

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Rondo Center of Diverse Expression, File # 20-004-207, has applied to rezone from RT1 two-family residential to T1 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 315 Fisk Street, Parcel Identification Number (PIN) 35.29.23.43.0138, and 820 Concordia Avenue, Parcel Identification Number (PIN) 35.29.23.43.0001, legally described as Lots 1 and 18, Block 5, Edwin Deans Second Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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. Rondo Center of Diverse Expression is applying to rezone the parcels to T1 in order to construct a museum/office space/gallery at 315 Fisk.
2. The proposed zoning is consistent with the way this area has developed. Before the first zoning code was adopted in 1922, Concordia Ave (Rondo Ave) developed with a mix of housing types and commercial uses. Commercial uses that are first permitted in the T2 zoning district still exist along the corridor today, including a restaurant, a private club, and a funeral home. The proposed T1 zoning district at a corner is consistent with this historic land use pattern.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are in an area defined by the 2030 comprehensive plan as an established neighborhood. Established neighborhoods are characterized primarily by single family houses, duplexes, and small scale multifamily housing, with scattered commercial uses along arterial and collector streets such as Concordia Avenue. Policy LU 1.7 of the 2030 land use chapter calls for permitting neighborhood serving commercial businesses compatible with the character of established neighborhoods, such as the proposed use. The proposed zoning is also consistent with the 2040 comprehensive plan. Policy LU-6 (6) calls for fostering equitable and sustainable economic growth by encouraging cultural and arts-based businesses and business districts such as Rondo.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

The proposed zoning district is located in the heart of the historic Rondo neighborhood and mixed-use corridor, and is consistent with this policy. Policy LU-61 calls for lessening the negative impacts of interstate highways by supporting design interventions, such as “land bridges”. The proposed T1 zoning district will allow the development of a commercial/institutional use that will support the future Rondo Land Bridge and this project is intended to be a preliminary project for the larger land bridge project.

The proposed T1 zoning is therefore consistent with this policy. Policy 17. of the district 8 neighborhood plan calls for fostering cultural tourism as an economic driver for business and workforce development. The proposed zoning district will provide a new commercial/institutional land use that will support cultural tourism in the rondo neighborhood. Policy 22 calls for fostering minority business start-ups, retention, and expansions from within the community. The proposed zoning district will enable an expansion of the Rondo Commemorative project and is therefore consistent with this policy.

4. The proposed zoning is compatible with mix of residential uses and commercial uses on corners along Concordia Avenue. The T1 traditional neighborhood district is intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs. The proposed zoning is more restrictive than the T2 zoning district where the nearby commercial uses would first be allowed and it would permit residential uses compatible with the scale and mix of nearby residential 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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.”* The proposed T1 zoning would not constitute spot zoning. Along Concordia Avenue the commercial uses are first allowed in the T2 zoning district, and the proposed T1 zoning permits uses consistent with this established land use pattern. The range of residential uses permitted in T1 are consistent with the existing mix of housing types in the immediate area. There is a parcel zoned B1 within close proximity to the subject parcels. The B1 zoning district is less restrictive than the T1 zoning district and permits a range of commercial uses that are more intensive than what is permitted in T1.
6. The petition for rezoning was found to be sufficient on January 2, 2020: 13 parcels eligible; 8 parcels required; 8 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Rondo Center of Diverse Expression for rezoning from RT1 two-family residential to T1 traditional neighborhood for property at 315 Fisk Street and 820 Concordia Avenue be approved.



# SUMMIT-UNIVERSITY PLANNING COUNCIL

627 A Selby Ave  
Saint Paul, MN  
651.228.1855  
[summit-university.org](http://summit-university.org)

January 30, 2020

Tony Johnson, City Planner  
Site Plan Review  
Saint Paul PED  
25 W. Fourth St, Suite 1300  
Saint Paul, MN 55101

Dear Mr. Johnson,

The Summit-University Council supports the rezoning of 315 Fisk and 820 Concordia. Our Board of Directors voted in support at our January 28, 2020 Board meeting.

The Rondo Center of Diverse Expression will be a wonderful resource for the community. Rezoning 315 Fisk and 820 Concordia is essential to R CODE growing into the vision that has been developed by community leaders.

Please feel free to reach out if you have any questions.

Thank you,

Jens Werner  
Executive Director  
Summit-University Planning Council  
627 Selby Ave Suite A  
Saint Paul, MN 55104



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WHEREAS, Maryland Tobacco Depot, File # 19-111-705, has applied for a conditional use permit to expand a tobacco shop into adjoining retail space, for a total floor area of 2856 sq. feet, under the provisions of § 65.535 of the Saint Paul Legislative Code, on property located at 1375 Maryland Avenue E, Parcel Identification Number (PIN) 22.29.22.33.0205, legally described as Woods Addition, Lots 8 – 12, and Brenner Addition, Block 1, Lot 5 (subject to vacated alleys); and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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 wants to expand a tobacco shop by removing the wall separating it from an adjacent retail space, doubling the store area. In the supporting information provided, the applicant says that “[t]he tobacco merchandise will not increase. The new space will be used for more gift items accessories product [sic].” Per the Zoning Code and tobacco license language, a minimum of 90% of gross revenue must be derived from tobacco and tobacco related products. Because the application is specifically to expand a tobacco shop, it is assumed that this minimum sales requirement will be met, and this has been communicated to the applicant.
2. §61.501 lists five standards that all conditional uses must satisfy:
  - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The site is located in an area identified in the 2030 Comprehensive Plan as a Mixed Use Corridor, which identifies retail as one of many appropriate uses. The 2040 Comprehensive Plan (approved by the City Council, but pending adoption following Met Council review) identifies the site as mixed-use and part of a Neighborhood Node. The conversion of a service business to a retail establishment is consistent with both designations.
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The use does not expand the overall square footage of retail in the mall and there are currently two points of access to the parking area off the side streets of Clarence and Etna, minimizing traffic conflicts on Maryland Avenue.

moved by \_\_\_\_\_

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

in favor \_\_\_\_\_

against \_\_\_\_\_

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The expansion of an existing shop will not significantly change the character of the site. The store will continue to be subject to all public health and safety requirements, including licensing and inspections as legally required.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. Expansion of the tobacco shop into an adjacent space will not impede improvement of surrounding properties.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Maryland Tobacco Deport for a conditional use permit to expand tobacco shop into adjoining retail space, for a total floor area of 2856 sq. ft., at 1375 Maryland Avenue E is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The applicant shall maintain operations to meet the definition of "tobacco products shop" in the Zoning Code and as required for licensing.

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WHEREAS, Glen Brown-Lowe, File # 20-002-999, has applied to rezone from RT1 two-family residential to RM2 multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 197 Baker Street E, Parcel Identification Number (PIN) 08.28.22.24.0135, legally described as Lot 13, Block 4, Woodbury and Case's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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 stated purpose of the proposed rezoning from RT1 two-family residential to RM2 multiple-family residential is to convert the existing duplex into a triplex. There is a separate application for a lot area variance (9,000 sq. feet required, 6,384 sq. feet proposed) for a triplex on this lot.
2. The Duplex and Triplex Conversion Guidelines approved by both the Planning Commission and the Board of Zoning Appeals in 2009 state that staff will recommend denial of rezoning single parcels to RT2 or higher to permit conversion to a triplex unless the following guidelines are met:
  - A. *Lot size of at least 9,000 square feet.* This guideline is not met. The lot is only 6384 square feet in area.
  - B. *Gross living area after completion of the conversion of at least 2,100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The first-floor unit is 791.85 sq. feet, the second floor unit is 810.37, and the proposed basement unit is 598.88 sq. feet, for a total of 2,201 square feet.
  - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement.* This guideline can be met. The lot currently has a parking pad for 2 parking spaces, and there is room in the rear yard for an additional parking space.
  - D. *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.*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into the building and fire code compliance. The units will be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with here or more units.*

- E. *This property is located within a mixed density or mixed-use neighborhood. This guideline is met.*
  - F. *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district or small area plan). This guideline is met.*
3. The proposed zoning is consistent with the way this area has developed. Two-thirds of this block and the block immediately south are single-family homes, the remaining third being three four-unit residences, one three-unit residence, and a total of four duplexes. The multi-family residences front Oakdale Avenue to the west, Prescott Street to the north, and Morton Street to the south.

The intent of RM2 as stated in the Zoning Code is “to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. [This district] is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.”

The property is four parcels (233 feet) away from Oakdale Avenue, a collector street with bicycle infrastructure and bus service, which is close enough to be considered part of the transit corridor and appropriately guided by multiple family zoning. The parcels on this block with frontage on Oakdale Avenue, as well as those on the north half of the same block with frontage on Prescott Street, are zoned RM2, forming the boundary of a multi-family district continuing three blocks north to the intersection of Oakdale Avenue and Cesar Chavez Street. There begins District del Sol, which is both one of the City’s Commercial Zones (“CVZ”) as well as the newly-created Cultural Destination Areas (“CDA”). CVZs and CDAs both receive added attention and resources from the City, which translates into greater demand for housing, increased transit and bicycle activity, and increased benefit from denser, mixed-use neighborhood growth. Additionally, the intersection of Cesar Chavez Street and Robert Street has been designated in the draft 2040 Comprehensive Plan as a Neighborhood Node, which “serve a neighborhood’s daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth.”

Based on proximity to other multi-family properties, adjacent RM2 zoning, Oakdale Avenue, District del Sol, and the Robert/Cesar Chavez Neighborhood Node, the proposed zoning is consistent with the way this area has developed.

4. The proposed zoning is consistent with the Comprehensive Plan.

The Future Land Use Map in the 2030 Comprehensive Plan designates the area including 197 Baker Street East is designated “Established Neighborhood”, described as “Predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multi-family housing scattered within these neighborhoods. ... 3-20 units/acre.”

The 2030 Plan includes Land Use Strategy 1: Target Growth in Unique Neighborhoods. “Higher density development ... contribute[s] to the goal of creating a vibrant, economically strong community that is environmentally stable.... There will be infill development in Established Neighborhoods and modest amounts of townhouse and *small scale multi-family*



*development at the juncture of arterial and collector streets that traverse Established neighborhoods* [emphasis added]. Rezoning this parcel fits the expectation of small-scale multi-family near an important transportation juncture. This strategy is carried out through

- *Land Use Policy 1.8* – “Encourage the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods.”

The 2030 Plan also includes Housing Strategy 3: Ensure the Availability of Affordable Housing Across the City. The applicant has worked with the West Side Community Organization to negotiate more affordable rates for the potential three units in this building. Supporting this strategy is

- *Housing Policy 3.2*: Support new housing opportunities for low-income households throughout the city.

The 2040 Comprehensive Plan, approved by City Council, includes the goals “Economic and population growth focused around transit” and “Efficient and adaptable land use and development patterns.” This area is designated as an Urban Neighborhood, described as “primarily residential areas with a range of housing types.” Similarly, the nearby intersection of Robert Street and Cesar Chavez Street has been designated in the 2040 Plan as a Neighborhood Node. “Neighborhood Nodes serve a neighborhood’s daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth.”

An important policy relevant to this case is Policy H-48: “Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.” Introducing RM2 zoning one parcel south will allow small-scale multi-family in a location served by transit and in close proximity to a variety of other small-scale multi-family land uses.

The 2040 Plan also contains the following policies supporting this case:

- *Policy LU-1*: Encourage transit-supportive density and direct majority of growth to areas with the highest existing or planned transit capacity.
- *Policy LU-5*: Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- *Policy LU-33*: Encourage 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-34*: Provide for multi-family housing along arterial and collector streets to facilitate walking and leverage the use of public transportation.
- *Policy H-7*: Reduce overcrowding within housing units, caused by doubling up of households and inadequate space for large families, through the production of small and family-sized affordable housing options.
- *Policy H-8*: Encourage creativity in building design and layout.
- *Policy H-15*: Accommodate a wide variety of culturally-appropriate housing types throughout the city to support residents at all stages of life and levels of ability.
- *Policy H-31*: Support the development of new affordable housing units throughout the city.
- *Policy H-37*: Encourage the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

- *Policy H-48*: Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The *West Side Community Plan* contains strategies relevant to this case:

- *Objective LU3.1*: Prioritize the reuse and rehabilitation of existing structures over new construction whenever possible.
  - *Strategy H1*: Provide a range of housing options on the West Side.
5. The proposed zoning is compatible with immediately surrounding uses. The parcels bordering the property are single-family residences with one two-family residence. A few small-scale multi-family properties lie westward along the nearby Oakdale Avenue, and on the north side of the same block on Prescott Street, on the block immediately south along Morton Street.
  6. 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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either rezoned plot or abutting property.*” The proposed rezoning does not constitute “spot zoning”.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Glen Brown-Lowe for rezoning from RT1 two-family residential to RM2 multiple-family residential for property at 197 Baker Street E be approved.

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WHEREAS, Glen Brown-Lowe, File # 20-002-999, has applied to rezone from RT1 two-family residential to RM2 multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 197 Baker Street E, Parcel Identification Number (PIN) 08.28.22.24.0135, legally described as Lot 13, Block 4, Woodbury and Case's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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 stated purpose of the proposed rezoning from RT1 two-family residential to RM2 multiple-family residential is to convert the existing duplex into a triplex. There is a separate application for a lot area variance (9,000 sq. feet required, 6,384 sq. feet proposed) for a triplex on this lot.
2. The Duplex and Triplex Conversion Guidelines approved by both the Planning Commission and the Board of Zoning Appeals in 2009 state that staff will recommend denial of rezoning single parcels to RT2 or higher to permit conversion to a triplex unless the following guidelines are met:
  - A. *Lot size of at least 9,000 square feet.* This guideline is not met. The lot is only 6384 square feet in area.
  - B. *Gross living area after completion of the conversion of at least 2,100 square feet for the three units. No unit shall be smaller than 500 square feet.* This guideline is met. The first floor unit is 791.85 sq. feet, the second floor unit is 810.37, and the proposed basement unit is 598.88 sq. feet, for a total of 2,201 square feet.
  - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are a minimum requirement.* This guideline can be met. The lot currently has a parking pad for 2 parking spaces, and there is room in the rear yard for an additional parking space.
  - D. *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.*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*The entire structure must meet building and fire code standards; or the property owner must obtain the necessary permits for the necessary improvements to bring the entire structure into the building and fire code compliance. The units will be inspected by the Fire Marshal's Office as part of the Certificate of Occupancy program required for all residential structures with here or more units.*

- E. *This property is located within a mixed density or mixed-use neighborhood. This guideline is met.*
  - F. *The lot and surrounding area have not been previously rezoned as part of a community-wide plan and zoning study (district or small area plan). This guideline is met.*
3. The proposed zoning is inconsistent with the way this area has developed. The lot is immediately surrounded by single-family homes and one other duplex. The portions of this block and the block to the south not immediately adjacent to the Oakdale Avenue corridor, along with the blocks to the east, are primarily single-family homes with just a scattering of duplexes.

The intent of RM2 as stated in the Zoning Code, is "to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. [This district] is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities."

The land uses on the west end of this block along Oakdale Avenue, a collector street, and a bus route, is consistent with the character of an active corridor and with the intent of RM2. RM2 zoning also begins on the northern half of this block and continues three blocks north to the intersection of Oakdale Avenue and Cesar Chavez Street, the main growth hub of the area. There begins District del Sol, which is both one of the City's Commercial Zones ("CVZ") as well as the newly-created Cultural Destination Areas ("CDA"). CVZs and CDAs both receive added attention and resources from the City, which translates into renewed attention from prospective residents. Additionally, the intersection of Cesar Chavez Street and Robert Street has been designated in the draft 2040 Comprehensive Plan as a Neighborhood Node, which "serve a neighborhood's daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth." 197 Baker Street East is a quarter mile from District del Sol and a third of a mile from the Robert/Cesar Chavez intersection.

4. The proposed zoning is consistent with the Comprehensive Plan.

The Future Land Use Map in the 2030 Comprehensive Plan designates the area including 197 Baker Street East is designated "Established Neighborhood", described as "Predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods. ... 3-20 units/acre."

The 2030 Plan includes Land Use Strategy 1: Target Growth in Unique Neighborhoods. "Higher density development ... contribute[s] to the goal of creating a vibrant, economically strong community that is environmentally stable.... There will be infill development in Established Neighborhoods and modest amounts of townhouse and *small scale multi-family development at the juncture of arterial and collector streets* that traverse Established neighborhoods" [emphasis added]. Rezoning this parcel fits the expectation of small-scale multi-family near an important transportation juncture. This strategy is carried out through

- *Land Use Policy 1.8* – “Encourage the development of townhouses and smaller multi-family developments, compatible with the character of Established Neighborhoods.”

The 2030 Plan also includes Housing Strategy 3: Ensure the Availability of Affordable Housing Across the City. The applicant has worked with the West Side Community Organization to negotiate more affordable rates for the potential three units in this building. Supporting this strategy is

- *Housing Policy 3.2*: Support new housing opportunities for low-income households throughout the city.

The 2040 Comprehensive Plan, approved by City Council, includes the goals “Economic and population growth focused around transit” and “Efficient and adaptable land use and development patterns.” This area is designated as an Urban Neighborhood, described as “primarily residential areas with a range of housing types.” Similarly, the nearby intersection of Robert Street and Cesar Chavez Street has been designated in the 2040 Plan as a Neighborhood Node. “Neighborhood Nodes serve a neighborhood’s daily needs, including access to food; reduce public infrastructure disparities; improve livability; and accommodate growth.”

An important policy relevant to this case is Policy H-48: “Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.” Introducing RM2 zoning one parcel south will allow small-scale multi-family in a location served by transit and in close proximity to a variety of other small-scale multi-family land uses.

The 2040 Plan also contains the following policies supporting this case:

- *Policy LU-1*: Encourage transit-supportive density and direct majority of growth to areas with the highest existing or planned transit capacity.
- *Policy LU-5*: Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.
- *Policy LU-33*: Encourage 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-34*: Provide for multi-family housing along arterial and collector streets to facilitate walking and leverage the use of public transportation.
- *Policy H-7*: Reduce overcrowding within housing units, caused by doubling up of households and inadequate space for large families, through the production of small and family-sized affordable housing options.
- *Policy H-8*: Encourage creativity in building design and layout.
- *Policy H-15*: Accommodate a wide variety of culturally-appropriate housing types throughout the city to support residents at all stages of life and levels of ability.
- *Policy H-31*: Support the development of new affordable housing units throughout the city.
- *Policy H-37*: Encourage the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.
- *Policy H-48*: Expand permitted housing types in Urban Neighborhoods ... to include duplexes, triplexes, town homes, small-scale multi-family and accessory dwelling

units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The *West Side Community Plan* contains strategies relevant to this case:

- *Objective LU3.1*: Prioritize the reuse and rehabilitation of existing structures over new construction whenever possible.
- *Strategy H1*: Provide a range of housing options on the West Side.

5. The proposed zoning is incompatible with immediately surrounding uses. The parcels immediately adjacent to the property and extending east and southeast are mostly single-family residences with scattered two-family residences; a few small multi-family properties lie westward along the nearby Oakdale Avenue and State Street corridors and closer to the Neighborhood Node at Robert Street and Cesar Chavez Street.

Zoning in this area has remained mostly unchanged since the 1970s: just north and west of the RT1 area is an RM2 area based around the collector streets Oakdale Avenue and State Street and the commercial corridor Cesar Chavez Street, while several blocks southeast begins a primarily R4 single-family residential area.

6. 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 district, and which dramatically reduce the value for uses specified in the zoning ordinance of either rezoned plot or abutting property.*” The proposed rezoning does not constitute “spot zoning”.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Glen Brown-Lowe for rezoning from RT1 two-family residential to RM2 multiple-family residential for property at 197 Baker Street E be denied.

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WHEREAS, Glen Brown-Lowe, File # 20-003-092, has applied for a lot area variance to convert a duplex to a triplex (9000 sq. ft. required; lot is 6534 sq. ft.) under the provisions of § 61.601 of the Saint Paul Legislative Code, on property located at 197 Baker Street E, Parcel Identification Number (PIN) 08.28.22.24.0135, legally described as Lot 13, Block 4, Woodbury and Case's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2020, 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 Duplex and Triplex Conversion Guidelines approved by the Planning Commission and the Board of Zoning Appeals in 2009 state that staff will recommend denial of variances for conversion of a structure to a triplex unless, in addition to the required findings for variances in Zoning Code § 61.600, the following guidelines are met.
  - A. *Lot size of at least 6000 square feet with a lot width or front footage of 50 feet.* This guideline is not met. The lot area is 6,384 sq. feet, but the lot is only 48 ft. wide.
  - B. *Gross living area, after completion of triplex conversion, of at least 2100 square feet. No unit shall be smaller than 500 square feet.* This guideline is met. The first floor unit is 791.85 sq. feet, the second floor units is 810.37 sq. feet, and the proposed basement unit is 598.88 sq. feet, for a total of 2201 square feet.
  - C. *Four off-street parking spaces (non-stacked) are preferred; three spaces are the required minimum.* This guideline can be met. The lot currently has a parking pad for 2 parking spaces, and there is room in the rear yard for an additional parking space.
  - D. *All remodeling work for the triplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part to the variance. (The Planning Commission will approve these changes for the cases they handle.)* This guideline is met. The only exterior change indicated in the plans is an egress window and window well for the new basement bedroom, which will not affect the exterior aesthetics of the structure.
  - E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a triplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure*

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline will be met. The necessary permits will be obtained to convert the structure into a triplex.*

2. § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
  - (a) *The variance is in harmony with the general purposes and intent of the zoning code. This finding is met. The variance is not inconsistent with the general purposes and intent listed in Zoning Code § 60.103, and is in harmony with § 60.103(j), "to provide housing choice and housing affordability."*
  - (b) *The variance is consistent with the comprehensive plan. This finding is met. The Future Land Use Map in the 2030 Comprehensive Plan designates the area including 197 Baker Street East as "Established Neighborhood", described as "predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily housing scattered within these neighborhoods. ... 3-20 units/acre." (The 2040 Comprehensive Plan designation of this area as "Urban Neighborhood" carries the same density target range.) The proposed triplex fits within this land use designation.*
  - (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is not met. The house was built as a duplex and has always been used as a duplex. The current owner bought the house as a duplex. The lot does not even meet the minimum lot width requirement for a duplex. The applicant has not established that there are practical difficulties in maintaining the property as a duplex.*
  - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is not met. The house was built as a duplex and has always been used as a duplex. The current owner bought the house as a duplex. The lot does not even meet the minimum lot width requirement for a duplex. The applicant has not established that there are circumstances unique to the property that make it unreasonable or difficult to maintain as a duplex.*
  - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located. This finding is not met. The purpose of the lot area variance is to permit a triplex, which is not a permitted use in the RT1 two-family residential zoning district. There is a separate application to rezone the lot from RT1 two-family residential to RM2 multiple family residential to provide for the third unit. This required finding would be met if the property is rezoned to RM2 multiple family residential.*
  - (f) *The variance will not alter the essential character of the surrounding area. This finding is met. The only exterior changes indicated in the plans are an egress window and window well for the new basement bedroom and an additional parking pad in the rear yard, which will not alter the essential character of the surrounding area.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Glen Brown-Lowe for a lot area variance to convert a duplex to a triplex (9000 sq. ft. required; lot is 6534 sq. ft.) at 197 Baker Street E is hereby denied.





**ST PAUL PLANNING COMMISSION  
ZONING COMMITTEE**  
Public Hearing Notice

CITY OF SAINT PAUL  
Dept. of Planning and  
Economic Development  
Phone: (651) 266-6589  
Fax: (651) 266-6549

File #: 20-002-999 and 20-003-092  
Purpose: Rezone from RT1 two-family residential to RM2 multiple-family residential and lot area variance to convert a duplex to a triplex (9000 sq. ft. required; lot is 6534 sq. ft.)  
Property Address: 197 Baker St E, between Oakdale Avenue and Mount Hope Avenue  
File Name: Glen Brown-Lowe  
Hearing Date: Thursday, January 30, 2020, at 3:30 p.m.

You may send written comments to the Zoning Committee at the address listed on the reverse side of this card. Please call 651-266-8703, or e-mail Michael.Wade@ci.stpaul.mn.us, or call your District Council representative at 651-293-1708, if you have any questions.

Location of Hearing:  
City Council Chambers  
Room 300, Third Floor  
City Hall / Court House  
15 West Kellogg Blvd.

Mailed: January 17, 2020

We the undersigned see no advantage to the Community or Neighborhood with the planned addition of an additional multi Rental Unit as stated above. Any cited hardship will be incurred by the surrounding neighbors to this proposed housing change. Being this current structure does not meet the required square footage, a triplex would be well under required square footage. Therefore, we the undersigned urge this Governing Council to deny this Rezoning Proposal.

Name	Address	Phone #	Signature
MARCOS VARELA	193 E. BAKER	651-785-6315	<i>[Signature]</i>
JACOB PAURUS	201 BAKER ST E.	612-361-2009	<i>[Signature]</i>
LINDY PAURUS	"	"	<i>[Signature]</i>
Jeanie Braun	194 Prescott		<i>[Signature]</i>
Leticia Cardenas	204 BAKER ST E	651-290-0707	<i>[Signature]</i>
Justin Nek	211 Baker St E	612-760-0335	<i>[Signature]</i>
Margaret Cardenas	205 Merton St E	651-230-7220	<i>[Signature]</i>
RICHARD WEISMAN	197 E. MORTON ST	651-224-2629	<i>[Signature]</i>
VICTORIA M VARELA	193 E. BAKER	651-815-2718	<i>[Signature]</i>
MARCOS VARELA JR	193 E BAKER	651-227-9459	<i>[Signature]</i>
Jennifer R. Towne	198 Baker St E	952-215-7571	<i>[Signature]</i>



**ST PAUL PLANNING COMMISSION  
ZONING COMMITTEE**  
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Name	Address	Phone #	Signature
Arnulfo Flores	231 E. Baker	651-235-0867	<i>[Signature]</i>
Antoinette Flores	231 E Baker	651-235-0934	<i>[Signature]</i>
Linda M Lup	228 E Baker		<i>[Signature]</i>
Robert Sullivan	220 Baker St. E.		<i>[Signature]</i>
Tammy Wick	211 Baker St E	218-259-8408	<i>[Signature]</i>
Andy Zelinskas	206 Prescott St	651-583-1632	<i>[Signature]</i>
Julia Brunner	187 Baker St.	651-380-8080	
Mark Brunner	187 Baker St.	612-240-6127	<i>[Signature]</i>
Jennifer Varela	238 East Baker St.	612-361-9770	
Melissa Haupt	196 Baker St E		<i>[Signature]</i>

# St Paul Planning Commission Zoning Committee

File # 20-002-999 and #20-003-092

Convert Two Family Home to Triplex at Oakdale Ave. & Mount Hope

Rental Units within 350' of 197 East Baker Street, St Paul, MN 55107

Address	Type of Structure	Occupied	Number of Units Available
638-640 OAKDALE	4 PLEX	2	2
650 OAKDALE	TRI PLEX	2	1
652-654 OAKDALE	4 PLEX	3	1
657 OAKDALE	SINGLE	1	0
186 EAST BAKER	TRI PLEX	2	1
192 EAST BAKER	SINGLE	1	0
212 EAST BAKER	SINGLE	1	0
227 EAST BAKER	DUPLEX	1	1
221 EAST BAKER	SINGLE	1	0
215-217 EAST BAKER	DUPLEX	2	0
197 EAST BAKER	DUPLEX	2	0

St Paul Planning Commission Zoning Committee

File # 20-002-999 and #20-003-092

Convert Two Family Home to Triplex at Oakdale Ave. & Mount Hope  
Rental Units within 350' of 197 East Baker Street, St Paul, MN 55107

Address	Type of Structure	Occupied	Number of Units Available
180 EAST PRESCOTT	SINGLE	1	0
186-188 EAST PRESCOTT	4 PLEX	4	0
633 MOUNT HOPE	DUPLEX	1	1
TOTAL	3	4 PLEX	
	2	TRIPLEX	
	4	DUPLEX	
	5	SINGLE	
TOTAL VACANCIES			67
TOTAL PROPERTIES			14

January 30, 2020

Michael Wade

City Planner  
Planning & Economic Development  
25 West 4<sup>th</sup> Street., Suite 1400  
Saint Paul MN 55102

RE: 197 Baker Street East, St. Paul, MN 55107

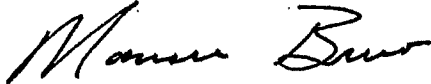
Dear Mr. Wade,

WSCO is formally sending this notice to **withdraw our previous letter of support on the 197 Baker Street East, property.** After learning from residents who reside in the immediate vicinity, of strong opposition to the conversion of the existing duplex to a triplex located at 197 Baker Street East. We will work with City Planning staff to coordinate a process that allows for the timing of notification of residents to coincide with the voting process of WSCO.

As the District Planning Council of the West Side, we hear from residents far too often who are housing cost burdened families, who have lived and rented on the West Side for decades and now are being priced out and displaced. We also are cautious of false narratives and division of residents pitted against one another. The West Side is a strong, vibrant and diverse community. We believe that it is possible for all residents to thrive in our community **with 48% of residents of the West Side, who are renters,** and as the population growth continues in the twin cities and on the West Side, we are supportive of finding creative solutions to keep our residents in the neighborhood they have called home for many years.

Although WSCO holds strongly to the need for dignified equitable housing on the West Side. We also strongly believe in the centering of voices of those who are most directly affected by a given issue. Given, considerations to the voices of the families and residents most directly affected, the voting members of the leadership team, respectfully withdraw the letter of support.

Respectfully,



Monica Bravo  
Executive Director  
West Side Community Organization  
[monica@wSCO.org](mailto:monica@wSCO.org)  
651-293-1708



January 22, 2020

Michael Wade  
City Planner  
Planning & Economic Development  
25 West Fourth St., Suite 1400  
Saint Paul, MN 55102

RE: 197 Baker Street East. St. Paul, MN 55107

Dear Mr. Wade,

On January 15<sup>th</sup> the executive leadership team of the WSCO Voices committee, of District Planning Council 3, reviewed the application materials submitted by Mr. Glen Brown regarding 197 Baker Street East.

Given the current rental housing shortage the City of St. Paul is facing with the West Side included, we are in support of gradual additions to density in the neighborhood, ideally near a transit corridor. We understand that this will create very little change within the neighborhood, as the area is full of multifamily properties. Parking has been addressed with the added concrete pour in the back of the property.

One of the primary concerns of The West Side Community Organization, (District 3 Planning Council) is the ability to have and maintain affordable rental housing within the West Side. After discussing this with Mr. Brown, and learning of his commitment to affordable housing, at 50 to 60% AMI the team has voted **in favor to rezone the property from RT1 to RM2**, and also voted **in favor to support the variance to the 9,000 square foot minimum lot area.**

We believe this project could be a demonstrated way to allow for a gradual build of density, and is consistent with addressing issues of population growth, and our city's housing shortage.

If you have any further questions or concerns, please reach out to our office directly. West Side Community Organization 651-293-1708

In Partnership,

Monica Bravo  
WSCO | Executive Director

## Wade, Michael (CI-StPaul)

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**From:** Pilar Varela <plrvarela@gmail.com>  
**Sent:** Thursday, January 30, 2020 9:20 AM  
**To:** Wade, Michael (CI-StPaul)  
**Subject:** Zoning Committee - Petition

Think Before You Click: This email originated outside our organization.

Good morning,

File number: 20-002-999 and 20-003-092

File name: Glen Brown-Lowe

Purpose: Rezone from RT1 two-family residential to RM-2 multiple-family residential and lot area variance to convert a duplex to a triplex.

Property address: 197 Baker Street East

Notes: I am writing to let you know that I am against the rezoning from RT1 to RT2 for property 197 East Baker Street.

Signed: Pilar Varela-Cardenas  
238 east Baker Street  
St. Paul MN 55107

Thank you,

