



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

April 4, 2014
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair
Barbara A. Wenzel
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

Pat Connolly
Daniel Edgerton
Gene Gelgelu
Anne DeJoy
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Padilla
Emily Shively
Terri Thao
Wendy Underwood
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

I. Approval of minutes of March 21, 2014

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#13-247-474 BLD Property Management – Establishment of legal nonconforming use status as an administrative office. 260 Aurora Avenue between Galtier and Marion. (*Hilary Holmes, 651/266-6612*)

NEW BUSINESS

#14-186-369 Port Authority of Saint Paul – Rezone from T2 Traditional Neighborhood to I2 General Industrial. 943–959 7th Street East, NE corner at Forest. (*Jake Reilly, 651/266-6618*)

#14-186-591 New Plan Learning Inc. – Conditional use permit for education facility. 169-176 Jenks Avenue between Lawson and Case. (*Jamie Radel, 651/266-6614*)

#14-095-630 West Grand Avenue Apartments – Lot coverage variance for a proposed apartment building: 35% maximum coverage permitted; 53% proposed. 2138 Grand Avenue. (*Tom Beach, 651/266-9086*)

#13-243-494 Grand West Apartments – Site plan review for a new 14 unit apartment building. 2138 Grand Avenue. (*Tom Beach, 651/266-9086*)

V. Comprehensive Planning Committee

VI. Neighborhood Planning Committee

Vertical Subdivision by Registered Land Survey – Informational Presentation by the City Attorney's Office.

Vertical Subdivision by Registered Land Survey – Initiate study, release draft for public review and schedule a public hearing for May 16, 2014. (*Allan Torstenson, 651/266-6579*)

- VII. Transportation Committee**
- VIII. Communications Committee**
- IX. Task Force/Liaison Reports**
- X. Old Business**
- XI. New Business**
- XII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF MARCH 31-APRIL 4, 2014

Mon (31) _____

Tues (1) _____

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

West Midway Industrial Area Plan – Discuss March 21st public hearing comments and next steps. *(Allen Lovejoy, 651/266-6226)*

Industrial Lands White Paper – Continue discussion from last meeting.
(Allen Lovejoy, 651/266-6226)

Thrive MSP 2040 – Intro. and preparation for committee review of draft comments at the April 15th meeting. *(Donna Drummond, 651/266-6556)*

Weds (2) _____

Thurs (3) _____

Fri (4) _____

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

OLD BUSINESS

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(Hilary Holmes, 651/266-6612)

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(Jake Reilly, 651/266-6618)

#14-186-591 New Plan Learning Inc. – Conditional use permit for education facility.
169-176 Jenks Avenue between Lawson and Case. (*Jamie Radel, 651/266-6614*)

#14-095-630 West Grand Avenue Apartments – Lot coverage variance for a proposed
apartment building: 35% maximum coverage permitted; 53% proposed. 2138 Grand
Avenue. (*Tom Beach, 651/266-9086*)

#13-243-494 Grand West Apartments – Site plan review for a new 14 unit apartment
building. 2138 Grand Avenue. (*Tom Beach, 651/266-9086*)

Neighborhood Planning

Committee

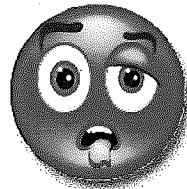
Vertical Subdivision by Registered Land Survey – Informational Presentation by the City
Attorney's Office.

Vertical Subdivision by Registered Land Survey – Initiate study, release draft for
public review and schedule a public hearing for May 16, 2014.
(*Allan Torstenson, 651/266-6579*)

**The Planning Commission
minutes from the Public
Hearing on Friday,
March 21, 2014 are not
ready for your review.
Once they are done you will
receive an email with the
minutes attached. You will
also get a hard copy.**

Thank you,

Sonja Butler



FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go to the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: March 28, 2014
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of March 27, 2014, Zoning Committee Hearing

OLD BUSINESS

1. **BLD Property Management (13-247-474)**
Establishment of legal nonconforming use status as an administrative office

Address: 260 Aurora Avenue
SE corner at Galtier

District Comment: District 8 made no recommendation

Support: 2 people spoke, 2 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval with conditions	Approval with conditions (8 - 0)

NEW BUSINESS

2. **Port Authority of Saint Paul (14-186-369)**
Rezone from T2 Traditional Neighborhood to I2 General Industrial

Address: 943-959 7th Street E
NE corner at Forest

District Comment: District 4 recommended approval

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is closed

Motion: Approval

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
Approval	Approval (8 - 0)

		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
3.	New Plan Learning Inc (14-186-591) Conditional use permit for a school Address: 169-176 Jenks Avenue between Lawson and Case District Comment: District 6 recommended approval Support: 1 person spoke, 1 letter Opposition: 0 people spoke, 0 letters Hearing: Hearing is closed Motion: Approval with a condition	Approval with a condition	Approval with a condition (8 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
4.	West Grand Avenue Apartments (14-095-630) Lot coverage variance for a proposed apartment building: 35% maximum coverage permitted; 53% proposed Address: 2138 Grand Avenue District Comment: District 14 recommended approval Support: 0 people spoke, 1 letter Opposition: 0 people spoke, 5 letters Hearing: Hearing is open Motion: Laid over to April 10, 2014	Denial	Laid over (8 - 0)
		<u>Recommendation</u>	
		<u>Staff</u>	<u>Committee</u>
5.	Grand West Apartments (13-243-494) Site plan review for a new 14 unit apartment building Address: 2138 Grand Avenue District Comment: District 14 made no recommendation Support: 0 people spoke, 0 letters Opposition: 0 people spoke, 5 letters Hearing: Hearing is closed Motion: Laid over to April 10, 2014	Denial	Laid over (8 - 0)

city of saint paul
planning commission resolution
file number
date

WHEREAS, BLD Property Management LLC, File # 13-247-474, has applied for establishment of legal nonconforming use status as an administrative office under the provisions of §62.109(a) of the Saint Paul Legislative Code, on property located at 260 Aurora Avenue, Parcel Identification Number (PIN) 36.29.23.41.0030, legally described as Florence Addition to St Paul, W 1/2 of Lot 10 and all of Lot 11, Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 21, 2013 and March 27, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, BLD Property Management, has applied for a permit to establish legal nonconforming use status for an administrative office at 260 Aurora Avenue.
2. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to uses or structures if the commission makes the following findings. The findings and the applicant's ability to meet them are as follows:
 - (1) The use or a nonconforming use of similar or greater intensity permitted in the same zoning district or in a less restrictive zoning district has been in existence continuously for a period of at least ten (10) years prior to the date of the application. This finding is met. Franchise Food Systems of Minnesota has conducted business at this address continuously since at least 2001. The applicant has provided invoices for the business dated 2001 and 2002 that are billed to this address. While there has often been someone with a relationship to Franchise Food Systems of Minnesota living in the house, the Franchise Food Systems of Minnesota office has never been operated within the limits of what is permitted in the RT2 district as a home occupation accessory to a dwelling unit. Use of the house as a dwelling unit for a resident along with the office is more conforming with the RT2 district than use of the house for an office without a resident.
 - (2) The off-street parking is adequate to serve the use. This finding is met. There are two parking spaces available in a garage with access off of the alley, as well as a surface parking lot owned by McDonald's located at the NW corner of Aurora and Marion that serves this use. There is also on-street parking on both streets adjoining this corner lot.

moved by _____

seconded by _____

in favor _____

against _____

- (3) Hardship would result if the use were discontinued. This finding is met. While use of the property for residential and/or other uses permitted in the RT2 district provide for reasonable use of the property, the applicant states that the expense of commercial office space and moving the office at this time would be a hardship following a decrease in restaurant performance over the past three years.
- (4) Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses. This finding is met. Rezoning this property, which is on a residential street and surrounded by residential zoning, would be spot zoning.
- (5) The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. This finding is met. The use has not changed the exterior character of the property or interior of the house, and it remains set up to function as a dwelling unit. It will not be detrimental to the existing character of the area or endanger the public health, safety, or general welfare.
- (6) The use is consistent with the comprehensive plan. This finding can be met, provided that there is no change to the residential character of the property, and provided that nonconforming use of the property is terminated, and it is returned to conforming use, once it is no longer used as an administrative office for Franchise Food Systems of Minnesota.

The Generalized 2030 Land Uses Map (Figures LU-B and LU-L) in the Land Use chapter of the Comprehensive Plan shows this property on the edge of a mixed use corridor (where a mix of uses is supported) and an established neighborhood (where the prevailing character is to be supported). The office use has not altered the interior or exterior of the house, so it remains consistent with the prevailing character of the area. The office adds to the mix of uses in the area, consistent with the institutional uses, a nursing home and a church, immediately across Galtier to the west.

Central Corridor LRT Station Area Plans identify areas of change and areas of stability. The Rice Station Area Plan (adopted in 2008) shows the property at 260 Aurora in an area of stability, where the integrity and character of the residential neighborhood should be preserved and strengthened. The office use has not altered the interior or exterior of the house, which remains set up to function as a dwelling unit, and has not significantly changed the residential character of the property. In addition, the applicant and public testimony have described use of the property for activities that support the neighborhood and character of the area.

- (7) A notarized petition of two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the use. This finding is met. The petition was found sufficient on November 7, 2013: 15 parcels eligible; 10 parcels required; 10 parcels signed.
3. Zoning Code Sec. 62.109 provides that "the planning commission, in approving nonconforming use permits, may allow a nonconforming use for a specified period of time and then requiring its removal by attaching an expiration date to the permit if the commission makes the following findings: (1) termination of the nonconforming use or the continued vacancy of the building in which the nonconforming use was located would cause significant hardship; (2) permitting the nonconforming use for a period of time will facilitate the transition to a conforming use; and (3) permitting the nonconforming use for a period of time is consistent with the public health, safety, comfort, morals, and welfare. The period of time for which the permit is valid shall be determined in each case by the commission and shall be based on the extent of the hardship. These required findings appear to be met. As

noted in finding 2(3) above, the applicant states that the expense of commercial office space and moving the office at this time would be a hardship following a decrease in restaurant performance over the past three years. As noted in finding 2(5) above, the use is consistent with the public health, safety, and general welfare. Permitting use of the house as an administrative office for Franchise Food Systems of Minnesota for a period of time can help to facilitate the transition to a conforming use.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of BLD Property Management LLC for establishment of legal nonconforming use status as an administrative office at 260 Aurora Avenue is hereby approved subject to the following conditions:

1. There shall be no change to the residential character of the property, and it shall remain set up to function as a dwelling unit;
2. The property owner and Franchise Food Systems of Minnesota shall notify the Zoning Administrator, nonconforming use of the property shall be terminated, and the property returned to conforming use, once it is no longer used as an administrative office for Franchise Food Systems of Minnesota; and
3. The house shall have joint use as a dwelling unit while its use as an administrative office for Franchise Food Systems of Minnesota continues.

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Saint Paul Port Authority, File # 14-186-369, has applied for a rezoning from T2 Traditional Neighborhood to I2 General Industrial under the provisions of §61.801(b) of the Saint Paul Legislative Code, on property located at 943-959 7th St E, Parcel Identification Number (PIN) 28.29.22.34.0124-0127, legally described as Terry's Addition Lots 1 – 3, Blk 19; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 27, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The Saint Paul Port Authority is requesting that these three parcels be rezoned from T2 to I2 in order to accommodate the continued redevelopment of the area once owned by 3M and now known as Beacon Bluff Business Center. An end-user has not been identified at this time, but the Port Authority seeks to market the proposed larger site for redevelopment.
2. The proposed zoning is consistent with the way this area has developed. The area has long had a variety of light and general industrial uses, including the former 3M main plant near this site, the Hamm's Brewery to the west along Minnehaha Avenue, and the Globe site further East on East 7th Street, zoned I2 and I1. E. 7th Street has long been home to commercial and mixed use development, including the former bar located on this site. The intent of the I2 general industrial district is intended primarily for manufacturing, assembling and fabrication activities.
3. The proposed zoning is consistent with the Comprehensive Plan. Policy 1.54 of the Land Use Chapter of the Comprehensive Plan (2010) lists the former 3M site as an opportunity site for future development, including for mixed use development or as an employment center. The proposed I2 zoning will support the development of the site as an employment center. It is also consistent with the Near East Side Roadmap (2012) real estate objective RE4.4 to assemble underutilized properties and create opportunities for small-scale commercial-industrial uses.
4. The proposed zoning is compatible with the surrounding uses, including the industrial uses along Phalen Boulevard, HealthEast Medical Transportation and the M&H gas station on Arcade Street, and the commercial-industrial properties already developed in the Beacon Bluff Business Center.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of the Saint Paul Port Authority for a rezoning from T2 Traditional Neighborhood to I2 General Industrial for property at 943-959 7th St E be approved.

moved by _____
seconded by _____
in favor _____
against _____

city of saint paul
planning commission resolution
file number
date

WHEREAS, New Plan Learning Inc., File # 14-186-591, has applied for a conditional use permit for an education facility under the provisions of §65.212, §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 169, 175, and 176 Jenks Avenue, Parcel Identification Number (PIN) 30.29.22.13.0062, 30.29.22.13.0122, and 30.29.22.13.0115, legally described as Deer Park Division Ex Lot 9 and Ex W 1/2 of vac alley adj sd Lot 9 vac alley in and Blk 1 and Soo Line Plat Number 5 vac sts accruing & fol: the W 95.8 ft lying S of ext N L of Lawson St & N of ex S L of Jenks St of Lot A and the W 65.3 ft of Lot A that adjoins Lot B & all of Lot B & Lot C; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 27, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. §65.212 identifies the development standards for schools, K-12, which require that the school offer courses in general education and that it shall not be run for profit. These standards are met. The application is proposing to locate a charter school that focuses on math and science for grades K - 8, and will offer a full range of general education classes. The applicant has indicated that the school will not operate for profit.
2. §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. This application is consistent with the District 6 Plan. This area is guided as Established Neighborhood in the Comprehensive Plan, and a school is consistent with that future land use category.
 - b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. This site has two parking lots one of which will be used to stage buses during student drop off and pick up. Each of these parking lots has two entrances/exits that would allow for efficient movement of buses from the city street through the site without causing back up onto the city streets.
 - 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. The school will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, or general welfare. As proposed, this use will serve as a transition from the industrial uses to the south and the residential uses to the north and west of the facility. The school will be located in the existing building at the northern portion of the site, which is adjacent to the multi-family buildings to the north and across

Agate Street from the single-family homes to the west. The southern portion of the site will include a parking lot, as it does today, and an undeveloped area.

- 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 school use will not impact the orderly development or improvement of the surrounding properties. The proposed school will be housed within an existing building. All the neighboring properties are currently developed. The applicant is aware that they are proposing to locate a school adjacent to an active industrial area that is guided in the City's Comprehensive Plan as industrial into the future and has I2 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. The proposed school will conform to the applicable regulations of the zoning districts within which it is located.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of New Plan Learning, Inc. for a conditional use permit for an education facility at 169, 175, and 176 Jenks Avenue is hereby approved subject to the following condition:

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.

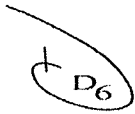
moved by _____

seconded by _____

in favor _____

against _____

14-186-591
New Plan Learning



District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

March 26, 2014

Zoning Committee of the Planning Commission
15 West Kellogg BLVD
Saint Paul, MN 55102

March 26, 2014

District 6 Planning Council's Land Use Task Force met with the applicant at the community meeting held March 25, 2014, regarding a Conditional Use Permit to use the property located at 169-176 Jenks Avenue for a charter school. The applicant discussed the schools organization, mission and plans for the use of the site.

Residents stated concerns over possible parking spill out into the neighborhood and buses taking up residential parking spaces while waiting to load children. In a preliminary meeting, the bus loading and unloading was discussed with District 6 indicating that parking buses on the street would prove to be a hardship for neighbors. It was discussed the busses would load and unload students in the back parking lot. In the back lot, there is room to perform an actual turn-around.

There were also voiced concerns about the Cayuga freeway entrance and the configuration of the hills around the area for bus traffic.

The applicant's architect brought up the future site plan and there are concerns regarding if Jenks Avenue is vacated, Jenks Avenue is slated to be a pedestrian walkway into the Trout Brook Nature Preserve (formerly Trillium).

It was also mentioned of the possible future rezone of properties. District 6 Planning Council is concerned about the site plan and the area that the students will be boarding the buses.

Despite reservations regarding the location of the loading and unloading of the busses and the need for this to be resolved, District 6 Planning Council agrees with the staff findings and recommends approval of a Conditional Use Permit for a school to be located at 169-176 Jenks Avenue.

Thank-you for your consideration and if you have questions, please contact the office at the numbers above.

Regards,

Jeff Martens

Jeff Martens
Land Use Task Force Chairman
Board of Directors Vice Chairman

Cc: Ward 5

ZF #14-095-630 and 13-243-494
West Grand Avenue Apartments

The applicant, Graham Merry, has requested that the public hearing on the site plan and variance be laid over indefinitely. The Zoning Committee has moved to lay it over to April 10, 2014. We are expecting a signed request for continuance from the applicant before the April 10 meeting, and don't expect to see it on the April 10 agenda. There are no other cases that are scheduled for that meeting. The signed request for continuance will be forwarded as soon as we receive it, and we expect the April 10 meeting to be cancelled.

Langer, Samantha (CI-StPaul)

From: Beach, Tom (CI-StPaul)
Sent: Thursday, March 27, 2014 10:36 AM
To: Afton Martens
Cc: Gaius Nelson; Edward Martell; Jeremy Exley (316); Rachel Westermeyer; Justin Revenaugh; Clarence Chaplin; Jim Lendway; Alyssa Rebensdorf; Cheryl Fogarty; Tammywthomas; David Gibson; Valerie Hoiness; Betsy Judkins; Torstenson, Allan (CI-StPaul); Langer, Samantha (CI-StPaul)
Subject: RE: West Grand Avenue Apartments
Attachments: West Grand Apts Letter.pdf

Afton,
Sorry I could attend the community meeting last night. I was not feeling good and went to bed early.

I got the letter from District 14 with a recommendation to approve the variance. (see attached)

Graham Merry called today and **requested that today's public hearing on the site plan and variance be laid over indefinitely**. He is requesting this because he wants to appeal a decision our office made about counting parking spaces in the ramp shown on his alternative plan for the lot size/density bonus. I expect the appeal would take 4 to 8 weeks. We would renotify neighbors once a new date has been set for the hearing.

I am going to pass this info along to the Zoning Committee. If nobody shows up today to testify, the Zoning Committee will lay the case over. If there are people who come to testify, they will probably ask me to present the staff report, let people testify and then lay it over without taking any action.

I am cc'ing people who sent me comments for the public hearing.

Tom Beach
DSI Zoning
375 Jackson St Suite 220
Saint Paul, MN 55101

651-266-9086
tom.beach@ci.stpaul.mn.us

From: Afton Martens [<mailto:afton@macgrove.org>]
Sent: Wednesday, March 26, 2014 8:57 PM
To: Beach, Tom (CI-StPaul)
Cc: Graham Merry
Subject: West Grand Avenue Apartments

Tom,

Please see the attached letter regarding the variance request for the West Grand Avenue Apartments. Please let me know if you have any questions. Can you please make sure the letter is shared with the Zoning Committee in time for the public hearing?

I also wanted to note that I will be leaving the Community Council on Friday to accept a new position. It has been a pleasure working with you over the last few years.

Best,
Afton Martens

--

Afton Martens
Executive Director
Macalester-Groveland Community Council
320 S Griggs St
St. Paul, MN 55105
Phone: 651.695.4000

The Macalester-Groveland Community Council fosters citizen participation in government and community decisions that make our neighborhood a great place to live, work, learn and play.



320 South Griggs Street
St. Paul, MN 55105
www.macgrove.org

Phone: 651-695-4000
Fax: 651-695-4004
E-mail: mgcc@macgrove.org

March 26, 2014

Tom Beach
Dept of Safety and Inspections
375 Jackson St. Suite 220
Saint Paul, MN 55101

Re: West Grand Avenue Apartments Variance Request

Dear Mr. Beach:

At the March 13th Board of Directors meeting the Board empowered the Housing & Land Use Committee to provide the Community Council's recommendation in respect to the variance request to construct the West Grand Avenue Apartments.

The Housing & Land Use Committee met on March 26th and after 45 minutes of thorough community and Committee discussion, passed the following resolution:

The Macalester-Groveland Community Council recommends support for the West Grand Avenue Apartments variance request, provided that safe ingress and egress on Grand Avenue is sufficiently studied and addressed.

The vote was close with five Committee members in favor of the resolution and five Committee members opposed to the resolution. The tie was broken by the chair in favor of the above resolution. Concerns included the project's failure to comply with the six points outlined in the City staff report and increased traffic and parking congestion. Reasons for support of the variance request included consistency with the Macalester-Groveland Community Council's Corridor Development Initiative and the community plan's goal of increased density in commercial corridors. Should the variance be denied, we encourage City staff and Cullen LLC to work together to develop a site plan that is amenable to all community stakeholders.

Thank you for your consideration of this recommendation. Please contact me with any questions at 651-695-4000.

Sincerely,

Afton Martens
Executive Director

cc: Graham Merry



1600 Hopkins Crossroad
Minneapolis, Minnesota 55413

2F# 14-095-630
13-243-494
West Grand Ave Apts

February 24, 2014

Mick L. Conlan
612-850-4151
mconlan@conlanlaw.com
www.conlanlaw.com

VIA ELECTRONIC MAIL

City of St. Paul, Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101

RE: 2138-2142-2146 Grand Avenue; Preliminary Design Concerns

Dear Sir or Madam,

My name is Mick Conlan and I am an attorney representing Jeremy & Jessica Exley, the owners of the property located at 2132 Grand Avenue. I am writing regarding the proposed construction of a new student housing apartment complex at 2138-2142-2146 Grand Avenue.

My clients would like to share their intense concerns about the proposed project in its current form (as detailed on the attached renderings provided by the developer to the Department of Safety and Inspections). The current plans call for the demolition of several existing single family homes, and the construction of a four story, forty foot tall, multifamily apartment complex; the second apartment complex in two years to be built next to my clients' property by the developer, Cullen, LLC. The existing plans should be reworked for several reasons:

First, the plans for this project depict an unworkable and ill-advised lot line setback. This is Cullen, LLC's Phase 2 development on this block of Grand Avenue. Phase 1, located at 2124 Grand Avenue, resulted in the construction of a five story, 50 foot tall, student housing project less than 25 feet from my clients' property to the east. Phase 2 calls for a four story, 40 foot tall, student housing complex utilizing a 9 foot setback to the west of my clients' property. The setback and height of these buildings effectively blocks any sunlight from entering my clients' property from the east or west, and severely diminishes my clients' property value. It also greatly reduces the privacy of my clients' property. These projects are far too massive in context to the surrounding structures. Phase 2 should be reduced in size and set further back from the lot line to not only preserve my clients' property value, but allow at least a remnant of sunlight to enter my clients' property.

Second, my clients' property would be undevelopable following the construction of Phase 2 at 2138-2142-2146 Grand Ave. Land-locking this single family structure between two large apartment complexes limits the future highest and best use of the land, and severely diminishes and value of their parcel (and the parcel directly to the west of the proposed Phase 2).

Third, my clients are extremely concerned about the impact to their property during the construction phase of this project. While Cullen, LLC's Phase 1 project was built utilizing a 25 foot setback, the realities of the site required the excavation of my clients' property to pour footings and foundation, demolition and reconstruction of my client's sidewalks and landscaping

Conlan Law Group, PLLC
Minnetonka, Minnesota

(after the roots to my client's evergreen tree in his front yard were destroyed), the installation of a construction fence on my clients' property, and restrictions on their ability to access their side and backyard. We are therefore unpersuaded that the construction of a similar building (with a smaller, 9 foot setback) will yield any different results.

Additional impacts on my clients' property will include the removal of my clients' only remaining tree on their property, and the envelopment of my client's property to the east and west by Cullen, LLC fencing. While the initial construction planning depict tree protection for the sole tree in my clients' backyard (the other tree was destroyed during Phase 1 Construction), the Phase 2 renderings depict a fence through the only remaining tree (which is markedly absent from the depiction of the final project in the rendering provided). Destruction of additional landscaping will further diminish my client's property values and lead to a barren lot on Grand Avenue. My clients are also deeply concerned about the installation of a fence surrounding their property on the east and west sides; increasing the perception that the property is sandwiched between two massive developments.

Fifth, my clients are concerned about the increase in density as a result of the construction of this project. The impact of additional students will be evident in increased traffic, decreased availability of parking, increased noise and disturbances, and increased incidents of trespassing across my clients' property (students living in Phase 1 already cut through my clients' backyard). All of this can be summarized as overcrowding due to the massive size, scale and type of development being proposed.

Sixth, the alternative design proposal provided by the developer is also troubling. While my clients appreciate the creative effort to directly address the lot coverage considerations of Phase 2, a two story parking garage serviced by a car elevator is excessive for a residential neighborhood. If the availability of parking is truly a concern for this in-fill development, then the developer should be required to reduce the scope and number of units/ beds within the project. Additionally, while the accessory garage height is listed as 12 feet, this doesn't include the height of the vehicles which will be parked on top of the garage and next to my clients' backyard. This alternative proposal, while creative, will further diminish my clients' property values, reduce green-space, create more impervious surfaces and runoff, greatly reduce privacy at my clients' property, and will further negatively impact the characteristics of the residential neighborhood.

We invite the Department of Safety and Inspections, the Planning Commission, and the City Council to visit the property in person, and see the impact this proposal will have first-hand. We request that the Department of Safety and Inspections work with the developer to increase the setback, reduce the lot coverage, reduce the impervious surface of the project, reduce the height and scope of the building, and reduce the number of units/ beds within the Phase 2 building to make this development less of a burden on the surrounding homes and neighborhood.

Sincerely,

/s/ Mick L. Conlan

2F# 14-095-630
13-243-494

From: Afton Martens [<mailto:afton@macgrove.org>]
Sent: Thursday, March 20, 2014 3:52 PM
To: Jim Lendway
Cc: Beach, Tom (CI-StPaul)
Subject: Re: File 13-243494 and 14-095630

James,

Thank you for your email. At the March 13th Macalester-Groveland Community Council Board of Directors Meeting, the Board voted to table the recommendation regarding the West Grand Avenue Apartments for consideration at the Community Council's next Housing & Land Use Committee Meeting on Wednesday, March 26th at 6:30pm at the Edgumbe Recreation Center (320 South Griggs Street). This is a public meeting and community members are encouraged to attend.

I will share your letter with the Housing & Land Use Committee.

Best,
Afton Martens

On Mon, Mar 17, 2014 at 3:08 PM, Jim Lendway <jimlendway@yahoo.com> wrote:
West Grand Ave Apartments

I will not be able to attend the hearing on 3/27/14 regarding the proposal to build another 20 unit, 4 bedroom apartment building at 2138, 2142 and 2146 Grand Ave.

I strongly opposed to the building of another 5 story 20 unit apartment building at 2138, 2142 and 2146 Grand Ave, similar to the one at 2124 Grand. This is in direct opposition to proposals to limit off-campus student housing in the area. The site currently is occupied by 3 single family homes. The proposal is for 4 bedrooms in each unit, and will obviously be used for student housing. If this new apartment is similar to one already built at 2124 Grand, it will only have 40 off-street parking spots, when 80 would be required for all the students' cars. These addresses are in Residential Parking Permit Area 22 which allows 4 vehicle permits and 2 visitor parking permits for each unit. The students could easily sell any permits that they are not using to friends. This could result in as many as 120 more vehicles parking on the streets in the area. I live at 2111 Lincoln, about 1/2 block away, and already it is difficult to find a place to park on the street. This many more vehicles parking on the street will cause a hazard during snow emergencies. Also, at 5 stories high, it will be one of the tallest structures on Grand Ave west of Dale Street.

Please do not grant any variances for these properties to build any more student housing.

James Lendway
2111 Lincoln Ave
St Paul, MN 55105
651-690-0053

ZF# 14-095-630.
13-243-494

From: Rachel Westermeyer [<mailto:weste065@umn.edu>]
Sent: Thursday, March 20, 2014 2:11 PM
To: Beach, Tom (CI-StPaul)
Cc: Rachel Westermeyer
Subject: Against granting Major Variance to Cullen LLC to build in the West Grand Avenue Zoning District

Dear Tom,

I am opposed to granting this Major Variance to Cullen LLC as I think the City should honor the sanctity of the recently adopted 2013 West Grand Avenue zoning code amendments. These amendments were adopted after much public discussion and input from neighbors, developers and businesses in the area. The zoning code amendments assured neighbors that height and density would be limited mid-block (35% lot coverage and 4 stories or 40 feet high) but height and density would be allowed at the commercial nodes at Cleveland and Grand and Fairview and Grand. These new zoning code amendments were put in place to allow for to allow for mid-block transition to the residential areas to the north on Summit and to the south on Lincoln.

Also, granting a Major Variance under the newly revised zoning code could set a precedent for allowing other building projects of this scope to do likewise in the West Grand Avenue zoning district.

I am also concerned that this Major Variance request fails to meet the six factors for granting a variance. These six variances are under the Board of Zoning Appeals *A, VARIANCE REQUESTS," which I received from your office.

Thus, I ask that this Variance Request be denied on the grounds that granting the request has the potential to seriously compromise the newly enacted zoning code and does not meet the six factors that the Board of Zoning Appeals has outlined.

Thank you for your time.

Sincerely,

Rachel M. Westermeyer
1935 Summit Avenue
St. Paul, MN 55105

West Grand Ave Apts

From: Edward Martell [<mailto:eemartell1@hotmail.com>]

Sent: Monday, March 24, 2014 11:22 PM

To: Beach, Tom (CI-StPaul)

Subject: city staff review of application for West Grand apts variance request

Dear Mr. Beach,

If not too late, please provide my comments to members of the Zoning Committee prior to the public hearing on March 27th.

Dear Zoning Committee Members:

As a Goodrich Avenue neighbor near the proposed West Grand apartment building, I strongly oppose granting Graham Merry a zoning variance for his second private student dorm on the same block of Grand Avenue.

Much thought and effort from neighbors and city planners went into the new zoning requirements and in the end the compromise reached, though a more dense solution than neighbors wanted, is one we can live with and support.

The new zoning requirements were put in place to maintain appropriate density in the mid block areas of West Grand as a means of maintaining the residential/mixed use character of West Grand and protecting the neighborhoods south of Grand from overbuilding by developers.

Now Mr. Merry wants to override these zoning requirements with his variance so he can build to house 56 students and 28 cars.

I don't believe Mr. Merry's application for a variance meets the 6 standards for a variance request or is consistent with the 11 provisions of the site plan review of the Legislative Code. I believe it is solely to maximize personal profit and others (city and neighbors) would pay the bill for any resulting adverse issues that arise.

I believe the Zoning Committee has a legal basis for denying this variance request.

However, should this variance request be approved, I believe you would have legal difficulties denying similar variance requests that will most certainly come to making the new zoning requirements almost meaningless.

I hope the Zoning Committee members will consider the long and difficult process we all went through to establish new zoning requirements for West Grand and deny Mr. Merry's variance request.

Thank you for your consideration of these comments.

Ed Martell
2149 Goodrich Avenue

ZF # 14-095-630
13-243-494
West Grand Ave Apts

From: Valerie Hoiness [<mailto:vkhoiness@gmail.com>]
Sent: Thursday, February 27, 2014 8:24 AM
To: Beach, Tom (CI-StPaul)
Cc: Bradley Cripe; merry.graham@gmail.com
Subject: Variance requested for 2138, 2142 & 2146 Grand Avenue

Dear Mr. Beach,

I understand you are handling this case for the City of St. Paul's meeting on March 27 at 3:30. I hope to attend that meeting; however, I hoped to share my thoughts with you as soon as possible.

As a homeowner on the north side of Lincoln Avenue, I will be affected by the presence of the proposed building more than other neighborhood members. In light of that reality, I am in favor of granting the requested variance to permit the proposed building to occupy a higher percentage of the surface area of the lot as laid out on the plans I have seen.

I believe the plans reflect a desire to minimize alley traffic, design a more wholly self-supporting building for its residents and, ironically, allow for a higher degree of attractive landscaping at the rear of the building facing the alley, thereby creating a more pleasing view for myself and other homeowners who share the alley.

Failing to grant the variance would result in increased traffic in the alley between Grand and Lincoln Avenues, with all its resulting danger, noise, light intrusion, and wear and tear on the road surface of the alley.

Personally, I commend Mr. Merry for having the foresight to anticipate potential problems of adding a high-density building to a limited space and seeking to address those problems in the least-intrusive way possible.

We all must live together. Those of us on the north side of Lincoln Avenue must live more closely than most with any new residents on Grand Avenue. Personally, I would be grateful to do so with the modifications to the project that Mr. Merry is proposing. I hope you will study the plans, consider the request for a variance in this instance and reach the same decision that I have.

Very kind regards,
Valerie Hoiness Cripe and Bradley Cripe

2157 Lincoln Avenue
St. Paul, MN 55105
(651) 387-7979



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

Date: March 26, 2014
To: Planning Commission
From: Neighborhood Planning Committee
Subject: **Vertical Subdivision by Registered Land Survey - Study Initiation**

Background:

Minnesota Statutes § 508.47, Subd. 4 and § 508A.47, Subd. 4 provide for the delineation of multilevel three-dimensional subdivision of space into separate ownership parcels using a registered land survey. However, the city legislative code does not provide a process or standards for city review and approval of such a subdivision.

City Legislative Code Chapter 69, Subdivision Regulations, is currently limited to review of subdivisions of land, not vertical airspace. The only reference to registered land surveys in Chapter 69 is in § 69.705, which states that "registered land surveys shall not be used to avoid the requirements of these subdivision regulations. All registered land surveys which constitute a subdivision as defined in this chapter shall be subject to the provisions herein contained."

Vertical subdivisions are commonly done for residential condominiums under the provisions of MN Stat. 515 for CIC Common Interest Community plats. However, developers have found requirements in MN Stat. 515B that are written for standard residential condominium apartment and townhouse projects make it difficult, time-consuming, expensive, and impractical to use for vertical subdivision of multi-story non-residential and mixed-use buildings, which are desired for transit-oriented development and supported by City-adopted plans and policies.

MN Stat. 515B for CIC Common Interest Community plats provides a framework for addressing the practical and technical complications arising from vertical subdivision of property, including issues regarding access, structural support, maintenance of life-safety systems and components and other shared mechanical and utility services within structures split into separate ownership, the rights and responsibilities of various owners, and a vehicle (the condo association) for maintaining systems and structural features as well as resolving issues that might arise from shared systems and structure. Because of this, building, fire and zoning codes are applied to property covered by a CIC plat as for property with a single owner and a number of rental units.

For the protection of the City, future owners, and those who will occupy buildings that are vertically subdivided using a registered land survey, all of these issues need to be covered by easement and maintenance agreements. While this may be more practical than a CIC plat for

non-residential and mixed-use buildings, it can also be more problematic from a building and fire code perspective, and requires a lot more time and attention from the City to ensure that the easement and maintenance agreements are complete and adequate.

To support and facilitate the kind of higher-density, multi-story non-residential and mixed-use development called for by City-adopted plans and policies, and also to protect the public health, safety and welfare, it would be useful to provide a clear process and standards for City review and approval of vertical subdivision by registered land survey.

Recommendation:

The Neighborhood Planning Committee recommends that the Planning Commission initiate a zoning study for development of amendments to Chapter 69, Subdivision Regulations, of the Legislative Code to provide a process and standards for City review and approval of vertical subdivision by registered land survey, release the following draft amendments for public review, and set a public hearing for May 16, 2014.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Chapter 69. Zoning Code – Subdivision Regulations

ARTICLE II. DEFINITIONS

Sec. 69.200. Definitions.

...

Subdivision. The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots . . .

Vertical subdivision. For the purpose of these subdivision regulations, three-dimensional subdivision of space into separate ownership parcels within an existing building or a proposed building project by registered land survey.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Sec. 69.705. Registered land surveys.

(a) *Generally.* Registered land surveys shall not be used to avoid the requirements of these subdivision regulations. All registered land surveys ~~which that~~ constitute a subdivision or vertical subdivision as defined in this chapter shall be subject to the provisions and requirements of this chapter ~~herein contained~~. All registered land surveys shall be prepared in conformance with state law, including Minnesota Statutes, Sections 508.47, Subd. 4 and 508A.47, Subd. 4.

(b) Vertical subdivision by registered land survey.

- (1) Application submittals for vertical subdivision review shall follow the process provided under sections 69.400 - 69.405 of this chapter. The planning administrator shall cause the proposed vertical subdivision to be reviewed by the city building and fire code officials, the zoning administrator, the public works department and any other affected departments, and shall notify the applicant of any required modifications.
- (2) The proposed vertical subdivision shall be reviewed for compliance with building, fire and zoning codes, the comprehensive plan, and this chapter; for that purpose, building, fire and zoning codes shall be applied to buildings subdivided by a vertical subdivision the same as for a building under single ownership.
- (3) A vertical subdivision application shall include a registered land survey with a cross-sectional drawing showing how the building will be divided into separate three-dimensional ownership tracts. The application shall include legal documents which, when recorded, shall define how the property will function once the individual ownership components are sold. Such documents may include, but are not limited to, encroachment and reciprocal access easements, easements for utilities and structural support, repair and maintenance agreements (covering life-safety systems and components including fire alarms and suppression systems, and other shared equipment and systems such as electrical, plumbing, heating, air conditioning and other mechanical systems not solely serving a single tract), covenants and conditions affecting any tracts, and any other documentation reasonably determined to be necessary or appropriate by the City to protect the public health, safety and welfare. All such documents shall be in a form and substance approved by the City prior to recording. No document previously approved by the city pursuant to this subdivision shall be amended, terminated, or deleted except upon the subsequent written approval of the City, which approval shall not be unreasonably withheld. A request to amend, terminate, or delete documents pursuant to this subdivision shall be made to the City in writing duly executed by all respective parties indicating the need and desire to modify the documents.
- (4) A vertical subdivision that includes a multiple-unit residential ownership component, whether as a condominium, cooperative, or planned community, as these terms are defined under Minn. Stat. § 515B.1-103, will be approved only upon the condition that any residential ownership component in the building or building project is organized as a common interest community under Minn. Stat. Chapter 515B.

city of saint paul
planning commission resolution
file number _____
date _____

Vertical Subdivision by Registered Land Survey – Study Initiation

WHEREAS, Minnesota Statutes § 508.47, Subd. 4 and § 508A.47, Subd. 4 provide for the delineation of multilevel three-dimensional subdivision of space into separate ownership parcels using a registered land survey; and

WHEREAS, the city legislative code does not provide a process or standards for city review and approval of a registered land survey for the subdivision of multilevel three-dimensional of space into separate ownership parcels; and

WHEREAS, for financing and development of the kind of higher-density mixed-use buildings that are desired for transit-oriented development and supported by City-adopted plans and policies, it is often useful to have separate ownership parcels within the building; and

WHEREAS, provision of a process and standards for City review and approval of vertical subdivision by registered land survey would support and facilitate such subdivisions as well as protect the public health, safety and welfare by helping to ensure that necessary easement and maintenance agreements to address the practical and technical complications arising from vertical subdivision of a building, including issues regarding access, utilities and structural support, and maintenance of life-safety systems and other shared systems, are complete and adequate; and

WHEREAS, Section 61.801(b) of the Zoning Code authorizes the Saint Paul Planning Commission to initiate amendments to the code;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission initiates a study for development of amendments to Chapter 69, Subdivision Regulations, of the Legislative Code to provide a process and standards for City review and approval of vertical subdivision by registered land survey.

moved by _____
seconded by _____
in favor _____
against _____