

city of saint paul
planning commission resolution
file number 20-35
date July 24, 2020

WHEREAS, Houa Vang and Yia Thao, File # 20-046-742, have applied to rezone from split RM1/RM2 zoning to all RM2 medium-density multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1428 7th Street E, Parcel Identification Number (PIN) 27.29.22.34.0123, legally described as Cruickshank’s Garden Lots, Block 4, Lot 9, North of Bush Avenue; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2020, held a public hearing on said application pursuant to 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 is proposing to construct a 60-unit apartment building on a parcel that is split-zoned: the north half RM2 multi-family residential, and the south half RM1 multi-family residential. The application is to change the RM1 zoning designation of the south half to match the RM2 zoning of the north half, so the parcel is no longer split-zoned and the proposed apartment building can be built under RM2 standards. The applicant has also submitted an application for variances that would be subject to approval of this rezoning (zoning file # 20-046-757).
2. The proposed RM2 zoning is consistent with the way this area has developed. Multi-family residential is common in this area and along the E 7th Street corridor. RM2 at this location is consistent with the intent of the RM2 district stated in Zoning Code § 66.216 as “... to provide for more extensive areas of multiple-family residential development ...as well as uses that serve the needs of the multiple-family residential districts ... [and] comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.” The site is on E 7th Street (a collector street) and well-served by the Route 74 bus, with bus stops at this location. The proximity of these transportation assets makes the addition of “more extensive areas of multiple-family residential development” practical and consistent with the intent of the RM2 district.
3. The proposed zoning is consistent with the 2030 and pending 2040 Comprehensive Plans, as well as the Greater East Side (District 2) Community Plan. The following policies support the rezoning of southern half of the parcel from RM1 to RM2 to match the RM2 zoning of the north half of the parcel.

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

The increased density allowed under RM2 makes it more feasible to develop this parcel and is generally more consistent with these policies than the current RM1 zoning.

2030 Comprehensive Plan

LU1.40 Promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors.

LU1.41 Promote the development of a range of housing types and housing values in each of the 17 planning districts.

LU1.42 Promote the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation.

2040 Comprehensive Plan (Approved by the City Council in June of 2019, but not yet adopted)

Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

Policy LU-34. Provide for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.

Policy LU-35. Provide for multi-family housing along arterial and collector streets, and in employment centers to facilitate walking and leverage the use of public transportation.

2030 and pending 2040 Comprehensive Plan future land use designation

The 2030 Comprehensive Plan identifies the future land use of the area as Industrial. However, that was written when Cemstone occupied a parcel to the east and was zoned I1 industrial. The Cemstone site has since been rezoned to T1 traditional neighborhood and is now occupied by a school. Industrial zoning and uses here would be inconsistent with surrounding development and zoning. Future land use designation informs changes to land use, which in this case would not occur as a result of the rezoning since the entirety of the parcel is currently zoned multi-family residential. Rather, this action would just change the zoning of part of a split-zoned parcel so the entire parcel would have the same multi-family residential zoning designation. Multi-family residential use is permitted in industrial zoning districts as part of mixed residential and commercial use, so is not inherently inconsistent with industrial land use.

The 2040 Comprehensive Plan designates the future land use of the parcel as Urban Neighborhood: "Urban Neighborhoods are primarily residential areas with a range of housing types. Single family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit." The proposed rezoning would continue to allow multi-family housing on a collector street with transit, and therefore, the rezoning is consistent with the future land use designation of the 2040 Comprehensive Plan.

Greater East Side (D2) Community Plan (an addendum to the 2030 Comprehensive Plan)

LU1. Development Opportunities. Promote higher density, mixed-use development in targeted business areas.

...

LU1d. Collaborate with District 2 to identify redevelopment sites for either mixed use or housing development. Possible sites include: state-owned property on York Avenue between Clarence Street and Birmingham Street; **East 7th Street between Parkway**

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School and Hazelwood Street; vacant land, also known as the Cemstone site, north of Minnehaha Avenue; the 3M distribution center; and on vacant land between Case Avenue and the railroad tracks, west of White Bear Avenue.

4. The proposed zoning is compatible with the surrounding uses. The area around the portion of the site is to be rezoned is vacant. The north half of the parcel that is already zoned RM2 is adjacent to single-family homes on both sides. The area north of 7th Street East and to the northeast of the parcel has numerous medium-density apartment buildings.
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 RM2 zoning is consistent with the adjacent RM2 zoning found on the balance of the parcel and along 7th Street East in this area.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Houa Vang and Yia Thao to rezone from split RM1/RM2 zoning to all RM2 medium-density multiple-family residential for property at 1428 7th Street E be approved.