



## Legislation Text

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**File #:** Ord 16-17, **Version:** 1

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Granting the application of T.V. Eklund LLC to rezone their property at 476 Minnehaha Avenue West from VP vehicular parking to I1 light industrial, and amending Chapter 60 of the Legislative Code pertaining to the Saint Paul zoning map.

WHEREAS, T. V. Eklund LLC, File # 16-037-270, has applied for a rezoning from VP vehicular parking to I1 light industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 476 Minnehaha Ave W, Parcel Identification Number (PIN) 36.29.23.21.0209, legally described as Lots 46-47, Block 2, Smith's Subdivision of Stinson's Division; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 2, 2016, 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 property is currently split zoned I1 light industrial and VP vehicular parking. The applicant is seeking to rezone the VP vehicular parking portion of the parcel to I1 in order to establish a new impound lot. An impound lot is considered outdoor storage, which is not permitted in the VP vehicular parking zoning district.
2. The proposed zoning is consistent with the way this area has developed. The subject property has light industrial uses, and parcels to the north and east are also light industrial. The property is currently split zoned I1 light industrial and VP vehicular parking. Rezoning the VP portion of the parcel is consistent with the industrial character of the immediate area.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land-Use chapter of the comprehensive plan identifies the entire parcel as being industrial and within an employment district. Strategy 2 of the land-use chapter of the Comprehensive Plan calls for providing industrial land for jobs.
4. The proposed zoning is compatible with the surrounding uses. The property is currently split zoned I1 light industrial and VP vehicular parking. There are industrial uses north and east of the parcel and residential uses to the south and west of the parcel. The VP portion of the parcel will be screened from the adjacent residential land uses with a fence or vegetation as a condition of site plan review.
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." Rezoning the VP portion of the parcel to I1 would not constitute spot zoning. The rezoning would enlarge the existing I1 zoning district on the parcel and in the immediate area.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1.

That the zoning map of the City of Saint Paul as incorporated by reference in § 60.303 of the Saint Paul Legislative Code, as amended, is hereby further amended as follows:

That the property at at 476 Minnehaha Ave W, being more particularly described as: Lots 46-47, Block 2, Smith's Subdivision of Stinson's Division, is hereby rezoned from VP to I1.

Section 2.

This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication.