

MINUTES OF THE ZONING COMMITTEE
Thursday, November 19, 2020 - 3:30 p.m.

PRESENT: Baker, Edgerton, Grill, Hood, Lindeke, Ochs, and Rangel Morales
EXCUSED: DeJoy
STAFF: Tia Anderson, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton. He stated that the chair of the Planning Commission had determined that due to the COVID-19 pandemic it is neither practical nor prudent for the Zoning Committee to meet in person, and therefore the meeting was being conducted remotely, with all members of the Zoning Committee attending the meeting remotely. The public is also able to join the meeting remotely and can speak during the public hearing portion or submit comments by noon on the day before the meeting.

GRAND AVENUE APARTMENTS - 20-086-348 - Appeal of a zoning administrator decision to approve a site plan for a new multi-family residential building at 1769 Grand Avenue.

Tia Anderson presented the staff report with a recommendation of denial for the appeal of a zoning administrator approval of a site plan for a new multi-family residential building. District 14 submitted a letter recommending approval of three requested variances for lot size, off-street parking, and a side yard setback. There were 5 letters in support of the appeal, and 3 letters in opposition to the appeal.

In response to Commissioner Lindeke, Ms. Anderson said there's been no material change to the building design since the approval of the variances by the City Council in June 2020. It's not uncommon that there is a gap in time from the approval of variances or conditional approval of a site plan versus the final approval. Often times they are working on utility issues or there is a gap in time due to financing.

In response to Commissioner Edgerton, Ms. Anderson said that the Planning Commission will make the final decision regarding this unless it gets appealed and then it would go before the City Council.

Ann Steingraeber, Winthrop and Weinstein, 225 S 6th Street, Minneapolis, stated she is representing the appellant. She said they are appealing the site plan for the primary reason that this development is a dramatic deviation and departure from the historic use of the property. The property currently houses a modest two-unit duplex that has historically added six occupants. It will be replaced with a five story, 12-unit, 43-bedroom apartment building that will tower over the existing single-family homes and apartment buildings on Grand Avenue and Summit Avenue. Specifically, the site plan fails to provide adequate protection for adjacent and neighboring properties through surface water drainage, sound and site buffers, preservation of views, light and air. Additionally, as other members of the public will speak to, the site plan does not adequately address increased vehicular traffic, spillover parking, waste collection, and loss of privacy for all neighbors surrounding this site. She wants to highlight that this is not an appeal to preserve the existing duplex. The appellant is in favor of redevelopment of this site but supports it on a more reasonable scale that blends in with the existing uses of the block. They are asking the Zoning Committee to deny the current site plan and to recommend that the developer work with neighboring property owners to revise the site plan in a way that meets the needs of all neighboring property owners.

Anne Geisser, the appellant, 1770 Summit Avenue, Saint Paul, she said it is a pleasure to speak to planners because you see and understand cases with an eye towards short term and long-term results and repercussions. Since this is a site plan review, she believes you must first look at the proposed building and determine whether this design is consistent with the site, the block and the neighborhood that the property owners have chosen to construct on this property. She said she had submitted written comments and would like to direct attention to the statements made about the Macalester-Groveland Plan LU1.2 and the City's 2040 Comprehensive Plan LU-29 which state where a development like this should be placed. It directs large buildings to be built at intersections and smaller buildings to be built in the middle of the block. This proposal is a very tall building proposed for the middle of the block. While Good Timing, LLC asserts that their building fits in with the other buildings of the block it is simply not true. The design and size overwhelm the apartments on each side as well as people being able to look in and out of each other's windows. Good Timing is applying for permission to come into our neighborhood without trying to be a part of it and judging by the space they selected for this building indicates they don't understand the area. The neighborhood does include Summit Avenue where we share an alley which is a thoroughfare that connects us and unfortunately Good Timing doesn't seem to feel they need to recognize the existence of this historic district although part of the historic district does drop onto Grand Avenue around Macalester College. Good Timing dismisses it as not their concern, but that is their neighborhood the same way that Grand Avenue is our neighborhood. Those of us who live on Summit are responsible to adhere to certain guidelines when making repairs or adjustments to our houses that are visible from the Avenue so it should be noted that the proposed buildings height will be visible at 50 feet and five stories from Summit Avenue and will dwarf our homes which are 2 or 3 stories in height. This site is not large enough for the proposed five stories with 43 bedrooms which is extremely significant and important, it will change the look, feel and atmosphere of both blocks. As neighbors who will be directly affected by this structure, we have wanted to meet with the property owner since the beginning of this process in order to discuss our concerns and the hopes of reaching an agreement for their building plan. It was never meant to exclude them from their desire to build on that land but to introduce them to the neighborhood and have them design a building that was compatible with their neighbors.

In response to Commissioner Baker, Ms. Geisser said they are a neighborhood and they look after each other and talk with each other. She has talked with all of the apartment managers and they feel this applicant, Good Timing Inc., doesn't really know the neighborhood. The applicant was coming into Saint Paul and the Grand Avenue area and bought a duplex and he said they were going to use it as a duplex, but they quickly jumped immediately to a five-story building. In their original proposal they said they could have a six-unit building without needing variances and it would have sufficed. Instead of meeting with the neighborhood to discuss options that would fit in better with the surrounding buildings they went immediately to a new five-story building. The applicant will also be proposing a solar roof that can add 3 to 5 feet in addition to the 50 feet being proposed. She was hoping they could all meet and come up with a decent solution for everyone.

In response to Commissioner Hood, Ms. Steingraeber said the appeal specifically addresses the fact that the site plan as approved does not protect adequately the neighboring properties through reasonable accommodations for surface water drainage, sound and site barriers, preservation of view, light and air. This is a 50-foot building that will tower over every other

structure on the block the neighbors are concerned about loss of privacy from this design. The proposal for waste management seems inadequate too. She understands that staff has said that it meets code, but with a minimum of 43 individuals living on a narrow residential lot that used to house six people, the proposed one area for the dumpster seems inadequate for the waste that will be generated by residents onsite. In general, all of the concerns related to the site plan come down to the fact that the intensity of use on this 50-foot lot will exponentially increase over the next year with the development of this residential property.

Ms. Geisser added that the neighbors did not have an opportunity to have any interaction with the City Council. She understands their quasi-judicial roll in terms of talking, but there was no way to have a conversation.

Suzi Kim Scott, 1740 Summit Avenue, Saint Paul, spoke in favor of the appeal. She said she lives within 300 feet of the proposed development. She and her husband have two main reasons that they are not in favor of the site plan. They are concerned and troubled by not only the size, but the integrity of the process in getting to this decision. She said the BZA did vote to deny this project as it was originally planned, and in addition to that she said at the City Council meeting some Council members had similar concerns to the ones being expressed today. As someone who is a product of immigrants herself, as a Korean American, something that she is very supportive of and excited about is the opportunity to build different kinds of housing for the kind of community that we live in. All of us along this corridor love living in the City and love the diversity and love that there are various housing developments for people of all different kinds of lifestyles. For them it isn't opposition to redevelopment, they are highly supportive of and excited that the duplex is going to be redesigned, but what they are asking for is some collaboration of that process. Not only has that not been offered it was also encouraged by the City Council and BZA to integrate the neighborhood into that process. Not to take it over, but merely to receive feedback. She would like to stress that part of the rationale for voting in favor of this with the City Council was to uphold the City's plan for affordable housing and as we will all note that the units that are going to be developed are not housing units meant for those stakeholders. She questions the integrity of the process and rationale for the development.

Debra Asplund, 1760 Summit Avenue, Saint Paul, said she is excited to see someone invest in the property at 1769 Grand Avenue. She is for the development if it stays within the traditional aesthetic appearance and the appeal of the neighborhood with approximate scale and mass to the surrounding buildings. She is concerned about the magnitude of this structure being proposed on the overall privacy, the views, and the environmental impact. The size and the fact that this structure will be jammed into a lot relatively small in comparison to the other properties on the block will reduce air flow, green space and access to natural light for all surrounding residents whether they are on Grand or on Summit Avenue. The building will tower over all those on the block. This gives residents the ability to view into yards, homes and personal space giving us no privacy and bringing safety into play. Several residents have families on the block including her, and the amount of trespassing that they deal with continues to be a burden. Their driveway continues to be a throughway to Summit Avenue, and with an increase of residents comes an increase of trespassing. This is a safety issue and she would like to know how it will be addressed. She requests that the Planning Commission reverse the decision and deny the site plan application.

Commissioner Rangel Morales stated he needed to leave the meeting.

Paul Padratzik, 1760 Summit Avenue spoke in favor of the appeal. Mr. Padratzik spoke about concerns regarding the trash enclosure. He spoke with a couple of waste management companies and they both agreed that you could fit two four-yard waste containers in this particular trash enclosure. In order to have a single week recycling you would only have room for two four-yard containers, and you wouldn't have any room for the recycling containers. He shared a photo of the neighbors building that has 28 bedrooms and they utilize a four-yard waste container plus six recycling containers. It feels like the applicant just used a standard trash enclosure and put it at the end of the lot and called it good. He showed a photo of how the neighboring Grand Finn Apartments property was utilizing a bike rack and it was empty, and they have parking problems. The challenge that he sees is how many parking space variances did they give up for the bike rack. He showed an image where people are making their own parking spaces between buildings. There is neglect by the City and/or the management companies and they are not enforcing parking. He noted a sign that stated permit parking only and parking located in the grass. He shared a picture from Summit Avenue that showed 1769 Grand Avenue in the background stating that the building was going to be twice as wide and twice as tall. They already have an issue with trespassing from residents behind them, and now it will be expanded with an additional 43+ residents in the proposed apartment building.

Lucas Wiborg, 1769 Grand Avenue, said he represents ownership and the development team. He said the approved plans before the Committee today are the results of nearly a year of collaboration between City staff, the neighborhood and their design team. He wants to personally thank the City and County staff members with whom they have worked with to ensure compliance with the requirements of site plan review. This project is very important, not just for himself, but for the Macalester Groveland neighborhood, the City of Saint Paul and the future renters that will be making their home here. There is a lot of demand for housing in the Twin Cities and especially in Macalester Groveland. This location is an ideal place to live for both renters and homeowners. This property is within walking distance to a convenience store, a bank, a grocery store and numerous other small businesses. There are bus stops bookending the block and a dedicated bike path behind the property on Summit Avenue. He and his partner are proud of the project and thankful many people have contributed. A lot of time and resources have been invested to get to this stage. They would like to thank the elected neighborhood council members and the Saint Paul City Council for lending their support. Considering the investment and importance of this project we promise to operate the property to the highest standards. We want it to be a pleasant and safe place for future residents. He said that 51% of Saint Paul residents rent their home, he is also a renter, and he is likely the only renter that submitted public testimony to this project. Unfortunately, the future residents of this property are not here today to testify in support so he will represent the silent majority. This housing type is sorely needed here, and it adds to the diversity of rental options located in the neighborhood. Please consider what this housing represents and the opportunity it offers future residents to have access to this wonderful neighborhood. As a renter, he asks you to deny this appeal because it will grant future renters' access to the same public open spaces, neighborhood amenities and wonderful location that the neighbors on Summit Avenue have been enjoying for decades. Make Saint Paul a place for all.

Cathy Plessner, 2038 Summit Avenue, Saint Paul, said she is grateful to live in a City with leaders who have the foresight to implement the 2040 Comprehensive Plan before the pandemic and George Floyd's death. The very first core value of the plan is equity and opportunity. Achieving this goal will require all of us to get comfortable with discomfort. Lucas Wiborg modeled the empathy we all need to respect and help each other in that process. When he told me that the neighbors feel stunned because it is the first development on the block since the zoning code was established in 1975. She doesn't know how to assuage her neighbor Ann Geisser's fear she can only share her experience. Ms. Plessner said she is a privileged woman who lives on Summit Avenue. She is also an alley plow coordinator. The neighboring properties on Grand Avenue are elevated and they do have a 5-story building in the alley. It appears four on Grand Avenue. As she raises and lowers her front blinds, she prays for the courageous woman across Summit Avenue who is the University of Saint Thomas' president. As she does her dishes she prays for the equally courageous woman across the alley in a sober house. She considers this all part of her privilege. A man named Kevin helped her with that. At a 2018 listening session in a fire station on the east side a Macalester Groveland district council colleague spoke of walking to the Nook for a burger, Kevin an involved east-sider said he doesn't feel safe walking to my car. He said even if I did feel safe, I have no place to walk to. She confessed that she lived on Summit Avenue and the only equity she has to offer is that her neighbor calls the condition of there street a washboard. Kevin's dispirit story is uncomfortable. Macalester Groveland's history of redlined deep covenants has made it the whitest district in Saint Paul. We are also the wealthiest and most educated. Something tells me we can handle some discomfort and she asks the Committee to use all the reasons laid out on the plan, the staff report, and 2040 Comprehensive Plan, as well as Kevin's story, to deny this appeal.

In response to Commissioner Lindeke, Mr. Wiborg said they started this process about a year ago in December. They met and had conversations with Tia Anderson, Councilmember Tolbert, the head of MCGG Neighborhood Council, and Zoning Planner Mike Richardson. They were looking to see what the neighborhood was looking for and how they could add an amenity to this parcel that allowed for efficient housing. Through those discussions they arrived at the plans that the Committee sees today. What they have proposed is consistent with those conversations as evidenced by the neighborhoods support and the approval of the variances by City Council.

No one spoke in opposition to the appeal.

Ann Steingraeber said that the staff report cites zoning code section 61.402c that lays out all the conditions that must be met for approval of the site plan, and based on the testimony from the appellant and other members of the public that live nearby, item number four and five are both applicable and have not been met. Both of those provisions relate to protection of adjacent properties which has not been considered in the development of the site plan.

Commissioner Syed noted he needed to leave the meeting.

Ann Geisser said it was interesting to learn that Mr. Wiborg was able to meet with their Councilmember, but their Councilmember never met with any of the neighbors. She is offended, disturbed and saddened because that should not have happened. She added that while Mr. Wiborg and Ms. Plessner said that this was affordable housing, and that people are

ding to have this available in Mac Groveland, his rents on a four-bedroom unit will be around \$900 per month. She doesn't see this as affordable housing.

Mr. Wiborg expanded on the steps they have taken to get community feedback. They started this process almost a year ago. They spent many months doing outreach and he personally called every property owner on Summit Avenue and sent them mailers asking for their input on this plan. Recently he spoke with Ann Geisser and Paul Padratzik and he doesn't appreciate their attempt to discredit him. He added that within the municipal process in Saint Paul when an application or appeal is received only homeowners are notified of such application or appeal. There is a lot of renters on Grand Avenue, and in Saint Paul they make up the majority, he would like the Committee to think of those renters and think of those people and how this new housing option can help serve them and our City.

The public hearing was closed.

Commissioner Grill moved denial of the appeal of a zoning administrator approval of a site plan for a new multi-family residential building at 1769 Grand Avenue. Commissioner Lindeke seconded the motion.

Commissioner Lindeke said he didn't hear anything compelling from the appellant or from the testimony about the specific findings of the site plan. He said that the City Council has already considered this case and passed the variances on a 5-1 vote with almost no changes to the site plan. The City Council members are elected by the citizens. The Zoning Committee is not elected by anyone, they are appointed by the Mayor, and the City Council earns their votes for the City and represent Saint Paul in the most direct and meaningful sense. He is reluctant to do anything to countermand the City Council.

Commissioner Hood said he doesn't think that there has been an error in procedure or the findings as it pertains to the City Councils approved variances. It also doesn't appear that there has been any error in the zoning administrators work on this case. As it pertains to density, off-street parking, trash receptacle, and the abutting properties it all seems very reasonable and is consistent with the RM2 zoning classification.

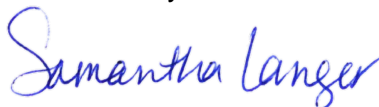
The motion passed by a vote of 5-0-0.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:

Submitted by:

Approved by:


Dan Edgerton (Jan 4, 2021 09:12 CST)

Samantha Langer
Recording Secretary

Tia Anderson
City Planner

Dan Edgerton
Chair






20-086-348 Grand Ave Apt minutes - TA edits

Final Audit Report

2021-01-04

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