

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Phalenview Real Estate LLC **FILE #:** 16-060-576
 2. **APPLICANT:** Phalenview Real Estate LLC **HEARING DATE:** August 11, 2016
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 419 Whittall St, between Clark and Arkwright
 5. **PIN & LEGAL DESCRIPTION:** 292922320195; Edmund Rices First Addition Lot 12 Blk 7
Edmund Rice's Fourth Addition And In Sd Edmund Rice's First Addition Lots 2,3 & 4 Blk 6
 6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** RT1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 3, 2016 **BY:** Courtney Overby
 9. **DATE RECEIVED:** July 21, 2016 **60-DAY DEADLINE FOR ACTION:** September 19, 2016
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- A. **PURPOSE:** Rezone from RT1 two-family residential to RM2 multiple-family residential.
- B. **PARCEL SIZE:** 26,136 s.f.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Single-family, duplex, and multiple-family residential (RT1) to the north and east; medical office campus (I1) to the south across Whittall Street
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to the parcel. According to the applicant, the subject parcel was split off from the single-family residence to the east a few years ago. Sometime after 1975, the site was rezoned from RM2 to RT1 as part of a larger rezoning along the Phalen Corridor.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing District 5 has not provided a recommendation.
- H. **FINDINGS:**
 1. The proposal is to rezone from RT1 Two-Family Residential to RM2 Multiple-Family Residential to allow for development of multi-family housing on a vacant lot.
 2. The proposed zoning is consistent with the way this area has developed. The lot has been undeveloped at least since 1975. It is surrounded by residential uses to the north, and the more intense, more recent development along Phalen Boulevard to the south.
 3. The proposed zoning is consistent with the Comprehensive Plan and is compatible with the Phalen Corridor Development Strategy residential strategy of "constructing new homes with neighborhood compatible designs on infill lots throughout the area" and "develop new medium density sites".
 4. The proposed zoning is consistent with the surrounding uses, including a mix of single-family, duplex, and multi-family residential to the north, and the medical office campus to the south.
 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 rezoning to RM2 is not spot zoning. RM2 allows residential uses that are consistent with the surrounding residential uses to the north as well as the more intense medical office campus to the south.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 419 Whitall Street from RT1 to RM2.



PETITION TO AMEND THE ZONING CODE
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 16-060576
 Fee: 1200⁰⁰
 Tentative Hearing Date:
8-11-16

PD-5

#292922320195

APPLICANT

Property Owner(s) Phalenview Real Estate, LLC
 Address 2350 7th St W
 City Saint Paul State MN Zip 55116 Phone 651.690.1591
 Contact Person Gerald E. Frisch Phone 651.690.1591
 Email gfrisch@nilvaandfrisch.com
 (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 LOCATION

Address/Location 419 Whitall St
 Legal Description Lots 2, 3 & 4, Block 6, Edmund Rice's 1st Addition
and Lot 12, Block 7, Edmund Current Zoning RM1 RT1
 (Attach additional sheet if necessary.) Rice's 4th Addition

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, Phalenview Real Estate, LLC owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RM1 RT1 zoning district to a RM2 zoning district, for the purpose of:
 developing the site with a seventeen (17) unit apartment building.

OK 5989
 1200⁰⁰
 7/20/16
 Add

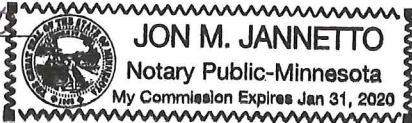
(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date July 18 20 16

Jon M. Jannetto
 Notary Public



Phalenview Real Estate, LLC
 by Gerald E. Frisch
 By: Gerald E. Frisch
 Title: Managing Member



Whitall St

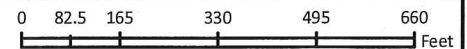
Clark St

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FILE NAME: Phalenview Real Estate

Aerial

APPLICATION TYPE: Rezone

 Subject Parcels

FILE #: 16-060576 DATE: 7/21/2016

PLANNING DISTRICT: 5

ZONING PANEL: 10





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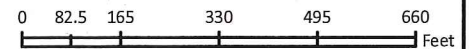
FILE #: 16-060576 DATE: 7/21/2016

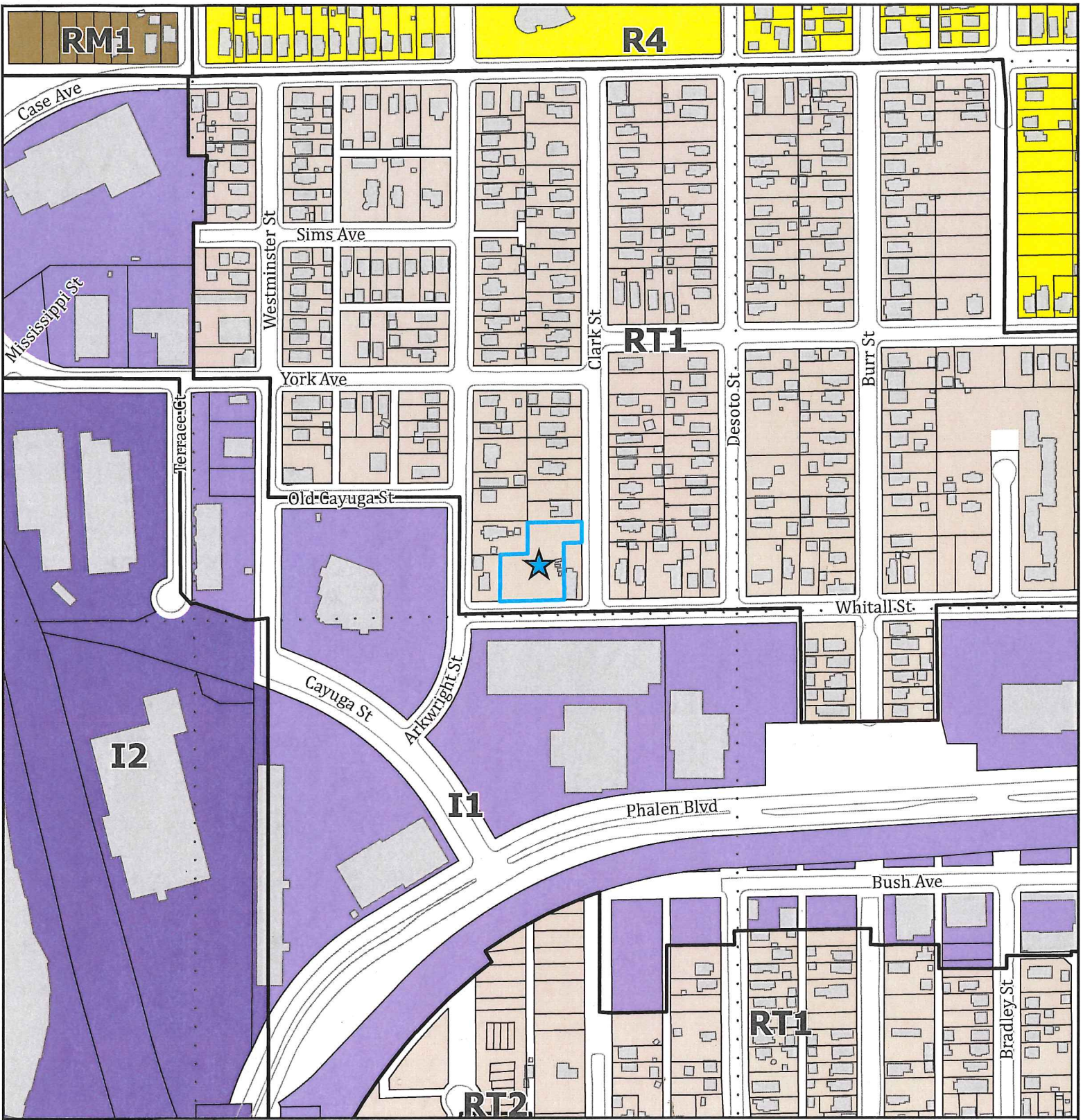
PLANNING DISTRICT: 5

ZONING PANEL: 10

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Railway
- Undeveloped
- Subject Parcels
- Section Lines





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APPLICATION TYPE: Rezone

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DATE: 7/21/2016

PLANNING DISTRICT: 5

ZONING PANEL: 10

Zoning

- Subject Parcels
- · · Section Lines
- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM1 Multiple-Family
- I1 Light Industrial
- I2 General Industrial

