

city of saint paul
planning commission resolution
file number 12-80
date December 28, 2012

WHEREAS, Donna M Sauro, Trustee, and Susan Sauro Kane, Trustee, File # 12-216-053, have applied for a rezoning from RM2 Medium Density Multiple Family Residential to T2 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 340 / 342 Kellogg Blvd W, Parcel Identification Number (PIN) 012823110001, legally described as Culver Farringtons Subd Nely 5 Ft Of Lot 1 And Ex 6th St Lot 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 20, 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 applicant is requesting the rezoning to allow a small-scale chocolate manufacturing facility to move into the building at 340-342 Kellogg Blvd W, a one-story mixed use building, with a vacant commercial space in the front of the building and a vacant residential space in the rear of the building. The applicant proposes to use the front of the building as the manufacturing space, and the back of the building as an accessory office. No changes are proposed for the multiple family building on this parcel.
2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district's intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages a variety of uses and housing types. This property is located in an area with medium residential density and medium employment density. Two bus routes run adjacent to this property. The property is across the street from the Minnesota History Center to the north, and from CommonBond Communities, a nonprofit, to the east. This mix of uses is consistent with the mix of uses permitted in a T2 traditional neighborhood district. The proposed T2 zoning is appropriate for the area.
3. The proposed zoning is consistent with the Comprehensive Plan. 340/342 Kellogg Blvd W is located in an identified "Major Institutional" employment district on the Employment Districts map in the Land Use chapter of the Comprehensive Plan (Figure LU-F). This proposed rezoning is also consistent with land use policy 1.48: *Support compatible mixed-use within single buildings and in separate buildings in close proximity*. Rezoning this property from RM2 to T2 will permit a mix of uses that is consistent with the Comprehensive Plan.

moved by Perrus
seconded by _____
in favor Unanimous
against _____

4. The proposed zoning is compatible with the mix of uses in the surrounding area. This property is adjacent to the Capitol Area Jurisdiction, which contains a mix of institutional, commercial, and residential uses. The property is adjacent to residential buildings and across the street from the surface parking lot of another institutional office building. A small-scale chocolate manufacturing facility is compatible with this mix of uses.
5. The proposed rezoning is not considered spot zoning because of the adjacent mix of uses. 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.*”
6. The petition for rezoning was found to be sufficient on December 3, 2012: 5 parcels eligible; 4 parcels required; 4 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Donna M Sauro, Trustee, and Susan Sauro Kane, Trustee for a rezoning from RM2 Medium Density Multiple Family Residential to T2 Traditional Neighborhood for property at 340 / 342 Kellogg Blvd W be approved.