

**CITY OF SAINT PAUL**

**HERITAGE PRESERVATION COMMISSION RESOLUTION**

**FILE NUMBER      19-010**

**DATE:              February 28, 2019**

**Memorializing the Saint Paul Heritage Preservation Commission’s February 25, 2019 decision recommending City Council approve the Historic Use Variance for 217 Mackubin Street, located within the Historic Hill Heritage Preservation District.**

**WHEREAS**, the Saint Paul Heritage Preservation Commission (HPC) is authorized by Chapter 73 of the Saint Paul Legislative Code to review Historic Use Variance applications and provide a recommendation that is forwarded to the Planning Commission and the City Council; and

**WHEREAS**, the subject property is located within the Historic Hill Heritage Preservation District, adopted by the Mayor and City Council in 1982 and updated in 1990; and

**WHEREAS**, on February 25, 2019, the HPC, having provided notice to affected property owners, duly conducted a public hearing on the said application where all interested parties were given an opportunity to be heard; and

**WHEREAS**, in accordance with Sec. 73.03.1, the HPC considered a staff report addressing the following five (5) findings, as follows:

**1. The proposed use is reasonable and compatible with the historic use(s) of the site or that the new use is consistent with section 73.04(5) of this chapter.**

Dayton Avenue Presbyterian Church has historically hosted community outreach programs including, a medical clinic for young mothers, space for summer religious education, and, most recently, an adoption agency. The proposed adult and child daycare use are consistent with past uses.

As a church, the building has historically hosted public gatherings for worship, Sunday school, church banquets, church meetings, and other large gatherings for church and community purposes. The proposed banquet hall use is consistent with these past historic uses.

The church property is zoned “RT2 townhouse residential district.” So, the proposed apartment is a one—family dwelling, which is a permitted use in the RT2 district. See St. Paul Legislative Code, Sections 60.301 and 66.221.

**2. The proposed use complies with the adopted preservation program and the United States’ Secretary of the Interior's Standards for Rehabilitation, as applicable.**

Not applicable. No expansion, exterior structural modifications, or exterior modifications to the structure are proposed.

**3. The historic use variance is necessary to alleviate practical difficulties unique to the heritage preservation site that prevents its use in a manner consistent with its historic use or that the new use is consistent with section 73.04(5) of this chapter, and that these difficulties were not created by the applicant.**

Membership in the Dayton Avenue Presbyterian Church congregation has declined to a level at which it is not possible to support work on the building, and, thus, many maintenance needs have been postponed. The congregation consulted with the Presbytery of the Twin Cities Area, the church's governing body, and an Administrative Committee was formed to investigate all options. Ultimately, selling the building was recommended.

The congregation hoped to sell the building to another faith group, but none made an offer. The difficulties described above were not created by the applicant. The applicant has never been a member of the Dayton Avenue Presbyterian Church, nor was the applicant involved with its operation prior to making an offer to buy the property.

**4. The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.**

The Dayton Avenue Presbyterian Church property Mackubin is zoned "RT2 townhouse residential district," which allows residential units. Day care is a permitted use in the RT2 zoning district, so the proposed adult and child day care uses are deemed permitted by the code.

The historic use variance is required for the proposed banquet hall, which continues the historic assembly use of the property. In fact, the church sanctuary has a seating capacity of 450, so the proposed banquet hall use reduces the maximum capacity of this space by 150 persons.

The use for child and adult daycare on weekdays, as a banquet hall on Friday and Saturday evenings, and as a full-time apartment will continue existing use types that have been and will remain compatible with the existing uses.

**5. The proposed use is consistent with the comprehensive plan.**

The proposed use supports Established Neighborhoods Policy "1.1 Guide the development of housing in Established Neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors" and Policy "1.7 Permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." As to Policy 1.1, the addition of an apartment unit supports the Plan's intent to increase residential density in Established Neighborhood by adding a residential unit. As to Policy 1.7, the adult and child day care uses are businesses that are compatible with and support residents of the immediate neighborhood. And, the banquet use supports residents of the immediate neighborhood but also supports residents from a wider area.

The Plan's Historic Preservation Chapter of the Comprehensive Plan has a strategy to "Preserve and Protect Historic Resources." As noted earlier the church building is historically significant and lies with the Historic Hill Preservation District. HP Policy 5.3 reads "Realize the full economic potential of key historic properties".

**WHEREAS**, the HPC also considered the staff report's 6<sup>th</sup> finding addressing a requirement of Sec. 61.601, as follows:

**6. The use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.**

No expansion, exterior structural modifications, or exterior modifications to the structure are proposed. The property can be used for the proposed activities without any adverse impact the historic structure.

No changes would be made to the existing circulation pattern on the site that includes two curb cuts providing access to the on-site parking lot. This pattern provides, as it has in the past, adequate ingress and egress to minimize traffic congestion in the public streets. And the proposed uses meet the requirements of the St. Paul Legislative Code, Section 63.200.

The adult day care parking requirement is 5 off-street parking spaces. The child day care parking requirement is 10 off-street parking spaces. The banquet hall off-street parking requirement is 30 spaces. The apartment requirement is 1.5 off-street parking spaces. The property will have 32 off-street parking spaces and will meet the standard: (i) on Sunday through Thursday because only the day care and apartment use will be operating; (ii) on Friday because the day care uses will end on Friday before the banquet use commences; and (iii) on Saturday because only the banquet and apartment uses will occur.

**NOW THEREFORE, BE IT RESOLVED**, that the Heritage Preservation Commission adopts the six (6) findings as detailed above; and

**BE IT ALSO RESOLVED**, the Heritage Preservation Commission recommends approval of the Historic Use Variance subject to the following condition:

1. By ordinance, the final decision of the city council shall be valid for a period not longer than two years following the date of the council's motion of intent approving the application unless a city permit(s) is obtained within that time and/or steady progress is being made to establish the use. A use variance shall terminate and any subsequent use of the property or premises shall be in conformance with the property's underlying zoning classification where the use permitted by the historic use variance is destroyed by fire or other peril.

<b>MOVED BY</b>	<b>Dana</b>
<b>SECONDED BY</b>	<b>MacDonald</b>
<b>IN FAVOR</b>	<b>8</b>
<b>AGAINST</b>	<b>0</b>
<b>ABSTAIN</b>	<b>0</b>

**Decisions of the Heritage Preservation Commission are final, subject to appeal to the City Council within 14 days by anyone affected by the decision. This resolution does not obviate the need for meeting applicable building and zoning code requirements, and does not constitute approval for tax credits.**