



Legislation Text

File #: RES 21-90, **Version:** 1

Denying an application by Keith Schroeder to rezone property commonly known as 981 Fuller Avenue from R4 Single Family Residential to T2 traditional neighborhood.

WHEREAS, Keith Schroeder, in zoning file No. 20-076-198 and pursuant to Leg. Code § 61.801(b), duly applied to rezone property commonly known as 981 Fuller Avenue and legally described as Lot 16, Block 4, University Subdivision [PIN No. 35.29.23.32.0089] from R4 one-family residential to T2 traditional neighborhood; and

WHEREAS on October 8, 2020, the Zoning Committee of the Saint Paul Planning Commission held a public hearing on the said application pursuant to Leg. Code § 61.303 and recommended approval of the application; and

WHEREAS, on October 16, 2020, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee, recommended to the City Council that the said rezoning application be approve for the reasons set forth in Planning Commission Resolution No. 2-0-44 which is incorporated herein by reference; and

WHEREAS, on December 9, 2020, the City Council held a public hearing on the said application pursuant to the requirements of Minn. Stat. § 462.357 and to consider October 16, 2020 recommendation of the Planning Commission and, upon closing the public hearing, duly moved its consideration of the application to January 6, 2021; NOW,

THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul, as of January 6, 2021, hereby denies the application of Keith Schroeder to rezone property commonly known as 981 Fuller Avenue from R4 Single Family Residential to T2 traditional neighborhood based upon the following reasons:

1. The applicant is proposing to rezone the subject property from R4 to T2 traditional neighborhood in order to reestablish a commercial use in the first floor of an existing mixed-use structure.
2. This property was zoned R4 in 1975. Nothing suggests that the property's current R4 zoning is somehow incompatible with the present use of the property or the character of development in the immediately surrounding properties. I find that T2 zoning is inconsistent with the character of development in the area immediately surrounding the property. T2 zoning is intended for use in existing or potential pedestrian and transit nodes. This property is not within an existing or potential transit node. It is two blocks south and east of the transit node at University and Lexington. Rezoning this property to T2 is not likely to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage at the transit node at University and Lexington. This property is also not a "pedestrian node." It is a residentially zoned property on corner lot located in an R4 single-family district.

T2 zoning is not consistent with the historical pattern of development in the immediate area. The property is zoned R4. RT1 zoned property lies between the subject property and the T3 and T2 zoned property along University and Lexington. The intervening RT1 zoned properties between the T3 and T2 zoned properties

appropriately serves as a transition to this R4 district as called for under the zoning code. Rezoning to T2 would leapfrog this historical pattern of appropriate zoning transitions from more intense to less intense uses and allows for the insertion of greater varieties of commercial uses that could be inconsistent with surrounding R4 and RT1 uses. Rezoning to T1 may be more reasonable. T1 allows commercial uses that would be more consistent with the existing nature of the R4 and RT1 districts that surround the site and does not allow many of the more intense commercial uses permitted under T2.

3. The proposed zoning is inconsistent with the Comprehensive Plan. The subject parcel is in an area defined by the comprehensive plan as an urban neighborhood. Urban neighborhoods are predominately residential in nature and this is reflected by the R4 and RT1 zones that surround the parcel. Policy LU-36 of the 2040 comprehensive plan calls for promoting neighborhood serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development. This roughly 3000 square foot structure may be compatible in size with the scale of nearby residential uses but the intensity of many of the commercial uses permitted under T2 zoning are also equally incompatible with the surrounding R4 and RT1 uses. Nothing suggests that the current R4 zoning for this property is incompatible with the present character of development of the property or the immediately surrounding properties.

The subject property is also within the Lexington Neighborhood Node. On balance, rezoning to T1 can also be consistent with Policy LU-31, which calls for investing 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. T1 zoning also enables a long vacant commercial space to be rehabilitated for new commercial uses in this neighborhood node. Policy 22 of the District 8 plan calls for continued efforts to foster minority business start-ups, retentions, and expansions from within the community. Rezoning to T1 could help facilitate the development of a new minority owned commercial uses in this neighborhood node which would be consistent with this policy as well.

4. Rezoning to T2 would not be compatible with the immediately surrounding residential uses. T2 is more appropriate for commercial uses of property that fronts on University and Lexington Avenues. The scale of many of the uses permitted under T2 is incompatible with the scale of the nearby residential zoned properties in this residential district.

AND, BE IT FURTHER RESOLVED, upon adoption, that the City Clerk shall provide a copy of this resolution to Mr. Schroeder, to the Planning Commission and to the Planning and the Zoning Administrators.