

city of saint paul
planning commission resolution
file number
date

WHEREAS, 495 Kenny Road LLC, in File # 17-042-099, has applied for a rezoning from I1 light industrial to IT transitional industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, for property located at 495 Kenny Road, Parcel Identification Number (PIN) 322922240066, legally described as Brunsons Add Part B1all B2 12 Part Of Lot 9 Lying Wly Of A Line Run From Point On S Line Of & 0.13 Ft E From Sw Cor Of Sd Lot To The Nw Cor Of Sd Lot. Also Vac Parts Of Petit, Brunson & Partridge Sts Adj As Desc In Docs 1472578 & 1472579 & Lots 7 & Lot 8; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 8, 2017, 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 requests rezoning of 495 Kenny Road from I1 light industrial to IT transitional industrial, which Zoning Code §66.511 states is intended to provide sites for commercial, office and light industrial uses that are compatible with nearby residential uses. The rezoning is necessary to allow first-floor residential uses, which per §65.143(b) are not permitted in the I1 district.
2. The proposed zoning is consistent with the way this area has developed. The remainder of this block, east to Payne Avenue, contains residential and business uses rather than industrial.
3. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as being within a Mixed Use Corridor.
4. The proposed zoning is compatible with the surrounding mix of residential and business uses.
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 rezoning to IT does not constitute spot zoning because the uses permitted in IT are not inconsistent with the surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of 495 Kenny Road LLC for a rezoning from I1 light industrial to IT transitional industrial for property at 495 Kenny Road be approved.

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seconded by _____
in favor _____
against _____

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WHEREAS, IAF Beacon I LLC, in File # 17-042-435, has applied to rezone a portion of 777 Forest Street N. to become part of the railroad ROW from I1 light industrial to I2 general industrial under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on a portion of Parcel Identification Number (PIN) 282922330058, legally described as:

That part of the Southwest Quarter of the Southwest Quarter of Section 28, Township 29 North, Range 22 West, Ramsey County, Minnesota, bounded and described as follows: Beginning at a point on the West line of Forest Street, distant 56 feet Southerly, measured radially, from the center line of the main track of the St. Paul, Stillwater and Taylors Falls Railroad Company (later the Chicago, St. Paul, Minneapolis and Omaha Railway Company, now the Chicago and North Western Transportation Company), as said main track center line was originally located and established across said Section 28, and being now the general location of the most Northerly or Westbound main track of said Transportation Company; thence Westerly parallel with said original main track center line, said parallel line being also the Northerly line of the alley in Block 1 in E. M. Mackubin's Addition to St. Paul, a distance of 140 feet, more or less, to a point distant 9 feet Southeasterly, measured radially, from the center line of the Chicago and North Western Transportation Company (formerly Chicago, St. Paul, Minneapolis and Omaha Railway Company) spur or yard track ICC No. 133, as said yard track is now located; thence Northeasterly parallel with said yard track center line a distance of 85 feet, more or less, to a point distant 30 feet Southeasterly, measured radially, from the center line of the most Southerly or Eastbound main track of the Chicago and North Western Transportation Company (formerly the Chicago, St. Paul, Minneapolis and Omaha Railway Company), as said main track is now located; thence Easterly parallel with said last described main track center line a distance of 55 feet, more or less, to a point on the west line of said Forest Street; thence Southerly along said West line of Forest Street a distance of 13 feet, more or less, to the point of beginning; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 8, 2017, 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:

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in favor _____
against _____

1. The application requests rezoning of a small portion of 777 Forest Street N. from I1 to I2 to facilitate its addition to the abutting railroad right-of-way.
2. The proposed zoning is consistent with the way this area has developed. The area contains industrial uses and vacant land zoned I1 and I2.
3. The proposed zoning is consistent with the Comprehensive Plan, which in Figure LU-B designates the site as being in the Industrial future land use category.
4. The proposed zoning is compatible with the surrounding industrial uses.
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 rezoning to I2 does not constitute spot zoning – it is the same zoning of the northern parcel to which it will be attached.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of IAF Beacon I LLC to rezone a portion of 777 Forest Street N. to become part of the railroad ROW from I1 light industrial to I2 general industrial be approved.

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WHEREAS, LHB Inc., File # 17-042-216, has applied for a conditional use permit for indoor recreation, with modification of the standard for primary access from an arterial or collector street under the provisions of §65.644, §61.501, §61.502 of the Saint Paul Legislative Code, on property located at 2550 Wabash Avenue, Parcel Identification Number (PIN) 322923220004, legally described as Winstons Additionst Paul Part Nly And Ely Of Wabash Frontage Rd Of Fol Subj To Esmts And Ex N 30 Ft Of E 220 Ft A 40 Ft Wide Strip In The W 844 56/100 Ft Of Nw 1/4 Of Sec 32 T 29 R 23 Being Part Of Lot B Of Sd Winstons Add And Part Of Sd 1/4 All Lying N O; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 8, 2017, 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 is seeking a conditional use permit to allow Vertical Endeavors, an indoor climbing facility, to operate as a tenant in an existing building formerly used as a warehouse.
2. §65.644 lists three standards that Indoor Recreation uses in traditional neighborhood districts must satisfy:
 - (a) The building in which the use is located shall be at least one hundred (100) feet from the closest point of any residential lot in a residential district. This condition is met. The building in which the use is located is approximately 265 feet from the nearest residential lot in a residential district.
 - (b) Primary access shall be from an arterial or collector street. This condition is not met. The applicant is requesting a modification of this standard.
 - (c) Floor area shall not exceed 40,000 square feet. This condition is met. The floor area will not exceed 23,000 square feet.
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 extent, location and intensity of the use are in general compliance with the Comprehensive Plan. The area is identified to redevelop into higher-density office/mixed-use in the long term. As a shorter term investment in an existing building, the use is generally complementary to the changing character of the area.

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seconded by _____

in favor _____

against _____

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition can be met. There is adequate ingress and egress for vehicles. However, there is no exiting curb for the majority of the street frontage at the site. Some improvement will need to be done to the site to constrict ingress and egress to an appropriate width and at a single location. Additionally, there is no pedestrian access to the site and no reasonable opportunities to connect to existing sidewalks in the area. Sidewalks would likely need to be added as part of a full reconstruction of the street. There are plans in development to build a multi-use trail along the former rail line north and east of the use. When complete, this could provide a pedestrian connection to the site from the north. It would require improvements, such as pathway along the north side of the building.
 - (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 use will not be detrimental to the development of the immediate neighborhood or endanger public health. The use is expected to be complementary to the character of the development in the immediate neighborhood.
 - (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 will not impede the development of permitted uses on 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 is met. The use will conform to regulations in the district.
4. 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. This finding is met. Interstate 94 is adjacent to the site but limits access to an arterial or collector street. Here, Wabash effectively serves as a frontage road. Elsewhere along the corridor, including along the opposite side of I-94, similar streets are categorized as collectors. The site has most recently and historically been used for warehousing. This type of use is not compatible with the long term vision for the site as identified in the Comprehensive Plan. The proposed use is more compatible with this vision. Strict application of this condition would unreasonably limit the use of the property.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of LHB Inc. for a conditional use permit for indoor recreation, with modification of standard for primary access from an arterial or collector street at 2550 Wabash 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. No site improvements be made that would preclude a future sidewalk along the right of way or cause additional public expense.
3. A multi-use trail connection from the use be made to the proposed trail along the rail corridor to the north and west of the property the within one year of the trail's construction completion. This condition will be considered satisfied if Wabash has been reconstructed with sidewalks prior to new public trail being completed.

ZF # 17-042-216

St. Anthony Park Community Council/District 12
2395 University Ave. W. Suite 300E, St. Paul, MN 55114
651/649-5992 TEL www.sapcc.org



June 7, 2017

To Whom It May Concern:

On June 6, 2017, the St. Anthony Park Community Council (SAPCC) Board of Directors voted to support a Conditional Use Permit request for Vertical Endeavors at 2550 Wabash Ave. The reasons the project developers gave for the permit requirements and description of the development caused the Land Use Committee and the Board to support their request.

Thank you for your consideration,

Suyapa Miranda
Executive Director

A handwritten signature in black ink, appearing to read "Suyapa", written over the printed name.

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WHEREAS, Evergreen Recovery, File # 17-042-160, has applied for a variance and conditional use permit for supportive housing for 16 residents under the provisions of §65.161, §61.501, §61.202(b) and §61.601 of the Saint Paul Legislative Code, on property located at 203 Robie Street East, Parcel Identification Number (PIN) 082822240025, legally described as Lots 11 and 12, Block 2, Blocks 1, 2 and 3 of Prospect Plateau; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 8, 2017, 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 proposes to use the former rectory building as a human service-licensed supportive housing facility for 16 residents and a resident manager. Zoning Code § 65.161 defines a supportive housing facility as “one main building, or portion thereof, on one zoning lot where persons with mental illness, chemical dependency, physical or mental handicaps, and/or persons who have experienced homelessness reside and wherein counseling, training, support groups, and/or similar services are provided to the residents.” The building will have laundry facilities, two living rooms, a dining room, a kitchen, and a staff office.
2. The RT1 two-family residential district allows a supportive housing facility serving six (6) or fewer residents as a permitted use; there is no provision in RT1 for a supportive housing facility with more than six residents. Evergreen Recovery has applied for a variance for the facility to have 16 facility residents and a resident manager.
3. Zoning Code § 65.161 lists standards and conditions for the establishment of supportive housing facilities:
 - (a) *The facility shall be a minimum distance of one thousand three hundred twenty (1,320) feet from any other of the following congregate living facilities with more than four adult residents, except in B5-B5 business districts where it shall be at least 600 feet from any other such facility: supportive housing facility, licensed correctional community residential facility, emergency housing facility, shelter for battered persons, or overnight shelter. This condition is met. The facility is at least 1,320 feet from any such facility; the nearest is 1,775 feet away.*
 - (b) *In RL-RT1 residential districts, the facility shall serve six or fewer facility residents. In*

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seconded by _____

in favor _____

against _____

RT2 residential, traditional neighborhood, OS-B3 business and IT-I2 industrial districts, the facility shall serve 16 or fewer facility residents. This condition is not met. The facility is located in an RT1 residential district and may serve six or fewer facility residents. Evergreen Recovery has applied for a variance to serve 16 facility residents and a resident manager.

- (c) *In residential and T1 traditional neighborhood districts, a conditional use permit is required for facilities serving seven or more facility residents.* This condition can be met. Evergreen Recovery has applied for a conditional use permit because the site is in the RT1 residential district.
 - (d) *In residential and T1 traditional neighborhood districts, facilities serving 17 or more facility residents shall have a minimum lot area of 5,000 square feet plus 1,000 square feet for each guest room in excess of six guest rooms. In T2-T4 traditional neighborhood districts, the density shall be regulated as for multifamily uses.* This condition is met. The lot area is 11,325 square feet. The house currently has six bedrooms and the applicant is proposing to add a seventh bedroom by adding a basement egress window to convert a former basement "heating room" into a bedroom.
4. Zoning Code § 61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. Goal 3.4 of the Housing Chapter in the Saint Paul Comprehensive Plan calls for increased locational choice and distribution of supportive housing facilities. Goal UA1.3 of the West Side Community Organization addendum to the Saint Paul Comprehensive Plan calls for an increase in the number of backyard gardens in the West Side district. The applicant may consider creating a garden in order to increase compliance with the plan.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The property currently has a 2-car garage with a driveway to Ada Street. The applicant is proposing to add a 20 ft. by 40 ft. parking pad off of the alley to accommodate 4 additional cars for a total of 6 off-street parking spaces (which would meet the minimum of 6 off-street parking spaces required by the Zoning Code for the proposed use), and residents are not expected to have cars.
 - (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 use is similar in anticipated traffic and noise impact to the site's previous uses, consistent with the residential/institutional character of development in the area, and 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 use is consistent with allowed uses in the district, and will not impede investment in 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 is not met. Evergreen Recovery has applied for a variance of the standard in Zoning Code § 65.161(b) limiting supportive housing facilities in the RT1 zoning district to no more than six facility residents.
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.* The purpose of the provision in Zoning Code § 65.101(b) limiting supportive housing facilities in the RT1 two-family residential district to no more than six facility residents is to be in harmony with the RT1 district intent stated in Zoning Code § 66.213 for the RT1 district to provide an environment of predominantly low density one- and two-family dwellings along with civic and institutional uses. For this large house on a double lot, this finding can be met subject to the condition that occupancy of the house is limited to no more than twelve (12) facility residents and one resident manager, double the six facility residents allowed by Zoning Code § 65.101(b).
- (b) *The variance is consistent with the comprehensive plan.* This variance is consistent with Goal 3.4 of the Housing Chapter in the Saint Paul Comprehensive Plan that calls for increased locational choice and distribution of supportive housing facilities. It is also consistent with goal H1 of the West Side Community Organization addendum to the Comprehensive Plan, which calls for a range of housing options on the West Side.
- (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.* Limiting use of this 4100 square foot house to six facility residents is impractical. It would be reasonable to allow up to two facility residents per bedroom (including the proposed additional basement bedroom) plus the resident manager in a seventh bedroom, double the six facility residents allowed by Zoning Code § 65.101(b) in the RT1 residential district, for this house on a double lot that is roughly twice the size of a more typical one-family house. This finding can be met subject to the condition that occupancy of the house is limited to no more than 12 facility residents and one resident manager.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. This large house on a double lot was built for a unique purpose that it no longer serves.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The variance will not permit any use that is not allowed in the RT1 zoning district where the affected land is located.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The use is consistent with past uses.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that a variance and conditional use permit for a supportive housing for twelve (12) facility residents and a resident manager, at 203 Robie Street East, subject to the following additional conditions:

1. No more than twelve (12) facility residents and one resident manager shall reside in the facility.
2. A paved parking pad for three (3) cars must be added off of the alley.
3. No staff or residents shall park in the public streets.
4. 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.