

city of saint paul
planning commission resolution
file number 23-21
date June 23, 2023

WHEREAS, NP328 LLC, Andrew McNattin, File # 23-043-758, has applied to rezone from RM2 multiple-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 898 Raymond Avenue, Parcel Identification Number (PIN) 29.29.23.31.0089, legally described as Northwesterly part of Lot 1, Block 1, St. Anthony Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 15, 2023, 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 this property to T2 to make commercial uses and the existing building dimensions conforming. The building is currently mixed-use and the site is zoned RM2, which means that every time the commercial use changes there is a likelihood that a nonconforming use permit would be required, which adds uncertainty for potential tenants. T2 zoning would support additional commercial flexibility and certainty and therefore viability.
2. The proposed zoning is consistent with the way this area has developed. The area was built with a mix of uses. This building was built in the early 20th century for a bakery on the first floor and residential above. Raymond Avenue one block in either direction has been a mix of commercial and residential uses with commercial at the corners of Raymond/Hampden and Raymond/Ellis and a mix of residential densities in between.

The current RM2 zoning makes both the building and the commercial use of the site nonconforming. The traditional neighborhood districts would be a better fit for the site in general. The intent of T2 is:

The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.

moved by Reilly
seconded by _____
in favor Unanimous
against _____

The proximity to the Raymond Station Neighborhood Node and Green Line and Grand Round support this location as both a transit and pedestrian node.

3. The proposed zoning is consistent with the Comprehensive Plan. The future land use designation for this site is Urban Neighborhood. Urban Neighborhoods are defined as:

“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. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/or collector streets.”

Raymond Avenue is an arterial street served by transit and part of the Grand Round. It is multimodal, pedestrian-friendly street with mixed-use in this area north of University Avenue. Additionally, supporting Policy LU-36 states:

Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

T2 would allow a wider variety of commercial uses and its limited size will likely mean it will likely be a good match for neighborhood-serving commercial. Although this parcel is outside the boundary of the Raymond Station Area Plan, it is ½ mile from the Raymond Station Neighborhood Node, a best practice measure for walkability to transit. T2 zoning supports walkability with pedestrian-friendly design standards. This expanded variety of commercial uses promotes business diversity generally and increases the likelihood of having a locally owned business at this location.

4. The proposed zoning is compatible with surrounding uses. T2 zoning is already present on this block. T2 and RM2 allow a similar scale of development. Rezoning will bring a building has persisted as mixed-use for a century into conformity. The limited footprint of the building is expected to “self-regulate” meaning that the space will be most attractive to uses that depend upon pedestrian traffic and the neighborhood market. This is pedestrian-friendly area with many uses in close proximity.
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 site has persisted as mixed-use despite almost 50 years of nonconformity. The proposed change to T2 zoning (which is already present on the block) better supports the City Council adopted policy goals for a mixed-use pedestrian-oriented street, is a better match for the exiting building, and may help to ensure commercial viability as well as compatibility with the surrounding neighborhood in the long run. The nexus between the intent of the T2 zoning district and the adopted future land use policy for this site suggests that T2 would not be spot zoning.
6. The petition for rezoning was found to be sufficient on May 23, 2023: 13 parcels eligible; nine parcels required; nine parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of NP328 LLC for rezoning from RM2 multiple-family residential to T2 traditional neighborhood for property at 898 Raymond Avenue be approved.