Legislation Details (With Text)

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Title:	Memorializing City Council action taken on May 18, 2011 denying the request of Saldi, LLC to rezone property at 150 Cesar Chavez Street.		
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Date	Ver.	Action By	Action	Result
6/20/2011	1	Mayor's Office	Signed	
6/15/2011	1	City Council	Adopted	Pass

Memorializing City Council action taken on May 18, 2011 denying the request of Saldi, LLC to rezone property at 150 Cesar Chavez Street.

WHEREAS, Saldi LLC, in Planning Commission File No. 11-111-117 and pursuant to Leg. Code § 61.801(b), made application to rezone property commonly known as 150 Cesar Chavez Street [Parcel Identification Number No. 082822240009] and legally described as Hornsbys Re Of L1 5b89 W Stp Lots 6, 7, 8, 9 & Lot 10 Blk 89, from TN2 Traditional Neighborhood to B3 General Business; and

WHEREAS, on April 7, 2011 and pursuant to Leg. Code § 61.303, the Zoning Committee of the Saint Paul Planning Commission duly conducted a public hearing at which all persons present were given an opportunity to be heard regarding the said rezoning application and, at the close of the public hearing, the Committee moved to recommend to the Commission that the rezoning application be denied; and

WHEREAS, on April 15, 2011, the Saint Paul Planning Commission, based upon all the files and the public hearing testimony submitted to the Zoning Committee, moved to recommend that the Council of the City of Saint Paul deny the rezoning application based upon the following findings of fact in support of this decision, as substantially reflected in Planning Commission Resolution No. 11-25, dated April 15, 2011 which was delivered to the City Council and which is adopted herein by reference:

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."

WHEREAS, On May 18, 2011, the matter of Saldi LLC's rezoning petition was duly set on for public hearing before the Council of the City of Saint Paul where all persons interested were to be afforded an opportunity to be heard however, upon calling the matter for hearing, no one appeared either in favor of or against the said application whereupon, with no one appearing except City zoning staff, the Council moved to lay the matter over for an additional two-weeks to June 1, 2011; and

WHEREAS, Before adjournment of the May 18, 2011 City Council meeting, the Saldi LLC rezoning matter, upon proper motion, was reconsidered by the Council where upon it was duly moved to deny the said rezoning application for the recommended reasons as set forth in Planning Commission Resolution No. 11-25, dated April 15, 2011 as noted above; NOW, THEREFORE

BE IT RESOLVED, That the Council of the City of Saint Paul hereby denies the rezoning petition of Saldi, LLC, as contained in Planning Commission File No. 11-111-117, for the reasons set forth in Planning Commission Resolution No. 11-25 which are hereby fully adopted by the Council as it's own; and

BE IT FURTHER RESOLVED, That the City Clerk shall immediately provide a copy of this Resolution to the rezoning applicant Saldi, LLC, the Planning Commission and to the City's Planning and Zoning Administrators.

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