

city of saint paul
planning commission resolution

file number 14-67

date November 14, 2014

WHEREAS, Face to Face Health and Counseling Service Inc., Zoning File # 14-337-613, has applied for a rezoning from RT1 Two Family Residential to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 798 Rose Ave E, Parcel Identification Number (PIN) 29.29.22.11.0224, legally described as Oak Ville Park Subd Lot 15 Vac Alley Accruing And All Of Lots 1 Thru 5 And Lots 16 Thru 18 Blk 18 Subj To Alley Opened Per Doc #3310105; 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 applicant requests rezoning from RT1 Two Family Residential to T2 Traditional Neighborhood of the northwest portion of the parcel identified as PIN 29.29.22.11.0224 to construct a garage for accessory storage.
2. The parcel identified as PID 29.29.22.11.0224 is a split-zoned parcel. Rezoning the northwest portion of the parcel would make the entire parcel one zoning district.
3. The proposed zoning is consistent with the way this area has developed. Adjacent properties along Arcade St and Rose Ave are zoned T2 and B2 and have developed with a mix of retail and commercial development in this area.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the area along Arcade Street as a Mixed-Use Corridor. Land Use Strategy 1.24 calls for a mix of uses on Mixed-Use Corridors.
5. The proposed T2 zoning allows a range of neighborhood-scale uses that are compatible with the surrounding residential 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 T2 zoning is not "spot zoning" because the T2 uses are consistent with the surrounding residential and commercial zoning designations and uses.
7. The petition for rezoning was found to be sufficient on October 13, 2014: 19 parcels eligible; 13 parcels required; 13 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Face to Face Health and Counseling Service Inc. for a rezoning from RT1 Two Family Residential to T2 Traditional Neighborhood for property at 798 Rose Avenue E be approved.

moved by Nelson

seconded by _____

in favor Unanimous

against _____