

ZONING COMMITTEE STAFF REPORT

FILE NAME: 470 White Bear Rezoning

FILE #: 24-078-931

APPLICANT: Church of St. Pascal Baylon

HEARING DATE: October 3, 2024

TYPE OF APPLICATION: Rezoning

LOCATION: South of the southeast corner with Third Street

PIN & LEGAL DESCRIPTION: Portion of 35-29-22-32-0072; Vacated street accruing and the following: Lots 10 & 11 of Block 10 of Robert L. Ware's Eastern Heights, except northern 258 feet, and Lot 10 of Block 4 of Hudson Road Gardens

PLANNING DISTRICT: 1

PRESENT ZONING: H2

ZONING CODE REFERENCE: § 61.801(b)

STAFF REPORT DATE: September 26, 2024

BY: Chris Hong

DATE RECEIVED: September 12, 2024

60 DAY DEADLINE FOR ACTION: November 11, 2024

A. **PURPOSE:** Rezone from H2 residential to RM2 medium-density multiple-family residential.

B. **PARCEL SIZE:** 76,686 sq. ft.

C. **EXISTING LAND USE:** Vacant land

D. **SURROUNDING LAND USE:**

North: Residential (H2), auto repair (B2), restaurant (B2)

East: Residential (H2)

South: Residential (H2)

West: Church (H2), elementary school (H2), residential (H2)

E. **ZONING CODE CITATION:** § 61.801(b) provides for changes to the zoning of property initiated by the property owner.

F. **HISTORY/DISCUSSION:** The subject parcel has historically been an undeveloped vacant lot used as outdoor play space by the church across White Bear Avenue. This parcel and the surrounding residential parcels had been zoned R3 until the passage of Ordinance 23-43 in 2023, which rezoned them to H2. A lot split is in progress, with only the southern of the two new lots being part of this rezoning application.

G. **DISTRICT COUNCIL RECOMMENDATION:** The Southeast Community supports the approval of this rezoning.

H. **FINDINGS:**

1. The Applicant requests a rezoning from H2 residential to RM2 medium-density multiple-family residential to develop the subject parcel to create a four-story, 53-unit affordable apartment building. The RM2 zoning district's dimensional standards and design guidelines are more flexible and suitable for multiple-family dwellings.

2. § 66.231 allows a maximum of six dwelling units in the H2 zoning district. In the RM2 zoning district, however, there is no limit to the number of dwelling units provided that the rest of the district's dimensional standards are met. The proposed development is expected to have 53 dwelling units. § 66.231 also allows a maximum building height of 39 feet in the H2 zoning district and 50 feet in the RM2 zoning district. The proposed development is expected to be four stories (approximately 45 feet). The Applicant is also applying for a conditional use permit for a supportive housing facility serving more than sixteen facility residents.

3. The proposed zoning is consistent with the way this area has developed. The RM2 district's intent is to "foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs." The subject parcel is within the White Bear Station Area – less than half a mile from the proposed station. The proposed zoning maintains the primarily residential nature of the neighborhood while allowing for a greater variety in housing.
4. The proposed RM2 zoning is consistent with the Comprehensive Plan. The 2040 Comprehensive Plan designates the future land use of this parcel as Urban Neighborhood. Urban Neighborhoods are defined as:

"primarily residential areas with a range of housing types. Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit."

White Bear Avenue is a minor arterial road within the White Bear Ave station area for the Gold Line. Additionally, the H Line is a planned BRT line that will run partially along White Bear Avenue. The intent of the RM2 zoning district is to "foster and support pedestrian- and transit-oriented residential development and provide for infill housing to meet a variety of housing needs", which is consistent with urban neighborhoods along major transit lines.

This neighborhood is primarily made up of single-family homes. The proposed zoning would allow for medium-density multi-family housing in an otherwise undeveloped lot. This would help meet the Comprehensive Plan's and the District Plan's goals of diversifying the neighborhood's housing stock.

The following policies apply:

2040 Comprehensive Plan:

Policy LU-34. Provide for medium-density housing that diversifies housing options, such as townhouses, courtyard apartments and smaller multi-family developments, compatible with the general scale of Urban Neighborhoods.

Policy LU-35. Provide for multi-family housing along arterial and collector streets, and in employment centers to facilitate walking and leverage the use of public transportation.

District 1 Community Council Community Plan (2016):

LU2: Diversify the district's housing stock.

LU2.2 Identify key vacant or underutilized sites for new mixed income housing that would provide residents with access to transit and would support walking and active lifestyle choices.

LU2.3 Encourage the development of medium density multi-family housing along areas identified as Residential Corridors in the Saint Paul Comprehensive Plan.

LU4: Promote redevelopment of vacant and underutilized parcels in ways that benefit the community.

LU8: Improve the built environment, both aesthetically and in terms of safety, including the development of pedestrian and transit-friendly projects.

LU8.1: Apply provisions and design standards for Traditional Neighborhood districts and citywide general design standards, with attention to Floor Area

Ratio (FAR), parking lot location, signage, and uses.

H3: Maintain the residential character of District 1 by supporting a mix of neighborhoods, housing types, income levels, and opportunities for residence in the district for all ages and housing needs.

H3.1: Maintain a balance between multi-family and single-family developments in the neighborhood.

H3.3: Support infill development that respects the character of the neighborhood.

H3.5: Increase housing choices across the district to support sustainable, economically diverse neighborhoods.

H3.9: Meet market demand for transit-oriented housing.

H3.12: Encourage larger housing developments to contain a mix of affordable and market-rate units.

5. The proposed zoning is compatible with the surrounding uses. The neighborhood is primarily residential including some apartment buildings in the areas zoned RM2 less than a half mile away.

6. 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.”* Much of the surrounding area is zoned H2, the permitted uses of which largely overlap with RM2. Also, the proposed zoning is consistent with the mix of uses and intensities found along White Bear Avenue corridor.

I. STAFF RECOMMENDATION: Based on the above findings, staff recommends **approval** of the rezoning from H2 residential to RM2 medium-density multiple-family residential at 470 White Bear Avenue.



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) The Church of Saint Pascal Baylon, CO Fr. John J. Mitchell
Address 1757 Conway Street City St. Paul State MN Zip 55106
Email john.mitchell@stpascals.org Phone (651)774-1585
Contact Person (if different) Joseph Kimbrell, Pope Design Group, for Beacon Interfaith Housing Collaborative Email jkimbrell@popedesign.com
Address 767 N. Eustis St., Ste 190 City St. Paul State MN Zip 55114
(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 470 White Bear Ave. St. Paul, MN 55106
PIN(s) & Legal Description 352922320072
(Attach additional sheet if necessary.)
See Survey Attached
Lot Area 1.85 Current Zoning H2

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, The Church of Saint Pascal Baylon, CO Fr. John J. Mitchell

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a H2 zoning district to a RM-2 zoning district, for the purpose of:

The southern lot as shown on the attached survey will be purchased from the current owner and be for a proposed 4 story, 53 unit affordable apartment building. This new apartment building would not be allowed under the current zoning. In conversation with the city staff our understanding is RM2 is supportable, is not spot zoning, IMO, and that the Comp Plan calls for greater intensity on this corridor. The project will be family oriented, include 19 3BR and 5 4BR units, be professionally managed, and include both on-site and referral services. The proposed new apartment building will be developed by Beacon Interfaith Housing Collaborative, which is a Saint Paul-based nonprofit housing developer and owner founded 20-plus years ago. Beacon's mission is that as a collaborative of congregations united in action, we create homes and advance equitable housing.

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 Sept 11 2024
Theresa Jo Rutger
Notary Public



By: John J. Mitchell
Fee owner of property
Title: PASTOR



Southeast Community Organization
(SECO, District One)
2105 ½ Old Hudson Road
St. Paul, MN 55119

Date: June 25 2024

Beacon Interfaith Housing Collaborative
2610 University Avenue West, Suite 100
Saint Paul, MN 55114
Attn: Jim Barnes, Senior Housing Development Project Manager

RE: The Aragon/ Letter of Support

Dear Jim and the Beacon team,

This letter is in follow up of your presentation to our organization on June 10, 2024 regarding your planned “The Aragon” project. It is our understanding that your project will include approximately 53 units of new affordable family housing at both the 30% AMI and 50% AMI levels, and that you are in the early stages of seeking the required land use approvals and financing to start the project.

The Southeast Community Organization is pleased to offer its written support for your land use and financing applications. We recognize that our neighborhood, like every neighborhood in the city, is lacking in the amount of housing that is affordable to people. We are pleased to see multi-bedroom units planned, which will serve larger families. We are also glad to see a development near an intersection with good transit. We would encourage you to allow opening windows to increase airflow in the units.

Thank you for the opportunity to offer our support for the project. Please feel free to contact us with any questions. For now you can email our board president at john.jarvis.slade@gmail.com or call 651-491-2084.

Sincerely,

John Slade
SECO Board President

City of SAINT PAUL
Planning & Economic Development
25 West 4th Street City Hall Annex 1400
Saint Paul, Mn. 55102

Re: Rezoning of 470 White Bear Avenue N

Dear Zoning Committee,

I the homeowner at 447 White Bear Avenue N object to the rezoning and the building of either H2 residential or RM2 medium-density multiple-family housing.

This area is already congested with the amount of traffic on both White Bear Avenue and Third Street. What is being proposed for parking would not be sufficient. Also, the access to the facility would be on White Bear Avenue. St Pascal's knows the difficulty of accessing the property when it was used to sell Christmas Trees. Currently, it is extremely difficult to make a left turn onto White Bear Avenue from Euclid Street. This would make it even worse. The goal for this type of housing is to obtain reasonable shelter and have their own transportation, being a vehicle. If tenants were to have Uber, or similar, accommodation this would also tie up traffic if they are not able to access inside the parking area. Also, with plowing the parking area in winter, the accumulated snow, usually takes up a few spaces where there would not be available parking.

People need outside time to strengthen their wellbeing. Where would the children have access to an outside play area? If it is St. Pascal's, they would need to cross an extremely busy street and safety is a concern. Nokomis South Montessori School has a locked facility to their playground.

A concern is the area itself with the crime already present, especially on White Bear Avenue from Third Street to Old Hudson Road. There is already the presence of guns and drugs in this location. Gang division lines are Third Street and White Bear Avenue. Adding this complex into a small area where there is already crime would not benefit the renters for their safety. There is already the concern of safety for St. Pascal's Church, School, and Nokomis South Montessori School which are located at this intersection. This is our concern as well, being homeowners.

I know the impact of this housing type. With my neighbor's house being a transitional home for recovering individual(s) / families. There is a continuous changeover of people coming and going all hours, which causes a disruption.

My property taxes and house value are a tremendous concern. I have spoken to a Real Estate Professional regarding this rezoning. This would decrease my house value due to this rezoning development change. This is a **huge negative impact** for me, who have been at this location since 1957. I, and my deceased parents (original purchasers), have worked hard to have a home with increased value. This facility would be defacing the current structure of the current housing.

The current housing or establishment(s) currently located in the area would not benefit from this development. With this being a Non-profit organization who is benefiting? Not the current homeowners, businesses, or the city due to taxes not being accrued from Beacon Interfaith Housing Collaborative.

I ask you to please reconsider and to **NOT** pass this rezoning of this property.

Sincerely,
Lori A Jones Tr
447 White Bear Avenue N
St. Paul, Mn. 55106

Application of
Church of St. Pascal Baylon

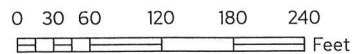
Aerial map

application number: 24-078931 type: Rezone · date: 9-25-2024 · planning district: 1



Subject parcel(s) are outlined in blue

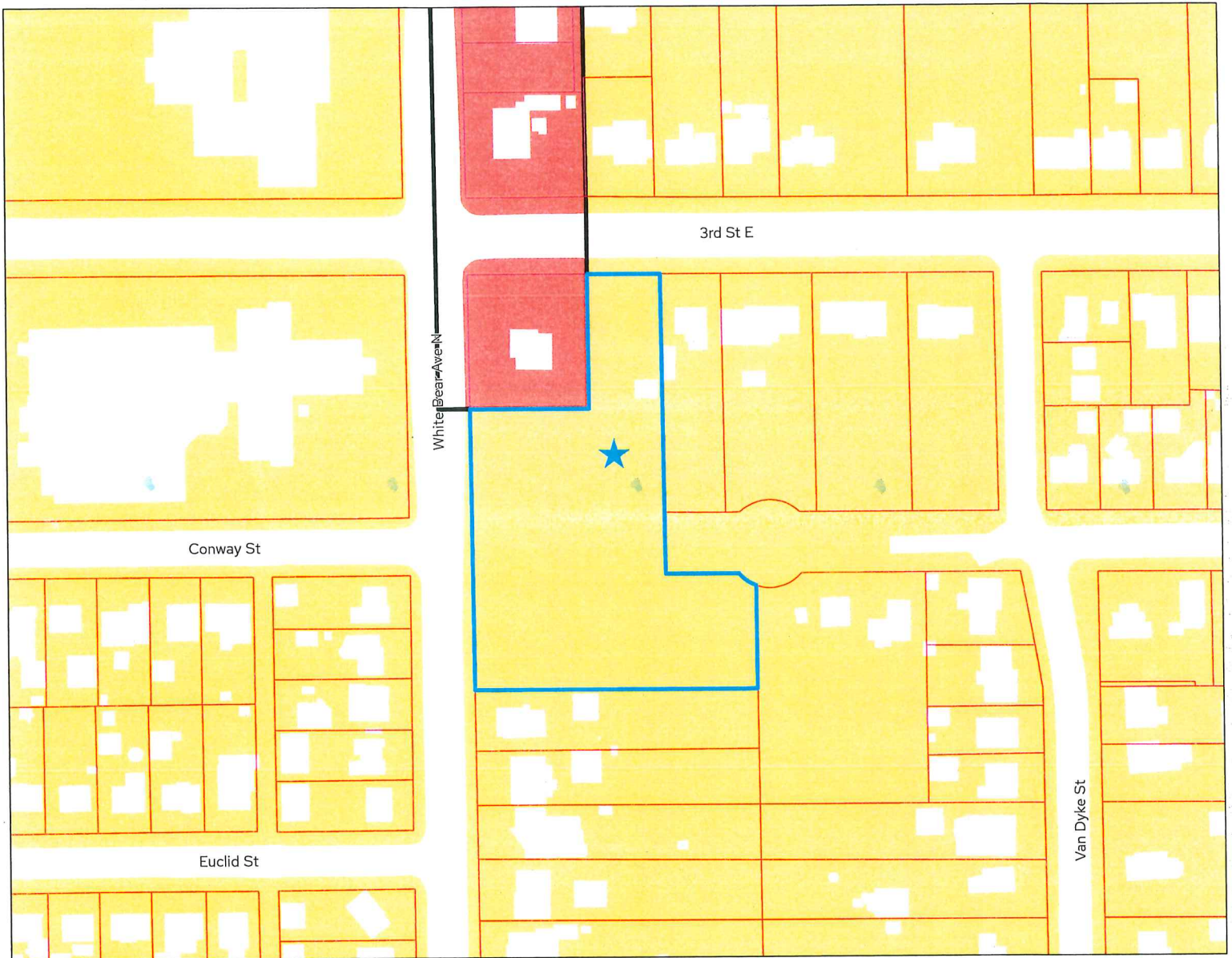
Other parcels are outlined in pink



Application of Church of St. Pascal Baylon

Zoning map

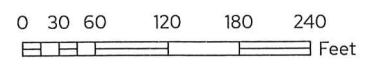
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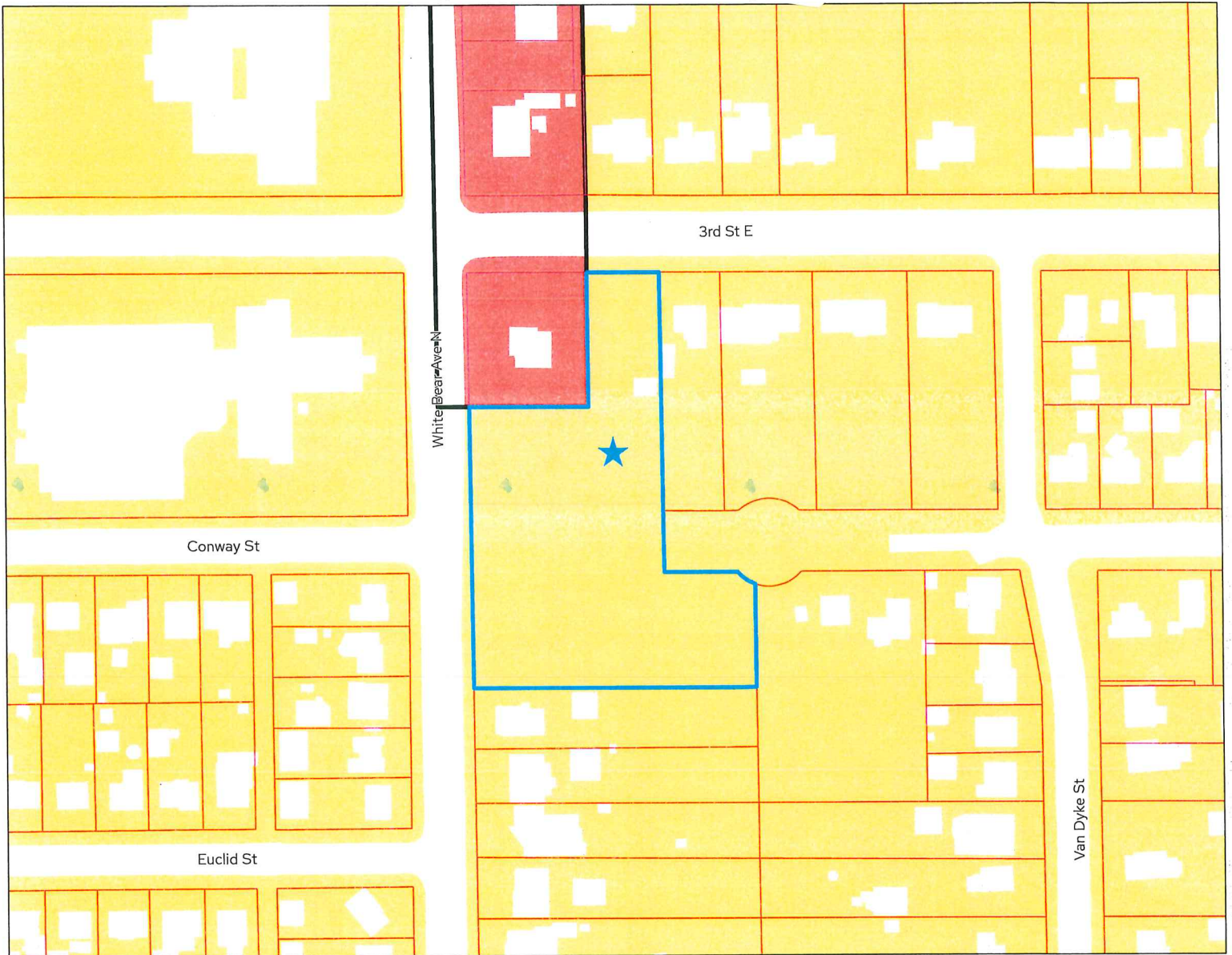
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|--------------------------------|--|------------------------------------|-------------------------------------|
| RL One-Family Large Lot | T1 Traditional Neighborhood | B3 General Business | F1 River Residential |
| H1 Residential | T2 Traditional Neighborhood | B4 Central Business | F2 Residential Low |
| H2 Residential | T3 Traditional Neighborhood | B5 Central Business Service | F3 Residential Mid |
| RM1 Multiple-Family | T3M T3 with Master Plan | IT Transitional Industrial | F4 Residential High |
| RM2 Multiple-Family | T4 Traditional Neighborhood | ITM IT with Master Plan | F5 Business |
| RM3 Multiple-Family | T4M T4 with Master Plan | I1 Light Industrial | F6 Gateway |
| | OS Office-Service | I2 General Industrial | VP Vehicular Parking |
| | B1 Local Business | I3 Restricted Industrial | PD Planned Development |
| | BC Community Business (converted) | | CA Capitol Area Jurisdiction |
| | B2 Community Business | | |



Application of
Church of St. Pascal Baylon

Land use map

application number: 24-078 931 • type: Rezone • date: 9-25-2024 • planning district: 1



Subject parcel(s) are outlined in blue Other parcels are outlined in pink

Single Family Residential

- Farmstead
- Seasonal/Vacation
- Single Family Detached
- Manufactured Housing Park

Multifamily Residential

- Single Family Attached
- Multifamily

Commercial

- Office
- Retail and Other Commercial

Mixed Use

- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other

Other Uses

- Industrial and Utility
- Extractive
- Institutional

- Park, Recreational or Preserve
- Golf Course
- Major Highway
- Railway
- Airport
- Agricultural
- Undeveloped
- Water

