

ZONING COMMITTEE STAFF REPORT

FILE NAME: 647 York Rezoning

FILE #: 21-324-323

APPLICANT: Obsa Negassa

HEARING DATE: December 30, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 647 York Avenue, between Payne Avenue and Greenbrier Street

PIN & LEGAL DESCRIPTION: 29.29.22.42.0118; S 42.8 feet of Lot 18, Block 27, Joseph R Weide's Subdivision of Block 27, Arlington Hills Addition, subj. to & with party wall easement

PLANNING DISTRICT: 5

EXISTING ZONING: B3

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: December 21, 2021

BY: Bill Dermody

DATE RECEIVED: December 2, 2021

60-DAY DEADLINE FOR ACTION: January 31, 2022

- A. **PURPOSE:** Rezone from B3 general business to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 1,720 sq. ft.
- C. **EXISTING LAND USE:** Mixed use (two-family residential and vacant commercial)
- D. **SURROUNDING LAND USE:** Retail/commercial to the west along Payne Avenue (B3), retail commercial to the south (B3), undeveloped to the north (B3), and residential of various densities (single-family, two-family, multi-family) to the east, southeast, and northeast (R4, RT1).
- 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 has been zoned B3 general business since 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen Community Council recommends approval of the application.
- H. **FINDINGS:**
1. The application requests rezoning from B3 general business to T2 traditional neighborhood in order to allow the building's currently vacant lower level to be used for residential uses.
 2. The proposed zoning is consistent with the way this area has developed. The proposed T2 zoning allows for a natural transition from the B3-zoned commercial uses along Payne Avenue and the residential uses to the east.
 3. The proposed zoning is consistent with the Comprehensive Plan, which designates the site's future land use as being on the edge between Mixed Use (along Payne Avenue) and Urban Neighborhood (to the east), and within a Neighborhood Node – all of which support the proposed zoning in this location. In Policy LU-5, the Comp Plan also calls for encouraging flexible building design to ensure ongoing functionality and viability, which is furthered by this rezoning that will allow the building's lower floor to be economically viable after being vacant for the last few years.
 4. The proposed T2 zoning is compatible with the surrounding mix of uses, including generally commercial uses along Payne Avenue to the west and various residential uses to the east. The proposed zoning serves as a transition between these 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, that establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed zoning is not spot zoning. Rather, it establishes a use classification consistent with surrounding uses in all directions.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B3 general business to T2 traditional neighborhood.



REZONING APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

APPLICANT

Property Owner(s) Obsa Negassa
 Address 8083 Kimberly In N City Maple Grove State MN Zip 55311
 Email negassa@gmail.com Phone 612 808-0808
 Contact Person (if different) _____ Email _____
 Address _____ City _____ State _____ Zip _____
(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 INFO

Address/Location 647 York Ave
 PIN(s) & Legal Description 292922420118
(Attach additional sheet if necessary.)
Lot 18 Block 27 of J R WEIDE'S SUB OF B27 ARLINGTSUBJ TO & WITH PARTY WALL ESMT;
THE S 42.8 FT OF LOT 18 BLK 27 Lot Area 0.04 Acres Current Zoning B3

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____
Obsa Negassa

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
B3 zoning district to a T2 zoning district, for the purpose of:

Fully utilizing the property which is currently being used only at 1/3 the cappacity while getting
taxed at 3 unit property.

Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date December 1, 2021

Flr Beltran

Notary Public



By: Obsa Negassa
Fee owner of property

Title: Owner



Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

November 30, 2021

Zoning Committee
Saint Paul Planning Commission
c/o Bill Dermody, Planning and Economic Development Department
25 West 4th Street, 1400 City Hall Annex
St. Paul, MN 55102

VIA EMAIL

RE: Rezoning application for 647 York Avenue

Dear Zoning Committee Members:

I am writing to you on behalf of the Payne-Phalen Community Council. PPCC supports the application for rezoning 647 York Avenue from B3 to T2 made by the property owner Obsa Negassa. PPCC supports and encourages increased residential density and greater flexibility of uses, particularly in properties that are near to neighborhood nodes and transit services. In the case of 647 York, the particular building, the location of the property, and its proximity to the node at Payne and York make this a suitable candidate for rezoning. Moreover, we are confident that rezoning this property to T2 will allow for greater flexibility of uses depending on what the market calls for and how the current owner (and future owners) can market the property so that it remains in constant use.

Please include this letter of support in the packet of materials for the public hearing when it is scheduled. We are grateful to the Zoning Committee for taking the position of the Payne-Phalen Community Council into full consideration as you make your decision. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

A handwritten signature in blue ink that reads "Jack Byers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jack Byers, Executive Director

cc. Obsa Negassa, Property Owner
Bill Dermody, Planning and Economic Development Department
Rebecca Nelson, PPCC Board President
PPCC Board of Directors



Sims Ave

Payne Ave

York Ave

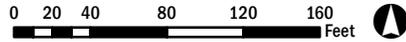


FILE #21-324-323 Aerial Map
Application of Obsa Negassa

Application Type: Rezone
 Application Date: December 1, 2021
 Planning District: 5

Subject Parcel(s) Outlined in Blue

- Subject Parcel(s)
- ParcelPoly

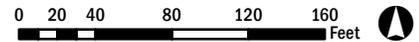


This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data Sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #21-324-323 Existing Land Use
Application of Obsa Negassa

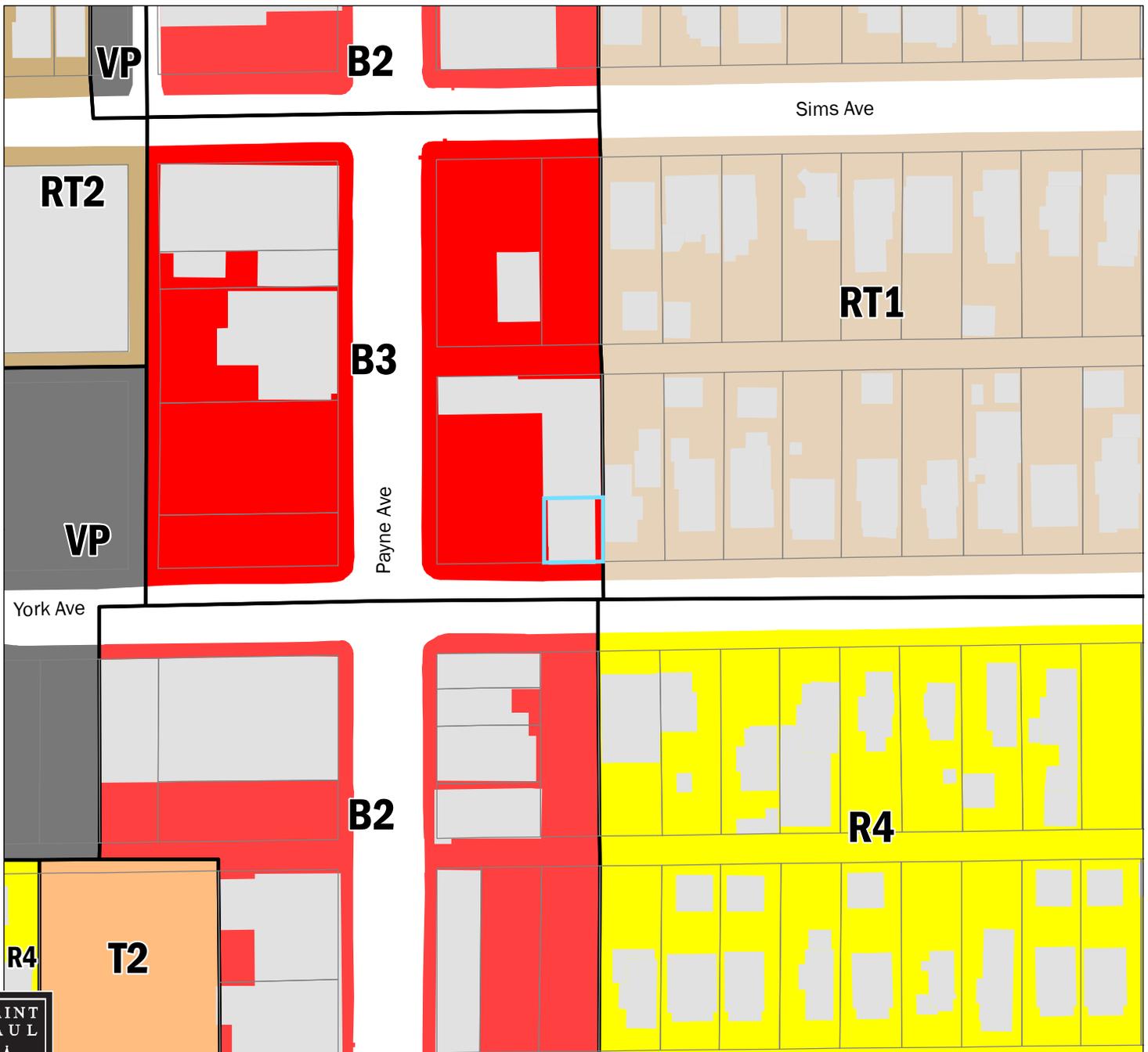
Application Type: Rezone
 Application Date: December 1, 2021
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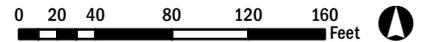
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s) | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |



FILE #21-324-323 Zoning Map Application of Obsa Negassa

Application Type: Rezone
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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	