

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Blackstone 1, LLC **FILE #** 19-094-559
 2. **APPLICANT:** Blackstone 1 LLC **HEARING DATE:** November 7, 2019
 3. **TYPE OF APPLICATION:** Rezone (R4 to RT2)
 4. **LOCATION:** 823 Englewood Ave, between Victoria and Avon
 5. **PIN & LEGAL DESCRIPTION:** 262923430122, WINTERS ADDITION TO, ST. PAUL ALL OF LOTS 5, 6 & LOT 7 BLK 6
 6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** October 29, 2019 **BY:** Josh Williams
 9. **DATE RECEIVED:** October 18, 2019 **60-DAY DEADLINE FOR ACTION:** December 17, 2019
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- A. **PURPOSE:** Rezone from R4 one-family residential to RT2 townhouse residential
 - B. **PARCEL SIZE:** 16,117 sq. ft. (approx. 0.37 ac.)
 - C. **EXISTING LAND USE:** Non-conforming 3-dwelling unit residential
 - D. **SURROUNDING LAND USE:**
 - North: Vacant/ROW (R4/I2)
 - East: Single-family residential (R4)
 - South: Single-family residential/two-family residential (R4)
 - West: Single-family residential/multi-family residential (R4/RM2)
 - E. **ZONING CODE CITATION:** §61.801(b) provides for property-owner initiated rezoning.
 - F. **PARKING:** The multi-family dwelling unit off-street parking requirement in §63.207 is used to calculate the required parking for triplexes. The requirement varies based on dwelling unit size. For a triplex, the requirement will be between 3 and 6 spaces, inclusive. Based on aerial photography, the property appears to have enough paved parking area to accommodate 5-6 vehicles.
 - G. **HISTORY/DISCUSSION:** There is no notable zoning history for the subject property. Apparent use of the property as a triplex was noted in City records in June of 2018.
 - H. **DISTRICT COUNCIL RECOMMENDATION:** The District 7 Council had not commented as of the date of this report.
 - I. **FINDINGS:**
 1. The applicant, Blackstone 1 LLC, recently acquired the subject property via foreclosure. The property has also recently passed through probate, following the death of the longtime owner and resident.
 2. The proposed zoning is consistent with the way this area has developed. The area has developed to include a variety of types and densities of residential uses. To the west, the area transitions to higher-density, multifamily uses as compared to the largely single-family uses to the south and east. The proposed RT2 zoning of the subject property is consistent with this transitional nature of the area.
 3. The proposed zoning is consistent with the Comprehensive Plan. Policy LU 1.1 of the Saint Paul Comprehensive Plan calls for the City to “*Guide the development of housing in Established Neighborhoods...*” and identifies a target density of 3-20 dwelling units per acre in Established Neighborhoods. The proposed RT2 zoning requires a minimum of 2,500 square feet of lot area per unit, a density of approximately 17 units per acre.
 4. The proposed zoning is compatible with surrounding uses. Immediately surrounding uses are primarily single-family residences. As currently developed with a triplex, the

subject property would provide residential dwelling units at an identical density to the surrounding single-family zoned properties. If redeveloped at maximum allowed density under the proposed RT2 zoning, the use and proposed zoning of the property would also be compatible with the surrounding 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 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.” The subject property is located in a larger area of R4 single-family zoning. However, the property abuts the ROW for Pierce Butler Route, a major thoroughfare and truck route. Properties to the north of Pierce Butler Route are in an I1 industrial zone. Large residential properties just to the west of the subject property are zoned RM2 multifamily residential, a more intense zoning district. Properties to the east and south are zoned R4 single-family. The subject property is located in an area of transition, between the single-family residential and higher intensity, multifamily residential and industrial districts. The creation of a lower intensity, multifamily zoning district in this context will not create an island of nonconforming use within a larger district, nor will it reduce the value for allowed uses in adjoining districts.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezone from R4 one-family residential to RT2 townhouse.