

city of saint paul
planning commission resolution
file number
date

WHEREAS, Chong Vang, File # 18-064-689, has applied to rezone from RT1 two-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 494 Farrington St. and 308-310 Sherburne, Parcel Identification Number (PINs), 36.29.23.13.0177; 36.29.23.13.0175; 36.29.23.13.0173; legally described as Lots 7 through 9, Block 27, Warren Rice’s Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 7, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is requesting a rezoning to T2 traditional neighborhood in to construct a new parking lot for his multi-tenant commercial building south of the subject parcels located at 307 University Avenue.
2. The proposed zoning is consistent with the way this area has developed. 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 proposed zoning will allow the development of a surface parking lot to the rear of the principal structure that the parking will be serving. The proposed T2 zoning to Sherburne is consistent with other larger commercial and mixed-use developments within the central corridor with the traditional neighborhood zoning to Sherburne.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are within a mixed use corridor and as such the subject parcels are suitable for a range development types. The rezoning to T2 of the subject parcels will allow them to be redeveloped over time, while increasing the viability of the existing businesses in the near term because they are not currently served by any off-street parking facilities. Providing off-street parking to make the current businesses viable is consistent with policy LU-1.50 of the comp plan which calls for facilitating the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses. The placement of the proposed parking is consistent with policy L3 of the District 7

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in favor _____
against _____

neighborhood plan, which calls for improving parking by encouraging parking in back of buildings.

4. The proposed zoning is compatible with the surrounding commercial and residential development in the immediate area. T2 zoning permits all of the adjacent 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.*" Rezoning the subject parcels to T2 traditional neighborhood would not constitute spot zoning. The T2 Traditional neighborhood zoning district along University Avenue is simply being extended north to Sherburne Avenue, similar to other nearby places where this is the case.
6. The petition for rezoning was found to be sufficient on May 11, 2018, 18 parcels eligible; 12 parcels required; 13 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application to rezone from RT1 two-family residential to T2 traditional neighborhood for property at 494 Farrington St. and 308 – 310 Sherburne be approved.

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WHEREAS, Ronald Danatus, File # 18-063-692, has applied for reestablishment of legal nonconforming status as a duplex under the provisions of § 69.109(e) of the Saint Paul Legislative Code, on property located at 1179 Hubbard Ave., Parcel Identification Number (PIN) 27.29.23.44.0069, legally described as Gilberts Addition, Lot 26, Block 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 7, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The subject structure was constructed in 1958 as a one-family dwelling, and converted, per Ramsey County Assessor's data, to a two-family dwelling no later than 1963. A two-family dwelling was an allowed use in the "B" residential district in which the property was located at that time, but the property did not have the minimum required lot area for a two-family dwelling of 6,000 square feet. In a review of City records, no variance for minimum lot area or building permits for conversion of the structure to a two-family dwelling were found. However, the property was previously listed in City records as a legally nonconforming duplex. In 2016, the property went vacant, and remained vacant for more than 365 days, losing nonconforming status as a two-family dwelling. Prior to acquiring the property, the applicant was told by the Department of Safety and Inspections that the property was eligible for reestablishment of use as a two-family dwelling.
2. The property went vacant in 2016 following the death of the previous owner, and the structure was registered as a Category 2 vacant building. In March of 2018, a code compliance inspection, a prerequisite for sale of a registered vacant building, was completed.
3. in 2009, the Planning Commission adopted guidelines for staff to use in evaluation of applications for duplex and triplex conversions. The guidelines state that staff may only recommend approval if the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The subject lot is 5,360 square feet in area and 40 feet wide.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. The subject structure has a footprint of approximately 1700 square feet. The smaller, second floor

moved by _____

seconded by _____

in favor _____

against _____

unit covers approximately 50-60% of the building footprint, meaning an area of at least 750 square feet.

- C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This finding is met. The subject property has a two stall, tuck-under garage.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)* This guideline is met. The code compliance inspection identified required repairs to portions of the exterior of the structure. However, these repairs are minor and non-structural, and the applicant does not propose any external remodeling.
 - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.* A code compliance inspection of the property was performed in March of 2018. The Department of Safety and Inspections issued a code compliance report, and will require that the property is brought into full code compliance before occupancy of the property is allowed. This requirement should also be a condition of approval.
4. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. At the time of purchase of the property, the applicant was aware that the property had lost status as a two-family dwelling unit due to vacancy for a period of more than 365 days. However, the applicant made the purchase with the understanding that the property was eligible for reestablishment of legal nonconforming status as a duplex, and the intent to use rental income from a second unit to cover financing costs. The applicant would also incur costs to deconvert the structure to only one unit.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The property was previously a two-family dwelling.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The property was in continuous use a two-family dwelling from 1963 – 2016, and is consistent with the character of the immediate neighborhood.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. This finding is met. This property is located in an area that the Comprehensive Plan gives a future land use designation of "Established Neighborhood", described as a "predominantly residential area with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods". The Hamline Midway Community Plan advocates for "the development of alternatives to single family housing throughout the

neighborhood".

- (5) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on May 18, 2018: 11 parcels eligible; 8 parcels required; 8 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application Ronald Danatus for reestablishment of legal nonconforming status as a duplex at 1179 Hubbard Ave is hereby approved, subject to the following condition:

1. Property is brought into full code compliance within one year of the date of this approval, as determined by the Department of Safety and Inspections.