

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** East 7th & Bates Senior Apartments **FILE #** 14-352-705
 2. **APPLICANT:** St. Paul Leased Housing Associates IV LLP **HEARING DATE:** January 8, 2015
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 720 7th St E, between Maple and Bates
 5. **PIN & LEGAL DESCRIPTION:** PIN: 32.29.22.13.0256 and 32.29.22.13.0028-0034; Proposed legal: Lots 1 - 5, AUDITOR'S SUBDIVISION No. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and lots 12 - 15, AUDITOR'S SUBDIVISION, no. 72, according to the recorded plat thereof, Ramsey County, MN and part of lots 10 and 11, said AUDITOR'S SUBDIVISION. No. 72 lying southwesterly of a line described as commencing at the most northerly corner of Lot 5, said AUDITOR's SUBDIVISION No. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating.
 6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** §66.331; §61.501, §61.502
 8. **STAFF REPORT DATE:** December 22, 2014 **BY:** Jake Reilly
 9. **DATE RECEIVED:** December 10, 2014 **60-DAY DEADLINE FOR ACTION:** February 8, 2015
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- A. **PURPOSE:** Conditional use permit for a 45-foot building height
- B. **PARCEL SIZE:** Rectangular parcel approximately 320 feet (E. 7th) by 225 feet (Bates) totaling approximately 72,000 square feet.
- C. **EXISTING LAND USE:** Vacant Land (T2 Traditional Neighborhood District)
- D. **SURROUNDING LAND USE:**
 - North: Mixed commercial and residential (T2)
 - East: Residential (Zoned RT1)
 - South: Mixed commercial/institutional (Zoned B2)
 - West: Mixed commercial/residential (Zoned B2 & RT1)
- E. **ZONING CODE CITATION:** §66.331 lists the density and dimensional standards for Traditional Neighborhood districts and has note (f) which allows a maximum height of 45 feet in T2 districts with a conditional use permit; §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 property was first developed for residential and retail use in the 1880s. The site was developed as a laundry business in the early 1920s, which included dry cleaning by the 1940s and through the 1980s. This industrial use was a conforming use for the life of that business. At some point in its life, the building used by the dry cleaning business appears to have extended onto the east side of the site. All buildings on the property were demolished between 2006 and 2008. The site has been vacant since demolition. In 2012/13 the parcel was rezoned to T2 along as part of a rezoning study conducted in the area. The adjacent parcel presently has a natural foods grocery store being constructed on it as part of a larger development picture. That facility, 740 E. 7th Street, received a CUP for a grocery store greater than 15,000 square feet in 2014.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not yet submitted comment when this staff report was prepared.
- H. **FINDINGS:**
 1. St. Paul leased Housing Associates IV LLP applied for a conditional use permit (CUP) to construct a 113-unit affordable apartment building for senior citizens. The building will have four stories of apartments over a one-story partially interred garage level. Due to the grade, five stories are exposed at the East 7th Street and Bates side of the structure. Given an average grade calculation, the highest roof surface is 44.35 feet above the average grade plane.
 2. The Traditional Neighborhood 2 (T2) zoning district allows for the use as of right, but limits the height of the structure to 35 feet. Section 66.331(f), the Traditional Neighborhood District Dimensional Standards

table and related footnote, allows the proposed use to apply for a CUP in order to increase the height 10 feet to 45 feet. The applicant has applied for a CUP for a height of 45 feet.

3. §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. This condition can be met. The Comprehensive Plan's Land Use Plan (2010) supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The Land Use Plan designates East 7th Street as a mixed use corridor and also designates this site as an "opportunity site" (Policy 1.54, Figure LU-B). This site is zoned T2. The Near East Side Road Map (2013) designates this site as a "redevelopment opportunity for housing, mixed use, or small commercial-industrial" (Figure 3). The proposed multi-family structure, in conjunction with the natural foods grocery store on the adjacent parcel, constitutes a mix of uses consistent with this designation. The East 7th Street Design Guidelines establish guidelines, supplemental to City ordinances, to facilitate the growth of high quality, long-lasting places. The proposed use, and design elements of the building are consistent with these Guidelines. However, the proposed design is not entirely consistent with the design guidelines of the Dayton's Bluff Heritage Preservation District. The Heritage Preservation Commission took action December 18, 2014 to conditionally approve the application for building permits to construct this project subject to conditions listed in that decision.*
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. 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. This condition is met. Access to both surface and garage parking lots is approximately at least 110 feet from the nearest intersection. City standard is no less than 60 feet. In order to facilitate site movement the adjacent uses/structures will share access to parking behind the site to facilitate truck and general traffic.*
- c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood, nor endanger the public health, safety and general welfare. This condition is met. The surrounding neighborhood, especially the East 7th Street corridor is characterized by a mix of residential and commercial uses, including cafés, automotive retail, a university campus, fast food restaurants, and other commercial services. A senior apartment complex is consistent with, and complements this mix of uses.*
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met. As noted above, an apartment use is appropriate for the site. Moreover, the proposed apartment development is part of a two-phase development of adjacent parcels, including the natural foods grocery store. Thus, the proposed apartment development is envisioned as part of the normal and orderly development and improvement of surrounding property.*
- 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.*

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for a 45-foot building height subject to the following additional condition(s):

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application. Changes to the plan required by the Heritage Preservation Commission through a separate approval process are to be considered in substantial compliance with the plans submitted with this application.
2. All conditions listed in the conditional approval of the Heritage Preservation Commission at the December 18, 2014 public hearing, and further identified in the letter dated December 19, 2014, must be met, and are incorporated by reference.



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 #: 14-352705
 Fee: _____
 Tentative Hearing Date: 12-23-14

PD=4

3229 2213 0031 et al

APPLICANT

Name St. Paul Leased Housing Associates IV, LLLP Email OMetz@DominiumInc.com
 Address 2905 Northwest Blvd, Suite 150
 City Plymouth State MN Zip 55441 Daytime Phone 763-354-5618
 Name of Owner (if different) Owen Metz
 Contact Person (if different) Greg Metz Phone 612-373-9501

PROPERTY LOCATION

Address/Location 720 East 7th Street
 Legal Description _____
 Current Zoning T-2
 (attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 66, Section 66.331, Paragraph 1, footnote (f), 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.

Please refer to the attached Exhibit 'A'.

Required Site Plan is attached

Applicant's Signature [Signature] Date 11/21/14 City Agent pdd

The proposed project intends to construct one hundred thirteen affordable apartment units for seniors at the southeast corner of East Seventh Street and Bates Street. The building will have four stories of wood framed apartments constructed over a one-story partially interred garage level. Due to grade variations across the site, there will be five stories exposed at the corner of East Seventh Street and Bates Street, four stories exposed at northeast corner of the site, and three stories exposed along the main east-facing façade.

New multi-family construction in Zoning District T-2 is limited to 35 feet in height, and may be extended to 45 feet in height by approval of a Conditional Use Permit in accordance with Table 66.331, footnote (f) of the Zoning Ordinance. Table 66.331 outlines Traditional Neighborhood District Dimensional Standards.

The following spreadsheets, calculation, and associated grading diagram illustrate the average grade plane calculation for the proposed project. The average grade plane is determined to be 173.64, and the highest roof surface is 218.0 which is 44.36 feet above the average grade plane.

Point	Elevation
A	169.1
B	165.5
C	164.9
D	175.84
E	175.56
F	176
G	182.8
H	182
I	179.22
J	176
K	176
L	175.5
M	175
N	173.1

Segment	Segment Length (ft)	Average Elevation	Length x Average Elevation
AB	65	167.3	10874.5
BC	97	165.2	16024.4
CD	178	170.37	30325.86
DE	41	175.7	7203.7
EF	28	175.78	4921.84
FG	16	179.4	2870.4
GH	74	182.4	13497.6
HI	36	180.61	6501.96
IJ	70	177.61	12432.7
JK	78	176	13728
KL	124	175.75	21793
LM	76	175.25	13319
MN	10	174.05	1740.5
NA	70	171.1	11977

Building Perimeter: 963
 Weighted Mean: 167210.5

Grade Plane = Building Perimeter / Weighted Mean Elevation
 Grade Plane = 173.635

Grade Plane + 45 feet = 218.635 (Allowable by CUP)
 Roof Elevation = 176 + 42 = 218 (complies with CUP reqmnts)

Conditional Use Permit Evaluation Criteria, Section 61.501:

- a) *The extend, 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.*
1. The proposed work complies with the East 7th Street Design Guidelines developed by the East 7th Street Design Task Force, recommended by the St. Paul Planning Commission, and adopted by the St. Paul City Council on December 2009.
 2. The St. Paul Comprehensive Plan-
 - a. *The Generalized 2030 Land Uses Map* indicates that the project vicinity along East 7th is designated for *Mixed Use* which is clarified in the Comprehensive Plan as "...[where] two or more of the following uses exist: residential, commercial, retail, office, small scale industry, institutional, and open space. The proposed work is residential with programmatic components on the primary facades to present as a beauty salon, fitness center, as well as apartments. It is adjacent to the Mississippi Market, a commercial grocery store, sharing a small developed open space between.
 - b. The proposed work offers affordable housing at higher densities along the mixed use corridor, providing opportunities for local residents to age in place in their neighborhood.
 3. The District 4 Plan Summary Addendum to the St. Paul Comprehensive Plan-
 - a. The proposed improves the livability of the neighborhood by providing affordable rental housing options for seniors wishing to age in place.
 - b. The developer has a long history of building to own and hold the properties that they construct. As a long term business owner, they are strongly vested in maintaining the aesthetics and cleanliness of their building and grounds in order to retain and attract new tenants.
- b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*
1. Access to the surface parking lot for guests is located on Bates Avenue approximately 190 feet from the intersection at East 7th Street.
 2. Access to the parking garage for residents is located on Bates Avenue approximately 110 feet from the intersection at East 7th Street.
 3. There is parking lot connectivity between the surface parking behind the building and the Mississippi Market to the east to facilitate ingress and egress of trucks serving the market without disrupting the existing residents.
- 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.*
1. The new work will serve as one of the gateway markers to the Dayton's Bluff historic district. Although a new building, the design recalls many of the design feature elements found in the historic fabric of the surrounding neighborhood.

2. The proposed will meet or exceed the building code requirements for safety and energy efficiency.
- d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
1. The site is bounded by two public streets and will not impede the normal and orderly development and improvement of the surrounding properties.
- e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*
1. The use conforms to all other applicable regulations of the district and seeks only allowance to construct to a height of 45 feet above the average grade plane as allowed through the Zoning Ordinance through a Conditional Use Permit.

Please approve the Conditional Use Permit to allow this project a height limit of forty five feet.

Thank you.

NOT FOR
CONSTRUCTION

ISSUANCE 95%
HPC and CUP
Review Set
11/20/2014

PROJECT TITLE
East 7th & Bate
Senior Apartment

KEY PLAN NORTH AR

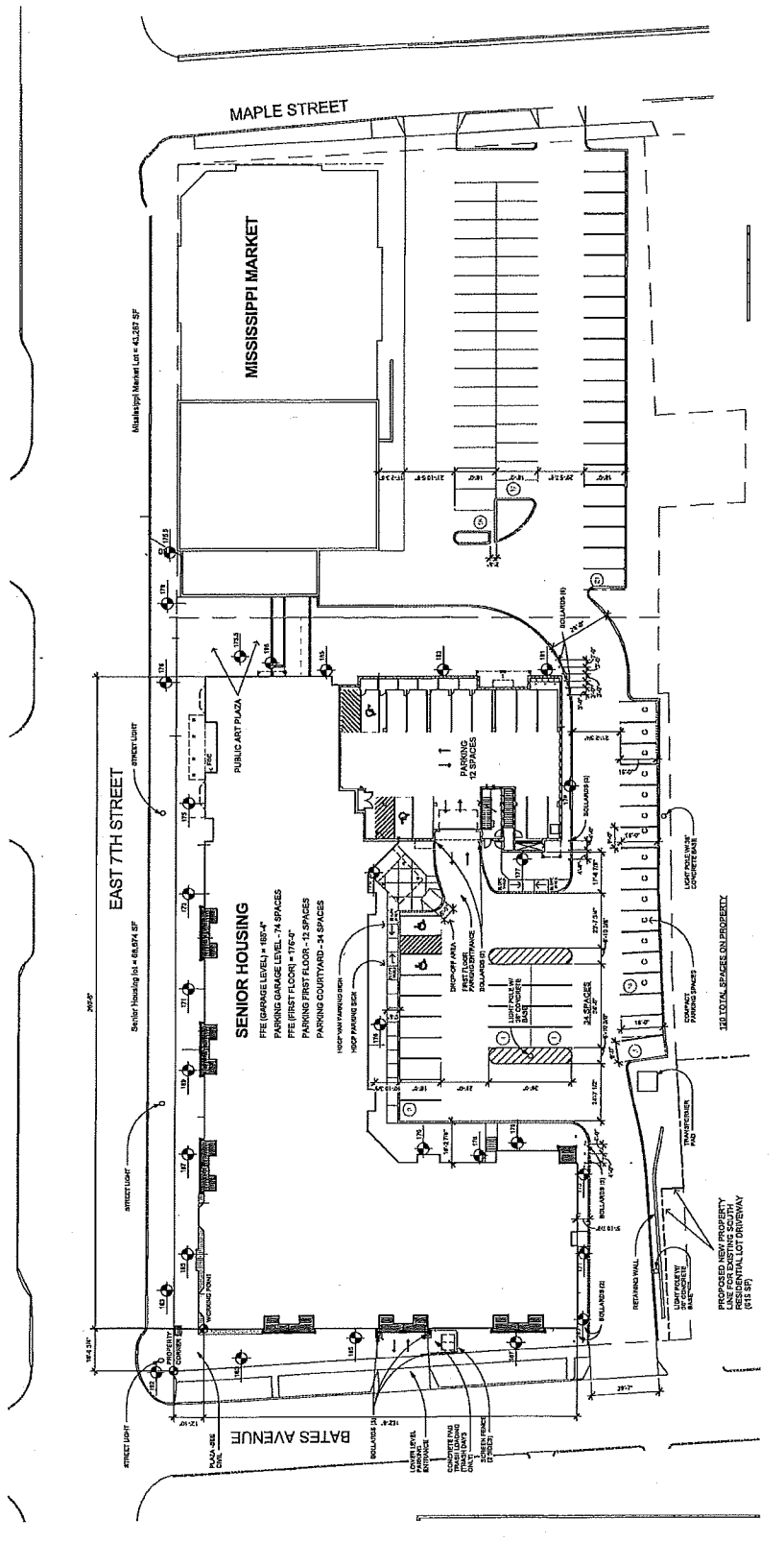
CERTIFICATION
I hereby certify that this plan, specification and contract documents were prepared by me or under the direct supervision and seal of me and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

DATE	12/15/14
DRAWN BY	2255
CHECKED BY	12/15/14
COMMISSION NO.	12/15/14
SHEET TITLE	12/15/14

DATE	12/15/14
DRAWN BY	2255
CHECKED BY	12/15/14
COMMISSION NO.	12/15/14
SHEET TITLE	12/15/14

ARCHITECTURE/
SITE PLAN

SHEET NUMBER
A010



EAST 7TH & BATES - SITE PLAN

OVERALL DESCRIPTION OF PROPERTY SURVEYED

(Per Warranty Deed, Doc. No. 3727547 & Warranty Deed, Doc. No. 4098213)

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 AUDITOR'S SUBDIVISION NO. 72, St. Paul, according to the recorded plat thereof Ramsey County, Minnesota.

Abstract property. (except Lot 9)

Torrens Property (Lot 9) Torrens Certificate No. 539064

AND

Lots 1, 3, 4, 5 AUDITOR'S SUBDIVISION NO. 19, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof. (Abstract)

Lot 2, AUDITOR'S SUBDIVISION NO. 19, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof. (Torrens) Torrens Certificate No. 570944

PROPOSED LOT SPLIT DESCRIPTIONS

DESCRIPTION OF PARCEL A

Lots 5, 6, 7, 8 and 9, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, and part of Lots 10 and 11, said AUDITOR'S SUBDIVISION NO. 72, lying northeasterly of a line described as commencing at the most northerly corner of said Lot 5; thence South 55 degrees 32 minutes 00 seconds West, along the northwesterly line of said AUDITOR'S SUBDIVISION NO. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating.

Except that part of said Lot 9, lying southeasterly of a line described as beginning at the most easterly corner of said Lot 10; thence northeasterly to the most southerly corner of said Lot 7 and said line there terminating.

Abstract and Torrens property

DESCRIPTION OF PARCEL B

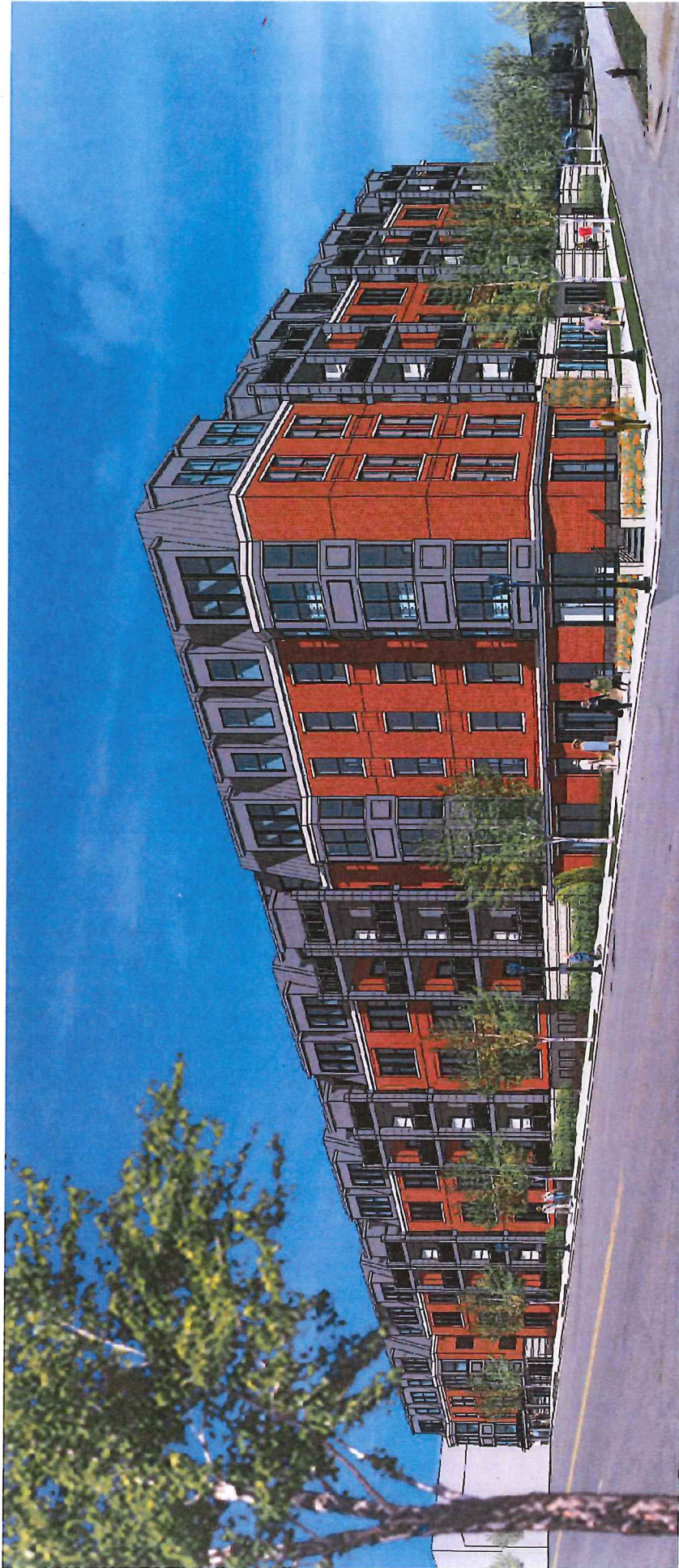
Lots 1, 2, 3, 4 and 5, AUDITOR'S SUBDIVISION NO. 19, according to the recorded plat thereof, Ramsey County, Minnesota, except the northwesterly 14.00 feet thereof; and Lots 12, 13, 14 and 15, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, and part of Lots 10 and 11, said AUDITOR'S SUBDIVISION NO. 72, lying southwesterly of a line described as commencing at the most northerly corner of Lot 5, said AUDITOR'S SUBDIVISION NO. 72; thence South 55 degrees 32 minutes 00 seconds West, along the northwesterly line of said AUDITOR'S SUBDIVISION NO. 72, a distance of 195.00 feet to the point of beginning of the line to be described; thence South 34 degrees 28 minutes 00 seconds East 210.40 feet to the southeasterly line of said Lot 11 and said line there terminating.

Abstract and Torrens property

DESCRIPTION OF PARCEL C

That part of Lot 9, AUDITOR'S SUBDIVISION NO. 72, according to the recorded plat thereof, Ramsey County, Minnesota, lying southeasterly of a line described as beginning at the most easterly corner of Lot 10 of said AUDITOR'S SUBDIVISION NO. 72; thence northeasterly to the most southerly corner of Lot 7 of said AUDITOR'S SUBDIVISION NO. 72 and said line there terminating.

Torrens property

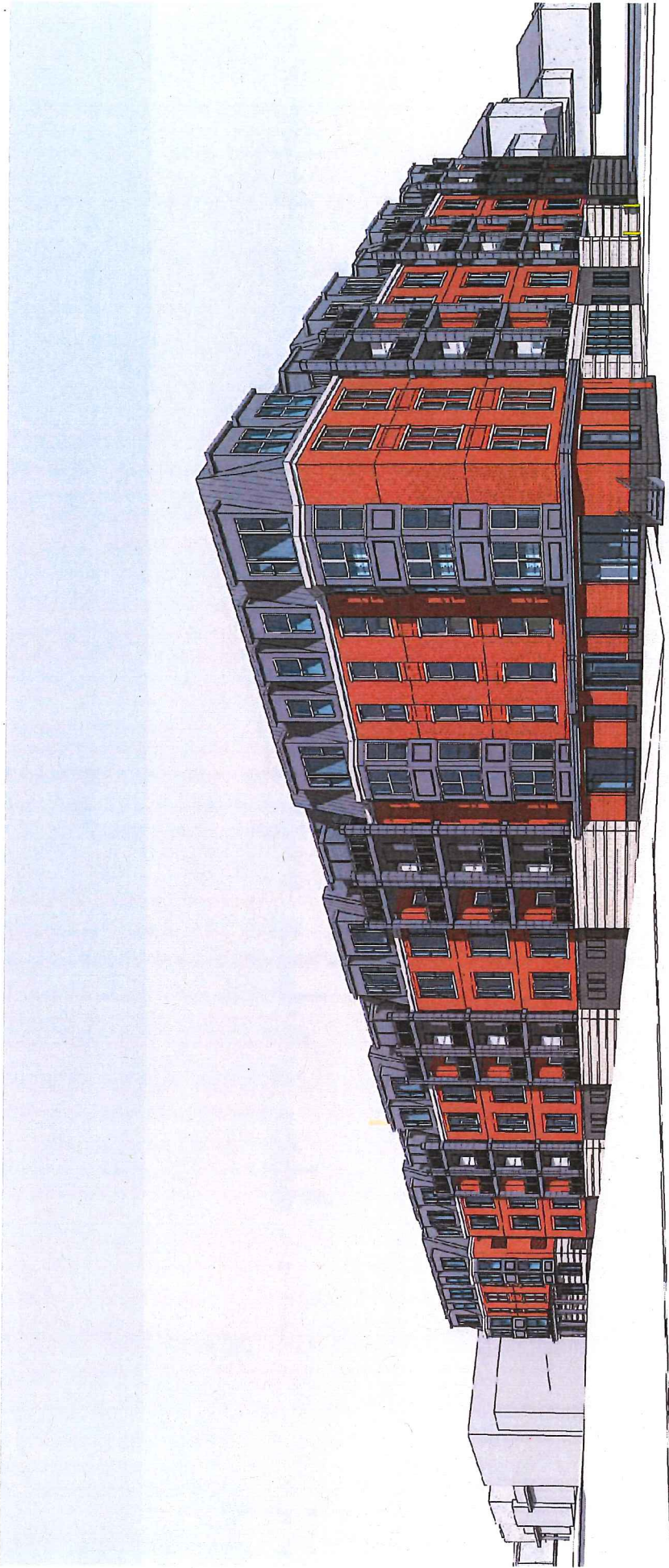


East 7th & Bates

10/28/2014

Perspective View NW





East 7th & Bates Senior Apartments

Scale

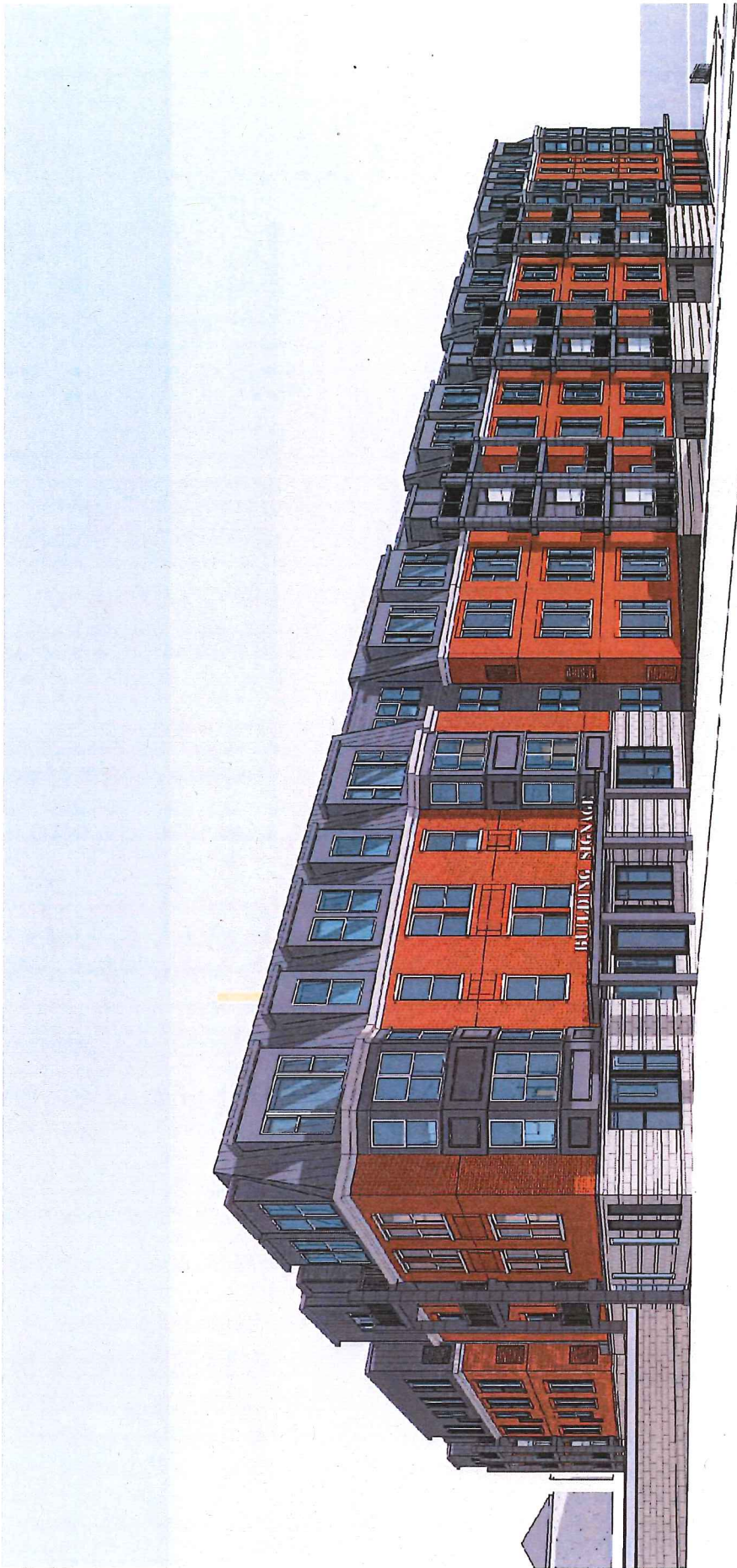
11/17/2014

Perspective View - NW



DOMINIUM

BKV
GROUP



East 7th & Bates Senior Apartments

Scale

11/17/2014

Perspective View - NE



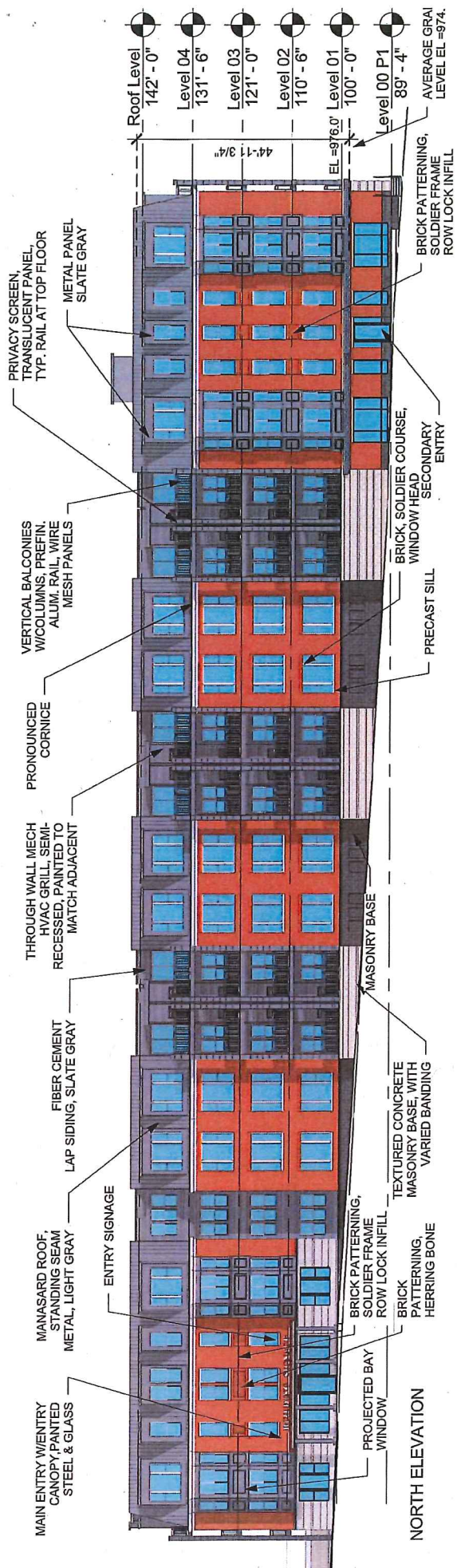
BKV
GROUP



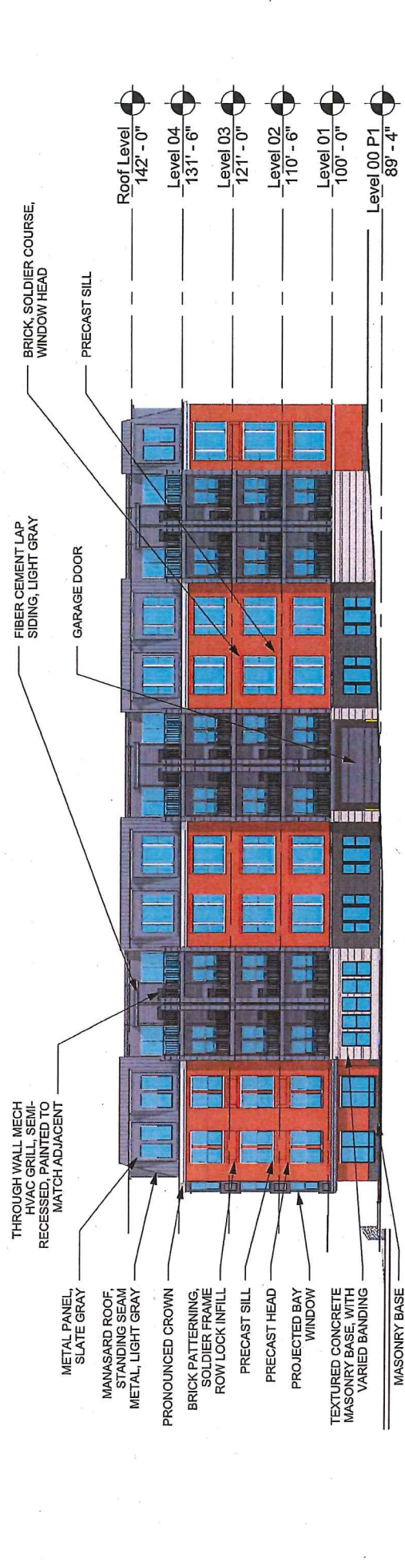
East 7th & Bates

11/14/2014

Bates Looking North



NORTH ELEVATION



WEST ELEVATION

East 7th & Bates Senior Apartments

11/17/2014 Scale 1" = 20'-0"

Building Elevations





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street, Ste. 1400
Saint Paul, MN 55102

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

December 19, 2014

Laura Faucher
Preservation Design Works (PVN)
575 SE 9th Street, Suite 215
Minneapolis, MN 55414

Re: 710-740 Seventh Street East – Dayton's Bluff Heritage Preservation District
December 18, 2014 –Public Hearing - Agenda Item IV:D, HPC File # 15-015

Dear Ms. Faucher:

The Heritage Preservation Commission (HPC), at the December 18, 2014 public hearing, considered your application for a building permit to construct new housing at 710-740 Seventh Street East. **The HPC voted 6-2 (Bezat, Mazanec) to conditionally approve your application.** This decision was based on the discussion at the public hearing, public testimony, and the findings adopted by the HPC.

The application will be approved provided the following conditions are met:

1. As noted in the findings, there are still some unresolved items and recommended changes. Staff recommends a smaller HPC committee meet with the applicant to review and approve final materials, details, designs, sizes, profiles, finishes, colors, and specifications for the windows and porch columns.
2. A final materials mock-up panel shall be constructed and located on site. Staff will be notified when it is available to be viewed, and the HPC committee shall review the mock-up panel. Final materials and colors will be verified, approved, and confirmed in writing.
3. Final hardscaping plans shall be reviewed and approved by HPC staff.
4. All final materials, colors and details shall be submitted to the HPC and/or staff for final review and approval.
5. Any revisions to the approved plans shall be reviewed and approved by the HPC and/or staff.
6. A copy of the HPC stamped approved plans shall remain on site for the duration of the construction project.
7. Signs and illumination were not reviewed or approved as part of this application.
8. When the final sets of construction level plans are submitted to the Department of Safety and Inspections for building permit review, an additional set shall be submitted to the HPC office for final review and approval. This is the set that will be stamped approved for the HPC review.

You or any aggrieved party has the right to appeal the Heritage Preservation Commission's decision to the Saint Paul City Council under Chapter 73 of the Saint Paul Legislative Code. Such an appeal must be filed within 14 days of the date of the HPC's order and decision. Chapter 73 states:

(h) Appeal to city council. The permit applicant or any party aggrieved by the decision of the heritage preservation commission shall, within fourteen (14) days of the date of the heritage preservation commission's order and decision, have a right to appeal such order and decision to the city council. The appeal shall be deemed perfected upon receipt by the division of planning of two (2) copies of a notice of appeal and statement setting forth the grounds for the appeal. The division of planning shall transmit one copy of the notice of appeal and statement to the city council and one copy to the heritage preservation commission. The commission, in any written order denying a permit application, shall advise the applicant of the right to appeal to the city council and include this paragraph in all such orders.

Please note, an HPC approval or conditional approval does not obviate the need for meeting applicable building and zoning code requirements, nor is it a permit to allow for work to commence. If revisions to the approved plans are made, be aware that additional HPC and/or staff review will be required. Your application will be on hold until construction level plans are submitted to plan review staff and HPC staff for permit review and approval.

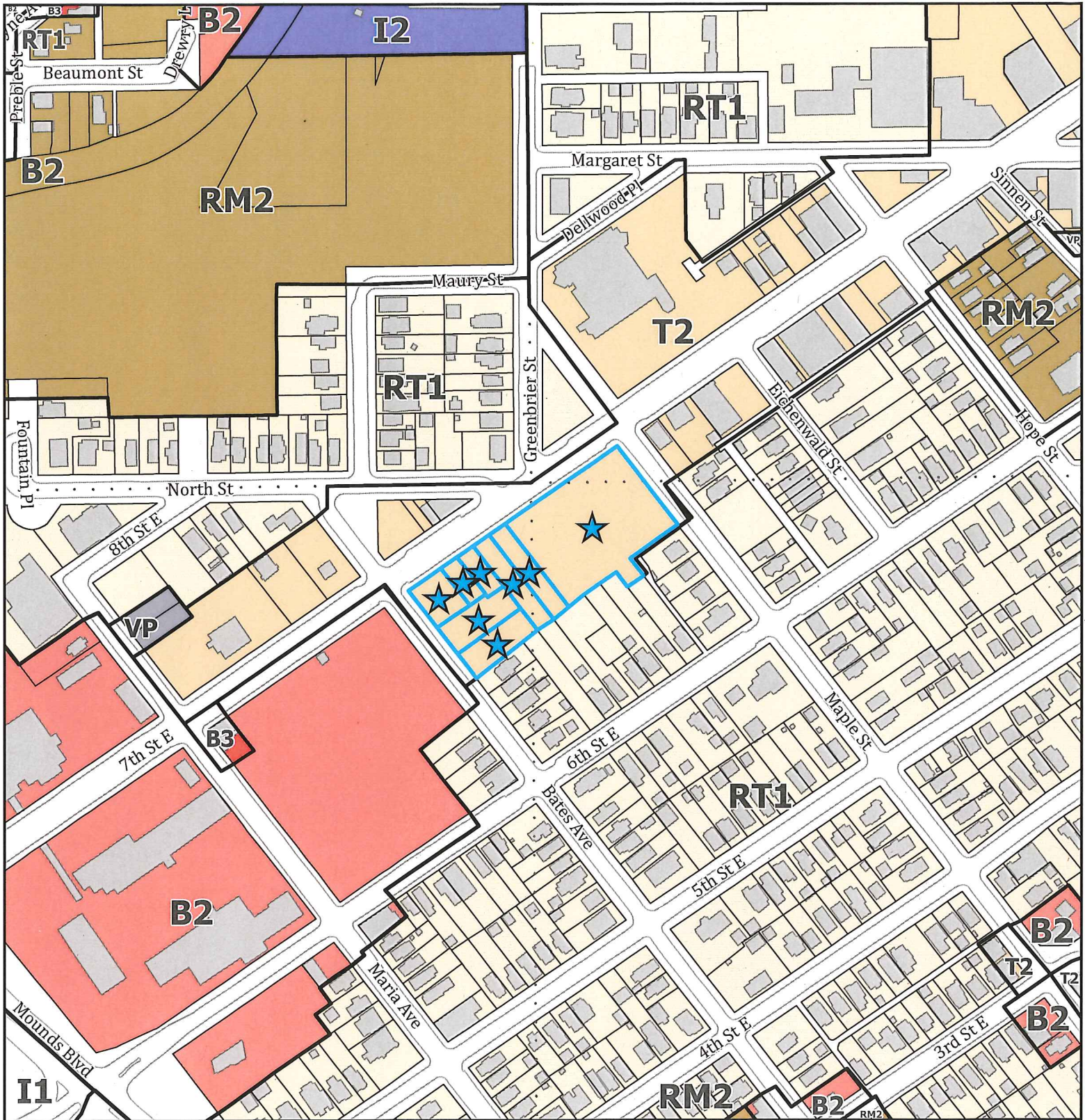
Please contact me at 651.266.6715 with any questions you may have.

Sincerely,



Christine Boulware
Historic Preservation Specialist

Cc: Jake Reilly, PED ✓
Eduardo Barrera, PED ✓
Steve Ubl, DSI-Building Official
Patrick Ostrom, Dominion
Chris Palkowitsch, BKV Group
File



FILE NAME: East 7th & Bates Senior Apartments

APPLICATION TYPE: Conditional Use Permit

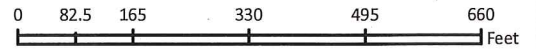
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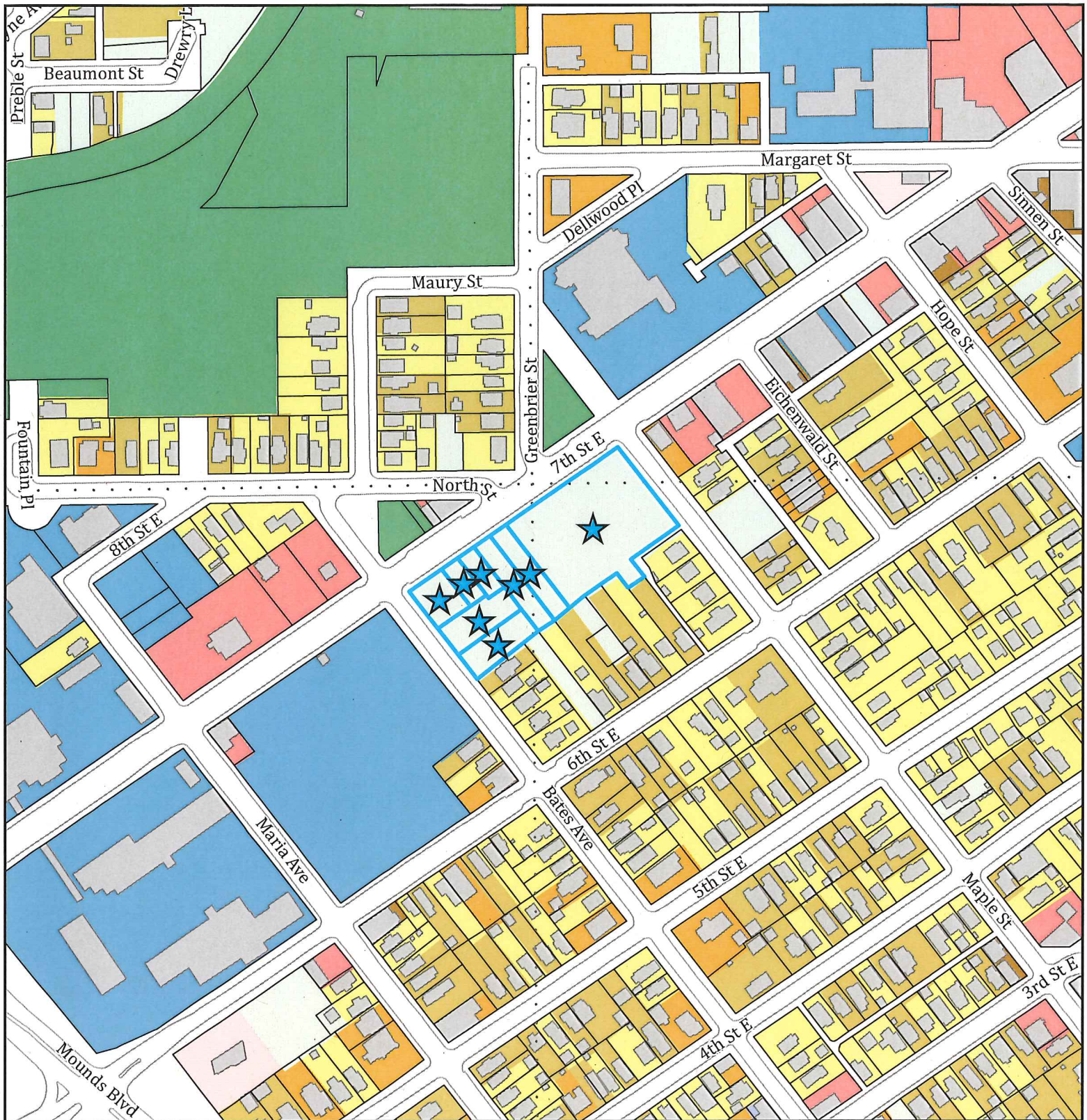
PLANNING DISTRICT: 4

ZONING PANEL: 11

Zoning

- RT1 Two-Family
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- B2 Community Business
- B3 General Business
- I1 Light Industrial
- I2 General Industrial
- VP Vehicular Parking
- Subject Parcels
- Section Lines





FILE NAME: East 7th & Bates Senior Apartments













APPLICATION TYPE: Conditional Use Permit

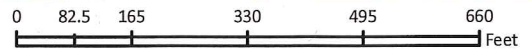
FILE #: 14-358705 DATE: 12/10/2014

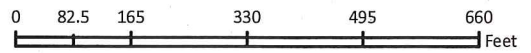
PLANNING DISTRICT: 4

ZONING PANEL: 11

Land Use

- | | |
|---|--|
|  Single Family Detached |  Institutional |
|  Single Family Attached |  Park, Recreational or Preserve |
|  Multifamily |  Undeveloped |
|  Office |  Subject Parcels |
|  Retail and Other Commercial |  Section Lines |
|  Mixed Use Residential | |
|  Industrial and Utility | |





FILE NAME: East 7th & Bates Senior Apartments

Aerial

APPLICATION TYPE: Conditional Use Permit

 Subject Parcels

FILE #: 14-358705 DATE: 12/10/2014

PLANNING DISTRICT: 4

ZONING PANEL: 11

