

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 444 Maryland Rezoning **FILE #:** 21-241-476
  2. **APPLICANT:** Ali Alfureedy **HEARING DATE:** April 8, 2021
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 444 Maryland Ave W
  5. **PIN & LEGAL DESCRIPTION:** 25.29.23.21.0091; E 100 ft. of Lot 60, Wilkin & Heyward's Out Lots
  6. **PLANNING DISTRICT:** 6 **EXISTING ZONING:** B1
  7. **ZONING CODE REFERENCE:** §§ 61.801(b)
  8. **STAFF REPORT DATE:** April 1, 2021 **BY:** Menaka Mohan
  9. **DATE RECEIVED:** March 2, 2021 **60-DAY DEADLINE FOR ACTION:** June 26, 2021 (extended)
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- A. **PURPOSE:** Rezone from B1 local business district to T2 traditional neighborhood district.
- B. **PARCEL SIZE:** 10,019 square feet
- C. **EXISTING LAND USE:** Commercial (Supermarket)
- D. **SURROUNDING LAND USE:** North: multifamily residential (RM2). East: low-density residential (RM2). West: multifamily residential (RM2). South: low-density residential (R4).
- 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 was rezoned in 1969 from residential to commercial to allow for a small liquor store and then rezoned to B1 in 1975. Since the early 2000s the site has operated as a supermarket. The Department of Safety Inspection (DSI) brought an adverse action against the property due to a door between the tobacco product shop and the grocery store. During the course of the adverse action it was discovered that the tobacco license was erroneously granted by DSI. Tobacco products shop is prohibited in the B1 zoning district (§ 66.421). This triggered the application for a rezoning. The adverse action by DSI is ongoing pending the results of the rezoning.

The T2 zoning district permits a tobacco products shop without a conditional use permit if the property can meet the conditions in § 65.535 that it is not located within a half mile of another tobacco products shop and the floor area is less than 2,500 square feet. The tobacco product shop is less than 2,500 square feet and there are no other tobacco products shops within a half mile of the subject property-

- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 space per 400 sq. ft. GFA up to 30,000 sq. ft. GFA, plus 1 space for each additional 800 sq. ft. GFA over 30,000 sq. ft. GFA.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council had not made a recommendation as of the date of this staff report.
- I. **FINDINGS:**
  1. The application is to rezone the property to T2 traditional neighborhood to allow a tobacco products shop. The rezoning application was initiated as a result of an adverse action by DSI. As a result of the adverse action, it was discovered that a tobacco products shop was erroneously permitted. Tobacco product shops are not permitted in the B1 zoning district. T2 allows a tobacco product shop subject to the conditions that it is not located within a half mile of another tobacco products shop, and a conditional use permit is required if the floor area is greater than 2500 square feet.
  2. The proposed zoning is consistent with the way this area has developed. The area is a mix of industrial, commercial, and residential uses. The T2 zoning is consistent with the mix of housing and commercial uses along Maryland Avenue.

3. The proposed zoning is consistent with the Comprehensive Plan. This location is identified as Urban Neighborhood on the Future Land Use Map. Urban Neighborhoods are defined as:

*Urban Neighborhoods are primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/or collector streets.*

The following policy is particularly applicable:

*Policy LU-36. Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.*

4. The proposed zoning is compatible with surrounding residential uses . The use is adjacent to low density residential and is less than a quarter mile from other commercial uses such as a laundromat, landscaping, and auto-repair services. The T2 zoning provides for a mix of uses such as low density and multi-family residential and a variety of commercial uses including a tobacco products shop.
  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 rezoning would not be spot zoning. The commercial and residential uses permitted in the proposed T2 traditional neighborhood district are consistent with the uses permitted under RM2, B3 and other T2 zoning along this section of Maryland Avenue.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning from B1 local business to T2 traditional neighborhood at 444 W. Maryland Avenue.

**FERDINAND F. PETERS, ESQ., LAW FIRM**

842 Raymond Avenue  
St. Paul, Minnesota 55114  
Phone: (651) 647-6250 · Fax: (651) 251-1183  
[bloetscher@ferdlaw.com](mailto:bloetscher@ferdlaw.com)

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March 25, 2021

Mr. Paul Dubruiel  
Ms. Menaka Mohan  
Department of Planning and Economic  
Development  
Zoning Section  
1400 City Hall Annex  
25 Fourth St. West  
St. Paul, MN 55102  
[Paul.dubruiel@ci.stpaul.mn.us](mailto:Paul.dubruiel@ci.stpaul.mn.us)  
[Menaka.mohan@ci.stpaul.mn.us](mailto:Menaka.mohan@ci.stpaul.mn.us)

**Via U.S. Mail and Email**

**RE: 444 Maryland Ave. W, St Paul, MN 55117  
Rezoning Application**

Dear Mr. Dubriel and Ms. Mohan:

Enclosed please find the amended Rezoning Application in this matter, which I am submitting on behalf of the property owner, Ali Alfureedy. I understand the previously submitted fee of \$1,260.00 will be applied to this application. Please don't hesitate to contact me with any questions or requests for additional information.

Thank you.

Sincerely,



Benjamin Loetscher  
*Attorney at Law*



**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) Ali Alfureedy  
Address 444 Maryland Ave. W City St. Paul State MN Zip 55117  
Email alimzuhi@yahoo.com Phone 763-607-8657  
Contact Person (if different) Benjamin Loetscher, attorney Email bloetscher@ferdlaw.com  
Address 842 Raymond Ave., Ste. 200 City St. Paul State MN Zip 55114  
*(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 444 Maryland Ave. W, St. Paul, MN 55117  
PIN(s) & Legal Description PIN: 252923210091  
*(Attach additional sheet if necessary.)*  
Legal: The East 100 feet of Lot 60, Wilkin and Heyward's Out Lots, Ramsey County, Minnesota  
Lot Area .23 Acres Current Zoning B1

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Ali Alfureedy

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a B1 zoning district to a T2 zoning district, for the purpose of:

conforming the zoning classification to clearly permit the historical uses of the property, including the continued operation of a tobacco products shop. Other nearby, non-residential uses along Maryland Avenue West are zoned T2, and this application seeks to conform the subject property to that zoning classification. Since the property owner purchased the property, the use of the property has always included sale of tobacco products permitted to be sold in tobacco products shops, and thus the application does not seek to introduce any new use, but merely to clearly permit the uses already in existence at the subject property.

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

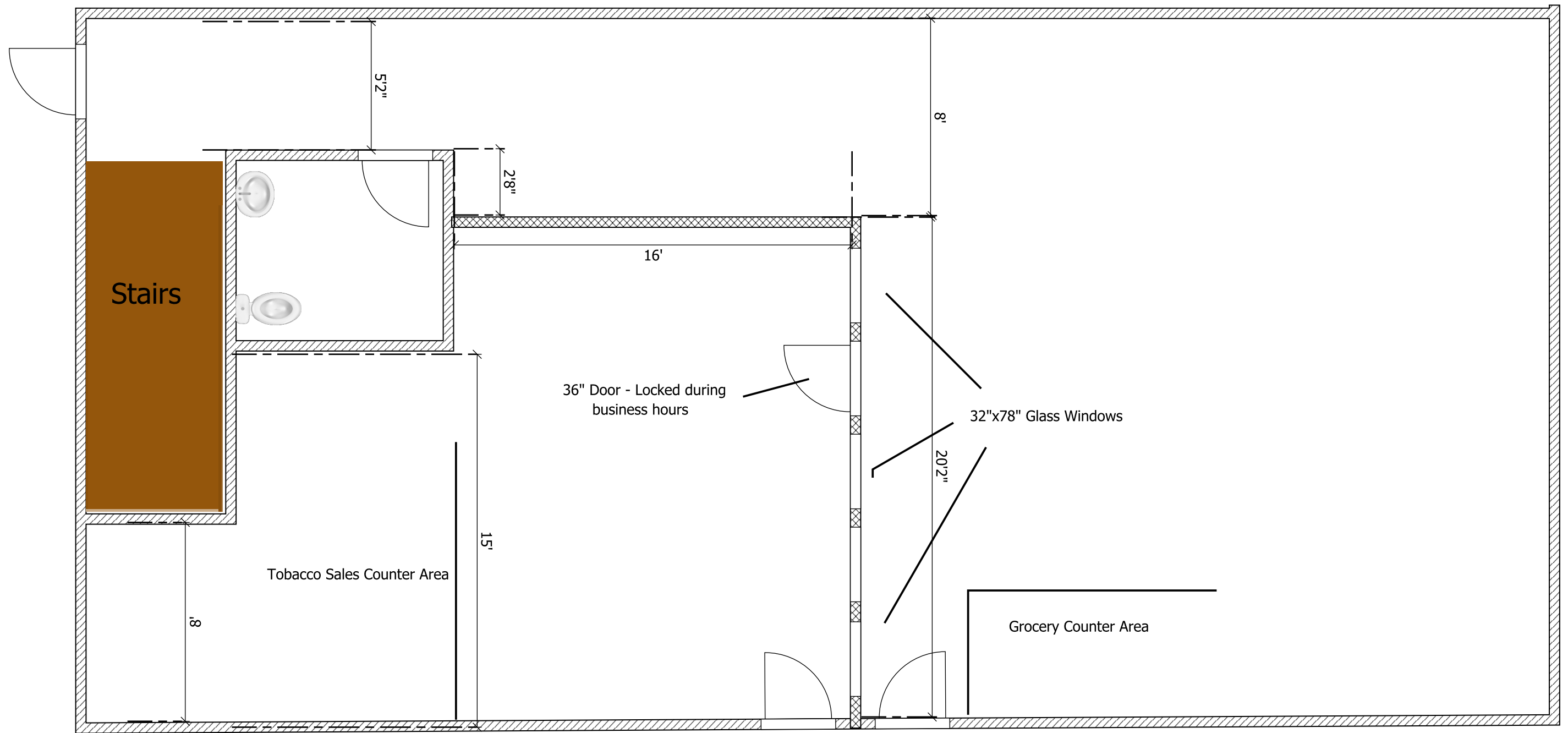
Date March 25 2021

Cristina D Czaia  
Notary Public

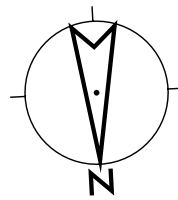


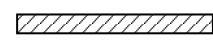
By: [Signature]  
Fee owner of property

Title: Ali Alfureedy

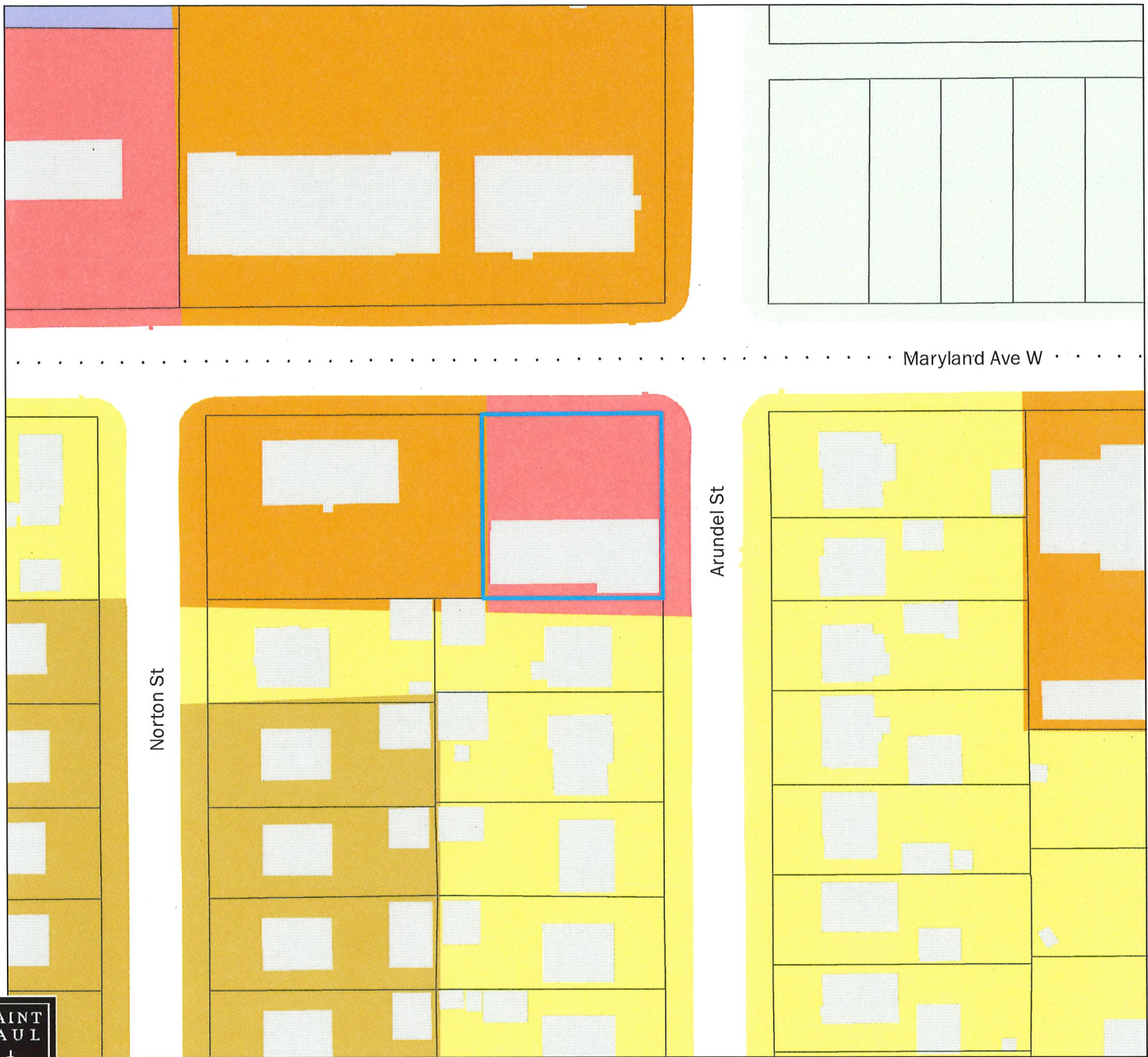


444 Maryland Ave



 Existing Walls

 New Walls



**FILE #21-241-476 Existing Land Use**  
**Application of Ali Alfureedy**

Application Type: Rezone  
 Application Date: February 26, 2021  
 Planning District: 6



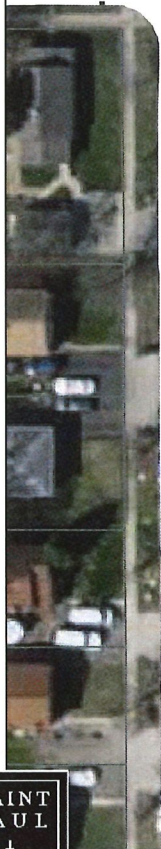
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**Subject Parcel(s) Outlined in Blue**

- |                           |                                |                                |              |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on             | 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        |
| Single Family Attached    | Mixed Use Commercial and Other | Major Highway                  |              |



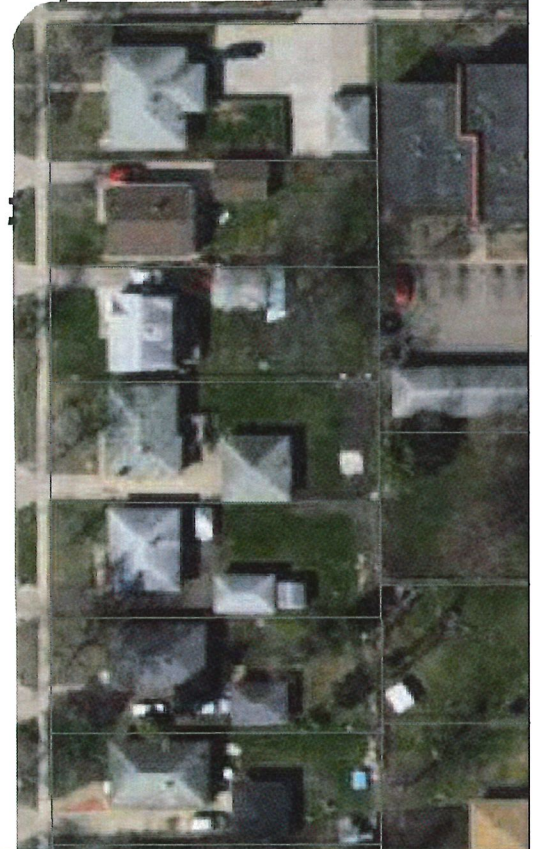
Maryland Ave W



Norton St



Arundel St



# FILE #21-241-476 Aerial Map Application of Ali Alfureedy

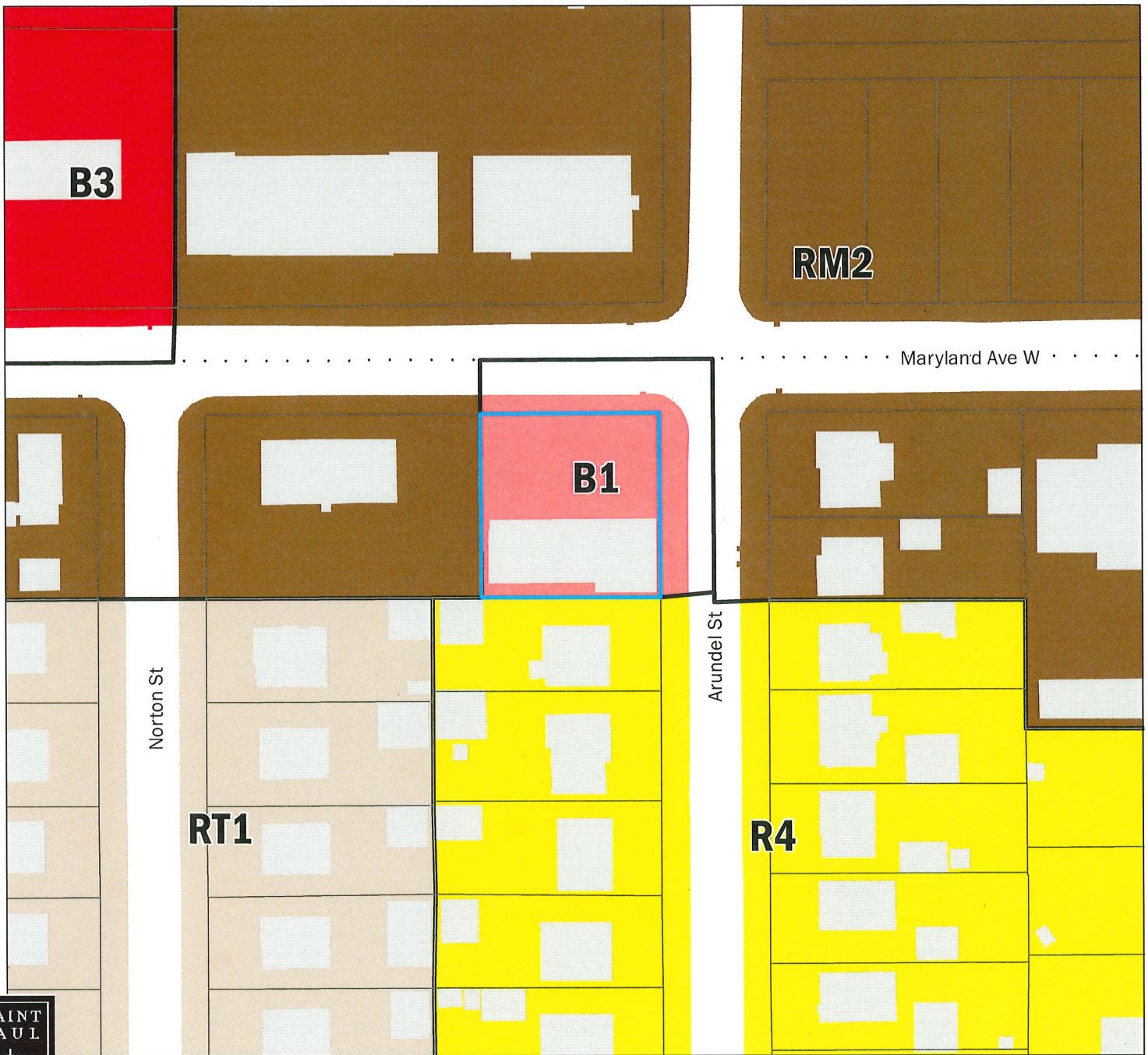
Application Type: Rezone  
Application Date: February 26, 2021  
Planning District: 6

**Subject Parcel(s) Outlined in Blue**

ParcelPoly on



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**FILE #21-241-476 Zoning Map**  
**Application of Ali Alfureedy**

Application Type: Rezone  
 Application Date: February 26, 2021  
 Planning District: 6



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**Subject Parcel(s) Outlined in Blue**

ParcelPoly on	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	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	