

city of saint paul
planning commission resolution
file number
date

WHEREAS, MS Relocation Services Inc., File # 20-027-532, has applied for an establishment of legal nonconforming use status as a duplex, with variance of the consent petition requirement under the provisions of § 62.109(a) and § 61.601 of the Saint Paul Legislative Code, on property located at 1300 Schletti Street, Parcel Identification Number (PIN) 24.29.23.33.0015, legally described as COTTAGE HOMES EX S 350 FT AND EX N 145 FT PART OF W 1/2 S OF WHEELLOCK PKWY AND E OF SCHLETTI ST OF LOT 31; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 7, 2020, held a public hearing on 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, current owner of the subject property, purchased and rehabilitated the subject property at 1300 Schletti Street. The applicant states that City, County and other records indicated the property was and is a duplex. However, according to the applicant, the intended purchaser of the property from the applicant was told by Department of Safety and Inspection staff that the property is zoned for single-family (R3) and the property does not have legal nonconforming use as a duplex.
2. The Saint Paul Planning Commission maintains guidelines for staff recommendations when evaluating duplex conversions, including establishment of nonconforming uses. The guidelines state that staff shall recommend denial unless the all findings for the applicable conditional use permit are met (see Finding 3), along with the following additional guidelines:
 - A. *Lot size of at least 5000 square feet with a lot width or front footage of 40 feet.* This guideline is met; the lot is approximately 10,000 square feet, with 72 feet of frontage.
 - B. *Gross living area, after completion of duplex conversion, of at least 1,800 square feet.* This guideline is met; per county records, the structure includes 1,751 above ground finished square feet, plus a 200 finished square basement rec room.
 - C. *Three off-street parking spaces (non-stacked) are preferred; two spaces are the required minimum. A site plan showing improved (durable, permanent, dustless surface) parking spaces must be provided.* This guideline is met. The site includes a two-car garage and a paved parking apron in the rear yard.

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- D. *All remodeling work for the duplex is on the inside of the structure. Exceptions to this condition will be made if the applicant submits exterior elevation drawings which are approved as architecturally compatible by the design staff of the Department of Planning and Economic Development. PED staff would simply approve or disapprove; they would not revise drawings or write any detailed comments.* This guideline is met.
 - E. *The proposed duplex structure is located in a mixed density neighborhood, not a homogeneous single-family area or in an area where duplexes and triplexes are already concentrated to the point of congesting neighborhood streets.* This guideline is met.
 - F. *A code compliance inspection has been conducted and the unit is found to be up to the housing code standards; or the property owner has agreed to make the necessary improvements to bring it to housing code compliance.* This guideline can be met. The applicant is working with Department of Safety and Inspections (DSI) staff. DSI determination that the property meets building and housing code for use as a duplex, within one year of approval or at the discretion of DSI staff, should be a condition of approval.
3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming status to uses or structures that do not meet the standards for legal nonconforming status in section 62.102 if the commission makes the following findings:
- (1) *The use or a nonconforming use of similar or greater intensity first permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application.* This finding appears to be met. Ramsey County tax records reflect that the use is taxed as a duplex/triplex. Although City zoning records show the property was never legally established as a duplex, the TISH report obtained at the time of the most recent sale state and describe the property as a duplex. Some City property records also show multiple units at the address.
 - (2) *The off-street parking is adequate to serve the use.* This finding is met. The parking requirement for a duplex is 3 off-street spaces. The property currently has a two-car garage, plus additional parking on a paved apron in the rear yard.
 - (3) *Hardship would result if the use were discontinued.* This finding is met. The applicant purchased and invested in the property with a belief that the property could legally be used as a duplex.
 - (4) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. The property is located in a large, contiguous area of R3 single-family zoning; the proposed use as a duplex is first allowed in the RT1 district, and rezoning the property to RT1 would likely result in spot zoning.
 - (5) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The preponderance of evidence suggests that the property has been used for at least 10 years as a duplex. Provided that the property receives a Certificate of Occupancy as a duplex or occupancy approval for use as an owner-occupied duplex, the proposed use will neither be detrimental to the existing character of the area nor endanger the public health, safety, or general welfare.
 - (6) *The use is consistent with the comprehensive plan.* This finding is met. Policy 1.1 of the Housing Chapter of the 2030 Comprehensive Plan states that the City should "increase housing choices across the city to support economically diverse neighborhoods"; establishment of the property as a legal, nonconforming duplex

adds housing choice in an area of largely single-family homes. Policy H2 of the North End District 6 Plan calls for the promotion of “*housing units that cater to empty nesters and seniors and that increase the range of affordability in the community*”; the proposed use supports this goal by increasing housing choice.

- (7) *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet the subject property has been submitted stating their support for the use.* This finding is **not** met. The consent petition would require the signatures of 2/3 of the owners of 14 surrounding properties. The applicant is seeking a variance of the petition requirement.
4. Section 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 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 general purpose of the zoning code is to ensure compatibility between land uses in the same general area. The petition requirement is one way in which this compatibility is maintained, but varying of the petition requirement does not negate the ability of the zoning code, provided other requirements are met, to ensure this purpose is fulfilled.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. Policy 1.1 of the Housing Chapter of the 2030 Comprehensive Plan states that the City should “increase housing choices across the city to support economically diverse neighborhoods”; establishment of the property as a legal, nonconforming duplex adds housing choice in an area of largely single-family homes. Policy H2 of the North End District 6 Plan calls for the promotion of “housing units that cater to empty nesters and seniors and that increase the range of affordability in the community”; the proposed use supports this goal by increasing housing choice.
 - (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 applicant has invested significant time and money to purchase and rehabilitate the house, and is already in the process of selling the property, based on City and County records and documents that suggest it has legal status as a duplex. Together with the stay-at-home order currently in effect due to the pandemic, which would make the collection of signatures more time consuming and problematic, this has created practical difficulties in complying with the consent petition requirement.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The inconsistency of publicly available information regarding the legal use of the subject property and current stay-at-home order due to the pandemic are circumstances unique to the property not created by the landowner.
 - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* The finding is met. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming status to uses or structures, provided certain findings are met. The variance of the consent petition requirement does not negate this authority.

- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The variance of the petition requirement will not directly nor indirectly alter 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 MS Relocation Services Inc. for an establishment of legal nonconforming use status as a duplex, with variance of the consent petition requirement at 1300 Schletti St is hereby approved subject to the following condition:

1. Within one year of approval, or at the discretion of Department of Safety and Inspections (DSI), DSI staff determines that the property meets applicable housing and building code for the proposed use as a duplex.

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WHEREAS, V V Property, File # 20-025-230, has applied to rezone from T2 traditional neighborhood to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1619 Dayton Avenue, Parcel Identification Number (PIN) 04.28.23.11.0008, legally described as Lots 14 thru 27, Block 1, Oakland Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 7, 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 owns the property at 1619 Dayton Avenue. The property is occupied by an existing two-story office building, formerly known as Richard Gordon Elementary School. The building is surrounded by 100 off-street surface parking spaces. A retaining wall of varying height borders the site. The applicant intends to develop a six-story apartment building with 97 units on the northern portion of the site along Marshall Avenue, replacing the existing 44 off-street surface parking spaces along Marshall Avenue. All of the units will be affordable at 50% to 70% AMI. The mix of units is 48 one-bedroom, 44 two-bedroom, and 5 three-bedroom. The retaining wall along Marshall Avenue will be replaced by a new 30-inch retaining wall allowing some level of separation between the main level apartment units and the sidewalk along Marshall Avenue. The main pedestrian entrance to the apartment building will be at the northeast corner of the site along Marshall Avenue, which provides access to the building for residents using transit along Marshall and Snelling Avenues. There are bus stops at the southwest corner of Marshall and Fry and at Dayton and Snelling. Vehicular access to the site will be from two curb cuts along Fry Street: one that provides access to the below ground parking spaces in the apartment building and the other that provides access to the angled surface parking spaces at the rear of the proposed building via a one-way drive. This second curb cut will also continue to provide vehicular access to the surface parking spaces that serve the office building. There is a third curb cut along Dayton Avenue that provides access to the surface parking spaces that serve the office building.

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in favor _____
against _____

The proposed apartment building requires 91 parking spaces. This amount takes into account a 25 percent reduction in the parking requirement for residential uses in a T3 zoning district per Sec 66.342 (a). The applicant will provide 61 off-street parking spaces: 45 below ground parking spaces and 16 surface parking spaces. In addition, the applicant plans to take advantage of various off-street parking reductions allowed by the Zoning Code to make up the gap between the number of spaces required and the number provided. This takes into account a reduction of 10 spaces for 40 bicycle parking stalls per Sec. 63.210(b) and 10 on-street parking spaces that may be used to meet the parking requirement in T3 zoning districts per Sec 66.342 (a). Finally, the applicant intends to request the Zoning Administrator authorize a reduction (10 or more spaces) in the total number of required parking spaces for the two uses (office and residential) since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking.

2. The project requires the property to be rezoned from T2 to T3, a conditional use permit to allow additional height, and front yard setback variances to allow building articulation and balconies.
3. *The proposed zoning is consistent with the way the area has developed.* The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. The property to be rezoned abuts an existing T3 zoning district that runs the length of the block along Snelling Avenue between Marshall and Dayton Avenues and would not result in spot zoning. The rezoning to T3 is consistent with the intent and purpose of the Zoning Code, including Sec. 60.103(j), which calls for providing housing choice and housing affordability. Rezoning to T3 will allow development of affordable housing on the site.
4. *The proposed zoning is consistent with the Comprehensive Plan.* The site of the proposed apartment is located along a stretch of Marshall Avenue identified as Residential and Mixed-Use Corridors in the Land Use Plan, a chapter of the Saint Paul Comprehensive Plan. Residential corridors are described in the plan as segments of street corridors that run through Established Neighborhoods and are predominantly characterized by medium density uses (4 to 30 units per acre) while Mixed Use Corridors are described as primary thoroughfares through the city that are served by public transit and predominantly characterized by medium to high density uses (30 to 150 units per acre). The 2040 Comprehensive Plan identifies the site as being in the Neighborhood Node at Selby and Snelling Avenues. The Neighborhood Node designation is based on locations planned for higher density. Policy LU-1 of the Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

The Union Park Community Plan, an addendum to the Comprehensive Plan, calls for finding a balance that preserves desirable assets and neighborhood character while evolving to meet present and future needs. Land use policy LU 1.1 from the Union Park Community Plan calls for maintaining and establish zoning that encourages compact development in commercial areas and in mixed-use corridors; specifically, initiate and support zoning

studies and adjustments, especially along Snelling Avenue and Marshall Avenue east of Snelling, to encourage more traditional neighborhood, mixed-use zoning where appropriate. The site is on Marshall Avenue, an existing transit corridor and future bus rapid transit route, and is in proximity to the A Line BRT, which provides access to the Green Line along University Avenue. Policy H1.2 calls for supporting efforts to develop a wide range of housing affordability levels, promoting more affordable housing along major transit routes including Snelling Bus Rapid Transit and the Green Line Light Rail line”.

5. *The proposed zoning is compatible with surrounding uses.* The project area has experienced a lot of development recently, including a Starbucks, a Whole Foods grocery store with apartments above, a new apartment building immediately to the north that is currently under construction, and the soon-to-be completed apartments on the former O’Gara’s restaurant site. The proposed use is consistent with existing and recently developed uses. All of the proposed units will be affordable, a much desired addition to a market area with a strong need for affordable housing and one that has experienced primarily market rate housing in the recent past.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of V V Property to rezone from T2 traditional neighborhood to T3 traditional neighborhood property at 1619 Dayton Avenue be approved.

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WHEREAS, V V Property, File # 20-025-243, has applied for a conditional use permit to allow a building height of up to 75 feet and front yard setback variances for building articulation and balconies (10' required and 5' proposed) under the provisions of §§ 61.501, 61.601, and 61.202(b) of the Saint Paul Legislative Code, on property located at 1619 Dayton Avenue, Parcel Identification Number (PIN) 04.28.23.11.0008, legally described as Lots 14 - 27, Block 1, Oakland Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on May 7, 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 owns the property at 1619 Dayton Avenue. The property is occupied by an existing two-story office building, formerly known as Richard Gordon Elementary School. The building is surrounded by 100 off-street surface parking spaces. A retaining wall of varying height borders the site. The applicant intends to develop a six-story apartment building with 97 units on the northern portion of the site along Marshall Avenue, replacing the existing 44 off-street surface parking spaces along Marshall Avenue. All of the units will be affordable at 50% to 70% AMI. The mix of units is 48 one-bedroom, 44 two-bedroom, and 5 three-bedroom. The retaining wall along Marshall Avenue will be replaced by a new 30-inch retaining wall allowing some level of separation between the main level apartment units and the sidewalk along Marshall Avenue.

The main pedestrian entrance to the apartment building will be at the northeast corner of the site along Marshall Avenue, which provides access to the building for residents using transit along Marshall and Snelling Avenues. There are bus stops at the southwest corner of Marshall and Fry and at Dayton and Snelling.

Vehicular access to the site will be from two curb cuts along Fry Street: one that provides access to the below ground parking spaces in the apartment building and the other that provides access to the angled surface parking spaces at the rear of the proposed building via a one-way drive. This second curb cut will also continue to provide vehicular access to the surface parking spaces that serve the existing office building. There is a third curb cut along Dayton Avenue that provides access to the surface parking spaces that serve the office building.

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seconded by _____
in favor _____
against _____

The proposed apartment building requires 91 parking spaces. This amount takes into account a 25 percent reduction in the parking requirement for residential uses in a T3 zoning district per Sec 66.342 (a). The applicant will provide 61 off-street parking spaces: 45 below ground parking spaces and 16 surface parking spaces. In addition, the applicant plans to take advantage of various off-street parking reductions allowed by the Zoning Code to make up the gap between the number of spaces required and the number provided. This takes into account a reduction of 10 spaces for 40 bicycle parking stalls per Sec. 63.210(b) and 10 on-street parking spaces that may be used to meet the parking requirement in T3 zoning districts per Sec 66.342 (a). Finally, the applicant intends to request the Zoning Administrator authorize a reduction (10 or more spaces) in the total number of required parking spaces for the two uses (office and residential) since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking.

2. The project requires the property to be rezoned from T2 to T3, a conditional use permit to allow additional height, and front yard setback variances to allow building articulation and balconies. The rezoning request is detailed in a separate staff report. The T3 dimensional standards allow the height of multifamily buildings to 45 feet by right and up to 90 feet with a conditional use permit; 75' is proposed. The highest projected height is 69' 6"; the applicant requests the 75' to provide flexibility as the flat roof design is refined.

The additional height and levels of apartments above 45' are essential for the project to address the need for affordable housing and are critical to the financial viability of construction and the long-term success of the project. With regard to the request for variances, the applicant states that the first front yard setback variance is needed to accommodate the building façade articulation along Marshall Avenue and the second is to accommodate the overhang into the required setback for the balconies.

3. §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 site of the proposed apartment is located along a stretch of Marshall Avenue identified as Residential and Mixed-Use Corridors in the Land Use Plan, a chapter of the Saint Paul Comprehensive Plan. Residential corridors are described in the plan as segments of street corridors that run through Established Neighborhoods and are predominantly characterized by medium density uses (4 to 30 units per acre) while Mixed Use Corridors are described as primary thoroughfares through the city that are served by public transit and predominantly characterized by medium to high density uses (30 to 150 units per acre). The 2040 Comprehensive Plan identifies the site as being in the Neighborhood Node at Selby and Snelling Avenues. The Neighborhood Node designation is based on locations planned for higher density. Policy LU-1 of the Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

The Union Park Community Plan, an addendum to the Comprehensive Plan, calls for finding a balance that preserves desirable assets and neighborhood character while evolving to meet present and future needs. Land use policy LU 1.1 from the Union Park Community Plan calls for maintaining and establish zoning that encourages compact development in commercial areas and in mixed-use corridors; specifically, initiate and support zoning studies and adjustments, especially along Snelling Avenue and Marshall Avenue east of Snelling, to encourage more traditional neighborhood, mixed-use zoning where appropriate. The site is on Marshall Avenue, an existing transit corridor and future bus rapid transit route, and is in proximity to the A Line BRT, which provides access to the Green Line along University Avenue. Policy H1.2 calls for supporting efforts to develop a wide range of housing affordability levels, promoting more affordable housing along major transit routes including Snelling Bus Rapid Transit and the Green Line Light Rail line”.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The project site is designed to create a comfortable, safe, and walkable pedestrian environment and to minimize impacts to the flow of traffic on Marshall Avenue. Vehicle access to and from surface and underground off-street parking for the apartment will be from Fry Street. The project will result in one new curb cut on Fry Street to serve the below ground parking in the apartment building. The two existing curb cuts, one on Fry Street and one on Dayton Avenue, will remain. Vehicular traffic access, and circulation will be reviewed by the Department of Public Works traffic staff during site plan review to ensure adequate ingress and egress. A traffic memo will be required as part of the site plan review process. Bike racks will be located at several locations on site.
- (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. Marshall Avenue is minor arterial that carries about 15,000 vehicles per day and is served by several bus routes. Snelling Avenue, less than one block to the east carries around 30,000 vehicles per day and is served by several bus routes including A Line BRT. The proposed multifamily use and apartment building will serve as a transition between commercial uses to the east and low to medium density residential uses to the west and will not be detrimental to the existing character of development in the immediate neighborhood. The proposed use 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. The proposed apartment use is consistent with the character of development in the surrounding neighborhood. Additional residents in the area will support transit ridership and businesses in the Selby Snelling Neighborhood Node. The design of the building uses materials and quality of construction consistent with nearby properties. In addition, the stepped façade and material changes fit within the scale and character of development in the neighborhood. The project will add transparency and eyes on the street along Marshall Avenue.
- (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 apartment use is consistent with and complementary to existing development in the area. The proposed multifamily building will not prevent future development that is consistent with the Comprehensive Plan and existing zoning. The applicant submitted a shadow study to show the impact of a taller building on surrounding uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in*

which it is located. The project requires rezoning of the property from T2 to T3 and front yard setback variances for building articulation and balconies. Subject to these zoning approvals, the use will conform to all other applicable T3 district regulations.

4. Zoning Code § 66.331 requires minimum front yard setbacks. The applicant requests variances to allow building articulation and balconies within the required front yard along Marshall Avenue (10' required and 5' proposed). § 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. Purposes of the zoning code include providing housing choice and housing affordability as well as encouraging a compatible mix of land uses at densities that support transit, and that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods. The intent of the T3 zoning district is to provide for higher-density and pedestrian- and transit-oriented mixed-use development. Variances from the front yard setback requirements to make the affordable housing project work on a tight urban site are in harmony with the purpose and intent of the zoning code. Balconies help break up the massing of the building and provide access to the outdoors for tenants. The grade separation resulting from the proposed new retaining wall along Marshall Avenue allows for a greater sense of separation between the front yard setback and the sidewalk.
 - (b) *The variance is consistent with the Comprehensive Plan.* This finding is met. As noted in finding 3.a. the proposed apartment use and building are consistent with the Comprehensive Plan. Specifically, policy LU-1 of the 2040 Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers. The front yard setback variances to allow the affordable housing development are consistent with the Comprehensive Plan and the purpose and intent of the Zoning Code.
 - (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 applicant states that practical difficulties in complying with the provision include development challenges associated with a tight urban site – this includes the provision of adequate clearance from the adjacent existing office building to accommodate parking and circulation, as well as allow for compliance with the Saint Paul Design Center review comments relative to façade articulation and buildings spacing. It is not practical to move the existing office building to the south to accommodate a 10' front yard setback. 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. The applicant is retaining the existing office building on site and looking to reduce the amount of land devoted to off-street parking in order to use land more efficiently and accommodate increases in density on valuable urban land, consistent with the Comprehensive Plan. While the existing office building is not a designated historic site, it is one with some historic character, value, and interest in the neighborhood. The practical difficulties here are related to providing land-efficient below grade parking under the proposed new building while maintaining the historic school building (now office building) on the site.

- (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. An apartment building is a permitted use in the existing T2 zoning district and in the proposed T3 zoning district.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The use is permitted in the existing and proposed zoning districts and is consistent with surrounding development. The proposed affordable housing apartment building is consistent with the type of development the Comprehensive Plan supports. The applicant submitted a shadow study to show the impact of a taller building on surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of V V Property for a conditional use permit to allow at building height of up to 75' and front yard setback variances for building articulation and balconies (10' required and 5' proposed) at 1619 Dayton Avenue is hereby approved, subject to the following additional 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. Authorization from the Zoning Administrator of a reduction in the number of required off-street parking spaces per Sec. 63.206(d).
3. The property is rezoned from T2 Traditional Neighborhood to T3 Traditional Neighborhood.
4. Based on the applicant's representation of the project contained in its letter dated April 2, 2020 and statements made during the public hearing on May 7, 2020, 100 percent of the units shall be affordable, with a minimum of five (5) units affordable at 30% AMI and the remainder of units affordable at 50% to 70% AMI, for a period of not less than 30 years from the date the building receives the required occupancy certification.