

April 19, 2012

Patricia James  
Saint Paul Planning Commission

RE: PROPOSED NCUP CONSENT PETITION AMENDMENTS TO CHAPTER 62

Dear Ms. James and Members of the Saint Paul Planning Commission,

It is my understanding that on April 20th you will be meeting to address "Nonconforming Use Text Amendments". I have had an opportunity to review the proposed amendments and wish to comment on those portions of the amendments that address the use of neighborhood consent petitions for nonconforming use permits.

Over the past two years I have acted as the neighborhood "information coordinator" for the sale of the R4 zoned Wilder property at 180 South Grotto. The Wilder Foundation had held a nonconforming use permit for operating the Bush Childrens' program. The first purchase agreement was held by a developer who was interested in rezoning to a denser residential designation in order to place 42 condominiums on the plat. That proposal did not require a neighborhood consent petition because the rezoning was from one residential designation to another. The developers were certainly friendly and shared information, but there was, to the best of my knowledge, no serious discussion about the development with neighbors living within 100'. Neighbors had serious concerns about the impact of that proposal on the neighborhood in terms of density, traffic and aesthetic consistency. Neighbors were basically being left on the sidelines in the development and approval of that proposal. As you know, that purchase agreement was withdrawn.

The second purchase agreement on this Wilder property was held by Wellington Management. Wellington Management's intention was for The Emily Program to lease the old Bush facility in order to operate an eating disorder treatment program and create single family home lots. By the time this second purchase agreement had been signed, the nonconforming use permit held by Wilder had expired and the property had reverted back to simply R4. Very early on in this second proposal it became clear that the neighbors would need to sign a consent petition for the plan to proceed: either to reestablish the nonconforming use permit or for a new conditional use permit. The route chosen was for the reestablishment of the nonconforming use permit in a version that fit the needs of The Emily Program, Wellington, AND THE NEIGHBORHOOD. To this end, Steve Wellington, his staff, and The Emily Program met on several occasions with neighbors to discuss whether the needs of The Emily Program and the neighborhood could both be met. These meetings were very good. After the meetings the consent petition was drawn up and 22 of 27 plat owners within 100' signed the petition. The 66% "consent petition signature threshold" for a public hearing was met. The petition process

was, however, very difficult and time consuming for Wellington Management. Then, after a lot of work by all parties ( including NCUP approval by the City) and despite a sense of shared good will, The Emily Program reevaluated their needs and withdrew from the proposal. Wellington Management then withdrew from the purchase agreement.

With the Wellington Management/Emily Program proposal I observed two things:  
1.) That the consent petition requirement fostered the interaction of developers and neighbors in order to help bring to the city a proposal that was reasonably consistent with the surrounding neighborhood; and  
2.) That the consent petition PROCESS is, perhaps, overly burdensome for developers.

As a result of these observations, I WOULD LIKE TO RECOMMEND THAT YOU CONSIDER RETAINING THE CONSENT PETITION REQUIREMENT FOR NONCONFORMING USE PERMITS, BUT LOWERING THE "THRESHOLD FOR A PUBLIC HEARING" FROM SIGNATURES OF 66% OF PLAT OWNERS WITHIN 100' ON CONSENT PETITIONS TO 50%. This would help developers with the petition process, but not strip neighbors of the ability to help insure the livability of their neighborhoods.

Because of the economy, I could also support changing the one year "grace period" for existing/unused NCUPS from one year to two.

There is now a third purchase agreement for the 180 South Grotto and it appears to be R4 conforming.

These views are mine alone and do not represent any larger group.

Thank you so much for your hard work.

Sincerely,  
Kay Raabe  
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