

city of saint paul  
planning commission resolution

file number 17-62

date September 22, 2017

WHEREAS, John Abukhudeer, File # 17-071-969, has applied for a rezoning from B1 local business to B2 community business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 1543-1571 Maryland Ave. E., Parcel Identification Numbers (PINs) 222922430040, 222922430041, & 222922430042, legally described as The S 173 feet of the W 392 feet of the SW ¼ of SW ¼ of SE ¼ of Section 22 Township 29 Range 22, subject to street dedications and easements; and

WHEREAS, the Zoning Committee of the Planning Commission, on September 14, 2017, 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 B1 Local Business District to B2 Community Business District for approximately 1.2 acres at the northeast corner of Maryland Avenue E. and Hazelwood Street.
2. The proposed zoning is consistent with the way this area has developed. The area is characterized by a mix of uses, including commercial, institutional, parkland, higher-density multi-family, duplexes, and single-family homes. The proposed zoning would allow an expansion of commercial uses.
3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan, in Figure LU-B, designates the site as part of a Mixed Use Corridor. Strategy LU-1.46 is to *Encourage the expansion of compact commercial areas in Neighborhood Centers and Mixed-Use Corridors to further the objectives of both categories of neighborhoods.* The proposed zoning is consistent with this strategy, and would help to better balance the mix of uses on Maryland Avenue east of the Phalen Village Neighborhood Center.
4. The proposed zoning is compatible with the surrounding residential and institutional uses, which are of a higher intensity along the mixed use Maryland Avenue corridor.
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 would not constitute

moved by Reveal

seconded by \_\_\_\_\_

in favor Unanimous

against \_\_\_\_\_

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spot zoning because the use classification is consistent with surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Zamzam, Inc. for a rezoning from B1 local business to B2 community business for property at 1543-1571 Maryland Ave. E. be approved.