

MINUTES OF THE ZONING COMMITTEE
Thursday, April 25, 2019 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Edgerton, Grill, Lindeke, and Reveal
EXCUSED: Ochs and Rangel Morales
STAFF: Kady Dadlez, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Scannell Properties - 19-029-318 - 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 457 Snelling Avenue North, between Shields Avenue and Spruce Tree Avenue

Kady Dadlez presented the staff report with a recommendation of approval with a condition for the conditional use permit and variance. She stated District 13 recommended approval, and there were no letters in support or opposition.

In response to Commissioner Lindeke, Ms. Dadlez confirmed that the development site is within the 'area of change boundary' in the Snelling Station Area Plan and is an area where change is wanted and expected.

In response to Commissioner Baker, Ms. Dadlez explained why the applicant requested a maximum building height of 75'. The anticipated height is 72' and in case minor adjustments are needed as building plans are being finalized they wanted some flexibility to avoid having to come back to the Planning Commission for any changes to the permit.

In response to Chair Edgerton, Ms. Dadlez said that an alcove apartment is a small studio apartment that is L-shaped to provide for some privacy for a bedroom area.

John Lassaux, Scannell Properties, 8801 River Crossing Blvd., Indianapolis, IN 46240 said he is the lead developer on the project. Mr. Lassaux said the building is 72' right now and during preliminary design they do not expect the height to change more than one foot. They will finalize the height and he confirmed it will not be above 75'. He said the project will be 137 units and target a wide range of demographics. They will offer alcoves, studios, and one, two and three bedroom units. They have an affordable housing component that includes three affordable units of three different types. There are 7,000 square feet of commercial space planned. There will be 88 parking spaces 29 at ground level with 18-19 spaces reserved for commercial uses. There will be 59 parking spaces below ground. There will also be ample bike parking but the number is yet to be determined. They are looking at various systems for providing bike parking and storage. They will be widening the sidewalks on the northeast and south portion of the site. They will be activating the street scape to make it more pedestrian oriented from Wellington's Development up to University Avenue. They are creating more activity outside of this project boundary and those are costs that Scannell will be incurring. They are working towards implementing the vision for the area created in the Snelling Station Area Plan and the Union Park Community Plan. They have been working closely with their neighbor Bethlehem Lutheran Church, and they will continue to work with them as well as with all of the neighbors. The Union Park District Council supports the project. They are pushing high density and looking to

maximize development on the site. It is a .59 acre site so they don't have a lot of square footage to work with so they need to build up. They want to stay under the 75' threshold because it is a good transition from single family homes to Snelling Avenue and consistent with the development in the area.

In response Commissioner Baker, Mr. Lassaux said the goal is to start construction in mid to late July and anticipate construction to take about 14 to 15 months.

In response to Commissioner Lindeke, Mr. Lassaux said he has been trying to get a multi-family project going in the Twin Cities for years. In terms of the finance perspective, the one advantage that Scannell Properties has is that they are self-funded. They have done market studies in this area and feel strongly a project that has market rate housing with an affordability component will succeed.

In response to Commissioner Grill, Mr. Lassaux said that they haven't identified locations or systems for bike parking at this point. They will provide an aesthetic that will tie in with the neighborhood. The location of the bicycle parking will most likely be on Shields and Snelling Avenue. He said the Union Park Director, Brandon Long, has provided a recommendation for a company they can work with for bicycle parking to make sure the racks are useable.

JoAnn Nickles, 2929 McKnight Road, Maplewood, MN, spoke in support. She is the president of the Bethlehem Lutheran Church. She said they have been working with Scannell Properties and they have been very good to work with. They are very excited about the project, but they are concerned with the shadowing of the church property. They want to make sure that the church doesn't get forgotten. They want to continue the good communication. They want to see more affordable housing in the neighborhood.

No one spoke in opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with a condition of the conditional use permit and variance. Commissioner Kristine Grill seconded the motion.

The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Kady Dadlez
City Planner

Approved by:


Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Alan Hupp - 19-025-163 - Conditional use permit for 5 unit cluster development with modification of conditions and parking variance (7 spaces required, 4 proposed) at 617 Laurel Avenue, NE corner at Dale Street

Tony Johnson presented the staff report with a recommendation of approval with conditions for the conditional use permit with modification of conditions and a parking variance. He stated District 8 recommended approval, and there were no letters in support, and 1 letter in opposition.

In response to Commissioner Grill, Mr. Johnson said the carriage house will be in line with most of the other garages along the alley.

In response to Commissioner Baker, Mr. Johnson said carriage houses and accessory dwelling units are considered accessory structures. They have different requirements associated with them. This needs to be considered a principal structure because it can't meet the definition of a carriage house or accessory dwelling unit. The code provides for this type of building typology. We allow units above garages with those two land uses and it is staffs opinion that this is substantially similar in terms of impact. He confirmed that all single family units would be considered principal structures. Mr. Johnson said the applicant is proposing five units with four parking spaces and bicycle parking. He isn't sure how the parking spaces will apply to each unit.

In response to Commissioner Edgerton, Mr. Johnson said that the applicant is proposing to have less bedrooms and units than in his past proposals. He is proposing two studio units above the garage and the single family houses would have two bedrooms per unit. Mr. Johnson said the proposed development is compatible with the zoning codes intent to encourage a mix of land uses and densities that will support transit in existing traditional neighborhoods. Also, the intent of the RM2 district is to balance population concentration near major thoroughfares and transit. Mr. Johnson confirmed that there is a practical difficulty in developing a cluster development with the proposed density while meeting the minimum required parking because of the unique narrow layout of the lot. In order to achieve this density and meet the intent of the zoning code to encourage a compatible mix of land uses, at densities that support transit, a parking variance is needed. He said that the potential spill over parking should be minimal because the parcel is located right next to two high frequency transit lines and there is proposed amply bike parking. Mr. Johnson said that rezoning the lot to T1 or T2 would allow this use without so many modifications. The applicant tried to rezone the property in the past, but was unsuccessful.

The applicant, Alan Hupp, 10431 Homeward Hills Road, Eden Prairie, MN, provided background on the project. He has many ties with the community of Saint Paul. Their intent for

this parcel was to have a rental project with some degree of density that would include an affordable component and preserve the charm of the neighborhood. It would provide a nice transition between the Muddy Pig and some of the houses on Laurel Avenue. He said that the first two proposed projects stalled out for different reasons, the first one was the wrong product and the second one they ran into a lot of obstacles with the City. When they came up with the idea of a cluster development they didn't realize there would be so many modifications and a variance for parking. The project has three cottages; one will face Laurel Avenue and the other two will face Dale Avenue, and there will also be a garage with two units on top. He explained the inspiration for developing the cluster development. He said that they have received unanimous support from the Summit-University Planning Council, and have received a recommendation of approval from planning staff. They have also received favorable response from the Heritage Preservation Commission with final board meeting on May 20, 2019. They have met with people at plan review and there are a few refinements needed, but overall they are in good shape. They have Site Plan Review on April 30. They have not run into any obstacles at this point. Mr. Hupp said that all each of the past submittals have had the same setback, parking and density issues and they have been approved. He said that the Comprehensive Plan states that it needs to target the missing middle and this product does that. Forty percent of their units will be priced at an affordable level and sixty percent will be market rate. The plan calls for small scale multi-family or clustered housing types compatible in single family neighborhoods and that is exactly what they have designed. As far as the setbacks go, there is one setback for the cottage facing Laurel that instead of 30 feet will only be 20 feet, but even at 20 feet it is setback further than the neighboring property. The other setbacks are related to the carriage house and if it was actually called a carriage house a setback may not be needed. He doesn't believe that the setbacks are a key factor. He showed the two previous designs he has submitted and the people that have reviewed them felt that there was justification for this kind of project in this location. In this latest project everything is smaller; the total number of bedrooms, the building volume, the average unit size. The ratio of parking is equivalent to the last project. As a landlord he needs to deal with parking all of the time. Often he breaks up parking as separate from the rental because people have different needs. His sense going into this is that each of the cottages could be allocated one to one and half parking spaces which consume the four spots. The two studios, which are only 450 square feet, are small and his belief is that the people attracted to those units will be biking and using mass transit or other modes of transportation. He cannot guarantee that, but it has been the nature of the people and demographic of people who would rent these units. This project increases density in a smart way and they can offer 40% of their units as affordable and they can preserve the character of the neighborhood.

In response to Commissioner Rangel Morales, Mr. Hupp said that a neighbor, Mr. Rittman, appealed the Board of Zoning Appeals decision. He said that the affordable units are affordable at the 50-60% AMI rate.

In response to Commissioner DeJoy, Mr. Hupp said that it is not the intent to have these be anything other than rentals at this time.

Peter Carlson, 482 Dayton Avenue, Saint Paul, spoke in opposition. Mr. Carlson said he finds the process of this application troubling. He said that words in the zoning code should mean something. The public wasn't really informed about the intent of the meeting. They were told it was about a conditional use permit (CUP). Most people didn't understand that there were also

modifications associated with the CUP. No one was notified about the modifications for front yard setback, lot coverage, rear-yard setbacks, side-yard setbacks, and the number of parking spaces. The Committee is granting modifications to the strict application of the zoning code. There needs to be a better understanding of what strict means in terms of the zoning code. The necessity for putting five units on this site is not due to economic necessity or reasons. There isn't anything unique about this property. The property is too small for what the developer wants to do. The Committee has to determine that this project is in harmony with the zoning code, but seven modifications are needed in order to make it in harmony. He would like the Committee to defer judgement on this until the public has a chance to know of the modifications are associated with the application.

In response to Commissioner Baker, Mr. Carlson disagreed with the process and he has questions about the project. He thinks that they are trying to get too much onto this parcel of land. According to the zoning code, it should only be a duplex at most, but we are entertaining proposals with five to six units.

Joseph Rittman, 599 Laurel Avenue, Saint Paul, spoke in opposition. Mr. Rittman said he is the chief communicator of a group of neighbors who submitted an appeal to the last iteration of this plan. He said they learned of the application without any formal notification. When he first looked at this new plan it was attractive because it wasn't as big as past proposals, but he began to see some issues including density. If you didn't put in the garage with two dwellings on top there wouldn't be a need for most of the modifications. Mr. Rittman submitted a letter with his objections (see attached).

Mr. Hupp responded to the testimony. He showed a plan showing the carriage house and how cars would be maneuvering through the area. He said that there is 25 feet between the front of the garage and the building across the alley. There is 15 feet in the alley and 10 foot apron which is the maneuvering space for people coming in and out of the garage. He said there is decent visibility down the block and onto Dale. He doesn't think the carriage house will be aggravating the current situation. There is sufficient room to get cars in and out of the garage. He said there is a grade on the garage, but the engineers and designers are taking that into account as they design the garage. Clearly going back to three units on this property and putting a parking lot is not the vision he has and it would take away the ability to provide affordable options which is important to him. Technically the only thing that can be built on this site without a modification or variance is a single family home. They have heard these arguments on previous applications, and the variances and modifications, were evaluated and approved.

No one spoke in support. The public hearing was closed.

Commissioner Kristine Grill moved approval with conditions of the conditional use permit with modification of conditions and parking variance. Commissioner Elizabeth Reveal seconded the motion.

Commissioner Baker said that he does plan to vote in support even though so many modifications were attached. He understands that if there were fewer modifications then the current plan for this site wouldn't be able to exist and housing is needed.

Commissioner DeJoy said the reason conditions and variances are an option is because not every development is going to be by the letter of the zoning code.

In response to Commissioner DeJoy, Mr. Torstenson said there have been two or three proposals for cluster developments that haven't moved forward. There have been discussions and some initial studies regarding the new housing plan and zoning code changes to allow different types of housing including tiny house clusters.

Commissioner Lindeke said he will be supporting the proposal and said he was a little disappointed that this parcel couldn't be rezoned to T1. It seems frustrating to see these modifications pile up. This neighborhood developed before the zoning code existed and it is complicated because it has various mixtures of use and building types and a zoning code was developed that tried to simplify things, but it didn't always work in developed areas. T zoning has been a tool to try and correct some of the mistakes of the past to make it fit better with the historic character of the City. He is supporting the application because it fits with the vision that Comprehensive Plan lays out.

Commissioner Rangel Morales said what the applicant proposed was to make two units affordable housing at 50% AMI, but nothing in the conditions will hold him to that statement. He said that one of the conditions to meet is that economic considerations alone do not constitute practical difficulties. He would understand if the application had been to rezone the parcel to T1.

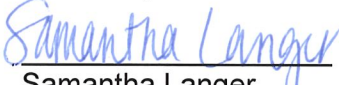
In response to Commissioner Rangel Morales, Mr. Johnson said that he did try to rezone to T1, but he was one signature short on the petition that is required.

Commissioner Rangel Morales noted his concerns about the amount of modifications attached to the application. The applicant has proposed two other proposals that were approved without having to go through this process, but said he couldn't do these options because of economic considerations. If the community wanted higher density, like a T1, he would have been able to get all of the signatures. He thinks rezoning to T1 is the only way to proceed and then an honest discussion on what was being done at the site could happen. The community didn't necessarily know the CUP was going to include all of the modifications.

Commissioner Grill said she thinks it strikes a balance for density in the area. She noted concerns about getting rid of the garage because it would take away affordable housing component and add a parking pad right on Dale Street.

The motion passed by a vote of 6-1-0.

Adopted Yeas - 6 Nays - 1 (Rangel Morales) Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Tony Johnson
City Planner

Approved by:

for Dan Edgerton
Chair