

city of saint paul
planning commission resolution

file number 14 – 57

date September 5, 2014

WHEREAS, John Rupp, File # 14-316-432, has applied for a conditional use permit for reuse of a large structure for a hotel under the provisions of §65.132 and §61.501 of the Saint Paul Legislative Code, on property located at 344 Summit Ave, Parcel Identification Number (PIN) 012823130056, legally described as Dayton And Irvines Addition Ex Part Of Vac Alley Bet Lots 21 & 22 Blk 69 Desc As Fol Beg At Nw Cor Of Alley Th Sely On WI Of Alley 202.13 Ft Th Nely At Ra 12.5ft Th Nwly Par With Sd WI To NI Of Alley Th Sw To Beg & Swly 35ft Of Lot 19 & All Of Lot 20 & Lo; and

WHEREAS, the Zoning Committee of the Planning Commission, on August 28, 2014, 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 is for a conditional use permit for reuse of a large structure as a hotel at 344 Summit Avenue. The applicant proposes to convert the 18,000 square foot building from the previous college classroom use into a 10-unit fully-furnished luxury hotel. Individual units will have kitchens and bathrooms. The hotel will have shared common areas including a living room, library, office, and kitchen. The side yard will be maintained as open space. The application states that there will be no banquet facility uses at this property, and that no exterior changes are proposed. The application also states that no more than four of the hotel rooms and/or suites would be rented for periods of more than one year.
2. The applicant has applied for modification of the parking requirement in § 65.132(d).
3. In addition to Planning Commission approval of the conditional use permit, building and fire code approvals through the Department of Safety and Inspections are required for the proposed use. Any exterior changes would require approval by the Heritage Preservation Commission.
4. § 65.132 provides for conversion or reuse of residential structures of over 9,000 square feet gross floor area and structures such as churches and schools for uses that would otherwise be nonconforming in a residential zoning district subject to the following standards and conditions:
 - a) *The planning commission shall find that the structure cannot reasonably be used for a conforming use.* The building is approximately 18,000 square feet. Conforming uses in

moved by Nelson

seconded by _____

in favor 14

against 3 (Makarios, Oliver, Nelson)

the RT2 residential district include up to four dwelling units, religious and educational institutions, and specified congregate living uses.

Within the last decade three nearby large historic houses have been converted to a conforming number of dwelling units as follows:

Address	Previous # units	Current # units	Square footage per unit	Off-street parking spaces
318 Summit	10	2	~5,244 sf; 2,000 sf	4
322-324 Summit	12	3	5,110 sf; 3,408 sf; 2,686 sf	6
340 Summit	9	2	~ 8,110 sf; 2,000 sf	5

It appears that an existing garage at the rear of the house might accommodate one or two cars, and that three to four parking spaces could be reasonably accommodated in the area of the existing garage if the garage were substantially restructured or removed. Adding parking in the side yard would be undesirable and probably unrealistic because it would compromise the gardens and historic ruins from an original house there and there are associated grading issues. Any of these exterior changes would require Heritage Preservation Commission approval.

The house is so large that reuse for only one to two dwelling units is unreasonable. It is also unreasonable to expect that converting the building into three or four condo units of 4,000 – 6,000 square feet each, or converting it for other conforming uses, would be marketable with the limited off-street parking that is reasonably possible on the site. This condition is met.

- b) *The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan.* The proposed use is consistent with Comprehensive Plan Heritage Preservation Chapter Strategy 4 to preserve and protect historic resources and Strategy 5 to use historic preservation to further economic development. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. Therefore, the character of the proposed use is consistent with the description of the “established neighborhood” designation for this location in the Comprehensive Plan Land Use chapter. This condition is met.
- c) *The planning commission shall find that the proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.* The applicant is not proposing any exterior alterations or additions. The proposed 10-unit hotel will be a less intensive use than the previous institutional use as a classroom building of Saint Paul College of Visual Art. This condition is met.
- d) *Parking for the new use shall be provided in accordance with the requirements of section 63.200 for new structures.* The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially

restructured or removed, and that this condition can be met subject to the condition that such parking is provided. This is contingent on application to and approval by the Heritage Preservation Commission.

- e) *Applications for conversion or reuse shall include a notarized petition of two-thirds (2/3) of the property owners within one hundred (100) feet of the property proposed for the reuse, site plans, building elevations, and landscaping plans, and other information which the planning commission may request.* This finding is met. The petition was found sufficient on August 5, 2014: 15 parcels eligible; 10 parcels required; 11 parcels signed. After August 5, 2014 three additional parcels were submitted as signed.

5. §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.* The proposed use is consistent with Comprehensive Plan Heritage Preservation Chapter Strategy 4 to preserve and protect historic resources and Strategy 5 to use historic preservation to further economic development. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. Therefore, the character of the proposed use is consistent with the description of the “established neighborhood” designation for this location in the Comprehensive Plan Land Use chapter. This condition is met.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The proposed use will produce less traffic and demand for on-street parking than the previous institutional use as a Saint Paul College of Visual Art classroom building. Given the current layout of the property, vehicles using the driveway need to back out onto Summit Avenue, which could be difficult with the volume of cars driving and parking on Summit Avenue. It may be possible to provide for vehicles using the driveway and/or garage to turn around so that they would be traveling forward as they enter Summit Avenue. This condition can be met subject to the condition that the driveway be changed to provide for all non-commercial vehicles to exit forward onto Summit Avenue.
- 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.* There is a mix of institutional, commercial, and residential uses along Summit Avenue. Between Western Avenue and Dayton/Old Kellogg Boulevard the large historic homes are predominately residential in use. Changing the use of the house from the previous college use to the proposed hotel use is less intensive than the previous institutional use. The proposed hotel, with individual units that have kitchens and bathrooms, is fairly similar to multi-family dwellings that are permitted in the RT2 district except that they would be rented for shorter periods and would not be a permanent residence for those who rent the units. The shared common areas, including a living room, library, office, and kitchen in the hotel are also not unlike shared spaces in many apartment buildings. This condition is met.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* There are no exterior changes proposed for the property. The impact of the hotel use will be less than the previous use

as a college classroom building. The use is similar in character to multi-family residential uses permitted in the district. This condition is met.

e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

6. §61.502 provides for modification of special conditions: *The planning commission, after public hearing, may modify any or all special conditions, when strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The applicant has applied for a modification of the special condition in §65.132(d) regarding parking. The off-street parking requirement for the hotel use is three spaces (one space per three occupancy units). The applicant plans to maintain the side yard as open space and gardens. It would be challenging to add parking to the side yard due to grading and issues associated with ruins from an original house in the side yard. It appears that three to four parking spaces could be reasonably accommodated in the area of the existing garage at the rear of the house if the garage were substantially restructured or removed. Therefore, strict application of the special conditions related to required off-street parking would not limit or prevent otherwise lawful use of the property or the existing structure. Providing the required off-street parking of three spaces would not result in exceptional undue hardship. Modification of the off-street parking requirement would impair the intent and purpose of the special condition. The standards for modification of the special condition for off-street parking are not met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of John Rupp for a modification of condition §65.132(d), the parking requirement, is hereby denied; AND

BE IT ALSO RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of John Rupp for a conditional use permit for reuse of a large structure for a hotel at 344 Summit Ave is hereby approved, subject to the following conditions:

- 1) A minimum of three off-street parking spaces must be provided on the property, subject to approval by the Heritage Preservation Commission.
- 2) The property will not be used as a reception hall, banquet facility or assembly hall.
- 3) The applicant will acquire all necessary and appropriate licenses and permits prior to establishing the use.
- 4) All exterior alterations to the structures and site must be approved by the Heritage Preservation Commission.
- 5) No food or beverage service is to be offered to the general public.
- 6) Changes to the driveway to provide for all non-commercial vehicles to exit forward onto Summit Avenue.
- 7) All commercial vehicles providing delivery or services must be accommodated on site, without blocking travel, parking or bicycle lanes, or the public sidewalk.
- 8) All site work to accommodate conditions for this use must be approved by the appropriate entities and completed before the use is established.