

Date: May 5, 2020  
File Name: Mississippi River Vista  
File Number: 19-084-032  
Location: 104 North Mississippi River Blvd.

Purpose: Written Public Comment to the City Council in Response to Staff Report and Recommendation for the Final plat For Mississippi River Vista

From: Marian Biehn  
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Although I will miss the park like vista we had from our back yard that overlooked the former Oblate Father's yard at 104 Mississippi River Blvd., I look forward to seeing new homes in the space. My comments today are in no way intended to stop the proposed development. However, I do hope the Council will consider some alternative plans that I feel will make the addition of the homes a more comfortable fit for the existing and new residents.

As a long time home owner across from the site of the proposed 6 plats, there are 2 areas of concern that I am requesting the City Council take into consideration, and hopefully implementation, prior to approval of the proposed plat of Mississippi River Vista. As I said, the intent isn't to block the parceling of the site from 1 to 6 parcels, but to consider options from the perspective and experience of a long time resident, that better fit the use & circulation for existing and new home owners in the immediate area and reduce the impact or loss of current environmental assets.

The areas of concern that I am addressing below (as well as other neighborhood issues), were topics of conversation at two different neighborhood meetings. Both meetings were attended by the 104 MRB development team and approximately 20 residents of the neighborhood. The meetings were on Sept. 10 and Sept 30, 2019. The Sept. 30 meeting was also attended by Matt Privratsky, from the 4<sup>th</sup> Ward office. The developers presented their preliminary plat for the site at the Sept. 10 meeting. The attached alternative plan of a single access from MRB and Otis Ave with a center shared drive isle was presented at the Sept 30 meeting and was met with broad support from the neighbors. The development team was not receptive.

Of concern are:

1. Traffic, Access, Safety: The addition of 3 curb cuts on the service drive at the north end of Otis Ln and an additional curb cut on Otis Ave; the addition of sidewalks along MRB
2. Environmental: The potential loss of 27 mature trees which provide natural and heat barriers, air filtration, storm water runoff mitigation; the paving/loss of permeable surfaces of potentially 60-75% of the current lot; addition of sidewalks that leave the pedestrian at an unsafe end and add to the impermeable surface coverage.

### **Issue 1: Traffic, Access, Safety**

Background: The access to the primary house at 104 Mississippi River Boulevard was previously served by one curb cut off of Mississippi River Boulevard. Another access from Otis Ave served an accessory building. The two met in a common parking pad. The circulation was convenient for residents, visitors and service providers. Public services (recycling) were access at the Mississippi River Boulevard curb. The structures and the driveway accounted for approximately 30 percent of the entire area as impermeable surface. (Totally my estimate—no scientific measurements involved)

The current proposal with added structures and driveways will change that ratio to approximately 80% impermeable surface (again—totally my non scientific measurement) with an additional potential loss of natural tree cover and natural absorption. The addition of 4 curb cuts along the north end of Otis Lane to Otis Ave creates a potential safety issue for entrance and egress to current and future homes, traffic and service vehicle congestion and potential inability of emergency vehicles to access the residences. The proposed sidewalk along MRB is a redundancy to the pedestrian path across the street and a safety concern for pedestrians. On the north end, the sidewalk would end at the ravine with no safe way to cross to the other side. On the south end, the pedestrian would have to cross close to a blind curve with speeding traffic.

**Issue 1 Traffic, Access, Safety:** I am asking the City Council to consider an alternate access and circulation plan for the site to service the 6 proposed parcels. Or at minimum, a reduction of curb cuts on what is identified as Otis Lane. I have attached a very elementary drawing of how a shared access would be incorporated and the rationale with supportive St Paul Zoning text and addressing the findings.

If only one access point or curb cut is allowed from Mississippi River Boulevard, I am asking that it be incorporated as a share drive for the 2 or 3 potential residences planned for MRB. Similarly, I am asking that the existing curb cut/access from Otis Ave be reutilized as an entrance and egress for the 3 houses proposed for Otis Ave and Otis service drive. And finally, that a common drive aisle be incorporated at the rear of all the homes to reduce impermeable paved area, provide additional self-contained subdivision parking and service provider access, and remove the 3 proposed curb cuts along the Otis service drive. A legal easement can be established with use and maintenance guidelines. A central drive aisle might also alleviate the need for the proposed increase in elevation along the Otis service drive. (Attached rough illustration of single access from MRB & Otis Ave and shared drive aisle)

The requests are supported below by citations St Paul Municipal Code of Ordinance and further rationale.

**Chapter 60. - Zoning Code—General Provisions and Definitions; Zoning Districts and Maps Generally**  
**Sec. 60.103. - Intent and purpose.**

- (a) *To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;*
- (g) *To lessen congestion in the public streets by providing for off-street parking of motor vehicles and for off-street loading and unloading of commercial vehicles;*

*Although this is premature in the process, the section on Site Plan review should be taken into advance consideration:*

**Chapter 61 Zoning Code and Enforcement**

**Sec. 61.402. - Site plan review by the planning commission.**

*(c) Site plan review and approval. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:*

- (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*

**Sec. 63.310. - Entrances and exits.**

*Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives. The number of curb cuts shall be minimized, and shared curb cuts for*

*adjacent parking areas are encouraged. When driveways no longer lead to legal off-street parking, the driveway and curb cut shall be removed and landscaping and curbing shall be restored.*

**Sec. 69.406 – Review of division of land.**

**Subdivision review criteria**

*(a) The city council, in the review of subdivision requests and in the application of this chapter shall take into consideration the requirements of the city and the best use of the land being subdivided. Particular attention shall be given to the width and location of streets, sidewalks, suitable sanitary utilities, surface drainage, lot sizes and arrangements, as well as requirements such as parks and playgrounds, schools and recreation sites and other public uses. All of the following findings shall be made prior to the approval of a subdivision or a lot split:*

*(2) The proposed subdivision will not be detrimental to the present and potential surrounding land uses*

*(3) The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision.*

*(7) The subdivision can be economically served with public facilities & services*

**Sec. 69.501 Streets**

*(a) Standards. Streets shall conform to the comprehensive plan and the official map, if any. No new residential subdivision shall be created without provision for streets which meet these requirements and design standards. In cases of commercial/industrial.....*

*(b) Alignment. All streets should connect with or terminate at other streets to the extent possible. Cul-de-sac streets are discouraged except where traffic safety or physical site constraints make them necessary. New streets shall provide for the continuation of existing streets of adjoining subdivisions and for projection of streets into adjoining properties which are not yet subdivided.*

*Local streets shall discourage use by through traffic.*

The developer and the City are proposing 2 residences on what they are identifying as facing Otis Lane. Otis Lane enters from the East where there are 3 existing homes. No other homes face Otis Lane. The street is wider at that southern point though still narrower than the current standard for street width. As it turns to the North, it changes both in surface paving and also in width. The street in front of the proposed homes at the north end do not conform to the Standards stated above and is significantly narrower than standard local street width. When did the north end of Otis Lane become an official street or lane? Who designated it as such and when? It is not wide enough to be nor is it paved as a standard street. (Attached photo of 18' measure of the Otis service drive)

**Sec. 69.502. – Alleys**

*(b) Width. All alley right-of-way widths shall conform to the follow minimum standards.*

*(b) If Otis is to be considered an alley, it barely meets the standards. Otis Lane enters from the east and turns to the north and narrows into a service drive at the rear (west side) of 79 Otis Ave. At the rear (Otis service drive side) of 79, 83 and 97 Otis Ave, the drive is only 18' wide (NOT 20' as identified on the map) and is the driveway access for 4 existing homes. The width is less than Residential Right of Way width for alleys as identified in the Zoning Code for Subdivisions 69.502b and much less than the Local Street width minimums.*

Adding 4 curb cuts to serve the proposed homes along the Otis service road and Mississippi River Boulevard does not provide for safe and efficient circulation. It is adding too many curb cuts in too short

of a span on too narrow of a service drive. Currently, 2 vehicles cannot pass one another going in opposite directions, larger vehicles such as lawn services and garbage/ recycling trucks fill the service drive. On occasion, we have not had recycling and garbage service due to blocked through access. Service and emergency vehicles can navigate the service drive currently. However the proposed addition of 4 curb cuts, increased use of the service drive and potential parking on the service drive will present a safety & access hazards for normal users, service providers and emergency vehicles.

**Sec. 69.508 - Lots**

*(a) Street frontage. All lots which are designated for residential use shall adjoin a street except for developments which have individually described lots for each dwelling structure and a common lot for open space, yards and off-street parking, in which case the common lot shall adjoin a street.*

*(b) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation*

*(f) Lot access. Lots shall not, in general, derive access exclusively from an arterial. Where driveway access from a major or secondary street may be necessary for several adjoining lots, the planning commission may require that such lots be served by a combined access drive in order to limit possibility of traffic hazard on such street. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.*

104 Mississippi River Blvd/Mississippi River Vista is considered a new subdivision. I suggest that some of the old features should be implemented or grandfathered in. Though not obviously a "Trough lot" the previous single use of 104 MRB was a through lot. I am asking that the Council consider the following: 1- a single shared access for the 2 or 3 proposed homes on MRB and a single access for the 3 proposed homes on Otis Ave and service drive; 2- the possible addition of a small accessory, shared parking area contained within the subdivision for the home owners; and 3- a shared, central drive aisle at the rear of the houses. With the added density of the plan and the limited access off MRB, the current proposal unfairly intensifies and concentrates the access off the much narrower Otis service lane. The Through Lot and Lot Access provisions should be implemented for this site creating safer access and use, better circulation and reduction of impermeable surface. The suggestion of adding a small parking pad for use by the home owners addresses the lack of parking on MRB and removes the danger of owners, visitors and services parking along the 18' wide Otis service drive.

Creating shared entrance/egress and reducing curb cuts support the findings in an alternative way, creates a safer street, traffic pattern, supports the subdivision review criteria "with particular attention given to the width and location of streets,..." (69.406a).

**Issue 2: Environmental**

The site is large and has the benefit of Mississippi River tree canopy, bird and wildlife habitats. There are currently 27 mature trees on the site. With the subdivision of the site and new construction, many of these trees will be cleared for construction purposes or lost to construction damage. Even with the intended tree retention plan, the loss of old growth trees and the benefits they provide will be significantly detrimental to the health and welfare of the neighborhood, the City and river wild life.

The loss of the old growth trees is irreplaceable in our lifetime. The air purifying, noise mitigation, heat protection, run off absorption, bird sanctuary assets of these mature trees must be retained. I'm certain the developers are incorporating a storm water management and tree protection plan, but I am asking that the bar be raised for multiple environmental benefits.

The site is in a high water table. The mature trees will help absorb the additional run off that is created with more structures on the site.

The site is on a bird migration fly way. Tall mature trees provide a safer haven.

The trees provide wind, noise and heat protection for the entire area.

The proposed sidewalks will potentially take out some of the most mature trees which seems contrary to St Paul's greening goals.

With Global warming and multiple storms of the century happening on a regular basis, it is incumbent that the urban canopy be retained for protection from above as well as acting as a natural storm water runoff sponge.

The site is within the Mississippi River Gorge area that is protects the natural environment

I am asking that you recommend to the developer that, in addition to the proposed and required tree and storm water plans as outlined in St Paul Municipal Code Sections 63.111 and 63115, additional measures be taken to protect mature trees and reduce impervious surface coverage including sidewalks and driveways. The requests are supported below by citations from the St Paul for All 2040 Comp Plan, the Mississippi River Corridor Plan and the St Paul Municipal Code of Ordinance

***In multiple chapters the Comp Plan St Paul for All 2040 supports protection of the environment:***

***Chapter: Land Use Page 36***

*A comprehensive list of recommendations on how Saint Paul can maximize its tree canopy are contained in the Emerald Ash Borer Health Impact Assessment Report.*

*Key recommendations include:*

- 1. City of Saint Paul should identify neighborhoods with lower canopy cover and higher rates of vulnerable populations, and target these neighborhoods for new tree planting and increased assistance.*
- 2. The City of Saint Paul Mayor's Office should declare the stability of the urban forest a City priority.*
- 3. Saint Paul Forestry should develop and implement a five-year community forestry master plan with measurable goals.*
- 4. Saint Paul Forestry and Saint Paul Chamber of Commerce should work together to provide incentives to businesses and property management companies to reduce heating and cooling costs.*
- 5. Saint Paul Planning and Economic Development should incorporate urban forestry approaches into plans for climate resilience and/or disaster preparedness as a temperature buffering and flood management strategy.*

***Chapter: Housing Page 128***

*Goal 2: Well-designed, energy efficient buildings and sites constructed with quality materials.*

*H-8. Encourage creativity in building design and site layout.*

***Chapter: Stormwater Page 195***

*Storm water is water that falls as rain. The amount of storm water absorbed by permeable surfaces—those areas not covered by roads, buildings or other constructed surfaces – depends on a number of factors, including rate of rainfall, soil types, and amount and type of vegetation. Water that cannot be immediately absorbed by permeable surfaces or that falls on impervious surfaces becomes stormwater runoff. .... This is important to both reduce the volume of storm water discharged to receiving surface waters, and to help capture pollutants and sediment picked up from impervious surfaces that would otherwise end up in lakes and streams.*

*Goal 1: Integrated water resource management.*

*Policy WR-6. Support a healthy urban forest and urban forestry initiatives to capture storm water through canopy interception, evapotranspiration and increased infiltration.*

*Policy WR-7. Continue to explore and support the implementation of green infrastructure practices to increase resiliency to flooding, drought and climate change.*

**Minimal Impact Design Standards Page 196**

*The overall goal of MIDS is to promote - especially in dense urban areas - Low Impact Development, which focuses on keeping rain where it falls to the maximum extent practical. MIDS include performance goals for managing storm water volumes, credit calculations for a range of structural storm water techniques, design specifications for green infrastructure BMPs and an ordinance guidance package to help communities (and developers) implement MIDS*

*Goal 3: Excellent surface water quality.*

*Policy WR-18. Encourage the use of Minimal Impact Design Standards (MIDS) for new development.*

*Shared, Stacked Green Infrastructure (SSGI) (This is an EXISTING condition on property now based on natural topography)*

*CONTROL RUN-OFF Water Resource management and control of Inflow and Infiltration of water into the storm water system is a priority of the City of ST Paul. A simple solution to excess run off is the reduction or non installation of paved surfaces.*

**Mississippi River Corridor Critical Area  
Primary Conservation Areas Page 229**

*Primary conservation areas (PCAs) define key natural and cultural resources and features that are addressed by the MRCCA rules*

*Policy CA-3. Minimize impacts to PCAs from public and private development and land use activities.*

*Policy CA-6. Promote the preservation and re-establishment of natural vegetation on privately-owned property.*

**St Paul Municipal Zoning**

**Chapter 60. - Zoning Code—General Provisions and Definitions; Zoning Districts and Maps Generally**

**Sec. 60.103 - Intent and purpose**

*a) To promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community;*

*(b) To implement the policies of the comprehensive plan;*

**Sec. 61.402. - Site plan review by the planning commission.**

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

Thank you for taking the time to review my comments. I hope you find value in implementing the recommendation I have put forward. This is a long game. I appreciate the sensitivity the developers have shown regarding the number of parcels, their design ethic and their compliance with City's storm water and tree preservation requirements. But for the long term, more can be done to seamlessly integrate the subdivision, retain the canopy and reduce the impermeable surface. It is better to make the investment in a potentially better plan now than create a safety/traffic problem or intensify environmental problems brought on by climate change.

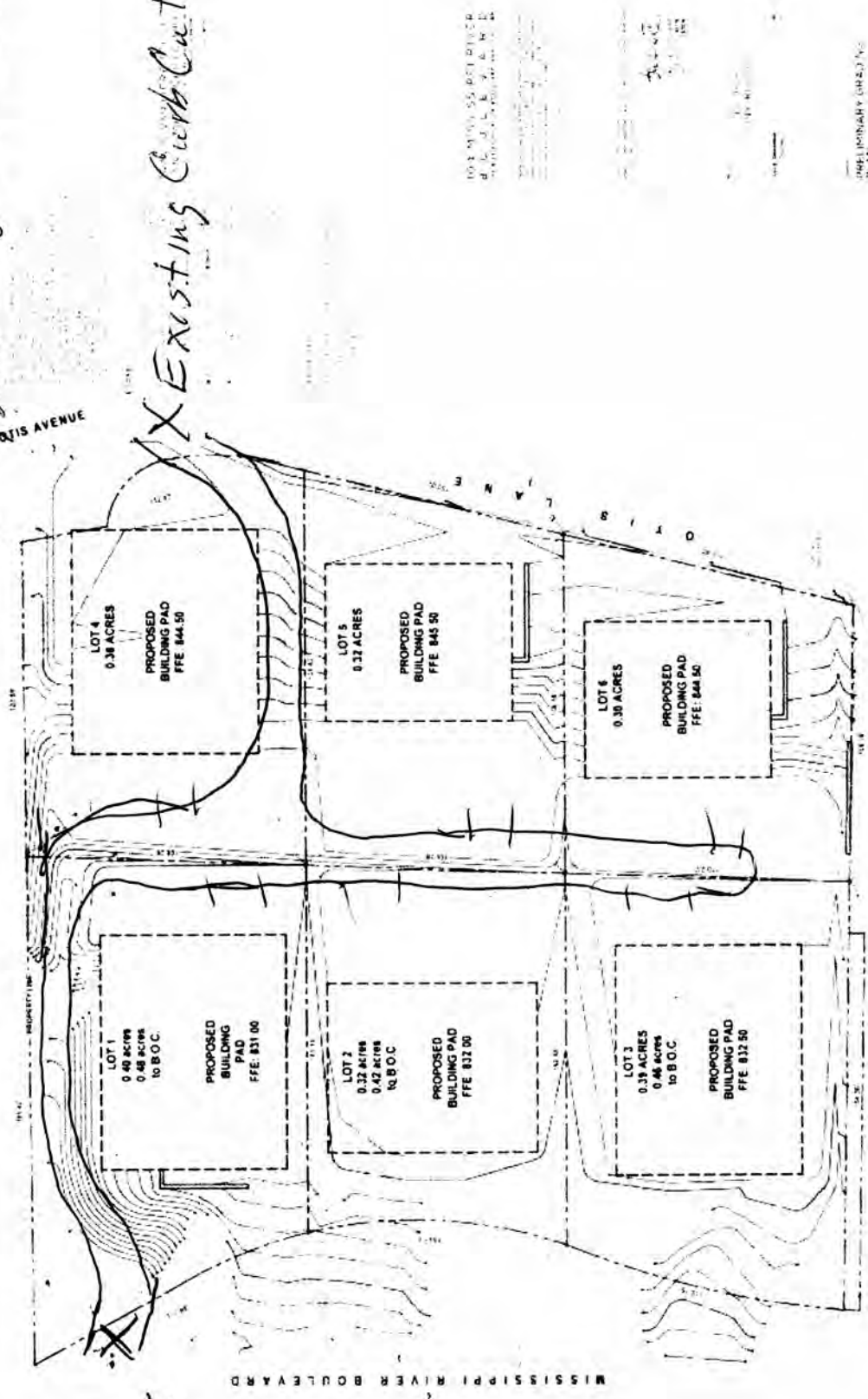
Best,  
Marian Biehn

#2

- Adjacent street to access
- Shared access with covenant on lot 1 parcel for maintenance etc

Existing Curb Cut

XX Existing Curb Cut



L201

Meeting 7-30-19  
Piehn

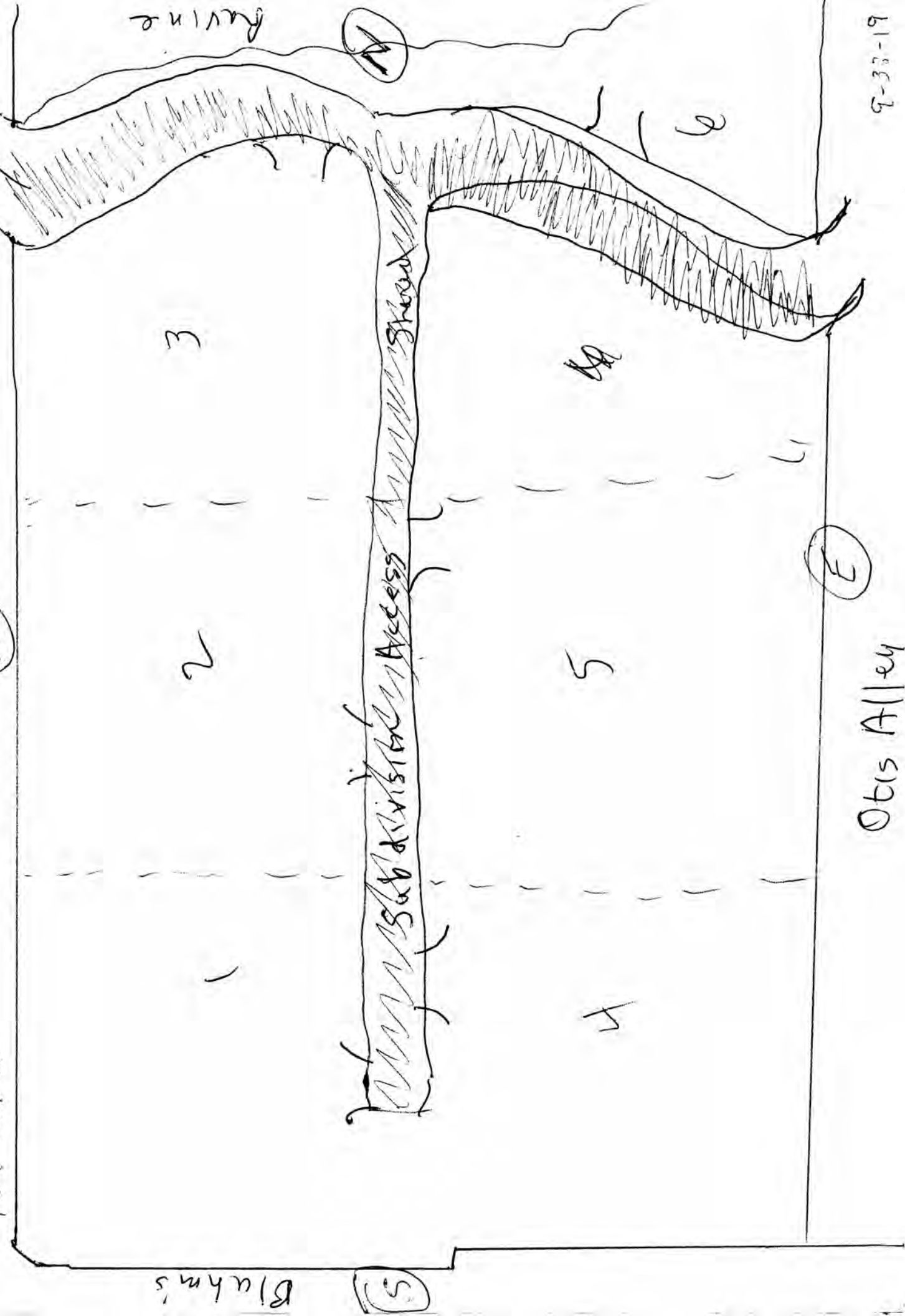
Alternative Re parceling with existing curbcuts

104 MFB

EXISTING

Ravine

9-33-19



Blacks

Otis Alley

Subdivision Access

Sheard

3

2

5

4

W

E

S

North Arrow











