

city of saint paul
planning commission resolution
file number 21-17
date April 2, 2021

WHEREAS, James Faillettaz, File # 21-240-240, has applied to rezone from RT1 two-family residential to RM1 low-density multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1001 Reaney Avenue, Parcel Identification Number (PIN) 28.29.22.34.0045, legally described as Lot 13, Block 12, Terry’s Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 25, 2021, 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 requests rezoning from RT1 two-family residential to RM1 low-density multiple-family residential for the purpose of accommodating a third residential unit.
2. The Planning Commission’s Triplex Conversion Guidelines (2009), as follow below, are advisory guidelines that apply to rezoning applications that provide for conversion to triplexes:
 - (a) *Lot size of at least 9000 square feet.* The lot’s size is 6,351 square feet. Although this guideline is not met, the additional residential unit allowed by the rezoning will not negatively impact the surrounding area. Also, it will further Comprehensive Plan Policy H-31 that encourages affordable housing.
 - (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.* This guideline is met. The gross living area is 2,383 square feet. The smallest unit is 750 square feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.* This guideline is met. The 26’-wide driveway off of Cypress Street is large enough to accommodate three off-street parking spaces.
 - (d) *The property is located in a mixed density or mixed use neighborhood.* This guideline is met. The surrounding area contains a mix of residential densities.
 - (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*

moved by Baker
seconded by _____
in favor 14
against 2 (Mitchell, Moore)

structure into building and fire code compliance. This guideline will be met. Although rezonings cannot have conditions attached to them, this guideline must be met for the third unit to be legally occupied.

(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).* This guideline is met. This lot has not been rezoned since the 1975 citywide rezoning.

3. The proposed zoning is consistent with the way this area has developed. RM1 zoning allows for small-scale multi-family residences, which are consistent with the mix of residential densities in the surrounding area.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as part of an Urban Neighborhood – a primarily residential area with a range of housing types.
5. The proposed zoning is compatible with the surrounding residential uses.
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 does not constitute “spot zoning” because it is not inconsistent with the surrounding residential uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of James Faillettaz for rezoning from RT1 two-family residential to RM1 low-density multiple-family residential for property at 1001 Reaney Avenue be approved.