

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, May 10, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, Ochs, and Reveal  
STAFF: Bill Dermody, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Lambda Delta Phi Sorority - 18-054-553 - Conditional use permit to increase the number of residents in a sorority from 17 to 25 at 1381 Cleveland Ave. N., between Doswell and Carter.**

Bill Dermody presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 12 had not made a recommendation, and there was 1 letter in support, and 2 letters in opposition. He noted the site includes 8 parking spots in the rear of the property and there is reference from neighbors about on street parking. Public Works staff have told us that there is permit parking for 12 cars today and they could have permit parking for up to 20 cars with this proposed expansion.

Chair Edgerton noted a correction under History/Discussion; section G. of the staff report, from 1381 University to 1381 Cleveland.

In response to a question by Commissioner Lindeke, Mr. Dermody said the permit parking numbers are under the current rules.

The applicant, Sandy Ducharme, representative for Lambda Delta Phi Sorority, 1381 N. Cleveland Ave. said they bought this house in 1979. She said that this is the right time for them to make upgrades, including new stucco, roof, electrical, and sprinkler system, and they intend to make the building ADA compliant. She said they do not allow alcohol on their property, in accordance with the University of Minnesota (U of M) and this helps to keep the home in good condition. Last semester the sorority provided 722 hours of community service and in 2016-2017 the U of M gave them an award for their efforts in community service. She said the student graduation rate for this sorority is 100%, with above university average grade point averages, and they seek out new members with a high degree of moral integrity. She said that they are on a 5 year plan with the City for house inspections. They will be adding another fire escape. They will increase the building footprint by 604 square feet, not including the porch. She said they currently have 40 members and in order to have a meeting, they must move all furniture out of the chapter room to set up chairs, and the University is pushing them to expand membership.

Kristy Stolen, 2067 Carter Ave., representative of the alumni association for Beta of Clovia, spoke in support. She said they are another sorority on the U of M campus and have owned houses in St. Paul since the 1940s. She said they have many of the same purposes as Lambda Delta Phi, include providing safe, comfortable, and economical housing for undergraduate members. She said they are constantly remodeling to maintain the property. They provide a house that members can call home while away from home.

Louise Anderson, 6640 Lyndale Ave. S., Richfield is an alumnus of Lambda Delta Phi Sorority and spoke in support. She said that she grew up in rural Minnesota and could not have

afforded to live in a dorm and this was her home away from home. She said she is proud of their members because they are smart, hardworking, good citizens and students, and she hopes they can increase the size of the sorority.

David Burke 1384 Raymond Ave., spoke in opposition. He said he has lived in this neighborhood for 21 years and is the fourth homeowner since 1912. He said that all of the single family homeowners that received public hearing notices are in opposition of this expansion due to the reasons of density, the number of students, parking, traffic, and noise. He said Alpha Gamma Rho recently expanded their house to accommodate 64 students and they have 2 off street parking spaces and 48 on-street parking permits. He said Lambda Delta Phi accommodates 17 students, 8 off street parking spaces and 12 on street parking permits. He said the District 12 Community Council has not made a recommendation, but the Land Use Committee made a recommendation to approve the conditional use permit with a limit on parking on the rationale that it would not be fair because other sororities and fraternities have received approval for their expansions. He said this is not a sound thought process. Mr. Burke said the previous owner of his home was in opposition of the conversion of a single family house to a sorority back in 1979. He said that the sorority signed an agreement to allow a maximum of 8 parking spaces in return for neighbors to drop an appeal. He said the site plan included one parking space in a garage and 7 spaces on the lot. He said they received their occupancy, but never implemented the site plan. The parking lot was gravel until 1999, at which time Lambda Delta Phi Sorority began expanding the parking lot without any request, permission, or notice. He said neighbors in opposition hired counsel to enforce the original parking agreement that is still in effect today. He added that the garage was converted into living space prior to 1999, reducing parking from 8 spaces to 7. He said they should have to apply an increase their parking lot from 48' to 50' wide to accommodate 8 parking spaces. He said that neighbors are in agreement that the sorority should be allowed to make improvements for safety and ADA compliance. He said they are concerned about density, noise, and trash in the alley. He said that even though this is an alcohol free sorority, the fraternities in the area are not and it does not stop parties that occur in the alleys at all hours of the night. He added that the increased number of students in this area has made parking difficult for residents. He asked that this decision be postponed so the neighbors can talk with Lambda Delta Phi Sorority. He said that the sorority plans to begin building on Monday, May 14<sup>th</sup> and that they already have 22 leases signed for August 1, 2018.

In response to a question by Commissioner Fredson, Mr. Burke said that the Land Use Committee made a recommendation to the District 12 Community Council to approve the conditional use permit with a cap of no more than 12 on street parking permits.

In response to a question by Commissioner Baker, Mr. Burke said that if this decision is postponed it would give neighbors time to meet with the sorority, for a codification of the parking capacity, and review the site plan for screening and noise mitigation. He said they would also like the sorority to help pay for snow plowing.

Andrew McNatton, 1380 Raymond Ave., spoke in opposition. He said he agrees with Mr. Burke. He said that he understands that sororities and fraternities were here long before he moved into the neighborhood, but the expansions affect quality of life in terms of noise. He said he appreciates that it is a dry house, but is unsure how that is enforced. He said that it does not stop the interactions between this sorority and the fraternity down the alley. He said there is overflow housing for sorority members one house down and they have parties in their backyard.

He said it adds to the traffic noise and trash with no consideration of the impact on the neighborhood. He said the other fraternities are on corner lots and this sorority is in between two single family homes creating a bigger impact. He also agrees that they should be allowed to improve the building for safety and ADA compliance, but the lack of communication with the neighbors on this project and the disregard of the parking implications is a big deal. He said that they already have parking permits, but the amount of parking permits being issued seem disproportionate.

In response to a question by Commissioner DeJoy, Mr. McNatton said that he can attribute the noise, trash, and activity in the alley directly to the sorority.

In response to questions, Ms. Ducharme said that there is no trash in their yard as a rule. There may be trash at the end of the semester, or when the students move out, but it does get picked up. She said that she is very strict with the students about being good neighbors and keeping noise down. She started working with the architect in December 2017 and there was a question whether a new conditional use permit (CUP) was needed for the increase in the number of residents. She said she thought that the CUP was for the sorority and not the number of residents allowed and learned on April 17, 2018 that a new CUP was needed. She said they planned to begin work on Monday, May 14<sup>th</sup>, which was changed to May 21<sup>st</sup>, for occupancy on August 1<sup>st</sup> due to the MN State Fair. She said that in 1979 the Sorority came to an agreement with the neighbors and signed a contract allowing a maximum of 8 parking spaces. She said that after 30 years, under Torrens Law it is no longer in effect. She added that the garage is storage and has never been living space. She said that at the District 12 Land Use Committee meeting they had recommended support of the CUP and there was a friendly amendment to cap the number of parking spaces, which she said would be tough. She also said that she does not have 22 signed leases and will not have signed leases until she knows how many students can occupy this residence.

In response to a question by Commissioner Lindeke, Ms. Ducharme said she has never received a bill for snowplowing from Mr. Burke and the Sorority is not allowed to pay for expenses without a billing statement.

In response to questions by Commissioner Eckman, Ms. Ducharme said she does not reside at the sorority, but lives 5 miles away and contracts with a certified handyman. She said their rent is \$800 to \$1000 cheaper than living in a dormitory.

In response to questions by Commissioner Fredson Ms. Ducharme said at times they could have 40 members on site coming and going throughout the day, as this is their central meeting place and the 8 parking spaces in the lot and 12 permits for on street parking are needed. She said they reserve 2 parking spaces in the lot for contractors or visitors.

The public hearing was closed.

In response to a question by Chair Edgerton, Mr. Dermody said the sorority has not proposed any changes to the parking. They have a lot with 8 parking spaces and 12 permits for on street parking. He said the increase of eight residents would increase the number of on street parking permits by 8, totaling 20 on street parking permits and the focus of concern for some neighbors is to limit the number of on street parking permits to 12 rather than 20.

Commissioner Baker asked if there could be a condition added to the permit for garbage and noise. Chair Edgerton said in the past they have done that for things such as farmers' markets. Mr. Dermody said there are other uses in the code, such as outdoor sales, that have standards related to this. He said there would have to be a nexus between the findings and the proposed condition.

Commissioner Reveal asked if there had been any noise complaints for this property. Mr. Dermody said he does not know.

Commissioner Lindeke moved approval of the conditional use permit with a condition. Commissioner DeJoy seconded the motion.

In response to a question by Commissioner Baker, Mr. Dermody said there would have to be a connection between any noise and garbage conditions with finding 3(c).

Commissioner Baker asked to make a friendly amendment to add a condition for noise and garbage. Mr. Warner said that there should be a nexus between the proposed condition and the findings. He said that testimony described a dispute between the applicant and a neighbor, and if there is an ongoing issue with garbage or noise there is a process to handle those things. Commissioner Reveal noted that in past cases we have added similar conditions based on evidence beyond a single testimony, along with formal complaints to the Department of Safety and Inspections (DSI). Commissioner Lindeke said he would like to move forward without the amendment.

In response to a question by Commissioner Eckman, Mr. Dermody said that the City has regulations for noise. The noise has to exceed a certain decibel level over a period of time to be a violation, and these laws are in place to protect people throughout the city.

In response to a question by Chair Edgerton, Mr. Dermody said that if there are noise issues, complaints can be reported to DSI for investigation.

The motion passed by a vote of 8-0-0.

Commissioner Reveal moved to open the public hearing until Monday, May 14, 2018 to allow a recommendation from the District 12 Community Council and for the applicant to respond in writing. Commissioner Eckman seconded the motion.

The motion passed by a vote of 8-0-0.

Adopted                      Yeas - 8                      Nays - 0                      Abstained - 0

Drafted by:

Submitted by:

Approved by:

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Cherie Englund  
Recording Secretary

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Bill Dermody  
City Planner

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Dan Edgerton  
Chair