

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Selby-Milton Development **FILE #:** 17-061-506
 2. **APPLICANT:** CHDC Rondo Limited Partnership **HEARING DATE:** August 17, 2017
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 934 Selby Ave and 940 Selby Ave, between Milton and Chatsworth
 5. **PIN & LEGAL DESCRIPTION:** 02.28.23.21.0243 and 02.28.23.21.0159; Lots 4, 5, and W 17 ft. of lot 3, Block 3, Smith and Taylor's Addition
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** T1
 7. **ZONING CODE REFERENCE:** 61.202(b)
 8. **STAFF REPORT DATE:** **BY:** Tony Johnson
 9. **DATE RECEIVED:** July 19, 2017 **60 DAY DEADLINE FOR ACTION:** September 17, 2017
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- A. **PURPOSE:** Variances for trash enclosure setback (3' required, 1' proposed) and using the alley to access 8 off street parking spaces in a non-residential zoning district abutting a residentially zoned land across from an alley. (7 spaces permitted, 8 proposed)
- B. **PARCEL SIZE:** 97 ft of frontage on Selby Avenue x 106.16 = 10,297.52. Including half of the alley for density purposes the total lot area is 11,073.55 sq. ft.
- C. **EXISTING LAND USE:** Vacant Land
- D. **SURROUNDING LAND USE:**
 - North: One- Family Residential (RM2)
 - East: Mixed-Use (B2)
 - South: One- and Two- Family Residential (RT1)
 - West: One- Family Residential (RM2)
- 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 a 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 8 parking spaces for the proposed mixed use structure.*
- G. **HISTORY/DISCUSSION:** The applicant is seeking two variances related to the parking layout at the rear of the proposed structure. The surface parking lot's location is consistent with the traditional neighborhood design standard pertaining to the placement of parking. There is roughly a six foot setback on either side of the building which makes it impossible to provide vehicular access to the surface parking lot from Selby Avenue. Because of this site constraint, the applicant is proposing to use the currently unimproved alleyway off of Milton Avenue to access the surface parking lot at the rear of the principle structure. When parking facilities in non-residential residential zoning districts abut residentially zoned land across from an alley, the parking facility is limited to 7 spaces or fewer. The proposed mixed use building has a parking requirement 8 off street parking spaces, resulting in this application for a variance to exceed the 7 space maximum parking requirement when using the alley to access the parking facility. As a part of this project, the applicant is also proposing to improve the currently unimproved alleyway up to their parcel to access their surface parking. The zoning code does allow also be approved through the site plan review process; however the applicant has elected to apply for a variance of this provision. The other variance that the applicant is seeking is for the side yard setback for the trash

enclosure. The trash enclosure has a 3' required side yard setback, and the applicant is proposing to construction the trash enclosure one foot from the western property line. Because of the limited parcel width, placing the trash enclosure one foot off the property line was necessary in order to provide the 8 required parking spaces and to meet the required 4' side yard setback from the western property line for the surface parking lot.

H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 has recommended approval of both variances.

I. **FINDINGS:**

4. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code. This finding is met.* One of the intentions of the zoning code is to regulate the location, construction, reconstruction, alteration and use of buildings, structures and land. In conjunction with the variance applications the applicant has applied to rezone the parcels to T2 traditional neighborhood. The traditional neighborhood zoning districts have additional design standards including sec.66. 341 (B)(1) which states that parking should be located to the rear of the principle building or within the rear yard of a principle building. Because of the limited width of the parcel and the width of the proposed structure, accessing the surface parking from the street frontage on Selby Ave is impossible. The applicant attempted to obtain an easement agreement from the neighboring commercial property owner to access the eight rear parking space through the neighboring parking lot, but was unsuccessful, leaving the unimproved alleyway as the only means available to access to the surface parking lot placed to the rear of the principle structure.

Another intention of the zoning code is to lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles. The applicant is proposing to construct 8 off-street parking spaces in order to comply with the minimum parking requirement in sec. 63.207. Because of the limited width of the lot, providing 8 spaces and meeting the set-back requirements for the trash enclosure and surface parking lot is not possible. The applicant could have applied for a variance to reduce the number of parking spaces by one spot, which would have negated the need for the two variances being applied for in this application. The applicant has chosen to meet the minimum parking requirement, but in doing so was forced to place the trash enclosure 1 foot from the property line. The two variances that have been applied for in order to provide an extra parking space are consistent with the zoning code intention to provide off street parking and constant with the traditional neighborhood design standard regarding the placement of parking to the rear of the principle structure.

(b) *The variances are consistent with the comprehensive plan. This finding is met.* The subject property is located in a mixed use corridor and in conjunction with this application for variances the applicant is also applying to rezone the parcels to T2. All of the Traditional Neighborhood zoning districts are intended to foster pedestrian oriented development. One of the ways that this intent to foster pedestrian oriented development has been codified in the traditional neighborhood design standards is by regulating the placement of parking. The two variances are necessary in order to place the parking and trash pickup at the rear of the building. The proposed site layout is consistent the traditional neighborhood design standards and is characteristic of the type of development that the comprehensive plan calls for in mixed use corridors.

(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.* There is 97 ft. of frontage on Selby Avenue. Because of the

limited frontage on available on Selby Avenue and the width of the propose structure, accessing the parking from Selby Avenue is impossible with current site layout. The traditional neighborhood design standards call for the parking to be placed at the rear of the structure which has created a practical difficulty in regards to accessing the parking, resulting in the variance to use the alleyway to access the rear surface parking lot. The side yard setback variance for necessary in order to meet the minimum parking requirement 8 spaces, and to create a trash enclosure for the dumpsters. Because of the minimum width of the parking spaces and required setback for surface parking, there is a practical difficulty in complying with the 3 foot side yard setback for the trash enclosure.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met.* The subject property is located midblock and there is limited frontage on Selby Avenue. Complying with the traditional neighborhood design standards regarding the placement of parking to the rear of the principle structure and creating a 20 ft maneuvering lane to access the rear parking lot from the street would have significantly limited the developable area for the principle structure. The close proximity of the neighboring property's curb-cuts would have also potentially forced the applicant to move any vehicular access from Selby away from either property line, further limiting the developable area. The limited width of the subject parcel also created a circumstance unique to the property that made the side yard setback variance for the trash enclosure necessary. The lot is not wide enough to meet the minimum parking requirement, the side yard setback for the surface parking lot, and the side yard setback for the trash enclosure.
- (e) *The variances will not permit any use that is not allowed in the zoning district where the affected land is located. This finding is met.* The two variances would not create uses not allowed in the current T1 zoning district or in the proposed T2 zoning district.
- (f) *The variances will not alter the essential character of the surrounding area. This finding is met.* Allowing access to the surface lot parking through the alleyway and a side yard back variance for the trash enclosure would not alter the essential character of the area. A number of other multi-family residential development in the immediate area use alley ways to access rear surface parking lots, however, because they are zoned for multifamily residential uses. In RM2 access for surface parking is permitted unless its deemed harmful to public safety.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Variances for trash enclosure setback (3' required, 1' proposed) and using the alley for maneuvering 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 the subject parcels to T2 traditional neighborhood.



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. 17-061506

Fee 315.00

Tentative hearing date:

8-17-17

RECEIVED
JUL 13 2017

PD=8

02282321059 (940 Selby)

APPLICANT

Name CHC Foods Limited Partnership Company 022823210243 (Selby)

Address 626 Selby Avenue

City St Paul St. _____ Zip 55104 Daytime phone 651-221-9884

Property interest of applicant (owner, contract purchaser, etc.) purchaser

Name of owner (if different) _____

PROPERTY LOCATION

Address 940 Selby

Legal description: Lots 4 and 5 and the west 17 feet of lot 3 Block 3, Smith and Taylor's Addition to City of St Paul.
(attach additional sheet if necessary)

Lot size _____ Present zoning T-1 Present use vacant lot

Proposed Use Mixed use residential and commercial building - new construction

Variance[s] requested:

- Trash enclosure setback variance
- Variance for using the alley maneuvering.

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 Gregory H. Bell

Date 7-13-17

City agent add 7-13-17

Selby Milton Apartments (940 Selby):

Trash enclosure setback (3' required, 1' 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 trash enclosure will be screened from adjacent properties, meeting the intent of the zoning code. As it is located in the rear yard the trash enclosure will not be adjacent to nearby residential structures.
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 space, 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.
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 size limits the setback that can be provided while meeting parking requirements and setback requirements on the other side of the site.
4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
The site size limits the setback that can be provided while meeting parking requirements and setback requirements on the other side of the site.
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 where the affected land is located
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. The trash enclosure will be screened from adjacent properties .

Variance for using the alley for maneuvering (zoning allows 7 spaces to use alley for maneuvering, we are proposing 8 spaces)

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 proposed and allowed parking spaces is only one space.
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 space, 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. Utilizing the alley for maneuvering allows the project to reduce impervious paving area and provide additional landscaping for the enjoyment of both residents and neighbors, and reduce storm water runoff.
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 size, existing grades/slopes and dead end alley all create practical difficulties that contribute to the need to use the alley for maneuvering. There is not enough space to create a drive aisle separate from the alley.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The site size, existing grades/slopes and dead end alley all create practical difficulties that contribute to the need to use the alley for maneuvering. There is not enough space to create a drive aisle separate from the alley.

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 where the affected land is located

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 it. Utilizing the alley for maneuvering allows the project to reduce impervious paving area and provide additional landscaping for the enjoyment of both residents and neighbors, and reduce storm water runoff

DESCRIPTION OF PROPERTY SURVEYED.

Lots 4 and 5, and the West 17 feet of Lot 3, Block 3, SMITH & TAYLOR'S ADDITION TO THE CITY OF ST. PAUL, according to the recorded plat thereof, Ramsey County, Minnesota.

PLAT RECORDING INFORMATION.

The plat of SMITH & TAYLOR'S ADDITION TO THE CITY OF ST. PAUL, was filed of record on June 16, 1881.

TITLE COMMITMENT.

This survey was prepared without the benefit of current title work. Easements, encumbrances, and encroachments may exist in addition to those shown on this survey and this survey is subject to revision upon receipt of a current title insurance commitment of attorney's title opinion.

BENCH MARKS (BM).

- 1.) Top of top out of fire hydrant at the northeast quadrant of Selby Avenue and Milton Street.
Elevation = 219.42 feet
- 2.) Top of big spike in the north face of power pole 10 feet west of the top of fire hydrant.
Elevation = 222.09 feet

NOTE: Elevation shown are based on City of St. Paul datum. Add 854.10 feet to convert to mean sea level datum.

LEGEND.

- Denotes iron monument set marked with P.L.S. No. 44890
- Denotes horizontal curb
- CB Denotes catch basin
- CH Denotes catchment
- CMH Denotes communication manhole
- CS Denotes curb stop
- ES Denotes electric stop
- EMH Denotes electric manhole
- C Denotes curb of walk
- INV Denotes invert
- W Denotes water
- LP Denotes light pole
- DM Denotes manhole door
- OH Denotes overhead
- ORC Denotes overhead communication line
- OP Denotes overhead power line
- PP Denotes power pole
- PC Denotes power conduit
- RCP Denotes concrete pipe
- SM Denotes sanitary manhole
- SMH Denotes storm manhole
- SM Denotes storm sewer
- US Denotes underground sewer
- UC Denotes underground communication line
- UE Denotes underground electric line
- VCP Denotes water pipe
- W Denotes water valve
- ARB Denotes arbutus tree
- BT Denotes boxelder tree
- COT Denotes cottonwood tree
- HT Denotes hackberry tree
- HACK Denotes hackberry tree

GENERAL NOTE.

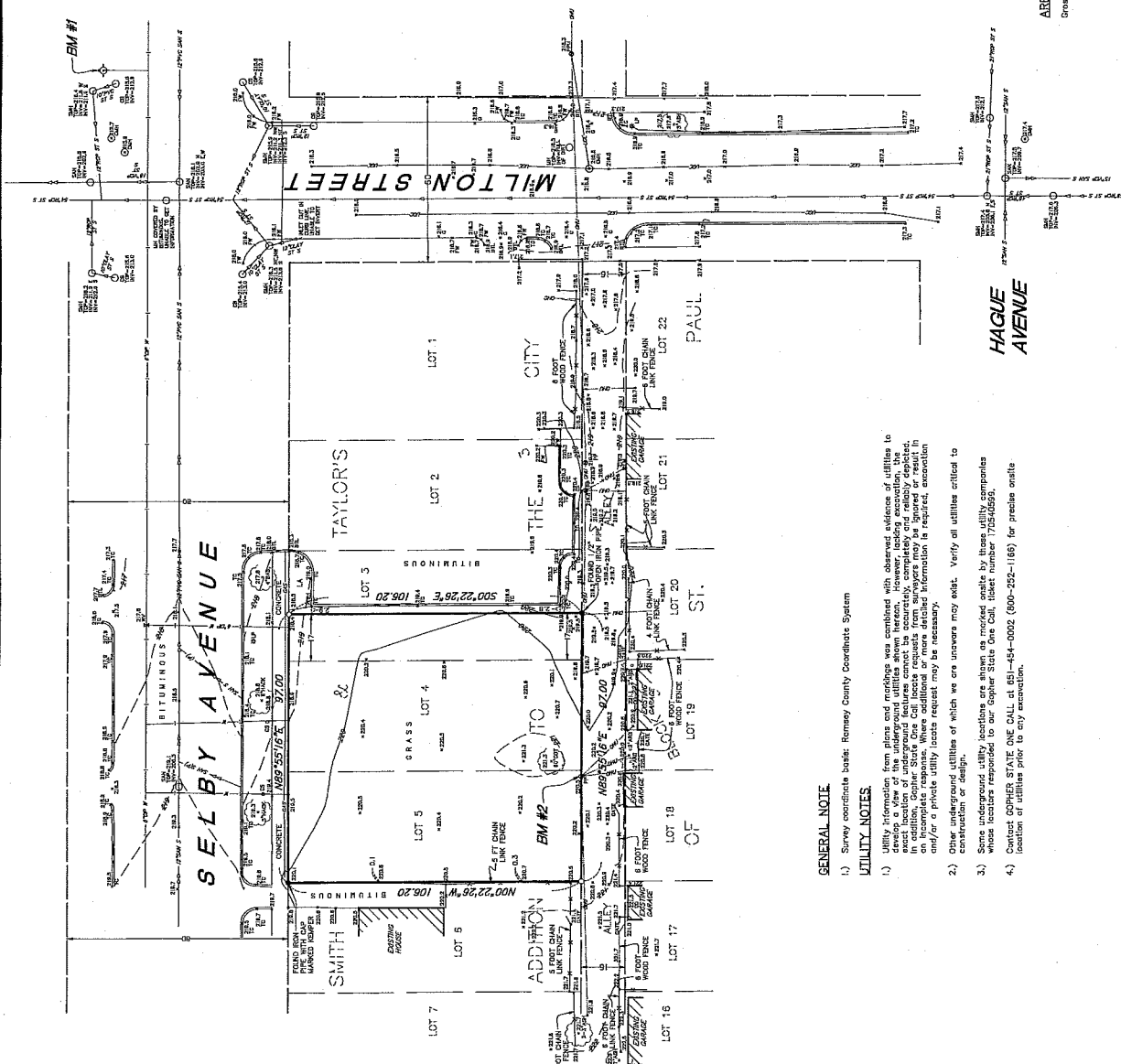
- 1.) Survey coordinate based: Ramsey County Coordinate System
- 2.) Utility information from plans and markings was combined with observed evidence of utilities to locate and mark utilities as shown on this plan. However, existing utilities, the exact location of underground utilities and other utilities not shown on this plan, in addition to other utility requests from surveyors may be ignored or result in other utility requests if additional information is required, excavation and/or a private utility access request may be necessary.
- 3.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or health.
- 4.) Some underground utility locations are shown as marked results by these utility companies whose locations responded to our Operator State One Call, ticket number 172510599.
- 5.) Contact OPERATOR STATE ONE CALL at 651-454-0002 (630-225-1165) for precise onsite location of utilities prior to any excavation.

UTILITY NOTES.

- 1.) Utility information from plans and markings was combined with observed evidence of utilities to locate and mark utilities as shown on this plan. However, existing utilities, the exact location of underground utilities and other utilities not shown on this plan, in addition to other utility requests from surveyors may be ignored or result in other utility requests if additional information is required, excavation and/or a private utility access request may be necessary.
- 2.) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or health.
- 3.) Some underground utility locations are shown as marked results by these utility companies whose locations responded to our Operator State One Call, ticket number 172510599.
- 4.) Contact OPERATOR STATE ONE CALL at 651-454-0002 (630-225-1165) for precise onsite location of utilities prior to any excavation.

AREA.

Gross = 10,301 square feet or 0.238 acres



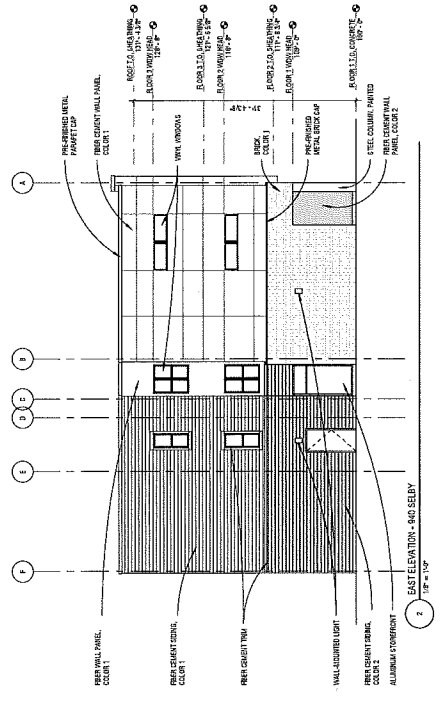
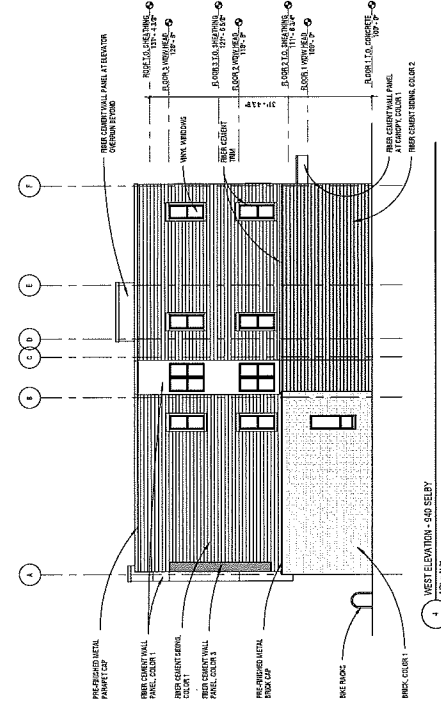
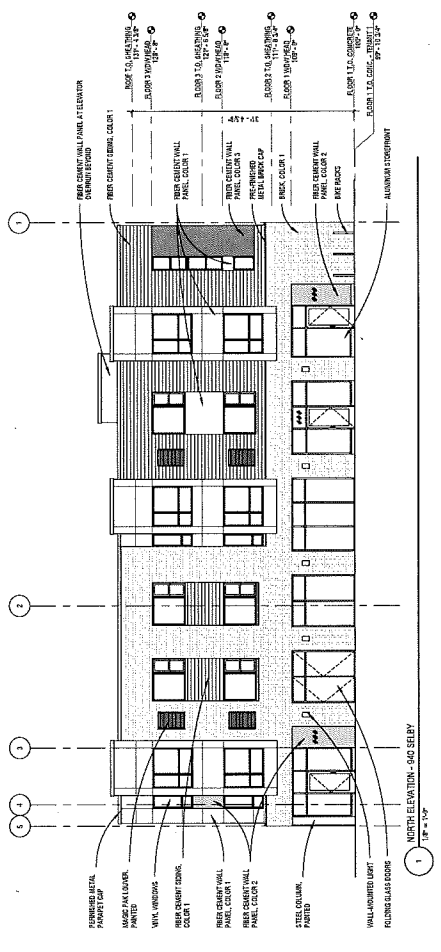
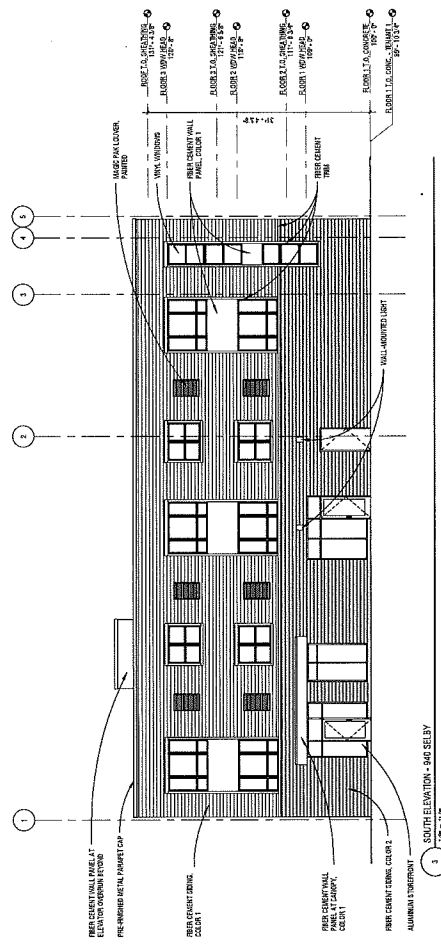
SWDE/AND SURVEYING, LLC.
By: *Donald F. LaMotte*
Leonard F. Carlson, P.L.S. Minn. Lic. No. 44890

PROJECT NO.	DATE
BOUNDARY LOCATION, TOPOGRAPHIC and UTILITY SURVEY FOR RONDO COMMUNITY LAND TRUST SELBY AVENUE, SAINT PAUL, MN	10/17/2017
DATE	2017
PROJECT NO.	DATE
172510599	10/17/2017
DATE	2017
PROJECT NO.	DATE
172510599	10/17/2017
DATE	2017

100 East Hennepin Avenue, Suite 110
St. Paul, MN 55102
651-454-0002 (630-225-1165)
www.swdeand.com
Email: donald@swdeand.com
Fax: 651-454-2899

Sheet: 1 of 1

GENERAL NOTE:
 TYPE IN CONSTRUCTION SYMBOLS (AREA 1)
 MATERIALS TO BE USED IN CONSTRUCTION
 WINDOW / DOOR SCHEDULES = SEE SCHEDULES FOR ELEVATION
 WINDOW / DOOR SCHEDULES = SEE SCHEDULES FOR ELEVATION
 WINDOW / DOOR SCHEDULES = SEE SCHEDULES FOR ELEVATION





NORTHEAST VIEW - 940 SELBY

SELBY MILTON VICTORIA
CHDC RONDO LIMITED PARTNERSHIP
07/13/2017



CERMAK RHOADES ARCHITECTS



940 SELBY - AERIAL

SELBY MILTON VICTORIA
CHDC RONDO LIMITED PARTNERSHIP
07/13/2017



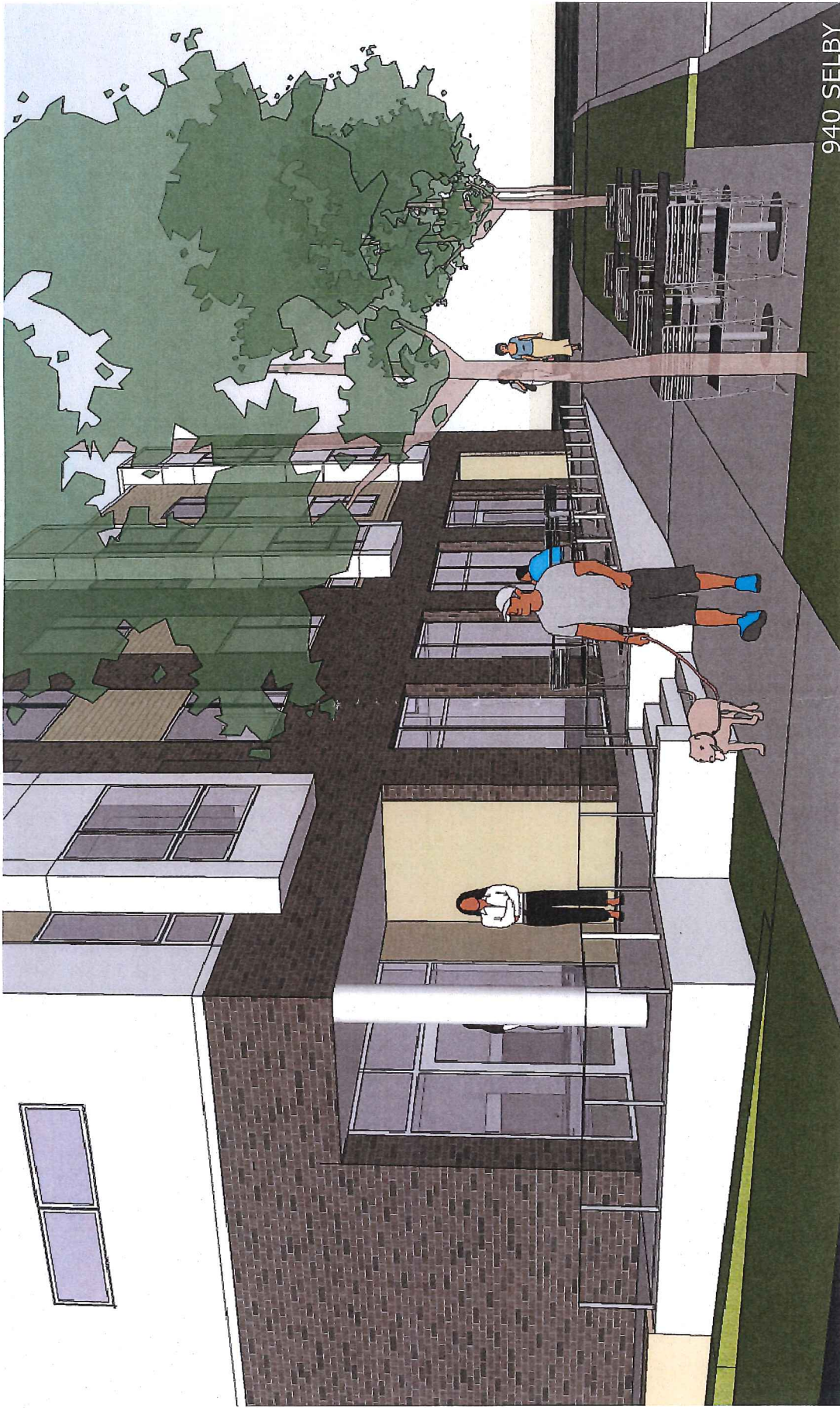
CERMAK RHOADES ARCHITECTS



NORTH ELEVATION - 940 SELBY

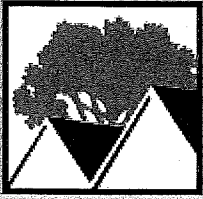
 SELBY MILTON VICTORIA
CHDC RONDO LIMITED PARTNERSHIP
07/13/2017

CERMAK RHOADES ARCHITECTS



 **SELBY MILTON VICTORIA**
CHDC RONDO LIMITED PARTNERSHIP
07/13/2017

CERMAK RHOADES ARCHITECTS



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 Bladeau

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)

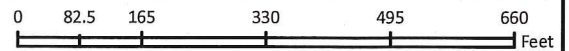
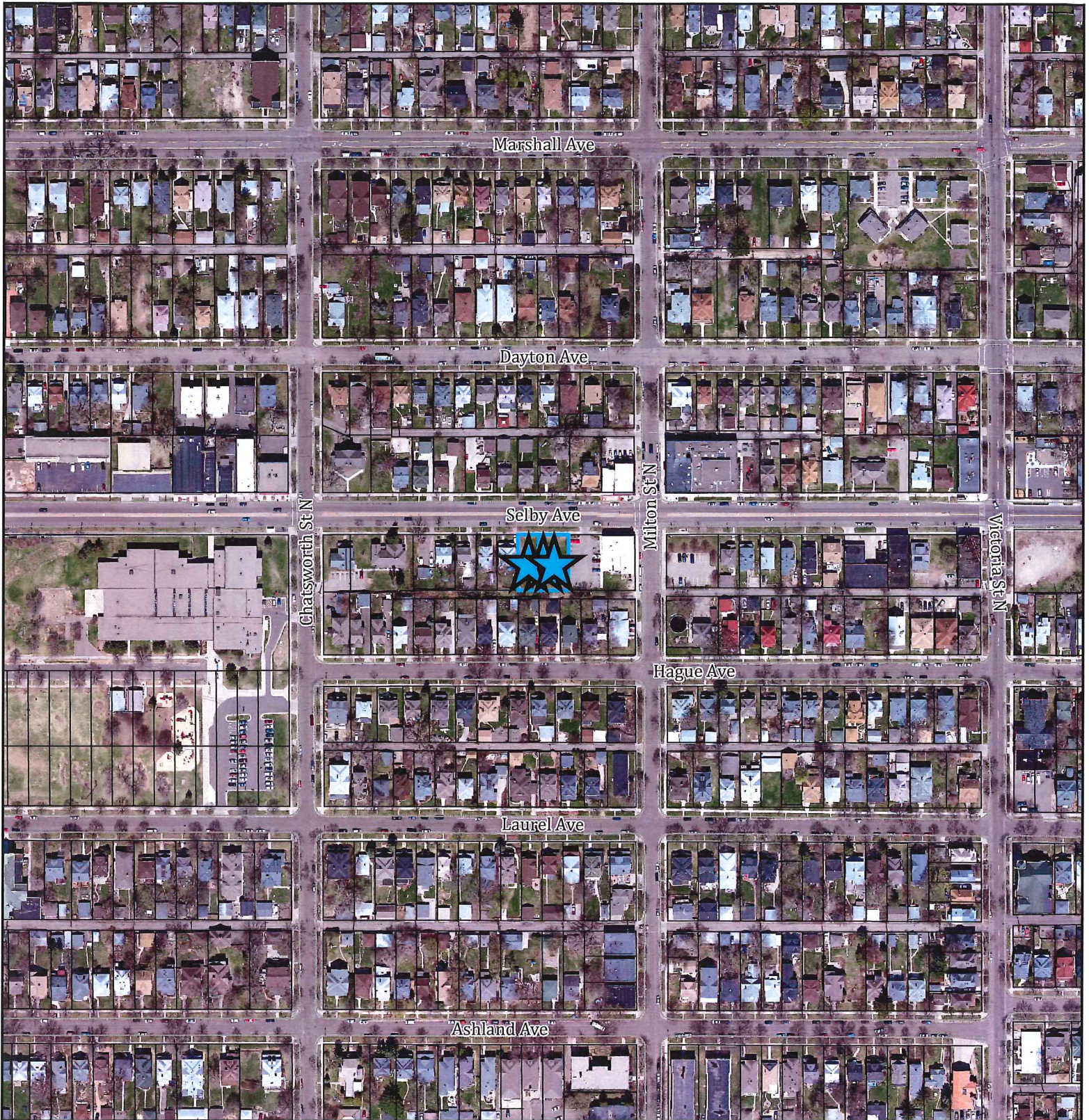
From: Gabrielle Pillmann <gaelpi@yahoo.com>
Sent: Wednesday, August 09, 2017 6:49 PM
To: Johnson, Tony (CI-StPaul)
Subject: 17-061-506 and 17-061-494

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



FILE NAME: Selby Milton Victoria

Aerial

APPLICATION TYPE: PC-Variance

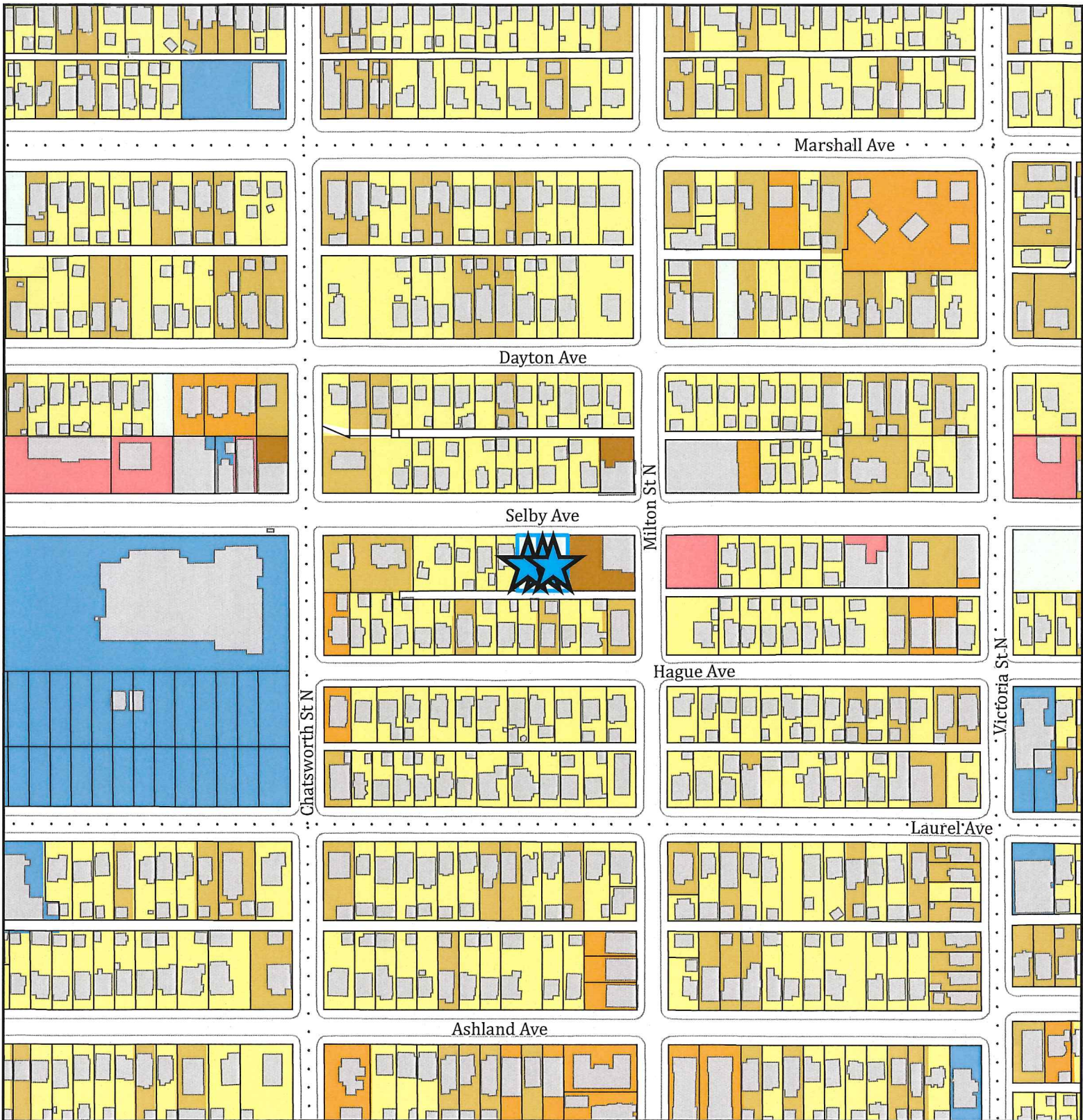
 Subject Parcels

FILE #: 17-064506 DATE: 7/19/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15





FILE NAME: Selby Milton Victoria

APPLICATION TYPE: PC-Variance

FILE #: 17-064506

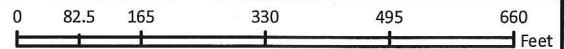
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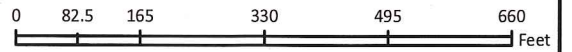
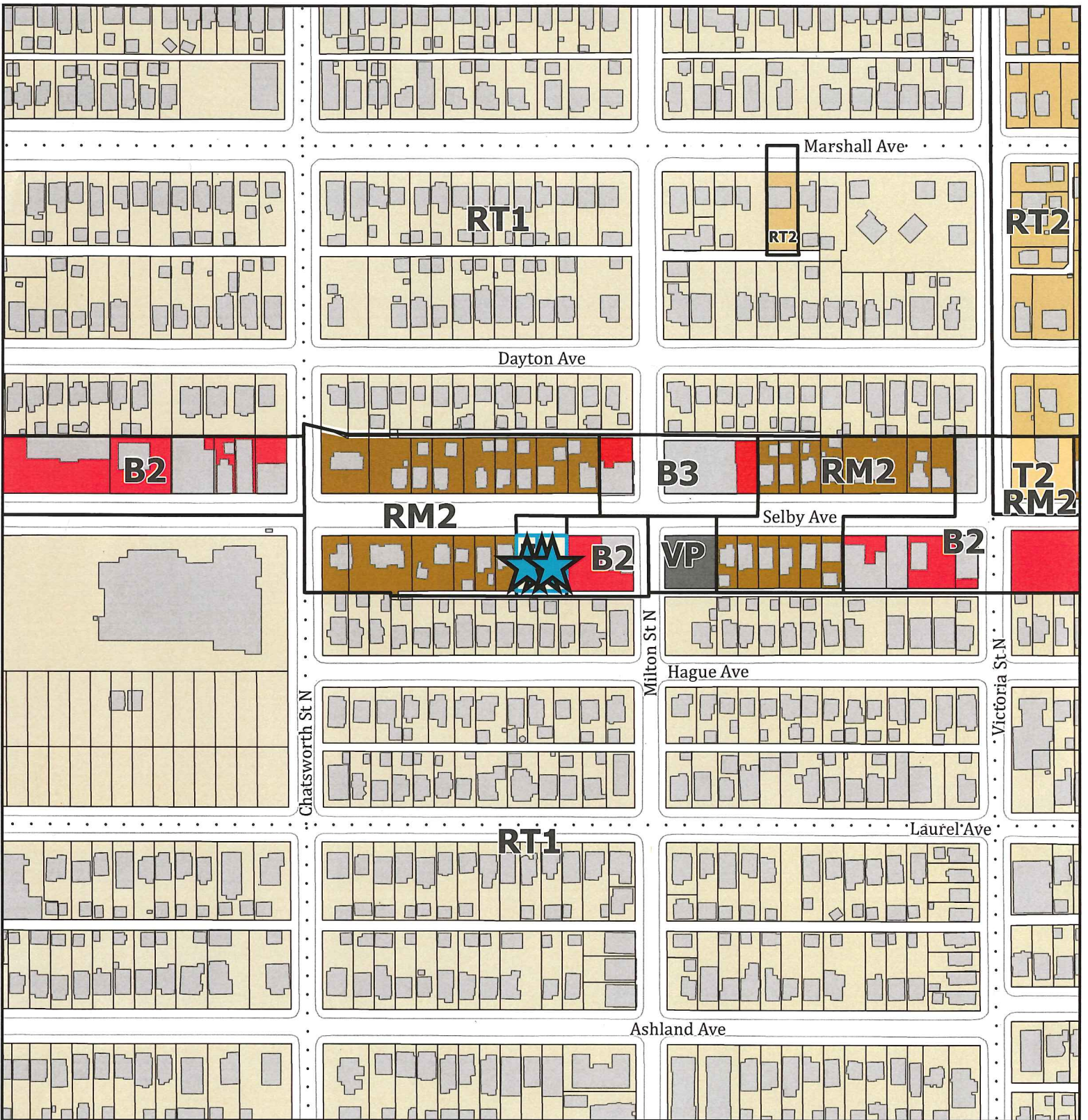
PLANNING DISTRICT: 8

ZONING PANEL: 15

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Undeveloped
- Subject Parcels
- Section Lines





FILE NAME: Selby Milton Victoria

APPLICATION TYPE: Rezoning

FILE #: 17-061494 DATE: 7/19/2017

PLANNING DISTRICT: 8

ZONING PANEL: 15

Zoning

- Subject Parcels
- Section Lines
- RT1 Two-Family
- RT2 Townhouse
- RM2 Multiple-Family
- T1 Traditional Neighborhood
- T2 Traditional Neighborhood
- B2 Community Business
- B3 General Business
- VP Vehicular Parking

