

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Victoria Park Apartments Phase 3 **FILE #:** 17-056-298
 2. **APPLICANT:** Chase Real Estate **HEARING DATE:** July 20, 2017
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 1425 Victoria Way, NW corner at Kay Avenue
 5. **PIN & LEGAL DESCRIPTION:** 142823210045, Victoria Park Lot 1 Blk 6
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T3M
 7. **ZONING CODE REFERENCE:** §60.213, § 66.331; 61.501; 61.601; 61.202(b)
 8. **STAFF REPORT DATE:** July 11, 2017 **BY:** Lucy Thompson
 9. **DATE RECEIVED:** July 3, 2017 **60 DAY DEADLINE FOR ACTION:** September 1, 2017
-

- A. **PURPOSE:** 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.
- B. **PARCEL SIZE:** 22,651 sq. ft.
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
 - North: Vacant
 - East: Multi-family residential (Victoria Park Apartments Phase 1)
 - South: Surface parking lot shared by Nova and park users
 - West: Nova Classical Academy
- E. **ZONING CODE CITATION:** §60.213 defines a through lot and establishes the location of front yards for a through lot; §66.331 presents the dimensional standards for T3, with note (I) referring to a special provision for additional height in the T3M Victoria Park district; § 61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the Planning Commission to grant variances when related to permits; §61.601 states the findings that must be made before granting a variance.
- F. **PARKING:** §63.207 requires a minimum of 53 parking spaces. This figure accounts for the permitted 25% reduction in required parking in the T3 district. In T3 districts, on-street parking located along the frontage of a property may be used to meet the parking requirement. A total of 61 parking spaces will be provided: 45 underground and 16 on-street (Victoria, Kay and Mercer).
- G. **HISTORY/DISCUSSION:** A minor modification of the *Victoria Park Master Plan* for this project was approved by the Planning Administrator in February 2016. The plan modification allowed for a change in residential building type on the block, as well as 9'6" of additional building height (for a total height of 49'6"). The 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*. In 2016, the applicant applied for a CUP for the additional height, but then withdrew it pending resolution of an appeal by Nova Classical Academy of the Planning Director's approval of the minor modification of the *Victoria Park Master Plan*. The Planning Administrator's approval was upheld by the Planning Commission, and also upheld when the Planning Commission's decision was appealed by Nova to the City Council.
- H. **DISTRICT COUNCIL RECOMMENDATION:** There is no recommendation from the W. 7th/Fort Road Federation (District 9).
- I. **FINDINGS:**
 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 (l) 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.
5. §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. 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.
6. §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.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit to increase the maximum allowable height up to 2 ft. and a variance of 5 ft. (10 ft. required) in building setback, subject to the following additional conditions:
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.



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 #	17-056298
Fee	
Tentative Hearing Date	7-20-17

PD-9

142823210045

APPLICANT

Name	DE MELORE, CHASE REAL ESTATE		
Address	2140 County RD 42		
City	BURNSVILLE	St.	MN Zip 55337 Daytime Phone 952-898-5600
Name of Owner (if different)	CHASE REAL ESTATE		
Contact Person (if different)	"		Phone "

PROPERTY LOCATION

Address / Location	1425 VICTORIA WAY		
Legal Description	Lot 1 BLOCK 6 of VICTORIA PARK		
	PID: 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 60.301, Section 60.301, 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 ATTACHED
- C.U.P FOR 1'-9 1/2" (46'-9 1/2' BLDG HEIGHT IN 45' ZONING)

CK 5075
1155.00

Required site plan is attached

Applicant's Signature [Signature] Date 6/27/17 City Agent [Signature]
 pdd
6-30-17
money

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

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

6/27/2016 Submitted by: Joe McElwain, Chase Real Estate

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

Address: 1425 Victoria Way, Saint Paul 55102

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: 46'-9 ½" (CUP for additional height of 1'-9 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.

Project Summary:

The project 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.
- 60 planned market-rate apartment 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.
- 45 underground parking stalls with street parking along property 3 sides will meet or exceed parking code
 - 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 is 46-9 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'.

Conditional Use Permit General Standards.

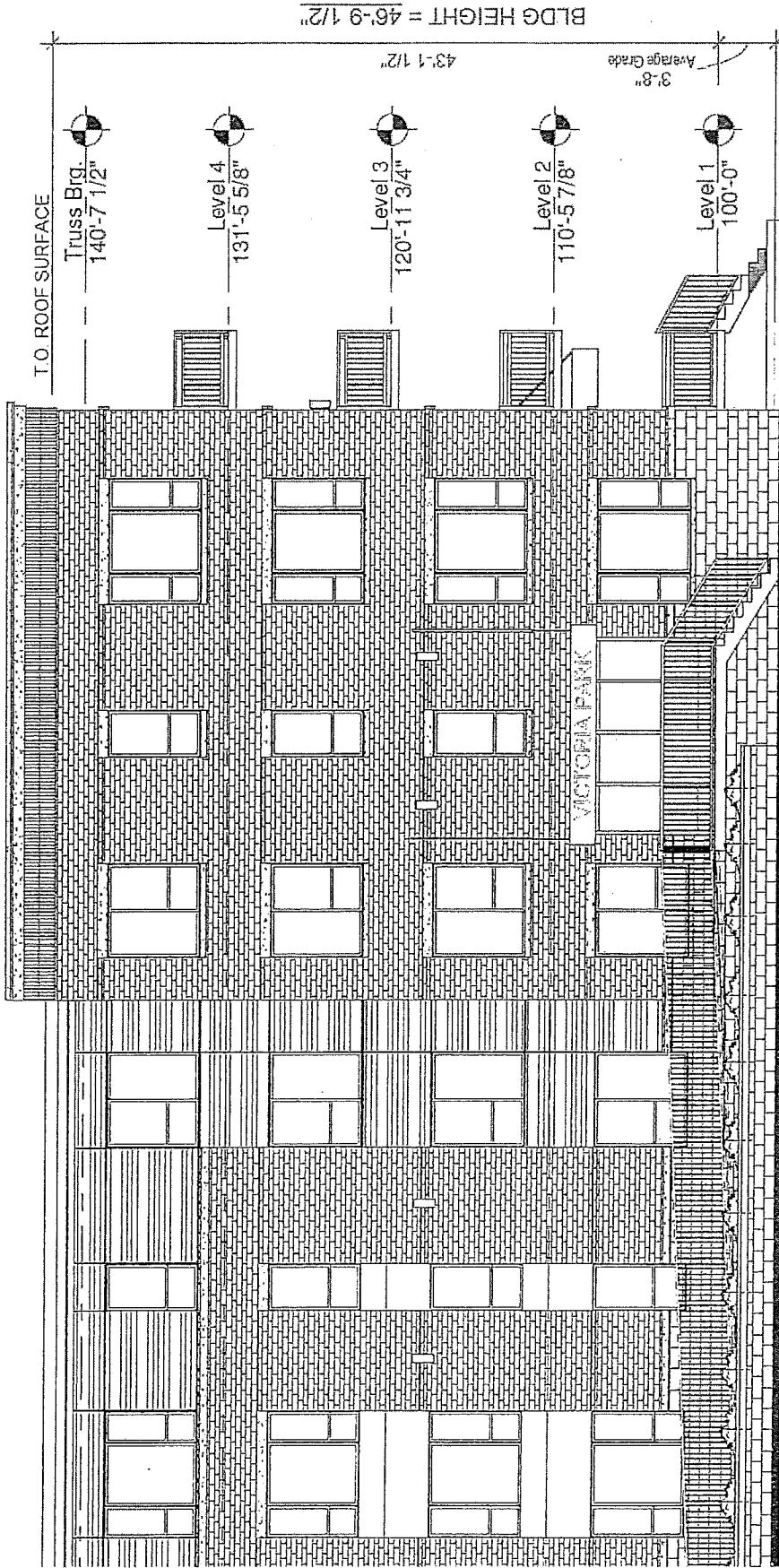
Victoria Park Phase 3 meets the following:

- (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. Some units will have walk-out balconies.
- 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.

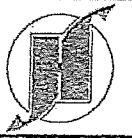


BUILDING HEIGHT CALCULATION - CUP APPLICATION

① Elevation - South
1/8" = 1'-0"

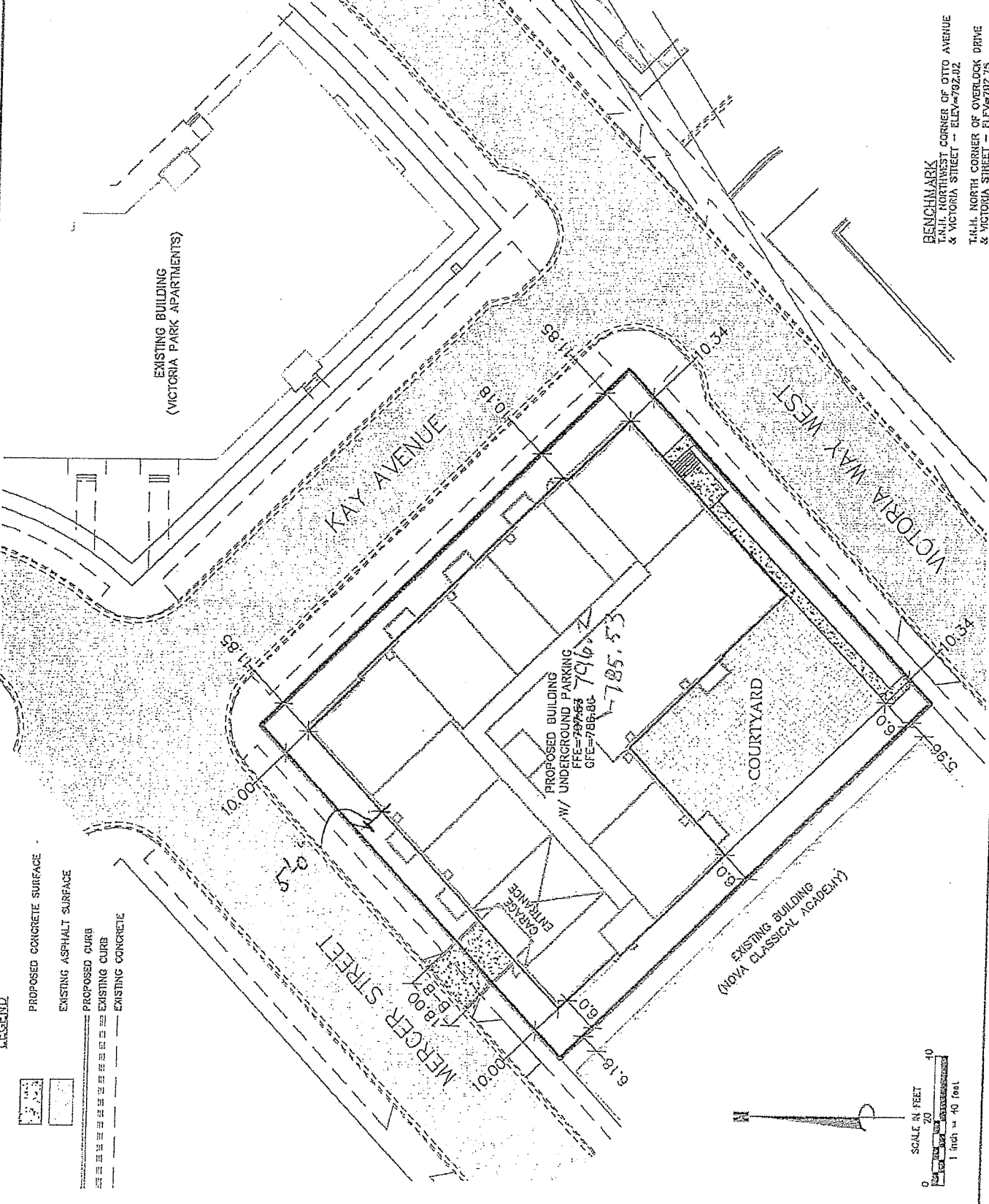
		Project Number: 130-100-0000-0000 Issue Date:		Elevation - South Entry SD305	
City of Victoria 1000 Yates Street Victoria, BC V8W 2E6 Tel: (250) 383-7000 Fax: (250) 383-6900		Project Number: 130-100-0000-0000 Issue Date:		Elevation - South Entry SD305	

James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 2000 W. 1st Ave. Suite 200, Vancouver, BC V6J 2G7
 Phone (604) 681-1000 Fax (604) 681-1014



VICTORIA PARK - PHASE III
 PRELIMINARY SITE PLAN
 FOR CHASE REAL ESTATE
 25 P.A.C. 187(2) (2009)

DRAWN BY	E.P.F.
DATE	02/04/2010
REVISIONS	
CAD FILE	22033-71P.V
PROJECT NO.	22033-71
FILE NO.	5.1





APPLICATION FOR ZONING VARIANCE

Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101
General DSI Line: 651-266-9008

Zoning office use only

File no. _____

Fee _____

Tentative hearing date: _____

APPLICANT

Name JOE MURKIN Company CHASE REAL ESTATE
Address 2140 County RD 42
City Burnsville St. MN Zip 55337 Daytime phone 952-898-5600
Property interest of applicant (owner, contract purchaser, etc.) OWNER
Name of owner (if different) CHASE REAL ESTATE

PROPERTY LOCATION

Address 1425 VICTORIA WAY
Legal description: LOT 1 BLOCK 6 OF VICTORIA PARK
PID: 142823210045
(attach additional sheet if necessary)
Lot size 0.52 acre Present zoning T3M Present use VACANT LOT
Proposed Use MULTI-FAMILY 4-STORY

Variance[s] requested:

BALCONIES FACING MERCER STREET TO PROJECT 5'-0" INTO MERCER'S 10' SETBACK -

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, explain why a variance is needed. Attach additional sheet as necessary. Clearly state how each of the required six findings are met (list them).

SEE ATTACHED

Applicant's signature [Signature]

Date 6/27/17 City agent

[Handwritten initials]

Zoning Variance Application - Victoria Park Apartments "Phase 3"

6/27/2016 Submitted by: Joe McElwain, Chase Real Estate

Application to allow variance for: Balconies to project 5'-0 into the 10' setback along Mercer Street.

(Balconies to be typically 5'-0" deep by 10'-0" wide.)

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

Variance Request Provisions:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
 - a. Yes. The property is scheduled for medium to high density housing with walkable amenities. The proposed walk-out patios and level 2-4 balconies stacked above will offer more pedestrian feel to the neighborhood and compliment the adjacent properties that also all have similar walk-out patios and balconies.
2. *The variance is consistent with the comprehensive plan.*
 - a. Yes. See additional project info below.
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - a. The property is on a corner lot facing three streets. This uniquely makes for two "front setbacks". Apartment homes face Mercer street and we are requesting balconies be allowed at these units. The building footprint cannot be reduced any more, or the basement garage would lose parking stalls. Adjacent properties are all allowed at-grade walk-out units that may project into the 10' property setbacks. However, balconies that stack directly above this allowed condition are not allowed to project into the setback. All balconies and walk-outs Levels 1-4 will be of the same 5'-0 depth.
4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
5. *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
6. *The variance will not alter the essential character of the surrounding area.*

Additional Project Information:

Project Summary:

The project 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.
- 60 planned market-rate apartment 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.

- 45 underground parking stalls with street parking along property 3 sides
 - Garage ramp located off of Mercer Street.
- Corner exterior building courtyard to provide more setback from adjacent Nova School.

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.

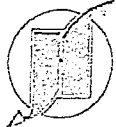
(e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- "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. Some units will have walk-out balconies.
- 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.

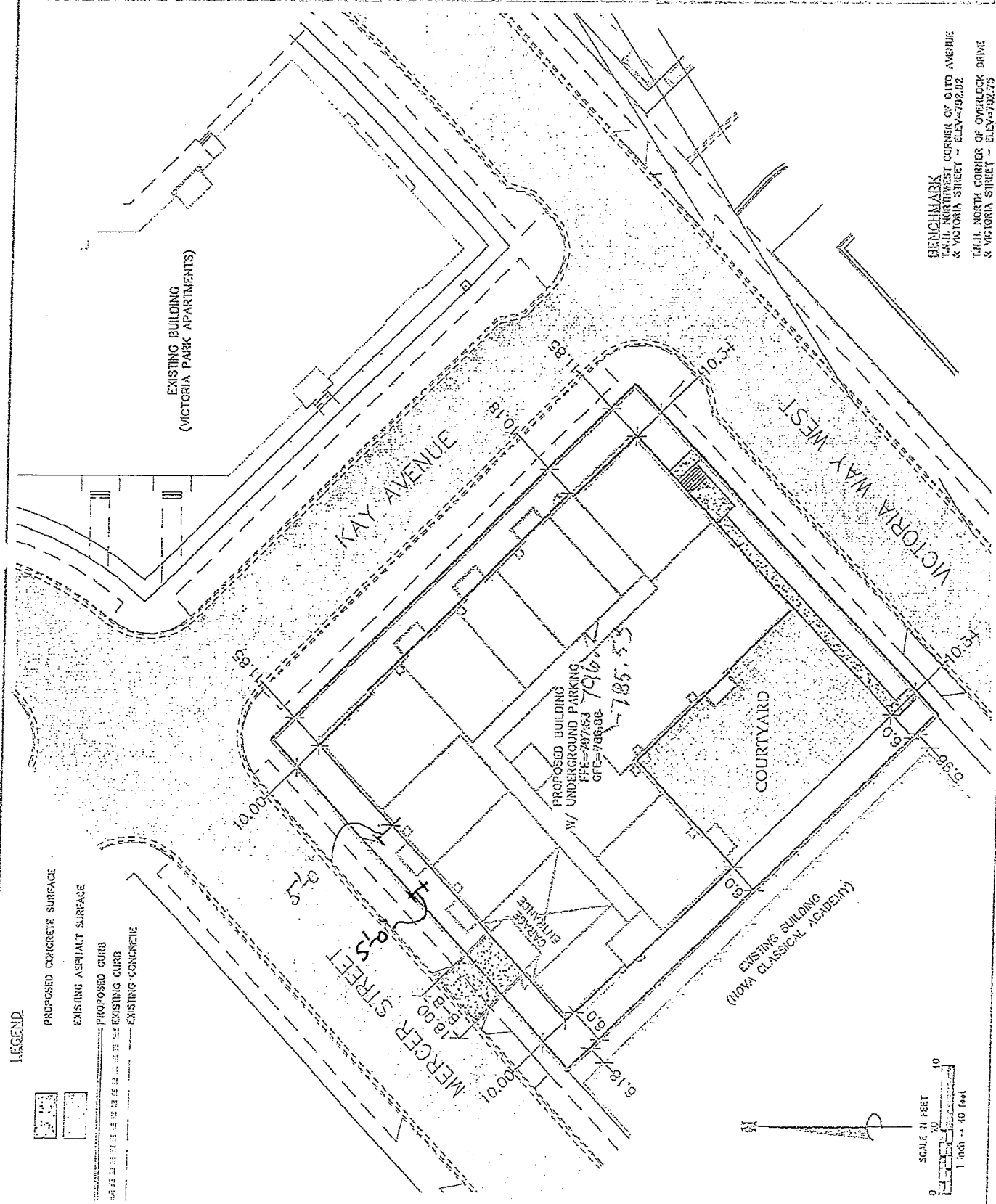
James R. Hill, Inc.
 PLANNERS / ENGINEERS / SURVEYORS
 1000 West 10th Street, Suite 100
 Victoria, British Columbia V8W 2E1
 Phone: (250) 363-7111
 Fax: (250) 363-7112



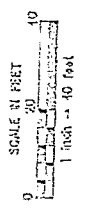
VICTORIA PARK - PHASE III
 PRELIMINARY SITE PLAN
 FOR GRASS REAL ESTATE

DRAWN BY	EPF
DATE	02/04/2010
REVISIONS	
CAD FILE	22833-71P.V
PROJECT NO.	22833-71
FILE NO.	
	5.1

BENCHMARK
 T.M.I. NORTH CORNER OF OIRD AVENUE
 & VICTORIA STREET - ELEV=4792.02
 T.M.I. NORTH CORNER OF OVERBROOK DRIVE
 & VICTORIA STREET - ELEV=4792.75



- LEGEND
- PROPOSED CONCRETE SURFACE
 - EXISTING ASPHALT SURFACE
 - PROPOSED CURB
 - EXISTING CURB
 - EXISTING CONCRETE







Victoria Park - Phase III

kaas
wilson
architects

Saint Paul, MN



1405 4th Avenue S.
Suite B
Minneapolis, MN 55404
Tel: (612) 875-8900
Fax: (612) 875-8906
www.kasswilson.com

Victoria Park 3
1425 Victoria Way
Saint Paul, MN 55102
Chase Real Estate

Project Number: 1801
Date: Site Plan Review 03/23/17
Author:
Drawn By:
Checked By:
Checker:

NOT FOR CONSTRUCTION

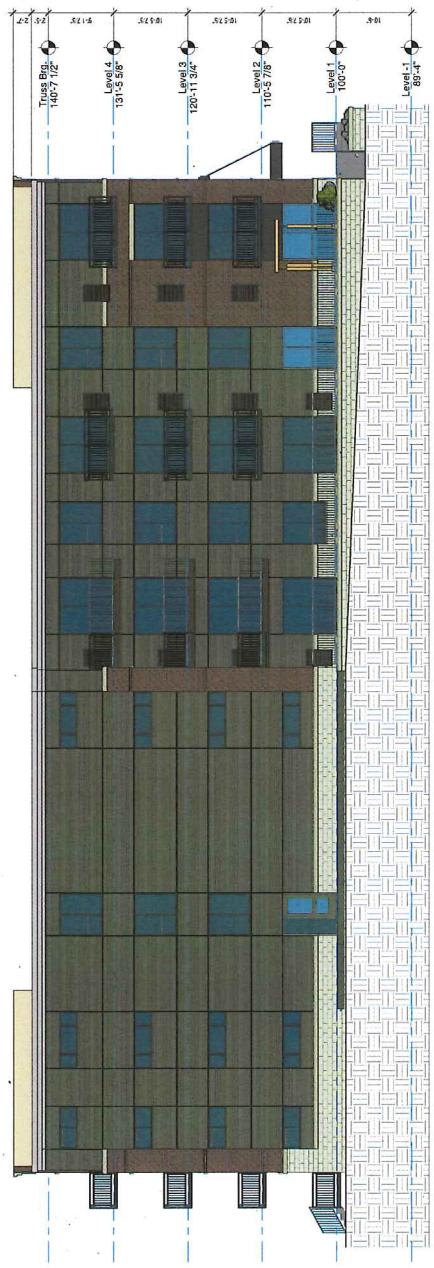
Date: _____
Revision: _____

Rev. No. _____

Elevations

1/8" = 1'-0"

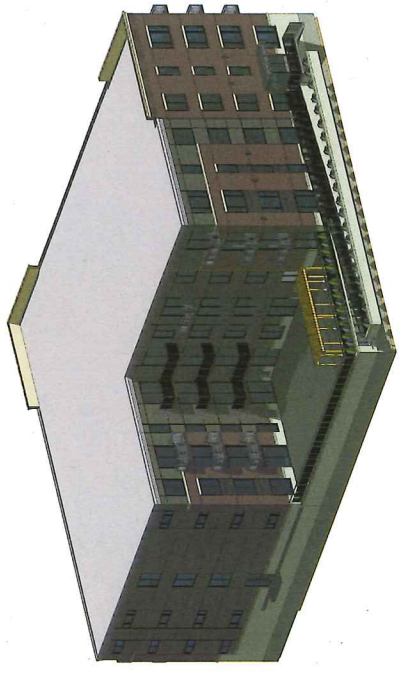
SD500



① Elevation - West
1/8" = 1'-0"



② Elevation - South
1/8" = 1'-0"



③ 3D View 1

60 units



214 4th Avenue S.
 Minneapolis, MN 55404
 Tel: 612-875-9000
 Fax: 612-875-9001
 www.kawilson.com

Victoria Park 3
 1455 Victoria Way
 Saint Paul, MN 55102
 Chase Real Estate

Project Number 1601
 Date Site Plan Review 02/20/17
 Drawn By
 Checked By
 Author
 Checker

NOT FOR CONSTRUCTION

Date
 Revision

Rev. No.

Elevations

1/8" = 1'-0"

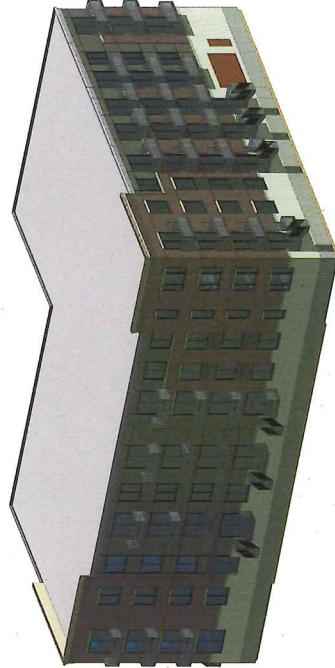
SD5501



① Elevation - East
 1/8" = 1'-0"



② Elevation - North
 1/8" = 1'-0"



③ 3D View 2

Victoria Park Phase 3 - Parking Requirements

Chase Real Estate

Apartments: 60 Units

6/1/2017

Table 63.207 Minimum Required Off-Street Paking By Use (Multi-family) per Saint Paul Zoning Code:

Unit Plan	Unit Type	Qty	Rooms	Spaces (1 spaces per 1-2 rooms) (1.5 spaces per 3-4 rooms)	Total Stalls Required
1	S1, S2, S3	23	1	1	23
2	A1	8	3	1.5	12
3	A2, A3, A4	15	2	1	15
4	C1, C2, C3	14	3	1.5	21
60					71

Total Stalls Required	Stalls Required after 25% Reduction:	Underground Parking Provided:	Street Provided	Total Provided:
71	53	45	16	61

Section 63.207 - Parking Requirements by Use:

1 space per 1—2 room unit, 1.5 spaces per 3—4 room unit, and 2 spaces per unit with 5 or more rooms. Efficiency unit = 1 room, One bedroom unit = 2 rooms. Two bedroom unit = 3 rooms. A den, library, or other extra room shall count as a room; kitchen, dining and sanitary facilities shall not.

Section 66.342 - Parking Requirements in a T3 Neighborhood:

Amount of parking: The minimum amount of required parking for residential uses specified in Section 63.207 - Parking Requirements by use - may be reduced by twenty-five (25) percent.

On-street parking located along the frontage of a property may be used to meet parking requirements for that property.

Table 63.213: Accessible Parking Spaces

Total Parking in Lot = per 26-50 stalls = (2) Required Minimum Accessible Spaces

Section 63.306: Compact Spaces

Accessory parking facilities may designate up to fifty (50) percent of the spaces for compact cars only, in which case, the minimum layout dimensions may be reduced to eight (8) feet in width and sixteen (16) feet in length. Compact spaces shall be designated by signs with a minimum of one (1) sign per every four (4) compact spaces.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6563
Facsimile: 651-266-6549

February 18, 2016

Joe McElwain
Chase Real Estates
2140 County Road 42 West
Burnsville, MN 55337

Dear Mr. McElwain:

Thank you for your letter of February 8, 2016 requesting a minor modification of the *Victoria Park Master Plan* for your parcel on Lot 1 Block 6, at the corner of Kay Avenue and Victoria Way. You are requesting two changes to the Master Plan: 1) on Plate 7, a change in building type from townhome to rental apartments (although your proposed building will have all market-rate units, not a mix of market-rate and affordable units as noted on Plate 7b); and 2) on Plate 8, an increase in the maximum permitted building height from 40' to 49'6".

BACKGROUND

The Saint Paul Zoning Code, Section 66.344(c), provides for both major and minor modifications to T3 master plans. Major modifications include changes of 10% or more in land area designated in a specific category, creation of a new public street or removal of a public street segment, removal of a park or open space area, or addition or removal of an entire block. They require approval by the City Council following review, public hearing and recommendation by the Planning Commission. Minor plan modifications include changes of less than 10% in land area designated in a specific category, provided such changes are consistent with the intent of the master plan. They may be approved by the Planning Administrator. For proposed changes not specifically listed in Sec. 66.344(c), the Planning Administrator may determine whether they are major or minor.

PLANNING ADMINISTRATOR DETERMINATION

Based on my review of your request and in consultation with my staff, I hereby determine that:

1. The changes you are proposing to the *Victoria Park Master Plan* constitute a minor modification.
2. Both proposed changes - an increase in height of 9'6" for your proposed building and a change in building type from townhome to rental apartment - are consistent with the core design and planning principles noted on p. 5 of the *Victoria Park Master Plan*.

~~Your proposed modifications are hereby approved.~~ I understand that you have also applied for a Conditional Use Permit to increase the height of your proposed building from 45' to 49'6". The Planning Commission will rule on that application separately.

As provided by the Zoning Code in Section 61.701(c), my decision as Planning Administrator may be appealed to the Planning Commission within 10 days of the date of this letter.

Joe McElwain
February 18, 2016
Page Two

Please feel free to contact me with any questions.

Sincerely,



Donna Drummond
Planning Administrator
651.266.6556

cc: Lucy Thompson, Principal City Planner
Jake Reilly, City Planner
Betty Moran, W. 7th/Fort Road Federation
Councilmember Rebecca Noecker

city of saint paul
planning commission resolution
file number 16-12
date April 1, 2016

WHEREAS, Nova Classical Academy, File # 16-015-194, has appealed a Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue, under the provisions of §§61.701 & 66.344(c) of the Saint Paul Legislative Code, on property located at 763 Kay Ave, Parcel Identification Number (PIN) 142823210045, legally described as Victoria Park Lot 1 Blk 6; and WHEREAS, the Zoning Committee of the Planning Commission, on March 24, 2016, 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. In a letter dated February 18, 2016, the Planning Administrator approved two modifications of the Victoria Park Master Plan: a change in building type from townhome to rental apartments, and an increase in the maximum building height from 40' to 49'6". The Victoria Park Master Plan's maximum building height governs the entire building, regardless of how close to the setback lines it is located.
2. Minor plan modifications may be approved by the Planning Administrator, while major plan modifications require review by the Planning Commission and City Council. Minor plan modifications include changes of less than 10% in land area designated in a specific category, provided such changes are consistent with the intent of the master plan. §66.344(c)(2) states that "major modifications include changes of 10% or more in land area designated in a particular category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block." Planning Administrator decisions are subject to appeal to the Planning Commission. Review by the City Council would only occur if: (a) an appeal of the Planning Commission's decision is filed; or (b) the Planning Commission determines that the proposed changes constitute a major modification.
3. The Victoria Park Master Plan's land use category of Mixed Residential (as shown in Plate 6) is not being changed, and so the threshold of 10% land area change that would constitute a major plan modification is not met. Also, the change in building type (Plate 7) from townhomes to apartments is consistent with the master plan's intent, including as stated in Core Design and Planning Principle #1 ("The site is urban in character, in terms of block

moved by Nelson
seconded by _____
in favor 12
against 3 (DeJoy, Makarios, Underwood)

size, block arrangement and density."), Principle #4 ("There is a range of housing types, prices and styles."), and Principle #5 ("The neighborhood is well-designed so that relatively high densities are provided in medium-rise, human-scaled buildings."). Therefore, due to both the lack of land use category change and consistency with master plan intent, the change in building type constitutes a minor modification of the Victoria Park Master Plan.

4. The proposed increase in height from 40' to 49'6" allows for one additional story for the residential use, totaling approximately 13 additional residential units. The additional units constitute approximately a 2% increase in residential units for the master plan area, which is a minor change that is consistent with the master plan's intent.
5. A building height increase is not included in the list of changes in §66.344(c)(2) that constitute a major master plan modification, and the change in maximum building height for this site from 40' to 49'6" is not similar to the changes listed in §66.344(c)(2) as constituting a major master plan modification.
6. The total impact of the building type change and the height increase is to allow approximately 37 additional residential units on the site, which will allow a total of approximately 537 residential units in the Victoria Park Master Plan as compared to the 2005 vision that anticipated approximately 840 units. The total proposed changes to the Victoria Park Master Plan constitute a minor amendment and are consistent with the master plan's intent.
7. The applicant has ~~not yet~~ applied for City site plan review and approval for the proposed apartment development. The number and type of dwelling units proposed will be specified as part of the site plan to be submitted for City review and approval, and parking to meet the parking requirement for the unit mix will be shown. For multiple-family dwelling units, the Zoning Code generally requires 1 parking space per efficiency or 1-bedroom unit, 1.5 spaces per 2- or 3-bedroom unit, and 2 spaces per unit with 4+ bedrooms (dens count as bedrooms). In the T3M zoning district, this parking requirement may be reduced by 25%. Also, in T3M, on-street parking located along a property's frontage may be used toward that property's parking requirements. At the March 10 public hearing, the applicant stated an anticipated unit mix that would result in a parking requirement of 52 spaces. Approximately 18 parking spaces could be provided on the adjoining streets, though the applicant stated on March 10 that they anticipate relying on only 6 street spaces. It is anticipated that a traffic study, which City staff have already requested, will be required as part of site plan review.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal by Nova Classical Academy of the Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue is hereby denied and that the Planning Administrator's decision is upheld.



Google earth

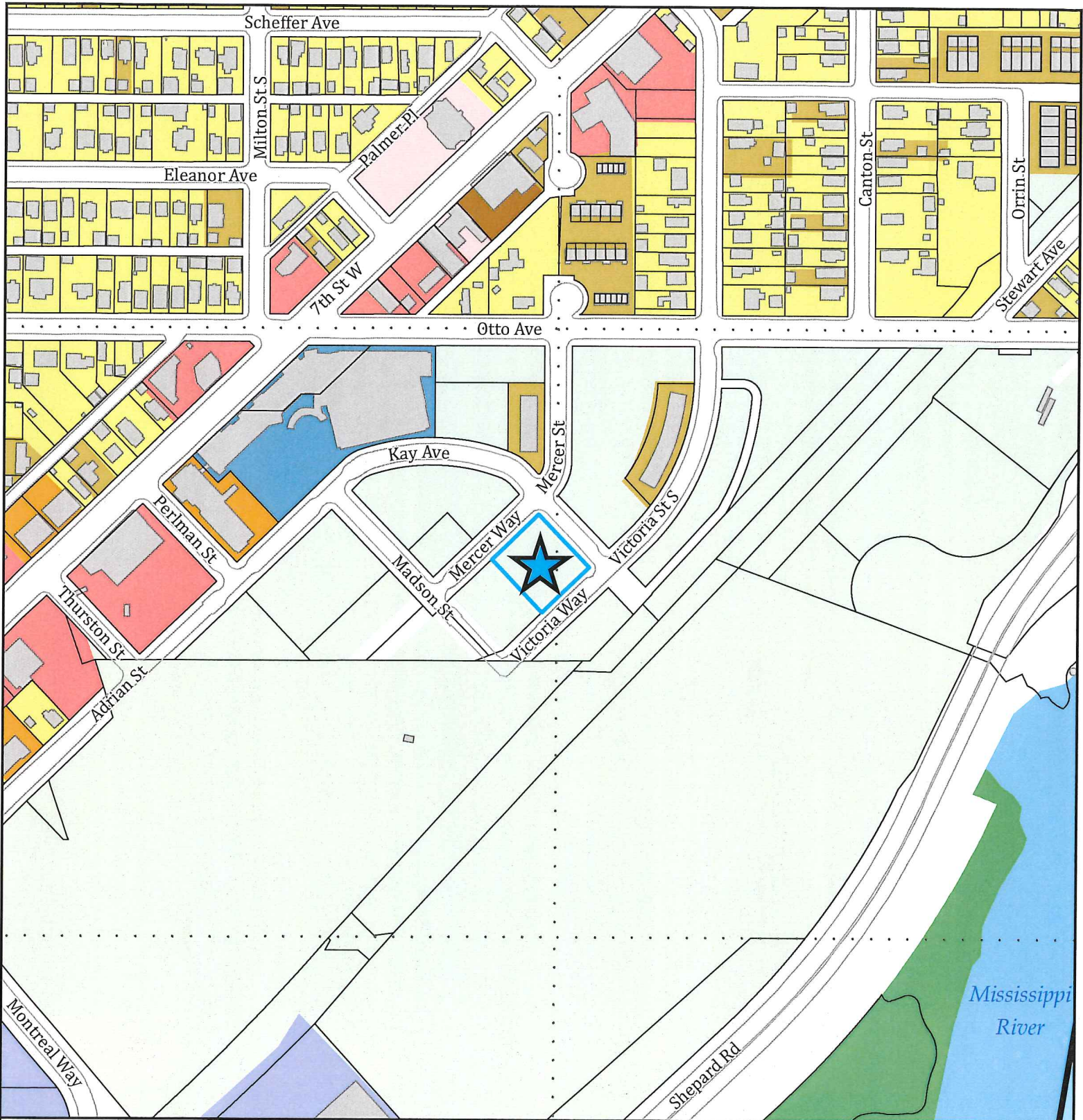
feet
meters

1000

500

subject site





FILE NAME: Victoria Park Apartments Phase 3

APPLICATION TYPE: CUP w/variance

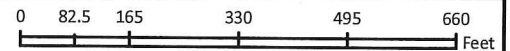
FILE #: 17-056298 DATE: 7/3/2017

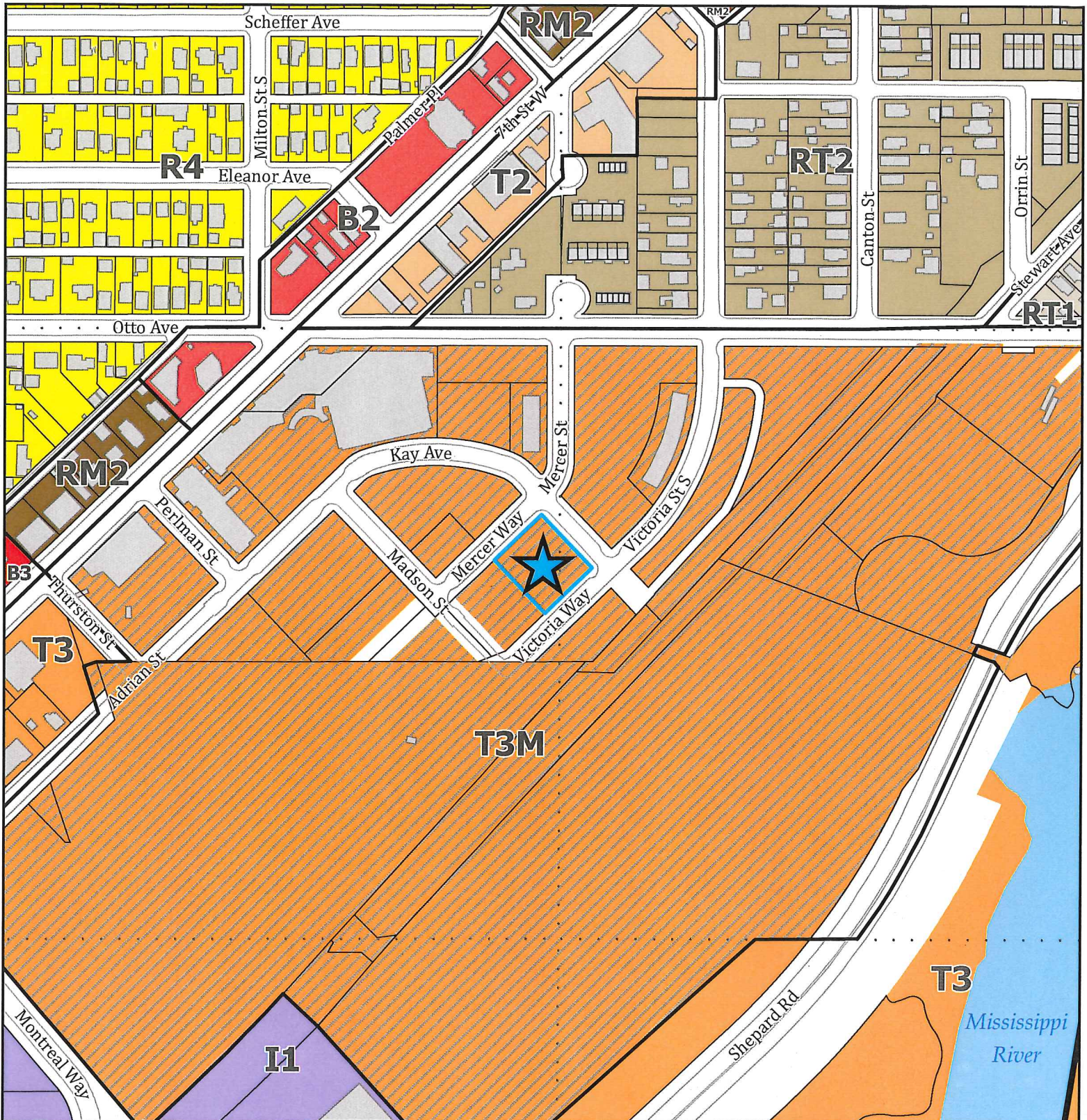
PLANNING DISTRICT: 9

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 w/variance

FILE #: 17-056298 DATE: 7/3/2017

PLANNING DISTRICT: 9

ZONING PANEL: 27

Zoning

- Subject Parcels
- · · Section Lines
- 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

