

city of saint paul
planning commission resolution
file number 21-31
date June 11, 2021

WHEREAS, the Housing and Redevelopment Authority of Saint Paul, File # 21-263-450, has applied to rezone from I1 light industrial to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 520 Payne Avenue, Parcel Identification Number (PIN) 32.29.22.24.0179, legally described as BRUNSONS ADD PART B1 & ALL B2-12 VAC ST AND ALLEY ACCRUING & EX PART IN RR R/W; LOTS 1, 2, 3 & LOT 4 BLK 7; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 3, 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 I1 light industrial to T2 traditional neighborhood to allow for a residential development. The mostly vacant site's existing cellular telephone antenna is anticipated to remain.
2. The proposed zoning is consistent with the way this area has developed. T2 is a mixed-use zoning district that is consistent with the mix of commercial, institutional, and residential uses along Payne Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan in Map LU-2 2040 Land Use designates the site as part of an Urban Neighborhood and the Payne/East 7th Street Neighborhood Node. The T2 district is designed for use in potential pedestrian nodes, such as the Payne/E. 7th node.
4. The proposed zoning is compatible with the residential uses to the north, the commercial uses to the south and west, and the mix of uses along Payne Avenue.
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 zoning does not constitute spot zoning. It is consistent with surrounding uses and does not create an island of nonconformity.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Housing and Redevelopment Authority of Saint Paul for rezoning from I1 light industrial to T2 traditional neighborhood for property at 520 Payne Avenue be approved.

moved by Baker
seconded by _____
in favor Unanimous
against _____