ZONING COMMITTEE STAFF REPORT

1. FILE NAME: Water Street Residential

2. APPLICANT: Reuter Walton Development

3. TYPE OF APPLICATION: PC Variance

4. LOCATION: 84 Water St W

5. PIN & LEGAL DESCRIPTION: 062822420015; 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

6. PLANNING DISTRICT: 3

7. ZONING CODE REFERENCE: § 66.300; § 68.242; § 61.601; § 61.202(b)

8. STAFF REPORT DATE: May 28, 2019

9. DATE RECEIVED: May 21, 2019

FILE #: 19-042-636

HEARING DATE: June 6, 2019

PRESENT ZONING: IT, RC4

BY: Michael Wade

60 DAY DEADLINE FOR ACTION: July 15, 2019

A. PURPOSE: Building height variance (45' permitted, 74' 6" proposed). Front yard setback variance (10' required, 8' 6" proposed for building corner near front entry, 5' proposed for balconies).

B. PARCEL SIZE: 365 feet long, 95 feet deep, 33,437 square feet

C. EXISTING LAND USE: Vacant

D. SURROUNDING LAND USE: North and West – Park and open space; South and East – Industrial and utility with multifamily residential

E. ZONING CODE CITATION: § 66.300 discusses the intent and design standards of the T3 traditional neighborhood district, § 68.242 discusses the intent and standards of the RC4 River Corridor Urban Diversified Overlay District, § 61.601 lists findings that must be made in order to grant variances, §61.202(b) authorizes the planning commission to grant variances when related to rezoning considered by the planning commission at the same public hearing.

F. PARKING: Zoning Code § 63.207 requires a minimum of one space per 1 – 2 room unit and 1.5 spaces per 3 – 4 room unit, for a total of 146 spaces for the proposed apartment building. Per § 66.342, the parking requirement by use may be reduced in T3 and T4 traditional neighborhood districts by twenty-five (25) percent, lowering the requirement to 110 spaces. Per § 63.342, bicycle parking may be substituted for up to ten (10) percent of minimum off-street parking requirements. Two (2) secure bicycle lockers are the equivalent of one (1) parking space, and four (4) spaces in a secure bicycle rack are the equivalent of one (1) parking space. The maximum reduction for bicycle spaces would lower the requirement to ninety-nine (99) spaces. The applicant’s plans include 104 spaces, requiring either twelve (12) secure bicycle lockers, twenty-four (24) spaces in a secure bicycle rack, or some mix of secure lockers and spaces in a secure rack equivalent to six (6) parking spaces.

G. HISTORY/DISCUSSION: As of 1953 a single narrow building existed on this property. By the mid-1970s it was a parking lot with a small one-story building to the northeast side. Records indicate this building served as a gas station and service garage, a cleaning solvent business, and a pet daycare. A demolition permit was granted in 2010. The entire property is now vacant and surrounded by a chain-link fence.
The property owner has applied to rezone the property to T3 traditional neighborhood, which allows residential-only land use; the current IT transitional industrial district does not allow residential-only land use.

H. **DISTRICT COUNCIL RECOMMENDATION:** The District 3 planning organization, the West Side Community Organization, has recommended approval of these variances. Their recommendation comes with the understanding that

- the height will remain lower than the current development line; and that
- seventy (70) percent of the residential units will be rented at eighty (80) percent of the Area Median Income; and that
- ten (10) percent of the residential units will be rented at sixty (60) percent of the Area Median Income.

I. **FINDINGS:**

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’ requirec, 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]).

   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.

J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the 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) 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. City Council approval of the application to rezone the site to T3 traditional neighborhood.
## ZONING VARIANCE APPLICATION

### Applicant Contact Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Kyle Brasser</th>
<th>Email:</th>
<th><a href="mailto:kbrasser@reutervallenn.com">kbrasser@reutervallenn.com</a></th>
<th>Phone:</th>
<th>(612) 314-4310</th>
</tr>
</thead>
<tbody>
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<tr>
<td>City, State, Zip:</td>
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### Property Interest of applicant (owner, contractor, purchaser, etc.): 
- Purchaser

### Property owner (if different): 
- Joint Revocable Trust of Alfred R. Sundberg and Carol H. Sundberg

### Subject Property Information

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<tr>
<th>Address:</th>
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### Legal Description: 
- Attached Separately

### Lot Information:

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### Please select the type(s) of variance or review being requested and a brief description of the project:

- [ ] Lot Area
- [ ] Setbacks (please specify: front / side / rear) Front
- [ ] Density
- [ ] Floor Area Ratio (FAR)
- [ ] Height
- [ ] Sidewall Articulation (Districts 14 & 15)
- [ ] Separation from Specific Uses
- [ ] Design Standards
- [ ] Off-street Parking
- [ ] Signage (requires additional application)
- [ ] Lot Coverage
- [ ] Administrative Review

### Applicant Signature

[Signature]

**Date:** 5/15/2019

**Received by:**

**RECEIVED** MAY 16 2019

**PD=3**
WATER STREET RESIDENTIAL DEVELOPMENT

PROJECT DESCRIPTION

The project site, directly across West Water Street from Harriet Island Park, is in the West Side neighborhood. It is currently abandoned with no buildings and enclosed with a chain link fence. The zoning for the site is IT, transitional industrial district, and rezoning to the T3, traditional neighborhood district is proposed. The proposed building is a 7-story, 136-unit apartment building with enclosed parking at the first and second levels.

The main entrance of the building and resident amenity areas will line the façade along Water Street on the first floor with an enclosed parking garage behind that will be accessed from Water Street on the east end of the building. A separate drive ramp from the street on the west side of the building will access the second level of the parking garage. There will be a total of 104 parking stalls between the two levels. Five floors of residential units totaling 136 units will be provided on levels 3-7, with a unit mix of studios, 1-bedroom, 1-bedroom with den, and 2-bedroom units. Level 3 will include an outdoor pool amenity space and level 7 will have an exterior deck for use by residents. Exterior materials will consist primarily of brick and storefront glass on the first and second levels. Fiber cement panels and metal panel siding will clad the building on levels 3-7. Large windows will be provided for all units. Landscape improvements will include a sidewalk along West Water Street, storm water retention tanks and trees along the street.

CONSISTENCY WITH REZONING CONSIDERATIONS

Rezoning of the site from the IT, transitional industrial district, to the T3, traditional neighborhood district, is supported by the following factors for evaluation of a rezoning proposal.

Compatibility with land use and zoning of property within the general area.

Zoning in the general area includes R4 (Harriet Island Park), IT, I1, T3 and T3M. T3 and industrial districts already co-exist in the Harriet Island and West Side Flats area. The intent of the T3 district is to provide for higher-density, pedestrian and transit-oriented mixed-use areas. The T3 district is designed to support a mix of housing types, interconnected streets and paths and open space amenities within a reasonable walking district. Rezoning the site to T3 for multiple-family use will compliment and provide a better transition to the park use across the street. The project will enhance the pedestrian realm by establishing sidewalk connections where none currently exist. The proposed zoning and housing project will also be compatible with the art studio use of the neighboring Farewell Ozmun Kirk (FOK) building. The proposed zoning and use are consistent with the T3/T3M and evolving residential use of the land east of Wabasha.
Suitability of the property for the uses permitted under the existing zoning classification.

The mixed residential and commercial use allowed in the IT district is not viable for the site under current conditions. Inclusion of retail use is not feasible because there is not yet a sufficient residential base in the area to support it. Rezoning to T3 is required to allow a residential-only project. This only project is expected to catalyze further redevelopment near Harriet Island Park with both residential and commercial uses.

The trend of development in the area of the property in question.

The nearest residential use, Sherman Associates’ West Side Flats project, opened in 2014. Sherman plans to break ground soon on another phase of that project soon. Other housing developers have projects in the planning stage. The 84 Water Street project will pioneer redevelopment on the west side of Wabasha that, as discussed below, is consistent with the planned trend for redevelopment of the area away from industrial use to a mix of uses, including residential.

Consistency with the Comprehensive Plan and the plans for the area that have been adopted by the City Council.

Rezoning to T3 to allow for a residential development is highly consistent with the City’s land use plans. The site is located within a Mixed Use Corridor as identified in the 2030 Comprehensive Plan. Mixed Use Corridors are intended to accommodate a variety of uses, including residential, within a building or in buildings that are in close proximity. Policy 1.25 of the 2030 Comprehensive Plan encourages development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development. T3 zoning will allow for exactly the type of residential development envisioned for the site in the Harriet Island / District Del Sol Neighborhood Plan. T3 zoning is also consistent with the future land use guidance for the area east of Wabasha Street described in the West Side Flats Master Plan.

HEIGHT VARIANCE

The height limit in the T3 district is 45 feet. The proposed height of the project is 74 feet, 6 inches to the top of the roof deck. The proposed height meets the following criteria for a variance.

The variance is in harmony with the general purposes and intent of the zoning code.

The general purposes of height limits are to maintain access to light and air for surrounding properties, to preserve important views and to mitigate shadowing – particularly of residential properties and significant public spaces. Height limits also establish and protect the character of the area. The project is substantially separated from other buildings and separated from the
park by Water Street, so it will not impact access to light and air for surrounding properties. Views from and toward the FOK buildings are preserved by the 12-foot side setbacks of the parking levels, the additional building setbacks of the upper floors and the 121-foot separation between the buildings. The project will not shadow other residential properties and shadows cast on Harriet Island Park will be minimal. Consistency with the character of the area is discussed below.

The variance is consistent with the comprehensive plan.

The proposed building height will allow for redevelopment of the site with the type of high-density housing that is called for in Mixed-Use Corridor areas.

- Policy 1.21 of the 2030 Comprehensive Plan seeks to 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.
- Policy 1.25 promotes the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multifamily residential development.
- Policy 1.26 permit residential development in Mixed-Use Corridors at densities contemplated in Policy 1.2.
- Policy 1.27 encourages provision of connections by bicycle and pedestrian facilities in Mixed-Use Corridors to adjacent areas.
- Policy 1.28 promotes 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 proposed density of 177 du/acre is above the general density guidance for Mixed-Use Corridors of 30 – 150 du/acre but is appropriate due to the proximity to Downtown where residential density up to 200 du/acre is encourage. The density and scale of the project will provide a range of housing types and support transit use of bus routes on nearby Wabasha and Downtown connectors. The project will include construction of public sidewalk along Water Street that does not currently exist, which will promote further extension of pedestrian facilities in the area.

The applicant has established that there are practical difficulties in complying with the provision and 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.

The water table is only 7 feet below grade under the project site, so it is not feasible to build parking underground. The building height increases due to the need to provide all parking above grade. In addition, the lot is long and narrow, which constrains the floor plates of the parking garage, requiring two levels of above grade parking to meet the parking requirements of the residential use. The narrow floor plates also limit the number of units per floor, requiring
5 levels of housing above the garage to attain the high density called for by the City's land use plans. These are practical difficulties related to lot conditions. The proposed high-density, multiple-family development, including the proposed 7-story height, is a reasonable use of the property.

The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The high water table and the narrowness of the lot are unique circumstances that were not created by the applicant or property owner.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The proposed multiple-family use is allowed in the T3 district.

The variance will not alter the essential character of the surrounding area.

The built-form scale and character of the area is most defined by the nearby FOK building. The FOK building is 75 feet tall and of similar massing to the proposed building. The height of the proposed building is also in character with the 65 to 75-foot heights allowed as of right in the nearby West Side Flats T3M Master Plan area just east of Wabasha. The proposed 74-foot, 6-inch height of the proposed building will not alter the essential character of the surrounding area.

FRONT YARD VARIANCES

The minimum front yard requirement is 10 feet from the street. A small corner of the building façade will be 8 feet, 6 inches from the street when the building angles to the southwest to conform with the curving property line. Balconies on the residential levels will extend into the required front yard. The proposed front yard setbacks meet the following criteria for a variance.

The variance is in harmony with the general purposes and intent of the zoning code.

The general purposes of yard controls are to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. But for a small "corner", the building façade will comply with the minimum yard requirement. The proposed balconies will not interfere with light or air for surrounding property. Balconies projecting into the front yard will not impact the open space character of the street or the park. There are no neighboring buildings on either side that will be impacted by the reduced front setbacks.
The variance is consistent with the comprehensive plan.

As discussed above, the proposed development is consistent with the policies of the comprehensive and neighborhood plans. The minor reduction in setback of a corner of the building and the proposed balconies will promote land use policies that encourage traditional urban design and enhancement of the pedestrian environment through placement of active uses that engage the street.

The applicant has established that there are practical difficulties in complying with the provision and 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.

As noted above, the narrowness of the lot constricts the floor plates. In order to have reasonably-sized residential units, the majority of the building is placed at the 10-foot front yard setback to maximize the width of the floor plate. Consequently, in order to provide desired outdoor amenities for residents, the balconies project into the required yard. The minor setback reduction for the façade of the building relates to the curve of the property line along the street front. The narrowness and shape of the lot create practical difficulties in complying with the front yard setback. The proposed design is reasonable for the location.

The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The narrowness and shape of the lot are unique circumstances that were not created by the applicant or property owner.

The variance will not permit any use that is not allowed in the zoning district where the affected land is located.

The proposed multiple-family use is allowed in the T3 district.

The variance will not alter the essential character of the surrounding area.

The proposed front setbacks will not alter the essential character of the area. The neighboring building to the east has an unusually large setback from Water Street that does not exemplify the desired urban character. The relation of the proposed building to neighboring properties is also impacted by the curve of the street, such that there is not a uniform alignment of building facades.
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*Yes Possible* Yes No No

*Shared area Street Parking not factored in count

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**Per Title VIII, Chapter 63**

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#### Bike Parking

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#### Unit Count:

<table>
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<tr>
<th>1 BR</th>
<th>1 BR + DEN</th>
<th>Studio</th>
<th>Total</th>
</tr>
</thead>
<tbody>
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<td>17</td>
<td>5</td>
<td>24</td>
</tr>
<tr>
<td>4</td>
<td>4</td>
<td>1</td>
<td>28</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>1</td>
<td>28</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>1</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>17</td>
<td>103</td>
<td>126</td>
</tr>
</tbody>
</table>

**Percentage** 12.5% 75.7% 3.7% 8.1%

**Req. Stalls** 26 103 5 11 145
May 20, 2019

To: Saint Paul Board of Zoning & Saint Paul Planning Commission
From: West Side Community Organization, West Side Voices Committee
Re: 84 Water Street, St. Paul MN 55107, Letter of Support

To Whom It May Concern:

On Tuesday, May 14th the voting members of the West Side Voices Land Use & Environment Committee and non-voting community members gathered at the WSCO offices for a presentation from Reuter Walton Developer, and DJR Architecture.

After a time of questions and dialogue the committee members voted in support of the following:

1. Rezoning of the 84 Water Street Development Site from IT (Transitional Industrial) to T3.
2. A variance of front setback from the 10’ required to 5’ to allow for balconies.
3. A height variance of 25 feet (3 stories) on this project site from 4 stories, 45’ to 7 stories, 74’-6”.

With the understanding of the following:

1. That the first 2 levels will be parking, with 5 levels of housing above. The height of this building will be lower than what currently exists within the development site line.
2. 70% of the units will be at 80% of the AMI
10% of the units will be at 60% of the AMI

This aligns with the West Side 10 year plan providing:
- mixed income housing
- cleaning contamination of site
- maintain traditional urban form
- bike and pedestrian use design & transit oriented

In Partnership,

Monica Bravo
Executive Director
FILE #19-042636 | AERIAL MAP

Application of Reuter Walton

Application Type: Variance
Application Date: May 16, 2019
Planning District: 3

Subject ParcelOutlined in Blue
Application of Reuter Walton

Application Type: Variance
Application Date: May 16, 2019
Planning District: 3

Subject Parcel Outlined in Blue

- Farmstead
- Seasonal/Vacation
- Single Family Detached
- Manufactured Housing Park
- Single Family Attached
- Multifamily
- Office
- Retail and Other Commercial
- Mixed Use Residential
- Mixed Use Industrial
- Mixed Use Commercial and Other
- Industrial and Utility
- Extractive
- Institutional
- Park, Recreational or Preserve
- Golf Course
- Major Highway
- Railway
- Airport
- Agricultural
- Undeveloped
- Water
Application of Reuter Walton

Application Type: Variance
Application Date: May 16, 2019
Planning District: 3

Subject Parcel Outlined in Blue