

city of saint paul
planning commission resolution
file number
date

WHEREAS, Schafer Richardson, LLC, File # 18-117-397, has applied for a conditional use permit (CUP) for building height: 37 feet allowed by right with setbacks; 47 feet proposed with CUP and setbacks under the provisions of § 66.331 of the Saint Paul Legislative Code, on property located at 844-856 Payne Avenue, Parcel Identification Numbers (PINs) 29.29.22.42.0263, 29.29.22.42.0346, 29.29.22.42.0247, 29.29.22.42.0238, 29.29.22.42.0246, and 29.29.22.42.0349, legally described as Lots 25-41, Charles Weide's Subdivision of Block 37 of Arlington Hills Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 requests conditional use permit approval to permit a 47'-high mixed-use residential and commercial building that is set back 2' from the rear and north side property lines, and more than 30' from the south property line.
2. § 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 additional height is in substantial compliance with the Comprehensive Plan, including Figure LU-B which designates the site as part of a Mixed Use Corridor, Strategies LU-1.23 and LU-1.25 that encourage residential density here, and Strategy LU-1.24 that encourages a mix of uses.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The project uses a shared driveway to the south to access Payne Avenue, which has been approved by Public Works Traffic Engineering as part of site plan review.
 - (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 project and its additional height are not detrimental to the existing character of development along this mixed-use street. The project's design, in accordance with the T2 design standards, will benefit the Payne Avenue streetscape.

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seconded by _____

in favor _____

against _____

- (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 takes advantage of a shared driveway to its south and maintains Aguirre Street to the north for access both to businesses and, potentially, for future bicycle/pedestrian connections to the east.
- (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. All applicable district regulations will be abided by, as confirmed through site plan review. No variances are requested.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Schafer Richardson, LLC for a conditional use permit for a building height of 47 feet at 844-856 Payne Avenue is hereby approved with 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.

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WHEREAS, Peggy Dahl, File # 18-124-347, has applied to rezone from RM1 low-density multi-family residential to RM2 medium-density multi-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1375 Cleveland Avenue N, Parcel Identification Number (PIN) 20.29.23.41.0063, legally described as S 1/5 of Lot 6 and all of Lot 7, Block 34, St. Anthony Park North; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 rezone the property from RM1 to RM2 to facilitate redevelopment of the property from a one-family dwelling with an additional one-family dwelling over a garage to a multifamily development with more density than allowed under RM1. RM2 zoning would allow for an additional 10ft of height (RM2 allows 50ft; RM1 and RT2 allow 40ft) and an additional 2 to 4 units, depending on how parking is provided (see table below).

Allowable Dwelling Units for 1375 Cleveland – RM1 vs. RM2 Zoning

Zoning		Number of Units with Surface Parking	Number of Units with Structured Parking	
			1 Space/Unit	2 spaces/unit
RM1	Units	4	5	6
	Lot Area/Unit	2,000sf	1,700sf	1,400sf
RM2	Units	6	7	10
	Lot Area/Unit	1,500sf	1,200sf	900sf

2. The proposed RM2 zoning is generally consistent with the way this area has developed. This area of St. Anthony Park, adjacent to the University of Minnesota, has developed as a mix of various housing types with higher densities generally concentrated along Cleveland Avenue and Como Avenue. Recently several properties along Cleveland Avenue adjacent to the University, including the sorority directly to the north of this property (ZF# 18-067994), have increased in density. The 50ft maximum building height standard for the proposed RM2 zoning is less consistent with the 40ft maximum height standard that applies to surrounding property because are no buildings in the surrounding RT2 and RM1 area exceed that height. However, there are buildings exceeding 40ft on the University of Minnesota campus.

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3. The proposed RM2 zoning is generally consistent with the *Comprehensive Plan*. The zoning is consistent with the following *2030 Comprehensive Plan* policies from the Housing Chapter:

- 1.1. *Increase housing choices across the city to support economically diverse neighborhoods.*

- 1.3. *Revitalize the city by developing land-efficient housing.*

And the following policy from the *St. Anthony Park Community Plan*:

Range of Housing Choices. *Increase the range of housing types and affordability within the District to encourage a greater diversity of households and to be an affordable community for all people throughout their life and changing lifestyle needs.*

There is no clear guidance from either plan regarding student housing and no specific recommendations in the St. Anthony Park Community Plan that relate to Cleveland Avenue. The draft *St. Paul Campus Strategic Facilities Plan* calls for adding student housing density along Cleveland south of Commonwealth Avenue with mixed-use generally at the intersection of Cleveland and Como.

4. The proposed zoning is compatible with the surrounding mix of residential and university-related uses. The Cleveland-facing side of the block is zoned RM1 while the Raymond-facing side of the block is zoned RT2. This zoning has been in place since 1975. The intent of the RT2 district (Zoning Code § 66.214) is “to provide for a variety of housing needs and to serve as zones of transition between one- and two-family residential districts and multiple-family residential districts and business districts.” The purpose of the RT2 zone on the west side of the block is to buffer the R4 one-family area to the west from the multifamily uses along Cleveland. The intent of the RM1 district (§ 66.215) is “to provide for an environment of predominantly one- and two- family, townhouse and lower density multiple-dwelling structures along with civic and institutional uses ... to provide for a variety of housing needs.” The intent of the RM2 district (§ 66.216) is “to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.” RM2 is generally appropriate at this site because of its location on Cleveland and proximity to the University and transit. With the frequency of U of M circulators in addition to the regular Metro Transit service, this stretch of Cleveland has among the highest frequency service outside of downtown. RM2 would provide for additional density to meet the housing goals of the city.
5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term “*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*” Based on Finding 4, above, the proposed rezoning may not be considered “spot zoning” because the use classification can be consistent with the current and intended surrounding uses. However, the site is located away from a Neighborhood Node and is not on a Residential Corridor as defined in the *2030 Comprehensive Plan*. The modest change in height and density for this small lot to RM2 should not be considered “*an island of nonconforming use within a larger zoned property.*” Given the recent densification along Cleveland Avenue, RM2 is appropriate at this location as it would be at other locations along this segment adjacent to the University of Minnesota. The draft *2040 Comprehensive Plan* has stronger and more explicit policy support for additional density at this location due to its frontage on Cleveland and related transit access.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from RM1 low-density multi-family residential to RM2 medium-density multi-family residential for property at 1375 Cleveland Avenue N be approved.

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WHEREAS, Thomas Huynh, File # 18-122-789, has applied for a reestablishment of nonconforming use as a duplex under the provisions of § 62.109(e) of the Saint Paul Legislative Code, on property located at 822 Van Buren Avenue, Parcel Identification Number (PIN) 35.29.23.12.0060, legally described as Avon Street Addition, Lot 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 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. There is 40 ft. of frontage on Van Buren, and the total lot area is 5,280 sq. ft. with the inclusion of the alley for calculating minimum lot area and density requirements.*
 - 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 living area of the structure is 1,596 square feet. It is structured as an up-down duplex and each unit is approximately 798 sq. feet.*
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. This guideline is met. There is a two car detached garage on the subject parcel, with an unimproved surface parking space adjacent to the garage.*
 - 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.) This guideline is met. No exterior changes to the property are proposed.*
 - 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*

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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. A duplex code compliance inspection was completed on November 28, 2018, and any required repairs will need to be made in order to reoccupy the structure as a duplex.

2. 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 property has been a duplex since 1919 and has remained a duplex since that time. Although a residential use permit was submitted stating the property would be converted to a single family dwelling, the structure was never physically converted and remains an up-down duplex. The units still have separate utilities, separate kitchens, and both units have separate front and rear exits.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use.* This finding is met. The proposed duplex use is the same as the previous nonconforming duplex use.
 - (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 a duplex since 1919 and there are other non-conforming duplex uses in the immediate area. The proposed duplex use is in keeping with the existing character of one and two family land uses in the immediate area and the reestablishment of this nonconforming use will not endanger the public health safety or general welfare.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. The subject property is located in an established neighborhood which is land-use designation where single family and duplex housing types predominate. The proposed duplex use is consistent with this area's comprehensive plan land use designation. Housing Plan Strategy H1.1 calls for increasing housing choice across the city to support economically diverse neighborhoods, including a mix of rental and ownership units and a range of housing types. Strategy H1 of the District 7 Neighborhood Plan calls for preserving the existing housing stock by rehabilitating units to accommodate future use.
 - (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 11, 2018; 18 parcels eligible; 12 parcels required; 14 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 Thomas Huywh for a reestablishment of nonconforming use as a duplex at 822 Van Buren Avenue is hereby approved with the following condition:

1. The applicant shall adhere to all applicable code requirements and obtain a certificate of occupancy for a two-unit building.

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WHEREAS, James Kilau, File # 18-120-737, has applied for a reestablishment of a nonconforming use as a paint studio for preparation of commercial signs under the provisions of § 62.109(e) of the Saint Paul Legislative Code, on property located at 749 Tatum Street, Parcel Identification Number (PIN) 28.29.23.34.0130, legally described as MIDWAY HEIGHTS PART SELY OF A L RUN FROM SE COR OF LOT 2 TH NELY 45 7/10 FT TO PT 4 4/10 FT NWLY OF SELY L OF SD LOT TH NELY TO PT ON NELY L OF AND 55 5/10 FT CHORD MEASURE FROM NW COR OF SD LOT 2 AND ALL OF LOT 1 BLK 17; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 structure at 749 Tatum Street is currently divided into two residential units and a space used for production of hand-painted signs. The last legal nonconforming use of the commercial portion of the property was as a grocery store. It appears that the structure was originally constructed as storefront with a flat above.
2. 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 building currently has two units plus commercial space. Converting the building to a single residential unit would substantially reduce the value of the property, and would be unreasonable as the building was originally constructed for commercial use.
 - (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 use as a grocery store, first allowed in the B1 district, generated greater traffic and impacts than the proposed use as a paint studio for production of commercial signs. This use is similar to a B1 use—with limited external impacts to adjoining properties—provided that odor impacts to adjacent properties can be prevented. Specific odor control measures and no odor impacts on adjacent properties should be conditions of approval.

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- (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, provided that adjacent properties are not impacted by odors from the use. Specific odor control measures and no odor impacts on adjacent properties should be conditions of approval.
- (4) *The proposed use is consistent with the comprehensive plan.* This finding is met. Strategy 1 of the Land Use Chapter calls for the City to *Target Growth in Unique Neighborhoods*. Policy 1.7 calls for the City to *permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods*. The proposed use results in limited traffic, similar to the neighborhood serving uses compatible with the character of an Established Neighborhood. The proposed use is also sought at a location previously used for neighborhood serving commercial uses.
- (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 6, 2018: 15 parcels eligible; 10 parcels required; 11 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 James Kilau for a reestablishment of a nonconforming use as a paint studio for preparation of commercial signs at 749 Tatum Street is hereby approved subject to the following conditions:

1. All signs 4' X 8' and larger will be sent offsite for painting.
2. Ventilation fans will not be used to direct odors toward neighboring properties, and no odor impacts to adjacent properties, as evidenced by credible complaints, shall be allowed.

Zoning Ammendment# 18-120-737

I am writing to give feedback related to the above proposal which is looking for a zoning variance from the city. We strongly object to this proposal on the grounds the building has various issues including insufficient ventilation for the type of business to operate.

Our home is next door to this building. We were not informed that a business opened in the building nor what kind of business was operating. We found out by casually meeting the business owner one day on the sidewalk. This summer we noticed an apparent chemical smell in our front yard on many occasions and have seen the front door to this business left open and a large fan blowing out the fumes out the door on more than one occasion when they were making their signs, presumably to clear the air inside the building because the building lacks proper ventilation.

When the owner of the building came to our home to ask us to sign his petition, we brought this concern up. He told us the business doesn't use spray paint but admitted that there is an odor and the building lack proper ventilation. He said he would look into getting a proper ventilation system. However, considering that the rest of the building is in such poor shape, we are not confident that he will take the required measures. This building also has tenants living in two units, so we are also concerned for their health.

We have two young daughters and pets that play in our front yard which is just a few feet from this building and have had to keep them indoors due to the air quality and the strong chemical smell in the air from this business and fear it may be detrimental to their health and the health of others.

Although we strongly support small business we do not feel this is a good fit for our residential neighborhood and therefore strongly urge you to decline this request.

Sincerely,

Graham and Kristin Lynham

1884 Chelton Ave W

Attn: St. Paul Planning Commission
Zoning committee
File # 18-120-737

To whom it may concern,

I am writing to voice my support for the current tenants using 747749 Tatum as a sign shop. They have been lovely neighbors thus far, the traffic their business creates is negligible, and I am very happy to have the corner occupied. I am in support of whatever action the zoning committee needs to take to allow their business to continue operating provided they follow all rules (esp regarding disposal of paints + chemicals) inc. the prompt removal of snow on the sidewalk in front of their shop.

Thanks for your time,

Claire Lienesch

761 Tatum

St. Paul, MN

55104

651-497-5462

fromme.cl@gmail.com

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WHEREAS, James and Sarah Jarman, File # 18-124-254, have applied to rezone from RM2 multi-family residential to BC community business (converted) under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 541 Selby Avenue, Parcel Identification Number (PIN) 01.28.23.22.0119, legally described as Woodland Park Addition, Lot 13, Block 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 rezone the subject parcel to BC community business (converted) in order to convert the property to retail use on the first floor and an office use on the second floor. The applicants indicate that they intend to retain the residential character of the structure and are not proposing any exterior changes at this time.
2. The proposed BC zoning is consistent with the way this area has developed. Selby Avenue has developed with a mix of commercial and residential uses of varying densities. From 1922 to 1975 Selby Avenue was zoned commercial, which permitted all residential and commercial uses. In 1975 when the modern zoning code was enacted, parcels on Selby Avenue were rezoned to a mix of zoning districts that generally corresponded to the underlying land uses of the parcels.

Zoning Code § 66.413, *Intent, BC community business (converted) district*, states the following:

The BC community business (converted) district is a business district expressly for existing residential structures in commercial areas, which will permit the operation of businesses which do not generate large amounts of traffic and at the same time will retain the visual character of the building forms and open space associated with residential uses. This includes a limited height on buildings and front and side yards. It is further the intent of this district to provide parking for employees who work in buildings which are converted from residential to business use.

The proposed BC zoning is consistent with the current and historic development pattern along Selby Avenue regarding the mix of uses and dimensional standards. If the subject property is converted back to a residential use, the minimum lot area per unit requirements for the RM2 zoning district would apply.

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in favor _____

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3. The proposed BC zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the comprehensive plan as a mixed use corridor and therefore is suitable for a mix of commercial and residential uses. Land Use Plan Policy LU-1.24 calls for supporting a mix of uses along mixed use corridors. Policy LU-1.46 calls for encouraging the expansion of compact commercial areas in neighborhood centers and Mixed Use corridors to further the objectives of both categories and neighborhoods. Policy 10 in the District 8 neighborhood plan states that priority will be given to commercial development on the vacant lots and buildings at Selby and Victoria as well as vacant commercial buildings on Selby Avenue west of Dale Street, and that conversion of residential properties on Selby to commercial use is generally discouraged. Although the proposed rezoning will allow a conversion of a residential use to commercial use, the BC zoning district will ensure that the residential character of the structure is maintained and will also allow the property to be used for residential uses.
4. The proposed BC zoning is compatible with the mix of residential and commercial uses in the immediate area and along Selby Avenue. The surrounding land uses are generally permitted in the BC community business district. The BC zoning district has the same lot coverage and front setback requirements as the RM2 zoning district adjacent to the subject parcel, and in the event that commercial uses are discontinued, the BC zoning district has the same lot area per unit requirements as the RM2 district, ensuring continued compatibility with the adjacent residential uses. The BC zoning district is more restrictive than the adjacent B2 zoning district and is compatible with the existing commercial uses in the B2 district adjacent to the subject parcel.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" The proposed rezoning to BC would not constitute spot zoning. The uses that are permitted in a BC community business (converted) district are consistent the uses permitted in the RM2 multi-family residential and B2 community business districts in the immediate area.
6. The petition for rezoning was found to be sufficient on November 9, 2018; 31 parcels eligible; 21 parcels required; 26 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of James and Sarah Jarman for rezoning from RM2 multi-family residential to BC community business (converted) for property at 541 Selby Avenue be approved.

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WHEREAS, Scott Griesbach and Tom Ellis, File # 18-124-337, have applied for a parking variance (6 spaces required; 2 spaces plus bike parking proposed) under the provisions of § 61.202(b) of the Saint Paul Legislative Code, on property located at 541 Selby Avenue, Parcel Identification Number (PIN) 01.28.23.22.0119, legally described as Woodland Park Addition, Lot 13, Block 4; and

WHEREAS, the Zoning Committee of the Planning Commission, on December 6, 2018, 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 for a parking variance in order to convert a single family dwelling into two commercial uses, a home design and decorator business with a small retail component on the first floor and a counseling office on the second floor. The proposed commercial uses require six off-street parking spaces. There are currently 2 off-street parking spaces in a detached garage, resulting in a variance request of four off-street parking spaces.
2. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The property owners have applied to rezone the parcel to BC community business (converted), which is intended for reuse of residential structures for commercial uses while retaining the visual character of building forms and open space associated with residential uses. The parking variance would provide for conversion of the property to the proposed commercial uses while retaining the visual character and open space of the residential structure, consistent with the intent of the district. It would provide for retaining trees, landscaping, and the recently constructed garage in the rear yard, in keeping with both the intent of the BC district and the general intent of the zoning code to protect aesthetics.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The subject parcel is in a mixed-use corridor served by frequent transit service. Land Use Plan Policy LU-1.52 calls for prioritizing the development of compact commercial areas accessible by pedestrians and transit users over commercial area's more

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readily accessible by automobiles. The proposed commercial uses have very few employees and limited overlapping hours of operation. The proposed uses will not generate large parking demand, and reducing parking requirements within mixed-use corridors served by transit is consistent with the general policy direction of the comprehensive plan. A strategy in the historic preservation chapter of the comprehensive plan calls for preserving areas with unique architectural, urban, and spatial characteristics that enhance the character of the built environment. The proposed parking variance to avoid paving the rear yard for a surface parking lot is consistent with this.

- (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 structure is currently a single family residential structure that the applicant is proposing to convert to commercial uses. There are 2 existing off street parking spaces in a garage in the rear yard, accessed from a 10 foot wide driveway. There is no alley to provide alternative access. The narrow driveway, with no space to widen it, is a practical difficulty for two-way ingress and egress for rear yard parking. Additionally, rear yard trees and landscaping, as well as the recently constructed garage, would likely need to be removed in order to develop four new off-street parking spaces in the rear yard. These fixed site constraints also create a practical difficulty in developing new off-street parking spaces in order to comply with the parking requirement for the proposed commercial uses.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. There is no alley access to the rear yard and no space to widen the existing narrow driveway for rear yard parking. These are fixed site constraints that are unique to the property and that were 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 parking variance would not permit a use not permitted in the district. The property owners have applied to rezone the subject parcel from RM2 to BC to permit the proposed businesses.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance of the parking requirement will help to maintain the essential character of the area by preserving the residential character of the site.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Scott Griesbach and Tom Ellis for a parking variance (6 spaces required; 2 spaces plus bike parking proposed) at 541 Selby Avenue is hereby approved subject to the following condition:

1. The application to rezone the subject parcel from RM2 to BC is approved.

From: Nathan Teske [mailto:nteske@mac.com]

Sent: Sunday, December 02, 2018 3:17 PM

To: Johnson, Tony (CI-StPaul)

Subject: 541 Selby Rezone

Mr Johnson -

I am writing in regards of the rezoning of 541 Selby from multi-family residential to community business. I am a resident of 535 Selby (the building to the immediately adjacent to the east of 541) as well as a member of the condo association that organizes the four units in the property. Mr Ellis' counseling practice will be a welcome addition to the community and his plans for light retail add more value to the neighborhood.

I and the other residents of 535 Selby spoke to Mr Ellis and requested that the newly rezoned property post a "No Parking / Driveway" sign to clearly mark 535 Selby's driveway. Parking on Selby between Kent and Mackbuin is difficult due to the popularity of Revival; we've had our driveway *fully* blocked several times. Mr Ellis did not seem opposed and the sign would only be a nominal cost to the new owners of 541 Selby. Unfortunately neither I nor any other member of the board will be able to attend the zoning meeting. Please see that our request regarding the parking sign is aired and reaffirm our support of the proposed rezoning.

Please feel free to contact me via email or phone at 952-211-7957.

Thank you,

Nathan Teske
535 Selby #2
St Paul, MN

From: Musolf, Joe (CI-StPaul)
Sent: Tuesday, December 04, 2018 11:33 AM
To: Johnson, Tony (CI-StPaul)
Subject: 541 Selby

Hello Tony,

I am owner of and live at 538 Dayton Avenue, St. Paul, MN 55102. My single-family house is immediately adjacent to 541 Selby Avenue, to the north. We share our "rear" property line. There is no alley separating the two properties.

I am in favor of the proposed rezoning. I signed the petition stating my support.

I am also in favor of the proposed parking variance. I've been thinking a lot about this issue and it is really important to me. I am concerned that if the parking variance is not granted, the new business will need to accommodate all of their required parking needs on-site. I suspect this would require demolition of the garage and probably paving of most or all of the rear of the lot. That would negatively affect my property if my back yard is then adjacent to a paved parking lot and associated vehicle maneuvering.

If the Planning Commission's Zoning Committee approves the rezoning request, I think it is vital that they also approve the parking variance.

Respectfully,
Joe Musolf
538 Dayton Avenue
Saint Paul, MN 55102