

city of saint paul
planning commission resolution
file number 15-76
date December 4, 2015

WHEREAS, Patrick Nseumen, File # 15-173-084, has applied for a rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 805 Hudson Road, Parcel Identification Number (PIN) 32.29.22.41.0147, legally described as Willius Sub Of B57 Lyman Dayto Subj To Esmts The Fol Part Nly Of Hudson Rd Of Lots 14 15 And Lot 16 Blk 57; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 24, 2015, 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 RT1 Two-Family Residential to T2 Traditional Neighborhood to allow for a café with drive-through that also acts as a commissary for a mobile food vending business. If the rezoning is approved, a conditional use permit would be needed to allow for the drive-through use.
2. The previous use was a service business, which is first permitted in the T1 Traditional Neighborhood district. The requested café and drive-through uses are first permitted in the T2 district. It is not clear how a commissary would be classified by the Zoning Code.
3. The proposed zoning is consistent with the way this area has developed. It allows for a commercial use on this site with a commercial building. The T2 district is intended for use in existing or potential pedestrian and transit nodes, to foster and support compact, pedestrian-oriented commercial and residential development. The Gold Line Bus Rapid Transit project may provide a major transit station about 3 or 4 blocks to the northwest.
3. The proposed zoning is not consistent with the Comprehensive Plan. The Gold Line Station Area Plans, adopted in October 2015, identifies the subject site as being within the Mounds Station Area. The Mounds Station Area Plan chapter identifies a "Primary Transit-Oriented Development (TOD) Zone" about 4 blocks north of the subject site along 3rd Street between Mounds Boulevard and Maria Avenue, and along Maria Avenue between 3rd Street and 4th Street. The Plan states that "established residential areas outside the Primary TOD Zone," such as the subject site, "should maintain their character". The proposed rezoning would change the site's character by allowing uses more intense than the previous use, which is first allowed in the T1 district.

moved by Nelson
seconded by _____
in favor Unanimous
against _____

4. The proposed zoning is not compatible with the surrounding residential uses at this location. Though the site is located at the intersection of two collector streets, its small size and close proximity to residential make T2 uses, which are more intense than the previous use and have a service area beyond the neighborhood, incompatible at this location.
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 T2 zoning does represent “spot zoning” at this location in that it establishes a use classification that is inconsistent with the surrounding uses. T2 at this location would be an island of nonconforming use within the larger RT1-zoned area. Unlike T1 zoning, T2 is not intended to serve as a transitional zoning district to residential uses and it includes uses that would be inconsistent with the surrounding uses.
6. The petition for rezoning was found to be sufficient on October 28, 2015: 8 parcels eligible; 6 parcels required; 6 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Patrick Nseumen for a rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood for property at 805 Hudson Road be denied.