

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** Zamzam

**FILE #:** 17-071-969

**APPLICANT:** Zamzam Inc.

**HEARING DATE:** September 14, 2017

**TYPE OF APPLICATION:** Rezoning

**LOCATION:** 1543-1571 Maryland Ave E, northeast corner at Hazelwood

**PINS & LEGAL DESCRIPTION:** 222922430040, 222922430041, & 222922430042; The S 173 feet of the W 392 feet of the SW ¼ of SW ¼ of SE ¼ of Section 22 Township 29 Range 22, subject to street dedications and easements

**PLANNING DISTRICT:** 2

**EXISTING ZONING:** B1

**ZONING CODE REFERENCE:** §61.801(b)

**STAFF REPORT DATE:** September 7, 2017

**BY:** Bill Dermody

**DATE RECEIVED:** August 21, 2017

**60-DAY DEADLINE FOR ACTION:** October 20, 2017

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- A. **PURPOSE:** Rezone from B1 local business to B2 community business.
  - B. **PARCEL SIZE:** 362 ft. (Maryland) x 140 ft. (Hazelwood) = 1.2 acres
  - C. **EXISTING LAND USE:** Retail businesses (west portion) and vacant land/community garden (east portion)
  - D. **SURROUNDING LAND USE:** Multi-family residential to the north and south, cemetery to the west, and trail/park to the east with a water utility building beyond.
  - E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
  - F. **HISTORY/DISCUSSION:** In 2010, the vacant portion of the site was rezoned from RM1 Low-Density, Low-Rise Multiple Family Residential District to B1 Local Business District in order to allow for an expansion of the existing commercial building to accommodate additional businesses – that expansion was never constructed. The vacant portion of the site previously contained a single-family house and a duplex that were demolished in 2008. The vacant portion of the site was rezoned from RM2 Medium-Density, Low-Rise Multiple Family Residential District to RM1 some time between 1975 and 2010. The portion of the site containing a retail business has been zoned B1 since 1975.
  - G. **PARKING:** The proposed rezoning would permit a range of uses with differing parking requirements. Zoning Code § 63.207 requires a minimum of 1 parking space per 400 square feet for all of the existing and proposed uses, including automobile convenience market. The site plan submitted for site plan review provides 32 spaces for 11,915 sq. ft. of gross floor area, which exceeds the minimum 30 spaces. Parking provision will be reviewed and approved through site plan review.
  - H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 2 Council has not provided a recommendation.
  - I. **FINDINGS:**
    1. The application requests rezoning from B1 Local Business District to B2 Community Business District for approximately 1.2 acres at the northeast corner of Maryland Avenue E. and Hazelwood Street.
    2. The proposed zoning is consistent with the way this area has developed. The area is characterized by a mix of uses, including commercial, institutional, parkland, higher-

density multi-family, duplexes, and single-family homes. The proposed zoning would allow an expansion of commercial uses.

3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan, in Figure LU-B, designates the site as part of a Mixed Use Corridor. Strategy LU-1.46 is to *Encourage the expansion of compact commercial areas in Neighborhood Centers and Mixed-Use Corridors to further the objectives of both categories of neighborhoods*. The proposed zoning is consistent with this strategy, and would help to better balance the mix of uses on Maryland Avenue east of the Phalen Village Neighborhood Center.
4. The proposed zoning is compatible with the surrounding residential and institutional uses, which are of a higher intensity along the mixed use Maryland Avenue corridor.
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 would not constitute spot zoning because 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 B2 Community Business.



**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 #: 17-071969  
 Fee: \_\_\_\_\_  
 Tentative Hearing Date:  
9-14-17

PD=2

# 22 29 22 4 30042 (1571)  
 # 22 29 22 4 3 0041 (1535)  
 # 22 29 22 4 3 0040 (1543)

**APPLICANT:**

Property Owner(s) JOHN ABUKHUDEER, Yahya Y  
 Address 1149 97TH AVE N.W COON RAPIDS, MINN 55422  
 City COON RAPIDS State MINN. Zip 55442 Phone 612-986-7315  
 Contact Person GEORGE S. BARR Phone 763-355-0322  
 Email gsbarr777@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 1541,1555,1571 maryland ave east  
 Legal Description Parcel ID: 222922430040 Parcel ID: 222922430041  
Parcel ID: 222922430042 Current Zoning B-1  
 (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, \_\_\_\_\_  
ZAMZAM, INC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a  
B-1 zoning district to a B-2 zoning district, for the purpose of:

BUILD A 4800 SQUARE FOOT ADDTION TO EXISTING BUILDING WITH A BASEMENT OF 4800 SQ.FT, WITH A SECOND FLOOR ON ADDITION OF APPROX 2100 SQ.FT. THE ADDITION WILL ALLOW FOR EXPANSION OF EXISTING LAUNDERMAT, EXPANSION OF EXISTING CELL PHONE AND COMPUTER BUSINES AND ALLOW FOR NEW DELI GROCERY WITH FUEL PUMPS.

ck/004  
 Add  
 8-17-17

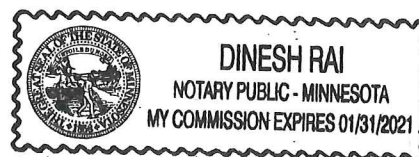
(Attach additional sheets if necessary.)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

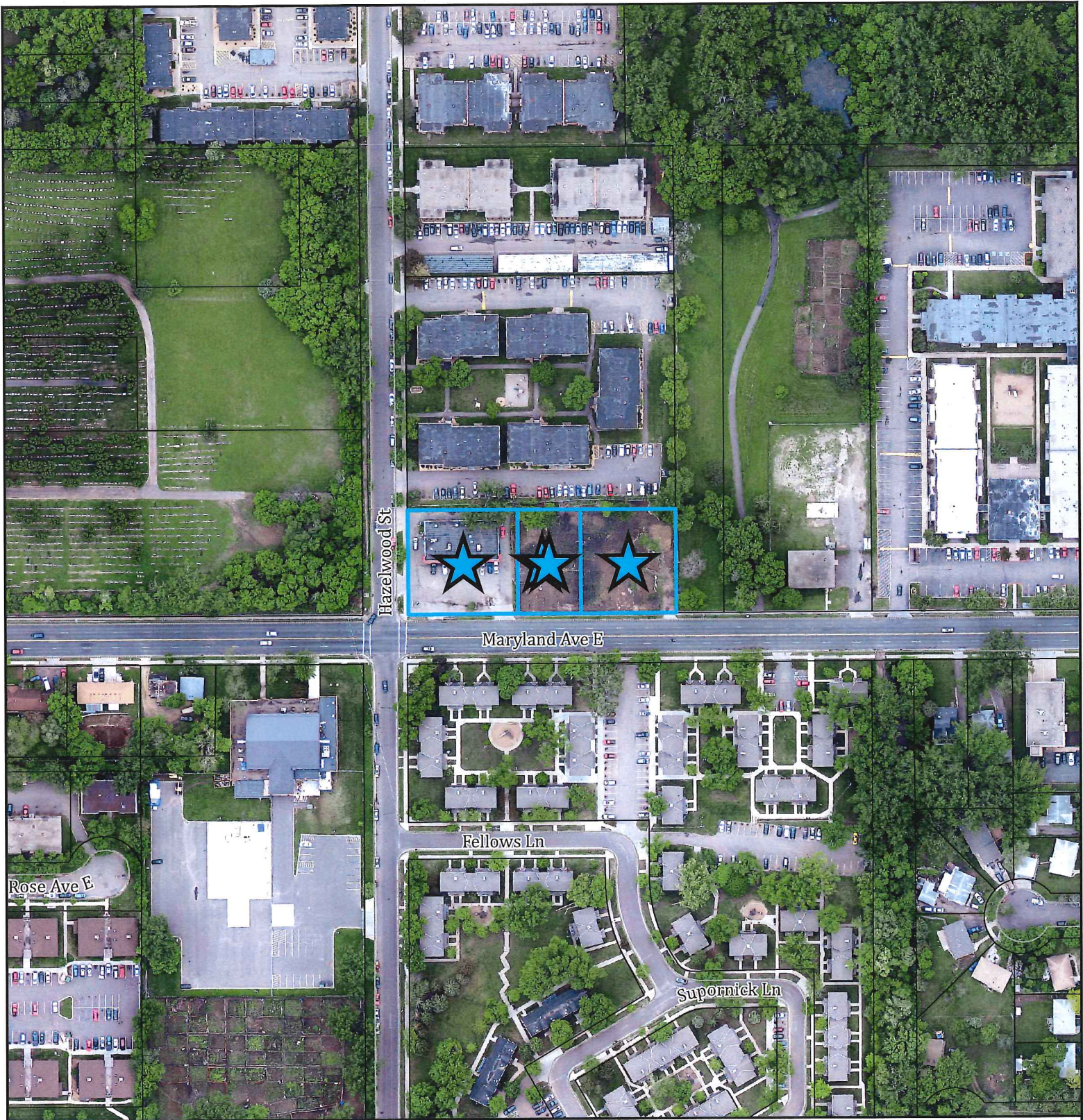
Date 08-17-2017

[Signature]  
 Notary Public



By: [Signature]  
 Fee owner of property  
 Title: owner





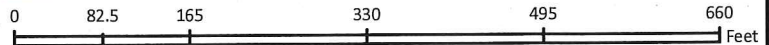
Hazelwood St

Maryland Ave E

Fellows Ln

Supornick Ln

Rose Ave E



FILE NAME: Zamzam

Aerial

APPLICATION TYPE: Rezone

 Subject Parcels

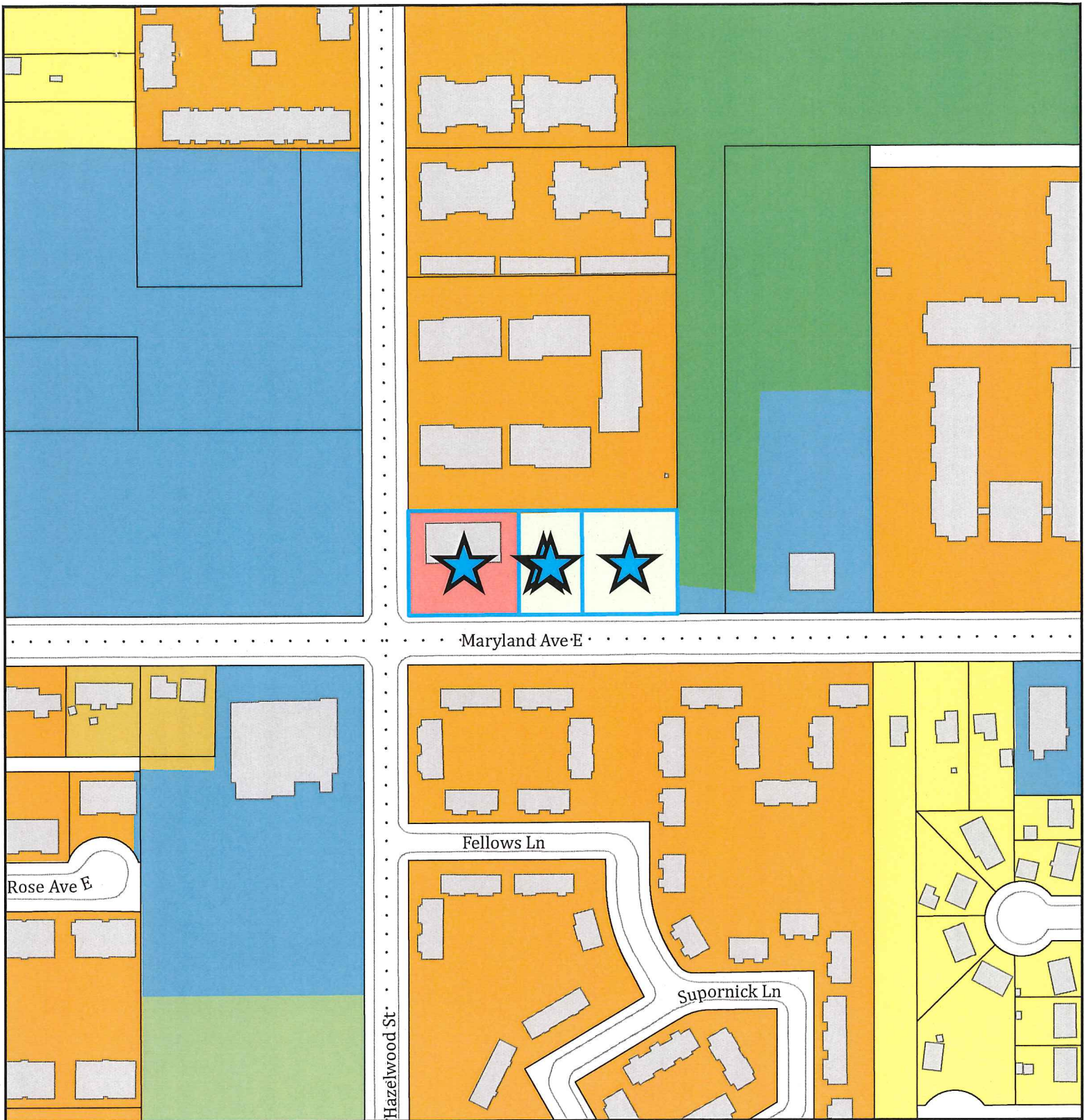
FILE #: 17-074969      DATE: 8/21/2017

PLANNING DISTRICT: 2

ZONING PANEL: 6







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PLANNING DISTRICT: 2

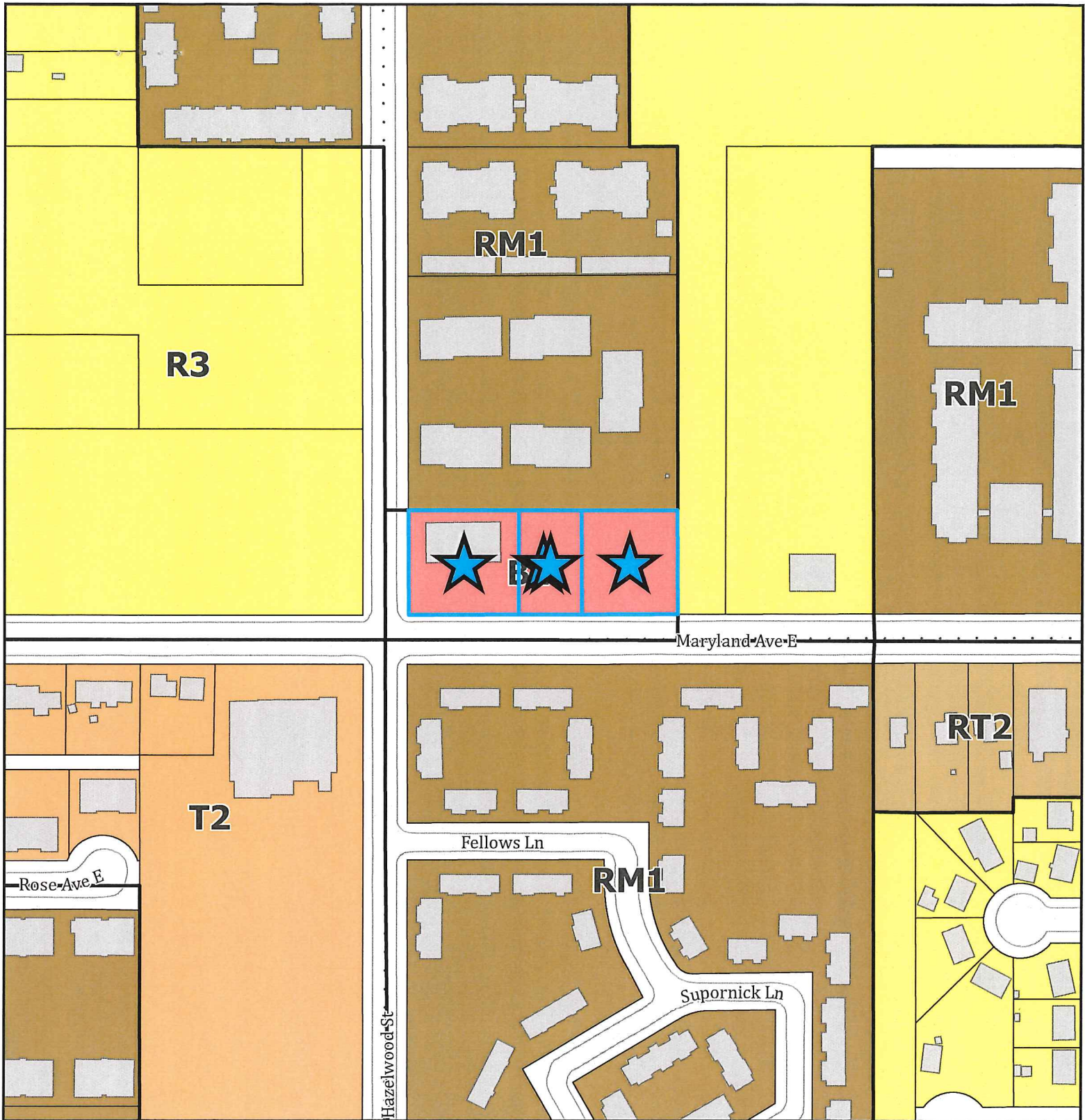
ZONING PANEL: 6

**Land Use**

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







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PLANNING DISTRICT: 2

ZONING PANEL: 6

**Zoning**

- Subject Parcels
- Section Lines
- R3 One-Family
- RT2 Townhouse
- RM1 Multiple-Family
- T2 Traditional Neighborhood
- B1 Local Business

