

city of saint paul  
planning commission resolution

file number 14-51

date August 22, 2014

WHEREAS, Gregory and Michelle Sutton and James Morelli, File # 14-306-660, have applied for a rezoning from the RT1 Residential and B3 General Business districts to the T2 Traditional Neighborhood district under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 637 Bedford Street and 535 Tedesco Street, Parcel Identification Number (PIN) 322922210129, legally described as Irvines Addition of outlots beg 110 ft N of SE Cor of Lot 6 th W 82 5/10 ft th N 5 5/10 ft th W 42 5/10 ft th N 34 50/100 ft th E 125 ft th S 40 ft to beg being part of Lot 6 and PIN 322922210130, legally described as Irvines Addition of outlots S 110 ft of E 50 50/100 ft of Lot 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 14, 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 application requests rezoning from RT1 Residential and B3 General Business to T2 Traditional Neighborhood.
2. 637 Bedford contains a residential house. 535 Tedesco contains Morelli's liquor store/market business.
3. The subject properties are located at the northwest corner of Tedesco Street and Payne Avenue. Both streets are classified as A-minor arterials.
4. The proposed zoning is consistent with the way this area has developed. The properties along Payne Avenue from Tedesco to the north are mostly commercially zoned and of varying lot depths. Rezoning of both properties to T2 is consistent with the established land use pattern.
5. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of an Established Neighborhood. Land Use Strategy 1.7 calls for neighborhood-serving businesses in Established Neighborhoods that are compatible with the surrounding neighborhoods and that are located at the intersection of arterial streets where commercial uses currently exist. The rezoning to T2 represents both a change from the less restrictive B3 zoning at 535 Tedesco and an expansion of the existing commercial node to include 637 Bedford, as allowed for by the Comprehensive Plan. The District 5 Plan contains no provisions specific to the application.

moved by Padilla

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

in favor Unanimous

against \_\_\_\_\_

6. The proposed T2 zoning allows a range of neighborhood-scale residential and non-residential uses that are compatible with the surrounding residential and commercial uses.
7. 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 T2 zoning is not “spot zoning” because the T2 uses are consistent with the surrounding residential and commercial zoning designations and uses.
8. The petition for rezoning was found to be sufficient on July 7, 2014: 14 parcels eligible; 10 parcels required; 12 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Gregory and Michelle Sutton and James Morelli for a rezoning from the RT1 Residential and B3 General Business districts to the T2 Traditional Neighborhood district for property at 637 Bedford Street and 535 Tedesco Street be approved.