

city of saint paul
planning commission resolution
file number 21-49
date October 29, 2021

WHEREAS, Gary and Catherine Ballman, File # 21-305-090, have applied to rezone from RT1 two-family residential to RM1 low-density multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1329 -1331 Lincoln Avenue, Parcel Identification Number (PIN) 03.28.23.42.0031, legally described as Block 3, Lot 18, Stinson’s Boulevard; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 21, 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 RT1 two-family residential to RM1 low-density multiple-family residential for the purpose of accommodating a third residential unit.
2. The Planning Commission’s Triplex Conversion Guidelines (2009) state that staff will recommend denial of applications to rezone single parcels to permit conversion of structures to triplexes unless the following guidelines are met:
 - (a) *Lot size of at least 9,000 square feet.* This guideline is not met. The area of the lot is 6,400 square feet including the area of half of the adjacent alley as described in § 63.101.
 - (b) *Gross living area after completion of the conversion of at least 2100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The gross living area for three units would be approximately 4,180 square feet. The proposed basement unit is 978 square feet and no unit would be smaller than 500 square feet.
 - (c) *Four off-street parking spaces (non-stacked) are preferred; three spaces are a required minimum.* This guideline is met. There are four off-street parking spaces provided in the garage off the alley on the north side of the property.
 - (d) *The property is located in a mixed density or mixed use neighborhood.* This guideline is met. The neighborhood surrounding the property contains a mix of uses and density.
 - (e) *The units must be inspected by the Fire Marshal’s Office as part of the Certificate of Occupancy program required for all residential structures with three or more units. The entire structure must meet building and fire code standards; or the property owner must*

moved by Reilly
seconded by _____
in favor 10
against 3 (Holst, Kantner, Yang)

obtain the necessary permits for the necessary improvements to bring the entire structure into building and fire code compliance. This guideline will be met. Although a rezoning cannot have conditions attached, this guideline must be met for the third unit to be legally occupied.

(f) *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district plan or small area plan).* This guideline is met. This lot has not been rezoned since the 1975 citywide rezoning.

3. The proposed RM1 multiple-family zoning is not consistent with the way this area has developed. While the proposed RM1 zoning is compatible with the residential and neighborhood-serving commercial uses and zoning along Grand Avenue to the north, RM1 zoning is neither consistent nor compatible with the one- and two-family residential zoning and existing development along Lincoln Avenue. Existing development throughout the stretch of Lincoln Avenue from Ayd Mill Road to the parcels fronting on Snelling Avenue is characterized by one- and two-family dwellings. Both sides of the block faces along this area of Lincoln are consistently zoned R4 one-family residential west of Hamline Avenue and RT1 two-family residential east of Hamline. This pattern of one- and two-family residential development along Lincoln Avenue is consistent with the intent of the existing RT1 two-family residential zoning district, which is to provide “for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve residents in the district.” While there is a legal nonconforming five-unit building at the corner of Lincoln and Hamline (a collector street), this building is an outlier. With this exception, the only uses on Lincoln Avenue extending at least three blocks in either direction are one- and two-family dwellings.
4. The proposed zoning could be consistent with the Comprehensive Plan. Policy LU-34 encourages “medium density housing that diversifies housing options, such as townhouses, courtyard apartment, and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.” The parcel in question is within an area designated as an Urban Neighborhood, in which “single-family homes and duplexes are most common” and “[m]ulti-family housing...*may also be scattered throughout.*” (Italics added for emphasis.)
5. The current RT1 two-family residential zoning permits reasonable use of this 40-foot-wide lot and existing duplex at 1329-1331 Lincoln Avenue. The house, built as a duplex and already legally nonconforming based on the lot width, is a reasonable use of the property.
6. The proposed RM1 multiple-family zoning of one small lot at 1329-1331 Lincoln Avenue would likely be considered “spot zoning” as it is a use classification inconsistent with the one-and two-family development pattern along several blocks of Lincoln Avenue and blocks to the south. “Spot zoning” is illegal in Minnesota. Spot zoning under Minnesota law “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.” Rezoning one small lot at 1329-1331 Lincoln Avenue to RM1 multiple-family easily fits within this definition and would likely be considered spot zoning because it would create an island of nonconforming multiple-family residential use within a larger RT1 two-family residential zoning district.

NOW, THEREFORE, BE IT RESOLVED, based on findings 2(a), 3, 5, and 6 above, that the Saint Paul Planning Commission recommends to the City Council that the application of Gary and Catherine Ballman to rezone property at 1329 - 1331 Lincoln Avenue from RT1 two-family residential to RM1 low-density multiple-family residential for be denied.