

city of saint paul
planning commission resolution
file number 14-07
date February 7, 2014

WHEREAS, PPL Hamline Station LLC, File # 14-087-893, has applied to rezone the eastern 9.73 ft of parcel 342923130176 from T2 Traditional Neighborhood to R4 One-Family Residential under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 1334 Sherburne Ave, Parcel Identification Number (PIN) 342923130176, legally described as Syndicate No 5 Addition Lots 13 14 And Lot 15 Blk 31; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 30, 2014, 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. Project for Pride in Living (PPL) currently owns 1334 Sherburne. The property was acquired with the purchase of the former Midway Chevrolet site, which also includes all property on the block south of the alley. PPL is redeveloping the entire site with two mixed- use buildings. The majority of the parcel at 1334 Sherburne will be re-used as surface parking. The easternmost approximately 10 feet of the property will be sold to the owner of the adjoining property at 1326 Sherburne. An application for adjustment of common boundary has been filed. The applicant is applying to have the portion of the property being sold rezoned to R4 residential, the current zoning of the property at 1326 Sherburne. An existing fence providing screening between the residential property and the surface parking will be conveyed as part of the transaction.
2. The proposed zoning is consistent with the way the area has developed. The purpose of the sale of the property and associated common boundary adjustment is to make the portion of the subject property under consideration a part of the adjoining property at 1326 Sherburne. The proposed zoning will prevent the parcel at 1326 Sherburne from becoming split-zoned, and will be consistent with the adjacent T2 and RM2 zoning.
3. The proposed zoning is consistent with the Comprehensive Plan. Policy LU1.15 calls for the City to *identify residential areas where single-family, duplex housing, and small multi-family housing predominate as Established Neighborhoods*. The policy goes on to state that the City should maintain the character of Established Neighborhoods. The proposed rezoning will help to improve the transition between the Mixed-Use Corridor of University Avenue and the adjacent Established Neighborhood, thereby helping to maintain the character of the Established Neighborhood.
4. The proposed zoning is compatible with surrounding uses. The rezoning will provide for better screening between the existing surface parking and residential use.

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 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 zoning will not constitute spot zoning. The net effect will be to move the boundary between adjacent, existing, large areas of T2 and R4 zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends approval of the application of PPL Hamline Station LLC to rezone the eastern 9.73 ft of parcel 342923130176, Syndicate No 5 Addition Lots 13 14 And Lot 15 Blk 31, located at 1334 Sherburne, from T2 traditional neighborhood to R4 one-family residential.