

city of saint paul
planning commission resolution
file number _____
date _____

WHEREAS, Schurmeier Lofts LLC, Ed Conley, File # 16-085-721, has applied for a rezoning from I1 industrial to B5 central business-service under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 328 – 330 9th St E, Parcel Identification Number (PIN) 31.29.22.41.0183 et seq, legally described as CIC No 366 The Schurmeier Loft; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, 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 owner of the structure, Edward Conley, representing Schurmeier Lofts LLC, has submitted a request to rezone the property at 328 - 330 9th Street E from I1 light industrial to B5 central business-service in order to accommodate the use of the property as 36 to 42 market-rate rental units. Rezoning is required because I1 light industrial does not permit strictly residential uses.
2. The proposed zoning is consistent with the way this area has developed. This property is located adjacent to downtown and near the Lowertown area, an area that has redeveloped from mostly industrial uses to a mix of uses including residential, offices, and services, a change in use that has started to spill over to the area known as "Lafayette Park," in which this property is located. The intent of the B5 central business-service district is to provide necessary services for the population area which is served by all of the previous business districts. Such service establishments often involve objectionable influences, such as noise from heavy service operations and large volumes of truck traffic, and are thus incompatible with the previous business districts. The district provides for wholesaling, restricted manufacturing and other business uses which are needed in proximity to the central business district and require central location to permit serving of the entire city. Rezoning to B5 central business district would permit the structure to be used as a multi-family structure, as proposed, and retain the ability to use the property for the use(s) for which it was originally constructed.
3. The proposed zoning is consistent with the Comprehensive Plan. The 2010 City of Saint Paul Comprehensive Plan guides this area for "Mixed Use Corridor," which includes areas where two or more of the following uses are or could be located: residential, commercial,

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retail, office, small scale industry, institutional and open space uses. The uses in these corridors may be within a building or in buildings that are in close proximity to each other. It is consistent with Land Use Policy 1.2 *“Permit high density residential development in Neighborhood Centers, **Mixed-Use Corridors**, the Central Corridor, and Downtown.”* Residential development in Mixed-Use Corridors should be at a density of 30-150 units per acre. This project will be about 45 units per acre. The proposed zoning is also consistent with the Northeast Corridor Development Plan Summary (2005) which seeks infill development in the area known as Lafayette Park, including a more pedestrian-friendly environment. More residential uses and the ability to have fewer industrial uses in this area may facilitate such infill development and improve the pedestrian environment.

4. The proposed zoning is compatible with surrounding uses. As stated in Finding 3, this property is located adjacent to downtown and near the Lowertown area, an area that has redeveloped from mostly industrial uses to a mix of uses including residential uses and service businesses, a change in use that has started to spill over to the area known as “Lafayette Park” where this property is located. The surrounding uses are light industrial, office, service, retail, and residential uses that are listed in the use table as “permitted” in the B5 central business service district. B5 permits all uses in the previous business districts and all I1 uses.
5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term *“applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.”* This is not spot zoning and, in fact, permits the use of an existing vacant building as its intended use.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of Ed Conley, representing Schurmeier Lofts LLC, to rezone property at 328 – 330 9th Street E from I1 light industrial to B5 central business-service district be approved.

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WHEREAS, St. Paul Hotel Ventures LLC, File # 16-085-666, has applied for a conditional use permit for a building height of 45 ft., providing for a 55 ft. height for portions of the building set back more than 10 ft. from setback lines under the provisions of § 66.331 and § 61.501 of the Saint Paul Legislative Code, on property located at 200 Grand Ave, Parcel Identification Number (PIN) 01.28.23.41.0003, 0004, 0013, 0014, 0017 and 0018, legally described as Samuel Leeches Addition, Block 2, Lot 1 except the E 75 ft. thereof, Lot 2, Lot 3, Lot 12, the E. 62.5 ft. of Lots 13 and 14, and the S 40 ft. of Lot 13; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, 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. St. Paul Hotel Ventures, LLC has applied for a conditional use permit for a building height of 45 ft., which will go up to 55 ft. in specific locations where the building is set back from side and rear property lines by 10 or more feet.
2. The applicant wishes to build a five-story Residence Inn hotel with 100 guest rooms, a one-meal-a-day lobby restaurant serving hotel guests only, a small meeting space, a pool and fitness room, and back-of-house support facilities.
3. § 66.331 states that the maximum building height for a non-residential or mixed-use building in the T2 district is 35 ft., subject to footnotes (e) and (f). § 66.331(f) allows for the maximum building height to increase to 45 ft. with a conditional use permit, and §66.331(e) allows for additional height beyond 45 ft. equal to additional setback from side and rear setback lines. § 66.331(k) requires 6 ft. setbacks from interior lot lines for walls containing windows, and provides for a setback easement to be recorded in lieu of this requirement. The applicant is proposing setbacks from interior lot lines as follows: 23.1 ft. on the west; 39.7 ft. on the south; and 13.3 ft. on the north, where there will be a setback easement.
4. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Saint Paul Comprehensive Plan identifies this parcel as part of a Mixed-Use Corridor, targeted for higher-density, mixed-use development. The *District 9 Area Plan Summary (2010/2013)* recommends concentrating commercial activity at key nodes along W. 7th, including

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Grand Avenue. The District 9 Plan also calls for new commercial construction and building rehabilitation to comply with design guidelines to ensure compatibility with the scale, proportion and character of existing buildings, and to generally lessen the impact on adjacent residential uses.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition can be met subject to conditions based on review by the Department of Public Works as part of City site plan review pertaining to use of the alley, avoiding creation of a dead-end alley, and access to and from Smith Avenue. The site plan submitted with the conditional use permit application shows ingress to a rear surface parking lot from Leech Street, and shows ingress and egress via the alley to W. 7th Street. The site plan also shows 2-way traffic in the portion of the parking lot on Lot 12 at 362 Smith Avenue, which would provide access to and from Smith. However, the site plan shows the western part of Lot 12 as an “adjacent parking lot.” It should be clarified that Residence Inn parking lot access to and from Smith Avenue will be maintained.

Legislative Code § 69.502 generally prohibits creation of dead-end alleys, and where unavoidable, requires that they be provided with adequate turnaround facilities as may be determined by the Director of Public Works. It appears that egress from the alley to Smith Avenue would be required.

- (c) *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.* This condition is met. The proposed extended-stay hotel is compatible with the type and scale of development in the immediate neighborhood. United/Children’s Hospitals has a dense campus across Grand Avenue, and uses on W. 7th in the immediate neighborhood are auto-oriented/non-residential.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The applicant has indicated that, while a separate project, the Hope Engine House next door is planned for “amenity functions” and public spaces related to the hotel.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Paul Hotel Ventures LLC for a conditional use permit for a building height of 45 ft., providing for a 55-ft. height for portions of the building set back more than 10 ft. from setback lines, at 200 Grand Avenue, is hereby approved, subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. The applicant shall demonstrate, as part of City site plan review, how the project design will comply with the design guidelines contained in the *District 9 Area Plan Summary*.
3. Adequate ingress and egress to the rear surface parking lot shall be provided, including clarification that Residence Inn parking lot access to and from Smith Avenue will be maintained, subject to City site plan review and approval.

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WHEREAS, St. Paul Tennis Club, File # 16-064-562, has applied for a conditional use permit for replacement of the existing clubhouse and pool facilities under the provisions of § 61.501 and §65.235 of the Saint Paul Legislative Code, on property located at 1055 Osceola Avenue, Parcel Identification Number (PIN) 02.28.23.33.0132, legally described as Bryants Park Addition No 4, Lots 7 and 8, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, 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 Saint Paul Tennis Club would like to replace its current club house, swimming pool, and swimming-pool related facilities. The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces. The new building will also include a rooftop deck. The replacement of the building triggers the need for a CUP for this use. § 61.503 identifies changes that require a new CUP. Item (d) states “the building containing a conditional use is torn down and a new building is constructed...”
2. The club intends to maintain the same hours of operation after the renovation. The swimming pool is open between Memorial Day and Labor Day from 8:00 a.m. to 9:00 p.m., and the tennis courts are opened from Monday – Saturday from 7:00 a.m. to sunset and Sunday from 8:00 a.m. to sunset during temperate weather.
3. The subject property is located in a State Historic district. Under Minnesota Administrative Rules 4410.4300 Subp. 31, any whole or partial demolition of contributing buildings in state or federal historic districts need to go through a state environmental review process prior to the city granting a demolition permit. The club is working with the State Historic Preservation Office (SHPO) to determine if the clubhouse is a contributing structure to the historic district; SHPO has not yet made its determination.
4. § 65.235 lists three standards that a noncommercial recreation facility must satisfy:
 - (a) *The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.* This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted “clubs” at this location. The use was expanded to include the swimming pool and the current

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club house in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, it has legal nonconforming status.

- (b) *All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.* This condition is met. The site plan shows that non-hardscaped areas will have grass planted and that the hedge row between the fence and sidewalk on the south side of the property will be maintained and new trees planted. The applicant has agreed to maintain the landscaping in a healthy condition. No parking will be located in the minimum setbacks.
 - (c) *Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.* This condition is met. The submitted site plan shows a six-foot fence in spaces between the buildings with a controlled gate. The remainder of the fence around the pool is comprised of 8-foot fences that separate the pool area from the tennis courts and follow the perimeter of the site.
5. § 61.501 lists five standards that all conditional uses must satisfy:
- (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The club is located in an area guided as “established neighborhood.”
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.
 - (c) *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.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.
 - (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties and as it is not expanding is not expected to do such in the future.
 - (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Paul Tennis Club for a conditional use permit for replacement of existing clubhouse and pool facilities at 1055 Osceola Avenue is hereby approved subject to the following conditions.

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application;
2. No construction permits may be issued until the State Historic Preservation Office determines that an environmental review is not required or until an environmental review is completed under Minnesota Statute 116D if an environmental review is required; and
3. Landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.

ZC # 16-064-562

Summit Hill Association

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

October 19, 2016

Jamie Radel, Senior Planner
Department of Planning & Economic Development
25 W. 4th Street #1300
Saint Paul, MN 55102

Dear Ms. Radel,

RE: 1055 Osceola (St. Paul Tennis Club) Conditional Use Permit Request

I am writing in regards to the Conditional Use Permit request from the St. Paul Tennis Club and their request to remove and reconstruct their swimming pool, remove and reconstruct the locker room building and the check-in building with a roof-top deck and remove and reconstruct retaining walls and fences in conjunction with the construction.

The item was heard in front of our Zoning and Land Use Committee on 10.18.2016 with several representatives for the applicant in attendance as well as some neighbors from the area. We have also received several correspondence both in favor of the project, and in opposition to the project as currently proposed. It was widely noted that the St Paul Tennis Club is a long standing member of the community, and that the continuation of operation of the club and maintenance and upgrading of their facility is appropriate. A point of concern came with the addition of the roof top deck, which was seen as a change in how the club has been experienced from those outside of the club's grounds.

After discussion with the applicants, neighbors as well as deliberation by the committee members the Summit Hill Association Zoning and Land Use Committee recommends approval of the conditional use permit with the recommended conditions put forth by staff in their review with the following changes.

- That there be a condition that the Saint Paul Tennis Club provide a policy that can be presented to and approved by 60% of the neighbors within 300 feet on policies the St. Paul Tennis Club will put in place to address the use of the rooftop deck.
- That the cities recommended condition in regards to fencing be changed to allow for fencing of 8' in height to be allowed and maintained around the proposed portion of the property.
- That the Saint Paul Tennis Club continue to engage in good faith efforts with adjoining properties to resolve issues with the fencing that is to be located along those shared property lines.

Please let me know if you have any further questions or need anything else from me. I can be reached at 651-222-1222 or info@summithillassociation.org.

Thank you for your assistance.

Sincerely,

Philip Wahlberg

Zoning and Land Use Chair, SHA

Enc. (1) Public Comment Records – 1055 Osceola Conditional Use Permit
CC: Council Member Rebecca Noecker, Applicant, ZLU Committee

Englund, Cherie (CI-StPaul)

From: Radel, Jamie (CI-StPaul)
Sent: Wednesday, October 19, 2016 2:55 PM
To: Englund, Cherie (CI-StPaul)
Subject: FW: Comments Regarding St. Paul Tennis Club Conditional Use Permit

Please forward this on to the Zoning Committee members.

-----Original Message-----

From: Eeichten [<mailto:eeichten@gmail.com>]
Sent: Wednesday, October 19, 2016 1:32 PM
To: Radel, Jamie (CI-StPaul)
Subject: Comments Regarding St. Paul Tennis Club Conditional Use Permit

To: St. Paul Planning Commission Zoning Committee

We are homeowners living directly across Osceola Street from the St. Paul Tennis Club. Both of us have lived in our homes for 43 years. As Tennis Club supporters, we believe it has contributed to the health of our community.

For over 100 years, the Club has blended nicely into the immediate residential neighborhood. Often called "The Hidden Jewel", the Club has neither stood out visually, nor been excessively noisy. Club management has been willing to work with neighbors to remain unobtrusive, neighbors have supported the Club.

While the Club's new building plan has some positive features, a glaring exception is the roof-top deck. That proposed deck threatens to become a detriment to the historical character of the Club blending into the immediate residential neighborhood.

There is already going to be an increase in neighborhood noise due to the plans to elevate the pool to street level. The roof-top deck will add a considerable amount of noise from above as adults and children gather there to eat, drink, and talk (often loudly). Some Club members have already been planning their future parties on the deck. Members are able to bring alcohol into the Club and the use of alcohol is unregulated.

No longer a "Hidden Jewel", the roof-top deck will be visible from the street and surrounding properties. More importantly, people on the deck will be able to look right into houses and yards of neighbors to the north, south and west. An uncomfortable invasion of privacy.

The Club sits in an exclusively residential neighborhood, not in a business district or in a sports center. The roof-top deck is a new feature being added to the Club, it has not existed before and it is not integral to building a new pool, new clubhouse and office space or updating the tennis courts. Members can socialize/party in other social spaces that are designed around the pool and courts. For those not in the impact zone of the roof-top deck, it is a "fun factor", a nice "extra". For those of us living within that impact zone, the addition of a deck with the capacity to hold 49 people, presents an intimidating challenge.

There are several of us neighbors on the block across from the Club who are retired. We do not leave every day for work and have waited a long time to enjoy our homes and yards. We had looked forward to being outside in our peaceful, private surroundings. We have all accepted the basic noise level from the Club pool and tennis courts these past many years, we will accept the increase of noise associated with the new pool, but we resist being subjected to the needless, additional noise of a roof-top deck and peering eyes.

The SHA Zoning and Land Use Committee recommended, as a condition of the CUP, that the Club work with neighbors to develop reasonable plans for the use of the roof-top deck. Several of us neighbors had hoped that the recommendation would be to delete the deck from the building plans. But we are very willing to work with the Club as SHA has recommended. SHA even offered to mediate the process if necessary. If the Club does not want to work with neighbors as suggested by SHA, we then ask that the CUP be granted with the additional condition that the roof-top deck not be included in the plans.

Thank you very much,
Ellen Eichten
Cheryl Baldwin

Sent from my iPad



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-9007
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

Fence Requirements (Sec. 33.07)

(a) Permit. No person shall construct, or cause to be constructed, any fence in the City of Saint Paul without first obtaining a permit from the building official.

(1) Fee. \$37.00 for the first 200 lineal feet or fraction thereof erected and \$13.00 for each additional 100 lineal feet or fraction thereof.

(2) Site Plan. A site plan must be submitted showing the property lines, location, length, height and type of fence (wood, chain link, etc.) being installed. A survey may be needed if applicant can not locate property markers.

(b) Height of fences. No fence shall be erected exceeding six (6) feet six (6) inches in height above the sidewalk or finished grade of any lot in a residence district or on any lot occupied for residential purposes. The applicant shall ensure that fences and all supporting structures shall be completely within the boundaries of such lot with no portion encroaching onto adjacent property. All fences erected between the front property line and the front setback line as defined in section 60.207 of the Saint Paul Legislative Code shall be no more than four (4) feet in height. One a corner lot of two intersecting streets in a residential zoning district, no fence, wall or other structure shall be allowed above a height of two (2) feet from the sidewalk grade in the triangular area of the lot included within ten (10) feet of the corner along each lot line unless the structure is more than 80% open. Fences for nonresidential uses in residential zoning districts shall not exceed eight (8) feet in height, except fences around tennis courts, which shall not exceed twelve (12) feet in height, back stop fences, which shall not exceed twenty (20) feet in height, and golf range fences, which shall not exceed thirty (30) feet in height. The selvage end of chain link or metal fences shall be smooth; knuckled ends are permitted, twisted ends are not permitted.

(c) Variances. A variance of the fence height regulations may be granted if, after investigation by the building official, it is found that site, or terrain, or nuisance animal conditions warrant a waiver of the height restrictions. An application fee of seventy dollars (\$70.00) is required for each variance request.

(d) Swimming pool fences. All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use. Commercial and multi-family residential swimming pools require approval from the MN Dept. of Health (651)201-4500 or Steve Klemm (651)201-4503.

(e) Barbed wire fences. No barbed wire fence shall be constructed within the city limits of the City of Saint Paul, except for police and correction facilities, unless the following conditions are complied with:

(1) No fence which uses barbed wire may be built in, or abut, a residentially zoned district or built on or abut a lot occupied residentially.

(2) Barbed wire, not exceeding three (3) strands, may be permitted on the top of a fence; providing, that the arms do not project over public property. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.

(3) In all cases where a barbed wire fence is requested, an application shall be made to the building official.

(4) A certificate of insurance indemnifying the City of Saint Paul shall be submitted with the application subject to the approval of the city attorney as to form and in an amount as set forth in Minnesota Statutes, Section 466.04.

(f) Electric fences. No above ground electric fence shall be constructed within the city limits of the City of Saint Paul.

(g) Fences in Historic Districts. If a fence is proposed for a designated Historic Site or within a Historic District, there will be a review by the Heritage Preservation Commission (HPC) staff within the Department of Safety and Inspection (DSI) to ensure that the fence meets the Guidelines of the District. A site plan will be required (typical of all fences) and also an elevation drawing which will illustrate all the details of the fence, including height, general

(See reverse for Inspection Procedure)

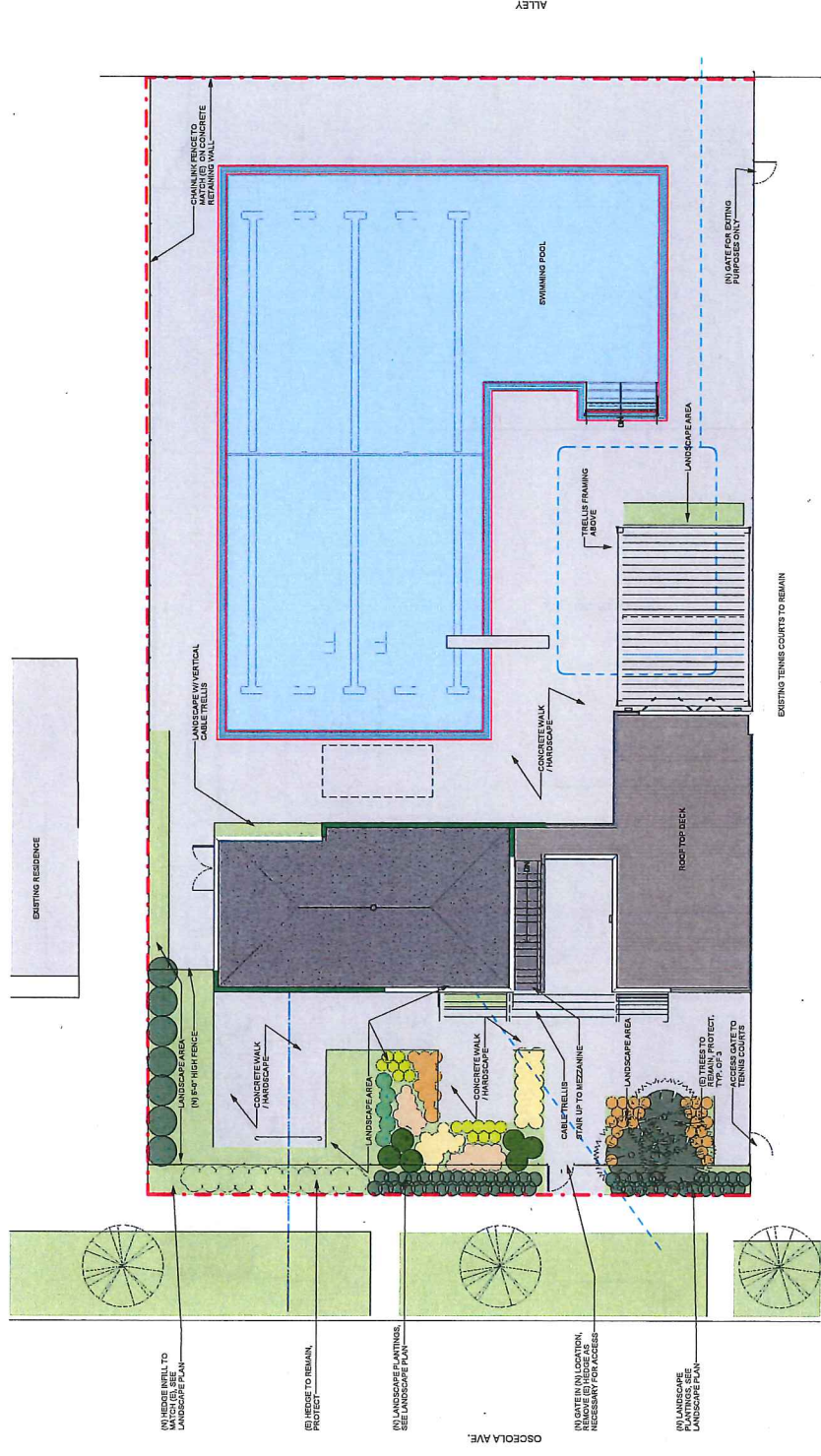
appearance of the fence materials to be used and whether it will be painted or stained. Call 651-266-9090 if uncertain whether a property is in a Historic District. To reach an HPC staff person, call 651-266-9078.

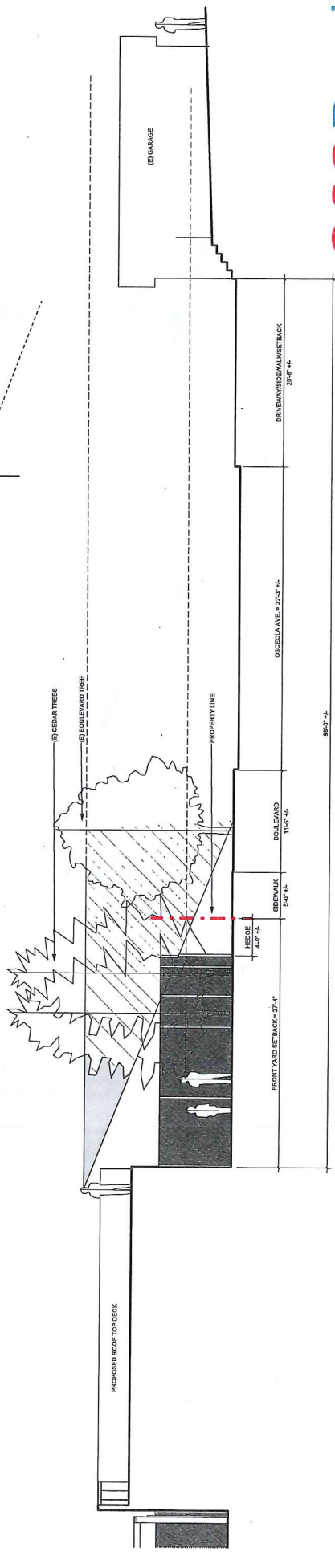
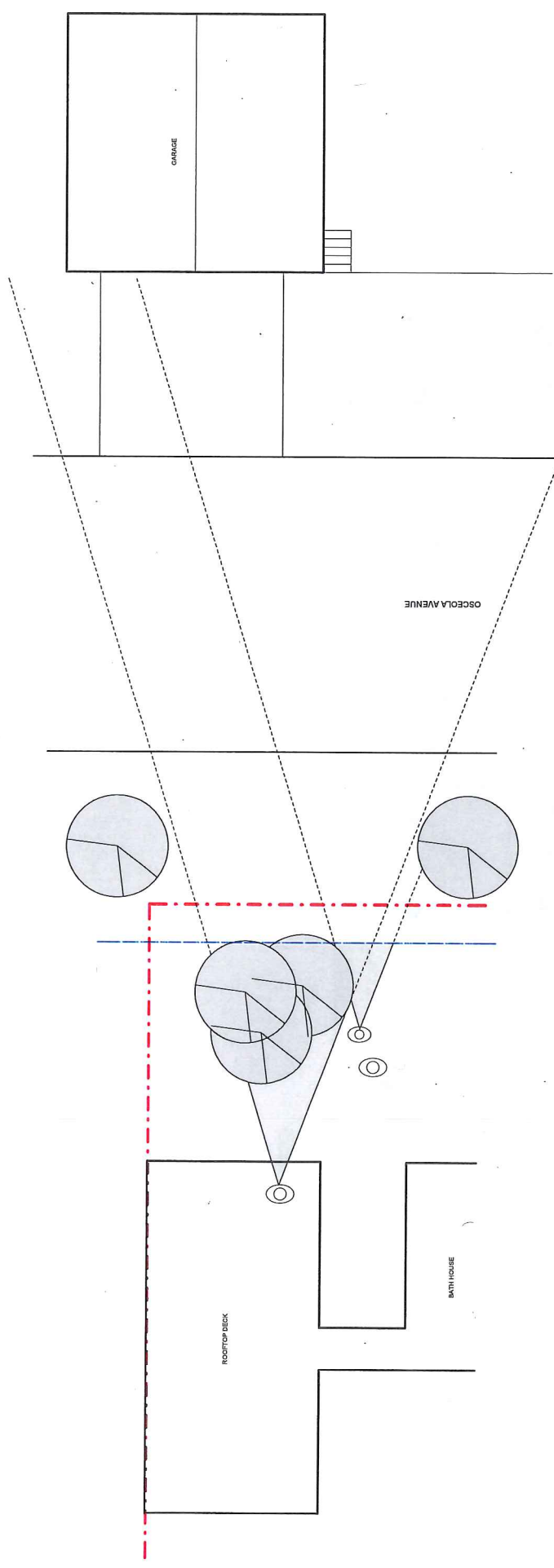
Fence Inspection Procedure:

The contractor (permittee) is responsible to properly locate the property lines, locate property pins or survey property; also for arranging for the required inspections and assuring that the work is completed in compliance with applicable codes and ordinances.

The fence installer is responsible for locating the fence entirely within the boundaries of the property being fenced. If existing property markers cannot be located, the property boundary must be established by measurement from existing benchmarks or by placement of new property markers through a registered survey.

The inspector for your project is identified on the permit inspection card. If there is any question about the acceptability of existing property markers or benchmarks, contact the building inspector between 7:30 and 9:00 am for approval of the markers prior to installing the fence. Contact the building inspector as identified on the fence permit to arrange for a final inspection after completing the fence.





ST. PAUL TENNIS CLUB
 NEW POOL & CLUB HOUSE
 CROSS SECTION AT STREET
 10/18/18
 SCALE: 3/16" = 1'-0"

292Desiç
 292 DESIGN GROUP
 555 E LAK STREET MINNEAPOLIS, MN 55406







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08.04.2016

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date

WHEREAS, Jim Seabold, File # 16-085-577, has appealed a Planning Administrator denial of a proposed lot split under the provisions of § 61.701(c) of the Saint Paul Legislative Code, on property located at 661 Orange Ave W, Parcel Identification Number (PIN) 23.29.23.44.0024, legally described as Rogers Hendrick's Acre Lots, Block 5, Lot 6, except the west 125 feet thereof, and except portions taken for Maywood Street; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, 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. Zoning Code § 69.406(a), *Subdivision review criteria*, specifies criteria that all subdivisions, including lot splits, must meet. It requires attention to lot sizes and arrangements, coordination and compatibility with surrounding development, and economical service with public facilities and services. The dedication and improvement of an alley along the west edge of the subject property is required to complete the alley that has been dedicated and improved on the rest of the block, for the subdivision to be coordinated and compatible with development on the rest of the block, and to provide for efficient access and services to property along the alley for residents, trash haulers, utility and communication system services, and emergency respondents. The proposed lot split would not dedicate the alley right-of-way required to complete the long alley that has been dedicated in prior subdivisions of this block, which is the reason the proposed lot split was denied by the Planning Administrator.
2. §69.502(c) of the Subdivision Regulations states, "*Generally, dead-end alleys shall be prohibited, but, where unavoidable, shall be provided with adequate turnaround facilities as may be determined by the director of public works.*" The alley on this block currently has a dead-end because it has been developed incrementally due to the piecemeal subdivision history of the block. The original 1883 plat of this area, Rogers and Hendrick's Acre Lots, did not include alleys because alleys were not necessary to provide efficient and economical public services and facilities for such large lots. Subsequent subdivisions into smaller lots have included the dedication of the alleys to provide for efficient and economical access and services to the smaller lots. This is a pattern seen on other nearby blocks as well. On this particular block, an alley was added starting with Coleman's Subdivision of the north half of the block in 1886 and continued with Cannon's Plat

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adjacent to 661 W. Orange in 1942. Dedication of alley right-of-way along the west edge of the property at 661 W Orange is required to complete the long alley that has been dedicated in prior subdivisions of this block, in coordination with prior subdivisions, so it is no longer a dead-end alley. Splitting the lot as proposed would preclude ever completing the alley.

3. § 69.301 states that platting is required when a subdivision requires paved streets, alleys, and other public improvements or services. The proposed subdivision requires an alley.
4. § 69.304 specifies conditions for lot splits when platting is not required. These include frontage on an existing improved street, meeting minimum standards for lot width and area, and not creating a nonconforming structure or use. The proposed subdivision meets all of these specified conditions.
5. Zoning Code § 61.701(c) specifies standards and procedures for appeal of Planning Administrator decisions to the Planning Commission, by any person affected by the decision, specifying the grounds of the appeal. The grounds of the appeal specified in an attachment to the application of appeal include the following:
 - The existing house on the lot faces Orange Avenue, as would the proposed new lot. Five other homes within 300 feet face Orange Avenue.
 - The proposed lots would meet zoning code lot area and street frontage requirements.
 - The dead-end alley on this block already exists, there are 3 other dead-end alleys within 2 blocks, and they are proposing better space for leaving the alley.

In the attachment, the appellant says that they are proposing a 25 foot setback from the alley, and suggests that this would help to mitigate the dead-end alley. However, a dead-end alley on this block is not unavoidable.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the appeal of Jim Seabold of a Planning Administrator denial of a proposed lot split at 661 Orange Ave W is hereby denied.

Williams, Josh (CI-StPaul)

From: Jake Rondeau <jrondo4@gmail.com>
Sent: Thursday, October 20, 2016 3:06 PM
To: Williams, Josh (CI-StPaul)
Subject: Como Park - Lot 661 Split - Maywood and Orange Ave W.

Josh,

Good afternoon. My name is Jake Rondeau and I live in the neighborhood of lot 661, which is situated on the Northwest corner of Maywood Street and Orange Avenue W. Specifically, I live on the south side of Orange Avenue, just to the West (1260 Saint Albans Street N). I closed on my home at the end of July. I've heard from several neighbors about the proposal to split this lot (661) and I do not think it is a good idea.

I was house hunting for the better part of 6 months, and I looked at that house (and lot) and determined it wasn't worth the seller's price. The house also was an odd build and was quite unappealing (dare I say, ugly). That has not changed despite the new owner's attempted renovations.

I don't necessarily object to the owner's desire to split the lot, but I do object to the way in which they intend to split it. The split, as proposed, will make for a large corner lot and a very small "center" lot on the north side of Orange Avenue W. If the lot is split in this manner, the buyer will not have enough room to build a house and a garage; if the buyer foregoes building a garage, that means they will be parking on the street. That brings its own challenges and concerns; while they may be superficial, they are concerns nonetheless.

Secondly (and more importantly), I don't honestly think this split will increase the values of the surrounding properties or make the neighborhood better. I believe it will do the opposite. The existing home on lot 661 is an eyesore and a new home on the second lot would have to be situated very closely to the neighboring properties. The builders should be able to meet the necessary setbacks but I fail to see how one could build a desirable home on that new lot under those conditions. So instead of one home sitting vacant because nobody wishes to buy it, we will have two. I fail to see how that is a good thing.

I believe there are other concerns about connecting public utilities to the (proposed) new lot, and that is one other reasonable barrier to this. I do believe that the best option is to demolish the existing house and do a north-south split. This would eliminate an existing eyesore, prevent a new one, and yield two desirable (and very usable) lots. This would return value to the neighborhood and to the great city of St. Paul. I don't feel as though the current owner has the neighborhood or the city's best interests in mind with this proposed split. They are just trying to make a buck.

If you would like to discuss this in greater detail, please let me know. Thank you very much for your time.

Sincerely,

Jacob L. Rondeau
Systems Engineer
612-244-6481 mobile
jrondo4@gmail.com

Williams, Josh (CI-StPaul)

From: john whitlock <thecork@aol.com>
Sent: Wednesday, October 19, 2016 5:01 PM
To: Williams, Josh (CI-StPaul)
Cc: john whitlock
Subject: File #16-085-577 appeal

regarding File #16-085-577 appeal

I am against this appeal. Keep the alley easement in place. Once it's gone, it's gone.

The proposed lot size after splitting seems to be too small. Does it actually fit guidelines for lot size in the city?

The eastern side of the lot could be split out and offer up more space for this proposed new structure.

I do not see logical reasoning for this easement to be terminated save for someone trying to make some money out of it.

I am assuming other neighbors are not happy with the proposal.

I am an area resident. My wife and I live on Dale.

John & Nancy Whitlock, St Paul

Williams, Josh (CI-StPaul)

From: Philippe-O Gallandat <phogallandat@msn.com>
Sent: Thursday, October 20, 2016 2:10 PM
To: Williams, Josh (CI-StPaul)
Cc: Philippe-O Gallandat; Dubruiel, Paul (CI-StPaul)
Subject: FW: 661 Orange Ave E Lot Split Early Notification. File # 16-085-577 Jim Seabold

Hello Sir.

I am forwarding the email previously sent to Mr. Dubruel as my position has not changed.

I was satisfied with the decision not to grant Mr Sarkis request, and was looking forward to meet my potential new neighbors, Sabrina Mauritz and her family, who told her offer for the property had been accepted and were in the inspection phase of the property.

Since then an appeal has been filed against the Planning Administrator decision by the Realtor Jim Seabold on behalf of Mr Ed Sarkis.

This is what Jim Seabold told me yesterday afternoon as he was walking around the neighborhood gathering information.

His question was about whether I would oppose or agree to have the dead end alley extended along the East border of my property.

Further in the conversation he explained that he knows that the City will accept the dividing IF the alley is extended, at 18 feet wide instead of 20, so there would be just enough room to squeeze a buildable lot between it and the existing house.

That is a project that is totally new to me, and I wonder how that alley extension would be paid.

Would the city of St Paul pay to the benefit of one investor?

Would Ed Sarkis pay for it? In which case his profit would diminish even more, since, according to his realtor the actual asking price of the property barely cover his investment.

It is , to my opinion, unfortunate to try to maximize one's profit to the detriment of others. When Mr. Sarkis purchased the property earlier this year, his first move was to destroy a nice little summer house structure sitting on the part of the land that is now in question, a pavilion that had good bones and could have been a charming asset once remodeled.

Same with the deck from the sliding patio windows that have been turned into a narrow balcony, all to obtain sufficient clearance to divide, and make more money.

When one looks at the entire picture, it is clear that the land, with its beautiful trees, in its whole belongs to the existing house and should not be divided.

Thank you for your attention.

Sincerely,

Philippe Gallandat

From: Philippe-O Gallandat
Sent: Thursday, August 4, 2016 5:45 PM
To: paul.dubruiel@ci.stpaul.mn.us
Cc: Philippe-O Gallandat
Subject: 661 Orange Ave E Lot Split Early Notification.

Hello Sir,

This is to follow the phone conversation we had on August 1 2016.

I would like to voice my deep concern in relation to the transformation of the lot.
I own the lot directly West, 1266 ST Albans St N, and have lived there since 1997.

The following are a few concerns that come to mind:

- The property has a **vacant house** on it, that, (besides being an oddly situated, eyesore) is in extremely poor shape, is unhealthy, has water damage and is going to require a substantial amount of **money** and work for it to be of any value to a potential family who would buy it to LIVE in *our* neighborhood .
- It looks like the new owner is not planning to live here and just intends to patch up the house for resale, or rent it to make a profit, and move on to the **detriment of the existing surrounding properties**.
- Even if there is legally enough space for the creation of a new lot, squeezed between the existing house and my property. who knows **what kind of structure** could then be built on it.
- This part of the lot is where all **the trees** are situated, and in order to build on it all would be lost. Those trees are a valuable asset to the health of the neighborhood.
- All this will more than likely affect **the value of my property** (and my neighbors') in a negative way.

Alternatively, I would like to add that if Mr. Sarquis had a plan to tear down the existing house, and split the lot evenly E W instead of N S so a one story individual house facing Maywood could be built on each, it would spare the trees in the back and preserve the financial and aesthetic harmony of our neighborhood.
I would have no objection to such a project.

Sincerely,

Philippe Gallandat