

city of saint paul  
planning commission resolution  
file number 14-68  
date November 14, 2014

WHEREAS, Big Steer Meats, File # 14-339-543, has applied for a rezoning from R4 One-Family Residential to B2 Community Business and White Bear Avenue Overlay District under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1762 Minnehaha Ave E, Parcel Identification Number (PIN) 34.29.22.11.0002, legally described as G V Bacons Addition E 1/2 Of Lot 5 And All Of Lot 4 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 6, 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 R4 to B2 and White Bear Avenue Overlay District to allow for expansion of the adjacent business.
2. The proposed zoning is consistent with the way this area has developed. White Bear Avenue is fronted by commercial and residential uses of varying lot depths, with commercial clustered around key intersections such as Minnehaha Avenue. The proposed zoning is consistent with the existing pattern of development.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates the land along White Bear Avenue as a Mixed Use Corridor. It is consistent with the White Bear Avenue Small Area Plan by adopting the White Bear Avenue Overlay District.
4. The proposed zoning is compatible with the existing B2/White Bear Avenue Overlay zoning to the east along White Bear Avenue.
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 rezoning is not "spot zoning" in that it does not create an island of nonconforming use, but rather is consistent with adjacent zoning.
6. The petition for rezoning was found to be sufficient on October 21, 2014: 19 parcels eligible; 13 parcels required; 14 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Big Steer Meats to rezone from R4 One-Family Residential to B2 Community Business and White Bear Avenue Overlay District for property at 1762 Minnehaha Ave E be approved.

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