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CITY OF SAINT PAUL Christopher B. Coleman, Mayor

25 West Fourth Street Saint Paul, MN 55102

DATE: February 20, 2013

TO: Neighborhood Planning Committee

FROM: Bill Dermody, City Planner

RE: Review of proposed text amendment initiated by Resolution 13-256, amending

the zoning code text regarding malt liquor production (Sec. 65.774)

ISSUE

Councilmember Amy Brendmoen and Councilmember Russ Stark introduced Resolution 13-256 on February 13, 2013, requesting the Planning Commission's study, report, and recommendation within 60 days regarding a proposed amendment of the zoning code **Sec. 65.774 Malt liquor production**. The amendment would strike the current regulation ("Condition (c)") that states, "Malt liquor shall not be sold to customers for consumption on the site where manufactured." The amendment would then allow malt liquor producers to operate a restaurant or bar on their production sites.

The proposed text amendment has been referred to the Planning Commission for review, report, and recommendation as required by Minnesota Statutes 462.357, Subd. 4. See Attachment 1 for a copy of the resolution.

BACKGROUND

The City Council referred the aforementioned text amendment to the Planning Commission as part of a larger resolution pertaining to commercial brewing. In addition to the proposed text amendment, the City Council has also asked the Planning Commission to provide a review, report, and recommendation regarding more comprehensive amendments to the zoning code sections pertaining to commercial brewing land uses: 65.610, 65.774, 65.820, 65.821, and 65.910. The text amendment on this Neighborhood Planning Committee agenda must be sent forward to the City Council by April 14, 2013. The more comprehensive amendments do not need to follow the same timeline – staff anticipates bringing forward a study of these amendments separately in the coming months.

Malt liquor production is one of several categories of commercial brewing operations addressed in the zoning code. Other categories include brew on premises store, micro and regional brewery, national brewery, and brew pub as accessory to a restaurant or bar. The City Council recognizes the increasing trend toward small, local commercial breweries and that zoning code regulations might be unnecessarily inhibiting participation in that trend. The proposed text

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amendment is a short-term solution to a single issue that can be implemented while a broader comprehensive approach is developed and considered.

Malt liquor production is a use defined by a production limit of 5,000 barrels per year. Typically the "malt liquor" is beer. The use is allowed in the T2-T4, B2-B5, IR, and I1-I2 zoning districts. A conditional use permit is required in the T2-T4 and B2 districts if the use has more than 15,000 square feet of floor area.

A public hearing will be held before the City Council on this item. No public hearing before the Planning Commission is required.

ANALYSIS

The Comprehensive Plan calls for implementation of the Economic Development Strategy, a document that contains six broad initiatives intended to strategically benefit economic development in the city. One of the initiatives is a "streamlined development process," with clear and consistently applied regulations. The proposed text amendment furthers that initiative by removing an unnecessary regulation on malt liquor production.

Additionally, Strategy 1.50 of the Comprehensive Plan's Land Use Chapter calls for facilitating "the redevelopment of commercial areas where existing buildings are no longer considered functional to accommodate viable retail and businesses." Though the proposed text amendment is not location-specific, it could facilitate such redevelopment by allowing another type of business (malt liquor production with a tap room for on-site consumption) to be considered in these areas.

Meanwhile, the proposed text amendment does not contradict any Comprehensive Plan goals relating to protection of neighborhoods. The existing prohibition of on-site consumption is unique to malt liquor production; other uses are already allowed to serve alcohol in the same zoning districts that allow malt liquor production (T2-T4, B2-B5, IR, I1-I2). Staff research has not identified any unique features of malt liquor production that indicate a greater land use impact from on-site alcohol service compared to other alcohol-serving uses. Citywide parking and licensing procedures will still need to be followed.

STAFF RECOMMENDATION

Staff recommends that the NPC recommend approval of the proposed amendment of Sec. 65.774, which would strike Condition (c) in its entirety. (See the draft Planning Commission resolution for the entire Sec. 65.774 text.)

Attachments

- 1. City Council Resolution 13-256
- 2. Draft Planning Commission Resolution



City of Saint Paul

City Hall and Court House 15 West Kellogg Boulevard Phone: 651-266-8560

Legislation Text

File #: RES 13-256, Version: 1

Title

Initiating a comprehensive study of zoning regulations pertaining to commercial brewing.

Body

WHEREAS, the Council of the City of Saint Paul finds that the zoning code's present land use definitions and development standards were adopted at various times and for various purposes intended principally to regulate large commercial brewing operations; and

WHEREAS, the City Council recognizes an increasing trend towards small, local commercial breweries; and

WHEREAS, it appears to the City Council that the zoning code's present standards which regulate large commercial brewing operations may be unnecessarily burdensome to the evolving small-scale commercial brewing industry and the entrepreneurs who need zoning approvals from the City in order to establish small-scale commercial breweries; and

WHEREAS, the City Council desires to support the growth of small, local commercial breweries by undertaking a study to consider text amendments to the zoning code which would clarify, harmonize, and update regulatory language, including a reexamination of definitions based on commercial brewery production limit cut-offs and zoning districts appropriate for locating small commercial brewing businesses; and

WHEREAS, pursuant to Minn. Stat. § 462.357, Subd. 4, the Council may initiate amendments to the zoning code and for the purpose of facilitating the growth of small, local commercial breweries the Council desires to do so: now

THEREFORE, BE IT RESOLVED, that the Council of the City of Saint Paul hereby refers to the planning commission for study, the proposed amendment to Leg. Code § 65.774 as set forth below, and zoning code sections: 65.910; 65.610; 65.774; 65.820; and 65.821; and to receive from the commission a report and recommendation on the said amendment specified sections, and any other zoning code sections which the commission believes may facilitate the Council's intentions, all in accordance with Minn. Stat. § 462.357, Subd. 4; and

BE IT FURTHERE RESOLVED, that the Council, in its desire to assist small, local commercial breweries by enabling these breweries to obtain tap room licenses pursuant to Minn. Stat. § 340A.301, Subd. 6b, the Council specifically commends the following proposed amendment to Leg. Code § 65.774, entitled "malt liquor production" to the commission for its study, report, and recommendation as follows:

Sec. 65.774. Malt liquor production

Standards and conditions in traditional neighborhood and business districts.

(a) In traditional neighborhood and B2 business districts, a conditional use permit is required for such uses with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.

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- (b) Fewer than five thousand (5,000) barrels of malt liquor shall be produced in a year.
- (c) The malt liquor shall not be sold to customers for consumption on the site where manufactured.

AND, BE IT FINALLY RESOLVED, that the Council requests the Commission's review, report, and recommendation on the proposed text amendment to Leg. Code § 65.774 no later than 60 days from the date of reference of this resolution to the commission, as provided under Minn. Stat. § 462.357, Subd. 4.

city of saint paul
planning commission resolution
ile number
date

WHEREAS, the Council of the City of Saint Paul has requested that the Planning Commission provide a recommendation on a proposed text amendment to §65.774 Malt liquor production, within 60 days from February 13, 2013; and

WHEREAS, the Saint Paul Planning Commission finds that the zoning code's present land use definitions and development standards were adopted at various times and for various purposes intended principally to regulate large commercial brewing operations; and

WHEREAS, the Saint Paul Planning Commission recognizes an increasing trend towards small, local breweries; and

WHEREAS, the Saint Paul Planning Commission finds the proposed text amendment to be supported by the policies of the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the following proposed amendment to Leg. Code §65.774, entitled "malt liquor production", be recommended for approval by the Council of the City of Saint Paul:

Sec. 65.774. - Malt liquor production.

Standards and conditions in traditional neighborhood and business districts.

- (a) In traditional neighborhood and B2 business districts, a conditional use permit is required for such uses with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
- (b) Fewer than five thousand (5,000) barrels of malt liquor shall be produced in a year.
- (c) The malt liquor shall not be sold to customers for consumption on the site where manufactured.

moved by	
seconded by	
in favor	
against	





CITY OF SAINT PAUL Christopher B. Coleman, Mayor

25 West Fourth Street Saint Paul, MN 55102 Telephone: 651-266-6655 Facsimile: 651-228-3314

Date: February 22, 2013

TO: Neighborhood Planning Committee

FROM: Josh Williams, City Planner (266-6659)

SUBJECT: West Grand Moratorium and Zoning Study

Background

In August of 2012, the City Council passed Ordinance 12-53, which put in place a one-year moratorium on multifamily development greater than 40 feet in height along West Grand Avenue between Cretin and Fairview Avenues. The ordinance requested that the Planning Commission study whether RM2 multiple-family residential zoning and B2 zoning best further Comprehensive Plan land use objectives including supporting the prevailing character of Established Neighborhoods along this stretch of Grand Avenue. The study was to be focused particularly on the impact of building height and larger units in apartment buildings designed for student housing. The City Council subsequently expanded the study area to include B2 parcels on Grand just east of Fairview Avenue, thereby encompassing the entire commercial node at the intersection of those two streets. The attached map (Figure 1) shows the expanded study area.

The moratorium and zoning study request came primarily in response to a controversial development at the southwest corner of Grand Avenue and Finn Street. The project (a five story, 50 foot-tall multifamily building containing 20 four-bedroom units targeted at student renters) received site plan approval as consistent with the lot's RM2 multifamily zoning and the Comprehensive Plan. On appeal, the City Council upheld the project approval.

Zoning Study Process

Staff met with representatives of the Macalester Groveland Community Council (D14), the West Summit Neighborhood Advisory Committee (WSNAC), and others to coordinate the city's zoning study with the Corridor Development Initiative (CDI) process being undertaken by D14 and WSNAC with the help of the Twin Cities Local Initiatives Support Corporation (LISC). CDI is a proactive planning process that brings together

neighborhoods, city government, and a technical team including development consultants, design experts, and facilitators to evaluate market factors and neighborhood and city goals to raise the level of dialogue around redevelopment issues. While the CDI process is not complete, it has informed this report. The groups undertaking the CDI process will bring the final report and other outcomes from the process forward to inform the discussion as this zoning study and the associated recommendations move through the Planning Commission and City Council public review processes. Discussions during the CDI process and the preliminary report suggest community support for expanding opportunities for high quality, mixed-use development that is flexible and adaptable to changing demographic needs and a variety of household types, rather than narrow, single market projects.

Staff has also used the Open Saint Paul online forum to gather input on the issues central to the zoning study. This new tool facilitates community conversation around important issues, and offers an alternative to public meetings for individuals to provide input and feedback to city staff and officials. A summary of comments received through Open Saint Paul are included as Attachment B. A record of direct email and voice communications received from citizens is also included.

Existing Zoning and Land Use

The study area contains a mix of both residential and commercial uses, and residential and commercial zoning, with residential uses and zoning dominating most blocks. Residential uses include a mix of single family homes, duplexes, townhomes, and apartment buildings ranging from 2 ½ to 3 ½ stories. The underlying zoning is primarily RM2 multiple-family residential, although a number parcels, particularly on the southern side of Grand between Howell and Fairview, are designated BC community business (converted), allowing commercial use of single-family and duplex structures. Commercial zoning includes B2 community business at the intersections of Grand with Cleveland and Fairview, B1 local business at Grand and Prior, and the aforementioned BC. With the exception of commercially-used residential structures, the commercial buildings in the study area are one or two stories. Uses are generally neighborhood-serving in nature, and include restaurants, a coffee shop, a service station and a gas station/convenience store, a bank, a grocery store, a movie theater, a paint/wall-coverings store, and assorted small scale retail and service uses.

Immediately adjoining the study area across the alleys between Grand Avenue and Summit and Lincoln Avenues, respectively, are residential areas dominated by single-family homes and duplexes zoned R2 one-family, R3 one-family, and RT1 two-family residential.

Context: The Comprehensive Plan

Generalized 2030 Future Land Uses maps in the Land Use Chapter of the Comprehensive Plan show the commercial node at Grand and Fairview as the west end of a "Mixed Use Corridor," described in the Land Use Chapter as "primary thoroughfares . . . served by public transit . . . [including] areas where two or more of the following uses are or could be located: residential, commercial, retail, office, small scale industry, institutional, and open space."

The Generalized 2030 Future Land Uses maps in the Land Use Chapter designate Grand Avenue west of the commercial node at Fairview as a "Residential Corridor," described in the Land Use Chapter as "segments of street corridors that run through Established Neighborhoods, predominantly characterized by medium density residential uses. Some portions of Residential Corridors could support additional housing."

The Generalized 2030 Future Land Uses maps in the Land Use Chapter designate the residential areas north and south of the Grand Avenue Mixed Use and Residential Corridor as "Established Neighborhoods," described in the Land Use Chapter as "predominantly residential areas with a range of housing types. Single family houses and duplexes predominate, although there may be smaller scale multifamily scattered within these neighborhoods. Also includes scattered neighborhood-serving commercial, service, and institutional uses at the juncture of arterial and collector streets."

The Land Use Chapter of the Comprehensive Plan states that "the core goal of Strategy LU-1, as visualized in the land use maps and described in the subsequent policies, is higher density development." It goes on to say that "higher density development is not an objective to be sought solely for itself," but to "contribute to the goal of creating a vibrant, economically strong community that is environmentally sustainable;" and that policies in Strategy LU-1 "direct new, higher density development to Downtown, the Central Corridor, Neighborhood Centers, Residential and Mixed-Use Corridors, and Employment Districts." It states that "zoning standards and districts will be used to support the prevailing character of Established Neighborhoods and to allow higher density development in . . . Residential and Mixed Use Corridors." (pages 7-8)

Metropolitan Council growth targets contained within the Comprehensive Plan show Saint Paul adding 13,000 new households between 2010 and 2030. Strategy 1 of the Land Use Chapter directs this growth into higher density development in targeted areas, including Residential and Mixed Use Corridors.

Land Use Chapter Policy 1.9 states that the City should *encourage the development of medium density multi-family housing along Residential* Corridors. A table on page 8 of the Land Use Chapter of the Comprehensive Plan defines Medium Density Residential as having a range 15-30 dwelling units per acre. Text with the table explains:

"The range of densities permitted by the existing RM districts is 22 units to 54 units per acre. Several multi-family residential developments constructed in the previous

decade far exceed those densities. Densities of individual projects ranged between 40 units per acre and 90 units per acre. Similar densities in future residential developments in Residential Corridors, Neighborhood Centers and Mixed-Use Corridors will go far in achieving the objective of compact, mixed-use development that supports transit. According to the Lincoln Institute of Land Policy, a minimum of 15 units per acre will support frequent bus service, while a minimum of 50 units per acre will support a walkable community and transit use."

It should be noted that the units/acre ranges in the land use descriptions on the *Generalized 2030 Future Land Uses* maps in the Land Use Chapter have created some confusion. These average ranges were added at the request of the Metropolitan Council to meet their needs for transportation and infrastructure planning and forecasting purposes. These average density ranges are not intended to set either minimum or maximum densities that must be required by zoning regulations. Therefore, the Land Use Chapter does not suggest that the large amount of land in Established Neighborhoods (3-20 units/acre) and Residential Corridors (4-30 units/acre) zoned RM2 (which provides for much higher density) needs to be downzoned to comply with these average density ranges. Rather, Land Use Chapter Policy 1.3 is: "Study the RM multi-family districts and the TN districts to determine how they can accommodate more intense residential development."

Residential Density Analysis

The Student Zoning Housing Study completed by the Planning Commission in 2012 found significant demand for student housing in the neighborhoods surrounding the University of St. Thomas (UST) campus, including the study area for the West Grand Zoning Study. Put another way, it is reasonable to assume that there is additional demand for higher density residential development within the West Grand Study Area, and that there is additional demand specifically for the type of development, targeted at college students, currently under construction at the corner of Grand and Finn.

The development at Grand and Finn consists of 20 four-bedroom residential units on a .41 acre lot. This translates to a density of 48 units per acre. Dimensional standards for RM2 limit multifamily density to 29 units per acre (based on a minimum lot size of 1500 square feet per unit), but provides a "density bonus" which allows additional units in exchange for providing structured parking. The project provides 37 parking spaces in an underground garage. The higher density helps to justify the high cost of underground parking, which in turn reduces the impact of higher density and of unattractive, environmentally harmful surface parking lots. The Planning Commission and City Council found the project to be consistent with zoning standards and the Comprehensive Plan.

Even so, the development at Grand and Finn, composed entirely of large 4-bedroom units designed for college students, differs substantially from typical multi-family

development that has smaller average unit size. This type of large unit apartment building designed for students would tend to have higher population density, more adults, and potentially more cars per unit than development typically anticipated in RM2 districts. There is unique demand for such development in the West Grand area, and therefore it may be appropriate to adjust zoning standards to account for the potential impact of this in the West Grand area.

The area of the St. Thomas (UST) campus fronting Grand between Cretin and Cleveland is subject to 40-foot maximum heights, lower than the 50-foot height limit in RM2, for the future residential buildings proposed by UST as part of the request to expand the campus to include the two blocks bounded by Cretin, Summit, Cleveland and Grand. Unlike dimensional standards which apply to individual structures allowed in a zoning district, these height controls, along with greater required setbacks and other provisions, were designed to manage the overall impacts of an entire campus, which includes multiple building and uses not otherwise allowed in residential districts. It also provides for building heights more similar to the 30-foot maximum heights in surrounding one-family zoning districts.

While RM2 districts commonly abut RT1 two-family, RT2 townhouse, and RM1 multiple-family zoning districts with 40-foot maximum heights, it is not unusual for RM2 districts to abut one-family districts with 30-foot height limits. What is unusual along West Grand may be a strong demand for higher buildings with higher than average density adjacent to one-family districts. Therefore, it may be appropriate to adjust the height standard in the West Grand area to address this potentially greater impact.

Recommendation: Adjustment of Residential Dimensional and Density Standards

Overall density can be reduced by retaining the base zoning but adjusting density and dimensional standards for RM2 zoned properties within the study area. Limiting new construction to four stories (from five) and a maximum height in the range of 40-45 feet (from 50) will prohibit 5-story construction and reduce the maximum potential density by roughly 20%. To ensure planned density ranges are not exceeded across the range of potential lot sizes and building configurations, reductions in allowed maximum height can be combined with an increase in the minimum lot area per unit—currently 1,500 square feet per unit—for three- and four-bedroom units. Increasing this to 2,000 square feet (the RM1 standard) for four-bedroom units and 1,750 square feet for three-bedroom units would reduce the maximum allowed density by roughly 25%. This additional density standard adjustment will specifically address the negative impacts of the type of large-unit development currently under construction at Grand and Finn and identified by the City Council as having greater impacts on adjacent neighborhoods than standard multifamily housing.

The impact of any reduction in allowed residential density and building height on parking must also be considered. RM2 zoning districts award a density bonus for the

provision of structured parking. Under the approach above, the density bonus scheme already in place would remain. Maximum development height would be an absolute cap, but property developers would still be allowed to provide structured parking in order to increase the calculated lot area as specified in Sec. 66.230 of the zoning code, Residential District Density and Dimensional Standards, as an incentive to reduce the impact of unattractive and environmentally harmful surface parking lots.

The proposed adjusted dimensional and density standards can be implemented by adding a footnote to the Residential District Dimensional Standards table, Sec. 66.231 of the zoning code. The recommend text amendment is included with this report as Attachment A.

Alternative Residential Strategy

The following discussion considers an alternative approach, based on traditional neighborhood zoning districts, for addressing the density and neighborhood compatibility issues that this zoning study examines. While not the recommendation of this study, traditional neighborhood zoning for currently residential portions of the West Grand corridor would have both advantages and disadvantages relative to this study's recommended approach. It should be viewed as a viable alternative, and consideration of it will help inform the Planning Commission's deliberations as well as the larger public conversation.

Rezoning of RM2 parcels to a traditional neighborhood district (T1 or T2) would put in place design standards that would help to ensure future development would be consistent with the character of the neighborhood, including providing for transitions from higher density uses to adjacent lower-density neighborhoods, a key issue identified by the City Council in requesting this zoning study. However, this rezoning would not eliminate the need to consider adjustment of height and or density standards. It would also require careful consideration of both side and rear yard setback requirements and of the potential impacts of mid-block commercial uses on adjoining residential uses.

T1 and T2 traditional neighborhood districts allow the same range of residential uses as RM2 districts, and a similar range of commercial uses as B2 districts. The maximum allowed height in T1 and T2 is generally 35 feet, with additional height allowed with increased setbacks. However, in T2, allowed densities for multifamily residential uses are generally greater than RM2. The general density standard for RM2 districts is based on a minimum lot size per dwelling unit of 1,500 square feet, equivalent to 29 units per acre. T2 districts require a minimum of 1,300 square feet of lot area per unit, equivalent to 34 units per acre, greater than the current allowed density (before the structured parking bonus) in RM2 districts. T1 districts require a minimum of 1,700 square feet of lot area per unit, equivalent to 25 units per acre, roughly equivalent to standard proposed by this study for three-bedroom units along West Grand.

T1, RM2, and T2 districts all allow a density bonus for providing structured parking, effectively reducing minimum required lot area per unit to 1,100, 900, and 700 square feet, respectively. It should be noted that qualifying for maximum density allowed on a T2 parcel would require a lot of sufficient size to permit the additional setbacks and height. Attached Figure 3 illustrates the relationship between setback and maximum allowed building height.

In terms of minimum setbacks, T1 and T2 districts differ from RM2 in the side and rear yard requirements. Minimum side and rear yard setbacks are ½ building height and 25 feet, respectively, in RM2 districts, but just 6 feet in T1 and T2 districts if adjoining a residential side yard. On the section of Grand Avenue in question, staff calculations show front yard setbacks for new T2 development would average 15-20 feet for mixeduse and commercial development, and 20-25 feet for residential development. Front yard setbacks for new multifamily construction in RM2 districts would also be generally 20-25 feet.

T1 and T2 districts allow the same range of residential use as RM2. T2 districts allow a range of commercial uses generally similar to B2 districts. T1 districts are more restrictive, notably excluding restaurants and general retail.

Commercial Analysis and Recommendations

Existing commercial property in the study area is zoned B2, B1, and BC. The existing B2 commercial nodes at Grand/Cleveland and Grand/Fairview reflect the natural locational advantage for commercial uses where arterial and collector streets intersect with a Residential or Mixed-Use Corridor. Rezoning the current B2 commercial districts to T2 traditional neighborhood districts (Figure 2) would allow increased height and density of development at these key intersections, consistent with Strategy One of the Land Use Chapter of the Comprehensive Plan. This approach would add greater flexibility for any future reuse of these parcels and would put in place design standards to ensure the new development fits the existing character of the area.

The proposed rezoning would result in the following buildings/lots becoming legally non-conforming with regard to building and parking placement: Whole Foods (NE corner Grand/Fairview), Abbot Paint (SE corner Grand/Fairview), Signals Garage (SE corner Grand/Cleveland), and Super America (NE corner Grand/Cleveland). Super America is a conditional use under either B2 or T2 zoning. Signals Garage is a legal non-conforming use under the current B2 zoning, and would remain so with the rezoning to T2. Any expansion of a non-conforming use requires Planning Commission approval, and is subject to a consent petition of surrounding property owners. Expansion of a structure would need to be consistent with dimensional and lot arrangement standards, but non-conformities with these standards could be approved as part of an expansion of non-conforming use approval. Signage allowances are also more restrictive in T2 districts as compared to B2 districts.

The existing BC and B1 zoned parcels are proposed to remain as currently zoned, with the exception of the two BC parcels that are part of the commercial node at Grand and Cleveland on the north side of Grand immediately east of the Super America (Figure 2). These two parcels are proposed to be rezoned to T2 along with the B2 Super America parcel. Similarly, the RM2 parcel occupied by a single family home between a large apartment building and Signals Garage at the SE corner of the Grand-Cleveland commercial node, immediately across from the proposed T2 lots on the north side of Grand, is also proposed to be rezoned to T2 (see Figure 2). These actions would create larger areas of contiguous T2 zoning, which would make higher-density, mixed-use redevelopment at this commercial node at the intersection of two major streets more feasible.

STAFF RECOMMENDATION COMMITTEE ACTION

Staff recommends that the Neighborhood Planning Committee forward this report and the attached zoning code amendments pertaining to West Grand Avenue to the Planning Commission to release for public hearing.

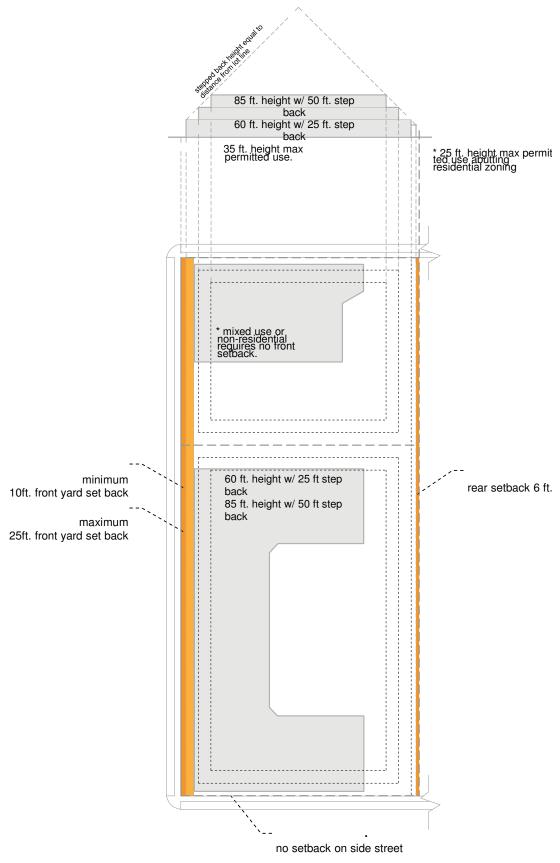
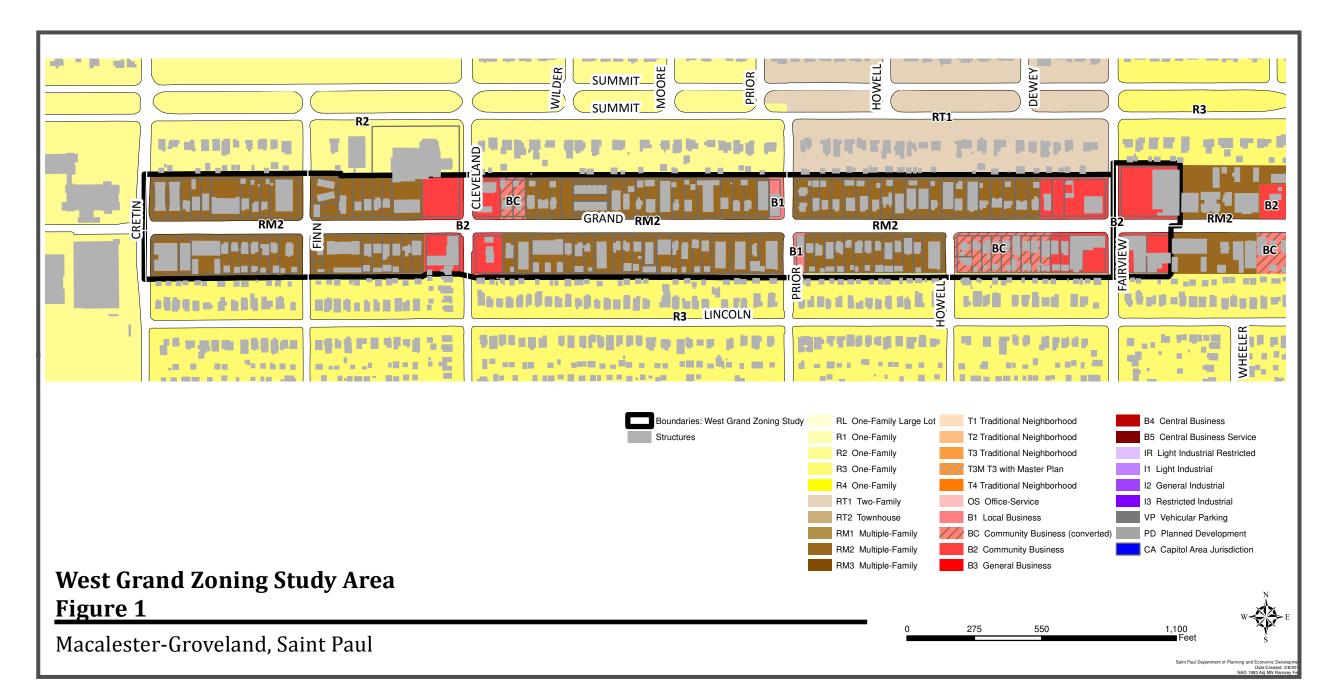
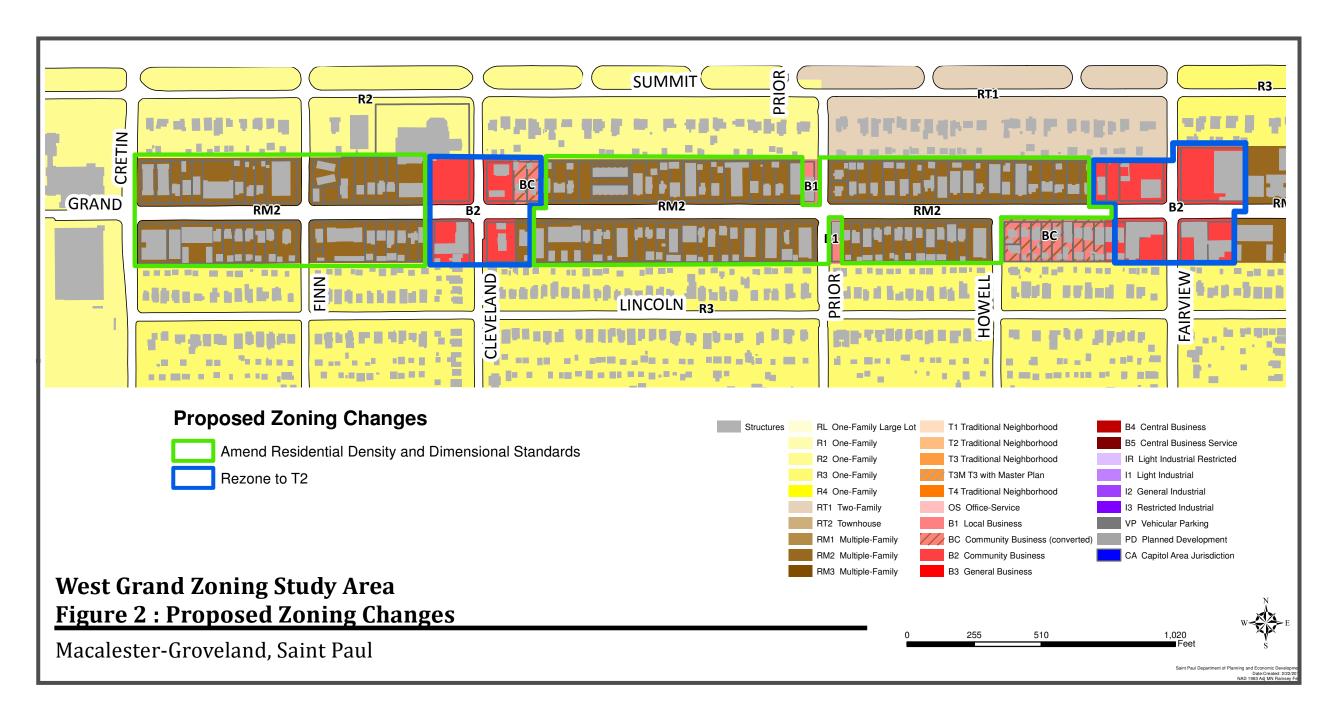


Diagram 1: T2 zoning setbacks and stepped building height





Attachment A – Recommended Text Amendments

Sec. 66.231. - Density and dimensional standards table.

Table <u>66.231</u>, residential district dimensional standards, sets forth density and dimensional standards that are specific to residential districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.231. Residential District Dimensional Standards

Zoning District	Lot Size Minimum (per unit)		Height Maximum		Yard Setbacks Minimum (feet)		
	Area (sq. ft.)(b)	Width (feet)	Stories	Feet	Front	Side	Rear
RL one-family large lot	21,780(d)	80	3	30	30(g),(h)	10(h)	25(h)
R1 one-family	9,600(e)	80	3	30	30(g),(h)	10(h)	25(h)
R2 one-family	7,200	60	3	30	25(g),(h)	8(h)	25(h)
R3 one-family	6,000	50	3	30	25(g),(h)	6(h)	25(h)
R4 one-family	5,000	40	3	30	25(g),(h)	4(h)	25(h)
RT1 two- family	3,000(f)	25	3	40	25(g),(h)	9(h)	25(h)
RT2 townhouse	2,500(c),(f)	20	3	40	25(g),(h)	9(h),(i)	25(h)
RM1 multiple- family	2,000 (c),(f)	n/a	3	40	25(g),(h)	½ height(h),(i)	25(h),(i)
RM2 multiple- family	1,500(c),(f),(k)	n/a	5(k)	50(k)	25(g),(h)	½ height(h),(i)	25(h),(i)
RM3 multiple- family	800(c)	n/a	no max.	no max.	(g),(h),(j)	(h),(i),(j)	(h),(i),(j)

n/a - not applicable

Notes to table 66.231, residential district dimensional standards:

(a) R4 one-family district dimensional standards shall apply when one-family dwellings are erected in less restrictive residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in less restrictive residential districts. RM2 multiple-family district dimensional standards shall apply when multiplefamily residential dwellings five (5) stories or less in height are constructed in an RM3 multiple-family district.

- (b) In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot.
- (c) In calculating the area of a lot for the purpose of applying the minimum lot area per unit requirement, the lot area figure may be increased by three hundred (300) square feet for each parking space (up to two (2) parking spaces per unit) within a multiple-family structure or otherwise completely underground. Parking spaces within an above-ground parking structure, except for the top level, may also be used for this lot area bonus. The maximum number of units possible on a lot using this lot area bonus can be calculated using the formula X = L ° (A—600), where X = maximum units allowed, L = lot area in square feet, and A = required lot area per unit in square feet. A site plan showing parking layout and dimensions shall be required when applying for this lot area bonus. No multiple-family dwelling shall be built, nor shall any existing structure be converted to a multiple-family dwelling, on a lot that is less than nine thousand (9,000) square feet in area.
- (d) A larger lot may be required depending on how much square footage is actually needed to properly site and install an individual sewage treatment system.
- (e) Where over half of the lot has slopes of twelve (12) percent or greater, the minimum lot size shall be fifteen thousand (15,000) square feet. When determining lot size, the slope shall be that in existence prior to any grading or filling. Alterations shall not be allowed that will lower the slope from twelve (12) percent or greater to less than twelve (12) percent prior to the creation of new lots.
- (f) If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this code constitutes "common" properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel.
- (g) Where at least fifty (50) percent of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula.
- (h) For permitted and conditional principal uses allowed in residential districts other than residential uses, the front yard shall be equal to the front yard required for residential use and the side and rear yards shall be equal to one-half the height of the building but in no instance less than the minimum requirements of the district in which said use is located.
- (i) Side yards are required only for dwelling units on the ends of townhouse structures. When two (2) or more one-family, two-family, or townhouse structures are constructed on a single parcel, there shall be a distance of at least twelve (12) feet between principal

- buildings. When two (2) or more multifamily buildings are constructed on a single parcel, there shall be a distance of at least eighteen (18) feet between principal buildings.
- (j) Minimum front, side and rear setbacks shall be fifty (50) feet or one-half the building height, whichever is less.
- (k) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue: building height shall be limited to four (4) stories and forty-five (45) feet in height, the minimum lot size for units with three (3) bedrooms shall be one thousand seven hundred fifty (1750) square feet per unit, and the minimum lot size for units with four (4) or more bedrooms shall be two thousand (2000) square feet per unit.

What action should the City take regarding building height and density on West Grand Avenue?

Public comments as of February 22, 2013, 12:26 PM

All Participants around Saint Paul Planning Districts

Comments sorted chronologically



As with any public comment process, participation in Open Saint Paul is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

What action should the City take regarding building height and density on West Grand Avenue?

Introduction

City staff has considered what actions in the "zoning toolbox" could address the issues brought forward by the City Council moratorium and request for a zoning study on West Grand Avenue. For a history and background of this study, please click here.

Some possible actions the City could take include:

OPTION 1—No changes

No changes to the existing zoning.

OPTION 2 – Limit Buildings to three stories

There are two ways that zoning could limit building height in the overlay district, and each has different implications:

A. Change chapter 67.600 of the zoning code describing the EG East Grand Avenue Overlay District to "Grand Avenue Overlay District," and apply it to Grand between Fairview and Cretin.

Implications of this action:

- •The 3 story/40 ft. EG Grand Avenue Overlay District residential and institutional height limit is the same as RM1 (low density, low-rise multiple-family residential district), and avoids the problem RM1 would create by being inconsistent with the density of existing multi-family buildings and making them nonconforming.
- •The EG Grand Avenue Overlay District limits commercial building heights to 30 feet and 3 stories and limits mixed commercial-residential height to 36 feet, and 3 stories, making the overlay code more restrictive than current zoning code.
- •This would reduce the number of 4 bedroom units possible by about 40
- B. Rezone RM2 (medium density multiple-family residential district) parcels with residential buildings that conform with RM1 height and density standards to RM1. An exception to avoid individually rezoning or spot zoning a single lot too narrow for a building more than 40 feet high would be included.

Implications of this action:

- •Simple, efficient way to address the issues. Provides clear criteria for rezoning RM2 property to reduce the time and effort of considering the zoning of individual parcels.
- •Avoids the potential problems RM1 would create by increasing the number of nonconforming, multifamily buildings, as described above.
- •The greater RM1 lot size requirement (2000 sq. ft. per dwelling unit) would affect larger and smaller units equally, and therefore would not reduce incentive for larger units designed for a student market.

OPTION 3—Limit tbuildings o four stories

Add a footnote, (k), to section 66.231 Residential District Dimensional Standards table to apply to RM2 as follows:

"(k) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue: building height shall be limited to four (4) stories and forty two (42) feet in height."

Implications of this action:

- •A 4 story height limit provides for existing 3½ story apartment buildings in the area and also for the same number of floors of dwelling units together with underground parking desirable for reducing surface parking, more efficient land use, improved aesthetics and environmental quality.
- •A 42 foot height limit is similar to the 40 foot height limit in the RT1 two-family, RT2 townhouse and RM1 multiple-family districts, a reasonable step-up from the 30 foot height limit in one-family districts.
- •Avoids the potential problems RM1 would create by being inconsistent with the height and density of existing multi-family buildings that would therefore be nonconforming under RM1.
- •The 4 story height limit alone would reduce the number of larger units

OPTION 4—Reduce the number of 4 bedroom units allowed

Add footnote (k) to section 66.231, Residential District Dimensional Standards table to apply to RM2 as follows:

"(k) For property along Grand Avenue between Fairview Avenue and Cretin Avenue, between lines defined by the parallel alleys immediately north and south of Grand Avenue: the minimum lot size for units with three (3) bedrooms shall be one thousand seven hundred fifty (1750) square feet per unit, and the minimum lot size for units with four (4) or more bedrooms shall be two thousand (2000) square feet per unit."

Implications of this action:

•The lot size requirement of 2000 sq. ft of land per dwelling unit is the same as the RM1 requirement and would reduce the number of 4 bedroom units possible on a lot by 25%. The greater lot size requirement for larger units would not affect smaller units, thus reducing incentive for larger units designed for a student market rather than standard two bedroom units for a general market.

OPTION 5—Limit both building height and number of units

Some combination of Options 2, 3, and 4

OPTION 6—Rezone to Mix Use

Rezone RM2 and B2 parcels to T2 (Traditional Neighborhood District).

Implications of this action:

- •All existing buildings would be in conformance with T2 except the auto repair garage at the SE corner of Grand and Cleveland.
- •T2 provides design and parking standards consistent with the character of Grand Avenue, and supports mixed-use development. Maximum building height is between 25 feet and 45 feet, dependent on setback from residential districts. An exception exists to allow for 45 feet with underground parking if a conditional use permit is approved.

Please click here for an action timeline.

What action should the City take regarding building height and density on West Grand Avenue?

As of February 22, 2013, 12:26 PM, this forum had:

Attendees: 164
Participants around Saint Paul Planning Districts: 18
Minutes of Public Comment: 54

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'No changes - leave zoning as is.'

Jeff Zaayer inside Ward 3

December 27, 2012, 2:07 PM

The existing zoning served its purpose. I don't think changes are necessary.

No changes should be made as long as the student rental moratorium is in place Grand Avenue will need to accommodate rental density as it cannot be absorbed anywhere else. If the result of the moratorium turns up other options for rental housing then Grand Ave should be looked at but with the current rental guidelines in the surrounding area and a reduction in capacity for new rental buildings to be built would result in an adverse market for students and year round renters alike and would potentially cause rental conflicts for Macallaster students and those properties lying outside the student housing district.

2 Supporters

Jeremy Exley inside Ward 4

January 17, 2013, 10:12 AM

The existing zoning served its purpose. I don't think changes are necessary.

We are opposed to any changes in the zoning. While I understand that everything changes throughout life, we do not think the zoning on Grand Avenue should be changed. There is a big push here by people that DO NOT OWN this property and DO NOT LIVE ON Grand avenue. They live in the surrounding neighborhood and somehow think they should be able to change the property rights that WE have. We happen to own the building directly next to the new apartment building and if this zoning were to change WE would be affect the most. Not only do we have this new monstrosity next to us, now the zoning would be changed to severely limit our rights with the property going forward. We do not think this is right.

The zoning has been in place since the 70's – so basically all of you bought your property since then and should have looked into zoning at the time of purchase rather than now. If you did not want to be near apartment buildings (plenty of them on grand for a long time) you should not have bought a home in this neighborhood.

St. Thomas was founded in 1885, there is no surprise that you live next to a university and you should have know that when you bought your property. If you did not want to live near students or a university you should not have bought a home in this neighborhood

The neighborhood is not united and is fighting the wrong battles, just look at the history-

- 1. The neighborhood should be allowing/ have allowed (and maybe even encouraged) St. Thomas to expand their campus beautiful well designed/ built buildings, security guards, public responsibility, etc
- 2. What good does a student rental moratorium do? Properties are grandfathered in. Any inspection requires 24 hours notice so renters can easily move things around. Why not have the parents sign

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'No changes - leave zoning as is.'

the lease (as they are not students) and then they can allow their kids to live there circumventing the rules. Where will the students go with this solution? St. Thomas has to build dorms or private parties will learn the rules of zoning and build buildings to take advantage of the market. The latter happened since St. Thomas is not allowed to expand.

- 3. If you don't want students in your neighborhood, where do you want them? This apartment building (and potentially others ON Grand avenue) would keep students out of your neighborhood. They would be walking across the street to campus and never stepping foot beyond Grand. This will also bring renters that are currently in the neighborhood out as they (and especially their parents) see a brand new building closer to campus, built to current code, secure underground parking, on-site staff, individual bedrooms, maybe eliminate the need for a car, etc
- 4. Also, think about the revenue for the city. The taxes on this one apartment building are going to be much higher than they were on the 2 old homes that used to sit there (probably \$30K versus \$7K). Not to mention all the building permits along the way.

Also, realize that students want to live off campus because St. Thomas charges so much for housing that it is much cheaper for students to live off campus and then they so do not have to live with a chaperon either.

I think that if we really listen to what the neighborhood wants that higher density apartment buildings closer to St. Thomas is the best decision. I think it would have been better to let St. Thomas build them due to previously stated compliments about St. Thomas' building history, however, that is irrelevant to this discussion.

Leave the zoning alone and allow Grand Avenue to continue to be and become more of a corridor for higher traffic and higher density buildings.

1 Supporter

Zachary Wefel inside Ward 4

December 23, 2012, 12:12 AM

The existing zoning served its purpose. I don't think changes are necessary.

Limiting the potential density of the West Grand Avenue area would impose costs on the city as a whole in the form of foregone revenue increases and limited availability of affordable housing for those who wish to move to the area. As the current zoning regime allows for the greatest increases in density, it should be continued.

Preserving the "prevailing character" of the area is a generalized argument that can be made to oppose change in any area. Proponents of limiting density-increasing measures should be asked to make an argument as to the benefits of the prevailing character of the neighborhood versus accommodating growth and preserving choices for those who would develop the area further.

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'No changes - leave zoning as is.'

1 Supporter

Roger Caauwe inside Ward 4

January 11, 2013, 12:44 PM

The existing zoning served its purpose. I don't think changes are necessary.

Grand Ave has long since ceased to be a neighborhood. Leaving the zoing as it currently is would allow for development to house more people wishing to live near a college campus. I don't believe keeping the zoing as is would have a major effect on the demographics of Grand Ave given that Grand Ave already has a number of apartment complexes. Bring students into the newly developed complexes would ease the spawling of students farther into the surrounding neighborhood. We can either develop sufficient housing along Grand Ave or surrender more of the neighborhood to students living in single family homes. Should that happen, the neighborhood becomes, in effect, an extention of the college campus rather than a neighborhood.

Dave Edquist inside Ward 4

December 20, 2012, 7:33 AM

The existing zoning served its purpose. I don't think changes are necessary.

2 Supporters

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Limit buildings to three stories.'

Valerie Cripe inside Ward 4

December 20, 2012, 5:55 PM

Limit buildings to 3 stories by extending the East Grand Avenue Overlay District or by rezoning to RM1.

We think that limiting building height will suffice. We want to feel as though Mac-Groveland remains a neighborhood with a vibrant range of ages, lifestyles and architectural styles that coexist well to each other's mutual benefit and enjoyment. The University of St. Thomas is a critical part of the neighborhood, but its campus clearly is located within a well-established population of residential families. Anyone given permission to change the character of this neighborhood by building oversized, multi-occupant dwellings on undersized lots ultimately will destroy the beauty, value and uniquely attractive characteristics of the neighborhood. Limiting the height of new construction so that it fits harmoniously with the surrounding structures will satisfy the need to add new, multi-occupant residences while maintaining the character of the neighborhood as a whole.

3 Supporters

Nancy Wacker inside Ward 4

December 18, 2012, 5:29 PM

Limit buildings to 3 stories by extending the East Grand Avenue Overlay District or by rezoning to RM1.

Density goals for West Grand Avenue as outlined in St. Paul's comprehensive plan can be achieved with three story buildings, there is no need to go higher. Three story buildings are consistent with building heights allowed at the intersections of Grand and Cleveland and Grand and Fairview. Three story buildings are also consistent with what is allowed on University Avenue which is another commercial corridor which is immediately beside a residential area. Three story buildings provide a better transition to the surrounding neighborhood which contains mostly single family homes and duplexes. The concept of transition regarding building size from the residential neighborhood to the campus of the University of St. Thomas was a significant factor in the development of the UST conditional use permit and is also relevant in this situation

2 Supporters

Brian Fogarty inside Ward 4

January 30, 2013, 10:46 PM

Limit buildings to 3 stories by extending the East Grand Avenue Overlay District or by rezoning to RM1.

Comments regarding the Block Exercise Workshop on Jan. 30:

1. The block exercises had potential, but ultimately failed, I think. The introduction of costs and revenues to be expected from various development scanarios was a good idea, as it can help us

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Limit buildings to three stories.'

move us beyond pie-in-the-sky thinking. However, there was not a single scenario imagined that broke even—and some of these were quite large, site-filling plans. This tells us that either (a) it's impossible to develop anything reasonable that won't lose money; or (b) that the game is biased toward only the most dense, tall, and cheaply-built projects. Of course, it might also lead to the conclusion that leaving things exactly as they are is the most economically viable option!

- 2. Kirk Wythers raised the question of the City's housing density expectations for the various types of zones, particularly the definition of "residential corridor" as containing 4-30 units per acre. Mr. Merry's building on Grand and Finn will include 20 units on just two lots, or a bit less than a quarter acre. This nearly triples the expected density for this block, which is defined as a residential corrider area. His question was dismissed with the response that "It's not about density, but about design." But the city clearly thinks about density, and wisely so, since people don't stay inside their housing units all the time.
- --Brian Fogarty
- 1 Supporter

in (your neighborhood)

January 4, 2013, 2:26 PM

Limit buildings to 3 stories by extending the East Grand Avenue Overlay District or by rezoning to RM1.

1 Supporter

Michel Hepp inside Ward 4

December 18, 2012, 2:48 PM

Limit buildings to 3 stories by extending the East Grand Avenue Overlay District or by rezoning to RM1.

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Limit buildings to four stories.'

(No statements)

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Reduce the number of 4 bedroom units allowed.'

(No statements)

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Limit both building height and number of units.'

Ann Garvey inside Ward 2

December 20, 2012, 8:58 AM

Use a combination of options 2, 3 and 4 to limit building height and the number of 4 bedroom units.

I appreciate that density can sometimes be a good land use, rather than sprawl, converting green spaces to buildings or parking, etc. The area between Cretin and Fairview and along Grand has been a neighborhood of families and houses, attracting individuals truly "investing" in the area by buying a house. Strong neighborhoods build strong cities. SOME multi-plex living is good, but it's on the verge of getting too many, and we should use this opportunity to examine the area as a whole.

Limiting the height and number of units per building will help with the mix, as well as keep the density from overtaking the whole area.

Thanks for the opportunity to weigh in.

3 Supporters

Kelly MacGregor inside Ward 4

January 17, 2013, 10:26 AM

Use a combination of options 2, 3 and 4 to limit building height and the number of 4 bedroom units.

While I understand the need for increased housing density along transportation corridors, overloading the neighborhood with what is very clearly ONLY student housing is inappropriate. The current zoning of five stories on Grand is also totally out of character for the neighborhood. Students are a very different kind of renter, and by essentially allowing an off-campus dorm to be built the City is putting the responsibility for student behavior on the neighbors. This is already a huge community problem in the high density of off-campus student housing areas of Merriam Park and the area of Mac/Groveland around St. Thomas with rental homes. As has been mentioned, street parking is already a huge issue in this area and certainly needs to be addressed with the current building plans. Finally, we had a home appraisal done before and after construction began on the 5-story private dorm being built on Grand and Finn - the value of our home decreased by more that 15% in a year, a direct reflection of the impact these huge rentals have on the neighborhood. While gaining tax revenue, the City is pushing the entire burden of dealing with student rentals (and all of the associated problems) on to the neighbors. PLEASE rezone and restrict this type of housing in our neighborhood.

2 Supporters

Benita Warns inside Ward 4

December 19, 2012, 4:13 PM

Use a combination of options 2, 3 and 4 to limit building height and the number of 4 bedroom units.

Buildings should NOT be allowed to be substantially higher than surrounding buildings anywhere in St. Paul, not just in this study area. Our zoning code should clearly define building heights for each zone with no deviation upward allowed. Case in point, Episcopal Homes on University Avenue. The

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Limit both building height and number of units.'

tallest building on their current campus is around 55 feet and is 4 stories. The T-3 zoning allows up to 55 feet, but they are planning a building that is about 80 feet tall. That is a big change from the code, but they can apply for a conditional use permit to get an exception to the rule. If built, this new building will tower over the nearby park and homes. It is too intrusive and intense. If developers need exceptions in order to build, then what they want to build is too large for the site. Eliminate CUP for building heights, period. Also, there is already a large number of higher density housing in this immediate area, with several more buildings in the works, and we shouldn't cram too many people into such a small area. This isn't New York, it is St. Paul. We can add housing units without building more high-rise people warehouses.

2 Supporters

Gretchen Cudak inside Ward 4

December 20, 2012, 10:18 AM

Use a combination of options 2, 3 and 4 to limit building height and the number of 4 bedroom units.

St. Thomas needs to figure out how to provide housing for their students on their campus. They should not be allowed to increase enrollment and expect our neighborhood to provide housing. There are too many problems with this already.

Paul McCormick inside Ward 4

December 18, 2012, 11:01 PM

Use a combination of options 2, 3 and 4 to limit building height and the number of 4 bedroom units.

1 Supporter

What action should the City take regarding building height and density on West Grand Avenue?

All Participants around Saint Paul Planning Districts who selected 'Rezone to mixed use.'

Geoffrey Warner inside Ward 3

January 5, 2013, 2:02 PM

Rezone RM2 and B2 to T2, allowing mixed use development matching the character of existing development.

I was shocked to learn that not only is the current zoning limit set at 50' high for Grand Avenue between Cretin and Fairview, but that the housing proposals to peg this limit were actually approved. OK, I guess I wasn't shocked that they were approved, but I was not optimistic about the result.

Anyone who lives or works nearby knows could tell you that buildings built to that limit will produce situations neither urban nor urbane along a street where the average height is half that. I am all for density, but there are more progressive ways to achieve it, promoting the kind of urban fabric that makes the Grand Avenue corridor worth living near now.

Mixed use zoning can allow for more dynamic neighborhoods as needs change over time. I personally think that the 45' height limit for TN is too high even with setbacks, and the success of such developments would largely depend on the design skill of the teams putting them together. I would prefer it to be set to 35' - whether or not this creates non-conforming properties elsewhere on the Avenue.

1 Supporter

Isaac Wipperfurth inside Ward 1

December 22, 2012, 12:58 PM

Rezone RM2 and B2 to T2, allowing mixed use development matching the character of existing development.

1 Supporter