



## Legislation Text

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**File #:** RES 12-2258, **Version:** 1

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Directing the appropriate city department to refund appeal fees paid by Raymond and Susan Cantu for zoning appeals filed under Zoning File Nos. 12-101937 and 12-116607.

WHEREAS, on October 15, 2012, Raymond and Susan Cantu, pursuant to Leg. Code § 61.702 (a), did under PED Zoning File no. 12-116607 duly file an appeal to the City Council from a Planning Commission decision which affirmed an appeal (Zoning File no. 12-101937) from an administrative decision by the Zoning Administrator to approve a site plan application under DSI Zoning File no. 12-090127 to relocate a gasoline pump island on property commonly known as 1200 Rice St; and

WHEREAS, on November 7, 2012, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, the City Council duly conducted a public hearing on the Cantu's where all interested parties were given an opportunity to be heard; and

WHEREAS, at the close of the public hearing, the Council, for the reasons set forth in a separate resolution, moved to deny the Cantu's appeal on the basis that they had failed to show any error on the Zoning Administrator's part in approving the said site plan; and

WHEREAS, the Council finds that the recent zoning permit approval history for 1200 Rice Street has been confusing for adjacent property owners who have had difficulty working through the technical application of the zoning code's regulations for the use at 1200 Rice Street; and

WHEREAS, while the zoning code's regulations and procedures were properly applied to the zoning applications made by the owner of the 1200 Rice Street property, the Council also finds that the adjacent property owners and the Cantu's in particular, incurred an unnecessary financial expense by filing appeals to understand the series of zoning decisions that have recently been made regarding the use at 1200 Rice Street; and

WHEREAS, the Council believes that the appeal fess incurred by the Cantu's should be refunded; NOW, THEREFORE,

BE IT RESOLVED that the Council of the City of Saint Paul, by this resolution, directs the department of safety and inspections or the department of planning and economic development, as the case may be, to refund the appeal fees paid by Raymond and Susan Cantu for zoning appeals filed under Zoning File no's. 12-101937 and 12-116607.