

ZONING COMMITTEE STAFF REPORT

FILE NAME: 898 Raymond Rezoning

FILE #: 23-043-758

APPLICANT: NP328 LLC

HEARING DATE: June 15, 2023

TYPE OF APPLICATION: Rezoning - Consent

LOCATION: 898 Raymond Ave, SE corner at Long Avenue

PIN & LEGAL DESCRIPTION: 29-29-23-31-0089; Northwesterly part of Lot 1, Block 1, St. Anthony Park Addition (see file)

PLANNING DISTRICT: 12

EXISTING ZONING: RM2

ZONING CODE REFERENCE: § 66.313, § 61.801(b)

STAFF REPORT DATE: June 8, 2023

BY: Anton Jerve

DATE RECEIVED: May 26, 2023

60-DAY DEADLINE FOR ACTION: July 25, 2023

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- A. **PURPOSE:** Rezone from RM2 multiple-family residential to T2 traditional neighborhood.
- B. **PARCEL SIZE:** Irregular parcel totaling 1,306 sq. ft., with approx. 70 ft. of frontage on Long and 57 ft. on Raymond.
- C. **EXISTING LAND USE:** Mixed-use with commercial (most recently a hair salon) on the first floor and residential on the second floor.
- D. **SURROUNDING LAND USE:** North: Medium-density residential (RM2)
East: Medium-density residential (RM2)
West: Low- and Medium-density residential (R4)
South: Low- and Medium-density residential (R4)
- E. **ZONING CODE CITATION:** § 66.313 provides the intent of the T2 district; § 61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The Raymond Avenue-facing parcels on this block were originally zoned Commercial in 1922. The parcel was likely rezoned to RM2 in 1975 as part of the citywide zoning code replacement. There is no other zoning history for this site.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 12 had not commented by the time of this report.
- H. **FINDINGS:**
1. The applicant is proposing to rezone this property to T2 to make commercial uses and the existing building dimensions conforming. The building is currently mixed-use and the site is zoned RM2, which means that every time the commercial use changes there is a likelihood that a nonconforming use permit would be required, which adds uncertainty for potential tenants. T2 zoning would support additional commercial flexibility and certainty and therefore viability.
 2. The proposed zoning is consistent with the way this area has developed. The area was built with a mix of uses. This building was built in the early 20th century for a bakery on the first floor and residential above. Raymond Avenue one block in either direction has

been a mix of commercial and residential uses with commercial at the corners of Raymond/Hampden and Raymond/Ellis and a mix of residential densities in between.

The current RM2 zoning makes both the building and the commercial use of the site nonconforming. The traditional neighborhood districts would be a better fit for the site in general. The intent of T2 is:

The T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.

The proximity to the Raymond Station Neighborhood Node and Green Line and Grand Round support this location as both a transit and pedestrian node.

3. The proposed zoning is consistent with the Comprehensive Plan. The future land use designation for this site is 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. Multi-family housing, schools, neighborhood parks, religious institutions and cemeteries may also be scattered throughout Urban Neighborhoods. Limited neighborhood-serving commercial may also be present, typically at intersections of arterial and/or collector streets.”

Raymond Avenue is an arterial street served by transit and part of the Grand Round. It is multimodal, pedestrian-friendly street with mixed-use in this area north of University Avenue. Additionally, supporting Policy LU-36 states:

Promote neighborhood-serving commercial businesses within Urban Neighborhoods that are compatible with the character and scale of the existing residential development.

T2 would allow a wider variety of commercial uses and its limited size will likely mean it will likely be a good match for neighborhood-serving commercial. Although this parcel is outside the boundary of the Raymond Station Area Plan, it is ½ mile from the Raymond Station Neighborhood Node, a best practice measure for walkability to transit. T2 zoning supports walkability with pedestrian-friendly design standards. This expanded variety of commercial uses promotes business diversity generally and increases the likelihood of having a locally owned business at this location.

4. The proposed zoning is compatible with surrounding uses. T2 zoning is already present on this block. T2 and RM2 allow a similar scale of development. Rezoning will bring a building has persisted as mixed-use for a century into conformity. The limited footprint of the building is expected to “self-regulate” meaning that the space will be most attractive to uses that depend upon pedestrian traffic and the neighborhood market. This is pedestrian-friendly area with many uses in close proximity.
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 site has persisted as mixed-use despite almost 50 years of nonconformity. The proposed change to T2 zoning (which is already present on the block) better supports the City Council adopted policy goals for a mixed-use pedestrian-oriented street, is a better match for the existing building, and may help to ensure commercial viability as well as compatibility with the surrounding neighborhood in the long run. The nexus between the intent of the T2 zoning district and the adopted future land use policy for this site suggests that T2 would not be spot zoning.

6. The petition for rezoning was found to be sufficient on May 23, 2023: 13 parcels eligible; nine parcels required; nine parcels signed.
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the rezoning from RM2 multiple-family residential to T2 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

PD=12

Zoning Office Use Only

File # 23-043-758

Fee Paid \$ _____

Received By / Date _____

Tentative Hearing Date _____

#292923310089

APPLICANT

Property Owner(s) Andrew McNittin, NP328, LLC

Address 1384 Raymond Ave City St Paul State MN Zip 55108

Email HO MEMASTERS MN@GMAIL.COM Phone (651) 235-9971

Contact Person (if different) _____ Email _____

Address _____ City _____ State _____ Zip _____

(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 898 Raymond Ave, St Paul, MN 55114

PIN(s) & Legal Description 292923310089
(Attach additional sheet if necessary.)

Lot Area .0344 Current Zoning RM2

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statutes § 462.357, _____
Andrew McNittin, President of NP328, LLC
 owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a
RM2 zoning district to a T-2 zoning district, for the purpose of:

Please see addendum

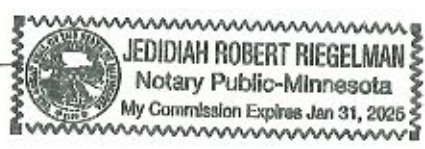
Attach additional sheets if necessary. Attachments as required: Site Plan Consent Petition Affidavit

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 May 11, 2023

[Signature]
Notary Public



By: [Signature]
Fee owner of property

Title: OWNER, NP328 LLC

Department of Planning and Economic Development, Zoning Section

St Paul City Council

To whom it may concern,

My name is Andrew McNattin and I am the owner of 898 Raymond Ave in the South St Anthony Park neighborhood of St Paul. I am a St Anthony Park resident and have lived in St Paul for most of my life.

I am requesting a zoning change from RM2 to T2 to allow greater flexibility in what type of businesses I am able to rent to.

I live in the neighborhood and would never rent to a business that would adversely affect the residents living in the building or the neighborhood. I simply need greater flexibility in who I am able to lease the space to and how I am able to effectively manage the building.

I purchased the property recently from a longtime owner who, up until I bought the property, had leased the commercial space to a salon. For me to lease the space to a new tenant I will continually need to obtain approval for whatever business may occupy that space based on the current zoning. That is a process that takes time and money and comes with no guarantee that the request will be granted. In attempting to fill the space, it is not practical for either a prospective tenant or myself to commit to one another without knowing whether or not the business will be allowed to operate in the space legally based on the property's existing zoning.

This is a nice building located in a location that lends itself well to many different types of businesses based on its proximity to public transportation, housing, parks, entertainment, restaurants and shopping options along with walking and biking.

To be able to utilize the space in a manner that is consistent with the surrounding area and to be able to lease the space to varied businesses, I need the flexibility that comes with a T2 zoning designation.

I appreciate your consideration and I hope you will support me in this request.

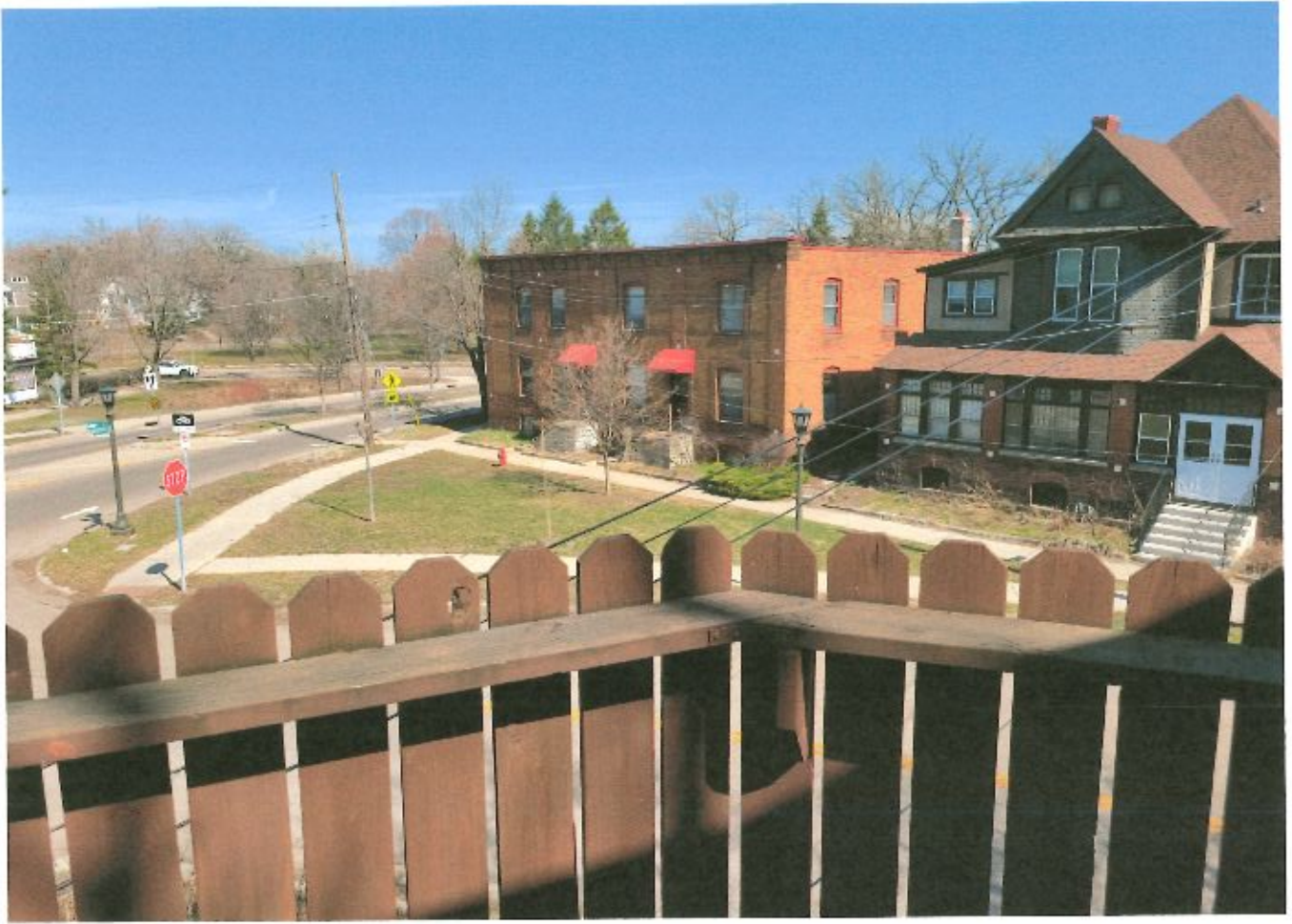
Thank you.

A handwritten signature in black ink, appearing to read 'Andrew McNattin', with a stylized flourish at the end.

Andrew McNattin






















Location Map

Application of NP328 LLC

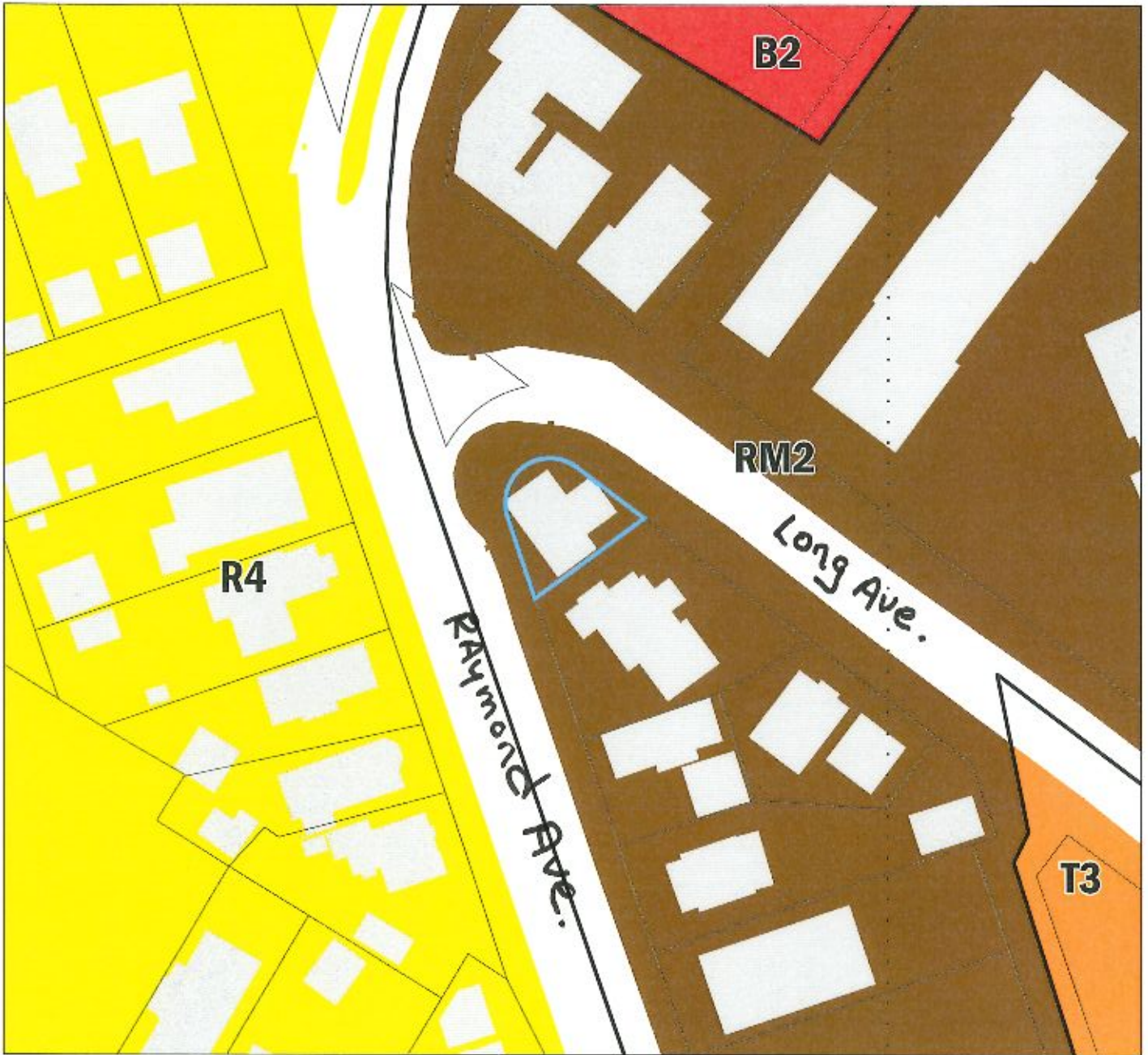
Application Type: Rezone
Application Date: May 19, 2023
Planning District: 12

Subject Parcel(s) Outlined in Blue

-  Subject Parcel(s)
-  ParcelPoly



This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schematic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.



File #23-043-758 Zoning Map
Application of Andrew McNattin

Application Type: Rezone
 Application Date: May 30, 2023
 Planning District: 12



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Subject Parcel(s) Outlined in Blue

Subject Parcel(s)	RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential
ParcelPoly	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	



File #23-043-758 Existing Land Use
Application of Andrew McNattin

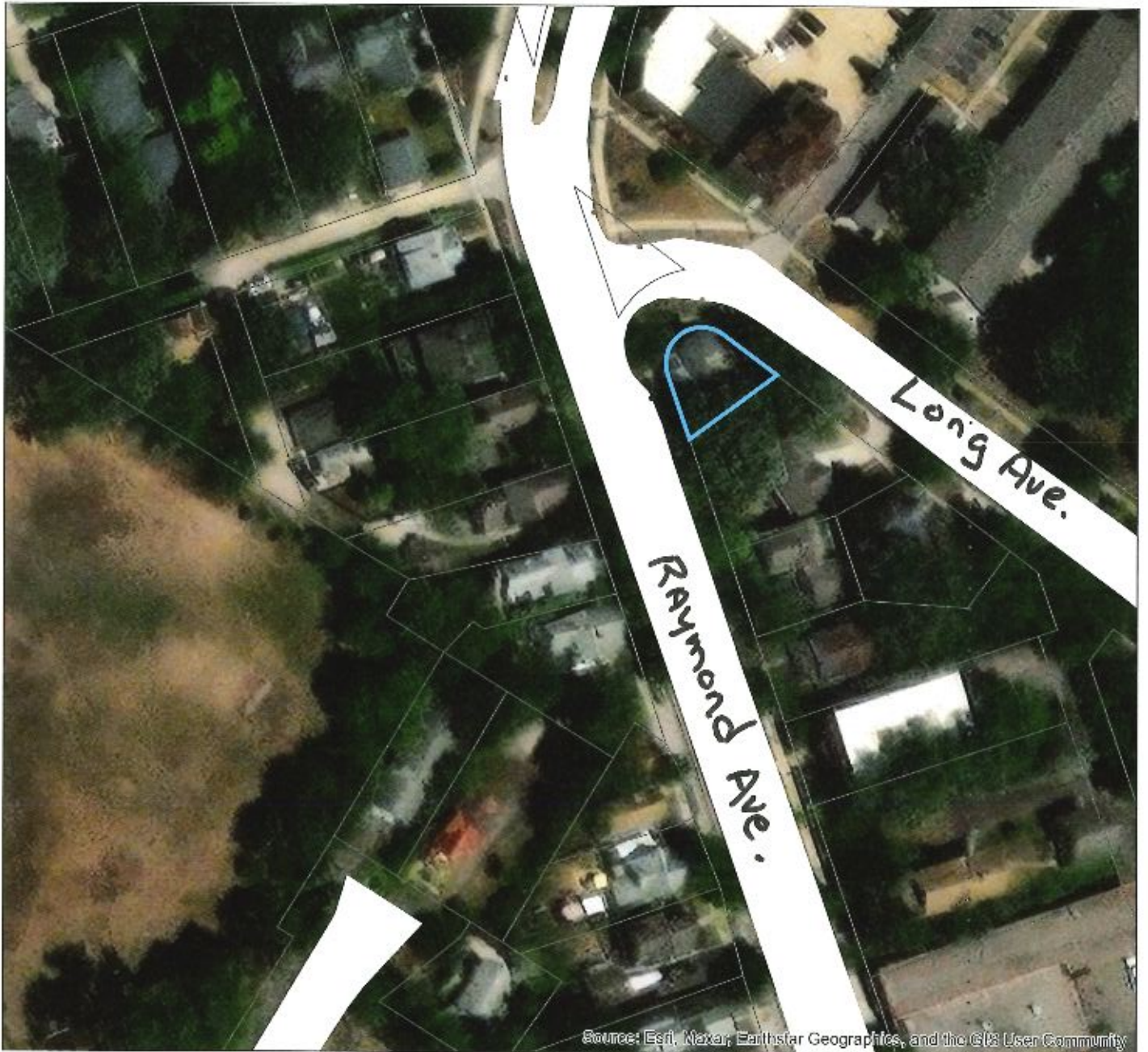
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Subject Parcel(s) Outlined in Blue

- | | | | |
|---------------------------|-----------------------------|--------------------------------|---------------|
| Subject Parcel(s) | Single Family Attached | Mixed Use Commercial and Other | Major Highway |
| ParcelPoly | 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 |





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

File #23-043-758 Aerial Map
Application of Andrew McNattin
Application Type: Rezone
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