



CITY OF SAINT PAUL

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Date: June 17, 2013
To: Comprehensive Planning Committee
From: Kate Reilly, City Planner (266-6618 or kate.reilly@ci.stpaul.mn.us)
Subject: **ABRA Options at 1190 University Avenue**

At the June 11, 2013, Comprehensive Planning Committee meeting, commissioners requested additional information about rezoning the site at 1190 University Avenue to B3 and other potential alternatives to address ABRA's situation rather than allowing auto body shops in T4 as a conditional use. Below please find 4 possible scenarios for the ABBRA site:

1. ABRA can continue to operate in T4 under the conditions of the interim use permit (IUP) approved by the City Council 12/19/2012, which states that the IUP shall expire when the property is redeveloped with a new use, or when ownership of the use is transferred, or when the zoning code is amended to make auto body shop a conditional use at this location. Although the IUP permits ABRA in the short term, the terms of the IUP clearly prohibits any redevelopment of the site for mixed use which would include ABRA.
2. ABRA, after having existed as a nonconforming use under the IUP for 10 years (Midway Chevrolet closed and moved to a suburban location in May 2007), will be eligible to apply for a nonconforming use permit in 2017 pursuant to Leg. Code 62.109(a). This includes a petition requirement. A nonconforming use permit could provide for redevelopment of the site for mixed use including ABRA.
3. If the Zoning Code is amended to make auto body shops a conditional use in B3, the Planning Commission has the option to rezone 1190 University Avenue to B3. Minnesota courts have ruled that the term "spot zoning" applies to a zoning change of a small plot of land that both creates an island of nonconforming use within a larger zoned district *and* is inconsistent with surrounding uses. Given that B3 zoning of 1190 University would not be inconsistent with surrounding uses, the City Attorney's Office is of the opinion that rezoning the parcel to B3 would not be spot zoning. However, B3 allows for less redevelopment potential than T4.
4. Likewise, if the Zoning Code is amended to make auto body shop a conditional use in B3, ABRA could initiate rezoning the parcel to B3 and then apply for a conditional use permit. Neither the rezoning nor the conditional use permit application would involve a petition requirement.