

Jerve, Anton (CI-StPaul)

From: Dubruiel, Paul (CI-StPaul)
Sent: Thursday, February 13, 2014 9:25 AM
To: Jerve, Anton (CI-StPaul)
Subject: fyi Appeal basis FW: Zoning File #13-260-424 - HMC Appeal of Planning Commission Resolution

From: Michael Jon Olson [<mailto:michaeljon@hamlinemidway.org>]
Sent: Wednesday, February 12, 2014 4:01 PM
To: Dubruiel, Paul (CI-StPaul)
Subject: Zoning File #13-260-424 - HMC Appeal of Planning Commission Resolution

To Whom It Concerns:

Hamline Midway Coalition (District Council 11) is appealing the Planning Commission resolution of February 7, 2014 (file #14-09) regarding Zoning File #13-260-424 (Driessen Group LLC; 1221 University Avenue West). HMC's appeal relates specifically to the granting of a variance for off-street parking with more than 60 feet of frontage.

MN Stat. 462.357, Subd. 6 establishes required findings for variance approvals, including that "the applicant has established that there are practical difficulties in complying with the provision..." and that "the plight of the landowner is due to circumstances unique to the property not created by the landowner."

Regarding the granting of this variance, HMC believes that the Planning Commission made an error in its findings of fact. Specifically, the planning commission found that "the applicant has established that there are practical difficulties in complying with the provision [limiting off-street parking to 60 feet of frontage].....the depth of the parcel (121 feet), the building loading needs, and internal circulation and organization of uses make it impractical to develop the project in a way that would comply with the provision." The Planning Commission further found that "the plight of the landowner is due to circumstances unique to the property not created by the landowner....to allow for screening from residential uses across the alley and allow for delivery circulation necessitates consolidating the surface parking adjacent to the building" [Planning Commission Resolution 14-09, 5(c) and 5(d)].

However, a careful review of the site plan reveals that loading, delivery, circulation, organization of uses, and screening could all be readily accommodated using only 60 feet of parking lot frontage on University Avenue (coupled with the other conditional use permits and variances requested by the applicant).

What the variance actually allows for is a large, 50-spot parking lot that is DESIRED by the applicant. Given that this site is in the Hamline Station area, in a T2 zone, there is NO REQUIREMENT FOR THE PROVISION OF OFF-STREET PARKING. Therefore, the applicant would have no practical difficulty in complying with the provision limiting the parking area to 60 feet of frontage, and the "plight" of the landowner is entirely of their own making.

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