

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 1375 Cleveland Ave N **FILE #:** 18-124347
 2. **APPLICANT:** Peggy A Dahl **HEARING DATE:** December 6, 2018
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1375 Cleveland Ave N, between Carter Ave and Doswell Ave
 5. **PIN & LEGAL DESCRIPTION:** 202923410063; ST ANTHONY PARK NORTH S 1/5 OF LOT 6 AND ALL OF LOT 7 BLK 34
 6. **PLANNING DISTRICT:** 12, St. Anthony Park Community Council **EXISTING ZONING:** RM1
 7. **ZONING CODE REFERENCE:** §66.214; §66.215; §66.216; §61.801(b)
 8. **STAFF REPORT DATE:** November 29, 2018 **BY:** Anton Jerve
 9. **DATE RECEIVED:** November 19, 2018 **60-DAY DEADLINE FOR ACTION:** January 18, 2019
-

- A. **PURPOSE:** Rezone from RM1 low-density multi-family residential to RM2 medium-density multi-family residential.
- B. **PARCEL SIZE:** 9,147sf (60ft frontage on Cleveland x 150ft)
- C. **EXISTING LAND USE:** One-family dwelling plus one-family dwelling over garage
- D. **SURROUNDING LAND USE:**
 - North: Sorority and multifamily (RM1)
 - East: University of Minnesota, St. Paul Campus
 - West: One-family and multifamily (RT2)
 - South: One-family and multifamily (RM1)
- E. **ZONING CODE CITATION:** §66.214 provides the intent of the RT2 district; §66.215 provides the intent of the RM1 district; §66.216 provides the intent of the RM2 district; §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 2002 the BZA approved variances for side and rear yard setbacks to allow a second dwelling unit to be established on the second story of the pre-existing garage. The unit was established as a second principle structure, which is allowed in RM1 districts. The unit is currently being used for short-term rental.
- G. **PARKING:** Zoning Code § 63.207 will require a minimum of 1 space per 1-2 room unit, 1.5 spaces per 3-4 room unit, and/or 2 spaces per unit with 5 or more rooms.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 12 had not commented by the time this report was written.
- I. **FINDINGS:**
 1. The application is to rezone the property from RM1 to RM2 to facilitate redevelopment of the property from a one-family dwelling with an additional one-family dwelling over a garage to a multifamily development with more density than allowed under RM1. RM2 zoning would allow for an additional 10ft of height (RM2 allows 50ft; RM1 and RT2 allow 40ft) and an additional 2 to 4 units, depending on how parking is provided (see table, below).

Allowable Dwelling Units for 1375 Cleveland – RM1 vs. RM2 Zoning

Zoning		Number of Units with Surface Parking	Number of Units with Structured Parking	
			1 Space/Unit	2 spaces/unit
RM1	Units	4	5	6
	Lot Area/Unit	2,000sf	1,700sf	1,400sf
RM2	Units	6	7	10
	Lot Area/Unit	1,500sf	1,200sf	900sf

2. Both the existing RM1 zoning and the proposed RM2 zoning are generally consistent with the way this area has developed. This area of St. Anthony Park, adjacent to the University of Minnesota, has developed as a mix of various housing types with higher densities generally concentrated along Cleveland Avenue and Como Avenue. The 40ft maximum building height standard for the existing RM1 zoning is consistent with the 40ft maximum height standard that applies to surrounding property (zoned RT2 and RM1), and consistent with the way this area has developed. The 50ft maximum building height standard for the proposed RM2 zoning is less consistent with the 40ft maximum height standard that applies to surrounding property, and less consistent with the way this area has developed. There are no buildings in the surrounding RT2 and RM1 area more than 40ft high. However, there are buildings exceeding 40ft on the University of Minnesota campus.
3. Both the existing RM1 and the proposed RM2 zoning are generally consistent with the *Comprehensive Plan*. The zoning is consistent with the following 2030 Comprehensive Plan policies from the Housing Chapter:

1.1. Increase housing choices across the city to support economically diverse neighborhoods.

1.3. Revitalize the city by developing land-efficient housing.

And the following policy from the St. Anthony Park Community Plan:

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.

There is no clear guidance from either plan regarding student housing and no specific recommendations in the St. Anthony Park Community Plan that relate to Cleveland Avenue. The draft St. Paul Campus Strategic Facilities Plan calls for adding student housing density along Cleveland south of Commonwealth Avenue with mixed-use generally at the intersection of Cleveland and Como.

4. The proposed zoning is compatible with the surrounding mix of residential and university-related uses. The Cleveland-facing side of the block is zoned RM1 while the Raymond-facing side of the block is zoned RT2. This zoning has been in place since 1975. The intent of the RT2 zoning district (Sec. 66.214) is “to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts.” The purpose of the RT2 zone on the west side of the block is to buffer the R4, single-family

area to the west from the multifamily uses along Cleveland. The intent statement for RM1 (Sec. 66.215) is “to provide for an environment of predominantly one- and two-family, townhouse and lower-density multiple-dwelling structures, along with civic and institutional uses... to provide for a variety of housing needs” is consistent with the way this area has developed, consistent with the Comprehensive Plan, and compatible with the surrounding mix of uses. The existing abutting uses are a one-family dwelling, a two-family dwelling, a sorority, and the U of M campus. The intent of the RM2 district (Sec. 66.216) is “to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.” RM2 is also generally appropriate at this site because of its location on Cleveland and proximity to the University and transit. With the frequency of U of M circulators in addition to the regular Metro Transit service, this stretch of Cleveland has among the highest frequency service outside of downtown. RM2 would provide for additional density to meet the housing goals of the city.

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.*” Based on Finding 4, above, the proposed rezoning may not be considered “spot zoning” because the use classification can be consistent with the current and intended surrounding uses. However, the site is located away from a Neighborhood Node and is not on a Residential Corridor as defined in the *2030 Comprehensive Plan*. At just more than 9,000sf, the modest change in density for this small lot to RM2 could be considered “*an island of nonconforming use within a larger zoned property.*” However, RM2 is not inappropriate at this location nor would it be at other locations along this segment of Cleveland adjacent to the University of Minnesota. The draft *2040 Comprehensive Plan* has stronger and more explicit policy support for additional density at this location due to its frontage on Cleveland and related transit access.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff believes either RM1 low-density multi-family residential or RM2 medium-density multi-family residential would be appropriate at 1375 Cleveland Avenue. RM1 is more consistent with existing land uses and policies, but RM2 is more consistent with draft land use policies coming from both the City of Saint Paul and University of Minnesota, which will guide development in the future, but have yet to be adopted. Because of this lack of clear policy direction, Finding 5, regarding spot zoning is a judgement call best left to the Planning Commission.



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 #: 18-124347
 Fee: 1260
 Tentative Hearing Date:
12-6-18

PD-12

202923410063

APPLICANT

Property Owner(s) PEGGY DANL
 Address 1375 CLEVELAND AVE N
 City ST PAUL State MN Zip 55108 Phone 651-235-1362
 Contact Person PEG DANL Phone 651-235-1362
 Email dahlg007@comcast.net
 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)

PROPERTY LOCATION

Address/Location 1375/1377 CLEVELAND AVE. N.
 Legal Description The South 1/5 of lot 6 and all of lot 7, Block 34, S. Danby Park North Current Zoning RM1
 (Attach additional sheet if necessary.) Ramsey County, Minnesota

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Ordinance § 61.801 and Minnesota Statutes § 462.357, _____

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a RM1 zoning district to a RM2 zoning district, for the purpose of:

Please see attached

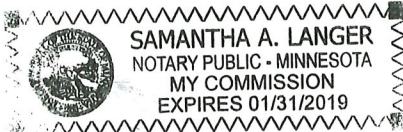
(Attach additional sheets if necessary.)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date November 13 2018

Samantha Langer
 Notary Public



By: [Signature]
 Fee owner of property

Title: Property Owner

Rezoning Application – 1375/1377 Cleveland Avenue North, Saint Paul, MN 55108

I have owned the property for 17 years and have worked hard to make it a home for myself and my family. I understood when I purchased the property that there were some student housing organizations in the vicinity, including a sorority to the immediate north. In the last few years, there have been two significant fraternity expansions and now, with the approved Conditional Use Permit recently granted to this sorority, along with many years of negative experiences living in a student rental district and the increased traffic along Cleveland Avenue, I feel I have no choice but to redevelop the property to multifamily use as the property is no longer suitable for a single family.

The property currently consists of my single family home and an ADU, or carriage house, added in 2002. This carriage house has been successfully rented out between 2003 and 2017, and I have not received any complaints regarding the character of my tenants. Since early 2018 it has been used as a registered Airbnb, again with no complaints.

While I realize that being zoned RM1 already allows me the ability to create a multifamily property on the site, I am requesting the rezoning to allow me to create a multifamily property that will have the least negative affect on the single family properties to the west of lot, along Raymond Avenue.

If the rezoning to RM2 is approved, it would allow me to do the following:

Keep the existing one-bedroom carriage house at the rear of the property - this would act as a visual screen of the new building from the west. The carriage house would also limit sound transfer from the new building towards the homes to the west, and, by placing the parking entrance/exit to the south of the carriage house, the movement of cars would be kept more towards the existing rental properties, rather than the single family homes. Finally, keeping the carriage house in place would mean that there was not another open parking lot visible to the homes across the alley.

Changing the zoning to RM2 would allow me to increase the number of rental units constructed on the parcel, but by keeping the carriage house in place, I would be limited in the placement of those units.

It would limit the footprint of the new building. If the carriage house remains, that would reduce the amount of lot coverage available to devote to the new building. The lot size is 9,147.6 square feet – this allows a total coverage of 3,201.66 square feet (35% of the lot size). The carriage house footprint is 753.6 square feet. Keeping the carriage house would reduce the footprint of a new building to a maximum of 2,448 square feet.

The carriage house also has been providing much needed short term rental space for University of Minnesota visiting guests, professors and researchers.

If the rezoning to RM2 is not approved, I would have to remove the carriage house to allow me to maximize the number of units that I could construct on the property. Exchanging a one-bedroom unit for a larger unit would help to maximize rental revenue and help to try to keep rents affordable. I would also build a larger building and there would be no buffer between the building and the single family homes to the west. In addition, there would be another open parking lot adjacent to the current one for the sorority to the north.

Changing from RM1 to RM2 will not be a significant change from the uses already in place in this zone. Most of the housing units in the immediate vicinity are already multifamily housing, and all

houses on the Cleveland Avenue side of the block (apart from mine) are multifamily. In addition, there are three multifamily housing units on the Raymond Avenue side of the block, so the area can no longer be considered low-density. Finally, the zone to the immediate west has recently been rezoned to RT2 from R3, which also increases possible density in the area.

Creating a multifamily property on this site has many positive benefits for the community and city – increased rental space and increased tax revenue for the city. New construction that will be more energy friendly and better for the environment. Increased housing near multiple forms of transit. It's within walking distance of a mixed use corridor (Como Avenue). Finally, it would be in keeping with the Saint Paul 2040 Comprehensive Plan – policies LU-1, LU-6, LU-9, LU-26, LU-33, LU-34, H-36, H-45, H-46.

Any new construction will be done to complement the current styles in the neighborhood.

While I realize this may be seen as a request to create a spot zone, there are several instances of similar single lot zonings within St Paul, such as:

921 Bayless Avenue, 55114 – RM2 in an R4 zone

216 Van Buren Avnue, 55103 – RT1 in an R4 zone

794 Case Avenue, 55106 – RM2 in an RT1 zone

750 Blair Avenue, 55104 – RM2 in an R4 zone

In addition, there are several spot zones within St Anthony Park, such as:

1449 and 1465 Cleveland Avenue North, 55108 – T2 in an RM1 zone

1336-1370 North Eustis, 55108 – RT1 in an R3 zone

Linnea Gardens, 2040 Como Avenue, 55108 - RM2 in an R4 zone

2190 Como Ave, 55108 – T1 in an RT2 zone

2186 Como Ave, 55108 – T2 in an RT2 zone

2172 Como Ave, 55108 – T1 in an RT2 zone



1375 Cleveland Ave N
Falcon Heights, Minnesota
Google, Inc.
Street View - Oct 2017

Google

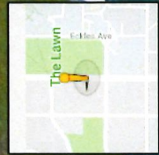


Image capture Oct 2017 © 2018 Google United States Terms Report a problem

5. Commonwealth Terrace

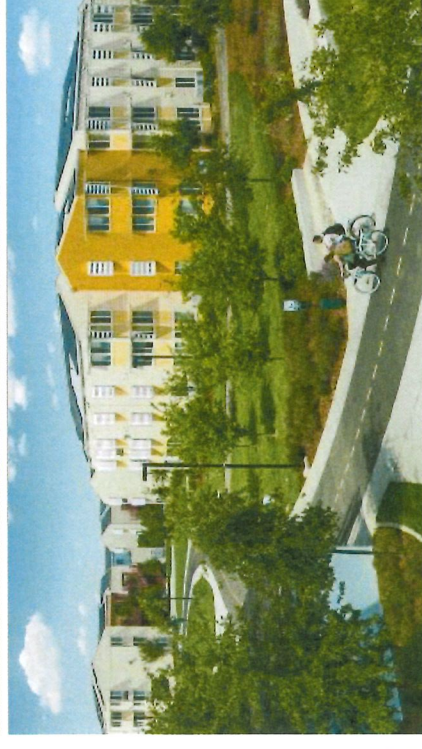
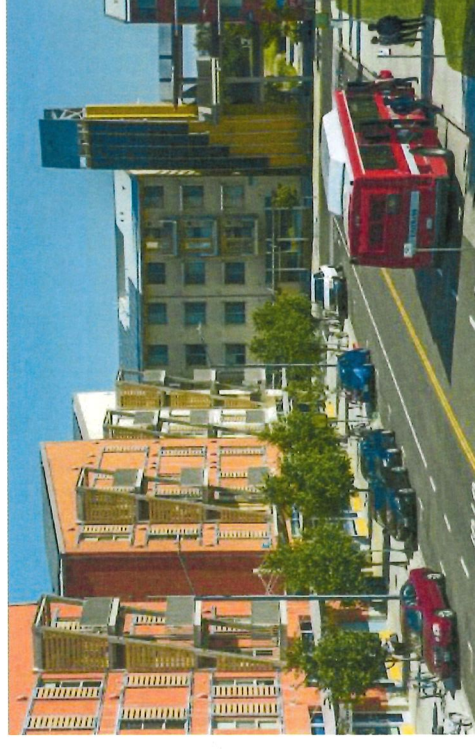


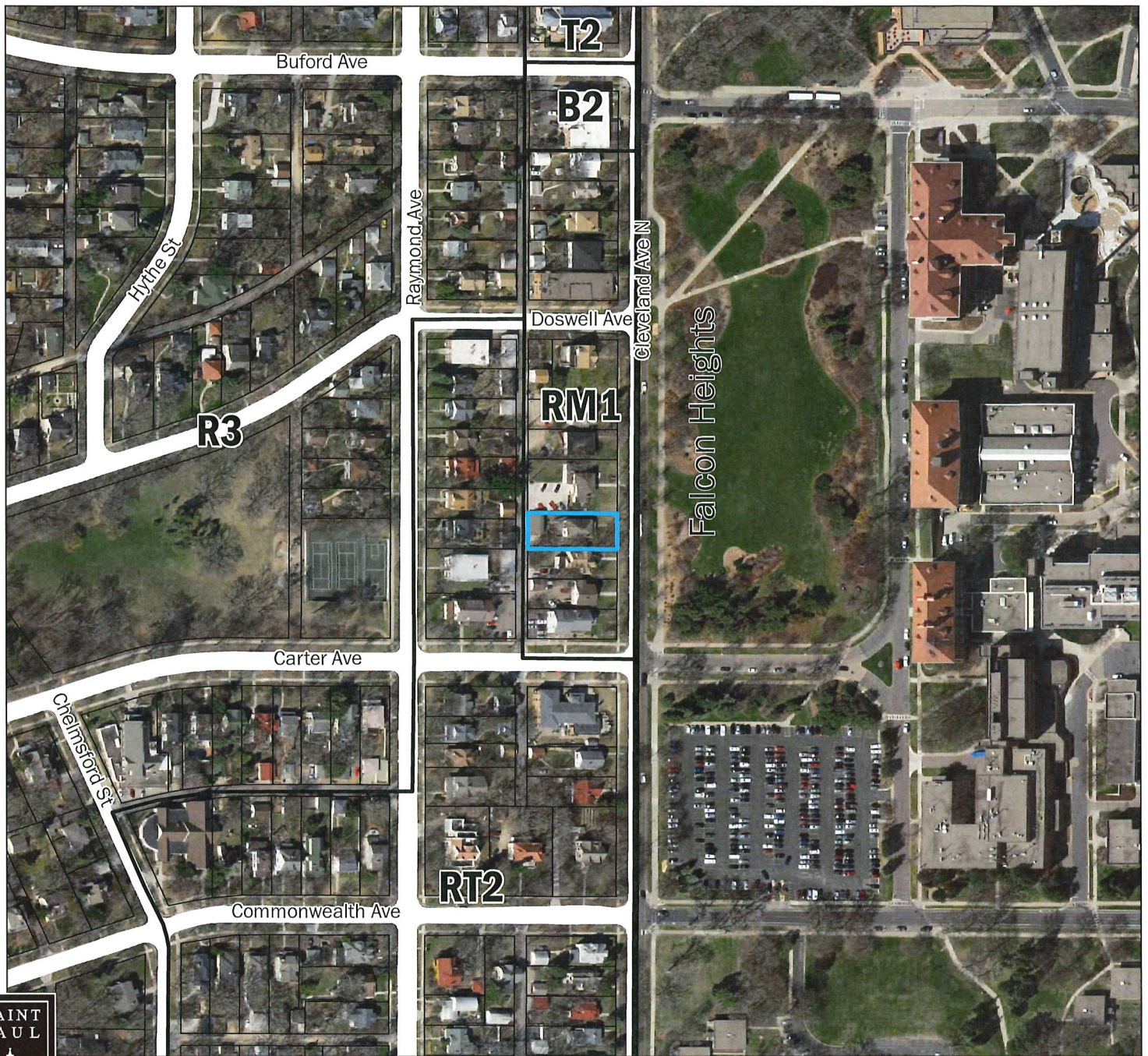
Reimagining Commonwealth Terrace

Determine timeline and potential for redevelopment:

- Define University performance requirements (financial, economic, mission-related)
- Connect with Coop to document community priorities
- Identify specific goals targets for housing affordability (students, families, others) and retail
- Test market interest against requirements

West Village/ UC Davis





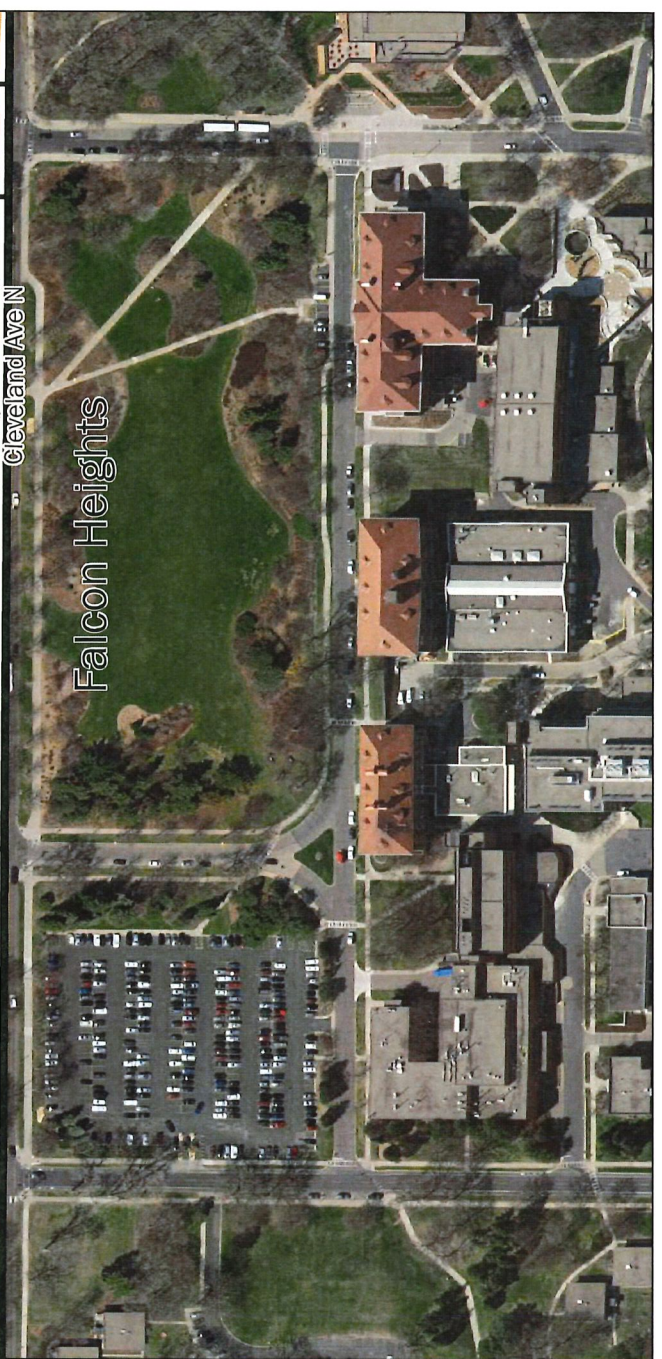
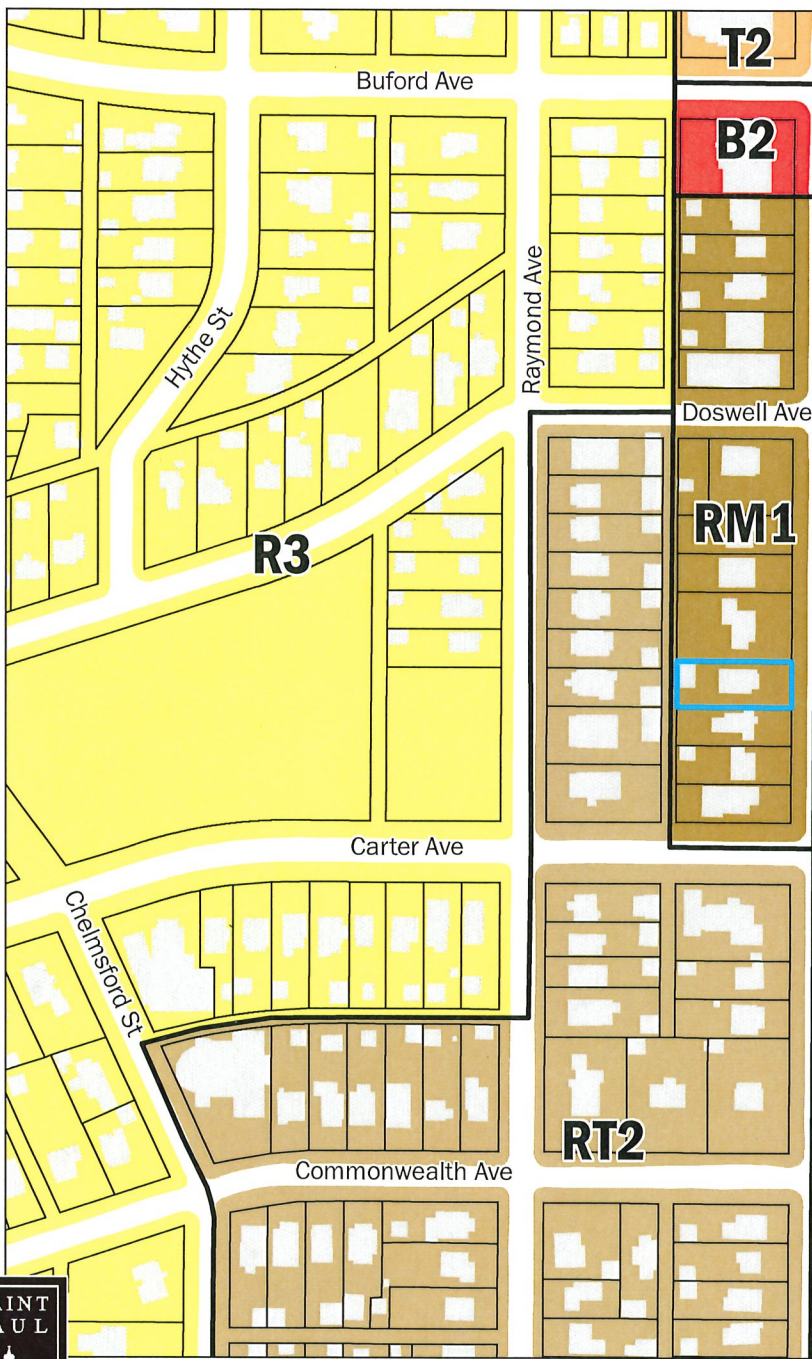
FILE #18-124347 | AERIAL MAP
Application of Peggy Dahl

Application Type: Rezone
 Application Date: November 13, 2018
 Planning District: 12

Subject Parcel Outlined in Blue

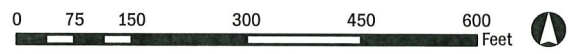


This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



FILE #18-124347 | ZONING MAP
Application of Peggy Dahl

Application Type: Rezone
 Application Date: November 13, 2018
 Planning District: 12



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

Subject Parcel Outlined in Blue

RL One-Family Large Lot	RM3 Multiple-Family	BC Community Business (converted)	I3 Restricted Industrial
R1 One-Family	T1 Traditional Neighborhood	B2 Community Business	F1 River Residential
R2 One-Family	T2 Traditional Neighborhood	B3 General Business	F2 Residential Low
R3 One-Family	T3 Traditional Neighborhood	B4 Central Business	F3 Residential Mid
R4 One-Family	T3M T3 with Master Plan	B5 Central Business Service	F4 Residential High
RT1 Two-Family	T4 Traditional Neighborhood	IT Transitional Industrial	F5 Business
RT2 Townhouse	T4M T4 with Master Plan	ITM IT with Master Plan	F6 Gateway
RM1 Multiple-Family	OS Office-Service	I1 Light Industrial	VP Vehicular Parking
RM2 Multiple-Family	B1 Local Business	I2 General Industrial	PD Planned Development
			CA Capitol Area Jurisdiction

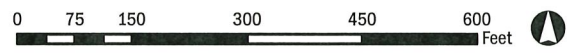


FILE #18-124347 | LAND USE MAP
Application of Peggy Dahl

Application Type: Rezone
 Application Date: November 13, 2018
 Planning District: 12

Subject Parcel Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Farmstead | Office | Extractive | Airport |
| Seasonal/Vacation | Retail and Other Commercial | Institutional | Agricultural |
| Single Family Detached | Mixed Use Residential | Park, Recreational or Preserve | Undeveloped |
| Manufactured Housing Park | Mixed Use Industrial | Golf Course | Water |
| Single Family Attached | Mixed Use Commercial and Other | Major Highway | |
| Multifamily | Industrial and Utility | Railway | |



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.