

ZONING COMMITTEE STAFF REPORT

15-163947

1. **FILE NAME:** BleuAnt (variance) **FILE #:** 15-134-770
 2. **APPLICANT:** BleuAnt Designs, LLC **HEARING DATE:** July 16, 2015
 3. **TYPE OF APPLICATION:** PC Variance
 4. **LOCATION:** 1174 Grand Ave, between Dunlap and Ayd Mill Road
 5. **PIN & LEGAL DESCRIPTION:** 032823410039, Manson and Simontons addition W 1/2 Of Lot 3 and all of Lot 4 Blk 3
 6. **PLANNING DISTRICT:** 16 **PRESENT ZONING:** BC
 7. **ZONING CODE REFERENCE:** § 61.202(b), § 66.231; § 66.232
 8. **STAFF REPORT DATE:** July 9, 2015 **BY:** Jamie Radel
 9. **DATE RECEIVED:** June 29, 2015 **60 DAY DEADLINE FOR ACTION:** August 28, 2015
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- A. **PURPOSE:** Variance of side-, rear-, and front-yard setbacks and lot coverage requirements
- B. **PARCEL SIZE:** 9,000 sq. ft. (0.20 acres)
- C. **EXISTING LAND USE:** Duplex
- D. **SURROUNDING LAND USE:**
 - North: Funeral home
 - East: Multi-family residential
 - South: A duplex and single-family residential
 - West: Multifamily residential
- E. **ZONING CODE CITATION:** § 61.202(b) authorizes the planning commission to grant variances when related to permits, using the required findings of MN Stat. 462.357, Subd. 6; § 66.231 sets the dimensional standards for residential zoning districts; and § 66.232 states the maximum lot coverage for the principal structure in residential districts.
- F. **HISTORY/DISCUSSION:** This property was originally zoned Commercial District in 1922 and kept that designation until a major update of the zoning code took place in 1975 at which time it was rezoned to B2 community business. In the early 1980s, this property was rezoned to B2-C, which was renamed BC community business (converted) in 2004. The applicant is seeking to rezone this property from BC to RM2 (file #15-134693).
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 16 has not provided a recommendation at the writing of this staff report.
- H. **FINDINGS:**
 1. The applicant, BlueAnt Designs, LLC, is seeking variances to the front, side, and rear yard setback requirements for the RM2 multiple family district and to the lot coverage requirement for residential uses in order to develop a three-story multi-family building that includes up to eight units with eight underground parking spaces and three compact parking spaces in the rear yard.

Front-yard setback: Under § 66.231 the minimum front yard setback for this site is established as the average setback of the existing structures on the block. The City has established that the average setback for this block is 23.4 feet. The applicant is seeking a 3.4-foot (14.5%) variance from this standard to allow the building set back 20 feet from the front property line. According to information provided by the applicant the adjacent properties are set back 20 feet; City records have these properties to be set back

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between 20.75 ft. and 23.25 ft. Staff is working to verify these measurements.

Rear-yard setback: Under § 66.231 the minimum rear yard setback is established at 25 feet from the rear property line. The applicant is seeking a 6-foot (24%) variance to allow the building to be built 19 feet from the rear property line.

Side-yard setback: § 66.231 establishes the side-yard setback to be equal to one-half the height of the building. The height of the proposed building is set at 36 feet. The applicant is seeking a 10.5-foot (58%) variance to allow for a 7.5-foot side-yard setback.

Lot coverage: § 66.232 established the maximum lot coverage of a principal structure in a residential district as 35% of the total lot area (lot area includes one-half of the area of the alley). The total lot area is 9,540 sq. ft. (9,000 sq. ft. parcel plus 540 sq. ft. alley allowance). The footprint of the building is 4,995 sq. ft. (111 ft. x 45 ft.), which represents 52.4% of the total lot area. The applicant is seeking a 17.4% variance of the maximum lot coverage.

3. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. The Board of Zoning Appeals and 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 purpose of the dimensional standards and lot coverage requirements are to ensure that buildings are developed in a way as provide regularity in pattern and spacing, not provide overly dense sites, and to not overly burden adjacent properties with impacts created by the new development. This project is generally consistent in size and form of the multifamily buildings the east and west of the subject site.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met as the proposed development is supported by the Comprehensive Plan and generally consistent with the District 16 Plan. Grand Avenue is guided as a Mixed Use Corridor in the Future Land Use map of the Comprehensive Plan, and several policies within the Land Use Chapter support increasing density along these corridors. Policy 1.2 of the Land Use chapter supports the development of high density residential within Mixed-Use Corridors that accommodate between 30 to 150 dwelling units per acre, and with the proposed eight units on a 0.2-acre lot or 40-units per acre, this proposal falls within the targeted densities. In addition Policy 1.25 states: "Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residents." Policy 1.26 states: "Permit residential development at densities contemplated in Policy 1.2." The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: "Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing at appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice." This project is consistent with Policy H7 of the District 16 Plan: "Ensure that the impact of any increased density conforms to zoning and building requirements, and that the City considers the development's adverse impact on existing municipal services including, but not limited to, traffic and parking." Although this project is seeking variances to the RM2 requirements, the density conforms to the zoning standards and the primary impact caused by this increase in density, parking, is being addressed on site.
 - (c) *The applicant has established that there are practical difficulties in complying with*

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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 as there are practical difficulties to develop this property in a reasonable manner under the enforcement of the RM2 standards. The size of this site does not allow for development of a multifamily building of similar scale, spacing, and bulk of the four multifamily buildings to the east and west of the property that are also zoned RM2. To allow for a consistent general form between the established buildings and the proposed building while also providing for onsite, underground parking, which the existing buildings do not provide, the variances requested by the applicant are needed to provide reasonable use of this property.

- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Due to the size of this parcel, developing any type of multifamily housing consistent in scale, spacing, and bulk to that which is to the east and west of this property and meets current parking requirements would be rendered impossible by strict enforcement of the provisions of the code.
- (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. Multifamily residential is allowed within the RM2 multiple family district, and with eight units this building meets the lot area requirement per unit.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed development is generally consistent with the scale, spacing, and bulk of the four multifamily buildings to the east and west of this parcel. Additional height and width of this building is primarily driven by the provision of the underground parking. As shown in the plan, the upper six feet of the parking level is above ground level. To maintain the character of the existing buildings, living space on the first floor of this building should match, as closely as possible, those of the adjacent walk-up apartments and perhaps design elements or landscaping can be added to minimize the visual impact of this height. The character of the properties to the south on Lincoln Avenue is substantially different than those of the multifamily builds on Grand Avenue. To minimize the potential loss of privacy, the applicant has indicated a willingness to minimize fenestration on the south side of the proposed building to reduce the ability see into backyards from the upper floors.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the variance of side, rear, and front yard setbacks and lot coverage requirements for the proposed new apartment building at 1174 Grand Avenue subject to the following additional conditions:

1. Approval of the rezoning of this property to the RM2 multiple family district.
2. The height of the building shall not exceed 36 feet.

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city of saint paul
planning commission resolution
file number 15-51
date July 24, 2015

WHEREAS, BleuAnt Designs, LLC, File # 15-134-770, has applied for variances of side-, rear-, and front-yard setbacks and lot coverage requirements under the provisions of § 61.202(b) of the Saint Paul Legislative Code, on property located at 1174 Grand Avenue, Parcel Identification Number (PIN) 032823410039, legally described as Manson and Simontons addition W 1/2 of Lot 3 and all of Lot 4 Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, 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, BlueAnt Designs, LLC, is seeking variances to the front, side, and rear yard setback requirements for the RM2 multiple family district and to the lot coverage requirement for residential uses in order to develop a three-story multi-family building that includes up to eight units with eight underground parking spaces and three compact parking spaces in the rear yard.

Front-yard setback: Under § 66.231 the minimum front yard setback for this site is established as the average setback of the existing structures on the block. The City has established that the average setback for this block is 23.4 feet. The applicant is seeking a 3.4-foot (14.5%) variance from this standard to allow the building set back 20 feet from the front property line. The adjacent properties are set back between 20.75 ft. and 23.25 ft.

Rear-yard setback: Under § 66.231 the minimum rear yard setback is established at 25 feet from the rear property line. The applicant is seeking a 6-foot (24%) variance to allow the building to be built 19 feet from the rear property line.

Side-yard setback: § 66.231 established the side-yard setback to be equal to one-half the height of the building. The height of the proposed building is set at 36 feet. The applicant is seeking a 10.5-foot (58%) variance to allow for a 7.5-foot side-yard setback.

Lot coverage: § 66.232 established the maximum lot coverage of a principal structure in a residential district as 35% of the total lot area (lot area includes one-half of the area of the alley). The total lot area is 9,540 sq. ft. (9,000 sq. ft. parcel plus 540 sq. ft. alley allowance). The footprint of the building is 4,995 sq. ft. (111 ft. x 45 ft.), which represents 52.4% of the total lot area. The applicant is seeking an increase of 17.4% to the maximum lot coverage requirement.

moved by Wencil
seconded by _____
in favor 8
against 6 (DeJoy, Lindeke, Makarios, Ochs, Padilla, Thao)

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2. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. The Board of Zoning Appeals and 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 purpose of the dimensional standards and lot coverage requirements are to ensure that buildings are developed in a way as provide regularity in pattern and spacing, not provide overly dense sites, and to not overly burden adjacent properties with impacts created by the new development. This project is generally consistent in size and form of the multifamily buildings the east and west of the subject site.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is not met. Although the proposed development is supported by land use policy in the Comprehensive Plan and it lacks consistency with the District 16 Plan, which is adopted into the plan. Grand Avenue is guided as a Mixed Use Corridor in the Future Land Use map of the Comprehensive Plan, and several policies within the Land Use Chapter support increasing density along these corridors. Policy 1.2 of the Land Use chapter supports the development of high density residential within Mixed-Use Corridors that accommodate between 30 to 150 dwelling units per acre, and with the proposed eight units on a 0.2-acre lot or 40-units per acre, this proposal falls within the targeted densities. In addition Policy 1.25 states: "Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residents." Policy 1.26 states: "Permit residential development at densities contemplated in Policy 1.2." The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: "Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing at appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice." This project is generally inconsistent with Policy H7 of the District 16 Plan: "Ensure that the impact of any increased density conforms to zoning and building requirements, and that the City considers the development's adverse impact on existing municipal services including, but not limited to, traffic and parking." The number and extent of the variances sought do not meet the spirit of this policy.
 - (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 not met as the applicant has not established practical difficulties to develop this property in a reasonable manner under the enforcement of the RM2 standards. The number of variances sought indicates that, overall, the proposed structure is too large for the subject parcel.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. Although the subject parcel is small, the number and level of variances sought indicate that this project is overall too large for this property. This circumstance is created by the land owner.
 - (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. Multifamily residential is allowed within the RM2 multiple family district, and with eight units this building meets the lot area requirement per unit.

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- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed development is generally consistent with the scale, spacing, and bulk of the four multifamily buildings to the east and west of this parcel. Additional height and width of this building is primarily driven by the provision of the underground parking. As shown in the plan, the upper six feet of the parking level is above ground level. To maintain the character of the existing buildings, living space on the first floor of this this building should match, as closely as possible, those of the adjacent walk-up apartments and perhaps design elements or landscaping can be added to minimize the visual impact of this height. The character of the properties to the south on Lincoln Avenue is substantially different than those of the multifamily builds on Grand Avenue. To minimize the potential loss of privacy, the applicant has indicated a willingness to minimize fenestration on the south side of the proposed building to reduce the ability see into backyards from the upper floors.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of BleuAnt Designs, LLC, for variances of side-, rear-, and front-yard setbacks and lot coverage requirements at 1174 Grand Avenue, based on finding 2(b), 2(c), and 2(d) above, is hereby denied.