



## Legislation Details (With Text)

**File #:** Ord 17-44      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 10/11/2017

**Title:** Granting the application of the Housing and Redevelopment Authority to rezone their properties at 934 -940 Selby Avenue from T1 Traditional Neighborhood to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

**Sponsors:** Dai Thao

**Indexes:**

**Code sections:**

**Attachments:** 1. 17-061-494, Selby-Milton Development application materials, 2. PC resolution, 3. Staff Report, 4. 60 Extension Letter

Date	Ver.	Action By	Action	Result
10/13/2017	2	Mayor's Office	Signed	
10/11/2017	2	City Council	Adopted	Pass
10/4/2017	2	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/27/2017	2	City Council	Laid Over to Third Reading/Public Hearing	
9/20/2017	2	City Council	Laid Over to Second Reading	

Granting the application of the Housing and Redevelopment Authority to rezone their properties at 934-940 Selby Avenue from T1 Traditional Neighborhood 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 #17-061-494, has applied to rezone from T1 Traditional Neighborhood to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on the properties located at 934 - 940 Selby Ave, Parcel Identification Numbers (PINs) 02.28.23.21.0243 and 02.28.23.21.0159, legally described as Lots 4, 5, and W 17 ft. of lot 3, Block 3, Smith and Taylor's Addition; and

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 Rondo Community Land Trust is applying to rezone the subject parcels from T1 traditional neighborhood to T2 traditional neighborhood in order to construct a newmixed use building with 10 senior housing units and 2,912 sq. ft. of commercial space. A mix of commercial and residential uses are allowed in a T1 traditional neighborhood zoning district, however, the commercial uses that are permitted in a T1 district are fairly limited and the maximum floor area ratio (F.A.R) for a mixed use building is limited to 1.0. The applicant is proposing to construct a building with a 1.33 F.A.R (1.24 F.A.R with half the alley) which exceeds the maximum 1.0 F.A.R allowed in a T1 zoning district. In a T2 zoning district the

maximum F.A.R is 2.0 and there is a greater range of commercial uses that are permitted in the zoning district. Rezoning the parcels to T2 will give the applicant more flexibility in the type of commercial tenants that would be allowed to occupy the space in the future and will also allow the proposed structure to be constructed with an F.A.R of 1.33.

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, mixed use corridor land use designation, and specifically strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. All of the residential 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. All of the proposed residential units are senior housing which 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. Strategy 28 of the neighborhood plan specifically identifies the subject parcel and calls for pursuing high quality development at 940 Selby Avenue consistent with the underlying zoning and acknowledging a community interest in live-work housing at the site. The housing chapter of the neighborhood plan lists certain priorities which includes a statement of support for the Rondo Land Trust in their work to provide affordable housing.

4. The proposed zoning is compatible with the surrounding single family residential, two family residential, and mixed use commercial and residential land uses. All of the surrounding uses would be permitted in a T2 zoning district and the scale of the proposed structure is compatible with the existing scale of the surrounding land uses. The mixed use building east of the subject parcels has 10,600 sq ft of commercial and residential floor area. The proposed structure has a gross for area of 13,753 which, although slightly larger than the adjacent mixed use structure, is still compatible with the scale of this adjacent mixed-use structure.

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 T1 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.

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 934 - 940 Selby Avenue, being more particularly described as: Lots 4, 5, and W 17 ft. of lot 3, Block 3, Smith and Taylor's Addition be and is hereby rezoned from T1 to T2.

Section 2.

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