

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, June 6, 2019 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

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

The meeting was chaired by Commissioner Edgerton.

**Alan Hupp - 19-042-697 - Conditional use permit for a 5-unit cluster development with modification of lot coverage and setback standards, and a parking variance (7 spaces required, 4 spaces proposed) at 617 Laurel Ave, NE corner at Dale Street**

Tony Johnson presented the staff report with a recommendation of approval with conditions for the conditional use permit & variance. He stated District 8 made no recommendation, and there were no letters in support and 1 in opposition.

In response to Commissioner Reveal, Mr. Johnson said that status of Mr. Hupps' previous application remains open. He anticipates that if this application gets approval Mr. Hupp will request to withdraw the former one. The current application incorporates what the Heritage Preservation Commission (HPC) requested at their meeting and has received HPC approval.

The applicant, Alan Hupp, 10431 Homeward Hills Road, Eden Prairie, MN, thanked the Committee for their time and patience as he works through this project. The new design and what HPC had encouraged him to do is an improvement to his last proposal. The architect Ross Chapin helped him put this concept together. In most respects the project is like his previous application. He only needed to add the one modification because of the duplex.

Joseph Rittman, 599 Laurel Avenue, Apt. 4, Saint Paul, spoke in opposition. Mr. Rittman voiced concerns he had submitted in a letter (see attached).

Mr. Hupp responded to testimony. He understands the concerns. He said that there is good visibility down Dale Street. It is a tough corner presently, but there will be visibility past the carriage house. There is visibility for at least a block to see if cars are coming. He wants the two units above the garage to offer affordable units and as an overall proforma they are critical to the project.

In response to Commissioner Ochs, Mr. Hupp said that the site is tight and to keep enough room in the courtyard area they had to be very thoughtful on how the space was being used. He didn't feel like it made sense to move the garage back even further. He said the movement diagrams show that there is an adequate turning radius from the alley into the different parking stalls in the garage. He is comfortable that it will not be an issue.

In response to Commissioner Reveal, Mr. Hupp said that the parking spots will support the whole property.

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

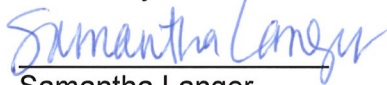
In response to Commissioner Edgerton, Mr. Johnson said that previous application went through site plan review and had conditional approval. The setback for the garage hasn't been changed on this proposal. This application will also need to go through the site plan process.

Commissioner William Lindeke moved approval with conditions of the conditional use permit and variance. Commissioner Kristine Grill seconded the motion.

The motion passed by a vote of 6-0-0.

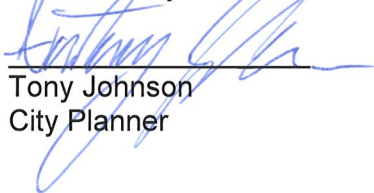
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Drafted by:



Samantha Langer  
Recording Secretary

Submitted by:



Tony Johnson  
City Planner

Approved by:



Dan Edgerton  
Chair

**From:** Joe Rittmann [<mailto:joeritt@gmail.com>]

**Sent:** Tuesday, May 28, 2019 7:32 PM

**To:** Peter Carlsen; [craigupright@gmail.com](mailto:craigupright@gmail.com); Godollei Ruthann; Elizabeth Petit; Robert Butler; Diana S; caleb pulver; Joshua Drivdahl; Sissel Iltad; Luiz Vinholi; Dery; Jean Schroepfer; [ericlein@gmail.com](mailto:ericlein@gmail.com); [jparr@jspproperties.com](mailto:jparr@jspproperties.com); Richard Pearce; Mark Edwards; Jens Werner; Marty Rittmann; Johnson, Tony (CI-StPaul)

**Subject:** Objection on 617 Laurel to St Paul Zoning Committee-28 May 2019

28 May 2019

St Paul Planning Commission Zoning Committee  
Mr. Tony Johnson, Supervisor  
Department of Planning and Economic Development  
25<sup>th</sup> 4<sup>th</sup> St W, Suite 1400  
Saint Paul, MN 55102  
P 651 266-6589  
[Tony.johnson@ci.stpaul.mn.us](mailto:Tony.johnson@ci.stpaul.mn.us)

Dear Mr. Johnson

Thank you for the announcement of the public hearing of the StPaul Planning Commission Zoning Committee on Jun 6, 2019. I hereby enter my objections to those modifications and parking variance which permit increased density and reduced setback (specifically, the addition of a second floor to the garage is solely for the economic benefit of the landlord/developer from two nominally low income renters), because of the harm and hazard this plan causes to the traffic on the alley used by over 50 vehicles. I ask that these objections to the 617 Laurel Ave project are recorded and read in.

I refer to the parking variance that 4 spaces are proposed when 7 spaces are required. If the developer's proposal did not include the two residence atop the garage, then this variance would not be needed. There are 3 residence units in the cluster design, so 4 parking spaces would be adequate.

And all of the safety and hazard issues for the traffic in the alley that the increased density, reduced setback, and parking variance lead to will be avoided. In brief, the protection of the neighborhood that is mandated by the zoning code will be respected by the Committee to the benefit of the many residents in addition to the benefit of the future residents of the new 617 Laurel development.

The developer has on occasion disputed that the traffic on the alley where it meets Dale St on the western end will be negatively affected. He presents that the sight lines are clear for traffic entering and exiting Dale St. Those of us who live and drive on the alley way face traffic congestion daily, so the best claims by the developer need to be considered per actual driving conditions.

The Committee is aware that there are about 50 vehicles that move up and down the one lane alley. Requiring entry and exit and parking of four additional vehicles at the tightest, narrowest point of the alleyway can only result in increased congestion and blocking of traffic in the

alley. Add to that the turning of the vehicle from the south bound Dale St lane or the exit of the vehicle from the alley to the south bound Dale St Lane when the alleyway has a slow moving parking vehicle increases the hazard of vehicle contact (crash).

The developer presents that this hazard at the west end of the alley can be alleviated by having vehicles not use the Dale St alley access point, but use the east alley entrance /exit on Kent St. The Committee is aware that Kent St is not a through way street, as it has parking on both sides, thus restricting traffic. Redirecting that all cars to use one entrance and exit to the alleyway through Kent St will increase the congestion and blocked traffic, not alleviate it, especially when the current zoning code enables everyone to use the alleyway safely without congestion. Why ignore the code for two additional residents and lead to an increase of congestion and increased hazard of driving in the alleyway?

The Committee is aware that granting modifications and variances of the zoning code in the matter of 617 Laurel Ave will result in harm to the residents. Once the modifications and variances have been granted, what remedy do the residents have when they experience the harm that the zoning code is designed to prevent, and which were ignored for some economic reasons? Will the City of St Paul require that the 617 Laurel Ave project be removed? Or shall the residents have no choice but to bring suit for harm caused by members of the Zoning Committee and the City for their dereliction of duty to apply the zoning code strictly by giving variances and modifications for purely economic reasons in favor of some few with great harm to many? In short, how many instances of vehicular contact must take place or be avoided before the City can be held accountable for the hazard that was caused by not adhering to the code?

I urge the Committee to reject the part of the 617 Laurel plan that builds a two storey garage with two low quality residences above with the narrowest possible garage parking below on the narrowest part of the alley with insufficient set back. The idea of a garage with residence above does not add to the cluster design which is being proposed for the center of the project. The plan for a garage with residences above causes undue and unnecessary breach of traffic on the alleyway with hazard and harm to many.

Permitting four parking spaces without garage will be far more favorable to the future residents of 617 Laurel Ave as well as the 50 residents that use the alleyway as it will not increase the driving hazard in the alleyway.

Thank you for your service to the City of St Paul and the many residents who currently use the alleyway and even the very few new residents of 617 Laurel who will use the alleyway also.

Best wishes,

Joseph Rittmann  
599 Laurel Ave, Apt 4  
St Paul, MN 55102  
Tel 218 760-9353  
[joeritt@gmail.com](mailto:joeritt@gmail.com)

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The meeting was chaired by Commissioner Edgerton.

**Water Street Residential - 19-042-513 - Rezone from IT transitional industrial to T3 traditional neighborhood, 84 Water St W**

**19-042-697 – Building height variance (45' permitted, 74' 6" proposed). Front yard setback variance (10' required, 8'6" proposed for building corner near front entry, 5' proposed for balconies).**

Michael Wade presented the staff report with a recommendation of approval for the rezoning and variances. He stated District 3 submitted a letter recommending approval with conditions, and there were no other letters in support or opposition.

In response to Commissioner Edgerton, Mr. Wade said that the land uses in the area are a mix consisting of industrial and utility and office.

In response to Commissioner Reveal, Mr. Wade said that the location of the development is outside of the West Side Flats Master Plan.

In response to Commissioner Grill's concerns regarding the active pedestrian space due to the ground floor parking, Mr. Wade explained that the front of the proposed development will be an amenities space. It will include amenities such as an exercise room or lobby. There will be a good amount of glass and you won't see bumpers of cars.

In response to Commissioner Edgerton's concerns about the Port Authority being notified of this development, Mr. Torstenson said they did receive a post card regarding the public hearing. He said that staff will also contact them directly before the Planning Commission meeting to see if they have any input on the development.

In response to Commissioner Grill, Mr. Wade said that sidewalks will be added to their property.

Kyle Brasser, Reuter Walton Development, 1710 W Lake Street, Minneapolis, representing the applicant, said the site is currently zoned industrial transitional as opposed to strictly industrial. The parcels size and depth doesn't necessarily make for a good industrial site. The West Side Small Area Plan and City Comprehensive Plan both call for housing in this area. He said the site is currently vacant and largely surrounded by industrial. The City Comprehensive Plan guides this area for residential uses. They are proposing 136 housing units, five levels of housing over two levels of parking. The two parking levels will be screened by active uses. The front of the building will be amenity areas. Front screening will have expansive glass, outdoor areas, and landscaping. It will be very active and pedestrian oriented. The high ground water on

this site has caused them to pull what would have normally been underground parking above ground. Also, the skinny nature of the parcel has required two levels of parking to achieve appropriate parking counts. They will have 104 parking stalls and the required in 99. They are creating a pedestrian environment and the West Side Community Organization (WSCO) likes that part of the proposal. The building is entirely privately financed with no public financial assistance or subsidy. The rent structure will provide housing that is affordable to the middle of the market with much of the building having rents affordable at 80% Area Median Income (AMI). After meeting with the WSCO, they reduced 10% of the starting rents to 60% of the AMI. Based on project financing, neither the equity partners or the bank will allow a long-term rent restriction due to the unknowns in the future. The explained this to WSCO just before they voted to support their project. This is a similar approach to what Reuter Walton Development is taking on many of their projects throughout the Twin Cities. They are targeting lower price point rents through more efficient construction, small unit footprints, and construction efficiencies. Mr. Brasser highlighted the factors that support the rezoning proposal. The site is currently vacant. T3 and industrial districts already coexist in the area. The T3 zoning will provide a better transition to the park across the street and is compatible with the neighboring FOK building. He said that regarding the height variance they are being consistent with the Comprehensive Plan for mixed use corridors. There are practical difficulties with the development of the site including the narrowness of the site and high-water table. The narrowness restricts both parking and the number of housing units they can fit on a given floor. The additional height allows them to provide the unsubsidized rents at the levels mentioned. They have stepped the building back and down on the sides, in response to the height variance. Also, they have a front yard setback for the corner of the building and a variance for the balconies. They have received a letter of support from WSCO. They have met with Friends of the Mississippi River, and they requested a view study. Their concern was about if the building will impact the views of the bluff from various points and it has been determined there is no impact.

In response to Commissioner Lindeke, Mr. Brasser said that they considered a mixed use, but right now it isn't feasible because there isn't a consumer base for most commercial uses.

In response to Commissioner DeJoy, Mr. Brasser said that the property is privately owned.

In response to Commissioner Reveal, Mr. Brasser said that their proforma is assumed that they will stay at the affordable levels of 60% and 80% AMI.

In response to Commissioner Grill, Mr. Brasser said that every rental unit will have a bicycle parking stall. One of their amenity spaces is a bike repair lounge that will also have storage.

John O'Brien, 675 Goodrich Avenue, Saint Paul, spoke in support. Mr. O'Brien said he is eager to see this project move forward. It is a wonderful plan. The extra height makes sense given the water table and the narrowness of the lot.

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

Commissioner Elizabeth Reveal moved of the rezoning. Commissioner Anne DeJoy seconded the motion.

Commissioner Ochs voiced his concerns regarding two levels street level parking.

Commissioner DeJoy said that the area is not a heavy industrial area anymore. There were plans that called for housing in this area very similar to this development.

The motion passed by a vote of 6-0-0.

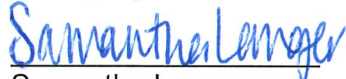
Adopted                      Yeas - 6              Nays - 0              Abstained - 0

Commissioner Elizabeth Reveal moved approval of the variances. Commissioner Lindeke seconded the motion.

The motion passed by a vote of 6-0-0.

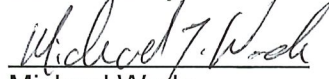
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