

city of saint paul
planning commission resolution
file number 14-18
date March 7, 2014

WHEREAS, Olin 5 LLC, File # 14-093-633, has applied for a rezoning from VP Vehicular Parking to T1 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1809 Old Hudson Road, Parcel Identification Number (PIN) 352922320046, legally described as Hudson Road Gardens Lot 4 Blk 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 27, 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. The application requests rezoning from VP Vehicular Parking to T1 Traditional Neighborhood.
2. The site is currently a parking lot that is no longer required for the adjacent use (senior living multi-family) to the south, nor for any other adjacent use.
3. The proposed zoning is consistent with the way this area has developed. Old Hudson Road runs parallel and adjacent to I-94, and has developed with a mix of multi-family and commercial development in this area.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of a Mixed Use Corridor and just outside of a Neighborhood Center located to the east. Land Use Strategy 1.24 calls for supporting a mix of residential and commercial uses, such as those permitted in the T1 district. The District 1 Plan contains no provisions specific to the application. The Sun Ray-Suburban Small Area Plan calls for pedestrian-friendly design along Old Hudson Road, such as what is encouraged and required in the T1 district.
5. The proposed T1 zoning allows a range of neighborhood-scale residential and non-residential uses that are compatible with the surrounding multi-family and commercial uses.
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 create an island of nonconforming use within a larger zoned property.*" The proposed T1 zoning is not "spot zoning" because the T1 uses are consistent with the surrounding multi-family and commercial zoning designations and uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Olin 5 LLC for a rezoning from VP Vehicular Parking to T1 Traditional Neighborhood for property at 1809 Old Hudson Road be approved.

moved by Reveal
seconded by _____
in favor Unanimous
against _____