

MINUTES OF THE ZONING COMMITTEE
Thursday, November 4, 2021 - 3:30 p.m.

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

The meeting was chaired by Commissioner Reilly. 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.

1708 Selby Rezoning - 21-310-795 - Rezone from B2 community business to RM2 medium-density multiple-family residential. 1708 Selby Avenue, between Aldine Street and Herschel Street

Kady Dadlez presented the staff report with a recommendation of approval for the rezoning. She said District 13 did not make a recommendation, and there were 0 letters in support, and 4 letters in opposition and a petition in opposition with 35 signatures.

In response to Commissioner Taghioff, Ms. Dadlez said that the property is currently zoned B2 which is a commercial zoning district, and the applicant is proposing an apartment building so they would need to rezone to RM2 to allow for that use.

In response to Commissioner Reilly, Ms. Dadlez said that the building is currently in use as a contractor's shop.

Jon Schwartzman, Selby Flats LLC, 3560 Fairway Court, Hopkins, MN, said that they bought 1708, 1712, and 1716 Selby with a plan to build a subprime market rate apartment building. Initially they were not sure if they needed to apply for a rezoning on 1708 Selby because they were only planning to build on 1712 and 1716 Selby, which are currently zoned RM2. In the process of due diligence with the architects and engineers they found that they could have 32 units on the two parcels but would not have any parking available for the tenants. It would strictly be street parking which is permitted without a permit all along Selby Avenue. They decided they would prefer to build an apartment building that also provided structured parking for their tenants to keep some of the cars off the street. To do that they needed to look at rezoning 1708 Selby to add parking. If they add 1708 Selby to the development, they would be able to add 17 to 19 structured parking spaces on the main level with 4 stories of apartments above. For people who are concerned about parking, it is very advantageous for them to use 1708 Selby so they can include off-street parking. The subprime market rate apartments will not have amenities like a fitness area in the building. The goal is to make it a little less expensive by not adding underground parking and other amenities and rents will be more reasonable. He said there will be one entrance into the parking lot off Selby. The apartment mix will include 16 studio units, 16 one-bedroom units, and 4 or 5 two-bedroom units. Four affordable housing units are planned; these are required to get the density bonus we are planning to use. The density bonus provision in the zoning code requires us to guarantee we will keep these apartment units affordable for 15 years. The apartment units will be on their deed and they cannot get their occupancy permit until that is in place. Mr. Schwartzman said they met with the Union Park District Council in October and at that time the people that they were talking to liked the project and wanted them to come back once they get things figured out with the zoning to show them more specifically what the building is going to look like. He said they don't have a lot of design details because they didn't want to get too far into that until a decision was made on whether they were

going to only build on the two parcels or incorporate 1708 Selby into the development. He said regardless of whether they build on only two parcels or all three parcels, they will not be applying for any variances or conditional use permits. Mr. Schwartzman said the commercial building is occupied by a woodworking shop. It is rented month to month. The other two properties are vacant, and they are single family homes.

Jane Rauenhorst, 1688 Dayton Avenue, asked the developer who he sees as their market with studio and one-bedroom units. She questioned if they are looking to rent to college students and said that there is already an issue with that in the area.

Paul Toman, 1706 Hauge, St. Paul, MN, spoke in opposition. He said he also submitted a letter and a petition with many signatures of people who are against this project. He is very concerned about the height and density of this project. Street parking is already at maximum density because of the existing units that do not have off-street parking. The maximum height is two stories in this neighborhood and five stories is unacceptable. He is also concerned about the lack of a site plan and we can only take the applicant's word at this point and have no idea if the development will progress further. He noted a study done by the BRE Group on the daylight factor and said that the reflection from the windows and the height of the building will impact area residents. Mr. Toman said there has not been enough time to discuss all the issues and concerns because of the late insufficient notice to the neighborhood. He also said there are legal issues with the lot area of the properties involved. More time is needed to discuss this project before anything is approved.

In response to Commissioner Reilly, Mr. Toman said the notice was mailed on Monday October 25 and they received it last Thursday, October 28.

Louise Jacobs, 1707 Hauge, St. Paul, MN, spoke in opposition. Ms. Jacobs said she received the notice on Friday, October 29 and it seems it takes at least four days to have mailed delivered just within the City. She thinks this would require Zoning staff to adjust their mailing dates so that people can get the information in a timely manner. Many in the neighborhood said they were not aware of this project. She would be interested to know how far the notices were sent out because the impact of a five-story building in this neighborhood would probably impact people almost up to Summit Avenue. There is not a building between here and Summit Avenue that is of greater height. The developer has removed the people from the buildings that are currently there. The tenants in the commercial building moved out the other day. There are people who have expressed interest in renting the commercial space. Ms. Jacobs said she finds the staff report to be insufficient. Findings of fact are not just citing statutes. Staff gave their interpretation of the statutes, but that is not the kind of findings of fact we need. We need findings of fact from the actual community. This is a unique and special community. She said it is interesting staff did not know what kind of use was in the commercial business and the developer is giving the impression he didn't know what kind of use it was. The contractor was a woodworker and carpenter who was important to the community. Ms. Jacobs said it appears that the property lines invade the rear set back on the property. His development shows only being eight feet from her fence between the properties. Right now, the fence is leaning into her property because of scaffolding leaning against it. She objects to any development that doesn't create any space. She said that there may be development needed in this area, but it doesn't need to be five stories high. It will have an impact on sunlight access for the neighbors. The neighborhood deserves to look into the character and quality of the people who are going to have such an impact on the neighborhood. They are going for quantity and profit over respect and sustaining neighborhoods that have provided a significant tax base for the City. The

neighborhood deserves to give more input on this project, and they need more time to be able to get more information on all aspects of this development.

Jane Rauenhorst, 1688 Dayton Avenue, said the issue of five stories is a serious concern.

Steve LeBeau, 1716 Hauge, St. Paul, MN, spoke in opposition. If either development goes through, either on the two parcels or three parcels, he will see this building as soon as he walked out his front door. It would block his view of the sky from his front porch. A five story building is way too high for this neighborhood. The height would dominate the whole block and decrease the quality of life of everyone in the neighborhood. They are used to living around apartment buildings and condos and he enjoys seeing the neighborhood grow, but the height at this location wouldn't work. He is also concerned this building would cater to students and they have had issues with noise from students renting in the area. He is happy to see more density in the neighborhood, but it should be more reasonable.

Naomi LeBeau, 1716 Hauge, St. Paul, MN, spoke in opposition. Ms. LeBeau said she is an immigrant who has lived here for 27 years and she is very disappointed in the process and that she wasn't aware of this big news as a resident until two days ago. She is shocked to hear that a five-story building is being proposed. There is no alley or buffer in this neighborhood. This development does not fit into the neighborhood. Hauge Avenue and Selby are very narrow streets and cannot support it. She said this is the saddest experience she has had as a resident of Saint Paul.

David Guetschow, 1721 Hauge, St. Paul, MN, spoke in opposition. He said there was an error in the staff report under Finding 4. He said it should state there is an apartment building directly to the southeast of the property. There is a single family home to the southwest of the property. Mr. Guetschow said the commercial building has not been vacant in the 20 plus years he has lived in the neighborhood. It has been a small affordable place for multiple businesses over the years. If this is rezoned the neighborhood is going to lose an area of affordable commerce. This is a residential smaller turn of the century neighborhood with limited height in the architecture. A five-story building is disproportionate and does not fit the character of the area. He is not against development, but it should fit with the surrounding area. He noted his concern about long term rentals, and he would like to know if there are annual leases. He said the building being proposed is the size of buildings that are going up on Marshall and if you look at the properties on Marshall, the depth of the properties in combination with the alley way and then the depth of the properties directly behind them the distance between the alley and the structure is nowhere near comparison. To think this is going to look anything like a building that is on Marshall is mistaken. Our blocks and lots are very short. He said that 17 to 19 parking spaces will not be sufficient for the number of units in the building and street parking will be worse. Public transit may be used sometimes, but Minneapolis and Saint Paul are not designed to get around without a vehicle.

Mr. Schwartzman responded to testimony. He said this is not going to be a student rental building. This will be a market rate building. He said a five-story building is currently allowed in the zoning code in an RM2 district. The zoning code also dictates how much density they can put in the building. He said that adding the 17 to 19 parking spaces is better than having no off-street parking available and that is why they have applied for the rezoning. There are a lot of transit options around the area and Marshall is becoming a BRT transit line so he doesn't believe that every resident will have a car. He said they bought these properties recently and he doesn't know the history of the past owner and who has rented at the location. The previous owner vacated the houses, and they are actively trying to find renters for the two single family homes and commercial property. Once

they begin construction, they will not be able to have tenants in those three properties. He said they would love to see long term leases, but he doesn't know how that will work until they get the project completed and they start leasing. He said they will have annual leases and no short term leases. They try to do things the right way and he listed some current projects they have in progress around the area, and they have not had any complaints.

Commissioner Hood had left the meeting at 4:42 p.m. and returned at 5:08 p.m.

Commissioner DeJoy voiced concerns about notification to the neighbors and she wanted more information on the steps the City takes to make residents aware of projects.

Mr. Warner responded noting that public notice is perfected when it's mailed not when it is received because we do not have any control over that. In terms of the technical aspect of sending notice it seems to be complied with and is not a concern. Nevertheless, you have people testifying that they just received the notices, and it is within your prerogative to lay this over so that people can submit additional testimony, with the caveat that people who have testified today will not be allowed to make any further comments. The City has fulfilled its obligation to provide notice.

In response to Commissioner Reilly, Ms. Dadlez said that a petition is not required for this application because the zoning is going to a residential district from a commercial district. A residential district is a more restrictive zoning district than a commercial district. If someone was going to rezone from a residential district to a commercial or industrial district a petition would be required because you are moving to a less restrictive zoning district.

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

Commissioner Taghioff said the criteria that sticks out in considering this rezoning is the trend of development in the area and understanding how this area has been used and is evolving. Looking at the broader area there are more intense uses and transit located close by, and while this specific area is zoned RM2 that allows for a 50-foot building, what exists along this corridor is single and two story buildings. He understands why the residents feel this would be out of place in their neighborhood. Combining three lots into a single lot that has 120 feet of frontage on a block will stick out among the single story buildings. Other concerns are that it is also a midblock location and not on a corner, and it is not a mixed-use building it is pure residential which doesn't speak to the transit-oriented side of things or the neighborhood feel. He is struggling with the differences between the blocks of RM2 zoning and what exists physically in the neighborhood. He is finding it problematic, and he would like comment or perspective from Committee or staff on these issues.

Commissioner Rangel Morales said he appreciates Commissioner Taghioff raising this issue because this street in general has had a lot of contentious builds over the course of the last five years. Starting with the 2018 rezoning study of this entire area. What the applicant is proposing is in line with how this block was envisioned to develop. The study was a contentious discussion with the Planning Commission and when it went to City Council it was completely redone. Commissioner Taghioff highlighted the old issues that came up in 2018.

Ms. Dadlez added that there was also a rezoning study along Marshall Avenue between 2017 and 2018 with a lot of the area rezoned. Selby Avenue was likely zoned in our previous zoning code before 1975 as commercial. A lot of that was subsequently rezoned to RM2 when the zoning code

was updated. She said that is why we find a lot of multiple family zoning along Selby Avenue, a former streetcar line.

Commissioner Taghioff said Selby Avenue west of Snelling to Aldine Street is in a T2 zoning district and immediately west of Aldine Street the zoning is B2 and RM2. It seems like the corridor around Selby and Snelling was rezoned more recently and he is trying to understand the intent behind stopping west at Aldine Street and having a patchwork of what appears to be higher density RM2 continue all the way to Fairview. He is trying to understand the vision for the corridor and whether this application is in line with it.

Commissioner Rangel Morales said that when the rezoning study came before them what had originally been proposed was a lot more scaled down version and when it went before the City Council some members provided their own vision for it and it was a larger scale development. The vision of what the applicant is proposing appears to be inline with what was envisioned for this area and this is not out of character from what was decided with the zoning study in 2018. Commissioner Rangel Morales added that he is concerned with the number of parking spaces proposed especially because it is considered a high transit area.

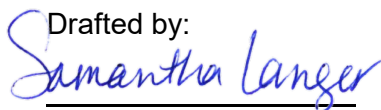
Mr. Williams provided some context for the Snelling Avenue South Zoning Study. The City, pursuant to the Comprehensive Plan, looked at the zoning along Snelling from I-94 south to Highland Parkway. As part of the study, they also looked a little bit further down major cross streets like Selby at the locations where A line stops were planned to be located. The mix of RM2 and B2 west of Aldine towards Fairview most likely dates to the mid-1970s when we adopted the modern zoning code. When the modern zoning code was adopted there was a lot of looking at what was currently zoned and trying to match that.

Commissioner Reilly said the Comprehensive Plan identifies this area as a corridor with a mix of uses and it is very close to several transit options and is therefore a great place to add density and to support the small businesses along Selby. The zoning code must follow the Comprehensive Plan and RM2 zoning allows for a more friendly development.

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

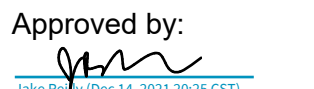
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Kady Dadlez (Dec 13, 2021 08:12 CST)
Kady Dadlez
City Planner

Approved by:

Jake Reilly (Dec 14, 2021 20:25 CST)
Jake Reilly
Chair