

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Houa Vang and Yia Thao, File # 20-046-757, have applied for variances for building height (50 ' max allowed, 60' proposed), parking (86 stalls required, 60 stalls proposed), and number of units (48 units max. allowed, 60 proposed). under the provisions of § 61.202(b), § 61.601, § 66.231, and § 63.207 of the Saint Paul Legislative Code, on property located at 1428 7th Street E, Parcel Identification Number (PIN) 27.29.22.34.0123, legally described as Cruickshank’s garden, Block 4, Lot 9, North of Bush Avenue; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is proposing to construct a 60-unit apartment building on a parcel that is split-zoned; the north half is RM2 and the south half is RM1 multi-family residential. There is a parallel application under consideration to rezone the RM1 portion so that the entire parcel is RM2 (zoning file # 20-046-742). The applicant is requesting variances to maximum building height, minimum parking, and maximum number of units allowed.
2. Zoning Code § 66.231 establishes a maximum height of 50 feet for buildings in RM2 multiple-family zoning districts. The application requests a variance of this requirement to allow a 60-foot building height. § 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 findings 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 RM2 zoning district is to “provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. It is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities.” The additional height requested is consistent with the intent of the district. The variance is also in harmony with the general intent and purpose of the code to ensure adequate light and air to property.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

The application is conservative in the request for a variance of 10' to account for any adjustments that need to be made due to the unique topography of the site and interpretation from the Department of Safety and Inspections during site plan review. The site plan submitted as part of this application estimates a total height of 54'6".

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. A variance for additional height is supported by the following policies in the 2030 Comprehensive Plan:
- *Land Use 1.40:* Promote the development of housing that provides choices for people of all ages, including singles and young couples, families, empty-nesters, and seniors;
  - *Land Use 1.41:* Promote the development of a range of housing types and housing values in each of the 17 planning districts;
  - *Land Use 1.42:* Promote the development of housing in mixed-use neighborhoods that supports walking and the use of public transportation, and in the pending 2040 Comprehensive Plan (approved by the City Council in June of 2019, but not yet adopted):
  - *Policy H-36:* encourage the development of family-sized affordable housing in strong market areas;
  - *Policy H-37:* Encourage the development of affordable housing in areas well-served by transit and/or in proximity to employment centers;
  - *Policy LU-6.4:* Foster equitable and sustainable economic growth by proactively directing new development to high-priority geographies, such as neighborhood nodes, **ACP50 areas** [emphasis added] and opportunity sites;
  - *Policy LU-35:* Provide for multi-family housing along arterial and collector streets, and in employment centers to facilitate walking and leverage the use of public transportation.
- (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 a significant grade change that forces much of the structured parking that would normally be underground to be exposed and contribute to the overall height of the building. The use of the property is reasonable and the applicant is mitigating exposed structured parking area of the building by activating the street-facing facade with active uses such as a community room and offices.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The topography of the site leads to much of the structured parking being exposed, and therefore contributing to the height calculation.
- (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. Multiple-family residential is an allowed use in the RM2 district and additional height does not affect that.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The surrounding area along E 7<sup>th</sup> Street between Etna Street right-of-way and Hazelwood Street is a mix of vacant land, three-story apartment buildings and scattered single-family homes. The additional height will not alter the essential character. In addition, the front setback of the building is 124 feet, with a pavilion and

parking planned in that area, which will moderate the impact of the additional height.

3. Zoning Code § 63.207 establishes parking minimums and based on the number and size of units included in the site plan, 86 spaces are required. The applicant is proposing 60 spaces. § 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 findings that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met. A reduction in parking spaces on a transit route and in a zoning district intended to “balance of population concentration near major thoroughfares, transit, and related facilities,” and within a quarter-mile of the Johnson Parkway/7<sup>th</sup> Street East Mixed-Use area designated in both the 2030 and pending 2040 Comprehensive Plans, is consistent with the following purposes in Zoning Code § 60.103:

- To provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian and bicycle traffic;
- To encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods;
- To provide housing choice and housing affordability.

(b) *The variance is consistent with the comprehensive plan.* This finding is met. The reduction in parking is supported by the following policies from the Transportation Chapter of the 2030 Comprehensive Plan:

- **2.1 Create true transportation choices for residents, workers, and visitors in every part of the city.** A more balanced transportation system should improve access to a range of travel modes and facilities, as well as increase the capacity of the regional transportation system. The City should create places to live, work, play, and conduct business that do not depend principally on the automobile for access, but rather accommodate all modes of transportation;
- **2.2 Support transit-oriented design through zoning and design guidelines.** Compact, street-oriented design should be emphasized to promote walkability and transit use, especially in commercial corridors. Standards for building placement and design based primarily on the needs of the pedestrian should be enforced and expanded,

and the pending 2040 Comprehensive Plan (approved by the City Council in June of 2019, but not yet adopted):

- *Policy LU-14:* Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes;
- *Policy LU-15:* Ensure that stand-alone parking uses are limited, and that structured parking is mixed-use and/or convertible to other 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 topography of the site, especially in the rear of the parcel, makes placing parking in that location impractical. The applicant is using the property in a reasonable manner and has pushed the building back from the street to add surface parking stalls to supplement what can be included within the building. The parcel is also long and narrow, limiting additional

parking options.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The topography and parcel shape are unique and limiting as discussed in finding 3(c).
  - (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. Reduced parking does not affect the proposed multiple-family use on the site, which is allowed.
  - (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. A reduction in parking stalls will not alter the essential character of the area.
4. Zoning Code § 66.231 establishes a maximum number of dwelling units based on parcel area in RM2 multiple-family zoning districts. Based on the lot area and with the structured parking bonus allowed in note (c), the maximum number of units allowed by right is 48. The application is for 60 dwelling units. Note that the application does not account for the bonus and incorrectly states the allowed number of units as 39. § 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 findings that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. Additional units are supported by the intent of the RM2 zoning district as described in Finding 2(a).
  - (b) *The variance is consistent with the comprehensive plan.* This finding is met. Additional units are consistent with the comprehensive plan policies outlined in Finding 2(b). In addition, it is supported by the Greater East Side (District 2) Plan: **LU1**. Development Opportunities. Promote higher density, mixed-use development in targeted business areas.  
...  
LU1d. Collaborate with District 2 to identify redevelopment sites for either mixed use or housing development. Possible sites include: state-owned property on York Avenue between Clarence Street and Birmingham Street; **East 7th Street between Parkway School and Hazelwood Street** [emphasis added]; vacant land, also known as the Cemstone site, north of Minnehaha Avenue; the 3M distribution center; and on vacant land between Case Avenue and the railroad tracks, west of White Bear Avenue.
  - (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 applicant has established that the long-term vacancy of the site is due in part to the inability to build enough density for cash flow to cover costs to overcome site issues. This difficulty is compounded by the desire for site development that help meet affordable housing goals. Additional dwelling units to help meet affordable housing goals on this parcel is a reasonable use of the land.
  - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Site issues including topography and related earthwork and stormwater management on this unusually long narrow site are reasons the property is still vacant.

- (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. Additional units would not change the multiple-family residential use allowed and proposed in this application.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Medium-density multiple-family housing is common in the area and the addition of 12 units to this project would not alter its essential character.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Houa Vang and Yia Thao for variances for building height (50 ' max allowed, 60' proposed), parking (86 stalls required, 60 stalls proposed), and number of units (48 units max. allowed, 60 proposed) at 1428 7th Street E is hereby approved subject to the following 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 rezoning of that part of the parcel that is RM1 to RM2 (zoning file #20-046-742) is approved by the City Council.