Legislation Text

File #: RES 16-214, **Version:** 1

Memorializing City Council action taken on January 20, 2016 to deny the application of Patrick Nseumen to rezone property located at 805 Hudson Road from RT1 Two-Family Residential to T2 Traditional Neighborhood.

WHEREAS, Pursuant to Minnesota Statutes §462.357 and §61.800 of the Legislative Code, Patrick Nseumen duly petitioned (File Number 15-173084) to rezone 805 Hudson Road, being 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, PIN 32.29.22.41.0147, from RT1 Two-Family Residential to T2 Traditional Neighborhood, the petition having been certified by the Planning Division on October 28, 2015, as having been consented to by at least 67 percent of the owners of the area to be rezoned, and further having been consented to by at least two-thirds of the owners of the property situated within 100 feet of the total contiguous property within one year preceding the date of the petition; and

WHEREAS, the Zoning Committee of the Planning Commission held a public hearing on November 24, 2015, for the purpose of considering the rezoning petition, and pursuant to §107.03 of the Administrative Code, submitted its recommendation to the Planning Commission for denial; and

WHEREAS, the Planning Commission considered the rezoning petition at its meeting held on December 4, 2015, and recommended denial to the City Council; and

WHEREAS, notice of public hearing before the City Council on said rezoning petition was duly published in the official newspaper of the City on January 7, 2016, and notices were duly mailed to each owner of affected property and property situated wholly or partly within 350 feet of the property sought to be rezoned; and

WHEREAS, a public hearing before the City Council having been conducted on January 20, 2016, at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the petition, voted to deny the rezoning for the following reasons:

1. 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.
2. 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.
3. 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;

therefore, the Saint Paul City Council does hereby

RESOLVE, that the petition of Patrick Nseumen to rezone property 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, PIN 32.29.22.41.0147, commonly known as 805 Hudson Road, from RT1 Two-Family Residential to T2 Traditional Neighborhood is hereby denied.

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