ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** East 7th and Bates Senior Apartments **FILE #:** 15-017-145
2. **APPLICANT**: Housing and Redevelopment Authority **HEARING DATE:** April 2, 2015
3. **TYPE OF APPLICATION:** Rezoning
4. **LOCATION:** 720 7th St E, SE corner at Bates
5. **PIN & LEGAL DESCRIPTION:** 322922130031; Proposed: Lots I, 2, 3, 4 and 5, AUDITOR'S SUBDIVISION NO. I 9, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and Lots 12, 13, 14 and 15, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, and part of Lots 10 and II, said AUDITOR'S SUBDIVISION NO. 72, lying southwesterly of a line described as commencing at the most northerly earner of Lot 5, said AUDITOR'S SUBDIVISION NO. 72; thence South 55 degrees 32 minutes 00 seconds West, along the northwesterly line of said AUDITOR'S SUBDIVISION NO. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot II and said line there terminating. Except the southeasterly 13.00 feet of the southwesterly 71.00 feet of Lot 15, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota. Parcel D: The southeasterly 13 ft of the southwesterly 71 ft of Lot 15 Auditor's Subdivsion No. 72
6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** T2
7. **ZONING CODE REFERENCE:** §61.801(b)
8. **STAFF REPORT DATE:** March 25, 2015 **BY:** Jake Reilly
9. **DATE RECEIVED:** March 11, 2015 **60-DAY DEADLINE FOR ACTION:** May 10, 2015

A. **PURPOSE:** Rezone a 92.3-square foot area being split off from the main property at 720 e. 7th Street from T2 Traditional Neighborhood to RT1 Two-family Residential to match the parcel to which it will be attached.

B. **PARCEL SIZE:** The full existing parcel is 69,246 square feet (1.59 acres). The portion to be split off and rezoned is 923 square feet (0.022 acres)

C. **EXISTING LAND USE:** Vacant

D. **SURROUNDING LAND USE:** Residential (RT1) to the south along 6th St E, southeast along Bates Avenue, commercial (T2) along 7th St. E to the northeast, and institutional (B2) to the southwest.

E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The previous owner of the parcel was Hospital Linen Service. The site has been vacant since at least 2006. Dominium is developing a 113-unit affordable senior rental apartment complex on the main part of the existing parcel along East 7th Street. An adjustment of common boundary is pending approval for the subject area being split off from 720 E. 7th Street to be attached to the adjoining residential property at 400 Bates Avenue.

G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, Dayton's Bluff District 4 Community Council has not commented.

H. **FINDINGS:**

1. The applicant requests rezoning from T2 Traditional Neighborhood to RT1 Two Family Residential to match the zoning of 400 Bates Avenue to which the rezoned area will be attached.
2. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Bates Avenue are zoned RT1.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along 6th St. as an Established Neighborhood. Land Use Strategy 1.5 calls for the City to maintain the character of Established Neighborhoods.
4. The proposed zoning is compatible with the surrounding residential and institutional uses.
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 RT1 zoning is not "spot zoning" because the RT1 uses are consistent with the adjacent residential zoning designations and uses.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval to rezone the 92.3-square-foot area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-family Residential to match the parcel to which it will be attached.

Charge to Developer's Deposit Account 5-210099999-20130 $1200

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

Zoning Office Use Only
File #: 15-017145
Fee: 1200.00
Tentative Hearing Date: 4-2-15

APPLICANT

Property Owner: Housing and Redevelopment Authority of the City of Saint Paul
Address: 25 Fourth Street Saint Paul, MN 55102
City: Saint Paul St. MN Zip 55102 Daytime Phone 651-266-6585
Contact Person (if different): Eduardo Barrera Phone 651-266-6585

PROPERTY LOCATION

Address/Location: 720 East 7th Street Saint Paul, MN 55106
Legal Description: The southeasterly 13.00 feet of the southwesterly 71.00 feet of Loat 15, AUDITOR'S SUBDIVISION No. 72, ~~according to the recorded plat thereof, Ramsey County, Minnesota.~~
Current Zoning: T2
(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 Statues, HRA of the City of Saint Paul, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a T2 zoning district to a RT1 zoning district, for the purpose of: Conveying this portion of property to the neighboring parcels on 406 Bates Avenue.

RECEIVED MAR - 6 2015 BY:

(attach additional sheets if necessary) See attached Survey

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me this 6th day of March, 2015

Laura L. Eckert
Notary Public

LAURA L. ECKERT
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/2020

By: [signature] PG
Fee owner of property
Title: Executive Director

Rev. 11/21/13

LEGEND

●	Denotes found iron monument	(P)	Denotes per plan/not field verified
		PKS	Denotes parking sign
AIS	Denotes advertisement/information sign	PP	Denotes power pole
BE	Denotes building entrance	PPLP	Denotes power and light pole
CB	Denotes catch basin	PPU	Denotes power pole with underground utility
CMH	Denotes communication manhole	PVC	Denotes polyvinyl chloride pipe
CS	Denotes curb stop	RCP	Denotes reinforced concrete pipe
CST	Denotes concrete step	RD	Denotes roof drain
DIP	Denotes ductile iron pipe	SAN	Denotes sanitary manhole
EHH	Denotes electric hand hole	SAN S	Denotes sanitary sewer
EM	Denotes electric meter	SMH	Denotes storm manhole
GM	Denotes gas meter	ST S	Denotes storm sewer
GAS V	Denotes gas valve	SWB	Denotes stone wall base
GW	Denotes guy wire	UCC	Denotes underground communication line
GYP	Denote guy pole	VCP	Denotes vitrified clay pipe
HCR	Denotes handicap ramp	W	Denotes water line
HYD	Denotes fire hydrant	WST	Denotes wood steps
LP	Denotes light pole	WV	Denotes water valve
MC	Denotes metal cover		
MH	Denotes manhole	BAS	Denotes Basswood tree
OHC	Denotes overhead communication line	BOX	Denotes Boxelder tree
OHE	Denotes overhead electric line	LOC	Denotes Locust tree
OHU	Denotes overhead utility line	MPL	Denotes Maple tree
			Denotes Torrens property

LIST OF POSSIBLE ENCROACHMENTS

The following list of possible encroachments is only the opinion of this surveyor; should not be interpreted as a legal opinion and should not be interpreted as a complete listing.

[A] Possible encroachments are indicated on survey with boxed letters as listed below.

A.) Landscaped area adjacent to the bituminous driveway in the most southerly corner of the subject property.

ZONING NOTE

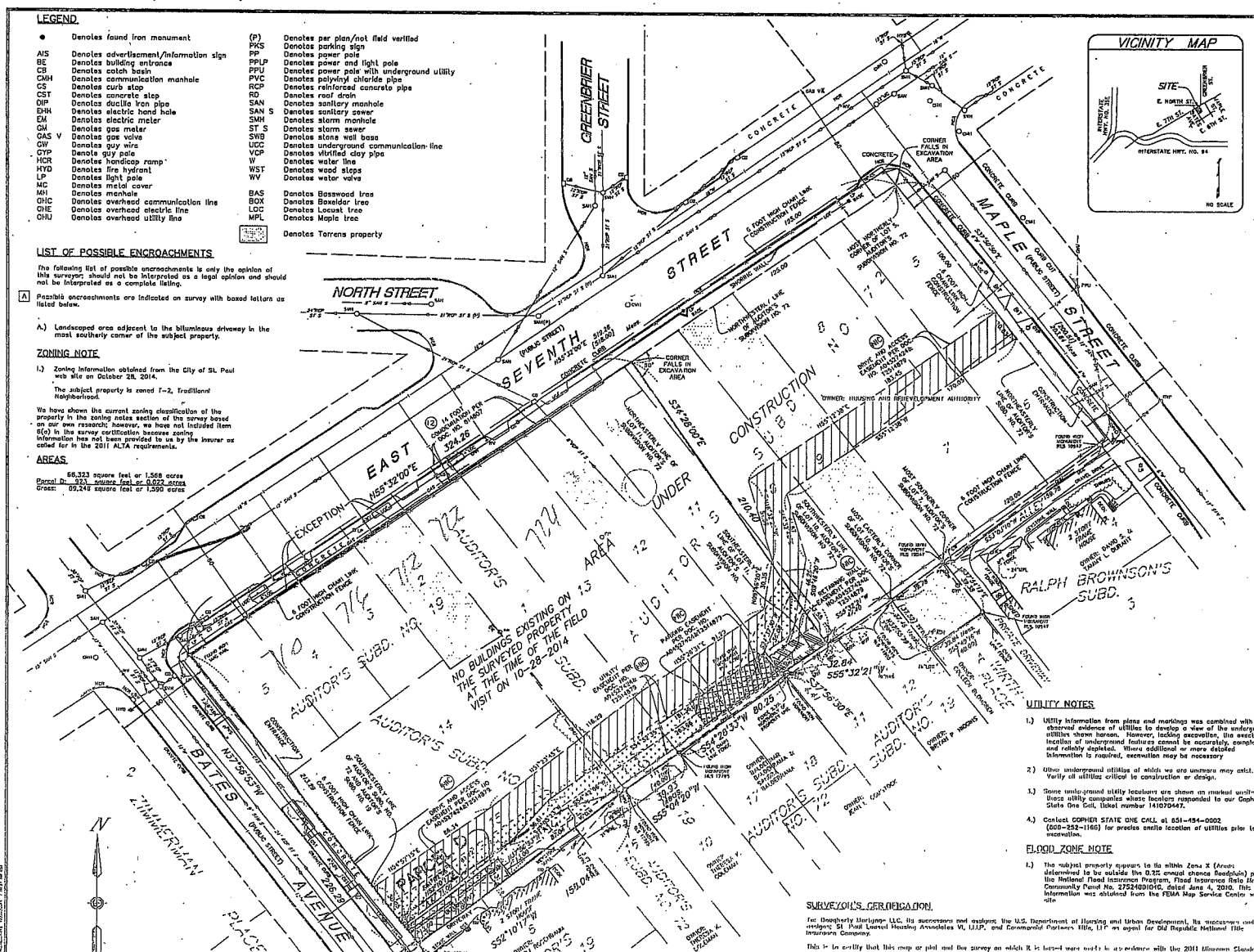
1.) Zoning information obtained from the City of St. Paul web site on October 28, 2014.

The subject property is zoned T-2, Traditional Neighborhood.

We have shown the current zoning classification of the property in the zoning notes section of the survey based on our own research; however, we have not included item 6(a) in the survey certification because zoning information has not been provided to us by the insurer as called for in the 2011 ALTA requirements.

AREAS

68,323 square feet or 1.568 acres
Parcel D: 923 square feet or 0.022 acres
Gross: 69,246 square feet or 1.590 acres



VICINITY MAP

DESCRIPTION OF PROPERTY SURVEYED

(Per Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company Commitment for Title Insurance, Commitment No. 38999 First Supplemental, commitment date August 26, 2014.)

Lots 1, 2, 3, 4 and 5, Auditor's Subdivision No. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the Northwesterly 14.00 feet thereof; and Lots 12, 13, 14 and 15, Auditor's Subdivision No. 72, according to the recorded plat thereof, Ramsey County, Minnesota, and part of Lots 10 and 11, said Auditor's Subdivision No. 72, lying Southwesterly of a line described as commencing at the most Northerly corner of Lot 5, said Auditor's Subdivision No. 72; thence South 55 degrees 32 minutes 00 seconds West, along the Northwesterly line of said Auditor's Subdivision No 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 20 minutes 00 seconds East 210.40 feet to the Southeasterly line of said Lot 11 and said line there terminating.

Ramsey County, Minnesota
Abstract Property
Torrens Property
Torrens Certificate No. 576544

PROPOSED DESCRIPTION

Lots 1, 2, 3, 4 and 5, AUDITOR'S SUBDIVISION NO. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and Lots 12, 13, 14 and 15, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, and part of Lots 10 and 11, said AUDITOR'S SUBDIVISION NO. 72, lying southwesterly of a line described as commencing at the most northerly corner of Lot 5, said AUDITOR'S SUBDIVISION NO. 72, thence South 55 degrees 32 minutes 00 seconds West, along the northwesterly line of said AUDITOR'S SUBDIVISION NO. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 20 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating. Except the southeasterly 13.00 feet of the southwesterly 71.00 feet of Lot 15, AUDITOR'S SUBDIVISION NO 72, according to the recorded plat thereof, Ramsey County, Minnesota.
Abstract and Torrens property

Torrens Certificate No. ____ ____ ____

Contains: 68,323 square feet or 1.568 acres

PROPOSED DESCRIPTION OF PARCEL D

The southeasterly 13.00 feet of the southwesterly 71.00 feet of Lot 15, AUDITOR'S SUBDIVISION NO 72, according to the recorded plat thereof, Ramsey County, Minnesota.

Abstract Property

Contains: 923 square feet or 0.022 acres

THE PROPOSED DESCRIPTIONS ARE NOT OF RECORDED YET, AND WILL NEED TO REPLACE THE DESCRIPTION SHOWN IN THE CURRENT TITLE COMMITMENT.

PLAT RECORDING INFORMATION

The plat of AUDITOR'S SUBDIVISION NO. 19 was filed of record on February 11, 1901.
The plat of AUDITOR'S SUBDIVISION NO. 72 was filed of record on March 22, 1932 as Document No. 832324.

[ ] Bearings and/or dimensions listed within brackets are per plat or record documents.

TITLE COMMITMENT

Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company Commitment for Title Insurance, Commitment No. 38999 First Supplemental, commitment date August 26, 2014 relied upon as to matters of record.

Schedule B Exceptions:

(1) Exceptions are indicated on survey with circled numbers where applicable

12.) Terms and conditions of Order filed March 27, 1931, as Document No. 814807. (Lot 1, Aud. Sub. No. 19) (shown on survey)

13.) Subject to a reservation by the State of Minnesota of all minerals and mineral rights as shown by recital on the Certificate of Title. (Lot 2, Aud Sub. No. 19) (not plottable)

15.) Terms and conditions of Declaration for Maintenance of Stormwater Facilities dated August 20, 2014, filed September 2, 2014, as Document No. 4521871. (Proposed features-not plottable)

NOT INCLUDED IN COMMITMENT (NIC)

7.) Rights, obligations, use restrictions and easements as contained in Declaration of Easements, Covenants, Conditions and Restrictions dated October 9, 2014, filed October 10, 2014, as Document No. A4527424 (Abstract) and as Document No. T2514929 (Torrens) (shown on survey and See Sheet 2 for more detail)

GENERAL NOTES

1.) Survey coordinate and bearing basis: Ramsey County System (North American Datum of 1983 Coordinates, final adjustment December 17, 1991)

2.) There is observed evidence of current earth moving work

3.) There was no observed evidence of recent street construction or repairs. There is observed evidence of recent sidewalk construction or repairs. Per the City of St. Paul Public Works-Right of Way Division, there are no proposed changes in street right of way lines.

4.) There was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.

5.) There are no buildings or improvements on site, therefore in the Surveyor's Certification Items 7(a), 8, 10(a), 10(b) and 20(a) of table A are not applicable

6.) No wetlands on site per Phoenix Engineering report dated October 10, 2014 The reports states as follows: "Based on the national soils information, topographic location, lack of documented wetlands, lack of wetland signatures observed in the reviewed historic and current aerial photos, and history of building development on the Site, it is our professional opinion that no wetlands are present on the Site."

Name of Survey
Project Name: The Cambric
PIN Project No.
City of St. Paul, Ramsey County, Minnesota.

UTILITY NOTES

1.) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, excavation may be necessary

2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.

3.) Some underground utility locations are shown on marked onsite by those utility companies whose locators responded to our Gopher State One Call, ticket number 141070447.

4.) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.

FLOOD ZONE NOTE

1.) The subject property appears to be within Zone X (Areas determined to be outside the 0.2% annual chance floodplain) per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 27123C0301G, dated June 4, 2010. This information was obtained from the FEMA Map Service Center web site

SURVEYOR'S CERTIFICATION

To: Dougherty Mortgage LLC, its successors and assigns; the U.S. Department of Housing and Urban Development, its successors and assigns; St Paul Located Housing Associates VI, LLLP, and Commercial Partners Title, LLC as agent for Old Republic National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 8, 9, 10(a), 10(b) 11(a), 12, 13, 16, 17, 18, 19 and 20(a) of table A thereof. The field work was completed on October 28, 2014.

Dated this 31st day of October, 2014.

SUNDE LAND SURVEYING, LLC.

By _____ Arlen J. Carlson, P.L.S. Minn. Lic. No. 44900

PRELIMINARY
SUBJECT TO REVISION

1	Attorney survey comments	JBD	12/29/2014
Revision		By	Date

Revision Title

ALTA/ACSM LAND TITLE SURVEY FOR:
DOUGHERTY MORTAGE, LLC
THE CAMBRIC, ST. PAUL, MN

SUNDE LAND SURVEYING
www.sunde.com

Main Office: 8001 East Bloomington Freeway (35W) • Suite 110 Bloomington, Minnesota 55420-1410 952-881-3453 (Fax 952-888-9303)
West Office: Hayden, North Dakota 701-583-3552

Project: 2014-052-D | Bk/Pg: 696/23 | Date: 10/31/2014
Township: 29 Range: 22 Section: 36 | Sheet: 1 of 2
File: 2014052D001.dwg

0 55 110 220 Feet

Portion of parcel to be split off and rezoned

FILE NAME: East 7th and Bates Senior Apartments

APPLICATION TYPE: Rezone

FILE #: 15-017145 DATE: 3/27/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11

Saint Paul Department of Planning and Economic Development and Ramsey County

N W E S

0 82.5 165 330 495 660 Feet

FILE NAME: East 7th and Bates Senior Apartments

Aerial

Subject Parcel

APPLICATION TYPE: Rezone

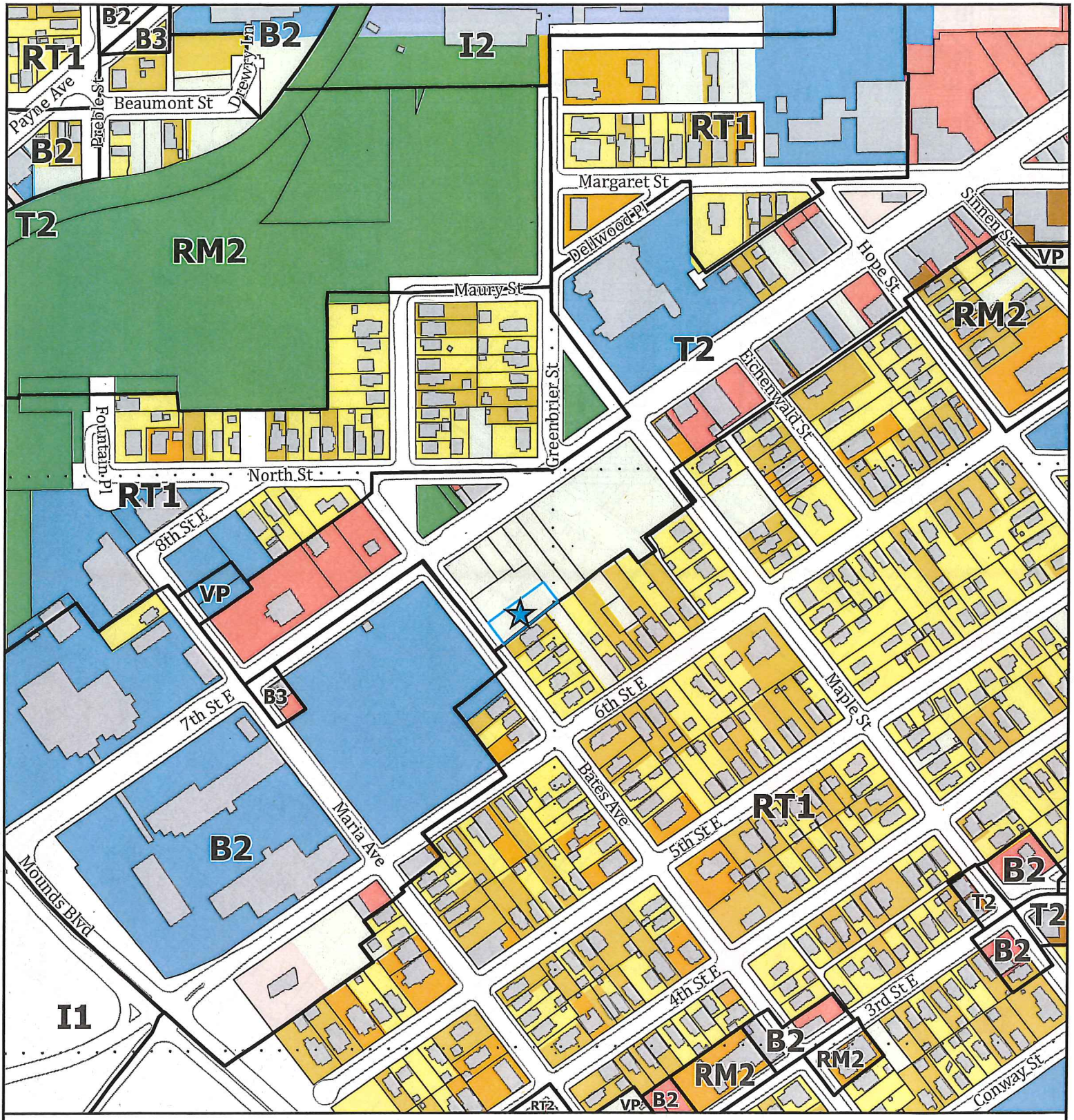
FILE #: 15-017145 DATE: 3/27/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11

Saint Paul Department of Planning and Economic Development and Ramsey County

N W E S



0 82.5 165 330 495 660 Feet

FILE NAME: East 7th and Bates Senior Apartments

APPLICATION TYPE: Rezone

FILE #: 15-017145 DATE: 3/27/2015

PLANNING DISTRICT: 4

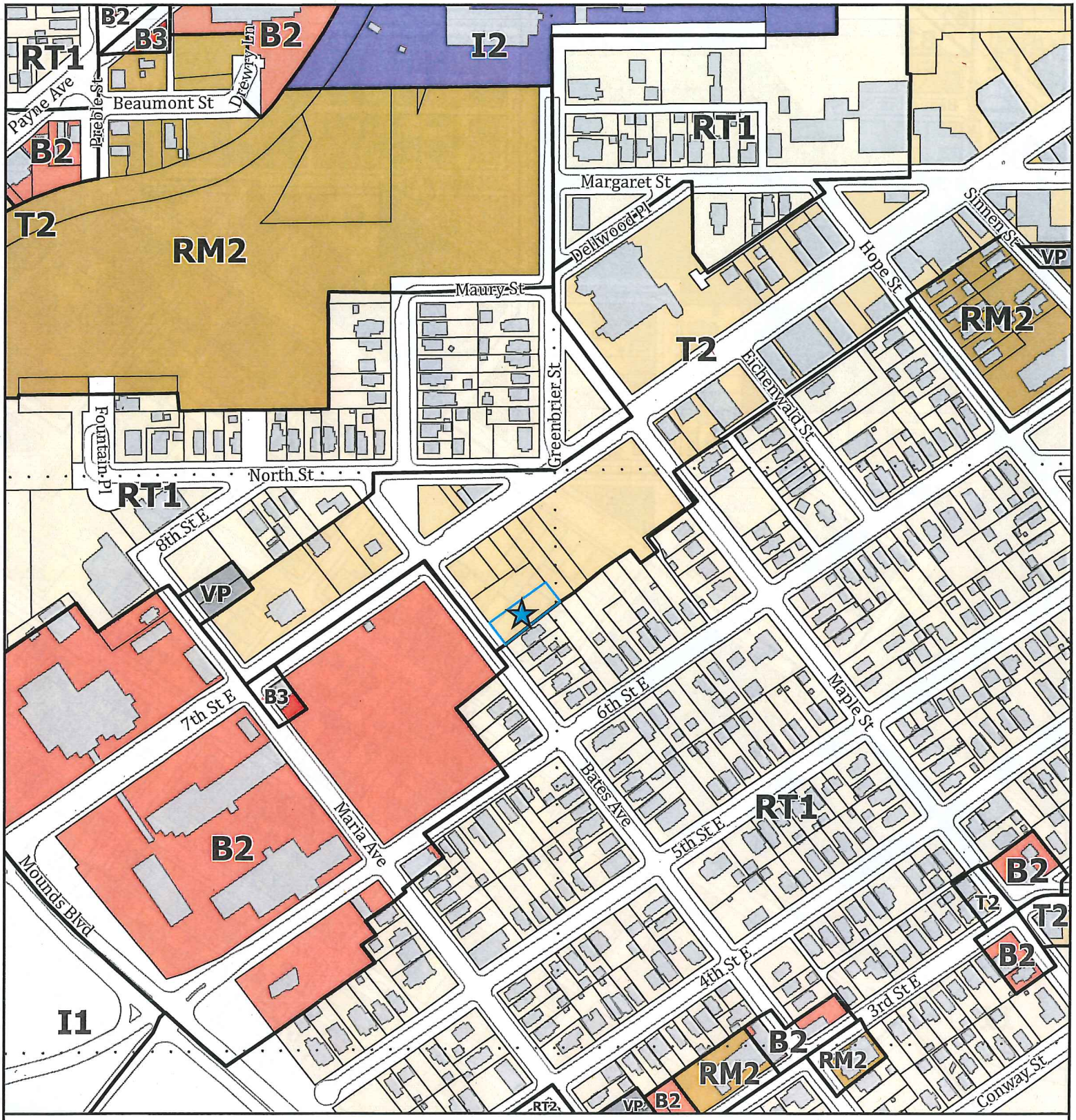
ZONING PANEL: 11

Land Use

- Subject Parcel
- Section Lines
- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County



0 82.5 165 330 495 660 Feet

FILE NAME: East 7th and Bates Senior Apartments

APPLICATION TYPE: Rezone

FILE #: 15-017145 DATE: 3/27/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11

Zoning

- Subject Parcel
- Section Lines
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking

N W E S

Saint Paul Department of Planning and Economic Development and Ramsey County