

city of saint paul
 planning commission resolution
 file number 18-76
 date December 14, 2018

WHEREAS, Peggy Dahl, File # 18-124-347, has applied to rezone from RM1 low-density multi-family residential to RM2 medium-density multi-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1375 Cleveland Avenue N, Parcel Identification Number (PIN) 20.29.23.41.0063, legally described as S 1/5 of Lot 6 and all of Lot 7, Block 34, St. Anthony Park North; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application is to rezone the property from RM1 to RM2 to facilitate redevelopment of the property from a one-family dwelling with an additional one-family dwelling over a garage to a multifamily development with more density than allowed under RM1. RM2 zoning would allow for an additional 10ft of height (RM2 allows 50ft; RM1 and RT2 allow 40ft) and an additional 2 to 4 units, depending on how parking is provided (see table below).

Allowable Dwelling Units for 1375 Cleveland – RM1 vs. RM2 Zoning

Zoning		Number of Units with Surface Parking	Number of Units with Structured Parking	
			1 Space/Unit	2 spaces/unit
RM1	Units	4	5	6
	Lot Area/Unit	2,000sf	1,700sf	1,400sf
RM2	Units	6	7	10
	Lot Area/Unit	1,500sf	1,200sf	900sf

2. The proposed RM2 zoning is generally consistent with the way this area has developed. This area of St. Anthony Park, adjacent to the University of Minnesota, has developed as a mix of various housing types with higher densities generally concentrated along Cleveland Avenue and Como Avenue. Recently several properties along Cleveland Avenue adjacent to the University, including the sorority directly to the north of this property (ZF# 18-067994), have increased in density. The 50ft maximum building height standard for the proposed RM2 zoning is less consistent with the 40ft maximum height standard that applies to surrounding property because are no buildings in the surrounding RT2 and RM1 area exceed that height. However, there are buildings exceeding 40ft on the University of Minnesota campus.

moved by Edgerton
 seconded by _____
 in favor Unanimous
 against _____

3. The proposed RM2 zoning is generally consistent with the *Comprehensive Plan*. The zoning is consistent with the following 2030 Comprehensive Plan policies from the Housing Chapter:

1.1. Increase housing choices across the city to support economically diverse neighborhoods.

1.3. Revitalize the city by developing land-efficient housing.

And the following policy from the St. Anthony Park Community Plan:

Range of Housing Choices. *Increase the range of housing types and affordability within the District to encourage a greater diversity of households and to be an affordable community for all people throughout their life and changing lifestyle needs.*

There is no clear guidance from either plan regarding student housing and no specific recommendations in the St. Anthony Park Community Plan that relate to Cleveland Avenue. The draft St. Paul Campus Strategic Facilities Plan calls for adding student housing density along Cleveland south of Commonwealth Avenue with mixed-use generally at the intersection of Cleveland and Como.

4. The proposed zoning is compatible with the surrounding mix of residential and university-related uses. The Cleveland-facing side of the block is zoned RM1 while the Raymond-facing side of the block is zoned RT2. This zoning has been in place since 1975. The intent of the RT2 district (Zoning Code § 66.214) is “to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts.” The purpose of the RT2 zone on the west side of the block is to buffer the R4 one-family area to the west from the multifamily uses along Cleveland. The intent of the RM1 district (§ 66.215) is “to provide for an environment of predominantly one- and two- family, townhouse and lower density multiple-dwelling structures along with civic and institutional uses ... to provide for a variety of housing needs.” The intent of the RM2 district (§ 66.216) is “to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.” RM2 is generally appropriate at this site because of its location on Cleveland and proximity to the University and transit. With the frequency of U of M circulators in addition to the regular Metro Transit service, this stretch of Cleveland has among the highest frequency service outside of downtown. RM2 would provide for additional density to meet the housing goals of the city.
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.*” Based on Finding 4, above, the proposed rezoning may not be considered “spot zoning” because the use classification can be consistent with the current and intended surrounding uses. However, the site is located away from a Neighborhood Node and is not on a Residential Corridor as defined in the *2030 Comprehensive Plan*. The modest change in height and density for this small lot to RM2 should not be considered “*an island of nonconforming use within a larger zoned property.*” Given the recent densification along Cleveland Avenue, RM2 is appropriate at this location as it would be at other locations along this segment adjacent to the University of Minnesota. The draft 2040 Comprehensive Plan has stronger and more explicit policy support for additional density at this location due to its frontage on Cleveland and related transit access.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from RM1 low-density multi-family residential to RM2 medium-density multi-family residential for property at 1375 Cleveland Avenue N be approved.