

MINUTES OF THE ZONING COMMITTEE
Thursday, May 10, 2018 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, Ochs, and Reveal
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Lambda Delta Phi Sorority - 18-054-553 - Conditional use permit to increase the number of residents in a sorority from 17 to 25 at 1381 Cleveland Ave. N., between Doswell and Carter.

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 12 had not made a recommendation, and there was 1 letter in support, and 2 letters in opposition. He noted the site includes 8 parking spots in the rear of the property and there is reference from neighbors about on street parking. Public Works staff have told us that there is permit parking for 12 cars today and they could have permit parking for up to 20 cars with this proposed expansion.

Chair Edgerton noted a correction under History/Discussion; section G. of the staff report, from 1381 University to 1381 Cleveland.

In response to a question by Commissioner Lindeke, Mr. Dermody said the permit parking numbers are under the current rules.

The applicant, Sandy Ducharme, representative for Lambda Delta Phi Sorority, 1381 N. Cleveland Ave. said they bought this house in 1979. She said that this is the right time for them to make upgrades, including new stucco, roof, electrical, and sprinkler system, and they intend to make the building ADA compliant. She said they do not allow alcohol on their property, in accordance with the University of Minnesota (U of M) and this helps to keep the home in good condition. Last semester the sorority provided 722 hours of community service and in 2016-2017 the U of M gave them an award for their efforts in community service. She said the student graduation rate for this sorority is 100%, with above university average grade point averages, and they seek out new members with a high degree of moral integrity. She said that they are on a 5 year plan with the City for house inspections. They will be adding another fire escape. They will increase the building footprint by 604 square feet, not including the porch. She said they currently have 40 members and in order to have a meeting, they must move all furniture out of the chapter room to set up chairs, and the University is pushing them to expand membership.

Kristy Stolen, 2067 Carter Ave., representative of the alumni association for Beta of Clovia, spoke in support. She said they are another sorority on the U of M campus and have owned houses in St. Paul since the 1940s. She said they have many of the same purposes as Lambda Delta Phi, include providing safe, comfortable, and economical housing for undergraduate members. She said they are constantly remodeling to maintain the property. They provide a house that members can call home while away from home.

Louise Anderson, 6640 Lyndale Ave. S., Richfield is an alumnus of Lambda Delta Phi Sorority and spoke in support. She said that she grew up in rural Minnesota and could not have

afforded to live in a dorm and this was her home away from home. She said she is proud of their members because they are smart, hardworking, good citizens and students, and she hopes they can increase the size of the sorority.

David Burke 1384 Raymond Ave., spoke in opposition. He said he has lived in this neighborhood for 21 years and is the fourth homeowner since 1912. He said that all of the single family homeowners that received public hearing notices are in opposition of this expansion due to the reasons of density, the number of students, parking, traffic, and noise. He said Alpha Gamma Rho recently expanded their house to accommodate 64 students and they have 2 off street parking spaces and 48 on-street parking permits. He said Lambda Delta Phi accommodates 17 students, 8 off street parking spaces and 12 on street parking permits. He said the District 12 Community Council has not made a recommendation, but the Land Use Committee made a recommendation to approve the conditional use permit with a limit on parking on the rationale that it would not be fair because other sororities and fraternities have received approval for their expansions. He said this is not a sound thought process. Mr. Burke said the previous owner of his home was in opposition of the conversion of a single family house to a sorority back in 1979. He said that the sorority signed an agreement to allow a maximum of 8 parking spaces in return for neighbors to drop an appeal. He said the site plan included one parking space in a garage and 7 spaces on the lot. He said they received their occupancy, but never implemented the site plan. The parking lot was gravel until 1999, at which time Lambda Delta Phi Sorority began expanding the parking lot without any request, permission, or notice. He said neighbors in opposition hired counsel to enforce the original parking agreement that is still in effect today. He added that the garage was converted into living space prior to 1999, reducing parking from 8 spaces to 7. He said they should have to apply an increase their parking lot from 48' to 50' wide to accommodate 8 parking spaces. He said that neighbors are in agreement that the sorority should be allowed to make improvements for safety and ADA compliance. He said they are concerned about density, noise, and trash in the alley. He said that even though this is an alcohol free sorority, the fraternities in the area are not and it does not stop parties that occur in the alleys at all hours of the night. He added that the increased number of students in this area has made parking difficult for residents. He asked that this decision be postponed so the neighbors can talk with Lambda Delta Phi Sorority. He said that the sorority plans to begin building on Monday, May 14th and that they already have 22 leases signed for August 1, 2018.

In response to a question by Commissioner Fredson, Mr. Burke said that the Land Use Committee made a recommendation to the District 12 Community Council to approve the conditional use permit with a cap of no more than 12 on street parking permits.

In response to a question by Commissioner Baker, Mr. Burke said that if this decision is postponed it would give neighbors time to meet with the sorority, for a codification of the parking capacity, and review the site plan for screening and noise mitigation. He said they would also like the sorority to help pay for snow plowing.

Andrew McNatton, 1380 Raymond Ave., spoke in opposition. He said he agrees with Mr. Burke. He said that he understands that sororities and fraternities were here long before he moved into the neighborhood, but the expansions affect quality of life in terms of noise. He said he appreciates that it is a dry house, but is unsure how that is enforced. He said that it does not stop the interactions between this sorority and the fraternity down the alley. He said there is overflow housing for sorority members one house down and they have parties in their backyard.

He said it adds to the traffic noise and trash with no consideration of the impact on the neighborhood. He said the other fraternities are on corner lots and this sorority is in between two single family homes creating a bigger impact. He also agrees that they should be allowed to improve the building for safety and ADA compliance, but the lack of communication with the neighbors on this project and the disregard of the parking implications is a big deal. He said that they already have parking permits, but the amount of parking permits being issued seem disproportionate.

In response to a question by Commissioner DeJoy, Mr. McNatton said that he can attribute the noise, trash, and activity in the alley directly to the sorority.

In response to questions, Ms. Ducharme said that there is no trash in their yard as a rule. There may be trash at the end of the semester, or when the students move out, but it does get picked up. She said that she is very strict with the students about being good neighbors and keeping noise down. She started working with the architect in December 2017 and there was a question whether a new conditional use permit (CUP) was needed for the increase in the number of residents. She said she thought that the CUP was for the sorority and not the number of residents allowed and learned on April 17, 2018 that a new CUP was needed. She said they planned to begin work on Monday, May 14th, which was changed to May 21st, for occupancy on August 1st due to the MN State Fair. She said that in 1979 the Sorority came to an agreement with the neighbors and signed a contract allowing a maximum of 8 parking spaces. She said that after 30 years, under Torrens Law it is no longer in effect. She added that the garage is storage and has never been living space. She said that at the District 12 Land Use Committee meeting they had recommended support of the CUP and there was a friendly amendment to cap the number of parking spaces, which she said would be tough. She also said that she does not have 22 signed leases and will not have signed leases until she knows how many students can occupy this residence.

In response to a question by Commissioner Lindeke, Ms. Ducharme said she has never received a bill for snowplowing from Mr. Burke and the Sorority is not allowed to pay for expenses without a billing statement.

In response to questions by Commissioner Eckman, Ms. Ducharme said she does not reside at the sorority, but lives 5 miles away and contracts with a certified handyman. She said their rent is \$800 to \$1000 cheaper than living in a dormitory.

In response to questions by Commissioner Fredson Ms. Ducharme said at times they could have 40 members on site coming and going throughout the day, as this is their central meeting place and the 8 parking spaces in the lot and 12 permits for on street parking are needed. She said they reserve 2 parking spaces in the lot for contractors or visitors.

The public hearing was closed.

In response to a question by Chair Edgerton, Mr. Dermody said the sorority has not proposed any changes to the parking. They have a lot with 8 parking spaces and 12 permits for on street parking. He said the increase of eight residents would increase the number of on street parking permits by 8, totaling 20 on street parking permits and the focus of concern for some neighbors is to limit the number of on street parking permits to 12 rather than 20.

Commissioner Baker asked if there could be a condition added to the permit for garbage and noise. Chair Edgerton said in the past they have done that for things such as farmers' markets. Mr. Dermody said there are other uses in the code, such as outdoor sales, that have standards related to this. He said there would have to be a nexus between the findings and the proposed condition.

Commissioner Reveal asked if there had been any noise complaints for this property. Mr. Dermody said he does not know.

Commissioner Lindeke moved approval of the conditional use permit with a condition. Commissioner DeJoy seconded the motion.

In response to a question by Commissioner Baker, Mr. Dermody said there would have to be a connection between any noise and garbage conditions with finding 3(c).

Commissioner Baker asked to make a friendly amendment to add a condition for noise and garbage. Mr. Warner said that there should be a nexus between the proposed condition and the findings. He said that testimony described a dispute between the applicant and a neighbor, and if there is an ongoing issue with garbage or noise there is a process to handle those things. Commissioner Reveal noted that in past cases we have added similar conditions based on evidence beyond a single testimony, along with formal complaints to the Department of Safety and Inspections (DSI). Commissioner Lindeke said he would like to move forward without the amendment.

In response to a question by Commissioner Eckman, Mr. Dermody said that the City has regulations for noise. The noise has to exceed a certain decibel level over a period of time to be a violation, and these laws are in place to protect people throughout the city.

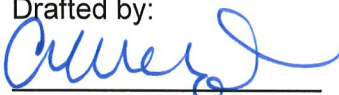
In response to a question by Chair Edgerton, Mr. Dermody said that if there are noise issues, complaints can be reported to DSI for investigation.

The motion passed by a vote of 8-0-0.

Commissioner Reveal moved to open the public hearing until Monday, May 14, 2018 to allow a recommendation from the District 12 Community Council and for the applicant to respond in writing. Commissioner Eckman seconded the motion.

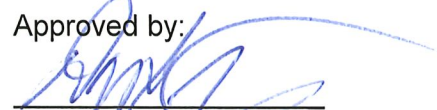
The motion passed by a vote of 8-0-0.

Adopted Yeas - 8 Nays - 0 Abstained - 0

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Bill Dermody
City Planner

Approved by:

Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Olu's Home Inc. - 18-053-706 - Conditional use permit for a 9 resident adult care home at 1850 7th St. E., between Van Dyke & Hazel.

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit. He stated District 2 recommended approval, and there were no letters in support or opposition.

The applicant, Gloria Freeman, 17 S. 1st St., Minneapolis, said she is the CEO for Olu's Home, which is housing for seniors. She said she currently has 6 bedrooms and is proposing to have 9, with a single adult in each bedroom. She added that she has been in the business of residential services since 1999.

Chuck Repke, 1321 White Bear Ave., representative for the District 2 Community Council, spoke in favor. He said this is a great use for a large house, which used to be the St. Thomas Rectory. He said their only concern is that the conditional use permit spells out the type of use, so it cannot change uses to another kind of licensed operation.

No one spoke in favor or opposition and the public hearing was closed.

Commissioner DeJoy moved approval of the conditional use permit. Commissioner Reveal seconded the motion.

The motion passed by a vote of 8-0-0.

Adopted Yeas - 8 Nays - 0 Abstained - 0

Drafted by:



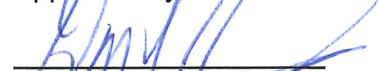
Cherie Englund
Recording Secretary

Submitted by:



Bill Dermody
City Planner

Approved by:



Dan Edgerton
Chair

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The meeting was chaired by Commissioner Edgerton.

Securian Farmers Market - 18-054-839 - Conditional use permit for a farmers market with up to 15 vendors at 400 Robert St. N., NE corner at 6th Street.

Tony Johnson presented the staff report with a recommendation for approval of the conditional use permit with conditions. He stated District 17 made no recommendation, and there were no letters in support or opposition.

Commissioner Baker asked Mr. Johnson about condition 2 in the staff recommendation. Mr. Johnson said that it was a standard condition for a farmers market and the reason for this condition is noted in finding 2(c). Commissioner Reveal stated that it is a typical condition for outdoor sales.

The applicant, Sarah Reinitz, 4977 Brunswick Rd., Mound, MN, Cushman and Wakefield said that if the market is approved it would be in operation from June 27th to October 10th, working with the St. Paul Farmers Market to have up to 15 vendors. She said the market will be open on Wednesdays from 10:00 a.m. to 1:30 p.m. and hopes it will bring some liveliness to the downtown area for their associates, neighbors, and residents in the area. She said they have on site engineers, maintenance, and janitorial staff to do a cleanup of the area before and after the market hours. Trash receptacles will be provided during market hours.

David Kotsonas, 6638 3rd Ave. S., Richfield, MN, manager for the Farmers Market, spoke in favor. He said he is looking forward to having an outdoor market with Securian for up to 15 vendors, with produce and fresh cut flowers. He said there should not be much trash generated by the market vendors. He said the market rules require all vendors to take anything with them that they brought in at the close of the market.

In response to a question by Commissioner Eckman, Mr. Kotsonas said the vendors are members of their market system. The vendors for this market will be primarily the same throughout the season, with the exceptions of vendors that sell seasonal items, such as corn or squash.

No one spoke in opposition and the public hearing was closed.

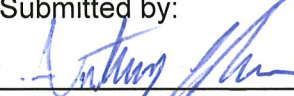
Commissioner Eckman moved approval of the conditional use permit with conditions. Commissioner Baker seconded the motion.

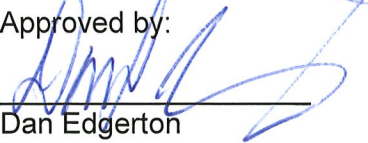
The motion passed by a vote of 8-0-0.

Adopted Yeas - 8 Nays - 0 () Abstained - 0 ()

Drafted by:

Cherie Englund
Recording Secretary

Submitted by:

Tony Johnson
City Planner

Approved by:

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The meeting was chaired by Commissioner Edgerton.

Abdalla Tobasi - 18-055-123 - Conditional use permit for replacement of an auto convenience market at 801 Selby Ave., between Fisk and Avon.

Tony Johnson presented the staff report with a recommendation of approval for the conditional use permit with conditions. He stated District 8 recommended approval, and there was 1 letter in support, and 9 letters in opposition.

Mr. Johnson said based on advice from council he recommends striking condition 4 under the staff recommendations.

Chair Edgerton asked if finding 3 (c) should be a condition. Mr. Johnson recommended making that new condition 4 in the staff recommendation,,,,, that the setbacks adjacent to the residentially zoned properties shall be landscaped. Mr. Johnson said that the applicant has requested wider setbacks under finding 3 (b) for patrons with accessibility issues and he has already expanded the sidewalk to accommodate those patrons.

The applicant, Abdalla Tobasi, 809 Selby Ave., said he has owned and operated the convenience market on Selby Ave. since 1992. He said he understands how the traffic flow should go in order to accommodate his customers. He said he currently has 1,400 sq. ft., the bathroom entrance is on the outside, and the building is not ADA compliant. He said that he reconstructed the gas pumps and widened the sidewalk to accommodate people in wheel chairs, but created a problem for cars to drive around other cars parked under the canopy. He has worked with an architect to help solve this, and would like to have a larger and modern gas station to accommodate all patrons. He said he is proposing a gas station with about 2,800 sq. ft. with a 15' open cooler for fresh produce. He said this is the only gas station in this area, serving 800-900 people per day. He is proposing to have tobacco products in a separate corner of the store that would be accessible to people 21 and over, to avoid exposure to the many children that come into his store. He said that he is also proposing an extra 2,000 sq. ft. to lease to others, and meets the parking requirement. He added that he dedicated to the neighborhood, is at the store every day, and knows all of his customers. He said that this project along with 2 others in the area will help to transform Selby Avenue.

In response to questions by Commissioner Reveal, Mr. Tobasi said he had one incident of gun violence about 2-3 years ago between people who did not live in the neighborhood. He said he is watchful for people loitering in the lot and asks them to leave if needed. He said his gas pumps are available 24 hours a day and he has cameras so he can monitor his store, and his store is open from 7:00 a.m. to 11:00 p.m. He leaves the canopy lights on after the close of business.

Commissioner Ochs asked if he owns other gas stations and if so, how many? Mr. Tobasi said that he currently owns 2, and a 3rd station was just sold.

No one spoke in favor.

Jillian Baird, 802 Dayton Ave., spoke in opposition and said they moved in to the neighborhood 2 years ago and have 80' of adjoining property with Mr. Tobasi. She said she is not opposed to improvements to the gas station, but does not want her daughter's window to look over a smoke shop, and is against the modification from a 10' to a 6' buffer area. She said she is concerned about losing this space and having employees

hanging out, smoking outside the back exit doors. They have an old house, with no air conditioning and in the summer rely on open windows and fans. She said that the gun shots occurred last summer, her car was stolen out of her driveway in October, and her partners truck window was broken two weeks ago and they are still committed to this neighborhood. She added that they are the only owner occupied home on that side of the block. She said that many of the people Mr. Tobasi spoke with in the neighborhood about his proposal are tenants. She said they do not have an alley for a buffer and if this should be approved she is asking that they would not modify the 10' setback requirement and would like to have a sound absorbing visual barrier. She said she would also like ground up exterior lighting in the back and a gate to deter traffic.

Brian Brooks, 802 Dayton Ave., said he is not opposed to improving the gas station, but he does not want this proposal to be a detriment to them and the neighbors by looking at a large concrete wall, rather than a yard with mature trees. He would like the 6' setback to be denied, but is fine with the 10' setback. He said there are a lot of customers that yell and there is loud music from cars. He said the St. Paul Police acted quickly to the shooting that occurred last year. They have put a lot of money and countless hours into the improvements of their home and want to stay and make this neighborhood better.

Commissioner Eckman said that although a concrete wall may not be aesthetically pleasing, it may be a better barrier than trees. Mr. Brooks said that he would prefer a wooden fence that would be taller than 8', along with some landscaping. He said Mr. Tobasi offered to add this request to his plans and that they should let him know what they would like. Mr. Brooks said he just wants to make sure this would happen.

Carrie Moore, 782 Hague Ave., spoke in opposition and said her husband has a business a few doors down from Mr. Tobasi's shop. She said they are customers of Mr. Tobasi, and her only concern is the tobacco shop. She said that a recent study by the University of California shows tobacco shops should be classified as nuisance properties because of their link to increased crime in urban communities of color. She also said that a liquor store is on the opposite corner from the tobacco shop, and it does not fit well in this neighborhood. She said she hears gunshots regularly. She would like her community to be uplifted and thinks Mr. Tobasi's proposal may do that, but she is concerned about what may go into the retail space. This is an area already having problems with crime.

Commissioner Reveal asked if the gunshots are coming from Mr. Tobasi's property. Ms. Moore said she could not tell where they were coming from. She added that when Mr. Tobasi is at the store he tells groups of people who congregate to go away, but the clerks are afraid to do that and having extra security cameras could help.

Mr. Tobasi said that he went to the Summit University Planning Council to go over his proposal and answer any questions or concerns. He spoke with neighbors, but many are rental properties. He told the Summit University Planning Council that he has two neighbors with concerns, one being Ms. Baird who would like to have trees rather than see a brick wall. He said he told her to pick the type of trees she would like and he would add them to the plan. He said the fire exit doors in the rear of the building are required by law and no one is allowed to smoke at those doors, which will only be used in the event of an emergency. Mr. Tobasi said that he is licensed to sell tobacco already, but he has approximately 100-200 kids come into his store each day and wanted to separate the tobacco so it is not visible to these kids. He said that tobacco does not make crime, but gangs, guns, and drugs do. He added that other larger retail stores sell tobacco, and like those stores he will not promote violence or illegal activity. He said that there are gunshots in this neighborhood, but they are not occurring at his gas station. He added that he would work with people about issues of crime if they are happening in his parking lot, but does not want to be blamed for crimes occurring on another street.

Mr. Tobasi said that he would like the 6' setback at the rear of the building for smooth traffic flow in the parking lot and a 10' setback would create traffic flow issues.

In response to questions by Commissioner Reveal, Mr. Tobasi said he will be operating the tobacco shop. He said that he has offered a buffer of a fence, trees, and landscaping of Ms. Baird's choice within the 6' proposed setback and that would be added to the plan.

Commissioner Reveal said that although intermittent gun activity in the area is not his fault, it would be nice gesture to the neighbors if once the building is complete to arrange a meeting with the neighbors and police to see if the police could concentrate more in this area at night. She also asked him to determine whether the 24-hour gas pumps are necessary.

Mr. Tobasi said that he can turn off the pumps at 11:00 p.m. if there should be any issues with them. He added that he used to be involved in block clubs, but now he does not know many of his neighbors because so many properties are rental. He said if a list could be provided to him showing the homeowners in the area, he would send out invitations for a meeting.

The public hearing was closed.

Commissioner Ochs moved approval of the conditional use permit with conditions. Commissioner Lindeke seconded the motion.

In response to a question by Commissioner Fredson, Chair Edgerton said we removed condition 4, but added a new 4th condition.

Commissioner DeJoy said there are issues with gas stations regarding noise and litter and the issue of litter has come up more than once in written testimony. Mr. Johnson said he added condition 3 because of the feedback. He said that Mr. Tobasi cleans up litter 5 times per day.

Commissioner Eckman asked what the new 4th condition is. Mr. Johnson said that the condition is for the 6' setback adjacent to residentially zoned properties to be landscaped.

Commissioner Reveal said she is concerned about tearing down a house and mature trees, and there should be extra effort in landscaping those areas. She said that condition 3 is good, but neighbors should file a complaint if there are any violations so that the condition can be enforced.

Commissioner Ochs said that it is the patrons of the convenience store and not the store itself that generates the trash. He said the expansion of the goods they offer may attract more neighbors and that could lead to policing ourselves in doing a better job of controlling trash. This could be a positive addition in the ongoing renaissance of Selby Avenue.

Commissioner Lindeke said he agrees with Commissioner Reveal, and is supportive of this project.

Mr. Johnson noted that the tobacco shop use is a permitted use in a B2 district and the conditional use permit is for the replacement of an auto convenience market. He added that in the licensing code there is a ½-mile distance requirement between tobacco product shops, which this meets.

In response to a question by Commissioner Reveal, Mr. Johnson said there is no distance requirement between a tobacco shop and liquor store.

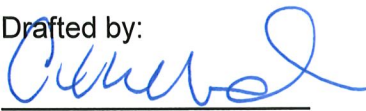
Commissioner Eckman said she is in support of the motion, but wants there to be commitment and execution in working with the neighbors. Mr. Johnson said the applicant will go through the Site Plan Review process.

Commissioner Ochs asked if the City forester can comment on the Site Plan Review. Mr. Johnson said yes, the City Forester can add requirements. Commissioner Ochs said he hopes the forester can make recommendations for appropriate trees to plant within the 6' setback, because it is a narrow and challenging area.

The motion passed by a vote of 8-0-0.

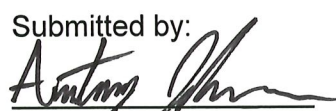
Adopted Yeas - 8 Nays - 0 Abstained - 0

Drafted by:



Cherie Englund
Recording Secretary

Submitted by:



Tony Johnson
City Planner

Approved by:



Dan Edgerton
Chair

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STAFF: Mike Richardson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

Snelling Avenue Development - 18-055-252 - conditional use permit (CUP) for building height: at the north wall in T3 zoning district, 55' allowed by right, 68'-4" proposed with CUP; at the south end of the east wall in T2 zoning district, 42'-4" allowed by right with setbacks, 47' proposed with CUP and setbacks; at the east end of the south wall in T2, 41' allowed by right with setbacks, 47' proposed with CUP and setbacks at 246 Snelling Ave. S., SE corner at St. Clair.

Mike Richardson presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 14 recommended approval, and there were 35 letters in support, and 39 letters in opposition. He noted a change in that the site plan was submitted and conditionally approved.

In response to a question by Commissioner Reveal, Mr. Richardson said the 4,000 sq. ft. retail space will be at ground level on the northwest corner of St. Clair and Snelling.

Mr. Richardson said the general comments of those in support say that the proposal is consistent with the comprehensive plan and goals of the City, that there is a strong need for housing, that the proposal is supportive to transit for non-auto dependent lifestyles being in close proximity to the A-line, and that it adds a general vitality to the area. He said the general comments of those in opposition say that the proposal exceeds zoning requirements, is too tall, will shade the neighbors, impair privacy, is not compatible with the neighborhood, will add traffic congestion, increase emissions resulting in health concerns, reduce pedestrian safety, and create parking problems with not enough off-street parking.

In response to a question by Commissioner Reveal, Mr. Richardson said the balconies were treated as the building edge in the calculations for the conditional use permit.

Commissioner Ochs asked if this has gone through site plan review and if there have been any modifications. Mr. Richardson said it has and that there were slight modifications that did not impact the findings in the staff report. The Department of Safety and Inspections (DSI) has not sent out the approval letter.

The applicant, Jim LaValle, 2416 Edgcombe Rd., said the location and project design embrace multiple forms of transit and sustainability, in respect of this mature and sophisticated neighborhood. In collaboration with City staff, their development team purposely designed this project to meet all applicable standards of the zoning code, Comprehensive Plan, Macalester-Groveland Community Plan, and building codes. He said the development team took public forums seriously and made changes to the proposal to address concerns. Their goal is to

create a development that is an asset for the community by providing new and unique retailers and creating a new housing alternative located on a transit oriented corridor.

Commissioner Ochs asked why they applied for a CUP for a few places on the building. Mr. LaValle said they designed dwelling units with a 9' ceiling height and a 12' ceiling height for the first floor retail space.

Commissioner Reveal noted a previous proposal that concluded below ground parking is not feasible on this site due to groundwater issues. Mr. LaValle said that the water is perched between 9' and 12'. The bottom of the foundation will be at 12', they plan to de-water if they encounter water during the installation of the foundation, and the additional costs do not prohibit the building from being built.

Commissioner Fredson asked if there is a door between the public parking stalls and the residential parking. Mr. LaValle said there is a door to segregate private and public parking on the first floor for security purposes.

Commissioner Fredson asked if they had considered additional mixed-use retail space in the 3 ground level residential units. Mr. LaValle said that was considered in the original plan, but they became concerned with vacancy rates for retail space in the area and they were also trying to balance the parking ratios between residential and commercial space. He said ground floor the residential units facing Snelling would activate the street.

Commissioner Fredson asked if there is a sound or privacy barrier on the roof deck for the neighbors to the east. Mr. LaValle said the building partly shelters this and the neighbor to the east is the Cinema Ballroom Building, but the railing that goes around it could be made of a sound resistant material.

Commissioner Baker asked for a clarification on the parking ratio from Commissioner Fredson's question. Mr. LaValle said that the residential component requires less parking per square foot.

No one spoke in support.

Kathy McGuire, 2203 Fairmount Ave., sent a letter and spoke in opposition. She said that Snelling Ave. is a very busy thoroughfare that spills into residential streets and it is irresponsible to add more people and vehicles onto these streets by the addition of more apartments. This area is already dense, congested, and unsafe. She said that the rental rates in Macalester Groveland are the most affordable in the area and the vacancy rates south of I94 are among the highest in the metro area, so this is not an urgent situation. She said she welcomes development, but within reason for the neighborhood. She said she would like protection to the adjacent properties and said two conditions have not been met. She said the Snelling, St. Clair area is predominantly single family, 1-1/2 story homes that sit at ground level. She said in looking for comparison properties, she could only find one other 6-story building on University Ave. She said the Ray is 4 - 5 stories and the Hamline Station Apartments provide a buffer to the single-family homes on Sherburne. She said the TJL proposal includes 2nd story patios, fitness centers, and 9' ceiling that are at the expense of the neighborhood.

Anders Osen, 1397 Portland Ave., spoke in opposition and said he sees some accommodations and compromises to meet the needs of the homeowners in the area. He is currently renting

affordable housing, this proposed project is not affordable, and he is concerned about having to move if developments like this continue. Commissioner Eckman asked how long he has lived in his residence and if he has had a rent increase. Mr. Osen said he has lived here for 2-1/2 years and he has kept the same rate because he lives with the landlords' son, but rent did increase for others. He said he is near Hamline and Summit Ave. and has one of the lowest monthly rents in the area at \$500.00 per person.

John Osen, 1545 Goodrich Ave., asked the committee to deny the conditional use application. He said he drove through the warehouse district in Minneapolis and saw a very nice six-story housing complex that looked similar to this proposal, but this location is not the warehouse district. It is next to a college and the closest 5-story building is the Vintage, which is north of this location. In driving down Snelling from Ford Pkwy., there is the Waters, which is a 4-story apartment building, and a 5-story apartment at Randolph, and no others above 2-stories from Randolph to St. Clair. He said this does not fit into the neighborhood because it is twice the size as anything else in the neighborhood. He said in ¼ of a block there will be 100 new units and that is a lot of density for the area. It meets the zoning desires to bring people into the neighborhood, but when there are events in the area that create a swell of people, traffic will overflow onto Brimhall and Stanford, creating safety concerns for those neighbors. He would like the building to be limited to 5-stories.

Margaret Flanagan, 275 S. Warwick Ave., sent a letter and spoke in opposition. She said that the Snelling Avenue Zoning Study found that south of I94, 77% of existing landowners were single-family dwellings. She said this building is 3 times taller than anything else in the neighborhood. She said the height limit in the T3 zone is 55', the developer is asking for an additional 14' of height, and in real terms this means the top level of the T3 and T2 levels will tower over her house and the balconies and windows will be looking into all of their homes and block the light. She said this will impact parking and there is not enough parking designated for this building, and those tenants will go to neighboring streets to park. The level of density is too massive for the adjacent single-story homes. She said it will impede orderly development and improvement of surrounding properties and it will be detrimental to the existing character of the neighborhood and endanger the public health and welfare. She added that this blighted corner should be developed, but with a 5-story building and not 6-stories.

Mr. LaValle said that change can be hard and they worked hard for many months to articulate this building to be sensitive in context to the residential neighborhood and make it appealing. He said they have studied the zoning code, and in being sensitive to the neighbors have made several changes after requesting input from city staff and neighbors. He said they are in full compliance with all of the additional standards that are required for this conditional use permit. He said they appreciate the work the Planning Commission has done in establishing these standards to make our communities better. He said the building will improve safety and respects the neighbors.

The public hearing was closed.

Commissioner Reveal moved approval of the conditional use permit with a condition.
Commissioner Lindeke seconded the motion.

Commissioner Reveal said that it is hard to have a significant change like this in an established neighborhood, but this is exactly what should be done on a significant transit corridor. She said

this will not be the end of development on Snelling and she would feel different if it were a solid 6-stories across the whole building, but the developer did a good job to articulate the building in a way that steps down, giving it less mass. Architecturally, it holds the corner and brings mass to the highest corner near transit systems. She said she is sympathetic to the neighbors, but this is in the best interest of the City.

Commissioner DeJoy noted Ms. McGuire's thoughtful letter and appreciated Ms. Flanagan's comments. She said that whether it is 5 or 6-stories, the building will still be there. She said she agrees with Commissioner Reveal and feels that this building has a lot more articulation, windows and commercial space than previous development proposals here.

Commissioner Fredson said if not on Snelling, then where? He said this is on the A-line and is designed to achieve much of what the City wants, and he is in support. He said he appreciates all of the comments they received.

Commissioner Lindeke said he support this project and remembers the frustration of a previous proposal. He said more housing will help to bring rent down and will create walkability and increase safety.

Commissioner Baker said he is sympathetic to the residents, but the demand for rental housing is really strong and the applicant did a good job trying to mitigate issues on the site for the neighbors.

Commissioner Ochs said this will support the City's bicycle plan and the density will improve economic vitality support nearby retail.

Commissioner Eckman said that those in support of this proposal noted the need for affordable housing and those opposed noted the size and that it was too tall. She said creating more housing increases housing availability, which drives down rental prices.

Chair Edgerton said he is in support and it is a better proposal than the previous proposal that he was also in support of. He said there is a demand for this type of development and there is a shortage of affordable rental housing in the city.

The motion passed by a vote of 8-0-0.


Adopted Yeas - 8 Nays - 0 Abstained - 0

Drafted by:



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Recording Secretary

Submitted by:



Mike Richardson
City Planner

Approved by:



Dan Edgerton
Chair