

# Summit Hill Association

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District 16 Planning Council  
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July 15, 2015

Attn: City of St. Paul Planning Commission / Zoning Committee

## **Re: 1174 Grand Avenue Development Proposal**

The Summit Hill Association / District 16 Planning Council met regarding the proposal on 1174 Grand Avenue brought forward by Bleu Ant Design, LLC. The proposal for the project is to rezone the site to a RM-2 zoning district, which would allow for multi-family housing, and would bring it in line with the zoning of the two properties to the East and two properties to the West. The developer is also requesting a number of variances, including a front yard setback of 20 feet (25 feet required), a side yard setback of 7.5 feet on each side (1/2 the height of the building required), a rear yard setback of 15 feet (25 feet required), and a coverage variance for 55% (35% required).

There were a number of neighbors at the meeting speaking against the project. The key issues that they spoke about were.

- The overall scale of the building in comparison to the existing apartment buildings, and how this would be the largest of the group.
- The additional traffic in the dead end alley that the proposed underground parking would present.
- The height of the building in comparison to the adjacent buildings.
- The lack of commitment to a height of the building in the city submittal package.
- There was a statement to the effect of not being against the idea of a multi-family building, but wondering why it couldn't be the same size as the existing.

There was discussion regarding this matter at 2 separate ZLU Committee Meetings prior to our Full Board Meeting to try and flush out some of the main concerns of the neighborhood. Our recommendations are as follows.

- The rezoning was discussed as being somewhat appropriate, due to the neighboring buildings, but possibly premature, as there wasn't a consensus on the proposed development being appropriate as submitted. In order to rezone this property to the multi-family use, it seems appropriate to have a development proposal put forward that would employ that amended

- zoning in a responsible manner. To take away the ability to utilize it for uses already available to the current BC district, which our neighborhood plans calls for the preservation of, seems unfitting at this time. By rezoning the parcel now it is limiting the development by closing the door to have the parcel rezoned to another district for a project that could work without all of these variance requests.
  - Based on the findings of our ZLU Committee and Board several of the findings put forward by staff in recommending approval of the rezoning are contradictory. Specifically the statements of “The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: “Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing as appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice.”, and the statement referring to the District 16 Plan supporting it based on the fact that rezoning from BC to RM2 retains nearly identical residential regulation on the property. If the zoning requirements are going to be waived to the extent proposed for the development, then it seems inappropriate to argue that the development is “neighborhood-sensitive”, or that the rezoning should be at all based on the fact that the lot coverage requirements are similar between the existing and new zoning when the proposal is to waive the lot coverage requirement to the tune of 20%.
  - The City’s argument that the proposed zoning is compatible with the surrounding uses may hold some truth, but that change in zoning should then respect the required zoning regulations for that new zoning district
- The front yard setback variance request is such that it would align with the existing buildings on either side. This variance request was recommended to be approved, as holding the front edge of the buildings to the same dimension feels appropriate along the street frontage.
- The side yard setback variance request for 7.5 feet from the required 1/2 the height of the building (which would be somewhere between 18-20+ feet based on the existing proposal) was felt to be too much, and not a clear variance. It is recommended that this variance request be denied. By allowing the variance at each side, as well as the additional height that this building will have over its shorter neighbors, the natural light for the neighboring properties will be diminished, and the spacing between the buildings will not continue the regularity in pattern and spacing that staff suggests.
- The rear yard setback variance request for 19’ from the required 25’ was also recommended for denial by our Board.
- The lot coverage request from 35% to allow the requested 55% was thought to be too great a variance at 20% more than allowed. It is recommended that his variance request be denied, as the project clearly doesn’t fit within the allowable parameters of the ordinance.

The overall feeling of our ZLU committee and Board was that, though the use of the lot as multi-family may be the most appropriate use for the site, the number and size of the variance requests were too great for the development as proposed. The applicant is not requesting a variance on one side or even two, but the request is to push the property beyond the limits on all four sides, as wells as the overall allowable coverage requirements for the zoning districts.

We also feel that the findings have not been sufficiently met in regards to the variance requests. To assume that this project will fit into the regularity, pattern and spacing as the adjoining buildings is misguided, when the facts of the proposed development being between 7%-17% larger than the adjacent multi-family buildings in footprint, and 17% higher than the adjacent buildings, which are only 2 1/2 stories tall as opposed to the proposed 3 1/2 stories proposed for this building, is taken into account.

Although our District 16 Plan does put an emphasis on parking, and encourages off-street and underground parking, it does not support rezoning to more intensive uses and variances where parking and traffic problems create undue hardship for neighboring businesses, residents, and visitors, and with the nature of the dead end alley, the parking overflow from SPA, the existing rentals and businesses on that block there is a lot of parking demand in that immediate area. We also place significance on increased density, and ensuring that the impact conforms to zoning and building requirements, and that the City considers the development's adverse impacts. This development is stretching the zoning and building requirements on all sides, and needs to take into account adverse impacts on neighboring properties.

In regards to altering the character of the surrounding area, it should be noted again, that this is a new development proposal to be the largest building on the block, and is to be up to 17% larger and taller than neighboring properties. Staff's findings even call for elements that should be taken into consideration in order to try and maintain character of the existing buildings, and measures to address privacy concerns of neighboring residents in response to the setback variance requests, but these are not in any way made conditions of approval. This will also be the only building on the East end of Grand Avenue where underground parking pushes the building out of the ground 1/2 story, and will be a full story taller than its neighbors.

The Summit Hill Association/District 16 Council does not feel that the required conditions have been sufficiently met in order to allow for the numerous requested variances for this proposal, other than the front yard variance, and we would ask that the Zoning Committee and the Planning Commission deny those requests for this development.

Sincerely,

Philip Wahlberg  
SHA Vice President  
ZLU Committee Chair

## MEMO IN OPPOSITION TO PROPOSED REZONING AND VARIANCES FOR 1174 GRAND AVENUE

ATTN: Zoning Committee  
CC: Jamie Radel, Tom Beach & Summit Hill Association ZLU  
FROM: Below-signed residents  
DATE: July 14, 2015

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Please accept this memorandum along with the two-previous memorandums (*Attachments "A" & "B"*)<sup>1</sup> as the neighborhood opposition to the requests for re-zoning and four plus variance requests for 1174 Grand Avenue.

### • *Introduction*

As point of background, my wife, Amanda Karls, and I<sup>2</sup> live at 1171 Lincoln Avenue – directly south of this proposed development. We first met with the developers in February, again with neighbors in March, and with a smaller group of neighbors in May. We, along with many of the neighbors, attended two Summit Association ZLU meetings along with the full-board meeting on July 9, 2015. The proposed project has been presented in many forms since our first meeting in February. The attached memorandums<sup>3</sup> address the constantly inaccurate and shifting figures and measurements. It was not until the July 9 meeting that we were finally presented with an actual height. In order to not re-invent the so-called wheel, we ask that this Committee review those documents in conjunction with this memo, which strives only to hit the high points.

Contrary to any statement from the developers or City Staff, this proposal does not include nor address the concerns of the neighbors. Rather we and the additional below-listed residents maintain opposition to the re-zoning and the variance requests as the proposed building will be bigger than any of the others that City Staff are trying to “match.” Staff uses terms like “generally consistent with the size and type of building,” but that is not true. **To be clear, the proposed project will be the tallest, widest, longest, and will take up the greatest footprint on the block.**

We ask that this current version of this project be denied. Here are some of the many reasons why:

### • *Inappropriate size*

This development will have an immediate impact on privacy and livability for nearby neighbors in three ways. First, the proposed structure includes a roof-edge height (not including the structure above the roof line that is clearly even taller) at 6-7 feet higher than any other building on this block. This means that neighbors on both side of Lincoln

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<sup>1</sup> City Staff, including Jamie Radel received copies of both of these memorandums that were directed to the Summit Hill Association prior to the creation of her July 16, 2015 report. Attachment B was included with her report.

<sup>2</sup> Amanda and I are both Directors of the Summit Hill Association.

<sup>3</sup> *Id.*

will be forced to see a towering building that now peers into their home. This is especially problematic because of the second reason, which is that the structure will be closer to neighbors on the other side of the alley than any other structure – and 6 feet closer than allowed by code. This results in the would-be condo owners being able to have much greater visual access to back-yards on Lincoln. Conversely it also means that views of blue sky now enjoyed by those neighbors will be greatly impeded. This impediment is further increased because of the width proposed building. The area between existing adjacent apartment buildings is, according to the developers, 25 and 19 feet, but this project would have just 17.5 and 16.5 between it and the existing buildings on either side. This too takes away from the sky and visual green space that should normally be enjoyed by the neighborhood. For these common sense reasons, privacy and livability on Lincoln Avenue is detrimentally impacted.

We understand why the city planning office may favor the tax base that comes from a high-density unit like the one proposed by the developers, but that preference cannot be allowed in violation of city code without meeting the standards required for variances. Such standards are not met here. Approving the dumping of this inappropriately-sized project in this location would be reckless.

We also recognize that, in order to make this a high-density project that does not greatly increase street parking problems, city planners are willing to trade off back and side yard variances to get enough underground parking spots. Unfortunately that comes at the expense of neighbors who will have their views sharply diminished and alley use compromised. The developers made a bad business decision by buying a property that cannot support the underground parking they seek for the size of building they want to build. Their mistake should not result in a burden born by neighbors who stand to gain nothing while developers profit.

- ***Inappropriate rezoning***

We remain generally open to the idea of rezoning from BC to RM2, but only to the extent that a building can be erected without significant zoning variances. If that cannot be accomplished the building should remain BC. In this case the zoning variances mean that a building that is much too large for the space would be placed on this alley. If a building with fewer units and a smaller, appropriate footprint can be constructed we have no problem with that theoretical project. However, here, per the City's Zoning Committee Staff Report, it seems that rezoning to RM2 is actually creating "a plight of the landowner" staff believes justifies the need for variances. If that is the case, the zoning should remain BC.

- ***Significant traffic congestion***

The proposed project is on a dead-end alley, which presents a unique issue. All homeowners on the north side of Lincoln and residents/business personal on Grand Avenue between Dunlap & Ayd Mill must enter and exit the alley at the same point. The proposed development calls for eight units. Assuming, two vehicles per unit, that means 16 more vehicles will have to compete for access. Because this is a dead-end, from a congestion perspective, that is like adding 32 more vehicles to any other street because all of those vehicles will have to enter and exit at Dunlap. We have problems with entering and exiting the alley with the current business patrons, residents and utility vehicles that already use the alley. An additional eight unit condo building will place an even greater burden on the alley. In short, this number of units, residents, and vehicles places congestion to an otherwise limited area.

- ***Flaws in the City Staff Report***

The Staff Report includes errors and faulty arguments that need to be addressed in order for this committee to have accurate information.

- ✓ ***Lot Coverage***

Staff states the requested variance from 35% of the lot area (including half of the alley area) to 52.4% of the lot area is a 17.4% variance. This is a basic math error—one does not simply subtract one percentage from the other! In fact 52.4% coverage is 49.7% more coverage than 35%. **This means that the developers are seeking a lot coverage variance of almost 50% more than what is allowed by code!**

- ✓ ***Height***

The staff report overlooks that the developers essentially need a height variance. With 7.5 foot side setbacks, the developers should only be allowed to go up to 15 feet under the city code, which requires side set-backs half of the building height for RM2 properties. Here the developers will not only exceed that amount by at least 16 feet, but they will be taller than any other building on the block by at least 6-7 feet.

- ✓ ***Variance is not in harmony***

The standard forbids a variance change if it results in an “overly dense site” and creates an “overly burdensome to adjacent properties”. The staff report concludes that because the “project is generally consistent in size” that there is no burden. This conclusion is inconsistent with the facts that this building is longer, taller, and wider than every building on the block. That size, and installation of a parking garage cause privacy and traffic congestions as mentioned above.

- ✓ ***Primary impact caused by this increase in density (parking) is not met***

The report sweeps under the rug the unique issue surrounding this project location – the dead-end alley. The analysis focuses only on parking spaces with no regard for the competition for entering/exiting the alley as well as the obvious spillover to Lincoln Avenue. Again, the conclusion, while well intended, is simply incomplete.

✓ **Other development options are ruled out with any evidence of feasibility**

Staff concludes that only this proposed development with this size is appropriate. The author seems fixated on matching the structures of the 4 current buildings. Again, that is not the standard for purposes of this decision. The standard is whether the owner has practical difficulties, and economic considerations alone do not constitute practical difficulties. Here, assertions have been made over the course of many meetings regarding feasibility of developing a business (as currently zoned) or a smaller multi-family unit. The reasons these developers have not chosen those options is purely because of profit. Staff fails to mention the feasibility of these other projects or the fact that the proposed building is a taller, wider and deeper building than currently exists. **Because other options have not been considered by staff, common sense tells us that there has been no establishment that these developers have suffered practical difficulties justifying change. Profit is not a sufficient justification.**

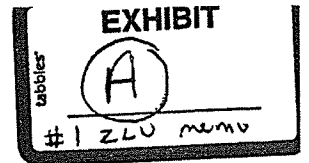
✓ **No protections for Lincoln Avenue**

Staff concludes the report by touting the fact that these developers have indicated a willingness (not a binding agreement) to minimize fenestration on the south of the building. Apparently that's enough to protect the privacy loss caused by this large structure. The obvious defect in this clearly worrisome analysis is that there is no quantification of this willingness. Does that mean 20-windows instead of 10? Or are we talking 1 porch instead of 4? Promises are easy to make when you want something, and even though the City seems very much satisfied with this unenforceable gesture the reality that is lacking is the clear result of loss of light and privacy caused by this proposal is not addressed anywhere in the report. Furthermore, the neighbors are the only ones who are bearing the negative impacts caused by this project.

• ***Conclusion – deny this current proposal***

We are cognizant of the need to do something with this property. We are not opposed to development *per se*. However, we are opposed to this particular one. There is plenty of chance to do something right with this property that betters both Lincoln Avenue and the neighborhood at large, whether that is a home, a business, or a multi-family structure. However, this proposal doesn't amount to positive change. **For the above stated reasons, we ask that you please deny the request of the applicants in full.**

- ❖ ***Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue***
- ❖ ***Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue***
- ❖ ***Winnie Moy, 1185 Lincoln Avenue***
- ❖ ***Margaret Keefe, 1195 Lincoln Avenue***
- ❖ ***Josh Peltier, 1167 Lincoln Avenue***
- ❖ ***Steve Hancock & Jill Stedman, 1200 Lincoln Avenue***
- ❖ ***Mark King & Jonathan Lubin, 1177 Lincoln Avenue***
- ❖ ***Mark & Bonnie Genereux, 1165 Lincoln Avenue***
- ❖ ***Andy & Gina McCabe, 1186 Lincoln Avenue***
- ❖ ***Karyn Wrenshall, 1201 Lincoln Avenue***
- ❖ ***Carol & Joe Bell, 1196 Lincoln Avenue***
- ❖ ***Tom & Kristi Kuder, 1176 Lincoln Avenue***
- ❖ ***Laura & Ryan Willemsen, 1180 Lincoln Avenue***



**MEMO IN OPPOSITION TO PROPOSED REZONING AND VARIANCES FOR  
1174 GRAND AVENUE**

ATTN: Summit Hill Zoning and Land Use Committee  
CC: Tom Beach, Jamie Radel and Yaya Diatta (City of St. Paul)  
FROM: Below-signed residents  
DATE: May 31, 2015

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The below listed residents are opposed to the variance application submitted for 1174 Grand Avenue and urge you to vote against the applicants. While the applicants have submitted a packet with a variety of dimensions and descriptions aimed at convincing you that their proposed project is in line with current building sizes on the block, to be clear the proposed project will be the tallest building on the block and take up the largest foot-print.

Although the applicants claim that in attempting to develop this property they have encountered a "plight...due to circumstances unique to the property and not created by the landowner," this is not true. There are several options for development of this property that would pose no concerns for the neighborhood, including: rehab of the current residential home, building a new residential home, constructing a small business/residential building like many on the block and consistent with the current BC zoning, or simply building an RM2 structure that is the same size as the current ones that occupy the block.

However, the applicants have chosen none of these options, but instead are attempting to develop an oversized building and are asking you to let them do it at the expense of the neighbors' privacy, light and desire to live on an uncongested street, and in violation of zoning rules regarding size which are meant to ensure a certain aesthetic standard is maintained in the community. Zoning and land use rules are established for a reason and here there is no reason to bend those rules.

**The proposed structure is not appropriate for RM2 re-zoning**

The applicants are seeking to rezone from BC to RM2 zoning. We are not generally opposed to this rezoning. However, we do not believe rezoning should be allowed to accommodate a structure that cannot be built within the rules allowed for RM2 buildings.<sup>1</sup> In this case, in addition to seeking RM2 re-zoning, the applicants are also asking for three significant variances. Because the applicants are not proposing a structure that fits within RM2 building requirements, their application should be denied.

**The alley setback variance should be denied**

The alley setback the applicants are seeking of just 15 feet would put the proposed structure too close to alley and pose a privacy concern for neighbors on the south side of the alley. The required setback is 25 feet. Applicants are seeking only a 15 foot setback. Essentially this means that residents of the proposed structure would be peering nearly

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<sup>1</sup> Or, at least, within the footprint and height dimensions of existing adjacent buildings.



straight down into the yards of the homeowners on the south side of the alley. It would also make access to garages behind the property very difficult, especially considering that the applicants have indicated the space between the alley and the building will include above-ground parking.

We note that there are some small single-story garages that were built with similar setbacks several years ago. However those structures do not create a privacy issue and none of them create a parking hindrance for the garages across from them on the south side of the alley. The building proposed by the applicants would be substantially closer to the alley than any occupied or multistory building. Moreover, while some of the smaller structures to the west may not have satisfied current rules if built today, a main purpose of city planning and land use rules is to ensure that communities are enjoyable spaces. Past mistakes should not be allowed to be repeated on a grander scale to the detriment of neighbors.

Additionally, it should be noted that the applicants' figures regarding the setbacks of other buildings on the block--which they use to justify their proposed set-back--are at least partially inaccurate. While we have not measured all of the setbacks, we have measured the distance from the building to the west of the applicant's site to the alley. The distance is exactly, 20 feet and three inches, not 18 feet as the applicants claim—a seemingly small discrepancy perhaps, but it is in fact an 11% increase and demonstrative of some fuzzy math.

Because the proposed setback of 15 feet would place the structure too close to neighbors' properties across the alley, it should be denied. *See attached site-line photo of the north side of the alley as it currently exists.*

#### **The side setback variance should be denied**

The requested side setbacks are also too narrow. Under RM2 zoning rules the project could go as high as 50 feet, provided that the side-set backs are at least half of the building height. While the applicants have curiously chosen not to provide the Committee with the proposed height of the building, their rendering indicates it will be four stories high. Assuming the building is 40 feet high, this means that the set back should be 20 feet on each side, not the six feet requested by the applicants.

While applicants say there is an average of just 12 ½ feet between existing buildings on the block. It is unclear how they reach this average. In fact, these are the distances provided by the applicants (we have not verified these):

10 ft between 1028 and 1024 Grand  
15 ft between 1024 and 1200 Grand  
8 ft between 1200 and 1196 Grand<sup>2</sup>

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<sup>2</sup> We have not included the alleged 0' setback between 1196 and 1192 Grand stated by the Applicants. This is the property that is occupied by the Wedding Shoppe. While the business takes up two addresses, the structures—originally designed as two single family homes—are connected and function as one building. However even including that alleged “0 foot setback” and dividing the above total by 7 instead of 6, the average still comes to a larger number than that stated by the applicants.

16 feet between 1192 and 1186 Grand  
19 feet between 1186 and 1180 Grand  
24 feet between 1168 and 1160 Grand

This yields an average of 15.333 feet (92 ft/6) between existing buildings, excluding the subject site at 1174.

This average is, of course, larger, not smaller than what is sought by the applicants. Moreover, it is significant the addresses toward the western half of the block—which are the buildings with the smallest side-to-side setbacks are occupied with smaller structures, not large apartment buildings. The set-backs required for lower buildings are less than those for tall buildings and thus including them in the average at all is completely misleading.

To be clear, the average between the two pairs of existing large apartment buildings is at least 21.5 feet.<sup>3</sup> This is the only average that is really comparable and only to the extent that applicants' building is the same height as those buildings. To the extent it would be taller (which appears to be their proposal), the setbacks should be wider as is required by city rules, which state that RM2 buildings must have side setbacks equal to half of the building height.

**Applicants are essentially seeking a building height variance without specifically requesting it.**

Cleverly, the applicants have omitted any indication of how tall their proposed structure would be. This is incredibly important because, as noted above, city rules provide that RM2 buildings must have side setbacks equal to half of the building height. If the applicants are allowed to have six foot setbacks without any restriction on height they would essentially get around the height limitations imposed by that formula and could potentially build a 50 foot building with 6 foot setbacks. This would clearly not only be an infraction on neighbors' use and enjoyment of their property, but would be a horrendous eye sore.

The Committee needs to ensure that the proposed building is not allowed to be significantly taller than adjacent buildings. Therefore, the applicants' request for a side setback variance should also be denied for the reason that it would allow the building to exceed height standards as well.

**Applicants' proposal would create congestion and parking issues on the alley and Lincoln Avenue**

Applicants would like everyone to believe that the addition of underground parking will cure all issues regarding the existence of additional vehicles from occupants of this proposed structure. Their confidence is misplaced. First, nine underground parking spots, which are twice the current number of outdoor spots for individual buildings, will result in significantly more traffic on an otherwise busy alley. Second, the demographic conveyed to us by the applicants of multiple college kids occupying individual units of

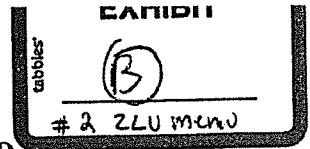
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<sup>3</sup> The number may actually be slightly larger, but this is the average derived from the numbers provided by the applicants.

this structure means that there will be additional vehicles forced to park on the street. This will place more parked vehicles on this section of Lincoln Avenue that is already crowded due to its location near Grand Avenue and the Summit School. It will change the structure of this dead-end street that is enjoyed by adults and children alike. While the residents would consider applying for permit-only parking, it is unclear whether the permit area could be limited to just the houses along the affected area of Lincoln Avenue, or whether it would have to be zone parking, which would likely mean that residents and guests of the proposed structure would be able to use Lincoln Avenue for overflow parking anyway.

For the above stated reasons, we ask that you please deny the request of the applicants in full.

- *Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue*
- *Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue*
- *Winnie Moy, 1185 Lincoln Avenue*
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- *Karyn Wrenshall, 1201 Lincoln Avenue*
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- *Tom & Kristi Kuder, 1176 Lincoln Avenue*
- *Laura & Ryan Willemsen, 1180 Lincoln Avenue*



**UPDATED MEMO IN OPPOSITION TO PROPOSED REZONING AND  
VARIANCES FOR 1174 GRAND AVENUE**

ATTN: Summit Hill Zoning and Land Use Committee  
CC: Tom Beach, Jamie Radel and Yaya Diatta (City of St. Paul)  
FROM: Below-signed residents  
DATE: June 30, 2015

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The below signed residents continue their opposition to the application for redevelopment submitted for 1174 Grand Avenue and urge you to vote against it.

The applicants came before this Committee last month with a packet of information aimed at convincing you that their proposed project is in line with current building patterns and sizes on the block. While the applicants have made some small changes in the interim, it remains the case that 1) the applicants have failed to submit critical information regarding the height of their building necessary to accurately evaluate their proposal; 2) the applicants continue to provide inaccurate comparative information regarding dimensions of other structures on the block; and 3) the proposed project is inappropriate for the neighborhood. We ask you to re-read the prior memo submitted by our neighborhood (which remains largely on point) and to consider the additional points made herein when evaluating the applicants' proposal.

**Because the applicants continue to refrain from committing to a height for their project, this Committee should vote against their application.**

Among the most problematic issues with their application, is that the applicants continue to refrain from committing to a height for their project. Because the applicants have not committed to a building height, we can only speculate that the side setbacks (normally half of the building height) should normally be anywhere between 15 to 25 feet.<sup>1</sup> Under the RM2 zoning applicants are seeking, if proper side setbacks and other requirements are met, some buildings can be built as tall as 50 feet. This means that if they are allowed to have 7.5 foot side setbacks, the applicants are asking for something between 7.5 to 17.5 foot side set-back variances. Without knowing how tall the building is, this Committee cannot know the amount of the side set-back variances the applicants are seeking. Given this critical omission, the Committee must vote against this application.

Moreover, if the applicants are allowed to have seven and a half foot setbacks without any proportionate restriction on height, they could potentially build a 50-foot tall building with 7.5 foot set backs without having to specifically seek a height variance. Even the applicants admit the possibility of a 50-foot tall building in their materials. While they claim they "would like to avoid going that high" they have not made a commitment not to do so, thus we can only assume the worst, especially given the lack of transparency we have encountered to date. **This Committee must hold the applicants to a firm height limit so that it can accurately calculate the size of the proposed side setback variances and so that it can ensure the side-setback to height ratio is enforced. Without that information, the applicants' proposal must be denied.**

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<sup>1</sup> This is based on the assumption that the building will be at least 30 feet tall and up to 50 feet tall.

**The applicants continue to provide inaccurate comparative information regarding dimensions of other structures on the block.**

The applicants claim that the footprint of their building will be 8% larger than the average of the four adjacent apartment buildings. This is completely inaccurate. In fact, even relying on the dimensions provided by the applicants (which we have not verified), the adjacent buildings have the following widths and lengths:

1160 Grand: 104' x 40'= 4160 square feet  
1168 Grand: 104' x 40'= 4160 square feet  
1180 Grand: 110' x 42'= 4620 square feet  
1186 Grand: 110' x 43'= 4730 square feet

**This means that the average size footprint is 4,417.5 square feet. At 5,175 square feet the footprint of applicants' project is in fact 17.15 % larger than the adjacent buildings, not 8% as the applicants claim.**

Moreover, their purported "scaled concept" rendering of the proposed structure and the adjacent apartment buildings is also inaccurate. Again, even assuming the developers' measurements are correct, it is clear the rendering is not representative of how the block will look after the project is complete. For example, the developers claim there is 24 feet between the pair of buildings at 1160 and 1168 Grand and 19 feet between the pair of buildings at 1180 and 1186 Grand. This means that the distance between the eastern pair of buildings is 1.26 times greater than the distance between the western pair. However, in the rendering the developers depict the distance between the eastern pair of buildings as 1.5 centimeters and the distance between the western pair as 1.3 centimeters, thus depicting the ratio of the eastern pair as just 1.15 times the size of the western pair. Given that the even the "known" numbers in the purported scale rendering are not accurately depicted, it must be disregarded as at best, sloppy, and at worst, deceitful. At any rate, it cannot be relied upon to give a clear idea of how the proposed building will look in relation to the existing adjacent structures.

Furthermore, the rendering does not show the rear elevation or overhead view which would clearly demonstrate that this project will jut considerably farther towards the alley than the existing adjacent buildings. Moreover, given that the applicants have not committed to a height, or even an upper limit of height for that matter, the purported "scale" rendering can certainly not be relied upon in anyway for a depiction of height

Because, critical information supplied by the applicants is inaccurate, the Committee must vote against the applicants' proposed project.

**The proposed project is inappropriate for the neighborhood.**

As clearly set forth in our prior memo, what we do know is that the proposed project will be the tallest building on the block and take up the largest foot-print. In this case, in addition to seeking RM2 re-zoning, the applicants are also asking for three significant variances (alley, east side, west side), as well as what amounts to a height variance.<sup>2</sup> Here are the three key things to keep in mind when evaluating the appropriateness of the applicants' request:

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<sup>2</sup> We do not view the requested front setback variance to allow the proposed building to match the setback of the adjacent buildings as "significant" nor do we oppose that specific request.

- The alley setback the applicants are seeking of just 15 feet are insufficient. The required setback is 25 feet. The building proposed by the applicants would be substantially closer to the alley than any occupied or multistory building. The proposed multi-story structure would be far too close to alley and pose a privacy concern for neighbors on the south side of the alley. It would also add undue burden to an overly busy dead-end alley. The applicants continue to ask you to rely on an average number they calculate using setbacks for the garages behind small non-RM2 properties justify their proposed alley setback. This is misleading and should be completely disregarded.
- Even if the proposed building was comparable in height to the adjacent properties (which we assume it will not be), the side setbacks would be too narrow. While the amount of the setback variance the applicants are seeking is unknown, because the applicants have not provided the height measurement necessary to calculate that amount, we do know that the applicants are proposing that the distances between their project and the adjacent buildings would be just 17.5 feet on the west side (7.5 feet + 9 feet) and 16.5 feet on the east side (7.5 feet + 10 feet). To be clear, the average between the two pairs of existing adjacent apartment buildings is 21.5 feet. These are currently the tallest buildings on the block. To the extent applicants' building would be taller than those buildings (which appears to be their proposal), the setbacks should be wider as is required by city rules, which state that RM2 buildings must have side setbacks equal to half of the building height. The applicants' calculated average of side setbacks on the block including much smaller buildings remains misleading and is in no way appropriately comparative.
- As outlined above, if the applicants are allowed to have seven and a half foot setbacks without any proportionate restriction on height, they would essentially get around the height limitations imposed by the 1:2 side set-back to height ratio required by code and could potentially build a 50 foot tall structure. To maintain the character of the area and the privacy of neighbors living behind the proposed property, height restrictions and setback requirement variances should not be allowed to build a property larger than the existing historical apartment buildings on the block.

To be clear, while we are opposed to the applicants' project, we note that we are not against redevelopment or rezoning *per se*. However, we do not believe rezoning should be allowed to accommodate a structure that cannot be built within the rules allowed for RM2 buildings—or at least within the footprint and height dimensions of existing adjacent buildings.

For the above-articulated reasons, the undersigned urge this Committee to vote against the current application for rezoning and development of 1174 Grand Avenue.

Signed:

- ***Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue***

- *Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue*
- *Winnie Moy, 1185 Lincoln Avenue*
- *Margaret Keefe, 1195 Lincoln Avenue*
- *Josh Peltier, 1167 Lincoln Avenue*
- *Steve Hancock & Jill Stedman, 1200 Lincoln Avenue*
- *Mark King & Jonathan Lubin, 1177 Lincoln Avenue*
- *Mark & Bonnie Genereux, 1165 Lincoln Avenue*
- *Andy & Gina McCabe, 1186 Lincoln Avenue*
- *Karyn Wrenshall, 1201 Lincoln Avenue*
- *Carol & Joe Bell, 1196 Lincoln Avenue*
- *Tom & Kristi Kuder, 1176 Lincoln Avenue*



## Wedding Shoppe, Inc.

Exactly what you've been looking for.

July 9, 2015

City of Saint Paul  
Planning and Economic Development  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102

Re: File # 15-134-693 and 15-137-770

Attention: Zoning Committee

I am writing concerning the July 16<sup>th</sup> Hearing on the property address at 1174 Grand Avenue. My wife and I own property located at 1192, 1196 and 1212 Grand Avenue which is leased to the Wedding Shoppe, Inc. Two concerns we have are as follows:

1. Adequate parking for the number of proposed tenants is addressed, and
2. Supervision of the construction company and their sub crews as to alley parking and blockage management.

Our main concern is the shared use of the alley located behind the proposed construction. As you may be aware, the alley where the project is proposed is a dead end alley, one way in, one way out to Dunlap Avenue. Who with the City of St Paul and the Construction Company will monitor construction crew parking and prolonged blockage of the alley? My tenants The Wedding Shoppe, Inc., have need of the alley for deliveries as well as access to employee parking. Also, I am sure I can speak for my neighbors on Grand and Lincoln Avenues, who will be quite annoyed and aggravated if they cannot have uninterrupted access to their parking garages. I will try to attend the meeting, however in my absence, I would ask this concern be addressed by the City of St. Paul zoning officials and the Developers. We favor development on Grand Avenue, but it must be supervised so the residents and businesses who own existing property around the construction area, may function without undue burden and interference concerning access to their properties. Thank you for allowing expression of these concerns. We can be reached for comment or questions at 651-294-4965 or [jfritzws@hotmail.com](mailto:jfritzws@hotmail.com).

Best regards

James and Lois Fritz