

city of saint paul
planning commission resolution
file number 13-40
date October 4, 2013

WHEREAS, Steven Virkus and Jennifer Virkus , File # 13-230-602, have applied to rezone 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 814 Grand Ave, Parcel Identification Number (PIN) 022823420159, legally described as Summit Park Addition To Saint Paul, Lot 4, Block 17; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 26, 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. The proposed zoning is consistent with the way this area has developed and with the historical zoning of the properties. The T2 zoning district permits a varied mix of residential and commercial uses. Grand Avenue is a major commercial corridor. There are mixed residential and commercial uses both east and west of the parcel. §66.313 states the intent of the T2 Traditional Neighborhood District, which is to encourage a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
2. The proposed zoning is consistent with Comprehensive Plan Land Use policy 1.24, Support a mix of uses on Mixed-Use Corridors. This section of Grand Avenue is identified as a mixed-use corridor in the Land Use Plan element of the Comprehensive Plan, adopted in 2010.
3. The proposed zoning is compatible with surrounding uses, which are mixed use, commercial, and single-family and multi-family residential. T2 permits both residential and neighborhood oriented commercial uses, consistent with the area's existing mix of uses.
4. 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 around the subject property has developed with a mix of uses similar to those allowed in T2. The mix of residential and commercial uses proposed by the applicant is consistent with that of the existing neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application to rezone property at 814 Grand Avenue from B2 Community Business to T2 Traditional Neighborhood be approved.

moved by Nelson
seconded by _____
in favor Unanimous
against _____