

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Marshall Group LLC **FILE #:** 18-132-440
 2. **APPLICANT:** Marshall Group LLC **HEARING DATE:** January 3, 2019
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 1819 Marshall Avenue, Northeast corner at Fairview
 5. **PIN & LEGAL DESCRIPTION:** 33.29.23.43.0113; Except Avenue, Lots 9 and 10, Block 9, Lovering Park.
 6. **PLANNING DISTRICT:** 13 **EXISTING ZONING:** T1
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** December 27, 2018 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** December 14, 2018 **60-DAY DEADLINE FOR ACTION:** February 11, 2019
-

- A. **PURPOSE:** Rezone from T1 traditional neighborhood to T2 traditional neighborhood.
- B. **PARCEL SIZE:** The property has 79.5 feet of frontage on Marshall and 133 feet of frontage on Fairview for a total lot area of 10,574 square feet.
- C. **EXISTING LAND USE:** Two-story 10-unit apartment building with surface and structured off-street parking.
- D. **SURROUNDING LAND USE:**
 - North: One and two-family homes in an RT1 zone.
 - South: One and two-family homes in T1 and RM1 zones.
 - East: Primarily one and two homes an RM1 zone.
 - West: Library, social club, church, and residential uses in T1 and RM1 zones.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** In 1987 a variance for maximum permitted lot coverage was approved to allow construction of a garage/storage addition on the back of the existing 9-unit apartment building. In 2018 the City Council rezoned the property from RM2 to T1 as part of the West Marshall Avenue Zoning Study.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of 11 off-street parking spaces for the apartment building: four spaces for the four studio units; three spaces for the three 1-bedroom units; and four spaces for the two 2-bedroom and one 3-bedroom units. Twelve off-street parking spaces are provided; two garage spaces within the building and 10 surface spaces.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Union Park Community Council's Committee on Land Use and Economic Development voted to support the rezoning. The full board will vote on the committee recommendation on January 2, 2019.
- I. **FINDINGS:**
 1. The applicant recently purchased the property as a ten-unit apartment building. The certificate of occupancy for the building permits only nine units. The applicant is petitioning to rezone the property from T1 to T2 to permit the tenth apartment unit in the building. Under T1 zoning, six units are permitted based on the lot area, making the nine-unit apartment building a legal nonconforming use. Under T1 zoning, an additional

unit would increase the nonconformity. Under T2 zoning, which calculates density using floor area ratio rather than lot area, ten units would be permitted.

The applicant has made significant interior and exterior improvements to the property, renovating and modernizing the units.

2. The proposed zoning is consistent with the way this area has developed. The T2 traditional neighborhood district is designed for use in pedestrian and transit nodes. Its intent is to foster and support compact pedestrian-oriented development that in turn can support and increased transit usage. Marshall Avenue is an existing transit corridor and a future bus rapid transit route. The subject property is at the northeast corner at Fairview. This intersection is an appropriate location for higher density mixed use development that is permitted in a T2 zone. Traditional neighborhood zoning encourages additional choices in housing.
 3. The proposed zoning is consistent with the Comprehensive Plan. Marshall Avenue is identified in the land use plan as a residential corridor, predominantly characterized by medium density residential uses. Land use strategy LU1, target growth in unique neighborhoods, supports higher density development in residential corridors. LU1.9 encourages the development of medium density multi-family housing along residential corridors. Land use strategy LU2.2 in the Union Park Community Plan encourages the continued use and rehabilitation of existing structures to preserve the historic character of residential and commercial districts.
 4. The proposed T2 zoning at the Marshall-Fairview intersection is compatible with surrounding uses which include library, church, and social club uses near the intersection and residential uses to the north, south, and east. The zoning is also compatible with the transit corridor that runs along Marshall 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 T2 zoning is consistent with the comprehensive plan and compatible with surrounding land uses and zoning and is not spot zoning.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to rezone from T1 traditional neighborhood to T2 traditional neighborhood.

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 #: 18-132440
Fee: 1260⁰⁰
33292343 0113 add 12-14-18

APPLICANT

Property Owner Marshall Group LLC
Address 2545 Garfield Ave S Ste 101
City Minneapolis State MN Zip 55405 Daytime Phone 612-868-1290
Joe Knapp

PROPERTY LOCATION

Address/Location 1819 Marshall St Paul MN 55104
Legal Description LOVERING PARK EX AVE LOT 9 AND LOT 10 BLK 9

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, Marshall Group LLC, owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a T1 zoning district to a T2 zoning district, for the purpose of:

Please See Attachment

(Attach additional sheets if necessary)

Attachments as required: Site Plan Consent Petition Affidavit

Subscribed and sworn to before me

Date December 14 2018

[Signature]
Notary Public



By: [Signature]
Fee owner of property

1819 Marshall Ave

The Marshall at 1819 is an existing low-rise multifamily apartment house that was built in 1912. Applicant is not seeking to change anything to the exterior dimensional standards of the building;



building height, footprint, and lot coverage will all remain unchanged. Applicant is not seeking to change the existing land use; the building land use will continue to be multifamily residential. The current T1 zoning does not align with the historic use and dimensional standards of this existing multifamily residential property. There are currently ten units, and when the applicant purchased the property, all ten units were occupied. Ramsey County records recognize the existence of a tenth unit, while City

of St. Paul DSI records are only for nine units. This may be because the previous owner's son lived in one unit as a homestead unit, and owner-occupied units are generally not inspected. The intent of this Rezoning Application is to make all units compliant with the City of St. Paul.

Rezoning to T2 has the benefit that the existing 10-unit apartment building would comply with the zoning code standards. The existing ten units would have fully conforming status in terms of the zoning code. **T2 Traditional Neighborhood zoning classification would align with the traditional use, massing, and dimensional standards of this historic, neighborhood apartment building.**

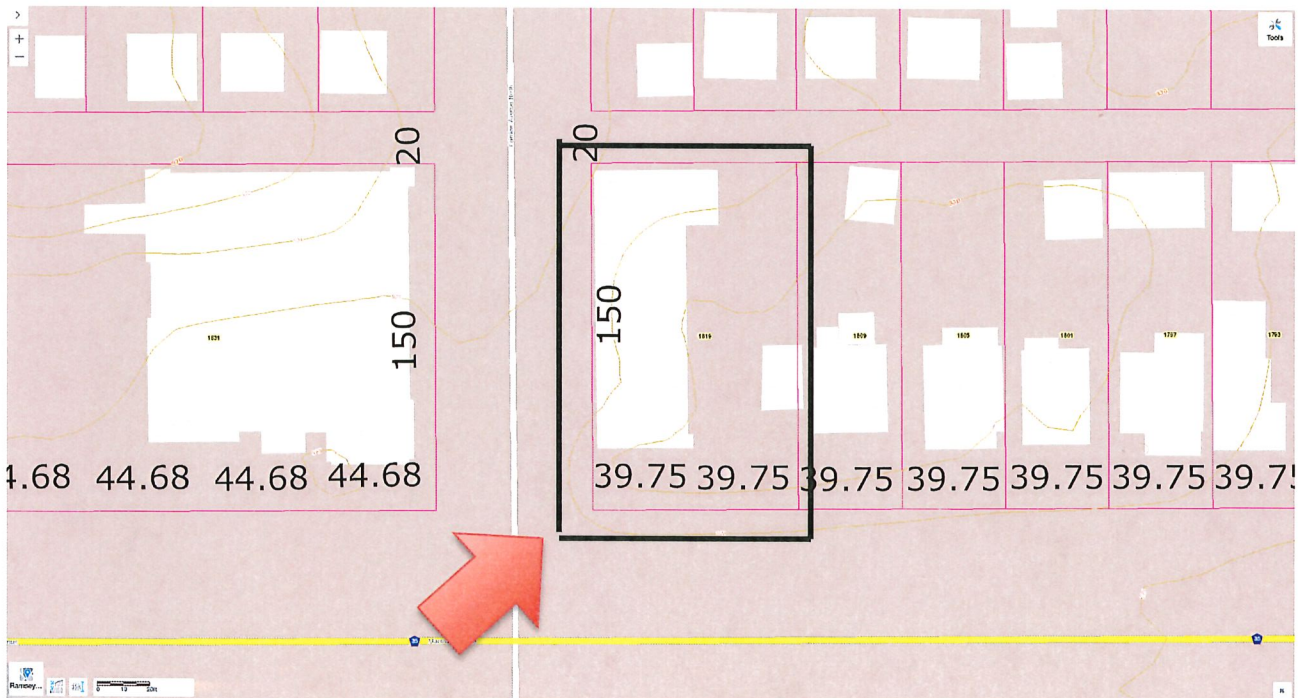


IMAGE: Ramsey County GIS Map. Note: shed shown along E property line in this map has been removed.

Building Zoning Recent History

Sometime before 1987, Marshall Avenue was widened, and seventeen feet were removed from front lots along Marshall to add to the right-of-way. This decreased the lot area of 1819 Marshall from 12,720 SF to 10,574 SF. Until 12/5/2018, the zoning was RM2, which has the standard of *one unit per 1500 SF* of lot size, or seven units. The zoning was just changed to T1 as part of the Marshall Avenue Plan, which has the standard for multifamily housing of *one unit per 1700 SF* of lot size, or only six units. **The recent rezoning from RM2 to T1 actually *increased* the size of the legal non-conformance.**

Having recently purchased the property, the applicant had not been not aware of the Marshall Avenue Plan, and did not know that the property was in the process of being rezoned from RM2. This is a missed opportunity, as other Marshall Avenue property owners had been able to make rezoning requests as part of that process.

Lot Size Per Unit Computations

$$79.50 \times 143^* = 10,573.5 \text{ SF}$$

RM2 $10,574 \div 1500 = 7.05 = 7 \text{ units}$

T1 $10,574 \div 1700 = 6.22 = 6 \text{ units}$

*includes 10' of alley; and excludes 17' that was taken to add to the Marshall Avenue right-of-way)

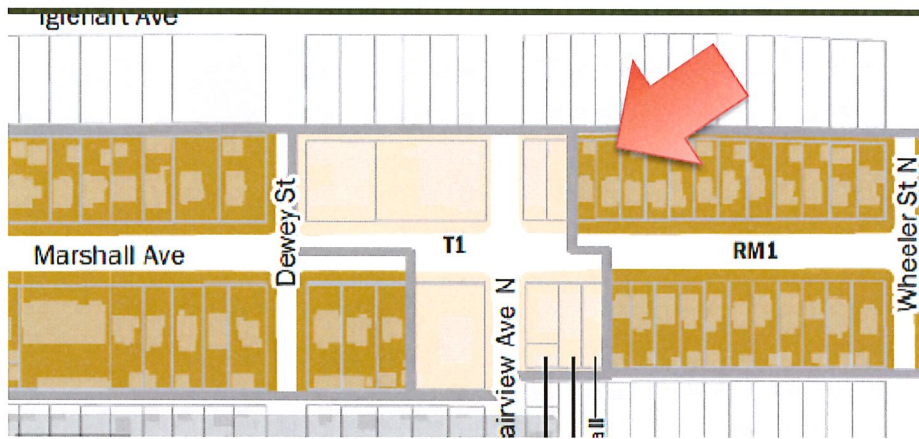


IMAGE: New Zoning Map, Provided by Ward 4 CM Office

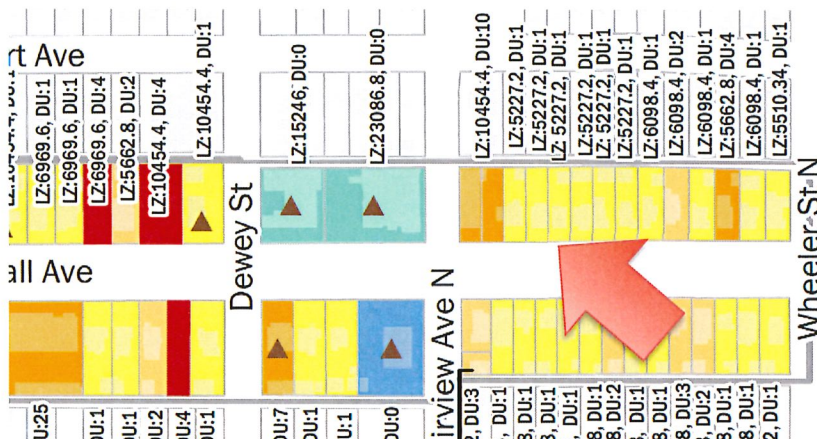


IMAGE: Detail from St Paul Zoning Study, "Marshall Avenue: Wilder to Wheeler - Existing Land Use"; Map show 1819 Marshall as "Multifamily Residential," 10 Dwelling Units.

Building Description & Renovation

The existing ninth and tenth units are garden-level units, and were both occupied when the applicant purchased the building. One is a one-bedroom unit with historic hardwood floors. The other unit is a two-bedroom unit with its own private entrance and historic hardwood floors in the bedrooms only. Both have large windows that open above grade.



Applicant has made significant investment in improving the building since he purchased it. He has renovated and modernized the eight units on the first and second floors, as well as the common areas. He removed false ceilings and restored historic plaster archways. He has improved the appearance of the exterior, with new landscaping, lighting, exterior paint, new doors and windows, and installed wrought iron Juliet balconies in the Spanish Colonial style (replacing awkwardly sized balconies that were only used for junk storage). Less noticeably but

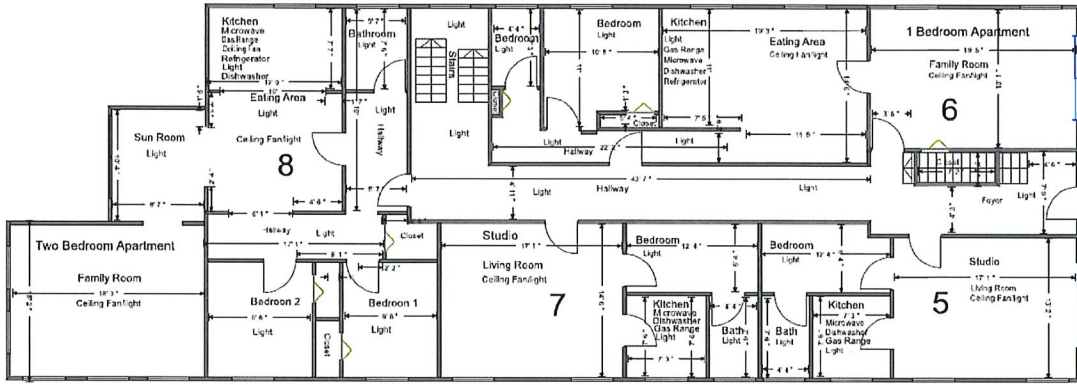
importantly, he has redone the electrical and plumbing and brought the building up to code. All this work has been permitted and inspected. He has returned the building to its former beauty, while making the apartments meet modern living and safety standards. The eight units on the first and second floors are fully occupied. The renovation work is high quality, and the intent is to attract long-term, stable tenants. Of the current tenants, most are working professionals with one graduate student renter. The rents are at a price point that is below new construction luxury complexes like *The Vintage on Selby*. In short, *The Marshall at 1819* is providing quality housing at a middle price point that is increasingly hard to find in the metro.



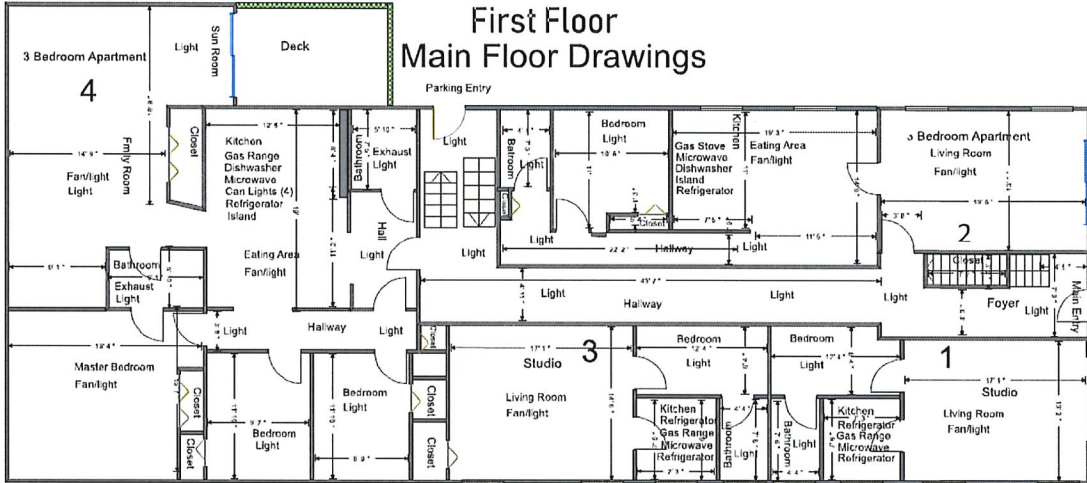
IMAGES: Interior views of renovated apartment

Building Plans

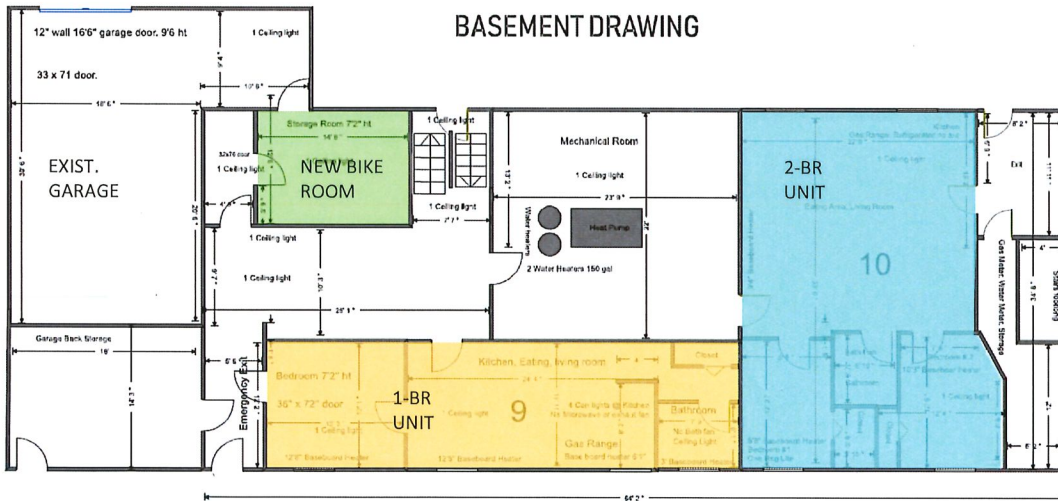
Second Floor Drawing



First Floor Main Floor Drawings



BASEMENT DRAWING



IMAGES: Plan Views of Apartments, N.T.S.

Parking and Transit

The property is well connected to existing transit and bike infrastructure. It is located on Marshall Avenue, which is a Transit Corridor as well as designated Bike Route with dedicated bike lanes.



IMAGES: Exterior improvements: new patio and landscaping

Marshall Avenue is serviced by the 21 Bus Route, a high frequency route that connects to Minneapolis and downtown St. Paul and provides connections to both the Blue and Green Lines. The Green Line light rail has a stop at Fairview and University, just a little over ½ mile to the North; and the A-Line BRT has a stop at Dayton and Snelling, around a ½ mile to the East.

Applicant is adding a bike room to provide secure indoor bike parking for residents, as well as four new electric vehicle charging stations.

PARKING:

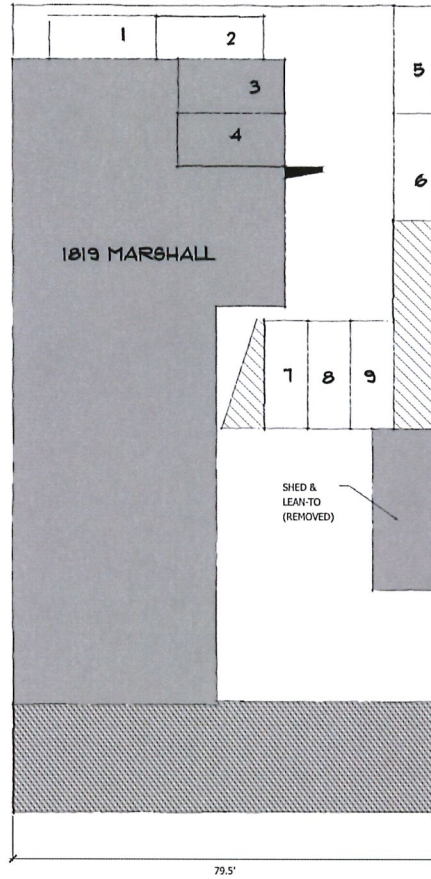
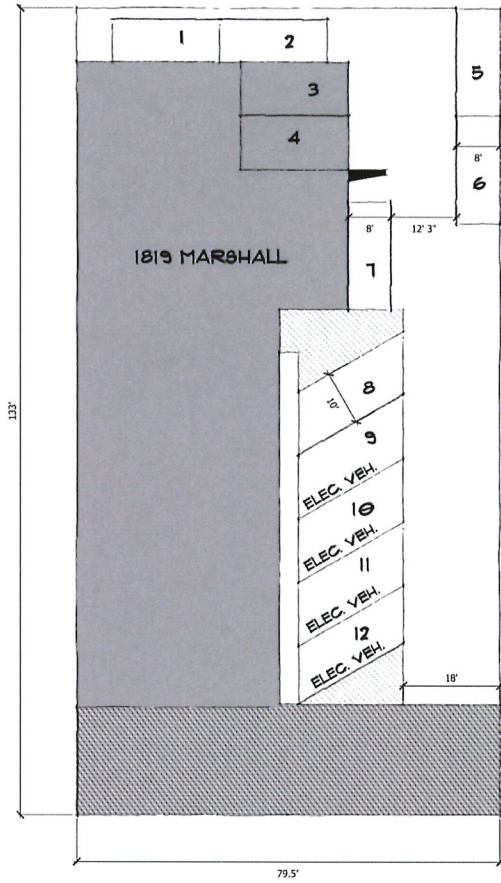
<i>Unit type</i>	<i>No. of units</i>	<i>Req. parking, per unit</i>	<i>Subtotal parking</i>
Studio	4	1.0	4.0
1-BR	3	1.0	3.0
2-BR/3-BR	3	1.5	4.5
SUBTOTAL			11.5
REQUIRED TOTAL*			11.0

**When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (½) shall be disregarded, and any fraction over one-half (½) shall require one (1) parking space" § 63.206

There is sufficient off-street parking for all ten units without parking bonuses. Eleven off-street parking spots are required and twelve are provided: two underground garage spots and ten surface spots.

Applicant removed a derelict shed and lean-to, and restriped the parking area to increase the amount of off-street parking, gaining three additional off-street parking spots. There are presently two indoor parking spaces and ten surface parking spaces, four of which have charging stations for electric vehicles, for a total of 12 off-street parking spots.

Parking Plan



IMAGES: New Parking Plan, NTS (Above, Left); Previous Parking Plan, NTS (Above, Right); Photo of Parking area (Below)



Criteria for Rezoning

The apartment building at 1819 Marshall meets all four of the rezoning criteria.

1. Multifamily residential is a permitted land use in both T1 and T2 zoning. The land use and zoning classification are compatible with the general area.
2. Marshall Avenue is classified as a **residential corridor**; and the corner of Fairview and Marshall is a **node** on two arterial streets along a **transit corridor**. This location is ideally suited for a medium-density, multifamily residential use.
3. The development trend in the area is to increase housing options; the neighborhood's desire is to provide **increased housing** in a manner that is in harmony with the residential character of the neighborhood. Continuing to use this low-rise, established apartment building to provide multifamily housing is consistent with the trend of development along Marshall Avenue.
4. The Comprehensive Plan calls for "Balanced density and smart, pro-growth development." Continuing the use of this property for ten dwelling units is consistent with **balanced density** and concentrating higher density uses at nodes. The Union Park District Plan encourages "the continued use and rehabilitation of existing structures, districts, and landscapes to preserve the historic character of residential and commercial districts." The continued use of this 1912 apartment building is consistent with the Neighborhood Plan.

Rezoning Criteria	
1.	Compatibility with land use and zoning classification of property within the general area.
2.	Suitability of the property for the uses permitted under the existing zoning classification.
3.	The trend of development in the area of the property in question.
4.	Consistency with the Comprehensive Plan and District Plan.

T1 versus T2 Zoning

T2 zoning is the most suitable zoning designation for 1819 Marshall because the required dimensional standards for T2 would result in a conforming status for the existing 10 units at 1819 Marshall.

For multifamily, the differences between T1 and T2 are minimal. In terms of dimensional standards, T1 and T2 are the same; both have the same height limit of 35 feet and the same setback requirements. The existing structure is within the height limits and setback standards.

The key difference between T1 and T2 for multifamily uses is the change from a square-foot-per-unit standard for lot coverage to a FAR (Floor Area Ratio) standard. The advantage of the FAR standard is that it allows for more flexibility in terms of unit design within the allowed

Comparison of Multifamily Zoning Standards

	Max Height	Max Stories	SF per Unit
RM2	50'	5	1500
T1	35'	NA	1700
T2	35'	NA	FAR 0.3 - 2.0
Existing	25'±	2.5	1200
	<i>not changing</i>	<i>not changing</i>	<i>not changing</i>

building size. With a square-foot-per-unit computation, for example, a 1,800 SF 4-bedroom apartment is treated the same as a 600 SF efficiency unit. With a FAR standard, the square footage can be allocated as fewer large units or as more smaller units, providing more flexibility for different kinds of housing options. Parking requirements are the same for T1 and T2, and the FAR standard does not decrease the parking requirement, which is based both on number of units and unit size. (In the hypothetical example above, a 4-bedroom apartment would require 2.0 off-street parking spaces and two efficiency units would also require 2.0 parking spaces.) Specific to this property, *The Marshall at 1819* was built with units in a variety of sizes, creating a vibrant mix of types and sizes of households in one building.

The applicant feels that having a variety of more and smaller units is an appropriate use at the site both because it has historically been used in this manner, but also in response to the neighborhood issues surrounding student housing. *The Marshall at 1819* is located within the boundaries of the Student Housing Overlay District, which was established to mitigate “town and gown” conflicts. Many of the conflicts surrounding student housing have stemmed from over-occupancy of larger rental units, most commonly when many students would rent a single family home. By providing a variety of medium-size and smaller, high quality apartments, *The Marshall at 1819* is supporting the stated goal of the Student Housing Overlay District, which is “a more stable, balanced community.” By rezoning to T2, the existing configuration of 10 units in a variety of sizes will conform to the zoning code.

Summary

T2 zoning is the most suitable zoning designation for 1819 Marshall. The existing ten units and the height and set backs of the existing structure at 1819 Marshall conform to the zoning standards for multifamily in T2 zoning districts.

- Applicant is seeking to make official all ten existing units in the historic apartment building at 1819 Marshall.
- Applicant has made a significant financial investment in improving an existing multifamily property, and is providing quality rental housing at a middle price point that is increasingly hard to find in the metro.
- Applicant is not proposing any changes to the exterior dimensional standards; all improvements and renovation work are internal remodeling.
- The City recently changed the zoning from RM2 to T1; this had the unintended consequence of *increasing* the size of the legal non-conforming status of the existing multifamily property.
- Rezoning as T2 Traditional Neighborhood Zoning would result in legal conformance for all ten units, instead of legal non-conforming status for four units.

1819 Marshall Avenue – view from Marshall and Fairview Intersection



1819 Marshall Avenue - view from alley



Property to the west – Merriam Park Library



Property to the southwest – Charles Thompson Memorial Hall - Social Club for the Deaf



Property to the south –residential uses



Property to the north – residential uses





UNION PARK DISTRICT COUNCIL
1821 University Avenue, Suite 308, Saint Paul, MN 55104
651.645.6887 | info@unionparkdc.org | www.unionparkdc.org
An Affirmative Action, Equal Opportunity Employer

December 27th, 2018

Jerome Benner II
City of St. Paul
25 West 4th Street
City Hall Annex
Suite 1400

Dear Mr. Benner,

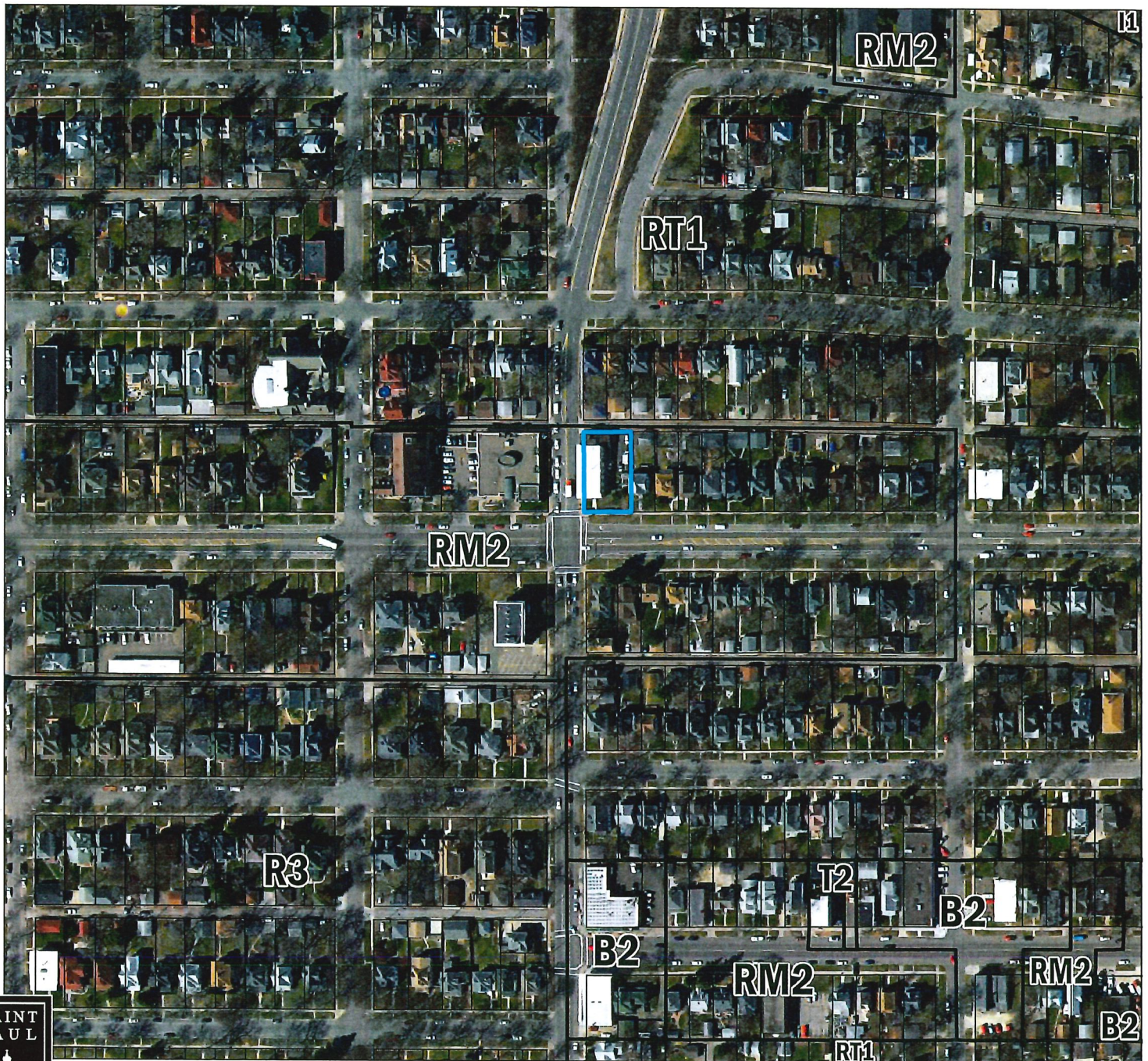
At its December 17th, 2018 meeting the Committee on Land Use and Economic Development (CLUED) **voted in favor** of a motion and requests that the UPDC Board or its Executive Committee should ratify such motion and then send a letter to the City of Saint Paul Board of Zoning Appeals **in support of the 1819 Marshall Avenue rezoning application**, which changes the current T1 traditional neighborhood zoning to T2.

At its December 21st meeting the Union Park District Council Executive Committee also **voted in support of the rezoning application at 1819 Marshall Avenue.**

Please let me know if you have any questions.

Sincerely,

Brandon Long, Executive Director
Union Park District Council



FILE #18-132440 | AERIAL MAP
Application of Marshall Group LLC

Application Type: Rezoning
 Application Date: December 14th, 2018
 Planning District: 13

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 #18-132440 | LAND USE MAP
Application of Marshall Group LLC

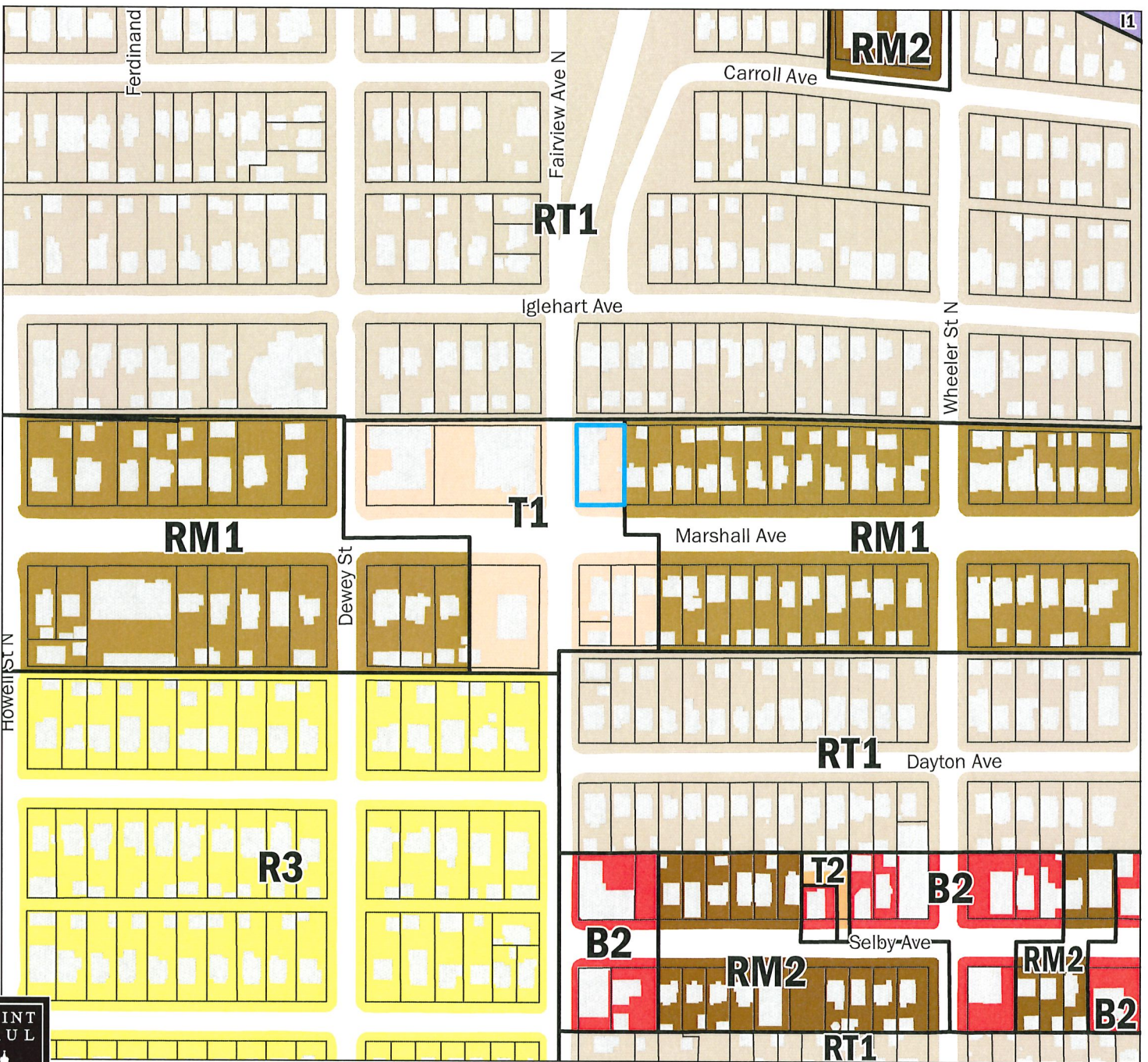
Application Type: Rezoning
 Application Date: December 14th, 2018
 Planning District: 13



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

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| 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 | |



FILE #18-132440 | ZONING MAP
Application of Marshall Group LLC

Application Type: Rezoning
 Application Date: December 14th, 2018
 Planning District: 13



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 |