

city of saint paul  
planning commission resolution  
file number 14-65  
date October 3, 2014

WHEREAS, John D. Lenzi, file # 14-324-966, has applied for a rezoning from B2 Community Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 662 Payne Avenue, Parcel Identification Number (PIN) 322922120123; Irvines 2nd Addition Subj To St The Fol: That Part Of Lot 8 Described As Beg On Swly Line Of & 38 Ft Sely Of Nwly Line Th To Point On Line 27.75 Ft Nely Of & 61 Ft Sely Of Nwly Line Th To Pt On Nely Line & 66.61 Ft Sely Of Nwly Line Th Nwly To Nwly Line Th Swly To Swly Line Th Sely To Beg And Ex The Sely 34.6 Ft Of The Swly 5.5 Ft; Lot 7 And The Swly 4.55 Ft Of Lot 6 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 25, 2014, 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 B2 to T2 in order to permit conversion to a residential dwelling.
2. The proposed zoning is consistent with the way this area has developed and the mixed land use pattern along this portion of Payne Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of an Established Neighborhood.
4. The proposed zoning is compatible with the surrounding commercial, office, church, and residential 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.*" The proposed T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of John D. Lenzi for a rezoning from B2 Community Business to T2 Traditional Neighborhood for property at 662 Payne Avenue be approved.

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