

city of saint paul
planning commission resolution
file number 19-56
date November 15, 2019

WHEREAS, Blackstone 1, LLC, File # 19-094-559, has applied to rezone from R4 one-family residential to RT2 townhouse residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 823 Englewood Avenue, Parcel Identification Number (PIN) 26.29.23.43.0122, legally described as Lots 5, 6 and 7, Block 6, Winters Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 7, 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, Blackstone 1, LLC, recently acquired the subject property via foreclosure. The property has also recently passed through probate, following the death of the longtime owner and resident.
2. The proposed zoning is consistent with the way this area has developed. The area has developed to include a variety of types and densities of residential uses. To the west, the area transitions to higher-density, multifamily uses as compared to the largely single-family uses to the south and east. The proposed RT2 zoning of the subject property is consistent with this transitional nature of the area.
3. The proposed zoning is consistent with the Comprehensive Plan. Policy LU 1.1 of the Saint Paul Comprehensive Plan calls for the City to “*Guide the development of housing in Established Neighborhoods...*” and identifies a target density of 3-20 dwelling units per acre in Established Neighborhoods. The proposed RT2 zoning requires a minimum of 2,500 square feet of lot area per unit, a density of approximately 17 units per acre.
4. The proposed zoning is compatible with surrounding uses. Immediately surrounding uses are primarily single-family residences. As currently developed with a triplex, the subject property would provide residential dwelling units at an identical density to the surrounding single-family zoned properties. If redeveloped at maximum allowed density under the proposed RT2 zoning, the use and proposed zoning of the property would also be compatible with the surrounding uses.
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

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

creates 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 the rezoned plot or abutting property.” The subject property is located in a larger area of R4 single-family zoning. However, the property abuts the ROW for Pierce Butler Route, a major thoroughfare and truck route. Properties to the north of Pierce Butler Route are in an I1 industrial zone. Large residential properties just to the west of the subject property are zoned RM2 multifamily residential, a more intense zoning district. Properties to the east and south are zoned R4 single-family. The subject property is located in an area of transition, between the single-family residential and higher intensity, multifamily residential and industrial districts. The creation of a lower intensity, multifamily zoning district in this context will not create an island of nonconforming use within a larger district, nor will it reduce the value for allowed uses in adjoining districts.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Blackstone 1, LLC, for rezoning from R4 one-family residential to RT2 townhouse residential for property at 823 Englewood Avenue be approved.