

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 740 East 7th Street Rezoning **FILE #** 15-007957
  2. **APPLICANT:** Mississippi Market East 7th St. E LLC **HEARING DATE:** March 5, 2015
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 740 7th St E, SW corner at Maple Street
  5. **PIN & LEGAL DESCRIPTION:** 322922140235; Proposed: LOTS 5, 6, 7, 8 AND 9, AUDITOR'S SUBDIVISION NO. 72, AND PART OF LOTS 10 AND 11, SAID AUDITOR'S SUBDIVISION NO. 72, LYING NORTHEASTERLY OF A LINE DESCRIBED AS COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 5; THENCE SOUTH 55 DEGREES 32 MINUTES 00
  6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** T2
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** February 26, 2015 **BY:** Leila Tripp
  9. **DATE RECEIVED:** February 4, 2015 **60-DAY DEADLINE FOR ACTION:** April 5, 2015
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- A. **PURPOSE:** Rezone a 1,526 sq. ft. (approx. 39' X 39') area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-Family residential to match the parcel to which it will be attached.
- B. **PARCEL SIZE:** 1,526 square feet
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Residential (RT1) to the south along 6<sup>th</sup> St E, southeast along Maple St., and north along Greenbrier St., commercial (T2) along 7<sup>th</sup> St. E to the northeast, and institutional (B2) to the southwest.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The previous owner of the parcel was Hospital Linen Service. The site has been vacant since at least 2006. Mississippi Market is in the process of building on the parcel, and an adjustment of common boundary is pending approval for the area being split off to be attached to 401 Maple Street.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this staff report, Dayton's Bluff District 4 Community Council has not commented.
- H. **FINDINGS:**
  1. The applicant requests rezoning from T2 Traditional Neighborhood to RT1 Two Family Residential to match the zoning of 401 Maple Street to which the rezoned area will be attached.
  2. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Maple St. are zoned RT1.
  3. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along 6<sup>th</sup> St. as an Established Neighborhood. Land Use Strategy 1.5 calls for the City to maintain the character of Established Neighborhoods.
  4. The proposed RT1 zoning is compatible with the surrounding residential and institutional 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.*" The proposed RT1 zoning is not "spot zoning" because the RT1 uses are consistent with the surrounding residential and institutional zoning designations and uses.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of the 1,526 sq. ft. area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-Family residential to match the parcel to which it will be attached.



**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 #: 15-007957

Fee: 1200.00

Tentative Hearing Date:

3-5-15

PD=4

322922140235

**APPLICANT**

Property Owner Mississippi Market  
 Address 740 East 7th Street  
 City Saint Paul St. MN Zip 55106 Daytime Phone \_\_\_\_\_  
 Contact Person (if different) Eduardo Barrera Phone 651-266-6585

**PROPERTY LOCATION**

Address/Location 740 East 7th Street Saint Paul, MN 55106  
 Legal Description That part of lot 9, AUDITOR'S SUBDIVISION No. 72, according with the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line describe as beginning at the most easterly corner of lot 10 of said AUDITOR'S SUBDIVISION No 72; thence northeasterly to the most southerly corner of Lot 7 of said AUDITOR'S SUBDIVISION No. 72 and said line there terminating.  
 See attached survey \_\_\_\_\_ Current Zoning T2  
 (attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

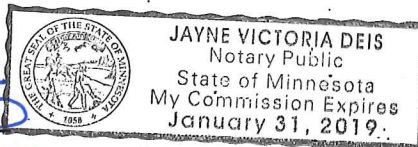
Mississippi Market, LLC, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a T2 zoning district to a RT1 zoning district, for the purpose of: conveying this legal description parcel to the adjacent neighbor at 401 Maple Street.

(attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

this 30 day  
 of January, 2015



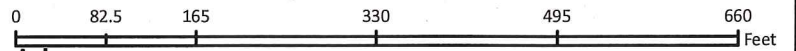
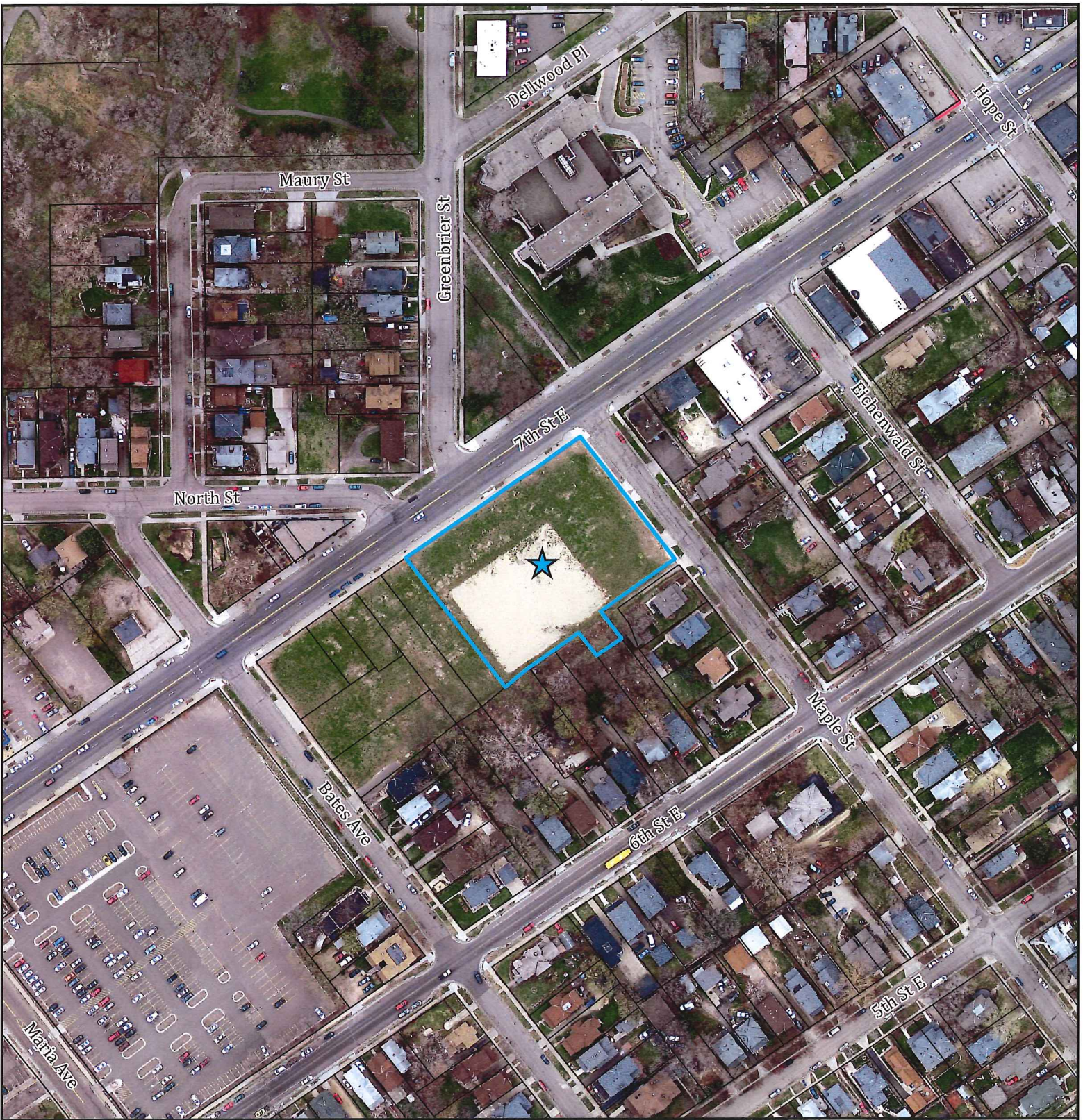
By: [Signature]  
 Fee owner of property

Title: President

Notary Public








FILE NAME: Mississippi Market E 7th St LLC

Aerial

APPLICATION TYPE: Rezone T2 to RT1

 Subject Parcels

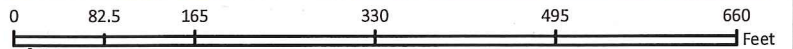
FILE #: 15-007957      DATE: 2/4/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11







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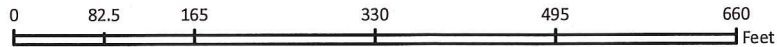
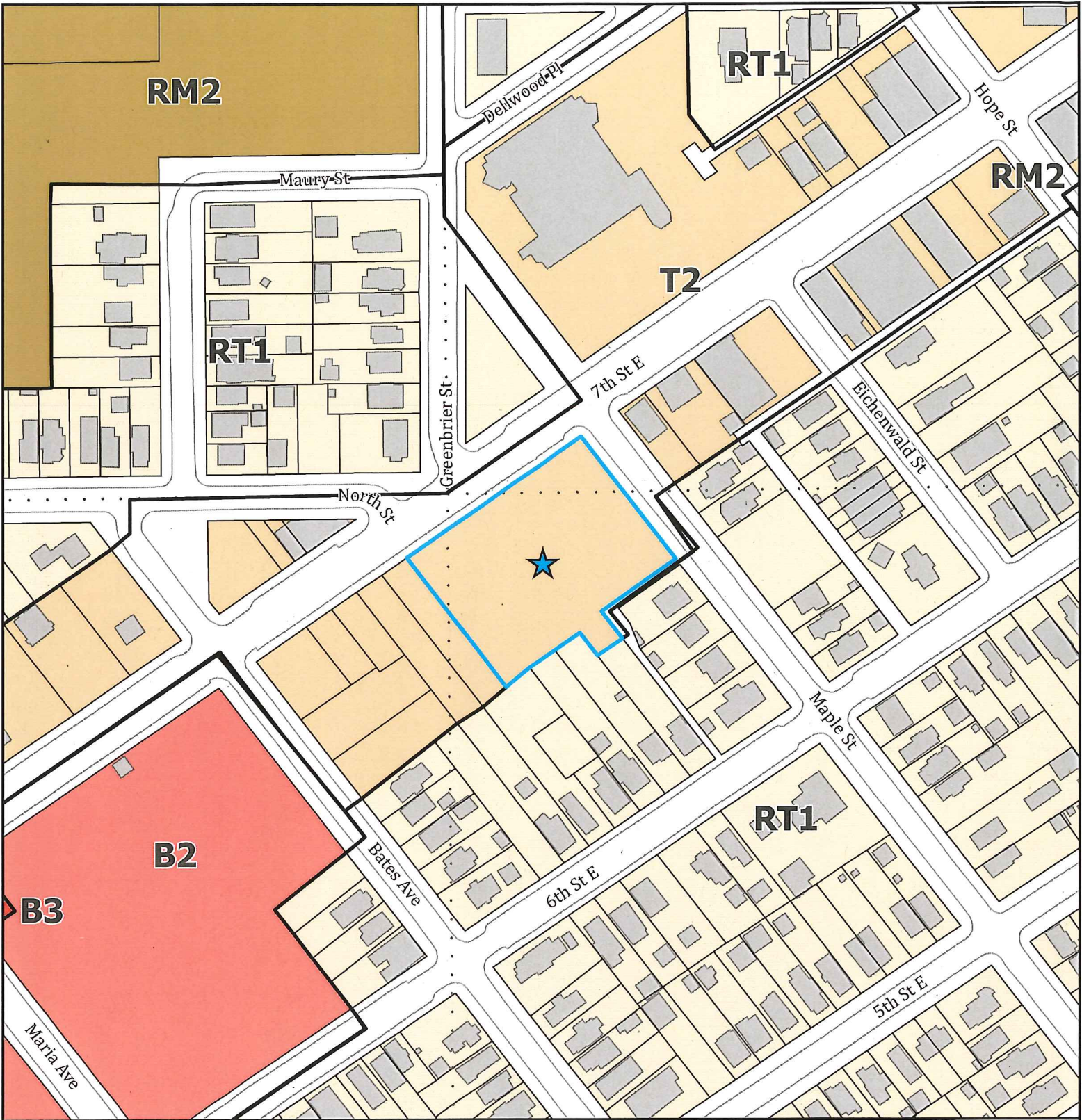
ZONING PANEL: 11

**Land Use**

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







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APPLICATION TYPE: Rezone T2 to RT1

FILE #: 15-007957      DATE: 2/4/2015

PLANNING DISTRICT: 4

ZONING PANEL: 11

- Zoning**
- RT1 Two-Family
  - RM2 Multiple-Family
  - T2 Traditional Neighborhood
  - B2 Community Business
  - B3 General Business
  - Subject Parcels
  - Section Lines

