

city of saint paul
planning commission resolution
file number 12-62
date September 21, 2012

WHEREAS, Amherst H. Wilder Foundation , File # 12-098-579, has applied for a rezoning from RT1 Two-family Residential and RM2 Multiple-family Residential to T1 Traditional Neighborhood at 941 Lafond Avenue between Victoria and Chatsworth under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 941 Lafond Ave, Parcel Identification Number (PIN) 352923210180, legally described as House Of The Good Shepherds Of St. Paul The N 1/2 Of Vacated Blair Ave Adj To The W 1/2 Of Ne 1/4 Of Ne 1/4 Of Nw 1/4 & E 1/2 Of Nw 1/4 Of Ne 1/4 Of Nw 1/4 Lying N Of Sec 35 Tn 29 Rn 23 And In Sd House Of Good Shepards Vac Blair Ave Milton St And Ally Ac; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 13, 2012, 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, the Wilder Foundation wishes to establish the “Center for Social Healing and Wellness” described as an “intentional, therapeutic community designed to respond to the many barriers and unmet cultural and service needs of Southeast Asian communities.” It will house what Wilder calls “social adjustment services” such as life skills training, acupuncture and support services. These uses are considered office uses by the Department of Safety and Inspections and are not permitted in the current zoning districts. The applicant has applied to rezone the property from RM2 and RT1 to T1.
2. The proposed zoning is consistent with the way this area has developed. The area has developed as one- and two-family homes with institutional uses and multi-family residential dwellings interspersed. T1 provides a buffer in a neighborhood from strictly residential uses to more intense commercial and office uses and permits both the proposed office uses and the existing residential institutional uses.
3. The proposed zoning is consistent with the Comprehensive Plan. Comprehensive Plan Land Use Strategy 1.54 calls out the Wilder Foundation site as an opportunity site. Rezoning this site to T1 would permit the Wilder Foundation to provide more services to its clients and provide jobs for area residents and provides for a mix of uses on the parcel, incorporating an employment center, as stated in Land Use Policy 2.7.
4. The proposed zoning is compatible with the surrounding residential uses. T1 zoning provides for residential and commercial/office uses to exist in the same building on a parcel or on a parcel in separate buildings. The intent of the T1 district is to provide for compact,

moved by Nelson
seconded by _____
in favor Unanimous
against _____

pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs. It is also intended to serve as a transitional use of land along major thoroughfares, between commercial or industrial districts and residential districts or other, less intensive land uses. In this case, the T1 zoning provides a buffer between primarily residential uses and more intense office uses and allows for a variety of residential, office and service 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 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.”* This is not a case of “spot zoning.” The use classification is consistent with the surrounding uses, being mixed use, and does not create an island of nonconforming use within a larger zoned district. In fact, the use will become conforming with this zoning change. This zoning change will not reduce the value for uses specified in the zoning ordinance of the rezoned plot or abutting property.
6. The petition for rezoning was found to be sufficient on August 28, 2012: 215 parcels eligible; 144 parcels required; 164 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Amherst H. Wilder Foundation for a rezoning from RT1 Two-family Residential and RM2 Multiple-family Residential to T1 Traditional Neighborhood at 941 Lafond Avenue between Victoria and Chatsworth for property at 941 Lafond Ave, PIN 352923210180, be approved.