



## Legislation Text

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**File #:** Ord 18-3, **Version:** 2

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Granting the application of the Northern Star Council to rezone their property at 393 Marshall from OS Office Service to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, Northern Star Council BSA, File # 17-210-652, has applied for rezoning from OS office-service to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 393 Marshall Avenue, Parcel Identification Number (PIN) 36.29.23.34.0011, legally described as Lot 1 except the easterly 5 feet thereof, all of lots 2-7, lot 8 except the westerly 30 feet thereof, lot 23 except the westerly 30 feet thereof, and all of lots 25-29, Block 22, Mackubin and Marshall's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 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 application states that the purpose of rezoning is to facilitate residential redevelopment on the site. A conceptual site plan submitted with the application shows a courtyard apartment building with structured/underground parking. The developer has indicated that the concept is for between 150-175 dwelling units, with a mix of studios, alcoves, 1BR, 2BR and potentially 3BR units.
2. The proposed zoning is consistent with the way this area has developed. T2 district dimensional standards would make it possible for the proposed multifamily development to be designed to be consistent with the scale and density of the historic surrounding development pattern. The majority of surrounding multifamily residential buildings that are currently zoned RM2 were built before RM2 zoning and exceed the current RM2 35% maximum lot coverage dimensional standard in that district. The proposed development is also consistent with the other multifamily developments in the immediate area in regards to the proposed density (units/acre). 370 Marshall, for example, was constructed in 2003 at a density of 100 units per acre. The proposed development at 393 Marshall will be constructed at a density of 100 - 116 units per acre.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel is at the intersection of two collector streets, is within a half mile from the central corridor, is less than a quarter mile from the high frequency bus line on Selby, and is adjacent to a dedicated bike lane on western avenue. Strategy 1.1 of the housing chapter calls for increasing housing choices across the city to support economically diverse neighborhoods. Strategy 1.2 of the housing chapter calls for meeting the market demand for transit oriented housing. Strategy 1.3 of the housing chapter calls for revitalizing the city by developing land efficient housing.
4. The proposed zoning is compatible with surrounding multifamily, institutional, and commercial uses in the immediate area. The proposed T2 zoning is consistent with this established land-use pattern in terms of the uses that are permitted in the T2 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 from OS to T2 does not constitute spot zoning. The uses permitted in the proposed T2 zoning district are consistent with the uses permitted in RM2 zoning district adjacent to the subject parcel and the T2 and B2 zoning districts within a block of the subject parcel.

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 393 Marshall Avenue, being more particularly described as: Lot 1 except the easterly 5 feet thereof, all of lots 2-7, lot 8 except the westerly 30 feet thereof, lot 23 except the westerly 30 feet thereof, and all of lots 25-29, Block 22, Mackubin and Marshall's Addition, be and is hereby rezoned from OS to T2.

Section 2.

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