

ZONING COMMITTEE STAFF REPORT

FILE NAME: 300 Banfil/149-155 Dousman Rezoning

FILE #: 21-251-165

APPLICANT: Stonewood Investments LLC

HEARING DATE: April 22, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 300 Banfil St, SW corner at Dousman Street

PIN & LEGAL DESCRIPTION: 012823430096; Lot 1 Block 7 of WINSLOW'S ADDITION

PLANNING DISTRICT: 9

EXISTING ZONING: B2

ZONING CODE REFERENCE: §61.801(b)

STAFF REPORT DATE: April 15, 2021

BY: Anton Jerve

DATE RECEIVED: April 7, 2021

60-DAY DEADLINE FOR ACTION: June 6, 2021

- A. **PURPOSE:** Rezone from B2 community business to RM2 medium-density multiple-family residential.
- B. **PARCEL SIZE:** 5,674 square feet; 48.5' x 117' (117' of frontage on Dousman)
- C. **EXISTING LAND USE:** Vacant land with billboard
- D. **SURROUNDING LAND USE:**
North: Restaurant (B2)
East: Residential (R4)
South: Residential (RT1)
West: Mixed-Use (B2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There is no zoning history for this property. It has been a vacant lot since at least 1940.
- G. **PARKING:** The proposed rezoning would permit a range of uses with different parking requirements. Zoning Code § 63.207 requires a minimum of three off-street spaces for the proposed uses.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 9 had not commented by the time this application was written.
- I. **FINDINGS:**
1. The application is to rezone to RM2 to allow the development of two duplexes on the lot. There is also a variance application (ZF: 21-251-172) related to this property.
 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.

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 single-family residential. The use would provide a transition between higher density on West 7th Street and lower 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 is another RM2 zoning district on the block. 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 application from B2 community business to RM2 medium-density 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) Jeffrey Austin and Rebecca Austin (Stonewood Investments LLC)
 Address 427 Laurel Ave City St Paul State MN Zip 55102
 Email _____ Phone _____
 Contact Person (if different) Sonja Mason Email hello@sonjamason.com
 Address 21 St Albans St S #1 City St Paul State MN Zip 55105
(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

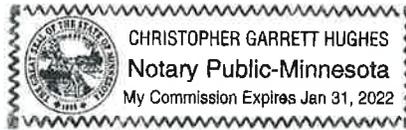
PROPERTY INFO

Address/Location 0 Banfil St (approximately 300 Banfil)
 PIN(s) & Legal Description 012823430096
(Attach additional sheet if necessary.)
LOT 1, BLOCK 7, WINSLOW'S ADDITION, RAMSEY COUNTY, MINNESOTA
 Lot Area 5,674.5 SF Current Zoning B2

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
B2 zoning district to a RM2 zoning district, for the purpose of:
 developing a vacant parcel of land for residential use.

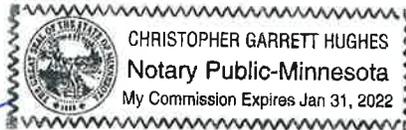
Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me
 Date 03/18 2021
Chris Hughes
 Notary Public



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

Subscribed and sworn to before me
 Date 03/18 2021
Chris Hughes
 Notary Public



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

Parcel 012823430096

Banfil-Dousman: Rezoning

Attachment to Applications



View of subject parcel from Dousman Street, © Google 2019

This is an application to rezone a vacant B2 parcel from commercial to residential for the proposed purpose of a two-building development for 4 dwelling units. The proposed zoning classification is RM2 multifamily. Additionally, a variance will be required for yard setbacks. The proposed plan will replace a vacant parcel with housing, remove a billboard, and create a transition from the mixed-use transit corridor to the adjacent residential district.

The proposed development plan would create a *missing middle* development for 4-family housing, with shared yards and a common drive-court, close to transit and downtown. Setbacks are designed to match adjacent residential structures. The four housing units would be constructed as two separate side-by-side two-family structures, each with its own street identity and front door. By selecting permeable pavers rather than asphalt, the drive court will be a courtyard as well as providing access to the garages for storing bikes and cars. It is hoped that residents will use the courtyard for playing and socializing. The internal courtyard design allows a *front porch* connection to Dousman Street. The cluster development zoning provisions create the opportunity to make an urban village of small footprint houses instead of an apartment building.

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Part 1: Rezoning from B2 Commercial to RM2 Residential Multifamily,

Section A: Rezoning Overview & Criteria for Approval

Criteria for Evaluation:

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.

The proposed zoning district RM2 Multifamily is compatible with the general area. It will provide a transition from the mixed use transit corridor of W 7th Street to the adjacent R4 district, as well as provide more housing opportunities and choices for St Paul residents.

- Suitability of the property for the uses permitted under the existing zoning classification.

The existing zoning classification is B2 commercial, which requires a commercial land use; B2 would be more suitable if the subject parcel had actual frontage on W 7th Street. The subject parcel has been vacant, other than a billboard, for decades. A multifamily residential zoning land use for this site better serve the neighborhood and the city.

- The trend of development in the area of the property in question.

The proposed classification is well aligned with the trend of development in the area, which is to increase housing options, especially those with connections to transit.

- Consistency with the Comprehensive Plan and District Plan.

The proposed land use is consistent with the Comprehensive Plan and the District 9 Plan, which both emphasize transitions between zoning districts, medium density housing near nodes, and the need for more housing generally, but especially housing with such close proximity to transit.

Part 1: Rezoning from B2 Commercial to RM2 Residential Multifamily,

Section B: Existing Zoning Classifications

B2 (Existing Zoning)

Summary: The existing zoning only allows residential as part of a commercial building. Rezoning is necessary for a residential project.

The subject parcel is currently vacant and is zoned B2, which requires commercial use on the main floor. The subject property lacks direct access from the W 7th corridor, making it less suited for commercial use. The proposed use for the property is to create a “missing middle” density residential development to provide needed housing close to transit, as well as serve as a transition from the W 7th corridor to the R4-One-Family district to the South and East. Rezoning is necessary for a residential project on this parcel.

Contiguous parcels are zoned B2 and RT1 (2-family). Nearby parcels are T1 (kitty corner) and RM2 (multifamily, on the same block) and then the bulk of the residential neighborhood is R4. For parcels with W 7th frontage, the most prevalent district is B2.



Zoning GIS map, accessed from stpaul.gov 2/15/2021 (annotations added); subject property marked with green dashed circle

The diagonal configuration of the W Seventh corridor creates transitional conditions not seen with typical grid-iron intersections. The subject parcel is visible from W Seventh, but has street frontage exclusively from the residential side street, Dousman. Its platted street frontage, Banfil, has been vacated (for this parcel only). This **parcel is uniquely and perfectly positioned as a transition between the commercial uses on the W Seventh corridor and the low-density residential land uses** to the southeast. It is both “of W 7th,” and “of the Dousman Park pocket neighborhood.” From the District 9 Neighborhood Plan to the 2040 Comprehensive Plan to Saint Paul’s Street Design Manual, multiple planning documents all speak to the importance of transitions from commercial and mixed-use corridors to residential neighborhoods. The location and the relatively modest size of the parcel make it an ideal transition.



Promote those stretches of West 7th between key nodes as the **appropriate location for higher-density residential use**, in order to add diversity to the housing stock while preserving the traditional neighborhood fabric and supporting existing and future transit investment. (D9 Plan, 8, emphasis added)

Additions to the housing supply, especially near transit

Because West 7th is the major artery for transit service and is at a diagonal orientation to the street grid, most residential structures are relatively close to transit access. Housing opportunities in proximity to transit are an attractive amenity of living in West 7th. New housing developments need to recognize and **take advantage of access to transit services**. Additionally, new developments need to be sensitive to the existing neighborhoods surrounding the site. (D9 Plan, 8, emphasis added)

Vision for our Future

OVER THE NEXT 10 YEARS, MORE THAN 4,000 NEW HOUSING UNITS WILL BE BUILT IN WEST 7TH. Our challenge in the community is to planfully integrate these new units into the existing density of the community, maintain the existing housing stock, and retain the character of West 7th. New housing units and households will impact adjacent land uses, social concerns and support, traffic and transit demand, retail demand, pedestrian and bicycle safety, design standards and the market for diverse and affordable housing options. The Principles of Smart Growth (see table) guide our framework for this plan. The plan is divided into components consistent with the St. Paul Guidelines for District Plans. In each section we address trends, key issues, and actions to realize the quality of community we envision for the next 20 years.

Community Test:

- Popsicle Test:** Can you walk home from the store before your Popsicle melts? Can most daily needs be met by walking or biking?
- Smooch Test:** Is the place comfortable, safe, attractive and intimate, suitable for a date-night stroll? Are people and their ears shielded from high speed car traffic? Would you feel good about taking a visitor here?
- Kid Test:** Can children safely explore a world beyond their own backyards? Can older kids get around on their own and safely develop a sense of self-reliance and autonomy?
- Senior Test:** Are elder citizens a welcome part of the mix of residents? Are they engaged and active? Can they get out and about and get their needs met when driving is no longer an option?
- Commons Test:** Does the development contribute to the overall community something greater than what it takes in terms of natural and community resources? Will it age gracefully and adapt to future uses, or is it designed to be disposable? What does it leave for future generations?

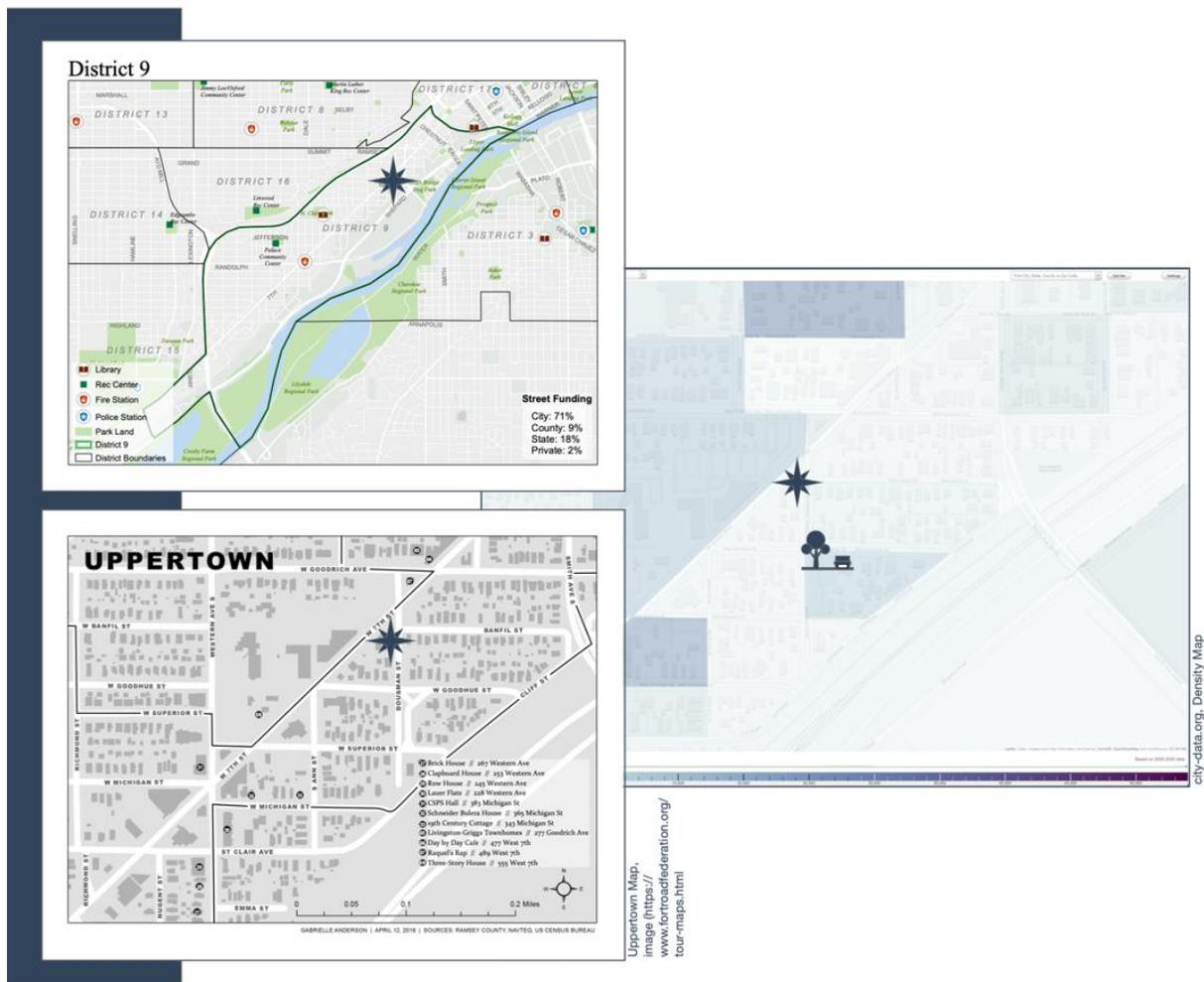
West 7th/Fort Road District 9 Area Plan – 2006, 2012
Page 5

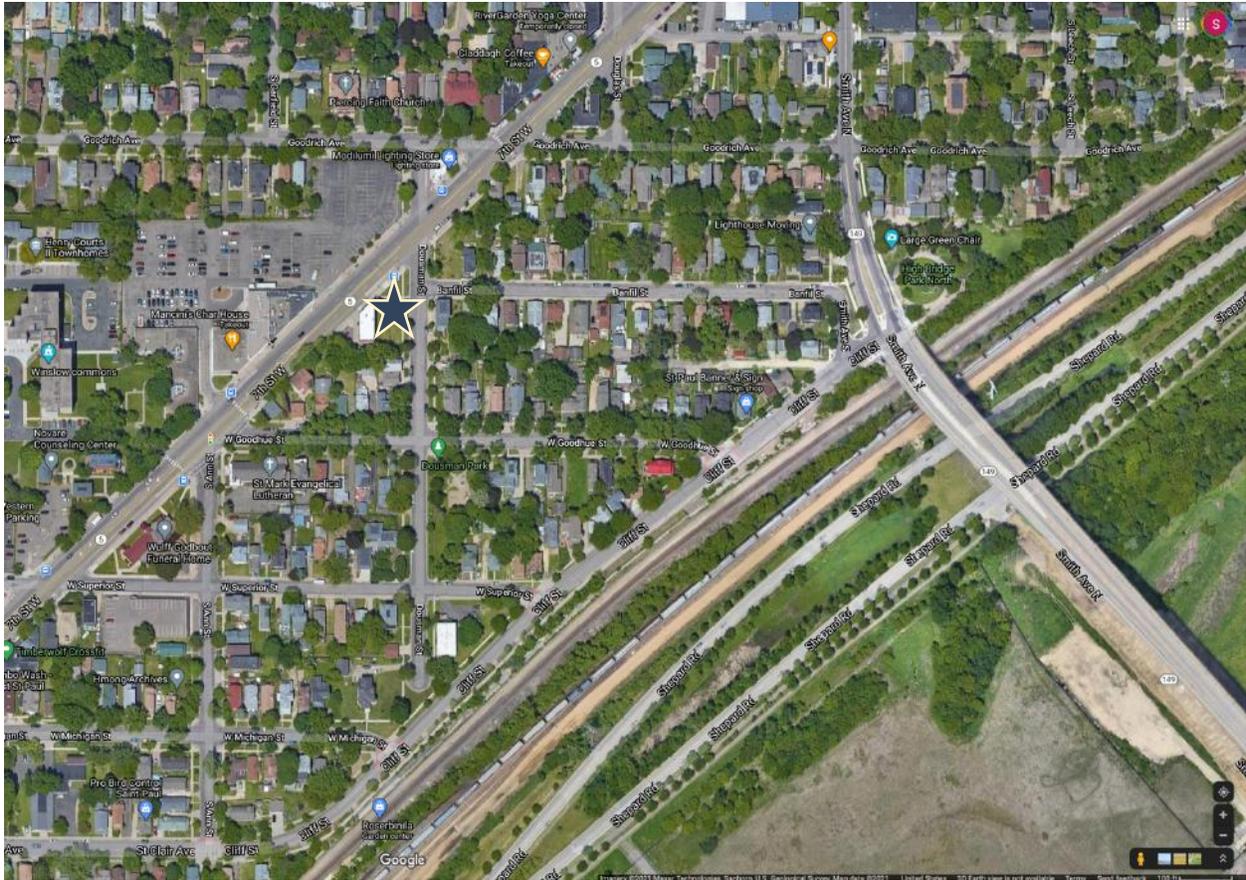


Part 1: Rezoning from B2 Commercial to RM2 Residential Multifamily,

Section C: Zoning Context Analysis: Neighborhood

The subject property is located within District 9, **Fort Road-W-Seventh** neighborhood. The West Seventh corridor is the spine of District 9: it is one of the City's most active transit corridors, a destination commercial corridor, and State Highway 5. West 7th connects multiple neighborhoods and pocket neighborhoods that make up the District. Uppertown is located on the river side of W 7th, and features many of St Paul's oldest buildings. Within Uppertown, a smaller pocket neighborhood exists centered around the Dousman Park and playground. Dousman Park is less than a block from the subject property, which is currently a vacant lot.





Aerial image of Dousman pocket neighborhood, of the Uppertown neighborhood. (©Google)

Part 1: Rezoning from B2 Commercial to RM2 Residential Multifamily,

Section D: Planning Documents

The type of *missing middle* in-fill housing that we are proposing is supported by the City's 2040 Comp Plan as well as the D9 Plan. Below are selections from the D9 plans that are especially relevant to this project.

W 7th (D9) Neighborhood Plan (2013)

- Goal #1: Maintain a diversity of households in regard to income, age, and race/ethnicity
- Goal #2: Maintain existing housing stock while developing new housing to meet the diversity of households' needs
- From Housing section
 - Maintain the character of existing residential areas by keeping zoning appropriate to residential neighborhoods
 - Promote those stretches of West 7th between key nodes as the appropriate location for higher-density residential use, in order to add diversity to the housing stock while preserving the traditional neighborhood fabric and supporting existing and future transit investment
 - Identify strategic areas to incorporate mixed-use and higher-density development in context with existing structures

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.

Policy H-47. Encourage high-quality urban design for residential development that is sensitive to context, but also allows for innovation and consideration of market needs.

Policy H-48. Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

Policy H-49. Consider amendments to the zoning code to permit smaller single-family houses and duplexes to facilitate the creation of small-home development types, such as pocket neighborhoods and cottage communities.

<https://www.stpaul.gov/DocumentCenter/View4/66861.pdf> (summary)
<https://drive.google.com/file/d/1BSTtrDyhe6Fbc9mnIvUnDz67DfL3mZC9/view> (full plan)

Fort Road Development Plan (2005)

- Calls for
 - Expanded housing choices
 - “compact” development within ¼ to ½ mile of major intersections
 - Mix of commercial and residential uses
 - Strengthen urban village characteristics
 - Specifically encourages “medium to high densities” “townhouse or other attached dwellings, carriage houses”
 - “Within the node, there are a number of ways to achieve residential densities of approximately 20 units per acre and a floor-to-area ratio of 1.0 without detracting from neighborhood character”

<https://www.stpaul.gov/DocumentCenter/View7/FtRoadDevPlan2005.pdf>

Part 1: Rezoning from B2 Commercial to RM2 Residential Multifamily,

Section E: Proposed Classification RM2

The RM2 district, combined with the CUP cluster home process, is the most appropriate zoning classification to achieve the project goals in a manner that enhances neighborhood context and character and supports housing goals.

The intent (§66.216) of RM2 is as follows:

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 need

This location is highly suited to a medium-density pedestrian- and transit-oriented residential development. Previously, the zoning code standards made RM2 require sites with lot sizes larger than 9,000 SF. However, recent changes to the RM standards have made it more flexible for use on smaller sites. RM2 now uses the FAR (floor area ratio) standard for density rather than a unit-per-squarefoot standards. The FAR standard allows the flexibility that a project at this “missing middle” scale requires. Moreover, the unique elements of this site make combining RM2 with the cluster development the desired approach.



FILE #21-251-165 Existing Landuse Map

Application of Stonewood Investments

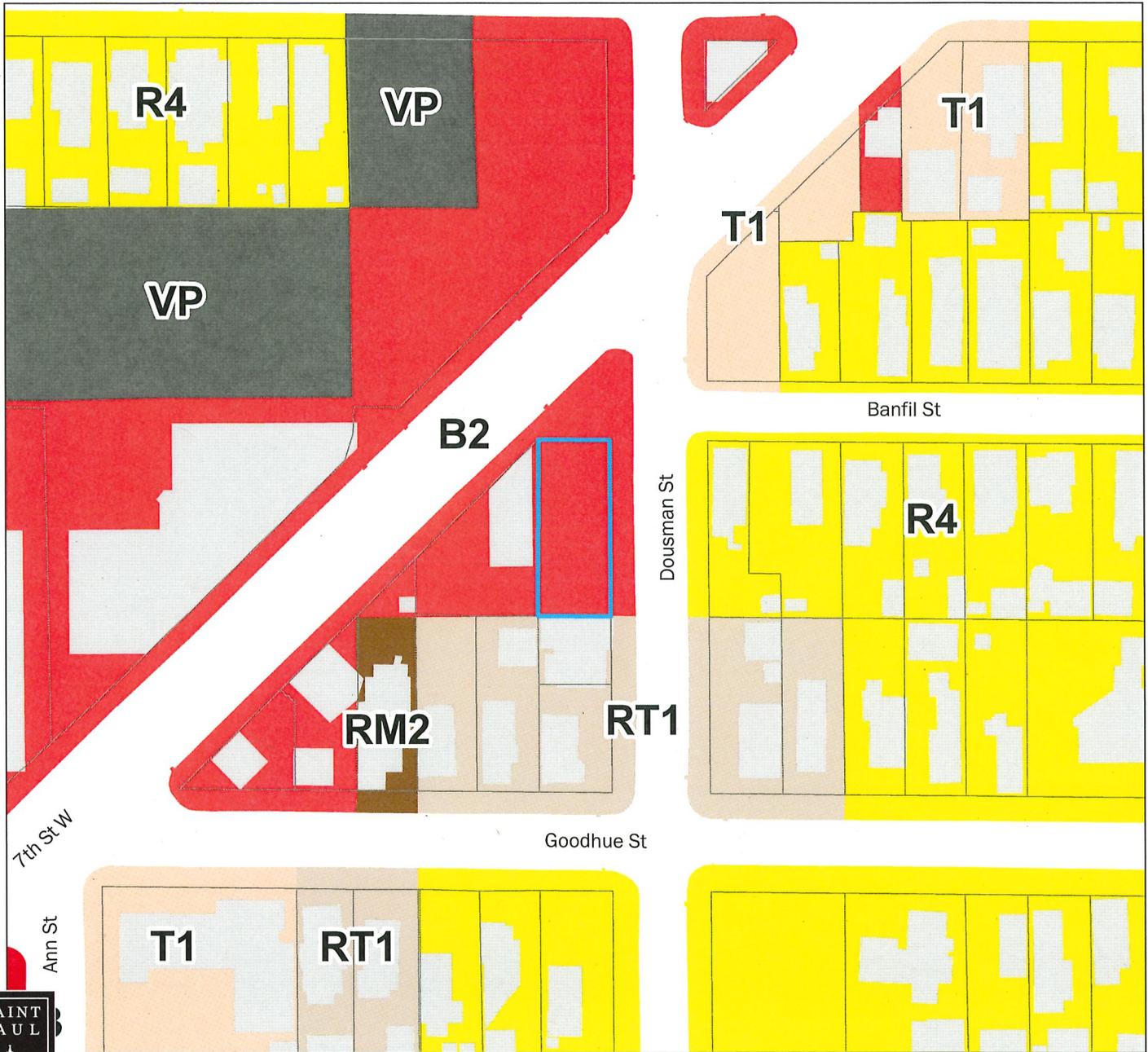
Application Type: Rezone
 Application Date: April 1, 2021
 Planning District: 9

0 20 40 80 120 160 Feet

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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Boundary | 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 | |



FILE #21-251-165 Zoning Map

Application of Stonewood Investments

Application Type: Rezone
 Application Date: April 1, 2021
 Planning District: 9



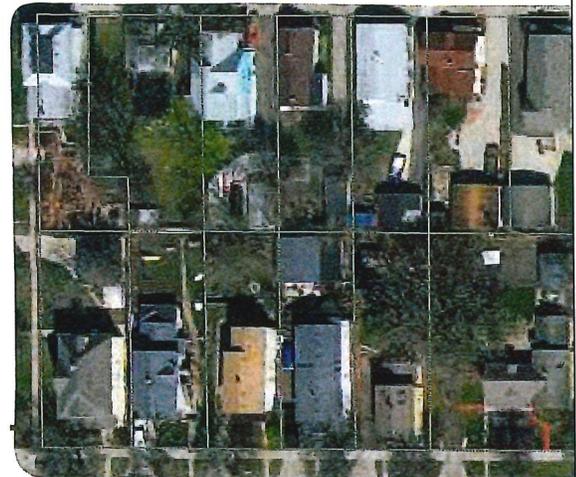
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Subject Parcel(s) Outlined in Blue

- | | | | |
|-------------------------|-----------------------------------|-----------------------------|------------------------------|
| Parcel Boundary | 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 | |



Banfil St



Dousman St



Goodhue St



Ann St



FILE #21-251-165 Aerial Map Application of Stonewood Investments

Application Type: Rezone
Application Date: April 1, 2021
Planning District: 9

Subject Parcel(s) Outlined in Blue

Parcel Boundary



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