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TO: Saint Paul, Minnesota City Council

FROM: Ferdinand F. Peters 

RE: Zoning File 18-067-994
CUP Approval for Sorority Lambda Delta Phi ("LDPhi")
1381 Cleveland Avenue N., Saint Paul, MN (between Doswell and Carter)

DATE: June 15, 2018

**THIS DOCUMENT IS THE RESPONSE BY LDPhi TO THE DAVID BURKE APPEAL
OPPOSING THE ISSUANCE OF THE CUP TO LDPhi**

Issue on Appeal by David Burke

Does the CUP [expanding occupancy from 17 sisters to 25 sisters in the sorority house at 1381 Cleveland Avenue North] violate the "general standards regarding density" as contained in Legis. Code Section 61.501?

Short Answer

No. As provided in the staff report the CUP the proposed conditional use is consistent with the comprehensive plan and also is not detrimental to the character of the neighborhood.

Statement of Facts

LDPhi seeks to provide for more space for inviting 8 more sorority sisters to its existing building, with an appealing renovation/restoration of the sorority house. LDPhi has met with neighbors regarding various concerns including on street/off street parking issues, parking lot lighting, landscaping, and the dialogue has been informative and promising in promoting coming to agreement on a variety of issues.

The CUP has met with unanimous approval by the Planning Commission, and it promotes density guidelines currently in place as well as the upcoming Comprehensive 2040 plan.

The appellant bases his appeal on a belief that the current density of the block already exceeds "unity density per acre . . . guidelines" prior to the LDPhi request.

Discussion of Facts

Mr. Burke's argument on appeal was already been addressed by the Zoning Committee and the Planning Commission when it considered the CUP. The appeal re-asserts the argument that in this "Established Neighborhood" density should be only 3-20 units per acre, and having exceeded that, no CUP can be issued that would increase density. This viewpoint is based on only looking at this particular block where the sorority house is located.

This neighborhood is truly an Urban Neighborhood, with residential areas and a wide range of housing types, from single-family homes, duplexes, multi-family, to larger rooming houses known as "fraternities/sororities". This block includes a major arterial/collector street (Cleveland) and adjoins a major educational institution, The University of Minnesota Saint Paul Campus. The proposed use has no substantial negative effect on the current nature of this neighborhood.

LDPHi has had several productive meetings with neighbors. Density has not been the issue, but derivatives of density have come up as topics to address. On street and off-street parking, landscaping, security lighting directional changes, have all been discussed. Communication lines are open (see attached email exchanges summarizing these meetings).

The major issue, of course, is parking. In early June LDPHi scanned the streets of this block at various times and the photos are attached showing that parking spaces do exist on the street (see attached photos). This is not meant to be a statistically representative sample, but just a representation of what it looks like when the photos were taken.

Conclusion

It is requested that the City Council dismiss the Burke appeal. LDPHi will continue to work with neighbors to work out concerns and issues. It is a beautiful neighborhood, and everyone wants to keep it that way.

FFP

Nothing follows

From: Ferdinand Peters
Sent: Tuesday, May 29, 2018 8:22 AM
To: Tina Hughes; Louise Anderson
Cc: Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke; andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com; Administrative Staff
Subject: Re: LDP remodel

Hi:

I had a power outage and now I'm back in business. Too much wind and not enough rain!

I liked your message and the issues we have worked out and the ones that need more details and understandings for everyone. The upcoming hearings/meetings on the parking permits are indeed what LDP and the neighbors can work on together and that is what Louise mentioned with you when we met. One thought out of our discussion is to find a way to reduce parking permits for fraternities/sororities that no longer have residency levels as in the past.

Snow removal---we should just make a spreadsheet list of what needs to get done and then assign responsibility for the task and LDP will be predominate on that list if I am not mistaken based on that part of the discussion during our meeting.

The landscaping planning also shows a cooperative effort and that was the most confidence-building part of our discussion.

Working together means just that; working together. Goodwill always is a two-way street. Actions do speak louder than words in the world we live in. I have worked as a mediator since 1985 and I believe that the meeting of neighbors with the sorority points us all in the right direction. I would not presume to tell neighbors what they must offer up at all. I think we are on the right track.

Thank you again for suggesting the meeting.

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From: Tina Hughes <tmhlts@msn.com>
Sent: Friday, May 25, 2018 10:26:23 AM
To: Ferdinand Peters; Louise Anderson
Cc: Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke; andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com; Administrative Staff
Subject: Re: LDP remodel

Thank you, Ferdinand, for this reply to my observations about our meeting yesterday. I appreciate that you've identified the heart of the issue that frustrates our group of neighbors. We really have had a very hard time with the lack of street parking, the lack of parking enforcement, the poor snow plowing, cars left on the street for long periods of time, and other parking issues.

We're committed to do what we can, particularly through the upcoming public meeting on permitting in the city, to improve the situation. We welcome any participation of LDP at that meeting to address the problems but adding more cars with permits aren't what we need.

Some of my comments about snow removal were, indeed, rhetorical but there are practical issues with this. Even with the offer from LDP to cover the administrative costs of billing, what would happen if Albrecht can't collect from everyone on the alley? Would they do the plowing? Who pays the difference if they can't collect? For how long is LDP willing to cover the admin costs? Will it again fall to one or two homeowners to deal with it? This isn't just LDP's problem but David has covered it in the past to the benefit of all because it needs to be done. (Again, some rhetorical questions from me.)

We will have to see what happens with the landscaping. There are a lot of factors to consider and probably can't be finalized until construction is done. Louise indicated that they would direct the security lights on the sorority house more downward to help with the always-on lighting situation.

In order to provide some relief from yet more pressure on the street parking we're asking for at least a one or two year moratorium on the application for the **new** parking permits that are available to LDP after construction. The point of this is to give the city time to update their policies, perhaps institute one-way streets, and it would demonstrate good will on the part of LDP with a recognition of the street parking problems.

I don't have any tangible, reciprocal, good will gesture ideas from the neighborhood group, at this point, but please suggest some. We're open to that.

We are definitely interested in a friendly and collaborative relationship with LDP. These are problems to be solved and it benefits all of us to work together.

I really appreciate the time and energy that is being spent to work on the issues.

Thanks again to all!

Tina Hughes

From: Ferdinand Peters <ferdpeters@ferdlaw.com>

Sent: Friday, May 25, 2018 12:20 AM

To: Tina Hughes; Louise Anderson

Cc: Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke;

andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com; Administrative Staff

Subject: Re: LDP remodel

Hi Tina:

Thank you for your message. It was a pleasure meeting with you, Andy, and Mark today.

I just got done with my continuing legal education program downtown that took me away at noon today. You have summarized things well and it is good that we had an open discussion.

It is apparent that homeowners west of the UofM Saint Paul campus have suffered from a street parking permit system that has been limping along with many problems---lack of enforcement, some property owners getting permits and making money off of them by selling them to others, etc.

There were some good ideas mentioned at our meeting about one way streets being designated to increase on street parking spaces, and other good ideas such as parking permits that only start in the evening.

The snow removal plan for the alley is a great breakthrough for the entire group who live on both sides of the alley. You bring up issues/questions. Not sure what that is all about since at this point it would be best to present a position as to each issue you raise. For example, you ask about what about all the money David Burke has paid in the past to cover other non-paying property owners (you only mention that multi-tenant owners and LDP did not pay [and as we discussed today, no invoice was provided to the treasurer of LDP in the past. We do not know if other property owners [multi-tenant owners, or other single family home owners] were billed and did not pay, were not billed, and did not pay, etc. We have not seen any numbers for these past years of plowing and no paying, which makes it difficult to respond to, unless your question was rhetorical. Again, for that issue and the others you raise, present a proposal so that it can be responded to.

One summary item is that you were going to go back to David Burke and seek input from him on some landscaping/parking lot spaces ideas that we discussed.

It is apparent to me that the LDP Sorority issue is just one part of a constellation of issues that the neighborhood has faced over a long time. I liked what you said about how you feel bad that the LDP sorority sisters feel singled out by the demands that you have made to limit their ability to complete their educational requirements to intern and serve residencies, and other educational obligations.

I want to make sure I understand your request for a moratorium, since we discussed several variations on your request and Andie's during our discussion. Could you be more specific as to what your current moratorium request is, and what you are willing to provide, also as a goodwill gesture if it is agreed to? Thanks.

Not sure why the sense is that neighbors keep on bringing up filing an appeal for the CUP since it really does not provide meaningful leverage to you as neighbors. I have handled these matters for both sides of the issue for many years in Saint Paul. I strongly urge you to seek counsel now from an experienced attorney in this area of practice.

As I have advised my client, whomever appeals the CUP will be putting good money after bad, and the only appeal from an unfavorable resolution by the city council, is to the Minnesota Court of Appeals, which is overwhelmingly expensive with not only costs, fees, and bonding, but it separates people rather than unites them in a common cause. I told my client that it is best to come up with a plan of action with the neighbors, in good faith, than to ignore the very legitimate concerns of neighbors. That is what my client has been trying to do even before my involvement, and what they are doing now---as witnessed by our very enlightening meeting today.

Sincerely,

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From: Tina Hughes <tmhlts@msn.com>
Sent: Thursday, May 24, 2018 4:16:36 PM
To: Ferdinand Peters; Louise Anderson
Cc: Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke; andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com; Administrative Staff
Subject: LDP remodel

Thank you Louise and Ferdinand for the discussion this morning. Will there be a summary of that coming to all of us?

I've appreciated all of the discussions that I've had with Louise and I hope for an amicable relationship with her and the sorority going forward.

While there were a number of points of agreement this morning, and I'm grateful for them, I question their significance.

About landscaping- it's probably only logical that LDP would do a landscaping plan that includes some kind of screening between the house and the alley. This might have already been the intention without a request from neighbors.

About snow plowing in the alley- **it is** helpful that LDP will pay the administrative costs of billing but how long will that last, I ask. What happens when someone doesn't pay? What about all of the years that the cost has been borne by David Burke without help from LDP or other multi-resident dwellings?

Pothole repair- this is **very** generous and appreciated. Of note, the city will be doing those repairs some time this summer, I believe.

Affirming the 1979 agreement- we believe that it is still in force, you do not.

About holding off on applying for the new permits until July- the permits cannot be applied for until August anyway. This was of no help for the impossible street parking situation.

Attending the June 20th public hearing with people from the neighborhood- that's **very** appreciated but, again, probably of no help with the impossible street parking situation.

I stated my disappointment about the lack of willingness to do anything effective around the issue of the parking permits.

I'm again requesting a moratorium on applying for the new permits. I fully understand that LDP can obtain those permits. This is a good will gesture.

My sense is that the appeal will go forward. There is great interest among the neighbors in doing that because the parking is so impossible. My opinion is that a moratorium may forestall it.

We will be out of town starting this weekend so I won't be able to help with anything.

Thank you again for the discussion this morning and thank you, Louise, for all of our other discussions. I hope that they can continue.

Tina Hughes

From: Ferdinand Peters <ferdpeters@ferdlaw.com>

Sent: Wednesday, May 23, 2018 3:03 PM

To: Tina Hughes; Louise Anderson

Cc: Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke;

andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com; Administrative Staff

Subject: Re: LDP remodel

Hi:

If we could meet this week, even if during the day, and come up with an agreement that addresses the concerns of the neighbors, it would not be necessary to spend the money to appeal the CUP to the city council.

I am open today and also Friday. We are all close in proximity. Let me know and I will reserve the conference room.

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From: Tina Hughes <tmhlts@msn.com>
Sent: Wednesday, May 23, 2018 7:25 AM
To: Louise Anderson
Cc: Ferdinand Peters; Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee; David Burke; andrew@homemastersllc.com; christopherson.charles@gmail.com; snydermark@gmx.com
Subject: Re: LDP remodel

Hi Louise,

The proposal of a facilitated discussion is an excellent one and we're interested. I left a message with you that June 4th is the best time for me for a meeting but we would still file the appeal in the next couple of days.

Let's try to move up the meeting time. I have a very small window late Friday afternoon. I could meet at 4 pm this Friday. I can't meet any of the evenings this week but others may be able to do so. I'm not essential to the conversation but I want to be helpful to resolving the problems and to cultivate a positive relationship.

Louise, I think that our conversations have been very productive and it would be great to build on that. Street parking and the parking lot issues are still unresolved and impact every person living on this block and the streets immediately adjacent.

Thanks and let me know,

Tina H.

From: Louise Anderson <landersonphone@gmail.com>
Sent: Tuesday, May 22, 2018 4:45 PM
To: Tina Hughes
Cc: ferdpeters@ferdlaw.com; Sandra Ducharme; Pam Dressen; Barbara Tiegs; Cara Soukup; Julie Magee
Subject: Re: LDP remodel

Tina,

Thank you again for our conversation this morning.

I think we may have an idea to come to a solution that will work for all.

Ferdinand Peters is a real-estate attorney in our St. Paul neighborhood at 842 Raymond Ave. Suite 200. We would all like to get together at his office after work whenever you and the neighbors can make it happen. Ferd has a big conference room that we can use.

This way, all the interested neighbors can come, and it will give us a chance to collaborate, and see what we can resolve together as we;; as getting to the root of the issues. By all meeting together it will enable everyone to be a part of the solution.

Let me know what you think.

Thank you again for being so willing to talk through all the issues.

My best,

Louise Anderson



Virus-free. www.avast.com

On Mon, May 21, 2018 at 12:49 PM, Tina Hughes <tmhlts@msn.com> wrote:

Hi Louise,

I'm checking in with you to see if you've had the opportunity to discuss the SAP neighborhood situation with your fellow alumni.

Let me know if we can schedule a meeting.

Tina Hughes



Raymond Avenue taken from the corner of Doswell facing south.



Cleveland Ave. taken from Cleveland and Doswell. Picture taken from the cross walk on the U of M Mall. Parked cars are facing south



Picture taken from corner of Doswell & Raymond Ave. looking south toward Carter Ave. Parked cars facing south.



Picture taken from the corner of Carter and Cleveland Ave facing to the north. Picture taken from across the street on the U of M Mall. Parked cars facing south.



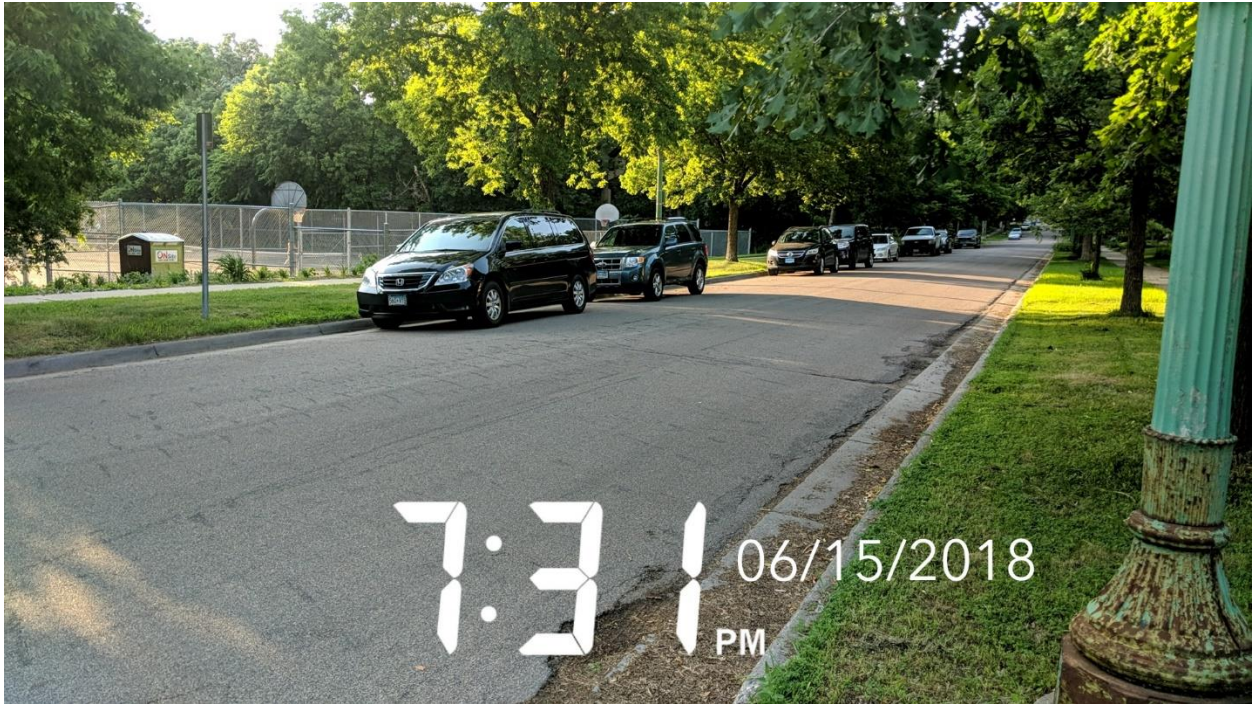
Picture taken from Carter & Cleveland Ave. facing North. Picture taken from the U of M Mall side of street. Parked cars facing south.



Picture taken across the street from Lambda Delta Phi. Cars face South.



Picture taken from the northeast corner of Carter & Raymond Ave. facing north. The cars are facing south toward Como Ave. This is the St. Anthony Park on the corner of Carter & Raymond on the west side of Raymond.



Picture taken from the northeast corner of Carter & Raymond Ave. facing north. The cars are facing south toward Como Ave. This is the St. Anthony Park on the corner of Carter & Raymond on the west side of Raymond.



Picture taken from the U of M Mall at the crosswalk of Doswell & Cleveland Ave. Parked cars are facing South. You can just see Lambda Delta Phi's sign.



Picture taken from across the street from Lambda Delta Phi. Parked cars are facing south.



Picture taken from Carter Ave. & Raymond Ave. Parked cars are facing south. Angle of picture is facing north toward Doswell. This is the park at the corner of Carter & Raymond Ave.



Picture taken from the corner of Doswell & Cleveland Ave. facing south. Parked cars face south toward Como Ave.



Picture taken from corner of Doswell and Raymond Ave. Parked cars facing south on Raymond.



Picture taken from across the street at Carter Ave. & Cleveland Ave. Parked cars are facing south. Car with headlights on would be at Doswell Ave. to the north. You can see Lambda Delta Phi's sign.



Picture of Lambda Delta Phi taken from across the street. Parked car is facing south.



Picture taken from Carter Ave. and Raymond Ave. from the U of M Mall. Parked cars face South.



Picture taken from across the street from Lambda Delta Phi. Parked cars face south



Picture taken from corner of Doswell and Cleveland Ave. Parked cars facing South toward Como Ave.



Picture taken from corner of Carter Ave. & Raymond Ave. parked cars face south toward Como Ave. Picture is facing north toward Doswell. Park is at the corner of Carter Ave & Raymond Ave.



Picture is taken from the corner of Doswell and Raymond facing south toward the park. Parked cars are facing south toward Carter and Como Ave.



Picture taken from the corner of Carter Ave. & Raymond Ave. Parked cars are facing south toward Como Ave. picture is taken facing toward Doswell.



Picture taken from Carter Ave. & Raymond Ave. across from the park. Cars are facing South toward Como Ave. and picture is looking toward Doswell Ave.



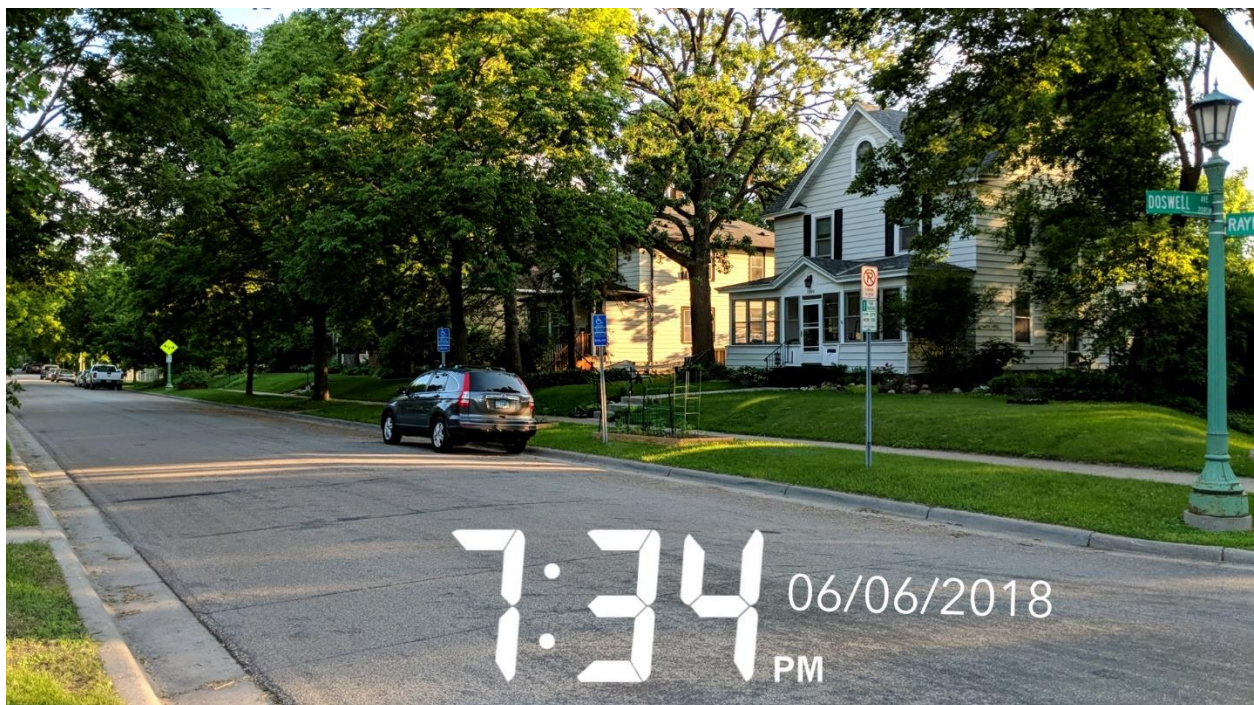
Picture taken from the Doswell Ave. & Cleveland Ave. Corner facing south. Parked cars face south.



Picture taken from the corner of Doswell and Raymond Ave. Parked cars are facing south toward Carter and Como Ave.



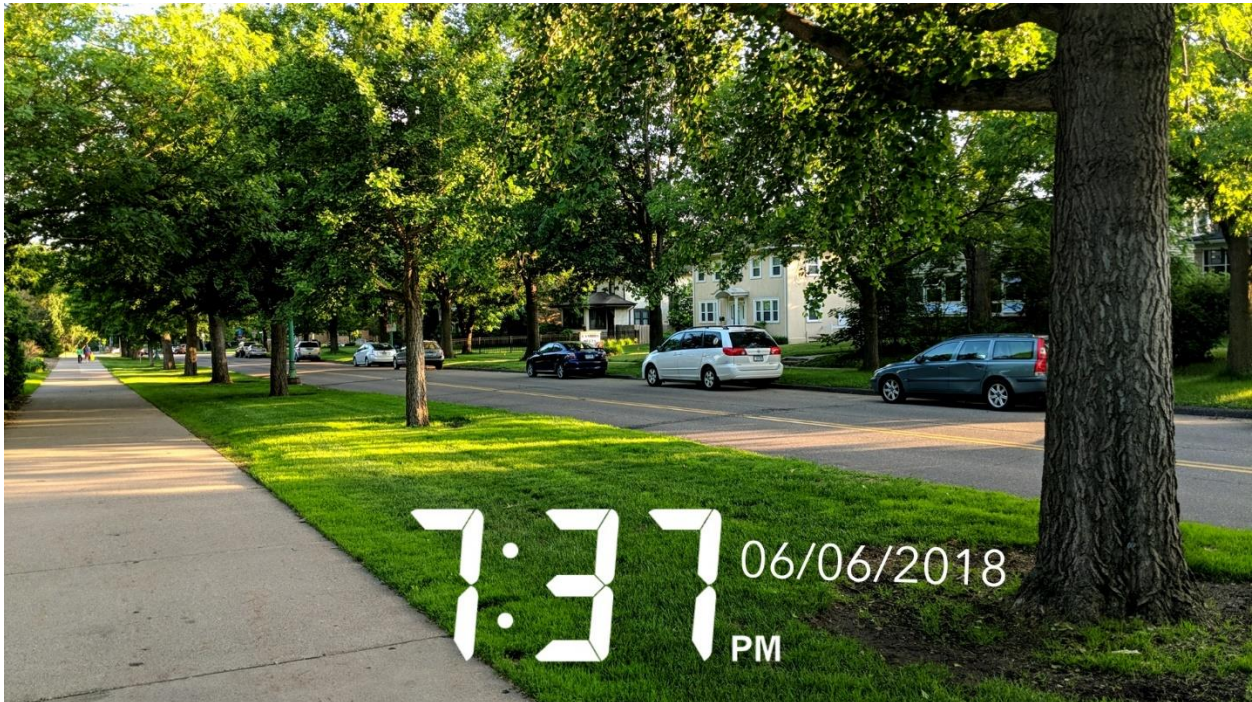
Picture taken from the corner of Carter Ave. & Raymond Ave. Parked cars are facing south toward Como Ave. Picture angled toward Doswell Ave to the north. Park is at the corner of Carter Ave. & Raymond.



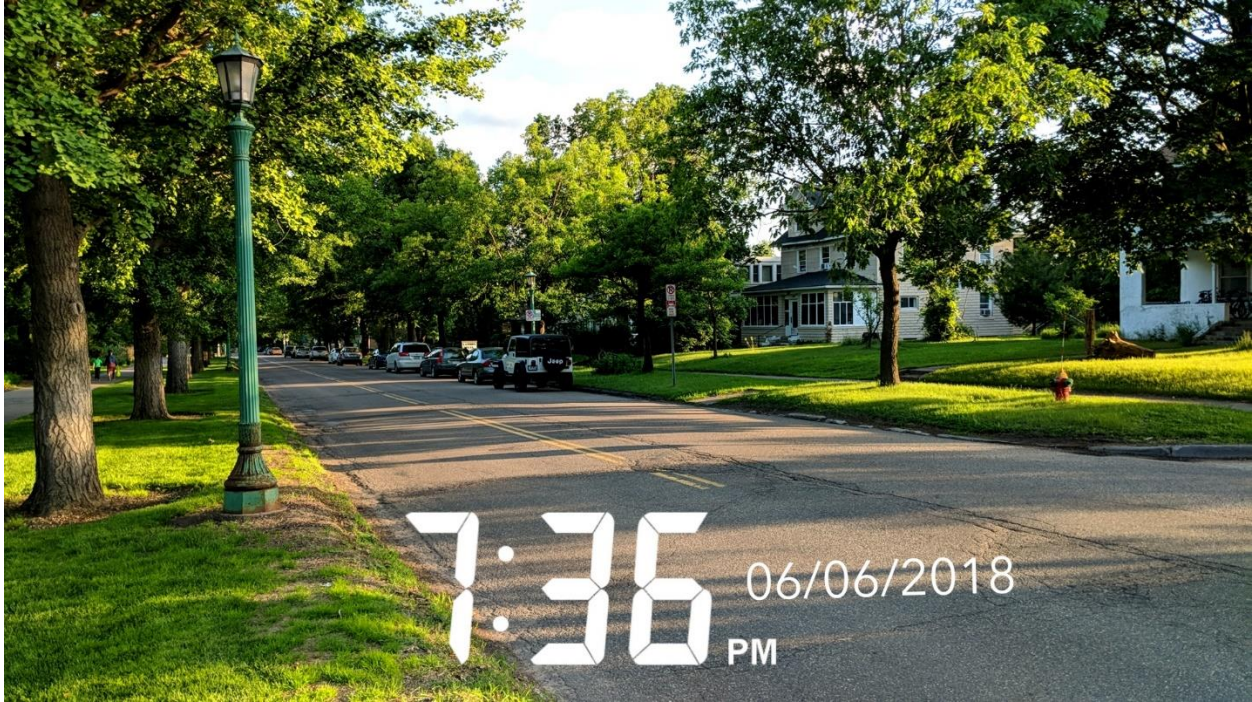
Picture taken from corner of Doswell Ave. & Raymond Ave. Parked cars are facing south toward Como Ave.



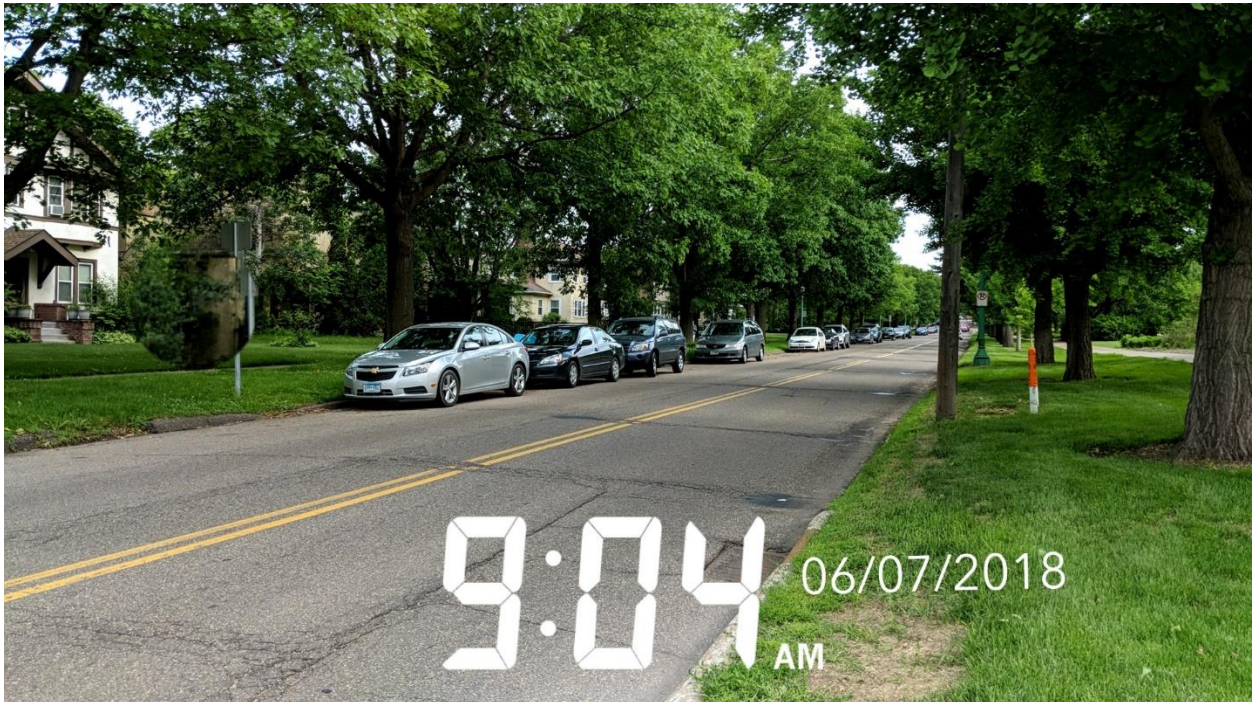
Picture taken from corner of Carter Ave. & Cleveland Ave. Parked cars are facing south toward Como. Picture angle is toward Doswell Ave.



Picture taken from corner of Doswell Ave. & Cleveland Ave. from across the street in the U of M Mall. Parked cars are facing south toward Carter Ave and Como Ave.



Picture taken from the corner of Doswell and Cleveland Ave. Parked cars are facing south toward Carter Ave. & Como Ave.



Picture taken from across the street at Carter Ave. & Cleveland Ave. Parked cars are facing south. Picture angle is toward Doswell.



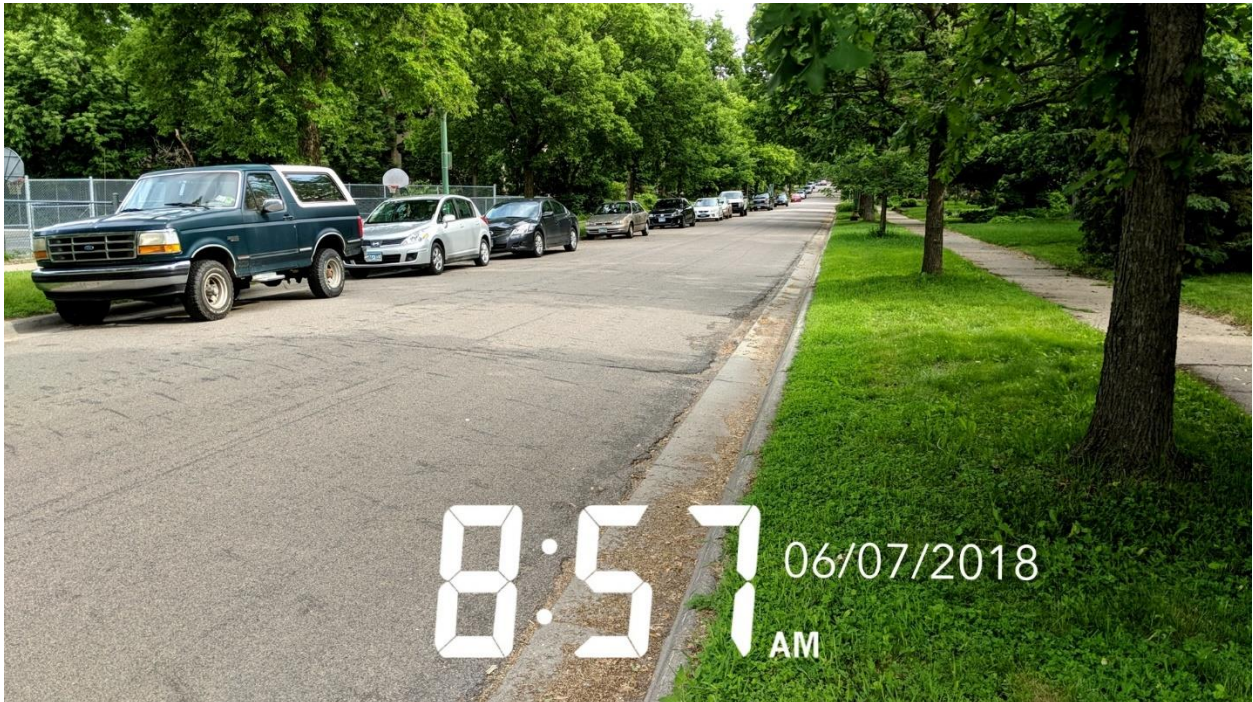
Picture taken from corner of Doswell Ave. and Cleveland Ave. Parked cars are facing south.



Picture taken from corner of Doswell Ave. and Cleveland Ave. facing south. Parked cars are headed south.



Picture from Doswell and Raymond Ave. facing south toward Carter Ave and Como Ave. Parked cars are facing south.



Picture taken from corner of Carter Ave & Raymond Ave. Parked cars are facing south. This is at the corner where the park is.