

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

Minutes June 1, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 1, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Shively, Thao, Wang,, Wencil; and Messrs. Edgerton, Gelgelu, Nelson, Ochs, Oliver, Schertler, Spaulding, Ward, Wickiser.

Commissioners Absent: Mmes. Halverson, *Noecker, *Porter, *Reveal, and Messrs. *Connolly, *Lindeke.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Mike Klassen, Allen Lovejoy, Department of Public Works; Allan Torstenson, Patricia James, Anton Jerve, Josh Williams, Kate Reilly, Sarah Zorn, Christina Morrison, Dan Bayers, Eduardo Barrera, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 4, 2012.

MOTION: *Commissioner Ward moved approval of the minutes of May 4, 2012. Commissioner Edgerton seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencil had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the City Council approved reduced requirements for bars and restaurants serving beer, wine and liquor. These were changes recommended by the Planning Commission in 2011.

She also asked commissioners to please save the date for a special workshop being offered by the Urban Land Institute called Navigating the New Normal, which is scheduled for Tuesday, July 17, 2012 from 3:00-5:00 p.m. at City Hall Room 40. It's a workshop ULI is offering to city officials to help them think about new ways of dealing with development in an era of reduced resources and changing demographics. More information will be available as the details are finalized.

larger hoop houses and also limited regulations in terms of how long they can be up because a hoop house is used all year long.

16. Eric Larsen, a resident of Minneapolis who farms the Stones Throw farm in Saint Paul, encouraged the Planning Commission to take a closer look at hoop houses and temporary structures. He thinks hoop houses should be defined very clearly and with the realization of how they are used by farmers and perhaps should not necessarily be subject to the same regulations as other temporary use structures. In terms of on-site sales, he thinks that allowing multiple retail sale sites throughout a neighborhood, instead of focusing on one or two main markets throughout the city, will allow residents without vehicles or access to transportation a chance to buy affordable fresh produce close to their homes. He also believes that with respect to the fees and permits that growing food is a basic right and it should have a different fee and be in a different category.

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: Industrial Zoning Study – Item from the Comprehensive Planning Committee. (*Allan Torstenson, 651/266-6579*)

Chair Wencl announced that the Saint Paul Planning Commission is holding a public hearing on the Industrial Zoning Study. Notice of the public hearing was published in the Legal Ledger May 24, 2012, and was mailed to the citywide Early Notification System list and other interested parties.

Allan Torstenson, PED staff, said that on March 23rd the Planning Commission released draft zoning code amendments pertaining to industrial districts and regulation of industrial uses for public review, and scheduled this public hearing. The industrial zoning study is being done now in response to policies in the Land Use Plan adopted in 2010 for consideration of zoning amendments to support the primary intent and purposes of industrial districts for employment and economic activities, and site plan review standards to provide for efficient land use and aesthetic quality. It is also being done as part of regular required review of the zoning code to make sure it is up-to-date, adequately addresses current technology and market conditions, functions efficiently and effectively, and reflects current city policies.

Draft amendments to Table 66.521, Principal Uses in Industrial Districts, on pages 12 – 16 of the study, include: deleting uses that are not primarily for employment and economic activities, such as churches and grades K – 12 schools; deleting out-of-date uses, such as drive-in theaters and rendering plants; adding uses to reflect Planning Commission determinations of similar use in recent years; and providing better cross-references to specific land use definitions and development standards in Chapter 65 of the zoning code.

The draft amendments include tighter standards for residential uses in industrial districts, on page 2 of the study, to provide greater protection for primary commercial and industrial functions and uses in industrial districts, while also providing for mixed residential uses of upper floors. Draft amendments to the IR Light Industrial Restricted District, on page 11 of the study, would change

its name to the IT Transitional Industrial District, and change its intent language, to better reflect how this district is used and distinguish it from the other industrial districts.

The draft industrial zoning amendments released by the Planning Commission for public review include consideration of possible simplification of the zoning code through elimination of the I3 Restricted Industrial District, which is now used only for 2 parcels city-wide, discussed on pages 11 and 12 of the study. This would affect only 4 uses that are currently permitted solely in the I3 district and not also permitted in the General Industrial District. The study suggests that one of the 4 uses, rendering plants, no longer needs to be listed in the industrial use table. The other 3 uses (petroleum and gasoline tank farm; concrete, asphalt and rock crushing facility; and infectious waste incinerator) could be consistent with the intent and purpose of the IG General Industrial District as conditional uses with appropriate standards and conditions.

Draft amendments to Chapter 65 Land Use Development Standards, on pages 2 – 10 of the study, include: additional standards and conditions for incorporation of the three I3 uses into the General Industrial District to provide an industrial district buffer between these uses and non-industrial districts and to protect the public health, safety and welfare; standards for industrial uses based on Planning Commission determinations of similar use in recent years; and consistent language for separation requirements for industrial uses.

Draft amendments to required conditions in industrial districts, on pages 19 – 21 of the study, include design standards specifically tailored to the IT Transitional Industrial District (there is now simply a reference to some traditional neighborhood district standards). Some of the IT design standards would also be applied to the Light Industrial and General Industrial Districts.

Commissioner Oliver asks what is happening with map changes.

Mr. Torstenson said when the Comprehensive Planning Committee discussed the draft zoning industrial study they discussed the use of industrial districts in different uses and their intent would be that any map changes are better addressed in specific followup land use studies that are done for a particular area. This is so that people who own property, or live and work in those areas are more involved in the detailed look at zoning for that particular aream and not do that on a citywide basis.

Commissioner Schertler stated that industrial uses are a highly sensitive topic. Regarding the design standards, he had no idea that certain materials would be considered unacceptable, such as reflective glass, synthetic stucco products and concrete panels. He thinks they are completely fine. What are the reasons they have been determined unacceptable?

Mr. Torstenson said there was some discussion at the committee about what to include and what not to include. There were differences in opinion. They had photos of examples of different materials, and the appropriate and inappropriate use of different materials. A lot of it comes down to individual design and how the material is used. He expects some testimony on that today and he expects some discussion and thought on the part of committee before they make a recommendation to the Mayor and City Council on any changes.

Commissioner Merrigan added that the language says: are generally not acceptable, so that leaves some room to look at it depending on whether the development is for a light industrial use, such as a biotech office building in a neighborhood which would have different function requirements.

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

The following people spoke.

1. Mark Savin, an attorney representing Piercing Faith Church, has submitted a letter that was distributed to Planning Commission. Several years ago Piercing Faith acquired about 2 ½ acres of land, which they acquired with the intention of building a new church and related facilities on land that is currently vacant. However, the proposed amendment to the list of permitted uses would prohibit the construction of a new church and given the complexities of a church use it's hard to find a site that can be used for a church. Two points, one that would be terrible policy, and two, it would preclude a multi-million dollar investment in the Frogtown neighborhood that would serve people who live in that neighborhood and are long time residents of Saint Paul. It would undermine strengthening the fabric of a religious institution and possibly a related school. Also this would frustrate extraordinary expectations that have been built up. Those are the policy matters but also as a lawyer, he thinks this change would violate federal law. There is a federal law called Religious Land Use and Institutional Persons Act (RLUIPA) and it makes it absolutely clear that if one were to establish a zoning classification that would prohibit the construction of a church there, that would be a violation of the federal act and it's his obligation to bring this to the Planning Commission's attention. He hopes the Planning Commission will act in the City and church's interest.

Commissioner Oliver asked if there is something about the site itself or where it is located that Mr. Savin thinks would preclude a rezoning to a business district, traditional neighborhood district or something else that would clearly allow a church, since the church has already bought it.

Mr. Savin said he was not prepared to answer that, however he said that the church has always been very cooperative with the City in the development process. They intend to continue to be so, and they appreciate the City's assistance in developing this but they want to be sure that there are no regulatory bars to their doing what needs to be done on their land.

2. Brian McMahon with University United had submitted written comments to the Planning Commission which he referred to. The two most important measurements of economic activity, from a community standpoint, are job density and tax base. Transit oriented development (TOD), with its high density land uses linked to mass transit, consistently out performs all other types of development in both categories. Even industrial areas can benefit from TOD principles which will maximize job opportunities and tax base. The key is intensity of land use. He suggest that the FAR limitations and height maximums in the present draft industrial zoning be removed. With modern industrial distribution practices there is a correlation between large single-story warehouses and low job density. These single story warehouses have few workers and many undesirable environmental impacts. New zoning regulations could limit these negative effects by imposing restrictions on the size of contiguous floor area. They have done a number of design studies that examine the relationship between the form of the built environment and job density. He urged the Planning Commission to undertake similar studies, which should be the basis for changes in the industrial zoning code. Also they hope to see a

minimum density of 20 jobs per acre within the industrial area. Minimum job densities could be an expressed requirement of the zoning code. They prefer that the density be measured on the acreage of the site rather than the square footage of the building. In ending, he urged the City to establish an economic development goal of increasing the percentage of manufacturing jobs in the city from 6% to the national average of 15%.

3. Paul McGinley, current board chair of the Midway Chamber of Commerce, said they support the use changes being proposed in the draft. These changes support the goals of enhanced employment, growth of jobs and fostering economic growth on industrial property. These use changes better preserve industrial land for industrial uses and uses that are compatible with other more intense industrial uses that may be near by. Regarding broadening the application of design standards, which were intended originally only for the IR zone, they are concerned about the effects that can have on attracting new industrial development. It makes sense to apply these standards to the IR zone, but not to broaden their application to I1 and I2, as proposed in the draft. Everything possible needs to be done to not only attract but facilitate and encourage industrial growth in the city. They have also learned from various industrial brokers in the city that there is a very small margin in the cost of constructing an industrial building and the increased cost of a development as a result of the application of one or more of the design standards in Saint Paul could result in the jobs and taxes being generated in a different city. The City should be looking for every possible way to attract the highest industrial uses on its limited industrial land; also the City should avoid imposing further requirements that may deter such development.
4. Chad Blihovde, representing Java Properties, commented on a specific property located at 558 Vandalia. That site is a 5.2-acre industrially-zoned property, which they recently acquired in February. The proposed changes will affect their development because they are rehabbing the project and they want to bring in industrial and technology companies and a theatre. A lot of tech. companies are very artistic, and anything web related will bring in a lot of business and employ a lot of people and they don't think it will affect industry in any negative manner. Another reason why they want to bring a theater to the site is the central location between Saint Paul and Minneapolis. Regarding parking, they can have parking during the day for traditional office workers and parking for the theater at night. He also noted that the high schools in the area are technical education-type schools and in the future they will be working on robotics for industrial uses, so if some of those kids don't go to college but want a high paying job they can have a technical advantage from going to one of those schools and maybe there's a synergy with industry they can work with.

Commissioner Oliver asked if the theater is a single building or part of a larger building?

Mr. Blihovde said it is a 5.2 acre campus with multiple buildings on the campus and they have designated a site that they think will be perfect for a theater, which is in the middle of the site in a beautiful old brick building that they are rehabbing.

5. Robert Straughn, an attorney practicing in the area of commercial real estate, spoke as a long term resident of the city of Saint Paul. He is against eliminating churches and schools as permitted uses in industrial districts. Industrial properties are the best facilities for new churches and schools in a built up city. Saint Paul has a long history of

promoting the education of its citizens and welcoming people of all faiths and to take away the ability to locate new schools and growing churches in our city is to turn our backs on them. Mr. Straughn urged the Planning Commission to continue allowing schools and churches in the City's industrial districts.

Commissioner Schertler asked about leaving churches in I1. Is this a technical issue or a policy issue?

Allan Torstenson, PED staff, said the proposed draft amendment comes out of a recommendation in the land use plan for reducing non-job, non-industrial uses in industrial districts to protect that land for industrial uses. How or if this is done is an issue to be discussed and that is why the staff prepared a draft and to get some ideas out on the table.

Commissioner Schertler wondered how much of a threat this particular use is to industrial land?

Mr. Torstenson said it depends on your perspective. The packet includes a list of existing religious and school uses that would become nonconforming in industrial districts under these proposed changes. There are two churches in I1 and a few schools too, but it's a policy issue for the Planning Commission to think through.

6. Mark Krog with Java Properties stated their concerns with these changes, which relate primarily to schools and theaters. They currently have a charter school in their development and it would limit their potential for future expansion. By limiting schools, specifically charter schools in industrial zoning, the City would be hurting multiple developments. In terms of space for the theater it's going to be epic, they've talked about looking for theaters to come in and the prohibition on theater use in this ordinance would hurt development of these creative uses.

Commissioner Oliver asked what kind of tenants are they aiming for?

Mr. Krog said that it's a big development and it's broken up into eight different buildings. They will have office space that will be good for colleges, tech companies and maybe another charter school. He doesn't know for sure, but with 100,000 square feet of office space and industrial space there is plenty of room. Also, the way that the theater would be situated in the space is a really good fit. They are not looking for heavy industrial businesses; they're looking for light manufacturing to go along with the office.

7. Catherine Reid Day, a representative of the Creative Enterprise Zone located within Saint Anthony Park District 12, stated their concerns about the proposed changes to industrial zoning. Specifically their concern is that the attempt to narrow and constrict the types of entities that can locate and work in the area will negatively affect the future goals expressed by the community and will not be inviting to the very developments and industry they know and need there. The Creative Enterprise Zone Action Team has been talking with a company interested in locating within the zone, but they have said with a narrowing of the zoning, they would not be interested in locating in the area to build their plant and bring with them jobs and other industries that will want to co-locate with them. The proposed narrowing and constriction reflects a step backward from the activity now

underway inside the zone where market forces are at work to encourage and attract new kinds of industry, exciting proximities of innovators and an appreciation of the existing assets of the area. They urge the Planning Commission to reject the recommendations to narrow the uses in industrial zones. They have also submitted their comments in writing to the Planning Commission.

Commissioner Oliver said that when these projects are proposed is there some component of them that is industrial, so that they can only be done in industrial zones, and would not be permitted in T or B zones?

Ms. Reid Day said there are uses that combine different kinds of work and businesses that does include industrial, but they are specifically attracted to the area because it has all the other community elements to it and they feel that their work force wants to be connected more closely to those activities so it's a different idea about industrial.

Commissioner Oliver asked if they did not restrict uses but required them to be co-located with some kind of industrial use, would this would allow the kinds of things they are working on?

Ms. Reid Day said that she could not speak to that with the expertise he is looking for but the point that she is trying to make is that it is very difficult to predict right now what will happen in the future given market forces and new ideas about how space can be used.

8. Amy Sparks, Executive Director of the St. Anthony Park Community Council District 12, said they strongly support the creation of Design Standards for all industrial districts that encourage walkable, livable communities through requirements that industrial buildings permit parking only to the side or rear of newly constructed buildings, and prohibit the use of certain low quality building materials. They oppose proposed language granting the zoning administrator discretion to permit up to two rows of parking spaces between the building and street. They oppose the removal of schools and churches as principal uses within industrial zones. They oppose the reduction of permitted residential uses within industrial zones and they also oppose the elimination of the I3 zoning classification. St. Anthony Park Community Council also submitted written comments to the Planning Commission.

Commissioner Oliver asks if she feels there is a shortage of land that schools, churches and retail businesses can locate on. Because the idea with industrial is there is a shortage of industrial land that only those types of uses are allowed on. So what is the counter argument against saying this is what should be set aside for certain kinds of uses.

Ms. Sparks said that she could not answer that from a real estate perspective but she can only say that three charter schools have located in or near industrial areas in St. Anthony Park in the past 5-10 years. She does not know if they would choose to go to residential land if only that was available. She just knows that they are coming to her area.

9. Betsy Leach, Executive Director of District 1 Community Council talked about the use of conditional use permits to control the three uses that are currently allowed in I3 that would be added to I2. Their concern is that conditional use permits are an ineffective way to control these uses coming into the new IG area. This is disturbing in that they

would have concentrations of these three uses in certain areas of the city where they are currently or where they aren't and could be expanded. Their concerns in District 1 are of potential contamination of the river, Pigs Eye Lake and the other environmentally sensitive areas there. Also they are concerned about noise pollution and they urge the commission to reconsider the merging of I2 and I3. District 1 Community Council submitted a letter with their concerns.

Commissioner Oliver said there are actually two uses that would be coming from I3 to I2, rock crushing and tank farms, so is there a substantial difference with those two uses that requires them to be located in their own district versus what's already allowed in I2?

Ms. Leach thinks that the issue is not so much that there is a substantial difference as whether or not there's going to be a concentration of these types of uses in particular areas. She thinks that you've got to be thinking about whether or not there are some uses that should not be allowed in an urban area for public health reasons and she is not arguing that there isn't a similarity between these things but maybe the uses and their public health impacts need to be considered.

10. Kelly Jameson, Vice President of the Saint Paul Port Authority, said they appreciate the proposed restriction of residential uses in industrially zoned land. Industrially zoned land is becoming scarcer in the city, and they support reserving this land for industry and jobs. They also appreciate the approach to modifying required design standards in the IT transitional districts. They strongly oppose the draft language that these same design standards should be applied to all industrial property throughout the city. The draft proposes that IL light industrial districts should comply with all of the same design standards as the transitional districts, and the effect would be to exclude manufacturing or other types of businesses with large building needs from locating in these areas. The draft proposes that the IG, heavy industrial district also comply with some of these standards. Many of these districts are located far from residential neighborhoods along the river corridor. Putting these design standards on those properties could be very problematic because of flooding on river properties and would be very costly for large parcels. These design standards would limit manufacturing uses from coming into the city. Manufacturers need to build a shell around the process. The Port Authority strongly agrees with the Comprehensive Plan that we need to retain land for jobs in the city. Industrial jobs create living wage jobs for a wide range of skill levels. The average industrial job in Saint Paul pays about \$47,600 per year, and creating more industrial jobs is a great way to fight poverty in Saint Paul. The Port Authority also submitted written comments.

Commissioner Spaulding said that the City should encourage industrial uses and asked about the Port Authority's job density requirements.

Ms. Jameson said that in Port Authority developments they do require a certain job density which is one job per 1,000 square feet of building and they choose to use building area instead of land area, because sometimes there is land that isn't developable, for example it's too contaminated to put a building there. The Port requires 35% lot area coverage, which for manufacturing is high compared to industrial property development in the suburbs.

11. Thomas Peterson, an architect and resident in Saint Paul, works with a local firm that specializes in religious buildings and churches. He is working with the Piercing Faith Church at the Pierce Butler site and other churches that are looking at sites in industrial zones. Churches have limited options to grow or establish a new church in residential areas. He thinks charter schools are similar to the churches in that they are looking for places that are central, where they can have a large capacity and serve people. His primary concern is that churches continue as permitted uses or at least as conditional uses.

Commissioner Ochs asked if growth is defined as the expansion of space or can growth be defined in another way?

Mr. Peterson said that churches can accommodate growth to a certain extent by scheduling more services. Parking remains probably the bigger issue in growing churches; they've moved from neighborhood traditional little churches that serve the neighbors to churches that serve maybe an ethnic group or denominational group that draws from the metro. area.

12. Pastor AZ Jones, Jr., Senior Pastor at Piercing Faith Church, talked about the investment in human capital that churches bring to communities. Cities want jobs for residents, and churches can assist and partner with cities to make these folks employable and he thinks that's often over looked. When looking at zoning we minimize and devalue the fact that churches and schools have a productive role in energizing communities. To exclude them based on the fact that they are not revenue generating institutions is a mistake and discriminatory.

Commissioner Oliver said other than the price, because industrial land is cheaper, what is it about industrial land that is attractive for churches?

Pastor Jones thinks that it is a space issue. About a week ago he was asked what prohibits him from purchasing an already existing church. Well their current facility that they are in is 127 years old and it would be very expensive to update and even if they did update it parking still is an issue. They have been fortunate and blessed that Mancini's allows them to use their parking lot on Sundays, but it becomes challenging sometimes on the weekdays because folks are parking far away. It then becomes a safety issue and also a convenience issue. Pastor Jones thinks that industrial areas afford them the opportunity for parking and expansion. They are considering building in a couple of phases so with that in mind it provides them the space that they need for future growth as well.

13. Craig Smith, representing the 528 Limited Partnership and Brown & Bigelow, Inc., expressed concern over the proposal to collapse the I2 and I3 zoning districts into a single new classification. Their property is currently zoned I2 and their concern is with the potential contaminants to their printing processes that I3-type firms create (i.e. rock/concrete/asphalt crushing), which hampers their ability to produce a quality product. The effect that an I3 operation could have on their 400,00 square foot facility is a serious concern for them. He also asked the Planning Commission to consider the original intent of the I2 zone and that I3 type operations are not consistent with the character of the other development in the immediate area. Mr. Smith also doesn't believe that the

Comprehensive Plan for his area envisioned a heavy industrial operation for that area. They have operated very nicely in this park since 1980 without too many issues. It would create a significant problem for them if this area were to be rezoned and suddenly they find an I3 business operating at full capacity in their backyard. They cannot move their operation without an extensive investment and neither can they risk having potential contaminants complicate their printing process or stand to lose tenants who perceive the same risks. They stand to potentially lose a great deal if these proposed changes are implemented. Mr. Smith has submitted their concerns in writing to the Planning Commission.

14. James McClean, representing the Saint Paul Area Chamber of Commerce, appreciates the focus of the Planning Commission and the City on maintaining industrial property in the city and the jobs and tax base it provides. Their main concern is the addition of design standards in industrial zones where they did not exist before. They understand the importance of design standards, especially in commercial and residential areas, but they think that in the city's limited industrial zones the focus should be on job creation and job growth potential. The Chamber asks the Planning Commission to reconsider the addition of new design standards in industrial zones where they did not exist before.
15. Leslie Ford, Jr., Pastor of the Living Word Church, spoke against the elimination of church, synagogues, and any other place of worship. The major reason for elimination seems to be jobs per acre. He asked the commission members to consider the spiritual and moral needs of the people working in those industrial areas. They shop, buy gas and do business within a five-mile radius of where they work so the elimination of churches in the area where they congregate and do business makes no sense to him. It also appears that churches have been targeted for elimination but churches have been proven to help in the areas where businesses have been allowed to remain such as sober houses, half-way houses, and abuse shelters. He has heard the commissioners use the term live-work and that is okay in the industrial areas, but he wants to expand that from not only "live and work" but worship to be able to have a holistic approach to a human need. Work, eat and to worship God in whichever way a person worships God should still be allowed in the industrial area.
16. Kelley Gaines, also with the Living Word Church, said churches don't just function on Sundays, but actually they are active everyday in doing something in the community. Looking at their building, there are people living on the Fairview side and industrial on the Prior side and they are interested in meeting the needs of the people that live in that neighborhood. They are interested in providing more social services to the community. So when thinking of church it's not just about services on Sunday but they are there to serve people, create jobs, businesses and whatever else they can do to help the city of Saint Paul grow.
17. Tait Danielson Castillo, Executive Director of Frogtown Neighborhood Association, distributed a letter describing their comments and concerns regarding the proposed zoning code amendments for industrial districts. They agree with almost everything that District 12 had to say regarding the amendments. His focus is on the moving of I3 into I2 and he knows that there are not a lot of uses in I3 and it may seem reasonable to bring it into I2 but when he looks at metal shredding and outdoor concrete, asphalt and rock crushing facility that puts fear into the hearts of a lot of Frogtowners. What they're

noticing is that because their residential property is so close to a lot of this I1 and I2 usage, that the pollution control agency doesn't really regulate smell, or anything that isn't really a toxic use. Is a conditional use permit really an appropriate way to prevent some of this dangerous stuff from going into neighborhoods? He says no. The level of enforcement on things in these categories doesn't always work the way we would hope it would. There should be some consideration for spot zoning some I3 if it's needed. Also the Frogtown Neighborhood Association is very excited that the Piercing Faith Church purchased land on Pierce Butler to build their new church. The Refuge Christian Center is renting so the city might have a lot of churches that are in industrially-zoned areas but the city doesn't know about them. They want to see these uses continue.

18. Charles Foye spoke to give moral support to his colleague Pastor AZ Jones. After sitting through these two hearings he recognizes the need for cities to consider economic opportunity as it relates to job creation. He urged the Planning Commission to consider that most of the churches bring value to the moral culture of the city of Saint Paul. A question was asked earlier by one of the commissioners, why would churches be interested in moving to industrial areas? As a former pastor of a church located in a residential community, parking is always an issue. When there are evening services people are somewhat afraid to walk long distances. So industrial areas provide the kind of security that people like to have when they are coming to church. Also, considering individual churches, he has heard from the Pastor at Living Word the many things that they do and it would be a mistake to rule out or eliminate churches from being a part of the community in industrial areas. He hopes the city will not restrict or exclude churches or schools from these industrially zoned areas. And since Piercing Faith Church has already purchased land in this zoning area it would be a travesty to deny this congregation the opportunity to move.

Commissioner Nelson said that there has been a lot of talk about churches being allowed in industrial areas and his concern is that being in an industrial zone the next door neighbor is allowed to have an operation that is smelly, noisy and has a lot of truck traffic coming through. How would churches react to a noxious type of use coming next door that may be operating during services? That's part of what zoning is there to help protect. He would hate to see churches come in and then start pushing industrial uses out because they are complaining about noise and fumes.

Mr. Foye does not think that would happen, because churches have been able to adjust to their surrounding area and many churches in residential communities have had the neighborhood complain because of noise from the music. Churches have attempted to compromise by even changing their order of service, or changing the time of services. Churches have met with neighbors and try to accommodate them in whatever area there are concerns about. Mr. Foye believes you will see a tremendous effort on the part of churches to work with their neighbors.

Commissioner Ochs said that if churches are offering all these other services such as child care, how would you feel if your day care was next to an adult use (adult magazine shop, lingerie shop or sex toys, etc.). Would you would be opposed to that?

Mr. Foye said no that would not be the most desirable place where a church would like to be but at the same time if those types of businesses are going to be considered for this

area then he would certainly think it wouldn't restrict churches from also being considered to be located in these areas. Yes, there may be a problem but if he attempted to purchase a church in the area he would certainly notice the businesses around there. So he would not purchase a church next door to an adult facility. But in the mean time he would not want to be excluded from being able to purchase space within the industrial area because there is an adult facility there.

19. Lesley Ford III is one of the pastors at the Living Word Church and is also the administrator who takes care of all the facilities. He said that they work with their neighbors, including American Paper which they lease space to and also lease space to a couple of other companies. Mr. Ford said that they are working hand in hand with the neighbors and they do have a day care and a trucking company in their facility and all they all get along just fine.

MOTION: Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

V. 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, May 29, 2012:

- East Side Family Clinic, new 34,000 square foot medical clinic at 895 East 7th street (at Forest).

Two items to come before the staff Site Plan Review Committee on Tuesday, June 5, 2012:

- Grand Hill Carriage House, remove a 2-car garage and construct one new dwelling unit over a new 3-car garage, at 555 Grand Hill.
- Payne Maryland Center, construct a new community center, library and parking lot and renovate existing athletic fields at 1178 Payne (at Maryland).

OLD BUSINESS

#12-048-442 Volunteers of America – Conditional use permit for a Department of Corrections–licensed community residential facility with modification to permit up to 74 adult residents. 1394 Jackson Street, between Arlington and Hyacinth. (Patricia James, 651/266-6639)

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions with a modification to permit 74 adult residents.

Commissioner Ward asked about the rationale for more than doubling the number of residents that is allowed in the zoning code.