

ZONING COMMITTEE STAFF REPORT

FILE NAME: TK Dynamic Home LLC

FILE #: 18-109-691

APPLICANT: TK Dynamic Home LLC

HEARING DATE: October 25, 2018

TYPE OF APPLICATION: Rezoning

LOCATION: 1350 Payne Ave, NE corner at Clear Avenue

PIN & LEGAL DESCRIPTION: 202922420168; DENNY HILL ADDITION LOT 11 BLK 2

PLANNING DISTRICT: 5

EXISTING ZONING: B1

ZONING CODE REFERENCE: §61.801(b)

STAFF REPORT DATE: October 17, 2018

BY: Bill Dermody

DATE RECEIVED: September 26, 2018

60-DAY DEADLINE FOR ACTION: November 25, 2018

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- A. **PURPOSE:** Rezone from B1 Local Business to T1 Traditional Neighborhood.
 - B. **PARCEL SIZE:** 3,484 sq. ft.
 - C. **EXISTING LAND USE:** Mixed residential/commercial
 - D. **SURROUNDING LAND USE:** Mixed residential/commercial and commercial to the south, various residential types elsewhere along Payne Avenue, and 1-2 family residential in other directions off of Payne Avenue
 - 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 has been zoned B1 Local Business since 1975.
 - G. **PARKING:** Parking requirements are determined through building permit review and are not based on zoning. The site has three off-street parking spaces accessed via the alley. Zoning Code § 63.207 requires a minimum of 1 space per 400 square feet of hair salon (approximately 800 sq. ft. present) and 1 space per studio or one-bedroom residential unit, or 1.5 spaces per two- or three-bedroom unit.
 - H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 5 Payne Phalen Community Council has not provided a recommendation.
 - I. **FINDINGS:**
 1. The application requests rezoning from B1 Local Business to T1 Traditional Neighborhood. The site contains a building with three apartment units and a vacant former hair salon use. The rezoning would allow the former hair salon space to be converted to a fourth apartment unit.
 2. The proposed zoning is consistent with the way this area has developed. The T1 district allows low-intensity mixed uses such as those found nearby along Payne Avenue.
 3. The proposed zoning is consistent with the Comprehensive Plan, which designates Payne Avenue as a Residential Corridor.
 4. The proposed zoning is compatible with the surrounding mix of uses, including both commercial and residential uses along Payne Avenue and surrounding residential uses.
 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 zoning does not constitute "spot zoning" as the use classification is consistent with surrounding uses.
 - J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B1 Local Business to T1 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 #: 18-109691
Fee: 1260
Tentative Hearing Date:
10-25-18

AD-5

#202922420168

APPLICANT

Property Owner(s) TK Dynamic Home LLC
Address 9129 Forest Hills Cir
City Bloomington State Minnesota Zip 55437 Phone 651-653-8178
Contact Person Kieu Do Phone 651-653-8178
Email dothithuykieu@gmail.com

(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location 1350 Payne Ave, Saint Paul, MN
Legal Description Denny hill addition to the city of Saint Paul lot1 BLK2
Current Zoning _____

(Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, TK Dynamic Home LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a B1 zoning district to a T1 zoning district, for the purpose of:

Change zoning in order to allow residential in Unit 4. Because now we can not find the client rent for beauty or hair saloon,

let TK Dynamic Home LLC can get income with Unit 4 by residential rent.

(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date Sept-26 2018

Laura L Eckert
Notary Public



By: [Signature]
Fee owner of property

Title: President

Subscribed and sworn to before me

Date _____ 20____

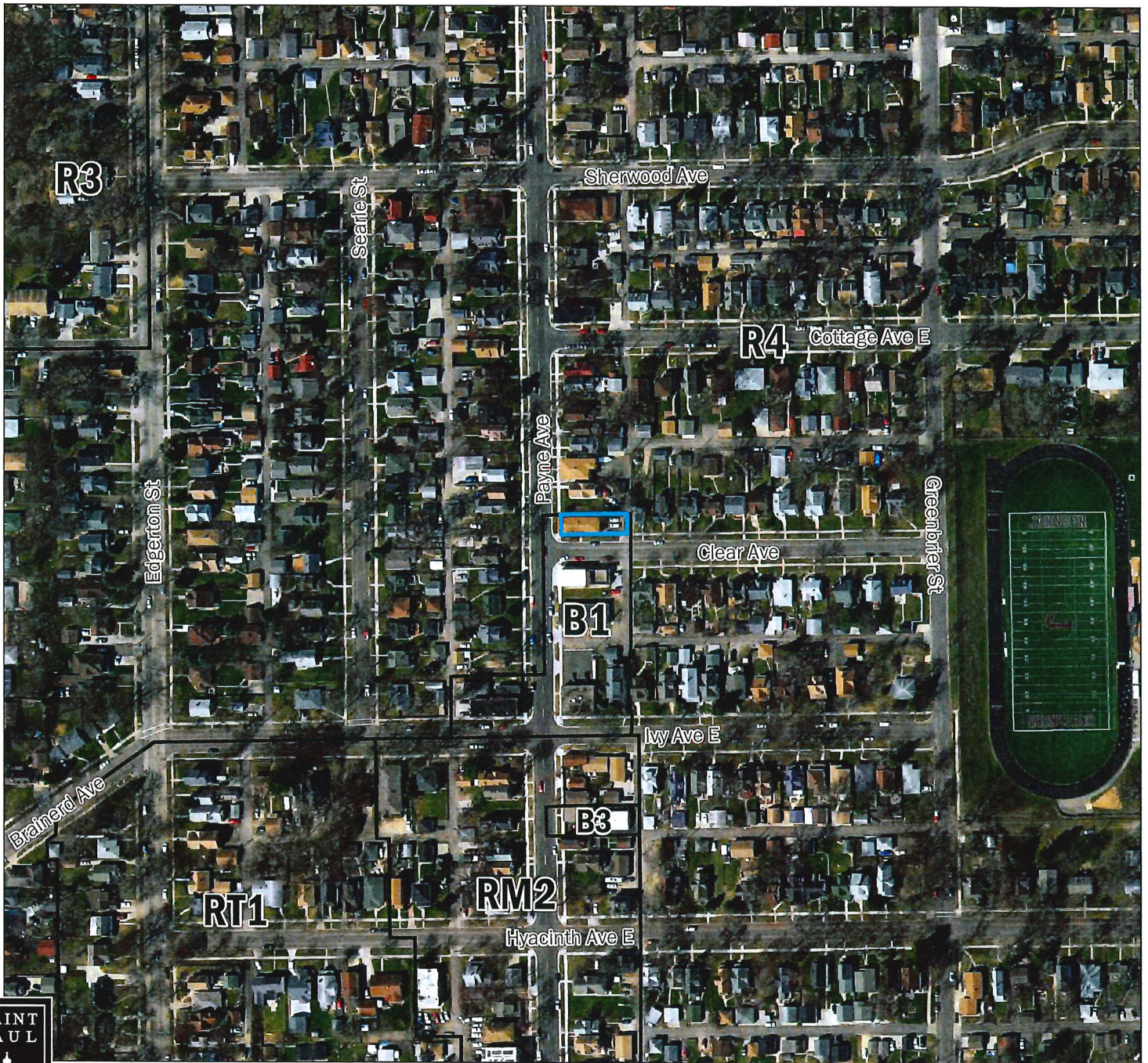
Notary Public

By: _____
Fee owner of property

Title: _____



Google Streetview of subject site (on corner)



FILE #18-109691 | AERIAL MAP

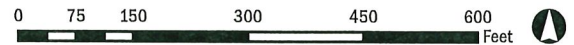
Application of TK Dynamic Home LLC

Application Type: Rezoning

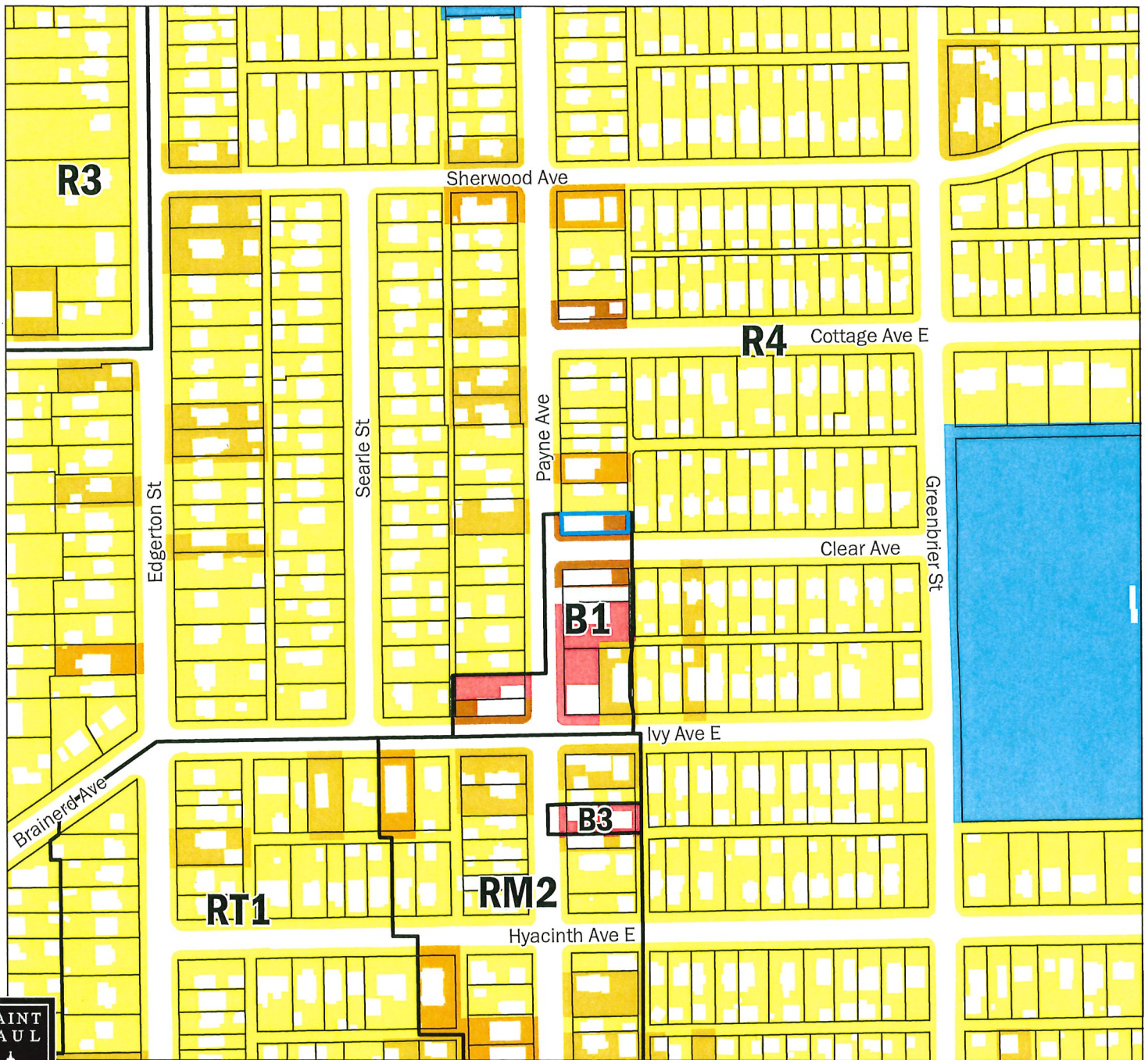
Application Date: September 26th, 2018

Planning District: 5

Subject Parcel Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #18-109691 | LAND USE MAP

Application of TK Dynamic Home LLC

Application Type: Rezoning

Application Date: September 26th, 2018

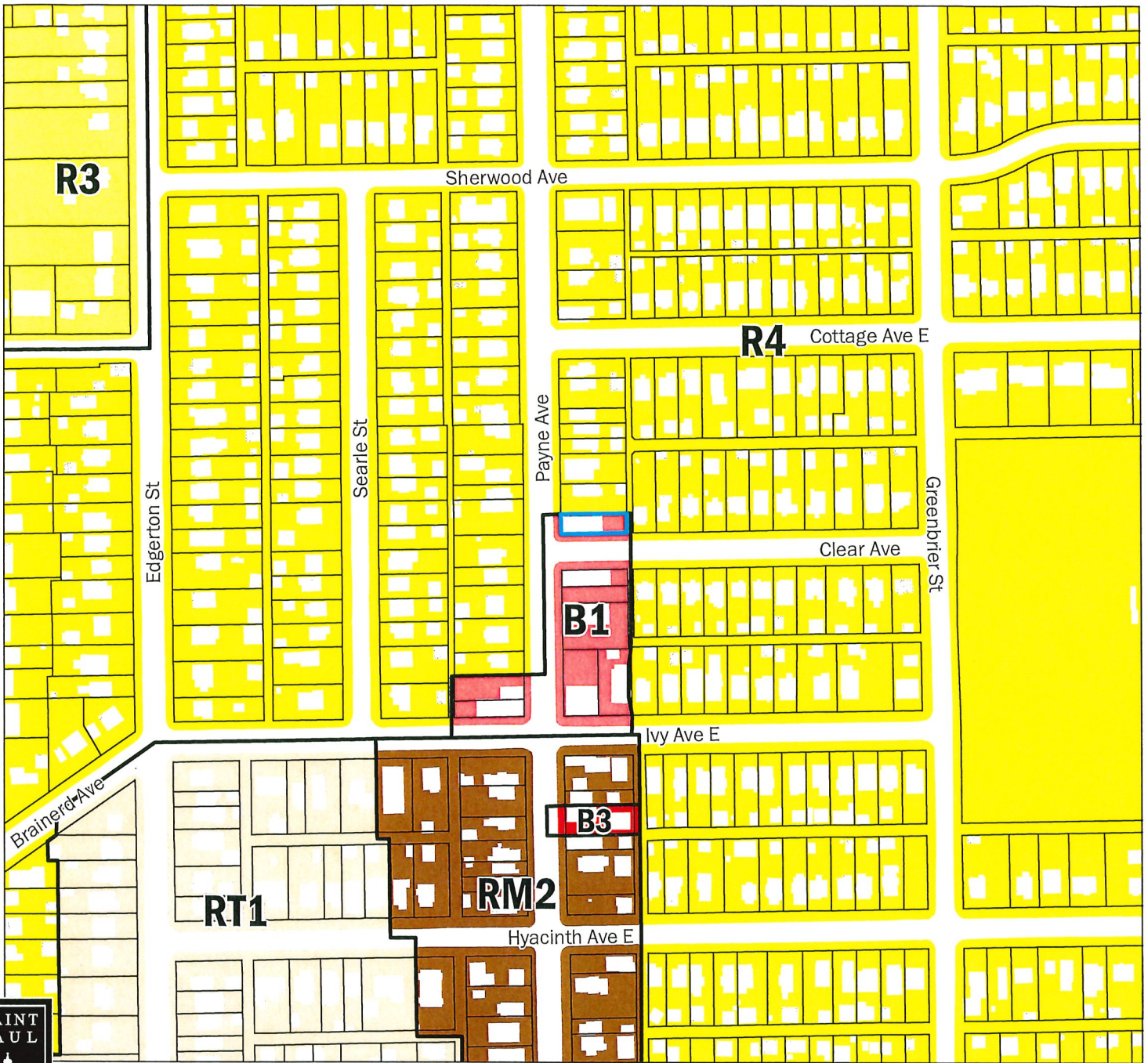
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Subject Parcel Outlined in Blue

Famstead	Office	Extractive	Airport
Seasonal/Vacation	Retail and Other Commercial	Institutional	Agricultural
Single Family Detached	Mixed Use Residential	Park, Recreational or Preserve	Undeveloped
Manufactured Housing Park	Mixed Use Industrial	Golf Course	Water
Single Family Attached	Mixed Use Commercial and Other	Major Highway	
Multifamily	Industrial and Utility	Railway	



FILE #18-109691 | ZONING MAP

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Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction