

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Gregory and Michelle Sutton / James Morelli **FILE #** 14-306-660
 2. **APPLICANTS:** G. & M. Sutton, Morelli's Discount Liquor **HEARING DATE:** August 14, 2014
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 637 Bedford St & 535 Tedesco St, between Tedesco St. and Fred St.
 5. **PIN & LEGAL DESCRIPTION:** 322922210129, Irvines Addition Of Outlots Beg 11o Ft N Of Se Cor Of Lot 6 Th W 82 5/1o Ft Th N 5 5/1o Ft Th W 42 5/1o Ft Th N 34 5o/1oo Ft Th E 125 Ft Th S 4o Ft To Beg Being Part Of Lot 6
 6. **PLANNING DISTRICT:** 5 **PRESENT ZONING:** RT1 & B3
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 7, 2014 **BY:** Bill Dermody
 9. **DATE RECEIVED:** July 8, 2014 **60-DAY DEADLINE FOR ACTION:** September 6, 2014
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- A. **PURPOSE:** Rezone from RT1 Residential (637 Bedford) and B3 General Business (535 Tedesco) to T2 Traditional Neighborhood
- B. **PARCEL SIZE:** 4,792 (637 Bedford) + 5,663 (535 Tedesco) = 10,455 square feet
- C. **EXISTING LAND USE:** Single-family residential (637 Bedford) and retail sales/food and beverages (535 Tedesco)
- D. **SURROUNDING LAND USE:**
 - Northeast: Retail sales/food and beverages (B2, B3) along Payne Avenue
 - Southeast: Swede Hollow Park (RM2)
 - North, west, & southwest: Residential (RT1, 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 property at 637 Bedford was rezoned from RM2 to RT1 as part of a larger rezoning at an undetermined date between approximately 1975 and 2000. The property at 535 Tedesco has been zoned B3 since prior to 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, the District 5 Council has not provided a recommendation.
- H. **FINDINGS:**
 1. The application requests rezoning from RT1 Residential and B3 General Business to T2 Traditional Neighborhood.
 2. 637 Bedford contains a residential house. 535 Tedesco contains Morelli's liquor store/market business.
 3. The subject properties are located at the northwest corner of Tedesco Street and Payne Avenue. Both streets are classified as A-minor arterials.
 4. The proposed zoning is consistent with the way this area has developed. The properties along Payne Avenue from Tedesco to the north are mostly commercially zoned and of varying lot depths. Rezoning of both properties to T2 is consistent with the established land use pattern.
 5. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of an Established Neighborhood. Land Use Strategy 1.7 calls for neighborhood-serving businesses in Established Neighborhoods that are compatible with the surrounding neighborhoods and that are located at the intersection of arterial

streets where commercial uses currently exist. The rezoning to T2 represents both a change from the less restrictive B3 zoning at 535 Tedesco and an expansion of the existing commercial node to include 637 Bedford, as allowed for by the Comprehensive Plan. The District 5 Plan contains no provisions specific to the application.

6. The proposed T2 zoning allows a range of neighborhood-scale residential and non-residential uses that are compatible with the surrounding residential and commercial uses.
 7. 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 residential and commercial zoning designations and uses.
 8. The petition for rezoning was found to be sufficient on July 7, 2014: 14 parcels eligible; 10 parcels required; 12 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 Residential and B3 General 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 #: 14-306660
 Fee: _____
 Tentative Hearing Date: 8-14-14

PD = 5

32 292221 0129

APPLICANT

Property Owner Michelle A. Sutton
 Address PO Box 236
 City Roseau St. MN Zip 56751 Daytime Phone 218-452-1769
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 637 Bedford St. St. Paul, MN 55130
 Legal Description PID 32-29-22-21-0129 (owners report attached)
 Current Zoning RT 1
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

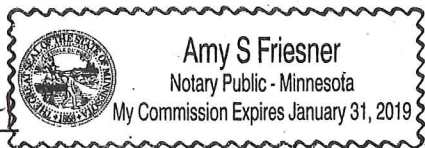
Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Michelle A. Sutton, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a RT 1 zoning district to a T-2 zoning
 district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

this 2nd day
 of June, 2014



Amy S Friesner
 Notary Public

By: Michelle A. Sutton
 Fee owner of property
 Title: _____



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 #: 14-306660
 Fee: _____
 Tentative Hearing Date: _____

APPLICANT

Property Owner Gregory K. Sutton
 Address PO Box 236
 City Roseau St. MN Zip 56751 Daytime Phone 218-452-1769
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 637 Bedford Street ST. Paul, MN
 Legal Description PID 32-29-22-21-0129 (owners report attached)
 Current Zoning _____
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

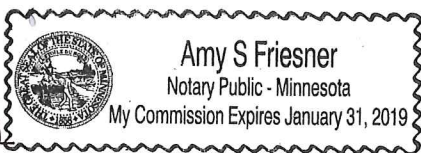
Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Gregory K. Sutton, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a RT1 zoning district to a T-2 zoning
 district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

this 2nd day
 of June, 2014



Amy S Friesner
 Notary Public

By: Gregory K Sutton
 Fee owner of property

Title: _____



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 #: 14-306660
 Fee: _____
 Tentative Hearing Date: _____

PD=5
 # 32292221 0130

APPLICANT

Property Owner JAMES MORELL
 Address 535 Tedesco St.
 City St. Paul St. MN. Zip 55130 Daytime Phone 651-774-5961
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location 535 Tedesco St.
 Legal Description _____
 _____ Current Zoning _____
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

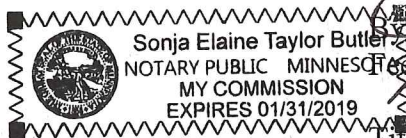
Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
 _____, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B-3 zoning district to a T-2 zoning
 district, for the purpose of:

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

this 3rd day
 of July, 2014



BY James M. Morell
 owner of property
 Title: Owner

Notary Public

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 7-3-14

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: 7-7-14

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 14

PARCELS REQUIRED: _____

PARCELS REQUIRED: 10

PARCELS SIGNED: _____

PARCELS SIGNED: 12

CHECKED BY: Paul Dubruel

DATE: 7-7-14

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of GREGORY & Michelle Sutton / MORELLI'S DISCOUNT LAUNDRY (James Merdli)
(name of petitioner)
to rezone the property located at 637 Bedford St.
from a RT-1 zoning district to a T-2 zoning district and
2. A copy of sections 66.313 through 66.343, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T-2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Sutton / MORELLI'S
(name of petitioner) to a T-2 zoning district.

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
525 Telesco St.	James Merdli / Morelli's	James Merdli	5/27/14
637 Bedford St.	Gregory K. Sutton	Gregory K. Sutton	6/2/14
637 Bedford St.	Michelle A. Sutton	Michelle A. Sutton	6/2/14
647 Bedford St.	FREDERICK P. YARUSSO	Frederick P. Yaruss	6/13/14
637 PAYNE AVE	FREDERICK P. YARUSSO	Frederick P. Yaruss	6/13/14
525 Telesco St.	Ray Datterman	Ray Datterman	6-13-14
653 Bedford St.	Ron LaValle	Ronald LaValle	6-14-14
520 FRED ST.	Ron LaValle	Ronald LaValle	6-14-14
641 Bedford St.	Salvador Duran	Salvador Duran	6-14-14
519 FRED ST.	Scott Hatch	Scott Hatch	6-16-14
638 PAYNE AVE	City of Saint Paul	James Gilchrist	6/19/14
525 Telesco St.	Wendy Datterman	Wendy Datterman	6-19-14

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of GREGORY & Michelle Sutton/MORELLI'S DISCOUNT LIQUOR (JAMES MORELL)
(name of petitioner)
to rezone the property located at 637-Bedford St.
from a RT-1 zoning district to a T-2 zoning district and
2. A copy of sections 66.313 through 66.343, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T-2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Sutton/Morelli's to a T-2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
<u>641 Bedford St</u>	<u>Margarita</u>	<u>Carcia Margarita</u>	<u>4/19/14</u>
<u>497 Tedeco St.</u>	<u>Capitol City LP.</u>	<u>Asset Manager</u>	<u>4/19/2014</u>
<u>641 Bedford St.</u>	<u>SALVADOR DURAN S.D</u>		<u>6/2/14</u>
<u>520 Fred St.</u>	<u>Kathy Lavalle</u>	<u>Kathy Lavalle</u>	<u>7/2/14</u>
<u>653 Bedford St.</u>	<u>Kathy Lavalle</u>	<u>Kathy Lavalle</u>	<u>7/2/14</u>

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CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of GREGORY & Michelle Sutton/MORELL'S DISCOUNT LUMBER (JAMES MORELL)
(name of petitioner)
to rezone the property located at 637-Bessford St.
from a R-1 zoning district to a F-2 zoning district and
2. A copy of sections 66.313 through 66.343, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a F-2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Sutton/Morell's to a F-2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
515 Tedesco Street.	Glen Hermanson	Glen Hermanson	19 June 2014
637 PAYNE AVE	Michael Yarusso	Michael Yarusso	7-2-14
637 PAYNE AVE	Frederick Yarusso	Frederick Yarusso	7-2-14

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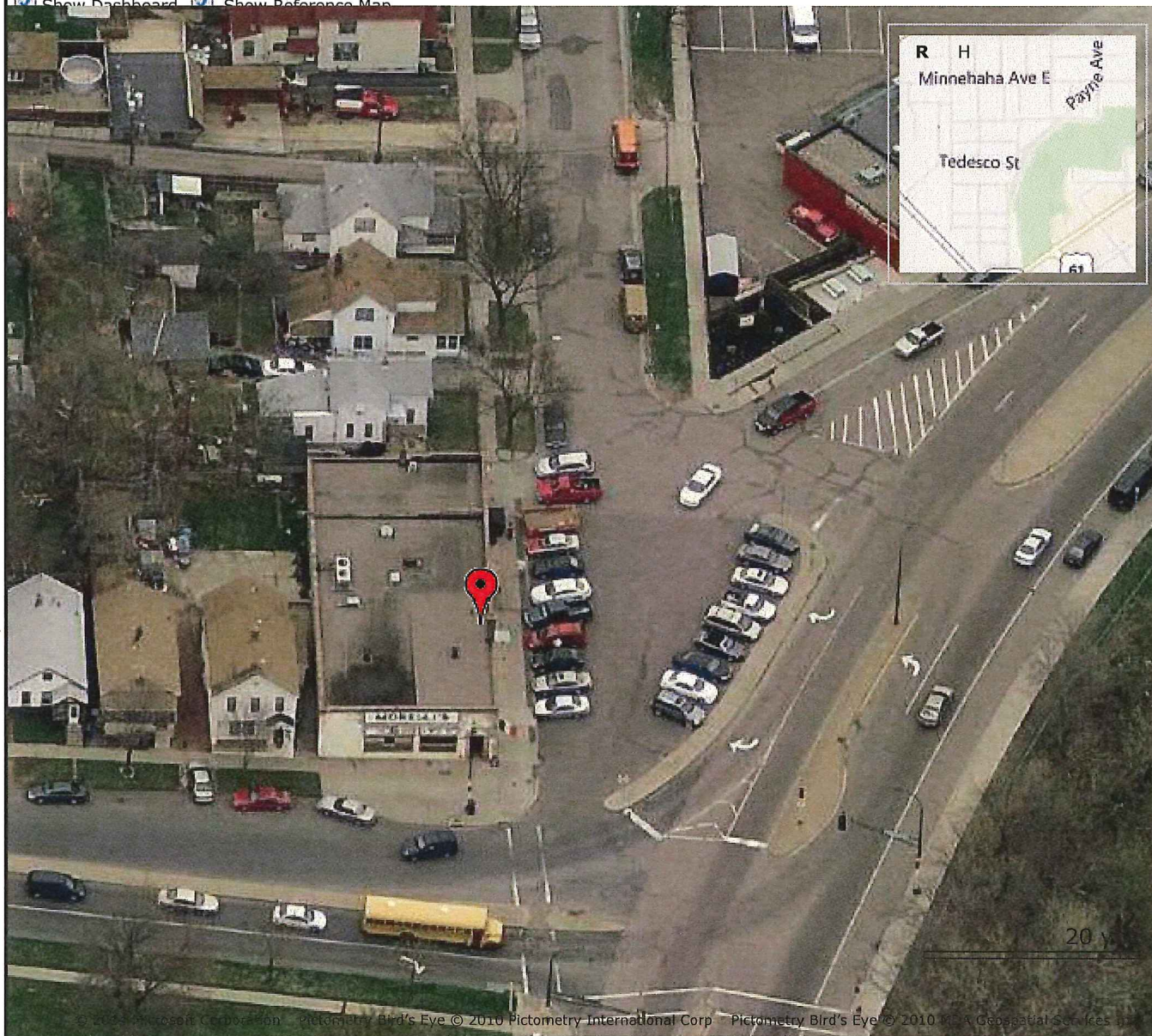


535 Tedesco (on left) and 637 Bedford (on right), viewed from Bedford Street

GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

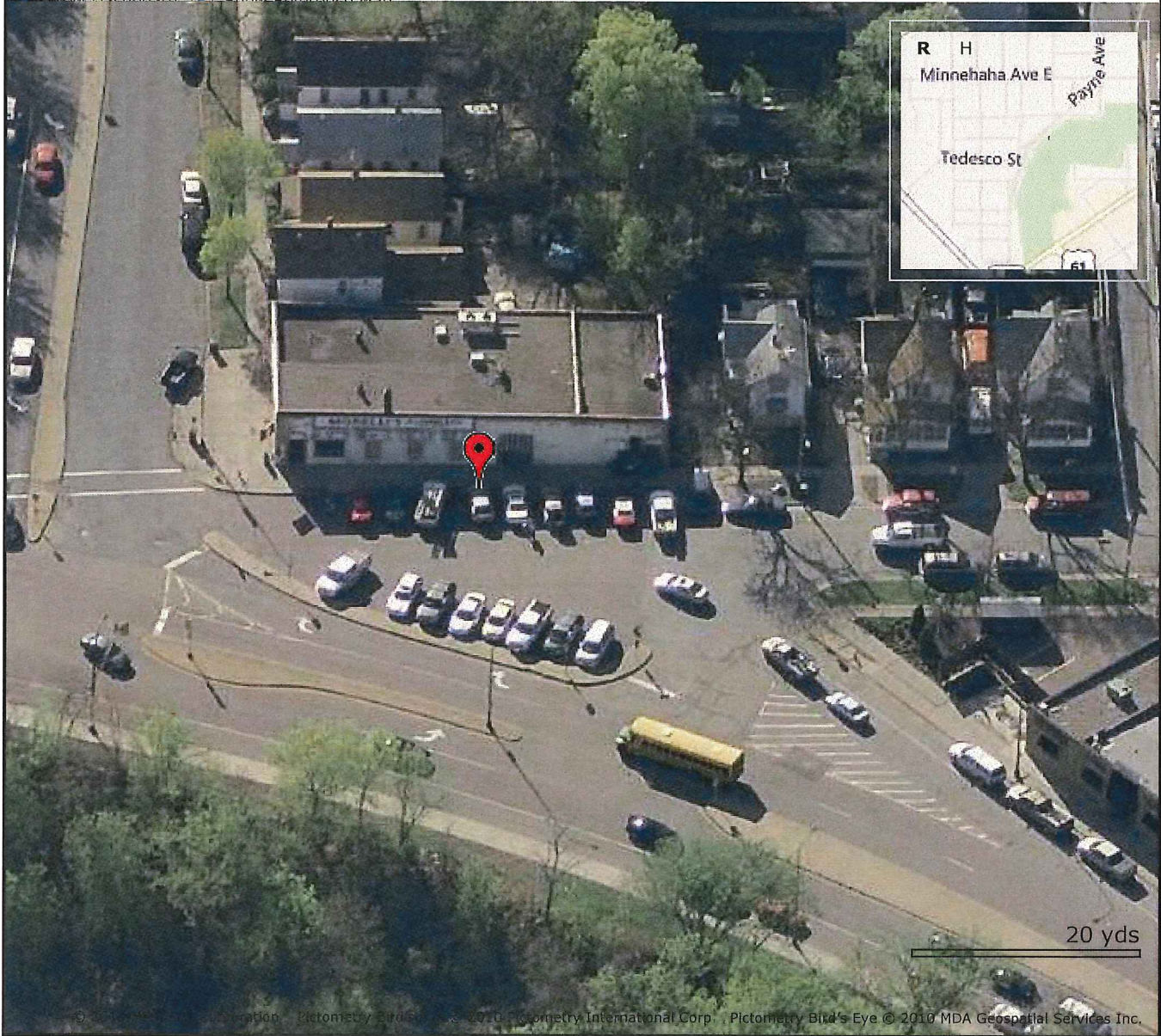
Show Dashboard Show Reference Map

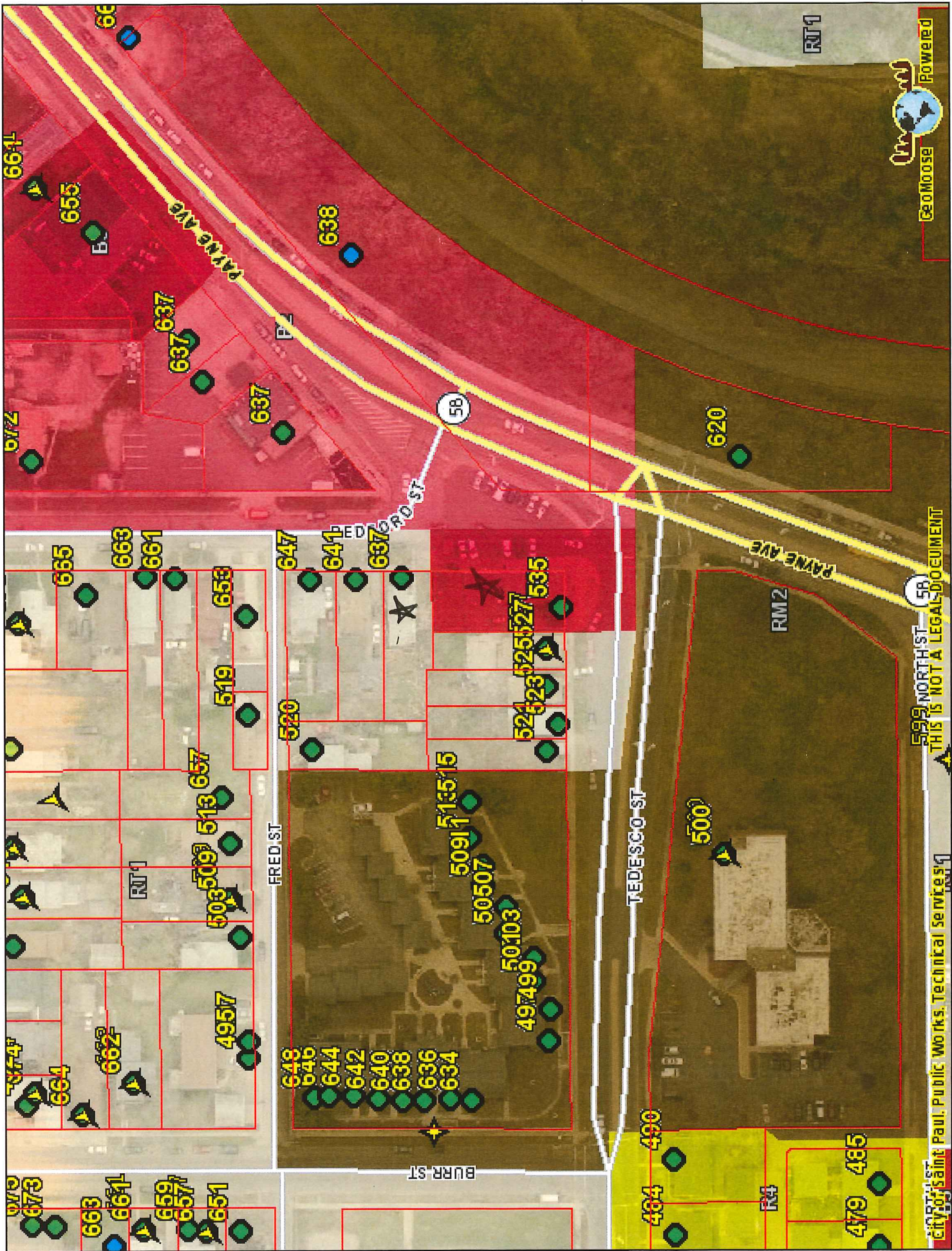


GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

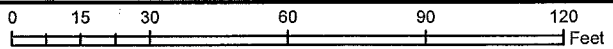
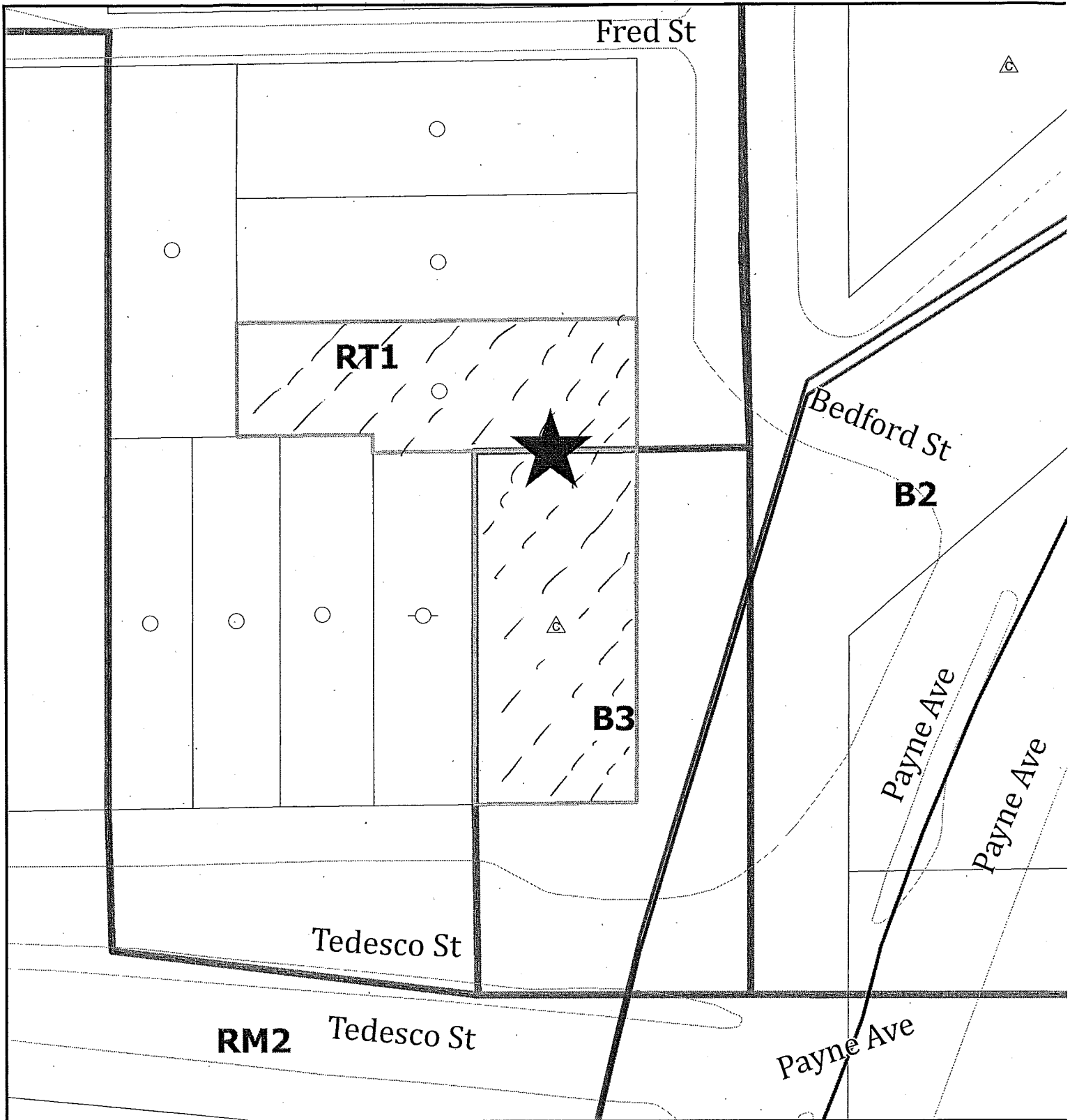
Show Dashboard Show Reference Map





673 663 661 659 657 651 664 662 4957 503 509 513 657 519 653 665 663 661 647 641 637 648 646 644 642 640 638 636 634 509 515 507 50103 497499 521 523 525 527 535 661L 655 637 637 637 638 620 664L 672

PAINE AVE
FRED ST
BURR ST
TEDESCO ST
PAINE AVE
58
RM1
RM2
RM4
509 NORTH ST
58
509 NORTH ST
THIS IS NOT A LEGAL DOCUMENT



APPLICANT Sutton / Morelli
 APPLICATION TYPE Rezoning
 FILE # 14-306660 DATE 7/8/2014
 PLANING DISTRICT 5
 ZONING MAP # 10

- | | |
|----------------------|--------------------------|
| Commercial & Office | Residential One Family |
| Industrial & Utility | Residential Two Family |
| Institutional | Residential Three Family |
| Vacant/Undeveloped | Multifamily |