

city of saint paul  
planning commission resolution  
file number 21-18  
date April 2, 2021

WHEREAS, L & N Black Properties LLC, File # 21-241-868, has applied to rezone from I1 light industrial to B5 central business-service district under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 554 Broadway Street, Parcel Identification Number (PIN) 31.29.22.41.0032, legally described as Block 3, Kittson's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 25, 2021, 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 from I1 light industrial to B5 central business-service district. The rezoning would permit a range of uses; the property owner intends to pursue a multi-family residential development.
2. The proposed zoning is consistent with the way this area has developed and the surrounding uses. The B5 central business-service district permits a range of uses in proximity to the central business district, including wholesaling and certain manufacturing, that are compatible with the surrounding office/warehouse, medical office, and parking uses. The proximity to other B5 zoning across the two highways to the west also makes this zoning district appropriate. Notably, there is also a residential property (zoned B5) three blocks south, on the same side of I-35E as the subject site.
3. The proposed zoning is consistent with the Comprehensive Plan, which in Map LU-2 2040 Land Use designates the site as part of a Mixed Use area, along with everything south of Grove Street in this vicinity. The proposed B5 zoning permits a mix of uses such as envisioned by the Comprehensive Plan's future land use designation.
4. 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" because the uses permitted in the B5 district are not inconsistent with the surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of L & N Black Properties LLC for rezoning from I1 light industrial to B5 central business-service district for property at 554 Broadway Street be approved.

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