

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Vincent Reiter (Apex Auto) **FILE #:** 11-298-888
 2. **APPLICANT:** Apex Auto Salvage Inc **HEARING DATE:** December 8, 2011
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 198 Minnehaha Ave E, NW corner at Pennsylvania
 5. **PIN & LEGAL DESCRIPTION:** 312922120003 – With No Access to Hwy The N 1 Ft Of Lots 20 & 21 & All Of Lot 4 Blk 1; 312922120004 – W 35Ft Of Lot 5 Blk 1; 312922120005 – E 40 Ft Of Lot 5 Blk 1; 3129220006 – Lot 6 Blk 1; 312922120007 – Ashton And Sherburne's, Additio With No Access to Hwy N 1 Ft of Lots 18 & 19 & All of Lot 7 Blk 1; 312922120008 – W 1/2 Of Lot 8 Blk 1; 312922120019 – With No Access To Hwy; The N 1Ft Of W 50 Ft Of lot 15 & N 1 Ft Of Lot 16 & Also E 1/2 Of Lot 8 & All of Lots 9 & Lot 10 Blk 1
 6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** I1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** December 1, 2011 **BY:** Kate Reilly
 9. **DATE RECEIVED:** November 4, 2011 **60-DAY DEADLINE FOR ACTION:** January 3, 2012
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A. **PURPOSE:** Rezoning from I1 Light Industrial to I2 General Industrial.

B. **PARCEL SIZE:** 149ft x 591ft x 157ft x 580ft = ~79276

C. **EXISTING LAND USE:** Auto Salvage

D. **SURROUNDING LAND USE:**

North: Industrial/cold storage (I2 General Industrial)

South: Residential (RM2 Multifamily Residential)

East: Industrial (I2)

West: Right-of-way /Industrial (I2)

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** Apex Auto has been located at this address for more than 20 years. Over time the business has expanded to include additional parcels. In 2009 a house was demolished and during the process of demolition and expansion it came to the attention of the Department of Safety and Inspection that the zoning issue was discovered. The applicant has also filed a request for a Conditional Use Permit with modification and variance of required distance from residential property for a motor vehicle salvage operation and outdoor processing and storage (Zoning File #11-299056)

G. **DISTRICT COUNCIL RECOMMENDATION:** District 7 had not yet responded at the time this staff report was prepared.

DISTRICT 7 HAS CHOSEN NOT TO RESPOND

H. **FINDINGS:**

1. This application is to rezone the properties at 162-168 Minnehaha and 172 Minnehaha and 184 Minnehaha from I1 Light Industrial to I2 General Industrial.
2. The proposed zoning is consistent with the way this area has developed. The properties in question are surrounded on three sides by I2 zoned land and industrially used property. The south side, which is residential, is separated from the subject property by both a grade change (the subject property is above the residential property) and a major, highly-traveled roadway (Pennsylvania Avenue), also below the grade.
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed zoning is consistent with the surrounding industrially zoned property and is consistent with

Land Use Policy 2: Provide land for jobs, in the Saint Paul Comprehensive Plan. This policy seeks to provide industrial land for jobs and job centers in the city.

4. The proposed zoning is compatible with surrounding uses. The properties in question are surrounded on three sides industrially used property. The south side, which is residential, is separated from the subject property by both a grade change (the subject property is above the residential property) and a major, highly-traveled roadway (Pennsylvania Avenue), also below the grade.
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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* This is not a case of spot zoning. This would create a larger district of I2 in the area.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from I1 Light Industrial to I2 General Industrial.



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 #	11-298888
Fee	
Tentative Hearing Date	12-8-11

PD= 7+

312922120019

APPLICANT

Property Owner Vincent J. Reiter
 Address 663 Old Hwy 35 S.
 City Hudson St. Wi Zip 54016 Daytime Phone 612-750-6955
 Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address / Location 198 East Minnehaha and Adjacent Western Lots
 Legal Description See attached sheet
 Current Zoning I1
 (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,
Vincent J. Reiter, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a I1 zoning district to a
 zoning district, for the purpose of:

I2 (Auto Salvage Dealer)

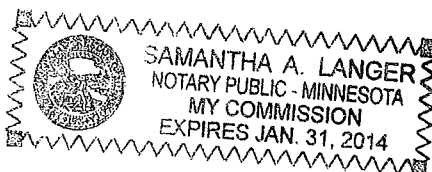
(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
 this 4th day
 of November, 2011.

By: [Signature]
 Fee Owner of Property
 Title: OWNER/MANAGER

Samantha Langer
 Notary Public



**Apex Auto Salvage, Inc.
198 E. Minnehaha Avenue
St. Paul, MN 55130
(651) 228-1389**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102-1634

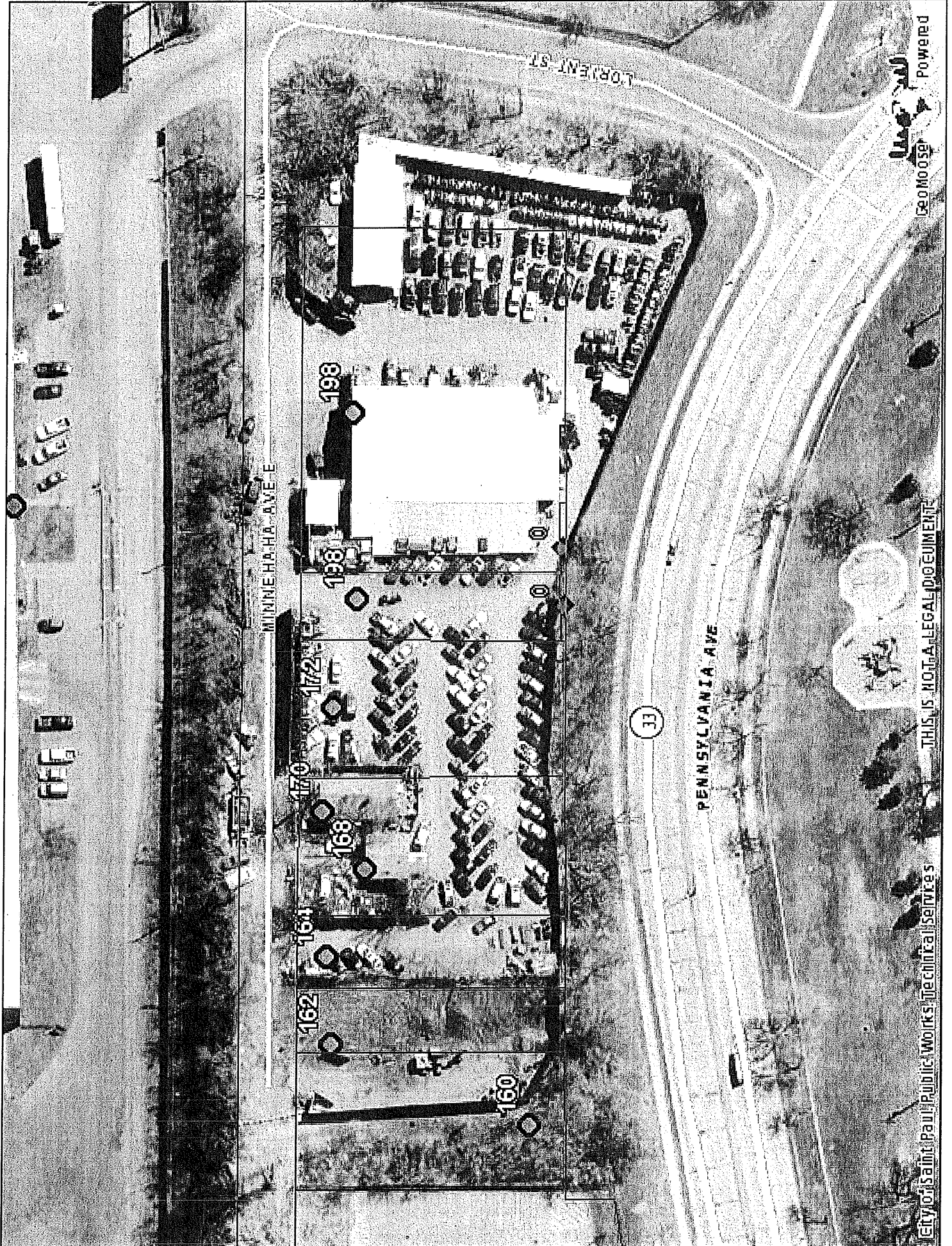
Thank you for considering my request for rezoning. I would like to rezone my property at 198 East Minnehaha Avenue and the adjacent western lots (see map) to accommodate an Auto Salvage Dealer license. I have been operating Apex Auto Salvage at this location for nearly 20 years, without realizing that this property was not zoned for such an operation.

When I purchased the land and business, in 1996, the owner did not inform me of any zoning issues. It was just recently brought to my attention. This property is surrounded by I2 zoning on three sides, with other industrial businesses, such as Waste Management, in the area.

One of the adjoining lots, located at 170 East Minnehaha, currently has a house and garage on it. The house and garage are scheduled to be demolished in the summer of 2012. This lot will be appropriately cleared and leveled to make it a useable space.

It is important to rezone this area because it will allow me to continue to operate my business and get Apex Auto Salvage in compliance with the city ordinances.

Thank you,
Vincent Reiter
Owner



MINNESOTA AVE E

PENNSYLVANIA AVE

LORENT ST

33

162

164

168

170

172

198

198

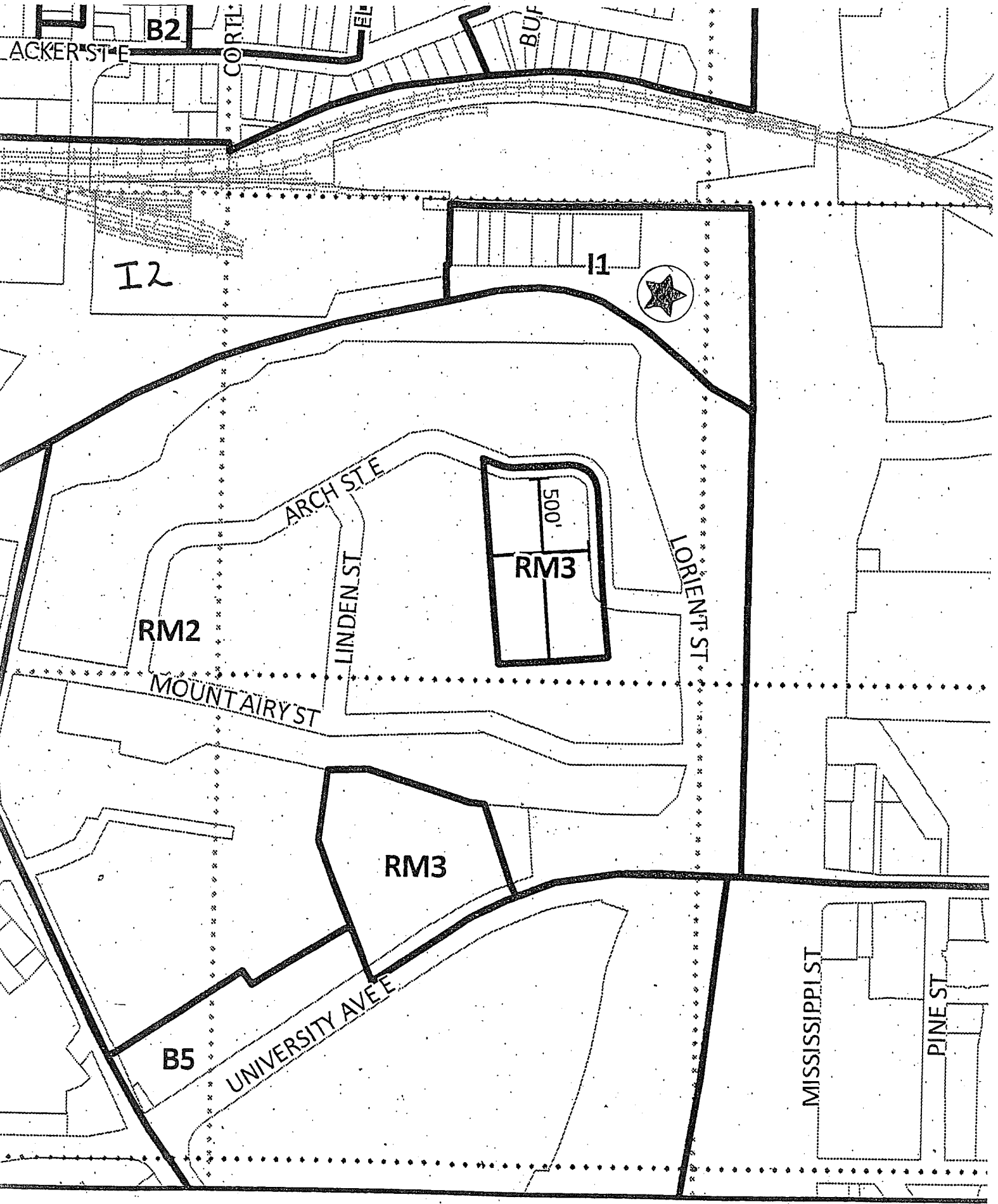
150

City of Saint Paul Public Works Technical Services

THIS IS NOT A LEGAL DOCUMENT

Geo Moose

Powered



B2

ACKER ST E

CORTL E

BUF

I2

I1



ARCH ST E

LINDEN ST

500'

RM3

LORIENT ST

RM2

MOUNTAIN ST

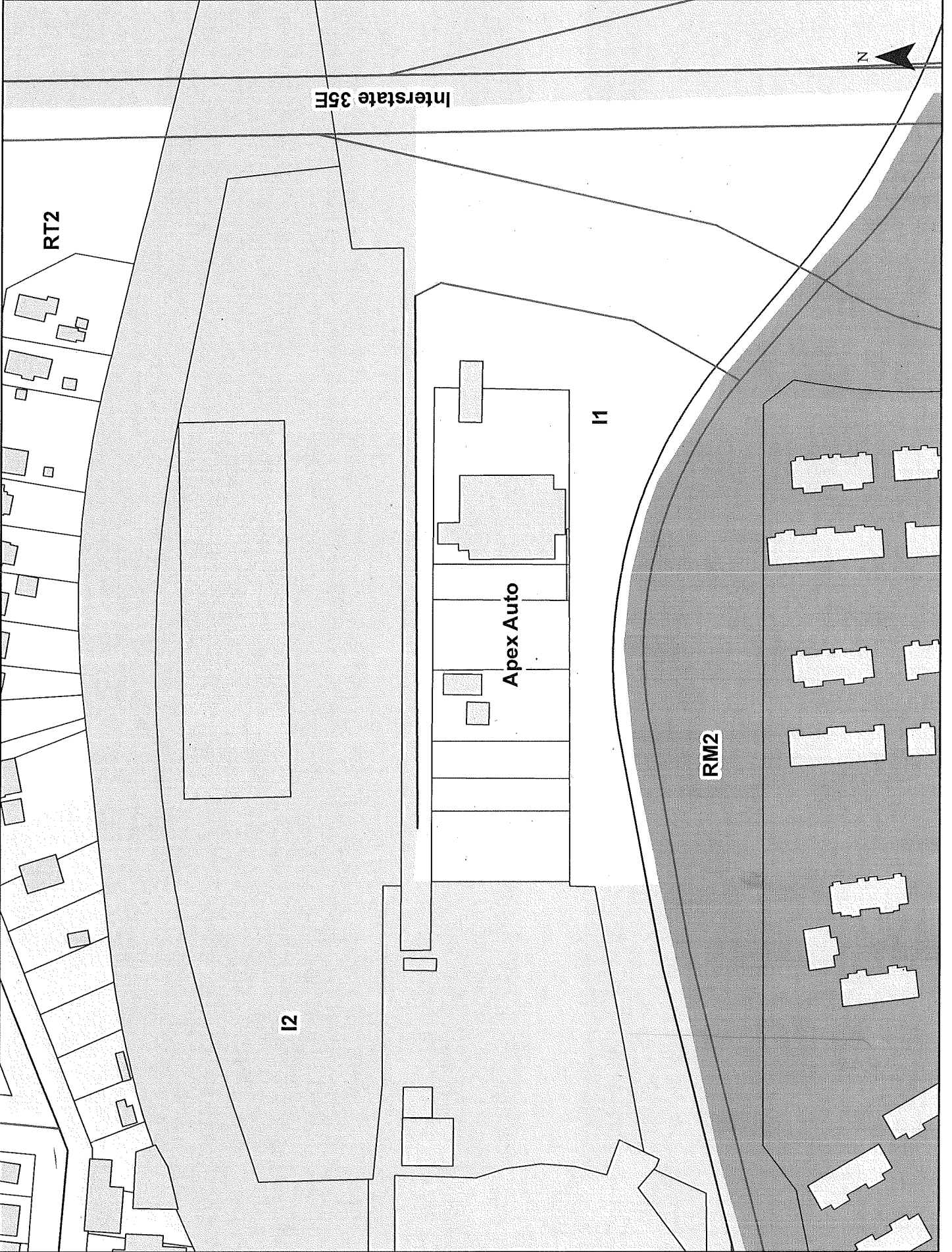
RM3

B5

UNIVERSITY AVE E

MISSISSIPPI ST

PINE ST



Interstate 35E

RT2

Apex Auto

I2

I1

RM2

N