

city of saint paul  
planning commission resolution  
file number 11-89  
date November 18, 2011

WHEREAS, Interworld Development LLC, File # 11-292-421, has applied for a Rezoning from B2 Community Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1773 Selby Ave, Parcel Identification Number (PIN) 042823120221, legally described as Skidmore Cassedyspark Addi Subj To Ave The Fol, Parts Desc As Beg At A Pt On The S Lot Line Of Lot 25 Dist 59 Ft E Of The Sw Cor Of Lot 24 Thence N Par With The E Lot Line Of Lot 25 A Dist Of 66 Ft Thence W Par With The S Lot Lines Of Lots 24 And 25 To T; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 10, 2011, 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 is seeking to rezone the property from B2 to T2 in order to establish the property as a single-family residence for personal use. The applicant is also seeking a variance (ZF# 11-292560) to allow a parking space to be within the front yard.
2. The proposed zoning is consistent with the way this area has developed. This block on Selby Avenue has developed and existed as a mixed-use commercial street. Mixed use commercial nodes have existed on Fairview and Wheeler and residential uses have been present mid-block.
3. The proposed zoning is consistent with the Comprehensive Plan. The zoning is consistent with the following policies from the Comprehensive Plan, Merriam Park Community Plan, and Selby-Snelling Plan:
  - Comprehensive Plan:
    - The property is located along a Mixed Use Corridor as identified on Figure LU-B: Generalized 2030 Future Land Uses.
    - Housing Chapter Policy 1.1 Increase housing choices across the city to support economically diverse neighborhoods.

moved by Kramer  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

- Merriam Park Community Plan:
  - Merriam Park should maintain its neighborhoods as predominately residential. The community enjoys the environment of walkable neighborhoods with light commercial uses that exist throughout most of the community.
  - Major new development should be mixed-use and located along transit routes.
  - The character of the neighborhood as primarily one of owner-occupied single-family homes to be maintained while supporting opportunities for newly constructed rental housing.
  - New development should emphasize mixed uses. New mixed-use development is encouraged in Iris Park and at the intersections of Cleveland and Marshall, Fairview and Selby, and Snelling and Selby.
- Selby-Snelling Plan:
  - Maintain the character of the Selby-Snelling area as a thriving neighborhood commercial center and a stable residential community for owners and renters of all income levels. Improve, with appropriate buffering techniques, the transitions between different uses. Integrate existing low and moderate density property uses within the neighborhood.
  - Maintain and improve the housing stock.
  - Maintain the mix of residential and commercial zoning and land use along Selby and Snelling avenues.

4. The proposed zoning is compatible with existing and proposed use of the site which is currently zoned B2 and has most recently hosted an office use. The proposed rezoning is also compatible with adjacent office, mixed use (retail/residential), and residential uses. The proposed use is to be a single family home and will abut three residential properties. It is a reasonable use of the property that is not permitted by the current B2 zoning.

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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.”* The proposed zoning district is consistent with the surrounding uses. The T2 zoning provides a transition from the B2 zoning along Selby and the RT1 to the north and RM2 to the west by allowing both residential and commercial uses. The proposed use and other uses allowed by T2 zoning are consistent with existing surrounding uses, and the rezoning will not reduce the value of abutting properties.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application for a Rezoning from B2 Community Business to T2 Traditional Neighborhood for property at 1773 Selby Ave be approved.