

ZF#

17-217-505

From: Thompson, Lucy (CI-StPaul)
To: Englund, Cherie (CI-StPaul)
Subject: Fwd: Withdrawal Letter
Date: Monday, December 18, 2017 4:57:38 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Sent from my iPhone

Begin forwarded message:

From: Jim Rutzick <jimrutzick@gmail.com>
Date: December 18, 2017 at 4:49:18 PM CST
To: "Thompson, Lucy (CI-StPaul)" <lucy.thompson@ci.stpaul.mn.us>
Subject: Re: Withdrawal Letter

Dear Ms. Thompson, please withdraw my application for a nonconforming use permit for my property located at 120 W. Plato. Thank you for your help. If you have any questions regarding this matter please call me.

Yours Truly
Jim Rutzick

On Mon, Dec 18, 2017 at 2:42 PM, Thompson, Lucy (CI-StPaul) <lucy.thompson@ci.stpaul.mn.us> wrote:

Hi Jim:

Can you please send me an e-mail officially withdrawing your application? We need something in writing for the file.

Thanks much,

Lucy



Lucy Thompson

Principal City Planner

Department of Planning & Economic Development

25 W. 4th Street, Suite 1300

Saint Paul, MN 55102

P: 651.266.6578

The Most Livable
City in America

lucy.thompson@ci.stpaul.mn.us

city of saint paul
planning commission resolution
file number
date

WHEREAS, PDMC LLC, File # 17-215-889, has applied for rezoning from B2 community business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 739 Selby Avenue, Parcel Identification Number (PIN) 02.28.23.11.0062, legally described as Holcombe's Addition to Saint Paul, Lots 16 through 25, Block 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 21, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is seeking to rezone the parcel at 739 Selby Avenue from B2 to T2 in order to construct a new mixed use building with 95 senior housing units and a church, and has submitted conceptual plans for a four story building with 30 surface parking spaces and 66 underground parking spaces.
2. The proposed zoning is consistent with the way this area has developed, with a mix of commercial and residential uses of varying densities along Selby Avenue. From 1922 to 1975 Selby Avenue was zoned "C" commercial, which permitted all residential and commercial uses. In 1975 when the modern zoning code was established, parcels on Selby Avenue were rezoned to a mix of zoning districts that generally corresponded to the underlying land uses of the parcels. The proposed T2 zoning 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. T2 zoning is consistent with the historic pattern of development on Selby Avenue and the mix of RM2, B2 and B3 zoning districts along the corridor. T2 is consistent with the density and the uses that are permitted in both the business and multifamily residential zoning districts along Selby Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the Comprehensive Plan as a mixed use corridor. The proposed mixed use building is consistent with this land use designation strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. The senior housing component is also consistent with strategy 26 of the District 8 neighborhood plan which calls for increasing the housing options for seniors that wish to continue living in the neighborhood.

moved by _____

seconded by _____

in favor _____

against _____

4. The proposed zoning is compatible with the surrounding single family residential, two-family residential, multi-family residential and mixed use commercial and residential land uses in the immediate area. Because the subject parcel abuts RT1 zoning north of the subject parcel, the traditional neighborhood design standards limit the height at the property line abutting that zoning district. The height can be increased by stepping the building back from the northern property line, resulting in the majority of the building mass being pushed away from the lower density residential uses towards the street. This provision in the traditional neighborhood districts will help ensure that the proposed development will be compatible with the lower density residential development north of the subject parcel. The proposed zoning is also compatible and in keeping with the established mix of multifamily residential and commercial uses along in the immediate area. 755 Selby Avenue, west of the subject parcel, was constructed in 2003 in a B3 General Business District. The dimensional standards in a B3 district are similar to the dimensional standards in a T2 district.
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 rezoning of these parcels from B2 to T2 would not constitute spot zoning. The uses that are permitted in a T2 traditional neighborhood zoning district are consistent the uses permitted in the RM2 multi-family residential zoning district, the B2 community business district, and the B3 general business district in the immediate area.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of PDMC LLC for rezoning from B2 community business to T2 traditional neighborhood for property at 739 Selby Avenue be approved.

ZF # 17-215-889

TWINCITIESHOUSINGDEVELOPMENTCORPORATION

400 SELBY AVENUE • SUITE C
SAINT PAUL, MINNESOTA 55102
(651) 292-0211

December 18, 2017

Anthony Johnson
City Planner
Planning & Economic Development
25 West 4th Street, Suite 1400
Saint Paul, Minnesota 55102
Tony.johnson@ci.stpaul.mn.us

RE: Morning Star Redevelopment @ 739 Selby Avenue

Dear Mr. Johnson,

I am writing on behalf of Twin Cities Housing Development Corporation to express our support of the rezoning application for the planned redevelopment at 739 Selby Avenue. Twin Cities Housing Development Corporation owns several properties in the Summit University District including St. Alban's Park which includes the townhomes at 683 – 701 Selby Avenue. We have been a part of the Selby Avenue neighborhood for the past 27 years.

Morning Star Redevelopment has worked with us to address our initial concerns including moving the commercial delivery location to the Grotto end of the property and has committed to continue to work on signage issues to help minimize the traffic behind the St. Alban's Park property which is home to many children.

The Morning Star Redevelopment, which includes a newly constructed Morning Star Baptist Church and a new Senior Living center is a significant improvement to the existing site. Not only will it provide a new facility for a church that has been an anchor in the neighborhood since 1981, it will provide senior housing for our aging population. Additionally, the redevelopment will provide employment opportunities within the area.

On behalf of Twin Cities Housing Development Corporation, we respectfully request that the Rezoning Committee, Planning Commission and City Council support the rezoning of 739 Selby Avenue in Saint Paul, Minnesota.

Best regards,



Barbara M. McQuillan
Executive Director
Twin Cities Housing Development Corporation
400 Selby Avenue
Saint Paul, MN 55102

ZF # 17-215-889



SUMMIT-UNIVERSITY
PLANNING COUNCIL

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2017/2018**

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Elizabeth Wagoner

Garry Nordenstam

Pam Biladeau

December 19, 2017

Tony Johnson

Planning & Economic Development

25 W. 4th St., Suite 1400

Saint Paul, MN 55102

Dear Mr. Johnson,

The Summit-University Planning Council has voted to support the rezoning application submitted by PDMC LLC and Morningstar Baptist Church, to rezone 739 Selby from B2 to T2.

We are also very supportive of their efforts to work with the community on this project, and involve them in the planning process. We look forward to working with their team as they begin to solidify their site plans.

Thank you,

Jens Werner

Executive Director

Summit-University Planning Council

627 Selby Ave Suite A

Saint Paul, MN 55104

651-228-1955

city of saint paul
planning commission resolution
file number
date

WHEREAS, Halima Duale, File # 17-212-449, has applied for a reestablishment of nonconforming use as a duplex under the provisions of § 62.109(e) of the Saint Paul Legislative Code, on property located at 1508 Van Buren Avenue, Parcel Identification Number (PIN) 34.29.23.22.0106, legally described as Hamline Syndicate Add No1, Lot 8, Block 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 21, 2017, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The property is located in an R4 single-family zoning district. The subject property had previously been in use as legally nonconforming triplex. In 2010, the applicant purchased the subject property, as a vacant, Category 2 building. Because the building had been vacant, it had lost legal nonconforming status as a triplex. Under Ch. 33 of the legislative code, purchasers of Category 2 vacant buildings must prove financial wherewithal (in the form of a performance bond or deposit of a sufficient sum with the Department of Safety and Inspections, DSI) to bring the building into code compliance, and get approval from DSI of a schedule for completing all necessary repairs, not exceed one year from the date of the last Certificate of Occupancy inspection. It was not financially feasible for the applicant to meet these requirements within the allowed timeframe. As an alternative, the applicant signed an affidavit of residential use, converting the structure to a single-family use in compliance with the zoning code. Owner-occupied single-family units do not require a Certificate of Occupancy. In October, 2012, the property was inspected by DSI staff, and determined to be in code compliance, allowing the applicant to occupy the property as a single-family residence. Since that time, the applicant has continued to make improvements to the property, and is now seeking to reestablish legal nonconforming use of the property as a duplex.
2. The subject structure is currently configured for single-family use. An open door way connects the kitchen of the residential unit accessed via the front door with the area of the structure which is proposed to be established as a second unit. The area proposed to be established as a second unit does not currently have a bathroom or kitchen. Sealing of the opening connecting the proposed units and installation of a kitchen and bathroom in the

moved by _____

seconded by _____

in favor _____

against _____

second unit should be required conditions of approval.

3. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure was previously a triplex, but uninhabitable due to disrepair. Since the time of purchase, the applicant has made substantial repairs and investment in the property. These investments brought a previously neglected property back to a livable condition, and were made in part to restore the previous use of the property as a duplex, with rental income from a second unit helping the applicant to maintain ownership of the property.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The property was previously in use as a triplex, and the applicant is seeking to establish a duplex.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding can be met. Establishment of the proposed use will allow the applicant to continue making investments in the property. Although it is zoned R4 single-family, legally non-conforming duplexes are a common in the surrounding area. Provided permits are pulled for all work to convert the property to a duplex, the finding can be met.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Policy H1.2 of the Saint Paul Comprehensive Plan is to "Meet market demand for transit-oriented housing" and Policy H1.3 is to "Revitalize the City by developing land-efficient housing." The proposed use is consistent with both policies. The Hamline Midway Community Plan includes policy H1 which calls for the neighborhood to "Encourage the maintenance and improvement of existing housing stock" and policy H2 which calls for the neighborhood to help "Maintain sustainable rental opportunities." The proposed use is consistent with both policies.
 - (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on November 3, 2017: 17 parcels eligible; 12 parcels required; 13 parcels signed.
4. In 2009, the Planning Commission adopted guidance for staff in evaluating applications for conversion of single-family properties to duplexes or triplexes. The guidelines state that staff shall recommend denial unless the following guidelines are met:
 - A. *Lot size of at least 5,000 square feet with a lot frontage of 40 feet.* The lot is 43 feet wide and has an area of approximately 5,246 square feet.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* The net livable area (stairs and hallways excluded) of the proposed second unit is approximately 1,000 square feet, on a foot print of approximately 500 square feet. The footprint of the structure as a whole is approximately 2900 square feet.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* The property currently has no off-street parking, but the rear yard has enough spaces to accommodate at least three spaces. The applicant has expressed the intent to construct a paved parking area in the rear yard; the construction on the property within 2

years of a paved parking area of sufficient size to accommodate 3 parked vehicles should be a condition of approval.

- D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Planning Commission as part of the application for reestablishment of nonconforming use as a duplex. The structure has exterior access via an existing side door as well as emergency egress windows in both bedrooms. No exterior modifications to the structure are required or proposed.*
- E. *For purposes of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. Based on the permit history, there is no evidence that the applicant or another party has performed unpermitted repairs or alterations to the structure.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Halima Duale for a reestablishment of nonconforming use as a duplex at 1508 Van Buren Avenue is hereby approved subject to the following conditions:

1. The current opening between the existing (front) and proposed (rear) units shall be permanently eliminated, and a code-compliant bathroom and kitchen be installed in the proposed rear unit no later than one year from the date of approval of the reestablishment of nonconforming use as a duplex by the Planning Commission. Required permits must be pulled for all construction and installation.
2. A paved parking area of sufficient space to accommodate at least three parked vehicles shall be constructed in the rear yard of the property no longer than two years from the date of approval of the reestablishment of nonconforming use as a duplex by the Planning Commission.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-1919
Web: www.stpaul.gov/dsi

**Residential Use Affidavit
For Prospective Owners of Category II Registered Vacant Buildings**

I, (printed name): Halima Duale, the undersigned, certify that I intend to purchase the residence at (street address):
1508 Van Buren, in Saint Paul, MN.

This property currently is (describe the number of units and kitchens):
3

I acknowledge my understanding that this property's use as a (describe the current number of units and kitchens): 3 is not currently permitted in the zoning district in which it is located and is a nonconforming use. Per Section 62.106 (g) of the Saint Paul Legislative Code, a nonconforming use that has been discontinued for more than 365 days is forfeited.

I affirm that I will convert this property to a legal conforming use as a (describe the number of units and kitchens): 1

I acknowledge that this property can reasonably and economically be used for a legal conforming purpose.

Halima Duale
Signature of Prospective Owner

7-6-2010
Date

Zoning Information

(To be completed by Zoning staff only)

Property zoning R4 AMANDA status 3 Family

Action taken Bldg Inspector notified of elimination of 2 of 3 units.

Zoning staff Karen Zacko Date 7.8.10