ZONING COMMITTEE STAFF REPORT

FILE NAME: 918 E. 5th St. Rezoning **FILE #** 22-058-214

APPLICANT: House 11 LLC, James Faillettaz **HEARING DATE:** June 30, 2022

TYPE OF APPLICATION: Rezoning

LOCATION: 918 5th St E, between Forest Street and Mendota Street

PIN & LEGAL DESCRIPTION: 33.29.22.23.0005; Lot 6, Block 95, Daily & Berrisford's Subdivision of Block 95 of Lyman Dayton's Addition

PLANNING DISTRICT: 4 **EXISTING ZONING:** RT1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: June 22, 2022 **BY:** Bill Dermody

DATE RECEIVED: June 2, 2022 **60-DAY DEADLINE FOR ACTION:** July 30, 2022

A. **PURPOSE:** Rezone from RT1 two-family residential to RM1 multiple-family residential.

B. **PARCEL SIZE:** 5,009 sq. ft.

C. **EXISTING LAND USE:** Duplex residential

D. **SURROUNDING LAND USE:** Single-family and duplex residential

E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The subject site and surrounding area were rezoned to RT1 two-family residential in 1975.

G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Dayton's Bluff Community Council has not provided a recommendation.

H. **FINDINGS:**

1. The application requests rezoning from RT1 two-family residential district to RM1 multiple-family residential district.
2. The proposed zoning is not consistent with the way this area has developed. Nearby interior lots of this size (5,000 s.f., 40 feet wide) have been developed as single-family or duplex residential. Only corner lots and larger lots in this area have been developed as residential uses with more than two units.
3. The proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding residential land uses. Even the existing duplex, however, is legally nonconforming in the surrounding RT1 two-family residential zoning district because of the small lot size.
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.* 918 E 5th Street is in the middle of a block in the middle of a large RT1 two-family residential zoning district. There is no other similar nearby small mid-block lot with multiple-family residential land use. Rezoning the small lot at 918 E 5th Street to RM1 multiple-family residential would establish a use classification inconsistent with the surrounding uses, create an island of nonconforming use within a larger zoned property, and constitute spot zoning.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from RT1 two-family residential to RM1 multiple-family residential.

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=4

Zoning Office Use Only
File # 22-058-214
Fee Paid $ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Property Owner(s) James Faillettaz
Address 3204 Homes ave City Minneapolis State MN Zip 55408
Email revolutioninvestingllc@gmail.com Phone 612-323-9332
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 918 5TH ST E ST PAUL, MN 55106-5230
PIN(s) & Legal Description 332922230005
(Attach additional sheet if necessary.)
Lot Area 0.11 Acres Current Zoning RT1

TO THE HONORABLE MAYOR AND CITY COUNCIL:
Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statues § 462.357, _____
owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT1 zoning district to a RM1 zoning district, for the purpose of:

To whom it may concern,

I am submitting a rezoning application for the property located at 918 5TH ST E ST PAUL, MN 55106-5230. This property is currently zoned RT1, but I am applying to change the zoning to RM1 for the following reasons: The bottom unit has two bathrooms, two kitchens, and 5 bedrooms. There are two separate heating systems for the bottom unit. There is two off-street parking spaces and two garage parking spots for the whole building. The top unit also has 3 bedrooms, one bathroom, and one kitchen. This property's current zoning only allows for single family homes and duplexes. I am requesting a change in zoning to legally operate this triplex.

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 May 16th 2022
Notary Public

By: _____
Fee owner of property

Title: _____

COLLEEN LOUISE MEYER
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2023

Rev 8.5.2019

SAINT PAUL

File #22-058-214 Aerial Map

Application of James Faillettaz

Application Type: Rezone
Application Date: June 1, 2022
Planning District: 4

0 10 20 40 60 80 Feet

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

Subject Parcel(s)
ParcelPoly
ImageServices\AerialPhoto2020

RGB
Red: Band_1
Green: Band_2
Blue: Band_3

SAINT PAUL

File #22-058-214 Existing Land Use

Application of James Faillettaz

Application Type: Rezone
Application Date: June 1, 2022
Planning District: 4

0 10 20 40 60 80 Feet

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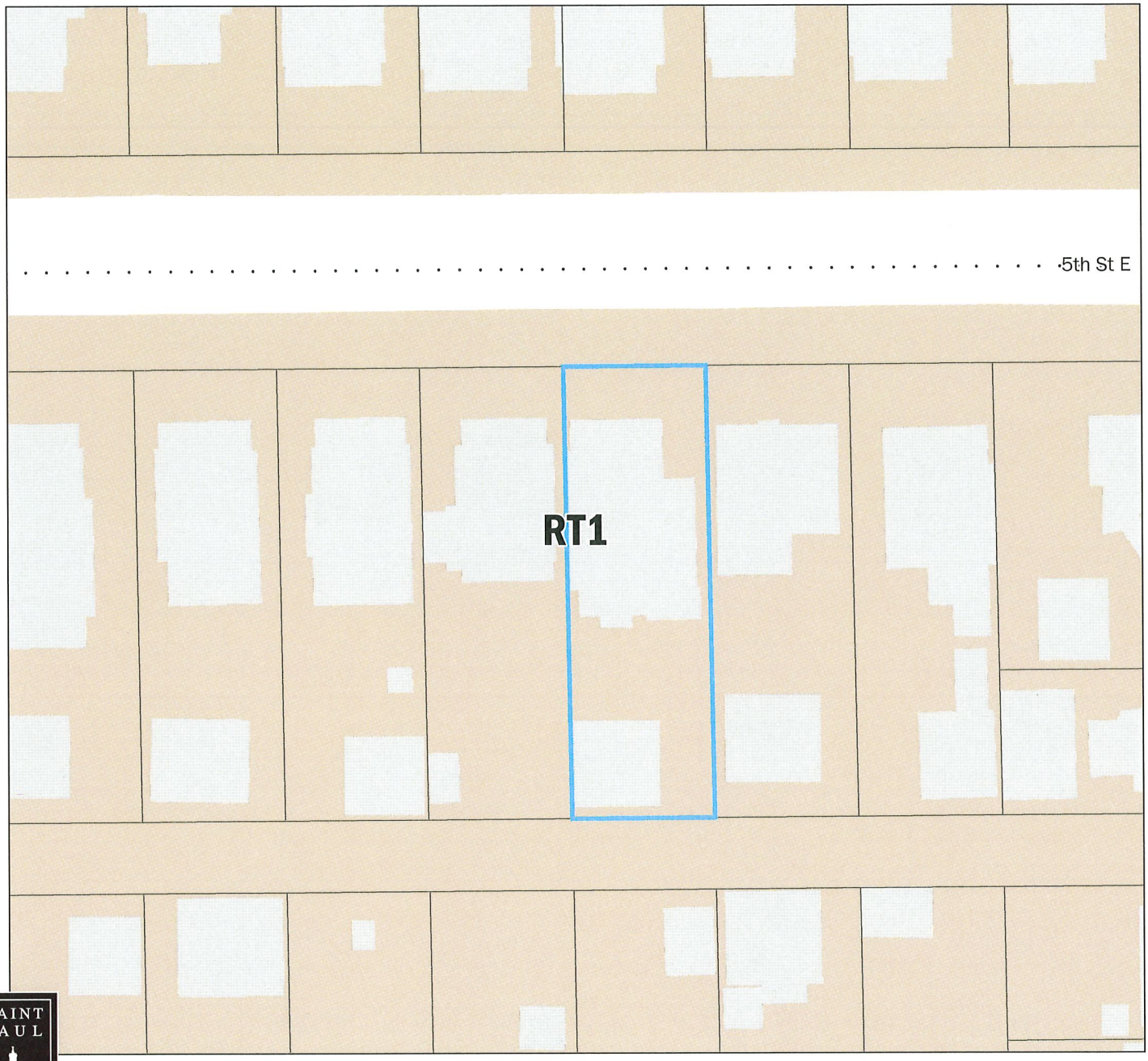
Subject Parcel(s) Outlined in Blue

- Subject Parcel(s)
- ParcelPoly
- Farmstead
- Seasonal/Vacation
- Single Family Detached
- Manufactured Housing Park
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Extractive
- Institutional
- Park, Recreational or Preserve
- Golf Course
- Major Highway
- Railway
- Airport
- Agricultural
- Undeveloped
- Water



SAINT PAUL

File #22-058-214 Zoning Map

Application of James Faillettaz

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Subject Parcel(s) Outlined in Blue

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