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

Minutes September 7, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, September 7, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. Merrigan, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Edgerton, Gelgelu, Lindeke, Nelson, Ochs, Schertler, and Wickiser.
Commissioners Absent:	Mmes. *Noecker, *Perrus, *Porter, and Messrs. *Connolly, *Oliver, and *Ward. *Excused
Also Present:	Donna Drummond, Planning Director; Lorrie Louder, Saint Paul Port Authority, Monte Hillman Saint Paul Port Authority, Lucy Thompson, Allan Torstenson, Josh Williams, Kate Reilly, Michelle Beaulieu, Scott Tempel, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes August 24, 2012

Chair Wencl announced that the minutes are not available at this time. However they will be ready for approval at the September 21, 2012 meeting.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that there was a hand out at their places about the Metropolitan Council's upcoming process to update the regional framework plan, which is the plan that sets the stage for the City's Comprehensive Plan update that will start in about 2015. The Metropolitan Council is hosting listening sessions to hear from the community about important issues that the region faces. People can attend any of the listening sessions that are convenient for them.

At the last Planning Commission meeting Lucy Thompson announced that City staff were organizing a river boat tour of the Mississippi prior to the Great River Passage Master Plan public hearing. A sign up sheet will be passed around. If anyone needs to check their calendar they can let Ms. Drummond know later. An email with more details will be forwarded to the Commissioners.

At City Council on Wednesday there was a big public hearing about the Charles Ave. Bikeway. The council chambers were packed with people for and against aspects of the bikeway, and the City Council approved the project as the Planning Commission recommended. The vote was 5-2, the two voting against were Councilmember Bostrom and Councilmember Thune.

Ms. Drummond also introduced two new planning staff who started this week – Michelle Beaulieu and Scott Tempel. They told a little about themselves and their background. These new staff are filling the vacancies that the department has had over the summer. There were a total of three vacancies and the third new staff person will be starting on September 18, 2012.

IV. Zoning Committee

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

One item came before the staff Site Plan Review Committee on Tuesday, September 4, 2012:

- Ordway Concert Hall Expansion, 345 Washington.

Three items to come before the Site Plan Review Committee on Tuesday, September 11, 2012:

- CP Railroad Yard Flood Berms, review/approval of existing berms, 1245 Pigs Eye Lake Rd.
- Ramsey Hill Senior Living, 61 unit assisted living project, 494 Ashland Avenue.
- Schmidt Brewery Bottle House (preliminary review), remove part of existing warehouse and renovate the rest.

NEW BUSINESS

#12-090-716 Falafel King – Reestablishment of nonconforming use as a fast food restaurant with drive-thru service. 1199 7th Street West, NE corner at View. *(Mary Matze, 651/266-6708)*

Commissioner Nelson summarized the Zoning Committee's discussion and recommendation.

Commissioner Wickiser said that Falafel King's hours are currently 10:00 a.m. to 11:00 p.m., so this is approving a use that extends beyond what their hours are now. He asked if it is safer to have a drive-thru window rather than people inside the restaurant at night.

Commissioner Merrigan said it's primarily a labor issue. When a restaurant isn't as busy late at night a drive-thru window can be run by one person, so it's fairly common to close inside service and handle all the business at the drive-thru window.

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

#12-091-512 Stephen Nelson – Establishment of legal nonconforming use status as a duplex. 19 Milton Street South between Summit and Grand. *(Josh Williams, 651/266-6659)*

Commissioner Nelson summarized the Zoning Committee's discussion and findings. He noted that work to convert the house to a duplex had been done without permits, which had come to light in a truth-in-housing inspection.

Commissioner Ochs asked about parking requirements for a duplex.

Josh Williams, PED staff, said the requirement is 1½ parking spaces per dwelling unit. The duplex has a 1-stall garage and space in the side yard adjacent to the alley that is used for parking.

Commissioner Thao asked about condition 3 requiring Planning Commission review and approval of any exterior modifications necessary to bring the structure into code compliance.

Commissioner Nelson said it is based on the duplex conversion guidelines the Planning Commission has established for review of nonconforming use permits for duplexes.

Mr. Williams said that once the code compliance inspection happens he will be in contact with DSI staff and notify the Planning Commission if exterior modifications are necessary.

Commissioner Nelson said it appears that the parking in the side yard may not meet the side yard setback requirement.

Mr. Williams said he was unsure whether this may be allowed as an existing condition.

Commissioner Schertler said the code compliance inspection requirement is consistent with the Certificate of Occupancy requirement for a duplex.

Donna Drummond, Planning Director, clarified that city code requires a fire safety inspection on a duplex if it is rental.

Commissioner Nelson said the Planning Commission's duplex/triplex conversion guidelines provide additional requirements to protect public welfare and safety when a building has been converted to a duplex or triplex without permits.

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

#12-093-010 Yer Yang – Reestablishment of nonconforming use as a 4-plex. 405-407 Charles Avenue between Western and Arundel. *(Kate Reilly, 651/266-6618)*

MOTION: ***Commissioner Nelson 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.***

#12-091-208 Pastor Irene Stockett – Conditional use permit for transitional housing for up to 6 residents, including the owner, with modification to exceed planning district density standard by 2 residents. 1093 Edgerton Street between Jessamine and Magnolia. *(Kate Reilly, 651/266-6618)*

Commissioner Nelson summarized the Zoning Committee's discussion and recommendations.

Commissioner Lindeke asked about a previous similar application from the same person, and what happened in that case.

Kate Reilly, PED staff said a previous application for property on Albemarle Street in Planning District 6 was approved by the Planning Commission. Transitional housing was established there by another provider. This application is for a different property in Planning District 5.

Commissioner Ochs asked if this would set a precedent for exceeding district density requirements for community residential facility residents.

Chair Wencl noted that the Zoning Committee discussed that and decided that because of the concentration of community residential facility residents at the Union Gospel Mission, quite a distance away from this proposed facility, in this case exceeding the district maximum by 2 residents would be in keeping with the intent of the code.

Commissioner Reveal added that the unique circumstances in this case are unlikely to be replicated and therefore the modification would not set a general precedent.

Commissioner Nelson said the City Attorney has advised that the facts in each individual case are unique, decisions don't set precedent for cases where the facts are different, and they need to consider the unique facts of each case independent of other cases and make a rational decision based upon the facts in front of them.

Commissioner Edgerton asked if this would be the first time the 1% of district population in community residential facilities would be exceeded.

Ms. Reilly replied yes this would be the first time they have gone over the cap.

Commissioner Edgerton said then it would be a precedent for going over the cap under certain extenuating circumstances.

Commissioner Merrigan said that's the reason for the provision for modification of conditions when there are unique circumstances.

Commissioner Schertler asked about the recommended condition that the owner or manager of the facility live as a resident on the premises.

Commissioner Wickiser said in some sober houses the manager may be a program participant. It's good to have someone there to contact if something is going on at the property, but it's a condition that may be hard to police.

Commissioner Merrigan clarified that the Zoning Code does not have a requirement for transitional housing or community residential facilities in general to have an owner or manager living on the premises.

Commissioner Nelson made a motion to add language to the condition to require that the resident owner or resident manager shall not be a participant within the program.

Commissioner Thao said that may be too restrictive.

Commissioner Reveal seconded Commissioner Nelson's motion.

Commissioner Gelgelu spoke against the amendment, saying it would be too complicated and may be unclear when someone would be eligible to be the manager.

Commissioner Wickiser said he is not in support of the amended language either.

Commissioner Reveal called the question.

The motion to amend the resolution to add language that the required resident owner or manager shall not be a participant in the program failed.

MAIN MOTION: ***The motion carried unanimously on a voice vote.***

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, September 13, 2012.

V. **Industrial Strategy for the City of Saint Paul** – Informational presentation by Lorrie Louder and Monte Hillman of the Saint Paul Port Authority.

Lorrie Louder, Director of Business and Intergovernmental Relations and Monte Hillman, Vice President of Redevelopment with the Saint Paul Port Authority gave an informational presentation about the Saint Paul Industrial Study. Ms. Louder talked about the Initiative for the Competitive Inner City (ICIC) report and the findings in the report about Saint Paul. Saint Paul is rich with industrial assets and opportunities, industry is a good neighbor to surrounding neighborhoods, industry creates good paying jobs with easy assess points to those with a high school diploma and technical training and industry broadens the tax base and helps subsidize city services to residential property owners. Ms. Louder noted that the Saint Paul Port Authority is a land developer, and once they redevelop land they subdivide the parcels and sell those parcels to their industrial business customers at a reduced rate in an effort to attract industry to the city.

Ms. Louder talked about Saint Paul's land profile, which includes some tax exempt property within the residential, commercial and industrial areas. Actually a third of Saint Paul's land is tax exempt, although the tax-exempt uses contribute much to the community. The city also has beautiful, strong, and healthy neighborhoods but the challenge is that the residential property taxes are not enough to support the city services they require. Industrial uses pay more in taxes than the services they need, so help reduce the burden on residential uses.

Saint Paul is a city that is strong in production, distribution, repair and logistics. The Port believes that industrial buildings are very good neighbors and try to fit into the communities they are in. In addition to the property taxes that industry pays, they pay a right-of-way maintenance assessment rate of $8.38 per lineal foot while residences pay $3.41 (plowing, sweeping and repair of streets, alleys, sidewalks, lighting and trees). Ms. Louder spoke about the jobs generated by industry, and how industry builds density, building design options and how industrial spaces are evolving.

Monte Hillman showed a model of a modern manufacturing process, and how in the design phase and the space programming phase a buyer would begin to figure out what they need. It starts

with their product, the raw materials and ultimately the packaging and distribution. This also drives what happens externally, but it's based on the needs of the facility and the needs of the facility to make or distribute whatever it is they make or distribute. Ms. Louder added that with the industrial process it's really about what the customer needs.

The Port's priorities are to retain industrially-zoned land for industrial use, and they will continue to push the envelope for land coverage, green building design, quality construction materials, landscaping, and environmental performance. Their goals are to integrate industrial businesses into neighborhoods in a safe and compatible way, explore strategies to consolidate surface parking and manage common spaces in older districts, and support efforts to convert former industrial buildings to appropriate complementary industrial uses while working with community partners to attract industry with community support.

Commissioner Schertler talked about the Exxon Mobil site, which he worked on years ago. He thinks the City made a land use mistake converting it from industrial use, because they all thought that it would be a great residential neighborhood. They're trying to build up along West 7th Street but the fact is that the Port Authority could have expanded the Crosby Business Park and it would not have had to be rezoned. However they had to settle an eminent domain issue with Exxon Mobil and put a park there, which is adding to the tax exempt property there. Commissioner Schertler talked about the financial stresses facing cities with LGA (Local Government Aid) cuts and need to consider carefully the impacts of land use decisions on tax base. The Port Authority has done a great job of identifying the impact industrial land has on the tax base.

Commissioner Reveal commented that it is important to look at the needs of industry within the region, not just at the city level. She is not entirely convinced of the argument that in Minneapolis and Saint Paul the highest and best use is industrial.

Commissioner Schertler said that it would be helpful to consider industrial land use on a regional basis, but in terms of tax base impacts, cities collect taxes based on what is geographically located within that city.

Commissioner Lindeke asked Ms. Louder to talk about the Port's design philosophy and how that has changed in the last 20 years. He stated some of the older projects are a little frustrating in where they are located and how they look.

Ms. Louder said they have worked to make improvements in design, and well-known local architect Dick Faricy has helped them with this over the years. Mr. Hillman added that he works with a lot of their buyers and their design teams when they come through the Port's internal design review process. He then spoke about how the Port's requirements for the industrial businesses that buy their land has evolved over time, including adding more requirements related to sustainability. He also spoke about the fact that the form of industrial buildings must follow the functions happening within the building. For example, with parking, if you want the building right up to the street, then you just took away the parking from customers who want to enter in the front instead of the back of the building where semi-trailer truck are coming and going. This becomes a liability to the company. There is always an on-going tension between what the business needs and what the Port is trying to enforce with its requirements or covenants.

V. Comprehensive Planning Committee

Commissioner Merrigan had no report.

VI. Neighborhood Planning Committee

Chair Wencl announced that the next Neighborhood Planning Committee meeting for September 12, 2012 has been cancelled.

VII. Transportation Committee

Chair Wencl announced that the next Transportation Committee meeting for September 10, 2012 has been cancelled.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

None.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 10:17 a.m.

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

Respectfully submitted,

Donna Drummond
Planning Director

Approved September 21, 2012
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\butler\planning commission\minutes\September 7, 2012