

DRAFT
MINUTES OF THE ZONING COMMITTEE
Thursday, January 14, 2021 - 3:30 p.m.

PRESENT: Baker, Edgerton, Grill, Lindeke, Rangel Morales, and Syed
EXCUSED: DeJoy and Hood
STAFF: Kady Dadlez, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Baker. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

2069 MARSHALL AVE - 20-101-751 - Rezone from T2 traditional neighborhood to T3 traditional neighborhood, 2069 Marshall Ave, between Cleveland Avenue N and Finn Street

Kady Dadlez presented the staff report with a recommendation of approval for the rezoning. She said District 13 requested a lay over by the Zoning Committee, and there was 1 letter in support, and 28 letters in opposition.

The applicant, David Kvasnik, 2012 Selby Avenue, said he is here with Rob Page in regard to our request to rezone 2069 Marshall from T-2 to T-3. Rob and his family own 2069 Marshall which is currently T-2. My family owns 2063 Marshall which is currently T-3. Using these two large parcels at a neighborhood node to only house up to 12 people is not in line with the 2040 Comprehensive Plan. We have been working for close to 4 months with our architect and multiple other professionals to put together a plan for a 5 story mixed use building with a commercial space and 48 plus units of apartments with a mix of Micro Units and 2 Bedroom units on the corner of Cleveland and Marshall to replace these two student rentals. The intersection of Marshall and Cleveland is identified in the 2040 Plan as a Neighborhood Node. The 2040 Comprehensive Plan explains that "Neighborhood Nodes are denser concentrations of development relative to the adjacent future land use categories." Policy LU-30 of the 2040 Plan specifically states that we should "Focus growth at neighborhood nodes using the following principals" of "Increasing density toward the center of the node and transition in scale to surrounding land uses". In fact, the density allowance according to Figure LU-4 of the 2040 Plan titled "2040 Residential Land Use Density Ranges" shows us that the mixed-use density at a neighborhood node should be 50-200 units per an acre. The 2040 Comprehensive Plan states that the "Plan is the City's vision or "blueprint" for guiding future development through 2040". Additionally, it specifically states that it should inform zoning decisions and the "Zoning actions must be consistent with the comprehensive plan". It even goes further on Page 18 to say that the comprehensive plan should "guide private investment" quote "the comprehensive plan also establishes priorities for where the city wants privately funded developments to occur", the quote goes further to say, and I quote directly "high density multi-family construction should be concentrated at neighborhood nodes". We agree with the 2040 Comprehensive Plan and the City Staff report which recommends approval of our request to rezone 2069 Marshall from T-2 to T-3 in order to meet this vision.

In response to Commissioner Baker, Mr. Kvasnik said they have attended the Committee for Land Use Economic Development meeting, Transportation Committee meeting, and the January 6, board meeting for the Union Park District Council. They answered questions at all of the meetings. Additionally, they have promised to continue to attend meetings of the District Council as they continue on the project. They have fully involved the District Council.

Merritt Clapp-Smith, 228 E 8th Street, said she is speaking as a board member on behalf of Sustain Saint Paul. Sustain Saint Paul supports the rezoning at 2069 Marshall Avenue from T2 to T3 and they concur with the findings in the staff report. The most important thing is that the rezoning is consistent with its designation as a neighborhood node in the Comprehensive Plan. The lot and the corner lot to the east could be combined and developed under T2 zoning, however the corner lot is already zoned T3. The corner parcel alone is only 50 feet in width and is impractical to develop as a T3 type project. The parking arrangement in the application you can see that a single row of parking plus a drive lane alone consumes 38 feet of width, leaving only 12 feet on a 50-foot lot for the walls of the building and property line setbacks. The recent rezoning of 2063 Marshall and the adjacent lots indicates the desire by the City to encourage redevelopment and increase density, and if the City supports redevelopment of the corner as T3 and the 50 foot width makes that redevelopment impractical then rezoning 2069 Marshall to T3 is prudent to provide enough width for the T3 scaled development. If the City on the other hand thinks that T2 scaled development at the corner is enough to meet the intent of the Comprehensive Plan and for its neighborhood node location, then retaining the T2 status will essentially moderate the scale of the development towards T2. In the coming decades Saint Paul is going to be growing and changing to accommodate increased population and diversification of housing needs and in accordance with the Comprehensive Plan and every neighborhood is going to have to share in that growth. That growth can occur in fewer higher density buildings or more moderate density buildings. The first option requires less land but leaves more of the original buildings and fabric untouched. The latter option requires more land to accommodate the growth. In either case she encourages open and active dialog between the developer and neighbors to support a project that meets multiple interests. If more time is needed for that it is time well spent to build trust and goodwill.

Jan Miller, 2068 Iglehart Avenue, spoke in opposition. She is directly behind 2069 Marshall Avenue. She said that by your own zoning protocols that were set up in the 2040 City Plan, that took four years of deliberation and hard work by a lot of people, only the corner properties of the neighborhood constitute the node and only nodes can be zoned T3. 2069 Marshall is not a neighborhood node. The request to rezone 2069 Marshall to T3 should therefore be rejected without further discussion.

Lillian Hang, 2093 Marshall Avenue, said she lives five houses down from this property and she opposes this zoning change. Being next to a T3 neighbor does not warrant a zoning change. The West Marshall Zoning Study already up zoned 2069 Marshall from R3 to T2. Nothing has changed since that study. Marshall Avenue continues to be the exact same transit corridor that it was at the time of that study. If a T2 zoning was adequate for that study, then a T2 is more than adequate today. Developers want to create a multi-unit apartment building and they can still do that with the current T2 zoning. She wants her neighborhood to be a vibrant place for families like hers, but we should not create a slippery slope where anyone can change their zoning just because it fits the development and financial gain as in this obvious case.

Andrew Bream, 2068 Iglehart Avenue, spoke in opposition. He said he would like to address some of the findings and some statements made earlier. It is true that Mr. Kvasnik did attend the neighborhood meetings, however Union Park District Council has requested that the Committee hold off on deciding today because while he did answer questions at those meetings, he did not answer them sufficiently. He said that this property was just rezoned in 2018 with a lot of thought and discussion, making the corner property T3, and making 2069 Marshall T2. Just because it is adjacent to a T3 property does not by definition warrant a reason to up zone to T3. He would argue that would constitute spot zoning and he urges the Committee to keep the zoning as is.

Jonathan Bream, 2068 Iglehart Avenue, spoke in opposition. In 2018, the Zoning Committee rezoned 2069 Marshall to T2. Countless hours were spent working with City Staff for more than two years on the rezoning of Marshall Avenue. After all that time and consideration, the Zoning Committee up zoned to T2. That zoning allows for the kind of density consistent with the 2040 Comprehensive Plan. He asks that the Zoning Committee stand by their decision. There is no compelling reason to change that carefully considered decision and to do that would set an imprudent precedent for spot zoning for this block. The proposal as presented by Mr. Kvasnik raises many concerns. He would like to see a traffic study, safety study and shadow study. He has concerns about a plan with such limited details. Mr. Kvasnik attended three meetings, and all decided not to pass judgement, and all asked for more information. He has concerns of Mr. Kvasnik's apparent lack of experience as a developer and concerns about Mr. Page's reputation with his tenants. The college students that live behind them tell him about issues they have had with Mr. Page. Given all these concerns he asks that the up zoning be rejected.

Jonathan Bream read a statement on behalf of George Bounds 2072 Iglehart Avenue who is in opposition. The owners of 2063 and 2069 Marshall admitted at a Union Park Land Use Committee meeting in December that they had asked for and received up zoning for both properties just two years ago without any neighborhood input and now they are asking for another up zone so they can build a five story building that will dominate Iglehart neighbors views from their kitchens, rear porches and patios. Enough is enough. Please reject the application.

Harry Balley, 2062 Iglehart Avenue, said he strongly opposes the change in zoning. He was surprised that Mr. Kvasnik was able to get his property changed to T3 when the lengthy and detailed plan was already in place from 2018. A change to a 55-foot structure would be out of place in the neighborhood. The property would adversely affect the neighborhood with noise, traffic, shadows, and eliminate privacy for neighbors directly to the north. It seems these concerns were previously addressed when the original zoning plan for Marshall Avenue was drafted in 2018. Now the owners want to have the significant effort changed quickly and without the proper process to fit their own timetable. The developers stated the estimated rents of \$1300 - \$1800 for a one-bedroom apartment not including the cost of a parking space. That does not seem to fit the goal to create affordable housing in Saint Paul.

Heidi Balley, 2062 Iglehart Avenue, said she has lived on Iglehart for 25 years and is immediately across the alley of the proposed building. She would like to see the process work. She would like to see representatives of the City and Committee stick to the plans that took

energy, time, research and a process to decide. If this application is approved, it dismisses decisions made as recently as 2018. She would be extremely confused on whether or not there is a process or a 2040 Plan. She believes in progress and opportunity, but not simply for the very few to profit.

Jon O'Dea, 2069 Marshall Avenue, spoke in opposition. He said he resides at the property with seven roommates who will all be seniors at Saint Thomas in the fall. In October their management company, Level 10 Management, pushed them to re-sign their lease at the property by contacting them regularly and even incentivizing them to do so and guaranteeing their place for next year. Mr. Robert Page doesn't seem to feel the need to keep his end of what they were all under the impression of is a legally binding agreement. Feeling that Mr. Page was taking advantage of them by saying he was going to void their lease, they sought out legal counsel from Homeline and were told that Mr. Page was in no position to state the lease was no longer valid although he will say it was not counter signed on their end. Their communications and incentive implied their agreement. He understands that this is not something the Zoning Committee can rectify. He sees no reason in which a rezoning request should be approved as he and his roommates will be honoring their side of the agreement and occupying the property through May 2022, thus no rezoning is necessary. Please consider how all this uncertainty about where they will be living for Senior year makes them feel. Mr. Page makes no effort to acknowledge the fact that he screwed up and leased out the property longer than he seemingly meant to and has handled this situation extremely unprofessionally and unethically.

Peyton Schuler, 2069 Marshall Avenue, spoke in opposition. He currently resides at the property and he and his roommates have seen firsthand how Mr. Page manages a property and conducts his business. In order for them to even get the house into livable condition they were forced to tell management contacting the City Inspector after four months of unsuccessfully requesting basic repairs. There is an utter lack of care for the property by the owner and it is clear that simple maintenance is of no interest to Mr. Page. He doesn't think that granting him T3 zoning and thus permission to build an even larger property will change anything about the way he conducts business as he clearly wants to milk out every dollar. There will be no affordable housing in this plan and there are already 12 affordable preexisting affordable apartments at the location, and they should be preserved.

Mr. Kvasnik said he heard people discuss the fact that they thought the 2040 Plan was part of the rezoning of Marshall and the truth is that the rezoning of Marshall occurred in 2018 and was done under the 2030 Plan. The 2030 Plan for that corner dictated that the corner should only have a density of 4 to 30 units. Subsequent to the zoning, and after the zoning, the 2040 Plan was enacted. That is the plan they are making this request under and that plan states that residential land use density ranges show that a mixed-use density at a neighborhood node should be 50 to 200 units per acre. Rob and I have .42 acres which would equal 84 units for that parcel on the corner. The 2018 Marshall rezoning was done under the 2030 Plan which is a different set of scenarios than the 2040 Plan. The 2040 Plan lays out a much different density situation and includes neighborhood nodes that weren't included in the 2030 Plan and didn't exist during the rezoning in 2018. He also said that Rob and I have been trying to get micro units and two-bedroom units into the building. They understand that affordability component cannot be met with one bedroom because of the size of the building. The micro units would be at \$900 and the two-bedrooms would be at \$1600. They are also adding amenities including

electric vehicle charging stations, bike parking for every unit, and transit-oriented maps. Their plans are for affordable units and it is based on the 2040 Plan which had nothing to do with the Marshall Avenue rezoning.

Commissioner Lindeke asked what the current status of the lease was on the property for the current tenants.

Rob Page, 4209 Christy Lane, said it is a private matter that is between tenant and landlord and they are working on it. He doesn't think this is a forum to discuss that matter.

The public hearing was closed.

In response to Commissioner Grill, Mr. Warner stated that you cannot place conditions on a rezoning.

Commissioner Baker said that the task today is only to vote on the rezoning and the findings have been met for approval. He also thinks that it is incumbent upon the applicant to have more conversations with the neighbors. We have heard from a lot of long-term residents that are concerned and worried and feeling left out of the conversation. He highly encourages the applicant to have greater community involvement.

Commissioner Grill moved approval of the rezoning. Commissioner Lindeke seconded the motion.

Commissioner Lindeke said this is a narrow case of whether this should be zoned T2 or T3 because the neighboring property is T3. It would be very difficult to build anything that would be in the T2 zoning category on that site. He also said there is an ABRT investment going into Marshall and Lake in a few years and those projects are big investments in Saint Paul. In a future where we don't have to drive and will rely more on transit it is important to build more housing in places where there will be transit investments.

The motion passed by a roll call vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Submitted by:

Approved by:

Samantha Langer
Recording Secretary

Kady Dadlez

Kady Dadlez
City Planner

Cedrick Baker
Chair

