

city of saint paul  
planning commission resolution  
file number 13-10  
date March 8, 2013

WHEREAS, The Housing and Redevelopment Authority of the City of Saint Paul, File # 13-152-470, has applied for a rezoning from B1 Local Business to T1 Traditional Neighborhood and RT1 Two-Family Residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 719 Burr St, Parcel Identification Number (PIN) 322922210062, legally described as Sub Of And Add To Irvines Add Ex W 48 Ft Lot 1 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 28, 2013, 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 Housing and Redevelopment Authority of the City of Saint Paul (HRA) is adjusting the common boundary between 719 Burr and the house to the west at 476 E. Minnehaha (on a 56 ft. x 48 ft. lot = 2688 sq. ft.) in order to make 476 E. Minnehaha saleable while maintaining a buildable lot at 719 Burr. The common boundary will move 12 feet east, making the lot at 476 E. Minnehaha 56 ft. x 60 ft. = 3360 sq. ft., closer to the 5000 sq. ft. minimum lot size requirement for a one-family house in the RT1 Residential district (its current zoning) but still legally nonconforming. The remaining lot at 719 Burr will be 56 feet x 71 ft. = 3976 sq. ft., a conforming lot large enough for a one-family dwelling in the T1 Traditional Neighborhood district.

The HRA is requesting that the east 71 feet at 719 Burr Street be rezoned from B1 Local Business to T1 Traditional Neighborhood, and that the west 12 feet that will be part of the parcel at 476 E. Minnehaha be rezoned to RT1 Two-Family Residential to match the existing zoning of the parcel.

2. The proposed zoning is consistent with the way this intersection of two collector/local bus route streets has developed, with a mix of single-family, duplex, and multifamily residential, a church, and (formerly) small neighborhood commercial land use. According to Sec. 66.213 Intent, RT1 two-family residential district, "The RT1 two-family residential district provides for an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses and public services and utilities that serve the residents in the district." According to Sec. 66.311 the intent of T districts is "to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing."

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

3. The proposed zoning is consistent with the Comprehensive Plan. The proposed zoning is consistent with Comprehensive Plan (2010) Land Use Policy 1.1 *Guide the development of housing in Established neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors*. This area is a residential corridor within an established neighborhood and the rezoning will allow for additional housing units to be created. The Railroad Island Updated Area Plan Summary (2007) seeks to encourage new housing in the community and encourage new single-family housing to be built.
4. The proposed zoning is compatible with the surrounding uses. T1 and RT1 both accommodate one- and two-family homes. The subject properties are surrounded by residential and institutional uses. T1 provides design and dimensional standards appropriate for this small lot and this location.
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.*” This is not an occurrence of spot zoning as the T1 district provides for land use with design and dimensional standards appropriate for this intersection of two collector/local bus route streets, at a location designated as a residential corridor, and the area being rezoned to RT1 is consistent with the existing RT1 zoning of the parcel it will be part of.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Housing and Redevelopment Authority of the City of Saint Paul for rezoning the east 71 feet at 719 Burr Street from B1 Local Business to T1 Traditional Neighborhood, and rezoning the west 12 feet that will be part of the parcel at 476 E. Minnehaha from B1 to RT1 Two-Family Residential to match the existing zoning of the parcel be approved.