

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** PDMC LLC Senior Living **FILE #:** 17-215-889
 2. **APPLICANT:** Morning Star Missionary Baptist Church **HEARING DATE:** December 7, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 739 Selby Ave, between Grotto and St. Albans
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.11.0062; Holcombe's Addition to Saint Paul, Lots 16 through 25, Block 3
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** B2
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** November 28, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** November 21, 2017 **60-DAY DEADLINE FOR ACTION:** January 20, 2018
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- A. **PURPOSE:** Rezone from B2 community business to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 109.7 ft. of frontage on Grotto x 400 ft. of frontage on Selby Avenue = 43,880 sq. ft. With half of the width of the alley included for density purposes the total area is 47,880 sq. feet.
- C. **EXISTING LAND USE:** Institutional - Church
- D. **SURROUNDING LAND USE:**
North: One- and Two- Family Residential
West: Multi-family Residential
South: Multi-Family Residential, Vacant Parcel
East: Multi-Family Residential
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **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, 739 Selby was zoned B2, community business district. The parcel has remained zoned B2 since that time and is currently the home of Morning Star Baptist Church.
- G. **PARKING:** The applicant is proposing a new mixed use building that would include senior housing and space for Morning Star Baptist Church, for which Zoning Code § 63.207 requires a minimum of 42 off street parking spaces and a maximum of 71 surface parking spaces. The applicant is proposing 30 surface spaces principally for the church and 66 underground spaces within the building, for a total of 96 parking spaces, thus meeting the minimum parking requirement and not exceeding the maximum amount of surface parking allowed for this mixed-use building.
- H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff report.
- I. **FINDINGS:**
 1. The applicant is seeking to rezone the parcel at 739 Selby Avenue from B2 to T2 in order to construct a new mixed use building with 95 senior housing units and a church, and has submitted conceptual plans for a four story building with 30 surface parking spaces and 66 underground parking spaces.

2. The proposed zoning is consistent with the way this area has developed, with a mix of commercial and residential uses of varying densities along Selby Avenue. From 1922 to 1975 Selby Avenue was zoned "C" commercial, which 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 the mix of RM2, B2 and B3 zoning districts along the corridor. T2 is consistent with the density and the uses that are permitted in both the business and multifamily residential zoning districts along Selby Avenue.
 3. The proposed zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the Comprehensive Plan as a mixed use corridor. The proposed mixed use building is consistent with this land use designation strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. The senior housing component is also 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 single family residential, two-family residential, multi-family residential and mixed use commercial and residential land uses in the immediate area. Because the subject parcel abuts RT1 zoning north of the subject parcel, the traditional neighborhood design standards limit the height at the property line abutting that zoning district. The height can be increased by stepping the building back from the northern property line, resulting in the majority of the building mass being pushed away from the lower density residential uses towards the street. This provision in the traditional neighborhood districts will help ensure that the proposed development will be compatible with the lower density residential development north of the subject parcel. The proposed zoning is also compatible and in keeping with the established mix of multifamily residential and commercial uses along in the immediate area. 755 Selby Avenue, west of the subject parcel, was constructed in 2003 in a B3 General Business District. The dimensional standards in a B3 district are similar to the dimensional standards in a T2 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 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, the B2 community business district, and the B3 general business district in the immediate area.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B2 community business to T2 traditional neighborhood.