

MINUTES OF THE ZONING COMMITTEE
Thursday, July 16, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Merrigan, Reveal, Wencil, and Wickiser
EXCUSED: Makarios, Nelson, and Padilla
STAFF: Jamie Radel, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Wencil.

BleuAnt LLC (rezone) - 15-134-693 - Rezone from BC Community Business Converted District to RM2 Multiple Family, 1174 Grand Ave,

BleuAnt (variance) - 15-134-770 - Variance of side-, rear-, and front-yard setbacks and lot coverage requirements, 1174 Grand Avenue, between Dunlap and Ayd Mill Road

Jamie Radel presented the staff report with a recommendation of approval for the rezoning and for the variances with conditions. She stated District 16 recommended denial, and there were no letters in support, and two letters in opposition.

Upon questions from the Commissioners, Ms. Radel stated that the other buildings in the area do not meet the 35% lot coverage standard. The other buildings are all legally nonconforming buildings and were built in the early 1900's. It's difficult to try and meet the scale and also internalize the parking that is required under the modern code. It's also challenging in an infill setting to try and meet the requirements of the RM2 district.

Ryan Burke, BleuAnt, 1387 Eleanor Avenue, Saint Paul provided some background on the site. The current home is a condemnable single family home and it would be difficult to redevelop as a single-family home that is set in between four large apartment buildings. They decided on building condos to maximize the site and fit in well with the neighborhood. After meeting with city staff they have designed a building that fits with the current streetscape and provides off-street parking in an underground ramp. They have also met with the neighborhood and have adjusted the plan due to some of their concerns. They have tried to minimize the parking garage and building as much as possible and they have reduced the building to eight unit's verses nine to help with this goal. The plan has three levels of residential living, but the height is at 36 feet because the ramp cannot be completely underground. The garage will be six feet above ground and four feet below. Mr. Burke described how the footprint of the building will compare to the rest of the block. He said they have talked with business neighbors in the area and they have a signed petition in support for the project. There has been a lot of positive feedback about the project, but there are also neighbors who have concerns about the height of the building. That is one reason why they are only requesting three stories as opposed to four or five stories to help address these privacy concerns.

Ms. Radel made a point of clarification. She stated that in the Grand Avenue Overlay District the maximum height on a residential structure would be forty feet. A four- to five-story building might be challenging to accommodate with the underground parking.

Nilgun Tuna, Representative for the Summit Hill Association, 691 Lincoln Avenue, Saint Paul, spoke in opposition. The district also submitted a letter with their concerns and recommendations (see attached). The key concerns they heard from the neighbors were the overall scale and height of the building in comparison to the existing apartment buildings and the increased traffic in a dead end alley that is already in distress.

Andrew Rorvig, 1171 Lincoln Avenue, Saint Paul, spoke in opposition. Mr. Rorvig also submitted a memo detailing their opposition (see attached). He stated that the proposed project will be the tallest, widest, longest, and will take up the greatest footprint on the block. The developers are seeking a lot coverage variance of almost 50%. This is a huge privacy concern for the neighbors and it is not consistent with the Comprehensive Plan. He also expressed concern with parking in the area and the underground parking ramp might not be sufficient for the number of residents. There will also be an increase in traffic in the dead end alley.

Upon questions from the Commissioners regarding privacy, Mr. Rorvig explained that the proposed building will be a foot closer to his house and over a foot higher. People will be able to peer down into his backyard. If the project were to be the same height as the other buildings located next door they wouldn't have the same height or the proximity to the alley or to his backyard.

Lyndon Shirley, 1187 Lincoln Avenue, Saint Paul, spoke in opposition. Mr. Shirley expressed his concerns regarding parking and traffic in the area. With the proposal before you there will be eleven vehicles possibly multiplied by two for each resident of the proposed building. That will be more than double the traffic than the existing apartment buildings that are in existence today. They have concerns about the significant increase in traffic in the alley.

Karyn Wrenshall, 1201 Lincoln Avenue, Saint Paul, spoke in opposition. Ms. Wrenshall supports the neighbors who previously spoke and the neighbors who have signed the memo submitted by Mr. Rorvig.

Mr. Burke responded to the testimony. He said he understands the concerns and that was part of their goal to meet with the people in the neighborhood. It is their intent to have the character of the building match the surrounding area. In regards to building a similar building between the existing apartment buildings, he said he has spoken to some residents who welcomed the proposed project. Right now on the zero lot line there is a lot of bushes and trees and they would rather see a beautiful new building 7 ½ feet away than what is currently there. Also, the house is an eyesore. They have spoken with the apartment owners and they would much rather see them do a structure 18 inches closer to the property lines and 1 foot closer to the alley to be able to accommodate a condo project rather than another apartment building. The height of the building is six feet taller, not to try and get another residential level added, but to accommodate the parking needs and requirements. The dead end alley is a concern and they have minimized the concern with this proposal. If they did a smaller building with all surface parking and no garage parking there might be greater problems. He addresses the concern with alley traffic during construction and said they will work with neighbors on a schedule. It will accommodate deliveries and rush hour times and they will utilize Grand Avenue as much as possible. In regards to the variances, they are trying to preserve the historical presence of Grand Avenue and have designed a building that will follow the character of the area. They are

not trying to add a big condo building in the middle of single family homes they are only trying to keep the flow with the surrounding buildings. In response to the privacy issue, the windows on the new building will be roughly three feet higher than the existing apartment buildings. They have eliminated patios or porches on the back side. They will also work with the architect to have the bathrooms and closets on the south side and have elevated horizontal windows and/or privacy glass. They have requested to rezone to RM2 at the recommendation of City staff because it would follow the Comprehensive Plan and the district's plan. The ramp is not a hardship, and they are only trying to meet the requirements of the city code regarding parking.

Commissioner Merrigan stated if the project was reduced to six units it could allow them to be closer to the rear yard setback requirements or possibly eliminate the variance for the rear yard setback. She also suggested that one way that might make the building more sympathetic in elevation on the front face is symmetry and a central entrance.

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

Commissioner Paula Merrigan moved approval of the rezoning. Commissioner David Wickiser seconded the motion.

The motion passed by a vote of 5-0-0.
Adopted Yeas - 5 Nays - 0 Abstained - 0

Commissioner Paula Merrigan moved denial of the variances based on Findings 3b, 3c, and 3d not being met. Commissioner Elizabeth Reveal seconded the motion.

Commissioner Edgerton he doesn't agree with the motion. The project doesn't seem oversized compared to adjacent buildings. It seems to fit the character of the adjacent buildings better than the current structure and meet the spirit of the zoning code. Commissioner Wickiser agreed and said this particular development is not egregious.

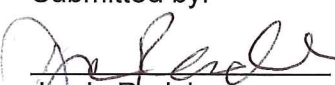
The motion passed by a roll call vote of 3-2-0.

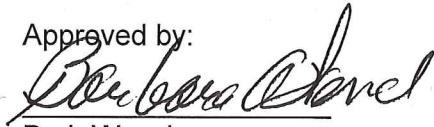
Commissioner Reveal and Commissioner Wencil sited the reasons stated by the maker of the motion for voting against.

Adopted Yeas - 3 Nays - 2 (Edgerton and Wickiser) Abstained - 0

Drafted by:

Samantha Langer
Recording Secretary

Submitted by:

Jamie Radel
Zoning Section

Approved by:

Barb Wencil
Chair

2F# 15-134-693
770

Bleu Ant
Oppose

Summit Hill Association

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 well 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

Please accept this memorandum along with the two-previous memorandums (*Attachments "A" & "B"*)¹ 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 I² 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 memorandums³ 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

¹ 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.

² Amanda and I are both Directors of the Summit Hill Association.

³ *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**