

city of saint paul
planning commission resolution
file number 19-62
date December 20, 2019

WHEREAS, Bonfe Properties LLP, File # 19-103-464, has applied to rezone from T2 to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N, Parcel Identification Numbers (PINs) 012823410021; 012823410012; 012823410011, legally described as EWING & CHUTES SUB OF L6-7B1&L EX ST LOTS 2 3 AND LOT 4 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 application is to rezone 337 W 7th/366-372 Smith from T2 to T3 to allow for a mixed-use development with 153 residential units and 2,500 square feet of retail fronting West 7th Street.
2. The proposed zoning is consistent with the way this area has developed. The area is a mix of commercial and residential uses, which has evolved over time, but has consistently remained many uses and scales close together. Higher density uses have generally been concentrated along West 7th Street and Smith Avenue (north of West 7th Street).
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3 zoning is consistent with the 2030 Comprehensive Plan for the reasons listed in the rezoning application. The proposed rezoning is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*
 1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

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2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
3. *Cluster neighborhood amenities to create a vibrant critical mass.*
4. *Improve access to jobs by prioritizing development with high job density.*
 - *Policy LU-31. Invest 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.*
 - *Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.*
4. The proposed zoning is compatible with surrounding uses. The use abuts a new hotel of a similar scale (100 rooms and 5 stories). There are other small-scaled commercial uses on Leech Street and West 7th Street that would be compatible. The site's proximity to transit, and downtown and hospital jobs make it an appropriate location for multifamily housing.
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 rezoning would not be spot zoning because it would only increase the density of uses already allowed in T2 and at a density similar to other properties in close proximity:
 - RM2 zoning directly across West 7th Street allows for 50 ft. height;
 - B5 zoning, 220 ft. north of the site along Smith allows for unlimited height; and
 - Irvine Park Towers, which is 600 ft. west of the site along West 7th Street, is a 15-story tall primarily residential, mixed-use building.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Bonfe Properties LLP to rezone from T2 to T3 traditional neighborhood for property at 337 7th Street W, 366 Smith Avenue N, and 372 Smith Avenue N, be approved.