

city of saint paul  
planning commission resolution

file number 15-20

date April 10, 2015

WHEREAS, Housing and Redevelopment Authority of the City of Saint Paul, File # 15-017-145, has applied for a rezoning of the southeasterly 13 feet of the southwesterly 71 foot of Lot 15 Auditors Subdivision No. 72 area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-family Residential to match the parcel to which it will be attached, under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 720 7th St E, Parcel Identification Number (PIN) 32.29.22.13.0031, legally described as proposed: LOTS 1 - 5, AUDITOR'S SUB. NO. 19, EXCEPT THE NORTHWESTERLY 14.00 FEET THEREOF; AND LOTS 12 - 15, AUDITOR'S SUB, NO. 72, AND PART OF LOTS 10 AND 11, SAID AUDITOR'S SUB. NO. 72 LYING SOUTHWESTERLY OF A LINE DESCRIBED AS COMMENCING AT THE MOST NOR; and WHEREAS, the Zoning Committee of the Planning Commission, on April 2, 2015, 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 requests rezoning from T2 Traditional Neighborhood to RT1 Two Family Residential to match the zoning of 400 Bates Avenue to which the rezoned area will be attached.
2. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Bates Avenue are zoned RT1
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along 6<sup>th</sup> St. as an Established Neighborhood. Land Use Strategy 1.5 calls for the City to maintain the character of Established Neighborhoods.
4. The proposed zoning is compatible with the surrounding residential and institutional 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 RT1 zoning is not "spot zoning" because the RT1 uses are consistent with the adjacent and surrounding residential and institutional zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Housing and Redevelopment Authority of the City of Saint Paul for rezoning the southeasterly 13 feet of the southwesterly 71 foot of Lot 15 Auditors Subdivision No. 72 area being split off from the parcel from T2 Traditional Neighborhood to RT1 Two-family Residential to match the parcel to which it will be attached for property at 720 7th St E be approved.

moved by Padilla

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

in favor Unanimous

against \_\_\_\_\_