

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, St Albans LLC, File # 21-271-810, has applied to rezone from B2 Community Business District and EG East Grand Avenue Overlay District to T3 Traditional Neighborhood District without the EG East Grand Overlay District under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 695 Grand Ave, Parcel Identification Number (PIN) 022823410160, legally described as Lots 25 - 30, Block 6, Summit Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 1, 2021, 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 owns the property at 695 Grand. The property is occupied by a surface parking lot and an existing one-story building that houses three restaurants. The applicant proposes to develop a five-story mixed-use building with four ground-floor commercial spaces, 80 market-rate apartment units, 80 secure bicycle parking spaces, and 99 vehicular parking stalls within the building. Two of the commercial spaces are intended for existing restaurants on the site. The site is in a mixed-use area along Grand Avenue that includes a mix of commercial and residential uses and a mix of housing types and sizes. Metro Transit operates Route 63 bus service along Grand Avenue, with a frequency of every 15 minutes and stops one block east at Dale Street, and Route 65 bus service along Dale Street. The Summit Avenue Bikeway, part of the regional bicycle transportation network, is less than one block to the north.
2. The proposed new five-story mixed-use building would have a footprint of 30,500 sq. ft., a height of 59' 10", a total floor area of 108,000 sq. ft. (excluding parking), and a floor area ratio (FAR) of 3.0. The current B2 Community Business District allows a building height of 30 feet plus additional height based on setbacks and allows a maximum FAR of 2.0 (a total floor area of about 72,000 sq. ft. for this site). The current EG East Grand Avenue Overlay District further restricts the maximum building footprint to 25,000 square feet, total building size above ground to 75,000 square feet (including parking), and building height to 36 feet for mixed commercial-residential use buildings, with no additional height based on setbacks allowed. The proposed T3 Traditional Neighborhood District allows a building height of 55 feet plus additional height based on setbacks (25 feet plus setbacks from the rear property line), allows additional height with a conditional use permit, and allows a maximum FAR of

moved by _____
seconded by _____
in favor _____
against _____

- 3.0 (a total floor area of about 108,000 sq. ft. for this site). The application for rezoning to T3 is to provide for development of the proposed new five-story mixed-use building.
3. The proposed T3 zoning is consistent with the way this area has developed. Traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented mixed housing and commercial development; a compatible mix of commercial and residential uses within buildings, sites, and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing. The T3 traditional neighborhood district is designed to provide for higher-density pedestrian- and transit-oriented mixed-use development, including on smaller sites in an existing mixed-use neighborhood center where a mix of commercial and residential uses are in close proximity to one another and a mix of housing styles, types, and sizes to accommodate households of varying sizes, ages, and incomes already exist within a reasonable walking distance. This part of Grand Avenue is an example of a mixed-use transit street in Saint Paul, with a mix of housing types and densities, small-scale shops, larger retail stores, restaurants, and services. The increased building height and density allowed in the T3 district is consistent with this particular location, where there are a number of higher density apartment buildings with heights in the 40 – 50 ft. range and a six-story, approximately 65-foot high condominium building with a service business located one block to the west.
 4. The proposed T3 zoning is consistent with the Land Use Chapter of the Comprehensive Plan, which designates the future land use of the subject property as part of a mixed-use area along Grand Avenue. It states that *“Mixed-Use areas are primarily along thoroughfares well-served by transit. The main distinguishing characteristic is a balance of jobs and housing within walking distance of one another. Historically, these areas developed in easily-accessible locations, and they will continue to be the most dynamic areas of Saint Paul. These areas are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown.”* The proposed T3 zoning is supported by Policy LU-27: *“Provide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets.”* The proposed zoning allows for commercial redevelopment to a mixed-use development with structured parking that is financially feasible at five stories along Grand Avenue, a roadway designated as an arterial street in the Transportation Plan. Policy LU-1 states, *“Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.”* The proposed zoning allows for a higher-density mixed-use development that supports existing transit on Grand Avenue and Dale Street. Policy LU-14 states, *“Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes.”* The existing site is currently underutilized, with a one-story commercial building and large surface parking lot covering half the site. The proposed T3 zoning allows for higher-density, mixed-use development, in an area that is well-served by transit and highly walkable and bikeable, that will use the land much more efficiently. Policy LU-6 states, *“Foster equitable and sustainable economic growth by facilitating business creation, attraction, retention and expansion.”* The proposed development will retain existing local businesses as well as facilitate business creation with the development of two new commercial spaces.
 5. The proposed T3 zoning is consistent with the Housing Chapter of the Comprehensive Plan. Policy H-46 states, *“Support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.”* The proposed zoning allows for the development of new housing in a

mixed-use area to allow more residents to live in the walkable, transit-accessible, urban neighborhood along the Grand Avenue corridor.

6. The proposed T3 zoning is consistent with the 2006 Summit Hill/District 16 Neighborhood Plan. Policy G1 Corridor Continuity states, *“Maintain Grand Avenue as a continuous neighborhood retail and residential corridor and contain commercial uses and accessory parking within existing boundaries.”* The proposed zoning allows for Grand Avenue to be maintained as a continuous retail and residential corridor with an active mixed-use commercial and residential building and contains the proposed development and parking within the existing boundaries of the site. The proposed development provides continuous street frontage at the corner of Grand and St. Albans. Policy G3 Design Standards states, *“Adopt TN2 design standards for East Grand in an overlay district. These design standards reinforce human-scale building characteristics, promote quality in architectural materials, reinforce a pedestrian-focused streetscape, promote underground parking for mixed use developments, and visually-screened surface parking for smaller, single-use developments, and promote signage that is consistent with building architecture and business function, and complements the eclectic nature of the avenue.”* The proposed T3 zoning maintains the T2 design standards, which also apply in the T3 district. Policy G7 Locally-Owned Businesses states, *“SHA recommends implementing mechanisms for supporting and retaining small, locally-owned businesses.”* The proposed zoning allows a local business owner to maintain as well as expand their business and facilitate local business creation with the development of two new commercial spaces for small businesses.
7. The proposed rezoning out of the EG East Grand Avenue Overlay District is not consistent with Policy G10 Scale and Height Limits of the 2006 Summit Hill/District 16 Neighborhood Plan, which states, *“Adopt limitations of the height and scale on new buildings on East Grand Avenue in an overlay district, as follows: 1. Limit new buildings to a footprint of 25,000 square feet or less. 2. Limit new building total size, above ground, to 75,000 square feet or less, including parking. 3. Limit building height to three (3) stories, or to thirty feet (30') for commercial projects and to thirty-six feet (36') for mixed commercial and residential projects, whichever is lower. No additional height will be allowed, even with setbacks.”* While the Summit Hill Association is currently in the process of updating the Summit Hill/District 16 Neighborhood Plan and considering potential changes to the EG East Grand Avenue Overlay District, the language in the 2006 Summit Hill/District 16 Neighborhood Plan is currently in effect.
8. The proposed T3 zoning is compatible with surrounding uses, which include retail, restaurants, service businesses, and medium-density residential uses that are permitted in the T3 district and is compatible with the transit corridor that runs along Grand Avenue. T3 zoning includes the same traditional neighborhood design standards that apply to the surrounding properties within the EG East Grand Avenue Overlay District.
9. 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.”* Uses permitted under the proposed T3 zoning are similar to the residential uses permitted in the adjacent RM2 medium-density multiple-family residential districts south, east, and west of the property; similar to the commercial uses permitted in the B2 community business and B3 general business districts on this block of Grand Avenue; and similar to the commercial and residential uses permitted in OS office-service and BC community business (converted) districts that are also along Grand Avenue within one block of the site. While the EG East Grand Avenue Overlay District provides traditional neighborhood district design standards

(that also apply in T3) and building height, size, and footprint limits, it does not establish a use classification. The proposed zoning to T3 without the EG East Grand Avenue Overlay would not establish a use classification inconsistent with the surrounding uses; it would be consistent with the surrounding land uses and zoning and would not be spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of St Albans LLC to rezone the property at 695 Grand Avenue, from B2 Community Business District to T3 Traditional Neighborhood District, be approved and that the application of St Albans LLC to rezone the property at 695 Grand Avenue out of the EG East Grand Overlay District be denied.