



Legislation Text

File #: Ord 18-51, **Version:** 2

Granting the application of Dorothy Gherity to rezone the property at 418 Sherburne Avenue from R4 Single Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Dorothy Gherity, File # 18-093-677, has applied for rezoning from R4 single family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 418 Sherburne Ave, Parcel Identification Number (PIN) 36.29.23.24.0226, legally described as Smith's Subdivision of Stinson's division, Lot 20 & Lot 21, Block 16.

WHEREAS, the Zoning Committee of the Planning Commission, on August 30, 2018, 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 proposing to rezone the subject parcel from R4 one-family residential district to T2 traditional neighborhood district in order to facilitate the development of a 6-unit multifamily residential condo structure.

2. *The proposed zoning is consistent with the way this area has developed.* The T2 traditional neighborhood 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. The immediate area has developed with a mix of single family dwellings, two-family dwellings, multifamily dwellings, and commercial uses south of the subject parcel. The land uses in the immediate area are permitted uses in the T2 zoning district, and therefore the proposed zoning is consistent with the way the area has developed.

3. *The proposed zoning is consistent with the Comprehensive Plan.* The subject parcels are designated by Comprehensive Plan Figure LU-B as part of a Mixed-Use Corridor. Policy LU-1.24 of the Comprehensive Plan calls for supporting a mix of uses on Mixed-Use Corridors. Policy H-1.3 of the comprehensive plan calls for revitalizing the city by developing land-efficient housing. Policy L5 of the District 7 Neighborhood Plan calls for intensifying development along major transportation corridors in order to bring in more jobs and housing units. The Western Station Area Plan calls for maintaining existing character on this block.

4. *The proposed zoning is compatible with the surrounding uses.* This finding is met. The surrounding single family dwellings, two family dwellings, and commercial uses are permitted in the T2 zoning district and the proposed zoning is compatible with these uses.

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 T2 zoning does not constitute spot zoning. The proposed T2 zoning is an expansion

of the existing T2 zoning district along University Avenue, and does not create a use classification inconsistent with the surrounding uses.

6. The petition for rezoning was found to be sufficient on 8/8/2018: 21 parcels eligible; 14 parcels required; 17 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 property at 418 Sherburne, being more particularly described as: Smith's Subdivision of Stinson's division, Lot 20 & Lot 21, Block 16, be and is hereby rezoned from R4 to T2.

SECTION 2

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