

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Linn Investment Properties LLC, File # 20-079-378, has applied for a conditional use permit (CUP) to increase the parking maximum from 20 to 23 stalls, and a floor area ratio (FAR) variance (0.3 required minimum FAR, 0.16 FAR proposed), under the provisions of § 63.207(c) and § 61.202(b) of the Saint Paul Legislative Code, on property located at 1855 Suburban Ave, Parcel Identification Number (PIN) 35.29.22.33.0016, legally described as REGISTERED LAND SURVEY 276 SUBJ TO RDS; THAT PT OF TRACT C LYING WLY OF A L DESC AS COMM AT SW COR SD TRACT C TH N ALONG W L OF SD TRACT C 40 FT TH ELY PARA TO S L OF SD TRACT C 223.13 FT TO POB TH N 0 DEG 32 MIN 40 SEC W 395.42 FT TO THE N L OF SD TRACT; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 22, 2020, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with 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 application requests CUP approval to increase parking maximum from 20 to 23 stalls, and FAR variance to provide a 0.16 FAR instead of the 0.3 required minimum FAR, in order to accommodate a new laundromat. The application also contains a request to use EIFS (synthetic stucco) as an exterior material, but it has been determined administratively that will be permitted without a variance.
2. The site is located on the north side of Suburban Avenue between White Bear Avenue and Ruth Avenue, abutting Interstate 94. This ½ mile-wide stretch of land was developed decades ago for freeway-oriented uses such as auto sales and fast food restaurants with drive-throughs. The *Gold Line Station Area Plans* and associated rezonings, including the rezoning of the subject site to T2 Traditional Neighborhood, were approved in 2015 to guide the area’s transition toward more pedestrian- and transit-oriented development as Gold Line Bus Rapid Transit planning progressed. The Gold Line is anticipated to commence operations in 2024.
3. § 63.207(c) states that parking facilities exceeding the minimum parking requirement by more than 70% for this type of use “*shall not be created unless a conditional use permit is approved based on demonstration of need.*” This condition is not met. The application contains a trip generation and parking demand analysis that does not compellingly

moved by \_\_\_\_\_

seconded by \_\_\_\_\_

in favor \_\_\_\_\_

against \_\_\_\_\_

demonstrate a need for 23 parking spaces for the laundromat use.

4. §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 is not met. The *2030 Comprehensive Plan* in Figure LU-B designates the site as part of a Mixed Use Corridor and Neighborhood Center, which allows the proposed laundromat use. The *District 1 Plan* contains several policies relevant to the application, including: Policy LU-3.3 which calls for developing Neighborhood Centers as “compact, mixed-use communities that provide services and employment close to residences and include... vibrant business districts...”; Policy LU-3.4, which calls for “(p)rioritiz(ing) the development of compact commercial areas accessible by pedestrians and transit users over commercial areas more readily accessed by automobile. Discourage new and expanded auto-oriented uses”; and Policy LU-5.1 “Uphold design standards as required by City Code”. The *Gold Line Station Area Plans* call for zoning and design standards that support high-intensity transit-oriented development. The requested conditional use, surface parking that exceeds 20 spaces, is contrary to plan elements that encourage pedestrian-oriented development and discourage auto-oriented uses.
  - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed ingress and egress are adequate to minimize traffic congestion.
  - (c) *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 exceedance of maximum parking is consistent with the area’s existing character of development.
  - (d) *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 proposed use will not impede surrounding property development and improvement.
  - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met subject to the requested variance being approved.
5. 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 FAR variance is in harmony with the zoning code’s general purpose and intent, including implementing the policies of the comprehensive plan, as addressed in Finding 5(b) below.
  - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The *2030 Comprehensive Plan* in Figure LU-B designates the site as part of a Mixed Use Corridor and Neighborhood Center. The *District 1 Plan* contains several policies relevant to the application, including Policy LU-5.1 “Uphold design standards as required by City Code”. The *Gold Line Station Area Plans* call for zoning and design standards that support high-intensity transit-oriented development. Viewed in isolation, a lower FAR on this site is not consistent with those plan provisions. However, the impact of the FAR variance would be mitigated by making the building appear taller than one story, as required by the T2 design standards. Also, the placement of the building near Suburban Avenue mitigates the impact of lesser FAR by preserving more of the site for

future development. These factors allow for the land use intensity and pedestrian-oriented design called for by the adopted plans to be implemented in the long-run on this site.

- (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. A multi-story structure is not feasible at this location given the soft market for office uses or apartments here, and it is difficult to achieve the minimum FAR for this use given the parking need documented in the CUP (see analysis above).
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The area's market conditions and setting preclude second-story offices or apartments.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The variance does not permit any use not allowed in the T2 district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance would not alter the area's existing 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 Linn Investment Properties LLC for a conditional use permit to increase the parking maximum from 20 to 23 stalls at 1855 Suburban Avenue is hereby denied; and

BE IT FURTHER RESOLVED, by the Saint Paul Planning Commission, that the application for a floor area ratio (FAR) variance (0.3 required minimum FAR, 0.16 FAR proposed) at the same property is hereby approved subject to the following condition:

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.