

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Selby – Milton – Redevelopment **FILE #:** 17-061-494
 2. **APPLICANT:** HRA of the City of Saint Paul **HEARING DATE:** August 17, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 934 - 940 Selby Ave, between Milton and Chatsworth
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.21.0243 and 02.28.23.21.0159; Lots 4, 5, and W 17 ft. of lot 3, Block 3, Smith and Taylor's Addition
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** T1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** July 25, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** July 19, 2017 **60-DAY DEADLINE FOR ACTION:** September 17, 2017
-

- A. **PURPOSE:** Rezone from T1 traditional neighborhood to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 97 ft of frontage on Selby Avenue x 106.16 = 10,297.52. Including half of the alley for density purposes the total lot area is 11,073.55
- C. **EXISTING LAND USE:** Vacant Land
- D. **SURROUNDING LAND USE:**
North: One- Family Residential (RM2)
East: Mixed-Use (B2)
South: One- and Two- Family Residential (RT1)
West: One- Family Residential (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **PARKING:** Sec. 66.341 (a) applies to residential developments over 6 units in T1 and T2 zoning districts. *Sec. 66.341 (a) Amount of parking. For buildings with more than six (6) dwelling units the minimum amount of required off-street parking for residential uses specified in [section 63.207](#), Parking requirements by use, may be reduced by twenty-five (25) percent. This provision does not apply to live-work units.* With a 25% reduction of the minimum parking requirement for residential uses in a T2 district and a 10% parking reduction for all of the uses for providing bike parking Zoning Code § 63.207 requires a minimum of 8 parking spaces for the proposed mixed use structure.
- G. **HISTORY/DISCUSSION:** In 1922 the subject parcels, along with all of the parcels on Selby Avenue were zoned "C" commercial. In 1975 when the modern zoning code was enacted, it appears as though 934 Selby was zoned B3, general business, and 940 Selby was zoned RM2. Sometime between 1989 and 2007, both of the subject parcels were rezoned to B2 community business. In 2007, Selby Area Community Development Corporation applied to rezone the subject parcels from B2 (community business district) to T1 traditional neighborhood (ZF- 07-013-828) in order to construct 8 townhouse units. The rezoning was approved by the City Council in April 2007; however, the proposed townhouse project was never completed. The subject parcels have been zoned T1 and have remained vacant since that time.

H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 has recommended approval of the rezoning from T1 to T2.

I. **FINDINGS:**

1. The Rondo Community Land Trust is applying to rezone the subject parcels from T1 traditional neighborhood to T2 traditional neighborhood in order to construct a new mixed use building with 10 senior housing units and 2,912 sq. ft. of commercial space. A mix of commercial and residential uses are allowed in a T1 traditional neighborhood zoning district, however, the commercial uses that are permitted in a T1 district are fairly limited and the maximum floor area ratio (F.A.R) for a mixed use building is limited to 1.0. The applicant is proposing to construct a building with a 1.33 F.A.R (1.24 F.A.R with half the alley) which exceeds the maximum 1.0 F.A.R allowed in a T1 zoning district. In a T2 zoning district the maximum F.A.R is 2.0 and there is a greater range of commercial uses that are permitted in the zoning district. Rezoning the parcels to T2 will give the applicant more flexibility in the type of commercial tenants that would be allowed to occupy the space in the future and will also allow the proposed structure to be constructed with an F.A.R of 1.33.
2. The proposed zoning is consistent with the way this area has developed. Selby Avenue has developed with a mix of commercial and residential uses of varying densities. From 1922 to 1975 Selby Avenue was zoned "C" commercial which would have permitted all residential and commercial uses. In 1975 when the modern zoning code was established parcels on Selby Avenue were rezoned to a mix of zoning districts that generally corresponded to the underlying land uses of the parcels. The proposed T2 zoning 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. T2 zoning is consistent with the historic pattern of development on Selby Avenue and also the mix of RM2, B2, and B3 zoning districts along the corridor, specifically in regards to the allowed density and the uses that are permitted in both the business and multifamily residential zoning districts.
3. The proposed zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the comprehensive plan as a mixed use corridor. In mixed use corridors two or more of the following uses can be located: residential, commercial, retail, office, small scale industry, institutional, and open space. The proposed mixed use building is consistent with the comprehensive plan, mixed use corridor land use designation, and specifically strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. All of the residential units are priced at 30% to 60% of area median income, which is consistent with strategy 3 of the comprehensive plan housing chapter calls for ensuring the availability of affordable housing across the city. All of the proposed residential units are senior housing which is consistent with strategy 26 of the district 8 neighborhood plan which calls for increasing the housing options for seniors that wish to continue living in the neighborhood. Strategy 28 of the neighborhood plan specifically identifies the subject parcel and calls for pursuing high quality development at 940 Selby Avenue consistent with the underlying zoning and acknowledging a community interest in live-work housing at the site. The housing chapter of the neighborhood plan lists certain priorities which includes a statement of support for the Rondo Land Trust in their work to provide affordable housing.

4. The proposed zoning is compatible with the surrounding single family residential, two-family residential, and mixed use commercial and residential land uses. All of the surrounding uses would be permitted in a T2 zoning district and the scale of the proposed structure is compatible with the existing scale of the surrounding land uses. The mixed use building east of the subject parcels has 10,600 sq ft of commercial and residential floor area. The proposed structure has a gross floor area of 13,753 which, although slightly larger than the adjacent mixed use structure, is still compatible with the scale of this adjacent mixed-use structure.
 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 rezoning of these parcels from T1 to T2 would not constitute spot zoning. The uses that are permitted in a T2 traditional neighborhood zoning district are consistent with the uses permitted in the RM2 multi-family residential zoning district and the B2 community business district.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from T1 traditional neighborhood to T2 traditional neighborhood.