

city of saint paul  
planning commission resolution  
file number 15-13  
date March 13, 2015

WHEREAS, Mississippi Market East 7<sup>th</sup> St. LLC , File # 15-007-957, has applied for a rezoning of a 1,526 sq. ft. (approx. 39' X 39') area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-Family Residential to match the parcel to which it will be attached, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on a portion of the property located at 740 7th St E, Parcel Identification Number (PIN) 32.29.22.14.0255, legally described as That part of Lot 9, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as the beginning at the most easterly corner of Lot 10 of said AUDITOR'S SUBDIVISION NO. 72, thence northeasterly to the most southerly corner of Lot 7 of said AUDITOR'S SUBDIVISION NO. 72 and said line there terminating; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 5, 2015, 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 rezoning from T2 Traditional Neighborhood to RT1 Two Family Residential to match the zoning of 401 Maple Street to which the rezoned area will be attached.
2. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Maple Street are zoned RT1.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along 6<sup>th</sup> St. as an Established Neighborhood. Land Use Strategy 1.5 calls for the City to maintain the character of Established Neighborhoods.
4. The proposed RT1 zoning is compatible with the surrounding residential and institutional 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 RT1 zoning is not "spot zoning" because the RT1 uses are consistent with the surrounding residential and commercial zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Mississippi Market East 7<sup>th</sup> St. LLC for rezoning a 1,526 sq. ft. (approx. 39' X 39') area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-Family Residential to match the parcel to which it will be attached for property at 740 7<sup>th</sup> Street E be approved.

moved by Padilla

seconded by \_\_\_\_\_

in favor Unanimous

against \_\_\_\_\_