

MINUTES OF THE ZONING COMMITTEE
Thursday, January 3, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Lindeke, Ochs, Rangel-Morales, and Reveal
EXCUSED: Baker, DeJoy, and Fredson
STAFF: Kady Dadlez, Samantha Langer, and Allan Torstenson

The meeting was chaired by Commissioner Edgerton.

Marshall Group LLC - 18-132-440 - Rezone from T1 traditional neighborhood to T2 traditional neighborhood, 1819 Marshall Avenue, NE corner at Fairview

Kady Dadlez presented the staff report with a recommendation of approval for the rezoning. She stated District 13 submitted a letter recommending approval, and there were no other letters in support, and 3 letters in opposition.

In response to Commissioners, Ms. Dadlez said during the process of the Marshall Avenue Zoning Study the properties at the intersection were not considered for rezoning to T2. The applicant's property was previously zoned RM2; under RM2 zoning a 10-unit apartment buildings would still be nonconforming, and would allow seven units. Ms. Dadlez said T1 seemed to be an appropriate change from RM2 at the time of the Zoning Study. The applicant was not aware of the zoning study, but if he had asked for T2 at the time of the study, staff would have considered that request. She added that it is not unusual to receive rezoning requests after a zoning study.

Sonja Mason, 21 St. Albans Street, Saint Paul stated she was the applicant's representative, speaking on behalf of Joe Knapp. She presented a picture of the recent renovation work and the conversion of the building to a Mediterranean style. The neighbors have been very pleased with the changes in appearance. The applicant restriped the parking lot to allow for 12 parking spots. She said the applicant has tried to contact each neighbor, but it is difficult to get a hold of everyone. She thinks the objections come from a misunderstanding. People support the ten units and the use of the building. The applicant is trying to make the tenth unit legal. There are two methods they could have pursued; a variance or rezoning. They decided to pursue the rezoning because the four criteria for rezoning matched their situation best. The building is a traditional 10-unit building and traditional neighborhood zoning was designed for traditional buildings. They are not proposing to add or change anything to the building. They learned that at one time there was a small grocery store in the building, but they are not looking to do any kind of changes like this. They would need to comply with ADA requirements along with other requirements that would not make it practical or feasible. They currently have a Certificate of Occupancy for dwelling units and that is the only thing they would like to continue to operate. Ms. Mason said that the change from RM2 to T1 is usually considered an up-zoning, but specific to an exclusive residential use it's actually more of a down-zoning. The RM2 zoning allowed one unit per 1,700 sq. ft. of land and T1 allows one unit per 1,500 sq. ft. The rezoning to T1 increased the nonconformity of the use of land. The feature of T2 that is compelling is that it uses the floor area ratio (FAR) standard. This existing historic apartment has a variety of different apartment sizes, including two bedroom, one-bedroom, and studio units. It is a nice asset to the neighborhood. The City of Saint Paul has a housing shortage and removing an existing unit is not a good idea. This is the appropriate method to make the tenth unit comply with zoning. Construction of this building predates the zoning code by ten years. Ms. Mason presented a few more pictures of the renovations made by the applicant. It was not only an aesthetic remodel. Everything has been redone and permitted that was needed. This building needed investment including electrical and smoke detectors. She said her client has made an investment for this property to extend its life for 20 or 30 or more years. There is no plan to have a more intense use. In the letters of opposition received, one mentioned concerns about the height of the building; the applicant is not proposing to add any height. The height standards for T1 and T2 are the same. There was also some

concern about a very intense use going into this building such as a bar or medical marijuana shop. Those intense uses have requirements in the Zoning Code and would be very difficult to introduce into this building. While her client is not proposing these uses, it is also important to point out that there is not space in this building for these uses. She went over the plans of the building that were submitted with the application. She appreciates the neighbors' concern, but this is quality housing that will not detract from the neighborhood.

In response to Commissioner Reveal, Ms. Mason stated that all of the dwelling units in the building are rental units.

In response to Commissioner Lindeke, Ms. Mason explained that they did not request T2 at the time of the Zoning Study because the applicant was not aware it was happening. He had just purchased the property about a year ago. He set about doing improvements on the units and through the course of that learned the tenth unit was not legal. She only came to work for him in December when the process was almost complete with the rezoning from the zoning study. It was a missed opportunity. When she spoke with District 13 they said that they didn't individually look at every single property to find out what zoning exactly matched because the area was so large. It was more of a broad stroke plan. Unfortunately this rezoning made this historic traditional building less compliant with the zoning code. She said having the tenth unit would allow for more rents, and with more rents, her client can invest more back into the whole property.

In response to Commissioner Rangel Morales, Ms. Mason explained the parking plan. When her client purchased the property the parking lot was very awkward and it only allowed for nine cars. By striping it at a diagonal and having the circulation overlap more they were able to accommodate three more parking spaces. The applicant has also added electric charging stations.

In response to Commissioner Edgerton, Ms. Mason explained that the applicant didn't apply for a variance because one requirement is that you establish a practical difficulty that is not economic in nature. When you have a rental property it's difficult to establish that it's not an economic difficulty.

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

Commissioner Elizabeth Reveal moved approval of the rezoning. Commissioner Christopher Ochs seconded the motion.

Commissioner Lindeke stated that T zoning used in the City is an attempt to bring our historic fabric, which is complex, into a little bit more in conformity with the zoning code. This is a good example of where T2 zoning makes a lot of sense with a building that has been here for a long time. Commissioner Ochs concurred.

Commissioner Reveal stated she prefers in these cases to conform to the Zoning Code rather than doing a variance.

The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by: Submitted by: Approved by:

Samantha Langer

Samantha Langer
Recording Secretary

Kady Dadlez

Kady Dadlez
City Planner

Cedrick Baker

for Dan Edgerton
Chair

