

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Kowalski Companies **FILE #:** 15-139-934
 2. **APPLICANT:** Grand Realty Company LLP **HEARING DATE:** July 30, 2015
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 1261 Grand Ave, NE corner at Syndicate
 5. **PIN & LEGAL DESCRIPTION:** See vacation documents for existing and proposed legal descriptions.
 6. **PLANNING DISTRICT:** 14 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** §61.801(b); §60.305
 8. **STAFF REPORT DATE:** July 23, 2015 **BY:** Mike Richardson
 9. **DATE RECEIVED:** July 15, 2015 **60-DAY DEADLINE FOR ACTION:** September 13, 2015
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- A. **PURPOSE:** Rezone from R2 One-Family Residential to B2 Community Business.
- B. **PARCEL SIZE:** Approximately 10,135 sq. ft., which includes recently vacated area of 2,376 sq. ft. between the existing building and Ayd Mill Road.
- C. **EXISTING LAND USE:** Retail – grocery store
- D. **SURROUNDING LAND USE:** Institutional parking lot to the north, Ayd Mill Road and right of way to the east, mix of retail and single family residential to the south, and a mix of commercial and single family residential to the west.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §60.305 describes zoning of vacated areas.
- F. **HISTORY/DISCUSSION:** Grand Realty Company LLP is requesting a rezoning of approximately 10,135 sq. ft. of their property at 1261 Grand Avenue from R2 One-Family Residential to B2 Community Business to accommodate the expansion of their existing building. Plans submitted with this application indicate expansion to the east and to the west. The remaining 47,018 sq. ft. (approximate) of their property is already zoned B2.

Zoning on the parcel is currently split between B2 in the south and a smaller piece of R2 in the north. Much of the area to be rezoned is within the Summit Avenue West Historic District. Any future construction activity on the property and within the historic district would be subject to Heritage Preservation Commission review.

The building on this property was built in 1956. There was a significant addition to the north side of the building in 1994 that resulted in its current footprint. This addition required the acquisition of a piece of land north of the alley, which was acquired in August of 1994. At the time of that addition, the building was allowed to expand northward beyond the alley due to an inaccurate interpretation of §60.305, which states that “[W]henever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.” However, the transaction was a sale of property from the Saint Paul Housing and Redevelopment Authority to the property owner, and not the direct result of a transfer of vacated land. The project was allowed to move forward, and the zoning maps were not modified to reflect this automatic zoning change. The rezoning would apply to this

northern area, including the newly vacated 13-foot strip to the east of the site. It would make the current use of the land conforming and allow the expansion of the building to the east.

G. DISTRICT COUNCIL RECOMMENDATION: District 14 had not commented by the time of this report.

H. FINDINGS:

1. Grand Realty Company LLP is requesting a rezoning of approximately 10,135 sq. ft. of their property at 1261 Grand Avenue from R2 One-Family Residential to B2 Community Business to accommodate the expansion of their existing building. A grocery store is not permitted in an R2 One-Family Residential zoning district. Plans submitted with this application indicate expansion to the east and to the west.
2. There was a significant addition to the north side of the building in 1994 that resulted in its current footprint. This addition required the acquisition of a piece of land north of the alley, which was acquired in August of 1994. At the time of that addition, the building was allowed to expand northward beyond the alley due to an inaccurate interpretation of §60.305, which states that “[W]henver any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.” However, the transaction was a sale of property from the Saint Paul Housing and Redevelopment Authority to the property owner, and not the direct result of a transfer of vacated land. The project was allowed to move forward, and the zoning maps were not modified to reflect this automatic zoning change. The rezoning would apply to this northern area, including the newly vacated 13-foot strip to the east of the site. It would make the current use of the land conforming and allow the expansion of the building to the east.
3. The proposed zoning is consistent with the way this area has developed. The rezoning would be a minor expansion of the existing B2 zoning district, which is intended to “serve the needs of a consumer population larger than that served by the ‘local business district,’ and is generally characterized by a cluster of establishments generating large volumes of vehicular and pedestrian traffic.” The block on which the rezoning would occur is unique from other blocks between Summit and Grand Avenues in that it is bounded by a major road with a wide right of way on the east and has never had a residential use on the northern half of the block. The presence of the institutional use to the northwest and associated parking lot also differentiates this block from other areas between Summit and Grand Avenues and is consistent with the proposed zoning.
4. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan shows Grand Avenue as a mixed-use corridor and supports a mix of uses, including retail. The area to be rezoned is part of the parcel that fronts Grand Avenue. The zoning is consistent with the following policies of the Land Use Chapter of the Comprehensive Plan:
 - 1.24 *Support a mix of uses on Mixed-Use Corridors.*And the following policies from the Land Use section of the Macalester-Groveland Community Plan:
 3. *Limit commercial expansion to existing commercial clusters.*
5. The proposed zoning is compatible with the surrounding uses. The Mount Zion parking lot on the same block will continue to be shared between Mount Zion and Kowalski’s.

The Grand Avenue corridor in this area is a mix of residential and business uses; the proposed zoning allows the expansion and continued use of a well-established business that has been a part of the neighborhood for many years. There are no use conflicts with Ayd Mill right of way to the east.

6. The rezoning from R2 to B2 would not be considered spot zoning because it is an expansion of an existing zoning district and would not create a district that would be inconsistent with surrounding uses (see Finding 5) and would not create an island of nonconforming use within a larger zoned property.
 7. The petition for rezoning was found to be sufficient on July 16, 2015: 10 parcels eligible; 7 parcels required; 9 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R2 One-Family Residential to B2 Community Business.



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

RECEIVED
JUL 9 - 2015
 BY: _____

Zoning Office Use Only
 File #: 15-139934
 Fee: 1200.00
 Tentative Hearing Date: 8-13-15

#032823420113

APPLICANT

Property Owner GRAND REALTY COMPANY, LLP
 Address 33 SOUTH SYNDICATE AVENUE
 City ST PAUL St. MN Zip 55105 Daytime Phone 651-698-4752
 Contact Person (if different) Tom Brauchamp Phone 651-209-9304

PROPERTY LOCATION

Address/Location NORTH HALF OF ALLEY, AND THAT OF RECENT VACATION, AND THAT PORTIONS OF LOTS 3 AND 4.
 Legal Description _____
 Current Zoning R2
 (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,
GRAND REALTY COMPANY, LLP owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a R2 zoning district to a B2 zoning
 district, for the purpose of: BUILDING EXPANSION

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit 5

Subscribed and sworn to before me

this 29th day
 of June, 2015

By: GRAND REALTY COMPANY, LLP
 Fee owner of property
K. C. [Signature]
 COO

DEBRA L KOWALSKI
 NOTARY PUBLIC - MINNESOTA
 MY COMMISSION EXPIRES 01/31/17

Debra L. Kowalski
 Notary Public

Grand Realty Company, LLP
33 South Syndicate Street
St. Paul, MN 55105
(651) 698-4752

July 7, 2015

Mr. Paul Dubruiel
City Planning Technician
1400 CHA 25 W. 4th Street
Saint Paul, MN 55102

Dear Paul:

As a follow up to our phone call a few weeks ago, please find executed documents to request a rezoning of property owned by Grand Realty Company, LLP from R2 One-Family Residential to B2 Community Business.

If you have any questions please don't hesitate to call.

Sincerely,

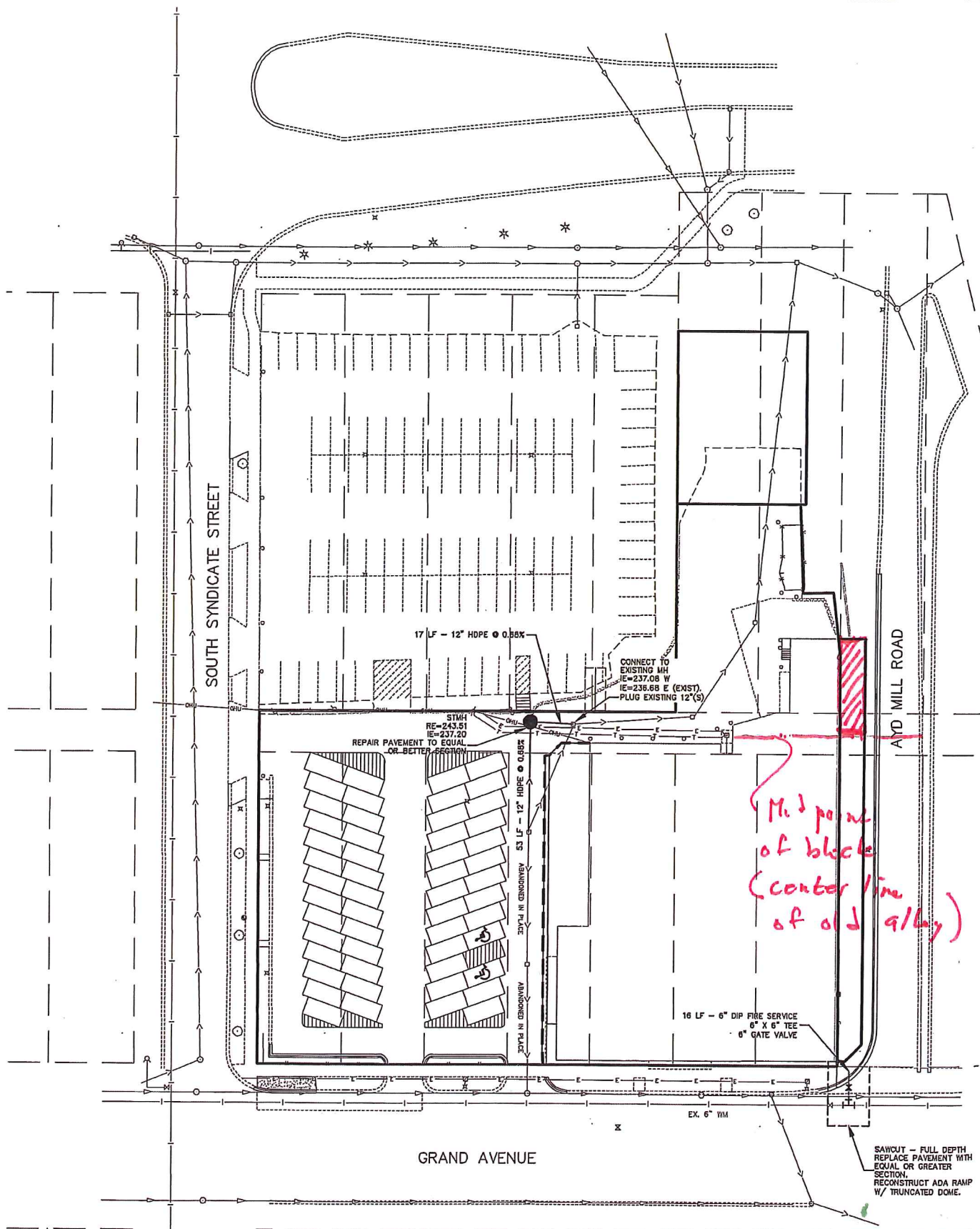


Thomas M. Beauchamp
Chief Financial Officer

GOPHER STATE ONE CALL

CALL 48 HOURS BEFORE YOU DIG!
TWIN CITY AREA 651-454-0002
MN. TOLL FREE 1-800-252-1166

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ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 10

PARCELS ELIGIBLE: 10

PARCELS REQUIRED: 7

PARCELS REQUIRED: 7

PARCELS SIGNED: 8

PARCELS SIGNED: 9

*Peter W
Att*

CHECKED BY: Paul Duboniel

DATE: 7/17/15

*OK
Att 7/14/15*

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT
PETITION FOR A REZONING

RECEIVED
JUL 20 2015
BY: _____

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

ROBERT KOWALSKI, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 11 pages; that affiant is informed and believes the parties described on the consent petition are 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 properties 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 the signatures are the true and correct signatures of each and all of the parties so described.

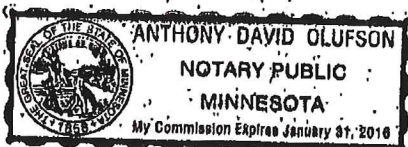
Robert J Kowalski
NAME

8479 COLLEGE TRAIL, I64
ADDRESS 55076

612 363-8888
TELEPHONE NUMBER

Subscribed and sworn to before me this
16 day of July, 2015

Anthony D. Olufson
NOTARY PUBLIC



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 GRAND REALTY COMPANY, LLP
(name of petitioner)
to rezone the property located at 1261 GRAND AVENUE, ST PAUL 55105
from a R2 zoning district to a B2 zoning district and
2. A copy of sections 66.411 through 66.544, inclusive of the Saint Paul Zoning Code.
445

We acknowledge that we are aware of all of the uses permitted in a B2 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

GRAND REALTY COMPANY, LLP to a B2 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>03-28-23-42-0113</u>	<u>GRAND REALTY CO, LLP</u>	<u>[Signature]</u>	<u>6/25/15</u>
<u>03-28-23-42-0110</u>	<u>MT ZION HEBREW</u>	<u>[Signature]</u>	<u>6/25/15</u>
<u>03-28-23-42-0015</u>	<u>JSK LTD PARTNERSHIP</u>	<u>[Signature]</u>	<u>6/25/15</u>
<u>03-28-23-42-0014</u>	<u>JSK LTD PARTNERSHIP</u>	<u>[Signature]</u>	<u>6/25/15</u>
<u>03-28-23-42-0018</u>	<u>Grand Heritage Prop, LLC</u>	<u>G. V. [Signature]</u>	<u>6/27/15</u>
<u>03-28-23-42-0048</u>	<u>GREG T ROTHER</u>	<u>SEE ATTACHED</u>	
<u>03-28-23-42-0047</u>	<u>Villa Homes</u>	<u>[Signature]</u>	
<u>03-28-23-42-0046</u>	<u>KAMP GUELCHER</u>		
<u>03-28-23-42-0045</u>	<u>BRIAN DOOCY</u>	<u>[Signature]</u>	<u>6/22/15</u>
<u>03-28-23-42-0044</u>	<u>Charles Fogarty</u>	<u>[Signature]</u>	<u>6/25/15</u>

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 Director.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

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GRAND REALTY COMPANY, LLP to a B2 zoning district.
(name of petitioner)

✓ Original
Signature

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ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
03-28-23-42-0113	GRAND REALTY CO, LLP	[Signature]	6/25/15
03-28-23-42-0110	MIT ZION HEBREW	[Signature]	6/25/15
03-28-23-42-0015	JSK LTD PARTNERSHIP	[Signature]	6/25/15
03-28-23-42-0014	JSK LTD PARTNERSHIP	[Signature]	6/25/15
03-28-23-42-0018			
03-28-23-42-0048	GREG T ROTTEN	Gregory T. Rotten ✓	7-1-15
03-28-23-42-0047	Ville Homes	[Signature]	
03-28-23-42-0046	KAMP GUÉLCHER		
03-28-23-42-0045	BRIAN DOOCY	Danulli Doocy	6/22/15
03-28-23-42-0044	Charles Fourny	[Signature]	6/25/15

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

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY.)

The petitioner, GRAND REALTY COMPANY, LLP, 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.

Krehmke

NAME

33 SOUTH SYNDICATE AVENUE

ADDRESS

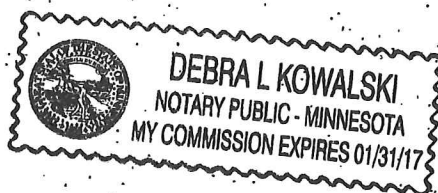
651-698-424752

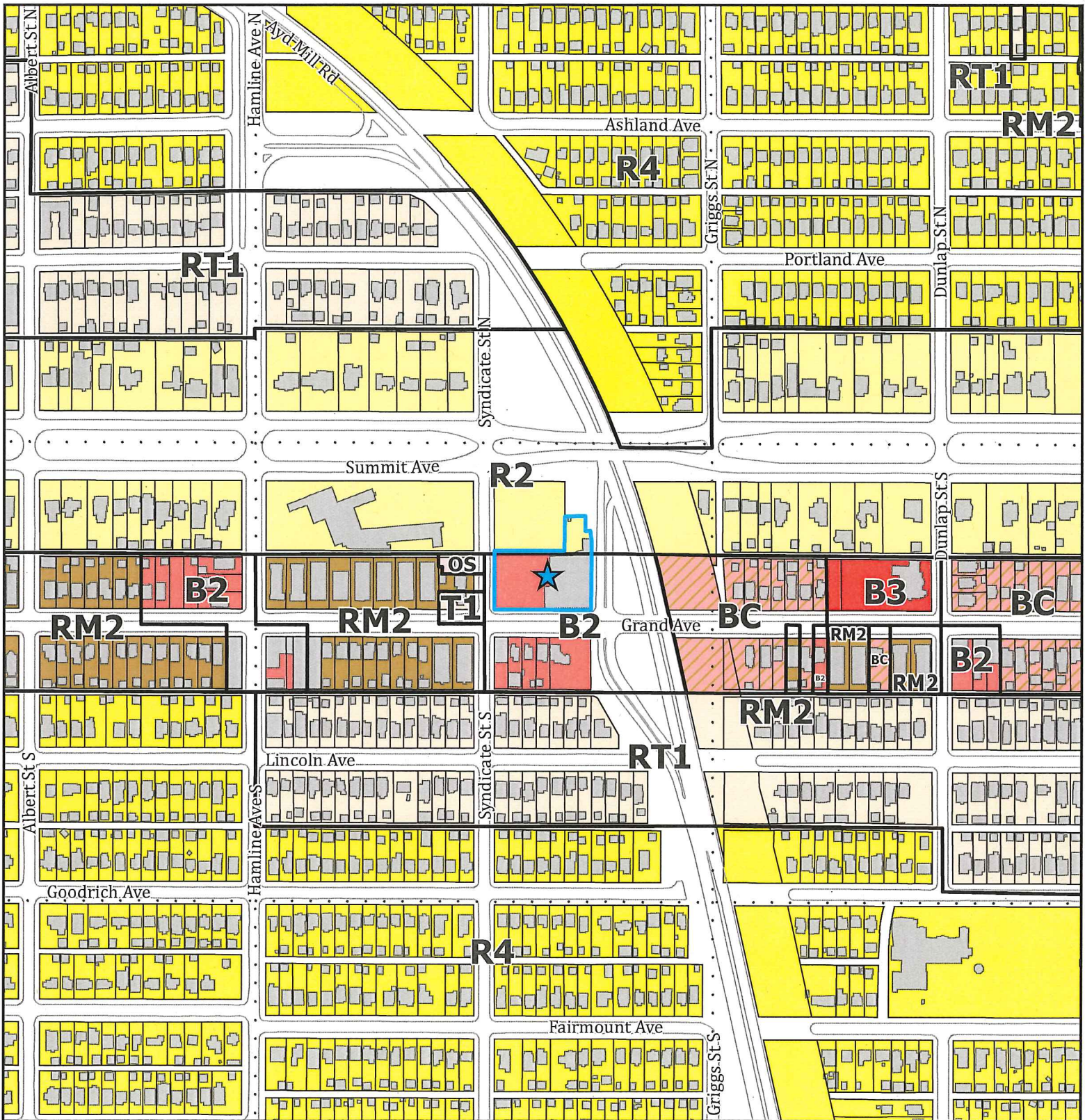
TELEPHONE NUMBER

Subscribed and sworn to before me this 29 day of June, 2015.

Debra L. Kowalski

Debra L. Kowalski
NOTARY PUBLIC





FILE NAME: Grand Realty Company












APPLICATION TYPE: Rezone

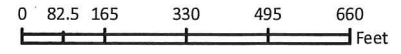
FILE #: 15-139934 DATE: 7/15/2015

PLANNING DISTRICT: 14

ZONING PANEL: 14

Zoning

-  R2 One-Family
-  R4 One-Family
-  RT1 Two-Family
-  RM2 Multiple-Family
-  T1 Traditional Neighborhood
-  OS Office-Service
-  B2 Community Business
-  B3 General Business
-  Subject Parcels
-  Section Lines
-  BC Community Business (converted)





FILE NAME: Grand Realty Company

APPLICATION TYPE: Rezone

FILE #: 15-139934

DATE: 7/15/2015

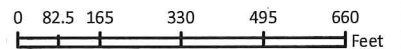
PLANNING DISTRICT: 14

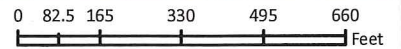
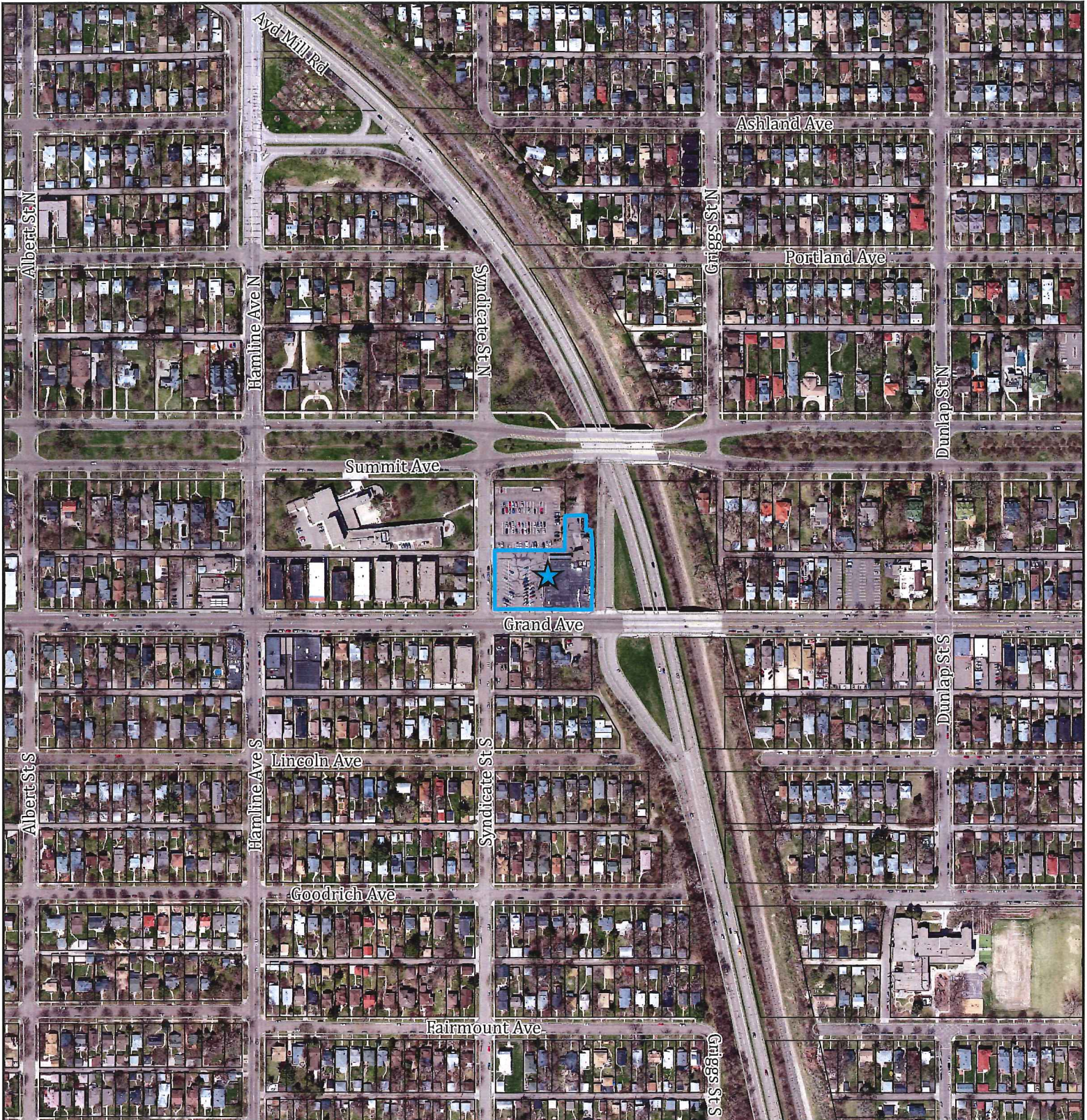
ZONING PANEL: 14

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Institutional

- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines






FILE NAME: Grand Realty Company

Aerial

APPLICATION TYPE: Rezone

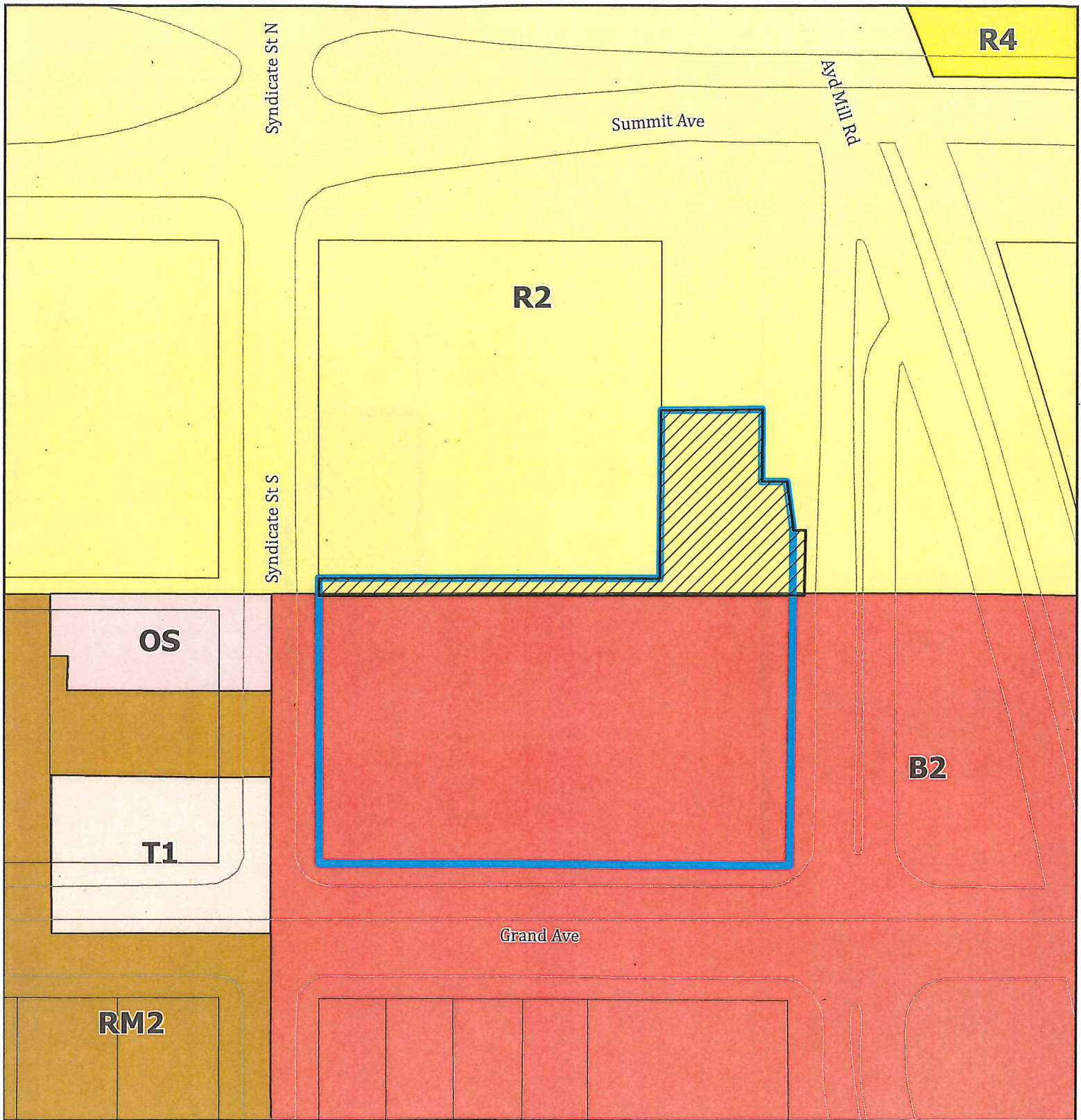
 Subject Parcels

FILE #: 15-139934 DATE: 7/15/2015

PLANNING DISTRICT: 14

ZONING PANEL: 14





FILE NAME: Grand Realty Company LLP

APPLICATION TYPE: Rezoning

FILE #: 15-139934 DATE: 7/16/2015

PLANNING DISTRICT: 14

ZONING PANEL: 14

Supplemental Information

- R2 One-Family
- R4 One-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- OS Office-Service
- B2 Community Business
- Subject Parcels
- Parcels
- Area Subject to Rezoning

