

city of saint paul
planning commission resolution

file number: _____16-53_____

date: _____October 28, 2016_____

WHEREAS, St. Paul Tennis Club, File # 16-064-562, has applied for a conditional use permit for replacement of the existing clubhouse and pool facilities under the provisions of § 61.501 and §65.235 of the Saint Paul Legislative Code, on property located at 1055 Osceola Avenue, Parcel Identification Number (PIN) 02.28.23.33.0132, legally described as Bryants Park Addition No 4, Lots 7 and 8, Block 1; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 20, 2016, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

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

1. The 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 The project is intended to correct several deficiencies, including leaking and outdated pool systems, health code issues associated with the pool, lack of ADA facilities and overall outdated pool house, and deteriorating pool deck surfaces.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. § 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 State Historic Preservation Office (SHPO) to determine if the clubhouse is a contributing structure to the historic district; SHPO has not yet made its determination.
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

moved by _____Edgerton_____

seconded by _____

in favor _____Unanimous_____

against _____

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 is met. 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 is met. The Zoning Administrator has determined the club is conforming to the applicable regulations of the district.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St. Paul Tennis Club for a conditional use permit for replacement of existing clubhouse and pool facilities at 1055 Osceola Avenue is hereby approved subject to 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 116D if an environmental review is required; and
3. Landscaping is installed and maintained in substantial compliance with the plan submitted and approved as part of this application.