

city of saint paul  
planning commission resolution  
file number 16-45  
date August 19, 2016

WHEREAS, Donald and Alice Olson, Zoning File # 16-059-563, have applied for a rezoning from OS office-service to T1 traditional neighborhood under the provisions of Zoning Code § 61.801(b), for property located at 1445 White Bear Ave N, Parcel Identification Number (PIN) 22.29.22.14.0062, legally described as Moody's Rearrangement, Lot 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 11, 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 Zoning Code § 61.303; 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 proposal to rezone from OS office-service to T1 traditional neighborhood is to allow for use as a residential house. The previous commercial use for hearing aid dispensary services is no longer a business need. The intent is resale as residential property. The existing White Bear Avenue Overlay zoning will remain in place and is not affected by this request.
2. The proposed zoning is consistent with the way this area has developed. There are single-family homes to the north and west. There are office, retail, and civic uses along White Bear Avenue to the south and east. The proposed T1 zoning provides for a transition between uses. Also, it recognizes the site's variable history of uses and allows for future conversion.
3. The proposed rezoning to T1 is in conformance with the Comprehensive Plan. The Land Use Chapter designates the area as a mixed use corridor (Figure LU-B) which calls for compact, mixed-use areas of shopping, housing, community amenities and employment centers, such as allowed in T1.
4. The proposed T1 zoning allows residential and limited, neighborhood-serving commercial uses that are compatible with the surrounding uses including one- and two-family dwellings and mixed office/commercial uses 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 to T1 Traditional Neighborhood is not spot zoning. T1 intended to provide for compact, pedestrian-oriented mixed-use areas of limited size, with a variety of residential, office and service uses that primarily serve neighborhood needs, which is consistent with the surrounding mix of uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from OS office-service to T1 traditional neighborhood for property at 1445 White Bear Ave N be approved.

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