

city of saint paul
planning commission resolution
file number 23-39
date December 22, 2023

WHEREAS, Khoua Yang, File # 23-103-176, has applied to rezone from H1 residential to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 736 Oakdale Avenue, Parcel Identification Number (PIN) 08.28.22.31.0081, legally described as Lots 2 and 3; Block 7; the West St. Paul Real Estate Improvement Syndicate Addition No. 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 14, 2023, 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 requests a rezoning from H1 residential to T2 traditional neighborhood and plans to sell the property for the relocation of Leather Works Minnesota, a small leather goods retailer. The proposed rezoning would allow workshop and retail sales.
2. The existing land use is a grocery store, a legally nonconforming use that has been discontinued for over a year. The proposed use is categorized as "limited production and processing", which is a more intensive use than a grocery store. Because the proposed use is more intensive than the existing use, it would not fit the standards of a reestablishment of nonconforming use permit.
3. The proposed T2 zoning is consistent with the way this area has developed. All historical zoning records indicate that the site has been used for commercial uses. Because the current H1 zoning, any future commercial use would likely need a nonconforming use permit. The traditional neighborhood district would be a better fit for the site as it would allow commercial uses that the site has historically been used for but would allow the variety of housing densities that surround it.
4. The proposed T2 zoning is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan designates the future land use of this parcel as Urban Neighborhood:

"Urban neighborhoods are primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries

moved by Taghioff
seconded by _____
in favor Unanimous
against _____

may also be scattered throughout Urban Neighborhoods. Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/ or collector streets."

The subject parcel is at the intersection of Sydney Street East and Oakdale Avenue, the latter of which is an urban major collector. It is also within walking distance of the 68 bus route and a future G-Line BRT station.

The following policies apply:

2040 Comprehensive Plan:

Policy LU-36. Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

West Side Community Plan (D3):

Policy B1.2 Attract businesses that will increase the diversity of products and neighborhood services available to residents and visitors.

Policy B1.5 Encourage a broad range of businesses that cater to local and regional markets.

5. The proposed zoning is compatible with the surrounding uses. Because the site has historically been used for commercial use, the rezoning would bring the property into conformity with the zoning code.
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.*" Rezoning to T2 would not be considered spot zoning because of the interspersed commercial at intersections along nearby Robert Street and the allowed residential density is similar to that allowed in the H1 zoning district that abuts the parcel to the south and east.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Khoua Yang for rezoning from H1 residential to T2 traditional neighborhood for property at 736 Oakdale Avenue be approved.