

MINUTES OF THE ZONING COMMITTEE
Thursday, January 16, 2020 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: DeJoy, Edgerton, Grill, Lindeke, and Reveal
EXCUSED: Baker, DeJoy, Ochs, and Rangel Morales
STAFF: Anton Jerve, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

863 WATSON AVE - 19-111-186 - Reestablishment of nonconforming use of a house as a duplex., 863 Watson Avenue, NW corner at Victoria St S

Anton Jerve presented the staff report with a recommendation of approval with a condition for the reestablishment of nonconforming use permit. He stated District 9 made no recommendation, and there were no letters in support, and 1 letter in opposition.

The applicant, Deena Laugen, 15776 Diamond Way, Apple Valley, MN 55124, stated she was available for questions.

No one spoke in support or opposition. The public hearing was closed.

Commissioner Elizabeth Reveal moved approval with a condition of the reestablishment of nonconforming use permit. Commissioner William Lindeke seconded the motion.

Commissioner Reveal noted that the letter received in opposition was in opposition to rezoning, and this application is for a reestablishment of nonconforming use.

Commissioner Lindeke noted that we could consider rezoning these properties in the future because there are most likely many historic duplexes that could be providing more housing.

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

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Anton Jerve
City Planner

Approved by:

Dan Edgerton
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, January 16, 2020 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

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

The meeting was chaired by Commissioner Edgerton.

Luther Seminary South Campus Improvements - 19-106-417 - Appeal of approval by the zoning administrator of a site plan for campus improvements including expansion of a parking lot at 1465 Branston Street., 1490 Fulham Street

Tia Anderson presented the staff report with a recommendation of denial for the appeal of approval by the zoning administrator of a site plan for campus improvements pertaining to an expansion of a parking lot at 1465 Branston Street. She stated District 12 did not provide a recommendation on the appeal, and there were 2 letters in support, and no letters in opposition.

In response to Commissioner Grill, Ms. Anderson said that there are currently 12 parking spaces at the site. The surface spaces would fit six cars and there are also two three stall garages. The proposed parking lot would allow for 19 spaces that would include 2 ADA parking spaces. Ms. Anderson said it is not a public parking facility.

The appellant Meri Hauge, 1478 Branston Street, Saint Paul, read a letter she submitted (see attached).

In response to Commissioner Rangel Morales, Ms. Hauge said she did not submit testimony stating her concerns at the public hearing for a Conditional Use Permit in March 2019 because she did not understand the Conditional Use Permit process.

Don Hauge, 1478 Branston Street, Saint Paul, said neighbors and the City put about \$100,000 into the park located across the street. This is an exquisite kids park and it has been that kind of a park for as long as they have lived in the neighborhood. The park has a unique configuration and it is located on a dead-end street with no traffic. Any change in traffic will substantially diminish the atmosphere for the children at the park. We need to protect these sanctuaries for kids.

Misha Dashevsky, 1494 Branston Street, Saint Paul, he has kids that use the park along with many others. The use of the park will increase with the residential development that will be going up in the area too. The park is a vibrant dynamic playground that is located directly across from the parking lot. He doesn't agree with the characterization of the new lot that it will just be an expansion. Currently the lot is more of a driveway with residents parking there and storage in the garages. It will be a different use that what it is currently located there. He would like Luther Seminary to clarify the need for this lot.

Michael Morrow, Vice President, Finance and Administration, Luther Seminary, 2481 Como Avenue, Saint Paul, read from a letter he submitted that he wrote in support of the site plan (see attached).

In response to Commissioner Rangel Morales, Mr. Morrow said they do not want to commit to only faculty and students using the parking lot, they would like to make it available to guests too. He said the current lot doesn't have handicap access spaces and they would like to have the accessibility spaces available. He said they will be changing the nature of Olson Campus Center and removing the large kitchen and dining wing and replacing it with office space. Most of the use of that building will be for faculty and staff offices.

In response to Commissioner DeJoy, Mr. Morrow said they will sign the lot for faculty, staff and students. The main entrance to the campus is off Fulham Street and that is the primary way people will enter the building. There is a lot off Como Avenue too. This parking lot is a hidden back lot. Mr. Morrow said that permit parking is not in their plan. He said that as they consolidate onto a smaller campus they will be losing parking in the area. They will need this parking lot. They also need the square footage for stormwater containment.

In response to Commissioner Grill, Mr. Morrow said that currently the garages are not used very much and the parking area is generally used by students, but it is general parking and open to anyone.

In response to Commissioner Rangel Morales, Mr. Morrow said they want to limit the parking to Luther Seminary uses and think that permit parking would not be in their best interests. They do not want a permanent restriction that prevents them from having guests park there. It will mostly be used by employees and students.

In response to Commissioner Reveal, Mr. Morrow said that no other parking lots at their campus are permit only or restricted to students or faculty.

The public hearing was closed.

In response to Commissioner DeJoy, Ms. Anderson explained the comments listed by the City Departments in the Site Plan Review Report. She said the process includes review by departments and if they have no conditions to add they simply state no comment. It is done after a very thorough review by the department.

In response to Commissioner Reveal, Ms. Anderson said that she believes that Meri and Don Hauge have been in contact with Public Works regarding safety and signage for Branston St.

Commissioner Reveal stated she is sympathetic to the neighborhood on the safety issues, but it is not Luther Seminary's responsibility in terms of their Site Plan Review to take on these issues. It would be an issue the City will have to address for public areas.

In response to Commissioner Grill, Ms. Anderson stated that the parking requirement for the site plan is within the minimum/maximum tolerance that was approved in a Conditional Use Permit and cited in Resolution 19-11. Ms. Anderson confirmed that the Seminary currently meets the minimum parking requirement.

In response to Commissioner Rangel Morales, Ms. Anderson stated that Luther Seminary will be consolidating to the south campus area. There is a possibility that the north campus will be sold to developers.

In response to Commissioner Edgerton, Ms. Anderson said that based on Traffic Engineering standards and Zoning Ordinance, the size and use of the proposed parking lot did not warrant a traffic memo or study, nor a Travel Demand Management Plan for the campus.

Commissioner Edgerton asked if Ms. Anderson had a response to the testimony that stated that the zoning staff reviewers were superficial and that it contributed to errors in findings pertaining to safety. Ms. Anderson said that she respectfully disagrees. She said that staff take their jobs very seriously and the absent of comment does not mean that it was a superficial review or comment. There was a lack of conditions to be placed on the plan to meet City requirements. They were not superficial in their review and ultimate approval of this plan.

Commissioner Elizabeth Reveal moved denial of the appeal of approval by the zoning administrator of a site plan for campus improvements including expansion of a parking lot at 1465 Branston Street. Commissioner William Lindeke seconded the motion.

Commissioner Lindeke said that a primary concern of his street safety. There are steps being taken for the City of Saint Paul to set their own speed limits and reducing them in residential areas. The Department of Public Works will be rolling this program out and he would like to see the appellant work with the Department of Public Works on solutions to ensure safety in the area.

Commissioner Grill said she understands and supports the neighbor's concerns for safety in the neighborhood, but she doesn't see that there is a justification for an appeal.

Commissioner Rangel Morales said Luther Seminary is changing the use of their property and it will negatively affect the way the neighbor's use their property. He doesn't see how it's fair that the City should bear the burden of easing the community concerns, especially when Luther Seminary can take matters to mitigate some of the concerns themselves. There is an amicable resolution where neighbors can be assured that the park continues to be a park they have always used and Luther Seminary can get their parking.

Commissioner Edgerton said he is supportive of reduced speed limits in residential neighborhoods. He said that Luther Seminary is proposing a change to their parking lot that is consistent with the requirements of their Conditional Use Permit. He said that Planning Commissioners understand the safety concerns and are supportive of the City trying to address traffic safety issues.

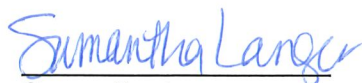
The motion passed by a vote of 5-1-0.

Adopted Yeas - 5 Nays - 1 (Rangel Morales) Abstained - 0

Drafted by:

Submitted by:

Approved by:



Samantha Langer
Recording Secretary



Tia Anderson
City Planner



Dan Edgerton
Chair



Finance & Administration
2481 Como Ave. | St. Paul, MN 55108
www.luthersem.edu

651-523-1660

January 7, 2020

By email and US Mail

Zoning Committee of the St. Paul Planning Commission
C/o Samantha Langer, Committee Secretary
Planning and Economic Development
25 W 4th Street, Suite 1400
Saint Paul, MN 55102

RE: Luther Seminary, South Campus, Site Plan 19-015088

To Whom It May Concern:

I represent Luther Seminary, owner of the subject property above. The Seminary submitted a site plan for the property that was approved on November 26, 2019, which is now being appealed. On behalf of the Seminary, I request that the Zoning Committee deny the appeal and uphold the site plan approval without changes.

Luther Seminary has been a fixture in the St. Anthony Park neighborhood since 1900. We have tried to be good neighbors, allowing community members to use our grounds and facilities for activities ranging from dog walking to community gatherings to serving as the polling place for elections. We look forward to remaining a vital part of the neighborhood for decades to come.

We submitted the above-referenced site plan as part of a larger effort to restructure our campus. Theological education, like higher education in general, has undergone major changes in recent years. We no longer need as large a campus as we once did. Currently, the campus covers 26 acres with 282,000 square feet of building space. Our plan is to consolidate onto roughly 10 acres, with a little over 100,000 square feet of building. The remainder of the campus is being sold to be redeveloped into a range of housing options, including affordable housing, to help ease the housing shortage in St. Paul – as well as adding to the property tax base of the city.

The appeal centers on one small element in the site plan, a 19-space parking lot along Branston Street that replaces two existing garages and surrounding parking area which accommodates up to 12 cars total. A stormwater containment tank will sit beneath the lot, reducing run-off and improving water quality for the entire site. The parking lot is a permitted use within the Conditional Use Permit (CUP) covering the campus and conforms with setback and other requirements established by the City.

The neighbors submitting the appeal cite concerns about safety, due to the increased traffic on Branston street and the adjoining playground. Luther Seminary respectfully disagrees that the design will materially compromise safety. Parking will be restricted to use by Luther Seminary employees, students, and guests, most of whom will use the lot for all or most of the day. As a result, any increase in traffic will be modest, with much of it in the early morning when the playground is less used. Moreover, there is no reason to expect that the Seminary's employees, students and guests will be less attentive than other drivers on Branston Street, despite an implication of such in the appeal letter.

This matter has already been addressed by the Zoning Committee in its consideration of Luther Seminary's amended CUP application in March 2019 (Planning Commission file 19-11). The

Seminary submitted the CUP amendments to correct a drawing error from the 1980s and to position itself for the planned sale of its North Campus parcel. Our application included preliminary site plan drawings that showed the Branston Street parking lot largely as it was presented in the approved site plan, although we have reduced the lot from 21 to 19 spaces in the approved site plan.

The CUP and preliminary site plan were presented at a public meeting of the District 12 Land Use Committee on March 7, 2019; Branston Street residents raised concerns about the lot at that meeting, but the committee and the full St. Anthony Park Community Council (SAPCC) endorsed the proposal. The Zoning Committee held hearings on the CUP on March 14, 2019; again Branston Street residents raised their concerns, but the committee approved the CUP amendments.

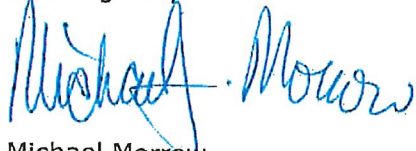
The SAPCC endorsement letter included a caveat concerning efforts to limit traffic volume and speeds on Branston Street. Luther Seminary has taken steps to honor this request. Limiting access to Seminary employees, students, and guests encourages day-long use and hence lowers the number of trips on Branston Street. The City, not Luther Seminary, is responsible for other actions, such as additional street signs and speed limit changes. We support such actions, but it is not appropriate to condition approval of the site plan on such City actions. (Incidentally, the Planning Commission resolution approving the CUP amendments did not include any caveats similar to what was included in the SAPCC letter.)

Luther Seminary's position is that this is a settled matter and the site plan approval should be upheld without changes. The Branston Street parking lot is a permitted use under the CUP. We have designed the lot to comply with all city codes and requirements. City staff have reviewed the plans and agree that the lot complies with both city codes and the CUP.

In closing, I want to emphasize that Luther Seminary shares our neighbors' commitment to pedestrian safety, both on Branston Street and throughout the campus. We have incorporated broad sightlines and clear signage into our design. The plan for our campus entrance off Fulham Street, in particular, enhances safety and access for persons with disabilities.

I plan to attend the Zoning Committee appeal hearing on January 16, 2020. I look forward to answering any additional questions you have regarding our site plan at that time.

Best regards,



Michael Morrow
Vice President, Finance and Administration

Cc: Tia Anderson, Senior City Planner
Kathryn Murray, Executive Director, St Anthony Park Community Council
Meri and Don Hauge

January 16, 2020

Appeal Testimony to Luther Seminary Parking Lot Increase on Branston Street
File #19-106-417

Thank you to Chairperson Edgerton, Zoning Committee members, and City staff, particularly Tia Anderson.

I have been a resident on Branston Street for more than 25 years and a resident of the City of St. Paul for more than 50 of my 67 years of life. I absolutely love St. Paul, its diversity, the commitment to community life and safety of residents, especially children. Additionally I truly enjoy living in close proximity to Luther Theological Seminary. I have gotten to know and am friends with many of their dedicated faculty, kind students and appreciate the beauty of much of their grounds.

Filing this appeal has not been easy. I liken it to when I was in a senior level position in the VA Health Care System and a nursing assistant had to file a safety care concern to me and other senior leaders. The process is confusing and intimidating and it always means that there are opposing views.

There are three areas that I oppose between the statements by Luther Seminary and the review and conclusion by Zoning Committee Staff. They are as follows:

1) Luther Seminary has mischaracterized and/or mislead the City of St. Paul.

In the initial application Luther comments about "the demolition of two 2-car garages on the east side of Olson Campus Center, replacing them with a parking lot, with a net increase of 8 parking spaces (see page 1 of 2 of the City of St. Paul Planning Commission Resolution, 2.(3) second bullet point). The mischaracterization here is that this is the Branston Street parking lot and there was no mention of Branston Street, nor Hendon Triangle children's park, nor traffic.

The truth and the fact is that the Branston Street parking lot is immediately accessible from Branston Street, having to pass by the Hendon Triangle children's park.

Another truth and fact is that there are two 3-car garages that are used by residents who live in the Seminary housing on the West side of Branston Street. And, as you might understand, these six garage spots are NEVER used by guests of Luther Seminary. In my 25 years living across from the parking lot, currently I have noted currently that one Luther student resident, Kelly, parks in one of the garages. Years ago some friends of mine did use one of the garages when they lived here. I believe that many of the garages are used for storage either by Luther or student residents. The remaining six surface parking spots are used by student residents and maybe their guests. However usually there are only about five cars parked in those surface parking spots.

This is also Luther's mischaracterization. A truthful application would have stated actual current use: 5-6 parked student resident vehicles and no Seminary guest usage. Who knows how many vehicles will park in the proposed expanded lot, but could be an

increase of almost three times the number of cars coming onto Branston Street driving past the Children's Park.

Another truth and fact is that the USE of the parking lot is changing. As I stated before, the only people who use the parking lot are Luther Seminary Student Housing Residents. Occasionally one of the maintenance crew will park a truck there to do maintenance on a house. However, if Luther uses the expanded lot as they say they will, we will have "guests" using the lot ... for various Luther events, weddings, chapel services, and busy faculty/staff, all of whom may be hurried and inattentive to the neighborhood, park and children.

- 2) The Zoning Committee Staff reviews were based on the information provided by Luther. When the City Parks and Rec staff person reviewed the Luther plan, he had "No comment". That is incredibly surprising given the fact that the parking lot is in such close proximity to Triangle Park and access to the parking lot goes right by the park. As a citizen, I would have been a lot more confident of this review had there been some mention and finding about the park and the number of children who use the park and how traffic will be controlled and minimized.

In the Planning Commission Resolution of March 22, 2019, there are at least two areas grossly overlooked ... "no change to campus traffic" and "no change to the character or use of the campus". This is simply not true as I have pointed out. The amount of traffic could increase as much as 2-1/2 times and the use is changing to include guests. As one neighbor told me, there are a lot of extra-curricular activities that are hosted at Olson Campus Center and once word gets out that guests can park in the lot on Branston Street, many vehicles will come up on Branston looking for a place to park.

In Luther's rebuttal letter, to my appeal, dated January 7, 2020, Mr. Morrow states that my appeal centers on "one small element in the site plan". I vehemently disagree about this being "one small element". The safety of our children is THE biggest element in this proposed change and needs to be thoroughly considered by all City leaders. Mr. Morrow disagrees that the "design of the parking lot will materially compromise safety". I have read that paragraph many times and conclude that only an institution that is not invested in the neighborhood and children's safety would have written it.

- 3) The findings of the Zoning Staff Review seem based on inaccuracies and misleading statements. The proposed expansion and use of the parking lot are changing as evidenced by Luther Seminary's own words ... 19 proposed surface spaces (an increase from 6 surface spaces and 6 garage spaces); use by students, faculty and guests (currently only student residents use the spaces). And it was only until I filed my appeal that there was anything substantially mentioned about safety and effects on neighboring land and safety. It is my assertion that the Zoning Staff reviewers were superficial and that contributed to errors in findings. The reviewers did not meet their requirements regarding neighborhood impact and safety. If the parking lot site plan is approved by the City there will be greater risk for the safety of children.

In conclusion, I believe it is my responsibility to bring this breach in children's safety to the attention of the City in whatever avenues are available to me. When I initially petitioned Luther, along with about 25 other neighbors, on October 12, 2018, to find other parking and not increase the lot and change the use on Branston Street, I was hopeful. Then neighbors attended the SAPCC Land Use meeting and brought up the concern. The Land Use committee made a recommendation and we have heard nothing from Luther. I have been in touch with our council person about this issue as well.

There is a lot more we can do to protect our children who absolutely love to play at the park. More signs, restricted parking on the West side of Branston, speed bumps, etc. I did propose a compromise in my appeal that I would have brought back to my neighbors, but have heard nothing from Luther or the City about the compromise. Today I am asking that the Zoning Committee halt the change in number of spaces and use of the parking lot to avoid an increased child safety hazard.

Thank you.

Respectfully submitted,

Meri Hauge
1478 Branston Street
St. Paul, MN 55108
651-356-1952