

city of saint paul  
planning commission resolution  
file number 20-10  
date February 7, 2020

WHEREAS, Glen Brown-Lowe, File # 20-002-999, has applied to rezone from RT1 two-family residential to RM2 multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 197 Baker Street E, Parcel Identification Number (PIN) 08.28.22.24.0135, legally described as Lot 13, Block 4, Woodbury and Case's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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 stated purpose of the proposed rezoning from RT1 two-family residential to RM2 multiple-family residential is to convert the existing duplex into a triplex. There is a separate application for a lot area variance (9,000 sq. feet required, 6,384 sq. feet proposed) for a triplex on this lot.
2. The Duplex and Triplex Conversion Guidelines approved by both the Planning Commission and the Board of Zoning Appeals in 2009 state that staff will recommend denial of rezoning single parcels to RT2 or higher to permit conversion to a triplex unless the following guidelines are met:
  - A. *Lot size of at least 9,000 square feet.* This guideline is not met. The lot is only 6384 square feet in area.
  - B. *Gross living area after completion of the conversion of at least 2,100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The first-floor unit is 791.85 sq. feet, the second floor unit is 810.37, and the proposed basement unit is 598.88 sq. feet, for a total of 2,201 square feet.
  - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement.* This guideline can be met. The lot currently has a parking pad for 2 parking spaces, and there is room in the rear yard for an additional parking space.
  - D. *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.*

moved by Edgerton  
seconded by \_\_\_\_\_  
in favor 12  
against 2 (DeJoy, Ochs)

*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 structure into the building and fire code compliance.* The units will be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with here or more units.

- E. *This property is located within a mixed density or mixed-use neighborhood.* This guideline is met.
  - F. *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district or small area plan).* This guideline is met.
3. The proposed zoning is consistent with the way this area has developed. Two-thirds of this block and the block immediately south are single-family homes, the remaining third being three four-unit residences, one three-unit residence, and a total of four duplexes. The multi-family residences front Oakdale Avenue to the west, Prescott Street to the north, and Morton Street to the south.

The intent of RM2 as stated in the Zoning Code is "to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. [This district] is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities."

The property is four parcels (233 feet) away from Oakdale Avenue, a collector street with bicycle infrastructure and bus service, which is close enough to be considered part of the transit corridor and appropriately guided by multiple family zoning. The parcels on this block with frontage on Oakdale Avenue, as well as those on the north half of the same block with frontage on Prescott Street, are zoned RM2, forming the boundary of a multi-family district continuing three blocks north to the intersection of Oakdale Avenue and Cesar Chavez Street. There begins District del Sol, which is both one of the City's Commercial Zones ("CVZ") as well as the newly-created Cultural Destination Areas ("CDA"). CVZs and CDAs both receive added attention and resources from the City, which translates into greater demand for housing, increased transit and bicycle activity, and increased benefit from denser, mixed-use neighborhood growth. Additionally, the intersection of Cesar Chavez Street and Robert Street has been designated in the draft 2040 Comprehensive Plan as a Neighborhood Node, which "serve a neighborhood's daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth."

Based on proximity to other multi-family properties, adjacent RM2 zoning, Oakdale Avenue, District del Sol, and the Robert/Cesar Chavez Neighborhood Node, the proposed zoning is consistent with the way this area has developed.

4. The proposed zoning is consistent with the Comprehensive Plan.

The Future Land Use Map in the 2030 Comprehensive Plan designates the area including 197 Baker Street East is designated "Established Neighborhood", described as "Predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multi-family housing scattered within these neighborhoods. ... 3-20 units/acre."

The 2030 Plan includes Land Use Strategy 1: Target Growth in Unique Neighborhoods. "Higher density development ... contribute[s] to the goal of creating a vibrant, economically strong community that is environmentally stable.... There will be infill development in Established Neighborhoods and modest amounts of townhouse and *small scale multi-family*

*development at the juncture of arterial and collector streets that traverse Established neighborhoods*” [emphasis added]. Rezoning this parcel fits the expectation of small-scale multi-family near an important transportation juncture. This strategy is carried out through

- *Land Use Policy 1.8* – “Encourage the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods.”

The 2030 Plan also includes Housing Strategy 3: Ensure the Availability of Affordable Housing Across the City. The applicant has worked with the West Side Community Organization to negotiate more affordable rates for the potential three units in this building. Supporting this strategy is

- *Housing Policy 3.2*: Support new housing opportunities for low-income households throughout the city.

The 2040 Comprehensive Plan, approved by City Council, includes the goals “Economic and population growth focused around transit” and “Efficient and adaptable land use and development patterns.” This area is designated as an Urban Neighborhood, described as “primarily residential areas with a range of housing types.” Similarly, the nearby intersection of Robert Street and Cesar Chavez Street has been designated in the 2040 Plan as a Neighborhood Node. “Neighborhood Nodes serve a neighborhood’s daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth.”

An important policy relevant to this case is Policy H-48: “Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.” Introducing RM2 zoning one parcel south will allow small-scale multi-family in a location served by transit and in close proximity to a variety of other small-scale multi-family land uses.

The 2040 Plan also contains the following policies supporting this case:

- *Policy LU-1*: Encourage transit-supportive density and direct majority of growth to areas with the highest existing or planned transit capacity.
- *Policy LU-5*: Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- *Policy LU-33*: Encourage medium-density housing that diversifies housing options, such as townhouses, courtyard apartments, and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.
- *Policy LU-34*: Provide for multi-family housing along arterial and collector streets to facilitate walking and leverage the use of public transportation.
- *Policy H-7*: Reduce overcrowding within housing units, caused by doubling up of households and inadequate space for large families, through the production of small and family-sized affordable housing options.
- *Policy H-8*: Encourage creativity in building design and layout.
- *Policy H-15*: Accommodate a wide variety of culturally-appropriate housing types throughout the city to support residents at all stages of life and levels of ability.
- *Policy H-31*: Support the development of new affordable housing units throughout the city.
- *Policy H-37*: Encourage the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

- *Policy H-48*: Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The *West Side Community Plan* contains strategies relevant to this case:

- *Objective LU3.1*: Prioritize the reuse and rehabilitation of existing structures over new construction whenever possible.
  - *Strategy H1*: Provide a range of housing options on the West Side.
5. The proposed zoning is compatible with immediately surrounding uses. The parcels bordering the property are single-family residences with one two-family residence. A few small-scale multi-family properties lie westward along the nearby Oakdale Avenue, and on the north side of the same block on Prescott Street, on the block immediately south along Morton Street.
  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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either rezoned plot or abutting property.*” The proposed rezoning does not constitute “spot zoning”.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Glen Brown-Lowe for rezoning from RT1 two-family residential to RM2 multiple-family residential for property at 197 Baker Street E be approved.