

city of saint paul
planning commission resolution
file number 17-34
date June 16, 2017

WHEREAS, 495 Kenny Road LLC, in File # 17-042-099, has applied for a rezoning from I1 light industrial to IT transitional industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 495 Kenny Road, Parcel Identification Number (PIN) 322922240066, legally described as Brunsons Add Part B1all B2 12 Part Of Lot 9 Lying Wly Of A Line Run From Point On S Line Of & 0.13 Ft E From Sw Cor Of Sd Lot To The Nw Cor Of Sd Lot. Also Vac Parts Of Petit, Brunson & Partridge Sts Adj As Desc In Docs 1472578 & 1472579 & Lots 7 & Lot 8; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 8, 2017, 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 495 Kenny Road from I1 light industrial to IT transitional industrial, which Zoning Code §66.511 states is intended to provide sites for commercial, office and light industrial uses that are compatible with nearby residential uses. The rezoning is necessary to allow first-floor residential uses, which per §65.143(b) are not permitted in the I1 district.
2. The proposed zoning is consistent with the way this area has developed. The remainder of this block, east to Payne Avenue, contains residential and business uses rather than industrial.
3. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as being within a Mixed Use Corridor.
4. The proposed zoning is compatible with the surrounding mix of residential and business 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 rezoning to IT does not constitute spot zoning because the uses permitted in IT are not inconsistent with the surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 495 Kenny Road LLC for a rezoning from I1 light industrial to IT transitional industrial for property at 495 Kenny Road be approved.

moved by Makarios
seconded by _____
in favor Unanimous
against _____

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