

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 2069 MARSHALL AVENUE **FILE #:** 20-101-751
 2. **APPLICANT:** 2069 Marshall Ave LLC **HEARING DATE:** January 14, 2021
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 2069 Marshall Avenue (north side between Cleveland and Finn)
 5. **PIN & LEGAL DESCRIPTION:** 32.29.23.44.0133; Lot 23, Block 5; Roblyn Park Addition
 6. **PLANNING DISTRICT:** 13 **EXISTING ZONING:** T2
 7. **ZONING CODE REFERENCE:** § 61.801(b)
 8. **STAFF REPORT DATE:** January 7, 2021 **BY:** Kady Dadlez
 9. **DATE RECEIVED:** December 22, 2020 **60-DAY DEADLINE FOR ACTION:** February 19, 2021
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- A. **PURPOSE:** Rezone from T2 traditional neighborhood to T3 traditional neighborhood.
- B. **PARCEL SIZE:** The property has 50 feet of frontage on Marshall Avenue and is 179.60 feet in depth for a total lot area of 8,980 square feet.
- C. **EXISTING LAND USE:** The property is occupied by a duplex.
- D. **SURROUNDING LAND USE:**
 - North:** Low density residential uses in an R3 zoning district.
 - East:** Single-family use in a T3 zoning district, commercial uses in B3 and T2 zoning districts, and medium density residential uses in an RT1 zoning district.
 - South:** Low and medium density residential uses in a T1 zoning district and commercial uses in a T3 zoning district.
 - West:** Low density residential uses in a T2 zoning district.
- E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** Many properties along Marshall Avenue were rezoned in 2018 as part of the West Marshall Avenue Zoning Study. The property at 2069 Marshall was rezoned from R3 to T2 and the property immediately to the east at 2063 Marshall Avenue was rezoned to from R3 to T3. This was done to support city-wide goals of increasing density and land use diversity at Neighborhood Nodes and focusing investment along transit corridors.
- G. **PARKING:** Zoning Code § 63.207 requires a minimum of one space per one-bedroom unit; 48 one-bedroom units are planned.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park Community Council had not taken a position on the rezoning application at the time the staff report written.
- I. **FINDINGS:**
 1. The applicant intends to rezone the property from T2 traditional neighborhood to T3 traditional neighborhood and combine it with the property immediately to the east at 2063 Marshall Avenue, which is zoned T3, to develop a mixed-use building with commercial space for a retail tenant at the corner of Marshall and Cleveland and apartment units above. The number of stories and apartment units, and type of parking (structured or surface) has not been finalized. Vehicular access to off-street parking, whether structured or surface, will be from Cleveland Avenue. The applicant states that

the additional parcel is needed to increase the size of the development site to accommodate the proposed mixed-use development.

2. The proposed zoning is consistent with the way this area has developed. The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. The property at 2069 Marshall was rezoned from R3 to T2, and the property immediately to the east at 2063 Marshall Avenue was rezoned from R3 to T3, as part of the West Marshall Avenue Zoning Study in 2018. This was done in anticipation of medium density residential development occurring near the Neighborhood Node at the Marshall Cleveland intersection. One of the intents of the Zoning Code is to encourage a compatible mix of land uses, at densities that support transit, that reflects the scale, character, and urban design of Saint Paul's existing traditional neighborhoods. Marshall Avenue is an existing transit corridor, Route 21. Plans to develop a bus rapid transit route along Marshall Avenue are underway. In addition, Cleveland Avenue is an existing transit route, Route 87.
3. The proposed zoning is consistent with the Comprehensive Plan. Generally, city-wide land use goals are to increase density and land use diversity at Neighborhood Nodes, focus investment along transit corridors and promote high-quality urban design. The Marshall-Cleveland intersection is identified as a Mixed-Use area and a Neighborhood Node in the plan. Mixed-Use areas are primarily along thoroughfares well-served by transit; these areas are vital for the ongoing growth and economic development of the city by providing the highest densities outside of downtown. Neighborhood Nodes are compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities and employment close to residences. Policy LU-1. states encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-7. states use land use and zoning flexibility to respond to social, economic, technological, market and environmental changes, conditions and opportunities. Policy LU-27. states provide for land use change and rezoning of land adjacent to Mixed-Use areas to allow for commercial redevelopment and/or expansion fronting arterial and collector streets. Policy LU-30. states focus growth at Neighborhood Nodes using the following principle: Increase density toward the center of the node and transition in scale to surrounding land uses. Policy H-16. states increase housing choice across the city to support economically diverse neighborhoods by pursuing policies and practices that maximize housing and locational choices for residents of all income levels. Policy H-46. states support the development of new housing, particularly in areas identified as Mixed Use, Urban Neighborhoods, and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods.

The proposed mixed-use development is consistent with the Union Park Community Plan, which states the neighborhood's goals as the preservation of desirable assets and neighborhood character as well as development to meet present and future needs. Land Use and Housing Strategies include: LU1. Support land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape; LU3.2. Explore opportunities to increase density levels and promote new development along key corridors that support transit-oriented development; H1.1. Support multi-unit mixed-use development in mixed-use corridors that can accommodate higher density levels, while minimizing impacts on adjacent lower

density areas and discourage multi-unit housing and retail uses that are incompatible with single-family residential areas.

4. The proposed zoning is compatible with the surrounding medium density residential uses and commercial uses at or near the Marshall-Cleveland intersection. Property along Marshall Avenue was rezoned in 2018 to allow for increased residential densities and mixed-use development, particularly at the Neighborhood Node. New medium density residential uses are being developed along Marshall Avenue west of the proposed site and are anticipated east of the proposed site.
 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 rezoning will not result in spot zoning. The property is adjacent to an existing T3 zoning district at the Marshall-Cleveland intersection.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to rezone property at 2069 Marshall Avenue from T2 traditional neighborhood to T3 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)	<u>2069 Marshall Ave LLC</u>						
Address	<u>4209 Christy Lane</u>	City	<u>Minnetonka</u>	State	<u>MN</u>	Zip	<u>55345</u>
Email	<u>robertlouis.page@gmail.com</u>		Phone	<u>952-200-6384</u>			
Contact Person (if different)	<u>David Kvasnik</u>		Email	<u>david.kvasnik@gmail.com</u>			
Address	<u>2012 Selby Ave</u>	City	<u>St. Paul</u>	State	<u>MN</u>	Zip	<u>55104</u>
<i>(Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.)</i>							

PROPERTY INFO

Address/Location	<u>2069 Marshall Avenue</u>		
PIN(s) & Legal Description	<u>322923440133</u> <i>(Attach additional sheet if necessary.)</i>		
<u>Lot 23 Block 5 of ROBLYN PARK ADDITION, ST. PAUL LOT 23 BLK 5</u>			
Lot Area	<u>0.21 acres</u>	Current Zoning	<u>T2</u>

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, 2069 Marshall Ave LLC
(represented by Rob Page),

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
T2 zoning district to a T3 zoning district, for the purpose of:

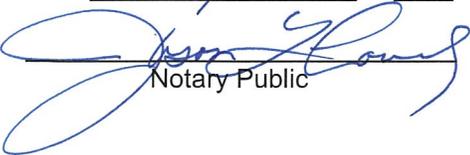
Constructing a 5-story (on-grade structured parking with commercial below 4 stories of residential), 48 unit apartment building after combining lots with 2063 Marshall Ave (which is currently zoned T3).

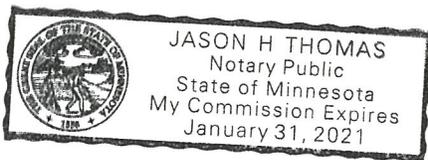
Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit

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 12/21 2020


Notary Public



By: 
Fee owner of property

Title: President

REZONING APPLICATION ADDENDUM

APPLICANT Property Owner(s) 2069 Marshall Ave LLC
Address 4209 Christy Lane City Minnetonka State MN Zip 55345
Email robertlouis.page@gmail.com Phone 952-200-6384

PROPERTY Address/Location 2069 Marshall Avenue
INFO PIN(s) & Legal Description 322923440133
Lot 23 Block 5 of ROBLYN PARK ADDITION, ST. PAUL LOT 23 BLK 5
Lot Area 0.21 acres Current Zoning T2

We'd like to amend the details of the Site Plan we submitted to say:

We are considering a 5-story apartment building with on grade structured parking with commercial and 4 residential stories above that, as well as a 4-story apartment building with commercial and surface parking.

Based on feedback we received thus far regarding affordability, along with the anticipated modification to zoning code reducing (and possibly eliminating) parking requirements, we may pursue a parking variance to accommodate additional, more affordable studio apartments.

By:  Rob Page
Fee owner of the Property

Title: President

Date: 1/7/21

Zoning File # 20-101-751 - 2069 Marshall Avenue Rezoning

Northwest corner of Marshall & Cleveland: 2069 Marshall Avenue in the middle



Low density residential uses west of 2069 Marshall on the north side of the street



Northeast corner of Marshall & Cleveland: Commercial uses and medium density residential uses



Southeast corner of Marshall & Cleveland: commercial uses and mixed-use



Southwest corner of Marshall & Cleveland: medium density residential uses

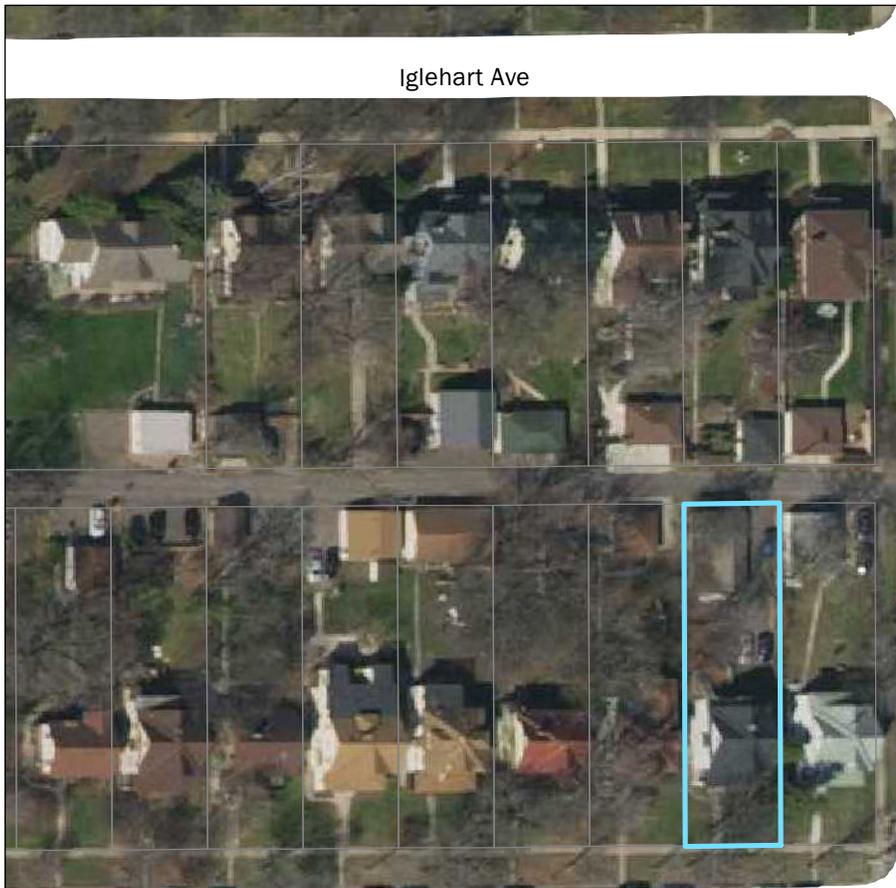


Low density residential uses to the west on the south side of Marshall



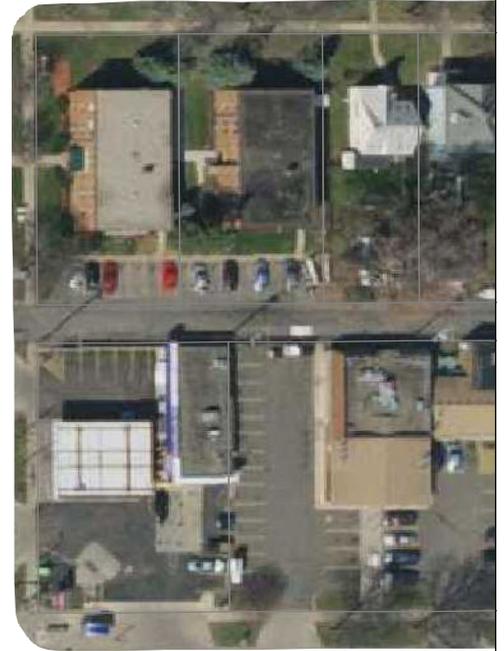
Low density residential uses north of 2069 Marshall along Iglehart Avenue





Iglehart Ave

Cleveland Ave N



Marshall Ave

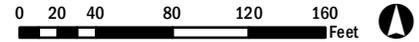


FILE #20-101-751 Aerial Map 2069 Marshall Ave LLC

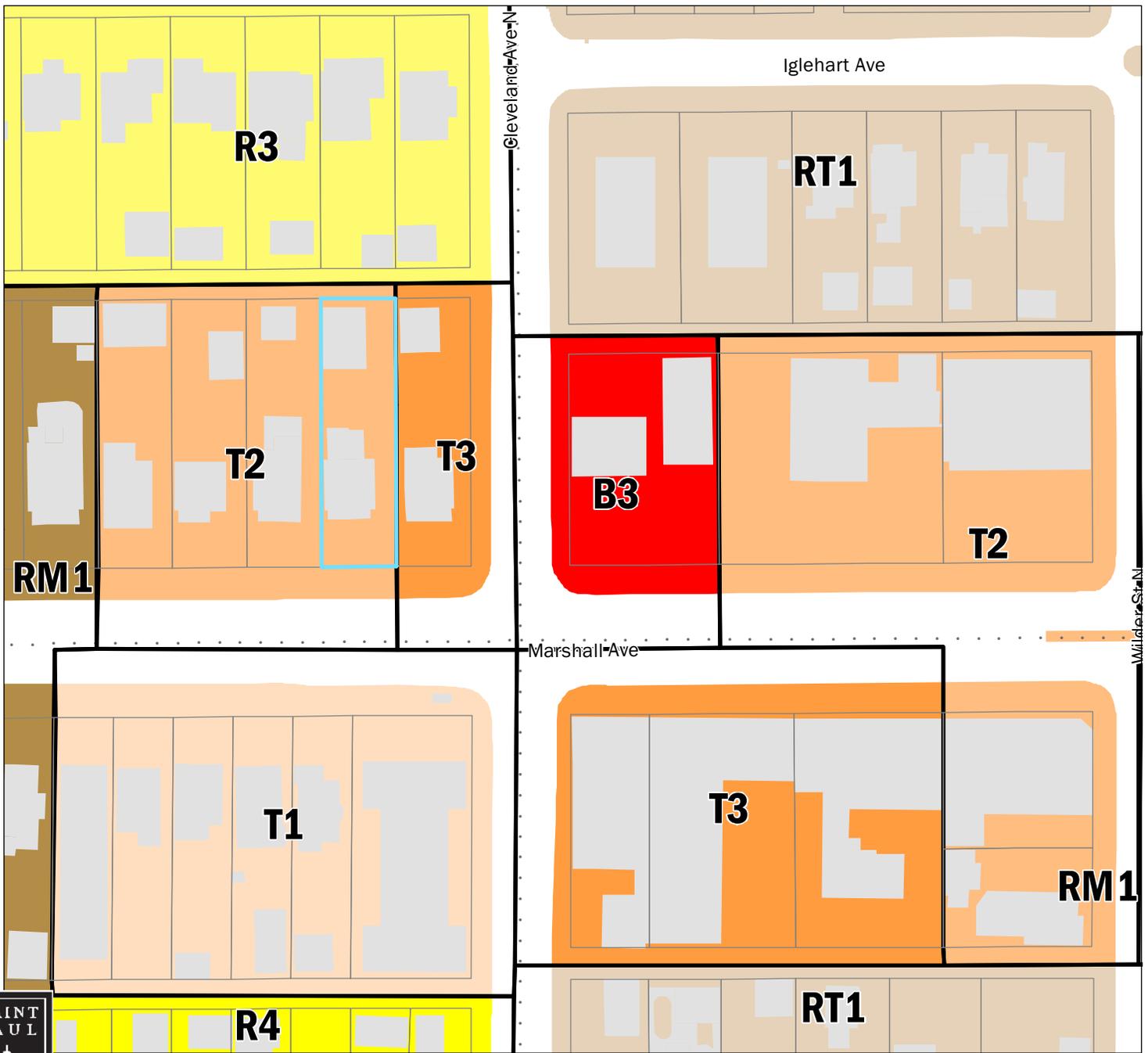
Application Type: Rezone
Application Date: December 23, 2020
Planning District: 13

Subject Parcel(s) Outlined in Blue

ParcelPoly on

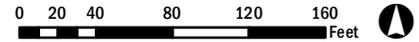


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FILE #20-101-751 Zoning Map 2069 Marshall Ave LLC

Application Type: Rezone
 Application Date: December 23, 2020
 Planning District: 13



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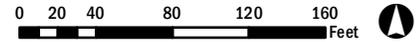
Subject Parcel(s) Outlined in Blue

- | | | | |
|-------------------------|-----------------------------------|-----------------------------|------------------------------|
| Parcel Poly on | 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 #20-101-751 Existing Land Use
2069 Marshall Ave LLC

Application Type: Rezone
 Application Date: December 23, 2020
 Planning District: 13



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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|--------------------------------|--------------------------------|--------------|
| Parcel Poly on | 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 | |