

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Keith Jacobson & Patricia Jacobson **FILE #:** 13-142-919
 2. **APPLICANT:** Keith W Jacobson/Patricia A Jacobson **HEARING DATE:** January 31, 2013
 3. **TYPE OF APPLICATION:** Rezoning-Council
 4. **LOCATION:** 1836 - 1838 Grand Ave, between Fairview and Howell
 5. **PIN & LEGAL DESCRIPTION:** 042823310070; Lot 5 Kennas Subdivision of Lot 53, Block 4, Rosedale Park Addition
 6. **PLANNING DISTRICT:** 14 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** January 22, 2013 **BY:** Scott Tempel
 9. **DATE RECEIVED:** January 9, 2013 **60-DAY DEADLINE FOR ACTION:** March 10, 2013
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- A. **PURPOSE:** Rezoning from B2 Community Business to BC Community Business (Converted).
- B. **PARCEL SIZE:** 40 ft. x 150 ft. = 6000 sq. ft.
- C. **EXISTING LAND USE:** Two story residential structure
- D. **SURROUNDING LAND USE:**
North: Retail and other Commercial (B2)
East: Duplex, Commercial and Mixed Use Residential (B2)
South: Single Family Detached (R3)
West: Multi- and Single-Family Residential (BC)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** This structure was constructed as a duplex in 1911. It was zoned B2 in 1975 during the citywide rezoning. The building was used as a duplex until 1986 when Jolanda's restaurant opened on the first floor. The current owners operated mercantile sales on the first floor from 1997 to 2009 when they started to rent both units to students. However it was not discovered that the zoning did not support the use as a duplex until 2012 when the applicants attempted to register for student housing.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The applicant went before the District 14 Housing and Land Use committee on January 23, 2012, and received a recommendation for approval but the District Council had not formally commented on the case at the time of the staff report.
- H. **FINDINGS:**
 1. This application is to rezone the property at 1836 -1838 Grand Avenue from B2 community business to BC community business (converted) to permit the use of the building as a residential duplex.
 2. The proposed zoning is consistent with the way this area has developed. According to §66.413 "The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses." There are similar structures both to the east and west of this building.
 3. The proposed zoning is consistent with the 2030 St. Paul Comprehensive Plan, Land Use Policy 1.1 *Guide the development of housing in Established Neighborhoods, Commercial areas within Established Neighborhoods, and in Residential Corridors.* This

policy is intended to provide for the development of housing in these areas consistent with the area's prevailing character and overall density. Grand Avenue is designated a Residential Corridor along this section of the Avenue. Residential Corridors are defined as corridors that run through Established Neighborhoods and that are predominately characterized by medium-density residential uses.

4. The proposed zoning is compatible with the surrounding uses, which are a mix of retail, commercial, and multi- and single-family residential.
 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." Approval of this proposal would not result in spot zoning as the area to the west of this property is currently zoned BC. This proposal would extend the existing BC zoning to the east along the Residential Corridor.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from B2 Community Business to BC Community Business (Converted).