

city of saint paul  
planning commission resolution

file number 19-01

date January 11, 2019

WHEREAS, Marshall Group LLC, File # 18-132-440, has applied to rezone from T1 traditional neighborhood to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1819 Marshall Avenue, Parcel Identification Number (PIN) 33.29.23.43.0113, legally described as Except Avenue, Lots 9 and 10, Block 10 Lovering Park; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 3, 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 applicant recently purchased the property as a ten-unit apartment building. The certificate of occupancy for the building permits only nine units. The applicant is petitioning to rezone the property from T1 to T2 to permit the tenth apartment unit in the building. Under T1 zoning, six units are permitted based on the lot area, making the nine-unit apartment building a legal nonconforming use. Under T1 zoning, an additional unit would increase the nonconformity. Under T2 zoning, which calculates density using floor area ratio rather than lot area, ten units would be permitted.  
The applicant has made significant interior and exterior improvements to the property, renovating and modernizing the units.
2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increase transit usage. Marshall Avenue is an existing transit corridor and a future bus rapid transit route. The subject property is at the northeast corner at Fairview. This intersection is an appropriate location for higher density mixed use development that is permitted in a T2 zone. Traditional neighborhood zoning encourages additional choices in housing.
3. The proposed zoning is consistent with the Comprehensive Plan. Marshall Avenue is identified in the land use plan as a residential corridor, predominantly characterized by medium density residential uses. Land use strategy LU1, target growth in unique neighborhoods, supports higher density development in residential corridors.

moved by Edgerton

seconded by \_\_\_\_\_

in favor Unanimous

against \_\_\_\_\_

LU1.9 encourages the development of medium density multi-family housing along residential corridors. Land use strategy LU2.2 in the Union Park Community Plan encourages the continued use and rehabilitation of existing structures to preserve the historic character of residential and commercial districts.

4. The proposed T2 zoning at the Marshall-Fairview intersection is compatible with surrounding uses which include library, church, and social club uses near the intersection and residential uses to the north, south, and east. The zoning is also compatible with the transit corridor that runs along Marshall Avenue.
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 T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Marshall Group LLC to rezone from T1 traditional neighborhood to T2 traditional neighborhood property at 1819 Marshall Avenue be approved.