

city of saint paul  
planning commission resolution  
file number 17-51  
date August 11, 2017

WHEREAS, East Seventh Street Building Co., File # 17-058-600, has applied for a rezoning from IT transitional industrial to I1 light industrial under the provisions of Zoning Code § 61.801(b) of the Saint Paul Legislative Code, for property located at 1125 7th St. E., NW corner at Duluth Street, Parcel Identification Number (PIN) 282922420100; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 3, 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 application requests approval to rezone from IT transitional industrial to I1 light industrial. The rezoning would allow for a range of uses, including the outdoor vehicle sales use desired by the applicant. Outdoor vehicle sales is not permitted in the IT district at this location.
2. The proposed zoning is consistent with the way this area has developed. The subject site and others along Phalen Boulevard and the adjacent railroad have long been used for industrial uses.
3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan in Figure LU-B Generalized 2030 Land Uses designates the site's future land use as Industrial. The Phalen Corridor Development Strategy and District 4 Plan Summary, both addenda to the Comp Plan, do not contain provisions that apply to this application.
4. The proposed zoning is compatible with the adjacent railroad use and the surrounding mix of uses, including commercial and vacant industrial land.
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 I1 zoning does not constitute "spot zoning." The uses permitted in I1 are not inconsistent with the surrounding mix of uses, including railroad, commercial and vacant industrial.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of East Seventh Street Building Co. for a rezoning from IT transitional industrial to I1 light industrial for property at 1125 7th St. E. be approved.

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