

city of saint paul
planning commission resolution
file number
date

WHEREAS, Chase Real Estate, File # 17-056-298, has applied for a conditional use permit to increase the maximum allowable height up to 2 ft., with a variance of 5 ft. (10 ft. required) in building setback under the provisions of §61.501 and §61.601 of the Saint Paul Legislative Code, on property located at 1425 Victoria Way, Parcel Identification Number (PIN) 142823210045, legally described as Victoria Park Lot 1 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 20, 2017, 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. Chase Real Estate wishes to build a four-story, 60-unit market-rate rental building on the site. Parking will be provided underground (45 stalls) and on-street along all three frontages of the parcel (16 spaces).
2. The site is zoned T3M, Traditional Neighborhood with a Master Plan, and is covered by the *Victoria Park Master Plan*. The *Victoria Park Master Plan* was amended in 2016 to allow for the proposed building type and a maximum height of 49'6" (the proposed height of the building at that time). The plan modification did not approve the taller building; it merely established that a taller building in this location would be consistent with the core design and planning principles in the *Victoria Park Master Plan*.
3. §66.331 allows a maximum building height of 45' for a multi-family building in T3. Note (I) to Table 66.331 states that, in the T3M Victoria Park area, a maximum height of 75' is allowed with a Conditional Use Permit (CUP). The applicant is currently proposing a maximum building height of 46'-9½".
4. This parcel constitutes a through lot, as defined in §60.213. A through lot is any lot having frontage on two more or less parallel streets (as distinguished from a corner lot). For a through lot, the front lot line is the line separating the lot from both streets, also per §60.213. Therefore, both Victoria Way and Mercer Street are considered front yards for this parcel.
5. §66.331 requires a minimum 10 ft. front yard setback for multi-family buildings in the T3 district. Balconies are proposed to project 5' into the required setback along Mercer Street, therefore requiring a variance.
6. §61.501 lists five standards that all conditional uses must satisfy:

moved by _____
seconded by _____
in favor _____
against _____

- (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. A building of this height (actually, even taller than the current height being proposed) was determined by the Planning Administrator to be consistent with the core design and planning principles of the *Victoria Park Master Plan*, including urban density and character, a range of housing types and prices, and building facades that relate to the street. The project is also consistent with the Land Use Plan designation of Victoria Park as a Neighborhood Center along a Mixed-Use Corridor with high-frequency transit.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Ingress and egress to underground parking will be provided on Mercer Street.
 - (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 proposed project will improve the neighborhood by redeveloping a vacant parcel at the heart of the Victoria Park Urban Village.
 - (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.
 - (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, subject to a setback variance along Mercer Street to allow balconies to project 5' into the required 10 ft. setback.
7. §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 variance will allow for higher-density pedestrian- and transit-oriented development, which is the intent of T3 zoning.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The proposed project is consistent with the core design and planning principles of the *Victoria Park Master Plan*, including urban density and character, a range of housing types and prices, and building facades that relate to the street. The project is also consistent with the Land Use Plan designation of Victoria Park as a Neighborhood Center along a Mixed-Use Corridor with high-frequency transit.
 - (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. Use of the parcel for a market-rate rental building is a reasonable use of the site. In order to keep the balconies out of the required setback, the building footprint would need to be shrunk, which would result in a change in unit plans that the applicant states would negatively impact the desirability, marketability and diversity of the project. The applicant states that shifting the footprint closer to Kay Avenue to avoid the projection into the Mercer Street setback would result in the loss of landscaping and walk-out patios on the Kay Street facade; however, this action would have a greater negative impact on both the resident (unit/interior) and pedestrian (street-level exterior) experience of the building and site.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The applicant is maximizing the number of housing units and providing underground parking on this relatively small parcel to be

consistent with the *Victoria Park Master Plan*, Saint Paul Comprehensive Plan and T3M zoning. It is the last remaining vacant parcel on the block.

- (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 proposed use is permitted in the T3 district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Most of the other multi-family buildings in Victoria Park Urban Village have balconies.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Chase Real Estate for a conditional use permit to increase the maximum allowable height up to 2 ft., with a variance of 5 ft. (10 ft. required) in building setback at 1425 Victoria Way is hereby approved subject to the following additional 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.