



## Legislation Details (With Text)

<b>File #:</b>	Ord 23-1	<b>Version:</b>	2
<b>Type:</b>	Ordinance	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
		<b>Final action:</b>	1/25/2023
<b>Title:</b>	Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue, from R4 one-family residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.		
<b>Sponsors:</b>	Russel Balenger		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Staff Report, 2. 22-110-671 981-83 Fuller Rezoning application Packet, 3. Written Testimony Rezoning 981_983 Fuller Avenue, ZF_22-110-671, 4. PC minutes, 5. PC resolution, 6. Extension Letter, 7. Ord 23-1 Kao Yang public comment, 8. Ord 23-1 Duane & Kevin Reed public comment		

Date	Ver.	Action By	Action	Result
1/27/2023	2	Mayor's Office	Signed	
1/25/2023	2	City Council	Adopted	Pass
1/18/2023	2	City Council	Laid Over to Final Adoption	Pass
1/11/2023	2	City Council	Laid Over to Second Reading	

Granting the application of Keith Schroeder to rezone the property at 981 Fuller Avenue, from R4 one-family residential to T2 traditional neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Keith Schroeder, File # 22-110-671, has applied to rezone from R4 one-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 981 Fuller Avenue, Parcel Identification Number (PIN)35.29.23.32.0089, legally described as Lot 16, Block 4, University Subdivision; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 1, 2022, 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 which hereby adopted by the City Council as its formal statement of the legislative reasons for rezoning the said property:

1. The applicant is proposing to rezone the subject property to T2 traditional neighborhood to reestablish a commercial retail use on the first floor of the existing mixed-use structure.
2. The proposed zoning is consistent with the way this area has developed. The subject property, along with the majority of the properties in the immediate area, was developed before the first zoning code was adopted in 1922. As a result, nonconforming mixed-use structures such as the subject structure exist throughout the neighborhood, typically near historic streetcar stops. The proposed 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. The subject property is in close proximity to the Lexington Station transit node and the proposed zoning is consistent with the historical pattern of development in the immediate area.

3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is in an area defined by the comprehensive plan as an urban neighborhood. Urban neighborhoods are predominately residential in nature, but they are also appropriate for neighborhood serving commercial uses. Policy LU- 36 of the 2040 comprehensive plan calls for promoting neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development. This roughly 3000 square foot mixed use structure is compatible with the scale of nearby residential and commercial uses and is consistent with this policy. The subject property is also within the Lexington Station Neighborhood Node. The proposed zoning is consistent with Policy LU-31, which calls for investing in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services. T2 zoning will enable a long time vacant commercial space to be rehabilitated and a new retail establishment to be established in this neighborhood node. Policy 22 of the District 8 plan calls for continued efforts to foster minority business start-ups, retentions, and expansions from within the community. The proposed rezoning will help facilitate the development of a new minority owned business in this district, and therefore it is consistent with this policy.

4. The proposed zoning is compatible with the surrounding residential uses and commercial uses along University Avenue and Lexington Avenue. The scale of the use is compatible with the scale of the 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 property.”* There are T2 and T3 zoning districts within a block of the subject parcel. Many of the properties in the immediate area of the subject parcel were developed before Saint Paul’s first zoning code, and as such, there is a pattern of development in the area where commercial structures and uses are still present in areas now zoned R4 single family. The proposed rezoning to T2 traditional neighborhood is consistent with the historic development pattern and would not constitute spot zoning.

6. The petition for rezoning was found to be sufficient.

WHEREAS; the city council, based upon the recommendation of the Planning Commission, as substantially set forth in the commission’s resolution of recommendation # 22-38 and the report of commission staff under Zoning File No. 22-093-711, both of which shall be incorporated herein by reference and are further hereby adopted by the City Council as its formal statement of legislative reasons for rezoning the said property; now, therefore

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 981 Fuller Ave, being more particularly described as: Lot 16, Block 4, University Subdivision, be and is hereby rezoned from R4 to T2

#### SECTION 2

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