

city of saint paul
planning commission resolution
file number
date

WHEREAS, Alfred and Carol Sundberg Trustee, file # 19-042-513, has applied to rezone from IT transitional industrial to T3 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 84 Water Street W, Parcel Identification Number (PIN) 06.28.22.42.0015, legally described as ROBERTSONS ADD TO WEST ST PAUL SUBJ TO ESMTS & RE-ALIGNED WATER ST THE FOL; E 1/2 OF VAC HYDES & W 1/2 OF VAC WALTER ST & W 5 FT OF E 1/2 OF N 83.06 FT OF VAC WALTER ST ALL ACCRUING TO & N 94.95 FT MOL TO 95.17 FT MOL OF LOTS 1 THRU LOT 6 BLK 187; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 6, 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. This application requests rezoning 84 Water Street West from IT transitional industrial to T3 traditional neighborhood in order to construct a multifamily building.
2. The applicant has contracted with Reuter Walton Development to plan a seven-story, 136-unit apartment building consisting of two floors of parking with 104 stalls beneath five floors of residential units. The current district, IT Transitional Industrial, does not permit residential-only use, though it does permit certain congregate living uses such as supportive housing facilities and adult care homes, as well as mixed residential and commercial use. The proposed T3 traditional neighborhood district allows residential-only use and guides the development toward a more pedestrian-oriented environment.
3. *The proposed zoning is consistent with the way this area has developed.* This finding is met. The intent of T3 traditional neighborhood is to provide for higher-density pedestrian- and transit-oriented mixed-use development. It is intended for large sites that can include residential, commercial, civic and open space uses in close proximity to one another, or for smaller sites that will contribute to the above mix of uses within reasonable walking distance. The ACVR Warehouse adjacent to this property – also known as the FOK Building – is a seventy-five-foot-tall building of mixed residential, artist studio, and storage space. Nearby, the recently-built West Side Flats apartment building at Wabasha Street and Fillmore Avenue, zoned T3M, has established the river’s edge as a redeveloping mixed-use zone.

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T3 would complement the neighboring Harriet Island Park by allowing a mix of uses that may include residential-only. Increased local population through residential-only development – not allowed in IT transitional industrial – is expected to catalyze further retail and transit.

4. *The proposed zoning is consistent with the Comprehensive Plan.* This finding is met. The Future Land Use Map in the 2030 Comprehensive Plan designates this parcel a Mixed-Use Corridor, which Land Use Policy 1.2 indicates should be permitted to contain from 30 to 150 units per acre to achieve a compact urban fabric. “The core goal of Strategy LU-1... is higher density development.” This development will reach a density of 177 units per acre. While higher than the projected Mixed-Use Corridor density, it is lower than the 200 units per acre of the neighboring Downtown, making this site an appropriate transitional site. The site is adjacent to the designated Neighborhood Node at Wabasha Street and Fillmore Avenue, a concentration of uses and transit, which the surrounding Mixed-Use Corridor-designated land is intended to support. The Comprehensive Plan also recognizes the demand for “new housing construction, at a range of income levels...” which should create density around “high amenity areas such as Downtown and the Mississippi River Corridor...”

This parcel is included in the 2003-adopted Harriet Island/District Del Sol Opportunity Site, which calls for the Harriet-Island area to transition from more mixed-use uses near Wabasha to more residential uses moving west along Harriet Island. Strategy LU3 of the West Side Community Plan, adopted 2013, supports “development that maintains the traditional urban form...” The Community Plan also calls for “rental housing options appropriate to a commercial corridor, incorporating a variety of options accessible to all income levels” and to “increase the number of units affordable to people at 30-80% of AMI.”

5. *The proposed zoning is compatible with surrounding uses.* The ACVR Warehouse southeast of this property currently contains residential units, artist studios, and storage space. Northwest of this property is the expansive Harriet Island Park, a recreation-oriented area with water-oriented amenities and events. A half block east is the West Side Flats residential and retail development, along with restaurant and health care facilities.
6. 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.*” Rezoning from IT to T3 would not constitute a spot zoning. T3 is consistent with surrounding IT and T3 zoning and uses, and with nearby Harriet Island Park.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Alfred and Carol Sundberg Trustee for rezoning from IT transitional industrial to T3 traditional neighborhood for property at 84 Water Street W be approved.

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WHEREAS, Reuter Walton Development, file # 19-042-636, has applied for a building height variance (45' permitted, 74' 6" proposed) and front yard setback variance (10' required, 8' 6" proposed for building corner near front entry, 5' proposed for balconies) under the provisions of § 66.300, § 68.242, § 61.601, and § 61.202(b) of the Saint Paul Legislative Code, on property located at 84 Water Street W, Parcel Identification Number (PIN) 06.28.22.42.0015, legally described as ROBERTSONS ADD TO WEST ST PAUL SUBJ TO ESMTS & RE-ALIGNED WATER ST THE FOL; E 1/2 OF VAC HYDES & W 1/2 OF VAC WALTER ST & W 5 FT OF E 1/2 OF N 83.06 FT OF VAC WALTER ST ALL ACCRUING TO & N 94.95 FT MOL TO 95.17 FT MOL OF LOTS 1 THRU LOT 6 BLK 187; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 6, 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, Reuter Walton Development, has planned a seven-story, 136-unit apartment building consisting of two floors of parking with 104 stalls beneath five floors of residential units. The application requests a building height variance (45' permitted, 74' 6" proposed) and a front yard setback variance (10' required, 8'6" proposed for building corner near front entry, 5' proposed for balconies).
- 2. Zoning Code § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of the zoning code upon making the following findings that:
 - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The project these variances allow "provide[s] housing choice and housing affordability", (§ 60.103. – Intent and Purpose), "provides for higher density pedestrian and transit-oriented mixed-use development" (§ 66.314. – Intent, T3 traditional neighborhood district), and complements "the diversity of commercial, industrial, residential and public uses of the lands" and "expand[s] public access to and enjoyment of the river" (§ 68.241. – Intent [RC4 River Corridor Urban Diversified Overlay District]).

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The proposed front yard setback variances allow for adequate light, air, and open space and implement comprehensive plan policies for active, pedestrian-oriented street frontages.

The proposed height variances are also in harmony with general zoning code purposes and intent to allow adequate light and air to surrounding properties and right of way, as well as to preserve public views significantly related to the character of an area. The proposed building is set away from built structures at its front or sides, and the proposed height will not hinder adequate light or air to the ACVR Warehouse behind it or the 3M building at its corner. The proposed building is set back twelve feet from its side lot lines, and steps back further on upper floors. Shadowing on adjacent properties and Harriet Island Park will be minimal.

- (b) *The variance is consistent with the comprehensive plan.* This finding is met. This parcel is identified as an Opportunity Site within a designated Mixed-Use Corridor in the 2030 Comprehensive Plan. Allowing this project's residential density would "balance the following objectives for Mixed-Use Corridors through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, and providing housing at densities that support transit." (LU-1.21) In accordance with LU-1.28, this project "promote[s] conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices." The project also "increase[s] housing choices across the city to support economically diverse neighborhoods" (H-1.1), "revitalize[s] the city by developing land-efficient housing" [H-1.3], and "support[s] new housing opportunities for low-income households throughout the city" (H-3.2) by including 10% of units at 60% Area Median Income.

The project is near Downtown; it would be an appropriate transitional urban element and contribute to an active river shoreline. The sidewalk will be built out along the edge of this property, and, in combination with populated balconies, will complement Harriet Island Park with an activated streetscape and promote investment in pedestrian infrastructure.

Additionally, this parcel is included in the 2003-adopted Harriet Island/District Del Sol Opportunity Site, which calls for the Harriet-Island area to transition from more mixed-use uses near Wabasha to more residential uses moving west along Harriet Island. Strategy H1.1 of the West Side Community Plan, adopted in 2013, calls for "rental housing options appropriate to a commercial corridor, incorporating a variety of options accessible to all income levels" and to "increase the number of units affordable to people at 30-80% of AMI."

- (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. This application for variances is based on two unique characteristics of the property: its high water table (seven feet below the surface) and long, narrow, irregular lot shape, which creates practical difficulties in complying with the height and setback provisions.

The T3 traditional neighborhood zone requires a ten-foot front yard setback. A single, small edge of the building's front façade next to the entrance juts out one foot six inches into the required ten-foot front yard where the front property line starts to

curve. Additionally, the building's balconies, located on the second through seventh floors, extend five feet into the front setback four feet ten inches, leaving a setback of five feet. The balconies with a five-foot front setback are a reasonable use not permitted by the front setback provision.

The water table beneath this property is seven feet below the surface, preventing construction of below-ground parking. T3 traditional neighborhood standards restrict height to forty-five feet, and conditional allowances for greater height are restricted in river corridor overlay districts. The RC4 district, the most permissive of the river corridor overlay districts, has no maximum height, deferring to that of the underlying zoning. The proposed apartment building with a 74 foot six inch height is a reasonable use at this location not permitted by the building height provision.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The high water table and narrowness of the lot are unique to the property and not created by the landowner or applicant.
- (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. T3 traditional neighborhood allows multi-family residential land uses.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. While much of the area is currently a low, sprawling expanse of parking lots and light industry, the essential character of the area is defined by pursuit of a Mixed-Use Corridor identity as directed by the 2030 Comprehensive Plan and supported by the Harriet Island/District Del Sol Opportunity Site Plan and the West Side Community Plan. This character has been foreshadowed by the ACVR Warehouse next door, a mixed-use building of similar size and bulk, and carried further by the nearby West Side Flats mixed-use building and recreation-oriented Harriet Island Park. The West Side Flats Master Plan is guiding impending mixed-use, traditional development which will continue to fill out the Mixed-Use Corridor at the river's edge.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Reuter Walton Development for a building height variance (45' permitted, 74' 6" proposed) and front yard setback variance (10' required, 8' 6" proposed for building corner near front entry, 5' proposed for balconies) at 84 Water Street W is hereby approved subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. City Council approval of the application to rezone the site to T3 traditional neighborhood.

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WHEREAS, Alan Hupp, file # 19-042-697, has applied for a conditional use permit for a 5 unit cluster development with modification of lot coverage and setback standards, and a parking variance (7 spaces required, 4 spaces proposed), under the provisions of § 65.130, § 61.502 and § 61.202(b) of the Saint Paul Legislative Code, on property located at 617 Laurel Ave, Parcel Identification Number (PIN) 01.28.23.22.0296, legally described as W 40 ft. of Lot 12, Block 6, Woodland Park Addition; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 6, 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 1 single family home and 2 two-family homes, 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.

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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 1 one-family structures and 2 two-family structures, he must meet the minimum lot area per unit for 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 the R4 one-family residential district is 5000 sq. ft. per unit and the minimum lot area per unit in an RT1 two-family residential district is 3000 square feet. The total lot area that is required for this proposed development is 17,000 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 two-family home closest to Laurel Avenue. The required front setback on laurel is 30 feet (average of the block) and 17 feet is proposed. The applicant is also requesting modifications of side yard setback requirements for the garage duplex and the duplex closest to Laurel. The required side yard setback for the duplexes are 9 ft.; 2 and 3 feet are proposed for the garage duplex and six foot setbacks are proposed for the front duplex. The required rear yard setback for the garage duplex is 25'; 10 feet 7 ¾ 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. This concept has been approved 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. 17,000 square feet is required for the proposed uses. 5000

square feet of lot area is required for the single family dwelling, and 6000 square feet is required for each of the duplexes.

- Lot coverage. Maximum of 35%; 39% lot coverage is proposed.
- Front setback. 30 feet is required, 17 feet is proposed.
- Rear setback. 25 feet is required; 10 feet, 7¾ inches proposed.
- Side yard setbacks. 9 feet is required for the duplexes; 2 ft. and 3 ft. are proposed for the garage duplex and 6 ft. is proposed for the front duplex.

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 1 single family structure and 2 two-family structures, 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 1 single-family dwelling and 2 two-family dwelling would be a reasonable use of this parcel that would fit this unusually deep 40 ft. wide corner lot as well or better than an apartment building. The criteria for modification of the required lot area requirement for the one-family dwellings and 2 two-family dwelling are met.

Required Front Set Back (pertains to the duplex closest to Laurel Avenue): At the HPC pre-development review, the commission requested that site be reconfigured so that there is a courtyard in between the structures. Based on their feedback, the original cluster development proposal was reconfigured to create this courtyard by connecting two of the buildings and pushing the structure closer to Laurel Avenue. The courtyard that was requested by the HPC, along with building code separation requirements between the structures, reduce the developable area of the lot. The proposed 17' 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 of the property. The criteria for a modification of the front setback requirement to allow a 17' 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 setback (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 setbacks (pertains to garage apartments and duplex closest to Laurel): 9 foot side yard setbacks are required for the two duplexes on the lot. The applicant is proposing a 2 ft. setback from the western property line and a 3 foot setback from the eastern property line for the garage duplex. 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 a 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.

9' side yard setbacks are also required for the duplex closest to Laurel Ave. In response to the feedback from the Heritage Preservation Commission, the applicant connected two of the structures in order to create the courtyard. In doing so, the structure typology was changed to a duplex, which increased the setback from 4' to 9'. This is a long narrow lot and the strict application the setback requirements would limit the developable width of the lot to 22'. The conditionally approved 6 unit multiple family structure was granted variances of the 9 foot side yard requirement, in order to construct the building 1 foot and 2 feet from the side property lines. The proposed 2 unit structure with 6 ft. setbacks seems more or equally appropriate for this long narrow lot. The criteria for modification of the side yard setback requirement for the duplexes 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 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 on-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.

- (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 3 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 modification of lot coverage and setback standards, and a parking variance (7 spaces required, 4 spaces proposed) at 617 Laurel Avenue 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. Final plans approved by the Heritage Preservation Commission for this use shall be in substantial compliance with the plan submitted and approved as part of this application.