

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, TZK Corp, File # 16-034-211, has applied for a rezoning of Lot 7, Block 3, Sauer's Addition from B2 Community Business to T2 Traditional Neighborhood under the provisions of §61.801(b) of the Saint Paul Legislative Code, which is a portion of property located at 113 Annapolis St E, Parcel Identification Number (PIN) 082822340150; 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 application requests rezoning of 113 Annapolis St. E. from B2 to T2.
2. The proposed zoning is consistent with the way this area has developed. The site has residential building with a storefront that was added to the front. There is B2 zoning with a mix of residential and business uses along Robert Street – the proposed zoning serves as a transition between the Robert Street uses and the purely single-family uses farther east.
3. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter, in Figure LU-B, designates the site as an Established Neighborhood, which calls for maintaining the existing residential character. The proposed zoning is more residential than the existing zoning, and improves the transition between the adjacent B2 zoning along Robert Street and the R4 zoning to the east.
4. The proposed zoning is compatible with the surrounding uses such as the senior residential to the south and the mix of uses along Robert Street. It is more compatible with adjacent residential uses to the east than is the existing B2 zoning.
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 rezoning does not constitute spot zoning; the proposed T2 zoning is consistent with the adjoining B2 and R4 zoning districts and serves as a transition between them.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of TZK Corp for a rezoning of Lot 7, Block 3, Sauer's Addition from B2 Community Business to T2 Traditional Neighborhood be approved.

moved by _____
seconded by _____
in favor _____
against _____

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WHEREAS, Mylan Sleets , File # 16-036-037, has applied for a change of nonconforming use from construction business equipment storage, maintenance, and workshop to auto detailing business, under the provisions of § 62.109(c) of the Saint Paul Legislative Code, on property located at 743 Snelling Ave N, Parcel Identification Number (PIN) 282923440057, legally described as College Place West division With Esmts and ex E 115 ft of N 8 1/3 Ft Lot 3 Blk 9; 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 applicant is seeking to change the nonconforming use at 743 Snelling Avenue N from a construction business equipment storage, maintenance, and workshop to an auto detailing business. The business is expected to operate seven days each with the following hours of operation: Monday – Friday 9:00 a.m. to 8:00 p.m., Saturday 9:00 a.m. to 5:00 p.m., and Sunday 10:00 a.m. to 2:00 p.m. Approximately six cars will be detailed each day with all work taking place inside the building. The site plan shows one wash bay, three finishing bays, and two polishing bays as well as two parking spaces within the building. The applicant expects to have up to four part-time employees and employ himself. Cars being worked on will be parked inside the building while on site.
2. Section 62.109(c) states: The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:
 - a. The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use. This finding is met. The current use of the property is construction business equipment storage, maintenance, and workshop facility. If this use was limited to the uses related to a service business with a workshop as defined under §65.534, it would be a permitted use in the T2 traditional neighborhood district. However, the uses on this property exceed that definition and expand into machinery repair and

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warehousing and storage, neither of which is permitted in the T2 district. The small-scale auto detailing business limited to detailing six cars per day proposed for this site is equally appropriate or more appropriate to the neighborhood than the existing use.

- b. The traffic generated by the proposed use is similar to that generated by the existing nonconforming use. This finding is met. Both the existing use and the auto detailing business are low trip generating uses. The applicant expects to detail approximately six cars each day and only four part-time employees.
- c. The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met subject to the project going through the site plan review process. With the existing curb cut onto Snelling Avenue with a garage door entering into the front of the building, there is a need to have traffic engineers review and approve how traffic movement through that front door is handled on Snelling Avenue.
- d. The use is consistent with the comprehensive plan. This finding is met. The District 11 plan neither supports nor opposes this type of use. The Comprehensive Plan guides Snelling Avenue as Mixed Use Corridor, which includes commercial uses.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of for a change of nonconforming use from construction business equipment storage, maintenance, and workshop to auto detailing business at 743 Snelling Ave N is hereby approved subject to the following conditions:

1. Undertake the City's site plan review process to ensure that any automobiles exiting onto Snelling Avenue is permitted by the Minnesota Department of Transportation;
2. Limit detailing of cars to eight per day; and
3. Park customer cars to be detailed inside the building and reserve outdoor lot parking for employees and customers.

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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.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of T. V. Eklund LLC for a rezoning from VP vehicular parking to I1 light industrial for the property at 476 Minnehaha Ave W be approved.

moved by _____
seconded by _____
in favor _____
against _____