

city of saint paul
planning commission resolution
file number 16-29
date June 24, 2016

WHEREAS, Hmong Village LLC and the City of St. Paul - Office of Financial Services Real Estate, File # 16-041-863, have applied for a rezoning from R2 one-family residential to IT transitional industrial to expand parking lot into Johnson Parkway right-of-way under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on a portion of property located at 1001 Johnson Pkwy, Parcel Identification Number (PIN) 272922230082, and a portion of the adjacent Johnson Pkwy right-of-way; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 16, 2016, 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 61,971 square feet of land from R2 to IT to allow a parking use. This includes 37,825 square feet located within the Johnson Parkway right-of-way.
2. The proposed IT zoning is consistent with the way this area has developed, including the adjacent Hmong Village retail center zoned IT.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Plan chapter of the Comprehensive Plan, in Figures LU-B and LU-H Generalized 2030 Land Uses, designates Johnson Parkway right-of-way as Major Parks & Open Space and the adjacent property to the west at this location as Industrial. Since the Johnson Parkway right-of-way proposed to be rezoned will remain park space rather than being vacated, and the IT district would not preclude reconversion to landscaped park and open space, the rezoning is consistent with the Comprehensive Plan designations. Also, an encroachment permit will be necessary to ensure provisions consistent with Saint Paul Parks & Recreation's standards for the parkway.
4. The proposed zoning is compatible with the surrounding uses, including the adjacent Hmong Village retail center zoned IT.
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". Rather, it extends and is consistent with the adjacent IT zoning.
6. The petition for rezoning was found to be sufficient on May 26, 2016: 6 parcels eligible; 4

moved by Nelson
seconded by _____
in favor Unanimous
against _____

parcels required; 5 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Hmong Village LLC and the City of St. Paul - Office of Financial Services Real Estate for a rezoning from R2 one-family residential to IT transitional industrial to expand a parking lot into Johnson Parkway right-of-way for property at 1001 Johnson Pkwy be approved.

