

city of saint paul  
planning commission resolution

file number 15-39

date July 10, 2015

WHEREAS, Franciscan Sisters of Perpetual Adoration, File # 15-036-555, has applied for rezoning from R4 One Family Residential to RT2 Townhouse Residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1784 Lacrosse Avenue, Parcel Identification Number (PIN) 26.29.22.23.0132, legally described as Hazel Park Division 2, Blk 3, Lots 13-15; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 11, 2015 and June 25, 2015, 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 of a 14,532 square foot property at the southeast corner of LaCrosse Avenue and White Bear Avenue from R4 to RT2.
2. The proposed zoning is consistent with the way this area has developed. Land along White Bear Avenue contains a mix of uses including a variety of residential intensities. The proposed RT2 zoning is consistent with the land use pattern along White Bear Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan's Land Use Chapter, which designates the site as part of a Mixed Use Corridor in Figure LU-B, Generalized 2030 Land Uses. The Land Use Chapter supports a mix of uses on Mixed Use Corridors, including commercial, institutional, and residential uses, which are to occur at densities that support transit. The proposed rezoning increases the permitted residential density to up to 22 dwelling units per acre, which is more consistent with the Mixed Use Corridor designation in the Comprehensive Plan.
4. The proposed zoning is compatible with the surrounding uses and zoning, including mixed uses along White Bear Avenue and single-family residential to the east and southeast.
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" and is consistent with the surrounding uses and zoning. Surrounding uses along White Bear Avenue include a beauty salon and two schools that are zoned OS, RT1, and R4. Additionally, there is a node of commercial uses with B2 zoning located ½ block

moved by Nelson

seconded by \_\_\_\_\_

in favor 9

against 8 (Ochs, Wang, Ward, Oliver, Wickiser, Underwood, DeJoy, and Wencil)

south along White Bear Avenue. The OS Office-Service zoning of abutting property across White Bear Avenue permits uses such as multi-family residential, medical clinics, banks, and licensed human service community residential facilities with up to 16 residents – a wider range of uses than permitted in the proposed RT2 Townhouse Residential district. B2 zoning also permits a wide range of community commercial uses and group home uses such as licensed human service community residential facilities with up to 16 residents. RT1 and R4 districts permit a narrower range of uses. The proposed RT2 zoning is in the middle.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Franciscan Sisters of Adoration for rezoning from R4 One Family Residential to RT2 Townhouse Residential for property at 1784 Lacrosse Avenue be approved.