



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

September 14, 2011

Kathryn Berger
City Council Research Office
Room 310 City Hall
Saint Paul, Minnesota 55102

Re: Zoning File #: 11-255-877
File Name: Rolando Aguilar, et al
Address: 908 Arcade and 833 York Ave, NE corner Arcade at York
Purpose: Rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood

City Council Hearing: September 21, 2011, 5:30 PM, City Council Chambers

Staff Recommendation:	Approval
District Council:	District 5 recommended approval
Zoning Committee Recommendation:	Approval, vote: 6 - 0
Support:	0 people spoke, 1 letters were received
Opposition:	0 people spoke, 0 letters were received
Planning Commission Recommendation:	Approval recommended, vote: unanimous

Staff Assigned: Luis Pereira, 651-266-6591

Attachments: Planning Commission resolution
Planning Commission minutes, September 2, 2011
Zoning Committee minutes, August 25, 2011
Deadline for Action Extension Letter
Correspondence received
Staff Report packet

CC: Zoning File #11-255-877
Applicant
City Council members
District Council: 5
Donna Drummond
Wendy Lane
Allan Torstenson
Peter Warner

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.

Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West



Minutes September 2, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, September 2, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Halverson, Merrigan, Perrus, Porter, Thao, Wang, Wencl, Young; and Messrs. Commers, Fernandez, Gelgelu, Kramer, Nelson, Oliver, Spaulding, and Ward.

Commissioners Absent: Ms. *Reveal and Messrs. *Connolly, *Ochs, *Schertler, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Tom Beach, Department of Safety and Inspections, Patricia James, Christina Morrison, Sarah Zorn, Luis Pereira, Anton Jerve, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes August 19, 2011.

MOTION: *Commissioner Ward moved approval of the minutes of August 19, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers had no specific announcements; however he was glad to be back after some traveling abroad and is hopeful those experiences will add to whatever contributions he can make to this commission.

III. Planning Director's Announcements

Donna Drummond announced that the City Council has introduced an ordinance that would make an amendment to the Sheppard Davern Residential Overlay District. Before the City Council can adopt the ordinance amendment it has to be reviewed by the Planning Commission. This item will be at the Neighborhood Committee meeting next Wednesday.

IV. PUBLIC HEARING: Red Rock Station Area Plan – Item from the Transportation Committee. (Christina Morrison, 651/266-6546)

Chair Commers announced that the Saint Paul Planning Commission was holding a public hearing on the Red Rock Station Area Plan. Notice of the public hearing was emailed to the citywide Early Notification System list on July 25, 2011 and area residents on July 29, 2011.

Christina Morrison, PED staff, talked about the highlights of the station area plan centered at Lower Afton Road and Highway 61. Ms. Morrison outlined the geographic constraints, and discussed drawings of the station area concept plan. The long-term station area plan would place a two-story park and ride ramp on the north side of Lower Afton Road, with a pedestrian bridge over Highway 61. She also noted proposed trail improvements and connections.

Commissioner Spaulding asked what necessitated an above-grade connection over Highway 61, rather than a below-grade connection by Battle Creek Park.

Ms. Morrison stated that there are several reasons for an overhead connection, including providing a safe, visible pedestrian walkway, and that the infrastructure could double as vertical circulation for the parking ramp.

Commissioner Wencil asked how likely is it that this site will be built, given corridor priorities.

Ms. Morrison stated that this station would mainly serve commuters heading to downtown Minneapolis, and its construction would depend on the timing of that phase, as well as various cost-effectiveness and ridership requirements for funding.

Commissioner Wencil also asked how likely it is that the park and ride on the south side will be shifted to the north, whether or not Red Rock is funded.

Ms. Morrison noted that Metro Transit recently submitted a site plan for expanding the existing lot on the south side of Lower Afton Road, which was met with some opposition from the neighborhood, which cited the vision from this plan. The plan has aided the neighbors in discussing some short-term issues at the park and ride, and that will influence both short- and long-term investment.

Chair Commers read the rules of procedure for the public hearing.

No one spoke.

MOTION: *Commissioner Spaulding moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Tuesday, September 6, 2011, and to refer the matter back to the Transportation Committee for review and recommendation. Commissioner Gelgelu seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

One item came before the staff Site Plan Review Committee on August 30, 2011: Scusi parking lot located at 1820 St. Clair Avenue, new parking lot (mostly paved already).

Two items to come before the Site Plan Review Committee on September 6, 2011: Urgent Care Animal Clinic located at 1546 West 7th Street, new construction of St. Paul Satellite Facility; Remo Convenience & Gas Station located at 1200 Rice Street, new 2,496 sq. ft. gas station and deli.

NEW BUSINESS

#11-255-877 Rolando Aguilar et al – Rezoning from RT1 Two-Family Residential to T2 Traditional Neighborhood. 833 York Avenue NE corner of Arcade at York.
(Luis Pereira, 651/266-6591)

Commissioner Kramer reported that this is a rezoning of a portion of a RT1 Two-family residential lot to T2 Traditional Neighborhood. There is an existing business facing Arcade on the T2 parcel, and the applicant wants to expand the T2 zoning into the RT1 area primarily for parking. There is also a lot adjustment boundary involved.

MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.

#11-260-156 Meridian Industrial Appeal – Appeal to Planning Commission by Union Park District Council of a staff decision made on July 20, 2011 to approve the site plan. 650 Pelham Blvd. (Tom Beach, 651/266-9086)

Commissioner Kramer reported that the resolution before them includes an analysis by the Site Plan Review staff, Tom Beach of the Department of Safety and Inspections, responding to the substantive issues raised in the appeal. The Zoning Committee recommended a few changes to the site plan related to pedestrian and sidewalk access issues, but beyond those changes the committee recommends denying the appeal.

Commissioner Nelson said that part of the discussion had to do with pedestrian and bicycle access to the site. The site plan had no east-west sidewalk along Wabash Avenue. The committee felt a sidewalk should be put into place if feasible. The other issue was access to the site from the south. Tom Beach looked at those issues and came back with proposed additional conditions to put on the resolution for denial of the appeal and approval of the site plan.

Commissioner Kramer pointed out that those conditions are listed as items #1 and #2 on page three of the Planning Commission resolution. The resolution denies the appeal, but adds two additional conditions to the site plan approval.

Commissioner Fernandez said that sometimes development just for development's sake is not the right answer, and they have to do their best to get the full use out of that site. This plan does not do this, so he will be voting in opposition to the resolution.

Commissioner Spaulding discussed the reasons for the denial. This site has been through a lot of planning as part of the Central Corridor Development Strategy and the station area plan. Initially the site looked to be more pedestrian-focused and better suited to traditional neighborhood development. But, as the Comprehensive Planning Committee looked at the zoning recommendations for the Central Corridor Zoning Study earlier this year they looked at the issues, the plans for the property, the potential of the property, the fact that it's outside the station area and right at the edge of the quarter mile walking radius, and that it backs right up to the recycling facility, which is a very heavy industrial use. It therefore seemed better used as light industrial transition area. Legally, site plan review ties back to the zoning. Most of the appeal grounds were outside the purview of what site plan review as designed to address. Within that

limited scope, the Zoning Committee found the two items that Commissioner Nelson addressed in terms of pedestrian flow, which is important considering the proximity to the station area.

Commissioner Merrigan added that as the Comprehensive Planning Committee looked at the Central Corridor Zoning Study recommendations, they looked at the broader policy for industrial property, not just this site. There was discussion about the fact that industrially zoned land typically does not get replaced in the city if the zoning is ever changed. They talked about the job implications of that, its history to the City of Saint Paul, the logistical proximities to the highway and Rock Tenn, and all that was part of their decision. She again stated that the meetings and discussion about the zoning study were well-noticed.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to deny the appeal. The motion carried 15-1 (Fernandez) on a voice vote.*

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, September 8, 2011.

VI. Comprehensive Planning Committee

Commissioner Merrigan announced the item on the agenda for their next meeting on Tuesday, September 13, 2011.

VII. Neighborhood Planning Committee

Commissioner Wencil announced the items on the agenda for their next meeting on Wednesday, September 7, 2011.

VIII. Transportation Committee

Commissioner Spaulding announced that their last meeting was cancelled and since this Monday, September 5th is a national holiday there will not be a committee meeting on that day.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force Reports

Commissioner Kramer reported that the Near East Side Task Force will be meeting on Tuesday, September 13, 2011.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:02 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission

MINUTES OF THE ZONING COMMITTEE
Thursday, August 25, 2011 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Fernandez, Kramer, Nelson, Spaulding, Wencil, and Wickiser
EXCUSED: Commers, Merrigan
STAFF: Luis Pereira, Samantha Langer, and Patricia James

The meeting was chaired by Commissioner Kramer.

Rolando Aguilar, et al - 11-255-877 - 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, NE corner of Arcade and York.

Luis Pereira presented the staff report with a recommendation of approval for the rezoning. Luis Pereira also stated District 5 recommended approval, and there was 1 letter in support, and 0 letters in opposition.

Upon inquiry from the Commissioners, Mr. Pereira stated that there is not an alley between Arcade fronting properties and York Avenue.

The applicant, Rolando Aguilar Estrada, 902 Arcade Street, Saint Paul, MN, stated he was available for questions.

No one spoke in support or opposition.

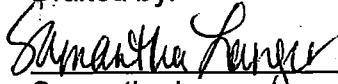
The public hearing was closed.

Commissioner Barbara Wencil moved approval of the Rezoning. Commissioner Bob Spaulding seconded the motion.

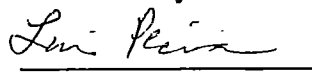
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

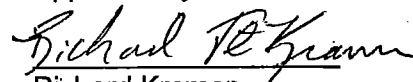
Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Luis Pereira
Zoning Section

Approved by:


Richard Kramer
Chair



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

September 6, 2011

Rolando Aguilar
902 Arcade St
Saint Paul, MN 55106

Cesar N Dominguez
8160 Curtis Ln
Eden Prairie MN 55347-1116

RE: Zoning File # 11-255-877, Rolando Aguilar et al

Dear Rolando Aguilar:

On July 18, 2011, you applied to rezone property at 908 Arcade St and 833 York Ave. After a public hearing by the Saint Paul Planning Commission's Zoning Committee on August 25, 2011, the Commission voted to recommend approval of your request on September 2, 2011.

The Planning Commission's recommendation is being forwarded to the City Council for their action. Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made, but allows the City to extend this period for an additional 60 days (total of 120 days). In order to accommodate the City Council public hearing on your rezoning, which is also required by state law, the City of Saint Paul is hereby extending the deadline for action from September 25, 2011 (original 60 day deadline) to November 24, 2011. The City Council public hearing on this rezoning has been scheduled for September 21, 2011.

Please contact me at 651-266-6591 or luis.pereira@ci.stpaul.mn.us if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Luis Pereira".

Luis Pereira
City Planner

cc: File # 11-255-877
Zoning Administrator
License Inspector
District 5 Community Council

ZONING COMMITTEE STAFF REPORT

- 11-255-877
1. **FILE NAME:** Rolando Aguilar, et. al. **FILE #:** ~~10-124-038~~
2. **APPLICANT:** Rolando Aguilar, North Real Estate LLC, Cesar N Dominguez **HEARING DATE:** Aug. 25, 2011
3. **TYPE OF APPLICATION:** Rezoning
4. **LOCATIONS:** 902 Arcade, 908 Arcade, and 833 York Ave, NE Corner at York
5. **PINS & LEGAL DESCRIPTIONS:** *Area to be rezoned* – portions of 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 (908 Arcade and 833 York, respectively)
6. **PLANNING DISTRICT:** 5 **EXISTING ZONING:** RT1
7. **ZONING CODE REFERENCE:** §61.801(b)
8. **STAFF REPORT DATE:** August 16, 2011 **BY:** Luis Pereira
9. **DATE RECEIVED:** July 27, 2011 **60-DAY DEADLINE FOR ACTION:** September 25, 2011
-

- A. **PURPOSE:** Rezoning existing and new portions of 908 Arcade Street from RT1 Two Family Residential to T2 Traditional Neighborhood.
- B. **PARCEL SIZES:** *Proposed, post-common boundary adjustment* - 902 Arcade: approximately 4,828 square feet (0.111 acres); 908 Arcade: approximately 6,166 square feet (0.142 acres); and 833 York: approximately 7,060 square feet (0.162 acres).
- C. **EXISTING LAND USES:** Rear yards for commercial and apartment properties at 902 and 908 Arcade St (T2); former western sideyard of residential property at 833 York Ave (RT1)
- D. **SURROUNDING LAND USES:**
North: Mixed use retail-residential (T2)
South: Seeger's Square shopping center (T2)
East: Duplex at 833 York Ave (RT1)
West: Single family detached home (T2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Minimal zoning history was found for this property; City records indicate a City approval in 1943 for a parking lot for the Atlas Theatre on Lots 16 and 17 of this block, suggesting a long history of commercial uses. One of the applicants and owner of the Los Gallo's 8 money transfer business at 902 Arcade St – Rolando Aguilar – has owned the commercial and multifamily properties at 902 and 908 Arcade since 2002.
The proposed the lot split and this rezoning are driven by Aguilar's plans for a future parking expansion to the rear of the Los Gallo's and apartment buildings.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen District Five Planning Council had not provided a written recommendation at the time of this staff report.
- H. **FINDINGS:**
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 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.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the 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.



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 # 11-255877

Fee 1200.00

PD-5

Tentative Hearing Date 7-18-11

282922320136

APPLICANT

Property Owner See attachment Appendix A 0135

Address " " " " 0134

City _____ St. _____ Zip _____ Daytime Phone _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address / Location See attachment Appendix B

Legal Description " " " "

Current Zoning RT1

(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, Cesar N Dominguez owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a Roland Aguilar Estrada, North Real Estate, LLC zoning district to a RT-1 zoning district, for the purpose of:

Having enough space to build a parking lot on the future. that

[Signature] member

[Signature] owner

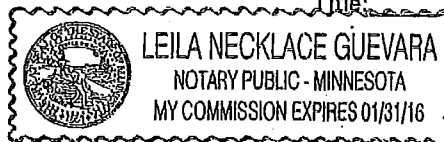
(attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me
this 8 day
of June, 2011.

By: [Signature]
Fee Owner of Property owner

[Signature]
Notary Public



pdd 6/15/11
1200.00
Page 1 of _____

pdd 7-18-11

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

CUP

NCUP

2nd
FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 7-18-11

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 7-27-11

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 15

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 10

PARCELS REQUIRED: _____

PARCELS SIGNED: 10

PARCELS SIGNED: _____

CHECKED BY: Paul Dubruel

DATE: 7-27-11

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

*North Real Estate, LLC
Cesar Dominguez*

The petitioner, *Rolando Aguilar Estrada*, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

[Handwritten Signature]

*8160 Curtis Lane, Eden Prairie Mn.
55347*

612 761 8461

[Handwritten Signature]

*North Real Estate, LLC
908 Arcade St*

Subscribed and sworn to before me this
8 day of June, 2011

[Handwritten Signature]

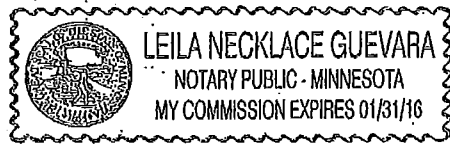
NAME

907 Arcade St. St Paul MN

ADDRESS

612 770 6460

TELEPHONE NUMBER



[Handwritten Signature]
NOTARY PUBLIC

CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT
PETITION FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Fernando Aguilar, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 2 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition, and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

Fernando Aguilar Estrada
358 Bates Ave
St Paul MN 55106

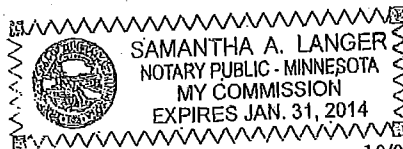
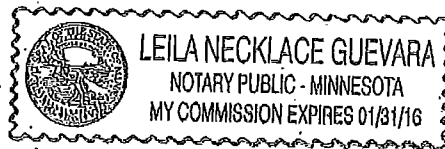
Fernando Aguilar
NAME

25 Jackson Ave S
ADDRESS

(209) 475-6537
TELEPHONE NUMBER

Subscribed and sworn to before me this

8 day of June, 2011

NOTARY PUBLIC

Samantha Langer 7-18-11

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

- Cesar N Dominguez*
- A copy of the petition of Rolando Aguilar Estrada, North Real Estate, LLC
(name of petitioner)
to rezone the property located at B33 York Ave E, St Paul, MN 55106
902 Arcade St S, 908 Arcade St.
from a RT1 zoning district to a TN2 zoning district and
 - A copy of sections 66.321 through 66.343, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a TN2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of
Cesar Dominguez
Rolando Aguilar Estrada
North Real Estate, LLC to a TN2 zoning district.
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
902 Arcade St	Rolando Aguilar	<i>[Signature]</i>	6/7/11
908 Arcade St	North Real Estate LLC	<i>[Signature]</i>	6/7/11
817 York Ave	Barbara Hopkins	<i>[Signature]</i>	6/7/11
810 Sims Ave	Warrio Hias	<i>[Signature]</i>	6/7/11
841 York Ave	Ronald Groning	<i>[Signature]</i>	6/7/11
840 Sims Ave	ITALEY MAAS	<i>[Signature]</i>	6/7/11
923 Arcade St	Joseph Chu	<i>[Signature]</i>	6/8/11
923 Arcade St	Cluckee Lee	<i>[Signature]</i>	6/8/11
912-916 Arcade St	DONALD M. MOE	<i>[Signature]</i>	6/8/2011
828 Sims Ave E	WFM Properties LLC	<i>[Signature]</i>	6/8/11
833 York Ave E	Cesar Dominguez	<i>[Signature]</i>	6/8/11

815
Arcade

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A
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(name of petitioner)
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Cesar Dominguez
Rolando Aguilar Estrada
North Real Estate, LLC to a TN2 zoning district.
(name of petitioner)

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ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
902 Arcade St	Rolando Aguilar	[Signature]	6/7/11
908 Arcade St	North Real Estate, LLC	[Signature]	6/7/11
817 York Ave	Barbara Hobbs	[Signature]	6/7/11
840 Sims Ave	Travis Haas	[Signature]	6/7/11
844 York Ave	Ronald Groninger	[Signature]	6/7/11
840 Sims Ave	TRAVIS HAAS	[Signature]	6/7/11
923 Arcade St	Joseph Lee	[Signature]	6/8/11
923 Arcade St	Cluckie Lee	[Signature]	6/8/11
912-916 Arcade St.	DONALD M. MOE	[Signature]	6/8/2011
828 Sims Ave E.	WFM Properties LLC	[Signature]	6/8/11
833 York Ave E.	Cesar Dominguez	[Signature]	6/8/11
844 Sims Ave	John Yang	[Signature]	6-28-11

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844 Sims Ave mee kid up mee kid up 7-15-11

Zoning File 11-255-877
Ground shots

Fig. 1. View of 902
Arcade St & 908 Arcade
St, looking northeast
from York/Arcade
intersection

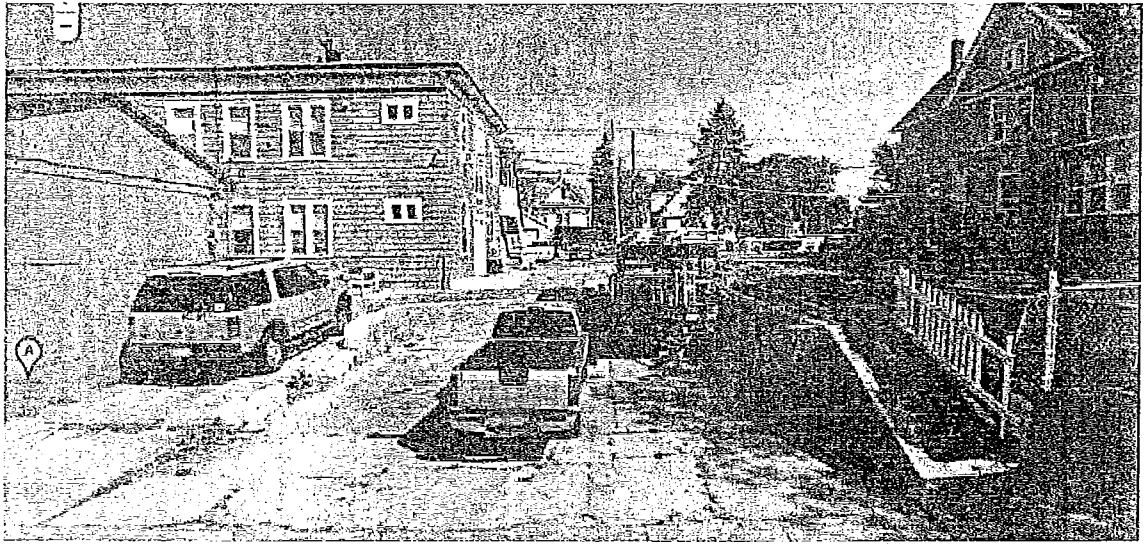


Fig. 2. View of rear
of 902 Arcade St &
908 Arcade St,
looking north
along boundary
with 833 York Ave
E.

Fig. 3. View of current sideyard of
833 York Ave E, looking north

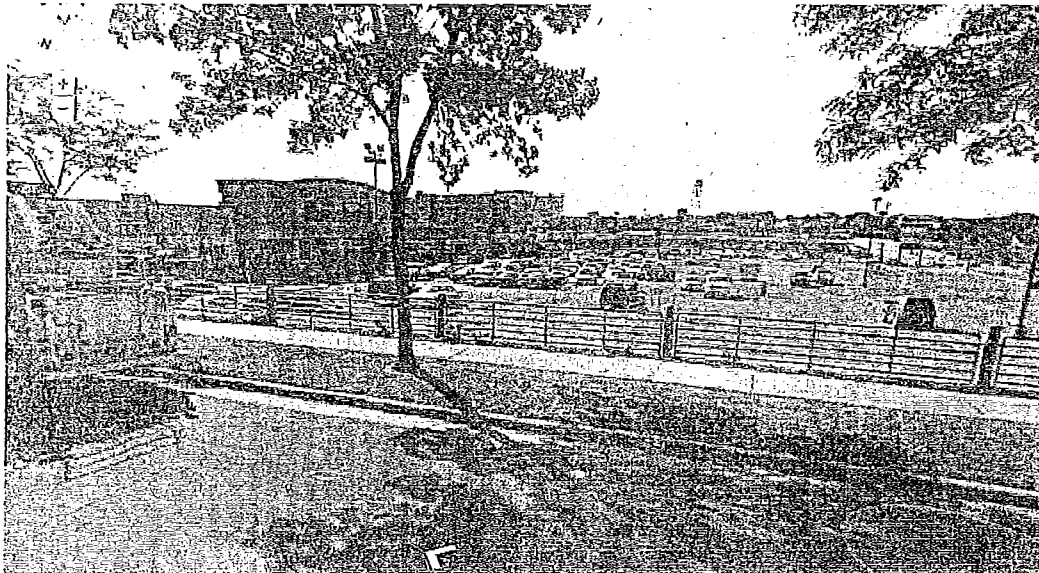
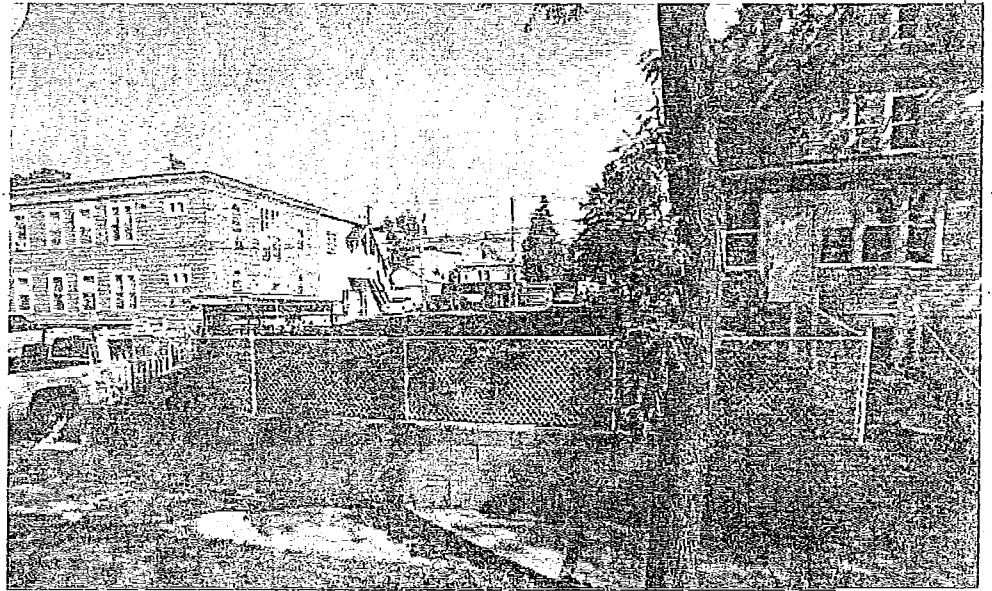
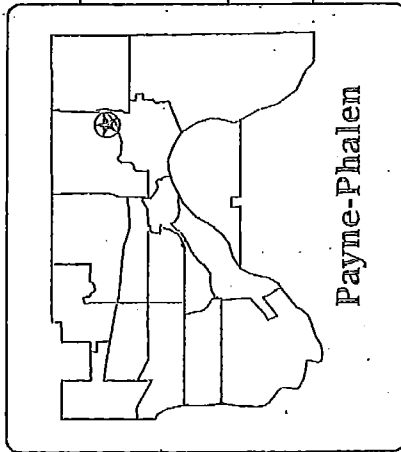
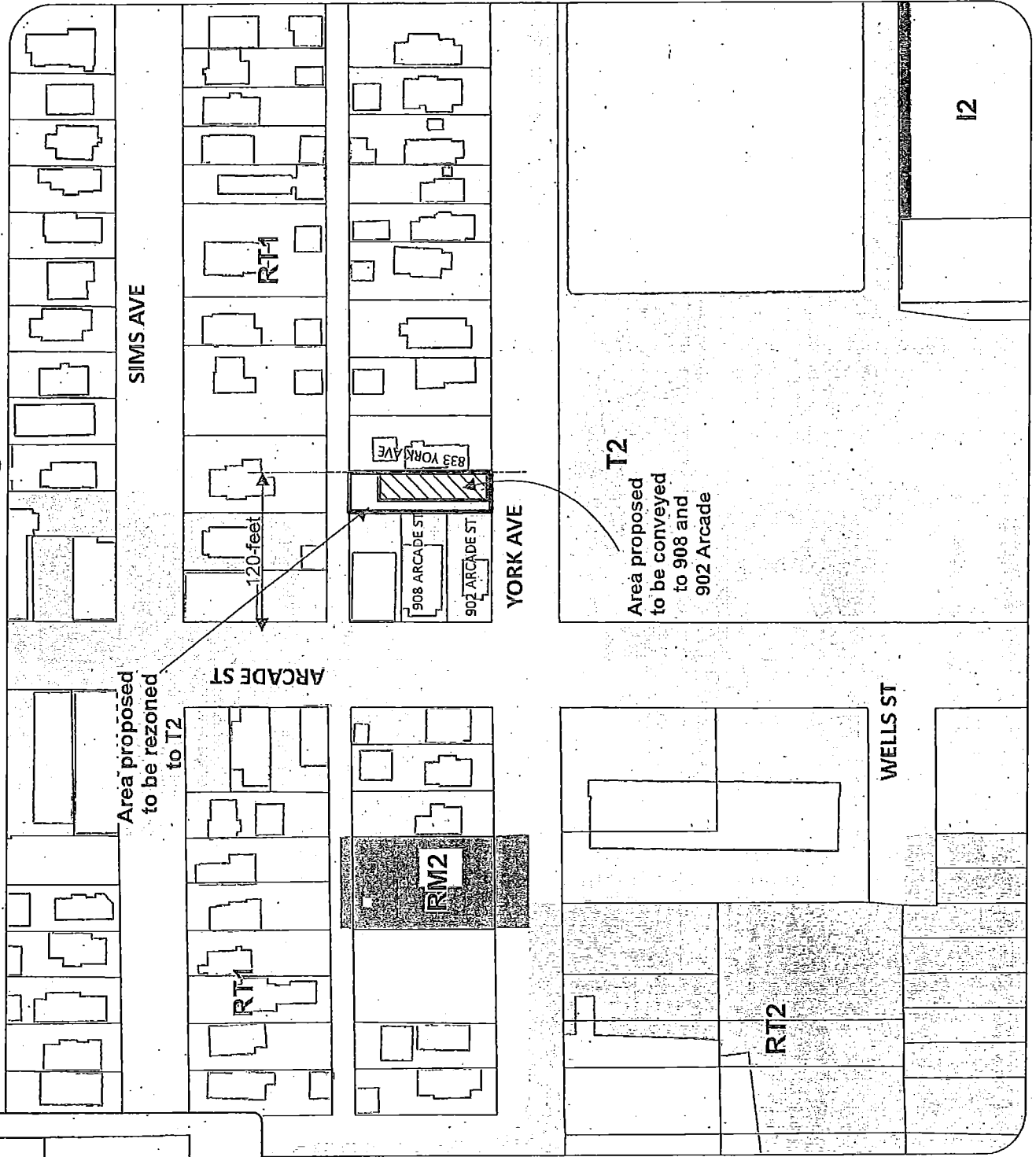


Fig. 4. View from 833 York
Ave, looking south at
Seeger Square commercial
center

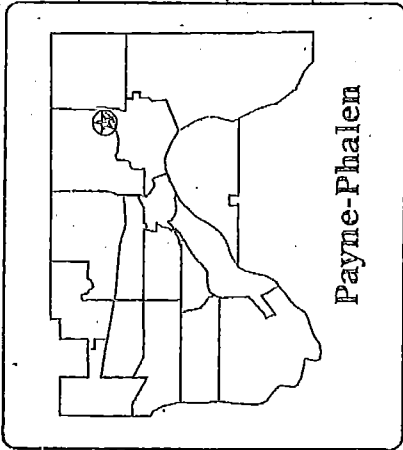
Current Zoning



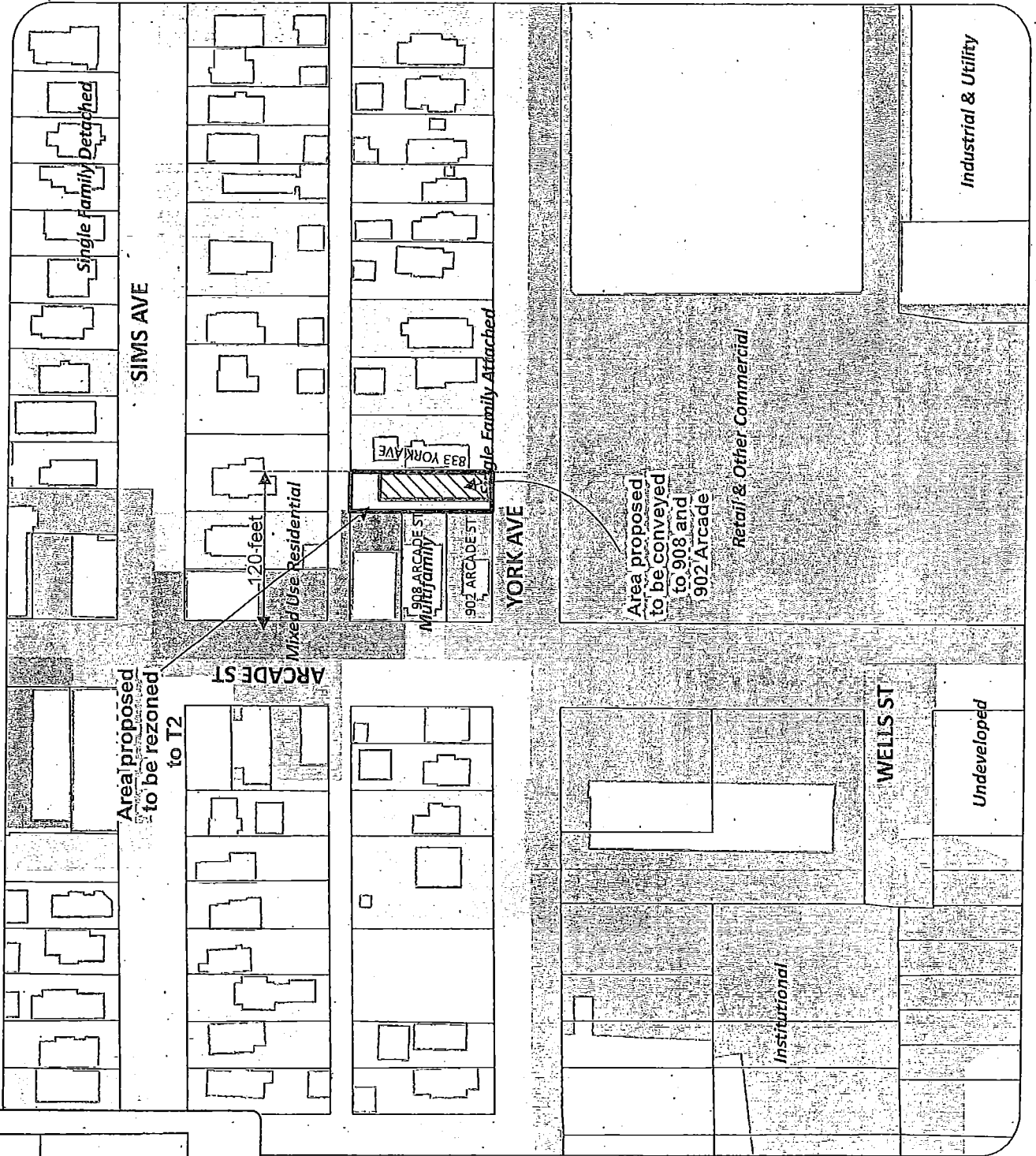
- Properties for rezoning:
- *908 Arcade (existing and proposed new portions of)
 - *902 Arcade (proposed new portion of)



Current Land Use



- Properties for rezoning:
- *908 Arcade (existing and proposed new portions of)
 - *902 Arcade (proposed new portion of)



PAYNE PHALEN DISTRICT FIVE PLANNING COUNCIL

STRONG  SAFE  WELCOMING  CONNECTED  NEIGHBORHOODS

August 24, 2011

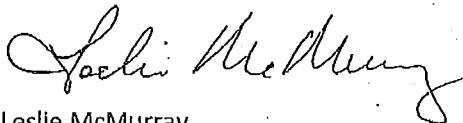
Mr. Luis Pereira, Senior City Planner
Planning and Economic Development
25 4th St W, 1200 City Hall Annex
Saint Paul, MN 55102

Re: 11-266-877 Rolando Aguilar et al: Rezoning from RT1 Two-Family Residential to T2
Traditional Neighborhood 833 York Avenue, NE Corner of Arcade at York

Dear Luis Pereira:

The Payne Phalen Community Planning & Economic Development Committee (CPED) met on August 23, 2011. The Committee voted unanimously to support this rezoning matter. The applicant, Rolando Aguilar and his business partner were present and responded to the Committee's questions. The CPED Committee concurred with the City staff recommendation on the matter.

Sincerely,



Leslie McMurray
Executive Director / Organizer

506 KENNY ROAD, SUITE 130, SAINT PAUL, MINNESOTA 55130-4554

TEL # (651) 774-5234  FAX # (651) 774-9745

E-MAIL: DISTRICT5@PAYNEPHALEN.ORG

WWW.PAYNEPHALEN.ORG

