



Saint Paul Planning Commission
City Hall Conference Center Room 40
15 Kellogg Boulevard West

Steering Committee Meeting – 8:00 a.m., Room 41

Christopher B. Coleman,
Mayor

Agenda

May 16, 2014
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair
Barbara A. Wenzel
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

Pat Connolly
Daniel Edgerton
Gene Gelgelu
Anne DeJoy
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Padilla
Emily Shively
Terri Thao
Wendy Underwood
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

- I. Approval of minutes of April 4, 2014.**
- II. Chair's Announcements**
- III. Planning Director's Announcements**
- IV. PUBLIC HEARING: Vertical Subdivision by Registered Land Survey – Item from the Neighborhood Planning Committee. (*Allan Torstenson, 651/266-6579*)**
- V. Zoning Committee**

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

NEW BUSINESS

#14-196-994 Little Mekong Night Market – Conditional use permit for farmers market. 402-422 University Avenue West, 387 Aurora Avenue. (*Hilary Holmes, 651/266-6612*)
- VI. Comprehensive Planning Committee**

West Midway Industrial Area Plan – Approve resolution recommending adoption to the Mayor and City Council. (*Hilary Holmes, 651/266-6612*)

Neighborhood STAR Applications: Comments regarding Comprehensive Plan Conformance. (*Michelle Beaulieu, 651/266-6620*)
- VII. Neighborhood Planning Committee**
- VIII. Transportation Committee**
- IX. Communications Committee**
- X. Task Force/Liaison Reports**
- XI. Old Business**
- XII. New Business**
- XIII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF MAY 12-16, 2014

Mon (12)

Tues (13)

3:30- Comprehensive Planning Committee
5:00 p.m. (Merritt Clapp-Smith, 651/266-6547)

HAS BEEN CANCELLED

Weds (14)

Thurs (15)

Fri (16)

8:00 a.m. Planning Commission Steering Committee
(Donna Drummond, 651/266-6556)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

PUBLIC HEARING: Vertical Subdivision by Registered Land Survey – Item from the Neighborhood Planning Committee. (Allan Torstenson, 651/266-6579)

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

NEW BUSINESS

#14-196-994 Little Mekong Night Market – Conditional use permit for farmers market.
402-422 University Avenue West, 387 Aurora Avenue. (Hilary Holmes, 651/266-6612)

Comprehensive Planning

Committee..... West Midway Industrial Area Plan – Approve resolution recommending adoption to the Mayor and City Council. (Hilary Holmes, 651/266-6612)

Neighborhood STAR Applications: Comments regarding Comprehensive Plan
Conformance. (*Michelle Beaulieu, 651/266-6620*)

Planning Team Files\planning commission\Calendars\May 12-16, 2014

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

Minutes April 4, 2014

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 4, 2014, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Padilla, Shively, Thao, Underwood, Wenc; and Messrs. Edgerton, Gelgelu, Lindeke, Nelson, Oliver, and Ward.

Commissioners Absent: Mmes. *DeJoy, *Reveal, *Wang, and Messrs. *Connolly, *Makarios, *Ochs, *Wickiser.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Peter Warner, Peter McCall, City Attorney's Office, Allen Torstenson, Jake Reilly, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes March 21, 2014.

Chair Wenc announced that the minutes are not available at this time. However they will be ready for approval at the next Planning Commission meeting.

II. Chair's Announcements

Chair Wenc reminded the Commissioners about the Great River Gathering Dinner held this year at the Union Depot.

Chair Wenc also announced that she has appointed Wendy Underwood to the Transportation Committee, which Wendy will start next week.

III. Planning Director's Announcements

Donna Drummond announced that on Wednesday at City Council there was a public hearing about the T2 Transit Amendment and there was no testimony so it is anticipated that it will be adopted at next week's Council meeting. Distributed at this morning's meeting is a memo and spreadsheet with the applications for this year's Neighborhood STAR Program. There are 42 proposals requesting \$5.2 million in funding. The Comprehensive Planning Committee will be reviewing and commenting on the applications as to Comprehensive Plan conformance.

IV. Zoning Committee

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

Two items to come before the Site Plan Review Committee on Tuesday, April 8, 2014:

- Walgreens, renovate existing bank building for a Walgreens and relocate existing drive through window at 1578 University Avenue West.
- Metro Transit Downtown Hubs, improve two existing transit hubs/stops and relocate another; Cedar at 5th Street, 5th Street at Minnesota, 6th Street at Cedar.

Three items to come before the Site Plan Review Committee on Tuesday, April 15, 2014:

- Goodwill, new retail store with donation drop-off at 1245 University Avenue West.
- Village on Rivoli Housing, 12 new single-family houses at 700 Rivoli Street.
- CP Rail, expand existing rail yard at 1010 Shop Road.

OLD BUSINESS

#13-247-474 BLD Property Management – Establishment of legal nonconforming use status as an administrative office. 260 Aurora Avenue, SE corner at Galtier. (Hilary Holmes, 651/266-6612)

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

NEW BUSINESS

#14-186-369 Port Authority of Saint Paul – Rezone from T2 Traditional Neighborhood to I2 General Industrial. 943–959 7th Street East, NE corner at Forest. (Jake Reilly, 651/266-6618)

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

#14-186-591 New Plan Learning Inc. – Conditional use permit for education facility. 169-176 Jenks Avenue between Lawson and Case. (Jamie Radel, 651/266-6614)

Commissioner Merrigan said that she had voted against this at the Zoning Committee meeting because she thinks rezoning from the current mix of zoning would be better for orderly development. She noted that a conditional use permit accommodates the tight schedule for opening the school, the neighborhood supports it, and the school and the school may look at rezoning the site in the future.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to an additional condition. The motion carried 12-1 (Merrigan) on a voice vote.*

#14-095-630 West Grand Avenue Apartments – Lot coverage variance for a proposed apartment building: 35% maximum coverage permitted; 53% proposed. 2138 Grand Avenue. (Tom Beach, 651/266-9086)

Commissioner Nelson announced that the applicant has requested a continuance.

#13-243-494 Grand West Apartments – Site plan review for a new 14 unit apartment building. 2138 Grand Avenue. (Tom Beach, 651/266-9086)

Commissioner Nelson announced that the applicant has requested a continuance.

Commissioner Nelson also announced that the next Zoning Committee meeting on April 10, 2014 has been cancelled.

V. Comprehensive Planning Committee

Commissioner Merrigan reported that at the committee's April 1st they continued discussion of the West Midway Industrial Area Plan and industrial policy white paper. They also looked at the City's draft comments on the Metropolitan Council's Thrive MSP 2040 vision document. The next meeting is on April 15th.

VI. Neighborhood Planning Committee

Vertical Subdivision by Registered Land Survey – Informational Presentation by the City Attorney's Office.

Peter Warner, City Attorney, noted the committee report and recommendation for a study to consider adding provisions for vertical subdivision by RLS Registered Land Survey to the City's subdivision regulations. This is desired by the development community, particularly for mixed-use buildings. Vertical subdivision by CIC Common Interest Community plat is commonly done for residential condominiums, and works well for that. However, some of the requirements in the CIC statute create challenges for the kind of mixed-use buildings the city wants along transit corridors. We had hoped to have Angela Christy from Faegre-Baker-Daniels and Joanne Matzen from Winthrop & Weinstine at the meeting to talk about why vertical subdivision by RLS is needed and how it works. The weather kept them away, so Mr. Warner stood in for them.

Mr. Warner said that state statutes allow vertical subdivision by RLS, but it has rarely been done in St. Paul. We don't have a clear process or standards for local review and approval, and vertical subdivision for Town Square Park and the Commerce Building proved to be problematic. Attorneys working on projects to develop mixed use buildings, recently including a couple of projects along University Avenue, say they would be facilitated by being able to use a registered land survey rather than a CIC to vertically subdivide space into separate ownership parcels. If the City is going to consider approving vertical subdivision by RLS we need to ensure it meets reasonable standards to protect the public health, safety, and welfare. The draft language in the committee report to provide a process and standards for city review of vertical subdivision by RLS is a work in progress. City fire and building code officials, who have strong concerns about how this would be done, have been involved in drafting the language. It has also been reviewed by lawyers who do this type of development work, and reflects some of their suggestions.

Commissioner Padilla asked if language for this used by other municipalities had been looked at.

Mr. Warner said the draft language borrows heavily from a couple of municipalities in California where this seem to be more common, but it evolved in conversations with building and fire code officials in the Department of Safety and Inspections, and with outside legal consul.

Commissioner Ward noted the need to subdivide underground space, such as for underground parking that has different ownership than the buildings above, and Mr. Warner agreed that vertical subdivision by RLS can be used to vertically subdivide underground space.

Commissioner Nelson asked about surveying techniques to plat and mark parcel boundaries in the air, and what happens if something gets built that encroaches into a different vertical parcel.

Mr. Warner referred to provisions in Minnesota Statutes, Chapter 508, regarding Registered Land Survey, for delineation of three-dimensional space.

Commissioner Edgerton asked about liability, and who would be responsible for something that damages a neighbor. Who owns the land and who owns the outside wall? Is the vertical subdivision predicated on the building actually being there? What happens to parcels in the air if the building comes down? Are there special issues if a building with multiple vertical owners becomes run down or condemned and is torn down?

Mr. Warner said those are all issues that would need to be addressed through easement and maintenance agreements. He spent many hours trying to figure out the easement and maintenance agreements for the vertical subdivision of the Commerce Building, and whether they were complete. If approval is recommended for adding provisions for vertical subdivision by RLS to the City's subdivision regulations, he would recommend a second ordinance for a higher fee to recover the cost of city review, which is going to be a more labor intensive and time consuming operation for the Department of Safety and Inspections (DSI) and the City Attorney's Office than what would be necessary for a normal plat review.

Commissioner Shively said she supports a higher fee to cover the cost of City review. She asked how this is different from DSI working with a CIC. She understands someone typically owns the land and shared spaces, and the owners of vertical space within a building pay them a negotiated amount for all the shared spaces and things. With a Common Interest Community (CIC) they've got common interest ownership in it all, and it's a different involvement and relationship.

Mr. Warner said that he can't speak for DSI, but he thinks they would prefer a CIC approach. Developers and people such as Angela Christy and Joanne Matzen who work on mixed-use projects would be better able to explain why they want to use an RLS for vertical subdivision.

Commissioner Merrigan, speaking from personal experience, said she is concerned that because of the things that we might do to facilitate development, and the City taking on responsibility for review and approval of easements and systems, when the developers and finance people are gone the people left to sue are the City and the architects.

Mr. Warner said that legally you can do this but it's a big policy issue for the city to consider. The study process will give the Planning Commission the opportunity to have people from DSI and Fire come in and talk about what's involved. From his past two experiences, it's very complicated and difficult.

Donna Drummond, Planning Director, clarified that the action before the commission is a recommendation from the Neighborhood Planning Committee to release this draft and set a public hearing date. There has been extensive discussion with DSI and other departments about how to provide for vertical subdivision, reflected in the draft ordinance language. Releasing it for public review provides a process to get additional comments and further information. Hopefully

the two attorneys who could not attend today can be at the public hearing and provide the kind of information that people are looking for.

Commissioner Noecker questioned the study process and the action requested today.

Ms. Drummond said initiating a zoning study, releasing draft language for public review, and setting a public hearing before the Planning Commission is the process that is often used to move an issue forward and begin to get public input and testimony. We have been hearing from the development community that this is a pressing issue for them. The study is the whole work of the commission on the issue, including holding a public hearing, committee discussion based on community input, and then a Planning Commission recommendation to the Mayor and City Council followed by another public hearing before the City Council.

Chair Wencl said there might need to be an extended period of time for more study after the public hearing.

Ms. Drummond said that that has happened in the past, where issues raised at a public hearing lead to taking time for additional study. There is no deadline for this, so the committee has time for more work on this if necessary.

Commissioner Nelson discussed the potential liability the City might be taking on, and the time impact on the City Attorney's Office and DSI to evaluate easement agreements for very complex building systems.

Mr. Warner said he would review case law related to the liability issue, and mentioned a principle in *Cray Craft vs City of St. Louis Park* that he thinks would apply.

Commissioner Edgerton said he is very interested to hear from DSI and fire code officials about their concerns, and from the two attorneys for developers of mixed use projects about how this would work.

Commissioner Shively said that the draft ordinance language does not authorize something that currently cannot happen in the city, but rather clarifies the process and standards for city review and approval of vertical subdivision by RLS to protect the public health, safety and welfare. The draft ordinance amendment is a good basis for public review and comment, so on behalf of the Neighborhood Committee she moved the committee's recommendation.

Ms. Drummond said the purpose of zoning study initiation by the Planning Commission is to let the community know that something is being looked and there is going to be a public hearing.

Vertical Subdivision by Registered Land Survey – Initiate study, release draft for public review and schedule a public hearing for May 16, 2014. (*Allan Torstenson, 651/266-6579*)

MOTION: Commissioner Shively moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on May 16, 2014. The motion carried unanimously on a voice vote.

Commissioner Oliver announced the items on the agenda for the next Neighborhood Planning Committee meeting on April 9, 2014.

VII. Transportation Committee

Commissioner Lindeke announced that the committee met last week and discussed the Gateway Corridor scoping process and repaving projects for Ramsey. John Tompkins from MnDOT gave an informational presentation about Urban Freight Trucking in Saint Paul. Commissioner Lindeke then announced the items on the agenda for the next Transportation Committee meeting on April 7, 2014.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

None.

X. Old Business

Commissioner Thao thanked Commissioner Noecker for sending out an email to announce the Commission's annual gathering on Monday, April 7, 2014.

Commissioner Noecker asked everyone to RSVP by the end of the day. .

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:50 a.m.

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

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

Date: March 26, 2014
To: Planning Commission
From: Neighborhood Planning Committee
Subject: Vertical Subdivision by Registered Land Survey - Study Initiation

Background:

Minnesota Statutes § 508.47, Subd. 4 and § 508A.47, Subd. 4 provide for the delineation of multilevel three-dimensional subdivision of space into separate ownership parcels using a registered land survey. However, the city legislative code does not provide a process or standards for city review and approval of such a subdivision.

City Legislative Code Chapter 69, Subdivision Regulations, is currently limited to review of subdivisions of land, not vertical airspace. The only reference to registered land surveys in Chapter 69 is in § 69.705, which states that "registered land surveys shall not be used to avoid the requirements of these subdivision regulations. All registered land surveys which constitute a subdivision as defined in this chapter shall be subject to the provisions herein contained."

Vertical subdivisions are commonly done for residential condominiums under the provisions of MN Stat. 515 for CIC Common Interest Community plats. However, developers have found requirements in MN Stat. 515B that are written for standard residential condominium apartment and townhouse projects make it difficult, time-consuming, expensive, and impractical to use for vertical subdivision of multi-story non-residential and mixed-use buildings, which are desired for transit-oriented development and supported by City-adopted plans and policies.

MN Stat. 515B for CIC Common Interest Community plats provides a framework for addressing the practical and technical complications arising from vertical subdivision of property, including issues regarding access, structural support, maintenance of life-safety systems and components and other shared mechanical and utility services within structures split into separate ownership, the rights and responsibilities of various owners, and a vehicle (the condo association) for maintaining systems and structural features as well as resolving issues that might arise from shared systems and structure. Because of this, building, fire and zoning codes are applied to property covered by a CIC plat as for property with a single owner and a number of rental units.

For the protection of the City, future owners, and those who will occupy buildings that are vertically subdivided using a registered land survey, all of these issues need to be covered by easement and maintenance agreements. While this may be more practical than a CIC plat for

non-residential and mixed-use buildings, it can also be more problematic from a building and fire code perspective, and requires a lot more time and attention from the City to ensure that the easement and maintenance agreements are complete and adequate.

To support and facilitate the kind of higher-density, multi-story non-residential and mixed-use development called for by City-adopted plans and policies, and also to protect the public health, safety and welfare, it would be useful to provide a clear process and standards for City review and approval of vertical subdivision by registered land survey.

Recommendation:

The Neighborhood Planning Committee recommends that the Planning Commission initiate a zoning study for development of amendments to Chapter 69, Subdivision Regulations, of the Legislative Code to provide a process and standards for City review and approval of vertical subdivision by registered land survey, release the following draft amendments for public review, and set a public hearing for May 16, 2014.

NOTE: Existing language to be deleted shown by ~~strikeout~~. New language to be added shown by underlining.

Chapter 69. Zoning Code – Subdivision Regulations

ARTICLE II. DEFINITIONS

Sec. 69.200. Definitions.

Subdivision. The separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots . . .

Vertical subdivision. For the purpose of these subdivision regulations, three-dimensional subdivision of space into separate ownership parcels within an existing building or a proposed building project by registered land survey.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Sec. 69.705. Registered land surveys.

- (a) *Generally.* Registered land surveys shall not be used to avoid the requirements of these subdivision regulations. All registered land surveys which ~~that~~ constitute a subdivision or vertical subdivision as defined in this chapter shall be subject to the provisions and requirements of this chapter herein contained. All registered land surveys shall be prepared in conformance with state law, including Minnesota Statutes, Sections 508.47, Subd. 4 and 508A.47, Subd. 4.

(b) Vertical subdivision by registered land survey.

- (1) Application submittals for vertical subdivision review shall follow the process provided under sections 69.400 - 69.405 of this chapter. The planning administrator shall cause the proposed vertical subdivision to be reviewed by the city building and fire code officials, the zoning administrator, the public works department and any other affected departments, and shall notify the applicant of any required modifications.
- (2) The proposed vertical subdivision shall be reviewed for compliance with building, fire and zoning codes, the comprehensive plan, and this chapter; for that purpose, building, fire and zoning codes shall be applied to buildings subdivided by a vertical subdivision the same as for a building under single ownership.
- (3) A vertical subdivision application shall include a registered land survey with a cross-sectional drawing showing how the building will be divided into separate three-dimensional ownership tracts. The application shall include legal documents which, when recorded, shall define how the property will function once the individual ownership components are sold. Such documents may include, but are not limited to, encroachment and reciprocal access easements, easements for utilities and structural support, repair and maintenance agreements (covering life-safety systems and components including fire alarms and suppression systems, and other shared equipment and systems such as electrical, plumbing, heating, air conditioning and other mechanical systems not solely serving a single tract), covenants and conditions affecting any tracts, and any other documentation reasonably determined to be necessary or appropriate by the City to protect the public health, safety and welfare. All such documents shall be in a form and substance approved by the City prior to recording. No document previously approved by the city pursuant to this subdivision shall be amended, terminated, or deleted except upon the subsequent written approval of the City, which approval shall not be unreasonably withheld. A request to amend, terminate, or delete documents pursuant to this subdivision shall be made to the City in writing duly executed by all respective parties indicating the need and desire to modify the documents.
- (4) A vertical subdivision that includes a multiple-unit residential ownership component, whether as a condominium, cooperative, or planned community, as these terms are defined under Minn. Stat. § 515B.1-103, will be approved only upon the condition that any residential ownership component in the building or building project is organized as a common interest community under Minn. Stat. Chapter 515B.

city of saint paul
planning commission resolution
file number _____
date _____

Vertical Subdivision by Registered Land Survey – Study Initiation

WHEREAS, Minnesota Statutes § 508.47, Subd. 4 and § 508A.47, Subd. 4 provide for the delineation of multilevel three-dimensional subdivision of space into separate ownership parcels using a registered land survey; and

WHEREAS, the city legislative code does not provide a process or standards for city review and approval of a registered land survey for the subdivision of multilevel three-dimensional of space into separate ownership parcels; and

WHEREAS, for financing and development of the kind of higher-density mixed-use buildings that are desired for transit-oriented development and supported by City-adopted plans and policies, it is often useful to have separate ownership parcels within the building; and

WHEREAS, provision of a process and standards for City review and approval of vertical subdivision by registered land survey would support and facilitate such subdivisions as well as protect the public health, safety and welfare by helping to ensure that necessary easement and maintenance agreements to address the practical and technical complications arising from vertical subdivision of a building, including issues regarding access, utilities and structural support, and maintenance of life-safety systems and other shared systems, are complete and adequate; and

WHEREAS, Section 61.801(b) of the Zoning Code authorizes the Saint Paul Planning Commission to initiate amendments to the code;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission initiates a study for development of amendments to Chapter 69, Subdivision Regulations, of the Legislative Code to provide a process and standards for City review and approval of vertical subdivision by registered land survey.

moved by _____
seconded by _____
in favor _____
against _____



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
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SITE PLAN REVIEW COMMITTEE

Tuesday, May 13, 2014
2nd Floor Conference Room
375 Jackson Street, Suite 218

| <u>Time</u> | <u>Project Name and Location</u> |
|-------------|---|
| 9:00 | New parking lot for existing apartment building 269 Dayton Avenue |
| 9:45 | Saint Paul Academy performing arts addition 1750 Randolph Avenue |
| 10:45 | MCES Meter Station bluff restoration/stabilization 1725 Shepard Road |

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: May 9, 2014
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of May 8, 2014 Zoning Committee Hearing

NEW BUSINESS

| | <u>Staff</u> | <u>Recommendation</u> <u>Committee</u> |
|--|--------------|---|
|--|--------------|---|

1. Little Mekong Night Market (14-196-994)

| | |
|-----------------------------|-----------|
| Approval With Conditions | (6 - 0) |
|-----------------------------|-----------|

Conditional use permit for farmers market

Address: 394 - 422 University Ave W
and 387 Aurora

District Comment: District 8 recommended approval

Support: 1 people spoke 2 letters

Opposition: 3 people spoke 1 letter

Hearing: Hearing is closed

Motion: Approval with conditions

city of saint paul
planning commission resolution
file number
date

WHEREAS, Asian Economic Development Association (AEDA), File # 14-196-994, has applied for a conditional use permit for a farmers market under the provisions of §65.515 and §61.501 of the Saint Paul Legislative Code, on property located at 394 - 422 University Ave. W and 387 Aurora Ave., Parcel Identification Numbers 36-29-23-31-0137, -0116 & -0105, legally described as Mackubin And Marshalls addition Subj To Univ Ave; Vac Alley Accruing And Fol Lot 6 Blk 1 And All Of Lots 1 Thru 5 Blk 1, and Ex E 3 Ft Lot 25 & All Of Lots 19 Thru 24 & Lots 7 Thru Lot 12 Blk 1; and Ex E 1.5 Ft; Lot 28 & The E 3 Ft Of Lot 25 & All Of Lot 26 & Lot 27 Blk 1; and WHEREAS, the Zoning Committee of the Planning Commission, on May 8, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The applicant, Asian Economic Development Association (AEDA), is seeking a conditional use permit to operate a farmers market, called a "night market," at 394-422 University Avenue W and 387 Aurora Avenue up to 21 days/year, up to three days/week, between June 1 and November 1, and between the hours of 4:00 p.m. to 11:00 p.m. Market set-up will occur between 4:00 - 5:00 p.m. and teardown will occur between 10:00 p.m. - 11:00 p.m. The applicant proposes to have no more than 50 vendors: 40% of vendors will sell products from the farm, 40% will sell prepared foods and 20% will sell arts and crafts. The applicant is also proposing to include live entertainment such as music, dance, and theatrical performances at the market.
2. §65.515 defines farmers market as an outdoor market with a fixed location consisting principally of farmers and gardeners for the purpose of selling the products of their farm, garden, greenhouse, apiary, or forest directly to the public and lists the following standards and conditions:
 - a) *In residential districts, a farmers market shall be located on a zoning lot at least one (1) acre in area. This property is in a T2 zone. This condition is met.*
 - b) *Approval of a site plan showing the number and location of vendors at the site, with contact information for a designated market director responsible for coordinating the market vendors and activities, and for providing the zoning administrator with updated*

moved by _____
seconded by _____
in favor _____
against _____

contact information if it changes. The applicant has submitted a site plan for review to DSI. AEDA will be the contact for the market. This finding is met.

Standards and conditions for farmers markets with more than five (5) vendors:

- c) A conditional use permit is required.*
 - d) The use shall be limited to no more than three (3) days per week.* The market will not operate more than three days/ week. This condition is met.
 - e) Foods, manufactured goods, wares and merchandise may be sold if approved by the Planning Commission.* The applicant is proposing that 40% of vendors would sell products from the farm, 40% would sell prepared foods and 20% would sell local arts and crafts.
3. §61.501 lists five standards that all conditional uses must satisfy:
- a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* The proposed market complies with applicable area plans. Farmers markets are consistent with Comprehensive Plan Land Use policies to support a mix of land uses (LU 1.24) and vibrant business districts. The Western Station Area Plan (2008) addresses activating street frontage along University Avenue as well as enhancing the pedestrian experience and public realm along the University and Western Avenues. The Station Area Plan addresses support of small businesses which this market use would also support. The Summit-University Plan (2009) includes strategy ED-22 to "foster minority business start-ups, retentions and expansions from within the community to ensure that small businesses are maintained in the neighborhood during and after construction of the Central Corridor light rail project". This condition is met.
 - b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* The applicant has provided a site plan to DSI staff. The market will be accessible by pedestrians via the sidewalk on University Avenue through two curb cuts that lead into the parking lot area. These curb cuts will be closed off to vehicles temporarily during market operation. The market crosses a public alley (running east-west through the block). This alley can be accessed by vehicles from Western Avenue or Arundel Street, maintaining vehicular access to surface parking adjacent to the market site for the other properties on the block. The market would temporarily block full alley access through the market, with turnaround space provided for vehicles in the remaining parking areas. Per the applicant, there will be a shared parking arrangement with a nearby property owner for off-site vendor parking. This condition is met.
 - c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* The market use would support the existing character of the neighborhood and would not endanger the public health, safety and general welfare. This condition is met.
 - d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* The market is seasonal and limited to three days per week; it is not a permanent development and will not impede the development and improvement of the surrounding property. The market tables, stands and associated equipment will be removed off site after hours of operation. Trash collection and sanitation will be observed on site. This condition is met.
 - e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* The farmers market is an allowed use in T2. This condition is met.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Asian Economic Development Association (AEDA) for a conditional use permit for a farmers market including sale of prepared foods and local arts and crafts along with farmers and gardeners selling the products of their farms and gardens, at 394-422 University Ave. W and 387 Aurora Ave., is hereby approved subject to the following additional conditions:

1. At least 40% of the vendors shall be farmers and gardeners selling the products of their farms and gardens, as identified on an applicant-provided list of operating vendors for each market date.
2. No more than 40% of the vendors shall be selling prepared foods and no more than 20% of the vendors shall be selling local arts and crafts, as identified on an applicant-provided list of operating vendors for each market date.
3. Vendors must follow all licensing and health codes enforced on behalf of the City.
4. Any live entertainment shall conform with the city noise ordinance and is subject to any other permits required on behalf of the City.
5. The applicant shall submit a trash management plan to ensure adequate trash collection and sanitation facilities are provided and no equipment or debris is left on site.
6. A final, approved site plan shall address safe and adequate circulation in the adjacent parking lots.
7. A final, approved site plan shall be for no more than 50 vendors.
8. The applicant, Asian Economic Development Association (AEDA) shall have an agreement for off-street parking for vendors with other property owners.
9. A final, approved site plan shall address safe and adequate lighting at the farmers market.
10. Musical performances shall be limited to the time between 6:00 p.m. to 9:00 p.m.
11. The hours of operation shall be permitted only during 3:00 p.m. to 10:00 p.m. with set-up occurring from 3:00 p.m. to 4:00 p.m. and teardown from 9:00 p.m. to 10:00 p.m.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

Date: May 7, 2014
To: Planning Commission
From: Comprehensive Planning Committee
Re: West Midway Industrial Area Plan

Introduction

The West Midway Industrial Area Plan is intended to foster reinvestment and redevelopment in the West Midway Industrial Area. There are a variety of plans that have been adopted that set the stage for land use policies in the Study Area. This Plan accepts all of the City-adopted plans, and uses them as groundwork for the recommendations. Specific portions of these plans have been brought into the Plan, as appropriate. The West Midway Industrial Area Plan has been reviewed by appropriate City staff for consistency with City policies and plans.

Background

The Saint Paul Planning Commission, on May 21, 2010, established the West Midway Industrial Study Task Force to make recommendations for land use in the West Midway Industrial Area for the Planning Commission's consideration as an addendum to the Saint Paul Comprehensive Plan. The geographic scope of the study strategically excluded the three Green Line LRT station areas and the South St. Anthony residential area. The work of the taskforce concluded at the end of August 2013 and resulted in the West Midway Industrial Strategy, which was forwarded to the Comprehensive Planning Committee for review.

The West Midway Industrial Area Plan

The Comprehensive Planning Committee began reviewing the Strategy in Fall 2013. The Committee worked with staff to reorganize the strategy into three pieces:

- The West Midway Industrial Area Plan (to be adopted as an addendum to the Comprehensive Plan);
- a draft Working Agreement among the Saint Paul Port Authority and City of Saint Paul Departments of Public Works, Planning & Economic Development, and Safety & Inspections toward implementation of the strategy (the working agreement is not intended to be adopted by the Planning Commission/City Council); and
- a White Paper, "The Community's Great Employment Challenge: Optimizing the Use of Industrial land for Job Growth." The white paper is a working draft that the committee will be discussing further and will bring to the Planning Commission for consideration sometime before the end of the year.

The Committee recommended which portions of the Strategy would be included in the West Midway Industrial Area Plan.

Planning Commission Public Hearing

Acting on recommendation from the Comprehensive Planning Committee, on February 5, 2014, the Planning Commission released the draft West Midway Industrial Area Plan for public review and set a public hearing date for March 21, 2014. Testimony from the Planning Commission public hearing included comments from the Saint Paul Port Authority in support of the coordination and cooperation in the Plan process. The Port Authority also emphasized the need to continue to bolster the local tax base with industrial development. Other public testimony included specific concerns of property owners in the West Midway Industrial Area regarding possible relocation assistance from the Port Authority, and concerns about uses on adjacent properties. The Heritage Preservation Commission (HPC) also submitted a resolution that recommended changes or additions to the Plan to acknowledge historic context studies that are applicable to the Plan area, strategies to support ongoing preservation and continued use of designated sites in and around the area.

The Comprehensive Planning Committee considered the public testimony and has recommended changes to the plan in response to the HPC's suggested additions. These have been incorporated into the plan draft that was included in the May 2nd Planning Commission meeting packet.

Committee Recommendation

The Comprehensive Planning Committee recommends that the Planning Commission recommend the plan as amended to the Mayor and City Council for final adoption as part of the City's Comprehensive Plan.

city of saint paul
planning commission resolution
file number _____
date _____

**Resolution to Recommend Adoption of the West Midway Industrial Area Plan as an
Addendum to the Saint Paul Comprehensive Plan**

WHEREAS, the Saint Paul Planning Commission, on May 21, 2010, established the West Midway Industrial Study Task Force to make recommendations for land use for the Planning Commission's consideration as an addendum to the Saint Paul Comprehensive Plan; and

WHEREAS, the *West Midway Industrial Area Plan* (the Plan) was developed by Planning and Economic Development staff (PED) with input from the West Midway Industrial Study Task Force; and

WHEREAS, the Plan is intended to foster reinvestment and redevelopment in the West Midway Industrial Area by focusing on industrial business retention and attraction, and land development strategies; and

WHEREAS, on March 13, 2014 the Saint Paul Heritage Preservation Commission recommended adoption of the Plan subject to certain modifications; and

WHEREAS, the Saint Paul Planning Commission held a public hearing on the Plan on March 21, 2014; and

WHEREAS, on April 1, 2014, the Comprehensive Planning Committee of the Saint Paul Planning Commission reviewed public testimony and the recommendation of the Saint Paul Heritage Preservation Commission and recommended adoption of the Plan as amended to reflect the testimony and recommendations; and

WHEREAS, the Saint Paul Planning Commission is authorized under Minnesota Statutes Section 462.355(2) and Chapter 107 of the Saint Paul Administrative Code to recommend to the Mayor and City Council amendments to the comprehensive plan; and

WHEREAS, the Saint Paul Planning Commission finds the Plan to be consistent with the Saint Paul Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Saint Paul Planning Commission recommends the adoption of the *West Midway Industrial Area Plan* as an addendum to the Saint Paul Comprehensive Plan subject to review and approval by the Metropolitan Council.

moved by _____
seconded by _____
in favor _____
against _____



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6655
Facsimile: 651-228-3314

Date: May 2, 2014
To: Planning Commission
From: Comprehensive Planning Committee
Subject: **Review of Neighborhood STAR Applications for Comprehensive Plan Conformance**

Background

On April 29th, the Comprehensive Planning Committee reviewed this year's 42 Neighborhood STAR applications for Comprehensive Plan compliance. Attached is a table showing its findings and a draft resolution for adoption.

The Neighborhood STAR program has approximately \$1.7 million to award this year to fund neighborhood capital improvements. PED staff received 42 Neighborhood STAR applications, requesting over \$5.2 million in assistance. The average dollar request was \$123,918.50. Over \$32 million in potential matching dollars have been identified. The type and range of applications are noted below:

- 25 of the applicants have requested grant-only funds
- 25 proposals provide opportunities for commercial renewal
- 4 requests are for public, parks; or playground enhancements
- 4 requests support improvements to housing or mixed-use development
- 9 proposals seek funds to operate a relending/granting program
- Geographic distribution: 7 in Ward One; 8 in Ward Two; 2 in Ward Three; 4 in Ward Four; 5 in Ward Five; 5 in Ward Six; 5 in Ward Seven; and 6 multi-ward or citywide.

The Planning Commission is responsible for reviewing these applications for conformance with the Comprehensive Plan, per Minnesota Statute 462.356, Subd. 2 (full text at <https://www.revisor.mn.gov/statutes/?id=462.356>, excerpted below):

After a comprehensive municipal plan has been recommended by the planning agency and a copy filed with the governing body, [no] capital improvement [shall] be authorized by the municipality until after the planning agency has reviewed the capital improvement and reported in writing to the governing body its findings as to compliance of the proposed improvement with the comprehensive municipal plan.

The Planning Commission's Comprehensive Plan conformance ratings are given to the Neighborhood STAR Board to inform their review of individual projects. The Neighborhood STAR Board's role is to make funding recommendations to the Mayor and City Council. The Planning Commission is not responsible for making judgments about the merits of individual projects or making recommendations about which projects should be funded.

Application Review and Findings

The attached spreadsheet outlines the 42 applications, including three last columns with PED staff review of Comprehensive Plan conformance. Staff reviewed the applications for compliance with:

- all chapters of the Saint Paul Comprehensive Plan
- Comprehensive Plan addenda including District Plans, Small Area Plans, and Station Area Plans
- Historic Preservation objectives

The "Comp Plan Rating" and "HP Rating" column notes compliance with the Comprehensive Plan and consistency with Historic Preservation objectives:

1. "Addresses Comp Plan Goals" (36 applications)
2. "Neutral—does not address or conflict" (4 applications)
3. "Specifically Conforms to HP Goals" (2 applications)
4. "Generally Conforms with HPC review" (1 application)
5. "Neutral [HP]" (25 applications)
6. Other (e.g. may conform with conditions) (7 applications)

The "Comp Plan Conformance" and "Historic Preservation Conformance" columns provide relevant citations from Comprehensive Plan and historic preservation documents.

The full applications will be available for review on the Comprehensive Planning Committee webpage [<http://www.stpaul.gov/index.aspx?nid=3429>] under the April 29, 2014 meeting date.

Committee Discussion

The Comprehensive Planning Committee discussed the role and use of these ratings by the Neighborhood STAR board with Michele Swanson, PED staff to the STAR board. The committee decided to simplify the Ratings from "Specifically" or "Generally" addressing Comprehensive Planning goals, to "Addresses" Comprehensive Planning goals. For future rounds, the Comprehensive Planning Committee is interested in identifying priorities from the Comprehensive Plan as a guide to the ranking process.

Recommendation

Adopt the attached resolution approving the findings of conformance with the Saint Paul Comprehensive Plan for the 2014 Neighborhood STAR applications, as identified in the table.

Please contact Michelle Beaulieu at 651.266.6620 or Michelle.Beaulieu@ci.stpaul.mn.us with questions prior to the Planning Commission meeting.

city of saint paul
planning commission resolution
file number _____
date _____

**RATING OF NEIGHBORHOOD STAR APPLICATIONS FOR
CONSISTENCY WITH THE COMPREHENSIVE PLAN**

WHEREAS, Minnesota State Statutes 462.356 states that the planning agency shall review any proposed capital improvement and report to the governing body its findings as to compliance of the proposed improvement with the comprehensive municipal plan; and

WHEREAS, the Neighborhood STAR program funds capital improvement projects within the City of Saint Paul, and the Neighborhood STAR Board is reviewing applications to the Neighborhood STAR Program and will make funding recommendations to the Mayor and City Council; and

WHEREAS, the planning staff has reviewed and evaluated the applications for conformance with the Saint Paul Comprehensive Plan, its addenda, and other appropriate City policies as determined by City Council; and

WHEREAS, the Comprehensive Planning Committee, on April 29, 2014, discussed and approved Comprehensive Plan ratings and comments on the Neighborhood STAR applications and forwarded these to the Planning Commission; and

WHEREAS, the Planning Commission has reviewed these recommendations;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission approves comments regarding Comprehensive Plan conformance of Neighborhood STAR applications as reflected in the memo from the Comprehensive Planning Committee dated May 2, 2014, for consideration by the Neighborhood STAR Board.

moved by _____
seconded by _____
in favor _____
against _____