

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1296 Hudson Rezoning

FILE #: 22-021-813

APPLICANT: Jonathan L. Faraci

HEARING DATE: February 10, 2022

TYPE OF APPLICATION: Rezoning

LOCATION: 1296 Hudson Road, SW corner at English Street

PIN & LEGAL DESCRIPTION: 33.29.22.44.0077; Suburban Hills Subj To Water L Esmt; Ex S
59.2 feet the E 40 feet of Lots 4 & 5, Block 33

PLANNING DISTRICT: 4

EXISTING ZONING: OS

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: February 3, 2022

BY: Bill Dermody

DATE RECEIVED: January 18, 2022

60-DAY DEADLINE FOR ACTION: March 12, 2022

- A. **PURPOSE:** Rezone from OS office service to B2 community business.
- B. **PARCEL SIZE:** 6,838 square feet
- C. **EXISTING LAND USE:** Office
- D. **SURROUNDING LAND USE:** Construction business to the west (B2), Interstate 94 to the north, single-family residential across English Street to the east and southeast (R4), and multi-family residential to the southwest (RM2).
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site has been zoned OS office service since 1975. The site received a conditional use permit in 1999 for a cellular telephone antenna and associated equipment located south of the office building on the site. The adjacent property at 1286 Hudson Road, whose business will expand to the subject site, was rezoned from OS to B2 community business some time between 1975 and 1999.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 4 Dayton's Bluff Community Council has not provided a recommendation.
- H. **FINDINGS:**
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”.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from OS office service to B2 community business at 1296 Hudson Road.



REZONING APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only
File # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Property Owner(s) Jonathan L. Faraci
Address 2065 63rd St E City Inver Grove Heights State MN Zip 55077
Email _____ Phone _____
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____
(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY INFO

Address/Location 1296 Hudson Road, Saint Paul, MN 55106
PIN(s) & Legal Description PID 332922440077
(Attach additional sheet if necessary.)
See attached sheet for legal description
Lot Area 6772 sf, 0.16 acres Current Zoning OS

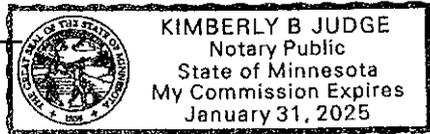
TO THE HONORABLE MAYOR AND CITY COUNCIL:
Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Jonathan L. Faraci
owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
OS zoning district to a B2 zoning district, for the purpose of:

Matching the zoning of the property immediately to the west, for the potential of expanding the
office and storage use of the buildings.

Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me
Date Jan 12 2022

Notary Public



By: [Signature]
Fee owner of property
Title: OWNER

Hudson Rd

English St

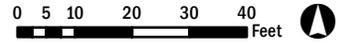


FILE #22-021-813 Aerial Map
Application of Jonathan Faraci

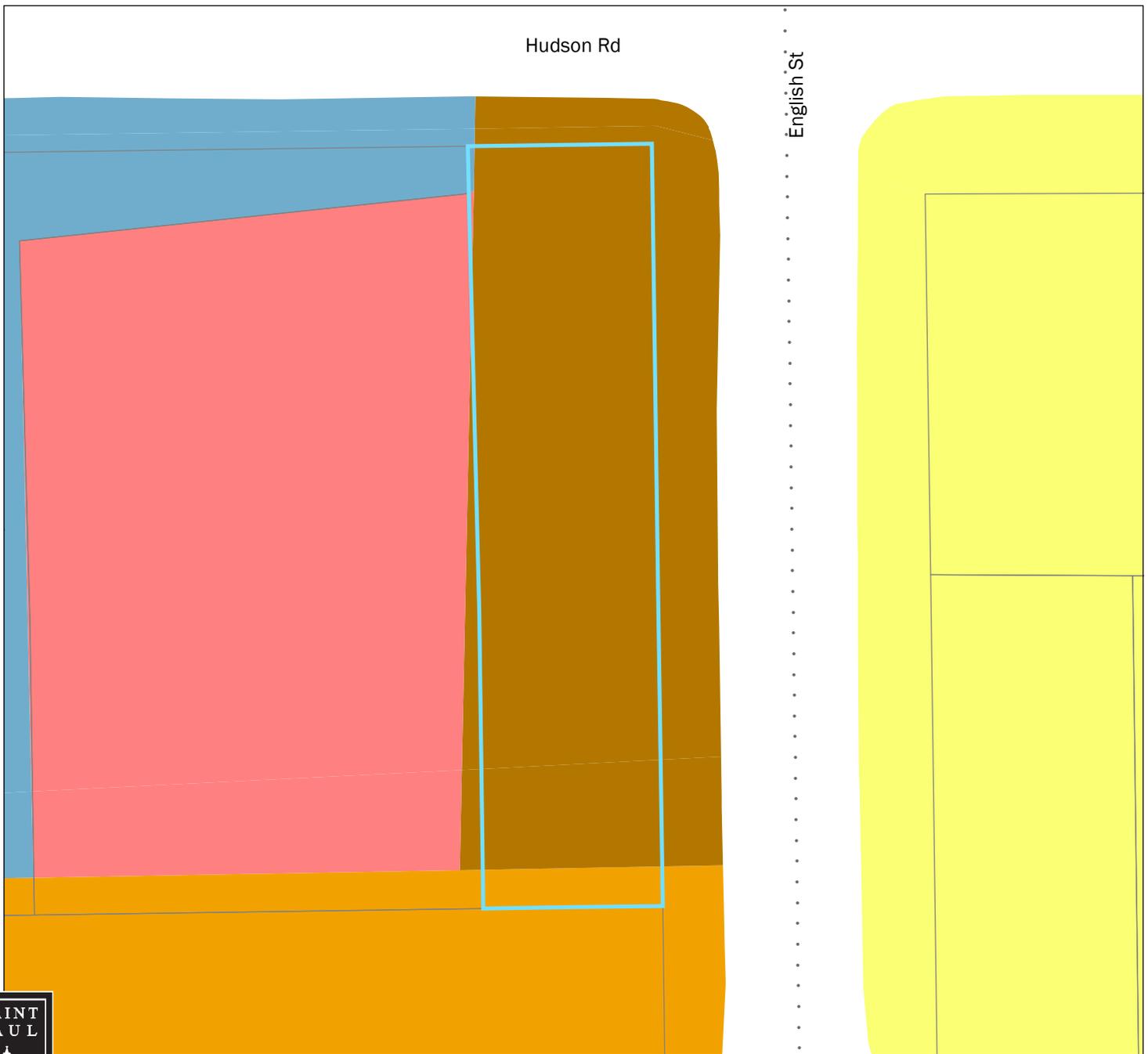
Application Type: Rezone
 Application Date: January 12, 2022
 Planning District: 4

Subject Parcel(s) Outlined in Blue

- Subject Parcel(s)
- ParcelPoly

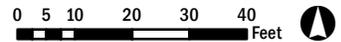


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FILE #22-021-813 Existing Land Use
Application of Jonathan Faraci

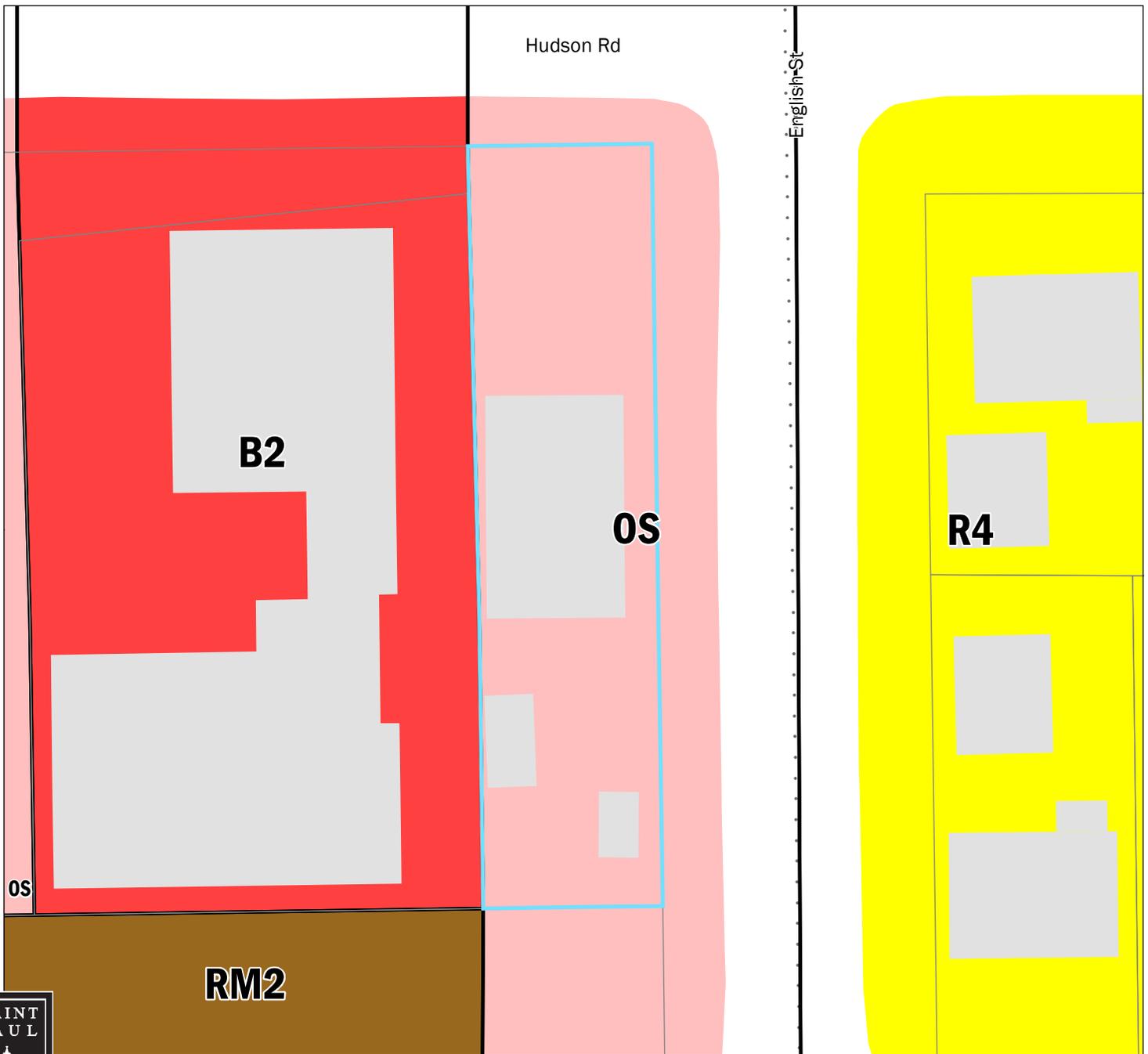
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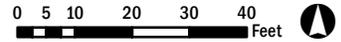
Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s) | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly | Multifamily | Industrial and Utility | Railway |
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |



FILE #22-021-813 Zoning Map
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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	