



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6565
Facsimile: 651-228-3261

Date: July 29, 2011
To: Planning Commission
From: Neighborhood Planning Committee
Subject: Review of public hearing comments on District 9 Residential Zoning Study

Background

The Planning Commission held a public hearing on the District 9 Residential Zoning Study on July 22, 2011. Four people spoke, and staff received written testimony from eight additional people. This memo summarizes the issues raised and presents comments and recommendations for the Planning Commission.

The public hearing draft of the District 9 Residential Zoning Study is online at <http://bit.ly/D9zoning>.

Overview of public hearing comments

Most of the comments received were supportive of the recommendations in the zoning study. Two letters were received from people who oppose the zoning study's recommendations, and one letter was supportive but requested specific changes to the recommendations.

1. Moratorium and Proposed Zoning

Comment. Letters of opposition from Paul Stephanyshyn (313 Harrison) and Adelheid Stephanyshyn (98 Garfield) express concerns about the City Council moratorium on the conversion of single-family homes to duplexes/triplexes as well as about the inability to change the use of their properties, from single-family home to triplex and from duplex to triplex, under the proposed zoning. Neither owner received notice of the moratorium's passing at City Council. Both houses have three kitchen stoves, and while neither owner has imminent plans to convert to a triplex, they would like to have the right to do so in the future.

Committee Comment. On October 27, 2010, the Saint Paul City Council passed a resolution requesting a zoning study and enacting a moratorium on the issuance of zoning and building permits or approvals that would permit an existing single-family home in the study area to be converted to a two- or three-unit dwelling is also in place.

The authority to introduce a moratorium through an interim ordinance comes from Minn. Stat. § 462.355, Subd. 4, which reads:

The governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use,

development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.

Under Chapter A-11 of Saint Paul's Administrative code, interim ordinances are exempted from the ENS notice requirements. Notice of the zoning study was sent out via ENS, published in the Legal Ledger (6/27/11) and Pioneer Press (7/1, 7/8, and 7/15/11), and mailed to affected property owners twice.

The proposed zoning allows the current official uses to continue indefinitely. The owner says 313 Harrison is currently being used as a single-family home, but property tax records reflect a duplex use. The current zoning of the property is RT2, and it is proposed to change to RT1. Duplexes are allowed under RT1, but triplexes are not. The parcel would meet the minimum lot-size and width requirements for duplex and triplex uses under the current zoning. The owner of 98 Garfield says the house is registered as a duplex, but property tax records indicate that it is used as a single-family home. The current zoning of the property is RT2, and the proposed zoning is R4. Both duplexes and triplexes are not permitted uses under R4. The parcel would meet the minimum lot-size and width requirements for duplex and triplex uses under the current zoning.

If the proposed zoning for both parcels goes forward, the owners would need to rezone their parcels to RT2 to convert their properties to triplexes. Under the Duplex-Triplex Conversion Guidelines, the following conditions would need to be met.

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 9,000 square feet.*
- 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.*
- C. Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement.*
- D. The property is located within 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).*

Recommendation. No change.

2. Harrison/Garfield/Sturgis Area

Comment. Marit Brock requests that the proposed zoning at the intersection of Harrison, Garfield, and Sturgis be changed to R4. She reasons that the majority of properties in use as duplexes or triplexes are conversions of single-family homes, and that many of them are owned by the City and will be rehabbed as single-family homes.

Committee Comment. The current zoning for this area is RT2; the staff recommendation for zoning in this area is RT1 (fourteen parcels). While none of the properties that currently have duplex/multifamily uses appear to have been originally built for those uses, there are only three single-family parcels in the area, and none of them appear to be large enough to meet the minimum lot size requirements for duplex uses. The zoning study proposes downzoning this area from RT2 to RT1, which meets the study's goals of reflecting the existing land use in the area and minimizing the creation of nonconforming uses.

Recommendation. No change.

3. Specific Properties

271 Sturgis

Current zoning: RT2
Current use: multifamily housing
Proposed zoning: RT1
Comment: zoning should remain RT2
Staff comment: 271 Sturgis is an eight-unit apartment building, but it is on a very small parcel – just 3150 square feet. Because of the parcel's small size, RT1 seemed a better fit.

89 Douglas

Current zoning: RT2
Current use: duplex
Proposed zoning: RT1
Comment: zoning should be R4
Staff comment: See #2 above.

281 Sturgis

Current zoning: RT2
Current use: triplex
Proposed zoning: RT1
Comment: zoning should be R4
Staff comment: See #2 above.

52 and 66 Douglas

Current zoning: RT2
Current use: 4-unit apartment buildings
Proposed zoning: T1
Comment: zoning should be RT2
Staff comment: T1 is intended to serve as a transitional use between commercial and residential districts. Staff chose T1 for these parcels because they are very close to West 7th, and adjacent to the large Salvation Army parcel (also proposed to be T1) and Degidio's Restaurant. The apartment buildings would remain conforming under T1.

289 Harrison

Current zoning: RT2

Current use: 4-unit apartment building
Proposed zoning: RT1
Comment: zoning should be RT2
Staff comment: 289 Harrison is a four-unit apartment building, but it is on a small, legally non-conforming lot – 5977 square feet. Because of the parcel’s small size, RT1 seemed a better fit.

302 Superior

Current zoning: RM2
Current use: duplex
Proposed zoning: R4
Comment: original duplex; zoning should be RT1
Staff comment: A mapping error led to the misidentification of this parcel as a duplex conversion.

Recommendation. Proposed zoning for 302 Superior should be changed from R4 to RT1.

4. Map Changes

Comment. Staff received corrections to *Map 1: Residential Land Uses*.

- 302 Superior – should be shown as an original duplex
- 354 Goodrich – should be shown as a duplex
- 479 Michigan – should be shown as a duplex
- 309 Harrison – should be shown as multi-family housing/conversion of single-family house
- 292 Sturgis – should be shown as a triplex

Recommendation. Make changes to Map 1 as described above.

RECOMMENDATION

The Neighborhood Planning Committee recommends that the Planning Commission forward the proposed rezoning of properties as described in District 9 Residential Zoning Study to the City Council for review and adoption.

Attachments

1. Pictures of properties identified in comments
2. Map of properties identified in comments
3. Planning Commission resolution
4. Written testimony
 - a. Paul Stephanyshyn
 - b. A. Stephanyshyn
 - c. Marit Brock
 - d. Mark Hegnauer/Naomi Austin
 - e. Lenora Zellmann
 - f. Alvina Holloway
 - g. David Wickre/Freya Jacobson
 - h. Miriam Gerberg