

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 2383 UNIVERSITY AVE W **FILE #:** 20-030-713
 2. **APPLICANT:** Kraus Anderson **HEARING DATE:** May 21, 2020
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 2383 University Ave W, NE corner at Raymond Avenue
 5. **PIN & LEGAL DESCRIPTION:** 292923430057, 292923430056, and 292923430055; Lot 48 and WLY 5 FT of Lot 49 of Hewitt's Out Lots
 6. **PLANNING DISTRICT:** 12 **PRESENT ZONING:** T3
 7. **ZONING CODE REFERENCE:** §61.501; §61.601; §61.202(b); §66.331
 8. **STAFF REPORT DATE:** May 14, 2020 **BY:** Anton Jerve
 9. **DATE RECEIVED:** May 1, 2020 **60 DAY DEADLINE FOR ACTION:** June 30, 2020
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- A. **PURPOSE:** Conditional use permit for a 66' 7" building height (73' 4" for elevator penthouse). Floor area ratio variance (3.0 FAR maximum, 3.6 FAR proposed).
- B. **PARCEL SIZE:** 16,117 sq. ft. (irregular lot); 82 ft of frontage on University, 355 feet of frontage on Raymond, and 255 ft of frontage of Charles.
- C. **EXISTING LAND USE:** Vacant bank.
- D. **SURROUNDING LAND USE:**
 - North: Multifamily (T3)
 - East: Commercial (T3)
 - South: Mixed-Use (T3)
 - West: Mixed-Use (T3)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses. §61.601 provides for variances from the strict enforcement of the provisions of the code if specific required findings are made. §66.331 limits the floor area ratio (FAR) in T3 zones to 3.0 and provides for the proposed 85-foot building height with a conditional use permit.
- F. **PARKING:** Zoning Code § 63.207 requires no minimum of off-street parking spaces.
- G. **HISTORY/DISCUSSION:** The site was rezoned to T3 in 2011 as part of the Central Corridor Traditional Neighborhood Zoning Study. The site is in the Raymond-University Commercial Historic District and has been reviewed and recommended for approval by staff to the Heritage Preservation Commission (HPC). The project is on the May 18, 2020 HPC agenda. This site was most recently a bank with a drive-through.
- H. **DISTRICT COUNCIL RECOMMENDATION:** District 12 had not commented by the time of this report.
- I. **FINDINGS:**
 1. Zoning Code §66.331(g) provides that a building height up to 90 feet may be permitted with a conditional use permit. The application is to allow a 67ft. tall (6-story) primarily residential building with approximately 222 units.
 2. §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 can be met. The proposed development is consistent with the 2030 Comprehensive Plan. The plan identifies this location as Mixed-Use Corridor and Neighborhood Center, both of which call for higher density. The proposed development is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*

1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*
2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
3. *Cluster neighborhood amenities to create a vibrant critical mass.*
4. *Improve access to jobs by prioritizing development with high job density.*

The proposed development is generally consistent with the general scale called for in the Raymond Station Area Plan under section 4.1.1 Built Form:

- a) *New development along University Avenue should be 2 to 6 residential stories in height with transitions that respect the existing scale and character of the historic buildings along the street. The northeast corner exhibits potential for taller building heights, and could reach 6-8 stories if setback from the intersection on a 3-4 story podium-type building.*

However, later in the same section, the station area plan also states all buildings within the Priority Active Frontage zones should have commercial uses at street level:

- g) *Commercial or retail uses should be located in the first floor of all buildings within the Priority Active Frontage zones [...].*

The plan identifies both University Avenue and Raymond Avenue at this location as “Priority Active Frontages”. The application includes two alternative building plans for the first floor:

- “LEVEL 1 CURRENT,” which includes only residential units and “residential lobby/amenity” space at the corner of University/Raymond.
- “LEVEL 1 PROPOSED,” which includes commercial space along University Avenue, three “live + work” units and a “community incubator” space along Raymond Avenue and “residential lobby/amenity” space at the corner of University/Raymond in addition to residential units.

The “Proposed” first floor design alternative includes commercial space on both University Avenue and Raymond Avenue and places active frontages long the majority of both building facades. This alternative meets the intent of the Station Area Plan. The “Current” design alternative would not be consistent with the plan.

- (a) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Access to the site will be via one curb-cut off Charles Avenue. This will minimize disruption to pedestrian traffic and direct auto traffic away from the intersection on the least busy street fronting the site. It will also avoid conflict with the Grand Round bike path on Raymond Avenue.
 - (a) *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 building is within the Raymond-University Commercial Historic District. The historic district has design requirements that ensure compatibility with the existing character of the immediate neighborhood. The use will not endanger the public health, safety, or general welfare.
 - (b) *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. The use is generally consistent with the land uses and scale of development planned for the surrounding properties.
 - (c) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to the approval of the FAR variance presented in Finding 3, below.
3. Zoning Code §66.331 limits the floor area ratio (FAR) in T3 zones to 3.0. The application requests a variance to allow a FAR of 3.6. 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.* The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. A variance from the maximum FAR to allow greater density in this area is in harmony with the purpose and intent of the zoning code. *The variance is consistent with the comprehensive plan.* This finding is met. As noted in finding 2.a., the proposed mixed-use building is consistent with the 2030 Comprehensive Plan, which calls for increased density along Mixed-Use Corridors, and with the 2040 Comprehensive Plan, which calls for increasing density in Mixed Use areas, Neighborhood Nodes and along transit corridors.
- (b) *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 Comprehensive Plan and the District 9 Plan support higher-density mixed-use at this location. Providing a mixed-use building at the scale envisioned in the Comprehensive Plan requires more floor area than allowed by the Zoning Code.
- (c) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Generally, a project on a property that is zoned T3, where increased height and density are encouraged by the Comprehensive Plan, can apply for a CUP to allow for additional height but there is no corresponding provision in the Zoning Code to account for the corresponding likelihood of a FAR increase.
- (d) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* The proposed uses are allowed in the T3 zoning district.
- (e) *The variance will not alter the essential character of the surrounding area.* The proposed mixed-use building is consistent with the development in the surrounding area and the type of development the Raymond Station Area Plan, 2030 Comprehensive Plan and 2040 Comprehensive Plan supports. Furthermore, the project has been reviewed and recommended for approval by staff to the Heritage Preservation Commission thus ensuring compatibility with the historic district.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit for a 70' building height (elevator penthouse to be higher as allowed), and a floor area ratio variance (3.0 FAR maximum, 3.6 FAR 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. The first-floor building plans will have commercial space equal to or greater than the plan labeled "LEVEL 1 PROPOSED," 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 #: _____

Fee: _____

Tentative Hearing Date: _____

APPLICANTName Tim Marco, Director of Development, Kraus-Anderson Email tim.marco@krausanderson.comAddress 501 South Eighth StreetCity Minneapolis State MN Zip 55404 Daytime Phone 612.336.6410

Name of Owner (if different) _____

Contact Person (if different) _____ Phone _____

PROPERTY LOCATIONAddress/Location 2383 University Ave WLegal Description (Legal description attached)(attach additional sheet if necessary) Current Zoning T3

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 66, Section 331, Paragraph _____, 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.

The maximum height of a multifamily building in a T3 district is 45 feet or 90 feet with a conditional use permit. The development proposes a height of 66'-7" feet above grade to the roof surface of the main building, and 73'-4" to the roof surface of the elevator penthouse.

The additional height is consistent with the surrounding area, with adjacent buildings ranging from two to seven stories. The Saint Paul for All 2040 Comprehensive Plan places an emphasis on residential land use density at Neighborhood Nodes, and the increased height at the Raymond Ave and University Ave will allow for additional dwelling units to help meet this goal.

☒ Required Site Plan is attached

Applicant's Signature Tim Marco Date 04/30/20 City Agent _____



ZONING VARIANCE APPLICATION

To Board of Zoning Appeals

Dept. of Safety & Inspections
Zoning Section
375 Jackson St., Suite 220
Saint Paul, MN 55101-1806
(651) 266-9008

To Planning Commission

Dept. of Planning & Econ. Dev.
Zoning Section
1400 City Hall Annex, 25 W 4th St.
Saint Paul, MN 55102-1634
(651) 266-6583

Zoning Office Use Only

File # _____
Fee Paid \$ _____
Received By / Date _____
Tentative Hearing Date _____

APPLICANT

Name Tim Marco, Director of Development, Kraus-Anderson
(must have ownership or leasehold interest in the property, contingent included)
Address 501 South Eighth Street City Minneapolis State MN Zip 55404
Email tim.marco@krausanderson.com Phone 612.336.6410
Name of Owner (if different) _____ Email _____
Contact Person (if different) _____ Email _____
Address _____ City _____ State _____ Zip _____

PROPERTY INFO

Address / Location 2383 University Ave W
PIN(s) & Legal Description 292923430057 (Legal description attached)
(attach additional sheet if necessary)
_____ Lot Area 50,755 SF Current Zoning T3

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code Sec 66.331
_____. State the requirement and variance requested. _____
Exceed the maximum density of FAR in a T3 district for multifamily from 3.0 to 3.60

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.
4. The variance will not alter the essential character of the surrounding area.

☒ Required site plan is attached

☐ If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

Applicant's Signature

Tim Marco

Date

04/30/20

Legal Description**2383 University Avenue West, Saint Paul, MN**

Lot Forty-eight (48) and the Westerly Five feet (5') of Lot Forty-nine (49), "Hewitt's Outlots First Division", according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota.

Supporting Information**FAR Variance Request**

1. *Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.*

The intent of the T3 traditional neighborhood district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. The Saint Paul for All 2040 Comprehensive Plan notes the site is located on a high-volume transit corridor (Map T-9) and a major Neighborhood Node (Map LU-2). Additionally, the plan places an emphasis on a residential land use density of up to 200 units/acre at a Neighborhood Node (Figure LU-4). As proposed, the development would provide 191 dwelling units/acre, but a practical difficulty exists because the maximum FAR of 3.0 is based on square footage and not number of dwelling units. The proposed FAR of 3.60 is consistent with the City's land use guidance for high-density development in a high volume transit zone.

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

The maximum FAR requirement is due to circumstances unique to the property located at a Neighborhood Node and not created by the landowner.

3. *The variance will not permit any use that is not allowed in the zoning district in which the property is located.*

The proposed residential use for the redevelopment will comply with all City Codes and Ordinances and will not have a use that is not allowed in the zoning district.

4. *The variance will not alter the essential character of the surrounding area.*

The surrounding area consists of various uses – multifamily, commercial, retail, office – and building heights ranging from two to seven stories. The proposed multifamily development is consistent with the uses, scale, massing, and architecture of the area. It will allow for the removal of a surface parking lot and provide improved public gathering amenities along the right-of-way, strengthening the vitality of the University and Raymond Neighborhood Node.

Subject: Updated University and Raymond first floor plan
Date: Wednesday, May 13, 2020 at 10:55:45 PM Central Daylight Time
From: Marco, Tim
To: Jerve, Anton (CI-StPaul)
CC: McLane, Mark
Attachments: 20511 KA 2383 University Ave W - Active Uses.pdf

Think Before You Click: This email originated **outside** our organization.

Hi Anton,

The attached plan incorporates the first floor components we discussed on Tuesday. In addition, Mark and I spent a couple hours this afternoon reviewing the plan with the neighborhood community council. Tomorrow night they are going to present the plan at their board meeting to take action to approve the amount of commercial as shown (including live+work and amenity area). I'll follow up Friday morning to fill you in on the results of the meeting.

As a follow up from our call, here is some detail as to how we envision these spaces working to activate the frontage along the corner of University and Raymond Ave.

2,200 SF Commercial Space:

This space would be available for lease asap. The location along University provides high visibility along with ideal width and depth. This could be restaurant, bakery, bike shop, or corner market type space.

Amenity Profile:

Using the glass exterior to mimic store fronts, our typical amenity profile will utilize active uses like fitness/group fitness spaces, coffee bar style counter seating along the windows, work from home suites, lounge area with varying levels of programming. We are also including a community incubator space along Raymond Ave that will be directly accessible from the street. We envision this space could be utilized for pop-up restaurants or businesses, artists galleries, co-working, community meeting space, and individual entrepreneurs that need a space to interact with customers but don't want the risk of long term leases. This space would be programmed by the management company and community stakeholders. Our management company successfully programmed a community space in a project in Chicago located in a similar community. We're excited about the idea of bringing something innovative and new to the community.

Live+Work:

The three 1 bedroom units north of the amenity area will be marketed as Live+Work units. We'll work with our architect to think carefully about the layouts and finishes so they are conducive to live+work. They will have walk up access from Raymond and an area for exterior signage.

We are excited that the collaboration with stakeholders activates University Ave frontage and nearly 2/3 of the Raymond frontage while balancing the risks of future demand.

We know your staff report will be done on Friday so if you have any questions and would like to discuss with us, please let us know what works for you and we'll accommodate.

Thanks,
TIm

Tim Marco | Director of Development

tim.marco@krausanderson.com | direct 612.336.6410

KRAUS-ANDERSON DEVELOPMENT

501 South Eighth Street, Minneapolis, MN 55404

cell. 262.391.5604 | krausanderson.com

Together, strengthening the communities we serve

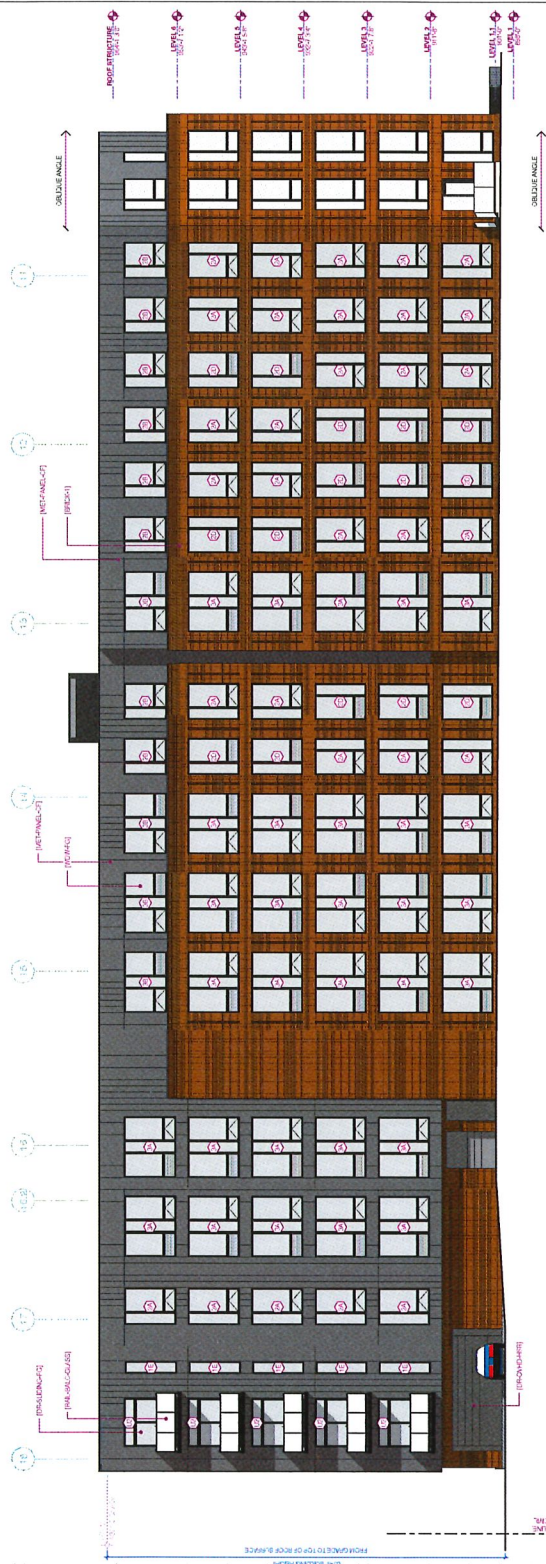
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GENERAL EXTERIOR NOTES:

- REFER TO GAGE AND GAGE FOR ADDITIONAL EXTERIOR MATERIAL KEYNOTE INFORMATION
REFER TO SPECIFICATION FOR DETAILED EXTERIOR MATERIAL SPECIFICATIONS

KEYNOTES:

06 41 10 ALUMINUM THERMALLY-BROKEN INTERIOR ALKALINE EARTH METAL CASE-CLICHÉ DIMENSIONS 7'x4'x1" FINISH ANODIZED, COAT BLACK GLAZING 18TH FLOOR	06 41 10 ALUMINUM THERMALLY-BROKEN INTERIOR ALKALINE EARTH METAL CASE-CLICHÉ DIMENSIONS 7'x4'x1" FINISH ANODIZED, COAT BLACK GLAZING 18TH FLOOR
04 20 01 BRICK MAJOR VENEER, FINISH 2	04 20 01 BRICK MAJOR VENEER, FINISH 2
03 37 30 HIGH SPEED GLUING DOOR	03 37 30 HIGH SPEED GLUING DOOR
06 16 70 REFRIGERATED FASTENER METAL WALL	06 16 70 REFRIGERATED FASTENER METAL WALL
03 42 10 CONCRETE FASTENER METAL WALL	03 42 10 CONCRETE FASTENER METAL WALL
06 41 10 ALUMINUM BALCONY, DECK AND GLAZES RAILING	06 41 10 ALUMINUM BALCONY, DECK AND GLAZES RAILING
05 71 10 REFRIGERATED FASTENER METAL WALL	05 71 10 REFRIGERATED FASTENER METAL WALL
06 54 13 REFRIGERATED WINDOWS, COAT BLACK GLAZING	06 54 13 REFRIGERATED WINDOWS, COAT BLACK GLAZING



2 EXTERIOR ELEVATION - NORTH (CHARLES)



3 EXTERIOR ELEVATION - EAST (CHARLES)

1 EXTERIOR ELEVATION - NORTH (RAYMOND AND CHARLES)

4 EXTERIOR ELEVATION - SOUTH (UNIVERSITY)



LEVEL 1 CURRENT



LEVEL 1 PROPOSED



URBANWORKS



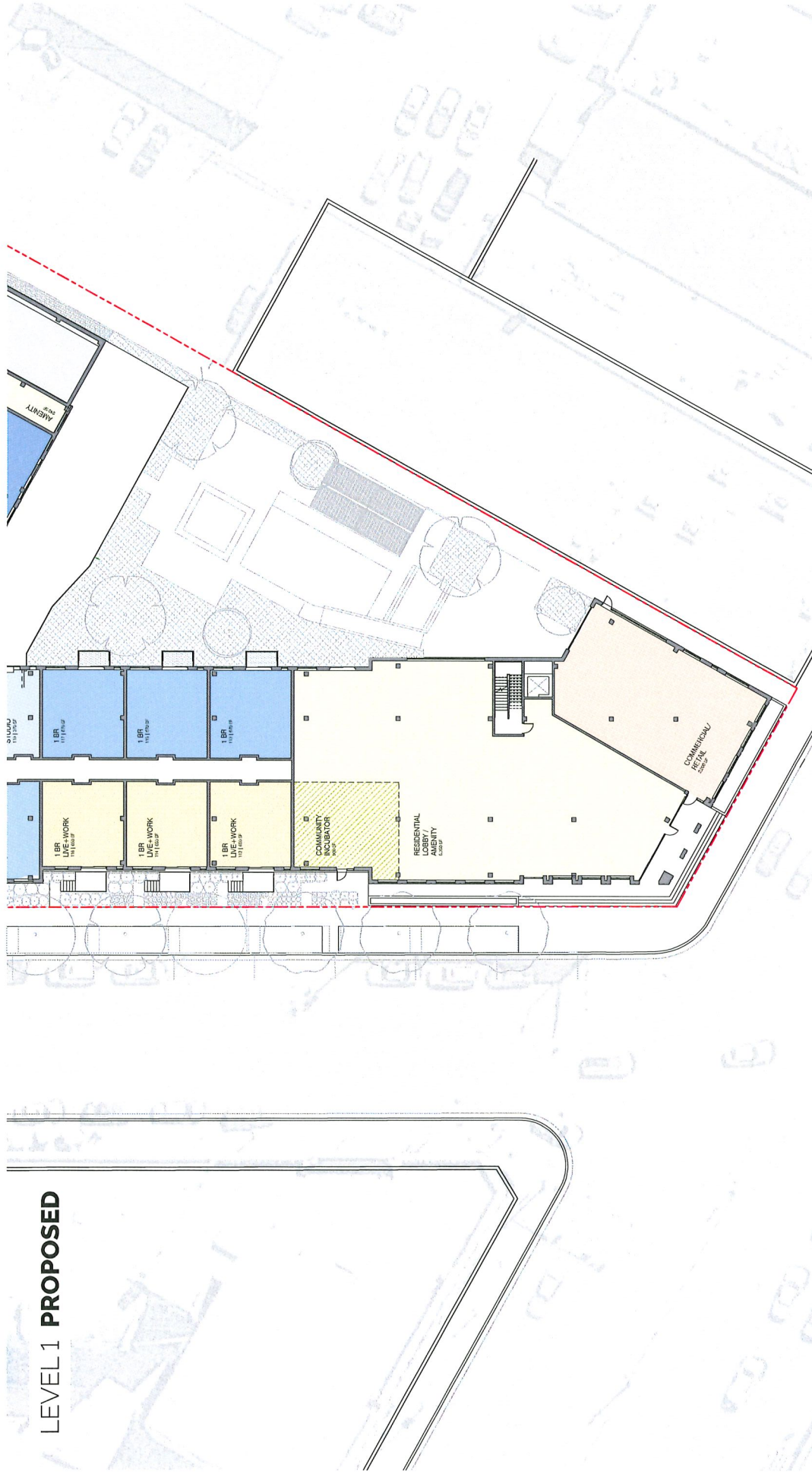
KRAUS-ANDERSON®
Development Company

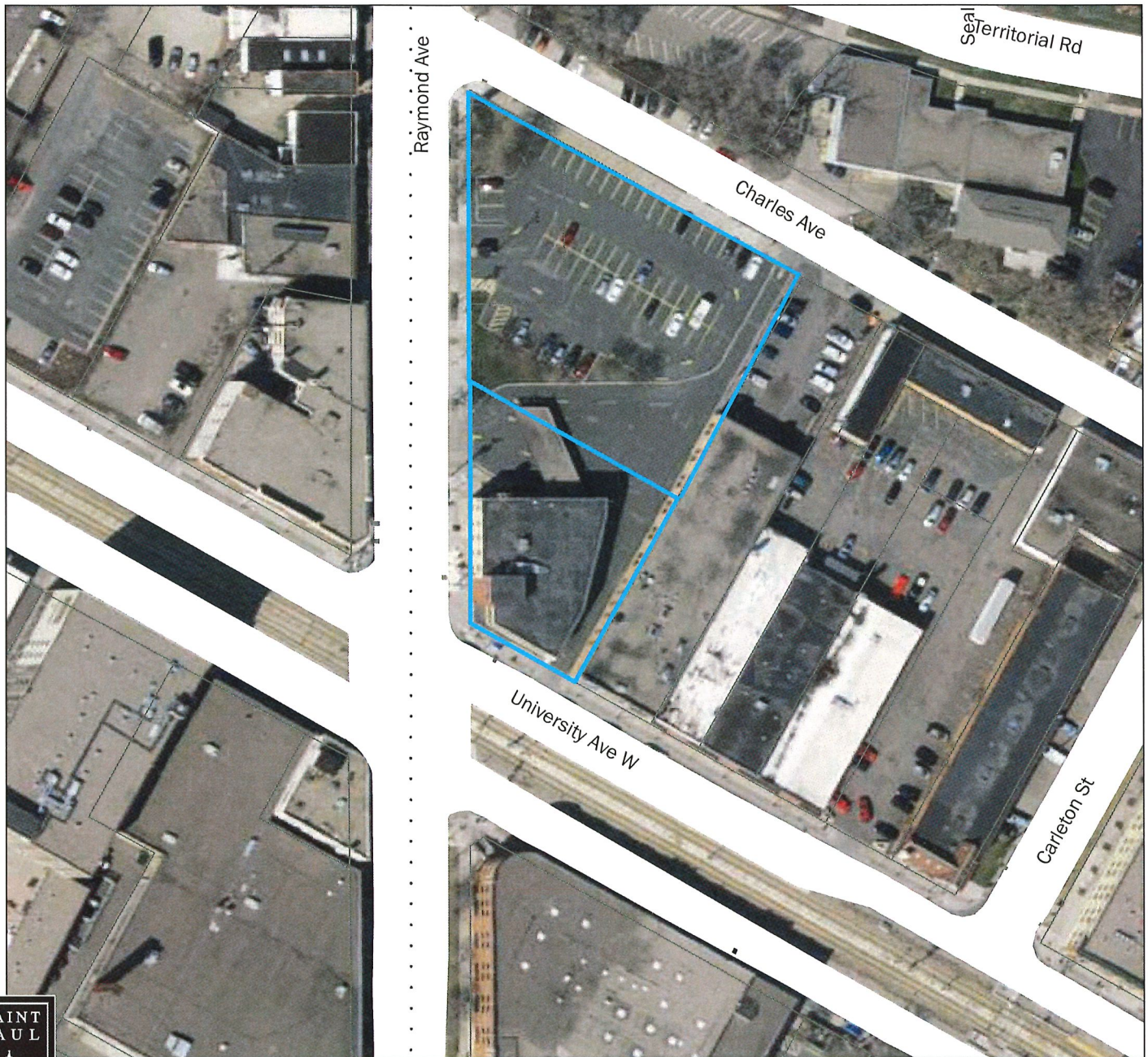
2383 University Ave
SAINT PAUL, MN / 05.11.2020 / 19-0024

DESIGN SUMMARY

2

LEVEL 1 PROPOSED





FILE #20-20-030-713 | aerial map
Application of Kraus Anderson

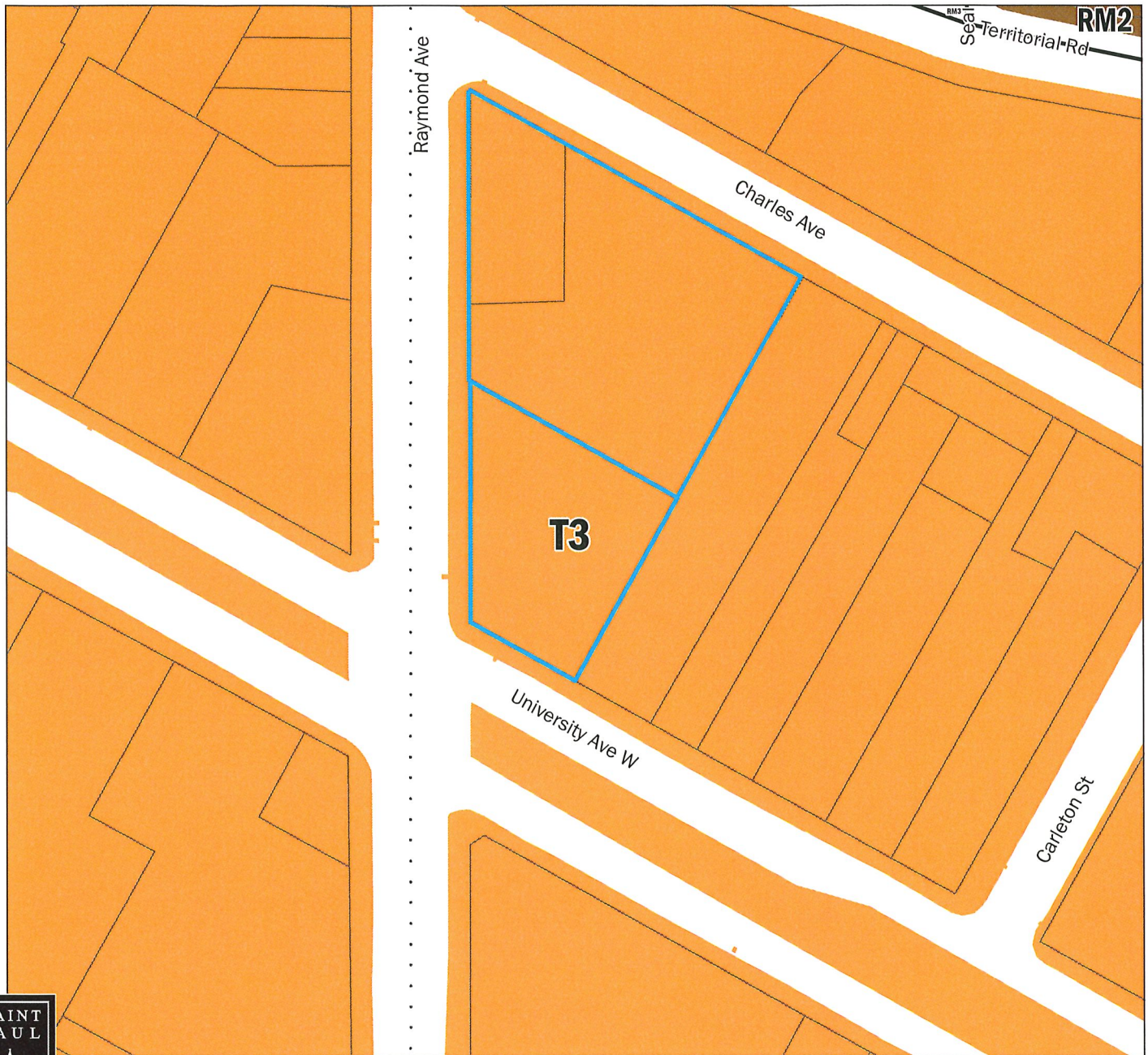
Application Type: CUP w/variance
 Application Date: April 30, 2020
 Planning District: 12

Subject Parcel(s) Outlined in Blue

☐ ParcelPoly on

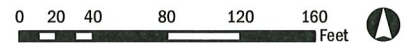
0 20 40 80 120 160 Feet

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FILE #20-20-030-713 | zoning map Application of Kraus Anderson

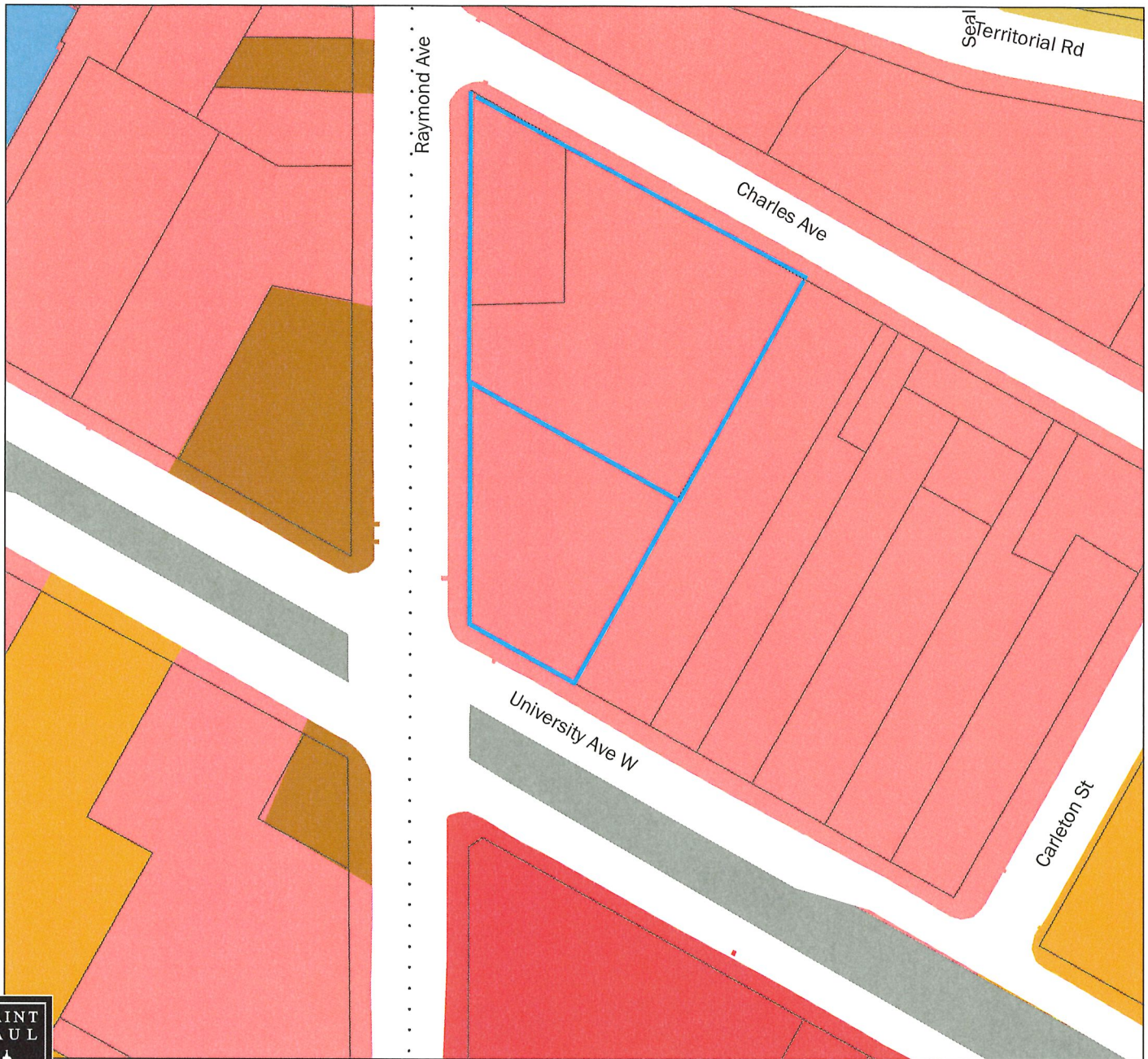
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Subject Parcel(s) Outlined in Blue

Parcel Poly on	RM3 Multiple-Family	B2 Community Business	F2 Residential Low
RL One-Family Large Lot	T1 Traditional Neighborhood	B3 General Business	F3 Residential Mid
R1 One-Family	T2 Traditional Neighborhood	B4 Central Business	F4 Residential High
R2 One-Family	T3 Traditional Neighborhood	B5 Central Business Service	F5 Business
R3 One-Family	T3M T3 with Master Plan	IT Transitional Industrial	F6 Gateway
R4 One-Family	T4 Traditional Neighborhood	ITM IT with Master Plan	VP Vehicular Parking
RT1 Two-Family	T4M T4 with Master Plan	I1 Light Industrial	PD Planned Development
RT2 Townhouse	OS Office-Service	I2 General Industrial	CA Capitol Area Jurisdiction
RM1 Multiple-Family	B1 Local Business	I3 Restricted Industrial	
RM2 Multiple-Family	BC Community Business (converted)	F1 River Residential	



FILE #20-20-030-713 | Existing land Application of Kraus Anderson

Application Type: CUP w/variance

Application Date: April 30, 2020

Planning District: 12

Subject Parcel(s) Outlined in Blue

ParcelPoly on	Multifamily	Industrial and Utility	Railway
Farmstead	Office	Extractive	Airport
Seasonal/Vacation	Retail and Other Commercial	Institutional	Agricultural
Single Family Detached	Mixed Use Residential	Park, Recreational or Preserve	Undeveloped
Manufactured Housing Park	Mixed Use Industrial	Golf Course	Water
Single Family Attached	Mixed Use Commercial and Other	Major Highway	

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