

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Victoria Park Apartments Phase 3 **FILE #** 16-009-038
2. **APPLICANT:** Chase Real Estate **HEARING DATE:** March 10, 2016
3. **TYPE OF APPLICATION:** Conditional Use Permit
4. **LOCATION:** 763 Kay Ave, SW corner at Mercer Way
5. **PIN & LEGAL DESCRIPTION:** 142823210045, Victoria Park Lot 1 Blk 6
6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T3M
7. **ZONING CODE REFERENCE:** §61.501, §66.331
8. **STAFF REPORT DATE:** March 2, 2016 **BY:** Bill Dermody
9. **DATE RECEIVED:** February 8, 2016 **60-DAY DEADLINE FOR ACTION:** April 8, 2016
-

- A. **PURPOSE:** Conditional use permit to increase the allowable height for a multi-family building to 49'-1 ½"
- B. **PARCEL SIZE:** 160 feet (Kay Avenue) x 142 feet (Mercer/Victoria) = 22,720 square feet
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
School to the southwest (T3M), vacant land to the northwest (T3M, designated for residential), apartments to the northeast (T3M), and a parking lot and railroad tracks to the southeast (T3M).
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §66.331 provides the dimensional standards for the T3M zoning district.
- F. **HISTORY/DISCUSSION:** The site was zoned T3M in 2005 as part of the 65-acre Victoria Park Master Plan rezoning. The Victoria Park Master Plan was amended in 2007 and again in 2011 to respond to individual development proposals and reflect the agreement with Exxon to create a large park area within the urban village. The 2011 Victoria Park Master Plan set the subject site's maximum building height at 40'.
- G. **DISTRICT COUNCIL RECOMMENDATION:** As of this writing, the District 9 Council has not provided a recommendation.
- H. **FINDINGS:**
1. The application requests conditional use permit approval in order to allow a building height of 49'-1 ½".
 2. The T3M zoning district permits building heights up to 45' at the setback line (which is 10' along the street frontages and, due to the presence of windows, 6' from the property line adjoining the school). Heights above 45' are allowed without a conditional use permit so long as the portion of the building above 45' is set back from the side and rear setback lines a distance equal to the additional height – in this case, setting back the upper portion of the building 10'-1 ½", rather than 6', from the property line adjoining the school would absolve the need for a conditional use permit.
 3. The 2011 Victoria Park Master Plan, which limits the subject site's building heights to 40', must be amended to allow the proposed height. The Planning Administrator approved such an amendment on February 18, 2016, but that decision has been appealed. Any approval of the subject application should be conditional on the Master Plan also allowing the proposed height.
 4. §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 Comprehensive Plan's Land Use Chapter designates Victoria Park, including the subject site, as a Mixed-Use Corridor and a Neighborhood Center. Strategy LU1.2 calls for permitting high-density residential development in Mixed-Use Corridors and Neighborhood Centers. Strategy LU1.42 calls for promoting the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed use has direct access to Mercer Way which connects to West Seventh Street and the regional street system.
- (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 addition of 4'-1 1/2" in height to a multi-family residential use to permit a height of 49'-1 1/2" is in keeping with the area's existing development character. Immediately northeast are residential units with a maximum permitted height of 40', while immediately southwest is a school use currently 43' in height with a maximum permitted height of 52'.
- (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 occupies a parcel identified by the Master Plan for a residential use. The proposed additional height is consistent with the adjacent school use that has a permitted maximum height of 52', and it would not have any effect on the normal and orderly development of surrounding property for permitted uses.
- (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, as will be enforced through formal site plan and building permit review.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit to increase the allowable height for a multi-family building from 45' to 49'-1 1/2" subject to the following additional condition:

1. The Victoria Park Master Plan is amended to allow the requested height.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only	
File #	16-009038
Fee	800.00
Tentative Hearing Date	3-10-16

PD = 9
#

APPLICANT

Name	JOE McELWAIN - CHASE REAL ESTATE		
Address	2140 COUNTY ROAD 42 WEST		
City	BURNSVILLE	St. MIN	Zip 55337 Daytime Phone 952-898-5600
Name of Owner (if different)	CHASE REAL ESTATE		
Contact Person (if different)	"	Phone	"

PROPERTY LOCATION

Address / Location	763 KAY AVE		
Legal Description	LOT 1 BLOCK 6 of VICTORIA PARK PLAT		
I.D.	142823210045	Current Zoning	T3M
(attach additional sheet if necessary)			

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
 DIVISION 3 Chapter _____, Section 66.331, Paragraph L of the Zoning Code.

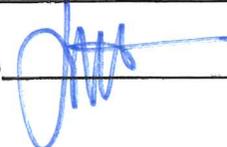
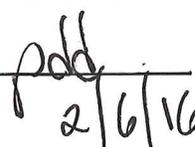
SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

• SEE ATTACHMENTS •

CIC 5051
800⁰⁰

SITE = 142' x 160' = 22,720 SF = 0.52 ACRES = \$900 FEE

Required site plan is attached

Applicant's Signature  Date 2/4/16 City Agent  2/6/16

City of St. Paul – Dep't of Planning and Economic Development - Zoning

Conditional Use Permit Application - Victoria Park Apartments "Phase 3"

2/4/2016 Submitted by: Chase Real Estate

Application for allowance of height between 45'-75'.

Property Zoning: T3M (per Victoria Park Master Plan).

Per Zoning Code: Division 3 – SEC 66.331 Note L:

"For the T3M Victoria Park area generally bounded by W. 7th Street, Otto Avenue, Shepard Road and Montreal Way, a maximum height of seventy-five (75) feet may be permitted with a conditional use permit."

Proposed Building Height: 49'-1 ½"

The Victoria Park neighborhood zoning as-of-right maximum building height for a multi-family structure is 45'. Zoning code states that a building height of 45'-75' is allowed with a conditional use permit. The Victoria Park Master Plan of this specific site is scheduled for housing of typically 2-4 stories in height up to 40'.

Project Summary:

The proposed project currently described as 'Victoria Park Apartments Phase 3' is located at the corner of Kay Avenue and Victoria Way West in the Victoria Park Neighborhood. The property is part of the *Victoria Park Master Plan*. Key features of the apartment building include:

- 4-story wood construction with subgrade parking garage.
- 48 to 52 planned market-rate apartment units; primarily consisting of large One-Bedroom + Dens and mid-size Two-Bedroom units.
- Front Entrance will be located off of the primary street Victoria Way, up a set of stairs and accompanied by an accessible ramp.
- Exterior composed of brick and metal panel.
- Approximately 45 underground parking stalls.
 - Garage ramp located off of Mercer Street.
- Corner exterior building courtyard to provide more setback from adjacent Nova School.

Building Height

The height of the building at its tallest point as measured per zoning code (from top of highest roof down to average grade height) is **49'-1 1/2"**. (See attached elevation). This request for increased height will meet the Victoria Park master plan in designing for residential buildings primarily in the 2-4 story range. The extra height requested is needed to construct a typical apartment building having 9'-0" ceilings. With a typical floor-to-floor height of 11'-0" in wood constructed buildings, in addition to a roof parapet and a Level 1 Floor stepped above outside grade, typical 4-story buildings are several feet taller than 40'. The proposed design (see elevation) shows a taller front entry corner with a higher brick parapet, and then stepping down to a **47'-1 1/2"** height.

Conditional Use Permit General Standards.

Victoria Park Phase 3 meets the following:

- (a) *Compliance with the **Saint Paul Comprehensive Plan:***

- Redevelopment of underutilized sites:
 - Site was previously a contaminated site.
- Target growth in higher density neighborhoods:
 - Project is multi-family housing as permitted in T3M Zoning and per Master Plan.
- Target properties near transit corridors:
 - Site is adjacent to West 7th – a major bus corridor.
- Pedestrian scaled environment:
 - Main entry faces Victoria; similar to the adjacent townhomes, apartments and school building. Stairs and accessible ramp entry from sidewalk provided.
 - Corner site with perimeter sidewalk and boulevard.
 - 4-story residential architecture with balconies at all apartment units.
- Connection to recreation:
 - Proximity to future 40-acre Victoria Park across the street.
- Reduce water pollutants:
 - The project has no on-grade parking. Storm water will be collected from the roof and courtyard into underground pipes meeting city and watershed requirements.

(b) Adequate ingress and egress to minimize traffic congestion in the public streets.

- The project will add minimal additional site traffic having only 45 underground parking stalls. The parking ramp will be located at the 'back' of the building facing Mercer Way rather than the primary and busier Victoria street. The ramp is at a safe distance from the adjacent Kay and Mercer intersection. See attached site plan.

(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.

- The project improves the neighborhood by redeveloping an underutilized site into housing and meets the vision of the Victoria Park Master Plan.

(d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district

- "see above"; meets vision of Victoria Park Master Plan.

(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- "see above"; meets vision of Victoria Park Master Plan.

Compatible with Victoria Park Neighborhood Master Plan:

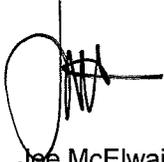
- Supports the "Urban Village" and the plan for medium to high density redevelopment of the Koch Mobil site.
- Building heights between 2-10 stories.
- Site Specific per plan: (See Plate 7B): to be residential scaled housing.

- Walkable: entire perimeter has sidewalks + boulevard and underground out-of-sight parking garage.
- Building façades frame public spaces – including courtyard - and relate to the street.
- Residential structures should have minimal setbacks and landscaping should plan an integral role in defining public.
- Storm water management.

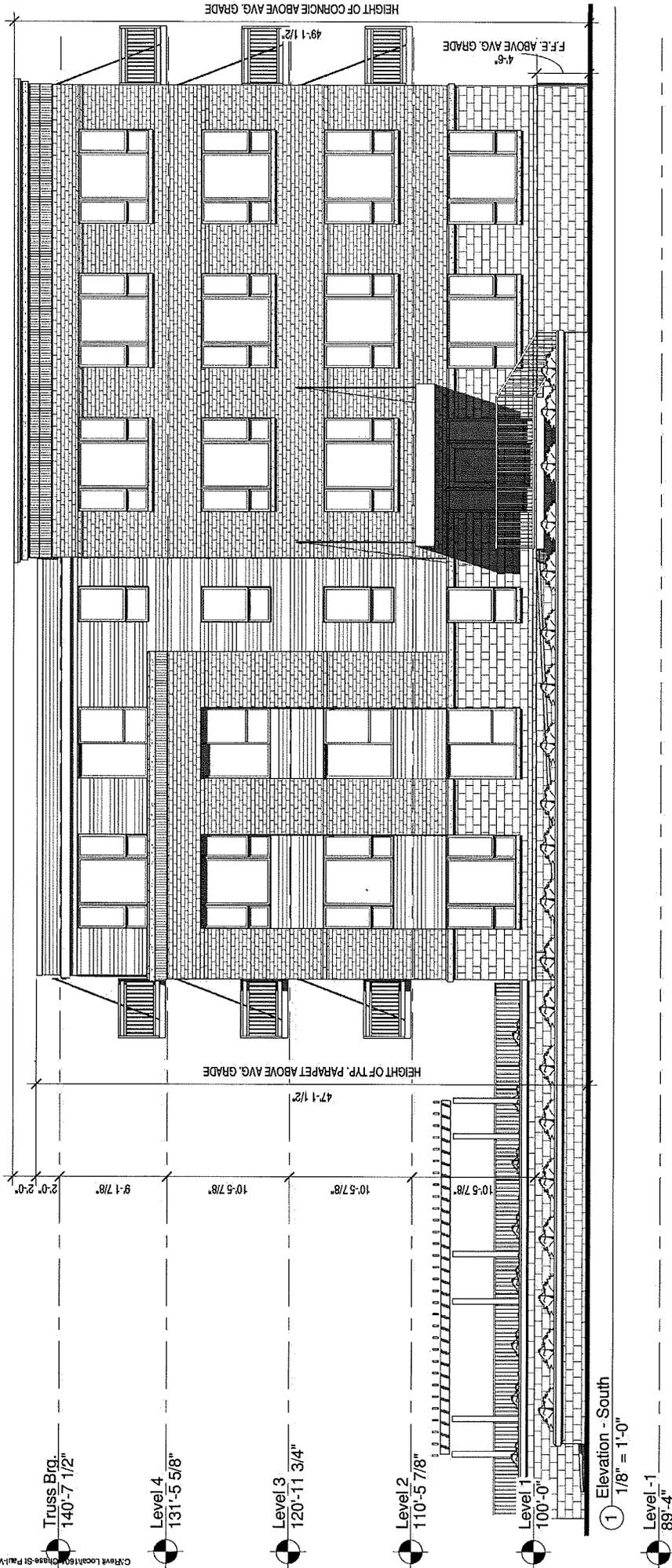
-Submitted 2/5/2016 to Lucy Thompson, Principal City Planner, Saint Paul.

-Building Elevation and Site Plan attached.

Submitted By:

A handwritten signature in black ink, appearing to read "Joe McElwain". The signature is stylized with a large, loopy initial "J" and a horizontal line extending to the right.

Joe McElwain
Development Manager
Chase Real Estate



KW architects

2104 4th Avenue S, Suite B
 Wilson
 Minneapolis, MN 55404
 Tel: (612) 979-8000
 Fax: (612) 979-8886

Elevation - South Entry

Project Number: 1601 - Victoria Park III
 Issue Date:

Revision Number: Park III
 Revision Date:

SD305



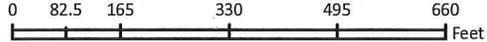
View facing south (subject site in foreground, school beyond)



View facing southeast (subject site is beyond cars parked on Mercer Way)



View facing west-northwest (subject site in foreground)



FILE NAME: Victoria Park Apartments Phase 3

Aerial

APPLICATION TYPE: CUP

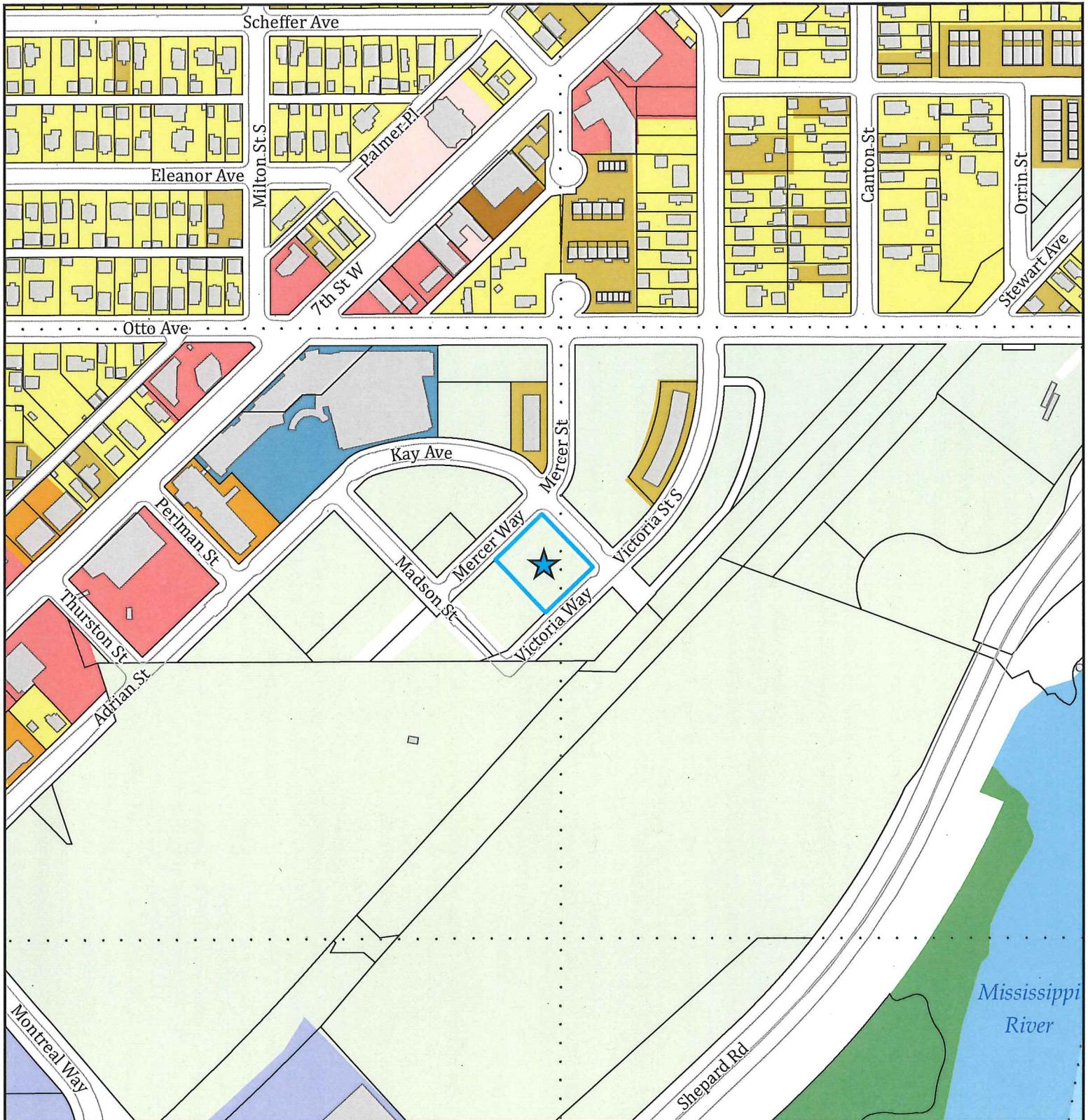
 Subject Parcels

FILE #: 16-009038 DATE: 2/8/2016

PLANNING DISTRICT: 9

ZONING PANEL: 27





FILE NAME: Victoria Park Apartments Phase 3

APPLICATION TYPE: CUP

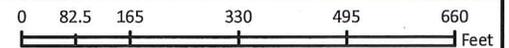
FILE #: 16-009038 DATE: 2/8/2016

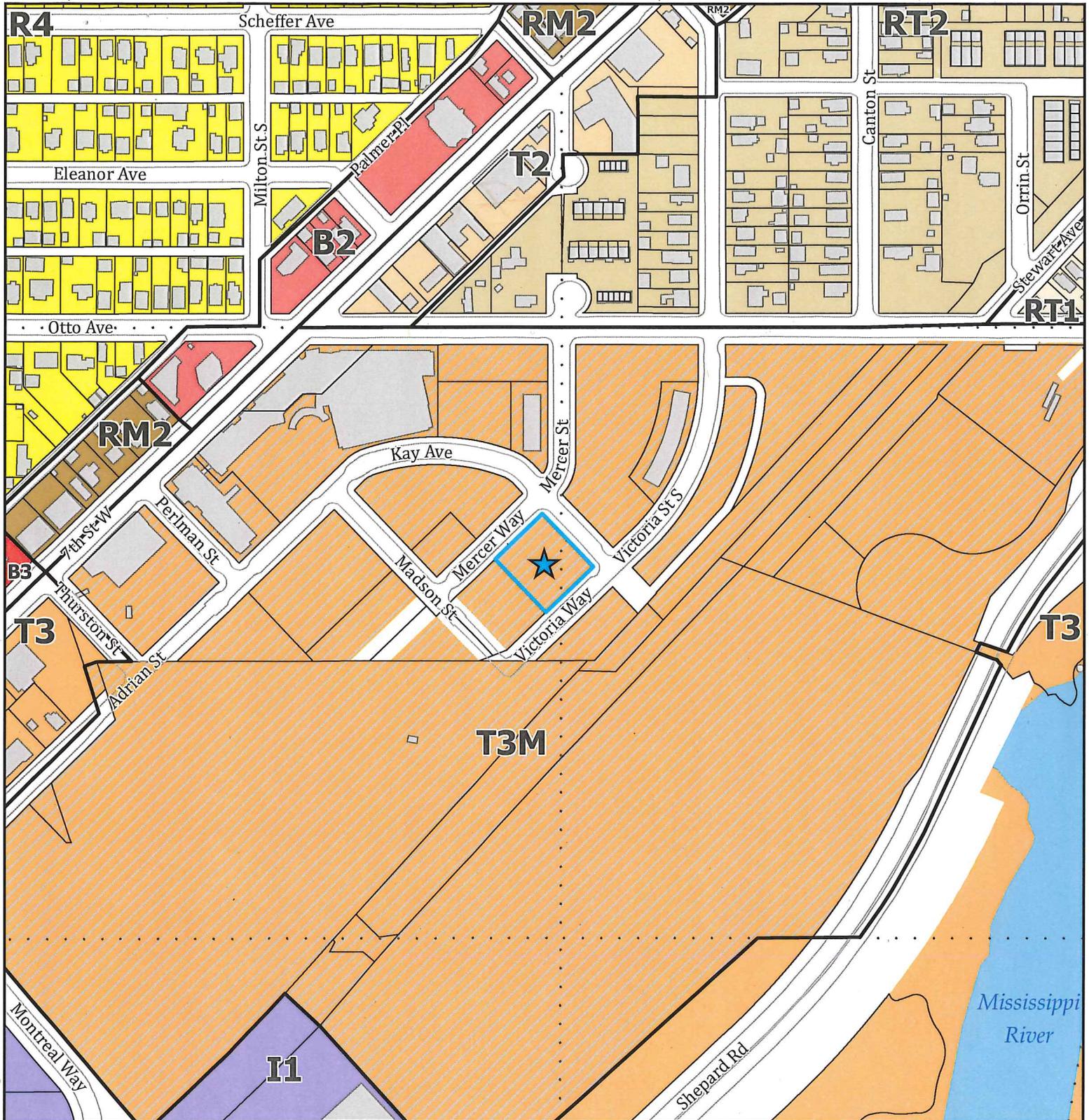
PLANNING DISTRICT: 9

ZONING PANEL: 27

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Industrial and Utility
- Institutional
- Park, Recreational or Preserve
- Undeveloped
- Water
- Subject Parcels
- Section Lines





FILE NAME: Victoria Park Apartments Phase 3

APPLICATION TYPE: CUP

FILE #: 16-009038 DATE: 2/8/2016

PLANNING DISTRICT: 9

ZONING PANEL: 27

Zoning

- R4 One-Family
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- T3M T3 with Master Plan
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- Subject Parcels
- Section Lines

