

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Ali Alfureedy, File # 21-241-476, has applied to rezone from B1 local business district to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 444 Maryland Avenue W, Parcel Identification Number (PIN) 25.29.23.21.0091, legally described as E 100 ft. of Lot 60, Wilkin & Heyward's Out Lots; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 22, 2021, 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 is to rezone the property to T2 traditional neighborhood to allow a tobacco products shop. The rezoning application was initiated as a result of an adverse action by DSI. As a result of the adverse action, it was discovered that a tobacco products shop was erroneously permitted. Tobacco product shops are not permitted in the B1 zoning district. T2 allows a tobacco product shop subject to the conditions that it is not located within a half mile of another tobacco products shop, and a conditional use permit is required if the floor area is greater than 2500 square feet.
2. The proposed zoning is consistent with the way this area has developed. The area is a mix of industrial, commercial, and residential uses. The T2 zoning is consistent with the mix of housing and commercial uses along Maryland Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan. This location is identified as Urban Neighborhood on the Future Land Use Map. Urban Neighborhoods are defined as:  
*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 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 following policy is particularly applicable:

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

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

*development.*

4. The proposed zoning is compatible with surrounding residential uses . The use is adjacent to low density residential and is less than a quarter mile from other commercial uses such as a laundromat, landscaping, and auto-repair services. The T2 zoning provides for a mix of uses such as low density and multi-family residential and a variety of commercial uses including a tobacco products shop.
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 rezoning would not be spot zoning. The commercial and residential uses permitted in the proposed T2 traditional neighborhood district are consistent with the uses permitted under RM2, B3 and other T2 zoning along this section of Maryland Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Ali Alfureedy for rezoning from B1 local business district to T2 traditional neighborhood for property at 444 Maryland Avenue W be approved.