

city of saint paul
planning commission resolution
file number
date

WHEREAS, Don Buckrey, File # 14-308-882, has applied for a change of nonconforming use permit for auto repair and outdoor auto sales under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 1176 Dale St N, Parcel Identification Number (PIN) 252923220068, legally described as Como Prospect Addition Lots 23 Thru Lot 29 Blk 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 31, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, Don Buckrey of More 4 A Buck, has applied for a change of nonconforming use permit to change the mix and layout of auto repair and outdoor auto sales at 1176 North Dale Street from what is specified in conditions of the existing conditional use permit for the site. The existing special condition use permit approved in 1999 specifies a total of 50 parking spaces with 35 parking spaces for for-sale cars on the north side of the building, six parking spaces for cars awaiting repair or pick-up or employee parking on the east side of the building, and eight spaces for customer and employee parking on the south side of the building, including one handicapped space. It also specifies that no cars shall be parked on the Dale Street frontage of the site, except the seven cars in the first row of for-sale cars in the north lot. The applicant proposes to change the use and layout of parking spaces (totaling 45) on the site to be as follows:
 - a) Seven (7) spaces for customers and employees on the south side of the building and three (3) spaces for customers and employees at the southeast corner of the building;
 - b) Four (4) spaces for customer parking to the north of the building;
 - c) Ten (10) spaces for vehicles for sale (including seven (7) spaces along the Dale Street frontage); and
 - d) Twenty-one (21) spaces for cars waiting for repair on the northeast corner of the lot.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*

moved by _____

seconded by _____

in favor _____

against _____

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The existing use is auto repair and outdoor auto sales. The proposed use is auto repair and outdoor auto sales. Both the auto repair and the outdoor auto sales are auto-oriented uses first permitted as conditional uses in the B3 General Business District, which is what this property was zoned through 2010. The neighborhood has a mix of uses, including other auto-related uses, commercial uses, railroad right-of-way, and single-family homes across Dale Street. The auto repair use has been in place since 1955. The outdoor auto sales use has been in place since 1999.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The proposed change to the existing nonconforming use is related to the number of cars and where they are parked on the lot. The applicant states that the number of cars will be reduced from 50 to 45, and the layout of the spaces for cars will change.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is not met. While the proposed use is complementary to the existing use of the site, based on testimony the use has had a detrimental impact on the neighborhood. The applicant has not proved that the use does not endanger the public health, safety, or general welfare. Based on conflicting testimony and property and permitting records, it is unclear what the uses on the site are and whether all uses are permitted on the site. The applicant has not consistently been in compliance with the conditions listed on the existing conditional use permit from 1999 or the existing business license issued by the Department of Safety and Inspection in 2010, and therefore is detrimental to the neighborhood.
- d. *The use is consistent with the comprehensive plan.* This finding can be met. The use is consistent with Saint Paul Comprehensive Plan (2010) strategy LU-1.7, "Permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." This use is located within an "established neighborhood" and provides a service to the community. It is also located within a "mixed-use corridor" and as such meets strategy LU-1.24, "Support a mix of uses on Mixed-Use Corridors." It also may be consistent with the District 6 Plan (2010) strategy LU-5.1, "Encourage existing auto related businesses to upgrade the appearance of their buildings and properties," if the applicant fulfills his intent to provide additional fencing around the property. In the 2006 Loeb Lake Small Area Plan, Commercial Strategy 3 states, "The northeast corner is occupied by an auto repair shop. Redevelopment of this corner is unlikely in the near future due to the small parcel size and recent investments to improve the building. The plan encourages the property owner to improve the appearance of the building and the lot. In the long-term, the site could be developed into general commercial or a mix of commercial and housing." Commercial Strategy 6 states, "The plan encourages existing, viable auto businesses to stay, upgrade their appearance, and continue to serve the neighborhood, but discourages the growth of new auto businesses." If the applicant provides additional fencing around the property and maintains the building in good repair, this condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Don Buckrey for a change of nonconforming use permit for auto repair and outdoor auto sales at 1176 Dale St N is hereby denied.

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WHEREAS, Premier Storage LLC, File # 14-319-416, has applied for a nonconforming use permit (reestablishment and change) for an indoor rental storage facility under the provisions of §62.109(c) and §62.109(e) of the Saint Paul Legislative Code, on property located at 543 James Ave, Parcel Identification Number (PIN) 122823230131, legally described as Schmidt Brewery Addition Lot 5 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests reestablishment of nonconforming use as warehousing and storage, and a change of nonconforming use to an indoor rental storage facility.
2. The proposed use would occupy the eastern portion of the subject site and building, and would create two levels of storage within the former warehouse space. No building addition is proposed.
3. Ingress/egress are proposed via an overhead door north to Palace Drive, and south to the existing parking lot along James Avenue and the railroad tracks.
4. Section 62.109(e) states: *When a legal nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of more than one (1) year, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*

(a) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose. This finding is met. The building is constructed of tilt-up concrete and steel with few windows, and placed in the portion of the former Schmidt Brewing property farthest from West Seventh Street with poor visibility – both the building construction and its location make it uneconomical to use for the commercial and residential uses allowed in T3 rather than the proposed reestablished warehousing and storage use.

(b) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use. This finding is met. Warehousing and storage are the previous legal nonconforming use.

moved by _____
seconded by _____
in favor _____
against _____

(c) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The warehousing and storage use is part of the area's existing development character.

(d) The proposed use is consistent with the comprehensive plan. This finding is met. The Comprehensive Plan in Figure LU-B designates the entire Schmidt Brewing complex, including the subject site, as both a Neighborhood Center and a Mixed Use Corridor, which call for more dense and compact mixed commercial and residential uses, with only small-scale production or industrial uses, such as warehousing. Viewed in isolation, the proposed use would not meet the aims of a Neighborhood Center or Mixed Use Corridor designation. However, viewed as part of the larger Schmidt Brewing campus project, it contributes to the feasibility of the rest of the site to allow it to meet the aims of a Neighborhood Center or Mixed Use Corridor designation with higher density housing and commercial uses that make use of the established historic buildings and site layout.

(e) A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on August 14, 2014: 24 parcels eligible; 16 parcels required; 17 parcels signed.

5. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*

(a) The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use. This finding is met. The indoor rental storage facility use is more appropriate to the neighborhood than the previous warehousing and storage use due to the significantly lesser traffic impact, especially truck traffic. Since the proposed rental storage facility is completely indoors, no significant noise or visual impacts are anticipated, as compared to warehousing and storage with its truck traffic impacts.

(b) The traffic generated by the proposed use is similar to that generated by the existing nonconforming use. This finding is met. The application provides a traffic generation analysis showing that the proposed indoor rental storage facility use will generate an estimated 41 customer trips per day, compared to an industry average for warehouse uses of 283 daily truck trips.

(c) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The proposed indoor rental storage facility use will not be detrimental to the existing character of development nearby, nor endanger the public health, safety, or general welfare.

(d) The use is consistent with the comprehensive plan. This finding is met. As stated in Finding 4(d), the Comprehensive Plan designates the entire Schmidt Brewing complex, including the subject site, as both a Neighborhood Center and a Mixed Use Corridor, which call for more dense and compact mixed commercial and residential uses, with only small scale industrial-type uses such as storage. However, if the proposed indoor storage facility use is viewed as part of the larger Schmidt Brewing campus project, it contributes to the feasibility of the rest of the site to allow it to meet the aims of a Neighborhood Center or Mixed Use Corridor designation with higher density housing and commercial uses that make use of the established historic buildings and site layout. The proposed use serves as an

effective transition from the more dense uses envisioned for the rest of the Schmidt Brewery campus and the adjacent neighborhood to the north.

6. The subject site is located within the Jacob Schmidt Brewing Company Historic District.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Premier Storage LLC for a nonconforming use permit (reestablishment and change) for an indoor rental storage facility at 543 James Ave is hereby approved subject to the following conditions:

1. Substantial compliance with the site plan and floor plan submitted as part of this application, including the lack of building expansion.
2. Heritage Preservation Commission (HPC) approval or HPC staff approval of any changes within their purview.



Premier Storage 2F# 14-319-416

West 7th/Fort Road Federation

974 West 7th Street

Saint Paul, Minnesota 55102

651-298-5599

FortRoadFederation.org

August 28, 2014

Dear Zoning Committee:

The West 7th/Fort Road Federation District Council has voted unanimously to oppose the application for reestablishment and change of nonconforming use for an indoor rental storage facility at **543 James Avenue**.

Reasons for opposition:


Section 62.109(e) Staff report states that "warehousing and storage are part of the area's existing development character". The Schmidt Artist Lofts have been open for less than a year and are no longer a warehouse or storage facility but rather a residential development.

Section 62.109(c) Staff report states that "proposed use is consistent with the comprehensive plan". The comp plan designates the site as both a Neighborhood Center and Mixed Use Corridor. The proposed use does not meet the aims of either designation.

Section 62.109(e) "The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare". The Great River Passage Master Plan encourages better connection with the river from the adjacent neighborhoods and redevelopment along Randolph Avenue. The proposed storage facility is detrimental to the existing character of the neighborhood and the newly redeveloped Schmidt Brewery.

The Federation worked from 2004 to 2008 to change zoning from I2 General Industrial District to the T3 Traditional Neighborhood classification. The Federation supported the T3 rezoning because it was future orientated. We feel it is extremely short sighted to reverse the zoning just as the neighborhood is beginning to see the positive influence of the Schmidt rehabilitation.

Respectfully Submitted,


Shawn Devine
President
West 7th/Fort Road Federation

ITEM #4

Dermody, Bill (CI-StPaul)

From: Candace Nelson <candy@cabr.umn.edu>
Sent: Thursday, August 21, 2014 4:36 PM
To: Dermody, Bill (CI-StPaul)
Cc: Thune, Dave (CI-StPaul)
Subject: Self storage proposal for the Schmidt Brewery site

Regarding the proposal to place a self storage site at the base of the brewery complex.

As a member of the neighborhood that lives in the area, I would like to voice my strong opinion that a self storage unit not be placed at the Schmidt brewery site. I am completely against this proposal for many reasons including:

- The fact that it will be an eyesore.
- That it does not contribute/add anything to the community around it.
- West seventh needs business to build up the community and not hinder the community around it.
- I'm disappointed that the original plans that were voiced to the public are not being used and I strongly believe that the neighborhood would do much better with a development like originally planned (i.e., a brew pub/brewery space).
- As a member of the community we need businesses like brewpubs to attract spending in the neighborhood (for an example just look at how well Shamrocks fairs, it's always busy and provides jobs and nightlife that is lacking).
- I believe it will deter artist and renters from renting space in the rental lofts because you are taking away the ability for a hip young environment that will provide economic stability to the neighborhood and replacing it with an eyesore.

I am extremely disappointed that the city would consider this proposal as it is detrimental to the neighborhood surrounding it.

Please do not allow this to go through and be built in my neighborhood.

Sincerely,
Candace Nelson
779 Jefferson Ave
St Paul, MN 55102

Dermody, Bill (CI-StPaul)

From: Ted Beverly <tedb@threecedarfarm.com>
Sent: Thursday, August 21, 2014 4:51 PM
To: Dermody, Bill (CI-StPaul); Thune, Dave (CI-StPaul)
Subject: Self storage off W 7th

Please do not allow the creation of self storage units behind the Schmidt brewery. This is the exact wrong direction for an area poised to become a vibrant hub on W 7th

Thank you

Ted Beverly

Dermody, Bill (CI-StPaul)

From: Denise Wickiser <denisewickiser@comcast.net>
Sent: Friday, August 22, 2014 8:53 AM
To: Dermody, Bill (CI-StPaul)
Cc: Thune, Dave (CI-StPaul)
Subject: 543 James Ave

Hello,

My name is Denise Wickiser and I am writing today about the non-conforming use application for the warehouse at 543 James Avenue, on the Schmidt Brewery property. I live one block from the back corner of the warehouse, at 354 Duke Street. I lead the Brewery Neighborhood Block Club, I am the Co-Chair of the Schmidt Brewery Redevelopment Task Force group, and also serve on the Board of the Fort Road Federation District 9 District Council. Full disclosure: my husband is Dave Wickiser, who is on the Planning Commission and serves on the Zoning Committee.

I would like to express my personal opposition to the rental storage business going in there. This use does not fit with the neighborhood vision for the redevelopment of the property. Many millions in private and public dollars have been invested in the brewery property overall, and this rental storage use seems to bring us backwards. While I know some neighbors did sign off on this change, I have heard from many more who are very uncomfortable with this use for the property. The first phase of the development, the Schmidt Artist Lofts, just completed this summer, with the last residents moving in this June. It has only just begun. We can do better for this property.

Please don't hesitate to contact me with questions. I cannot be at the zoning committee meeting on August 28, but I would like to have my written comments submitted. Thank you for your consideration.

Denise Wickiser
Brewery Neighborhood Block Club, President
Schmidt Brewery Redevelopment Task Force, Co-Chair
District 9 Fort Road Federation, Board Member
354 Duke St
St. Paul, MN 55102
651-343-6875

Dermody, Bill (CI-StPaul)

From: Kris Kautzman <kautzfrau@yahoo.com>
Sent: Friday, August 22, 2014 4:45 PM
To: Dermody, Bill (CI-StPaul); dave.thune@ci.stpaul.mn
Subject: 543 James Ave should NOT become a rental storage facility

Dear Mr. Dermody & Mr. Thune,

Please do not approve the request to turn the warehouse at 543 James Ave into a rental storage facility.

The only good thing I've heard anyone say about the proposal at hand is that "self-storage facilities are quiet."

Yes, they are quiet. They're quiet because they are tombs for possessions. This project would add no human value to our neighborhood, and it is not consistent with any of the other development that's happened here in recent years:

- Our new firehouse, with its beautiful, sustainable rooftop garden, has drawn national attention;
- The Peter J. King Family Health Center is an amazing facility, training the next generation of young doctors to care for an increasingly diverse population in challenging times;
- New businesses like the Bearded Mermaid, Supatra's, Scarborough Fair & Mojo Monkey are generating interest in our community, and also generating good press;
- The residents of the Schmidt Lofts have the potential to create a whole new, vibrant culture in our neighborhood.

Where in this vision does building a giant tomb for possessions fit in? Approving this plan would be shortsighted. "Quiet" does not equal meaningful or valuable development.

Self-Storage facilities are good fit for land that has no other obvious value. Have all other options been exhausted? Have other options been explored? Please don't be shortsighted. Our community doesn't need another dead zone.

Thank you both for your time, and for your service to our gem of a city.

Kris Kautzman
Homeowner
408 Erie Street, St. Paul, MN 55102

*Voice
Flute
&
Nonprofit Operations*

You are not here merely to make a living. You are here to enable the world to live more amply, with greater vision, and with a finer spirit of hope and achievement. You are here to enrich the world. You impoverish yourself if you forget this errand. - Woodrow Wilson

August 23, 2014

St. Paul Zoning Committee,
1400 City Hall Annex,
25 W. 4th St.,
St. Paul, MN 55102-1634

Dear Sir or Madam:

I have heard that a self-storage facility is planned for the Schmidt Brewery project.

As I understand it, the idea behind redeveloping Schmidt was to make it a place where people -- residents, neighbors, and (we hope) others -- want to be. The presence of people lowers crime, adds to the local economy, and should offer the neighborhood something it does not have now.

I don't understand how those goals can be achieved with a warehouse. A good chunk of the Schmidt site will be turned over to a business which likely will see a flurry of activity a few days a month and will just sit there the rest of the time. It's not like they could be successful and enlarge the business by taking additional space on-site (there is none) or by increasing sales volume, so the revenue self-storage provides when it opens pretty much will be all the revenue it will ever provide. And there already is a self-storage facility a mile or two down West 7th from Schmidt, so it's not like the neighborhood is being denied this service.

I have to think there is a higher use for this part of the Schmidt site. I'm disappointed that the powers that be do not seem to be holding out for that higher use before capitulating to ... storage. At this point it seems like someone showed up, cash in hand, and the folks planning the project just said, "Well, umm, okay."

I think St. Paul can do better. And if it turns out, after trying, it cannot, at least there is evidence that the City tried for the best available use before settling.

Respectfully,



Steve Dropkin
489 Michigan Street
St. Paul, MN 55102

Dermody, Bill (CI-StPaul)

From: Ken Page <kenpage2@gmail.com>
Sent: Sunday, August 24, 2014 4:52 AM
To: Dermody, Bill (CI-StPaul)
Subject: Zoning Change @ Schmidt Brewery Warehouse

I do not think it would be a wise use of the former warehouse property to be converted to a self storage property. I do not believe it would be beneficial to the neighborhood and, though quiet and clean, I think a much better use of the building would be to turn it into a bazaar and market for small business to sell their wares. It would be well supported and goes with the style the artist loft concept originally was intended to become. I believe it would thrive. I can find plenty of storage business' outside of St Paul. We certainly don't need another one on West 7th next to an Artist' Loft colony!

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WHEREAS, River Road II Investments LLC, File # 14-319-307, has applied for a conditional use permit for a 69-unit assisted living/memory care facility, with front yard setback, lot size and lot coverage variances, under the provisions of §65.180; §65.182; §61.501; §61.202(b); §66.231; §66.232; §63.312 of the Saint Paul Legislative Code, on property located at 1925 Norfolk Ave, Parcel Identification Number (PIN) 212823240135, legally described as Daverns Burren Addition to St That Part Of Lots 1 Thru 22 Blk 7 And Vac Alleys Lying Sly Of The Fol Desc Line Com At The Se Cor Of Sd Lot 22 Then N Along E L Of Sd St 84.20 Ft Tot He Pt Of Beg Of Line To Be Desc Then W 105.20 Ft Then N 34.48 Ft Then W 50.0; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. River Road II Investments proposes a 69-unit assisted living and memory care facility, demolishing both the existing nursing home and the duplex on the property, and maintaining the direct physical connection to the independent living Highland on Graham senior apartments. The new facility will consist of 53 assisted living units and 16 units of memory care housing, as well as community facilities including central dining and a chapel. The memory care units will not be full dwelling units and are treated as nursing home rooms as defined in the zoning code. As shown on site plans submitted with this application, the project also includes 46 off-street parking stalls in an underground garage, and six off-street parking stalls on a surface parking lot. The original narrative in the application stated that there would be 47 underground parking stalls, but this was changed to 46 to accommodate a mechanical room. The attached site plan shows the correct number of parking stalls.
2. Assisted living facilities require a conditional use permit in RM2 districts. The applicant is also applying for three variances for front yard setback, lot size, and lot coverage. The proposed building would have less variance from the front yard setback and lot coverage standards than the existing St. Mary's nursing facility has. Assisted living units with full kitchens are considered dwelling units while the former nursing home rooms (without full kitchens) were not considered dwelling units, and so the nursing home did not require a lot-size variance.

moved by _____
seconded by _____
in favor _____
against _____

Conditional Use Findings

3. §65.180 *Assisted living*, refers to §65.182 *Nursing home*, for standards and conditions. There is one standard that applies:

- (a) The yard requirements for multiple-family uses in the district apply.

This condition can be met provided the Planning Commission approves a variance from this section for the front yard setback.

The proposed project meets the side yard setback requirement. The side yard setback is required to be half the height of the proposed building, in this case 24' from the property line. The proposed building would have a setback of 41' from Prior Avenue, and the proposed parking lot would have a setback of 28'-7" from the alley.

The proposed project meets the rear yard setback requirement, insofar as there is no rear yard setback requirement due to the nature of the zoning lot. There is a requirement for 18' between two buildings in §56.231. With the exception of the link between the proposed building and the existing independent living senior apartments, the narrowest distance between the buildings is 21'.

The proposed project does not meet the front yard setback requirement, and the applicant is applying for a variance to this requirement. The required front yard setback in RM2 is 25'. The proposed building would have a 10' setback, and the proposed surface parking lot, which is not permitted in a required front yard, would have a 5' setback.

4. §61.501 lists five standards that all conditional uses must satisfy:

- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This project replaces an old nursing home facility that is out of compliance with the building code, with a modern assisted living and memory care building. It meets Comprehensive Plan Housing Strategy 1.1 *Increase housing choices across the city to support economically diverse neighborhoods* and Strategy 2.18 *Support the expansion of housing choices for seniors.*

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress to the 46-stall underground parking lot and six-stall surface parking lot will be via the alley. The code requires one space per three residents for assisted living use, or 23 spaces. The additional spaces will minimize congestion in the public streets.

- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The use as an assisted living facility is similar in use to the previous use as a nursing home, which is listed on the same line of the use table for residential districts and has the same conditions. The assisted living facility will not be detrimental to the existing character of the immediate neighborhood and it will not endanger the public health, safety, and general welfare.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is similar to the previous use and will not impede the normal and orderly development and improvement of the surrounding property.

- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met provided the Planning Commission approves three variances:

§66.231 requires a front yard setback of 25'. §63.312 states that off-street parking spaces shall not be within a required front yard. The proposed facility does not meet this standard. The proposed six-stall surface parking lot is set back 5' from the front lot line, requiring a

variance of 20'.

§66.231 sets a lot size minimum of 1,500 square feet per unit. The proposed facility does not meet this standard. The zoning lot area is a total of 115,434 square feet. §66.231(c) allows an increase of three hundred (300) square feet per underground parking space. There are 46 existing underground parking stalls, and 46 proposed underground parking stalls. These 92 underground stalls allow a lot size bonus of 27,600 square feet, bringing the total lot area with credits to 143,034 square feet. At one unit per 1,500 square feet, 95 units are permitted. There are 72 dwelling units at Highland on Graham. The proposed 16 memory care units for this project are not considered dwelling units as they will not have full kitchens. The proposal is for 53 assisted living units that will have full kitchens. This is a total of 125 dwelling units, 30 units over the permitted number. The proposal requires a variance.

§66.232 allows for principal structures to cover up to 35% of a zoning lot. The proposed facility does not meet this standard. The proposed project, with the existing facilities, brings the coverage on this zoning lot to 53%.

§66.231 sets a maximum height in RM2 of five stories or 50'. The proposed facility meets this standard at four stories and 48'. It also requires side setbacks of ½ the building height, and a rear setback of 25'. Each of these standards is met (see finding three).

Font Yard Setback Variance Findings

5. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The applicant is seeking a 20' front yard setback variance. The intent of the code is to provide adequate open space, light and air to the subject property and to not overcrowd the site. The existing St. Mary's nursing facility has a front yard setback of 3' from the lot line at the closest point. The majority of the building is set back the required 25' from the lot line. The building is set back 10' at the closest point to the lot line, which is an increase of 7' from the existing building. The surface parking lot at a 5' setback is still set back further than the existing building. The variance is in harmony with the general purposes and intent of the zoning code.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan's Land Use Strategy 3 is to *Promote Aesthetics and Development Standards*. Strategy 3.1 specifically calls for the utilization of citywide design standards to "achieve a high quality pedestrian-scaled urban environment" (LU 32). The requested variance permits the construction of a surface parking lot on the side of the structure off the drive lane into the underground garage, consolidating vehicular traffic to these two facilities and separating it from pedestrian traffic. The requested variance also permits the property owner to maintain the existing service drive between the existing independent living facility and the proposed assisted living and memory care facility, separating delivery vehicular traffic from pedestrian access to the building as well. The variance is consistent with the comprehensive plan.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The new development is on the same zoning lot as an existing building. There is a service drive between the proposed building and the existing. To maintain this drive, and to provide for the "residential-style" assisted living facility with larger unit dimensions, a building width of approximately 65' must be maintained. The

proposed surface parking is constrained to the far end of the property, and to maintain adequate spacing from the existing garage to the north of the proposed lot, and to provide convenient guest parking, the facility requires a front yard setback variance.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The existing Highland on Graham buildings and service drive were built by the previous owners. The reduced setback for the proposed building and surface parking lot is necessary to accommodate the existing dimensions of the property.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The front yard setback variance is required to permit the construction of a wider building to accommodate the assisted living units which are larger than the old nursing home units. The parking facility will provide surface parking easily accessible to visitors and maintain separation between the surface parking and the existing garage structure.

The assisted living facility is similar to other senior housing uses, which have the same conditions in the district and the same parking requirements (nursing home, boarding care home, hospice, and housing for the elderly). This use is also similar to other multi-family residential uses permitted in the RM2 district. It is unlikely that this facility would be able to be used for any use that is inconsistent with the RM2 district.

- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. There is an existing nursing facility on the property and an existing senior independent living apartment building adjacent to the proposed new construction. The surrounding area is predominantly single family with institutional and multiple family uses as well. The variance will not alter the essential character of the surrounding area.

Lot Size Variance Findings

- 6. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The applicant is seeking a lot size variance to accommodate a higher density of dwelling units on the property. The existing facility is a nursing home with 110 beds. These rooms are not considered dwelling units, and the facility is out of compliance with the building code, which is why the original owners allowed the facility to become vacant. The proposed facility will replace the 110 bed facility with 53 units of assisted living and 16 units of memory care. The 16 memory care units are also not considered dwelling units as they will not have full kitchens. The 53 units of assisted living will contain full kitchens, and are therefore considered dwelling units.

The zoning lot includes the existing senior independent living apartments to the north. There are 72 units in that project as well as 46 underground garage stalls. The existing zoning lot, at 115,434 square feet with 46 underground stalls, allows a total of 86 dwelling units. The proposed project includes 46 additional underground parking stalls, which increases the permitted density by 9 units for the zoning parcel. The proposed use requires 1 parking stall per 3 units. The intent of the code is to permit higher density when underground parking facilities are included in a project. The proposed lot size variance is in harmony with the general purposes and intent of the zoning code.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The core goal of the Comprehensive Plan's Land Use Strategy 1 is higher density development, to "contribute to the goal of creating a vibrant, economically strong community that is

- environmentally sustainable," including as "infill development in Established Neighborhoods" (pg LU-8). This variance is consistent with the Comprehensive Plan.
- (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The previous owners determined that it would be cost-prohibitive to bring the existing nursing home facility up to City code. It was allowed to become vacant under the previous owners. The property owner proposes, rather than to update an outdated building, to replace it with an assisted living and memory care facility which is listed in the same line of uses in the City zoning code. This is a reasonable change in use. The practical difficulties with complying with the lot size provision are created by the existing structure and the other buildings on the zoning lot.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. When the senior apartments were constructed, the entire block was considered as one zoning lot to allow the density of dwellings in that project.
 - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The assisted living facility is similar to other senior housing uses, which have the same conditions in the district and the same parking requirements (nursing home, boarding care home, hospice, and housing for the elderly). This use is also similar to other multi-family residential uses permitted in the RM2 district. It is unlikely that this facility would be able to be used for any use that is inconsistent with the RM2 district.
 - (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. There is an existing nursing facility on the property and an existing senior independent living apartment building adjacent to the proposed new construction. The density of residents in this facility will be lower than the number of residents in the existing nursing home facility, which has 110 beds. Furthermore the facility will provide underground parking and a surface lot for visitors where there was none. The surrounding area is predominantly single family with institutional and multiple family uses as well. This variance will not alter the essential character of the surrounding area.

Lot Coverage Variance Findings

- 7. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The zoning lot in question has and lot coverage of 55%. After removing the duplex and St. Mary's nursing facility and constructing the proposed assisted living facility and memory care building, the lot coverage would be 53%. In residential districts, principal structure shall not cover more than 35% of any zoning lot. This variance is in harmony with the general purposes and intent of the zoning code as it reduces the existing lot coverage variance of the zoning lot.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The core goal of the Comprehensive Plan's Land Use Strategy 1 is higher density development, to "contribute to the goal of creating a vibrant, economically strong community that is environmentally sustainable," including as "infill development in Established Neighborhoods" (pg. LU-8). This variance is consistent with the Comprehensive Plan.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner*

not permitted by the provision. Economic considerations alone do not constitute practical difficulties. This finding is met. The existing lot coverage percentage is higher than that of the proposed project. The proposed use is reasonable considering the existing practical difficulties of the existing structure and zoning lot.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The existing structures on the zoning lot have a greater lot coverage percentage than do the buildings in the proposed project. In order to accommodate the number of assisted living and memory care units to make this project feasible, a lot coverage variance is required. The circumstances of the property were not created by the landowner.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The assisted living facility is similar to other senior housing uses, which have the same conditions in the district and the same parking requirements (nursing home, boarding care home, hospice, and housing for the elderly). This use is also similar to other multi-family residential uses permitted in the RM2 district. It is unlikely that this facility would be able to be used for any use that is inconsistent with the RM2 district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. There is an existing nursing facility on the property and an existing senior independent living apartment building adjacent to the proposed new construction. The lot coverage percentage is currently higher than that of the proposed project. Furthermore the facility will provide underground parking and a surface lot for visitors where there was none. The surrounding area is predominantly single family with institutional and multiple family uses as well. This variance will not alter the essential character of the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of River Road II Investments LLC for a conditional use permit for a 69-unit assisted living/memory care facility, with variances to allow front yard setback of up to 5' where 25' is required, lot size per unit of less than 1,500 square feet per unit, and lot coverage of up to 53% where 35% is the stated maximum, at 1925 Norfolk Ave is hereby approved, subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.



**HIGHLAND
DISTRICT
COUNCIL**

Highland District Council
1978 Ford Parkway Saint Paul, Minnesota 55116
651-695-4005 Fax 651-695-4019
Email: hdc@visi.com

ZF # 14-319-307
River Road Investments

Resolution in Support of a Density Variance, Setback Variance, lot coverage and a Conditional Use Permit for 1925 Norfolk Avenue West

Whereas Jim Kelly of River Road II investments, has applied for a density variance, setback variance, lot coverage variance and Conditional Use Permit at 1925 Norfolk Avenue,

Whereas, the Community Development Committee of the Highland District Council held a community meeting with many of the neighbors directly across from the project on August 19, 2014 and,

Whereas, an assisted living and memory care facility are not a permitted use under the current RM2 zoning without a Conditional Use Permit and,

Whereas, the zoning code states that only 1 unit is allowed under RM2 zoning per 1,500 square feet, this project needs a density variance of 29 units and,

Whereas, the front setback requirement for the property is 25' and this development will have an average front yard setback of 28', with over 55% meeting the requirement and,

Whereas, the proposed development will exceed the City's standard residential lot coverage ratio of 35% of the site, the existing building lot coverage ratio is 55% and the proposed building at 53%, which represents an actual a decrease in lot coverage and,

Whereas the neighbors that attended the community meeting generally supported the project at 1925 Norfolk,

Therefore, be it resolved, that the Community Development Committee of the Highland District Council supports variances for density, front yard setback, lot coverage and a Conditional Use Permit, for River Road II investments to operate an assisted living and memory care at 1925 Norfolk.

Approved on August 19, 2014

By the Community Development Committee of the Highland District Council

Resolution 2014-24D



SUMMIT-UNIVERSITY
PLANNING COUNCIL

Board of Directors

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Center

Vice Chair
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Outreach, Chair
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Ramsey Hill Association
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Natalie Obee

Stephanie Stoessel

Robert Clarksen

Stephen Filing

Jean Schroepfer

Theresa Nix

August 27th, 2014

Department of Planning and Economic Development
Planning and Zoning
25 West 4th Street
Suite 1400
Saint Paul, MN 55102

Attn: Hilary Holmes

Re: 490 University Avenue

To Whom It May Concern:

At the August 26th, 2014 meeting of the Summit-University Planning Council's Board of Directors, the board voted 8-1 on a motion to not support the expansion of Max It Pawn at 490 University Avenue. The board views expansion of pawn shops as an undesirable addition to our community.

This topic was not presented on or discussed previously at any community forum. SUPC did not receive notification of the request for the conditional use permit until the second week of August and thus was too late to include the topic in our monthly neighborhood development meeting. The topic was discussed at the August 26th, 2014 Board of Directors Meeting, too late for the board's opinion to be included in the city's staff packet. Although the board understands meeting times do not always line up, it is unclear to SUPC if 490 University Avenue was included in the Early Notification System

In conclusion, the Summit-University Planning Council does not support the request for a conditional use permit.

We can be reached for questions or concerns at office: (651) 228-1855 cell: (651) 431-8199 or sara@summit-u.com

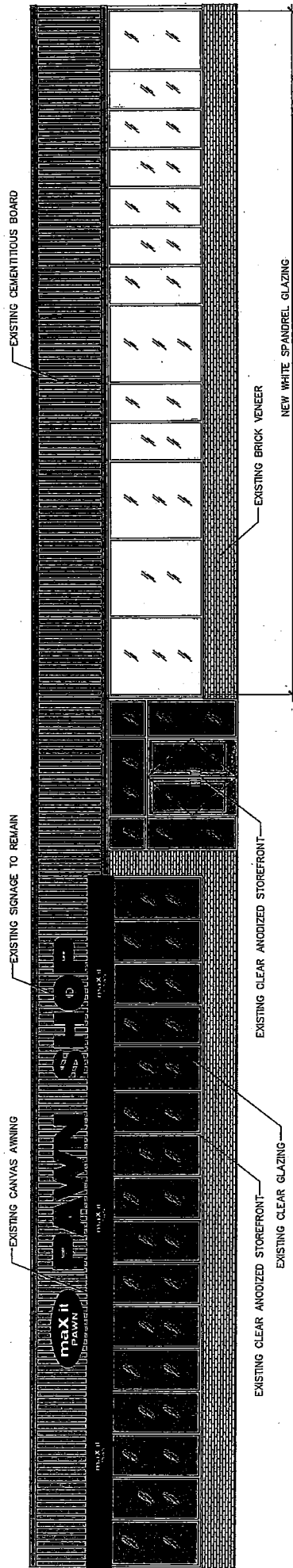
Sincerely,

Max Holdhusen
Project Manager
Neighborhood Development Staff Liaison

Sara Udvig
Executive Director
Summit-University Planning Council

2F# 14-316-218
Cash - N - Pawn

ZF# 14-316-218
Cash-N-Pawn



city of saint paul
planning commission resolution
file number
date

WHEREAS, John Rupp, File # 14-316-432, has applied for a conditional use permit for reuse of a large structure for a hotel under the provisions of §65.132 and §61.501 of the Saint Paul Legislative Code, on property located at 344 Summit Ave, Parcel Identification Number (PIN) 012823130056, legally described as Dayton And Irvines Addition Ex Part Of Vac Alley Bet Lots 21 & 22 Blk 69 Desc As Fol Beg At Nw Cor Of Alley Th Sely On Wl Of Alley 202.13 Ft Th Nely At Ra 12.5ft Th Nwly Par With Sd Wl To Nl Of Alley Th Sw To Beg & Swly 35ft Of Lot 19 & All Of Lot 20 & Lo; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application is for a conditional use permit for reuse of a large structure as a hotel at 344 Summit Avenue. The applicant proposes to convert the 18,000 square foot building from the previous college classroom use into a 10-unit fully-furnished luxury hotel. Individual units will have kitchens and bathrooms. The hotel will have shared common areas including a living room, library, office, and kitchen. The side yard will be maintained as open space. The application states that there will be no banquet facility uses at this property, and that no exterior changes are proposed. The application also states that no more than four of the hotel rooms and/or suites would be rented for periods of more than one year.
2. The applicant has applied for modification of the parking requirement in § 65.132(d).
3. In addition to Planning Commission approval of the conditional use permit, building and fire code approvals through the Department of Safety and Inspections are required for the proposed use. Any exterior changes would require approval by the Heritage Preservation Commission.
4. § 65.132 provides for conversion or reuse of residential structures of over 9,000 square feet gross floor area and structures such as churches and schools for uses that would otherwise be nonconforming in a residential zoning district subject to the following standards and conditions:

a) *The planning commission shall find that the structure cannot reasonably be used for a conforming use.* The building is approximately 18,000 square feet. Conforming uses in

moved by _____
seconded by _____
in favor _____
against _____

the RT2 residential district include up to four dwelling units, religious and educational institutions, and specified congregate living uses.

Within the last decade three nearby large historic houses have been converted to a conforming number of dwelling units as follows:

Address	Previous # units	Current # units	Square footage per unit	Off-street parking spaces
318 Summit	10	2	~5,244 sf; 2,000 sf	4
322-324 Summit	12	3	5,110 sf; 3,408 sf; 2,686 sf	6
340 Summit	9	2	~ 8,110 sf; 2,000 sf	5

It appears that an existing garage at the rear of the house might accommodate one or two cars, and that three to four parking spaces could be reasonably accommodated in the area of the existing garage if the garage were substantially restructured or removed. Adding parking in the side yard would be undesirable and probably unrealistic because it would compromise the gardens and historic ruins from an original house there and there are associated grading issues. Any of these exterior changes would require Heritage Preservation Commission approval.

The house is so large that reuse for only one to two dwelling units is unreasonable. It is also unreasonable to expect that converting the building into three or four condo units of 4,000 – 6,000 square feet each, or converting it for other conforming uses, would be marketable with the limited off-street parking that is reasonably possible on the site. This condition is met.

- b) *The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.* The proposed use is consistent with Comprehensive Plan Heritage Preservation Chapter Strategy 4 to preserve and protect historic resources and Strategy 5 to use historic preservation to further economic development. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. Therefore, the character of the proposed use is consistent with the description of the "established neighborhood" designation for this location in the Comprehensive Plan Land Use chapter. This condition is met.
- c) *The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.* The applicant is not proposing any exterior alterations or additions. The proposed 10-unit hotel will be a less intensive use than the previous institutional use as a classroom building of Saint Paul College of Visual Art. This condition is met.
- d) *Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.* The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially

restructured or removed, and that this condition can be met subject to the condition that such parking is provided. This is contingent on application to and approval by the Heritage Preservation Commission.

- e) *Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.* This finding is met. The petition was found sufficient on August 5, 2014: 15 parcels eligible; 10 parcels required; 11 parcels signed. After August 5, 2014 three additional parcels were submitted as signed.

5. §61.501 lists five standards that all conditional uses must satisfy:

- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The proposed use is consistent with Comprehensive Plan Heritage Preservation Chapter Strategy 4 to preserve and protect historic resources and Strategy 5 to use historic preservation to further economic development. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. Therefore, the character of the proposed use is consistent with the description of the "established neighborhood" designation for this location in the Comprehensive Plan Land Use chapter. This condition is met.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The proposed use will produce less traffic and demand for on-street parking than the previous institutional use as a Saint Paul College of Visual Art classroom building. Given the current layout of the property, vehicles using the driveway need to back out onto Summit Avenue, which could be difficult with the volume of cars driving and parking on Summit Avenue. It may be possible to provide for vehicles using the driveway and/or garage to turn around so that they would be traveling forward as they enter Summit Avenue. This condition can be met subject to the condition that the driveway be changed to provide for all non-commercial vehicles to exit forward onto Summit Avenue.
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* There is a mix of institutional, commercial, and residential uses along Summit Avenue. Between Western Avenue and Dayton/Old Kellogg Boulevard the large historic homes are predominately residential in use. Changing the use of the house from the previous college use to the proposed hotel use is less intensive than the previous institutional use. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas, including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. This condition is met.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* There are no exterior changes proposed for the property. The impact of the hotel use will be less than the previous use

as a college classroom building. The use is similar in character to multi-family residential uses permitted in the district. This condition is met.

e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

6. §61.502 provides for modification of special conditions: *The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The applicant has applied for a modification of the special condition in §65.132(d) regarding parking. The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially restructured or removed. Therefore, strict application of the special conditions related to required off-street parking would not limit or prevent otherwise lawful use of the property or the existing structure. Providing the required off-street parking of three spaces would not result in exceptional undue hardship. Modification of the off-street parking requirement would impair the intent and purpose of the special condition. The standards for modification of the special condition for off-street parking are not met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of John Rupp for a modification of condition §65.132(d), the parking requirement, is hereby denied; AND

BE IT ALSO RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of John Rupp for a conditional use permit for reuse of a large structure for a hotel at 344 Summit Ave is hereby approved, subject to the following conditions:

- 1) A minimum of three off-street parking spaces must be provided on the property, subject to approval by the Heritage Preservation Commission.
- 2) The property will not be used as a reception hall, banquet facility or assembly hall.
- 3) The applicant will acquire all necessary and appropriate licenses and permits prior to establishing the use.
- 4) All exterior alterations to the structures and site must be approved by the Heritage Preservation Commission.
- 5) No food or beverage service is to be offered to the general public.
- 6) Changes to the driveway to provide for all non-commercial vehicles to exit forward onto Summit Avenue.
- 7) All commercial vehicles providing delivery or services must be accommodated on site, without blocking travel, parking or bicycle lanes, or the public sidewalk.
- 8) All site work to accommodate conditions for this use must be approved by the appropriate entities and completed before the use is established.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 344 Summit Boutique Hotel **FILE #** 14-316-432
 2. **APPLICANT:** John Rupp **HEARING DATE:** August 28, 2014
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 344 Summit Ave, between Western and Virginia
 5. **PIN & LEGAL DESCRIPTION:** 012823130056, Dayton And Irvines Addition Ex Part Of Vac Alley Bet Lots 21 & 22 Blk 69 Desc As Fol Beg At Nw Cor Of Alley Th Sely On Wl Of Alley 202.13 Ft Th Nely At Ra 12.5ft Th Nwly Par With Sd Wl To Nl Of Alley Th Sw To Beg & Swly 35ft Of Lot 19 & All Of Lot 20 & Lo
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** R2/RT2
 7. **ZONING CODE REFERENCE:** § 65.132; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** 8-21-2014, revised 8-28-14 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** August 5, 2014 **60-DAY DEADLINE FOR ACTION:** October 4, 2014
-

- A. **PURPOSE:** Conditional use permit for reuse of a large structure for a boutique hotel with modification of the condition in § 65.132(d) regarding parking
- B. **PARCEL SIZE:** 52,708 square feet, ~150 feet (Summit Ave, width) x ~345 feet (length)
- C. **EXISTING LAND USE:** N-College, now vacant
- D. **SURROUNDING LAND USE:**
North: 1-, 2-, and multi-family residential (RT2)
East: 1-, 2-, and multi-family residential (RT2)
South: Single- and multi-family residential (RT2, R2)
West: 1-, 2-, and multi-family residential (RT2)
- E. **ZONING CODE CITATION:** § 65.132 provides for conversion or reuse of large residential structures and structures such as churches and schools for uses that would otherwise be nonconforming in a residential zoning district subject to certain conditions; § 61.501 lists general conditions that must be met by all conditional uses; § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The house at 344 Summit Avenue was constructed in 1915 as a single-family dwelling. In the 1950s the house was converted into a classroom building by Saint Paul College of Visual Art and used by the college for classroom space until 2013 when the college closed. The property is within the boundaries of the Historic Hill Heritage Preservation District. The applicant has met with Planning and Economic Development, Heritage Preservation Commission and Department of Safety and Inspections staff regarding zoning and licensing.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council recommended approval, subject to a condition.
- H. **FINDINGS:**
 1. The application is for a conditional use permit for reuse of a large structure as a boutique apartment hotel at 344 Summit Avenue. The applicant proposes to convert the 18,000 square foot building from the previous college classroom use into a 10-unit fully-furnished luxury boutique apartment hotel. Individual units will have kitchens and bathrooms. The hotel will have shared common areas including a living room, library, office, and kitchen. The side yard will be maintained as open space. The application states that there will be no banquet facility uses at this property, and that no exterior changes are proposed. The application also states that no more than four of the hotel rooms and/or suites would be rented for periods of more than one year.
 2. The applicant has applied for modification of the parking requirement in § 65.132(d).
 3. In addition to Planning Commission approval of the conditional use permit, building and fire code approvals through the Department of Safety and Inspections are required for the proposed use. Any exterior changes would require approval by the Heritage Preservation Commission.

4. § 65.132 provides for conversion or reuse of residential structures of over 9,000 square feet gross floor area and structures such as churches and schools for uses that would otherwise be nonconforming in a residential zoning district subject to the following standards and conditions:

- a) *The planning commission shall find that the structure cannot reasonably be used for a conforming use.* The building is approximately 18,000 square feet. Conforming uses in the RT2 residential district include up to four dwelling units, religious and educational institutions, and specified congregate living uses.

Within the last decade three nearby large historic houses have been converted to a conforming number of dwelling units as follows:

Address	Previous # units	Current # units	Square footage per unit	Off-street parking spaces
318 Summit	10	2	~5,244 sf; 2,000 sf	4
322-324 Summit	12	3	5,110 sf; 3,408 sf; 2,686 sf	6
340 Summit	9	2	~ 8,110 sf; 2,000 sf	5

It appears that an existing garage at the rear of the house might accommodate one or two cars, and that three to four parking spaces could be reasonably accommodated in the area of the existing garage if the garage were substantially restructured or removed. Adding parking in the side yard would be undesirable and probably unrealistic because it would compromise the gardens and historic ruins from an original house there and there are associated grading issues. Any of these exterior changes would require Heritage Preservation Commission approval.

The house is so large that reuse for only one to two dwelling units is unreasonable. It is also unreasonable to expect that converting the building into three or four condo units of 4,000 – 6,000 square feet each, or converting it for other conforming uses, would be marketable with the limited off-street parking that is reasonably possible on the site. This condition is met.

- b) *The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.* The proposed use is consistent with Comprehensive Plan Heritage Preservation Chapter Strategy 4 to preserve and protect historic resources and Strategy 5 to use historic preservation to further economic development. The Comprehensive Plan Land Use Chapter (LU-B) describes and identifies “Established Neighborhoods” as predominately residential areas with neighborhood-serving commercial areas at the intersections of arterial or collector streets. The property is located on Summit Avenue, a collector street, one block east of Western Avenue, a collector street, but not right at the intersection two collector streets. Western Avenue is identified as a “Residential Corridor” in LU-B while Summit Avenue east of Western to Dayton/Old Kellogg Boulevard is identified as Established Neighborhood. The proposed boutique apartment hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. However, a hotel is classified as a commercial use, and thus may not be consistent with the description of Established Neighborhood in the Land Use Plan for this particular location. This condition is not met.
- c) *The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.* The applicant is not proposing any exterior alterations or additions. The proposed 10-unit hotel will be a less intensive use than the previous institutional use as a classroom building of Saint Paul College of Visual Art. This condition is met.

- d) *Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.* The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially restructured or removed, and that this condition can be met subject to the condition that such parking is provided. This is contingent on application to and approval by the Heritage Preservation Commission.
 - e) *Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.* This finding is met. The petition was found sufficient on August 5, 2014: 15 parcels eligible; 10 parcels required; 11 parcels signed. After August 5, 2014 three additional parcels were submitted as signed.
5. §61.501 lists five standards that all conditional uses must satisfy:
- a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The proposal is consistent with Heritage Preservation Chapter Strategy 4 to preserve a designated historic resource resources and Strategy 5 to use historic preservation to further economic development. The Land Use Chapter of the Comprehensive Plan (LU 1.5, LU-B) shows this site in an "Established Neighborhood," a land use category it describes as predominately residential areas with a range of housing types, smaller scale scattered multi-family housing, and scattered neighborhood-serving commercial, service, and institutional uses. Summit Avenue east of Western Avenue is characterized by very large historic houses that are a mix of institutional, commercial and residential uses. The proposed use is less intensive than the previous institutional use of the house. The proposed boutique apartment hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas, including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. However, a hotel is classified as a commercial use, and thus may not be consistent with the description of Established Neighborhood in the Land Use Plan for this particular location. This condition is not met.
 - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The proposed use will produce less traffic and demand for on-street parking than the previous institutional use as a Saint Paul College of Visual Art classroom building. Given the current layout of the property, vehicles using the driveway need to back out onto Summit Avenue, which could be difficult with the volume of cars driving and parking on Summit Avenue. While it may be possible to provide for vehicles using the driveway to turn around so that they would be traveling forward as they enter Summit Avenue, with the current layout this condition is not met.
 - c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* While there is a mix of institutional, commercial, and residential uses along Summit Avenue, between Western Avenue and Dayton/Old Kellogg Boulevard the large historic homes are predominately residential in use. Changing the use of the house from the previous college use to the proposed hotel use is less intensive than the previous institutional use. The proposed boutique apartment hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the

units. The shared common areas, including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. This condition is met.

- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* There are no exterior changes proposed for the property. The impact of the hotel use will be less than the previous use as a college classroom building. This condition is met.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

6. §61.502 provides for modification of special conditions:

- a) *The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially restructured or removed. Therefore, strict application of the special conditions related to required off-street parking would not reasonably limit or prevent otherwise lawful use of the property or the existing structure. Providing the required off-street parking would not result in exceptional undue hardship. Modification of the off-street parking requirement would impair the intent and purpose of the special condition. The standards for modification of the special condition for off-street parking are not met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of a conditional use permit for reuse of a large structure for a boutique hotel, and denial of modification of the special condition in § 65.132(d) regarding parking.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-266-6549*

To: Zoning Committee
From: Hilary Holmes (266-6612)/Jake Reilly (266-6618), City Planners
Date: 08/28/2014
Re: Zoning File #14-316-432 (344 Summit Boutique Hotel)

Background

On August 21, 2014 staff prepared a Staff Report for Zoning File #14-316-432 (344 Summit Boutique Hotel), an application for a Conditional Use Permit for reuse of a large structure, that was submitted to the committee for its review. Since the production of that packet, conversations among staff have continued and the staff report was amended and finalized today, August 28, 2014.

Comprehensive plan consistency

The community has raised some issues about this application's consistency with the comprehensive plan and its addenda and amendments. Those issues primarily appear to revolve around a now-decertified small area plan known as the Summit Avenue Plan (adopted, 1986; decertified, 2009).

The Summit Avenue plan covered the length of Summit Avenue and crossed the boundaries of District Councils 8, 13, 14, and 16. The purpose of the plan was in response to a period of disinvestment in the city in general and a series of conversions and disinvestment along the avenue in particular. Major recommendations included: "protect the residential character" of Summit Avenue through zoning policy and code enforcement; permit bed and breakfasts and home occupations in large homes without undermining the residential desirability of Summit Avenue through careful application of and revisions to the zoning code.

During the 2008-2010 Metropolitan Council-required comprehensive plan update process, the City of Saint Paul was asked to submit to the Metropolitan Council a record of all addendum plans, which includes most of the district and small area plans. In fall 2008, planning staff started the process of evaluating the status of all small area plans older than 10 years (pre-1997), to determine which of these should be recertified, amended, or decertified. Letters were sent to the district councils, identifying which plans within their jurisdiction were past the 10 year mark, and what staff thought might be the appropriate action to take on each plan – recertification, amendment, or decertification.

Following the letters, planning staff spoke with each of the district councils and asked them to review the plans and provide feedback on what action they thought would be appropriate. Each district council determined its own review process and all responded.

On May 22, 2009, the Planning Commission held a public hearing on the status of all small area plans adopted prior to 1997, to determine which plans to recertify, amend, or decertify. Staff noted at the hearing that the proposed list of actions had the support of all the affected District Councils, with one exception – District 16 Planning Council opposed decertification of the Summit Avenue Plan. However, the three other district councils that share the Summit Avenue Plan, all supported the Plan's decertification. PED staff stated that a second full review of the Summit Ave Plan had been completed by then planning director Larry Soderholm, additional planning staff, and Heritage Preservation staff, who concluded that the plan was largely implemented, with significant improvements having occurred, or that new mechanisms were in place to provide protection and vision for the affected areas. The Planning Commission unanimously forwarded the recommendation to the City Council on June 19, 2009 and the City Council took action on August 5, 2009 to accept that recommendation, thereby decertifying the Summit Avenue Plan.

The adopted Comprehensive Plan documents that apply, therefore, include the city-wide 2010 City of Saint Paul Comprehensive Plan document and the current district and small area plans for District Council 8 (Summit-University) - the Irvine Avenue Plan Summary (2003) and the District 8 Plan Summary (2009). Neither of those smaller, district-specific plans address items specific to this application.

Amendment to the staff report

While the recommendation for denial of both the CUP and the modification of the condition remains, staff has made some changes:

- Finding 4(b) was amended to address the text of the required finding which indicates that the proposed use and plans must be consistent with the comprehensive plan. Language regarding consistency with the intent of the zoning code was removed.
- Finding 4(c) was amended and found to be met, based on the new use being less intensive than the previous use.
- Finding 4(d) was amended to state that the condition can be met subject to the condition that three parking spaces are provided.
- Finding 5(a) was amended to address the text of the required finding which indicates that the proposed use and plans must be consistent with the comprehensive plan. Language regarding consistency with the intent of the zoning code was removed.
- Finding 5(b) was amended to state that the condition is not met with the current layout of structures and driveways on the property, but that it might be possible to provide for vehicles using the driveway to turn around so that they might be traveling forward as they exit the property on to Summit Avenue.
- Finding 5(c) was amended to state that the condition is met because the hotel use is more residential than the previous college use, and therefore the use is not detrimental to the existing character in the immediate area.
- Finding 5(d) was amended to state that the condition is met.

Discussion

Staff from PED, HPC, DSI, and attorneys for those departments have all discussed this issue at length. It is a difficult one to address, and does rely on judgment. PED Zoning Staff has traditionally been conservative in making required findings. Staff prefers to offer the committee as much information as possible to weigh the issues and ultimately come to a recommendation for the full Planning Commission.

If the committee wishes, they might change findings 4(b) and 5(a) to be consistent with the comprehensive plan, on the basis of the two Heritage Preservation Chapter strategies outlined and on the basis of the proposed use being similar to permitted residential uses in character. They might also amend findings 4(d) and 5(b), to be met, subject to conditions, as outlined in the current findings.

Potential conditions to be placed on the use to meet these findings may include the following:

- 1) A minimum of three off-street parking spaces must be provided on the property, subject to approval by the Heritage Preservation Commission.
- 2) The property will not be used as a reception hall, banquet facility or assembly hall.
- 3) The applicant will acquire all necessary and appropriate licenses and permits prior to establishing the use.
- 4) All exterior alterations to the structures and site must be approved by the Heritage Preservation Commission.
- 5) No food or beverage service is to be offered to the general public.
- 6) Provide for changes to the driveway to provide for all non-commercial vehicles to exit forward onto Summit Avenue.
- 7) All commercial vehicles providing delivery or services must be accommodated on site, without blocking travel, parking or bicycle lanes, or the public sidewalk.
- 8) All site work to accommodate conditions for this use must be approved by the appropriate entities and completed before the use is established.

Questions or comments may be directed to Senior City Planner Jake Reilly at jake.reilly@ci.stpaul.mn.us or 651-266-6618.



SUMMIT-UNIVERSITY
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August 27, 2014

Department of Planning and Economic Development
Planning and Zoning
25 West 4th Street
Suite 1400
Saint Paul, MN 55102

Attn: Hilary Holmes

Re: 344 Summit Avenue- Conditional Use Permit

To Whom It May Concern:

At the August 26th, 2014 meeting of the Summit-University Planning Council's Board of Directors, the board voted 7-2 to support a motion that only four "units" be approved for 344 Summit Avenue. The board did not differentiate between use (hotel or residential), but instead gave emphasis to the number of units, which would need to conform under current zoning guidelines. In this case the board treated a hotel room as a unit.

Summit-University Planning Council provided outreach and support for a public meeting hosted by the Ramsey Hill Association in early June and had Mr. Rupp, the owner of 344 Summit, present at the July 22nd, 2014 Board of Directors Meeting. The intention of these forums was to gather input from the surrounding community. SUPC did not receive notification of the request for the conditional use permit until the second week of August and thus was too late to include the topic in our monthly neighborhood development meeting. The topic was discussed at the August 26th, 2014 Board of Directors Meeting, too late for the board's opinion to be included in the city's staff packet. Although the board understands meeting times do not always line up, it is unclear to SUPC if 344 Summit Avenue was included in the Early Notification System

In conclusion, the Summit-University Planning Council supports the conditional use permit if the number of "units" conforms to current zoning regulation.

We can be reached for questions or concerns at office: (651) 228-1855 cell: (651) 431-8199 or sara@summit-u.com

Sincerely,

Max Holdhusen
Project Manager
Neighborhood Development Staff Liaison

Sara Udvig
Executive Director
Summit-University Planning Council

2F# 14-316-432
344 Summit

14-316-432
344 Summit

From: bethany gladhill [mailto:bgladhill@ifpmn.org]

Sent: Wednesday, August 27, 2014 3:56 PM

To: Holmes, Hilary (CI-StPaul); #CI-StPaul Ward1; Spong, Amy (CI-StPaul); Sara K Udvig

Subject: Summit Ave Residential Preservation Assn Statement on 344 Summit

The Summit Avenue Residential Preservation Association (SARPA) held a special meeting on Monday, August 25, 2014 regarding the proposal to grant a Conditional Use Permit for the use of 344 Summit Avenue as a "luxury boutique hotel."

After measured consideration, the board voted unanimously to recommend denial of the Conditional Use Permit.

The RT zoning and the approved Summit Avenue Plan (1986) call expressly for Summit Avenue to be residential in nature. SARPA's very charter is to "protect the historic, residential, and urban park character of Summit Avenue." We feel strongly that this rationale is still sound and appropriate.

It is clear to us that this is a commercial, and not a "residential" use, and should thus be disallowed. The property was originally residential, and should continue as such.

Bethany Gladhill, President

Carolyn Will, Vice President

Francis Luikart, Treasurer

Tom Darling

Jeanne Junge

Ted Lentz

Mary Lynch

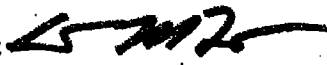
Kit Natz

Harry Walsh

Rachel Westermeyer

(pardon the IFP address, my main email is down — usually it's bethany@gladhill.org)

Bethany Gladhill
SARPA President
612.414.3790 (mobile)

Date: August 24, 2014
From: Eric Lein, 361 Summit Avenue, St. Paul, MN 55102 
To: Hilary Holmes, City of St. Paul PED, 1400 City Hall Annex, 25 W. 4th Street, St. Paul, MN 55102

344 SUMMIT, File #14-316-432: I respectfully request that the St. Paul Planning Commission and its Zoning Committee deny the conditional use permit for reuse of large structure for a boutique hotel and deny the modification of standard §65.132(d).

Since 1992 my wife and I have owned and lived at 361 Summit. My grandmother bought the home in 1962, my parents moved here in 1973, and we look out our front windows directly at 344 Summit. Unfortunately (for us) we are just 18 feet too far away to fall within the Boutique Hotel's 100-foot radius for required solicitation of petition signatures.

I OPPOSE the granting of a conditional use permit for a "*Luxury Boutique Hotel*" at 344 Summit that would:

- (1) dismiss the concerns of neighbors who live almost directly across the street;
 - (2) allow non-residential (commercial) "hotel activities" in our RT2 residential neighborhood;
 - (3) waive requirements for off-street parking; or
 - (4) disregard the fact that the site provides almost zero ingress/egress for the hotel's traffic.
- **Zoning Code Section 66.214. Intent, RT2 townhouse residential district.** "...Because of its residential nature, this district is *not* intended for more intensive uses such as small conference centers, private retreat centers and reception houses."
 - **EVENTS.** Our supposedly-residential RT2 neighborhood already has four "party venues" located within two blocks of 344 Summit [275 Summit + 301 Summit + 420 Summit + 79 Western Ave N]. In my opinion, we do not need one more.
 - **PARKING.** "...off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any lot line." (Sec. 63.312. Setback.) Off-street parking can reasonably be provided on site at 344 Summit and existing requirements should not be waived. Long ago, today's overall site had two houses and two sets of gardens, not just one. This very large double lot has more than enough space for lovely gardens and the required off-street parking. Experienced owners and developers of luxurious hillside property anticipate complicated construction and above-average costs, and they adjust purchase and/or sale prices accordingly.
 - **INGRESS/EGRESS.** Although the CUP application is silent on this topic, developer John Rupp stated (verbally to the SUPC District 8 board on 07/22/2014) that he will continue to seek a liquor license for his luxury hotel. Along with up to ten rooms filled with overnight sleepers and their three cars, a hotel with a liquor license will bring events, events will bring employees and service workers and traffic, and traffic means lots of cars...plus plenty of trucks...including demands by commercial users for vehicle ingress and egress – all trying to enter, exit and park at the property via the single narrow driveway on frequently-busy Summit Avenue. **Bottom line?** Large and small delivery and service trucks will be forced to back into traffic, or truck drivers will simply choose to legally double-park and block traffic whenever curbside spaces are occupied (see City code Sec. 157.09. Double parking).
 - **MIND THE GAP.** The City of St. Paul's Comprehensive Plan highlights a report by the Brookings Institution, "Mind the Gap." The Gap widens when Cities hand out special favors that, almost exclusively, are for the benefit of very-high-end clientele (in this case, by waiving requirements for residential zoning, off-street parking, and adequate ingress/egress). Yes, the previous users of 344 Summit filled our neighborhood with their cars and eclectic ways. And, yes! I appreciate walking out my front door, along Summit, and throughout my neighborhood knowing that the City has handed opportunities to public education, to residential treatment centers and to sober houses filled with a diverse mix of adults who need relief so that good people can create new directions in their lives.

Although not part of the current discussion, if community conversations continue regarding reuse of this large structure, I want to acknowledge that **I will support** purely residential uses for more than four units at 344 Summit if conditions are attached that **ensure long-term follow-through** by current and future property owners, that **clearly and permanently**:

- prohibit commercial activities (i.e. receptions, retreats, conferences, banquets, etc., etc., etc., etc.);
- prohibit the temporary use or permanent transfer of a liquor license for use at the property;
- require all delivery & service trucks, limousines & busses to park & load/unload on the property (not in the street; not blocking the city sidewalk; etc., etc.);
- require current and future owners to create and at all times maintain access to sufficient off-street parking (on-site; not stacked; without modification of standard §65.132(d)); and
- address the concerns of other nearby and across-the-street neighbors.

Thank you for the opportunity to express my opinion. Please contact me if you need clarification or have concerns.

14-316-432
344 Summit

From: Jshrep@aol.com [mailto:Jshrep@aol.com]

Sent: Wednesday, August 27, 2014 5:45 PM

To: Holmes, Hilary (CI-StPaul)

Subject: 344 Summit

I am opposed to the configuration of 344 Summit with any more than four units, regardless of the duration of occupancy of the proposed residents. Consistent with existing zoning, no more than four kitchens should be allowed, and the size and quality of those kitchens should be consistent with the size and quality of their corresponding units.

Jean Schroeffer
271 Summit Avenue
Saint Paul, MN 55102
651-225-9718

Langer, Samantha (CI-StPaul)

From: Langer, Samantha (CI-StPaul)
Sent: Wednesday, August 27, 2014 3:56 PM
To: Langer, Samantha (CI-StPaul)
Subject: RE: 344 Summit

From: Martin Lorenz-Meyer [mailto:martinlorenzmeier@gmail.com]
Sent: Wednesday, August 27, 2014 3:26 PM
To: Holmes, Hilary (CI-StPaul)
Subject: Re: 344 Summit

Hilary,

as you suggested I am submitting the below letter as an official comment concerning the application for a conditional use permit for 344 Summit Avenue. The earlier note written by Ted Lenz to John Rupp is also attached for your reference.

I believe this letter to be of interest to the committee since this communication speaks to the larger issues which this application raises, in particular if a commercial business should be allowed in the residential neighborhood of Summit Avenue and what such decision would mean for the future of Summit Avenue as a whole.

The comment has been cosigned by Steve Balej of 312 Summit.

Thank you very much.

Martin Lorenz-Meyer

Ted,

a few weeks ago you sent an extensively distributed message in which you expressed strong support for John Rupp's application to use the residence at 344 Summit as a hotel.

You offered an elegant discussion of the topic, yet unfortunately neglected and ignored many of the major and minor, more inconvenient concerns which result from the above proposal. Many of those are outlined at this website <http://www.344summit.mn.cx> which I urge you to review.

Let me discuss some of your major arguments in more detail:

You point, firstly, to the "unique residential character of Summit Avenue" and its value as a historical showcase. In that connection you mention Disney World and Colonial Williamsburg as other such examples and state that the increase of hotel capacities at those locations has led to higher levels of "public participation." As you know both of those parks are purely commercial ventures whose goal is to attract visitors while presenting a certain version of history. The "recent

expansions of lodging options" are intended to further that commercial mission to bring in more tourists or "active participants" as you vaguely coin them. I am not certain how those two ventures compare to the case under discussion here but I would question whether the future of Summit Avenue lies in turning it into a historical park with increased lodging to bring in tourists.

You find that a hotel will not alter the "residential look and feel of the street," yet consider this point only in connection with any additional buildings which might be erected. However, even without new buildings, a hotel is a very different operation from a private residence and will therefore have great implications for any residential neighborhood. Parking in the area, an issue which you pointingly ignore, will not improve by having many cars vying for a spot. The constant delivery of supplies by truck, the permanent coming and going of guests day and night, etc., are not residential in character either. Signage, in comparison, appears to be a minor issue, but is the only one you elect to mention.

You argue that "Summit Avenue today appears stronger than at any time in the past 170+ years." That is very true and shows the great success St. Paul and everybody concerned with the fate of Summit has had in preserving and improving Summit Avenue. Apparently a successful formula thus currently exists. However, you then inconsistently argue that now we have to try something new, making a mockery of those good past efforts. It is a logic which is frankly not supported by the development so far.

Indeed, we have currently on Summit a number of projects which continue along the path laid out in the past. A number of very large houses on Summit have recently been sold, are being renovated and used as single-family houses. This is true for two houses right in the close neighborhood of the proposed hotel which allegedly cannot be used as a single family house. Aside from single family use, zoning on Summit is flexible enough to allow the building of condos at 344 Summit, leaving enough leeway for residential purposes without turning it into a hotel.

Another issue is that the current zoning does not allow for a hotel on Summit Avenue, in comparison to the former College of Visual Arts which was permitted as a school. A hotel would compromise the residential zoning designation of Summit Avenue, for now and the future. What does such a decision mean for the validity of zoning laws in the city? For example, why should there not be more hotels along the Avenue or maybe a conference center?

To allow a hotel is a very consequential decision for the future of Summit Avenue in its entirety. As much as you are eager to make this decision for the Avenue, I wonder if other residents agree with the potential consequences. On the other hand, such a future would go nicely with your vision to turn Summit Avenue into a historical park with lodging.

You write that in the 1950s and 1960s "many large mansions had been divided into small apartments" which were rented at low rates. The plans as submitted for 344 Summit call for ten units, each with small kitchens. I fail to see how those current plans differ from that use of the past which supposedly we have left behind.

Any good and functioning business will try to expand its operations in the future. The project might begin as a small hotel with certain restrictions. However, as you are certainly aware the building

and the views are very nice (if not to say spectacular) and I fail to see how the aim would not be to make this property the premier wedding destination in St. Paul. Within his realm, John Rupp hosts over 140 weddings per year and those events are the more profitable the larger they become. To rent out the building for outside events, banquets, and overnight stays for whole parties, etc., is, from a business standpoint, a very good plan. You express great trust into the capabilities of the city to regulate and control the future operations of 344 Summit. However, any such task will put more enforcement burden on the city and the neighbors, even presenting the prospect of future litigation, a cost which surely is undesirable.

As the above discussion demonstrated, turning 344 Summit into a hotel raises major concerns for the future of Summit Avenue as a whole. These need to be addressed and discussed, especially by the neighbors which will feel its immediate consequences, before such step is taken.

Martin Lorenz-Meyer, Ph.D.

Historian

353 Summit Avenue

(which is directly across from 344 Summit Avenue)

Steve Balej

312 Summit Avenue

Note to John Rupp

John -

I strongly support your proposal for a apartment/boutique hotel at 344 Summit. I believe that the proposed reuse of the 1915 W. P. Davidson House will strengthen Summit Avenue as a residential street of unique architectural merit and quality.

Some personal observations that led to this statement of support:

1. Adaptive reuse of 344 Summit to an apartment/boutique hotel will permit new, desirable levels of participation in Summit Avenue.

By providing 344 Summit as a place to gracefully stay overnight on Summit Avenue, some of the thousands of Summit Avenue's yearly visitors can participate more fully in the unique residential character of Summit Avenue. The possibility of becoming a resident for a few days satisfies that desire many people feel when visiting historic sites to live, even briefly, within the celebrated community. To walk the streets of F.Scott Fitzgerald, James J. Hill, Frank B. Kellogg, Warren Burger, Garrison Keillor and meander back to your room for the night will have value for 344 Summit's guests. An audience exists of people wishing to have all of the delight of living in a great mansion without requiring a Bed and Breakfast experience.

Colonial Williamsburg, Virginia and Disney World, Florida are two locations where the expansion of lodging options within the district have become important features to increase public participation.

2. This proposed reuse of the 344 Summit provides an alternative that expands the potential uses of Summit Avenue without altering the residential look and feel of the street. Any use or addition that would be offensive to the community will not be acceptable to investors. The value of 344 Summit apartment/boutique hotel lies with integration and support of the existing historic and architectural character. Any physical additions at 344 Summit that would diminish the look and feel of the Summit Avenue streetscape would substantially reduce 344 Summit's attraction, rental rates and potential for success.

For example a cited fear of inappropriate signage on the building while probably addressed by the City of St. Paul signage regulations could not occur in a manner that would diminish the sense of building quality.

3. The proposed conversion of 344 Summit expands the capacity of Summit Avenue to remain strong which supports the ongoing investment and continued physical upgrading of the Historic Hill District.

While the past forty year process of stabilizing and securing the health of Summit Avenue has worked well so far, additional options are needed to retain Summit Avenue's value as a community resource.

4. Minimal downside risk. Summit Avenue has had decades where many buildings were used in less desirable ways but often those short term uses such as multiple apartments units or religious order houses helped to preserve unique assets that have been lost in virtually other city in the United States.

During the period from 1920's through the 1970's Summit Avenue benefitted from unusual uses that permitted retention of sufficient numbers of structures to provide a foundation for the last 40 + years of rediscovery and reuse. (note - A few of these events are elaborated in a paragraph at the end of this note)

While Summit Avenue today appears stronger than at any time in the past 170+ years, as we enter the next phase of expansion of the public uses, the Summit community must find options that open new opportunities. An apartment/boutique hotel appears to be a good choice to pursue at this time.

5. The 344 Summit proposal opens Summit Avenue to a new use and new uses are risky. That risk is one I believe we as a community should support. If it works because of popular demand, well delivered we all succeed. If there are additions to this development that undermine the character of the street the business will fail. We have some controls within the City of St. Paul that can be utilized but most importantly we have a street that is so public and city residents that are so vocal that a visibly disruptive use will cause the business to fail. A hotel use that depends so heavily on the quality and character of a residential

environment unique in the United States cannot permit itself to become a bad neighbor.

Summary -

I am reassured by the projects as described in the written and drawn documents. I support this inventive adaptive reuse of one of the great homes on Summit Avenue and believe that this proposed use of 344 Summit, the 1915, W.P. Davidson House, designed by architect Thomas Holyoke deserves community support.

Ted Lentz, AIA
692 Summit Avenue
651-468-8946

Some personal observations of Historic preservation events in the Historic Hill-

When the St. Paul's Historic Hill District was recognized as a National Historic District by the U.S. Department of the Interior in the mid 1970's, Summit Avenue's many mansions and distinguished structures served as an anchor for the much larger Historic Hill District. Summit Avenue's well known and highly visible level of architectural quality and imagination supported the many efforts to capture some of that magic to the streets and neighborhoods adjacent to Summit.

Appearances were deceiving. At that time nine of the largest mansions on Summit Avenue, including the James J. Hill mansion, were owned and maintained by the Archdiocese of St. Paul and Minneapolis. Without the efforts of the Archdiocese and the resident priests, brothers or sisters over a 40-60 year period these homes would have been lost or consumed by over use. As the neighborhood became more popular in the 1970's the Archdiocese sold these properties to purchasers who usually substantially enhanced their buildings either for single family use or in the first efforts to create large, prestigious condominiums.

At the same time many large mansions had been divided into small apartments, often one room apartments with a bathroom down the hall, many that rented for \$50 to \$85 per month. Other American cities that legislated to save their "Mansion Row" by forbidding any use other than single family homes lost all their mansions by the 1950's. St. Paul's zoning and building officials' benign neglect of these non-conforming uses permitted many of those mansions to remain available for reuse and renovation once the period of reinvestment began in the 1970's.

The residents of Summit Avenue, St. Paul and the entire Twin Cities benefit from those decisions of the past century, decisions that while often accidental now seem strategically brilliant.

Brief bio for Ted Lentz: My wife, Ona, and I have owned our home at 692 Summit Avenue since 1974. I am a registered architect. In the 1970's I worked with Old Town Restorations as a volunteer and staff. I am currently President of the Cass Gilbert Society and serve on the Summit Avenue Residential Preservation Board

(SARPA). The opinions in this list of observations are personal and not official positions of those boards or associations.

14-316-432
344 Summit

August 27, 2014

Ms. Hilary Holmes: Planner
Mr. Jake Reilly: Planner
St Paul Planning and Zoning
25 West Fourth Street
St Paul, MN 55102

Re: 344 Summit Avenue and the C.U.P. Application by Mr. John Rupp for a commercial use

Dear Hillary and Jake:

I am writing in opposition to the proposal for a commercial use (hotel) at 344 Summit Avenue.

My wife and I have lived at 117 Farrington Street (about two blocks from the property) since 1974 when we began the renovation of our 1871 house. I am a registered Architect in Minnesota but my primary business is real estate development. My company, Schafer Richardson, Inc., specializes in historic preservation projects and has won a number of awards for both historic preservation and new construction projects. I have served for two terms on the Ramsey Hill Association Board (one term as Land Use Chair) and served for more than eight years on the College of Visual Arts Board of Trustees as Chair of the Facilities Committee.

Perhaps most importantly, I also served on the 1985 Summit Avenue Planning Committee as a representative from Ramsey Hill, and would like to use the findings and recommendations of that "Summit Avenue Plan" as a basis for my objection to the idea of allowing a commercial use in a residentially zoned district on Summit Avenue.

The "Summit Avenue Plan" was completed in 1986 and was adopted by the St Paul Planning Commission on 5/23/1986. It was later adopted by the St Paul City Council on 9/9/1986 as part of the official St Paul Comprehensive Plan. While the St Paul Comprehensive Plan has been updated, the findings and recommendations of that Summit Avenue Plan continue, in my opinion and experience, to exert significant influence over the individuals and organizations which are tasked with maintaining and protecting Summit Avenue as a State-wide historic resource.

The exact text quoted from the Summit Avenue Plan is highlighted in bold type below.

On page one of the Plan's Summary, the first Major Finding quotes from Ernest Sandeen's book, St Paul's Historic Summit Avenue, "...Summit Avenue stands as the best-preserved American example of the Victorian monumental residential boulevard."

On page two of the Summary, the second Major Recommendation is reads; "The City, through zoning policy and enforcement, should consistently protect the residential character of all of Summit Avenue."

On page five, the first listed Goal is to "Preserve the residential character of Summit Avenue."

On page thirteen, in the Housing Policies section, the Report states, "5. Preserve residential character. As a matter of consistent City policy, the City should protect Summit Avenue as a residential street and prevent the expansion of commercial and institutional uses in residential structures." It goes on to say, "There continue to be proposals to use large Summit Avenue house for nonresidential uses such as conference centers and

offices. These proposals should be rejected. While nonresidential investments sometimes offer the prospect of immediate restoration of individual buildings they deter residential reinvestment that is necessary for the broader pattern of neighborhood conservation or restoration." And, this section notes that, "The renaissance of lower [eastern] Summit Avenue has been fueled by people restoring large homes for residential use."

On page 15, the Plan continues..."Allowing new commercial and institutional uses would destabilize the neighborhood and threaten the progress made so far...their [commercial uses] presence makes Summit a less desirable place to live...They [commercial uses] normally generate more traffic than residential uses...Successful commercial uses may try to expand; unsuccessful ones may be followed by a succession of new uses." And finally, "Preventing the expansion of commercial and institutional uses will help ensure that it is [a desirable neighborhood]."

One of the recommendations in this section of the Plan was "8. Add a negative intent statement to the Zoning Code. The City should add a negative intent statement to the Zoning Code to say that small conference centers, private retreat centers, reception houses and small inns (beyond what might be allowed under a bed and breakfast ordinance) are not permitted in R-1 through RT-2 zoning districts"

It should be noted, I think, that the property at 344 Summit carries both the RT-2 and R-2 zoning classifications, even though it is a single tax parcel. Thus, while Mr. Rupp may argue for his proposal as being appropriate on an RT-2 zoned lot, he ignores the even more restrictive zoning classification of R-2 which encumbers the south portion of the property. Proposing a commercial use on a R-2 lot is, in my opinion, even more inappropriate in this historic and protected district.

The first action recommended in the Plan, on page 38 under the Housing Section, is "5. Prevent expansion of commercial/institutional uses in residential structures." The responsible organizations for taking such action are listed as "Housing and Building Code Enforcement, Fire Department, Planning Division, Planning Commission, and the City Council."

The Applicant has made a number of arguments in favor of his own proposal but none of them are compelling or, I believe, completely accurate.

During some of my discourse with Mr. Rupp, the hotel proposer, he stated that (in his words) "my hotel project is a residential use in my view-not commercial." While that may be his view, it is not only self-serving but also simply wrong. The Code recognizes that a hotel is a commercial use and therefore hotels are not allowed in residential districts. A Bed and Breakfast, on the other hand, is allowed under certain conditions in residential districts, but hotels are not. To my knowledge, Mr. Rupp has not yet explained to anyone why he is proposing a hotel (a non-permitted commercial use in the RT-2 and R-2 districts) instead of a Bed and Breakfast (a permitted use, with conditions, in the RT-2 district).

Mr. Rupp has stated publicly that the building at 344 Summit is much too large for a conforming residential use to be reasonably considered. (This, by the way, was one of the first arguments put forth back in 1985 when the Summit Avenue Planning Committee began its work. That argument was proven false then, as it is patently false now.) Considering the house where Mr. Rupp lives, and the many very large mansions nearby, it is obvious that such larger mansions are being purchased and used as legally conforming residential properties. In fact, the house immediately to the east of 344 Summit just re-sold as a single family home. The list below, compiled by a nearby Ramsey Hill neighbor, confirms such legal and conforming residential uses in the area for

more than 20 properties over 9,000 square feet (including three properties larger than the mansion at 344 Summit Avenue). While all are not single family homes, they all do appear to conform to the zoning code.

- o 255-259 Summit - 12,600 sq ft
- o 260 Summit - 19,100 sq ft
- o 261 Summit - 9,400 sq ft
- o 266 Summit - 10,000 sq ft
- o 280 Summit - 14,900 sq ft
- o 294 Summit - 9,200 sq ft
- o 312 Summit - 14,200 sq ft
- o 335 Summit - 9,900 sq ft o 340 Summit - 10,100 sq ft
- o 366 Summit - 17,800 sq ft
- o 432 Summit - 9,700 sq ft
- o 442 Summit - 14,700 sq ft
- o 456 Summit - 23,500 sq ft
- o 476 Summit - 20,000 sq ft
- o 533 Summit - 14,800 sq ft o 550 Summit - 11,200 sq ft
- o 579 Summit - 11,400 sq ft
- o 624 Summit - 10,800 sq ft
- o 89 Virginia - 9,800 sq ft
- o 383 Portland - 10,800 sq ft
- o 480 Grand Hill - 14,500 sq ft
- o 260 Maiden Lane - 9,900 sq ft
- o 5-7 Heather Place - 14,100 sq ft

In a recent neighborhood meeting at St John's Church, Mr Rupp made the observation that the interior of 344 Summit was very run down and deteriorated, thus making it more difficult to convert the mansion back to a conforming residential use. As the former Chair of the CVA Facilities Committee, I strongly disagree with this mischaracterization and can state emphatically that the College made every attempt, within its abilities, to preserve and maintain the interior architectural details and materials in the home. The interior layout of the home was not altered during my eight years on the Board and, I believe, continues to be very close to the original plan of the structure when it was built. CVA also spent very large sums of money on exterior maintenance, masonry work and tuck-pointing, and on roof repairs to maintain the slate roofing material

rather than replacing it with a lesser quality product. The original fireplaces remain, as did the most of the original carved wood and plaster details, when the College closed its doors.

Mr Rupp has suggested in his public responses that his proposed commercial hotel use will benefit Summit Avenue and the neighborhood by providing a commercial service (hospitality) for visitors to Ramsey Hill that once existed but is no longer present on Summit Avenue. I would argue that Mr Rupp and his paying customers might benefit but that the neighborhood will not benefit at all; Summit Avenue would have a non-permitted commercial use dead center in one of the most important and impressive stretches of the Summit Avenue Victorian mansions, virtually all of which have been restored and maintained as conforming residential properties in the past twenty years. Mr Rupp will personally benefit, as will his other commercial use on Summit Avenue, the University Club, and his nearby Commodore commercial enterprise. The Avenue, the neighborhood, and indeed the State of Minnesota, will be harmed by what would amount to spot zoning if a non-permitted commercial use is located on Summit Avenue in a residentially zoned district.

It also appears that Mr Rupp has made conflicting statements regarding his interest in pursuing a liquor license for his proposed commercial use at 344 Summit Avenue. I believe he has stated in different public meetings (one of which I attended) that he is not pursuing such a license, but in another meeting he stated he is pursuing a liquor license. Such a license, along with a new commercial use in the residential district, is completely inappropriate.

Another concern with the idea that some new commercial use(s) might be acceptable on Summit Avenue is the precedence it would establish. If a small hotel is permitted in a home over 9,000 square feet, using the rationale that no other use is feasible, than what is to prevent another business owner, including Mr. Rupp, from arguing that a small up-scale but tasteful restaurant should be allowed in some other mansion on Summit Avenue. It is not clear on what basis the City would be able to effectively argue against such a proposal if it had already granted permission for another new, non-permitted commercial use.

The staff report issued this week suggests that the minimal off-street parking for (the permitted) four residential units could be an issue and might affect the marketability of those four units. Nothing in the code suggests or requires Mr. Rupp to develop the property into four units. If there were only one or two residential units in the home, then a sufficient amount of off-street parking would be available. The 344 Summit Avenue home also has an existing garage on the south side of the property which could be rebuilt and re-used to address this issue. The former owners of the single-family mansion next door at 340 Summit recently built an HPC approved three or four car garage at the western side of their yard to solve a perceived parking problem. Therefore, I believe this is not an acceptable reason to consider an alternate and non-permitted use on the property.

The primary reason the Summit Avenue Planning Committee was adamant about maintaining the residential character of the Avenue, I believe, was that it felt if any new commercial uses were permitted, the Avenue would become just another mixed-use street like Park and Portland Avenues in Minneapolis. I would encourage the Zoning Committee and the Planning Commission both to deny the application and to vote in favor of protecting and preserving Summit Avenue as the premier Victorian, residential boulevard in the United States.

Attached below is the page from the American Planning Association's web page describing Summit Avenue as "the country's best preserved avenue from that [Victorian] period." In fact, the APA directly makes note of the

work of the Summit Avenue Planning Committee, starting in 1984, to "emphasize the predominately residential nature of Summit Avenue."

Thank you.

Kit Richardson AIA
117 Farrington Street
St Paul, MN 55102

Summit Avenue St. Paul, Minnesota

Nation's Best Intact Street from Victorian Era

During the late 19th century, Summit Avenue was not considered the grandest of the country's Victorian-era residential boulevards, yet today this 4.5-mile-long boulevard between downtown St. Paul, Minnesota, and the Mississippi River stands alone as the country's best-preserved avenue from that period. Remarkably, more than 370 of the gilded-age mansions and other residences representing a dozen different architectural styles remain.

Complementing this architectural legacy, and leading APA to single it out as one of 10 Great Streets for 2008, are the avenue's marvelous vistas, park-like qualities, and a decades-long history of planning measures, civic participation, and private stewardship that kept Summit's unique character intact.

The first house to be built on Summit, or the "bluff" as it was then known, was by Edward Duffield Neill in 1855. It was not until the 1880s that the first major wave of house building got under way. The most famous house built during this time was the Romanesque mansion in 1887 for Canadian-American railroad executive James J. Hill. Located at 240 Summit, the Hill House is one of the residences that helps give the easternmost section or Lower Summit its embassy row-like character.

About this same time the Summit Avenue Improvement Association was formed in order to encourage property owners along the western-most half of the avenue to donate enough land on each side of the street to widen the public right-of-way from 100 to 200 feet. This allowed creation of a center median, including a bridle path for horses. Planted with trees and shrubs, today this shaded canopy imparts the feeling of standing in a large, open-air ballroom.

Summit Avenue was not only the address for "all the people who made Saint Paul," said Macalester College urban geography department chair David Lanegran, but also churches, universities, businesses, and a limited number of apartments. It was the latter, built during the early 1900s, that led the city to create a single- and double-family residential zoning district along Summit Avenue in 1916. This was a year after the Minnesota state legislature passed a law allowing first class cities to establish such districts. The special measure would later keep many of the mansions on the avenue from being converted to commercial or other non-compatible uses.

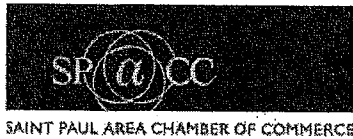
Summit Avenue saw another period of opulent mansion construction during the Roaring Twenties, in such styles as Beaux Arts, Spanish Colonial, Twenties and Tudor Villa, Georgian Revival, and Rectilinear. With the Great Depression, however, new building stopped and many owners had to give up the homes altogether. Luckily, Hill's mansion and several other estates were bequeathed to the Roman Catholic Archdiocese of Saint

Paul, which maintained them until the 1970s when a back-to-the-city movement began to attract a new group of owners.

Among the civic groups seeking to protect the historic Victorian mansions along Lower Summit Avenue, yet making them more affordable to own, was the nonprofit Old Town Restoration, Inc. The group successfully advocated for a new zoning along this segment of Summit Avenue that allowed the houses to be converted into four-unit condominiums. Adding momentum to Old Town Restoration's protection efforts was creation of the Historic Hill National Register District in 1976, which included Summit Avenue's eastern end.

Additional issues facing the street — college expansion plans; deferred maintenance of mansions; proposals to convert mansions into bed and breakfast hotels, restaurants, and law offices; and preservation of carriage houses — prompted the St. Paul Planning Commission in 1984 to form a task force. The resulting plan, adopted in 1986, continues to emphasize the predominately residential nature of Summit Avenue.

Some 20 years later this plan continues to help the community navigate college expansion and other issues in order to keep Summit Avenue St. Paul's and the nation's best "showcase street" of the Victorian era.



August 27, 2014

Zoning Committee
City of Saint Paul
375 Jackson Street, Suite 220
Saint Paul, MN 55101

VIA EMAIL

Re: Zoning Application of 344 Summit Avenue

Dear Members of the Zoning Committee:

As the State's largest local chamber and a strong supporter of expanding the tax base through private investment, the Saint Paul Area Chamber of Commerce (SPACC) supports the proposed use of 344 Summit Avenue as a boutique hotel. Accordingly, we urge members of the zoning committee to approve the conditional use permit(s) (CUP) requested by the property owner.

For over 50 years, the property functioned as the Saint Paul College of Visual Arts (COVA). However, in 2013, COVA closed its doors leaving the property vacant. The property owner is proposing to invest in the property, converting the vacant building into a low-intensity, high-value use that will expand the local tax base. SPACC believes the boutique hotel would enhance the community while preserving the historic nature of the neighborhood.

As discussed in greater detail below, SPACC believes the proposed use satisfies the applicable general CUP-standards enumerated in Saint Paul Legislative Code § 61.501.

1. The extent, location, and intensity of the proposed use are in substantial compliance with Saint Paul's Comprehensive Plan.

The proposed use is consistent with Saint Paul's Comprehensive Plan. Specifically, the proposed use is consistent with the Established Neighborhoods description in the Land Use Chapter. Established Neighborhoods are described as, "predominately residential areas with a range of housing types with smaller scale scattered multi-family housing *and scattered neighborhood-serving commercial, service and institutional uses*" (emphasis added).¹ The boutique hotel will undoubtedly serve the neighborhood by offering a unique getaway experience.

Presently, the area where the proposed use is located contains a number of large houses that serve a mix of uses, including residential, commercial, and institutional activities. The proposed use is

¹ Saint Paul Comprehensive Plan, Land Use Chapter LU 4 (2010).

less intensive than many of the multi-family dwellings located in the established neighborhood, residential uses that have always been consistent with the Comprehensive Plan. Furthermore, the boutique hotel is certainly less intensive than the previous use of the property as a college serving more than 300 students.

Additionally, the boutique hotel will also serve to further bolster several critically important trends identified in the Comprehensive Plan: (1) an evolving downtown and (2) expanding the tax base to pay for city services.² The proposed use will offer downtown visitors a one-of-a-kind place to stay in Saint Paul. The boutique hotel will be located in one of the most beautiful neighborhoods in the world, only blocks away from downtown. Moreover, as funds for public services become harder to find, it is important to identify new ways to expand the tax base, particularly in a city that is fully developed. This project provides the city with that opportunity by converting a property that was previously exempt from *ad valorem* taxes into one that pays annual property taxes.

Finally, the proposed use is consistent with Historic Preservation Chapter of the Comprehensive Plan. The boutique hotel will restore a historic resource compatible with the surrounding neighborhood. It will also rely on historic preservation to further economic development and sustainability of our community.

2. The proposed use will minimize traffic congestion in the public streets.

The proposed use provides adequate ingress and egress and will minimize traffic congestion in the public streets. The boutique hotel will provide a significant improvement in congestion on public streets and walkways as compared to the COVA. With over 300 students at its peak, the COVA brought significant traffic to the neighborhood. The property owner has agreed to refrain from hosting any banquets or weddings that would bring additional traffic to the location. The COVA operated for years with significantly higher parking and traffic demands on the neighborhood without issue. A 10-room boutique hotel, featuring no weddings or banquets, will cause traffic congestion to drop to levels not experienced for more than 50 years. And because of easy pedestrian and transit access in the area, it is reasonable to believe many guests will arrive without cars.

3. The proposed use is not detrimental to the existing character of the development in the immediate neighborhood and does not endanger the public health, safety, and general welfare of the community.

The boutique hotel will complement the existing character of the development in the immediate neighborhood while maintaining the historic nature of the district. Currently, there are a number of large, historic house being used for multi-family and commercial uses in the area. A boutique hotel is consistent with the existing uses. The proposed use offers an alternative dwelling type that will benefit the neighborhood as a whole.

² Saint Paul Comprehensive Plan, Land Use Chapter LU 5-6 (2010).

Pursuant to Saint Paul Legislative Code § 66.214, the intent of an RT2 district is "to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multi-family residential districts and business districts." The boutique hotel will accomplish both of these goals by offering a housing need not currently met in the neighborhood and providing an alternative lodging option for visitors frequenting the nearby business districts of Grand Avenue and downtown Saint Paul.

The proposed use is not detrimental to the neighborhood. In fact, as noted several times above, it is significantly less intensive than the previous use, which was not considered detrimental to the neighborhood. As referenced in the zoning committee staff report, dated August 21, 2014, the RT2 zoning district is not intended for use by "small conference centers, private retreat centers, and reception houses." The boutique hotel, however, will not provide a conference center, offer a private retreat center, or serve as a reception house. The property owner has agreed to refrain from these activities.

4. The proposed use does not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district.

The boutique hotel does not impede the development and improvement of surrounding properties. The proposal does not call for any exterior changes to the property and is significantly less intensive than the previous use by the COVA. By taking a use that was not an impediment and making it significantly less intensive than the previous use, it cannot be said the new use will impede development or improvement of surrounding properties. Moreover, as detailed above, the proposed use cannot be considered a small conference center, private retreat center, or reception house based on conditions set out by the owner.

Conclusion

In summary, SPACC supports the CUP application for 344 Summit Avenue. By approving the permits needed for the proposed use, the City of Saint Paul will expand its tax base through economic development premised on historic preservation, offer a unique one-of-a-kind place to stay for visitors, and improve the historic character of the neighborhood. It should also be noted that surrounding property owners to overwhelmingly support the proposed use. Accordingly, SPACC urges members of the zoning committee to support this project.

With kind regards,



Michael J. Belaen
Director of Public Affairs and Legal Counsel