

MINUTES OF THE ZONING COMMITTEE
Thursday, April 22, 2021 - 3:30 p.m.

PRESENT: Baker, DeJoy, Grill, Hood, Reilly, Syed, and Taghioff
EXCUSED: Rangel Morales
STAFF: Menaka Mohan, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

444 Maryland Rezoning - 21-241-476 - Rezone from B1 local business district to T2 traditional neighborhood., 444 Maryland Ave W, SW corner at Arundel Street

Menaka Mohan presented the staff report with a recommendation of approval for the rezoning. She said District 6 submitted a letter that made no recommendation, and there were no letters in support, and 20 letters in opposition as well as notes from a community meeting about the site.

In response to Commissioner Baker, Ms. Mohan said that the license for selling tobacco was granted by the Department of Safety and Inspections (DSI) in error and the applicant needs to rezone in order for this use to be legal at this location.

In response to Commissioner Hood, Ms. Mohan said she viewed the history and saw there were complaints for this property involving trash and police calls, but the staff report is about a land use decision only. She was only reviewing if the new zoning classification, T2 traditional neighborhood, fit into this neighborhood.

In response to Commissioners, Peter Warner said that this is a rezoning applicant and the Committee cannot condition rezonings. He said that this is a land use decision only and the Committee does not need to take into consideration the complaints filed with DSI.

Ben Loetscher, Ferdinand F. Peters, Esq., Law Firm, 842 Raymond Avenue, Saint Paul was available with the applicant and owner of 444 Maryland Avenue, Ali Alfureedy. He said he agrees that this is a land use decision and the DSI complaints should not be considered. He said they did lay over this application to have an opportunity to meet with the members of the community and the property owner has taken steps to try and address some of the issues that are being attributed to the property.

Kerry Antrim, North End Neighborhood Organization, 171 Front Avenue, Saint Paul, said they have worked with the neighborhood and their issues are reflected in the letter they submitted. The difficulty is do we mitigate what has been a potentially challenging business in our neighborhood by zoning. We were unable to come to a true consensus because they don't know if zoning should be used to mitigate livability issues of a neighborhood. They decided not to make a recommendation and sent the question to the Zoning Committee to make the determination. Also, she said that DSI making a mistake put the business and the neighborhood into a very uncomfortable situation because they were not able to vet out any license conditions

with the new tobacco shop which they possibly could have regarding the parking lot and how the store was going to work. They want to work with the owner to mitigate some of these issues.

Blia Yang, 1169 Randolph, Saint Paul, spoke in opposition. Mr. Yang said he is concerned with this shop and the complaints in the area. He also said there have been shootings in the neighborhood and he is very concerned for the safety of his neighborhood.

Mr. Loetscher said there has not been any established causation of whatever is happening in that area with this particular use.

The public hearing was closed.

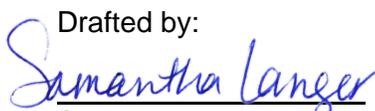
Commissioner Reilly moved approval of the rezoning. Commissioner Grill seconded the motion.

Commissioner DeJoy said she is leaning in favor because it is a zoning change and we cannot use zoning to mitigate criminal or rowdy behavior. She said that she hopes the applicant will continue to work with the community.

In response to Commissioner Baker, Mr. Warner said that the use does require a license and DSI does have the ability to impose conditions on the license and they are enforceable through that process.

The motion passed by a vote of 7-0-0.

Adopted Yeas - 7 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Menaka Mohan
City Planner

Approved by:

Cedrick Baker (May 10, 2021 10:10 CDT)
Cedrick Baker
Chair

21-241-476 444 Maryland Rezoning minutes-MM edits

Final Audit Report

2021-05-10

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