

ZONING COMMITTEE STAFF REPORT

FILE NAME: 1500 -1510 York Avenue Rezoning

FILE #: 23-059-798

APPLICANT: York Avenue Land Development LLC

HEARING DATE: July 27, 2023

TYPE OF APPLICATION: Rezoning

LOCATION: 1500-1510 York Ave, between Hazelwood Street and Barclay Street

PIN & LEGAL DESCRIPTION: 27-29-22-31-0077 (1500 York), 27-29-22-31-0144 (1510 York);
Ex. S 148.5 ft., Lot 15; N ½ Lot 16; & Ex. W 60 ft. of N 200 ft., N ½ Lot 17; Block 2,
Cruickshank's Garden Lots

PLANNING DISTRICT: 2

EXISTING ZONING: R4

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: July 20, 2023

BY: Bill Dermody

DATE RECEIVED: June 29, 2023

60-DAY DEADLINE FOR ACTION: August 28, 2023

- A. **PURPOSE:** Rezone 1500 York from R4 one-family residential to RM2 multiple-family residential and rezone 1510 York from a combination of R4 & RM2 to all RM2.
- B. **PARCEL SIZE:** 2.98 acres
- C. **EXISTING LAND USE:** Vacant & single-family residential
- D. **SURROUNDING LAND USE:** Single-family residential to the north (R4); single-family and duplex residential to the east, (R4); multi-family residential to the west and south (RM2).
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The site's zoning has been in place since 1975.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Greater East Side District 2 Council recommends approval.
- H. **FINDINGS:**
1. The application requests rezoning the R4 one-family residential portions of 1500-1510 York Avenue to RM2 multiple-family residential so the entire parcels are zoned RM2.
 2. The proposed RM2 multiple-family zoning is consistent with the way this area has developed, including the existing multi-family residential to the west and south, and single-family and duplex residential to the east.
 3. The proposed zoning is consistent with the Comprehensive Plan, which in Map LU-2 designates the site's future land use as Urban Neighborhood. Urban Neighborhoods are primarily residential areas with a range of housing types, including scattered concentrations of multifamily residential such as permitted under the proposed zoning.
 4. The proposed zoning is compatible with the multifamily residential to the west and other surrounding residential uses.
 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 zoning does not constitute spot zoning because the use classification is consistent with surrounding uses.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning of 1500 York from R4 one-family residential to RM2 multiple-family residential and 1510 York from a combination of R4 & RM2 to all RM2.



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) York Avenue Land Development LLC
Address 2 West Bay Lane City North Oaks State MN Zip 55127
Email brian@bergen-financial.com/ skatkov@cozen.com Phone 612.532.1167
Contact Person (if different) Mauricio Ochoa Email mochoa@djr-inc.com
Address 333 N Washington Avenue 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 1500 York Avenue, Saint Paul, MN 55116
PIN(s) & Legal Description 272922310144, 272922310077
(Attach additional sheet if necessary.)
See attached _____
Lot Area 129,189 Current Zoning R4 & RM-2

TO THE HONORABLE MAYOR AND CITY COUNCIL:
Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, York Avenue Land Development LLC
owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
R4 zoning district to a RM-2 zoning district, for the purpose of:

The construction of a 5-story residential apartment building with 150 units. See attached application for additional information.

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 _____ 20____

Notary Public

By: [Signature]
Fee owner of property

Title: _____

DESCRIPTION OF PROPERTY SURVEYED

Tract A:

The north 1/2 of Lot 16, Block 2, Cruickshank's Garden Lots, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, except part lying north of the south line of the alley; and the north 1/2 of Lot 17, Block 2, said Cruickshank's Garden Lots, except the west 60 feet of the north 200 feet thereof, and also except part north of extended north line of the alley; and also except that part of the north 1/2 of said Lots 16 and 17 that lies with a 60 foot strip of land, the center line of which is described as follows: Beginning at the intersection of the center line of Stillwater Avenue and the west line of Schoch's Rearrangement; thence to a point on the center line of Birmingham Street which is the point of intersection of the center line Stillwater Avenue, as platted in Tracy's Outlots produced and the center line of Birmingham Street.

Torrens - Certificate of Title No. 201755.

Tract B:

That part of Lot 15, Block 2, Cruickshank's Garden Lots, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, lying south of a westerly extension of the center line of the alley in Block 1, Schoch's Rearrangement, except the south 148 1/2 feet thereof.

Abstract

Tract C:

That part of Lot 15, Block 2, Cruickshank's Garden Lots, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, lying north of the westerly extension of the center line of the alley in Block 1, Schoch's Rearrangement.

Abstract

Tract D:

That part of the north half of Lot 16, Block 2, Cruickshank's Garden Lots, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, which lies north of the extended north line of the alley, except the east 50 feet thereof; and That part of the north 1/2 of Lot 17, Block 2, Cruickshank's Garden Lots, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, which lies north of the extended north line of the alley, except the west 60 feet thereof.

Torrens - Certificate of Title No. 187970.



333 Washington Avenue North
Suite 210 | Minneapolis MN 55401
612.676.2700 | www.djrarch.com

REQUIRED FINDINGS FOR CONDITIONAL USE PERMIT AND REZONING

1500 York Avenue Redevelopment

June 22, 2023

PROJECT DESCRIPTION

The proposed 5-story project is located on a mostly undeveloped lot in the Greater East Side neighborhood of Saint Paul. The project takes advantage of the natural slope of the site to bury two levels of underground parking below the building. The main lobby is located off of the Stillwater Avenue cul de sac and includes both indoor and outdoor amenities for the tenants. Above this, there are five levels of residences which include Studios, 1-Bedroom and 2-Bedroom apartments. Additional amenity spaces such as fitness and yoga, and a roof top amenity room and deck are also included on these levels. Parking is accessed both from Stillwater Avenue and from York Avenue. Most of the parking is enclosed below the building with a few surface parking spaces and dedicated visitor parking and a drop-off at the front door off Stillwater Avenue. The proposal provides the first “move up” apartment housing units in the neighborhood in recent years, creating the opportunity for those that desire more modern living accommodations to find them on the East Side. In this way, rather than being attracted away to newer developments in the surrounding suburbs or to Mears Park and Lowertown St. Paul, people tied to the neighborhood by family and friends have a real alternative living choice right here. Today, multifamily housing choices in the immediate vicinity are at least 40+ years old. The proposed development brings fresh, modern living accommodations to a historically underserved community and could serve an important role in vitalizing the area.

This project is designed to transition between the multifamily housing complexes to the South and West and the single-family residential buildings to the North and East. The project does this by locating the bulk of the building towards the lower part of the site on the Southwest corner. The building steps down both at the lobby at the southeast corner, as well as towards the north at York Avenue. Generous setbacks to the North and East also separate the existing houses from the proposed development. The building elevations were designed taking into account architectural features found in the surrounding buildings such as lap siding with trim around the windows, shake siding, and masonry at the prominent corners.

A key aspect to this development is the preservation of a wooded area to the south of the site. This vegetated area will be preserved and enhanced by having a dedicated path with benches and site furnishings for the enjoyment of nature.

REQUIRED APPLICATIONS

1. Rezoning of Northeast Corner of Lot from R4 to RM2
2. Conditional Use Permit for Height from 50'-0" to 67'-0"

REZONING

The proposed project requests a rezoning of the northeast corner of the parcel from R4 (One-Family Residential) to RM2 (Medium-Density Multiple-Family Residential.) The majority of parcel is already zoned RM2. The development team is looking to rezone the R4 portion to avoid having a split zoning lot. This rezoning is consistent with the Saint Paul 2040 Comprehensive Plan as this area is designated as Urban Neighborhood. As described in the Plan, this project increases the diversity of housing options in an area that is primarily residential.

The proposed rezoning is also consistent with the surrounding parcels. There are multiple medium density apartment buildings to the South and to the West of the Site. Nearby buildings of similar scale include Amberwood Place, Eastview Manor Apartments, Birmingham Townhouses, and the Parkway. All of these adjacent developments are zoned RM2, so the rezoning would not constitute spot zoning. To lessen the impact on neighboring single-family houses, wide setbacks are proposed well above the required minimums. The building also steps down in height as it nears the adjacent single family residential parcels to the North and East.

CONDITIONAL USE PERMIT

- a. The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.

The proposed project brings housing options to an area of Saint Paul that has seen limited development recently. The project addresses many of the identified needs in the Saint Paul Comprehensive Plan such as the redevelopment of areas identified as high priority (LU-6) while providing high quality urban design that promotes a healthy environment (LU-9) and protecting the Urban Forest. The design uses sustainable practices, such as on-site stormwater infiltration, while providing pedestrian focused amenities and connections as described in the Comprehensive Plan. The development team will also attempt to preserve as much of the existing vegetation to improve the buffer between the new construction and the existing neighborhood. The site currently is home to many diseased elm trees and invasive species like boxelder and buckthorn. In collaboration with our Landscape Architect, we will determine what trees are worth preserving and replace the ones that are removed.

- b. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

To reduce the impact of car traffic on any one street, the driveway access points to the underground parking levels were split between York Avenue and Stillwater Avenue. Visitor car parking with a dedicated drop off zone is also provided for guests and delivery services. Importantly, pedestrian and bicycle connections were included to diminish the need for driving. The sidewalk is extended through our site along York Avenue and accessible sidewalks connect the development to the existing and future sidewalk network.

- c. The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, and general welfare.

The site is mostly zoned RM2 which allows for the multi-story apartment building being proposed. To the South and West of the site, many buildings of similar use already exist. To reduce the impact on the single-family houses to the North and East, wide setbacks are proposed with the building stepping down both on the North side facing York and towards the East.

- d. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The areas surrounding the proposed building are already developed and the proposed scheme will not negatively impact future redevelopment. Dedicated wooded areas and wide setbacks allow for future redevelopment to happen while still giving residents natural amenities.

- e. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

A rezoning is requested as part of the application to avoid having a split zoning parcel. Other than that, no other zoning applications are required.



Greater East Side Community Council

July 17, 2023

To: St Paul Planning Commission/Zoning Committee

Re: 1500-1510 York Avenue Rezoning and CUP

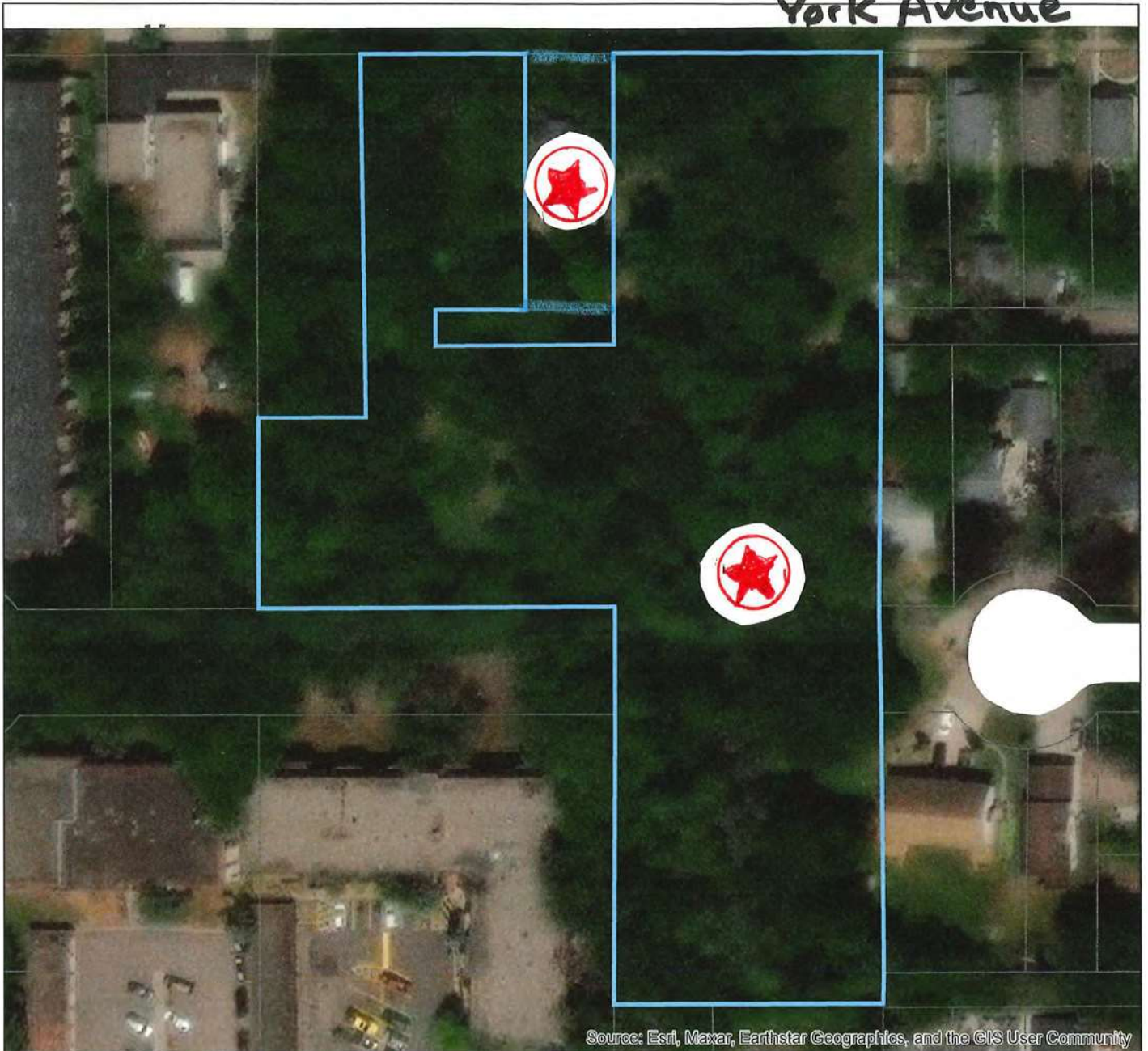
From: Lisa Theis, Executive Director

On behalf of the board of directors of the Greater East Side/District 2 Community Council, I am writing to offer our support for the request to rezone 1500 York Ave from R4 to RM2 (multiple family residential) and 1510 York from the combination of R4 & RM2. We also support the conditional use permit request to increase the allowable height from 50' to 67'.

We met with the developers and architects at our land use meeting on June 12. The need for safe, affordable housing at all income levels is of great need in our neighborhood. We are very excited about this project.

If you have any questions, please don't hesitate to reach out.

York Avenue



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



File #23-059-798 Aerial Map
Application of York Avenue Land

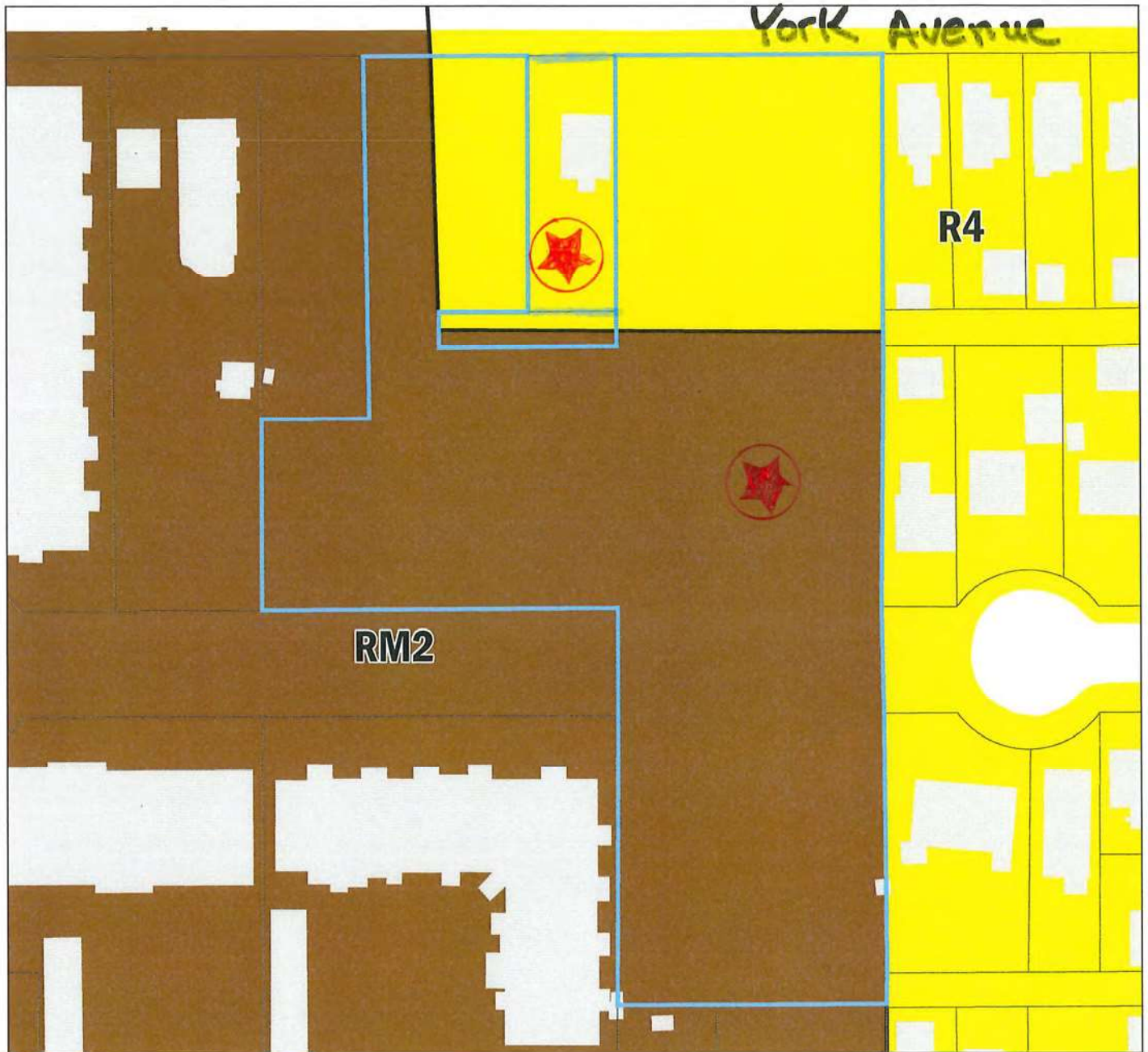
Application Type: Rezone
Application Date: June 29, 2023
Planning District: 2



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

-  Subject Parcel(s)
-  ParcelPoly



File #23-059-798 Zoning Map Application of York Avenue Land

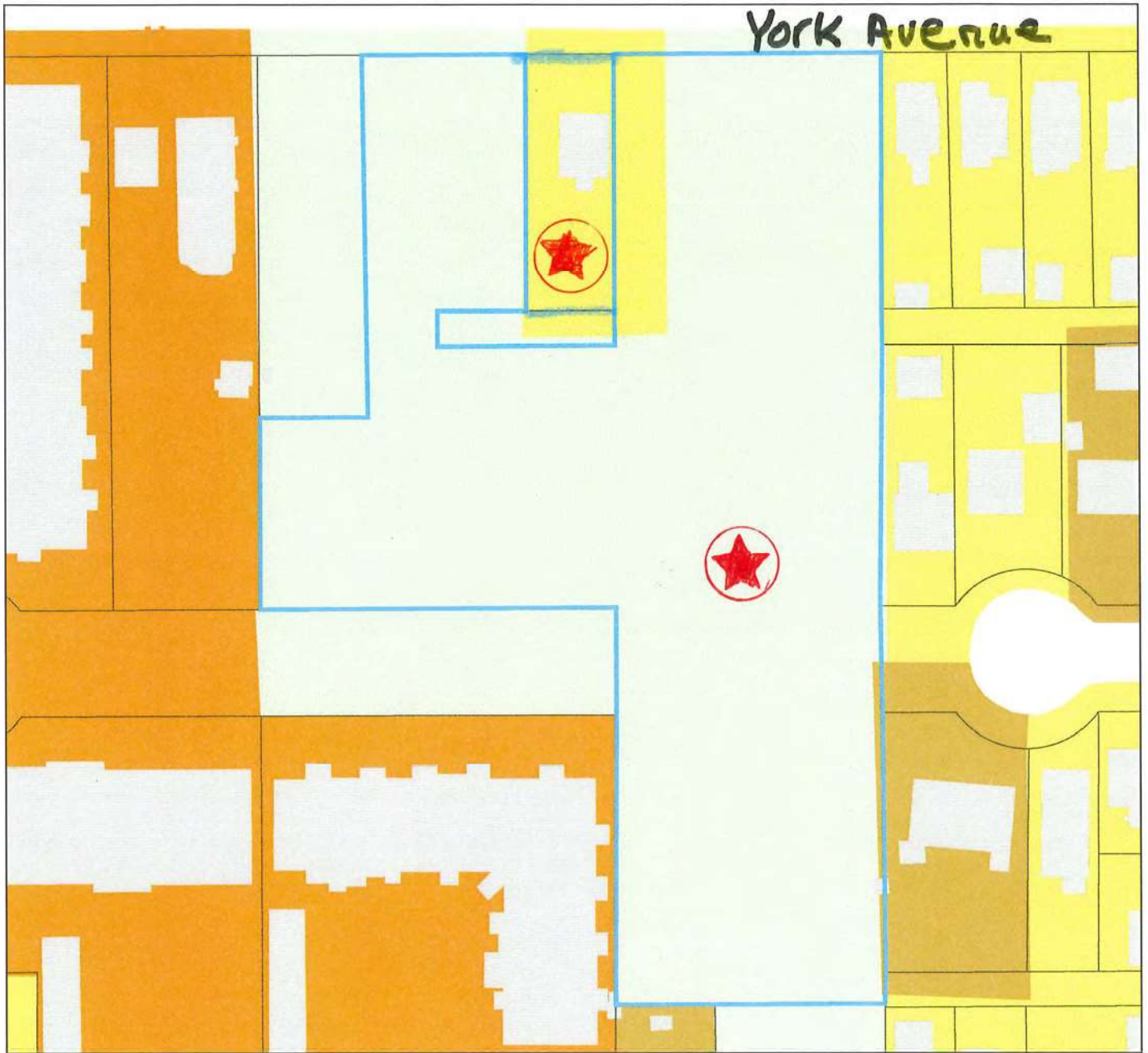
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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	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	



File #23-059-798 Existing Land Use
Application of York Avenue Land

Application Type: Rezone
 Application Date: June 29, 2023
 Planning District: 2



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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	Single Family Attached	Mixed Use Commercial and Other	Major Highway
ParcelPoly	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