

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Scout Service Center **FILE #:** 17-210-652
 2. **APPLICANT:** Northern Star Council BSA **HEARING DATE:** November 21, 2017
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 393 Marshall Ave, NW corner at Western
 5. **PIN & LEGAL DESCRIPTION:** 36.29.23.34.0011; Lot 1 except the easterly 5 feet thereof, all of lots 2-7, lot 8 except the westerly 30 feet thereof, lot 23 except the westerly 30 feet thereof, and all of lots 25-29, Block 22, Mackubin and Marshall's Addition (see file for full legal description)
 6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** OS
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** November 15, 2017 **BY:** Tony Johnson
 9. **DATE RECEIVED:** November 2, 2017 **60-DAY DEADLINE FOR ACTION:** January 1, 2018
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- A. **PURPOSE:** Rezone from OS office-service to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 265 ft. frontage on Western x 280 ft. frontage on Marshall = 74,200 sq. ft.
- C. **EXISTING LAND USE:** Institutional / office / retail
- D. **SURROUNDING LAND USE:**
 - North: Multi-Family Residential (RM2)
 - East: Institutional (RM2)
 - South: Two- and Multi-Family Residential (RM2)
 - West: Multi-Family Residential (RM2)
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Prior to 1975 under the old zoning code the parcel was split zoned B residence and C residence. In 1975 when the modern zoning code was enacted the parcel was zoned OS office-service.
- G. **PARKING:** The application states that the purpose of rezoning is to facilitate residential redevelopment on the site. A conceptual site plan submitted with the application shows a courtyard apartment building with structured/underground parking. Zoning Code § 63.207 requires parking based on unit size. Zoning Code § 66.341(a) provides for a 25% reduction in this parking requirement for buildings with more than six dwelling units in the T2 district.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 made no recommendation at the time of this staff report.
- I. **FINDINGS:**
 1. The application states that the purpose of the proposed rezoning is to facilitate residential redevelopment on the site. A conceptual site plan submitted with the rezoning application shows a courtyard apartment building with structured/underground parking. The developer has indicated that the concept is for between 150-175 dwelling units, with a mix of studios, alcoves, 1BR, 2BR and potentially 3BR units.

2. The proposed T2 traditional neighborhood zoning is consistent with the way this area has developed. T2 district dimensional standards would make it possible for the proposed multifamily development to be designed to be consistent with the scale and density of the historic surrounding development pattern. The majority of surrounding multifamily residential buildings that are currently zoned RM2 were built before RM2 zoning and exceed the current RM2 35% maximum lot coverage. The redevelopment concept submitted with the rezoning application is also consistent with the height and density of the apartment building constructed in 2003 at 370 Marshall, at the SE corner of Marshall and Western.
 3. The proposed zoning is consistent with *Saint Paul Comprehensive Plan* Housing Chapter Strategies 1.1, 1.2, 1.3, and 1.4 for strategic housing growth to increase housing choices, support economically diverse neighborhoods, meet market demand for transit oriented housing, revitalize the city by developing land efficient housing, and implement citywide policies for new housing developments to promote sustainability. The subject parcel is at the intersection of two collector streets, within a half mile of a central corridor LRT station, less than a quarter mile from the high frequency bus line on Selby Avenue, adjacent to dedicated bike lanes on Western Avenue, and an easy walking distance from Downtown St. Paul.
 4. The proposed T2 traditional neighborhood zoning is compatible with surrounding multifamily, institutional, and commercial uses in the immediate area. It is consistent with this established land-use pattern in terms of the uses that are permitted in the T2 district and with the existing T2 traditional neighborhood, B2 business, and RM2 multiple-family zoning along this part of Western 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 rezoning from OS office-service to T2 traditional neighborhood does not constitute spot zoning. The uses permitted in the proposed T2 zoning district are consistent with the uses permitted under the existing T2 traditional neighborhood, B2 business, and RM2 multiple-family zoning along this part of Western Avenue.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the proposed rezoning from OS office-service to T2 traditional neighborhood at 393 Marshall Avenue.

PETITION TO AMEND THE ZONING CODE



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 #: 17-210652
Fee: 1523⁰⁰

PD=8

#262923340011

APPLICANT

Property Owner 393 Marshall LLC
Address 332 Minnesota St, suite W2300
City St. Paul State MN Zip 55101 Daytime Phone (651) 294-2446

PROPERTY LOCATION

Address/Location 393 Marshall Ave
Legal Description see attachment

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, 393 Marshall LLC, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a Office-Service (O-S) zoning district to a Traditional Neighborhood (TN2) zoning district, for the purpose of: facilitating future residential development on the property

(Attach additional sheets if necessary)

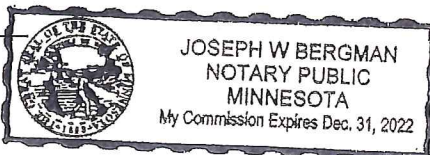
Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date October 26 2017

JB
Notary Public

By: [Signature]
Fee owner of property Applicant



LEGAL DESCRIPTION

Lot 1, except the Easterly 5 feet thereof, all of Lots 2 through 7, inclusive, all of Lots 24 through 29, inclusive, Lot 30, except the Easterly 5 feet thereof, and all that part of Lots 8 and 23, lying Easterly of a line lying 280 feet Westerly of and parallel with the Westerly right-of-way line of Western Avenue as laid out on the plat of Mackubin and Marshall's Addition to St. Paul, all in Block 22, Mackubin and Marshall's Addition to St. Paul, according to the plat thereof on file and of record in the office of the Register of Deeds within and for said County.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

ss.

**AFFIDAVIT OF
JOHN R. ANDREWS**

JOHN R. ANDREWS, being duly sworn, upon oath deposes and states as follows:

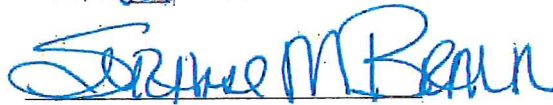
1. He is the CEO of the Northern Star Council of the Boy Scouts of America, a Minnesota nonprofit corporation
2. The Northern Star Council of the Boy Scouts of America is the legal owner of the property located at 393 Marshall Avenue in St. Paul, Minnesota 55102
3. The 393 Marshall Avenue Property is currently in an Office-Service (OS) zoning district.
4. He, in his role as CEO of the Northern Star Council does hereby authorize 393 Marshall LLC to apply for a rezoning of the aforementioned property located at 393 Marshall Avenue from Office-Service (OS) to Traditional Neighborhood 2 (TN-2) zoning.

Dated: October 27, 2017

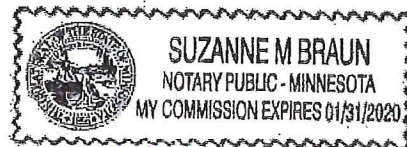


John R. Andrews

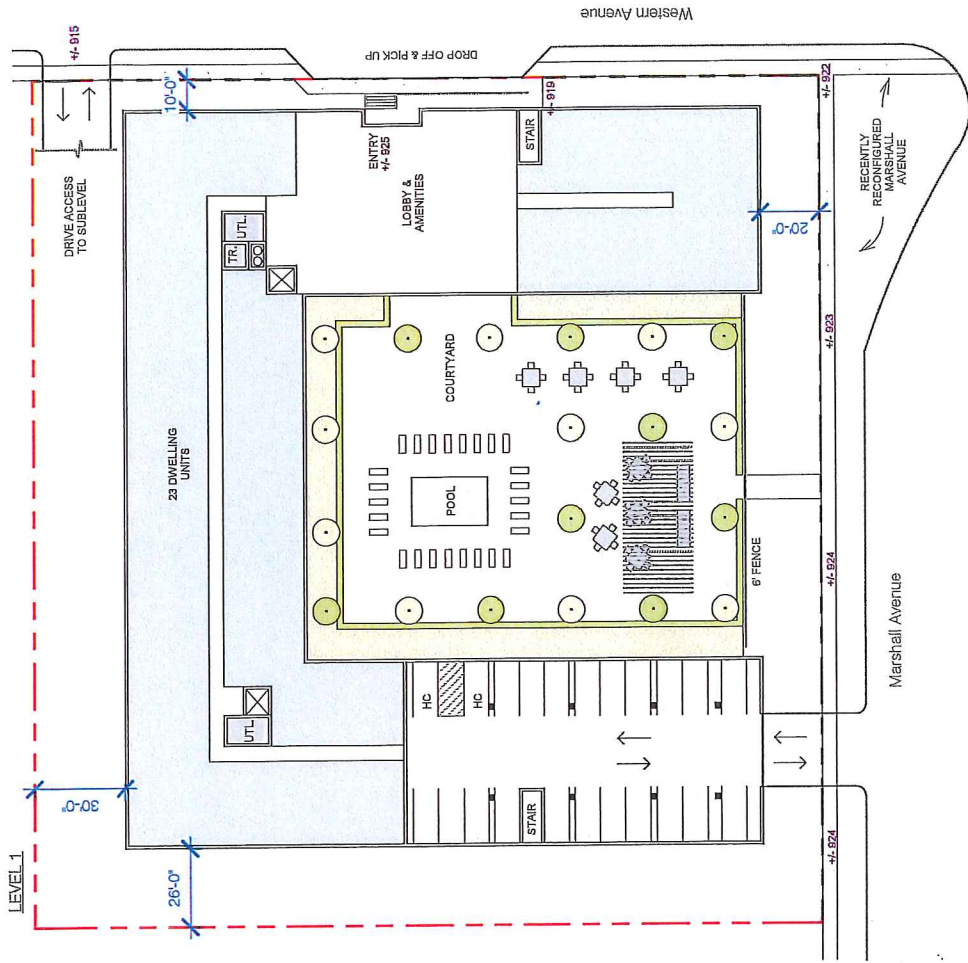
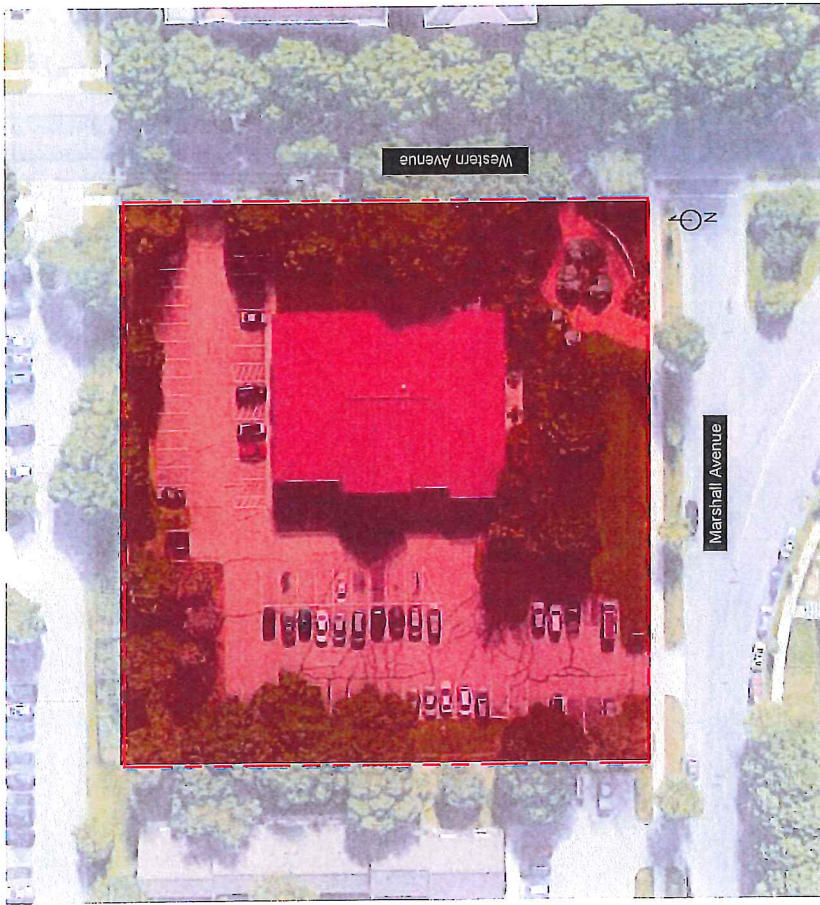
Subscribed and sworn to before me on
October 27, 2017.



Notary Public



The foregoing instrument was drafted by James A. Stolpestad, Attorney at Law, 332 Minnesota Street, Suite W2300, Saint Paul, MN 55101.



Exeter Group - 393 Marshall St. Paul
 393 Marshall / 10/19/17 / 17-0554

URBANWORKS

Concept Fit Plans - Option C3 / X311

Date: November 15, 2017
File #: 17 - 210652
Folder Name: Scout Service Center
PIN: 362923340011



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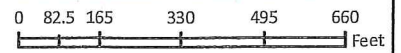
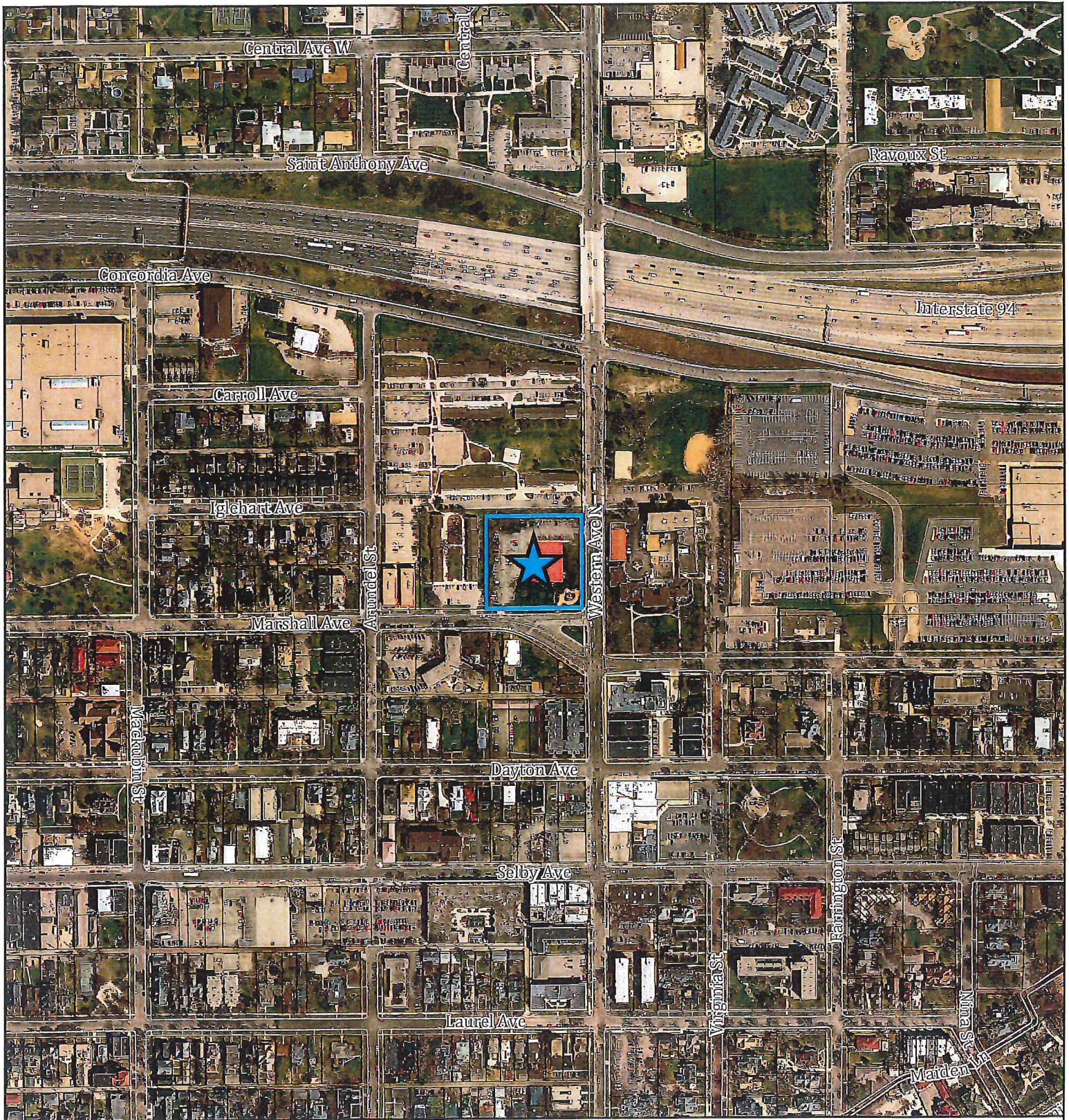


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FILE NAME: Boy Scouts Indianhead Council

Aerial

APPLICATION TYPE: Rezone

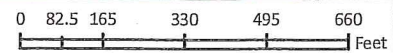
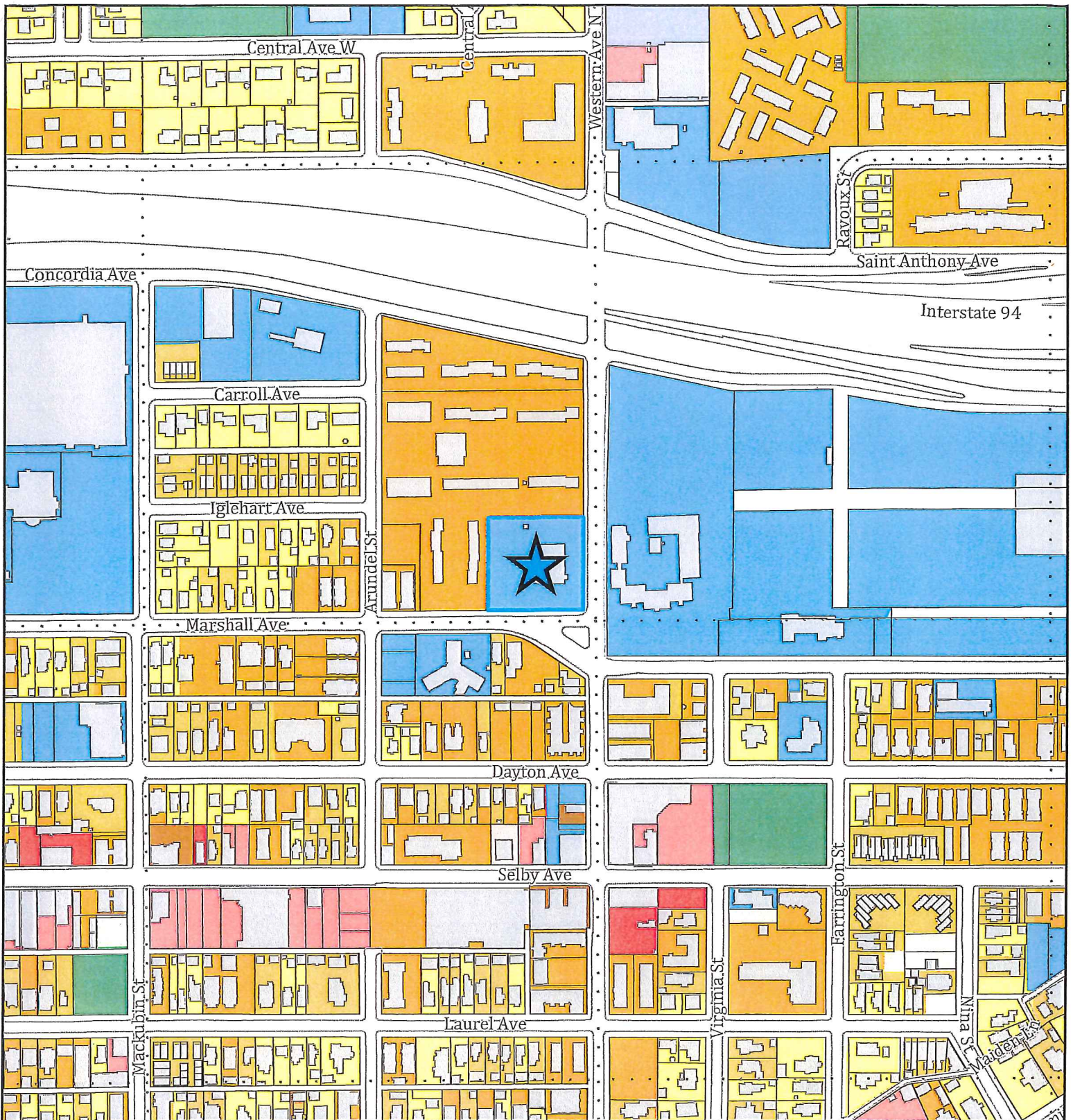
 Subject Parcels

FILE #: 17-210652 DATE: 11/2/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15





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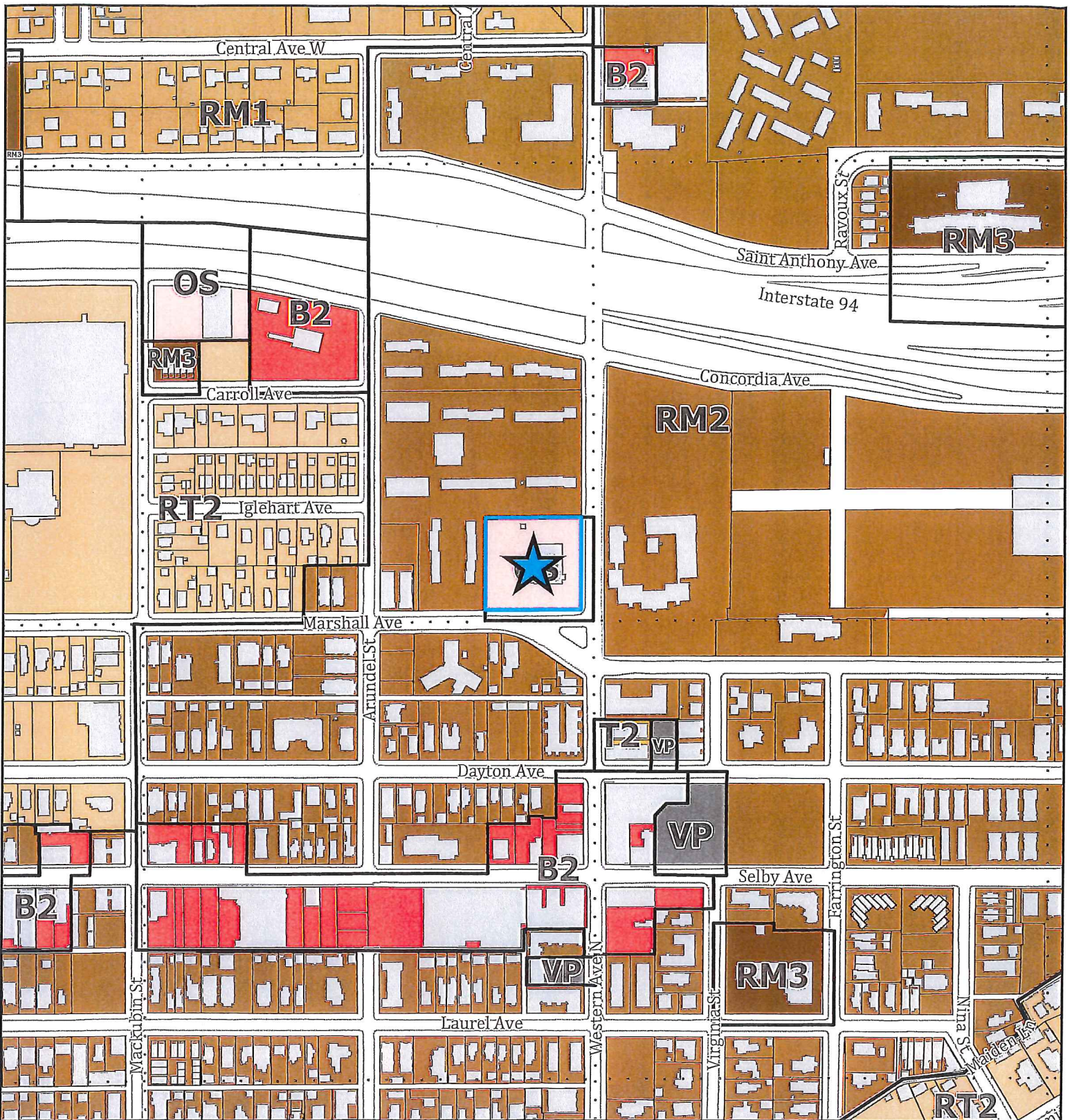
PLANNING DISTRICT: 8

ZONING PANEL: 15

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Commercial and Other
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Subject Parcels
- Section Lines





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Zoning

- Subject Parcels
- Section Lines
- RT2 Townhouse
- RM1 Multiple-Family
- RM2 Multiple-Family
- RM3 Multiple-Family
- T2 Traditional Neighborhood
- OS Office-Service
- B2 Community Business
- VP Vehicular Parking

