

city of saint paul
planning commission resolution

file number 19-15

date April 5, 2019

WHEREAS, Paula Lilly, File # 19-017-008, has applied to rezone from R2 one-family residential to RT1 two-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 321 Irvine Avenue, Parcel Identification Number (PIN) 01.28.23.13.0291, legally described as THE ELY 10 FT OF THE SLY 122.67 FT OF LOT 16 BLK 69 OF DAYTON AND IRVINES ADD & IN SD DRAKES SUBD THE SLY 122.67 FT OF LOT 5 & LOT 6 LYING WLY OF THE FOL DESC L; COM AT A PT ON THE NLY L OF SD LOT 2 (SAME BEING SLY L OF SUMMIT AVE) DIST 10.87 FT; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 28, 2019, 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 of 321 Irvine Avenue from R2 One-Family Residential to RT1 Two-Family Residential to allow construction of a two-family dwelling.
2. *The proposed zoning is consistent with the way this area has developed.* Very little development has occurred in this area over the last three decades. Irvine Avenue contains a mix of single-family and two-family homes, townhomes, and multifamily residences. Townhomes (275-285 and 266-268 Irvine Ave) were built in the late nineties. Many properties on Summit Avenue, behind and farther up the slope, have been intensifying use as they are converted to multi-unit condominiums. Despite this slow intensification, Irvine Avenue has not been improved, widened, or reconfigured to accommodate increased use by automobile or pedestrian traffic. The effects of development on surface water and slope erosion of the block as a whole have not been evaluated.
3. *The proposed zoning is consistent with the Comprehensive Plan.* Saint Paul's 2030 Comprehensive Plan designates this area as an *Established Neighborhood*, which "are characterized almost entirely by single-family houses and duplexes, as well as scattered small scale multi-family housing", consistent with RT1. Land Use policy 3.9 states: "Consider ground and surface water in preparation of a site for development and in the design and construction of buildings." This consideration is built into the site plan review requirements of the Irvine Avenue Development Plan, as well as the reasoning behind downzoning this property to R2 originally.

moved by Edgerton

seconded by _____

in favor Unanimous

against _____

4. The Irvine Avenue Development Plan, adopted by the City Council in 2003, lays out four reasons that this site should be included in the R2 downzoning: “(a) the roadway is too steep and narrow to handle more traffic; (b) there is hardly any on-street parking; (c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and (d) the natural tree cover should be retained for its beauty and for erosion control.”

Rezoning to RT1 would allow traffic and parking from one extra household. While expanded on-site parking requirements are required in Zoning Code Table 63.207 for Dwellings on Irvine Avenue, roadway use is not accounted for and Irvine Avenue has not been improved, widened, or reconfigured. However, at 10,018 square feet, this lot is considerably larger than the 7,200 square foot minimum lot size in the R2 district, mitigating by its size the intensity of traffic and parking.

While the applicant has observed no seepage from springs or instability of the slope on this property, the effect on surface water and ground water over the course of the Irvine Avenue block can be difficult to predict, while also having a widespread effect on neighboring properties. However, any construction proposal would be subject to a site plan review that would analyze the impact on these issues. An increase in building site disturbance in the parcel if zoned RT1 would be subject to the same site analysis and site plan review as under its current zoning, R2.

Regarding conservation of tree cover for beauty and erosion control, currently there are no trees on the lot at 321 Irvine Avenue. While the application suggests trees were affected by previous work at 322 Summit Avenue and during the site analysis on 321 Irvine Avenue, there has been no account of when the remainder of the trees were removed. Regrowth of tree cover would be a distant goal.

5. The proposed RT1 Two-Family zoning is compatible with the single-family homes, two-family homes and townhomes already existing on Irvine Avenue, as well as the multi-unit properties and condos on Summit Avenue.
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 land uses allowed in RT1 Two-Family Residential would not be a departure from the land uses existing on Irvine Avenue, Summit Avenue, and Pleasant Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from R2 one-family residential to RT1 two-family residential for property at 321 Irvine Avenue be approved.