

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 344 Summit Boutique Hotel **FILE #** 14-316-432
  2. **APPLICANT:** John Rupp **HEARING DATE:** August 28, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 344 Summit Ave, between Western and Virginia
  5. **PIN & LEGAL DESCRIPTION:** 012823130056, 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 Wl Of Alley 202.13 Ft Th Nely At Ra 12.5ft Th Nwly Par With Sd Wl To Nl Of Alley Th Sw To Beg & Swly 35ft Of Lot 19 & All Of Lot 20 & Lo
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** R2/RT2
  7. **ZONING CODE REFERENCE:** § 65.132; § 61.501; § 61.502
  8. **STAFF REPORT DATE:** 8-21-2014, revised 8-28-14 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** August 5, 2014 **60-DAY DEADLINE FOR ACTION:** October 4, 2014
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- A. **PURPOSE:** Conditional use permit for reuse of a large structure for a boutique hotel with modification of the condition in § 65.132(d) regarding parking
- B. **PARCEL SIZE:** 52,708 square feet, ~150 feet (Summit Ave, width) x ~345 feet (length)
- C. **EXISTING LAND USE:** N-College, now vacant
- D. **SURROUNDING LAND USE:**
  - North: 1-, 2-, and multi-family residential (RT2)
  - East: 1-, 2-, and multi-family residential (RT2)
  - South: Single- and multi-family residential (RT2, R2)
  - West: 1-, 2-, and multi-family residential (RT2)
- E. **ZONING CODE CITATION:** § 65.132 provides for conversion or reuse of large residential structures and structures such as churches and schools for uses that would otherwise be nonconforming in a residential zoning district subject to certain conditions; § 61.501 lists general conditions that must be met by all conditional uses; § 61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The house at 344 Summit Avenue was constructed in 1915 as a single-family dwelling. In the 1950s the house was converted into a classroom building by Saint Paul College of Visual Art and used by the college for classroom space until 2013 when the college closed. The property is within the boundaries of the Historic Hill Heritage Preservation District. The applicant has met with Planning and Economic Development, Heritage Preservation Commission and Department of Safety and Inspections staff regarding zoning and licensing.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council recommended approval, subject to a condition.
- H. **FINDINGS:**
  1. The application is for a conditional use permit for reuse of a large structure as a boutique apartment 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 boutique apartment 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 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 Comprehensive Plan Land Use Chapter (LU-B) describes and identifies "Established Neighborhoods" as predominately residential areas with neighborhood-serving commercial areas at the intersections of arterial or collector streets. The property is located on Summit Avenue, a collector street, one block east of Western Avenue, a collector street, but not right at the intersection two collector streets. Western Avenue is identified as a "Residential Corridor" in LU-B while Summit Avenue east of Western to Dayton/Old Kellogg Boulevard is identified as Established Neighborhood. The proposed boutique apartment 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. However, a hotel is classified as a commercial use, and thus may not be consistent with the description of Established Neighborhood in the Land Use Plan for this particular location. This condition is not 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 proposal is consistent with Heritage Preservation Chapter Strategy 4 to preserve a designated historic resource resources and Strategy 5 to use historic preservation to further economic development. The Land Use Chapter of the Comprehensive Plan (LU 1.5, LU-B) shows this site in an "Established Neighborhood," a land use category it describes as predominately residential areas with a range of housing types, smaller scale scattered multi-family housing, and scattered neighborhood-serving commercial, service, and institutional uses. Summit Avenue east of Western Avenue is characterized by very large historic houses that are a mix of institutional, commercial and residential uses. The proposed use is less intensive than the previous institutional use of the house. The proposed boutique apartment 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. However, a hotel is classified as a commercial use, and thus may not be consistent with the description of Established Neighborhood in the Land Use Plan for this particular location. This condition is not 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. While it may be possible to provide for vehicles using the driveway to turn around so that they would be traveling forward as they enter Summit Avenue, with the current layout this condition is not met.
  - 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.* While 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 boutique apartment 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. 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:
- a) *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 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 reasonably limit or prevent otherwise lawful use of the property or the existing structure. Providing the required off-street parking 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.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of a conditional use permit for reuse of a large structure for a boutique hotel, and denial of modification of the special condition in § 65.132(d) regarding parking.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6700  
Facsimile: 651-266-6549

**To:** Zoning Committee  
**From:** Hilary Holmes (266-6612)/Jake Reilly (266-6618), City Planners  
**Date:** 08/28/2014  
**Re:** Zoning File #14-316-432 (344 Summit Boutique Hotel)

### **Background**

On August 21, 2014 staff prepared a Staff Report for Zoning File #14-316-432 (344 Summit Boutique Hotel), an application for a Conditional Use Permit for reuse of a large structure, that was submitted to the committee for its review. Since the production of that packet, conversations among staff have continued and the staff report was amended and finalized today, August 28, 2014.

### **Comprehensive plan consistency**

The community has raised some issues about this application's consistency with the comprehensive plan and its addenda and amendments. Those issues primarily appear to revolve around a now-decertified small area plan known as the Summit Avenue Plan (adopted, 1986; decertified, 2009).

The Summit Avenue plan covered the length of Summit Avenue and crossed the boundaries of District Councils 8, 13, 14, and 16. The purpose of the plan was in response to a period of disinvestment in the city in general and a series of conversions and disinvestment along the avenue in particular. Major recommendations included: "protect the residential character" of Summit Avenue through zoning policy and code enforcement; permit bed and breakfasts and home occupations in large homes without undermining the residential desirability of Summit Avenue through careful application of and revisions to the zoning code.

During the 2008-2010 Metropolitan Council-required comprehensive plan update process, the City of Saint Paul was asked to submit to the Metropolitan Council a record of all addendum plans, which includes most of the district and small area plans. In fall 2008, planning staff started the process of evaluating the status of all small area plans older than 10 years (pre-1997), to determine which of these should be recertified, amended, or decertified. Letters were sent to the district councils, identifying which plans within their jurisdiction were past the 10 year mark, and what staff thought might be the appropriate action to take on each plan – recertification, amendment, or decertification.

Following the letters, planning staff spoke with each of the district councils and asked them to review the plans and provide feedback on what action they thought would be appropriate. Each district council determined its own review process and all responded.

On May 22, 2009, the Planning Commission held a public hearing on the status of all small area plans adopted prior to 1997, to determine which plans to recertify, amend, or decertify. Staff noted at the hearing that the proposed list of actions had the support of all the affected District Councils, with one exception – District 16 Planning Council opposed decertification of the Summit Avenue Plan. However, the three other district councils that share the Summit Avenue Plan, all supported the Plan's decertification. PED staff stated that a second full review of the Summit Ave Plan had been completed by then planning director Larry Soderholm, additional planning staff, and Heritage Preservation staff, who concluded that the plan was largely implemented, with significant improvements having occurred, or that new mechanisms were in place to provide protection and vision for the affected areas. The Planning Commission unanimously forwarded the recommendation to the City Council on June 19, 2009 and the City Council took action on August 5, 2009 to accept that recommendation, thereby decertifying the Summit Avenue Plan.

The adopted Comprehensive Plan documents that apply, therefore, include the city-wide 2010 City of Saint Paul Comprehensive Plan document and the current district and small area plans for District Council 8 (Summit-University) - the Irvine Avenue Plan Summary (2003) and the District 8 Plan Summary (2009). Neither of those smaller, district-specific plans address items specific to this application.

#### **Amendment to the staff report**

While the recommendation for denial of both the CUP and the modification of the condition remains, staff has made some changes:

- Finding 4(b) was amended to address the text of the required finding which indicates that the proposed use and plans must be consistent with the comprehensive plan. Language regarding consistency with the intent of the zoning code was removed.
- Finding 4(c) was amended and found to be met, based on the new use being less intensive than the previous use.
- Finding 4(d) was amended to state that the condition can be met subject to the condition that three parking spaces are provided.
- Finding 5(a) was amended to address the text of the required finding which indicates that the proposed use and plans must be consistent with the comprehensive plan. Language regarding consistency with the intent of the zoning code was removed.
- Finding 5(b) was amended to state that the condition is not met with the current layout of structures and driveways on the property, but that it might be possible to provide for vehicles using the driveway to turn around so that they might be traveling forward as they exit the property on to Summit Avenue.
- Finding 5(c) was amended to state that the condition is met because the hotel use is more residential than the previous college use, and therefore the use is not detrimental to the existing character in the immediate area.
- Finding 5(d) was amended to state that the condition is met.

#### **Discussion**

Staff from PED, HPC, DSI, and attorneys for those departments have all discussed this issue at length. It is a difficult one to address, and does rely on judgment. PED Zoning Staff has traditionally been conservative in making required findings. Staff prefers to offer the committee as much information as possible to weigh the issues and ultimately come to a recommendation for the full Planning Commission.

If the committee wishes, they might change findings 4(b) and 5(a) to be consistent with the comprehensive plan, on the basis of the two Heritage Preservation Chapter strategies outlined and on the basis of the proposed use being similar to permitted residential uses in character. They might also amend findings 4(d) and 5(b), to be met, subject to conditions, as outlined in the current findings.

Potential conditions to be placed on the use to meet these findings may include the following:

- 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) Provide for 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.

Questions or comments may be directed to Senior City Planner Jake Reilly at [jake.reilly@ci.stpaul.mn.us](mailto:jake.reilly@ci.stpaul.mn.us) or 651-266-6618.

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 344 Summit Boutique Hotel **FILE #** 14-316-432
  2. **APPLICANT:** John Rupp **HEARING DATE:** August 28, 2014
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 344 Summit Ave, between Western and Virginia
  5. **PIN & LEGAL DESCRIPTION:** 012823130056, 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
  6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** R2/RT2
  7. **ZONING CODE REFERENCE:** §65.132; §61.501
  8. **STAFF REPORT DATE:** August 21, 2014 **BY:** Hilary Holmes
  9. **DATE RECEIVED:** August 5, 2014 **60-DAY DEADLINE FOR ACTION:** October 4, 2014
- 

- A. **PURPOSE:** Conditional use permit for reuse of large structure for boutique hotel with modification of §65.132(d)
- B. **PARCEL SIZE:** 52,708 square feet, ~150 feet (Summit Ave, width) x ~345 feet (length)
- C. **EXISTING LAND USE:** N-College/University
- D. **SURROUNDING LAND USE:**
  - North: Single-family residential (RT2)
  - East: Single-family residential, duplex (RT2)
  - South: Single- and multi-family residential (RT2, R2)
  - West: Single-family residential (RT2)
- E. **ZONING CODE CITATION:** §65.132 lists conditions that reuse of large structures must satisfy; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The house at 344 Summit Avenue was constructed in 1915 as a single-family dwelling. In the 1950's the house was converted into a classroom building by Saint Paul College of Visual Art and used by the college for classroom space until 2013 when the college closed. The property is within the boundaries of the Hill Heritage Preservation District. The applicant has met with Planning and Economic Development (PED), Heritage Preservation Commission (HPC) and Department of Safety and Inspections (DSI) staff regarding zoning and licensing.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time this staff report was written.
- H. **FINDINGS:**
  1. The application is for a conditional use permit for reuse of a large structure as a boutique hotel at 344 Summit Avenue. The applicant proposes to convert the 18,000 square foot building into 10 units. Individual units will have kitchens and bathrooms. The hotel will have shared common areas. The side yard will be maintained as open space. The application states that there will be no banquet facility uses at this property. No exterior changes are proposed at this time.
  2. The applicant has applied for modification of 65.132(d) for the parking requirement.
  3. In addition to getting Planning Commission approval of the conditional use permit, building and fire code approvals through the DSI must be met. Any exterior changes will require approvals by the HPC.
  4. §65.132 lists five standards that conversion or reuse of residential structures over 9,000 square feet gross floor area must satisfy in residential districts:
    - 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 use would be to return the property to use as a single-family house or convert the building to



up to four dwelling units. Within the last decade three neighboring properties (large, historic houses) have been de-converted:

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

The off-street parking for the property is legally non-conforming as the house predates the off-street parking requirements in the Zoning Code. Any conforming use of the house (one to four dwelling units) would have legally non-conforming parking. There is an existing garage with three parking spaces, though three to four spaces could be reasonably accommodated in the area of the existing garage. However, it may be unreasonable to expect that converting the existing building at 344 Summit into a four condo units of 4,000 square feet each would be marketable with only one off-street parking space for each unit. 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. Comprehensive Plan Land Use Chapter defines (LU 1.5) and identifies (LU-B) Established Neighborhoods as residential areas with neighborhood serving commercial areas at the intersections of arterial or collector streets. The property is located on Summit Avenue at the intersection of Virginia Street and is one block east of Western Avenue, a collector street. Western Avenue is identified as a Residential Corridor in LU-B while Summit Avenue east of Western to Dayton/Old Kellogg Boulevard is identified as Established Neighborhood. The proposed hotel use is not consistent with the Established Neighborhood as defined. The intent of RT2 zoning districts is to provide a variety of housing needs and recognizes that larger houses in older residential areas of the city have or can be converted in one to four family residences. Because of the residential nature of RT2 districts, it is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses. The hotel use is not consistent with this intent. This condition is not 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 at this time. The proposed use of a 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. However, RT2 districts are not intended for more intensive uses such as small conference centers, private retreat centers and reception houses. This condition is not 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 is challenging to add parking to the side yard due to grading issues associated with ruins from an original house in the side yard. Any parking added in the side yard would require HPC approval. The property can realistically accommodate three to four parking spaces at the rear of the house in the area of the existing garage. This condition can be met.
- 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.

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 proposal is consistent with Heritage Preservation Chapter Strategy 4 to preserve a designated historic resource. The Land Use Chapter of the Comprehensive Plan identifies Established Neighborhoods as a Land Use category (LU 1.5, LU-B) that are characterized as predominately residential areas with a range of housing types with smaller scale scattered multi-family housing and scattered neighborhood-serving commercial, service and institutional uses. The eastern end of Summit Avenue, before the curve at Western Avenue, is characterized by very large historic houses that are a mix of institutional, commercial and residential uses. The proposed use is less intensive than the previous institutional use; however the commercial nature of the hotel use is not consistent with the definition of Established Neighborhoods as it applies. This condition is not 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. While the hotel use reduces the demand for on-street parking, given the current layout of the property vehicles will need to back out of the driveway onto Summit Avenue. With the volume of cars on Summit Avenue and the configuration of on-street parking, backing out into the street could be difficult. The application states that this property will not be used for any banquets, however, given the commercial nature of the hotel it is not unreasonable that traffic associated with the use would not be accommodated on site. This condition is not met.
- 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.* While 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 residential in use. RT2 districts are not intended for more intensive uses that are commercial in nature such as small conference centers, private retreat centers and reception houses. The commercial use in a predominately residential district will be detrimental to the existing character in the immediate area. This condition is not 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 at this time. The impact of the hotel use will be less than the previous use as a college classroom building. However, the intent of RT2 districts is not for more intensive uses such as small conference centers, private retreat centers and reception houses. The proposed hotel use is a commercial use and will impede the normal and orderly development and improvement of the surrounding property. This condition is not 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:

- a) *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 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 is challenging to add parking to the side yard due to grading issues with ruins from an original house in the side yard. Any parking to be added to the side yard would require HPC approval. Required off-street parking can realistically be provided on the property as three to four spaces can be accommodated in the area of the existing garage at the rear of the house. The strict application of such special conditions related to required off-street parking would not reasonably limit or prevent otherwise lawful use of the property or the existing structure. Providing the required off-street parking would not result in exceptional undue hardship. The modification of the off-street parking requirement would impair the intent and purpose of the special condition and is not consistent with health, morals and general welfare of the community and is not consistent with the reasonable enjoyment of adjacent property. This condition is not met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the conditional use permit for reuse of large structure for boutique hotel and denial of the modification of standard §65.132(d).



**CONDITIONAL USE PERMIT APPLICATION**  
 Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning office use only  
 File # 14-316432  
 Tentative Hearing Date  
8-28-14

PD = 8

# 02823130056 Tentative Hearing 8-28-14

APPLICANT

Name JOHN R. RUPP  
 Address 306 SUMMIT AVENUE (OFFICE: SUITE 400 SAINT PAUL (BLDG. 6 WEST FIFTH ST.))  
 City ST. PAUL St. MINN Zip 55102 Daytime Phone 651-224-5845  
 Name of Owner (if different) \_\_\_\_\_  
 Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

PROPERTY LOCATION

Address / Location 344 SUMMIT AVENUE  
 Legal Description SEE ATTACHED  
 (attach additional sheet if necessary) \_\_\_\_\_ Current Zoning RT2/R2

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 65, Section 132, Paragraph \_\_\_\_\_ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

CK  
9184

Required site plan is attached

Applicant's Signature [Signature] Date 5/20/14 City Agent add 130-14

### **344 Summit Avenue - Proposed Luxury Boutique Hotel**

Supporting information for a conditional use permit application under the provisions and standards of Zoning Code § 65.132, reuse of large structures.

The proposal for a luxury boutique hotel is made pursuant to the provisions of *Zoning Code § 65.132. Reuse of Large Structures*, which provides for "conversion or reuse of residential structures of over 9000 square feet gross floor area and permitted nonresidential structures such as churches and schools." The proposal is to reuse the large – over 18,000 square foot - residential structure located at 344 Summit Avenue as a ten-unit fully furnished and serviced luxury boutique hotel.

The house at 344 Summit Avenue is modeled after an eighteenth century English Cotswold Manor House, and will be restored, decorated and furnished with many antiques, oriental rugs, and art work appropriate to the style of the building. For approximately the last 50 years the building has been occupied by the College of Visual Arts, which closed in the fall of 2013.

The proposed hotel is very small and intimate by hotel standards. Properties similar to 344 Summit in other cities are occasionally permitted as apartment hotels. A common zoning definition nationwide describes an *apartment hotel* as "a building designed for or containing apartments, individual guestrooms/studio apartments and/or rental units under resident supervision, which maintains an inner lobby through which all tenants must pass to gain access to the apartments, rooms and/or units." In the case of 344 Summit, there will be an on sight manager most if not all of the time. Rental periods would vary, but be mostly short term. Many of the guests will not have cars.

The Lower Summit Avenue/Cathedral Hill neighborhood historically contained many hotels, but at the moment does not have any. The following are the neighborhood's former hotels. All were what we now would refer to as either apartment and/or boutique hotels.

The Commodore

The Commodore Hotel Annex

The Angus Hotel (Blair House and Albion Hotel)

The Aberdeen Hotel

The Anthony Hotel Apartments

The Apollo Hotel

The Ashland Hotel  
Carpenter House  
Dayton Family Hotel (Daytonia Hotel)  
Fanner Hotel  
Franklin House  
Homer Family Hotel  
Marlborough Apartment Hotel  
New Summit Hotel  
Summit Avenue House

Guests will have access to the University Club's Summit Avenue Clubhouse during their stay. The University Club's front desk will in effect be the front desk for 344 Summit, with guests often picking up their keys there. The property and grounds video cameras will be monitored by University Club front desk personnel. If the University Club is not associated with the hotel in the future, the front desk functions would be located in the property.

The building will be carefully and sensitively restored, using as a guide among other resources, the original architectural plans and elevations. No exterior modifications are planned. The extensive gardens will be restored and replanted.

The unit locations are summarized below, and shown on the attached floor plans. Common areas within the building include a living room, library, business center/office, and kitchen. The former garage will be used as a service and storage area.

Lower Level: two one-bedroom units, storage and building laundry  
Main Floor: one large one-bedroom-unit, library, living room, business center/office/front desk, and kitchen  
Second Floor: two one-bedroom units and two studio units  
Third Floor: three one-bedroom units

The project is intended to bring to Saint Paul's historic Summit Avenue and the Cathedral Hill District a project that is sympathetic to the neighborhood – one of the finest, if not the finest, projects of its kind in the state.

It is important to recognize that this plan is in part proposed to provide a certain type of hotel that is missing from Saint Paul that will be regulated and constructed in conformance with appropriate building and licensing requirements. The proposed project is much different than the dozens of Airbnb and VRBO (Vacation Rental By Owner) properties that are being rented throughout the city outside of formal city approvals, licensing, and inspections – many in effect boutique hotel accommodations.

#### Commercial/Banquet Use

The proposed luxury boutique hotel plan does not now, nor will it in the future, contain banquet facilities similar to Summit Manor, 490 Summit, or the AAUW (College Club). The grounds and gardens will also not be used as an outdoor banquet venue.

#### Apartment Use

The hotel will limit the rental of rooms and/or suites for a period of one year or longer to maximum of four. An annual report will be filed with the Department of Planning and Economic Development Zoning Section and/or other appropriate city departments confirming that this agreement has been complied with.

Violation of either of the above conditions is grounds for the termination of the Conditional Use Permit, and reversion to current zoning of a maximum of four apartments total. If in the future the hotel ceases operations, the property would also revert to the current zoning - limiting it to a maximum of four units.

### **Zoning Code Section 65.132. Reuse of Large Structures.**

#### *Standards and Conditions in Residential Districts:*

- (a) *The planning commission shall find that the structure cannot reasonably be used for a conforming use.*

The structure is in need of substantial repairs given years of neglect. The property is so large, and the cost of renovation so great that the likelihood it will be returned to the original use a single family home with large live in staff is remote to say the least. The RT2 Townhouse Residential Zoning District would allow four dwelling units in the structure, but the property has essentially no off-street outside parking other than stacked in the driveway and no useable indoor parking, which adds further challenges to conventional apartment and/or condominium use. Adding off street parking would severely compromise the fabulous gardens.

- (b) *The planning commission shall find that the proposed use and plans are consistent with the comprehensive plan*

The project meets this standard. The proposal supports two strategies specifically in the Historic Preservation chapter of the Plan: Strategy 4 to "Preserve and protect historic resources" and Strategy 5 to "Use historic preservation to further economic development and sustainability".

In addition the proposal is consistent with the Summit Hill/District 16 Neighborhood Plan to preserve the pedestrian-friendly, historic residential and commercial character of the Summit Hill Neighborhood.

- (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 project meets this standard. There are no proposed "structural alterations or additions." As to the proposed use the surrounding neighborhood, since the earliest days, contained many hotel properties (mentioned above). The neighborhood, and similar neighborhoods throughout the United States and the world, are enriched by having fine independent boutique hotels located within them. These properties not only are amenities for the residents, but also for those who are attracted to these areas. The Cathedral Hill District of Saint Paul will be enhanced by a hotel as fine as the one proposed, and will join many other Minnesota cities that have them now.

- (d) *Parking for the new use shall be provided in accordance with the requirements of Section 63.200 for new structures.*

Under Section 63.207 of the Zoning Code, the parking requirement for a hotel or inn (essentially what an apartment hotel is) is required to have one parking space per three occupancy units. Because the condition in (d) is the requirement "for new structures," the requirement for the proposed use is what it would be for a new structures being built for a hotel or inn with ten suites/rooms: 3 parking spaces.

The building originally had three indoor parking stalls on the lower level at the rear of the house (shown on the attached site plan) but they have been unusable since the 1960's because they relied on a turntable system that does not work for contemporary cars. There are no current feasible plans to reuse the former garage for parking. For the last 50 years it has been used as a classroom by the College of Visual Arts. There is still a long,



narrow driveway from Summit Avenue along the side of the house to the former garage, but because of the steep hill immediately behind the house there is no feasible place to add parking there; without the old turntable system in the garage, there is not even space to turn around. Locating parking on the lawn to the west of the house - visible from Summit Avenue - is not feasible because it would destroy the gardens and severely compromise the overall site. Therefore, modification of this parking requirement is requested under the provisions of Zoning Code § 61.502, *Modify Special Conditions*.

As a practical matter, six cars can park on Summit Avenue immediately in front of the building, as shown on the attached site plan, and six more cars can be stacked in the driveway. The driveway is the only location for onsite parking given site constraints. The plan utilizes existing residential parking opportunities in the neighborhood in a way that is respectful to the neighbors and uses all of the possible off street parking spaces on the site as well.

It important to note when considering the overall parking situation that the former college use of the house created far greater demand for parking. The file for the 1993 campus conditional use permit for the College of Associated Arts at this site noted that "the College has a legal nonconformance of 49 [parking] spaces." This resulted in student and staff parking taking up blocks of on street parking adjacent to the property. The college had at its peak enrollment well over 225 students - all driving to the school and most parking in the neighborhood. The proposed use will certainly not detrimentally affect the neighborhood the way the college parking situation did.

- (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 reuse, site plans, and other information which the planning commission may request.*

See attached

**Zoning Code Section 61.501. Conditional use permit, general standards.**

- (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 plan meets this standard. See above.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public street*

The proposed use will radically improve traffic and parking problems associated with the former college use.

- (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*

The proposed use meets this standard. See above argument that not only is the proposed project not detrimental, it will enhance the character of the immediate neighborhood, and in no way endanger public health, safety, and general welfare.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district*

The proposed use meets this standard and meets it better than the former college use.

- (e) *The use shall, in all other respects, conform to the regulations of the district in which it is located*

Project meets this standard and is a substantially better use based on the above considerations than the neighborhoods residential treatment centers and sober houses that occupy other neighborhood "large structures". It also is more compatible with the neighborhood than the previous college use.

**Zoning Code Section 61.502. Modify special conditions.**

Modification of the special condition for new parking to serve the proposed use, to permit the use with no additional parking, would meet the standards of Zoning Code § 61.502 for modification of special conditions. Because of the steep hill immediately behind the house there is no feasible place to add parking there. Because of the historic significance of the house and grounds, located within the Historic Hill Heritage Preservation District, it is also not feasible to add parking to the large side yard west of the house. As a practical matter, the six on-street parking spaces along the street frontage of this wide lot will reasonably provide for the parking needs of the proposed use, a great improvement over the previous use of the site, consistent with the intent and purpose of the special condition, and consistent with the general welfare and reasonable enjoyment of adjacent property.

Property Address: 344 Summit Avenue, St. Paul, MN 55102

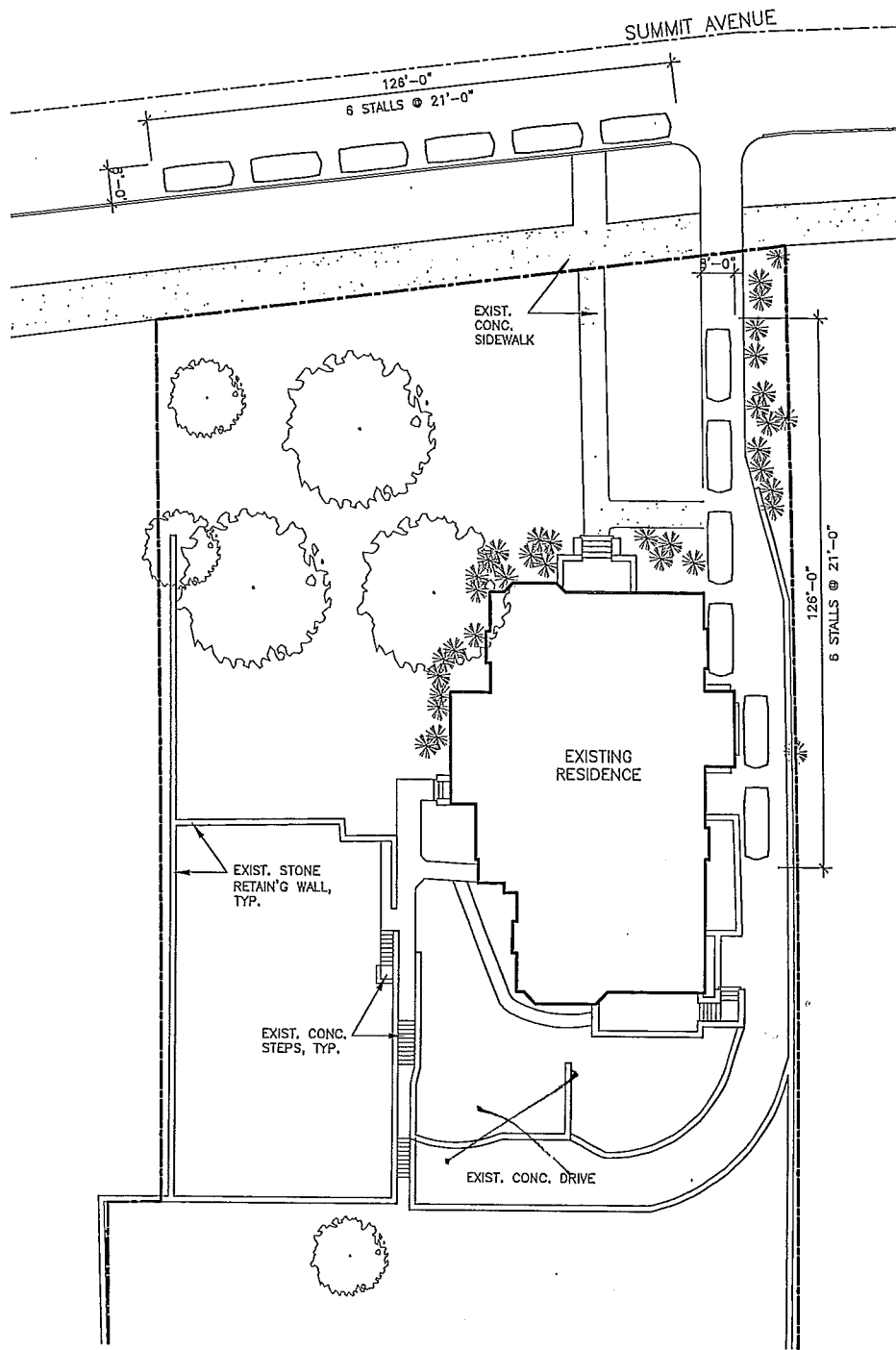
Parcel 1:

The Southwesterly 35 feet of Lot 19 and all of Lots 20 and 21 in Block 69 of Dayton and Irvine's Addition to Saint Paul.

Parcel 2:

A strip of land lying between Lots Twenty-two (22) and Twenty-one (21) in Block Sixty-nine (69) of Dayton and Irvine's Addition to the City of Saint Paul described as follows:

Commencing at the Northeast (NE) corner of said Lot Twenty-two (22) thence Easterly along the Southerly line of Summit Avenue sixteen feet (16') more or less to the Northwest (NW) corner of said Lot Twenty-one (21) thence Southerly along the Westerly line of said Lot Twenty-one (21) to the Northerly line of Irvine Avenue, thence Westerly along the Northerly line of Irvine Avenue sixteen feet (16') more or less to the Southeast (SE) corner of said Lot Twenty-two (22) thence Northerly along the Easterly line of said last mentioned lot to the place of beginning, except however the following described portion thereof, to-wit: Beginning at the Northeast (NE) corner of Lot Twenty-two (22) in Block sixty-nine (69) of Dayton and Irvine's Addition to the City of Saint Paul thence Southerly (S'y) along the Easterly (E'y) line of said Lot Two Hundred Two and 13/100 (202.13') feet, thence at right angles and Easterly (E'y) Twelve and one-half (12 1/2) feet, thence Northerly (N'y) and parallel with the Easterly (E'y) line of said Lot Twenty-two (22) to the South (S) line of Summit Avenue, thence Westerly (W'y) along the South (S) line of Summit Avenue to the place of beginning.



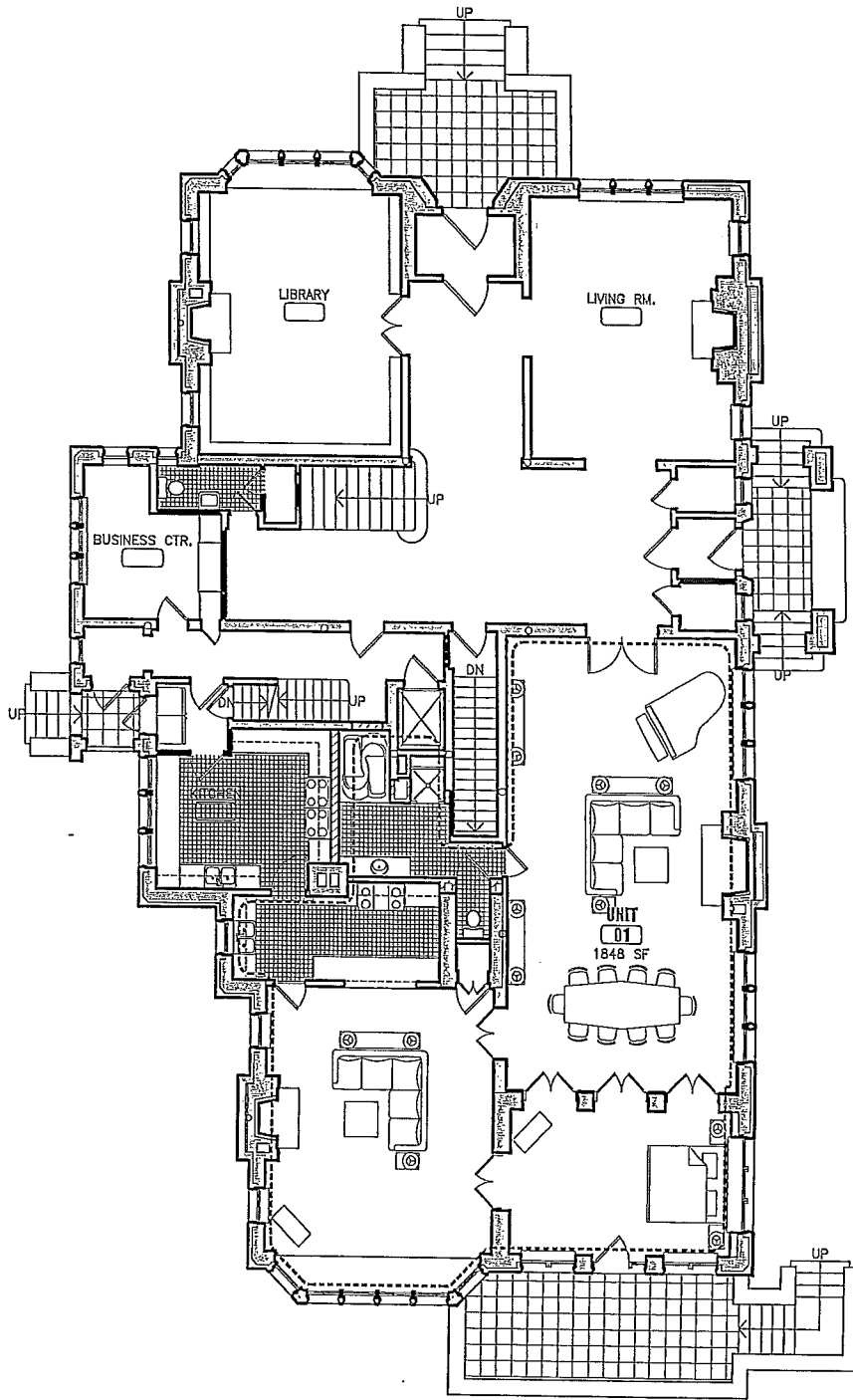
Site Plan

1" = 40'-0"

1

- Residential Restoration  
**344 SUMMIT AVENUE**

20 May 2014



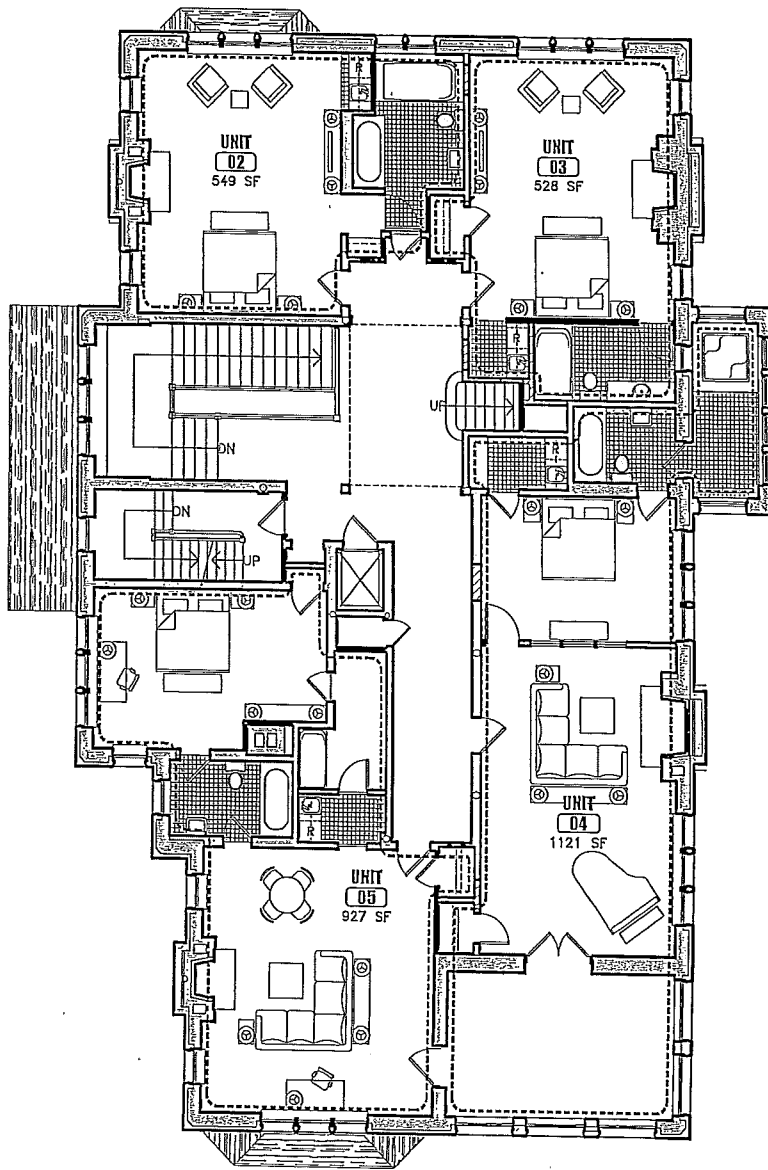
First Floor Plan

1/16" = 1'-0"

1

Residential Restoration  
344 SUMMIT AVENUE

20 May 2014



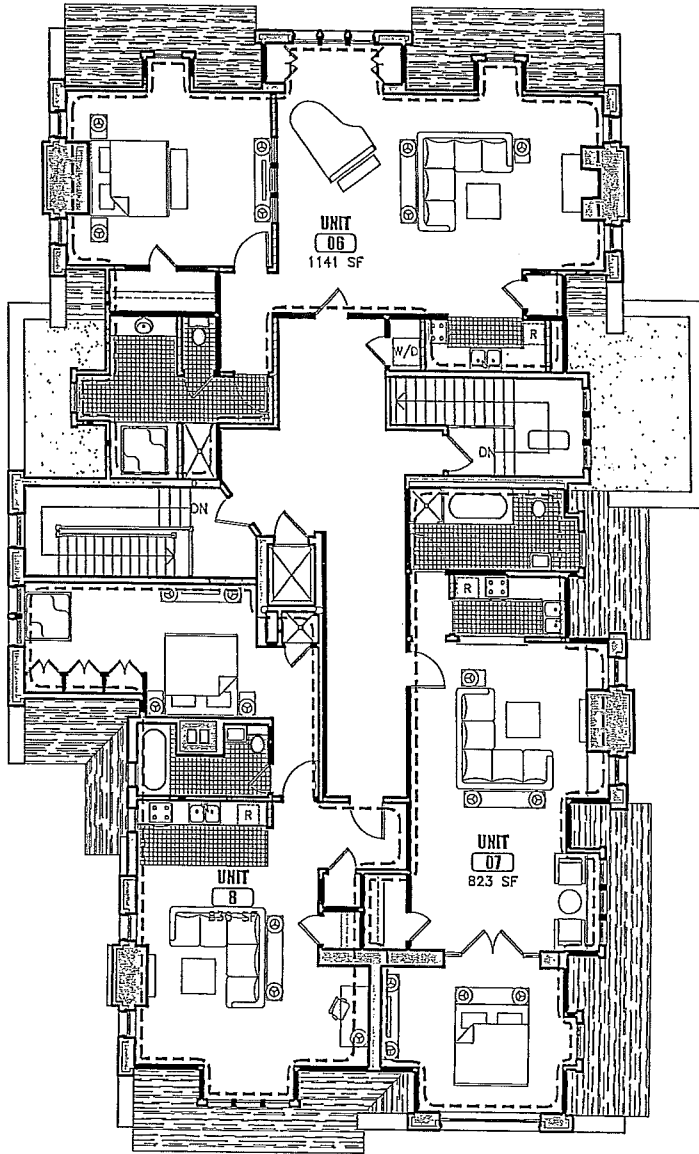
Second Floor Plan

1/16" = 1'-0"

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Residential Restoration  
344 SUMMIT AVENUE

20 May 2014



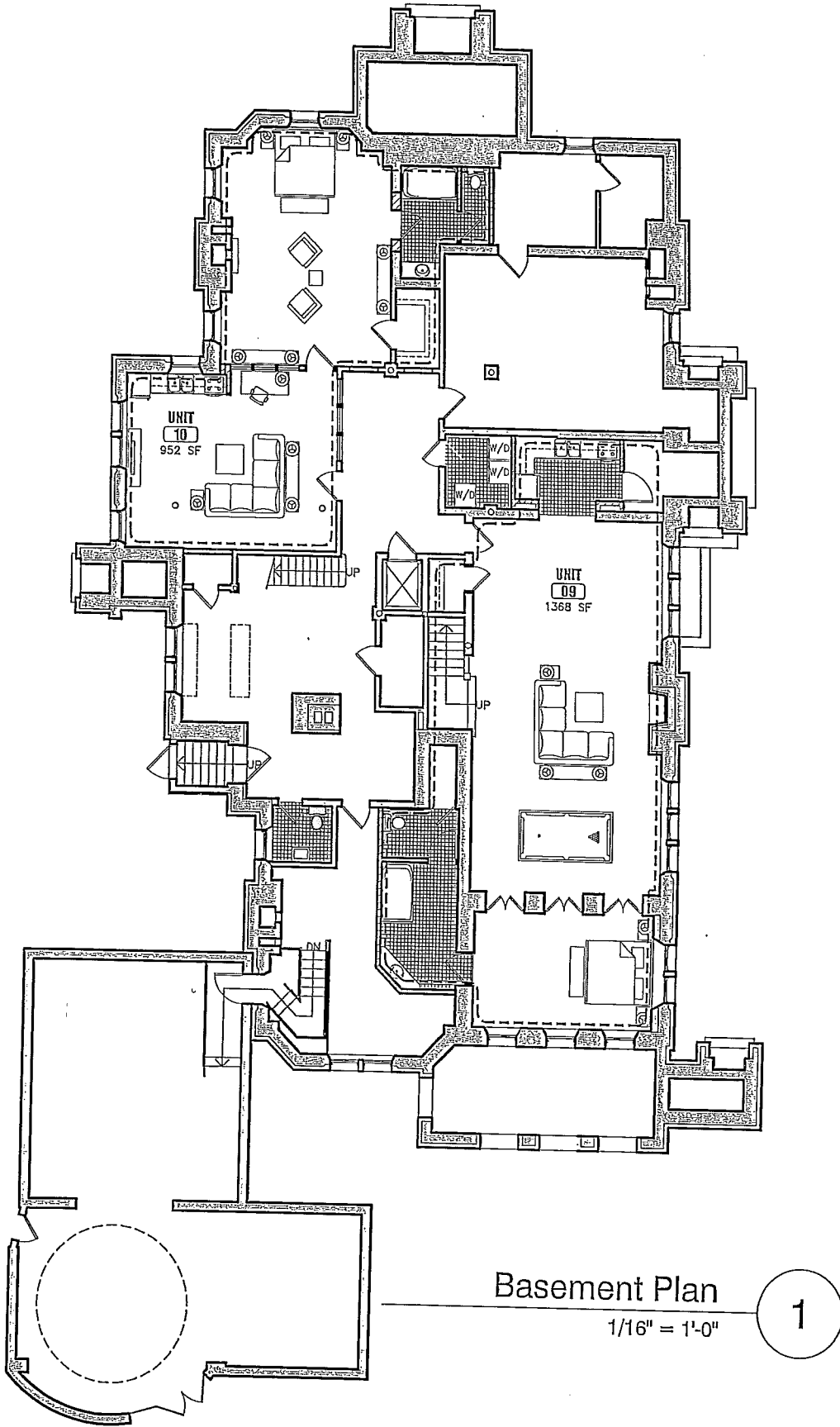
Third Floor Plan

1/16" = 1'-0"

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Residential Restoration  
344 SUMMIT AVENUE

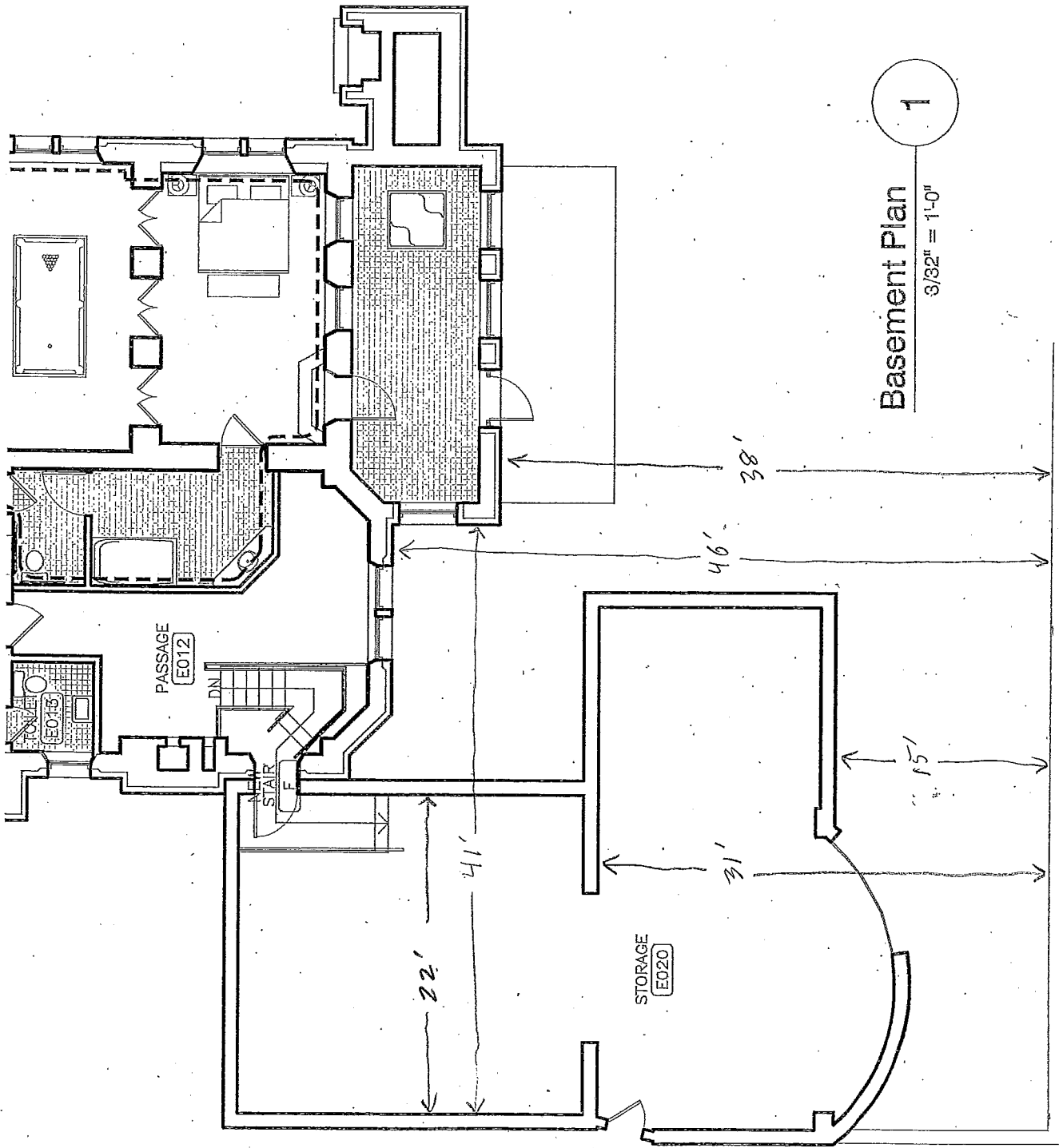
20 May 2014



Residential Restoration  
**344 SUMMIT AVENUE**

20 May 2014





**344 SUMMIT AVENUE**

4 April 2014

1

Basement Plan  
3/32" = 1'-0"

# 344 Summit Avenue



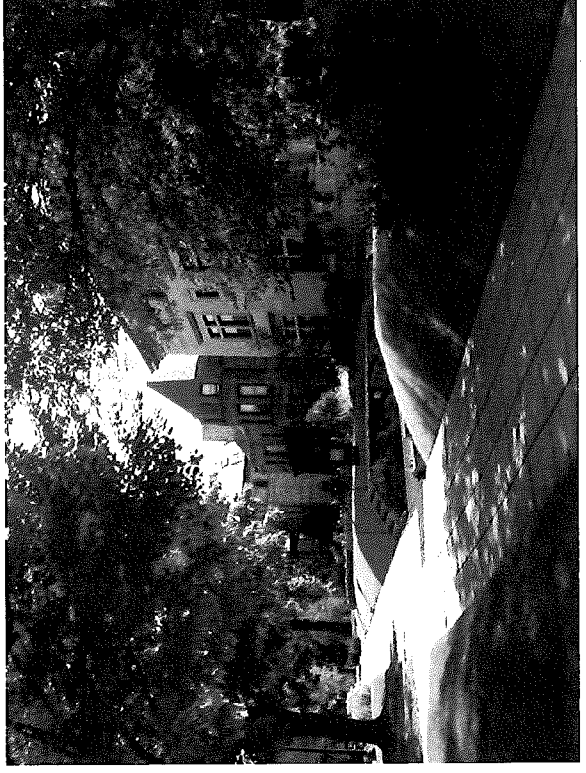
344 Summit (left) & side yard



344 Summit & side yard



Looking east on Summit, north side of street



Looking east on Summit, south side of street

# 344 Summit Avenue



Looking west on Summit, south side of street



Looking west on Summit, north side of street



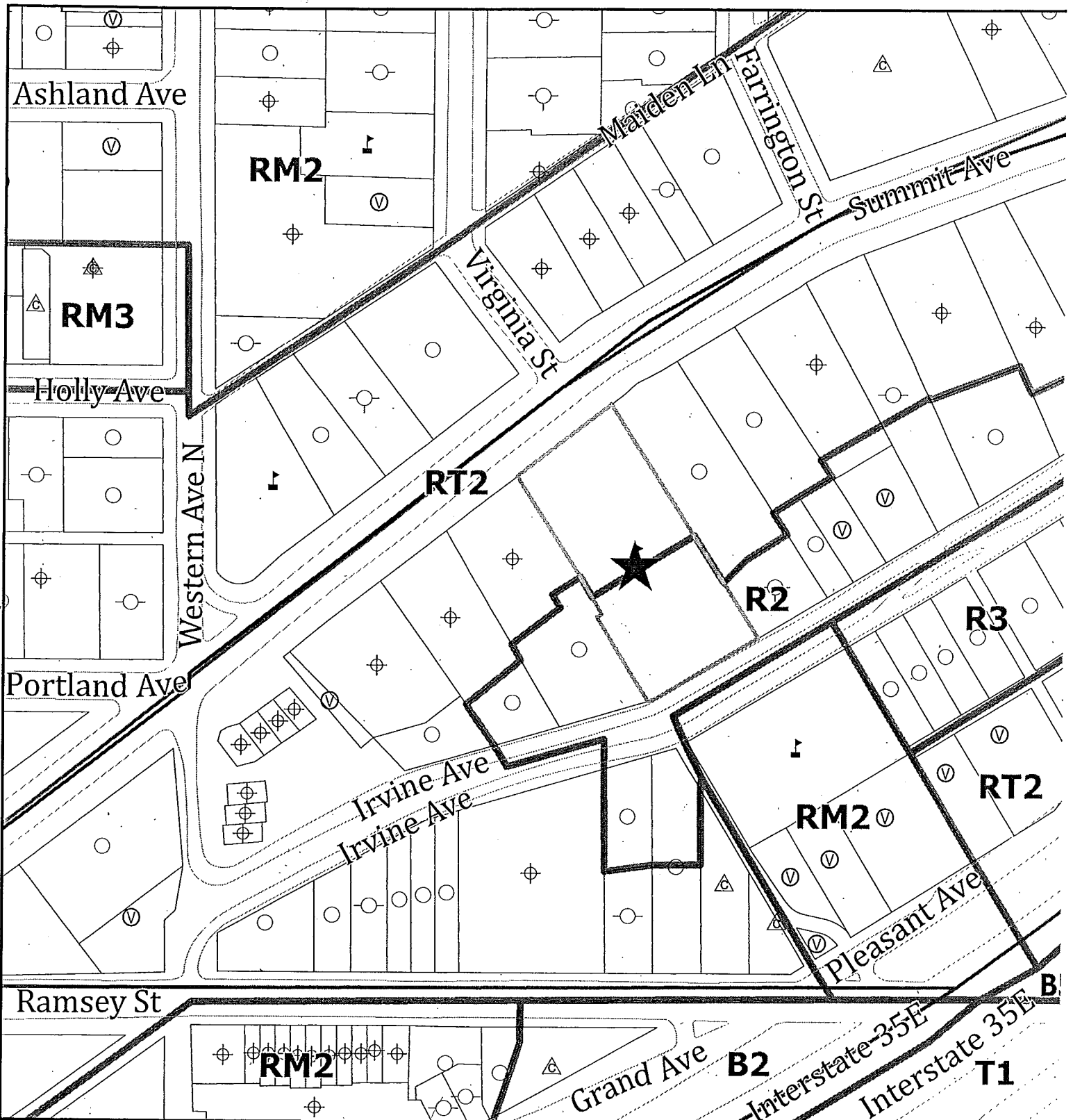
Looking north at Virginia Street from 344 Summit

# GISmo Oblique Photography

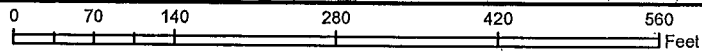
*Images courtesy of: Microsoft® Virtual Earth™ 2006*

Show Dashboard    Show Reference Map





APPLICANT JOHN RUPP  
 APPLICATION TYPE CUP  
 FILE # 14-316432 DATE 8/5/2014  
 PLANING DISTRICT 8  
 ZONING MAP # 15



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|----------------------|--------------------------|
| Commercial & Office  | Residential One Family   |
| Industrial & Utility | Residential Two Family   |
| Institutional        | Residential Three Family |
| Vacant/Undeveloped   | Multifamily              |

