



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: April 17, 2015
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of April 16, 2015, Zoning Committee Hearing

NEW BUSINESS

- | | | <u>Recommendation</u> |
|----|---|---|
| | | <u>Staff</u> <u>Committee</u> |
| 1. | <p>Hawkins Inc. (Barge Channel Rd) (15-018-147)
Conditional use permit for construction of 8 new tanks and tank containment area, truck containment area and rail containment area structures not elevated on fill in the Flood Fringe District</p> <p>Address: 637 - 701 Barge Channel Road</p> <p>District Comment: District 3 requested a lay over</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 2 people spoke , 2 letters</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p> | <p>Approval with conditions Approval with conditions
(6 - 0)</p> |
| | | |
| 2. | <p>Shepard Davern mixed use development (15-022-204)
Variance of 40 foot River Corridor height limit and 55 foot height limit for a mixed use building in the T3 District to allow a maximum building height of 73 feet 6 inches</p> <p>Address: 1465 Davern St
 NW corner at Shepard Road</p> <p>District Comment: District 15 recommended denial</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 6 people spoke, 11 letters</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p> | <p>Approval with conditions Approval with conditions
(6 - 0)</p> |

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
3.	<p>Shepard Davern mixed use development (15-007-994) Site plan review for Shepard - Davern mixed use development (2,000 sq. ft. commercial space, 211 dwelling units)</p> <p>Address: 1475 Shepard Road NW corner at Shepard Road</p> <p>District Comment: District 15 recommended denial as proposed</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 0 people spoke , 11 letters</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p>	Approval with conditions	Approval with conditions (6 - 0)

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
4.	<p>Highland Village mixed use development (15-011-695) Site plan review for Highland Village mixed use development (19,000 sq. ft. commercial/office space, 53 dwelling units)</p> <p>Address: 735 Cleveland Ave S between Highland Parkway and Pinehurst Ave</p> <p>District Comment: District 15 recommended denial as proposed</p> <p>Support: 0 people spoke, 11 letters</p> <p>Opposition: 5 people spoke , 17 letters, and 3 petitions totaling 128 names</p> <p>Hearing: closed</p> <p>Motion: Approval with conditions</p>	Approval with conditions	Approval with conditions (6 - 0)

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
5.	<p>Freedom Works, Inc. (15-021-950) Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area</p> <p>Address: 869 5th St E NW corner at Mendota</p> <p>District Comment: District 4 requested a lay over</p> <p>Support: 0 people spoke, 0 letters</p> <p>Opposition: 5 people spoke , 5 letters</p> <p>Hearing: closed</p> <p>Motion: Laid over to April 30, 2015</p>	Approval with conditions	Laid over (4 - 1) (Wickiser) (Merrigan absent)

city of saint paul
planning commission resolution
file number
date

WHEREAS, Hawkins Chemical, File # 15-018-147, has applied for a conditional use permit for construction of 8 new tanks and tank containment area, truck containment area and rail containment area structures not elevated on fill in the Flood Fringe District under the provisions of §61.501, §72.32, and §72.73 of the Saint Paul Legislative Code, on property located at 701 Barge Channel Road, Parcel Identification Number (PIN) 09.28.22.31.0010, legally described as Registered Land Survey 446 Tract G Of R.I.s. 446 & Part Of Blk 56 Of W St P Real Est & Imp Syn Add No 4 Desc As Fol; In Sw 1/4 Sec 9, T28, R 22 All Incl In A 94, 773 Sq Ft Tract Having 200 Ft Front On Sw Line Of Barge Channel & 97.28 Ft Front On Barge Cha; and

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

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

1. The applicant is proposing additions to an existing facility located in the Southport Industrial area in the FF flood fringe district. The applicant proposes construction of 8 new tanks, secondary tank containment walls, and rail and train loading and unloading areas with in-ground containment and pipe rack support structures not elevated on fill to the Regulatory Flood Protection Elevation (RFPE).
2. §72.74 lists standards for conditional uses in the FF flood fringe district. Subsections (a) through (d) are applicable to the proposed project:
 - (a) *Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls or above grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: 1) the enclosed area is above grade on at least one (1) side of the structure; 2) is designed to internally flood and is constructed with flood-resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:*

moved by _____
seconded by _____
in favor _____
against _____

- (1) *Design and certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent floodwater from entering or accumulating within these components during times of flooding.*
 - (2) *Specific standards for above grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:*
 - a. *A minimum area of "automatic" openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters without any form of intervention.*
 - b. *That the enclosed area will be designed of flood-resistant materials in accordance with the FP-3 or FP-4 classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.*
- (b) *Basements, as defined in §72.14, shall be subject to the following:*
- (1) *Residential basement construction shall not be allowed below the regulatory flood protection elevation except as authorized in subsection (e) of this section.*
 - (2) *Nonresidential basements may be allowed below the regulatory flood-protection elevation, provided the basement is protected in accordance with subsection (c) or (e) of this section.*
- (c) *All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the Minnesota State Building Code. This shall require making the structure watertight, with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.*
- (d) *The storage or processing of materials that are, in times of flooding, flammable, explosive or potentially injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the planning commission, or if elevated above the regulatory flood protection elevation by alternative methods which meet the requirements of subsection (a) above. Storage of bulk materials may be allowed provided an erosion/sedimentation control plan is submitted which clearly specifies methods to be used to stabilize the materials on site for a regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the planning commission.*

(e) *When the Federal Emergency Management Agency has issued a letter of map revision-fill (LOMR-F) for vacant parcels of land elevated by fill to the one (1) percent chance flood elevation, the area elevated by fill remains subject to the provisions of this chapter. A structure may be placed on the area elevated by fill with the lowest floor below the regulatory flood protection elevation provided the structure meets the following provisions:*

(1) *No floor level or portion of a structure that is below the regulatory flood protection elevation shall be used as habitable space or for storage of any property, materials, or equipment that might constitute a safety hazard when contacted by floodwaters. Habitable space shall be defined as any space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry or utility space, and similar areas are not considered habitable space.*

(2) *For residential and nonresidential structures, the basement floor may be placed below the regulatory flood protection elevation subject to the following standards:*

a. *The top of the immediate floor above any basement area shall be placed at or above the regulatory flood protection elevation..*

b. *Any area of the structure placed below the regulatory flood protection elevation shall meet the "reasonably safe from flooding" standards in the Federal Emergency Management Agency (FEMA) publication entitled "Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas Are Reasonably Safe From Flooding," Technical Bulletin 10-01, a copy of which is hereby adopted by reference and made part of this chapter. In accordance with the provisions of this chapter, and specifically section 72.33(g), the applicant shall submit documentation that the structure is designed and built in accordance with either the "Simplified Approach" or "Engineered Basement Option" found in FEMA Technical Bulletin 10-01.*

c. *If the ground surrounding the lowest adjacent grade to the structure is not at or above the regulatory flood protection elevation, then any portion of the structure that is below the regulatory flood protection elevation must be floodproofed consistent with any of the FP-1 through FP-4 floodproofing classifications found in the Minnesota State Building Code.*

These standards can be met. The applicant is proposing construction of 8 new storage tanks with secondary containment, and new rail and truck loading and unloading facilities with in-ground containment. Secondary tank containment and an Industrial Stormwater Permit are required by the Minnesota Pollution Control Agency (MPCA). Tank containment walls are proposed to be built to Regulatory Flood Protection Elevation (708.4 feet) and constructed to FP-1 or FP-2 floodproofing standards. Tanks and concrete tank pads are also proposed to be constructed to FP-1 or FP-2 floodproofing standards. Rail and truck area containment is in-ground, and proposed to be constructed to FP-1 or FP-2 floodproofing standards. Piping and associated loading and unloading equipment are proposed to be elevated on open structures constructed to FP-1 or FP-2 floodproofing standards. In times of flooding, tanks will be filled with either product or water sufficient to offset buoyancy and sealed, and any electrical equipment below the RFPE removed and utility connections capped. As a condition of approval, the applicant should provide tank, structure, and foundation/pad/pier plans and records of as-built condition signed by a registered professional engineer or architect and verifying consistency with the general design standards of the Minnesota Building Code as referenced in §72.74(a)(1) and construction to FP-1 or FP-2 floodproofing standards. Compliance with the flood response plan on file with the Department of Safety and Inspections should also be a condition of approval.

3. §72.32 lists thirteen (13) factors to be considered in evaluating applications for conditional use permits in the FF flood fringe district:
- (a) *The relationship of the proposed use to the comprehensive plan and floodplain management program for the city.* Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan and the city's floodplain management program. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Southport industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are in an existing industrial area, and will not significantly alter river valley views. The project will not significantly impact air quality, and subject to compliance with the flood response plan, storm water pollution prevention plan (SWPPP) required as part of site plan approval and on file with the Department of Safety and Inspections, and MPCA Industrial Stormwater Permit, the project will not have a significant adverse impact on water quality. Compliance with the flood response plan, SWPPP, and MPCA Industrial Stormwater Permit should be a condition of approval.
 - (b) *The importance of the services provided by the proposed facility to the community.* The proposed facilities will put vacant industrial land to use. The primary importance of the facility to the community is economic activity and tax base.
 - (c) *The ability of the existing topography, soils, and geology to support and accommodate the proposed use.* The topography, soils, and geology of the site are similar to those of the general Southport industrial area, and are sufficient to support and accommodate the proposed use.
 - (d) *The compatibility of the proposed use with existing characteristics of biologic and other natural communities.* The area of the proposed use is industrial in character, and does not contain significant biological communities; impacts of the proposed use will not extend beyond the immediate area.
 - (e) *The proposed water supply and sanitation systems and the ability of those to prevent disease, contamination, and unsanitary conditions.* The area is already served by adequate water supply and sanitation systems. The proposed addition will not create significant additional demand for water supply or sanitation capability.
 - (f) *The requirements of the facility for a river-dependent location, if applicable.* The purpose of the facility is for transfer of materials from barges, and is therefore dependent on a river location.
 - (g) *The safety of access to the property for ordinary vehicles.* Safe access to the site is available by private road accessed via Barge Channel Road.
 - (h) *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.* All structures, including tanks, will be constructed to FP-1 or FP-2 floodproofing standards, and any electrical equipment will be removed in times of flooding. Tanks will be filled with product or water in times of flooding to neutralize any buoyancy forces.
 - (i) *The dangers to life and property due to increased flood heights or velocities caused by encroachments.* The proposed encroachments are of limited footprint and located in the flood fringe where impacts on flood flows are negligible.
 - (j) *The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.* The proposed facility is located in the flood fringe,

where the velocity of flood flow and sediment transport is generally minimal. The 100-year flood height elevation for the site is 706.4 feet.

- (k) *The danger that materials may be swept onto other lands or downstream to the injury of others.* The proposed facility will be located in the flood fringe, where water velocities are generally minimal. All structures will be constructed to FP-1 or FP-2 floodproofing standards. Secondary containment around the tanks would minimize drift in the unlikely event of tank detachment from pads.
- (l) *The availability of alternative locations or configurations for the proposed use.* Operations at the subject site involve transfer from barges to trains and trucks. Elevation on fill of the entire site would not be feasible, and would result in practical difficulties for intermodal transfer operations.
- (m) *Such other factors as are relevant to the purposes of this chapter.* The factors and findings enumerated and described herein adequately evaluate the proposed use for the purposes of this chapter.

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. Subject to meeting the standards listed in §72.74, this proposed use is in compliance with the Saint Paul Comprehensive Plan. Policy 5.1.3 of the river corridor chapter of the comprehensive plan supports continuation of and additions to industrial uses in the Southport industrial area if said additions will not have significant adverse impacts on air or water quality nor impair river valley views. The proposed additions are in an existing industrial area, and will not significantly alter river valley views. The project will not significantly impact air quality, and subject to the requirements of the flood response plan, SWPPP, and terms of the MPCA Industrial Stormwater Permit, the project will not have a significant adverse impact on water quality. Compliance with the flood response plan, SWPPP, and MPCA Industrial Stormwater Permit should be a condition of approval.
- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed facility will be served by a private road accessed via Barge Channel Road. During site plan review, Saint Paul Public Works staff did not identify any adverse impacts associated with increased truck traffic on Barge Channel Road.
- (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 facility is consistent with the existing industrial character of the immediate neighborhood.
- (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 use is industrial in nature, and will not impede improvement of surrounding properties for allowed uses.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met. Subject to compliance with the flood response plan, SWPPP and MPCA Industrial Stormwater Permit, the use conforms to all applicable regulations of the I2 general industrial district, RC2 river corridor district, and the FF flood fringe district. Compliance with the flood response

plan, SWPPP, and MPCA Industrial Stormwater Permit should be a condition of approval.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Hawkins Chemical for a conditional use permit for construction of 8 new tanks and tank containment area, truck containment area and rail containment area structures not elevated on fill in the Flood Fringe District at 701 Barge Channel Road is hereby approved, subject to the following additional conditions:

1. The applicant shall provide plans and record of as-built condition for all structures signed by a registered professional engineer or architect and verifying consistency with the general design standards of the Minnesota State Building Code and construction to FP-1 or FP-2 floodproofing standards.
2. The applicant shall adhere to all provisions of the flood response plan and SWPPP on file with the Department of Safety and Inspections.
3. The applicant shall be in compliance with the terms of the MPCA Industrial Stormwater Permit for the site.



West Side Community Organization
1 W Water St, Suite 260
St. Paul, MN 55107
Tel: 651-293-1708
Fax: 651-293-0115

April 16, 2015
Zoning Committee of the Saint Paul Planning Commission
City Council Chambers, Room #300
15 Kellogg Boulevard West
St. Paul, MN 55102

Re: Hawkins, Inc. Conditional Use Permit Application 15-018-147

To whom it may concern:

Due to the timing of the Conditional Use Permit application West Side Community Organization was unable to formally review and make a recommendation on this project. Based on feedback received from our land use committee there is general support for replacing aging equipment and safety improvements to their operations. However, there are also concerns about the impact of industrial uses on nearby residential and commercial districts. The committee would prefer more time to formally make a recommendation.

With a shortened timeline our concerns include the potential for increased truck traffic in the neighborhood, particularly along Concord St and Cesar Chavez St, and the impact this may have on the nearby District del Sol and residential property. Truck traffic coming from Barge Channel Rd is an ongoing concern to the community. We look forward to working constructively with Hawkins, Inc. moving forward to align their interests and those of nearby residents.

Sincerely,

Mason Wells
WSCO Staff

city of saint paul
planning commission resolution
file number
date

WHEREAS, Shepard Development LLC, File # 15-022-204, has applied for a variance of a 40 foot River Corridor height limit and 55 foot height limit for a mixed use building in the T3 District to allow a maximum building height of 73 feet 6 inches under the provisions of §§61.601 and §68.601 of the Saint Paul Legislative Code, on property located at 1465 Davern Street, Parcel Identification Number (PIN) 21.28.23.42.0016, legally described as 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 3o Blk 1 Lots 21 Thru 3o Blk 2 All Of B; and

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

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

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

moved by _____
seconded by _____
in favor _____
against _____

The proposed building is consistent with the protection of natural, historic, and recreation resources in the river corridor. 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.

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 and the river's southern shore. 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.

In regard to location relative to the bluff, the standard for bluff development is 40' landward of the bluffline, per §68.233. 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.

B. 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.

- C. *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.

- D. *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.

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

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

- F. *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.

2. To approve a variance to permit a building height of 73'4" in the RC3 (Urban Open District 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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Shepard Development LLC for a variance of a 40 foot River Corridor height limit and 55 foot height limit for a mixed use building in the T3 District to allow a maximum building height of 73 feet 6 inches at 1465 Davern Street is hereby approved, subject to the following condition:

1. Site plan approval.

City of Saint Paul
Planning Commission Resolution
File Number _____
Date _____

WHEREAS, Shepard Davern LLC, File # 15-007-994, has submitted a site plan for review under the provisions of Sec. 61.400 of the Saint Paul Legislative Code, for the establishment of a new natural gas-fired electric power plant on property located at property address 2675 Shepard Road, legally described as 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 3o Blk 1 Lots 21 Thru 3o Blk 2 All Of B; and

WHEREAS, the Zoning Committee of the Planning Commission, on 4/16/15, 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 as required under the provisions of §61.402(c) that the site plan is consistent with:

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

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.

Moved by
Seconded by
In Favor
Against

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. A variance for height is required and should be a condition of site plan approval.

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 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.

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.*

The proposed 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.*

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.*

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.*

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 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 provides accessible parking as required by the ADA. Accessibility for commercial space and residential units conform to ADA requirements.

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

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.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Shepard Davern LLC for a site plan review at 2675 Shepard Road is hereby approved 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.
6. Variances for building height must be approved by the Planning Commission.



Highland District Council
1978 Ford Parkway Saint Paul, Minnesota 55116
651-695-4005 Fax 651-695-4019
Email: hdc@visi.com

2F# 15.022-204
15-007-994
Shepard Davern

Building a More Vibrant, Welcoming, and Safe Neighborhood

Resolution Regarding Shepard Davern Mixed-Use Development Phase 1

WHEREAS, the *Saint Paul Comprehensive Plan* adopted in 2009, designates Highland Park as a Neighborhood Center, an area with compact, mixed-use development that provide services and employment close to residences; and,

WHEREAS, the *District 15 Highland Park Neighborhood Plan Summary*, adopted by the Saint Paul City Council in 2007, included an action to "initiate a TN3 Master Plan to evaluate potential rezonings and implementation of TN design guidelines to replace the design guidelines in the Shepard-Davern Overlay area;" and,

WHEREAS, in the Fall of 2011, the Highland District Council (HDC) requested the City of Saint Paul complete a review of the Shepard Davern small area plan and conduct a zoning study; and,

WHEREAS, based on the work of a community-based Shepard Davern Taskforce, in January, 2015, the Saint Paul City Council approved updates to the *District 15 Highland Park Neighborhood Plan Summary* to reflect a future vision for the Shepard Davern area and Traditional Neighborhood zoning for a majority of Shepard Davern properties, including 1475 Davern Street; and,

WHEREAS, the *District 15 Highland Park Neighborhood Plan Summary*, includes an action to "strictly enforce height limits within the Mississippi River Critical Area;" and,

WHEREAS, 1475 Davern Street is located within the Mississippi Riverview Corridor, which has height requirements and other development guidelines that are currently under review by the Minnesota DNR and City of Saint Paul; and,

WHEREAS, the HDC's Community Development Committee hosted a public meeting on January 27, 2015, with Shepard Development LLC's representatives and numerous residents on a proposed 6-story, mixed-use development at 1475 Davern Street where concerns were voiced regarding:

- Height and mass of the building in proportion to neighboring properties and within the Riverview Corridor
- Obstruction of natural light and river views particularly for neighboring properties
- Anticipated increase in traffic on an already busy corridor
- Expected increase in demand for on-street parking on neighboring streets
- Uncertainty of neighborhood impact from future development phases
- Future of roadways through the neighborhood including Shepard Road and Mississippi River Boulevard; and,



Highland District Council
1978 Ford Parkway Saint Paul, Minnesota 55116
651-695-4005 Fax 651-695-4019
Email: hdc@visi.com

Building a More Vibrant, Welcoming, and Safe Neighborhood

WHEREAS, in February, 2015, Shepard Development LLC submitted to the City of Saint Paul a site plan and variance requests from the Riverview Corridor and T3 Zoning for a proposed development at 1475 Davern Street; and,

WHEREAS, the HDC heard these same concerns regarding building height, views, traffic, and future phases at a second public meeting to discuss the proposed 1475 Davern Street development on April 9, 2015, with Shepard Development LLC's representatives, City of Saint Paul PED, and the community; therefore,

BE IT RESOLVED, that the HDC supports positive aspects of the proposed development for 1475 Davern Street including:

- Landscaping and stormwater management around the property
- Improved pedestrian access and walkability for the neighborhood with the addition of sidewalks and future street connections
- Use of quality building materials
- Completely hidden off-street parking, and

BE IT FURTHER RESOLVED, that the Highland District Council does not support the height variance as proposed in the Riverview Corridor nor T3 Zoning for 1475 Davern Street, and

BE IT FURTHER RESOLVED, that the HDC would consider supporting a height variance of a lesser extent for 1475 Davern Street.

Approved April 9, 2015
By the Highland District Council Board of Directors

To Kathy Carruth,

1 I was at the meeting last night of District Council and am a little concerned with the vote to compromise on height restrictions of Johnson Brothers first building. If they get a O.K. on a taller first building I am pretty sure they will seek one for any additional buildings. I firmly believe they should be held to the Critical River Corridor rules. The 1500 square foot area for retail is really a farce so they won't have to stick to the lower height limit for residential only. I urge you vote no on their height variance.

Carole Needels
1800 Graham Ave #308

2 I am new to the West 7th area so do not know all that went into Great River Passage (GRP) Plan, but I do understand that a lot of work and thought went into. I am frustrated by what appears to be an end around by Johnson Bros. to force in last minute variances. Although I value Johnson Bros. as a neighbor and valuable member of our community they need to follow the processes in place and the decisions of the council. Thank you for vigilance and notification.

Sincerely,

Matt Hopp

Tom Dimond
2119 Skyway Drive
Saint Paul, MN 55119

3 RE: Variance request in River Corridor Urban Open Space District

The applicant is seeking a variance that will nearly double the height allowed and is over twice the height allowed under Critical Area regulations 79-19.

The proposed variance cannot be approved because it is in violation of State and local requirements for a variance in the River Corridor.

The variance request states that the primary reason for the variance is due to the limestone and sandstone that "does not allow" for parking levels to be constructed below grade. Excavation is allowed and limestone and sandstone are common substrates that are excavated along the river. The landowner has not demonstrated in the variance application that the parking cannot be constructed below grade.

A 73.5' apartment building should not be permitted by variance in a zoning district that limits heights to 40'. If this is allowed height limits become meaningless.

15-007-994 + 15-022-204
Shepard Davern

To: City Of St. Paul Planning Commission

Re: Variance request by Johnson Bros. Developers Shepard and Davern

I am writing to express strong personal opposition to the proposed rental property building by Johnson Bros. developers at Shepard Road and Davern (U.S. Bank site). This building requires variances that should not be approved. The Highland District Council last Thursday voted not to approve the variances requested for this building including the additional height. This is a battle in the river corridor that will be faced over and over again as we try to retain the core of ideas in the Great River Passage (GRP) Plan that was accepted into St. Paul's comprehensive plan just two years ago. The footprint of this building lies within the critical area of the river bluff. The land is zoned T3 and (River District)RC3.

That GRP plan included the desire of the city to preserve vistas and views into and out of the river valley, High and massed buildings are not in keeping with this expressed sentiment. The glass included in this building plan is not sympathetic to the plight of birds living/migrating in the river flyway.

As has been the pattern with these developments, they come at the last minute and ask for help to move quickly with approvals and don't allow for community input. The city has not been provided with a respectful amount of time to consider the affect this project will have on the Shepard Davern neighborhood and the entire river district.

This building is market rate rental, with 290 parking spots for 210 units, and that includes parking for visitors, with no site parking for anyone. Parking for everyone is included, per developer, as parking in the inside the building resulting in a two level parking ramp with no attempt to excavate below grade. Is this really adequate for parking?

I have particular concerns about an alley entering directly onto Shepard Rd. where no traffic control would exist. The developer's nod to T zoning by including one small 1500 ft. (out of 218,000 Sq. Ft.) space of unknown quantity is a real slap in the face to that zoning idea. Nothing about this building attempts to begin a relationship with the immediate neighborhood.

The developers have been working on this a long time, but are not willing to share specifics for what the rest of their proposal for the larger site might look like. There are good reasons for this in that the River Corridor transit study and the Hwy 5 realignment study will affect this site in unknown ways. The developers should proceed without variances now or tell us more about the entire development and it's parking before precedent setting variance for higher buildings is granted or portions of the site are built before traffic considerations are understood. The Planning Commission should reinforce this desire of the city to protect it's relationship to the river.

Best, Kent Petterson
503 St. Clair Ave.
St. Paul, MN 55102

ZF# 15-022-204
Shepard/Davern

To whom it may concern,

I was in attendance at the HDC meeting on 4/09 and am concerned about the compromise resolution that was finally agreed to. The vote was 9-3 against the height variance and then somehow they allowed it? I feel that we should honor the height restrictions based on the zoning law and the Critical River Corridor rules. Anything taller than these limits will be an eyesore to the river front and to our neighborhood. I am concerned, also, that there is no long-term plan in place for the former USBank site, and that the developers are quietly trying to get a height variance for their first of several buildings. They have plenty of acreage....they can spread out their building rather than building it up. The developers have added 1% retail space, which conveniently allows them to be called 'multi-use' and thereby side-step the lower height limit for residential-only.

I strongly encourage the HDC, the Planning Commission, and the St Paul City Council to reject this request from the Johnson Brothers for a height variance.

Thank you for your efforts.

With best regards,

Sally Walsh

1800 Graham Avenue, Unit 204

Saint Paul MN 55116

ZF# 15-022-204
Shepard/Dave

Subject:Johnson Brothers Project Action

Date:Fri, 10 Apr 2015 12:40:43 -0500

From:Arthur Kourajian <arthur.kourajian@gmail.com>

To:Kathy Carruth <hdc@visi.com>

To Kathy Carruth,

After the HDC meeting on 4/09, I am concerned about the compromise resolution that was finally agreed to. I feel that we should honor the height restrictions based on the zoning law and the Critical River Corridor rules. Anything taller than these limits will be an eyesore to the river front and to our neighborhood. I am concerned, also, that there is no long-term plan in place for the former USBank site, and that the developers are quietly trying to get a height variance for their first of several buildings. They have plenty of acreage....they can spread out their building rather than building it up. The developers have added 1% retail space, which conveniently allows them to be called 'multi-use' and thereby side-step the lower height limit for residential-only.

I strongly encourage the HDC, the Planning Commission, and the St Paul City Council to reject this request from the Johnson Brothers for a height variance.

Thank you for your efforts.

With best regards,

Arthur Kourajian

1800 Graham Avenue, Unit 200

Saint Paul MN 55116

ZF# 15-022-204
Shepard/Davern

Subject: Variance

Date: Mon, 13 Apr 2015 09:11:52 -0500

From: Dale Holland <ddholland@cableone.net>

To: hdc@visi.com

CC: Arthur Kourajian <arthur.kourajian@gmail.com>

To Kathy Carruth,

I was in attendance at the HDC meeting on 4/09 and am concerned about the compromise resolution that was finally agreed to. I feel that we should honor the height restrictions based on the zoning law and the Critical River Corridor rules. Anything taller than these limits will be an eyesore to the river front and to our neighborhood. I am concerned, also, that there is no long-term plan in place for the former USBank site, and that the developers are quietly trying to get a height variance for their first of several buildings. They have plenty of acreage....they can spread out their building rather than building it up. The developers have added 1% retail space, which conveniently allows them to be called 'multi-use' and thereby side-step the lower height limit for residential-only.

I strongly encourage the HDC, the Planning Commission, and the St Paul City Council to reject this request from the Johnson Brothers for a height variance.

Thank you for your efforts.

With best regards,

Dale D.Holland
1800 Graham Avenue, Unit 426
Saint Paul MN 55116

2F# 15-007-994
15-022-204
Shepard/Davern

Langer, Samantha (CI-StPaul)

From: Kathy Carruth <hdc@visi.com>
Sent: Monday, April 13, 2015 10:01 AM
To: Beach, Tom (CI-StPaul); Langer, Samantha (CI-StPaul)
Subject: Fwd: Johnson Bros variance requests

----- Forwarded Message -----

Subject: Johnson Bros variance requests
Date: Sun, 12 Apr 2015 00:39:24 -0500
From: Laura Nichols <macduffso1@gmail.com>
To: Kathy Carruth <hdc@visi.com>

Dear Kathy,

Please forward the following to the Planning Commission for the Thursday, 4/16 meeting.

While I support the development of the former U. S. Bank building site on Shepard Rd. and Davern, the developer's requests for height variances on the first of the buildings that they intend on that site should be denied for at least the following reasons....

The "commercial" space for this project is so limited (1200 square feet within a building structure of 200,000+ square feet), that it seems to be a method of skirting the 45' height limitations for residential structures in T3 zoning. Even so, this is T zoning that was just put in place by the city 2 months ago. If this height variance passes, why go through the process of creating zoning with height requirements at all?

The public and the city has recently determined height restrictions on property near the river and in the Shepard Davern neighborhood. While it is unfortunate that the developer cannot create underground parking, since creating a development was the intention of the developer with the purchase of this land, the developer should have hired a geologist to make that determination before purchase. The public should not have to bear the costs of the developer's missteps.

Within the scope of 19 acres, Johnson Brothers can build out rather than up and not harm the neighbors or the neighborhood or need to secure an exception to the zoning requirements.

Thank you,

Laura L. Nichols
1754 Field Ave.

--
Laura L. Nichols, PhD

2F# 15-007-994
15-022-204
Shepard / Davern

Langer, Samantha (CI-StPaul)

From: Kathy Carruth <hdc@visi.com>
Sent: Monday, April 13, 2015 9:55 AM
To: Beach, Tom (CI-StPaul); Langer, Samantha (CI-StPaul)
Subject: Fwd: Height variance

----- Forwarded Message -----

Subject: Height variance
Date: Sun, 12 Apr 2015 20:24:35 +0000 (UTC)
From: sunrisebay888 <sunrisebay888@yahoo.com>
Reply-To: sunrisebay888 <sunrisebay888@yahoo.com>
To: hdc@visi.com <hdc@visi.com>

Kathy Carruth,

I'm against any higher buildings then the restrictions on the zoning laws permit . It will be an eyesore to the riverfront and our neighborhood,

Please reject the request from the Johnson Brothers for a height variance.

Thank you,

Janice Wiggins
Owner at Highland Pointe

2F# 15-022-204
Shepard/Davern

Subject:Johnson Bro's - variance on height
Date:Fri, 10 Apr 2015 21:59:53 +0000 (UTC)
From:Cathy Gagliardi <patcatgags@comcast.net>
To:hdc@visi.com

Hi Kathy Carruth,

I am unable to attend the next meeting regarding the height variance Johnson Brother's is requesting, but I would appreciate if you could voice my letter, in opposition.

At 73 feet, neighbors won't see the sun until high noon and protecting scenic views by limiting building height is extremely important for the river corridor. The added living space if this variance for additional height is approved will only cause more congestion and Davern St. is already congested enough.

As a resident in southern Highland Park for 26 years, this building height would severely impact our neighborhood. I urge the City to not approve this variance.

**Best regards,
Cathy & Pat Gagliardi
1735 Sheridan Ave.**

15-022-204 Shepard Davern mixed use development

Variance of 40 foot River Corridor height limit and 55 foot height limit for a mixed use building in the T3 District to allow a maximum building height of 73 feet 6 inches

1465 Davern St, NW corner at Shepard Road

T3

Josh Williams 651-266-6659

Shepard / Davern
15-022-204
15-007-994

Subject:Development of US Bank site

Date: Wed, 15 Apr 2015 14:04:20 -0500

From: PETER S and PATRICIA KOONTZ <pskpjk@msn.com>

To: hdc@visi.com <hdc@visi.com>

Attention Kathy Carruth:

I was in attendance at the HDC meeting on April 9 and oppose the compromise motion agreed to at that meeting concerning the height variance of the Johnson Bros. apartment building on the old US Bank property. The input at that meeting by neighbors present was definitely negative to any compromise.

Two reasons:

It is against the height restrictions of the Mississippi River Corridor and putting a very small retail space in the plan in contrast to the huge square footage of the project should not allow the height to be raised either.

Any variance would set a precedent for future development of the remaining acreage of the site where the same bedrock issue remains. This area is huge and has enough space to build an attractive building complying with current regulations and not take over the neighborhood.

I am encouraging the HDC and the St. Paul City council to reject this request from the Johnson Bros. and have this project obey present and sensible regulations.

Thank you for your consideration of these reasons.

Patricia Koontz
1800 Graham Avenue, Unit 408 (within direct sight of this project)
Saint Paul, Minnesota 55116

Sent from my iPad



*Working to protect the Mississippi River
and its watershed in the Twin Cities area.*

360 North Robert Street
Suite 400
Saint Paul, MN 55101

651-222-2193
www.fmr.org
info@fmr.org

April 16, 2015

Saint Paul Zoning Committee
City Council Chambers
3rd Floor City Hall
15 Kellogg Blvd West
Saint Paul, MN 55101

Dear Saint Paul Zoning Committee Members:

Friends of the Mississippi River (FMR) is a local non-profit community-based organization that works to protect and enhance the Twin Cities. We have 1,700 active members and 3,000 active volunteers who care deeply about the river's unique public values.

We are encouraged to hear that demand for Mississippi Riverfront housing and commercial space is returning to Saint Paul. This new development will provide better corridor amenities as well as access to the Mississippi River and the beautiful adjacent Saint Paul parkland. While we support redevelopment within the river corridor, we are interested in ensuring that the coming development is held to the high standards that the Saint Paul community has continually put in place for decades to maintain the vibrant riverfront corridor. We will specifically address our comments in this letter to the proposed Shepard Davern Mixed Use Development by Johnson Brothers.

We understand that Johnson Brothers is requesting a 33.5-foot height variance to build to 73.5 feet high for their 1465 Davern Street development proposal. We do not support this variance request.

The proposed development is located within one of the most historically and geographically significant places in Minnesota, the confluence of the Mississippi and Minnesota Rivers. In 1976, Minnesota decided that this area, along with the entire riverfront throughout the Twin Cities, was something to be treasured and designated it the Mississippi River Corridor Critical Area (MRCCA), a corridor with special protections to help maintain and restore our river. The U.S. Congress seconded that sentiment by designating the same area to be the Mississippi National River and Recreation Area (MNRRA) in 1988 and permanently work to restore and protect this area as a treasured national resource. Saint Paul has also invested

significant resources into protecting its portion of this world-renowned river. The Great River Passage Plan and the River Corridor chapter of the Comprehensive Plan provide exceptional guidance, created with area community members, to protect, restore and guide riverfront development. It is imperative that these documents are followed as Saint Paul riverfront development picks up.

According to the Shepard Davern Mixed Use Development staff report, the following findings must be met to achieve a height variance. We've included notes on where we disagree with the existing findings.

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

This finding should not be met. The zoning code, created with influence from riverside communities, requires a 40-foot height limit. The intent of the height limit is to protect river corridor views, so the intent cannot be met while the development exceeds the set height limit.

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

This finding should not be met. The comprehensive plan calls for a 3-5 story building in this zoning district. Johnson Brothers is proposing a 6-story building. The staff report justifies this partially by saying that there are buildings of similar heights within a .5 mile radius of the proposed development. However, many of those buildings are outside of the MRCCA and should not be used as justification.

Additionally, the MRCCA chapter of the comprehensive plan specifies that building heights should not exceed 40 feet. Johnson Brothers is proposing to exceed this by 33.5 feet. This is unacceptable and will negatively impact the long protected viewshed in this historic area.

- 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 should not be met. The only reason to build higher is to increase profit by increasing the number of units or the value of units by providing parking.

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

This finding should not be met. Johnson Brothers purchased this land because of its prime location being near downtown Saint Paul, near the airport and near a beautiful natural area. There is no plight in this situation.

The fact that this land is on bedrock is no secret as the bluff face is visible a matter of feet away. The City should not degrade this significant public corridor by allowing height exceptions for developers who prioritize profit, not the public resource they are benefitting from. Additional creative parking solutions are very possible with the additional land the developer owns at the site and the existing ramps surrounding the development.

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

This finding should not be met. The justification does not take into account the proximity to the Mississippi and Minnesota River confluence, the surrounding river valley viewshed, and the historic site directly across the river. This building will significantly protrude above the treeline unlike other area developments and impact the surrounding views. Additionally, this building is the first of many on the site and all decisions should be made to set the stage for the future development.

We would like to thank BKV for their viewshed studies, but would like to see additional studies done from the opposite bank of the river and at Historic Fort Snelling.

Thank you again for the opportunity to comment on this proposed development within our treasured Mississippi River corridor. We urge you to not grant a variance above the set 40-foot limit.

For the river,

A handwritten signature in cursive script that reads "Alicia Uzarek". The signature is written in black ink and is positioned above the printed name and title.

Alicia Uzarek
Policy Advocate