



CITY OF SAINT PAUL

DEPARTMENT OF SAFETY AND INSPECTIONS
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Board of Zoning Appeals

Staff Report

TYPE OF APPLICATION: Major Variance **FILE #:** 23-035038

APPLICANT: 2285 Hampden LLC (c/o Thomas Nelson, Exeter Management LLC)

HEARING DATE: May 30, 2023

LOCATION: 2285 Hampden Avenue

LEGAL DESCRIPTION: ST ANTHONY PARK ADDITION SELY 4 FT OF LOT 4 AND ALL OF LOTS 5 THRU ...EXT OF NWLY LINE OF LOT 5 BLK 72

PLANNING DISTRICT: 12

PRESENT ZONING: I1

ZONING CODE REFERENCE: § 65.143(b), § 66.531, § 63.312

DATE RECEIVED: April 24, 2023

REPORT DATE: May 24, 2023

DEADLINE FOR ACTION: June 22, 2023 **BY:** David Eide

- A. **PURPOSE:** The applicant is proposing to demolish the existing structures on this property and construct a new mixed residential commercial building. The following variances are requested: 1) In the I1 light industrial district, residential uses are not permitted on the first floor; the applicant is proposing residential dwelling units on the first floor, for a variance of this requirement. 2) At least 80% of the first floor shall be devoted to principal uses permitted in the district, other than residential uses; the applicant is proposing to utilize 6.5% of this floor for commercial uses, for a variance of 73.5%. 3.) A front yard setback of 25' is required on portions of this property across the street from land zoned RM2; 9' is proposed, for a variance of 16'. 4.) Surface off-street parking spaces shall not be located within the required front yard; the applicant is proposing surface off-street parking spaces in the required front yard, for a variance of this requirement.
- B. **SITE AND AREA CONDITIONS:** This is a 1.713-acre parcel on the north side of Hampden Avenue between Bradford Street and Hersey Street.

Surrounding Land Use: Commercial and industrial uses are located to the west, north, east, and south. Residential townhouses are to the south of the western side of the property.

C. **ZONING CODE CITATIONS:**

Sec. 65.143. - Mixed residential and commercial use.

Standards and conditions in B1—B3 business and industrial districts:

(b) In I1—I2 industrial districts, residential uses shall not be located in the basement or first floor and at least eighty (80) percent of the first floor shall be devoted to principal uses permitted in the district, other than residential uses.

Sec. 63.312. - Setback.

Except as otherwise provided in section 66.431(b), surface off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from all lot lines, except that parking spaces using an alley for maneuvering shall be a minimum of ten (10) feet from the centerline of the alley.

Sec. 66.531. - Density and dimensional standards table.

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.531. Industrial District Dimensional Standards

Zoning District	Height Maximum	Yard Setbacks Minimum (feet)		
	Feet	Front	Side	Rear
I1 Light Industrial	50 (b)	0(c),(d),(f)	(e),(f)	(e),(f)

Notes to table 66.531, industrial district dimensional standards:

(c) On those lots or parcels, or portions of lots or parcels, where the frontage adjoins or is directly across a street from a required front yard in any use district other than an industrial or VP vehicular parking district, the front setback requirements of said abutting districts shall apply.

(d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).

(f) Loading and unloading shall not be permitted in any required front, side or rear yards.

Sec. 66.231. Density and dimensional standards table.

Table 66.231, residential district dimensional standards, sets forth density and dimensional standards that are specific to residential districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.

Table 66.231. Residential District Dimensional Standards

Zoning District	Floor Area Width (FAR)	Building Height Maximum	Yard Setbacks Minimum (feet)		
	Maximum (e)	Feet	Front	Side	Rear
RM2 multiple-family	1.5 FAR with surface parking 2.25 FAR with structured parking	50 (j) (m)	25 (f)	9 (h) (k)	9 (k)

D. FINDINGS:

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

The applicant is proposing to demolish the existing structures on this property and construct a new mixed residential commercial building. The following variances are requested: 1.) In the I1 light industrial district, residential uses are not permitted on the first floor; the applicant is proposing residential dwelling units on the first floor, for a variance of this requirement. 2.) At least 80% of the first floor shall be devoted to principal uses permitted in the district, other than residential uses; the applicant is proposing to utilize 6.5% of this floor for commercial uses, for a variance of 73.5%. 3.) A front yard setback of 25' is required on portions of this property across the street from land zoned RM2; 9' is proposed, for a variance of 16'. 4.) Surface off-street parking spaces shall not be located within the front yard; the applicant is proposing surface off-street parking spaces in the front yard, for a variance of this requirement.

The intent of the mixed residential and commercial use standard not allowing principal residential uses on the first floor is to separate residential units vertically from surrounding commercial and industrial uses. It is to ensure that the first floor is used in a commercial manner in alignment with the industrial district that it is in to be supportive of well-paying jobs. This primarily residential building would be in conflict with the intent of the light industrial district to to accommodate wholesale, warehouse, and industrial operations.

The front yard parking and building setback requirements are to buffer industrial uses from residential uses across the street. It is reasonable to require the proper setback across the street and these requests are in conflict with Section 60.103(o) in the Zoning Code, which states that the intent of the code is to fix reasonable standards to which buildings, structures and uses shall conform. **This finding is not met for all requested variances.**

2. The variance is consistent with the comprehensive plan.

This parcel is zoned I1- Light Industrial. Mixed Commercial-Residential buildings are permitted. However, the applicant is proposing to provide so little commercial space that the result would be a primarily residential structure. A primarily residential structure conflicts with Saint Paul 2040 Comprehensive Plan Policy LU-46, which encourages retaining and protecting current industrial land from conversions to residential or institutional uses unless guided otherwise in a city of Saint Paul adopted plan. This land is guided industrial in the 2040 Saint Paul Comprehensive Plan.

This proposal conflicts with PO-1 in the West Midway Industrial Area Plan, an addendum to

the Saint Paul Comprehensive Plan, policy PI-1, to retain and protect current industrial land from conversions to non-industrial uses. Although the plan contemplates conversions in circumstances where development will be high density and proximate to regional transportation, this property is outside of the Raymond Avenue Green Line Station Area. The venue to discuss conversion of land is not at the Board of Zoning Appeals, rather, through a rezoning request. The applicant is instead applying to vary the standards as to what constitutes a mixed residential commercial use building.

In addition, the area on this property across from the RM-2 zoning district is specifically noted as a vulnerable land use edge in the West Midway Industrial Area Plan. The applicant is proposing to construct the building and parking spaces in the required front yard, which is contrary to SD 1-20, which states that landscaping shall be maintained and infilled along both sides of this edge. **This finding is not met for all 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 states that they have tried marketing the property for seven years for commercial uses, however, they have not had success. They state that lowering the amount of first level commercial space to align with market conditions is preferable and that if the required commercial space were constructed, it would be vacant. Given these statements, it appears that the practical difficulties are primarily economic in nature.

The applicant states that the building has large areas that are set back further than what the code requires for courtyards. It is not clear why the applicant cannot alter the building and surface off-street parking facility to comply with the 25' front yard setback in the limited portion of the lot where this requirement applies. **This finding is not met for all requested variances.**

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

This request is driven by primarily the applicant's desire to construct a primarily residential structure with their desired layout, rather than circumstances unique to this property. **This finding is not met for all requested variances.**

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

A mixed residential commercial building is permitted in the I1 light industrial zoning district. **This finding is met for all requested variances.**

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

The proposed mixed residential commercial building would not significantly alter the essential character of this commercial area. **This finding is met for all requested variances.**

- E. **DISTRICT COUNCIL RECOMMENDATION:** As of the date of this report, staff have not received a recommendation from District 12 – Saint Anthony Park Community Council.
- F. **CORRESPONDENCE:** Staff received one letter opposed to the requests.
- G. **STAFF RECOMMENDATION:** Based on findings 1 through 4, staff recommend denial of the requested variances.