SUBDIVISION STAFF REPORT

FILE #19-084-032

1. FILE NAME: MISSISSIPPI RIVER VISTA HEARING DATE: May 6, 2020

2. TYPE OF APPLICATION: Combined Preliminary and Final Plat

3. LOCATION: 104 North Mississippi River Boulevard

4. **PIN AND LEGAL DESCRIPTION:** PIN 05.28.23.24.0002. See subdivision documents for existing legal description. Proposed legal description is Lots 1 thru 6, Block 1; Mississippi River Vista

5. PLANNING DISTRICT: 13

PRESENT ZONING: R2

6. STAFF REPORT DATE: April 15, 2020

BY: Kady Dadlez

6. **ZONING CODE REFERENCE:** § 69.301; § 69.405; § 69.406; § 69.511

8. DATE RECEIVED: March 25, 2020

A. PURPOSE: Final plat for Mississippi River Vista to create six (6) lots and one (1) block.

B. PARCEL SIZE: 92,348 square feet or 2.1 acres.

C. **EXISTING LAND USE:** The property is vacant. The most recent use was housing for a Catholic order of priests and brothers.

D. SURROUNDING LAND USE:

North: Single family residential uses in an R2 zoning district.

East: Single family residential uses in an R2 zoning district.

South: Single family residential uses in an R2 zoning district.

West: Mississippi River Boulevard, parkland, and trails in an R2 zoning district.

- E. **ZONING CODE CITATION:** § 69.301 states that platting is required when a subdivision (1) creates five or more lots or parcels each of which is 2½ acres or less in size, or (2) requires paved streets, alleys and other public improvements, or (3) is previously unplatted land. § 69.405 provides for combining preliminary and final subdivision review. § 69.406 provides criteria for review of subdivision applications; these criteria are covered below under "Required Findings." § 69.511 regulates parkland dedication.
- F. **DISTRICT COUNCIL RECOMMENDATION:** The Union Park District Council did not take action on the proposed plat.
- G. **REQUIRED FINDINGS:** § 69.406 of the Zoning Code requires that all of the following findings shall be made prior to approval of a subdivision:
 - 1. All the applicable provisions of the Legislative Code are complied with. City staff has reviewed the proposed plat and has determined that all applicable provisions of city codes are met.
 - 2. The proposed subdivision will not be detrimental to the present and potential surrounding land uses. The proposed plat is consistent with the surrounding residential and parkland uses and will not be detrimental to present and future use of surrounding land. The proposed plat will allow for the development of six single family homes.
 - 3. The area surrounding the subdivision can be planned and developed in coordination and compatibility with the proposed subdivision. The area surrounding the proposed plat is developed with residential and parkland uses. These uses are compatible with the land uses proposed in the plat.

- 4. The subdivision is in conformance with the comprehensive plan. The proposed plat is in conformance with the Comprehensive Plan. The Land Use chapter of the plan identifies the area as an Established Neighborhood where single family homes and duplexes predominate. Policy 1.1 calls for guiding the "development of housing in Established Neighborhoods". The property is zoned for single family use and the plat will allow for development of single family homes. Policy 2.9 of the Parks and Recreation chapter of the plan states, "Manage and protect parkland effectively and appropriately by working to reduce encroachments and pursuing strategic acquisitions to fill any existing gaps or changing needs in the parks system". Policy 2.12 states, "Utilize the parkland dedication ordinance to implement the Parks and Recreation Plan of the Saint Paul Comprehensive Plan and advance the priorities of Parks and Recreation". The proposed plat dedicates parkland as part of Mississippi River Boulevard, filling a gap in the parks system. The Saint Paul Pedestrian Plan, an addendum to the Comprehensive Plan, identifies sidewalks gaps in the plat area, as does the Transportation chapter of the 2040 Comprehensive Plan, Map T-1. Sidewalks should be installed when the lots along Mississippi River Boulevard and Otis Lane are developed to address the gaps in the sidewalk system. The proposed plat is in conformance with the Union Park Community Plan which calls for support of "initiatives and projects that promote walking and walkability, and increase pedestrian safety" Objective T3, and "support of land uses that preserve Union Park as a connected, walkable, mixed-use, sustainable neighborhood with a pedestrian-oriented, human-scale streetscape", Objective LU1. Installation of sidewalks when the lots are developed will help address the gap in the system and promote safety and walkability. The proposed plat dedicates additional street right of way along Otis Lane and Otis Avenue, in addition to the parkland dedicated along Mississippi River Boulevard, to provide space for construction of sidewalks at the time of building permits.
- 5. The subdivision preserves and incorporates the site's important existing natural features whenever possible. The proposed plat takes into consideration the varying topography of the site, accounting for the larger lot at the northwestern portion of the property. Plans are in place through the site plan review process to preserve as many trees as possible, including a large red oak tree along Mississippi River Boulevard.
- 6. All land intended for building sites can be used safely without endangering residents by peril from floods, erosion, continuously high water table, severe soil conditions or other menace. The site is in a fully developed area with no known flooding, erosion, continuously high water table, or soil condition problems. It is noted that the Water Resources Management chapter of the comprehensive plan identifies the site, and property to the north and south along Mississippi River Boulevard, as being in an area with a high water table. Figure W-L from the plan is attached to this staff report for reference.
- 7. The subdivision can be economically served with public facilities and services. The subdivision can be economically served with public facilities and services from surrounding streets.
- H. PARKLAND DEDICATION: Saint Paul Legislative Code § 69.511 allows the City to require the dedication of parkland as part of platting and establishes standards for parkland dedication of up to 9% of the total acreage of new lots being created for residential development. The Department of Parks and Recreation determined that the land to be dedicated shall be located along Mississippi River Boulevard on the west side of proposed Lots 1, 2, and 3, Block 1. The applicant worked with Department of Parks and Recreation staff to determine the exact location and area of land to be dedicated and the final plat

reflects the exact location and area of land to be dedicated. The parkland dedication area is shown on the final plat as Mississippi River Boulevard. Dedication of parkland through the final plat fulfills all parkland dedication requirements for all future development of the site. Rain gardens and other stormwater BMPs are not allowed within the dedicated parkland area. The Right of Access Agreement and Declaration of Restrictive Covenant document must be recorded with Ramsey County immediately after the final plat is recorded with Ramsey County. This document restricts access along Mississippi River Boulevard to a single 30-foot wide area as described in Exhibit A of the document, for the purpose of pedestrian and vehicular access, ingress and egress to and from Lots 1 and 2, Block 1. Lots 1 and 2 may access water and sanitary sewer from Mississippi River Boulevard, the locations of which, shall be subject to review, permit, and approval by the Parks and Recreation and Public Works Departments of the City. Lot 3 may access sanitary sewer from Mississippi River Boulevard, the location of which, shall be subject review, permit, and approval by the Parks and Recreation and Public Works Departments of the City; water shall be accessed from Otis Lane.

- I. STAFF RECOMMENDATION: Based on required findings 1 through 7 and the parkland dedication requirement, staff recommends approval of the final plat for Mississippi River Vista at 104 North Mississippi River Boulevard (PIN 05.28.23.24.0002), subject to the following conditions:
 - 1. Dedication of parkland as part of Mississippi River Boulevard as shown on the final plat.
 - 2. Dedication of additional Otis Lane and Otis Avenue right of way as shown on the final plat.
 - 3. The Right of Access Agreement and Declaration of Restrictive Covenant document shall be recorded immediately after the final plat is recorded.
 - 4. The applicant shall file a copy of the City Council Resolution approving the plat, RES PH 20-74, with the Ramsey County Recorder's Office.

Attachments:

Application

Preliminary Plat

Final Plat

Map T1 from the 2040 Comprehensive Plan

Figure W-L from the Comprehensive Plan

Right of Access Agreement and Declaration of Restrictive Covenant

Comments Received

Aerial Map Land Use Map Zoning Map

SUBDIVISION REVIEW 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

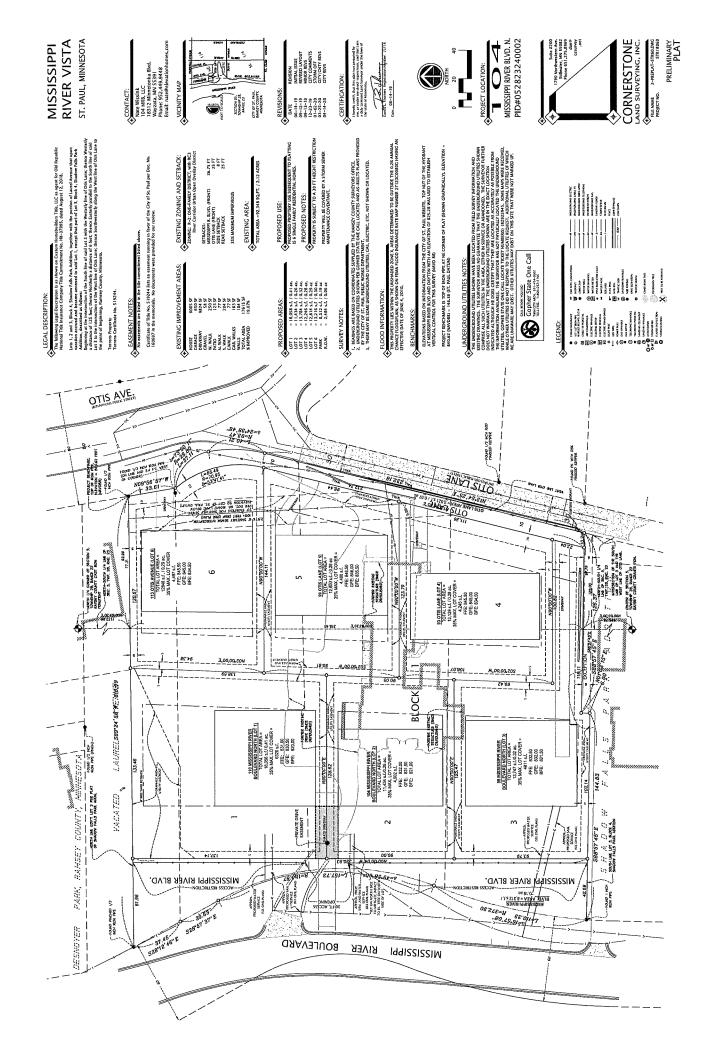
Zoning Office Use Only File #: 19-084-032 Fee: Tentative Hearing Date:

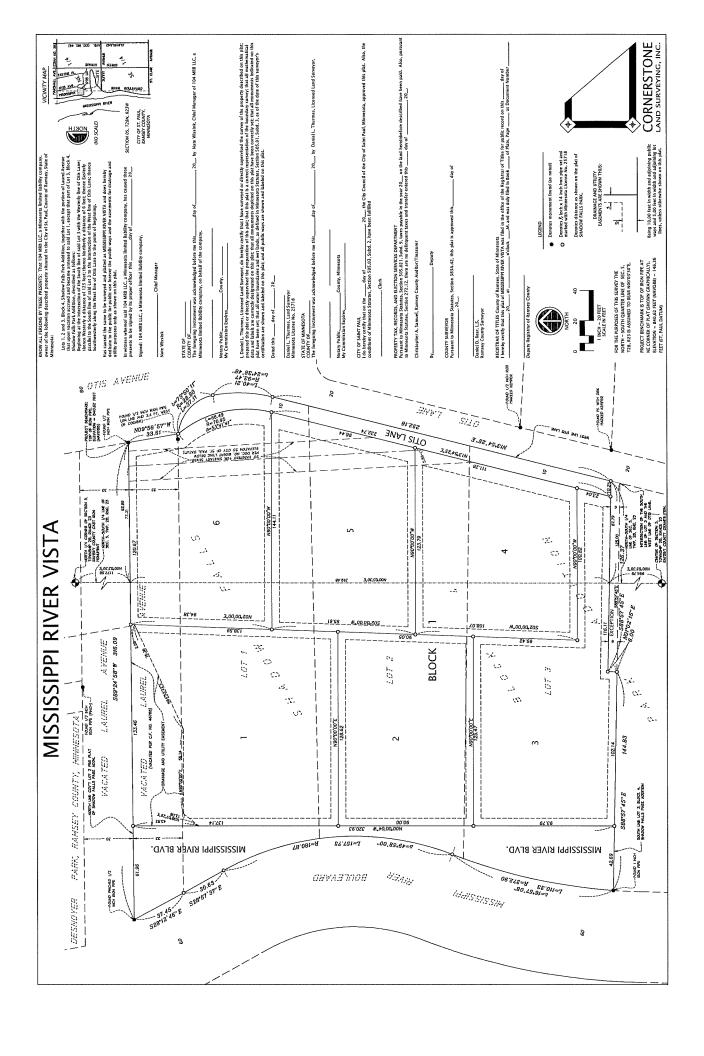
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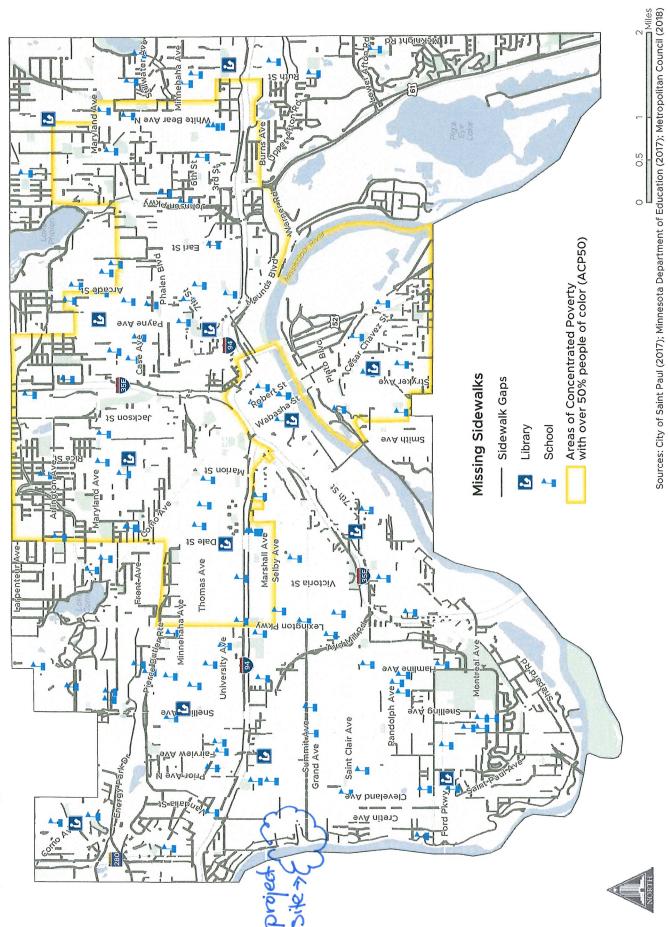
		(- ,)
	Name JOE CROWLEY	
APPLICANT	Address 18312 MINNETONKA BWD.	
	City WAYZATA St. MN Zip 55391	(<i>95</i> 2) Daytime Phone <u>3 46 - 2</u> 495
	Name of Owner (if different) <u>104 MPB ルレ</u>	
	Contact Person (if different)	
PROPERTY	Address/Location 104 WISSISSIPPI PIVER BY	ND.
LOCATION	Legal Description SEE PREUMINARY PLAT	
	Current Zoning	R2
	(attach additional sheet if necessary)	
TYPE OF SUBDIV	101011	- Dog Land Company
□ Lot S	Split	□ Reg. Land Survey
□ Preli	minary Plat Final Plat	Combined Plat
		,
STAFF USE OI	NLY	
Planning Distric	etLand Use MapTax Map	Zoning
Plans Distribute	edReturn byReviewed by	
Comments:		
(attach additional s	sheets if necessary)	
tattaon additional s	neces ii necessary)	1-78051100-46115

Applicant's Signature

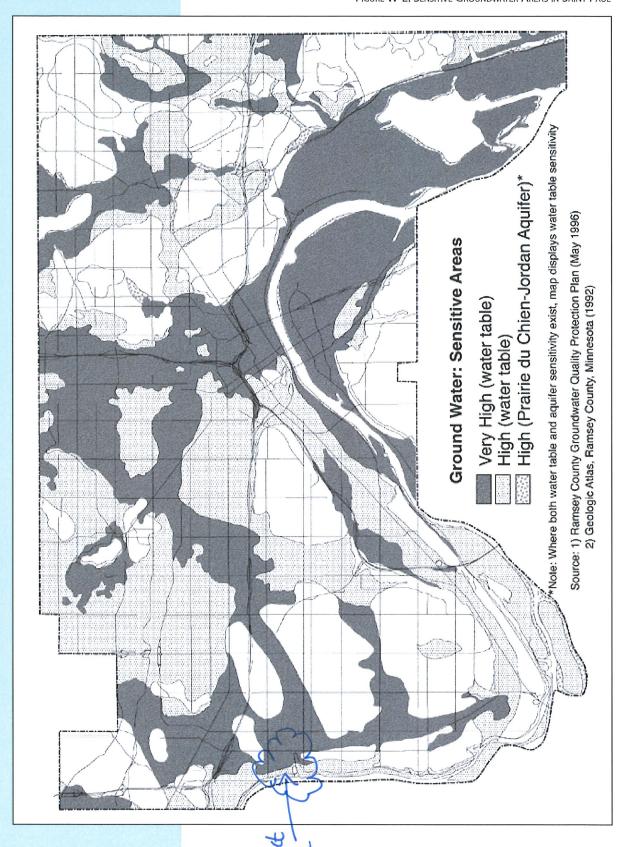
Date 13sert 9 City Agent AV 9/13/19







TRANSPORTATION | Appendix A



RIGHT OF ACCESS AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANT

THIS RIGHT OF ACCESS AGREE	EMENT AND I	DECLARATION (OF RESTRICTIVE
COVENANT ("Declaration") is made this _	day of	, , 2	2020, by the City of
St. Paul, a municipal corporation under the law			ity"), and 104 MRB,
LLC, a Minnesota limited liability company (the "Owner").	•	

Recitals

WHEREAS, Owner is the fee owner of certain real property in the City of St. Paul, Ramsey County, Minnesota, described on attached Exhibit A (the "Property").

WHEREAS, Owner desires to develop the Property together with Lots 4, 5 and 6, Block 1, MISSISSIPPI RIVER VISTA, Ramsey County Minnesota and create Mississippi River Vista, a permanent residential community (the "Community") consisting of detached, single family homes (each, a "Home," and collectively, the "Homes"), to be owned, occupied and operated for the benefit of its resident owners (each an "Owner") and occupants (each, an "Occupant").

WHEREAS, the Property consists of individually platted lots (each a "Lot"), and collectively, the "Lots").

WHEREAS, pursuant to the Code of Ordinances for the City, each Lot is required to have access to a dedicated public roadway.

WHEREAS, as part of the development of the Property, the City has provided that the Property may only have one access point to Mississippi River Boulevard.

WHEREAS, the Owner of the Property, declares that the Property shall be held, transferred and conveyed and occupied subject to the covenants, restrictions and easements set forth in this Declaration.

NOW, THEREFORE, the City and the Owner hereby agree, and covenant as follows:

1. Right to Access Agreement. The Owner and its successors and assigns hereby reserves a perpetual, non-exclusive and unobstructed thirty (30) foot access, ingress and egress easement over, across, upon and through the portion of the property as depicted as the "30 Ft. Access Opening" on the attached **Exhibit B** for the purpose of pedestrian and vehicular access, ingress and egress to and from that portion of the Property consisting of Lots 1 and 2, Block 1, Mississippi River Vista, Ramsey, County, Minnesota.

The foregoing right of access shall run with the land and shall remain in effect regardless of any sale, conveyance, or assignment of the Property or any change in the dedicated public right of way.

- 2. <u>Declaration of Restrictive Covenant</u>. Owner hereby declares that the Property shall be held, sold and conveyed subject to the following restrictive covenant (the "**Restrictive Covenant**"):
 - (a) Access to Mississippi River Boulevard from Lots 1, 2 and 3, Block 1, Mississippi River Vista, Ramsey County, Minnesota, shall be restricted from the north line of said Lot 1, southerly to the southerly line of said Lot 3, with a 30.00 foot access opening for private driveway purposes centered on the common line between Lots 1 and 2, Block 1, Mississippi River Vista, Ramsey County, Minnesota, as such access is depicted as the "30 Ft. Access Opening" on attached Exhibit B.

The Restrictive Covenant shall run with the land and be binding on the Owner, its successors and assigns. The Restrictive Covenant shall not merge in Owner's title to the Property and any future conveyance of the Property shall be subject to the Restrictive Covenant. The Restrictive Covenant is for the benefit of the City and consistent with the terms of this Declaration may be enforceable by the City at law or equity and shall not be modified, restated, amended, or changed in any way without the written consent of the City and the written consent of the Owner, or its successors and assigns.

[The remainder of this page is intentionally left blank; signatures on the following page]

IN WITNESS WHEREOF the undersigned have executed this Declaration as of the day and date first above written.

CITY OF ST. PAUL

	Ву
	Bruce Engelbrekt
	Its: Real Estate and Assessments Manager, Office of Financial Services
STATE OF MINNESOTA)) ss.
COUNTY OF RAMSEY)
Bruce Engelbrekt, the Real	acknowledged before me this day of 2020, by Estate and Assessments Manager, Office of Financial Services of the I corporation under the laws of the State of Minnesota, on behalf of
	Notary Public

CITY OF ST. PAUL

	Ву	
	Eriks Ludins	
	Its: Right-of-Wa of Public Works	y Manager, Department
STATE OF MINNESOTA)) ss.	
COUNTY OF RAMSEY	,	
Ludins the Right-of-Way I	knowledged before me this day of Engineer, Department of Public Works of the laws of the State of Minnesota, on behalf	the City of St. Paul, a
	Notary Public	W. H 1 W. A.

	CITY OF ST. PAUL
	Ву
	Michael Hahm
	Its: Director, Department of Parks and Recreation.
STATE OF MINNESOTA COUNTY OF RAMSEY)) ss.)
Michael Hahm the Directo	r, Department of Parks and Recreation of the City of St. Paul, a the laws of the State of Minnesota, on behalf of said corporation.
	Notary Public

104 MRB, LLC, a Minnesota limited liability company

	By
STATE OF MINNESOTA	`
STATE OF WIININESOTA) ss.
COUNTY OF	,
	acknowledged before me this day of 2020, by the , of 104 MRB, LLC, a Minnesota limited
	Notary Public
liability company, on behalf	

THIS INSTRUMENT WAS DRAFTED BY: Fredrikson & Byron, P.A. (JLP) 200 South Sixth Street Minneapolis, MN 55402

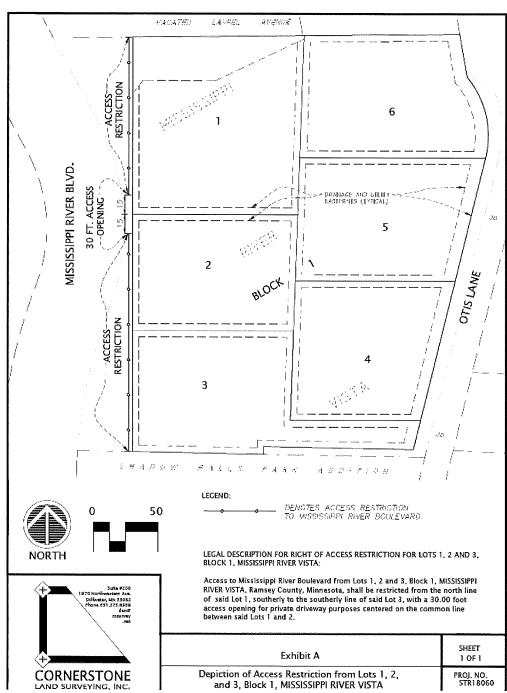
Exhibit A

Property Legal Description

Lots 1, 2 and 3, Block 1, MISSISSIPPI RIVER VISTA, Ramsey County, Minnesota

Exhibit B

Access Depiction



69513223 v1

Dadlez, Kady (CI-StPaul)

From:

Vincent Graziano < vgraziano 1024@gmail.com>

Sent:

Tuesday, September 17, 2019 4:21 PM

To:

Dadlez, Kady (CI-StPaul)

Subject:

Oblate development (104 East River Road)

Think Before You Click: This email originated outside our organization.

Hello,

I live adjacent to the 2-acre site where 6-houses are to be built. The neighborhood has been told by the building company that the city of Saint Paul is forcing them to have sidewalks on both the Otis Ave/Lane and East River Road side. The neighborhood has many problems with this development but the requirement of sidewalks that start and end to NO WHERE and only add concrete to what is currently green space is totally stupid and worse, destructive. I have lived in my current house at 121 Otis Ave happily paying very high property taxes because of the nature of the neighborhood. This Saint Paul "framework" requiring sidewalks where they begin and end to nowhere is mindless overreach by the city. One sidewalk would end at my property line. In order to continue the sidewalk in front of my house would require a number of huge trees and gardens to be removed. Your property tax base would be at risk. Note, there are no sidewalks from Otis Lane multiple blocks to Marshall Ave on the west side of the Otis Ave. And we don't want them either. This makes no sense.

thank you, -Vincent Graziano 121 Otis Ave Saint Paul, 55104 From: MARIAN BIEHN [mailto:humanbiehn@msn.com]

Sent: Friday, October 4, 2019 1:55 PM

To: Privratsky, Matt (CI-StPaul) < Matt.Privratsky@ci.stpaul.mn.us

Subject: 104 Mississippi Riv Blvd

Think Before You Click: This email originated outside our organization.

Good Morning Matt

Sorry I am delinquent in getting back to you after the meeting at our house on Mon. Sept 30. We really appreciated you being able to attend.

I hope you both heard and understand the neighbors concerns. And we hope that you will be able to take those concerns and recommendations and find a way to incorporate them into the parcels and site plan. Beyond the plan that I showed you with the drive access from MRB to Otis Ave using existing curb cuts (could be grandfathered in since the Oblates had it) and incorporating a center drive aisle in the center of the site running N > S in the rear yards of both the 3 MRB and 3 Otis lots, other residents offered other alternatives that would reduce curb cuts, reduce pavement, provide additional service vehicle and guest parking for the homes beyond driveway parking, alleviated Otis alley congestion, etc. There were several potential solutions and alternatives brought forward that would alleviate the parking and traffic issues that will surely surface with 6 additional residences and would also assure access for emergency vehicles and city services.

Some suggestions:

Use the long drive from Otis alley to the MRB facing house to serve both the Otis alley home and the MRB home

Use the MRB curb cut to serve all three MRB home

Use the MRB curb cut to serve 2 MRB homes and an Otis alley home

Use a shared drive to serve 2 Otis alley houses

Create an internal cul-de-sac type of access for home owner use (not public, garbage, emergency, city, access)

Retain the MRB & Otis accesses for use by all houses with a center drive aisle behind all 6 houses

An elevation issue has been cited as a concern. If for example, a lawn service is retained by an Otis alley resident and they park in the drive way (which the usually don't) how will they access the rear lot if it is a split elevation. A common access would be a solution

We had hoped to get the developer on board with one of these alternatives but every suggestion presented was met with a no, we can't, it's not financially feasible, we tried that (we have no assurances that they did), etc. We were disappointed that they weren't willing to invest some time to collaborate and creatively resolve the issues we presented. They want our support but won't listen to our warnings, concerns much less try to make changes to the plan. The neighbors have brought up some legitimate issues and the developer is not willing to truly flesh out the feasibility. With a blank slate, this is the time to incorporate a better flow.

The lots are prime lots there are interested buyers. Covenants could be added to the deed that at the time of sale to set guidelines and expectaions. Developers do not lose money on their projects. And real estate speculation is a long game with delayed pay out. So to claim financial hardship is not fair. The time is now to get this this platting done in a way that is an asset to the buyers and a the current residents.

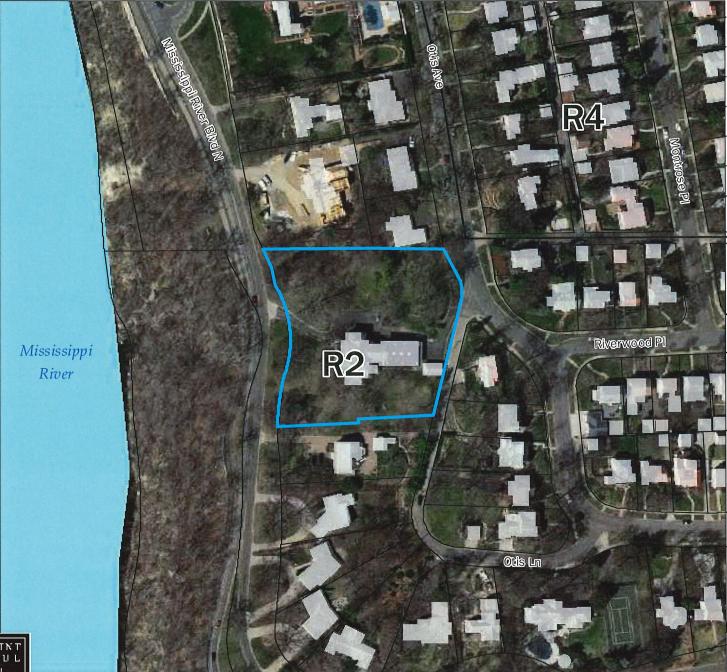
We need the City's help.

If the City is calling this site a "subdivision" then Ordinance Article V Sec 69.508 - Lots letter f supports a combined access drive. Other subdivision articles call for the retention of mature trees. The MRB-Otis Ave access the Oblate fathers had could be grandfathered in. The Otis alley will not support parking if emergency vehicles, garbage trucks, utility trucks are to be able to pass. However, home owners and guests will have a reasonable expectation that they can park in front of their home. Sidewalks would remove mature trees.

We know that in the review process, the City goes by "minimum standards." As a new subdivision this site offers the opportunity to think outside the box and support better than minimum standards.

I hope the neighbors of 104 MRB can count on your support and encourage both the city planner and the developer to incorporate some of our recommendations.

Thank you Marian Biehn





FILE #19-084032 | AERIAL MAP
Application of Mississippi River Vista

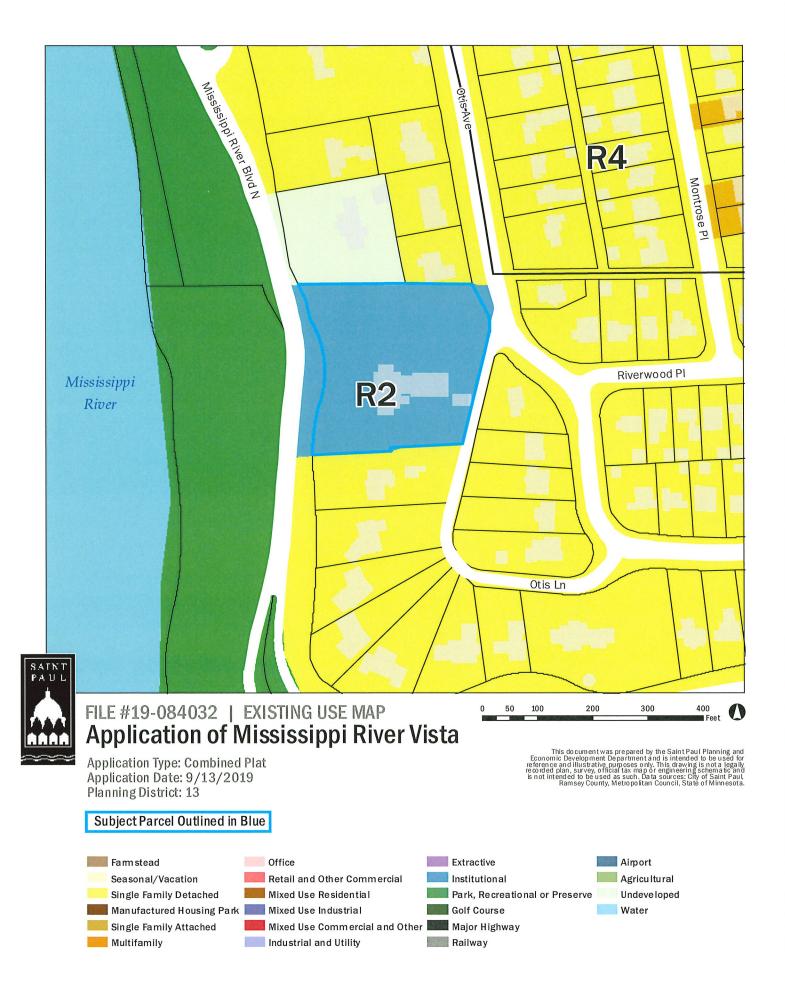
Application Type: Combined Plat Application Date: 9/13/2019 Planning District: 13

Subject Parcel Outlined in Blue

This document was prepared by the Saint Paul Planning and Economic Development Department and is intended to be used for reference and illustrative purposes only. This drawing is not a legally recorded plan, survey, official tax map or engineering schema tic and is not intended to be used as such. Data sources: City of Saint Paul, Ramsey County, Metropolitan Council, State of Minnesota.

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Planning District: 13

Subject Parcel Outlined in Blue

RL One-Family Large Lot RM3 Multiple-Family BC Community Business (converted) 13 Restricted Industrial R1 One-Family T1 Traditional Neighborhood B2 Community Business F1 River Residential R2 One-Family T2 Traditional Neighborhood B3 General Business F2 Residential Low R3 One-Family T3 Traditional Neighborhood B4 Central Business F3 Residential Mid R4 One-Family T3M T3 with Master Plan B5 Central Business Service F4 Residential High RT1 Two-Family T4 Traditional Neighborhood IT Transitional Industrial F5 Business RT2 Townhouse T4M T4 with Master Plan /// ITM IT with Master Plan F6 Gateway I1 Light Industrial RM1 Multiple-Family OS Office-Service VP Vehicular Parking RM2 Multiple-Family B1 Local Business I2 General Industrial PD Planned Development CA Capitol Area Jurisdiction