

ZONING COMMITTEE STAFF REPORT

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| 1. FILE NAME: Zafar Khamdamov | FILE #: 16-034-211 |
| 2. APPLICANT: Zafar Khamdamov, TZK Corp. | HEARING DATE: June 2, 2016 |
| 3. TYPE OF APPLICATION: Rezoning | |
| 4. LOCATION: 113 Annapolis St E, Between Robert and Oakdale | |
| 5. PIN & LEGAL DESCRIPTION: 08.28.22.34.0150 (west half only); Lot 7, Blk 3, Sauers Addition | |
| 6. PLANNING DISTRICT: 3 | EXISTING ZONING: B2 |
| 7. ZONING CODE REFERENCE: § 61.801(b) | |
| 8. STAFF REPORT DATE: May 25, 2016 | BY: Bill Dermody |
| 9. DATE RECEIVED: May 6, 2016 | 60-DAY DEADLINE FOR ACTION: July 5, 2016 |
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- A. **PURPOSE:** Rezone from B2 community business to T2 traditional neighborhood
- B. **PARCEL SIZE:** 43 feet (Annapolis) x 110 feet = 4,370 square feet
- C. **EXISTING LAND USE:** Vacant (most recently single-family residential)
- D. **SURROUNDING LAND USE:** Single-family residential to the east and west, senior apartments to the south, single-family and duplex residential to the north; mixed residential and business along Robert Street to the west.
- 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's existing zoning has been in place since 1975. The building was constructed in 1911 according to Ramsey County tax records, though the storefront appears to have been added more recently (it exists by 1985 according to aerial photographs). The building has been vacant for more than one year, which caused the previous residential use to lose its legal nonconforming status in the B2 district and prompted this rezoning application.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 3 has not provided a recommendation regarding the application.
- H. **FINDINGS:**
 - 1. The application requests rezoning of 113 Annapolis St. E. from B2 to T2.
 - 2. The proposed zoning is consistent with the way this area has developed. The site has residential building with a storefront that was added to the front. There is B2 zoning with a mix of residential and business uses along Robert Street – the proposed zoning serves as a transition between the Robert Street uses and the purely single-family uses farther east.
 - 3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter, in Figure LU-B, designates the site as an Established Neighborhood, which calls for maintaining the existing residential character. The proposed zoning is more residential than the existing zoning, and improves the transition between the adjacent B2 zoning along Robert Street and the R4 zoning to the east.
 - 4. The proposed zoning is compatible with the surrounding uses such as the senior residential to the south and the mix of uses along Robert Street. It is more compatible with adjacent residential uses to the east than is the existing B2 zoning.

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 does not constitute spot zoning; the proposed T2 zoning is consistent with the adjoining B2 and R4 zoning districts and serves as a transition between them.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of Lot 7, Block 3, Sauer's Addition 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 #: 16-034211
 Fee: 1200.00
 Tentative Hearing Date: 6-2-16

PD=3

#082822340150

APPLICANT

Property Owner TZK CORP
 Address 12102 78th ST NE
 City OTSEGO State MA Zip 55330 Daytime Phone _____
 Email TZK.CORP@gmail.com
 Contact Person (if different) _____ Phone 612 703 7730

PROPERTY LOCATION

Address/Location 113 ANNAPOLIS ST E
 Legal Description See ATTACHED
 Current Zoning B2/R4
 (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, ZAFAR KHANDAMOV TZK CORP, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B2/R4 zoning district to a T-2 zoning district, for the purpose of:

TO BE ABLE TO USE commercial space
 AS RESIDENTIAL

(attach additional sheets if necessary)

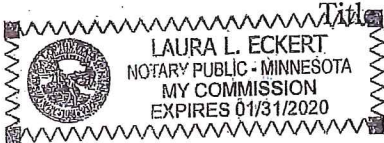
Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

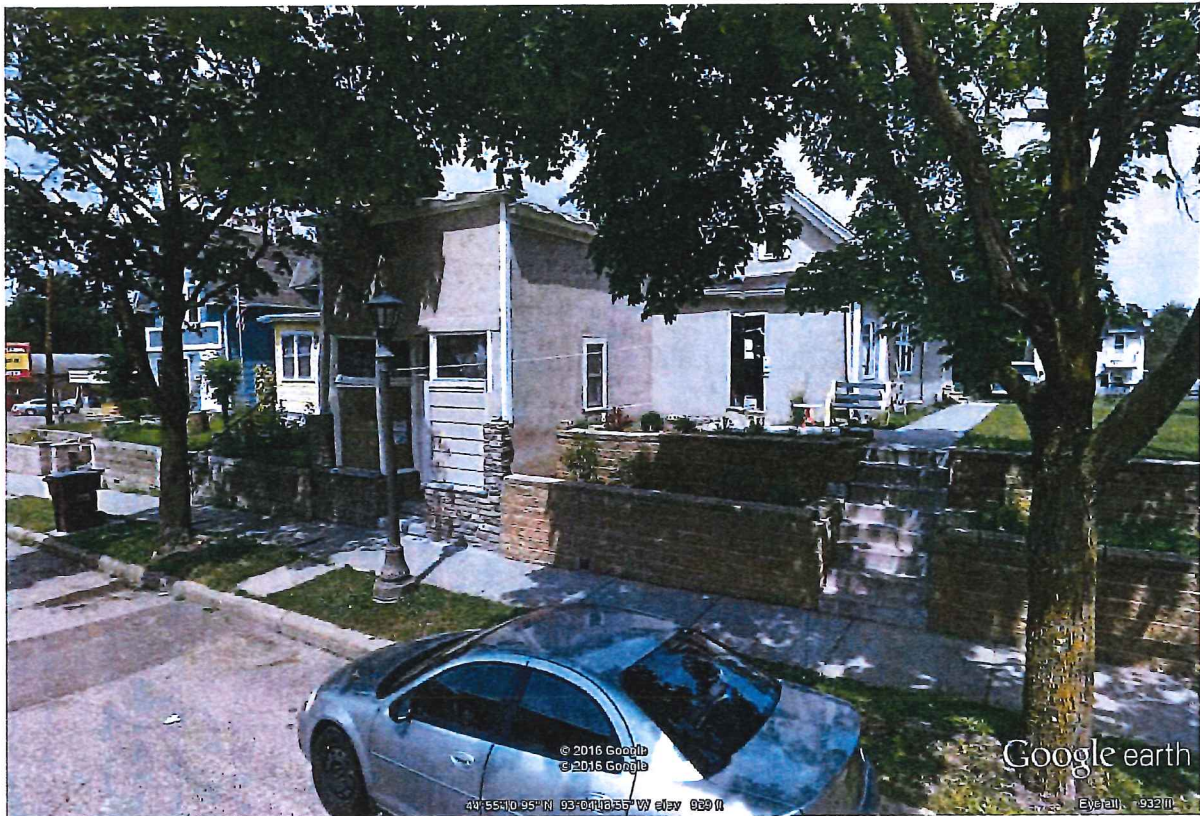
Subscribed and sworn to before me

Date 05-3-2016

[Signature]
 Notary Public

By: [Signature]
 Fee owner of property
owner

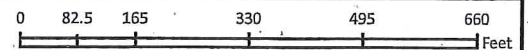
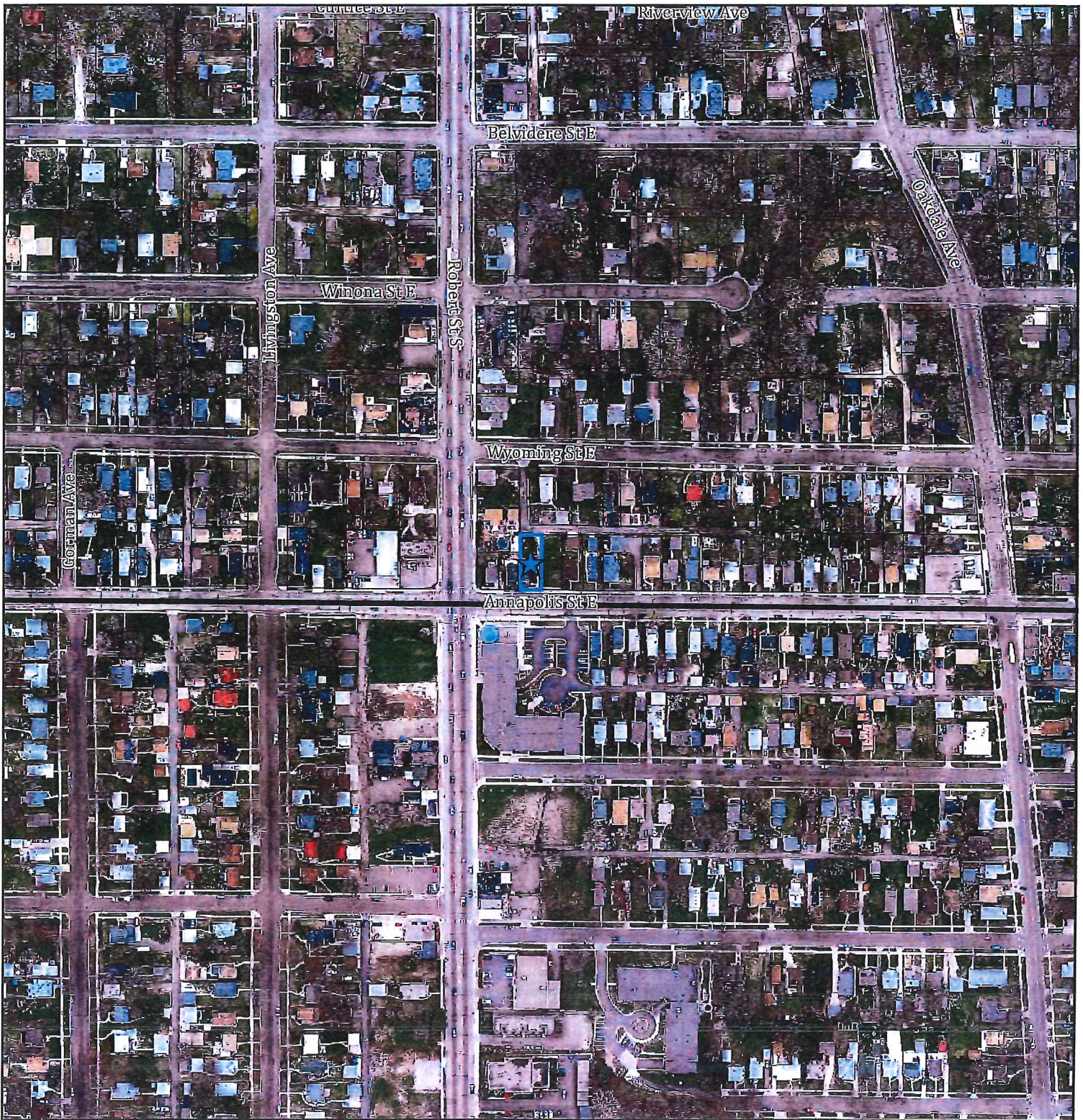




Subject site, above and below







FILE NAME: TZK

Aerial

APPLICATION TYPE: Rezone

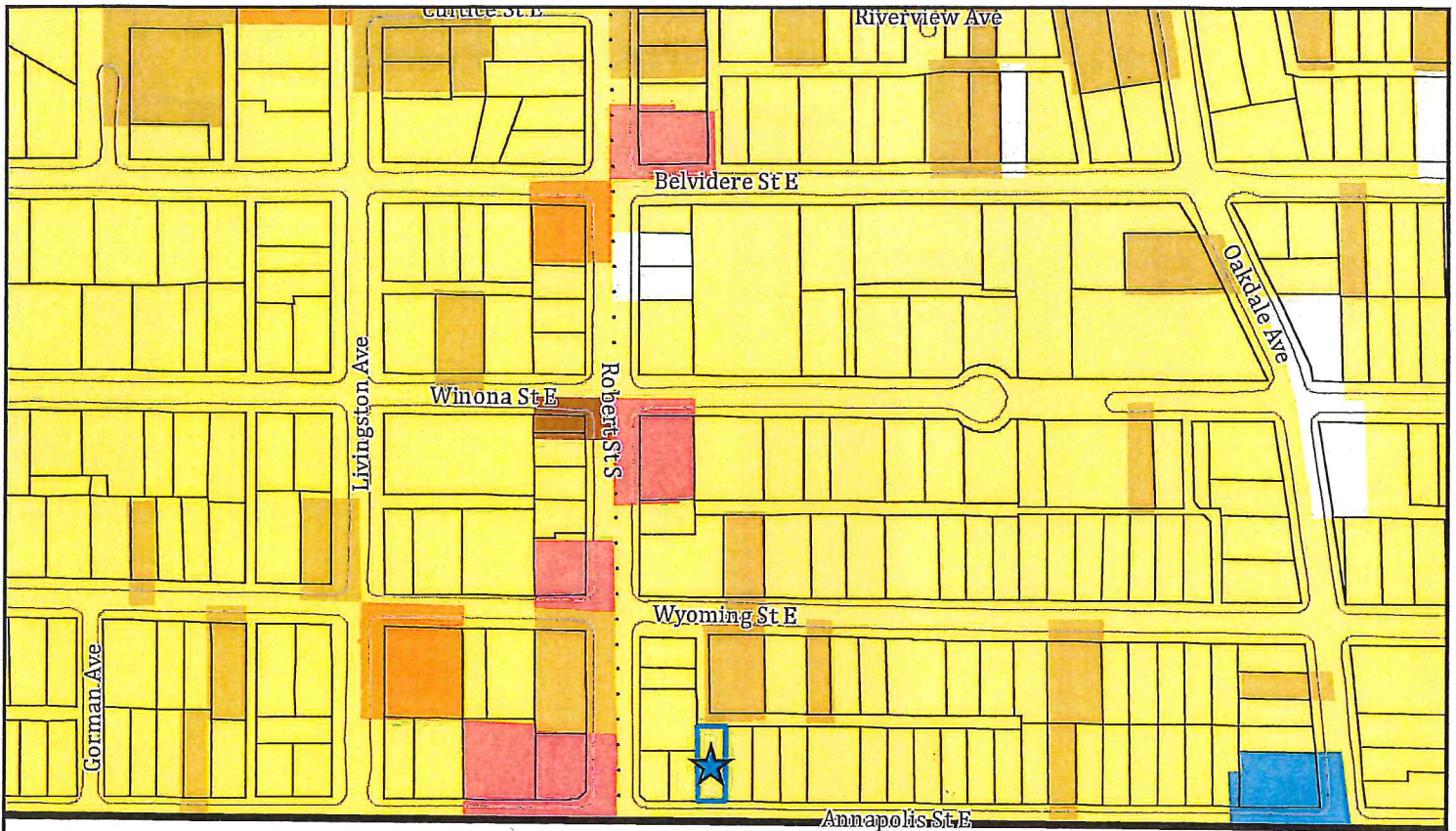
 Subject Parcels

FILE #: 16-034211 DATE: 5/24/2016

PLANNING DISTRICT: 3

ZONING PANEL: 22





City of West Saint Paul

FILE NAME: TZK

APPLICATION TYPE: Rezone

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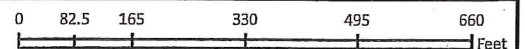
PLANNING DISTRICT: 3

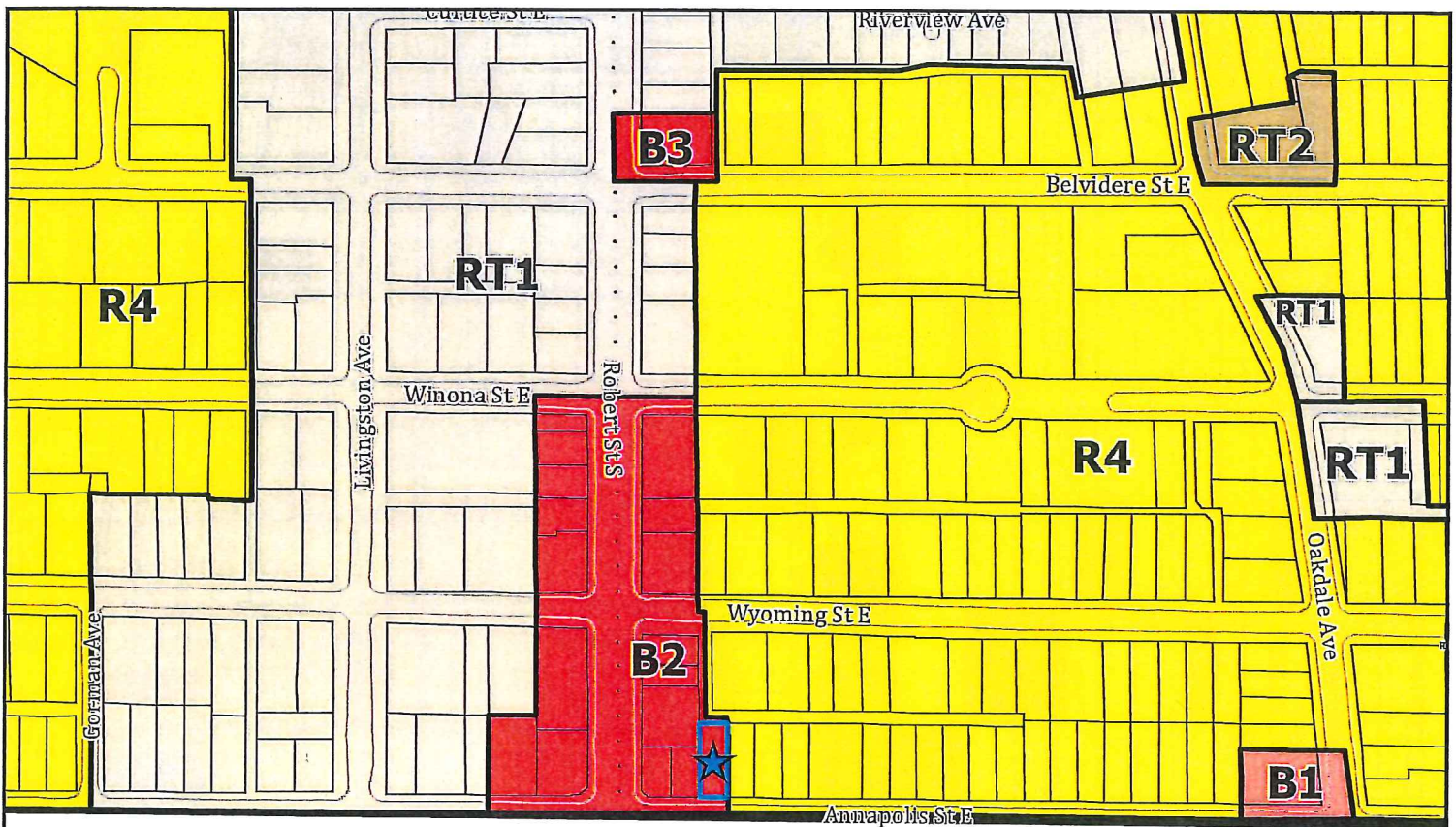
ZONING PANEL: 22

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Undeveloped

- Subject Parcels
- Section Lines





City of West Saint Paul

FILE NAME: TZK

APPLICATION TYPE: Rezone

FILE #: 16-034211 DATE: 5/24/2016

PLANNING DISTRICT: 3

ZONING PANEL: 22

Zoning

-  Subject Parcels
-  Section Lines
-  R4 One-Family
-  RT1 Two-Family
-  RT2 Townhouse
-  B1 Local Business
-  B2 Community Business
-  B3 General Business

