



CITY OF SAINT PAUL
Melvin Carter, Mayor

*25 West Fourth Street, Ste. 1300
Saint Paul, MN 55102*

Telephone: 651-266-6565

May 31, 2018

TJL Development LLC
Attn: Jim LaValle
2416 Edgcumbe Road
St Paul MN 55116

RE: Notice of Appeal of Zoning File 18-055-252, Snelling Avenue Development
Zoning File #18-067973, Neighbors for Responsible Development

Dear Mr. LaValle:

I am writing to notify you that the Zoning Section of the Department of Planning and Economic Development has received an application from Neighbors for Responsible Development appealing the Planning Commission's decision to approve a Conditional use permit (CUP) for building height: at the north wall in T3 zoning district, 55' allowed by right, 68'-4" proposed with CUP; at the south end of the east wall in T2 zoning district, 42'-4" allowed by right with stepbacks, 47' proposed with CUP and stepbacks; at the east end of the south wall in T2, 41' allowed by right with stepbacks, 47' proposed with CUP and stepbacks on property located at 246 Snelling Ave S. The Saint Paul City Council will schedule a public hearing on the appeal and you will be notified of that date.

No building permits may be issued, and any permits that may have been issued prior to the appeal being filed are suspended, and any construction must cease until the City Council has made a final determination on the appeal.

For your information, a copy of the appellant's grounds for appeal is attached as well as a copy of the Zoning Code relating to appeals to the City Council.

Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made, but allows the City to extend this period for an additional 60 days (total of 120 days). In order to allow time for a City Council public hearing on an appeal while meeting deadlines established by state law, the City of Saint Paul is hereby extending the deadline for action from June 18, 2018 to August 17, 2018.

Please contact me at 651-266-6621 or by e-mail at mike.richardson@ci.stpaul.mn.us if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'MR', with a long horizontal flourish extending to the right.

Mike Richardson
City Planner

cc: File #: 18-055-252
Zoning Administrator
District 14



Application for Appeal

Department of Planning + Economic Development
ZONING SECTION
1400 CITY HALL ANNEX
25 W 4th ST
Saint Paul, MN 55102-1034

(651) 260-6589

MR

Zoning office use only

File # _____

Fee _____

Tentative hearing date: _____

Appellant

Name Neighbors for Responsible Development
Address 275 S Warwick St
City St Paul St. MN Zip 55105 Daytime phone 651.230.1233
Name of owner (if different) U.C. Flanagan

Property Location

Address 246 252 258 Snelling Ave S.
Zoning file name 18-055 252 and
Legal description: PIN 1028 23220164-0165 0166
lots 1 through 5 Block 4 Sylvan Park Addition
(attach additional sheet if necessary)

Type of Appeal: Application is hereby made for an appeal to the:

- Planning Commission, under the provision of Chapter 61, Section 701, Paragraph C of the Zoning Code, of a decision made by the Planning Administrator or Zoning Administrator
- City Council, under the provision of Chapter 61, Section 702, Paragraph A of the Zoning Code, of a Decision made by the Planning Commission MAY 13, 2018. FILE # 18-055 252
- Board of Zoning Appeals (BZA), under the provisions of Chapter 61, Section 701, Paragraph C of the Zoning Code, to appeal a decision made by the BZA on _____ File Number _____
(date of decision)

MR

Grounds of Appeal: Explain why you feel there has been an error in any requirement, permit, decision or refusal made by an administrative official, or an error in fact, procedure or finding made by the Planning Commission, City Council, or BZA.

The Planning Commission's decision to approve the CUP for these properties is in error as the CUP requested does not meet the Conditions stipulated in § 61.501 parts C+D. (See accompanying letter for documentation + detail.)

Appellant's signature

U.C. Flanagan

Date

5/25/2018

City agent

pdd
5/25/18

DATE: May 25, 2018
TO: Members of the Saint Paul City Council
FROM: Neighbors for Responsible Development
cc: Tia Anderson – Public Record
RE: Proposed Snelling | Saint Clair Development
File #18-055-252

The Saint Paul Planning Commission voted on May 18 in favor of the LaValle Development's Conditional Use Permit request for 246-252-258 Snelling Avenue S.

This letter will serve as grounds for an appeal of that decision.

The Planning Commission on May 18 and the Zoning Committee on May 10 addressed and voted for the TjL LaValle Development planned for PIN 102823220164-0165-0166. They did not, however, discuss or vote on the general conditions that must be met by all conditional uses (§61.501) in order to approve or deny a Conditional Use Permit (CUP).

The process by which the Zoning Committee conducted the May 10 hearing was flawed from the start. The discussion focused on the merits of the project itself—not the CUP application at-hand. Because of this, **I feel strongly that a procedural error has occurred and that this hearing and subsequent vote by the Planning Commission is not valid.**

The CUP requested is equal to a full additional story on all three lots for which the CUP was requested.

Specifically, the CUP request does not meet §61.501(Standard C) which stipulates *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

The CUP requested for additional height is at least **3x the height of other buildings at this intersection and 5x the height of single family homes this property would overlook.**

- **Heights of 68'4 and 47' will impact the sunlight and privacy of adjacent single story neighborhood homes, immediately to the east. This will radically interfere with residents' quality of life.**
- **Construction of these properties at CUP heights proposed will result in additional floors and tenants adding to unsustainable traffic levels at the St. Clair | Snelling intersection. No traffic study has been done nor has one been proposed.**

- **Over 100 additional cars at this intersection will cause traffic congestion and result in parking issues on adjacent streets, limiting parking options for current homeowners and neighboring businesses.**
- **Pedestrian safety, increased exhaust and noise due to 118 new apartments on this corner are public health concerns no one has yet addressed.**

In addition, the proposed height requested through the CUP does not meet §61.501 (Standard D) which requires that *the use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

- **The added height and massive design will be detrimental to the existing character of the immediate neighborhood and negatively affect property values.**
- **Young professionals have already sold their homes on the 200 block of Brimhall rather than have their backyards face the height of the development proposed.**

TJL/LaValle's CUP for additional height deserves further discussion with public testimony before this CUP is voted on by the full City Council.

Thank you for your consideration of this request to be (truly) heard.

Respectfully,



Margaret C. Flanagan
(Representing) Neighbors for Responsible Development
275 S Warwick
Saint Paul, MN 55105

Sec. 61.702. - Appeals to city council.

- (a) The city council shall have the power to hear and decide appeals where it is alleged by the appellant that there is an error in any fact, procedure or finding made by the board of zoning appeals or the planning commission. An appeal may be taken to the city council by any person, firm or corporation or by any office, department, board or bureau affected by a decision of the board of zoning appeals or planning commission. Such appeal shall be taken within ten (10) days after the date of the decision appealed from and shall specify the grounds for the appeal. Appeals of decisions by the board of zoning appeals shall be filed with the zoning administrator; appeals of decisions by the planning commission shall be filed with the planning administrator, except that appeals of decisions by the planning commission on site plan review shall be filed with the zoning administrator.
- (b) The city council shall conduct a hearing on the appeal, shall give due notice of the hearing to all interested parties as required under section 61.303, and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(C.F. No. 04-537, § 1, 6-9-04; C.F. No. 07-149, § 34, 3-28-07; C.F. No. 10-349, § 2, 4-28-10)

Sec: 61.303. - Review procedures, hearing and notices required.

The planning commission (when authority has not been delegated to the planning or zoning administrator), the board of zoning appeals, and the city council upon appeal shall make no decision on a specific zoning application until after a public hearing has been conducted by the planning commission or zoning committee of the planning commission, board of zoning appeals, or city council. Notice of the time and place of any hearing shall be sent to the following: for minor variance cases, all owners of record of property within one hundred (100) feet of the premises in question; for all other cases, all owners of record of property within three hundred fifty (350) feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners at the address given in the most current Ramsey County property taxation records.