

city of saint paul  
planning commission resolution  
file number 11-86  
date October 28, 2011

WHEREAS, Fort Road Coffee Company, File # 11-282-365, has applied for a Rezoning from B1 Local Business to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1518 Randolph Ave, Parcel Identification Number (PIN) 102823320021, legally described as Randolph Villas Ex S 6 54/100 Ft Lot 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2011, 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 applicant has applied to rezone the property from B1 to T2 for the purpose of being classified as a restaurant rather than a coffee shop. A restaurant is not a permitted use in the B1 zone. The applicant is interested in being able to serve soup to customers, which is permitted with a restaurant license that cannot be issued to a coffee shop. Rezoning to T2 will allow the applicant to obtain the required restaurant license and serve food for consumption on site that is not pre-packaged elsewhere.
2. The proposed zoning is consistent with the way this area has developed. The property is located within a small neighborhood node along a mixed use corridor. In addition, the site is two blocks east of the commercial node at Snelling and Randolph and can be considered an extension of that commercial district. The uses permitted in the B1 and T2 districts are very similar in type and intensity, but the T2 district is better suited for commercial areas in close proximity to low density residential.
3. The proposed zoning is consistent with the Land Use Chapter of the Comprehensive Plan. The chapter lists goals of permitting neighborhood serving commercial businesses compatible with the character of Established Neighborhoods (LU1.7, p.10), and supporting a mix of uses along Mixed-Use Corridors (LU1.24, p.14). The District 15 plan summary supports a mix of uses and a pedestrian-friendly street environment in commercial areas, and considers rezoning portions of the Snelling-Randolph commercial area to T2 to support mixed use development and add design standards to limit the visual impact of parking and buildings.
4. The proposed zoning is compatible with the existing commercial and single and multifamily residential uses. The range of businesses permitted under the T2 zoning is compatible with varying intensities of commercial and residential uses. Development standards associated with the Traditional Neighborhood districts will ensure that the pedestrian and transit friendly character, neighborhood scale, and positive commercial/residential interface are maintained.

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

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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" The proposed T2 zoning is compatible with both surrounding uses and zoning, and the general area is already characterized by the presence of a number of small, adjacent districts and parcels of different but compatible zoning designations. Rezoning will not reduce the value of either the rezoned or surrounding properties for allowed uses. The rezoning would therefore not constitute "spot zoning".

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of Fort Road Coffee Company for a Rezoning from B1 Local Business to T2 Traditional Neighborhood for property at 1518 Randolph Ave be approved.