

city of saint paul  
planning commission resolution

file number 17-09

date March 10, 2017

WHEREAS, Porchua Xiong, File # 17-009-938, has applied for a rezoning from B3 general business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 1024 Ross Avenue, Parcel Identification Number (PIN) 28-29-22-34-0019, legally described as W 12 1/2 ft. of Lot 7 and E 25 ft. of Lot 8, Block 13, Terry's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 2, 2017, 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 seeks to rezone the property from B3 to T2 in order to accommodate a multi-family (five unit) residential use. The applicant will be combining the office and residential units on the ground level of the structure to create one, two-bedroom/two-bathroom residential use.
2. The proposed T2 zoning is more compatible and consistent with the existing use on the site than the current B3 zoning. A multifamily dwelling is a permitted use in T2 and not in B3. B3 districts do not allow strictly residential uses. Traditional neighborhood districts are intended to foster the development and growth of compact, pedestrian-oriented urban villages. All four districts are intended to encourage a compatible mix of commercial and residential uses within buildings, sites and blocks; new development in proximity to major transit streets and corridors; and additional choices in housing. The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. This property is located adjacent to other T2 zoned districts, and is located on a transit corridor.

moved by McMahon

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

in favor Unanimous

against \_\_\_\_\_

3. The proposed T2 zoning is consistent with the Comprehensive Plan. This property falls within a "Corridor" designation in the Land Use Chapter of the 2010 Comprehensive Plan. Policy 1.24 of the Land Use Plan states the City should *"promote the development of more intensive housing on Corridors where supported by zoning that permits mixed use and multifamily residential development."* The proposed zoning is also consistent with the 2012 Near East Side Roadmap which seeks to improve the environment along and adjacent to East 7<sup>th</sup> Street, specifically on the south side of E. 7<sup>th</sup> Street east of Forest, *"by filling vacant and under-utilized spaces with new, stand-alone multifamily housing, live-work opportunities, and additional small small-scale commercial-industrial uses."*
4. The proposed rezoning to T2 Traditional Neighborhood is compatible with the surrounding residential, mixed residential-commercial, commercial, and institutional uses. These include single-family detached homes, duplexes, small multifamily properties, mixed use and commercial/retail buildings, and a church.
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."* A rezoning to T2 would not constitute "spot zoning", in this case because T2 is more consistent with the surrounding uses than the current B3 zoning. The residential uses on this site and block are not permitted uses under B3 zoning. The commercial uses permitted in T2 are largely permitted in B3 zoning as well (a district that allows more intense and commercial uses than T2). In addition, this property is very near a large T2 zoning district created following adoption of the 2012 Near East Side Roadmap and related 40-acre zoning study.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from B3 general business to T2 traditional neighborhood for property at 1024 Ross Avenue be approved.