

city of saint paul
planning commission resolution
file number 11-75
date September 16, 2011

WHEREAS, Mississippi Market, File # 11-265-812, has applied for a Rezoning from RM2 Medium Density Multiple-Family Residential to B2 Community Business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 633 Hague Ave, Parcel Identification Number (PIN) 022823110178, legally described as Holcombes Addition Tosaint P Lot 27 Blk 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 8, 2011, 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 purpose of this application is to re-zone 633 Hague Ave., currently in an RM2 Medium Density Multiple-Family Residential district, to B2, Community Business in order to provide expanded parking for Mississippi Market Co-op, which is adjacent to this property.
2. The proposed zoning is consistent with the way this area has developed. Selby is a commercial street and the corner of Selby and Dale, near where this property is located, has commercial uses on all four corners. Commercial properties which front Selby don't have much off-street parking to the rear, and rely on on-street parking. The Mississippi Market proposal is for a parking lot expansion to the rear and west of their building to accommodate their needs. Extending the B2 zoning to the west one additional parcel is consistent with the commercial character of the area.
3. The proposed zoning is consistent with the Comprehensive Plan. Selby is identified as a mixed use corridor on Future Land Use Map LU-B. Mixed-Use Corridors include areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space uses. The uses in these corridors may be within a building or in buildings that are in close proximity to each other. This portion of Selby Avenue is served by transit, as are other Mixed-Use Corridors. The node at Selby and Dale is a particularly dense center of retail and other commercial uses. The Comprehensive Plan generally calls for balance and choice in transportation modes, efficient parking lot design, and voluntary reduction of surface parking lots. This development achieves some of the goals outlined in Strategy 2.8 of the Transportation Chapter by providing a space for a car-sharing program, bicycle facilities, and heavy landscaping.

moved by Kramer
seconded by _____
in favor 17 with 1 abstention (Spaulding)
against _____

4. The proposed zoning is an extension of the zoning for the existing parking lot for Mississippi Market. Consideration has been given that the proposed parking lot expansion is next to a residential property. The proposed site plan shows heavy landscaping to buffer the use from the adjacent residential property.
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 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 does not create an use inconsistent with the surrounding uses (additional parking and residential) nor does it create an island of non-conforming use and will not dramatically reduce the value of the lot or abutting property.
6. The petition for rezoning was found to be sufficient on August 19, 2011: 80 parcels eligible; 54 parcels required; 66 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of Mississippi Market for a Rezoning from RM2 Medium Density Multiple-Family Residential to B2 Community Business for property at 633 Hague Ave be approved.