

city of saint paul
planning commission resolution

file number 19-59

date December 20, 2019

WHEREAS, Brad Graves, File # 19-101-117, has applied to rezone from RT2 townhouse residential to RM2 multiple family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1035 & 1039-1041 Arkwright Street, Parcel Identification Number (PIN) 29.29.22.23.0078, legally described as HOYTS OUTLOTS&SUB L14-19 & 22-24 SUBJ TO ESMT AND EX W 30 FT AND EX E 10 FT OF W 40 FT OF S 30 FT THE N 87 8/10 FT OF S 219 58/100 FT OF E 330 FT OF LOT 15; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 12, 2019, 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 RT2 townhouse residential to RM2 multiple family residential at 1035-1041 Arkwright Street. The RM2 district is intended to provide for more extensive areas of multiple-family residential development and to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.
2. The proposed zoning is consistent with the way this area has developed and the surrounding uses. There is a range of residential density and a mix of uses along Arkwright Street that is consistent with rezoning this site to RM2.
3. The proposed zoning is consistent with the Comprehensive Plan. The 2030 Comprehensive Plan in Figure LU-B designates the site as part of an Established Neighborhood, which encourages small multi-family developments consistent with the character of the neighborhood and located at intersections on a transit route (Strategy LU 1.8). The subject site is part of an activity node and multi-family concentration focused on Arkwright Street (which features a bus route) and its intersections.
4. 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 rezoning does not constitute "spot zoning" but rather is consistent with the surrounding multi-family and mix of uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Brad Graves for rezoning from RT2 townhouse residential to RM2 multiple family residential for property at 1035 & 1039-1041 Arkwright Street be approved.

moved by Edgerton

seconded by _____

in favor Unanimous

against _____