

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Glen Brown-Lowe Rezoning **FILE #:** 20-002-999
  2. **APPLICANT:** Glen J Brown-Lowe **HEARING DATE:** January 30, 2020
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 197 Baker St E, between Oakdale Avenue and Mount Hope Avenue
  5. **PIN & LEGAL DESCRIPTION:** 082822240135; Woodbury & Case's Addition, Lot 13, Blk. 4
  6. **PLANNING DISTRICT:** 3 **EXISTING ZONING:** RT1
  7. **ZONING CODE REFERENCE:** § 61.801(b)
  8. **STAFF REPORT DATE:** January 23, 2020 **BY:** Michael Wade
  9. **DATE RECEIVED:** January 6, 2020 **60-DAY DEADLINE FOR ACTION:** March 2, 2020
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- A. **PURPOSE:** Rezone from RT1 two-family residential to RM2 multiple-family residential.
- B. **PARCEL SIZE:** 48 feet wide x 133 feet deep = 6,384 square feet
- C. **EXISTING LAND USE:** Duplex
- D. **SURROUNDING LAND USE:** One-family and two-family dwellings. There are scattered three-unit and four-unit dwellings further west and north.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** This residence was built as an up-down duplex in 1960. Both the first floor unit and the second floor unit are two-bedroom units. The applicant's stated intention is to convert the basement (currently used for storage, laundry, and utilities) into a third unit with one bedroom, transforming the building into a triplex. There is a separate application for a lot area variance for a triplex on this lot.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 parking space for a 2-room unit and 1.5 parking spaces for a 3-room unit. The 2 existing units are "3-room" (2-bedroom) units, which would require 3 parking spaces (1.5 spaces x 2 units). The lot currently has a parking pad for 2 parking spaces, so the existing duplex has legal nonconforming status with regard to parking (for 2 rather than the required 3 parking spaces). The proposed third unit would be a "2-room" (1-bedroom) unit requiring 1 additional parking space.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The West Side Community Organization has submitted a letter recommending approval of the proposed rezoning, stating they have discussed maintaining affordable rents at this property with the applicant.
- I. **FINDINGS:**
  1. The stated purpose of the proposed rezoning from RT1 two-family residential to RM2 multiple-family residential is to convert the existing duplex into a triplex. There is a separate application for a lot area variance (9,000 sq. feet required, 6,384 sq. feet proposed) for a triplex on this lot.
  2. The Duplex and Triplex Conversion Guidelines approved by both the Planning Commission and the Board of Zoning Appeals 2009 state that staff will recommend denial of rezoning single parcels to RT2 or higher to permit conversion to a triplex unless the following guidelines are met:

- A. *Lot size of at least 9,000 square feet.* This guideline is not met. The lot is only 6384 square feet in area.
- B. *Gross living area after completion of the conversion of at least 2,100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The first floor unit is 791.85 sq. feet, the second floor unit is 810.37, and the proposed basement unit is 598.88 sq. feet, for a total of 2,201 square feet.
- C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement.* This guideline can be met. The lot currently has a parking pad for 2 parking spaces, and there is room in the rear yard for an additional parking space.
- D. *The units must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into the building and fire code compliance.* The units will be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with here or more units.
- E. *This property is located within a mixed density or mixed use neighborhood.* This guideline is met.
- F. *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district or small area plan).* This guideline is met.

The conformity of these Guidelines to the 2040 Comprehensive Plan goals and policies has recently been questioned by Planning Commissioners and Planning staff.

3. The proposed zoning is inconsistent with the way this area has developed. The lot is immediately surrounded by single-family homes and one other duplex. The portions of this block and the block to the south not immediately adjacent to the Oakdale Avenue corridor, along with the blocks to the east, are primarily single-family homes with just a scattering of duplexes.

The intent of RM2 as stated in the Zoning Code, is "to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. [This district] is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities."

The land uses on the wet end of this block along Oakdale Avenue, a collector street, and a bus route, is consistent with the character of an active corridor and with the intent of RM2. RM2 zoning also begins on the northern half of this block and continues three blocks north to the intersection of Oakdale Avenue and Cesar Chavez Street, the main growth hub of the area. There begins District del Sol, which is both one of the City's Commercial Zones ("CVZ") as well as the newly-created Cultural Destination Areas ("CDA"). CVZs and CDAs both receive added attention and resources from the City, which translates into renewed attention from prospective residents. Additionally, the intersection of Cesar Chavez Street and Robert Street has been designated in the draft 2040 Comprehensive Plan as a Neighborhood Node, which "serve a neighborhood's daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth." 197 Baker Street East is a quarter mile from District del Sol and a third of a mile from the Robert/Cesar Chavez intersection.

3. The proposed zoning is consistent with the Comprehensive Plan.

The Future Land Use Map in the 2030 Comprehensive Plan designates the area including 197 Baker Street East is designated “Established Neighborhood”, described as “Predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods. ... 3-20 units/acre.”

The 2030 Plan includes Land Use Strategy 1: Target Growth in Unique Neighborhoods. “Higher density development ... contribute[s] to the goal of creating a vibrant, economically strong community that is environmentally stable.... There will be infill development in Established Neighborhoods and modest amounts of townhouse and *small scale multi-family development at the juncture of arterial and collector streets* that traverse Established neighborhoods” [emphasis added]. Rezoning this parcel fits the expectation of small-scale multi-family near an important transportation juncture. This strategy is carried out through

- *Land Use Policy 1.8* – “Encourage the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods.”

The 2030 Plan also includes Housing Strategy 3: Ensure the Availability of Affordable Housing Across the City. The applicant has worked with the West Side Community Organization to negotiate more affordable rates for the potential three units in this building. Supporting this strategy is

- *Housing Policy 3.2*: Support new housing opportunities for low-income households throughout the city.

The 2040 Comprehensive Plan, approved by City Council, includes the goals “Economic and population growth focused around transit” and “Efficient and adaptable land use and development patterns.” This area is designated as an Urban Neighborhood, described as “primarily residential areas with a range of housing types.” Similarly, the nearby intersection of Robert Street and Cesar Chavez Street has been designated in the 2040 Plan as a Neighborhood Node. “Neighborhood Nodes serve a neighborhood’s daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth.”

An important policy relevant to this case is Policy H-48: “Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.” Introducing RM2 zoning one parcel south will allow small-scale multi-family in a location served by transit and in close proximity to a variety of other small-scale multi-family land uses.

The 2040 Plan also contains the following policies supporting this case:

- *Policy LU-1*: Encourage transit-supportive density and direct majority of growth to areas with the highest existing or planned transit capacity.
- *Policy LU-5*: Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- *Policy LU-33*: Encourage medium-density housing that diversifies housing options, such as townhouses, courtyard apartments, and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.

- *Policy LU-34:* Provide for multi-family housing along arterial and collector streets to facilitate walking and leverage the use of public transportation.
- *Policy H-7:* Reduce overcrowding within housing units, caused by doubling up of households and inadequate space for large families, through the production of small and family-sized affordable housing options.
- *Policy H-8:* Encourage creativity in building design and layout.
- *Policy H-15:* Accommodate a wide variety of culturally-appropriate housing types throughout the city to support residents at all stages of life and levels of ability.
- *Policy H-31:* Support the development of new affordable housing units throughout the city.
- *Policy H-37:* Encourage the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.
- *Policy H-48:* Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The *West Side Community Plan* contains strategies relevant to this case:

- *Objective LU3.1:* Prioritize the reuse and rehabilitation of existing structures over new construction whenever possible.
  - *Strategy H1:* Provide a range of housing options on the West Side.
5. The proposed zoning is incompatible with immediately surrounding uses. The parcels immediately adjacent to the property and extending east and southeast are mostly single-family residences with scattered two-family residences; a few small multi-family properties lie westward along the nearby Oakdale Avenue and State Street corridors and closer to the Neighborhood Node at Robert Street and Cesar Chavez Street.
- Zoning in this area has remained mostly unchanged since the 1970s: just north and west of the RT1 area is an RM2 area based around the collector streets Oakdale Avenue and State Street and the commercial corridor Cesar Chavez Street, while several blocks southeast begins a primarily R4 single-family residential area.
6. 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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either rezoned plot or abutting property.*” The proposed rezoning does not constitute “spot zoning”.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezone from RT1 two-family residential to RM2 multiple-family residential.

**INFORMATION COVER SHEET**

ITEM# ZONING FILE #20-002-999 APPLICATION TYPE: Rezone

FOLDER NAME: Glen Brown-Lowe

OWNER NAME AND ADDRESS:

OWNER TELEPHONE NUMBER:

Glen Brown-Lowe  
197 Baker Street East  
Saint Paul, Minnesota 55107

APPLICANT NAME & ADDRESS

APPLICANT TELEPHONE NUMBER#

Glen Brown-Lowe  
197 Baker Street East  
Saint Paul, Minnesota 55107

651-528-9330

REPRESENTATIVE NAME AND ADDRESS:

REPRESENTATIVE TELEPHONE NUMBER #:

OTHER INTERESTED PARTY NAME AND ADDRESS:

OTHER INTERESTED PARTY TELEPHONE #

ADDRESS OF PROPERTY AND PROPERTY LOCATION:

197 Baker Street East  
Between Oakdale Avenue and Mount Hope Avenue

LEGAL DESCRIPTION: Lot 13, Block 4, Woodbury and Case’s Addition PIN: 08-28-22-24-0135

PURPOSE:

Rezone from RT1 two-family residential to RM2 multiple-family residential

DATE RECEIVED: 01-02-20

DEAD LINE FOR ACTION: 03-02-20

EARLY NOTIFICATION SEND DATE: 01-03-20

HEARING DATE: 01-30-20

LAND USE MAP: ZONING MAP: 4D PRESENT ZONING: RT1 LOT AREA TOTAL: 6534 sq. ft

PLANNING DISTRICT: 3

WARD: 2

PLANNER: Michael Wade

PLANNERS TEL: 651-266-8703

NOTES:

HISTORY: #10-610593 C of O; #19-073430 Building Permit



**REZONING APPLICATION**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex, 25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6583

Zoning Office Use Only	
File #	<u>20-002999</u>
Fee Paid \$	_____
Received By / Date	<u>add</u>
Tentative Hearing Date	<u>1-30-19</u>

PD=3

#

082822240135

**APPLICANT**

Property Owner(s) Glen Bronn-towe  
 Address 197 Baker st E City Saint Paul State MN Zip 55107  
 Email Glenb91.g6@gmail.com Phone 651-528-9330  
 Contact Person (if different) \_\_\_\_\_ Email \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 (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 INFO**

Address/Location 197 Baker E.  
 PIN(s) & Legal Description \_\_\_\_\_  
 (Attach additional sheet if necessary.)  
 \_\_\_\_\_ Lot Area \_\_\_\_\_ Current Zoning RT1

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, RT1 INTO RMZ

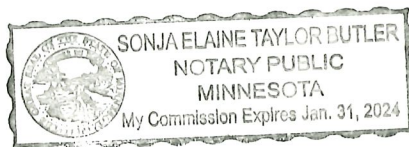
owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RT1 zoning district to a RMZ zoning district, for the purpose of:

Attach additional sheets if necessary. Attachments as required:  Site Plan  Consent Petition  Affidavit  
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date December 30 20 19

[Signature]  
Notary Public



By: [Signature]  
Fee owner of property  
Title: OWNER

[REDACTED]

My name is Glen Brown and I am a local investor, born and raised in the St. Paul area. I graduated from St. Paul Central High School and am a St. Paul homeowner. I am a laborer in the construction field and a member of the Local 536 Union. I purchased my first multi-family home last year and am looking to convert it from a duplex to a triplex.

As a proud lifetime resident of St. Paul, I am dedicated to providing affordable housing for residents in the community. The purpose of this narrative is to demonstrate how the rezoning and variance requests meet the required findings necessary to complete the conversion.

My proposed zoning and variance request will keep the property consistent with the ways the area has developed over time. There are a variety of housing options in the area currently; from single family homes to multi-family dwellings, ranging from 2 to 4 units. I am asking to rezone from a RT1 to RM2; both of which are residential. This rezoning will not increase the traffic flow in the neighborhood nor cause inconvenience to those living in the area. The rezoning will increase the available affordable housing options for those seeking to reside in the area, in agreeance with the City's 2040 Housing and Comprehension Plan.

Rezoning from RT1 to RM2 allows me to provide additional affordable housing in the area; assisting the city of St. Paul in providing access to stable, affordable rental options for its residents who need it. This also addresses the missing middle housing option provided in the area, while helping the City to adapt to current and future housing trends and market cycles.

Zoned as RT1, I am unable to add a third unit. Rezoning to RM2 would allow me to provide an additional affordable rental unit to the neighborhood and assist in closing the city's gap in available middle housing options. Granting the variance request for the lot size, allows for a third unit; which is consistent with the existing uses of the properties in the local area.

As currently zoned, I am unable to increase the property from a 2-unit to a 3-unit. The street my property is located on has a triplex on one end of the block as well as other duplexes. The properties back lot line is adjacent to a 4 unit dwelling. These multi-family homes exist on lots similar in square feet to mine. I also am able to provide ample parking on the property to prevent excess parking on the street.

The proposed variance and rezoning request satisfy the required findings. By converting the existing duplex to a triplex, I am able to successfully create an affordable middle housing option consistent with St. Paul's 2040 Comprehensive Plan. I am able to provide this while not negatively affecting or altering the neighborhood and surrounding area.

## TRIPLEX CONVERSION GUIDELINES FOR ZONING CASES

Approved by the Board of Zoning Appeals June 30, 2009  
Approved by the Planning Commission August 21, 2009 (09-52)

### 1. Application Requirements.

**Plans.** In addition to the general application requirements of Zoning Code §§ 61.301, 61.302, and 61.801(b) (for rezonings), applications shall include a site plan showing total lot area and proposed off street parking (improved with a durable, permanent, dustless surface). In calculating the floor area of habitable rooms, only those portions of the floor area of a room having a clear ceiling height in excess of five (5) feet may be included. At least half of the floor area of any habitable room shall have a clear ceiling height of seven (7) feet or more. If exterior changes are proposed, exterior changes shall be consistent with the General Design Standards in Zoning Code § 63.110. All plans and drawings must show dimensions or be drawn to scale.

~~**Economic Feasibility Analysis.** An economic analysis worksheet provided by the City shall be completed and submitted with the application.~~

~~**MLS Listing from Most Recent Sale.** A copy of the MLS listing from the most recent sale shall be submitted with the application.~~

### 2. Applications for *variances* in RT2 or higher residential zones.

For proposed conversions of existing single-family and duplex structures to triplexes, staff will recommend denial unless, in addition to the required findings for variances contained in Zoning Code § 61.600, the following guidelines are met:

- A. Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.
- B. Gross living area, after completion of duplex conversion, of at least 2100 square feet. No unit shall be smaller than 500 square feet.
- C. Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.
- D. All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle.)
- E. For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution.



**3. Applications for *establishment of legal nonconforming use or reestablishment of legal nonconforming use.***

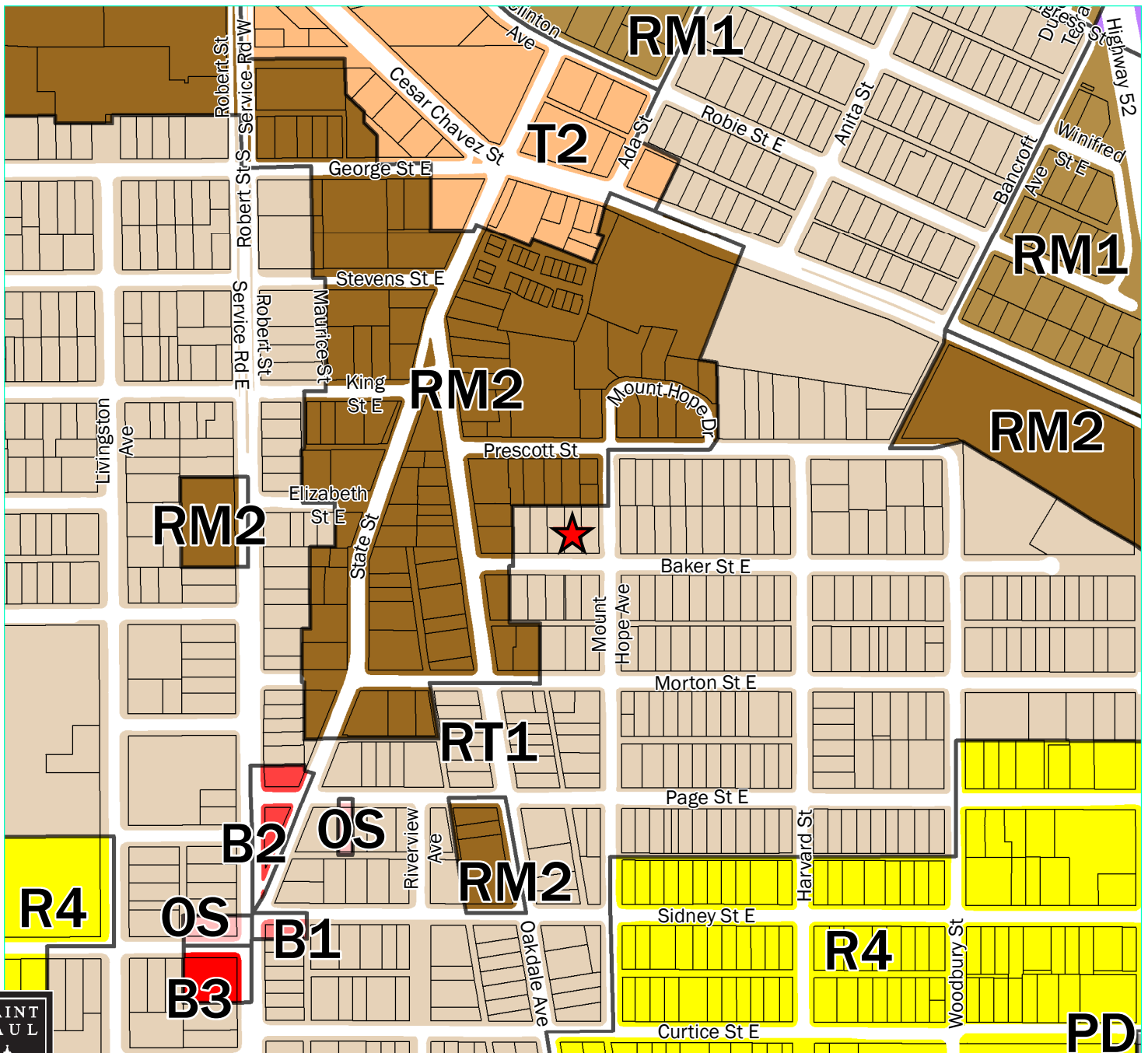
For residential uses in residential districts, staff will recommend denial unless the following guidelines are met:

- A. All required findings for nonconforming use permits in Zoning Code § 62.109(a) *Establishment of legal nonconforming use* or (e) *Reestablishment of nonconforming use* are met.
- B. That guidelines A - E in section 2 above are met.

**4. Applications to *rezone single parcels to RT2 or higher to provide for conversion to a triplex.***

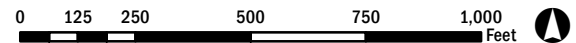
Staff will assess the on-street parking conditions in the area as well as review the application against the following guidelines. Staff will recommend denial unless these guidelines are met:

- A. Lot size of at least 9000 square feet.
- B. Gross living area after completion of the conversion of at least 2100 square feet for the three units. No unit shall be smaller than 500 square feet.
- C. Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.
- D. The property is located in a mixed density or mixed use neighborhood.
- E. The units must be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance.
- F. The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).



FILE #20-003092 | ZONING MAP - Broad View  
**Application of Glen Brown-Lowe**

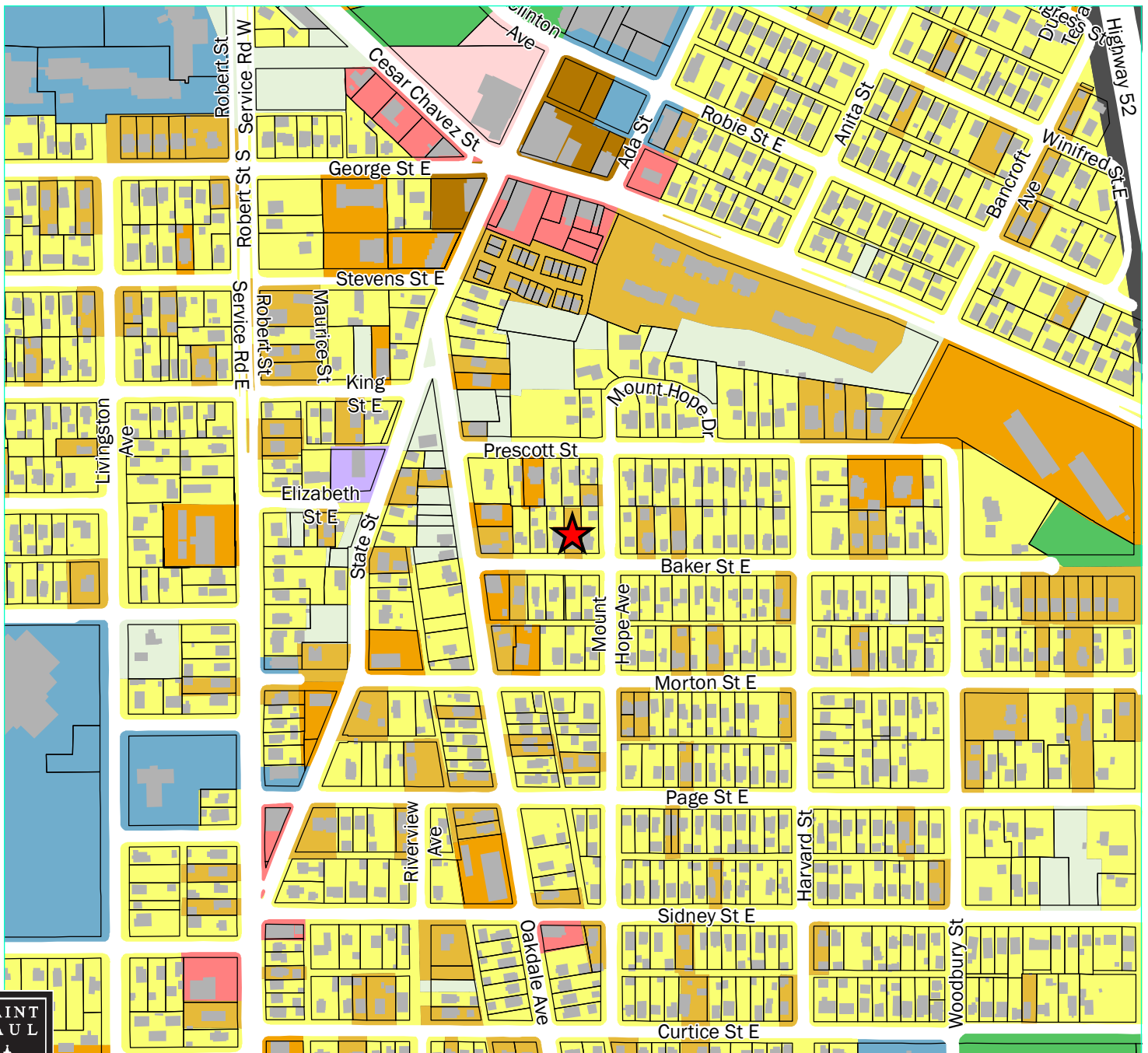
Application Type: Rezoning  
 Application Date: January 2, 2020  
 Planning District: 3



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Subject Parcel

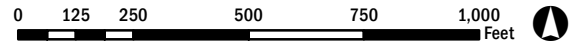
RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	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

























FILE #20-003092 | LAND USE MAP - Broad View

# Application of Glen Brown-Lowe

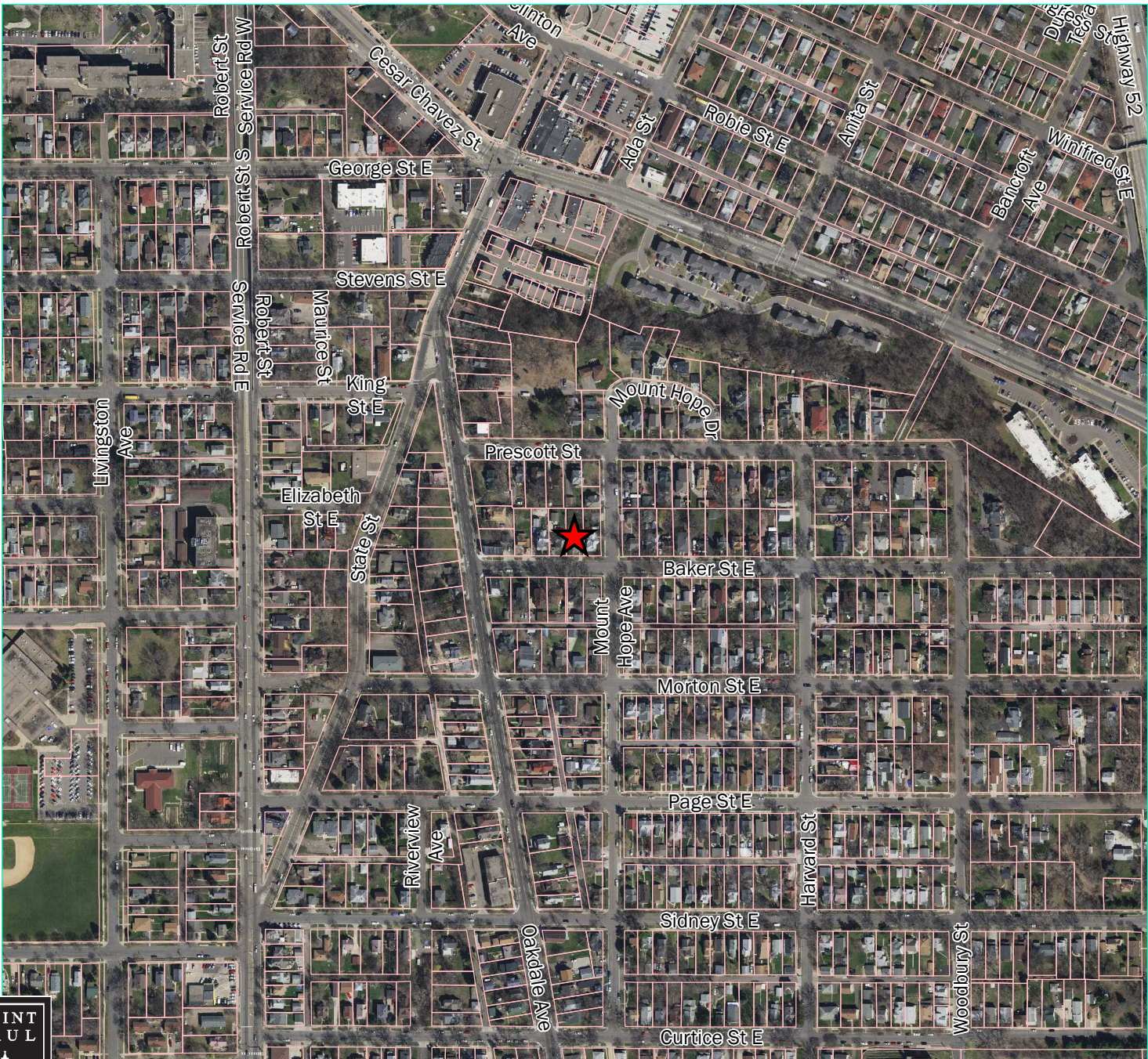
Application Type: Rezoning  
 Application Date: January 2, 2020  
 Planning District: 3



 Subject Parcel

 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	

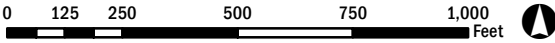
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FILE #20-003092 | AERIAL MAP - Broad View  
**Application of Glen Brown-Lowe**

Application Type: Rezoning  
Application Date: January 2, 2020  
Planning District: 3

 Subject Parcel



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