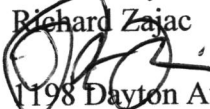


To Members of Saint Paul City Council,

I oppose the two variances that Pizza Luce wants for 1170 Selby Avenue. Giving the variances for this lot will not solve anything. Instead putting a second parking lot 100 feet across the street from the present parking lot will create an incredible safety hazard on Selby Avenue. There are multiple problems with this lot and creating the second lot will mirror the same unsafe conditions that exist with Pizza Luce's existing lot.

I oppose the two variances also because the second lot does not address the primary reason that we are having problems. Because Pizza Luce is a large corporate business, it needs to have huge amounts of cars coming into our neighborhood. It promised to be a neighborhood business. A neighborhood business should be able to survive primarily on neighborhood customers or nearby customers. Instead it is a business for the entire Twin Cities area. I have come to realize that Pizza Luce is beyond "neighborhood" in its business plan.

As a long term property owner in this neighborhood I know of neighbors who are planning to do less, not putting large investments into their homes and properties. This is a business that has a greater concern for its profits than keeping the qualities of this neighborhood that brought us here. What was once a quiet, truly pleasant neighborhood is now invaded by crowds of strangers every day who care little about our neighborhood, our livability or quality of life concerns. The problems is again the fact that large numbers of cars from all over, are coming together at a business located in the middle of a residential avenue that is a collector avenue. It is too big a business for this residential neighborhood. Address Pizza Luce's business plan. Please deny the granting of the variances.

Richard Zajac

1198 Dayton Avenue
Saint Paul, MN

To the members of the St Paul City Council:

I wish to go on record in support of the appeal of my Selby Avenue neighbors to deny the variances requested by Pizza Luce.

This narrow 40' lot in the middle of a residential block, with a solid brick wall on the property line that comes right up to the sidewalk on the east side, and a solid wood fence on the property line that comes right up to the sidewalk on the other side, was never meant to be used as a modern commercial parking lot. In addition, there is no alley behind the lot to provide an alternative exit or entrance, resulting in a steady stream of cars entering and exiting from the same narrow driveway onto a high traffic street, right next to a busy bus stop.

Also, the lot would not address any parking issues. Pizza Luce's site plan now calls for only 10 spaces. Widening the curb cut reduces available on-street parking by 1 or 2 spaces, leaving a net gain of only 8 or 9 spaces, a mere drop in the bucket. By not using the lot as proposed, we would actually regain several on-street parking spaces, making these variances a solution looking for a problem.

Pizza Luce's current parking lot at 1193 Selby, which has the same dimensions as the 1170 lot, is persistently out of compliance with code requirements, as well as the variance that was granted them in 2006. I question the wisdom of creating another non-compliant lot across the street.

I also speak for the many residents of our neighborhood who are tired of being ignored and only notified of proposals affecting us, after plans are already underway and decisions have already been made. I ask you to reverse the decision of the Board of Zoning Appeals and deny the requested variances.

Eunice Smith

1156 Dayton Avenue

St Paul MN 55104

Feb 13, 2012

① my name is Andrew James Nelson

Address 1209 Selby Ave 651-644-5616

Since 1968

As I've been here sum 45 years I've seen, experienced, serious changes in traffic.

Granted as years pass traffic increases, however the change since Pizza Luce moved in the neighborhood is bordering on suicide and not Selby Ave.

Parking on the street is difficult enough, but now these so called parking lots with the claim of ability to turn around has become a nightmare.

I raised 3 children here, now adults, one of the reasons I bought this house was because of its location on Selby Ave.

Whereas the businesses where daytime use. The fact its not University, Snelling ETC. and its always been cleaned each week, and the snow removal was and is great.

I bring this up because Pizza Luce makes the claim its because of them its well kept. Plain english hogwash for our yards prove that.

(2) There was a time when my children could, did ride their bicycles around the block. Today they would be limited only to a few houses, then make a turn and return home.

The difference these claimed safe parking lots. When in use during open hours there's only one way in and out for the most part. That is they pull in and back out. During business hours because often the lot is full, complicating the situation many fold. For the one's that can't get in have to back out often stopping short because another one in front of them found the same situation causing a traffic jam on Selby Ave. Without going on and on it would be highly suggested that those making the decisions on these 2 lots would actually come out on various nights and see for themselves what's happening.

Others will write, or speak out more eloquently than I with and a boat loads, variances etc. I hope you will listen to them as well.

③

Though we have no alleys and back out of our driveways on to Sally Ave.

The greatly increased traffic with Pizza Lda make a careful situation more difficult with the increased volume of cars and trucks driving through or parked.

Billie simply put I no longer feel comfortable, but fearful in leaving my home and entering on Sally

Through the use of the microscope we can see the structure of the cell.

The structure of the cell is very complex. It is made up of many different parts. The nucleus is the control center of the cell. It contains the genetic material. The cytoplasm is the fluid that fills the cell. It contains many organelles. The cell membrane is the outer boundary of the cell. It controls what enters and leaves the cell.

There are many different types of cells. Some are very small, like bacteria. Some are very large, like some animal cells. All cells have a common structure. They all have a nucleus and cytoplasm.

From: Noel Nix
To: Shari Moore
Date: 2/15/2012 3:27 PM
Subject: Fwd: 1170 Selby
Attachments: Special meeting.odt; Special meeting.pdf; Withdrawal of Assent.pdf

Forwarded at constituent's request.

>>> Mike Madden <mike@mudpuppies.net> 2/13/2012 9:36 AM >>>
Dear CM's Stark and Carter,

As I mentioned in my voice mail, the appellants of the BZA decision are suggesting alternative interim uses for the parcel that would be embraced by the neighborhood and attractive to Pizza Luce from a business perspective. We are hoping for an amicable resolution before Wednesday.

I am attaching two documents drafted pursuant to D-13 bylaws that challenge the propriety of the UPDC board's February 1st decision. At this point, any representation of a D-13 position on the issue, written or oral, is premature.

Sincerely,
Mike Madden

February 9th, 2012

President Carla Olson
Union Park District Council
1570 Concordia Avenue
St. Paul, MN 55104

Dear President Olson,

In accordance with bylaw 7.05, we, the undersigned, request that a special meeting of board of the Union Park District Council be called. The purpose of the meeting is to consider rescinding the board action of February 1st, which supported the Board of Zoning Appeals decision to grant the variances requested for the Pizza Luce parking lot at 1170 Selby and opposed the appeal filed by neighbors.

Mike Madden
1768 Iglehart

Mike Andert
1433 Ashland

Debbie Meister
1312 Portland

Zack Wilson
1288 Portland

John Schatz
535 Glendale

Monday, February 6th, 2012

President Carla Olson
Union Park District Council
1570 Concordia Avenue
St. Paul, MN 55104

Dear President Olson,

In accordance with bylaw 5.09. Presumption of Assent, I am writing to inform you of the withdrawal of my assent to the board action of February 1st, 2012 that expressed support for the Board of Zoning Appeals (BZA) decision granting variances for the Pizza Luce parking lot at 1170 Selby and opposing the appeal filed by neighbors.

The grounds for my withdrawal are threefold:

- Notification for the board meeting appears to have been preferential.
- The summary of the January 31st community meeting is objectionable and biased in its content and omissions.
- The wrong motion was put on the floor for consideration.

When the Land Use Committee (LUC) takes action on a request for variance, and there is a scheduled board meeting prior to the BZA hearing, it has always been our practice that the LUC decision is considered by the full board for affirmation or denial. Indeed, these motions have special status, they go automatically before the board and require no second. In this case, at its January 10th meeting, the LUC had passed a motion withdrawing its support for the setback variances required for the parking lot.

The special meeting held on January 31st was advertised as a community meeting for discussion of the general issues of traffic, safety, and neighborhood livability as well as the appeal and variances. The LUC chair specifically said it was not a committee meeting and no motions would be entertained. In adherence to the chair's instruction, no motions were made or discussed. However, the summary of the community meeting, not seen prior to the board meeting and buried in a board packet some 90 pages long, leads with a proposed motion which, during report, the LUC chair promptly introduced supplanting the motion out of committee.

The written summary is biased and objectionable in its content and omissions. It fails to mention many of the opposition views expressed at the meeting including; the inherent danger of curb cuts and vehicles crossing the sidewalk, the possibility that the parking lot will lead to restaurant expansion, late night noise, light pollution, the benefit of vehicles parked on the street to the pedestrian realm, the loss of a building, the loss of a buildable lot, and increased traffic drawn by free, abundant, and subsidized parking. It also makes no attempt to distinguish between those who are supportive of the parking lot and the appellants. Those who are already supportive did, by and large, embrace the mitigative measures. But to many of the appellants, the measures either; made a bad proposal even worse, were unworkable, were unenforceable, or doable independently of the unwanted parking lot. The claims that *"Pizza Luce and the neighbors have agreed to continue reviewing suggestions for ways to improve pedestrian safety in the vicinity of the parking lot"* and *"The high resident turnout and constructive*

dialogue at the two community meetings on January 10th and 31st indicated to the UPDC that Pizza Luce and neighbors are ready and willing to continue working together to make the 1170 parking lot work as well as possible...” lumps all into the single category of “*neighbors*” and misrepresents those who do not want to continue dialogue (especially now that the leverage of UPDC recommendation is gone) and those who have made up their minds and simply oppose the lot and the requested variances. It is also improper to include in the summary any statement made privately, off the record, and after the meeting.

Finally, it appears there was preferential notification for our board meeting. An electronic meeting reminder with a map was sent out to UPDC directors on the day of our board meeting. The two most powerful proponents of the parking lot, Pizza Luce and the Lex-Ham Community Council, were included in the email, but none of the opponents.

Submitted by,
Mike Madden

To: Melvin Carter, City Council Member, Ward 1

2/14/2012

Re: An appeal of a decision by the Board of Zoning Appeals to approve two setback variances in order to build a new parking lot at 1170 Selby Avenue - February 15, 2012

Dear Mr. Carter,

I am the home owner at 1168 Dayton Ave. I have lived at that residence since 1983, 29 years. I am one of many neighbors opposed to the December 27, 2011 BZA decision to grant the variances for the Pizza Luce (PL) proposed parking lot at 1170 Selby and a supporter of the appeal of this decision brought forth to be reviewed by the City Council on February 15, 2012.

Many of us neighborhood residents in opposition to the granting of those variances had submitted comments and attended that BZA hearing. In fact, twelve letters and a petition with 62 signatures opposing the variances were received by BZA. Only one letter in support was received by BZA and no one in support was in attendance at that hearing.

At that hearing and at several Union Park District Council meetings, opposition neighbors have made an excellent case as to why we see the proposed parking lot as extenuating the problem of Pizza Luce in our neighborhood, not improving it. We spoke of the toll Pizza Luce has placed on our neighborhood since 2006...the horrible increase in traffic, noise, the already unsafe existing parking lot adjacent to the restaurant with cars backing out of the lot, the increased air pollution, noise and blocking of the delivery trucks constantly on Selby (there are no alleys), the sadness that a building had been torn down (one day before the variance hearing) for very little gain and the lack of communication from PL.

Back in 2006, Pizza Luce originally represented themselves to the city and the neighborhood as a small neighborhood pizza parlor with 65 seats, open only until 11:00, with the peak times between 5:30 to 9:00pm, but this proved to be false. In fact, it has a mission to be more of a bar destination, hoping to attract suburbanites into the inner city. Here is a paragraph from its mission statement:

"Unique Urban Atmosphere: Tatoos, piercing, patio seating and late night hours all add to the unique urban atmosphere that makes Pizza Luce a destination for suburbanites and a natural for natives."

Immediately they had 108 seats, were open 7/365 days a year, from 10 am to 2:30 am., plastered their windows with beer signs to seemingly attract a younger drinking crowd, aggressively lobbied to get a liquor license, bought up other properties on Selby, and have been unsuccessfully trying to secure the required signatures to rezone one of those properties for an outdoor patio, a very contentious city-wide issue, and one the neighborhood has been fighting. The original approved site plan was totally different than what is occurring today. Additionally, PL has never been in compliance with city codes and their original granted variances regarding handicapped parking and any required variances to accommodate a larger establishment with more seating. There are suspicions that the same thing will happen with any newly granted variances.

Pizza Luce is a chain corporation with aggressive metro-wide marketing, not a small business sensitive to the neighborhood into which they plopped one of their many restaurants, in the middle of the block with 18 residences. Naturally, when we are all suffering now from the affects of their business, there is worry and suspicion about their ever-increasing expansionist efforts. We are concerned about our neighborhood livability. The proposed parking lot is inherently unsafe. It will encourage more traffic. Because of its narrow size, vehicles will have to back out of the lot onto Selby, with little visibility to

persons on the sidewalk. There will be more U-Turns, jaywalking, and blocked driveways and intersections. We fear declining housing values, loss of privacy and diminished security when the goal of Pizza Luce, as outlined in their mission statement, is to bring in customers from the whole metro area who are not invested in our neighborhood.

Additionally, we have been frustrated by what we see as a very biased and improper process conducted by the UPDC (Union Park District Council), the neighborhood and Pizza Luce. The residents had not been notified of the initial discussion of the PL proposed parking lot request for variances and were totally unaware that UPDC had recommended support for them prior to the BZA hearing. Even after UPDC was notified of this appeal and was asked to withdraw their support, which they did at first, and we were able to show how much opposition there was to the variances, they again held a meeting, notifying PL but not any of us. A credible process has not been followed by UPDC.

I ask the council to request some environmental and economic impact studies before proceeding. More study is needed to determine the impact Pizza Luce has on emissions, volume of traffic, traffic flow and abatement, safety issues, property values, residential tax base. We would like neighbors in the community to be interviewed about their quality of life as it relates to the impact of Pizza Luce's presence. There is time to consider this. The current infrastructure is sufficient for our neighborhood. Pizza Luce states they have NO need for this lot, that they have the required off-street parking. As of right, now this lot is unnecessary.

Thank you for your consideration of my concerns.

Janet Lotzer
1168 Dayton Ave. St. Paul, MN 55104

Shari Moore - Selby Ave Safety Concerns

From: <Smileleary@aol.com>
To: <ward1@ci.stpaul.mn.us>, <ward2@ci.stpaul.mn.us>, <ward3@ci.stpaul.mn.us...>
Date: 2/13/2012 8:03 PM
Subject: Selby Ave Safety Concerns
CC: <noel.nix@ci.stpaul.mn.us>, <patricia.lindgren@ci.stpaul.mn.us>, <nicole...>

Dear City Council Member Carter, All Council Members and Staff,

I am writing as a 20 year homeowner, tax payer and resident of 1188 Selby Ave, Saint Paul.

My concerns involve the on-going, and growing, congestion and traffic associated with customers visiting Pizza Luce at 1183 Selby Ave.

Since Pizza Luce opened for business in 2006, the livability of our neighborhood has been negatively impacted as a result of the business scope of what the restaurant/pub has marketed itself to become.

While Luce has restored an unoccupied building, adding positively to the neighborhood, the noise levels and parking/driving hazards grow each day. It is my observation that Luce is a business that has grown, and states want to grow even more, out of scope for our residential neighborhood.

Examples of negative impact to resident's livability include:

- Congested traffic, especially in the dark evening hours, with frequent backing out of their parking lot onto busy Selby Ave, constant u-turns in the middle of the street as patrons race for an open spot on the street, my driveway blocked by parking patrons and taking one's life in one's hands just trying to back out of my own driveway given speed, congestion and carelessness. And add the MTC 21 bus every 20 minutes to the mix.
- I personally have seen 3 car accidents as a result of people backing out of the Luce parking lot.
- People also double park outside of Luce to run in and pick up a pizza or to pick up their party members.
- Patron's jay-walk at any point they choose across Selby.
- Garbage trucks backing up with loud, beeping monitors very early in the morning many days a week, semi's delivering product in the middle of the night or during business hours (usually double-parked).

The hazards of Pizza Luce being "too large" for this neighborhood are many: serious threats to safety due to traffic congestion, threat to pedestrians, noise pollution and light pollution.

We understood Pizza Luce to be entering the neighborhood, when it began, as a small 65 seat neighborhood pizza restaurant. It now seats 108 and its business plan includes additional growth.

As a long-time resident of the neighborhood, I am asking that the City Council, prior to approving any variance request for additional parking lot for Luce on Selby, order an impact study of the increased volumes of traffic congestion and safety hazards on this block.

Unfortunately, representation of our neighborhood, on this issue, through our Union Park District Council, has been insufficient, before and after, UPDC voting to support Luce's variance request for which our appeal comes before the City Council 2/15/12.

Respectfully submitted,

Marjean Leary
1188 Selby Ave
Saint Paul, Minnesota 55104
612-968-0135

Walter Jirik
1184 Dayton Avenue
February 14, 2012

To: Melvin Carter, City Council Member, Ward 1
Re: Appeal regarding approval of two variances to build a parking lot at 1170 Selby Avenue.

Zoning File# 12-000964

I am opposed to granting the variances for the parking lot located at 1170 Selby Avenue. The arguments of this request demand thoughtful, serious consideration to all the variables there are about this parking lot. I hope that political expediency and underlying, simple reasoning are not the factors that tip the balance of decision making.

The neighbors have sober, earnest concerns about creating this second parking lot and the serious traffic issues it will exacerbate. The granting of the variances will not alleviate or mitigate the parking problem. In 2006 when Pizza Luce persuaded the neighborhood to welcome it, Pizza Luce minimized concerns of the neighbors about parking by assuring that parking was not an issue at its Seward Minneapolis business. Based on similarity to the Seward site, Pizza Luce claimed that it did not expect parking to become an issue at the Selby location. Pizza Luce now gives mitigation as the purpose of its request but denies the root cause of the traffic issue. The causal relationship of the now-recognized problem of traffic is the comprehensive, aggressive marketing strategy of this business. It is requesting relief from itself. Is the city obligated to relieve a property owner of hardships that the property owner himself created? It has not been an acceptable premise for all those persons who built without permits, stored junked cars on lawns, or used a domestic basement workbench to mass produce and sell a product sold from their homes.

Occupying a singular B-2 building in the middle of a primarily residential street on a collector avenue without access to an alley for alternative traffic circulation, as a restaurant, is permissible by the city zoning codes. What many neighbors do not understand is that the designation does not address the intensity or actual activities of what actually occurs in a business' building. The designation seems not to be concerned about the dynamic impacts of what occurs around a business. What also is not understood is that all the conditions on this collector avenue have existed since this street and proximate streets were platted in 1890's. Expert advisors to a business should be keenly

aware of and investigate thoroughly the environment of interest and foresee disadvantages rather than assuming it would simply alter that environment to fit the business needs.

I oppose the variances because of the incredible safety issues that the creation of this second parking lot creates. The parking lot does not address the causes of the enormous volumes of traffic entering our neighborhood. A second parking lot solves nothing, and will instead encourage increased traffic, aggravating the core concerns about livability and safety that are pertinent to the neighbors. The city should do a comprehensive traffic study and also continuously monitor the existing parking lot at 1183 Selby Avenue over several weeks.

Thank you for consideration,

Walter Jirik

Name: Bettine and John Hermanson
Address: 1173 Hague Avenue, Saint Paul, MN 55104
Date: February 12, 2012

To: Melvin Carter, City Council Member, Ward 1

Re: The appeal of the decision by the Board of Zoning Appeals to approve two setback variances in order to build a new parking lot at 1170 Selby Avenue - February 15, 2012

We are the homeowners of 1173 Hague Avenue, and this has been our home for the last 9 years. Our property borders the 1170 Selby property to the north. We are neighbors who oppose the BZA decision made on December 27, 2011 that granted the variances for the Pizza Luce proposed parking lot. We are supporters of the appeal that will be addressed by the City Council on February 15, 2012.

We are sharing our concerns in this letter, and we thank you for taking the time to read and your willingness to understand our perspectives. Please know that safety in neighborhood is our main goal. We believe (as does the Saint Paul Comprehensive Plan) that our neighborhood would benefit if we *"Prioritize the development of compact commercial areas accessible by pedestrians and transit users, over commercial areas more readily accessed by automobile. Discourage new and expanded auto oriented uses."* (1.52)

Like the City's Comprehensive Plan we see **bringing** more traffic to our neighborhood as a disadvantage especially when we try to promote pedestrians and transit friendliness. These are conflicting goals towards safety.

More parking will attract more traffic and put **pedestrians and bikers at risk**.

Additional parking **is not needed** in our neighborhood as on-street parking is available (and plentiful), AND secondly, Pizza Luce already **has their required off-street** parking in place. The question becomes: **Why are we adding an unsafe parking lot to our neighborhood, when 1. additional off-street parking is not needed and 2. the lot will decrease safety, quality of life, and livability for pedestrians, visitors and residents in our community?**

We want to make sure that you understand our point of view as residents to the Lex-Ham community and as adjacent neighbors to the proposed lot.

As a resident of the Lex-Ham neighborhood:

In our neighborhood we question and measure the quality of life and livability we experience and create here. This is our home, a place we want to thrive in, and the fact that we care, is a huge asset to this neighborhood. The group that is opposing the variance proposal, has a growing concern for the increased traffic that has occurred over the last 6 years.

When Pizza Luce came into our neighborhood they presented their business as a small pizza restaurant seating 65-75 people. The business now seats approximately 110, a 35-36 % increase from the original presentation. It was promoted as a restaurant that delivers, but now includes take-out service and catering, and is open until 2:30 am every day. In addition they are planning to expand with a patio in the future, again adding more seats to their business.

The Comprehensive Plan (1.13) calls out that scale of development be compatible with the neighborhood. In addition the Comprehensive Plan speaks to create an environment that is conducive to small, locally-owned businesses that can establish and sustain viability primarily through patronage from the local area, not the entire metro area as reflected in Pizza Luce's marketing campaigns. By promoting neighborhood and local community self-sufficiency, we attain both sustainability and reduction on car dependency, a prime, principle, and comprehensive plan goal (1.51, 1.52 and 1.7).

We argue that Pizza Luce's growth and expansion have a negative impact on the safety of our community and is not scaled to be compatible with this neighborhood. Growth and expansion bring in a larger volume of costumers, which increase the traffic. ***More traffic is the problem. Not more parking.***

As an adjacent neighbor:

Decreased Safety:

The change in variances to a zero setback (and 1 foot) will create NO physical buffer between the adjacent properties. This setback will decrease our privacy and safety. Cars will be able to park there during opening hours from **11:00 am – 2:30 am, 7 days a week, 365 days a year.** There is also the possibility of repeated damage to our properties (especially fences) as the lot is narrow leaving little space for cars to maneuver.

In addition cars create **noise pollution** and the sound of engines starting and stopping, alarms going off, stereos being played, not too mention guests continuing conversation into the late night hours next to their cars, will be a daily nuisance for us, and have a huge affect on our private lives. The lot is remotely located in relation to the restaurant itself, and we wonder how Pizza Luce staff will monitor the lot? We have already witnessed loud conversations in the AM when Pizza Luce used the parking lot on the empty lot of 1170 Selby before putting up a temporary fence.

We will also experience **light pollution** not only from the many headlights coming and going, but also from the light posts required by the city. These lights will go on at dusk and off at dawn 365 days of the year.

Keep in mind that there is no alley on either side of Selby to provide a buffer and privacy between properties. In addition this means all cars enter on to Selby from residential properties and businesses.

Increase in Pollution:

Cars entering and exiting the lot will increase the **exhaust pollution**. Cars will leave the lot with 1.5 to 2 hours intervals for 15.5 hours every day! In addition, with new technology, car owners can start their car remotely and leave the engine on for their car to warm up or cool down depending on the season. We will most likely not be able to spend any time in our back yard due to exhaust pollution alone!

Decrease of Property Value:

The financial impact for us can't be calculated. What we do know is this parking lot will have a negative impact on the desirability of our property. Who wants to buy a house next to a busy parking lot?

Now you may ask if we didn't know that we bought a house next to a commercial lot. And of course we did and we still do. We actually enjoy living in a neighborhood that provides a mix of commercial and residential uses. **However we bought a house next to a commercial lot, NOT a parking lot.**

And there is a BIG difference here; we bought a house next to a commercial lot that had zoning codes in place. These zoning codes are created to **promote and protect** public health, safety, and general welfare of neighboring properties and human beings. By taking the setback zoning codes away, you are not only affecting and putting our health at risk, but you are also stripping us from our privacy and safety. The proposed lot is also a mirror image of Pizza Luce's existing lot (which already shows hazardous and unsafe driving) and will put the larger community at risk.

We also want to mention that ordinances are **promises** to citizens from our leaders. The **promise** is not to allow circumvention of intent and purpose. A variance is relief from a city's zoning ordinance standards due to a regulation creating unnecessary hardship or a particular difficulty to a property owner.

First of all we question what the **hardship** is for Pizza Luce in this case? In a letter we received from Pizza Luce they state that *"Pizza Luce currently meets the City's requirement for off street parking, on-street parking is tight on our block With that in mind, we purchased the vacant commercial building at 1170 Selby Ave to expand our off street parking capacity."*

Is this the hardship? The fact that they have the required off street parking? Or because they claim that on-street parking is tight on this block and they want to expand off street capacity?
Is that all it takes to prove a compelling need for a variance?

And if that is the case, why are the adjacent neighbors AND the community asked to carry the burden this lot will inflict on our neighborhood?

And isn't it ironic that we as neighbors don't see an off-street parking need as the main issue – but **increased and increasing traffic as the main issue**? From our perspective we are adding hardship by allowing this lot to be developed into additional parking!

The Comprehensive Plan asks to recognize and promote the creation of a sense of place, an amenity that serves the community, where neighbors can interact in small ways and connect, creating and enhancing the fabric of community. 12 letters and a petition with 62 signatures opposing the variances were received by the BZA before the December 27th hearing, indicating strong opposition to this lot and variance changes. Only one letter was received in favor.

To: City Councilman Melvin Carter

This letter discusses the issues regarding the variance request for a parking lot at 1170 Selby Ave. Pizza Luce purchased this property in 2010.

1. Livability and Sustainability: A parking lot with variances on setbacks and variances on proximity to residential properties, will cause safety issues and increased congestion on Selby Avenue. The way the proposed lot is laid out, with no alley, and only one ingress and egress, will allow 9-10 cars off the street, but will make it difficult for drivers to efficiently exit without causing a bottle-necked lot with spillover onto Selby. This means that PL patron's cars will have to back out of the lot onto Selby, exacerbating congestion. This impacts the safety of our neighborhood. No longer can our children play in our front yards, due to the increased traffic load.
2. The original presentation by Pizza Luce to our neighborhood was they were going to be a neighborhood pizza restaurant/parlor with 65-75 seats, they now are over 112 seats.... Through an aggressive marketing campaign, Pizza Luce has outgrown our neighborhood, and continues to ask for variance upon variance. Check on ongoing compliance over their tenure at their present 1183 Selby location, and a pattern emerges that is not congruent with being a neighborhood restaurant. Their Twin Cities marketing campaigns imply that Pizza Luce is a destination bar, open late with liquor and food. If it looks like a duck, and walks like a duck.....
3. There are over 75 signatures on a petition of long-term neighbors within a four block radius, who are not in favor of these variances being granted. How many additional buildings must be razed in our neighborhood before notice is taken and the neighborhood is transformed? Building / zoning regulations are there for a reason. After variance upon variance, a residential neighborhood is being transformed, and property values will decline as a result.

We are not opposed to Pizza Luce as a neighborhood pizza parlor, their original concept. Many of us are patrons. We are asking that the variances for this lot not be granted.

Respectfully Submitted

The concerned residents at 1201 Selby Ave.

Mark Dunlop, Keara Dunlop, Cassidy Dunlop Ph. 612.670.1234

From: <chandoerr@q.com>
To: <ward1@ci.stpaul.mn.us>
CC: <ward2@ci.stpaul.mn.us>, <ward3@ci.stpaul.mn.us>, <ward4@ci.stpaul.mn.us...>
Date: 2/13/2012 3:31 PM
Subject: variance appeal /Pizza Luce

Melvin Carter:

The reason for this letter is to address the issues that surround the new parking lot variance of 1170 Selby Ave. We, as concerned citizens in the neighborhood, have appealed the BZA's decision to grant the variances. There are four main points to our argument that need to be heard on our behalf before any decision is made. The first, one is "livability" and "sustainability". The second, is Pizza Luce' "original" proposal to the neighborhood. The third, is the "perceived partiality" of our community councils Lex/Ham and Union Park District Council. The fourth concern would be the need of a fair and comprehensive study based on the "impact" Pizza Luce has made on the traffic and safety of Selby Ave.

It should be noted that Selby Ave has no alleys,so residents are required to back out.

Once again we "NOT" trying to shut Pizza Luce down, we just want people to be aware that there are even more problems facing us if this new, unnecessary parking lot is granted. We feel that Pizza Luce should leave well enough alone because they have enough parking for the "small", "neighborhood" restaurant that they said they were going to be, had they adhered to their original presentation to the neighborhood in the Lex/Ham Eavesdropper in March of 2006,there would be no problem. There is a much deeper issue going on here, it is about a corporate enterprise coming from the outside and taking over your small residential neighborhoods without St Paul families having a voice. For us it is about the monopolization of our block due to the vastness of their marketing campaign and the late hours of business they keep(Restaurant 1:00am, deliveries until 2:30am, Brunch Saturday and Sunday10:00am to 2:00pm). This location is one of busiest of six. It has become apparent that their values are strictly business with a disrespect for the values of a residential neighborhood they have come to know.

When does a supposedly small restaurant become too big for a residential neighborhood? When does it become an infringement on our rights to "safety" "privacy" and "family" as a citizen and a home owner with 3 children who lives on Selby? Keep in mind this is exactly why "good" families with children move out and your block becomes rentals and forever changed. It took over 30 years to get this block back to owner occupied single family homes. It would be nieve to think Pizza Luce made it a safer and better place, it was that way long before they arrived. I ask you just for one moment, please put yourself in our shoes. The proposed parking lot is a mirror image of the parking lot they have now and forces people to back out onto Selby. So the problems they have now on the North side will be recreated two houses down on the South side at 1170 Selby. Ultimately safety will be compromised for very little gain. It shouldn't be taken lightly that a Golden Lab was killed on New Years Day in front of Pizza Luce... an unwarranted tragedy. Zoning laws were made to protect home owners from this type of infringement. Thats why they are in need of two variances for 1170. Are demands are simple no patio (patio=more seats=more cars),curtail late hours and the parking lot across at 1170 is accident waiting to happen.

Channon Doerr
1205 Selby Ave.

DiMeglio

1148 Selby Avenue

St. Paul, MN 55104

February 15, 2012

To: Kathy Lantry, City Council Member, Ward 7

Re: Decision by the Board of Zoning Appeals to approve two setback variances in order to build a new parking lot at 1170 Selby Avenue - February 15, 2012

As a resident of the neighborhood that will be negatively affected by Pizza Luce's plans for the parking lot across the street from its Selby Avenue location, I am NOT in favor of the setback variances proposed by Pizza Luce.

I have the following concerns and requests:

1. The negative impact on the quality of life and livability for resident families with increased and increasing traffic volume:

a. Safety (Traffic and Pedestrian)

U-Turns, drivers unfamiliar with city streets, blocked driveways, backing out onto Selby Avenue, crossing sidewalks, little visibility

b. Pollution (Noise, Air, Light) 7/365 days a year, open from 10 am – 2:30 am

c. Commercial Vehicles

d. Declining Housing Values, loss of privacy

e. Diminished Security (bringing in costumers from the whole metro area who are not invested in our neighborhood)

2. Pizza Luce's original presentation to the neighborhood for a "Small, Neighborhood Pizza Parlor" in relation to its actual business plan:

a. Originally stated 65 seats: Actual seating is now 108.

b. Large marketing campaign brings in patrons from 20 mile radius/no longer "neighborhood"

c. Continuous non-compliance of City Codes, (handicapped parking infringements,

request for variances to accommodate a larger establishment, more seating)

d. Original approved site plan totally different than what is occurring today

e. A re planning a patio with additional seating in their business plan

3. Poor communication between UPDC (Union Park District Council) and neighborhood:

a. Little or no communication with residents (and UPCD)

b. On-going communication with PL (and UPCD)

- Credible process not followed

- Notification of intent to residents (from Pizza Luce) has been neither timely nor clear

4. Impact studies needed:

We want more study around this variance requests i.e. traffic study, interview neighbors in community about quality of life issues and impact of PL presence **and the increased traffic volume**. As of right now this lot is unnecessary (not needed by Pizza Luce).

a. Economic: Property values, residential tax base,

b. Environmental: Emissions, traffic volume and flow, and abatement.

As a resident and patron of Pizza Luce, I believe the current infrastructure is appropriate for a neighborhood pizza restaurant and our neighborhood.

I will attend the City Council Appeal on February 15 and hope that our elected representatives and local government entities will represent the concerns and interests of the citizens.

Sincerely,

Jeanne DiMeglio

Dear Esteemed City Council Members,

I'm writing as a relatively new home-owner in the Lex-Ham neighborhood, residing at 1196 Selby Avenue, just across the street from Pizza Luce. It is my hope with this letter that I might convey some of our thoughts around the parking lot variance being discussed today; express my overall support of Pizza Luce in the neighborhood; my appreciation for the safety concerns being raised by my neighbors; alongside my questions around the future of the business in this little urban residential / commercial corridor of St. Paul.

My husband and 20 month old daughter moved into this once-vacant 107 year old home roughly nine months ago. We are thrilled to be members of this community. We feel fortunate to be in proximity to so many great people, families, parks, schools and businesses, and Pizza Luce is part of this.

We have learned a bit about the history of Pizza Luce's presence from several of our neighbors, and met directly with the local manager and CEO. It's not an uncomplicated history or set of relationships, goals or agendas to digest. We tip our hats to all of you as you weigh what's being presented this day!

My husband and I applaud the free enterprise spirit that Pizza Luce brings to this once economically- challenged neighborhood. We appreciate the stability that they lend to our section of the Selby Avenue corridor by being a thriving business.

That being said, we also wonder about the effects of further development by this for-profit organization. We hold the concerns expressed by neighbors just adjacent to the Pizza Luce proposed parking lot as we consider our own interests in being new home-owners with a small child. Some questions that arise as my husband and I review this situation:

- *"What will the traffic volume look like when/ if this lot across from Luce becomes one with a zero-set back variance for parking?"*
- *How will further jay-walking between the lot and eating establishment affect safety of my child and all pedestrians, as well as that of drivers?"*
- *What does living close to a parking lot do for property values?"*
- *What happens if this doesn't become a parking lot?"*
- *Will this parking lot bring more business, more traffic and more noise and late nights to our community?"*
- *Is there a way to create a win-win solution for all involved?"*

I do not have any answers: I am just writing to express the nuances of this situation from my perspective, and to advocate for my neighbors who are likewise raising questions and concerns.

Thank you.

--

Melissa Borgmann-Kiemde
1196 Selby Avenue
St. Paul, MN 55104
612.247.1151