

city of saint paul  
planning commission resolution  
file number 11-72  
date September 2, 2011

WHEREAS, Rolando Aguilar, et al., File # 11-255-877, has applied for a rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 908 Arcade and 833 York, portions of Parcel Identification Number (PIN) 282922320134 and 282922320136, legally described as Lot 16, Blk 1 of William's Rearrangement of Blk 7 and part of Blk 4, Nelson Addition to the City of St. Paul; and WHEREAS, the Zoning Committee of the Planning Commission, on August 25, 2011, 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. One of the applicants, Rolando Aguilar/North Real Estate LLC, seeks to rezone from RT1 to T2 the rear portion of his property at 908 Arcade. In addition, a portion of 833 York Ave (part of Lot 16) is proposed to be transferred to 902 and 908 Arcade via a pending adjustment of common boundary (#11-241-408). This additional area for 908 Arcade (and 902 Arcade, post-boundary adjustment) is also proposed to be rezoned from RT1 to T2. The other applicant, Cesar N Dominguez, is the owner of 833 York Ave.
2. The adjustment of common boundary (lot split) involves three parcels. If the adjustment is approved, western portions of 833 York Ave (Lot 16) will become rear, eastern portions of 902 Arcade St (Lot 13/14) and 908 Arcade St (Lots 13/14/16).
3. The proposed future use of an expanded T2-zoned area to the rear of buildings at 902 Arcade and 908 Arcade is off-street parking. While the existing buildings at 902 Arcade and 908 Arcade will continue to be used for the money transfer business and apartment units (respectively), the owner of these properties (one of the applicants - Rolando Aguilar) has no construction plans for new off-street parking at this time.
4. The proposed zoning is consistent with the way this area has developed. The properties have long been used for a mix of commercial and residential purposes. The proposed T2 zoning allows for the continued use of the property for commercial, mixed use, or residential uses along a diverse commercial corridor, consistent with the way the area has developed.
5. The proposed zoning is consistent with the Comprehensive Plan. The Arcade Street Small Area Plan Summary, approved in 2007, promotes the creation of "parking at the rear of buildings along Arcade Street" by "acquiring parcels behind the commercial frontage, up to 120 feet, and demolishing the buildings on the parcels." It also calls for the installation of "buffers between the parking areas and the adjoining residential areas." The eastern

moved by Kramer  
seconded by \_\_\_\_\_  
in favor Unanimous  
against \_\_\_\_\_

boundary of the portion of 833 York Ave to be conveyed over to 902 and 908 Arcade St is located approximately 120 feet from the commercial frontage of the latter two properties; i.e. a rezoning to T2 is consistent with supporting off-street parking for the mixed commercial uses along Arcade in this location.

In addition, the Land Use Chapter of the Comprehensive Plan, adopted in 2010, also designates the properties as "Mixed Use Corridor," a future land use category described as "primary thoroughfares through the city that are served by public transit (or could be in the future). Includes areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space. Uses may be within a building or in buildings that are in close proximity."

6. The proposed T2 zoning is compatible with the existing T2 zoning along Arcade Street as well as RM2 and RT1 zoning in place on the mixed residential blocks that intersect with Arcade Street.
7. 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 creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property.*" The proposed rezoning to T2 of three small portions of parcels adjacent to existing T2-zoned commercial and residential property does not establish a use classification that is inconsistent with surrounding uses – a large T2-zoned Seeger Square commercial center, another T2-zoned mixed commercial-residential building, and an existing RT1-zoned duplex property.
8. The petition for rezoning was found to be sufficient on July 27, 2011: 15 parcels eligible; 10 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission, recommends to City Council, that the application of Rolando Aguilar, et al. for a rezoning of existing and proposed new portions of 908 Arcade St (and proposed new portion of 902 Arcade St) from RT1 Two-Family Residential to T2 Traditional Neighborhood be approved.