

city of saint paul
planning commission resolution
file number
date

WHEREAS, Scannell Properties, File #19-029-318, has applied for a conditional use permit for a mixed-use building up to 75 feet in height, with floor area ratio variance (3.0 allowed, 4.71 proposed) under the provisions of § 61.501 and § 61.601 of the Saint Paul Legislative Code, on property located at 441-457 Snelling Avenue North, Parcel Identification Numbers (PINs) 33.29.23.41.0008, 33.29.23.41.0009, 33.29.23.41.0010; legally described as Lots 8-15, Homer H. Hoyt Co's Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 25, 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 to acquire the property and intends to develop a six-story mixed-use building. A restaurant tenant is planned for the ground floor commercial space along with a lobby area for the 137 residential units above. Residential units include both market rate and affordable apartments with a mix of studio, alcove, one, two, and three bedroom units. An amenity deck is planned for the second floor overlooking Snelling Avenue; a dog run area is planned for the northwest corner of the site along Spruce Tree Avenue. Off-street parking for the commercial use and some residential use will be located on the ground level with access from Shields. The remainder of residential parking spaces will be below ground and accessible to and from the alley at the northwester portion of the site. One-way circulation for the ground level parking is planned, with an entry point at Shields and an exit point into the alley to the north. Egress from the parking will allow right and left hand turns from the alley to access Spruce Tree to the north or Shields to the south. Landscaped areas are planned along Snelling and Shields and between the alley and the building. As part of its initial marketing plan, the applicant plans to offer \$50 Metro Transit passes to new tenants to encourage transit use.

The seven existing parking meters and on-street parking on Snelling will be removed and the sidewalk widened to enhance the streetscape. The applicant expects deliveries and move ins/outs to occur on Shields or the alley; some move-ins/outs may come within the parking area. The developer and its management company will dictate times and locations for these deliveries and move ins/outs and communicate with the church to the west to minimize traffic impact and congestion. Trash and recycling will be located on the south side of the building. Management will roll out dumpsters to Shields for pick up.

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in favor _____

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2. The applicant requests a conditional use permit to allow a building height of up to 75'. The tallest projected height is 71'10"; the applicant requests a maximum height of 75' to provide some flexibility as plans proceed in case minor adjustments are needed. 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. It is noted that the maximum height of the elevator shaft overrun at the top of the building is projected to be 75'10". Because this is considered mechanical equipment on top of the structure it does not figure into the calculation for building height.

Under T3 zoning the portion of the building along Snelling and along the alley is allowed to be 55' by right; a CUP is needed for the additional height of 15'10" at the south end and 12'11" at the north end to allow a projected height of 71'10". Along Shields and Spruce Tree at CUP is needed for the additional height of 16'4" at the east end and 16'10" at the west end to allow a projected height of 71'10".

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." The site is 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 activate 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 corners at Shields and Spruce Tree. Commercial and lobby spaces feature large glass frontages that allow activity within to be seen from the street and have entrances on Snelling. The additional building height proposed allows for increased density on the site, which is supported by the Comprehensive Plan. Differences in exterior materials between street level and upper stories and between the south and north ends of the building help break up the building's massing as do door and window openings at street level and balconies on upper levels. The proposed mixed-use building will create a gradual transition from the soccer stadium on the east to the residential neighborhood on the west.

(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 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 provide wider sidewalks to enhance the quality of the pedestrian environment as called for in the Snelling Station Area Plan. Vehicular access to ground level off-street parking will be from Shields only, with one-way traffic through the site from south to north and egress into the alley behind the building where drivers can proceed north to Spruce Tree or south to Shields. Vehicular access to and from the underground parking facility for residential uses will be from the alley at the northwest corner of the building. The developer plans to provide bicycle racks on the sidewalks along Shields and Snelling for public use and indoor bicycle storage for tenants, though the number of racks has not yet been determined.

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 (TIS) is required for site plan approval. MnDOT will also review the site plan since Snelling is a state highway. Access for emergency vehicles will be from Snelling, Shields, and Spruce Tree 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.

(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 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 4.71. § 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. The applicant states that the project will promote pedestrian activity with the creation of wider sidewalks, public bicycle parking, and public seating and landscaping along Snelling Avenue.

(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, is consistent with the Comprehensive Plan, which calls for increased density along transit corridors. The applicant states that without the variance the project would become a three to four story building, which would not achieve the higher density desired in the Snelling Station Area Plan.

(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 may be questionable given the proximity of the site to residential uses immediately to the west in an RM2 zoning district. 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 Plan supports.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Scannell Properties for a conditional use permit for a mixed-use building up to 75 feet in height, with floor area ratio variance (3.0 allowed, 4.71 proposed) at 441-457 Snelling Avenue North 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.

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WHEREAS, Alan Hupp, Zoning File # 19-025-163, has applied for a conditional use permit for a 5 unit cluster development with a modification of the standards for a cluster development and a parking variance (7 spaces required, 4 proposed) under the provisions of § 65.130, § 61.501, § 61.502, § 61.202 of the Saint Paul Legislative Code, on property located at 617 Laurel Avenue, Parcel Identification Number (PIN) 01.28.23.22.0296, legally described as West 40 ft. of Lot 12, Block 6, Woodland Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on April 25, 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 cluster development with 3 single family homes and a two-family home, a modification of cluster development standards 65.130(c) and 65.130(d), and a parking variance (7 off-street parking spaces required, 4 off-street parking spaces proposed).
2. § 61.130 lists six standards and conditions that must be met for a cluster development:
 - (a) *Applications for cluster development shall include site plans, including landscaping and elevations and other information the planning commission may request.* This standard is met. The applicant has provided a site plan and elevations with the application.
 - (b) *No unit shall intrude on the vertical airspace of any other unit.* This standard is met. The proposed structures will not intrude on the vertical air space of any other unit.
 - (c) *The parcel shall have a minimum frontage of eighty (80) feet on an improved street and meet the lot area required per unit in the zoning district. Individual lots within a cluster development may have less than the required lot area for the zoning district provided such reductions are compensated for by an equivalent amount of property owned in common elsewhere in the cluster development. Lot area shall not include areas designated as public or private streets.* The subject parcel is a corner lot with 215.5 ft. of street frontage, so the proposed cluster development conforms to this standard in this regard. The applicant is requesting a modification of the portion of the standard that requires the parcel to meet the minimum lot area per unit in the zoning district. For a multifamily structure in an RM2 zoning district, the minimum lot area per unit is 1,500 sq. ft. per unit. Because the applicant is proposing to develop 5 units in three one- family structures and one two- family structure, he must meet the minimum lot area per unit for

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those building typologies, per section 66.231(a): *R4 one-family district dimensional standards shall apply when one-family dwellings are erected in less restrictive residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in less restrictive residential districts.* The minimum lot area per unit for a one-family home in a R4 single family residential district is 5000 sq. ft. per unit and the minimum lot area per unit in an RT1 two-family residential district is 6000 square feet. The total lot area that is required for this proposed development is 21,000 sq. feet, and the lot area is 7200 sq. feet including half the alley.

- (d) *Structures shall conform to the dimensional standards for height, lot coverage, and setbacks for the zoning district. Required yards within a cluster development may be reduced or eliminated provided required yards are maintained along the periphery of the cluster development.* The applicant is requesting a modification of the dimensional standards for maximum lot coverage, and side, front, and rear setbacks. The maximum lot coverage for principle structures in residential zoning districts is 35%. All of the proposed structures are considered principal structures and therefore the sum of all of the building footprints must be less than or equal to 35% of the total lot area. The applicant is proposing a total of 39% lot coverage for all of the structures on the lot. The modification of the required front setback is required for the one-family home closest to Laurel Avenue. The required front setback is 30 feet, and 20 feet is proposed. The applicant is also requesting modifications of side and rear set requirements for the garage duplex. The required side yard setbacks for the garage duplex are 9 ft.; 2 and 3 feet are proposed. The required rear yard setback for the garage duplex is 25'; 10 feet 7¾ inches is proposed.
- (e) *The design shall be compatible with the surrounding neighborhood.* This standard is met. The subject property is in the Historic Hill Heritage Preservation District, and subject to review by the Heritage Preservation Commission, which will ensure compatibility with the surrounding neighborhood and architecture. The applicant has submitted an application for predevelopment review by the Heritage Preservation Commission.
- (f) *Individual lots, buildings, street and parking areas shall be designed and situated to minimize alteration of the natural features and topography.* This standard is met. No significant alterations to natural features or topography are proposed.
3. The planning commission may approve modifications of special conditions when specific criteria of § 61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* The applicant is requesting modifications of the following standards:
- The minimum lot area per unit. The lot is 7,200 square feet including half of the width of the alley. 21,000 square feet is required for the proposed uses. 5000 square feet of lot area is required for each single family dwelling, and 6000 square feet is required for the apartments above the garage because it is considered a two family dwelling.
 - Lot coverage. Maximum of 35%; 39% lot coverage is proposed.
 - Front setback. 30 feet is required, 20 feet is proposed.
 - Rear setback. 25 feet is required; 10 feet, 7¾ inches proposed.
 - Side yard setbacks. 9 feet is required for the garage duplex; 2 ft. and 3 ft. are proposed.

Minimum lot area per unit (pertains to all the structures): The subject property is located in an RM2 district, which permits one-family, two-family, and multifamily residential uses. The minimum lot area per unit required for multi-family residential uses in the district is 1500 square feet, and the minimum lot area for any multi-family structure is 9000 sq. feet. Prior to this application the applicant has had two multifamily proposals approved that both required variances, a 3 unit apartment building and a 6 unit apartment building. The applicant withdrew the site plan and building permit for the 3 unit apartment building, but he still has conditional site plan and building permit approval for the six unit apartment building. Because the applicant is now proposing to develop 3 single family structures and one two-family structure, the minimum lot area per unit in the R4 single family residential district and the RT1 Two-family residential district apply per §66.231 (a): *R4 one-family district dimensional standards shall apply when one-family dwellings are erected in less restrictive residential districts. RT1 two-family district dimensional standards shall apply when two-family dwellings are erected in less restrictive residential districts.* The new proposed cluster development is less intensive and is less dense in terms of units and bedrooms than the conditionally approved 6-unit apartment building proposal, but it requires more lot area per unit. It appears that 3 single-family dwellings and one two-family dwelling would be a reasonable use that would fit this unusually deep 40 ft. wide corner lot as well or better than an apartment building. The criteria and for modification of the required lot area requirement for 3 one-family dwellings and 1 two-family dwelling are therefore met.

Required Front Set Back (pertains to the house closest to Laurel Avenue): The building code requires structures need to be 5 feet from a property line or the walls need to be fire rated. When there are multiple principal structures on a lot, such as what is being proposed, the building code requires an imaginary lot line to be drawn between the buildings and then the buildings need to be setback from that imaginary lot line or the walls need to be fire rated. This separation requirement significantly reduces the developable area of the lot because the buildings need to be at least ten feet away from each other if the walls are not fire rated. In order to comply with the building code, the applicant is requesting a modification of the required 30' front setback. The proposed 20' set-back is in line with the house directly adjacent to the subject parcel. Multiple principal structures are permitted in the RM2 zoning district and are a lawful use for the property. The criteria for a modification of the front setback requirement to allow a 20' setback are met.

Lot coverage (pertains to all structures): The maximum lot coverage in residential zoning districts is 35% and the applicant is proposing 39% lot coverage for all the structures on the lot. Because there are apartments above the garage, this structure has to be considered a principal structure and must be counted toward the maximum lot coverage for all principal structures. Two uses listed in the zoning would permit units above a garage without it being considered a principal structure and therefore would not be counted toward maximum lot coverage for all principal structures: detached accessory dwelling units and carriage houses. The lot coverage for dwelling units above a garage for these two uses would be subject to the maximum lot coverage for an accessory structure, which would be 35% of the rear yard or 1000 square feet, whichever is less. This proposed structure cannot meet the standards for either a carriage house or an accessory dwelling unit, but they are a substantially similar building typology to what the applicant is proposing. The applicant is proposing a 910 sq. ft. footprint for the garage and dwelling units above the garage. Accessory dwelling units, carriage houses, and two-family structures are lawful uses in an RM2 zoning district. The applicant has proposed a building typology which is not substantially different than building typologies permitted in the district. The criteria for modification of the lot coverage requirement are met.

Rear set-back (pertains to garage apartments): A 25' rear setback is required for the garage with apartments above it because it is considered a two-family principal structure. The applicant is proposing to set this structure back 10 feet 7¾ inches from the alley. As previously stated, there are other uses in the code where this building typology would be permitted as an accessory building for which the required rear setback would be 1 foot from the alley. Two-family dwellings, carriage houses, and accessory dwelling units are permitted and lawful uses in the RM2 zoning district. The criteria for modification of the rear setback requirement are met.

Side yard set-back (pertains to garage apartments): 9 foot side yard setbacks are required for the garage with apartments above them because it is considered a two-family principal structure. The applicant is proposing a 2 ft. setback from the western property line and a 3 foot setback from the eastern property line. If it were possible to regulate this structure as a carriage house or accessory dwelling, the required side yard setback would be 3 feet from the eastern property line, and the required setback from the western property line would be 4 feet, as for single family dwelling, because it's a corner lot. One of the intentions of requiring that an accessory structure have the same required setback as a principal structure on a corner lot is to ensure that there are adequate site lines for vehicles leaving the alley. Although the applicant is proposing a side yard setback that is less than the four feet that would be required for a carriage house or accessory dwelling unit with a single family dwelling as the principal structure, the proposed structure is roughly 6 feet from the sidewalk, which is where a potential conflict between a pedestrian and vehicle could occur. This is because there is about four feet of grass between the sidewalk and the western lot line. The proposed setbacks meet the intent of this zoning code section, and therefore the criteria for modification of the side yard setback requirement for the garage duplex are met.

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 proposed development is consistent with the 2030 comprehensive plan and is an example of a missing middle housing typology called for in the 2040 comprehensive plan. The subject parcel is near the intersection of Selby Avenue and Dale Street. Both streets are classified as minor arterials intended to accommodate more intensive development. Both streets are also served by public transit; Selby Ave is served by the Route 21, an east west route, and Dale Street is served by Route 65, a north-south route. Because of the subject parcel's proximity to transit, the proposed infill development is consistent with the comprehensive plan transportation policy T2.2, which calls for promoting creative infill housing near transit corridors to increase transit supportive density and housing choices. It is also consistent with comprehensive plan land use policy LU-1.42 which calls for promoting the development of housing in mixed use neighborhoods that supports walking and public transportation.

The land use chapter of the comprehensive plan defines Dale Street as residential corridor and Selby Avenue as a Mixed use Corridor. The comprehensive plan calls for a density of 4 – 30 units per acre on residential corridors and 30 – 150 units per acre in mixed use corridors. The density of the proposed development is roughly 30 units per acre, consistent with both of these land use classifications. The proposed project and density range is consistent with housing chapter policy 1.3 which calls for revitalizing the city by developing land efficient housing.

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Vehicular ingress and egress to a 4 car garage is from the alley and will not significantly affect traffic congestion on adjacent public streets.

- (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 subject parcel is within a heritage preservation district and therefore subject to design standards meant to ensure compatibility with the existing character of development in the immediate area. The proposed use will not endanger the public health, safety, and general welfare.
 - (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 development will not impede the development of adjacent properties.
 - (e) *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 requested modification of cluster development standards § 65.130 (c) and (d) and variance of the minimum parking requirement for the proposed uses.
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 subject parcel is zoned RM2 which is intended to provide for more extensive areas of multifamily development and a balance of population concentration near major thoroughfares and transit. The proposed density and proximity to transit are consistent with the intent of the RM2 zoning district. This proposed development, and the necessary parking variance, are also consistent with the zoning code intention 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. The proposed transit supporting density cannot be achieved without a parking a variance, and therefore the variance is consistent with this intent. Another intention of the zoning code is to lessen congestion in the public streets by providing for off-street parking of motor vehicles. The applicant is proposing to construct 4 off street parking spaces, with additional bike parking, for 5 units. On street parking in the immediate area is restricted to one side of Laurel and there is a two hour parking limit on Dale Street adjacent to the subject parcel during the day. Although there are restrictions that limit the off-street parking supply, this intent of the zoning code is still met because of the proximity to public transit, additional bike parking, and the mix of uses in the immediate area, which including neighborhood serving commercial uses adjacent to the subject parcel. Potential spill over parking in the public right of way from the proposed 5 unit development will be minimal.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The parking variance is necessary in order to achieve the density that is being proposed. This is consistent with policy transportation policy T2.2, which calls for promoting creative infill housing near transit corridors to increase transit supportive density and housing choices and land use policy LU-1.42 which calls for promoting the development of housing in mixed use neighborhoods that supports walking and 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.* The lot is unusually narrow for a lot of its depth. The applicant is proposing a cluster development with four principal structures. The building code requires a fire separation between the individual buildings, which is increased if there are windows in the structures that face each other. The narrow width of the lot,

along with this required separation of buildings, limits the amount of area in the rear yard that could be developed for accessory parking.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The subject parcel is only 40 feet wide, uniquely narrow for a lot this deep, and the dimensional standards for a parking space are 9 x 18. Without accounting for required setbacks the maximum number of off-street parking spaces that can be developed in a garage that is oriented toward the alley is 4 spaces, which is what the applicant is proposing.
- (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 does not constitute a use variance.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance will help preserve the essential character of the surrounding area. Because of the limited lot width, the maximum number of off-street parking spaces that can be oriented towards the alley is 4. All of the off-street parking facilities for the adjacent residential properties are oriented towards the alley, and therefore the proposed parking layout and orientation is consistent with the essential character of 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 Alan Hupp for a conditional use permit for a 5 unit cluster development with a modification of the standards for a cluster development and a parking variance (7 spaces required, 4 proposed) at 617 Laurel Avenue is hereby approved with 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. Final plans approved by the Heritage Preservation Commission this use shall be in substantial compliance with the plan submitted and approved as part of this application.



SUMMIT-UNIVERSITY PLANNING COUNCIL

April 24, 2019

Councilmember Dai Thao
310-A City Hall
15 Kellogg Blvd. West
Saint Paul, MN 55102

Dear Councilmember Thao,

The Summit-University Planning Council supports Alan Hupp's project located at 617 Laurel. This includes the Conditional Use Permit for a cluster development, the parking variance of 3 spaces, and the small setback from the North side of the property.

This was discussed and voted on at our April 23, 2019 Board Meeting.

Please feel free to contact me if you have any further questions.

Thank you,

Jens Werner
Executive Director
Summit-University Planning Council
627 Selby Ave Suite A
Saint Paul, MN 55102

From: Joe Rittmann [<mailto:joeritt@gmail.com>]
Sent: Thursday, April 18, 2019 12:46 PM

Dear Mr. Johnson, Mr. Gause

I am sorry for my late note on my objections. Also, I guess there is some crossovers between your two offices. I will present them at the HPC meeting on Mon and the ZC meeting on Thu.

I am copying the Friends of 617 Laurel as well.

Yesterday, Mr. Hupp approached me about a meeting and I suggested that Jens Werner at SUPC have a meeting for all of us. She scheduled a meeting today, Thu, 6p.

I have 4 objections at this time.

1. In our neighborhood, there is at most 2 buildings per lot. This 617 proposal suggests 4. The argument that in 1903 there were more than what is typically in the neighborhood currently seems questionable at best, misleading more like it. Why should the new 617 plan not comply with the current occupancy levels and constructions levels per lot?
2. In our neighborhood, all of the garages are set back at least 10-12 feet from the alley line. Except for some garages at the Kent end of the alley. But even in that situation, there is setback from the building just north of the alley. At the location of 617 garages planned, there is zero setback and the alley is uncommonly tight with no setback on the north side. Thus we are interested in how a) the new owners will drive into their garage. b) what they will do with the snow in the winter-remember there is no alley clearing to speak of, so snow piles on the margins, c) how come the new 617 should not comply with the ordinary setback line in the alley?
- 3) The distance from the sidewalk on 617 to the east property line is about 44 feet. This is reduced by some by setback. On our alley, the garages are about 12 feet each. The 4 garages proposed for 617 will present a mighty wall of 48 feet wide and 20 feet high on the alley with no setback and zero turning room into the garage from the alley into very narrow garages. I don't know if there are codes for all this on the alley, but given that the alley entrance on Dale is a major thoroughfare for all of the residents up and down, there can be no doubt that this 617 plan will constrict, even block, traffic into and out of the alley onto Dale.
- 4) The neighborhood struggled with the City to set back car parking south of Alley on Dale 30 ft due to the high traffic. Apparently, it took 10 years of effort, but they got it. Now, the plans for 617 erase this set back by claiming the full distance of the lot on Dale for the street parking. Even with this setback, the dangers or risks from poor visibility from the alley to oncoming traffic from the south are bad. With the garage (wall), constricted traffic in and out of the garage with zero turn apron creates a major health and safety hazard because there will be zero visibility for traffic heading north on Dale, in effect blocking the Dale alley entrance to all.

Thanks, best wishes Joe

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