



## Legislation Text

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**File #:** Ord 17-10, **Version:** 2

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Granting the application of Budd Sieger et. al to rezone their property at 816 - 818 Ashland Avenue from RT1 two family residential to RT2 townhouse residential, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Budd Sieger et al, File # 17-005-500, has applied for a rezoning from RT1 two-family residential to RT2 townhouse residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 816 - 818 Ashland Ave, Parcel Identification Number (PIN) 02.28.23.13.0059, legally described as Lots 4 & 5, Block 2, Bryant's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 2, 2017, 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 seeking to rezone the property from RT1 to RT2 in order to convert the existing duplex into a triplex.
2. The proposed zoning is consistent with the way this area has developed. The immediate area around the subject property has a mix of single family, duplex, triplex, and four unit multi-family uses. While the zoning near the subject property is primarily RT1, there is a parcel zoned RT2 across the street at 825 - 831 Ashland Avenue (a four unit condo) and another parcel zoned RT2 in close proximity to the site at 807 Holly (a triplex). Sometime between 1975 and 1990 these two parcels were rezoned from RT1 to RT2, consistent with their underlying land uses. Another property in the immediate area, at 852 Ashland, is a legally non-conforming 4-plex zoned RT1. The proposed RT2 zoning is compatible with these existing land uses and RT1 and RT2 zoning districts in the immediate area.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is in an area designated by the land use chapter of the comprehensive plan as an established neighborhood. The smaller scale multifamily housing that would be permitted in the proposed RT2 zoning district is appropriate in established neighborhoods. Strategy 1.8 of the land use chapter encourages the development of town houses and smaller multifamily structures compatible with the character of established neighborhoods. Strategy 1.1 of the housing chapter calls for increasing housing choices across the city to support economically diverse neighborhoods.
4. The proposed zoning is compatible with surrounding single family, duplexes, and multifamily land uses in the immediate area. The subject property is a double lot that would permit two additional units under an RT2 zoning designation. The lot size and size of the structure is comparable to the other 3 and 4 family land uses in the area, and RT2 zoning would allow future development on this parcel that is compatible with the surrounding land 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 create an island of nonconforming use within a*

*larger zoned property.*” The proposed rezoning of this parcel to RT2 would not constitute spot zoning and would be consistent with the surrounding land uses and zoning districts in the immediate area.

6. The proposed triplex conversion is consistent with the triplex conversion guidelines.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

#### 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 816 - 818 Ashland Avenue, being more particularly described as: Lots 4 & 5, Block 2, Bryant's Addition be and is hereby rezoned from RT1 to RT2.

#### SECTION 2

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