

city of saint paul
planning commission resolution
file number 23-15
date May 12, 2023

WHEREAS, Minnesota Assistance Council for Veterans, File # 23-030-202, has applied to rezone from R3 one family residential to RT2 townhouse residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 704 Larpenteur Avenue E, Parcel Identification Number (PIN) 20.29.22.11.0013, legally described as W 20.64 ft. of Lot 6 & all of Lot 7, Block 1, Budde's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 4, 2023, 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 R3 one family residential to RT2 townhouse residential. The rezoning would allow consideration of an accompanying conditional use permit for supportive housing.
2. The proposed zoning is consistent with the way this area has developed. The RT2 townhouse residential district is typical for this location along an arterial street and across the street from multifamily residential uses.
3. The proposed zoning is consistent with the Comprehensive Plan, which in Map LU-2 designates the site's future land use as Urban Neighborhood. Per Comp Plan Policies LU-34 and LU-35, Urban Neighborhoods should provide for medium-density housing options and multifamily housing, especially along arterial street corridors like Larpenteur Avenue – policies that are furthered by the proposed rezoning to RT2.
4. The proposed zoning is compatible with the surrounding residential uses, including the multifamily residential across the street.
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 rezoning is not spot zoning. Rather, the proposed use classification is consistent with surrounding uses and does not create an island of nonconforming use.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Minnesota Assistance Council For Veterans for rezoning from R3 one family residential to RT2 townhouse residential for property at 704 Larpenteur Avenue E be approved.

moved by Reilly
seconded by _____
in favor Unanimous
against _____