

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Selby – Milton – Redevelopment **FILE #:** 17-061-494
 2. **APPLICANT:** HRA of the City of Saint Paul **HEARING DATE:** August 17, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 934 - 940 Selby Ave, between Milton and Chatsworth
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.21.0243 and 02.28.23.21.0159; Lots 4, 5, and W 17 ft. of lot 3, Block 3, Smith and Taylor's Addition
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** T1
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** July 25, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** July 19, 2017 **60-DAY DEADLINE FOR ACTION:** September 17, 2017
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- A. **PURPOSE:** Rezone from T1 traditional neighborhood to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 97 ft of frontage on Selby Avenue x 106.16 = 10,297.52. Including half of the alley for density purposes the total lot area is 11,073.55
- C. **EXISTING LAND USE:** Vacant Land
- D. **SURROUNDING LAND USE:**
 - North: One- Family Residential (RM2)
 - East: Mixed-Use (B2)
 - South: One- and Two- Family Residential (RT1)
 - West: One- Family Residential (RM2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **PARKING:** Sec. 66.341 (a) applies to residential developments over 6 units in T1 and T2 zoning districts. *Sec. 66.341 (a) Amount of parking. For buildings with more than six (6) dwelling units the minimum amount of required off-street parking for residential uses specified in section 63.207. Parking requirements by use, may be reduced by twenty-five (25) percent. This provision does not apply to live-work units.* With a 25% reduction of the minimum parking requirement for residential uses in a T2 district and a 10% parking reduction for all of the uses for providing bike parking Zoning Code § 63.207 requires a minimum of 8 parking spaces for the proposed mixed use structure.
- G. **HISTORY/DISCUSSION:** In 1922 the subject parcels, along with all of the parcels on Selby Avenue were zoned "C" commercial. In 1975 when the modern zoning code was enacted, it appears as though 934 Selby was zoned B3, general business, and 940 Selby was zoned RM2. Sometime between 1989 and 2007, both of the subject parcels were rezoned to B2 community business. In 2007, Selby Area Community Development Corporation applied to rezone the subject parcels from B2 (community business district) to T1 traditional neighborhood (ZF- 07-013-828) in order to construct 8 townhouse units. The rezoning was approved by the City Council in April 2007; however, the proposed townhouse project was never completed. The subject parcels have been zoned T1 and have remained vacant since that time.

H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 has recommended approval of the rezoning from T1 to T2.

I. **FINDINGS:**

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 new mixed 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 floor 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 with the uses permitted in the RM2 multi-family residential zoning district and the B2 community business district.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from T1 traditional neighborhood to T2 traditional neighborhood.



PETITION TO AMEND THE ZONING CODE
 Department of Planning and Economic Development
 Zoning Section
 1400 City Hall Annex
 25 West Fourth Street
 Saint Paul, MN 55102-1634
 (651) 266-6589

Zoning Office Use Only
 File #: 17-061494
 Fee: 1200
 Tentative Hearing Date: 8-17-17

APPLICANT

Property Owner: Housing and Redevelopment Authority of the City of Saint Paul
 Address: 25 W. 4th Street
 City: Saint Paul St. MN Zip 55102 Daytime Phone 651-266-6611
 Contact Person (if different): Greg Finzell Phone 651-221-9884

PROPERTY LOCATION

Address/Location: 0 and 940 Selby Avenue
 Legal Description: see attachment
 Current Zoning: B2/RM2
 (attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes;
Housing and Redevelopment Authority of the City of Saint Paul, owner of land proposed for rezoning, hereby petitions you to
 rezone the above described property from a B2/RM2 zoning district to a T2 zoning
 district, for the purpose of: constructing a mixed-use building

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me

this 31st day

of July, 2017

Gaurn A. Eckert
 Notary Public

By: [Signature]
 Fee owner of property

Title: Executive Director



Rev. 11/21/13

Selby Milton Victoria

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1 (838 Selby)

Lots 5 thru 9 Block 9 Nininger & Donnelly's addition to Holcombe's addition to the City of St. Paul



Parcel 2 (940 Selby)

The west 17 fee of lot 3 and all of lots 4 and 5 Block 3 Smith and Taylor's addition to the City of St. Paul

Selby Milton Apartments (940 Selby):

Trash enclosure setback (3' required, 1' provided)

1. The variance is in harmony with the general purposes and intent of the zoning code.
The variance is in harmony with the general purposes and intent of the zoning code. The trash enclosure will be screened from adjacent properties, meeting the intent of the zoning code. As it is located in the rear yard the trash enclosure will not be adjacent to nearby residential structures.
2. The variance is consistent with the comprehensive plan.
This project is consistent with the comprehensive plan. The building will provide jobs in the first floor commercial space, help to preserve and promote the surrounding established neighborhood, and ensure the availability of affordable senior housing in the neighborhood. The project will also promote aesthetics and quality development standards.
3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.
The site size limits the setback that can be provided while meeting parking requirements and setback requirements on the other side of the site.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
The site size limits the setback that can be provided while meeting parking requirements and setback requirements on the other side of the site.
5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
The variance will not permit any use that is not allowed in the zoning district where the affected land is located
6. The variance will not alter the essential character of the surrounding area.
The variance will not alter the essential character of the surrounding area. The trash enclosure will be screened from adjacent properties .

Variance for using the alley for maneuvering (zoning allows 7 spaces to use alley for maneuvering, we are proposing 8 spaces)

1. The variance is in harmony with the general purposes and intent of the zoning code.
The variance is in harmony with the general purposes and intent of the zoning code. The difference between proposed and allowed parking spaces is only one space.
2. The variance is consistent with the comprehensive plan.
This project is consistent with the comprehensive plan. The building will provide jobs in the first floor commercial space, help to preserve and promote the surrounding established neighborhood, and ensure the availability of affordable senior housing in the neighborhood. The project will also promote aesthetics and quality development standards. Utilizing the alley for maneuvering allows the project to reduce impervious paving area and provide additional landscaping for the enjoyment of both residents and neighbors, and reduce storm water runoff.
3. The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.

The site size, existing grades/slopes and dead end alley all create practical difficulties that contribute to the need to use the alley for maneuvering. There is not enough space to create a drive aisle separate from the alley.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The site size, existing grades/slopes and dead end alley all create practical difficulties that contribute to the need to use the alley for maneuvering. There is not enough space to create a drive aisle separate from the alley.

5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located

6. The variance will not alter the essential character of the surrounding area.

The variance will not alter the essential character of the surrounding area. In fact, it will enhance it. Utilizing the alley for maneuvering allows the project to reduce impervious paving area and provide additional landscaping for the enjoyment of both residents and neighbors, and reduce storm water runoff

Lots 4 and 5, and the West 17 feet of Lot 3, Block 3, SMITH & TAYLOR'S ADDITION TO THE CITY OF ST. PAUL, according to the recorded plat thereof, Ramsey County, Minnesota.

The plat of SMITH & TAYLOR'S ADDITION TO THE CITY OF ST. PAUL, was filed of record on June 19, 1896.

This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

1.) Top of top nut of fire hydrant at the northeast quadrant of Selby Avenue and Milton Street.
Elevation = 219.42 feet

- 2.) Top of big spike in the north face of power pole 10 feet south +/- of 60" cottonwood tree.
Elevation = 222.49 feet

NOTE: Elevations shown are based on City of St. Paul datum.
Add 694.10 feet to convert to mean sea level datum.

○ Denotes iron monument set marked with D. C. No. 4800

- [illegible]

Dated this 5th day of March, 2017

By: Leonard F. Carlson
Leonard F. Carlson, P.L.S. Mon. 10 No 44890

By Revision

**BOUNDARY, LOCATION, TOPOGRAPHY
and UTILITY SURVEY EOP:**

SELBY AVENUE, SAINT PAUL, MN

**BLVD
LAND SURVEYING**

15/06/2010-114-0 05/06/2010
Township: 20 Range: 23 Section: 02

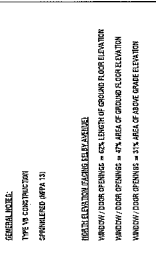
AREA Gross =

Gross = 10.30! square feet or 0.238 acres

1.) Survey coordinate basis: Ramsey County Coordinate System

1.3 Utility Information

1. **UTILITY INFORMATION:** from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown here. However, lacking evidence, the location of the underground utilities was estimated. The location of the underground utilities was estimated on incomplete responses. When additional or more detailed information is required, excavation and/or a private utility locator may be necessary.
2. **OTHER UNDERGROUND UTILITIES** which may be an unknown may exist. Verify all utilities critical to the structure and design.
3. **STRUCTURAL ANALYSIS:** loadings are shown as metric loads by those utility companies that have been requested to supply the loadings. The loadings are shown in metric loads (kN/m²).
4. **LOCATION COORDINATES:** THE CALL NO. 44-64-0002 (290-252-1186) for precise details location of utilities are shown.





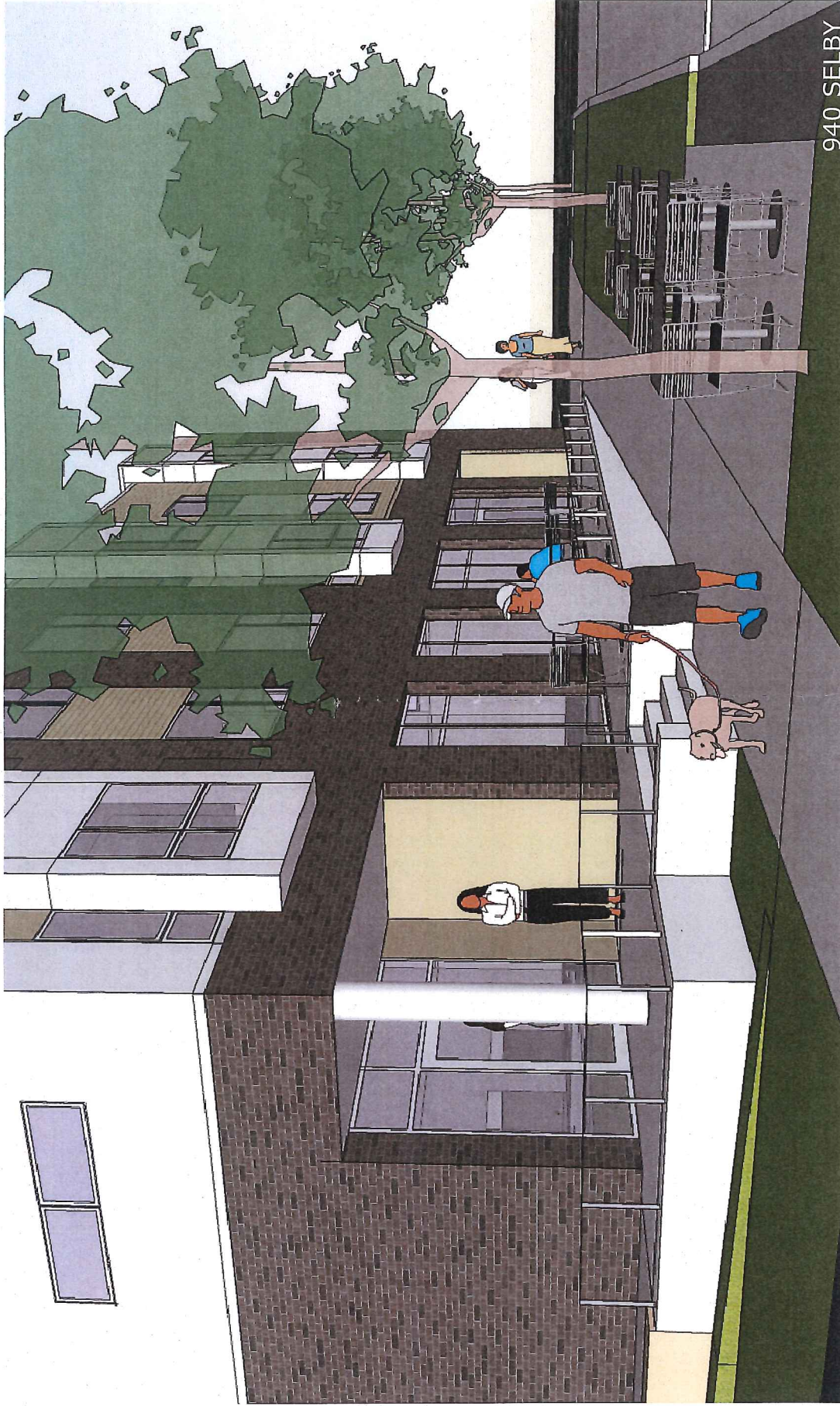
NORTHEAST VIEW - 940 SELBY

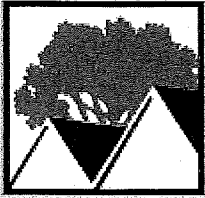


940 SELBY - AERIAL



NORTH ELEVATION - 940 SELBY





**SUMMIT-UNIVERSITY
PLANNING COUNCIL**

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2016/2017**

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Vice Chair
Angela Burns

Secretary
Megan Jaunich

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Ramsey Hill Association

Mary Morris

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Ibrahim Kamia

Marvin Scroggins

Elizabeth Wagoner

Katrina Mosser

Pam Biladeau

August 1, 2017
Revised August 10, 2017 for clarity

Anthony Johnson
City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102

Dear Mr. Johnson,

The Summit-University Planning Council has voted in favor of supporting the Rondo Community Land Trust's variances for both the Selby/ Milton site and the Selby/Victoria site:

Selby/ Milton
1. 1ft rear setback
2. 1 extra parking space

Selby/Victoria
1. 2ft front setback
2. 1 less parking space

SUPC has also voted in favor of supporting the rezoning of the Selby/Milton property from T1/T2.

We also appreciated their ongoing dedication to community input, and their consideration of our planning timeline.

Please let me know if you have any further questions,

Jens Werner
Executive Director
Summit-University Planning Council
627 Selby Ave Suite A
Saint Paul, MN 55104

Johnson, Tony (CI-StPaul)

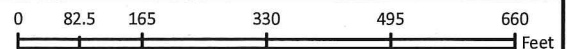
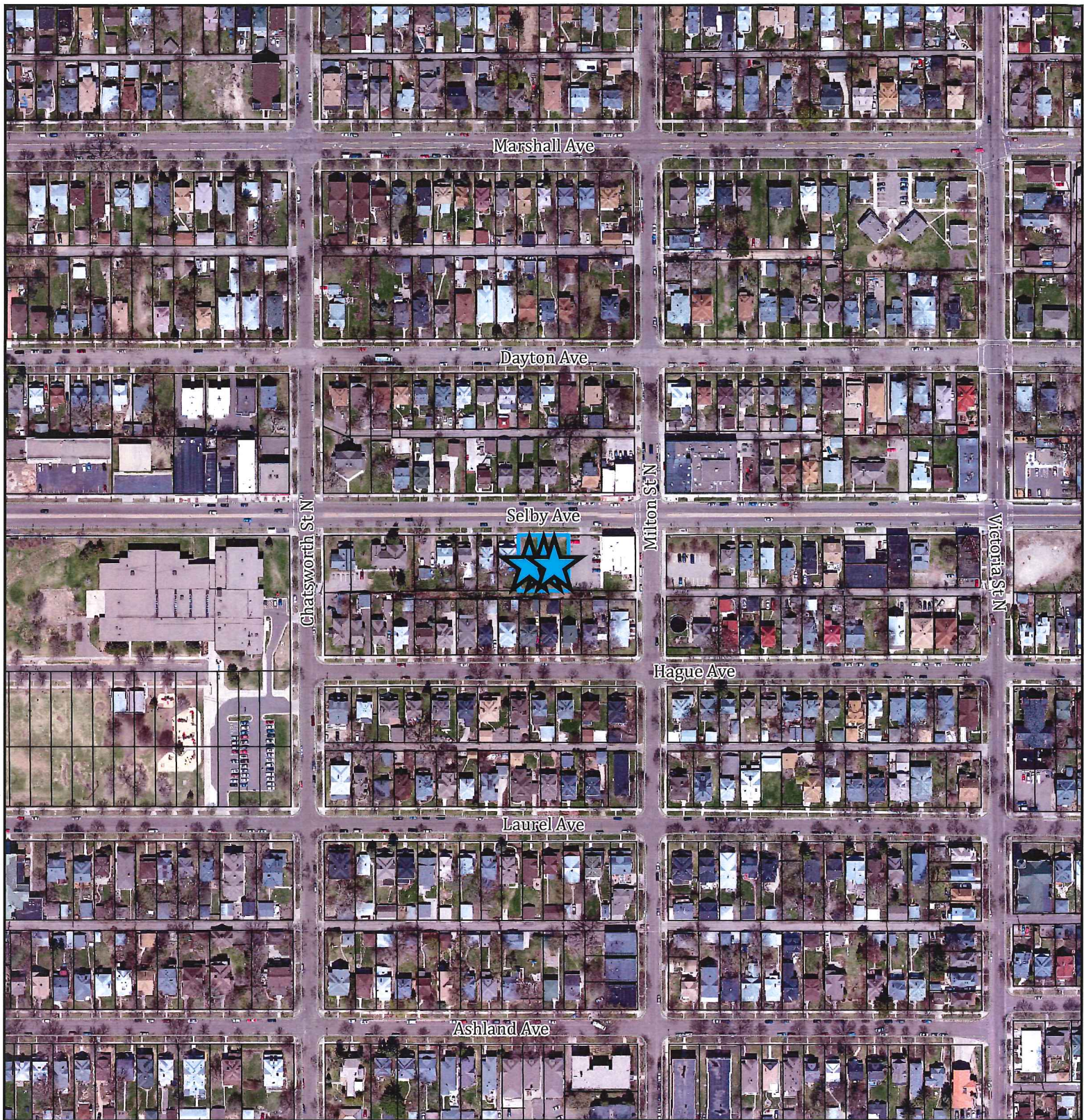
From: Gabrielle Pillmann <gaelpi@yahoo.com>
Sent: Wednesday, August 09, 2017 6:49 PM
To: Johnson, Tony (CI-StPaul)
Subject: 17-061-506 and 17-061-494

Dear Zoning Committee,

I have received an invite but can't make it to the public hearing meeting on 8/17/17, so I wanted to share my comments with you in any case.

As a neighbor of the property, and a Rondo Community Land Trust board member I completely support the building project as proposed by RCLT. I vote for the 1' trash enclosure set back, and for the 8 parking spaces.

Thank you,
Gabriele Pillmann
964 Dayton Ave
St. Paul, MN 55104



FILE NAME: Selby Milton Victoria

Aerial

APPLICATION TYPE: PC-Variance

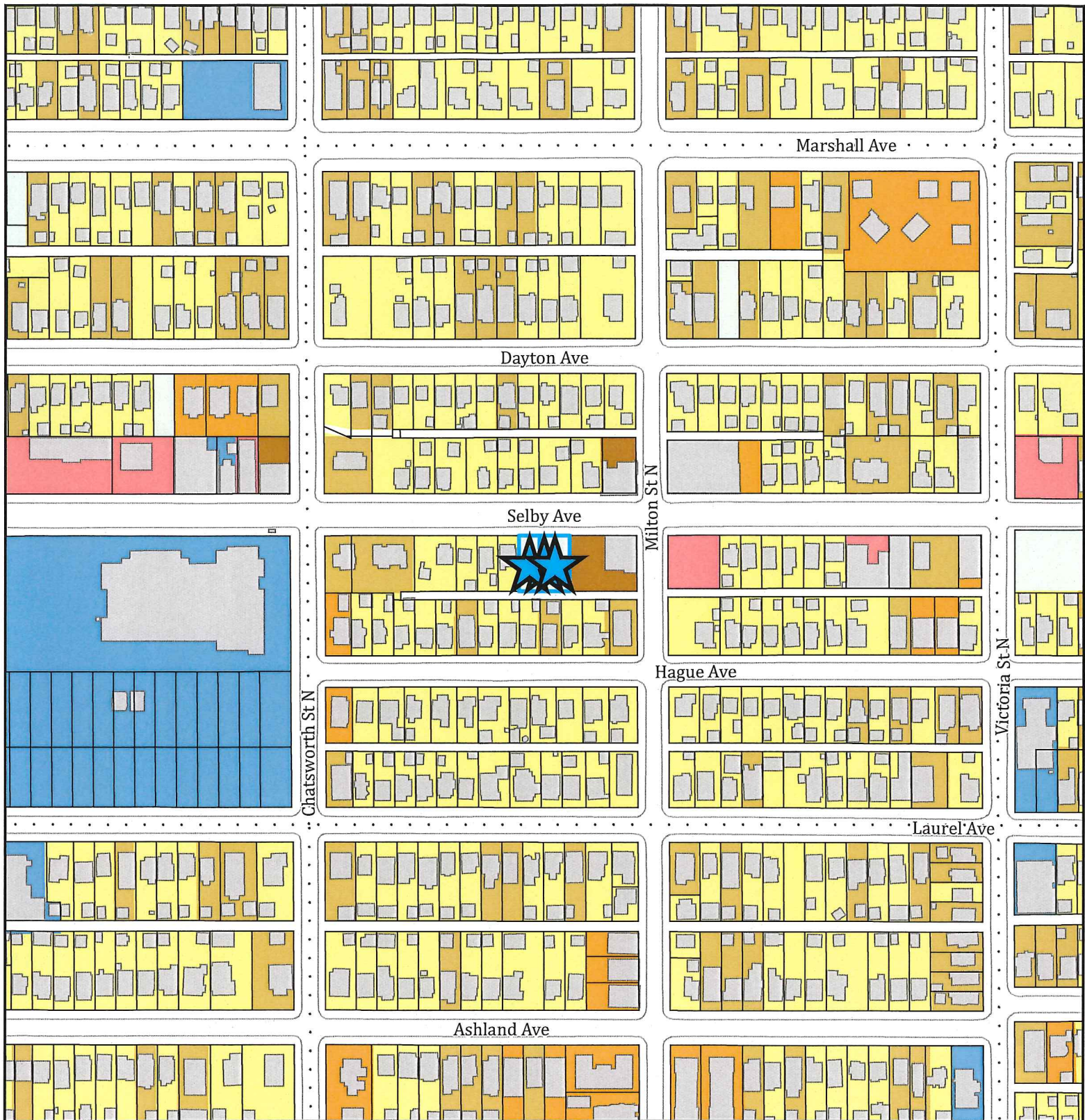
 Subject Parcels

FILE #: 17-064506 DATE: 7/19/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15





FILE NAME: Selby Milton Victoria

APPLICATION TYPE: PC-Variance

FILE #: 17-064506

DATE: 7/19/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15

Land Use

Single Family Detached

Single Family Attached

Multifamily

Retail and Other Commercial

Mixed Use Residential

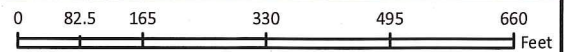
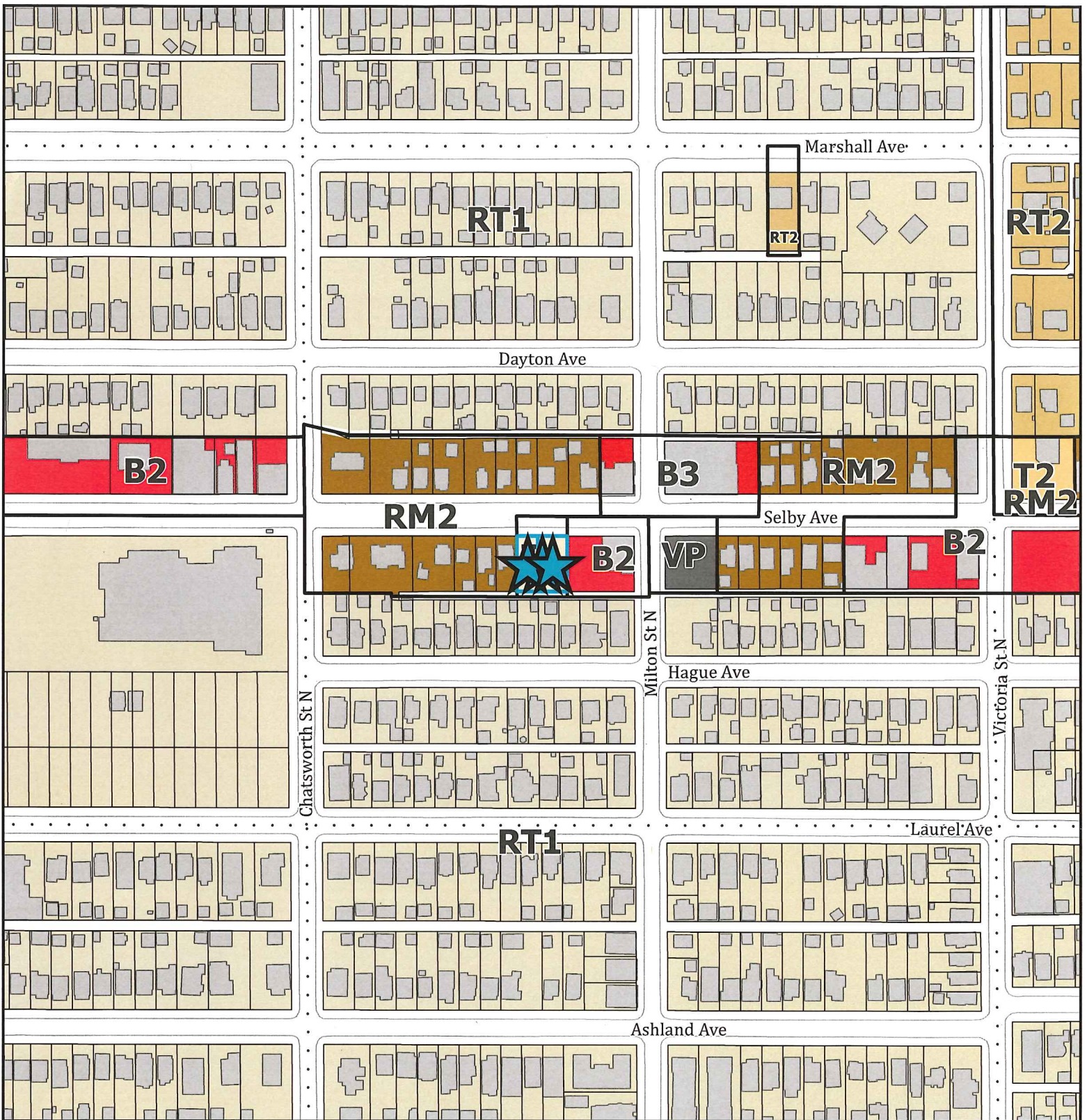
Institutional

Undeveloped

Subject Parcels

Section Lines





FILE NAME: Selby Milton Victoria

APPLICATION TYPE: Rezone

FILE #: 17-061494 DATE: 7/19/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15

Zoning

Subject Parcels

• • Section Lines

RT1 Two-Family

RT2 Townhouse

RM2 Multiple-Family

T1 Traditional Neighborhood

T2 Traditional Neighborhood

B2 Community Business

B3 General Business

VP Vehicular Parking

