



**October 15, 2021**

TO: Zoning Committee

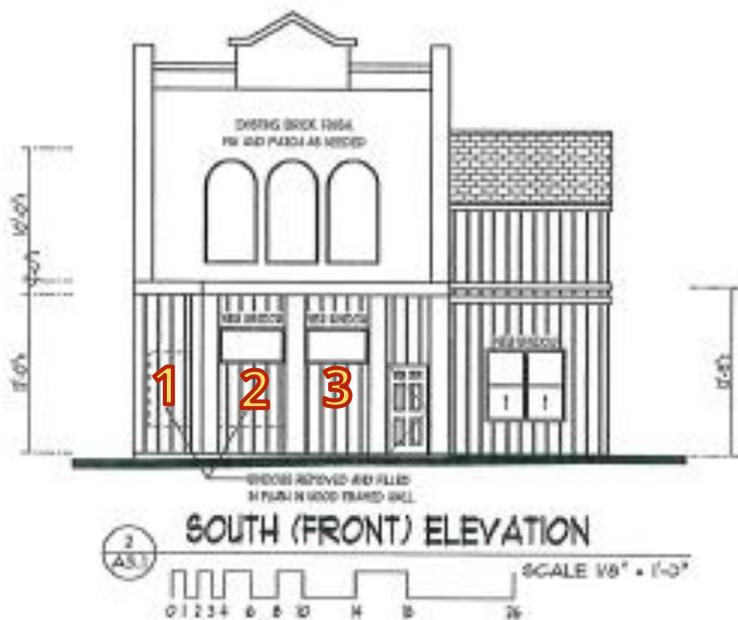
FROM: Bill Dermody, City Planner

SUBJECT: 1179 7<sup>th</sup> Street East CUP

On October 7, the Zoning Committee laid over the conditional use permit application for 1179 7<sup>th</sup> Street East to allow staff to discuss the proposed conditions with the applicant in pursuit of a better understanding of what might constitute “exceptional undue hardship” for the project. The applicant and I met at the project site on October 8, where we determined that there are three exterior design elements that would need to change to comply with the staff-recommended conditions:

1. The recently constructed southwest corner wall on the first floor would need to be removed and replaced with an angled doorway entrance that faces both streets.
2. East of that, a storefront-style window would need to replace a piano window between the columns.
3. East of that, another storefront-style window would need to replace a piano window between the next set of columns.

See illustration and photo below for the location of the three exterior design elements at issue.



Note that the window opening along Duluth Street near the corner, which appears as a piano window-style opening in the photo above, is no longer an issue – it has been replaced with a larger window opening since this photo was taken, and will have a sufficiently sized window to meet the recommended condition.

According to the applicant, Design Element #1 and Design Element #3 would be major hardships to comply with the recommended condition, for several reasons:

- **Cost.** Complying with the conditions would require paying an architect to redesign the plans, builders to reconstruct the walls, and additional materials costs (additional windows, new wall materials, etc.).
- **Time.** There is a strong desire to complete this project before the winter. The existing building plans have been reviewed and are said to be ready for approval, pending the CUP approval; revised plans would take time to be drawn, and time for additional City review. Also, it would take more than a month to acquire additional windows in the current market.
- **Function.** He is uncertain whether the architect could devise a design that functions internally to accommodate the required additional windows/door. Also, the larger windows near the street and door facing the street would reduce privacy for the occupants.

The applicant believes he could abide by the recommended condition with regard to Design Element #2 without major hardship, by relocating a larger window currently slated for the east façade to the front façade.

It would be advisable to confirm the above characterization of the applicant's concerns with the applicant himself at your meeting.

The staff recommendation has not changed. All completed construction was done without formal permits and was therefore done "at risk". The unit's great room could reasonably be swapped with the bedroom and bathroom to facilitate the recommended exterior changes, as described in the staff report.

If the Zoning Committee were inclined to make a different recommendation that is more conducive to the applicant's desires, several changes would be needed to the staff recommendation. The following potential revised findings and condition are presented for your consideration in case you wish to go that route:

### Potential Revised Findings

3. Zoning Code § 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 can be met. The 2040 Comprehensive Plan designates the site's future land use as Mixed Use, which allows for the proposed use. The District 4 Dayton's Bluff Plan Summary (2009) in Strategy C3 calls for supporting reuse instead of demolition of existing commercial buildings such as this one. Especially considering that the building has been vacant for more than a decade, the proposed reuse for 100% residential on the first floor aids the viability of building reuse. The 2040 Comprehensive Plan, in Policy LU-9, calls for promoting "high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm." The use can comply with Policy LU-9 if it retains a storefront windows to enhance the adjacent public realm and pedestrian streetscape.

4. Zoning Code § 61.502 states that *"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 reasonable enjoyment of adjacent property."*

(Delete entire staff recommended response to this finding and replace with text below.)

Strict application of the condition in Zoning Code § 66.341(d) to retain elements of the traditional storefront design of the building would unreasonably limit lawful use of the property and would result in exceptional undue hardship because of the cost and time impacts on the reuse of a structure that has been vacant for more than a decade.

The intent and purpose of the requirement in § 66.341(d) to retain elements of traditional storefront design in conversion of a commercial building to residential use is to further goals of the Land Use and the Heritage and Cultural Preservation chapters of the Comprehensive Plan to promote high-quality urban design, enhance the public realm, and preserve elements of the built environment that express the identity and sense of place of Saint Paul. This intent and purpose is not impaired if portions of the traditional storefront are retained, including the historic vertical

brick piers in the front façade, the intermediate cornice over the storefront, and at least one storefront window opening facing each street.

#### Potential Revised Condition of Approval

1. The elements of traditional storefront design in the building, including ~~a primary entrance at the SW corner of the building facing both E 7<sup>th</sup> Street and Duluth Street, the historic storefront window openings facing both public streets,~~ the historic vertical brick piers in the front facade, ~~and~~ the intermediate cornice over the storefront, the historic storefront window opening facing Duluth Street near the corner, and one of the historic storefront window openings facing E 7<sup>th</sup> Street, must be retained.