

13-173086

2075 FORD PARKWAY, L.L.C.

Two Paramount Plaza
7831 East Bush Lake Road, #102
Bloomington, Minnesota 55439
Phone: (952) 832-5151 Fax: (952) 832-5533

March 28, 2013

Zoning Administration
375 Jackson Street, Suite 220
St. Paul, Minnesota 55101

Re: 2081 Ford Parkway

Dear Zoning Appeals Board:

I am writing today in response to an application filed with the City of St. Paul for a variance at the property located at 2081 Ford Parkway. I am asking the Zoning Appeals Board to layover the hearing on this major variance application until such time as there is a resolution to several land use issues which arose surrounding development of this site and the large Walgreens development. I own the property adjacent to 2081 Ford Parkway.

The applicant has asked that a variance be granted allowing the construction of a single-story building which would have a FAR of 21% as opposed to the required 30%. The development of the 2081 Ford Parkway property is a 60 year land use decision. I believe that in order to make a wise and fully informed decision on how the property will be developed, more information and analysis is required. It is for additional time to assemble information and conduct analyses that I believe my request of the board to layover the variance is both reasonable, thoughtful, and in the best interest of the community and both property owners.

Background

The development of 2081 Ford Parkway is Phase II of a larger reuse plan which began in 2010. This plan required the assemblage of three parcels: 1) The old Snyders building; 2) a commercial building housing a Paper Warehouse retail store; and 3) a gas station. Once assembled, these properties were demolished and a new Walgreens was developed and two outlots were planned (see Attachment A). One of these outlots was located at 2081 Ford Parkway - the property which is the subject of this hearing. As planned, the developer identified 2081 Ford Parkway as a site to be developed with a two-story retail building containing over 5,200 square feet.

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The development required the demolition of the Snyder's building. Demolition occurred in 2010-2011. During demolition, several unknown building conditions arose which are ongoing, unresolved, and impact both the construction of a new building and the integrity of my building. As demolition occurred, it was discovered that the two buildings (Snyders and my building) shared utility services. More importantly, the building shared a party wall over approximately the northern 35 feet of the buildings. The City has an ordinance governing party walls and the requirements necessary to protect an adjacent property owner during demolition (see Attachment B).

Once the shared building components were discovered, a surveyor and an engineer were employed. The survey points out that the building wall in on the property line (see Attachment C). The engineer's report identifies areas of concern regarding the structural integrity of my building both during demolition and if subsequent development were to occur (see Attachments D and E).

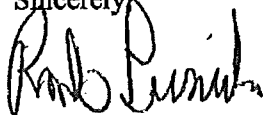
Built in phases, my building and the Snyders building were once occupied by the same tenant. One addition to my building was constructed using the Snyders building as a party wall. This condition was unknown until demolition of the Snyders building occurred. This condition then required a demolition style which only partially removed the Snyders building (see Attachment F). The incomplete demolition continues to exist (see Attachment G).

In planning a building with a reduced FAR, questions arise regarding the impact construction of a smaller building may have on my building. Building height concerns arise as the two building's roofs will have to remain conjoined.

Conclusion

It would not be prudent at this time to move forward with the variance request. It was premature to ask for a variance when so much additional information and analysis is required.

Sincerely



Robert J. Lunieski

RJL/bjl

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ATTACHMENT A

(Note changes in plan from original subdivision to current proposal)

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ATTACHMENT B

City ordinance on Treatment of Party Walls and Lots Involved in Razing Operations

(Note specific requirements laid out in sections a through e.)

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St. Paul, Minnesota, Code of Ordinances >> PART II - LEGISLATIVE CODE >> Title VI - BUILDING AND HOUSING >>
Chapter 44. - Treatment of Party Walls and Lots Involved in Razing Operations >>

Chapter 44. - Treatment of Party Walls and Lots Involved in Razing Operations

Sec. 44.01. - Party walls.

Sec. 44.02. - Lots.

Sec. 44.01. - Party walls.

- (a) Whenever any building or other structure is altered, changed, razed or demolished so as to expose any party wall which forms a part of another building or other structure, the owner of the building or other structure upon which any of the aforesaid operations are being performed shall repair and restore all flashing on any adjoining property which has been broken or damaged during any such operation, and shall remove from the exposed side of any such party wall any and all plaster and other material not commonly used for exterior construction and shall also install such new flashing as may be required to protect any building construction joints exposed by the demolition operations. Such repair work as is required by this section shall be done as a continuation of the razing process and completed within thirty (30) days from the date razing is completed.
- (b) A masonry party wall exposed by razing operations shall, as the various sections of such wall become exposed to the weather, have each such section protected from damage by the weather. If the razed building is to be replaced by a building which will entirely protect those portions of the party wall exposed to the weather, with the construction of said replacement building to be commenced within ninety (90) days from the date of such exposure, the exposed portions of the wall may be protected from weather damage by tarpaulins, waterproof paper or such other temporary means as may be approved by the city building official. Such temporary protection shall be maintained in a weatherproof condition. If construction of the replacement building is not scheduled to begin within ninety (90) days from the date of the exposure of the party wall to weather damage, or if such construction has not begun within ninety (90) days from the date of such exposure, the exposed wall shall be cleaned, any holes therein filled, the joints therein pointed, and the portion of such walls exposed to weather damage shall be waterproofed with cement plaster not less than three-fourths inch thick applied in two (2) coats, or be waterproofed in any other manner found to be standard practice in the building construction industry and approved by the city building official. If the exposed portion of a party wall is not covered entirely by a replacement building, or is not to be so covered, then such portions of the exposed wall as will not be covered by the replacement building shall be cleaned, holes filled, joints pointed, and be permanently waterproofed in the manner set forth above.
- (c) Where such party walls are of other than masonry construction, such walls shall be restored and weatherproofed in accordance with the requirements of the state building code for exterior walls of the particular type of construction involved. All such party walls shall be faced with material commonly used for exterior finish identical to, or as closely resembling as practicable, the facing material of the other exterior walls of the building left standing and shall be painted or otherwise finished in a manner similar to other parts of the building.
- (d) Any foundation walls of buildings left standing that are exposed by razing operations shall be waterproofed before any backfill or grading operations may be started or, if foundation of razed building is not filled as allowed in section 44.02, shall be treated as required in paragraph (b).
- (e) In the event that any building or other structure, which is enclosed on one or more sides with a party wall or party walls, is wholly or partially removed, razed or demolished, and any such party wall or party walls left standing and exposed are in the opinion of the city building official unsafe or dangerous for any reason, then and in that event the owner of the building being removed, razed or demolished shall, with respect to such party wall or party walls or any portion thereof that may be deemed by the city building official to be unsafe or dangerous, either remove and reconstruct the same or anchor, brace, or buttress the same, and do all other necessary work to enclose properly the building or other structure left standing. Whenever any party wall, or parts of such walls, are to be left standing, the proposed method of securing all structural elements thereof shall be presented with the application for the razing permit and shall be approved before the work is started. Drawings, sketches and descriptions shall clearly establish the joint use of the wall as a party wall by the adjoining property owners or shall show the location of lot lines in relation to the party walls involved in the demolition work.

(Code 1956, § 58.01)

Sec. 44.02. - Lots.

- (a) *Treatment required.* All walls except party walls and walls retaining adjacent property where grades vary including foundations and interior basement walls located on the lot involved in razing operations shall be reduced to a level of a minimum of one foot below that of the final grade. Excavations, holes and depressions shall be filled with a compacted

clean fill and leveled to provide a final grade which will effect good drainage, and such lots shall be planted in an appropriate ground cover or perennial vegetation so as to prevent erosion or flow of sediment onto the streets and sidewalks. The finished surface of the lot shall be free of holes or depressions which could accumulate water or be hazardous to pedestrians. No materials other than those specified by the city building official may be used in filling depressions, planting and grading the site. All excess earth, brick, lumber and other building materials, as well as debris, shall be removed from the site and the premises shall be left in a safe, clear and sanitary condition. Any curbs or other projections above paving on the premises shall be removed and any paving left in place shall have the surrounding surfaces so finished as to avoid impounding surface water on the premises. All vaults projecting into public space, including walls, shall be removed in their entirety and the depressions filled, in accordance with the requirements stated above, unless otherwise permitted by the department of public works to be used or treated. Such work as required by this section shall be done as a continuation of the razing process and completed within thirty (30) days from the date razing is completed with the exceptions set forth in paragraph (b) of this section.

- (b) *Deferred treatment; conditions, exceptions.* The provisions contained in paragraph (a) for treatment of the site after removal of the existing building may be deferred for the following period and with the following conditions with the approval of the city building official:
- (1) Planting of appropriate ground cover or perennial vegetation—Until season permits.
 - (2) Filling of depressions—Until frost conditions permit, provided subparagraphs (4)a and (4)b of this paragraph are complied with.
 - (3) Materials other than those ordinarily specified by the division of housing and building code enforcement for filling may be used when specification for such fill is approved by the city building official and the filling operation is inspected for its entire duration by an independent inspection agency.
 - (4) Filling of depressions may be deferred for a period of two (2) years in nonresidential areas if a new building is to be constructed upon the site, provided:
 - a. The site is completely barricaded and maintained in such condition as to exclude the public with a solid plywood fence or equal six (6) feet high and designed to accepted engineering standards.
 - b. The site is maintained free of weeds, standing water, trash or other conditions which might contribute to or cause a nuisance.

Failure to comply with the foregoing conditions will nullify the two-year deferment.
(Code 1956, § 58.02)

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ATTACHMENT C

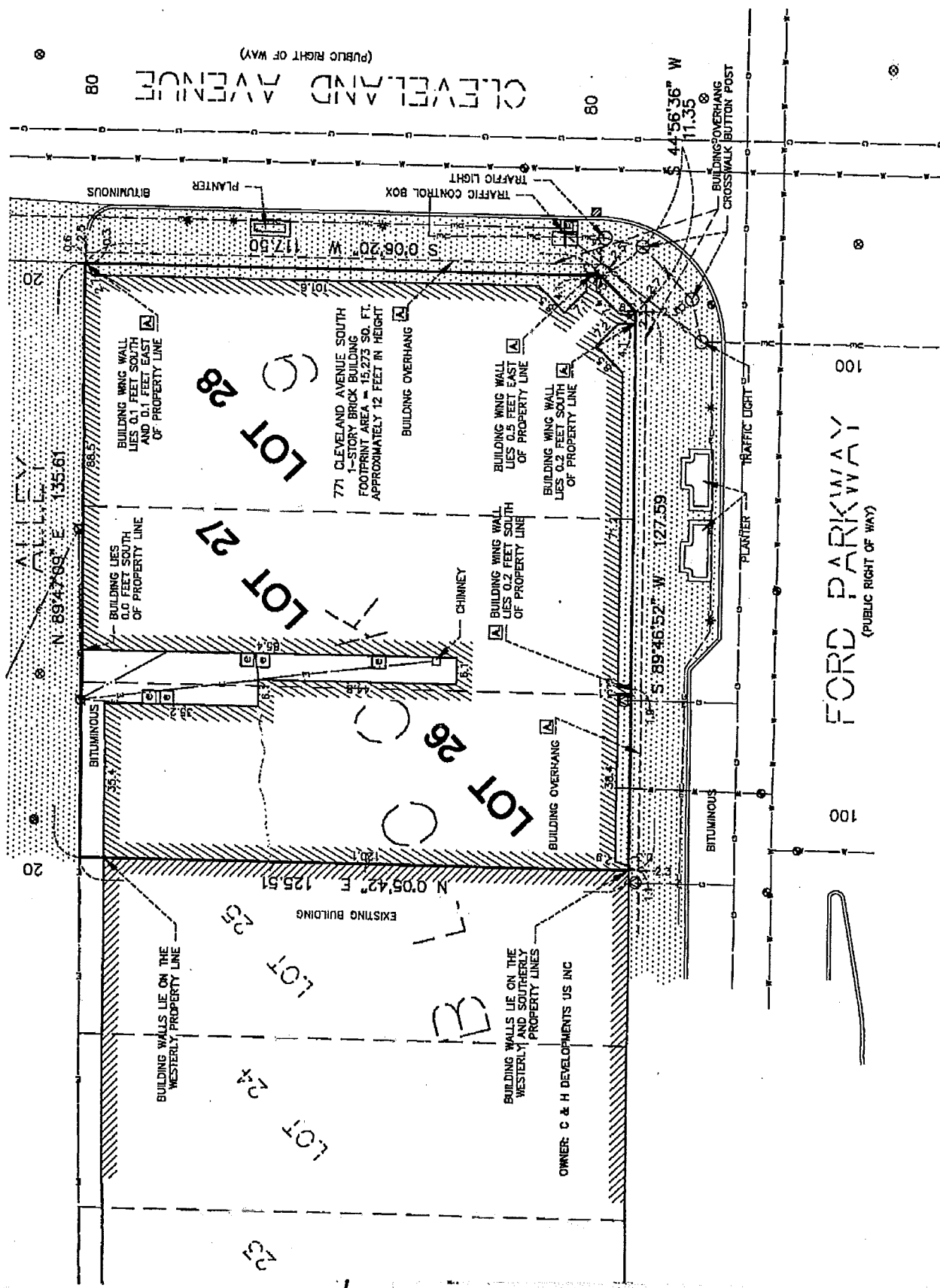
Full survey and enlarged section

(Note survey conclusion: "Building walls lie on the westerly property line")

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CLEVELAND AVENUE
(PUBLIC RIGHT OF WAY)

FORD PARKWAY
(PUBLIC RIGHT OF WAY)



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ATTACHMENTS D AND E

Engineers Reports

Structural Design Associates, Inc.

10900 Noble Avenue North
Champlin, Minnesota 55316
(763) 560-5300 Fax (763) 560-5400

517 Northwest Fourth Street, Suite 113
Brainerd, Minnesota 56401
(218) 824-1585 Fax (218) 824-1586

April 14, 2011

Mr. Robert Lunieski
Lunieski & Associates
7831 East Bush Lake Road
Suite #102
Bloomington, MN 55439

Re: Property at 2073 Ford Parkway, St. Paul, Minnesota

Dear Mr. Lunieski:

We inspected the west wall of the above referenced commercial property on April 4, 2011. The purpose of the inspection was to evaluate the current conditions and to discuss the architectural and structural options for a permanent restoration. The building on the property consists of a main building, with a basement, measuring about 85 feet in the north/south direction, and a one-level north addition measuring about 35 feet in the same direction.

Currently, the west wall of the main building consists of two side-by-side masonry walls; one wall attached to this property and another wall which was left standing after the demolition of an adjacent building to the west. The west wall enclosing the north addition of the building consists of one masonry wall that was left standing after the demolition of the adjacent building to the west. There is a basement under the main building and no basement under the north addition portion of the building. The demolished building had a basement level along the entire west wall. The area where the demolished building once stood is currently partially filled with soil. It is our understanding that the west wall which was an interior wall before the adjacent building was demolished, became an unfinished and non-weather proofed wall after it was exposed to the weather elements.

To mitigate the issues at the west wall, we offer the following options for your consideration:

Option 1 – Leave adjacent west wall in place

We recommend the following scope of work to be included:

- Provide architectural and structural drawings and specifications.
- Verify that the existing wall was reinforced properly to withstand the loads from backfilling
- Provide waterproofing on below-grade wall to prevent moisture intrusion into the basement
- Provide the required structural connections to tie adjacent wall to the building
- Remove existing projections and weatherproof the wall
- Provide desired architectural finishes above grade and new flashing over the top of the wall

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Mr. Robert Lunieski
2073 Ford Parkway

April 13, 2011

Option 2 – Remove adjacent west wall down to top of basement wall

We recommend the following scope of work to be included:

- Provide architectural and structural drawings and specifications.
- Verify that the existing wall was reinforced properly to withstand the loads from backfilling
- Remove existing masonry wall down to floor level
- Provide waterproofing on below-grade wall to prevent moisture intrusion into the basement
- Provide the required structural connections to tie adjacent wall to the building
- Provide metal stud wall infill to provide enclosure of the north addition
- Provide new flashing at the top of the foundation wall
- Remove existing projections and weatherproof the new exposed masonry wall
- Provide desired architectural finishes above grade and new flashing over the top of the wall

Option 3 – Remove entire adjacent west wall down to top of footing

We recommend the following scope of work to be included:

- Provide architectural and structural drawings and specifications.
- Remove existing adjacent masonry wall down to top of footing
- Reinforce the existing basement wall per the attached sketches
- Provide waterproofing on basement wall to prevent moisture intrusion into the basement
- Remove existing projections and weatherproof the new exposed masonry wall
- Provide new foundation wall below the slab-on-grade at the north addition
- Provide enclosure of the north addition with metal stud wall infill
- Provide desired architectural finishes above grade and new flashing over the top of the wall

Please let us know if you have any questions or need additional information.

Sincerely,

Structural Design Associates, Inc.



Mukhtar N. Giader, P.E., S.E.
Minnesota License 15660

Encl.

C: Paul Meyer – Paul Meyer Architects

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