

city of saint paul
planning commission resolution
file number 19-05
date February 8, 2019

WHEREAS, REZA Inc., File # 19-003-730, has applied to rezone from BC community business (converted) to T2 traditional neighborhood, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 770 Grand Avenue, Parcel Identification Number (PIN) 02.28.23.42.0079, legally described as Lot 8, Block 8, Summit Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 31, 2019, 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 owns the property and is requesting rezoning to allow a prospective tenant to establish a tea house serving ice cream, treats, and hot beverages. The building on site is a single family home converted to commercial and residential use. The commercial space in the building is currently vacant but was most recently used as a salon. There is a single residential dwelling unit on the second floor of the building that is occupied and will continue to be occupied for residential use.
2. The proposed zoning is consistent with the way this area has developed. Traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented mixed housing and commercial development along major streets. The districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increase transit usage. Grand Avenue is an existing transit corridor. The proposed T2 zoning is a more appropriate zone than a B2 zone because of the existing residential structure on the property. T2 allows both residential and commercial uses and offers greater flexibility for future use of the residential structure. If the property were rezoned to B2 there would be more restrictions on residential uses than there would be in T2.
3. The proposed zoning is consistent with the Comprehensive Plan. Grand Avenue is identified on the land use map as a mixed use corridor. It is a primary thoroughfare through the city that is served by public transit and includes areas where two or more uses could be located in the same building or in close proximity. Policy 1.23 in the land use plan calls for guiding development along mixed use corridors. Policy 1.24 calls for support of a mix of uses on mixed use corridors. Policy 1.47 supports compatible mixed use within single buildings and in separate buildings in close proximity.

moved by Edgerton
seconded by
in favor 10
against 2 (Edgerton, Oliver)

The Summit Hill/District 16 Neighborhood Plan's vision for Grand Avenue is as an eclectic mix and balance of housing, and small-scale shops, restaurants, and services, both locally and nationally owned, for residents and visitors. Strategy G1 of the plan states, *Maintain Grand Avenue as a continuous neighborhood retail and residential corridor and contain commercial uses and accessory parking within existing boundaries.* Strategy G4 states, *Retain BC (commercial uses in residential structures) and residential zoning on Grand Avenue. Discourage rezoning of residential uses on Grand Avenue to more intensive uses.* Strategy G7 states, *the Summit Hill Association recommends implementing mechanisms for supporting and retaining small, locally-owned businesses.*

4. The proposed zoning in this stretch of Grand Avenue is compatible with surrounding uses which include restaurants, retail, service, and coffee and ice cream shops. The zoning is also compatible with the transit corridor that runs along Grand Avenue. While the T2 dimensional standards allow building heights of 35 feet, and a maximum height of 45 feet with a conditional use permit, the East Grand Avenue Overlay District, § 67.602, limits commercial building heights to three stories and 30 feet, mixed commercial-residential building heights to three stories and 36 feet, and residential or institutional building heights to three stories and 40 feet. No additional height based on setbacks is allowed.
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."* Uses permitted under the proposed T2 zoning are similar to the residential uses permitted in the adjacent RM2 multiple-family residential district on one side, and to the commercial uses permitted in the adjacent B2 community business district on the other side. T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of REZA Inc. to rezone property from BC community business (converted) to T2 traditional neighborhood at 770 Grand Avenue be approved.