



*Working to protect the Mississippi River  
and its watershed in the Twin Cities area.*

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November 24, 2021

Dear Mayor Peterson and city councilmembers,

Thank you for the opportunity to comment on the Planned Unit District (PUD) concept plan for 797-781 Sibley Memorial Highway.

Friends of the Mississippi River (FMR) is a local non-profit organization that works to protect, restore and enhance the Mississippi River and its watershed in the Twin Cities metropolitan region. We have more than 2,700 active members, 3,500 volunteers and 2,000 advocates who care deeply about the river's unique resources.

FMR takes an active interest in working with municipalities, counties, state government, and other stakeholders to help shape and influence decisions that impact the health of the river. FMR was founded and continues to play a leadership role in ensuring that the public resources of our National Park, the Mississippi National River and Recreation Area, are preserved for current and future generations.

FMR has appreciated the opportunity to discuss this proposed project with the development team, and we are glad that the city and applicant have worked together to reduce the proposed project's stormwater and bluff impacts.

However, we remain concerned about the proposed building heights, namely the apartment building which will be up to 65 feet tall. We believe that if Lilydale were to approve a building height over 35 feet despite clear harm to the aesthetic of the Mississippi River environment, the city will be in violation of its own ordinances.

### **Conflicts with Lilydale's ordinance**

We are concerned that Lilydale does not appear to be following its own ordinance in considering approval of a building that is up to 65 feet high and has a definite scenic impact.

Lilydale's ordinance (903.04) states that excessive structure heights must meet the following conditions:

- 1) "...No structure, however, shall exceed 35 feet in height without a conditional use permit or rezoning to a PUD... **No structure shall exceed a maximum of 50 feet in height.**
- 2) The development will not result in environmental degradation.
- 3) The aesthetic of the river environment and important scenic values will be maintained."

This ordinance seems clear: a PUD does not grant an exception to the city's firm 50-foot height limit. Furthermore, excessive height above 35 feet is not allowed where it will result in degradation to the environment, river aesthetics, and scenic values. This proposed project does not meet that standard.

Furthermore, when recommending approval for a PUD concept plan, the Planning Commission must also find that "The proposed development will not be detrimental to surrounding properties (904.07.4.c)." But in this case, the scenic detriment to surrounding properties is clear.

If Lilydale chooses to violate its own ordinances so clearly, it risks being subject to an appeal.

### **Scenic impact**

Lilydale's ordinances reflect a clear care for the scenic qualities of its river gorge setting, yet that value is not upheld in the city's stated intention to approve this project. Scenic protections are important because they ensure that the river remains an asset to all residents. The Twin Cities' river gorge is the *only* gorge on the entire Mississippi River, and it attracts both tourists and local visitors for recreation. If the gorge becomes less scenic through continued development and degradation, it attracts fewer visitors and less economic activity.

The visual impact analysis provided by the development team shows a scenic impact from this proposed project. The building will be clearly visible from quite a distance away, a clear degradation from the existing conditions (where there are no buildings visible from the river).

This does not appear to meet Lilydale's standard for preserving the aesthetic values of the river environment. If Lilydale continues to permit development that expands the scenic degradation of the area, when will you stop? Where will you draw the line by properly upholding your own ordinances?

We're also concerned about additional visual impact from the apartment building's community room. This is the tallest part of the building, and it will provide river views for a few residents while harming the scenic views for thousands of river visitors. It benefits a few at the expense of the larger community. Should this project ultimately be approved, this room's height should be lowered to match the rest of the building or the room should be relocated away from the river side of the structure.

### **Mitigation**

Again, we believe that approval of this project may subject the city to an appeal.

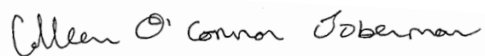
However, should the city ultimately approve a variance request for this building's height, we recommend the following mitigation strategies be included as conditions of approval. These will all help reduce the scenic impacts to the river area:

- Relocate the community room (the tallest part of the apartment building) away from the river-facing side of the building.
- Use brown or green building materials on the river-facing side of the structure.
- Revegetate the bluff edge (as determined appropriate by a professional) to increase vegetative screening.

It should be noted that none of these strategies will completely eliminate the aesthetic impacts sufficiently to justify approval of a 65-foot building in an area with a 35-foot height limit.

We urge you to deny this PUD concept in accordance with your ordinance. Thank you for your careful attention to this matter.

Sincerely,



Colleen O'Connor Toberman  
River Corridor Director