

MINUTES OF THE ZONING COMMITTEE
Thursday, May 10, 2012 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Merrigan, Nelson, Spaulding, Wencil, and Wickiser
ABSENT: Perrus (excused), Reveal (excused)
STAFF: Tom Beach, Samantha Langer, Patricia James, Allan Torstenson and Peter Warner

The meeting was chaired by Commissioner Nelson.

Grand Finn student apartments - 12-037-383 - Site plan review for a new 20-unit apartment building (5 story building with underground parking), 2124 - 2130 Grand Avenue

Chair Nelson reopened the public hearing.

Tom Beach presented a staff memo dated 5/2/12 with additional information on parking, traffic, stormwater, the Comprehensive Plan and zoning that had been requested at the April 26, 2012, Zoning Committee meeting. He also handed out a revised staff report with additional recommended conditions in response to testimony and issues raised at the April 26 meeting.

Upon inquiry from Commissioners, Allan Torstenson explained that the recommended limit of one parking permit per unit and five for general building use is in response to concern expressed at the April 26 meeting about the large number (up to 120) of parking permits the building would otherwise be eligible for. In other cases where issuing so many permits for particular buildings could make it difficult for neighbors to park on the street, the number of parking permits issues per household has been restricted. Under the recommendation, each unit could have a permit available if needed for a guest. The applicant had indicated the five permits for general building use are needed for building management use and for such things as service vehicles. Regarding bicycle racks, given that college students tend to have greater than average bicycle use and ownership, its good to have as many secure bicycle parking spaces as possible.

Commissioners Wencil asked about additional condition #6 for parts of certain windows facing neighboring back yards to be translucent. Mr. Beach said its an attempt to address privacy concerns raised at the April 26 meeting.

Paul Holmes, Pope Architects, highlighted some of the changes they have made in response to comments and recommendations on the site plan. They have moved the pedestrian access from the public sidewalk closer to the Grand-Finn crosswalks. They have also moved one set of windows from the south elevation to the east of the building to reduce the number of windows that would be facing the alley and a neighboring backyard. In response to Zoning Committee comments regarding the drainage of the four feet along the west property line, they are proposing to adjust the grading to direct water into a drain tile system to keep it away from neighboring properties. They may be able to fit up to 24 bike parking spaces in the underground parking garage and up to 36 in the plaza area near the front door. They are proponents of bicycle use, and will add as many spots as they can to accommodate the residents. Regarding added condition #6, Mr. Holmes said they understands the desire for privacy but that residents of the building should be able to see out of their windows, and he asked that this condition be reconsidered. Answering commissioner questions, he said they are still working on mechanical system details in the underground parking area, but are confident they will not need a variance on the number of parking spaces. The storage area will be for resident use.

Rina Cooper, 2129 Lincoln Avenue, spoke in opposition. She is in favor of increased density, but this is an unreasonable increase of density. Everything is to the absolute maximum allowed by the zoning code. This plan is inconsistent with the spirit of the Comprehensive Plan to protect established neighborhoods and provide a transition from single family homes to higher density. She said the proposal should adhere to the 40 foot high standard in the 2004 St. Thomas conditional use permit.

Joel Clemmer, 2154 Fairmount Avenue, spoke in opposition. He said District 14 is just beginning work on updating the 2001 Macalester Groveland Community Plan, and presented pictures of 2-3 story buildings they have in mind for commercial nodes at key intersections to harmonize with the neighborhood. The proposed building does not provide enough of a transition between high density and single family homes.

Kirk Wythers, 2096 Lincoln Avenue, spoke in opposition. He stated that this proposal is upscale student housing and would not appeal to anyone other than students. It basically has the same floor plan as St. Thomas' Flynn Hall student housing building. Mr. Wythers referred to the 2004 St. Thomas conditional use permit that speaks to transitioning to single family neighborhoods. This development is student housing takes away incentive for St. Thomas to provide student housing on campus.

Cheryl Fogarty, 2166 Lincoln Avenue, spoke in opposition. She presented a petition with 97 signatures from people against the proposed project at the April 26 meeting. She acquired more signatures since that meeting, and has a total of 103 signatures. She stated that 71% of households in the two block area have signed the petition. She also added that the proposed apartment building doesn't have any plans for outdoor gathering space, and she is worried where the students will congregate. She would like a plan that shows transition from the University to their neighborhood.

Pete Cooper, 2129 Lincoln Avenue, spoke in opposition. He mentioned three key issues: impact on adjacent residents, density, and setbacks. He disagrees with finding #5 in the staff report that surrounding property will not be unreasonably affected. Other property will be overwhelmed by the size of the building. He presented a letter from Jeremy Exley, a neighbor who could not be present, stating he would not get morning sun on his property. The proposed building is too close to neighboring property. If it were on the St. Thomas campus it would have to be set back 50 feet. He questioned why the setback isn't measured to a two foot bump up from the ground for the underground parking. They're willing to take their share of density, but the high density proposed is overwhelming. He is concerned that it could set a precedent for future development and that this will become a student housing corridor. Mr. Cooper referred to a St. Thomas student village proposal. They are not asking that nothing be built, just for some compromise.

Nancy Wacker, 2153 Lincoln Avenue, spoke in opposition. She thinks the building should be required to adhere to standards set forth in the St. Thomas conditional use permit; that the height, setbacks, and high density of the building are inconsistent with the standards and spirit of the St. Thomas conditional use permit even if it technically meets the letter of the law; and there appears to be a relationship between the developer and the University of Saint Thomas.

Doug Hennes, University of St. Thomas, 2115 Summit Avenue, said they have decided not to take a position on this project. He said the drawings Pete Cooper showed describing a possible residential village on campus was done purely for purposes of envisioning as they worked through the conditional use permit process a decade ago. They do not represent any kind of plan, and a plan has not been developed yet. While they have answered developer questions, they are not collaborating with the developer. He wants to make clear St. Thomas has no relationship with the developer.

Graham Merry, owner of 2124 and 2130 Grand Avenue, responded to the comments, concerns, and additional conditions that had been recommended. He believes 20 parking permits would be inadequate, and would like a minimum of 30 with an additional 5 for general building use. He is open to this idea of having an hour car available at the building. There are two already in close proximity, and this would be the highest density of hour cars in the Twin Cities. He has contacted them and is waiting to hear back. They want to have as much bike parking as needed. It is difficult to know in advance how many spaces they should have, but they will certainly add bike racks as needed. Mr. Merry stated they have listened to suggestions and concerns, adjusted the sidewalk access to the corner for pedestrians, changed landscaping along the alley to trees that are more durable, and adjusted the water drainage on the west side of the building. Regarding additional condition #6, he believes use of translucent glass on some of the windows would decrease the value of the building, and use of blinds is better. Regarding the morning sun issue raised by the neighbor to the west, the existing structure is one story taller than his house and only six feet away, so he currently doesn't get direct morning sun. For underground parking that the City desires, it is necessary to have the number of units to make it feasible.

Mr. Merry said he is a private developer, using private money on private land. He is not affiliated with or an extension of St. Thomas, is not a party to the St. Thomas conditional use permit, and has not collaborated with St. Thomas. He purchased property that has had RM2 zoning many decades and developed a plan that meets all zoning requirements. He said they have listened to neighbor's concerns, the plan does not have outdoor gathering spaces or patios that might bother neighbors, an entertainment area is not needed for every building, they will provide on-site management, and that the purpose of site plan review is to assess its conformance with code requirements.

Jason Thomas, attorney for the applicant, 800 Nicollet Avenue, Minneapolis, said he appreciates that substantial redevelopment in neighborhoods will create a reaction. The site plan review process has been good. There has been input and feedback from neighbors, and the developer has been responsive. This land use and zoning process is predicated on a comprehensive plan implemented through zoning. Inherent in the process is predictability, both from a legal and practical standpoint. It can't be subject to arbitrary decisions or changes. He concluded by discussing land costs, construction costs and what it takes to do underground parking, noting that the proposed site plan meets the zoning code requirements.

The public hearing was closed.

After discussion, Commissioner Bob Spaulding moved the staff recommendation for approval of the site plan with conditions subject to the following changes: revise condition #3 to state at least 24 bicycle spaces be provided in the underground parking area and 36 be provided in the patio area near the front door, and remove condition #6. Commissioner Paula Merrigan seconded the motion.

Upon inquiry from Commissioners, Mr. Torstenson explained that if they didn't meet the parking requirement of 40 spaces they would need a variance, and substantive changes to this site plan would require review of the revised site plan. Mr. Beach explained the provision in § 63.105(c) of the Zoning Code that decks or patios not exceeding two feet in height are not subject to setback or lot coverage requirements, and that the application of setback requirements to the underground parking is consistent with this. He said the proposed location of support columns in the underground garage so they do not interfere with maneuvering lanes and open car doors conforms with the way the code is always consistently applied.

The motion failed by a vote of 2-3-0.

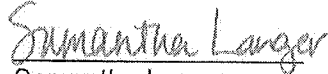
After further discussion, Commissioner Barbara Wencil moved denial of the site plan based on findings #4 and #5 in the staff report not being met. Commissioner David Wickiser seconded the motion.

The motion passed by a vote of 3-2-0.

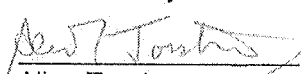
Commissioners Wencil, Wickiser, and Nelson stated their reasons for voting for denial of the site plan based on inconsistency with findings #4 and #5 pertaining to impact on adjacent property. Commissioner Wencil specifically noted the impact on light and air, and the large footprint of the proposed building. Commissioner Nelson also noted that he is not convinced that the proposed site plan is consistent with finding #1 pertaining to meeting setback and parking space requirements because of column encroachment into the parking spaces and setback to the above grade portions of the building.

Adopted Yeas - 3 Nays - 2 (Merrigan, Spaulding) Abstained - 0


Drafted by:


Samantha Langer
Recording Secretary

Submitted by:


Allan Torstenson
Zoning Section

Approved by:


Gaius Nelson
Chair