

**Response of Border Foods to Staff Report.**

The Staff Report findings generally show that the CUP and variances are supported. There are a few findings that staff use to support a recommendation for denial. Border Foods response is:

**H.2.(c). Speaker box sounds.** The drive-through speaker box will be further away from residential property. It will be buffered by landscaping and a fence. Volume will be monitored.

A study done by DSI staff showed that the sound of the existing drive through is in compliance with City code. The report states that: The sound levels when the voices of Taco Bell customers and/or Taco Bell employees could be heard talking...are well below the 60db level for conversational speech. At no time did the sound levels from the drive-thru speakers exceed a conversational speech level.

**H.3.(h) Litter Collection.** Currently, the parking lot and alley are cleaned every morning. Whenever any litter is noticed, it is picked up. Periodically during each day, a manager walks around the area to monitor the condition and pick up any litter.

**H.5. Need to increase maximum parking.** Customers and employees who arrive by car need a place to park. On street parking on Snelling is limited. Neighbors do not want the side streets to be taken up by business uses. Parking is being reduced by 1/3<sup>rd</sup>. There is enough, but not too much parking. The amount of parking proposed is not based on a rigid formula, but on what experience in operating the restaurant has shown is needed to accommodate customers and employees.

**H.6.(a) Comprehensive Plan.** The staff report states that the proposal is generally in compliance with the Comprehensive Plan. But, then recommends denial on the basis that the proposal is not consistent with the Snelling Station Area Plan.

**That is not a valid basis to deny the application.** The Snelling Station Area Plan explicitly states (in a section titled "Using this Station Area Plan") that the development concepts in this Plan are **not intended to be prescriptive** for evaluating future development proposals. Their purpose is to illustrate how the principles and objectives for new development could be realized over time. The Comprehensive Plan is not a valid basis to deny a conditional use application.

The staff report also incorrectly states the proposal is not in compliance with the Hamline-Midway Community Plan because the proposal does meet the overall intent of T2 zoning. But a fast food restaurant with a drive through is a permitted use in a T2 zoning district. The Board of Zoning Appeals has confirmed that.

**H.7.a) FAR variance.** The variance for the floor area ratio is in keeping with the **spirit and intent of the code**. The variances will promote the health, safety, economic viability and general welfare of the community. The variances will lessen congestion in the public streets and will promote a compatible mix of land uses.

**H.7.b) Variances in compliance with Comprehensive Plan.** See above. The aspirational statements in the Snelling Station Area Plan are not a sufficient basis to deny the variances.

**H.7.c)i. FAR practical difficulties.** The building is an appropriate size for the business and the existing lot. If the floor area of the building was increased there would be less space available for required landscaping and needed parking. Border Foods seeks to replace an existing restaurant with a building with the same use. There is no need or use for a larger building.

**H.7.c)ii. Landscaping practical difficulties.** It is impractical or unreasonable to provide 15% landscaping. The landscape plan shows that the landscaping has been maximized and that there is plenty of landscaping. If the perimeter landscaping is included in the calculation, 15% is exceeded. All of the parking spaces that are provided are needed. There are no other areas where landscaping can be added

**H.7.d) Unique circumstances.** The size of the lot and the use of the property is a circumstance not created by the landowner.

**Compliance with TN Standards.** The proposal complies with T2 Standards. It is a walk up restaurant built out to the corner, with bicycle racks and indoor seating, adjacent to a BRT stop and within a quarter mile of a transit stop, which also provides parking for customers who drive. It is pedestrian friendly and oriented, while accommodating customers who may also arrive by car.

15-134-559  
Taco Bell  
oppose

**From:** Michael Jon Olson <[michaeljon@hamlinemidway.org](mailto:michaeljon@hamlinemidway.org)>

**Sent:** Monday, July 13, 2015 3:36 PM

**To:** Reilly, Jake (CI-StPaul); Williams, Josh (CI-StPaul)

**Cc:** 'Roisen, Nathan'; 'Kyle Mianulli'; [amadogv@yahoo.com](mailto:amadogv@yahoo.com); James Lucken Hills; Megan Conley; Michael Reynolds; [michaeljon@hamlinemidway.org](mailto:michaeljon@hamlinemidway.org); Renee Spillum; Steve Samuelson; Thomas Saylor; Tom Goldstein

**Subject:** Border Foods/Taco Bell Zoning File # 15-134-559

To the Zoning Committee of the Saint Paul Planning Commission:

Regarding the application of Border Foods, Inc. for a conditional use permit and variances related to the proposed site plan for a new Taco Bell store at 565 North Snelling Avenue, Hamline Midway Coalition/District Council 11 (HMC) offers the following comments:

1. HMC is OPPOSED to granting a conditional use permit for a parking lot with 20 spaces. As noted in the staff report, "Given the requirements of §63.207(c) and the location of this facility, the maximum number of spaces at this location without a conditional use permit is 10." The staff report also notes that there is "an effective minimum of zero (0)" required parking spaces on this site for this use. Given the proximity of this site to the LRT Green Line and the forthcoming Snelling BRT A Line, a parking lot with 20 spaces is not warranted.
2. If the applicant were to reduce the amount of parking on this site, the applicant would have no trouble meeting the landscaping requirement in Section 63.314, therefore HMC is also OPPOSED to the granting of the variance request for required landscaping. It is also worth noting that a smaller parking lot would allow the applicant to build a larger building, and thus get closer to meeting the FAR requirement in Section 66.331.
3. If a conditional use permit is to be granted, HMC requests that the following conditions be added to the CUP: 1) That the restaurant be required to close at 12:00midnight on weeknights (Sunday – Thursday), and 1:00am on weekends (Friday & Saturday); 2) That the drive-thru can only be open when the restaurant building is also open for counter service. HMC believes that these two conditions would ameliorate many of the nuisance conditions created by the restaurant.

Thank you for your consideration.

Sincerely,

**Michael Jon Olson**

Executive Director

Hamline Midway Coalition/District Council 11

[michaeljon@hamlinemidway.org](mailto:michaeljon@hamlinemidway.org)

[www.hamlinemidway.org](http://www.hamlinemidway.org)

651-494-7682

2F#15-134-559  
Taco Bell  
Support



July 15, 2015

Members of the Zoning Committee  
City of Saint Paul  
3rd Floor City Hall  
15 Kellogg Blvd. West  
Saint Paul, MN 55102

VIA EMAIL

**Re: Border Foods/Taco Bell (City File No. 15-134-559)**

Dear Zoning Committee Members:

As the State's largest local chamber and an advocate for expanding the tax base through private investment, the Saint Paul Area Chamber of Commerce writes to express its strong support for Border Foods' proposed reconstruction of the Taco Bell at 565 North Snelling Avenue. For the reasons discussed in greater detail below, we ask members of the zoning committee to allow this important project to move forward.

Border Foods is interested in making a significant economic investment in Saint Paul by rebuilding an existing Taco Bell store—a building that was constructed more than 40 years ago. To do so, Border Foods is requesting a conditional use permit for drive-through sales, along with variances for minimum floor area ratio, off-street parking, window and door openings, and landscaping. The Chamber supports this request.

We believe Border Foods' proposal is consistent with the city's comprehensive plan and should be approved. Border Foods' proposed reuse of the property would not be detrimental to the existing character of the development in the immediate neighborhood. Border Foods is not proposing an entirely new development. Rather, Border Foods simply wants to rebuild an existing store that has been operating as a restaurant for decades. The new store would be similar in size and scope to the existing building—an outdated and obsolete structure that should be replaced. With the new building, Border Foods will also provide new landscaping, bike racks, and other amenities that will increase the health, safety, and general welfare of our community. The investments that will be made to the property will improve the pedestrian experience along Snelling Avenue.

The Chamber understands that the Snelling Station Area Plan aspires to have more intense development in the Snelling and University Area, with such things as multi-story mixed-use development. We support the densification of this area. However, in our experience, we believe that type of development typically occurs first on University Avenue, and then only gradually happens in tertiary areas, such as the location where this store is located. As the Plan specifically states, intensification will be "gradual." Accordingly, it is not realistic to require a landowner to

develop property in a manner and location that is not economically sustainable under current market conditions. The present use as a fast food restaurant with a drive-through is permitted and should be allowed to continue in this particular area.

In summary, the Chamber supports Border Foods' proposed investment at 565 North Snelling Avenue. We believe this proposal will strengthen the local tax base through private investment in an important commercial corridor. These investments will facilitate additional redevelopment in the surrounding area, providing increased employment opportunities, expanded community amenities, and increased public safety.

For these reasons, the Chamber supports Border Foods' project as proposed. We encourage the zoning committee to approve the requested conditional use permit and variances.

Please feel free to contact me with any questions or comments. Thank you.

With Kind Regards,

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

Michael J. Belaen  
Director of Public Affairs and Legal Counsel

cc: City Council President Russ Stark, city of Saint Paul



Submitted by:  
Kristine Vesley  
1598 Edmund Ave

## PHOTOS



Photo of 1598 Edmund Avenue



Photo of Large Bus Parked in front of 1598 Edmund Avenue while Driver Goes to Taco Bell for Lunch  
(Note house across street for scale)



Photo of the Alley between Our House and Taco Bell Showing House atop Several-Foot Rise  
(slope outside of fence line is mostly ours, with approximately one foot belonging to the right-of-way)

**CONDITIONS WE WOULD LIKE TO SEE ON ANY PERMIT  
FOR A NEW TACO BELL RESTAURANT AND DRIVE-  
THROUGH LANE AT 565 N. SNELLING**

1. Closing hour no later than midnight Sunday through Thursday and 1:00am Friday and Saturday.
2. Changes to garbage takeout by staff (quieter or less often) and later garbage pickup by commercial hauler OR better garbage area location on lot.
3. On-street semi delivery and unloading of supplies.
4. Expiration date or permit renewal requirement in five years in acknowledgment of changing station area and district.
5. Good treatment of any affected current late-night workers to include job offers at other sites and/or job-seeking help plus a generous interim or severance payment.

Submitted by:  
Mark Vesley  
1598 Edmund

**Langer, Samantha (CI-StPaul)**

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**From:** Kristine Vesley <kristinevesley@gmail.com>  
**Sent:** Monday, July 20, 2015 12:01 AM  
**To:** Langer, Samantha (CI-StPaul)  
**Subject:** Photos Shown at Hearing on Taco Bell on Thursday

and intended as submitted testimony — I am sending them now assuming you will be able to include them in the post-hearing documents (see my email “One Last Question for You”) because I won’t be in to do so before 1:00pm Monday:



Puddle of urine left by female customer behind Taco Bell by air conditioner





Vomit left by car passenger in Taco Bell drive-through lane

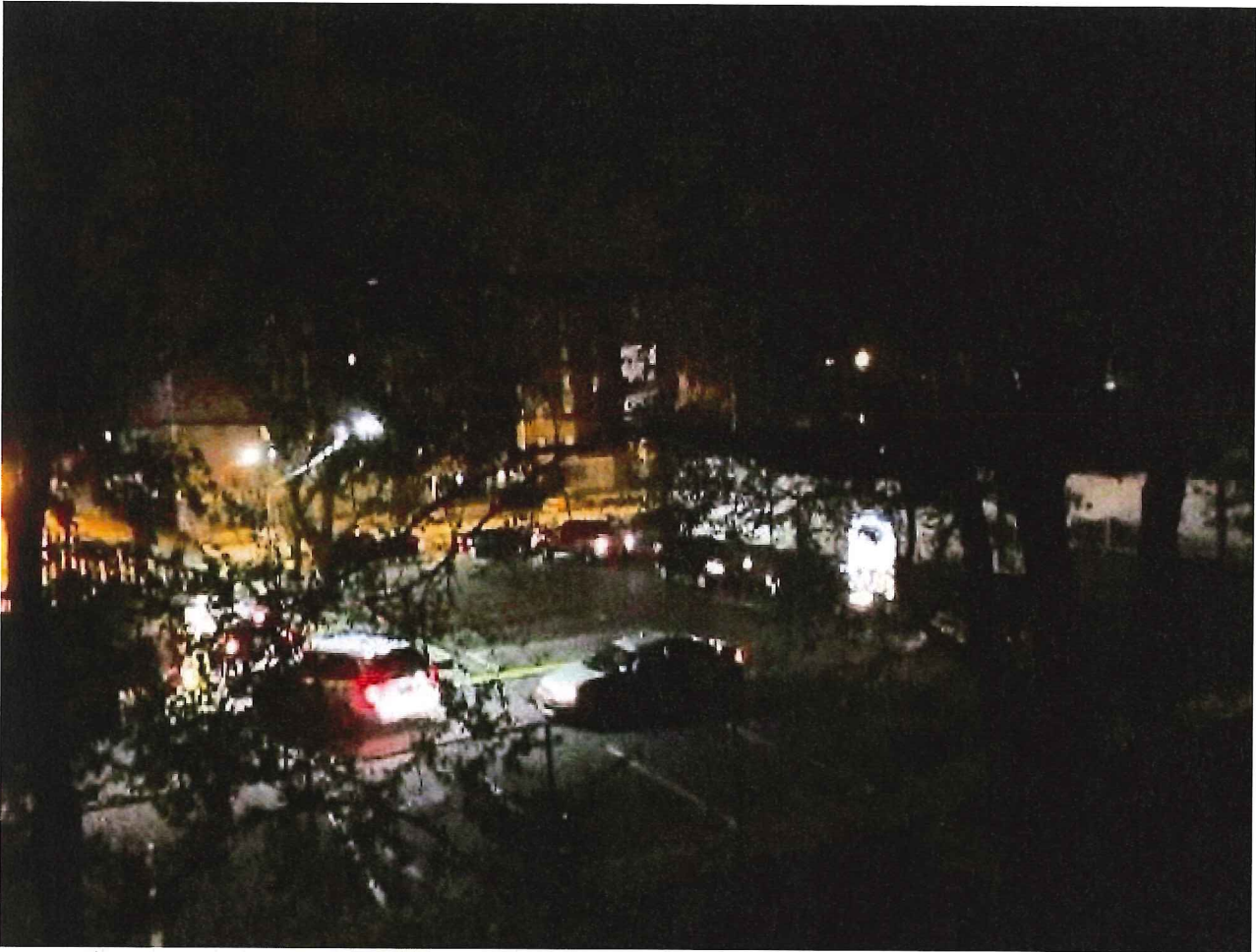


Intoxicated customer behind Taco Bell awaiting police





“Pee trail” left behind in parking spot at Taco Bell



Taco Bell drive-through "stack" after 2:00am: at least 9 cars (which, in new configuration, would drive around perimeter of lot about 15 feet from our property)

ZF# 15-134-559  
Taco Bell

**From:** Rachel McGill [<mailto:crownblue5star@yahoo.com>]

**Sent:** Wednesday, July 15, 2015 4:21 PM

**To:** #CI-StPaul\_Ward4; Reilly, Jake (CI-StPaul); Williams, Josh (CI-StPaul)

**Subject:** Taco Bell 565 Snelling Avenue, St Paul, SPPCZ File #15-134-559

Greetings,

I recently received a postcard from the SPPCZC regarding a conditional use permit for drive thru sales and to increase the maximum number of off-street parking spaces and variances of minimum floor area ratio, window and door opening on front façade and interior parking lot landscaping.

I have several concerns. First the Taco Bell that is there has hours that are way too late (into the early morning). This creates noise and problems for my neighborhood. While I like the idea of having an outside sitting area at a restaurant, the outside area encourages youths to congregate and hang out getting into fights and arguments on our street (that the police as best as they try cannot make it over to in time to address or view). This also creates a good amount of noise and litter in our neighborhood.

As far as the parking spaces, I'm speechless. The Star Mideastern Market and the barbershop has no parking spaces (never has) for customers or for the market's vans. It seems to me that although Taco Bell customers (especially the lunch crowd) park on our street, I don't really understand why they need more parking space when the other businesses have NONE. This is not to say that Taco Bell or other businesses shouldn't have parking spaces--I believe they should. Star Market should be required to have parking especially for their own vehicles which impact our neighborhood.

Please limit the hours of the Taco Bell to that of standard other area businesses (no special treatment). I wish I had good suggestions to take care of the youth behavior issues and noise because these often affect my home and family.

Thank you for receiving my concerns.

-Rachel McGill  
1600 Edmund block homeowner



2 F# 15-134-559  
Taco Bell  
oppose

**From:** Kristine Vesley [mailto:kristinevesley@icloud.com]

**Sent:** Wednesday, July 15, 2015 2:24 PM

**To:** Reilly, Jake (CI-StPaul)

**Subject:** Short Electronic Testimony on Pollution: Noise and Auto-Emitted for Taco Bell CUP Application

Jake, would you be willing to forward this email to the Zoning Committee to remind them of the

(1) noise pollution impacts of drive-through restaurants, especially ones near heavily used highways, that raise speakerbox volumes to compensate for, or overcome, traffic noise, and

(2) increased exhaust emitted from idling vehicles in drive-through lanes?

I believe this is relevant to 61.501(c) in City code regarding endangering public health, safety, and general welfare — in particular near Snelling and University, one of the busiest and most polluted intersections in Minnesota. By itself, one drive-through may not technically endanger, but there is a cumulative effect that should be considered at every opportunity. Who is to say which source pushes a problem past the tipping point?

Sources of information:

(1)

<http://ehp.niehs.nih.gov/1307272/>

(2)

"In a given year, U.S. cars burn some 1.4 billion gallons of fuel just idling. Not to mention idling trucks, which waste another 1.5 billion gallons. Collectively, we emit about 58 million tons of carbon dioxide while we're essentially doing nothing.

Taking the fast-food industry as an example, and taking into account that the average McDonald's drive-through wait is 159 seconds, we can calculate that the company's consumers burn some 7.25 million gallons of gas each year. The figure for the entire U.S. fast-food industry? Roughly 50 million gallons."

(source: Sierra Club, 2009; <http://blogs.sierraclub.org/mrgreen/2009/02/advice-about-recreational-eating-.html>)

If not, I understand that it's now the day before the hearing, and I can try to raise the pollution issues in oral testimony if no one else does.

Thank you,  
Kristine Vesley  
1598 Edmund Avenue  
St. Paul, MN 55104

ZF#15-134-559  
Taco Bell  
oppose

From: Joshua [<mailto:joshua@brainhotel.org>]  
Sent: Wednesday, July 15, 2015 11:12 AM  
To: Reilly, Jake (CI-StPaul)  
Subject: Taco Bell - Edmund & Snelling

Hi there Mr. Reilly,

I live two houses away from the Taco Bell on Edmund & Snelling. I am completely against any expansion, but the worst part would moving the drive-through closer to our houses. I can already hear the racket not only from their speaker which is very loud, but from the stereos in the cars waiting, even late at night. It doesn't matter whether it's nice weather and I'm in the back yard or in mid-winter with double pane windows closed and sealed with plastic - I can hear them repeat every order. Additionally, people already park their cars and trucks on Edmund in front of our houses to go to Taco Bell - we don't need to encourage that even more. The restaurant is a nuisance and really should be shut down, but barring that, they should definitely not receive any variances  
- that would only increase the damage they do to the neighborhood. I can pick up Taco Bell trash from my yard every day, but there is always more. Please, please, do not assist them in the harm they do to our neighborhood by waiving any rules.

Yours,  
Joshua Freeze  
1600 Edmund Ave  
St Paul MN 55104  
(512) 423-9714

Taco Bell  
15-134-559

**From:** Thomas Rupp [<mailto:thomaswrupp@gmail.com>]  
**Sent:** Monday, July 13, 2015 5:45 PM  
**To:** Reilly, Jake (CI-StPaul); #CI-StPaul\_Ward4  
**Subject:** Taco Bell File number 15-134-559

Good Evening Mr. Reilly and Council Member Stark and Ward 4 Staff,

I am writing to you to request that any replacement of commercial property be built to Platinum LEED standards for energy efficiency and sustainability for the neighborhood.

If this is excessive, then I would request at a minimum amount to have at least 15-20% be powered by renewable energy for any new, retrofit, or replacement building to take burden off of our aging power grid.

The other request is that the design plan for the building improve the property enough to increase the commercial property tax for the parcel significantly. The amount of commercial real estate taxes collected are insufficient to lift the burden off of surrounding homeowners. If our city council, zoning board, and planning commission take hard lines with construction standards and intended outcomes, the quality of the neighborhood will improve without excess burden on the average taxpayer.

Thank you for this consideration and your time.

Thomas Rupp  
459 Wheeler St N  
[thomaswrupp@gmail.com](mailto:thomaswrupp@gmail.com)

15-134-559  
Taco Bell  
oppose

**From:** Emily Barnes [<mailto:emilybarnes3@gmail.com>]  
**Sent:** Monday, July 13, 2015 9:06 PM  
**To:** Reilly, Jake (CI-StPaul)  
**Subject:** taco bell variance request

Hello Jake,

I hope I'm getting these comments to you in time for the hearing regarding Taco Bell -- not sure yet if I can make it in person.

Here's what I'd like to submit to the committee:

I live at 1601 Edmund with my husband and two young children, across street from Taco Bell and two houses down. We bought our house five years ago after renting for several years on the 1600 block of Charles Avenue.

Over the past years we have experienced many noise and litter problems directly related to Taco Bell. Their extremely late hours bring many inebriated people to this block of Snelling Ave and to our residential street, some of whom park in front of or near our house, get their food, and then stand around outside their cars, talking loudly and listening to loud music. Many people then leave bottles of alcohol and Taco Bell trash on our street boulevard. The taco and burrito wrappers, and hot sauce packets constantly litter our sidewalks and lawns. As a member of Friends of Hamline Park, I regularly pick up litter in the park on Saturday mornings. I always bring another large garbage bag with me to fill on my way to and from the park; at least 80% of this litter is directly related to Taco Bell. I can easily spend an hour picking up this trash in only a small area in the alleys and street gutters and boulevard near my home on the north side of Edmund. We have also had to make numerous phone calls to police to ask for a response to noise disturbances after 10 pm at or just outside Taco Bell. The noise of the patrons can echo through the street and can make sleep really difficult.

We occasionally eat at this Taco Bell and I have always appreciated the friendly and efficient service of the employees. I do not appreciate the unmitigated impact of this business on our local community. I ask your committee to please recommend that Taco Bell's hours are reduced to closing at midnight on weeknights and 1 am on weekends, with no "drive-thru only" hours, and that the restaurant be responsible for regular litter clean-up near their store.

Thanks very much for your time!

Sincerely,

Emily Barnes  
1601 Edmund  
612.483.7197

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, BleuAnt Designs, LLC, File # 15-134-770, has applied for variances of side-, rear-, and front-yard setbacks and lot coverage requirements under the provisions of § 61.202(b) of the Saint Paul Legislative Code, on property located at 1174 Grand Avenue, Parcel Identification Number (PIN) 032823410039, legally described as Manson and Simontons addition W 1/2 of Lot 3 and all of Lot 4 Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, BlueAnt Designs, LLC, is seeking variances to the front, side, and rear yard setback requirements for the RM2 multiple family district and to the lot coverage requirement for residential uses in order to develop a three-story multi-family building that includes up to eight units with eight underground parking spaces and three compact parking spaces in the rear yard.

*Front-yard setback:* Under § 66.231 the minimum front yard setback for this site is established as the average setback of the existing structures on the block. The City has established that the average setback for this block is 23.4 feet. The applicant is seeking a 3.4-foot (14.5%) variance from this standard to allow the building set back 20 feet from the front property line. The adjacent properties are set back between 20.75 ft. and 23.25 ft.

*Rear-yard setback:* Under § 66.231 the minimum rear yard setback is established at 25 feet from the rear property line. The applicant is seeking a 6-foot (24%) variance to allow the building to be built 19 feet from the rear property line.

*Side-yard setback:* § 66.231 established the side-yard setback to be equal to one-half the height of the building. The height of the proposed building is set at 36 feet. The applicant is seeking a 10.5-foot (58%) variance to allow for a 7.5-foot side-yard setback.

*Lot coverage:* § 66.232 established the maximum lot coverage of a principal structure in a residential district as 35% of the total lot area (lot area includes one-half of the area of the alley). The total lot area is 9,540 sq. ft. (9,000 sq. ft. parcel plus 540 sq. ft. alley allowance). The footprint of the building is 4,995 sq. ft. (111 ft. x 45 ft.), which represents 52.4% of the total lot area. The applicant is seeking an increase of 17.4% to the maximum lot coverage requirement.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_



2. MN Stat. 462.357, Subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. The Board of Zoning Appeals and the Planning Commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

(a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The purpose of the dimensional standards and lot coverage requirements are to ensure that buildings are developed in a way as provide regularity in pattern and spacing, not provide overly dense sites, and to not overly burden adjacent properties with impacts created by the new development. This project is generally consistent in size and form of the multifamily buildings the east and west of the subject site.

(b) *The variance is consistent with the comprehensive plan.* This finding is not met. Although the proposed development is supported by land use policy in the Comprehensive Plan and it lacks consistency with the District 16 Plan, which is adopted into the plan. Grand Avenue is guided as a Mixed Use Corridor in the Future Land Use map of the Comprehensive Plan, and several policies within the Land Use Chapter support increasing density along these corridors. Policy 1.2 of the Land Use chapter supports the development of high density residential within Mixed-Use Corridors that accommodate between 30 to 150 dwelling units per acre, and with the proposed eight units on a 0.2-acre lot or 40-units per acre, this proposal falls within the targeted densities. In addition Policy 1.25 states: "Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residents." Policy 1.26 states: "Permit residential development at densities contemplated in Policy 1.2." The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: "Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing at appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice." This project is generally inconsistent with Policy H7 of the District 16 Plan: "Ensure that the impact of any increased density conforms to zoning and building requirements, and that the City considers the development's adverse impact on existing municipal services including, but not limited to, traffic and parking." The number and extent of the variances sought do not meet the spirit of this policy.

(c) *The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.* This finding is not met as the applicant has not established practical difficulties to develop this property in a reasonable manner under the enforcement of the RM2 standards. The number of variances sought indicates that, overall, the proposed structure is too large for the subject parcel.

(d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is not met. Although the subject parcel is small, the number and level of variances sought indicate that this project is overall too large for this property. This circumstance is created by the land owner.

(e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. Multifamily residential is allowed within the RM2 multiple family district, and with eight units this building meets the lot area requirement per unit.

- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The proposed development is generally consistent with the scale, spacing, and bulk of the four multifamily buildings to the east and west of this parcel. Additional height and width of this building is primarily driven by the provision of the underground parking. As shown in the plan, the upper six feet of the parking level is above ground level. To maintain the character of the existing buildings, living space on the first floor of this building should match, as closely as possible, those of the adjacent walk-up apartments and perhaps design elements or landscaping can be added to minimize the visual impact of this height. The character of the properties to the south on Lincoln Avenue is substantially different than those of the multifamily builds on Grand Avenue. To minimize the potential loss of privacy, the applicant has indicated a willingness to minimize fenestration on the south side of the proposed building to reduce the ability see into backyards from the upper floors.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of BleuAnt Designs, LLC, for variances of side-, rear-, and front-yard setbacks and lot coverage requirements at 1174 Grand Avenue, based on finding 2(b), 2(c), and 2(d) above, is hereby denied.

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, BleuAnt Design, LLC, File # 15-134-693, has applied for rezoning from BC community business converted district to RM2 multiple family under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 1174 Grand Avenue, Parcel Identification Number (PIN) 032823410039, legally described as Manson and Simontons addition W 1/2 of Lot 3 and all of Lot 4 Blk 3; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 16, 2015, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant is seeking to rezone the subject property from the BC community business converted district to the RM2 multiple family residential district in order to develop a new multi-family residential building on this site. This parcel is currently zoned BC, which does allow for the use of the parcel for multi-family housing at levels consistent with what is being proposed for this site. Rezoning of this property is needed as the intent of the BC district, as stated in § 66.413 Intent, BC community business (converted) district, is "...expressly for *existing* residential structures in commercial areas..." Therefore, the proposal to demolish the existing duplex and construct a *new* multi-family family building would not meet the intent of the BC district.
2. The proposed zoning is consistent with the way this area has developed. Grand Avenue has a mix of residential and commercial properties that are zoned BC community business converted, B2 community business, B3 general business, and RM2 multiple family within the general vicinity of this property. Two parcels to the immediate east and two parcel to immediate west of the subject parcel are zoned RM2, and each has a 2.5-story multifamily structure.
3. The proposed zoning is consistent with the Comprehensive Plan and District 16 Plan. Grand Avenue is guided as a Mixed Use Corridor in the Future Land Use map of the Comprehensive Plan, and several policies within the Land Use Chapter support increasing density along these corridors. Policy 1.2 of the Land Use chapter supports the development of high density residential within Mixed-Use Corridors that accommodate

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

between 30 to 150 dwelling units per acre, and with the proposed eight units on a 0.2-acre lot or 40-units per acre, this proposal falls within the targeted densities. In addition Policy 1.25 states: "Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residents." Policy 1.26 states: "Permit residential development at densities contemplated in Policy 1.2." The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: "Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing at appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice." The District 16 Plan generally supports this rezoning. G4 Commercial and Housing Mix states: "Retain B2-C [now named BC]... and residential zoning on Grand Avenue. Discourage rezoning of residential uses on Grand Avenue to more intensive uses." In this case the rezoning of this property from BC to RM2 retains nearly identical residential regulation on the property. BC district refers back to the RM2 lot coverage and lot size per unit requirement.

4. The proposed zoning is compatible with surrounding uses. To the east and west of this parcel are multifamily buildings currently zoned RM2, to the north is a funeral home zoned B3, and to the south are single-family and duplex residential uses zoned RT1.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of BleuAnt Designs, LLC for rezoning from BC community business converted to RM2 multiple family for property at 1174 Grand Avenue be approved.

Bleu Ant  
Oppose

# Summit Hill Association

District 16 Planning Council  
860 Saint Clair Avenue  
Saint Paul, Minnesota 55105  
Telephone 651-222-1222  
www.summithillassociation.org  
summithill@visi.com

July 15, 2015

Attn: City of St. Paul Planning Commission / Zoning Committee

**Re: 1174 Grand Avenue Development Proposal**

The Summit Hill Association / District 16 Planning Council met regarding the proposal on 1174 Grand Avenue brought forward by Bleu Ant Design, LLC. The proposal for the project is to rezone the site to a RM-2 zoning district, which would allow for multi-family housing, and would bring it in line with the zoning of the two properties to the East and two properties to the West. The developer is also requesting a number of variances, including a front yard setback of 20 feet (25 feet required), a side yard setback of 7.5 feet on each side (1/2 the height of the building required), a rear yard setback of 15 feet (25 feet required), and a coverage variance for 55% (35% required).

There were a number of neighbors at the meeting speaking against the project. The key issues that they spoke about were.

- The overall scale of the building in comparison to the existing apartment buildings, and how this would be the largest of the group.
- The additional traffic in the dead end alley that the proposed underground parking would present.
- The height of the building in comparison to the adjacent buildings.
- The lack of commitment to a height of the building in the city submittal package.
- There was a statement to the effect of not being against the idea of a multi-family building, but wondering why it couldn't be the same size as the existing.

There was discussion regarding this matter at 2 separate ZLU Committee Meetings prior to our Full Board Meeting to try and flush out some of the main concerns of the neighborhood. Our recommendations are as follows.

- The rezoning was discussed as being somewhat appropriate, due to the neighboring buildings, but possibly premature, as there wasn't a consensus on the proposed development being appropriate as submitted. In order to rezone this property to the multi-family use, it seems appropriate to have a development proposal put forward that would employ that amended



- zoning in a responsible manner. To take away the ability to utilize it for uses already available to the current BC district, which our neighborhood plans calls for the preservation of, seems unfitting at this time. By rezoning the parcel now it is limiting the development by closing the door to have the parcel rezoned to another district for a project that could work without all of these variance requests.
  - Based on the findings of our ZLU Committee and Board several of the findings put forward by staff in recommending approval of the rezoning are contradictory. Specifically the statements of “The Housing Chapter of the Comprehensive Plan provides further guidance in Policy 2.17(c), which states: “Encourage the development of attached single-family and neighborhood-sensitive multi-family infill housing as appropriate locations as identified in the Land Use Plan and small area plans to increase housing choice.”, and the statement referring to the District 16 Plan supporting it based on the fact that rezoning from BC to RM2 retains nearly identical residential regulation on the property. If the zoning requirements are going to be waived to the extent proposed for the development, then it seems inappropriate to argue that the development is “neighborhood-sensitive”, or that the rezoning should be at all based on the fact that the lot coverage requirements are similar between the existing and new zoning when the proposal is to waive the lot coverage requirement to the tune of 20%.
  - The City’s argument that the proposed zoning is compatible with the surrounding uses may hold some truth, but that change in zoning should then respect the required zoning regulations for that new zoning district
- The front yard setback variance request is such that it would align with the existing buildings on either side. This variance request was recommended to be approved, as holding the front edge of the buildings to the same dimension feels appropriate along the street frontage.
- The side yard setback variance request for 7.5 feet from the required 1/2 the height of the building (which would be somewhere between 18-20+ feet based on the existing proposal) was felt to be too much, and not a clear variance. It is recommended that this variance request be denied. By allowing the variance at each side, as well as the additional height that this building will have over its shorter neighbors, the natural light for the neighboring properties will be diminished, and the spacing between the buildings will not continue the regularity in pattern and spacing that staff suggests.
- The rear yard setback variance request for 19’ from the required 25’ was also recommended for denial by our Board.
- The lot coverage request from 35% to allow the requested 55% was thought to be too great a variance at 20% more than allowed. It is recommended that his variance request be denied, as the project clearly doesn’t fit within the allowable parameters of the ordinance.

The overall feeling of our ZLU committee and Board was that, though the use of the lot as multi-family may be the most appropriate use for the site, the number and size of the variance requests were too great for the development as proposed. The applicant is not requesting a variance on one side or even two, but the request is to push the property beyond the limits on all four sides, as wells as the overall allowable coverage requirements for the zoning districts.

We also feel that the findings have not been sufficiently met in regards to the variance requests. To assume that this project will fit into the regularity, pattern and spacing as the adjoining buildings is misguided, when the facts of the proposed development being between 7%-17% larger than the adjacent multi-family buildings in footprint, and 17% higher than the adjacent buildings, which are only 2 1/2 stories tall as opposed to the proposed 3 1/2 stories proposed for this building, is taken into account.

Although our District 16 Plan does put an emphasis on parking, and encourages off-street and underground parking, it does not support rezoning to more intensive uses and variances where parking and traffic problems create undue hardship for neighboring businesses, residents, and visitors, and with the nature of the dead end alley, the parking overflow from SPA, the existing rentals and businesses on that block there is a lot of parking demand in that immediate area. We also place significance on increased density, and ensuring that the impact conforms to zoning and building requirements, and that the City considers the development's adverse impacts. This development is stretching the zoning and building requirements on all sides, and needs to take into account adverse impacts on neighboring properties.

In regards to altering the character of the surrounding area, it should be noted again, that this is a new development proposal to be the largest building on the block, and is to be up to 17% larger and taller than neighboring properties. Staff's findings even call for elements that should be taken into consideration in order to try and maintain character of the existing buildings, and measures to address privacy concerns of neighboring residents in response to the setback variance requests, but these are not in any way made conditions of approval. This will also be the only building on the East end of Grand Avenue where underground parking pushes the building out of the ground 1/2 story, and will be a full story taller than its neighbors.

The Summit Hill Association/District 16 Council does not feel that the required conditions have been sufficiently met in order to allow for the numerous requested variances for this proposal, other than the front yard variance, and we would ask that the Zoning Committee and the Planning Commission deny those requests for this development.

Sincerely,

Philip Wahlberg  
SHA Vice President  
ZLU Committee Chair



## Wedding Shoppe, Inc.

Exactly what you've been looking for.

2F#15-134-693  
15-137-770  
BleuAnt

July 9, 2015

City of Saint Paul  
Planning and Economic Development  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102

Re: File # 15-134-693 and 15-137-770

Attention: Zoning Committee

I am writing concerning the July 16<sup>th</sup> Hearing on the property address at 1174 Grand Avenue. My wife and I own property located at 1192, 1196 and 1212 Grand Avenue which is leased to the Wedding Shoppe, Inc. Two concerns we have are as follows:

1. Adequate parking for the number of proposed tenants is addressed, and
2. Supervision of the construction company and their sub crews as to alley parking and blockage management.

Our main concern is the shared use of the alley located behind the proposed construction. As you may be aware, the alley where the project is proposed is a dead end alley, one way in, one way out to Dunlap Avenue. Who with the City of St Paul and the Construction Company will monitor construction crew parking and prolonged blockage of the alley? My tenants The Wedding Shoppe, Inc., have need of the alley for deliveries as well as access to employee parking. Also, I am sure I can speak for my neighbors on Grand and Lincoln Avenues, who will be quite annoyed and aggravated if they cannot have uninterrupted access to their parking garages. I will try to attend the meeting, however in my absence, I would ask this concern be addressed by the City of St. Paul zoning officials and the Developers. We favor development on Grand Avenue, but it must be supervised so the residents and businesses who own existing property around the construction area, may function without undue burden and interference concerning access to their properties. Thank you for allowing expression of these concerns. We can be reached for comment or questions at 651-294-4965 or jfritzws@hotmail.com.

Best regards

James and Lois Fritz

**MEMO IN OPPOSITION TO PROPOSED REZONING AND VARIANCES FOR  
1174 GRAND AVENUE**

ATTN: Zoning Committee

CC: Jamie Radel, Tom Beach & Summit Hill Association ZLU

FROM: Below-signed residents

DATE: July 14, 2015

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Please accept this memorandum along with the two-previous memorandums (*Attachments "A" & "B"*)<sup>1</sup> as the neighborhood opposition to the requests for re-zoning and four plus variance requests for 1174 Grand Avenue.

• ***Introduction***

As point of background, my wife, Amanda Karls, and I<sup>2</sup> live at 1171 Lincoln Avenue – directly south of this proposed development. We first met with the developers in February, again with neighbors in March, and with a smaller group of neighbors in May. We, along with many of the neighbors, attended two Summit Association ZLU meetings along with the full-board meeting on July 9, 2015. The proposed project has been presented in many forms since our first meeting in February. The attached memorandums<sup>3</sup> address the constantly inaccurate and shifting figures and measurements. It was not until the July 9 meeting that we were finally presented with an actual height. In order to not re-invent the so-called wheel, we ask that this Committee review those documents in conjunction with this memo, which strives only to hit the high points.

Contrary to any statement from the developers or City Staff, this proposal does not include nor address the concerns of the neighbors. Rather we and the additional below-listed residents maintain opposition to the re-zoning and the variance requests as the proposed building will be bigger than any of the others that City Staff are trying to "match." Staff uses terms like "generally consistent with the size and type of building," but that is not true. **To be clear, the proposed project will be the tallest, widest, longest, and will take up the greatest footprint on the block.**

We ask that this current version of this project be denied. Here are some of the many reasons why:

• ***Inappropriate size***

This development will have an immediate impact on privacy and livability for nearby neighbors in three ways. First, the proposed structure includes a roof-edge height (not including the structure above the roof line that is clearly even taller) at 6-7 feet higher than any other building on this block. This means that neighbors on both side of Lincoln

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<sup>1</sup> City Staff, including Jamie Radel received copies of both of these memorandums that were directed to the Summit Hill Association prior to the creation of her July 16, 2015 report. Attachment B was included with her report.

<sup>2</sup> Amanda and I are both Directors of the Summit Hill Association.

<sup>3</sup> *Id.*

will be forced to see a towering building that now peers into their home. This is especially problematic because of the second reason, which is that the structure will be closer to neighbors on the other side of the alley than any other structure – and 6 feet closer than allowed by code. This results in the would-be condo owners being able to have much greater visual access to back-yards on Lincoln. Conversely it also means that views of blue sky now enjoyed by those neighbors will be greatly impeded. This impediment is further increased because of the width proposed building. The area between existing adjacent apartment buildings is, according to the developers, 25 and 19 feet, but this project would have just 17.5 and 16.5 between it and the existing buildings on either side. This too takes away from the sky and visual green space that should normally be enjoyed by the neighborhood. For these common sense reasons, privacy and livability on Lincoln Avenue is detrimentally impacted.

We understand why the city planning office may favor the tax base that comes from a high-density unit like the one proposed by the developers, but that preference cannot be allowed in violation of city code without meeting the standards required for variances. Such standards are not met here. Approving the dumping of this inappropriately-sized project in this location would be reckless.

We also recognize that, in order to make this a high-density project that does not greatly increase street parking problems, city planners are willing to trade off back and side yard variances to get enough underground parking spots. Unfortunately that comes at the expense of neighbors who will have their views sharply diminished and alley use compromised. The developers made a bad business decision by buying a property that cannot support the underground parking they seek for the size of building they want to build. Their mistake should not result in a burden born by neighbors who stand to gain nothing while developers profit.

- ***Inappropriate rezoning***

We remain generally open to the idea of rezoning from BC to RM2, but only to the extent that a building can be erected without significant zoning variances. If that cannot be accomplished the building should remain BC. In this case the zoning variances mean that a building that is much too large for the space would be placed on this alley. If a building with fewer units and a smaller, appropriate footprint can be constructed we have no problem with that theoretical project. However, here, per the City's Zoning Committee Staff Report, it seems that rezoning to RM2 is actually creating "a plight of the landowner" staff believes justifies the need for variances. If that is the case, the zoning should remain BC.



- ***Significant traffic congestion***

The proposed project is on a dead-end alley, which presents a unique issue. All homeowners on the north side of Lincoln and residents/business personal on Grand Avenue between Dunlap & Ayd Mill must enter and exit the alley at the same point. The proposed development calls for eight units. Assuming, two vehicles per unit, that means 16 more vehicles will have to compete for access. Because this is a dead-end, from a congestion perspective, that is like adding 32 more vehicles to any other street because all of those vehicles will have to enter and exit at Dunlap. We have problems with entering and exiting the alley with the current business patrons, residents and utility vehicles that already use the alley. An additional eight unit condo building will place an even greater burden on the alley. In short, this number of units, residents, and vehicles places congestion to an otherwise limited area.

- ***Flaws in the City Staff Report***

The Staff Report includes errors and faulty arguments that need to be addressed in order for this committee to have accurate information.

- ✓ **Lot Coverage**

Staff states the requested variance from 35% of the lot area (including half of the alley area) to 52.4% of the lot area is a 17.4% variance. This is a basic math error—one does not simply subtract one percentage from the other! In fact 52.4% coverage is 49.7% more coverage than 35%. **This means that the developers are seeking a lot coverage variance of almost 50% more than what is allowed by code!**

- ✓ **Height**

The staff report overlooks that the developers essentially need a height variance. With 7.5 foot side setbacks, the developers should only be allowed to go up to 15 feet under the city code, which requires side set-backs half of the building height for RM2 properties. Here the developers will not only exceed that amount by at least 16 feet, but they will be taller than any other building on the block by at least 6-7 feet.

- ✓ **Variance is not in harmony**

The standard forbids a variance change if it results in an “overly dense site” and creates an “overly burdensome to adjacent properties”. The staff report concludes that because the “project is generally consistent in size” that there is no burden. This conclusion is inconsistent with the facts that this building is longer, taller, and wider than every building on the block. That size, and installation of a parking garage cause privacy and traffic congestions as mentioned above.

- ✓ **Primary impact caused by this increase in density (parking) is not met**

The report sweeps under the rug the unique issue surrounding this project location – the dead-end alley. The analysis focuses only on parking spaces with no regard for the competition for entering/exiting the alley as well as the obvious spillover to Lincoln Avenue. Again, the conclusion, while well intended, is simply incomplete.

✓ **Other development options are ruled out with any evidence of feasibility**

Staff concludes that only this proposed development with this size is appropriate. The author seems fixated on matching the structures of the 4 current buildings. Again, that is not the standard for purposes of this decision. The standard is whether the owner has practical difficulties, and economic considerations alone do not constitute practical difficulties. Here, assertions have been made over the course of many meetings regarding feasibility of developing a business (as currently zoned) or a smaller multi-family unit. The reasons these developers have not chosen those options is purely because of profit. Staff fails to mention the feasibility of these other projects or the fact that the proposed building is a taller, wider and deeper building than currently exists. **Because other options have not been considered by staff, common sense tells us that there has been no establishment that these developers have suffered practical difficulties justifying change. Profit is not a sufficient justification.**

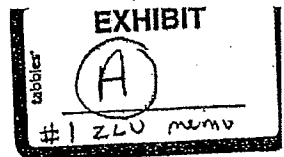
✓ **No protections for Lincoln Avenue**

Staff concludes the report by touting the fact that these developers have indicated a willingness (not a binding agreement) to minimize fenestration on the south of the building. Apparently that's enough to protect the privacy loss caused by this large structure. The obvious defect in this clearly worrisome analysis is that there is no quantification of this willingness. Does that mean 20-windows instead of 10? Or are we talking 1 porch instead of 4? Promises are easy to make when you want something, and even though the City seems very much satisfied with this unenforceable gesture the reality that is lacking is the clear result of loss of light and privacy caused by this proposal is not addressed anywhere in the report. Furthermore, the neighbors are the only ones who are bearing the negative impacts caused by this project.

• ***Conclusion – deny this current proposal***

We are cognizant of the need to do something with this property. We are not opposed to development *per se*. However, we are opposed to this particular one. There is plenty of chance to do something right with this property that betters both Lincoln Avenue and the neighborhood at large, whether that is a home, a business, or a multi-family structure. However, this proposal doesn't amount to positive change. **For the above stated reasons, we ask that you please deny the request of the applicants in full.**

- ❖ ***Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue***
- ❖ ***Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue***
- ❖ ***Winnie Moy, 1185 Lincoln Avenue***
- ❖ ***Margaret Keefe, 1195 Lincoln Avenue***
- ❖ ***Josh Peltier, 1167 Lincoln Avenue***
- ❖ ***Steve Hancock & Jill Stedman, 1200 Lincoln Avenue***
- ❖ ***Mark King & Jonathan Lubin, 1177 Lincoln Avenue***
- ❖ ***Mark & Bonnie Genereux, 1165 Lincoln Avenue***
- ❖ ***Andy & Gina McCabe, 1186 Lincoln Avenue***
- ❖ ***Karyn Wrenshall, 1201 Lincoln Avenue***
- ❖ ***Carol & Joe Bell, 1196 Lincoln Avenue***
- ❖ ***Tom & Kristi Kuder, 1176 Lincoln Avenue***
- ❖ ***Laura & Ryan Willemssen, 1180 Lincoln Avenue***



**MEMO IN OPPOSITION TO PROPOSED REZONING AND VARIANCES FOR  
1174 GRAND AVENUE**

ATTN: Summit Hill Zoning and Land Use Committee  
CC: Tom Beach, Jamie Radel and Yaya Diatta (City of St. Paul)  
FROM: Below-signed residents  
DATE: May 31, 2015

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The below listed residents are opposed to the variance application submitted for 1174 Grand Avenue and urge you to vote against the applicants. While the applicants have submitted a packet with a variety of dimensions and descriptions aimed at convincing you that their proposed project is in line with current building sizes on the block, to be clear the proposed project will be the tallest building on the block and take up the largest foot-print.

Although the applicants claim that in attempting to develop this property they have encountered a "plight...due to circumstances unique to the property and not created by the landowner," this is not true. There are several options for development of this property that would pose no concerns for the neighborhood, including: rehab of the current residential home, building a new residential home, constructing a small business/residential building like many on the block and consistent with the current BC zoning, or simply building an RM2 structure that is the same size as the current ones that occupy the block.

However, the applicants have chosen none of these options, but instead are attempting to develop an oversized building and are asking you to let them do it at the expense of the neighbors' privacy, light and desire to live on an uncongested street, and in violation of zoning rules regarding size which are meant to ensure a certain aesthetic standard is maintained in the community. Zoning and land use rules are established for a reason and here there is no reason to bend those rules.

**The proposed structure is not appropriate for RM2 re-zoning**

The applicants are seeking to rezone from BC to RM2 zoning. We are not generally opposed to this rezoning. However, we do not believe rezoning should be allowed to accommodate a structure that cannot be built within the rules allowed for RM2 buildings.<sup>1</sup> In this case, in addition to seeking RM2 re-zoning, the applicants are also asking for three significant variances. Because the applicants are not proposing a structure that fits within RM2 building requirements, their application should be denied.

**The alley setback variance should be denied**

The alley setback the applicants are seeking of just 15 feet would put the proposed structure too close to alley and pose a privacy concern for neighbors on the south side of the alley. The required setback is 25 feet. Applicants are seeking only a 15 foot setback. Essentially this means that residents of the proposed structure would be peering nearly

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<sup>1</sup> Or, at least, within the footprint and height dimensions of existing adjacent buildings.

straight down into the yards of the homeowners on the south side of the alley. It would also make access to garages behind the property very difficult, especially considering that the applicants have indicated the space between the alley and the building will include above-ground parking.

We note that there are some small single-story garages that were built with similar setbacks several years ago. However those structures do not create a privacy issue and none of them create a parking hindrance for the garages across from them on the south side of the alley. The building proposed by the applicants would be substantially closer to the alley than any occupied or multistory building. Moreover, while some of the smaller structures to the west may not have satisfied current rules if built today, a main purpose of city planning and land use rules is to ensure that communities are enjoyable spaces. Past mistakes should not be allowed to be repeated on a grander scale to the detriment of neighbors.

Additionally, it should be noted that the applicants' figures regarding the setbacks of other buildings on the block--which they use to justify their proposed set-back--are at least partially inaccurate. While we have not measured all of the setbacks, we have measured the distance from the building to the west of the applicant's site to the alley. The distance is exactly, 20 feet and three inches, not 18 feet as the applicants claim—a seemingly small discrepancy perhaps, but it is in fact an 11% increase and demonstrative of some fuzzy math.

Because the proposed setback of 15 feet would place the structure too close to neighbors' properties across the alley, it should be denied. *See attached site-line photo of the north side of the alley as it currently exists.*

#### **The side setback variance should be denied**

The requested side setbacks are also too narrow. Under RM2 zoning rules the project could go as high as 50 feet, provided that the side-set backs are at least half of the building height. While the applicants have curiously chosen not to provide the Committee with the proposed height of the building, their rendering indicates it will be four stories high. Assuming the building is 40 feet high, this means that the set back should be 20 feet on each side, not the six feet requested by the applicants.

While applicants say there is an average of just 12 ½ feet between existing buildings on the block. It is unclear how they reach this average. In fact, these are the distances provided by the applicants (we have not verified these):

10 ft between 1028 and 1024 Grand  
15 ft between 1024 and 1200 Grand  
8 ft between 1200 and 1196 Grand<sup>2</sup>

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<sup>2</sup> We have not included the alleged 0' setback between 1196 and 1192 Grand stated by the Applicants. This is the property that is occupied by the Wedding Shoppe. While the business takes up two addresses, the structures—originally designed as two single family homes—are connected and function as one building. However even including that alleged "0 foot setback" and dividing the above total by 7 instead of 6, the average still comes to a larger number than that stated by the applicants.

16 feet between 1192 and 1186 Grand  
19 feet between 1186 and 1180 Grand  
24 feet between 1168 and 1160 Grand

This yields an average of 15.333 feet (92 ft/6) between existing buildings, excluding the subject site at 1174.

This average is, of course, larger, not smaller than what is sought by the applicants. Moreover, it is significant the addresses toward the western half of the block—which are the buildings with the smallest side-to-side setbacks are occupied with smaller structures, not large apartment buildings. The set-backs required for lower buildings are less than those for tall buildings and thus including them in the average at all is completely misleading.

To be clear, the average between the two pairs of existing large apartment buildings is at least 21.5 feet.<sup>3</sup> This is the only average that is really comparable and only to the extent that applicants' building is the same height as those buildings. To the extent it would be taller (which appears to be their proposal), the setbacks should be wider as is required by city rules, which state that RM2 buildings must have side setbacks equal to half of the building height.

**Applicants are essentially seeking a building height variance without specifically requesting it.**

Cleverly, the applicants have omitted any indication of how tall their proposed structure would be. This is incredibly important because, as noted above, city rules provide that RM2 buildings must have side setbacks equal to half of the building height. If the applicants are allowed to have six foot setbacks without any restriction on height they would essentially get around the height limitations imposed by that formula and could potentially build a 50 foot building with 6 foot setbacks. This would clearly not only be an infraction on neighbors' use and enjoyment of their property, but would be a horrendous eye sore.

The Committee needs to ensure that the proposed building is not allowed to be significantly taller than adjacent buildings. Therefore, the applicants' request for a side setback variance should also be denied for the reason that it would allow the building to exceed height standards as well.

**Applicants' proposal would create congestion and parking issues on the alley and Lincoln Avenue**

Applicants would like everyone to believe that the addition of underground parking will cure all issues regarding the existence of additional vehicles from occupants of this proposed structure. Their confidence is misplaced. First, nine underground parking spots, which are twice the current number of outdoor spots for individual buildings, will result in significantly more traffic on an otherwise busy alley. Second, the demographic conveyed to us by the applicants of multiple college kids occupying individual units of

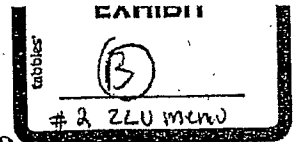
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<sup>3</sup> The number may actually be slightly larger, but this is the average derived from the numbers provided by the applicants.

this structure means that there will be additional vehicles forced to park on the street. This will place more parked vehicles on this section of Lincoln Avenue that is already crowded due to its location near Grand Avenue and the Summit School. It will change the structure of this dead-end street that is enjoyed by adults and children alike. While the residents would consider applying for permit-only parking, it is unclear whether the permit area could be limited to just the houses along the affected area of Lincoln Avenue, or whether it would have to be zone parking, which would likely mean that residents and guests of the proposed structure would be able to use Lincoln Avenue for overflow parking anyway.

For the above stated reasons, we ask that you please deny the request of the applicants in full.

- *Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue*
- *Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue*
- *Winnie Moy, 1185 Lincoln Avenue*
- *Margaret Keefe, 1195 Lincoln Avenue*
- *Josh Peltier, 1167 Lincoln Avenue*
- *Steve Hancock & Jill Stedman, 1200 Lincoln Avenue*
- *Mark King & Jonathan Lubin, 1177 Lincoln Avenue*
- *Mark & Bonnie Genereux, 1165 Lincoln Avenue*
- *Andy & Gina McCabe, 1186 Lincoln Avenue*
- *Karyn Wrenshall, 1201 Lincoln Avenue*
- *Carol & Joe Bell, 1196 Lincoln Avenue*
- *Tom & Kristi Kuder, 1176 Lincoln Avenue*
- *Laura & Ryan Willemsen, 1180 Lincoln Avenue*



**UPDATED MEMO IN OPPOSITION TO PROPOSED REZONING AND  
VARIANCES FOR 1174 GRAND AVENUE**

ATTN: Summit Hill Zoning and Land Use Committee  
CC: Tom Beach, Jamie Radel and Yaya Diatta (City of St. Paul)  
FROM: Below-signed residents  
DATE: June 30, 2015

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The below signed residents continue their opposition to the application for redevelopment submitted for 1174 Grand Avenue and urge you to vote against it.

The applicants came before this Committee last month with a packet of information aimed at convincing you that their proposed project is in line with current building patterns and sizes on the block. While the applicants have made some small changes in the interim, it remains the case that 1) the applicants have failed to submit critical information regarding the height of their building necessary to accurately evaluate their proposal; 2) the applicants continue to provide inaccurate comparative information regarding dimensions of other structures on the block; and 3) the proposed project is inappropriate for the neighborhood. We ask you to re-read the prior memo submitted by our neighborhood (which remains largely on point) and to consider the additional points made herein when evaluating the applicants' proposal.

**Because the applicants continue to refrain from committing to a height for their project, this Committee should vote against their application.**

Among the most problematic issues with their application, is that the applicants continue to refrain from committing to a height for their project. Because the applicants have not committed to a building height, we can only speculate that the side setbacks (normally half of the building height) should normally be anywhere between 15 to 25 feet.<sup>1</sup> Under the RM2 zoning applicants are seeking, if proper side setbacks and other requirements are met, some buildings can be built as tall as 50 feet. This means that if they are allowed to have 7.5 foot side setbacks, the applicants are asking for something between 7.5 to 17.5 foot side set-back variances. Without knowing how tall the building is, this Committee cannot know the amount of the side set-back variances the applicants are seeking. Given this critical omission, the Committee must vote against this application.

Moreover, if the applicants are allowed to have seven and a half foot setbacks without any proportionate restriction on height, they could potentially build a 50-foot tall building with 7.5 foot set backs without having to specifically seek a height variance. Even the applicants admit the possibility of a 50-foot tall building in their materials. While they claim they "would like to avoid going that high" they have not made a commitment not to do so, thus we can only assume the worst, especially given the lack of transparency we have encountered to date. **This Committee must hold the applicants to a firm height limit so that it can accurately calculate the size of the proposed side setback variances and so that it can ensure the side-setback to height ratio is enforced.** Without that information, the applicants' proposal must be denied.

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<sup>1</sup> This is based on the assumption that the building will be at least 30 feet tall and up to 50 feet tall.



**The applicants continue to provide inaccurate comparative information regarding dimensions of other structures on the block.**

The applicants claim that the footprint of their building will be 8% larger than the average of the four adjacent apartment buildings. This is completely inaccurate. In fact, even relying on the dimensions provided by the applicants (which we have not verified), the adjacent buildings have the following widths and lengths:

1160 Grand: 104' x 40' = 4160 square feet  
1168 Grand: 104' x 40' = 4160 square feet  
1180 Grand: 110' x 42' = 4620 square feet  
1186 Grand: 110' x 43' = 4730 square feet

**This means that the average size footprint is 4,417.5 square feet. At 5,175 square feet the footprint of applicants' project is in fact 17.15 % larger than the adjacent buildings, not 8% as the applicants claim.**

Moreover, their purported "scaled concept" rendering of the proposed structure and the adjacent apartment buildings is also inaccurate. Again, even assuming the developers' measurements are correct, it is clear the rendering is not representative of how the block will look after the project is complete. For example, the developers claim there is 24 feet between the pair of buildings at 1160 and 1168 Grand and 19 feet between the pair of buildings at 1180 and 1186 Grand. This means that the distance between the eastern pair of buildings is 1.26 times greater than the distance between the western pair. However, in the rendering the developers depict the distance between the eastern pair of buildings as 1.5 centimeters and the distance between the western pair as 1.3 centimeters, thus depicting the ratio of the eastern pair as just 1.15 times the size of the eastern pair. Given that the even the "known" numbers in the purported scale rendering are not accurately depicted, it must be disregarded as at best, sloppy, and at worst, deceitful. At any rate, it cannot be relied upon to give a clear idea of how the proposed building will look in relation to the existing adjacent structures.

Furthermore, the rendering does not show the rear elevation or overhead view which would clearly demonstrate that this project will jut considerably farther towards the alley than the existing adjacent buildings. Moreover, given that the applicants have not committed to a height, or even an upper limit of height for that matter, the purported "scale" rendering can certainly not be relied upon in anyway for a depiction of height

Because, critical information supplied by the applicants is inaccurate, the Committee must vote against the applicants' proposed project.

**The proposed project is inappropriate for the neighborhood.**

As clearly set forth in our prior memo, what we do know is that the proposed project will be the tallest building on the block and take up the largest foot-print. In this case, in addition to seeking RM2 re-zoning, the applicants are also asking for three significant variances (alley, east side, west side), as well as what amounts to a height variance.<sup>2</sup> Here are the three key things to keep in mind when evaluating the appropriateness of the applicants' request:

<sup>2</sup> We do not view the requested front setback variance to allow the proposed building to match the setback of the adjacent buildings as "significant" nor do we oppose that specific request.

- The alley setback the applicants are seeking of just 15 feet are insufficient. The required setback is 25 feet. The building proposed by the applicants would be substantially closer to the alley than any occupied or multistory building. The proposed multi-story structure would be far too close to alley and pose a privacy concern for neighbors on the south side of the alley. It would also add undue burden to an overly busy dead-end alley. The applicants continue to ask you to rely on an average number they calculate using setbacks for the garages behind small non-RM2 properties justify their proposed alley setback. This is misleading and should be completely disregarded.
- Even if the proposed building was comparable in height to the adjacent properties (which we assume it will not be), the side setbacks would be too narrow. While the amount of the setback variance the applicants are seeking is unknown, because the applicants have not provided the height measurement necessary to calculate that amount, we do know that the applicants are proposing that the distances between their project and the adjacent buildings would be just 17.5 feet on the west side (7.5 feet + 9 feet) and 16.5 feet on the east side (7.5 feet + 10 feet). To be clear, the average between the two pairs of existing adjacent apartment buildings is 21.5 feet. These are currently the tallest buildings on the block. To the extent applicants' building would be taller than those buildings (which appears to be their proposal), the setbacks should be wider as is required by city rules, which state that RM2 buildings must have side setbacks equal to half of the building height. The applicants' calculated average of side setbacks on the block including much smaller buildings remains misleading and is in no way appropriately comparative.
- As outlined above, if the applicants are allowed to have seven and a half foot setbacks without any proportionate restriction on height, they would essentially get around the height limitations imposed by the 1:2 side set-back to height ratio required by code and could potentially build a 50 foot tall structure. To maintain the character of the area and the privacy of neighbors living behind the proposed property, height restrictions and setback requirement variances should not be allowed to build a property larger than the existing historical apartment buildings on the block.

To be clear, while we are opposed to the applicants' project, we note that we are not against redevelopment or rezoning *per se*. However, we do not believe rezoning should be allowed to accommodate a structure that cannot be built within the rules allowed for RM2 buildings—or at least within the footprint and height dimensions of existing adjacent buildings.

For the above-articulated reasons, the undersigned urge this Committee to vote against the current application for rezoning and development of 1174 Grand Avenue.

Signed:

- ***Andrew Rorvig & Amanda Karls, 1171 Lincoln Avenue***

- *Lyndon Shirley & Christy Shirley, 1187 Lincoln Avenue*
- *Winnie Moy, 1185 Lincoln Avenue*
- *Margaret Keefe, 1195 Lincoln Avenue*
- *Josh Peltier, 1167 Lincoln Avenue*
- *Steve Hancock & Jill Stedman, 1200 Lincoln Avenue*
- *Mark King & Jonathan Lubin, 1177 Lincoln Avenue*
- *Mark & Bonnie Genereux, 1165 Lincoln Avenue*
- *Andy & Gina McCabe, 1186 Lincoln Avenue*
- *Karyn Wrenshall, 1201 Lincoln Avenue*
- *Carol & Joe Bell, 1196 Lincoln Avenue*
- *Tom & Kristi Kuder, 1176 Lincoln Avenue*

4/29/13		Front	Yard	Set back
		for	Grand Ave	
(South side between Dunlap & Ayde Mill Rd)				
1160	20' 8"	✓		
1168	21' 9"	✓		
1174	28' 8"	✓		
1180	22' 6"	✓		
1186	23' 3"			
1192	23'	✓		
1196	25' 3"	✓		
1200	25' 3"	✓		
1204	25' 3"	✓		
1208	23' 3"	=	240.7	
KE 9-6-12				
240.7				
241'				
24'				
9' 6" side back				

for  
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