

**Saint Paul Planning Commission  
City Hall Conference Center  
15 Kellogg Boulevard West**

**Minutes December 16, 2011**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 16, 2011, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Perrus, Reveal, Thao, Wang, Wencl; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Oliver, Schertler, Spaulding, Ward, and Wickiser.

**Commissioners Absent:** Mmes. \*Halverson, \*Merrigan, \*Porter, and Mr. \*Ochs.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Allen Lovejoy, Department of Public Works; Lucy Thompson, Patricia James, Kate Reilly, Sarah Zorn, Jessica Rosenfeld, Ryan Kelley, Sean O'Brian, Matt Wolff, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes November 18<sup>th</sup> and December 2, 2011.**

**MOTION:** *Commissioner Thao moved approval of the minutes of November 18, 2011. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

**MOTION:** *Commissioner Reveal moved approval of the minutes of December 2, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Commers announced that today is the last day of operation for the Ford plant in Saint Paul. Ford has been an important part of Saint Paul's history and he wanted to take a moment to highlight that.

**III. Planning Director's Announcements**

Donna Drummond added that Merritt Clapp-Smith is the lead staff person on Ford and she said that the last Ford truck was going to roll off the line at about 8:00 a.m. this morning and all the workers would be there to see that last truck come off the line. It's a very emotional day for all those employees saying goodbye to their co-workers as things start to close down.

Ms. Drummond announced that the City Council approved the sign ordinance from last spring, which had been laid over for 6 months to consider whether or not there should be added regulation of interior window signs. Under the approved regulations, interior window signs will not require a sign permit, unlike exterior window signs. Interior window signs will be limited to

30% of the area between four and seven feet above grade for the windows that are at eye level. There was a clause added for existing nonconforming signs that the City could require signs to be removed for public safety purposes if they blocked views into the establishment to the cash register and clerk area from the outside.

Last Wednesday the City Council also approved various budgets for the City, HRA, Library, etc. Details are in the local newspaper about this.

#### **IV. Zoning Committee**

**SITE PLAN REVIEW** – List of current applications. *(Tom Beach, 651/266-9086)*

One item to come before the staff Site Plan Review Committee on Tuesday, December 20, 2011:

- Lilydale Park Gateway Monument, entry monument, sign and seating area for Lilydale Regional Park at 385 Water Street West.

#### **OLD BUSINESS**

#11-298-461 Kingdom Pathways – Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services. 1038 Aurora and 426 Oxford Street North, east side of Oxford between Aurora and Fuller. *(Luis Pereira, 651/266-6591)*

Commissioner Kramer said that the two parcels are located on two different streets, but are on the same alley and are across from each other. The properties had been previously considered nonconforming sober houses. They existed prior to the establishment of the sober house ordinance, which requires a separation between sober houses. The properties were already nonconforming, and by changing the land use to a community residential facility, the separation required between the two buildings would also become greater. The applicant is asking that the separation requirement be waived as part of the nonconforming use permit. The resolution before the Commission goes through the various requirements and analysis. The committee concluded that the proposed community residential facilities are not consistent with the zoning code and recommended denial of the application.

Commissioner Ward stated that the proposed use is not really a change from what existed before, other than how the use is classified. He referenced additional information handed out this morning and suggested that maybe this should go back to Zoning Committee for further review.

Commissioner Kramer stated that the information received today is outside of the context of the public hearing, so if the Zoning Committee wanted to make a decision based on new information the case would have to be returned to the committee and another notice of public hearing would have to be sent. However, the substantial issues in the case were that by using the nonconforming use designation on two different properties, the actual nonconformity is increased, and that these designations go with the land, not with the applicant. Therefore, the Commission can't control ownership of these properties or prevent them from being sold separately.

Commissioner Perrus reiterated that an ownership condition can not be added. Certain conditions can be added to a nonconforming use permit, but not an ownership condition. So if one of the

properties was sold and the new owner wanted to use it for the same type of use, there would be nothing that the City could do to prevent that. She also clarified that this is not technically the same use -- a sober house has fewer staff and less traffic going in and out of the building. The people in community residential facilities are in treatment, so there is transportation back and forth. It is not the same use that was there before; that was a point in a lot of discussion.

Commissioner Nelson added that a sober house by definition is a single family use and the sober house designation was an accommodation that the City made with regard to the Americans with Disabilities Act to establish a family-like unit that is self sustaining. A community residential facility is by definition an institutional setting. It's not self sustaining; it has staff 24 hours a day coming in and out.

Commissioner Wencil clarified that they are voting on the land use and not the program.

Commissioner Fernandez commented on his reason for voting in favor of the project. He sees a program that is operated in two buildings across the alley from one another that has been in good standing with the neighborhood. If this does not go through there is a potential of two more houses going vacant. The community is definitely behind this, and it's become an asset in the area. That was the reason he felt this was a minor change that can keep this program going. There is no reason why this should not be approved and the people able to continue to do what they are doing.

***MOTION: Commissioner Kramer moved the Zoning Committee's recommendation to deny the re-establishment of legal nonconforming use. The motion carried 11-5 (Connolly, Fernandez, Reveal, Thao, Ward) on a voice vote.***

## **NEW BUSINESS**

#11-299-652 Cityview Apartments Inc – Rezoning from B2 Community Business to T2 Traditional Neighborhood. 743 3<sup>rd</sup> Street East, NW corner at Maple.  
(Sarah Zorn, 651/266-6570)

***Commissioner Kramer announced that this case has been laid over to the December 22, 2011 Zoning Committee meeting.***

#11-299-856 Justin Hosking and Duke Cono – Re-establishment of nonconforming use as an auto body shop. 323 Maria Avenue, SW corner at 4<sup>th</sup>. (Luis Pereira, 651/266-6591)

Commissioner Ward said that in some of the neighborhoods where vehicles are being stored there are conditions for the vehicles on the lot. Also, is there a fence or some type of security to prevent theft or pilfering?

Commissioner Kramer stated the Committee did not receive any testimony written or otherwise on those issues.

Commissioner Wencil said that in the application they did state that they have a locked fence that the vehicles are stored within.

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re- establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-299-888 Vincent Reiter (Apex Auto) – Rezoning from I1 Light Industrial to I2 General Industrial. 198 Minnehaha Avenue East, NW corner at Pennsylvania.  
(Kate Reilly, 651/266-6618)

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#11-299-056 Vincent Reiter (Apex Auto) – Conditional Use Permit for motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage. 198 Minnehaha Avenue East, NW corner at Pennsylvania.  
(Kate Reilly, 651/266-6618)

Commissioner Nelson pointed out that the salvage yard is higher than the houses. There is a 60 foot rise from the residential uses up to Pennsylvania and then there is another 50 foot rise up to the salvage yard, so there is an elevation differential of more than 100 feet with a major street in between. These factors are relevant in regarding the variance of the distance to residential uses.

Commissioner Ward asked about the capturing of hazardous oils, materials etc. to prevent them from leaking into the ground water or storm sewer systems. He would like to see a condition about environmental restrictions on this variance.

Kate Reilly, PED staff, explained that the permitting process is regulated not only by DSI, but also by County Environmental Services, which inspects the property twice a year to ensure that they follow the environmental regulations. Also all processing is done inside the building which is where all of the fluids are collected.

**MOTION:** *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 22, 2011.

## V. **Transportation Committee**

Minnesota High Speed Rail Study Preferred Alternative – Approve resolution conveying comments to the Minnesota Department of Transportation.  
(Allen Lovejoy, Public Works, 651/266-6226)

Allen Lovejoy reported on passenger rail improvements being considered in the Upper Midwest. He stated that regional and international economic growth will depend in part upon frequent and fast rail service among primary metropolitan areas in the U.S. The Twin Cities connection to Chicago is essential for economic prosperity of the Twin

Cities. Chicago is the largest rail hub in North America, and the primary link from the Twin Cities to the rest of the U.S. will go through Chicago.

Minnesota's High Speed Rail Initiative, begun in 1996, is being led by the Minnesota Department of Transportation, and in conjunction with the states of Wisconsin and Illinois. The focus of inquiry is to improve passenger rail between Chicago and the Twin Cities with train speeds of 110 miles per hour. Passenger rail improvements have already been made between Chicago and Watertown (approximately half way between Milwaukee and Madison).

The current work is focused on the federal environmental protection act process which requires an Alternatives Analysis (AA) be done. The focus of the AA is to look at all feasible alternatives between Union Depot and Milwaukee and to select a preferred alternative for further study. The AA has now been drafted and approved for public release by the Federal Railroad Administration. The route recommended runs northwest from Watertown to Tomah, west to La Crosse and then north along Highway 61 and the Mississippi River to the Union Depot.

***MOTION: Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution conveying comments to the Minnesota Department of Transportation. The motion carried unanimously on a voice vote.***

Commissioner Spaulding announced that the next Transportation Committee meeting on Monday, December 19, 2011 has been cancelled.

**VI. 2010 Census: Trends in Saint Paul and Its Neighborhoods** – Informational presentation by Sean O'Brien and Matt Wolff, PED staff. *(Sean O'Brien, 651/266-6008, and Matt Wolff, 651/266-6708)*

Sean O'Brien, PED planning intern, talked about the 2010 Census, and what it means in Saint Paul. A handout was distributed, the Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data. He began by stating that the 2010 Census different from the 2000 Census. It counted population and asked about age, sex, race and household status. The main difference is that there was no long form asking more detailed questions. This information is now collected through the American Community Survey, which goes out to about two million households each year, or about 2% of households, and it provides 1, 3, and 5 year estimates. This data has margins of error, so it is not as complete as the Census. It asks the same questions as the Census, but asked additional questions about income, health insurance, education, who graduated from college, how many people live in a certain area, who didn't graduate from high school, etc. Mr. O'Brien also mentioned the availability of neighborhood data profiles prepared by Wilder Research and offered through Minnesota Compass. The neighborhood profiles compile the 2010 Census, the American Community Survey 5-year estimates, and employment data into one easy to use report. These are available at [www.mncompass.org](http://www.mncompass.org).

Matt Wolff, PED planning intern, highlighted the Wilder data, showing differences between the city's neighborhoods. Looking at population changes by neighborhood, downtown and St. Anthony Park gained a little population, but most neighborhoods stayed very similar in total

population. Other graphs showed changes between 2000-2010 in the proportion of rental units, and the proportion of white, black, Asian and Latino populations. He also showed comparisons to other cities for several key statistics.

Sean O'Brien talked more about the American Community Survey (ACS) data that is not included in the Census but is still important. Looking comparatively at median household income, Saint Paul ranked well in comparison to other similar cities, except Portland. Mr. O'Brien highlighted the education statistics, which show that Saint Paul has a high proportion of people over the age of 25 who have not finished the 9<sup>th</sup> grade. Saint Paul also has a low graduate school and professional degree rate compared to other cities, except St. Petersburg. The percentage of people driving alone to work is high compared to other cities except St. Petersburg, Florida. He then highlighted neighborhood level statistics in Saint Paul. There is a relatively high percentage of households with no vehicles along University Avenue, where the light rail is coming in, especially near the infill stations. Also, higher poverty rates correspond to where families live; Frogtown especially has a higher rate of poverty.

Commissioner Ward asked if the data on rental units was broken down between single-family and multi-family rentals?

Mr. O'Brien said he believes it is just renter occupied data, and does not break it down into those categories.

Chair Commers asked about how Saint Paul is doing in terms of household income growth and how does that compare to the peer cities that were identified?

Mr. O'Brien said this presentation was focused more on the 2010 Census. The 2005-2009 ACS data came out over a year ago, and the 2010 ACS data just came out about a week or two ago. Trends could be determined from this. However, they didn't specifically look at changes in household income for this presentation. He noted that links to the ACS data could be found on the handout.

## **VII. Comprehensive Planning Committee**

Commissioner Reveal announced the items on the agenda for the next Comprehensive Planning Committee meeting on Tuesday, December 20, 2011.

## **VIII Neighborhood Planning Committee**

Commissioner Wencl announced that the Neighborhood Planning Committee's meeting on Wednesday, December 21, 2011 has been cancelled.

## **IX. Communications Committee**

## **X. Task Force Reports**

None.

**XI. Old Business**

None.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 9:58 a.m.

Recorded and prepared by  
Sonja Butler, Planning Commission Secretary  
Planning and Economic Development Department,  
City of Saint Paul

Respectfully submitted,

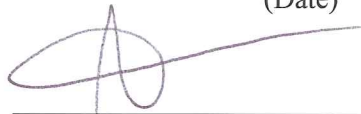


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Donna Drummond  
Planning Director

Approved \_\_\_\_\_

12-30-11

(Date)



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Anthony Fernandez  
Secretary of the Planning Commission