

city of saint paul
planning commission resolution
file number 13-36
date September 20, 2013

WHEREAS, Associated Bank et al, file # 13-226-244, have applied to rezone from B2 Community Business, B3 General Business, RM2 Multiple-Family Residential, VP Vehicular Parking, and I1 Light Industrial to T2 and T3 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 176 N. Snelling et al, area bounded by Marshall, Snelling, Selby, and Saratoga, Parcel Identification Numbers (PINs) 032823220015; 032823220014; 032823220013; 032823220012; 032823220011; 032823220010; 032823220009; 032823220016; 032823220017; 032823220018; 032823220019; 032823220020; 032823220021; 032823220022; 032823220023; 03282322007; 03282322006; 03282322005; 03282322004 (rezoning to T2 traditional neighborhood, see file for legal descriptions) and 032823220102; 032823220103; 032823220104; 032823220105; 032823220106; 032823220107; 032823220098; 032823220099; 032823220100; 032823220101 (rezoning to T3 traditional neighborhood, see file for legal descriptions); and

WHEREAS, the Zoning Committee of the Planning Commission, on September 12, 2013, 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 requesting rezoning of two adjacent sets of parcels to accommodate planned redevelopment. The block bounded by Selby, Snelling, Dayton, and Saratoga ("south block") consists of B2 zoned parcels occupied by the bank branch and associated parking, and five RM2 zoned parcels immediately to the east that are currently occupied by single family homes. The applicant is requesting to rezone all of the described south block parcels to T3 traditional neighborhood in order to accommodate a planned mixed-use development.

The parcels north of Dayton and east of Snelling ("north block") are, from west to east: six B3 zoned parcels along Snelling Avenue (one occupied by a small lender, the remainder vacant), a single RM2 zoned parcel on which sits an unoccupied single family residential structure, six VP zoned parcels (five in use as accessory parking for the bank branch on the south block, one the site of a single family residential structure), three additional RM2 zoned parcels occupied by two single family residential structures and a portion of one industrial structure, and two irregularly shaped I1 zoned parcels occupied by the remainder of the industrial structure. The applicant is requesting to rezone all of the described north block parcels to T2 traditional neighborhood in order to accommodate a bank branch and regional headquarters building. A shared community lot serving businesses located within the Selby and Snelling commercial node may also be constructed on the north block.

moved by Nelson
seconded by _____
in favor 14 with 1 abstention (Edgerton)
against _____

2. The proposed zoning is consistent with the way this area has developed. The area requested for rezoning includes both areas that have long been in commercial use as well as areas that were until relatively recently in residential uses. The south block has been in commercial use along the Snelling frontage and at mid-block since as early as 1925. The latter half of the 20th century saw conversion of additional portions of the block from residential to commercial uses. Zoning records are incomplete, but review of aerial photography suggests that the north block was mostly or completely in relatively low density residential use as recently as 1985. Around that time, conversion of the block to commercial uses began, resulting in the present mix of commercial and residential uses. The current zoning of the properties in question reflects this varied history.

The proposed T2 and T3 zoning would codify the existing mixed use character of the area. Snelling Avenue is an important multi-modal transportation corridor. It carries large amounts of automotive traffic, and the Metropolitan Council is seeking to implement Arterial Bus Rapid Transit along the corridor. The Minnesota Department of Transportation also recently completed a plan which identified improvements to better accommodate and improve safety for pedestrians and bicyclists within the Snelling right-of-way.

Concurrent with the rezoning request, the applicant is currently seeking zoning approvals for the construction of a new bank branch and regional office at the northeast corner of Snelling and Dayton on the north block and for a higher density mixed use developments on the portions of the south block proposed for rezoning. These projects are representative of the types of development allowed under the respective proposed zoning designations (T2 on the north block, T3 on the south block). In turn, the zoning designations are consistent with the existing mixed-use character of the area and the location along an important multi-modal transportation corridor. Specifically, the proposed T2 zoning of the north block will allow slightly lower density uses, as well as the possibility of drive-through facilities for sales or service, uses appropriate for a site along a major thoroughfare which carries large amounts of automotive traffic and is proximal to an interstate highway. At the same time, it requires a transit-oriented design, and allows for increased density as the modal split shifts toward transit users, pedestrians, and bicyclists. The proposed T3 zoning of the south block allows higher-density mixed-use development, and takes advantage of the location along a major transit line, including a planned Arterial BRT stop on the Snelling face of the south block.

3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter of the Saint Paul Comprehensive Plan identifies the area as part of a Mixed-Use Corridor. Policy LU 1.21 of the Comprehensive Plan calls for “accommodating growth” and “providing housing at densities that support transit” within mixed-use corridors. The proposed zoning will allow higher density residential development along the Snelling mixed-use corridor and will also accommodate new commercial space. The Snelling Hamline Neighborhood Plan encourages transit-oriented development and new construction that complements existing structures; design standards that are part of the proposed traditional neighborhood zoning will provide a basis for meeting these objectives.
4. The proposed zoning is compatible with the mixed-use character of the surrounding area. Adjacent to the south block, the other three corners of the intersection of Snelling and Selby, as well as the corresponding block faces along those streets, are characterized by commercial uses. To the northwest, southwest, and southeast, there areas transition to residential areas zoned RT1 (two-family residential). The eastern-most portion of the south block and the area immediately across Saratoga from the south block are characterized primarily by lower-density residential, but are zoned RM2 multifamily residential. The dimensional and density standards

for RM2 are very similar to those for T2; this similarity, combined with the design standards for traditional neighborhood zones make for an appropriate transition from the proposed T3 zone to the remaining residential-zoned areas to immediately to the east of the south block. The proposed mixed-use project on the south block will result in the removal of most of the existing low density residential structures from the block.

The north block will be adjacent to B3 zoning to the west across Snelling, RM2 zoned railroad right-of-way directly to the north, and RM2 zoned residential areas along Saratoga to the southeast. The proposed T2 zoning is compatible with these surrounding zoning districts.

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 zoning are for relatively large contiguous areas and would establish a use classification consistent with the surrounding properties. The proposed zoning would not constitute spot zoning.
6. The petition for rezoning was found to be sufficient on August 26, 2013: 50 parcels eligible; 34 parcels required; 34 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Associated Bank et al to rezone from B2 Community Business, B3 General Business, RM2 Multiple-Family Residential, VP Vehicular Parking, and I1 Light Industrial to T2 and T3 Traditional Neighborhood for property at 176 N. Snelling et al be approved.