

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Bai Lor **FILE #:** 19-024-995
 2. **APPLICANT:** Bai Lor **HEARING DATE:** April 11, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 388 Minnehaha Avenue W, SW corner at Western Avenue
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.21.0001; Lots 1 and 2, Johnstone's Subdivision of Block 1 of Stinson's Division
 6. **PLANNING DISTRICT:** 7 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** April 3, 2019 **BY:** Tony Johnson
 9. **DATE RECEIVED:** March 26, 2019 **60-DAY DEADLINE FOR ACTION:** May 25, 2018
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- A. **PURPOSE:** Rezone from R4 one-family residential to RT1 two-family residential.
- B. **PARCEL SIZE:** 113 ft. of frontage on Minnehaha Avenue and 82.4 feet of frontage on Western Avenue N = 9,311.2 sq. ft.
- C. **EXISTING LAND USE:** Single Family Dwelling
- D. **SURROUNDING LAND USE:**
 - North: Recreation (I1)
 - East: Multi- Family, Single- Family (RT1)
 - South: Vacant, Duplex across the alley (R4)
 - West: Single Family (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 subject structure was originally constructed in 1896 as a single family dwelling. In 1922 when the first zoning code was enacted the property was B residence which permitted two-family dwellings. Somewhere between 1925 and 1955 the subject structure was converted to a two-family dwelling. In 1975 when the modern zoning code was adopted the property was zoned RT1 two-family residential. In the 1990's the subject property along with much of Frogtown was rezoned to R4 single family, and the duplex became legally nonconforming. In 2011 the property was added to the vacant building list as category 3 vacant building. In 2013 a residential use affidavit was submitted indicating the property owner's intent to convert the property to a single family dwelling and a building permit was obtained for the conversion. On June 2, 2013, the building inspector finalized the building permit indicating that the property has been physically converted to single family dwelling. Since that time city and county records were updated characterizing this as single family dwelling. Per Zoning Code § 62.106(d), when a nonconforming use changes to a use permitted in the district in which the property is located, a nonconforming use may not thereafter be resumed. The applicant now wants to convert the house back to a duplex.

- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 3 parking spaces for a duplex. There is a 2 car detached garage on the property. In conjunction with the rezoning application, the applicant submitted a request for a parking variance of one space.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 7 has made no recommendation at the time of this staff report.
- I. **FINDINGS:**
1. The applicant is proposing to rezone the parcel to RT1 in order to reestablish a duplex. The house was a duplex for at least 55 years before it was converted to a one-family dwelling in 2013 after being listed as a vacant building list, and it lost its legal nonconforming status as duplex.
 2. The proposed zoning is consistent with the way this area has developed. The area has developed with a mix of single-family, two-family, and multifamily residential uses. North of the parcel along Minnehaha there are a variety of industrial land uses. The proposed RT1 zoning is consistent with the adjacent land uses, and also the historic use of the subject structure as a duplex.
 3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel, at the intersection of a minor arterial (Minnehaha Ave.) and a collector street (Western Ave.) is located in area defined by the comprehensive plan as an established neighborhood. Established neighborhoods are predominately residential areas with a range of housing types, including duplexes. The proposed RT1 zoning is consistent with Land use Plan policy LU 1.8, which calls for encouraging the development small scale multifamily uses that are compatible with the scale of established neighborhoods. It is also consistent with Housing Plan policy H 1.1 for increasing housing choices across the city to support economically diverse neighborhoods.
 4. The proposed zoning is compatible with the surrounding single- family, two- family, and multifamily land uses. The immediate area is characterized by a variety of housing types and land uses. The proposed RT1 zoning permits a single- family and two- family housing types which is compatible with the existing scale of development.
 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 to RT1 would not constitute spot zoning. The proposed RT1 zoning would simply expand the existing RT1 zoning district east of the subject parcel.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 one-family residential to RT1 two-family residential at 388 Minnehaha Avenue W.



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 #: 19-024995
 Fee: 1260⁰⁰
 Tentative Hearing Date: 4-11-19

PD=7

362923210001

APPLICANT

Property Owner(s) Bai Lor
 Address 388 W Minnehaha Ave
 City St Paul State mn Zip 55103 Phone 6512786176
 Contact Person _____ Phone _____
 Email bailor08@live.com
 (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 LOCATION

Address/Location 388 W Minnehaha Ave
 Legal Description Johnstone's subdivision of BLK E 1/2 of Vac Alley Adj and Lots 1 and Lot 2 BLK Current Zoning R4
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:
 Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, Bai Lor
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
 Single family zoning district to a Multifamily RT1 zoning district, for the purpose of:
BL 3/27/19
 (Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
 Date March 21 2019
Samantha Langer
 Notary Public

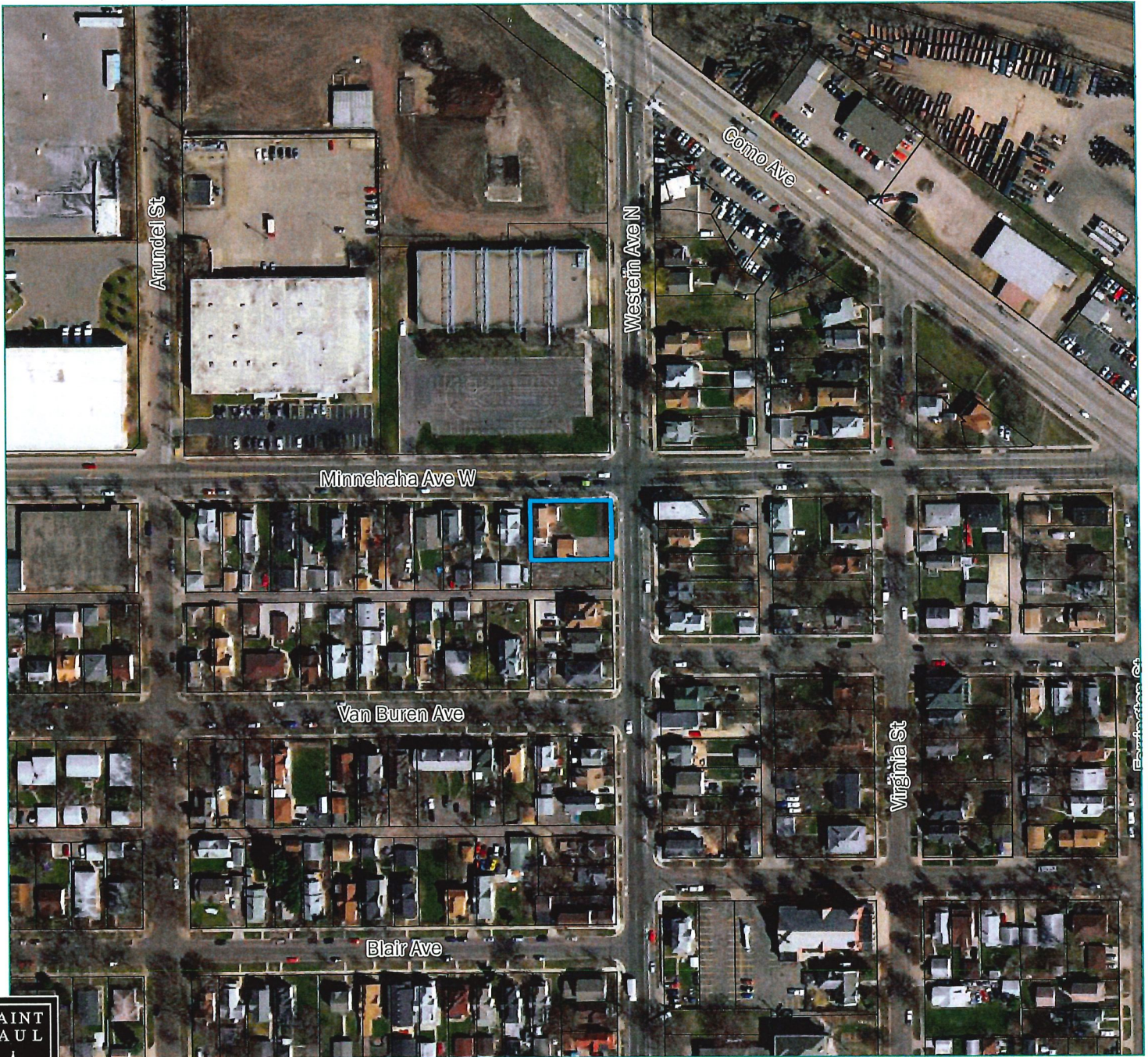


By: [Signature]
 Fee owner of property
 Title: _____

Subscribed and sworn to before me
 Date _____ 20____

 Notary Public

By: _____
 Fee owner of property
 Title: _____



FILE #19-024995 | AERIAL MAP
Application of Bai Lor

Application Type: PC - Rezone
Application Date: March 21, 2019
Planning District: 7

Subject Parcel 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 #19-024995 | LAND USE MAP
Application of Bai Lor

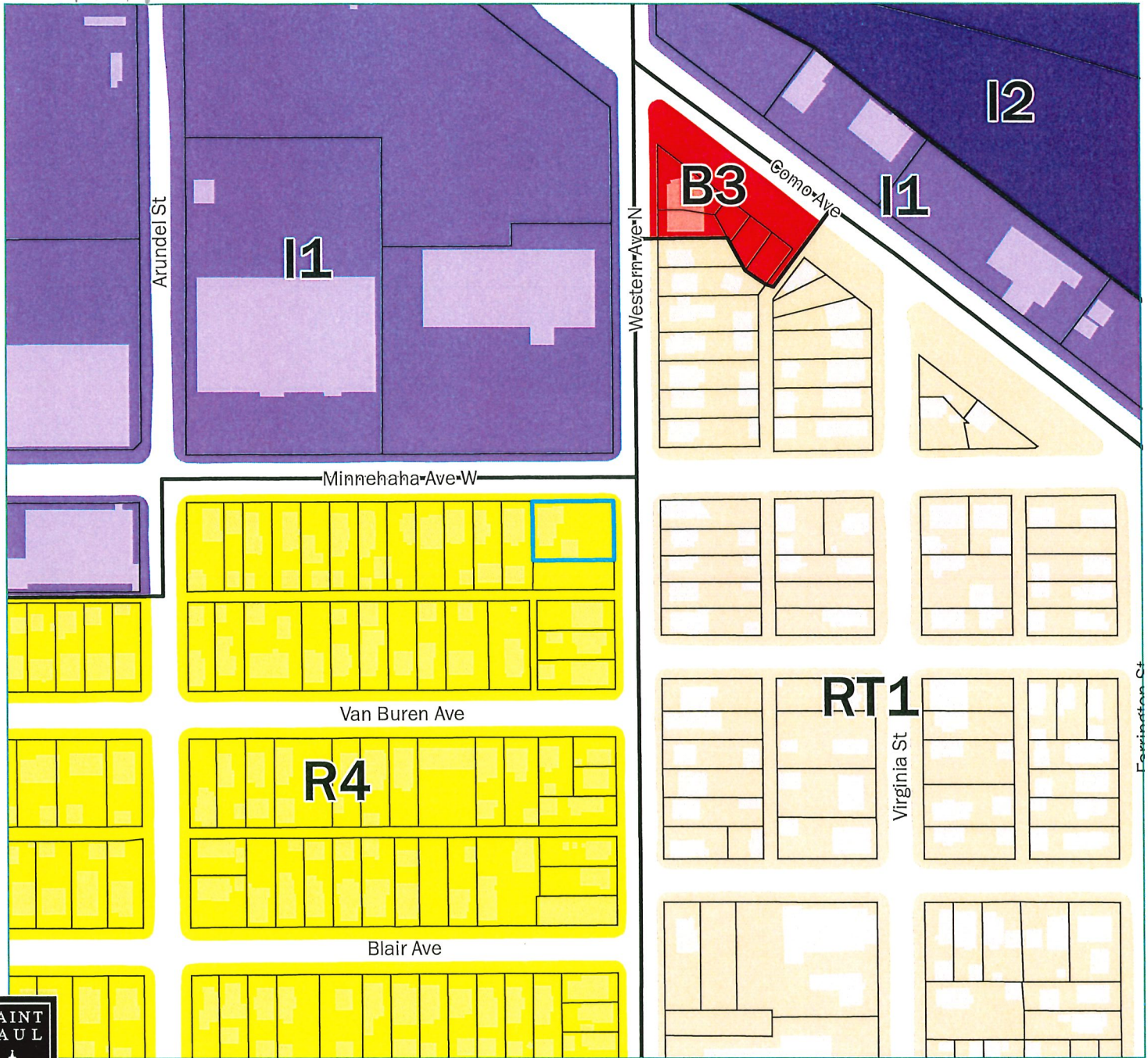
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Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 #19-024995 | ZONING MAP
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Subject Parcel Outlined in Blue

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