

city of saint paul  
planning commission resolution  
file number 14-52  
date August 22, 2014

WHEREAS, TCB Properties, File # 14-312-394, has applied for a rezoning from the B3 General Business district to the T2 Traditional Neighborhood district under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1599 -1605 Rice Street, Parcel Identification Numbers (PIN) 242923110081, 242923110080, and 242923110079, legally described as Rice Street Villas Lot 7,8 and 9, Block 8; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 14, 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 seeks rezoning of 1599 – 1605 Rice Street from the B3 General Business district to the T2 Traditional Neighborhood district in order to more closely align the zoning of the subject parcels to the existing multi-family dwelling use. The applicant has conveyed that the property's nonconforming use status has increased difficulty to obtain financing for the property.
2. The proposed T2 Traditional Neighborhood zoning for these properties is consistent with the way this area has developed. This segment of Rice Street is generally a mix of housing types and service/retail businesses. The T2 district permits many residential uses, including multi-family residential, and also permits many of the commercial uses found in this area.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates these parcels as being part of a Mixed-Use Corridor. Land Use Strategy 1.24 states: "Support a mix of uses on Mixed-Use Corridors." The District 6 Plan contains no provisions specific to this application.
4. The proposed T2 Traditional Neighborhood district is compatible with the surrounding land uses. The T2 district supports a range of uses, including those found on and in the vicinity of the subject properties. In addition, the T2 district is designed to provide sufficient transitions between the more intense uses along mixed-use corridors and the surrounding neighborhoods.
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.*" The proposed T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding residential and commercial zoning designations and uses.

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

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of TCB Properties for a rezoning from the B3 General Business district to the T2 Traditional Neighborhood district for property at 1599 - 1605 Rice Street be approved.