

ZONING COMMITTEE STAFF REPORT

FILE NAME: Rivoli Bluff

FILE #: 19-054-653

APPLICANT: City of St. Paul HRA

HEARING DATE: July 18, 2019

TYPE OF APPLICATION: Rezoning

LOCATION: 659 Otsego St,

PIN & LEGAL DESCRIPTION: 32.29.22.22.0050; Lots 10 - 11, Block 9, Warren & Winslow's Addition

PLANNING DISTRICT: 5

EXISTING ZONING: RT1 / R4

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: July 10, 2019

BY: Bill Dermody

DATE RECEIVED: June 21, 2019

60-DAY DEADLINE FOR ACTION: August 20, 2019

- A. **PURPOSE:** Rezone from RT1 two-family residential portion of the parcel to R4 one-family residential.
- B. **PARCEL SIZE:** 11,487 sq. ft.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Single-family and duplex residential to the north and east (R4, RT1), vacant to the south and west (R4), and multi-family residential farther south (R4).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In June 2019, a preliminary plat was approved to accommodate a 26-home residential development on 3.5 acres, including the subject site, conditional on the existing RT1/R4 split zoning being converted to a single zoning district prior to final plat approval. In July 2018, the larger 3.5-acre site received conditional use permit approval for a cluster development.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 5 has not provided a recommendation.
- I. **FINDINGS:**
1. The application requests rezoning of the RT1 Two-Family Residential District portion of the split-zoned property to R4 one-family residential district to match the rest of the planned 3.5-acre residential development's zoning. Split-zoning is discouraged by the Zoning Code.
 2. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as Established Neighborhood, and the Railroad Island Area Plan Summary (a Comprehensive Plan addendum), which calls for new owner-occupied housing on Rivoli Bluff.
 3. The proposed zoning is compatible with the surrounding residential land uses, the way this area has developed, and proposed redevelopment of the site.
 4. 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 zoning does not constitute "spot zoning."
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to R4 one-family residential.



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 #: 19-054653
 Fee: 1260
 Tentative Hearing Date: 7-18-19

PD-5

#322922220050

APPLICANT

Property Owner(s) St. Paul Housing & Redevelopment Authority
 Address _____
 City St. Paul State MN Zip _____ Phone _____
 Contact Person Gary Finkell Phone 651-262-9634
 Email gary@newhus
 (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 0 Osage Street
 Legal Description Lot 11, Block 9, Warren & Winslows Addition
 Current Zoning RT1
 (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, _____

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT-1 zoning district to a RT zoning district, for the purpose of:

OK
 30489
 1260⁰⁰

(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date June 21 20 19

[Signature]
 Notary Public

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





FILE #19-054653 | AERIAL MAP

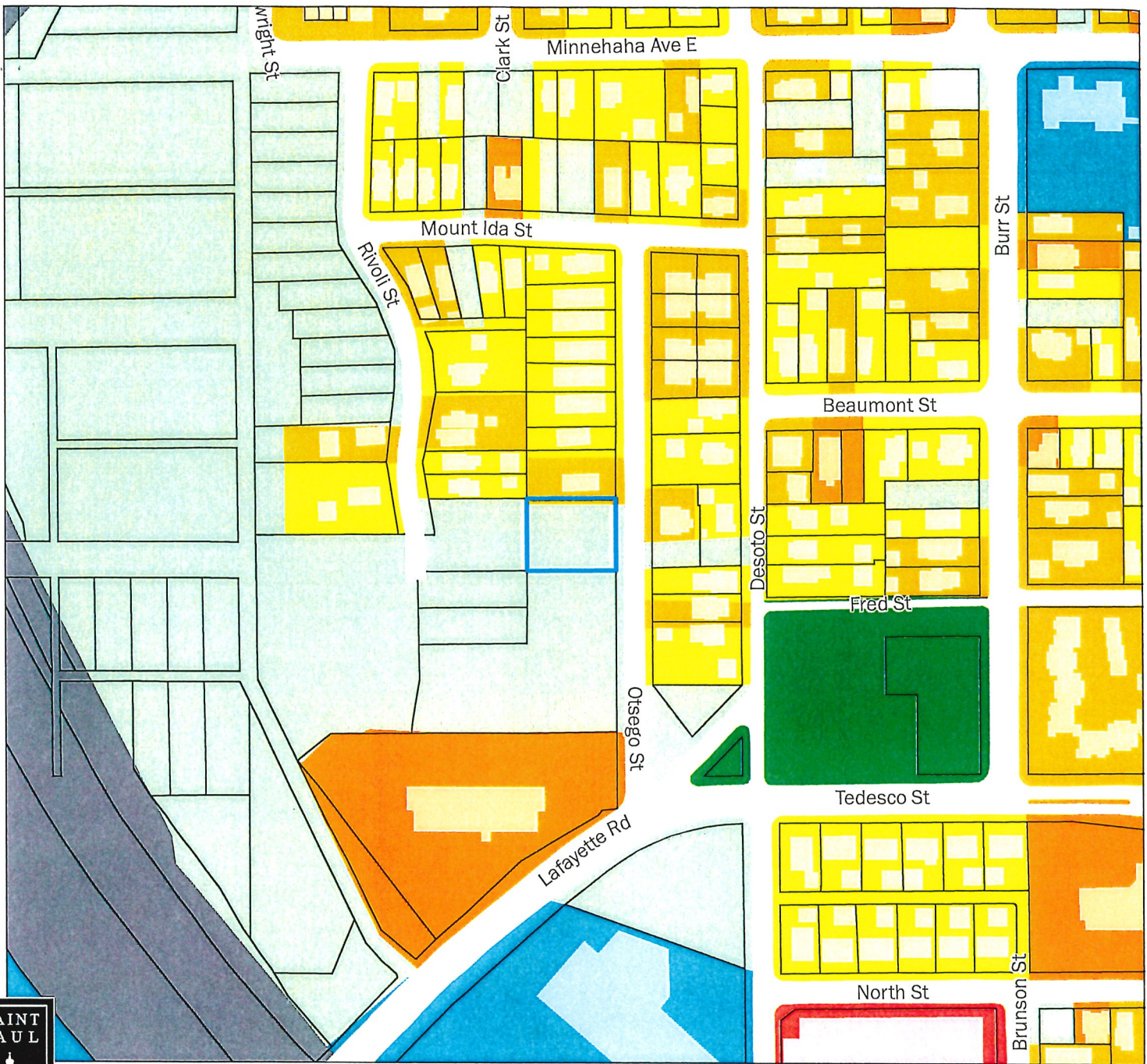
Application of Housing Redevelopment Auth.

Application Type: Rezone
Application Date: June 21, 2019
Planning District: 5

Subject Parcel Outlined in Blue

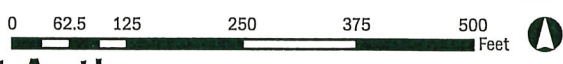


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FILE #19-054653 | LAND USE MAP
Application of Housing Redevelopment Auth.

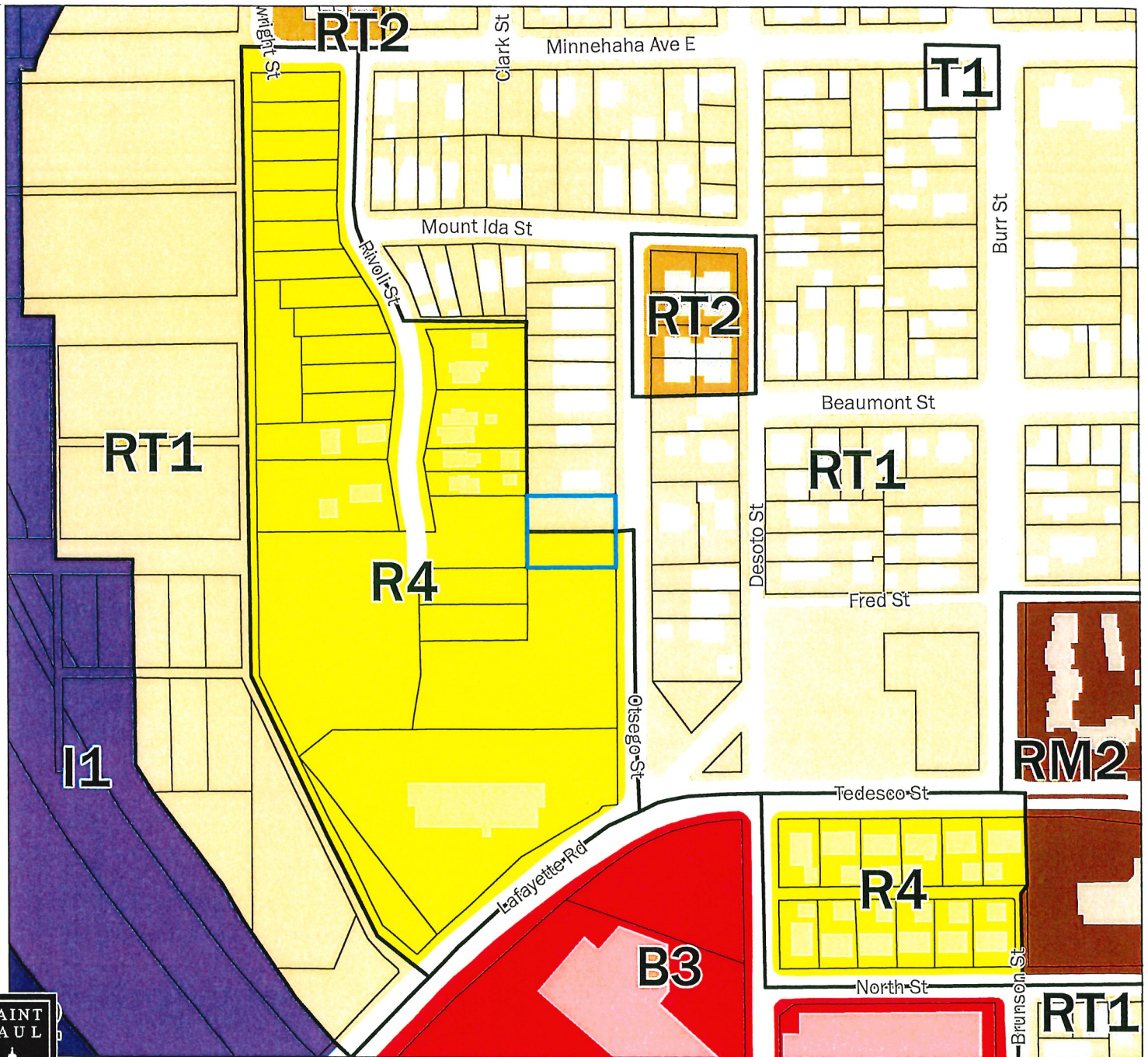
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Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 #19-054653 | ZONING MAP

Application of Housing Redevelopment Auth.

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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