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larger Parcel et al



APPLICATION FOR APPEAL
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File #: 15-006111
Fee: 440.00
Tentative Hearing Date:
To Be Schedule

PD=4

APPELLANT

Name Dudley Younkman and Dayton's Bluff Neighbors et al
Address 406 Maple St. See Attachment A
City St. Paul st. MN Zip 55106 Daytime Phone 651 303 9155

PROPERTY LOCATION

Zoning File Name East 7th & Bates Senior Apts
Address / Location 720 7th St. East between Maple & Bates

TYPE OF APPEAL: Application is hereby made for an appeal to the:

Planning Commission, under provision of Chapter 61, Section 701, Paragraph c of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator

OR

City Council, under provision of Chapter 61, Section 702, Paragraph a of the Zoning Code, of a decision made by the Planning Commission

Date of decision: 1/16, 2015 File Number: 14-352-702⁵

GROUND FORS APPEAL: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission.

See Attached B

Attach additional sheets if necessary

Appellant's Signature Dudley R Younkman Date 1/26/2015 City Agent add 1-26-15

Dudley R. Younkin
Attorney at Law

406 Maple Street
Saint Paul, Minnesota 55106

Telephone: (651) 224-9600
Facsimile: (651) 224-9606
E-mail: dryounkin@gmail.com

January 26, 2015

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 Fourth Street West
Saint Paul, MN 55102
(651) 266 - 6589

RE: Appeal of Planning Commission Action on File Number 14-352-705

Dear Sir/Madam:

Pursuant to Zoning Code Section Sec. 61.702, "an appeal may be taken to the city council by any person, firm or corporation or by any office, department, board or bureau affected by a decision of the board of zoning appeals or planning commission. Such appeal shall be taken within ten (10) days after the date of the decision appealed from and shall specify the grounds for the appeal. The grounds for the appeal are laid out below, and in the Application for Appeal."

Appellants Dudley Younkin and Dayton's Bluff Neighbors et al, appeal the above referenced action of the Saint Paul Planning Commission on January 16, 2015.

The Planning Commission erred in its approval of the conditional use permit to increase the height from 35 to 45 feet, because the Applicant failed to meet the required criteria of Section 61.501 for the proposed conditional use, as follows:

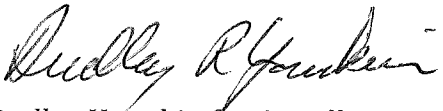
- (a) The extent, location and intensity of the use fails to comply with the Saint Paul Comprehensive Plan and the Near East Side Roadmap (2012), adopted by the City Council.
- (b) The use fails to provide adequate ingress and egress to minimize traffic congestion in the public streets.

(c) The use is detrimental to the existing character of the development in the immediate neighborhood and endangers the public health, safety and general welfare. There is no context for the proposed structure in the immediate neighborhood, including at Metro State University, where the parking structure across from this use on Bates Avenue will not exceed a height of 20 feet above grade.

(d) The use impedes the normal and orderly development and improvement of the surrounding property for uses permitted in the district, including the Stutzman block, immediately across the street.

(e) The use fails to conform to the applicable regulations of the district in which it is located. The proposed structure violates the size and height requirements of the Dayton's Bluff Historic Preservation District. The approval of this conditional use permit also has the effect of rezoning this parcel to a higher intensity zoning district. The TN-2 neighborhood district is designed to support "compact, pedestrian-oriented commercial and residential development ...with careful attention to...transitions to adjacent residential neighborhoods."

Thank you for your attention,



Dudley Younkin for Appellants
406 Maple Street
St. Paul, MN 55106

Attachment A

Appellant Dayton Bluff Neighbors

Jean Comstock	729 Sixth Street, St. Paul
David Durrant	401 Maple St., St. Paul
Tammy Durrant	401 Maple St., St. Paul
Karin DuPaul	668 Greenbrier, St. Paul
Kara Viswanathan	94 Mounds Blvd., St. Paul
Avinash Viswanathan	94 Mounds Blvd., St. Paul
Steve Trimble	77 Maria Ave., St. Paul
Carol Carey	Bates Ave, St. Paul
The Stutzman Group of Dayton's Bluff, LLC	
Susan Tietjen, President	
Cliff Carey	
Jane Carlstrom	
Karin DuPaul	
Erica Schneekloth	
Tom Dimond	2119 Skyway Drive, St. Paul
Elliot Nickel	Maple St., St. Paul
Jane Prince	1004 Burns Ave. St. Paul
David Murphy	1004 Burns Ave. St. Paul
Sandi Younkin	406 Maple St., St. Paul
Dudley Younkin	406 Maple St., St. Paul

ATTACHMENT B

STATEMENT OF REASON FOR APPEAL

Appellants Dudley Younkin and Dayton's Bluff Neighbors et al appeal action taken by the Planning Commission on January 16, 2015, in regard to CONDITIONAL USE PERMIT for the proposed East 7th & Bates Senior Apartments, 720 Seventh Street East between Maple and Bates streets, File Number 14-352-705.

The Planning Commission erred in its approval of this conditional use permit to increase height from 35 to 45 feet, because the Applicant failed to meet the required criteria of Section 61.501 for the proposed conditional use, as follows:

- (a) The extent, location and intensity of the use fails to comply with the Saint Paul Comprehensive Plan and the East Seventh Street Strategy Plan, which was approved by the city council.
- (b) The use fails to provide adequate ingress and egress to minimize traffic congestion in the public streets.
- (c) The use is detrimental to the existing character of the development in the immediate neighborhood and endangers the public health, safety and general welfare.
- (d) The use impedes the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (e) The use shall fails to conform to the applicable regulations of the district in which it is located. The proposed structure violates the size and height requirements of the Dayton's Bluff Historic Preservation District. The approval of this conditional use permit also has the effect of rezoning this parcel to a higher intensity zoning district. The TN-2 neighborhood district is designed to support "compact, pedestrian-oriented commercial and residential development ...with careful attention to...transitions to adjacent residential neighborhoods."

Dubruiel, Paul (CI-StPaul)

From: Dudley Younkin <dryounkin@gmail.com>
Sent: Monday, January 26, 2015 3:47 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Additional Apellants on 720 East Seventh Conditional Use Permit

Please add the following names as appellants:

Sage Holben
John Smith 6th Street, St. Paul
Maggie Smith 6th Street, St. Paul
Bryan Higgins 731 Sixth Street, St. Paul
Wayde Moen Maple Street, St. Paul
John Slade

Thank you.

Dudley Younkin [651-303-9155](tel:651-303-9155)