

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Model Cities Properties **FILE #:** 15-012-760
 2. **APPLICANT:** Model Cities Properties **HEARING DATE:** March 19, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit and Variance
 4. **LOCATION:** 839 University Ave W, between Avon and Victoria
 5. **PIN & LEGAL DESCRIPTION:** 35.29.23.13.0245, Syndicate No 1 Addition, Lots 16 – 21, Block 4
 6. **PLANNING DISTRICT:** 7 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §§ 66.331(f), 61.501, 61.601, 61.202(b)
 8. **STAFF REPORT DATE:** March 10, 2015 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** February 24, 2015 **60 DAY DEADLINE FOR ACTION:** April 25, 2015
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- A. **PURPOSE:** Conditional use permit for a mixed use structure of 45 ft. in height, and variance to allow using the alley as a maneuvering lane for 17 parking spaces.
- B. **PARCEL SIZE:** 38,251 sq. ft.
- C. **EXISTING LAND USE:** Two-story commercial building, surface parking lot (T2)
- D. **SURROUNDING LAND USE:**
 - North: Single-family, duplex, and multi-family housing (R4)
 - East: Retail commercial (T2)
 - South: Retail commercial (T2)
 - West: Retail commercial (T2)
- E. **ZONING CODE CITATION:** § 66.331(f) provides for a maximum height of forty-five (45) feet with a conditional use permit in T2 districts; § 61.501 lists general requirements for all conditional uses; § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6.
- F. **HISTORY/DISCUSSION:** None.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 7 had not commented at the time this staff report was written.
- H. **FINDINGS:**
 1. The site is located within the Victoria Station Area at the northeast corner of Victoria Avenue and University Avenue. The applicant is proposing a four-story, 45 foot high mixed-use building with ground floor retail, second floor office, and third and fourth floor residential units (35 units). The site plan includes 17 head-in surface parking spaces at the rear of the building, using the alley as a maneuvering lane, and 26 below-grade parking spaces in the building. All of the off-street parking would be accessed via the alley between Victoria and Avon.
 2. The proposed transit- and pedestrian-oriented residential/commercial development is consistent with the intent of the T2 traditional neighborhood district, for use in transit nodes with a variety of uses and housing types, and careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods.
 3. Zoning Code § 66.331(f) provides that *a maximum height of forty-five (45) feet may be permitted with a conditional use permit.* § 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. The use meets several policies from the Comprehensive Plan and the Victoria Station Area Plan.

The property is located on a Mixed Use Corridor as identified in the Saint Paul Comprehensive Plan Land Use Chapter Strategy 1.20, Figure LU-B. The proposed height is consistent with Land Use Chapter Strategy LU 1.2 to "Permit high density residential development in Neighborhoods Centers, Mixed-Use Corridors, the Central Corridor and Downtown." The proposed height also addresses Land Use Strategies LU 1.21 to "Balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit" and LU 1.25 to "Promote the development of more intensive housing on Mixed-Use Corridors, where supported by zoning that permits mixed-use and multi-family development."

The proposed use also supports the following policies from the Victoria Station Area Plan:

4.1.1a) New development or expansion of existing buildings should be predominantly low rise in scale and generally between three and four stories in height.

4.1.1b) Buildings should transition down in height towards the alley and the neighborhoods to the rear.

4.1.2a) A greater mix of uses should be encouraged along the edges of the Avenue where they afford an easy connection to public transit, and benefit from the visibility and profile of being located on a major transportation corridor.

4.1.2f) Developments within the Priority Active Frontage should provide entrances and spaces for active uses at grade to support greater levels of activity adjacent to the LRT.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed alley access to parking for the commercial use and access to underground residential parking via the alley will provide an alternative to ingress and egress off of University 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.* This condition is met. The use will not be detrimental to the existing character of development. The property is located on a commercial corridor that has developed with transit oriented uses lining University Avenue. The use 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 will not prevent the development and improvement of the other properties in the area, nor will it impact the development and improvement of the commercial and residential uses in the districts surrounding it.
 - (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 subject to the variance discussed in finding # 5 below. The proposed use conforms to all other applicable regulations of the T2 district.
4. Zoning Code § 63.310(f)(3) allows alley access for parking facilities with more than 7 spaces in nonresidential zoning districts abutting residentially zoned land across an alley when it would not create or aggravate an unsafe condition and where "a comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or driveways across sidewalks." That is the case here. The Victoria Station Area Plan adopted by the City Council includes the following policies:

4.1.3a) Alleys should be preserved as public right-of-way in order to maintain access for

businesses and development along University Avenue . . .

4.1.3e) Close curb cuts where possible, and discourage new curb cuts.

Comprehensive Plan Transportation Chapter Policy 1.7 is to “minimize and consolidate driveway curb cuts on commercial streets as opportunities arise” and “for pedestrian safety and comfort and to maximize on-street parking, [to] discourage curb cuts where alleys or side streets are accessible.” The proposed site plan will maintain the existing sidewalk and not introduce any new curb cuts along University Avenue. In reviewing the proposed site plan with traffic engineers as part of the City site plan review process, it has been established that the proposed alley access will not create or aggravate an unsafe condition, subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are also set back a minimum of 13 feet from the centerline of the alley, to provide adequate width for cars to pass each other in this two-way alley that has a right-of-way width of 15 feet.

5. Zoning Code § 63.310(f) limits the number of parking spaces that may be directly off of the alley and use the alley as a maneuvering lane to 7 or fewer spaces. The applicant is requesting a variance to use the alley as a maneuvering lane for all 17 proposed surface parking spaces. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance to use the alley as a maneuvering lane for all 17 proposed surface parking spaces, 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, subject to the condition that proposed new parking spaces along the alley are set back a minimum of 13 feet from the centerline of the alley, and that existing power poles in the alley are relocated so they are also set back a minimum of 13 feet from the centerline of the alley, to provide adequate width for cars to safely pass each other in this two-way alley that has a right-of-way width of 15 feet. Subject to this condition, the variance is in harmony with the following general purposes listed in Zoning Code § 60.103:
 - (a) *To promote and protect the public health, safety, . . . and general welfare . . . ;*
 - (g) *To lessen congestion in the public streets by providing for off-street parking of motor vehicles . . . ;*
 - (h) *To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic; and*
 - (i) *To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods.*
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The proposed site plan is consistent with the following policies from the Victoria Station Area Plan:
 - 4.1.3a) *Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.*
 - (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 proposed compact, efficient use of the property with parking located in the rear using the alley as a maneuvering lane is reasonable considering Comprehensive Plan policies for mixed-use development at densities that

support transit and to discourage new curb cuts along University Avenue, especially in LRT station areas.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. City policy encourages that kind of higher-density, efficient land use proposed here, discourages adding curb cuts on University, and encourages retaining the uses of alleys along University Avenue to access businesses and developments, particularly in station areas such as this, circumstances 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 proposed mixed retail, office, residential, and accessory parking uses are allowed in the T2 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The Victoria Station Area Plan includes the use of the alley for commercial access is stated in Strategy 4.1.3a) *Alleys should be preserved as public right-of-way in order to maintain access for businesses and development along University Avenue and to increase automobile and pedestrian circulation.* The more efficient use of space provided by use of the alley for maneuvering will reduce the portion of the site used for surface parking and help accommodate higher-density mixed land use consistent with this LRT station area.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for a mixed use structure of 45 ft. in height, and a variance to allow using the alley as a maneuvering lane for seventeen (17) parking spaces subject to the following additional conditions:

1. Proposed new parking spaces along the alley must be set back a minimum of 13 feet from the centerline of the alley, and the existing power poles in the alley must be relocated so they are also set back a minimum of 13 feet from the centerline of the alley to provide adequate width for cars to pass each other in this two-way alley with a right-of-way width of 15 feet; and
2. 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.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only

File # 15-012760

Fee: 800.00

Tentative Hearing Date: 3-19-15

RECEIVED
FEB 23 2015
BY: _____

APPLICANT

Name Mike Trossen

Address 4125 Lakeland Ave. N. Suite 200

City Minneapolis St. MN Zip 55422 Daytime Phone 763-533-7171 ext. 13

Name of Owner (if different) Model Cities of St. Paul

Contact Person (if different) Craig Johnson Phone 651-632-8354

PROPERTY LOCATION

Address / Location 839 / 849 University Ave. W., Saint Paul, MN 55104

Legal Description Lots 16 through 23, Block 4, Syndicate No. 1 Addition, Ramsey County,
Torrens Property Current Zoning T2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Table 66.331, exception (f) Chapter _____, Section _____, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

In T2 zoning, nonresidential or mixed use, exception (f) allows for a maximum of (45) feet with a conditional use permit. The BROWNstone Mixed use project is a 4-story structure over a full basement parking garage. The stories above grade will contain the following mixed use occupancies:

First floor on grade: Restaurants, Community & Reading Rooms, Mercantile, Business Office

Second Floor: Business Office, Apartments

Third Floor: Apartments

Fourth Floor: Apartments

Increasing the building height to 45'-0" will allow for an additional floor of affordable housing apartments.

Required site plan is attached

Applicant's Signature Michael A. Trossen Date 2/23/15 City Agent pad 2-23-15

Certification
I hereby certify that this plan, specification and contract documents were prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
Print Name: Michael A. Trodden

Date: _____
Project Information
Brownstone

830 University Avenue
Saint Paul, Minnesota

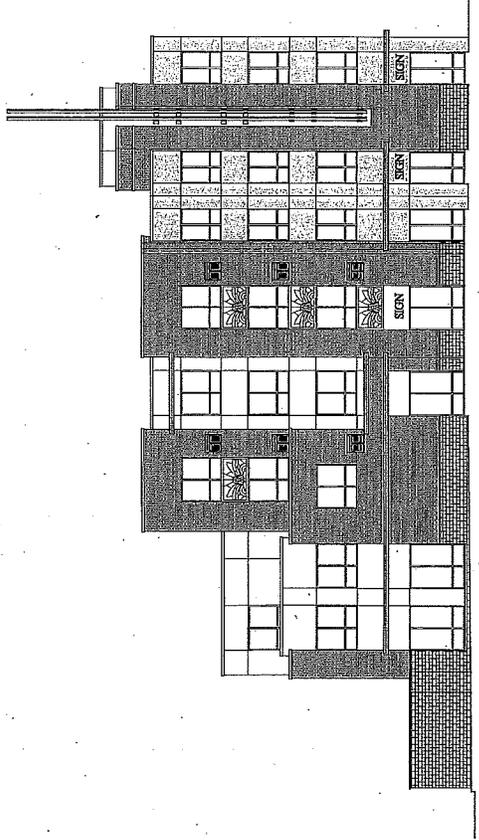
Revisions

Date:	JD
Drawn By:	MT
Checked By:	SG12
Job Number:	SG12

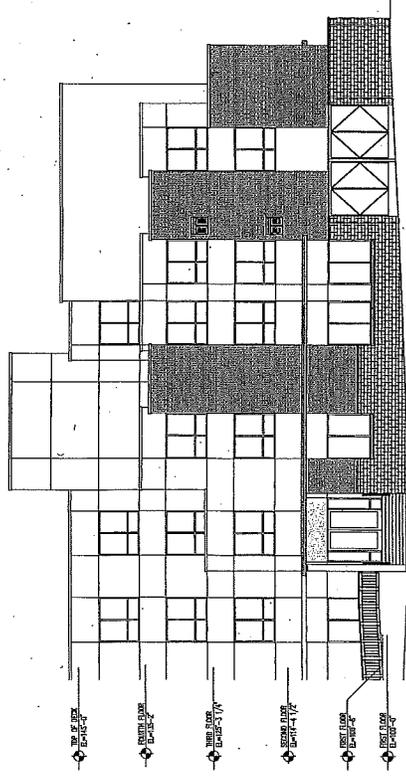
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SECTIONS

EXTERIOR FINISHES KEY:

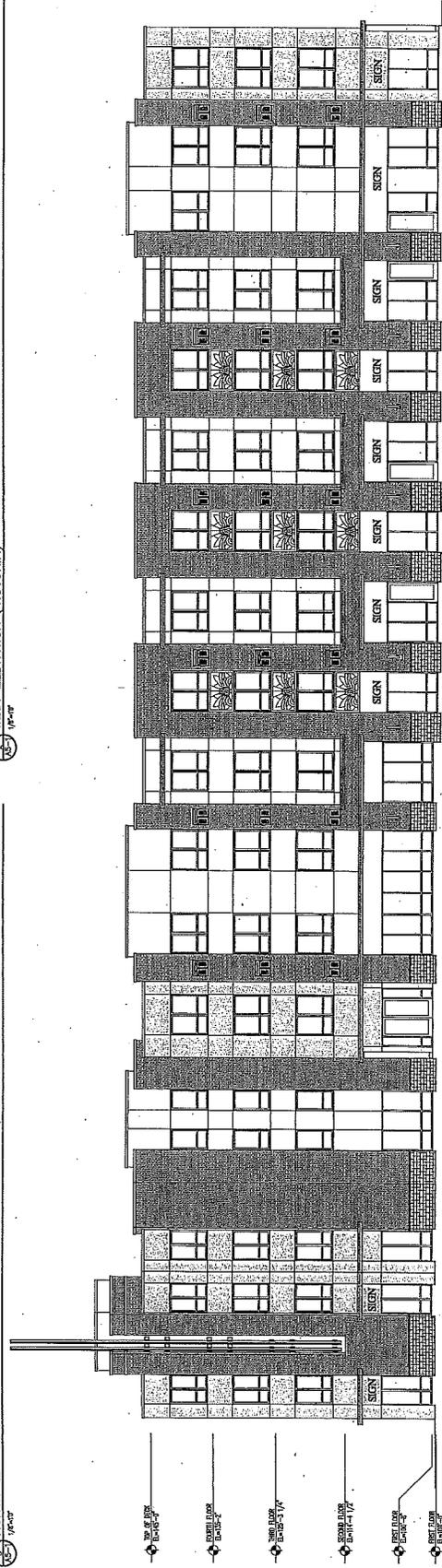
	BRICK
	CAST STONE
	STUCCO COLOR 1
	STUCCO COLOR 2



WEST ELEVATION (VICTORIA)
1/8"=1'-0"



NORTH ELEVATION
1/8"=1'-0"



SOUTH ELEVATION (UNIVERSITY AVENUE)
1/8"=1'-0"

Certification
I hereby certify that the plans, specifications and contract documents herein were prepared by me or under my direct supervision and under the seal of the office of Professional Architect.

Print Name: Richard J. Brown
Signature: _____
Date: _____ License #: 21223

Project Information
BROWNSTONE

660 University Avenue
St. Paul, Minnesota

Revisions

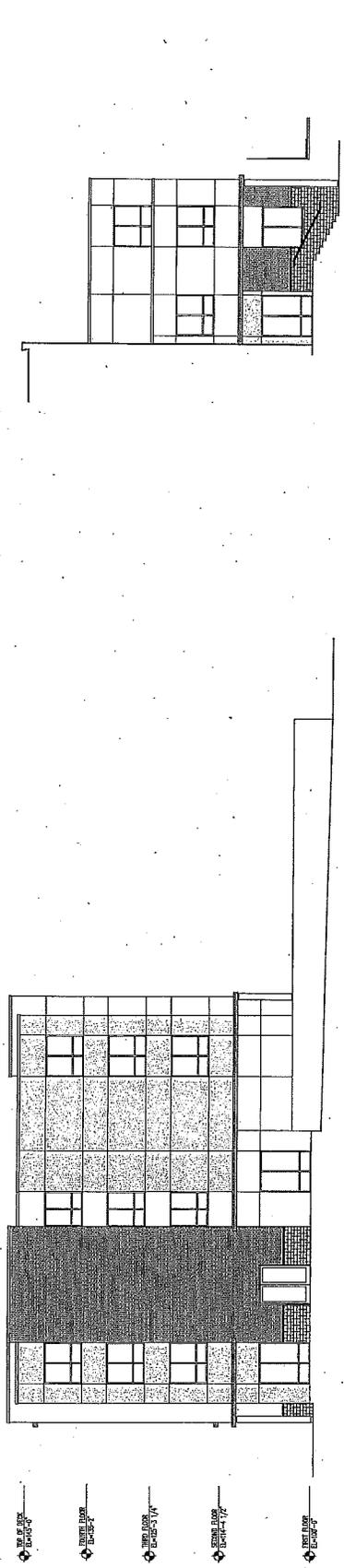
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Sheet Information
EXTERIOR ELEVATIONS

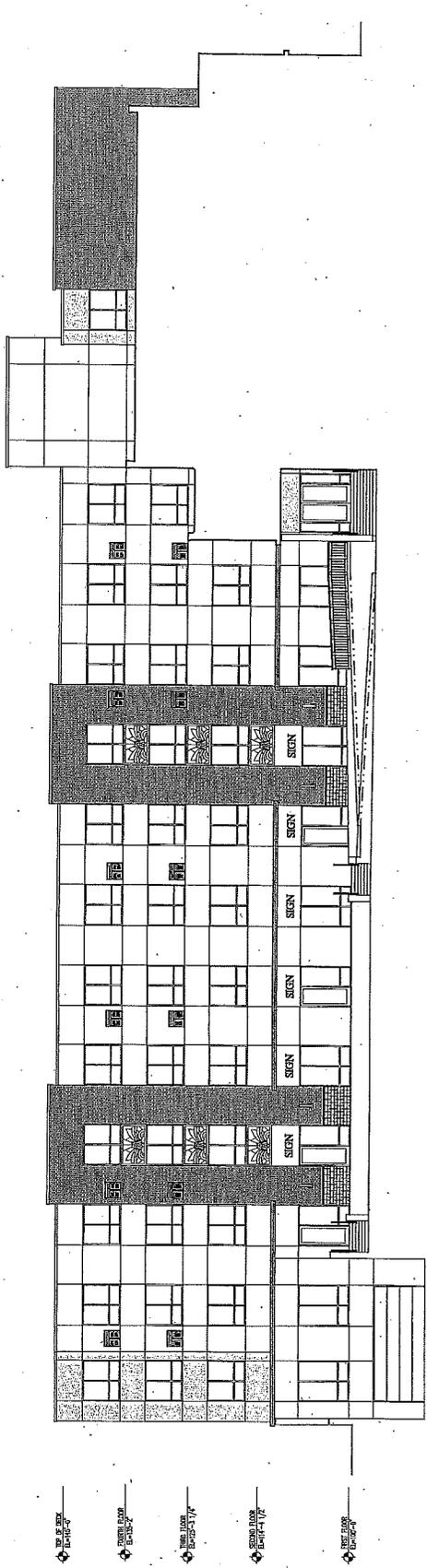
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A5-2

EXTERIOR FINISHES KEY:

- BRICK
- EAST STONE
- TERRAZZO COLORED 1
- TERRAZZO COLORED 2
- TERRAZZO COLORED 3



EAST ELEVATION
1/16/07



NORTH ELEVATION (ALLEY)
1/16/07

839-849 University Avenue



Looking northeast at site, Victoria & University



Looking south at Victoria & University

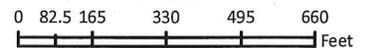
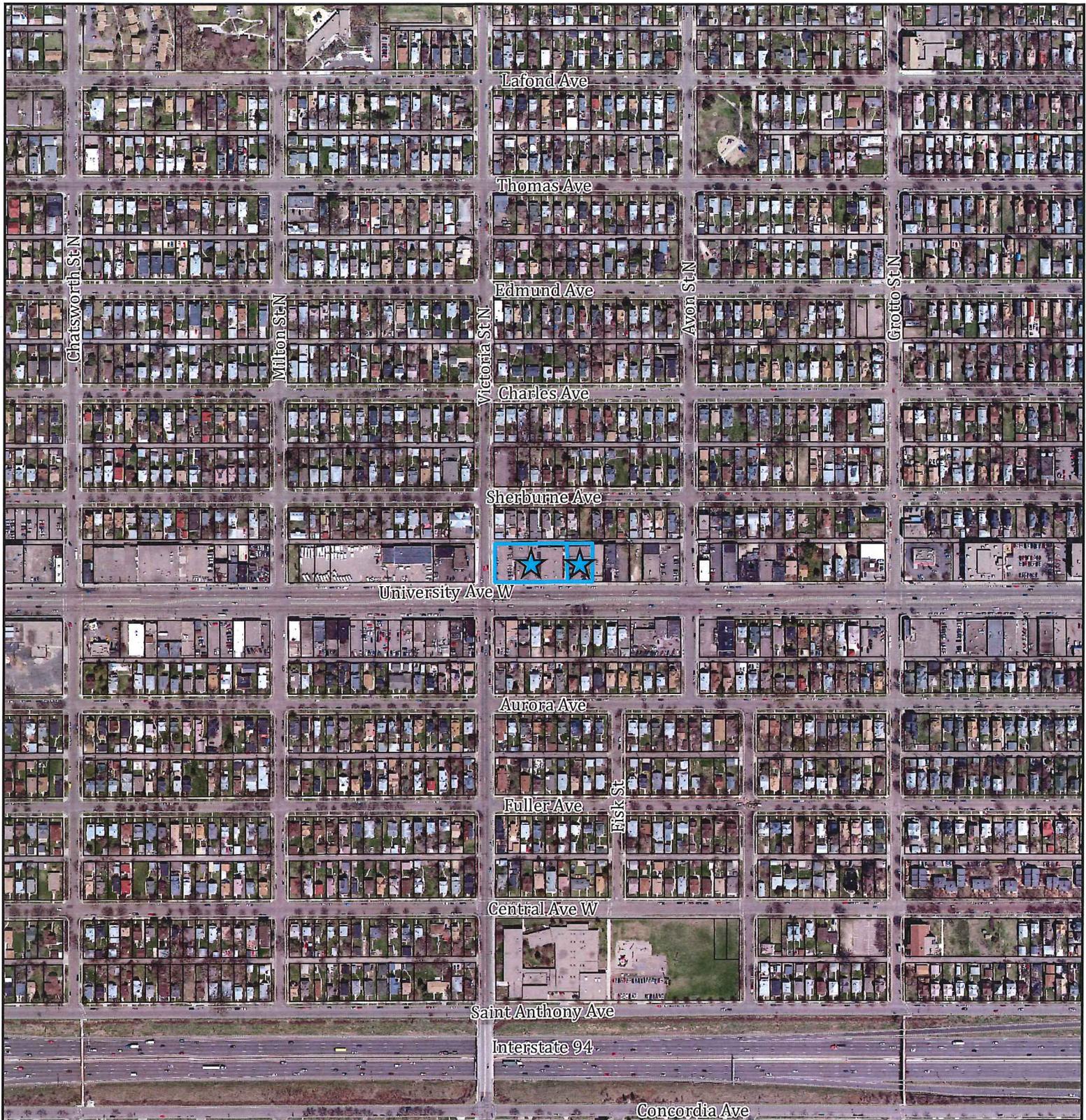
839-849 University Avenue



Looking east down alley from Victoria



Looking north on Victoria from University,
site on right



FILE NAME: Model Cities

Aerial

APPLICATION TYPE: Conditional Use Permit

 Subject Parcels

FILE #: 15-012760 DATE: 2/24/2015

PLANNING DISTRICT: 7

ZONING PANEL: 9





FILE NAME: Model Cities

APPLICATION TYPE: Conditional Use Permit

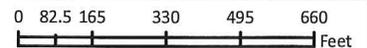
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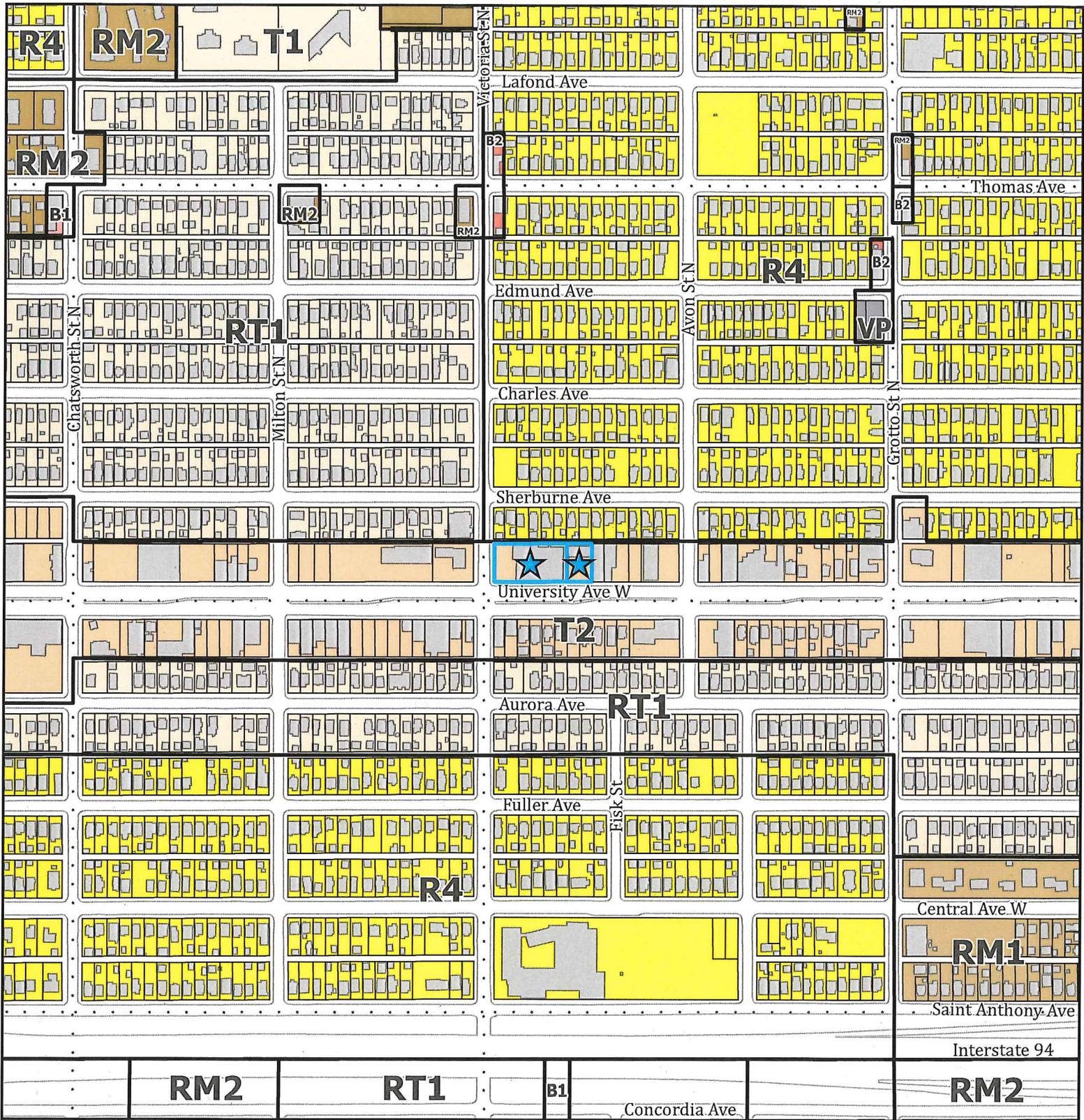
PLANNING DISTRICT: 7

ZONING PANEL: 9

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: Model Cities

APPLICATION TYPE: Conditional Use Permit

FILE #: 15-012760 DATE: 2/24/2015

PLANNING DISTRICT: 7

ZONING PANEL: 9

Zoning

- R4 One-Family
- RT1 Two-Family
- RM1 Multiple-Family
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- B1 Local Business
- B2 Community Business
- VP Vehicular Parking
- Subject Parcels
- Section Lines

