



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 #: _____
 Fee: _____
 Tentative Hearing Date: _____

APPELLANT

Name Elyse Jensen Email hw.ea.jensen@gmail.com
 Address 223 Walnut St
 City Saint Paul St. MN Zip 55102 Daytime Phone 218-590-8513

PROPERTY LOCATION

Zoning File Name 337 W 7th St
 Address / Location 337 W7th St/366-372 Smith Ave

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: May 1, 2020 File Number: 20-021-2332

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 attachment

Attach additional sheets if necessary

Appellant's Signature  Date 05/10/2020 City Agent _____

Saint Paul City Council
15 Kellogg Blvd West
310 City Hall
Saint Paul, MN 55102

Dear Saint Paul City Council Members,

We, the [undersigned](#) (**MAP 1A & MAP 1B**), are appealing the May 1, 2020 decision of the Planning Commission granting an amended Conditional Use Permit (CUP) to Northland Real Estate Group and the Ackerberg Group (Northland) for a proposed mixed use building to be located on the current site of Bonfe Mechanical at 337 W 7th/366-372 Smith Ave.

Each of us lives near the proposed projects in the Leech/McBoal/Forbes/Goodrich/Wilkin/Douglas Little Bohemia and Irvine Park neighborhoods that would be affected by the amended CUP terms.

The accompanying map (**MAP 2**) shows 26 of the 29 residential locations of letter writers that wrote in opposition of the additional Conditional Use Permits for the Zoning Committee Meeting on April 23, 2020. The letters are viewable here: <https://drive.google.com/open?id=1LTazYQBx9hpD0WZdeaLnfdZby6PpLL>

We oppose the Commission's 5/1/20 decision for two reasons. **First**, the approval to reduce the parking requirement from 136 spaces to 111 will increase traffic congestion and undue demand in our neighborhoods for on-street parking. **Second**, the increase in the building's allowable height from 75 feet to 85 feet will be out of scale to other buildings in the area. Buildings that high belong in the downtown area, not in a mixed-use transition area like our neighborhood.

Therefore, we urge the Council to overturn the Commission's 5/1/20 decision and require the project to be built within the CUP changes approved by the Commission on December 20, 2019. Those changes increased the allowed height from 55 feet to 75 feet and allowed a reduction in required parking from 192 spaces to 136. As detailed below we believe the Commission's 5/1/20 decision is contrary to city policy as stated in District 9 Neighborhood Plan, approved in 2013 and the 2040 Plan, approved by the Council in 2019 (Met Council approval pending) and is contrary to the findings of the Area Parking Study completed in 2019.

Our appeal should not be seen as opposition to development in general or specifically to increased housing density or to more affordable housing. **We only oppose the Northland project's added height and lack of off-street parking spaces allowed by the Planning Commission on 5/1/20.** As now proposed, it is the wrong project for this site.

In fact, over the past fifteen years our neighborhood has welcomed over 1,700 units of new dense apartment and condominium housing. They include the Oxbo Apartments at 202 West 7th St (191 units); the Irvine Exchange Apartments at 200 Exchange St (177 units); Upper Landing at Chestnut St and Shepherd (1,103 units); and Schmidt Brewery (261 units). Two new hotels have also been constructed in the neighborhood--the Hampton Inn at 200 W.7th St. with 160 units and a Marriot Residence Inn at 200 Grand Ave having 100 units. Two more developments are currently under construction, one across West 7th St from the Xcel Center and the other on the old Island Station power plant site along the Mississippi.

Each of the above sites provided sufficient parking for all their hotel patrons, residents and guests. Their heights are also in scale with neighboring buildings.

Background

As will be seen Northland's proposed building has already required a revision of zoning, use, and planning applicable to the site. If the Commission's 5/1/20 decision is not overruled, it will not be the same building that was originally proposed. It will be 30 feet taller; have almost 30 more units; 700 less square feet of retail; and 54 fewer parking spaces.

City land use law has been and, if this application is not rejected, will be dramatically changed to accommodate the developer.

Northland's original project proposal for the site was 165 units on 5 floors with 165 parking spaces and 2,500 sq. ft. of retail space. The building's height was to be 55 feet (T2 zoning) - the same as the adjacent Residence Inn. On December 20, 2019 the Commission approved a change to T3 zoning, up from T2. Under the 12/20/19 changes, the building's height is to be increased to 75 feet with additional units. As allowed for under T3 zoning the required parking spaces were dropped from one space per unit to 136 spaces. The retail area was also cut to 1,800 feet and the curb cut for loading and unloading was eliminated.

While we have concerns about these changes, we prefer them to the C.U.P.s approved by the Planning Commission on 5/1/20.

In February, 2020 Northland announced it had to its great surprise discovered bedrock close to the surface of the site. Consequently, it asserts the proposed building needs to be ten feet higher to accommodate the increased units, and 26 parking spaces have to be eliminated. (Northland's basic preliminary assessment should have revealed the geological reality of the shallow bedrock underlying the site and much of W 7th St. caused by millions of years of flowing waters down what today we call the Mississippi Valley.)

Issue Discussion: Parking & Building Height

Parking

As stated earlier, Northland's CUP application approved by the Commission on 5/1/20 reduces required parking spaces from 136 to 111. That means only 111 (57%) of the building's proposed 192 units will have parking, the remaining 81 (43%) will not.

Admittedly, some of those residents may not have cars - most likely will since the neighborhood is not well-served by transit. The only two employment hubs reachable by transit without transferring to other buses or LRT are downtown St. Paul and the MSP Airport/Mall of America. No data has been provided by Northland demonstrating that residents of similar buildings use cars less than others. We believe the majority of building residents will need one car - and if a couple - two cars to get to work. Those cars will have to be parked somewhere. Likewise, residents' guests will need to find parking spaces.

Our neighborhood today lacks sufficient parking spaces as stated in the 2019 **Parking Study of 2019**. See link: <https://drive.google.com/file/d/1CpLGf0KZGWxBSqpRHOJIOPF6zVbwa6wK/view>

Adding more vehicles will add to existing congestion and make it even more difficult for current residents without off-street parking to find spaces. There are few, if any, all-night parking spaces available near the site. Already, most customers of the breweries across Smith and the small clothing store, bar, coffee shop and restaurant nearly adjacent to the proposed building have to park across West Seventh Street in the Leech/McBoal/Goodrich/Wilkin and Irvine Park and/or Little Bohemia neighborhoods. The streets in these

neighborhoods are already crowded with vehicles parking to attend events at the Xcel Center - or going to bars and restaurants on West Seventh. There are no good reasons why neighborhood residents should have to further struggle to find parking spaces.

Along with parking stresses, we believe there will also be additional traffic congestion if the C.U.P.s are approved. First, more cars roaming the streets of our neighborhood seeking on-street parking. Second, Northland's proposal to provide a single entrance/exit to its off-street parking elevator located on Smith Avenue. Smith Avenue is heavily traveled during morning and evening rush hours - which will be the same time periods that the residents of 337 W 7th will need to use the entrance/exit. We are concerned there will be additional traffic back-ups and congestion due to the combination of a single entry and inevitable delays from the semi-automated elevator.

Building Height

We oppose increasing the building's allowable height to 85 ft. As stated earlier, on 12/20/19 the Commission allowed Northland to raise the maximum height from 55 ft to 75 ft. That's tall enough, and should not be allowed to be increased.

There are no buildings within a block and half of the site nearly as high as Northland proposes. For example, the adjacent Residence Inn Hotel is only 55 feet high (5 stories) and the adjacent Saint Paul Trades and Labor Building is only 2 stories. Buildings across West Seventh are only one and two stories high. Some United Hospital buildings further down Smith Avenue are higher - but they are far away. The present allowed a height of 75 ft maximum for the site is 20 ft higher than any neighboring structures. To allow an additional 10 ft on top of that would make the proposed building disproportionate to the neighborhood. A building that tall belongs in the downtown area not in a transitional area like ours!

We are also concerned allowing the building to reach 85 ft will be a precedent for erecting higher and higher buildings in the area. The affected neighborhood is a transition area from the dense downtown to the predominantly single-family neighborhoods further down West Seventh Street. Increased building heights will erode the unique nature of the popular West Seventh restaurant and entertainment district and the nearby historic residential areas. To change that, a more detailed conversation is necessary than can be allowed through the CUP application process.

At times during the consideration of the CUP, the 16 story (600 foot tall) Irvine Park Towers at 291 W 7th has been used as a precedent for allowing the increase to 85 feet of Northland's building - it is a block and half away. It should not be. In fact, the Towers are a good reason why Northland's latest proposal should be rejected.

The Towers were built 40 years ago, only a few years after plans to erect similar sized towers around Irvine Park were seriously considered by city officials. Since then, city policies have changed - along with notions of urban livability. Under today's policies, a building that tall would not be built in the neighborhood. In fact, the **District 9 Neighborhood Plan**, approved by the Council in July 2013, referring to the Towers, states on page 22, "The height of the structure towers over its historic neighborhood buildings. It is too tall compared to its adjacent buildings. It is more similar to the heights of downtown buildings." This caption is accompanied by a photo of the building underneath a large **DON'T** and a red **X** across it. (**See PHOTO 1**) Unfortunately, city staff did not present this warning to the Planning Commission. Nevertheless, if approved, years from now Northland's building could have the same awkward, ugly duckling status as the Towers does today.

District 9 Plan link: <https://www.stpaul.gov/DocumentCenter/View4/66861.pdf>

2040 Comprehensive Plan

<https://www.stpaul.gov/departments/planning-economic-development/planning/2040-comprehensive-plan>

Northland's proposal with the latest CUP application is contrary to *at least* 4 provisions of the land use section of the City's 2040 Comprehensive Plan.

LU-9: States the city will promote high quality urban design that enhances the public realm. A building, such as Northland proposes, that is disproportionately high compared to its neighbors does not go hand-in-hand with high quality urban design.

LU-11: States that publicly accessible views should be preserved. By its height and trapezoid shape Northland's proposal will eliminate views from a number of public vantage points in the neighborhood.

LU-30: 2. Requires that building near neighborhood nodes, such as Northland's proximity to Grand and Smith traffic nodes, should provide pedestrian friendly walking spaces. In its CUP, Northland has requested a set-back *less than commensurate* to the building's proposed height - thereby depriving pedestrians of walking spaces.

LU-34: Provides that neighborhoods for medium density housing such as townhouses, courtyard apartments and smaller multi-family developments compatible with the general scale of Urban Neighborhoods. With 191 units, Northland's proposed structure will - by far - be the **most dense** building in the area. By comparison, the 16 story Irvine Park Tower Apartments has only 116 units.

The Northland building is simply too large for the space it will be built on.

In conclusion, we urge the City Council to reject the Planning Commission's 5/1/20 decision approving Northland's changes and declare the conditions approved on 12/20/19 be imposed on the developer.

Thanks for your consideration.

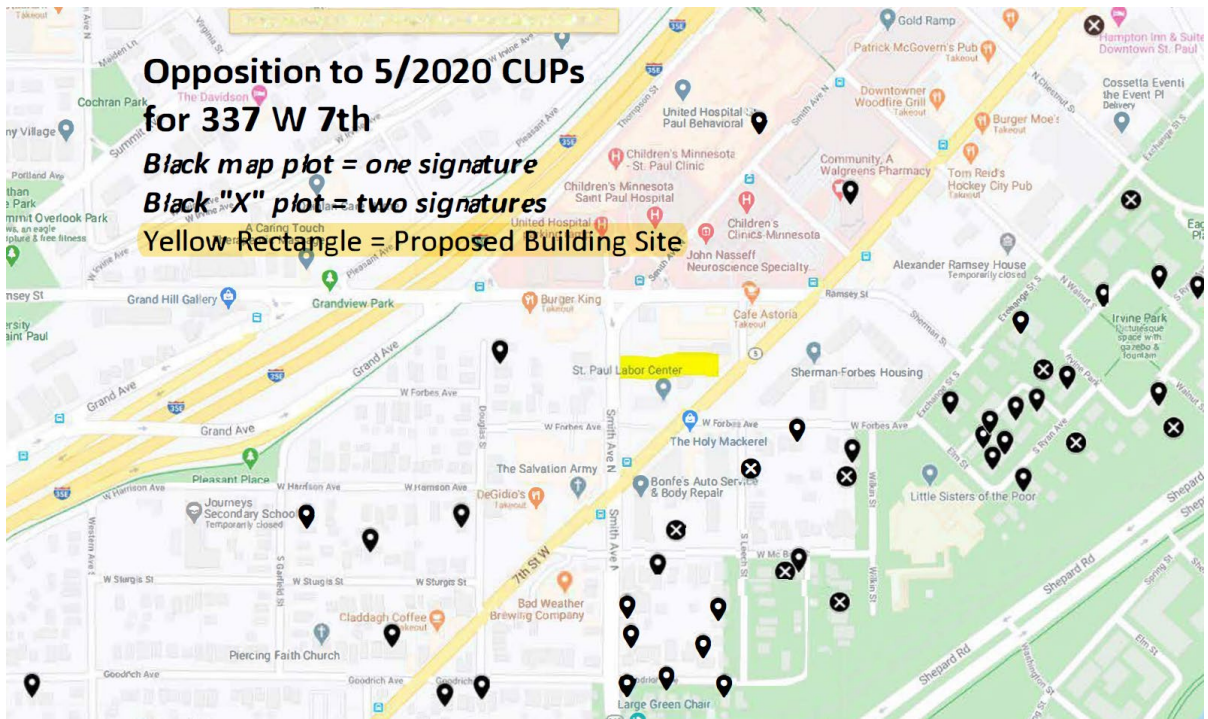
Sincerely,

#	Name	Address
1	Elyse Jensen	223 Walnut Street
2	Heath Jensen	223 Walnut Street
3	Susan Thune	26 Irvine Park
4	Stephanie Moss	56 Leech Street
5	Erin Thune	56 Leech Street
6	Dave Thune	26 Irvine Park
7	Teresa Boardman	105 Leech Street
8	Mike Dornhecker	202 W 7 th St, #427
9	Corrine Dornhecker	202 W 7 th St, #427
10	Laura Eustice	208 Goodrich Avenue
11	Megan Kluthe	47 Irvine Park
12	Dustin Thune	455 Chatsworth Street S
13	Kristina Cummings	228 Exchange Street, Unit C

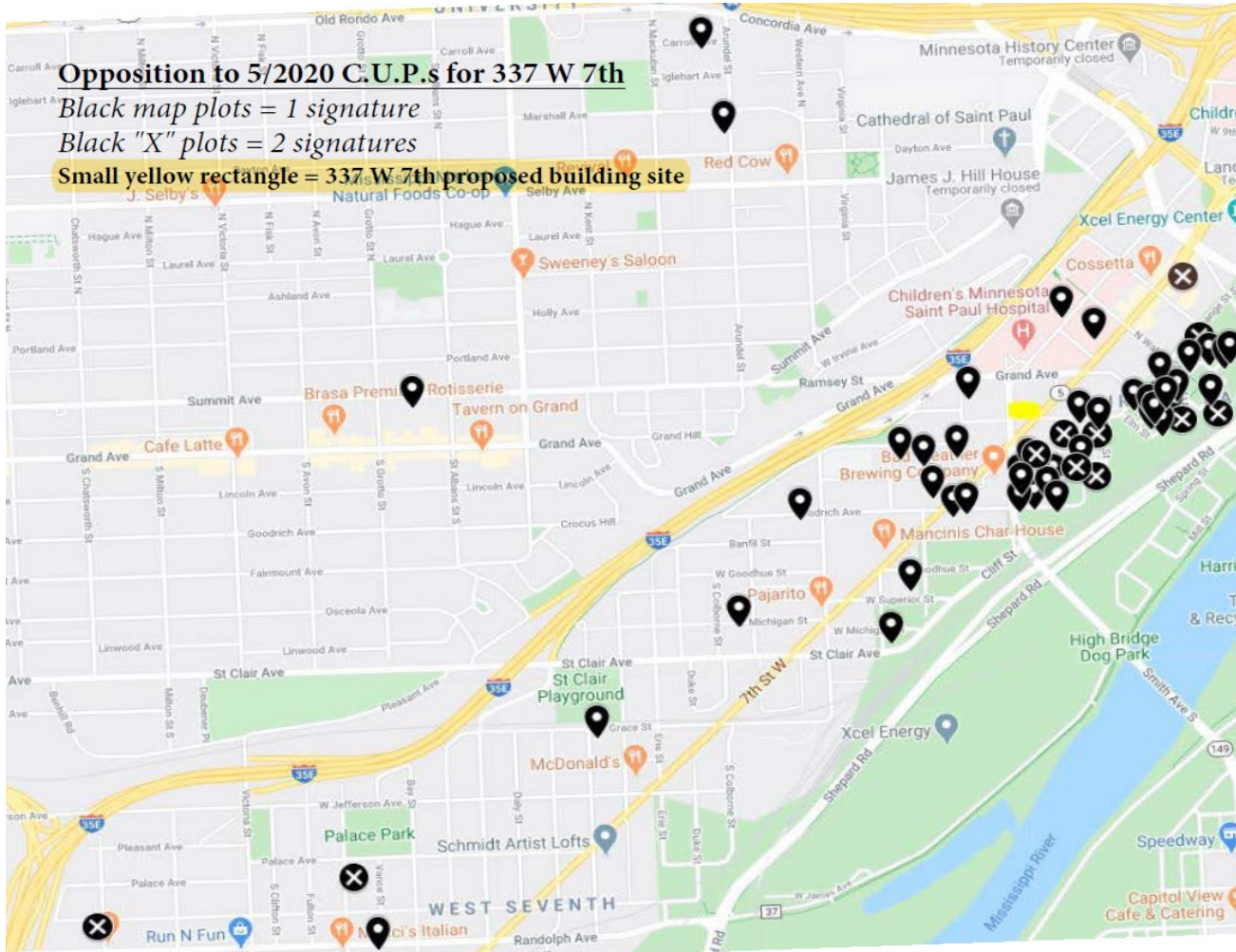
14	Brett Cummings	228 Exchange Street, Unit c
15	Tara Everman	260 Elm Street
16	Barbara Shore	95 Wilkin Street
17	David Shore	95 Wilkin Street
18	Janelle Lewis	162 Forbes Avenue
19	Connie Lewis	292 Ryan Avenue
20	Catherine Carey	57 Wilkin Street, #2
21	Brendan Carey	57 Wilkin Street, #2
22	Ken Peterson	292 Ryan Avenue
23	Melanie Ehlers	162 McBoal Street
24	Martha Hamilton	306 Exchange Street S
25	Amanda Skorich	291 W 7 th Street
26	Michael Boeckmann	8B Irvine Park
27	Maggie McQuillan	314 Ryan Avenue
28	Kelly McQuillian	304 Webster Street
29	Katie Thune	455 Chatsworth Street S
30	Elizabeth Mena-Larsen	313 Superior Street
31	Mary Farrell	303 Ryan Avenue
32	Lena-Andrea Kobett	444 Smith Avenue N
33	Jessica McCoy	420 View Street
34	Carol Arend	217 Arundel Street
35	Val Laugtug	32 Irvine Park
36	Rita Warner	61 Irvine Park
37	Heather Mathees	760 Randolph Avenue
38	Michael McCoy	420 View Street
39	Margaret Kinney	315 Ryan Avenue
40	Eric Foss	185 Goodrich
41	Molly Mach	313 Ryan Avenue
42	Deborah Padgett	274 Goodrich Avenue
43	Michelle Harris	234 Ryan Street
44	Margaret Hartfel	302 Exchange Street S, #2
45	Paulette Myers-Rich	208 McBoal Street
46	Jolynn Martin	55 Wilkin Street
47	Brittney Schuller	22 Douglas Street
48	Lori Brostrom	710 Summit Avenue
49	Katie Krammer	347 North Smith Avenue
50	Loraine (Lori) Harris	218 Goodrich Avenue
51	Paul Scheid	309 Ryan Avenue
52	Sarah Gleason	271 Forbes Avenue
53	W. McCarty	309 Ryan Avenue
54	Frederick Livesay	262 Goodrich Avenue
55	Danielle Gore	170 McBoal Street
56	Margaret E. Faricy	293 Ryan Avenue
57	Jeanne Cotter	182 Goodrich Avenue
58	Joseph O'Brien	75 Douglas Street
59	Megan Moseley	460 Carroll Avenue
60	Paula Hoena	398 Goodrich Avenue

61	Marit Brock	74 Garfield Street
62	Beth Vitek	238 Ann Street
63	Martha Edgar	277 Goodrich Avenue
64	Jennifer Gehlhar	295 Sturgis Street
65	Elizabeth Severn	1B Irvine Park
66	Janine Pingel	1490 Osceola Avenue
67	Tanya Pederson	199 McBoal Street
68	John Gladis	170 McBoal Street
69	Christopher Milligan	454 Michigan Street
70	Joanna Hirvela	199 McBoal Street
71	J. Max Duvall	199 McBoal Street
72	James Sazevich	454 Smith Avenue N

MAP 1A



MAP 1B



MAP 2

Yellow Rectangle = 337 W 7th St proposed building site. Bright Orange Plots = Initial Letters Against C.U.P.s (to Zoning Committee on 4/23/20)

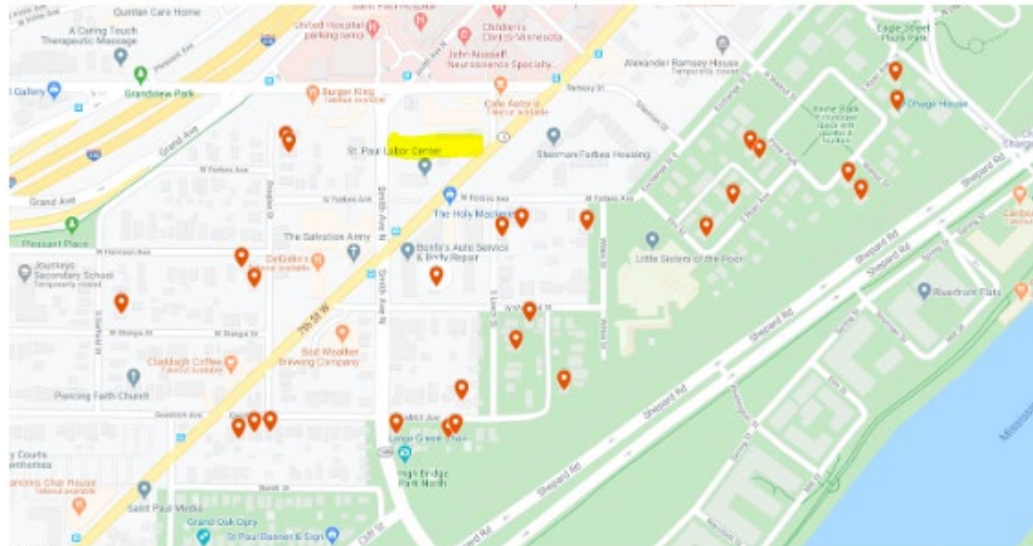


PHOTO 1

(from page 22 of the District 9 Plan)

DON'T:



The height of the structure towers over its historic neighboring buildings. It is too tall compared to its adjacent buildings. It is more similar to heights of buildings in the central business district of St. Paul.

Opposition to 5/1/20 Conditional Use Permits for 337 W 7th Street

MAP of signatures: **Black map plot = 1 signature, Black "X" = 2 signatures**

#	Name	Address
1	Elyse Jensen	223 Walnut Street
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