

city of saint paul  
planning commission resolution

file number 24-5

date March 29, 2024

WHEREAS, Mortho LLC, File # 24-017-011, has applied to rezone from RM1 multiple family to RM2 multiple family under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1984 Marshall Avenue, Parcel Identification Number (PIN) 04.28.23.22.0012, legally described as Lot 1, Block 5, Merriam Park Second Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 21, 2024, 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 requests a rezoning from RM1 to RM2. They have entered into a purchase agreement with Stephen Moriarty to develop the subject parcel to remove the existing single-family home and construct seven townhomes. The proposed rezoning would allow the design of the proposed development, which currently exceeds the maximum floor area ratio (FAR) of the RM1 zoning district.
2. § 66.231 allows a maximum FAR of 0.6 for buildings with surface parking and 1.0 for buildings with structured parking in the RM1 zoning district. For RM2, it allows a maximum FAR of 1.5 for buildings with surface parking and 2.25 for buildings with structured parking. The proposed development is designed to have a FAR of 1.45.
3. The proposed rezoning is inconsistent with way the area has developed and scale of the immediate area. The West Marshall Avenue Zoning Study (adopted in 2018) was initiated to “identify an overall vision for the study area in response to increasing development interest.” Concerns over the RM2 zoned multifamily development on the NE corner of Marshall/Moore and adjacent to this site contributed to the study initiation. The zoning study was informed by extensive community engagement efforts with the District Council, residents, and property owners. While the West Marshall Avenue Zoning Study was adopted before the 2040 Comprehensive Plan, the draft plan’s guiding principles and land use policies informed the outcomes of the 2018 zoning study. The findings of this study remain relevant to this application and establish that the proposed RM2 is out of scale with the surrounding area.

West Marshall Avenue Zoning Study rezoned the subject parcel from RM2 to RM1, noting

moved by Taghioff

seconded by \_\_\_\_\_

in favor 12

against 2 (Hood and Holst)

“RM2 zoning permits structures up to [...] 50 feet, taller than the scale and character of existing development.” RM1 was noted in the study to be more compatible with the generally three-story character of the street.

Since the adoption of the West Marshall Avenue Zoning Study, regulations for RM1 have become more flexible, increasing design options and allowable density. In 2018, the lot area minimum per dwelling unit was 2,000 square feet. The RM Zoning Study (adopted in 2020) removed that requirement and set a maximum FAR of 0.6 for buildings with surface parking and 1.0 for buildings with structured parking. The study also removed lot coverage requirements, allowing for more development options.

4. Both the proposed RM2 and the existing RM1 zoning districts are consistent with the Comprehensive Plan. The 2040 Comprehensive Plan designated the future land use of this 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.”*

Marshall Avenue is an urban minor arterial road with many important transit connections. The 21 bus route travels along Marshall Avenue and the 87 and 134 bus routes travel along Cleveland Avenue, which is within walking distance of the subject parcel. The intersection of Marshall and Cleveland will also be home to a BRT station for the upcoming B Line.

The intent of the RM2 zoning district is to “foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs”, which is consistent with urban neighborhoods along major transit lines.

The subject parcel is also within the Marshall-Cleveland Neighborhood Node. Neighborhood Nodes are designated for “locations planned for higher-density, mixed-use development.” The proposed RM2 zoning allows for higher density development while RM1 allows for medium density, both of which are consistent with the Neighborhood Node designation.

The following policies apply:

#### **2040 Comprehensive Plan:**

**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.

#### **Union Park District Plan (2016):**

**H1.3** Support housing development designated to promote pedestrian, bicycle, and public transit activity.

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.” Rezoning to RM2 would not be considered spot zoning because RM1 and RM2 permit the same principal uses. The difference between the two zoning districts is the permitted development density and therefore the proposed rezoning will not allow new principal uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council, based on finding #3, that the application of Mortho LLC to rezone property at 1984 Marshall Avenue from RM1 multiple family to RM2 multiple family be denied.