

MINUTES OF THE ZONING COMMITTEE
Thursday, April 16, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Reveal, Wencil, and Wickiser
EXCUSED: Edgerton and Padilla
STAFF: Josh Williams, Samantha Langer, Bill Dermody, and Peter Warner

The meeting was chaired by Commissioner Nelson.

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, 637 - 701 Barge Channel Road,

Josh Williams presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 3 requested another lay over, and there were 0 letters in support, and 1 letter in opposition.

Greg Ohlhues, Operations Engineering Manager for Hawkins Inc., 4582 196th St W, Farmington, MN, was available for questions.

Richard Erstad, Vice President & General Counsel, Hawkins Inc., 1660 Laurel Avenue, Saint Paul, was available for questions.

Kevin ORourke, St. Paul Operations Manager, 8755 Highwood Way, Apple Valley, MN, was available for questions.

Steven Matthews, Vice President of Operations, 9246 189 Ave NE, Forest Lake, MN, was available for questions.

At questions from the Commissioners, Mr. Ohlhues explained the new tanks that will be installed will be holding hydrochloric acid. The tank being removed currently holds hydroflourosilic acid. The other existing tanks on the site will continue to hold sodium hydroxide.

Mason Wells, Community Organizer at West Side Community Organization (WSCO), 1 W Water Street, Saint Paul, spoke in opposition. Due to the timing of the application, WSCO's Riverfront Development Land Use Committee hasn't had a chance to review the application formally, and they have requested a layover to review the project. Some of the concerns are regarding impact of traffic and industrial uses on nearby residential and commercial districts, particularly District Del Sol, Concord Street, and Cesar Chavez Street. Generally Committee members were in support of replacing aging equipment and safety improvements to their operations. WSCO also submitted a letter.

Salina Amey, 283 Curtice Street E, Saint Paul, spoke in opposition. She is a new board member on WSCO and a community member. She explained that while replacing aging equipment is a good thing, it does cause Hawkins Inc. to become more entrenched with the infrastructure in Southport, which she opposes for a number of reasons. Ms. Amey stated that the Southport

industrial district is zoned as I2 General Industrial, and hazardous chemical tank farms and transfer stations are clearly categorized as heavy industrial in nature, and do not belong in such a zone. The Hawkins Chemical site is within three to four blocks of Guadalupe Alternative Programs School for disadvantage and poor youth, Our Lady of Guadalupe Church, apartment buildings and many homes. Further development places an additional heavy burden of negative health effects and erosion of property values for the minority community in this part of Saint Paul. This can be construed as environmental racism. River developments in other parts of Saint Paul enhance the quality of life, property values, and health of nearby residents. Only on the west side is this kind of situation occurring. Southport is not a significant source of revenue for Saint Paul, it only brings in \$144,000 a year, which is miniscule compared to other river development areas. She stated they have also received a report from the Community Air Monitoring Project Division of the Minnesota Pollution Control Agency, and the findings were startling. There is a serious pollution problem in the area. They monitored air quality on the roof of the Guadalupe Church and found that of 17 sites statewide the highest levels of fine particulate matter pollution came from this site. They also found that of seven sites in the Twin Cities, the highest levels of formaldehyde were found at this site. They also looked at six sites throughout the Twin Cities and the west side site had the highest levels of arsenic in addition to other chemicals. She would like to see a process of reviewing what is going on in the area and how the site is being used in general. It is listed as a super fund site, and the pollution is enough to raise the cancer risk of everyone in the vicinity. She would like Saint Paul to seriously consider making it the highest priority to clean up this area for the sake of the citizens and environment. She has great respect for Hawkins Inc., but she does not want them becoming more entrenched in the area.

Richard Eurstad, Hawkins Inc., responded to testimony. Mr. Eurstad said that in regards to truck traffic they are not expecting a lot of increase. They bring products in by barge and rail and everything leaves the site by truck. The volume will not increase by much, maybe one truck per day. In regards to the environmental concerns, Mr. Eurstad said that the chemicals mentioned, such as formaldehyde and arsenic, are not handled by their company. He does not believe they are contributing to the pollution issues raised by Ms. Amey. Hawkins Inc. was founded in Saint Paul in 1938. They have had three facilities on the Mississippi River for decades. The lease they have been renegotiating with the Port Authority for this facility goes back to the 1960's. They will be taking the adjacent parcel and expanding by footprint their facility at this site.

No one spoke in support. The public hearing was closed.

Upon questions from the Commissioners, Mr. Williams stated that the use is not considered nonconforming and therefore is allowed in the existing zoning. He also stated that the use itself is not changing at the site only the physical footprint will be changing.

From questions from the Commissioners regarding environmental issues, Mr. Williams stated that it is the MPCA's domain to regulate the issues that may arise during the tank replacement process that might relate to soil contamination on the site.

Commissioner Wickiser stated the Committee is not responsible for the removal of the tanks. There is a process in place that Hawkins Inc. will need to comply with during the replacement of the tanks at the site.

Upon further inquiry of the Commissioners, Mr. Warner stated that the application before the Committee deals with Flood Plain requirements. The information presented during testimony does not pertain to the application. Hawkins Inc. will need to deal with the MPCA seperately.

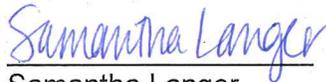
Commissioner Makarios stated he is satisfied that they are not dealing with an expansion of a nonconforming use and he supports the application.

Commissioner David Wickiser moved approval with conditions of the conditional use permit. Commissioner Kyle Makarios seconded the motion.

The motion passed by a vote of 6-0-0.

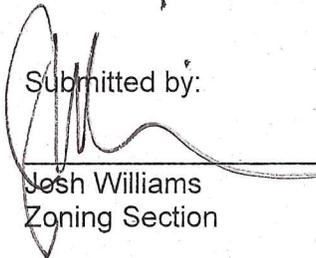
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



Josh Williams
Zoning Section

Approved by:



Gaius Nelson
Chair

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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), 1465 Davern, NW corner at Shepard Road

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 4 inches at 1465 Davern Street, NW corner at Shepard Road

Tom Beach and Josh Williams presented the staff report with a recommendation of approval with conditions for the site plan review and variances. They stated District 15 recommended denial as proposed, and there were 0 letters in support, and 11 letters in opposition.

Upon questions from the Commissioners, Mr. Beach stated that the building previously located on the site was a two story building and approximately 30 feet in height.

At questions from the Commissioners, Mr. Williams explained that the conditions listed are related to site plan approval. They are technical issues that need to be worked out through the process of administrative approval of the site plan and variances.

Upon inquiry from the Commissioners, Mr. Beach said it may be possible to reconfigure the building to reduce the height. The current configuration has advantages like masking the parking. He stated that because of the shallow bedrock they are unable to put the parking underground. Mr. Williams added that due to the shallow bedrock storm water is another challenge. Mr. Williams confirmed that in a T3 district, heights greater than 55 feet for mixed-use buildings are allowed through a conditional use permit (CUP), except in the River Corridor overlay district.

Mr. Beach showed a plan demonstrating that Wheeler Street is proposed to extend to Shepard Road. It leaves some set back between the building and the street. He also noted there is driveway to be used for trash removal. The development as proposed does not include the area west of the parking ramp. Mr. Beach stated that if the commercial space was removed and the proposed building was strictly multi-family, the maximum height allowed would be 45 feet instead of 55 feet in a T3 zone. Mr. Beach confirmed that the setback on Davern is 7 feet from the property line and a variance would be needed if they were to be setback further than 10 feet.

Mr. Williams confirmed that currently in the RC3 District the standard for bluff development is 40' landward of the bluff line. He noted that the updated DNR rules for the Mississippi River Corridor Critical Area (MRCCA) are expected to be published in June and would allow heights of up to 65' on the project site.

Michael Johnson, 1550 Edgecumbe Road, Saint Paul, stated that their family has lived in Saint Paul since the 1880's and have been property owners since the 1930's. Recently they built a new property, the Lyric, in 2010. They are excited for the opportunities of this particular property. They feel this project is something the City and community will be proud of for generations to come.

Todd Johnson, 2048 Lower St. Dennis Road, St. Paul, said he is a proud Saint Paul resident and business owner. They are looking forward to putting this high quality project together. They are looking to make the first phase of development to be of high quality in order to set the bar for the rest of the project. He asks for support for the variances and he believes this is the best use for the site.

Chris Palkowitsch, Architect, BKV Group, 222 N Second Street, Minneapolis, presented slides, also shown to the neighborhood group last week, that showed a little more of the site plan overall. He pointed out the main hardship of the site is the bedrock. The bedrock influences the design of the building in multiple ways. The bedrock is 3 to 4 feet below grade and doesn't allow them to bury the parking which would be ideal. It only allows them to bury the parking approximately 2 ½ feet. The shallow bedrock also makes the storm water management difficult. He noted cascading pieces included along the west side of the site, to focus on controlling storm water management, and to beautify and add green space to the neighborhood. It will also screen the parking that will be above grade at that point. The bedrock also makes adding the utilities very costly. He said there are benefits of the layout they are proposing, and they feel the benefits outweigh the additional height they are requesting. The benefits include the location of the building itself. By abutting it against the existing parking garage on the south side, it makes the best use of the area for future development, the neighbors, and for the view corridors. Currently there will not be a surface parking lot; they are providing two levels of enclosed parking. If the variance is denied surface parking is something they may need to include. The building is organized to focus on shielding the parking in general. Along Davern Street they have retail space, the main lobby, and a leasing office. Along Shepard and wrapping around to the future Wheeler extension piece they have walk up units. The west side includes a majority of the landscape terracing. The back corner will have a small service area that will be minimized as much as possible. It will be the main trash room for the building and be enclosed. The next building will share access. Enclosures would be around the trash for temporary holding and also around the mechanical space. Mr. Palkowitsch stated that along Davern Street they are looking to improve the landscape. Right now it is 10 to 16 feet of solid concrete with trees in the Boulevard. They are interested in beautifying the area. They will add a connection piece to draw people further down Davern and past the parking garage to connect them to the parkway below. They are currently in discussions with the City, as part of a potential future overall master plan, how future connections could improve the area. Along Shepard they will have a 25 foot setback that will include storm water management pieces and add green space. They want to beautify the area, to create a softer edge from the busy wide concrete road of Shepard, to the edge of the building. The storm water management piece is something they have taken very seriously, and have studied as to how it can become an amenity. They will have an underground tank system, but they would like to have native grasses and plants. He also noted they would include a landscape terrace for residents to use as a community space. The proposed retail space is something that would be a great improvement for the neighborhood. They will be improving the walkability and landscape throughout the neighborhood. They will be adding a sidewalk along Shepard Road and improving the sidewalk along Davern. He also noted they will be providing half of the Wheeler extension in Phase I and that will include a sidewalk on one side. As future buildings go in, Wheeler would be completed as well as the sidewalks. Bicycling is highly encouraged and they will be providing 149 bicycle stalls.

Mr. Palkowitsch also spoke about the height variances. The main roof of the building is approximately 69 feet 4 inches. There is a bump up of 4 feet to the 73 feet 4 inches that the building is currently at right now. To compare to some of the neighboring buildings across Norfolk to the north, the building is approximately 54 feet to the roof height, and 64 feet to the high points of architectural features. It ends up being about a 10 foot difference at the main architectural feature point. The existing parking garage is 44 feet in height. He showed a few exhibits in regards to how the proposed building will affect the views of neighboring buildings. The views would be impacted regardless of the height variance, but the additional height really provides the additional benefits. They will be able to beautify the site and also capture the T3 guidelines. They want to provide a quality level to be followed by the future buildings in the master plan.

Upon questions from the Commissioners, Mr. Palkowitsch stated that the existing parking garage will remain for Phase I and be used as airport parking. They are considering using it for future development. Mr. Palkowitsch explained the new grade plane, Saint Paul datum 107.8 that was noted on the plan. The grade plane by the City of Saint Paul is determined by reviewing the elevations around the site and creating an average. It states you can't inherently build grade plane to gain extra height. That is not their intent. Their grade plane does come up a couple of extra feet because they are terracing up the landscape to the courtyard deck, but feel that is an offset amenity providing it covers the parking as well. The newly established grade plane is approximately 103 to 104 in the front and 106 to 107 on the rear of the site.

Tia Anderson, 2091 Pinehurst Avenue, Saint Paul, spoke on behalf of the Highland District Council (HDC). She stated that while HDC supports some of the positive aspects of the proposed development, they do not support the height variance. See attached letter.

Laura Nichols, 1754 Field Avenue Saint Paul, stated that while she supports the development of the former US Bank building site, the developer's request for height variances on the first of the buildings that they intend on that site should be denied. The Shepard Davern Task Force has worked on developing new T zoning for this area over a period of 1 ½ years. The City Council finalized their recommendations three months ago. In determining these zoning classifications they considered every constituency within the Shepard Davern neighborhood, including the possible development of the Johnson Brothers property. This is the first proposal for building since the rezoning requirements were officially in place. If this significant height variance passes, why did they go through the lengthy process of creating zoning for the neighborhood at all? Their neighborhood craves amenities. The Johnson Brothers proposes to bring in 210 new families and increased density, but does not provide the neighborhood with the amenities that will be required to sustain a greater population. The limited commercial space for the project seems to be a method of skirting the 45 foot height limitation for purely residential structures in T3 zoning districts. If the meager 1,200 square feet of retail space was not included, the variance for part of this proposed structure would not be 18.5 feet, it would be 28 feet. While the designation of mixed use for the property may be within the letter of the law, it certainly doesn't fit within the spirit of the law. While it is unfortunate that the developer cannot create underground parking, they should have researched this before purchase to make that determination. The public should not have to bear the cost in variances because of the developer's missteps. This is a large property within the scope of 21 acres; Johnson Brothers can build out rather than up and not harm the neighborhood. With this abundance of land they shouldn't need to secure a significant exception to the current zoning requirements. Ms. Nichols said she recently received an email from Rory Stierler, a Planning and GIS Specialist, from the National Park Service. She asked that the Committee consider reading what he has to say before making a final decision.

Aurthur Kourajian, 1800 Graham Avenue, Saint Paul, spoke in opposition. He is concerned that an already dense area will increase even more with the number of apartments and condos being proposed at this site. He is concerned about the added traffic congestion. He has heard about how beautiful the building will be, but that is not the concern. He is not against development of the site, but he is concerned with the height of the proposed building. He has heard about the hardships, due to the shallow bedrock at the site, but that is not in question either. That should have been planned and thought of before they bought the site, and when they designed the buildings. If they make the building higher those hardships will not go away. Their plan to have the building shield the parking ramp, and that the height is somehow going to fix this, isn't true either. The parking will be shielded by the first and second floors of the building. He agrees that they should build out rather than up. Building up will block their view from across the street making it a concrete corridor. It will also bring additional congestion and pollution to their neighborhood. The neighborhood is all for having the area enhanced, but he is very opposed to the height of the building. It will be an unattractive addition to the River Corridor. He said he submitted a petition of over 200 names, to the City Council and Mayor, of people who support his statements. He does not object to the number of units proposed, but he does want to see them build out and not up.

Connie Barry, 1800 Graham Avenue, Saint Paul, spoke in opposition. She stated she agrees with Mr. Kourajian's statements. She is excited about having luxury apartments on the site and in favor of the Johnson Brothers developing in the area, but does not support the variance. She would like to clarify that this property is not in the T3 zoning district, but it is in the RC3 zoning district. The height restriction is 40 feet. In the River Corridor Study [sic], currently being reviewed, they are proposing that it will be 65 feet, however that has not been approved. It's her understanding that each of the municipalities along the River Corridor has to review that before it is passed, and Saint Paul hasn't had the opportunity to do that yet. That could take as much as a year to get approved. The current development should adhere to the current zoning. Johnson Brothers stated that this location has minimal impact on the neighboring properties views because of the existing parking structure, but that is only 44 feet in height. The proposed Phase 1 building is almost 30 feet higher, and that would certainly have an impact on the neighborhood. She is asking that the Committee take this into consideration because she is assuming that whatever is decided will set a precedent for the rest of the development.

Vinni Capra, 1800 Graham Avenue, Saint Paul spoke in opposition. He said that everyone has already touched on what he wanted to bring up, however he wanted to speak to the last statement, which is setting precedence for the rest of the phases. He said that there are four phases to this development that will encompass the entire area. If precedence is set for the first phase of a building height at 73 feet, be aware that there are three other phases following behind, which will encompass all of the green space that was shown on the diagrams.

Rory Stierler, National Park Service, 111 E Kellogg Blvd. Suite 105, Saint Paul wanted to make a clarification. Ms. Nichols mentioned that he drafted comments, but they have not been distributed for public record at this point. He has not done his due diligence, and has not had a chance to talk to staff on the project. Before submitting public record he wants to make sure they fully understand the project at hand, and are not prepared to do so at this point.

Michael Krych, BKV Group, 222 N. 2nd Street, Minneapolis, responded to testimony. Mr. Krych said that there are other scenarios for this site, but the one being proposed is the most conducive to

creating a great neighborhood that would add to the current residential components of the area. There is a cause and effect to what they are asking. There are fixed economics that they need to be able to meet to make this project happen. If they push the height down it will force the development to spread out and that would eliminate some of the amenities that the height variance will allow. The height allows them to be able to bury the parking and have green space around the building and within the courtyard. It provides for more walkable areas and setbacks. It also allows for the storm water system to be an amenity to the entire area. They will lose some of the green space and landscape features if they build out rather than up. They feel the proposed design is the best for the site.

No one spoke in support. The public hearing was closed.

Upon questions from the Commissioners, Mr. Williams explained that there has been some informal input regarding the RC3 rules. The Planning Commission has held a public hearing regarding the RC3 rules to gather input from residents and other stakeholders that will be taken into consideration when the City submits their official comments to the DNR. The entire process will most likely take over a year before new rules for Saint Paul are adopted.

Commissioner Kyle Makarios moved approval with conditions of the variance. Commissioner Paula Merrigan seconded the motion.

The motion passed by a vote of 6-0-0.

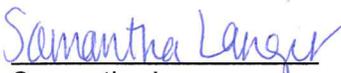
Adopted Yeas - 6 Nays - 0 Abstained - 0

Commissioner Kyle Makarios moved approval with conditions of the site plan review. Commissioner Elizabeth Reveal seconded the motion.

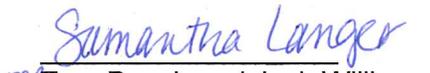
The motion passed by a vote of 6-0-0.

Adopted Yeas - 6 Nays - 0 Abstained - 0

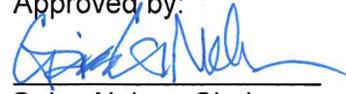
Drafted by:

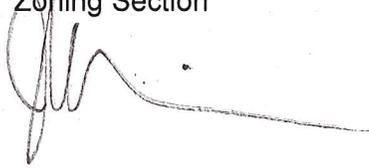

Samantha Langer
Recording Secretary

Submitted by:


Tom Beach and Josh Williams
Zoning Section

Approved by:


Gaius Nelson Chair





Highland District Council
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2F # 15-022-204
15-D 07-994
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,



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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

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The meeting was chaired by Commissioner Nelson.

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), 735 Cleveland Ave S, between Highland Parkway and Pinehurst Avenue

Tom Beach presented the staff report with a recommendation of approval with conditions for the site plan. District 15 recommends denial of the site plan as proposed, and there were 11 letters in support, and 17 letters in opposition.

Jim LaValle, 2416 Edgecumbe Road, Saint Paul, said he has been fortunate enough to participate in a number of developments in the Twin Cities, but this is a very special project for him, because he has resided in the area for the last 20 years. He enjoys the amenities and conveniences the area has to offer. The design team for this project researched in great detail the visioning set forth in the Comprehensive Plan and used it as a guide book for creating this project. It was their ultimate goal to follow all of the principles, guidelines, and zoning codes in the plan so the project would simply need site plan approval. They respect their neighbors and the context of the neighborhood. When they started their dialog with the Highland District Council (HDC) and the general public he wasn't surprised there were a lot of passionate stakeholders in the area. They are interested in building a project that keeps Highland Village the great place that it is today. They have participated with HDC and attended meetings to get feedback from the neighbors. They listened to the concerns and they have revised their proposal several times to accommodate suggestions from them as well as City staff.

Upon questions from the Commissioners, Mr. LaValle stated that there is a wide mix of unit types in the building; 9 studio apartments, 21 one bedrooms, 14 two bedrooms, and 9 one bedroom plus den units. He confirmed that the conditions listed on staff report are acceptable. Mr. LaValle stated that approximately 60% to 65% of the buildings footprint would be at the highest point of 45 feet.

John Harris, Harris Associates, 515 Washington Avenue N, Minneapolis, said it was very important for them to adhere to the T2 zoning standards. They tried to craft the building to maximize the footprint of the building within the current zoning regulations. They have provided more parking than what is required. They have tried to step back the building as much as possible to reduce the impacts on the neighborhood. They have tried to create a building of very high quality and are using primarily stone, brick, metal panels, and glass for the materials. They have created an environment on the street that will be very active.

Brian Alton, Attorney, 951 Grand Avenue, Saint Paul, stated that this is a great opportunity to replace a 1960's style single story development with a sea of parking with a true mixed use development that is consistent with the Comprehensive Plan and T2 zoning. The developer has developed it in a way that addresses the mixed use transit oriented development ideas the City was seeking to do with the Comprehensive Plan and zoning code. This development is not as dense as it could be, but in an attempt to make sure that it is something that would be acceptable to the neighborhood; they have not maximized the project.

Amy Salmela, 968 Cleveland Ave S, Saint Paul, said she is speaking on behalf of the Highland District Council (HDC). The HDC did not take a strict yea or nay vote on the project, in large part, because they understand the proposed development to be a legal conforming use. They do have concerns based on the site plan and they have submitted a letter. See attachment.

Howard Miller, 2081 Highland Parkway, Saint Paul, said that the property being discussed is a parking lot and former bank building surrounded by small town America. Into this idyllic setting this project will be dropping a four story high density multi-use building. To say that this is not going to have a disparate impact on this neighborhood is wrong. It may be legal, but it doesn't seem to square with reality. He is concerned about traffic at Highland and Cleveland. He was told by a Traffic Engineer that this intersection, at rush hour, rates at a D. This intersection cannot accommodate 20,000 square feet of retail space and approximately 53 apartment units. Realistically this is not rational.

Kate Hunt, 2081 Highland Parkway, Saint Paul, expressed her significant concerns about this development. She believes it will erode the quality of life and the character of Highland Village. Please note that the Highland Village Community supports development if it is well done and enhances quality of life. This development does not. They have significant safety concerns and believe that the vehicular traffic and parking from this four story mixed use development will create significant hazards to traffic along Highland Parkway, Cleveland, and Pinehurst as well as pedestrians. The development is out of scale in terms of height and mass for this residential neighborhood. Noise and light pollution from apartments will be significant. Garbage and delivery trucks to the property will come and go all day long during the week. Highland Village neighbors have suggested various modifications including modifying the four story structure to three stories and the developer rejected this compromise among others. Ms. Hunt requested to not let profit and tax revenues trump the people in this neighborhood. The developer and architects do not live in a two mile radius to the property, they do. She asks that the City reject this project as it's currently described.

HJ Schmidt, 2074 Highland Parkway, Saint Paul, offered a personal invitation to physically stand in his back yard and see the impact that this development will have on his property. The people who will be living on the top floors of the new development will have direct views into his backyard. He is concerned about his privacy. The proposed development is not neighborly and testifying that it could be worse is definitely not neighborly.

Jack Mueller, 2111 Pinehurst Avenue, said his family has owned this home for 75 years and he is very familiar with what the intersection and neighborhood is currently. He would like to back up what Mr. Miller stated regarding the fact that the project doesn't fit the neighborhood. That is some of the City's fault because they have allowed the businesses in Highland to grow and

never required parking. There is more and more street parking and the residential streets are supporting the parking for the businesses. Adding 53 apartments and commercial space is not common sense, and it will not work in the area. The people of the neighborhood are all good people and they would like the City's support.

No one spoke in support. The public hearing was closed.

Commissioner Reveal stated that she is sympathetic to the commentary heard today, but there are certain requirements the Zoning Committee has to follow. This is a legally conforming proposal and there are no variances requested or nonconforming uses proposed. There is not a condition in which they would have some discretion, and if there is a staff finding that it does legally conform to the code, which she believes it does, it is really incumbent upon the Committee to approve the site plan.

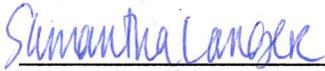
Commissioner Nelson noted that they are not granting any variances with the site plan approval. Set back requirements will have to be met within the development itself.

Commissioner Elizabeth Reveal moved approval with conditions of the site plan. Commissioner Barbara Wencil seconded the motion.

The motion passed by a vote of 6-0-0.

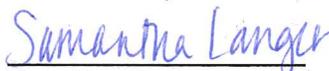
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



Samantha Langer
Recording Secretary

Submitted by:



FOR Tom Beach
Zoning Section

Approved by:



Gaius Nelson
Chair



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ZFH 15-011-695
Highland Villas

Building a More Vibrant, Welcoming, and Safe Neighborhood

Resolution Regarding Development at 735 South Cleveland Ave.

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, called for "rezoning portions of Highland Village to TN-2 to support mixed-use development and appropriate building design;" and,

WHEREAS, the Highland District Council (HDC) requested a zoning study of the Highland Village Business Corridor on January 21, 2010; and after a series of public and stakeholder meetings with property owners, the Neighborhood Planning Committee and Planning Commission, T2 zoning was approved for almost all Highland Village commercial properties by the City Council on April 13, 2011; and,

WHEREAS, the T2 traditional neighborhood district is designed for use in existing or potential pedestrian and transit nodes; its intent is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage; it encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods; and,

WHEREAS, the full 2005 *District 15 Highland Park Neighborhood Plan* (not part of the *Plan Summary* adopted by City Council) includes a goal of "new development in the Village shall be guided by architectural and urban design standards that create an attractive environment and do not negatively impact the adjacent residential areas;" and,

WHEREAS, the HDC's Community Development Committee hosted a public meeting on January 27, 2015, with TJJ Development and about 40 residents on a proposed mixed-use development at 735 South Cleveland Avenue where the overwhelming response to the developer were concerns regarding:

- Height and mass of the building in proportion to neighboring commercial structures and single-family homes
- Natural light obstruction and noise pollution from the building in general, and particularly from balconies overlooking single-family homes on the west façade of the building
- Anticipated increase in traffic on an already busy corridor, and the ability of current traffic signals and flows to handle this increase



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- Expected increase in demand for on-street parking on neighboring residential streets from residents, employees and customers
- Pedestrian safety considering the proposed layout of parking ingress and egress with respect to sidewalks; alleys and other driveways
- Types of commercial tenants in consideration of the numerous fast food and quick casual restaurants already operating in the area, and the faster turnover driven by those tenants as compared to sit-down service restaurants
- Deliveries and trash pickup timing, frequency and location for a building of this scale and at this location
- Proposed number of small apartments in the building and turnover of lessees
- Potential for increased crime from increased density

WHEREAS, the HDC has received an unprecedented volume of feedback (through emails, calls and online forums) from neighbors and residents with concerns about the proposed building height and mass, parking, traffic and overall effect on the neighborhood; and,

WHEREAS, the HDC's Community Development Committee hosted a second public meeting on March 18, 2015, with TJJL Development, City of Saint Paul PED, DSI, Public Works, and many neighbors to discuss the proposed 735 S. Cleveland Avenue development as submitted to the City for site plan review; and,

WHEREAS, the attendees of the March 18, 2015, HDC's Community Development Committee meeting reaffirmed the aforementioned concerns about the proposed building height and mass, parking, traffic, and overall effect on the neighborhood, resulting in a CDC Resolution requesting the Planning Commission's Zoning Committee hold a public hearing to listen to residents' concerns; Therefore,

BE IT RESOLVED, that the Highland District Council does not advocate for a four-story development at 735 S. Cleveland Avenue, and

BE IT FURTHER RESOLVED, that the Highland District Council requests that the proposed 735 S. Cleveland Avenue development do all that it can to include qualities that scale to a pedestrian level by including building façade articulation, architectural elements to help define primary entrances, and commercial façade street level windows and doors that allow views into and out of the interior, and

BE IT FURTHER RESOLVED, that the Highland District Council supports the following conditions on the proposed 735 S. Cleveland Avenue development if it proceeds:



Building a More Vibrant, Welcoming, and Safe Neighborhood

1. TJJ Development's representatives continue to work with the HDC and neighbors on design details including:
 - Building materials
 - Size and location of windows and balconies on the west façade of the building to preserve the privacy of neighboring homes
 - Landscaping and continuation of the Village Streetscape along the property
 - Potential for outdoor patio restaurant seating on the property
 - Business and parking signage and lighting
 - Building access and pedestrian safety, including features to alert pedestrians to vehicle egress from the site
 - Location, timing and frequency of supplier deliveries, garbage and recycling pick-up, and snow removal
2. TJJ's representatives consider real ways to reduce auto traffic to and from the development through implementing a Travel Demand Management Plan by working with an expert such as St Paul SmartTrips, or some similar group to help reduce traffic and parking in the neighborhood and promote multi-modal transportation
3. TJJ's representatives work with Public Works to implement a stormwater management system that considers the area's high water table and layout of the site with respect to adjacent alleys and properties
4. TJJ's representatives work with the HDC on construction details including timing, location of equipment and materials, parking for crew and employees, and mitigating impacts on neighboring residents and businesses during the phased development, and

BE IT FURTHER RESOLVED, that the Highland District Council requests the following of the City of Saint Paul in regards to the proposed 735 S. Cleveland Avenue development:

1. DSI confirms that the proposed design meets setback requirements with respect to the adjacent alley
2. DSI reverse its Site Plan Review recommendation to move garbage and recycling pick-up to the adjacent residential alley rather than the property's surface parking lot
3. Public Works consider the best options to help with traffic flow and pedestrian safety, such as by considering bump-outs on Cleveland Avenue, possible one-way traffic flow options, and on-street parking locations and requirements on adjacent streets.

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

MINUTES OF THE ZONING COMMITTEE

Thursday, April 16, 2015 - 3:30 p.m.

City Council Chambers, 3rd Floor

City Hall and Court House

15 West Kellogg Boulevard

PRESENT: Makarios, Merrigan, Nelson, Reveal, Wencil, and Wickiser

EXCUSED: Edgerton and Padilla

STAFF: Bill Dermody, Samantha Langer, and Peter Warner

The meeting was chaired by Commissioner Nelson.

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, 869 5th St E, NW corner at Mendota

Bill Dermody presented the staff report with a recommendation of approval with conditions for the conditional use permit. He stated District 4 requested a layover, and there were no letters in support, and 5 letters in opposition.

Upon questions from the Commissioners, Mr. Dermody said the use intends to have one staff member living on site. They will have up to four staff members on site at any given time. He is not aware of any separation requirement between transitional housing and schools in either state law or city codes. In regards to the rationale of the code requiring 27,000 square feet of lot area, Mr. Dermody explained that this requirement has been in effect for quite some time. He assumes that it has to do with making sure there is a reasonable amount of outdoor recreation space for the residents in the group home. The open space is provided by the existing courtyard at the facility, and the special design of the site. Mr. Dermody explained that the application in 2007 was initially for 46 residents for a community residential facility. It eventually was scaled back, and the final decision was based on 42 residents. There were three findings that were found not to be met, one of them was with regard to parking, and two of them were with regard to neighborhood impact because of the number of residents.

Bob Johnston, Board Chair of Freedom Works Inc., 9348 Quinn Road, Bloomington, MN said they have chosen this facility because it fits how they currently house residents. They also have a facility in north Minneapolis. Other developers have looked at this property, but it is very hard to make this property work as a market rate property. The lack of parking is an issue and demolition is very expensive. It happens to fit their model very well. They have been very transparent with the Dayton Bluff's neighborhood group. He welcomes any questions.

Upon inquiry from the Commissioners, Mr. Johnston stated that very few of the residents do not complete the program they offer. The men sign a covenant when they come in agreeing to the program requirements and to the spiritual and behavior requirements. If those aren't met within a very short time period they are asked to leave the program. Those that stay complete the program, and often times stay longer than the duration of the program, which is typically nine months. He said he doesn't know what percentage of people leave before they complete the program. The men who will be living at the property are referred to Freedom Works, Inc. generally from the Department of Corrections. Everyone comes to the facility by referral. The men who will be referred are typically men who were guilty of property offences. They do not, under any circumstances, accept anyone who has had any kind of sexual or arson offenses in

Frank Sanchez, 898 E Fifth Street, spoke in opposition. He opposes this mainly because of the number of GRH's in the area. He is also concerned for the residents of the facility. These individuals will be coming out of prison and will be in an area where there is a lot of drug traffic. He is concerned that they will be set up for failure. The neighborhood looks after each other for the most part, but they will not know anything about these individuals or what they have done. This is not a good location for this facility and police records will show that there is a high crime rate in the area.

Mr. Johnston responded to the testimony. He appreciates the concern of the neighborhood. With respect to the first comment, regarding the future of the Sacred Heart Church and the Twin Cities Academy, he can only say what affect they have had in the neighborhood at their facility in north Minneapolis. Without question they have made that neighborhood a better neighborhood. They have many testimonials from neighbors. They are in the heart of the drug culture in Minneapolis and to this date they have not had a single police call based on any occupant of their facility in ten years. He can't say there will be a positive or negative impact on Twin Cities Academy or Sacred Heart Church moving, he can only substantiate their experience for the last ten years in Minneapolis. With respect to the parking easement, the parking agreement shows that it can only be terminated if the zoning is changed. It states that the easement granted in the agreement runs with the land. Freedom Works, Inc. would not be interested in the property if they didn't think that the easement for the additional parking was available. There isn't a need for additional parking, the men will most likely not have automobiles. They acquire cars after they leave the program. With respect to Freedom Works identification, they are a faith based non-profit organization. When submitting an application for a conditional use permit (CUP) they were only allowed one of two choices, and the only choice that somewhat fit their organization was a transitional housing facility. Everyone's concerns regarding the effect on the neighborhood are more than reasonable. He can only recommend that they come to their facility in north Minneapolis and talk to their neighbors and see what they have done in the neighborhood. They have block parties and invite all of the neighbors. They have trash pickup days and serve coffee and donuts at bus stops to get to know their neighbors. The facility is also near a school at the north Minneapolis location. They have done a wonderful job in the area and they have many positive references. In regards to the drug traffic in the area, he can't say anything other than their facility in north Minneapolis has not had any incidences in which any of the men have succumbed to that environment.

Upon questions from the Commissioners, Mr. Johnston confirmed that it would be 24 residents and single room occupancy. He said Freedom Works, Inc. would most likely not be interested in the facility if they were only limited to 14 rooms. To spend the money to purchase the facility and make necessary modifications he doubts it would be a good cost decision to only have 14 residents. This facility would be an expansion of the program, and they will be keeping their facility in north Minneapolis. Mr. Johnston explained that there is a rather significant courtyard for the residents to use in the middle of the property. He explained that the men at the facility are required to work, and when they aren't working, they have programs they need to attend. There will not be much free time for the men. They generally run about 80% occupancy at any given time. The number of residents would need to be close to 24 in order to make the long term investment worth their while.

No one spoke in support. The public hearing was closed.