

city of saint paul
planning commission resolution
file number
date

WHEREAS, Rice Street Partners LP: Phoenix Development, File # 19-073-652, has applied for a conditional use permit for a building height of 45 feet, setback variance for balconies (7' proposed/10' required west side; 5'6" proposed/6' required northside), and variance to allow no primary building entrance from Sycamore Street under the provisions of § 61.501 and §61.601 of the Saint Paul Legislative Code, on property located at 782-804 Rice Street and 129 Sycamore Street, Parcel Identification Numbers 30.29.22.33.0080, 30.29.22.33.0079, 30.29.22.33.0268, 30.29.22.33.0267, 30.29.22.33.0266, 30.29.22.33.0265, 30.29.22.33.0263; see file for legal descriptions; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 29, 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 Saint Paul Housing and Redevelopment Authority owns the property. The applicant intends to purchase it and develop a four story 41-unit apartment building with a mix of 1, 2, and 3-bedroom units. The proposed building height is up to 45 feet. All units will be affordable at 60 percent of area median income. Vehicle access will be from Lyton Place. Sixteen surface spaces and 36 underground parking spaces are planned; space to park 24 bicycles indoors is also planned. The primary pedestrian entrance will be on Rice Street; an overhang at the corner of Rice and Lyton is planned. Balconies are planned on all sides of the building. A patio and play area are planned for the southern end of the site and a lawn area planned along the eastern property line at the southern end of the site. The applicant states that a primary concern for the design team was to ensure as much setback as possible from neighboring residential properties to the east. The proposed building is 63 feet from the nearest residential property line. The neighborhood gateway sign at the southern end of the site will remain and be refurbished.
2. The applicant requests a conditional use permit to allow a building height up to 45 feet. The projected height is 43 feet; the applicant requests a maximum height of 45 feet to provide some flexibility for minor adjustments as plans proceed. T2 dimensional standards allow the height of multifamily buildings to 35 feet by right and up to 45 feet with a conditional use permit. The applicant states the additional 10 feet of height, and especially the additional

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fourth level of apartments allows, the project to meet the need for affordable housing more effectively and is critical to the financial viability of construction and the long-term success of the project.

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 development site is located along a mixed-use corridor where densities of 30 to 150 units per acre is appropriate; 37 units per acre is proposed. Rice Street is an existing transit corridor serving several bus routes. Land use strategy 1 in the Comprehensive Plan calls for targeting growth in unique neighborhoods and increasing density where appropriate, particularly along mixed-use corridors and supporting a mix of uses in those corridors. LU 1.2 states, "Permit high density residential development in neighborhood centers, mixed-use corridors, the Central Corridor, and Downtown". LU 1.23 states "Guide development along mixed-use corridors" and adds that the City should provide additional housing opportunities at densities that support transit. LU1.25 states "Promote the development of more intensive housing on mixed-use corridors where supported by zoning that permits mixed-use and multifamily development. The project supports housing strategy 1 in the Comprehensive Plan which calls for building upon Saint Paul's strengths in the evolving metropolitan housing market, particularly regarding increasing housing choice across the City to support economically diverse neighborhoods (H1.1) and meeting demand for transit-oriented housing (H1.2). The overall vision in the North End District 6 Plan calls for residents to have a diverse choice of housing throughout their lifetimes. The vision also promotes the development of new multifamily housing.
- (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 Rice Street. Vehicle access to and from surface and underground off-street parking will be from Lyton Place. Vehicles will have access to Rice Street once exiting the property. The applicant plans to provide indoor bike storage for tenants.
- (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. Rice Street is a principal arterial that carries more than 15,000 vehicles per day and is served by several bus routes. The proposed multifamily use and building will serve as a transition between industrial uses to the west and one and two-family uses to the east 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.
- (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 multifamily building will not prevent future development that is consistent with the Comprehensive Plan and existing zoning.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* Subject to combining the seven parcels that currently make up

the site into a single parcel and the proposed front and side yard setback and primary pedestrian building entrance variances, the use will conform to all other applicable T2 district regulations.

4. Zoning Code § 66.331 requires minimum front and side yard setbacks and § 66.343(b)(12) requires a primary pedestrian entrance on all arterial or collector streets. The applicant requests variances to allow balconies within the required front and side yards and no primary pedestrian building entrance on Sycamore Street, a collector street. § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) *The variances are in harmony with the general purposes and intent of the zoning code.* This finding is met. 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 T2 zoning district is designed for use in existing or potential pedestrian and transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. Variances from the setback and primary pedestrian building entrance requirements are in harmony with the purpose and intent of the zoning code. The balconies are a permitted use in T2, will be located on private property and will not encroach into public right of way, help break up the massing of the building, and provide access to the outdoors for tenants. Balconies, especially those that are large enough to serve as an outdoor space and not just a door opening are a reasonable and desirable housing amenity
- (b) *The variances are consistent with the comprehensive plan.* This finding is met. As noted in finding 3.a. the proposed multifamily use and building are consistent with the Comprehensive Plan as are the setback and primary pedestrian building entrance variances. Sycamore Street is identified as a collector street in the Comprehensive Plan. It serves as an important east-west connection between Jackson and Rice Streets at the southern end of Oakland Cemetery but is not a particularly long street segment at less than three-quarters of a mile. A secondary entrance via the club room at the southern end of the building will be accessible to tenants. This entrance will also be used by tenants to access the patio, play, and lawn areas at the southern end of the site.
- (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's initial plan for the site was to provide off-street parking for the use on property on the north side of Lyton Place at 119 Lyton Place. When soil contamination was discovered on that site and the cost to remediate the soil was deemed prohibitive, the applicant abandoned these plans and worked to provide all the parking on the Rice Street site. Consequently, the site accommodates both the residential and parking uses without compromising the number of housing units planned. The applicant states that a primary concern for the design team was to ensure as much setback as possible from neighboring residential properties to the east to minimize impacts between uses. In addition, the smaller setbacks allow for balconies and maximize open/green space for tenants at the southeastern end of the site. 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. As noted in finding 4.c., the applicant's plans for

the site were revised when a property originally planned for off-street parking to serve the development was no longer viable due to contamination. These circumstances were not created by the landowner. The developer's intent is to maintain the same number of units in this affordable housing development and accommodate the required off-street parking as well as provide adequate separation between the multifamily building and the low density residential uses to the east and maximize outdoor patio, play, and open space for tenants.

- (e) *The variances will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. The proposed multifamily building and use is allowed in the T2 zoning district. The balconies are a permitted use in T2, will be located on private property and will not encroach into public right of way
- (f) *The variances will not alter the essential character of the surrounding area.* This finding is met. The proposed multifamily building is consistent with the type of development the Comprehensive Plan supports. The variances will not alter the essential character of the surrounding area and allowing the balconies, a reasonable and desirable amenity, may make the area more desirable.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Rice Street Partners LP: Phoenix Development for a conditional use permit for a building height of 45 feet, setback variance for balconies (7' proposed/10' required west side; 5'6" proposed/6' required northside), and variance to allow no primary building entrance from Sycamore Street at 782-804 Rice Street and 129 Sycamore Street 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. Proof of receipt from Ramsey County of filing the parcel lot combination for 782-804 Rice Street and 129 Sycamore Street shall be provided.



North End Neighborhood Organization (District 6)
171 Front Avenue
Saint Paul, MN 55117
651-488-4485
ed@nenostpaul.org

August 26, 2019

Zoning Committee of the Planning Commission
15 West Kellogg Blvd.
Saint Paul, MN 55102

Zoning Committee:

The North End Neighborhood Organization (NENO) fully supports the development of Rice Street Flats and have had a positive experience working with the architect and developers since the inception.

NENO is concerned that the designs do not take into consideration the Rice Street Design Guidelines and we hope to revisit the aesthetics of the development. We look forward to continuing to work with the developer and architect.

NENO supports the applicant's request for a conditional use permit for the building height, the setback variance for balconies and the variance to allow for the building entrance on Rice Street. NENO concurs with the staff report's findings.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Karin Groening". The signature is fluid and cursive, with a large initial "K" and a long, sweeping tail.

Karin Groening
Board Chair

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WHEREAS, BC LLC, File # 19-071-756, has applied for a change of nonconforming use from coffee shop to deli with seating for 12 under the provisions of § 62.109(c) of the Saint Paul Legislative Code, on property located at 1382 Payne Avenue, Parcel Identification Number (PIN) 20.29.22.42.0136, legally described as DENNY HILL ADDITION LOT 8 BLK 1; and WHEREAS, the Zoning Committee of the Planning Commission, on August 29, 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 requests a change in nonconforming use to allow a deli with seating for up to 12 people on the first floor of 1382 Payne Avenue, where previously there had been a coffee shop that closed in late 2017.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. A small-scale deli with seating for up to 12 people has similar parking and noise impacts to the coffee shop use.
 - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic generated by the deli with seating for up to 12 people is anticipated to be similar to the coffee shop, with the same Zoning Code parking requirement.
 - c. *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 small-scale deli with seating for up to 12 people will not be detrimental to the immediate area.

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d. The use is consistent with the comprehensive plan. This finding is met. This portion of Payne Avenue is designated by the Comprehensive Plan in Figure LU-B as a Residential Corridor, which prioritizes residential uses but does not preclude smaller commercial uses, especially along major streets. Comprehensive Plan Strategy LU-1.48 encourages mixed use projects that are compatible with their surroundings.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of BC LLC for a change of nonconforming use from coffee shop to deli with seating for 12 at 1382 Payne Ave is hereby approved.