

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** T. V. Eklund LLC **FILE #:** 16-037-270
 2. **APPLICANT:** T. V. Eklund LLC **HEARING DATE:** June 2, 2016
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 476 Minnehaha Ave W, SE corner at Mackubin
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.21.0209; Lots 46-47, Block 2, Smith's Subdivision of Stinson's Division
 6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** I1
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** May 25, 2016 **BY:** Tony Johnson
 9. **DATE RECEIVED:** May 17, 2016 **60-DAY DEADLINE FOR ACTION:** July 16, 2016
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- A. **PURPOSE:** Rezone lots 46-47 from VP vehicular parking to I1 light industrial.
- B. **PARCEL SIZE:** 41,817 SF; VP portion of parcel is 9875 SF, with 79 feet of frontage on Minnehaha, 125 feet of frontage on Mackubin, and a 13 foot wide alley at the rear
- C. **EXISTING LAND USE:** parking lot
- D. **SURROUNDING LAND USE:**
 - North: Mixed-use Industrial and Industrial and Utility (I1)
 - West: One and two family dwellings (R4)
 - South: Single Family Dwellings (R4)
 - East: Multi-family dwellings (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 subject property has had an industrial use since at least 1967. Somewhere between 1990 and 1997 the portion of the lot which is now VP was rezoned from RM2, multi-family residential to P1, parking zoning district. In 2004 when the zoning code was updated P1 parking districts were renamed to VP vehicular parking. The most recent use of the property was a machine shop and offices for a construction business. The portion of the lot which is zoned VP was used as accessory parking for the businesses. In October of 2015 the machine shop use was discontinued and the space will now be used as offices for the impound lot. The VP, vehicular parking, portion of the lot will be used for the exterior storage of vehicles for the impound lot if that portion of the lot is rezoned to the I1, light industrial.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 7
- H. **FINDINGS:**
 1. The property in question is currently split zoned I1 light industrial and VP vehicular parking. The applicant is seeking to rezone the VP vehicular parking portion of the subject parcel to I1 in order to establish a new impound lot. An impound lot is

considered outdoor storage, which is not a permitted in use the VP vehicular parking zoning district.

2. The proposed zoning is consistent with the way this area has developed. The subject property has light industrial uses, and parcels to the north and east are also light industrial. The property is currently split-zoned I1 light industrial and VP vehicular parking. Rezoning the VP portion of the parcel is consistent with the industrial character of the immediate area.
 3. The proposed zoning is consistent with the Comprehensive Plan. The Land-Use chapter of the comprehensive plan identifies the entire parcel as being industrial and within an employment district. Strategy 2 of the land-use chapter calls for providing industrial land for jobs.
 4. The proposed zoning is compatible with the surrounding uses. The property is currently split zoned I1 light industrial and VP vehicular parking. There are industrial uses north and east of the parcel and residential uses to the south and west of the parcel. The VP portion of the parcel is screened from the adjacent residential land uses by vegetation.
 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.*" Rezoning the VP portion of the parcel to I1 would not constitute spot zoning. The rezoning would enlarge the existing I1 zoning district on the parcel and in the immediate area.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from VP vehicular parking to I1 light industrial.



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

2

Zoning Office Use Only
 File #: 16-037270
 Fee: 1200.00
 Tentative Hearing Date:
6-2-16
362-923210209

APPLICANT

Property Owner T. V. Eklund LLC
 Address 474 W. Minnehaha Ave.
 City St. Paul St. MN Zip 55103 Daytime Phone 651-774-5582
 Contact Person (if different) Troy Olson Phone 651-774-5582
Clarence Kempke

PROPERTY LOCATION

Address/Location 476 W Minnehaha Ave, St. Paul, MN, 55103
 Legal Description W 15 FE of Lot 54 and all of Lots 46 thru 53 B1K2
 Current Zoning I-1, U, A
 (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;

T.V. Eklund LLC, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a U, A zoning district to a I-1 zoning
 district, for the purpose of: an impound lot and any other legal
purpose

CK 4203
 1500⁰⁰

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

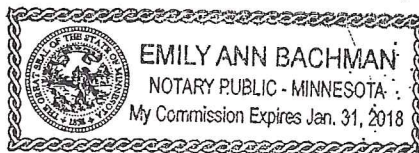
this 6th day

of May, 2016

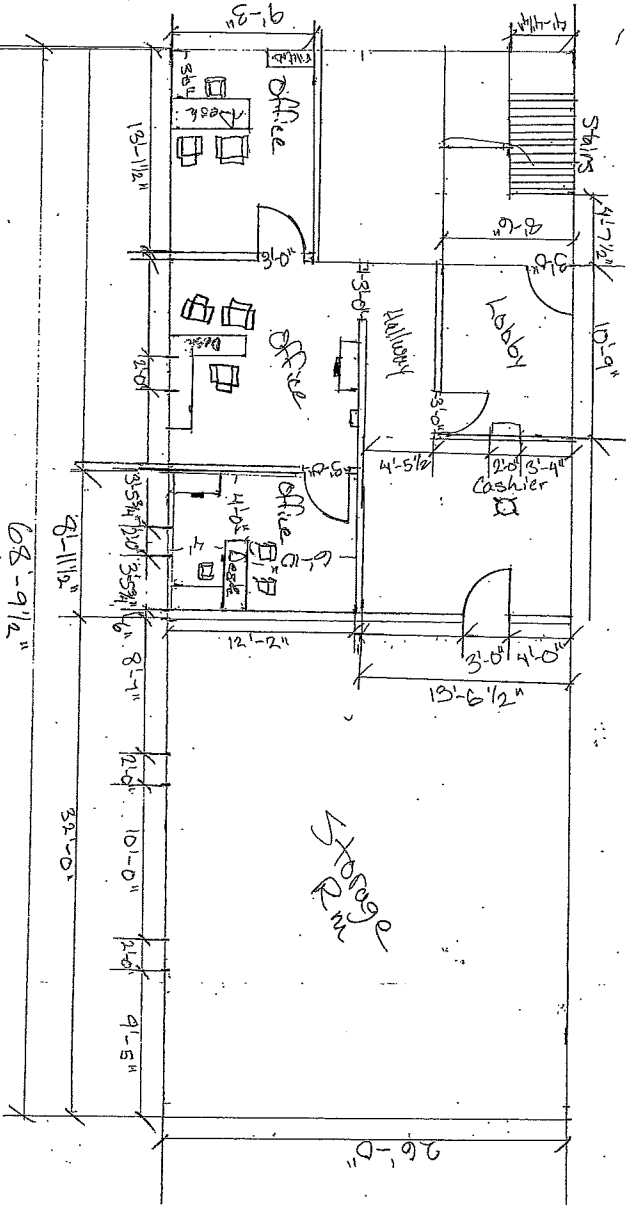
[Signature]
 Notary Public

By: [Signature]
 Fee owner of property

Title: Chief Manager



476 W. Minnehaha Ave. St. Paul MN 55103



Scale: 1/8" = 1'

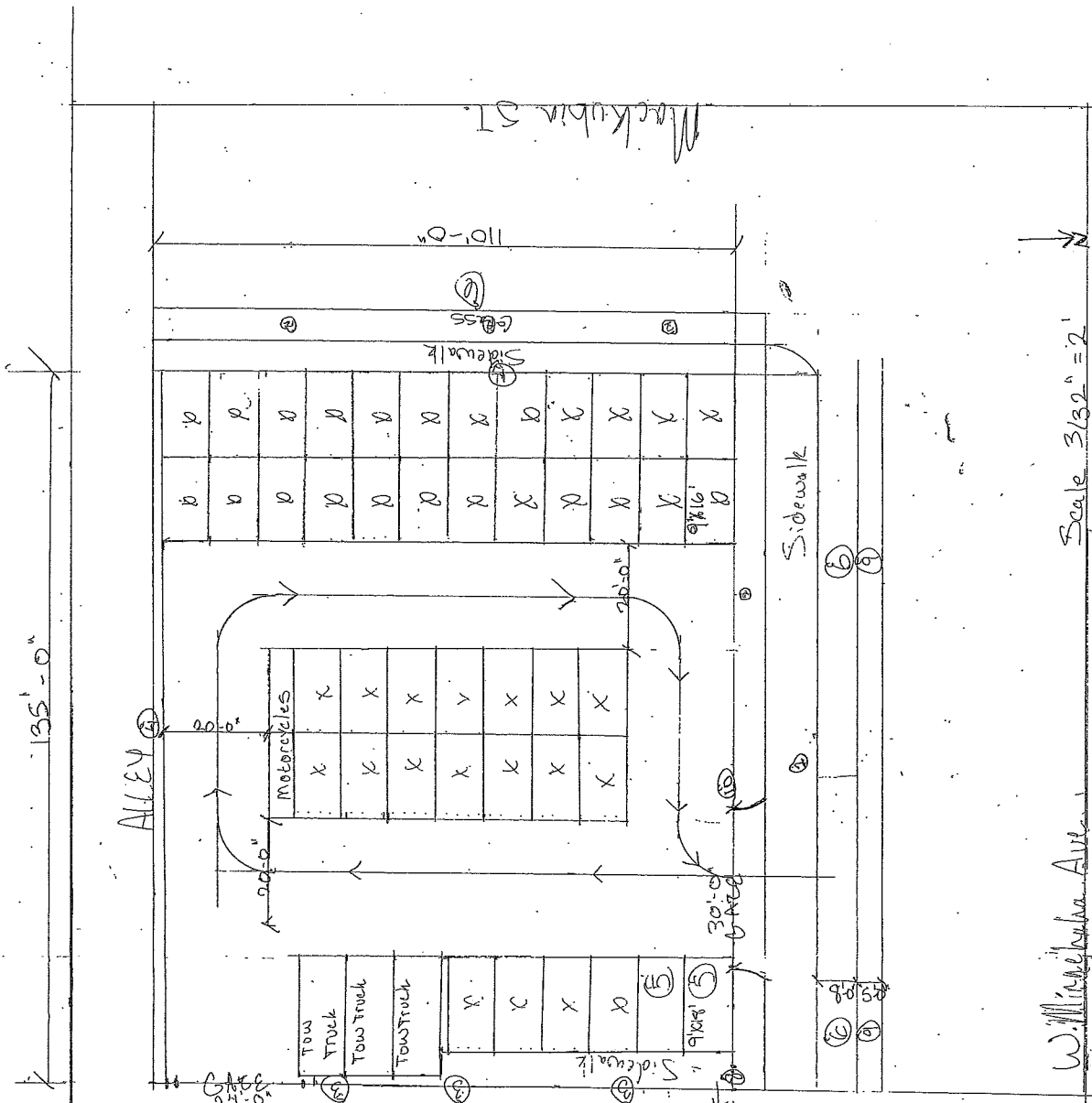


Floor Plan

CNS Services, LLC
4/29/16
Created by Blake T. Bunting

Notes

- ① Street Lamp
- ② Trees
- ③ Building lights Exterior
- ④ Chainlink Fence
Wood Picket Fence Will be
Installed Upon Approval Permits
- ⑤ Customer Parking
- X = Impound Car Space, 4/2 Cars
- ⑥ On Street Parking/
Employee Parking
- ⑦ Traffic Flows in lot.
- ⑧ walking gate.
- ⑨ Bike lane
- ⑩ Electric Gate



Scale 3/32" = 1'

Site Plan

W. Waukegan Ave.

Created on 5/11/16
Created by Blake Runtz

CNS Services LLC

Date: May 26, 2016
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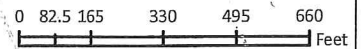
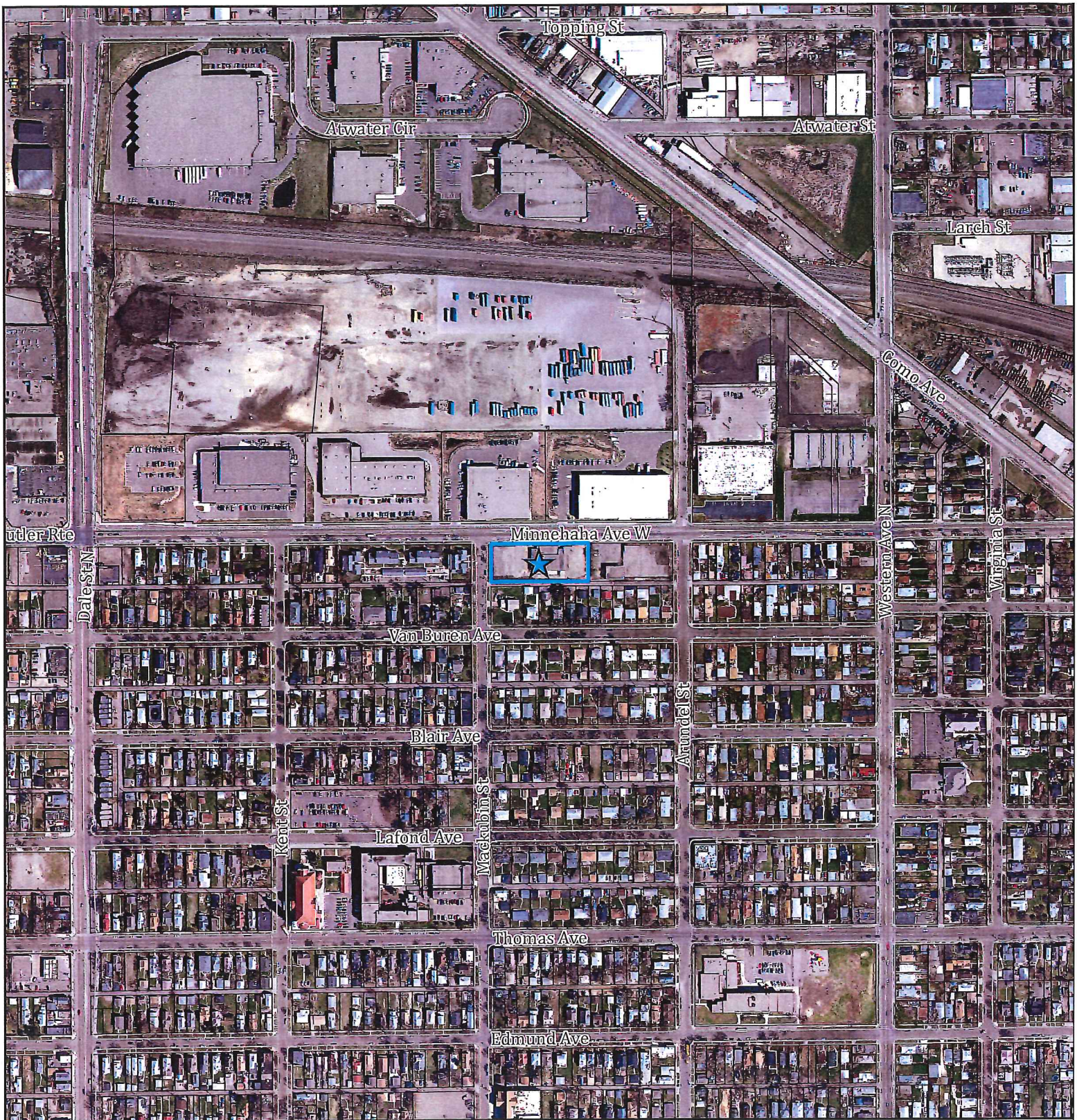


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FILE NAME: TV Ecklund LLC

Aerial

APPLICATION TYPE: Rezone

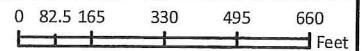
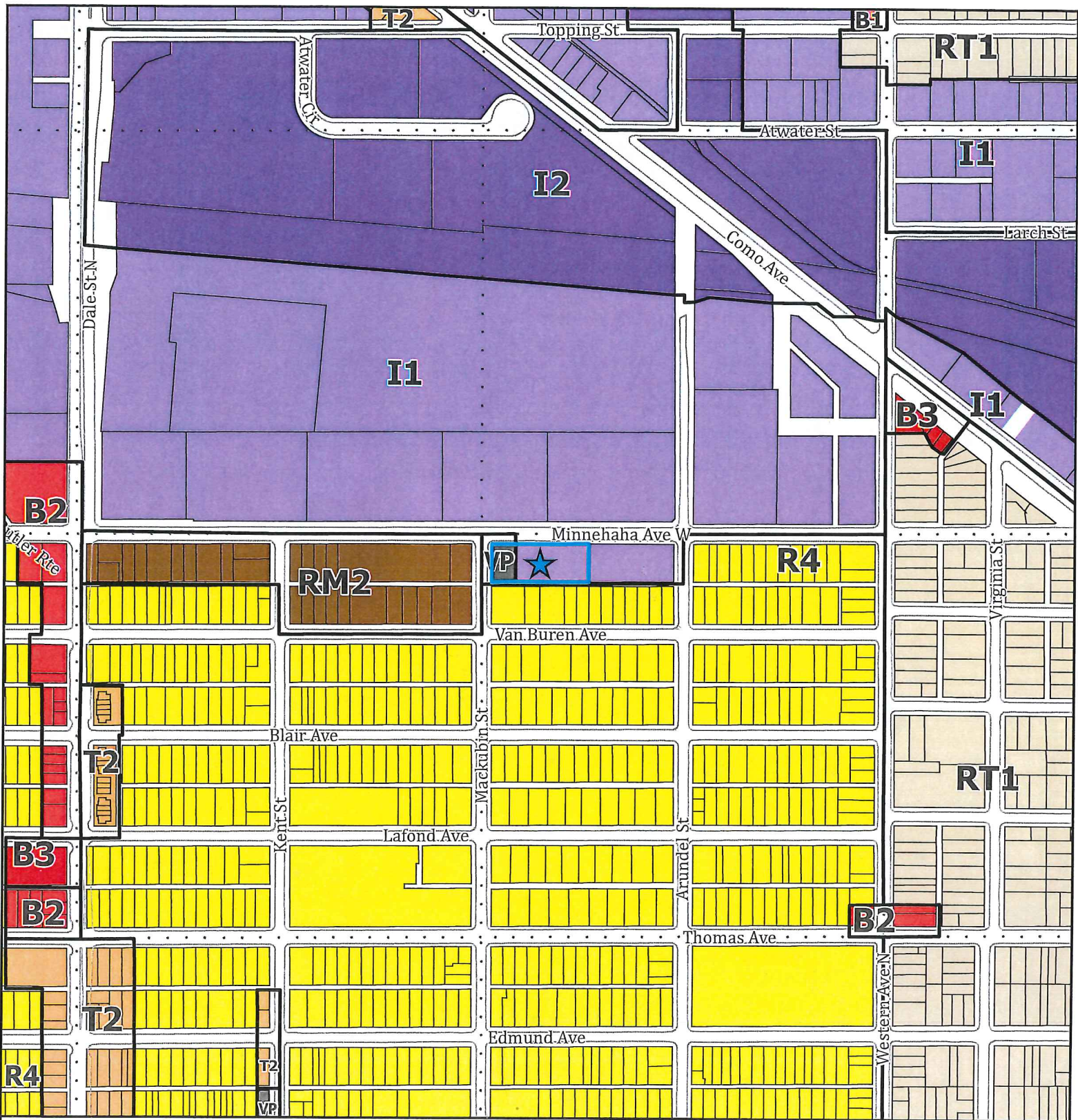
 Subject Parcels

FILE #: 16-037270 DATE: 5/17/2016

PLANNING DISTRICT: 7

ZONING PANEL: 9





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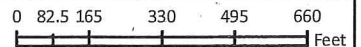
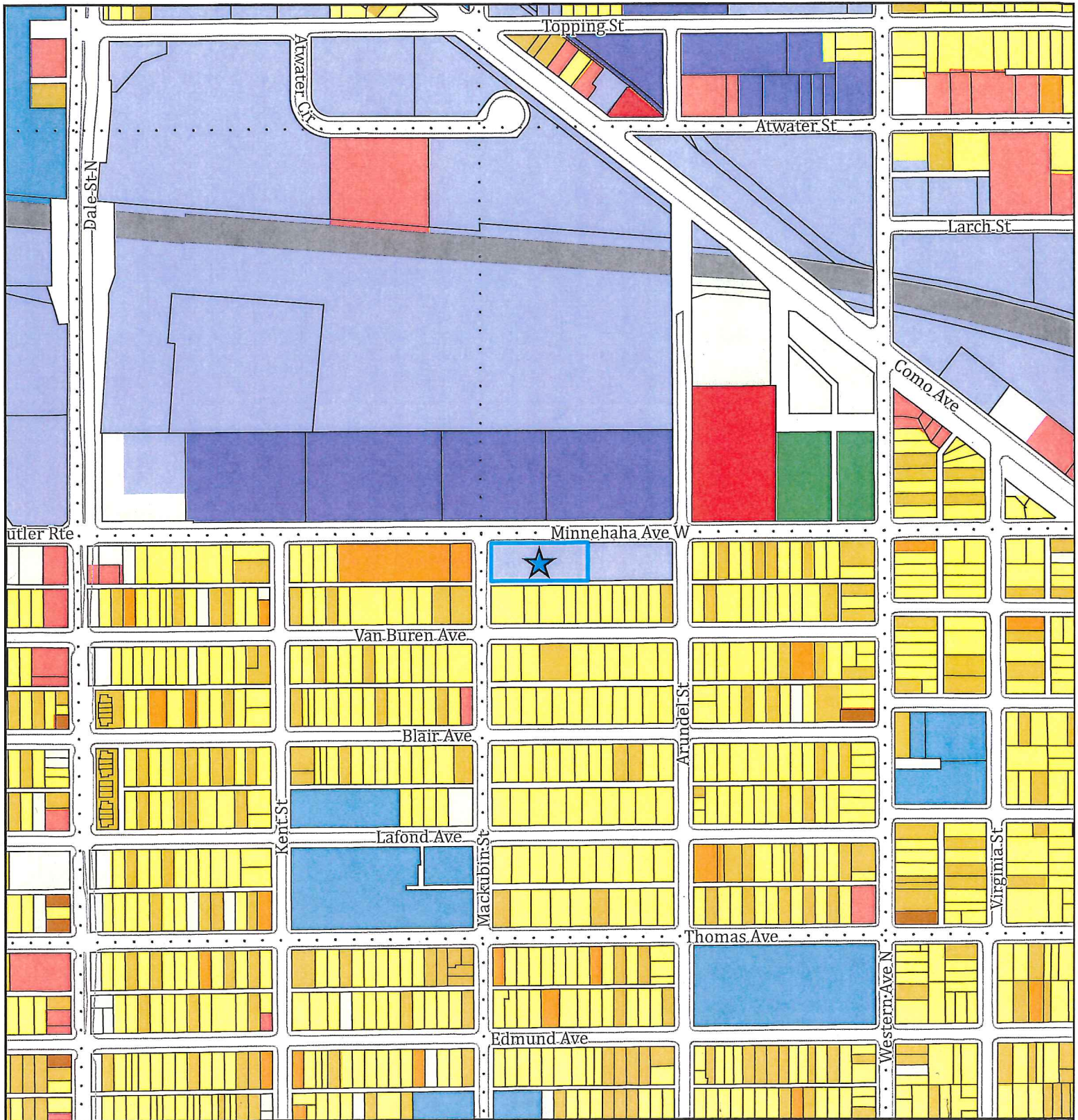
PLANNING DISTRICT: 7

ZONING PANEL: 9

Zoning

- Subject Parcels
- Section Lines
- R4 One-Family
- RT1 Two-Family
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- B1 Local Business
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking





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Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines

