

city of saint paul
planning commission resolution
file number 25-3
date January 10, 2025

WHEREAS, LB1041 Selby LLC, File # 24-098-512, has applied to rezone from B2 community business to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 642 Selby Avenue, Parcel Identification Number (PIN) 02.28.23.11.0330, legally described as HOLCOMBE'S ADDITION TO, SAINT P EX WLY QUADRANGULAR PART BEING 1 6/10 ...6 & ALL OF LOTS 4 & LOT 5 BLK 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 19, 2024, 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 requests a rezoning from B2 community business to T3 traditional neighborhood to develop the subject parcel to create a mixed-use building with commercial space on the ground floor and four stories of residential units. The T3 zoning district's dimensional standards and design guidelines are more flexible and suitable for mixed residential/commercial buildings.
2. The B2 zoning district allows a maximum building height of 30 feet while the T3 zoning district allows a maximum building height of 55 feet. The B2 zoning district allows a maximum floor area ratio (FAR) of 2.0 while the T3 zoning district allows a maximum FAR of 3.0.
3. *The proposed zoning is consistent with the way this area has developed.* Selby Avenue has historically developed with a mix of commercial and residential uses of varying densities. In 1975 when the modern zoning code was enacted, Selby Avenue was zoned RM2 multi-family residential, B2 community business, and B3 general business, with the new zoning districts generally corresponding to the underlying land uses. T3 zoning permits a range of land uses that are consistent with the current mix of commercial and multi-family residential zoning districts on Selby Avenue.
4. *The proposed T3 zoning is consistent with the Comprehensive Plan.* The 2040 Comprehensive Plan designates the future land use of this parcel as Mixed Use.

"The main distinguishing characteristic [of the Mixed Use designation] is a balance of jobs and housing within walking distance of one another... These areas are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown."

The permitted uses in the T3 zoning district allow for a mix of residential and commercial uses.

moved by: Taghioff
seconded by
in favor: Unanimous
against

Furthermore, the intent of the T3 traditional neighborhood district is to provide for *“higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support: (a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another...”*. The density and dimensional standards of T3 allow for the high density called for by the Mixed Use designation.

The area is well-served by transit. Construction for the Metro B-Line bus rapid transit line is currently underway along Selby Ave. B-Line service is expected to begin in the summer of 2025. It will provide faster and more reliable transit service along the 21 bus line, but the 21 bus line will continue to run after the B-line opens. The 65 bus line also runs along nearby Dale Street.

The 2040 Comprehensive Plan designates the intersection of Selby and Dale as a Neighborhood Node, which is about 100 feet from the subject parcel. The proposed zoning will allow an increase in potential density at the center of the Neighborhood Node. *“Neighborhood Nodes are compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences.”* Policy LU-1 calls for encouraging transit supportive density and directing the majority of the growth to areas with the highest existing or planned transit capacity.

The following policies apply:

2040 Comprehensive Plan:

Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.

Policy LU-7. Use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.

Policy LU-8. Ensure that zoning and infrastructure support environmentally and economically efficient, resilient land use development.

Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:

- Increase density toward the center of the node and transition in scale to surrounding land uses.

Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.

Policy LU-33. Promote amenities that support those who live and work in Neighborhood Nodes, including frequent transit service, vibrant business districts, a range of housing choices, and neighborhood-scale civic and institutional uses such as schools, libraries and recreation facilities.

Summit-University (District 8) Plan (2009):

10. In Summit-University, priority will be given to commercial development on the vacant lots and buildings at Selby and Victoria as well as vacant commercial buildings on Selby Avenue west of Dale Street. Conversion of residential properties on Selby to commercial use is generally discouraged, recognizing Summit-University’s opposition to these conversions.

5. *The proposed zoning is compatible with the surrounding uses.* The proposed zoning is compatible with surrounding commercial and residential land uses of varying densities near the subject parcel. The commercial and residential uses in the immediate area are generally permitted uses in the T3 traditional neighborhood district. T3 zoning at the subject location will

enable the intensification of development near the center of this node that is compatible with the nearby commercial and residential land-uses and zoning districts.

6. 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.”* This finding is met. The uses permitted in T3 are consistent with the surrounding mix of uses. T2 and T3 zoning also exists on various parcels along Selby Ave.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of LB1041 Selby LLC for rezoning from B2 community business to T3 traditional neighborhood for property at 642 Selby Avenue be approved.