



CITY OF SAINT PAUL
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DATE: September 8, 2011

TO: Planning Commission

FROM: Neighborhood Planning Committee

RE: Review of Ordinance 11-96, amending the Shepard Davern Residential
Redevelopment Overlay District (Sec. 67.303)

ISSUE

Councilmember Pat Harris introduced Ordinance 11-96 on August 24, 2011, amending a regulation in the Shepard Davern Residential Redevelopment Overlay District found in Sec. 67.303(c)(2) of the zoning code. The regulation currently requires a minimum site size of two (2) acres. The proposed amendment would reduce the minimum site size to one (1) acre.

The ordinance has been referred to the Planning Commission for review, report, and recommendation as required by Minnesota Statutes 462.357, Subd. 2(b). See Attachment 1 for a copy of the ordinance.

BACKGROUND

The **Shepard Davern Gateway Small Area Plan** was developed by a task force with members from the Planning Commission and the community, who started work in 1997. A summary of the completed plan was adopted by the City Council as an addendum to the Comprehensive Plan on September 22, 1999. See Attachment 2 for a copy of the plan summary.

The plan encompasses an area between West Seventh Street (Fort Road) and Shepard Road that began at the intersection of Highway 5/W. 7th Street and Shepard Road on the west and ended at Rankin Street on the east.

The plan's vision for the redevelopment of the residential areas east of Davern is to create "urban villages, green streets and commons, with up to 1,000 new units of housing." Goals for other plan areas include improvements to Shepard Road and new mixed use development in the area along and west of Davern.

To help implement this vision, two overlay districts were created. The Shepard Davern Commercial Redevelopment Overlay District (Sec. 67.302, SDC district) covers the western portion of the plan area, while the Shepard Davern Residential Redevelopment Overlay District (Sec. 67.303, SDR district) is to the east. The boundary line between the two is roughly at the western edge of the Sibley Manor residential development. (See Attachment 3 for the map and a copy of the overlay districts.)

The purpose of the SDC district is “to promote the redevelopment of the area into a mixed use urban district combining commercial uses, hospitality facilities and housing. Redevelopment in the district shall be designed to enhance the livability of the area, to reduce adverse traffic and parking conditions and to create building uses and space consistent and compatible with the architecture of the city and the scenic features of the area. The district is also designed to increase green space and maximize vegetative plantings throughout the district and provide tree lined corridors along West Seventh, Shepard Road and the proposed Edgcombe Parkway.” The commercial overlay district prohibits some kinds of commercial uses, permits multiple family developments, requires development of an area bounded by West 7th, Davern, and Norfolk as one site, and establishes a minimum site size of one (1) acre for the remainder of property within the overlay district. Between 2004 and 2008, the Norfolk/7th/Davern site was redeveloped as multiple family housing. The remaining parcels remain largely unchanged.

The SDR district includes the following purpose: “...to promote the redevelopment of the area into an urban village residential district by mixing attractive examples of higher density multiple family housing with pedestrian-friendly streets and community amenities.” To foster the type of development desired, the overlay district established regulations for building design, parking lot and structure design, and landscaping. One of the building standards is a minimum site size of two (2) acres.

There is no explanation in the plan or in the overlay districts for the different minimum site sizes of the SDC and SDR districts.

ANALYSIS

The adopted Shepard Davern Gateway Plan is now twelve years old. Planning staff have identified it as in need of updating, but this work has not yet begun.

During the last twelve years, significant development occurred at the western end of the plan area covered by the SDC overlay, while minimal development has occurred to the east, within the boundaries of the SDR overlay district. As worded, the overlay district minimum site size makes every single family home and small apartment building in the area legally nonconforming, even though the underlying RM2 zoning permits these uses.

Staff research uncovered only two completed projects in the SDR district since its establishment. In 2003, shortly after adoption of the plan and overlay district, a 24-unit condominium was built at 2395 Benson. This project was constructed on a 0.7 acre site and received a variance of the minimum parcel size requirement.

The second development, in 2007, was for a memory care center at 1306 Alton. This project, on a 0.95 acre site also did not meet the standards in the SDR overlay district and received variances of side yard setback, parking (both number of spaces and setback), and the 2 acre minimum site size.

A third development proposal at the corner of West 7th and Springfield obtained approval of variances of minimum site size (the parcel is 1.5 acres) and 25 ft. parking setback from the street in 2010. (The variances were denied by the Board of Zoning Appeals and approved by the City

Council on appeal.) Neighbors of the proposed development then filed suit, and the district court has recently returned the variances to the City Council for revised findings.

In conclusion, no development has met the 2 acre minimum parcel size required in the SDR overlay district since it was instituted. Other SDR standards have been met by one or both of the two completed developments. While the lack of activity can be traced in part to the recent housing market, only limited development occurred in the SDR area even during a strong residential market.

NEIGHBORHOOD PLANNING COMMITTEE RECOMMENDATION

The Committee recommends approval of the attached resolution finding that Ordinance 11-96 amending the minimum site size in the SDR overlay district is consistent with the Shepard Davern Gateway Area Plan Summary, an addendum to the Comprehensive Plan, and goes further to recommend that there be no minimum site size of any kind in the SDR overlay district. This recommendation is based on changing market conditions, the lack of development in the SDR area during the 12 years the overlay district has been in effect, and the fact that the only two residential projects completed since the establishment of the overlay have received variances of the site size regulation. The Committee also finds no clear rationale for the minimum site size requirement in either the plan or the overlay district ordinance. In addition, a rationale for the difference in site size minimums between the two overlay districts is also missing.

The Committee further recommends as part of the resolution that, when the Shepard Davern Gateway Small Area Plan is updated, the review should include an analysis of the two overlay districts, their effectiveness in promoting implementation of the plan vision, and whether further changes are appropriate. Since the plan was adopted, the zoning code has been amended to include a number of Traditional Neighborhood zoning districts as well as stronger design guidelines. It may be that these overlay districts can be amended significantly or even deleted.

TEXT OF PROPOSED ORDINANCE AS RECOMMENDED BY THE COMMITTEE

An ordinance amending Legislative Code § 67.303(c)(2), pertaining to building regulations in the Shepard Davern residential redevelopment overlay district, by reducing the minimum site size development requirement to one acre, for the purpose of making the residential site size requirement consistent with the site size requirement for the Shepard Davern commercial overlay district under Leg. Code § 67.302(e)(1)(b).

Statement of Legislative Intent. Pursuant to Minn. Stat. § 462.357, Subd.2(b), the Council of the City of Saint Paul desires to amend a zoning ordinance for the purpose of encouraging residential development opportunities in the Shepard Davern residential overlay district. Accordingly, the Council, following the procedure for adopting ordinances under section 6.05 of the City Charter, hereby initiates the following amendment to the zoning code and refers the same to the planning commission in order that the commission may study, report, and prepare a recommendation regarding the proposed amendment to the Council in conformance with Minn. Stat. § 462.357, Subd.4.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Section 1.

That Leg. Code § 67.303(c), entitled “building regulations,” is hereby amended to read as follows:

(c) *Building regulations.* The following building regulations shall pertain to the SDR Shepard Davern residential redevelopment overlay district.

- (1) Building heights shall be limited to six (6) stories but not exceed sixty-five (65) feet outside the river corridor zone.
- ~~(2) Minimum site size shall be two (2) acres.~~
- (~~3~~ 2) The total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by five hundred twenty five (525).
- (4 ~~3~~) The maximum percent of a lot occupied by main building shall be forty-five (45) percent.
- (~~5~~ 4) All buildings shall have at least one (1) prominent pedestrian entry oriented to the parkway or street.
- (~~6~~ 5) Building design and materials shall enhance the historic character of this area of the city, with appropriate relationships to Fort Snelling and Fort Road (W 7th), as follows:

- a. A cornice or material trim line shall be established defining the building base as approximately the first floor;
- b. A cornice line or eave line shall be established defining the top of the building;
- c. The building base shall be faced in stone, masonry, or a material equal or better in quality;
- d. The building's exterior primary building material shall be faced in durable, maintainable materials in keeping with the character of the existing residential areas; materials such as unfinished concrete, concrete blocks, corrugated or sheet metal, wood composite materials, tile panels and reflective materials are prohibited;
- e. Buildings shall avoid blank street walls.
- f. Where possible the first floor facade facing a public street shall have windows or doors of clear or lightly tinted glass that allows views into and out of the building; highly reflective glass is prohibited.
- g. Trash receptacles and service areas or entries shall be screened with the same materials used on the building exterior.
- h. Chain link and barb wire fencing is prohibited.

Section 2.

This ordinance shall take effect thirty (30) days after its passage, approval, and publication.