city of saint paul
planning commission resolution
file number   12-01
date   January 13, 2012

WHEREAS, City View Apartments Inc., File # 11-299-652, 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 743 3rd St E, Parcel Identification Number (PIN) 322922140187, legally described as Lyman Dayton Addition Ex Alley Nely 3 50/100 Ft Of Lot 2 And All Of Lot 1 Blk 34; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 22, 2011, and January 5, 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 property consists of two primary structures. One structure, facing East 3rd Street, is a two-story commercial building. The upper level has been used as a residential unit for several years. According to DSI records the lower level has been used as a residential unit within the last few years, which is not a permitted use in the B2 district. The second structure faces Maple Street and is a three-unit residential building.

2. The applicant has applied to rezone the property from B2 to T2 for the purpose of adding a second residential unit to the first floor of the existing commercial structure.

3. The proposed zoning is consistent with the way this area has developed. Both 3rd and Maple are primarily residential streets with some scattered commercial uses and larger multifamily structures. The T2 district is better suited for this site and the intersection in general, due to its proximity to low density residential uses.

4. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter's Generalized 2030 Future Land Use map designates 3rd Street as a Residential Corridor. The plan encourages the development of medium density multi-family housing along Residential Corridors (LU1.19). The District 4 plan promotes the reuse, instead of demolition, of existing commercial buildings (C3).

5. The proposed zoning is compatible with the existing commercial and single and multifamily residential uses. The range of uses permitted under the T2 zoning is compatible with varying intensities of commercial and residential uses. Development standards associated with the Traditional Neighborhood districts will ensure that a pedestrian friendly character, neighborhood scale, and positive commercial/residential interface are maintained.

moved by   Kramer
seconded by
in favor   Unanimous
against

6. 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."* The proposed T2 zoning is compatible with both surrounding uses and zoning. The area is already characterized by business and traditional neighborhood zoning at intersections that are surrounded by residential zoning. Rezoning will not reduce the value of either the rezoned or surrounding properties for allowed uses. The rezoning would therefore not constitute "spot zoning".

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of City View Apartments Inc. a Rezoning from B2 Community Business to T2 Traditional Neighborhood for property at 743 3rd St E be approved.