

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dorothy Gherity **FILE #:** 18-093-677
 2. **APPLICANT:** Dorothy E Gherity **HEARING DATE:** August 30, 2018
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 418 Sherburne Ave, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.24.0226; Smith's Subdivision of Stinson's division, lots 20 & lot 21, block 16
 6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 22, 2018 **BY:** Tony Johnson
 9. **DATE RECEIVED:** August 10, 2018 **60-DAY DEADLINE FOR ACTION:** October 9, 2018
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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 10,000 sq. ft. = 80 ft. of frontage on Sherburne x 125 ft. With the addition of half of the width of the alley for the purpose of calculating density, the total lot area is 10,520.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
 - North: One- family dwelling, two- family dwelling (R4)
 - East: One- family dwelling (R4)
 - South: Commercial (T2)
 - West: Two- family dwelling (R4)
- 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 use of the property was a single-family dwelling. In December 2016, the property was put on the vacant building list as a Category 3 vacant building. In April 2017, the single-family home and accessory structure were demolished. the property has remained vacant ever since. The applicant is now proposing to construct a 6-unit multifamily structure on the lot.
- G. **PARKING:** Zoning Code § 63.207 (b) reduces the minimum parking requirement by 100% for parcels zoned Traditional Neighborhood within a quarter-mile of University Avenue. The applicant has indicated that he intends to provide one space per unit for the proposed 6-unit multifamily structure.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 7 at the time of this staff report.
- I. **FINDINGS:**
 1. The applicant is proposing to rezone the subject parcel from R4 one-family residential district to T2 traditional neighborhood district in order to facilitate the development of a 6-unit multifamily residential condo structure.
 2. *The proposed zoning is consistent with the way this area has developed.* This finding is met. 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. The immediate area has developed with a mix of single-family dwellings, two-family dwellings, multifamily dwellings, and commercial uses south of the subject parcel. The land uses in the immediate area are permitted uses in the T2 zoning district, and therefore the proposed zoning is consistent with the way the area has developed.

3. *The proposed zoning is consistent with the Comprehensive Plan.* This finding is met. The subject parcels are designated by Comprehensive Plan Figure LU-B as part of a Mixed-Use Corridor. Policy LU-1.24 of the Comprehensive Plan calls for supporting a mix of uses on Mixed-Use Corridors. Policy H-1.3 of the comprehensive plan calls for revitalizing the city by developing land-efficient housing. Policy L5 of the District 7 Neighborhood Plan calls for intensifying development along major transportation corridors in order to bring in more jobs and housing units. The Western Station Area Plan calls for maintaining existing character on this block.
4. *The proposed zoning is compatible with the surrounding uses.* This finding is met. The surrounding single family dwellings, two family dwellings, and commercial uses are permitted in the T2 zoning district and the proposed zoning is compatible with these 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 T2 zoning does not constitute spot zoning. The proposed T2 zoning is an expansion of the existing T2 zoning district along University Avenue, and does not create a use classification inconsistent with the surrounding uses.
6. The petition for rezoning was found to be sufficient on 8/8/2018: 21 parcels eligible; 14 parcels required; 17 parcels signed.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 One-Family Residential to T2 Traditional Neighborhood at 418 Sherburne Avenue.

PETITION TO AMEND THE ZONING CODE



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 #: 18-093677
Fee: 8/30/18
Tent: 8/30/18

PD=7

362923240226

APPLICANT

Property Owner Dorothy E. Ghecity
Address 1747 Minnehaha Ave E.
City St. Paul State MN Zip 55106 Daytime Phone 612-414-9094

PROPERTY LOCATION

Address/Location 418 Sherburne Ave, St Paul, MN 55103
Smiths Subd of Blks 9, 10, 15, and 16
Legal Description Lots 20 & Lot 21 Blk 16

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 Statutes, Dorothy E. Ghecity, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a R-4 zoning district to a T-2 zoning district, for the purpose of:

Six Townhomes That will Be Sold To owner occupants.

(Attach additional sheets if necessary)

Attachments as required: [] Site Plan [] Consent Petition [] Affidavit

Subscribed and sworn to before me

Date May 30 2018

[Signature]

Notary Public



By: Dorothy E. Ghecity

Fee owner of property

pdd 8/8/18
pdd 5/31/18

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: 8/8/18

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: _____

PARCELS ELIGIBLE: 21

PARCELS REQUIRED: _____

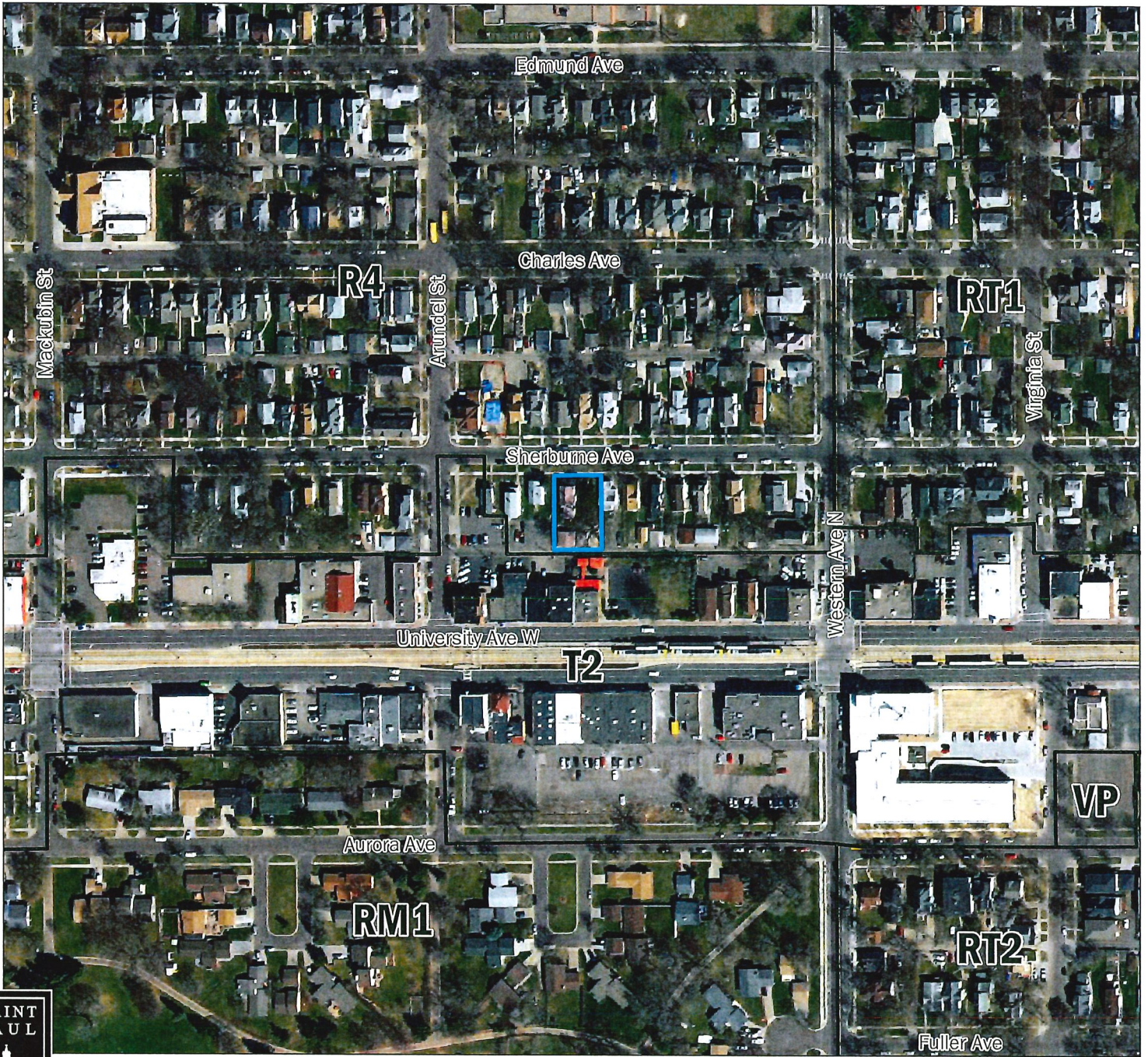
PARCELS REQUIRED: 14

PARCELS SIGNED: _____

PARCELS SIGNED: 17

CHECKED BY: Paul Dubruic

DATE: 8-9-18



FILE #18-093677 | AERIAL MAP

Application of Dorothy Gherity

Application Type: Rezone
Application Date: August 9th, 2018
Planning District: 7

Subject Parcels Outlined in Blue



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

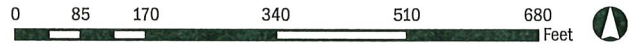


FILE #18-093677 | LAND USE MAP

Application of Dorothy Gherity

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|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 | |
| Multifamily | Industrial and Utility | Railway | |



FILE #18-093677 | ZONING MAP

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