

city of saint paul
planning commission resolution
file number 22-03
date January 7, 2022

WHEREAS, Kevin Vu, File # 21-323-222, has applied to rezone from R4 one-family residential to RT1 two-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1128 Mackubin Street, Parcel Identification Number (PIN) 25.29.23.21.0170, legally described as Ex. W. 33 ft for St., S. 65 ft. of W. 160 ft. of Lot 55, Wilkin and Heywards Outlots; and WHEREAS, the Zoning Committee of the Planning Commission, on December 30, 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 R4 one-family residential to RT1 two-family residential for development of a two-family dwelling.
2. The proposed zoning is compatible with surrounding uses. RT1 zoning allows for the two-family residential use, is compatible with surrounding residential uses, and is consistent with the way the area has developed. The block between Mackubin Street and Norton Street is a mixture of one-family, two-family and medium density multi-family residential land use. The subject parcel is approximately 65 feet from both an RM2 multi-family district and an RT1 two-family residential district.
3. The proposed rezoning is consistent with the Comprehensive Plan. The parcel is within an area designated as an Urban Neighborhood, in which single-family homes and duplexes are most common for older City neighborhoods. Housing Policy H 48 guides decision-makers to expand permitted housing types in Urban Neighborhoods to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.
4. The subject parcel meets the minimum lot width and area requirements for a two-family dwelling in the proposed RT1 two-family residential zoning district. The 65' wide x 127' deep lot has sufficient area to design and develop a duplex structure to code standards for continuation of two-family residential use of the lot.
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 RT1 rezoning would not likely be considered "spot zoning" as it is establishing a residential use classification consistent with the one-family, two-family and multi-family development pattern on this block.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Kevin Vu for rezoning from R4 one-family residential to RT1 two-family residential for property at 1128 Mackubin Street be approved.

moved by Reilly
seconded by _____
in favor Unanimous
against _____