

**City of Saint Paul**  
**Planning Commission Resolution**

**File Number** 15-25

**Date** April 24, 2015

WHEREAS, TJJ Development LLC, File # 15-011-695, has submitted a site plan for review under the provisions of Sec. 61.400 of the Saint Paul Legislative Code, for a mixed-use development on property located at property address 735 Cleveland Ave S, legally described as Saint Catherine Park Vac Alley Accruing & All Of Lots 26, 27 & Lot 28 Blk 1; 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 Comprehensive Plan encourages dense, mixed-use developments in Highland Village and other neighborhood commercial centers that have good transit service.

From the Land Use Chapter of the Paul Comprehensive Plan:

- 735 Cleveland is located in a Neighborhood Center on a Mixed Use Corridor. These areas are planned for a mix of uses, with medium- to high-density residential developments. The Neighborhood Center designation is applied to nodes in the city where there is good access to public transportation.
- The following are strategies that apply to Neighborhood Centers:
  - Land Use 1.2 Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor and Downtown.
  - Land Use 1.12: Balance the following objectives for Neighborhood Centers through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, providing housing at densities that support transit, and providing open space and recreational opportunities.
  - Land Use 1.14: Plan for growth in Neighborhood Centers.
  - Land Use 1.19: Promote conditions that support those who live and work in Neighborhood Centers, including frequent transit service, vibrant business districts, a range of housing choices, and community amenities.

Moved by Nelson

Seconded by \_\_\_\_\_

In Favor 13-0 with 1 abstention (McMahon)

Against \_\_\_\_\_

- Land Use 1.25: Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residential development.

The following are strategies from the Summary of the Highland District Plan that was adopted by the City Council. The Summary is an addendum to the Comprehensive Plan:

- Highland Village 3: Rezone portions of Highland Village to TN2 to support mixed-use development and appropriate building design.
- Housing 9: Utilize zoning mechanisms, such as TN zoning, that allow for residential uses in the commercial areas, while limiting the expansion of commercial uses into residential neighborhoods.
- The full length version of the Highland District Plan contained a policy stating that buildings in the Highland Village area should be no taller than three stories. Although this policy statement was approved by the Highland District Council, it was *not* adopted by the City as part of the Comprehensive Plan. As a matter of standard procedure, the City adopts only summaries of district plans; otherwise the length of the Comprehensive Plan would be unwieldy. In reviewing district plans, the Planning Commission tries to screen out neighborhood positions that would likely conflict with citywide policies.

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

The site plan meets this finding. The site plan meets the standards in the T2 district for height, setbacks, density, parking, and design. These are reviewed in detail in Attachment A.

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

The property is typical in the Highland Village shopping area and does not have unique historical or environmental significance.

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.*

Through the review process, the developer has made several site plan changes to improve the relationship of the development to the homes to the west (masonry screen wall, landscape buffer on Pinehurst lot, more brick on southwest corner). As for the specifics in this finding:

- A stormwater retention storage system will meet city standards for run-off rate. The retention system will be consist of pipes buried below grade and would be located on the lot immediately west of the proposed building. The surface of the lot would continue to be green space with landscaping.
- The surface parking would be screened on the west side by a masonry wall. Most of the wall would be approximately 12' tall, and the section near Highland Pkwy would be approximately 4' high. Both of the homes immediately to the west would be buffered by new or existing landscaping.

- The building has a step-back design so the third and four floors on the west side are a reasonable distance from the neighboring homes (approximately 53' from the third and fourth floors to the house on Highland Pkwy. and 77' to the house on Pinehurst).
- The developer has submitted shadow patterns for the building at different times for each season of the year. (See attached.) The building will cause shadows in the early morning on the houses closest to the project, but the impacts are within the expected parameters for buildings in T2 zones.
- Trash pickup has been designed so that the trash truck would not block the adjacent public alley during trash pickup. The trash truck would back into the parking area through a door/gate at the corner of the alley and pick up the trash within the parking area. The truck would not sit in the alley during pick up. Recycling will be handled in the same manner. The developer has assured neighbors that he will cooperate with them on the trash collection schedule so that it won't be a nuisance.
- Traffic from site would not use the adjacent alley. It would enter and exit directly to Pinehurst and Highland.
- Moderate amounts of snow can be pushed to the bicycle parking area in the parking lot. Heavier amounts will be hauled away or might be moved onto the vacant Pinehurst lot.

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 site plan meets this finding for the reasons listed in finding 4 above:

- step-back building design;
- parking screened by masonry wall;
- landscape buffers;
- spatial buffer provided by 29' wide alley ROW and by 40' vacant lot;
- reasonable shadowing
- no alley access to building or parking lot;
- deliveries from street;
- trash haulers won't block alley.

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

Higher density housing is inherently more energy-conserving because it has fewer exterior walls and roof per dwelling unit than low density housing. The proposed development is located in a commercial area with good public transit and thus is conducive to walking, biking, and using public transit rather than driving.

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.*

All traffic for the project will enter the site at one of two driveways: one on Highland and one on Pinehurst. There is no vehicular access from Cleveland. The only access from the alley is a door

for trash pickup that would be used a couple of times a week. The neighborhood has requested that the timing of the trash pick up to be considered by the developer.

The applicant has submitted a formal Traffic Impact Study for the project. This study was prepared by a Traffic Engineer and looks at estimated traffic generated by the project, turning movements, etc. Public Works Traffic is reviewing the study. They have not completed their review at the time this staff report was written. Based on the level of review completed to date, the Traffic Division is in general agreement with the report findings in that the estimated traffic generated by the project can be accommodated by the adjacent streets without creating unacceptable levels of service at adjacent intersections. The plan is consistent with traffic safety for all modes of transportation including bikes and pedestrians.

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

Stormwater from the site would be piped to an underground detention system located on an adjacent parcel immediately to the west. The system is made up of three parallel rows of large pipe. The stormwater would go out to the public storm sewer in Pinehurst at a controlled rate that meets City standards. The technical details for this system are being worked out between the applicant and Public Works Sewers. A condition for approval of the site plan should be that these details get worked out and Public Works Sewers gives its final approval to the stormwater system.

9. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*

*The development has sufficient landscaping.* Construction activity will take place on the sidewalks. The City Forester plans to save and relocate several recently planted boulevard trees and the developer will plant new boulevard trees on all three streets. The trees on Cleveland will be planted in structural soils with a surface of permeable pavers that match the existing pavers used for the Highland streetscape. Under the boulevard trees, the landscape plan also shows various tough perennials. The remaining boulevard space on Pinehurst and Highland Parkway will be sodded.

Foundation plantings are shown along the west side of the building adjoining the Pinehurst lot. Staff understands that the developer has made an agreement with the neighboring Pinehurst homeowner to provide a fence and/or a landscaped buffer along the west side of the vacant residential lot. Staff recommends that the large existing arborvitae hedge on the west side of the north-south alley be preserved and protected during construction.

Sections of green roofs are shown on the second and third levels; these will be planted with drought-tolerant sedums to enhance the views from residents' apartments and decks.

*The development has sufficient fences and walls.* As describe above, the immediately adjoining homes will be screened as required by the zoning code. The off-street parking at grade level will be enclosed and screened from the alley by a masonry wall. The ends of the parking area facing Pinehurst and Highland will be partially enclosed while still providing good sight lines for

drivers leaving the parking area.

*The development has sufficient parking.* The zoning code requires 93 off-street parking spaces. (In the T2 zoning district, the residential parking requirement is reduced by 25% because of the convenience of public transportation and walking and bicycling.)

The site plans shows 111 car parking spaces plus a credit for 9 bicycle parking spaces for a total of 120 parking spaces. 79 of the car spaces will be in the basement and will be assigned to residential tenants and business employees. 32 car spaces will be in the surface lot, intended for customers and visitors. For bicycles there are 37 secure spaces in the basement and 20 spaces in public racks. There is also on-street parking on most of the street frontage (roughly 15 spaces).

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 floors of the commercial spaces and lobbies will match the sidewalk grades in the front and back. The plan shows 5 accessible parking spaces to meet ADA standards (5 required for lot of 101 to 150 spaces). The sidewalks, which were newly rebuilt in 2014, have accessible crossings.

11. *Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."*

The site plan included an erosion and sediment control plan that meets this standard.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of TJJ Development LLC for a site plan review for a mixed-use development at 735 Cleveland Ave S is hereby approved subject to the following conditions:

1. Technical details for the stormwater drainage system must be approved by the Public Works Sewer Division.
2. The Traffic Impact Study must be given final approval by the Public Works Traffic Division.
3. The plans must show the requirements of the City Forester, i.e., to put a note on the "Removals Plan" to get a tree permit before removing existing boulevard trees and to show on the site and landscape plans that 4 new trees will be planted on Pinehurst to replace the 4 that are being removed (only 2 are currently shown).
4. Steps must be taken as needed during construction to ensure that the large hedge on the west side of the north-south alley is not damaged by construction activities.
5. In consultation with the Pinehurst neighbor, the developer must install a landscape buffer on the Pinehurst lot.
6. Architectural materials must be of the same quality as shown on the plan, or better.

**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: Tom Beach, Samantha Langer, Bill Dermody, and Peter Warner

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.

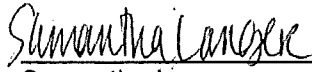
Commissioner Nelson noted that they are not granting any variances with the site plan approval. Set back requirements will have to be met within the development itself.

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

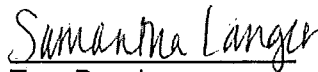
The motion passed by a vote of 6-0-0.

Adopted                      Yeas - 6              Nays - 0              Abstained - 0

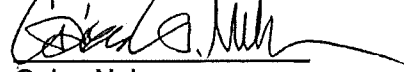
Drafted by:

  
Samantha Langer  
Recording Secretary

Submitted by:

  
FOR Tom Beach  
Zoning Section

Approved by:

  
Gaius Nelson  
Chair