

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1001 Reaney Rezoning

FILE #: 21-240-240

APPLICANT: Verus Praedium Holding LLC

HEARING DATE: March 25, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 1001 Reaney Ave, NE corner at Cypress Street

PIN & LEGAL DESCRIPTION: 28-29-22-34-0045; Lot 13, Block 12, Terry's Addition

PLANNING DISTRICT: 4

EXISTING ZONING: RT1

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: March 18, 2021

BY: Bill Dermody

DATE RECEIVED: February 25, 2021

60-DAY DEADLINE FOR ACTION: April 26, 2021

- A. **PURPOSE:** Rezone from RT1 two-family residential to RM1 low-density multiple-family residential.
- B. **PARCEL SIZE:** 50' (Reaney) x 127' (Cypress) = 6,351 sq. ft.
- C. **EXISTING LAND USE:** Duplex- two-family residential
- D. **SURROUNDING LAND USE:** Vacant (RT1) to the north, single-family and two-family residential (RT1) to the east and south, and a mix of single-family, two-family, and multi-family residential to the west (RT1) and northwest (T2).
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The home on the site was constructed in 1905 and for many years was a duplex. In 2006 an illegal third residential unit was noted and ordered to be removed and reverted to a duplex. In 2017 the site was again noted to have an illegal third residential unit, via a zoning verification letter that preceded the most recent property sale.
- G. **PARKING:** The proposed rezoning to RM1 would allow for a range of residential uses whose parking requirements would be determined at the time of development. The application materials indicate that the planned use is a residential triplex. Zoning Code § 63.207 requires a minimum of 3 off-street parking spaces for the site's 2 existing two-bedroom units. Expansion to allow a third residential unit, as is anticipated after this rezoning, would require 4 parking spaces under the current code. The site provides space for 3 non-stacked off-street parking spaces in the driveway, as well as a 2-car garage behind those spaces (i.e. stacked). The Parking Zoning Study currently under Planning Commission review would change the minimum off-street parking requirement for a triplex on this site from 4 spaces to either 3 or 0 spaces.
- H. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the Dayton's Bluff (District 4) Community Council has not provided a recommendation.
- I. **FINDINGS:**
1. The application requests rezoning from RT1 two-family residential to RM1 low-density multiple-family residential for the purpose of accommodating a third residential unit.
 2. The Planning Commission's Triplex Conversion Guidelines (2009) state that staff will recommend denial of rezoning applications to provide conversion to triplexes unless the following guidelines are met:

- (a) *Lot size of at least 9000 square feet.* This guideline is not met. The lot's size is 6,351 square feet.
 - (b) *Gross living area after completion of the conversion of at least 2100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The gross living area is 2,383 square feet. The smallest unit is 750 square feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.* This guideline is met. The 26'-wide driveway off of Cypress Street is large enough to accommodate three off-street parking spaces.
 - (d) *The property is located in a mixed density or mixed use neighborhood.* This guideline is met. The surrounding area contains a mix of residential densities.
 - (e) *The units must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance.* This guideline will be met. Although rezonings cannot have conditions attached to them, this guideline must be met for the third unit to be legally occupied.
 - (f) *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).* This guideline is met. This lot has not been rezoned since the 1975 citywide rezoning.
3. The proposed zoning is consistent with the way this area has developed. RM1 zoning allows for small-scale multi-family residences, which are consistent with the mix of residential densities in the surrounding area.
 4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as part of an Urban Neighborhood – a primarily residential area with a range of housing types.
 5. The proposed zoning is compatible with the surrounding residential uses.
 6. 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 zoning does not constitute “spot zoning” because it is not inconsistent with the surrounding residential uses.
- J. **STAFF RECOMMENDATION:** Based on Finding 2(a), staff recommends denial of the rezoning from RT1 two-family residential to RM1 low-density 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

Zoning Office Use Only

File # _____
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 1001 Reaney Ave E St Paul, MN 55106
PIN(s) & Legal Description 282922340045
(Attach additional sheet if necessary.)
Lot Area 0.15 Acres Current Zoning RT1

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
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 1001 Reaney Ave, St. Paul, MN 55106. This property is currently zoned RT1, but I am applying to change the zoning to RM1 for the following reasons: the building has three separate units, a thermostat controlling each unit, a kitchen and one or more bathrooms in each unit, and three parking spots. 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.

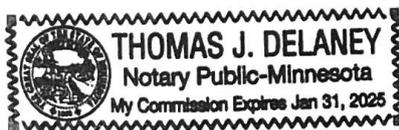
Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit

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 February 19 2021

[Signature]
Notary Public



By: [Signature]
Fee owner of property

Title: owner of veris praedium holding LLC

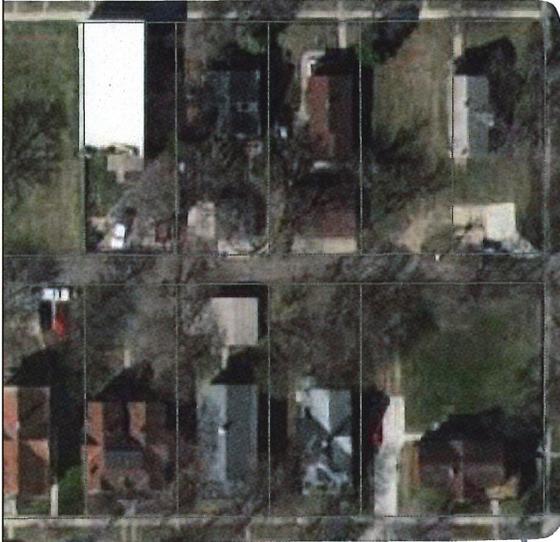


Google Street Views of home from Reaney/Cypress intersection (above) and alley/driveway to Cypress Street (below)





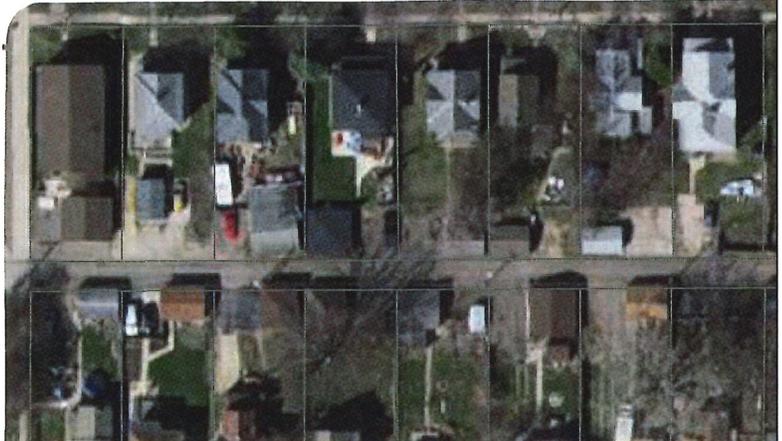
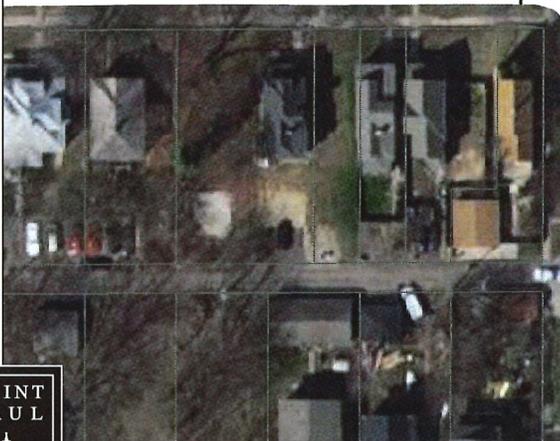
Bush Ave



Cypress St



Reaney Ave

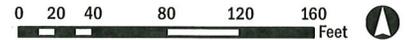


FILE #21-240-240 Aerial Map Application of James Faillettaz

Application Type: Rezone
Application Date: February 19, 2021
Planning District: 4

Subject Parcel(s) Outlined in Blue

ParcelPoly on

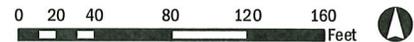


This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #21-240-240 Existing Landuse
Application of James Faillettaz

Application Type: Rezone
 Application Date: February 19, 2021
 Planning District: 4



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

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on | 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 |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |



FILE #21-240-240 Zoning Map Application of James Faillettaz

Application Type: Rezone
Application Date: February 19, 2021
Planning District: 4



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

ParcelPoly on	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	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	