

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Saldi LLC **FILE #:** 11-111-117
 2. **APPLICANT:** Saldi LLC **HEARING DATE:** April 7, 2011
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 150 Cesar Chavez St, between George and Robert
 5. **PIN & LEGAL DESCRIPTION:** 082822240009; Hornsbys Re Of L1 5b89 W Stp Lots 6, 7, 8, 9 & Lot 10 Blk 89
 6. **PLANNING DISTRICT:** 3 **EXISTING ZONING:** TN2
 7. **ZONING CODE REFERENCE:** §61.801(b), §66.421
 8. **STAFF REPORT DATE:** March 28, 2011 **BY:** Lucy Thompson
 9. **DATE RECEIVED:** March 14, 2011 **60-DAY DEADLINE FOR ACTION:** May 13, 2011
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- A. **PURPOSE:** Rezoning from TN2 Traditional Neighborhood to B3 General Business
- B. **PARCEL SIZE:** 100 ft. (Cesar Chavez) x 100 ft. = 10,000 sq. ft.
- C. **EXISTING LAND USE:** Commercial – money service business, including money transfer and bill-paying services, DBA Los Gallos 10
- D. **SURROUNDING LAND USE:** Commercial (bakery and accounting service) with parking to the northwest and southeast in the TN2 zoning district; commercial (La Clinica) and park (Parque Castillo) across Cesar Chavez to the northeast in the TN2 zoning district; residential uses in the RM2 district to the southwest.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §66.421 requires B3 zoning for an “alternative financial establishment.”
- F. **HISTORY/DISCUSSION:** This parcel and most of the commercial area were zoned to B2 as part of the city-wide rezoning in 1975. The parcel was one of 80 parcels recently rezoned as part of the District del Sol Zoning Study (adopted by the City Council in July 2010).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Building and Land Use Committee of the West Side Citizens Organization (District 3) sent a letter in October 2010 in support of the rezoning request.
- H. **FINDINGS:**
 1. Los Gallos opened in 2003, offering services such as money transfer and check-cashing. At that time, the Department of Safety and Inspections determined that the business would not charge more than \$1.00 or 1% of the value of the check, and therefore did not require a City or State license as a currency exchange. The business is now requesting a rezoning to B3 in order to cash checks for fees that exceed \$1.00 or 1% of the value of the check. With this change, the business meets the definition of an “alternative financial establishment” under the City’s Legislative Code, a use first permitted as a conditional use in the B3 district.
 2. The existing TN2 zoning is more consistent than the proposed B3 zoning with the way this area has developed. Since the early 1900s, District del Sol has been a transit-oriented commercial district, one very well-suited to the intent of today’s Traditional Neighborhood districts. The 1917 Twin City Rapid Transit Company map shows Wabasha, Robert and Concord (now Cesar Chavez) streets -- the three commercial corridors that make up District del Sol -- as streetcar routes, and much of the extant building fabric is from that time. District del Sol continues to be served by high-frequency transit (all three streets are “transit streets” as defined in the Zoning Code), and the area is part of a study of regional transit options that will connect Saint Paul to

Dakota County and the region. The strength of the business district has been the retention of buildings with small storefronts with a more pedestrian orientation. In addition, over time District del Sol has seen the infill development of detached residential uses, making it a more finely-scaled mixed commercial/residential area. B3 zoning permits uses that are more auto-oriented and less consistent with the fabric and scale of this transit-oriented mixed use district.

3. The proposed zoning is not consistent with the Comprehensive Plan. For more than two decades, the West Side Citizens Organization, Riverview Economic Development Association and Neighborhood Development Alliance have collaborated to create a strong commercial district at the heart of the greater West Side neighborhood. This vision has been regularly and heartily embraced in several plans and development frameworks supported by the community and adopted by the Saint Paul City Council.

The *Saint Paul on the Mississippi Development Framework* was adopted by the City Council in 1998 as the general land use and urban design framework for downtown, the central riverfront and District del Sol. It envisions the West Side as a series of linked urban villages that are mixed-use, pedestrian-friendly and transit-supportive. In District del Sol, the *Development Framework* calls for: 1) landscape and streetscape initiatives to create a more pedestrian-oriented environment along Wabasha, Robert and Concord (now Cesar Chavez) streets; 2) mixed-use urban villages that increase opportunities for people to live, work and meet most daily needs within walking distance; 3) strengthened District del Sol corridors to cater to neighborhood, local and regional markets; 4) strategic infill redevelopment of vacant and underutilized sites along the three commercial corridors; 5) a better balance between cars, bicycles, public transit and pedestrians; and 6) increased investments in transit.

The *West Side Community Plan and the Riverview Commercial Corridor Revitalization Program Area Plan Summary*, adopted as an addendum to the Saint Paul Comprehensive Plan in 2001, reinforces the vision of District del Sol as a vibrant, mixed-use district. It calls for street-level retail and mixed-use development, increased density through infill construction, and the rehabilitation of "marginal" buildings. Design guidelines emphasize building and streetscape design that reinforce the public realm and contribute to a safe, attractive pedestrian environment.

The *Land Use Plan*, adopted in 2009 by the City Council as a chapter of the Saint Paul Comprehensive Plan, designates District del Sol as a Neighborhood Center. Neighborhood Centers are compact, mixed-use areas that accommodate growth, support transit use and walking, provide a range of housing types and densities, and provide open space and recreational opportunities.

The *Harriet Island/District del Sol Final Concept Plan*, adopted by the City Council in 2003 as the general land use and urban design framework for the greater Harriet Island/District del Sol area, supports mixed-use, transit-supportive and pedestrian-friendly infill development in District del Sol that is better connected to both the larger West Side neighborhood and the Mississippi River. The resolution adopting the *Final Concept Plan* specifically called for rezonings, as appropriate, to implement the *Plan's* recommendations.

It was in response to these strong Comprehensive Plan (and other policy document) directions that most of the parcels in District del Sol were rezoned to TN2 in July 2010. The subject parcel was rezoned from B2 to TN2 at that time.

4. The proposed zoning is not compatible with surrounding uses. The adjacent and surrounding parcels within District del Sol are now all zoned TN2. Introducing B3 zoning for this one parcel opens up the possibility for uses that are incompatible with those permitted in TN2, and that work against the vision and goals of the neighborhood (such as auto repair, outdoor auto sales, and wholesale establishments).
 5. The current TN2 zoning permits reasonable use of the property, consistent and compatible with uses permitted on surrounding TN2 parcels.
 6. 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.*" While the proposed B3 parcel would be completely surrounded by TN2 parcels, it is not clear that it would "dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from TN2 Traditional Neighborhood to B3 General Business.



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 11-111117

Fee: 1200⁰⁰

Tentative Hearing Date: 4-7-11

PD=3

082822 24 0009

APPLICANT

Property Owner Saldi, LLC represented by Eduardo Salgado
Address 3455 4th Ave S
City Minneapolis St. MN Zip 55408 Daytime Phone 612-822-6190
Contact Person (if different) Eduardo Salgado Phone 612-819-4999

PROPERTY LOCATION

Address / Location 150 Cesar Chavez St, St. Paul, MN
Legal Description Lots 6, 7, 8, 9 & Lot 10 Blk 89
Current Zoning _____
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,
Eduardo Salgado, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a TN2 zoning district to a B
zoning district, for the purpose of: B3

(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

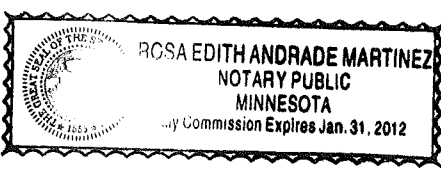
CK 7325
1500⁰⁰
Add 3-14-11

Subscribed and sworn to before me
this 20 day
of January, 20 11.

By: Eduardo Salgado
Fee Owner of Property
Title: President

SALDI LLC

Rosa E. Andrade Mtz.
Notary Public



Los Gallos 10, Inc.

Services: Los Gallos 10 is a establishment specialized in money transfer services, we work with companies as WESTERN UNION, Moneygram, RIA, Intermex, I-Transfer, Check-Free-Tag etc., to offer to our customers the possibility of paying their bills, transfer money overseas, purchase money orders or buy a phonecard.

We are a Money Service Business (MSB) and as such, we are strongly regulated by federal and state laws to uphold the Patriot Act and prevent money laundering. Until now, we have also provided ~~the~~ service of check acceptance as a form of payment for the goods we offer, but given the request of our customers of becoming a "check-cashing place" and for them to not be in the necessity of buying something in order for us to accept their checks as a form of payment; and this is the main reason for this petition.

We are not willing or planning to change anything that could affect the shape or looks of the building and or property, nor the landscape, but we're pursuing the license to be able to cash checks without an obligated transaction.

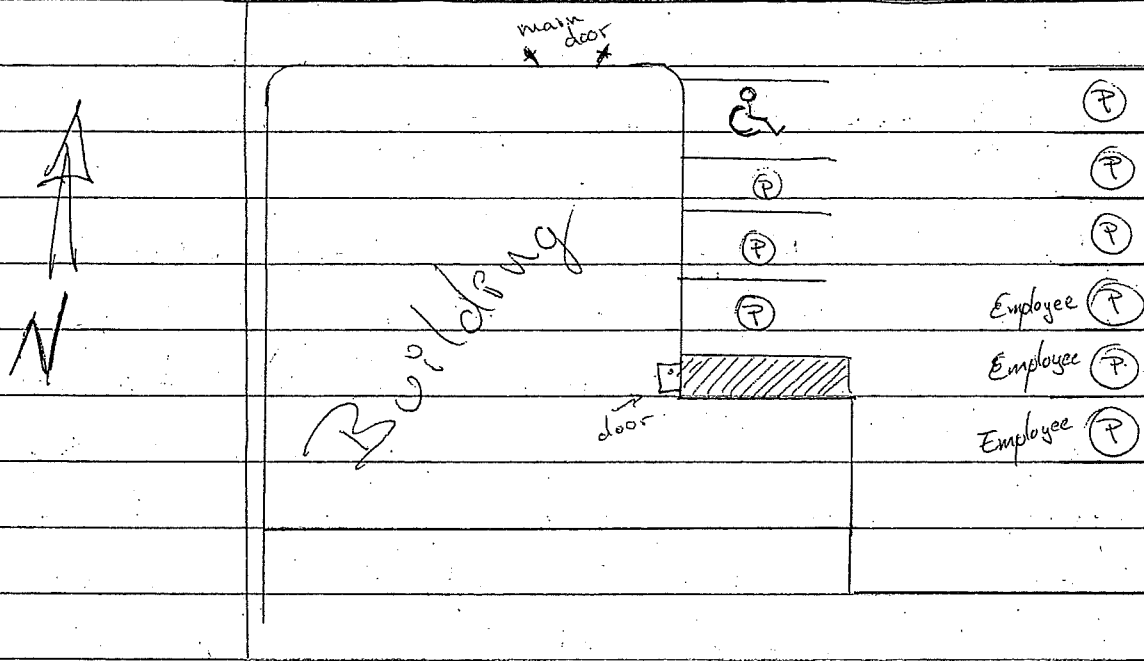
Our hours of operation are
Monday to Saturday 9:00AM to 8:00pm
Sunday 9:00AM to 5:00pm

In Los Gallos 10, we are four employees →

working with different scheduler throughout the week.

We have been working this way since May 2003 and have become a very trustworthy business among our customers and community.

I'd like to show you with this drawing the way the building and the parking lot are located
(150) CESAR CHAVES ST



Thanks for your time.

Alberto Salgado-Hernández



WEST SIDE CITIZENS ORGANIZATION

127 West Winifred Street

Saint Paul, MN 55107

October 23, 2010

Bob Kessler

Department of Safety and Inspections

375 Jackson St

Suite 220

St. Paul, MN 55101-1806

Re: 150 Cesar Chavez, Los Gallos request for a zoning change and conditional use permit.

To whom it may concern:

On October 18, 2010, the owners of Los Gallos Inc. presented a request to the WSCO Building and Land Use committee for support on a zoning change from TN2 to B3 and a conditional use permit. The changes would be required for the business to upgrade their services to become a Currency Exchange. The Committee passed a formal motion supporting their request.

Sincerely,

Elena Gaarder

Executive Director

West Side Citizens Organization

WATSON

ANTON-ROBIE CONNE

ROBIE

CONCORD

GEORGE

STATE

STEVENS

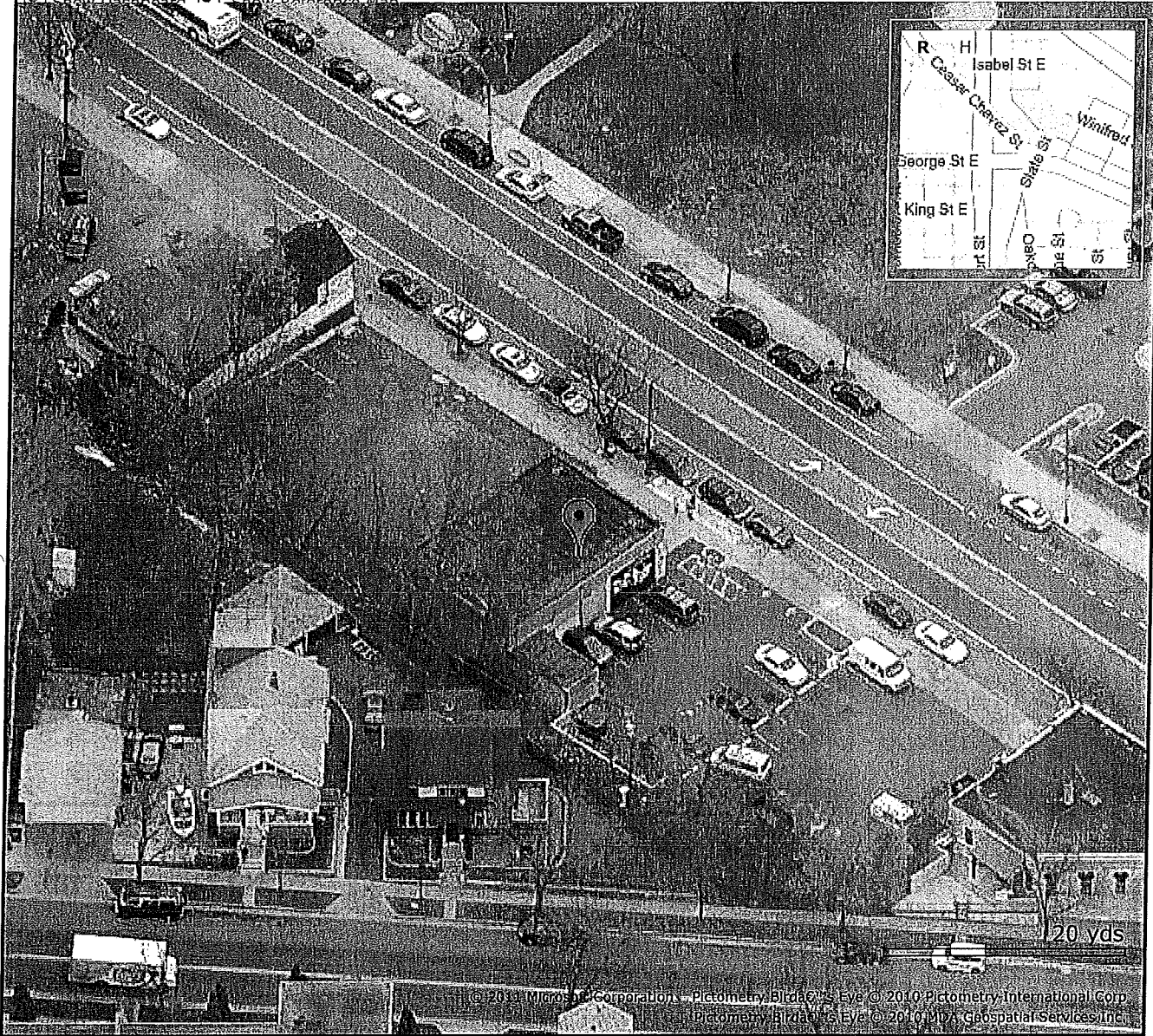




GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

Show Dashboard Show Reference Map



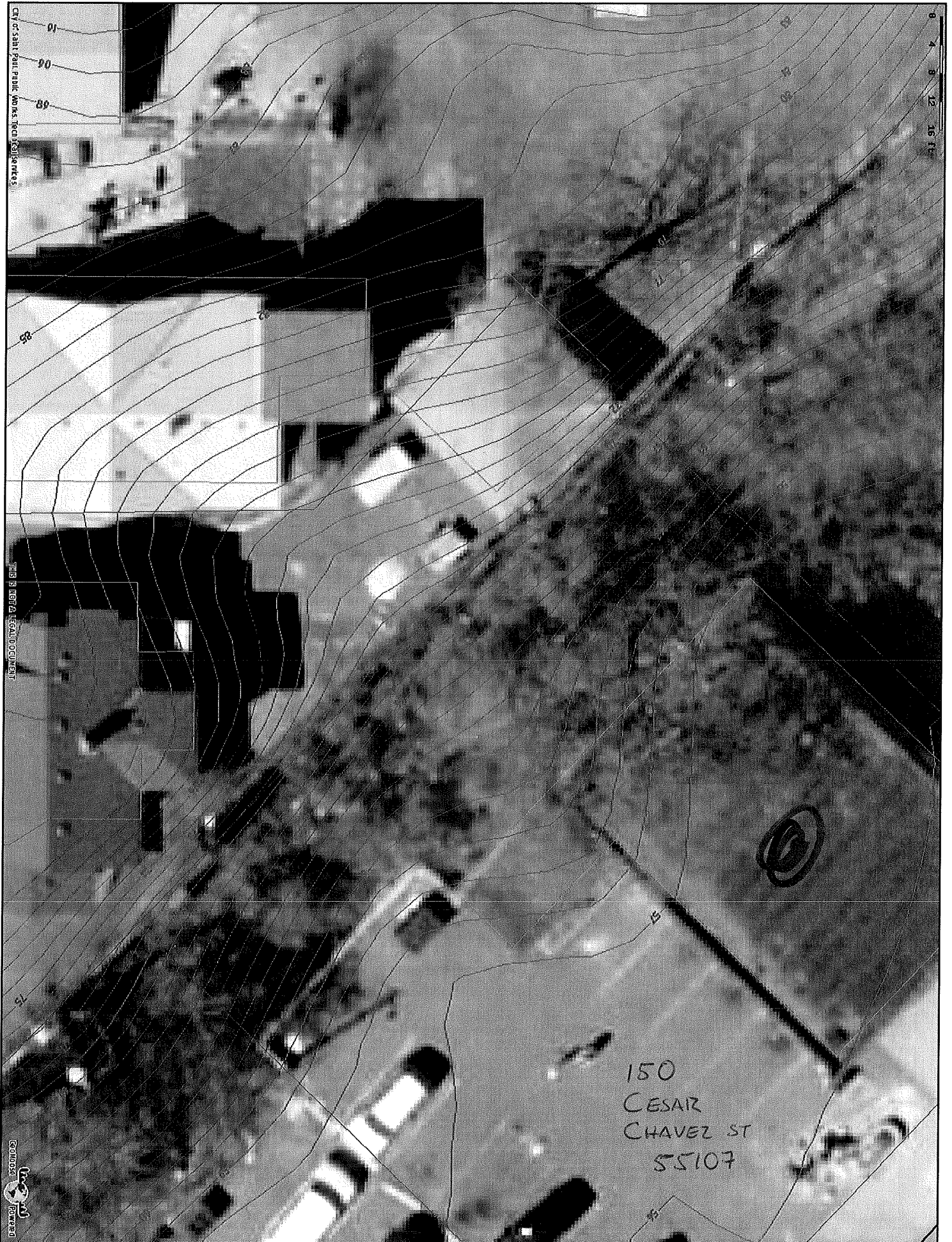


Photo #1