

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Mademoiselle Miel LLC **FILE #:** 12-216-053
 2. **APPLICANT:** Donna M Sauro Trustee and **HEARING DATE:** December 20, 2012
Susan Sauro Kane Trustee
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 340-342 Kellogg Blvd W, between Summit and Mulberry
 5. **PIN & LEGAL DESCRIPTION:** 012823110001; Culver Farringtons Subd Nely 5 Ft Of Lot 1
And Ex 6th St Lot 2
 6. **PLANNING DISTRICT:** 17 **EXISTING ZONING:** RM2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** December 12, 2012 **BY:** Michelle Beaulieu
 9. **DATE RECEIVED:** November 15, 2012 **60-DAY DEADLINE FOR ACTION:** January 14, 2013
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- A. **PURPOSE:** Rezoning from RM2 medium-density multiple family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** Approximately 145 ft. (Kellogg Blvd W) x 105 ft. (Summit Ave) = 15225 sq ft
- C. **EXISTING LAND USE:** Multiple family residential and commercial
- D. **SURROUNDING LAND USE:**
 - North: Institutional, Capitol Area Jurisdiction (CA)
 - East: Institutional, Capitol Area Jurisdiction (CA)
 - South: Institutional, exempt office space (RM2)
 - West: Medium-density multiple family residential (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 parcel at 340-342 Kellogg Blvd W / 168-170 Summit Ave has two buildings on it, both owned by the Sauro family. The building at 168-170 Summit Ave is a three-story multiple family residential building with 19 units. The building at 340-342 Kellogg Blvd W is a mixed-use building with one commercial space and one residential unit, both of which are presently vacant. The commercial space has been vacant for approximately four years, and the residential unit has been vacant for approximately 8 months. The most recent use of the commercial space was as an artist's studio. The Sauro family has owned this property for 48 years.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 17 Council had not submitted any recommendation at the time this staff report was prepared.
- H. **FINDINGS:**
 1. The applicant is requesting the rezoning to allow a small-scale chocolate manufacturing facility to move into the building at 340-342 Kellogg Blvd W, a one-story mixed use building, with a vacant commercial space in the front of the building and a vacant residential space in the rear of the building. The applicant proposes to use the front of the building as the manufacturing space, and the back of the building as an accessory office. No changes are proposed for the multiple family building on this parcel.
 2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district's intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages a variety of uses and housing types. This property is located in an area with medium residential density and medium employment density. Two bus

routes run adjacent to this property. The property is across the street from the Minnesota History Center to the north, and from CommonBond Communities, a nonprofit, to the east. This mix of uses is consistent with the mix of uses permitted in a T2 traditional neighborhood district. The proposed T2 zoning is appropriate for the area.

3. The proposed zoning is consistent with the Comprehensive Plan. 340/342 Kellogg Blvd W is located in an identified "Major Institutional" employment district on the Employment Districts map in the Land Use chapter of the Comprehensive Plan (Figure LU-F). This proposed rezoning is also consistent with land use policy 1.48: *Support compatible mixed-use within single buildings and in separate buildings in close proximity*. Rezoning this property from RM2 to T2 will permit a mix of uses that is consistent with the Comprehensive Plan.
4. The proposed zoning is compatible with the mix of uses in the surrounding area. This property is adjacent to the Capitol Area Jurisdiction, which contains a mix of institutional, commercial, and residential uses. The property is adjacent to residential buildings and across the street from the surface parking lot of another institutional office building. A small-scale chocolate manufacturing facility is compatible with this mix of uses.
5. The proposed rezoning is not considered spot zoning because of the adjacent mix of uses. 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.*"
6. The petition for rezoning was found to be sufficient on December 3, 2012: 5 parcels eligible; 4 parcels required; 4 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RM2 medium-density multiple family residential 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) 266-6599

PD17

Zoning Office Use Only
 File #: 12-216053
 Fee: 1200.00
 Tentative Hearing Date:
11-29-12

APPLICANT

Property Owner Donna M. Sauro / Susan Sauro Kane (address on additional sheet)
 Address 4377 Little Bluestem Tr. N.
 City Lake Elmo St MN Zip 55042 Daytime Phone _____
 Name of Owner (if different) _____
 Contact Person (if different) Jay Sauro Phone 612-747-9922

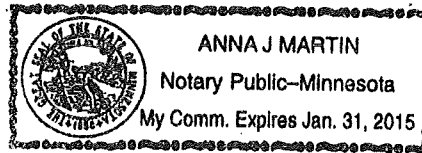
PROPERTY LOCATION

Address/Location 342 Kellogg Blvd. W
 Legal Description Culver Farringtons Subd Nely 5 ft. of Lot 1
And 6th St Lot 2 Current Zoning RM2
 (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(6) of Minnesota Statutes,
Donna M. Sauro / Susan Sauro Kane, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a RM2 zoning district to a zoning
 district, for the purpose of: T2

Susan Sauro Kane
 Subscribed and sworn to before me
 this 13th day of November, 2012
Anna J Martin
 Notary Public



(attach additional sheets if necessary)

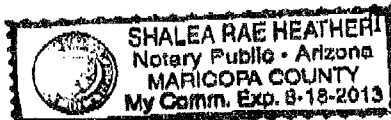
Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

this 12th day

of November, 2012

Shalea Rae Heather
 Notary Public



By: Donna M. Sauro
 Fee owner of property

Title: Owner

pdd 11/15/12

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

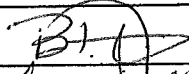
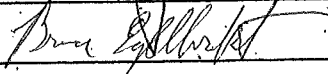
We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Donna M. Sauro / Susan Sauro Kane,
(name of petitioner)
to rezone the property located at 342 Kellogg Blvd. W,
from a RM2 zoning district to a T2 zoning district and
2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 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

Donna M Sauro / Susan Sauro Kane to a T2 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 |
|------------------|------------------------------------|--|----------|
| 06-28-22-22-0002 | State of MN DOT | | |
| 01-28-23-11-0073 | Pergola Trust LLC |  | 11/14/12 |
| 06-28-22-22-0069 | City of St Paul |  | 11/13/12 |
| 06-28-22-22-0090 | Diocese of St. Paul | | |
| 01-28-23-11-0001 | Donna M. Sauro Susan Sauro Kane | | |
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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

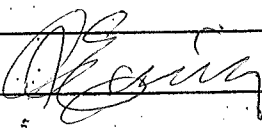
We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Donna M. Savro / Susan Savro Kane
(name of petitioner)
to rezone the property located at 342 Kellogg Blvd. W
from a RM2 zoning district to a T2 zoning district and
2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

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CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

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(name of petitioner)
to rezone the property located at 342 Kellogg Blvd W
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.312 through _____, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 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

Donna M Sauro / Susan Sauro Kane a T2 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 |
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| 06-28-22-22-0090 | Diocese of St. Paul | | |
| 01-28-23-11-0001 | Donna M. Sauro Susan Sauro Kane | <i>[Signature]</i> <i>[Signature]</i> | 11/12/12 11/12/12 |
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CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Donna M. Sauro
Susan Sauro Kane, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

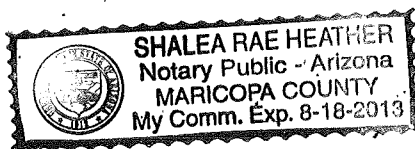
Susan Sauro Kane
4372 Little Bluestem Tr. N. NAME
Lake Elmo, MN 55042
phone: 651-730-5531

Donna M. Sauro
Donna M. Sauro DMS
~~XXXXXXXXXXXXXXXXXXXX~~

609 Holly Ln. St. Paul MN 55128 ADDRESS
651-501-9988
TELEPHONE NUMBER

Subscribed and sworn to before me this
12 day of November, 2012.

Shalea Rae Heather
NOTARY PUBLIC



CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

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Susan Sauro Kane, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

[Signature]
Susan ~~SAURO KANE~~ Sauro Kane
4372 Little Bluestem Tr. N
Lake Elmo, MN 55042
Phone: 651-730-5531

Donna M. Sauro
~~XXXXXXXXXXXXXXXXXXXX~~
NAME
609 Holly Ln. St. Paul MN 55128
ADDRESS
651-501-9488
TELEPHONE NUMBER

Susan Sauro Kane *[Signature]*
Subscribed and sworn to before me this
12th day of November, 2012.

[Signature]
NOTARY PUBLIC
FREDERICK L GLASSING
Notary Public—Minnesota
My Comm. Expires Jan 31 2016

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Susan Brown, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 20 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.

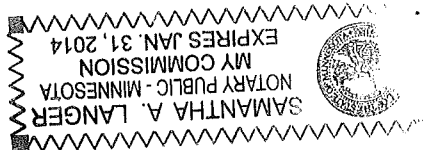
[Signature]
NAME

214 E 4th St No 101
ADDRESS

651 276 4703
TELEPHONE NUMBER

Subscribed and sworn to before me this
25 day of October, 20 12.

Samantha Langer
NOTARY PUBLIC



ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 11-16-12

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 5

PARCELS REQUIRED: _____

PARCELS REQUIRED: 4

PARCELS SIGNED: _____

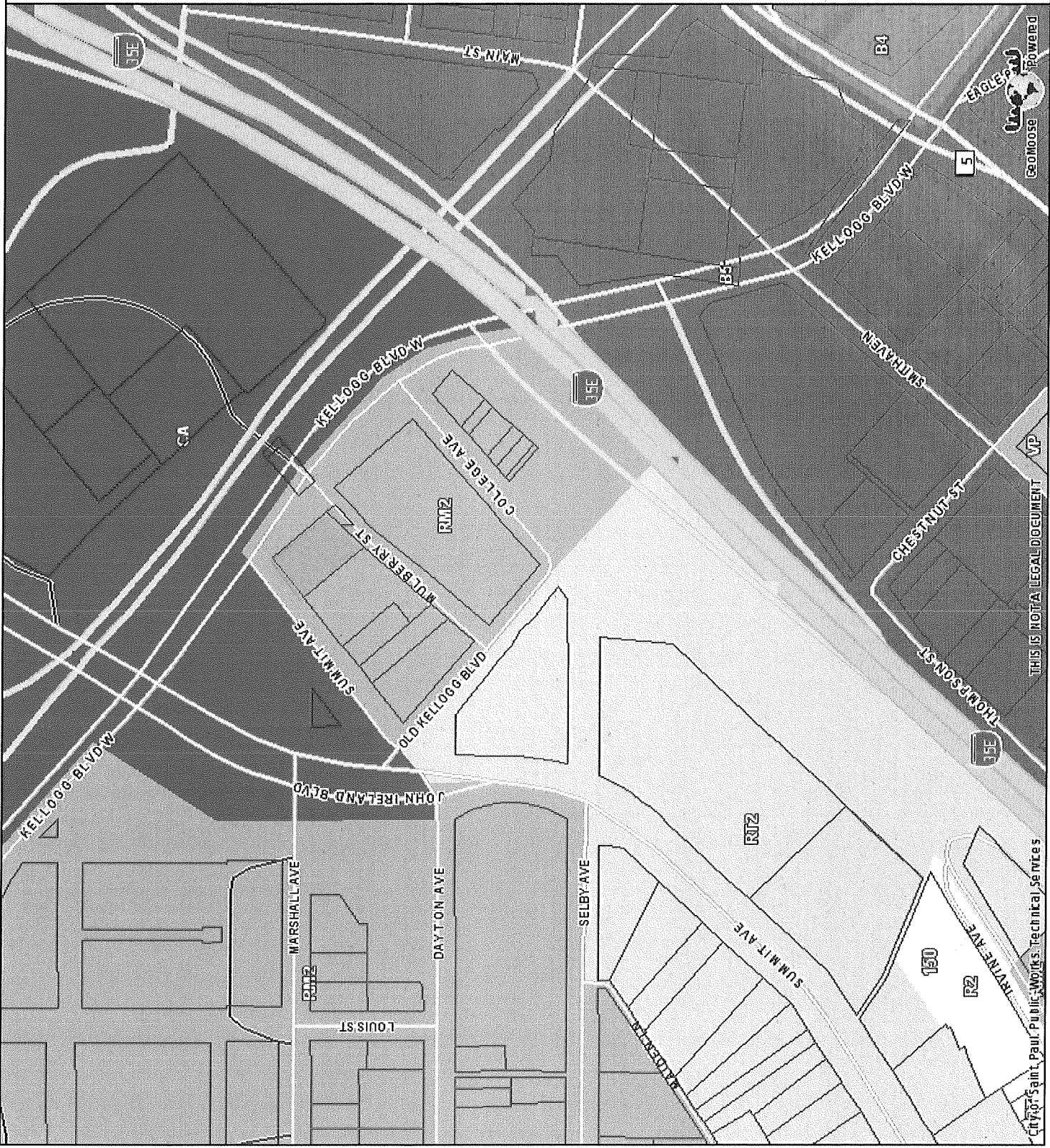
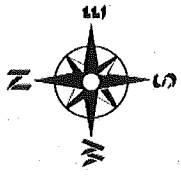
PARCELS SIGNED: 4

CHECKED BY: Paul DuBravel

DATE: 12-3-12

ZONING FILE _____

- Drawn Area
- Parcel
- Selected Parcel
- Interstate
- Highway or County Road
- Local Road
- Ramp
- Other Street
- WATER
- RL - One-Family Large Lot
- R1 - One-Family
- R2 - One-Family
- R3 - One-Family
- R4 - One-Family
- RT1 - Two-Family
- RT2 - Townhouse
- RM1 - Multiple-Family
- RM2 - Multiple-Family
- RM3 - Multiple-Family
- T1 - Traditional Neighborhood
- T2 - Traditional Neighborhood
- T3 - Traditional Neighborhood
- T3M - T3 with Master Plan
- T4 - Traditional Neighborhood
- OS - Office-Service
- B1 - Local Business
- BC - Community Business (converted)
- B2 - Community Business
- B3 - General Business
- B4 - General Business
- B5 - Central Business Service
- IR - Light Industrial Restricted
- IL - Light Industrial
- I2 - General Industrial
- I3 - Restricted Industrial
- VP - Vehicular Parking
- PD - Planned Development
- CA - Capitol Area Jurisdiction



THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works, Technical Services

UNIVERSITY
UNIVERSITY OF CALIFORNIA
UNIVERSITY PARK
UNIVERSITY CITY
UNIVERSITY STREET
UNIVERSITY

