

ZONING COMMITTEE STAFF REPORT

1. **APPLICANT:** Shepard Development LLC **FILES #** 15-007994 and 15-022204
 2. **TYPE OF APPLICATION:** Site Plan Review and Variance **HEARING DATE:** 4/16/15
 3. **LOCATION:** 1475 Davern St. (May be changed to 2751 Shepard Road in the future)
 4. **PIN & LEGAL DESCRIPTION:** 212823420016 Whitneys Re Arrangement Ofbe Vac Fairview Ave Adj And Part Of Lot 28 Steels Subd E Of 7th Blvd And In Sd Re Vac Wheeler St And Leonard Ave Alleys Accruing All Of Gertrude St E Of W L Of Lot 21 Blk 2 And Lots 16 Thru 30 Blk 1 Lots 21 Thru 30 Blk 2 All Of B
 5. **PLANNING DISTRICT:** 15 **PRESENT ZONING:** T3 (recently changed from B2)
 6. **ZONING CODE REFERENCE:**
 - §61.402.c (Site plan review findings)
 - §66.331 (T3 height limit)
 - §68.233 (River Corridor height limit)
 - §61.601 (Variance findings)
 - §68.601 (River Corridor Variance findings)
 7. **STAFF REPORT DATE:** 4/9/15 **BY:** Tom Beach, Larry Soderholm, and Josh Williams
 8. **DATE RECEIVED:** 2/3/15 **DEADLINE FOR ACTION:** 6/3/15 (Extension Letter was sent)
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A. **PURPOSE:**

Site plan review for a new mixed-use development

Variances for building height are requested for a building that would be 73'4" tall:

- Maximum permitted building height in T3 zoning district is 55'
- Maximum building height in RC3 (Urban Open District) is 40'

- B. **PARCEL SIZE:** The site currently under review is 3.98 acres. The area of all the property owned by Shepard Davern LLC is approximately 21 acres (17 acres west of Davern and 4 acres east of Davern.) The applicant has expressed a general intent to develop the remainder of the property in the future, but has not provided any detailed plans.

- C. **EXISTING LAND USE:** Vacant lot. (It was formerly a large parking lot for the US Bank office building. The office and parking lot were demolished in early 2014.) Immediately adjacent to north side of the site is a commercial parking ramp that is used for long-term airport parking.

- D. **PROJECT DESCRIPTION:** The developer is proposing a mixed used building on 4 acres bounded by Shepard Road, Davern Street, the existing parking ramp and a proposed extension of S. Wheeler Street. The developer has expressed a general intent to develop the remainder the former US Bank site in the future, but has not provided any detailed plans. Any future development on the site would likely be guided by a master plan approved by the City Council.

The developer is proposing a 6-story building at the northwest corner of Davern and Shepard Road. It would sit up against the existing parking ramp and hide the south (river) side of the ramp. The building would have 210 market rate apartments and a small commercial space on

Davern. The configuration of the building is a "U" around a courtyard. Parking would be in a two-level, 287-space parking garage. The lower two stories of the building would wrap around the garage. This would hide the garage and put apartments and commercial space on the street level.

Access to the garage would be from Davern and there would be an internal ramp connecting the two levels. The garage would have a door for controlled access, but a few of the spaces would be outside the door and available for the retail space and building visitors. The building would not use parking in the existing adjacent parking ramp, which will continue to be long-term airport parking.

D. SURROUNDING LAND USE:

North: Parking ramp used for long-term airport parking (T3), apartment buildings on Norfolk

East: Parking lot used for long-term airport parking (T3)

South: Crosby Farm Regional Park, across Shepard Rd., part of the river park system (R1)

West: Vacant land (T3)

E. ZONING CODE CITATION:

Site plan review findings	§61.402(c) (11 findings, listed in Section H below)
T3 height limit	§66.331 (55'- p. 8 below)
River Corridor height limit	§68.233 (40'- p. 8 below)
Variance findings	§61.601 (6 findings on p. 8 - 10 below)
River Corridor Variance findings	§68.601 (a descriptive paragraph - p.10 below)

F. HISTORY/DISCUSSION

- The US Bank building was demolished in early 2014 to prepare the site for development.
- The property and the surrounding area were rezoned earlier this year from B2 to T3. The site was in the Shepard-Davern Overlay but this overlay district was removed from the zoning code.

G. DISTRICT COUNCIL RECOMMENDATION: The Community Development Committee of the Highland Community Council will discuss this project on April 9, after this staff report was written. Their recommendation will be presented at the Zoning Committee hearing on April 16.

SITE PLAN REVIEW (Pages 3-8)

H. FINDINGS: Section 61.402(c) of the Zoning Code says that in "order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with" the findings listed below.

1. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*

This finding is met. The future land use map of the Land Use chapter of the Saint Paul Comprehensive Plan identifies the area of the proposed development as part of a Mixed Use Corridor. The Land Use chapter describes Mixed Use Corridors as characterized by a fine grain mix of uses including residential, commercial, retail, office, small scale industry,

institutional, and open space at residential densities of up to 150 dwelling units per acre.

The Shepard Davern Area Plan, an update to the 2007 District 15 Plan, was adopted by the City Council in early 2015. The plan calls for redevelopment of the area's under-utilized land with 3-5 story mixed use development and for a better balance of housing types and tenures, including high quality housing that will act as a neighborhood amenity.

2. *Applicable ordinances of the City of Saint Paul.*

Uses permitted in T3: Mixed use is a permitted use.

Density: In T3 the required FAR is 0.5 to 3.0 for the portion of the property being developed. The proposed building meets this requirement. Not counting the parking under the building, it has 218,815 gross square feet on a redevelopment parcel of 173,548 square feet, for an FAR of 1.26.

Height: Maximum height in T3 is 55' for a mixed use building; maximum height in RC3 River Corridor overlay zone is 40'. The proposed building is 73'4" high and exceeds these height limits. The developer has applied for a height variance. The variance request is covered on pages 8 to 10 of this staff report.

Front setback requirement in T3 is a minimum of 0' and a maximum of 10': This requirement is met. This is a corner lot and for zoning purposes the front is the Davern façade. The setback is measured to the balconies, which are 7' from the property line. (At the sidewalk level, the building is 12' from the property line.)

Sideyard setback requirements in T3: There are no setback requirements, except that if windows or doors face an interior lot line, the building must be set back 6'. On the Shepard Road side, the building is set back 25' from the property line. On the north side, the building is built up against the existing parking ramp to conceal it. On the upper two floors, which are above the ramp, there are north-facing windows in the corridors. However, no setback is required because there is no interior lot line; at this point the new building and the ramp are all on one large parcel.

Rear yard setback requirement in T3: As with the side setback, there is no requirement unless there are windows or doors. This requirement is met. The proposed building has a setback on the S. Wheeler side of approximately 55'.

Parking. The site plan proposes 287 off-street vehicle parking spaces. The required parking is 203 spaces (269 for residential units less 25% in T3 = 201, plus 2 for the retail = 203.) In addition there are spots for 149 bicycles (140 wall-mounted in garage, 8 at sidewalk bike rack, and 1 enclosed in ramp entry space. Only 19 bicycle spaces are required.

Design standards. Staff has reviewed the site plan in relation to the design standards for T3 zones and found that all relevant standards are met.

Parkland dedication. The City's parkland dedication ordinance requires land dedication or a payment for park development either when land is platted or when building permits are issued. In the Shepard-Davern area, the City may want land instead of a payment, but this

has not yet been determined. The decision does not have to be made before a site plan is approved, but will have to be made before building permits are issued.

3. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan and proposed building meet this finding. The Shepard-Davern area is geographically notable because it overlooks the confluence of the Mississippi and Minnesota Rivers, a focal point for human activity from prehistoric times. Despite the site's location directly across the river valley from Fort Snelling, it has no remnants of historical development because until the twentieth century it was in a military reserve and held as open land.

The property is in the River Corridor and deserves careful environmental review. However, it has for decades been a large asphalt parking lot with no significant vegetation or wildlife. The environmental issues addressed under this finding are building height and design and repairing a degraded site so that it makes a beautiful edge where the city meets the Great River Park.

River Corridor Views. The building would have minimal visual impact on the river valley. The applicant submitted a cross section illustration of the river valley and bluff in relation to the proposed building. The building would be visible from the Saint Paul river bluff, which is directly across Shepard Road from the site. It would not be visible from the northern shoreline. During the months when leaves are on the trees, the building would not be visible from the river itself, and would be barely visible from Pike Island's trails. Pike Island is a quarter to half a mile away on the river bottom.

From Fort Snelling across the river to the west, the Shepard-Davern area is not visible from within the fort because the view is blocked by the barracks. It is only visible from the tower. The view is partially obscured by trees, but the top floors of the proposed building would be visible. The tower is half a mile away.

The site is intermittently visible from across the river in Mendota. Highway 13, running near the bluff, is three-fourths of a mile away. When viewed from across the river, Shepard-Davern lies within a panorama dominated by the green of the river valley with ribbons of urban development at the crests of the bluffs on both sides. The proposed building would become another small part of this ribbon on the bluff crests.

It should be noted that Updated DNR rules for the Mississippi River Corridor Critical Area (MRCCA) are expected to be published by June and adopted by the state by the end of 2015. Saint Paul will then be required to adopt a new plan and ordinances for the MRCCA consistent with the state rules. The most recent version of the draft DNR rules shared with City staff would allow heights of up to 65' on the project site, with the potential for greater heights with a conditional use permit based on an analysis of the impacts to views of the additional height.

Several photos are attached showing views of the site from different vantage points.

Edge of the Great River Park. The proposed building is handsomely designed and will cover the existing parking ramp (which is 45' high and an unattractive element of the

Shepard Road views.) The Shepard Road façade is broken into five sections, which alternate between brick and light-colored metal panels, separated by vertical seams of dark copper. Two of the sections are inset from the Shepard Road face. There are ample windows and balconies. Furthermore, the above-grade level of the residents' parking garage is lined with residential units; their front doors face directly onto Shepard, which will help to humanize the road. In summary, the Shepard façade is a rich, contemporary residential design. The Planning Commission should require the plan to be built substantially as shown.

The scale of the building is not out of character for Shepard Road. There are a number of apartment buildings on Shepard Road that are six stories tall that are now at least 25 years old. Larger buildings are appropriate given the sweep of their river setting, the size of land parcels and the speed of Shepard Road traffic.

4. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

This finding is met. The developer owns all of the land around the building so the effects on neighbors will be minimal. In terms of light and shadows, the only building affected by the proposal is the adjoining parking ramp. The apartments on Norfolk are about 250' away.

The proposal has significant benefits for the neighborhood:

- Concealing the long dimension of the existing parking ramp.
- Enclosing and concealing all of the parking for the new building.
- Connecting the neighborhood to the river with a finished streetscape on Davern.
- Committing to S. Wheeler, which will be another street connection to the river.
- Transforming a derelict segment of Shepard Road.
- Potential for a small neighborhood service business.

Effect on neighbor's views. The top stories of the proposed building will be visible from the top stories of some units of the large apartment and condominium buildings on the north side of Norfolk Avenue, but they are far enough away that the new building will be a small element of their panoramas, with less effect on them than the those buildings had, when built a few years ago, on property owners to their north.

The applicant has submitted illustrations of view-sheds from the buildings on the north side of Norfolk Avenue showing how the new building will affect views of the river valley panorama. Only south-facing units located on the fifth floors will lose views, and they will lose only narrow slices of the views they currently enjoy. The effect of this specific proposed building on neighboring properties is reasonable.

5. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

This finding is met; this building is consistent with the use of abutting property. As described in the preceding finding, the owner of this site also owns almost all of the abutting property. The proposed building will have little immediate effect on Norfolk Avenue

properties. As part of this project, a new stretch of S. Wheeler St. will be built running north from Shepard Road to provide service access to the site. This section of the street will be built to City street standards, and it is the intent of the City and the developer that Wheeler Street will be fully built between Shepard Road and Norfolk Avenue in the future; the Wheeler Street right-of-way presently terminates just south of Norfolk Avenue. When completed, the street will provide a public view corridor and improve neighborhood access to the river park system.

6. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

This finding is met. Multifamily buildings are inherently energy conserving because there are fewer exterior walls and less roof area per dwelling unit than in low density development. A large portion of the units have south-facing windows and will gain solar heat. Public transportation is available on Davern and within a reasonable walking distance on W. Seventh Street. A bike path and hiking trail run along Shepard Road. The proposed building will have 149 bicycle parking spaces.

7. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

This finding is met. The building will have 287 parking spaces within the new garage. Ingress and egress to the garage is from Davern. A half-dozen spaces for visitors and retail customers will be open to the public where you enter the garage. The residents' spaces will be controlled by a garage door. Inside, the garage will have two levels connected by a two-way ramp in the center.

At the rear of the building, there will be a driveway from S. Wheeler St. for deliveries, move-ins, and trash collection.

Generally, Shepard Road has a lot of excess capacity. For many decades there have been hundreds of employees at this site and now there are none. The City Traffic Engineer has accepted the site plan in concept. Public Works Traffic is requiring a Traffic Impact Study (TIS) for purposes of a more detailed review of traffic impacts. Also, a Travel Demand Management Plan (TDM) describing steps the building management will take to encourage residents to use alternative modes of transportation is being required by DSI.

The Traffic Engineer will also need to review and approve the details for the construction of S. Wheeler-- e.g., alignment in relation to Crosby Farm Road on the opposite side of Shepard, dedication of the right of way to the city, plan for extending S. Wheeler south from the current terminus just south of Norfolk, design of the public realm including sidewalk width and street trees, and on-street parking regulations.

Davern is an important crosswalk for pedestrians to cross Shepard Road to the river parks and trails. The site plan provides a generous sidewalk at the corner where pedestrians can wait for the light.

As a condition for its approval, the Planning Commission should require approval by the Traffic Engineer of the TIS, TDM Plan, the bus stop relocation, and the details of the new S.

Wheeler St.

8. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

This finding is met. The utility connections are shown on Sheet C4-1. Water service is available in Davern Street, and Saint Paul Regional Water Service has approved the plan. The Saint Paul Fire Department will test the flow rate of the water service and require a modification of the service connection if the flow is less than their standard for fire suppression sprinklers. Final approval from the Saint Paul Fire Department should be a condition of approval.

The proposed sanitary sewer line goes to S. Wheeler and flows north. The developer will have to build this segment of sewer to City specifications, subject to final approval by the City Sewer Engineer.

The proposed site plan shows surface water draining to a pond near S. Wheeler St., rain gardens along the Shepard Road sidewalk, and tree trenches running the length of the Shepard Road boulevard. These features all drain toward the Shepard-Davern intersection, where any overflow outlets to an existing storm sewer.

The south part of the roof appears to drain to underground tanks for an irrigation system. The rest of the roof and the amenity deck drain to tiered gardens on the west side of the building stepping down from the amenity deck toward the pond.

The site plan has been reviewed and approved by the Sewer Engineer, subject to final approval of the sewer work that will be done in S. Wheeler.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.* The site plan meets this finding. The application includes a detailed landscaped plan. Boulevard trees (five different species) will be planted on Davern, Shepard, and S. Wheeler. Sloped areas will be planted with a "native mesic prairie mix" and the boulevards will have turf. The building is set in groupings of ornamental trees, shrubs, and perennials. Many are natives that will support birds and bees. At this point, no detailed plan has been done for the amenity deck, which is mostly hidden from public view. The development would be a great improvement to the edge where the Great River Park meets the city.
10. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan can easily meet this finding, and the applicant has indicated that the minor changes required will be made. The parking ramp for residents requires 7 handicapped spaces; only 6 are shown on the plan. The retail and visitor parking area requires one handicapped space; none is currently shown.

11. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan meets this finding. The plans have been reviewed by the City's Water Resource Coordinator, who has advised them about City requirements. In addition, since

the development is more than an acre in size, the developer will have to get permits from both the Capitol Region Watershed District and the MPCA.

VARIANCES (Pages 8-10)

The proposed building height is 73'4". This requires two variances for building height:

- Maximum permitted mixed use building height in T3 zoning district is 55'.
- Maximum permitted building height in RC3 (Urban Open District) is 40'.

Variance for maximum building height in T3 (Traditional Neighborhood) and RC3 (Urban Open District)

A. To approve any variance, the Planning Commission must find that it meets the following findings:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is met. In the T3 district, heights greater than 55' feet are allowed through either increased setbacks or conditional use permits, except in the river corridor (MRCCA) overlay district. The proposed height is generally consistent with similarly situated buildings along Shepard Road and with other buildings within approximately one half-mile that were constructed on similar shallow bedrock sites.

In regard to development in the RC3 district, Sec. 68.231 of the Zoning Code gives the intent statement for the district:

It is intended that land and waters within this district shall be managed to conserve and protect the existing and potential recreation, scenic, natural and historic resources. Open space provided in the open river corridor is for public use and the protection of unique natural and scenic resources. The existing transportation role of the river in this district will be protected.

The proposed building is consistent with the protection of natural, historic, and recreation resources in the river corridor. As explained above in Finding 3 on page 4, the building would have a minimal visual impact on the river valley and is consistent with the visual character of urban development along the bluffs in this segment of the river corridor. Whereas, the standard for bluff development is 40' landward of the bluffline, this building would be approximately 170' from the bluffline. Apart from the building height limit, the development is consistent with the other standards in the RC3 district (§68.233).

It should be noted that Updated DNR rules for the Mississippi River Corridor Critical Area (MRCCA) are expected to be published by June and adopted by the state by the end of 2015. Saint Paul will then be required to adopt a new plan and ordinances for the MRCCA consistent with the state rules. The most recent version of the draft DNR rules shared with City staff would allow heights of up to 65' on the project site, with the potential for greater heights with a conditional use permit based on an analysis of the

impacts to views of the additional height.

2. *The variance is consistent with the comprehensive plan.*

This finding is met. The future land use map of the Land Use chapter of the Saint Paul Comprehensive Plan identifies the area of the proposed development as part of a Mixed Use Corridor. The Land Use chapter describes Mixed Use Corridors as characterized by a fine-grain mix of uses including residential, commercial, retail, office, small scale industry, institutional, and open space at residential densities of up to 150 dwelling units per acre.

The Shepard-Davern Area Plan, an update to the 2007 District 15 Plan, was adopted by the City Council in early 2015. The vision articulated in the plan calls for redevelopment of the area's under-utilized land with the following: 3-5 story mixed use development; better pedestrian orientation in new development; new development consistent with the character of the neighborhood; and a better balance of housing types and tenures, including high quality housing that will act as a neighborhood amenity. Although the proposed building is a story taller than the range identified in the plan, it is similar in height to existing buildings similarly situated along Shepard Road and within approximately one half-mile, where even taller buildings have been built on similar shallow bedrock sites.

3. *The applicant has established that there are practical difficulties in complying with the provision and 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 met. The proposed development eliminates large off-street surface parking lots, which characterized previous development on the site. The incorporation of resident and commercial tenant parking into the structure allows for an improved relationship of the overall development to the street. It also allows space for significant landscaping along Shepard Road and the proposed S. Wheeler extension. However, due to shallow bedrock, structured parking cannot be buried underground and must be incorporated into the above-ground portions of the building. A taller building is needed to accommodate the residential potential of the site that is being displaced by the above-grade parking garage. This constitutes a practical difficulty. The proposed use is reasonable given the location and zoning of the site.

4. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

This finding is met. The plight of the landowner is the result of shallow bedrock, a condition over which the landowner has no control.

5. *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. The variance allows additional height, but the use itself (mixed use with accessory parking) is a permitted use of the property.

6. *The variance will not alter the essential character of the surrounding area.*

This finding is met. The area has been long developed, and a large commercial building was located just west of the site until its recent demolition. The proposed building is adjacent to an existing parking garage on the site. Allowing additional height will not substantially alter how the site appears as viewed from the area north of Norfolk Avenue. The building is also similar in mass to existing buildings similarly situated along Shepard Road and within approximately one half-mile, where even taller buildings have been built on similar shallow bedrock sites.

Variance for maximum building height in RC3 ((Urban Open District))

The maximum permitted height in RC3 (Urban Open District) is 40'. The proposed building would be 73'4".

- B. To approve a variance to permit a building height of 73'4" in the RC3 (Urban Open District), the Planning Commission must find the variance request meets the following test, spelled out in §68.601:

The burden of proof shall rest with the applicant to demonstrate conclusively that such variance will not result in a hazard to life or property and will not adversely affect the safety, use or stability of a public way, slope or drainage channel, or the natural environment; such proof may include soils, geology and hydrology reports which shall be signed by registered professional engineers. Variances shall be consistent with the general purposes of the standards contained in this chapter and state law and the intent of applicable state and national laws and programs.

This finding is met. The area of the proposed building has long been in urban use and the proposed building will not result in the loss of natural habitat. Previous development immediately adjacent to the site and existing development of similar scale nearby adequately demonstrate that the proposed building will not affect the safety, use, or stability of a public way, slope, or drainage.

Building plans submitted to the City are required to be signed by a registered professional engineer or architect and will confirm among other things that the site has the bearing capacity for the proposed building.

In regard to the general purposes of the development standards for the RC3 district, please refer to variance Finding 1 above, which covers the same point.

STAFF RECOMMENDATION: Based on the findings above, the staff recommends approval of the site plan for a mixed use development at 1475 Davern Street (may be changed to 2751 Shepard Road in the future) with a height variance to allow the building to be 73'4" tall, subject to the following conditions:

1. The building must be substantially as presented and illustrated to the Planning Commission, using materials that are the same or better.
2. Final approval by the Public Works Traffic Division.

3. Final approval by the Public Works Sewer Division.
4. Final approval by the Fire Department of adequacy of water supply for fire suppression sprinklers.
5. Before building permits are issued, the developer shall have an agreement with Saint Paul Parks and Recreation about a parkland dedication or a fee in lieu.

Memorandum

TO: Tom Beach, Saint Paul PED
COPY: Scott Belsaas, Shepard Development, LLC
FROM: Chris Palkowitsch, BKV Group, Inc.
PROJECT: Shepard Development - Phase 1 **COMM. NO.:** 1625.05
DATE: February 3, 2015 – *UPDATED 2/4/15*
RE: Project Description & Variance Request Memo

Mr. Beach,

Project Overview

The Phase 1 building of the Shepard Development is the first planned building on a large parcel of land along Shepard Road at the south edge of the city. A broader master plan for the overall site is in an exploratory phase with city staff. A number of site boundary issues are in process of being reviewed and will impact the final master plan. A few of these issues include the potential realignment of Highway 5 and its connections to West 7th Street, the continuation of Mississippi River Boulevard, potential rapid transit options near the site, and a potential neighborhood park in proximity to the overall development. Due to these varying issues the Phase 1 building has been planned to be located on the northwest corner of the intersection of Shepard Road and Davern Street. This location appears to have the least potential for change. The overall site also has an existing parking structure, and surface parking lots on the east side of Davern both used for airport parking.

The Shepard Development - Phase 1 building is six stories and features 210 luxury apartments, a small flexible retail space, and 290 enclosed parking spaces. The north edge of the building directly abuts the existing parking structure, shielding views of it from the public way. No surface parking is included in the design and will not use on the existing parking structure. The main entry of the building, is located on Shepard Road at the corner of intersection of Shepard and Davern. The flexible retail entry is through a shared entry on Davern. Resident parking is accessed on Davern Street. Loading and garbage access the building on the west side from an access road from the partial Wheeler Avenue extension. (The Wheeler extension will be completed in future phases.) A courtyard amenity deck with mixed with green space and amenity zones. Including exterior workout space, grilling stations, lounging space, a fire pit, a dog run, garden boxes for vegetable growth. The interior amenity spaces will include a club room, a game room, a fitness center, an entry lobby lounge, a bicycle repair location, and a level 6 clubroom and outdoor lounge.

The overall design will bring many positives to the neighborhood and responds to the City of Saint Paul's comprehensive plan and T-3, traditional neighborhood district design standards:

1. The new building will abut the south side of the existing parking garage, screening the large south façade from public view.
2. All building parking will occur within the enclosed structure, no surface parking.
3. Walkup units along the first level shield the parking garage and promote walkability.
4. The first portion of the Wheeler extension will be constructed to include sidewalks and prepare for the future connection to the neighborhood to the north and extension of the site grid.
5. Walkability and landscape upgrades will occur along Shepard Road and Davern. Increasing access around the building and to the river park system.
6. New landscaping will beautify the overall site.
7. Stormwater management is greatly improved as 100% of the phase 1 site will now control its own stormwater.
8. A strong architectural corner will anchor the intersection of Shepard and Davern and is the main entry into the building.
9. High quality exterior materials are used on the public way:
 - a) Architectural cast stone base

- b) Face brick – utility size
- c) Metal Panel – flat and corrugated finishes.
- d) Low – E clear glass windows
- e) Fiber cement – on interior courtyard only

Variance Request

The Shepard Development Phase 1 building is requesting a variance for height. The phase 1 building faces site and financial hardships that are difficult to overcome. Beyond the site constraints the additional height would add much needed density to help offset the development hardships. The site is in the process of officially being zoned T-3, which allows for 55' for a mixed use building. Additionally the site is located with the RC3, river corridor overlay district. RC3 guidelines limit development height to 40', additional height can be achieved with a conditional use permit. Through coordination with city planning staff it was established that this project will be reviewed as T-3 zoning for height, recognizing the updating zoning for the site. Therefore we are applying for a variance only and not a conditional use permit. The additional approved height will have negligible impact upon the river corridor. See Exhibit E for river corridor sections and cross shore site lines.

We are request a variance to the height of 73.5' from average grade plane (107.6' Saint Paul Datum)*, an 18.5' variance from 55'. The concealment of the south face of the existing parking structure and additional site improvements are being done to offset the impact of the building to the neighborhood.

1. The bedrock of the site of phase is between 3'-4' below grade. This does not allow for the parking levels to be constructed below grade. The two parking levels are partially buried (-2.5') but require (18.5') feet above grade. All building parking occurs within the enclosed parking levels, no surface parking. (Note: we are not using the existing garage to park this building.)
2. The site has an existing parking garage with a broadly exposed south facade. The new building will abut the south side of the existing parking garage, screening the large south façade from public view. This requires that a single loaded corridor of apartments is created, which is not an efficient layout. (Additionally this location has minimal impact on the neighboring properties views because of the existing parking structure; it is 44' in height.)
3. The depth of the bedrock also makes utility placement more difficult and costly as parts of it will have to be trenched through the bedrock. Phase 1 also includes additional site utility costs due to change of the use of the site and for routing connections for the future buildings.
4. Fire access to the east side of the building requires that a portion of Wheeler is extended into the site, the roadway is planned to be completed in future phases and deeded to the City of St. Paul, which will extend the city grid to the river. This requires the roadway to be designed to city standards incurring additional costs to the project.

*Average grade plane is the average height of the grade 6' out from the building around the entire perimeter.

Variance Requirements

- ***The variance is in harmony with the general purposes and intent of the zoning code.***

The additional height requested by the variance is due to site hardships, primarily the shallow depth of the bedrock. The use of the building remains mixed use which is within the T-3 zoning allowable uses. The building has minimal impact on the neighbors and broader neighborhood. Additionally the building height will be shielded by trees from views across the Mississippi River shore line, see attached exhibits.

(2)

- ***The variance is consistent with the comprehensive plan.***

The height variance has minimal impact on its immediate neighbors. The buildings along Davern step up in height from 33' at the apartments, to 44' at the existing garage, then 73.5' for the new building. The overall design will bring many positives to the neighborhood and responds to the T-3, traditional neighborhood district design standards. See the project description above for additional information.

- ***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.***

The additional height request is primarily due to the shallow depth of the bedrock. See variance explanation above.

- ***The plight of the landowner is due to circumstances unique to the property not created by the landowner.***

The primary reason for the variance is due to the bedrock being located 3'-4' below grade. It does not allow for the parking levels to be constructed below grade. The two parking levels are partially buried (-2.5') but require (18.5') feet above grade.

- ***The variance will not permit any use that is not allowed in the zoning district where the affected land is located.***

The building is a mixed use building which is within the T-3 zoning requirements.

- ***The variance will not alter the essential character of the surrounding area.***

The additional height requested has minimal impact on the neighbors and broader neighborhood. Additionally the building height will be shielded from views across the Mississippi River shore line, see attached exhibits.

Attachments

Exhibit A:
Shepard Master Plan – Unapproved concept master plan for the entire site.

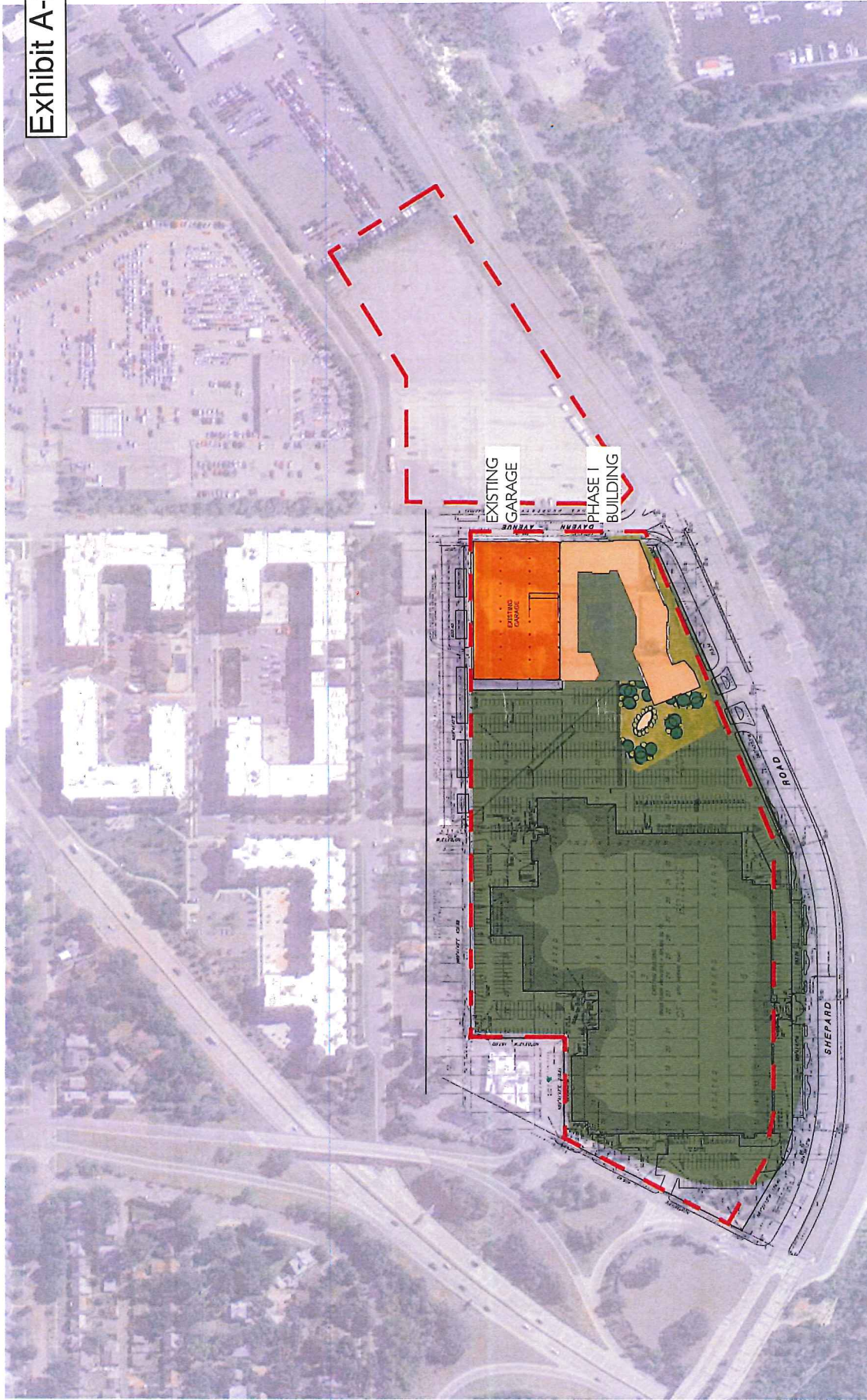
Exhibit B:
Site Location & Context – Site aerials and context images of site, the neighboring buildings, and architectural and historic context

Exhibit C:
Civil, Landscape, and Architectural Plans, Sections, Elevations

Exhibit D:
Perspective Views

Exhibit E:
Sightline Study – Graphic representation of building in context.

(8)



2 - PHASE I BUILDING @ DAVERN
Shepard Road Development Master Plan
10-16-2014
St Paul, MN

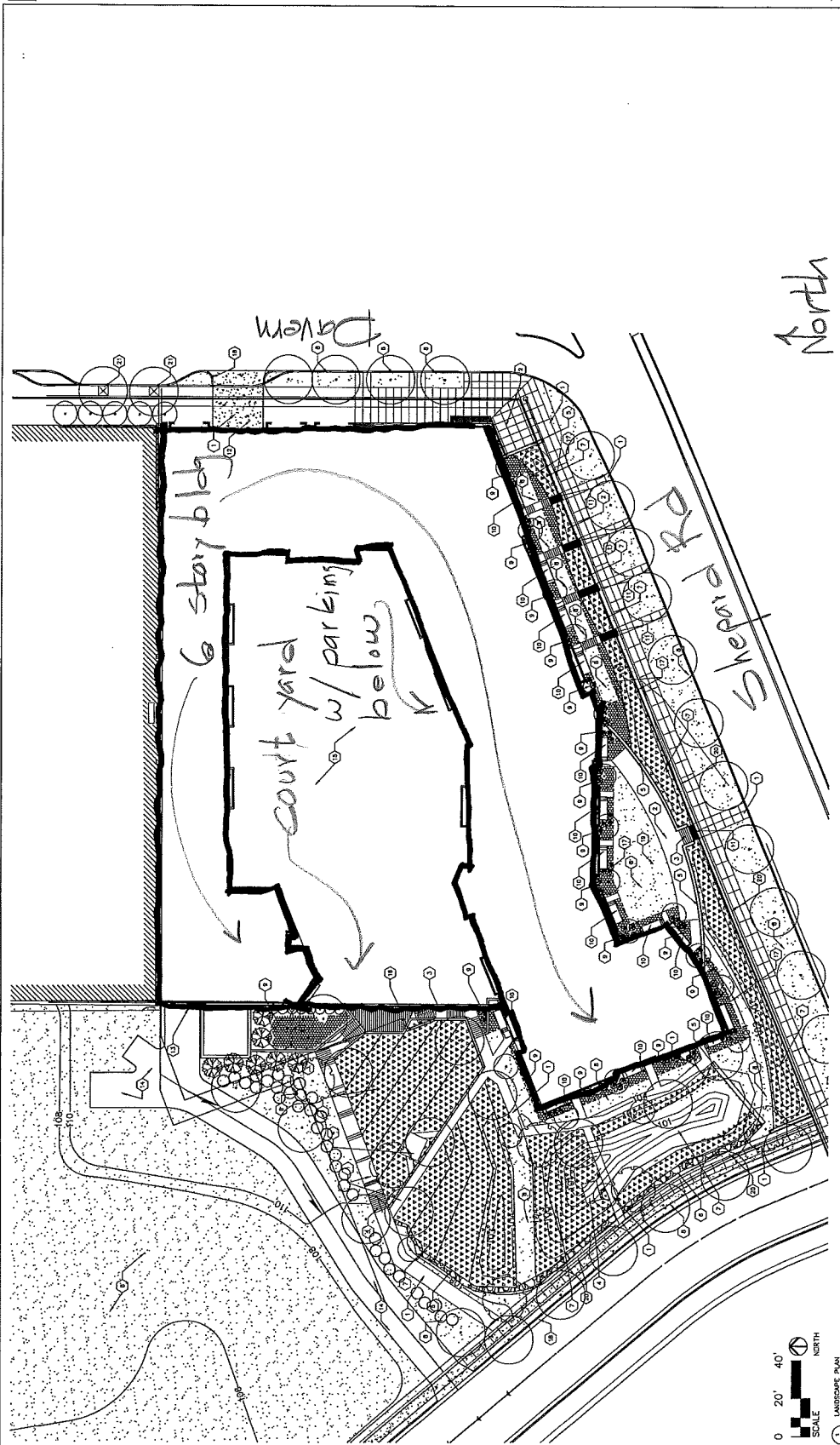
NOT APPROVED MASTER PLAN - FOR
REFERENCE ONLY

BKV
JOHNSON BROTHERS
LIQUOR COMPANY
2 YEARS - 2016

Phase I Bldg
(This is what is currently
under review.)







HATCH LEGEND

- TURF GRASS LAWN
- MAINT. FEEDINGS AND GROUNDCOVERS
- NATIVE MISC. PRARIE MIX

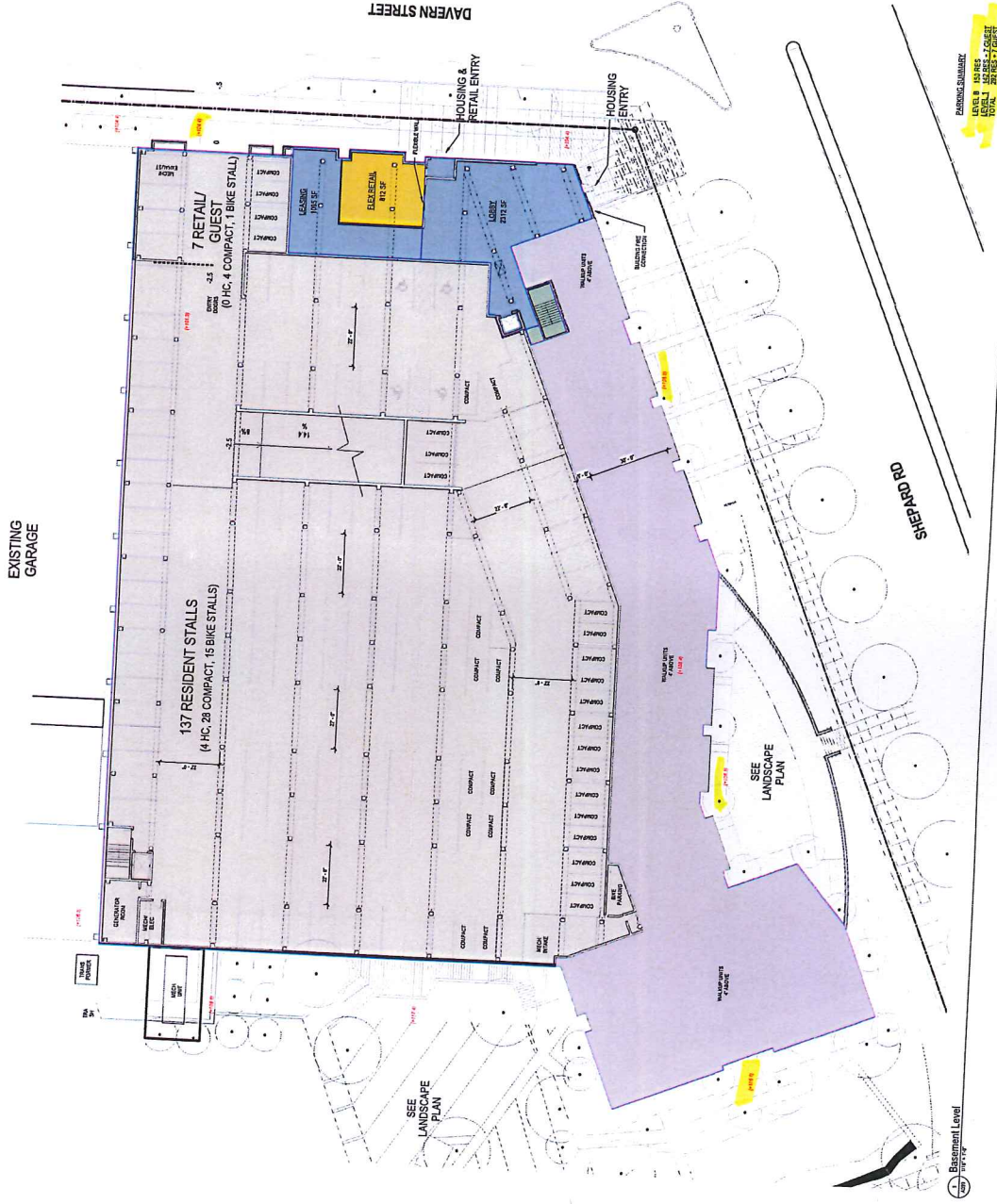
- COURTYARD, RESIDENTIAL, AVENUE DECK
- AVENUE DECK, PORCH, OVERLOOK, WOOD DECKING, METAL, BAL.
- STEEL EDGING
- NEW CURB AND CUTTER
- UNDERGROUND CISTERN FOR HARVESTING ROOF RUNOFF
- 3" MOW STRIP IN FRONT OF RAIN GARDENS
- TREE GRAVE

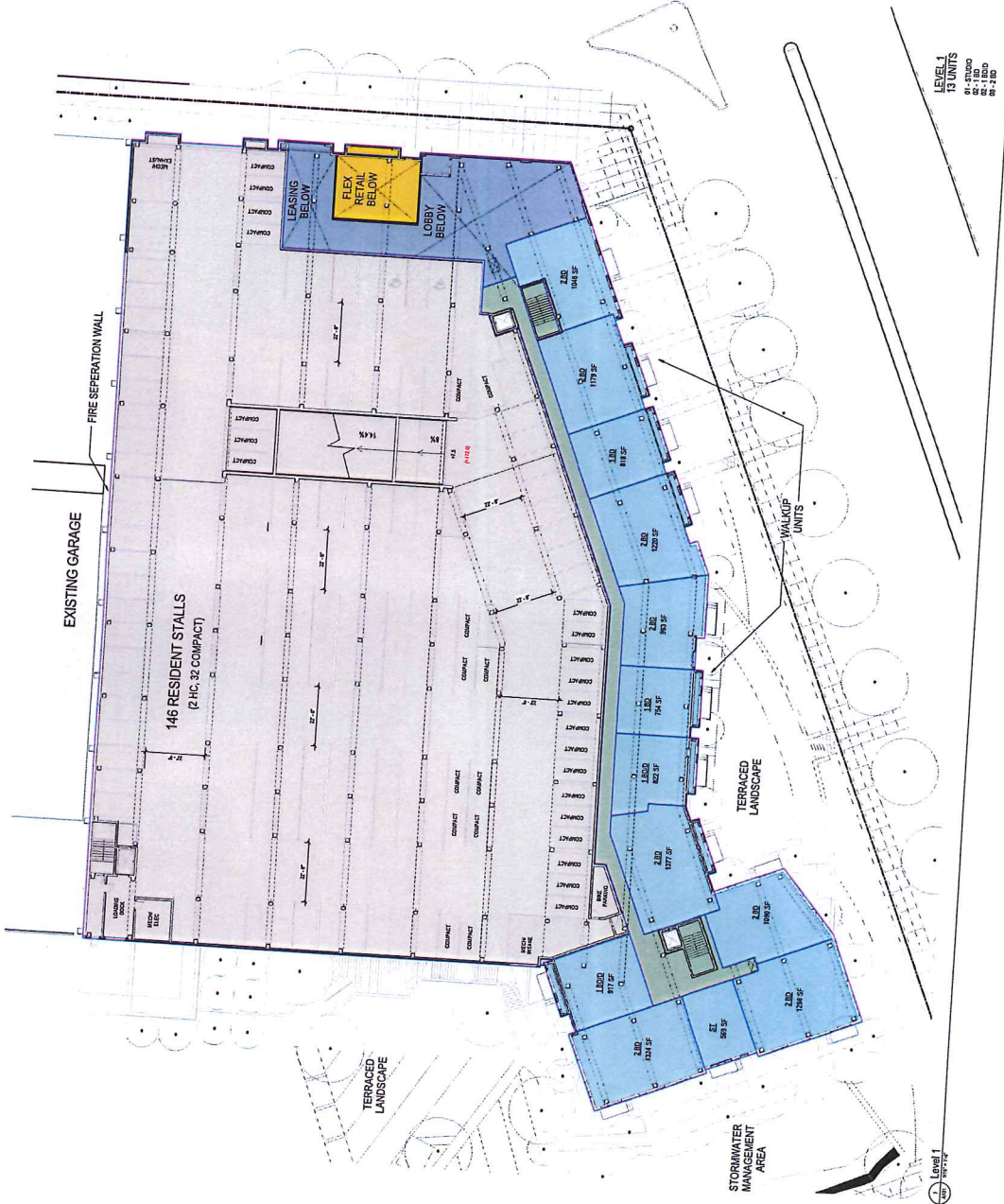
KEY NOTES

- PLAIN CONCRETE WALK, 5" THICKNESS, BROOM FINISH
- PLAZA, SPECIAL PAVING (COLORED CONC. OR BRICK PAVEMENT, TBL.)
- CONCRETE STAIR WITH ALUMINUM HANDRAIL
- "ISLAND" OVERLOOK, RANDED PLANTING, CONCRETE SLAB &/OR WOOD DECK
- RETAINING WALL, DRY STOKED LIMESTONE, LARGE BLOCK
- RAIN GARDEN EDGE, NATURAL STONE, LIMESTONE, LARGE BLOCK
- RAIN GARDEN, MASS PLANTING BEDS WITH NATIVE SHRUBS, GRASSES, AND WILDOVERGROWS
- TURF GRASS LAWN
- MASS PLANTING BED, SHRUBS AND PERENNIALS
- WALK-UP RESIDENTIAL, UNIC. PRIVATE TERRACE
- PRE-FABRICATED BRIDGE WOOD &/OR METAL
- DAMAGE ENTRY
- SERVICE AND LOADING ENTRY
- BITUMINOUS SERVICE DRIVE

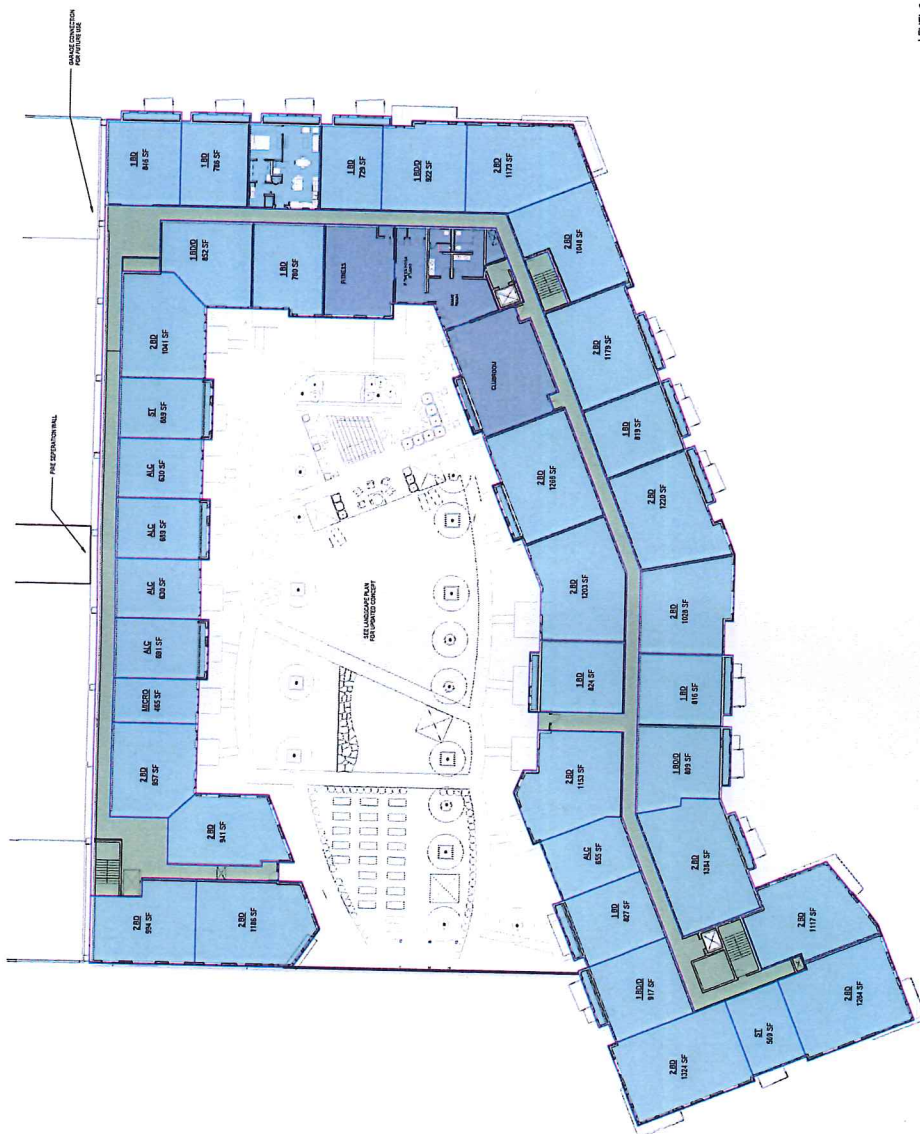
Site Plan*

* The plans submitted for the project includes other sheets, such as grading and utilities. This plan is the easiest to read for getting a feel for the site. Other sheets are available if requested.





LEVEL 1
13 UNITS
01- STUDDO
02- 1 BED
03- 2 BED



LEVEL 2
38 UNITS

Level 2

Inc.

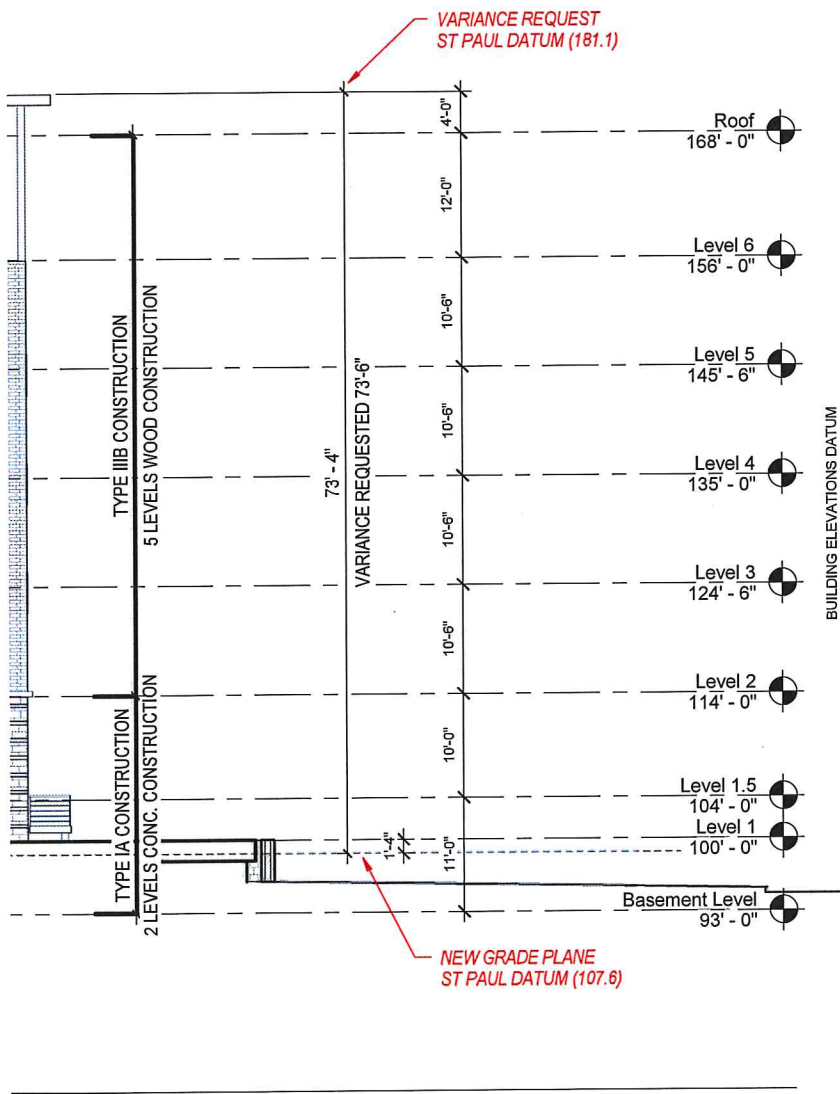
www.bk
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CONSULTAN

PROJECT TIT
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KEY PLAN

ISSUE # DAT



NO
CONS

12

CERTIFICATI
I hereby certify tha
report was prepare
supervision and the



13

Shepard & Davern - Phase 1
10/20/14
Scale

Perspective - Southeast (Shepard Rd)

SHEPARD
DEVELOPMENT LLC
BKV
GROUP

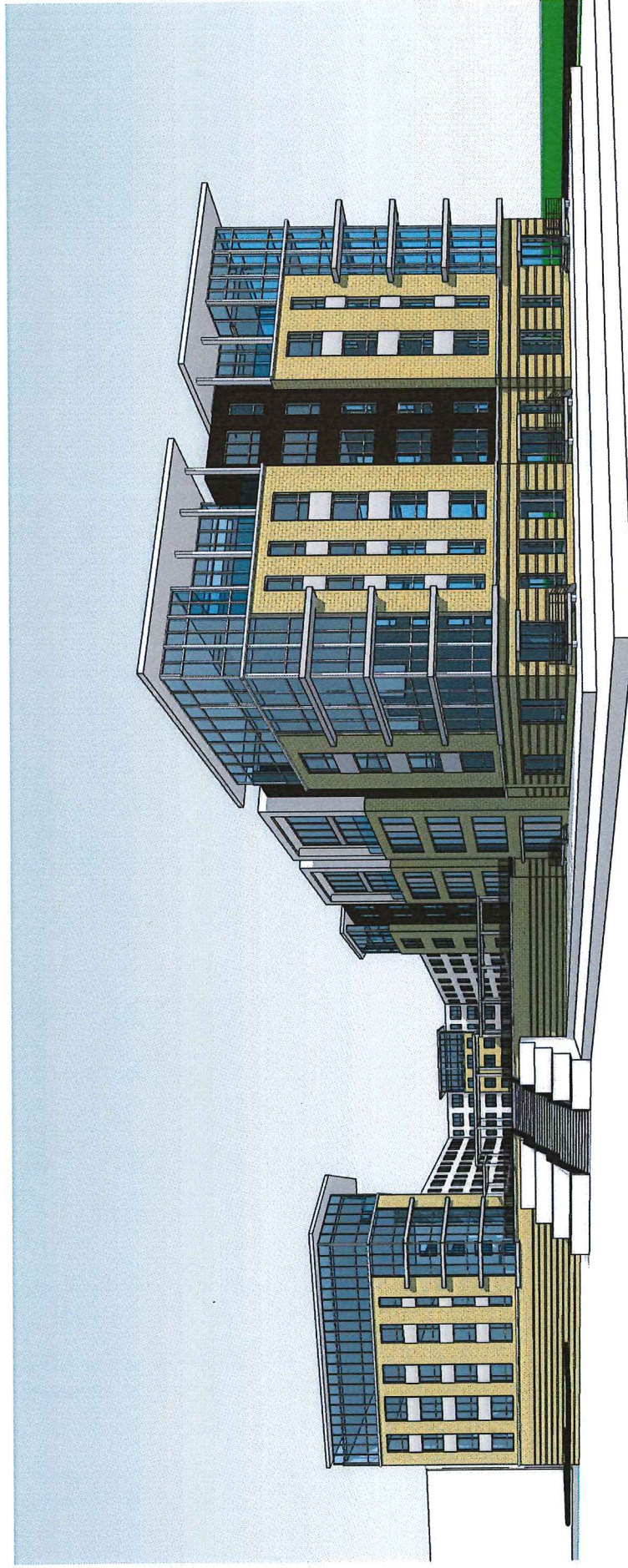


14

Shepard & Davern - Phase 1
10/20/14
Scale

Perspective - Southwest (Shepard Rd)

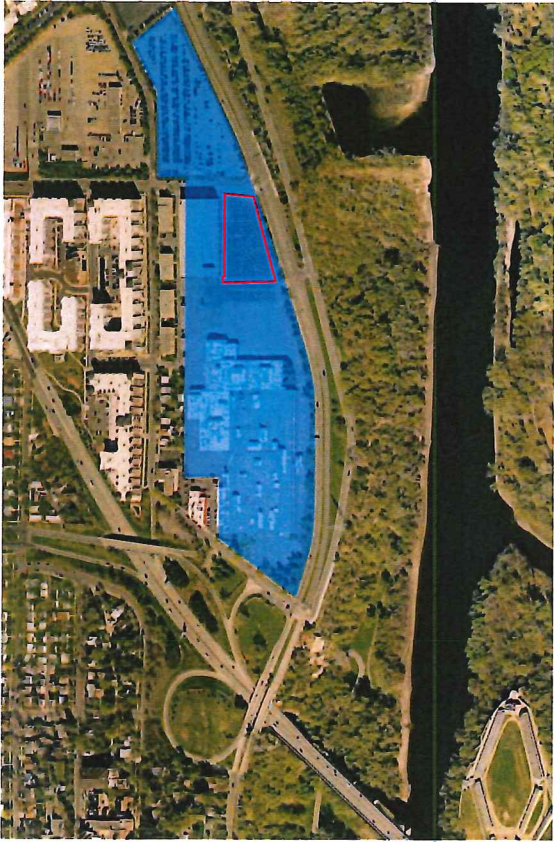
SHEPARD
DEVELOPMENT LLC
BKV
GROUP



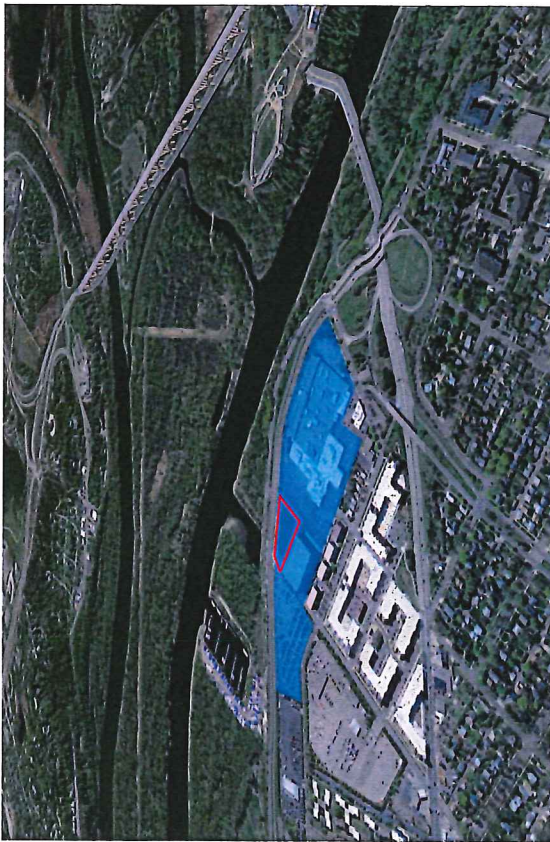
Shepard & Davern - Phase 1
10/20/14 Scale

Perspective - West (Courtyard)

SHEPARD
DEVELOPMENT LLC
BKV
GROUP



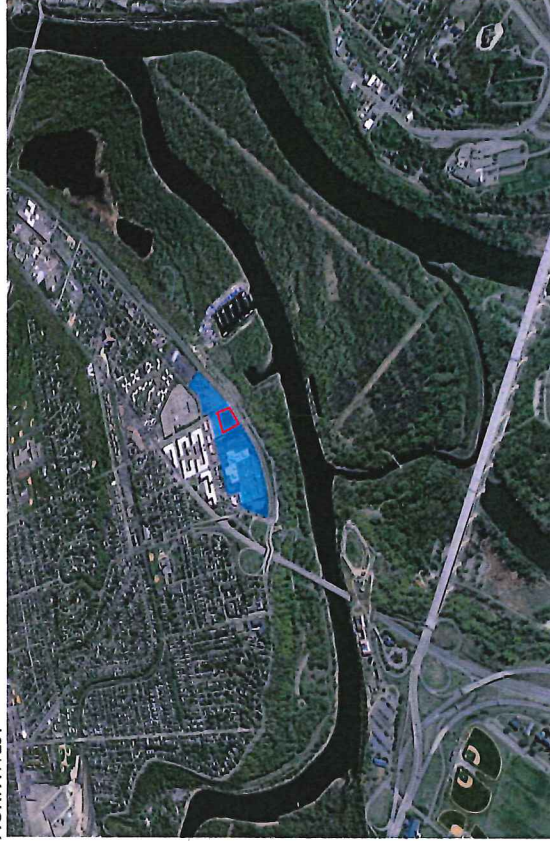
SOUTH



NORTHEAST



NORTHWEST



SOUTHWEST

SITE AERIAL IMAGES

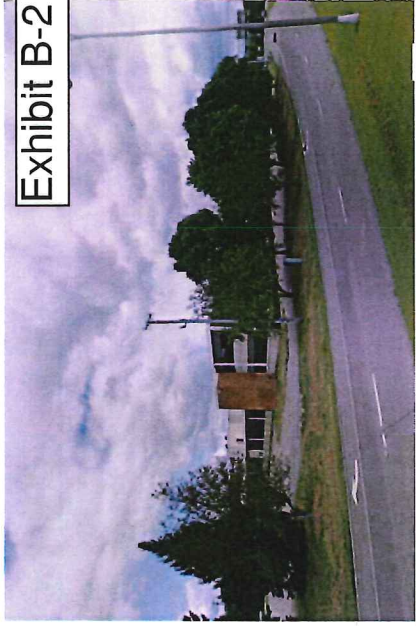
Shepard Road Development Master Plan
St Paul, MN
08-13-2013



SHEPARD & DAVERN - SE



SHEPARD ROAD CURB CUT



SHEPARD RD NW



GANNON RD NW



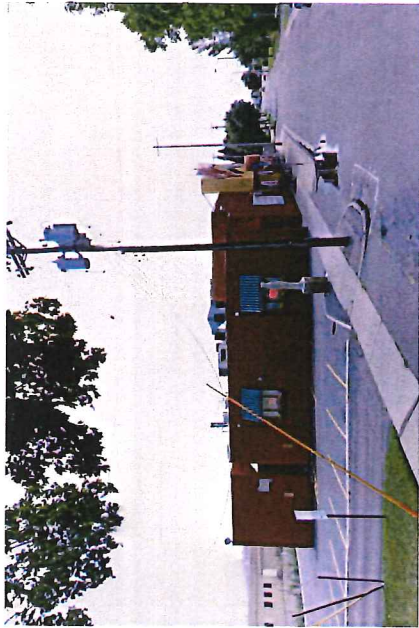
DAVERN ST NE PARKING GARAGE



WHEELER ST NORTH ENTRY

Shepard Davern Development - Phase I
St Paul, MN
9-26-2014

SITE IMAGES I



BUCA - GANNON RD



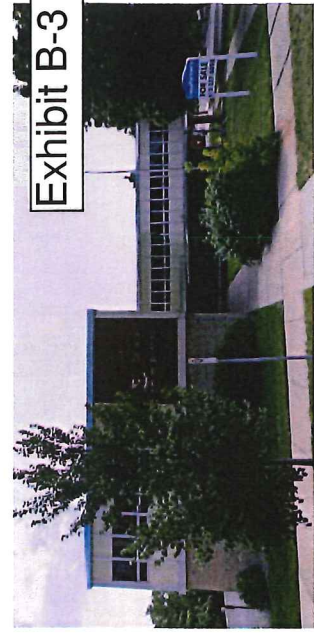
APARTMENT BUILDINGS - NORFOLK AVE



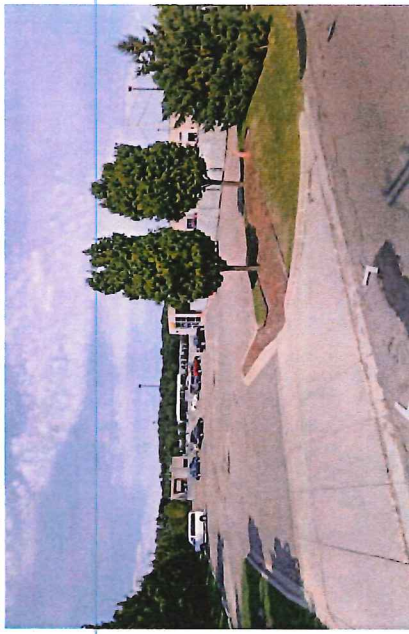
SINGLE FAMILY HOMES - NORFOLK AVE



SHEPARD RD LOOKING WEST



EXISTING BUILDING - NORFOLK & GANNON

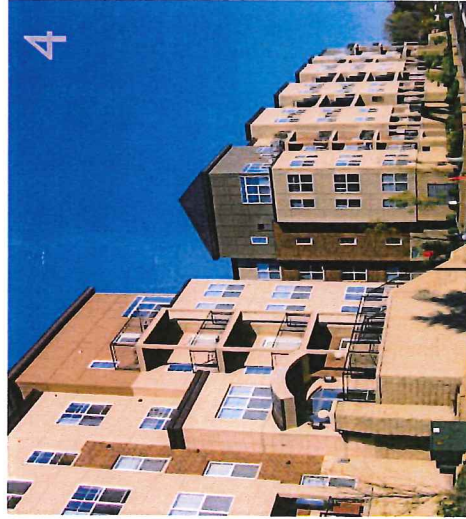
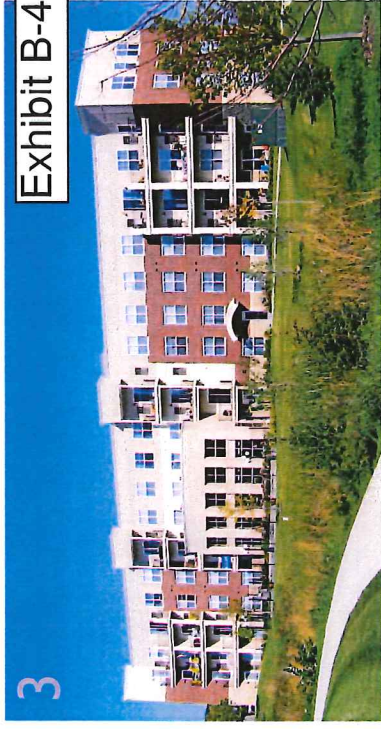
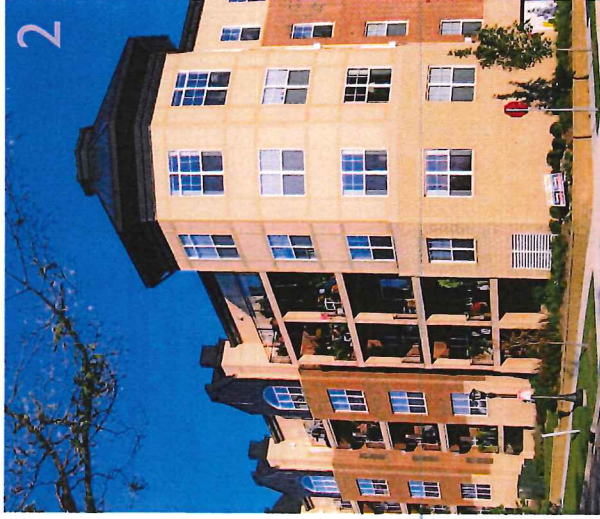


HERTZ PARKING LOT - NORFOLK & DAVERN



NORFOLK AVE LOOKING WEST

SITE IMAGES 2



19

Exhibit B-4

3

2

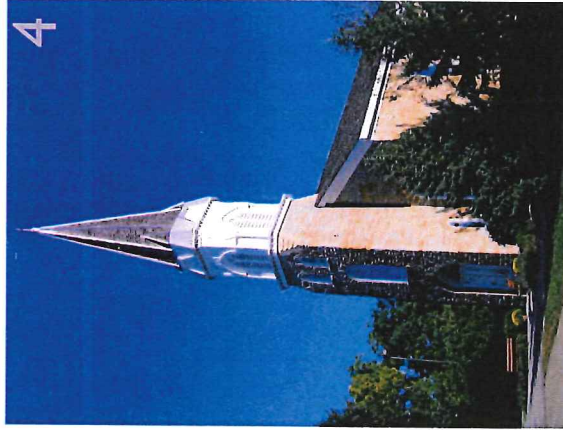
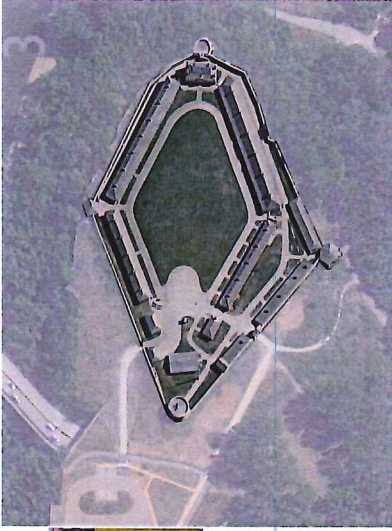
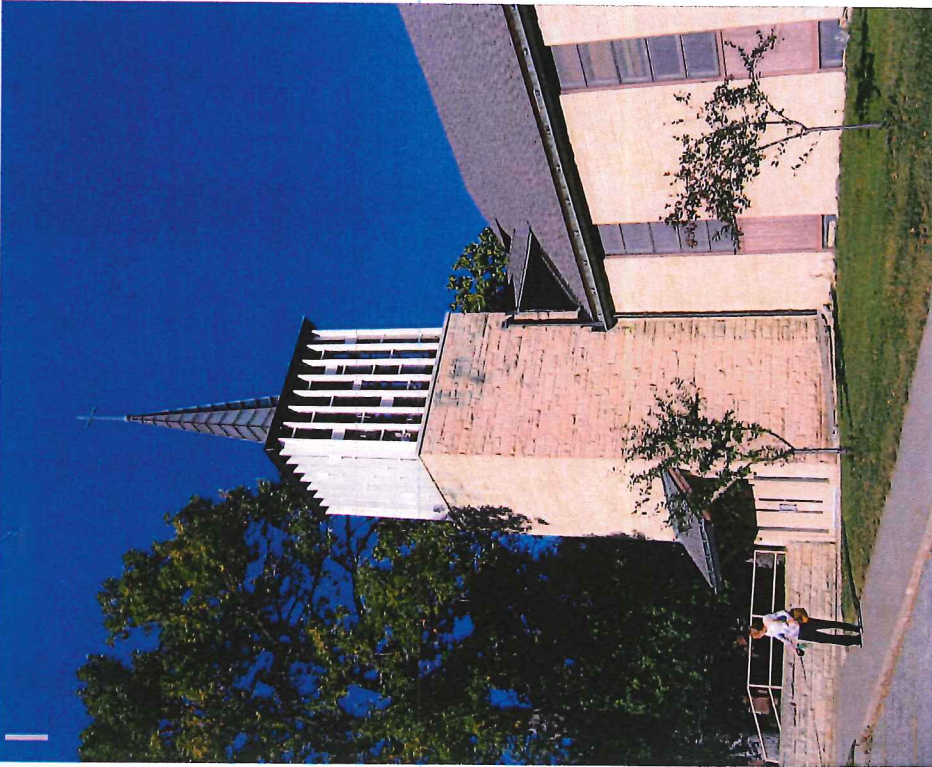
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6

Shepard Davern Development - Phase I
9-26-2014
St Paul, MN

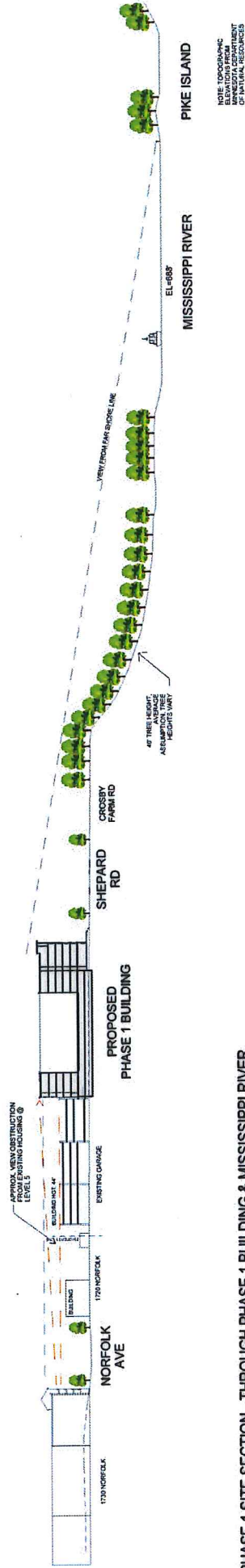
AREA IMAGES - RIVER CROSSING & SIBLEY MANOR





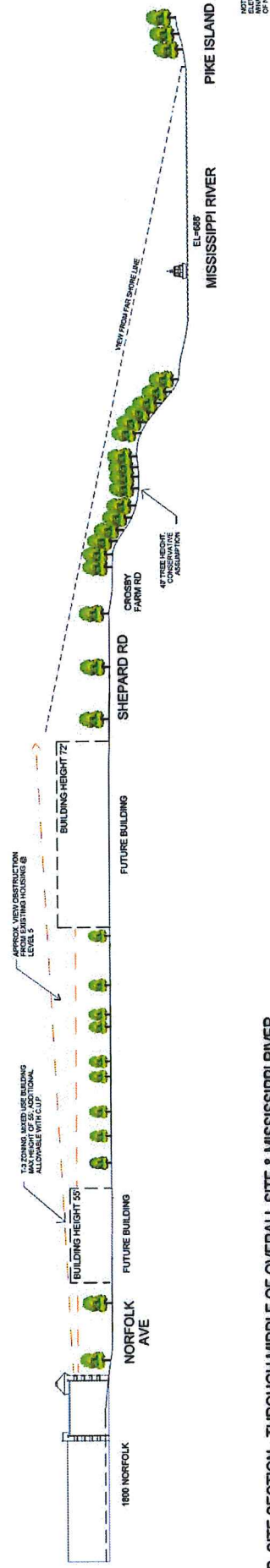
Shepard Davern Development - Phase I
St Paul, MN 9-26-2014

AREA IMAGES



A. PHASE 1 SITE SECTION - THROUGH PHASE 1 BUILDING & MISSISSIPPI RIVER

21



B. SITE SECTION - THROUGH MIDDLE OF OVERALL SITE & MISSISSIPPI RIVER

*Sightline Study
 from River Valley*

Exhibit E-1

1800 Norfolk Ave
Existing 5-Level
Housing Building
Approx. El. 38'-0"

1730 Norfolk Ave
Existing 5-Level
Housing Building
Approx. El. 38'-0"

Existing 3.5-Level
Housing Building
Approx. El. 33'-0"

Existing Parking
Structure El. 44'-0"

Proposed
Housing Building

Existing Obstructed
View Area
(Levels 2 thru 4)

Existing Obstructed
View Area
(Levels 2 thru 4)

Approx. Additional
Obstructed View Area
(Level 5 only)

Approx. Additional
Obstructed View Area
(Levels 2 thru 5)

Mississippi River

Mississippi River

Google

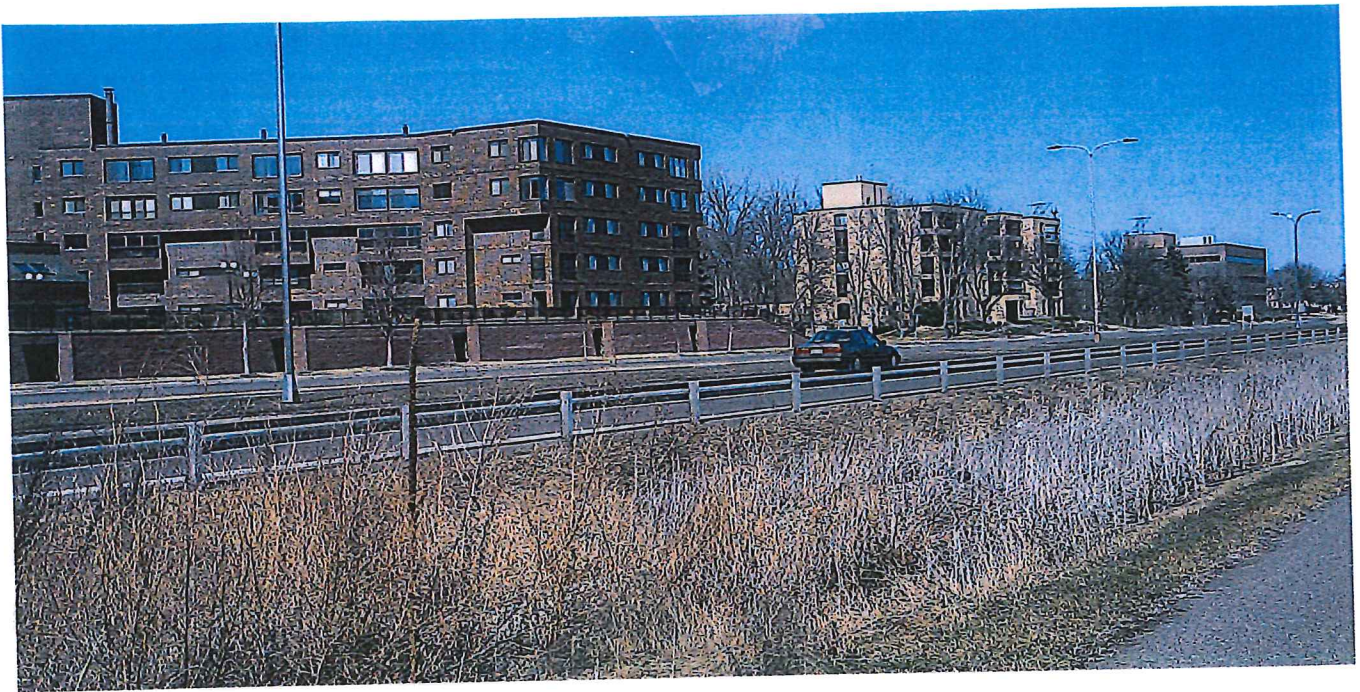
Shepard Road Development Master Plan
St Paul, MN
02-02-2015

BKV GROUP
JOHNSON BROTHERS
LIQUOR COMPANY

Exhibit E-2



Shepard Road Development - Sightline Study
 Shepard Road Development Master Plan
 02-02-2015
 St. Paul, MN



These apartments are located on Shepard Road about $\frac{3}{4}$ mile downstream from the Shepard Davern site.

The nearest building is roughly the same height as the building proposed at Shepard Davern - 6 stories (5 levels of apartments over a level of above grade parking). It has a similar setback from Shepard Road and the river bluff.

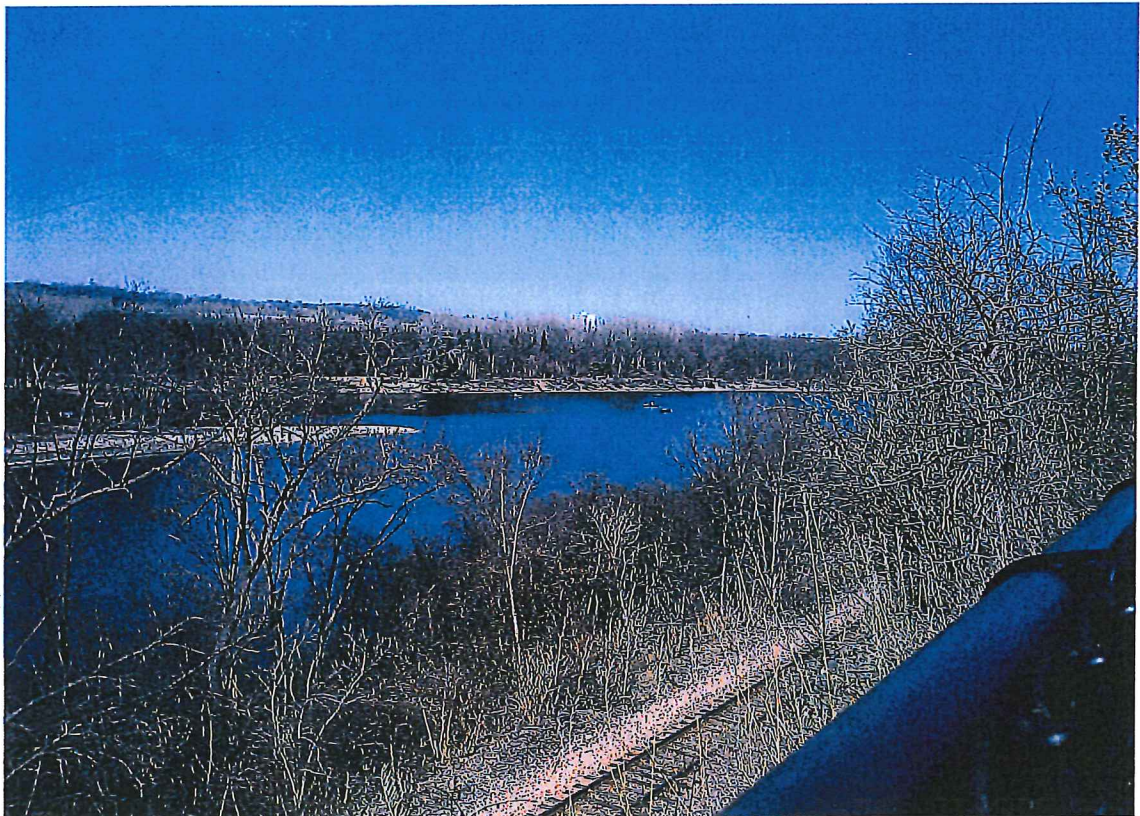
The next building is 5+ stories (5 levels of apartments over a partially buried level of parking).

This building is located at Upper Landing. It is 5 stories tall. The architecture is contemporary and closer to the look of what is proposed at Shepard Davern.





View of Shepard-Davern area from Mendota Heights church



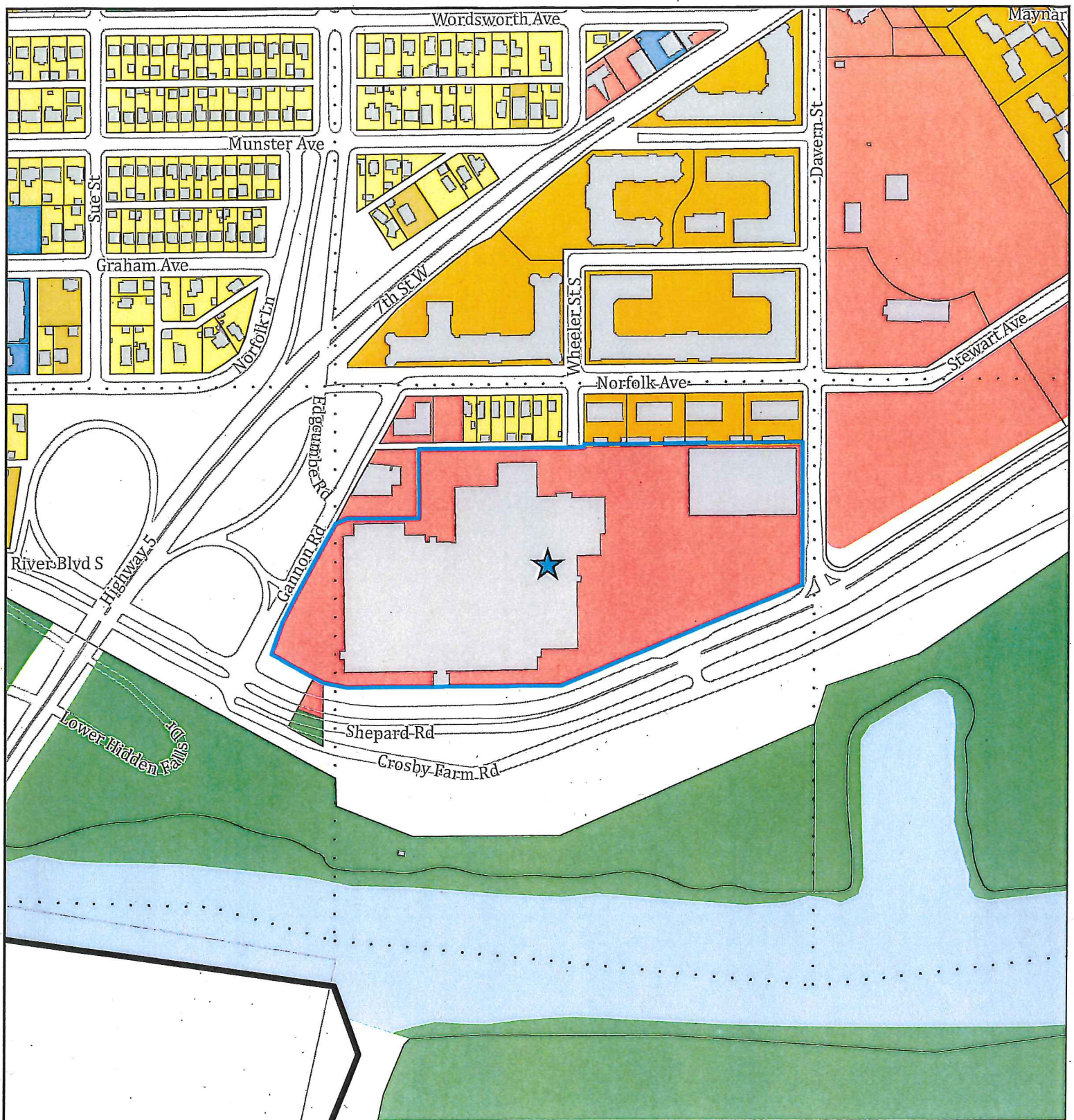
View of to St. Paul side from trail on Mendota side



View of Shepard-Davern area from behind Fort Snelling (taken from an area not open to the public)



View of Shepard-Davern area from Mendota Bridge



FILE NAME: Shepard Development Phase 1

APPLICATION TYPE: PC-Variance

FILE #: 15-022204 DATE: 3/30/2015

PLANNING DISTRICT: 15

ZONING PANEL: 30

Land Use

Single Family Detached

Single Family Attached

Multifamily

Retail and Other Commercial

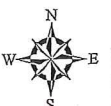
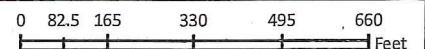
Institutional

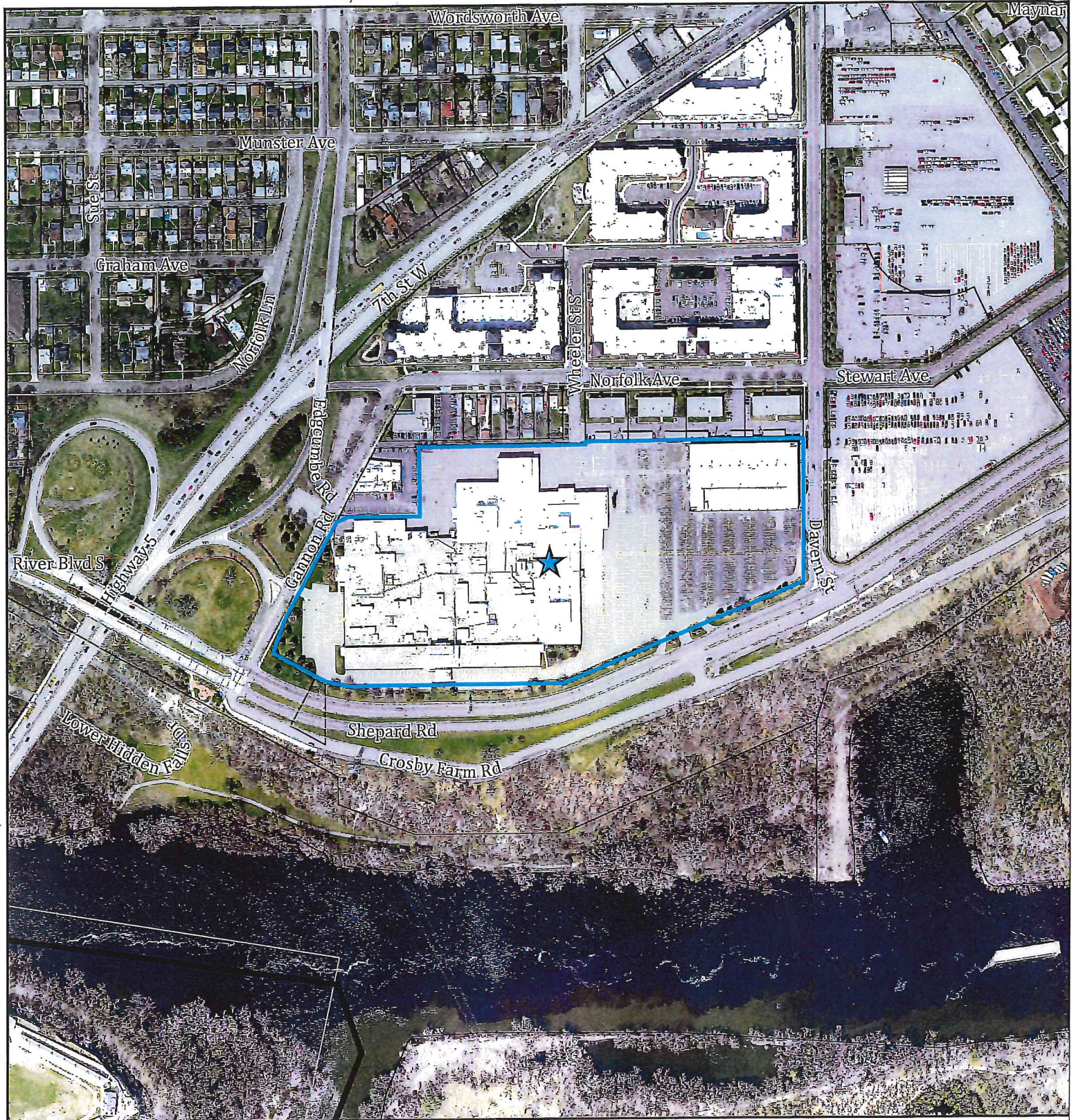
Park, Recreational or Preserve

Water

Subject Parcels

Section Lines





0 82.5 165 330 495 660 Feet

FILE NAME: Shepard Development Phase 1

Aerial

Subject Parcels

APPLICATION TYPE: PC-Variance

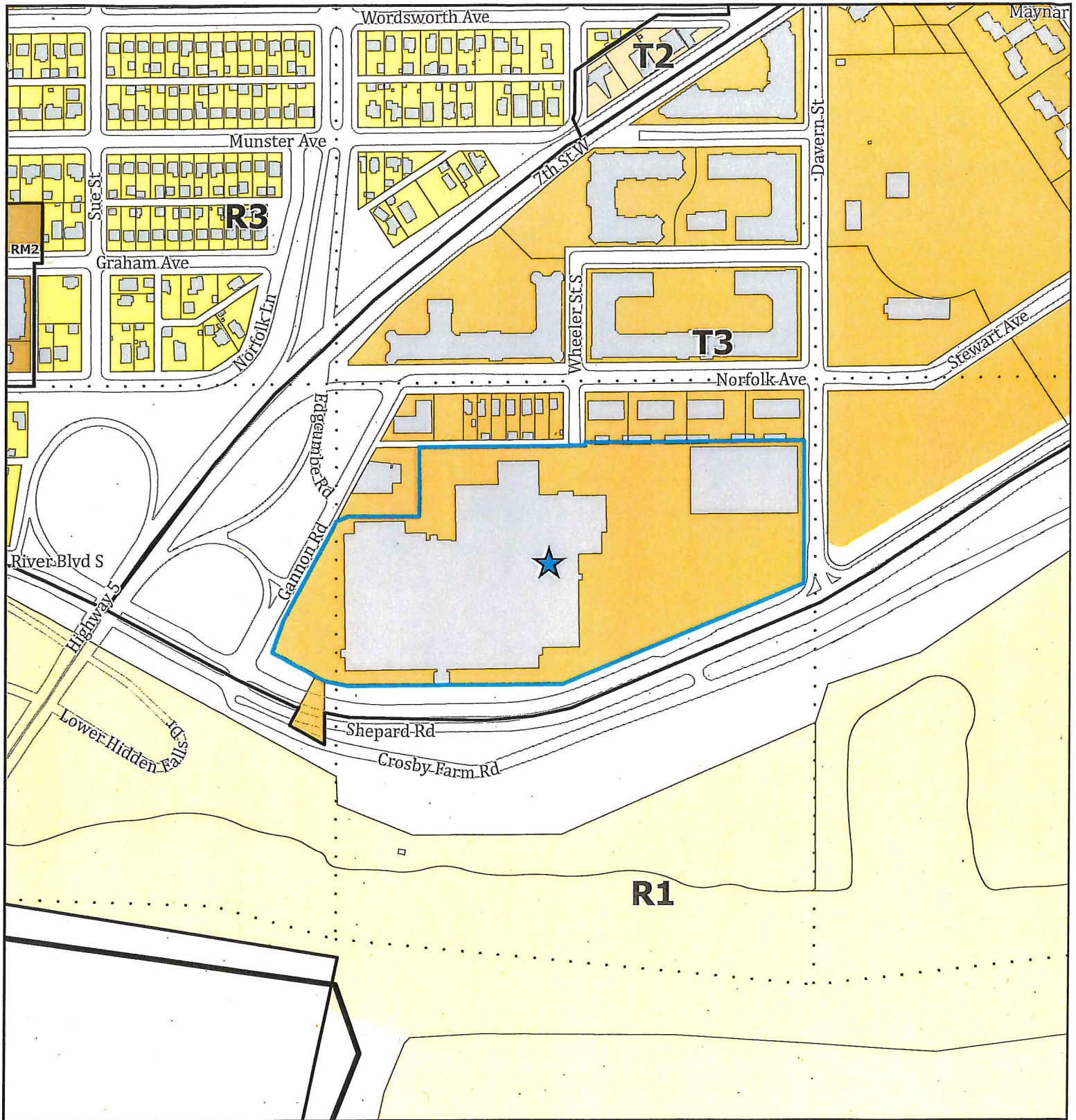
FILE #: 15-022204 DATE: 3/30/2015

PLANNING DISTRICT: 15

ZONING PANEL: 30

Saint Paul Department of Planning and Economic Development and Ramsey County





FILE NAME: Shepard Development Phase 1

APPLICATION TYPE: PC-Variance

FILE #: 15-022204 DATE: 4/1/2015

PLANNING DISTRICT: 15

ZONING PANEL: 30

Zoning

- R1 One-Family
- R3 One-Family
- RM2 Multiple-Family
- T2 Traditional Neighborhood
- T3 Traditional Neighborhood
- B2 Community Business
- Subject Parcels

0 82.5 165 330 495 660 Feet

• • Section Lines

