

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 1053 Dale Rezoning **FILE #:** 21-246-238
 2. **APPLICANT:** Io Investments Llc **HEARING DATE:** April 8, 2021
 3. **TYPE OF APPLICATION:** Rezoning - Consent
 4. **LOCATION:** 1053 Dale St N, NW corner at Edgar Avenue
 5. **PIN & LEGAL DESCRIPTION:** 262923140007; WARE AND HOSPES ADDITION, TO ST LOT 7 BLK 1
 6. **PLANNING DISTRICT:** 10 **EXISTING ZONING:** R4
 7. **ZONING CODE REFERENCE:** §§ 61.801(b) and (c), 66.421, 66.321, 66.212, 66.313
 8. **STAFF REPORT DATE:** April 1, 2021 **BY:** Josh Williams
 9. **DATE RECEIVED:** March 19, 2021 **60-DAY DEADLINE FOR ACTION:** May 18, 2021
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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** Approx. 3,049 sq. ft.
- C. **EXISTING LAND USE:** Commercial—office (R4)
- D. **SURROUNDING LAND USE:**
 - North: Single-family residential, multifamily residential, commercial (R4, RM2, B1)
 - South: Single-family residential, commercial (R4, B3)
 - East: Single-family residential, multifamily residential (RM2)
 - West: Single-family residential (R4)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §61.801(c) describes the petition process, required by Minn. Stat. 462.357 Subd. 5 for rezoning from a residential district to a commercial district.
- F. **HISTORY/DISCUSSION:** The building was constructed in 1962 as a commercial structure. In 1999, a permit was issued for nonconforming use of the building for business and/or professional offices, and the building has been in continuous commercial use since that time. Staff did not research use of the structure between the time of construction and the 1999 nonconforming use permit.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 off-street parking space per 400 sq. ft of floor area for most commercial uses. The requirement for these uses is the same for both the R4 and T2 districts. Parking requirements for residential uses depend on the type and size of units.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 10/Como Community Council will meet to review the application and make a recommendation on April 7, 2021.
- I. **FINDINGS:**
 1. The applicant seeks to rezone the subject property from R4 single-family residential to T2 traditional neighborhood (a mixed-use designation). In conversations preceding the application, the applicant stated a desire to potentially convert a portion of the subject property for use as general retail or for residential use. General retail is first allowed in the B1 local business district. Partial residential use of a property is allowed in the B1 district, provided that more than half the first floor is used for a permitted commercial use. The T1 traditional neighborhood allows residential use, but does not allow general

retail. The T2 traditional neighborhood district is the least intense district that allows both residential use and general retail.

2. The proposed zoning is consistent with the way this area has developed. The intent of the R4 district is to “provide for an environment of predominantly low-density, one-family dwellings along with civic and institutional uses, public services and utilities that serve the residents in the districts.” The T2 traditional neighborhood 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”.
 3. Records for the subject property indicate that it was originally constructed in 1962 as a commercial building (prior to the adoption of the modern zoning code and the current R4 zoning), and that it has been used for commercial purposes since at least 1999. The property currently has non-conforming status for commercial use as a business and/or professional office.
 4. The proposed zoning is consistent with the Comprehensive Plan. Two specific policies of the 2040 Comprehensive Plan support the proposed zoning. Policy LU-7 encourages “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” Policy LU-27 says the city should “[P]rovide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets.” The Como Community Plan (District 10) does not contain policies explicitly applicable to the proposed zoning change.
 5. The proposed zoning is compatible with surrounding uses. The subject property is located on a block that is currently zoned R4 single-family residential, and otherwise occupied by conforming uses, as are the blocks west of the property. Located just to the north, along the opposite side of Dale Street, are two multifamily residential buildings and a mixed-use building. About 1 block to the south, uses on both sides Dale Street transition to commercial as part of the Como/Front/Dale commercial node. The small size of the subject parcel places practical limitations on the use of the parcel.
 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 property.*” The proposed zoning would not constitute spot zoning. The subject property is located in an area of transition from single-family residential zoning to multifamily and commercial/mixed-use zoning districts of similar intensity to the subject parcel
 7. The petition for rezoning was found to be sufficient on March 15, 2021: 14 parcels eligible; 10 parcels required; 10 parcels signed.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezone of 1053 Dale Street North from R4 one-family residential to T2 traditional neighborhood.



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 # _____
Fee Paid \$ 1260.00
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Property Owner(s) IO Investments LLC
Address 1053 Dale Street N. City Saint Paul State MN Zip 55117
Email ioinvestmentsmn@gmail.com Phone 651-689-3596
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 1053 Dale Street N, Saint Paul, Minnesota 55117
PIN(s) & Legal Description Lot 7, Block 1 Ware and Hospes Addition to St. Paul, Ramsey County
(Attach additional sheet if necessary.)
1053-1055 Dale Street North, St. Paul, MN 55117
_____ Lot Area 2,400 square ft Current Zoning R4 Residential

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, IO Investments LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a R4 Residential Zone zoning district to a T2 Traditional Neighborhood zoning district, for the purpose of:

enhancing the neighborhood by fostering and supporting pedestrian-oriented commercial and residential development.

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 March 8th 2021

[Signature]
Notary Public



By: [Signature]
Inti Martinez-Alemán
Fee owner of property
Title: Member

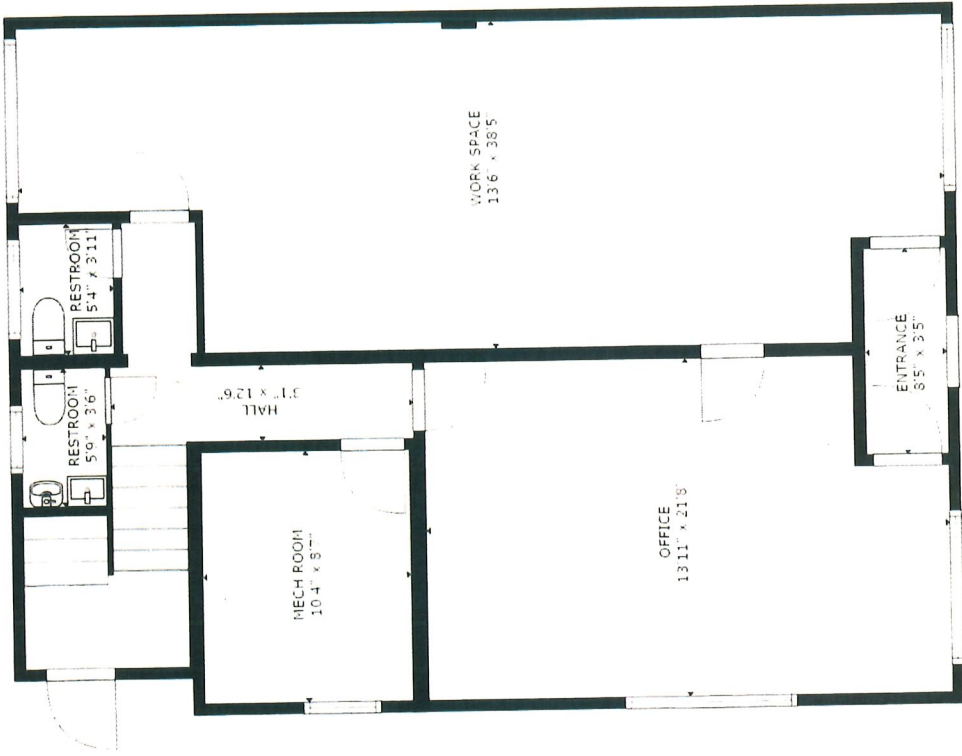
Subscribed and sworn to before me

Date March 8th 2021

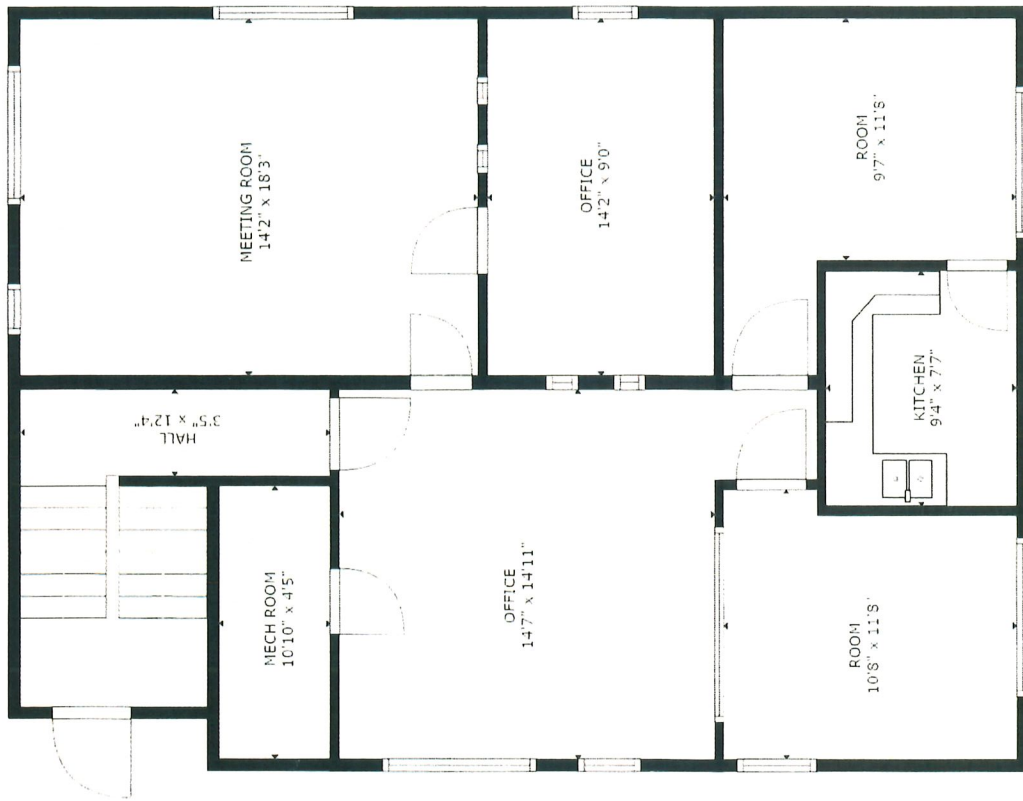
[Signature]
Notary Public



By: [Signature]
Ofelia M. Ponce Diaz
Fee owner of property
Title: Member



GROSS INTERNAL AREA
 FLOOR 1 1064 sq ft, FLOOR 2 1148 sq ft
 TOTAL 2212 sq ft



GROSS INTERNAL AREA
 FLOOR 1: 1664 sq ft. FLOOR 2: 1148 sq ft.
 TOTAL: 2812 sq ft.

CITY OF SAINT PAUL
CONSENT OF ADJOINING PROPERTY OWNERS FOR A
REZONING

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 IO Investments LLC
 (name of petitioner)
 to rezone the property located at 1053 Dale Street N Saint Paul, Minnesota 55117,
 from a R4 Residential zoning district to a T2 Neighborhood zoning district and;

2. A copy of sections 66.241 through 66.416, inclusive of the Saint Paul Zoning Code.

T2

We acknowledge that we are aware of all of the uses permitted in a neighborhood 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

IO Investments LLC to a T2 Neighborhood 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
1053 Dale St. N ^{St Paul} MN	IO Investments LLC		02/26/2021
1037 DALE ST. N. ^{ST. PAUL} MN	PAUL GREGORICH		02/26/2021
697 Edgare Ave ^{St Paul} MN	Rebecca Johnson ^{owner} / Russel		02/27/2021
692 Edgar Ave ^{ST PAUL} MN	Javier Jose Gutierrez ^{owner} Sarah Salazar		2/27/21
688 Edgar Ave ^{St Paul}	Belinda Kuehn Dave Seafsky		2/27/21
684 Edgar Ave ^{St Paul} MN	Melissa Trembley Chris Trembley		2/27/21
1048 DO DUK ST	Arthur Hui		3-02-2021
1042 Dale - ST - N	Linda & Hieu Huynh Nguyen		03/03/21
1063 DALE - N	LOUIS DOMINIC		3/24/21
680 Edgar Ave	Lisa Salazar		3/06/21
680 Edgar Ave	Miguel Salazar		3/06/21

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 signature of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, IO Investments LLC, 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 signatures are the true and correct signatures of each and all of the parties so described.

[Handwritten signature]

IO Investments LLC

NAME

1053 Dale Street N, Suite 202 St. Paul MN 55117

ADDRESS

651-689-3596

TELEPHONE NUMBER

Subscribed and sworn to before me this 8th day of March, 2021.



[Handwritten signature]

NOTARY PUBLIC

CITY OF SAINT PAUL

**AFFIDAVIT OF PERSON CIRCULATING CONSENT
PETITION FOR A REZONING**

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Ofelia Marlene Ponce Diaz, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 18 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.



Ofelia Marlene Ponce Diaz

NAME

175 County Rd B2 E, Apt 429 Little
Canada, MN 55117

ADDRESS

651-492-6344

TELEPHONE NUMBER

Subscribed and sworn to before me this

8th day of March, 2021.


NOTARY PUBLIC

CITY OF SAINT PAUL


**AFFIDAVIT OF PERSON CIRCULATING CONSENT
PETITION FOR A REZONING**

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Inti Martinez-Alemán, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 18 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.



Inti Martinez-Alemán

NAME

175 County Rd B2 E, Apt 429 Little
Canada, MN 55117

ADDRESS

617-780-4042

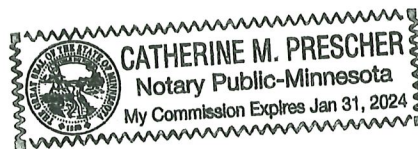
TELEPHONE NUMBER

Subscribed and sworn to before me this

8th day of March, 2021.



NOTARY PUBLIC



1025 Dale

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 3-8-21

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 14

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 10

PARCELS REQUIRED: _____

PARCELS SIGNED: 10

PARCELS SIGNED: _____

CHECKED BY: Paul Dubrovich

DATE: 3/15/21

Langer, Samantha (CI-StPaul)

From: luke martinkosky <lkosky@yahoo.com>
Sent: Thursday, April 1, 2021 9:56 PM
To: *CI-StPaul_PED-ZoningCommitteeSecretary
Subject: Rezoning 1053 Dale Street, NW corner at Edgar Avenue

Dear Zoning Committee Secretary,

I would like to voice my support for rezoning the the property at 1053 Dale Street from R4 one-family residential to T2 traditional neighborhood. This property is consistent with the intent of the T2 designation, as it is located along two transit corridors adjacent to a neighborhood business district. There are also several properties a couple blocks to the north zoned T2, included Conny's Creamy Cone, so the rezoning would be consistent with other nearby commercial properties.

The current owners have shown they want to be good neighbors by improving the building since purchasing it less than two years ago, renovating both the interior and exterior and creating a more visually appealing property in the neighborhood. The rezoning will allow more flexibility in attracting businesses to the building, which has the potential to improve the services available in the neighborhood and prevent vacant storefronts from remaining along Dale St.

For these reasons, I believe rezoning the property to T2 traditional neighborhood will be beneficial to the neighborhood. Thank you for your consideration of my testimony.

Sincerely,
Luke Martinkosky
1075 Dale St. N.
Saint Paul

Langer, Samantha (CI-StPaul)

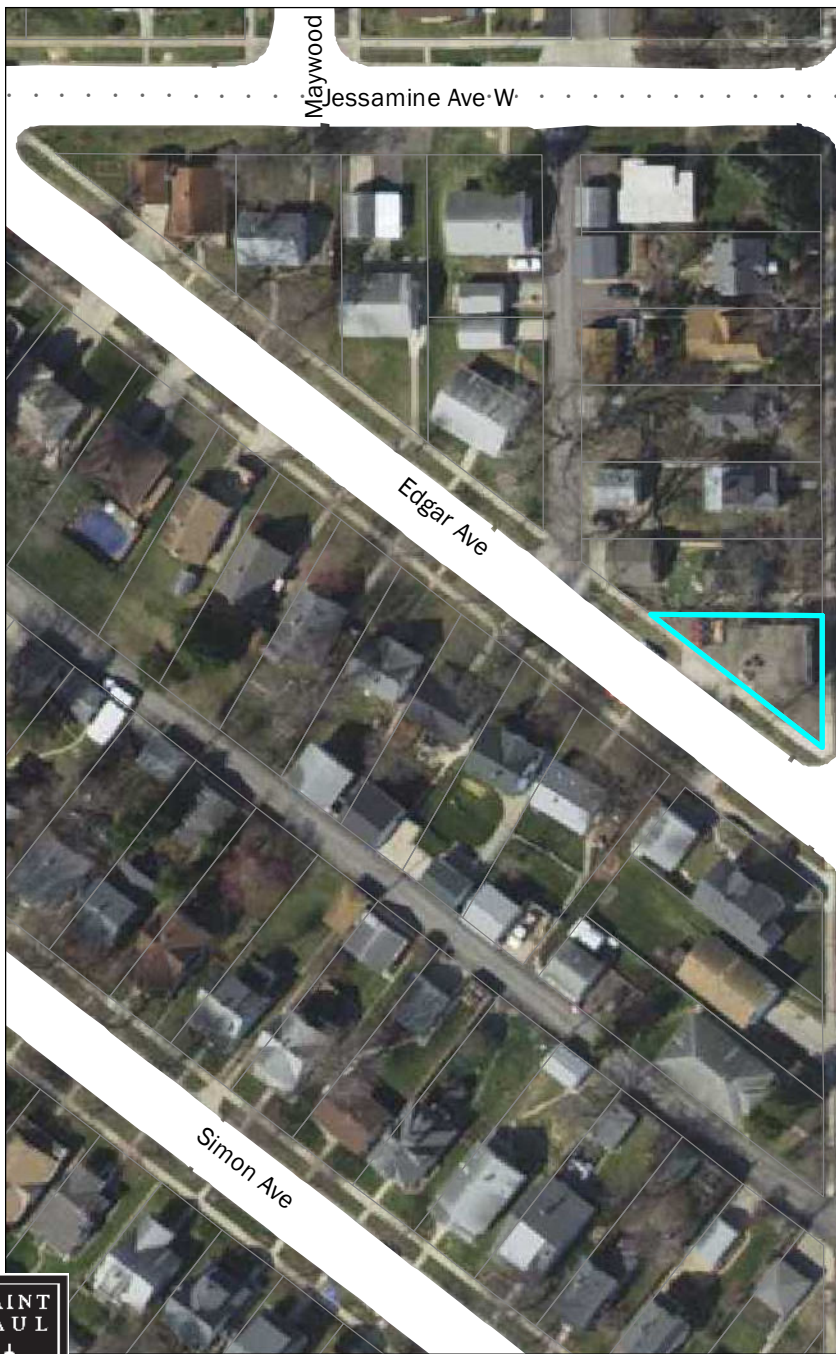
From: blconley <blconley@q.com>
Sent: Wednesday, March 31, 2021 1:49 PM
To: Williams, Josh (CI-StPaul); *CI-StPaul_PED-ZoningCommitteeSecretary
Subject: ZF # 21-246-238; 1053 Dale Rezoning to T2

Hello Josh and Zoning Committee,

As a long-term homeowner on this block, I have concerns about some of the broad range of possible uses allowed under the T2 classification. For that reason I oppose the rezoning of 1053 Dale to T2.

I would like this to be considered as my 'public testimony' for the April 8, 2021 Zoning hearing. Thank you.

Regards,
Betty Conley
628 Jessamine Avenue West
Saint Paul, MN 55117-5614
(651)488-2013



Cook Ave W



Lawson Ave W

Dale St N

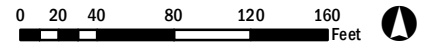


FILE #21-246-238 Aerial Map
Application of IO Investments LLC

Application Type: Rezone
 Application Date: March 3, 2021
 Planning District: 10

Subject Parcel(s) Outlined in Blue

ParcelPoly on

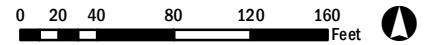


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FILE #21-246-238 Existing Land Use
Application of IO Investments LLC

Application Type: Rezone
 Application Date: March 3, 2021
 Planning District: 10



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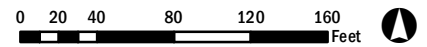
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Poly on | Multifamily | Industrial and Utility | Railway |
| 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 | |



FILE #21-246-238 Zoning Map
Application of IO Investments LLC

Application Type: Rezone
 Application Date: March 3, 2021
 Planning District: 10



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Subject Parcel(s) Outlined in Blue

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