



Legislation Text

File #: Ord 18-29, **Version:** 2

Granting the application of Chong Vang to rezone the property at 494 Farrington Street and 308-310 Sherburne, from RT1 Two-Family Residential to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Chong Vang, File # 18-064-689, has applied for rezoning from RT1 two-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 494 Farrington St and 308-310 Sherburne, Parcel Identification Number's (PIN's) 36.29.23.13.0177, 36.29.23.13.0175, and 36.29.23.13.0173, legally described as Warren Rice's Addition, Lots 7 through 9, Block 27; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 7, 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 requesting a rezoning to T2 traditional neighborhood in to construct a new parking lot for his multi-tenant commercial building south of the subject parcels located at 307 University Avenue.
- 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 proposed zoning will allow the development of a surface parking lot to the rear of the principal structure that the parking will be serving. The proposed T2 zoning to Sherburne is consistent with other larger commercial and mixed-use developments within the central corridor with the traditional neighborhood zoning to Sherburne.
- 3.The proposed zoning is consistent with the Comprehensive Plan. The subject parcels are within a mixed use corridor and as such the subject parcels are suitable for a range development types. The rezoning to T2 of the subject parcels will allow them to be redeveloped over time, while increasing the viability of the existing businesses in the near term because they are not currently served by any off-street parking facilities. Providing offstreet parking to make the current businesses viable is consistent with policy LU-1.50 of the comp plan which calls for facilitating the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses. The placement of the proposed parking is consistent with policy L3 of the District 7 neighborhood plan, which calls for improving parking by encouraging parking in back of buildings.
- 4.The proposed zoning is compatible with the surrounding commercial and residential development in the immediate area. T2 zoning permits all of the adjacent 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.”Rezoning the subject parcels to T2 traditional neighborhood would not constitute spot zoning. The T2 Traditional neighborhood zoning district along University Avenue is simply being extended north to Sherburne Avenue, similar to other nearby places where this is the case.

6.The petition for rezoning was found to be sufficient on May 11, 2018, 18 parcels eligible; 12 parcels required; 13 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 494 Farrington St, and 308 -310 Sherburne, being more particularly described as: Warren Rice's Addition, Lots 7 through 9, Block 27, be and is hereby rezoned from RT1 to T2.

SECTION 2

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