

city of saint paul  
planning commission resolution  
file number 12-37  
date June 1, 2012

WHEREAS, HRA of St. Paul and Rodolfo Hernandez, File # 12-043-494, have applied for a rezoning from RT2 Townhouse Residential to VP Vehicular Parking under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 656 - 660 Wells Street and part of 870 Payne Avenue, legally described as Chas. Weide's Subdivision of Block 37, Arlington Hills Addition, Lot 16 Blk 37 (PID 29-29-22-42-0229), Lot 17 Blk 37 (PID 29-29-22-42-0230), and Lot 18 Blk 37 (PID 29-29-22-42-0284); and

WHEREAS, the Zoning Committee of the Planning Commission, on May 24, 2012, 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. The purpose of this application is to rezone HRA-owned property at 656 and 660 Wells Street and a portion of a split-zoned parcel at 870 Payne Avenue from RT2 Townhouse Residential to VP Vehicular Parking in order to provide a shared parking lot for two restaurant businesses at 858 and 870 Payne Avenue. The proposed parking lot will provide 20 new parking stalls for a total of 22 parking stalls on the site.
2. § 66.703, *Dimensional standards* for VP Vehicular Parking districts requires a minimum lot area of 4000 sq. feet, minimum setbacks of 4 feet, and minimum front yard setbacks as required for adjoining districts. A 25 foot setback from Aguirre Street is required because the lot fronts on both Wells and Aguirre, and the adjoining RT2 district requires a 25 foot front yard setback. The lot is 9375 sq. feet in area. A variance of the required setback from Aguirre was requested in a separate application. With Planning Commission approval of the setback variance, the dimensional standards in § 66.703 are met.
3. § 66.704, *Required conditions* for VP Vehicular Parking districts, requires the following:
  - (a) *The parking facility shall be accessory to and for use in connection with one or more businesses, industries, institutions, or multifamily residences.*
  - (b) *The parking facility shall be used solely for parking of private passenger vehicles and shall not be used as an off-street loading area.*

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

- (c) *No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking facility.*
- (d) *No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking facility.*
- (e) *No building other than that for the shelter of attendants shall be erected upon the premises unless specifically approved by the planning administrator during site plan review.*
- (f) *Applications for VP district rezoning shall include a site plan which conforms to parking requirements as set forth in section 63.200 and all standards set forth in section 63.300.*
- (g) *VP vehicular parking districts shall be developed and maintained in accordance with the requirements of section 63.200 and section 63.300.*

The parking facility will be accessory to adjacent commercial uses on Payne Avenue. The site plan submitted with the rezoning application is attached. These conditions are met.

4. *The proposed zoning is consistent with the way this area has developed.* The commercial area around Payne Ave. has generally developed as commercial structures fronting Payne Ave. with limited parking to the rear of buildings. This rezoning creates parking to the rear of structures as preferred by Traditional Neighborhood guidelines. The adjacent property is zoned T2.
5. *The proposed zoning is consistent with the Comprehensive Plan.* This rezoning is consistent with the Saint Paul Comprehensive Plan Land Use Policy 1.25 “support a mix of uses on Mixed-Use Corridors.” Providing parking for commercial businesses along Payne Avenue supports the mix of uses and supports the existing businesses within the Mixed-Use Corridor. This is also compatible with the Phalen Middle Section Plan of 2004 which seeks to create new mixed-use development at the intersection of Payne Avenue and Phalen Boulevard. This rezoning is one block from that intersection and provides support for a mix of uses along Payne Avenue.
6. *The proposed zoning is compatible with the surrounding uses.* The proposed zoning is compatible with the surrounding residential and commercial uses along Payne Avenue and the surrounding side streets. This will place parking between the busy commercial corridor and residential units and act as a buffer between the commercial and residential districts.
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.*” This is not an occurrence of spot zoning in that it rezones parcels of land that are supporting the commercially zoned and used properties to the west and the rezoning provides for parcels of land to act as a buffer between commercial and residentially zoned property.
8. The petition for rezoning was found to be sufficient on April 10, 2012: 82 parcels eligible; 55 parcels required; 57 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of HRA of St. Paul and Rodolfo Hernandez for a rezoning from

RT2 Townhouse Residential to VP Vehicular Parking for property at 656 - 660 Wells Street and part of 870 Payne Avenue be approved.