# Legislation Details (With Text)

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| **File #:** | RES 18-1460 **Version:** 1 | | |
| **Type:** | Resolution | **Status:** | Passed |
| | | **In control:** | City Council |
| | | **Final action:** | 9/5/2018 |
| **Title:** | Memorializing the City Council's decision upholding the Planning Commission's decision to grant a conditional use permit to allow certain heights on a new mixed use building at 246-258 Snelling Avenue South. | | |
| **Sponsors:** | Chris Tolbert | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. 246 Snelling Ave Appeal 2018 - Table | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 9/6/2018 | 1 | Mayor's Office | Signed | |
| 9/5/2018 | 1 | City Council | Adopted | Pass |

Memorializing the City Council's decision upholding the Planning Commission's decision to grant a conditional use permit to allow certain heights on a new mixed use building at 246-258 Snelling Avenue South.

WHEREAS, on April 19, 2018, TJL Development LLC (“Applicant”), in PED Zoning File No. 18-055252, duly applied to the Saint Paul Planning Commission (“Commission”) pursuant to Leg. Code §§ § 61.501 and 66.331 for a conditional use permit (“CUP”) to permit certain building heights in excess of the standard allowed building height in order to construct a 118-unit mixed-use building at the southeast corner of Snelling and St. Claire avenues on property commonly known as 246-258 Snelling Avenue S. [Parcel Identification Numbers 10.28.23.22.0164, -0165, and -0166] and legally described as Sylvan Park Addition, Lots 1-5, Block 4; and

WHEREAS, the Applicant requested the CUP to permit the following heights at three locations on the proposed building: (1) at the north wall in a T3 zoning district: 55' allowed, 68'-4" proposed with a CUP; (2) at the south end of the east wall in a T2 zoning district: 42'-4" allowed by right with step-backs, 47' proposed with a CUP and step-backs; and, (3) at the east end of the south wall in a T2 zoning district: 41' allowed by right with step-backs, 47' proposed with a CUP and step-backs; and

WHEREAS, on May 10, 2018, the Commission’s Zoning Committee, in accordance with the requirements of Leg. Code § 61.303, duly conducted a public hearing on the Applicant’s requested CUP where any person present was afforded an opportunity to be heard; and

WHEREAS, upon the close of the public hearing, the Zoning Committee, based upon all the evidence and testimony presented to the Committee at the public hearing as well as the recommendation of staff as set forth in the report dated May 2, 2018, duly moved on a unanimous vote to recommend approval of the Applicant’s CUP application; and

WHEREAS, on May 18, 2018, the Commission took up the report and recommendation of its Zoning Committee regarding the Applicant's requested CUP and, following discussion of the matter, the Commission, on a 13-0 vote, approved Applicant's CUP with one condition based upon the following findings of fact which are set forth in Planning Commission Resolution No. 18-34 which is itself incorporated herein by reference:

"1. The applicant is proposing to build a 118-unit mixed-use building at the southeast corner of Snelling and St. Clair Avenues, 246-258 Snelling Avenue. The building heights proposed require a conditional use permit in three areas. These areas differ in their allowed heights and "base of measurement." The differences in these areas are a result of the project sitting on parcels with different zoning designations (T2 and T3) and abutting parcels with zoning designations that impact dimensional standards of the project.

The three areas are as follows:

• North wall in T3 zoning district: 55' allowed by right, 68'-4" proposed with CUP

• South end of the east wall in T2 zoning district, 42'-4" allowed by right with step-backs, 47' proposed with CUP and step-backs

• East end of the south wall in T2, 41' allowed by right with step-backs, 47' proposed with CUP and step-backs.

The following table summarizes the requirements by floor and zoning condition:

**SEE ATTACHED TABLE**

2. Leg. Code § 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 project is located in a Mixed Use Corridor per the Comprehensive Plan, which supports development on primary thoroughfares served by public transit and contains a mix of uses. Land Use Policy 1.24 "support[s] a mix of uses on Mixed-Use Corridors." Land Use Policy 1.25 "promote[s] the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residential development." Land Use Policy 1.28 "promote[s] conditions that support those who live and work along Mixed-Use Corridors, including frequent transit service, vibrant business districts, and a range of housing choices.

The Macalester-Groveland Community Plan "support[s] multi-unit mixed-use development in the following corridors: Snelling Avenue, Grand Avenue, St. Clair Avenue, and Randolph Avenue" (H2.5); calls to "maintain and/or establish zoning that encourages higher-density (taller) development at the intersection of mixed-use corridors and lower-density (shorter) development at mid-block of mixed-use corridors" (LU1.2); and "supports land use that preserves Macalester-Groveland as a uniquely connected, walkable, mixed-use sustainable

neighborhood with a pedestrian-oriented human-scale streetscape" (LU1).

*(b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposal reduces curb cuts on the Snelling side of the project from two to one, locating it as far from the intersection as possible. It is two-way access that leads to secured resident-only parking. One curb cut remains on St. Clair to access the ground level parking that will serve both the public and private residents. Public Works Transportation Planning reviewed the site plan and had minor corrections, but no substantive functional issues.

*(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. Snelling Avenue is a major corridor in the city, with mixed use development present at major intersections, such as Saint Clair. The arrangement of the proposed uses is consistent with the character of mixed use development on nearby mixed use corridors, with retail anchoring the corner, active amenity uses on the first floor, and the majority of the residential units above the first floor. Brick is used on the pedestrian-level facades on Snelling and Saint Clair, consistent with materials used in many other buildings in the area. The tallest parts of the building and the areas with the greatest request for additional height are at the intersection, anchoring the corner. To the east and across the alley, the same tall portion faces a 2 ½ story building with very few windows. Additional height in this location is neither detrimental to character nor will it endanger public health, safety or general welfare. The proposed building steps down significantly as it approaches the single family development to the southeast to reduce negative impacts of shadow and massing. The additional height of up to 6' at the southeastern corner of the project will not be a detriment to the adjacent retail and residential uses, nor will it endanger public health, safety, or general welfare. A shadow study was conducted for use by the Committee and included in the packet.

*(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 presence of the proposed building would not prevent development consistent with the Comprehensive Plan, area plans, and existing zoning.

*(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."

AND, WHEREAS, On May 25, 2018, "Neighbors for Responsible Development" ("Appellant's"), duly filed pursuant to Leg. Code § 61.702(a), an appeal from the Commission's May 10, 2018 decision and requested a hearing before the City Council to consider the actions taken by the Commission; and

WHEREAS, on June 20, 2018, the City Council, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, duly conducted a public hearing on the Appellant's appeal where all interested parties were given an opportunity to be heard; and

WHEREAS, the City Council, following the close of the public hearing and having heard the statements made and having considered the application, the report of staff, the record, minutes and recommendation of the Zoning Committee and the Commission's resolution, does hereby

RESOLVE, that the Council of the City of Saint Paul hereby affirms the decision of the Planning Commission in

this matter as the Council finds that Appellant has failed its burden to demonstrate any error in the Commission's facts or findings as set forth in Planning Commission Resolution No. 18-34 approving the Applicant's CUP and, accordingly, the Council hereby adopts the facts and findings Resolution No. 18-34 as its own in support of this decision; and

BE IT FURTHER RESOLVED, based upon the foregoing, that the appeal by Neighbors for Responsible Development is hereby denied in all things; and, be it

FINALLY RESOLVED, that the City Clerk shall mail a copy of this resolution to the Applicant JTL Development, LLC, the Appellant Neighbors for Responsible Development, the Zoning Administrator and the Planning Commission.



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