

city of saint paul  
planning commission resolution  
file number 12-28  
date April 20, 2012

WHEREAS, Dirk and Ruth Dantuma, File # 12-034-046, have applied for a Rezoning from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 311 Walnut St, Parcel Identification Number (PIN) 062822230043, legally described as Riceirvines Add B26 4146 53 Nwly 48 Ft Of Lot 2 Blk 28; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 12, 2012, 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 purchased the property in 2012 with the intent of rehabilitating it and using it as a rental property. The applicant intends to use the property as a “vacation homes by owner” opportunity, where people from out of town might lease the property for a week or two while on vacation. The goal is to stabilize the house and keep it operating in such a way that it cash flows in order to recoup and justify the expense of rehabilitation.
2. The applicant seeks rezoning of the property at 311 Walnut from RM2 to T2 in order to expand the range of permitted uses that can generate income from the property. Other uses permitted in the district include office, retail sales and services, restaurants, auto convenience market and limited production and processing.
3. Parking is being provided as required in the zoning code for a duplex. If the building is converted in the future to commercial uses, the applicant will need to provide any additional required parking or get a variance, bring the property into compliance with the necessary codes, and go through the site plan review process.
4. The proposed zoning to T2 is consistent with the way this area has developed. The West 7<sup>th</sup> commercial district, which is also zoned T2, is adjacent to this property to the north. The proposed use of the duplex is consistent with the intent of the T2 district, which is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.

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

5. The proposed zoning is consistent with the Comprehensive Plan. The Saint Paul Comprehensive Plan (2010) Land Use strategy 1.24, "support a mix of uses on mixed-use corridors" applies. This property will be an extension of the existing mixed use corridor and diversifies the mix of uses in the corridor.
6. The proposed zoning is compatible with surrounding uses. The surrounding uses are single-family, parking and commercial uses.
7. 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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" This rezoning does not create spot zoning. There is a large district of T2-zoned property adjacent to this property. This use is an appropriate transitional use between the commercial district to the north and the residential district to the south.
8. The petition for rezoning was found to be sufficient on March 16, 2012: 17 parcels eligible; 12 parcels required; 13 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of Dirk and Ruth Dantuma for a Rezoning from RM2 Medium-Density Multiple-Family Residential to T2 Traditional Neighborhood for property at 311 Walnut St be approved.