

city of saint paul
planning commission resolution
file number 16-09
date March 4, 2016

WHEREAS, WRA 1276 LLC & WRA 1256 LLC, File # 16-009-696, have applied for a rezoning from RT1 Two-Family Residential and RM2 Multiple-Family Residential to RM3 Multiple-Family under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1254, 1256, & 1276 Wilson Ave, Parcel Identification Numbers (PINs) 33.29.22.41.0027, 33.29.22.41.0087, & 33.29.22.41.0088, legally described as per the zoning file; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 25, 2016, 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 1254, 1256, and 1276 Wilson Avenue to RM3 in order to allow for a new 3-story apartment building to be constructed.
2. The proposed zoning is consistent with the way this area has developed. While properties fronting Johnson Parkway to the west have developed as single-family uses, the properties farther east have been developed with more intense uses, including a high-rise apartment tower. With the Gold Line (Gateway) Bus Rapid Transit under study, including a planned station approximately two blocks to the east, it is notable that the RM3 zoning district is intended to provide for high-density multi-family structures adjacent to high-frequency transit service.
3. The proposed zoning is consistent with the Comprehensive Plan. The Gold Line Station Area Plans identify the apartment property (1276 Wilson Avenue) as being within the Primary Transit-Oriented Development (TOD) Zone, which should support “high-intensity TOD”, described in the document as consisting of mid- and high-rise buildings generally 2 to 5 stories in height, though potentially taller depending on the setting”. The proposed RM3 zoning is consistent with the plan designation. The proposed RM3 zoning on the duplex property (1254 & 1256 Wilson Avenue) is also consistent in that it allows for a contiguous, logical site plan and development that makes use of the Primary TOD Zone as directed by the Gold Line Station Area Plans.
4. The proposed RM3 zoning is compatible with the adjacent RM3 multi-family uses to the east and single-family uses fronting Johnson Parkway to the west. The RM3 zoning district requires building setbacks that ensure compatibility with the adjacent single-family uses: 25-

moved by Nelson
seconded by _____
in favor Unanimous
against _____

foot front and rear yard setbacks, 9-foot side yard setbacks, and, for portions of a building over 50 feet in height (if any), minimum side yard setbacks of 25 feet or 9 feet plus one-half the building height over 50 feet, whichever is less.

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 does not represent “spot zoning” as it is a continuation of the adjoining RM3 zoning district to the east.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of WRA 1276 LLC & WRA 1256 LLC for a rezoning from RT1 Two-Family Residential and RM2 Multiple-Family Residential to RM3 Multiple-Family for property at 1254, 1256, & 1276 Wilson Avenue be approved.