ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Selby-Victoria Development

FILE #: 17-064-027

2. APPLICANT: HRA of the City of Saint Paul

HEARING DATE: August 17, 2017

3. TYPE OF APPLICATION: Rezoning

4. LOCATION: 838 - 844 Selby Ave, 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 and Donnelly's Addition to Holcombe's Addition.

6. PLANNING DISTRICT: 8

EXISTING ZONING: B2/RM2

7. ZONING CODE REFERENCE: §61.801(b)

8. STAFF REPORT DATE: August 10, 2017

BY: Tony Johnson

9. **DATE RECEIVED:** July 27, 2017

60-DAY DEADLINE FOR ACTION: September 25, 2017

A. **PURPOSE:** Rezone from RM2 multiple family and B2 community business to T2 traditional neighborhood.

- 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:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- 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:** In 1922 the subject parcels, along with all of the parcels on Selby Avenue were zoned "C" commercial. Similar to the traditional neighborhood district that the applicant is applying to rezone the subject parcels to, "C" commercial would have permitted both residential and commercial uses. In 1975 when the modern zoning code was adopted the subject parcels were rezoned B2 and RM2.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 8 recommended approval of the rezoning from B2 and RM2 to T2.
- I. FINDINGS:

- 1. The applicant is seeking to rezone the subject parcels from B2 and RM2 to T2, in order to construct a new mixed use building with 24 senior housing units, 2,891 sq. ft. of commercial space, and 3 flex live work units. The live work units are not a permitted use in the B2 or RM2 zoning districts, requiring the applicant to apply to rezone the subject parcels to T2, traditional neighborhood.
- 2. The proposed zoning is consistent with the way this area has developed. Selby Avenue has developed with a mix of commercial and residential uses of varying densities. From 1922 to 1975 Selby Avenue was zoned "C" commercial which would have permitted all residential and commercial uses. In 1975 when the modern zoning code was established parcels on Selby Avenue were rezoned to a mix of zoning districts that generally corresponded to the underlying land uses of the parcels. The proposed T2 zoning district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. T2 zoning is consistent with the historic pattern of development on Selby Avenue and also the mix of RM2, B2, and B3 zoning districts along the corridor, specifically in regards to the allowed density and the uses that are permitted in both the business and multifamily residential zoning districts.
- 3. The proposed zoning is consistent with the Comprehensive Plan. Selby Avenue is identified in the comprehensive plan as a mixed use corridor. In mixed use corridors two or more of the following uses can be located: residential, commercial, retail, office, small scale industry, institutional, and open space. The proposed mixed use building is consistent with the comprehensive plan's mixed use corridor land use designation and strategy LU 1.24 which calls for supporting a mix of uses on mixed-use corridors. All of the senior housing units are priced at 30% to 60% of area median income, which is consistent with strategy 3 of the comprehensive plan housing chapter calls for ensuring the availability of affordable housing across the city. The inclusion of senior housing is consistent with strategy 26 of the district 8 neighborhood plan, which calls for increasing the housing options for seniors that wish to continue living in the neighborhood.
- 4. The proposed zoning is compatible with the surrounding mixed use, commercial, one-family residential, two-family residential, and multifamily land uses. All of the adjacent land uses are permitted in a T2 traditional neighborhood zoning district.
- 5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property." The proposed rezoning of these parcels from B2 and RM2 to T2 would not constitute spot zoning. The uses that are permitted in a T2 traditional neighborhood zoning district are consistent the uses permitted in the RM2 multi-family residential zoning district and the B2 community business district.
- 6. The petition for rezoning was found to be sufficient on July 27, 2017: 22 parcels eligible; 15 parcels required; 15 parcels signed.
- STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the rezoning from RM2 multiple family and B2 community business to T2 traditional neighborhood.



PETITION TO AMEND THE ZONING CÓDE
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 #: 17-064027 Tentative Hearing Date:

	Α,		
ADDITOANT	Property Owner Having and Redevelopment Authority of the City of Saint Paul		
APPLICANT	Address Z5 W Y STreet		
e e	City Sant Paul St. MN Zip 55102 Daytime Phone 206-6611		
*	Contact Person (if different) Greg Finzell Phone 651-221-9884		
	Contact Person (if different)		
PROPERTY	Address/Location 238 and 844 Solly Avenue		
LOCATION	Legal Description >t >h ment		
	Current Zoning 82/RM2		
	(attach additional sheet if necessary)		
TO THE HONORABLE MAYOR AND CITY COUNCIL:			
Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statues;			
House and Reduction of the Country and Fant faul, owner of land proposed for rezoning, hereby petitions you to			
rezone the above described property from a B2/R W2 zoning district to a zoning			
district, for the purpose of: Unstructing a mixed-use building			
. r			
*.			
/	shoots if necessary)		
(attach additional sheets if necessary)			
Attachments as required: Site Plan Consent Petition Affidavit			
Subscribed and sworn to before me			
this 3/ st day			
Title Executive Streeter			
of			
Kayn Lely			
Notary Public Rev. 11/21/13			
•	· • • • • • • • • • • • • • • • • • • •		

LAURA L. ECKERT
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES 01/31/2020

EXHIBIT A LEGAL DESCRIPTION

Parcel 1 (838 Selby)

Lots 5 thru 9 Block 9 Nininger & Donnelly's addition to Holcombe's addition to the City of St. Paul

Parcel 2 (940 Selby)

The west 17 fee of lot 3 and all of lots 4 and 5 Block 3 Smith and Taylor's addition to the City of St. Paul

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):

setback variance.

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

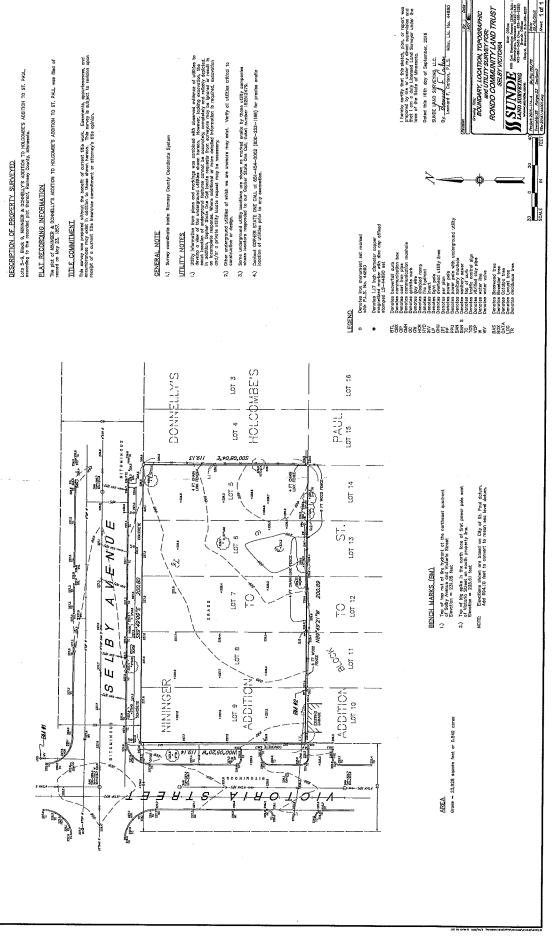
- 1. The variance is in harmony with the general purposes and intent of the zoning code. The variance is in harmony with the general purposes and intent of the zoning code. The commercial portion of the first floor meets the front setback requirements for commercial uses and the flex units meet the front setback requirement for multi-family buildings.
- 2. The variance is consistent with the comprehensive plan.

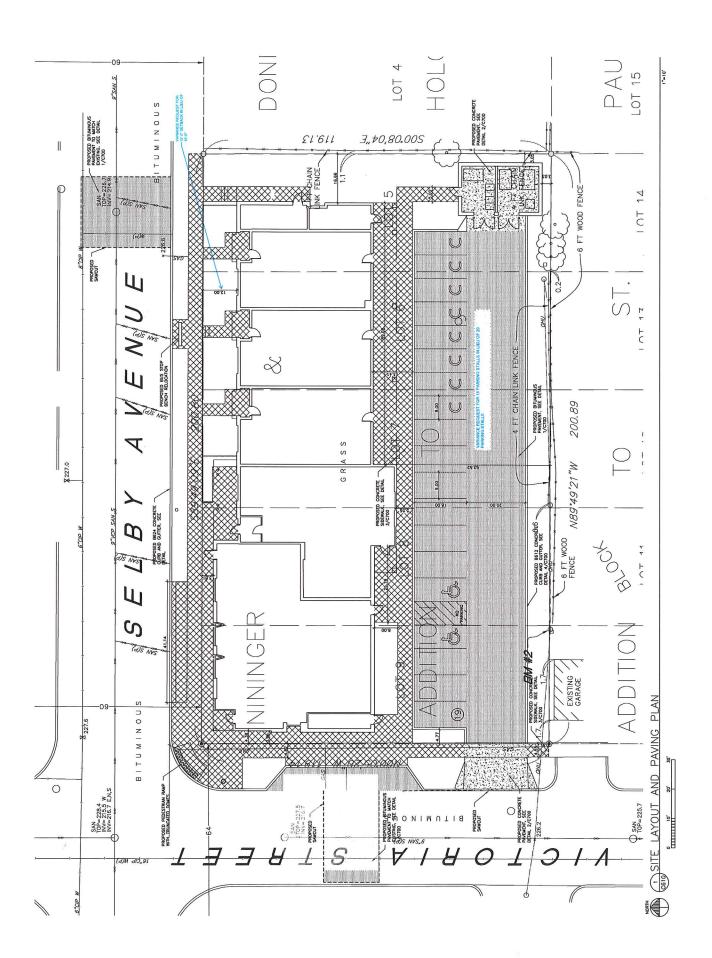
 This project is consistent with the comprehensive plan. The building will provide jobs in the first floor commercial spaces, help to preserve and promote the surrounding established neighborhood, and ensure the availability of affordable senior housing in the neighborhood. The project will also promote 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

- 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.





ACCR 3 TO CHEATHER

PANEL, COLOR 1

1,000 To sterning

H

FREE CEMENT WALL

FIRE CEMENT WALL PANEL, COLOR 3

STER COLUMN, PANTED TO THE COLOR 1, AT CAMBY

 \blacksquare

FLOOR 2 TO SHEADHING &

FILER CEMENT STOKNO. COLOR 2

Ħ

FINDS CEMENT WALL PAYEL, COLOR ? MAGIC PAK LOUMER, PASYTED

WALL-HOUSTED .

BRICK, COLOR 2

(1) (2)

(3) (§)-

(¥)

(3)

(F)

(3)

2 SOUTH EXTERIOR ELEVATION - 838 SELBY

3

NOT FOR CONSTRUCTION

FIREN CEMENT WALL PANEL AT CANORY, COLOR 1

(3)

(F)

(3)

(3)

(¥)

(3)

(1)

(3) (3)

FINES CENEUT -

WEST EXTERIOR ELEVATION - 836 SELBY

SAST EXTERIOR ELEVATION - 838 SELBY

3,008.2 10, 315, 2115, 500 E. RUDDR 1 WOW HEAD

perse titid lang in for sites forme drawer tale bys menyebundalamin www cests des 1 dead des file o

(Z)-

3

(1)

(1)

(3)

(Ī)—

3

(Z)-

CERMAK RHOADES ARCHITECTS

RODR Z WOWNERS CO.

FIREN COLENT SIDING, COLON 1 FREE CEMENT WALL PANEL. COLDR 1

FLECK J. D. SHEADENG - CO. T. STP. - S. SPP. - CO.

ALDOR 2 MEWINEAD

Ш

BRUCK GOLCES

FIREN CEMENT WOUL PANEL, COLOR 1

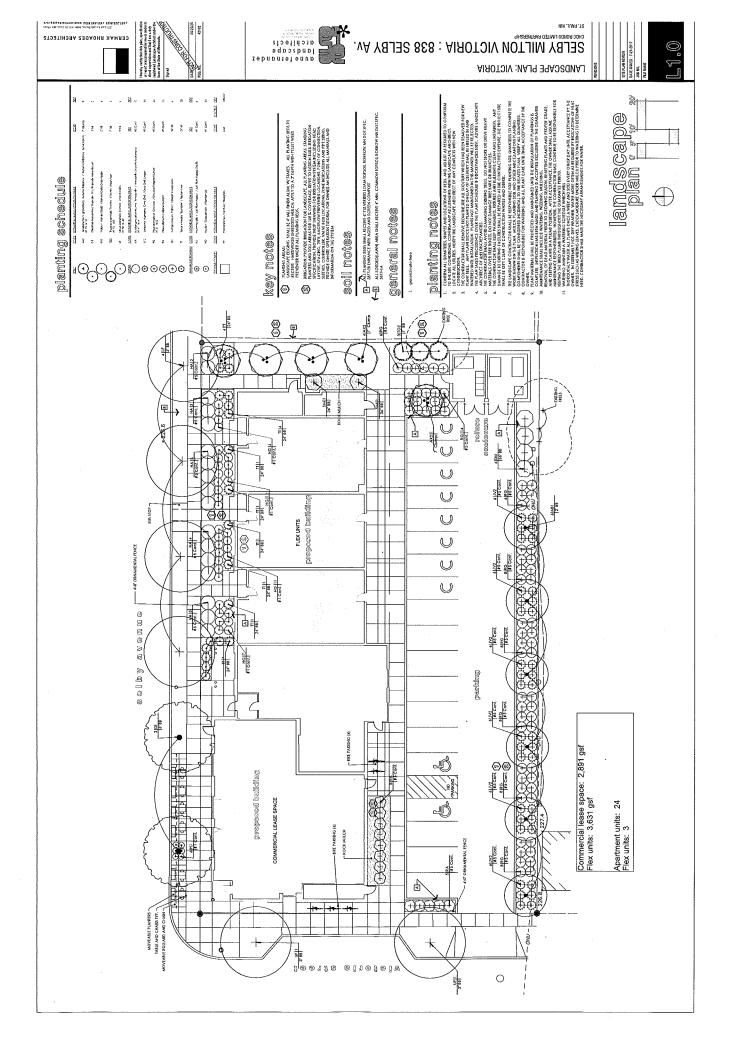
FREA CEMENT TRAK

HEEN CENEUT SIDING REYOND

ADDRALTO CONCOME.

A.508.1 YEWHER &

ROOR 2 TO SHEATHING S





CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT PETITION FOR A REZONING

. :SS

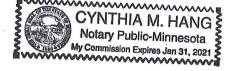
COUNTY OF RAMSEY)
the person who circulated the consent petition consisting of pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent 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.
ADDRESS St Paul Mr 55/04
657-221-9884

Subscribed and sworn to before me this

STATE OF MINNESOTA)

26 day of JULY , 20 17

NOTARY PUBLIC



TELEPHONE NUMBER

RE: 838 Selby

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS.

COUNTY OF RAMSEY)

The petitionen one than Sage Marines, 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 St. Paul MA) 55102

651-266-6628

TELEPHONE NUMBER.

Sabscribed and sworn to before me this day of

NOTARY PUBLIC

LAURA L. ECKERT

NOTARY PUBLIC - MINNESOTA

MY COMMISSION :

EXPIRES 01/31/2020

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCTIP

FIRST SUBMITTED	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: 15	PARCELS REQUIRED:
PARCELS SIGNED: /3	PARCELS SIGNED:
CHECKED BY: PMAL DANGE	uie 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:

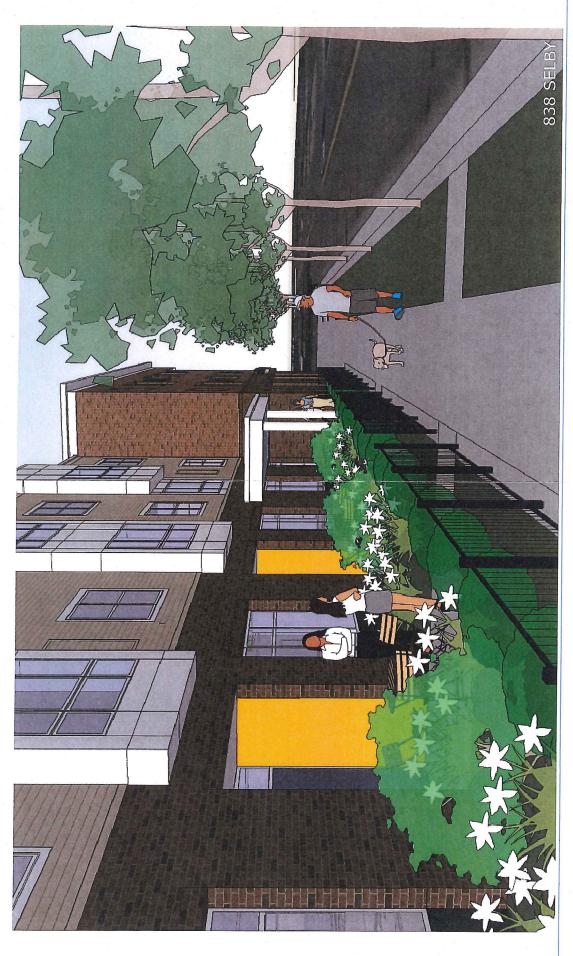
17-061-506 and 17-061-494

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









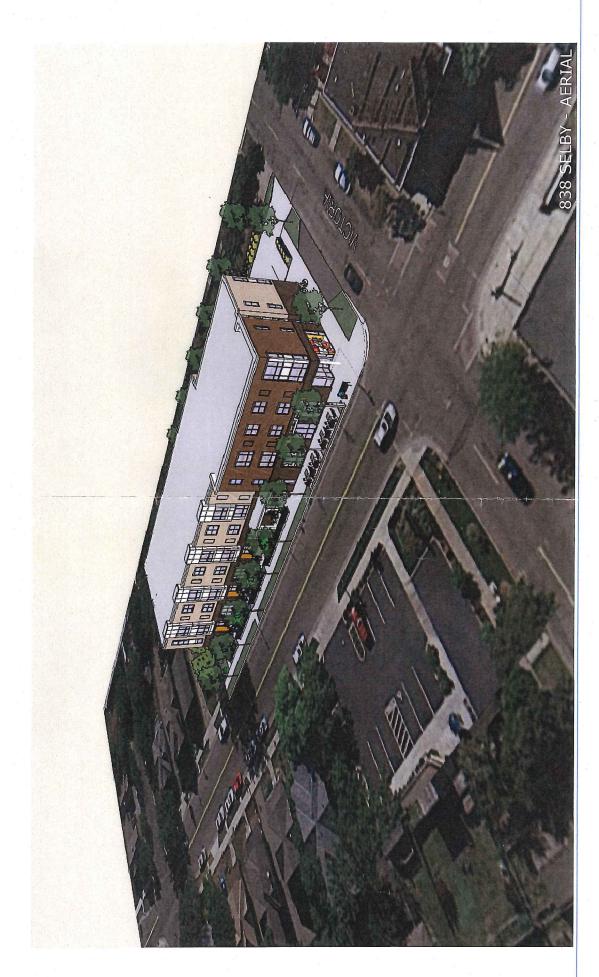
















W

ZONING PANEL: 15

Saint Paul Department of Planning and Economic Development and Ramsey County

