

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** KBD Investments LLC **FILE #:** 18-084-202
 2. **APPLICANT:** KBD Investments LLC **HEARING DATE:** August 2, 2018
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 877 White Bear Ave N, NW corner at Stillwater
 5. **PIN & LEGAL DESCRIPTION:** 27.29.22.41.0058; S ½ of Lots 29 & 30, Block 3, Birmingham's Park
 6. **PLANNING DISTRICT:** 2 **EXISTING ZONING:** OS/WB
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** July 26, 2018 **BY:** Pang Moua
 9. **DATE RECEIVED:** July 16, 2018 **60-DAY DEADLINE FOR ACTION:** September 14, 2018
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- A. **PURPOSE:** Rezone from OS office-service to B2 community business
- B. **PARCEL SIZE:** 9583 SF
- C. **EXISTING LAND USE:** Vacant commercial building
- D. **SURROUNDING LAND USE:** Office to the north, auto oriented commercial use to the east, and one-family residential to the west and south.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The property was rezoned from "Commercial" under the old zoning code to B2 community business when the City adopted a new zoning code in 1975. It was rezoned to OS office-service as part of a White Bear Avenue zoning study in 2001, along with the creation of the WB White Bear Avenue Overlay District.
- G. **PARKING:** The building at 877 White Bear Avenue was constructed in 1950 without parking, and has legal nonconforming parking status based on that. Zoning Code § 63.207 requires a minimum of 1 off-street parking space per 400 sq. feet of floor area for general retail, service and office uses. On March 26, 2018 (Zoning File # 18-035-219) the Board of Zoning Appeals granted a parking variance (4 spaces required, 0 spaces proposed) in order to add office space to the basement of the building.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 2 had not commented at the time this staff report was prepared.
- I. **FINDINGS:**
 1. The application requests rezoning of the parcel at 877 White Bear Avenue from OS office-service to B2 community business to provide more flexibility for rental of space in the building.
 2. The proposed zoning is consistent with the way this area has developed. This part of White Bear Avenue developed with a variety of commercial uses under "Commercial" zoning prior to 1975 and under B2 community business zoning after 1975.
 3. The proposed zoning is consistent with the City's Comprehensive Plan, which designates White Bear Avenue as a Mixed Use Corridor. It is also consistent with the District 2 Neighborhood Greater East Side Plan's vision, which defines White Bear Avenue as one of its business districts focusing on "*mixed Use development with a concentration of office, retail, and housing on pedestrian-friendly streets.*"

4. The proposed B2 community business zoning is compatible with surrounding uses. White Bear Avenue is a mixed-use corridor that includes commercial, office and residential uses. The parcel is adjacent to commercial uses in the B2 community business zoning district on the east side of White Bear Avenue, and an office in the OS office-service district to the north.
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.”* The proposed zoning does not constitute spot zoning. The use classification is consistent with surrounding uses and adjacent B2 community business zoning.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from OS office-service to B2 community business at 877 White Bear Avenue.



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

add
7-12-18
ck
7084
1260

Zoning Office Use Only
 File #: 18-08422
 Fee: 1260
 Tentative Hearing Date:
8-2-18

27292241 0058

APPLICANT

Property Owner(s) KBD Investments LLC
 Address 356 Arlington Ave W
 City ST Paul State mn Zip 55117 Phone 6512838114
 Contact Person Jason Frey Phone _____
 Email Jasonkbd@gmail.com
 (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 LOCATION

Address/Location 877 White Bear Ave
 Legal Description Lots 29 and 30, Block 3, Birmingham's Park, except the north
1/2 thereof, Ramsey County MN Current Zoning OS
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, From OS to B2

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a OS zoning district to a B2 zoning district, for the purpose of:

(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date July 12, 2018

[Signature]
 Notary Public



Subscribed and sworn to before me

Date _____ 20__

 Notary Public

By: [Signature]
 Fee owner of property

Title: [Signature]

By: _____
 Fee owner of property

Title: _____

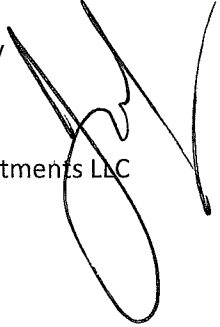
To whom it may concern

I, Jason Frey, request on behalf of KBD Investments LLC a zoning change from OS to B2 for the property located at 877 White Bear Ave. The proposed zoning is consistent with other commercial properties in the area. This is requested to allow for more flexibility for applicants looking to the rent the main space at this property. Thank you for your consideration.

Jason Frey

Owner

KBD Investments LLC

A handwritten signature in black ink, appearing to be 'J Frey', written over the typed name and affiliation.

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**CITY OF SAINT PAUL
BOARD OF ZONING APPEALS RESOLUTION
ZONING FILE NUMBER: 18-035219
DATE: March 26, 2018**

WHEREAS, Jason Frey – KBD Investment LLC has applied for a variance from the strict application of the provisions of Section 63.207(a) of the Saint Paul Legislative Code pertaining to construction of additional office space in the basement of an existing commercial building. The applicant is proposing to construct additional office space in the basement of an existing commercial building. The zoning code requires a minimum of one off-street parking space per 400 square feet of Gross Floor Area (GFA). Based on the GFA of the basement, four off-street parking spaces are required; none is available for a variance of four parking spaces in the OS zoning district at 877 White Bear Avenue North. PIN: 272922410058; and

WHEREAS, the Saint Paul Board of Zoning Appeals conducted a public hearing on March 26, 2018 pursuant to said application in accordance with the requirements of Section 61.601 of the Legislative Code; and

WHEREAS, the Saint Paul Board of Zoning Appeals based upon evidence presented at the public hearing, as substantially reflected in the minutes, made the following findings of fact:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

This is a 2,521-square foot building that was most recently used as a dental office on the main level. The applicant intends to use the building as an office for a real estate management company and construct an additional 1,696 square feet office space in the basement. The zoning code requires 1 off-street parking space per 400 square feet of Gross Floor Area (GFA). Based on the new GFA of the basement addition, four off-street parking spaces are required. This building was constructed in 1950 and this site has never had any available off-street parking, nor is there anywhere on site to install parking spaces, resulting in the need of the requested variance.

2. *The variance is consistent with the comprehensive plan.*

The Comprehensive Plan (Strategy 1.46) “encourages retail establishments located in close proximity to each other” because it “creates a synergy that benefits all businesses” resulting in more opportunities to attract new businesses as well expand existing ones. This finding is met.

3. *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

This property was constructed in 1950 without any available off-street parking. The location of the building on the lot does not allow for adequate space to install parking spaces and maneuvering lanes, making it difficult to meet off-street parking requirements. There is ample on street parking on Stillwater Avenue to supplement the lack of parking on site. This finding is met.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

Given that the building was designed without any available off-street parking is a circumstance unique to the property not created by the landowner. This finding is met.

5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

This property is zoned OS, office-service district. If granted, this variance will not allow a use that is otherwise not permitted. This finding is met.

6. *The variance will not alter the essential character of the surrounding area.*

Aside from the auto-oriented uses directly across the street, the businesses along White Bear Avenue have limited parking on their properties. Allowing this business to expand within the building without providing parking will not alter the essential character of the neighborhood. This finding is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Board of Zoning Appeals that the provisions of Section 63.207(a) are hereby waived to allow the building addition with no additional off-street parking, for a variance of four parking spaces, on property located at 877 White Bear Avenue North; and legally described as Birmingham Park S 1/2 Of Fol Lots 29 And Lot 30 Blk 3; in accordance with the application for variance and the site plan on file with the Zoning Administrator.

IS HEREBY APPROVED.

MOVED BY: Rangel Morales

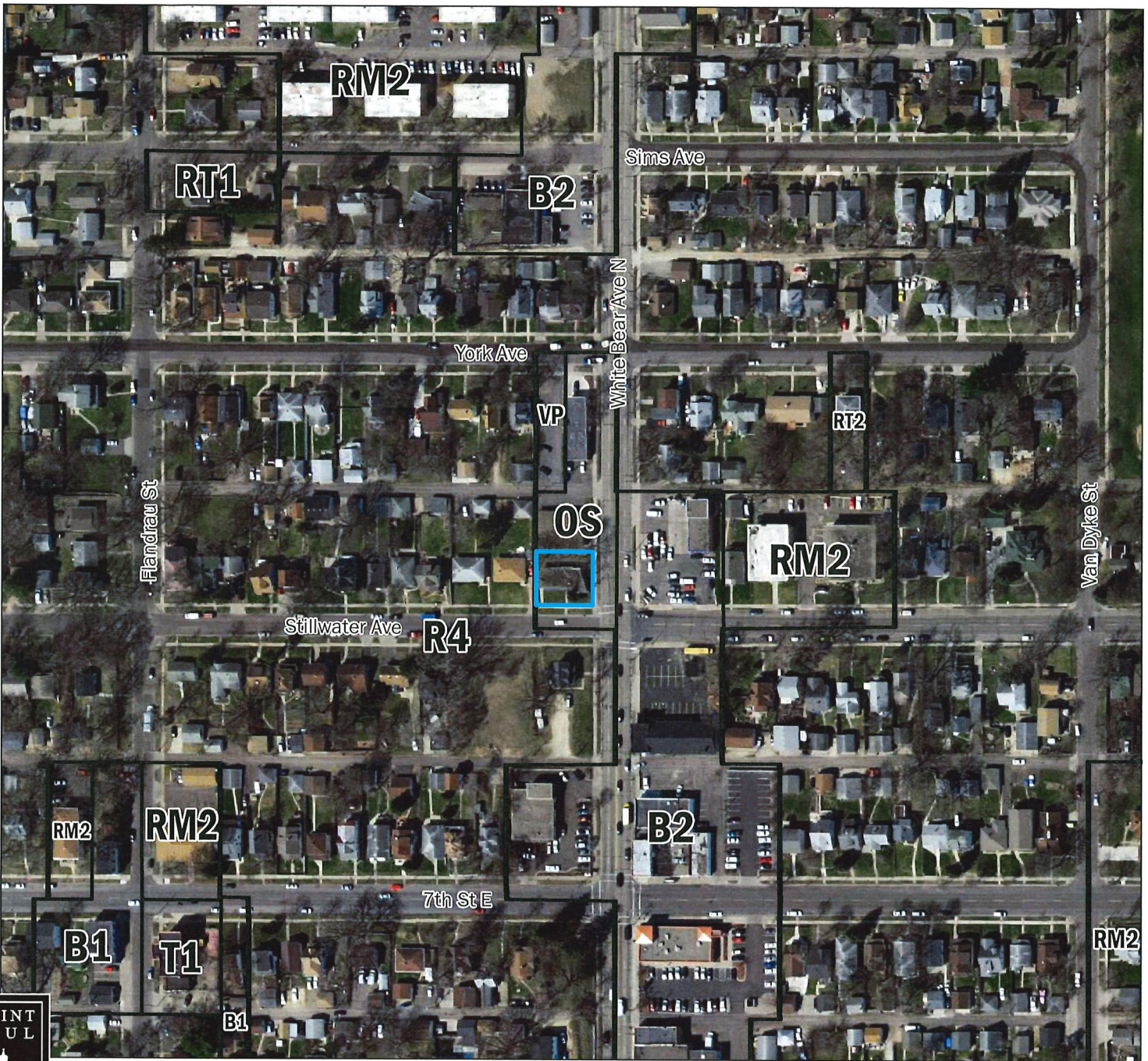
SECONDED BY: Maddox

IN FAVOR: 4

AGAINST: 0

RECUSED: 1

MAILED: April 2, 2018



FILE #18-084202 | AERIAL MAP

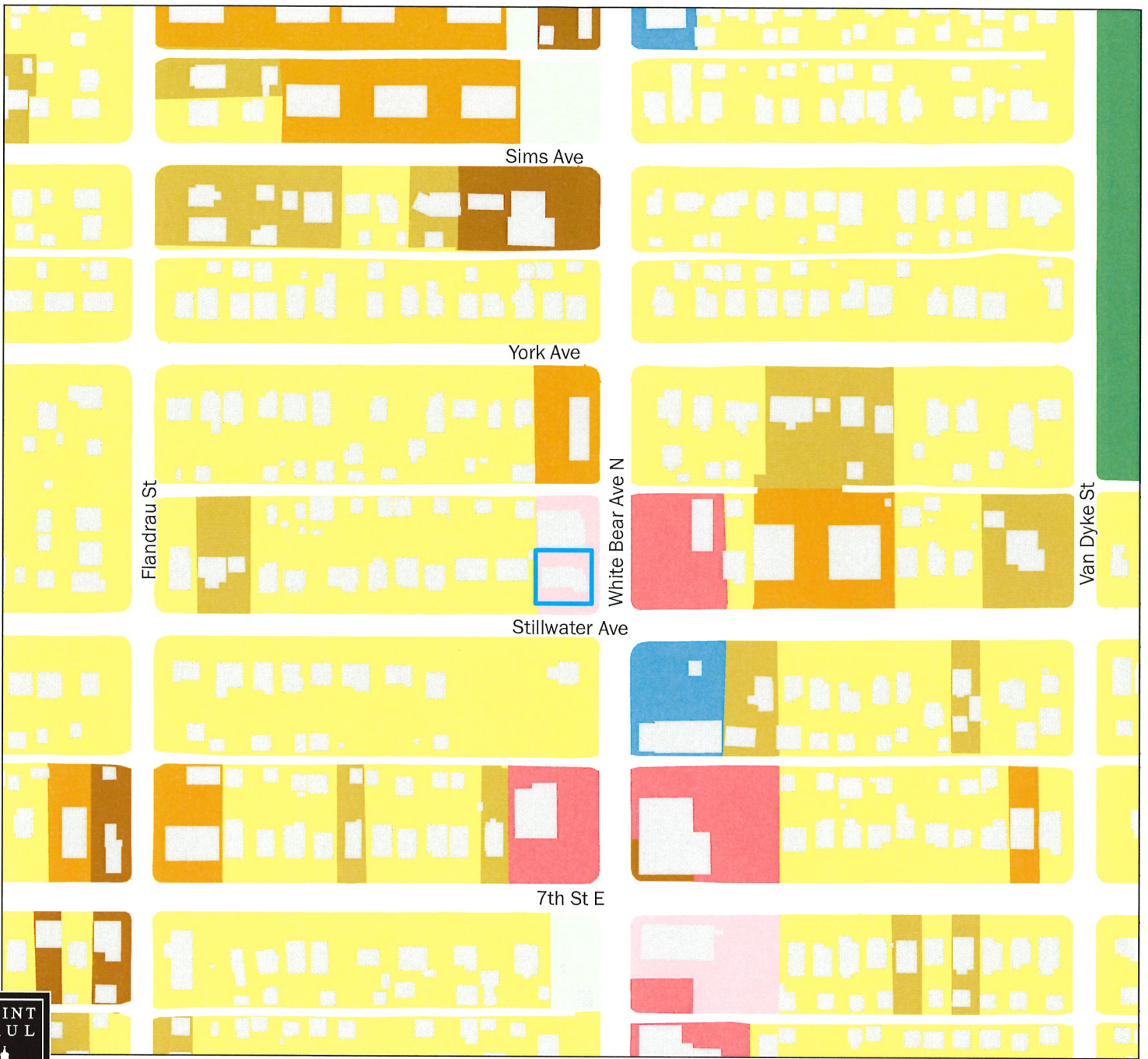
KBD Investments LLC

Application Type: Rezone
 Application Date: July 12th, 2018
 Planning District: 2

Subject Parcels Outlined in Blue



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 #18-084202 | LAND USE MAP

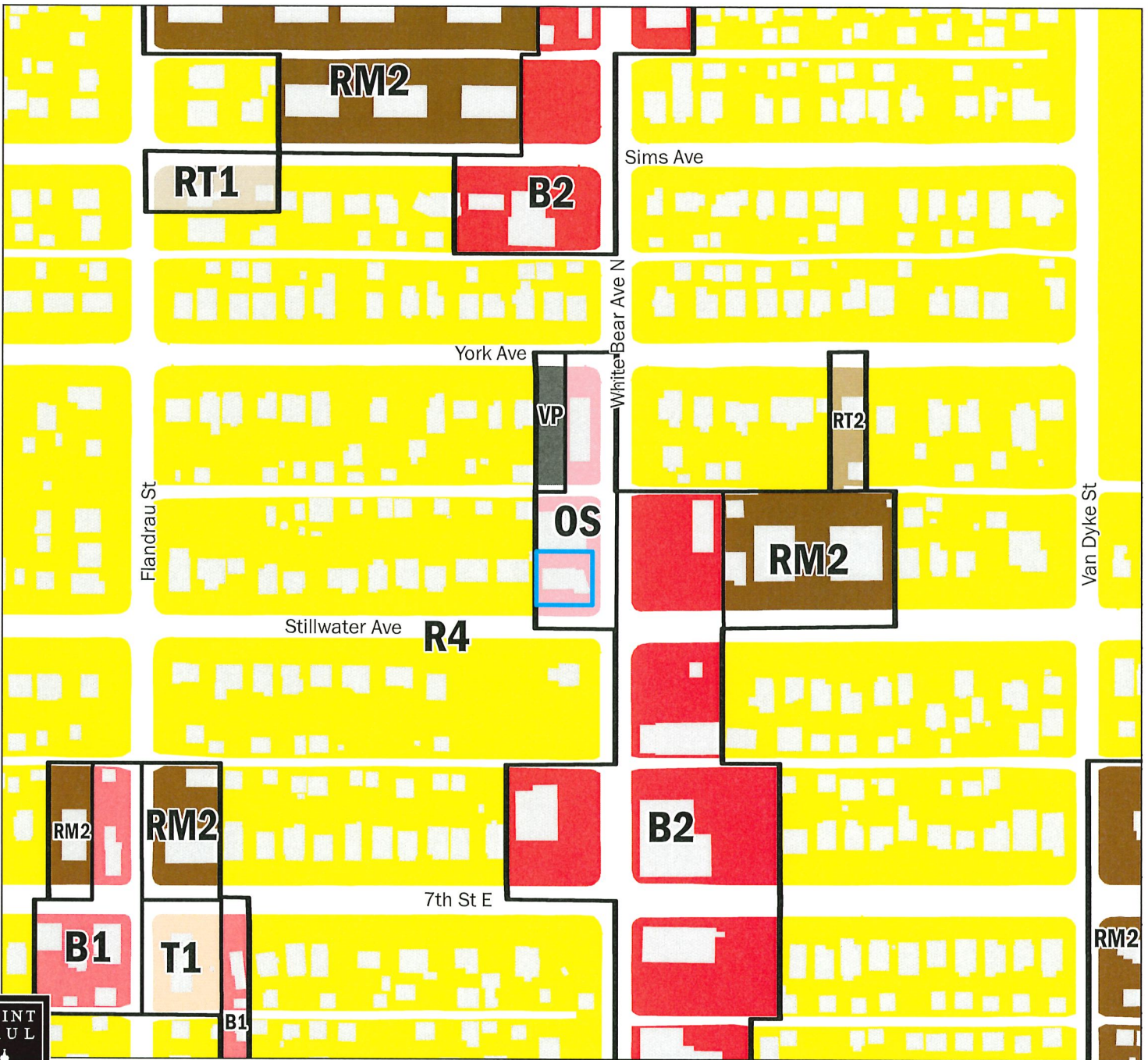
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- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural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

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FILE #18-084202 | ZONING MAP

KBD Investments LLC

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