

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** St. Paul Tennis Club **FILE #** 16-064-562
 2. **APPLICANT:** St. Paul Tennis Club **HEARING DATE:** October 20, 2016
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1055 Osceola Ave, between Oxford and Lexington Pkwy.
 5. **PIN & LEGAL DESCRIPTION:** 022823330132, Bryants Park Addition No 4 Lots 7 And Lot 8 Blk 1
 6. **PLANNING DISTRICT:** 16 **PRESENT ZONING:** R4
 7. **ZONING CODE REFERENCE:** §65.235; §61.501
 8. **STAFF REPORT DATE:** October 14, 2016 **BY:** Jamie Radel
 9. **DATE RECEIVED:** July 27, 2016 **120-DAY DEADLINE FOR ACTION:** December 8, 2016
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- A. **PURPOSE:** Conditional use permit for replacement of existing clubhouse and pool facilities.
- B. **PARCEL SIZE:** 12,196 sq. ft. (0.28 acres)
- C. **EXISTING LAND USE:** C-Health/Sports Club
- D. **SURROUNDING LAND USE:**
 - North: Single-family detached
 - East: Single-family attached and Linwood School
 - South: Single-family attached and detached
 - West: Primarily single-family detached with a multifamily at the end of the block E.
- E. **ZONING CODE CITATION:** §65.235 lists conditions that must be met by noncommercial recreation uses; §61.501 lists general conditions that must be met by all conditional uses.
- F. **PARKING:** This use currently has no off-street parking spaces. Due to this, it currently has legal nonconforming status for one parking space based on the size of the use.
- G. **HISTORY/DISCUSSION:** According to building permit records, the Saint Paul Tennis Club built its first club house in 1914. In 1922, the subject property was zoned "A" residence. In the early 1960s, the tennis club was issued permits to replace the original club house and added a swimming pool to the site. In 1975, the subject property was rezoned to R-4 one-family residence.

A CUP application was submitted by the club on July 27, 2016. On September 22 the applicant extended the 60-day deadline for action under Minnesota Statute 15.99 (September 25) to October 9 to provide additional time for Stat Historic Preservation Office (SHPO) to determine if the building was contributing to the historic district. (The property is located in as state-designated historic district.) Because the club was unwilling to withdraw the CUP or further extend the 60-day deadline for action, on September 27 City staff sent a letter extending the 60-day deadline an additional 60 days to December 8, 2016, as permitted under MN Stat. 15.99.
- H. **DISTRICT COUNCIL RECOMMENDATION:** The District 16 Council has not provided a letter at the writing of this report.
- I. **FINDINGS:**
 1. The Saint Paul Tennis Club would like to replace its current club house, swimming pool, and swimming-pool related facilities. The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces. The new building will also include a rooftop deck. The replacement of the building triggers the need for a CUP for this use. Section 61.503 identifies changes that require a new CUP. Item d states "the building containing a conditional use is torn down and a new building is constructed..."
 2. The club intends to maintain the same hours of operation after the renovation. The swimming pool is open between Memorial Day and Labor Day from 8:00 a.m. to 9:00 p.m., and the tennis

courts are opened from Monday – Saturday from 7:00 a.m. to sunset and Sunday from 8:00 a.m. to sunset during temperate weather.

3. The subject property is located in a State Historic district. Under Minnesota Administrative Rules 4410.4300 Subp. 31, any whole or partial demolition of contributing buildings in state or federal historic districts need to go through a state environmental review process prior to the city granting a demolition permit. The club is working with the SHPO to determine if the clubhouse is a contributing structure to the historic district; SHPO has not made its determination at the writing of this report.
4. §65.235 lists three standards that a noncommercial recreation facility must satisfy:
 - (a) *The proposed site for any of the uses permitted herein shall have at least one (1) property line abutting a major thoroughfare (in definition), and the site shall be so planned as to provide principal access directly to said major thoroughfare.* This finding is met due to the legal nonconforming status of the location of this use. The club has been located at this site since at least 1914 and the city zoning code was not in effect until 1922. The 1922 zoning code permitted “clubs” at this location. The use was expanded to include the swimming pool and the current club house in the early 1960s. The 1975 zoning code made noncommercial recreation a conditional in the R-4 one-family residence district, which included this locational standard. Because the use and expansion of this use were established prior to the adoption of this standard, it has legal nonconforming status.
 - (b) *All yards shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these minimum yards, except required entrance drives and those walls used to obscure the use from abutting residential properties.* This condition can be met subject to the condition that the existing fence structure in the front yard, which does not meet the four-foot height limit for fences in a required front yard and is visually closed, be replaced to meet the height requirement and is visually open. The site plan shows that non-hardscaped areas will have grass planted and that the hedge row between the fence and sidewalk on the south side of the property will be maintained and new trees planted. The applicant has agreed to maintain the landscaping in a healthy condition. No parking will be located in the minimum setbacks.
 - (c) *Wherever a swimming pool is constructed under this subparagraph, said pool area shall be provided with a protective fence, six (6) feet in height, and entry shall be provided by means of a controlled gate.* This condition is met. The submitted site plan shows a six-foot fence in spaces between the buildings with a controlled gate. The remainder of the fence around the pool is comprised of 8-foot fences that separate the pool area from the tennis courts and follow the perimeter of the site.
5. §61.501 lists five standards that all conditional uses must satisfy:
 - (a) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The club is located in an area guided as “established neighborhood.”
 - (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The club does not have a parking lot or driveway.
 - (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The tennis and pool club are an existing use in the neighborhood. The club will neither be detrimental to the existing character of the development in the immediate neighborhood nor endanger the public health, safety, and general welfare of the surrounding area.

- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. This club currently is not impeding the normal and orderly development of the surrounding properties and as it is not expanding is not expected to do such in the future.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition can be met subject to the front yard fence being replaced with a visually open fence that meets the height limit for fences in required front yards. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

- J. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for replacement of existing clubhouse and pool facilities with the following conditions:
1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application;
 2. No construction permits may be issued until the State Historic Preservation Office determines that an environmental review is not required or until an environmental review is completed under Minnesota Statute 16D if an environmental review is required; and
 3. Replacement of the front yard fence with a visually open fence that conforms to the height limit for fences in required front yards, and that landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # <u>16-064562</u>
Fee
Tentative Hearing Date <u>8-25-16</u>

PD-16

022823330132

APPLICANT

Name	St. Paul Tennis Club		
Address	1055 Osceola Ave.		
City	St. Paul	st. MN	zip 55105
Daytime Phone	651.238.7659		
Name of Owner (if different)	Eduardo Barrera		
Contact Person (if different)			Phone

PROPERTY LOCATION

Address / Location	1055 Osceola Ave.		
Legal Description	Lots 2,3,4,5,6,7, and 8 Bryant's Park Addition No. 4, St. Paul		
Current Zoning			
(attach additional sheet if necessary)			

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of Chapter 61, Section 503, Paragraph d of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Please see attached letter describing the project scope and intent; and the attached documents delineating the extent of the work.

ck
6942

Required site plan is attached

Applicant's Signature [Signature] Date 7/27/16 City Agent [Signature]

add
7-28-16

July 26, 2016

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
St. Paul, MN 55102-1634

RE: St. Paul Tennis Club Pool and Clubhouse Replacement
1055 Osceola Avenue
CUP Application

Attached is the submittal for a Conditional Use Permit for the St. Paul Tennis Club Pool and Clubhouse Replacement project. The extent of the project consists of demolition of the existing clubhouse and pool and the surrounding concrete surfaces. The project is intended to correct numerous deficiencies for the club including:

1. The pool is in poor condition, the underground plumbing is leaking and the mechanical systems are outdated.
2. The depth of the pool and other features do not meet current Minnesota Health Department requirements.
3. The club house is not ADA accessible and is outdated and non-functional
4. The pool deck and the surrounding areas are cracked, un-level and create some safety concerns.

The proposed project is limited to the 2 lots at the west end of the club property. No work is planned for the tennis courts at this time. (Although a future project to replace the irrigation system for the clay courts with a more environmentally efficient system may be undertaken soon.) The work includes two new structures to replace the existing club house and a new pool and associated site improvements. One structure contains the restrooms, shower areas and the pool equipment. The other contains an office and a commons room for club gatherings. There is a second floor observation deck above the commons building for watching tennis. The new pool will meet current design standards, with more efficient disinfectant systems and have greater usability for the club. The new buildings and pool are essentially the same size as the existing structures and provide the same amenities of the club. This project is not intended to expand the club.

The site does not include any parking areas and does not have any exterior lighting as the club does not operate after dark. There will be minimal security lighting mounted by entrances to the buildings etc. As the St. Paul Tennis Club is a seasonal club typically operating from mid April to November, the building will not be heated and only the office will have air conditioning.

61.501. Conditional Use Permit – General Standards

- a. The proposed replacement of the pool and clubhouse continues the current use of the site and does not increase or modify the current permitted use.
- b. The proposed replacement will not alter the existing vehicle access or traffic in the area.
- c. The proposed replacement will be in the current location and behind the existing fencing and hedge. The visual presence to the neighborhood will be very similar to the current condition.
- d. The St. Paul Tennis Club has been a fixture in the neighborhood for an extremely long time. The club is sensitively screened to blend into the neighborhood.
- e. The proposed replacement complies with all the zoning ordinance requirements including setbacks, heights etc.

We hope we have completed the application accurately and completely. Please contact our office if there is any missing information. A check for \$1,000 is included with the application.

Sincerely,

292DesignGroup

A handwritten signature in black ink, appearing to read "m. wentzell", with a long horizontal flourish extending to the right.

Mark Wentzell, AIA

GENERAL NOTES - SITE PLAN

- A. DO NOT SCALE DRAWINGS
- B. SEE STRUCTURAL FOR RETAINING WALLS.
- C. SEE CIVIL FOR GRADING AND CONCRETE DECK SLOPES.

I hereby certify this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of MINNESOTA

Mark Wentzell

Date: 09.01.2016 Reg. No: 15125

SUBMITTALS

07.27.2016	SITE PLAN REVIEW
09.01.2016	BID SET

Revisions

NO.	DESCRIPTION	DATE

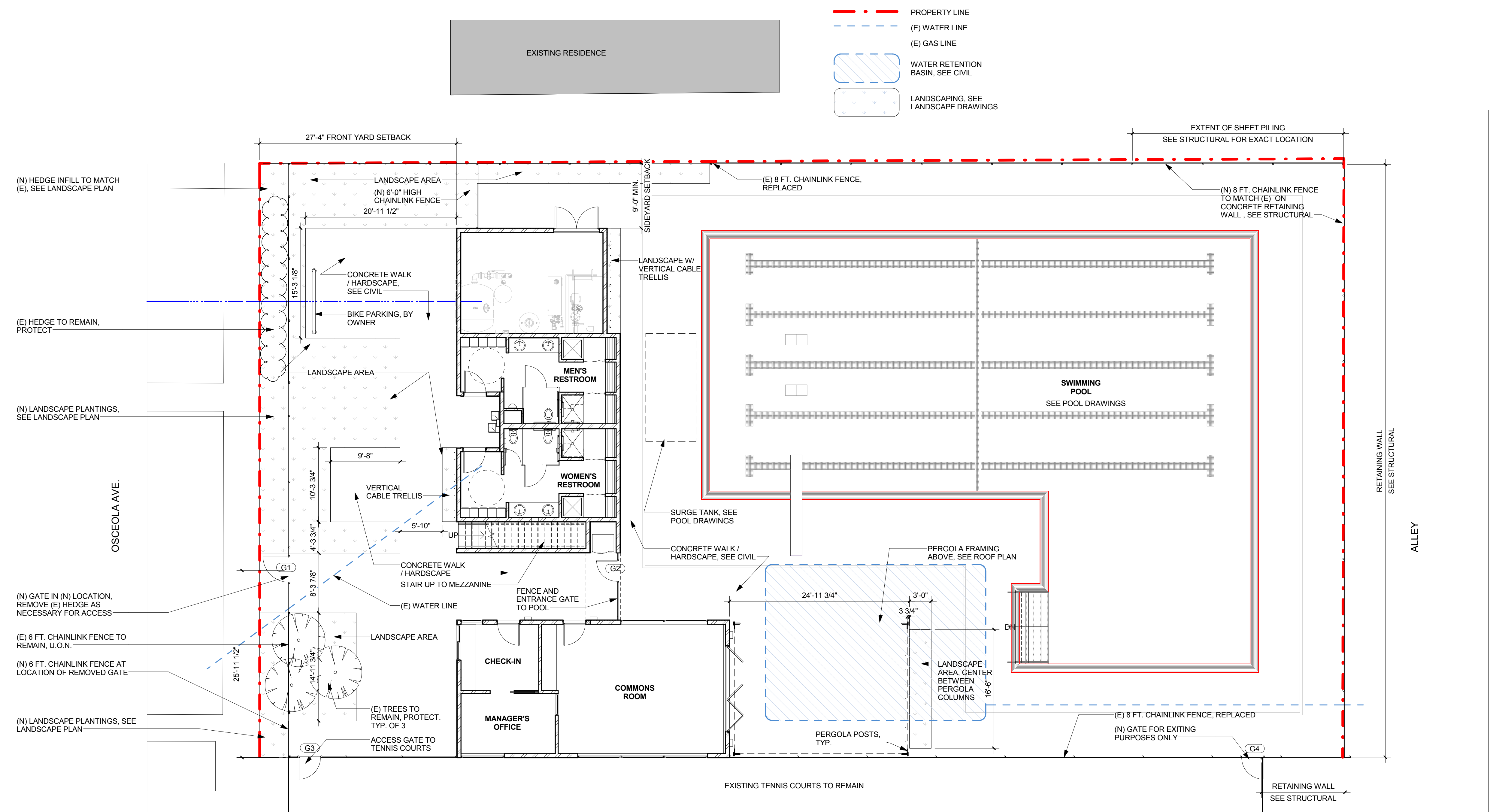
**ST. PAUL TENNIS CLUB
NEW POOL & CLUB HOUSE
PROPOSED SITE PLAN**

Project number	15068.00
Date	09.01.2016
Drawn by	MCC
Checked by	MW

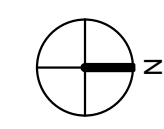
A101

Scale As indicated

10/13/2016 9:25:07 AM



1 PROPOSED SITE PLAN
1/8" = 1'-0"





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-266-6549*

September 21, 2016

Eduardo Barrera
St. Paul Tennis Club
1055 Osceola Avenue
Saint Paul MN 55105-3235

RE: Zoning File #16-064562 Conditional Use Permit Application for 1055 Osceola Avenue (St. Paul Tennis Club)

Dear Mr. Barrera:

Our review of your site development has revealed that the property is located in a State Historic District. Minnesota law requires that an EAW (environmental assessment worksheet) be completed before the City may issue any permits for the destruction, in whole or part, and the moving of certain historic properties. This requirement applies to your property since it is located in as State Historic District. The City will need to request a determination from the State Historic Preservation Office (SHPO). Contact Amy Spong (or 651-266-6714) for instructions on how to initiate a request.

If your property has been determined by SHPO to be "contributing," there are two options to consider. Option one is to complete an EAW. The EAW process will include an evaluation of the property by a qualified historic preservation professional and recommendations of what, if any, form of mitigation may be needed if the property is ultimately demolished. To complete the EAW process, the City must determine that all potential environmental effects of your proposed project are understood and that adequate mitigation for any effects has been identified. Once the EAW process has been completed, the City may issue permits for the work. Please be advised that the EAW process, including the evaluation of your property, will likely take two months or more. For more details on the EAW process, or for assistance in initiating an EAW, please contact Josh Williams (or 651-266-6659) for assistance in initiating this process.

Option two is to challenge the "contributing" determination made by SHPO. If SHPO determines upon further review that your property is "noncontributing" the EAW requirement does not apply. If SHPO's still determines your property to be "contributing" upon further review, you

may appeal SHPO's determination to the Keeper of the National Register, a federal entity. Please contact Amy Spong (or 651-266-6714) for assistance in initiating this process.

Zoning Decision with respect to your application for site plan approval MN Statute 15.99, gives the City 60 days to approve or deny this application from the date of submission (July 27, 2016). Based on the above, and the length of time that may be necessary if an EAW is required, we ask that you agree to extend the time of decision for the conditional use permit until it is determined whether an EAW is required; or, if required the EAW process is completed. **If you agree to extend the 60-day requirement of MN Statute 15.99 by 14 days to October 9, 2016, please sign and date on the signature line provided below and returned to me.**



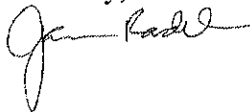
Eduardo Barrera (or other authorized signatory for the tennis club)



Date

If you have any questions, please do not hesitate to contact me at 651-266-6614.

Sincerely,



Jamie Radel
Senior Planner



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

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

September 27, 2016

Eduardo Barrera
St. Paul Tennis Club
1055 Osceola Ave
St Paul MN 55105

RE: Zoning File # 16-064-562, St. Paul Tennis Club

Dear Mr. Barrera:

On July 27, 2016, you applied to rezone property at 1055 Osceola Ave. Minnesota Statutes 15.99 requires that all city action on zoning applications be completed within 60 days of the date the application is made, but allows the City to extend this period for an additional 60 days (total of 120 days). On September 22, 2016, you provided a two-week extension to original 60 days, which will expire on October 9, 2016. The City is extending the deadline for decision by an additional 60 days to December 8, 2016.

Your conditional use permit is scheduled to be heard before the Zoning Committee of the Planning Commission on October 20, 2016. As indicated by email yesterday, the hearing of this case does not signal that the state-required environmental review process is concluded. These are separate processes on separate timelines.

Please contact me at 651-266-6614 or jamie.radel@ci.stpaul.mn.us if you have questions.

Sincerely,

A handwritten signature in blue ink that reads "Jamie Radel".

Jamie Radel
Senior City Planner

cc: File # 16-064-562
Zoning Administrator
District 16 Community Council

1055 Osceola Avenue



Saint Paul Tennis Club



Saint Paul Tennis Club

1055 Osceola Avenue



North of subject property



South of the subject property

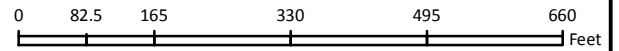
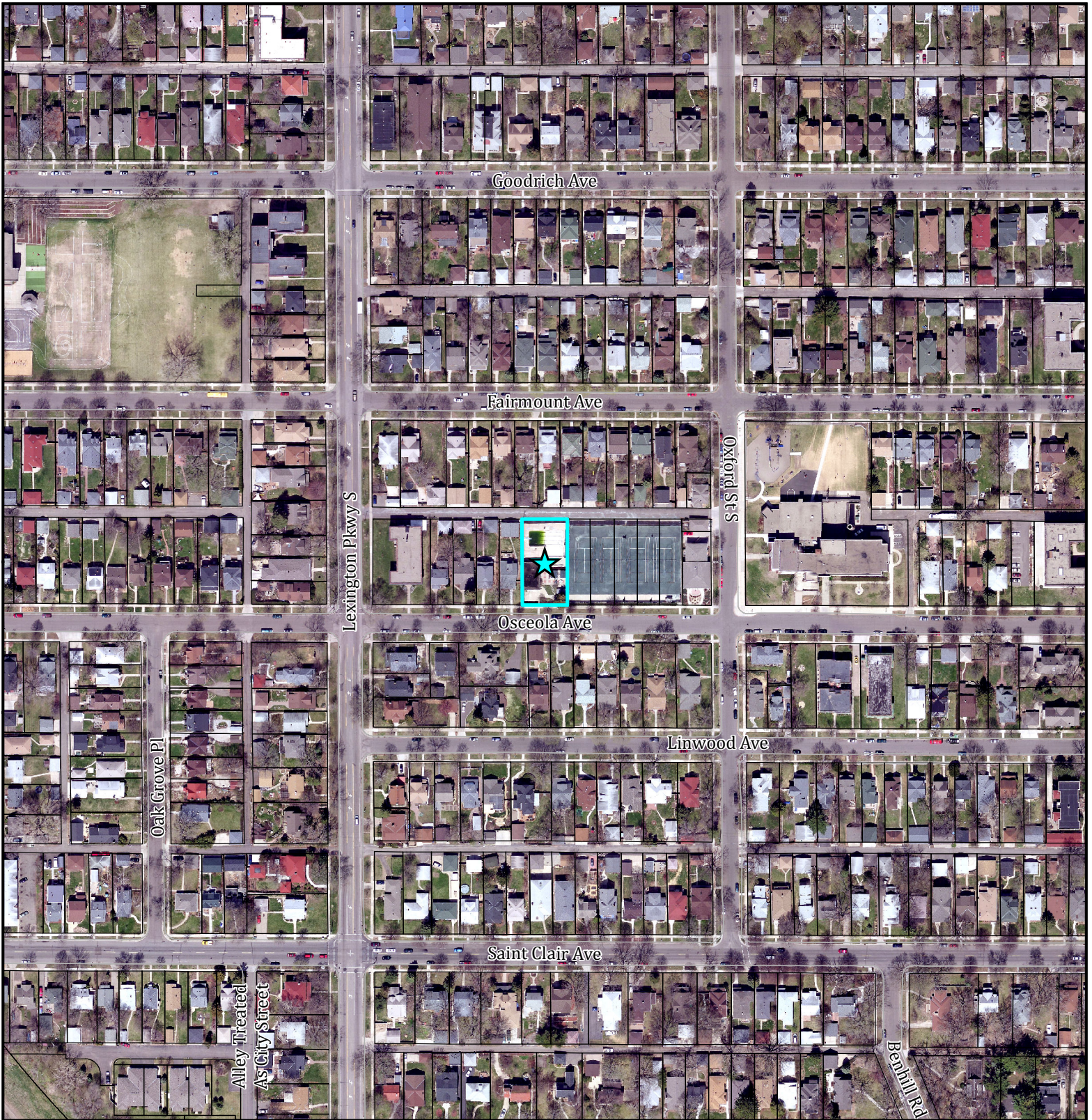
1055 Osceola Avenue



East of subject property




West of subject property



FILE NAME: St. Paul Tennis Club

Aerial

APPLICATION TYPE: CUP

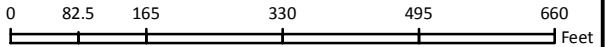
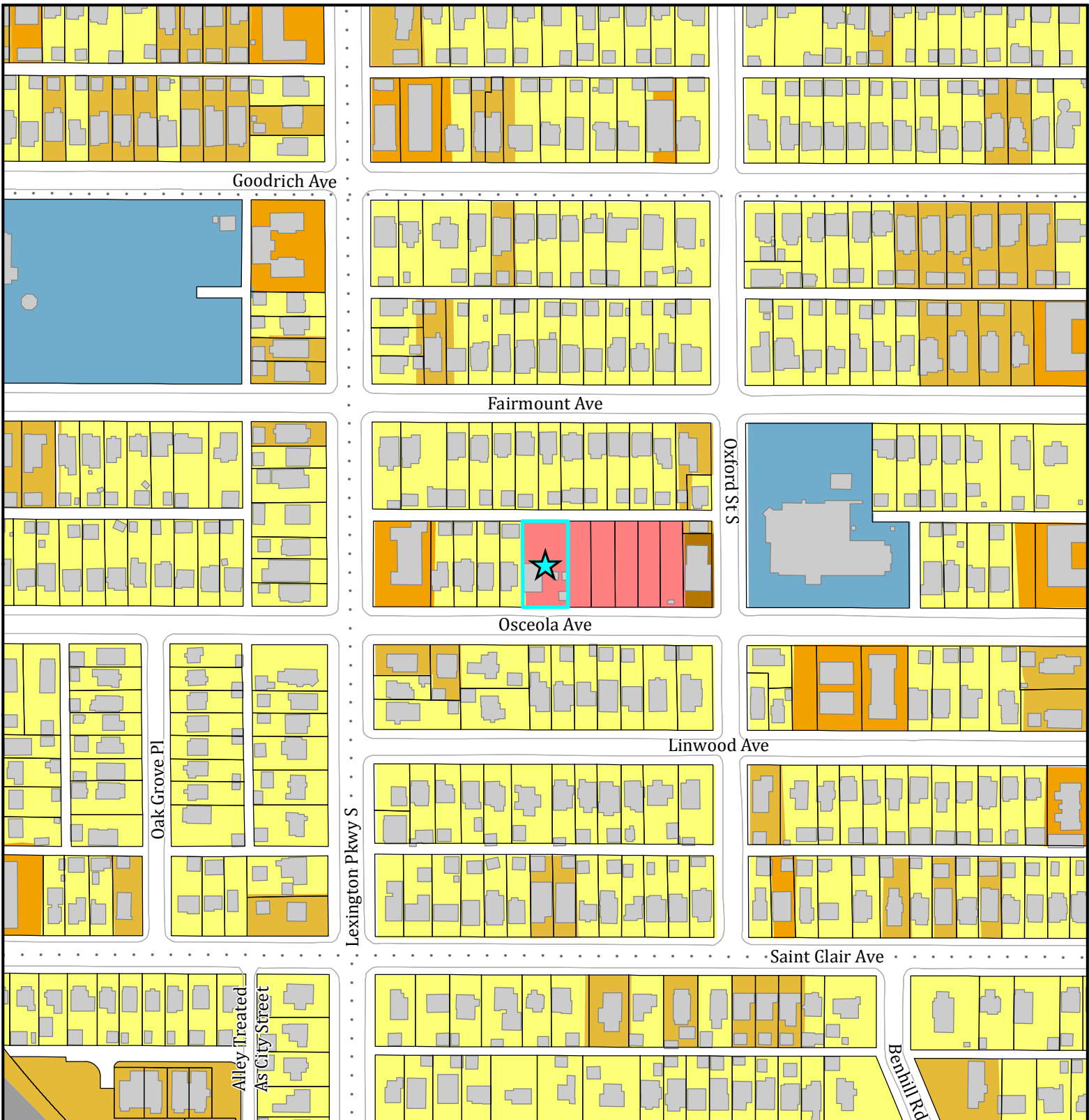
 Subject Parcels

FILE #: 16-064562 DATE: 8/2/2016

PLANNING DISTRICT: 16

ZONING PANEL: 20





FILE NAME: St. Paul Tennis Club

APPLICATION TYPE: CUP

FILE #: 16-064562 DATE: 8/2/2016

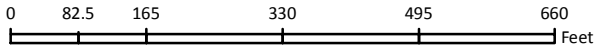
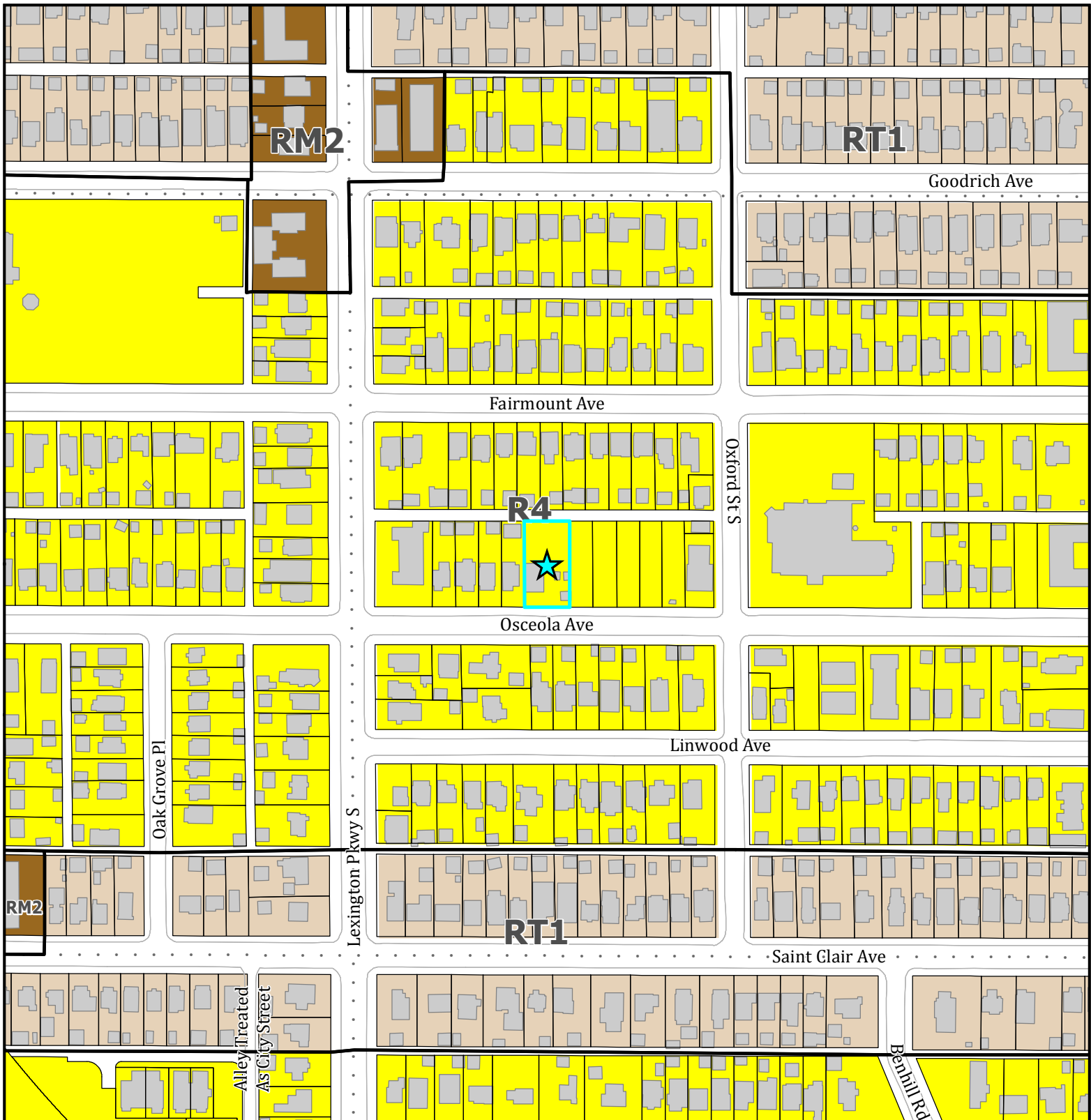
PLANNING DISTRICT: 16

ZONING PANEL: 20

Land Use

- Single Family Detached
- Single Family Attached
- Multifamily
- Retail and Other Commercial
- Mixed Use Residential
- Institutional
- Railway
- Subject Parcels
- Section Lines





FILE NAME: St. Paul Tennis Club
 APPLICATION TYPE: CUP
 FILE #: 16-064562 DATE: 8/2/2016
 PLANNING DISTRICT: 16
 ZONING PANEL: 20

- Zoning**
- Subject Parcels
 - Section Lines
 - R4 One-Family
 - RT1 Two-Family
 - RM2 Multiple-Family

