

city of saint paul
planning commission resolution
file number 21-01
date January 8, 2021

WHEREAS, NBH Holdings LLC, File # 20-097-736, has applied to rezone from R4 one-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1350 Arcade Street and 835 Clear Avenue, Parcel Identification Numbers (PINs) 212922320141-0142, legally described as Lots 17 & 18, Block 6, Lane's Phalen Grove Addition and

WHEREAS, the Zoning Committee of the Planning Commission, on December 31, 2020, 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 of 1350 Arcade St. and 835 Clear Ave. from R4 one-family residential to T2 traditional neighborhood.
2. The proposed zoning is consistent with the way this area has developed. The Arcade St. corridor has a mix of uses, such as those allowed in T2.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the Arcade St. corridor for mixed use. Since the existing accessory parking lot on Clear Ave. is associated with the business at 1350 Arcade St., it is consistent with this designation as well.
4. The proposed zoning is compatible with the surrounding mix of uses along Arcade St. and adjacent residential uses to the east.
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 rezoning to T2 does not constitute spot zoning. The use classification is consistent with the surrounding uses and does not create an island of nonconforming use.
6. The petition for rezoning was found to be sufficient: 17 parcels eligible; 12 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 NBH Holdings LLC for rezoning from R4 one-family residential to T2 traditional neighborhood for property at 1350 Arcade Street and 835 Clear Avenue be approved.

moved by Baker
seconded by _____
in favor Unanimous
against _____