

city of saint paul
planning commission resolution
file number 15-02
date January 16, 2015

WHEREAS, Frank and Mary O’Gorman , File # 14-345-787, have applied for a rezone from IT Transitional Industrial to B3 General Business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 550 Como Ave, Parcel Identification Number (PIN) 25.29.23.32.0144, legally described as Foundry Addition Lots 6,7 & Lot 8 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 23, 2014, 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 owner of the property is seeking to rezone the property from the current IT (transitional industrial) designation to a B3 (general business) designation. The proposed zoning will allow for the property owner to continue his machinery component repair business he runs out of the rear portion of the principal structure as a conforming use, and to rent the front portion of the building and the parking lot to Fleetwood Motors, a used auto sales company. Outdoor auto sales is not allowed in the IT district and is a conditional use in the B3 district.
2. The proposed zoning is consistent with the way this area has developed. The property is located at the edge of an industrial corridor stretching away to the southeast along Como Avenue and the Burlington Northern Santa Fe rail line. In general, the area is characterized by a mix of residential, commercial, and industrial uses. According to Sec. 66.415 of the zoning code, the intent of the proposed B3 zoning is to *provide sites for more diversified types of businesses than those in the B1 and B2 business districts, and is intended for use along major traffic arteries or adjacent to community business districts*. The use of the proposed zoning for the subject site is consistent with this intent.
3. The proposed zoning is consistent with the Comprehensive Plan. The Future Land Use map of the comprehensive plan identifies the stretch of Como Avenue on which the property is located as a Mixed-Use Corridor. Policy LU1.46 is to *encourage the expansion of compact commercial areas in... Mixed-Use Corridors*. Policy LU1.48 is to *support compatible mixed-use within single buildings*. The proposed rezoning will allow both the existing business and a new business to operate from the subject property, consistent with both of these policies.

moved by Nelson
seconded by _____
in favor Unanimous
against _____

In 2012, the North End-South Como District 6 Plan identified a number of zoning changes in the general area. The general intent of the recommended zoning changes and accompanying policies in the plan was to reduce the potential for conflict between adjoining land uses over time by bringing zoning into congruence with property uses where appropriate and identifying existing residential properties to be redeveloped as industrial uses as they become available. The proposed rezoning is consistent with the general intent of the plan.

4. The proposed zoning is compatible with existing uses of surrounding properties, including residential and industrial uses. The more intense commercial uses allowed under B3 zoning are generally consistent with industrial uses. The proposed rezoning from IT to B3 would make the allowed uses on the property more restrictive, per Sec. 60.307, generally increasing compatibility with 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 zoning of the property would neither create an island of nonconforming use nor establish a use classification inconsistent with surrounding uses; the proposed rezoning does not constitute "spot zoning".

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Frank and Mary O'Gorman to rezone from IT Transitional Industrial to B3 General Business for property at 550 Como Ave be approved.