

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** John Lenzi **FILE #:** 14-324-966
 2. **APPLICANT:** John D. Lenzi **HEARING DATE:** September 25, 2014
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 662 Payne Ave, S of intersection at Beaumont Street
 5. **PIN & LEGAL DESCRIPTION:** 322922120123; Irvines 2nd Addition Subj To St The Fol; That Part Of Lot 8 Described As Beg On Swly Line Of & 38 Ft Sely Of Nwly Line Th To Point On Line 27.75 Ft Nely Of & 61 Ft Sely Of Nwly Line Th To Pt On Nely Line & 66.61 Ft Sely Of Nwly Line Th Nwly To Nwly Line Th Swly To Swly Line Th Sely To Beg And Ex The Sely 34.6 Ft Of The Swly 5.5 Ft; Lot 7 And The Swly 4.55 Ft Of Lot 6 Blk 6
 6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** September 17, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** September 2, 2014 **60-DAY DEADLINE FOR ACTION:** November 1, 2014
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- A. **PURPOSE:** Rezone from B2 Community Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** Approximately 5,800 square feet
- C. **EXISTING LAND USE:** Chiropractor/medical clinic
- D. **SURROUNDING LAND USE:** Swede Hollow Park to the south and southeast (RM2) and a mix of commercial/office/church/residential uses in both directions along Payne Avenue (B2, B3)
- 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 from B3 to B2 as part of a larger rezoning after 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District 5 Planning Council recommends approval of the application.
- H. **FINDINGS:**
 1. The application requests rezoning from B2 to T2 in order to permit conversion to a residential dwelling.
 2. The proposed zoning is consistent with the way this area has developed and the mixed land use pattern along this portion of Payne Avenue.
 3. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of an Established Neighborhood.
 4. The proposed zoning is compatible with the surrounding commercial, office, church, and 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 T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding zoning designations and uses.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B2 Community Business to T2 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 #: 14-324966
 Fee: 1200.00
 Tentative Hearing Date: 9-25-14
322922/20123

PD=5

APPLICANT

Property Owner JOHN D LENZI
 Address 662 PAYNE AVE
 City ST PAUL St. MN Zip 55130 Daytime Phone 651 210 7881
 Name of Owner (if different) _____
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 662 PAYNE AVE
 Legal Description SWLY 4.55 FT OF LOT 6 AND NEWLY 44.5 FT OF LOT 7 BCK 6 / SWLY 5.5 FT MOL Current Zoning B 2
 (attach additional sheet if necessary)
OF NEWLY 67 FT MOL OF LOT 7 AND BEG ON SWLY 4 LINE

OF LOT 7 BCK 6 / SWLY 5.5 FT MOL
 OF NEWLY 67 FT MOL OF LOT 7 AND BEG ON SWLY 4 LINE

TO THE HONORABLE MAYOR AND CITY COUNCIL: OF AND 38

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

JOHN D LENZI, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B 2 zoning district to a T 2 zoning district, for the purpose of: HOMESTEAD / DWELLING

CK 200767244
 pdd
 8-26-14

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit
SURVEY FLOW PLAN

Subscribed and sworn to before me
 this 26 day
 of August, 2014

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

[Signature]
 Notary Public



PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

September 11th, 2014

Bill Dermody, City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102

RE: Zoning File 14-324-966 Rezone from B2 Community Business to T2 Traditional Neighborhood 662 Payne Avenue St. of intersection at Beaumont Street

Dear Bill Dermody:


This letter is to serve as notice of the District Five Planning Council's position or recommendation on the above matter that is on the September 25th, 2014 Agenda of the St. Paul Zoning Committee.

The Payne Phalen District Five Planning Council's Community Planning & Economic Development (CPED) Committee met on Tuesday, September 9, 2014 at the Arlington Hills Community Center. The 662 Payne zoning matter was on the agenda. The owner, Mr. John Lenzi, presented his plan to turn an office into his homesteaded residence. Brief discussion followed his presentation.

The CPED Committee voted unanimously to recommend approval of the 662 Payne Avenue application to the City Zoning Committee. This CPED action will appear on the District Five Board of Director's Consent Agenda at its September 30, 2014 meeting.

Please do not hesitate to contact me if you have questions regarding this District Five Planning Council advisory input to the Zoning Committee.

Sincerely,

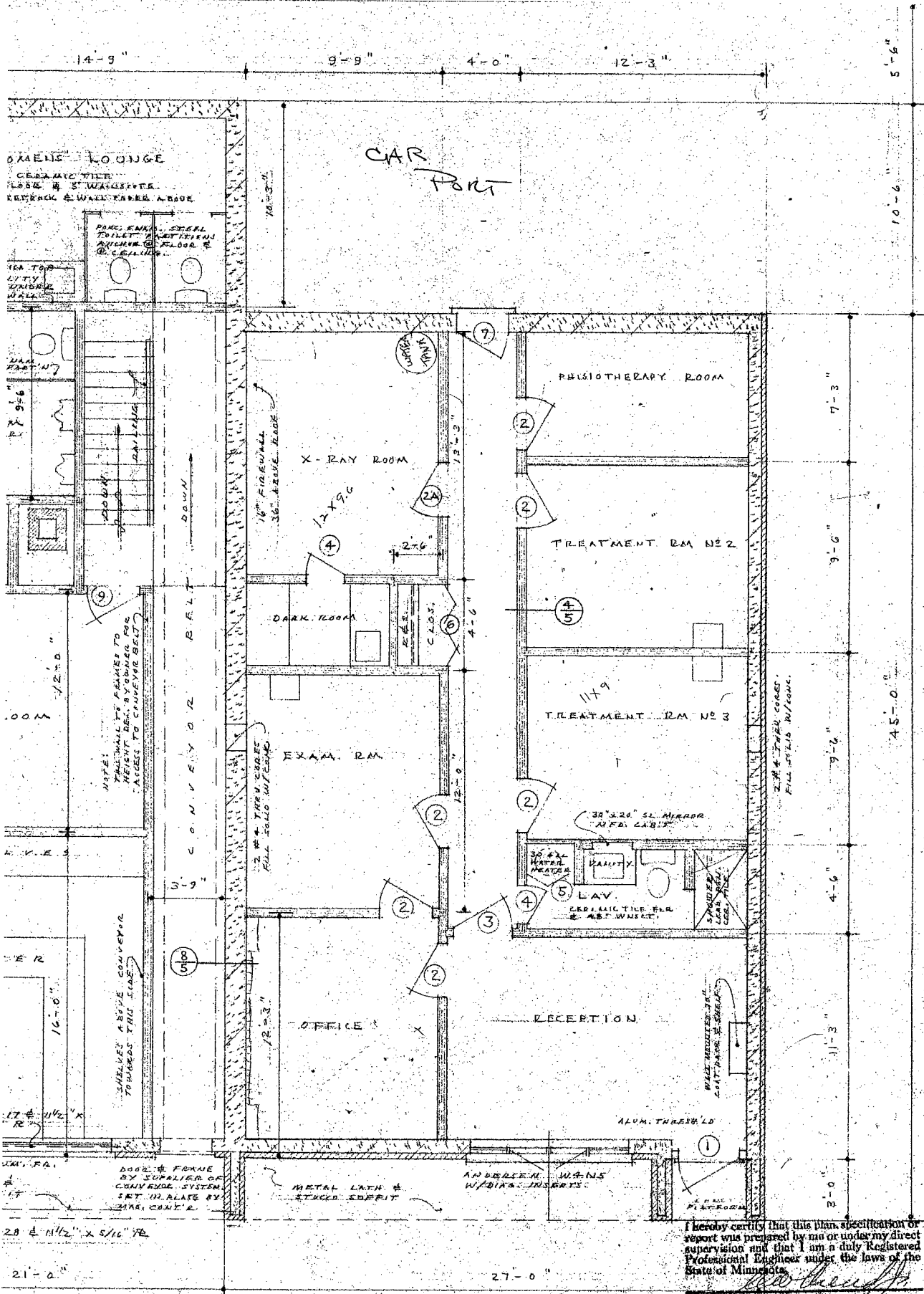

Leslie McMurray
Executive Director

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

TEL # (651) 774-5234  FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG

WWW.PAYNEPHALEN.ORG



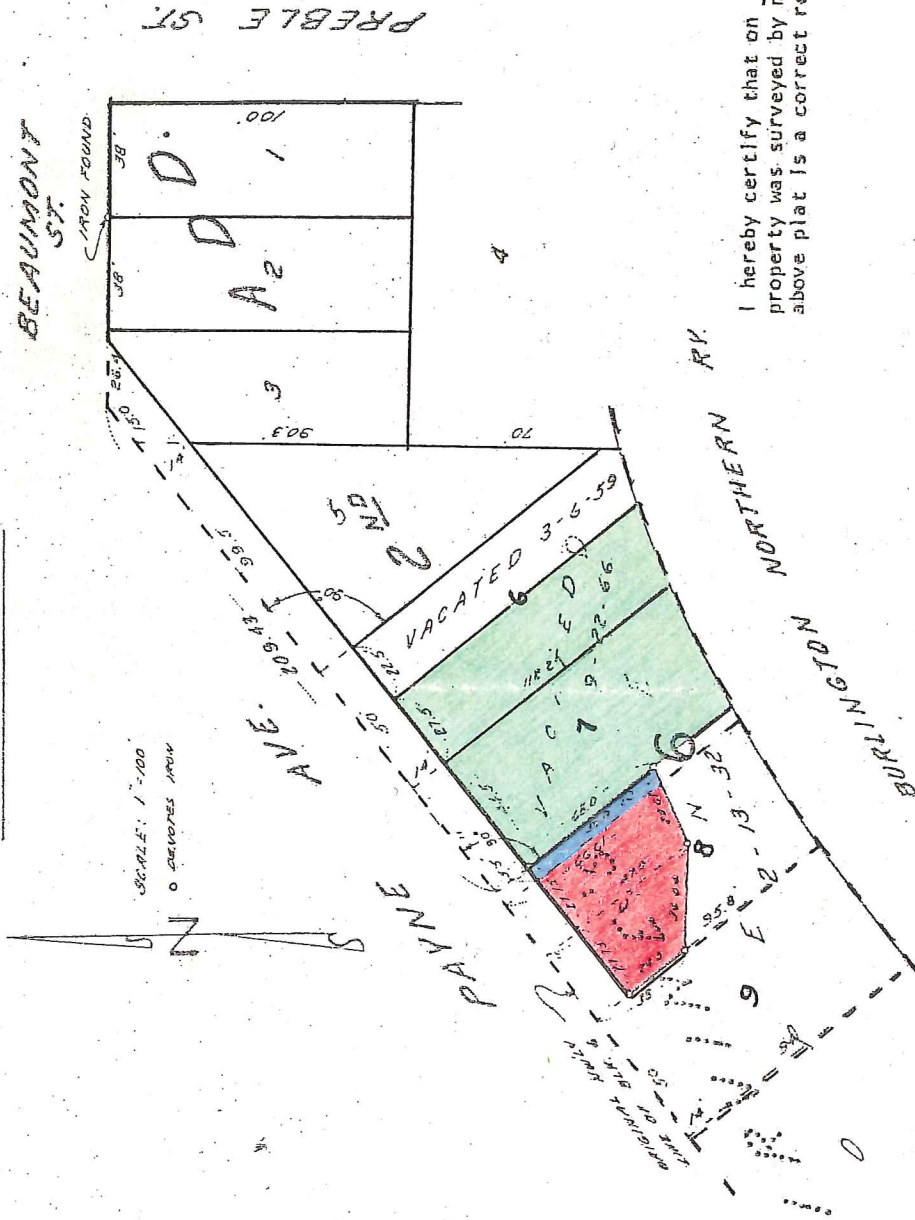
I hereby certify that this plan specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

[Signature]
 Date 11-15-66 Reg. No. 2527

SCALE 1/4" = 1'

PLAT OF SURVEY

DR. LENZI SITE



LEGAL DESCRIPTIONS

Except the Northwesterly 14 ft., Lot B, Block 6, Irvine's 2nd Addition to St. Paul lying Northwesterly of the following described line: Beginning at a point on the Southwesterly line of said Lot 8, 38 ft. Southwesterly of the original Northwest-erly line of said Block 6; thence to a point on a line 27.75 ft. Northwesterly of and parallel to the Southwesterly line of said Lot 8, and 61 ft. Southwesterly of the original said Block line, thence to a point on the Northwesterly line of said Lot 8, 66.61 ft. Southwesterly of the original said Block line and there termi-nating.

Except the Northwesterly 14 ft., the South- westerly 5.5 ft. of Lot 7, Block 6, Irvine's 2nd Addition to St. Paul lying Northwesterly of the following described line: Beginning at a point on the South- westerly line of said Lot 7, 66.61 ft. Southwesterly of the original Northwest-erly line of said Block 6; thence to a point on a line 5.5 ft. Northwesterly of and parallel to the Southwesterly line of said Lot 7, and 68.0 ft. Southwesterly of the original said Block line and there terminating.

I hereby certify that on _____, 19____ the above described property was surveyed by me or under my direct supervision and that the above plat is a correct representation of said survey.

Donald E. Ernster
Registered Land Surveyor
No. 6598 City of St. Paul

CONVEYED BY:
DRAWN BY: *[Signature]*
CHECKED BY:

SURVEY BY: #14228 P. 23
E-1218

IRVINE'S 2ND ADD.
PL. LOT 7 & 10TH B. BLK. 6
PLAT OF SURVEY
DR. 5 NO. 905

JAYNE AVE

50'

5.5'

PAVING LOT

5.5'

LOT
7

38'

LOT
8

ABSTRACT

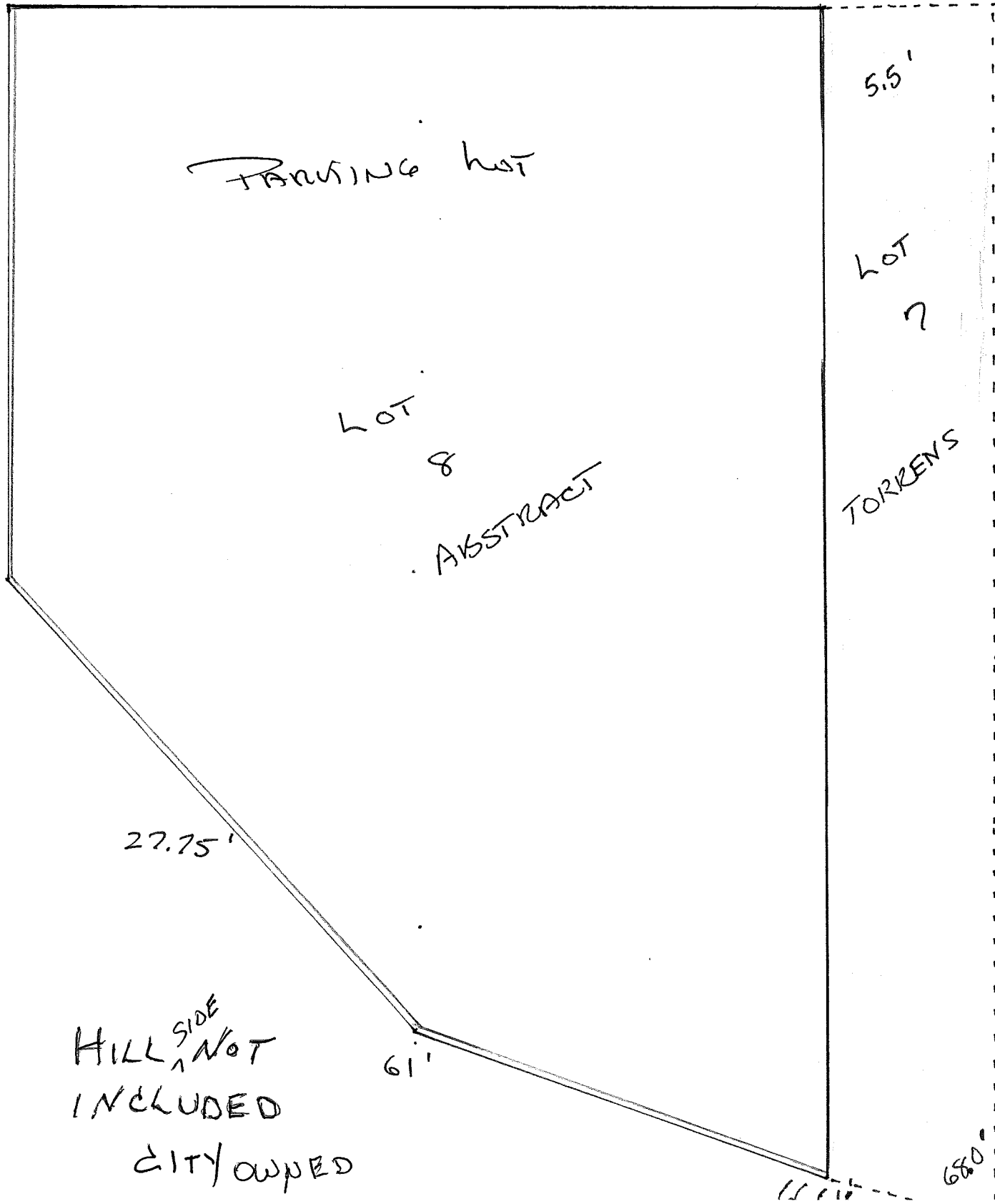
TORRENS

27.75'

HILL ^{SIDE} NOT
INCLUDED
CITY OWNED

61'

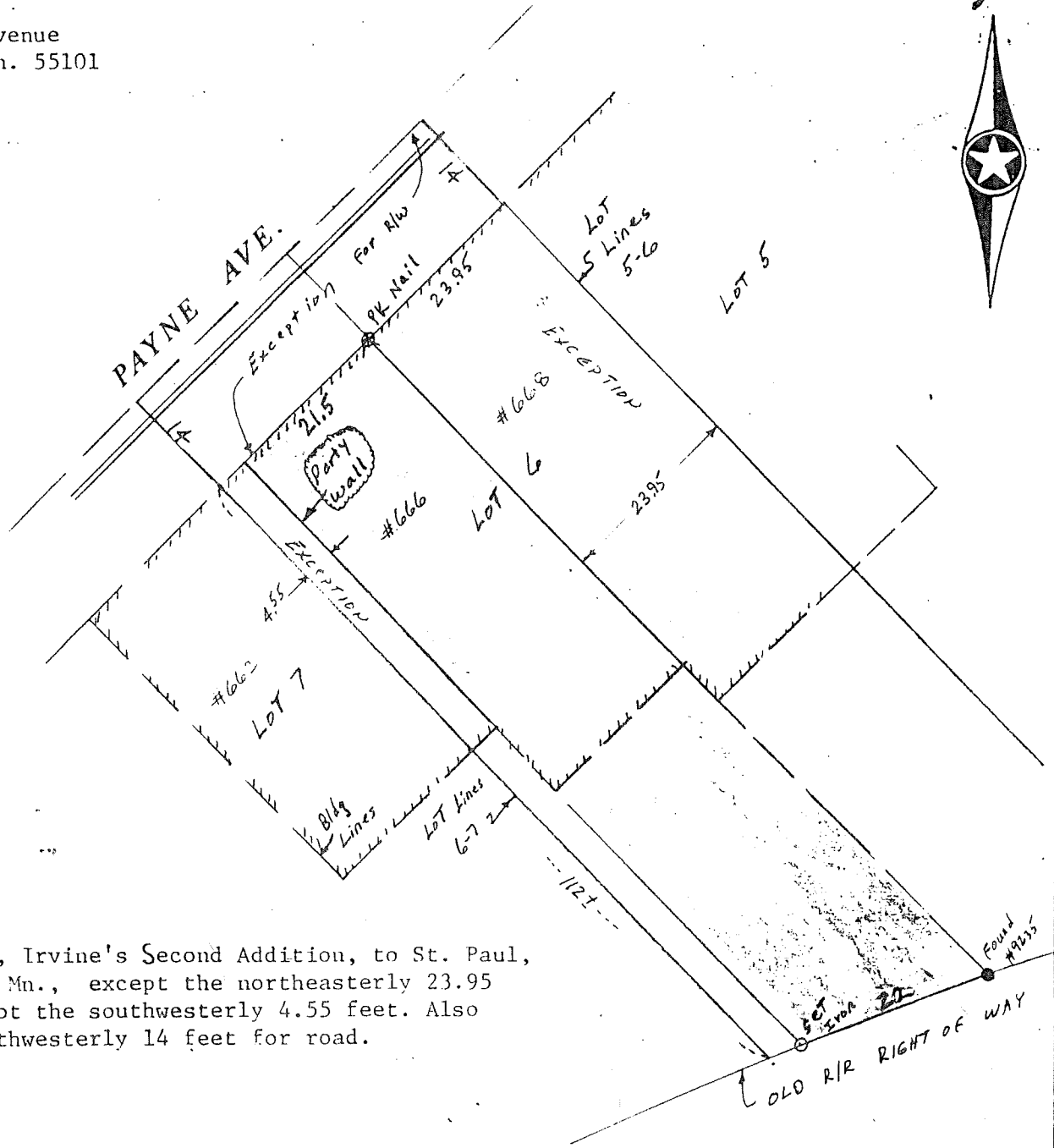
680'



Certificate of Survey

For: John Lenzi

666 Payne Avenue
St. Paul Mn. 55101



Lot 6, Block 6, Irvine's Second Addition, to St. Paul, Ramsey County, Mn., except the northeasterly 23.95 feet, and except the southwesterly 4.55 feet. Also except the northwesterly 14 feet for road.

SCALE: 1 Inch = 20 Feet

○ Denotes Iron

Bearings shown are on an assumed datum.

Job No. 11225

Book ___ Page ___

We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land.

REHBEIN COMPANIES
8651 Naples St. N.E.

Dated this 2nd day of May 1997.

Blaine Mn. 55449-6724

by Matthew (Tim) Kyttonen
Minn. Reg. No. 18213

Tel. 784-0657



CITY OF ST PAUL Owners Report

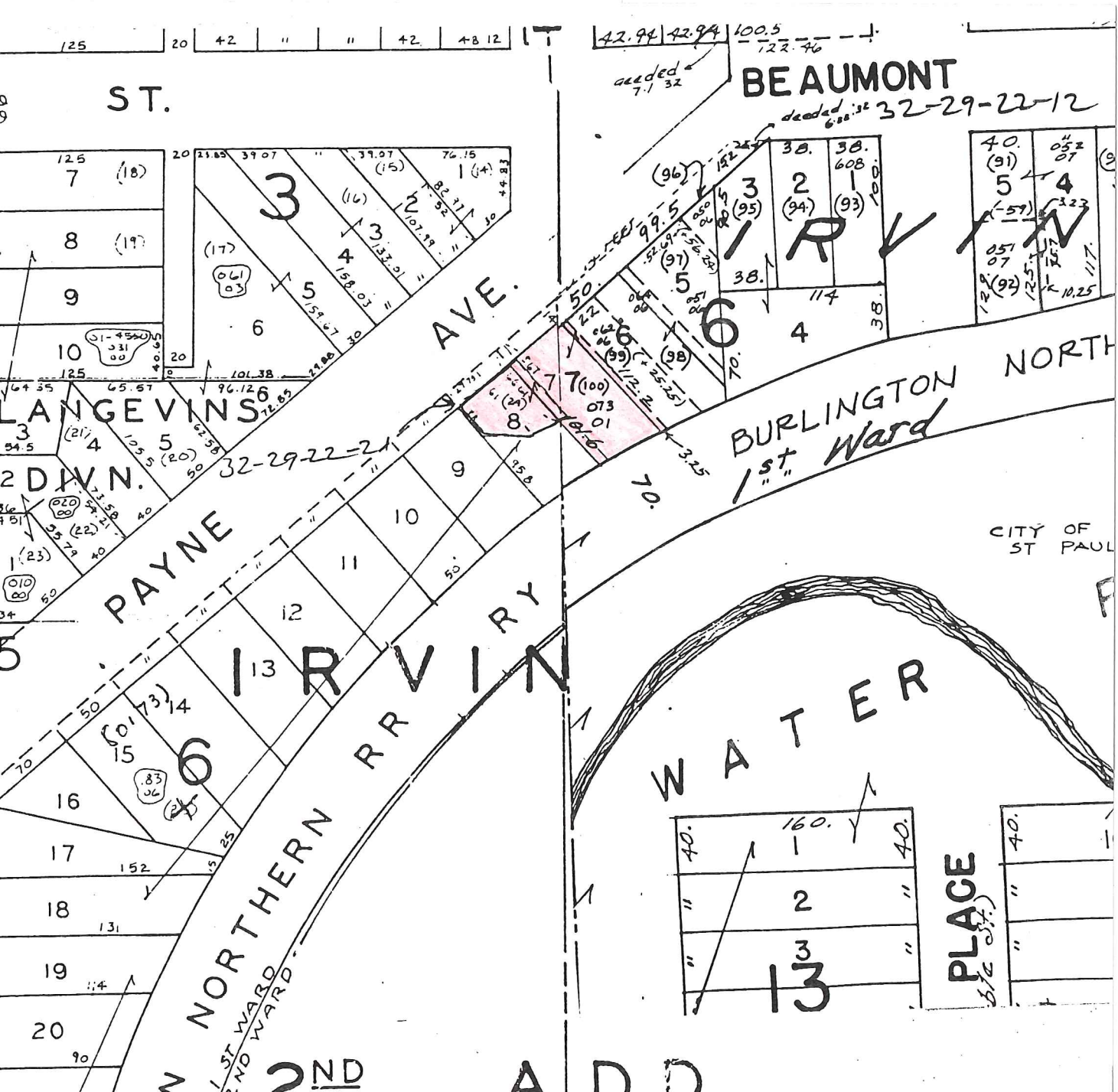
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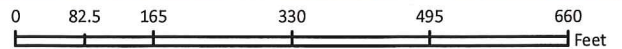
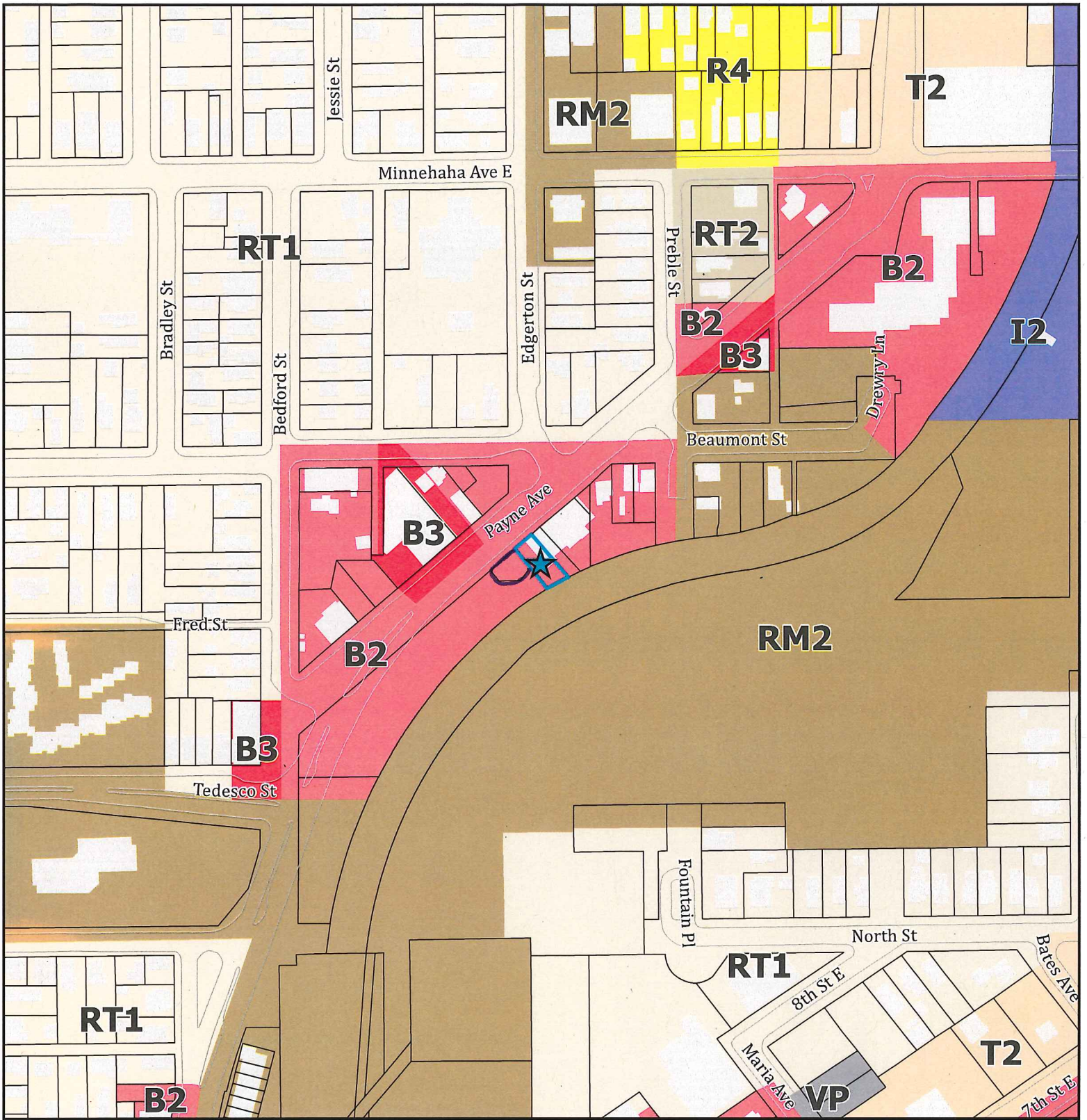
Property Address: 662 PAYNE AVE 55101

John D Lenzi
662 Payne Ave
St Paul, MN 55101-4542

Owner
Taxpayer
Resident

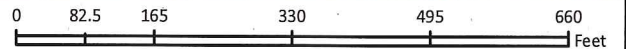
SUBJ TO ST THE FOL; THAT PART OF LOT 8 DESCRIBED AS BEG ON SWLY LINE OF & 38 FT SELY OF NWLY LINE TH TO POINT ON LINE 27.75 FT NELY OF & 61 FT SELY OF NWLY LINE TH TO PT ON NELY LINE & 66.61 FT SELY OF NWLY LINE TH NWLY TO NWLY LINE TH SWLY TO SWLY LINE TH SELY TO BEG AND EX THE SELY 34.6 FT OF THE SWLY 5.5 FT; LOT 7 AND THE SWLY 4.55 FT OF LOT 6 BLK 6





APPLICANT: John Lenzi
 APPLICATION TYPE: Rezone B2 to T2
 FILE #: 14-324966 DATE: 9/2/2014
 PLANNING DISTRICT: 5
 ZONING PANEL: 10

- Zoning**
- R4 One-Family
 - RT1 Two-Family
 - RT2 Townhouse
 - RM2 Multiple-Family
 - T2 Traditional Neighborhood
 - B2 Community Business
 - B3 General Business
 - I2 General Industrial
 - VP Vehicular Parking



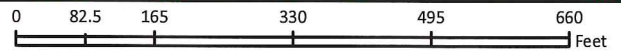
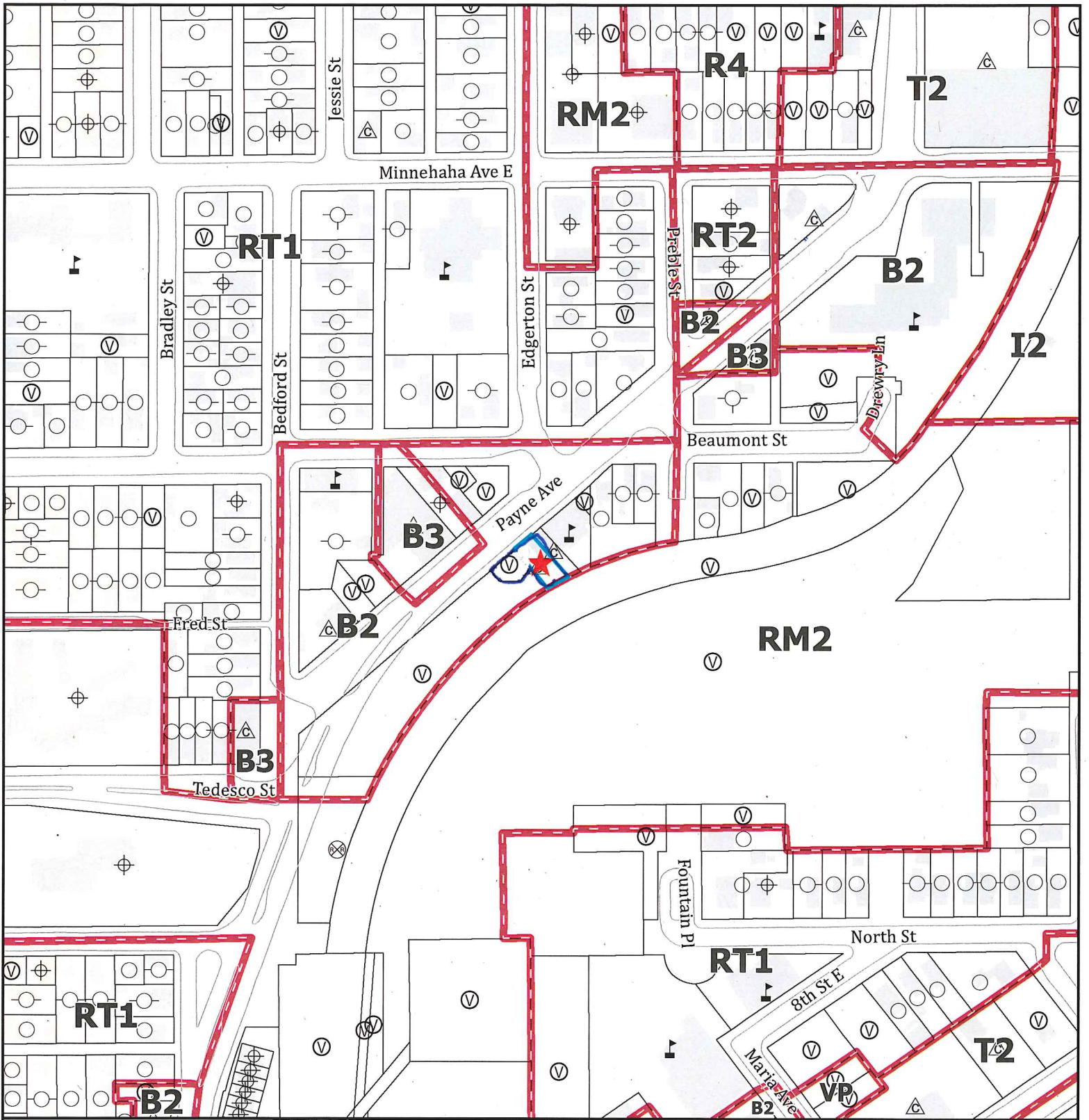
APPLICANT: John Lenzi

APPLICATION TYPE: Rezone B2 to T2

FILE #: 14-324966 DATE: 9/2/2014

PLANNING DISTRICT: 5

ZONING PANEL: 10



APPLICANT: John Lenzi
 APPLICATION TYPE: Rezoning B2-T2
 FILE #: _____ DATE: 8/27/2014
 PLANNING DISTRICT: _____
 ZONING PANEL: _____

- | | | | |
|---|----------------------|---|--------------------------|
| △ | Commercial & Office | ○ | Residential One Family |
| I | Industrial & Utility | ○ | Residential Two Family |
| ⌋ | Institutional | ○ | Residential Three Family |
| ⊙ | Vacant/Undeveloped | ⊕ | Multifamily |

