city of saint paul planning commission resolution file number 23-06 date February 17, 2023

WHEREAS, William Janieke, File # 23-004-582, has applied to rezone from RT1 two-family residential to RT2 townhouse residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 869 Arkwright Street, Parcel Identification Number (PIN) 29.29.22.32.0142, legally described as Lots 13-14, Block 8, Edmund Rice's Fouth Addition; and WHEREAS, the Zoning Committee of the Planning Commission, on February 9, 2023, 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 to RT2 townhouse residential.
- The proposed zoning is consistent with the way this area has developed. The RT2 zoning would be consistent with the adjacent mix of uses and densities, especially on a larger corner lot.
- 3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan's 2040 land use designation for the site is Urban Neighborhood, which calls for medium-density housing such as permitted in the RT2 district. Intensification of this site within ½ mile of a planned Purple Line bus rapid transit station is supported by 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"
- 4. The proposed zoning is compatible with the surrounding mix of office, multifamily, and other residential uses.
- 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 RT2 zoning does not represent spot zoning. Rather, it is compatible and consistent with surrounding multifamily, office, and single-family residential uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of William Janieke for rezoning from RT1 two-family residential to RT2 townhouse residential for property at 869 Arkwright Street be approved.

moved by_	<u>Syed</u>
seconded by	
in favor 13	with 1 Abstention (Ortega)
against	