

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 1164 W 7th Rezoning **FILE #:** 21-226-435
 2. **APPLICANT:** Miley HR Separate Prop Trust **HEARING DATE:** February 25, 2021
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1164 7th St W, between Watson Avenue and Tuscarora Avenue
 5. **PIN & LEGAL DESCRIPTION:** 112823420207; REARRANGE OF B12 CLARKES ADD
SUBJ TO ST; LOTS 3 4 & LOT 18 BLK 12
 6. **PLANNING DISTRICT:** 9 **EXISTING ZONING:** RT2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** February 18, 2021 **BY:** Anton Jerve
 9. **DATE RECEIVED:** January 28, 2021 **60-DAY DEADLINE FOR ACTION:** March 29, 2021
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- A. **PURPOSE:** Rezone from RT2 townhouse residential to RM2 multiple-family residential.
- B. **PARCEL SIZE:** 11,199 sq. ft.; 80 ft. frontage on West 7th Street (irregular lot).
- C. **EXISTING LAND USE:** Residential
- D. **SURROUNDING LAND USE:**
North: Institutional/Residential (RT2);
East: Residential (RT2);
West: Mixed-Use (B2);
South: Mixed-Use (B3/RT2)
- 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 recognized as a pre-existing sober house for nine residents in 2008 as part of the Sober House Zoning Study and approved for a sober house for 11 residents by the Zoning Administrator in 2019 (File #19-072541).
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 space per 1—2 room unit.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 9 has provided a letter of support for the application.
- I. **FINDINGS:**
 1. The application is to rezone the property to allow future multifamily redevelopment. It is anticipated to include 10-14 market rate one-bedroom units.
 2. The proposed zoning is consistent with the way this area has developed. The area is a mix of commercial and residential uses, which has evolved over time with higher density housing and a mix of uses generally concentrated along West 7th Street.
 3. The proposed zoning is consistent with the Comprehensive Plan. The proposed rezoning is consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use in the Future Land Use Map. Mixed-Use areas are defined as:
Mixed-Use areas are primarily along thoroughfares well-served by transit. The main distinguishing characteristic is a balance of jobs and housing within walking distance of one another. Historically, these areas developed in easily-accessible locations, and they will continue to be the most dynamic areas of Saint Paul.

These areas are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown.

The following policies are particularly applicable:

- *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.*
 - *Policy H-46. Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.*
4. The proposed zoning is compatible with surrounding uses. The use is adjacent to mixed use and a church. The use would provide a transition between higher density on West 7th Street and medium density residential to the southeast.
 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 rezoning would not be spot zoning. There are several RM2 zoning districts proximate to the site with frontage on West 7th Street. The intent of the RM2 zoning district is:

The RM2 medium-density multiple-family residential district is designed for multiple-family residential and supportive, complementary uses. Its intent is to foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs.

This intent is consistent with the 2040 Comprehensive Plan, as described in Finding 3.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT2 townhouse residential to RM2 multiple-family residential.



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) Miley H R Separate Prop Trust
Address 171 Mahew Waysuite 220 City Pleasant Hill State CA Zip 94523
Email hmiley@total propertysolutions.com Phone 925-588-9871
Contact Person (if different) Tom Distad Email Tom@TomDistad.com
Address 1991 Ford Pkwy City Saint Paul State MN Zip 55116
(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 INFO

Address/Location 1164 West 7th
PIN(s) & Legal Description 11-28-23-42-0207
(Attach additional sheet if necessary.)
Rearrange Of B12 Clarkes Add, SUBJ TO ST; LOTS 3 4 & LOT 18 BLK 12
Lot Area 11,199 Current Zoning RT2

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Miley H R Separate Prop Trust

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT2 zoning district to a RM2 zoning district, for the purpose of:

We would like to redevelop the property into 10-14 1 bedroom market rate apartments.

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 1/20 2021

[Signature]
Notary Public

By: [Signature]
Fee owner of property
Title: Trustee

**SEE ATTACHED
NOTARY DOCUMENT**

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF Contra Costa }


Subscribed and sworn to (or affirmed) before me on this 20th day of January, 2021
Date Month Year

by Hunter Robert Miley

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Signature: 
Signature of Notary Public

Seal
Place Notary Seal Above

----- **OPTIONAL** -----

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____



West 7th / Fort Road Federation

882 West 7th Street, Suite 6

Saint Paul, MN 55102

651.298.5599

www.FortRoadFederation.org

February 15, 2021

Zoning Committee
Saint Paul Planning Commission
Saint Paul, MN 55102
PED-ZoningCommitteeSecretary@ci.stpaul.mn.us

Subject: Letter of Support for 1164 West 7th Street Rezoning Application

Dear Zoning Committee and Planning Commission,

At its February 8, 2021 Board meeting, the West 7th / Fort Road Federation heard a request from Tom Distad to rezone the property at 1164 West 7th from RT2 to RM2. Earlier in February, the Federation's Transportation and Land Use Committee heard the request and spoke with Tom about the proposal; they recommended supporting the rezoning.

The Board voted unanimously in favor of supporting the rezoning; Wendy Underwood, who sits on the City of Saint Paul Planning Commission, abstained from the vote.

Tom's proposal for the development, resulting from the rezoning, is to build a 9-14 unit apartment building of one-bedroom units. It was particularly attractive to the Board and Committee because the project represents the "missing middle" of new construction housing which incrementally adds density to neighborhoods while still keeping the scale of the neighborhood. On-site parking (about 9 stalls) was shown on a concept site plan.

Thank you for the opportunity to weigh in on this matter. If you have any questions, please contact our Executive Director, Emily Northey, at 651.298.5599 or emily@fortroadfederation.org.

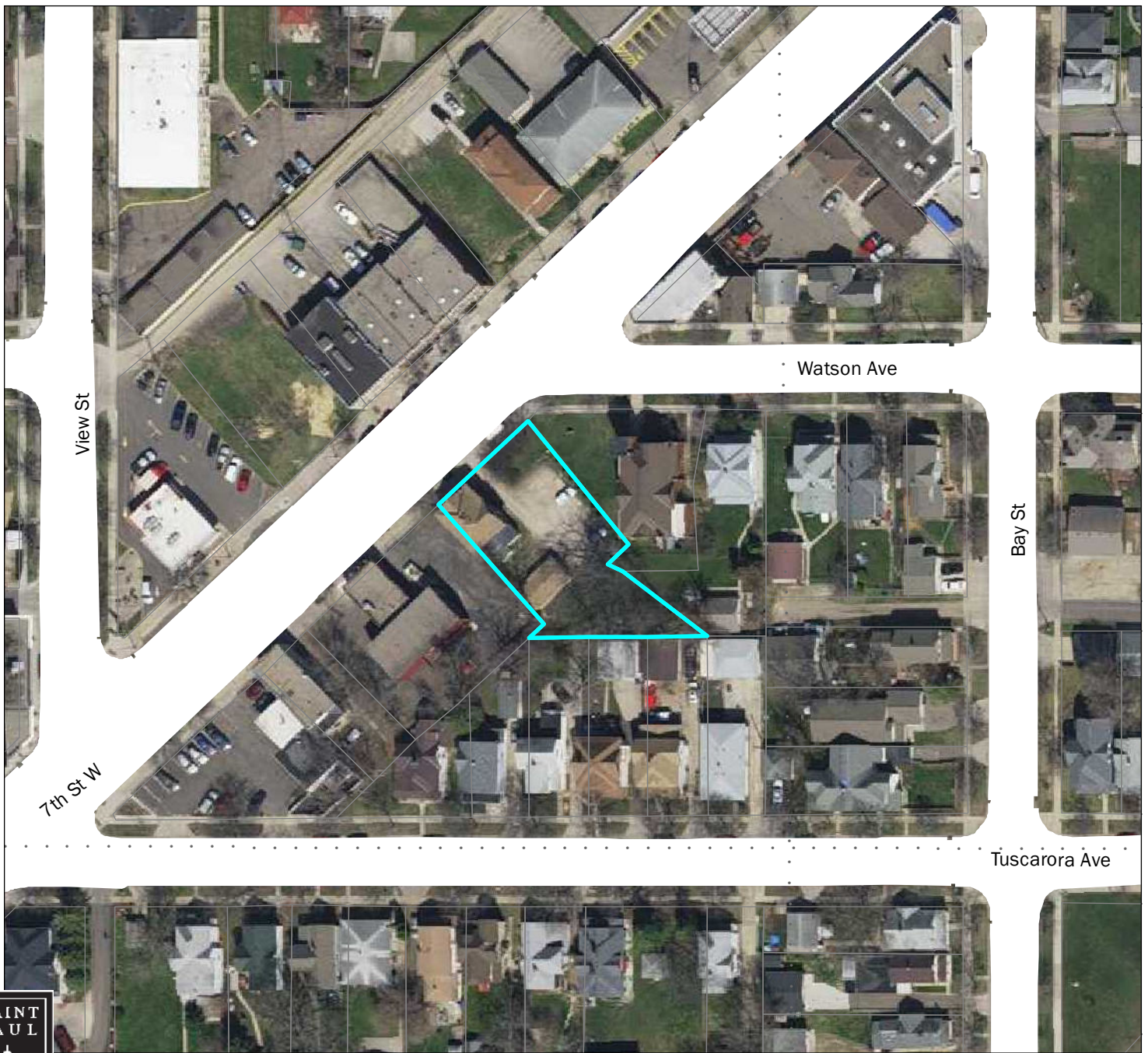
The Fort Road Federation coordinates participation in advocacy and planning and builds community connections for the residents, businesses, and nonprofit organizations of the West 7th neighborhood so that it is a place where people want to live, work, and play.

Thank you,

Emily Northey

Emily Northey
Executive Director

Cc: Tom Distad, Developer
Anton Jerve, City of Saint Paul PED
Ashley Skarda, City of Saint Paul DSI
Councilmember Noecker, City of Saint Paul



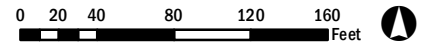
FILE #21-226-435 Aerial Map

Application of Miley H R Separate Prop

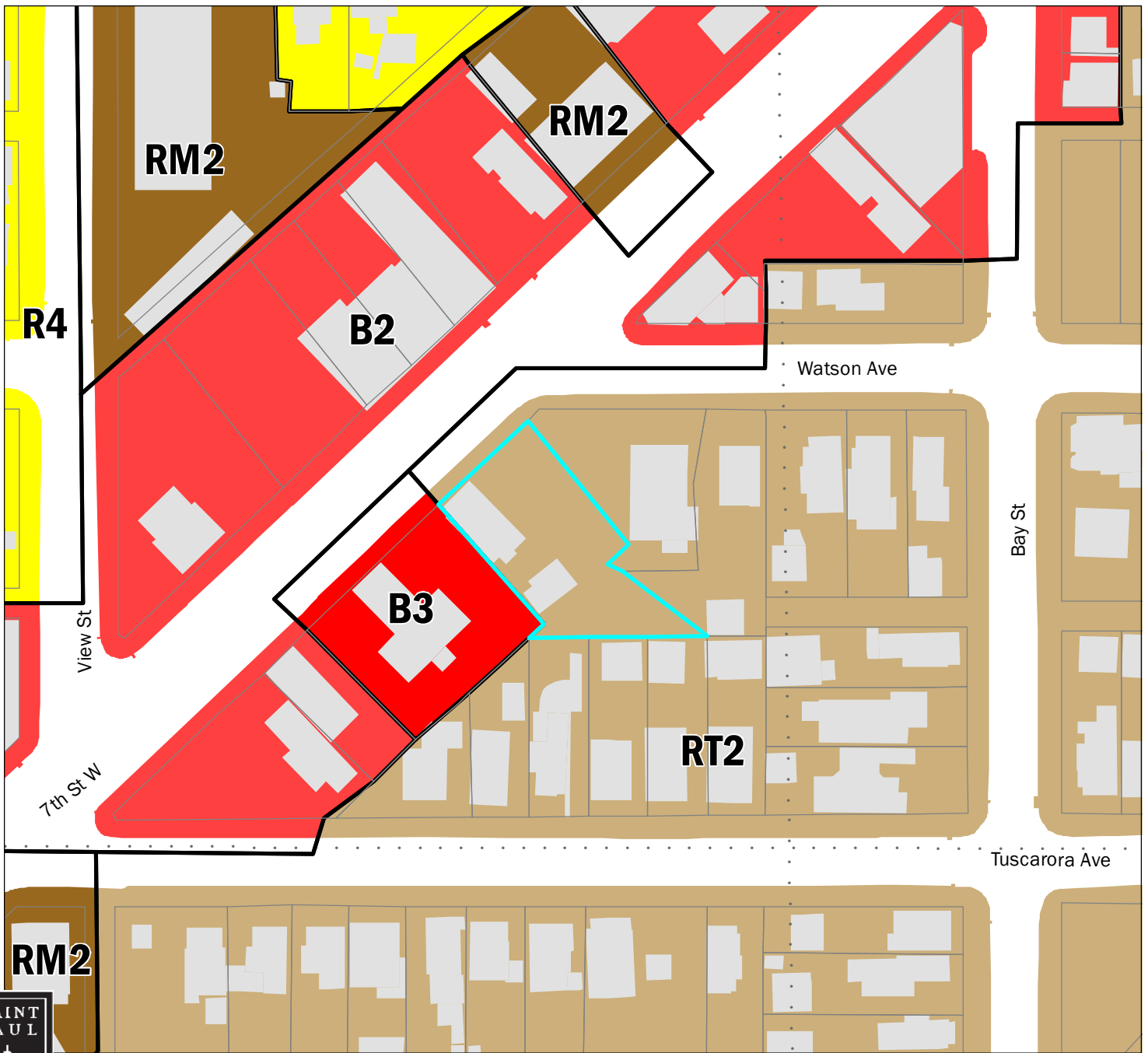
Application Type: Rezone
 Application Date: January 20,, 2021
 Planning District: 9

Subject Parcel(s) Outlined in Blue

ParcelPoly on

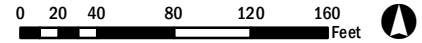


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FILE #21-226-435 Zoning Map Application of Miley H R Separate Prop

Application Type: Rezone
Application Date: January 20,, 2021
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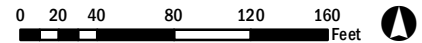
Subject Parcel(s) Outlined in Blue

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



FILE #21-226-435 Existing Land Use
Application of Miley H R Separate Prop

Application Type: Rezone
 Application Date: January 20,, 2021
 Planning District: 9



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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on | Multifamily | Industrial and Utility | Railway |
| 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 | |