

city of saint paul
planning commission resolution

file number 17-61

date September 22, 2017

WHEREAS, Syed Mahmood, in File # 17-073-754, has applied for a change of nonconforming use from bar to tobacco shop under the provisions of §62.109(c); §65.535 of the Saint Paul Legislative Code, for property located at 937 3rd St. E., Parcel Identification Number (PIN) 332922230071, legally described as Lot 13, Block 89 of Adam Gotzian's Sub. of Block 89, Lyman Dayton Addition; 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 a change of nonconforming use to permit a tobacco shop use. The applicant plans to have the business open seven days a week from 9:00 a.m. to 9:00 p.m., with two full-time employees and one part-time employee.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. A tobacco products shop is first allowed in the BC Community Business District, while a bar is first allowed in the less restrictive T2 Traditional Neighborhood District.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. A tobacco products shop is anticipated to generate less traffic than a bar, as exemplified by its lesser parking requirement.
 - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use will need to abide by City and State licensing requirements for tobacco sales, including those intended to protect public health and general welfare. The Zoning Code ordinarily (when not a nonconforming use permit situation) requires a tobacco products shop to be located no closer than ¼ mile from another such shop; the nearest

moved by Reveal

seconded by _____

in favor Unanimous

against _____

known tobacco products shop is located about 4,000 feet to the northwest.

- d. *The use is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan and District 4 Plan Summary contain no provisions specific to tobacco products shops. The District 4 Plan Summary, in Strategy C3, calls for the reuse, instead of demolition, of existing commercial buildings, such as is proposed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Syed Mahmood for a change of nonconforming use from bar to tobacco shop at 937 3rd St. E. is hereby approved.