

city of saint paul
planning commission resolution
file number 19-50
date October 4, 2019

WHEREAS, Dr. David Wetherill, File # 19-081-471, has applied to rezone from RM2 multiple-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 600 - 602 Lawson Avenue West, Parcel Identification Numbers (PINs) 25.29.23.23.0060 and 25.29.23.23.0061, legally described as Lots 12 thru 14, Block 13; Como Prospect Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 26, 2019, 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 owns and operates the Como Park Animal Hospital at 1014 Dale Street North. The applicant purchased property at 600 and 602 Lawson Avenue West in 1982 and has been using the duplex for residential use (Unit 2 on the second floor) and for commercial storage for the animal hospital use to the west (Unit 1 on the main level and in the basement), as well as for a meeting area, break room, and occasional conferences. The garage is used for commercial storage and employee parking occurs on the paved area behind the duplex. In addition, dumpsters for the animal hospital use are in front of the garage at 600 and 602 Lawson Avenue West. The applicant states that the area behind the duplex was paved to accommodate additional off-street parking in response to neighbors' complaints about animal hospital employees parking on the street.
2. In January 2019 a fire correction notice was issued as part of the certificate of occupancy inspection stating that the commercial use of the property does not conform to the residential zoning of the property. The notice stated that the basement unit was being used as an office and to house animals in the kennels and that commercial parking for the commercial use to the west was occurring on the residentially zoned property. The applicant petitioned to rezone the property to T2 to make the zoning of the property conform to the use of the property. The applicant states that the kennel in the basement is used for the owner's dog and occasionally for the tenant's dog and that the kennel is not used for the animal hospital's clients.

moved by Edgerton
seconded by _____
in favor Unanimous
against _____

The correction notice is pending before the Legislative Hearing Officer and a hearing was scheduled for September 10, 2019; the applicant has been granted an extension to pursue the rezoning petition. The applicant stated he was unaware of any zoning compliance issues until the recent inspection and is working to correct the situation.

3. The proposed zoning is consistent with the way the area has developed and with the intent of the T2 zoning district. T2 zoning is designed for use in existing and potential pedestrian and transit nodes. The property is with a Neighborhood Center as defined in the comprehensive plan and within a Neighborhood Node in the 2040 Comprehensive Plan. T2 is a flexible zoning district that allows for residential or commercial uses or a mix of uses, as the applicant currently uses the property.
4. The proposed zoning is consistent with the Comprehensive Plan. The Land Use chapter of the Comprehensive Plan identifies the subject property as being in a Neighborhood Center, which is described as compact mixed-use areas that historically developed adjacent to major intersections. Neighborhood Centers are served by transit and include two or more of the following uses: residential, commercial retail and office, small scale industry, institutional, and open space. Policy 1.14 in the Land Use Plan states, "Plan for growth in Neighborhood Centers" and policy 1.15 states, "Promote Neighborhood Centers as compact, mixed-use communities that provide services and employment close to residences."
5. The proposed zoning is compatible with the surrounding uses. The site is just east of property in a B3 zone along Dale Street and is just west of a multifamily apartment building and within a Neighborhood Center. The applicant has been using the property for commercial uses for many years without complaint, except for complaints about employee parking on neighborhood streets, which led to paving space to accommodate off-street parking. The proposed zoning, T2, allows veterinary clinics. The definition of veterinary clinic (§ 65.536) is "An establishment for the routine examination, medical or surgical treatment and care of domestic household pets generally with overnight boarding facilities for pets in care but without kenneling of animals" and the standards and conditions for the use are, "All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited. In traditional neighborhood and B2 business districts, there shall be no kenneling of animals not under medical treatment."
6. 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." Uses permitted under the proposed T2 zoning are similar to the residential uses permitted in the adjacent RM2 multiple-family residential district to the east, and to the commercial uses permitted in the adjacent B3 general business district to the west. T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.
7. The petition to rezone was found to be sufficient on September 4, 2019: 16 parcels eligible; 11 required; and 11 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Dr. David Wetherill for rezoning from RM2 multiple-family to T2 traditional neighborhood at 600-602 Lawson Avenue West be approved.