ZONING COMMITTEE STAFF REPORT

- 1. FILE NAME: 1619 Dayton Avenue
- 2. APPLICANT: V V Property LLC
- 3. TYPE OF APPLICATION: Rezoning
- 4. LOCATION: 1619 Dayton Avenue (north side between Snelling and Fry)
- 5. PIN & LEGAL DESCRIPTION: PIN 04.28.23.11.0008; Lots 14 thru 27, Block 1, Oakland Park Addition
- 6. PLANNING DISTRICT: 13
- 7. **ZONING CODE REFERENCE:** §61.801(b)
- 8. **STAFF REPORT DATE:** April 30, 2020
- 9. DATE RECEIVED: April 3, 2020

60-DAY DEADLINE FOR ACTION: June 1, 2020

- A. **PURPOSE:** Rezone from T2 traditional neighborhood to T3 traditional neighborhood.
- B. **PARCEL SIZE:** The property has 280 feet of frontage on Dayton Avenue, 297 feet of frontage on Fry Street, and 280 feet of frontage on Marshall Avenue, for a total lot area of about 83,160 square feet.
- C. **EXISTING LAND USE:** The property is occupied by an existing two-story office building that is surrounded by off-street surface parking. The building is not historically designated.

D. SURROUNDING LAND USE:

North: Low and medium density residential uses in a T2 zoning district and medium density residential use and commercial use in a T3 zoning district. South: Low and medium density residential uses in RT1 and T2 zoning districts. East: Commercial uses fronting Snelling Avenue including auto repair, office, service, and retail uses in a T3 zoning district. West: Low and medium density residential uses in RT1 and RM1 zoning districts.

- E. ZONING CODE CITATION: §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. HISTORY/DISCUSSION: In 1986 a conditional use permit for reuse of a nonresidential structure was approved to allow the vacant school building to be converted to professional office use. The property was zoned RT1 at the time. It was subsequently rezoned to T1 during the South Snelling Zoning Study several years ago and then rezoned to T2 during the West Marshall Avenue Zoning Study in 2018.
- G. PARKING: Zoning Code § 63.207 requires a minimum of 191 off-street parking spaces for the office and apartment uses; 100 for the office use and 91 for the residential use (the office use requires 110 off-street parking spaces per § 63.207 but has a nonconforming parking requirement of 100 spaces). The applicant intends to take advantage of a 25 percent reduction in the parking requirement for residential uses in a T3 zoning district per Sec 66.342 (a) and the 91 spaces reflects the reduction from 121 spaces. The applicant intends to provide the equivalent of 183 parking spaces: 102 spaces for the existing office use and 81 for the proposed apartment use. The actual number of off-street spaces proposed is 135: 74 surface spaces for the office use and 61 spaces for the apartment use (45 spaces below ground and 16 surface spaces). The amount of proposed parking takes into account reductions for bicycle parking per Sec. 63.210(b) (10 space reduction for office use and 10 space reduction for apartment use) and on street parking spaces used to meet

FILE #: 20-025-230 HEARING DATE: May 7, 2020

EXISTING ZONING: T2

BY: Kady Dadlez

the parking requirement in T3 zoning districts per Sec 66.342 (a) (18 space reduction for office use and 10 space reduction for apartment use), see table below. In addition, the applicant intends to request the Zoning Administrator authorize a reduction in the total number of required parking spaces for the two uses (office and apartment) to make up the gaps since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking. The need for a side yard setback variance for six parallel surface parking spaces located along the eastern property line was identified during the site plan review meeting. If the shared parking arrangement approved by the Zoning Administrator does not account for these six spaces, a separate variance application will be required.

Parking

	Off- street Office	Off-street apartment	On-street Office	On-street Apartment	Bike Rack Reduction Office	Bike Rack Reduction Apartment	Total
Number of Spaces	74	61 (45 below ground) (16 surface)	18	10	10	10	183

H. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park District Council voted to support the project, provided it includes deeply affordable units. See the letter attached to the staff report.

I. FINDINGS:

 The applicant owns the property at 1619 Dayton Avenue. The property is occupied by an existing two-story office building, formerly known as Richard Gordon Elementary School. The building is surrounded by 100 off-street surface parking spaces. A retaining wall of varying height borders the site. The applicant intends to develop a six-story apartment building with 97 units on the northern portion of the site along Marshall Avenue, replacing the existing 44 off-street surface parking spaces along Marshall Avenue. All the units will be affordable at 50% to 70% AMI. The mix of units is 48 onebedroom, 44 two-bedroom, and 5 three-bedroom. The retaining wall along Marshall Avenue will be replaced by a new 30-inch retaining wall allowing some level of separation between the main level apartment units and the sidewalk along Marshall Avenue.

The main pedestrian entrance to the apartment building will be at the northeast corner of the site along Marshall Avenue, which provides access to the building for residents using transit along Marshall and Snelling Avenues. There are bus stops at the southwest corner of Marshall and Fry and at Dayton and Snelling.

Vehicular access to the site will be from two curb cuts along Fry Street: one that provides access to the below ground parking spaces in the apartment building and the other that provides access to the angled surface parking spaces at the rear of the proposed building via a one-way drive. This second curb cut will also continue to provide vehicular access to the surface parking spaces that serve the office building. There is a third curb cut along Dayton Avenue that provides access to the surface parking spaces that serve the office building.

The proposed apartment building requires 91 parking spaces. This amount takes into account a 25 percent reduction in the parking requirement for residential uses in a T3 zoning district per Sec 66.342 (a). The applicant will provide 61 off-street parking spaces: 45 below ground parking spaces and 16 surface parking spaces. In addition, the applicant plans to take advantage of various off-street parking reductions allowed by the Zoning Code to make up the gap between the number of spaces required and the number provided. This takes into account a reduction of 10 spaces for 40 bicycle parking stalls per Sec. 63.210(b) and 10 on-street parking spaces that may be used to meet the parking requirement in T3 zoning districts per Sec 66.342 (a). Finally, the applicant intends to request the Zoning Administrator authorize a reduction (10 or more spaces) in the total number of required parking spaces for the two uses (office and residential) since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking.

- The project requires the property to be rezoned from T2 to T3, a conditional use permit to allow additional height, and front yard setback variances to allow building articulation and balconies.
- 3. The proposed zoning is consistent with the way the area has developed. The intent of the T3 zoning district is to provide for higher-density pedestrian- and transit-oriented mixed-use development. The property to be rezoned abuts an existing T3 zoning district that runs the length of the block along Snelling Avenue between Marshall and Dayton Avenues and would not result in spot zoning. The rezoning to T3 is consistent with the intent and purpose of the Zoning Code, including Sec. 60.103(j), which calls for providing housing choice and housing affordability. Rezoning to T3 will allow development of affordable housing on the site.
- 4. The proposed zoning is consistent with the Comprehensive Plan. The site of the proposed apartment is located along a stretch of Marshall Avenue identified as Residential and Mixed-Use Corridors in the Land Use Plan, a chapter of the Saint Paul Comprehensive Plan. Residential corridors are described in the plan as segments of street corridors that run through Established Neighborhoods and are predominantly characterized by medium density uses (4 to 30 units per acre) while Mixed Use Corridors are described as primary thoroughfares through the city that are served by public transit and predominantly characterized by medium to high density uses (30 to 150 units per acre). The 2040 Comprehensive Plan identifies the site as being in the Neighborhood Node at Selby and Snelling Avenues. The Neighborhood Node designation is based on locations planned for higher density. Policy LU-1 of the Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

The Union Park Community Plan, an addendum to the Comprehensive Plan, calls for finding a balance that preserves desirable assets and neighborhood character while

evolving to meet present and future needs. Land use policy LU 1.1 from the Union Park Community Plan calls for maintaining and establish zoning that encourages compact development in commercial areas and in mixed-use corridors; specifically, initiate and support zoning studies and adjustments, especially along Snelling Avenue and Marshall Avenue east of Snelling, to encourage more traditional neighborhood, mixed-use zoning where appropriate. The site is on Marshall Avenue, an existing transit corridor and future bus rapid transit route, and is in proximity to the A Line BRT, which provides access to the Green Line along University Avenue. Policy H1.2 calls for supporting efforts to develop a wide range of housing affordability levels, promoting more affordable housing along major transit routes including Snelling Bus Rapid Transit and the Green Line Light Rail line".

- 5. The proposed zoning is compatible with surrounding uses. The project area has experienced a lot of development recently, including a Starbucks, a Whole Foods grocery store with apartments above, a new apartment building immediately to the north that is currently under construction, and the soon-to-be completed apartments on the former O'Gara's restaurant site. The proposed use is consistent with existing and recently developed uses. All the proposed units will be affordable, a much-desired addition to a market area with a strong need for affordable housing and one that has experienced primarily market rate housing in the recent past.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the petition to rezone property at 1619 Dayton Avenue from T2 traditional neighborhood to T3 traditional neighborhood.

ZONING COMMITTEE STAFF REPORT

- 1. FILE NAME: 1619 Dayton Avenue
- 2. APPLICANT: V V Property, LLC
- 3. TYPE OF APPLICATION: Conditional Use Permit & Variance
- 4. LOCATION: 1619 Dayton Avenue (north side between Snelling and Fry)
- 5. PIN & LEGAL DESCRIPTION: 04.28.23.11.0008, Lots 14 thru 27, Block 1; Oakland Park Addition
- 6. PLANNING DISTRICT: 13
- 7. **ZONING CODE REFERENCE:** §§ 61.501; 61.601; 61.202(b)
- 8. STAFF REPORT DATE: April 30, 2020
- 9. DATE RECEIVED: April 3, 2020 60 DAY DEADLINE FOR ACTION: June 1, 2020
- A. **PURPOSE:** Conditional use permit to allow a 75' building height and front yard setback variances for building articulation and balconies (10' required and 5' proposed).
- B. PARCEL SIZE: The property has 280 feet of frontage on Dayton Avenue, 297 feet of frontage on Fry Street, and 280 feet of frontage on Marshall Avenue, for a total lot area of about 83,160 square feet.
- C. **EXISTING LAND USE:** The property is occupied by an existing two-story office building that is surrounded by off-street surface parking. The building is not historically designated.

D. SURROUNDING LAND USE:

North: Low and medium density residential uses in a T2 zoning district and medium density residential use and commercial use in a T3 zoning district.

South: Low and medium density residential uses in RT1 and T2 zoning districts.

East: Commercial uses fronting Snelling Avenue including auto repair, office, service, and retail uses in a T3 zoning district.

West: Low and medium density residential uses in RT1 and RM1 zoning districts.

- E. **ZONING CODE CITATION:** §61.501 lists general requirements for all conditional uses; §61.601 lists the findings for variances, and §61.202(b) authorizes the planning commission to grant variances when related to permits.
- F. HISTORY/DISCUSSION: In 1986 a conditional use permit for reuse of a nonresidential structure was approved to allow the vacant school building to be converted to professional office use. The property was zoned RT1 at the time. It was subsequently rezoned to T1 during the South Snelling Zoning Study several years ago and then rezoned to T2 during the West Marshall Avenue Zoning Study in 2018.
- G. PARKING: Zoning Code § 63.207 requires a minimum of 191 off-street parking spaces for the office and apartment uses; 100 for the office use and 91 for the residential use (the office use requires 110 off-street parking spaces per § 63.207 but has a nonconforming parking requirement of 100 spaces). The applicant intends to take advantage of a 25 percent reduction in the parking requirement for residential uses in a T3 zoning district per Sec 66.342 (a) and the 91 spaces reflects the reduction from 121 spaces. The applicant intends to provide the equivalent of 183 parking spaces: 102 spaces for the existing office use and 81 for the proposed apartment use. The actual number of off-street spaces proposed is 135: 74 surface spaces for the office use and 61 spaces for the apartment use (45 spaces below ground and 16 surface spaces). The amount of proposed parking takes into account reductions for bicycle parking per Sec. 63.210(b) (10 space reduction for office use and 10 space reduction for apartment use) and on street parking spaces used to meet the parking

FILE #: 20-025-243

PRESENT ZONING: T2

BY: Kady Dadlez

HEARING DATE: May 7, 2020

requirement in T3 zoning districts per Sec 66.342 (a) (18 space reduction for office use and 10 space reduction for apartment use), see table below. In addition, the applicant intends to request the Zoning Administrator authorize a reduction in the total number of required parking spaces for the two uses (office and apartment) to make up the gaps since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking. The need for a side yard setback variance for six parallel surface parking spaces located along the eastern property line was identified during the site plan review meeting. If the shared parking arrangement approved by the Zoning Administrator does not account for these six spaces, a separate variance application will be required.

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	Off-street Office	Off-street apartment	On-street Office	On-street Apartment	Bike Rack Reduction Office	Bike Rack Reduction Apartment	Total
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H. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park District Council voted to support the project, provided it includes deeply affordable units. See the letter attached to the staff report.

I. FINDINGS:

 The applicant owns the property at 1619 Dayton Avenue. The property is occupied by an existing two-story office building, formerly known as Richard Gordon Elementary School. The building is surrounded by 100 off-street surface parking spaces. A retaining wall of varying height borders the site. The applicant intends to develop a six-story apartment building with 97 units on the northern portion of the site along Marshall Avenue, replacing the existing 44 off-street surface parking spaces along Marshall Avenue. All of the units will be affordable at 50% to 70% AMI. The mix of units is 48 one-bedroom, 44 two-bedroom, and 5 threebedroom. The retaining wall along Marshall Avenue will be replaced by a new 30inch retaining wall allowing some level of separation between the main level apartment units and the sidewalk along Marshall Avenue.

The main pedestrian entrance to the apartment building will be at the northeast corner of the site along Marshall Avenue, which provides access to the building for residents using transit along Marshall and Snelling Avenues. There are bus stops at the southwest corner of Marshall and Fry and at Dayton and Snelling.

Vehicular access to the site will be from two curb cuts along Fry Street: one that provides access to the below ground parking spaces in the apartment building and the other that provides access to the angled surface parking spaces at the rear of the proposed building via a one-way drive. This second curb cut will also continue to provide vehicular access to the surface parking spaces that serve the existing office building. There is a third curb cut along Dayton Avenue that provides access to the surface parking spaces that serve the surface parking spaces that serve the surface parking spaces to the surface parking spaces to the surface parking spaces that serve the existing office building.

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number provided. This takes into account a reduction of 10 spaces for 40 bicycle parking stalls per Sec. 63.210(b) and 10 on-street parking spaces that may be used to meet the parking requirement in T3 zoning districts per Sec 66.342 (a). Finally, the applicant intends to request the Zoning Administrator authorize a reduction (10 or more spaces) in the total number of required parking spaces for the two uses (office and residential) since their respective peak hours of operation do not overlap, per Sec. 63.206(d), which allows for shared parking.

2. The project requires the property to be rezoned from T2 to T3, a conditional use permit to allow additional height, and front yard setback variances to allow building articulation and balconies. The rezoning request is detailed in a separate staff report. The T3 dimensional standards allow the height of multifamily buildings to 45 feet by right and up to 90 feet with a conditional use permit; 75' is proposed. The highest projected height is 69' 6"; the applicant requests the 75' to provide flexibility as the flat roof design is refined.

The additional height and levels of apartments above 45' are essential for the project to address the need for affordable housing and are critical to the financial viability of construction and the long-term success of the project. With regard to the request for variances, the applicant states that the first front yard setback variance is needed to accommodate the building façade articulation along Marshall Avenue and the second is to accommodate the overhang into the required setback for the balconies.

- 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 is met. The site of the proposed apartment is located along a stretch of Marshall Avenue identified as Residential and Mixed-Use Corridors in the Land Use Plan, a chapter of the Saint Paul Comprehensive Plan. Residential corridors are described in the plan as segments of street corridors that run through Established Neighborhoods and are predominantly characterized by medium density uses (4 to 30 units per acre) while Mixed Use Corridors are described as primary thorough fares through the city that are served by public transit and predominantly characterized by medium to high density uses (30 to 150 units per acre). The 2040 Comprehensive Plan identifies the site as being in the Neighborhood Node at Selby and Snelling Avenues. The Neighborhood Node designation is based on locations planned for higher density. Policy LU-1 of the Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers.

The Union Park Community Plan, an addendum to the Comprehensive Plan, calls for finding a balance that preserves desirable assets and neighborhood character while

evolving to meet present and future needs. Land use policy LU 1.1 from the Union Park Community Plan calls for maintaining and establish zoning that encourages compact development in commercial areas and in mixed-use corridors; specifically, initiate and support zoning studies and adjustments, especially along Snelling Avenue and Marshall Avenue east of Snelling, to encourage more traditional neighborhood, mixed-use zoning where appropriate. The site is on Marshall Avenue, an existing transit corridor and future bus rapid transit route, and is in proximity to the A Line BRT, which provides access to the Green Line along University Avenue. Policy H1.2 calls for supporting efforts to develop a wide range of housing affordability levels, promoting more affordable housing along major transit routes including Snelling Bus Rapid Transit and the Green Line Light Rail line".

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met. The project site is designed to create a comfortable, safe, and walkable pedestrian environment and to minimize impacts to the flow of traffic on Marshall Avenue. Vehicle access to and from surface and underground off-street parking for the apartment will be from Fry Street. The project will result in one new curb cut on Fry Street to serve the below ground parking in the apartment building. The two existing curb cuts, one on Fry Street and one on Dayton Avenue, will remain. Vehicular traffic access, and circulation will be reviewed by the Department of Public Works traffic staff during site plan review to ensure adequate ingress and egress. A traffic memo will be required as part of the site plan review process. Bike racks will be located at several locations on site.
- (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. This condition is met. Marshall Avenue is minor arterial that carries about 15,000 vehicles per day and is served by several bus routes. Snelling Avenue, less than one block to the east carries around 30,000 vehicles per day and is served by several bus routes including A Line BRT. The proposed multifamily use and apartment building will serve as a transition between commercial uses to the east and low to medium density residential uses to the west and will not be detrimental to the existing character of development in the immediate neighborhood. The proposed use is in keeping with the character of surrounding development and is an appropriate use in the mixed-use corridor, which calls for high density development along thoroughfares served by public transit. The proposed apartment use is consistent with the character of development in the surrounding neighborhood. Additional residents in the area will support transit ridership and businesses in the Selby Snelling Neighborhood Node. The design of the building uses materials and quality of construction consistent with nearby properties. In addition, the stepped facade and material changes fit within the scale and character of development in the neighborhood. The project will add transparency and eyes on the street along Marshall Avenue.
- (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. The apartment use is consistent with and complementary to existing development in the area. The proposed multifamily building will not prevent future development that is consistent with the Comprehensive Plan and existing zoning. The applicant submitted a shadow study to show the impact of a taller building on surrounding uses.
- (e) The use shall, in all other respects, conform to the applicable regulations of the

district in which it is located. The project requires rezoning of the property from T2 to T3 and front yard setback variances for building articulation and balconies. Subject to these zoning approvals, the use will conform to all other applicable T3 district regulations.

- 4. Zoning Code § 66.331 requires minimum front yard setbacks. The applicant requests variances to allow building articulation and balconies within the required front yard along Marshall Avenue (10' required and 5' proposed). § 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
 - (a) The variance is in harmony with the general purposes and intent of the zoning code. This finding is met. Purposes of the zoning code include providing housing choice and housing affordability as well as encouraging a compatible mix of land uses at densities that support transit, and that reflect the scale, character and urban design of Saint Paul's existing traditional neighborhoods. The intent of the T3 zoning district is to provide for higher-density and pedestrian- and transit-oriented mixed-use development. Variances from the front yard setback requirements to make the affordable housing project work on a tight urban site are in harmony with the purpose and intent of the zoning code. Balconies help break up the massing of the building and provide access to the outdoors for tenants. The grade separation resulting from the proposed new retaining wall along Marshall Avenue allows for a greater sense of separation between the front yard setback and the sidewalk.
 - (b) The variance is consistent with the Comprehensive Plan. This finding is met. As noted in finding 3.a. the proposed apartment use and building are consistent with the Comprehensive Plan. Specifically, policy LU-1 of the 2040 Land Use Plan encourages transit-supportive density and directing the majority of growth to areas with the highest existing or planned transit capacity. Policy LU-4 calls for investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. Policy LU-14 calls for reducing the amount of land devoted to offstreet parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Goal 6 of the Housing Plan calls for improved access for affordable housing and Policy H-31 calls for supporting the development of new affordable housing units throughout the city. Policy H-37 calls for encouraging the development of affordable housing in areas well-served by transit and/or in proximity to employment centers. The front yard setback variances to allow the affordable housing development are consistent with the Comprehensive Plan and the purpose and intent of the Zoning Code.
 - (c) 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. This finding is met. The applicant states that practical difficulties in complying with the provision include development challenges associated with a tight urban site – this includes the provision of adequate clearance from the adjacent existing office building to accommodate parking and circulation, as well as allow for compliance with the Saint Paul Design Center review comments relative to façade articulation and buildings spacing. It is not practical to move the existing office building to the south to accommodate a 10' front yard setback. The applicant proposes to use the property in a reasonable manner.

Zoning Committee Staff Report, Zoning File #20-025-243 April 30, 2020 Page 6 of 6

- (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. This finding is met. The applicant is retaining the existing office building on site and looking to reduce the amount of land devoted to off-street parking in order to use land more efficiently and accommodate increases in density on valuable urban land, consistent with the Comprehensive Pan. While the existing office building is not a designated historic site, it is one with some historic character, value, and interest in the neighborhood. The practical difficulties here are related to providing land-efficient below grade parking under the proposed new building while maintaining the historic school building (now office building) on the site.
- (e) The variance will not permit any use that is not allowed in the zoning district where the affected land is located. This finding is met. An apartment building is a permitted use in the existing T2 zoning district and in the proposed T3 zoning district.
- (f) The variance will not alter the essential character of the surrounding area. This finding is met. The use is permitted in the existing and proposed zoning districts and is consistent with surrounding development. The proposed affordable housing apartment building is consistent with the type of development the Comprehensive Plan supports. The applicant submitted a shadow study to show the impact of a taller building on surrounding uses.
- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of a conditional use permit to allow a 75' building height, and front yard setback variances for building articulation and balconies (10' required and 5' proposed) on property located at 1619 Dayton Avenue, subject to the following additional conditions:
 - 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.
 - 2. Authorization from the Zoning Administrator of a reduction in the number of required offstreet parking spaces per Sec. 63.206(d).



REZONING APPLICATION

Department of Planning and Economic Development Zoning Section 1400 City Hall Annex, 25 West Fourth Street Saint Paul, MN 55102-1634 (651) 266-6583 Zoning Office Use Only

File # ___

Fee Paid \$ ___

Received By / Date _

Tentative Hearing Date

APPLICANT Property Owner(s) Richard Pakonen c/o V V PROPERTY LLC Address 275 E 4TH ST UNIT 720 City Saint PAUL State MN Zip 55101 Email rpakonen@pakproperties.net Phone (612) 965-2925 Email kblasingame@lse-architects.com Address 100 Portland Ave. S, Suite 100 City Minneapolis State MN Zip 55401 (Attach additional sheet if necessary to include all of the owners of at least 67% of the area of the property to be rezoned.) Evaluation State NN Zip State NN Zip 55401

PROPERTY INFO

 Address/Location
 1619 DAYTON AVE; SAINT PAUL, MN 55104-6206

 PIN(s) & Legal Description
 042823110008

 (Attach additional sheet if necessary.)

 PlatName: OAKLAND PARK ADDITION, TO THE C TaxDescription: VAC ALLEY ADJ AND LOTS 14 THRU LOT 27 BLK 1 Block 1 Lot 14

 Lot Area
 1.91 Acres

 Current Zoning
 T3

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Saint Paul Zoning Code § 61.801 and Minnesota Statues § 462.357, Richard Pakonen c/o V V PROPERTY LLC

owner(s) of land proposed for rezoning, hereby petition(s) to rezone the above described property from a <u>T2 - Traditional Neighborhood District</u> zoning district to a <u>T3 - Traditional Neighborhood District</u> zoning district, for the purpose of:

Construction of a proposed a 6-Story building with off-street parking below grade, and at grade shared with the adjacent office building. Located at the norther portion of the site along Marshall Avenue, the project will add 97 units of affordable housing in a rapidly developing section of the city – requiring the following zoning modifications:

1. Zoning Classification:

a. Rezoning from existing T2 – Traditional Neighborhood District to T3 – Traditional Neighborhood District

- 2. Density and Dimensional Standards:
 - a. Conditional Use Permit for Building Height of 65'-0"
 - b. Variances for 5'-0" Yard Setbacks for Building and Balconies

Attach additional sheets if necessary.	Attachments as required:	Site Plan	Consent Petition	Affidavit
□ If you are a religious institution you may	have certain rights under RLUIPA	. Please check	this box if you identify as a	religious institution.

Subscribed and sworn to before me

Date Notary Pu ALISSA FAITH GRAY Notary Public-Minnesota Commission Expires Jan 31, 2023

By: Fee owner of property Title:

Depair Zonin 1400 Saint	DITIONAL USE PERMIT APPLICATION tment of Planning and Economic Development g Section City Hall Annex, 25 West Fourth Street Paul, MN 55102-1634 266-6583 Name Richard Pakonen c/o V V PROPERTY LLC (must have ownership or leasehold interest in the property, contingent Address 275 E 4TH ST UNIT 720 Email rpakonen@pakproperties.net Phone Name of Owner (if different) Contact Person (if different) Contact Person (if different) Keon Blasingame Address 100 Portland Ave. S, Suite 100 City Minneap	AUL State MN Zip 55101			
	Address/Location 1619 DAYTON AVE; SAINT PAUL, MN 55104-6206				
SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions for the use. If you are requesting modification of any standards or conditions for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Zoning Code § 61.502. Attach additional sheets if necessary. Refer to Attached Responses to Required Findings.					
Required	site plan is attached				
Required site plan is attached If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution. Applicant's Signature Checkburgen Date UVTropenty, KC Rev 7.4.2019					



ZONING VARIANCE APPLICATION

To Planning Commission

Dept. of Safety & Inspections Zoning Section 375 Jackson St., Suite 220 Saint Paul, MN 55101-1806 (651) 266-9008

To Board of Zoning Appeals

Dept. of Planning & Econ. Dev. **Zoning Section** 1400 City Hall Annex, 25 W 4th St. Saint Paul, MN 55102-1634 (651) 266-6583

Zoning Office Use Only File # Fee Paid \$ Received By / Date _____ Tentative Hearing Date

	Name Richard Pakonen c/o V V PROPERTY LLC						
APPLICANT	(must have ownership or leasehold interest in the property, contingent included)						
	Address 275 E 4TH ST UNIT 720 City SAINT PAUL State MN Zip 55101						
	Email rpakonen@pakproperties.net Phone						
	Name of Owner (if different) Email						
	Contact Person (if different) Keon Blasingame Email kblasingame@lse-architects.com						
	Address 100 Portland Ave. S, Suite 100 City Minneapolis State MN Zip 55401						

PROPERTY INFO

Address / Location 1619 DAYTON AVE, SAINT PAUL, MN 55104-6206 PIN(s) & Legal Description 042823110008 VAC ALLEY ADJ AND LOTS 14 THRU LOT 27 (attach additional sheet if necessary) BLK 1 Block 1 Lot 14 Lot Area Current Zoning

VARIANCE REQUEST: Application is hereby made to the Board of Zoning Appeals (or to the Planning Commission with another zoning application) for variance from the following section(s) of the Zoning Code Sec. 66.331

_. State the requirement and variance requested.

Decreased Front Yard Setback for Building and Balconies

SUPPORTING INFORMATION: Explain or demonstrate the following. Attach additional sheets if necessary.

1. Practical difficulties in complying with the provision of the code from which a variance is requested, and that the property would be used in a reasonable manner not permitted by the provision.

Refer to attached responses to required findings.

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

3. The variance will not permit any use that is not allowed in the zoning district in which the property is located.

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

Required site plan is attached

If you are a religious institution you may have certain rights under RLUIPA. Please check this box if you identify as a religious institution.

V. V. Property, LC Rev 7.4.2 Rev 7.4.2 Applicant's Signature

Rev 7.4.2019

LSE

April 2, 2020

Yaya Diatta Zoning Administrator Department of Safety and Inspections 375 Jackson Street, Suite 220 Saint Paul, MN 55101

Subject: **PAK Properties Marshall Avenue Flats Project –** Rezoning Application Responses to Required Findings **LSE No. 19.1028.01**

Dear Yaya:

Please note that LSE Architects, Inc., on behalf of Richard Pakonen of V V PROPERTY LLC., is currently seeking zoning approval for an increase to density and dimensional standards for the 1619 Dayton Avenue site. This zoning approval would allow for the construction of a new 6-Story multi-family residential building with a total of 97 affordable residential units (@ 50-70% AMI) adjacent to the existing office building. Please also note that we have presented this project to both the City of Saint Paul Design Center, as well as the Union Park District Council, and they have expressed their support for the project in the attached letters and review comments from each respective body.

PROJECT DESCRIPTION

The Marshall Avenue Flats project proposes a 6-Story building with off-street parking below grade, and at grade shared with the adjacent office building. Located just off Snelling Avenue at the intersection of Marshall Avenue and Fry Street in Saint Paul's Union Park neighborhood, this site offers residents excellent access to transit, services and anchoring institutions located within walking distance.

The project will add 97 units of affordable housing @ 50-70% AMI in a rapidly developing section of the city – where affordable housing stock is relatively limited. This tight, urban site offers a unique opportunity to add affordable units, and the development would employ a multi-modal approach to site access and addressing parking requirements.

REZONING APPLICATION

The rezoning application is to petition to rezone the property from T2 – Traditional Neighborhood zoning district to T3 – Traditional Neighborhood zoning district for the purpose of allowing for increased density and dimensional standards as follows:

Density and Dimensional Standards:

- Conditional Use Permit for Building Height increase to 75'-0" (See Attached)
- Variances for 5'-0" Front Yard Setbacks decrease for the Building (See Attached)
- Variances for 5'-0" Front Yard Setbacks decrease for the Balconies (See Attached)

With regard to the Rezoning Application, we offer the following responses to the required findings:

1. Compatibility with land use and zoning classification of property within the general area.



RESPONSE: While currently zoned as a T2 – Traditional Neighborhood, properties directly adjacent to the site are currently zoned as T3 – Traditional Neighborhood. Additional zoning districts of adjacent parcels include the following:

North:T2 – Traditional NeighborhoodSouth:RT1 – Two-Family ResidentialEast:T3 – Traditional NeighborhoodWest:RM1– Low-Density Multiple-Family Residential, RT1 – Two-Family Residential

2. Suitability of the property for the uses permitted under the existing zoning classification.

RESPONSE: T2 – Traditional Neighborhood density and dimensional standards limitations, coupled with increased site development challenges associated with the relatively tight urban site constraints would development at lesser scales infeasible. These site constraints include extensive earthwork, including earth retention/shoring required to maintain adjacent conditions, as well as contaminated soil remediation.

3. The trend of development in the area of the property in question.

RESPONSE: This project is in line with development trends in the immediate area – though with on major exception, affordability. That is, lease rates at this property would be significantly less (less than half) of that or recently developed properties in the immediate area.

4. Consistency with the Comprehensive Plan and District Plan.

RESPONSE: This project is consistent with a broad range of land use policies identified both in the Comprehensive and Union Park District Plans. From a Housing prospecting, this project is in direct alignment with the policies outlined the Comprehensive plan Housing Chapter – particularly Goal 6: Improved access to affordable housing.

From a land use perspective, the Comprehensive plan also promotes investment in measures that minimize displacement in neighborhoods where the proximity to high-frequency transit has increased redevelopment pressure and/or housing costs. The affordable aspect of this development within a Qualified Census Tract with both increased redevelopment pressure and housing costs is in concert with this policy, as well as other land use policies.

The Comprehensive Plan also encourages transit-supportive density and directing growth to areas with the highest existing or planned transit capacity, as well as reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes. Similarly, the Union Park District Plan also places emphasis on increased density levels and promoting new development along key corridors that support transit-oriented development, including along Snelling Avenue and Marshall Avenue.



CONDITIONAL USE PERMIT APPLICATION

The Conditional Use Permit Application is needed to for an increase Building Height maximum from 45'-0" per Section 66.331. - Density and dimensional standards table to 75'-0" in accordance with Note (g) to table 66.331, traditional neighborhood district dimensional standards.

With regard to the Conditional Use Permit Application, we offer the following responses to the required findings:

1. 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.

RESPONSE: Refer to Rezoning Application response to the required finding No. 4 above.

2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.

RESPONSE: This use will employ a multi-modal approach to site access and will provide adequate ingress and egress to minimize traffic congestion in the public streets.

3. 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.

RESPONSE: The use for affordable housing will not be detrimental to the existing character of the development in the immediate neighborhood, as the design employs materials and quality of construction constant with the adjacent properties. Additionally, also employs stepped façade as well as material changes better fit within the scale and character of the neighborhood. This development would not endanger the public health, safety and general welfare, but rather add transparency and eyes on the street to improve upon the existing conditions.

4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

RESPONSE: This use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district, please refer to shadow analysis provided in the enclosed schematic design package for a more detailed study of the impact of the increased height on the surrounding properties.

5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. Compatibility with land use and zoning classification of property within the general area.

RESPONSE: This use will shall, in all other respects, conform to the applicable regulations of the district in which it is located. Compatibility with land use and zoning classification of property within the general area.

LSE ARCHITECTS, INC.



ZONING VARIANCE APPLICATIONS

Two separate Zoning Variance Applications are being proposed, both needed to for a decrease to the Front Yard Setback requirement from 10'-0" per Section 66.331. - Density and dimensional standards table to 5'-0". The first in order to accommodate the building façade articulation. The second in order to accommodate the overhang into the required setback for the balconies.

With regard to the Conditional Use Permit Application, we offer the following responses to the required findings:

- The variance is in harmony with the general purposes and intent of the zoning code.
 RESPONSE: This variance is in harmony with the general purposes and intent of the code and is consistent with setback conditions of adjacent sites to the east.
- 2. The variance is consistent with the comprehensive plan. **RESPONSE:** Refer to Rezoning Application response to the required finding No. 4 above.
- 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.

RESPONSE: Practical difficulties in complying with the provision include development challenges associated with a tight urban site – this includes the provision of adequate clearance from the adjacent existing office building to accommodate parking and circulation, as well as allow for compliance with St. Paul Design Center review comments relative to Façade Articulation and Buildings Spacing.

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

RESPONSE: Practical difficulties in complying with the provision are due to circumstances unique to the property and are not created by the landowner but rather by existing conditions.

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

RESPONSE: The proposed use for multi-family housing is allowed in the zoning district where the affected land is located, and the proposed increased density is in line with land use principals outlined in both the Comprehensive Plan and District Plan.

6. The variance will not alter the essential character of the surrounding area. In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. Inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty in the third bullet point above.

RESPONSE: The variance will not alter the essential character of the surrounding area. Refer to the attached Schematic Design Package for a shadow study demonstrating the impact of the project of solar access.



Thank you in advance for your consideration of the application, and please feel free to contact me directly with questions, or should you require any additional information.

Sincerely,

Lawal Scott Erickson Architects, Inc.

San Slining

Keon Blasingame Project Manager

Associate | Project Manager

Attachments:Civil Site Plans
Landscape Plans
Schematic Design Package
City of Saint Paul Design Center Review Comments
Union Park District Council Support LetterCopy:Richard Pakonen, Alissa Gray – PAK Properties
Mohammed Lawal, File

LSE ARCHITECTS, INC.









North Elevation - Marshall Ave (N.T.S.)



South Elevation (N.T.S.)

Elevations











East Elevation (N.T.S.)





Conceptual Sketches February 6, 2020





Summer Solstice: (June 21st & 22nd)



9:00 AM

Winter Solstice: (December 21st & 22nd)



9:00 AM



12:00 NOON



12:00 NOON



3:00 PM

Shadow Study

ARCHITECTS



Solar Analysis March 16, 2020





Professional office building at 1619 Dayton Avenue - looking north



Site of proposed apartment building along Marshall Avenue - looking south



Relationship between building site and existing office building along Fry Street - looking east



Medium density uses to the west along Marshall Avenue at Fry - looking west





Low density uses along Dayton Avenue - looking west



Commercial uses along Snelling Avenue east of the project site - looking northwest



Surface parking uses between the project site and the commercial uses to the east - looking northwest



Low and medium density uses along the north side of Marshall Avenue - looking north





UNION PARK DISTRICT COUNCIL

1821 University Avenue, Suite 308, Saint Paul, MN 55104651.645.6887 | info@unionparkdc.org | www.unionparkdc.org

April 2nd, 2020

Dear Council Member Jalali:

In light of persistent concerns about the lack of deeply affordable housing options in our area, UPDC strongly desires to see an equity-focused development on the PAK Properties **1619 Dayton Avenue**.

In a motion passed by the UPDC Committee on Land Use and Economic Development on **March 16, 2020**, and ratified by the full UPDC Board on **April 1st, 2020**, UPDC expresses support for the development of this site <u>on the condition</u> that it includes **deeply affordable 30% AMI units**.

While our Board appreciates efforts to create "more affordable" housing, particularly in such close proximity to buildings with exclusively market rate units, we would like to see more deep affordability to support this projects request for a 4% LIHTC deal with tax-exempt bond financing and tax increment financing (TIF) in a Qualified Census Tract and a Federal Opportunity Zone.

Any number of 30% AMI units or a larger number of 40% AMI units would move our Board from conditional support to full support for the following request that Pak Properties will be making:

- Rezoning from existing T2 Traditional Neighborhood District to T3 Traditional Neighborhood District
- Conditional Use Permit for Building Height of 65'-0"
- Variances for 5'-0" Yard Setbacks for Building and Balconies

We look forward to continued conversations with PAK Properties on this Project at our Land Use Committee meetings as well as upcoming Transportation Committee meetings.

Due to the location of this project on a future bus rapid transit line, it will be important for these developers to have more robust conversations on how they will contribute to a transit oriented project.

We would like to make it very clear that we, as an organization, have been discussing what it means to support or oppose any particular development. As an equity focused organization, we have a high standard for what we will outright support or oppose based on our Board values.

We wish to make it clear a letter of conditional support does not automatically equal a position of opposition, it simply means that any given project does not meet our high standards and we would like to work with a developer to create a truly equitable project.

Please let me know if you have any questions.

Sincerely,

Blu Long

Brandon Long, Executive Director Union Park District Council CC: Mayor Carter , Kady Dadlez, Luis Rangel Morales, Tia Anderson



ParcelPoly on



