

city of saint paul  
planning commission resolution  
file number 13-04  
date February 8, 2013

WHEREAS, Keith Jacobson & Patricia Jacobson, File # 13-142-919, has applied for a Rezoning from B2 Community Business to BC Community Business (Converted) under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1836 - 1838 Grand Ave, Parcel Identification Number (PIN) 042823310070, legally described as Lot 5 Kennas Subdivision of Lot 53, Block 4, Rosedale Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 31, 2013, 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. This application is to rezone the property at 1836 -1838 Grand Avenue from B2 community business to BC community business (converted) to permit the use of the building as a residential duplex.
2. The proposed zoning is consistent with the way this area has developed. According to §66.413 "The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses." There are similar structures both to the east and west of this building.
3. The proposed zoning is consistent with the 2030 St. Paul Comprehensive Plan, Land Use Policy 1.1 *Guide the development of housing in Established Neighborhoods, Commercial areas within Established Neighborhoods, and in Residential Corridors*. This policy is intended to provide for the development of housing in these areas consistent with the area's prevailing character and overall density. Grand Avenue is designated a Residential Corridor along this section of the Avenue. Residential Corridors are defined as corridors that run through Established Neighborhoods and that are predominately characterized by medium-density residential uses.
4. The proposed zoning is compatible with the surrounding uses, which are a mix of retail, commercial, and multi- and single-family residential.

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

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.” Approval of this proposal would not result in spot zoning as the area to the west of this property is currently zoned BC. This proposal would extend the existing BC zoning to the east along the Residential Corridor.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Keith Jacobson & Patricia Jacobson for a Rezoning from B2 Community Business to BC Community Business (Converted) for property at 1836 - 1838 Grand Ave be approved.