

city of saint paul  
planning commission resolution  
file number 21-21  
date April 16, 2021

WHEREAS, IO Investments LLC, File # 21-246-238, has applied to rezone from R4 one-family residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1053 Dale Street N, Parcel Identification Number (PIN) 26.29.23.14.0007, legally described as Ware and Hospes Addition, Lot 7, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 8, 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 applicant seeks to rezone the subject property from R4 single-family residential to T2 traditional neighborhood (a mixed-use designation). In conversations preceding the application, the applicant stated a desire to potentially convert a portion of the subject property for use as general retail or for residential use. General retail is first allowed in the B1 local business district. Partial residential use of a property is allowed in the B1 district, provided that more than half the first floor is used for a permitted commercial use. The T1 traditional neighborhood allows residential use, but does not allow general retail. The T2 traditional neighborhood district is the least intense district that allows both residential use and general retail.
2. The proposed zoning is consistent with the way this area has developed. The intent of the R4 district is to “provide for an environment of predominantly low-density, one-family dwellings along with civic and institutional uses, public services and utilities that serve the residents in the districts.” The T2 traditional neighborhood is “designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods”.
3. Records for the subject property indicate that it was originally constructed in 1962 as a commercial building (prior to the adoption of the modern zoning code and the current R4 zoning), and that it has been used for commercial purposes since at least 1999. The property currently has non-conforming status for commercial use as a business and/or professional office.

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

4. The proposed zoning is consistent with the Comprehensive Plan. Two specific policies of the 2040 Comprehensive Plan support the proposed zoning. Policy LU-7 encourages “land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities.” Policy LU-27 says the city should “[P]rovide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets.” The Como Community Plan (District 10) does not contain policies explicitly applicable to the proposed zoning change.
5. The proposed zoning is compatible with surrounding uses. The subject property is located on a block that is currently zoned R4 single-family residential, and otherwise occupied by conforming uses, as are the blocks west of the property. Located just to the north, along the opposite side of Dale Street, are two multifamily residential buildings and a mixed-use building. About 1 block to the south, uses on both sides Dale Street transition to commercial as part of the Como/Front/Dale commercial node. The small size of the subject parcel places practical limitations on the use of the parcel.
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.”* The proposed zoning would not constitute spot zoning. The subject property is located in an area of transition from single-family residential zoning to multifamily and commercial/mixed-use zoning districts of similar intensity to the subject parcel.
7. The petition for rezoning was found to be sufficient on March 15, 2021: 14 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of IO Investments LLC for rezoning from R4 one-family residential to T2 traditional neighborhood for property at 1053 Dale Street N be approved.