

**MINUTES OF THE ZONING COMMITTEE**  
**Thursday, May 10, 2018 - 3:30 p.m.**  
**City Council Chambers, 3rd Floor**  
**City Hall and Court House**  
**15 West Kellogg Boulevard**

PRESENT: Baker, DeJoy, Eckman, Edgerton, Fredson, Lindeke, Ochs, and Reveal  
STAFF: Mike Richardson, Cherie Englund, Allan Torstenson, and Peter Warner

The meeting was chaired by Commissioner Edgerton.

**Snelling Avenue Development - 18-055-252 - 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 at 246 Snelling Ave. S., SE corner at St. Clair.**

Mike Richardson presented the staff report with a recommendation of approval for the conditional use permit with a condition. He stated District 14 recommended approval, and there were 35 letters in support, and 39 letters in opposition. He noted a change in that the site plan was submitted and conditionally approved.

In response to a question by Commissioner Reveal, Mr. Richardson said the 4,000 sq. ft. retail space will be at ground level on the northwest corner of St. Clair and Snelling.

Mr. Richardson said the general comments of those in support say that the proposal is consistent with the comprehensive plan and goals of the City, that there is a strong need for housing, that the proposal is supportive to transit for non-auto dependent lifestyles being in close proximity to the A-line, and that it adds a general vitality to the area. He said the general comments of those in opposition say that the proposal exceeds zoning requirements, is too tall, will shade the neighbors, impair privacy, is not compatible with the neighborhood, will add traffic congestion, increase emissions resulting in health concerns, reduce pedestrian safety, and create parking problems with not enough off-street parking.

In response to a question by Commissioner Reveal, Mr. Richardson said the balconies were treated as the building edge in the calculations for the conditional use permit.

Commissioner Ochs asked if this has gone through site plan review and if there have been any modifications. Mr. Richardson said it has and that there were slight modifications that did not impact the findings in the staff report. The Department of Safety and Inspections (DSI) has not sent out the approval letter.

The applicant, Jim LaValle, 2416 Edgcumbe Rd., said the location and project design embrace multiple forms of transit and sustainability, in respect of this mature and sophisticated neighborhood. In collaboration with City staff, their development team purposely designed this project to meet all applicable standards of the zoning code, Comprehensive Plan, Macalester-Groveland Community Plan, and building codes. He said the development team took public forums seriously and made changes to the proposal to address concerns. Their goal is to

create a development that is an asset for the community by providing new and unique retailers and creating a new housing alternative located on a transit oriented corridor.

Commissioner Ochs asked why they applied for a CUP for a few places on the building. Mr. LaValle said they designed dwelling units with a 9' ceiling height and a 12' ceiling height for the first floor retail space.

Commissioner Reveal noted a previous proposal that concluded below ground parking is not feasible on this site due to groundwater issues. Mr. LaValle said that the water is perched between 9' and 12'. The bottom of the foundation will be at 12', they plan to de-water if they encounter water during the installation of the foundation, and the additional costs do not prohibit the building from being built.

Commissioner Fredson asked if there is a door between the public parking stalls and the residential parking. Mr. LaValle said there is a door to segregate private and public parking on the first floor for security purposes.

Commissioner Fredson asked if they had considered additional mixed-use retail space in the 3 ground level residential units. Mr. LaValle said that was considered in the original plan, but they became concerned with vacancy rates for retail space in the area and they were also trying to balance the parking ratios between residential and commercial space. He said ground floor the residential units facing Snelling would activate the street.

Commissioner Fredson asked if there is a sound or privacy barrier on the roof deck for the neighbors to the east. Mr. LaValle said the building partly shelters this and the neighbor to the east is the Cinema Ballroom Building, but the railing that goes around it could be made of a sound resistant material.

Commissioner Baker asked for a clarification on the parking ratio from Commissioner Fredson's question. Mr. LaValle said that the residential component requires less parking per square foot.

No one spoke in support.

Kathy McGuire, 2203 Fairmount Ave., sent a letter and spoke in opposition. She said that Snelling Ave. is a very busy thoroughfare that spills into residential streets and it is irresponsible to add more people and vehicles onto these streets by the addition of more apartments. This area is already dense, congested, and unsafe. She said that the rental rates in Macalester Groveland are the most affordable in the area and the vacancy rates south of I94 are among the highest in the metro area, so this is not an urgent situation. She said she welcomes development, but within reason for the neighborhood. She said she would like protection to the adjacent properties and said two conditions have not been met. She said the Snelling, St. Clair area is predominantly single family, 1-1/2 story homes that sit at ground level. She said in looking for comparison properties, she could only find one other 6-story building on University Ave. She said the Ray is 4 - 5 stories and the Hamline Station Apartments provide a buffer to the single-family homes on Sherburne. She said the TJL proposal includes 2<sup>nd</sup> story patios, fitness centers, and 9' ceiling that are at the expense of the neighborhood.

Anders Osen, 1397 Portland Ave., spoke in opposition and said he sees some accommodations and compromises to meet the needs of the homeowners in the area. He is currently renting

affordable housing, this proposed project is not affordable, and he is concerned about having to move if developments like this continue. Commissioner Eckman asked how long he has lived in his residence and if he has had a rent increase. Mr. Osen said he has lived here for 2-1/2 years and he has kept the same rate because he lives with the landlords' son, but rent did increase for others. He said he is near Hamline and Summit Ave. and has one of the lowest monthly rents in the area at \$500.00 per person.

John Osen, 1545 Goodrich Ave., asked the committee to deny the conditional use application. He said he drove through the warehouse district in Minneapolis and saw a very nice six-story housing complex that looked similar to this proposal, but this location is not the warehouse district. It is next to a college and the closest 5-story building is the Vintage, which is north of this location. In driving down Snelling from Ford Pkwy., there is the Waters, which is a 4-story apartment building, and a 5-story apartment at Randolph, and no others above 2-stories from Randolph to St. Clair. He said this does not fit into the neighborhood because it is twice the size as anything else in the neighborhood. He said in 1/4 of a block there will be 100 new units and that is a lot of density for the area. It meets the zoning desires to bring people into the neighborhood, but when there are events in the area that create a swell of people, traffic will overflow onto Brimhall and Stanford, creating safety concerns for those neighbors. He would like the building to be limited to 5-stories.

Margaret Flanagan, 275 S. Warwick Ave., sent a letter and spoke in opposition. She said that the Snelling Avenue Zoning Study found that south of I94, 77% of existing landowners were single-family dwellings. She said this building is 3 times taller than anything else in the neighborhood. She said the height limit in the T3 zone is 55', the developer is asking for an additional 14' of height, and in real terms this means the top level of the T3 and T2 levels will tower over her house and the balconies and windows will be looking into all of their homes and block the light. She said this will impact parking and there is not enough parking designated for this building, and those tenants will go to neighboring streets to park. The level of density is too massive for the adjacent single-story homes. She said it will impede orderly development and improvement of surrounding properties and it will be detrimental to the existing character of the neighborhood and endanger the public health and welfare. She added that this blighted corner should be developed, but with a 5-story building and not 6-stories.

Mr. LaValle said that change can be hard and they worked hard for many months to articulate this building to be sensitive in context to the residential neighborhood and make it appealing. He said they have studied the zoning code, and in being sensitive to the neighbors have made several changes after requesting input from city staff and neighbors. He said they are in full compliance with all of the additional standards that are required for this conditional use permit. He said they appreciate the work the Planning Commission has done in establishing these standards to make our communities better. He said the building will improve safety and respects the neighbors.

The public hearing was closed.

Commissioner Reveal moved approval of the conditional use permit with a condition.  
Commissioner Lindeke seconded the motion.

Commissioner Reveal said that it is hard to have a significant change like this in an established neighborhood, but this is exactly what should be done on a significant transit corridor. She said

this will not be the end of development on Snelling and she would feel different if it were a solid 6-stories across the whole building, but the developer did a good job to articulate the building in a way that steps down, giving it less mass. Architecturally, it holds the corner and brings mass to the highest corner near transit systems. She said she is sympathetic to the neighbors, but this is in the best interest of the City.

Commissioner DeJoy noted Ms. McGuire's thoughtful letter and appreciated Ms. Flanagan's comments. She said that whether it is 5 or 6-stories, the building will still be there. She said she agrees with Commissioner Reveal and feels that this building has a lot more articulation, windows and commercial space than previous development proposals here.

Commissioner Fredson said if not on Snelling, then where? He said this is on the A-line and is designed to achieve much of what the City wants, and he is in support. He said he appreciates all of the comments they received.

Commissioner Lindeke said he support this project and remembers the frustration of a previous proposal. He said more housing will help to bring rent down and will create walkability and increase safety.

Commissioner Baker said he is sympathetic to the residents, but the demand for rental housing is really strong and the applicant did a good job trying to mitigate issues on the site for the neighbors.

Commissioner Ochs said this will support the City's bicycle plan and the density will improve economic vitality support nearby retail.

Commissioner Eckman said that those in support of this proposal noted the need for affordable housing and those opposed noted the size and that it was too tall. She said creating more housing increases housing availability, which drives down rental prices.

Chair Edgerton said he is in support and it is a better proposal than the previous proposal that he was also in support of. He said there is a demand for this type of development and there is a shortage of affordable rental housing in the city.

The motion passed by a vote of 8-0-0.

Adopted                      Yeas - 8                      Nays - 0                      Abstained - 0

Drafted by:

Submitted by:

Approved by:



Cherie Englund  
Recording Secretary



Mike Richardson  
City Planner



Dan Edgerton  
Chair