



Legislation Text

File #: Ord 17-12, **Version:** 1

Granting the application of JSK Limited Partnership to rezone property at 33, 39, and 45 Syndicate Street South from RM2 multiple family, T1 traditional neighborhood, and OS office, to T2 traditional neighborhood; and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Pursuant to Minnesota Statutes § 462.357 and § 61.800 of the Legislative Code, JSK Limited Partnership, in zoning file # 17-011-166, duly petitioned to rezone property located at 33, 39, and 45 Syndicate St. S., Parcel Identification Numbers (PINs) 03.28.23.42.0013, 03.28.23.42.0014, and 03.28.23.42.0015, being legally described as:

Lots 29-30 and the E 20 ft. of Lot 28, Block 2, Stinson's Boulevard;

from RM2 multiple family (39 Syndicate), T1 traditional neighborhood (45 Syndicate) and OS office service (33 Syndicate) to T2 traditional neighborhood; having been consented to by at least 67 percent of the owners of the area to be rezoned; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 2, 2017, 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, at its meeting held on March 10, 2017 and 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 applicant, At Home Apartments, is proposing to build a new 26-unit multi-use building at the northwest corner of Grand Avenue and Syndicate Street. The building would contain structured parking, liner retail, office space, and residential units. The project would require demolition of three single-family houses on three contiguous parcels. Each parcel is a distinct zoning district, none of which would be suitable for the proposed project. Therefore, rezoning is requested. The applicant has also applied for a conditional use permit (File # 17-010842) to allow a total building height of 43 feet.
2. The proposed zoning is consistent with the way this area has developed. The intent of the 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." This section of the Grand Avenue corridor is within a Mixed Use Corridor as defined by the Comprehensive plan. It is characterized by a variety of housing and commercial development at a higher density than nearby Established Neighborhoods and is served by Metro Transit bus route 63. The three parcels to be rezoned currently allow uses similar to those that would be allowed within the proposed T2 district.
3. The proposed zoning is consistent with the Comprehensive Plan. The site is located within a Mixed Use Corridor as identified in the Comprehensive Plan. Mixed Use Corridors call for higher density (30-150 units/acre) development where two or more of the following uses should occur: residential, commercial retail and offices, small-scale industry, institutional, and open space. Uses may be within a building or in buildings within close proximity. Land Use Policy 1.24 reads: "Support a mix of uses on Mixed-Use Corridors." Land Use Policy 1.25 reads: "Promote the development of more intensive housing on Mixed-Use Corridors where

supported by zoning that permits mixed-use and multi-family residential development. The development is also in compliance with the District 14 Macalester-Groveland Community Plan. Strategy H2.5 reads: "Support multi-unit mixed-use development in the following corridors: Snelling Avenue, Grand Avenue, St. Clair Avenue, and Randolph Avenue." Strategy LU.1 reads: "Support land use that preserves Macalester-Groveland as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian oriented, human-scale streetscape". The proposed building cuts into the hill to allow improved pedestrian access at sidewalk level and allows space for activity in the front yard space between the building face and the sidewalk due to a ten foot setback.

4. The proposed zoning is compatible with the surrounding uses. The uses within the area are compatible with the proposed T2 zoning and are generally characterized by a mix of multifamily residential, retail, restaurants, and institutional uses. Apartment buildings of similar scale are located immediately to the west and south of the project. Kowalski's Market is located immediately to the east. The property to the north is and occupied by Mount Zion Temple and is classified as an institutional use.

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 change in zoning would not result in spot zoning due to the similarities in use and scale allowed in the adjacent RM2 and B2 zoning districts; and

WHEREAS, the Planning Commission considered the rezoning petition at its meeting held on March 10, 2017, and recommended approval to the City Council; and

WHEREAS, notice of public hearing before the City Council on said rezoning petition was duly published in the official newspaper of the City, and notices were duly mailed to each owner of affected property and property situated wholly or partly within 350 feet of the property sought to be rezoned; and

WHEREAS, a public hearing before the City Council having been conducted on April 19, 2017, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the petition; now, therefore

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1.

That the zoning map of the City of Saint Paul as incorporated by reference in § 60.303 of the Saint Paul Legislative Code, as amended, is hereby further amended as follows:

That approximately 15,245 square feet of property at 33, 39, and 45 Syndicate Street South, being more particularly described as:

Lots 29-30 and the E 20 ft. of Lot 28, Block 2, Stinson's Boulevard;

be and is hereby rezoned from RM2 multiple family, T1 traditional neighborhood, and OS office service to T2 traditional neighborhood.

Section 2.

This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication.