



Legislation Text

File #: RES 21-995, **Version:** 1

Memorializing reasons to decline an application to amend the zoning ordinance use classification for 444 Maryland Avenue West.

WHEREAS, Ali Alfureedy (“Applicant”) under Zoning File No. 21-241-476 applied to rezone property located at 444 Maryland Avenue West [PIN No. 25.29.23.21.0091], legally described as E 100 ft. of Lot 60, Wilkin & Heyward’s Out Lots from B1 local business district to T2 traditional neighborhood; and

WHEREAS, the Saint Paul Planning Commission (“Commission”), following a duly conducted public hearing where all persons present were given an opportunity to be heard and based upon that evidence and the report and recommendation of Commission staff, duly moved to recommend to the Council of the City of Saint Paul (“Council”) that the Applicant’s petition to rezone 444 Maryland Avenue West from B1 local business district to T2 traditional neighborhood be approved for the reasons set forth in Commission Resolution No. 21-23 which the Commission had adopted on April 30, 2021 and forwarded to the Council for its consideration as Council File ORD 21-17; and

WHEREAS, Council File ORD 21-17 and the ordinance amendment proposed under it was duly considered by the Council; and

WHEREAS, the Commission’s recommendation notwithstanding, the Council declined to amend the present zoning code classification for 444 Maryland Avenue West from B1 local business district to T2 traditional neighborhood as proposed under ORD 21-17 and, by this Resolution, the Council hereby memorializes its reasons for this action; NOW, THEREFORE,

BE IT RESOLVED that the Council of the City of Saint Paul’s reasons to deny the application to rezone 444 Maryland Avenue West as follows:

444 Maryland is located on Maryland Avenue near Marydale Park and Lobe Lake. It is situated in a predominantly residential neighborhood with many apartment buildings. Immediately across the street from the site are the Princeton Place Apartments where it is not surprising to see 40-50 children and their parents waiting at the school bus stop each morning and afternoon as are eleven single-family ownership homes which were recently developed by Habitat for Humanity at the request of the neighborhood. While Maryland Avenue used to be a very busy street, it is transforming to a residential feel. Overall, this is a family neighborhood.

444 Maryland is zoned B1. The B1 zoning is intended for business uses that are necessary to satisfy the

basic, convenience, or shopping needs of persons residing in nearby residential neighborhoods. Given the residential nature of the area, the current B1 zoning is appropriate for 444 Maryland Avenue West. There is a small grocery store within 444 Maryland West which fits with the intent of B1 zoning.

It appears that the principal reason the applicant requested to rezone from B1 to T2 is to operate a tobacco store within this location. T2 zoning is intended for pedestrian and transit nodes for the purpose of fostering and supporting compact pedestrian oriented, commercial and residential development. A tobacco store is an allowed use under T2. However, the 2040 Comprehensive Plan does not contemplate any changes to the B1 zoning in this area. The North End Neighborhood Association's recent small area plan also keeps this site as B1. B1 zoning is consistent with the way this area is developing. Before the tobacco shop was added, 444 Maryland used to provide more grocery products to area residents. The current B1 zoning does not need changing to accommodate business changes on this site and is consistent with the 2040 Comprehensive Plan and the North End Neighborhood Association's small area plan

Although a license for a tobacco store was mistakenly approved for this site and a tobacco store was added to the business at this site, testimony to the Council noted that in the past 3 years, there have been 1700 police calls and visits to the site including one homicide, that owners of one of the new homes built by Habitat for Humanity sold their home due to concerns about violence emanating from 444 Maryland Avenue West and that there is now a police camera located in the area to try to monitor activity and protect the safety of the neighbors.

AND, BE FURTHER RESOLVED, that these reasons are adopted by the Council as formalized statement of its legislative rationale for denying the application to amend the Saint Paul Zoning Code and rezoning 444 Maryland Avenue West; AND

BE IT FINALLY RESOLVED that this Resolution, upon adoption, be provided to the Applicant, Mr. Alfureedy, and to the Planning and Zoning Administrators.