

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Saint Paul HRA **FILE #:** 13-152-470
  2. **APPLICANT:** Housing And Redev Auth Of The City Of St Paul **HEARING DATE:** February 28, 2013
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 719 Burr St, SW corner of Minnehaha and Burr
  5. **PIN & LEGAL DESCRIPTION:** 322922210062; Sub Of And Add To Irvines Add Ex W 48 Ft Lot 1 Blk 1
  6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** B1
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** February 19 & 28, 2013 **BY:** Kate Reilly
  9. **DATE RECEIVED:** February 7, 2013 **60-DAY DEADLINE FOR ACTION:** April 8, 2013
- 

- A. **PURPOSE:** Rezoning from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential.
- B. **PARCEL SIZE:** 83 ft (Minnehaha) x 56 ft (Burr) totaling 4,648 square feet
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
  - North: 6 unit apartment building (RT1)
  - East: Church (RT1)
  - South: Duplex (RT1)
  - West: One-family dwelling (RT1)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** This property was purchased by the Saint Paul Housing and Redevelopment Authority in 2005. The grocery store on the site was demolished in 2010.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 5 had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The Housing and Redevelopment Authority of the City of Saint Paul (HRA) is adjusting the common boundary between 719 Burr and the house to the west at 476 E. Minnehaha (on a 56 ft. x 48 ft. lot = 2688 sq. ft.) in order to make 476 E. Minnehaha saleable while maintaining a buildable lot at 719 Burr. The common boundary will move 12 feet east, making the lot at 476 E. Minnehaha 56 ft. x 60 ft. = 3360 sq. ft., closer to the 5000 sq. ft. minimum lot size requirement for a one-family house in the RT1 Residential district (its current zoning) but still legally nonconforming. The remaining lot at 719 Burr will be 56 feet x 71 ft. = 3976 sq. ft., a conforming lot large enough for a one-family dwelling in the T1 Traditional Neighborhood district.

The HRA is requesting that the east 71 feet at 719 Burr Street be rezoned from B1 Local Business to T1 Traditional Neighborhood, and that the west 12 feet that will be part of the parcel at 476 E. Minnehaha be rezoned to RT1 Two-Family Residential to match the existing zoning of the parcel.
  2. The proposed zoning is consistent with the way this intersection of two collector/local bus route streets has developed, with a mix of single-family, duplex, and multifamily residential, a church, and (formerly) small neighborhood commercial land use. According to Sec. 66.213 Intent, RT1 two-family residential district, "The RT1 two-family residential district provides for an environment of predominantly low density one- and

two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district." According to Sec. 66.311 the intent of T districts is "to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing."

3. The proposed zoning is consistent with the Comprehensive Plan. The proposed zoning is consistent with Comprehensive Plan (2010) Land Use Policy 1.1 *Guide the development of housing in Established neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors*. This area is a residential corridor within an established neighborhood and the rezoning will allow for additional housing units to be created. The Railroad Island Updated Area Plan Summary (2007) seeks to encourage new housing in the community and encourage new single-family housing to be built.
  4. The proposed zoning is compatible with the surrounding uses. T1 and RT1 both accommodate one- and two-family homes. The subject properties are surrounded by residential and institutional uses. T1 provides design and dimensional standards appropriate for this small lot and this location.
  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 create an island of nonconforming use within a larger zoned property.*" This is not an occurrence of spot zoning as the T1 district provides for land use with design and dimensional standards appropriate for this intersection of two collector/local bus route streets, at a location designated as a residential corridor, and the area being rezoned to RT1 is consistent with the existing RT1 zoning of the parcel it will be part of..
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of rezoning the east 71 feet at 719 Burr Street from B1 Local Business to T1 Traditional Neighborhood, and rezoning the west 12 feet that will be part of the parcel at 476 E. Minnehaha from B1 to RT1 Two-Family Residential to match the existing zoning of the parcel.



**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 #: 13-152032  
 Fee: 1200  
 Tentative Hearing Date:  
2-28-13

PD=5  
 #

**APPLICANT**

Property Owner HRA - St. Paul 322922210062  
322922210063  
 Address 25 West Fourth Street, Suite 1100  
 City St. Paul St. MN Zip 55102 Daytime Phone 651-266-6561  
 Name of Owner (if different) \_\_\_\_\_  
 Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

**PROPERTY LOCATION**

Address/Location 476 Minnehaha Avenue E / 719 Burr Street  
 Legal Description Sub of and Add to Irvines Add W 48 Ft. of Lot 1 Blk 1  
Sub of and Add to Irvines Add Ex W 48 Ft Lot 1 Blk 1 Current Zoning \_\_\_\_\_  
 (attach additional sheet if necessary)

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,  
St. Paul HRA, owner of land proposed for rezoning, hereby petitions you to  
 rezone the above described property from a \_\_\_\_\_ zoning district to a zoning  
 district, for the purpose of:

- The portion of 719 Burr Street property added to 476 Minnehaha Ave. E. is changing from B1 to RT-1
- 719 Burr Street is changing from B1 to T11

(attach additional sheets if necessary)

Subscribed and sworn to before me on 13 days of Feb. 2013.

By: [Signature]  
 Cecile Bedon,  
 Executive Director  
 of the Housing + Redevelopment  
 Authority

Attachments as required:  Site Plan  Consent Petition  Affidavit

[Signature]  
 LAURA L. ECKERT  
 NOTARY PUBLIC - MINNESOTA  
 MY COMMISSION  
 EXPIRES JAN. 31, 2015

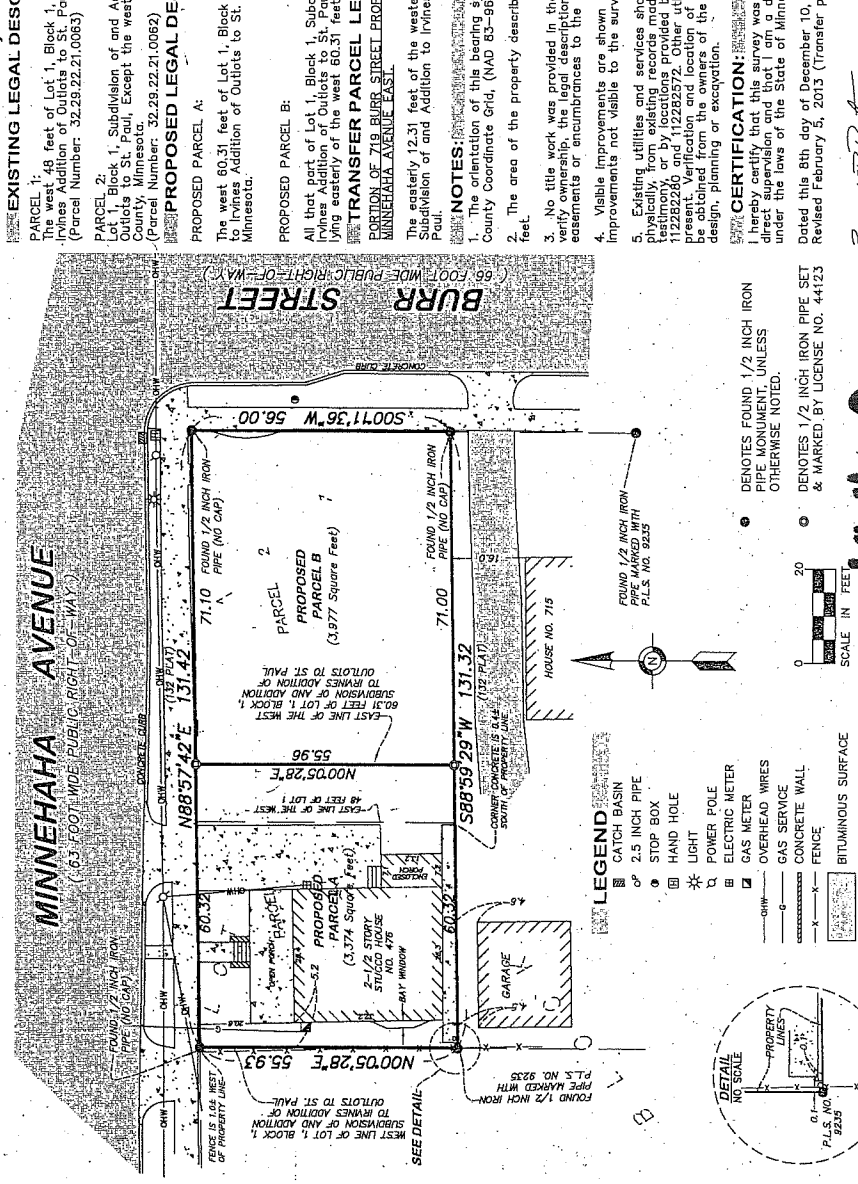
Subscribed and sworn to before me  
 this Thursday day  
 of Feb 7, 2012

[Signature]  
 SAMANTHA A. LANGER  
 NOTARY PUBLIC - MINNESOTA  
 MY COMMISSION  
 EXPIRES JAN. 31, 2014

By: [Signature]  
 Fee owner of property  
 Title: Senior Project Manager

[Signature]  
 Notary Public

**ADJUSTMENT OF COMMON BOUNDARY FOR:  
HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF SAINT PAUL, MINNESOTA**



**EXISTING LEGAL DESCRIPTION:**  
**PARCEL 1:** The west 48 feet of Lot 1, Block 1, Subdivision of and Addition to Irvin's Addition of Outlots to St. Paul, Ramsey County, Minnesota. (Parcel Number: 32-28-22-21-0085)  
**PARCEL 2:** Lot 1, Block 1, Subdivision of and Addition to Irvin's Addition of Outlots to St. Paul, Ramsey County, Minnesota. (Parcel Number: 32-28-22-21-0082)

**PROPOSED LEGAL DESCRIPTION:**  
**PROPOSED PARCEL A:**  
 The west 80.31 feet of Lot 1, Block 1, Subdivision of and Addition to Irvin's Addition of Outlots to St. Paul, Ramsey County, Minnesota.  
**PROPOSED PARCEL B:**  
 All that part of Lot 1, Block 1, Subdivision of and Addition to Irvin's Addition of Outlots to St. Paul, Ramsey County, Minnesota lying easterly of the west 80.31 feet thereof.

**TRANSFER PARCEL LEGAL DESCRIPTION:**  
**PORTION OF 719 BURR STREET PROPERTY ADDED TO 476 MINNEHAHA AVENUE EAST.**  
 The easterly 12.31 feet of the westerly 60.31 feet of Lot 1, Block 1, Subdivision of and Addition to Irvin's Addition of Outlots to St. Paul.

**NOTES:**  
 1. The orientation of this bearing station is based on the Ramsey County Coordinate Grid. (NAD 83-86 Adj.)  
 2. The area of the property described hereon is 7,350 square feet.  
 3. No title work was provided in the preparation of this survey to verify ownership, the legal description, or the existence of any encumbrances to the property.  
 4. Visible improvements are shown on the survey. Other improvements not visible to the surveyor may be present.  
 5. Existing utilities and services shown hereon, were located either physically or by locations provided by Cochrane One per Parcel No. 112282280 and 112282572. Other utilities and services may be present. Verification and location of all utilities and services should be obtained from the owners of the respective utilities prior to any design, planning or excavation.

**CERTIFICATION:**  
 I, hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 Dated this 8th day of December 10, 2012.  
 Revised February 5, 2013 (Transfer parcel Description)

FILE NO.	34908
DRAWING NAME	719 BURR STREET & 476 MINNEHAHA AVENUE, SAINT PAUL, MINNESOTA
DATE	12/10/12
DRAWN BY	BRP
CHECKED BY	BRP
FIELD BOOK	49
PAGE	2742

EGGN, Field & Nowak, Inc.  
 1229 Tyler Street NE, Suite 100  
 Minneapolis, Minnesota 55413  
 PHONE: (612) 466-5300  
 FAX: (612) 466-5358  
 WWW.EGNSURVEY.COM  
 COPYRIGHT © 2011 BY EGN, FIELD & NOWAK, INC.  
 LAND SURVEYORS SINCE 1872

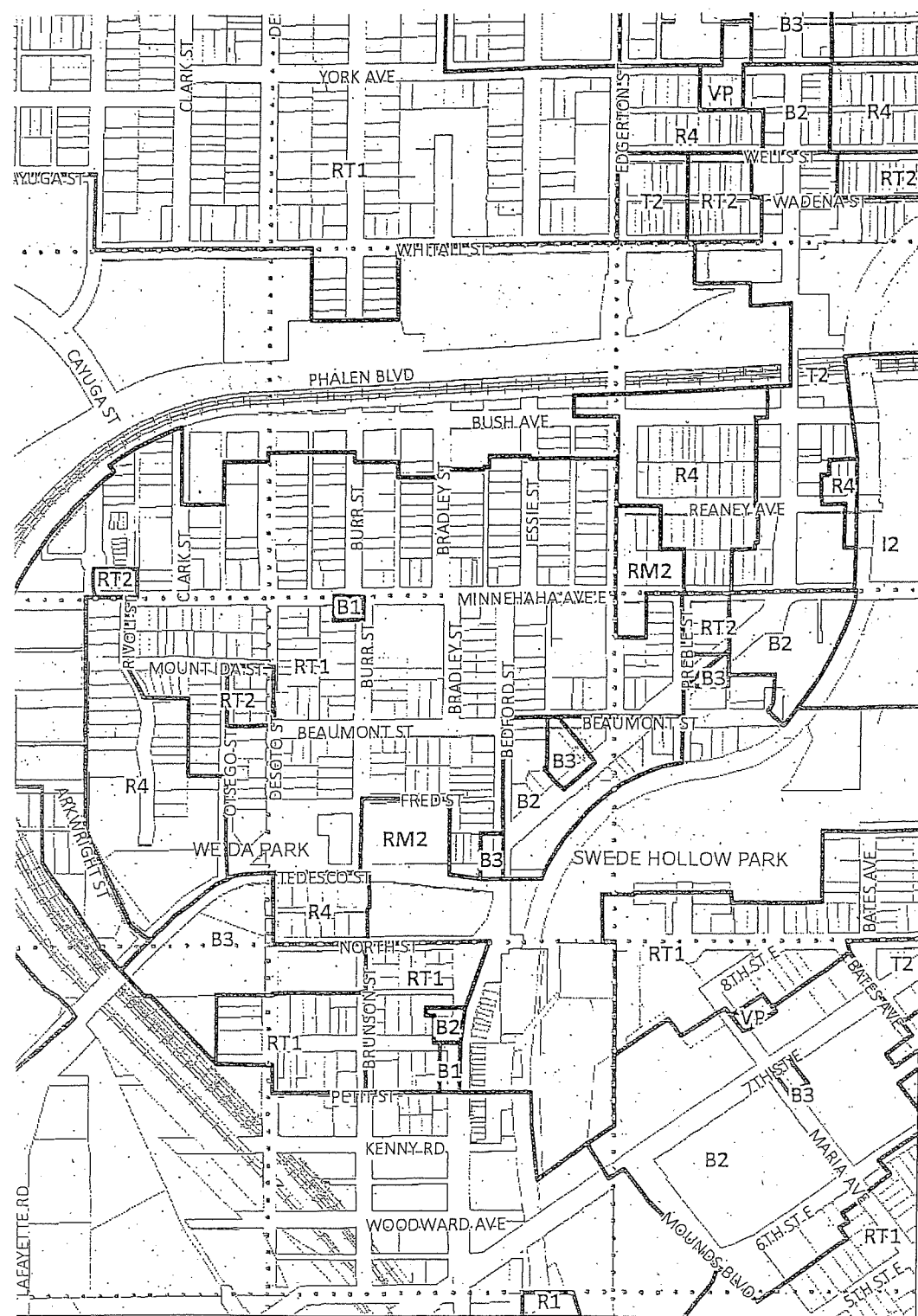
**Legend:**  
 [Symbol] CATCH BASIN  
 [Symbol] 2.5 INCH PIPE  
 [Symbol] STOP BOX  
 [Symbol] HAND HOLE  
 [Symbol] LIGHT  
 [Symbol] POWER POLE  
 [Symbol] ELECTRIC METER  
 [Symbol] GAS METER  
 [Symbol] OVERHEAD WIRES  
 [Symbol] GAS SERVICE  
 [Symbol] CONCRETE WALL  
 [Symbol] FENCE  
 [Symbol] BITUMINOUS SURFACE  
 [Symbol] CONCRETE SURFACE

**Scale:** 1" = 20' (SEE PLAT)  
 SCALE IN FEET  
 0 10 20

**Detail:** FOUND 1/2 INCH IRON PIPE MARKED WITH P.L.S. NO. 9235  
 FOUND 1/2 INCH IRON PIPE MARKED WITH P.L.S. NO. 9235  
 FOUND 1/2 INCH IRON PIPE MARKED WITH P.L.S. NO. 9235

**Exhibit A**

Brent R. Peters, Land Surveyor  
 Minnesota License No. 44123



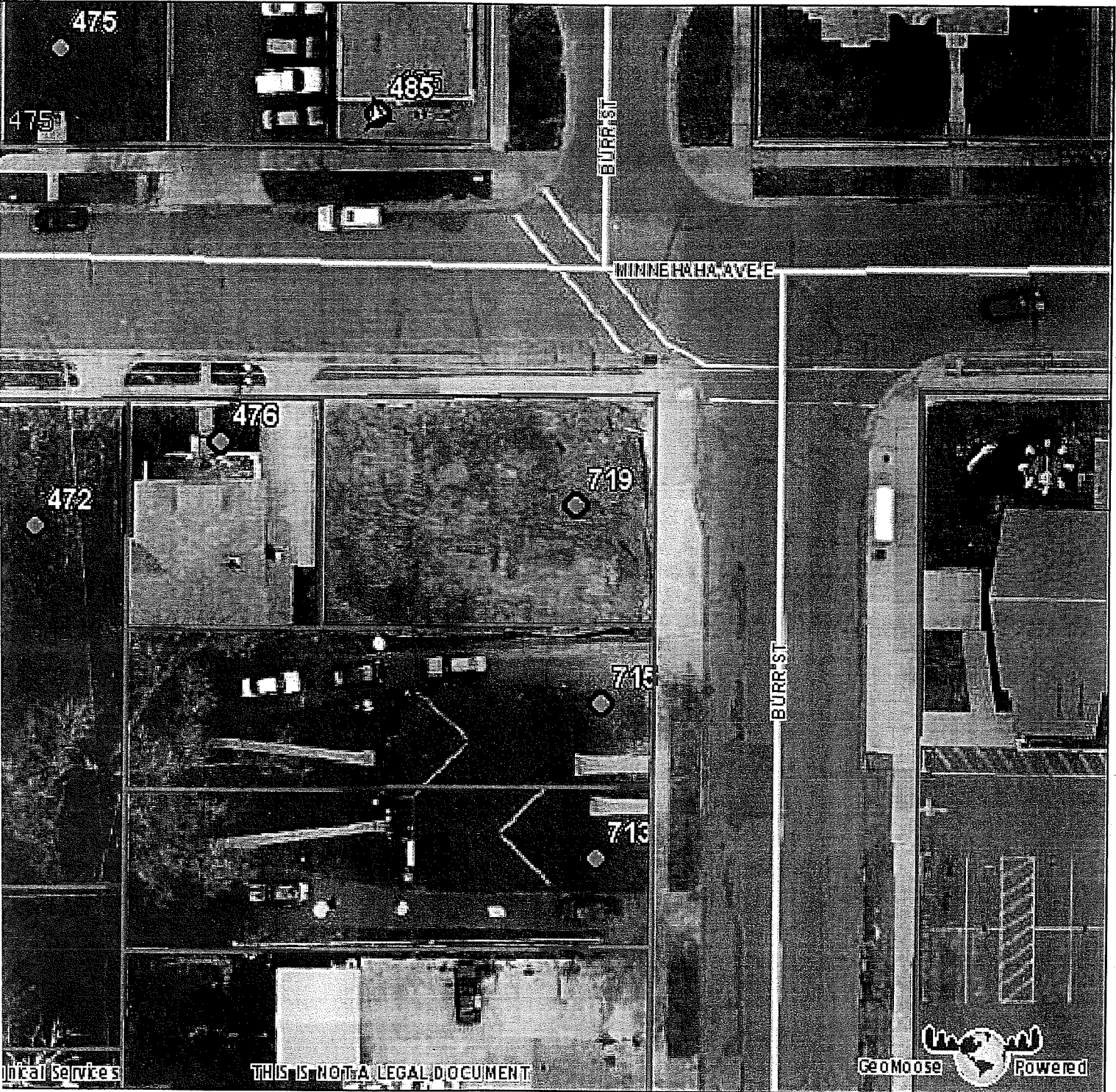
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- T3M T3 with Master Plan
- T4 Traditional Neighborhood
- OS Office-Service
- B1 Local Business
- BC Community Business (converted)
- B2 Community Business
- B3 General Business
- B4 Central Business
- B5 Central Business Service
- IR Light Industrial Restricted
- I1 Light Industrial
- I2 General Industrial
- I3 Restricted Industrial
- VP Vehicular Parking
- PD Planned Development
- CA Capitol Area Jurisdiction

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27		28	29
30	31				32

0 165 330 660  
 Feet  
 1" = 1/8 mile (660 feet)

# PANEL 10

ZONING LAST UPDATED NOVEMBER 16, 2011



475

475

485

BURR ST

MINNEHABA AVE E

BURR ST

476

472

719

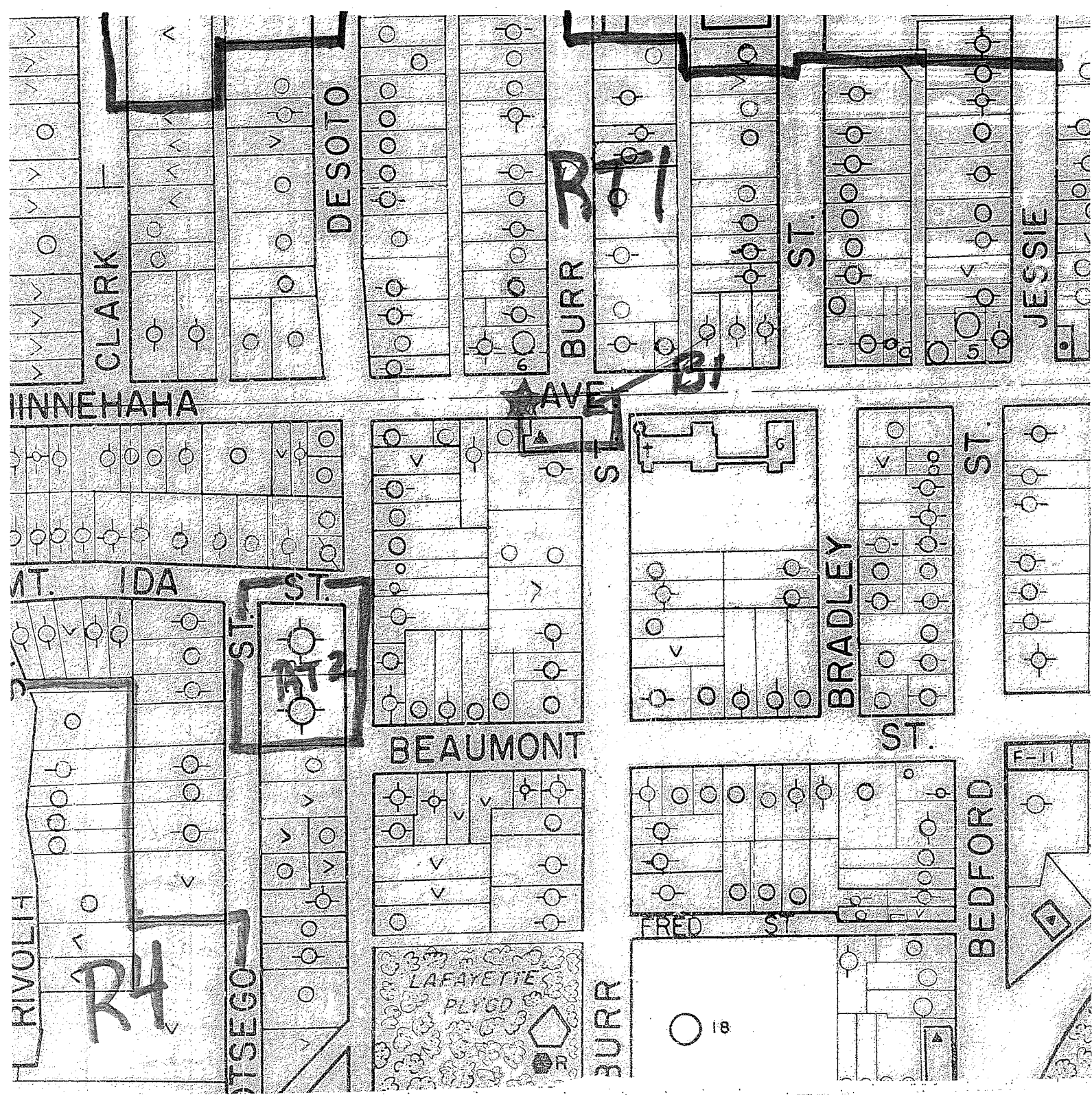
715

715









Medical Services

THIS IS NOT A LEGAL DOCUMENT.

GeoMoose Powered



APPLICANT St. Paul HRA  
 PURPOSE Rez  
 FILE # 13-152032 DATE \_\_\_\_\_  
 PLNG. DIST 5 Land Use Map # 13  
 Zoning Map # 10

**LEGEND**  
 zoning district boundary  
 subject property  
 one family  
 two family  
 multiple family  
 commercial  
 industrial  
 vacant



SCALE 1" = 400'