

## ZONING COMMITTEE STAFF REPORT

**FILE NAME:** 981/983 Fuller Rezoning

**FILE #:** 22-110-671

**APPLICANT:** Keith Schroeder

**HEARING DATE:** December 1, 2022

**TYPE OF APPLICATION:** Rezoning - Consent

**LOCATION:** 981 Fuller Ave, NW corner of Chatsworth St. N and Fuller Avenue

**PIN & LEGAL DESCRIPTION:** 35.29.23.32.0089; Lot 16, Block 4, University Subdivision

**PLANNING DISTRICT:** 8

**EXISTING ZONING:** R4

**ZONING CODE REFERENCE:** § 61.801(b)

**STAFF REPORT DATE:** November 22, 2022

**BY:** Tony Johnson

**DATE RECEIVED:** October 26, 2022

**60-DAY DEADLINE FOR ACTION:** December 25, 2022

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- A. **PURPOSE:** Rezone from R4 one-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 42 ft. frontage on Fuller x 120.25 ft. frontage on Chatsworth = 5050.5 sq. ft.
- C. **EXISTING LAND USE:** Mixed Use – commercial space is vacant
- D. **SURROUNDING LAND USE:**  
North: Single Family Dwelling (RT1)  
East: Single Family Dwelling (R4)  
South: Duplex (R4)  
West: Duplex (R4)
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The subject property was originally constructed in 1909 as a mixed-use structure. In 1922, when the first zoning code was enacted, the subject property was zoned B residence. The property has been zoned R4 one-family residential since 1975 when the modern zoning code was adopted. On September 21, 2020, the applicant applied to rezone the property to T2. The planning commission unanimously voted to approve the rezoning, but it was denied by the Council on January 13, 2021.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 Planning Council has recommended approval of the rezoning.
- H. **FINDINGS:**
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 on October 24, 2022; 15 parcels eligible; 10 parcels required; 10 parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from R4 one-family residential to T2 traditional neighborhood.