

city of saint paul
planning commission resolution
file number
date

WHEREAS, 978 Front LLC, File # 20-031-121, has applied to rezone from B2 community business to T2 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 978 Front Avenue, Parcel Identification Number (PIN) 26.29.23.32.0001, legally described as Lots 1 – 2, Block 1, Como Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 21, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. The applicant is seeking rezoning to allow more flexible use of the subject property. Specifically, the applicant wants to be able to potentially use the existing first floor commercial space for a residential use. Under the current B2 zoning, at least half of the first floor is required to be used for a commercial purpose.
2. The proposed zoning is consistent with the way this area has developed. Front Avenue was historically a street car line, and developed with a fine-grained mix of uses, which is reflected in the current zoning along Front Avenue. The proposed zoning is consistent with this existing mix of uses. The intent of the T2 traditional neighborhood district is to “foster and support compact, pedestrian-oriented commercial and residential development” and encourage “a variety of uses and housing types”. (§ 66.313).
3. The proposed zoning is consistent with the Comprehensive Plan. Policy 1.24 of the Land Use Chapter of the 2030 Saint Paul Comprehensive Plan states that the City should “Support a mix of use on Mixed-Use Corridors”. The proposed zoning will increase the range of allowed uses of the subject property, and the portion of Front Avenue where the subject property is located is designated as a Mixed-Use Corridor. Policy HLU 1.5 of the District 10 Como Community Plan calls for a small area plan for the Como/Front/Dale intersection and for Front Avenue between Dale and Lexington, where the subject property is located. The policy states that among the purposes of the study should be to identify commercial and residential redevelopment opportunities.
4. The proposed zoning is compatible with the surrounding existing land uses. The area is a mix of low-density multifamily residential and commercial uses. A cemetery is located to the east of the subject property.

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in favor _____

against _____

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 zoning is not “spot zoning”. The proposed zoning allows for a similar type and intensity of land uses as the current B2 zoning. The block face on which the property is located is approximately half B2 zoning currently.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 978 Front LLC for rezoning from B2 community business to T2 traditional neighborhood for property at 978 Front Avenue be approved.

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WHEREAS, Kraus Anderson, File # 20-030-713, has applied for a conditional use permit for a 66' 7" building height (73' 4" for elevator penthouse) and floor area ratio variance (3.0 FAR maximum, 3.6 FAR proposed) under the provisions of § 66.331, § 61.501, and § 61.601 of the Saint Paul Legislative Code, on property located at 2383 University Avenue W, Parcel Identification Numbers (PINs) 29.29.23.43.0057, 29.29.23.43.0056, and 29.29.23.43.0055, legally described as Lot 48 and WLY 5 FT of Lot 49 of Hewitt's Out Lots; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 21, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. Zoning Code §66.331(g) provides that a building height up to 90 feet may be permitted with a conditional use permit. The application is to allow a 67ft. tall (6-story) primarily residential building with approximately 222 units.
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 can be met. The proposed development is consistent with the 2030 Comprehensive Plan. The plan identifies this location as Mixed-Use Corridor and Neighborhood Center, both of which call for higher density. The proposed development is also consistent with the 2040 Comprehensive Plan. This location is identified as Mixed-Use and a Neighborhood Node. The following policies are particularly applicable:
 - *Policy LU-1. Encourage transit-supportive density and direct the majority of growth to areas with the highest existing or planned transit capacity.*
 - *Policy LU-30. Focus growth at Neighborhood Nodes using the following principles:*
 1. *Increase density toward the center of the node and transition in scale to surrounding land uses.*
 2. *Prioritize pedestrian-friendly urban design and infrastructure that emphasizes pedestrian safety.*
 3. *Cluster neighborhood amenities to create a vibrant critical mass.*

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4. *Improve access to jobs by prioritizing development with high job density.*

The proposed development is generally consistent with the general scale called for in the Raymond Station Area Plan under section 4.1.1 Built Form:

- 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.*

However, later in the same section, the station area plan also states all buildings within the Priority Active Frontage zones should have commercial uses at street level:

- g) *Commercial or retail uses should be located in the first floor of all buildings within the Priority Active Frontage zones [...].*

The plan identifies both University Avenue and Raymond Avenue at this location as “Priority Active Frontages”. The application includes two alternative building plans for the first floor:

- “LEVEL 1 CURRENT,” which includes only residential units and “residential lobby/amenity” space at the corner of University/Raymond.
- “LEVEL 1 PROPOSED,” which includes commercial space along University Avenue, three “live + work” units and a “community incubator” space along Raymond Avenue and “residential lobby/amenity” space at the corner of University/Raymond in addition to residential units.

The “Proposed” first floor design alternative includes commercial space on both University Avenue and Raymond Avenue and places active frontages long the majority of both building facades. This alternative meets the intent of the Station Area Plan. The “Current” design alternative would not be consistent with the plan.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Access to the site will be via one curb-cut off Charles Avenue. This will minimize disruption to pedestrian traffic and direct auto traffic away from the intersection on the least busy street fronting the site. It will also avoid conflict with the Grand Round bike path on Raymond Avenue.
- (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 proposed building is within the Raymond-University Commercial Historic District. The historic district has design requirements that ensure compatibility with the existing character of the immediate neighborhood. The use will not endanger the public health, safety, or 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 use is generally consistent with the land uses and scale of development planned for the surrounding 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 the approval of the FAR variance presented in Finding 3, below.
3. Zoning Code §66.331 limits the floor area ratio (FAR) in T3 zones to 3.0. The application requests a variance to allow a FAR of 3.6. 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 intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. 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 2.a., the proposed mixed-use building is consistent with the 2030 Comprehensive Plan, which calls for increased density along Mixed-Use Corridors, and with the 2040 Comprehensive Plan, which calls for increasing density in Mixed Use areas, Neighborhood Nodes and 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 District 9 Plan support higher-density mixed-use at this location. Providing a mixed-use building at the scale envisioned in the Comprehensive Plan requires more floor area than allowed by the Zoning Code.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Generally, a project on a property that is zoned T3, 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 corresponding likelihood of a FAR increase.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* The proposed uses are allowed in the T3 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* The proposed mixed-use building is consistent with the development in the surrounding area and the type of development the Raymond Station Area Plan, 2030 Comprehensive Plan and 2040 Comprehensive Plan supports. Furthermore, the project has been reviewed and recommended for approval by staff to the Heritage Preservation Commission thus ensuring compatibility with the historic 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 Kraus Anderson for a conditional use permit for building height is hereby approved for a building height of 70 feet, and the floor area ratio variance application (3.0 FAR maximum, 3.6 FAR proposed) at 2383 University Avenue W is also hereby approved, subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The first-floor building plans will have commercial space equal to or greater than the plan labeled "LEVEL 1 PROPOSED," submitted and approved as part of this application.

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WHEREAS, Selby Dale LLC, File # 20-029-704, has applied to rezone from B2 community business to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 156 Dale Street N, Parcel Identification Number (PIN) 01.28.23.22.0307, legally described as Woodland Park Addition, Block 6, Lot 8, except W 31.39 ft of N 42.65 ft Lot 9, E 28 ft of S 130.24 ft of Lot 10, S 73.10 ft of W 22 ft of Lot 10, and S 73.03 ft of Lot 11; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 21, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. The applicant is seeking to rezone the subject parcel from B2, Community Business, to T3, Traditional Neighborhood, in order to construct a new 82-unit apartment building and to convert the existing vacant auto garage into a hair salon.
2. The proposed zoning is consistent with the way this area has developed. Selby avenue has developed with a mix of commercial and residential of varying densities. In 1922, when the first zoning code was enacted, Selby Avenue was zoned "C" commercial which permitted a both residential and commercial uses, like the proposed T3 zoning district. In 1975 when the modern zoning code was enacted, Selby Avenue was zoned RM2 multi-family residential, B2 community business, and B3 general business, with the new zoning districts generally corresponding to the underlying land uses. T3 zoning permits a range of land uses that are consistent with the current mix of commercial and multifamily residential zoning districts on Selby Avenue. The proposed T3 zoning is also consistent with the historic "C" commercial zoning designation and is compatible with the way the area has developed in terms of the mix of commercial and residential land uses along the Selby Avenue corridor.
3. The proposed zoning is consistent with the Comprehensive Plan. The proposed T3, traditional neighborhood zoning, is consistent with both the 2030 and 2040 comprehensive plan. The 2030 comprehensive plan identifies Selby Avenue as a mixed-use corridor. T3,

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traditional neighborhood zoning and proposed commercial and residential land uses, are consistent with this 2030 comprehensive plan mixed use corridor designation and specifically policy LU 1.24 which calls for supporting a mix of uses on mixed use corridors. Policy LU1.2 of the 2030

comprehensive plan calls for permitting high density development in mixed use corridors at 30 – 150 dwelling units per acre. The proposed 82-unit apartment building is within this density range at 102 dwelling units per acre, which is consistent with the housing density called for by this policy.

The 2040 comprehensive plan identifies the Selby and Dale Intersection as a neighborhood node. Policy LU-30 calls for focusing increasing density toward the center of the node and transitioning in scale to surrounding land uses. The proposed zoning will allow an increase in potential density at the center of the neighborhood node which will then transition into lower density residential uses which is consistent with this policy. Policy LU-1 calls for encouraging transit supportive density and directing the majority of the growth to areas with the highest existing or planned transit capacity. The proposed zoning district and development is at the intersection Selby and Dale which are both served by frequent transit service. Additionally, the B-Line bus rapid transit extension is planned to be constructed on Selby Avenue. The proposed T3 traditional neighborhood zoning district will facilitate to the development of transit supportive density at this location prior to the development of the B line.

4. The proposed zoning is compatible with surrounding commercial and residential land uses if varying densities near the subject parcel. The commercial and residential uses in the immediate area are generally permitted uses in the T3 traditional neighborhood district. T3 zoning at the subject location will enable the intensification of development near the center of this node that is compatible with the nearby commercial and residential land-uses and zoning districts.
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 T3 zoning would not constitute spot zoning. The uses permitted in the proposed T3 zoning district are consistent with uses permitted in the RM2 zoning district and B2 zoning district in the immediate area.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Selby Dale LLC for rezoning from B2 community business to T3 traditional neighborhood for property at 156 Dale Street N be approved.

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planning commission resolution
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WHEREAS, TJL Development LLC, File # 20-029-745, has applied for a variances for the following: 156 Dale portion of the site: front yard setback from Selby (20' minimum, 0' proposed), and 2 parking spaces in front of the existing building on Dale; 594 Selby (RM2) portion of the site: density (9 dwelling units maximum, 22 proposed), side yard setback for balconies (9' min., 5' proposed), rear yard setback for balconies (25' min., 21' proposed), lot coverage (35% max., 58% proposed), height (50' max., 53' proposed), and access to parking in the T3 portion of the building across the RM2 portion, under the provisions of Zoning Code §§ 60.306, 61.202(b), and 61.601, on property located at 156 Dale Street N and 594 Selby Avenue, Parcel Identification Numbers (PINs) 01.28.23.22.0307 & 0307, legally described as Woodland Park Addition, Block 6, Lot 7, Lot 8, except W 31.39 ft of N 42.65 ft Lot 9, E 28 ft of S 130.24 ft of Lot 10, S 73.10 ft of W 22 ft of Lot 10, and S 73.03 ft of Lot 11; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 21, 2020, held a public hearing on said application pursuant to the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. The applicant is proposing to develop an apartment building and hair salon at 156 Dale Street and 594 Selby Avenue. The location of the proposed salon will be entirely on the 156 Dale Street parcel. The proposed apartment building will be constructed over two zoning designations and two lots of record that are intended to be combined at a later date. The 156 Dale Street Parcel is proposed to be rezoned to T3 traditional neighborhood and the 594 Selby parcel will remain zoned RM2. Zoning Code § 60.306 permits development of the apartment building on a split zoned RM2/T3 zoning lot, but the portions of the building are subject to all the standards for these two districts of their underlying zoning district. Although these two zoning districts both permit multifamily residential development, the two zoning districts differ in regard to setback requirements, dimensional standards, parking, and how density is regulated.

There are two variances requested for the 156 N Dale portion of the zoning lot, where T3 is proposed for the underlying zoning.

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- **Placement of parking in front yard:** The proposed T3 zoning district does not permit parking to be established in a front yard. The applicant is proposing to construct 2 parking spaces in front of the vacant commercial building, one for drop offs only and one handicap parking stall. The rest of the accessory parking for the proposed hair salon will be behind the commercial use in the apartment building. Front yard parking is permitted under the current B2 zoning and it's likely that there was parking in front of this commercial building historically. According to the 1925 Sanborn map the original commercial building was built at a 0 foot setback from Dale Street. Sometime after 1925, part of the building was demolished and the front setback was increased to where it is today, most likely to accommodate accessory parking in front of the building. The applicant chose to request this variance and rezone all of 156 N Dale to T3 instead of applying to create 3 zoning designations on one zoning lot or submitting a site plan separately for these parking spaces under the current zoning.
- **Front Set-Back:** The front setback requirement for stand-alone residential structures in T3 is based on the average setback of the existing structures on the block, which is 20 feet. The subject parcels are in between commercial uses and structures with 0-foot setbacks at intersection of Selby and Dale and residential uses and structures along Selby Avenue with 20 to 30 foot setbacks. Given this site context, the applicant is requesting a variance for the front setback in order to match 0 foot setback of the commercial buildings on the portion of the front facade adjacent to those buildings, and is proposing to set the building back 25' for the RM2 portion of the building next to existing residential buildings.

The following variances are requested for the 594 Selby portion of the zoning lot, which will retain RM2 zoning.

- **Density.** A maximum of 9 units, with the density bonus for structured parking and including half of the width of the alley, are permitted by right on the 8,625 sq. of feet of the zoning lot (594 Selby Ave) zoned RM2, and 22 units are proposed. In the RM2 zoning district, density is regulated by a minimum lot area per unit requirement. With the density bonus applied for having 2 structured parking spaces per unit, the minimum lot required per unit would 900 sq. ft. In the T3 zoned portion of the lot, density is regulated by a maximum floor area ratio of 3.0 and the 60 residential units and hair salon could be built on this portion of the zoning lot by right.
- **Side Yard Set Back.** A side yard setback of 9 feet is required in the RM2 multifamily residential zoning district. The main wall of the apartment building meets this setback requirement, but the proposed balconies project 4 feet into the required setback. Unlike things like porches and decks, there is no provision in the zoning code for projections into required setbacks for balconies. If the variance is not granted the balconies would need to be moved, inset into the building, or the entire wall would need to be moved an additional 4 feet so that the balconies are outside of the required setback.
- **Rear Yard Setback.** A rear yard setback of 25 feet is required in the RM2 multifamily residential zoning district. The main wall of the apartment building meets this back requirement, but the proposed balconies project 4 feet into the required setback. Unlike things like porches and decks, there is no provision in the zoning code for projections into required setbacks for balconies. The portion of the apartment that is proposed on the T3 portion of the zoning lot would have a required rear-setback 13 feet from the center line of the alley. The balconies as shown would be permitted by

right in a T3 zoning district.

- **Lot Coverage.** The maximum lot coverage for principal structures in residential districts is 35% and the applicant is requesting 58% lot coverage on the 594 Selby parcel. This lot coverage requirement only applies to the portion of the zoning lot zoned RM2. The portion of the apartment building of the T3 part of the zoning lot no has maximum lot coverage requirement and is permitted by right in this regard.
 - **Height.** The maximum height in the RM2 district is 50' feet and the applicant is requesting a height of 53' feet to match the height of the rest of the building. The portion of the apartment building with T3 zoning can get to 53' building height by right by steeping the building back from the setback lines. A similar provision does not exist in the RM2 zoning district.
 - **Parking Access.** Per Zoning Code § 63.310 (b), *entrances and exits to and from a parking facility in a commercial or industrial zoning district shall not be across land in a residential district.* The applicant is proposing access to the structured parking on the 594 Selby parcel, zoned RM2. RM2 is a residential zoning district and the proposed T3 zoning is a commercial zoning district. Because parking spaces are proposed on the 156 Dale parcel, where T3 is proposed for the underlying zoning, a variance of § 63.310 is necessary because parking access for these spaces goes across residentially zoned land. If the variance is denied, this entrance to the parking facility would either need to be moved to a portion of the lot zoned T3 or removed entirely.
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 variances are in harmony with the general purposes and intent of the zoning code.* This finding is met. An intention of the zoning code is 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 applicant is seeking a rezoning and multiple variances in order to facilitate the development of an apartment building and a hair salon. The subject parcels are served by an east – west (the 21) and a north - south transit line (the 65), and additionally, the B-Line bus rapid transit extension is planned for Selby Avenue. The majority of the variances pertain to the portion of the zoning lot to remain RM2. The variances are necessary for the full lot to be developed in manner that respects the existing context of the commercial and residential development, on and near the site, as well as consistency in the urban design of the apartment building that spans across two different zoning designations with different dimensional standards. This proposal will add a new commercial use in a vacant building, which adds to the mix of uses, and it will add density that supports existing and future transit use. The proposal as a whole and the requested variances are consistent with this intent of the zoning code.
 - (b) *The variances are consistent with the comprehensive plan.* This finding is met. The variances are consistent with both the 2030 and 2040 comprehensive plan. The 2030 comprehensive plan identifies Selby Avenue as a mixed-use corridor. The variances will enable a mix of uses to be established on the parcel by providing relief from the strict application of a number of standards in the code. Land Use Plan Policy LU 1.24 calls for supporting a mix of uses on mixed use corridors and the mix of uses that the variances will help enable are consistent with this policy. Policy LU1.2 of the 2030 comprehensive plan calls for permitting high density development

in mixed use corridors at 30 – 150 dwelling units per acre. The proposed 82-unit apartment building is within this density range at 102 dwelling units per acre, consistent with the housing density called for by this policy.

The 2040 comprehensive plan identifies the Selby-Dale intersection as a neighborhood node. Policy LU-30 calls for focusing increasing density toward the center of the node and transitioning in scale to surrounding land uses. The proposed variances, and more specifically the variance for the front setback, is consistent with this policy because it will enable the building to match the form and scale of the adjacent commercial buildings and then transition into the residential area by increasing the front setback closer to the residential uses to the east.

- (c) *The applicant has established that there are practical difficulties in complying with the provisions; that the property owner proposes to use the property in a reasonable manner not permitted by the provisions. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant is seeking to develop an apartment and hair salon on a zoning lot with multiple zoning designations and an existing historically significant commercial structure on the site. The two zoning districts, RM2 and T3, differ in how density and dimensional standards are regulated. There are practical difficulties in designing a cohesive building on a split zoned lot that is more permissive in the building typologies that would be permitted by right on one portion of the lot (T3) and more prescriptive on another portion of the lot (RM2). Additionally, the historic structure on the site significantly limits the developable area of the parcel because the applicants request to demolish the structure was denied, so it is not possible to shift the building mass and units in the RM2 portion of the zoning lot to this area. Rezoning the entire lot to T3 would eliminate the majority of the variance requests but would require a consent petition that may be onerous with current social distancing guidelines. These factors constitute practical difficulties in complying with the provisions of the zoning code, resulting in multiple variance requests.
- (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 zoning lot is an irregular shaped flag lot with frontage on both Selby Avenue and Dale Street. There is an existing auto repair garage building that was found to be historically significant on roughly 6,850 square feet of the lot area, and there is RM2 zoning on roughly 8,625 feet of the lot. The subject parcels are in between commercial buildings that anchor corner of the Selby and Dale intersection with 0 foot setbacks and residential uses that are setback 20 – 30 feet. These are all circumstances that are unique to the property that were not caused by the landowner.
- (e) *The variances will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The variances will not result in a use being permitted which is not allowed in the RM2 or T3 zoning districts.
- (f) *The variances will not alter the essential character of the surrounding area.* This finding is met. The subject parcel is located in between existing commercial buildings and residential buildings of varying densities. Based on this context, the proposed uses are incorporating elements of the commercial form into the design that require a variance, such as the zero-foot front setback. The majority of multi-family structures in the immediate area were built before the first zoning code was enacted in 1922, and those structures would likely require some of the same variances of the RM2 dimensional standards that the applicant is requesting in this application if they were built today. The variances will enable the development to be in keeping with the

essential character of the area, and the proposed apartment building will serve as a transitional structure between the commercial structures at the corner of Selby and Dale and the residential structures along Selby Avenue to the east.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TJJ Development for variances for the following: 156 Dale portion of the site: front yard setback from Selby (20' minimum, 0' proposed), and 2 parking spaces in front of the existing building on Dale; 594 Selby (RM2) portion of the site: density (9 dwelling units maximum, 22 proposed), side yard setback for balconies (9' min., 5' proposed), rear yard setback for balconies (25' min., 21' proposed), lot coverage (35% max., 58% proposed), height (50' max., 53' proposed), and access to parking in the T3 portion of the building across the RM2 portion at 156 Dale Street and 594 Selby N is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The application to rezone 156 Dale Street from the B2 general business to T3 traditional neighborhood is approved by the Mayor and City Council.