

city of saint paul
planning commission resolution
file number
date

WHEREAS, James Tindall, File # 21-236-483, has applied for a Conditional use permit to increase maximum height at the rear property line from 25' to 38' under the provisions of § 61.501, § 66.331(e), and § 66.331(g) of the Saint Paul Legislative Code, on property located at 1509 Marshall Avenue, Parcel Identification Number (PIN) 34-29-23-33-0151, legally described as Lot G, Lots 14 thru 17 and the West 1/2 of Lot 18, Block 4, Macalester View Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on February 25, 2021, 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 owns the property and intends to demolish the existing vacant one-story building and surface parking to construct a 4.5-story apartment building with parking, circulation, mechanical, and lounge space in the basement and 4 stories of residential units above. A total of 60 units are planned with a mix of studio (4), one (45) and two (11) bedrooms units. The applicant states in the application materials that the units will be classified as affordable at the 80 percent AMI level. The primary pedestrian entrance is on Marshall Avenue as is the primary vehicle access to the off-street parking spaces in the basement level. In addition to the off-street parking spaces in the basement level, parallel parking spaces along the northern edge of the property, adjacent to the alley, are planned as well as on-street parking along Marshall Avenue.
2. Because the development site abuts an RT1 residential zoning district, the maximum height of structures along the rear property line, per § 66.331(e) of the Zoning Code, is 25'. § 66.331(e) provides that structures may exceed this height limit if stepped back from the property line a distance equal to the additional height. The applicant requests the maximum height of structures at the rear property line be 38' instead of 25'. This would provide for the proposed 52' ¼" height of the northeast portion of the L-shaped building, which is setback 15' 8" from the rear property line.
3. § 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, including the proposed height, is consistent with the comprehensive plan. The project site is in an area identified in the Land Use Plan as mixed-use and in a neighborhood node. Mixed-use areas are primarily along thoroughfares well-served by transit and neighborhood nodes are compact, mixed-use areas that provide shops, services, neighborhood-scale civic and institutional uses, recreational facilities, and employment close to residences. Policy H-46 supports the development of new housing,

moved by _____

seconded by _____

in favor _____

against _____

particularly in areas identified as mixed-use and/or in areas with the highest existing or planned transit service, to meet market demand for living in walkable, transit-accessible, urban neighborhoods. The project site is within the Selby-Snelling neighborhood node where higher density is encouraged. Policy LU-9 promotes high-quality urban design that supports pedestrian friendliness and a healthy environment and enhances the public realm. The proposed building will replace a vacant site with an active use that has a primary entrance on Marshall Avenue and many windows looking onto the street and outdoor areas for residents to gather. The project is consistent with Union Park Community Plan policies that: 1) Support land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape, LU1; 2) Ensure that new development fits within the character and scale of adjacent neighborhoods, LU2.3; and 3) Explore opportunities to increase density levels and promote new development along key corridors that support transit-oriented development, LU3.2.

- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Primary vehicular access from Marshall Avenue is planned. Department of Public Works staff will review the applicant's site plan and sight-line analysis to ensure the proposed access operates safely along the sloping topography in this stretch of Marshall Avenue. Marshall Avenue has bike lanes in each direction. There is no transit service on Marshall east of Snelling; there is service on the west side of Snelling and an A Line stop along Snelling Avenue about one-quarter mile from the project site.
- 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 applicant states that the project is designed to provide a building that is consistent with the existing urban scale and design of the surrounding neighborhood and be compatible with a neighborhood in transition. The applicant adds that the design team coordinated the Union Park District Council's requests with the owner's needs. The design team worked to ensure that the building does not unduly impinge on neighboring views, access to light, and existing vehicular access. A shadow study was conducted and submitted with the application. The applicant worked to ensure that existing solar panels north of the project site will have adequate solar access after the development is built. The applicant states that the bulk of the proposed building is intentionally sited as far south as possible on the property to minimize effects on surrounding residences. The applicant adds that four pedestrian exterior access points, including one on each side of the building, will help facilitate ease of use and to encourage foot traffic to transit near Marshall and Snelling.
- 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. While the area surrounding the development site is fully developed, the building on the project site has been vacant for several years. The low-density residential uses to the north are anticipated to remain, though the properties along Marshall Avenue are anticipated to be redeveloped overtime, consistent with current zoning. The project's design will blend into the surrounding area in terms of massing, design, and fenestration.
- 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. The applicant obtained a front yard setback variance for the project from the Board of Zoning Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of James Tindall for a conditional use permit to increase maximum height at the rear property line from 25' to 38' at 1509 Marshall Avenue is hereby approved, subject to the following 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.