

city of saint paul  
planning commission resolution  
file number 14-69  
date November 14, 2014

WHEREAS, Joe Urbanski, File # 14-339-430, has applied for a rezoning from B2 Community Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1396 White Bear Avenue N, Parcel Identification Number (PIN) 23.29.22.32.0082, legally described as Hayden Heights Lot 34 Blk 10; 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 B2 to T2 to allow expansion of the residential use through conversion of a commercial unit in a mixed-use building to residential uses.
2. A variance for parking provision is not required because the parking requirement is not increased in this case by the conversion of units from commercial to residential.
3. The proposed zoning is consistent with the way this area has developed. T2 is consistent with the mixed-use nature of development along White Bear Avenue and serves as a transition between the commercial and residential districts.
4. The proposed zoning is consistent with the Comprehensive Plan, which designates the site as being part of a Mixed Use Corridor designation that calls for mixed uses such as those allowed in the T2 district. The proposed zoning is consistent with the White Bear Avenue Small Area Plan due to its continued inclusion in the White Bear Avenue Overlay District.
5. The proposed zoning is compatible with the surrounding mix of uses, including commercial and mixed uses along White Bear Avenue and residential uses to the east.
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 rezoning is not "spot zoning" in that it does not create an island of nonconforming use, but rather is consistent with adjacent zoning and land use.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Joe Urbanski to rezone from B2 Community Business to T2 Traditional Neighborhood for property at 1396 White Bear Avenue N be approved.

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