



Legislation Text

File #: RES 18-420, **Version:** 1

Memorializing the City Council's decision to deny an appeal by Historic Merriam Park Neighborhoods of a decision of the Planning Commission approving a residential development site plan at 1973-1977 Marshall Avenue.

WHEREAS, on October 18, 2017, Jon Schwartzman, d/b/a MCR Property Holdings LLC ["Applicant"], under DSI Zoning File No. 17-206-385 and pursuant to Leg. Code § 61.402(c), applied for a site plan review to construct a 5-story, 16-unit, apartment building with 30 structured parking spaces on property commonly known as 1973-1977 Marshall Avenue and legally described as Merriams Rearr of Blks 24 29 W 1o Ft of Lot 8 And All of Lot 7 Blk 27, and Merriams Rearr Of Blks 24 29 E 4o Ft of Lot 8 Blk 27 [Parcel Identification Numbers 33.29.23.33.0021 and 33.29.23.33.0022; and

WHEREAS, on January 4, 2018, pursuant to Leg. Code § 61.303, the Zoning Committee of the Planning Commission ["Commission"], at the request of Commission staff, duly conducted a public hearing on Applicant's site plan where all persons present were afforded an opportunity to be heard and, upon the conclusion of the hearing and following discussion by the Committee members and based upon all the records and testimony, the Committee duly moved to recommend to the Commission approval of the said site plan application; and

WHEREAS, on January 12, 2018, pursuant to Leg. Code § 61.402(c), the Commission took up the matter of the Applicant's site plan application and, following discussion and based upon the recommendation of its Zoning Committee, as substantially reflected in the minutes, duly moved to approve the said application, subject to certain conditions as specified below, based upon following findings as set forth in Commission Resolution No. 18-02 which is incorporated herein by reference:

"1. The city's adopted comprehensive plan and development or project plans for sub-areas of the city.

The site plan meets this finding. The proposed development is consistent with the Saint Paul Comprehensive Plan. The future land use map of the Saint Paul Comprehensive Plan (2010) identifies Marshall Avenue as a Residential Corridor. Residential Corridors are described as segments of street corridors that run through Established Neighborhoods and are predominately characterized by medium density uses (4 to 30 units per acre). The plan adds that some portions of Residential Corridors could support additional housing.

The proposed development is for 16 residential units on a property of approximately 0.35 acres. When including the density bonus for 30 structured parking spaces, the lot area for density purposes is .55 acres and the residential density is approximately 29 units per acre.

Applicable Land Use Strategies include:

- LU 1.1 - Guide the development of housing in Established Neighborhoods, commercial areas within Established Neighborhoods, and in Residential Corridors.
- LU 1.9 - Encourage the development of medium density multi-family housing along Residential Corridors.

Figure H-K of the Housing Chapter identifies this portion of Marshall Avenue as an opportunity area for potential new multifamily housing. Applicable Housing Strategies include:

- H 1.1 - Increase housing choices across the city to support economically diverse neighborhoods.
- H 1.3 - Revitalize the city by developing land-efficient housing.

The proposed development is consistent with the Union Park Community Plan (2016), which describes the neighborhood's goals including the preservation of desirable assets and neighborhood character as well as development to meet present and future needs. Applicable strategies include:

- LU 2 - Preserve the well-kept, traditional feel and scale of the neighborhood.
 - o LU 2.3 - Ensure that new development fits within the character and scale of adjacent neighborhoods.
- H 1 - Preserve Union Park's pedestrian-scale neighborhoods, while promoting a range of housing types and affordability to meet the needs of people at different life stages with different housing needs.

The area is a mix of residential and institutional uses. A variety of commercial uses are also located one block to the west.

2. Applicable ordinances of the City of Saint Paul.

The site plan meets this finding. The site plan meets the standards in the RM2 zoning district for density, setbacks, height, parking, and design per the following:

- §66.216 - Intent, RM2 medium-density multiple-family residential district.
- §66.230 - Residential District Density and dimensional standards.
- §66.232 - Maximum lot coverage.
- §66.105 - Porches and decks.
- §60.203 - B. Building height.
- §63.207 - Parking requirements by use.
- §63.313 - Visual screening.
- §63.110 - Building design standards.

Density: The site plan meets the minimum lot area per residential unit of 1,500 square feet in a RM2 district. The parcel area is 14,171 sf + half the alley of 998 sf + lot area density bonus for structured parking of 9,000 sf = 24,169 sf / 16 units = 1,510 sf/unit.

- One-half the width of a dedicated public alley adjoining the lot shall be considered as part of the lot, for the purpose of applying lot area and density requirements.
- The lot area figure may be increased by three hundred (300) square feet for each parking space (up to two parking spaces per unit) within a multiple-family structure or otherwise completely underground.

Lot Coverage: The site plan meets the maximum 35% lot coverage in a residential district. The building area, including balconies, is 5,239 sf / 15,169 sf lot area = 34.5% lot coverage.

- One-half the width of a dedicated public alley adjoining the lot shall be considered as part of the lot, for the purpose of applying lot area and density requirements.
- An open, uncovered porch or deck shall be subject to setback and lot coverage requirements.

Setbacks: The site plan meets the minimum setbacks. In RM2 for these properties, the minimum front setback

is 29' 6" based on the average setback for the block (25' setback is standard). The minimum rear setback requirement is 25'. The minimum side setback requirement is 9'. The site plan proposes a 9' sideyard setback on the west (Moore St side) and 28' sideyard setback on the east adjoining the residential property. Required off-street surface parking setback is 4' from any lot line. There is no minimum setback for driveways.

Height: The site plan meets the maximum building height of 5 stories and 50' in a RM2 district. Building height is measured from the established grade to the top of the roof deck. Where a building is located on sloping terrain (e.g., Moore St elevation), the height may be measured from the average ground level of the grade at the building wall. Due to differences in grade, a weighted average of the existing established grade is calculated at 899.7. The proposed first floor elevation is 902.0 and the top of the roof deck is measured at 949.7.

- The existing grade of the property shall not be raised around a new building or foundation in order to comply with the height requirements of this code.
- The height limitations of this code shall not apply to mechanical service stacks, tanks, ventilation equipment, and similar equipment.

Parking: The site plan includes 30 structured off-street vehicle parking spaces, which meets the required parking (3 - 3 bedroom units x 1.5 spaces = 4.5 spaces, 13 - 4 bedroom units x 2 spaces = 26 spaces. 30.5 = 30 spaces per Zoning Code). In addition there is bicycle parking proposed in the garage areas. 2 bicycle spaces are required.

Screening: Off-street parking facilities that adjoin a residential use or zoning district shall provide a visual screen. The site plan includes a 4.5' - 6.5' fence along the east property line to visually separate the driveway from the adjoining property.

Design standards: Staff has reviewed the site plan in relation to the building design standards and found that all relevant standards are met.

3. Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

The site plan meets this finding. The proposed use is typical of the intent of a RM2 medium-density multiple-family residential Zoning District, which is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities. The property is not designated as having historical or environmental significance nor inventoried by Heritage Preservation.

4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

The site plan meets this finding. The effect of this specific proposed building on neighboring properties is reasonable. Specific to the findings:

- The stormwater system shall meet City standards for run-off rate control. The system will consist of pipes buried below grade located on the south side of the building in the landscaped setback area. In addition, roof drainage shall meet plumbing code requirements.
- The building is oriented to the southwest corner of the property towards the street corner. The building's proposed setbacks meet or exceed the zoning requirement, providing a reasonable distance from the abutting

homes.

- The setback areas to the south and east will be landscaped. Existing boulevard trees will be protected where possible and new boulevard trees will be planted as required.
- Off-street parking will be provided as two levels of structured parking: one below grade accessed from Moore St., the other at ground level accessed via a driveway off the alley. Refuse and recycling will be wheeled from the garage level to the curb for collection.
- The proposed site plan shall adhere to §63.110 - Building design standards, including delineation of a primary entrance, direct pedestrian connection to the street, building materials, minimum window and door openings, and reducing visual impact of rooftop equipment.
- A photometric plan was provided that meets zoning requirements to reduce glare, arranged as to reflect lights away from all adjacent residences and not to interfere with the vision of persons on adjacent highways or adjacent property.

The applicant submitted a shadow study, though one is not required. The study compares the existing buildings, a hypothetical 3-story building with a 9' east sideyard setback, and the proposed structure. Based on the study it appears the most significant shadows on abutting properties are late afternoon and evening near sunset.

Through the review process, the project has made site plan changes to improve the relationship of the development to the abutting residential properties, decreasing the number of balconies on the west façade, removing all balconies on the east façade, and eliminating the accessory garages.

5. The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.

The site plan meets this finding. This segment of Marshall Ave includes a variety of housing options including multiple-family residential as well as institutional uses. As a buffer to abutting residential properties, the site plan proposes a 29' 6" front setback, 25' rear setback plus the alley, 9' sideyard setback on the west (Moore St side), and 28' sideyard setback on the east. Balconies are situated on the Moore St side of the building rather than facing the interior lot lines.

Required off-street parking will be provided within the building. Landscaping and fencing along the east property line will visually separate the building and driveway from the adjoining property. Landscaped retaining walls will be provided at the southwest corner of the property. The effect of this specific proposed building on neighboring properties is reasonable.

6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

The site plan meets this finding. A multifamily building is inherently more energy-conserving because it has fewer exterior walls and roof per dwelling unit than low density housing. The building is oriented to the southwest corner of the site and exceeds the minimum amount of glazing on all sides, allowing each unit to gain solar heat.

The proposed development is located on a minor arterial street with good public transit, a bus stop at the property, and dedicated bicycle lane, making it conducive to walking, biking, and using public transit rather than driving.

7. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.

The site plan meets this finding. The site plan includes structured parking: 22 spaces in a below grade parking level accessed from Moore St. and 8 spaces on the ground floor accessed from a driveway off the alley. Refuse and recycling will be stored in the garage level and wheeled to the curb for collection.

The number of residents and visitors to the property did not warrant a traffic memo or study by Public Works Transportation and Safety. The City Traffic Engineer has accepted the site plan in concept. A condition of Site Plan approval should include vehicle turning templates for the parking areas be approved by the Public Works Transportation Planning and Safety Division.

Ramsey County had no comments on the plan as submitted. Metro Transit requires replacement of the existing bus stop at the corner of Marshall Ave and Moore St. Metro Transit and the developer have acknowledged that the landscaped retaining wall near the bus stop will likely be used for seating by transit users.

8. The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.

The site plan meets this finding. The utility connections are shown on Sheet C4. Water, Sanitary and Storm sewer services are available in Marshall Avenue.

Stormwater from the site would be piped to an underground detention system located on the south of the property; stormwater would go out to the public storm sewer in Marshall at a controlled rate that meets City standards. Drainage maps and HydroCAD modeling to meet the City's stormwater run-off rate control standards were completed. A condition for site plan approval should include that technical details for the stormwater management solution be approved by the Public Works Sewer Division.

9. Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

The site plan meets this finding. A condition of Site Plan approval should include a final landscape plan be approved by the City Forester. The setback areas to the south and east will be landscaped and used for stormwater management. A 4.5' - 6.5' fence will be provided along the east property line to visually separate the driveway from the adjoining property. Landscaped retaining walls will be provided at the southwest corner of the property. Existing boulevard trees will be protected where possible and new boulevard trees planted as required.

A minimum of 30 off-street parking spaces are required based on the residential mix of three 3-bedroom and thirteen 4-bedroom dwelling units. 30 structured off-street parking spaces are proposed, 22 in the below grade parking level and 8 (including 2 ADA spaces) in the enclosed ground floor parking area. Accessory parking facilities may designate up to 50 percent of the spaces for compact cars. Two bicycle parking spaces are required based on the number of off-street parking spaces provided; however, the project is proposing additional bicycle parking within the two off-street parking levels.

10. Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

The site plan meets this finding. The plan proposes 2 accessible parking spaces to meet the ADA standards required for lots of 26 - 50 parking spaces. Required accessible entrances and routes shall be provided per

accessibility code. The public sidewalks have accessible crossings.

11. *Provision for erosion and sediment control as specified in the ``Ramsey Erosion Sediment and Control Handbook.'`*

The site plan meets this finding. The site plan includes an erosion and sediment control plan that meets this standard."

WHEREAS, in approving the site plan, the Commission imposed the following conditions on the site plan, specified in Commission Resolution No. 18-02 as follows:

- "1. The building shall be substantially as presented and illustrated to the Planning Commission, using materials that are the same or better.
2. Final approval by the Public Works Transportation Planning and Safety Division.
3. Final approval by the City Forester.
4. Final approval by the Public Works Sewer Division."

WHEREAS, on January 19, 2018, pursuant to Leg. Code § 61.702 (a), the "Historic Merriam Park Neighborhoods, c/o Mohrman, Kaardal & Erickson ["Appellant"]" duly filed an appeal from the Commission's January 12, 2018 decision under PED Zoning File No. 18-021629 and requested a hearing before the City Council for the purpose of considering the actions taken under Commission Resolution No. 18-02; and

WHEREAS, on February 7, 2018, pursuant to Leg. Code § 61.702(b), the City Council, upon notice to affected parties, a duly conducted public hearing on Appellant's appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the Council, having heard the statements made and having considered the application, the report of staff, the record, minutes and recommendation of the Zoning Committee, the Commission's resolution and all the records and testimony presented to the Council at its February 7, 2018 public hearing, does hereby

RESOLVE, that the Council of the City of Saint Paul hereby affirms the Planning Commission's decision in this matter there being no showing by the Appellant that the Commission erred in the facts and findings supporting its decision to approve the Applicant's site plan as set forth in Commission Resolution 18-02 and accordingly, the Council hereby adopts Commission Resolution 18-02 as its own in support of this decision; and

BE IT FURTHER RESOLVED, for reasons stated in the preceding paragraph, the Council hereby denies Appellant Historic Merriam Park Neighborhoods, c/o Mohrman, Kaardal & Erickson appeal in this matter; and

BE IT FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to Appellant Historic Merriam Park Neighborhoods, c/o Mohrman, Kaardal & Erickson, to Applicant John Schwartzman, d/b/a MCR Property Holdings LLC, to the Zoning Administrator and to the Planning Commission.