

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** Rivoli Bluff

**FILE #:** 19-054-653

**APPLICANT:** City of St. Paul HRA

**HEARING DATE:** July 18, 2019

**TYPE OF APPLICATION:** Rezoning

**LOCATION:** 659 Otsego St,

**PIN & LEGAL DESCRIPTION:** 32.29.22.22.0050; Lots 10 - 11, Block 9, Warren & Winslow's Addition

**PLANNING DISTRICT:** 5

**EXISTING ZONING:** RT1 / R4

**ZONING CODE REFERENCE:** § 61.801(b)

**STAFF REPORT DATE:** July 10, 2019

**BY:** Bill Dermody

**DATE RECEIVED:** June 21, 2019

**60-DAY DEADLINE FOR ACTION:** August 20, 2019

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- A. **PURPOSE:** Rezone from RT1 two-family residential portion of the parcel to R4 one-family residential.
- B. **PARCEL SIZE:** 11,487 sq. ft.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:** Single-family and duplex residential to the north and east (R4, RT1), vacant to the south and west (R4), and multi-family residential farther south (R4).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In June 2019, a preliminary plat was approved to accommodate a 26-home residential development on 3.5 acres, including the subject site, conditional on the existing RT1/R4 split zoning being converted to a single zoning district prior to final plat approval. In July 2018, the larger 3.5-acre site received conditional use permit approval for a cluster development.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, District 5 has not provided a recommendation.
- I. **FINDINGS:**
1. The application requests rezoning of the RT1 Two-Family Residential District portion of the split-zoned property to R4 one-family residential district to match the rest of the planned 3.5-acre residential development's zoning. Split-zoning is discouraged by the Zoning Code.
  2. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as Established Neighborhood, and the Railroad Island Area Plan Summary (a Comprehensive Plan addendum), which calls for new owner-occupied housing on Rivoli Bluff.
  3. The proposed zoning is compatible with the surrounding residential land uses, the way this area has developed, and proposed redevelopment of the site.
  4. 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."
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RT1 two-family residential to R4 one-family residential.



**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 #: 19-054653  
 Fee: 1260  
 Tentative Hearing Date: 7-18-19

PD-5  
 #322922220050

**APPLICANT**

Property Owner(s) St. Paul Housing & Redevelopment Authority  
 Address \_\_\_\_\_  
 City St. Paul State MN Zip \_\_\_\_\_ Phone \_\_\_\_\_  
 Contact Person Gary Finkell Phone 651-262-9634  
 Email gary@newhus  
 (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 0 Osage Street  
 Legal Description Lot 11, Block 9, Warren & Winslows Addition  
 Current Zoning RT1  
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 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  
RT-1 zoning district to a RT zoning district, for the purpose of:

OK  
 30489  
 1260<sup>00</sup>

(Attach additional sheets if necessary.)

Attachments as required:  Site Plan  Consent Petition  Affidavit

Subscribed and sworn to before me

Date June 21 20 19

[Signature]  
 Notary Public

By: [Signature]  
 Fee owner of property  
 Title: Executive Director





FILE #19-054653 | AERIAL MAP

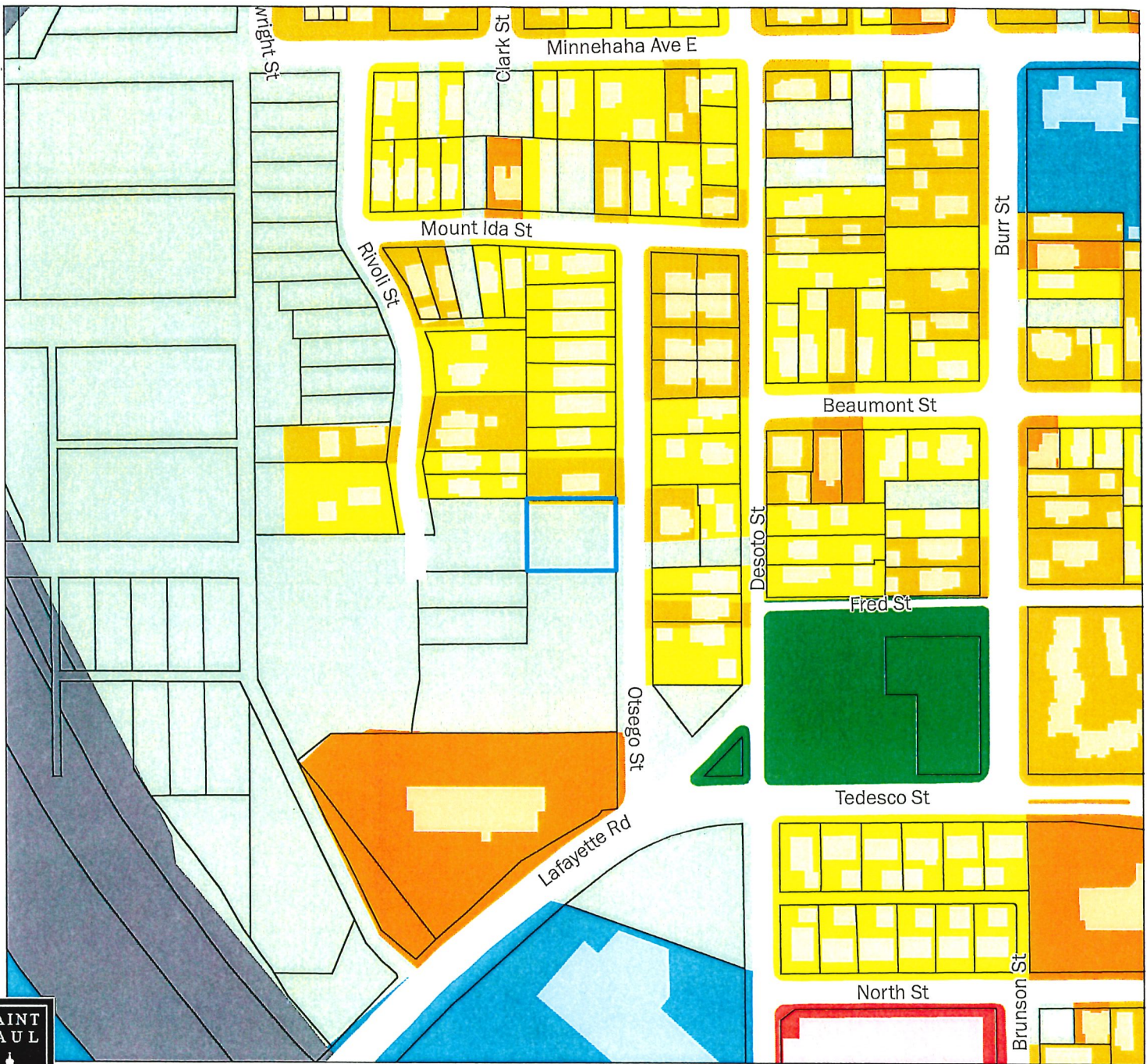
## Application of Housing Redevelopment Auth.

Application Type: Rezone  
Application Date: June 21, 2019  
Planning District: 5

Subject Parcel Outlined in Blue

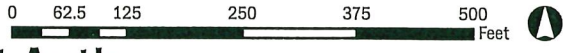
0 62.5 125 250 375 500 Feet 

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**FILE #19-054653 | LAND USE MAP**  
**Application of Housing Redevelopment Auth.**

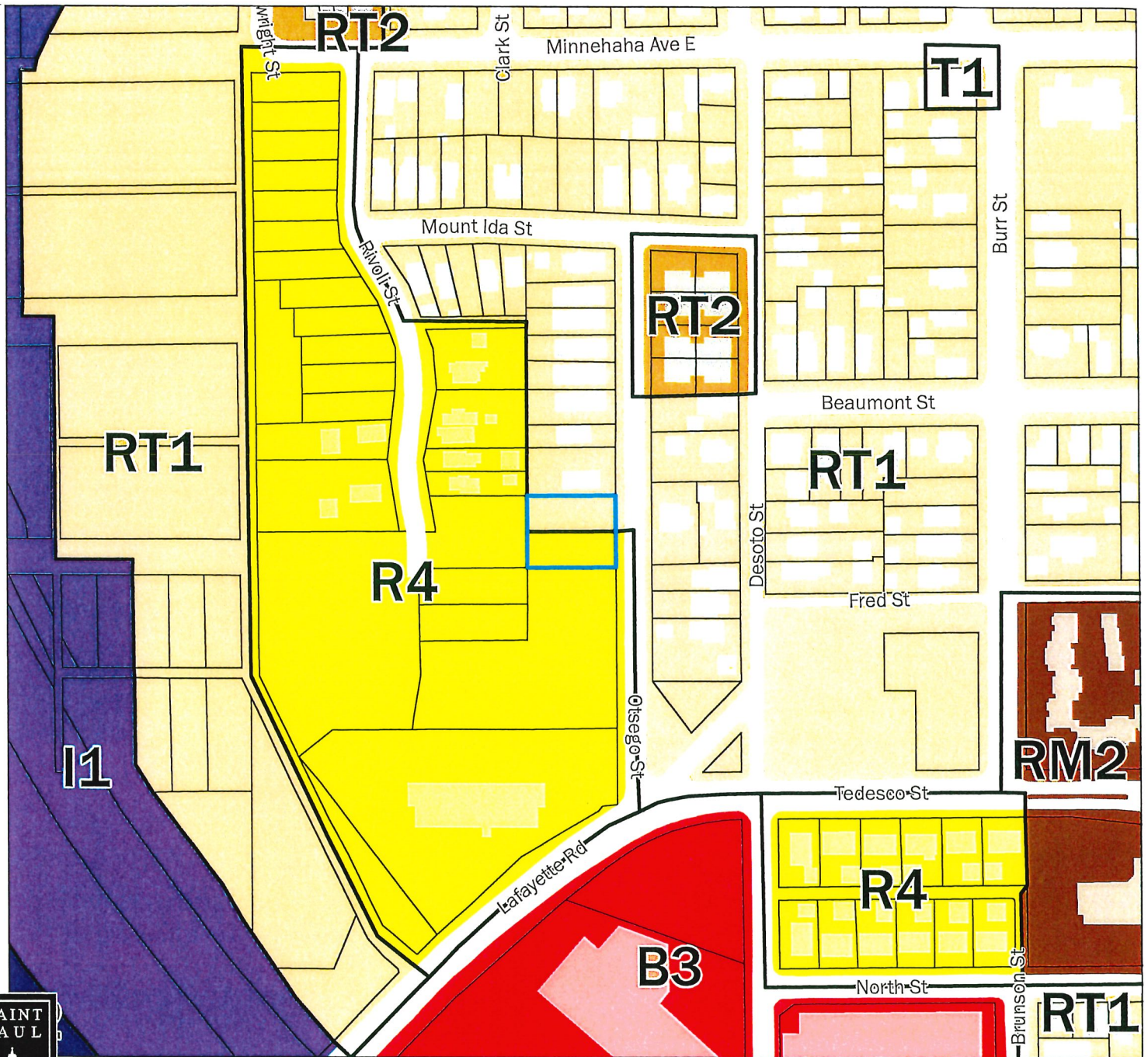
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**Subject Parcel Outlined in Blue**

- |                           |                                |                                |              |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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                  |              |
| Multifamily               | Industrial and Utility         | Railway                        |              |



**FILE #19-054653 | ZONING MAP**

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**Subject Parcel Outlined in Blue**

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction