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

Minutes October 3, 2008

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 3, 2008, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton; Porter, Smitten, Wencl; and

Present: Messrs. Alton, Barrera, Bellus, Commers, Goodlow, Gordon, Johnson, Kramer,

Margulies, Nelson, Spaulding, and Ward.

Commissioners

Absent: None

Also Present: Larry Soderholm, Planning Administrator; Anne Hunt, Mayor's Office, Allan

Torstenson, Allen Lovejoy, Lucy Thompson, Donna Drummond, Patricia James, Penny Simison, Jessica Rosenfeld, Christina Morrison, Greta Alquist, Emily

Goodman, and Sonja Butler, Department of Planning and Economic

Development staff.

I. Approval of minutes September 19, 2008.

<u>MOTION</u>: Commissioner Donnelly-Cohen moved approval of the minutes of September 19, 2008. Commissioner Johnson seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton had no announcements.

III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council for last week and their agenda for next week.

IV. PUBLIC HEARING: <u>Transportation Plan</u> – Item from the Comprehensive Planning Committee. (*Christina Morrison*, 651/266-6546)

Chair Alton announced that the Saint Paul Planning Commission is holding a public hearing on the Transportation Plan. Notice of the public hearing was published in the Legal Ledger on September 18, 2008, and was mailed to the citywide Early Notification System list of recipients and other interested parties.

Christina Morrison gave a brief overview of the task force process, main strategies, and new policies that emerged in this update of the Transportation chapter. Additionally, Mrs. Morrison

noted several issues of particular interest, including snow removal, future East Metro bus and rail service, and the growing demand for rail freight in the city.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke.

1. Karri Plowman, Director of Central Corridor Partnership at the Saint Paul Area Chamber of Commerce. Mr. Plowman read from a letter he distributed stating that they are of two minds about the proposal. They believe that in some ways this plan fails to offer balance and choice for future Saint Paul transportation needs. They agree too many of the bicycle proposals but recommend that the City of Saint Paul conduct a yearly bicycle-use census to determine the number of riders using this mode. Involuntary requirements placed on developers or property owners concerning bicycle amenities should be voluntary and be credited to their Floor Area Ratio. Mr. Plowman said that they would support developments close to transit or developments that voluntarily choose to promote bicycle and alternative transportation. He said that they also believe that policies for sound trucking and delivery logistics are missing from this plan. Planning for delivery corridors designed to allow trucks access to busy business areas save neighborhoods, pedestrians, and motorist the problems of mixing in traffic with large trucks. Also, we should be doing more planning now for a resurgence in rail freight due to rising energy costs.

With regard to parking, they are willing to support a parking committee to determine the best practices for downtown, but would not support any additional fees on area businesses. Re-densification whether in downtown or in other areas of the City will occur with clusters of jobs and housing in places that are accessible by several modes of transportation. This plan--while enhancing and connecting our neighborhoods--is missing a few key components that are necessary to provide a balanced, safe, and well-maintained system for Saint Paul.

2. Chip Welling, 2157 Roblyn Avenue, Saint Paul, MN, 55104. He is a representative from the Union Park District Council to the Central Corridor Community Advisory Committee. Mr. Welling said that he bikes to work two or three times a week and also rides the bus; he came here this morning on the bus. Mr. Welling supports lots of areas in the plan; nevertheless he also finds areas where the plan can be improved by the addition of more descriptions of current situations in Saint Paul. He said that most trips in Saint Paul are made by car. According to the Met Council approximately 89 percent of trips are made in a car; 6 percent are made by walking; 2 percent by bicycle; and 2 percent by transit. This information should be included in the plan. Mr. Welling is concerned that there is too much driving in Saint Paul. People in cars injure and kill other drivers as well as pedestrians and bicyclists. He would like to see the plan include targets for future percentages of trips by the different modes, and also to see the City move to improve life by reducing traffic, taming the traffic that exists, and improving the environment for walking, biking, and transit.

<u>MOTION</u>: Commissioner Commers moved to close the public hearing, leave the record open for written testimony until noon on Monday, October 6, 2008, and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. Commissioner Donnelly-Cohen seconded the motion. The motion carried unanimously on a voice vote.

V. Zoning Committee

OLD BUSINESS

#08-047-384 Steven Tusa – Determination that a temporary mold making and repair shop is similar to a home occupation. 1072 Wilson Avenue between Frank and Earl. (*Patricia James*, 651/266-6639)

Commissioner Margulies wanted an explanation of the less restrictive zoning district concept.

Commissioner Morton said that the R4 is residential and this type of business is only allowed if it is in the home itself. The applicant cannot move the machinery into the home since it is too big. The business is in the detached garage, and the code specifically states that is not permitted. The temporary use was given with the idea that the applicant would find a location that would accommodate his business. It has been five years, and he still has not found a location.

<u>MOTION</u>: Commissioner Kramer moved to grant the approval for determination of similar use and be evaluated annually. Commissioner Johnson seconded the motion.

Commissioner Gordon said that he would vote against the motion to approve for the reasons that the staff. report states there are two conditions that are clearly not met and taking into consideration that there is so much vacant property available, the applicant should have been able to find a location. He added that, in his opinion, this applicant finds it more convenient to work from his garage and is trying to prey on the home occupation provision of the zoning code to gain that convenience. The letter from the applicant's attorney, which was distributed at the zoning committee meeting and is dated September 23, 2008, starts the fourth paragraph by saying: "Mr. Tusa has hopes to expand his business and relocate" and that is what he said in 2005 when he received the extension. And for these reasons he is voting against this motion and he encourages the Planning Commission to vote against this motion.

Discussion followed.

Commissioner Kramer's motion failed.

<u>MOTION</u>: Commissioner Gordon moved to approve the original recommendation of the staff to deny the application. Commissioner Faricy seconded the motion.

At the request of Commissioner Johnson, Chair Alton called for a roll call vote.

<u>ROLL CALL VOTE</u>: The motion to deny the determination carried on a roll call vote of 13-6 (Alton, Johnson, Kramer, Margulies, Smitten, Wencl).

V. Comprehensive Planning Committee

<u>Mississippi River Critical Area Overlay Zoning Districts</u> – Approve resolution recommending adoption of a new set of Critical Area zoning regulations to replace the existing ones. (*Larry Soderholm*, 6541/266-6575, and Al Torstenson, 651/266-6579

Larry Soderholm outlined the long process leading to the Critical Area ordinance recommended by the Comprehensive Planning Committee. The steps are shown in the resolution. The Planning Commission's public hearing was more than a year ago. There was a lot of testimony and forty issues were identified and reviewed by the Comprehensive Planning Committee. The Committee discussed the regulations at ten meetings. The final and most difficult issue was building height limits for the West Side Flats. Ultimately the Committee supported a staff recommendation to adopt the height proposal of the Critical Area Task Force except where the City adopts, within a CA4 Urban Diversified overlay zone, a Traditional Neighborhood TN3M zoning district that sets different height limits through a master plan. There are currently TN3M districts for the central West Side Flats, the Upper Landing, and Victoria Park. Additional TN3M districts may be adopted in the future. Mr. Soderholm said the seven-month delay in acting on this item was due to staff commitments to the Comprehensive Plan and the Central Corridor; the Comprehensive Planning Committee was is not to blame.

Mr. Soderholm referred to the staff memo on the major differences, in addition to building height limits, between the recommendations of the Committee and the Critical Area Task Force—definitions of bluffs and steep slopes, industrial areas in the West End, vegetation management, and multi-family and institutional buildings on steep slopes.

He continued by saying that the Planning Commission has letters today from Gregory Page, chair of the Critical Area Task Force, and from Whitney Clark, director of the Friends of the Mississippi. He summarized them. The staff also received a phone call from the Port Authority, whose clients expressed concern that their buildings are shown on the maps of setback nonconformities. Staff agreed to add a note on the maps explaining that the maps are not intended to be regulatory, they were only for the purpose of estimating citywide how many nonconforming setbacks will be caused by the proposed bluff and steep slope rules. On any individual site the setbacks are subject to field verification.

Next Allan Torstenson gave an overview of the ordinance. In the current River Corridor chapter of the Zoning Code, the City's floodplain regulations are inter-mixed with the Critical Area regulations. In the recommended ordinance, they are separated as distinct zoning overlays. He is beginning to update the floodplain regulations with DNR assistance. When new floodplain regulations are adopted, the new River Corridor chapter of the Zoning Code will be complete. Therefore, Section 6, which is the last section of the ordinance, states that the ordinance becomes effective at the same time as related amendments to chapter 68 pertaining to floodplain regulations.

Mr. Torstenson returned to the beginning of the draft ordinance. Section 1 is the long section containing all of the new Critical Area text amendments. Section 2 adopts the new Critical Area Overlay Districts zoning map. Section 3 is a related amendment to the Traditional Neighborhood District density and dimensional standards table; it removes interim language put in the Zoning Code in 2004 in anticipation of a Critical Area Zoning Study. Sections 4 and 5 adjust the Highwood Tree Preservation Overlay District so that whole area currently in that district—which is partly in and partly out of the Critical Area--will have uniform regulations.

Commissioner Kramer wanted to know what the adoption of a TN3M master plan entails.

Mr. Torstenson responded that TN3 districts greater than 15 acres in size are required to do a master plan. The process for adopting a master plan is the same as for a rezoning. It could be

done by the City as a 40-acre study or, more likely, by a developer with a specific, large-scale, mixed use development project. Like other rezonings, master plans are reviewed by the Planning Commission and adopted by the City Council.

Commissioner Gordon asked if the West Side Flats Master Plan includes the site of the Bridges project that the City reviewed and denied last year.

Al Torstenson said the area of the West Side Flats master plan is west of Robert Street between Wabasha and Robert; it is not the Bridges site, which is east of Robert. The Bridges site is on the West Side Flats and part of it is zoned TN3, which has height limits that are consistent with the common notion of an urban village redevelopment. It does not have any exceptional height limits established through a master plan.

Discussion followed.

MOTION TO AMEND: Commissioner Gordon moved to amend the resolution to reinsert stricken language from memo dated 07/27/07 with updates to 9/26/08, page 12, subparagraphs, and strike the language on page 13 subparagraphs (d)(2) and (3). Commissioner Smitten seconded.

Commissioner Donnelly-Cohen said she would be extremely disappointed if the amendment passed. She thought it would prevent redevelopment on the riverfront for the next 20 years. If the height limits proposed by the Critical Area Task Force are strictly applied, she believes redevelopment will be economically infeasible.

Commissioner Faricy said she also opposes this amendment. There has to be some flexibility, and the recommendation of the Comprehensive Planning Committee, which the planning staff proposed, is the way to go.

Commissioner Kramer thinks that the process which is set up for TN3 Master Plans is a significant process that allows for community input. It provides a good mechanism for the City to evaluate building heights in conjunction with all the other aspects of a proposed development.

Commissioner Smitten said she uncomfortable with allowing such an open-ended ordinance for the West Side Flats. The Critical Area Task Force was a group of experts that really understands the technical details and impacts of development activities and how they should be managed in a designated Critical Area and designated National Park. She said that the economic feasibility piece has not been tested, and we don't know that it is economically infeasible to develop at the Critical Area Task Force's proposed heights. We should know that development is not economically feasible before we open up the height regulations for the West Side Flats and consider buildings taller than five or six stories.

More discussion followed.

Commissioner Ward called the question on discussion of the amendment. Chair Alton determined that two-thirds of the Commissioners were ready to vote, and then clarified that a vote in favor of this amendment would insert the height limits in the CA4 district as proposed by the Critical Area Task Force instead of those recommended by the Comprehensive Planning Committee.

MOTION TO AMEND FAILED: The motion to amend the height limits failed on a roll call vote of 13-5 (Barrera, Bellus, Gordon, Johnson, Smitten) with 1 abstention (Spaulding).

<u>MAIN MOTION</u>: Commissioner Donnelly-Cohen moved to approve the resolution recommending adoption of a new set of Critical Area zoning regulations to replace the existing ones. The motion carried unanimously on a voice vote.

<u>Historic Preservation Plan</u> – Recommend release draft for public review and set public hearing on November 6, 2008. (*Lucy Thompson*, 651/266-6578)

<u>MOTION</u>: Commissioner Donnelly-Cohen moved to release of the draft for public review and set a public hearing on November 6, 2008. The motion carried unanimously on a voice vote.

VI. Neighborhood and Current Planning Committee

<u>District 12/St. Anthony Park Plan Summary</u> - Approval of resolution recommending final adoption as addenda to the Comprehensive Plan. (*Merritt Clapp-Smith*, 651/266-6547)

<u>MOTION</u>: Commissioner Wencl moved to approve the resolution for the District 12/St. Anthony Park Plan Summary recommending that the City Council adopt it as an addendum to the Comprehensive Plan. The motion carried unanimously on a voice vote.

Decertification of small area plans replaced by new station area plans along the Central Corridor

– Adopt resolution to sunset older small area plans at the Dale, Lexington, Snelling, Raymond, and Westgate station areas. (Donna Drummond, 651/266-6556

<u>MOTION</u>: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to adopt the resolution to sunset the older small area plans. The motion carried unanimously on a voice vote.

VII. Communications Committee

Twin Cities LISC/Corridor Housing Initiative (CHI) – Guest presentation by Gretchen Nicholls, Twin Cities LISC. The CHI held community workshops on the redevelopment potential of three sites along the Central Corridor, where residents and designers used model buildings and financial pro formas to create development guidelines.

The presentation was postponed to the next meeting due to the lateness of the hour.

VIII. Task Force Reports

Commissioner Faricy announced that the Ford Task Force is having a meeting on Monday, October 6, 2008 from 7:00-8:30 at the Lumen Christi Catholic Church. The topic is the findings from the Fiscal Impact Model that the staff has been working on. The model projects tax revenues and public service costs for the five redevelopment scenarios that the task force came up with.

IX. Old Business

	None		
Χ.	New Business		
	None		
XI.	Adjournment		
	Meeting adjourned at 10:20 a.m.		
Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul			
Respec	etfully submitted,	Approved(Date)	
	Soderholm, AICP ng Administrator	Marilyn Porter Secretary of the Planning Commission	

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