

city of saint paul
planning commission resolution

file number 18-59

date August 10, 2018

WHEREAS, KBD Investments LLC, Jason Frey, File # 18-084-202, has applied to rezone from OS office service to B2 community business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 877 White Bear Ave N, Parcel Identification Number (PIN) 27.29.22.41.0058, legally described as BIRMINGHAM'S PARK S 1/2 OF FOL LOTS 29 AND LOT 30 BLK 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 2, 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 the parcel at 877 White Bear Avenue from OS office-service to B2 community business to provide more flexibility for rental of space in the building.
2. The proposed zoning is consistent with the way this area has developed. This part of White Bear Avenue developed with a variety of commercial uses under "Commercial" zoning prior to 1975 and under B2 community business zoning after 1975.
3. The proposed zoning is consistent with the City's Comprehensive Plan, which designates White Bear Avenue as a Mixed Use Corridor. It is also consistent with the District 2 Neighborhood Greater East Side Plan's vision, which defines White Bear Avenue as one of its business districts focusing on "*mixed Use development with a concentration of office, retail, and housing on pedestrian-friendly streets.*"
4. The proposed B2 community business zoning is compatible with surrounding uses. White Bear Avenue is a mixed-use corridor that includes commercial, office and residential uses. The parcel is adjacent to commercial uses in the B2 community business zoning district on the east side of White Bear Avenue, and an office in the OS office-service district to the north.
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 zoning does not constitute spot zoning. The use classification is consistent with surrounding uses and adjacent B2 community business zoning.

moved by Edgerton

seconded by _____

in favor Unanimous

against _____

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NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of KBD Investments LLC for rezoning from OS office service to B2 community business for property at 877 White Bear Ave N be approved.

