

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Selby-Victoria Development **FILE #:** 17-064-027
 2. **APPLICANT:** HRA of the City of Saint Paul **HEARING DATE:** August 17, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 838 - 844 Selby Ave, SE corner at Victoria
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.12.0153 (838 Selby) and 02.28.23.12.0257 (844 Selby); Lots 5 – 9, Block 9, Nininger and Donnelly's Addition to Holcombe's Addition.
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** B2/RM2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** August 10, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** July 27, 2017 **60-DAY DEADLINE FOR ACTION:** September 25, 2017
-

- A. **PURPOSE:** Rezone from RM2 multiple family and B2 community business to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 200.8 feet of frontage on Selby x 119.14 feet of frontage on Victoria = 23,928 Square Feet.
- C. **EXISTING LAND USE:** Vacant Land
- D. **SURROUNDING LAND USE:**
North: Commercial, Two- Family Residential, and Multifamily Residential (T2 and RM2).
East: Single Family Residential (RM2)
South: Single Family Residential and Two- Family Residential (RT1)
West: Mixed Use Commercial and Residential (B2)
- 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 the 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 17 parking spaces. The applicant wanted the flexibility to use the live work units for entirely commercial uses if need be, which would increase the parking requirement to 20 spaces.
- G. **HISTORY/DISCUSSION:** In 1922 the subject parcels, along with all of the parcels on Selby Avenue were zoned "C" commercial. Similar to the traditional neighborhood district that the applicant is applying to rezone the subject parcels to, "C" commercial would have permitted both residential and commercial uses. In 1975 when the modern zoning code was adopted the subject parcels were rezoned B2 and RM2.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 recommended approval of the rezoning from B2 and RM2 to T2.
- I. **FINDINGS:**

1. The applicant is seeking to rezone the subject parcels from B2 and RM2 to T2, in order to construct a new mixed use building with 24 senior housing units, 2,891 sq. ft. of commercial space, and 3 flex live work units. The live work units are not a permitted use in the B2 or RM2 zoning districts, requiring the applicant to apply to rezone the subject parcels to T2, traditional neighborhood.
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's mixed use corridor land use designation and strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. All of the senior housing 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. The inclusion of senior housing 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.
4. The proposed zoning is compatible with the surrounding mixed use, commercial, one-family residential, two-family residential, and multifamily land uses. All of the adjacent land uses are permitted in a T2 traditional neighborhood zoning district.
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 B2 and RM2 to T2 would not constitute spot zoning. The uses that are permitted in a T2 traditional neighborhood zoning district are consistent the uses permitted in the RM2 multi-family residential zoning district and the B2 community business district.
6. The petition for rezoning was found to be sufficient on July 27, 2017: 22 parcels eligible; 15 parcels required; 15 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RM2 multiple family and B2 community business to T2 traditional neighborhood.