

MINUTES OF THE ZONING COMMITTEE
Thursday, May 10, 2012 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Merrigan, Nelson, Spaulding, Wencil, and Wickiser
ABSENT: Perrus (excused), Revea (excused)
STAFF: Tom Beach, Samantha Langer, Patricia James, Allan Torstenson and Peter Warner

The meeting was chaired by Commissioner Nelson.

Grand Finn student apartments - 12-037-383 - Site plan review for a new 20-unit apartment building (5 story building with underground parking), 2124 - 2130 Grand Avenue

Chair Nelson reopened the public hearing.

Tom Beach presented a staff memo dated 5/2/12 with additional information on parking, traffic, stormwater, the Comprehensive Plan and zoning that had been requested at the April 26, 2012, Zoning Committee meeting. He also handed out a revised staff report with additional recommended conditions in response to testimony and issues raised at the April 26 meeting.

Upon inquiry from Commissioners, Allan Torstenson explained that the recommended limit of one parking permit per unit and five for general building use is in response to concern expressed at the April 26 meeting about the large number (up to 120) of parking permits the building would otherwise be eligible for. In other cases where issuing so many permits for particular buildings could make it difficult for neighbors to park on the street, the number of parking permits issues per household has been restricted. Under the recommendation, each unit could have a permit available if needed for a guest. The applicant had indicated the five permits for general building use are needed for building management use and for such things as service vehicles. Regarding bicycle racks, given that college students tend to have greater than average bicycle use and ownership, its good to have as many secure bicycle parking spaces as possible.

Commissioners Wencil asked about additional condition #6 for parts of certain windows facing neighboring back yards to be translucent. Mr. Beach said its an attempt to address privacy concerns raised at the April 26 meeting.

Paul Holmes, Pope Architects, highlighted some of the changes they have made in response to comments and recommendations on the site plan. They have moved the pedestrian access from the public sidewalk closer to the Grand-Finn crosswalks. They have also moved one set of windows from the south elevation to the east of the building to reduce the number of windows that would be facing the alley and a neighboring backyard. In response to Zoning Committee comments regarding the drainage of the four feet along the west property line, they are proposing to adjust the grading to direct water into a drain tile system to keep it away from neighboring properties. They may be able to fit up to 24 bike parking spaces in the underground parking garage and up to 36 in the plaza area near the front door. They are proponents of bicycle use, and will add as many spots as they can to accommodate the residents. Regarding added condition #6, Mr. Holmes said they understands the desire for privacy but that residents of the building should be able to see out of their windows, and he asked that this condition be reconsidered. Answering commissioner questions, he said they are still working on mechanical system details in the underground parking area, but are confident they will not need a variance on the number of parking spaces. The storage area will be for resident use.

Rina Cooper, 2129 Lincoln Avenue, spoke in opposition. She is in favor of increased density, but this is an unreasonable increase of density. Everything is to the absolute maximum allowed by the zoning code. This plan is inconsistent with the spirit of the Comprehensive Plan to protect established neighborhoods and provide a transition from single family homes to higher density. She said the proposal should adhere to the 40 foot height standard in the 2004 St. Thomas conditional use permit.

Joel Clemmer, 2154 Fairmount Avenue, spoke in opposition. He said District 14 is just beginning work on updating the 2001 Macalester Groveland Community Plan, and presented pictures of 2-3 story buildings they have in mind for commercial nodes at key intersections to harmonize with the neighborhood. The proposed building does not provide enough of a transition between high density and single family homes.

Kirk Wythers, 2096 Lincoln Avenue, spoke in opposition. He stated that this proposal is upscale student housing and would not appeal to anyone other than students. It basically has the same floor plan as St. Thomas' Flynn Hall student housing building. Mr. Wythers referred to the 2004 St. Thomas conditional use permit that speaks to transitioning to single family neighborhoods. This development is student housing takes away incentive for St. Thomas to provide student housing on campus.

Cheryl Fogarty, 2166 Lincoln Avenue, spoke in opposition. She presented a petition with 97 signatures from people against the proposed project at the April 26 meeting. She acquired more signatures since that meeting, and has a total of 103 signatures. She stated that 71% of households in the two block area have signed the petition. She also added that the proposed apartment building doesn't have any plans for outdoor gathering space, and she is worried where the students will congregate. She would like a plan that shows transition from the University to their neighborhood.

Pete Cooper, 2129 Lincoln Avenue, spoke in opposition. He mentioned three key issues: impact on adjacent residents, density, and setbacks. He disagrees with finding #5 in the staff report that surrounding property will not be unreasonably affected. Other property will be overwhelmed by the size of the building. He presented a letter from Jeremy Exley, a neighbor who could not be present, stating he would not get morning sun on his property. The proposed building is too close to neighboring property. If it were on the St. Thomas campus it would have to be set back 50 feet. He questioned why the setback isn't measured to a two foot bump up from the ground for the underground parking. They're willing to take their share of density, but the high density proposed is overwhelming. He is concerned that it could set a precedent for future development and that this will become a student housing corridor. Mr. Cooper referred to a St. Thomas student village proposal. They are not asking that nothing be built, just for some compromise.

Nancy Wacker, 2153 Lincoln Avenue, spoke in opposition. She thinks the building should be required to adhere to standards set forth in the St. Thomas conditional use permit; that the height, setbacks, and high density of the building are inconsistent with the standards and spirit of the St. Thomas conditional use permit even if it technically meets the letter of the law; and there appears to be a relationship between the developer and the University of Saint Thomas.

Doug Hennes, University of St. Thomas, 2115 Summit Avenue, said they have decided not to take a position on this project. He said the drawings Pete Cooper showed describing a possible residential village on campus was done purely for purposes of envisioning as they worked through the conditional use permit process a decade ago. They do not represent any kind of plan, and a plan has not been developed yet. While they have answered developer questions, they are not collaborating with the developer. He wants to make clear St. Thomas has no relationship with the developer.

Graham Merry, owner of 2124 and 2130 Grand Avenue, responded to the comments, concerns, and additional conditions that had been recommended. He believes 20 parking permits would be inadequate, and would like a minimum of 30 with an additional 5 for general building use. He is open to this idea of having an hour car available at the building. There are two already in close proximity, and this would be the highest density of hour cars in the Twin Cities. He has contacted them and is waiting to hear back. They want to have as much bike parking as needed. It is difficult to know in advance how many spaces they should have, but they will certainly add bike racks as needed. Mr. Merry stated they have listened to suggestions and concerns, adjusted the sidewalk access to the corner for pedestrians, changed landscaping along the alley to trees that are more durable, and adjusted the water drainage on the west side of the building. Regarding additional condition #6, he believes use of translucent glass on some of the windows would decrease the value of the building, and use of blinds is better. Regarding the morning sun issue raised by the neighbor to the west, the existing structure is one story taller than his house and only six feet away, so he currently doesn't get direct morning sun. For underground parking that the City desires, it is necessary to have the number of units to make it feasible.

Mr. Merry said he is a private developer, using private money on private land. He is not affiliated with or an extension of St. Thomas, is not a party to the St. Thomas conditional use permit, and has not collaborated with St. Thomas. He purchased property that has had RM2 zoning many decades and developed a plan that meets all zoning requirements. He said they have listened to neighbor's concerns, the plan does not have outdoor gathering spaces or patios that might bother neighbors, an entertainment area is not needed for every building, they will provide on-site management, and that the purpose of site plan review is to assess its conformance with code requirements.

Jason Thomas, attorney for the applicant, 800 Nicollet Avenue, Minneapolis, said he appreciates that substantial redevelopment in neighborhoods will create a reaction. The site plan review process has been good. There has been input and feedback from neighbors, and the developer has been responsive. This land use and zoning process is predicated on a comprehensive plan implemented through zoning. Inherent in the process is predictability, both from a legal and practical standpoint. It can't be subject to arbitrary decisions or changes. He concluded by discussing land costs, construction costs and what it took to do underground parking, noting that the proposed site plan meets the zoning code requirements.

The public hearing was closed.

After discussion, Commissioner Bob Spaulding moved the staff recommendation for approval of the site plan with conditions subject to the following changes: revise condition #3 to state at least 24 bicycle spaces be provided in the underground parking area and 36 be provided in the patio area near the front door, and remove condition #6. Commissioner Paula Merrigan seconded the motion.

Upon inquiry from Commissioners, Mr. Torstenson explained that if they didn't meet the parking requirement of 40 spaces they would need a variance, and substantive changes to this site plan would require review of the revised site plan. Mr. Beach explained the provision in § 63.105(c) of the Zoning Code that decks or patios not exceeding two feet in height are not subject to setback or lot coverage requirements, and that the application of setback requirements to the underground parking is consistent with this. He said the proposed location of support columns in the underground garage so they do not interfere with maneuvering lanes and open car doors conforms with the way the code is always consistently applied.

The motion failed by a vote of 2-3-0.

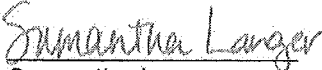
After further discussion, Commissioner Barbara WencI moved denial of the site plan based on findings #4 and #5 in the staff report not being met. Commissioner David Wickiser seconded the motion.

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

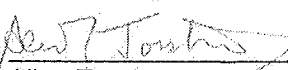
Commissioners WencI, Wickiser, and Nelson stated their reasons for voting for denial of the site plan based on inconsistency with findings #4 and #5 pertaining to impact on adjacent property. Commissioner WencI specifically noted the impact on light and air, and the large footprint of the proposed building. Commissioner Nelson also noted that he is not convinced that the proposed site plan is consistent with finding #1 pertaining to meeting setback and parking space requirements because of column encroachment into the parking spaces and setback to the above grade portions of the building.

Adopted Yeas - 3 Nays - 2 (Merrigan, Spaulding) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Allan Torstenson
Zoning Section

Approved by:


Gaius Nelson
Chair

MINUTES OF THE ZONING COMMITTEE
Thursday, April 26, 2012 - 3:30 p.m.
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15 West Kellogg Boulevard

PRESENT: Nelson, Perrus, Reveal, Spaulding, Wencil, and Wickiser
ABSENT: Merrigan (excused)
STAFF: Tom Beach, Samantha Langer, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Nelson.

Grand Finn student apartments - 12-037-383 - Site plan review for a new 20-unit apartment building (5 story building with underground parking) at 2124 - 2130 Grand Avenue.

Tom Beach presented the staff report with a recommendation of approval with conditions for the site plan review. Tom Beach also stated District 14 made no formal recommendation, and there were 0 letters in support, and 11 letters in opposition.

Upon inquiry from the Commissioners, Mr. Beach confirmed that the use is permitted and the proposed building meets zoning code requirements, as listed in Attachment A, of the staff report. Regarding finding H4, Mr. Beach explained that the Department of Public Works and the Department of Safety and Inspection will be responsible for determining if the basement level will be affected by a perched water table. Mr. Beach showed a plan submitted by the applicant demonstrating the staging of construction. He explained they will be relocating some of the windows on the south side facing the alley so they face Finn Street, so a few less windows will be overlooking the neighboring properties. Mr. Beach stated as far as he knows the parcel has been zoned RM2 since the mid 1970's.

Paul Holmes, Pope Architects, 1295 Bandana Blvd., Saint Paul, explained they conducted a soil investigation last November, and the ground water was located just below the finished floor elevation, in the lower level of the basement. Once construction begins, the general contractor will have to see what ground water is present and put a plan together with the City to deal with what is found. Regarding the parking lane closure on Finn Street during construction, it will only be during the major excavation of the site. Once the precast deck is completed for the underground parking, staging for the construction of the building will be done on site and not in the street. As suggested by the City, Mr. Holmes confirmed that they are relocating some of the windows to face Finn Street to allow more privacy for neighbors. Further amendments have been made to the site plan at the City's and neighbors suggestions; creating an accessible entrance off of Grand Avenue instead of off of the alley that includes stairs available at the west and east end, and a plaza area. A fence surrounds the green roof on top of the parking garage to keep people off the roof and prevent them from congregating outside

Upon questions from the Commissioners, Mr. Holmes stated they have no objection to the five conditions listed in the staff report. Mr. Holmes stated the green roof above the parking garage has certain structural and root depth limitations, making it difficult to have more substantive vegetation for the purpose of shielding the property. Mr. Holmes explained the approach to designing the building with five stories, and it would not be feasible from a financial perspective to reduce it to four stories. Architecturally they have done what they can to flatten the building

visually. He also noted the building will shade Grand Avenue and not the properties located to the south across the alley. There is a twenty five foot set back for the above grade portion of the building; 21 feet on top of the green roof, and 4 feet between the green roof and the property line. Mr. Holmes explained that because of the challenges of constructing the underground parking, a low wall will be constructed around the green roof, so that the garage could be elevated in order to meet requirements. He stated they will adjust the grade between their property line and the wall on the west side in order to minimize the height. Mr. Holmes explained the plans for stormwater drainage. He talked about the layout of the underground parking: there is a mix of full size spaces (9' wide) and compact spaces (8' wide) plus 2 handicapped accessible parking spaces in the parking garage. Where there are columns, they would extend 6"-9" into the parking space.

No one spoke in support.

Cheryl Fogarty, 2166 Lincoln Avenue, Saint Paul, spoke in opposition. Ms. Fogarty presented a petition signed by 97 people who are opposed to this construction for the following reasons; at five stories, it does not fit the neighborhood, with 80 renters, it will significantly increase traffic and parking issues, and it does not promote a balanced mix of residents. If it is approved the residents ask that the City will stipulate there will be no building variances allowed during or after construction. She also stated that the plan is not consistent with the Macalester Groveland Community Plan. Ms. Fogarty believes that the 97 people who signed the petition represent more than fifty percent of the neighborhood.

Rena Cooper, 2129 Lincoln Avenue, Saint Paul, presented three main reasons she is opposed to this development; it is not consistent with Comprehensive Plan or the Macalester Groveland Plan, it does not alleviate housing and student problems, and the car and pedestrian traffic issues with the increased population. In regards to the increased density, the plan was to involve the neighbors in any plans for the neighborhood, in order to discuss any issues that may arise. Ms. Cooper stated her opposition would be a little less if it wasn't focused on student housing.

Joel Clemmer, Macalester Groveland Community Council, 2154 Fairmount Avenue, Saint Paul, spoke in opposition. Mr. Clemmer stated that the proposed development does not meet the following requirements of the Macalester Groveland Community Plan; Land Use, to retain and improve upon the residential quality of the community, and to encourage mixed use housing with commercial uses on the first floor; Housing, to diversify housing to meet the needs of all income levels and maintain the single family character; Urban Design, encourage mixed use development of two to three story buildings.

Rachel Westermeyer, West Summit Neighborhood Advisory Committee (WSNAC), 1935 Summit Avenue, Saint Paul, spoke in opposition. She stated she is on the Traffic, Parking and Student Behavior and Safety Committee. She stated that this development took her completely by surprise, and was not discussed with the residents. Her two main concerns are parking and the size of the building. She explained the limited street parking currently in the area. Ms. Westermeyer suggested that to alleviate parking issues, other options for transportation and parking be added in the lease agreement.

Nancy Wacker, 2153 Lincoln Avenue, Saint Paul, spoke in opposition. She is very concerned with parking problems, traffic issues and the height and density of the project. The neighborhood was very surprised that this plan was presented so soon and without neighborhood involvement. Ms. Wacker stated that if the project goes forward she asks that no variances be granted before, during, or after construction.

Pete Cooper, 2129 Lincoln Avenue, Saint Paul, spoke in opposition. This project will have a negative impact on the neighborhood in terms of traffic, noise, parking problems, privacy, and livability of the area. Mr. Cooper referred to the University of Saint Thomas conditional use permit (UST CUP) in 2004 regarding building standards on the north side of Grand; stating that the height of transition housing should be limited to four stories or 40 feet high. This building will be five stories and 50 feet high which greatly reduces the privacy of his home. Mr. Cooper presented drawings representing the difference in height between the proposed building and existing homes.

The applicant, Graham Merry, 2124-2130 Grand Avenue, Saint Paul, stated he recognizes that this is a significant change to the neighborhood. This is a neighborhood that faces many challenges, and most significant is there is too much demand for housing and not enough supply to match. He has worked and invested to develop a plan that meets all City requirements and minimizes the impact on neighbors as much as he feasibly can within the scope of the development. Mr. Merry stated he cannot speak to the UST CUP of forty foot height, but pointed out he is not building on the campus. He designed the building with underground parking to minimize the impact on neighbors. He also changed the exit from the alley to Finn Street to minimize cars and traffic in the alley. There will not be any spaces dedicated to outdoor gatherings to minimize noise, and be respectful of the neighbors. The building will have onsite management. Mr. Merry explained that when he mentioned up to sixty cars may be at the site, this was a prediction only. This location has transit available and is within walking distance to the campus, which may reduce the number of automobiles. Mr. Merry stated he is researching the possibility to add parking restrictions to leases. It is not financially feasible to reduce the height or number of units. He believes this is a great location for increased density due to the location on a transit route, it is near campus, and the zoning is appropriate. Mr. Merry stated he will strive to work with the residents on any challenges or concerns. This project came together quickly, and he met with the District Council as soon as he had plans.

Upon inquiry from the Commissioners, Mr. Merry explained they briefly considered mixed use, but the zoning for the property requires residential only. They want to avoid applying for variances for the project. In regard to other parking solutions, he is open to having surface parking, but he thought the underground parking would be more acceptable to the neighbors. Mr. Merry explained that there is limited access to the green roof above the parking garage to avoid people gathering outside. A fence is around the area and the access gate will be locked. The landscaping plan is a mixture of rock, mulch, shrubs, and flowers limiting an open area for tenants to congregate. There is also an on-site supervisor who can enforce the area. Mr. Merry stated they have not attempted to bend any rules or maximize the zoning. Their goal has been to meet all zoning requirements. Mr. Merry explained it isn't feasible to lower the underground parking because the ramp would become too steep. He stated that the date on the drawings is an error, and should be 2012 not 2011.

Paul Holmes explained that the length of the ramp to the basement parking is ninety feet from the sidewalk to where the ramp lands at basement elevation. The pitch of the ramp varies: it is 2% across the public sidewalk, then 5% for the next fifteen feet after that so there is a flat space for cars to surface and enter traffic onto Finn Street. Then the pitch is 10%. They will be installing a heating system to avoid snow and ice in the winter.

The public hearing was closed.

There was further discussion pertaining to the development meeting the requirements of the Comprehensive Plan and Macalester Groveland Community Plan, Sewer and stormwater standards, setbacks from the property line, and the size of parking spaces in the garage.

Commissioner Nelson stated he would like to receive more information on the covered parking area, and the dimensions of parking spaces, as well as determine the impact of bike and pedestrian traffic.

Commissioner Wencil moved denial of the site plan review based upon findings H2, H3, and H5 not being met. Commissioner Spaulding seconded the motion.

After further discussion, Commissioner Wencil withdrew her motion.

Commissioner Elizabeth Reveal moved to lay over of the site plan review to May 10, 2012, in order to obtain more information about different parking options, if zoning issues were contemplated when the Macalester Groveland Plan was being created, and if the five story building is allowed according to this plan, and time to review the traffic study, and receive more clarification from Public Works on stormwater issues. Commissioner Bob Spaulding seconded the motion.

The public hearing was reopened.

The motion passed by a vote of 5-0-0. Commissioner Perrus left the meeting before the vote.

Adopted Yeas - 5 Nays - 0 Abstained - 0

Drafted by:

Submitted by:

Approved by:

Samantha Langer
Recording Secretary

Tom Beach
Zoning Section

Gaius Nelson
Chair