

ZONING COMMITTEE STAFF REPORT

FILE NAME: 385 Topping Rezoning

FILE # 21-249-513

APPLICANT: Pillai Builders LLC

HEARING DATE: May 6, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 385 Topping Street, NE corner at Western Avenue

PIN & LEGAL DESCRIPTION: 25.29.23.31.0100; Lots 23 & 24, Block 3, Foundry Addition

PLANNING DISTRICT: 6

EXISTING ZONING: B1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: April 29, 2021

BY: Menaka Mohan

DATE RECEIVED: March 31, 2021 **60-DAY DEADLINE FOR ACTION:** July 29, 2021(extended)

- A. **PURPOSE:** Rezone from B1 local business to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 10, 794 sq. ft.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
North: single family home (RT1)
East: single family home (RT1)
West: pallet recycling center (I1)
South: single family home (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 was rezoned in 1975 to B1. The previous owner, Xcel Energy, received a demolition permit in 2009 to remove a chain link fence and a small concrete structure. Since 2009, the site has remained vacant. The applicant is proposing to build housing on the site, which is not an allowed use in the B1 district.
- G. **PARKING:** The proposed rezoning would permit a range of uses with different parking requirements. Zoning Code § 63.207 requires a minimum of 1 parking space per 1—2 room unit, and 1.5 parking spaces per 3 – 4 room dwelling unit.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 6 (North End Neighborhood Organization (NENO)) has not formally commented on the application at the time of this staff report, however the NENO Land Use Committee did support the rezoning at their April 27, 2021 meeting.
- I. **FINDINGS:**
1. The application is to rezone the property to T2 to allow some type of housing.
 2. The proposed zoning is consistent with the way this area has developed. The area is a mix of low-density residential and industrial uses along Western Avenue. Topping street is also a mix of industrial and low-density residential. T2 zoning would allow the proposed housing use but also conditionally permits limited processing and repair uses.
 3. The proposed zoning is consistent with the Comprehensive Plan. This location is identified as Industrial in the Future Land Use Map. Industrial areas are defined as:
a major source for employment in Saint Paul and are a significant net positive payer of property taxes, relative to the City services consumed. They have traditionally been defined as manufacturing, processing, warehousing, transportation of goods and utilities.

More contemporary uses, driven by technological advances, include medical tech and limited production and processing. The intent is for this land use type to remain adaptable, relevant and supportive of well-paying jobs with low barriers to entry and a growing tax base.

While the applicant is considering housing, the T2 zoning district also allows for limited production and processing uses, which aligns with the 2040 Comprehensive Plan, Future Land Use category. The proposed rezoning is also consistent with the North End District 6 Plan, in particular policy Land Use policy LU1, which calls for reducing conflicts between industrial and residential uses. T2 is a district that could provide that transition by allowing both industrial and residential uses.

4. The proposed zoning is compatible with surrounding uses. The lot to the west is an industrial use and the rest of the site is surrounding by single family homes. The proposed use, a duplex or multi-family housing, will provide a nice transition at the corner for Topping and Western Avenue as Western Avenue has more residential uses 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 T2 zoning here would not be considered spot zoning because it permits both residential and commercial uses consistent with the surrounding residential and commercial uses.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B1 local business to T2 traditional neighborhood at 385 Topping Street.



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)	Pillai Builders							
Address	1769 Lexington Ave. N. #207	City	Roseville	State	MN	Zip	55113	
Email	quintus@pillaibuilders.com		Phone	612.876.7607				
Contact Person (if different)	Angela Hummelgard		Email	everestmnproperties@hotmail.com				
Address	PO Box 764	City	Prior Lake	State	MN	Zip	55372	
<i>(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)</i>								

PROPERTY INFO

Address/Location	385 Topping Street		
PIN(s) & Legal Description	252923310100 - Lot 23 Block 3 of Foundry Addition		
<i>(Attach additional sheet if necessary.)</i>			
Lot Area	_____	Current Zoning	B1

TO THE HONORABLE MAYOR AND CITY COUNCIL:

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

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a B1 zoning district to a T2 zoning district, for the purpose of:

undecided at this time. Possibly considering housing of some type. Potentially a duplex or other multi family housing.

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.

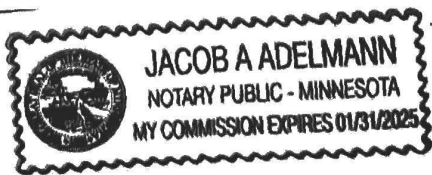
Subscribed and sworn to before me

Date April 8th 2021

By: [Signature]
Fee owner of property

Title: owner

[Signature]
Notary Public



Request for Continuance

Date: April 14, 2021

Cedrick Baker, Chair
Zoning Committee
City of Saint Paul
1400 City Hall Annex
Saint Paul, MN 55102

Re: Zoning File # 21-249-513

Dear Mr. Baker:

I am the applicant or the applicant's duly appointed representative for this zoning file.


I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on April 22, 2021 to allow for the North End Neighborhood Organization (NENO) District Council to hear about this project at their April 27, 2021 Land Use and Housing meeting.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for April 30, 2021, will also be continued.

I request that the Zoning Committee continue the public hearing for this zoning file to May 6, 2021, I understand that the Planning Commission would then be scheduled to make their decision on May 14, 2021.

I am aware of and understand the statutory requirements found in Minn. Statue § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty-day period for a City decision under Minn. Stat. §15.99 by 60 days to July 29, 2021 to accommodate the continuance, I am requesting.

Sincerely,

DocuSigned by:

151F84C881B8468

Signature of applicant or
applicant's duly appointed
representative

Angela Hummelgard

Printed name of applicant or
applicant's duly appointed
representative

Updated: 3/4/21

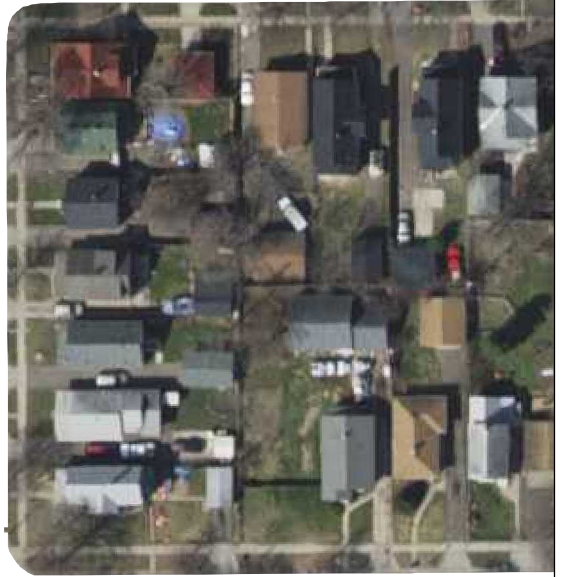


Burgess St



Topping St

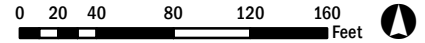
Western Ave N



FILE #21-249-513 Aerial Map Application of Pillai Builders LLC

Application Type: Rezone
Application Date: March 31, 2021
Planning District: 6

Subject Parcel(s) 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.



Burgess St

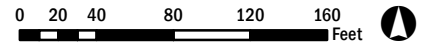
Western Ave N

Topping St



FILE #21-249-513 Existing Land Use Map Application of Pillai Builders LLC

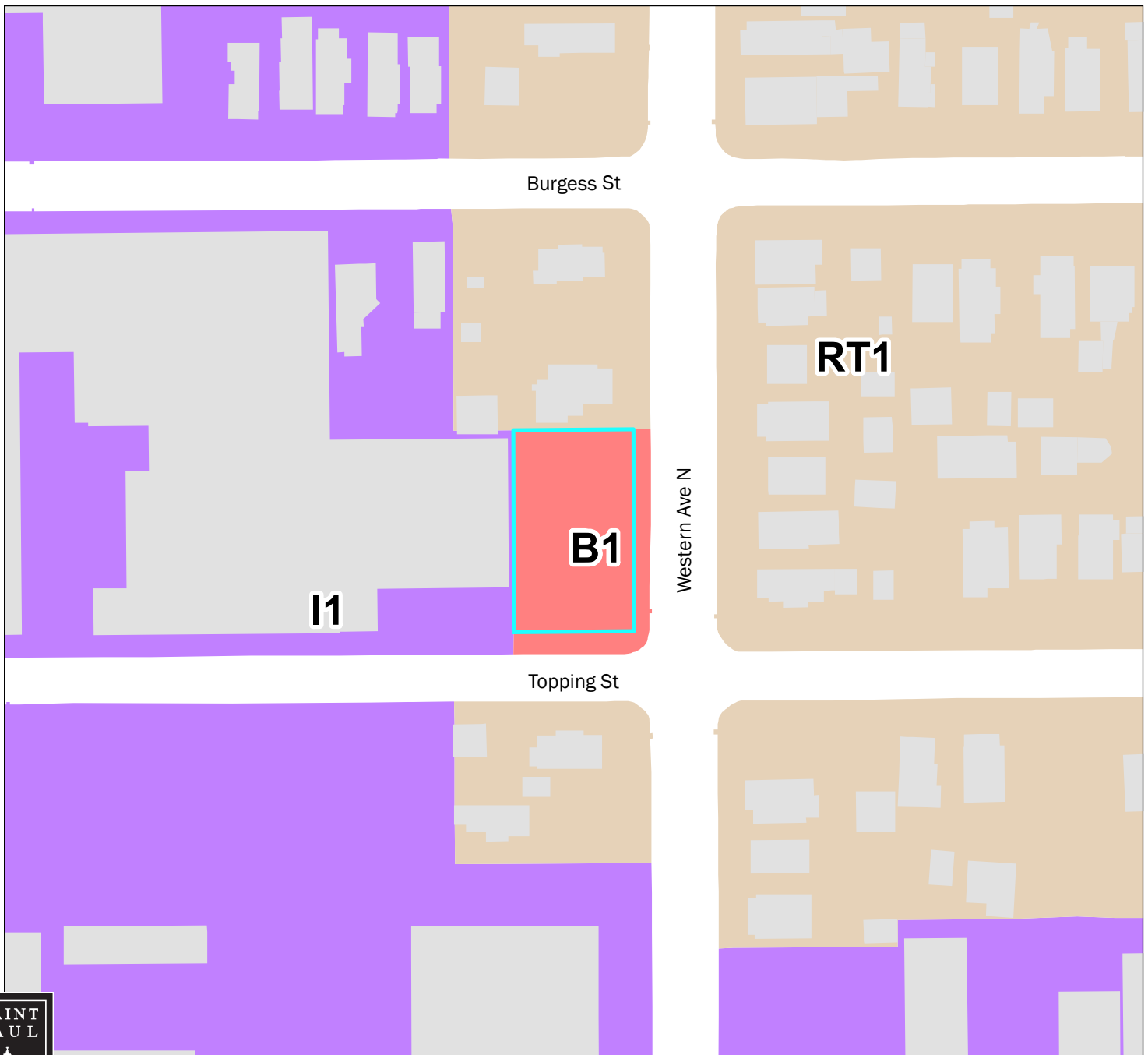
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Application Date: March 31, 2021
Planning District: 6



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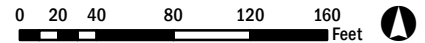
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 | |



FILE #21-249-513 Zoning Map
Application of Pillai Builders LLC

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Subject Parcel(s) Outlined in Blue

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