

city of saint paul
planning commission resolution
file number 22-30
date July 8, 2022

WHEREAS, House 11 LLC, James Faillettaz, File # 22-058-214, has applied to rezone from RT1 two-family residential to RM1 multiple-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 918 5th Sreet E, Parcel Identification Number (PIN) 33.29.22.23.0005, legally described as Lot 6, Block 95, Daily & Berrisford's Subdivision of Block 95 of Lyman Dayton's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 30, 2022, 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 requests rezoning from RT1 two-family residential district to RM1 multiple-family residential district.
2. The proposed zoning is not consistent with the way this area has developed. Nearby interior lots of this size (5,000 s.f., 40 feet wide) have been developed as single-family or duplex residential. Only corner lots and larger lots in this area have been developed as residential uses with more than two units.
3. The proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding residential land uses. Even the existing duplex, however, is legally nonconforming in the surrounding RT1 two-family residential zoning district because of the small lot size.
4. 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.*" 918 E 5th Street is in the middle of a block in the middle of a large RT1 two-family residential zoning district. There is no other similar nearby small mid-block lot with multiple-family residential land use. Rezoning the small lot at 918 E 5th Street to RM1 multiple-family residential would establish a use classification inconsistent with the surrounding uses, create an island of nonconforming use within a larger zoned property, and constitute spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of House 11 LLC, James Faillettaz, for rezoning from RT1 two-family residential to RM1 multiple-family residential. for property at 918 5th St E be denied.

moved by Syed
seconded by _____
in favor Unanimous
against _____