

Corinne Tilley - Public Hearing - File # 11-306845

FILE
11-306845

From: <Eunice.V.Smith@wellsfargo.com>
To: <corinne.tilley@ci.stpaul.mn.us>
Date: Tuesday, December 27, 2011 7:53 AM
Subject: Public Hearing - File # 11-306845
Attachments: I am opposed to granting therequested variances for the following reasons.doc

Eunice Smith
1156 Dayton Avenue
St. Paul MN 55104
651-366-2430

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I am opposed to granting the requested variances for the following reasons:

First, the proposed lot at 1170 Selby Avenue is not suitable for a parking lot with 90 parking stalls, even with the variances. The proposed lot is less than 40' wide, measured from the brick wall of the building on the east to the wood fence on the property line to the west. A lot with 90 parking requires a minimum of 18' for parking and an additional minimum of 20' for maneuvering in and out of the parking space. A mere 1 foot clearance on each side of the parking lot barely meets the minimum requirement, much less the recommended distance of 24'. And a 1 foot clearance on each side is not sufficient to put up a required barrier to protect the neighboring building and fence from damage. Even Pizza Luce's architect, stated that "the width of the lot prohibits its allowed use for parking."

The code (St. Paul City Ordinance, Sec. 63.308) states, "Access to all off-street parking facilities shall be provided by a maneuvering lane so that any vehicle leaving or entering the facility from or onto a public street shall be travelling forward." The code further requires that 90 parking must accommodate two-way traffic. The width of the lot and the proposed design makes this impossible. There is only room for one lane of traffic to enter and exit the parking lot. Because there is no room to maneuver, any car parked in the southernmost 2 or 3 stalls must back out of the parking lot, across a sidewalk, and into on-coming traffic on Selby Avenue.

Furthermore, there is no way for cars entering the parking lot to see if there is an available space until they have already entered the lot. If no space is available, they too must back out across the sidewalk onto Selby Avenue, perhaps into the path of another car waiting to enter the lot. Anyone waiting to enter the lot must block traffic on Selby Avenue while other cars are leaving the lot. And we are not talking about an occasional car going in and out of a driveway, but a constant stream of cars going in and out at all hours of the day and night. And Selby Avenue is not a little used side street, but a major thoroughfare with a bus stop on the corner.

I suppose, Pizza Luce could get around the fact that the space is too narrow for 90 parking and use angle parking instead, but that would not only reduce the number of parking stalls available, but require every car to back out onto Selby.

Secondly, allowing a zero-setback variance creates a serious safety hazard. Sec. 63.314 (b) requires that "screening shall be provided consisting of a masonry wall or decorative fence (not including chain link) supplemented with landscape material, forming a screen a minimum of 3 feet in height, a maximum of 4 ½ feet in height. . .and not less than 50% opaque."

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Regulations, and the existing fence along the west property line, as well as the shrubs along the Selby Avenue sidewalk, make it impossible for drivers to see a pedestrian on the sidewalk until the car is actually on the sidewalk, especially if they are backing out. This presents an extreme danger to pedestrians, especially children and persons in a wheelchair.

Third, There is no provision for handicapped accessible parking on the lot. Sec. 63.213 of the zoning code, based on ADA requirements, states that all parking lots must have at least one van accessible space. The proposed lot has NO handicapped parking and could not accommodate van parking. Granted, Pizza Luce's existing parking lot does have a space for handicapped parking, but this would be eliminated if they follow through on their plan to convert that lot into an outdoor Patio.

Finally, a new parking lot does not alleviate the parking problems Pizza Luce has created in our neighborhood. The proposed lot at 1170 Selby would only accommodate 11 cars. Widening the driveway eliminates at least one on-street parking space, for a net gain of 10 spaces. Pizza Luce is required by code to have 32 off-street parking stalls. Their existing lot has 6 spaces and even these would be lost to the outdoor patio. Adding a parking lot across the street from their establishment would only increase the problems Pizza Luce has brought to the neighborhood, including bright lights shining on neighboring properties, loud conversations as patrons leave the bar late at night, honking horns at all hours, traffic congestions on Selby, and groups of people crossing Selby in the middle of the block to get to their cars.

Pizza Luce has never tried to work with the neighborhood to address concerns. Instead, they have repeatedly attempted to circumvent citizen participation and ram what they want down our throats. They have also failed to maintain their existing property or comply with required codes and previous agreements. Trash containers are left open, the fence along the back property line is missing, their own pizza delivery cars routinely back out of their parking lot into traffic on Selby Avenue. Their previous request for a parking variance promised they would have 9 parking stalls. They have only 6.

This is not the type of establishment that deserves special treatment. I ask you to deny their request for variances to open a new lot at 1170 Selby Avenue.

Corinne Tilley - Fwd: Objection to Pizza Luce proposal**FILE**

11-306895

From: <jiriwal_11day@q.com>
To: <corinne.tilley@ci.stpaul.mn.us>
Date: Tuesday, December 27, 2011 10:39 AM
Subject: Fwd: Objection to Pizza Luce proposal

I am forwarding this letter to you because could not recall if you had said you did receive it in "batch" I sent yesterday evening. May be duplicative. Thanks

From: "T B" <twbogen@gmail.com>
To: "corrine tilley" <corrine.tilley@ci.stpaul.mn.us>
Sent: Monday, December 26, 2011 3:49:54 PM
Subject: Objection to Pizza Luce proposal

Dear Ms. Tilley and Others Whom It May Concern:

My name is Tom Bogen, and I am the non-occupant owner of 1187-1189 Dayton Ave. , St. Paul, MN 55104. I am a Minneapolis native (Lake Nokomis area), and a graduate of Bloomington Public Schools as well as St. Olaf College. A lifelong resident of the Twin Cities, I once lived in the property on Dayton Ave., but now live back in Minneapolis where I work and maintain my businesses. I continue to rent my Dayton Ave. duplex to responsible tenants, located in the heart of the historic HamLex neighborhood. I have been the active owner and active property manager of this property since 2002.

I was told by a neighbor that you are the person to contact regarding the variance request for the Pizza Luce (PL) restaurant located on Selby Ave. in St. Paul.

As you know, Mr. JJ Haywood of PL is requesting a variance to enlarge his business in our neighborhood. As you also may know, the residents (both owners and tenants) of the HamLex neighborhood take great pride, overall, in the character of their neighborhood. This character can be described in different ways, by different people. The way I describe it is "a smalltown feel--quiet, peaceful, and unbothered--in the middle of a very large city." The homes along Dayton Ave. are well-maintained, the result of intentional time, energy, and care by homeowners. I can tell you that, unlike any neighborhood I have lived in before, the owners of the homes in the HamLex neighborhood are wonderful guardians of not only the physical condition of their homes, but the of the history and legacy of the HamLex neighborhood. Stories of tenants living on Dayton Ave. for 10 or more consecutive years is not uncommon. Stories of homeowners owning their property for 30 consecutive years or more also is not uncommon. In fact, one homeowner who lives a few doors down from my property is living in the same house that her grandmother grew up in three generations ago!

PL restaurant, both in its current form and in its proposed expanded form, is non-complementary to the character of the HamLex neighborhood. The primary reasons for this are as follows:

1) PL promotes juvenile character, while the HamLex neighborhood promotes mature and responsible character. PL caters to late night activity ("open to 2-3 am") of a population that is, amongst other descriptions, "young", "suburbanite", and "apartment dwelling" and "college aged." (as described by Mr. Haywood himself in his written proposal(s)) The welcoming centerpiece attraction at PL, sitting outside the front door, is a bright pink Brontosaurus, a clear reminder of the restaurant's love for juvenile

character and/or juvenile behavior.

2) PL's current parking lot (and potentially future sidewalk dining / drinking area as I understand it) is obnoxiously close to the backyard windows of some of the most historic and well-preserved homes on Dayton Ave. One such home is that occupied by the Head Pastor of Christ's Household of Faith (St. Paul, MN), whose church, by the way, directly benefitted the Dayton Ave. corridor in the for many years by volunteering much of their time and energy to the rebuilding and/or remodeling of many of the homes along Dayton Ave. Other Dayton Ave. homes are also owned by a variety of established professionals who live and work in the immediate city of St. Paul.

The physical proximity of PL to the backyard windows of these homes will serve only to encourage these fine citizens to sell their homes. If this happens, the level of care of these hallmark homes can only go down, eventually leading to decreased curb appeal, decreased property values, and eventually, it would seem, decreased property taxes. This, in turn would ultimately lead to decreased revenue for the city of St. Paul, as one of its premium neighborhoods gives way to the short term profit motives of a late night drinking/dining/entertainment establishment. Yes, PL may generate revenue on the short term for the city. However, over the long term, there is a significant risk that it will generate losses in a number of ways (both tangible and intangible). Furthermore, these losses may take decades to recover.

Please, do not pave the way for Pizza Luce to expand its business. It is not worth the many significant risks. Let the fine owners of these HamLex homes continue their invaluable roles as guardians of the neighborhood. I assure you that the young people driving to Selby Ave. from the suburbs to dine and drink til 3 am at PL will not be interested in this much needed role.

In conclusion, it seems that the choice is between short term revenue gains for the city of St. Paul, or long term stability of the HamLex neighborhood. Let the owners of this fine neighborhood live there, or the neighborhood will be sold to owners who, quite simply, like bars and noisy parking lots in their backyards. As the sound of chirping birds and soft breezes slowly fade to honking horns, brake lights, and drunken late night conversations, the character of this fine neighborhood will slowly, but surely, erode.

I realize you and your colleagues have very difficult decisions to make, and I want to say thank you for your listening ear.

Most Respectfully,

Tom Bogen
Owner--1187-89 Dayton Ave.

Please be aware that Tom's inbox is only checked an average of 3X per week. More urgent communication should be directed to my voicemail. Thank you.

FILE
11-306845**Corinne Tilley - Public Hearing, December 27 at 3:00 pm - Pizza Luce**

From: <bettinehermanson@comcast.net>
To: <corinne.tilley@ci.stpaul.mn.us>
Date: Tuesday, December 27, 2011 12:19 AM
Subject: Public Hearing, December 27 at 3:00 pm - Pizza Luce
CC: jiriwal 11day <jiriwal_11day@q.com>, "Leben R. McCormick" <lmccormick@ra...>
Attachments: Hermanson_1173 Hague_Picca Luce-Tilley.pdf

Hi Corinne Tilley,

We are sending you a document that includes our comments and concerns of the proposed change of variances for 1170 Selby Avenue, St. Paul. The hearing is tomorrow, December 27 and we will not be able to attend the hearing due to the holiday season.

I tried to call you last week, and we kept playing phone tag on Thursday and did not succeed in reaching each other. Our property directly borders the 1170 Selby Avenue property and the changes Pizza Luce are proposing will have a huge negative impact on us. Therefore it is extremely hard for us to be absent at this hearing as we are concerned that our voices will not be heard properly.

We are however including a letter - that we trust will be taken into consideration by the planning commission during tomorrow's hearing.

I will call you tomorrow morning - and know that you can reach me at 651.492.8869 if you have any questions.

Bettine (and John) Hermanson

Date: December 26, 2011

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TO: The Zoning Administration, City of St. Paul
Attention: Corinne Tilley

FROM: Bettine and John Hermanson
1173 Hague Avenue, St. Paul, MN 55104
(651) 492.8869 or (651) 492.8595

RE: File #: 11 – 306845
Property: 1170 Selby Avenue
Applicant: Pizza Luce

We are opposing the variance changes proposed on the property of 1170 Selby Avenue by Pizza Luce:

1. Decrease in Safety and Privacy:

Our family is direct bordering neighbors to the 1170 Selby Avenue property to the south. The expansion of the parking lot will have a huge negative impact on our lives and safety (biggest impact on 1174 Selby Avenue and 1173 Hague Avenue) but also to our neighborhood as a whole.

The variance change proposal Pizza Luce applies for and the plan given to the city show an 11 car parking lot where the parking stalls are so close to the borders of its neighbors – there will only be a few feet between our privacy fences and cars coming and going throughout their opening hours from **11:00 am to 2:30 am** – 365 days a year.

The change of variance will create **NO** physical buffer between the lots and the neighbors as the change in variance creates **NO** setbacks from property lines. The plan also create very little space (if any) for cars to move in and out of the lot easily, and cars will easily try to back out of the parking lot into the busy street of Selby Avenue, creating unsafe driving in our neighborhood. In addition this proposal (with **NO** buffers) can cause material damage to our properties (especially existing fences).

2. Increase in Pollution:

The increase off parking stalls will expose and bring increased pollution to our property. Cars will be coming and going all day long, and continue into the early morning. More cars will bring more **exhaust pollution** to our green space. We will experience **light pollution** not only from the many headlights coming and going, but also from the light posts required by the city. In addition cars create **sound 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, will be a daily nuisance for us, and have a huge affect on our private lives and limit the use of our backyard.

In the winter time, salty snow will be plowed to the back of the parking lot, creating a mound that can easily be utilized as a bridge and give easy access to our backyard by uninvited guests. The accumulated snow can also cause already planted flowers and trees in our yards to suffer from the salt content.

Date: December 26, 2011

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Closing:

Pizza Luce is a for-profit business and will always look for ways to increase their revenue. In addition Pizza Luce wants to be a collaborative partner to those of us who resides close to their business to lessen any negative impact. They want to work with us, and not take over.

We see an obvious discrepancy between wanting to grow a business and at the same time preserving this community.

Pizza Luce have asked us to sign a petition to accept the plan for the purpose of **Expanding off street parking for Pizza Luce** (a petition we have NOT signed). Pizza Luce states in their own petition that they **have the required amount of off-street parking already in place.**

Why is more parking needed when knowing that a larger parking lot will have a hugely negative affect for those of us residing here?

We are strongly against the changes in variances proposed by Pizza Luce.

Bettine and John Hermanson

Corinne Tilley - 1170 Selby Public Hearing-Board of Zoning Appeals 12/27/11

From: William Bush <billbush3@gmail.com>
To: <corinne.tilley@ci.stpaul.mn.us>
Date: Tuesday, December 27, 2011 12:41 AM
Subject: 1170 Selby Public Hearing-Board of Zoning Appeals 12/27/11

FILE
11-306845

Corinne Tilley
Department of Safety and Inspections
City of Saint Paul

Regarding the public hearing for variances concerning the proposed parking lot at 1170 Selby for Pizza Luce:

Dear Ms Tilley,

I am the property owner of 1174 Selby and I share a driveway with 1170 Selby. I regret not being able to attend the public hearing as the proposed variances of 1170 Selby will have great impact for me and my family. The timing of this hearing was most unfortunate. 1174 Selby is the location of my home, the "residential district to the west" outlined in the proposed variance. Here are my concerns related to these variances, specifically the first variance requesting a zero setback from my property.

1. A zero setback from my property will create an undue danger and inconvenience as I will be sharing the space to enter and exit my residential driveway with the traffic of an 11 car parking lot. With a zero setback, traffic will be entering and exiting the entrance of my shared driveway in order to utilize the proposed parking lot. Frankly, I don't know how I will safely back out of my driveway with this amount of traffic sharing the driveway space. I am concerned about traffic collisions.
2. I am most concerned about the ability of myself, and motorists using the parking lot, to see pedestrians as a result of the proposed parking lot having a zero setback from my property. Pedestrian traffic crossing the street to Pizza Luce will certainly be increasing with the addition of a parking lot.
3. A zero setback has parking lot traffic turning, and maneuvering right next to my fence. This will be putting my fence at great risk for damage. This is unacceptable. The inconvenience of having to deal with repairs to my fence as a result of a zero setback will be a hardship for me and my family.

Please note that the Union Park District Council wrote their letter of support for these variances before I received the notice of this public hearing, or was made aware by the city of these proposed variances. While I am disappointed Union Park District Council did not contact me for input, it seemed too late for my input once they had drafted their letter of support.

In the name of safety, I urge the Board of Zoning Appeals not to approve the variances for the proposed parking lot. Code is for parking lot access in St. Paul to be 25 feet from a residential district. **There is quite a difference between 25 feet from my residence and zero feet.**

Thank you for your consideration,

Bill Bush
1174 Selby Ave
St. Paul, MN 55104

651.334.4126

11-306845

From: <chandoerr@q.com>
To: <corinne.tilley@ci.stpaul.mn.us>
Date: Tuesday, December 27, 2011 2:00 PM
Subject: Fwd: Fwd: regard to Pizza Luce /variances

----- Forwarded Message -----

From: chandoerr@q.com
To: corinne tilley <corinne.tilley@ci.stpaul.ms.us>
Sent: Tue, 27 Dec 2011 14:26:42 -0500 (EST)
Subject: Fwd: regard to Pizza Luce /variances

----- Forwarded Message -----

From: chandoerr@q.com
To: corrine tilley <corrine.tilley@ci.stpaul.ms.us>
Sent: Tue, 27 Dec 2011 10:59:26 -0500 (EST)
Subject: regard to Pizza Luce /variances

Zoning Administration,

My first and main concern, is safety (I have children) as a resident on Selby Ave. I know that an inadequate parking lot a couple of houses down and across street is only going to make matters worse, not better. The lot across the street is only 40ft wide and has only one access just like the original lot next to their establishment (they do not have an alley). They continually stop traffic at all hours in the middle of Selby Ave, not only with customers entering and leaving by backing out onto Selby or by customers making U-Turns who spotted a parking space but also by their beer trucks, food trucks and pizza deliveries. And when trucks or cars stop in the middle of a busy street other people behind them in cars swerve around them which makes it even more hazardous for pedestrians who constantly cross on a whim and for the oncoming cars. There has been numerous fender benders. And now they have changed the very footprint of our block by demolishing a perfectly good store front building with a flat roof and side rails that has withstood the test of time for 89 years.

Because of their poor planning we are asked to accommodate and see things their way from a business standpoint. Well there are 18 residential homes on this block with children and even small babies. They are but one voice and it is time for us to be represented and our voices heard before a bad accident happens and someone really gets hurt. Not to mention we live in these old houses because we are about respecting and preserving St Paul's heritage and not by destroying it for an inadequate parking lot that will be there for many years to come.

When we invited them here as our guests they harped on how small their mom and pop shop would be and that their new restaurant would only be with 60 some seats and no more, but instead it is 92 seats plus a bar with an additional 16 seats. But even that is not enough, for the last 3 years they have been relentless for an outdoor patio with at least 24 more seats. Lets not forget they also deliver until 2:30AM. We are not Grand Ave, never were and never will be. We are a residential neighborhood with families and corner lot businesses that stayed open during normal business hours. Not businesses that are in the middle of residential homes without an alley keeping bar hours. On weekends it can be a circus here. It feels as though we have been duped. And I am not buying for one minute that the proposed parking lot is for employees only. It would be nieve to believe such nonsense and further more how would anybody enforce that. Why can't they leave well enough alone? Their restaurant is a profitable business why do they need to "exploit" our block any further?

If they are granted this variance it will set a precedence for other businesses to do the same. This was not zoned for this type of business for "good reason" and that is why they are in need of two variances.

Charles Doerr 1205 Selby Ave.

Re: 1170 Selby parking lot variances--file no. 11-306845

12/27/11

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Dear Corrine,

I am the home owner at 1168 Dayton Ave and I want to lend my strenuous objections to the Pizza Luce request for variances at the proposed 1170 Selby parking lot.

The existence of Pizza Luce at the site on 1183 Selby has been a problem for most of the neighborhood from the beginning due to the volume of traffic in a mostly residential neighborhood. While this additional proposed lot may add 11 spaces, I don't believe it will alleviate the problem of the fact that this is an oversized business for this location on Selby. Furthermore, it is my belief that Pizza Luce has intentions to use the small existing parking lot adjacent to its bar/restaurant as an outdoor patio, to which the neighborhood will fight against vehemently. There is no alley between Selby and Dayton Ave to buffer the Pizza Luce business. It abuts directly on our back yards. A patio would significantly infringe on our rights in this city, causing noise, smoking, drinking and additional traffic.

Pizza Luce from the start has misrepresented itself as a neighborhood restaurant when in fact it has a mission to be more of a bar destination, hoping to attract suburbanites into the inner city. We do not want that. They unceasingly have tried to get a liquor license and the patio. They are within blocks of Central High school and are currently not zoned for either a liquor license or patio but that has not stopped them from trying to pursue both. This latest attempt to expand into another property on the block adds to that attempt. I ask that you stop them from their expansion.

Janet Lotzer