

city of saint paul
planning commission resolution

file number 18-60

date August 10, 2018

WHEREAS, St. Paul HRA, File # 18-079-298, has applied to rezone from RT2 townhouse to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 623 and 629 Whittall Street, Parcel Identification Numbers (PINs) 29.29.22.42.0212, and 29.29.22.42.0211 legally described as Stinsons Sub Of B36 Arlington Lot 28 Blk 36; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 2, 2018, 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 the two parcels at 623 and 629 Whittall St. from RT2 Residential Townhouse District to T2 Traditional Neighborhood District.
2. The proposed zoning is consistent with the way this area has developed. T2 zoning exists adjacent to the north, south and east of the parcels, as well as on the western portion of the block along Edgerton St. The proposed zoning would bring all the HRA owned parcels (623-629 Whittall St. and 845-851 Payne Ave.) under the same zoning, which would allow for the parcels to be combined and prepared for resale for private development. The proposed zoning is consistent with the existing pattern of development.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates Payne Avenue as a Mixed Use Corridor and the surrounding neighborhood as Established Neighborhoods. The proposed zoning allows for a .45 acre contiguous development with a Payne Avenue frontage.
4. The proposed zoning is compatible with the surrounding mix of uses, including multifamily to the south, townhomes to the west, single family and mixed-use to the north, and retail/commercial 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 zoning does not constitute spot zoning. It creates a larger contiguous area of T2 zoning.

moved by Edgerton

seconded by _____

in favor Unanimous

against _____

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6. The petition for rezoning was found to be sufficient on July 2, 2018: 46 parcels eligible; 31 parcels required; 32 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of St. Paul HRA for rezoning from RT2 townhouse to T2 traditional neighborhood for property at 623 and 629 Whittall Street be approved.