ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Selby-Victoria Development

FILE #: 17-061-488

2. APPLICANT: CHDC Rondo Limited Partnership

HEARING DATE: August 17, 2017

3. TYPE OF APPLICATION: PC Variance

4. LOCATION: 838 Selby Ave and 844 Selby Avenue, SE corner at Victoria

5. **PIN & LEGAL DESCRIPTION:** 02.28.23.12.0153 (838 Selby) and 02.28.23.12.0257 (844 Selby); Lots 5 – 9 Block 9, Nininger & Donnelly's Addition to Holcombe's Addition

6. PLANNING DISTRICT: 8

PRESENT ZONING: B2/RM2

7. ZONING CODE REFERENCE: 61.202(b)

8. STAFF REPORT DATE: August 10, 2017

BY: Tony Johnson

9. DATE RECEIVED: July 19, 2017 60 DAY DEADLINE FOR ACTION: September 17, 2017

- A. PURPOSE: Variance for front yard setback (10' max., 12' proposed) and a variance for minimum required parking (20 required, 19 proposed).
- B. **PARCEL SIZE:** 200.8 feet of frontage on Selby x 119.14 feet of frontage on Victoria = 23, 928 Square Feet.
- C. EXISTING LAND USE: Vacant Land
- D. SURROUNDING LAND USE:

North: Commercial, Two-Family Residential, and Multifamily Residential (T2 and RM2).

East: Single Family Residential (RM2)

South: Single Family Residential and Two-Family Residential (RT1)

West: Mixed Use Commercial and Residential (B2)

- E. **ZONING CODE CITATION:** §61.202(b) authorizes the planning commission to grant variances when related to permits.
- F. PARKING: Sec. 66.341 (a) applies to residential developments over 6 units in T1 and T2 zoning districts. Sec. 66.341 (a) Amount of parking. For buildings with more than six (6) dwelling units the minimum amount of required off-street parking for residential uses specified in section 63.207, Parking requirements by use, may be reduced by twenty-five (25) percent. This provision does not apply to live-work units. With the 25% reduction of the minimum parking requirement for residential uses in a T2 district and a 10% parking reduction for all of the uses for providing bike parking, Zoning Code § 63.207 requires a minimum of 17 parking spaces. The applicant wanted the flexibility to use the live work units for entirely commercial uses if need be, which would increase the parking requirement to 20 spaces.
- G. **HISTORY/DISCUSSION:** The applicant is applying for two variances in conjunction with an application to rezone the subject parcels to T2. The two variances are both related to the inclusion of the live work units. The parking variance will only be necessary in the event that the live work units are used entirely for commercial uses, which would increase the minimum parking requirement to 20 spaces. The other variance is to allow the live work units to exceed the maximum setback in a T2 zoning district.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 has recommended approval of both variances.
- I. FINDINGS:

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 variances are in harmony with the general purposes and intent of the zoning code.

This finding is met. In a T2 traditional neighborhood zoning district, the front setback for residential uses is determined by the average setback of the block if 50% of the block is built up with principle structures. In cases where the block is not built up 50% or more with

principle structures, residential uses in a T2 district have a front set-back of 10-25 feet. Nonresidential or mixed use buildings in a T2 district have a front yard setback of 0-10. Because there is a commercial component in the building, it is considered mixed use, and the whole building is subject to the non-residential/commercial setback of 0-10 ft. The portion of the building that is setback beyond the 10 foot maximum setback is the portion of the building with the live work units on the first floor. According to the applicant, exceeding the maximum setback for the live work units is desirable because of the residential nature of the live work units. Considering the traditional neighborhood zoning districts have different front setback requirements for residential and non-residential uses, allowing the live work portion to exceed the maximum setback is in keeping with the intent of the code because of the residential nature of the use.

The parking variance is necessary in order to allow flexibility for the live work units to function as entirely commercial spaces if necessary. If the live work units are used entirely as commercial spaces then the parking requirement for the commercial uses would likely be 1 per 400 square feet of GFA, which would increase their minimum parking requirement to 20 spaces. The traditional neighborhood districts are intended to encourage a compatible mix of uses within buildings, sites, or blocks. The variance for one parking space in the event that the live work units are used entirely for commercial uses is consistent with the intent of the traditional neighborhood districts to allow a range and mix of compatible commercial and residential uses on site.

- (b) The variances are consistent with the comprehensive plan. This finding is met. The subject property is located in a mixed corridor, and therefore it is in a location where a range of land uses are appropriate. The variances are necessary in order to give the applicant flexibility in the way that are used the live work units in the future, and to make them more in keeping with the existing character of the adjacent residential uses. Allowing the applicant to have flexibility in the way that the live use spaces are used going forward is consistent the mixed-use corridor land use designation which is intended to support and promote a mix of uses.
- (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 design of the building and site layout are intended to be sensitive to the context of the existing development in the area. One of the intentions of having a maximum set-back in the traditional neighborhood districts is to ensure that commercial uses help active adjacent street scape. Because of the residential nature of the live work units it's reasonable to have this portion setback further than the maximum setback in the T2 district to give the occupants a larger front yard.
 - The parking variance is necessary only in the event that the live work units are used for entirely commercial purposes. Because of the site constraints, it is not possible to add another parking space without altering the entire layout of the site. The design of the building and the orientation on of the structure on the lot is consistent with the traditional neighborhood design standards, and it is reasonable to grant a parking variance of one parking space to avoid the applicant having to make major alterations to the site layout in order to accommodate another parking space.
- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met. One of intentions of the setting back the live work units beyond the maximum setback is so that that portion of the building is more line with front setbacks of existing residential uses on the rest of the block. The average setback of the existing residential uses on the block is roughly 21' feet and the existing context of those other residential uses on the block is a unique circumstance not created by the land owner. The limited parcel depth makes it impossible to create more than one row of parking with the way the building is designed and situated on the lot. Because of need to have a large

- trash enclosure to service the mix of uses of site, adding an additional parking spot on the east side of the row of parking is not feasible without altering the site layout.
- (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 variances to exceed the maximum setback and to reduce the parking requirement by 1 space would not constitute a use variance.
- (f) The variance will not alter the essential character of the surrounding area. This finding is met. The two variances are intended to make the new development more in keeping with the essential character of the surrounding area. One of the intentions of setting back the live work units beyond the maximum setback so that that portion of the building in more in line with the front setbacks of the adjacent residential units. The parking variance is necessary in large part because of the placement of the trash enclosure. The trash enclosure is situated where it is on the lot in order to maximize the distance of the trash enclosure from the public right of way, thereby reducing the impact of this use on pedestrians in the public right –of way and helping preserve the essential character of the surrounding area.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variance to exceed the maximum front yard setback (10' max., 12' proposed) and of the minimum parking requirement (20 required, 19 proposed) 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.
 - 2. Approval of the rezoning of the subject parcels to T2 traditional neighborhood.

| 10 | | _ | |
|-----|-----|---------|-----|
| 1 | A | LN U | T |
| 1 | A | U | L |
| Ö | | 5 | |
| | | 1 | |
| IF | | | W |
| Ш | M | М | VII |
| II. | 1.1 | 7.1 | |
| 黃 | | | |

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. (7-06)

Fee

Tentative hearing date:

APPLICANT

ternessia Company Address 626 Selby Aug rue St. Zip 55104 Daytime phone 6 Property interest of applicant (owner, contract purchaser, etc.) Name of owner (if different)

PROPERTY LOCATION

Legal description: (attach additional sheet if necessary) Present zoning 5-2 KM2 Present use 1/ac a Proposed Use

Variance[s] requested: Front Yard set but varionce -Parking Count varionce

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 enclosed

Applicant's signature

 $rac{1}{2}$ City agent_

J:\zone\Handouts\BZA Application Packet Updated 04/2017

Parking count variance (20 required, 19 provided)

- 1. The variance is in harmony with the general purposes and intent of the zoning code. The variance is in harmony with the general purposes and intent of the zoning code. The difference between the required and provided parking stalls is only one space. We are calculating the flex units as 'commercial' rather than 'live work' units for the purposes of parking calculations to allow for flexibility in the future uses of the flex units, but if the flex units were counted as 'live/work' units no parking variance would be required. The project is located along a bus route with a bus stop directly in front of the building, and is designed with bike parking in excess of that required by zoning code and public walkways on and around the site to provide multiple means of safe access to the site and alternatives to car dependent transportation.
- 2. The variance is consistent with the comprehensive plan. The variance is consistent with the comprehensive plan, in which the city's transportation plan focuses on multi-modal transportation and safety and transit choice for all users. The project is located along a bus route with a bus stop directly in front of the building, and is designed with bike parking in excess of that required by zoning code and public walkways on and around the site to provide multiple means of safe access to the site and alternatives to car dependent transportation.
- 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. Economic considerations alone do not constitute practical difficulties.
 - The site has several limitations to parking options, including having no alley on the block. We have made every effort to maximize off street parking given the site constraints, including several compact spaces. The site simply does not allow for additional off street parking while meeting other constraints such as setbacks, landscape screening and trash storage. In addition to the parking lot we are proposing to construct two parallel parking spaces on Victoria. While this is not counted in our off-street parking count it will certainly help to address short term parking needs as there is currently no on street parking allowed on the east side of Victoria.
- 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - The site size and lack of alley limit the amount of parking that can reasonably fit on the site and meet other project and zoning requirements.
- 5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
 - The variance will not permit any use that is not allowed in the zoning district
- 6. The variance will not alter the essential character of the surrounding area.

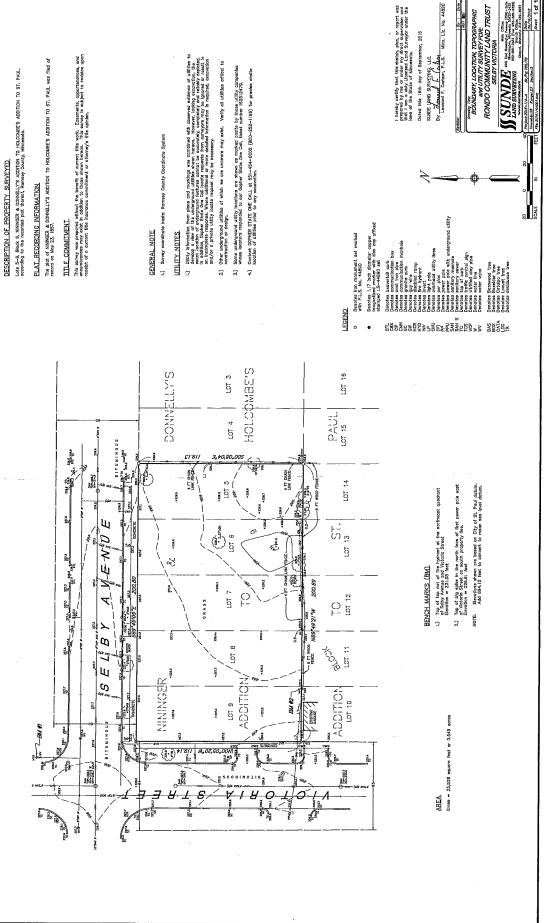
 The variance will not alter the character of the area. A landscaped buffer will be installed around the parking lot perimeter and the parking lot is located behind the primary building so it will not be visible from the front.

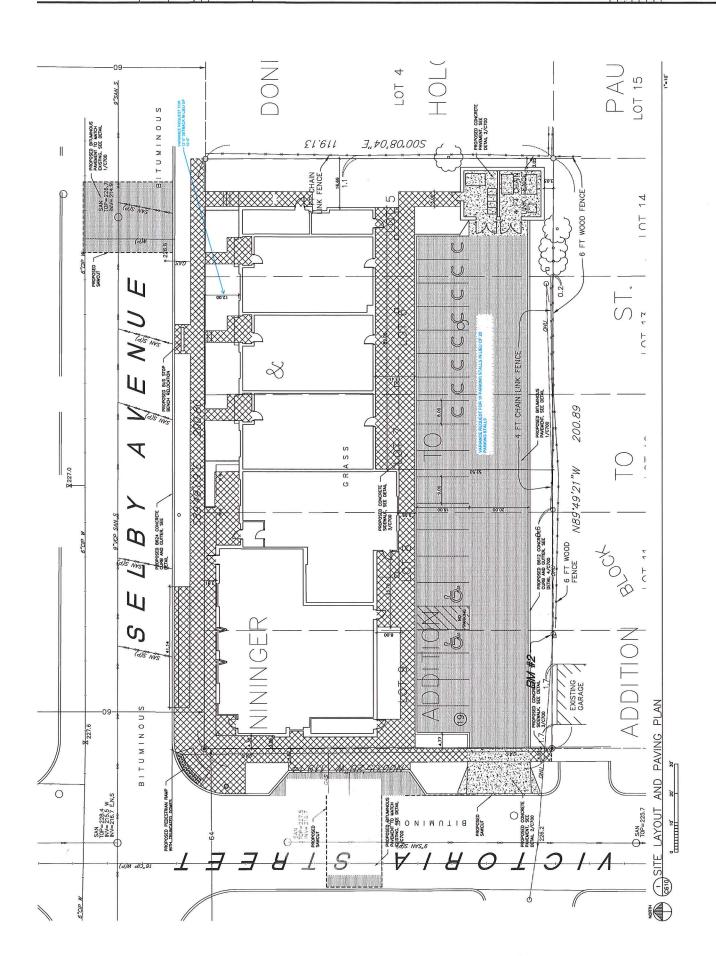
Selby Victoria Apartments (838 Selby):

Front yard setback variance for east half of north side (zoning requires max of 10', we are requesting 12')

- 1. The variance is in harmony with the general purposes and intent of the zoning code.

 The variance is in harmony with the general purposes and intent of the zoning code. The commercial portion of the first floor meets the front setback requirements for commercial uses and the flex units meet the front setback requirement for multi-family buildings.
- 2. The variance is consistent with the comprehensive plan. This project is consistent with the comprehensive plan. The building will provide jobs in the first floor commercial spaces, help to preserve and promote the surrounding established neighborhood, and ensure the availability of affordable senior housing in the neighborhood. The project will also promote aesthetics and quality development standards. The variance will allow the building to blend in with adjacent residential structures that are set back further from the street and have landscaped front yards.
- 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. Economic considerations alone do not constitute practical difficulties.
 - If the building were split into two separate buildings the east half would be multi-family residential and west half would be mixed use. The multi-family portion of the building would have a setback requirement of 10-25', and would not require a setback variance. However it is impractical to split the building into two separate buildings, therefore we are requesting a setback variance.
- 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
 - If the building were split into two separate buildings the east half would be multi-family residential and west half would be mixed use. The multi-family portion of the building would have a setback requirement of 10-25', and would not require a setback variance. However it is impractical to split the building into two separate buildings, therefore we are requesting a setback variance.
- 5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.
 - No uses will be permitted by this variance that are not allowed in the zoning district.
- 6. The variance will not alter the essential character of the surrounding area. The variance will not alter the essential character of the surrounding area. In fact it will enhance and support the existing character. The variance will allow the building to blend in with adjacent residential structures that are set back further from the street. Historically Selby Avenue was characterized by homes set back from the street with front porches and landscaped yards, and the proposed design includes covered entries and landscaped front yards at the flex units to reflect that historic form.





CHDC RONDO LIMITED PARTNERSHIP 838 SELBY AND 940 SELBY AVE. ST. PAUL, MN

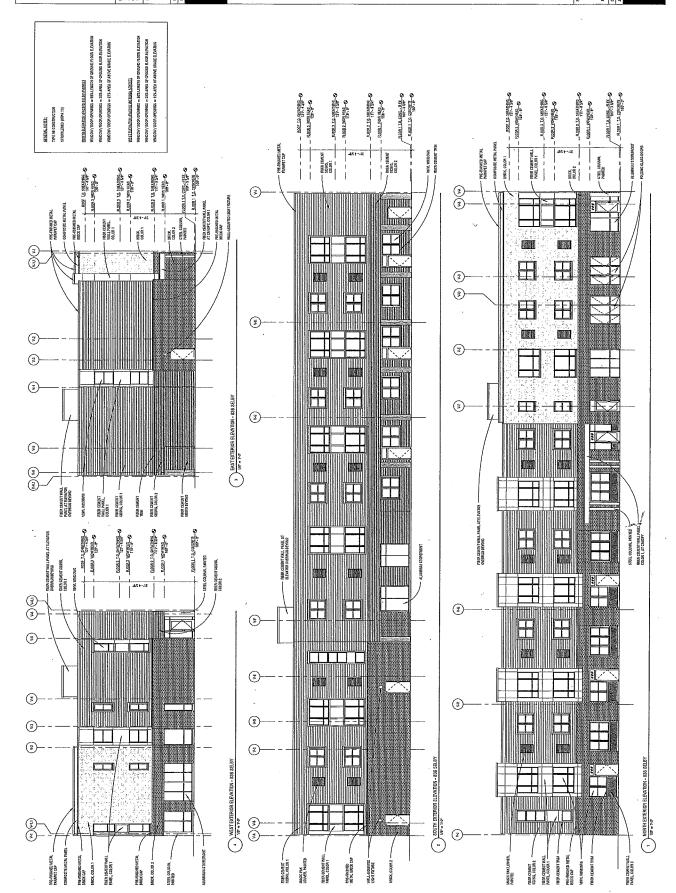
SELBY MILTON VICTORIA

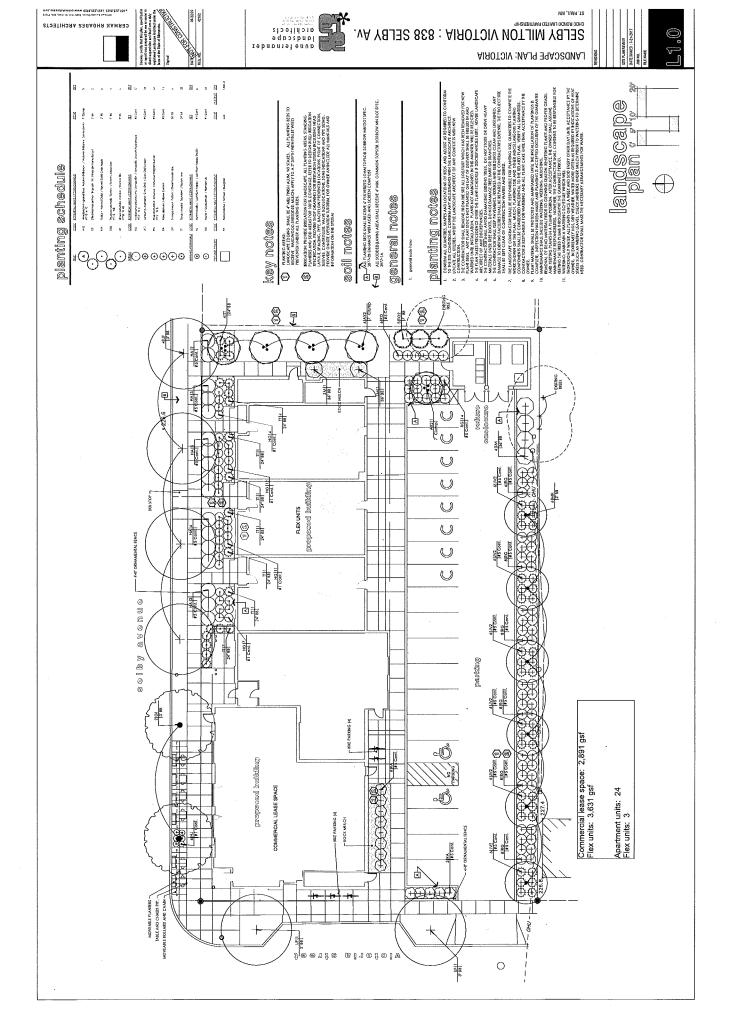
EXTERIOR ELEVATIONS - 838 SELBY

when we could have been the control of the control

MINISTER IN SERVICE STREET IN SERVICE OF SERVICE AND S

CERMAK RHOADES ARCHITECTS







CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

| · .:SS | |
|--|--------|
| COUNTY OF RAMSEY) | |
| the person who circulated the consent petition consisting of pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold be the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described. | Iretor |
| ADDRESS ST Paul Mr 55/04 | |
| 257-221-9884 TELEPHONE NUMBER | |

Subscribed and sworn to before me this

STATE OF MINNESOTA)

26 day of JULY 2017

NOTARY PUBLIC



RE: 838 selby

CITY OF SAINT PAUL

AFFIDAVIT OF PETÍTIONER FOR A REZONING

STATE OF MINNESOTA)

:SS.

COUNTY OF RAMSEY).

The petitionen Somethan Soge Markinship being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

NAME

1360 City Hall Annex, 25 W Fourth St

ADDRESS ...

autivity 59

651-266-6628

TELEPHONE NUMBER.

Subscribed and sworn to before me this day of 200

NOTARY PUBLIC

LAURA L. ECKERT

NOTARY PUBLIC - MINNESOTA

MY COMMISSION ::

EXPIRES 01/31/2020

ZONING PETITION SUFFICIENCY CHECK SHEET

SCUP

REZONING

| FIRST SUBMITTED | DEGIDA (Impress |
|----------------------------------|---------------------------------|
| _ / / | RESUBMITTED |
| DATE PETITION SUBMITTED: 7/13/17 | DATE PETITION RESUBMITTED: 7/26 |
| DATE OFFICIALLY RECEIVED: | DATE OFFICIALLY RECEIVED: |
| | |
| | |
| PARCELS ELIGIBLE: 22 | PARCELS ELIGIBLE: 22 |
| PARCELS REQUIRED:/ | PARCELS REQUIRED: 15 |
| PARCELS SIGNED: 13 | PARCELS SIGNED: 15 |
| | |
| | |
| CHECKED BY: | LIC DATE: 7(27-17 |



SUMMIT-UNIVERSITY PLANNING COUNCIL

Board of Directors 2016/2017

Chair Amy Michael

Vice Chair Angela Burns

Secretary Megan Jaunich

Treasurer Katrina Mosser

Chair, Neighborhood Development Jean Schroepfer

Chair, Communications and Outreach Rebecca Airmet

Chair, Community Improvement and Safety Steve Wilson Hallie Q. Brown

Ginny Martin Unity Church Unitarian

Donna Evans ASANDC

Judith Tande Ramsey Hill Association

Mary Morris

Daria Caldwell

Ibrahim Kamia

Marvin Scroggins

Elizabeth Wagoner

Katrina Mosser

Pam Biladeau

August 1, 2017 Revised August 10, 2017 for clarity

Anthony Johnson
City Planner
Planning & Economic Development
25 W. 4th St., Suite 1400
Saint Paul, MN 55102

Dear Mr. Johnson,

The Summit-University Planning Council has voted in favor of supporting the Rondo Community Land Trust's variances for both the Selby/ Milton site and the Selby/Victoria site:

Selby/ Milton

- 1. 1ft rear setback
- 2. 1 extra parking space

Selby/Victoria

- 1. 2ft front setback
- 2. 1 less parking space

SUPC has also voted in favor of supporting the rezoning of the Selby/Milton property from T1/T2.

We also appreciated their ongoing dedication to community input, and their consideration of our planning timeline.

Please let me know if you have any further questions,

Jens Werner

Executive Director
Summit-University Planning Council

627 Selby Ave Suite A

Saint Paul, MN 55104

Johnson, Tony (CI-StPaul)

From: alisalein@gmail.com on behalf of Alisa Lein <info@apts.cc>

Sent: Wednesday, August 09, 2017 9:40 AM

To: Johnson, Tony (CI-StPaul); jens@summit-university.org; Dubruiel, Paul (CI-StPaul)

Cc:walkermonroe1@gmail.com; Doren, Sabrina (CI-StPaul); Eric (info@apts.cc)Subject:838-844 Selby Ave (Selby-Victoria Development) - Neighbor Comments

Follow Up Flag: Follow up

Flag Status: Flagged

Good morning -

I am the property manager of 869/871 Hague Ave (my dad, Eric Lein, is the property owner) just a few houses to the west of this newly proposed development on the SE corner of Victoria & Selby.

We received a postcard in the mail yesterday about the zoning meeting on August 17, 2017. Please add these comments into that discussion & future discussions.

Overall we are happy to have this land developed & want it to be successful for the neighborhood but do have some concerns:

1) For the past many months we have been dealing with illegally parked delivery trucks in the alley for the new restaurants on the SW corner of Selby & Victoria (Tori Ramen & J. Selby's). This prevented us from exiting the east end of the alley and prevented other neighbors in the same alley from getting out of their garage or parking lots. Attempting to talk to the restaurant owners did not resolve the issues so the city was then involved and a community meeting had to occur to discuss options.

For the new SE corner development, the delivery truck issues for the new businesses need to be addressed during the planning stage so the neighbors do not have to deal with an "after the fact" problem.

Will there be an <u>off street</u> "commercial loading zone(s)" area like what was required behind the Pottery Barn building at Grand & Victoria many years ago?

2) Due to the cars parked on southbound Victoria between Selby & Hague, the sight line when exiting our the alley onto Victoria was virtually 100% blocked until you were all the way out into the middle of Victoria. After talking to the city, new no parking signs on either side of the alley were installed. This has helped.

If there are new parking spots installed on northbound Victoria, even with a curb cut, this will block sight lines again for those exiting onto Victoria from the proposed parking lot for the new development. It's an accident waiting to happen.

3) When the recycle trucks from Eureka & trash trucks enter or exit our alley from or onto Victoria, due to the parked cars on southbound Victoria, they have to make a very wide turn into or exiting the alley blocking north and southbound traffic so as to not hit any parked cars. This gets especially tight and narrow in the winter with snow.

If the newly proposed parking spots on northbound Victoria are approved, even with a curb cut, it will be very tight for these large trucks to navigate around the parked cars on both sides of Victoria. Just a word of caution and likely future complaint calls from the recycle and trash truck drivers!

- 4) If two new on-street spaces are deemed a good idea on Victoria, why not just eliminate Victoria's entire east side boulevard from Selby to Hague (or Selby to Laurel, Holly, Portland, or even Summit?) to add more new spaces in our increasingly-crowded city?
 - In the name of progress, is the Selby/Victoria neighborhood moving toward unsolvable parking hassles like the Parking Task Forces for Grand Avenue and Selby/Western have been debating for too many years?
- 5) The developer's complaints about the lack of an alley do not seem like an issue but more of a benefit. Selby & Hague align on the east and west sides of Victoria. Thus, if the block on the east side of Victoria had an alley that aligned with the existing alley on the west side of Victoria, the vacant lot being developed would have LESS land area for the development than it has now. It seems that the lack of an alley allows MORE space than if an alley cut the entire block in half with a public right-of-way (note the proposed dumpsters & storage at the east end of the parcel). Off-street delivery areas and off-street parking areas need to be a priority in the city planning discussions with the extra land not used up by a public alley.

Thank you for considering these thoughts and comments. If you have any questions for us please let me know. Thanks, Alisa Lein (and Eric Lein) 651-224-2653

Johnson, Tony (CI-StPaul)

From:

Greg Finzell < greg@rondoclt.org>

Sent:

Wednesday, August 09, 2017 10:01 AM

To:

Johnson, Tony (CI-StPaul); Anderson, Tia (CI-StPaul); Currier, Ross (CI-StPaul)

Subject:

FW: Letter of support- Selby Victoria

Follow Up Flag:

Follow up

Flag Status:

Flagged

Tony, Tia and Ross

I was asked to forward this on to you from Liz and Craig Boyer. Thanks -Greg

From: Liz Boyer [mailto:lizboyer2@gmail.com]
Sent: Wednesday, August 09, 2017 9:57 AM

To: Greg Finzell

Subject: Letter of support- Selby Victoria

To whom it may concern,

We support the proposed developments at the corner of Selby and Victoria as well as Selby and Milton Street. We live at 825 Hague - just behind the Selby Victoria project. The innovative partnerships and creativity behind this project are amazing. The end result of increased density on a transit corridor, affordable senior housing, as well as long term affordable retail spaces for small and local businesses are perfect for this location.

We support the parking variance because the development is on a transit corridor and will provide ample bike parking for the retail spaces to encourage alternative means of transportation. We support the setback variance for the live-work spaces because this will provide a small yard for these units as well as street front variation for the development.

Thanks,

Liz and Craig Boyer 825 Hague Ave



Virus-free. www.avast.com

Johnson, Tony (CI-StPaul)

From:

Gabrielle Pillmann < gaelpi@yahoo.com>

Sent:

Wednesday, August 09, 2017 6:49 PM

To:

Johnson, Tony (CI-StPaul)

Subject:

17-061-506 and 17-061-494

Dear Zoning Committee,

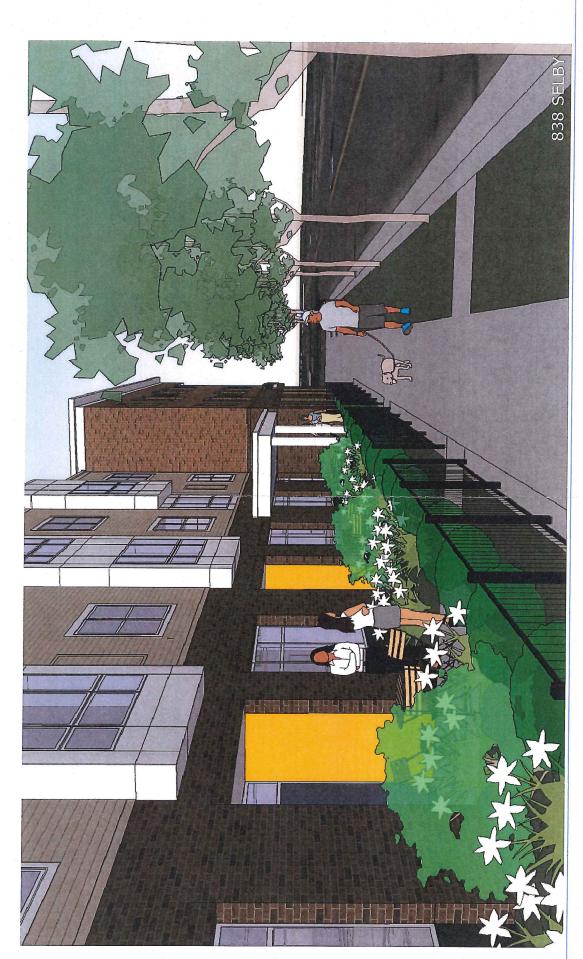
I have received an invite but can't make it to the public hearing meeting on 8/17/17, so I wanted to share my comments with you in any case.

As a neighbor of the property, and a Rondo Community Land Trust board member I completely support the building project as proposed by RCLT. I vote for the 1' trash enclosure set back, and for the 8 parking spaces.

Thank you, Gabriele Pillmann 964 Dayton Ave St. Paul, MN 55104









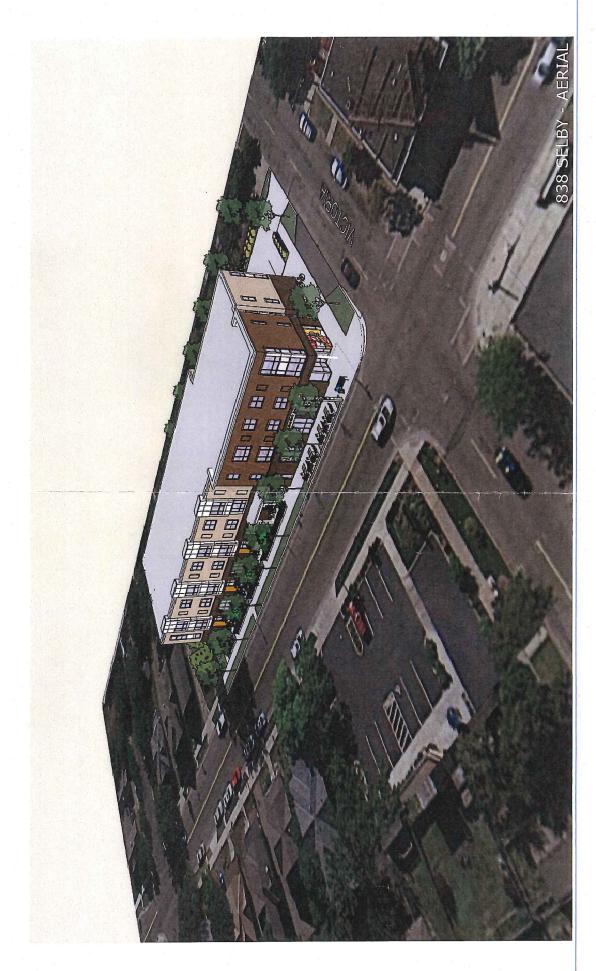














W E

ZONING PANEL: 15

