



Legislation Text

File #: RES 11-2289, **Version:** 1

Memorializing City Council action taken on October 5, 2011, granting the appeal of the Union Park District Council of a site plan approval for the property commonly known as 650 Pelham Boulevard.

WHEREAS, on October 6, 2010, Industrial Equities LLP ("IE"), under the Department of Safety and Inspections ("DSI")-Zoning File No.10-906-716, made application pursuant to Leg. Code § 601.402 to approve a site plan for a office/warehouse building project to be constructed on property commonly known as 650 Pelham Blvd and legally described as Geo H Watsons Rearrangement Subj To Blvd And Hwy The W 225 Ft Of Blk B, [PIN No. 322923210029]; and

WHEREAS, on July 20, 2011, IE's site plan application was approved by DSI subject to certain conditions as set forth in DSI's Approval Letter which shall be incorporated herein by reference; and

WHEREAS, on August 1, 2011, the Union Park District Council ("UPDC"), under DSI-Zoning File No. 11-260-156, filed an appeal from the July 20, 2011 approval of IE's site plan alleging, in essence, that:

1. the site plan is not consistent with the planning documents for the site;
2. the city code encourages buildings to hold the corner on sites at intersections;
3. there was no community design process to effectively resolve community concerns over the project; and,
4. that the city council did not zone the site TN as recommended in planning documents; and

WHEREAS, pursuant to Leg. Code § 61.701(b), UPDC's appeal was duly set on for an administrative appeal before the Saint Paul Planning Commission ("Commission"); and

WHEREAS, on August 25, 2011, pursuant to Admin. Code § 107.03, the Commission's Zoning Committee, in accordance with Leg. Code § 61.303, duly conducted a public hearing on the said appeal at which all persons present were afforded an opportunity to be heard and, at the close of the hearing, the Zoning Committee, based upon the report of staff, the testimony, and all the files and records, moved to recommend to the Commission that the said appeal be denied, provided however, based upon the hearing record before it, to add two conditions to the IE site plan approval:

1. that the applicant construct an additional pedestrian connection from the public sidewalk on Pelham to the southwest corner of the building; and
2. that the applicant construct a public sidewalk on the south side of Wabash in the event that City staff determine that it is possible to provide both street trees and a sidewalk that is consistent with pedestrian safety in light of the existing nearby railroad spur track; and

WHEREAS, on September 2, 2011 the Commission took up the Zoning Committee's recommendation and, based upon the recommendation and all the files and records presented, moved to deny UPDC's appeal and to approve IE's site plan with the additional modifications imposed on August 25, 2011, upon the following findings and conclusions as set forth in Commission Resolution No. 11-73 and its attached "Exhibit A" which are hereby incorporated by reference:

1. The site plan as approved is consistent with the Comprehensive Plan, Raymond Station Area Plan, and other City plans,

2. The zoning code does not require a building at this location to “hold the corner”.
3. A community design process is not a requirement of site plan review.
4. The City Council voted to retain the I1 zoning for the property.
5. The site plan complies with zoning standards and all other applicable ordinances of the City as follows:
 - Office/warehouse is a permitted use in I1.
 - One-story buildings are permitted in I1.
 - The building and site conform to City-wide design standards.
 - The site plan meets the standards for stormwater set by the City and the Capitol Region Watershed.
 - The developer submitted a Traffic Impact Study for the project which was reviewed and approved by Saint Paul Public Works.
 - The site plan meets zoning standards for landscaping.
6. The site plan is consistent with traffic and pedestrian safety and convenience provided the following conditions are added to the site plan approval issued by the Zoning Administrator.
 - An additional pedestrian connection from the public sidewalk on Pelham to the southwest corner of the building must be constructed.
 - A public sidewalk is provided on the south side of Wabash if City staff determine that a sidewalk can be provided that is consistent with pedestrian safety in light of the existing nearby railroad track.

WHEREAS, Pursuant to Leg. Code § 61.702(a), UPDC, under PED Zoning File No. 11-275-450, filed an appeal from the Commission’s determination and requested a hearing before the City Council for the purpose of considering the actions taken by the Commission; and

WHEREAS, Pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, a public hearing was duly conducted by the City Council on October 5, 2011, where all interested parties were given an opportunity to be heard; and

WHEREAS, The Council, having heard the testimony and having considered the application, the report of staff, the record, minutes and recommendation of the Zoning Committee and the Commission’s resolution, does hereby

RESOLVE, That the Council of the City of Saint Paul, pursuant to Leg. Code § 61.704, hereby reverses the Commission’s decision in this matter, based upon the following findings of error on the part of the Commission:

Legislative Code § 61.402(c)(1-11) sets forth the standards for reviewing site plan applications. The Council finds that the Commission failed to consider the consistency of IE’s site plan with Leg. Code § 61.402(c)(1)’s requirement that site plans be consistent with the City’s Comprehensive Plan and adopted sub-area plans.

Although the subject property falls just outside the designated boundaries of the Raymond Station Area Plan (“RSAP”), the property does fall within a 5-minute walk radius of the Raymond LRT Station under the Central Corridor Development Strategy (“CCDS”). The CCDS repeatedly emphasizes that “Key Principles for All New Development, whether industrial, commercial, residential, or a mixture of uses, should, within this walking radius, incorporate design elements that accentuate the ability to walk to LRT stations and connect to transit. Because the IE site falls within the CCDS’s 5-minute walking radius, its site plan is subject to the basic goals of the CCDS and should at least be responsive to the RSAP.

The CCDS, at § 3.3, outlines the four “Key Principles” noted above. Pursuant to CCDS § 3.3, the Council finds that the site plan approved for the IE development fails to meet Principles 1 and 3 for the following reasons:

The Approved Site Plan Fail to Meet CCDS Principle 1

CCDS Principle 1 provides: “Making development fit. Design new development to provide a transition in scale and ensure it fits into its surroundings, improves existing street conditions, and integrates well with existing neighborhoods and communities.”

The Council finds that nearly every building near this site and between the Raymond LRT Station, whether a industrial, commercial, or residential use, has a zero setback from one or more streets. In its recommendation to deny UPDC’s appeal, the Staff report states that because 650 Pelham is zoned I1, IE’s site plan meets Leg. Code § 63.110’s setback requirements and building standards.

However, in applying Leg. Code § 63.110’s design standards to IE’s site plan application, in light of Leg. Code § 61.402(c)(1)’s requirement that site plans be consistent with the City’s Comprehensive Plans which, at Land Use Goal No. 1.29, specifically states “Implement the Central Corridor Development Strategy and the [Raymond Station Area Plan] as the vision for development in the Central Corridor in connection with the construction of LRT,” the Council finds that IE’s site plan, as approved by the Commission, does not meet the basic goals of CCDS § 3.3.

Specifically, CCDS § 3.3 states that “[a]s the Corridor changes over time, and in response to the future LRT, new buildings will have to contribute to the character and quality of the corridor and ensure a good fit with their neighbors.” In particular, CCDS § 3.3 specifies that “all new development” shall be designed to “provide a transition in scale and ensure it fits into its surroundings, improves existing street conditions and integrates well with existing neighborhoods and communities.”

As noted, nearly all of the buildings within a 5-minute walk of the Raymond LRT station are located on the front-lot line or have a “zero” setback from the public right-of-way. In sharp contrast, the building line for the proposed building is setback, at a minimum, 60-feet from the public right-of-way. The size of this setback does not integrate the new building into the pattern of existing buildings in the neighborhood as called for under the CCDS. A 60-foot setback surrounds the proposed building with parking lots which is out of character with other building sites in the area. Locating parking in this fashion detracts from the image of the building and fortifies an “auto-oriented” image within a 5-minute walk to an LRT station which is inconsistent with the CCDS plan which calls for moving all aspects of development toward the creation of a “transit-supportive” corridor. There is nothing about this site that prevents placing parking for the building “internal to the block” or relocating the building closer to the street. Relocating the building would be consistent with CCDS § 3.3’s expectation that “new buildings will have to contribute to the character and quality of the corridor and ensure a good ‘fit’ with their neighbors.”

In addition, a 60-foot setback for the proposed building does not provide a sense of “transition” from the predominate zero-setback for buildings in and around a 5-minute walk from the Raymond LRT station. While there is nothing wrong with the site’s I1 zoning classification or the building’s proposed uses, at least as represented by IE, the location of the proposed building on the site is neither responsive to the current form of development around the site nor is it likely to be responsive to the overall changes that will come to this site because it is so close to an LRT station.

Finally, the RSAP envisions a new greenspace/park designated as Wabash Commons just north of the 650 Pelham site. Figures 3.3 and 4.4 of the RSAP clearly show buildings on the 650 Pelham site built up to the street and “framing” the envisioned greenspace and RSAP § 4.2.1(e) states “New development should exhibit a strong relationship to both the Cromwell frontage and Wabash Commons to ensure there are no backlotting conditions on either of these important spaces.” Whether the parcels across the street from the IE project will eventually be greenspace, or high density TOD, the RSAP clearly envisions buildings on the 650 Pelham site

built up to the lot line on Wabash which is consistent the CCDS's goal of having buildings that transition in scale in order to insure that the buildings fit with existing street conditions and the existing neighborhood.

The Approved Site Plan Fail to Meet CCDS Principle 3

CCDS Principle 3 provides "Transit-supportive access, circulation and parking: Locate parking so that it does not detract from the image of the area by placing it internal to the block, within parking ramps, inside buildings, or below ground."

Leg. Code § 61.402(c)(4) states that when considering a site plan application, the plan should provide for the "protection of adjacent and neighboring properties through reasonable provision of such matters as . . . those aspects of design which may have substantial effects on neighboring land uses. Leg. Code § 61.402(c)(5) states, when considering a site plan application, the plan should provide that "the arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or occupants will not be unreasonably affected."

The IE project is in an I-1 zone. Directly across Wabash Street from this site is a T4 zone. The T4 classification is intended to enable the highest density and most transit/pedestrian focused zone in the zoning code. The site plan approved by the Commission is inconsistent with the requirements of Leg. Code § 61.402 (c)(4) because it results the T4 parcels across Wabash Street having to face a double-loaded parking lot, the only ingress/egress point from the loading dock area, and a building set-back too far from the street. The location of the parking lot, access to the loading dock and the large setback are elements of IE's site plan design that the Council finds are likely to have a substantial effect on these neighboring T4 properties. Accordingly, the Council finds that IE's site plan is inconsistent with the requirements of Leg. Code § 61.402(c) (5) because the location of the parking lot, loading dock access, and the building location will unreasonably affect the T4 properties to the north.

AND, BE IT FURTHER RESOLVED, for the above stated reasons, that UPDC's appeal be and is hereby granted; and, be it

FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to IE, the UPDC, the Zoning Administrator and the Planning Commission.