city of saint paul
planning commission resolution
file number
date

WHEREAS, Flint Hills Resources, LLC, File # 19-015-902, has applied for a conditional use permit for a storage building below the regulatory flood protection elevation under the provisions of § 72.32, § 72.33, § 72.73 and § 72.74 of the Saint Paul Legislative Code, on property located at 2209 Childs Road, Parcel Identification Number (PIN) 09.28.22.14.0001, legally described as PORT AUTHORITY PLAT NO. 3 SUBJ TO ESMTS LOT 5 AND EX SLY 140 FT LOT 6 BLK 5; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 28, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. The applicant has proposed to construct an approximately 30' x 40'prefabricated engineered metal building, to be elevated on a precast concrete panel foundation. The building will be used for storage in support of existing site operations. The site is located in the flood fringe (FF) district. Grade elevation at the building site is approximately 699', the Base Flood Elevation is 706.4' and the Regulatory Flood Plain Elevation (RFPE) is 708.6'.
2. The top of the concrete foundation is proposed to be at or above the RFPE, and is proposed to be constructed to the FP3/FP4 floodproofing standard. The applicant has proposed inclusion of automatic louvers in the foundation, consistent with the requirements of §72.74 (a)(2)(a).
3. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (d) are applicable to the proposed project:
   (a) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages.

moved by _____
seconded by _____
in favor _____
against _____

The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(1) Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.

(2) Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:

a. *A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.*

b. *That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.*

(b) Basements, as defined in §72.14, shall be subject to the following:

(1) Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.

(2) Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.

(c) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.

(d) The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood

protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.

(e) When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:

(1) No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas are not considered habitable space.

(2) For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:

a. The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation.

b. Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.

c. If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.

These standards can be met. The applicant has submitted a Saint Paul Flood Plain application, and is proposing to construct the building on concrete foundations floodproofed to the FP-3 or FP-4 standard up to the RFPE, with automatic openings to allow free movement of flood waters. As a condition of approval, the applicant should provide building and foundation plans and record of as-built condition for the proposed structure signed by a registered professional engineer or architect and verifying consistency with the requirements of §72.74(a)(1), a Saint Paul Floodplain Certification, and an Elevation Certificate.

4. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:

   (a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.* Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The project will not significantly impact air or water quality.

   (b) *The importance of the services provided by the proposed facility to the community.* The proposed facilities will allow continued use of industrial land. The primary importance of the facility to the community is economic activity and tax base.

   (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The topography, soils, and geology of the site are similar to those of the general Child Roads industrial area, and are sufficient to support and accommodate the proposed use.

   (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The area of the proposed use is industrial in character, and does not contain significant biological communities; impacts of the proposed use will not extend beyond the immediate area.

   (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The area is already served by adequate water supply and sanitation systems. The proposed addition will not create significant additional demand for water supply or sanitation capability.

   (f) *The requirements of the facility for a river-dependent location, if applicable.* The proposed structure is part of an existing industrial facility that includes intermodal transfer to and from barges.

   (g) *The safety of access to the property for ordinary vehicles.* Safe access to the site is available via Childs Road.

   (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* The proposed building will be of floodproof construction, and the applicant should be required to submit a flood response plan to the Department of Safety and Inspections as a condition of approval.

   (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed encroachments are of limited footprint and located in the flood fringe where impacts on flood flows are negligible.

   (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed facility is located in the flood fringe, where the velocity of flood flow is generally minimal.

   (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed facility will be located in the flood fringe, where water velocities are generally minimal.

(l) *The availability of alternative locations or configurations for the proposed use.* The proposed structure must be located within the existing facility, and the proposed location is no less reasonable than other potential locations within the facility.

(m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.

5. §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. Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Childs Road industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are to an existing facility located in a large industrial area, and will not significantly alter river valley views. The project will not significantly impact air or water quality.

(b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed facility will be served by Childs Road. The use is not expected to generate additional traffic.

(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 proposed facility is consistent with the existing industrial character of the immediate neighborhood.

(d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is industrial in nature, and will not impeded improvement of surrounding properties for allowed uses.

(e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Flint Hills Resources, LLC for a conditional use permit for a storage building below the regulatory flood protection elevation at 2209 Childs Road is hereby approved, subject to the following conditions:

1. The applicant shall provide building and foundation plans and record of as-built condition for the proposed structure signed by a registered professional engineer or architect and verifying consistency with the requirements of §72.74(a)(1), a Saint Paul Floodplain Certification, and an Elevation Certificate.
2. 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.
3. Acceptance by the Department of Safety and Inspections of an updated flood response plan.

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WHEREAS, Paula Lilly, File # 19-017-008, has applied to rezone from R2 one-family residential to RT1 two-family residential under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 321 Irvine Avenue, Parcel Identification Number (PIN) 01.28.23.13.0291, legally described as THE ELY 10 FT OF THE SLY 122.67 FT OF LOT 16 BLK 69 OF DAYTON AND IRVINES ADD & IN SD DRAKES SUBD THE SLY 122.67 FT OF LOT 5 & LOT 6 LYING WLY OF THE FOL DESC L; COM AT A PT ON THE NLY L OF SD LOT 2 (SAME BEING SLY L OF SUMMIT AVE) DIST 10.87 FT; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 28, 2019, 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 application requests rezoning of 321 Irvine Avenue from R2 One-Family Residential to RT1 Two-Family Residential to allow construction of a two-family dwelling.
2. *The proposed zoning is consistent with the way this area has developed.* Very little development has occurred in this area over the last three decades. Irvine Avenue contains a mix of single-family and two-family homes, townhomes, and multifamily residences. Townhomes (275-285 and 266-268 Irvine Ave) were built in the late nineties. Many properties on Summit Avenue, behind and farther up the slope, have been intensifying use as they are converted to multi-unit condominiums. Despite this slow intensification, Irvine Avenue has not been improved, widened, or reconfigured to accommodate increased use by automobile or pedestrian traffic. The effects of development on surface water and slope erosion of the block as a whole have not been evaluated.
3. *The proposed zoning is consistent with the Comprehensive Plan.* Saint Paul's 2030 Comprehensive Plan designates this area as an *Established Neighborhood*, which "are characterized almost entirely by single-family houses and duplexes, as well as scattered small scale multi-family housing", consistent with RT1. Land Use policy 3.9 states: "Consider ground and surface water in preparation of a site for development and in the design and construction of buildings." This consideration is built into the site plan review requirements of the Irvine Avenue Development Plan, as well as the reasoning behind downzoning this property to R2 originally.

moved by_____
seconded by _____
in favor _____
against _____

4. The Irvine Avenue Development Plan, adopted by the City Council in 2003, lays out four reasons that this site should be included in the R2 downzoning: "(a) the roadway is too steep and narrow to handle more traffic; (b) there is hardly any on-street parking; (c) development activity should be minimized on steep slopes where erosion and water management are recurrent problems; and (d) the natural tree cover should be retained for its beauty and for erosion control."

   Rezoning to RT1 would allow traffic and parking from one extra household. While expanded on-site parking requirements are required in Zoning Code Table 63.207 for Dwellings on Irvine Avenue, roadway use is not accounted for and Irvine Avenue has not been improved, widened, or reconfigured. However, at 10,018 square feet, this lot is considerably larger than the 7,200 square foot minimum lot size in the R2 district, mitigating by its size the intensity of traffic and parking.

   While the applicant has observed no seepage from springs or instability of the slope on this property, the effect on surface water and ground water over the course of the Irvine Avenue block can be difficult to predict, while also having a widespread effect on neighboring properties. However, any construction proposal would be subject to a site plan review that would analyze the impact on these issues. An increase in building site disturbance in the parcel if zoned RT1 would be subject to the same site analysis and site plan review as under its current zoning, R2.

   Regarding conservation of tree cover for beauty and erosion control, currently there are no trees on the lot at 321 Irvine Avenue. While the application suggests trees were affected by previous work at 322 Summit Avenue and during the site analysis on 321 Irvine Avenue, there has been no account of when the remainder of the trees were removed. Regrowth of tree cover would be a distant goal.

5. The proposed RT1 Two-Family zoning is compatible with the single-family homes, two-family homes and townhomes already existing on Irvine Avenue, as well as the multi-unit properties and condos on Summit Avenue.

6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property."* The land uses allowed in RT1 Two-Family Residential would not be a departure from the land uses existing on Irvine Avenue, Summit Avenue, and Pleasant Avenue.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application for rezoning from R2 one-family residential to RT1 two-family residential for property at 321 Irvine Avenue be approved.

Langer, Samantha (CI-StPaul)

From:	Cattanach.Robert@dorsey.com
Sent:	Sunday, March 24, 2019 10:36 PM
To:	Wade, Michael (CI-StPaul)
Cc:	Crigerfamily@comcast.net; tcharp324@gmail.com; Allyson_Hartle@cable.comcast.com
Subject:	Photographs of 321 Irvine slope destruction, seeps, and wall collapse at 322/324 Summit
Attachments:	Response to Petition to Rezone 321 Irvine.3.23.19.docx

Michael, please accept the attached submission, with accompanying photographers, in response to the petition to rezone 321 Irvine. We would be happy to respond to any questions or discuss further at your convenience. Thanks. Bob, Allyson, Tom, Wayne and Sarah.

Backhoe destruction of soil retention fabric

Vertical cut in slope below 322/324 Summit

Unstabilized soil below 322/324 Summit

Seeps on 321 Irvine

Michael - Attached is our submission regarding in response to the petition to rezone 321 Irvine, as well as accompanying pictures. Please feel free to contact me if you have any questions. Thanks. Bob

Submission in Response to Petition to Rezone 321 Irvine

As owners of the property and structure immediately adjacent and uphill from 321 Irvine, we the undersigned write to express our concern that the petitioner has not complied with the Mandatory Design Standards contained in the Irvine Avenue Development Plan Recommended by the Planning Commission on October 11, 2002 and Adopted by the City Council on April 2, 2003.

There is no record in the City's file that petitioner has ever obtained the required engineering report by a registered hydrological, geotechnical or soils engineer, or provided any such report to the City for review and approval. Based on the materials in the City's file, and confirmed by first hand observations, it appears that the petitioner commenced excavation without conducting the required testing of slope stability, ground water and surface water as mandated by the Irvine Avenue Development Plan, and failed to apply "techniques that minimize disturbance to existing slopes and vegetation (for example, drilling cores for soil samples)." Instead, petitioner's contractor simply began excavating the site with a backhoe to flatten a portion of the slope in order to allow petitioner to start construction. Apparently after problems were encountered, petitioner retained Braun, and for the first time some soil samples were obtained. The petition states that the owners "changed their mind about building their own house on the property".

Because of the instability created on our property by the substantial soil excavation and then subsequent pile-driving activity to collect samples, we asked the owner of 321 Irvine to provide us with the test results, but the owners declined. Based on informal conversations with geotechnical experts, however, we understand that *significant* additional testing will be required in order for the site to be adequately evaluated in order to comply with the Mandatory Design Standards for Irvine Avenue. We have asked the owners to work together with us so we can jointly consult with Braun to determine what additional testing needs to be done in order to meet the Development Plan's mandatory requirements. The owners declined, and instead referred our request to their lawyer, who has advised us that petitioners are not interested in any further testing or investigation.

While we are sympathetic to petitioner's desire to recover their investment, under the circumstances we must respectfully oppose the petition for several fundamental reasons:

1. The petitioner has not complied with the most basic mandatory elements of the Irvine Avenue Development Plan, or the City's requirements for Residential development on steep slopes, Sec. 63.111.
2. Until the required engineering report can provide a full analysis of slope stability, ground water and surface water, there is no basis for the City to reach any decision as to whether the site can even be developed, much less subdivided in a way that allows multifamily housing.
3. On May 2, 2016, almost three (3) years ago, the City in a communication by Todd Sutter to petitioner's contractor, specifically noted that the owners "*still need to stabilize slope*" after the prior excavation was abandoned. Petitioner has declined our requests to work together to do so. Several vertical pitches created by the initial excavation, which now has been abandoned, have not been stabilized.

4. Contrary to the representation in the petition, the prior excavation created significant instability on our adjacent lot at 322-324 Summit. After the excavation started, we saw seeps appearing on the property below us. Apparently only after the excavation uncovered site problems did petitioner retain Braun to conduct a soil test. For several days, the pile-driving boring equipment vibrated across the destabilized soil. The wall on the west side of our driveway, which separates our lot from 332 Summit, began to lean - slightly at first, but as time went by even more significantly. Ultimately the wall collapsed completely on March 20, 2017. A picture of the collapsed wall is enclosed. We provided this picture to Ms. Shad-Lilly on August 1, 2018 via email. It is unclear why this was not mentioned in that portion of the petition that represented that "the slope currently appears to be quite stable".
5. Our concern about slope instability is not speculative. In the very recent past, the hillside slope of the lot immediately adjacent to 321 Irvine collapsed catastrophically after having been compromised in order to construct the structure on that lot. Even a simple visual inspection of that property from the street shows the substantial work that had to be done to stabilize the slope, and the seriousness of the slope stability problem on this section of Irvine.

Based on all of these circumstances, naturally we are concerned about the future of this property. We also want to make clear that *at no time* have any of the current owners at 322/324 Summit ever deposited any material on 321 Irvine. We cannot comment about the speculation in the petition about what may, or may not, have happened during the renovation by the prior owner of what was at the time a single, undivided property that was later subdivided into 322/324 Summit above, and 321 Irvine below, other than to note that the owner obviously was entitled to work on his own property in the way he believed made the most sense. At the time we purchased 322/324 Summit over 6 years ago, the property below at 321 Irvine appeared to have been adequately stabilized with vegetation and modest tree cover, as well as what we now understand was a below-ground stabilizing plastic membrane. It was our understanding that 321 Irvine was not suitable for development because there were underground springs and stability concerns. We have no information about what due diligence, if any, petitioner performed before purchasing the lot and designing a structure to build on it. While we understand that petitioner no longer wishes to build on the site, unfortunately the stability that previously existed was destroyed by petitioner's excavation on 321 Irvine, which removed most of the vegetation and trees, destroyed the below-ground membrane, and violated the mandatory pre-excavation testing and reports required by the Irvine Avenue Development Plan.

While we have serious concerns about the petitioner's failure to stabilize the slope after being told to do so by the City, we want to emphasize that we are not opposed to reasonable efforts by the petitioner to recover some part of their investment in the lot. In fact, we have

been trying for months to engage with the petitioner to discuss the problem of slope instability created by the abandoned excavation, and to attempt to find some mutually agreeable solution before further problems developed. After some informal discussions with experts on soil stability, on August 27 of 2018, Mr. Cattanach sent an email to Ms. Shad-Lilly suggesting we meet on site to address how the slope could be stabilized, and requesting copies of any test results:

> I would like to schedule a site inspection, both from the Summit side and the Irvine side, sometime in September. Prior to doing that, we would appreciate receiving whatever test data your contractors/consultants generated prior to and as part of the initial site preparation process.

Receiving no response, he emailed again on September 30, 2018:

> Paula & Bruce -
>
> We would really like to make some progress on this. I have been reminded by our technical expert that this problem is only going to get worse if it is not addressed, and whatever the cost of stabilization may be at this time, it is a fraction of what it will cost if, or according to the experts almost certainly when, the hillside starts to slide similar to what happened to the lot east of yours. *** Please let us know at your earliest convenience, hopefully sometime yet this coming week, whether you are willing to share the existing soil testing data so that our engineer can help us develop a plan for moving forward. Thanks. Bob

Petitions did not respond directly, but on October 3, 2018, had their lawyer send the following, which we've emphasized:

> I represent Paula Schad and Bruce Lilly in connection with this matter. Please direct all future correspondence to me. My clients have no objection to you conducting whatever investigation you deem necessary on *your property*. Until such time, however, as we make decisions about the future of the Schad/Lilly property, we *see no reason to engage in further investigations*. Please do not *trespass or permit your contractors or consultants to trespass* on the Schad/Lilly property.

All subsequent efforts at informal discussions by other owners of 322/324 were unsuccessful.

While we are naturally disappointed in the petitioner's refusal to conduct any investigation into what would be required to stabilize the slope, we are encouraged by their contractor's recent acknowledgement in the petition for rezoning that further investigative steps are necessary in order to "determine the buildability of the 321 parcel." But requesting that the parcel be rezoned without knowing what actions are necessary to address stabilization

and ground water issues puts the cart before the horse. Prior to any consideration of a rezoning request, the petitioner should be required to comply with the City's request of May 2, 2016 to stabilize the slope, as well as comply with the mandatory design standards by submitting the required engineering report that evaluates "existing conditions including slope stability, ground water, and surface water." In doing so, petitioner should use testing "techniques that minimize disturbance to existing slopes and vegetation (for example, drilling cores for soil samples rather than digging with a back hoe.)" We have been advised informally by a licensed geotechnical engineer that this will require *several additional site borings* beyond the minimal test boring that has been done thus far.

We appreciate the petitioner's interesting in selling the property so that at least some of their investment, and the costs of this investigation and subsequent stabilization, can be recovered. But the possibility that more of those costs can recovered if the property is allowed to be rezoned would appear to be a dilemma of the petitioner's own making. If the petitioner had conducted adequate testing before purchasing the property, which apparently was not done, they may or may not have gone through with the purchase, or perhaps paid a price that was adjusted for the challenges of dealing with slope instability and water issues. That history is what it is, but it cannot change the fact that a proper evaluation of the slope stability and ground and surface water is required *regardless* of whether they end up developing the property. For almost three years, they have ignored the City's instruction to stabilize the slope; other than some superficial seeding of the flatter portion of the lot, petitioner still has not done anything to stabilize the vertical cuts in the slope.

Given the current circumstances, we suggest that:

1. Prior to any action on the rezoning petition, the petitioner should be required to comply with the Mandatory Design Standards contained in the Irvine Avenue Development Plan, and as set forth in the City's requirements for Residential development on steep slopes, Sec. 63.111. Specifically:
    a. Petitioner should identify to the City whichever registered hydrological, geotechnical or soils engineer they intend to use by [Placeholder: May 1, 2019?].
    b. Petitioner's expert should evaluate the site and determine the additional required soil testing by [June 1, 2019?], and provide the City with the test plan by [July 1, 2019], with a copy to all adjacent property owners.
    c. Petitioner should provide the report required by the Mandatory Design Standards to the City for review and approval by [September 1, 2019].
    d. Petitioner should provide the owners of all adjacent properties with the proposed plan to stabilize the slope by [October 1, 2019], consider all reasonable comments received by [November 1, 2019], and submit the final proposed stabilization plan to the City for approval by [December 1, 2019].
2. No action should be taken on the petition for rezoning until the petitioner completes the above actions and complies the Mandatory Design Standards.

3. If the petitioner withdraws the petition, petitioner must nevertheless provide the owners of all adjacent properties with the proposed plan to stabilize the slope by October 1, 2019.

322 Summit Avenue
Robert & Allyson Cattanach
324 Summit Avenue
Wayne & Sarah Criger
Tom Charpentier

Last picture showing "Debris from collapsed wall" was taken March 20, 2017. All others were taken March 30, 2017. Thanks for allowing us an opportunity to provide comments. Has there been any final decision on the date of the hearing? Thanks. Bob

On Mar 25, 2019, at 4:41 PM, Wade, Michael (CI-StPaul) <Michael.Wade@ci.stpaul.mn.us> wrote:

Bob Cattanach et. al,

Thank you for your submission to the record concerning this zoning case. The email and attached letter will be submitted to the Zoning Committee as a public comment.

For clarification, I'd like to request an approximate date or dates on which the attached pictures were taken, as well as a caption describing the last picture that appears to show a concrete platform with a brick-and-cinder block structure fallen and smashed on the ground. Once these items are sent, they will be added to your email and attached letter as an item for public record.

Thank you,

Michael

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date

WHEREAS, Mohammed Thabet, File # 19-016-207, has applied for a historic use variance for a rental hall for weddings and receptions, with shared parking with other uses on site, under the provisions of § 73.03.1, § 63.206(d), and § 61.601 of the Saint Paul Legislative Code, on property located at 217 Mackubin Street, Parcel Identification Number (PIN) 01.28.23.22.0015, legally described as WOODLAND PARK ADDITION, LOTS 19 THRU 22 BLOCK 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on March 28, 2019, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

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

1. The applicant is requesting a historic use variance in order to use the Dayton Avenue Presbyterian Church building for weddings and receptions. The historic use variance is necessary because the applicant wishes to discontinue the use of the church as a religious institution, and is proposing to use the church for weddings and other events, such as graduations. A religious institution that hosts weddings, receptions, and church related events is a permitted use in an RT2 zoning district. The applicant is also proposing to establish an adult daycare, a child daycare, and one residential unit, all of which are permitted uses in the RT2 zoning district. The church has historically had multiple accessory uses including a medical clinic, space for religious education, and an adoption agency. The intensity and impact of the multiple proposed uses is consistent with the multiple historic uses of the church.
2. § 73.03.1 requires that the HPC make a recommendation regarding the application based on a staff report addressing five (5) findings. The HPC's findings and recommendation for approval are attached. Also, § 73.03.1 requires the Planning Commission to make findings regarding the following:
   (a) *The proposed use is compatible with existing uses in the surrounding area and the underlying zoning classifications in the area.* This finding is met. The proposed use is compatible with the existing institutional uses in the immediate area and the commercial uses and zoning south of the parcel along Selby Avenue. The subject parcel is zoned RT2, which provides for civic and institutional uses, along with a range of housing types.

moved by _____
seconded by _____
in favor _____
against _____

The applicant is proposing to use the church in a manner that would be permitted in religious institutions within the RT2 zoning district. There is B2 zoning south of the subject parcel that allows banquet halls as a permitted use.

(b) *The proposed use is consistent with the comprehensive plan.* This finding is met. The subject parcel is within an area defined by the comprehensive plan as an established neighborhood. Policy LU-1.7 calls for permitting neighborhood serving businesses compatible with the character of established neighborhoods. The multiple uses proposed are consistent with Policy LU-1.46, which calls supporting compatible mixed-use within single buildings. The historic preservation chapter calls for preserving and protecting historic resources and using historic preservation to further economic development. Policy HP 5.3 calls for realizing the full economic potential of key historic resources.

3. *§ 61.601(g) imposes an additional finding for a historic use variance: The application for a historic use variance… shall be granted only to a property that is a locally designated heritage preservation site and the use variance is the minimum needed to enable the property to be used in a manner that will have the least impact upon its historic character and the character of the surrounding area.* This finding is met. The applicant is not proposing any exterior changes to the structure at this time. The historic use variance will not adversely impact this historic resource, provided the historically significant exterior architectural features are maintained. The re-use of the structure will help preserve this historic resource by prolonging its economic viability.

4. *§ 63.206 (d) authorizes a reduction in the total number of required parking spaces for two or more uses jointly providing parking when their respective hours of peak operation do not overlap. §63.206 (d)(1) requires planning commission approval if a shared parking agreement involves more than twenty five (25) shared parking spaces, results in more than a thirty five (35) percent decrease in required parking, or involves three (3) or more parties or uses.* The applicant has submitted a shared parking application indicating that the proposed child daycare and adult daycare will not have overlapping hours of operation with the rental hall. There are 32 parking spaces on site which meet the minimum requirement during the peak hours of operation of the multiple uses. The adult day care will operate from 8:00 a.m. to 2:00 p.m., Monday through Friday, the children's day care from 8:00 am to 5:00 pm, Monday through Friday, and the banquet hall, Friday and Saturday from 5:00 p.m. to 11 p.m. Based on the staggered hours of operation, the largest minimum parking requirement is 27 spaces from 5 p.m. to 11 p.m. on Friday and Saturday.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mohammad Thabet for a historic use variance for a rental hall for weddings and receptions, with shared parking with the other uses proposed for the site at 217 Mackubin Street is hereby approved, 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.

From: Tom Darling [mailto:tsdarling@earthlink.net]
Sent: Thursday, March 28, 2019 10:31 AM
To: Johnson, Tony (CI-StPaul)
Subject: Historic Use Variance application file number 19-016-207

Subject: Comments on Historic Use Variance application file number 19-016-207

Dear Mr. Johnson: Below please find my comments in the above file number. I would appreciate it if you could acknowledge your receipt of this email.

Tom Darling

March 27, 2019
Saint Paul Planning Commission Zoning Committee
Re: Application for a historic use variance for Dayton Avenue Presbyterian Church (File # 19-016-207)

Dear Saint Paul Planning Commission Zoning Committee:

I reside at 445 Summit Avenue and have lived in the Ramsey Hill neighborhood for forty years. I am familiar with the Dayton Avenue Presbyterian Church ("Church") and the neighborhood in which it is located. I have only recently become aware of the application for a historic use variance for the Church and I have not been able to carefully study all of the material surrounding the application. As a result, this letter deals only with the most obvious deficiencies in the application and the staff reports recommending the variance. Even a preliminary review of the materials demonstrates that the variance should not be granted.

Initially it is important to note that both the applicant and city staff acknowledge that there are several conforming uses for which the Church can be used. Indeed, most of the uses for which the applicant intends to use the Church seem to be permitted. Historic use variances are an extraordinary exception to the rules that govern all other requests for variances. They should be used sparingly. They should not be allowed as the exception that swallows the rule. However, that is just what would happen if this historic use variance is allowed.

The applicant (and city staff) argue that converting the Church to a reception house is permissible because churches occasionally have weddings for members of their congregations and occasionally hold church suppers and the like. This offhanded conclusion is simply wrong. A church is not a rental hall or reception house. A church does not rent itself out to the general public for parties and banquets every day of the week which is what the variance that the city staff is recommending would allow. To suggest that use as a rental hall for the general public is permissible simply because churches sometimes have weddings and suppers is wholly inconsistent with the limited exception contemplated by the historic use variance.

The staff report similarly overreaches when it concludes that the proposed use is compatible with existing uses in the surrounding area by blithely stating that there are commercial uses on Selby Avenue. Selby Avenue is a commercial street with commercial zoning. The Church is in a residentially zoned area. It is surrounded by residences. A commercial use is incompatible with this residential area and the fact that there is a commercial street a full block away does nothing to support a claim that this commercial use is compatible with this residential area.

The staff report acknowledges, as it must, that a historic use variance cannot be granted under §61.601(g) if the proposed use variance is the minimum needed. Then, in its findings concerning this requirement the staff report completely ignores the requirement. There is no finding that if the Church cannot be used as a public reception house then it cannot be used at all. In fact, the applicant acknowledges that it can and will be used for other uses. Thus, this requirement cannot be met and the historic use variance cannot be properly granted.

Finally, the staff report does not mention the fact that the requirements of §65.132 pertaining to reuse of large structures are not met because the immediate neighbors have not consented in sufficient numbers. I believe that those requirements must be applied here and that the variance cannot be granted because they have not been met. Once again, a historic use variance is a narrow exception and must not be given the expansive reading the applicant and city staff attempt to give it here. It is not exempt from other zoning code requirements. It is not a "Get Out of Jail Free" card for those who want to impose not permitted commercial uses on those who live in residential areas. Those residents are meant to be protected by the zoning code. Here they are not being so protected because of the expansive use of the historic use variance process.

As I noted above, I have not been able to carefully study the application and staff reports and so I cannot specifically address all of their deficiencies but I do note that there are many other deficiencies in the application and staff report recommending approval of this historic use variance.

I urge the committee to deny this historic use variance.

Tom Darling

--
Tom Darling
tsdarling@earthlink.net

Michael Faricy

453 Selby Ave.
St. Paul, Mn 55102
mikefaricyauthor@gmail.com
651-428-1588

28 March, 2019

tony.johnson@ci.stpaul.mn.us

Tony Johnson

Dear Mr. Johnson
My name is Michael Faricy. I have been a life long resident of the city of Saint Paul representing the fourth of what is now six generations. I have lived in the Ramsey Hill area since 1975 and have resided at 453 Selby Avenue for the past seventeen years. I wish to object to the former Central Presbyterian Church being used as a banquet and rental hall.

The church is a unique, historic structure that is integral to our neighborhood. I also understand that given it's unique architecture a use following a century plus of religious activity is difficult. I whole heartedly support the use as an adult daycare and child care facility. My concern is the banquet and rental hall usage is contrary to existing codes that have been established for a very good reason, namely the preservation and stabilization of a neighborhood. Our area is overwhelmed with post treatment recovery homes, a unit transitioning sexual offenders from prison back into society and a heavily traveled commercial street. We fight regularly to attempt to maintain residential zoning and yet it seems we are victims of the city routinely issuing a variance to existing codes. Under the "General Intent of the Zoning Code" for RT2 zoning, sec 66.214 the last sentence states "Because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses".

Ramsey Hill has become a tourist destination within the city of Saint Paul. As an alternative, one need only drive down Park Ave S. in Minneapolis. At one time a street similar to Summit Ave. now a mess of nondescript structures added one at a time over the course of recent decades until an entire area has fallen victim to a plague of despair.

Thank you for your consideration.

Michael J. Faricy

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 8:38 AM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Historical use variance for Dayton Presbyterian Church

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From: Carolyn Will [mailto:carolyn@cwcommunications.info]
Sent: Wednesday, March 27, 2019 8:04 PM
To: Johnson, Tony (CI-StPaul)
Subject: Historical use variance for Dayton Presbyterian Church

Tony,

I live in a historic district in Saint Paul. Zoning for the Saint Paul neighborhoods have served this city well. When people talk about the positive characteristics of Saint Paul, or what drew a newcomer to the city, it's "the neighborhoods." When you allow historical use variances for every church that wants to be repurposed as an event center, you are eroding the neighborhood. No one wants to live next to or near an event center. You will see erosion.... And you will be sorry for this very short-sighted decision. And the money you believe will be earned for the city, will be soon lost by people leaving the surrounding neighborhood, property values declining, and less tax revenue in the "big picture" coming in to the city coffers. Protect what has made Saint Paul unique and valuable.

Respectfully,

Carolyn Will
1583 Summit Ave, Saint Paul

Carolyn Will
Carolyn@cwcommunications.info
612-414-9661
CW Marketing & Communications
www.cwcommunications.info

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 10:16 AM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Opposition to the variance request for the Dayton Avenue Presbyterian Church

-----Original Message-----
From: Rachel Westermeyer [mailto:weste065@umn.edu]
Sent: Thursday, March 28, 2019 10:15 AM
To: Johnson, Tony (CI-StPaul)
Cc: Rachel Westermeyer
Subject: Opposition to the variance request for the Dayton Avenue Presbyterian Church

Dear Tony,

I am writing today to request denial of the above requested variance for the use of the above Dayton Avenue Presbyterian Church for a proposed Banquet Hall, following the guidelines for granting variances published by the City.

1. This variance request is not in harmony with the intent of the zoning code sec#66.214. This former church is allowed to use this property for adult day daycare and childcare and, under the code, has the ability to occupy the building for a single residential unit, Use for banquet halls is not allowed by code in this residential area.

2. There are no practical difficulties. Economics do not constitute practical difficulties as the owner has proposed other allowed uses.

3. The variance MAY NOT permit any use Not allowed in this zoning district. This proposed use is not allowed in this zoning district. See zoning code above for this district.

4. The variance, if granted, will alter the essential character of an otherwise residential neighborhood. At the present time this residential neighborhood has an overabundance of student rentals (around 200 at the latest count) already straining the use of the surrounding streets with parked cars.

5. The BZA does not have the authority to allow a use not permitted in this zoning district.

Thus, I am requesting after careful consideration, that you deny this variance request for use of this former church building for a banquet hall.

I thank you in advance for denial of this variance request.

Sincerely,

Rachel M. Westermeyer
1935 Summit Avenue
St. Paul, MN 55105
651/644-3770

From: Kit Richardson [mailto:krichardson@sr-re.com]
Sent: Wednesday, March 27, 2019 11:39 PM
To: Johnson, Tony (CI-StPaul)
Subject: File # 19-06-207 variance for a non-permitted use

I am writing in opposition to the proposed use at the Dayton Avenue Church which might include a banquet/ rental hall for any purpose. My understanding is that such a use is simply not permitted on the property given the RT 2 zoning.

In addition, the proposal for the City and HPC to avoid the public input and signature approval process by circumventing such requirements through the use of an historic building use variance is at odds with what we in Ramsey Hill have been fighting for the past 45 plus years. In fact, Section 66.214 of the Code specifically states "—- this district [RT2] is not intended for more intensive uses such as small conference centers, private retreat centers, and reception houses."

I am an Architect and real estate developer (a founding partner of SchaferRichardson, LLC) and my family has lived at 117 Farrington Street in Ramsey Hill since 1974. I have served on the Ramsey Hill Neighborhood Association Board twice in those years, once a Land Use Comittee Chair, and have in the past acted as a development consultant to the City of St Paul. Much of my professional life has been spent on historic preservation projects, including issues related to historic properties and districts, for which our company has been recognized a number of times.

Even considering the possibility of allowing a non-permitted use under the current zoning code, much less granting it through a special provision which ignores and negates neighbors' input, sets a dangerous and unfortunate precedent for our historic district(s) and the entire city.

We are currently traveling so will not be able to attend the hearing on March 28th, but please make sure our opposition is made known during that public meeting.
Thank you.

Kit Richardson
117 Farrington St
St Paul, MN 55102
612-282-4519 cell

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 12:46 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: 217 Mackubin

-----Original Message-----
From: Michelle Hotzler [mailto:trust.prop@gmail.com]
Sent: Thursday, March 28, 2019 12:06 PM
To: Johnson, Tony (CI-StPaul)
Subject: 217 Mackubin

To: Zoning Committee
RE: Historic Building Use Variance

I oppose the variance for the rental hall. I cannot attend the meeting.
I do not have a computer, so my neighbor is sending this for me.

Thank you,
Genevieve Arias
518 Dayton Avenue
Owner and resident

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 1:43 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Dayton Presbyterian Church Request for Zoning Variance (File #19-016-207)

-----Original Message-----
From: Gary Ballman [mailto:garyedwardballman@gmail.com]
Sent: Thursday, March 28, 2019 1:39 PM
To: Johnson, Tony (CI-StPaul)
Cc: Michelle Hotzler
Subject: Dayton Presbyterian Church Request for Zoning Variance (File #19-016-207)

Tony,
I am writing to ask that the zoning variance request for the development of the Dayton Presbyterian Church be denied. Three of the four proposed uses (day care, child care and an apartment) are allowed under RT2 zoning. Commercial banquet halls are not. This is a historic preservation residential neighborhood, and a commercial banquet hall is totally out of character.
Thank you for your consideration.
Gary Ballman
438 Portland Ave #6

Sent from my iPad

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 1:33 PM
To: Langer, Samantha (CI-StPaul)
Subject: FW: 217 Mackubin street

From: Michelle Hotzler [mailto:HotzlerCon@msn.com]
Sent: Thursday, March 28, 2019 12:46 PM
To: Johnson, Tony (CI-StPaul)
Subject: 217 Mackubin street

Dear Tony,

Unfortunately, I have a medical appointment that I really shouldn't reschedule and Greg and Susan are out of town and were unable to make a arrangement's to return for the hearing. I will make every effort make it to the hearing but no guarantees.

Please note: Myself, Greg and Susan Hotzler between us own four properties within 350' so this proposed variance has a significant effect on us.

Please express our apologies to the committee for not being there. It by no means represents lack of concern or interest.

Also, Mike Schumann 541 Dayton who is out of state and is not available to attend the hearing, asked if I testified, to mention he is opposed.

You may receive a letter from him.

I sent a brief note for our neighbor Genny Arias, she is 87 and does not have a computer, I hope that it wasn't inappropriate for me to do so.

Thank you in advance for your understanding,
Michelle Hotzler
472 Dayton Avenue
651-227-3609

Sent from Mail for Windows 10

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 11:54 AM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Dayton Avenue Presbyterian Church

From: Lois Stevens [mailto:loisjstevens@gmail.com]
Sent: Thursday, March 28, 2019 11:26 AM
To: Johnson, Tony (CI-StPaul)
Subject: Dayton Avenue Presbyterian Church

We, 40+ year residents of the Ramsey Hill/Cathedral Hill neighborhood, understand better than most the challenges that developers, the city and the neighborhood face when trying to determine best uses for large, historic structures like the Dayton Avenue Presbyterian Church. When the church was built a hundred years ago it was a welcome addition to the community and families built and moved into homes appreciating the contribution this beautiful structure provides to the neighborhood. Now, years later, home owners who invested in the community by restoring the surrounding homes are faced with a structure that is seeking a new purpose. Again, we understand the challenge this presents developers and the city to find compatible uses for the church.

My husband, Bill, and I are concerned that the developer has proposed a banquet hall as a possible use for the building. I understand that the existing Zoning Codes do not permit this building to be used for this purpose. We, who live in this neighborhood, oppose a banquet hall use for the obvious parking, congestion, noise, trash issues that come from venues like banquet halls. Such use is NOT compatible with a residential neighborhood. We respectfully ask the city to do its job and properly enforce the existing zoning codes to ensure that neighbors who have built a life here and invested much are not unnecessarily disrupted by this proposed use of the Dayton Avenue Presbyterian Church.

We oppose granting a zoning variance and request the Zoning Committee to DENY the developer's variance application.

Respectfully,
Lois and Bill Stevens
470 Summit Ave.

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Lois J. Stevens
(c) 612-695-9545

Langer, Samantha (CI-StPaul)

From: Johnson, Tony (CI-StPaul)
Sent: Thursday, March 28, 2019 11:54 AM
To: Langer, Samantha (CI-StPaul)
Subject: FW: Historic Use Variance; file #19-016-207; 217 Mackubin street

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From: Michelle Hotzler [mailto:HotzlerCon@msn.com]
Sent: Thursday, March 28, 2019 11:51 AM
To: Johnson, Tony (CI-StPaul)
Subject: Historic Use Variance; file #19-016-207; 217 Mackubin street

Good Morning,

We respectfully request the Zoning Committee **DENY** the Historic Use Variance for the above referenced file #19-016-207, 217 Mackubin street, The Dayton Avenue Presbyterian Church building.

We ask you abide by the current zoning code which specifically states this use is NOT permitted in an RT2 zoning district. Per the General Intent of the Zoning Code; Residential Zoning Districts: Sec. 66.214- Intent, RT2 townhouse and residential district. The last line of the paragraph states "because of its residential nature, this district is not intended for more intensive uses such as small conference centers, private retreat centers and reception houses". The proposed rental hall falls into at least two of the three mentioned uses, maybe not by name but certainly by use and occupancy.

Although, as I understand, the purpose of the Historic Building Use Variance is to allow redevopment of a historic building which may be difficult to re-purpose, while maintaining the historical integrity of the exterior building. You can not overlook the historic status of the surrounding residential neighborhood. Let me remind this building is located within a FEDERALLLY DESIGNATED HISTORIC DISTRICT as well as a larger local district. The purpose of this district designation is to preserve the unique identity, character and culture of the COMMUNITY. The committee must acknowledge maintaining the residential community is significant and goes beyond any one building. Please do not overlook the impact this project will have on this residential community.

The buyer has established three other income producing uses which are allowed under RT2 zoning and as planned have no adverse impact to the exterior of the building. The argument CAN NOT be made that no other uses are viable for the property.

The impact of such a use will be devastating to the residential character of the immediate area. We already have an extreme problem with parking and congestion. Which can and has created challenges for emergency services.

Again, we ask the Zoning Committee to uphold the zoning codes of the City of St Paul and DENY this application.

Respectfully submitted,

Gregory and Susan Hotzler
*Owners and residents of 193 Mackubin street
*Owners of 481 Dayton Avenue
*Owners of 483 Selby Avenue

Michelle Hotzler
*Owner and resident of 472 Dayton Avenue

*Please take note these properties are all within 350' of the 217 Mackubin street