



## Legislation Text

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**File #:** Ord 20-22, **Version:** 1

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Granting the application of Selby Dale LLC to rezone the property at 156 Dale Street from B2 Community Business to T3 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Selby Dale LLC, File # 20-029-704, has applied for rezoning from B2 Community Business to T3 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 156 Dale Street, Parcel Identification Number (PIN) 01.28.23.22.03.07, legally described as Woodland Park Addition, To St. Paul, Lot 8 & Except West 31.39 ft of North 42.65 Feet Lot 9 And East 28 Ft of South 130.24 Feet of Lot 10 And South 73.10 Ft of West 22 Ft of Lot 10 And South 73.03 Ft of Lot 11 Block 6

WHEREAS, the Zoning Committee of the Planning Commission held a public hearing on May 21, 2020 on said petition pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code, for the purpose of considering the rezoning petition, and pursuant to §107.03 of the Administrative Code, submitted its recommendation to the Planning Commission for approval; 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 which the council adopts as its own:

1. The applicant is seeking to rezone the subject parcel from B2, Community Business, to T3, Traditional Neighborhood, in order to construct a new 82-unit apartment building and to convert the existing vacant auto garage into a hair salon.
2. The proposed zoning is consistent with the way this area has developed. Selby Avenue has developed with a mix of commercial and residential of varying densities. In 1922, when the first zoning code was enacted, Selby Avenue was zoned "C" commercial which permitted a both residential and commercial uses, like the proposed T3 zoning district. In 1975 when the modern zoning code was enacted, Selby Avenue was zoned RM2 multi-family residential, B2 community business, and B3 general business, with the new zoning districts generally corresponding to the underlying land uses. T3 zoning permits a range of land uses that are consistent with the current mix of commercial and multifamily residential zoning districts on Selby Avenue. The proposed T3 zoning is also consistent with the historic "C" commercial zoning designation and is compatible with the way the area has developed in terms of the mix of commercial and residential land uses along the Selby Avenue corridor.
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3, traditional neighborhood zoning, is consistent with both the 2030 and 2040 comprehensive plan. The 2030 comprehensive plan identifies Selby Avenue as a mixed-use corridor. T3, traditional neighborhood zoning and proposed commercial and residential land uses, are consistent with this 2030 comprehensive plan mixed use corridor designation and specifically policy LU 1.24 which calls for supporting a mix of uses on mixed use corridors. Policy LU1.2 of the 2030 comprehensive plan calls for permitting high density development in mixed use corridors at 30 - 150 dwelling units per acre. The proposed 82-unit apartment building is within this density range at 102 dwelling units per acre, which is consistent with the housing density called for by this policy. The 2040 comprehensive plan identifies the Selby and Dale Intersection as a neighborhood node. Policy LU-30 calls for focusing increasing density toward the center of the node and transitioning in scale to surrounding land uses. The proposed zoning will allow an increase in potential density at the center of the neighborhood node which will then transition into lower density residential uses which is consistent with this policy. Policy LU-1 calls for encouraging transit supportive density and directing the majority of the growth to areas with the

highest existing or planned transit capacity. The proposed zoning district and development is at the intersection Selby and Dale which are both served by frequent transit service. Additionally, the B-Line bus rapid transit extension is planned to be constructed on Selby Avenue. The proposed T3 traditional neighborhood zoning district will facilitate to the development of transit supportive density at this location prior to the development of the B line.

4. The proposed zoning is compatible with surrounding commercial and residential land uses if varying densities near the subject parcel. The commercial and residential uses in the immediate area are generally permitted uses in the T3 traditional neighborhood district. T3 zoning at the subject location will enable the intensification of development near the center of this node that is compatible with the nearby commercial and residential land-uses and zoning districts.

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 T3 zoning would not constitute spot zoning. The uses permitted in the proposed T3 zoning district are consistent with uses permitted in the RM2 zoning district and B2 zoning district in the immediate area.

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 property at 156 Dale Street, being more particularly described as: Woodland Park Addition, To St. Paul, Lot 8 & Except West 31.39 ft of North 42.65 Feet Lot 9 And East 28 Ft of South 130.24 Feet of Lot 10 And South 73.10 Ft of West 22 Ft of Lot 10 And South 73.03 Ft of Lot 11 Block 6, be and is hereby rezoned from B2 to T3.

SECTION 2

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.