

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** LB 842 Ray LLC **FILE #:** 18-037334
 2. **APPLICANT:** LB 842 Ray LLC **HEARING DATE:** April 12, 2018
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 2330 Long Ave, SW corner of Long and Bradford Street
 5. **PIN & LEGAL DESCRIPTION:** 292923420106; Lot 10 Block 81 of ST. ANTHONY PARK, MINNESOTA SUBJ TO STREET AND ALLEY; LOTS 10 & LOT 11 BLK 81
 6. **PLANNING DISTRICT:** 12 **EXISTING ZONING:** T2
 7. **ZONING CODE REFERENCE:** § 66.314; §61.801(b)
 8. **STAFF REPORT DATE:** April 4, 2018 **BY:** Anton Jerve
 9. **DATE RECEIVED:** March 14, 2018 **60-DAY DEADLINE FOR ACTION:** May 13, 2018
-

- A. **PURPOSE:** Rezone from T2 traditional neighborhood to T3 traditional neighborhood.
- B. **PARCEL SIZE:** 14,810 sf on irregular lot with frontage on Long Ave and Bradford St.
- C. **EXISTING LAND USE:** Accessory parking/Vacant
- D. **SURROUNDING LAND USE:**
 - North: Multifamily residential (RM2)
 - East: Multifamily residential (RM2)
 - South: Commercial (T2)
 - West: Multifamily residential (RM2)
- E. **ZONING CODE CITATION:** § 66.314 defines the intent of the T3 traditional neighborhood zoning district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Prior to being rezoned RM2 in 1975 as part of a citywide zoning code replacement, the parcel was zoned C1 Residential (a multi-family district with specific lot dimension standards). A parking lot on the site was established in 1979 after it was rezoned to P-1/VP (ZF 8499). The parcel was rezoned from VP to T2 in 2013 to put the parking lot on site into the same zoning category as the building it served (ZF# 13-144945).
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 0 spaces in T2 districts at this location.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 12 has not commented by the time this report was written.
- I. **FINDINGS:**
 1. The applicant is proposing to rezone the property to T3 to allow for additional height and design flexibility for an eventual housing redevelopment.
 2. The proposed zoning is consistent with the way this area has developed. The proposed zoning is appropriate as described in the intent statement (§ 66.314):

The T3 traditional neighborhood district provides for higher-density pedestrian- and transit-oriented mixed-use development. It is designed for development or redevelopment of land on sites large enough to support:

(a) A mix of uses, including residential, commercial, civic and open space uses in close proximity to one another;

(b) A mix of housing styles, types and sizes to accommodate households of varying sizes, ages and incomes;

(c) A system of interconnected streets and paths that offer multiple routes for motorists, pedestrians and bicyclists, and are connected to existing and future streets;

(d) A system of open space resources and amenities; and incorporation of environmental features into the design of the neighborhood.

The T3 district is also intended for smaller sites in an existing mixed-use neighborhood center where some of the above elements already exist, or in an area identified in the comprehensive plan as a potential "urban village" site. The above elements may be found within the T3 district or adjacent to it; the intent is that all would be present within a reasonable walking distance.

The proposed zoning will allow for a higher-density mix of housing adjacent to the transit-oriented Raymond Station Area.

3. The proposed zoning is consistent with the Comprehensive Plan. The use is supported by the following policies in the *District 12 St. Anthony Park Community Plan* adopted in 2008:

Range of Housing Choices. Increase the range of housing types and affordability within the District to encourage a greater diversity of households and to be an affordable community for all people throughout their life and changing lifestyle needs.

57. Identify specific parcels of land just outside of the TOD district for the development of market rate and affordable urban style town homes, flats and co-ops (owner and rental).

59. Encourage the redevelopment of existing structures and the building of new structures within the historic TOD district for mixed-use commercial and housing types including apartments, condominiums and loft-style units.

4. The proposed zoning is compatible with surrounding uses. The proposed zoning allows for development that is compatible in use and scale and with surrounding uses as well as development types that would be allowed in the surrounding zoning districts.
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." This is not spot zoning. The proposed use would be allowed under T2 zoning and is compatible with surrounding land uses. The proposed T3 zoning allows for additional design flexibility.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from T2 traditional neighborhood to T3 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 #: 18-037334
 Fee: _____
 Tentative Hearing Date: 4-12-18

PD=12

292923420100

APPLICANT

Property Owner(s) LB 842 RAY LLC
 Address 615 1ST AVENUE NE #410
 City MINNEAPOLIS State MN Zip 55431 Phone 612-238-8210
 Contact Person EDDIE LANDENBERGER Phone 612-238-8214
 Email ELANDENBERGER@LANDBANKMN.COM
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

CC JAMES STOLPESTAD EG CAPITAL JAS20@EGCAPITALUS.COM

PROPERTY LOCATION

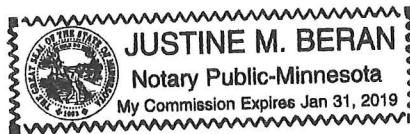
Address/Location 0 LONG AVENUE, ST PAUL, MN 55114
 Legal Description PIN 292923420106. LOT 10, BLOCK 81 OF ST. ANTHONY PARK, MN Current Zoning T2
 (Attach additional sheet if necessary.)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, LB 842 RAY LLC
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
T2 zoning district to a T3 zoning district, for the purpose of:
DEVELOPING A MULT-FAMILY HOUSING PROJECT
 (Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

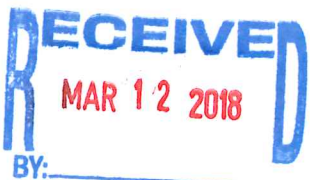
Subscribed and sworn to before me
 Date March 12th 2018
Justine Beran
 Notary Public
 JUSTINE BERAN



By: Eddie Landenberger
 Fee owner of property
 Title: VICE PRESIDENT

Subscribed and sworn to before me
 Date _____ 20____

 Notary Public



By: _____
 Fee owner of property
 Title: _____

Supplement to 0 Long Avenue, St. Paul, MN Re-Zoning Application

Rationale:

The primary reason for applying for a re-zoning from T2 to T3 is to increase the permitted height from 35 feet to 45 feet before setbacks. This enhances the practical opportunity to add a 4th level to a proposed multi-family housing project. It also enhances the flexibility to craft a distinctive architectural design that;

- i) Creates a stronger and more dramatic 'urban edge' especially along Long Avenue, and secondarily along Bradford Street.
- ii) Provides the opportunity for greater variety in roof articulation. This allows the opportunity for greater design interest than the prevailing housing project aesthetic today that has a consistent level flat roof.
- iii) Adds flexibility for rooftop amenity spaces to allow the project to position competitively relative to recently constructed projects such as Ray Smart Living, C&E Flats and upcoming projects such as The Link and The Hub.

City staff also explained the opportunity to achieve this outcome via a Conditional Use Permit ("CUP"), but we have elected to pursue a full re-zoning because of the greater timing flexibility of such rezoning vs. a CUP, as well as a greater degree of public scrutiny and thus buy-in that such a process could generate.

The topography of the immediate area also create a rationale for this action and helps mitigate any practical impact in the neighborhood. The proposed multi-family housing development on the 0 Long Avenue parcel is part of an overall two-phased project to start on 842 Raymond Avenue. The 842 Raymond parcel has an average elevation of +11 feet, as compared to an average elevation of +5 for the 0 Long parcel. Therefore, re-zoning to T3 for the Long Parcel would result in a 10' additional height before setbacks, which is only 4' higher than the first setback level on the 842 Raymond parcel under its existing T2 zoning. Said differently, after the re-zoning, a structure developed on the Long Parcel could be only 4' taller before setback than a structure on the 842 Raymond parcel. We

believe this would result in a better aesthetic impact across the 2 parcels of the entire project and create greater visual continuity between the phases.

Please note that the proposed re-zoning does not alter the permitted density for the parcel. Both T2 and T3 have a 3.0 floor area ratio ("FAR") for multi-family housing with enclosed off-street parking.

Consistent with Current Land Uses:

The immediate neighborhood around 0 Long Avenue is characterized by a wide range of existing structures ranging from 2-1/2 story townhomes through a 3-story (over-sized) former school building to a 14-story public housing high-rise. Within a few blocks of the site are new or redeveloped housing projects such as the 4-story Ray for Smart Living apartments, 5-story C&E Flats housing and retail mixed-use project, and the 7-story C&E Lofts housing project.

Consistent with City Policy and Neighborhood Preferences:

A re-zoning as requested would be consistent with:

- i) The most recent Community Plan published in 2005 and adopted as an amendment to the Comprehensive Plan by the City of St. Paul in 2008 which calls for greater density, broader housing choices and enhanced focus on bicycling and walking within the immediate area.
- ii) The latest District 12 Draft 10-Year Plan (version 3.0, March 2018) that promotes increasing the amount of housing and affordable housing throughout St. Anthony Park and those in South St. Anthony Park for larger multi-housing development along the Green Line.
- iii) The stated policy of the Metropolitan Council to foster denser development proximate to major regional transit infrastructure (i.e. the Green Line).
- iv) Similar City of St. Paul re-zoning adjoining heavy transit corridors such as along Snelling Avenue and the A Line Rapid Bus line.
- v) Similar rezoning in economically competitive development nodes along the Green Line in the City of Minneapolis, including The Hub at the East

Bank Station, WaHu at the Stadium Village Station, and The Link at the Prospect Park Station. We believe that the City of St. Paul should be mindful of the inter-city dynamic and seek ways to foster competitive and distinctive housing options as a means of promoting equity, housing choices, and the long-term tax base for the City.

Outreach and Support:

The application comes after significant outreach and encouragement:

- i) Saint Anthony Park Community Council Land Use Committee. 3 meetings including a formal public neighborhood presentation at the March 1st regular monthly meeting.
- ii) Creative Enterprise Zone informal discussions with board members.
- iii) Ward 4 Councilperson meeting and telephone discussion.
- iv) 842 Raymond tenant meetings (2)
- v) Presentation of initial architectural concept design to immediate neighbors in the adjoining 856 Raymond commercial condominium project.
- vi) Planning and Economic Development area planner meetings (3).
- vii) Department of Safety & Inspections meetings (2).

From: [Jerve, Anton \(CI-StPaul\)](#)
To: [Englund, Cherie \(CI-StPaul\)](#)
Subject: FW: File 18-037-334 Rezone application
Date: Thursday, April 05, 2018 3:28:40 PM

Cherie,

Here is testimony for my case next week. Please provide to Zoning Committee.

Regards,
Anton

From: Karlyn Eckman [mailto:eckma001@umn.edu]
Sent: Thursday, April 05, 2018 9:17 AM
To: Jerve, Anton (CI-StPaul)
Cc: Karlyn Eckman
Subject: File 18-037-334 Rezone application

Greetings,

I did not receive any official notice about the application for rezoning a T2 neighborhood to a T3 neighborhood. I live about a block north of the proposed development. I learned of this proposal from a neighbor.

I OBJECT to this rezoning application and proposed redevelopment for the following reasons:

1. The rate and volume of new housing developments in South Saint Anthony has become unpalatable, and is now encroaching upon older, established homes in my neighborhood. What is the value added to the neighborhood in terms of quality of life? What is the highest and best use of this parcel? I argue that it is NOT another boxy housing development. The volume and pace of development in South Saint Anthony subsequent to LRT construction has changed the character of the neighborhood. In my view it has become a less desirable place to live.
2. I am a studio artist and rented space in the C & E building when it was a thriving arts community. The developer (Exeter) evicted dozens of well-established artists. Most of us were forced to relocate out of the neighborhood because of lack of affordable studio space in Saint Anthony Park. During the time that Exeter owned the building (while we were still tenants) the property was neglected and not maintained. The result was broken plumbing and electrical systems and lack of building security. Many of us suffered vandalism and theft of property. The developer showed gross disrespect to tenants and was unresponsive to our needs.
3. Does this development conform to the current D12 ten-year plan? The new plan is being written and I have taken part in the process. As a member of the SAPCC Environment Committee I am concerned about relentless development, more impervious surface, more exterior night time lighting, stormwater management, loss of habitat, and rapidly increasing density of housing, people, and vehicular/truck traffic. Finally, I am concerned about developers who do not consult with impacted

neighbors, who plan their projects for their own purposes and profit.

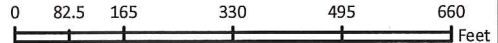
Thanks for taking my comments.

Karlyn Eckman

973 Raymond Avenue

Mobile: (01) 651 308 7285

Email: eckma001@umn.edu



FILE NAME: LB 842 Ray LLC

APPLICATION TYPE: Rezone

FILE #: 18-034334 DATE: 3/14/2018

PLANNING DISTRICT: 12

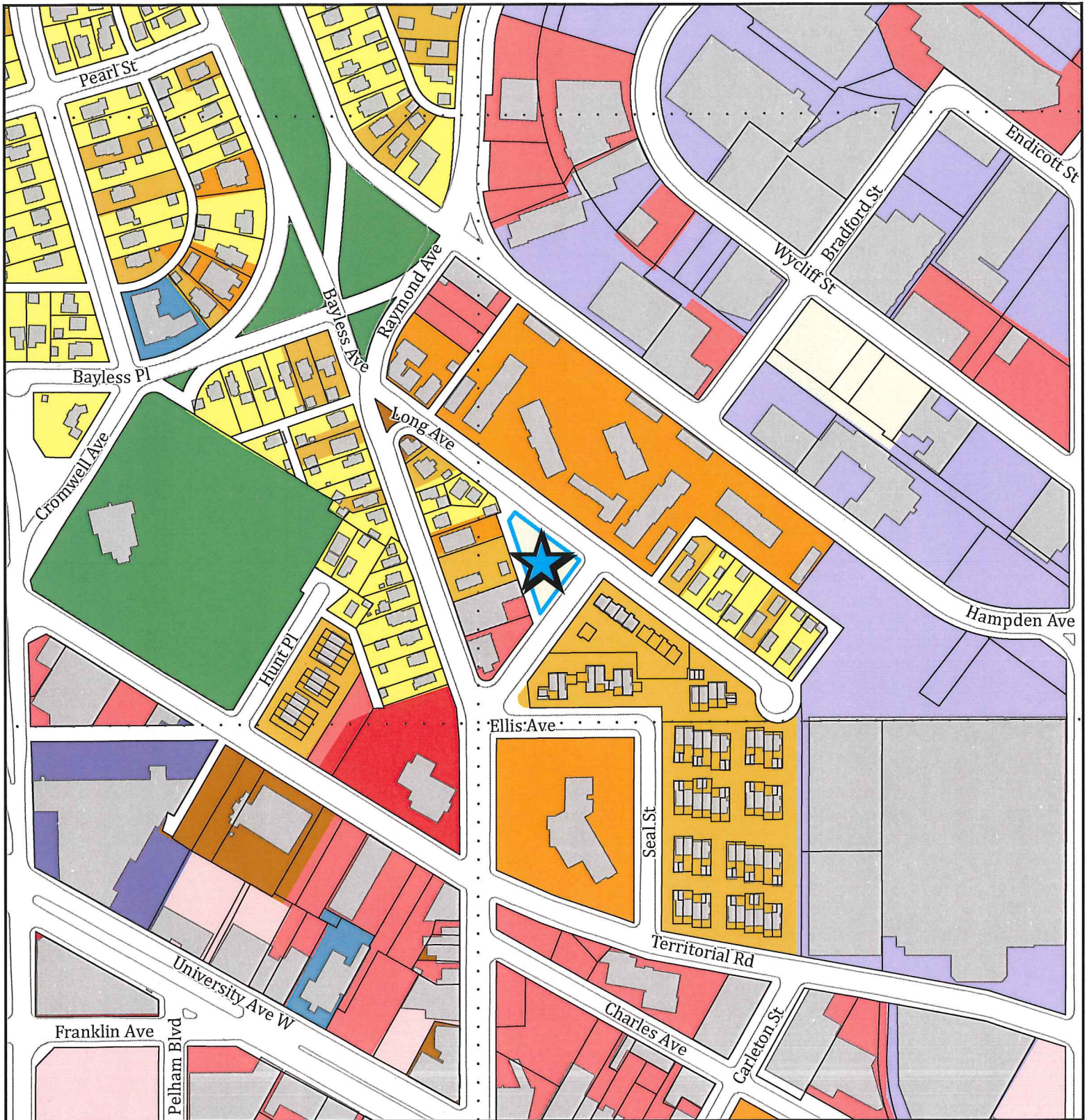
ZONING PANEL: 7

Zoning

Subject Parcels

Section Lines





FILE NAME: LB 842 Ray LLC

APPLICATION TYPE: Rezone

FILE #: 18-034334

DATE: 3/14/2018

PLANNING DISTRICT: 12

ZONING PANEL: 7

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial

- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Subject Parcels
- Section Lines

