

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 337 W 7th/366-372 Smith Rezoning **FILE #:** 19-103-464
 2. **APPLICANT:** Bonfe Properties LLP **HEARING DATE:** December 12, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 337 7th St W, 366 Smith Ave N, and 372 Smith Ave N; Block bounded by Smith Ave., 7th St., Leech St., and Grand Ave.
 5. **PIN & LEGAL DESCRIPTION:** 012823410021; 012823410012; 012823410011; EWING & CHUTES SUB OF L6-7B1&L EX ST LOTS 2 3 AND LOT 4 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2; Lot 10 Block 2 of SAMUEL LEECHE'S ADDITION N 1/2 OF LOT 10 BLK 2
 6. **PLANNING DISTRICT:** 9 **EXISTING ZONING:** T2
 7. **ZONING CODE REFERENCE:** §61.801(b)
 8. **STAFF REPORT DATE:** December 2, 2019 **BY:** Anton Jerve
 9. **DATE RECEIVED:** November 22, 2019 **60-DAY DEADLINE FOR ACTION:** January 21, 2020
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- A. **PURPOSE:** Rezone from T2 to T3 traditional neighborhood.
- B. **PARCEL SIZE:** 26,995 sf. (all three parcels, including alley); 80' of frontage on 7th, 78' of frontage on Smith
- C. **EXISTING LAND USE:** Commercial
- D. **SURROUNDING LAND USE:**
 - North: Commercial (T2/B3);
 - East: Multifamily (RM2);
 - West: Residential/Commercial (T1);
 - South: Commercial/Office (T2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There is no zoning history for this parcel. The site was previously used for auto repair and service. The existing public alleyway is in the process of being vacated. There is a concurrent CUP application for height up to 75 feet with a variance to increase the maximum floor area ratio (FAR) from 3.0 to 3.44, and a variance to reduce the required number of loading spaces for proposed retail use from 1 to 0 (ZF# 19-103-475).
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 1 space per 1—2 room unit, 1.5 spaces per 3—4 room unit, and 2 spaces per unit with 5 or more rooms. Commercial uses require one space per 400 square feet. Zoning Code § 66.342 allows for residential parking in T3 districts to be reduced by 25%. The project proposes 94 vehicular parking spaces (90 required) and 70 bicycle parking spaces (68 required) within the building. The required parking includes reductions for residential uses in T3 (25% or 41 space), bicycle parking (10% or 17 space), shared vehicle parking (10% or 17 space), and shared parking (1 space).
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 9 Council recommended approval of this rezoning.

I. FINDINGS:

1. The application is to rezone 337 W 7th/366-372 Smith from T2 to T3 to allow for a mixed-use development with 153 residential units and 2,500 square feet of retail fronting West 7th Street.
2. The proposed zoning is consistent with the way this area has developed. The area is a mix of commercial and residential uses, which has evolved over time, but has consistently remained many uses and scales close together. Higher density uses have generally been concentrated along West 7th Street and Smith Avenue (north of West 7th Street).
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3 zoning is consistent with the 2030 Comprehensive Plan for the reasons listed in the rezoning application. The proposed rezoning is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*
 1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*
 2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
 3. *Cluster neighborhood amenities to create a vibrant critical mass.*
 4. *Improve access to jobs by prioritizing development with high job density.*
 - *Policy LU-31. Invest in Neighborhood Nodes to achieve development that enables people to meet their daily needs within walking distance and improves equitable access to amenities, retail and services.*
 - *Policy H-16. Increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels.*
4. The proposed zoning is compatible with surrounding uses. The use abuts a new hotel of a similar scale (100 rooms and 5 stories). There are other small-scaled commercial uses on Leech Street and West 7th Street that would be compatible. The site's proximity to transit, and downtown and hospital jobs make it an appropriate location for multifamily housing.
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 rezoning would not be spot zoning because it would only increase the density of uses already allowed in T2 and at a density similar to other properties in close proximity:
 - RM2 zoning directly across West 7th Street allows for 50 ft. height;
 - B5 zoning, 220 ft. north of the site along Smith allows for unlimited height; and
 - Irvine Park Towers, which is 600 ft. west of the site along West 7th Street, is a 15-story tall primarily residential, mixed-use building.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from T2 to T3 traditional neighborhood.



REZONING APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex, 25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6583

PD-9

| | |
|------------------------|-------------------------------|
| Zoning Office Use Only | |
| File # | <u>19-103464</u> |
| Fee Paid \$ | <u>1,890 (Bzone/CUP/VAR.)</u> |
| Received By / Date | <u>11/21/2019</u> |
| Tentative Hearing Date | <u>12/12/19</u> |

APPLICANT

Property Owner(s) Bonfe Properties LLP

Address 337 7th Street W City St. Paul State MN Zip 55102-2327

Email tom.bonfe@gmail.com Phone (651) 238-2399

Contact Person (if different) Aron Johnson-DJR Architecture Email ajohnson@djir-inc.com

Address 333 Washington Ave. N., Suite 210 City Minneapolis State MN Zip 55401

(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 INFO

Address/Location 337 7th Street W., 366 & 372 Smith Avenue N.

PIN(s) & Legal Description See Attachment
(Attach additional sheet if necessary.)

Lot Area 25,348 sf or .582 acres Current Zoning T2

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 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 T2 zoning district to a T3 zoning district, for the purpose of:
Mixed-use development

Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit
 If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Subscribed and sworn to before me

Date 11-14 2019

Donna M. Olson
Notary Public

Bonfe Properties LLP

By: [Signature]
Fee owner of property

Title: owner





333 Washington Ave N
Suite 210 | Union Plaza
Minneapolis MN 55401
612.676.2700 | www.djrarch.com

November 21, 2019

RE: The following is a **project description for the proposed 337 West 7th project:**

The project proposes rezoning the site from the current designation of T2 to T3, both are Traditional Neighborhood districts.

The project proposes a mixed-use development with off-street parking entirely above grade. The project site is located mid-block between West 7th Street and Smith Avenue in the West 7th/Fort Road neighborhood. The site is currently occupied by a single-story auto repair building and surface parking. It is in close proximity to the Children's Hospital and the vibrant street activity of West 7th Street. The site is supported by good transit with the 54, 70, 74 and 417 lines closely accessible.

The existing block has had recent developments to the north and south of the site. To the north, a 5-story hotel with surface parking was built in 2017. To the south, a 2-story office building with surface parking was built in 2015. Both adjacent developments have an existing alley that run through the surface parking lots. This project proposes to vacate the alley for the whole block to help mitigate congestion on 7th St. West.

The proposed development includes 153 units that range from efficiency units to two-bedroom units that are aimed at meeting the diverse housing needs of the Fort Road Federation District. Parking will be accessed from Smith Avenue with 94 parking stalls provided, which meets zoning code requirements. The project utilizes parking reduction incentives that the current zoning code offers. The project is applying for a rezoning from T2 to T3, a C.U.P. for height, variance to increase FAR and a variance to reduce loading at this submission. A site plan review application will be submitted in the future, pending the outcome on these applications.



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November 21, 2019

RE: The following are the findings for the **Consistency with Rezoning Considerations** for the proposed 337 West 7th project:

The project proposes rezoning the site from the current designation of T2 to T3, both are Traditional Neighborhood districts.

Compatibility with land use and zoning of property within the general area.

Zoning in the general area includes T2, RM2, B2, B5 and VP. The intent of many of the zoning designations in the general area is to provide for comprehensive development of multi-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities in relation to 7th Street West. Rezoning the site to T3 also supports the same intent of providing transit oriented mixed-use development as stated in the St. Paul zoning code. In addition to this, the existing T2 properties in the general area are actually used for large scale medical facilities and residential buildings that range from 5 stories to 16 stories (Irving Park Towers). Rezoning the site to a T3 designation for a mixed-use development will compliment the existing and recent development in the area by concentrating density along the major arterial of 7th Street West. The pedestrian experience will also be improved by providing retail use at the ground floor along 7th Street West which is consistent with the zoning intent.

Suitability of the property for the uses permitted under the existing zoning classification.

The proposed mixed-use development of residential and retail uses are permitted under the current T2 designation. Rezoning to T3 will allow greater density and height to achieve a mixed-use transit orientated building to better serve the 7th Street West arterial and bring more residents to the surrounding medical employment center of St. Paul. The higher density and height limits of the T3 zone will also allow the building to provide parking to zoning requirements and avoid more congestion and surface parking in the area. The adjacent developments to the north and south (2015 & 2017) have built surface parking lots directly adjacent to the proposed site that increase impervious surface and potentially lower water quality from increased run off.

The trend of development in the area of the property in question.

There have been a number of recent developments in the area and directly adjacent to the site. Directly adjacent to the north is the 5-story Residence Inn by Marriot (2017) which has 100 guest rooms and surface

parking. Directly adjacent to the south is a 2-story office building which houses the St. Paul Labor Center (2015) which also contains a large amount of surface parking. There are two other developments a couple blocks north on 7th Street West that have been completed recently. One is the OXBO (2016) is a 6-story mixed-use development which has 191 units. The other is the Hampton Inn (2016), a 5-story hotel with 160 guest rooms. All of the recent developments have been aimed at increased density along the 7th Street West arterial and the OXBO and Hampton Inn have fully enclosed parking for a better pedestrian experience along 7th Street. The proposed project would stay consistent with the development trend and facilitate improvement of the area with the addition of residents and retail to balance the number of hotel keys that have been recently developed in the area.

Consistency with the Comprehensive Plan and the plans for the area that have been adopted by the City Council.

Rezoning to T3 to allow for concentrating density near thoroughfares and transit are highly consistent with the City's land use plans. The LU-B and LU-J plans of the 2030 Comprehensive plan designate this site as Mixed-Use Corridor. The LU-F plan also designates a major institutional employment center in near proximity to the site location. The added density with rezoning to T3 is intended to serve this employment center. Figure H-K (map) of the Comprehensive plan designates this site as a "opportunity area for potential new housing", in which the proposed rezoning is consistent with. The proposed rezoning is also consistent with the following policies of the 2030 Comprehensive plan:

LU Policy 1.2 Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor, and Downtown.

LU Policy 1.21 Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit.

LU Policy 1.24 Support a mix of uses on Mixed-Use Corridors.

LU Policy 1.25 Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.

LU Policy 1.28 Promote conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.

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

H Policy 1.2. Meet market demand for transit-oriented housing.

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

A small area plan for the West 7th Corridor is currently being studied but not adopted and no further information about that plan has been available to the applicant or the general public.



West 7th / Fort Road Federation
882 West 7th Street, Suite 6
Saint Paul, MN 55102
651.298.5599
www.FortRoadFederation.org

December 2, 2019

Councilmember Noecker
City of Saint Paul
15 Kellogg Blvd. West
310-B City Hall
Saint Paul, MN 55102

Subject: Support for 337 West 7th Street Mixed-Use Building

Dear Councilmember Noecker,

At its November 11, 2019 Board meeting, the West 7th Street / Fort Road Federation (Planning District Council 9) heard a presentation for a mixed-use, 75' tall apartment building at 337 West 7th Street. After the presentation and discussion, the Board voted to support the requests by Northland Real Estate Group for proposed mixed use building at 337 West 7th Street:

- Rezone the parcel from T2 to T3,
- Building height of 75',
- Vacating the alley that runs through the proposed site, and
- General support for their development plan for the parcel

The Board vote of support for the above was unanimous, with Federation Board Member, and City Planning Commissioner, Wendy Underwood abstaining.

Smith Avenue is an important bicycle connection to downtown and nearby trails. We encourage a traffic management plan that accounts for vulnerable road users. Specifically, the Fort Road Federation Transportation and Land Use committee recommends restricting left-hand turns in and out of the parking ramp and having a loading and unloading zone in the parking ramp to prevent cars waiting for entry on Smith Avenue. Space for residents moving in and out should also be accounted for. The Board also supports prioritizing local businesses in the retail space.

The Fort Road Federation coordinates participation in advocacy and planning and builds community connections for the residents, businesses, and nonprofit organizations of the West 7th neighborhood so that it is a place where people want to live, work, and play.

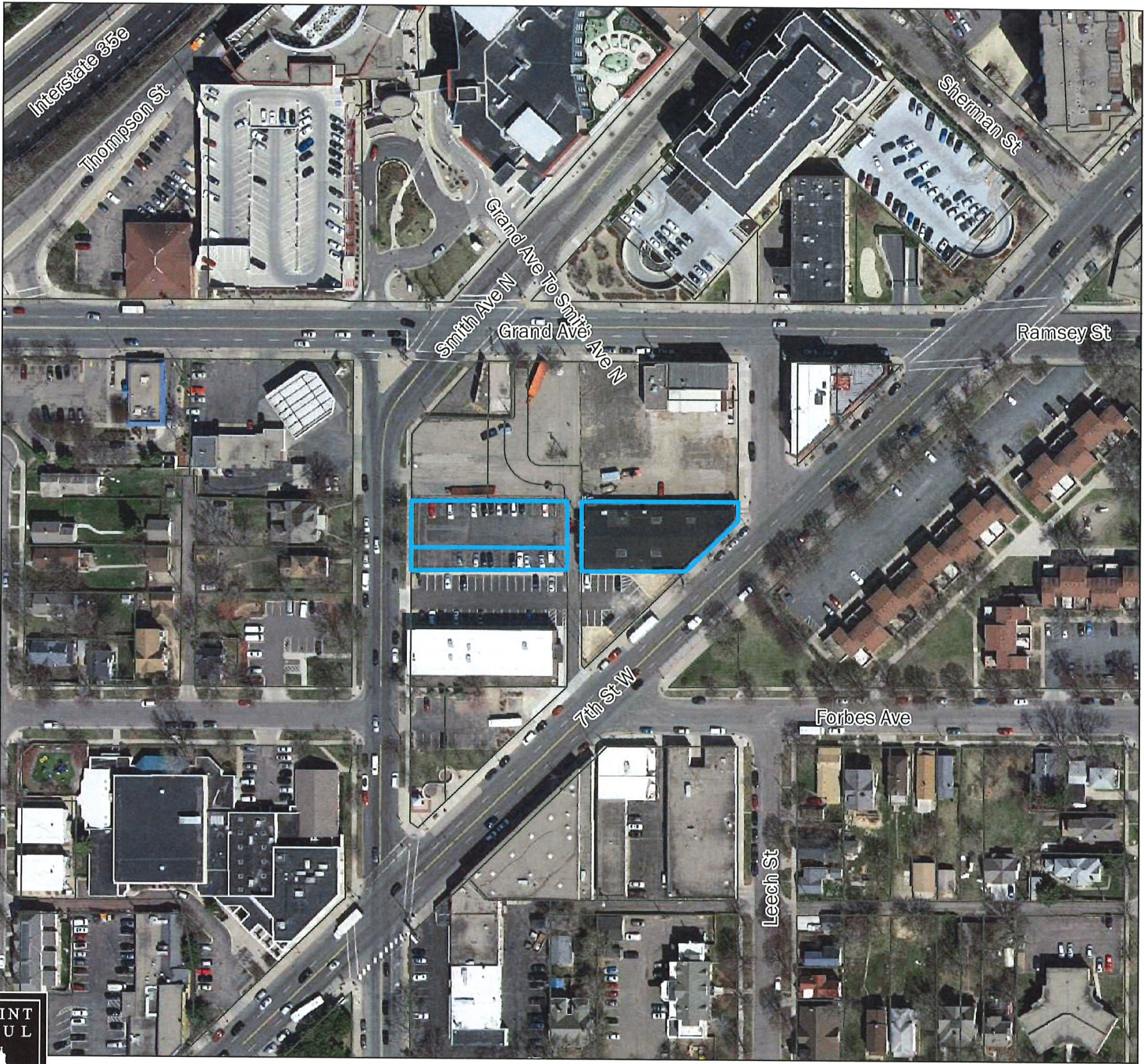
If you have any questions, please call or email Emily at 651.298.5599 or emily@fortroadfederation.org.

Sincerely,

Dana DeMaster

Dana DeMaster
President

CC: Michael S. Margulies, Northland Real Estate Group
Aron Johnson, DJR Architecture
Dean Dovolis, DJR Architecture
Tom Bonfe
Anton Jerve, City of Saint Paul Dept. of PED
Debbie Crippen, City of Saint Paul, DSI



FILE #19-103464/103675 | AERIAL MAP
Application of Bonfe Properties LLP

Application Type: Rezone/CUP/Variance
Application Date: November 20, 2019
Planning District: 9

Subject Parcel(s) 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 #19-103464/103675 | EXISTING LAND USE MAP

Application of Bonfe Properties LLP

Application Type: Rezone/CUP/Variance

Application Date: November 20, 2019

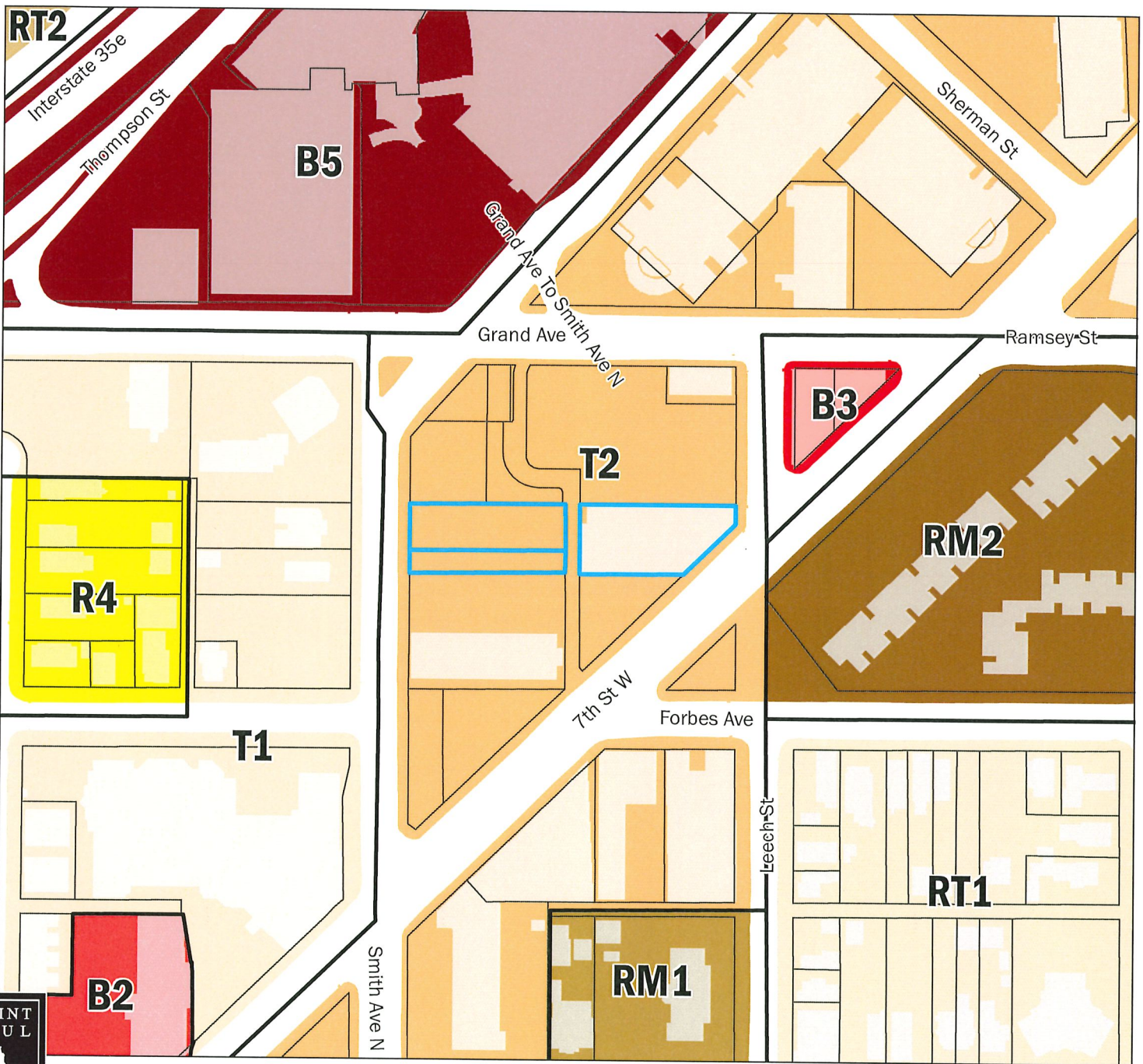
Planning District: 9



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Subject Parcel(s) Outlined in Blue

| | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| InsideRoadEdgesOverlay | Multifamily | Industrial and Utility | Railway |
| 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 | |



FILE #19-103464/103675 | ZONING MAP
Application of Bonfe Properties LLP

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Subject Parcel(s) Outlined in Blue

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