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June 4, 2012

Ms. Barbara Wencl, Chair
Saint Paul Planning Commission
1400 City Hall Annex
25 Fourth Street West
St. Paul, MN 55102

RE: Port Authority's Comments on Draft Industrial Zoning Document

Dear Chair Wencl:

In reviewing the March 14, 2012, draft of the Industrial Zoning Study Text Amendment, the Saint Paul Port Authority has the following comments:

1. We appreciate the restriction of residential/dwelling uses in Industrial zoned land (Section 65.143), since Industrial zoned land is becoming scarcer in the City, and we support reserving the land zoned industrial for industry and jobs.

2. We appreciate the thoughtful approach to modifying Section 66.542, Required Design Standards in the IT transitional districts. The changes to the Design Standards take into careful consideration the balance required when job-based industrial construction is located near residential neighborhoods and pedestrian corridors. The standards enhance the pedestrian experience in these more transitional areas, and it is reasonable to assume and expect that businesses choosing to locate in these transition areas would be willing to comply with a slightly higher level of design and more pedestrian features.

3. We strongly oppose the Draft language that these same Design Standards should be applied to all industrial property throughout the City.

4. In Section 66.543, the Draft proposes that IL Light Industrial Districts should comply with all of the Design Standards except that buildings don't need to "hold the corner" with parking in the rear. While we can agree that landscaping and sidewalk requirements might make sense for a light industrial building, there is an undue burden on business owners regarding the following requirements:

    a. Building facade articulation

    b. Materials and detailing

    c. Door and window openings

Businesses that manufacture products or need a large building will be disincentivized to locate here.

5. In Section 66.544, the Draft proposes that IG General Industrial District buildings should comply with the following:

    a. Materials and detailing

    b. Door and window openings

    c. Landscaping and street trees

Much of the IG space in the city consists of large blocks of land/large buildings or buildings located on the river. In most, if not all, cases this heavier industrial land is bifurcated from residential uses and located next to other industrial property. Materials might be cost prohibitive in river corridor areas that are known to flood. Street trees become an undue burden for those that hold large parcels of land.

In preparing to testify for this hearing on the proposed changes to the design standards, we pulled together a small roundtable discussion that included developers and industrial brokers that do business in or are listing properties in the City of Saint Paul. As the basis of our discussion, we provided them the Draft Design Standards handout with photos that were created to show these Design Standards' impact.

Some of the comments that came out of that discussion were:

1. These proposed design standards essentially turn all of the industrial property into office/showroom property. Office/showroom space works for some companies that have a retail component to their business or are bringing in a lot of customers, or have a need for a large office area. This type of space is not the type of space that works for manufacturers who really need to build a shell around their process.

2. Manufacturers won't build to these proposed standards. The City is likely to lose business growth. Manufacturers can choose Minneapolis, or Eagan or China, and there is already a gap between construction costs and bank financing levels in this market. Any additional cost of construction will be a significant incentive for a business to go elsewhere, where there are less stringent Design Standards.

3. St Paul should be making it easier, not more difficult, for business to come to the City and to expand their operations and jobs growth here.

The Port Authority strongly agrees with the City's Comprehensive Plan that we need to retain land for jobs in the City. And the City clearly needs more tax base. Industrial development creates living wage jobs for a wide range of skill levels.

1. The average Industrial Job in Saint Paul pays about $47,600 per year

2. Creating more industrial jobs is one of the best ways to fight poverty in St Paul (and almost a quarter of St Paul's population lives in poverty)

3. People of all skill levels can obtain these widely varied industrial jobs.

In addition, a recent Brookings Institution Study has strongly recommended that urban areas need to retain and recruit manufacturing jobs to the City center and that cities should not zone out manufacturing from their City.

We encourage the Planning Commission to revise the Design Standards for IL and IG land to ensure that the City does not unintentionally zone out manufacturers and businesses, with good paying jobs and a significant tax base for a wide variety of skill levels, from locating in our city.

Specifically, there was an early version of the Draft Zoning Standard that did not include Design Standards for 66.544 and only included (4), (6), and (7) for 66.543. We would support the Design Standards with these changes.

Thank you very much for your consideration of these important Design Standards changes.

Sincerely,

Louis F. Jambois
President

cc: Lorrie Louder, Port Authority
Kelly Jameson, Port Authority
Donna Drummond, PED
Allan Torstenson, PED

SAINT PAUL AREA CHAMBER OF COMMERCE

June 1, 2012

Saint Paul Planning Commission
1400 City Hall Annex
25 Fourth Street W
Saint Paul MN 55102-1623

RE: Industrial Zoning Study and Draft Amendments to the Zoning Code

Dear Planning Commission Members:

The Saint Paul Area Chamber of Commerce appreciates this opportunity to comment on the Industrial Zoning Study undertaken by the city and the related draft amendments to the zoning code. We applaud the city's commitment to preserving industrial land for its intended purpose of economic activity and fostering strong employment and tax bases. We believe the majority of the proposed amendments are positive steps toward that end. However, we are concerned that inclusion of new design standards in areas targeted for the highest level of industrial use may prove counterproductive. We respectfully urge this body to focus on the over-arching goal of enhancing the city's employment base and avoid adding new regulations that increase the costs and therefore the likelihood of new industrial expansion and job growth in Saint Paul.

Design standards that enhance the aesthetic quality, appeal, and continuity are reasonable objectives for inclusion in the zoning code. This is especially true for commercial and residential districts. Yet there should be limited areas in the city where purely aesthetic concerns weigh less heavily than the need to preserve some space for concentrated industrial development and the jobs and tax base that come with it. That is the point of having land zoned for industrial use. Imposing design standards for purely aesthetic reasons increases the costs of expansion and new development making the area less attractive to developers and new businesses. In an economy still recovering from recession, and in an environment where local, state, and national governments are engaged in intense competition to lure new industrial development, increased construction cost could make the difference in a company's decision to expand in Saint Paul or in a location with less stringent industrial design standards.

We hope you will take the above mentioned concerns into consideration and not mandate new design standards in the limited areas zoned for more intense industrial use.

Sincerely,

James McClean
Director of Public Affairs
Saint Paul Area Chamber of Commerce
Direct: 651.265.2795
james@saintpaulchamber.com

MIDWAY
CHAMBER of COMMERCE

Building A
Stronger Midway

President's Circle

Park Midway Bank

Wellington
Management, Inc.

Walsh Construction

Xcel Energy

Director's Circle

American Engineering
Testing, Inc.

Anchor Bank

Colliers International

Hamline University

McDonald's

Pioneer Press

Builders

Associated Bank

Comcast Business Class

FastSigns – Roseville

Grand Casino
Mille Lacs/Hinkley

Hubbard
Broadcasting, Inc.

Mintahoe Catering
& Events

Mortenson Construction

St. Paul Port Authority

Western Bank

June 1, 2012

RE: Industrial Zoning Study:
Draft Zoning Text Amendments, March 14, 2012

Madam Chair and Members of the Saint Paul Planning Commission:

The Midway Chamber supports the effort by the City of St. Paul to strengthen industrial zoning in the city in order to foster the creation of jobs, enhance business growth and build a stronger tax-base in support of services to its residents.

Better utilization of industrial zoned land generates valuable tax revenue for the City as well as creating high-paying jobs that are in close proximity to the residents who need them.

The Chamber generally agrees with the "use" changes that are proposed in the March 14th Draft Zoning Text Amendments (the Draft). These "use" changes work toward preserving industrially zoned land for industrial uses. Industrially zoned land can be some of the most valuable land in the city capable of generating the highest level of tax revenue for the city. With a dwindling supply of this land in the city it makes most economic sense for the city to assure that it is, first of all, tax generating land and, secondly, capable of generating the highest level of tax revenue and job creation possible.

When it comes to broadening the application of design standards, originally intended only for the I-R zone modeled after Traditional Neighborhood standards, the Chamber is concerned about the effects that can have on attracting new industrial development. It makes sense to apply these standards to the I-R zone, which they were intended for, but not to broaden their application, as proposed in the Draft, to Light Industrial and General Industrial zones (I-1 and I-2).

Standard No. 3 in the Draft, relating to acceptable building materials, does not appear to be a problem in its application to all three industrial zones. Our discussions indicate that these are acceptable building materials in the industrial construction community.

The Chamber is also very supportive of the proposed application of Standard No. 5, regarding parking, to only the I-R zone. Contemporary industrial development in the I-1 and I-2 zones demands flexibility in the design of parking and circulation patterns, in order to accommodate the functions of their processes in these buildings.

The Chamber is also in agreement with the Draft in terms of the application of Standard No. 1 - buildings anchoring the corner - to only the I-R district. Light and General industrial uses very often do not work on a site without vehicle and/or truck circulation around the entire building.

The Midway Chamber does not support the application of the other four design standards to the I-1 and I-2 zones. These are the only zones available in the city for the development of good-paying, local jobs in the manufacturing and industrial sectors of our economy. It is imperative that the city be as inviting as possible in order to attract this type of development in the limited areas where it is allowed in the city. With a dwindling supply of this type of land in the city, and a need for the good jobs and net excess

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PHONE: (651) 646-2636 FAX: (651) 646-2297 WEBSITE: www.midwaychamber.com

revenue that industrial uses generate, it only makes sense to facilitate the highest use of this land type. The city cannot afford to zone itself out of the opportunities to attract and encourage manufacturing and industrial jobs. It should be doing everything in its power to work with and foster tax-generating industrial development.

In our research and meetings on this topic, the Executive Committee of the Midway Chamber has learned some important facets of this issue that should be stressed. They are:

- There has been a continuing conversion of land away from industrial use in the City of St. Paul since 1984. This is clearly portrayed in a graph available on the West Midway Task Force web site titled..."Changes in Metropolitan Council Land Use from Industrial to Residential & Commercial."

- We 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, which could determine whether to construct in one location or another. The increased cost of a development as a result of the application of one or more of the design standards in St. Paul could result in the jobs and taxes being generated in a different city. At a recent seminar on the projections for land development in the region there were several cities and counties that gave presentations stressing their cooperative focus in accommodating commercial and industrial development. Their mantras were: if you, as a developer, suspect that there is some impediment in our code that may make it undesirable to locate here, come and talk to us and we will do whatever we can to accommodate your needs. Imposing further restrictions and design standards in St. Paul conveys exactly the opposite approach.

- Residential users in St. Paul utilize about $1.10 to $1.20 in city services for every $1.00 in tax revenue paid.

- Industrial users in St. Paul utilize about $0.70 in city services for every $1.00 in tax revenue paid.

- Industrial uses generate excess revenue for the City of St. Paul. If the City deters industrial development or facilitates the use of industrial land for lesser uses, or non tax-generating uses, the logical result is that the City has to raise taxes elsewhere or reduce services!

In conclusion, the City of St. Paul should be looking for every possible way to attract the highest industrial uses on its limited industrial land, where good jobs and tax revenue can be generated. The City should avoid, when possible, imposing further requirements that may deter such development.

Paul McGinley
Board Chair
Midway Chamber of Commerce

Kari Canfield
President / Executive Director
Midway Chamber of Commerce

University UNITED

712 University Avenue, Suite 105, St. Paul, MN 55104 (651) 647-6711

Remarks before St. Paul Planning Commission on the Draft Industrial Zoning
Brian McMahon, June 1, 2012

The Saint Paul Comprehensive Plan calls for a study of how the Zoning Code can be strengthened to protect the City's employment base. The Comprehensive Plan places a high priority on creating land areas for businesses that foster job creation and vibrant economic activity.

Perhaps the two most important measurements of economic activity, from a community development 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***. For this reason, I suggest that the FAR limitations and Height Maximums in the present draft industrial zoning be removed.

There is a general correlation between FAR and job density, as seen in the attached chart. However, it should be noted that with modern industrial distribution practices there is a correlation between large single warehouses and ***LOW*** job density. These single story huge warehouses have few workers and many undesirable environmental impacts. Perhaps the new zoning code could limit these negative effects by imposing restrictions on the size of contiguous floor area. At University UNITED, we have done a number of design studies that examine the relationship between the form of the built environment and job density. I urge that the St. Paul Planning Commission undertake similar studies which should be the basis for changes in the industrial zoning code.

We hope to see a minimum density of 20 jobs per acre within the industrial area. Some cities require 50 jobs per acre. Perhaps minimum job densities could be an expressed requirement of the zoning code, similar to the job covenants found in projects of the Port Authority. (We prefer, however, that the density be measured on the acreage of the site rather than the square footage of the building.)

Finally, we urge that the city establish an economic development goal of increasing the percentage of manufacturing jobs in the city from 6% to the national average of 15%.

Development Density along University Avenue

University UNITED July 18, 2006

PROJECT	SITE AREA (acres)	BUILDING SIZE (sq.ft.)	PARKING STALLS	JOBS (FTE)[1] / HOUSING UNITS	JOB DENSITY (jobs/acre)	FLOOR TO AREA RATIO[2]	HOUSING DENSITY (units/acre)
WILDER FOUNDATION	3.2	99,136	375	350	109	0.71*	
RONDO LIBRARY/ DALE ST. APTS.	1.27	165,000		30/100	24	3.0	79
CVS PHARMACY	0.97	15,192	48	30	31	0.36	
ALDI'S	1.24	15,179	61	12	10	0.28	
SUPERTARGET	15.24	187,000	640	300	20	0.28	
MENARDS	10.7	200,000	387	225	21	0.51	
EMERALD GARDENS AND 808 BERRY	7		328 (just Emerald Gardens)	471 units			70

[1]Full Time Equivalents (FTE)—estimated with retailers because of large percentage of part-time workers

[2] Definitions found in Section 60.207.f of the St. Paul Zoning Code:

Floor area ratio (FAR) The total area of all buildings or structures on a zoning lot divided by the area of said lot.

Floor area. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

*Structured parking excluded in FAR calculation. Also, Wilder opted to build a private greenspace.

District 1 Community Council

2105 ½ Old Hudson Road, Saint Paul, MN 55119
www.district1council.org district1council.blogspot.com

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Police Storefront
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district1CPC@aol.com

May 29, 2012

To: Saint Paul Planning Commission
From: District 1 Community Council
Re: Industrial Zoning Code Change Proposals

The District 1 Community Council supports the proposal to create design standards for industrial districts in the belief that an urban environment should reflect an emphasis on walkable, livable neighborhoods.

The District 1 Community Council understands the opposing concerns that both the City and some neighborhoods have about locating schools, churches and residential uses within industrial areas, but believes that requiring a conditional use permit would address all of these concerns. The best use for a particular area should be addressed on a case-by-case basis, as a conditional use permit request allows. We feel, however, that there are larger concerns about proximity between some uses and residential areas that we will discuss below.

Within District 1, we have one of the two areas in the city currently zoned I3. We are concerned about the proposal to combine that zoning district with areas currently zoned I2 to form a new IG zoning category. Our concerns are as follows:

1) The use of conditional use permits and variances to govern uses that have traditionally been more isolated means that these uses could be expanded to areas that are densely populated and are not currently home to such uses. The ease with which a CUP can be obtained means it would be highly unlikely that these uses would be restricted at all. On the one hand, this might seem a more equitable way to deal with locating these uses. But because of the "opportunity" for public input to influence these decisions represented by the hearings for CUPs and variances, those areas that are more politically savvy will be more likely to keep these uses from their areas. Historically, these uses have been located in lower income neighborhoods. The proposed changes threaten to concentrate these uses in areas of low political or social capital – we need to ask ourselves how political capital is related to economic status. Additionally, because the criteria for approving CUPs and variances include the finding that the proposed use will not adversely affect the existing character of the neighborhood, there would seem little likelihood that the uses would be any place other than where they already are. In other words, use of CUPs and variances is not an effective way to control unwanted or hazardous uses or to prevent their concentration in certain areas. We need to ask ourselves if there are uses that have no place at all in an urban area, despite the desire to grow the tax base and support businesses and the jobs they produce.

2) In District 1, we are concerned about the concentration of industrial uses in ecologically sensitive areas. Although we recognize that the Mississippi River is a working river, it is also the

water source of communities downstream from us. It is, within the city's borders, habitat for wildlife that has only recently been on the rebound. We are concerned that we are likely to see a concentration of potentially hazardous uses along our riverfront. We are also concerned that the noise issues that we already face in District 1 from the industrial uses will increase in severity and frequency. We do not feel that the changes to the code take into account hazards from water pollution and from noise to both residents and to wildlife. Does protection of the river play any role in whether these changes are appropriate? We feel it should but that it is not reflected in the proposal. Although there is some transportation logic that places tank farms near the river, for example, recent events in the south metro demonstrate that accidents happen with these storage facilities, leading to potential contamination of the river. There need to be stringent controls on distance from the river for these uses.

3) The changes to the distance requirement between particular industrial uses and areas zoned residential or as parklands are being made to provide uniformity and "clarity" when the effects of these uses is not uniform. The purpose of the changes seems to be to make application of standards rote for city staff. But the effect on neighborhoods is not uniform. Crushing facilities, incineration of infectious waste, and production of asphalt each have impacts on neighborhoods that will not be addressed by a 300 foot buffer. Noise, dust, potential groundwater pollution, noxious smells all have the potential to negatively impact the health and well being of residents. We want to remind the Commissioners that some residents within District 1 – those closest to the industrial area – have private wells that risk contamination from existing uses let alone intensification of use. A 300 foot buffer does not address this. We want to remind the Commissioners that the City of Saint Paul has recently been given an F grade for air quality because of an increase in particulate matter – increasing the number of crushing facilities within city limits may decrease the miles traveled, but will increase airborne particulate matter. A 300 foot buffer will not address this..We would also remind the commissioners that there is increasing scientific evidence that noise has a strong negative impact on health. What we may be gaining in tax base, we may be losing in increasing medical costs for residents. A 300 foot buffer will not address this. Again, we suggest that there may be uses that are not appropriate for an urban area.

Thank you for the opportunity to comment and for considering these concerns.

DISTRICT 2 COMMUNITY COUNCIL

SERVING THE NEIGHBORHOODS OF NORTHEASTERN SAINT PAUL

PARKWAY/GREENBRIER • BEAVER LAKE HEIGHTS
PROSPERITY HEIGHTS • HAYDEN HEIGHTS
PHALEN VILLAGE • LINCOLN PARK
EAST PHALEN • HAZEL PARK
FROST LAKE • HILLCREST

May 29, 2012

To: Saint Paul Planning Commission
From: District 2 Community Council
Re: Industrial Zoning Code Change Proposals

The District 2 Community Council supports the proposal to create design standards for industrial districts in the belief that an urban environment should reflect an emphasis on walkable, livable neighborhoods. Though we have limited areas of industrial zoning in District 2, we would very much want to support the concerns of our neighbors in District 1 and in particular these points.

Within District 1, is one of the two areas in the city currently zoned I3. We are concerned about the proposal to combine that zoning district with areas currently zoned I2 to form a new IG zoning category. We believe that combining the zoning categories helps neither the neighborhoods with I3 zoning district nor those with I2 districts.

We are concerned about the concentration of industrial uses in ecologically sensitive areas. Although we recognize that the Mississippi River is a working river, it is also the water source of communities downstream from us. We are concerned that we are likely to see a concentration of potentially hazardous uses along our riverfront. We are also concerned that the noise issues that already face in District 1, 3 and 4 from the industrial uses will increase in severity and frequency. We do not feel that the changes to the code take into account hazards from water pollution and from noise to both residents and to wildlife.

The changes to the distance requirement between particular industrial uses and areas zoned residential or as parklands are being made to provide uniformity and "clarity" when the effects of these uses is not uniform. The purpose of the changes seems to be to make application of standards rote for city staff. But the effect on neighborhoods is not uniform. Crushing facilities, incineration of infectious waste, and production of asphalt each have impacts on neighborhoods that will not be addressed by a 300 foot buffer. Noise, dust, potential groundwater pollution, noxious smells all have the potential to negatively impact the health and well being of residents.

Sincerely,

Chuck Repke

Chuck Repke
Executive Director

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UNION PARK

UNION PARK DISTRICT COUNCIL
1570 Concordia Avenue, Suite LL100, Saint Paul, MN 55104
p 651-645-6887 | f 651-917-9991 | e info@unionparkdc.org | w www.unionparkdc.org

May 30, 2012

City of Saint Paul
Department of Planning and Economic Development
1300 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102

Re: Industrial Zoning Study

To the members of the Saint Paul Planning Commission,

At a meeting of the Union Park District Council Land Use Committee on May 8, 2012, the Committee supported the following position regarding the Industrial Zoning Study:

> The Union Park District Council Land Use Committee encourages pedestrian-friendly amenities (sidewalks, streetscaping and pedestrian access) throughout the industrial zone, especially in IT (transitional) districts to allow greater transportation options for users of the zone.

Thank you for your consideration during this process.

Sincerely,

Sarah Kidwell

Sarah Kidwell
Executive Director

District 6 Planning Council

171 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6ed@dist6pc.org

May 29, 2012

Planning Commission Members:

The District 6 Planning Council supports the reasoning behind the creation of the Industrial Zoning Study and supports the majority of the proposed zoning text amendments and is greatly concerned with other amendments:

District 6 Planning Council supports some type of design standards for industrial districts that promote aesthetic qualities, as long as the standards are not cost prohibitive to draw new business to Saint Paul. District 6 Planning Council agrees that buildings should anchor the corner and that there is a need for building façade articulation and that the buildings should be constructed with higher quality materials, however as stated before we would hope that any zoning amendments would not ensure that business would not locate to Saint Paul. District 6 Planning Council also supports the Saint Paul Port Authority in having a voice and agreement regarding any design standards.

District 6 Planning Council supports 2.21 under the heading Regulation. District 6 Planning Council is home to industrial sites and we feel that the industrial sites should not be utilized for any residential uses, but stay industrial thereby raising the diminishing tax base. There is a need for revising the conditional review and the industrial sites and character need to be protected, residential uses should not be allowed in industrial sites simply because certain uses may be unwelcome in other parts of the City. Above all industrial zoned land needs to be used for economic bases.

District 6 Planning Council supports the revision of permitted uses in industrial areas to ensure compatibility and to protect the employment base. Uses need to strengthen the industrial sites, not undermine the sites by allowing uses that do not strengthen the economy.

District 6 Planning Council supports eliminating churches and schools being permitted in industrial areas. While it may limit locations for proposed new churches and/or schools it would safeguard the limited industrial sites found throughout the City.

District 6 Planning Council does not support the elimination of I3 Industrial Districts. District 6 is home to industrial sites throughout the planning district. There is a need to monitor and discuss with neighborhoods before the heaviest uses are allowed in an industrial site.

Thank-you for your consideration of District 6 Planning Council's comments, we hope the zoning code will be beneficial to our neighborhood and the City of Saint Paul by recognizing that by safeguarding the industrial sites, the economic/employment base may benefit.

Regards,

Ray Andresen

Ray Andresen
Board of Director's Chairman

Jeff Martens

Jeff Martens
Land Use Chairman

Cc: Ward 5
Ward 1
North End Business Association

St. Anthony Park Community Council/District 12
890 Cromwell Avenue, Saint Paul, MN 55114
651/649-5992 TEL 651/649-5993 FAX www.sapcc.org

ST. ANTHONY PARK COMMUNITY COUNCIL 12 DISTRICT

May 14, 2012

Dear Saint Paul Planning Commission Members:

The Saint Anthony Park Community Council (SAPCC) submits this letter describing its comments and concerns regarding the proposed zoning code amendments for industrial districts in the City of Saint Paul. The SAPCC has four primary comments regarding the amendments:

1. The SAPCC strongly supports the creation of Design Standards for industrial districts that encourage walkable, livable communities through requirements that industrial buildings 'hold the corner,' permit parking only to the side or rear of newly constructed buildings, and prohibit the use of certain low quality building materials. Additionally, the SAPCC opposes proposed language granting the zoning administrator discretion to permit up to two rows of parking spaces between the building.
2. The SAPCC opposes the removal of schools and churches as principal uses within industrial zones.
3. The SAPCC opposes the reduction of permitted residential uses within industrial zones.
4. The SAPCC opposes the elimination of the I3 zoning classification.

1. Design Standards

With the arrival of light rail in the SAPCC neighborhood only two years away, it is critical that the inevitable increase in new construction in the vicinity of University Avenue reflect the goals of the community. These goals are not strengthened by industrial buildings that are set far back from the street, lack public sidewalks, and are separated from the street by rows of parking. Further, the design standards should be mandatory and not permit the zoning administrator to exercise discretion in permitting exceptions; instead, the building owner may pursue the traditional variance procedures if an exception to zoning regulations is proposed.

Buildings that 'hold the corner' define the space for the neighborhood in a meaningful way and aesthetically pleasing way. Rather than simply permitting a new building to place some object or art piece on a corner, SAPCC encourages the implementation of design standards that require construction of industrial buildings closer to the sidewalk.

Siting of parking within an industrial property also strongly impacts the neighborhood. Parking that separates a building from the street decreases a sense of walkability by creating a large space between the street and separating the building. By contrast, a building that is constructed closer to the sidewalk and street creates a defined space that promotes the use of the area by pedestrians.

SAPCC supports the amendment to Section 66.542(a)(3) that prohibits use of certain building materials, such as synthetic stucco products and plain concrete blocks. SAPCC also encourages the Planning Commission to include on this list pre-cast concrete panels for building walls, which in the experience of SAPCC are unappealing and an eyesore. Further, SAPCC encourages the Planning Commission to require that building siding not be constructed of only a single material, but instead use a variety of materials to articulate the building and help incorporate it into the surrounding neighborhood.

Proposed language that grants the zoning administrator the discretion to permit up to two rows of parking between the building and the street is not supported by SAPCC because the intent of the design standards is to create mandatory, non-discretionary requirements for a minimum acceptable building in industrial districts. If the zoning administrator is permitted the discretion to override this critical aspect of the design standards, then this exception threatens to swallow the rule.

2. Churches and Schools

The primary challenge facing new churches and schools is obtaining an affordable, existing building for their organization. In a great many cases, industrial areas are the only locations where such buildings are available. Eliminating areas zoned industrial from the locations that churches and schools may exist would severely constrain the already limited options available to these organizations. In Saint Anthony Park, the proposal to eliminate schools as a permitted use in industrial areas would mean that the High School for Recording Arts would not have located here. In addition, we have one particular church which would be more ideally located in an industrial area given the disruption it causes to the neighborhood. Finally, further constraining the permitted uses in industrial areas is also bad economic policy – by preventing the market from dictating whether churches and schools or more traditional industrial activity to take place, the proposed policy could create higher vacancy rates in Saint Anthony Park and diminish the quality of residents' lives.

The SAPCC strongly opposes eliminating churches and schools as permitted uses in industrial areas.

3. Residential Uses within Industrial Districts

In recent years Saint Anthony Park has benefited greatly from the construction of residential buildings around areas zoned for industrial use. Such residential buildings are constructed with an understanding of the pre-existing industrial uses in the area. We are aware of two potential residential mixed-use projects in the planning stages in and around Saint Anthony Park, including, for example, a large mixed-use facility by the PLACE organization. This facility and others fall within the Creative Enterprise Zone ("CEZ") of Saint Anthony Park, which encourages such mixed-use facilities that allow artists and others to live and work in the same building. Further information regarding the CEZ can be found at www.sapcc.org/cezplan or http://www.facebook.com/CreativeEnterpriseZone.

Finally, prohibiting residential uses in industrial districts unreasonably limits the ability of individuals to choose where they want to live. The individuals who choose to live in areas zoned industrial are rational human beings making a choice based on the existing industrial uses around their new home. We believe that mixed uses in a neighborhood add vibrancy and interest in a way that serves both the residential and industrial users.

4. Elimination of I3 Zoning Category

Saint Anthony Park contains a substantial amount of I2 zoned land in our substantial industrial area. Eliminating the I3 zoning category would allow the heaviest industrial uses to occur in the heart of our neighborhood, in locations that are mere blocks from large residential developments, schools, and parks. While we recognize that there are only a few allowable uses currently in I3 zoning that would move to I2, we are chiefly concerned with the prospect of rock crushing and the impact it would have on surrounding businesses that require a clean environment, such as the production of medical technologies.

Thank you for your consideration of our comments. We look forward to a zoning code and industrial area that is a continuing benefit to Saint Anthony Park and the City of Saint Paul.

Sincerely,

JoAnne Makela

JoAnne Makela, Co-chair of the Board of Directors

CC: Councilmember Stark

JANICE RETTMAN
Serving District 3
Ramsey County Board of Commissioners

June 4, 2012

MEMORANDUM

TO: Ms. Barbara Wencl, Chair and members of the Planning Commission

FROM: Janice Rettman

RE: Zoning Text Amendments

Ms. Barbara Wencl, Chair and members of the Planning Commission:

I have reviewed the proposed changes to the zoning code regarding industrial uses and have heard from some of the planning districts that I represent. Based on my own review, my past service on the City council and their comments, I concur with Districts 7, 12 and 6 that the proposed industrial zone changes will not protect residential uses from encroachment by business activities that can and will impact the quality of life for residents.

By the same token, I know the boon that retaining and creating new manufacturing and industrial jobs is critical to the neighborhoods vitality and well being. Just one of the many "Cases in Point" is the new Maxson Steel/Dale street shops revitalization done in concert with District 6 and 7, the City, County, and Port Authority. With the new hire outreach, those businesses have added to the tapestry of both the Frogtown and NorthEnd/South Como communities.

First, the 300' distance requirement is about one-half block and would require heavy traffic on streets that have residential structures on them. These are not structures but are homes to families, many with children, who will have made purchase decisions based on what is present, not what could be approved by a future planning commission or city council. Any heavy industrial uses that were restricted to I-3 zones can now be located in I-2 or "IG" zones - near residential homes. And 300' is very near.

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These are also the homes of people who have health issues, especially respiratory issues, as identified by the recent study by the American Lung Association. According to the report, Ramsey County *earned an "F" and its score for particulate pollution has dropped each year since 2010, when it earned a "C" grade.* The St. Paul/Ramsey County Department of Public Health has further noted that the I-35E and I-94 corridors, which include Districts 6, 7 and 12, have a much higher number of respiratory illnesses than anywhere in the city. Any business with heavy truck traffic or that generates dust will have a significant impact on the health of these communities as well as impact property values. And while conditions may be established to control dust and volume, governmental agencies will not be able to enforce the requirements to the highest extent.

Secondly, in the District 7 community, we are very concerned about heavy industrial uses along Pierce Butler and in a couple other I-zones that would impact neighboring residential uses. There are a number of homes on the north side of Pierce Butler in front of existing businesses as well as just across the street. There is also at least one "spot-zoned" industrial district surrounded by commercial and residential zones. It was not very long ago that the neighborhood had to deal with the mountain of used asphalt – and the dust it created – at Total asphalt on Minnehaha. Life is now more tolerable without the noise, truck traffic and wind-blown filth that infiltrated homes for several blocks. It is inconceivable that the city would be making plans to re-institute facilities that it spent so much time and energy moving a short time ago.

Third, the proposed changes still permit residential uses in industrial zones but they generally would be required to have office or other uses on the first floor. This is inconsistent with the city's efforts to use such zones for jobs and higher tax capacity.

Fourth, the proposed ordinance does not set an upper limit for the height of an obscuring wall, landscape buffer, etc. It is conceivable that a business next to a long-standing residential use could have a pile of sand, dirt, concrete or other material as high as 25 or 30 feet if trees are used as part of the buffer.

As a result, I believe the proposed zoning changes should

1) Require at least a 1 block buffer (660 feet) or more from residential uses for new I-2 and I-3 businesses;

2) Prohibit I-3 type businesses such as asphalt plants, rock crushing operations, vehicle storage yards, salvage yards, hazardous waste transfer stations, etc. within at least 1 block from residential uses, not zones;

3) Prohibit future residential uses from industrial zones;

4) Set a maximum height for walls, fences or other barriers.

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May 31, 2012

Saint Paul Planning Commission
25 West Fourth Street
Saint Paul, MN 55102

Re: Industrial Zoning Study; Protected Rights of Piercing Faith Church Under RLUIPA

Dear Members of the Saint Paul Planning Commission:

Our client, Piercing Faith Church (the "Church"), is a growing congregation that has invested considerable time, money, effort and faith over the past twelve years to raise funds to construct a new worship facility in Saint Paul to replace its current outdated and undersized facility at 325 Goodrich. In 2004, the Church was able to purchase land at 733 Pierce Butler. Since then, the Church has continuously raised funds in pursuit of building its new place of worship, which is on track to begin construction of the first building phase this year.

The Church's land is currently zoned I1, Light Industrial. The City of Saint Paul (the "City") has proposed amendments to the Industrial Districts Use Table of the Zoning Code which, if implemented, would prohibit the construction of the new worship facility. Such a result would be devastating to the Church, which has already invested more than a million dollars in the acquisition of this property and in professional development planning. Apart from the personal and practical impact on the Church, the City's proposed amendments would be a violation of the Federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA").

RLUIPA is a Federal law which provides that "[n]o government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution." 42 U.S.C. §2000cc(b)(1). This is known as the "Equal Terms" provision. Because RLUIPA does not define "assembly" or "institution," the courts have construed these terms in accordance with their ordinary or natural meanings:

> An 'assembly' is 'a company of persons collected together in one place [usually] and usually for some common purpose (as deliberation and legislation, worship, or social entertainment),' or '[a] group of persons organized and united for some common purpose.'

> An institution is 'an established society or corporation: an establishment or foundation esp. of a public character,' or 'an established organization, esp. one of a pubic character . . . .'

Midrash Sephardi, Inc. v. Town of Surfside, 366 F.3d 1214, 1230-31 (11th Cir. 2004) (citations to dictionary references omitted).

Currently, both religious and several types of nonreligious assembly uses and institutions are permitted in the Light Industrial District. The proposed amendments would prohibit religious assemblies and institutions, but continue to allow the following nonreligious assemblies and institutions in the Light Industrial District: clubs, fraternal organizations, lodge halls, museums, funeral homes, and reception halls. The *Midrash Sephardi* case is directly on point in holding that a city zoning ordinance which permitted private clubs and other secular assemblies in its business district, but prohibited religious assemblies and churches in the same district, violated the Equal Terms provision of RLUIPA.

We understand that the intent of the amendment is to support the primary intent and purposes of industrial districts for employment and economic activities. It is clear, however, that allowing such nonreligious assembly and institutional uses, along with several residential uses, while prohibiting churches is unequal, discriminatory treatment of religious uses. Further, regardless of the intent or rationale of the proposed amendments, exclusion of only religious assemblies and institutions is a violation of RLUIPA.

For Piercing Faith Church, this matter is not an abstract or interesting question of planning policy or Federal law; the City's proposed amendments would result in a great loss, both financially and spiritually. In this case, the proposed amendments are both bad policy, discriminatory and illegal. We urge the Commission follow the right course, both legally and in understanding of our client's particular situation, and recommend that religious institutions remain permitted uses in the Light Industrial District. We appreciate your careful consideration of this matter.

Respectfully,

FAEGRE BAKER DANIELS LLP

Carol Lansing
Special Counsel

Mark Savin
Partner

cc: Allan Torstenson
Pastor AZ Jones

fb.us.8659297.01

Allan Torstenson - Industrial Zoning Study - Public Comments

From: "Robert O. Straughn" <ROS@mcgrannshea.com>
To: "'allan.torstenson@ci.stpaul.mn.us'" <allan.torstenson@ci.stpaul.mn.us>
Date: 6/2/2012 11:45 AM
Subject: Industrial Zoning Study - Public Comments
CC: "'donna.drummond@ci.stpaul.mn.us'" <donna.drummond@ci.stpaul.mn.us>, "'A...

Dear Saint Paul Planning Commission Members:

I hereby submit this additional information to address questions or comments that were raised by members of the Planning Commission after I gave my testimony at yesterday's public hearing. Please include this additional information in the public record.

Several questions related to whether a church would want to locate in an industrial district where it might be near a "smelly" or otherwise undesirable neighbor. I would direct your attention to Calvary Chapel in Santa Barbara, California. For at least 20 years, Calvary Chapel has been located at the end of in one wing in a large warehouse facility. Just over a wall about 60 feet to the west is the El Estero Wastewater (Sewage) Treatment Plant. The entrance to the warehouse complex is immediately across the street from the Santa Barbara Rescue Mission.

This industrial site works well for Calvary Chapel. Calvary Chapel has a seating capacity of 800, and offers several worship services in English and Spanish. Adequate parking is available for worshipers on Sundays and warehouse activities during the week. It is a good example of the type of flexible, mixed use arrangement that should be encouraged in built-up cities like Saint Paul.

Robert O. Straughn
McGrann Shea Carnival
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St.Paul Planning Commission Zoning Comments

May 30, 2012

Dear Saint Paul Planning Commission Members
(Attention Allan Torstenson)

As a representative of the Creative Enterprise Zone located within Saint Anthony Park District 12, I write to express the concerns of our diverse group of community volunteer leaders about the proposed changes to the industrial zoning. Our group is working to promote the area as a place welcoming of mixed uses and urban design standards, diverse and thriving enterprises and productive and creative work. We share the four concerns expressed by the St. Anthony Park Community Council documented in their May 14 letter to the Commission and add our concerns to them.

We also share the goals of the Planning Commission to promote industrial work within the Zone that radiates out from the Raymond and University Ave area; many of our current buildings and available real estate are well suited to these uses. However, the zoning proposal, which will have the affect of narrowing the allowed uses within the area, may well have the opposite of the desired effect and may push out the very productivity we all seek.

Specifically, our concern is that the attempt to narrow and constrict the entities that can locate and work in the area will negatively affect the goals expressed by the community for our future and will not be inviting to the very developments and industry we know we need there. For example, the Creative Enterprise Zone Action Team have been talking with a company interested in locating within the Zone. Attracted to the prime central location, proximity of transit, the prospect of building housing attractive to their employees (who are bike and transit users), and the mix of activities that make the area a community, they want to bring a whole new industry to the area. They have expressly 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.

Removing activities that have found a home within the area such as theaters, schools and live/work housing, and trying to predict the kinds of industry that will flourish in the future might make it more difficult to navigate the dramatic shifts of economics, technology, consumer demands and innovation. We believe that supporting and nurturing the diversity of relationships and enterprises that promote innovation will foster industries of the future and bring tax revenues and work to St. Paul.

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 (transportation, available buildings, etc.). We urge the Planning Commission to reject the recommendations to narrow the uses in the industrial zone.

Respectfully,

Catherine Reid Day
Creative Enterprise Zone Action Team
catherine@storyslices.com
651-354-5901

May 31, 2012

Saint Paul Department of Planning and Economic Development
1300 City Hall Annex,
25 West 4th Street,
Saint Paul, MN 55102

My name is Craig Smith, I represent 528 Limited Partnership and Brown & Bigelow, Inc. We are the owners of the Brown & Bigelow facility located at 345 Plato Boulevard. Our facility is located at 345 Plato Boulevard East, just to the west of Holman Field

I am writing to you to express our concern over the City of St. Paul's proposal to collapse the I2 and I3 zoning districts into a single new classification.

We are currently zoned I2 and our 2 major concerns with regard to this proposal are the potential contaminants to our printing processes that I3-type firms (i.e. rock/concrete/asphalt crushing) create which hampers our ability to produce a quality product and secondly, the effect that an I3 operation can have on the industrial property values in the surrounding area. (For the record, we have been very involved at the planning commission and the city council meetings as an opponent to Semple Enterprises asphalt and concrete crushing operation's efforts to gain a permanent permit to operate a crushing entity adjacent to our facility).

Brown & Bigelow, Inc, also owned by my family, occupies approximately 50% of our facility and is a 100 year old printer of business to business calendars. The facility was built in 1980 by the St. Paul Port Authority specifically to Brown & Bigelow's requirements and B&B has occupied the facility since 1980. We operate a variety of traditional and digital presses, all of which are susceptible to dust which contaminates the printing process and hampers our ability to produce a quality product.

528 Limited Partnership's other major tenant is Vomela, also a printing firm which occupies approximately 40% of our facility and utilizes similar printing technology to our own, but for a different market. Their equipment is every bit as susceptible to contaminants like dust as own our own equipment is.

We cannot financially operate our facility without tenants like Vomela and even the perception that contaminants may be a problem would be enough for a tenant like Vomela to choose not to renew their lease or for another potential tenant to choose to operate their business elsewhere. No tenant or potential tenant wants to run the risk of contaminants affecting their manufacturing process or listen to employee complaints about noise and dust on their cars. Our final 2 tenants area Grainger and the St Paul Public Schools Professional Development Center for ISD 625. I can't see how this rezoning would provide a benefit to either of these tenants either.

Additionally, dust creates problems for the HVAC system in our facility as the dust infiltrates our cooling tower located on our roof and settles as sludge in the pans, potentially plugging our equipment. We also have issues with the dust that would also require additional filtration costs for our air handlers.

I would also ask you to consider the original intent of the existing zoning.

1) I-3 type operations are not consistent with the character of the other development in the immediate area which is predominantly light industrial and office/warehouse buildings.

2) I also don't believe that the comprehensive plan for this area envisioned a heavy industrial operations for this area otherwise it the original zoning would have been I3 rather than the current I2.

As to the property value issue, I think it can be said without too much difficulty that not every I2 business wants to be located next to the eyesore that is typical of an I3 operation and it is our belief that that such zoning would make it potentially difficult to attract and keep potential new tenants at competitive rates, thus having a negative impact on our property value.

Lastly, I would like to say that we have operated very nicely in this park since 1980 without too many issues. It would create a significant problem for us if this area were to be rezoned and suddenly find ourselves with an I3 business operating at full capacity in our backyard. We cannot move our operation without an extensive investment and neither can we risk having potential contaminants complicate our printing process or stand to lose tenants who perceive the same risks.

We have worked hard to build this business and we stand to potentially lose a great deal if these proposed changes are implemented. I urge you to please give our concerns your consideration.

Sincerely,

Craig Smith
Vice President
CMS/lom

Allan Torstenson - Proposed Zoning Industrial Zoning Changes

From: Kurt Schreck <JKSchreck@atlastgourmetfoods.com>
To: <allan.torstenson@ci.stpaul.mn.us>
Date: 5/31/2012 4:26 PM
Subject: Proposed Zoning Industrial Zoning Changes

Dear Mr. Torstenson,

I attended the earlier St. Paul industrial zoning community meeting, which detailed the proposed new amendments to the public. Although At Last! Gourmet Foods currently operates in Minneapolis, I was in attendance because we are exploring new plant locations, which include the Midway district. In early discussions with the St. Anthony Park organizers, we stressed the eclectic nature of the current district as an important part of the attraction for ALGF.

We currently operate At Last! Gourmet Foods on the northern fringe of a semi-industrial area at 24th and Minnehaha Avenue in the Seward neighborhood of south Minneapolis. We find the diversity of light-industrial, residential, institutional, commercial retail, and business office users a pleasant and productive location. It provides valuable services and diverse, friendly neighbors. Our property is bordered by the following users.

East- Jehovah Witness Fellowship Hall
North- residential single family homes
West- construction equipment rental
South- Minneapolis Transit Police

The mixed use, semi-industrial area of Minneapolis' Seward Neighborhood has strong neighborhood groups, and a very active and inclusive Seward Civic and Chamber Association. The monthly meetings are well attended, where all parties of every use, mix freely together to negotiate the opportunities and challenges of the thriving and use-diverse neighborhood. This user diversity creates a palpable vibrancy, making it very desirable for residents and commercial users alike. This appeal can be measured by a check of property values in the area (all users).

More importantly, I suspect that you will find that younger home-dwellers and employees are attracted to more eclectic districts because it creates its own neighborhood energy. This should be a major consideration for the light-rail corridor, as ridership for the new light-rail system will be skewing to a younger metro resident.

There is an abundance of "homogenized" industrial zones in the metro. (Let them beat each other's brains out). Saint Paul Districts should be able to offer diversity and flexibility as a marketable difference. I am aware of the Saint Anthony Park Council's position on the proposed amendments. In reviewing them, I find it a thoughtful, effective argument to support a lively, thriving, desirable, mixed-use industrial district, one which At Last! Gourmet Foods would find most desirable as a future development site.

J. Kurt Schreck
Chief Operating Officer

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Check us out on the web:
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Allan Torstenson - Concerns about Zoning for Schools

From: Kevin Ward <kevin@avalonschool.org>
To: <allan.torstenson@ci.stpaul.mn.us>
Date: 5/4/2012 1:31 PM
Subject: Concerns about Zoning for Schools
CC: Amy Sparks <amy@sapcc.org>

May 4, 2012

Mr. Torstenson:

My name is Kevin Ward, and I work at Avalon School, a charter school in the Saint Anthony Park neighborhood of St. Paul. I was given your name by Amy Sparks of the Saint Anthony Park Community Council as someone with whom I could share my thoughts about prohibiting schools from opening in industrial zones.

Such an action would affect schools like High School for the Recording Arts that might choose to expand in the future, and yet such an action further impedes the efforts of people looking to start schools in an urban setting.

It is difficult enough these days to start a school -- what with bureaucratic red tape from the state and added expectations from a school's authorizer. To top it off, this is the mother of all obstacles: making it more difficult for a school to find an appropriate building that meets financial, pedagogical, and building safety needs of a new school. Why make it harder?

No building. No school. It is not as if people starting schools have numerous options. It is not as if affordable choices along transportation lines are plentiful.

In order to support real school choice for families, the city needs to offer school choice for groups of people trying to start those schools.

I appreciate your willingness to listen to my concerns on this matter.

Sincerely, Kevin Ward
Hamline-Midway resident