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Title: Memorializing City Council action taken on May 20, 2015 denying an appeal of a decision of the Planning Commission approving a site plan application for a mixed use development at 735 Cleveland Avenue South.

Sponsors: Chris Tolbert

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Date	Ver.	Action By	Action	Result
6/24/2015	1	Mayor's Office	Signed	
6/17/2015	1	City Council	Adopted	

Memorializing City Council action taken on May 20, 2015 denying an appeal of a decision of the Planning Commission approving a site plan application for a mixed use development at 735 Cleveland Avenue South.

WHEREAS, TJL Development LLC ("Applicant"), on February 19, 2015, under PED Zoning File No. 15-011-695, made application to the Planning Commission for a site plan review pursuant to Legislative Code § 61.400 for the purposes of constructing a mixed-use development on property commonly known as 735 Cleveland Avenue South and legally described as Saint Catherine Park Vac Alley Accruing & All Of Lots 26, 27 & Lot 28 Blk 1; and

WHEREAS, on April 16, 2015, the Commission's Zoning Committee, pursuant to Leg. Code § 61.303, duly conducted a public hearing on the site plan application at which all persons present were given an opportunity to be heard and, at the close of the hearing, the Zoning Committee moved to recommend approval of the site plan application to the Planning Commission; and

WHEREAS, on April 24, 2015, the Planning Commission took up the Zoning Committee's recommendation and, at the close of its discussion of the matter, the Commission, based upon all the files and records including the testimony presented to its Zoning Committee at the April 16, 2015 public hearing, as is substantially reflected in the Commission's minutes, duly moved to approve Applicant's site plan application based upon the following findings required under Leg. Code § 61.402(c) as incorporated in Planning Commission Resolution No.15-25 as follows:

"1. The city's adopted comprehensive plan and development or project plans for sub-areas of the city.

The Comprehensive Plan encourages dense, mixed-use developments in Highland Village and other neighborhood commercial centers that have good transit service.

From the Land Use Chapter of the Paul Comprehensive Plan:

- 735 Cleveland is located in a Neighborhood Center on a Mixed Use Corridor. These areas are planned for a

mix of uses, with medium- to high-density residential developments. The Neighborhood Center designation is applied to nodes in the city where there is good access to public transportation.

- The following are strategies that apply to Neighborhood Centers:
 - Land Use 1.2: Permit high density residential development in Neighborhood Centers, Mixed-Use Corridors, the Central Corridor and Downtown.
 - Land Use 1.12: Balance the following objectives for Neighborhood Centers through the density and scale of development: accommodating growth, supporting transit use and walking, providing a range of housing types, providing housing at densities that support transit, and providing open space and recreational opportunities.
 - Land Use 1.14: Plan growth in the Neighborhood Centers.
 - Land Use 1.19: Promote conditions that support those who live and work in the Neighborhood Centers, including frequent transit service, vibrant business districts, a range of housing choices, and community amenities.
 - Land Use 1.25: Promote the development of more intensive housing on Mixed-Use Corridors where supported by zoning that permits mixed-use and multi-family residential development.

The following are strategies from the Summary of the Highland District Plan that was adopted by the City Council. The Summary is an addendum to the Comprehensive Plan:

- Highland Village 3: Rezone portions of Highland Village to TN2 to support mixed-use development and appropriate building design.
- Housing 9: Utilize zoning mechanisms, such as TN zoning, that allow for residential uses in the commercial areas, while limiting the expansion of commercial uses into residential neighborhoods.
- The full length version of the Highland District Plan contained a policy stating that buildings in the Highland Village area should be no taller than three stories. Although this policy statement was approved by the Highland District Council, it was not adopted by the City as part of the Comprehensive Plan. As a matter of standard procedure, the City adopts only summaries of district plans; otherwise the length of the Comprehensive Plan would be unwieldy. In reviewing district plans, the Planning Commission tries to screen out neighborhood positions that would likely conflict with citywide policies.

2. Applicable ordinances of the City of Saint Paul.

The site plan meets this finding. The site plan meets the standards in the T2 district for height, setbacks, density, parking, and design. These are reviewed in detail in Attachment A.

3. Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.

The property is typical in the Highland Village shopping area and does not have unique historical or environmental significance.

4. Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.

Through the review process, the developer has made several site plan changes to improve the relationship of the development to the homes to the west (masonry screen wall, landscape buffer on Pinehurst lot, more brick on southwest corner). As for the specifics in this finding:

- A storm water retention storage system will meet city standards for run-off rate. The retention system will be consist of pipes buried below grade and would be located on the lot immediately west of the proposed building. The surface of the lot would continue to be green space with landscaping.
- The surface parking would be screened on the west side by a masonry wall. Most of the wall would be approximately 12' tall, and the section near Highland Pkwy would be approximately 4' high. Both of the homes immediately to the west would be buffered by new or existing landscaping.
- The building has a step-back design so the third and four floors on the west side are a reasonable distance from the neighboring homes (approximately 53' from the third and fourth floors to the house on Highland Pkwy. and 77' to the house on Pinehurst).
- The developer has submitted shadow patterns for the building at different times for each season of the year. (See attached.) The building will cause shadows in the early morning on the houses closest to the project, but the impacts are within the expected parameters for buildings in T2 zones.
- Trash pickup has been designed so that the trash truck would not block the adjacent public alley during trash pickup. The trash truck would back into the parking area through a door/gate at the corner of the alley and pick up the trash within the parking area. The truck would not sit in the alley during pick up. Recycling will be handled in the same manner. The developer has assured neighbors that he will cooperate with them on the trash collection schedule so that it won't be a nuisance.
- Traffic from site would not use the adjacent alley. It would enter and exit directly to Pinehurst and Highland.
- Moderate amounts of snow can be pushed to the bicycle parking area in the parking lot. Heavier amounts will be hauled away or might be moved onto the vacant Pinehurst lot.

5. The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.

The site plan meets this finding for the reasons listed in finding 4 above:

- step-back building design;
- parking screened by masonry wall;
- landscape buffers;
- spatial buffer provided by 29' wide alley ROW and by 40' vacant lot;
- reasonable shadowing
- no alley access to building or parking lot;
- deliveries from street;
- trash haulers won't block alley.

6. Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.

Higher density housing is inherently more energy-conserving because it has fewer exterior walls and roof per dwelling unit than low density housing. The proposed development is located in a commercial area with good public transit and thus is conducive to walking, biking, and using public transit rather than driving.

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.

All traffic for the project will enter the site at one of two driveways: one on Highland and one on Pinehurst. There is no vehicular access from Cleveland. The only access from the alley is a door for trash pickup that would be used a couple of times a week. The neighborhood has requested that the timing of the trash pick up to be considered by the developer.

The applicant has submitted a formal Traffic Impact Study for the project. This study was prepared by a Traffic Engineer and looks at estimated traffic generated by the project, turning movements, etc. Public Works Traffic is reviewing the study. They have not completed their review at the time this staff report was written. Based on the level of review completed to date, the Traffic Division is in general agreement with the report findings in that the estimated traffic generated by the project can be accommodated by the adjacent streets without creating unacceptable levels of service at adjacent intersections. The plan is consistent with traffic safety for all modes of transportation including bikes and pedestrians.

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

Stormwater from the site would be piped to an underground detention system located on an adjacent parcel immediately to the west. The system is made up of three parallel rows of large pipe. The stormwater would go out to the public storm sewer in Pinehurst at a controlled rate that meets City standards. The technical details for this system are being worked out between the applicant and Public Works Sewers. A condition for approval of the site plan should be that these details get worked out and Public Works Sewers gives its final approval to the stormwater system.

9. Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.

The development has sufficient landscaping. Construction activity will take place on the sidewalks. The City Forester plans to save and relocate several recently planted boulevard trees and the developer will plant new boulevard trees on all three streets. The trees on Cleveland will be planted in structural soils with a surface of permeable pavers that match the existing pavers used for the Highland streetscape. Under the boulevard trees, the landscape plan also shows various tough perennials. The remaining boulevard space on Pinehurst and Highland Parkway will be sodded.

Foundation plantings are shown along the west side of the building adjoining the Pinehurst lot. Staff understands that the developer has made an agreement with the neighboring Pinehurst homeowner to provide a fence and/or a landscaped buffer along the west side of the vacant residential lot. Staff recommends that the large existing arborvitae hedge on the west side of the north-south alley be preserved and protected during construction.

Sections of green roofs are shown on the second and third levels; these will be planted with drought-tolerant sedums to enhance the views from residents' apartments and decks.

The development has sufficient fences and walls. As describe above, the immediately adjoining homes will be screened as required by the zoning code. The off-street parking at grade level will be enclosed and screened from the alley by a masonry wall. The ends of the parking area facing Pinehurst and Highland will be partially enclosed while still providing good sight lines for drivers leaving the parking area.

The development has sufficient parking. The zoning code requires 93 off-street parking spaces. (In the T2 zoning district, the residential parking requirement is reduced by 25% because of the convenience of public

transportation and walking and bicycling.)

The site plans shows 111 car parking spaces plus a credit for 9 bicycle parking spaces for a total of 120 parking spaces. 79 of the car spaces will be in the basement and will be assigned to residential tenants and business employees. 32 car spaces will be in the surface lot, intended for customers and visitors. For bicycles there are 37 secure spaces in the basement and 20 spaces in public racks. There is also on-street parking on most of the street frontage (roughly 15 spaces).

10. Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.

The floors of the commercial spaces and lobbies will match the sidewalk grades in the front and back. The plan shows 5 accessible parking spaces to meet ADA standards (5 required for lot of 101 to 150 spaces). The sidewalks, which were newly rebuilt in 2014, have accessible crossings.

11. Provision for erosion and sediment control as specified in the Minnesota Pollution Control Agency's "Manual for Protecting Water Quality in Urban Areas."

The site plan included an erosion and sediment control plan that meets this standard."

AND, WHEREAS, in approving the Applicant's site plan application, the Commission, based upon the files and records in the matter, duly moved, pursuant to Leg. Code § 61.107, to impose the following conditions on the site plan:

"1. Technical details for the stormwater drainage system must be approved by the Public Works Sewer Division.

2. The Traffic Impact Study must be given final approval by the Public Works Traffic Division.

3. The plans must show the requirements of the City Forester, i.e., to put a note on the "Removals Plan" to get a tree permit before removing existing boulevard trees and to show on the site and landscape plans that 4 new trees will be planted on Pinehurst to replace the 4 that are being removed (only 2 are currently shown).

4. Steps must be taken as needed during construction to ensure that the large hedge on the west side of the north-south alley is not damaged by construction activities.

5. In consultation with the Pinehurst neighbor, the developer must install a landscape buffer on the Pinehurst lot.

6. Architectural materials must be of the same quality as shown on the plan, or better."

AND, WHEREAS, on May 4, 2015, Jack Kirr, in PED Zoning File No.15-032789, duly filed an appeal from the Planning Commission's determination pursuant to Leg. Code § 61.702(a) and requested a hearing before the City Council; and

WHEREAS, on May 20, 2015, the City Council, pursuant to Leg. Code § 61.702(b) and upon notice to affected parties, duly conducted a public hearing on the appeal by Mr. Kirr where all interested parties were given an opportunity to be heard; and

WHEREAS, at the close of the said public hearing, the City Council, having heard all the statements made, and having considered the application, the report of staff, all the records and minutes, the recommendation of

the Zoning Committee and the Planning Commission's resolution, does hereby

RESOLVE, that the Council of the City of Saint Paul does hereby affirm the decision of the Planning Commission in this matter, based on the following findings of the Council:

1. The Council finds that the Appellant has failed to demonstrate that the Planning Commission erred in any of its facts, findings, or conclusions regarding the site plan application under PED Zoning File No. 15-011-695 as approved in Planning Commission Resolution No. 15-25.
2. The Council therefore adopts as its own in support of this decision, the facts, findings, and conclusions of Planning Commission Resolution No. 15-25, including the conditions imposed on the site plan approval by the Commission.

AND, BE IT FURTHER RESOLVED, that the appeal of Jack Kirr be and is, for the reasons noted above, hereby denied; and, be it

FINALLY RESOLVED, that the City Clerk shall immediately mail a copy of this resolution to the appellant Jack Kirr, the site plan applicant TJL Development LLC, the Zoning Administrator and the Planning Commission.