

ZONING COMMITTEE STAFF REPORT

FILE NAME: Brad Graves

FILE #: 19-101-117

APPLICANT: Brad Graves

HEARING DATE: December 12, 2019

TYPE OF APPLICATION: Rezoning

LOCATION: 1035 & 1039-1041 Arkwright St, between Lawson Ave. and Cook Ave.

PIN & LEGAL DESCRIPTION: 292922230078; see file for legal description

PLANNING DISTRICT: 5

EXISTING ZONING: RT2

ZONING CODE REFERENCE: §61.801(b)

STAFF REPORT DATE: December 4, 2019

BY: Bill Dermody

DATE RECEIVED: November 14, 2019

60-DAY DEADLINE FOR ACTION: January 12, 2020

- A. **PURPOSE:** Rezone from RT2 townhouse residential to RM2 multiple family residential
- B. **PARCEL SIZE:** 22,651 sq. ft.
- C. **EXISTING LAND USE:** Multi-family residential (6 units: 4-plex and duplex)
- D. **SURROUNDING LAND USE:** Mixed use commercial/multi-family residential (T2) to the north, commercial to the northeast (B2), and a mix of multi-family/duplex/single-family residential and institutional beyond and in other directions (R4, RM2, RT2).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The 4-plex at 1035 Arkwright St. was condemned in 2017 and vacant until mid-2019, when upon inspection it was found to have an illegal fifth unit. According to the Fire Inspector, the fifth unit is located in the basement and will require significant building modifications to be legally occupied if the rezoning is approved.
- G. **PARKING:** The rezoning would allow a range of residential and institutional uses with a range of parking requirements. The applicant has stated that they have two 2-bedroom residential units on the site and four studio apartments, and intend to add a fifth studio. Zoning Code § 63.207 requires a minimum of 1 off-street parking space per studio or one-bedroom residential unit and 1.5 spaces per 2- or 3-bedroom unit, which would equate to a code requirement of 8 parking spaces. There is room behind the buildings for at least 8 parking spaces accessed via the alley.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the Payne-Phalen District 5 Council has not provided a recommendation.
- I. **FINDINGS:**
 1. The application requests rezoning from RT2 townhouse residential to RM2 multiple family residential at 1035-1041 Arkwright Street. The RM2 district is intended to provide for more extensive areas of multiple-family residential development and to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.
 2. The proposed zoning is consistent with the way this area has developed and the surrounding uses. There is a range of residential density and a mix of uses along Arkwright Street that is consistent with rezoning this site to RM2.

3. The proposed zoning is consistent with the Comprehensive Plan. The 2030 Comprehensive Plan in Figure LU-B designates the site as part of an Established Neighborhood, which encourages small multi-family developments consistent with the character of the neighborhood and located at intersections on a transit route (Strategy LU 1.8). The subject site is part of an activity node and multi-family concentration focused on Arkwright Street (which features a bus route) and its intersections.
 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 rezoning does not constitute "spot zoning" but rather is consistent with the surrounding multi-family and mix of uses.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT2 townhouse residential to RM2 multiple family residential.



Summary View

Parcel ID 292922230078
 Parcel Status Active
 Property Address 1035 ARKWRIGHT ST
 ST PAUL, MN 55130-3870
 Sec/Twp/Rng 29/029/022
 Brief Tax Description Lot 15 of HOYTS OUTLOTS&SUB L14-19&22-24
 SUBJ TO ESMT AND EX W 30 FT AND EX E 10 FT OF W 40 FT OF S 30 FT THE N 87 8/10 FT OF S 219 58/100 FT OF E 330 FT OF LOT 15
 (Note: Not to be used on legal documents)
 Parcel Area 0.52 Acres
 Parcel Width 0 Feet
 Parcel Depth 0 Feet
 (Note: Width and Depth represent buildable area of lot in the case of irregularly shaped lots)
 Tax Classification 4A-Rental/Residential Non-Homestead 4 or More Unit
 Roll Type Real Property
 Municipality ST PAUL
 School District ISD #625
 Watershed CAPITAL REGION W/S
 TIF District
 Land Use Code 401 M - APARTMENTS 4-6 RENTAL UNITS
 * The Tax Classification is the Assessor Office's determination of the use of the property and is not the same as the property's zoning.
 * Please contact the zoning authority for information regarding zoning.
 * To determine whether your property is Abstract or Torrens, call 651-266-2050.

Taxpayers

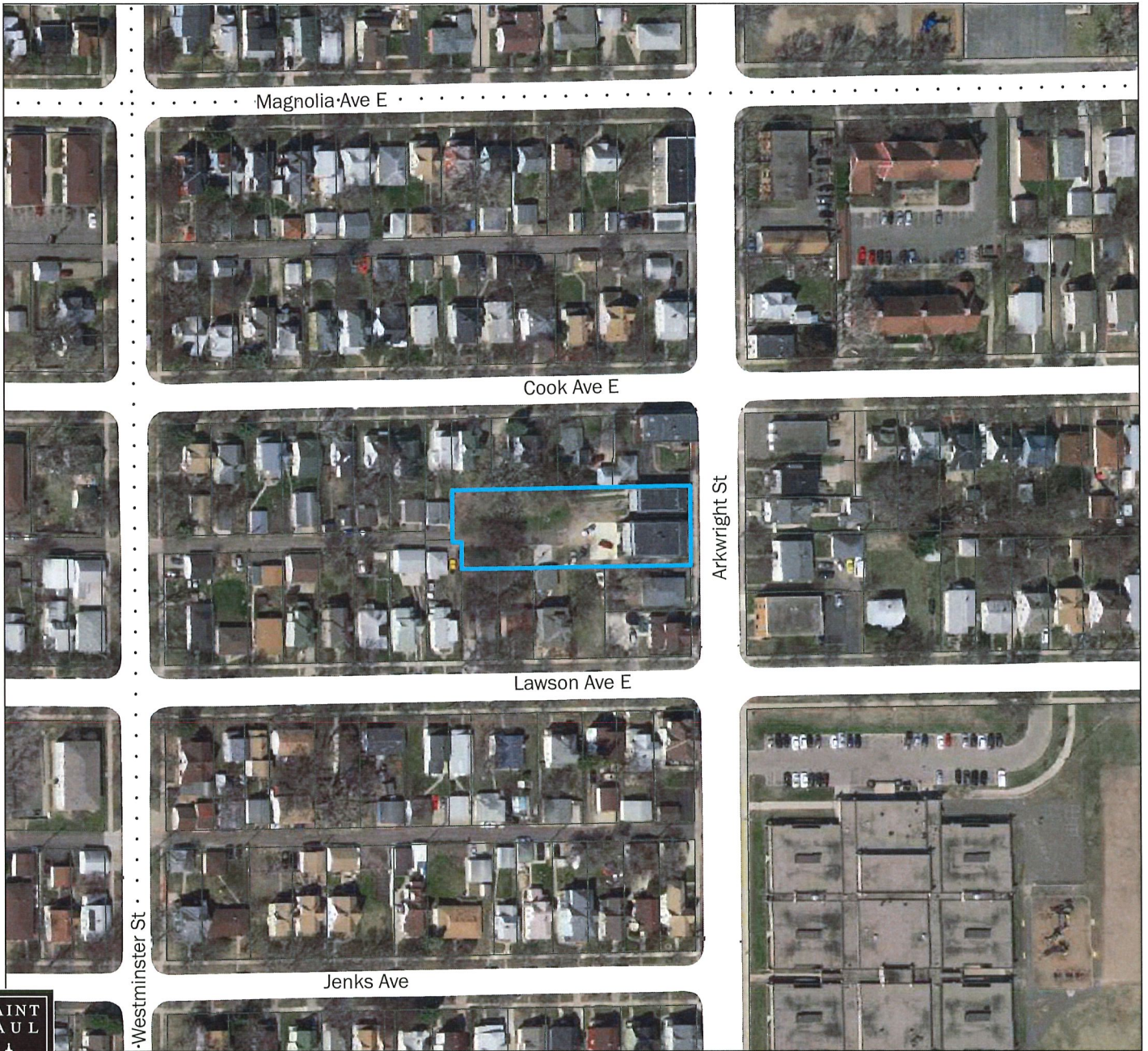
Please refer to disclaimer at bottom of this page

Type	Name	Address
Owner	Bradford Newman Graves	4893 Lake Ave White Bear Lake MN 55110-2831
Alternate Taxpayer	Al Conard Co Nikki Knapp	465 Park Ave Mahtomedi MN 55115-1640

Current Tax Year

*Information listed is as of yesterday. For specific payoff information contact Property Tax Info at 651-266-2000.

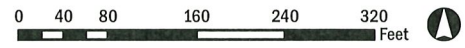
First Half Due 05-15-2019		Second Half Due 10-15-2019	
Amount Due	\$4,576.00	Amount Due	\$4,576.00
Penalty & Fees (thru current month)	\$0.00	Penalty & Fees (thru current month)	\$0.00
Sub Total	\$4,576.00	Sub Total	\$4,576.00
Payments Made	(\$4,576.00)	Payments Made	(\$4,576.00)



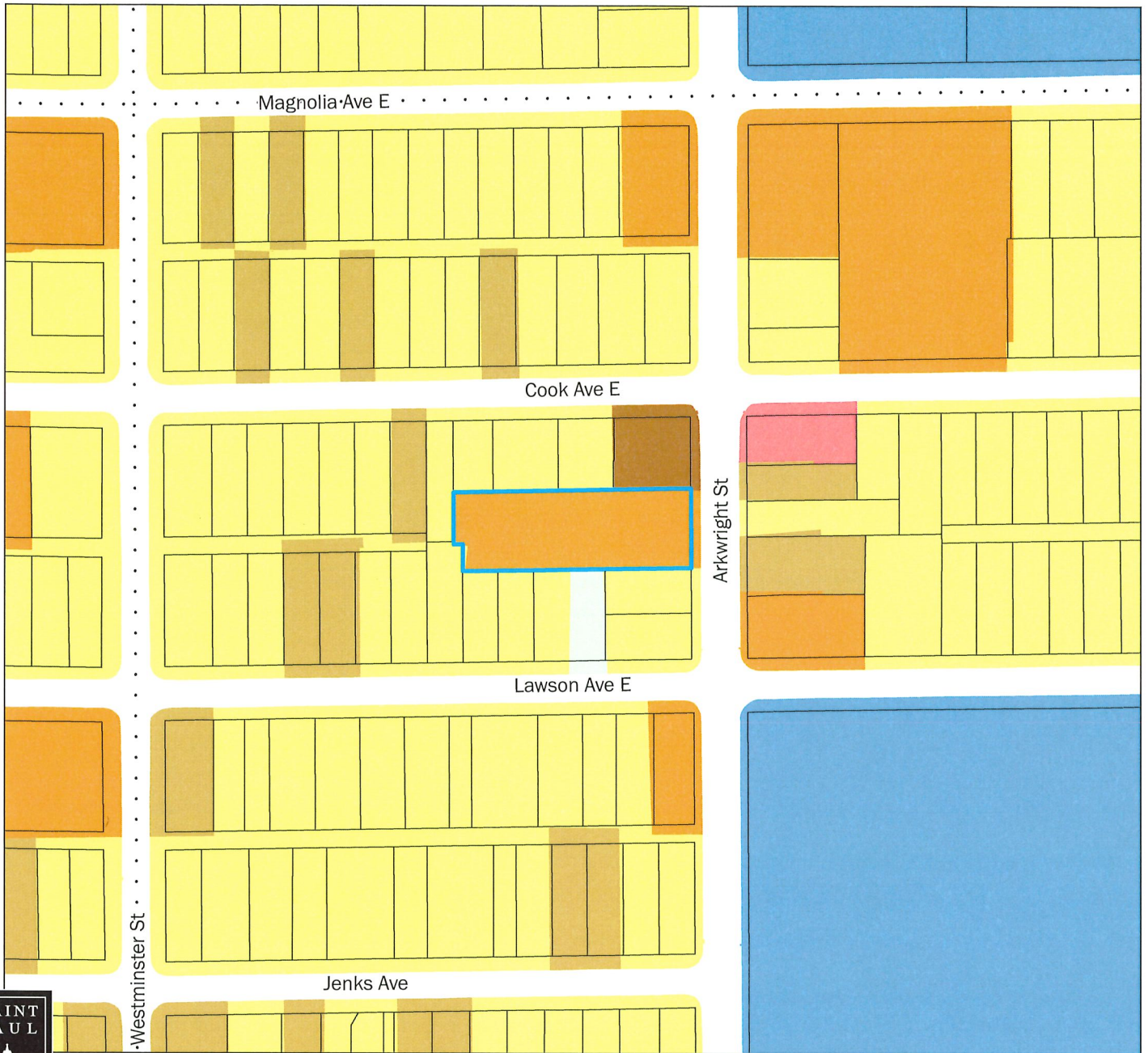
FILE #19-19-101117 | AERIAL MAP
Application of Brad Graves

Application Type: Rezone
 Application Date: November 13, 2019
 Planning District: 5

Subject Parcel(s) 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 #19-19-101117 | LANDUSE
Application of Brad Graves

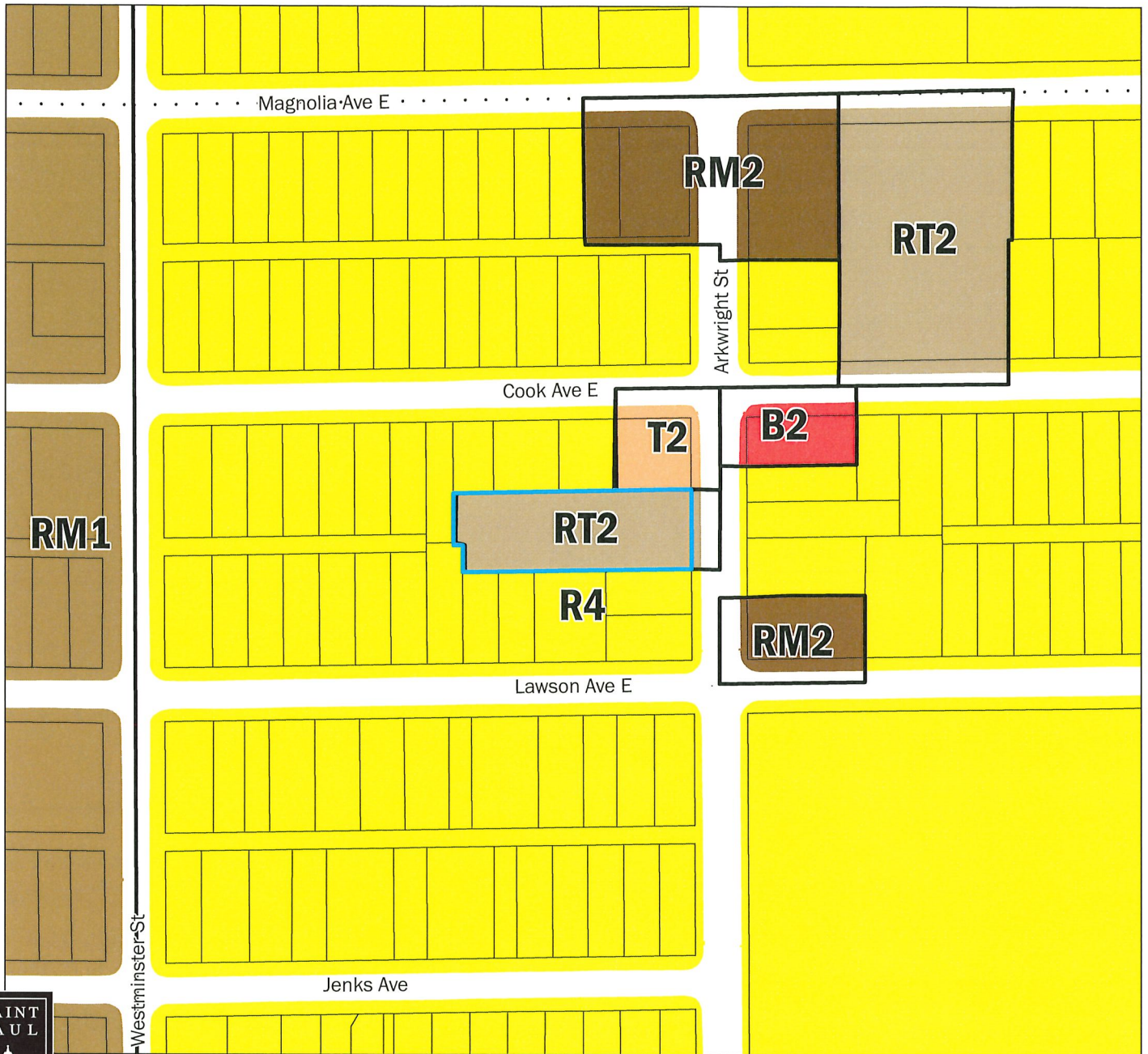
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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 #19-19-101117 | ZONING MAP
Application of Brad Graves

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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