

city of saint paul  
planning commission resolution  
file number 21-03  
date January 22, 2021

WHEREAS, 2069 Marshall Ave LLC, File # 20-101-751, has applied to rezone from T2 traditional neighborhood to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 2069 Marshall Avenue, Parcel Identification Number (PIN) 322923440133, legally described as legally described as Lot 23, Block 5; Roblyn Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 14, 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 applicant intends to rezone the property from T2 traditional neighborhood to T3 traditional neighborhood and combine it with the property immediately to the east at 2063 Marshall Avenue, which is zoned T3, to develop a mixed-use building with commercial space for a retail tenant at the corner of Marshall and Cleveland and apartment units above. The number of stories and apartment units, and type of parking (structured or surface) has not been finalized. Vehicular access to off-street parking, whether structured or surface, will be from Cleveland Avenue. The applicant states that the additional parcel is needed to increase the size of the development site to accommodate the proposed mixed-use development.
2. The proposed zoning is consistent with the way this area has developed. The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. The property at 2069 Marshall was rezoned from R3 to T2, and the property immediately to the east at 2063 Marshall Avenue was rezoned from R3 to T3, as part of the West Marshall Avenue Zoning Study in 2018. This was done in anticipation of medium density residential development occurring near the Neighborhood Node at the Marshall Cleveland intersection. One of the intents of the Zoning Code is to encourage a compatible mix of land uses, at densities that support transit, that reflects the scale, character, and urban design of Saint Paul's existing traditional neighborhoods. Marshall Avenue is an existing transit corridor, Route 21. Plans to develop a bus rapid transit route along Marshall Avenue are underway. In addition, Cleveland Avenue is an existing transit route, Route 87.
3. The proposed zoning is consistent with the Comprehensive Plan. Generally, city-wide land use goals are to increase density and land use diversity at Neighborhood Nodes, focus investment along transit corridors and promote high-quality urban design. The Marshall-

moved by Baker  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

Cleveland intersection is identified as a Mixed-Use area and a Neighborhood Node in the plan. Mixed-Use areas are primarily along thoroughfares well-served by transit; these areas are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown. Neighborhood Nodes are compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences. Policy LU-1. states encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-7. states use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities. Policy LU-27. states provide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets. Policy LU-30. states focus growth at Neighborhood Nodes using the following principle: Increase density toward the center of the node and transition in scale to surrounding land uses. Policy H-16. states increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels. Policy H-46. states support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.

The proposed mixed-use development is consistent with the Union Park Community Plan, which states the neighborhood's goals as the preservation of desirable assets and neighborhood character as well as development to meet present and future needs. Land Use and Housing Strategies include: LU1. Support land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape; LU3.2. Explore opportunities to increase density levels and promote new development along key corridors that support transit-oriented development; H1.1. Support multi-unit mixed-use development in mixed-use corridors that can accommodate higher density levels, while minimizing impacts on adjacent lower density areas and discourage multi-unit housing and retail uses that are incompatible with single-family residential areas.

4. The proposed zoning is compatible with the surrounding medium density residential uses and commercial uses at or near the Marshall-Cleveland intersection. Property along Marshall Avenue was rezoned in 2018 to allow for increased residential densities and mixed-use development, particularly at the Neighborhood Node. New medium density residential uses are being developed along Marshall Avenue west of the proposed site and are anticipated east of the proposed site.
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.*" The proposed rezoning will not result in spot zoning. The property is adjacent to an existing T3 zoning district at the Marshall-Cleveland intersection.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 2069 Marshall Ave LLC for rezoning from T2 traditional neighborhood to T3 traditional neighborhood for property at 2069 Marshall Avenue be approved.