



## Saint Paul Planning Commission

City Hall Conference Center Room 40

15 Kellogg Boulevard West

Christopher B. Coleman,  
Mayor

### Agenda

August 8, 2014

8:30 – 11:00 a.m.

Saint Paul  
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

**I. Approval of minutes of July 11<sup>th</sup> and July 25, 2014**

**II. Chair's Announcements**

**III. Planning Director's Announcements**

**IV. Zoning Committee**

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

**NEW BUSINESS**

#14-293-509 Walgreens – Nonconforming use permit for relocation of one drive-through lane. 1578 University Avenue West, SE corner at Snelling Avenue. (*Anton Jerve, 651/266-6567*)

#14-189-866 Walgreens (University and Snelling) – Site plan review for a building addition, relocation of a drive-through window and changes to a parking lot. 1578 University Avenue West. (*Tom Beach, 651/266-9086*)

#14-308-782 Mississippi Market Cooperative Inc. – Conditional use permit for retail use with more than 15,000 sq. ft. of floor area, and variance of parking lot interior landscaping requirement. 740 7<sup>th</sup> Street East, SW corner of East 7<sup>th</sup> Street and Maple Street. (*Jake Reilly, 651/266-6618*)

#14-308-882 More 4 A Buck – Change of nonconforming use permit for auto repair and outdoor auto sales. 1176 Dale Street North between Maryland and Geranium. (*Jake Reilly, 651/266-6618*)

**V. Comprehensive Planning Committee**

Department of Natural Resource's (DNR) Draft Rules for the Mississippi River Critical Area – Approve resolution and comments for submittal to the DNR.

**VI. Neighborhood Planning Committee**

**VII. Transportation Committee**

Planning Director  
Donna Drummond

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

**VIII. Communications Committee**

**IX. Task Force/Liaison Reports**

**X. Old Business**

**XI. New Business**

**XII. Adjournment**

Information on agenda items being considered by the Planning Commission and its committees can be found at [www.stpaul.gov/ped](http://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 AUGUST 4-8, 2014**

**Mon (4)**

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**Tues (5)**

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

**13<sup>th</sup> Floor – CHA**  
25 Fourth Street West

Comments on the Department of Natural Resource's Draft Rules for the Mississippi River Critical Area. (Allan Torstenson, 651/266-6579 and Josh Williams, 651/266-6659)

**Weds (6)**

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**Thurs (7)**

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**Fri (8)**

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

**Room 40 City Hall**  
Conference Center  
15 Kellogg Blvd.

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

**NEW BUSINESS**

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(Anton Jerve, 651/266-6567)

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(Jake Reilly, 651/266-6618)

#14-308-882 More 4 A Buck – Change of nonconforming use permit for auto repair and outdoor auto sales. 1176 Dale Street North between Maryland and Geranium.  
(Jake Reilly, 651/266-6618)

***Comprehensive Planning  
Committee.....***

Department of Natural Resource's (DNR) Draft Rules for the Mississippi River Critical  
Area – Approve resolution and comment for submittal to the DNR.

Planning Team Files\planning commission\Calendars\August 4-8, 2014

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

**Minutes July 11, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 11, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. McMahon, Noecker, Reveal, Shively, Thao, Underwood, Wang, Wencil, and Messrs. Gelgelu, Makarios, Ochs, Ward and Wickiser.

**Commissioners Absent:** Mmes. \*DeJoy, \*Merrigan, \*Padilla, and Messrs. Connolly, Edgerton, \*Lindeke, \*Nelson, and Oliver.

\*Excused

**Also Present:** Donna Drummond, Planning Director; Jake Reilly, Jamie Radel, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Swearing in of New Commissioner.**

New Planning Commission member Melanie McMahon was sworn in by Shari Moore, City Clerk.

**II. Approval of minutes May 16, 2014 and May 30, 2014.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of May 16, 2014. Commissioner Shively seconded the motion. The motion carried unanimously on a voice vote.*

and

**MOTION:** *Commissioner Reveal moved approval of the minutes of May 30, 2014. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

**III. Chair's Announcements**

Chair Wencil welcomed the Commissioners back from a month without meetings, however moving forward there will be plenty of items on the upcoming agendas.

**IV. Planning Director's Announcements**

Donna Drummond announced that the City Council approved the T2 Transit Street Amendments recommended by the Planning Commission. The City Council public hearing and vote on the streetcar study occurred on July 9<sup>th</sup>. Councilmember Bostrom had spoken against it but had to leave before the final 6-0 vote. All of the councilmembers spoke at length about their views prior to the vote. Jonathan Sage-Martinson, head of the Central Corridor Funders Collaborative, has

been appointed as the new director of Planning & Economic Development. He will start Aug. 4<sup>th</sup>. Finally, the Green Line LRT opened June 14<sup>th</sup>.

V. **PUBLIC HEARING: Amendments to Chapter 64-Signs** – Item from the Comprehensive Planning Committee. (*Jake Reilly, 651/266-6618*)

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Amendments to Chapter 64-Signs. Notice of the public hearing was published in the Legal Ledger on June 5, 2014, and was mailed to the citywide Early Notification System list and other interested parties.

Jake Reilly, PED staff, gave a brief presentation on the proposed amendments to Chapter 64-Signs. The amendments include: minor text amendments to correct typographical errors, correct citation errors and enhance language for clarity and clearing up interpretation issues encountered during enforcement; accommodations for signs proposed for the new municipal ballpark in Lowertown; roof-top signs in B4 Central Business and B5 Central business service districts through a conditional use permit process with required standards and conditions; amendments to references to bus stop shelters; and accommodations for sponsorship signs on bicycle sharing facilities (currently served by Nice Ride).

Mr. Reilly stated the proposed amendments for roof signs:

- (a) Roof signs may be permitted only in the B4-B5 business districts, subject to a conditional use permit.
- (b) Context location surroundings are being considered when looking at the conditional use permit which allows conditions to be imposed, such as height, width, location, orientation, illumination, and how it is attached to the building.
- (c) Roof signs shall face and be designed to be read by traffic on adjoining streets as designated in the comprehensive plan. A facility fronting on only one (1) street is permitted to have one (1) roof sign; a facility fronting on two (2) or more streets is permitted to have two (2) roof signs.
- (d) For roof signs consisting of lettering with no defined background and that allow visibility through the sign through the spaces, the roof sign area shall be defined as the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by fifty (50) percent in calculating the permitted roof signage.
- (e) If the zoning administrator determines that the sign lighting affects neighboring properties, roof signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any facility event, whichever is later, until 6:00 a.m.
- (f) Roof signs with dynamic display are prohibited.

Mr. Reilly then presented the amendments regarding transit stop signage. He stated that advertising signs at LRT stations are not addressed in Chapter 64 - Signs, nor are they addressed in other sections of the City's legislative code. Bus stops are addressed, and those provisions are recommended to be amended in order to accommodate advertising on LRT and street car shelters, as well as bus stop shelters, by changing the word "bus" to "transit."

Finally, Mr. Reilly presented a new section of the code regarding sponsorship signs on bicycle sharing facilities (Nice Ride). He stated that Nice Ride facilities are supported through

sponsorship signs on the non-map side of the kiosk. Because Nice Ride is a 501(c) 3 non-profit organization, they must follow specific rules outlined by the IRS regarding sponsorship signs. However, the signs on the Nice Ride kiosks meet the definition of "advertising sign" in the Saint Paul Zoning Code, which prohibits advertising signs in all zoning districts. Proposed amendments would allow sponsorship signs on bicycle sharing facilities, in a similar manner to transit stop shelters in all zoning districts. Minnesota Statutes, Section 160.27 Subd. 7 authorize the placement of bicycle racks with or without signage in the public right-of-way, subject to approval by the appropriate road authority.

Mr. Reilly presented the bicycle sharing amendment Sec. 64.422 which would permit bicycle sharing facility sponsorship signs in all zoning districts subject to the following required standards:

- (a) One (1) sponsorship sign, no more than fifteen (15) square feet in area, is permitted per bicycle sharing facility. The sponsorship sign shall be an integral part of the bicycle sharing facility rack.
- (b) The sponsorship sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification.
- (c) Signs shall not be illuminated.
- (d) Signs shall be maintained in good condition.
- (e) Signs within the public right of way are subject to, and must first have and maintain, a permit from the designated road authority.

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

No one spoke.

Mr. Reilly noted that two letters of public testimony had been received from the owners & managers of the Northwestern Building and St. Paul Saints Professional Baseball organization, as well as from the Saint Paul Parks and Public Works departments.

***MOTION: Commissioner Noecker moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, July 14, 2014, and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. Commissioner Reveil seconded the motion. The motion carried unanimously on a voice vote.***

## **VI. Zoning Committee**

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

One item came before the Site Plan Review Committee on Tuesday, July 8, 2014:

- Bad Weather Brewing, reconfigure existing parking lot for new brewery/brew pub (brewery will use existing building) at 414 West 7<sup>th</sup> Street.

One item to come before the Site Plan Review Committee on Tuesday, July 15, 2014:

- Crestview Apartments, improvements to existing parking lot to deal with drainage problems at 1171 Westminster.

## NEW BUSINESS

#14-293-465 Saint Paul Domestic Abuse Intervention Project – Conditional use permit for reuse of a nonresidential structure for an office, with modification of consent petition condition. 390-394 Dayton Avenue between Western and Arundel. (Jamie Radel, 651/266-6614)

Commissioner Thao asked if this case would meet all of the other requirements to receive a conditional use permit had the applicant had been able to obtain the number of signatures required to.

Commissioner Reveal said yes, they requested the exception for the signatures and it was a complicated discussion because the numbers are a little mixed up, there are two owners that own the majority of the properties there. And of the additional 6 or 8 properties, two of them were in the process of changing ownership so there was not a person to sign for the petition. Due to this set of circumstances, the applicant asked for the petition requirement to be waived, and the Zoning Committee felt this was appropriate.

Commissioner Thao said even if they did get the signatures then we would just be looking at a regular conditional use request.

Commissioner Reveal answered yes.

**MOTION:** *Commissioner Reveal moved the Zoning Committee's recommendation to approve the conditional use permit subject to an additional condition. The motion carried unanimously on a voice vote.*

Commissioner Reveal announced the item on the agenda for the next Zoning Committee meeting on Thursday, July 17, 2014.

## VII. Cultivating Economic Prosperity throughout Ramsey County – Informational presentation by Ryan T. O'Connor, Director, Policy & Planning, Office of the County Manager.

Ryan O'Connor, Policy & Planning Director for Ramsey County, gave an informational presentation about Cultivating Economic Prosperity throughout Ramsey County. Generating future economic prosperity requires the support of regional efforts, especially when the County is similarly situated with the rest of the MSP Region. However, it also requires the implementation of more localized strategies that impact our people, land use decisions and engagement with the community, especially when situations arise in which the County is uniquely situated when compared to its peers. Furthermore, as the area within the Region with the highest proportion of concentrated areas of poverty, all future economic prosperity work will be stunted unless that work increases access to opportunity for all people in all places within our community.

The economic prosperity goal and efforts emanating from it are ambitious and come at a pivotal moment in the Region's development. It establishes an overlay through which current and future programs, policies and collaborative actions can be evaluated at the neighborhood, city, county and regional level. The goal also makes a community commitment to the long-term; it cannot be fully achieved in one, five or even ten years. But progress can be made incrementally, and it is



that sustained and committed effort that will ultimately ensure lasting and positive outcomes for our generation and the ones to follow.

For more up to date information about the economic prosperity work please visit [www.RCprosperity.org](http://www.RCprosperity.org)

Commissioner Ward said that Ramsey County as well as the State of Minnesota have the highest levels of racial inequity in education, housing and wealth within the entire nation. It is unfortunate this exists in Minnesota. But you can flip that and reference a quote by Dr. John Powell that "life is lived in a web of opportunity. Only if we address all of the mutually reinforcing constraints on opportunity can we expect to make real progress." There is also a lot of potential here and we need to take advantage of it to look different in 2030, 2040, and 2050. Where do you see the biggest opportunities both in education and jobs to be able to provide a catalyst to catch up?

Mr. O'Connor said there is opportunity here that we need to take advantage of and that's where future growth can be found. In terms of education, that's a challenging issue for the County in terms of defining its role. The County participates in a lot of educational collaboratives focused on early childhood to prepare kids for school, but then doesn't have a role in K-12 education. Then if things go wrong later in life they end up in a Ramsey County Correctional facility. So, what role can the County play to help avoid that outcome. The Mayor has an education leadership team that's brought together the different partners around the table to talk about roles. There are two areas that he thinks are the biggest focus going forward and they both cost money and they are going to take bigger efforts. One is early childhood education. Every child needs the opportunity to get involved in early childhood education. Nothing closed gaps in any type of disparity in education and poverty faster than early childhood education. Another challenge is for school-age kids is summer learning loss, especially reading skills loss. Summer learning loss becomes a second area where the County can have a role with the City in providing programs for structured summer learning. There are current programs, but they are only available for one out of every 15 kids. So building that to scale is a really big challenge. We can't just do it by throwing money at it, because he doesn't think the cost is something that citizens will bear. Science Museum, James J. Hill Museum, and Ramsey County Historical Society are having the conversation that their slowest time is during the summer. Why can't they be involved in the summer learning loss efforts around engagement with kids and structuring programs? It's leveraging community partners and making sure the transportation works which is a huge part of this effort.

Jobs are always tricky because the market defines where developers want to build and businesses locate. We've lost middle class jobs, which is a national trend and the Ford Plant is a perfect local example of that happening in real time. Lots of jobs that built the community have gone away. Saint Paul has a lot of high-end jobs and a lot of service sector jobs. When talking about job growth corridors, he believes light industrial jobs are a very important aspect to growth. The community thinks light industrial often times means smoke stacks, but it really isn't. It may be hard to build density and good urban design with light industrial jobs, but we have to take that challenge on. If we look at average wages, Ramsey County has the second highest average wage in the region because we have a lot of high-end jobs. But success will be a growth in jobs with benefits in the \$14-\$20/hr. range. And we need more of these jobs in the community so people don't have to commute 1 ½ hours to get to work.

Commissioner Wang asked how community partners approach the County. She is thinking about the smaller organizations along the avenue with two to four staff people. They have a small budget and they are trying to address these needs but in a very localized manner. Is there a way for them to work with you?

Mr. O'Connor said they are the hardest group for them to reach out too. It's not hard to go out and talk to bigger community partners because they know who to call. So they have been trying to leverage collaborative type events, events with chambers that pull together lots of different people and organizations, and similar events. Mr. O'Connor said more of those small conversations would be helpful and asked Commissioner Wang to help connect with them.

Chair Wencil asked about collaboration with the Met. Council, because many of these issues are issues the Met. Council is looking at as well.

Mr. O'Connor said they did not start with a conversation with the Met. Council because the East Metro needs to figure out its own prosperity vision in a more cohesive way first. So they have focused first on communicating with cities in the county to identify areas of agreement and concerns. They plan to do a presentation to the full Met. Council in the next couple of months. The timing is perfect because the Thrive MSP 2040 vision integrates very well with this because of its equity emphasis. If equity is a value there must be a recognition of disproportionate investments that have sometime occurred in the past 40-50 years. This must be considered as future investment decisions are made. They are encouraging the Met Council to think of two investment categories for regional investment going forward. One is continuing to build on already strong areas in the region, which include some strong areas in Saint Paul. The other category is catalytic regional investments where strategic investments can really help an area take off. The east side of Saint Paul is a wonderful example of one of those areas. It feels like it's ready to take off but for a few investments to make it happen. The east side of Saint Paul doesn't do well in metrics compared to Eden Prairie right now, but some strategic investments could make a difference. So there will be a push for the Met. Council to operationalize funding choices that match their equity principals.

Commissioner Ward asked how to keep the focus on these efforts, especially if there are future downturns in the economy and budgets become very constrained. These efforts will require some significant investments.

Mr. O'Connor said that you can't make it the flavor of the month; you cannot do it with set aside special programing funds because those are the first things to go when budgets are cut. In the same way that equity isn't about having equity conversations on the side of an organization and hoping it filters in when it's convenient. It's about how do you tie equity conversations into your regular hiring practices so these values are internalized. He gave an example of a recent hiring panel he heard about that was a racially diverse panel. That is a good thing, because people hear different things and bring different experiences to the table. However what this person found was that during the hiring practice certain candidates only talked to certain people in the room. And certain candidates fell off the map based on that type of a response so that indicates we can have conversations about equity training all we want but there is a need to operationalize it because we know there are benefits to it, it doesn't cost anything more, doesn't change the process timeline, doesn't change the hiring process but it changes your outcome. The idea is to apply these same principles to many areas within the County.

Commissioner Wang asked if they have shared this information with a lot of the foundations that support work locally.

Mr. O'Connor replied yes, we have spoken to most and what's interesting is that they have faced similar challenges to us. The foundations are interested but they too are trying to figure out where they fit exactly. We have been asking them to help fund community partners to do the evaluation side and help the foundations think about how to do their work differently.

Commissioner Thao said that there is a smaller group of East side funders that have been meeting that would really benefit from having this information presented to them.

Mr. O'Connor suggested that they talk after the meeting about how to do that.

#### **VIII. Comprehensive Planning Committee**

Commissioner Reveal announced that the Committee began considering the DNR's draft rules for the Mississippi River Critical Area and the City's possible comments on those rules. The Committee will be looking at them in more detail and at a draft of the City's response at their next meeting on July 22, 2014.

#### **IX. Neighborhood Planning Committee**

Chair Wencil announced that the Neighborhood Planning Committee meeting on Wednesday, July 16, 2014 has been cancelled.

#### **X. Transportation Committee**

Donna Drummond, Planning Director, reported that at the last meeting there was support for the Car 2 Go agreement with the City. Car 2 Go is committing to pay a certain amount to the City to replace lost revenue from meters that the Car 2 Go cars are parked at, so it is another option for people to try to have a car free life style. It is different than Hour Car, as Hour Cars are rented for longer trips, and Car 2 Go cars go from point to point and you get charged by the minute. Also Car 2 Go cars can be left anywhere on the street within the city limits.

Commissioner Noecker added that she is fascinated by the idea of not having to dock it somewhere specific. So she asked her employer about it because she rides the light rail to work. If she ever have an out of office meeting she would be without a car. She called Car 2 Go to see if they had business accounts and they do. A business can pay a \$35.00 sign-up fee once and all the employees in that business can get an account for no additional money. Every time you sign into the car you state if it's the business trip and Car 2 Go will charge the business. It is essentially a way for a company to get a whole fleet of company cars for \$35.00.

Commissioner Wang announced the item on the agenda for the next Transportation Committee meeting on Monday, July 14, 2014.

#### **XI. Communications Committee**

Commissioner Thao had no report.

## **XII. Task Force/Liaison Reports**

Commissioner Reveal announced that the final draft for the West Side Flats Master Plan has been completed and submitted to WSCO. There will be a staff presentation at the Neighborhood Planning Committee at the end of July. She encouraged the Comprehensive Planning Committee to attend that meeting as well. There are public hearings in the WSCO process including an open house and a few other sessions that the public can attend if interested; it should come to the Planning Commission in the fall.

Commissioner Makarios asked if this will be a joint meeting with the Comprehensive Planning Committee and whether they will get the Neighborhood packet ahead of time?

Commissioner Reveal said yes copies will be made and sent to the whole commission. Also, the DNR discussion on the critical area rules is critical to the West Side Flats conversation, so as they bring that forward she will push to make sure to tie those two things together.

Chair Wencil reported that the Gateway Station Area Planning Task Force has been meeting every two weeks and they are looking at 5 station areas and where to put the stations. There has been a number of community meetings that staff has initiated and they have received a lot of feedback from residents. Their next meeting is on Tuesday, July 15<sup>th</sup> at the Conway Recreation Center.

Chair Wencil announced that the school district's Facilities Management Master Plan process has a series of 6 meetings that the school district is having with public members about their facilities planning for the next 10 years. The school district has 67 sites and they're talking about how to reuse them, consolidate them, and a lot talk about what the future of education is. Donna Drummond and Chair Wencil have been attending those meetings at the school district's request.

## **XIII. Old Business**

None.

## **XIV. New Business**

None.

## **XV. Adjournment**

Meeting adjourned at 10:14 a.m.

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

Respectfully submitted,



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Donna Drummond  
Planning Director

Approved \_\_\_\_\_  
(Date)

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Daniel Ward II  
Secretary of the Planning Commission

Planning Team Files\planning commission\minutes\July 11, 2014

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

**Minutes July 25, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 25, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Noecker, Padilla, Reveal, Shively, Underwood, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Makarios, Nelson, and Wickiser.

**Commissioners Absent:** Mmes. \*Merrigan, \*Thao, and Messrs. \*Ochs, Oliver, and \*Ward.  
\*Excused

**Also Present:** Lucy Thompson, Jake Reilly, Hilary Holmes, Jamie Radel, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes July 11, 2014.**

Chair Wencl 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 Wencl asked that each of the Planning Commissioners introduce themselves to the newly-appointed Commissioner Melanie McMahon.

**III. Planning Director's Announcements**

The Acting Planning Director, Lucy Thompson, gave the report. Ms. Thompson announced that the City/HRA has issued an RFP for the Seven Corners Gateway site, which is a surface parking lot across from the Xcel Arena. Proposals are due August 29<sup>th</sup>. She is working with the Sensible Land Use Coalition on the Great Places Initiative, including the second year of the Great Places Awards. Nominations are due August 8, 2014. Two sites in Saint Paul were awarded last year: Rice Park and Bruce Vento Nature Sanctuary. There was a press conference with the Mayor on the Ford site. A new PED Director has been appointed - Jonathan Sage-Martinson. He will start on August 4<sup>th</sup>. Mike Richardson is coming back to work full time as a City Planner; he will start on Monday, July 28<sup>th</sup>.

**IV. Zoning Committee**

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

Two items came before the Site Plan Review Committee on Tuesday, July 22, 2014:

- Oxygen Service Company, office and warehouse addition to existing industrial building at 1111 Pierce Butler Route.
- St. Agnes School, gym and auditorium addition to existing school at 530 Lafond Avenue.

Three items will come before the Site Plan Review Committee on Tuesday, July 29, 2014:

- Children's Hospital, entrance addition and skyway (Skyway is over hospital property and not over a public street) at 345 Smith Avenue.
- Mississippi Market, new grocery store and parking lot at 750 East 7<sup>th</sup> Street (east portion of Hospital Linen site)
- Seven Corners Redevelopment, Opus plans for mixed use development on West 7<sup>th</sup> between Eagle and Chestnut (Preliminary review) at 216 West 7<sup>th</sup> Street.

## **NEW BUSINESS**

#14-303-103 Voice of East African Women – Conditional use permit for shelter for battered persons, with variance of the parking requirement. 1041 Selby Avenue, NW corner of Oxford. (Hilary Holmes, 651/266-6612)

Commissioner Padilla reported that originally, there was a variance application submitted for additional parking, since the State would provide licensing for up to 16 adult persons in the facility. The applicant has stated that the facility will accommodate only 10 residents; for that number, the parking requirement was met and the variance application was withdrawn. Therefore, the only item before the Commission for this application is the conditional use permit.

***MOTION: Commissioner Padilla moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.***

Commissioner Nelson announced the items on that agenda at the next Zoning Committee meeting on Thursday, July 31, 2014.

## **V. Comprehensive Planning Committee**

Minor Text Amendments to Zoning Districts, B, I & T – Approve resolution initiating a zoning study of minor B & T District amendments. (Jamie Radel, 651/266-6614)

Commissioner Underwood asked if there was a sense of general direction regarding draft comments on the proposed Critical Area rules.

Commissioner Reveal said the general theme is that the draft rules are overly prescriptive and attempt to regulate very specific things in ways that don't make sense. Existing development downtown and in fully-built urban core areas is not reflected adequately in the draft rules, something the comments will address. Another issue is protection of very steep slopes, defined as 18% (8 degrees) or higher. There is also a definition for bluff. The draft rules prohibit

development on 18% slopes and in a larger perimeter around them without a clear rationale.

**MOTION:** *Commissioner Reveal moved the Comprehensive Planning Committee's recommendation to approve the resolution initiating a zoning study. The motion carried unanimously on a voice vote.*

Commissioner Reveal announced the items on the agenda at the next Comprehensive Planning Committee meeting on Tuesday, August 5, 2014.

**VI. Saint Paul Market Watch Report Update** – Informational presentation by Jake Reilly, PED. (*Jake Reilly, 651/266-6618*)

Jake Reilly, PED staff, said that this Market Watch is modeled after a similar report, called "Minneapolis Trends Report," that Minneapolis has been putting out quarterly for several years. The contents of the Market Watch report revolve around building and development, employment and wages, and demographics. The building and development is the most robust part and the most relevant to the Planning Commission's work. Building and development represents work that we've accomplished and identifies the things that we are actually doing, where you can see something that we did, rather than a plan on the shelf. He stated that there were 79 permits for new buildings issued in 2013, including 43 new single family homes. Major residential construction projects were the Wall Street building, Lewis Park Apartments, and the remodel of the Governor's residence, Victoria Park apartments and Roosevelt Public Housing. Mr. Reilly noted that about half of the commercial/industrial/mixed-use/institutional construction projects that they identified ranged from the State Capitol grounds, Episcopal Homes, Regions Hospital, and the new Johnson Brothers Liquor facility. Some school projects, the new Arlington Hills Center and Library that Parks completed, and the Lowertown Ballpark are underway, the Lund's at the Penfield has opened, and there are many, many more.

Regarding demolitions, foreclosures and vacant buildings, there were 33 demolition permits pulled, which is fewer than any of the previous six years. There were 733 foreclosures in 2013, a 31% reduction since 2012. In addition, registered vacant buildings are down almost 50% since 2008 when the housing crisis started. Home sales are doing well in Saint Paul. Non-distressed sales are better than they were in 2007; the distressed sales rate for 2013 was 31% which is a new low, as it had been higher than 50% between 2009 and 2011. The median home sale price in 2013 was \$144,000, which is comparable to the median sale price in 2008 before the market changed. The "fastest selling areas" are Mac-Groveland, Highland Park, and the Greater East Side, followed closely by Payne-Phalen.

The Saint Paul labor force was about 150,000 in fourth quarter of 2013; of those, just over 140,000 were employed, which is an unemployment rate of 5.3%, which is lower than during the same period in 2012, when it was 6.2%. More jobs are being created in Saint Paul. The fastest growing sectors are Health Care and Educational Services. The industries shedding jobs include Administrative support and Management. A low unemployment rate of Saint Paul residents indicates that people in Saint Paul are getting jobs. One of the goals for policy makers in Saint Paul is to ensure that not only are Saint Paul residents employed, but that they have jobs available to them within the city.

Finally, Mr. Reilly covered demographic data. Of note are the fastest growing age cohort is 55-64, and the greatest loss is among those aged 35-44 and those older than 75. Saint Paul is quickly



becoming a “minority majority” city, as is the metro area in general. There is a general reduction in the number of white, non-Hispanic residents; studies have suggested that by 2040 we will be mostly non-white. Almost half of all residents were born outside of Minnesota (either in the US or foreign-born). The poverty rate is nearly at 24%, which is more than double the state’s rate, which is concerning. Another key point to note is that we have a highly educated population overall.

In response to a question from Commissioner Makarios regarding the “minority majority” data, Mr. Reilly said that Caucasians are a smaller percentage of the population: by 2040 it’s going to be 60% non-white in the Metro area in general.

Commissioner Makarios said the term used was loss of white non-Hispanic and asked if that meant that people are moving out of the city. Mr. Reilly replied yes they are either dying or leaving.

Commissioner Underwood clarified whether it is more non-whites moving in.

Mr. Reilly said that it’s a combination. Population change is births, deaths, and migrations; there definitely more people coming in. Looking at Met Council’s projections, our population is expected to grow significantly. Of those people moving in, more of them are people of color.

Commissioner DeJoy asked what the population in Saint Paul is. Mr. Reilly said that they have an estimate of around 290,000, which is an increase from 2010.

Commissioner Lindeke asked about Saint Paul residents’ jobs versus the total jobs in Saint Paul: “Is there more data about exactly what wage rates are with the jobs we’re creating and how you might know whether or not that affects the poverty rate and unemployment rate for the city?”

Mr. Reilly said that the information is detailed further in the report where it goes into average wages and how those have shifted over time. The labor force includes people who are eligible to be employed, which works out to be about 148,000 of the 290,000 residents. Of those, 140,000 have jobs. Those jobs may not be located in Saint Paul. Mr. Reilly said he is able to do a little analysis to figure out whether a person in Saint Paul has a job in Saint Paul by looking at drive-to-work data available through the Local Employment and Household Data (LEHD).

Commissioner Noecker said that Councilmember Brendmoen said that they received a presentation that did talk about the direction of flow in terms of jobs, like where most Saint Paul residents do go to work and suggested that maybe that’s something staff has access to.

Mr. Reilly noted that Minneapolis CPED puts out their Minneapolis Trends report quarterly. He said that once upon a time they had four full-time staff and now they’re down to one person. He suggested “Google-ing” on the Minneapolis.gov page and look up Minneapolis Trends which will pull up years of this quarterly report.

In response to Commissioner Padilla’s inquiry about Minneapolis’s poverty rate, Mr. Reilly said that the two cities are not vastly different.

Commissioner Edgerton said that this is really good information, but he wondered how we want to use this and how will it affect our decisions. We have a lot of data and a lot of information, but

how do we turn that into knowledge and understanding that helps us make decisions? Specifically related to the connection between housing, demographics and jobs, what drives what? He suggested that as this information is gathered, we should be challenged to start thinking about how we want to use it, and what will we use it for.

Regarding how we use the data, Mr. Reilly responded that for two years (every six months), we have produced this report as information. There doesn't appear to be any initiative to go beyond producing the report to do something with the information. Mr. Reilly suggested to the Commission that it could make a recommendation that the Mayor and City Council could make a recommendation that they use this information to inform policy. The County is taking a step in that direction, and has met with the HRA and City Council. There appears to be a desire to gather data and use it and learn from it.

Commissioner Lindeke asked about family size are we talking about and needs of different demographic groups. He wondered if non-United States-born families need different things and what are the new housing types being constructed in the city.

Mr. Reilly responded that the initiative that Sarah and Jamie are working on regarding accessory dwelling units and a recent conversation convened by LISC around density bonuses is in a direct response to information that we have gathered and analyzed.

Commissioner Noecker recommended making a laminated card with "talking points" of the most important information and trends, and providing it to the Commission and City Council. Mr. Reilly asked if they would benefit from an infographic that could be shared with their networks, through social media, or email, or any other mode of communication. Commissioner Noecker said that would be helpful; both an electronic document and a hard copy.

Commissioner Gelgelu was curious about the source of the data. He said his organization is having a hard time finding demographic data by race. Most of the communities in the metro have a hard time collecting their own data so they use estimates. For example, he said there is a Hmong community here, but the Census Bureau doesn't measure them; however, the community claims they have 40,000 individuals in Minnesota.

Mr. Reilly said that the Census Bureau is pretty specific about the questions it asks. In the annual American Community Survey, which is sample data, they have identified cultural groups or ethnic groups that they are keeping track of. It doesn't necessarily match up with the cultural and ethnic groups that people self-identify. For example, Asian Pacific Islanders are made up of many different cultures and different ethnic groups, but the Census describes the whole group as one. This gets more complicated when we try to look at data from a district council level or anything smaller than the census tract, because there are data suppression issues and margin of error issues. We can get a general big picture idea from the American Community Survey, which tracks foreign-born population and will identify where in the world people are born, but it's a little more general about where. There is an organization that is keeping track of foreign born people in the United States as a whole. This group identifies people specifically by

ethnic group and country of origin. Mr. Reilly said he will send the data source to the Commissioners.

Commissioner DeJoy asked if there a breakdown of the age groups, because if the population has grown, she wondered if it is mostly children and how that might impact our schools.

Mr. Reilly said Census data allow you to understand age, race and language spoken at home. He said that he and some others just met with the school district, and they are very interested in figuring out exactly what's happening in Saint Paul because of this trend of people moving from country to country and what that means for the services that they provide. He said that we intend to start sharing data with the school district.

**VI. Neighborhood Planning Committee**

Chair Wencil announced that their next meeting is on Wednesday, July 30<sup>th</sup> to discuss the West Side Flats Master Plan (draft). The Comprehensive Planning Committee is invited to attend, as well and any other interested Commissioners.

**VII. Transportation Committee**

Commissioner Lindeke reported that at their last meeting, they had the first look at the Complete Streets Design Manual, which will help neighborhood groups, interested people and City staff think about what streets should look like in the city. The Committee will see it again at the end of August. The next Transportation Committee meeting, scheduled for Monday, July 28, 2014, has been cancelled.

**VIII. Communications Committee**

No report.

**IX. Task Force/Liaison Reports**

Commissioner Shively mentioned that the Parks Commission is having an upcoming network event in August at the Arlington Hills Community Center. The Planning Commission is invited.

Chair Wencil announce that the Gateway Station Area Planning Task Force made a decision to recommend a busway instead of light rail. There are five stations. The date of the next meeting has not been set yet.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 9:33 a.m.

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

Respectfully submitted,



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Lucy Thompson  
Acting Planning Director

Approved \_\_\_\_\_  
(Date)

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Daniel Ward II  
Secretary of the Planning Commission

**FOR THE FULL ZONING COMMITTEE AGENDA SECTION**

**of this packet go to 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: August 1, 2014  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of July 31, 2014, Zoning Committee Hearing

**NEW BUSINESS**

1. **Walgreens ( 14-293-509 )**  
Nonconforming use permit for relocation of one drive-thru lane

**Address:** 1578 University Ave W  
SE corner at Snelling Avenue

**District Comment:** District 13 recommended approval

**Support:** 0 people spoke, 1 letter

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions ( 3 - 0 - 1 ) (Abstention, Edgerton)
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2. **Walgreens (University and Snelling) ( 14-189-866 )**  
Site plan review for a building addition, relocation of a drive-thru window and changes to a parking lot

**Address:** 1578 University Ave W  
SE corner at Snelling

**District Comment:** District 13 recommended approval

**Support:** 0 people spoke, 1 letter

**Opposition:** 0 people spoke , 0 letters

**Hearing:** closed

**Motion:** Approval with conditions

<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
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Approval with conditions	Approval with conditions ( 3 - 0 - 1 ) (Abstention, Edgerton)
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- |    |   | <u>Staff</u>             | <u>Recommendation</u><br><u>Committee</u> |
|----|---|--------------------------|---|
| 3. | <b>Mississippi Market Cooperative Inc. ( 14-308-782 )</b><br>Conditional use permit for retail use with more than 15,000 sq ft of floor area, and variance of parking lot interior landscaping requirement<br><br><b>Address:</b> 740 7th St E<br>SW corner of E. 7th Street and Maple Street<br><br><b>District Comment:</b> District 4 recommended approval<br><br><b>Support:</b> 3 people spoke, 2 letters<br><br><b>Opposition:</b> 1 person spoke , 1 letter<br><br><b>Hearing:</b> closed<br><br><b>Motion:</b> Approval with conditions | Approval with conditions | Approval with conditions<br>( 3 - 0 )     |
| 4. | <b>More 4 A Buck ( 14-308-882 )</b><br>Change of nonconforming use permit for auto repair and outdoor auto sales<br><br><b>Address:</b> 1176 Dale St N<br>between Maryland and Geranium<br><br><b>District Comment:</b> 6 recommended denial<br><br><b>Support:</b> 0 people spoke, 0 letters<br><br><b>Opposition:</b> 1 person spoke , 1 letter<br><br><b>Hearing:</b> remains open<br><br><b>Motion:</b> Lay over to August 28, 2014   | Approval with conditions | Laid over<br>( 3 - 0 )                    |
| 5. | <b>Zoning Committee requested that staff prepare a presentation pertaining to the process of enforcing nonconforming use permits and conditional use permits.</b>   |                          |   |

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Afton Architects, File # 14-293-509, has applied for a nonconforming use permit for relocation of one drive-through lane under the provisions of §62.109(d) of the Saint Paul Legislative Code, on property located at 1578 University Ave W, Parcel Identification Number (PIN) 342923320001, legally described as Section 34 Town 29 Range 23 Subj To Aves And Esmts The W 27o Ft Of N 26o Ft Of Sw 1/4 Of Sec 34 Tn 29 Rn 23; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 31, 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, RD Parent Investors LLC, is proposing to relocate an existing nonconforming drive-through lane on an existing building. The existing building will be used for Walgreens Pharmacy, which will be relocated from its current location as a tenant in the adjacent Midway Shopping Center. The drive-through is being moved south (away from University Avenue) to allow for a 2,800 square feet building addition for commercial use along the University Avenue frontage. There is no tenant identified for the building addition. The drive-through was previously used for a bank that operated on the site until 2013. The property has an easement for access and a portion of its parking from RK Midway LLC, the owner of Midway Shopping Center.
2. The property owner, representing both RK Midway LLC and RD Parent Investors LLC, has been engaged with Metropolitan Council/Metro Transit and the City of Saint Paul's Housing & Redevelopment Authority to plan for the future of the site, its relationship to the redevelopment of Midway Shopping Center, and eventual sale and redevelopment of the "Bus Barn Site," all within the framework of the Snelling Station Area Plan. RK Midway LLC/RD Parent Investors LLC, Metropolitan Council/Metro Transit, and City of Saint Paul HRA signed a three-party Memorandum of Understanding and hired a consultant, Urban Investment Group, to recommend redevelopment phasing of the 34.5 acre super-block, bounded by Snelling Avenue, University Avenue, Pascal Street, and St. Anthony Avenue. A financial gap analysis for that redevelopment was also completed, and next steps leading toward the potential sale of the Bus Barn Site to RK Midway LLC were identified.

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_



3. The consultant's report, *TOD Redevelopment Strategy Report of Findings and Recommendations*, recommends the first phase of redevelopment should be centered along a proposed new segment of Asbury Street directly adjacent to 1578 University Avenue, and extending south from University Avenue to the southern property line of Midway Shopping Center property. This phase of redevelopment would also include an extension of Spruce Tree Drive to connect from the intersection of Snelling Avenue and Spruce Tree Drive to the new Asbury Street. This is recommended as the first phase, because it would allow for the existing Midway Shopping Center and 1578 University to remain, greatly improve access to the Bus Barn Site, and create a new redevelopment parcel along Snelling Avenue by breaking up the super-block with pedestrian-scaled streets. It is recommended that these segments be public streets. RK Midway LLC/RD Parent Investors LLC, Metropolitan Council/Metro Transit, and City of Saint Paul have agreed that this phase has the most immediate benefit to the three parties.
4. The consultant's report also recommends that if a drive-through cannot be avoided on the proposed Walgreens site, it should be screened from University Avenue with a building until it is financially feasible to fully redevelop the site with a new building.
5. Section 62.109(d) *Expansion or relocation of nonconforming use states that the planning commission may permit the expansion or relocation of a legal nonconforming use if the commission makes the following findings:*
  1. *In residential districts, the expansion or relocation will not result in an increase in the number of dwelling units.* This finding is met. The location is not in a residential district.
  2. *For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district.* This finding is met. The nonconforming use is proposed to be relocated, not expanded.
  3. *The appearance of the expansion or relocation will be compatible with the adjacent property and neighborhood.* This finding is met. Based on input from RK Midway LLC/RD Parent Investors LLC, Metropolitan Council/Metro Transit and the City of Saint Paul HRA, the consultant's report recommends the first phase of redevelopment include a new proposed Asbury Street directly east of the site and connecting to the Bus Barn Site. This proposed Asbury Street and associated development will be vital to realizing the vision of development identified in the Snelling Station Area Plan and consultant report. RK Midway LLC/RD Parent Investors LLC has indicated support for the new Asbury Street because it allows for market flexibility by allowing existing buildings to remain, while improving access to the Bus Barn Site for future development. The proposed drive-through relocation is compatible with the plans for the larger 34.5 acre super-block as long as it does not impede the near-term (less than five years) development of the proposed new Asbury Street. The applicant has provided Attachment A2.1, which illustrates how the use as proposed in the site plan is compatible within the overall proposed street network. Additionally, the relocation allows for the building addition, which will screen the use from University Avenue and thus improve compatibility with the neighborhood.
  4. *Off-street parking is provided for the expansion or relocation that meets the requirements of article 63.200 for new uses.* This finding is met. There is no minimum parking requirement at this location.
  5. *Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use.* This finding is met. The site is surrounded by T4 zoning. The site and adjacent T4 sites were rezoned as part of the Traditional Neighborhood-Central

Corridor Zoning Study, adopted April 20, 2011. This zoning study created the T4 zoning district, which allows for the high-density mixed-use development that was planned for the area around the Snelling/University intersection in the Snelling Station Area Plan, adopted October 22, 2008. At the time of the rezoning, T4 was identified to be most appropriate zoning district to allow for the type of development recommended in the Snelling Station Area Plan. Rezoning the site would be spot zoning.

6. *After the expansion or relocation, the use will not result in an increase in noise, vibration, glare, dust, or smoke; be detrimental to the existing character of development in the immediate neighborhood; or endanger the public health, safety, or general welfare.* This finding is met. The nonconforming use, a drive-through, is being relocated farther away from University Avenue, allowing it to be screened from the sidewalk with a building addition. The drive-through is also being reduced by five lanes to one lane. These factors will contribute to mitigating any negative impacts from the use.
7. *The use is consistent with the comprehensive plan.* This finding is met. The Snelling Station Area Plan recommends that redevelopment contribute to pedestrian and street connectivity. The use meets the following relevant policies from the Snelling Station Area Plan:
  - 4.1.1. c) *Ensure first floor retail or commercial units have at least one primary entrance on a public street.*
  - 4.1.1. d) *Commercial or retail uses located on the first floor should help to animate the street by incorporating large glass frontages that allow the activity within to be seen from the street.*
  - 4.1.2. f) *New buildings should permit for the gradual extension of north-south connections into the Midway Shopping District as well as the creation of a new east-west mid-block connector.*
  - 4.1.2. g) *Larger developments should contribute to an emerging block pattern through the location of new sidewalk connections and streetscape improvements.*
  - 4.1.2. h) *Where streets cannot be extended, new development should be sited to provide for pedestrian mid-block connections through the placement of sidewalks, landscaping or other forms of pedestrian infrastructure.*
- 5.2 *The Mobility Enhancement Area Special strategies for the Snelling Station Mobility Enhancement Area include:*  
*Extending the existing block pattern and incorporating urban streetscape standards within the Midway Shopping District with reduced curb radii, bump-outs, narrower streets and special paving patterns;*

Because the proposed Walgreens project is happening prior to completion of the overall planning process of the 34.5 acre super-block, street improvements have not been included in order to allow for ongoing coordination of the parties as well as to allow time for engineering the new streets. The dedication of right-of-way will ensure these common goals can be achieved expediently, as the proposed street segments are recommended to be built in the near term. Because this auto-oriented use is not generally supported within such close proximity to a light rail station and the project is not exceeding other design requirements, a commitment to dedicate the land for right-of-way is necessary to meet the Comprehensive Plan policies cited above. A formal commitment to dedicate land for right-of-way consistent with Phase One is necessary to allow for the future development of the streets, and to provide permanent access to the site and adjacent property in a manner consistent with the Comprehensive Plan.

8. *A notarized petition of at least two-thirds of the owners of the described parcels of real estate within one hundred (100) feet of the subject property has been submitted stating their support for the expansion or relocation. This finding is met. The petition was found sufficient on June 3, 2014: three parcels eligible; two parcels required; two parcels signed.*

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Afton Architects for a nonconforming use permit for relocation of one drive-through lane at 1578 University Ave W is hereby approved subject to the following conditions:

1. Final site plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. A Letter of Intent from RK Midway LLC/RD Parent Investors LLC shall be submitted to the Planning Administrator to dedicate, in principle, right-of-way for proposed Asbury Street (66' wide) to proposed Fuller Avenue and proposed Spruce Tree Drive (75' wide) to proposed Asbury Street consistent with the first phase of redevelopment described in the *TOD Redevelopment Strategy Report of Findings and Recommendations*. This will ensure the implementation of the Snelling Station Area Plan and facilitate the ongoing redevelopment of the 34.5 acre super-block consistent with the Comprehensive Plan.
3. A master plan shall be submitted within two years of this approval showing anticipated future development of all parcels owned by RK Midway/RD Parent Investors that are included in the *TOD Redevelopment Strategy Report of Findings and Recommendations*. The master plan, at a minimum, must delineate all street rights-of-way within the development area.
4. Final building plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application, particularly relating to Section 66.343.13.c. *Glass on windows and doors shall clear or slightly tinted, and allow views into and out of the interior.* Shelving, merchandise, graphics, and/or advertising may not block views into or out of the building interior.

**City of Saint Paul**  
**Planning Commission Resolution**  
**File Number** \_\_\_\_\_  
**Date** \_\_\_\_\_

WHEREAS, RD Parent Investors LLC, file # 14-189-866, has submitted a site plan for review under the provisions of Sec. 61.402 of the Saint Paul Legislative Code, for constructing a building addition and relocating a drive-thru window at 1578 University Avenue West, legally described as Section 34 Town 29 Range 23 Subj To Aves And Esmts The W 270 Ft of N 260 Ft of SW 1/4 Of Sec 34 Tn 29 Rn 23; and

WHEREAS, the Zoning Committee of the Planning Commission, on 7/31/14, 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 as required under the provisions of §61.402(c) that the site plan is consistent with:

- a. *The city's adopted comprehensive plan and development or project plans for sub-areas of the city.*  
This finding can be/is met. The Snelling Station Area Plan recommends that redevelopment contribute to pedestrian and street connectivity. The use meets the following relevant policies from the Snelling Station Area Plan:
  - 4.2.1.d) *New development or expansion of existing buildings along the south side of the Avenue should line streets and open spaces and encourage a base podium height of between 3-6 residential stories or 3-4 commercial stories. Two stories of residential above 1 story of commercial or retail would also be acceptable.*
  - 4.2.1.g) *Ensure first floor units and storefronts have at least one entrance that is oriented towards the Avenue, access points to the station platforms, and/or key gathering places.*
  - 5.2 *The Mobility Enhancement Area*  
*Special strategies for the Snelling Station Mobility Enhancement Area include:*  
*Extending the existing block pattern and incorporating urban streetscape standards within the Midway Shopping District with reduced curb radii, bump-outs, narrower streets and special paving patterns.*

**Moved by** \_\_\_\_\_  
**Seconded by** \_\_\_\_\_  
**In Favor** \_\_\_\_\_  
**Against** \_\_\_\_\_

b. *Applicable ordinances of the City of Saint Paul.*

The site plan meets all applicable zoning standards, including setbacks, building height, and off-street parking. (The existing building and addition will not meet the minimum Floor Area Ratio (FAR) of 1.0 for a new building in the T4 zoning district. However, under Section 62.105.b, the existing building can expand even if the resulting FAR is less than 1.0.)

The new addition will conform to Traditional Neighborhood design standards.

Drive-through windows are not a permitted use in the T4. The site plan calls for removing the six existing drive through windows that the bank had and replacing it with one drive-through window in a different location on the site. This is permitted if the Planning Commission approves a Relocation of Nonconforming Use.

c. *Preservation of unique geologic, geographic or historically significant characteristics of the city and environmentally sensitive areas.*

The site plan will preserve the existing bank building. This building has large glass windows on two sides. The Snelling side does not have windows but is constructed with marble. The addition is will be located up close to the sidewalk with large windows facing the street, enhancing the character of the existing building and the public sidewalk.

d. *Protection of adjacent and neighboring properties through reasonable provision for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design which may have substantial effects on neighboring land uses.*

The site plan will protect the adjacent commercial properties:

- Storm water will be directed to City sewers at a controlled rate.
- The drive thru and dumpsters will be located behind the building to screen them from the adjacent streets.
- Existing driveways will be removed or relocated to improve traffic flow.
- The entrances to the building are located on Snelling (to support pedestrian traffic) as well as on the back (for access to the parking lot).
- Landscaping and sidewalks will be added to the parking lot.

e. *The arrangement of buildings, uses and facilities of the proposed development in order to assure abutting property and/or its occupants will not be unreasonably affected.*

The site plan will not unreasonably affect abutting properties:

- The proposed addition will screen the parking lot and drive-through from the street.
- Driveways will be removed or relocated to improve traffic flow.
- The drive-through will not interfere with the circulation of the adjacent properties.

f. *Creation of energy-conserving design through landscaping and location, orientation and elevation of structures.*

The site plans is consistent with this finding.

- New trees will be planted around the parking lot to provide shade and reduce heat buildup in the lot.
- The location and design of the building supports the use of mass transit.

- g. *Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, including traffic circulation features, the locations and design of entrances and exits and parking areas within the site.*

The site plan is consistent with this finding:

- The existing driveways will be removed or relocated to improve car circulation into and out of the site. The location of these driveways take into account plans to create new public streets on the south and east side of the site.
- New sidewalks are shown on the south and east sides of the site. There are currently no sidewalks there.
- Walgreens typically gets one semi-truck per week with deliveries. Staff has worked with the architect for the project on the details of this, including the hours of deliveries, the size of the trucks and the route the truck uses to get to the delivery dock.

- h. *The satisfactory availability and capacity of storm and sanitary sewers, including solutions to any drainage problems in the area of the development.*

The site plan is consistent with this finding. Sewer is available for the site. When the parking lot is rebuilt, it will be graded so stormwater will drain to catch basins that will carry it to an underground storage system that will control the rate of stormwater run-off.

Public Works has approved the concept for stormwater drainage but is currently reviewing the details. A condition of site plan approval should be final approval by Public Works of the stormwater sewer plan.

- i. *Sufficient landscaping, fences, walls and parking necessary to meet the above objectives.*  
*Landscaping*

The site plan will provide landscaping for the parking lot, which currently does not have any landscaping. Planters will be added on the University Avenue side of the building.

*Parking*

The site plan will provide 39 off-street parking spaces (compared to 45 spaces in the existing parking lot). These spaces will be shared by Walgreens, and the other tenants. No off-street parking is required for this site under the parking standards for the Central Corridor.

- j. *Site accessibility in accordance with the provisions of the Americans with Disabilities Act (ADA), including parking spaces, passenger loading zones and accessible routes.*

The site plan is consistent with the standards of the ADA and provides more ADA parking spaces than is required.

- k. *Provision for erosion and sediment control as specified in the "Ramsey Erosion Sediment and Control Handbook."*

The site plan includes an erosion and sediment control plan that meets this standard.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of R D Parent Investors LLC for a site plan review to construct a building addition and relocate a drive-thru window at 1578 University Avenue West is hereby approved subject to the following conditions:

1. Approval of the relocation of nonconforming use for the drive-thru window.
2. Final approval by Public Works Sewer Division of the stormwater sewer system.



2F# 14-189-866  
Walgreens

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joe.finley@stinsonleonard.com

July 30, 2014

**Via electronic mail**

Donna M. Drummond  
Director of Planning  
Planning & Economic Development  
25 W. 4th St., Suite 1400  
Saint Paul, MN 55102

Re: Walgreens Site Plan, Snelling and University  
(American Bank Building Adaptive Re-Use)  
Our File No: 2018290.0040

Dear Ms. Drummond:

Our Firm represents RD Parent Investors LLC, owner of the former American Bank site at Snelling and University. Our Firm also represents RK Midway LLC, owner of the adjacent Midway Shopping Center. The two companies have quite different ownership groups, but have some common control elements.

This letter concerns Conditions #2 and #3 set forth in the recently-issued Zoning Committee Staff Report, File #14-293-509, regarding a Permit to Relocate an existing, grandfathered-in, drive-through window as part of an adaptive re-use of the American Bank building. Those Conditions relate to future Asbury Street and Spruce Tree Drive, and to a master plan for Midway Shopping Center. The Permit applicant, **RD Parent Investors LCC** (acting through its architect, Afton Architects), cannot speak to Condition #2 or #3 because **RK Midway LLC** (1) owns the land that would comprise future Asbury Street and Spruce Tree Drive, and (2) is the only entity with authority to master plan the Midway Shopping Center.

RK Midway LLC was an active participant in the Snelling-Midway SmartSite TOD Redevelopment Strategy Report, dated June 17, 2014, prepared by UIG ("Smart Site Report"), and currently is following through on multiple tasks related to the "Phase I" redevelopment contemplated by the Report. RK Midway LLC is pleased to be able to participate in the ambitious redevelopment effort envisioned by SmartSite Report, and looks forward to a continuation of the cooperative relationship it has had to date with City Staff on this matter.

The SmartSite Report adopted a process that aims at Metro Transit's transferring the 9.5 acre Bus Barn Site, at Snelling and University, to RK Midway LLC to create unitary control over

the entire 35-acre "Superblock" identified in the Report. The SmartSite Report envisions preparation of a master plan that would overlay a smaller-block, street grid regime upon the currently undifferentiated Superblock. The SmartSite Report also deals expressly with the anticipated infrastructure cost "gap" related to the new street grid and underlying utilities—a gap that likely will require City assistance to finance or fund. Finally, the SmartSite Report contemplates an orderly series of still-to-be-negotiated agreements in which all three participants, to-wit: the City, RK Midway LLC and the Metropolitan Council, balance their respective interests and goals in the hoped-for redevelopment:

- An Intergovernmental Agreement (City and Met Council)
- An Exclusive Negotiating Agreement (Met Council and RK Midway LLC)
- A Disposition and Development Agreement (City, Met Council and RK Midway)

The Disposition and Development Agreement will, among other things, set the terms and conditions upon which the Metropolitan Council, through its Metro Transit division, will sell, exchange or otherwise transfer ownership of the Bus Barn Site to RK Midway LLC, and the manner in which the City will finance, or assist in the financing of, the anticipated infrastructure cost "Gap" identified in the SmartSite Report. Further descriptions of the contents and purposes of these three Agreements are set forth at p. 5 of the Smart Site Report.

With this as background, I can convey to you this statement of RK Midway LLC's present intent:

Regarding Condition #2 of Staff Report: Subject to negotiation, execution and performance, by the other parties, of the (1) Exclusive Negotiation Agreement and the (2) Disposition and Development Agreement, it is RK Midway LLC's present intent to exchange, sell, dedicate or otherwise convey right-of-way sufficient for proposed Asbury Street through to proposed Fuller, and for proposed Spruce Tree Drive through to Asbury, in the configurations and widths contemplated for "Phase I" in the SmartSite Report, as refined in said Agreements. Proviso: As we have discussed, however, until there is in place a Disposition and Development Agreement satisfactory to RK Midway LLC (memorializing the terms under which RK Midway LLC may acquire the Bus Barn Site), RK Midway LLC will not connect Asbury to Fuller should the Bus Barn Site be given access to Fuller.

Regarding Condition #3 of the Staff Report: Again, assuming said Agreements are in place, RK Midway LLC's present intent is to work to develop a "collaborative" (three party) Master Plan for the Superblock, as contemplated on p. 21 of the SmartSite Strategy. If the collaborative effort, despite best intentions, has not produced a Master Plan within two years, RK Midway LLC will, if requested by City Staff, prepare and present an advisory master plan of the kind contemplated in the City's T4 Zoning regulations, covering only the lands then owned by RK Midway LLC in the Superblock.



Donna M. Drummond  
July 30, 2014  
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Once again, I want to emphasize how rewarding the SmartSite process has been to date for RK Midway LLC, and how much our client has enjoyed dealing with the City's highly-professional and efficient Staff. As this long-term redevelopment effort rolls forward, we hope this cooperative effort will remain its hallmark.

Very truly yours,

STINSON LEONARD STREET LLP



Joseph M. Finley  
JMF/lo

cc: Anton Jerve, PED  
Richard Birdoff  
James Cox, Afton Architects  
John Shardlow, Stantec

city of saint paul  
planning commission resolution  
file number  
date

WHEREAS, Mississippi Market Cooperative Inc., File # 14-308-782, has applied for a conditional use permit for retail use with more than 15,000 square feet of floor area, and variance of parking lot interior landscaping requirement under the provisions of §65.501, §65.510, §65.516, §63.314, and §61.202(b) of the Saint Paul Legislative Code, on property located at 740 7th St E, Parcel Identification Number (PIN) 322922140235, legally described as Auditors Subdivision No 72 Lots 5 Thru Lot 12; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 31, 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:

**Conditional Use Permit**

1. Mississippi Market applied for a Conditional Use Permit to construct a cooperative, natural foods grocery store with a gross floor area of roughly 22,450 sq. ft. The proposed store will have 14,110 sq. ft. of retail space, a meeting/community room of 670 sq. ft., 1,560 sq. ft. of administrative space, and 6,110 sq. ft. of other usable space
2. The T2 traditional neighborhood zoning district permits the proposed use as of right. However, § 65.516 requires the proposed use—sales of food and related goods—to conform to the standards and conditions of § 65.510 by reference. Section 65.510 (General Retail) applies the following conditions and standards: *In traditional neighborhood districts, a conditional use permit is required for establishments of more than fifteen thousand (15,000) square feet in floor area to ensure size and design compatibility with the particular location.*
3. Because the zoning code does not list specific conditions for general retail uses larger than 15,000 sq. ft., the general conditions of § 65.501 apply.
4. Section 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.* This condition is met. The Comprehensive Plan's **Land**

moved by \_\_\_\_\_  
seconded by \_\_\_\_\_  
in favor \_\_\_\_\_  
against \_\_\_\_\_

**Use Plan** supports a compatible mix of land uses in traditional neighborhood zoning districts (Policy 5.2.1). The **Land Use Plan** designates East 7<sup>th</sup> Street as a mixed use corridor and also designates this site as an “opportunity site” (Policy 1.54, Figure LU-B). This site is zoned T2. The **Near East Side Road Map** designates this site as a “redevelopment opportunity for housing, mixed use, or small commercial-industrial” (Figure 3). The proposed grocery store, in conjunction with phased development of residential use on the adjacent parcel, constitutes a mix of uses consistent with this designation. The **East 7<sup>th</sup> Street Design Guidelines** establish guidelines, supplemental to City ordinances, to facilitate the growth of high quality, long-lasting places. The proposed use, and design elements of the building are consistent with the Guidelines, and other City ordinances as determined in site plan review processes.

- (b) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. Principal automobile ingress and egress to the site will be from Maple Street. The parking lot includes sufficient space for circulation of automobiles. After development of the proposed senior housing complex on the adjacent parcel is complete, secondary access to the site will be from Bates Avenue via a connection to the adjacent housing structure’s surface parking lot. Traffic signs (Left-turn Only, and One Way Only) will direct traffic exiting the Market’s parking lot back toward East 7<sup>th</sup> Street.
- (c) *The use will not be detrimental to the existing character of the development in the immediate neighborhood, nor endanger the public health, safety and general welfare.* This condition is met. A grocery store is permitted as of right, and is consistent with the spirit of the current T2 zoning for the parcel. Mixed-use development is consistent with the **Near East Side Road Map’s** designation of the site as a redevelopment opportunity, as well as the **Land Use Plan**. The surrounding neighborhood, especially the East 7<sup>th</sup> Street corridor is characterized by a mix of residential and commercial uses, including cafés, automotive retail, a university campus, fast food restaurants, and other commercial services. A grocery store is consistent with and complements this mix of uses.
- (d) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. As noted above, a grocery store is appropriate for the site, and is a permitted use in the district. The proposed grocery store is part of a two-phase development of adjacent parcels. Development of a grocery store use on this site will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (e) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met subject to approval of a variance for the parking lot interior landscaping requirement of § 65.314 described below.

#### **Variance of Parking Lot Interior Landscaping Requirement**

1. Mississippi Market applied for a variance to the parking lot interior landscaping requirement to construct a parking lot for the proposed natural foods grocery store. The proposed plan requires a minimum of 41 parking spaces, and provides for a total of 54 parking spaces (137% of the parking minimum). The proposed lot includes 3 accessible, 24 compact, and 27 standard parking spaces.
2. Section 63.314(c) of the zoning code regulates landscaping in parking lots: *Interior Landscape. Parking facilities with more than twenty (20) parking spaces or six thousand*

*(6,000) square feet of paving, whichever is less, shall provide fifteen (15) square feet of interior landscaped area for every one hundred (100) square feet of paving. Interior landscaping may not substitute for perimeter landscaping, but may join perimeter landscaping as long as it extends at least four (4) feet into the parking area from the perimeter landscape line.*

3. The proposed parking lot includes roughly 19,825 sq. ft. of paving, and thus requires at least 2,973.6 sq. ft. of interior landscaping. The applicant proposes a total of approximately 2,200 sq. ft. of interior landscaping, including permanent planters, after all phases of development are complete, a total of approximately 11 percent of interior landscaping required, a variance of four (4) percent. As described above, this development is the first phase of a two-phase development of the parcels at the vacant former Hospital Linen site. During the first phase of development, limited interior landscaping will be provided in order to accommodate internal circulation and deliveries. Once the rest of the property is fully developed, the secondary entrance to the parking lot is available, and there is a single entry point on Maple, the ~2,200 sq. ft. of interior landscaping will be established. The temporary condition is anticipated to last no more than two years.
4. Minn. Stat. § 462.357 subd. 6 was amended to establish new grounds for variance approvals effective May 6, 2011. Required findings for a variance consistent with the amended law are as follows:
  - (a) *The variance is in harmony with the general purposes and intent of the zoning code.* This finding is met. The intent of T2 traditional neighborhood zoning is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. It encourages, but does not require, a variety of uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. Mississippi Market, a natural foods coop, is a compact, pedestrian-oriented commercial development with the structure holding the corner and parking to the rear. East 7<sup>th</sup> Street is a transit corridor. Reducing the amount of interior landscaping is in harmony with the intent of the zoning district and the code in general. In addition, the proposed grocery store has the potential to promote and protect the public health by introducing healthy food alternatives to the neighborhood as identified in §60.103(a). The variance allows the development of this long vacant site with a mix of uses compatible with the existing uses and community and city plans for the area as identified in §60.103(a & i). The grocery store will increase the value and income potential of the vacant site as well as neighboring residences and businesses (§60.103(l)).
  - (b) *The variance is consistent with the comprehensive plan.* This finding is met. As described above, the **Land Use Plan** of the City's Comprehensive Plan designates East 7<sup>th</sup> Street as a Mixed Use Corridor along which a mix of commercial and residential uses is encouraged (Figure LU-B, Policy 1.24). The use proposed helps achieve the goal of a mix of compatible uses by allowing this long vacant site to be developed. Furthermore, the **Land Use Plan** designates this site as an "opportunity site" for redevelopment of mixed uses (Figure LU-B, p.4). Further, Land Use Policy 1.46 encourages the expansion of compact commercial areas in Neighborhood Centers and Mixed-Use Corridors to further the objectives of both categories of neighborhoods. Although this site is not within a Neighborhood Center as established by the **Land Use Plan**, the site is sufficiently close (4 blocks) to the East Seventh-Arcade Neighborhood Center, and is located on a Mixed-Use Corridor to consider

development of the site as consistent with Policy 1.46.

- (c) *The applicant has established that there are practical difficulties in complying with the provision. However, the property owner proposes to use the property in a reasonable manner not permitted by the provision. (Economic considerations alone do not constitute practical difficulties).* This finding is met. The applicant proposes to use a portion of the property as a surface parking lot with not more than the maximum allowed number of parking spaces, and will supply ~2,200 sq. ft. of interior landscaping. The requirements of the parking lot, including drive aisle, minimum parking requirements, minimum parking space sizes, fire and emergency access, and loading dock space, take up a very large amount of the available space. Mississippi Market has committed to supply ethnic food products not typically available in its markets, in order to more effectively and equitably serve the residents in the neighborhood. These extra products require extra space on the sales floor and in storage. For comparison, the total sales area of this Mississippi Market is more than 10,000 square feet, while the other two stores are each under 8,000 square feet.
- (d) *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* This finding is met. The site is constrained by a number of factors, including slope, relatively small size, extraneous unusable space (the "notch" in the property line), and phased development of the adjacent property.
- (e) *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.* This finding is met. As described above, the proposed use of the property is in harmony with the general purposes and intent of the zoning code. Moreover, a grocery store is permitted as of right in a T2 zoning district. The variance only exempts the applicant from supplying the required amount of interior landscaping.
- (f) *The variance will not alter the essential character of the surrounding area.* This finding is met. The East 7<sup>th</sup> Street corridor is characterized by a mix of commercial and residential uses. A grocery store is consistent with this mix, and complements other existing commercial, residential, and institutional uses in the area.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Mississippi Market Cooperative Inc. for a conditional use permit for retail use with more than 15,000 square feet of floor area, and variance of parking lot interior landscaping requirement at 740 7th St E is hereby approved, subject to the following conditions:

1. Final plans approved by the Zoning Administrator for this use shall be in substantial compliance with the plan submitted and approved as part of this application.
2. Site plan review approval is received.
3. Heritage Preservation Commission approval is received.

14-308-782  
Mississippi Market

**From:** Hadiaris, Amy (MPCA)  
**Sent:** Thursday, July 31, 2014 10:51 AM  
**To:** Reilly, Jake (CI-StPaul)  
**Subject:** Mississippi Market redevelopment

Hi Jake,

It has come to my attention that there might be some concern about the suitability of the parcel at 740 East 7<sup>th</sup> St. for redevelopment due to environmental contamination. This concern may stem from the MPCA's recent and ongoing soil vapor sampling in the surrounding neighborhood, perhaps giving the impression that the site needs additional soil remediation prior to successful redevelopment.

The extensive remedial excavation in 2008 removed the vast majority of contaminated soil at the site. As with most environmental cleanups, there remains some low concentrations of certain contaminants in isolated pockets of soil. After reviewing the soil cleanup report, the MPCA determined that the residual soil contamination at the site does not pose a risk to human health or the environment, and the MPCA subsequently issued a "No Further Action" letter for soil at the site. The "No Further Action" letter represents the MPCA's position that no additional soil remediation is needed at the site. The MPCA's current soil vapor concerns are most likely related to the presence of contaminated groundwater. The MPCA is in the process of following up with a *potential responsible party* relative to the unresolved groundwater and off-site soil vapor issues. These issues are not the responsibility of Mississippi Market or any potential developer.

That said, Mississippi Market should continue to work with the MPCA's Voluntary Investigation and Cleanup (VIC) Program to make sure that certain environmental issues are properly addressed during construction. These include the following:

- Inclusion of an active sub-slab vapor mitigation system in the building, to prevent vapor intrusion; and
- Proper management of any residually-impacted soil that needs to be disturbed during construction activities.

The above two tasks are part of the MPCA's previously-approved response actions for the Mississippi Market redevelopment project.

If you have any questions about contamination at the site and how it affects redevelopment, please feel free to contact me.

Amy Hadiaris, P.G.  
Voluntary Investigation and Cleanup Program  
Minnesota Pollution Control Agency  
[amy.hadiaris@state.mn.us](mailto:amy.hadiaris@state.mn.us)  
651-757-2402

24# 14-308-782  
Mississippi Market

**From:** Curtis Neff [<mailto:scorpion.curtis@gmail.com>]

**Sent:** Tuesday, July 29, 2014 5:02 PM

**To:** Reilly, Jake (CI-StPaul)

**Subject:** Mississippi Market Zoning

Dear Zoning Committee-

I am a resident of the Dayton's Bluff area 1215 Conway St. and I object to conditional use permit for the proposed Mississippi Market.

1. 1. Would ask that the 60 day notice be voluntarily extended by the co-op for more public input for the following reasons:
2. 2. Additional traffic studies and impact on the neighborhood.
3. 3. I don't believe that the site has been cleaned up enough for industrial let alone retail use, and would ask that the storm water run-off plan be submitted before the CUP is let out.
4. 4. Landscaping is important, but storm water and how it is managed near a critical area (Mississippi river), and I would respectfully ask that the Capitol City watershed district review the plan before the CUP is approved.
5. 5. Finally- let us have all of the environmental things addressed before we approve a development that might do more harm than good, and since Mississippi Market wants to be a good steward they show agree to voluntary withdraw the application for the CUP.

Please make my comments public record. Sincerely Curtis Neff

2F#14-308-782  
Mississippi MKT

**From:** Timothy Herman [<mailto:tcbusinesspartners@gmail.com>]

**Sent:** Wednesday, July 30, 2014 4:17 PM

**To:** Reilly, Jake (CI-StPaul)

**Subject:** ESABA Supports Mississippi Market

Hello Jake,

I know that Mississippi Market comes before the zoning board later this week for their East 7th location. The East Side Area Business Association is in support of Mississippi Market moving to the former Hospital Linen Site and the variances needed to do so. I also as a resident of Daytons Bluff support this project moving forward without issue.

Thanks and feel free to call me if needed.

Tim Herman

Executive Director

East Side Area Business Association

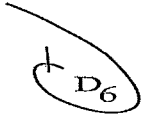
[tim@ESABA.org](mailto:tim@ESABA.org)

[www.ESABA.org](http://www.ESABA.org)

612-205-5693



2F# 14-308-882  
More 4 A Buck



District 6 Planning Council

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

July 23, 2014

Zoning Committee of the Planning Commission  
15 West Kellogg BLVD  
Saint Paul, MN 55102

RE: 1176 Dale Street, More 4 A Buck, Change of nonconforming use permit for auto repair and outdoor auto sales

District 6 Planning Council does not support any changes to the nonconforming use, the current use of the property regarding auto repair, sales, or any change in a business plan or the addition of spaces. This property has been in adverse action, the applicant needs to comply with all license conditions and permits for a minimum of eighteen months before any modifications are made.

District 6 Planning Council recommends the applicant install decorative fencing along Dale Street and Maryland Avenue. Although the neighborhood would prefer decorative fencing, on the south and east side of the property District 6 Planning Council has no objections to the installation of a chain link fence without slats. This property is located on the west entryway into the North End and is need of attention.

Thank-you for your consideration of the neighborhood's position and if you have questions, please contact the office at the numbers above.

Regards,

*Jeff Martens*

Jeff Martens  
Land Use Task Force Chairman  
Board of Director's Vice Chairman

Cc: Ward 5

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** More 4 A Buck
  2. **APPLICANT:** Don Buckrey
  3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
  4. **LOCATION:** 1176 Dale St N, between Maryland and Geranium
  5. **PIN & LEGAL DESCRIPTION:** 252923220068, Como Prospect Addition Lots 23 - Lot 29 Blk 1
  6. **PLANNING DISTRICT:** 6
  7. **ZONING CODE REFERENCE:** §62.109(c)
  8. **STAFF REPORT DATE:** July 24, 2014; revised July 31, 2014
  9. **DATE RECEIVED:** July 15, 2014
- FILE # 14-308-882**  
**HEARING DATE:** July 31, 2014  
**PRESENT ZONING:** T2  
**BY:** Jake Reilly
- 60-DAY DEADLINE FOR ACTION:** September 13, 2014
- 

- A. **PURPOSE:** Change of nonconforming use permit for auto repair and outdoor auto sales
- B. **PARCEL SIZE:** Irregularly shaped parcel with 197 feet of frontage on Dale x ~125 feet deep, for a total of 19,895 square feet.
- C. **EXISTING LAND USE:** Auto repair and outdoor auto sales (T2)
- D. **SURROUNDING LAND USE:**
  - North: Mixed commercial/residential (T2)
  - East: Commercial & Railroad right-of-way (T2)
  - South: Mixed commercial/residential (T2 & RM2)
  - West: Single-family residential (R4)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the planning commission to allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** This property has been an auto repair business since 1955, making it legally nonconforming. In April, 1998 the planning commission denied an application for a special condition use permit to allow used car sales, based on the finding that the lot area was not great enough. Following the purchase of contiguous parcels, the planning commission approved a special condition use permit for outdoor auto sales, with conditions, in October, 1999. At that time the lot was zoned B3. Since then, the property and surrounding properties have been rezoned T2 as part of the Loeb Lake Small Area Plan (2006). Numerous complaints about violations of conditions in the permit have been filed with the Department of Safety and Inspections.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommended denial of the change in nonconforming use. (Letter received 7/29/2014)
- H. **FINDINGS:**
  1. The applicant, Don Buckrey of More 4 a Buck, has applied for a change of nonconforming use permit to change the mix and layout of auto repair and outdoor auto sales at 1176 North Dale Street from what is specified in conditions of the existing conditional use permit for the site. The existing special condition use permit approved in 1999 specifies 35 parking spaces for for-sale cars on the north side of the building, six parking spaces for cars awaiting repair or pick-up or employee parking on the east side of the building, and eight spaces for customer and employee parking on the south side of the building, including one handicapped space. It also specifies that no cars shall be parked on the Dale Street frontage of the site, except the seven cars in the first row of for-sale cars in the north lot. The applicant proposes to change the use and layout of parking spaces (totaling 45) on the site to be as follows:
    - a) Seven (7) spaces for customers and employees on the south side of the building and three (3) spaces for customers and employees at the southeast corner of the building;

- b) Four (4) spaces for customer parking to the north of the building;
  - c) Ten (10) spaces for vehicles for sale (including seven (7) spaces along the Dale Street frontage); and
  - d) Twenty-one (21) spaces for cars waiting for repair on the northeast corner of the lot.
2. Section 62.109(c) states: *The planning commission may allow a nonconforming use to change to another use permitted in the district in which the existing nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the existing nonconforming use is first allowed, or permit another, related nonconforming use at the same location if the commission makes the following findings:*
- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The existing use is auto repair and outdoor auto sales. The proposed use is auto repair and outdoor auto sales. Both the auto repair and the outdoor auto sales are auto-oriented uses first permitted as conditional uses in the B3 General Business District, which is what this property was zoned through 2010. The neighborhood has a mix of uses, including other auto-related uses, commercial uses, railroad right of way and single family homes across Dale Street. The auto repair use has been in place since 1955. The outdoor auto sales use has been in place since 1999.
  - b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The the proposed change to the existing nonconforming use is a related use. The applicant states that the same number of cars will be on and access the site as do currently. The only adjustment is to the location and number of parking spaces.
  - c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The proposed use is complementary to the existing use and will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.
  - d. *The use is consistent with the comprehensive plan.* This finding can be met. The use is consistent with Saint Paul Comprehensive Plan (2010) strategy LU-1.7, "Permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." This use is located within an "established neighborhood" and provides a service to the community. It is also located within a "mixed-use corridor" and as such meets strategy LU-1.24, "Support a mix of uses on Mixed-Use Corridors." It is also may be consistent with the District 6 Plan (2010) strategy LU-5.1, "Encourage existing auto related businesses to upgrade the appearance of their buildings and properties," if the applicant fulfills his intent to provide additional fencing around the property. In the 2006 Loeb Lake Small Area Plan, Commercial Strategy 3 states, "The northeast corner is occupied by an auto repair shop. Redevelopment of this corner is unlikely in the near future due to the small parcel size and recent investments to improve the building. The plan encourages the property owner to improve the appearance of the building and the lot with the possibility of grants or low-interest loans from the City or Sparc. In the long-term, the site could be developed into general commercial or a mix of commercial and housing." Also in that plan, Commercial Strategy 6 states, "The study area, and the North End to a larger extent, has high number of automobile oriented uses. The plan encourages existing, viable auto businesses to stay, upgrade their appearance, and continue to serve the neighborhood, but discourages the growth of new auto businesses." If the applicant fulfills his intent to provide additional fencing around the property and maintain the building in good repair, this condition is met.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the change of nonconforming use permit for auto repair and outdoor auto sales subject to the following condition(s):
1. The building shall be painted and maintained in good condition
  2. Parking areas and driveways shall be paved with a permanent, durable, and dustless surface, and striped for the parking as proposed, according to an approved site plan. Driveways and maneuvering lanes measuring at least 20 feet wide shall be maintained on the site. The following parking spaces (totaling 45) shall be striped and no cars shall be parked outside of the striped areas:
    - a) Seven (7) spaces for customers and employees on the south side of the building and three (3) spaces for customers and employees at the southeast corner of the building;
    - b) Four (4) spaces for customer parking to the north of the building;
    - c) Ten (10) spaces for vehicles for sale on the northwest corner of the lot, including seven (7) spaces along the Dale Street sidewalk (there shall be no other cars parked along the Dale Street frontage of the property); and
    - d) Twenty-one (21) spaces for cars waiting for repair on the northeast corner of the lot.
  3. All vehicles parked for sale outdoors on the lot must be completely assembled with no parts missing. All vehicles awaiting repair parked outdoors on the lot must not have major parts missing (wheels, doors, bumpers, body panels etc.) and must be repaired or moved within 48 hours of receipt.
  4. Vehicle salvage is not permitted.
  5. There shall be no outdoor storage of vehicles, trash, tires, oil, or similar items.
  6. No repair of vehicles will take place outside of a covered and walled structure, or in the public right-of-way.
  7. A decorative fence and a four-foot wide landscaped area with screening landscape material shall be installed along the Dale Street frontage of the property. Fencing generally shall consist of durable materials (aluminum or wrought iron) no taller than six feet, and shall be maintained regularly. Fencing along the Dale Street frontage may not be higher than four feet and may not consist of cyclone or chain link fence. Fencing along the north and east sides of the property may be a standard cyclone or chain link fence with no "privacy strips."
  8. Vehicles intended for sale must at all times be clearly marked with easily identifiable signage designating them as for-sale vehicles.
  9. A site plan must be submitted to and approved by the Zoning Administrator for this use, in substantial compliance with the plan submitted and approved as part of this application, including the parking lot striping and required decorative fence and landscaping, and all required improvements must be completed prior to the change of use and no later than one year from the date of approval of this permit.

Auto. Cape System Improvement  
 1176 Dale Street Bldg 5517

2 cars for indoor sale  
 7-35 cars for outdoor sale  
 21 cars for customers  
 14 cars for employees  
 3 cars for handicapped

By: O. Bear

File # 10/27/99

Approved by the Planning Commission

81

125

Grass/dirt

Drainage

6" curb

EX asphalt

wood post

+ beam fence

75'

bollard and chain

22' 2" barrier

Site Plan

8x5

planter

Gravel

shade

tree (2 1/2" diameter)

20'

grass

shrubs

dwarf

+ flower

TP.

TO: Planning Commission

FROM: Comprehensive Planning Committee

The Comprehensive Planning Committee's item that is on the Planning Commission agenda: Department of Natural Resource's (DNR) Draft Rules for the Mississippi River Critical Area, the materials for that packet will be emailed to you on Monday, August 4, 2014.

Thank you