

city of saint paul
planning commission resolution
file number 24-25
date September 13, 2024

WHEREAS, Tegg Holdings LLC, File # 24-061-552, has applied to rezone from H2 residential district, I1 light industrial district, and T2 traditional neighborhood district to IT transitional industrial to establish an outdoor garden center under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 629 Bush Avenue, Parcel Identification Numbers (PINs) 29.29.22.43.0152, 29.29.22.43.0153, and 29.29.22.43.0154; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 5, 2024, 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 H2 residential district, I1 light industrial district, and T2 traditional neighborhood district to IT transitional industrial to establish an outdoor garden center.
2. The site is located between railroad tracks to the north and residential uses to the south across Bush Avenue. Most of the site has a gentle slope from southeast to northwest, and is at nearly the same elevation as the railroad tracks. The site's eastern edge features a retaining wall and hill, with Payne Avenue about 20 feet above the elevation at the middle of the site. The site has a shallow breadth from north to south, as little as 71 feet deep on the west and gradually increasing to 100 feet deep before a property line jog in its eastern portion increases the width up to a maximum of about 117 feet. According to the MPCA it is a brownfield with contaminants that include mercury.
3. The proposed zoning is consistent with the Comprehensive Plan. In Map LU-2, the Comprehensive Plan designates the site's 2040 future land use as a combination of Urban Neighborhood (east of Edgerton Street) and Industrial (west of Edgerton); the map also identifies a Neighborhood Node centered on the intersection of Payne Avenue and Phalen Boulevard, about 300 feet northeast of the subject site.

Urban Neighborhoods are primarily residential areas, but with some limited neighborhood-serving commercial present. The Industrial designation refers to traditional industrial uses (manufacturing, processing, warehousing, etc.) and more contemporary uses driven by technological advances, with the intent that this land use

moved by Grill
seconded by _____
in favor Unanimous
against _____

type is adaptable, relevant and supportive of well-paying jobs with low barriers to entry. Neighborhood Nodes are compact, mixed-use areas that provide uses including employment close to residences, and they are denser concentrations of development relative to their surroundings.

Policy LU-36 calls for promoting neighborhood-serving commercial businesses with Urban Neighborhoods that are compatible with the character and scale of the existing residential development. Policy LU-45 calls for supporting and encouraging development in Industrial areas that maximizes tax base, job creation and/or job retention. Policy LU-30 calls for focusing growth at Neighborhood Nodes using the following principles: (1) Increase density toward the center of the node and transition in scale to surrounding land uses; (2) Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety; (3) Cluster neighborhood amenities to create a vibrant critical mass; (4) Improve access to jobs by prioritizing development with high job density.

The Payne Phalen District 5 Plan, in Goal 4.1.4, calls for “reduc(ing) conflicts between commercial and industrial uses and other types of land use, especially residential.”

The proposed rezoning creates a buffer zone between the active railroad use to the north and the residential uses to the south. It allows for additional employment near a Neighborhood Node in a location where the buffering it provides from the railroad will ease future residential infill and intensification of residential uses south of Bush Avenue, thus allowing the Neighborhood Node to better meet its potential in pursuit of the principles in Policy LU-30.

4. The proposed zoning is compatible with surrounding uses, including residential uses to the south, the railroad to the north, and industrial uses to the west. The intent of the IT transitional industrial district is “to provide sites for commercial, office and light industrial uses that are compatible with nearby residential and traditional neighborhood districts, parks, and parkways.”
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 IT zoning would not constitute spot zoning because it is consistent with the surrounding uses and acts as a transition district between surrounding uses.
6. Per Minn. Revised Statutes 462.357, the consent of 2/3 of the owners of surrounding property within 100 feet of the subject site is required because the application involves rezoning from a residential district to a commercial or industrial district. The consent petition provided with the application was found to be sufficient: 25 parcels eligible; 17 parcels required; 17 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Tegg Holdings LLC for rezoning from H2 residential district, I1 light industrial district, and T2 traditional neighborhood district to IT transitional industrial to establish an outdoor garden center for property at 629 Bush Avenue be approved.