



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Justin Fortney, City Planner
Date: October 20, 2020
Item: Resolution - Special Use Permit – Historic Apartment/ Parking Variance- 321 6th St E – Mike and Amy Bauer

Council Action Requested:

Act on the attached resolutions for the following two requests:

1. Special Use Permit for operation of an apartment building in a historic structure
2. Variance to the minimum parking standards to construct 17 parking spaces rather than 18. (1.888 spaces/ dwelling rather than 2 spaces/ dwelling)

Approval of each request requires six of seven Councilmembers.

Background Information:

The use of apartments in large historic properties was added as an allowable SUP last year. This was in an effort to allow the reuse of these unique buildings with a residential use, to complement their residential settings.

The ordinance allows apartments with a SUP in large structures that are designated Heritage Preservation Sites or in a Historic Preservation District. The allowable number of units is based on the property and structure size. This property would allow up to ten units. Nine are proposed and include two studio units, two single bedroom units, four double bedroom units, and one triple bedroom unit.

Please see the attached Planning Commission staff report for additional information.

Financial Impact: N/A

Advisory Commission Discussion: The Planning and Heritage Preservation Commissions each voted unanimously to recommend approval of the SUP and parking variance at their October 12 and 13, 2020 meetings respectfully. Only the applicants spoke at the meeting. Staff received one phone call in opposition of the request with concerns that noise and other disturbances similar to the Harbor Shelter could occur.

Council Committee Discussion: N/A

Attachments:

- Resolution – SUP Historic Apartment
- Resolution – Parkng Variance
- Plannig Commission Staff Report, October 12, 2020 ([HPC Staff Report](#), October 13,2020 is nealy identicl)

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION ADOPTING WRITTEN FINDINGS OF FACT, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF HASTINGS ACTING AS THE BOARD OF
ADJUSTMENT AND APPEALS GRANTING A SPECIAL USE PERMIT FOR HISTORIC
APARTMENT IN THE R-2 ZONING DISTRICT LOCATED AT 321 6TH STREET EAST**

Council member _____ introduced the following Resolution
and moved its adoption:

WHEREAS, Mike and Amy Bauer have petitioned for Special Use Permit approval for Historic Apartment at 321 6th Street East, legally described as Lots 7 and 8, Block 34, TOWN OF HASTINGS BLKS 1 THRU 99, Dakota County, Minnesota; and

WHEREAS, on October 12, 2020, a public hearing and review was conducted before the Planning Commission of the City of Hastings, as required by state law, city charter, and city ordinance; and

WHEREAS, The Planning Commission recommended approval of the request subject to the conditions hereunder; and

WHEREAS, on October 13, 2020, review was conducted before the Heritage Preservation Commission of the City of Hastings, as required by city ordinance; and

WHEREAS, The Heritage Preservation Commission recommended approval of the request subject to the conditions hereunder; and

WHEREAS, on October 19, 2020, review of the application was conducted before the City Council serving as the Board of Adjustment, as required by state law, city charter and city ordinance; and

WHEREAS, the Council voted 7-0 to approve the Special Use Permit for Historic Apartment; and

WHEREAS, approval of the Application was based upon the record and the Findings of Fact articulated by the City Council and set forth below.

FINDINGS OF FACT

1. By a Land Use Application dated September 14, 2020 (the “Application”) which is incorporated into the record by reference, Mike and Amy Bauer has petitioned for Special Use Permit approval for Historic apartment to operate a nine-unit apartment building at 321 6th Street East, legally described as Lots 7 & 8, Block 34, TOWN OF HASTINGS BLKS 1 THRU 99, Dakota County, Minnesota (“Subject Property”).
2. Hastings City Code Chapter 155.07 (J) provides, in part, as follows:

(J) Historic apartments – Historic Structures may be granted by SUP, a number of dwelling units above what is normally allowed within the zoning district

3. The Subject Property has been used exclusively for housing large numbers of individuals since its development in 1950, first as a convent and secondly as a youth shelter.

CONCLUSION

The principal criteria contained in Hastings City Code Chapter 155.07 (J) is that residential apartment activity occurring on the premises shall not cause any adverse changes to the residential character of the neighborhood. The City Council finds that the high capacity residential use of the Subject Property as proposed by the Applicant would not impact the residential character of the neighborhood beyond the former uses that existed on the subject property since 1950.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS, SITTING AS THE BOARD OF ADJUSTMENT AND APPEALS, AS FOLLOWS:

The Application is approved and the foregoing Findings of Fact and Conclusions are adopted to further memorialize the reasons for approval of the Application and subject to the following conditions:

- 1) Conformance with the information and plans submitted with the Planning Commission Staff Report dated October 12, 2020.
- 2) Building Safety Department review and approval of proposed improvements.
- 3) HPC review and approval of all exterior appearance changes.
- 4) If the use authorized has not been established within one year from approval by the Board of Adjustment and Appeals, the permit shall be null and void.
- 5) If the use authorized is discontinued for a period of three years or longer, the permit shall be null and void.
- 6) The apartment must be operated consistent with the provisions listed in City Code chapter 155.07 (J)

- 7) A rental permit must be obtained from the Building Safety Department.
- 8) A variance to the minimum parking standards of Chapter 155.09 and Appendix B must be obtained or an 18th parking stall must be added.

Council member _____ moved a second to this resolution and upon being put to a vote it was adopted by the Council Members present.

Adopted by the Hastings City Council on October 19, 2020, by the following vote:

Ayes:
Nays:
Absent:

ATTEST:

Mary Fasbender, Mayor

Julie Flaten,
City Clerk

(City Seal)

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 19th day of October, 2020, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten, City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JJF)
101 4th St. E.
Hastings, MN 55033

HASTINGS CITY COUNCIL

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS GRANTING A
VARIANCE TO THE MINIMUM PARKING STANDARDS FOR PROPERTY LOCATED AT 321
6TH STREET EAST**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, Mike and Amy Bauer have petitioned for a variance to Hastings City Code Chapter 155.09 and Appendix B to vary one parking stall from the minimum allowable number of 18 spaces, as determined by City Code Chapter 155.09 and Appendix B for the 9 dwelling units proposed on property generally located at 321 6th St E, legally described as Lots 7 & 8, Block 34, Town of Hastings BLKS 1 THRU 99, Dakota County, Minnesota.

WHEREAS, on October 12, 2020, the request was reviewed by the Planning Commission of the City of Hastings, as required by state law, city charter and city ordinance; and

WHEREAS the Planning Commission recommended approval of the request to the City Council subject to the findings of fact contained herein; and

WHEREAS, on October 13, 2020, review was conducted before the Heritage Preservation Commission of the City of Hastings, as required by city ordinance; and

WHEREAS, The Heritage Preservation Commission recommended approval of the request subject to the conditions hereunder; and

WHEREAS The City Council has reviewed the request and concurs with the recommendation of the Planning Commission; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

That the City Council hereby approves the variance as presented to the City Council based on the following findings of fact:

1. The size and shape of the land available for parking is set, on this is preexisting site that was developed 70-years ago for individuals with no need for parking.

there is not enough space to provide adequate area for snow removal of parking spaces that are not needed for the design of the apartment conversion.

2. The reduction of a parking space would likely lead to a small reduction in value and income potential for the applicant rather than an increase.
3. Having an inadequate space for snow storage would increase the risks to the public welfare, more so than one less parking space.
4. The property will not impair light, air, congestion, fire danger, public safety, or property values within the vicinity.
5. The purposes and intent of ordinance is to assure there is a reasonable amount of parking on the site. Given the number of studio and one-bedroom apartments, the reduction of one space will still provide a reasonable amount of parking on the site.
6. The proposed use is consistent with the Comprehensive Plan, in that it provides increased density in the core of the city and quality housing that is affordable.
7. The proposed use is more similar to the immediate neighborhood than even the past uses of the property.
8. Applying the minimum parking standard would result in the construction of an unnecessary parking space that will take away greenspace, stormwater infiltration, and snow storage space and add to the snow stockpile.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

Approval of the variance is subject to the following conditions:

1. Conformance with the Planning Commission Staff Report and plans dated October 12, 2020.
2. Approval is subject to a one-year Sunset Clause; if progress on the proposal is not made within one year of City Council approval, the approval is null and void.
3. The variance only applies to residential parking requirements for the site.

Council member _____ moved a second to this resolution and upon being put to a vote adopted by _____ present.

Adopted by the Hastings City Council on October 19, 2020, by the following vote:

Ayes:

Nays:

Absent:

ATTEST:

Mary Fasbender, Mayor

Julie Flaten
City Clerk

I HEREBY CERTIFY that the above is a true and correct copy of resolution presented to and adopted by the City of Hastings, County of Dakota, Minnesota, on the 19th day of October, 2020, as disclosed by the records of the City of Hastings on file and of record in the office.

Julie Flaten
City Clerk

(SEAL)

This instrument drafted by:
City of Hastings (JJF)
101 4th St. E.
Hastings, MN 55033



Planning Commission Memorandum

To: Planning Commission

From: Justin Fortney, City Planner

Date: October 12, 2020

Item: Special Use Permit 2020-43 – Historic Apartment \ Parking Variance – 321 6th Street East – Mike and Amy Bauer

Planning Commission Action Requested:

The Planning Commission is asked to hold a public hearing and review the SUP (Special Use Permit) request to convert a large building in the Old Hastings Historic District into an apartment. Related to the SUP, consider a request for a variance from the number of required parking spaces.

Background Information:

The R-2 district typically allows residential uses of one and two units. The use of apartments in large historic properties was added as an allowable SUP last year. This was in an effort to allow the reuse of these unique buildings with a residential use, to complement their residential settings.

The structure was constructed in 1950 as a convent and later converted to a youth shelter in the 1990's. The property is listed as a noncontributing property in the Old Hastings Historic District, which makes it eligible for use as a historic apartment. It must also be reviewed by the HPC (Heritage Preservation Commission) as part of the SUP processes and for changes to the exterior appearance of the property. Noncontributing properties must be reviewed by the HPC for appearance changes that may affect the streetscape, rather than affects to the streetscape and their individual integrity.

Comprehensive Plan Classification

The 2040 Comprehensive Plan designates the property as Medium Density Residential.

Zoning Classification

The subject property is zoned R-2, Medium Density Residential. The proposed use is allowed with a SUP, as outlined below.

(J) Historic apartments – Historic Structures may be granted by SUP, a number of dwelling units above what is normally allowed within the zoning district upon adherence to the following provisions:

- (a) That the facility shall be part of a formally designated local, state, or national historic site or district; **(Old Hastings Historic District)**
- (b) That all dwelling units shall be established within the principal structure; **(As Proposed)**
- (c) That the number of units may be dependent on the amount of off-street parking as required by the Parking and Loading Requirements of §155.09; **(2/unit required) 17 proposed, this is one space less than required)**
- (d) That the structure shall have a minimum size of 4,000 finished square feet; **(10,242 SF)**
- (e) That the lot shall have a minimum of 9,000 square feet; **(18,480 SF)**
- (f) That the SUP application be reviewed by the Heritage Preservation Commission as required by §30.10; **(October 13, 2020)**
- (g) That necessary and approved changes are made to the structure with all applicable building permits, HPC review, and payment of applicable fees.
- (h) Dwelling units shall be determined as follows:
 1. One residential dwelling unit per 1,000 square feet of finished structure size shall be allowed. **(This would allow ten units, nine are proposed)**
 2. An additional 1,800 square feet of lot area shall be required for each additional unit in excess of 5 units **(This would allow ten units, nine are proposed)**

(Ord. 2020-07, 3rd Series, passed 01-06-2020)

Adjacent Zoning and Land Use

The following land uses about the property:

Direction	Existing Use	Zoning	Comp Plan
North	Duplex/ Single-Fam	R-2	Medium & Low Density Residential
East	Triplex	R-2	Medium Density Residential
West	Single-Family	R-2	Low Density Residential
South	SEAS School	R-2	Institutional

Special Use Permit Review

The purpose of reviewing Special Use Permits is to determine if any special conditions are necessary to assure the proposal fits with the general character of the area.

There are several large historic structures in Hastings that have been grandfathered as apartment buildings and there have been little or no issues with them affecting the character of the neighborhoods. Large historic buildings that would qualify for use as historic apartments have typically had a history of semi-intense uses in their past. Conversion to an apartment will allow these structures to be operated residentially.

Parking

The zoning code requires two parking spaces for each residential unit. Applicants for some atypical apartment projects have stated this requirement produces more parking than would be necessary for their project. Some of these atypical projects have included a large number of single and studio apartments or are geared towards a specific clientele that often have only one or no cars at all. Some of these projects have received a variance to the parking requirements.

Standard parking requirements will not be ideal for all situations. There is no exact formula that will produce perfectly sized parking lots for every use. Staff believes our current parking requirement of two spaces for every residential unit (single-family homes to all apartment units) may not be a reasonable requirement for the variety of residential uses. Staff is planning on addressing this with the Planning Commission this fall.

Access

The Parking lot is proposed to be a one-way design to efficiently accommodate the number of parking spaces. One-way parking lots require less area and pavement with their reduced drive isle width. The traffic will enter from the alley and exist onto Tyler Street.

Building improvements

Proposed building improvements include converting the many small boarding rooms into nine apartment units including as shown below along with some common spaces.

Studio apartments: 2

One-bedroom apartments: 2

Two-bedroom apartments: 4

Three-bedroom apartments: 1

Notice

Notice was published and sent to property owners within 350-feet of the subject property. Terry Whipple of 314 5th Street E called staff to express opposition due to concerns the use could create noise and nuances like the Harbor Shelter used to.

Variance Review

Variances to the Zoning Code may be considered that are not contrary to the public interest where owing to special conditions, and where a literal enforcement of the provision of the City Code would result in practical difficulties. Variances may be granted providing the following has been satisfied:

(1) Because of the particular physical surroundings, shape or topographic conditions of the land involved, a practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

The size and shape of the land available for parking is set, as this is preexisting site that was developed 70-years ago for individuals with no need for parking. there is not enough space to provide adequate area for snow removal of parking spaces that are not needed for the design of the apartment conversion.

(2) The conditions upon which the petition for a variance is based are unique to the tract of land for which the variance is sought and one not applicable, generally, to other property with the same zoning classification;

The parking lot location is along an alley and roadway, which all have snow removal and storage needs, which creates a need for snow storage on this particular site, far beyond others.

(3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

The reduction of a parking space would likely lead to a small reduction in value and income potential for the applicant.

(4) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the tract of land is located;

Having an inadequate space for snow storage would increase the risks to the public welfare, more so than one less parking space.

(5) The proposed variance will not impair an adequate supply of light and air to property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the vicinity; (Prior Code, §11.08)

The property will not impair light, air, congestion, fire danger, public safety, or property values within the vicinity.

(6) The variance is in harmony with the purposes and intent of ordinance;
The purposes and intent of ordinance is to assure there is a reasonable amount of parking on the site. Given the number of studio and one-bedroom apartments, the reduction of one space will still provide a reasonable amount of parking on the site.

(7) The variance is consistent with the comprehensive plan;
The proposed use is consistent with the Comprehensive Plan, in that it provides increased density in the core of the city and quality housing that is affordable.

(8) The proposal puts the property to use in a reasonable manner;
The proposed use is more similar to the immediate neighborhood than the past uses of the property.

(9) There are practical difficulties in complying with the official control.
Applying the minimum parking standard would result in the construction of an unnecessary parking space that will take away greenspace, stormwater infiltration, and snow storage space and add to the snow stockpile.

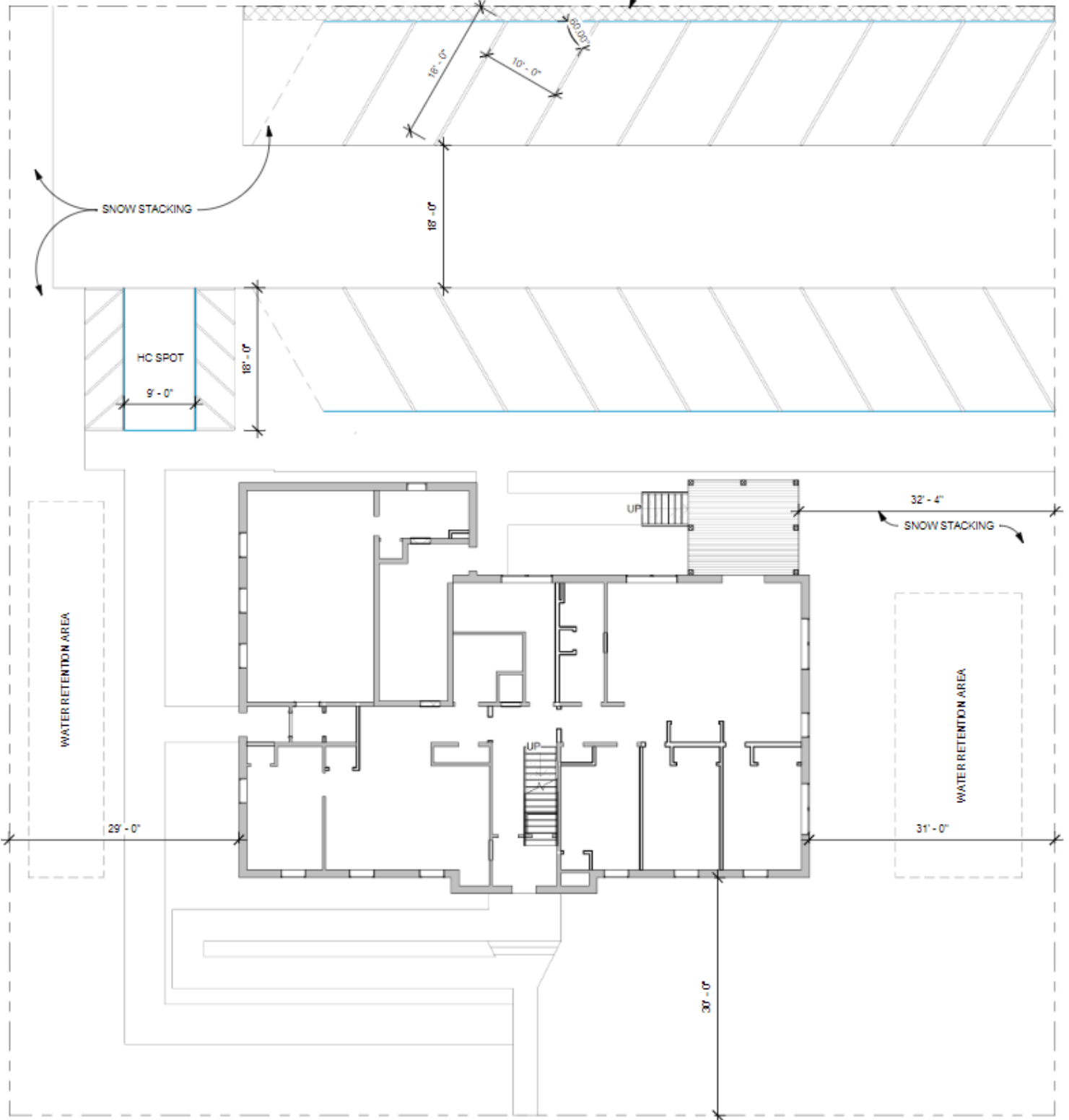
Attachments:

- Aerial Map
- Proposed plans
- Photographs



Site Layout

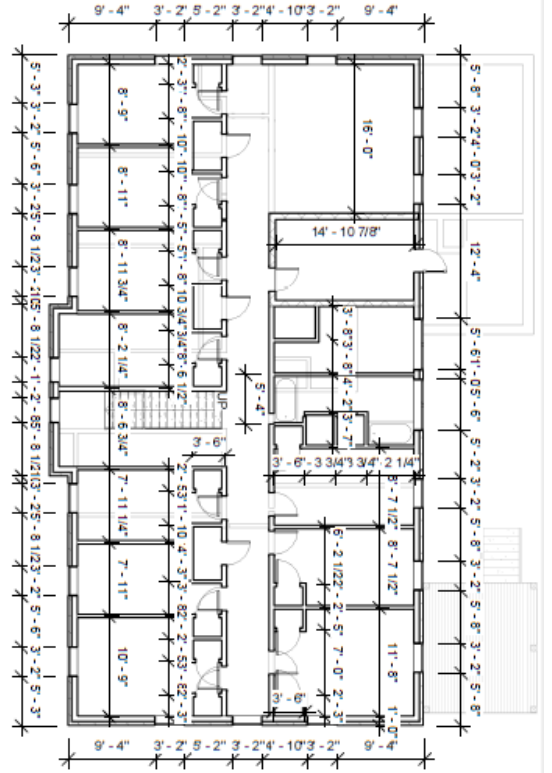
LANDSCAPE PLANTING AREA



Existing floorplans

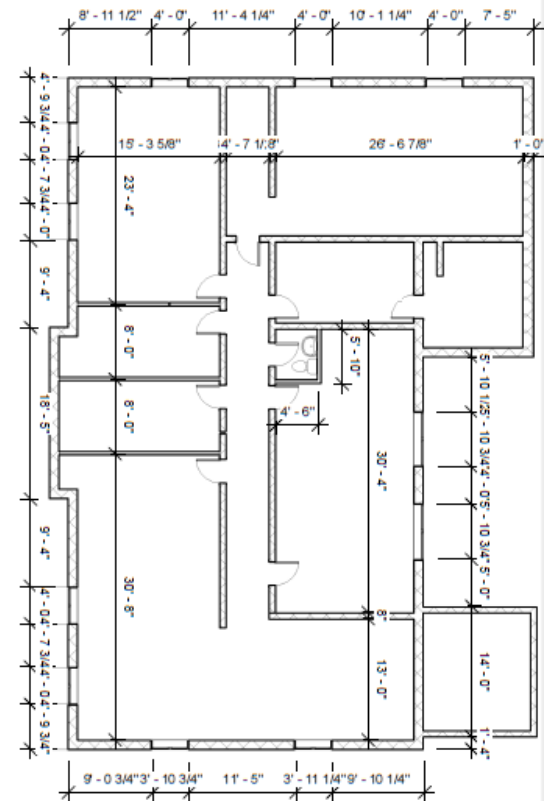
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EXISTING 2ND FLOOR
3/32" = 1'-0"



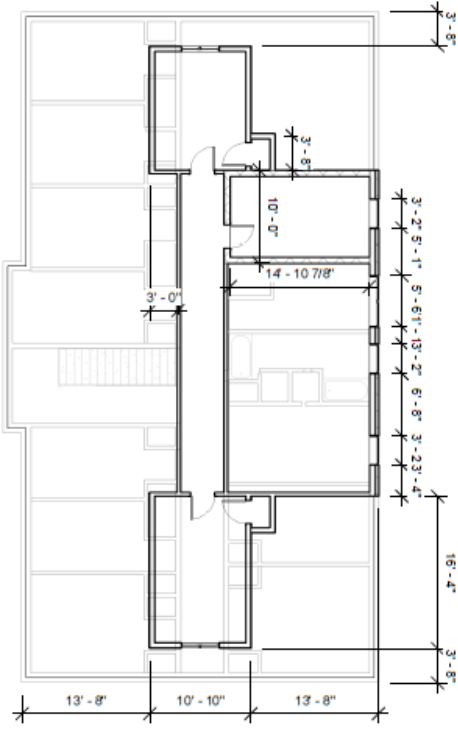
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EXISTING LOWER FLOOR
3/32" = 1'-0"



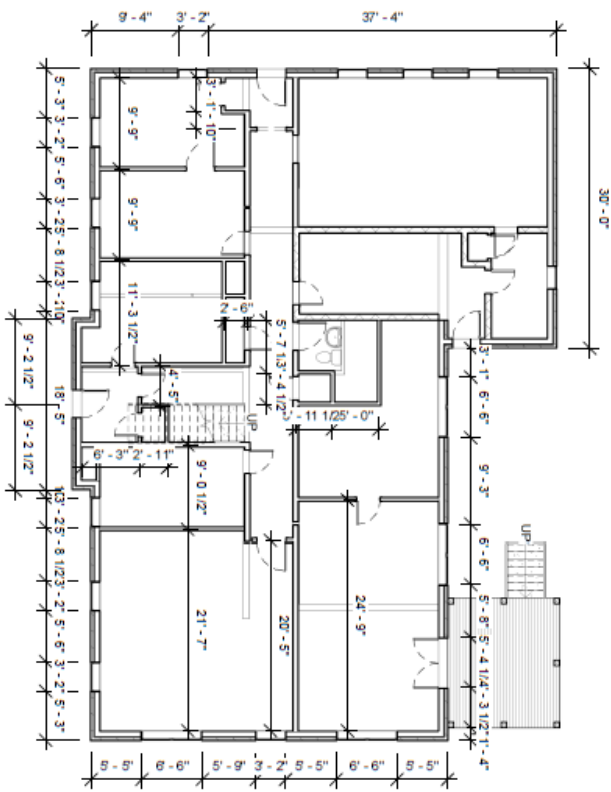
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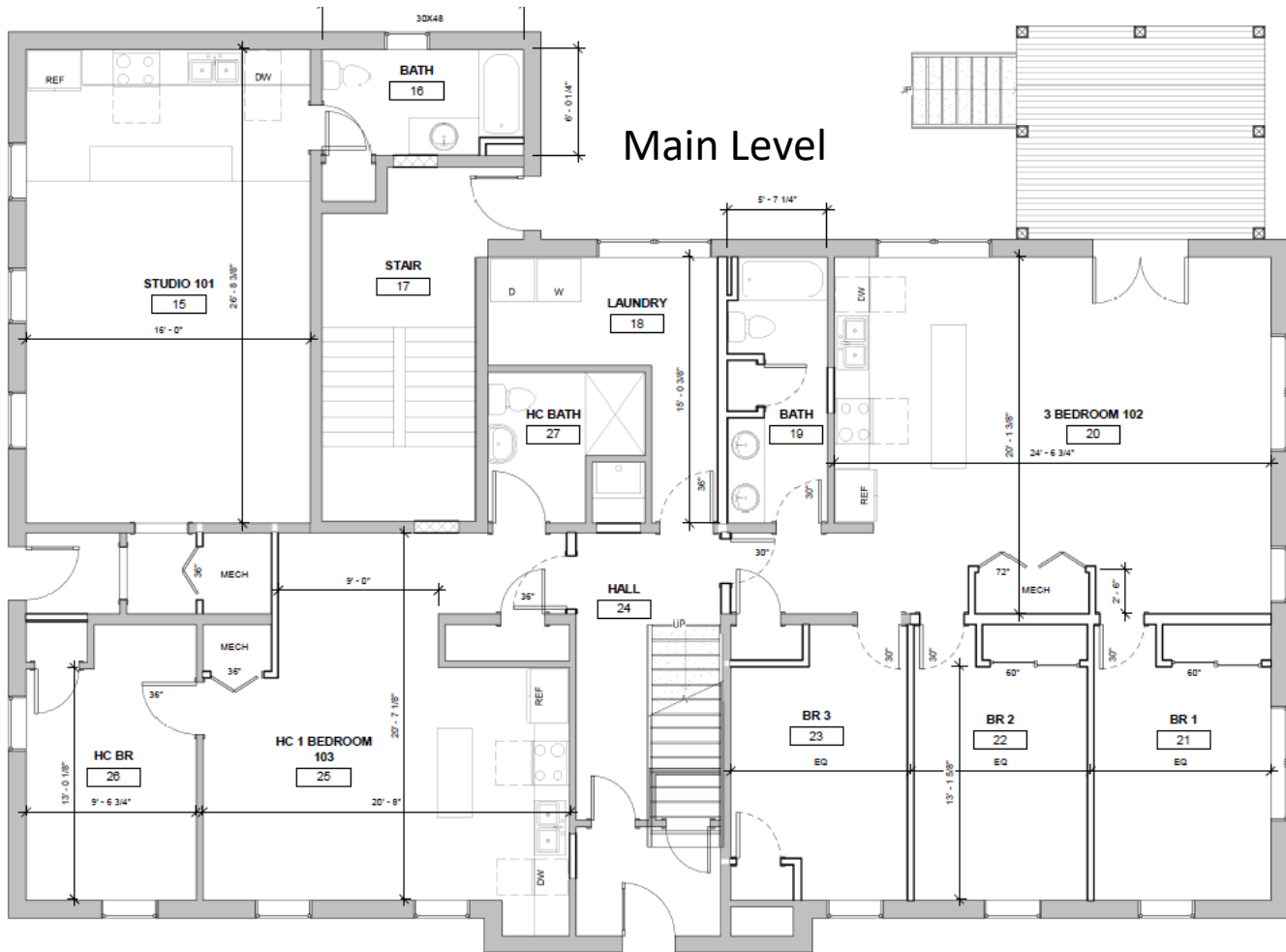
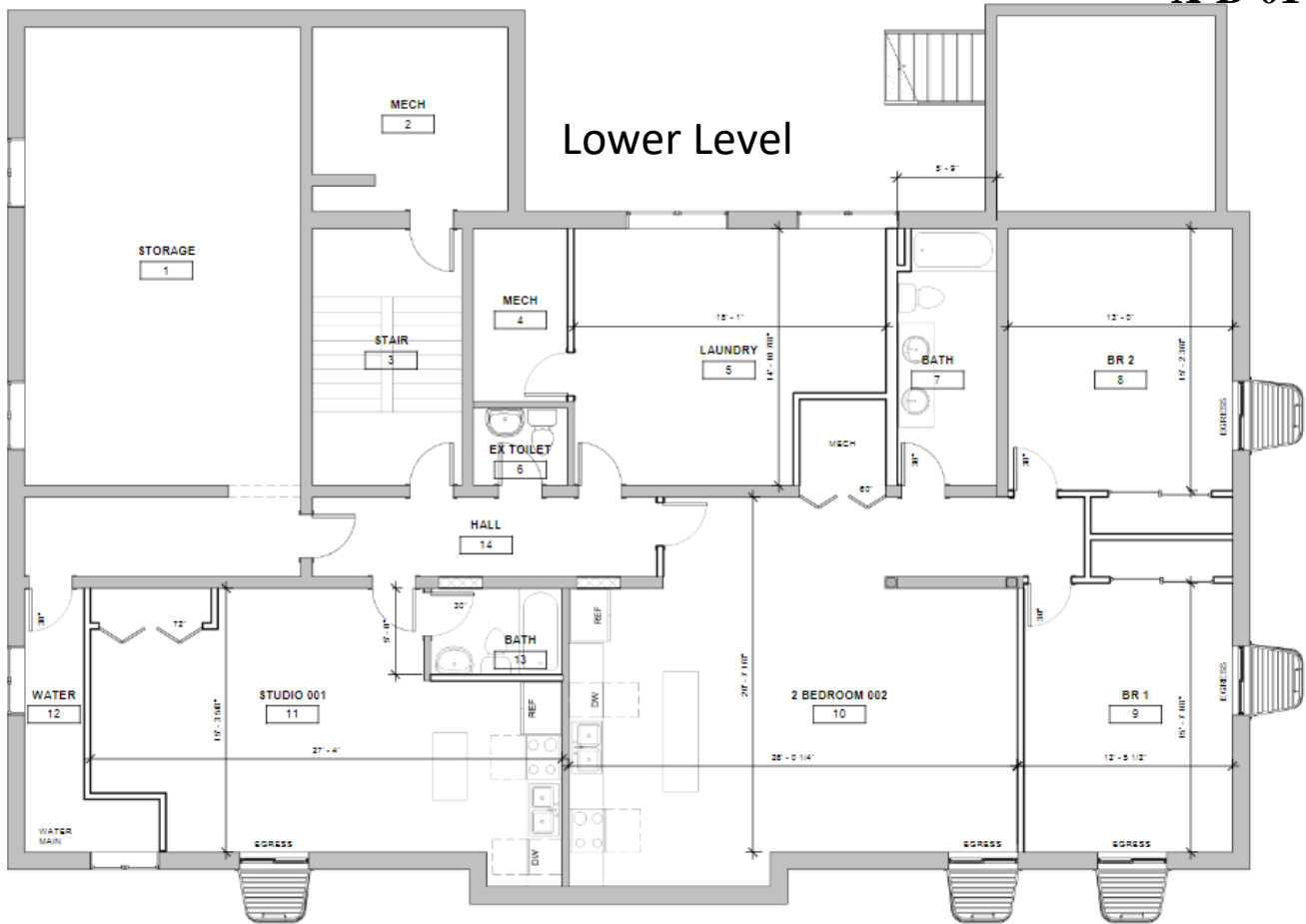
EXISTING 3RD FLOOR
3/32" = 1'-0"



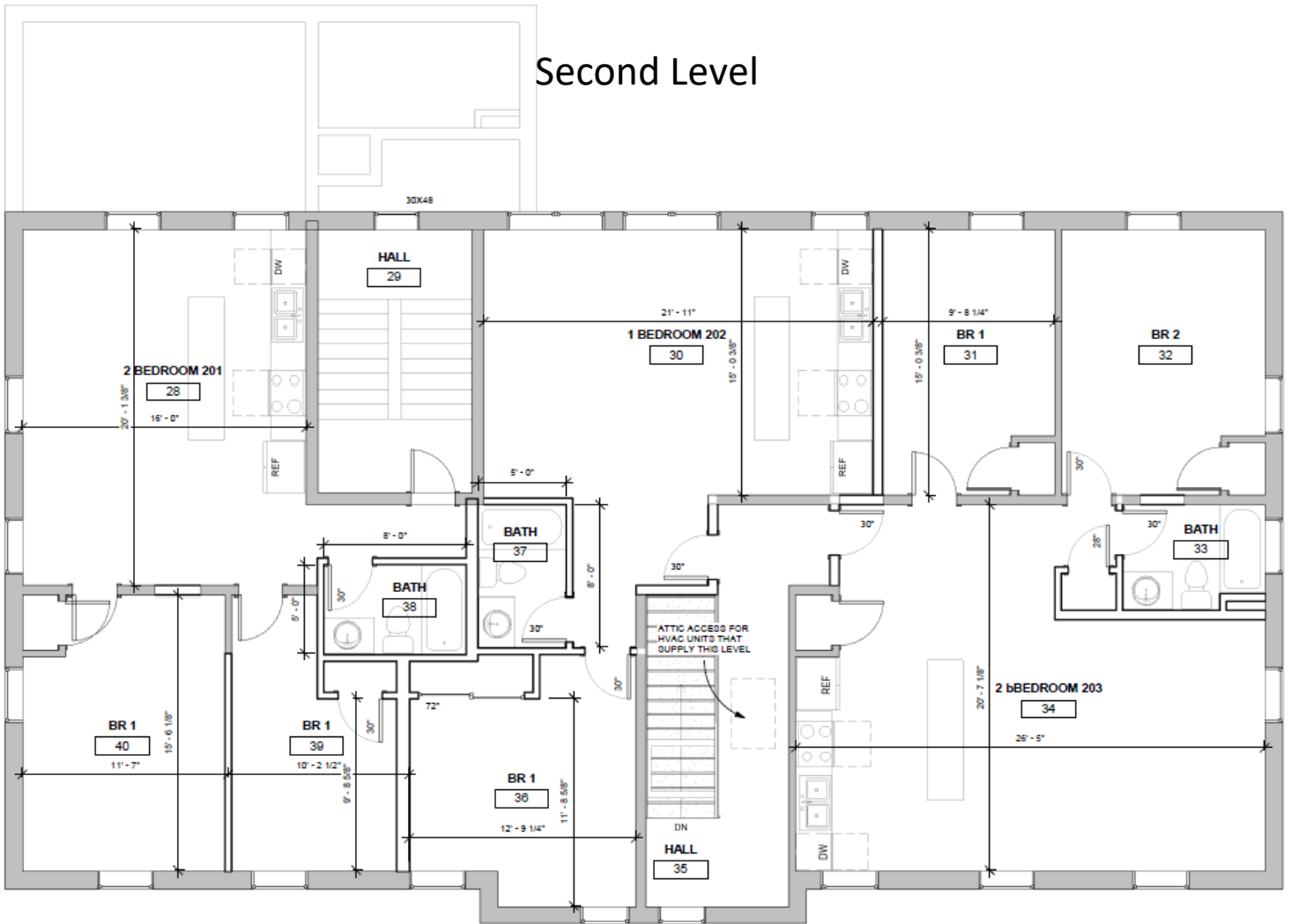
2

EXISTING MAIN FLOOR
3/32" = 1'-0"





Second Level



Third Floor

