

BOARD OF ZONING APPEALS STAFF REPORT
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TYPE OF APPLICATION: Major Variance **FILE #**16-107288

APPLICANT: MCKENNA SKRYPEK CMBR, LLC representing I
SUNRAY PROPERTIES LLC

HEARING DATE: January 4, 2017

LOCATION: 373 RUTH STREET NORTH

LEGAL DESCRIPTION: Hudson Road Gardens Subj To St And Ex W 100 Ft Lot 4 And
Ex W 100 Ft The S 40 Ft Of Lot 3 Also Subj To Hwy And Ex
W 100 Ft Lot 5 Blk 8 Sunray-Battle Creek-Highwood

PLANNING DISTRICT: 1

PRESENT ZONING: T2

ZONING CODE REFERENCE: 66.331

REPORT DATE: December 20, 2016 **BY:** Sean Westenhofer

DEADLINE FOR ACTION: February 9, 2017

DATE RECEIVED: December 12, 2016

A. **PURPOSE:** The applicant is requesting a variance of the minimum floor area ratio (FAR) in order to construct a new commercial building with three business spaces in the T2 Traditional Neighborhood zoning district. This zoning district requires a minimum FAR of .3 and a maximum FAR of 2.0. The FAR is the total floor area of the building divided by the area of the lot, meaning the gross square footage of the building area must be at least 30% of the size of the lot area and cannot exceed 2 times the size of the lot area. The applicant is proposing a one-story building that would have a FAR of .23, not meeting the minimum FAR. The variance is for the difference between the minimum FAR required and that being proposed for an FAR variance of .07.

B. **SITE AND AREA CONDITIONS:** This is a 35,283 square foot vacant lot where a new commercial building is being proposed. The commercial building would have space for three businesses and 34 off-street parking spaces accessed from the street.

Surrounding Land Use: Various commercial and residential uses.

C. **BACKGROUND:** The property used to be a Sinclair gas station and service garage.

Since 2006, this property has had different uses such as towing, retail business and other uses. In July of 2016, the building on this property was demolished. Currently, this property is an empty lot.

D. ZONING CODE CITATION:

Sec.66.331. Traditional Neighborhood District Dimensional Standards requires that the minimum size of the building shall have a FAR of .3 or 30 percent of the lot area.

E. FINDINGS:

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

The applicant is planning a new development that includes the construction of a new commercial building with three business spaces and 34 surface parking spaces accessible from the street. The property is located in a T2 traditional neighborhood zoning district. Plans for the new commercial building have not been approved through the site plan review process. This T2 zoning district requires that the building have a minimum floor area ratio (FAR) of .3. The FAR is the total floor area of the building divided by the area of the lot, meaning the building floor area must be at least .3 times the size of the lot. The proposed FAR would be .23 (building size of 8,250 square feet divided by lot size of 35,283 square feet) and the applicant is requesting a variance of .07 below the minimum FAR, hence the requested variance.

The intent of the T2 district is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage and one of the intents of the zoning code is “to encourage a compatible mix of land uses, at densities that support transit, that reflect the scale, character and urban design of Saint Paul’s existing traditional neighborhoods”. The proposed commercial building would be built at a smaller FAR than the minimum FAR and would not be in keeping with the scale of commercial buildings intended for the T2 neighborhood. This request is not in keeping with the purposes and intent of the T2 district. This finding is not met.

2. The variance is consistent with the comprehensive plan.

The Land Use chapter of the Comprehensive Plan calls for denser developments along transit corridors that make those corridors more pedestrian and transit friendly, and a part of this is an increase in the FAR. The applicant’s request to build a new commercial building under the minimum FAR for this zoning district is inconsistent with the Comprehensive Plan. This finding is not met.

3. 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.

The applicant is concerned that a building with a larger footprint would cause a need for more off-street parking spaces. The minimum number of on-site parking spaces is 21 (one for every 400 square feet of usable floor area) and the maximum number of spaces is 36 in a traditional zoning district (70% of the minimum). The proposed 34 spaces would be sufficient for a building of 13,600 square feet which would allow for a larger footprint with no more additional parking spaces. At this time, the applicant has not demonstrated any difficulties in complying with meeting the minimum FAR requirement for this T2 zoning district. This finding is not met.

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

Building a smaller building is a choice not a circumstance. This finding is not met.

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

A commercial building is a use permitted in this zoning district. The requested variance if granted will not change the zoning classification of the property. This finding is met.

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

A smaller commercial building on a corner lot in this T2 zoning district could alter the character of the surrounding area. This finding is not met.

F. **DISTRICT COUNCIL RECOMMENDATION:** Staff has received a recommendation of denial from District Council 1.

G. **CORRESPONDENCE:** Staff has not received any correspondence.

H. **STAFF RECOMMENDATION:** Based on findings 1, 2, 3, 4 and 6, staff recommends denial of the requested variance.