

city of saint paul  
planning commission resolution  
file number 15-37  
date June 19, 2015

WHEREAS, New Plan Learning Inc., File # 15-033-859, has applied for rezoning from VP Vehicular Parking, I1 Light Industrial, and I2 General Industrial to T1 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 169 Jenks Avenue, Parcel Identification Number (PIN) 30.29.22.13.0141, legally described as Soo Line Plat Number 5 vac alley in and Blk 1 In Deer Park Div and vac alley accruing and fol a 15 ft tract of land lying between Lots 8 and Lot 9 and Lots 6 thru Lot 10 Blk 1 In Elbra Div and in sd Soo Line Plat Number 5 vac st and alley accruing and the fol; the W 95.8 ft of Lot A lying S of ext N L of Lawson St and N of ext S L of Jenks St; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 28, 2015, 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 seeking rezoning to T1 traditional neighborhood of the portion currently zoned VP vehicular parking of this parcel to allow for the construction of a new gymnasium for the school. The current VP zoning only allows for the use of that area as a parking lot. In addition, they are seeking to rezone the remaining portions of the parcel that are currently zoned I1 light industrial and I2 general industrial to T1 traditional neighborhood consistent with the Land Use Plan element of the Comprehensive Plan. The applicant has been asked to provide an existing conditions plan for the entire parcel, a site plan for the entire parcel that includes striping of the southern parking lot, and an analysis to determine the feasibility of using the southern parking lot for bus parking and student pick up.
2. The proposed zoning is consistent with the way this area has developed. T1 traditional neighborhood zoning provides for reasonable use and reuse of the existing buildings built as industrial buildings on this site, and allows for a transition between residential neighborhoods and more intense commercial or industrial uses. This area has developed with sharp transition between residential and the more intense industrial uses and the T1 district would provide a more graded transition.
3. The proposed T1 zoning is consistent with the Comprehensive Plan. This parcel is guided as Established Neighborhood under the Comprehensive Plan.

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

The T1 Traditional Neighborhood district reinforces the uses identified in that future land use category.

4. The proposed T1 allows residential, office, commercial, and very limited production and processing (specifically agriculture) that are compatible with the surrounding residential, park, and industrial 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.”* This rezoning from I1 light industrial, I2 general industrial, and VP vehicular parking to T1 traditional neighborhood is not spot zoning as it allows for the uses in the adjacent residentially zoned districts as well as some office and commercial uses allowable in the industrial districts. The T1 district will serve as a transition between the residential uses and the more intense industrial uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of New Plan Learning Inc. for rezoning from VP Vehicular Parking, I1 Light Industrial, and I2 General Industrial to T1 Traditional Neighborhood for property at 169 Jenks Avenue be approved.