

city of saint paul
planning commission resolution
file number 23-23
date July 7, 2023

WHEREAS, 897 LLC, File # 23-048-206, has applied to rezone from OS office-service to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 897 St Paul Avenue, Parcel Identification Number (PIN) 16.28.23.23.0026, legally described as Midway Highland Park, Lots 21 & 22, Block 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 29, 2023, 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 on Saint Paul Avenue and requests to rezone it from OS to T2. The applicant plans to operate a local franchise of a national 24-hour fitness company.
2. *The proposed zoning is consistent with the way this area has developed.* The property is currently used as an office building. Saint Paul Avenue is a minor arterial street and a bus route (87), where the commercial and residential uses permitted in the T2 district are appropriate. T2 is compatible with the residential uses in the surrounding RM2 districts, which are permitted uses in T2. This site is approximately 300 feet from the boundary of the *Ford Site (Highland Bridge) Zoning and Public Realm Master Plan*. T2 is compatible with the Highland Bridge development, including anticipated development in the closest F district, the F6 gateway district.

Sec. 66.313 states that the T2 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 residential neighborhoods. Health/sports clubs are a permitted use in T2. It is reasonable for the property to be rezoned to T2 given the compatibility of the surrounding multi-family residential uses and Highland Bridge development with the transitional scale and mix of land uses allowed in T2.

3. *The proposed zoning is consistent with the Comprehensive Plan.* The future land use designation for this site is Urban Neighborhood. Urban Neighborhoods are defined as:

“primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial

moved by: Hackney
seconded by: Khadar
in favor: Unanimous
against

*and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. **Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/or collector streets.***

Saint Paul Avenue is a minor arterial street with portions served by transit and generally characterized as pedestrian friendly. T2 zoning on a corner lot would allow an appropriate mix of uses and scale, consistent with adjacent RM2 contexts. Commercial buildings are common at corners in the city's urban neighborhoods. Supporting Policy LU-36 states:

Comprehensive Plan Policy LU-36. *Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.*

T2 zoning supports walkability with pedestrian friendly design standards. It supports mixed-use development by allowing a wider variety of land uses than OS. This expanded variety of commercial uses promotes opportunities for business diversity and neighborhood-serving commercial services. The proposed T2 district is also supported by the following 2040 Comprehensive Plan and Highland Park District 15 Plan policies:

Comprehensive Plan Policy LU-5. *Encourage flexible building design to ensure ongoing functionality and viability, and to respond to new market opportunities.*

Comprehensive Plan Policy LU-6. *Foster equitable and sustainable economic growth by facilitating business creation, attraction, retention and expansion.*

Comprehensive Plan Policy LU-7. *Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.*

Highland Park District 15 Plan Policy LU2. *Encourage a mix of retail and service businesses that meet daily needs close to where people live*

4. *The proposed zoning is compatible with surrounding uses.* Saint Paul Avenue and Saunders Avenue have potential for a mix of commercial and housing uses in the future. The ongoing development of Highland Bridge (300 feet away) and anticipated growth in the neighborhood node at Highland Village (1,000 feet away) will continue to increase activity and vibrancy in the area. Multi-family housing types surround the site on three sides, with single-family houses on the east side across Saint Paul Avenue. T2 zoning would allow development on a similar scale to what is already allowed in the surrounding RM2 districts and would add flexible land use allowances over the long term, including single-family, duplex, and multi-family uses and pedestrian-oriented commercial 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."* The lot is currently zoned OS, a limited commercial zoning district, and is surrounded by residential zoning. The proposed change to a T2 district better supports the City Council adopted policy goals for mixed-use pedestrian-oriented areas and can help ensure commercial viability while being compatible with the surrounding neighborhood. The nexus between the intent of the T2 district and the adopted future land use policy for this site suggests that T2 would not be considered spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 897 LLC for rezoning from OS office-service to T2 traditional neighborhood for property at 897 St Paul Ave be approved.