

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Hmong Village **FILE #:** 16-041-863
 2. **APPLICANT:** Hmong Village LLC **HEARING DATE:** June 16, 2016
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** A portion of 1001 Johnson Parkway and adjacent Johnson Pkwy. right-of-way between Magnolia Ave. and Ames Ave.
 5. **PIN & LEGAL DESCRIPTION:** A portion of 27.29.22.23.0082 and adjacent right-of-way; see file for legal description
 6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** R2
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** June 9, 2016 **BY:** Bill Dermody
 9. **DATE RECEIVED:** May 31, 2016 **60-DAY DEADLINE FOR ACTION:** July 30, 2016
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- A. **PURPOSE:** Rezone from R2 one-family residential to IT transitional industrial to expand parking lot into Johnson Parkway right-of-way.
- B. **PARCEL SIZE:** 61,971 square feet (1.4 acres).
- C. **EXISTING LAND USE:** Parking and parkway landscaping/turf
- D. **SURROUNDING LAND USE:**
 - East, across Johnson Pkwy: Residential (R2)
 - South: Industrial (IT)
 - West: Hmong Village retail and parking (IT) with residential and a recreation center across Phalen Blvd (R4/RM2)
 - North: Apartments (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** 1001 Johnson Parkway has contained the Hmong Village retail center since 2009, at which time parking was added to facilitate the use conversion from school district offices and storage. Part of the parking added in 2009 (approximately 32 spaces and half of the adjacent drive aisle) required a vacation of Johnson Parkway right-of-way. The right-of-way vacated in 2009, along with an additional 37,825 square feet of proposed parking area located adjacent to the east that will extend farther into the Johnson Parkway right-of-way (via encroachment permit), all requires rezoning (as requested by this application) to be used legally for parking purposes. In 1975, the entire 1001 Johnson Parkway site was zoned I1 out to the Johnson Parkway centerline. In 1995, the adjacent Johnson Parkway right-of-way was rezoned from I1 to R2 as part of the Phalen Village Small Area Plan and 40-Acre Zoning Study. In about 2005, the 1001 Johnson Parkway site (not including any Johnson Parkway right-of-way) was rezoned from I1 to IR (now known as IT) as part of the Northeast Corridor Zoning Study.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 4 has not provided a recommendation.

H. FINDINGS:

1. The application requests rezoning of 61,971 square feet of land from R2 to IT to allow a parking use. This includes 37,825 square feet located within the Johnson Parkway right-of-way.
2. The proposed IT zoning is consistent with the way this area has developed, including the adjacent Hmong Village retail center zoned IT.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Plan chapter of the Comprehensive Plan, in Figures LU-B and LU-H Generalized 2030 Land Uses, designates Johnson Parkway right-of-way as Major Parks & Open Space and the adjacent property to the west at this location as Industrial. Since the Johnson Parkway right-of-way proposed to be rezoned will remain park space rather than being vacated, and the IT district would not preclude reconversion to landscaped park and open space, the rezoning is consistent with the Comprehensive Plan designations. Also, an encroachment permit will be necessary to ensure provisions consistent with Saint Paul Parks & Recreation's standards for the parkway.
4. The proposed zoning is compatible with the surrounding uses, including the adjacent Hmong Village retail center zoned IT.
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 is not "spot zoning". Rather, it extends and is consistent with the adjacent IT zoning.
6. The petition for rezoning was found to be sufficient on May 26, 2016: 6 parcels eligible; 4 parcels required; 5 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R2 one-family residential to IT transitional industrial to expand the parking lot at 1001 Johnson Parkway into Johnson Parkway right-of-way.



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

PD=4

Zoning Office Use Only
 File #: 16-041863
 Fee: _____
 Tentative Hearing Date:
6-16-16

APPLICANT

Property Owner(s) Hmong Village LLC City of St. Paul
 Address 1001 Johnson Parkway
 City Saint Paul State XX Zip 55106 Phone 651-392-0522
 Contact Person Yia Vang Phone _____
 Email _____
 (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 1001 Johnson Parkway
 Legal Description See attached
 Current Zoning Industrial/Commercial
 (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, _____
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
R2 zoning district to a IT zoning district, for the purpose of:

 (Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date May 24 2016

 Notary Public



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

Subscribed and sworn to before me

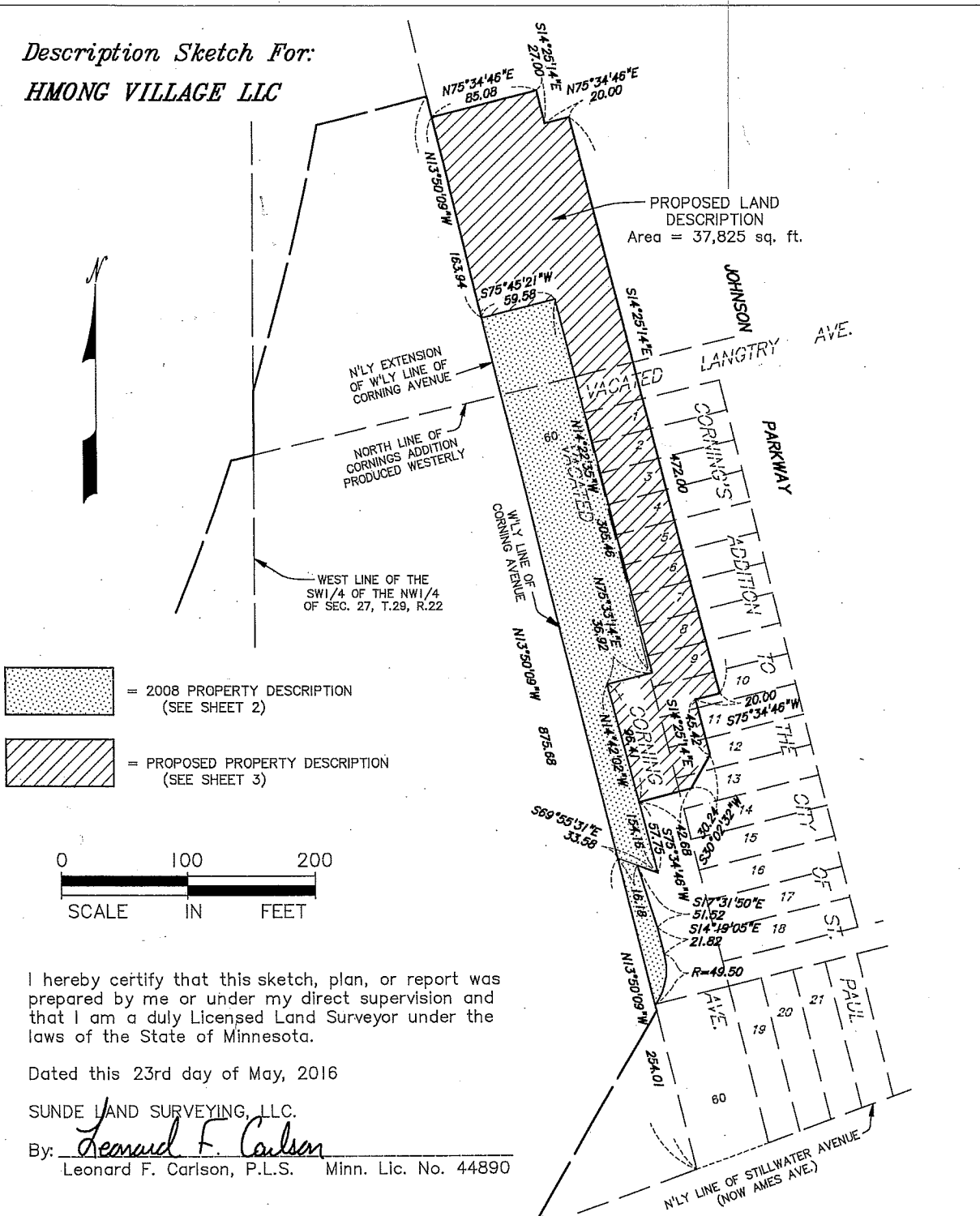
Date May 27th 2016


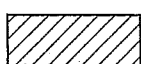
 Notary Public

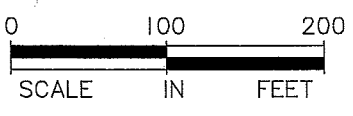


By: [Signature]
 for Fee owner of property
 Title: Real Estate Manager City of Saint Paul

Description Sketch For:
HMONG VILLAGE LLC



-  = 2008 PROPERTY DESCRIPTION (SEE SHEET 2)
-  = PROPOSED PROPERTY DESCRIPTION (SEE SHEET 3)




I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 23rd day of May, 2016

SUNDE LAND SURVEYING, LLC.

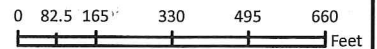
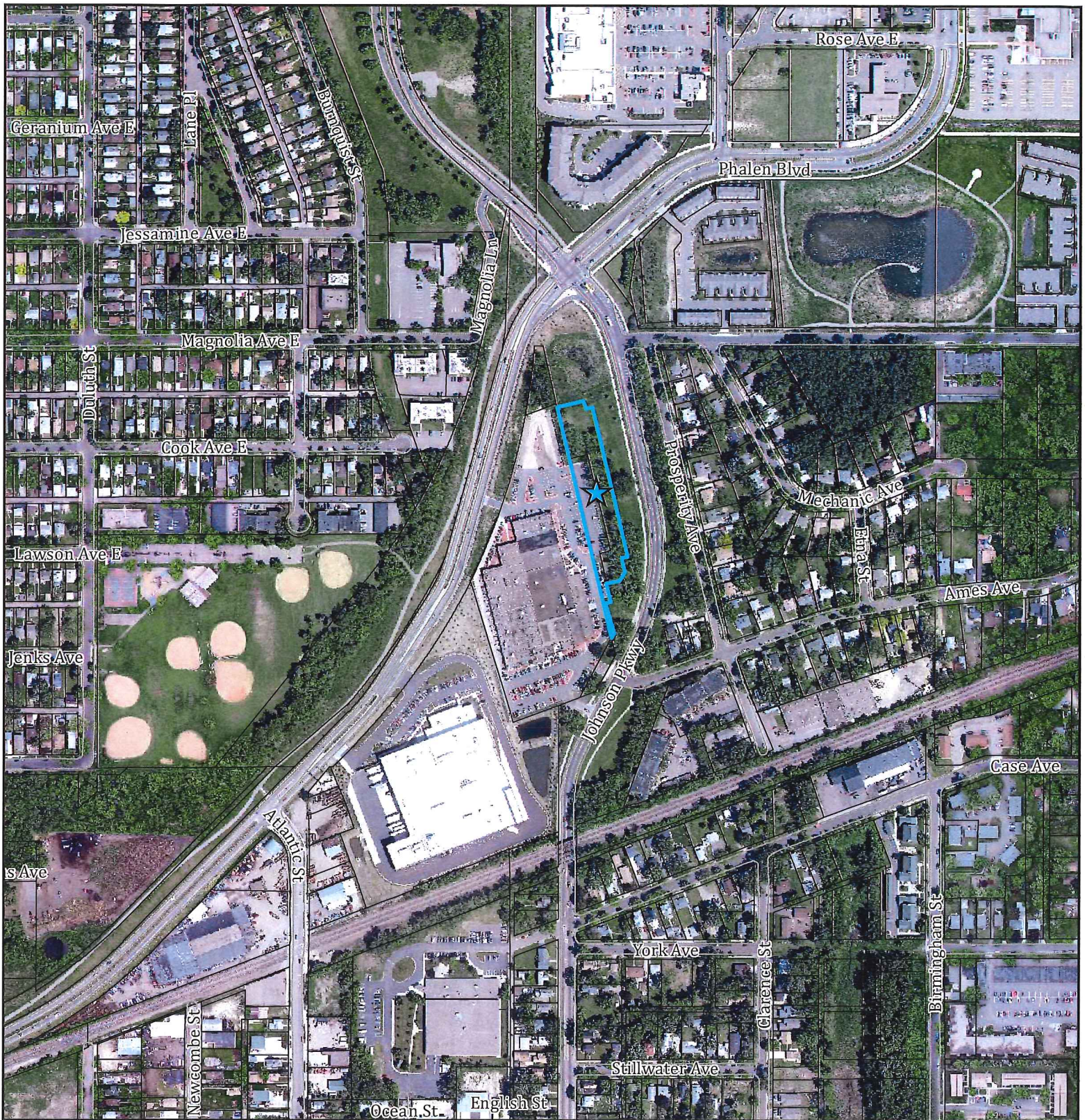
By: Leonard F. Carlson
 Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890

Sheet 1 of 3 Sheets



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98-249-B 852/51 T.29, R.22, S.27
 98249B-description l.dwg Sheet 1 MAP



FILE NAME: Hmong Village (1001 Johnson Parkway)

Aerial

APPLICATION TYPE: Rezone

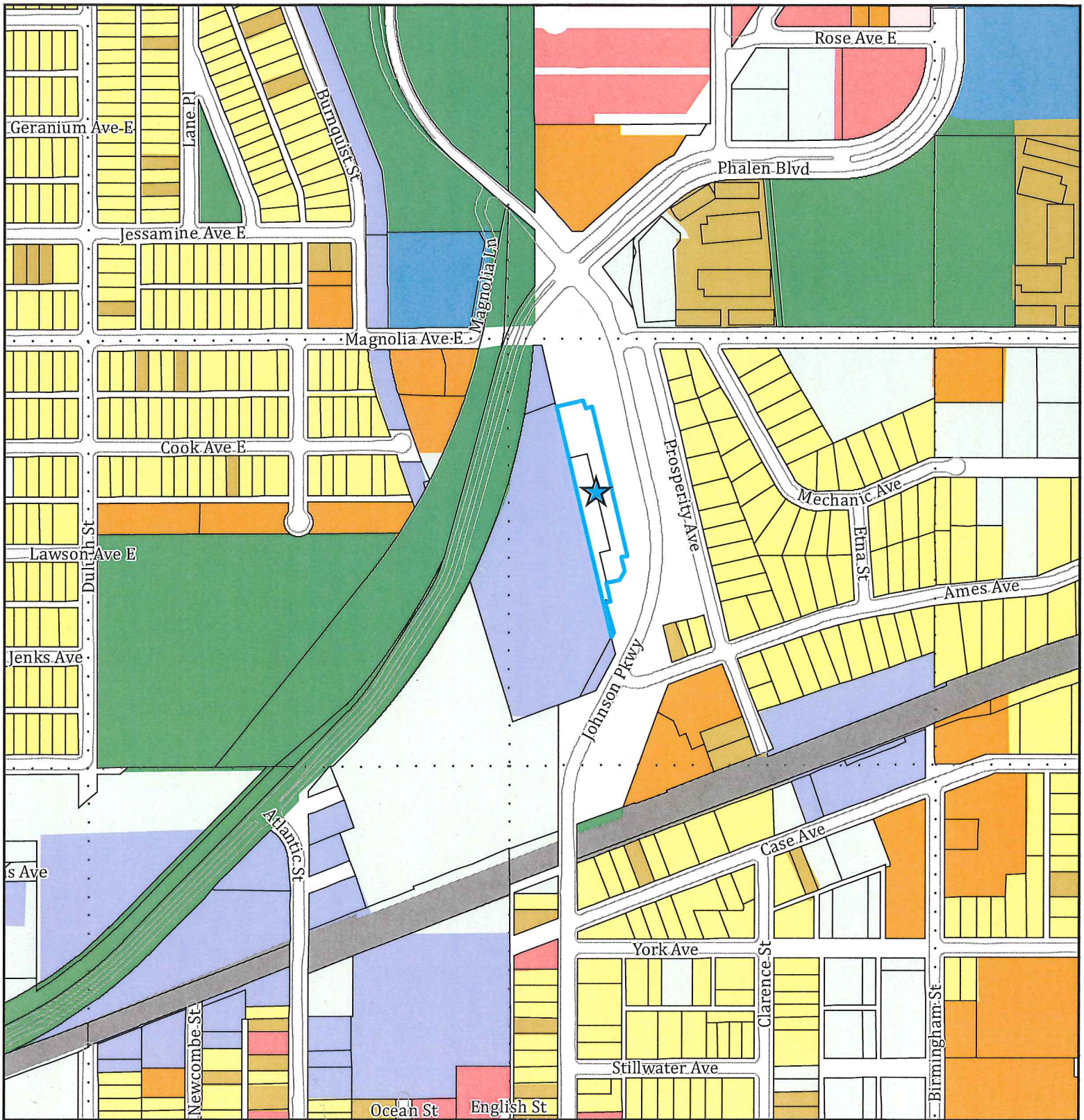
 Subject Parcels

FILE #: 16-041863 DATE: 6/9/2016

PLANNING DISTRICT: 4

ZONING PANEL: 11





FILE NAME: Hmong Village (1001 Johnson Parkway)

APPLICATION TYPE: Rezone

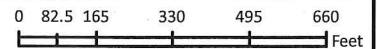
FILE #: 16-041863 DATE: 6/9/2016

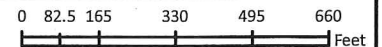
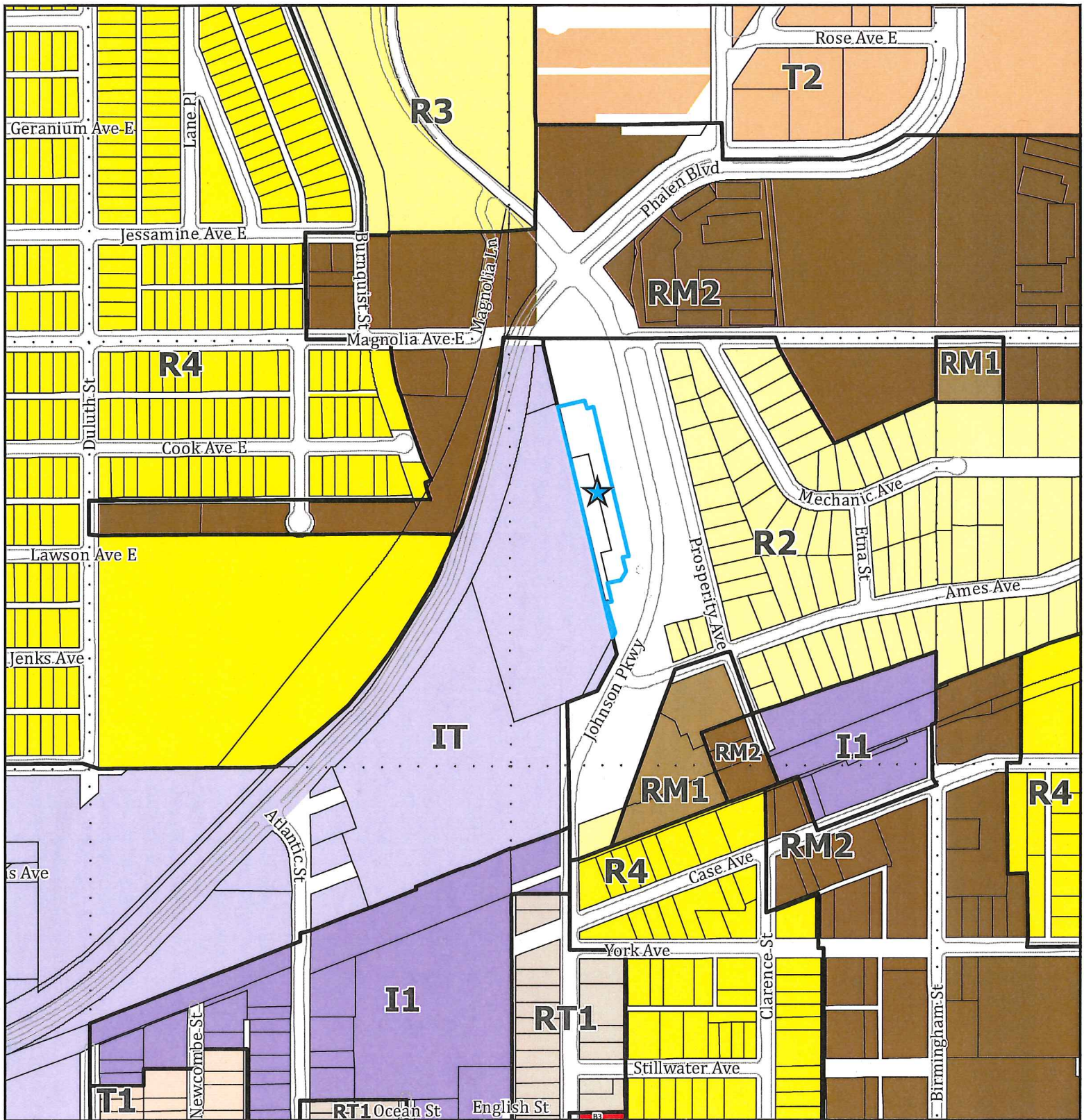
PLANNING DISTRICT: 4

ZONING PANEL: 11

Land Use

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





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Saint Paul Department of Planning and Economic Development and Ramsey County

Zoning

- Subject Parcels
- Section Lines
- R2 One-Family
- R3 One-Family
- R4 One-Family
- RT1 Two-Family
- RM1 Multiple-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- B3 General Business
- IT Transitional Industrial
- I1 Light Industrial

