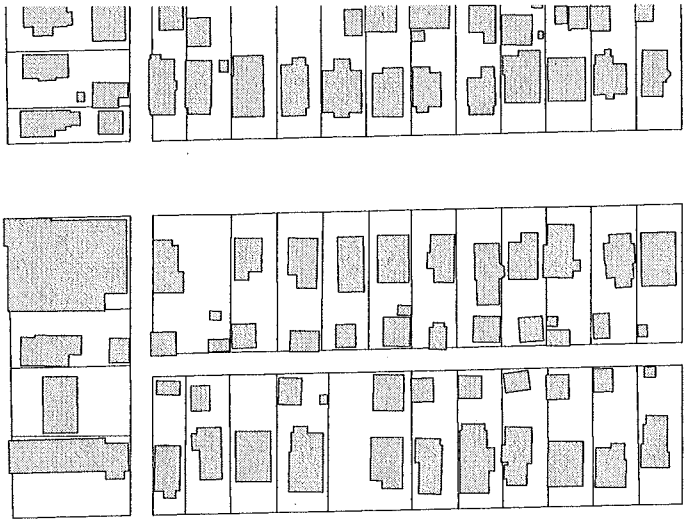
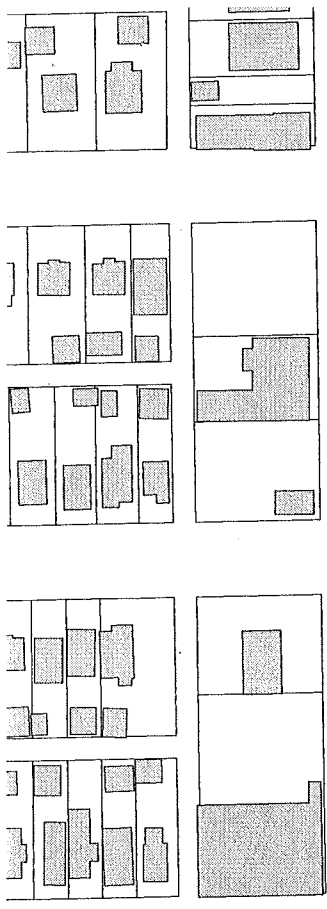
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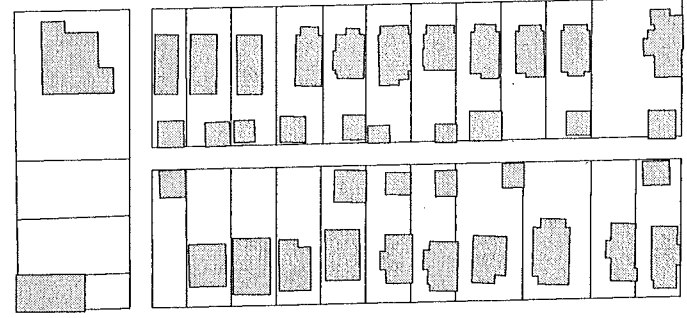
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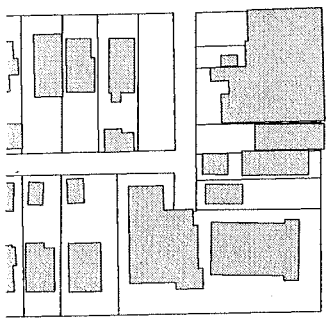
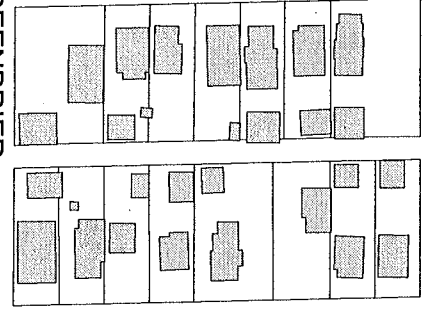


HAWTHORNE

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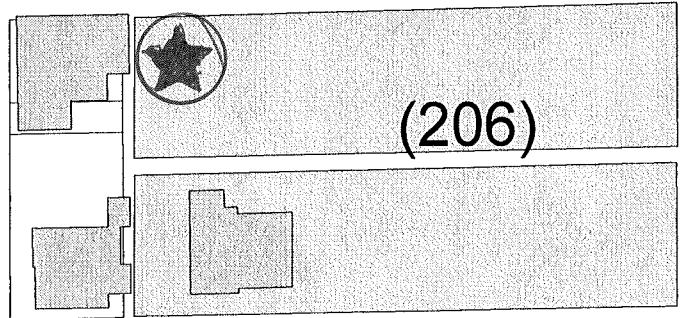


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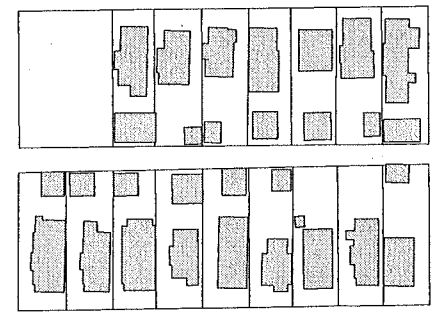
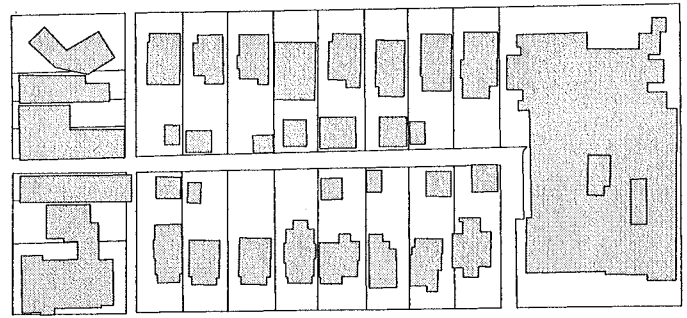
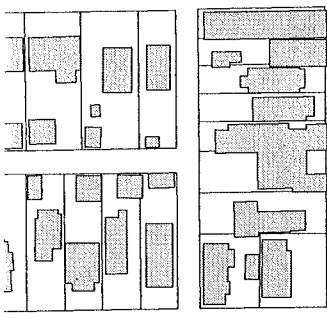
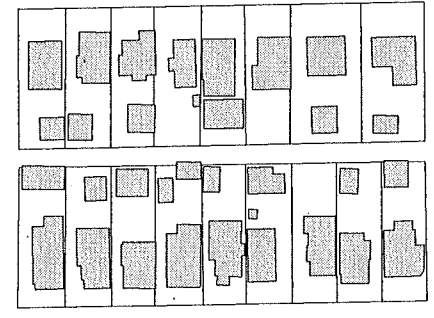
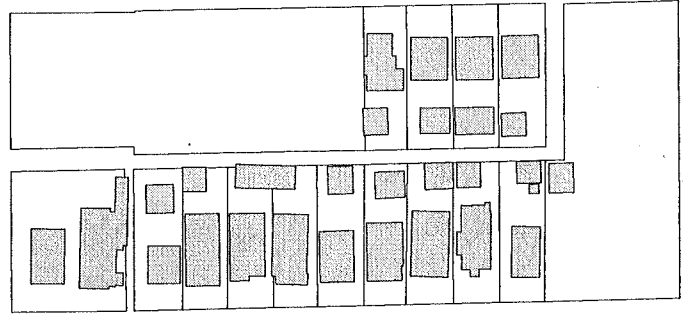
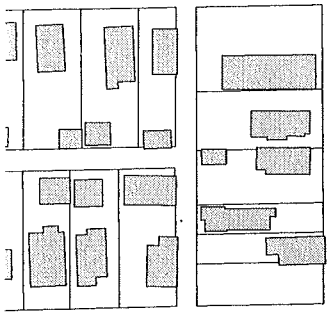
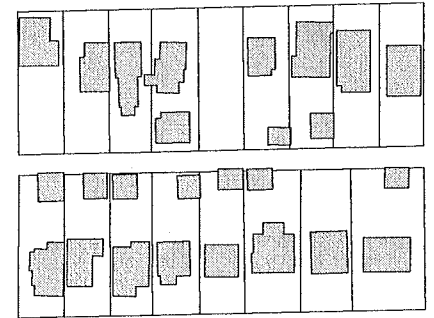
MARYLAND

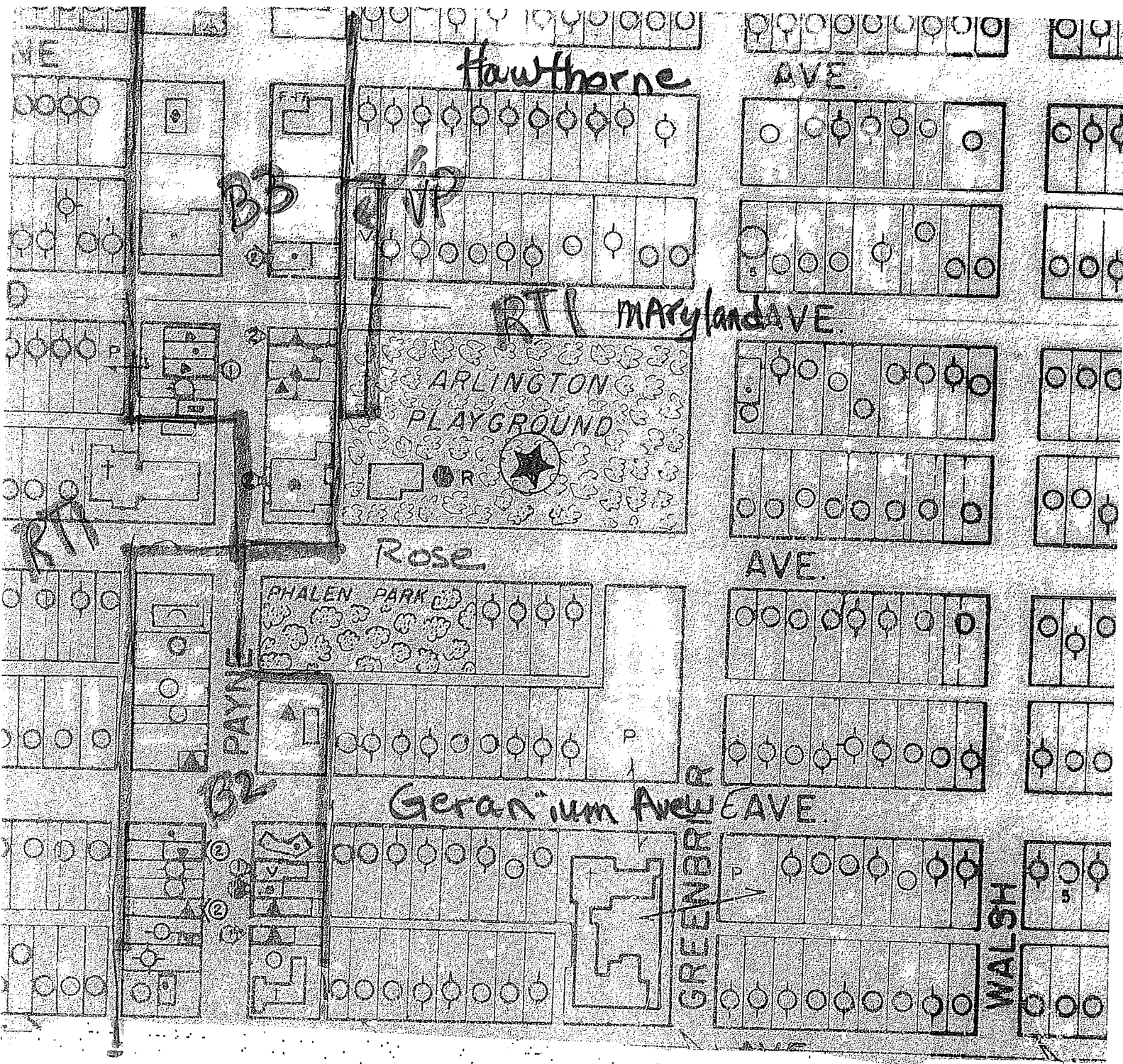
PAYNE



ROSE

GREENBRIER





APPLICANT St. Paul Parks + Rec  
 PURPOSE Rez VP → RT1  
 FILE # 12-060055 DATE 5-23-12  
 PLANNING DIST. 5 Land Use Map # 6  
 Zoning Map # 4

**LEGEND**

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

north



INFORMATION COVER SHEET

ITEM# ZONING FILE # 12-060055 APPLICATION TYPE: Rezone VP -> RT1  
FOLDER NAME: City of St. Paul Parks + Recreation

OWNER NAME AND ADDRESS: City of St Paul  
25 W 4th St, WRM 1000  
St. Paul MN 55102  
OWNER TELEPHONE NUMBER:

APPLICANT NAME & ADDRESS: City of St. Paul, Dept. of Parks + Recreation  
25 W. 4th St. Suite 400  
St. Paul MN 55102 (651) 266-6400  
APPLICANT TELEPHONE NUMBER#

REPRESENTATIVE NAME AND ADDRESS: Brian Tourtelotte  
City of St. Paul Dept. of Parks + Recreation  
25 W. 4th St. Suite 400  
St. Paul MN 55102 (651) 266-6414  
REPRESENTATIVE TELEPHONE NUMBER#

OTHER INTERESTED PARTY NAME AND ADDRESS: OTHER INTERESTED PARTY TELEPHONE #

ADDRESS OF PROPERTY AND PROPERTY LOCATION:  
665 E. Rose  
between Payne + Geranium Ave E

LEGAL DESCRIPTION: see file PIN: 292922120206

PURPOSE: Rezoning from VP (Vehicular Parking) to RT1 (Two-Family Residential)

DATE RECEIVED: 5-17-12 FINAL ACTION DATE:

EARLY NOTIFICATION SEND DATE: 5-23-12 HEARING DATE: 6-7-12

LAND USE MAP: 6 ZONING MAP: 4 PRESENT ZONING: VP LOT AREA TOTAL:  
Parcel = 118,100 sq ft  
VP = 4000 sq ft  
PLANNING DISTRICT: 5 WARD: 6

PLANNER: Kate Reilly PLANNERS TEL: 266-6618

NOTES: #PC-Variance 12-060060

HISTORY:

Report Name: SP-Owners Report

**CITY OF ST PAUL**  
**Owners Report**

Printed: 5/22/2012

Page: 1

**PID: 29-29-22-12-0206**

**Property Address: 665 ROSE AVE E 55106-2502**

City Of St Paul  
25 4th St W Rm 1000  
St Paul MN 55102-1692

Owner  
Taxpayer

EVANS ADDITION TO THE CITY OF ST. PAUL SUBJ TO ALLEY; LOTS 1 THRU 12 AND LOTS 19 THRU LOT 30 BLK 1