



CITY OF SAINT PAUL

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Board of Zoning Appeals Staff Report

TYPE OF APPLICATION: Major Variance **FILE #:** 20-038888

APPLICANT: Justin Eilers for CommonBond Communities

HEARING DATE: June 29, 2020

LOCATION: 830 Cretin Ave.

LEGAL DESCRIPTION: Lot 2, Block 3 in FORD, according to the recorded plat thereof, Ramsey County, Minnesota

PLANNING DISTRICT: 15

PRESENT ZONING: F5

ZONING CODE REFERENCE: 63.312, 66.945

DATE RECEIVED: May 26, 2020

REPORT DATE: June 18, 2020

DEADLINE FOR ACTION: July 24, 2020 **BY:** Matthew Graybar

- A. **PURPOSE:** The applicant is proposing to construct a five-story, 60-unit senior housing building at 830 Cretin Ave. as part of the Ford Redevelopment Site. The following variances are requested: 1.) A minimum of 25% of lot coverage for open space is required; 16% is proposed, for a variance of 9%. 2.) Off-street parking spaces are required to be setback 4' from any property line; 2' is proposed from the north property line, for a variance of 2'. 3.) A minimum of 1 parking space or 2% of the total parking spaces, whichever is greater, shall be prepared for electric vehicles (EV); A total of 29 parking spaces are provided, which requires 1 parking space designated for EV, 0 is proposed, for a variance of 1 EV parking space.
- B. **SITE AND AREA CONDITIONS:** This is a new .53-acre lot that is part of the Ford Site development, accessed from Bohland Ave. using Outlot A.

Surrounding Land Use: There will be a new mixed residential and commercial building to the north. The Business Mixed District provides for a variety of retail stores, dining, office buildings and service establishments.

C. ZONING CODE AND MASTER PLAN CITATIONS:

Sec. 63.312. - Setback.

(b) off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any lot line.

Master Plan - Open Space Coverage

Open space is defined as areas covered by landscape materials, gardens, walkways, patios, recreation facilities, or play areas.

6.3 Building Type Standards

Zoning standards related to each building type are summarized in the table below. These standards are in addition to those related to the underlying zoning district. Subsequent pages address each building type individually, identifying their specific zoning standards and characteristics.

Table 6.2 Building Type Standards Summary Table

STANDARD	BUILDING TYPE									
	Single-Family Home	Multi-Unit Home	Carriage House	Townhouse / Rowhouse	Multi-Family	Live/Work	Mixed Residential & Commercial	Civic & Institutional	Commercial & Employment	Parking Structure
Units per Bldg	1	2-6	1-2	3-16	6+	2-8	n/a			
Building Width, maximum	60'			350'(e)	n/a	150'	500'			
Lot Width, minimum	60'	80'	Per requirement of primary structure	20'(b)	n/a	30'	n/a			
Lot Coverage by Bldg, maximum	40%		Included in coverage with primary structure	50%		70% (d)				
Lot Coverage for Open Space, minimum	40%		Included in coverage with primary structure			25%				

Master Plan - Electric Vehicle Infrastructure

A. Parking

1. All new and expanded parking areas shall provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. A minimum of one (1) parking space or two percent (2%) of the total parking spaces, whichever is greater, shall be prepared for such stations.

D. FINDINGS:

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

The applicant is proposing to construct a five-story, 60-unit senior housing building at 830 Cretin Ave. as part of the Ford Redevelopment Site. The following variances are requested: 1.) A minimum of 25% of lot coverage for open space is required; 16% is proposed, for a variance of 9%. 2.) Off-street parking spaces are required to be setback 4' from any property line; 2' is proposed from the north property line, for a variance of 2'.

Staff Report
File #: 20-038888

3.) A minimum of 1 parking space or 2% of the total parking spaces, whichever is greater, shall be prepared for electric vehicles (EV); A total of 29 parking spaces are provided, which requires 1 parking space designated for EV, 0 is proposed, for a variance of 1 EV parking space.

In an email from Ryan Companies dated June 22, 2020, the applicant stated their intent to eliminate the EV parking space variance request. They will provide the transformer and conduit on their site plan submittal to satisfy the EV parking space requirement. Accordingly, staff is not considering the EV parking space variance as part of this BZA case.

The open space variance request is driven by the applicant's will to comply with providing the required amount of parking spaces for the development and to meet housing needs for seniors by constructing a larger building. This variance requests aligns with Sec. 60.103 of the zoning code to provide housing choice and housing affordability and off-street parking to lessen congestion in the public street.

The 2' parking setback variance request will allow additional room for senior residents to safely maneuver their vehicles in and out of the proposed parking lot. This variance request is consistent with a purpose and intent of Sec. 60.103 of the zoning code to promote and protect the public health and safety and the general welfare of the community.

This finding is met for all the requested variances.

2. The variance is consistent with the comprehensive plan.

According to the applicant, the proposed project provides a balance of maximizing the building frontage along the public roadways, minimizing the amount of parking seen from the public roadways and providing housing with an efficient use of resources. Strategy 2.3 of the 2030 Comprehensive Plan aims to promote creative in-fill housing near transit corridors to increase transit-supportive density and housing choices. The requested variances from the open space coverage, the parking setback requirements all harmoniously combine to allow the creation of an affordable senior housing building. **This finding is met for all the requested variances.**

3. The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.

The applicant proposes to utilize the space on this lot in a reasonable manner to provide affordable senior housing and the required number of parking spaces. The lot is not large enough to accommodate the proposed building, parking lot, and required amount of open space. The alternative would be to provide less off-street parking and apply for a variance from the shortfall of required parking spaces or to provide less housing with a smaller footprint building.

The requested 2' variance from the 4' parking setback requirement would allow additional room for senior residents of this property to navigate the parking lot in a safer manner. The applicant proposes to use the parking lot in a reasonable manner that would benefit the residents of this senior housing development.

This finding is met for all the requested variances.

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

If the applicant were to provide the required 25% coverage for open space, this would reduce the amount of space available on the lot to provide the required amount of parking spaces and it could reduce the amount of housing that could be provided. If the required number of parking spaces cannot be provided, then a variance would be required. Additionally, due to the location of the bedrock underneath this lot, this prevents the applicant from providing the required parking in a parking garage underground, which pushes the required parking to the surface lot. This is a unique circumstance to the property not created by the landowner.

This finding is met for all the requested variances.

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

The requested variances from the open space and parking setback requirements will not allow a use not permitted in this zoning district. It will allow for a wider maneuvering lane without a parking space dedicated to EV parking only. **This finding is met for all the requested variances.**

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

Although not considered as open space based on the definition in the Master Plan, the parking lot does visually create the appearance of an open space, therefore, the requested variance from the open space coverage will not alter the character of the surrounding area.

Staff Report
File #: 20-038888

The requested variance to provide only a 2' setback instead of a 4' setback as required will not alter the appearance of the area or character of the parking lot.

This finding is met for all the requested variances.

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter of support from District 15 Highland District Council.
- F. **CORRESPONDENCE:** Staff received 7 letters in support and 166 letters in opposition to the requested variances.
- G. **STAFF RECOMMENDATION:** Staff recommends approval of the requested variances based on findings 1 through 6.