

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, February 5, 2015 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

**PRESENT:** Edgerton, Makarios, Merrigan, Nelson, Padilla, Reveal, and Wickiser  
**EXCUSED:** Wencil  
**STAFF:** Allan Torstenson, Samantha Langer, Josh Williams, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**Jerry Walczak – 15-002-935 – Reestablishment of nonconforming use to construct a new duplex, 1438 Edmund Avenue, between Pascal and Albert**

Josh Williams said the house that used to be on the lot, which is now vacant, was originally constructed as a one-family house. It looks like it was converted to a duplex in the 1960s. He stated that District 11 requested that the case be laid over to allow the Land Use Committee of the Hamline Midway Coalition time to review the application. There were 13 letters in opposition and no letters in support.

Mr. Williams said the staff report states that finding one is met. He noted there is another reasonable interpretation for this finding. It is a single family lot and the dimensions are not sufficient for a new establishment of a duplex. The land and structure could reasonably be used as a single family home that would be conform to the zoning code. Mr. Williams explained it was an error made by staff that the duplex/triplex conversion guidelines were not reviewed and included in the staff report. The guidelines instruct staff not to recommend approval if these requirements are not met.

Upon inquiry from the Commissioners, Mr. Williams said it would be an appropriate action to lay over the case in order to review the duplex/triplex conversion guidelines and revise the staff report. He also stated a site plan has not been submitted by the applicant at this time. Typically this would not trigger a site plan review under the City's normal process. Building designs were submitted that roughly show the layout on the lot, but there were some things that were unclear including some grade changes. Mr. Williams explained that the petition form stated it was a Conditional Use Permit while it should have read Establishment of a Nonconforming Use. However, it clearly stated that the applicant wished to establish a home/duplex at 1438 Edmund Avenue.

Commissioner Padilla said she would recommend that the case be laid over to allow the Land Use Committee time to review the application, and to allow staff to incorporate the duplex conversion guidelines into the staff report, and also to further review condition one of the findings.

Commissioner Reveal agreed with Commissioner Padilla and stated she is equally concerned about condition three pertaining to public safety and the character of the neighborhood, and would like more information about the history of this property with respect to the Department of Safety and Inspections (DSI) and the Police Department.

Mr. Williams explained it is not a typical part of this application process, but after receiving so many opposition letters from the neighbors he did check into the background of the property.

He found sixteen recorded complaints from DSI that were property maintenance related and eighty calls to the Saint Paul Police Department about the property since 2004. Mr. Williams stated that he is not certain if the applicant has lived at the property for the last ten years.

At Commissioner Padilla's inquiry, Mr. Williams confirmed that when a fire occurs at a nonconforming property and the structure is lost, in order to reestablish the use of a duplex, the duplex/triplex conversion guidelines have to be met or staff must recommend denial.

The applicant's representative, Paul Vogstrom, 1151 N. Arm Drive, Orono, MN, stated he thought that that they had a year to reestablish the nonconforming use and questions why they need to bring the application before the Committee.

Commissioner Padilla explained that there is a separate requirement when there is destruction by fire of a nonconforming structure with both State law and the Zoning Code. A building permit for repair or replacement of the structure must be applied for within 180 days or a duplex cannot be reconstructed unless the Planning Commission approves the reestablishment of a nonconforming use.

Mr. Vogstrom stated they were not notified of the 180 day requirement. Due to the complex situation with two fires at the property it took longer for the investigation. There was a long time frame that involved insurance and redesigning a new plan for a house on the lot. Within a six month period they obtained a demolition permit and removed the house. At that point, he thought that would have been brought to their attention by City staff, but the only time they were notified was when they applied for the permit in October. He didn't see that it was stated anywhere that due to a fire they only have six months to obtain the permit. They looked at it as a nonconforming structure and thought there was a year time frame. There has been a lot of time and extra energy put into this and now there might be further delay. There are new codes as of the first of the year and now the house will cost more money to build. This is not a good situation for the applicant. He is not sure how this all got disconnected so badly.

Commissioner Nelson stated the Zoning Code can be complicated, but it is not the City's responsibility to tell everyone what their property rights are, it is up to the individual to determine that for themselves.

Commissioner Padilla added it is clear from the staff report that there was a lack of history on this property so there may not have been a trigger for the City to notify the applicant until plans were submitted for reconstruction. Plans could have been submitted that were for a conforming single family home and the applicant would not be going through this process. Without an existing nonconforming use permit and without an establishment of one prior to this, the applicant is faced with being stuck by a trigger that happened because he submitted too late and read the wrong part of the code.

Mr. Vogstrom said he understands, but this was applied for in October and staff didn't do their due diligence in that amount of time, and they still don't have any answers.

Commissioner Padilla stated that for the record the application was received by the City on January 13, 2015. Staff does an amazing job of putting information together, and sometimes

during the process, between when an application is received and the date that it comes before the Committee, additional information is received which is part of what happened in this case.

Mr. Vogstrom stated that because of insurance issues due to the fires it was basically impossible to meet the time frame that the City allowed. Six months would not have worked. They were misinformed that they had six months to apply for a permit. They can revise the design of the house to a story and a half to be more conforming with the neighborhood.

Upon questions from the Commissioners, Mr. Vogstrom stated Mr. Walczak owner occupied the property over the last ten years. He doesn't know if he is aware of the police calls made to the property.

Commissioner Nelson stated it appears that this application will be laid over, anyone who is here today to speak in favor or opposition may do so, but please note that if you speak at today's public hearing, you will not be allowed to speak at the second public hearing.

No one spoke in favor of the application.

Scott Walters, 1451 Edmund Avenue, Saint Paul, spoke in opposition. Mr. Walters submitted a set of materials including a brief letter going over the five findings that have to be established, the record of 91 police calls to the property since 2001, a list of code compliance complaints that have been filed against the property, and the Hamline Midway Community Plan illustrating where this particular use would be contrary to the City's Comprehensive Use Plan as addended by the Hamline Midway Community Plan. Mr. Walters also noted that the Hamline Midway Coalition is currently opposed to the reestablishment of nonconforming use to construct a new duplex at 1438 Edmund. They have requested that the matter be laid over to allow more time to discuss the matter. See attachments.

Sarah McNally, 1430 Edmund Avenue, Saint Paul, spoke in opposition. Ms. McNally stated that when she signed the petition the applicant or representative willfully misrepresented the application. She was told that his building permit had expired and he needed her to sign in order to build a new house. He did not indicate that he would be building a duplex which she strongly opposes. Ms. McNally stated that the applicant is a terrible landlord and his inability to screen clients and tenants has negatively impacted her life and the life of her family. She has personally called the police on the property dozens of times. In 2005, when her family first moved into their home, the duplex was not owner occupied. The series of violent and sketchy people who have lived in that house made it impossible for her young son to play in their front yard. She frequently called the applicant and he was not interested in improving the lives of the neighborhood or addressing her concerns. She opposes the use of this land as a duplex and especially as owned by the applicant. She is very concerned that if a second duplex is built they are going to have to go back to calling the police everyday, worrying about who is coming and going, making sure their doors are always locked, and keeping track of the kids and dogs at every moment. It is frightening to her that he may be allowed to choose more renters to live 80 feet from her house.

Commissioner Padilla moved to lay over the case to February 19, 2015, to allow time to further review conditions one and three, and to allow staff to revise the staff report to incorporate the duplex/triplex conversion guidelines. Commissioner Reveal seconded the motion.

The motion passed by a vote of 7-0-0.

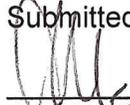
Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:



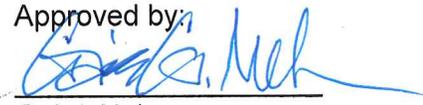
Samantha Langer  
Recording Secretary

Submitted by:



Josh Williams  
Zoning Section

Approved by:



Gaius Nelson  
Chair

Reestablishment of a Non-conforming Use – Code of Ordinances Sec. 62.109 (e).

The commission must make the following findings:

- (1) The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose;
- (2) The proposed use is equally appropriate or more appropriate to the district than the previous legal nonconforming use;
- (3) The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare;
- (4) The proposed use is consistent with the comprehensive plan; and
- (5) A notarized petition of at least 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.

The evidence does not support such a finding under subsections 1, 3, or 4. As to subsection 5, over 1/3 of the property owners of parcels within 100 feet have written the committee objecting to granting the reestablishment of the non-conforming use or are present today to speak against reestablishment of the use despite their earlier signing of the petition.

Furthermore, some of the signatories have indicated they were misled as to the nature and meaning of the document they signed.

### **A conforming purpose – a new single family residence – is a reasonable and economically viable use for this parcel.**

- Houses on this street are generally very well maintained and many residents have recently made significant investments in their single family residences.
  - 1457 Edmund – rental single family home – major renovations in spring/summer 2013
  - 1451 Edmund – New kitchen renovation in 2013/2014
  - 1456 Edmund – Exterior renovations, garage reconstruction, new roof, painting in 2014
  - 1446 Edmund – New kitchen, finish attic expansion, new historically accurate storm-windows and trim restoration, stucco re-dashing in 2006
  - 1439 Edmund – New kitchen, bath remodel, exterior improvements in 2010.
  - This is by no means an exhaustive list.
- A new single family residence was constructed in this neighborhood in 1997 at 603 Pascal, one and a half blocks from this location.

The significant investments being made in both owner occupied and rental houses, along with the construction of a new single family home in this neighborhood over the last few years demonstrate conclusively that single family residential is a reasonable and economically viable use for this parcel. ***The evidence does not support a finding that “the structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.”***

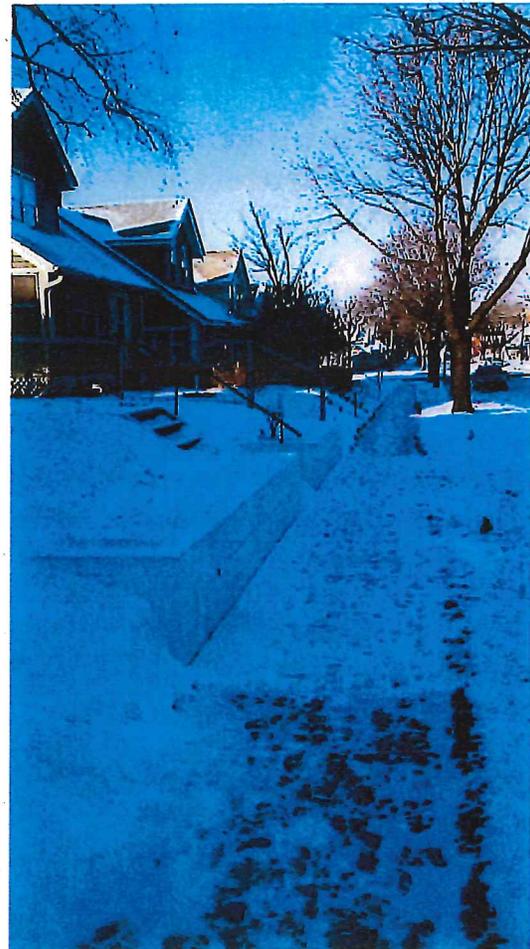
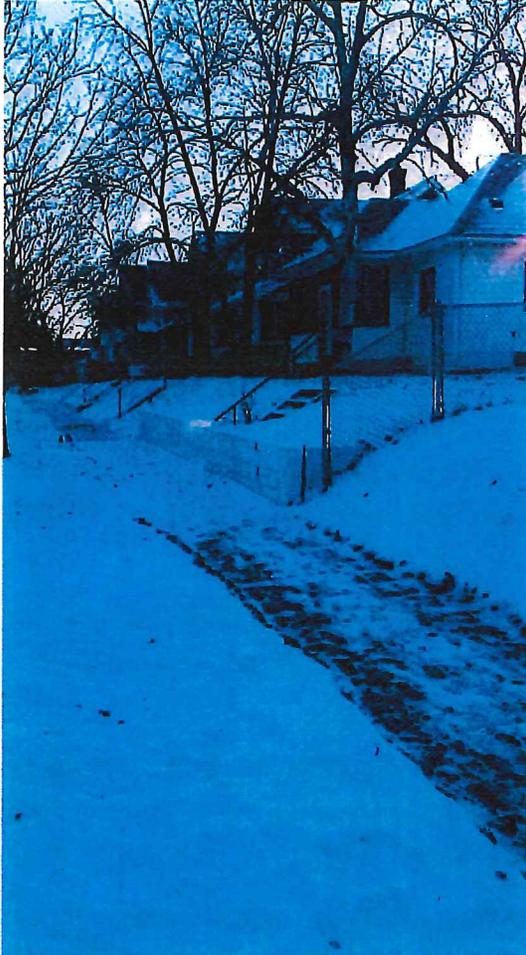
**The proposed use is equal to the previous non-conforming use.**

This finding is reasonable.

**The proposed use will likely be detrimental to the existing character of development in the immediate neighborhood and will likely endanger the public health, safety, and general welfare.**

- The vast majority of structures on this block of Edmund Avenue, whether rental or owner-occupied, are single family residences. There is only one structure on the entire block designed as a duplex, at 1418 Edmund Ave. There are only two other multi-family structures on the block. Elimination of this non-conforming use will make significant progress in elimination of non-conforming uses on this block.
- Allowing this particular parcel to be developed as a non-conforming use will likely endanger the public health, safety, and general welfare.
  - The owner of this property has exhibited a consistent record of epic inability to manage a duplex rental property. Reducing the unit count from two to one will improve the likelihood of successful property management and decrease the ongoing negative impact on city resources, the neighborhood, not to mention the unfortunate tenants of this landlord's stunning lack of property management ability.
    - The police record of this property dating back through the 90s almost defies belief, with 91 police contacts since May 21, 2001. The full record is attached. Highlights of the criminal activity at the property includes:
      - Discharge of a firearm in the city limits,
      - Arson,
      - Drug possession,
      - Disorderly conduct,
      - Domestic violence, (over, and over, and over again)
      - Disturbance – fights,
      - Sexual Offences,
      - Theft,
      - Burglary, and
      - Auto theft
    - The property has had frequent code compliance complaints including tall grass and weeds, garbage, and ice and snow covered sidewalks, requiring multiple inspections and re-inspections to correct. One collection of structural defects required seven re-inspections.
    - Complaints have included **rodent infestations**.
    - The current Vacant Building inspection report has one word that reappears on almost every line "**unaddressed.**" That report is attached.

- o The property is currently out of compliance with city ordinance. Even on the day of a hearing regarding the property, the owner couldn't manage to comply with Section 113.02 of the city code.



The relative absence of multiple family units on this block of Edmund Avenue, with only one designed duplex on the street, combined with the extensive record of criminal behavior and ongoing code violations endangering the health and safety of both neighbors and tenants illustrates the threat that the previous duplex at this address represented. Converting this property to a conforming use will at least limit the opportunity for continued disruption to the neighborhood and the city. ***The evidence does not support a finding that “the proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.”***

## **The proposed use is not consistent with the Comprehensive Plan or with the Hamline Midway Community Plan**

Two of the Major Strategies in the Housing section of the City of Saint Paul's Comprehensive Plan are:

- Preserve and Promote Established Neighborhoods and
- Ensure the Availability of Affordable Housing Across the City

At first blush, it may appear that granting this application to reestablish a nonconforming use would help accomplish those strategies. This first impression is misleading. The City's plan needs to be read within the context of the Hamline Midway Community Plan, an Addendum to the Saint Paul Comprehensive Plan.

The Hamline Midway Housing Plan, Housing Objective and Strategy H3.3: "Encourage development that fill *[sic]* gaps in Saint Paul housing stock, *such as larger rental units.*" (Emphasis added)

Allowing the proposed two family structure will create two smaller units. This is exactly the opposite type of development that the Comprehensive Plan, as clarified by the Hamline Midway Community Plan, strives to achieve. A single family rental unit on this site will create the type of larger rental unit that the Comprehensive Plan has specifically identified as a need for Saint Paul and specifically for the Hamline Midway neighborhood.

Also, the Hamline Midway Community Plan strategy H 2.1 indicates a desire to "Foster relationships between rental property owners and the neighborhood to improve the condition and aesthetic of properties."

The owner of this property, when managed as a duplex, has proven entirely incapable of helping the neighborhood achieve this objective and strategy. Converting to a single family structure may reduce the management burden, creating a better opportunity for the property to help achieve this objective.

Building two smaller units, as opposed to a single larger rental unit, fails to meet the Hamline Midway Community Plan and the City of Saint Paul Comprehensive Plan. ***The evidence does not support a finding that "The proposed use is consistent with the comprehensive plan."***



**1438 EDMUND AVE -- Property Information --**

PIN	Zoning/Use	HPC District
342923240149	R4 - Vacant Building Category 3	

**Information disclaimer...**

Data Disclaimer:-

The City of Saint Paul and its officials, officers, employees or agents does not warrant the accuracy, reliability or timeliness of any information published by this system, and shall not be held liable for any losses caused by reliance on the accuracy, reliability or timeliness of such information. Portions of such information may be incorrect or not current. Any person or entity that relies on any information obtained from this system does so at his or her own risk.

**List of Activity...**

Number	Address	Description	Details	Status
15 002935 000 00 PC	Jerry Walczak	Reestablishment of nonconforming use to construct a new duplex	Planning Commission Cases Type: Nonconforming Use Permit - Reestablishment Work Type: Duplex Entered on: 01/13/2015	Pending
14 326815 RES 00 DM	1438 EDMUND AVE - To be wrecked		Demolition Permit Type: Demolition Residential Demo Issued Date: 09/08/2014 Final Date: 12/24/2014 Contractor: Don & Wayne Excavating LLC Estimated Value: \$6,000.00  Activity (most recent first): Final Inspection: 12/23/2014: Final  Preliminary Inspection: 09/15/2014: Approved  Demolition Review: 09/08/2014: Approved  Erosion Control Review: 09/08/2014: Approved  Zoning Review: 09/08/2014: Approved	Finalled
14 326559 EXC 00 RW	1438 EDMUND AVE	Joint Sewer Excavation Permit	PW Right of Way Permit Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	Canceled
14 326558 EXC 00 RW	1438 EDMUND AVE	Joint Sewer Excavation Permit	PW Right of Way Permit Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	Canceled
14 326557 EXC 00 RW	1438 EDMUND AVE	Joint Sewer Excavation Permit	PW Right of Way Permit Type: Excavation Work Type: Joint Sewer Permit Entered on: 09/08/2014	Canceled
14 322992 OBS 00 RW	1438 EDMUND AVE	Joint Sewer Obstruction Permit	PW Right of Way Permit Type: Obstruction Work Type: Joint Sewer Permit Entered on: 08/26/2014	Canceled

[Move](#)  
[Top](#)  
▲

14 322991	1438	Bulkhead sewer	PW Sewer Permit	Inspected
ASN 00 SS	EDMUND AVE	pipe within 4' behind the property line.	Type: Sanitary Work Type: Abandonment Entered on: 08/26/2014	
		9-5-14: Actual bulkhead was done in the boulevard. Change "Obstruction" fee to "ROW Fee". BA		
14 296700	1438	Cut Tall Grass and weeds on the property	Parks Summary Abatement Type: Tall Grass Entered on: 06/11/2014 Closed on: 06/12/2014	Closed
000 00 PA	EDMUND AVE			
14 188611	1438	CUT & CAP FOR DEMO XCEL PROJECT- 11965199 GSOC TKT- 140760313	PW Right of Way Permit Type: Excavation Work Type: Utility Entered on: 03/20/2014 Closed on: 05/12/2014	Finalied
EXC 00 RW	EDMUND AVE	CROSS STREET- PASCAL ST N 4x5 HOLE IN SW/BLVD ; 120' OF PARKING LANE FOR EQUIPMENT REQUESTED BY- JEFF SCHMIDT 651-229-2381 FAX- 651-229-2396		
14 186230	1438	DUMPSTER TO BE PLACED ACROSS THE STREET FROM PROPERTY ADDRESS.	PW Right of Way Permit Type: Obstruction Work Type: Dumpster Entered on: 03/12/2014 Closed on: 03/21/2014	Finalied
OBS 00 RW	EDMUND AVE			
13 257459	1438		Electrical Permit Type: Service & Circuits Residential Repair/Alter Issued Date: 12/13/2013 Contractor: Oaks Electric Co Estimated Value: \$1,500.00	Closed
S&C 00 E	EDMUND AVE			
			Activity (most recent first): MAIN-Electrical Inspection: 04/08/2014: Permit Closed 03/03/2014: Corrections Required	
13 255096	1438	Opening a VB1-fire exempt file due to severe damage caused by fire. See the fire report for more info. ~MD	Complaint Date: 12/05/2013 Initial Inspection: 12/05/2013 VB Category 3 - Duplex Next Inspection on or after: 02/09/2015 Inspector: 321	Under Review
VAC 00 CS	EDMUND AVE			
			12-5-2013: 01/22/2015: Grass/Weeds (Unaddressed) Hold Vb fee for 90days due to the fire exemption policy. ~MD 01/28/2014 Snow Walk Complaint Received.	
			01/12/2015: Grass/Weeds (Unaddressed) VB Monitoring (Recheck) 12/22/2014: Grass/Weeds (Unaddressed) VB Monitoring (Recheck) 11/19/2014: Grass/Weeds (Unaddressed)	

06/05/2014 Tall VB Monitoring (Recheck)  
 Grass Complaint  
 Received. 10/28/2014: Grass/Weeds (Unaddressed)  
 6/25/14 kids VB Monitoring (Recheck)  
 running in and  
 out of the house 10/15/2014: Grass/Weeds (Unaddressed)  
 almost every VB Monitoring (Recheck)  
 day. Property is  
 an eyesore. 09/22/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

09/08/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

08/15/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

07/23/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

07/15/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

07/09/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

06/25/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

06/13/2014: Grass/Weeds (Unaddressed)  
 VB Monitoring (Recheck)

06/10/2014: Grass/Weeds (Work Order)  
 VB Monitoring (Recheck)

06/04/2014: VB Monitoring (Recheck)

05/20/2014: Garbage/Rubbish (Abated)  
 VB Monitoring (Recheck)

05/12/2014: Garbage/Rubbish (Summary  
 Abatement-Comply By: 05/16/14)  
 VB Monitoring (Recheck)

04/23/2014: VB Monitoring (Recheck)

04/07/2014: VB Monitoring (Recheck)

04/02/2014: VB Monitoring (Recheck)

03/13/2014: VB Monitoring (Recheck)

03/10/2014: Garbage/Rubbish (Advise)  
 VB Monitoring (Recheck)

03/03/2014: Garbage/Rubbish (Summary  
 Abatement-Comply By: 03/10/14)  
 VB Monitoring (Recheck)

02/06/2014: Garbage/Rubbish (Extension)  
 Snow/Ice (Abated)  
 VB Monitoring (Recheck)

02/03/2014: Garbage/Rubbish (Extension)  
 Snow/Ice (Extension)  
 VB Monitoring (Recheck)

01/27/2014: Garbage/Rubbish (Summary

Abatement-Comply By: 02/03/14)  
 Snow/Ice (Orders-Comply By: 01/31/14)  
 VB Monitoring.(Recheck)

12/05/2013: VB Monitoring (Recheck)

12 115805 1438 12/03/2013: Certificate of Occupancy  
 000 00 CO EDMUND Early C of O in Type: Residential 2 Units  
 AVE child referral. Occupancy Type: Dwelling Units  
 Residential Units: 2  
 Class: A  
 Renewal Due Date: Nov 7, 2012

12/03/2013: Condemned/Vacant - 2

12 095050 1438 Building Permit  
 EXP 00 B EDMUND Type: 2-Family/Duplex Express Repair  
 AVE Issued Date: 08/17/2012  
 Final Date: 09/12/2012  
 Contractor: Building A Difference LLC  
 State Valuation: \$1,400.00

Activity (most recent first):  
 Building Permit Inspection:  
 Final Inspection - Appd

09 515881 1438 Follow up on C Referral  
 000 00 RF EDMUND of O folder Type: C of O  
 AVE approved with Entered on: 12/21/2009  
 corrections. Closed on: 07/27/2010

09 515880 1438 Certificate of Occupancy  
 000 00 CO EDMUND Type: Residential 2 Units  
 AVE Occupancy Type: Dwelling Units  
 Residential Units: 2  
 Class: C  
 Completed on: 09/06/2012  
 Paid In Full = Yes

Inspection Results (most recent first):  
 09/06/2012: Approved  
 1. EXTERIOR: Ext. Walls SPLC 34.09 (1) b,c, 34.32  
 (1) b,c (Abated - 7th reinspection) - Severity 7  
 2. Roof SPLC 34.09 (1) e, 34.32 (1) d (Abated - 5th  
 reinspection) - Severity 5

07/26/2012: Correction Orders

06/21/2012: Correction Orders

04/20/2012: Correction Orders  
 1. EXTERIOR: Ext. Window Glass SPLC 34.09 (3),  
 34.32 (3) (Abated - 4th reinspection) - Severity 2  
 2. EXTERIOR: Window Screen SPLC 34.09 (3), 34.33  
 (3) (Abated - 4th reinspection) - Severity 2  
 3. EXTERIOR: Ext. Door SPLC 34.09 (3), 34.33 (3)  
 (Abated - 4th reinspection) - Severity 3  
 4. EXTERIOR: Res. Grading and Drainage SPLC 34.08  
 (2) (Abated - 4th reinspection) - Severity 3  
 5. UPPER: Discontinue Use of Multi-Plug Adapters  
 MSFC 605.4 (Abated - 2nd reinspection) - Severity 2  
 6. UPPER: Bathroom Floor Impervious to Water SPLC  
 34.10(4), 34.33(3) (Abated - 2nd reinspection) -  
 Severity 4  
 7. UPPER: Unit Illegal Locks MSFC 1003.3.1.8  
 (Abated - 2nd reinspection) - Severity 4

11/07/2011: Correction Orders  
 1. Heating Equipment Maintenance SPLC 34.11 (6),  
 34.34 (Abated - 1st inspection) - Severity 5  
 2. Required Smoke Detector Affidavit SPLC 39.02(c)

Condemned/Vacant

Finalied

Closed

Certified

09 275991 1438  
000 00 CO EDMUND  
AVE

(Abated - 1st inspection) - Severity 9

Certificate of Occupancy  
Type: Residential 2 Units  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Class: C  
Completed on: 12/18/2009  
Paid In Full = Yes

History

Inspection Results (most recent first):

- 12/18/2009: Approved w/Corrections
1. EXTERIOR(Both Rear Stairways): Ext. Handrail SPLC 34.09 (2) 34.32 (2) (Deficiency - 6th reinspection) - Severity 5
  2. EXTERIOR(Front): Ground Cover SPLC 34.08 (3) (Deficiency - 6th reinspection) - Severity 3
  3. EXTERIOR(Garage): Accessory Structures SPLC 34.08(5), 34.32(3) (Deficiency - 6th reinspection) - Severity 3
  4. EXTERIOR(House): Ext. Walls SPLC 34.09 (1) b,c, 34.32 (1) b,c (Deficiency - 6th reinspection) - Severity 7
  5. EXTERIOR(Rear Stairway to Upper Unit): Ext. Guardrail SPLC 34.09 (2) 34.32 (2) (Deficiency - 6th reinspection) - Severity 5
  6. UPPER UNIT(Front Entry): Unsafe Interior Stairway SPLC 34.10 (3), 34.33 (Abated - 6th reinspection) - Severity 7
  7. UPPER UNIT(Front Entry): Repair Interior Guardrail SPLC 34.10 (3), 34.33(2) (Abated - 6th reinspection) - Severity 5
  8. UPPER UNIT(Rear Entry): Dead Bolt Required SPLC 34.09 (3) i (Abated - 3rd reinspection) - Severity 5
  9. Heating Equipment Maintenance SPLC 34.11 (6), 34.34 (Abated - 4th reinspection) - Severity 5

11/30/2009: Correction Orders

1. GARAGE: Remove Exposed Wiring MSFC 605.1 (Abated - 4th reinspection) - Severity 4
2. LOWER UNIT(Basement): No Interior Guardrail SPLC 34.10 (3) 34.33(2) (Abated - 5th reinspection) - Severity 5
3. THROUGHOUT: Missing Elect.Cover Plate MSFC 605.6 (Abated - 5th reinspection) - Severity 2
4. THROUGHOUT: Ext. Door SPLC 34.09 (3), 34.33 (3) (Abated - 5th reinspection) - Severity 3
5. THROUGHOUT: Repair Ceilings SPLC 34.10 (7), 34.34 (6) (Abated - 5th reinspection) - Severity 4
6. UPPER UNIT(Side Bedroom): Provide Sleeping Room Egress Window MSFC1026.1 (Abated - 5th reinspection) - Severity 9
7. UPPER UNIT: Ext. Window SPLC 34.09 (3), 34.32 (3) (Abated - 5th reinspection) - Severity 2
8. UPPER UNIT: Ext. Window Glass SPLC 34.09 (3), 34.32 (3) (Abated - 5th reinspection) - Severity 2

10/26/2009: Correction Orders

1. EXTERIOR(Front): Address - Not visible from street SPLC 71.01 (Abated - 4th reinspection) - Severity 3
2. EXTERIOR(Front Entry): Ext. Door SPLC 34.09 (3), 34.33 (3) (Abated - 4th reinspection) - Severity 3
3. EXTERIOR(Garage): Address - Not posted SPLC 71.01 (Abated - 4th reinspection) - Severity 5
4. EXTERIOR: Ext. Sanitation SPLC 34.08 (1), 34.31 (1) (Abated - 4th reinspection) - Severity 6

- 5. LOWER UNIT(Basement): Water Meter Grounding Jumper MSFC 605.1 (Abated - 4th reinspection) - Severity 4
- 6. LOWER UNIT(Basement): Repair Damaged Elect. Fixtures MSFC 605.1 (Abated - 4th reinspection) - Severity 5
- 7. LOWER UNIT(Basement): Flame spread MSFC 806.2 (Abated - 4th reinspection) - Severity 6
- 8. LOWER UNIT(Basement): Repair Interior Handrail SPLC 34.10 (3), 34.33(2) (Abated - 4th reinspection) - Severity 5
- 9. LOWER UNIT(Basement Door): Unapproved Locks MSFC 1003.3.1.8 as amended (Abated - 4th reinspection) - Severity 9
- 10. LOWER UNIT(Front Bedroom): Exit Obstruction MSFC 1028.3 (Abated - 4th reinspection) - Severity 4
- 11. LOWER UNIT: Unapproved Locks MSFC 1003.3.1.8 as amended (Abated - 4th reinspection) - Severity 9
- 12. THROUGHOUT: Comb. Materials - Orderly Storage MSFC 315.2 (Abated - 4th reinspection) - Severity 2
- 13. THROUGHOUT: Light Fixture Globes MSFC 605.1 (Abated - 4th reinspection)
- 14. THROUGHOUT: Interior Unsanitary SPLC 34.10 (5), 34.33 (4), 34.16 (Abated - 4th reinspection) - Severity 8
- 15. THROUGHOUT: Repair Interior Walls SPLC 34.10 (7), 34.34 (6) (Abated - 4th reinspection) - Severity 4
- 16. UPPER UNIT: Comb. Materials Attic Concealed Spaces MSFC 315.2 (Abated - 4th reinspection) - Severity 9

09/28/2009: Correction Orders

- 1. Required Smoke Detector Affidavit SPLC 39.02(c) (Abated - 1st inspection) - Severity 9

09 225219 1438  
000 00 CO EDMUND  
AVE

Certificate of Occupancy  
Type: Residential.2 Units  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Completed on: 08/06/2009

Not a CO Bldg

09 224214 1438  
CFO 00 CS EDMUND  
AVE

Broken windows, stairway appears unsound, rodents going under the house

Inspection Results (most recent first):  
Complaint Date: 08/03/2009  
Initial Inspection: 08/06/2009  
Inspection Results (most recent first):

Callback Pending

07 036618 1438  
000 00 CO EDMUND  
AVE

Certificate of Occupancy  
Type: Residential  
Occupancy Type: Dwelling Units  
Residential Units: 2  
Completed on: 11/08/2007  
Paid In Full = Yes  
11/08/2007: \*\* CLOSED/CANCELLED \*\*

History

06 031645 1438  
RSN 00 SS EDMUND  
AV

PW Sewer Permit  
Type: Sanitary  
Work Type: Repair  
Entered on: 02/17/2006  
Closed on: 03/09/2000

Finald

## Saint Paul Police Department Address/Intersection Report

Address Search: 1438 EDMUND AV

Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
14177077	08/20/2014 16:15:51	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
14098094	05/20/2014 19:33:50	1438		TRAFFIC VIOLATION-DANGEROUS CONDITIONS	GOA
14047478	03/01/2014 12:35:00	1438		ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,OTHER	RR
13257668	12/03/2013 08:33:51	1438		ASS-ASSIST FIRE/AMBULANCE	ADV
13207709	09/25/2013 02:32:06	1438		DISTURBANCE-FIGHTS	GOA
12223328	09/17/2012 14:44:15	1438		POLICE VISIT-PROACTIVE POLICE VISIT	TAG
12215077	09/07/2012 22:59:19	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12210707	09/02/2012 18:50:03	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12197335	08/18/2012 14:25:47	1438	UP	DOMESTICS	GOA
12173128	07/21/2012 21:49:05	1438		DISTURBANCE-FIGHTS	ADV
12170538	07/19/2012 00:14:42	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12142103	06/17/2012 13:57:40	1438		TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	ADV
12138195	06/13/2012 07:01:46	1438	UPST	911 HANGUP	SNR
12123328	05/26/2012 23:55:55	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
12122786	05/26/2012 12:08:17	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
12110544	05/11/2012 23:41:00	1438		INVESTIGATE-AND ALL OTHER	RR
12101606	05/01/2012 19:56:28	1438		DISTURBANCE-FIGHTS	ADV
12089527	04/17/2012 13:01:13	1438		INVESTIGATE-CODE ENFORCEMENT	ADV
12080440	04/06/2012 20:45:01	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
12080312	04/06/2012 18:30:11	1438		DRUGS-NARCOTICS	Unfou
12069551	03/25/2012 13:13:20	1438	UPST	DOMESTICS	ADV
12000229	01/01/2012 04:54:10	1438	UPST	DOMESTICS	SNR
11246447	11/23/2011 20:55:21	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	GOA
11246365	11/23/2011 18:48:34	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	GOA
11169937	08/16/2011 12:20:27	1438	B	911 HANGUP	CAN
11127774	06/23/2011 20:07:43	1438	UPPR	HARASSMENT-PHONE CALLS	ADV
11127598	06/23/2011 16:40:35	1438	LOWR	HARASSMENT-PHONE CALLS	ADV
11126602	06/22/2011 09:50:00	1438		BURGLARY-FORCED ENTRY,DAY,RESIDENCE	RR
11046426	03/09/2011 20:13:32	1438	MAIN	911 HANGUP	SNR
11043186	03/05/2011 02:55:00	1438	2	DOMESTICS	ADV

## Saint Paul Police Department Address/Intersection Report

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Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
11028446	02/12/2011 07:21:29	1438	UP	WEAPONS-DISCHARGING A FIREARM IN THE CITY LIMITS	ADV
11028444	02/12/2011 07:12:00	1438		INVESTIGATE-ASSIGNED TO CRIMES AGAINSTRR PROPERTY	
10230049	10/21/2010 17:28:52	1438		INVESTIGATE-AND ALL OTHER	ADV
10207910	09/22/2010 19:22:00	1438		DRUGS-POSS OF MARIJUANA	RR
10181479	08/20/2010 09:34:38	1438	LOWR	FAMILY/CHILDREN-CHILD ABUSE	Unfou
10163300	07/29/2010 02:20:56	1438	LWR	DOMESTICS	ADV
10154161	07/18/2010 06:41:57	1438		DISTURBANCE-FIGHTS	ADV
10153588	07/17/2010 15:03:57	1438		WEAPONS-WEAPONS	TAG
10092244	05/04/2010 21:55:03	1438		DOMESTICS	ADV
10092234	05/04/2010 21:37:46	1438		DOMESTICS	GOA
10092221	05/04/2010 21:20:00	1438		DOMESTICS	CAN
10081279	04/20/2010 17:13:31	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
10075111	04/13/2010 02:59:13	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
10074190	04/11/2010 23:19:10	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	GOA
10052062	03/15/2010 12:55:17	1438	UP	DOMESTICS	ADV
09201448	09/18/2009 19:30:43	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
09201367	09/18/2009 18:08:48	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
09201261	09/18/2009 16:51:09	1438		POLICE VISIT-PROACTIVE POLICE VISIT	ADV
09201160	09/18/2009 14:38:14	1438	MAIN	HARASSMENT-PHONE CALLS	CAN
09201015	09/18/2009 12:20:55	1438		TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT &CAN RUN	
09201014	09/18/2009 12:20:11	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
09200912	09/18/2009 03:00:00	1438	Upper	DEATH-INVESTIGATION OF A DEATH	RR
09200771	09/18/2009 02:12:18	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09195753	09/11/2009 21:35:31	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
09195733	09/11/2009 21:15:54	1438		DISTURBANCE-DISTURBANCE CALLS	CAN
09167386	08/08/2009 00:39:44	1438		DOMESTICS	ADV
09166878	08/07/2009 15:12:17	1438	2	CHECK WELFARE	ADV
09161712	08/01/2009 15:02:11	1438		DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
09153167	07/22/2009 20:29:37	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09148204	07/16/2009 20:58:56	1438	MAIN	911 HANGUP	CAN
09139759	07/06/2009 23:06:14	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
09137614	07/04/2009 13:40:41	1438	MAIN	DOMESTICS	ADV

## Saint Paul Police Department Address/Intersection Report

Address Search: 1438 EDMUND AV

Total Records: 91

(Sector 1, Grid 85)

Complaint #	Occur Date & Time	House No	Apt#	Incident Type	Dispo
09136678	07/03/2009 12:18:16	1438	MAIN	911 HANGUP	CAN
09104896	05/26/2009 21:16:42	1438		DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
09075854	04/20/2009 15:50:47	1438		INVESTIGATE -JUVENILE	ADV
09034649	02/21/2009 19:33:01	1438	UPST	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	ADV
09034405	02/11/2009 15:55:00	1438	2	THEFT-ALL OTHER,\$501 TO \$1000	RR
09030460	02/15/2009 13:58:02	1438	UL	DOMESTICS	ADV
09003109	01/05/2009 22:10:22	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
08224117	10/27/2008 21:42:47	1438	LOW	HARASSMENT-PHONE CALLS	ADV
08224116	10/27/2008 21:42:10	1438	LWR	HARASSMENT-PHONE CALLS	CAN
08101059	05/31/2008 21:40:11	1438		DISTURBANCE-DISTURBANCE CALLS	GOA
07174313	08/30/2007 21:05:19	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
07085706	05/10/2007 19:47:35	1438		DISTURBANCE-DISTURBANCE CALLS	ADV
07057061	03/30/2007 00:37:33	1438	1	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	ADV
06247134	12/05/2006 16:14:16	1438		INVESTIGATE-AND ALL OTHER	ADV
06243080	11/29/2006 10:48:58	1438	DOWNN	INVESTIGATE-AND ALL OTHER	ADV
06131864	07/02/2006 02:30:00	1438		THEFT-FROM AUTO,UNDER \$500	RR
06086546	05/06/2006 21:06:36	1438	1	911 HANGUP	ADV
05141666	07/09/2005 19:39:55	1438		DOMESTICS	SNR
03172402	08/12/2003 21:19:29	1438		ASS-ASSIST CITIZEN CALLS, ALL	ADV
03167418	08/06/2003 21:31:17	1438		DISTURBANCE-DISTURBANCE CALLS	CAN
03155464	07/24/2003 18:37:58	1438	B	INVESTIGATE-AND ALL OTHER	CAN
03025146	02/09/2003 21:43:00	1438	UP	SEX OFFENSE-MOLESTING	RR
03013333	01/22/2003 08:13:35	1438	UP	FAMILY/CHILDREN-MENTAL/VULNERABLE ADULT	ADV
03011354	01/18/2003 18:17:13	1438	UPST	FAMILY/CHILDREN-MENTAL/VULNERABLE ADULT	ADV
03008601	01/14/2003 16:35:23	1438		DOMESTICS	ADV
02264216	12/04/2002 22:20:16	1438		FAMILY/CHILDREN-VIOLATION OF RESTRAINING ORDER	ADV
02141299	07/07/2002 01:39:58	1438		ANIMAL CALLS-COMPLAINTS,NOT ANIMAL BITES	GOA
01152880	07/23/2001 21:08:00	1438	1	THEFT-ALL OTHER,\$501 TO \$1000	RR
01099976	05/21/2001 22:01:00	1438	UP	AUTO THEFT-AUTOMOBILE	RR

cn	hno	st	ssfx	dir	xst	apt	cdisp	ocdate	incd	sector	grid	timer	times	fimea	timec	supv	squ2	oday	idesc
9518571 1	01438	EDMUN D	AV			STAI	ADV	12/06/95	0037	1	85	0154	0155	0158			113	WED	SUSP ACTIVIT Y
9602960 3	01438	EDMUN D	AV				ADV	03/02/96	0037	1	85	0824	0826	0838	0859			SAT	SUSP ACTIVIT Y
9814494 5	01438	EDMUN D	AV			UPST	REC	09/02/98	1420	1	85	1958	2038	2046	2113			WED	VANDALI SM
9713666 8	01438	EDMUN D	AV				REC	08/24/97	0711	1	85	1242	1243	1258	1426			SUN	AUTO THEFT
9720251 4	01438	EDMUN D	AV				ADV	12/14/97	0065	1	85	0955	0956	1020	1037			SUN	ASSIST CALLS
9710444 4	01438	EDMUN D	AV				REC	07/06/97	0510	1	85	1803	1804		1840			SUN	BURGLA RY

**DISPOSITION KEY**  
**FOR**  
**ADDRESS PRINTOUTS**

**RR OR**

**RCV = RECEIVED**

A Police report was written.

**CAN = CANCELLED**

was written.

The call was cancelled. No police report

**GOA = Gone On Arrival**

The police went to the scene of the call and upon arrival the disturbance/suspects were not there. No report was written.

**SNR = Services Not Rendered**

Police services were not required. No police report was written.

**ADV = Advised**

Police handled the situation at the scene and advised the people involved how to deal with it. No police report was written.

**TRF = Traffic**

A Traffic Tag (ticket/citation) was issued. No police report was written.

**PCN = Previous Case Number**

A case number (C.N.) was previously assigned to this incident at another time. Check that case number's disposition.

**UNF = Unfounded**

There was no reason for the call. No police report was written.

**DUP = Duplicate Call**

A Case Number (C.N.) was previously assigned to this incident at another time. Check that case number's disposition.

**DTX = Detox**

The police brought an individual to the Detox Center. No police report was written.

**MP = Morgan Plan (Traffic Accident Only). The officer went to the scene of the accident, gave all parties an envelope and they were told to exchange envelopes. Each envelope had a state accident form and each party was told to send that form into the State DMV.**

## Saint Paul Police Department Name Search

Person Search: Last, first, middle names starts with "WALCZAK", "JERRY", ""

Total Records: 3

Name & Address	Juv	Person Type	Complaint #	Occur Date & Time	Incident Type
Walczak, Jerry 1145 Rockstone LA, New Brighton, MN 55112 <i>Home Phone:</i>		Complainant	05214527	10/4/2005 4:00:00 PM	THEFT-ALL OTHER,\$501 TO \$1000
		<i>Work Phone:</i>			
Walczak, Jerry 1438 EDMUND AV Apt Lower, ST PAUL, MN 55104 <i>Home Phone:</i>		Victim	13257907	12/3/2013 8:25:00 AM	ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,ENDANGERING LIFE
		<i>Work Phone:</i>			
Walczak, Jerry L 1145 ROCK STONE LN, NEW BRIGHTON, MN 55112 <i>Home Phone:</i>		Victim	14047478	3/1/2014 12:35:00 PM	ARSON-RESIDENTIAL,MULTIPLE OCCUPANCY,OTHER
		<i>Work Phone:</i>			



## Housing

### Introduction

The Hamline Midway Community Plan seeks high quality housing of diverse character and densities by encouraging maintenance and improvement of existing homes while embracing new higher-density housing development. This plan also envisions a healthy balance between owner-occupied and rental properties.

### Housing Objectives and Strategies

- H 1. Encourage the maintenance and improvement of existing housing stock. ✎
  - H 1.1 Support funding assistance to help homeowners with housing maintenance, repairs, and remodeling.
  - H 1.2 Support targeted home remodeling programs that have a broad community impact and/or public health benefits (e.g. exterior repairs, encourage lead paint remediation, lead water line replacement, etc.).
  - H 1.3 Promote a contracting co-op where homeowners with similar repair needs can receive a volume discount by providing a certain amount of work to a contractor.
  - H 1.4 Explore and support efforts proactively address vacant residential properties. ✎
- H 2. Maintain sustainable rental opportunities.
  - H 2.1 Foster relationships between rental property owners and the neighborhood to improve the condition and aesthetic of properties.
  - H 2.2. Create a marketing strategy to promote the
- H 3. Provide a variety of new housing options, particularly near the Green Line LRT.
  - H 3.1 Prioritize redevelopment on University Avenue and Snelling Avenue for high density housing or mix-used development that includes housing. Such development should be appropriate to an urban setting with an emphasis on transit-oriented design.
  - H 3.2 Encourage infill housing development on appropriate sites.
  - H 3.3 Encourage development that fill gaps in Saint Paul housing stock, such as larger rental units.
- H 3. Explore senior housing options, such as a senior housing co-op or assisted living rental buildings. ✎
  - “Hamline-Midway” neighborhood on rental property listings.

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, February 5, 2015 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Edgerton, Makarios, Merrigan, Nelson, Padilla, Reveal, and Wickiser  
EXCUSED: Wencil  
STAFF: Tom Beach, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

**West Grand Avenue Apartments - 14-355-570 – Site plan review for a new 14 – unit apartment building, 2138 - 2146 Grand Avenue**

Tom Beach presented the staff report with a recommendation to approve the site plan with conditions. Mr. Beach stated two new conditions he would like to add to the staff report. Snow must be plowed and stored so that it does not interfere with access to parking spaces. Snow must be removed from the site if needed to meet this condition. Snow may not be stored in the adjacent public alley or on the adjacent private properties. The private sidewalk leading to the west side of the building must be rerouted so that it does not run across the front yard in front of the building. If access to the west side of the building is needed, the sidewalk must run directly out to the public sidewalk on Grand. He stated District 14 made no recommendation, and there were no letters in support, and 2 letters in opposition.

Upon questions from the Commissioners, Mr. Beach stated that the stairwell and elevator landing are not included in the maximum height of the garage. It has been staffs interpretation/policy not to include these items in the calculation of maximum height along with the exceptions noted in Attachment A of the staff report. The 35% lot coverage pertains to the main building and it does not include the garage. The garage is covered by a separate provision that it cannot cover more than 35% of the rear yard. There is a provision in calculating the lot size where half of the alley can be included that states, "in calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements, one-half the width of such alley adjoining the lot shall be considered as part of the lot." There is also a bonus for structured parking which came out to 6,000 square feet. In regards to the parapet height on the parking garage, the zoning code requires 4.5 to 6.5 feet, and this requirement is met at 4.5 feet. Mr. Beach stated there was a traffic report submitted for the project that concluded there would be approximately 1 to 2 percent more traffic generated by the proposed apartment building.

The applicant, Graham Merry, 2124 Grand Avenue, Saint Paul, stated he is very excited about this plan. It has taken three years, six designs, a moratorium and a zoning study to prepare a site plan that meets all of the zoning code requirements. Taking part in the zoning study was an interesting process. There are parts of it that he admittedly does not like, and probably parts of it that his neighbors don't like. He can understand how his first building at Grand and Finn was surprising because nothing had ever been proposed like it before, but the same cannot be said for this building. The community put a lot of time into studying the zoning in the area, and to decide what an appropriate size and density would be, and this building is in compliance. It is a 30% reduction in the number of apartments and a little more than a 30% reduction in the number of bedrooms which is on target with what the planning staff wanted to achieve with the

overlay district. He noted there were a few items he wanted to discuss, the first being the self-service car lift. It is new to Saint Paul, but it's not a new idea. They have been used for decades in a lot of cities. The company he is working with has installed a number of them outdoors. Recently one has been installed in Minneapolis, but unfortunately they have not gotten their final certification from the inspector yet, so staff were unable to see it work. It is a design he thinks we'll see more of in the future. Other municipalities have applauded the use of these car elevators for their space saving design and their ability to provide more off street parking in otherwise tight urban sites. He has learned neighbors are concerned about the car elevator working in different temperatures. These can work in cold and hot temperatures. There is a lift in Fargo, North Dakota, that is similar to the concept they are proposing, and they have not had any problems. They have yet to see a temperature in which it didn't work, and it is because of the type of hydraulic fluid that is used. Rather than a standard hydraulic fluid that is used in excavation equipment it this is more oil based. It does not have the same change in viscosity in low temperatures. Another concern has been noise created by the lift. He contacted the manufacturing company and they said it is about 80 decibels which is similar to a dishwasher or hairdryer. The noise is not created by the lift itself, it is caused by a small pump that is located in a small concrete block equipment room with a steel door. He noted that the lifts have also been installed in car dealerships and in those applications they are indoors and located right on the sales floor. There have been no complaints regarding noise while they are conducting business. Mr. Merry stated that he agrees with the requirement placed in the conditions regarding snow removal. Mr. Merry referred to the neighbors houses. It is unfortunate this site is between two other homes. They could not come to terms with the owner of the property to the east on purchasing the home at an agreeable price. They have exhausted their efforts in trying to purchase the home. The proposed building will cast shadows and block site lines, but it will do so within the confines of the height and density setbacks allowed by the recently redone overlay district study. The biggest issue he would like to talk about is the recommendation to have a reduction in their parking permits. He has been frustrated by how it had been applied with their first building. He planned to appeal that condition at the Grand and Finn building and decided to back out because he didn't want to be adversarial. He was surprised this restriction has never been applied before except for his first building. He is the only developer where this type of permit restriction has ever been applied. The city has parking issues everywhere, but his block is the only one that has ever required a specific additional restriction. He also learned that there is no documentation that requires the additional restriction, it is not in the zoning code or listed in any separate guidelines on how it is applied. There is no standard for how this condition is applied. There has not been a planning or zoning study on this issue. It has been a relatively arbitrary application of a restriction against his buildings. If this is going to be a tool used by the City of Saint Paul, it would help to have some sort of guidelines so that a developer understands how these numbers are arrived at and how they apply to each area. There has been a lot of confusion amongst his residents. He has been unable to respond to them when they have asked why other residents in the neighborhood can get parking permits and they cannot. He agrees with the neighbors that there is a parking problem in this area, but that problem predates both of his developments. The attempt to correct a parking problem by making the most recent developer accommodate all of the changes doesn't seem fair. The intent of the zoning code is to have an unbiased and equal approach applied to all property owners. He can better understand the application of the parking requirement restriction on his first building at Grand and Finn because it was the first building of its size. That justification can really only be used once. They have gone through a

year-long zoning study with community input and experts in the city. They have had ample opportunity to include an additional parking permit restriction in the overlay district and it was overlooked. To add the restriction again to this development seems essentially like spot zoning, and could be interpreted that the City is picking on one developer. He is not looking for special treatment he is only asking that everyone be treated equally and fairly. Maybe a neighborhood review is needed to apply the same standard to all apartment buildings in the area. The building won't be occupied for at least 18 months. A timeline could be put on any restriction to allow time for the city to review the parking in the area and come up with a new plan before the building is occupied.

Upon inquiry from the Commissioners, Mr. Merry said the intention in terms of tenancy with regard to the larger bedroom depends on the intention of the renter. He received complaints about his first building that it was geared towards the student tenant. That was part of the reason he originally designed this building with balconies because it would appeal to a wide range of tenants. He also believes the larger bedroom appeals more to a family structure. This building will be here for a long time. He doesn't know what the University of Saint Thomas will do with its housing on campus or how the institution of college will change. He wants to have a building that has flexibility to be occupied by a family or four young individuals sharing an apartment. Mr. Merry said at his current building at Grand and Finn he does not require potential residents to disclose if they are students. They have a very young demographic, and he doesn't believe there is the traditional family unit with children renting. He stated that they do not rent individual bedrooms they only rent apartments.

Commissioner Merrigan addressed parking issues. It should be reviewed how the City does density calculations. When looking at the Comprehensive Plan it talks about units per acre, and there is a real different impact on infrastructure and density and noise when there are apartments that have four bedrooms as compared to a one bedroom unit. There is no way of distinguishing how many people occupy each unit and it makes the parking requirements difficult to establish. We may not have the appropriate metrics to deal with in the City to get the ideal conditions that we are trying to stipulate in the Comprehensive Plan.

Mr. Merry said he was asked why he is building four bedroom units and explained that he can achieve more rentable rooms with more bedrooms in each unit. As he understands it, in the City of Saint Paul, in residential districts, the density is regulated by the number of units you can have given the lot area. Until recently it didn't matter how many bedrooms were in the unit. Now there is a slight difference in the overlay district, where you need more lot area for a larger unit. If you look at the lot area per bedroom, to build a one bedroom unit it requires 15,000 square feet of lot area, and to build a four bedroom unit requires 19,000 square feet of lot area.

At the questions of the Commissioners, Mr. Merry explained his trash removal and recycling plan. He values having the trash located inside a structure because dumpsters outside can lead to a mess. The trash room will have two three cubic yard rolling dumpsters, and have them emptied per week, and if needed, he will schedule more trash pick-ups.

Marc Manderscheid, 2136 Goodrich Avenues, Saint Paul, spoke in opposition. Mr. Manderscheid said that he agrees with Mr. Merry that there is a parking problem in the area. Some people in the neighborhood have spent over fifteen years trying to get the University to

help them solve parking issues. A new parking facility down the street has only helped a little with parking issues. The whole permit parking systems that Mr. Merry is concerned with is in fact an outgrowth of issues concerning the University of Saint Thomas. He also agrees with Mr. Merry that it would be better if he could have bought the property between his two parcels. The ideal situation would be to connect the driveway which comes from Finn to an underground parking facility in this location. Mr. Merry has chosen not to pay the price that has been asked for by the adjacent property owner. Instead he has come to the City and has identified and presented to you a site plan whose purpose and goal is to gain the density bonus. The density bonus is the reason why there is a parking structure. Only with that bonus can you get to a four story building on this site. He is not opposed to an apartment building at this site, it is zoned RM2, but this is going to be primarily be a residence for college students. The floor plans for the three bedroom and four bedroom units are identical. They have the same outer dimensions, the kitchen and bathrooms are the same, and a couple of the bedrooms are the same. The only difference is that a wall has been removed between two of the bedrooms. He questions if this is really a three bedroom unit or a four bedroom unit. If Mr. Merry chooses to sell the building what assurances are there that a future owner won't put up a wall and make it a four bedroom unit. If all fourteen units were four bedrooms this building could not be built. He is also concerned about how this property will function. This may be a bigger building than ought to be allowed. They have developed structured parking to maximize the amount of square footage used for housing individuals on a lot that is only 120 feet wide. It is part of the City's job to make sure that parking is adequate. City Code Section 63.310, dealing with structured parking, requires that there must be adequate entrances and exits to and from the parking facility. The definition of an off street parking facility talks about having adequate driveway access ways and parking bays. He would submit that an elevator is an access way, it is the only way to get to the second level parking, and he doesn't think this is considered adequate. Is it realistic that residents will use the elevator or would it be more likely they would park on the street. Mr. Beach stated that the District Council has not made a recommendation on this application, the primary reason for that is because there is a lot of information that isn't clear, including information on making auto turn movements with in the parking structure. You would have to make zigzag motions in many instances to actually get a car into each space. If this application is approved he agrees with the condition limiting permit parking. He also added that if it is really a three bedroom unit that ought to be a condition. That there can only be three individuals living one to a bedroom. If the owner is unhappy with that condition, he would suggest the alternative is treat it as though it is a four bedroom unit and apply the parking code and allow the developer to build what he is allowed to build if he put in fourteen four bedroom units.

Rachel Westermeyer, 1935 Summit Avenue, Saint Paul said she had mentioned a possible condition to Mr. Beach for neighborhood calming purposes. During construction of the last apartment building there was a great deal of disruption about many things including blocking roads and parking issues. In order to prevent these issues from snowballing, they established that the builder would communicate with a designated neighbor about construction. The designated person would then communicate that information to the rest of the neighborhood.

Mr. Merry responded to the comments. He agrees with having weekly communication with the neighbors. That was very helpful the first time around and he is happy to comply with that condition. In regards to the concerns raised by Mr. Manderscheid, a property owner has the right to develop the property they purchase. The implication that he should be forced to buy his

neighbor's property at an unreasonable price is something he doesn't agree with. He stated there is not an extensive amount of jockeying to get into any of the parking spaces. He said a study has been done on auto turn to see how each parking space is entered; he showed documents demonstrating how a vehicle could park in each space. He noted they have four more parking spaces than are required and if staff feels it is necessary they can remove a space. In regard to questions about the number of bedrooms and how zoning is applied, he stated that Saint Paul regulates the number of bedrooms per unit. It does not regulate that each bedroom can only have one resident.

No one spoke in favor. The public hearing was closed.

Commissioner Julie Padilla moved approval of the site plan with conditions subject to the additional conditions regarding snow removal, rerouting the private sidewalk leading to the west side of the building so that it does not run across the front yard in front of the building, and weekly communication on construction updates. Commissioner Elizabeth Reveal seconded the motion.

Commissioner Padilla said she agrees with the applicant's issue about being the only one targeted for a condition related to parking permits. She appreciates that this is a new development and that we are trying to deal with a problem that has been exasperated by a lot of things happening in this area. She would request that staff considers what this means to put this requirement onto one property developer in two instances. We should be considering a holistic approach to how we deal with this issue.

Commissioner Edgerton agreed with Commissioner Padilla's statements. He didn't realize there were no restrictions on any other buildings other than the Grand and Finn building. He also questioned the basis for applying these restrictions. If the parking permits were not included with the zoning study why is it felt that it should be included for this building.

Commissioner Wickiser agreed with most of the points Commissioner Padilla stated. It seems unreasonable to have a single developer have these restrictions. He would be in favor of a hybrid approach where assuming that all of the garage spaces were rented then the parking permits would be available. Limiting the parking permits to fourteen seems a little arbitrary.

Commissioner Merrigan stated it does concern her that the standards are unclear regarding this restriction. She also noted this is also a unique situation because there is a high propensity of institutions in the neighborhood. There are also issues in the small area plan Macalester Groveland wrote pertaining to parking. We also need to look at, in relation to parking, is density and number of bedrooms in a unit because this will impact all housing in the city.

Commissioner Reveal stated she agrees with everything that has been said and this does feel arbitrary. She also noted we do cases on a parcel by parcel basis and make unique conditions all of the time. She also stated the City has been working on a three year parking study and she wants to see it completed.

Mr. Beach explained that these are the only two multi-family dwellings that have been proposed in a permit parking zone, and the restriction has been applied to both projects. The Planning

Commission does have the permission to put reasonable conditions on site plan approvals. He stated that if they did fill up all 28 parking spaces in the structured parking, and they have 14 eligible parking permits that would give them 42 places to park and he thought that was a reasonable amount.

Commissioner Padilla stated she would be open to what Commissioner Wickiser had recommended.

After further discussion regarding parking permits restrictions, the motion passed by a vote of 7-0-0.

Adopted                      Yeas - 7              Nays - 0              Abstained - 0

Drafted by:

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Submitted by:

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FOR Tom Beach  
Zoning Section

Approved by:

Gaius Nelson  
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Chair