

city of saint paul  
planning commission resolution

file number 18-56

date July 27, 2018

WHEREAS, City of St. Paul, File # 17-224-759, has applied to rezone from T1 traditional neighborhood to RT2 townhouse residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 2239 Como Ave, legally described as that part of Lot 21, Block 37, St. Anthony Park North, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as commencing at the northeast corner of the Southeast Quarter of Section 20, Township 29, Range 23; thence on an assumed bearing of South 0 degrees 18 minutes 33 seconds West, along the east line of said Southeast Quarter of Section 20, a distance of 1312.12 feet; thence North 89 degrees 41 minutes 27 seconds West 1536.28 feet to a cast iron monument on the east line of said Lot 21 and the point of beginning of the line to be described; thence South 53 degrees 03 minutes 45 seconds West 64.76 feet; thence South 44 degrees 36 minutes 45 seconds West 13.29 feet; thence South 57 degrees 47 minutes 15 seconds West 23.72 feet; thence South 53 degrees 03 minutes 45 seconds West 36.40 feet to the west line of said Lot 21 and said line there terminating; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 19, 2018, 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 approximately 3,000sf of former City of Saint Paul Library land that was recently sold to the adjacent property owner at 2239 Como. The transfer of land created a split-zoned parcel at 2239 Como, which this rezoning corrects.
2. The proposed zoning is consistent with the way this area has developed. The zoning is being changed to avoid a split zoned property. The property is used as a single-family residence. The RT2 district is "intended to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts." This property is the first single-family residential use south of the St. Anthony Park Village commercial area.
3. The proposed zoning is generally consistent with the following policies from the Comprehensive Plan:
  - 1.1. *Increase housing choices across the city to support economically diverse neighborhoods.*

moved by Edgerton

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

in favor Unanimous

against \_\_\_\_\_

*2.1. Maintain the vitality and high quality of life in existing stable neighborhoods [...].*

4. The proposed zoning is compatible with the surrounding uses. For all practical purposes the use of this property has been and will be a side yard. There will be no change for surrounding uses.
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 rezoning will not create spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of City of St. Paul for rezoning from T1 traditional neighborhood to RT2 townhouse for property at 2239 Como Ave be approved.