

city of saint paul  
planning commission resolution  
file number 22-02  
date January 7, 2022

WHEREAS, Obsa Negassa, File # 21-324-323, has applied to rezone from B3 general business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 647 York Avenue, Parcel Identification Number (PIN) 29.29.22.42.0118, legally described as S 42.8 feet of Lot 18, Block 27, Joseph R Weide's Subdivision of Block 27, Arlington Hills Addition, subj. to & with party wall easement; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 30, 2021, 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 from B3 general business to T2 traditional neighborhood in order to allow the building's currently vacant lower level to be used for residential uses.
2. The proposed zoning is consistent with the way this area has developed. The proposed T2 zoning allows for a natural transition from the B3-zoned commercial uses along Payne Avenue and the residential uses to the east.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the site's future land use as being on the edge between Mixed Use (along Payne Avenue) and Urban Neighborhood (to the east), and within a Neighborhood Node – all of which support the proposed zoning in this location. In Policy LU-5, the Comp Plan also calls for encouraging flexible building design to ensure ongoing functionality and viability, which is furthered by this rezoning that will allow the building's lower floor to be economically viable after being vacant for the last few years.
4. The proposed T2 zoning is compatible with the surrounding mix of uses, including generally commercial uses along Payne Avenue to the west and various residential uses to the east. The proposed zoning serves as a transition between these 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, that establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed zoning is not spot zoning. Rather, it establishes a use classification consistent with surrounding uses in all directions.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Obsa Negassa for rezoning from B3 general business to T2 traditional neighborhood for property at 647 York Avenue be approved.

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