



Legislation Text

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

Granting the application of PDMC, LLC to rezone their property at 739 Selby Avenue from B2 Community Business to T2 Traditional Neighborhood, and amending Chapter 60 of the Legislative Code pertaining to the zoning map.

WHEREAS, PDMC LLC, File # 17-215-889, has applied for rezoning from B2 community business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 739 Selby Avenue, Parcel Identification Number (PIN) 02.28.23.11.0062, legally described as Holcombe's Addition to Saint Paul, Lots 16 through 25, Block 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 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 applicant is seeking to rezone the parcel at 739 Selby Avenue from B2 to T2 in order to construct a new mixed use building with 95 senior housing units and a church, and has submitted conceptual plans for a four story building with 30 surface parking spaces and 66, underground parking spaces.
2. The proposed zoning is consistent with the way this area has developed, with a mix of commercial and residential uses of varying densities along Selby Avenue. From 1922 to 1975 Selby Avenue was zoned "C" commercial, which 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 the mix of RM2, B2 and B3 zoning districts along the corridor. T2 is consistent with the density and the uses that are permitted in both the business and multifamily residential zoning districts along Selby Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the Comprehensive Plan as a mixed use corridor. The proposed mixed use building is consistent with this land use designation strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. The senior housing component is also 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.
4. The proposed zoning is compatible with the surrounding single family residential, two- family residential, multi-family residential and mixed use commercial and residential land uses in the immediate area. Because the subject parcel abuts RT1 zoning north of the subject parcel, the traditional neighborhood design standards limit the height at the property line abutting that zoning district. The height can be increased by stepping the building back from the northern property line, resulting in the majority of the

building mass being pushed away from the lower density residential uses towards the street. This provision in the traditional neighborhood districts will help ensure that the proposed development will be compatible with the lower density residential development north of the subject parcel. The proposed zoning is also compatible and in keeping with the established mix of multifamily residential and commercial uses along in the immediate area. 755 Selby Avenue, west of the subject parcel, was constructed in 2003 in a B3 General Business District. The dimensional standards in a B3 district are similar to the dimensional standards in a T2 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 of these parcels from B2 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 multifamily residential zoning district, the B2 community business district, and the B3 general business 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 739 Selby Avenue, being more particularly described as: Holcombe’s Addition to Saint Paul, Lots 16 through 25, Block 3, be and is hereby rezoned from B2 to T2.

SECTION 2

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