

city of saint paul
planning commission resolution

file number 22-12

date February 18, 2022

WHEREAS, Jonathan Faraci, File # 22-021-813, has applied to rezone from OS office service to B2 community business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1296 Hudson Road, Parcel Identification Number (PIN) 33.29.22.44.0077, legally described as Suburban Hills Subj To Water L Esmt; Ex S 59.2 Ft The E 40 Ft Of Lots 4 And Lot 5 Blk 33; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 10, 2022, 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 from OS office service to B2 community business district.
2. The proposed zoning is consistent with the way this area has developed. This quadrant of the intersection of English Street and Hudson Road contains business uses in character with the proposed zoning.
3. The proposed zoning is consistent with the Comprehensive Plan. The Plan in Map LU-2 2040 Land Use designates the site as Urban Neighborhood, which in its description and Policy LU-36 promotes limited neighborhood-serving commercial uses, typically at intersections of arterial and/or collector streets. Although neither Hudson Road or English Street is an arterial or collector street, and the B2 district is intended to serve more than just the adjacent neighborhood, the site faces an interstate highway and abuts other businesses and B2 zoning – a setting that meets the intent of the Plan. The size of the lot will somewhat limit the potential uses, as well. Also, the Plan in Policy LU-6 calls for facilitating business expansion, which is furthered by the proposed rezoning.
4. The proposed zoning is compatible with the surrounding business uses to the west and residential uses to the east and southwest, which are separated from the site by a road or a driveway and parking lot.
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 zoning is not inconsistent with surrounding uses and is not “spot zoning”.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Jonathan Faraci for rezoning from OS office service to B2 community business for property at 1296 Hudson Road be approved.

moved by Syed

seconded by _____

in favor Unanimous

against _____