

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1128 Mackubin Rezoning

FILE # 21-323-222

APPLICANTS: Kevin Vu, Vu investments, LLC

HEARING DATE: December 30, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 1128 Mackubin Street between Jessamine Avenue and Maryland Avenue

PIN & LEGAL DESCRIPTION: 25.29.23.21.0170; Ex. W. 33 ft for St., S. 65 ft. of W. 160 ft. of Lot 55, Wilkin and Heywards Outlots

PLANNING DISTRICT: 6

EXISTING ZONING: R4

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: December 21, 2021

BY: Marilyn Rosendahl

DATE RECEIVED: November 24, 2021

60-DAY DEADLINE FOR ACTION: 1-22-22

A. **PURPOSE:** Rezone from R4 one-family residential to RT1 two-family residential

B. **PARCEL SIZE:** 65 x 127' lot of 10,271 sq. ft. (+/- 0.24 acres)

C. **EXISTING LAND USE:** currently vacant

D. **SURROUNDING LAND USE:** North: one-family, two-family and multi-family residential in R4, RT1 and RM2 residential zoning districts; East & South: single family residential in R4 one-family residential district; West: Marydale Park/Loeb Lake.

E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner. § 66.231 sets the dimensional standards for residential districts, including RT1 minimum lot size for a duplex.

F. **HISTORY/DISCUSSION:**

A single-family home was built on the lot in 1913 and later converted to a duplex. A 2009 Truth in Sale Housing Report (TISH) shows that the property was inspected and verified as a legal nonconforming duplex.

Legal nonconforming use status as a two-family dwelling was lost when the property ceased to be used as a two-family dwelling. According to an inspection letter in 2009, the property was declared unsafe and unfit for human habitation with multiple building code violations and considered a blight. A condemnation placard was placed on the building and the Fire Certificate of Occupancy was revoked. The property was ordered to be vacated. The City Council acted in 2020 when finding it unimproved and vacant, ordering demolition pursuant to a resolution for a substantial abatement order. The structure was demolished in 2021.

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 North End Neighborhood Organization (NENO) has recommended approval for the proposed rezoning.

H. **FINDINGS:**

1. The application requests rezoning from R4 one-family residential to RT1 two-family residential for development of a two-family dwelling.
2. The proposed zoning is compatible with surrounding uses. RT1 zoning allows for the two-family residential use, is compatible with surrounding residential uses, and is consistent with the way the area has developed. The block between Mackubin Street and Norton Street is a mixture of one-family, two-family and medium density multi-family residential land use. The subject parcel is approximately 65 feet from both an RM2 multi-family district and an RT1 two-family residential district.
3. The proposed rezoning is consistent with the Comprehensive Plan. The parcel is within an area designated as an Urban Neighborhood, in which single-family homes and duplexes are most common for older City neighborhoods. Housing Policy H 48 guides decision-makers to expand

permitted housing types in Urban Neighborhoods to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

4. The subject parcel meets the minimum lot width and area requirements for a two-family dwelling in the proposed RT1 two-family residential zoning district. The 65' wide x 127' deep lot has sufficient area to design and develop a duplex structure to code standards for continuation of two-family residential use of the lot.
 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 RT1 rezoning would not likely be considered "spot zoning" as it is establishing a residential use classification consistent with the one-family, two-family and multi-family development pattern on this block.
- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends approval of the proposed rezoning from R4 one-family residential to RT1 two-family residential at 1128 Mackubin Street.



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

PD=6

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

252923210170

APPLICANT

Property Owner(s) Kevin Vu

Address 1158 7th S. E City St. Paul State MN Zip 55106

Email kevinvu1972@yahoo.com Phone 612-212-0110

Contact Person (if different) Hung Ly, Architect Email hlarchitects2000@gmail.com

Address 51 11th Ave. S City Waite Park State MN Zip 56387

(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 1128 Mackubin St., St. Paul, MN 55117

PIN(s) & Legal Description 252923210170
(Attach additional sheet if necessary.)

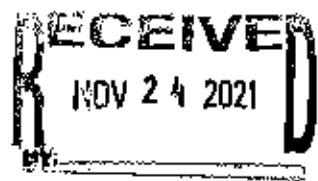
Lot Area 8,255 sf. Current Zoning R4

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 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 R4 zoning district to a RT1 zoning district, for the purpose of:

See Attached Letter



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 November 23 2021

Joan M Kallenberg
Notary Public



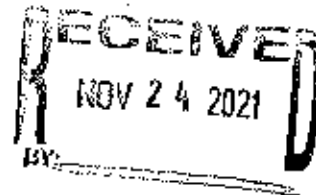
By: [Signature]
Fee owner of property
Title: Owner

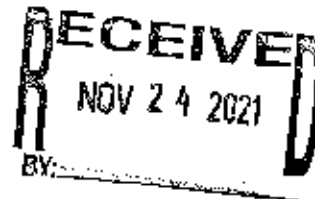
Rezoning Application.....

1128 MACKUBIN STEET, ST PAUL, MN 55117

...owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R4 zoning district to a RT1 zoning district, for the purpose of:

Building a side by side duplex on the existing lot which previously was also a duplex. Zoning from R4 to RT1 is only one step higher in the zoning code, so we are asking for the minimum possible rezoning possible. The proposed use will be the same as the existing, and a new duplex will be built on the lot that meets current building and zoning codes that also provides adequate housing for two families. It is our strong belief that the proposed duplex is far more appropriate to the neighborhood than the existing duplex and will provide opportunities for two households to thrive close to amenities and jobs. To make this property a single-family dwelling, across the street from an amenity such as Loeb Lake, would be to deny another household the opportunity to live here in this place. Growing and prospering by preserving density, and not eliminating it, is essential for the long term Comprehensive Plan and also other initiatives in the city, such as the recent 1-4 Unit Infill Housing Zoning Study that proposes to question the validity of single family zoning in the City of Saint Paul.





Residential Zoning Districts:

Sec. 66.212. - Intent, R1— R4 one-family residential districts.

The R1— R4 one-family residential districts provide for an environment of predominantly low-density, one-family dwellings along with civic and institutional uses, public services and utilities that serve the residents in the districts. Because of their residential nature, these districts are not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

Sec. 66.213. - Intent, RT1 two-family residential district.

The RT1 two-family residential district provides for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district. The district recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses.

Zoning Case File: 21-323-222

PED Site Visit

Thursday, Dec. 2, 2021

Re. 1128 Mackubin Street

The subject property is a 10,271 sq. ft. vacant lot with access off Mackubin between Jessamine and Maryland Avenues. A residential structure was demolished but the asphalt driveway remains.

Address: 1128 Mackubin Street



North: one-family, two-family and multi-family residential uses in R4, RT1 and RM2 residential zoning districts

One family residence immediately north of the subject parcel:



Multifamily land use in an RM2 district:

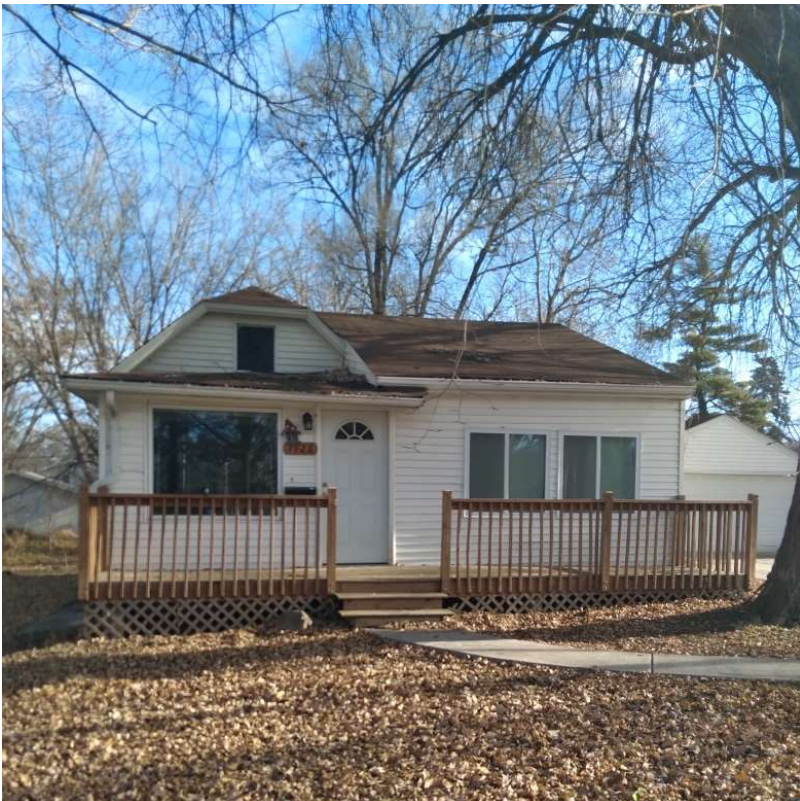


East & South: single family residential use in R4 one-family residential district

There is no alley access. The parcel abuts a lot with a detached garage for off street parking:



Single family home immediately south of the subject parcel:



West: Marydale Park/Loeb Lake

There is a beautiful view to the west with convenient access to passive and active outdoor recreation.





North End Neighborhood Organization (District 6)
171 Front Avenue
Saint Paul, MN 55117
651-488-4485
ed@nenostpaul.org

December 21, 2021

Marilyn Rosendahl
Senior Planner Planning and Economic Development
1400 City Hall Annex 25 West 4th Street
Saint Paul, MN 55102

RE: 1128 Mackubin Rezoning

The North End Neighborhood Organization reviewed the application regarding a zoning change from R4 one family dwelling to RT1 two family dwelling at 1128 Mackubin.

Originally the lot held a single family home which was then converted into a duplex, the property as a duplex was legally verified as a nonconforming use. The house was razed and we assume the nonconforming use ceased once the home was demolished.

RT1 Zoning allows the property to be used as it was originally -as a duplex- due to the issuance of the previous nonconforming use.

The proposed zoning change meets all the required findings and a duplex would be consistent with the properties found in the adjacent neighborhood.

The North End Neighborhood Organization agrees with staff findings regarding requested zoning change from an R4-one-family residential to RT1 two-family residential as such support the requested change.

Thank-you for your consideration and if you have questions please contact the office at the numbers above.

Regards:

Kerry Antrim

Kerry Antrim
Executive Director

An AA/EEO Employer

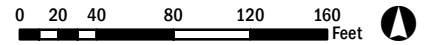


FILE #21-323-222 Aerial Map
Application of Vu Investments LLC

Application Type: Rezone
 Application Date: November 24, 2021
 Planning District: 6

Subject Parcel(s) Outlined in Blue

- Subject Parcel(s)
- ParcelPoly

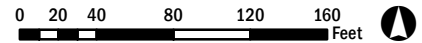


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FILE #21-323-222 Existing Land Use
Application of Vu Investments LLC

Application Type: Rezone
 Application Date: November 24, 2021
 Planning District: 6



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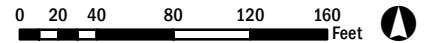
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s) | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly | Multifamily | Industrial and Utility | Railway |
| 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 |



FILE #21-323-222 Zoning Map
Application of Vu Investments LLC

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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	