

city of saint paul  
planning commission resolution  
file number 12-45  
date June 15, 2012

WHEREAS, City of Saint Paul Parks and Recreation , File # 12-060-055, has applied for a Rezoning from VP Vehicular Parking to RT1 Two-Family Residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 665 Rose Ave E, Part of PID 29-29-22-12-0206 Evans Addition Subj To Alley; Lot 12, Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 7, 2012, 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 property at 665 Rose Ave. E is a split-zoned parcel. The northwestern 5,208 square feet is zoned VP and provides parking for the Ace Hardware on the corner. The majority of the parcel is zoned RT1 and is parkland. City of Saint Paul Parks and Recreation will construct a new community center, park and library on this property and the adjacent properties, including the Ace Hardware site and the VP parking lot. Since the only use permitted in the VP district is off-street parking, the VP zoning must be changed.
2. The proposed zoning is consistent with the way this area has developed. This area has been developed as a park and commercial property. The proposed new community center is consistent with the way the area has developed.
3. The proposed zoning is consistent with Land Use Strategy 1.24 – Support a mix of uses on Mixed-Use Corridors of the Saint Paul Comprehensive Plan. Payne Avenue is identified as a Mixed-Use Corridor in the plan and a community center complements the mix of commercial and residential development along Payne Avenue.
4. The proposed zoning is compatible with surrounding uses as it creates the opportunity for a park and community center to expand in an area where the park and recreation center already exist.
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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" This is not a case of "spot zoning." This enlarges an area of RT1 and eliminates split-zoning of a parcel.

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

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NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of City of Saint Paul Parks and Recreation for a Rezoning from VP Vehicular Parking to RT1 Two-Family Residential for property at 665 Rose Ave E be approved.