

MINUTES OF THE ZONING COMMITTEE
Thursday, March 21, 2024 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Grill, Hood, Ochoa, Starling, Syed, and Taghioff
EXCUSED: Hackney and Reilly
STAFF: Christina Hong, Samantha Langer, Anton Jerve, and Josh Ladd

The meeting was chaired by Commissioner Taghioff.

1984 Marshall Rezoning - 24-017-011 - Rezone from RM1 multiple family to RM2 multiple family. 1984 Marshall Avenue, SW corner of Marshall Avenue and Moore Street.

Christina Hong presented the staff report with a recommendation of approval for the rezoning. She said District 13 recommended laying over the case so they had more time to discuss the application. Their Committee for Land Use and Economic Development has voted to recommend approval of the application. There were no letters in support, and 7 letters in concern or opposition.

Commissioner Grill asked if this was rezoned to RM2 what is the maximum size of the development that would be allowed on the parcel.

Ms. Hong said the size of the development would depend on how many stories it would be it doesn't designate a maximum area size it depends on floor area ratio (FAR).

Commissioner Ochoa asked how staff considers the 2040 Comprehensive Plan and Zoning Study if both are conflicting when making a recommendation.

Mr. Jerve said zoning studies are based on the plans at the time and for a request like this there have been new plans adopted and significant changes to either policy or land use that would be factors in considering this rezoning application. He said staff considers the Findings and looks at what has changed since the zoning study was completed.

In response to Commissioner Starling, Ms. Hong said the applicant discussed the proposed development with the Department of Safety and Inspections (DSI) and they recommended a rezoning versus a variance. They wouldn't qualify for a variance because they are tearing down the house and there isn't a plight that would qualify them for a variance.

Chair Taghioff provided more information on buildable area for both RM1 and RM2 zoning classifications. RM1 allows for .6 FAR with surface parking or 1.0 FAR with structured parking. With an 8,000 square foot lot you could theoretically build between a 5,000 and 8,000 square feet of apartment building. In RM2 you could go up to 1.5 FAR with surface parking which would be roughly 12,000 square feet of buildable area and 2.25 FAR with structured parking that would allow for up to 18,600 square feet. There is a height limit of 50' but a conditional use permit could be applied for to allow up to 75' in RM2.

The applicant, Stephen Moriarty, said he believes this site is an excellent candidate for zoning change due to some of the underlying conditions that the location serves. This parcel had a

prior RM2 zoning and was changed to RM1 so we are just changing it back to RM2. It is not a historical home that will be demolished for the proposed townhomes, and the location is not in a restrictive corridor. The location has an apartment building directly adjacent to the west, it has a church across the alley to the south, and there is a RM2 zoned property kitty-corner to the northeast. It makes for a unique condition to move to RM2 zoning. There is also a housing demand in St. Paul and the city just recently rezoned last year and changed some zoning requirements to allow for more housing and that is what we are trying to do. We think the row townhome is a better fit for this area than an apartment building. Townhomes have their own PID number and private entry and are more private overall. Row townhomes are the answer to further development in St. Paul. They feel this is consistent with the Comprehensive Plan and meeting housing goals in the city.

If response to Commissioner Starling, Mr. Moriarty initially the townhomes would be rented, but in the long term with separate PID numbers they could have the flexibility to sell each individual townhome. People who are renting will have the feel of a private home rather than an apartment.

In response to Commissioner Taghioff, Mr. Moriarty said in an RM1 district they could build up to five townhomes and with RM2 they are hoping to build seven townhomes.

Dean Nelson, 2000 Marshall Avenue, Saint Paul, spoke in opposition. He has also submitted a letter. He said he was involved in the West Marshall Avenue Zoning Study and they had 27 meetings and it was a very comprehensive form. The 2040 Comprehensive Plan was in draft form at the time and was incorporated in the zoning study. He thinks pursuing a variance would be better than a rezoning. Mr. Nelson said that the intersection isn't a neighborhood node and the higher density associated with the neighborhood node is located at Cleveland and Marshall Avenue, a full two blocks away. He added that since the West Marshall Avenue Plan was passed in 2018, we have had 11 new 3-6 story buildings built on the Avenue with 375 units and approximately 652 bedrooms. We have had a substantial increase since 2018 along Marshall Avenue. This is a historic neighborhood and to have a reorientation at the end of the block might trigger a variance as well. They are looking for a harmonious existence on Marshall Avenue.

Mark Morrow, 1984 Carroll Avenue, Saint Paul, spoke in opposition. In 2018, he got interested in the West Marshall Avenue Study and participated in that and joined the Union Park District Council Land Use Committee. He clarified that he is here not as a representative of the Committee, but as an individual to speak. He made a clarification to the letter submitted by the Union Park District Council. Stephen Moriarty was not present at their meeting on Monday, his partner Brent Thompson was in attendance. His concern is not about the project it is about the process, and whether this is more appropriate for variance than a rezoning. When you have a variance it is project specific and a rezoning is not project specific. If you make a change at this lot then similar requests coming through in the future you would not have a basis for not rezoning. This would set a precedent and it would be applied more in the future and this would become a work around the zoning in the study. The 2018 plan was very detailed and they had the 2040 Comprehensive Plan available and it was considered while doing the plan. He opposes the rezoning but would be open to discussing a variance at their District Council meeting.

Dean Cummings, 1910 Marshall Avenue, Saint Paul, spoke in opposition. He said he is the co-chair of the Union Park Land Use Committee. The vote of the Land Use Committee was very close at 6 to 5 for approval. They had hoped the full board could address the issue, but because of delivery problems with the public notification system we were delayed and it didn't meet our timeline. He is speaking to you about his personal thoughts today. He has also submitted a letter in opposition detailing his opinions on the staff report. He would like to emphasize that he believes this request has all the hallmarks of spot zoning. Between the river and Lexington Avenue there is one RM2 parcel that was grandfathered in before the West Avenue Marshall Zoning Study. The property owner that has recently acquired the property was fully aware of the zoning when he acquired it and is apparently an investment professional who has a high level of knowledge about these sorts of things. A rezoning of this property would create an island of nonconforming use with a larger zoned area that looks like spot zoning to benefit one specific investor. They have never had more vacancies of apartments in their neighborhood as they do now. They have added close to 700 bedrooms in the neighborhood and they have exceeded the desires for density in the neighborhood.

No one spoke in support. The public hearing was closed.

The applicant responded to the testimony. Mr. Moriarty said their intent, if they are granted a RM2 zoning, is that they would not require any variances. They are not building an apartment building they are going to build townhomes. He said the city recommended that they rezone and not apply for a variance due to townhomes versus the apartment building. The underlying conditions of the property did not qualify for a variance.

In response to Commissioner Ochoa, Ms. Hong said she was looking at the rezoning strictly in terms of the zoning district and not the development itself. The rendering of the development that the applicant has submitted has not been evaluated by the Site Plan Review Committee.

Mr. Jerve added it is a rezoning that is a policy decision where Planning Commission makes a recommendation to the City Council and it is ultimately their decision. A site plan is not attached to the rezoning. If you are recommending an approval to a zoning change, it is a change to the map of the city and the underlying regulations for that parcel, and it stays with that parcel. The development is independent of the rezoning.

Commissioner Syed moved approval of the rezoning. Commissioner Hood seconded the motion.

Commissioner Grill said reading through the letters from the neighbors and District Council it shows they would like more time to discuss the issue and she would not be opposed to laying this item over. She also thinks RM2 zoning is intensive for this lot and its placement. She is not opposed to density, but for this lot it seems intense.

After discussion, it was decided this item has time to be laid over to our next meeting if the Committee decided to and the public hearing could be reopened to accept District Council comment.

Commissioner Taghioff shared his opinions and listed the reasons he feels this is relatively out of character for this area. The West Marshall Avenue Study was only done five years ago and they did have the 2040 Comprehensive Plan available at the time the plan was being considered. He has discomfort with undoing such a recent zoning study which had that degree of public input that particularly noted this specific intersection. He said Policy LU-34 to provide medium-density housing including townhouses and multi-family developments compatible with the general scale of Urban Neighborhoods seems to be possible with the current RM1 district and he has difficulty getting to RM2 at this location.

The motion failed by a vote of 2-4 (Grill, Starling, Ochoa, and Taghioff).

Commissioner Hood said he thinks this is reasonable and does not constitute spot zoning. He said kitty-corner to this site there is a T2 district and there is T3 close by. This seems to be within character with the neighborhood. The increased density in this area has been a tremendous success. This application meets the goals of the city.

Commissioner Grill moved denial of the rezoning. She said we have changed RM1 zoning since the West Marshall Avenue Study in 2018 and it already allows for more dense uses. We can still have incremental density at this location without a single family home. She believes that RM1 is still in harmony with the Comprehensive Plan. She also noted that the amount of frontage on Marshall versus how much of the frontage of this property will be on the side street, irrespective of the project, it will present something even in a RM2 zone that won't be in harmony with the intent of the zoning code. Commissioner Ochoa seconded the motion.

Commissioner Ochoa said that the zoning study was only done five years ago and a lot of public input was put towards this study. We encourage people to participate and voice how their own community is shaped and the reason we have the zoning code is for some predictability to what is around our homes. He agrees with Commissioner Grill's statements.

Commissioner Syed said he is in favor of staff recommendation of approval. We need housing in St. Paul. He agrees with Commissioner Hood's earlier comments.

Commissioner Taghioff said he believes strongly in community process and a very specific process was followed in this case. The West Marshall Avenue Zoning Study was done recently and with a very close draft in hand of the 2040 Comprehensive Plan. This is not a suitable site for RM2. We have increased RM1 to allow a reasonable amount of housing on this corner parcel. This is an appropriate site for multi-family and currently appropriately zoned.

The motion passed by a vote of 3-2-1.

Adopted Yeas - 3 Nays - 2 (Syed, Hood) Abstained - 1 (Starling)

Drafted by:

Submitted by:

Approved by:

Samantha Langer
Recording Secretary

Christina Hong
City Planner

Simon Taghioff
Chair