



## Legislation Text

---

**File #:** Ord 19-32, **Version:** 2

---

Granting the application of Bai Lor to rezone the property at 388 Minnehaha Avenue West from R4 Single Family Residential to RT1 Two Family Residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

WHEREAS, Bai Lor, File #19-025-059, has applied for rezoning from R4 single family residential to RT1 Two Family Residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 388 Minnehaha Ave W, Parcel Identification Number (PIN) 36.29.23.21.0001, legally described as Lots 1 and 2, Johnstone's Subdivision of Block 1 of Stinson's Division.

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 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 is proposing to rezone the parcel to RT1 in order to reestablish a duplex. The house was a duplex for at least 55 years before it was converted to a one-family dwelling in 2013 after being listed as a vacant building list, and it lost its legal nonconforming status as duplex.
2. The proposed zoning is consistent with the way this area has developed. The area has developed with a mix of single-family, two-family, and multifamily residential uses. North of the parcel along Minnehaha there are a variety of industrial land uses. The proposed RT1 zoning is consistent with the adjacent land uses, and also the historic use of the subject structure as a duplex.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel, at the intersection of a minor arterial (Minnehaha Ave.) and a collector street (Western Ave.) is located in area defined by the comprehensive plan as an established neighborhood. Established neighborhoods are predominately residential areas with a range of housing types, including duplexes. The proposed RT1 zoning is consistent with Land use Plan policy LU 1.8, which calls for encouraging the development small scale multifamily uses that are compatible with the scale of established neighborhoods. It is also consistent with Housing Plan policy H 1.1 for increasing housing choices across the city to support economically diverse neighborhoods.
4. The proposed zoning is compatible with the surrounding single- family, two- family, and multifamily land uses. The immediate area is characterized by a variety of housing types and land uses. The proposed RT1 zoning permits a single- family and two- family housing types which is compatible with the existing scale of development.
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 to RT1 would not constitute spot zoning. The proposed RT1 zoning would simply expand the existing RT1 zoning district east of the subject parcel.

SECTION 1

That the zoning map of the City of Saint Paul as incorporated by reference in § 60.303 of the Saint Paul Legislative Code, as amended, is hereby further amended as follows:

That the property at 388 Minnehaha Ave W, being more particularly described as: Lots 1 and 2, Johnstone's Subdivision of Block 1 of Stinson's Division, be and is hereby rezoned from R4 to RT1.

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.