

city of saint paul
planning commission resolution
file number
date

WHEREAS, Neighborhood Development Alliance, File # 16-012-584, has applied for a conditional use permit for a maximum building height of 45 ft., and variance for new construction on slopes greater than 12% in the in the river corridor under the provisions of § 61.501; 61.202(b); 66.331; 68.402(b)(2); and 68.601 of the Saint Paul Legislative Code, on property known as 72 Cesar Chavez Street, Parcel Identification Number (PIN) 082822220146, legally described as Rarig Campus Vac St Accruing And Fol, The E 40 Ft Of The N 175 Ft Of Lot 10 & The N 175 Ft Of Lots 11 And Lot 12 Blk 64 West St Paul Blks 1 Thru 99 And In Sd Rarig Campus Vac St Accruing And Fol, Thqat Part Of Lot 5 Blk 1 Lying Nely Of A Line Desc As Beg; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 24, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. The Neighborhood Development Alliance (NeDA) has applied for a CUP for a maximum building height of 45 feet in order to construct a mixed-use commercial and residential building of four stories (including one of structured parking) consisting of 3,500 square feet of commercial space and 40 mixed-income apartment units of a variety of sizes, three-bedrooms and smaller. There will be a minimum of 10 three-bedroom units in order to meet funding source requirements. Due to practical difficulties related to geologic features of the site, the structure must be, at most, 45-feet high, in order to accommodate the required parking.
2. The Traditional Neighborhood 2 (T2) zoning district allows for the use as of right, but limits the height of the structure to 35 feet. Section 66.331(f), the Traditional Neighborhood District Dimensional Standards table and related footnote, allows the proposed use to apply for a CUP in order to increase the height 10 feet to 45 feet. The applicant has applied for a CUP for a height of 45 feet.
3. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan's **Land Use Plan** (2010) supports a compatible mix of land uses in traditional neighborhood

moved by _____
seconded by _____
in favor _____
against _____

zoning districts (Policy 5.2.1). The **Land Use Plan** designates Cesar Chavez Street as a mixed use corridor. The **District Del Sol Small Area Plan** (2012) designates this site as a redevelopment opportunity. The proposed mixed-income, mixed-use structure constitutes a mix of uses consistent with the intent of the zoning designation.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The applicant is applying for a CUP in part in order to accommodate the required parking on the site, which will minimize traffic congestion in the public streets.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The surrounding neighborhood, known as District del Sol, is characterized by a mix of residential and commercial uses, including cafés, automotive retail, fast food restaurants, and other commercial services. A mixed-use, mixed-income building is consistent with, and complements this mix of uses.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. As noted above, an apartment use is appropriate for the site, and is envisioned as part of the normal and orderly development and improvement of surrounding property.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to approval of the variance applied for concurrently with this conditional use permit.

4. NeDA has also applied for a variance from the River Corridor standard § 68.401(b)(2) - *No commercial or industrial development shall be permitted on slopes greater than twelve (12) percent.* § 68.601 states that the *burden of proof shall rest with the applicant that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs.* This finding is met. The slope in question is not in the public right-of-way. It is not part of the slope that is connected to the larger bluff area to the rear of the building, and it does not compromise safety, a drainage channel or the natural environment. Any retaining walls that may be required will be certified by a registered professional engineer.

5. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The intent of the regulation is to prevent slope instability and subsequent damage to property. A retaining wall will be built to hold back soil or rock from the area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes. The retaining wall will prevent erosion problems and undercutting of the toe of the slope, preventing a danger that the slope may collapse on the site. TN2 zoning is designed for use in existing or potential pedestrian or transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial development. It encourages a mix of uses. Cesar Chavez Street has developed as a transit and pedestrian friendly environment. This variance will not change the uses permitted.
- (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan's **Land Use Plan** (2010) supports a compatible mix of land

uses in traditional neighborhood zoning districts (Policy 5.2.1). The **Land Use Plan** designates Cesar Chavez Street as a mixed use corridor. The **District Del Sol Small Area Plan** (2012) designates this site as a redevelopment opportunity. The proposed mixed-income, mixed-use structure constitutes a mix of uses consistent with the intent of the zoning designation. The variance will not alter this.

- (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant has demonstrated that there are practical difficulties in complying with the provision, mostly related to unique geologic features of the site. In order to build a structure that meets the district dimensional and density standards, meets the design standards, and meets minimum parking requirements for the uses, as much buildable area of the site must be accessible by the developer as possible.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Research of the historic use of the property, locations of historical structures on the property, and the historical integrity of the adjacent bluffline suggest that much of the slope (from 0 to 12%) is composed of man-made fill remaining from buildings that were developed on the site decades ago. This circumstance is unique to this property and was not created by the landowner.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Altering the slope will not change the uses permitted.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Disturbing the slope will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area. Disturbing the slope will allow development that complements the existing character of the neighborhood to occur on this property which has been vacant and underutilized for almost 30 years.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Neighborhood Development Alliance for a conditional use permit for a maximum building height of 45 ft., and variance for new construction on slopes greater than 12% in the in the river corridor at the property known as 72 Cesar Chavez Street is hereby approved, subject to the following condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application and all plans that require alterations to the slope shall be reviewed by appropriate city staff from all pertinent departments.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** 72 Cesar Chavez **FILE #:** 16-012-584
 2. **APPLICANT:** Neighborhood Development Alliance **HEARING DATE:** March 24, 2016
 3. **TYPE OF APPLICATION:** Conditional Use Permit & Variance
 4. **LOCATION:** 88 Cesar Chavez St, SW corner at Congress Street
 5. **PIN & LEGAL DESCRIPTION:** 082822220146, Rarig Campus Vac St Accruing And Fol, The E 40 Ft Of The N 175 Ft Of Lot 10 & The N 175 Ft Of Lots 11 And Lot 12 Blk 64 West St Paul Blks 1 Thru 99 And In Sd Rarig Campus Vac St Accruing And Fol, Thqat Part Of Lot 5 Blk 1 Lying Nely Of A Line Desc As Beg
 6. **PLANNING DISTRICT:** 3 **PRESENT ZONING:** T2
 7. **ZONING CODE REFERENCE:** § 61.501; 61.202(b); 66.331; 68.402(b)(2); 68.601
 8. **STAFF REPORT DATE:** 3/18/2016; updated 3/24/16 **BY:** Jake Reilly
 9. **DATE RECEIVED:** February 23, 2016 **60 DAY DEADLINE FOR ACTION:** April 23, 2016
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- A. **PURPOSE:** Conditional use permit for a maximum building height of 45 ft., and variance for new construction on slopes greater than 12% in the in the river corridor
- B. **PARCEL SIZE:** Frontage on Cesar Chavez = 432 ft.; Parcel = 47,580 sq. ft. (1.09 acres)
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
 - North – commercial land and buildings
 - South – Care facility
 - East – Vacant
 - West – Care facility
- E. **ZONING CODE CITATION:** §61.501 lists general requirements for all conditional uses; §61.202(b) authorizes the planning commission to grant variances when related to permits. §66.331 lists the density and dimensional standards for Traditional Neighborhood districts and has note (f) which allows a maximum height of 45 feet in T2 districts with a conditional use permit; §68.601 authorizes the planning commission to grant variances in the River Corridor Overlay District; □68.402(b)(2) restricts commercial or industrial development on slopes greater than 12 percent.
- F. **HISTORY/DISCUSSION:** The now defunct, Riverview Economic Development Association worked to redevelop the parcel at 72 Cesar Chavez in the mid-2000s. In zoning file #08-235-993, the organization applied for and received a variance for construction on slopes greater than 21% ion the river corridor in order to develop a 10,000 sq. ft. retail space and 50 parking stalls. The anticipated tenant was Holy Land Deli and Grocery. At that time, the applicant also applied for a rezoning of the site to T-2 (Traditional Neighborhood), (Z.F. #08-22042). The parcel is currently vacant and has been vacant for 28 years. The parcel was occupied by the Commercial Club, a chamber of commerce-like business club that provided social and dining opportunities for its members.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The West Side Community Organization (WSCO)'s Riverfront Development and Land Use Committee passed a resolution supporting the application for a CUP and Variance at 72 Cesar Chavez. A copy of the resolution or letter of support will be forthcoming.
- H. **FINDINGS:**
 1. The Neighborhood Development Alliance (NeDA) has applied for a CUP for a maximum building height of 45 feet in order to construct a mixed-use commercial and residential

building of four stories (including one of structured parking) consisting of 3,500 square feet of commercial space and 40 mixed-income apartment units of a variety of sizes, three-bedrooms and smaller. There will be a minimum of 10 three-bedroom units in order to meet funding source requirements. Due to practical difficulties related to geologic features of the site, the structure must be, at most, 45-feet high, in order to accommodate the required parking.

2. The Traditional Neighborhood 2 (T2) zoning district allows for the use as of right, but limits the height of the structure to 35 feet. Section 66.331(f), the Traditional Neighborhood District Dimensional Standards table and related footnote, allows the proposed use to apply for a CUP in order to increase the height 10 feet to 45 feet. The applicant has applied for a CUP for a height of 45 feet.
3. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Comprehensive Plan's **Land Use Plan** (2010) supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The **Land Use Plan** designates Cesar Chavez Street as a mixed use corridor. The **District Del Sol Small Area Plan** (2012) designates this site as a redevelopment opportunity. The proposed mixed-income, mixed-use structure constitutes a mix of uses consistent with the intent of the zoning designation.
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The applicant is applying for a CUP in part in order to accommodate the required parking on the site, which will minimize traffic congestion in the public streets.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The surrounding neighborhood, known as District del Sol, is characterized by a mix of residential and commercial uses, including cafés, automotive retail, fast food restaurants, and other commercial services. A mixed-use, mixed-income building is consistent with, and complements this mix of uses.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. As noted above, an apartment use is appropriate for the site, and is envisioned as part of the normal and orderly development and improvement of surrounding property.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to approval of the variance applied for concurrently with this conditional use permit.
4. NeDA has also applied for a variance from the River Corridor standard § 68.401(b)(2) - *No commercial or industrial development shall be permitted on slopes greater than twelve (12) percent.* § 68.601 states that *the burden of proof shall rest with the applicant that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs.* This finding is met. The slope in question is not in the public right-of-way. It is not part of the slope that is connected to the larger bluff area to the rear of the building, and it does not compromise safety, a drainage channel or the natural

environment. Any retaining walls that may be required will be certified by a registered professional engineer.

5. Section 61.601 states that the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:
- (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The intent of the regulation is to prevent slope instability and subsequent damage to property. A retaining wall will be built to hold back soil or rock from the area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes. The retaining wall will prevent erosion problems and undercutting of the toe of the slope, preventing a danger that the slope may collapse on the site. TN2 zoning is designed for use in existing or potential pedestrian or transit nodes. Its intent is to foster and support compact, pedestrian-oriented commercial development. It encourages a mix of uses. Cesar Chavez Street has developed as a transit and pedestrian friendly environment. This variance will not change the uses permitted.
 - (b) *The variance is consistent with the comprehensive plan.* This finding is met. The Comprehensive Plan's **Land Use Plan** (2010) supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The **Land Use Plan** designates Cesar Chavez Street as a mixed use corridor. The **District Del Sol Small Area Plan** (2012) designates this site as a redevelopment opportunity. The proposed mixed-income, mixed-use structure constitutes a mix of uses consistent with the intent of the zoning designation. The variance will not alter this.
 - (c) *The applicant has established that there are practical difficulties in complying with the provision; that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is met. The applicant has demonstrated that there are practical difficulties in complying with the provision, mostly related to unique geologic features of the site. In order to build a structure that meets the district dimensional and density standards, meets the design standards, and meets minimum parking requirements for the uses, as much buildable area of the site must be accessible by the developer as possible.
 - (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. Research of the historic use of the property, locations of historical structures on the property, and the historical integrity of the adjacent bluffline suggest that much of the slope (from 0 to 12%) is composed of man-made fill remaining from buildings that were developed on the site decades ago. This circumstance is unique to this property and was not created by the landowner.
 - (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Altering the slope will not change the uses permitted.
 - (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. Disturbing the slope will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area. Disturbing the slope will allow development that complements the existing character of the neighborhood to occur on this property which has been vacant and underutilized for almost 30 years.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of

the conditional use permit for a maximum building height of 45 ft., and variance for new construction on slopes greater than 12% in the in the river corridor subject to the following additional condition:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application and all plans that require alterations to the slope shall be reviewed by appropriate city staff from all pertinent departments.

ZF #16-012-584
Cesar Chavez



West Side Community Organization
209 Page St W.
St. Paul, MN 55107
Tel: 651-293-1708
Fax: 651-293-0115

March 15, 2016

Re: ZF #16-012-584
Att: Jake Reilly
Planning & Economic Development
25 W. 4th Street, Suite 1400
Saint Paul, MN 55102

Dear Mr. Reilly,

On Tuesday March 15th, the Riverfront Development and Land Use committee of the West Side Community Organization (the formal Planning Council for the City of Saint Paul's West Side) voted unanimously to support NeDA's application for a Conditional Use Permit to build up to height of 45' and a Zoning Variance to build into the bluff where slopes exceed 12% on the south side of the building at 72 Cesar Chavez.

Please let me know if West Side Community Organization can be of further assistance.

Sincerely,

WSCO /District 3 Planning Council
RDLU Co-Chairs
Hokan Miller
Diggitt McLaughlin

ZF# 16-016-050
M. Romo

From: Ed Davis [mailto:ed@edwardgdavis.com]
Sent: Friday, March 18, 2016 11:08 AM
To: caty@frogtownmn.org; sam@frogtownmn.org; Langer, Samantha (CI-StPaul)
Cc: Bostrom, Dan (CI-StPaul); Thao, Dai (CI-StPaul); #CI-StPaul_Ward5
Subject: Re-establishment of Non-conforming Use

To Whom It May Concern:

I am writing to express concerns about the rezoning of a non-conforming use at 416 Sherburne Avenue.

First, this property and neighborhood was NOT designed to have a triplexes. Given it is a non-conforming and the additions on the second & third floor do not match the house, I strongly suspect that

the work was done without permits or with the intention of creating more space for the existing duplex units. The on-street parking and alley parking does not support three families.

Second, assuming the individual purchased the property and is now asking for the re-zoning, the commission should not grant it based on the untrue expectations of the property investor to get a triplex in a duplex neighborhood. The buyer should have done additional research before purchasing the property.

In summary, the area and property were zoned as duplex because of the negatives externalities that the area cannot absorb. Please do not approve the rezoning.

Sincerely,

Ed Davis
612 412-4421
1169 Lane Place
St Paul
55106



Frogtown Neighborhood Association (District 7)

685 Minnehaha Avenue West • Saint Paul, MN • 55104
Tel: 651-789-7481 • Fax: 651-789-7482 • www.frogtownmn.org

March 21, 2016

RE: 419 Sherburne nonconforming use request

Dear Mr. Romo,

I want to thank you for notifying the Frogtown Neighborhood Association (FNA) about your desire to create a triplex at the property you now own and inhabit.

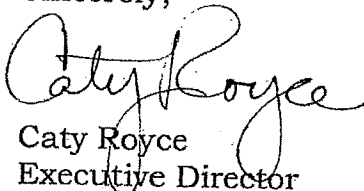
FNA has historically supported owner occupied dwellings and the fact that you live in the building and intend to continue living there would be a BIG plus for any plans you are asking the city to support.

As we have stated FNA would like discuss your project at length with you and the neighbors that are supporting your project at our April Frogtown Forum. We can do that even if the Planning Commission decides to authorize the nonconforming use request.

The staff report lays out important information that we believe support your project: the primary fact being that denying the request would force you lose your home and is an economic hardship for you, secondly, the structure has historically been used as a duplex/triplex, since 1912!!!! Therefore for most if it's life the building has existed as something more than a single family home.

I look forward to our continued collaboration and wish you luck with the Planning Commission.

Sincerely,


Caty Royce
Executive Director

419 Sherburne Ave

- Each floor is a separate unit, each with a kitchen and bath.
- There is a front and back entrance for each unit.
- Each unit's entrance is accessed by common area entry way.
- Each unit is completely private from the other units.
- Heat is controlled independently from by each unit
- Each tenant controls the heat of their unit.
- There is a separate electrical panel for the common areas.
- My property has four off street parking spaces and it's a block and a half from bus or lightrail.
- This is an owner-occupied building.
- Losing the ability to rent out the first and second floor unit would cause me great financial hardship resulting in being forced to move.
- I would be satisfied if the third unit could at least be leagally considered an efficiency studio

Other multi-family units in my neighborhood that have more units and smaller lots than mine.

5 units 559 Charles Ave; **Lot size 3920 sq ft** - most likely not owner-occupied

4 units 559 Charles Ave; **Lot size 5000 sq ft** - ft most likely not owner-occupied

4 units 677 sherburne; **Lot size 4300 sq ft** - most likely not owner-occupied

My property: 419 Sherburne is 3 units with 5000 square ft.

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WHEREAS, Nova Classical Academy, File # 16-015-194, has appealed a Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue, under the provisions of §§61.701 & 66.344(c) of the Saint Paul Legislative Code, on property located at 763 Kay Ave, Parcel Identification Number (PIN) 142823210045, legally described as Victoria Park Lot 1 Blk 6; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 24, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. In a letter dated February 18, 2016, the Planning Administrator approved two modifications of the Victoria Park Master Plan: a change in building type from townhome to rental apartments, and an increase in the maximum building height from 40' to 49'6". The Victoria Park Master Plan's maximum building height governs the *entire* building, regardless of how close to the setback lines it is located.
2. Minor plan modifications may be approved by the Planning Administrator, while major plan modifications require review by the Planning Commission and City Council. Minor plan modifications include changes of less than 10% in land area designated in a specific category, provided such changes are consistent with the intent of the master plan. §66.344(c)(2) states that "major modifications include changes of 10% or more in land area designated in a particular category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block." Planning Administrator decisions are subject to appeal to the Planning Commission. Review by the City Council would only occur if: (a) an appeal of the Planning Commission's decision is filed; or (b) the Planning Commission determines that the proposed changes constitute a major modification.
3. The Victoria Park Master Plan's land use category of Mixed Residential (as shown in Plate 6) is not being changed, and so the threshold of 10% land area change that would constitute a major plan modification is not met. Also, the change in building type (Plate 7) from townhomes to apartments is consistent with the master plan's intent, including as stated in Core Design and Planning Principle #1 ("The site is urban in character, in terms of block

moved by _____
seconded by _____
in favor _____
against _____

size, block arrangement and density.”), Principle #4 (“There is a range of housing types, prices and styles.”), and Principle #5 (“The neighborhood is well-designed so that relatively high densities are provided in medium-rise, human-scaled buildings.”). Therefore, due to both the lack of land use category change and consistency with master plan intent, the change in building type constitutes a minor modification of the Victoria Park Master Plan.

4. The proposed increase in height from 40' to 49'6" allows for one additional story for the residential use, totaling approximately 13 additional residential units. The additional units constitute approximately a 2% increase in residential units for the master plan area, which is a minor change that is consistent with the master plan's intent.
5. A building height increase is not included in the list of changes in §66.344(c)(2) that constitute a major master plan modification, and the change in maximum building height for this site from 40' to 49'6" is not similar to the changes listed in §66.344(c)(2) as constituting a major master plan modification.
6. The total impact of the building type change and the height increase is to allow approximately 37 additional residential units on the site, which will allow a total of approximately 537 residential units in the Victoria Park Master Plan as compared to the 2005 vision that anticipated approximately 840 units. The total proposed changes to the Victoria Park Master Plan constitute a minor amendment and are consistent with the master plan's intent.
7. The applicant has not yet applied for City site plan review and approval for the proposed apartment development. The number and type of dwelling units proposed will be specified as part of the site plan to be submitted for City review and approval, and parking to meet the parking requirement for the unit mix will be shown. For multiple-family dwelling units, the Zoning Code generally requires 1 parking space per efficiency or 1-bedroom unit, 1.5 spaces per 2- or 3-bedroom unit, and 2 spaces per unit with 4+ bedrooms (dens count as bedrooms). In the T3M zoning district, this parking requirement may be reduced by 25%. Also, in T3M, on-street parking located along a property's frontage may be used toward that property's parking requirements. At the March 10 public hearing, the applicant stated an anticipated unit mix that would result in a parking requirement of 52 spaces. Approximately 18 parking spaces could be provided on the adjoining streets, though the applicant stated on March 10 that they anticipate relying on only 6 street spaces. It is anticipated that a traffic study, which City staff have already requested, will be required as part of site plan review.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal by Nova Classical Academy of the Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue is hereby denied and that the Planning Administrator's decision is upheld.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Victoria Park Apartments Phase 3 **FILE #** 16-015-194
 2. **APPLICANT:** Nova Classical Academy **HEARING DATE:** March 24, 2016
 3. **TYPE OF APPLICATION:** Appeal of a Planning Administrator decision
 4. **LOCATION:** 763 Kay Ave, SW corner at Mercer Way
 5. **PIN & LEGAL DESCRIPTION:** 142823210045, Victoria Park Lot 1 Blk 6
 6. **PLANNING DISTRICT:** 9 **PRESENT ZONING:** T3M
 7. **ZONING CODE REFERENCE:** §66.344(c); §61.701
 8. **STAFF REPORT DATE:** March 17, 2016, updated March 24, 2016 **BY:** Bill Dermody
 9. **DATE RECEIVED:** March 3, 2016
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- A. **PURPOSE:** Appeal of Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building.
- B. **PARCEL SIZE:** 160 feet (Kay Avenue) x 142 feet (Mercer/Victoria) = 22,720 square feet
- C. **EXISTING LAND USE:** Vacant
- D. **SURROUNDING LAND USE:**
School to the southwest (T3M), vacant land to the northwest (T3M, designated for residential), apartments to the northeast (T3M), and a parking lot and railroad tracks to the southeast (T3M).
- E. **ZONING CODE CITATION:** §66.344(c) governs changes to a master plan; §61.701 provides for appeals of planning administrator approvals to the Planning Commission.
- F. **HISTORY/DISCUSSION:** The site was zoned T3M in 2005 as part of the 65-acre Victoria Park Master Plan rezoning (ZF# 05-093694). The 2005 Master Plan included the following:
 - Nearly 840 units of housing, with some commercial along 7th Street
 - 245 apartment units
 - 233 condominium units
 - 178 townhome units
 - 120 senior units (of various subtypes)
 - 25 single-family detached units
 - 30 units in accessory structures (i.e. garages)
 - 20 units in mansion-style buildings
 - 5,000 sq. ft. of retail in a mixed-use building along W. 7th Street
 - A central park located, in part, on the subject site and the adjacent school site
 - Building heights ranging from 2-10 stories, with most being 2-4 stories

Also in 2005, approximately half of the Victoria Park Urban Village was rezoned to T3M, while the remaining half's rezoning was delayed due to a lawsuit by Exxon Mobil.

In 2007, a minor modification of the Victoria Park Master Plan was approved by the Planning Administrator, which:

- Added 30 senior units along Otto Avenue (part of Shalom Home campus);
- Subtracted 13 townhome units from same location; and
- Increased the location's maximum height from 40' to 44'.

In 2008, a major modification of the Victoria Park Master Plan was approved by the City Council that changed the building type at 782 Hathaway Street (now 1500 7th Street West) from condominiums and rental apartments to retail to allow for the Mississippi Market grocery store. The condominiums and apartments had been planned for approximately 123 units.

In 2009, the Exxon Mobil lawsuit was settled and, two years later, the remainder of the Victoria Park Urban Village was rezoned to T3M and I1 (ZF# 11-238977).

In 2011, a major modification of the Victoria Park Master Plan was approved by Planning Commission and City Council (ZF# 11-239001), which:

- Increased the overall amount of open space and shifted more of it to the site's southern and eastern portions so as to comply with the Exxon Mobil settlement;
- Removed several streets that had been planned but not built in the Exxon Mobil portion of the site;
- Changed land use for the current school site from open space, townhomes, and single-family attached to institutional;
- Removed one block of Mercer Way and provided an angular, direct connection between Thurston Street and Victoria Way to accommodate the school site;
- Provided a maximum height for the school site of 52';
- Changed land use from single-family attached to townhomes for the subject site;
- Overall, decreased the amount of residential by approximately 382 units, including:
 - 162 apartment units (leaving none)
 - 100 condominium units (leaving ~93)
 - 92 townhome units (leaving ~86)
 - 13 single-family detached units (leaving ~12)
 - 15 units in accessory structures (leaving ~15)
 - 10 units in mansion homes (leaving ~10)

In 2012, a minor modification of the Victoria Park Master Plan was approved by the Planning Administrator (ZF# 12-053065), which:

- Changed land use from single-family detached to townhomes for a portion of the block bounded by Otto, Mercer, Kay, and Victoria, thereby making the entire block designated as townhomes;
- Removed an alley between Victoria Street and the railroad tracks; and
- Added surface parking near the railroad tracks southeast of the Otto/Victoria intersection.

In 2012, two apartment buildings with approximately 213 units were approved (ZF# 12-069736) on land identified by the amended Victoria Park Master Plan for townhomes (approximately 48 units).

In total, the current Victoria Park Master Plan allows for approximately 500 residential units, as compared with 840 units in the original 2005 version.

- G. **DISTRICT COUNCIL RECOMMENDATION:** The Fort Road Federation recommends that the appeal be granted and the Planning Administrator's decision be overturned.

H. FINDINGS:

1. In a letter dated February 18, 2016, the Planning Administrator approved two modifications of the Victoria Park Master Plan: a change in building type from townhome to rental apartments, and an increase in the maximum building height from 40' to 49'6". The Victoria Park Master Plan's maximum building height governs the *entire* building, regardless of how close to the setback lines it is located.
2. Minor plan modifications may be approved by the Planning Administrator, while major plan modifications require review by the Planning Commission and City Council. Minor plan modifications include changes of less than 10% in land area designated in a specific category, provided such changes are consistent with the intent of the master plan. §66.344(c)(2) states that "major modifications include changes of 10% or more in land area designated in a particular category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block." Planning Administrator decisions are subject to appeal to the Planning Commission. Review by the City Council would only occur if: (a) an appeal of the Planning Commission's decision is filed; or (b) the Planning Commission determines that the proposed changes constitute a major modification.
3. The Victoria Park Master Plan's land use category of Mixed Residential (as shown in Plate 6) is not being changed, and so the threshold of 10% land area change that would constitute a major plan modification is not met. Also, the change in building type (Plate 7) from townhomes to apartments is consistent with the master plan's intent, including as stated in Core Design and Planning Principle #1 ("The site is urban in character, in terms of block size, block arrangement and density."), Principle #4 ("There is a range of housing types, prices and styles."), and Principle #5 ("The neighborhood is well-designed so that relatively high densities are provided in medium-rise, human-scaled buildings."). Therefore, due to both the lack of land use category change and consistency with master plan intent, the change in building type constitutes a minor modification of the Victoria Park Master Plan.
4. The proposed increase in height from 40' to 49'6" allows for one additional story for the residential use, totaling approximately 13 additional residential units. The additional units constitute approximately a 2% increase in residential units for the master plan area, which is a minor change that is consistent with the master plan's intent.
5. A building height increase is not included in the list of changes in §66.344(c)(2) that constitute a major master plan modification, and the change in maximum building height for this site from 40' to 49'6" is not similar to the changes listed in §66.344(c)(2) as constituting a major master plan modification.
6. The total impact of the building type change and the height increase is to allow approximately 37 additional residential units on the site, which will allow a total of approximately 537 residential units in the Victoria Park Master Plan as compared to the 2005 vision that anticipated approximately 840 units. The total proposed changes to the Victoria Park Master Plan constitute a minor amendment and are consistent with the master plan's intent.
7. The applicant has not yet applied for City site plan review and approval for the proposed apartment development. The number and type of dwelling units proposed will be specified as part of the site plan to be submitted for City review and approval, and parking to meet the parking requirement for the unit mix will be shown. For multiple-family dwelling units, the Zoning Code generally requires 1 parking space per efficiency or 1-bedroom unit, 1.5 spaces per 2- or 3-bedroom unit, and 2 spaces per unit with 4+

bedrooms (dens count as bedrooms). In the T3M zoning district, this parking requirement may be reduced by 25%. Also, in T3M, on-street parking located along a property's frontage may be used toward that property's parking requirements. At the March 10 public hearing, the applicant stated an anticipated unit mix that would result in a parking requirement of 52 spaces. Approximately 18 parking spaces could be provided on the adjoining streets, though the applicant stated on March 10 that they anticipate relying on only 6 street spaces. It is anticipated that a traffic study, which City staff have already requested, will be required as part of site plan review.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends that the Planning Administrator's approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue be upheld and that the appeal be denied.

Attachments:

1. Appeal application
2. Planning Administrator decision
3. Request for Planning Administrator decision
4. 2011 Victoria Park Master Plan
5. 2007 Victoria Park Master Plan
6. Ordinance 05-456 & original 2005 Victoria Park Master Plan
7. Maps

2F # 16-015-194
Victoria Park

Englund, Cherie (CI-StPaul)

From: Eric Lagerquist <eric.lagerquist@gmail.com>
Sent: Tuesday, March 22, 2016 6:33 AM
To: Dermody, Bill (CI-StPaul)
Subject: Fwd: File Number 16-015-194 / Victoria Park Apartments Phase 3 / 763 Kay Avenue

March 22, 2016

Eric Lagerquist

2016 Palace Ave

Saint Paul, MN 55105

651-698-9156

Eric.Lagerquist@gmail.com

Zoning Committee

Attn: Bill Dermody

City of Saint Paul

Department t of Planning and Economic Development

Sent via email to: Bill.demody@ci.stpaul.mn.us

Councilmember Chris Toblert

Sent via email to: ward3@ci.stpaul.mn.us

Re: File Number 16-015-194

Victoria Park Apartments Phase 3

763 Kay Avenue

Dear Board of Zoning Appeals and Councilman Tolbert,

I am a Saint Paul resident and have two children that are students at Nova Classical Academy, and a parent that is cared for three days a week at Shalom Home. I am writing to express my concerns with the project Victoria Park Apartments Phase 3 at 763 Kay Avenue. They are as follow;

1. **The proposed underground parking drive is located along Mercer Street and cross the side walk immediately adjacent to the school this side of the school and is very busy everyday during drop and pick up. This is a dangerous location for the entry and exit for the ramp with school children walking past.** Victoria Way also has heavy traffic during school drop and pick-up times. Any vehicular site entry should be located on Kay Avenue as that is the primary address of the building and would be much safer.
2. There is does not appear to be enough parking be provided off-street for the proposed building, nor does there appear to be any accounted for parking for the commercial space in the building. Already the street parking is used in front of this proposed address by resident of the of the adjacent apartment buildings. **This combined with the future development and planned park will add to the difficulty of parking for the entire neighborhood and create a dangerous situation for pedestrians.**
3. It appears that much of the Victoria Park Master Plan has not been followed. More apartment building have been built instead of town homes. This increase of density is not consistent with the master plan. With Victoria Park Apartment Phase 3 planned for 50 plus units in lieu of 13 town homes it further increases the density and further the deviation from the master plan. The master plan calls for diversity, that is being further lost with this proposed change. **These multiple minor change to the plan are resulting in a major change that should be reviewed by the planning commission and the city council.**
4. The proposed apartment building's location height and size is much different than the master plan. **These changes will have a negative impact on the learning environment of the schools class rooms.** This apartment building will impact the natural day light within classrooms and impede the views out of the classrooms. This proximity of the building may also result in unwanted views from the school in the the adjacent apartments and of possible viewing into the classrooms.

Thank you for your time and consideration in hearing my concerns.

Kind Regards,

Eric

Eric Lagerquist

651-324-8183

Eric.Lagerquist@gmail.com

ZF# 16-015-194
Victoria Park

March 20, 2016

Jane Lagerquist
2016 Palace Ave
Saint Paul, MN 55105
651-698-9156
jglager@gmail.com

Zoning Committee
Attn: Bill Dermody
City of Saint Paul
Department of Planning and Economic Development
Sent via email to: Bill.dermody@ci.stpaul.mn.us

Councilmember Chris Tolbert
Sent via email to: ward3@ci.stpaul.mn.us

Re: File Number 16-015-194
Victoria Park Apartments Phase 3
763 Kay Avenue

Dear Board of Zoning Appeals and Councilman Tolbert,

I am a Saint Paul resident and have two children that are students at Nova Classical Academy. We are writing to express our concerns with the proposed project Victoria Park Apartments Phase 3 at 763 Kay Avenue. They are as follow;

1. Victoria Park Apartment Phase 3 is deviating from the master plan with an apartment building with 52 units in lieu of 13 town homes. This in itself is a large change, but when combined with previous deviation from the master plan for Victoria Park Apartments 1 and 2 in lieu of town homes it has resulted in a major change in the neighborhoods density. The proposed apartment building will result in a change of more the 50% from the master plan for the neighborhood.
2. Parking can be difficult in the neighborhood and will become a greater problem with the addition of an apartment building instead of town homes. This is even more complicated by the reduced number of parking spaces being provided off street for the proposed apartment building.
3. The underground parking entrance/exit is located along Mercer Street which is a heavily trafficked street and sidewalk during school drop and pick-up times. This is a **dangerous** situation. Victoria Way also has heavy traffic during school drop and pick-up times. Any vehicular site entry should be located on Kay Avenue.
4. The height of the proposed apartment building and location will greatly impact the amount of natural day light that can enter a good number of the classrooms in the adjacent school building.

To further illustrate these concerns, I've included the Building Zoning codes for the T3M and a site plan and elaboration of some concerns. I've used large numbers to indicate where the point is being made on the site map.

① Future Grown in the Neighborhood. - In addition to 763 Kay Avenue there are two parcels of land that are available for development in the Victoria Park Master Plan. There is pie shape parcel north along Kay Avenue and a parcel adjacent to Shalom Home. **Will these sites also deviate from the master plan and further increase the neighborhood density and increase traffic and parking issues?** Additionally it is still unclear how the new

park and athletic fields will affect event parking. We cannot foresee all the parking needs to these areas at this time. But we hope that the future development will follow the original intention of the master plan.

② Lack of Land Use diversity - Sec. 66.343.b(1)- *Land use diversity.* *In general, it is desirable for each block to include some diversity in housing type, building type, and mix of land uses. In T3M districts any two (2) abutting block faces shall include more than one (1) land use or building type.*

The master plan calls for diversity. The proposed apartment building will be facing directly across the street to another apartment building for the full width of the block on Kay Avenue. This is not diversity.

③ Match Existing Façade Lines. - Sec. 66.343.B (5) *Use established building facade lines.* *New buildings shall relate to the established building facade line on the block where they are located. On most nonresidential or mixed use blocks, this is the inside edge of the sidewalk. For corner buildings, each facade that fronts a public street shall maintain the established building facade line. Portions of the facade may be set back a greater distance to emphasize entries or create outdoor seating and gathering areas.*

The school and the adjacent apartment buildings are 3 stories tall. The development of this project should be required to follow the master plan. If it doesn't, it will look ill-planned, inconsistent. None of the elevations, illustrations, or perspectives provided by CHASE shows the 4th floor proposed building in context with the existing buildings.

④ Proposed building is not oriented per all sides. - 66.343.b(6) *Buildings anchor the corner.* *New buildings on corner lots shall be oriented to the corner and both public streets.*

In this instance, images provided by CHASE are only showing one corner public face. It also does not show it in relation to the location, with the neighboring buildings. Since the building sides 3 streets – they should be required to present the design of all three sides.

⑤ Underground parking is placed directly in pedestrian and major traffic flow. Safety Concern for both Pedestrian and traffic on Mercer St. - 66.343.b(18) *Off-street parking shall be provided within a principal structure, underground, or to the rear of buildings to the greatest extent possible. Limited side yard parking may be appropriate. Entrance drives and garage doors for underground or structured parking may face the street, except adjacent to light rail transit platforms, but shall be designed for pedestrian convenience and safety.*

The proposed apartment building will bring underground parking exit/entrance traffic within 30 feet of the school. It has its entrance directly in the flow of cars dropping off or picking up children each day. There will be a greater chance of automobile pedestrian and automobile accidents with this location versus Kay Avenue. Additionally commercial space in the proposed building (Yoga studio) requires parking – According to zoning, they are required to provide 1 parking space per 400 GFA. None of their documentation presented shows the location or calculations for these parking spaces or the square footage of the commercial space. This yoga facility traffic will most likely be during school hours and school events.

⑥ The Minor modifications which have repeatedly been made has resulted in a Major Modification from the original Master Plan. - Sec. 66.344. *Changes to master plan.* *Once approved, a master plan may be modified as follows:*

(1) *Minor modification.* *Minor modifications to an approved master plan may be requested by the property owner or developer. The planning administrator may approve minor modifications, including changes of less than*

ten (10) percent in land area designated in a specific category, provided such changes are consistent with the intent of the master plan.

(2) Major modification. *Major modifications to an approved master plan may be initiated by the city council, the planning commission, or any person having an ownership or leasehold interest (contingent included) in property that is the subject of the proposed modification. Major modifications include changes of ten (10) percent or more in land area designated in a specific category; creation of a new public street or removal of a public street segment; removal of a park or open space area; or addition or removal of an entire block. Major modifications may be approved as an amendment to the master plan by city council resolution following planning commission review, public hearing and recommendation.*

Only 50% of the housing units constructed follow the master plan. Victoria Park switched from 25 townhomes to 2 buildings totaling 215 apartments. The proposed building will change the master plan from 13 townhomes planned to 46-52 apartments.

The original master plan had a “community-building” neighborhood planned with trees, human scale façades making a pedestrian friendly urban village. Increasing the height of the proposed building changes the scale, creating corridors instead of friendly, approachable neighborhoods. Obstructed corners limit site-lines in areas for children, elder living facility visitors, residents, park visitors and other pedestrians.

⑦ Parking concerns: Victoria Park Apartment Building 1 and 2 currently have 215 apartments with underground parking (estimated 215 spaces), and 71 parking lot parking spaces, and an estimated 77 street parking spaces, for a total of 363 parking spaces. I observed on two separate Saturday mornings at 6:00 am, a utilization of 92-95% of parking lot and street parking. Overnight parking results in all of Mercer Street and all of Victoria Street between Otto and Kay filled with parked cars, along with 2/3 of the parking spots on Kay Avenue (between Victoria and Mercer). Including the fee based underground parking and the occupied outdoor parking, this adds up to an actual use of 1.6 cars per apartment.

If this ratio (1.6) of actual use in the current Victoria Park - is applied to the new building, the 46 apartment building residents would actually use closer to 73 parking spots. Since this is the only Apartment building in Victoria Park without an outdoor parking lot, the proposed building will be greatly depending on street parking to cover overage of their only 46 underground spots. Also, even more parking will be needed for the yoga studio.

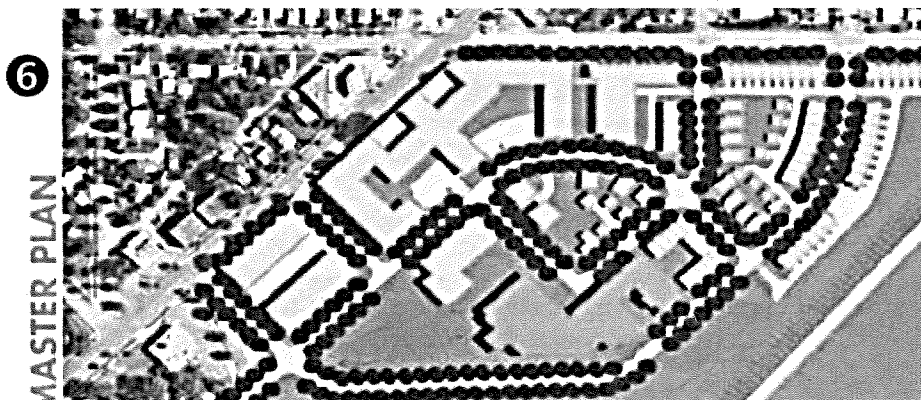
According to zoning statistics, 60% of apartment parking is still needed during the day. (In actuality - few of this 60% will move their car off the street after parked for the day.) Parking signs limiting hours of parking would need to be installed near the school, and police will need to manage the parking issues.

The average gross rent in Saint Paul is \$780 (1 bedroom) and \$970 (2 bedroom) (December 2014 Minneapolis – St. Paul Rental Price Monitor). The Cost of housing at Victoria parks is \$1215 -1602 (1 bedroom), \$1400-1880 (2 bedrooms), \$1900-2400 (3bedrooms). Many of Victoria Park apartment renters need two incomes to afford housing here. Many are two car households. There’s only one bus stop route within walking distance to the apartment complex, and sadly has not eliminated the existence of a vehicle for the occupants of these buildings. Sole dependence on public transportation is unlikely, and the reduced parking is not reasonable.

⑧ Some Final concerns

New Building residents from their courtyard can see directly into some of our classrooms. This would be an ideal location for voyeurism, either direction. Several parents have voiced concerns for the safety of the children, stalking, etc.

Jane Lagerquist





3 4



Existing 3rd Story Victoria Park – shown in same perspective.

ZF# 16-015-194
Victoria Park

From: Robin Cerio [mailto:robincerio@gmail.com]
Sent: Tuesday, March 08, 2016 10:12 PM
To: Dermody, Bill (CI-StPaul)
Subject: Public comment

Dear Mr. Dermody -

Rebecca Noecker gave me your name as the person to send public comment to regarding the development of Victoria Park. More specifically, my public comment is for the Zoning Committee meeting on March 10th at 3:30 in the City Council Chamber.

I am writing you today about the proposed apartment building on the corners of Mercer Street, Kay Avenue, and Victoria Way. I ask you to deny the height variance and the dedicated parking spots for the proposed building. Further, I ask that development of the remaining area stay in line with the original Victoria Park Master Plan to maintain economic and housing diversity, along with a pedestrian friendly neighborhood.

I am the parent to two Nova Classical Academy students and an avid volunteer at the school. As part of my volunteer commitments, I am at the school at many different times throughout the day. As a result of this, I have been able to see a few issues that will arise if we continue creating high-density housing in this area.

Currently, street parking is at a premium. Those using the street parking are employees of Shalom Home & Mississippi Market, current residents of the Victoria Way apartment homes and their guests, along with staff & faculty from our school. We already have another apartment building under construction in the neighborhood, so available street parking will become more of an issue. During shift changes, the beginning and end of the school day, and during any school events (games, concerts, informational meetings), parking pushes even further into the surrounding neighborhoods.

Hand in hand with parking issues are the increased traffic. Not only is this a safety issue, but a noise and road wear issue as well. In the mornings and afternoons when people are heading to and from work, people tend to speed on Victoria Way West and Victoria Street South as it is a straight shot into and out of the neighborhood.

The City of St. Paul will be developing Victoria Park further and with the new park and ball fields coming in, Nova Classical Academy will hopefully begin using some of those fields for our home games. We will then need to find parking for our team's supporters, as well as for the opposing team, not to mention other city residents who just want to use the park. This creates further issues with parking and traffic.

Additionally, last year we had issues with snow removal by the city which resulted in parking restrictions - only one side of the street could be used for parking. This made parking and traffic more challenging as the streets were so narrow.

I am pleased that our requested traffic study will be conducted sometime in the next 2-3 months prior to the site-plan review for the new construction. However, even with this

traffic study, the development of the area has veered far from the original Victoria Park Master plan. The small decisions made to convert the original plans of townhomes into mostly apartment buildings have had large effects; they've really changed the character of the neighborhood. I do hope we can start adhering more to the Victoria Park Master Plan in order to maintain the diversity of housing and ensure the neighborhood stays pedestrian-friendly.

In summary, if more high-density housing comes into the neighborhood, our parking situation will go from bad to worse, traffic will increase in frequency, and the safety of the neighborhood (residents, students, and those who work in the neighborhood) will go down. I ask that you adhere to the Victoria Park Master Plan for any future buildings to help with these growing issues so we can keep this wonderful neighborhood healthy and thriving.

Sincerely,

Robin Cerio

Nova Classical Academy parent & volunteer

1455 Victoria Way
St. Paul, MN 55102

ZF # 16-013-194
Victoria Park

From: Theresa Nelson [mailto:tmnelson2@hotmail.com]
Sent: Friday, March 18, 2016 1:38 PM
To: Dermody, Bill (CI-StPaul)
Subject: apartment building proposal

Mr. Dermody,

I am writing to express my concerns with the proposed development that will be adjacent to Nova Classical Academy.

Parking and traffic during drop off and pick up is already difficult, especially once roads narrow due to snow. If you've ever been there in the morning or afternoon during pick up or drop off, you'd see that it's a bit of a mad house. Adding additional cars and traffic would create an unsafe nightmare. Already, there is little room for parking when I'm there to pick up my kids; I often am parking 1-2 blocks away. I have seen (and experienced) near misses with traffic and pedestrians despite most of the parents attempting to be conscientious about the hazards.

I also would like you to consider the future increase in parking once the proposed expansion from the Shalom home and the new park is built.

I think that we will end up with an area that is difficult to access and unsafe for the children who go to NOVA and community children who want to use the park.

The current proposal includes having an underground parking garage. Please consider the feasibility of digging and building the parking next to a building (NOVA Academy) that does not have a basement. Also, please consider whether this can even happen given that NOVA doesn't have a basement because the land was considered too toxic.

Clearly, having an apartment building just feet away from a school creates concern for security. While I'd hope that the company owning the building would screen for predators this can only determine those who've had legal issues. Any police department will tell you that predators often seek access to schools; it is impossible to ensure that safety.

Having the apartment building right next to the school leads to concerns about privacy for students and residents. A student looking out a school window and into an apartment window can be distracted by residents simply going about their day which I suspect would not be appreciated by the apartment dweller. Or, if the blinds aren't drawn, getting dressed, undressed or whatever.

I am also concerned about residents smoking and having alcohol within a few feet of a school building.

Please deny the conditional use permit and the height and parking variance. I also highly recommend the completion of a traffic and possibly an environmental impact study. For this to truly demonstrate the impact, the study needs to occur during the school year and around school drop off (8:30-8:40 am) or at school pick up (3:40 - 3:50 pm).

Thank you for your time and consideration.

Sincerely,

Theresa Nelson

1463 Blair Ave
St. Paul, MN 55104

ZF #16-015-194
Victoria Park

Englund, Cherie (CI-StPaul)

From: Char@colemanmasonevents.com
Sent: Monday, March 21, 2016 9:06 PM
To: Dermody, Bill (CI-StPaul)
Subject: RE: #16-015-194 Please deny this appeal

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Dermody,

I am writing to voice my opposition to the appeal (File #16-015-194) to approve changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Ave. This appeal should be denied. As a parent of a child at Nova Classical Academy, I am fully aware of the already existing traffic congestion surrounding the property in question. Allowing a 48 unit building next to our school of over 900 children would create a massive traffic congestion problem.

I would also like also the Committee to take another look at the Victoria Park Master Plan in general.

Thanks you very much-
Char Mason
695 Mount Curve Blvd.
St. Paul, MN 55116

2F# 16-015-194
Victoria Park

From: kate tetmeyer [mailto:andykateruby@yahoo.com]

Sent: Wednesday, March 09, 2016 8:56 PM

To: Dermody, Bill (CI-StPaul)

Subject: chase dev.

Chase development is coming to the city with a proposal to build a four story 52 unit apartment building next door to Nova Classical Academy. I have the following concerns:

Chase has incrementally, over the last seven years, deviated from the original Victoria master plan first approved by the city 12 years ago. These approved changes have increased the population and traffic to the area 5 fold with, as far as I know, no reassessment of the impact on the traffic flow into or out of the limited circuit of roads; or on the sewer/water run off capacity. This latest proposal will be one story higher than the previous apartment buildings already constructed by Mr. Chase.

I understand that Mr. Chase has the right to build on land zoned for high density residential units and that the city would enjoy having those units on the tax roll, however, that desire will not magically increase the amount of road, nor create new ways in or out of this secluded area off West 7th. As planned, the building's underground parking (which, assuming these high rent units will rent to two or more occupants, will only handle one half to two thirds of the cars needing spots) will exit directly into Nova's drop off/pick up line during the time that people will presumably be going or coming home from work. In the following years Nova will have more high school drivers and the planned city park will bring in more walkers, bikers and drivers. It is time to reconsider the overall development of this area.

I am requesting that the planning committee not pass Mr. Chase's proposal until a traffic assessment can be conducted DURING PICK UP OR DROP OFF time and/or the proposal not be granted for more than the three stories of the rest of development.

Sincerely, Kate Tetmeyer
321 Sidney st. W
St. Paul 55107