Summit Hill Association
Zoning and Land Use Committee
Committee Report
Date: Jan. 22, 2019
Address: 770 Grand Ave
Subject: Rezoning form BC to T2
Current Use: Hair salon
Proposed use: Tea house

Subject Property: 770 Grand Avenue.
Zoned BC (converted residence).

Rezoning Criteria and Procedure

The City of St Paul has four criteria with which to evaluate a rezoning application. Some of the issues that are evaluated by the City with respect to rezoning proposals include:

- Compatibility with land use and zoning classification of property within the general area.
- Suitability of the property for the uses permitted under the existing zoning classification.
- The trend of development in the area of the property in question.
- Consistency with the Comprehensive Plan and District Plan.

Additionally, a petition of consent is required for certain types of up-zoning. “...rezonings from residential to commercial or industrial zoning districts cannot be considered unless a notarized petition of two-thirds of the property owners within 100 feet of the property has been obtained stating support for the use.” A petition should not be required in this case, as the existing zoning is already commercial.

Technically, rezoning a property is an amendment to City Ordinance. It requires approval by the Zoning Committee of the Planning Commission, the full Planning Commission, and then approval by the City Council. The process generally takes 3-4 months.

Existing Zoning: Adjacent and Nearby Properties

Adjacent properties on the south side of Grand Avenue are zoned as: B2 (Corner building w/ Brueggers, Red Rabbit), BC [subject property at 770 Grand], RM2 (2-story apartments), B2 (commercial buildings with India House, Grand Old Creamery, ReMax)
Opposite properties on the south side of Grand Avenue are zoned as: B2 (Corner building w/ North Face, vacant Loft Space), B2 Braza, B3 Punch and Caribou; B2 is the corner property which is a 5-story residential structure (1980s brick condos) – not sure why it is zoned as business instead of RM2.

Cross-Alley properties: all are zoned R4 single family.

Existing and Proposed Zoning: Description of District Intent

Subject property is zoned BC, which is a specialty zoning for businesses in former residential structures. This is a common zoning category along Grand Avenue. The Summit Hill/District 16 Neighborhood Plan\(^1\) specifically mentions converted businesses: “The character of this area is defined by a variety of building types used for commercial activities. Some residential homes have been converted to retail and office space.” Further, in section G4 Commercial and Housing Mix, the District Plan calls for the retention of “B2-C (commercial uses in residential structures) and residential zoning on Grand Avenue:”

G4a Discourage rezoning of residential uses on Grand Avenue to more intensive uses.

\(^1\) [https://www.stpaul.gov/DocumentCenter/View7/Summit%2520Hill%2520Plan%2520Summary-District%252016.pdf](https://www.stpaul.gov/DocumentCenter/View7/Summit%2520Hill%2520Plan%2520Summary-District%252016.pdf)
The intent of BC:

**Sec. 66.413. - Intent, BC community business (converted) district.**
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. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use.\(^2\)

The requested re-zoning is for T2, the second (of four) Traditional Neighborhood zoning designations. T2 is more intense than T1 and less intense than T3 and T4.

**T2 (Traditional Neighborhood 2) Zoning District**

**Sec. 66.313. - Intent, T2 traditional neighborhood district.**
The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.\(^1\)

The District Plan (adopted in 2006) has no mention of Traditional Neighborhood zoning districts. I believe this is because they were added to the zoning code later (latest revision of 66.313 was in 2011). Prior to Traditional Neighborhood zoning, the standards for the various R- and B- classifications often would not allow the type of structures that were already in existence, creating legal non-conforming status for many traditional buildings and uses. Traditional Neighborhood districts were written with the intent of “making legal” development that matched existing neighborhood mixed-use corridors, like Grand Avenue.

**Existing and Proposed Zoning: Description of Dimensional Standards** (See Chapter 65)
Subject property is zoned BC, which has dimensional standards that are similar to R4 residential districts: lot coverage of 35%, 30’ height limits, 4’ side yard setbacks and 25’ rear and front yard setbacks.

In the BC community business (converted) district, principal structures shall not cover more than thirty-five (35) percent of any zoning lot, and residential buildings shall meet the minimum lot size per unit requirements of section 66.231 for the RM2 multiple-family residential district.

The requested re-zoning is for T2 is more complicated, and varies by use. A complete listing of T2 requirements is located in Table 66.331

The height limit for T2 (and T1) is 35’, or 5’ higher than BC. The subject property is included in the Grand Avenue Overlay District, which has 30’ height limit for residential structures and 35’ for mixed use.

**Front setback** requirements vary between 10’-25’ and are subject to the average setback of the block:
Where at least fifty (50) percent of the front footage of the block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula. The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

On this block, as on several blocks on Grand, the corner properties are built to the street face, and the midblock buildings (often residential structures) have larger setbacks. The subject property is part of a group of three properties with a larger setback from the street.

Rear and side yard setbacks are not required in T2, except under certain circumstance. In the event of new construction on this site, a 6’ setback would be required from the east property line due to the adjacent residential structure. See footnote K under Table 66.331 for more detail.

**Existing and Proposed Zoning: Permitted Uses (See Chapter 66)**

Subject property is zoned BC, which permits residential and commercial uses. This district permits residential uses, including single family, two-family, townhouses, and multi-family dwellings; other residential uses (rooming houses, sober housing) are allowed with a conditional use permit. Most civic and intuitional uses are permitted as well. For a complete list see Table 66.421, “Principal Uses in Business Districts.” Most general retail uses are also allowed in BC. Prohibited retail uses include: Drive-through sales and services, primary and accessory; Mortuary, funeral home; Outdoor uses, commercial; Pawn shop; Small appliance repair. **Most food and beverage uses are not allowed in BC.** Restaurant, bar, coffee/tea shop are not allowed in BC.

The requested re-zoning is for T2 allows a wider variety of uses. Like BC, this district permits residential uses: including single family, two-family, townhouses, and multi-family dwellings; other residential uses (rooming houses, sober housing) are allowed with a conditional use permit. Most civic and intuitional uses are permitted as well. For a complete list see Table 66.321, “principal uses in traditional neighborhood districts,” Most general retail uses are also allowed in T2, as they are in BC. Differences between BC and T2 include: Drive-through sales and services and “Outdoor uses, commercial” are permitted with a Conditional Use Permit; Mortuary, funeral home; tobacco shop; Small appliance repair are permitted uses in T2. Additionally, **most food and beverage uses are allowed in**
T2. Restaurant, bar, coffee/tea shop are not allowed in BC or in T1, but are permitted uses in T2.

**Existing and Proposed Zoning: Parking**

The amount of required off-street parking is determined by use in Sec. 63.207, Parking Requirements by Use, but can be modified by zoning districts (parking bonuses, etc.). A complete list of parking requirements is available in Table 63.207 “Minimum Required Off-Street Parking By Use.” The current use as a hair salon (“General retail, service business”) requires 1 space for 400 square feet Gross Floor Area (GFA); the requirement for a tea house is the same. Since there is no increase in the amount of required parking, whatever the existing provided parking is will be sufficient for the new use. This assumes that the tea shop will go into the existing structure. Any additions to or reconstruction would trigger a review of parking. If there is an existing deficiency in parking, new construction would require

| Restaurant, coffee shop, tea house, deli, taproom | 1 space per 400 sq. ft. GFA |

Subject property is zoned BC, which has specific requirements for off-street parking to be in the rear of the property.
Sec. 66.442. - Parking requirements in the BC community business (converted) district.
In the BC community business (converted) district, when existing buildings are converted from residential to business use, when existing buildings are enlarged, and when new buildings are erected, off-street parking shall be provided as follows:
(a) Off-street parking spaces shall not be located within a front yard and must be set back at least two (2) feet from a side lot line.
(b) Off-street parking facilities on lots without principal buildings shall provide principal access from the street.

Subject property currently has parking in the rear, with access from the alley.

T2 has more robust parking conditions, but also included a preference for parking in the rear of the property.

Sec. 66.341. - Required conditions in T1—T2 traditional neighborhood districts.
(a) Amount of parking. For buildings with more than six (6) dwelling units the minimum amount of required off-street parking for residential uses specified in section 63.207, Parking requirements by use, may be reduced by twenty-five (25) percent. This provision does not apply to live-work units.
(b) Placement of parking. Surface parking may be located:
   (1) To the rear of the principal building or within the rear yard of the parcel.
   (2) In an interior side yard if rear parking is impractical or insufficient, provided that surface parking areas and entrance drives occupy no more than fifty (50) percent of the total lot frontage. Surface parking areas in light rail station areas shall occupy no more than sixty (60) feet of the lot frontage.
   (3) On a separate lot, in compliance with section 63.304.
   (4) If a variance of this parking placement requirement is necessary to allow parking in front of a building because of special needs and site constraints, there should be a good pedestrian connection between the sidewalk and building entrance, and the area should be well landscaped.
(c) In the T1 district, all activities except for off-street parking and loading shall take place within completely enclosed buildings, with the exception of outdoor seating areas for coffee shops or similar uses.
(d) Storefronts or ground floors originally designed for commercial use shall not be converted to more than fifty (50) percent residential use without a conditional use permit. In conversion from commercial to
residential use, the elements of traditional storefront design, where present, shall be retained. These include door and window openings, display windows, intermediate cornice lines, sign bands, awnings, arcades, and primary entrances facing the public street.

(e) In mixed-use buildings, nonresidential uses shall be located on the first floor or lower floors of the building. Residential units in mixed-use buildings may be located on any floor, but not directly beneath a nonresidential use.

**Non-Conforming Use, Variance, Vs. Rezoning**

The City allows “legal non-conforming” uses in certain conditions, all of which are predicated on the non-conforming use being in existence for a period longer than ten years. A legal non-conforming use is not possible in this situation. Similarly, the variance process is to allow a structure “exceptional” status to the dimensional standards for a district. There is no variance for a non-permitted use. “The variance will not permit any use that is not allowed in the zoning district where the affected land is located”3 A variance is not possible in this situation. “Rezoning is a change in use or density from that permitted in the existing zone”4. Rezoning is the appropriate and only procedure for the applicant to seek to allow food service use (a tea house) on this property.

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