

city of saint paul
planning commission resolution
file number
date

WHEREAS, Marshall Group LLC, File # 18-132-440, has applied to rezone from T1 traditional neighborhood to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1819 Marshall Avenue, Parcel Identification Number (PIN) 33.29.23.43.0113, legally described as Except Avenue, Lots 9 and 10, Block 10 Lovering Park; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 3, 2019, 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 applicant recently purchased the property as a ten-unit apartment building. The certificate of occupancy for the building permits only nine units. The applicant is petitioning to rezone the property from T1 to T2 to permit the tenth apartment unit in the building. Under T1 zoning, six units are permitted based on the lot area, making the nine-unit apartment building a legal nonconforming use. Under T1 zoning, an additional unit would increase the nonconformity. Under T2 zoning, which calculates density using floor area ratio rather than lot area, ten units would be permitted.
The applicant has made significant interior and exterior improvements to the property, renovating and modernizing the units.
2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increase transit usage. Marshall Avenue is an existing transit corridor and a future bus rapid transit route. The subject property is at the northeast corner at Fairview. This intersection is an appropriate location for higher density mixed use development that is permitted in a T2 zone. Traditional neighborhood zoning encourages additional choices in housing.
3. The proposed zoning is consistent with the Comprehensive Plan. Marshall Avenue is identified in the land use plan as a residential corridor, predominantly characterized by medium density residential uses. Land use strategy LU1, target growth in unique neighborhoods, supports higher density development in residential corridors.

moved by _____
seconded by _____
in favor _____
against _____

LU1.9 encourages the development of medium density multi-family housing along residential corridors. Land use strategy LU2.2 in the Union Park Community Plan encourages the continued use and rehabilitation of existing structures to preserve the historic character of residential and commercial districts.

4. The proposed T2 zoning at the Marshall-Fairview intersection is compatible with surrounding uses which include library, church, and social club uses near the intersection and residential uses to the north, south, and east. The zoning is also compatible with the transit corridor that runs along Marshall Avenue.
5. 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 create an island of nonconforming use within a larger zoned property.*" The proposed T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Marshall Group LLC to rezone from T1 traditional neighborhood to T2 traditional neighborhood property at 1819 Marshall Avenue be approved.



UNION PARK DISTRICT COUNCIL
1821 University Avenue, Suite 308, Saint Paul, MN 55104
651.645.6887 | info@unionparkdc.org | www.unionparkdc.org
An Affirmative Action, Equal Opportunity Employer

January 2nd, 2019

Ms. Kady Dadlez
310 City Hall
15 Kellogg Boulevard West
Saint Paul, MN 55102

Dear Ms. Dadlez,

At its December 17th, 2018 meeting the Committee on Land Use and Economic Development (CLUED) **voted in favor** of a motion and requests that the UPDC Board or its Executive Committee should ratify such motion and then send a letter to the City of Saint Paul Board of Zoning Appeals **in support of the 1819 Marshall Avenue rezoning application**, which changes the current T1 traditional neighborhood zoning to T2.

At its December 21st meeting the Union Park District Council Executive Committee also **voted in support of the rezoning application at 1819 Marshall Avenue.**

Then again at its January 2nd the **full Union Park District Council voted in favor 9-8 to support the rezoning application at 1819 Marshall Avenue.**

Please let me know if you have any questions.

Sincerely,

Brandon Long, Executive Director
Union Park District Council

From: Lisa Natchek <lmnatchek@gmail.com>

Sent: Sunday, December 30, 2018 8:35 PM

To: ward4@ci.stpaul.mn.us; cedrick.baker@gmail.com; adejoy@esndc.org; Edgerton, Dan; krisfredson@gmail.com; blindeke@gmail.com; christopher.james.ochs@gmail.com; ecr@trios-llc.com

Subject: Rezoning of 1819 Marshall

Hello Mitra and St Paul Zoning Committee,

I am writing in regards to the proposed zoning change 1819 Marshall. While the change from T1 to T2 seems fairly minor, I have some concerns as to the future impact on the neighborhood. I do not have any issues with the building at 1819 Marshall, but I feel that granting a variance would be a better option in this case

Allowing a full zoning change would set a precedent for other buildings in the area and could lead to more drastic changes being requested down the line. A huge reason as to why my husband and I chose to buy a house in this location was the overall feel of the neighborhood-- older buildings, quieter area, with a small mix of local businesses within walking distance. The incoming Dunkin Donuts and the disaster that is the Starbucks drive-thru are already minor annoyances, but they're far enough away from our house (and I understand that Snelling will always be primarily commercial). We also already have had noise issues with some of the nearby student rentals. This is the sort of thing I do not want to see more of in the neighborhood. An influx in student-friendly rentals especially can negatively impact housing values and the people it will hurt the most are homeowners in the area. This is especially concerning to my husband and me since we have been investing quite a bit into our home as we work to bring it from an out-dated and mostly ignored property to a updated and charming piece of the neighborhood.

Our vision for the neighborhood consists of primarily single-family homes, well-maintained parks, easy (and safe) walk-ability, and some small clusters of local businesses. I understand there is already a mix of rental properties in the neighborhood, but my concern is that it could become much more predominant. Student-friendly housing especially has a reputation for being less well kept, and younger residents are more likely to be noisy. I'm speaking in generalities of

course, but I've already seen (and heard) evidence of both these things near my home and have no desire to see this area become a stereotypically college neighborhood (such as Uptown or DInkytown in Minneapolis). I'm 10+ years past that stage of my life and have been enjoying the current feel of our neighborhood.

Far more pressing issues (to me and my husband at least) are the lack of medians between the sidewalks and road along Fairview, and the north-bound section Fairview that increases to 2 lanes. The road could easily be narrowed to a single lane on each side (plus turn left turn lane) while adding a wider median between the sidewalks and road. This ultimately increases pedestrian safety because it makes the sidewalks easier to shovel (right now plows push snow onto the sidewalks and residents don't have anywhere to go with the snow they're shoveling) and reduces the traffic along Fairview since there is a clear acceleration zone happening right after Marshall (also dangerous to cars pulling out of nearby alleys).

When voting, please consider the precedent a zoning change could set and the long-term impact it could have on the neighborhood. I urge to vote against the zoning change and instead consider granting a variance for this specific location.

Thank you for your consideration,

Lisa Natchek
1816 Iglehart Ave

From: Rachel Callanan [<mailto:rachelcallanan@yahoo.com>]
Sent: Wednesday, January 02, 2019 1:19 PM
To: cedrick.baker@gmail.com; adejoy@esndc.org; Dan.edgerton@stantec.com; krisfredson@gmail.com; blindeke@gmail.com; christopher.james.ochs@gmail.com; ecr@trios-llc.com
Cc: Nicholas Slade; Lisa Natchek; david@unionparkdc.org; Dadlez, Kady (CI-StPaul)
Subject: Rezoning of 1819 Marshall Ave. from T1 to T2

Dear Zoning Committee,

I am contacting you in regards to the zoning change proposed for 1819 Marshall Ave. The property is currently zoned T1 and the property owner seeks to change the zoning of the parcel to T2.

My husband, Nicholas Slade, and I object to this change. We completely support the new owner in his desire to maximize the multi-family housing use of his property—the stated reason for seeking this zoning change is to make an additional rental housing unit “legal”. As long-time social justice and affordable housing advocates, we fully support the desire to add to the quality and affordable housing stock in Merriam Park. Unfortunately, the housing that is the subject of this development is not affordable for low-income people, but that is another subject for another day. For now, I focus my comments on two issues:

1) Rezoning from T1 to T2 is overkill when the same goal could be achieved for the property owner through a zoning variance to allow the additional housing unit to be “legal”.

Our concern with the move to rezone the property from T1 to T2 is that the same goal could be achieved through a zoning variance. This property was recently rezoned from multi-family housing to T1 as part of the Marshall Rezoning Plan. That change allowed for more expansive commercial uses and my husband and I both attended community meetings and submitted written comments objecting to the upzoning to T1 at that time. Our argument was, and remains, that this intersection is not and has not been a commercial or retail area and allowing a commercial use would significantly impact the adjacent residential homes. Our home is across the alley from 1819 Marshall at 1812 Iglehart Ave.

This current proposal to rezone the property to T2 would make it even more likely that more intensive commercial uses of the property could be on the horizon. Rezoning the property in this way leapfrogs over the months of process that went into the Marshall Rezoning Plan. My husband and I would support a zoning variance to allow for the additional housing unit, but object to the more extensive change to T2.

For background on our investment and commitment to being Merriam Park residents: we purchased the property at 1812 Iglehart in April 2018. We moved here to be close to work and fix up the property to be our home for the next 20-30 years. We have been investing our life savings into fixing up this property—new roof, new boiler,

rehabbing the exterior, etc. We are middle-income so are doing much of the work ourselves. Our goal is to be here through our retirement and into our old age. We are invested in the property for the long haul! The prospect of a higher impact commercial use of the property right behind our house would greatly impact our plans to enjoy our back yard, sleep with the windows open, have our grandkids play in the yard someday, etc.

The current property owner does not plan to utilize the T2 zoning for commercial use but rather simply wants the ability to use his 10th unit legally. This could be achieved with a zoning variance while at the same time giving the neighbors what we want, peace of mind that there will not be a high-impact commercial use outside our backyards in the future. A T2 zoning change could be discussed in the future if the possible BRT goes in and if it were determined, after a thorough community engagement process, that the T2 zoning change is warranted. As it stands—the upzoning to T2 goes far beyond what the owner wants to do with the property and is against neighboring property owners' wishes.

A zoning variance is a reasonable and appropriate solution to support the owner's additional housing unit while being responsive to the adjacent property owners' concerns.

I hope that you understand our perspective and are willing to work with us to come up with a solution that works for all of us. It is my desire that the Zoning Committee recommend against a rezoning of the property at 1819 Marshall and instead recommend that the property owner seek a zoning variance to allow for the additional housing unit. At a minimum, no recommendation should be made to the City Council until all options are assessed and all neighbors directly impacted are engaged in the community process.

2) The community engagement process was not effective in notifying the neighbors with the greatest stake in the proposed zoning change.

The first information we had about this proposed zoning change was a postcard we received Dec. 27th notifying us of the St. Paul Planning Commission meeting on Jan. 3rd. Luckily I was in town and was able to notify my next door neighbors, who were out of town at the time. There was no communication from the Union Park District Council about this change and no outreach attempted to the property owners that would be most greatly impacted by this change. I was particularly surprised that the Union Park District Council and its committees would take a position on such a significant rezoning of a property without attempting to contact the adjacent and nearby property owners. I was in contact with Lucas Miller about the lack of community engagement in this process and he offered some ideas for how I can be more involved with the outreach and engagement process. I will take him up on these opportunities to help improve the communication between the District Council and community members as these important changes are being considered in the future. It does not fix the lack of communication on this particular proposal, but I would hope that moving forward there is

a significant effort made to contact the property owners when a major change like this is going to be proposed that will greatly impact the property owner's use and enjoyment of their property. The Zoning Committee should be aware that the Union Park District Council did not fully engage or inform the neighboring property owners. I plan to attend their meeting tonight to explain our concerns about the rezoning of 1819 Marshall to T2.

My understanding is that the Zoning Committee will be addressing this issue at your meeting Jan. 3rd. I plan to attend and would appreciate time to address the Committee.

Thank you.

Sincerely,

Rachel Callanan and Nicholas Slade (I am speaking on behalf of my husband as he is currently deployed to Kuwait as a member of the Minnesota National Guard so is unable to attend the meetings and engage in this discussion.)

1812 Iglehart Ave.

St. Paul, MN 55104

Cell: 612-803-1008

Email: rachelcallanan@yahoo.com

From: Rachel Callanan [<mailto:rachelcallanan@yahoo.com>]

Sent: Thursday, January 03, 2019 9:02 AM

To: cedrick.baker@gmail.com; adejoy@esndc.org; Dan.edgerton@stantec.com; krisfredson@gmail.com; blindeke@gmail.com; christopher.james.ochs@gmail.com; ecr@trios-llc.com

Cc: Nicholas Slade; Lisa Natchek; david@unionparkdc.org; Dadlez, Kady (CI-StPaul)

Subject: Re: Rezoning of 1819 Marshall Ave. from T1 to T2

In follow-up to my email yesterday, the Union Park District Council had a very divided vote last night 10-8 in favor of the zoning change. I believe that the building owner was not honest when he stated to the District Council that he contacted the neighbors and told them about the T2 zoning. I spoke with him and my neighbor took a tour of his building. He talked about his renovations but never did he mention that he would be seeking this upzoning to T2.

I am not sure I will be able to attend the meeting today as I have an important work deadline and it will be difficult for me to get away in time to be there. I hope that you will take these comments to heart and recommend against this zoning change. I do believe that it is impermissible spot zoning meant only to favor the owner of this building and it does not fit with the community process or desires. The City has other mechanisms for this exact situation-- zoning variance, nonconforming use permit, or determination of similar use. I would fully support any of these other options and any of these options would work for the building owner to achieve his goal of making the 10th unit in his building a legal unit.

Regards,

Rachel Callanan
1812 Iglehart Ave.
612-803-1008
rachelcallanan@yahoo.com

Dadlez, Kady (CI-StPaul)

From: Chillon Leach <chilloncleach@hotmail.com>
Sent: Thursday, December 27, 2018 1:28 PM
To: Dadlez, Kady (CI-StPaul)
Subject: Rezoning in neighborhood

Hello,

I just received a postcard regarding the possible rezoning of 1819 Marshall Avenue.

I am very much against this rezoning from T1 to T2! Our current council member has taken matters into her own hands against neighborhood wishes and extensive planning collaborative work. This is wrong to impose this on us.

The current apartment building has been greatly updated and renovated in the past ½ year and looks suitable and in scale to our neighborhood. Anything larger would look completely out of place.

It's a very busy and dangerous intersection as it is ---- added traffic / lack of parking from a larger building or buildings would be awful. We already are surrounded by college housing and all the additional cars the students bring with them. Please add my comments to this public hearing.

Thank you,

Sincerely,

Chillon Leach

1795 Dayton Avenue

St. Paul, MN 55104