

city of saint paul
planning commission resolution
file number
date

WHEREAS, Sophia Grace Properties, File # 19-111-186, has applied for a reestablishment of nonconforming use of a house as a duplex under the provisions of § 62.109(e) of the Saint Paul Legislative Code on property located at 863 Watson Avenue, Parcel Identification Number (PIN) 11.28.23.31.0083, legally described as LOTS 29-30, BLOCK 3, WATSON'S ADDITION; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 16, 2020, 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 to reestablish the use of the property as a duplex, which was originally established in 1920, but was made non-conforming in 1975. The property has been used as a single-family home since at least 2012.
2. The duplex conversion guidelines adopted by the Planning Commission state that staff will recommend denial of applications for reestablishment of legal nonconforming status for a duplex in a residential district unless, in addition to the required findings in § 62.109(e) of the Zoning Code, the following guidelines are met:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is met. The lot has 80 feet of frontage on Watson Avenue and the total lot area with half of the alley applied to the lot area requirement is 9,583 sf.
 - B. *Gross living area, after completion of duplex conversion, of at least 1500 square feet. Neither unit shall be smaller than 500 square feet.* This guideline is met. The total square footage of the units will be 1,965 sf. It is an over-under duplex with roughly 1,085 sf for the main floor unit and 880 sf for the upper-level unit. These totals do not include the basement (approx. 1,355 sf), which will be used for utilities and storage.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum.* This guideline met. There is a one car garage and a parking pad with two parking spaces on the property.
 - D. *All remodeling work for the duplex is on the inside of the structure unless the plans for exterior changes are approved by the Board of Zoning Appeals as part of the variance. (The Planning Commission will approve these changes for the cases they handle).*

moved by _____

seconded by _____

in favor _____

against _____

This guideline is met. No exterior changes are proposed. However, the two rear stairways and door will be replaced. Siding and trim may be replaced, as needed.

E. *For the purpose of protecting the welfare and safety of the occupants of any structure that has been converted into a duplex without the necessary permits, a code compliance inspection shall be conducted and the necessary permits obtained to bring the entire structure into conformance with building and fire code standards; or the property owner must, as a condition of the approval, make the necessary improvements to obtain the necessary permits and bring the entire structure into building and fire code compliance within the time specified in the resolution. This guideline is met. The applicant will bring the build up to code.*

3. 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:*

- (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding is met. The structure has been used as a duplex for most of its existence. Several characteristics of the duplex remain in place in the existing structure, such as separate electrical meters and access points to the two units. It is more economical to reestablish it as a duplex than to convert it fully to a single-family home. The structure is built on a double-lot. The lot could be subdivided and two single-family structures could be built by right to provide housing at the same density as rehabbing the existing structure. This would be a greater expense and would be a more resource-intensive way of providing the same amount of housing.
- (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The previous legal nonconforming use was a duplex. This permit would reestablish that use making it equally appropriate.
- (3) *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 property has been used a duplex for most of the last century. The use is part of the existing character of the immediate neighborhood. Reinvestment in the structure will contribute to general quality of housing in the neighborhood.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The site is within an Established Neighborhood, which is a Future Land Use designation defined by the 2030 *Comprehensive Plan* as "areas characterized almost entirely by single family houses and duplexes." The proposed reestablishment of the duplex is consistent with this general land designation and the following policies:
 - LU-1.41 calls for promoting the development of a range of housing types and housing values in each of the 17 planning districts.
 - LU-1.42 calls for promoting the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation.
 - H-1.1 calls for increasing housing choices across the city to support economically diverse neighborhoods.

The use is consistent with the site's Future Land Use designation of Urban Neighborhood from the approved 2040 *Comprehensive Plan*:

Urban Neighborhoods are primarily residential areas with a range of housing types.

Single-family homes and duplexes are most common, although multi-family housing predominates along arterial and collector streets, particularly those with transit.

And it is consistent with the housing policy from that plan:

- Policy H-48. Expand permitted housing types in Urban Neighborhoods (as defined in the Land Use Chapter) to include duplexes, triplexes, town homes, small-scale multifamily and accessory dwelling units to allow for neighborhood-scale density increases, broadened housing choices and intergenerational living.

The use is also generally consistent with the *District 9 Plan*, which states:

The plan emphasizes the need to preserve and improve existing housing stock while allowing new, large housing developments in specific geographic areas. The neighborhood's housing stock spans 150 years, and new construction should respect and complement the character of existing housing in the community. Housing stock, both new and refurbished, should continue to provide a mix of incomes with affordable places to live.

- (5) *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 November 21st, 2019: 16 parcels eligible; 11 parcels required; 12 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Sophia Grace Properties for a reestablishment of nonconforming use of a house as a duplex at 863 Watson Avenue is hereby approved subject to the following condition:

1. The applicant shall adhere to all applicable code requirements and obtain a certificate of occupancy for the two duplex units.

19-111-186
863 Watson

From: Receptionist [<mailto:reception@amengtest.com>]
Sent: Tuesday, January 14, 2020 9:46 AM
To: Jerve, Anton (CI-StPaul) <anton.jerve@ci.stpaul.mn.us>
Cc: Daniel, Allexx <adaniel@amengtest.com>
Subject: File # 19-111-186
Importance: High

Think Before You Click: This email originated **outside** our organization.

Attention City Planning Commission,

Concerning the house at:
863 Watson Ave
St Paul, MN 55102

We object to re-zoning our neighborhood to multifamily dwellings. We believe this will affect our neighborhood in a negative way, the least of which would be a decline in property values.

Thank you,
Allexx Daniel
Receptionist
adaniel@amengtest.com
D: 651.659.9001 | Fax: 651-659-1379



American Engineering Testing, Inc.
550 Cleveland Avenue North
St. Paul, MN 55114

www.amengtest.com

Please read our email disclaimer at this link on our website.

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WHEREAS, Meri and Don Hauge, File # 19-106-417, appealed a zoning administrator decision to approve a site plan for campus improvements including expansion of a parking lot at 1465 Branston Street under the provisions of § 61.701 and § 61.402(c) of the Saint Paul Legislative Code, on property located at 1490 Fulham Street and 2375 Como Avenue (parking lot at 1465 Branston Street), Parcel Identification Number (PIN) 20.29.23.13.0118, legally described as Lots 1-7 and 11-16, Block 11, St. Anthony Park North; and

WHEREAS, the Zoning Committee of the Planning Commission, on January 16, 2020, 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:

Zoning Code § 61.701 provides that the Planning Commission shall have the power to hear and decide appeals of zoning administrator decisions where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the zoning administrator. In their appeal, the appellant alleges that the site plan is not consistent with Zoning Code § 61.402(c) (7), the site plan review and approval finding regarding "safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site." Specifically, that the expanded Branston Street parking lot should be disapproved due to the safety of pedestrian and vehicular traffic on Branston Street.

Zoning Code § 61.402(c) says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the eleven findings listed below. The issues raised in the appeal and staff's evaluation of the site plan are addressed in the findings. As the appeal's scope focuses on the Branston Street parking lot and excludes the other Luther Seminary south campus site improvements, such as remodel of the Olson (1490 Fulham St) and Gullixson (2375 Como Ave) buildings, only the Branston Street parking lot is described in the findings.

moved by _____
seconded by _____
in favor _____
against _____

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

The site plan meets this finding, as there is no change to the campus condition or operation resulting from the site improvements.

2. *Applicable ordinances of the City of Saint Paul.*

The site plan meets this finding. The site plan meets the standards, specifically for parking requirements and parking facility standards and design.

- § 63.207 – Parking requirements by use: The proposed surface parking lot at 1465 Branston Street includes 19 off-street parking spaces (17 standard and 2 accessible spaces). The amount of off-street parking required per Zoning Code is a minimum of one parking space per every 2 employees and one space per every 3 full-time students not on campus or one space for every 3 part-time students, whichever is greater, plus required parking for other uses. Per Sec. 65.220. - College, university, seminary, or similar institution of higher learning standards and conditions, to determine compliance with parking requirements, the institution must file an annual report with the planning administrator stating the number of employees, staff and students associated with the institution. With the March 22, 2019, CUP amendment, staff confirmed that there is no change to the parking requirements for the seminary as a result of the boundary adjustment and proposed development plans.
- § 63.314. - Landscaping. For any parking facility, landscaping shall be provided to buffer the facility from adjacent properties and from the public right-of-way; reduce the visual glare and heat effects of large expanses of pavement; and provide areas for the retention and absorption of stormwater runoff. Required perimeter landscaping, screening from the right-of-way, and tree plantings are included in the parking lot design.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan meets this finding. The proposed use is typical of the intent of a R3 single-family residential Zoning District, which allows for civic and institutional uses along with single-family dwellings. 1465 Branston Street is not designated as having historical or environmental significance nor inventoried by Heritage Preservation.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan meets this finding. The adjoining dwellings to the north and south of the parking lot proposed at 1465 Branston St are part of the Luther Seminary campus. The existing two, three-stall garages and six surface parking spaces will be replaced with a 19 space parking lot. The type of use will remain the same, and Luther Seminary will continue to operate the parking area as an allowed accessory use to the seminary. The parking lot will be buffered by perimeter landscaping and trees with a minimum setback of 12.7' from Branston Street. Stormwater from the site will be managed through permeable surfaces and surface run-off will be captured and piped to an underground infiltration system located under the Branston Street parking lot.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The type of use as accessory off-street parking to the campus will remain the same as it is today. The new, expanded parking lot will be buffered by perimeter landscaping and trees

with a minimum setback of 12.7' from Branston Street. All outdoor lighting shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences and not exceed maximum footcandle requirements. Public sidewalks impacted by construction will be replaced on Branston St and internal campus sidewalks and green space will connect the proposed parking lot and public sidewalk to the campus.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plan meets this finding. The proposed parking lot is located within the approved CUP campus boundary, replacing two, three-stall garages and six surface parking spaces at the site. Required perimeter landscaping, screening from the right-of-way, and tree plantings are proposed, including a minimum 12.7' landscaped area along Branston Street.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The site plan meets this finding. Branston Street south of Hendon Ave dead-ends just south of the parking lot, and is a one-way loop around Hendon Triangle, which is City of Saint Paul Parks' land. The south Hendon Triangle features a small, public play area with equipment and benches on .23 acres. Branston Street south of Hendon Ave is 33' wide platted right-of-way with one lane of traffic, parking lane, boulevard, and sidewalk on one side.

On residential streets the speed limit is not posted unless it is non-standard. The appellant is requesting big alert and speed signs, though standard residential speed limits apply on Branston Street. The City is evaluating lowering speed limits for all residential streets, with a goal to implement changes by mid-2020. Southbound Branston St is currently signed "dead end," which may be a deterrent for some drivers. Nevertheless, one-way northbound traffic on the east side of Hendon Triangle is facilitated by a turn-around at the end of southbound Branston St or with a wide vehicular turning movement.

On-street parking is unrestricted on southbound Branston St, while one-hour and permit-only parking exists on northbound Branston St. The appellant recommends on-street parking restrictions for the southbound Branston St, which may be pursued by the adjoining property owners through the existing Public Works residential permit parking petition process. Public Works Transportation Planning and Safety staff did not deem restrictions to on-street parking to be warranted as part of the site plan review.

The site plan includes a new, off-street parking lot with 19 parking spaces at 1465 Branston St that replaces two, three-stall garages and an existing 6 space surface parking lot. Based on Traffic Engineering standards and Zoning Ordinance, the size and use of the proposed parking lot did not warrant a traffic memo or study, nor a Travel Demand Management Plan for the campus. The type of use as accessory parking will remain the same, and Luther Seminary will continue to operate the parking area for use by the Seminary's employees, students, and guests. Based on the site plan, Luther Seminary continues to be in compliance with minimum off-street parking requirements and below the parking maximum. The proposed parking lot adheres to design standards and elements such as parking and driveway dimensions, vehicle maneuvering, a stop sign at the driveway exit, perimeter landscaping, screening from the public right-of-way, and shade tree plantings. Public sidewalks impacted by construction will be replaced on Branston Street. Sidewalks, including driveway crossings, are required to meet ADA standards. Internal campus sidewalks and green space will connect the proposed parking lot and public sidewalk to the campus.

As part of the Site Plan Review, all City staff reviewers signed-off on the site plan as

proposed, including department representatives from Parks and Recreation, Department of Safety and Inspections, Public Works Transportation and Safety, and Public Works Street Design and Construction.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan meets this finding. The utility connections for Water, Sanitary and Storm sewer services are provided. Stormwater from the site will be managed through permeable surfaces and also piped to underground infiltration systems located under the Branston Street parking lot and a landscaped area in the northwest corner of the site. Drainage maps and HydroCAD modeling to meet the City's stormwater run-off rate control standards were submitted and accepted. The Capitol Region Watershed District has also reviewed the plans and will issue a permit for water quality.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

The site plan meets this finding. Required perimeter landscaping, screening from the right-of-way, and tree plantings are proposed, including a greater than 12.7' landscaped area along Branston Street. Luther Seminary continues to be in compliance with parking requirements. Bicycle parking will be provided in safe and secure areas convenient to the main entrance of the buildings.

10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan meets this finding. Required ADA parking is distributed across the campus. The plan proposes 2 accessible parking spaces in the Branston Street parking lot. Required accessible entrances and routes shall be provided per accessibility code. The public sidewalks have accessible crossings.

11. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan meets this finding. The site plan includes an erosion and sediment control plan that is consistent with this standard.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal of Meri and Don Hauge of the approval by the zoning administrator of a site plan for campus improvements including expansion of a parking lot at 1465 Branston Street at 1490 Fulham Street and 2375 Como Avenue (parking lot at 1465 Branston Street), is hereby denied.

January 16, 2020

Appeal Testimony to Luther Seminary Parking Lot Increase on Branston Street
File #19-106-417

Thank you to Chairperson Edgerton, Zoning Committee members, and City staff, particularly Tia Anderson.

I have been a resident on Branston Street for more than 25 years and a resident of the City of St. Paul for more than 50 of my 67 years of life. I absolutely love St. Paul, its diversity, the commitment to community life and safety of residents, especially children. Additionally I truly enjoy living in close proximity to Luther Theological Seminary. I have gotten to know and am friends with many of their dedicated faculty, kind students and appreciate the beauty of much of their grounds.

Filing this appeal has not been easy. I liken it to when I was in a senior level position in the VA Health Care System and a nursing assistant had to file a safety care concern to me and other senior leaders. The process is confusing and intimidating and it always means that there are opposing views.

There are three areas that I oppose between the statements by Luther Seminary and the review and conclusion by Zoning Committee Staff. They are as follows:

1) Luther Seminary has mischaracterized and/or mislead the City of St. Paul.

In the initial application Luther comments about "the demolition of two 2-car garages on the east side of Olson Campus Center, replacing them with a parking lot, with a net increase of 8 parking spaces (see page 1 of 2 of the City of St. Paul Planning Commission Resolution, 2.(3) second bullet point). The mischaracterization here is that this is the Branston Street parking lot and there was no mention of Branston Street, nor Hendon Triangle children's park, nor traffic.

The truth and the fact is that the Branston Street parking lot is immediately accessible from Branston Street, having to pass by the Hendon Triangle children's park.

Another truth and fact is that there are two 3-car garages that are used by residents who live in the Seminary housing on the West side of Branston Street. And, as you might understand, these six garage spots are NEVER used by guests of Luther Seminary. In my 25 years living across from the parking lot, currently I have noted currently that one Luther student resident, Kelly, parks in one of the garages. Years ago some friends of mine did use one of the garages when they lived here. I believe that many of the garages are used for storage either by Luther or student residents. The remaining six surface parking spots are used by student residents and maybe their guests. However usually there are only about five cars parked in those surface parking spots.

This is also Luther's mischaracterization. A truthful application would have stated actual current use: 5-6 parked student resident vehicles and no Seminary guest usage. Who knows how many vehicles will park in the proposed expanded lot, but could be an

increase of almost three times the number of cars coming onto Branston Street driving past the Children's Park.

Another truth and fact is that the USE of the parking lot is changing. As I stated before, the only people who use the parking lot are Luther Seminary Student Housing Residents. Occasionally one of the maintenance crew will park a truck there to do maintenance on a house. However, if Luther uses the expanded lot as they say they will, we will have "guests" using the lot ... for various Luther events, weddings, chapel services, and busy faculty/staff, all of whom may be hurried and inattentive to the neighborhood, park and children.

- 2) The Zoning Committee Staff reviews were based on the information provided by Luther. When the City Parks and Rec staff person reviewed the Luther plan, he had "No comment". That is incredibly surprising given the fact that the parking lot is in such close proximity to Triangle Park and access to the parking lot goes right by the park. As a citizen, I would have been a lot more confident of this review had there been some mention and finding about the park and the number of children who use the park and how traffic will be controlled and minimized.

In the Planning Commission Resolution of March 22, 2019, there are at least two areas grossly overlooked ... "no change to campus traffic" and "no change to the character or use of the campus". This is simply not true as I have pointed out. The amount of traffic could increase as much as 2-1/2 times and the use is changing to include guests. As one neighbor told me, there are a lot of extra-curricular activities that are hosted at Olson Campus Center and once word gets out that guests can park in the lot on Branston Street, many vehicles will come up on Branston looking for a place to park.

In Luther's rebuttal letter, to my appeal, dated January 7, 2020, Mr. Morrow states that my appeal centers on "one small element in the site plan". I vehemently disagree about this being "one small element". The safety of our children is THE biggest element in this proposed change and needs to be thoroughly considered by all City leaders. Mr. Morrow disagrees that the "design of the parking lot will materially compromise safety". I have read that paragraph many times and conclude that only an institution that is not invested in the neighborhood and children's safety would have written it.

- 3) The findings of the Zoning Staff Review seem based on inaccuracies and misleading statements. The proposed expansion and use of the parking lot are changing as evidenced by Luther Seminary's own words ... 19 proposed surface spaces (an increase from 6 surface spaces and 6 garage spaces); use by students, faculty and guests (currently only student residents use the spaces). And it was only until I filed my appeal that there was anything substantially mentioned about safety and effects on neighboring land and safety. It is my assertion that the Zoning Staff reviewers were superficial and that contributed to errors in findings. The reviewers did not meet their requirements regarding neighborhood impact and safety. If the parking lot site plan is approved by the City there will be greater risk for the safety of children.

In conclusion, I believe it is my responsibility to bring this breach in children's safety to the attention of the City in whatever avenues are available to me. When I initially petitioned Luther, along with about 25 other neighbors, on October 12, 2018, to find other parking and not increase the lot and change the use on Branston Street, I was hopeful. Then neighbors attended the SAPCC Land Use meeting and brought up the concern. The Land Use committee made a recommendation and we have heard nothing from Luther. I have been in touch with our council person about this issue as well.

There is a lot more we can do to protect our children who absolutely love to play at the park. More signs, restricted parking on the West side of Branston, speed bumps, etc. I did propose a compromise in my appeal that I would have brought back to my neighbors, but have heard nothing from Luther or the City about the compromise. Today I am asking that the Zoning Committee halt the change in number of spaces and use of the parking lot to avoid an increased child safety hazard.

Thank you.

Respectfully submitted,

Meri Hauge
1478 Branston Street
St. Paul, MN 55108
651-356-1952