



Legislation Text

File #: Ord 17-46, **Version:** 1

Granting the application of the Housing and Redevelopment Authority to rezone their properties at 838 - 844 Selby Avenue from B2 Community Business and RM2 Multifamily Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, The HRA of the City of Saint Paul, File #17-064-027, has applied to rezone from B2 Community Business and RM2 Multifamily Residential to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on the properties located at 838 - 844 Selby Ave, Parcel Identification Numbers (PINs) 02.28.23.12.0153 and 02.28.23.12.0257, legally described as Lots 5 - 9, Block 9, Nininger and Donnelly's Addition to Holcombe's Addition.

WHEREAS, the Zoning Committee of the Planning Commission, on August 17, 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, 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 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.

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 the properties at 838 - 844 Selby Avenue, being more particularly described as: as Lots 5 - 9, Block 9, Ninger and Donnelly’s Addition to Holcombe’s Addition be and is hereby rezoned from B2 and RM2 to T2.

Section 2.

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