

city of saint paul
planning commission resolution
file number
date

WHEREAS, Rashad Kennedy, File # 21-302-448, has applied for a conditional use permit to convert the entire first floor of a commercial building to residential use under the provisions of § 66.341(d); § 61.501, and § 61.502 of the Saint Paul Legislative Code on property located at 1179 7th Street E, Parcel Identification Number (PIN) 28.29.22.41.0068, legally described as Lots 6 and 7, Block 1, J.W. Bass Subd. of Lots 15, 14, and part of 13 of Collins Out Lots; and WHEREAS, the Zoning Committee of the Planning Commission, on October 7, 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. Zoning Code § 66.341(d), which applies specifically to T1-T2 traditional neighborhood districts, requires that *“storefronts or ground floors originally designed for commercial use shall not be converted to more than fifty (50) percent residential use without a conditional use permit.”* The application requests conditional use permit (CUP) approval to convert the entire ground floor of the building at 1179 E 7th Street, originally designed for commercial use, to residential use. The building has been vacant since 2008.
2. § 66.341(d) requires that *“in conversion from commercial to residential use, the elements of traditional storefront design, where present, shall be retained. These include door and window openings, display windows, intermediate cornice lines, sign bands, awnings, arcades, and primary entrances facing the public street.”* The building at 1179 E 7th Street was constructed in 1890, designed for commercial use on the first floor and apartments on the second floor, with elements of traditional storefront design including a primary entrance at the SW corner of the building facing both E 7th Street and Duluth Street, storefront windows facing both public streets, and an intermediate cornice over the first floor storefront. A 1941 photo shows this original traditional storefront design, with window signs for wines, liquors and a café in the storefront windows.

Photos from 2019 and an August 2021 Google street view show elements of the traditional storefront still intact, including the storefront window facing Duluth Street, the westernmost of the two storefront windows facing E 7th Street, vertical brick storefront piers, and the intermediate cornice over the storefront. The photos show that the original corner column outside the corner entrance has been removed. While the photos show that the door

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opening at the SW corner of the building has been become a storefront window and partially covered with wood, the upper part of easternmost of the two storefront windows facing 7th Street was used for a vent and the lower part covered with wood, a narrow column separating the two storefront windows facing 7th Street was clad with bricks to resemble the historic brick piers elsewhere along the front facade, and the clerestory windows had been covered with wood, the basic structure of the traditional storefront facade door and window openings still exists. Plans submitted with the application showing the original angled primary entrance area at the SW corner of the building boxed in and covered over with vertical siding, and showing large portions of the original storefront window openings covered over with vertical siding, are inconsistent with and do not meet the requirement in § 66.341(d) to retain these elements of the traditional storefront design of the building.

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 window to enhance the adjacent public realm and pedestrian streetscape.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The existing ingress/egress via 7th Street is sufficient to support the use.
 - (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. There is a variety of uses along this stretch of E 7th Street including multi-family residential, commercial, single-family residential, and industrial. The proposed use will not be detrimental to the area's existing character or 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 proposed use will not impede the orderly development and improvement of 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 is met. No variances are requested.
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."*

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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Rashad Kennedy for a conditional use permit to convert the entire first floor of a commercial building to residential use at 1179 7th Street E is hereby approved subject to the following additional conditions:

1. The elements of traditional storefront design in the building, including the historic vertical brick piers in the front facade, 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 7th Street, must be retained.
2. All necessary building and site permits must be obtained.