

ZONING COMMITTEE STAFF REPORT

FILE NAME: 520 Payne Rezoning

FILE #: 21-263-450

APPLICANT: St. Paul HRA

HEARING DATE: June 3, 2021

TYPE OF APPLICATION: Rezoning

LOCATION: 520 Payne Ave, between Kenny Road and Woodward Avenue

PIN & LEGAL DESCRIPTION: 32.29.22.24.0179; BRUNSONS ADD PART B1&ALL B2-12 VAC ST AND ALLEY ACCRUING & EX PART IN RR R/W; LOTS 1, 2, 3 & LOT 4 BLK 7

PLANNING DISTRICT: 5

EXISTING ZONING: I1

ZONING CODE REFERENCE: § 6 1.801(b)

STAFF REPORT DATE: May 27, 2021

BY: Bill Dermody

DATE RECEIVED: May 14, 2021

60-DAY DEADLINE FOR ACTION: July 13, 2021

- A. **PURPOSE:** Rezone from I1 light industrial to T2 traditional neighborhood.
- B. **PARCEL SIZE:** 1.07 acres
- C. **EXISTING LAND USE:** Vacant land, cellular telephone antenna
- D. **SURROUNDING LAND USE:** Townhome residential to the north (RM2), Swede Hollow Park to the east (RM2), commercial to the south (I1), fire station and commercial to the west (I1)
- 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 has been zoned I1 light industrial since 1975. It was home to a semi-truck repair facility until it was demolished in 2005.
- G. **PARKING:** The proposed rezoning would permit a range of uses with different parking requirements. Zoning Code § 63.207 requires a minimum of 61 off-street parking spaces for the proposed mix of residential unit sizes described in the rezoning application.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Payne Phalen (District 5) Community Council recommends approval.
- I. **FINDINGS:**
 - 1. The application requests rezoning from I1 light industrial to T2 traditional neighborhood to allow for a residential development. The mostly vacant site's existing cellular telephone antenna is anticipated to remain.
 - 2. The proposed zoning is consistent with the way this area has developed. T2 is a mixed-use zoning district that is consistent with the mix of commercial, institutional, and residential uses along Payne Avenue.
 - 3. The proposed zoning is consistent with the Comprehensive Plan. The Comprehensive Plan in Map LU-2 2040 Land Use designates the site as part of an Urban Neighborhood and the Payne/East 7th Street Neighborhood Node. The T2 district is designed for use in potential pedestrian nodes, such as the Payne/E. 7th node.
 - 4. The proposed zoning is compatible with the residential uses to the north, the commercial uses to the south and west, and the mix of uses along Payne 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 zoning does not constitute spot zoning. It is consistent with surrounding uses and does not create an island of nonconformity.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from I1 light industrial to T2 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) Housing and Redevelopment Authority
Address 25 W. Fourth Street City Saint Paul State MN Zip 55102
Email dan.bayers@ci.stpaul.mn.us Phone 651-266-6685
Contact Person (if different) Johnny Opara Email johnny.opara@jocompanies.org
Address 3640 Dunbar Knoll City Brooklyn Park State MN Zip 55443
(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 520 Payne Avenue, Saint Paul, MN 55130
PIN(s) & Legal Description 322922240179
(Attach additional sheet if necessary.)
Please see attached for Legal Description
Lot Area 1.00 Current Zoning Light Industrial

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, Housing and Redevelopment Authority

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a Light Industrial zoning district to a T2 zoning district, for the purpose of:

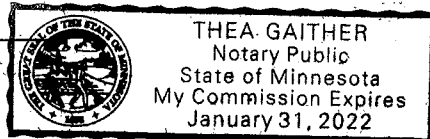
The Hollows is a multi-family development that will bring 54 units of workforce housing to Ward 7, the Swede Hollow neighborhood, located just outside of Downtown Saint Paul. The Hollows will use multiple financing sources that will allow rents for households earning 60% of the area median income. The building will total approximately 58,000 square feet and include 36 one-bedroom and 14 two-bedroom, and 4 studios, one level of underground parking, a community room, fitness center, and tot-lot. The Hollows amenities will include: Community room, fitness center, business center, electric vehicle stations, and views overlooking the Mississippi River and the Downtown Saint Paul Skyline. Swede Hollow Park is located adjacent to The Hollows and will offer residents an opportunity to explore local and regional walking and bike trails. The Hollows is currently scheduled to close in September 2021 with an anticipated completion date of Fall 2022.

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 MAY 19 2021

Thea Gaither
Notary Public



By: Arnold Gooden
Fee owner of property

Title: Executive Director 5/14/21

EXHIBIT "A"

Parcel 1. The part of Lot 1, Block 7, Brunsons Addition, lying East of the West 170 feet thereof, except railroad right of way.

Those parts of Lots 3 and 4, Block 7, Brunsons Addition, lying East of the West 110 feet thereof and West of the East 66 feet thereof, and that part of the South half of the adjoining alley, vacated, lying between the extensions across it of the East line of the West 110 feet of said Lot 3 and the West line of the East 66 feet of said Lot 3.

Parcel 2. The East 66 feet of Lots 3 and 4, Block 7, Brunsons Addition and that part of the South half of the adjoining alley, vacated, lying between the extensions across it of the East line of Lot 3 and the West line of the East 66 feet of said Lot 3, Block 7, Brunsons Addition, except railroad right of way.

Parcel 3. The West 170 feet of Lot 1, Block 7, Brunsons Addition

Lot 2, Block 7, Brunsons Addition and that part of the North half of the adjoining alley, vacated, lying between the extensions across it of the East and West lines of said Lot 2, except railroad right of way.

The West 110 feet Lots 3 and 4, Block 7, Brunsons Addition, and that part of the South half of the adjoining alley, vacated, lying between the extensions across it of the West line of said Lot 3 and the East line of the West 110 feet of said Lot 3.

Parcel 4. That part of the southerly half of vacated Kenny Road (platted as Bradley Street in the plat of Brunson's Additions) lying easterly of Payne Avenue and westerly of the West line of the Ramsey County Regional Railroad. Subject to the terms and condition of Chapter 130 of the Saint Paul Legislative Code as set forth in Doc. No. 2652085.

Being Registered land as is evidenced by Certificate of Title No. 539307.





Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

May 26, 2021

VIA EMAIL

Zoning Committee of the St. Paul Planning Commission
c/o Bill Dermody, Senior Planner
25 West 4th Street, 1400 City Hall Annex
St. Paul, MN 55102

RE: The Hollows - 520 Payne Avenue - File 21-263-450

Dear Zoning Committee:

I am writing to you on behalf of the Board of Directors of the Payne-Phalen Community Council. Our Board of Directors met in community in our regular online meeting last night - Tuesday, May 25, 2021. One of the items on the agenda was the application to rezone the property at 520 Payne Avenue from I1 light industrial to T2 traditional neighborhood. The Applicant, Johnny Opara with JO Companies attended the meeting and made a presentation to the community and our Board. Mr. Opara gave an overview of his organization and their mission. He explained the proposed project, and he addressed questions from the community and our Board.

The Board of Directors of the Payne-Phalen Community Council voted to support the permit applications for this project.

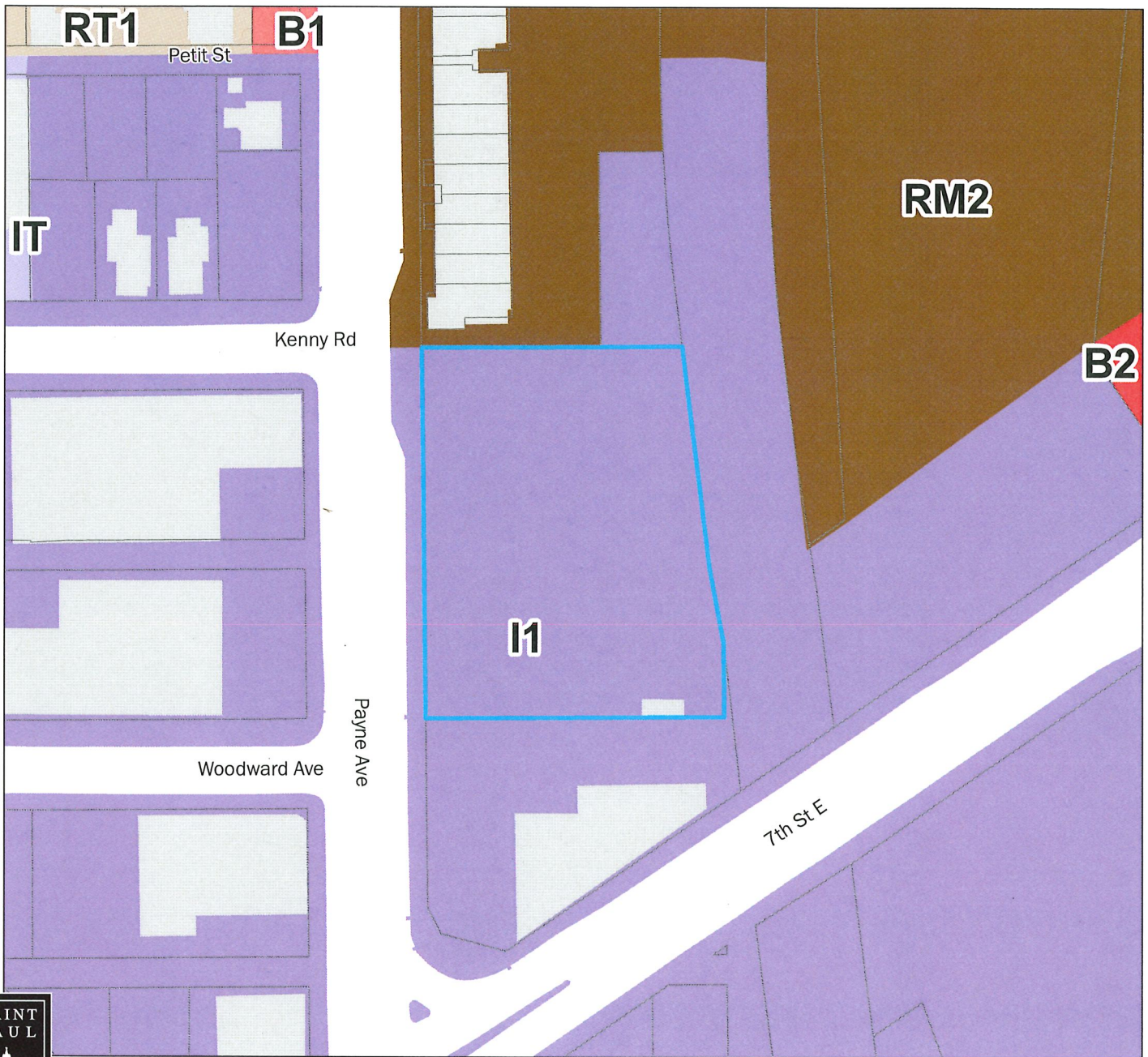
Please include this letter of support in the packet of materials for the upcoming public hearing. We are grateful to the Zoning Committee for taking the position of the Payne-Phalen Community Council into full consideration as you make your decision. Please feel free to contact me if you have any questions or require further clarification.

Sincerely,

A handwritten signature in blue ink that reads "Jack Byers". The signature is fluid and cursive.

Jack Byers, Executive Director

cc. Johnny Opara, JO Companies, LLC
Council Member Jane Prince, Ward 7
Dan Bayers, Planning and Economic Development Department
Damian Schaab, Co-Chair, Railroad Island Neighborhood Group
Don Lorr, Co-Chair, Railroad Island Neighborhood Group
Robin Rivard, Co-Chair, Railroad Island Neighborhood Group
Rebecca Nelson, PPCC Board President
PPCC Board of Directors



FILE #21-263-450 Zoning Map

Application of HRA

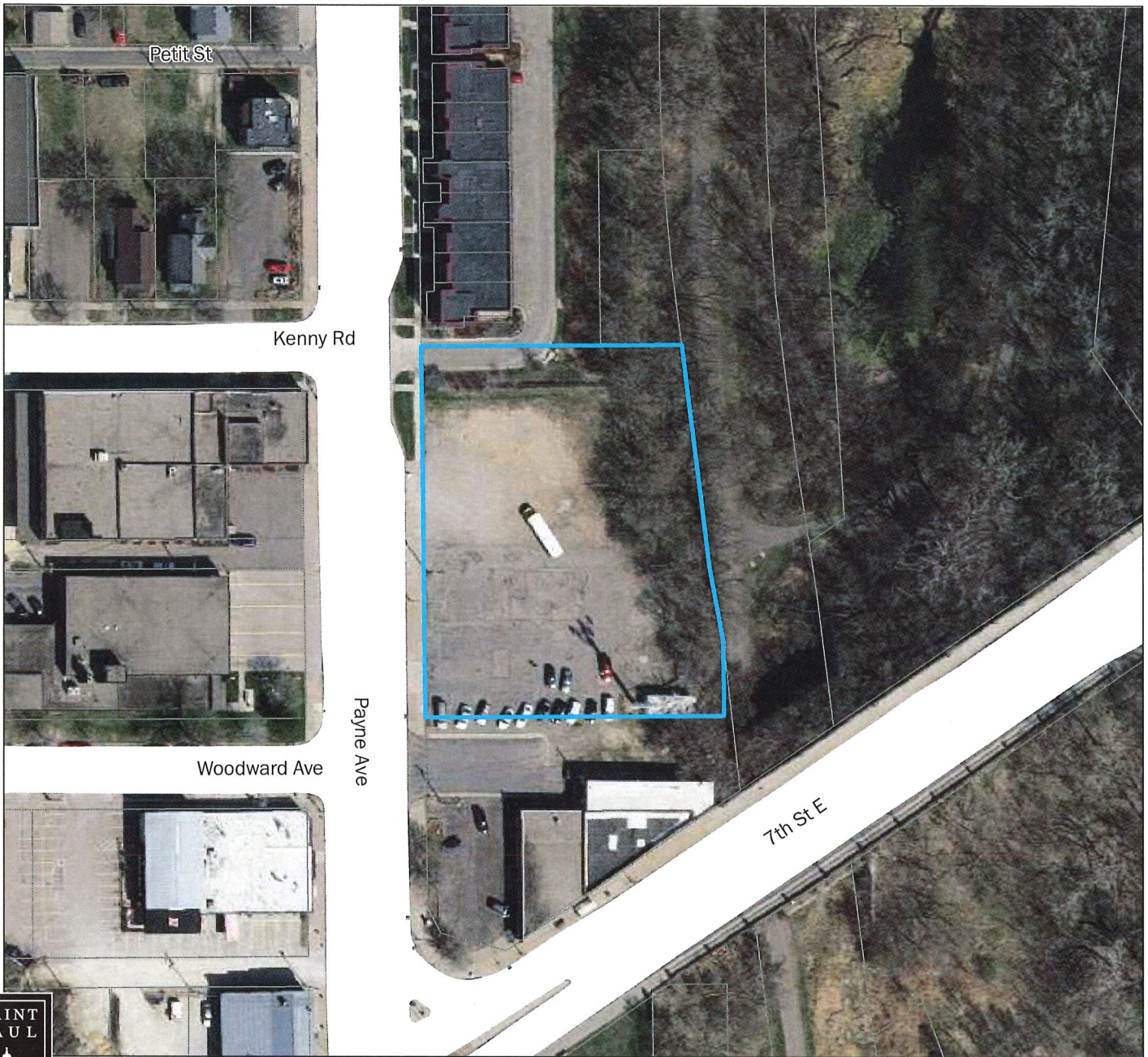
Application Type: Rezone
 Application Date: May 14, 2021
 Planning District: 5



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Subject Parcel(s) Outlined in Blue

Parcel Boundary	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	



FILE #21-263-450 Aerial Map

Application of HRA

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Parcel Boundary



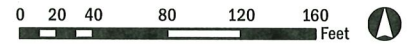
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FILE #21-263-450 Existing Land Use Map

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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Boundary | 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 | |