

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dirk and Ruth Dantuma **FILE #:** 12-034-046
  2. **APPLICANT:** Dirk Dantuma and Ruth Dantuma **HEARING DATE:** April 12, 2012
  3. **TYPE OF APPLICATION:** Rezoning - Consent
  4. **LOCATION:** 311 Walnut St, between 7th and Exchange
  5. **PIN & LEGAL DESCRIPTION:** 062822230043; Riceirvines Add B26 4146 53 Nwly 48 Ft Of Lot 2 Blk 28
  6. **PLANNING DISTRICT:** 9 **EXISTING ZONING:** RM2
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** April 3, 2012 **BY:** Kate Reilly
  9. **DATE RECEIVED:** March 5, 2012 **60-DAY DEADLINE FOR ACTION:** May 4, 2012
- 
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- A. **PURPOSE:** Rezoning from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood.
- B. **PARCEL SIZE** 48 ft x 180 ft or 8,640 square feet (0.2 acres)
- C. **EXISTING LAND USE:** Single-family residential
- D. **SURROUNDING LAND USE:**
  - North: Parking and commercial (T2)
  - East: Parking and commercial (T2)
  - South: Alexander Ramsey House historic site (RM2)
  - West: Parking (VP)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** According to information from the Preservation Alliance of Minnesota and Historic Irvine Park Association, the duplex was constructed sometime between 1867 and 1870 and, in 1916, was moved by the then-owners from Fort Road to Walnut Street. These owners took up residence there in 1921. In 1960, the southeast side of the duplex was owner-occupied; the northwest side was a beauty parlor operated by the owner. According to PED records, an application for rezoning to commercial was approved in 1963 (Z.F. #5188). The property was subsequently rezoned RM2 as part of the 1975 city-wide update to the zoning code. The property went on the vacant building list as a category two vacant building in 2009. Historic Saint Paul purchased the property in 2011 with the aim of restoring it. The Dantumas purchased the property from Historic Saint Paul in 2012.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 9 had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The applicant purchased the property in 2012 with the intent of rehabilitating it and using it as a rental property. The applicant intends to use the property as a "vacation homes by owner" opportunity, where people from out of town might lease the property for a week or two while on vacation. The goal is to stabilize the house and keep it operating in such a way that it cash flows in order to recoup and justify the expense of rehabilitation.
  2. The applicant seeks rezoning of the property at 311 Walnut from RM2 to T2 in order to expand the range of permitted uses that can generate income from the property. Other uses permitted in the district include office, retail sales and services, restaurants, auto convenience market and limited production and processing.

3. Parking is being provided as required in the zoning code for a duplex. If the building is converted in the future to commercial uses, the applicant will need to provide any additional required parking or get a variance, bring the property into compliance with the necessary codes, and go through the site plan review process.
4. The proposed zoning to T2 is consistent with the way this area has developed. The West 7<sup>th</sup> commercial district, which is also zoned T2, is adjacent to this property to the north. The proposed use of the duplex is consistent with the intent of the T2 district, which is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
5. The proposed zoning is consistent with the Comprehensive Plan. The Saint Paul Comprehensive Plan (2010) Land Use strategy 1.24, "support a mix of uses on mixed-use corridors" applies. This property will be an extension of the existing mixed use corridor and diversifies the mix of uses in the corridor.
6. The proposed zoning is compatible with surrounding uses. The surrounding uses are single-family, parking and commercial uses.
7. 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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" This rezoning does not create spot zoning. There is a large district of T2-zoned property adjacent to this property. This use is an appropriate transitional use between the commercial district to the north and the residential district to the south.
8. The petition for rezoning was found to be sufficient on March 16, 2012: 17 parcels eligible; 12 parcels required; 13 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood for the property at 311 Walnut Street.



**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  
12-034040  
1200.00  
4-12-12

PD=9

# 062822230043

**APPLICANT**

Property Owner DIRK & RUTH DANTUMIA  
Address 59 IRVINE PARK  
City ST PAUL St. MN Zip 55102 Daytime Phone 651-290-9667  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address / Location 311 WALNUT ST.  
Legal Description RICE IRVINES NWLY 48 FT of LOT 2  
BLK 28 Current Zoning Rm 2  
(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, DIRK & RUTH DANTUMIA, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a Rm 2 zoning district to a T2 zoning district, for the purpose of: GUEST HOUSE

ck2026  
1200.00  
3-5-12

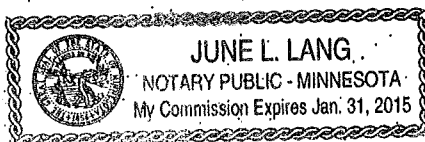
(attach additional sheets if necessary)

Attachments as required:  Site Plan  Consent Petition  Affidavit

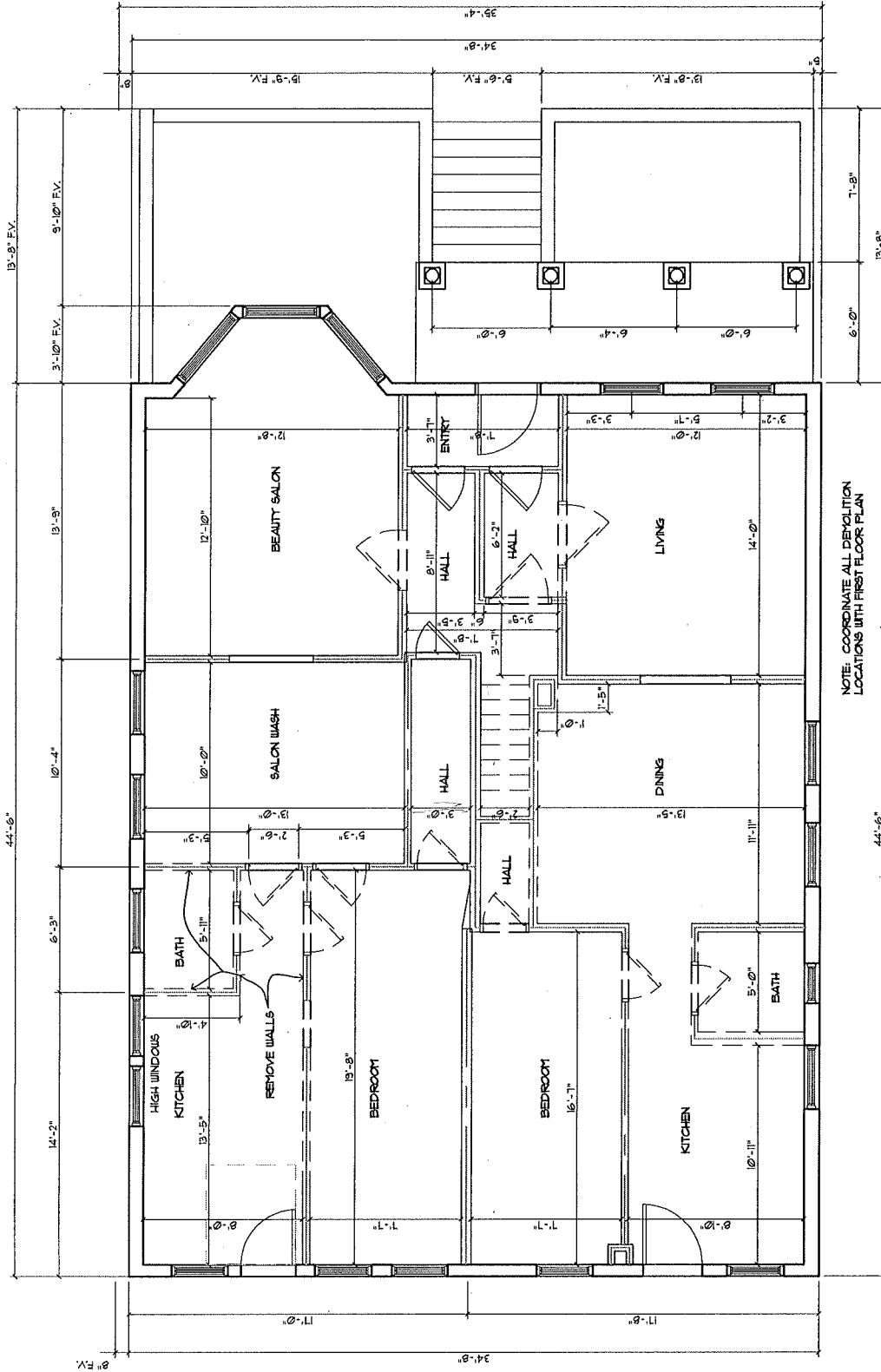
Subscribed and sworn to before me this 5<sup>th</sup> day of March, 2012.

By: Ruth Dantuma  
Fee Owner of Property

Title: owner

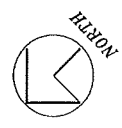


June L. Lang  
Notary Public

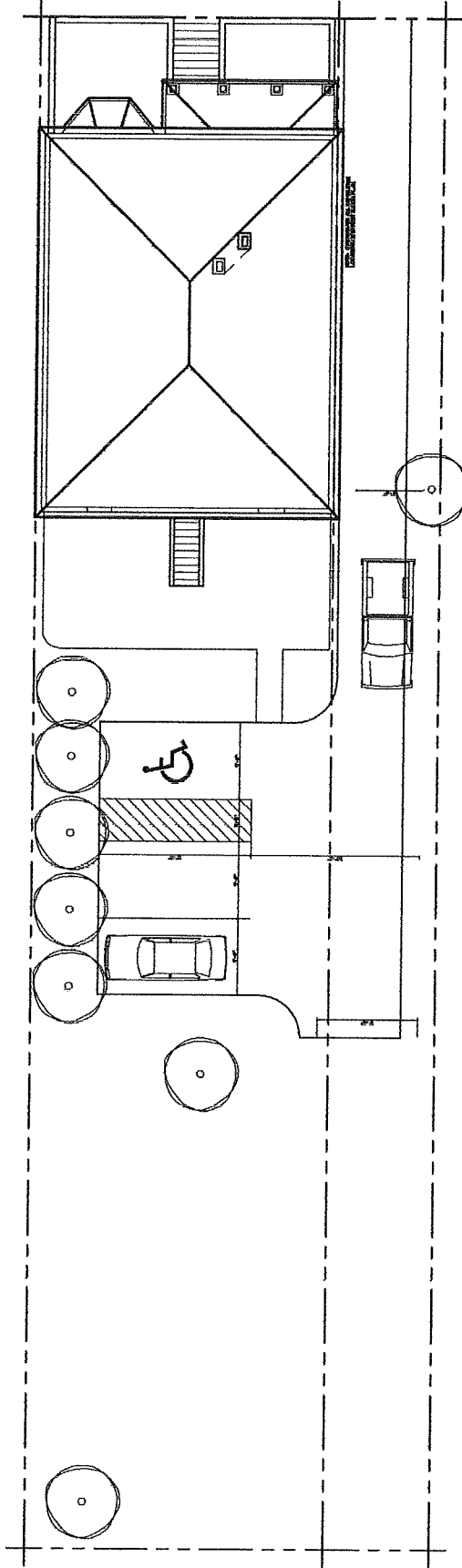


NOTE: COORDINATE ALL DEMOLITION LOCATIONS WITH FIRST FLOOR PLAN

1 3  
**First Floor Existing Conditions**  
 FIELD VERIFY ALL DIMENSIONS



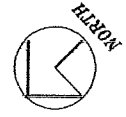
Date: 03/05/12	311 Walnut Street Saint Paul, MN 55102	Sheet <b>A3</b>
Drawn By: BLH	Owner: Ruth and Dirk Dantuma	Scale 1/8" = 1'-0"



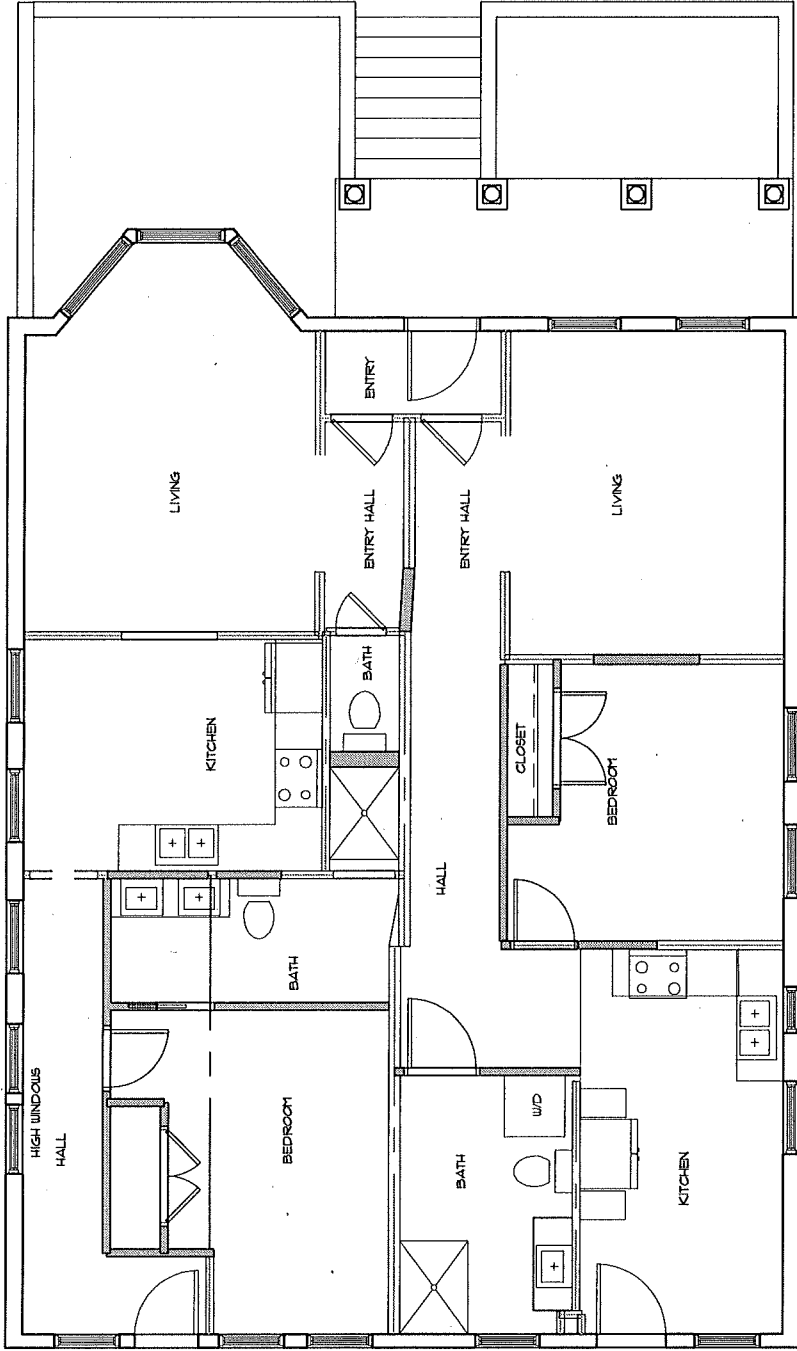
1  
A1.0

### Site Plan

FIELD VERIFY ALL DIMENSIONS



Date: 03/05/12	311 Walnut Street Saint Paul, MN 55102	Sheet <b>A1</b>
Drawn By: BLH	Owner: Ruth and Dirk Dantuma	Scale 1"=40'-0"

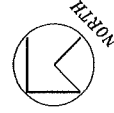


NOTE: COORDINATE ALL DEMOLITION LOCATIONS WITH FIRST FLOOR PLAN

1  
5

# First Floor Plan - PROPOSED

FIELD VERIFY ALL DIMENSIONS



Date: 03/05/12	311 Walnut Street Saint Paul, MN 55102	Sheet <b>A5</b>
Drawn By: BLH	Owner: Ruth and Dirk Dantuma	Scale 1/8" = 1'-0"

BOARD OF ZONING  
INDEX CARD

WALNUT ST.

Street  
So. side bet. 7th & Exchange

Location & Legal	Applicant & Use	*CL	ZF	Council Action	Date
NW ly 48' of Lot 2, Block 28 Rice & Irvine Add.	Pat. & L. Gavin rezone to coml.	am	5188	Granted #212900	6/15/63

\*Key: A - Amendment AP - Appeal P - Permit

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 3-5-12

DATE PETITION RESUBMITTED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE: 17

PARCELS ELIGIBLE: \_\_\_\_\_

PARCELS REQUIRED: 12

PARCELS REQUIRED: \_\_\_\_\_

PARCELS SIGNED: 13

PARCELS SIGNED: \_\_\_\_\_

CHECKED BY: Paul Dubruic

DATE: 3-16-12



CITY OF SAINT PAUL

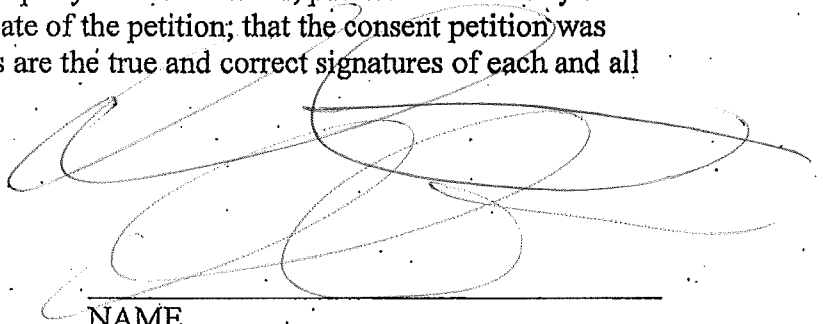
AFFIDAVIT OF PERSON CIRCULATING CONSENT  
PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

DIRK DANTUWA, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 6 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.



NAME

59 IRVING PARK

ADDRESS

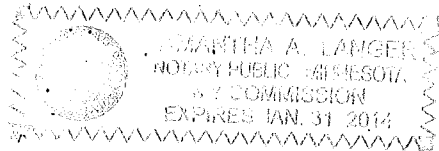
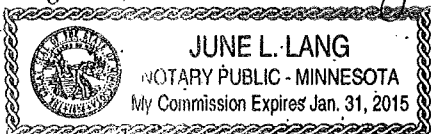
651 290-9664

TELEPHONE NUMBER

Subscribed and sworn to before me this

5<sup>th</sup> day of March, 2012

June L. Lang  
NOTARY PUBLIC



Samantha Langer  
3/5/12

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

Ruth Dantuma

The petitioner, DIRK DANTUMA, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

Ruth Dantuma



NAME

59 IRVINE PARK

ADDRESS

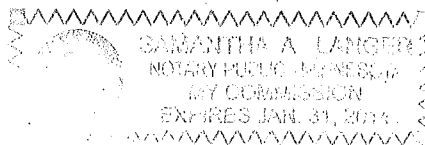
651-290-9664

TELEPHONE NUMBER

Subscribed and sworn to before me this

5 day of March, 2012.

Samantha Langer  
NOTARY PUBLIC



CITY OF SAINT PAUL

RECEIVED

MAR - 5 2012

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING Per \_\_\_\_\_

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of DIRK & RUTH DANTUMA  
(name of petitioner)  
to rezone the property located at 311 WALNUT ST.  
from a RM2 zoning district to a T2 zoning district and
2. A copy of sections 66.310 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

DIRK & RUTH DANTUMA to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0047	MARK GERRY	<i>Mark Gerry</i>	2/4/2012
	RICHARD PLAISKID	<i>Richard Plaiskid</i>	2/5/2012
311 Walnut	DIRK & RUTH DANTUMA	<i>Dirk &amp; Ruth Dantuma</i>	3/5/12
		<i>Ruth Dantuma</i>	3/5/12

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

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MAR 5 2012

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DIRK & RUTH DANTUMA to a T2 zoning district.  
 (name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0154	Moe Sharif Khan	<i>[Signature]</i>	3/1/12
	Moe Sharif Khan	<i>[Signature]</i>	3/1/12
06-28-22-23-0029			

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CITY OF SAINT PAUL

RECEIVED

MAR - 5-2012

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
REZONING

Per \_\_\_\_\_

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2. A copy of sections 6.310 through 6.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

DIRK + RUTH DANTUMA to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0056	MICHAEL STROMWAL	<i>[Signature]</i>	2-5-12
06-28-22-23-0057	Joelle R. Nelson	<i>[Signature]</i>	2/5/12
06-28-22-23-0058	MARIA G. RAMIREZ	<i>[Signature]</i>	2/7/12
06-28-22-23-0059	Colleen Paul	<i>[Signature]</i>	5 Feb 12
06-28-22-23-0170	Joseph C. McElmurry	<i>[Signature]</i>	2/6/2012

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DIRK & RUTH DANTUMA to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0055	Elly Searle <i>Elly Searle</i>	<i>Elly Searle</i>	2/21/12

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CITY OF SAINT PAUL

RECEIVED

CONSENT OF ADJOINING PROPERTY OWNERS FOR A MAR 5 2012  
REZONING

Per \_\_\_\_\_

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DIRK & RUTH DANUMA to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0147	Minneapolis Historical Soc	[Signature]	2/28/12

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CITY OF SAINT PAUL

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MAR 5 2012

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

Per \_\_\_\_\_

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1. A copy of the petition of DIRK & RUTH DANUMA (name of petitioner) to rezone the property located at 311 WALNUT from a RM2 zoning district to a T2 zoning district and

2. A copy of sections 46.310 through 46.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

DIRK & RUTH DANUMA to a T2 zoning district. (name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

Table with 4 columns: ADDRESS OR PIN #, RECORD OWNER, SIGNATURE, DATE. Row 1: 06-28-22-23-0167, 258 7th Street Property, LLC, [Signature], 2/13/12

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DIRK + RUTH DANTUMA to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
06-28-22-23-0148	JOHN D. DI SANTO	<i>John D. Di Santo</i>	FEB 6, 2012
	BARBARA A. DI SANTO	<i>Barbara A. Di Santo</i>	2-6-12

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

April 10, 2012

To whom it may concern:

My name is Nels Sandberg and I am the representative of the Sandco- Gross/Edgerton partnership, who owns the parking lot at the corner of Exchange and Chestnut streets. We wish to go on record as supporting the rezoning of 311 Walnut St., which is commonly known as the McCloud/Edgerton house. We believe that this rezoning, from RM2 residential to T2 traditional neighborhood, is an important step in ensuring the preservation of this historic house.

Sincerely,

A handwritten signature in black ink, appearing to read "Nels Sandberg". The signature is written in a cursive style with a long, sweeping tail on the last letter.

# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard  Show Reference Map





