

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Donald and Alice Olson **FILE #:** 16-059-563
  2. **APPLICANT:** Donald E Olson/Alice E Olson **HEARING DATE:** August 11, 2016
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 1445 White Bear Ave N, NW corner at Arlington Avenue
  5. **PIN & LEGAL DESCRIPTION:** 222922140062; Moodys Rearrangement Lot 6
  6. **PLANNING DISTRICT:** 2 **EXISTING ZONING:** OS/WB White Bear Ave Overlay
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** August 3, 2016 **BY:** Courtney Overby
  9. **DATE RECEIVED:** July 19, 2016 **60-DAY DEADLINE FOR ACTION:** September 17, 2016
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- A. **PURPOSE:** Rezone from OS office-service to T1 traditional neighborhood.
- B. **PARCEL SIZE:** 6,969 s.f.
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:** Single Family Residential (R4) exists to the north and west, with a mix of office (OS), retail (B2) and residential (R4) to the south and east along White Bear 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 was rezoned to OS-1 (now OS office-service) in 1975 as part of a citywide rezoning. In 1977 it was rezoned to R4 one-family residential to allow for construction of a single-family home on the vacant property. In 1994 it was rezoned from R4 to OS for use commercially by property owners as a hearing aid dispensary, which had been operating there for 7 years previously in violation of the zoning.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing District 2 has not provided a recommendation.
- H. **FINDINGS:**
  1. The proposal to rezone from OS office-service to T1 traditional neighborhood to allow for use as a residential house. Previous commercial use for hearing aid dispensary services is no longer a business need; intent is resale as residential property. The existing White Bear Avenue Overlay zoning will remain in place and is not affected by this request.
  2. The proposed zoning is consistent with the way this area has developed. The surrounding area to the north and west contains single-family residences while there are office and retail uses along White Bear Avenue to the south. The proposed T1 zoning provides for a transition between uses. Also, it recognizes the site's variable history of uses and allows for future conversion.
  3. The proposed rezoning to T1 is in conformance with the Comprehensive Plan. The Comprehensive Plan's Land Use Chapter designates the area as a mixed use corridor (Figure LU-B) which calls for compact, mixed-use areas of shopping, housing, community amenities and employment centers, such as allowed in T1.

4. The proposed T1 zoning allows residential and limited, neighborhood-serving commercial uses that are compatible with the surrounding uses including one- and two-family dwellings and mixed office/commercial uses along White Bear Avenue.
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 rezoning to T1 Traditional Neighborhood is not spot zoning. T1 intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs with uses such as one-two family dwelling and mixed residential use that are consistent with the surrounding mix of uses.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval for a rezoning of 1445 White Bear Avenue North from OS office-service 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 #: 16-059563  
 Fee: 1200  
 Tentative Hearing Date: 8-11-16

PD=2

# 222922140062

**APPLICANT**

Property Owner(s) Donald E. Olson Alice E. Olson  
 Address 9950 Revere Lane N.  
 City Maple Grove State Mn Zip 55369 Phone 651-771-4019-WK  
 Contact Person Ronald E Olson Phone 763-424-5945-HM  
 Email \_\_\_\_\_ Cell 763-355-2023  
 (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 1445 White Bear Ave N. St. Paul Mn. 55106  
 Legal Description Lot 6  
 \_\_\_\_\_ Current Zoning OS  
 (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, \_\_\_\_\_  
Donald E Olson Alice E Olson  
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a  
OS zoning district to a T1 zoning district, for the purpose of:

To turn it from commercial to Residential. See Letter



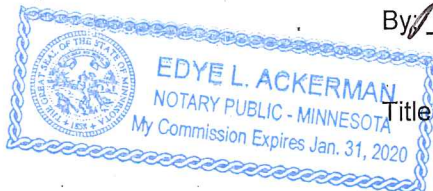
BY: CK14742

(Attach additional sheets if necessary.)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

Date July 11 2016  
Edye L. Ackerman  
 Notary Public



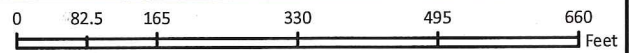
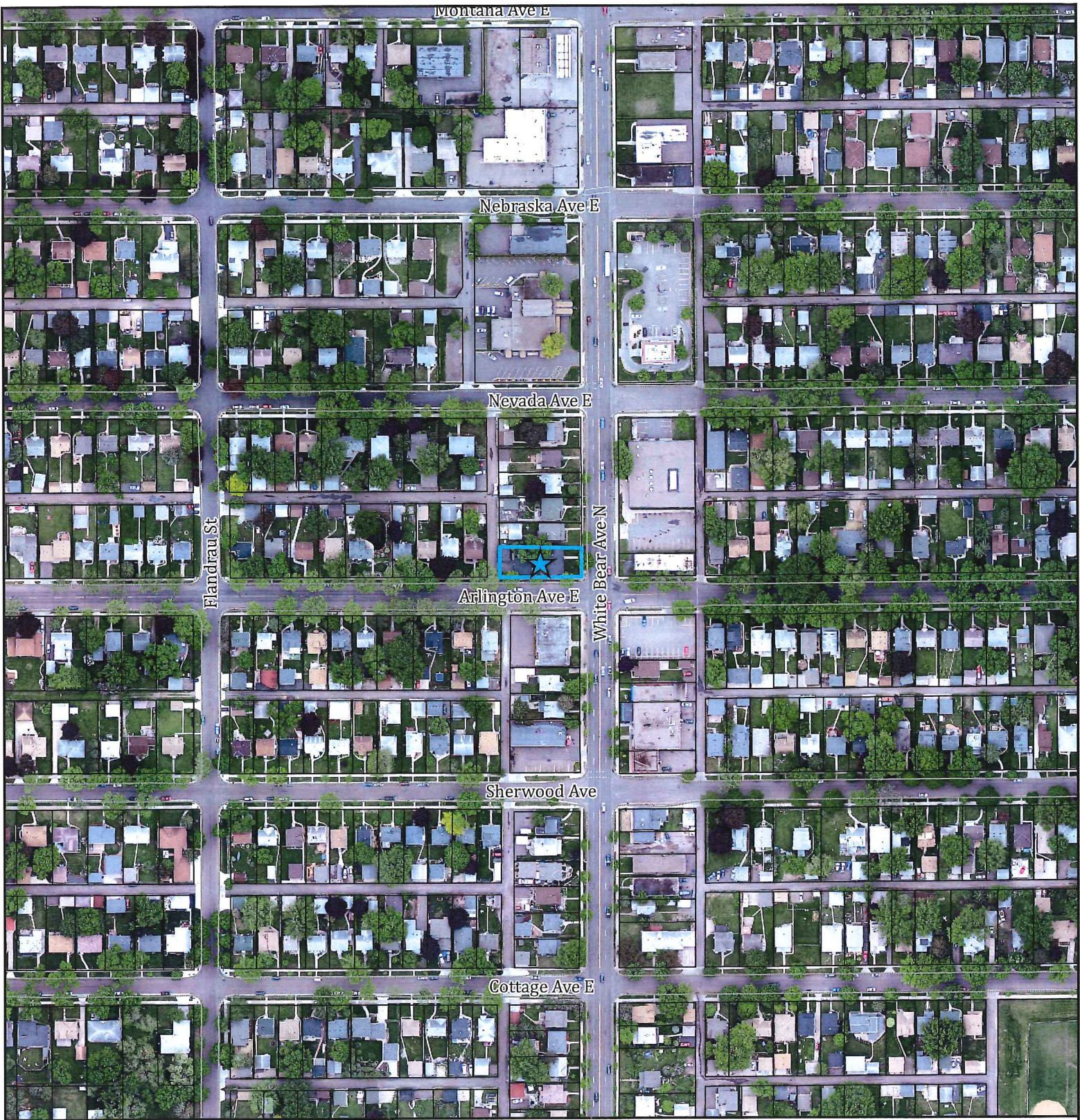
By: Donald E Olson  
 Fee owner of property  
 Title: proprietors

To whom this may concern, why we would like to change the property at 1445 White Bear Ave St. Paul. Mn from (OS) commercial to residential.

Mainly we did have this property on the market and tried to sell it for commercial for 6 months thru a company recommended by the city of St. Paul. That did not turn out good only one showing the whole time it was listed. Another reason is that the Hearing Aid industry has changed, we use to manufacture and sell our own Hearing Aids and did quite well for many years, around 2011 a lot of things changed the companies we purchase our parts form decided to open there own hearing aid stores, and we could not purchase parts any longer, that meant we had to purchase there Aids at a much higher cost, ours clients were not happy and we lost a lot of them, Also the Insurance Companies were dictating where there insured clients had to go to purchase a Hearing aids, the insurance companies we're be pursued By the larger hearing aid manufacturers to sell only there products, and our clients could not get any benefits if they went out of net work. On top of that the large hearing aid manufacturers were opening up stores all over in shopping malls, Sams Club, Costco etc. also now you can purchase aids on the internet with NO hearing evaluation needed. In Mn anyone who dispenses hearing aid needs to have training and a license. So do to several different thing occurring at once we lost a lot of revenue and are unable to keep up with the expenses and are unable to keep afloat so we have to sell our property before we go future into debt, and since selling commercial didn't work we want to try residential..

Thank You






FILE NAME: Donald and Alice Olson

Aerial

APPLICATION TYPE: Rezone

 Subject Parcels

FILE #: 16-059563      DATE: 7/19/2016

PLANNING DISTRICT: 2

ZONING PANEL: 6





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APPLICATION TYPE: Rezone

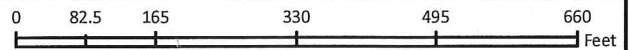
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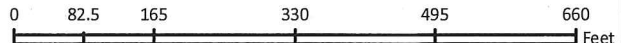
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**Land Use**

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





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APPLICATION TYPE: Rezone

FILE #: 16-059563      DATE: 7/19/2016

PLANNING DISTRICT: 2

ZONING PANEL: 6

- Zoning**
- Subject Parcels
  - Section Lines
  - R3 One-Family
  - R4 One-Family
  - RM2 Multiple-Family
  - T2 Traditional Neighborhood
  - OS Office-Service
  - B2 Community Business
  - B3 General Business
  - VP Vehicular Parking

