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May 5, 2020

SENT VIA EMAIL

Saint Paul City Council
District Council Representative
City of Saint Paul
St. Paul, MN

**RE: Public Comment: Final Plat Recommendation of Mississippi River Vista,
File # 19-084032; 104 Mississippi River Blvd. North
Objection to Approval, Staff Report, & Final Plat ("Plan")**

Dear Members of City Council, District Representatives, Staff, Streeter Associates, Neighbors & Interested Parties:

We respectfully request another review and challenge the final plat recommendation and approval of the above development as currently drafted. We like Streeter & Associates but disapprove of the plan because the purpose of comprehensive planning is to ensure "a safe, pleasant, and economical environment for residential ... activities." *Minn. Stat. Section 462.351*. The current Plan does not. This letter provides suggestions to make this development safe, pleasant and economic environment for all residents. Our intent is to improve the development not prevent it.

We believe that by addressing these issues the comprehensive plan, zoning ordinance and subdivision plan will provide: "safe streets, appropriate environmental features, and character". *See LCM Information Memo*. To date, these objectives have not been adequately addressed and, thus, cannot move forward as proposed. With the incorporation of solutions to these issues, the development will be enhanced; consistent with the purpose of comprehensive planning, state law, and City ordinances; and due process observed in the expression of the community's vision for the future and provide specifics on how to reach that vision.

The purpose of comprehensive planning is to: (i) preserve important natural resources, (ii) create an opportunity for residents to participate in guiding the community's future, (iii) identify issues and accommodate change, (iv) ensure growth makes community better not just bigger, and (v) protect property rights. *Minn. Stat. Section 462.352*. While we have met with the developer several times regarding our concerns none of our comments have been included. Thus, the City Council and City of St. Paul cannot permit land use which is not consistent with the "public health, safety and welfare of its residents" (*Berman V. Parker (1954)*).

We welcome prudent, responsible and sustainable development. We believe Streeter & Associates share these ideals. The City Council, Zoning Office and District are responsible for the implementation of these concerns and modifications for the "health, safety and welfare" of its residents.

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Our concerns are outlined below.

1. Traffic, Access, & Safety: The addition of four (4) curb cuts on the service drive from Otis Lane or Avenue creates more traffic, limits access and creates a more unsafe residential area because Otis Lane is too narrow and does not meet the eligibility requirements for a "street". Life safety and essential service vehicles (much less any vehicle) cannot pass one another on Otis Lane currently. By adding four new driveways to the plat with access onto Otis Lane, you increase traffic on a "street" that is already smaller than the eligibility requirements, obstruct or limit access (ingress and egress), create congestion further compounding the problem, and make the neighborhood more unsafe. At a minimum, solutions to reduce these serious life safety issues need to be better addressed.
2. Environmental & Character: The natural setting of one lot subdivided into six (6) lots risks the negative impact to the environment and character on one of St. Paul's premiere streets and adjacent to the national park along the Mississippi River. The potential loss of significant trees, storm water runoff mitigation, loss of permeable surfaces, and addition of sidewalks that service no one other than home owners and addition of four new driveways onto Otis Lane only increases the negative impact to the environment and character of the lot and neighborhood including Mississippi River.
3. Comprehensive Plan, Zoning Ordinance and Subdivision Plan: The purpose of the Plan is to enhance prudent development as well as protect property rights. The application of your administration process to these plans as drafted are not consistent with your mandate and approval only increases the risk (i.e. diminishes) to health, safety and welfare of residents. The Plan is currently lopsided and out of balance. By modification and faithful adherence to the intent of the Plan, the development will balance development and property rights with safety, environment and character better.

Our Suggestions are outlined below.

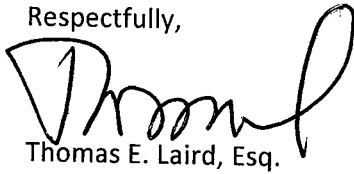
1. Traffic, Access, & Safety: Creating a shared entrance with ingress and egress, avoiding sidewalks, and reducing curb cuts support the findings in an alternative way, creates a safer street, traffic pattern, supports the subdivision review criteria "with particular attention given to the width and location of streets..." *Zoning Code (69.406a)*.
2. Environmental & Character: The natural setting of one (1) lot subdivided into six (6) lots risks has negative impact on the environment and character of one of St. Paul's most picturesque streets and along the Mississippi River. By implementing #1 above, the potential loss of significant trees, storm water runoff mitigation, loss of permeable surfaces, and addition of sidewalks and addition of four new driveways onto Otis Lane also addresses the environmental and character flaws and negative impact in the current plan.
3. Comprehensive Plan, Zoning Ordinance & Subdivision Plan: The general purpose of the Plan is to enhance prudent development as well as protect property rights. By following due process and incorporating the simple changes to the Plan outlined in #1 & #2 above, allows you to replace concerns with solutions and enable the development to move forward for all.

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Please see the addendum attached specifically addressing the context, background, rule and to assist you in your deliberations. We trust these suggestions will be taken seriously and incorporated into the plan.

I appreciate your consideration of my comments and ask they be deliberated and incorporated into the Plan. We believe the implementation of these suggestions will create a better development with safer streets, appropriate environmental features, and character consistent with your mandate and the premier location, and the national park across the street.

Respectfully,



Thomas E. Laird, Esq.

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ADDENDUM

The narrative below provides support to the general goals outlined above with specific reference to Zoning Codes and application of these codes to this Plan. It is apparent all the facts and circumstances have not yet been considered.

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 Avenue or Lane served an accessory building. The two met in a common parking pad. The circulation was convenient for residents, visitors and service providers.

The addition of 4 curb cuts along the north end of Otis Lane 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 walker would have to cross close to a blind curve with speeding traffic.

Circulation Concern: I am asking the City Council to consider an alternate access and circulation plan for the site to service the 6 proposed parcels using existing access points.

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. Similarly, I am asking that the existing curb cut/access from Otis Ave be reutilized as entrance and egress for the 3 houses proposed for the Otis service drive. And finally, that a common drive aisle at the rear of all the homes be incorporated to reduce impermeable paved area, provide additional self-contained subdivision parking and service provider access, and remove the 3 of the 4 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 increasing the elevation along the Otis service drive.

Zoning Code

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;

Chapter 61 Zoning Code and Enforcement

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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

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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 but 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 nor is it paved as a standard street.

Sec. 69.502. – Alleys

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

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. From that point 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 the safe and efficient circulation of transportation. 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. We have not had recycling and garbage service due to an event which blocked through access. Service and emergency vehicles can navigate the service drive currently. However the addition of 4 curb cuts, increased use of the service drive and potential parking on the service drive will present a safety & access hazards.

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 arranges so as to avoid requiring vehicles to back into traffic on arterials.

In this case, as a new subdivision is being considered, some of the old features should be implemented. Though not obviously a "Trough lot" the previous single use of 104 MRB was a through lot. This feature should be implemented with single shared access from MRB and Otis Avenue/Lane, the possible addition of a small accessory parking area for the home owners and the shared, central drive aisle. With the added density, the limited access off MRB which then unfairly intensifies 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

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parking pad for use by the home owners addresses the lack of parking on MRB and the danger of parking along the Otis service drive.

Issue 2: Environmental

The site is large and has the benefit of Mississippi River tree canopy. Even with the intended tree retention plan, the loss of old growth trees and the benefits they provide to the health and welfare of the neighborhood, the City and wild life will be significant.

I am aware and appreciate the developer is incorporating a storm water management and tree protection plan, but I ask the following also be addressed and the environmental impact.

1. 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.
2. The site is on a bird migration fly way.
3. The proposed sidewalks will potentially take out some of the most mature trees which seems contrary to St Paul's greening goals and natural storm water runoff.

Chapter: Storm water 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 storm water 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.

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

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.

