

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Blackstone 1, LLC **FILE #** 19-094-559
 2. **APPLICANT:** Blackstone 1 LLC **HEARING DATE:** November 7, 2019
 3. **TYPE OF APPLICATION:** Rezone (R4 to RT2)
 4. **LOCATION:** 823 Englewood Ave, between Victoria and Avon
 5. **PIN & LEGAL DESCRIPTION:** 262923430122, WINTERS ADDITION TO, ST. PAUL ALL OF LOTS 5, 6 & LOT 7 BLK 6
 6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** October 29, 2019 **BY:** Josh Williams
 9. **DATE RECEIVED:** October 18, 2019 **60-DAY DEADLINE FOR ACTION:** December 17, 2019
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- A. **PURPOSE:** Rezone from R4 one-family residential to RT2 townhouse residential
- B. **PARCEL SIZE:** 16,117 sq. ft. (approx. 0.37 ac.)
- C. **EXISTING LAND USE:** Non-conforming 3-dwelling unit residential
- D. **SURROUNDING LAND USE:**
 - North: Vacant/ROW (R4/I2)
 - East: Single-family residential (R4)
 - South: Single-family residential/two-family residential (R4)
 - West: Single-family residential/multi-family residential (R4/RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for property-owner initiated rezoning.
- F. **PARKING:** The multi-family dwelling unit off-street parking requirement in §63.207 is used to calculate the required parking for triplexes. The requirement varies based on dwelling unit size. For a triplex, the requirement will be between 3 and 6 spaces, inclusive. Based on aerial photography, the property appears to have enough paved parking area to accommodate 5-6 vehicles.
- G. **HISTORY/DISCUSSION:** There is no notable zoning history for the subject property. Apparent use of the property as a triplex was noted in City records in June of 2018.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Council had not commented as of the date of this report.
- I. **FINDINGS:**
 1. The applicant, Blackstone 1 LLC, recently acquired the subject property via foreclosure. The property has also recently passed through probate, following the death of the longtime owner and resident.
 2. The proposed zoning is consistent with the way this area has developed. The area has developed to include a variety of types and densities of residential uses. To the west, the area transitions to higher-density, multifamily uses as compared to the largely single-family uses to the south and east. The proposed RT2 zoning of the subject property is consistent with this transitional nature of the area.
 3. The proposed zoning is consistent with the Comprehensive Plan. Policy LU 1.1 of the Saint Paul Comprehensive Plan calls for the City to "*Guide the development of housing in Established Neighborhoods...*" and identifies a target density of 3-20 dwelling units per acre in Established Neighborhoods. The proposed RT2 zoning requires a minimum of 2,500 square feet of lot area per unit, a density of approximately 17 units per acre.
 4. The proposed zoning is compatible with surrounding uses. Immediately surrounding uses are primarily single-family residences. As currently developed with a triplex, the subject property would provide residential dwelling units at an identical density to the

surrounding single-family zoned properties. If redeveloped at maximum allowed density under the proposed RT2 zoning, the use and proposed zoning of the property would also be compatible with the surrounding 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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.” The subject property is located in a larger area of R4 single-family zoning. However, the property abuts the ROW for Pierce Butler Route, a major thoroughfare and truck route. Properties to the north of Pierce Butler Route are in an I1 industrial zone. Large residential properties just to the west of the subject property are zoned RM2 multifamily residential, a more intense zoning district. Properties to the east and south are zoned R4 single-family. The subject property is located in an area of transition, between the single-family residential and higher intensity, multifamily residential and industrial districts. The creation of a lower intensity, multifamily zoning district in this context will not create an island of nonconforming use within a larger district, nor will it reduce the value for allowed uses in adjoining districts.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezone from R4 one-family residential to RT2 townhouse.



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

FD-7

Zoning Office Use Only

File # _____

Fee Paid \$ _____

Received By / Date 10-18-19

Tentative Hearing Date 11-7-19

OCT 18 2019

262923430122

APPLICANT

Property Owner(s) Blackstone A, LLC

Address 3033 Euclid Ave #100 City Minneapolis State MN Zip 55416

Email pat.kloos@gmail.com Phone 952-465-0494

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

(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 823 Englewood Ave, Saint Paul, MN 55104

PIN(s) & Legal Description _____

(Attach additional sheet if necessary.)

Lots Black 6, Winter's Addition to St. Paul (Abstract)

Lots 6 & 7 Block 6 Winter's Addition Lot Area _____ Current Zoning _____

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Blackstone A, LLC

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

we are buying this property via a foreclosure. There are already 3 units with their own entrances and kitchens. We are requesting it gets approved as a triplex. There is also ample parking and it is a triple lot. This would provide nice, affordable housing for multiple families if approved.

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

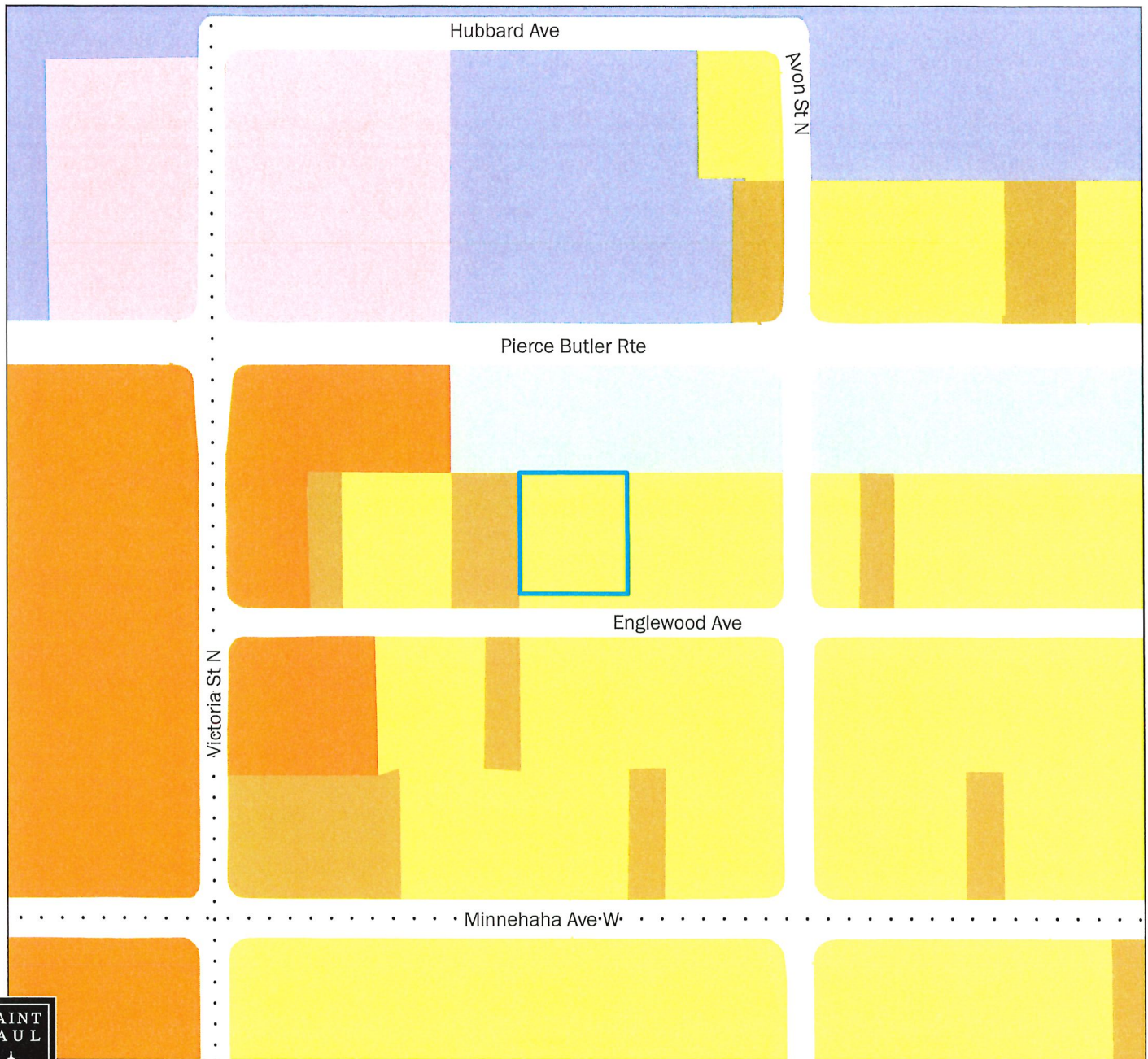
Date 10/17/19 20__

[Signature]
Notary Public



By: [Signature]
Fee owner of property

Title: President



FILE #19-094559 LANDUSE MAP
Application of Blackstone 1, LLC

Application Type: Rezone
 Application Date: October 18, 2019
 Planning District: 7



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.

Subject Parcel(s) Outlined in Blue

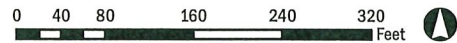
- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | 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 | |



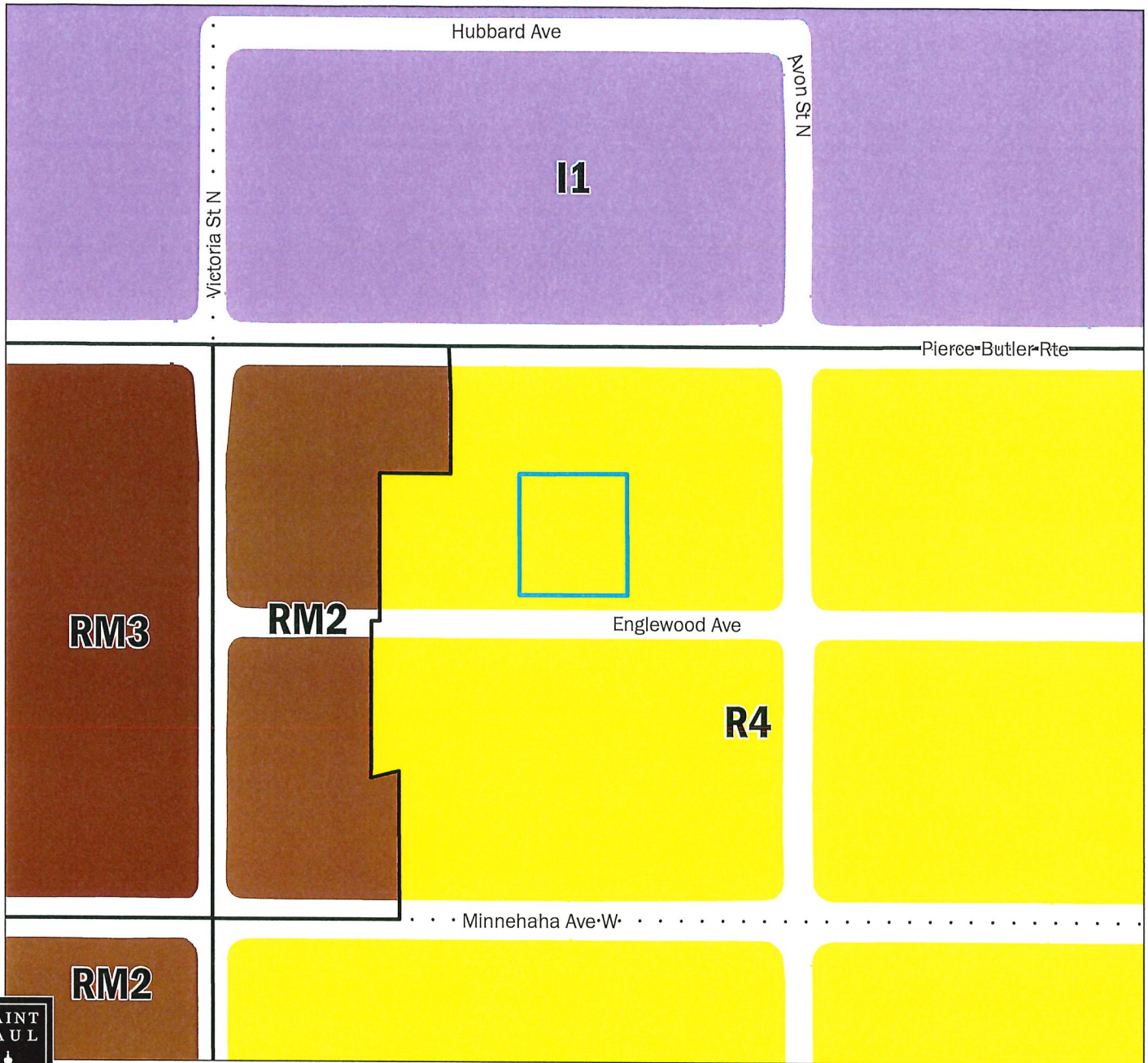
FILE #19-094559 AERIAL MAP
Application of Blackstone 1, LLC

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FILE #19-094559 ZONING MAP
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Subject Parcel(s) 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