

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** TJJ Development **FILE #:** 20-029-704
  2. **APPLICANT:** Selby Dale LLC **HEARING DATE:** May 21, 2020
  3. **TYPE OF APPLICATION:** Rezoning
  4. **LOCATION:** 156 Dale St N, SE corner of Dale Street and Selby Avenue
  5. **PIN & LEGAL DESCRIPTION:** 01.28.23.22.03.07; Woodland Park Addition, To St. Paul, Lot 8 & Except West 31.39 ft of North 42.65 Feet Lot 9 And East 28 Ft of South 130.24 Feet of Lot 10 And South 73.10 Ft of West 22 Ft of Lot 10 And South 73.03 Ft of Lot 11 Block 6
  6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** B2
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** May 12, 2020 **BY:** Tony Johnson
  9. **DATE RECEIVED:** April 28, 2020 **60-DAY DEADLINE FOR ACTION:** June 27, 2020
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- A. **PURPOSE:** Rezone from B2 community business to T3 traditional neighborhood.
- B. **PARCEL SIZE:** 26,571 sq. ft.
- C. **EXISTING LAND USE:** Vacant Auto Garage
- D. **SURROUNDING LAND USE:**
  - North: Commercial
  - East: Vacant Land
  - South: Multi- Family Residential, Duplex, Single Family, Cluster Development (duplexes and single family)
  - East: Commercial
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 1922, the subject parcel, along with the rest of Selby Avenue were zoned "C" commercial. In 1975 when the modern zoning code was enacted, the subject parcel was zoned B2, community business district. The parcel has remained zoned B2 since that time. Prior to 2016, the subject parcel was 2 parcels, 156 Dale and 600 Selby. The 600 Selby parcel was a small grocery store land use until 2005 when the building was demolished, and the parcel has remained vacant since that time. In 2016, the two parcels, 156 Dale and 600 Selby, were combined in order to construct a restaurant in the former auto repair garage on the 156 Dale parcel with 37 accessory parking spaces for the restaurant, on what was formerly the 600 Selby parcel. The restaurant proposal received site plan and heritage preservation commission approval, but it was ultimately never constructed. TJJ development now has a purchase agreement for the subject parcel and an adjacent parcel located at 594 Selby Avenue. The 594 Selby Avenue parcel is zoned RM2 and the applicant is not proposing to rezone that parcel as a part of this application. The zoning code permits development on split zoned zoning lots, if the use is permitted in both zoning districts. The applicant is seeking a rezoning to T3, traditional neighborhood, which permits both residential and commercial uses, in order to develop an 82-unit apartment building that will be located on both the 156 Dale and 594 Selby Avenue parcels and to convert the existing vacant auto garage located entirely on 156 Dale Street into a hair salon.

G. **PARKING:** The applicant is proposing to construct an apartment building across to two lots, 156 Dale and 594 Selby with two different zoning designations. There is an existing vacant auto repair garage on the 156 Dale Street parcel, which the applicant is proposing to convert into a hair salon. The 156 Dale Street parcel is proposed to be rezoned to T3, traditional neighborhood, and the 594 Selby parcel is and will remain zoned RM2, multi-family residential. Per zoning code sec. 60.306, when a building is constructed over multiple zoning designations, such as the proposed apartment, the portion of the building in those respective zoning districts must comply with all the provisions of that district, including any provisions specific to those zoning districts that pertain to minimum parking requirements.

Zoning code section 66.342 (a) applies to the residential units proposed on the 156 Dale Street parcel that are proposed to be in the T3 traditional neighborhood in that portion of the zoning lot, and that provision reduces the parking requirement for the residential units by 25%. Furthermore, Section 66.342 (a) also allows the frontage on the 156 Dale lot to count towards the minimum parking requirements and that reduction would apply to both the proposed residential units and the hair salon. The units that are being proposed on the RM2 portion of the lot would not receive either of these minimum parking requirement reductions.

There are 22 units proposed on the RM2 portion of the zoning lot and 60 units proposed on the T3 portion of the zoning lot. Zoning Code § 63.207 requires a minimum of 24 spaces for the 22 units proposed on the RM2 portion of the zoning lot. Factoring in the 25% reduction for residential units on the portion of that lot that is proposed to be rezoned to T3, a minimum of 52 spaces is required for the 60 units on that are proposed on that portion of the zoning lot. The proposed hair salon would not require any additional parking to be provided for the use to be established because the minimum parking requirement for the former auto repair garage is higher than the minimum parking requirement for the proposed salon. The available on-street parking along the frontage of portion of the zoning lot that is proposed to be rezoned to T3 would count toward meeting the minimum parking requirement for both the salon and the 60 units, which reduces the minimum parking requirement by 7 spaces.

The minimum parking requirement for proposed apartment and hair salon is 69 spaces total, and 110 spaces are being proposed.

H. **DISTRICT COUNCIL RECOMMENDATION:** No recommendation from District 8 at the time of this staff report.

I. **FINDINGS:**

1. The applicant is seeking to rezone the subject parcel from B2, Community Business, to T3, Traditional Neighborhood, in order to construct a new 82-unit apartment building and to convert the existing vacant auto garage into a hair salon.
2. The proposed zoning is consistent with the way this area has developed. Selby avenue has developed with a mix of commercial and residential of varying densities. In 1922, when the first zoning code was enacted, Selby Avenue was zoned "C" commercial which permitted a both residential and commercial uses, like the proposed T3 zoning district. In 1975 when the modern zoning code was enacted, Selby Avenue was zoned RM2 multi-family residential, B2 community business, and B3 general business, with the new zoning districts generally corresponding to the underlying land uses. T3 zoning permits a range of land uses that are consistent with the current mix of commercial and multifamily residential zoning districts on Selby Avenue. The proposed T3 zoning is also consistent with the historic "C" commercial zoning designation and is compatible with the way the area has developed in terms of the mix of commercial and residential land uses along the Selby Avenue corridor.

3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3, traditional neighborhood zoning, is consistent with both the 2030 and 2040 comprehensive plan. The 2030 comprehensive plan identifies Selby Avenue as a mixed-use corridor. T3, traditional neighborhood zoning and proposed commercial and residential land uses, are consistent with this 2030 comprehensive plan mixed use corridor designation and specifically policy LU 1.24 which calls for supporting a mix of uses on mixed use corridors. Policy LU1.2 of the 2030 comprehensive plan calls for permitting high density development in mixed use corridors at 30 – 150 dwelling units per acre. The proposed 82-unit apartment building is within this density range at 102 dwelling units per acre, which is consistent with the housing density called for by this policy.

The 2040 comprehensive plan identifies the Selby and Dale Intersection as a neighborhood node. Policy LU-30 calls for focusing increasing density toward the center of the node and transitioning in scale to surrounding land uses. The proposed zoning will allow an increase in potential density at the center of the neighborhood node which will then transition into lower density residential uses which is consistent with this policy. Policy LU-1 calls for encouraging transit supportive density and directing the majority of the growth to areas with the highest existing or planned transit capacity. The proposed zoning district and development is at the intersection Selby and Dale which are both served by frequent transit service. Additionally, the B-Line bus rapid transit extension is planned to be constructed on Selby Avenue. The proposed T3 traditional neighborhood zoning district will facilitate to the development of transit supportive density at this location prior to the development of the B line.

4. The proposed zoning is compatible with surrounding commercial and residential land uses if varying densities near the subject parcel. The commercial and residential uses in the immediate area are generally permitted uses in the T3 traditional neighborhood district. T3 zoning at the subject location will enable the intensification of development near the center of this node that is compatible with the nearby commercial and residential land-uses and 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.”* The proposed T3 zoning would not constitute spot zoning. The uses permitted in the proposed T3 zoning district are consistent with uses permitted in the RM2 zoning district and B2 zoning district in the immediate area.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from B2 community business 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

Zoning Office Use Only	
File #	_____
Fee Paid \$	_____
Received By / Date	_____
Tentative Hearing Date	_____

## APPLICANT

Property Owner(s)	Selby Dale LLC c/o TJL Development LLC							
Address	2416 Edgcumbe Road	City	St Paul	State	MN	Zip	55116	
Email	lavallejim@comcast.net		Phone	612-751-1919				
Contact Person (if different)	Jim LaValle		Email	lavallejim@comcast.net				
Address	2416 Edgcumbe Rd	City	St Paul	State	MN	Zip	55116	

(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	156 Dale Street North, St Paul		
PIN(s) & Legal Description	012823220307, See enclosed survey		
<small>(Attach additional sheet if necessary.)</small>			
Lot Area	6 acres	Current Zoning	B-2

## TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Selby Dale LLC c/o TJL Development LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a B-2 zoning district to a T-3 zoning district, for the purpose of:

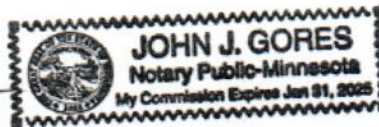
See enclosed letter.

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 4/3 2020

Notary Public



Selby-Dale, LLC  
By: Alan T. Tschick  
Fee owner of property  
Title: Chief Manager

**TJL Development LLC  
2416 Edgcumbe Road  
St Paul MN, 55116  
612-751-1919**

4/23/20

Tony Johnson  
Paul Dubruiel  
City of Saint Paul  
Planning and Economic Development Department  
25 West Fourth Street  
1400 City Hall Annex  
Saint Paul, MN 55102

Re: Redevelopment of 594 Selby Avenue and 156 Dale Street, Saint Paul

Tony and Paul,

I am excited to be involved in the redevelopment of two properties located at the south east quadrant of Selby Avenue and Dale Street. The two properties, a bare land parcel, 594 Selby Avenue, and a vacant building with land area, 156 Dale Street have been dormant for several years, are in disrepair and pose blight on the neighborhood and community. I have a binding purchase agreement with the owner of the properties.

On Monday April 20<sup>th</sup> 2020 the Saint Paul Heritage Preservation Commission approved our development plan as presented to the zoning committee.

We are proposing to rehabilitate the vacant building consistent with previous HPC approvals for a retail use, remediate the existing pollution and develop a market rate apartment building and parking to serve those uses. The site is located in a vibrant, mature and sophisticated urban environment that has access to the transit system, access to numerous retail and restaurant, entertainment, and educational establishments. It's important to recognize these built in neighborhood amenities. The project will emphasize and promote healthy living by utilizing and promoting the pedestrian and transit environment that already exists. The building mass has been articulated, setback and stepped to respect the surrounding neighbors, give the building individuality and comply with the design standards of the zoning code. The building is clad with high quality materials that are consistent with many of the buildings in the district and neighborhood.

The proposed building will consist of one level of underground parking containing approximately 59 parking stalls with ingress and egress from Selby Avenue. This parking will serve the residential component of the project. The parking garage will also contain a pet washing station, bicycle parking racks, trash management areas and mechanical and electrical facilities. The first floor of the project will contain a lobby with fitness and amenity spaces for the residents of the building, a bicycle repair shop for

the resident's use. The project will also incorporate an outdoor amenity plaza located on the second floor above the enclosed parking below. The first floor will also have public and private parking, (approximately 48 stalls) accessed from Selby Avenue and the existing alley to serve both the retail and residential uses. In the second through sixth floors the project proposes approximately 80 market rate apartments. We are proposing a unit mix that contains alcove, studio, one, two-bedroom and three-bedroom units. We are planning to coordinate real time Metro Transit monitors in the lobby and work with one of the shared cars providers to promote shared vehicles located at the building.

The Development is intended to cater to various income levels and family types that are prevalent in the neighborhood and found throughout the city.

Please consider this letter, enclosed applications and supporting materials our formal request to grant a rezoning of the land area of 156 Dale Street from B-2 to T-3. Also please consider this our formal application for variances that have been determined by St Paul Planning staff:

Variances for 594 Selby Parcel are the following:

- Sec. 66.231 for density. A maximum of 9 units are permitted on this parcel and 22 are proposed. (the zoning line will go through the one of the units and so it was determined as half in the RM2 half in The T3 parcel which is how we arrived at 22)
- Sec. 66.231 for side yard setbacks. A 9 foot setback is required. 9 balconies are proposed at a 5 foot setback.
- Sec. 66.231 for a rear yard setback. A 25 foot setback is required, 4 balconies are proposed at a 21 foot setback.
- Sec. 66.231 for height. A maximum height of 50 feet is permitted in the RM2 district, 53 feet is proposed.
- Sec. 66.232 for lot coverage a maximum of 35% lot coverage is permitted, 58% is proposed.
- Sec. 63.310 entrance to the parking facility in a T3 district across an RM2 parcel.

Variances for 156 Dale Parcel:

- Sec. 66.331 (i) for the front setback. The front setback is determined by the average setback of existing structures on the block. The existing front setback of 28 feet is proposed.
- Sec. 66.341 (b) placement of parking for the two spaces in front of the commercial building.

Findings for the Variances:

*(a) Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision:*

The existing zoning code in RM-2 has several density restrictions that cause practical difficulty. I understand city staff and commissioners are advancing new density standards that relax the existing RM-2 density constraints. Practical difficulties also occur due to The Historic Preservation Commission requirements to preserve the single-story existing structure on Dale Street that requires densification to facilitate vacant land development. The Heritage Preservation Commission denied a request to demolish the vacant single-story building or add on the front of the building that causes the practical difficulty.

*(b) The plight of the landowner is due to circumstances unique to the property and not created by the landowner:*

The zoning of the property is unique as there are two adjacent zoning classifications and was not controlled or guided or zoned by the current landowners. Complying with the requirements of the City of St Paul Heritage Preservation Commission were not created by the landowner nor the applicant and are unique to the property.

*(c) The variance will not permit any use that is not allowed in the zoning district in which the property is located:*

The proposed uses for the redevelopment comply with all City Codes and Ordinances and will not contribute to the ability of a non-allowed use to be allowed.

*(d) The variance will not alter the essential character of the surrounding area:*

The surrounding area contains similar size multi-unit housing facilities, office buildings, retailers, entertainment and restaurant venues, parking facilities and educational facilities. The proposed new multi-unit market rate apartment community with public parking compliments the surrounding uses and character as the proposed use already exists in the surrounding area. This finding was also met as determined by the City of St Pauls Heritage Preservation Commission approval of the project on April 20, 2020.

The proposed use will allow for and contribute to blight removal, pollution cleanup, additional public safety for the community and increase surrounding property values due to the significant contemplated capital investment.

We believe the project is consistent with all the regulations and intent of the Saint Paul Comprehensive Plan and the Summit University District Council small area plan.

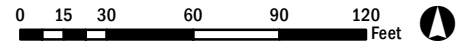
We respectfully request the city schedule to required hearing to allow approvals to be secured.

Sincerely,  
Jim LaValle



FILE #20-029-704 | Existing land use  
**Application of Selby Dale LLC**

Application Type: Rezone  
 Application Date: April 23, 2020  
 Planning District: 8



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(s) Outlined in Blue**

- |                           |                                |                                |              |
|---------------------------|--------------------------------|--------------------------------|--------------|
| ParcelPoly on             | 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                  |              |





Selby Ave



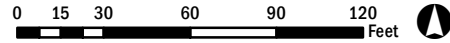
Hague Ave

Daie St N



# FILE #20-029-704 | AERIAL MAP Application of Selby Dale LLC

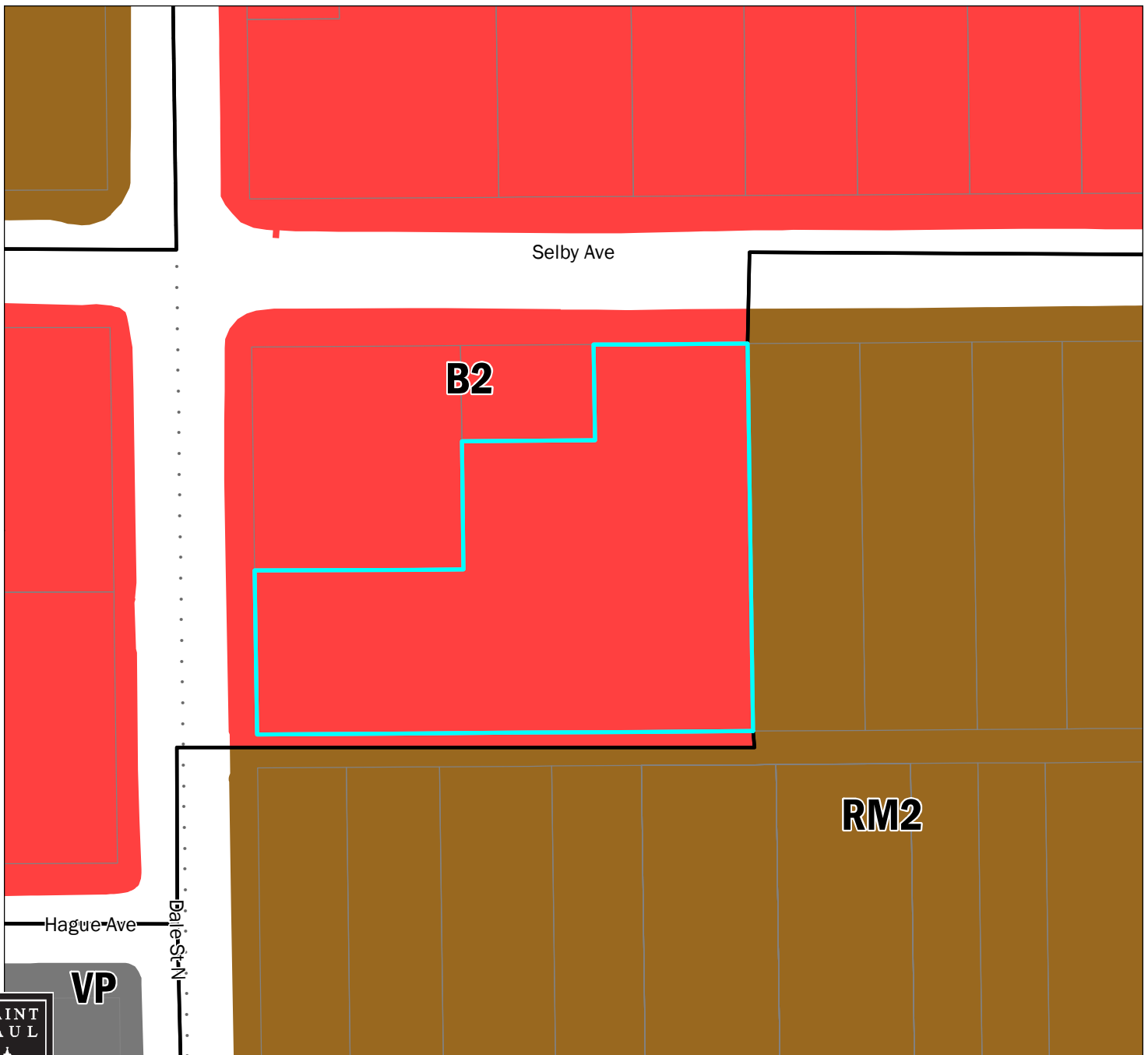
Application Type: Rezone  
Application Date: April 23, 2020  
Planning District: 8



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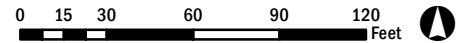
**Subject Parcel(s) Outlined in Blue**

ParcelPoly on



FILE #20-029-704 | ZONING MAP  
**Application of Selby Dale LLC**

Application Type: Rezone  
 Application Date: April 23, 2020  
 Planning District: 8



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**Subject Parcel(s) Outlined in Blue**

ParcelPoly on	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	