

city of saint paul
planning commission resolution
file number
date

WHEREAS, Raymond Station LLC, zoning file# 19-020-233, has applied for a conditional use permit (CUP) for mixed-use building height: 55' allowed by right; 90' allowed with CUP; 83' proposed (86' 5" for elevator overrun) under the provisions of § 66.331(g); § 63.102; § 61.501, and § 61.502 of the Saint Paul Legislative Code, on property located at 2250 University Avenue W, Parcel Identification Number (PIN) 32.29.23.12.0015, legally described as LOT 83 AND THE NELY 125' of SELY 87' OF LOT 82, HEWITTS OUTLOTS; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 2019, 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 is for a six- and seven-story, mixed-use building. The T3 zoning allows a building height of 55' by right, and 90' is allowed with a CUP; 83' is proposed for the building with 86' 5" for the elevator overrun. Structures for elevators are not typically counted toward building height, but can be considered by the planning commission when reviewing a CUP for height.
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 is met. The property is within the Raymond Station Area Plan boundary. The plan defines this location as part of the "Raymond Historic Village" Future Character Area. The use is in conformance with the Plan, particularly Section, 4.1.1 Built Form:

New development should fit with its surroundings.

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.

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in favor _____
against _____

- b) New development should ensure that buildings have strong street presence along University, Charles and Myrtle. Buildings along Myrtle and Charles may step down to two stories.*
- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. Automobile ingress and egress for commercial uses will be through an existing easement off University Avenue and entrance off Hampden Avenue. Residential automobile and service ingress and egress will be on Myrtle Avenue. These entry points will minimize traffic congestion in public streets by differentiating traffic. It will also minimize conflicts with pedestrian traffic on sidewalks.
- (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 use will be complimentary to the existing character of the development in the immediate neighborhood. The immediate development is a mix of uses and building types and heights. The use is within the Local Heritage Preservation District, University-Raymond Commercial Historic District. The project was approved through the Saint Paul Heritage Preservation Commission (HPC) with 18 conditions related to building design. No HPC conditions were related to building height. The HPC conditioned approval ensures a compatible character to the district.
- (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 use will not impede development of surrounding uses allowed in their respective zoning districts.
- (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. The project has been through the site plan review process and was determined to generally conform to all applicable regulations. Under § 66.331(g) additional step-backs of one foot for every two and a half feet above 75' are required. This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Raymond Station LLC for a conditional use permit (CUP) for mixed-use building height: 55' allowed by right; 90' allowed with CUP; 83' proposed (86' 5" for elevator overrun) at 2250 University Avenue W is hereby approved subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plans submitted and approved as part of this application in addition to the conditions of the HPC approval on March 25, 2019.

19-020-233
Raymond Station

St. Anthony Park Community Council
2395 University Avenue West, Suite 300E
Saint Paul, MN 55114

ST. ANTHONY PARK



City of Saint Paul
Planning & Economic Development
Zoning Section
Anton Jerve, Planner
1400 CHA 25 W. 4th Street
Saint Paul, MN 55102

March 20, 2019

Dear Mr. Jerve,

The St. Anthony Park Community Council (SAPCC) supports the conditional use permit for mixed-use building height for 83' proposed at 2250-2264 University and 731 Hampden. We encourage the City and developer to continue to explore all possible options to reach the goal of in our 10-year Community Plan draft (30%) and the draft of the City's Comprehensive Plan. The SAPCC Board of Directors voted unanimously to support the CUP at our meeting March 14, 2019.

Thank you for your consideration.

Sincerely,

Kathryn Murray
Executive Director

cc: Paul Dubruiel, Planning Tech for Zoning – City of St. Paul
Brad Johnson, Owner – Raymond Station, LLC

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WHEREAS, Snelling Shields LLC, File # 19-025-505, has applied for a conditional use permit (CUP) for a mixed use building height (55' allowed, 90' allowed with CUP, 75' proposed), floor area ratio (FAR) variance (3.0 allowed, 3.97 proposed) and nonconforming use permit for relocation of drive-through service lanes under the provisions of §§ 66.331(g), 61.501, 61.601, and 62.109(d) of the Saint Paul Legislative Code, on property located at 427-437 Snelling Avenue North, Parcel Identification Numbers (PIN) 33.29.23.41.0013, 33.29.23.41.0012, legally described as Lots 1, 2, 3, 4, and subject to highway Lot 5, Block 1 Milham Park; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 2019, 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 applicant has a signed purchase agreement for the property, currently occupied by a Bremer Bank retail branch with four drive-through lanes, and intends to develop a six-story mixed-use building with 152 market rate apartments, 13,000 square feet of retail space, and two levels of underground parking. Retail space for a bank and pharmacy are planned for the first floor along with a lobby area for the five levels of apartments above. Bremer Bank will occupy the smaller retail space; the developer is in discussion with Walgreens pharmacy for the remainder of the retail space. The apartments include studio, micro, and one and two bedroom units. An amenity deck, community room, and fitness center are planned for the second floor overlooking Snelling Avenue. Off-street parking for retail uses will be at ground level and spaces for residential uses will be in two levels below ground (upper level and lower level). Vehicle ingress will be from Shields Avenue. One-way circulation on the ground level to serve retail uses is planned, with a single point of egress at the southern end of the site onto southbound Snelling. A median in Snelling prevents northbound turns from this location. Two drive-through lanes are proposed, one for the bank and one for the pharmacy. The drive-through lanes, each with stacking space for four vehicles, will be along the west and southern sides of the building, allowing for through retail traffic to maneuver the site unimpeded. Vehicle ingress and egress to underground parking for residents will be from Shields only. Deliveries, including some move-ins/move-outs, will be in front of the building in a bump-in along Snelling. Six metered parking spaces are planned for the bump-in area along Snelling, three of which will be available for public use during

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signed non-delivery times. Recycling and trash trucks will access dumpsters at the ground level behind the building, entering from Shields and existing onto southbound Snelling.

The applicant is in the process of vacating the 20' north-south alley west of the development site. Ten feet of right of way width will accrue to the property owners on either side of the alley. Once vacated, the proposed development will occupy 6' of the vacated alley and the remainder will become a 14' access and utility easement to allow one-way vehicle traffic from north to south, including trash and recycling pickups for the property to the west. For vehicles entering the alley from Roy Street and driving north, Central Baptist Church, the property owner west of the alley, will provide a 400 square foot turnaround easement. The turn-around will allow northbound drivers entering the alley from Roy to turn around before they reach the point where access to the 14' lane becomes one-way.

It is anticipated that at least one electric vehicle charging station will be provided; the developer is considering the possibility of partnering with a car-sharing organization. The developer plans to provide \$50 transit cards as part of a move-in package for new tenants to encourage transit use.

2. The applicant requests a conditional use permit to allow a building height of up to 75'. The highest projected height is 73' 5"; the applicant requests the 75' to provide flexibility as the flat roof design is refined. T3 dimensional standards limit the height of mixed-use buildings to 55 feet and allow additional height by right with larger setbacks from side and rear property lines. Zoning Code § 66.331(g), part of the dimensional standards for traditional neighborhood districts, allows for additional height above 55' in a T3 zoning district, to a maximum of 90', with a conditional use permit.

After calculating the additional height allowed by right with the proposed side and rear yard setbacks, a CUP for an additional 12'-10" is needed at the southern end of the building and an additional 18'-2" at the northern end of the building to allow a projected height of 75'. Along Shields a CUP for an additional 20' is needed at the east end of the building and at the western property line (to include 6' of the alley to be vacated) a CUP for additional 9'-7½" of height is needed for the projected building height of 75'. Along the southern property line where the second story level is setback 6' a CUP for an additional 9'-7½" is needed to allow the projected height of 75'. The elevations submitted with application depict the proposed building heights and the portions of the building requiring a CUP.

3. Zoning Code §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 met. The property is located within a neighborhood center along a mixed-use corridor, a primary thoroughfare in the city that is served by public transit, including light rail transit along University and bus rapid transit along Snelling. Land Use Policy 1.23 states, "Guide development along mixed-use corridors. The City should recognize community circumstances and preferences as stated in City adopted summaries of small area plans and district plans, while still providing additional housing opportunities at densities that support transit." Land Use Policy 1.25 states, "Promote the development of more intensive housing on mixed-use corridors where supported by zoning that permits mixed-use and multi-family residential development." This is a large site along a primary thoroughfare served by transit. The increased height to allow greater density is consistent with the Comprehensive Plan.

The development site is within the "area of change" boundary in the Snelling Station Area Plan where change is welcome and should be encouraged. The site is also in the "mobility enhancement area" where a higher level of pedestrian activity is anticipated and a high

quality pedestrian environment is key. The plan calls for 14' sidewalks within the mobility enhancement area. The plan supports new and diverse housing options and a mix of uses and promotes gradual intensification and pedestrianization within the Midway Shopping District over time so that it can become a contributor to the success of the Green Line and the vitality of the Corridor. Policy 4.3.1 (c) of the Snelling Station Area Plan states, "New development or expansion of existing buildings should encourage a base podium height of between 4 to 6 residential stories or 2 to 4 commercial stories". The proposed development is consistent with Policies 4.3.1(f) and (g) that call for commercial and retail uses on the first floor to help animate the street by incorporating large glass frontages that allow activity within to be seen from the street and for storefronts to have entrances oriented towards Snelling.

Policies in the Union Park Community Plan that support the request include: LU1: "Support land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape"; LU2.3, "Ensure that new development fits within the character and scale of adjacent neighborhoods"; H1.1 "Support multi-unit mixed-use development in mixed-use corridors that can accommodate higher density levels, while minimizing impacts on adjacent lower density areas, and discourage multi-unit housing and retail uses that are incompatible with single-family residential areas"; and H1.3 "Support housing development designed to promote pedestrian, bicycle, and public transit activity". The proposed development is designed to promote pedestrian, bicycle, and public transit activity at a location that can accommodate higher densities.

The proposed mixed-use building promotes walking and the use of transit due to its location and amenities. The building holds the corner at Snelling and Shields where a higher parapet wall and unique materials to the building emphasize the corner. The additional building height proposed allows for increased density on the site, which is supported by the Comprehensive Plan. Differences in exterior materials at the bottom, middle, and top levels of the building help break up its massing as do door and window openings at street level and balconies and railings on upper levels. Primary entries will be highlighted with canopies. The exterior materials and accents provide a transition from the soccer stadium on the east to the residential neighborhood on the west. The developer is discussing plans for a design feature such as a mural on the east side of the building at street level between the apartment lobby and the proposed pharmacy to the north.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The project is designed to limit the number of curb cuts, especially along Snelling Avenue, to create a comfortable, safe, and walkable pedestrian environment and to minimize impacts to the flow of vehicular traffic on Snelling. The proposed project will maintain the current vehicular access to the property and will provide 14' sidewalks to enhance the quality of the pedestrian environment as called for in the Snelling Station Area Plan. Vehicular access to at-grade off-street parking and drive-through lanes for the retail uses will be from Shields only with one-way traffic through the site from north to south. Egress for at-grade parking and drive-through lanes for the retail uses will be onto southbound Snelling only; the median along Snelling prevents northbound turns. Vehicular access to and from underground parking will be from Shields. The developer plans to provide five bicycle racks on the sidewalk for public use and capacity for storage of 138 bicycles within the building and parking structure for tenants, including space for tenants to do bicycle repair.

The developer is working with Public Works and Department of Safety and Inspections staff to address transit, traffic, and pedestrian safety concerns. A traffic impact study (TIP) and a

travel demand management plan (TDMP) are required for site plan approval. Minnesota Moves, formerly known as Transit for Livable Communities, will review the TDMP during site plan review. MnDOT will also review the site plan since Snelling is a state highway. Access for emergency vehicles will be from Snelling and Shields street frontages.

- (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 area around the Snelling Station Area is a revitalizing urban neighborhood along two principal arterial streets, Snelling and University. The adjusted annual daily traffic on Snelling is about 33,000 vehicles and about 14,000 on University. Public transit that serves the site, A Line BRT on Snelling and LRT Green Line on University Avenue, is designed to accommodate higher density development. The proposed mixed-use development is in keeping with the character of surrounding development and is an appropriate use in the mixed-use corridor, which calls for high density development along thoroughfares served by public transit. Streetscape (wider sidewalks, pavers, lighting) and landscape improvements are planned to create a more visually interesting pedestrian experience.
 - (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 mixed-use building will not prevent future development that is consistent with the Comprehensive Plan and existing zoning. A shadow study was submitted with the conditional use permit application to help assess the impact of additional building height on surrounding properties.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* Subject to the proposed nonconforming use permit and floor area ratio variance, the use will conform to all other applicable T3 district regulations.
4. Zoning Code § 66.331 limits the floor area ratio (FAR) in T3 zones to 3.0. The applicant requests a variance to allow a FAR of 3.97. § 61.601 of the Zoning Code states that the planning commission shall have the power to grant variances from the strict enforcement of the provisions of the 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 and development on sites large enough to support a mix of uses including residential, commercial, civic and open space uses in close proximity to one another. 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.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. As noted in finding 3.a. the proposed mixed-use building in the Snelling Station Area, including its increased height and FAR are consistent with the Comprehensive Plan which calls for increased density along transit 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. The Comprehensive Plan, and the Snelling Station Area Plan in particular, encourages base podium height of between 4 to 6 residential stories or 2 to 4 commercial stories at this location. The applicant is requesting a CUP to allow for additional height, consistent with the Snelling Station Area Plan, but the Zoning Code does not have a provision to allow for a corresponding increase in the FAR above 3.0 when an increase in height is requested and found to be appropriate and consistent with the

Comprehensive Plan. Rezoning the property to T4 would allow the proposed FAR but would not be appropriate given the proximity of the site to residential uses immediately to the west. It is noted that when the project was first conceived, the plan was to include the MnDOT parcel to the south and several parcels owned by the church to the west. When the appraised value for the MnDOT parcel came back at more than five times the anticipated amount, the developer scaled back the project to include only the Bremer Bank site. The applicant proposes to use the property in a reasonable manner.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. A project on property that is zoned T3 within the Snelling Station Area, 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 likely increase in FAR that results.
 - (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 proposed mixed-use building and future uses are allowed in the T3 zoning district.
 - (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed mixed-use building is consistent with the type of development the Snelling Station Area supports.
5. The applicant requests a nonconforming use permit to allow relocation of existing drive-through lanes from the bank to the new mixed-use building to serve the planned bank and pharmacy uses. The relocation will result in a reduction in the number of drive-through lanes, from four to two, and a reduction in the nonconformity of the use. According to Bremer Bank, an average of 87 vehicles use the drive through lanes per day, though they expect the number to decrease based on changes in the banking environment. It is anticipated that the pharmacy lane would operate 24 hours a day while the bank lane would operate during normal business hours, except the ATM, which will be accessible 24 hours a day.

Zoning Code Section 62.109(d) states that the Planning Commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:

- (1) *In residential districts, the expansion, or relocation will not result in an increase in the number of dwelling units.* This finding is not applicable.
- (2) *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is not applicable.
- (3) *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is met. The relocated drive-through lanes will be along the western and southern sides of the building and within a covered area that is largely obscured so they will not be visible from the adjacent property or neighborhood.
- (4) *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding is met. No off-street parking is required due to the site's T3 zoning and proximity to University Avenue per Section 63.207(a) of the Zoning Code.
- (5) *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. Rezoning to T2 to permit drive-through lanes would result in spot zoning and a zoning district inappropriate to surrounding land use.
- (6) *After the expansion or relocation, the use will not result in an increase in noise, vibration,*

glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare. This finding is met. The relocation will result in a decrease in the number of drive-through lanes and reduction in the nonconformity of the use.

- (7) *The use is consistent with the comprehensive plan. This finding is met. As noted in finding 3.a. the proposed mixed-use building is consistent with the Comprehensive Plan. The proposed relocation of drive-through lanes, and particularly the reduction in the number of lanes in the Snelling Station Area is consistent with the Comprehensive Plan.*
- (8) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation. The application for a permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This finding is met. A sufficient petition was submitted; 8 parcels eligible and 6 parcels signed.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Snelling Shields LLC for a conditional use permit (CUP) for a mixed use building height (55' allowed, 90' allowed with CUP, 75' proposed), floor area ratio (FAR) variance (3.0 allowed, 3.97 proposed) and nonconforming use permit for relocation of drive-through service lanes at 427-437 Snelling Avenue North 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 plans submitted and approved as part of this application.
2. Any change to the uses served by the drive-through service lanes (bank and pharmacy) will require a nonconforming use permit application to the Planning Commission.

2F # 19-025-505
Pitch Mixed Use

From: Monica M [<mailto:msbertrecords@gmail.com>]
Sent: Tuesday, April 09, 2019 2:39 PM
To: Dadlez, Kady (CI-StPaul); Pereira, Luis (CI-StPaul)
Cc: #CI-StPaul_Ward4
Subject: In support of The Pitch Mixed Use Development

In regards to The Pitch Mixed Use Development, I am writing to support the CUP, the FAR of 3.87, and the non-conforming use permit of relocation of drive thru service lanes.

The developer has been great at neighborhood relations. This project brings much needed positive development to the area. We are looking forward to our new neighbors at The Pitch.

Monica Millsap Rasmussen
409 Roy St N
Saint Paul

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WHEREAS, Bai Lor, file # 19-024-995, has applied to rezone from R4 one-family residential to RT1 two-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 388 Minnehaha Avenue W, Parcel Identification Number (PIN) 36.29.23.21.0001, legally described as Lots 1 and 2, Johnstone's Subdivision of Block 1 of Stinson's Division; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 2019, 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 applicant is proposing to rezone the parcel to RT1 in order to reestablish a duplex. The house was a duplex for at least 55 years before it was converted to a one-family dwelling in 2013 after being listed as a vacant building list, and it lost its legal nonconforming status as duplex.
2. The proposed zoning is consistent with the way this area has developed. The area has developed with a mix of single-family, two-family, and multifamily residential uses. North of the parcel along Minnehaha there are a variety of industrial land uses. The proposed RT1 zoning is consistent with the adjacent land uses, and also the historic use of the subject structure as a duplex.
3. The proposed zoning is consistent with the Comprehensive Plan. The subject parcel, at the intersection of a minor arterial (Minnehaha Ave.) and a collector street (Western Ave.) is located in area defined by the comprehensive plan as an established neighborhood. Established neighborhoods are predominately residential areas with a range of housing types, including duplexes. The proposed RT1 zoning is consistent with Land use Plan policy LU 1.8, which calls for encouraging the development small scale multifamily uses that are compatible with the scale of established neighborhoods. It is also consistent with Housing Plan policy H 1.1 for increasing housing choices across the city to support economically diverse neighborhoods.

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4. The proposed zoning is compatible with the surrounding single- family, two- family, and multifamily land uses. The immediate area is characterized by a variety of housing types and land uses. The proposed RT1 zoning permits a single- family and two- family housing types which is compatible with the existing scale of development.
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 to RT1 would not constitute spot zoning. The proposed RT1 zoning would simply expand the existing RT1 zoning district east of the subject parcel.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Bai Lor to rezone from R4 one-family residential to RT1 two-family residential for property at 388 Minnehaha Avenue W be approved.

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WHEREAS, Bai Lor, file # 19-025-059, has applied for a parking variance (3 spaces required, 2 spaces provided) under the provisions of § 61.202(b) of the Saint Paul Legislative Code, on property located at 388 Minnehaha Avenue W, Parcel Identification Number (PIN) 36.29.23.21.0001, legally described as Lots 1 and 2, Johnstone’s subdivision of Block 1 of Stinson’s Division; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 2019, 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 applicant is requesting a parking variance of one space in order to convert the house at 388 Minnehaha Avenue W back to a duplex. The house was a duplex for at least 55 years before it was converted to a one-family dwelling in 2013 after being listed as a vacant building. Converting the house back to a duplex requires conformance with the current parking standard for the use, which is 1.5 spaces per unit.
2. 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. In conjunction with this variance application, the applicant has applied to rezone the parcel to RT1 two- family residential. This district is intended to recognize the existence of older residential areas of the city where larger houses have been or can be converted to from single family to two family residences in order to extend the economic life of these structures. This house was a duplex for at least 55 years without conforming to the parking minimum parking requirement. There is currently a garage with two off street parking spaces and a large driveway where vehicles can be parked. The parking in the driveway available in the driveway cannot be counted toward meeting the minimum parking requirement, but it does help meet the intent of the zoning code to lessen congestion in public streets by providing for off street parking of motor vehicles. The parcel is a double corner lot with 195.4 feet of street frontage. Because of the large amount of street frontage, about 11 cars could be parked on the streets adjacent to the parcel, which should be adequate to accommodate any potential parking need.

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in favor _____
against _____

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. This variance will aid in the creation of an additional housing unit which is consistent with Land use Plan policy LU 1.8, which calls for encouraging the development small scale multifamily uses that are compatible with the scale of established neighborhoods. It is also consistent with Housing Plan policy H 1.1 for increasing housing choices across the city to support economically diverse neighborhoods.
- (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 house was a duplex for at least 55 years without conforming to the minimum parking requirement for the use. The residential use affidavit and the conversion to a single family were done by the previous owner. Had the property not been converted to a conforming single family dwelling by the previous owner, the use as a duplex could have been reestablished with the existing nonconforming parking deficiency and it would have complied with the duplex conversion guidelines, which calls for having a minimum of two off street parking spaces. The existing garage and driveway are along the rear property line. In order to construct an additional parking space the applicant would need to pave more of the side yard off of the driveway. There is an existing fence around the side yard which would need to be removed in order to construct an additional parking space. The existing fence is a site constraint that creates a practical difficulty in complying with this provision.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. There is currently a fence around the side yard which is the area that the applicant would need to expand into in order to provide an additional parking space. This is a fixed site constraint that was not created by the landowner.
- (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. This parking variance does not constitute a use variance.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The existing driveway is roughly 1450 square feet and is roughly 15% of the total lot area. The majority of the existing structures have parking off the alleyway in the rear yard. If the variance is denied, the applicant would be required to construct additional surface parking in the side yard which is not in keeping with the urban design of the surrounding area. Additionally, because the garage is accessed through the side yard, the subject property currently has more impervious surfaces than nearby properties. Requiring the applicant to create more impervious surfaces is not in keeping with the surrounding area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Bai Lorfor a parking variance (3 spaces required, 2 spaces provided) at 388 Minnehaha Avenue W is hereby approved.

ZF# 19-024-995
Bai Lor

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Friday, April 05, 2019 12:44 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: 388 minnehaha ave west rezone

From: Joseph Vang [<mailto:josephvang63@gmail.com>]
Sent: Friday, April 05, 2019 11:54 AM
To: Johnson, Tony (CI-StPaul)
Subject: 388 minnehaha ave west rezone

This property owner has the following problem:

1. little chicken
2. danger dog
3. smoke pop..miruajuarna,,,
4. Drink beer and threw battle beer to my property
- 5 smoke and threw the filter to my property.

if your committee alone this property to be rezone into rental property..much more problem going to be happen...please reconsideration your decision.

Joe Vang, Property Owner at:
707 Western Avenue N, st. Paul, MN 55103

city of saint paul
planning commission resolution
file number
date

WHEREAS, Shawn Cooper, File # 19-025-272, has applied for a conditional use permit for outdoor auto sales with auto repair and detail services under the provisions of § 61.501, § 65.705, & § 61.706, of the Saint Paul Legislative Code, on property located at 322 – 336 Larpenteur Avenue West, Parcel Identification Number (PIN) 24.29.23.12.0008, legally described as Edwin M. Ware’s Cumberland Addition Plat 2, the N 217 ft. of the E 100 ft. of a tract composed of Lot 1, Lot 2, & E 26.54 ft. of Lot 3, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 11, 2019, 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. A conditional use permit was issued in 2009 to add an auto repair component to the auto sales business that was already at 336 Larpenteur Avenue. The current application is to expand the sales and repair business to 322 Larpenteur Avenue.
2. § 65.706 lists the standards and conditions that must be met for outdoor auto sales and rental:
 - (a) *A site plan shall be submitted showing the layout of the vehicles for sale or rent, employee parking, and customer parking. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.* This condition is met. The applicants have submitted a site plan with this application, as well as a copy to the City of Saint Paul Department of Safety and Inspection for site plan review.
 - (b) *Vehicular access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.* This condition is met. Vehicular access is well over sixty (60) feet from the nearest intersection of Larpenteur Avenue and Farrington Street North.
 - (c) *No repair or refinishing shall be done on the lot unless conducted within a completely enclosed building.* This condition is met. Repair work will continue to be conducted only within the existing repair bays on site.
 - (d) *Except in the IT transitional industrial district, the minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is met. The zoning is B3, and the total

moved by _____
seconded by _____
in favor _____
against _____

area covered by this permit would be 29,620 square feet.

3. § 65.705 lists the standards and conditions that must be met for auto repair stations:
 - (a) *The minimum lot area shall be fifteen thousand (15,000) square feet.* This condition is met. The total area covered by this permit would be 29,620 square feet.
 - (b) *A ten-foot landscaped buffer with screen planting and an obscuring fence shall be required along any property line adjoining an existing residence or adjoining land zoned residential.* This condition currently is not met. The business is currently encroaching on City parkland, zoned R2 One-Family Residential, to the south. This condition can be met subject to construction and maintenance of an obscuring fence along the south property line of both 336 and 322 Larpenteur Avenue.
 - (c) *All repair work shall be done within an enclosed building.* This condition is met. Repair work will continue to be conducted only within the existing repair bays on site.
 - (d) *There shall be no outside storage.* This condition is met. The outdoor space is intended only for display of cars for sale. The existing building will contain any storage necessary for company operations.
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 met. The District 6 plan emphasizes the importance of a strong and vital commercial and industrial base. The land use chapter of the Comprehensive Plan calls for a mix of land uses, and emphasizes the need to mitigate land use conflicts with careful design and appropriate screening.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Existing adequate ingress and egress will remain.
 - (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. Improvements proposed for the property shown on the site plan submitted with the application will improve the 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. An expanded permitted boundary will not impede use or development of the B3 property to the west, R2 property to the south, or RM2 property to the east.
 - (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. The use complies with the requirements listed in the B3 zoning district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Shawn Cooper for a conditional use permit for outdoor auto sales with auto repair and detail services at 322 – 336 Larpenteur Avenue W 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. Construction and maintenance of an obscuring fence along the south property line adjoining City parkland by October 19, 2019; and
3. Removal of the business encroachment on the adjoining City parkland currently being used by the business for parking by October 19, 2019.