

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

**WEEK OF DECEMBER 1-5, 2014**

**Mon (1)** \_\_\_\_\_

**Tues (2)** \_\_\_\_\_

**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

Minor Zoning Text Amendments to Driveway Setback Requirements, Land Use Standards, and B, I and T District Uses and Standards – Discuss public hearing testimony and consider recommendation to Planning Commission.  
*(Jamie Radel, 651/266-6614)*

Continue to discuss public comments from October 31<sup>st</sup> Planning Commission Hearing on Department of Natural Resource's Draft Rules for the Mississippi River Critical Area, and consider a recommendation for Planning Commission.  
*(Allan Torstenson, 651/266-6579, and Josh Williams, 651/266-6659)*

**5:00-7:30 p.m. Gateway Station Area Planning Task Force**  
*(Bill Dermody, 651/266-6617)*

**Conway Recreation Center**  
2090 Conway Street  
Saint Paul, MN 55119

**Weds (3)** \_\_\_\_\_

**Thurs (4)** \_\_\_\_\_

**5:00 p.m. Heritage Preservation Commission**

**Room 40 City Hall**  
Lower Level  
Enter building on 4<sup>th</sup> Street  
15 W. Kellogg Blvd.

**Public Hearing/Permit Review**

**321 Irvine Avenue Hill Heritage Preservation District**, by owner Paula Schad, for a building permit to construct a new single family house. File #15-006 *(Spong, 651/266-6714)*

**New Business**

**234-238 Bates Avenue, Euclid View Flats – Dayton's Bluff Heritage Preservation District**, Elizabeth Gales, Hess, Roise and Co., will give a brief presentation of the proposed rehabilitation of the Euclid View Flats. The building was listed on the National Register of Historic Places this year and the owner plans to utilize both Federal and State Historic Tax Credits. *(Boulware, 651/266-6715)*

**Fri (5)**

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

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

**PUBLIC HEARING: Saint Paul Bicycle Plan** – Item from the Transportation Committee. *(Reuben Collins, 651/266-6059)*

**PUBLIC HEARING: Minor Zoning Text Amendments to Chapters 60-62, and portions of Chapters 63 & 65** – Item from the Neighborhood Planning Committee. *(Jake Reilly, 651/266-6618)*

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

**OLD BUSINESS**

#14-324-859 Forrest Heating Inc. – Establishment of nonconforming use as a heating service business. 995 Burns Avenue NE corner at Clermont. *(Bill Dermody, 651/266-6617)*

**NEW BUSINESS**

#14-342-289 Joseph Sullivan – Rezone from RT1 Two-Family to B1 Local Business. 999 - 1003 Hudson Road between Cypress and Earl. *(Jake Reilly, 651/266-6618)*

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

DNR Mississippi River Critical Area Rulemaking – Approve resolution recommending to the Mayor and City Council of Saint Paul comments on the DNR's draft rules. *(Josh Williams, 651/266-6659, and Allan Torstenson, 651/266-6579)*

**Neighborhood Planning  
Committee .....**

West Side Flats Master Plan and Development Guidelines, Proposed Rezoning, Proposed Zoning Code Text Amendments – Release for public review and set a public hearing for January 30, 2015. *(Lucy Thompson, 651/266-6578)*

District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study - Release for public review and set a public hearing for February 13, 2015. *(Josh Williams, 651/266-6659)*

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

**Minutes October 31, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 31, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. DeJoy, McMahon, Merrigan, Noecker, Padilla, Reveal, Shively, Thao Wang, and Wencil; Messrs. Connolly, Edgerton, Gelgelu, Makarios, Nelson, and Wickiser.

**Commissioners Absent:** Mmes. \*Underwood, and Messrs. Lindeke, \*Ochs, Oliver, and \*Ward.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Allan Torstenson, Josh Williams, Jake Reilly, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes October 3, 2014.**

**MOTION:** *Commissioner Thao moved approval of the minutes of October 3, 2014. Commissioner Gelgelu seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencil had no announcements.

**III. Planning Director's Announcements**

Donna Drummond announced that the City Council passed a resolution requesting the Planning Commission and the Heritage Preservation Commission to study the possibility of adding a historic use variance to the City's codes. The study will get underway quickly as they are looking for recommendations by the early part of 2015. The City Council also approved the sale of \$42 million in bonds that will be funded with half-cent sales tax proceeds to go towards the 8-80 Vitality Fund Program of projects. These projects include the Palace Theater, Jackson Street reconstruction and the downtown bike loop, improvements on the Grand Round, Dickermont Park development, optical fiber infrastructure for City buildings and an additional \$9.5 million that will be used for neighborhood projects around the city that are related to the 8-80 theme.

**IV. PUBLIC HEARING: Department of Natural Resources (DNR) Draft Mississippi River Corridor Critical Area Rules - Item from the Comprehensive Planning Committee. (Allan Torstenson, 651/266-6579 and Josh Williams, 651/266-6659).**

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing

on the Department of Natural Resources (DNR) Draft Mississippi River Corridor Critical Area Rules. Notice of the public hearing was sent on October 8, 2014, to the citywide Early Notification System list and other interested parties.

Allan Torstenson, PED staff, made some introductory remarks about the draft Mississippi River Corridor Critical Area Rules.

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

The following people spoke.

1. Tom Dimond, 2119 Skyway Drive, said his comments are formatted on the DNR's draft rules, which he had submitted, and that the river corridor is a wonderful resource. He held up the Metropolitan Council's 1975 "*Recommendations for Critical Area Designation of the Mississippi River*," noting that it is a valuable document to read because it explains the rationale and thinking that went into the subsequent Critical Area designation and protections currently in place for the river corridor. Mr. Dimond said he is concerned that the new draft rules would reduce protection of the river corridor that has been in place for nearly 40 years, and encourages retention of current protection.
2. Michael Belaen, Director of Public Affairs for the St. Paul Area Chamber of Commerce, said they had submitted written comments and concerns about the proposed rules to the DNR on August 11, 2014, and these had been shared with the Planning Commission. He highlighted four of the Chamber's major concerns:
  1. The DNR has not conducted a sufficient study of how the proposed rules will affect existing commercial, residential and industrial development. The DNR has indicated, for example, that they did not study how many buildings would become nonconforming structures under the proposed rules prior to releasing them in June. The Chamber believes that without additional analysis it will be difficult for the DNR to satisfy statement of need and reasonableness requirements for the rules under the administrative procedures act.
  2. New land use districts and their dimensional standards in the draft rules, as they are proposed to be used in St. Paul, in some cases do not adequately reflect existing and planned development.
  3. The proposed rules would make a lot of existing structures nonconforming. This may negatively affect property values, reduce the strength of Saint Paul's tax base, and prevent some businesses from expanding their physical presence in Saint Paul.
  4. The Chamber has concerns about the proposed set aside requirements in the draft rules. While not the same as parkland dedication requirements, they would be subject to the same takings clause in the U.S. and Minnesota constitutions. If cities like Saint Paul are forced to implement rules that require a large percentage of private property to be set aside as a condition of development approval they will be subject to takings and inverse condemnation law suits which will cost significant amounts of money. The proposed rules would require some land owners to set aside as much as 50% of their property in order to obtain development approval, which is on its face unreasonable.



3. Michael Schmidt, 3229 46<sup>th</sup> Ave. S., Minneapolis, said he is employed in downtown Saint Paul, travels through the river corridor daily, and appreciates the natural areas along the river. He said that the proposed rules will help preserve the existing open space, provide consistency throughout the corridor, and allow reasonable development consistent with the multiple goals for the corridor. Landslides in Mendota Heights and Minneapolis are why limitations are needed.
4. Karen Reid, Executive Director of Neighborhood Development Alliance (NeDA), said that applying zoning changes to existing built up areas that make up their neighborhood should be done carefully. Many of the structures on the West Side that would be nonconforming under the proposed rules have been part of the urban fabric of the city for generations. They are concerned that implementation of these zoning changes would slowly destroy the residential and commercial fabric of the neighborhood by removing individual properties from the neighborhood like taking out random puzzle pieces. Over time, this could pick apart and threaten the vitality and livability of their neighborhood. The proposed zoning negatively impacts a large portion of the West Side's affordable rental housing and may discourage investment. Buildings affected include a portion of Torre de San Miguel, all of Vista village, and all of Bluff Park Homes. Equally disturbing is the large area east of Highway 52 that would become nonconforming, including Guadalupe Alternative Programs and the surrounding single family ownership and rental housing that is home primarily to low-income families. A variety of long-established and new businesses where owners have and are currently investing would also be nonconforming. NeDA would like the Planning Commission to reflect not only on the environmental goals of the proposed zoning, but also on the social and community impacts zoning enforcement will have on the West Side's low-income neighborhoods.
5. Valerie Ware, 499 Snelling Ave. S., said that the proposed rules threaten our ability to continue enjoying the resources and scenery that make Saint Paul an iconic place. She said the rules must limit building heights to protect unique views, and require setbacks for structures to protect the health of the river from excessive erosion of both the bluff and the shoreline. She thinks the rules provide the minimum protection needed, and Saint Paul can set stronger standards.
6. Whitney Clark, Executive Director of Friends of the Mississippi River (FMR), said that he assumes that everyone is in agreement that a healthy, clean vital Mississippi River studded with open space, parks and trails, scenic vistas and historic sites is vital to the city's well-being. As a Saint Paul resident he is disappointed by City comments that do not represent his views and values with respect to the paramount importance of setting strong and protective standards to ensure the long term health of the river. Our city should be a strong voice in support of smart common sense rules that would protect the scenic and natural character of the river. City comments should also be consistent with City-adopted policies and plans. FMR has many St. Paul members who believe we should be doing more to protect and restore the greatness of the river. No one at a DNR public information meeting in St. Paul spoke against open space set asides or height regulations.
7. Irene Jones, River Corridor Director with Friends of the Mississippi River, noted that Saint Paul's 2002 Mississippi River Corridor Plan lays out a lot of the same policies and goals as the executive order [that designated the Critical Area]. In their close study of the rules the nonconforming use issue has come up a lot. The DNR has bent over backwards to make

sure that it's clear that existing uses will be able to continue. The goal of these rules is focused on new development and redevelopment. That applies specifically to the open space dedication requirements, which do not apply to smaller development or the average thing that might happen on a neighborhood lot. The open space dedication it is designed to protect primary conservation areas as they're called, bluffs and steep slopes and the kinds of things that are along the river that we all value, and a lot of properties that don't have a lot of these features won't be required to set aside or protect as much.

8. Shirley Erstad, Executive Director of Friends of the Parks and Trails of Saint Paul and Ramsey County, said Executive Order 7919 [that designated the Critical Area] repeatedly states the goal is to protect and enhance the natural resource. How well we protect this natural resource has a direct correlation to the economic value of the land adjacent to it. When there was raw sewage in the river we built a correction facility there. Now that we have taken better care of our river the land surrounding it has become more valuable. By protecting and enhancing the natural resource we in turn protect and enhance our local economy. Ms. Erstad noted the statement in Saint Paul's Great River Passage Master Plan that new development should be oriented toward the river, preserving access and views while respecting neighborhood scale and protecting natural resources. Other stated goals include preservation and enhancement of natural areas, redevelopment that enhances neighborhood livability, and the image and the accessibility of the river. To achieve these goals we need critical area regulations that support them.
9. Catherine Zimmer, Executive Director of a nonprofit called Women Observing Wildlife Minnesota, said she appreciates St. Paul's leadership and support in protecting the Mississippi River as a source of drinking water and as habitat for many animals. It also serves as a major migratory route for millions of birds. When she paddles on the river she wants to see natural things, not buildings and signs. She said that the proposed rules will weaken protections for the river, diminish habitat for plants and animals she wants to see, increase erosion, and diminish water quality. As a public health scientist, she said great strides have been made in cleaning up some major sources of pollution for the Mississippi River, but others such as stormwater runoff and effluent from waste water plants are ongoing threats, and said protections should not be weakened.
10. Brian Tourtelotte, a landscape architect with Saint Paul Parks and Recreation made comments from the department on behalf of Director Mike Hahm. Saint Paul Parks and Recreation has a core value of excellence in delivering programs and managing resources entrusted to them. They maintain a staff of well-trained, certified, and licensed design, programming, and environmental professionals. Their work focuses on youth development and enhancement, protection and preservation of our resources.

For over 40 years Saint Paul Parks and Recreation has managed regional parks in the river corridor under the authority of the Metropolitan Council. They are required to follow approved master plans developed with an emphasis on natural resource enhancement and preservation, based on public needs, with extensive public involvement by citizens and local, state and national agencies. The 10 implementing agencies of the regional parks have met with the DNR staff to provide them with information about the regional park requirements and processes, and to request changes to the draft rules to reflect this.

The urban parks of the regional parks system within the river corridor are already being managed to achieve goals of the Critical Area through the guidelines required by the Metropolitan Council. Environmental goals contained within the Parks Chapter of the Saint Paul Comprehensive Plan, the Metropolitan Council Regional Park Environmental Guidelines, and Critical Area goals are parallel goals. Saint Paul Parks and Recreation will continue to strive to be a leader in meeting these goals. It is their desire that the rules allow them to continue to design and manage these intensely used urban parks, to meet public needs, responding to environmental challenges and incorporating evolving technology to meet performance based guidelines applied to unique urban park needs. Urban parks are different from rural open space in use and intensity. The 10 implementing agencies of the regional parks hope that a cooperative atmosphere can be built with the DNR to develop performance-based language in the rules to provide guidance for achieving shared goals of enhancing, protecting, preserving the unique and fragile resources that we all value. Mr. Tourtelotte submitted written testimony from the Director Mike Hahm.

Commissioner Wickiser asked about the different perspectives of St. Paul Parks and Recreation, Friends of the Parks, Friends of the Mississippi, and the DNR about management of parks in the critical area, particularly using the example of whether there should be a soccer field at Victoria Park or if needs for soccer fields should be met outside of the Critical Area.

Mr. Tourtelotte said St. Paul Parks has regular dialog with Friends of the Parks and Friends of the Mississippi, and frequently works with them. Professional parks staff approach protection of environmental resources as a primary directive in all of their projects. He doesn't see any disagreement on that.

Commissioner Shively responded to Commissioner Wickiser's questions about Victoria Park, saying she co-chaired the task force for a recent 18 month community planning process with Saint Paul Parks and Recreation to create a master plan for Victoria Park, accounting for the Critical Area and consistent with the Great River Passage master plan for Saint Paul's river parklands.

11. Julian Sellers said that when he and his wife came to live in Saint Paul in 1978 they were smitten by the Mississippi River and parks along it. We are fortunate that people had the foresight to preserve and enhance areas along the river, and it would be a mistake to weaken the protection now in place for the bluffs, scenic views, and recreational opportunities provided by the river.
12. Rory Steeler with the National Park Service, 111 Kellogg Blvd., said he was on the Victoria Park Task Force, and the Critical Area doesn't preclude soccer fields in that area. He provided some background on the Mississippi National River and Recreation Area (MNRRA), which shares a boundary with the Mississippi River Corridor Critical Area, and the MNRRA Comprehensive Management Plan. Major complaints that they have heard about the critical area program is that it's vague, and the standards are difficult to implement and hard to follow. Their primary desire for the rules is to establish a minimum base line of standards that can be consistently applied throughout the corridor to adequately protect the river into the future. He noted that City staff had raised numerous issues with the current draft of the rules and said Planning Commission comments should be consistent with adopted City plans and policies.

13. Jerry Berquist, 46 Prospect Blvd., said he goes up and down the river in his houseboat and is able to see how beautiful the river is. Protections in place today should be strengthened to preserve the river as it exists and so our children's children can still see what the Mississippi River was like years ago.
14. Lorrie Louder, from the Saint Paul Port Authority, 380 St. Peter St., said the Port Authority had submitted written comments and suggested edits to the rules, and she highlighted a few things. The Port Authority believes in sound river stewardship along with business and economic development activities that generate jobs. We should be able to have a beautiful river and wildlife living together with jobs and business activities. They are concerned that the draft rules would usurp local control over zoning, and are particularly concerned about the rule that would force cities to require private property to be set aside for open space conservation. This is a huge risk that raises the specter of regulatory taking. Before the DNR promulgates the rules this should be fully vetted and all of the potential impacts thoroughly considered. The proposed urban core district should reflect the urban setting, the downtown area should be exempt from steep slope locational requirements, and the creation of nonconforming uses should be avoided. Making existing development nonconforming is a big shout out to the business community that they are not welcome, and the result would be disinvestment in properties.
15. Joanna Eckles, Bird Friendly Manager for the National Audubon Society, said the Mississippi River is an important migratory bird flyway that up to 40% of all North American water fowl use. They have designated 57 areas in Minnesota as Important Bird Areas (IBAs). The entire Critical Area is part of the IBA system where it is important not only to ensure the health of the natural environment and habitat, but also to consider the built environment in terms of how glass is used, how tall structures are, communication towers, wires, and all kinds of things that come with the built environment.
16. Representative Sheldon Johnson, Chair of the Mississippi Parkway Commission, said the Parkway Commission had submitted comments to the DNR calling for protection of river corridor views, historic and cultural assets, public access to and along the river, bluffs, very steep slopes, flood plains, and bluff and shoreline habitat. As a state representative he has heard from many constituents about protecting our river corridor. He encouraged strong rules for protection and enhancement of the river corridor.
17. John Traxler, President of Captain Ken's Foods, 344 S. Robert, said Captain Ken's would be a nonconforming structure under the proposed rules, which would limit future business opportunities and the value of his property. This would be the case for hundreds of residential and commercial buildings that would become nonconforming under the DNR's proposed rules. This matters because they want to expand their building someday just like other current and potential business owners in Saint Paul. Captain Ken's and other businesses would like to have the capability to grow and not be limited by the building deemed as a nonconforming structure. Every community grows one business at a time and one job at a time. Saint Paul is not different. Mr. Traxler said that serious consideration needs to be given to the impact of the proposed rules on current businesses and potential development in Saint Paul. They will affect businesses.

18. Eric Myers, Government Affairs Director for the Saint Paul Area Association of Realtors, said they have been following this issue since 2009 and understand the value and importance of the river corridor for many uses, and its scenic, natural and ecological value. In reauthorizing rulemaking for the Critical Area in 2013, the Minnesota Legislature was careful to include language specifically stating that when establishing districts the DNR shall consider management of the river corridor consistent with its natural characteristics and its existing development, and in consideration of potential new commercial, industrial and residential development. It has been said today that nonconforming uses has been a major concern, and that is their primary concern. Blanket rules for a 72 mile stretch of the river corridor that would make thousands of commercial, industrial and residential properties nonconforming is probably not in the best interest of the city. The city should take a close look at nonconformities. Once a property becomes nonconforming it can be very difficult to get financing for it, sell it, or develop it. Some groups are underplaying the significance of this. Mr. Myers said he had submitted written comments.
19. Edna Brazaitis, a Minneapolis resident, said she believes we need strong rules to protect this asset. She said she lives in an 1876 house and historic properties are exempt from nonconforming uses.
20. Paul Sawyer, District 1 Community Council Chair, said the District 1 Community Council appreciates the careful review of the draft rules and the ability to comment on them. The draft rules need to provide a balance. Amongst the natural resources in our neighborhoods are hundreds of residents and numerous businesses. The rules can and should be implemented in a way that both protects resources and allows residents and businesses to thrive. The rules cannot be overly restrictive to the residential development of the area nor place too much of a burden on businesses looking to expand. Overly cumbersome requirements would result in stagnation of our neighborhoods, ultimately leading to decline.

The most significant concern District 1 has is with the districts that have been proposed for their portion of the Critical Area. Much of the area is currently in the Urban Open Space District. With the new set of districts proposed in the rules, the Rural & Open Space District designation across a broad area in District 1 is not an appropriate successor to the Urban Open Space District. The area east of Highway 61 does not meet any of the characteristics described in the draft rules for the Rural & Open Space District.

While the District 1 Community Council supports a requirement for a permit for certain vegetation removal activities as currently required in Saint Paul's Tree Preservation Overlay District, they would like clarity in how it would be applied to invasive species removal, would like to know if replacement with native species would be required, and want to ensure that removal does not endanger soil stability on the slopes in their area. There are many areas in our forests that are dominated by buckthorn, Tartarian honeysuckle, white mulberry, and other invasive woody plants. Written comments from the District 1 Community Council were submitted.

21. Peggy Lynch, 1621 Beechwood Ave., said she was on a Citizens League Committee 40 years ago that made the original recommendation to the Metropolitan Council for designation of the Mississippi River as a critical area. She is concerned that the draft rules would change the protection of bluffs, especially after seeing what happened last spring and a couple years ago at Lilydale Park. Many of the bluffs are fragile. New protections are

needed not only for scenic beauty but also for the safety of buildings and people. She is also concerned that the rules would eliminate the parkland dedication requirement that has been in effect for 40 years. This has not caused a problem the City of Saint Paul, which is now in the process of updating their parkland dedication ordinance.

**MOTION:** *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, November 3, 2014, and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.*

## **V. 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, October 28, 2014:

- Repave school bus parking lot for Saint Paul Public Schools at 261 Chester Street.
- Shepard Road Development, preliminary meeting on the Master Plan and Phase 1 for a mixed-use development at 2751 Davern (at Shepard Road).

### **NO BUSINESS**

Commissioner Padilla announced the items on the agenda at the next Zoning Committee meeting on Thursday, November 6, 2014.

## **VI. Neighborhood Planning Committee**

Minor Zoning Text Amendments to Chapters 60-62 and portions of Chapters 63 & 65 – Release for public review and set a public hearing for December 5, 2014. (Jake Reilly, 651.266-6618)

Jake Reilly, PED staff, was available if Commissioners had any questions.

**MOTION:** *Commissioner Shively moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on December 5, 2014. The motion carried unanimously on a voice vote.*

## **VII. Comprehensive Planning Committee**

Commissioner Merrigan announced that because of the Veteran's Day Holiday the Comprehensive Planning Committee's meeting on Tuesday, November 11<sup>th</sup> has been moved to November 18<sup>th</sup>.

## **VIII. Transportation Committee**

Commissioner Wang announced the items on the agenda at the next Transportation Committee meeting on Monday, November 3, 2014.

**IX. Communications Committee**

Commissioner Thao had no report.

**X. Task Force/Liaison Reports**

No report.

**XI. Old Business**

None.

**XII. New Business**

None.

**XIII. Adjournment**

Meeting adjourned at 10:01 a.m.

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

Respectfully submitted,



Donna Drummond  
Planning Director

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

\_\_\_\_\_  
Daniel Ward II  
Secretary of the Planning Commission

## Transportation Committee Staff Report

Committee date: 10/06/2014

<b>Project Name</b>	<i>Saint Paul Bicycle Plan</i>
<b>Geographic Scope</b>	<i>Citywide</i>
<b>Ward(s)</b>	<i>All</i>
<b>District Council(s)</b>	<i>All</i>
<b>Project Description</b>	<i>Draft of the Saint Paul Bicycle Plan. The plan designates corridors for future development of bikeway and addresses other policies and topics related to bicycling.</i>
<b>Project Contact</b>	<i>Reuben Collins</i>
<b>Contact email/phone</b>	<i>651-266-6059</i>
<b>Lead Agency/Department</b>	<i>Department of Public Works</i>
<b>Purpose of Project/Plan</b>	<i>The plan designates corridors for future development of bikeways and provides recommendations regarding bikeway facility types for those corridors. The plan will be used by Public Works as an implementation guide. <a href="http://stpaul.gov/index.aspx?NID=4604">http://stpaul.gov/index.aspx?NID=4604</a></i>
<b>Planning References</b>	<i>Comprehensive Plan, Bike Walk Central Corridor Action Plan</i>
<b>Project stage</b>	<i>Planning</i>
<b>General Timeline</b>	<i>Draft plan was released on 1/21/2014. This final version of the plan is recommended for adoption.</i>
<b>District Council position (if applicable)</b>	<i>None</i>
<b>Level of Committee Involvement</b>	<i>Involve</i>
<b>Previous Committee action</b>	<i>Presentations regarding this plan were presented to the Transportation Committee on 6/13/2011, 4/22/2013, 1/27/2014, and 5/12/2014.</i>
<b>Level of Public Involvement</b>	<i>Involve</i>
<b>Public Hearing</b>	<i>Yes, Date Unknown.</i>
<b>Public Hearing Location</b>	<i>Unknown</i>
<b>Primary Funding Source(s)</b>	<i>Unknown</i>
<b>Cost</b>	<i>Unknown</i>

<b>Staff recommendation</b>	<i>N/A</i>
<b>Action item requested of the Committee</b>	<i>Recommend Planning Commission release plan for public comment and set a public hearing date.</i>
<b>Committee recommendation</b>	<i>Recommend Planning Commission release plan for public comment and set a public hearing date.</i>
<b>Committee vote</b>	<i>7-0</i>



### Level of Committee Involvement

<b>INFORM:</b> Informational briefings	<i>Projects that are in implementation phase; projects from other jurisdictions; policy documents from other agencies/jurisdictions</i>
<b>ADVISE AND CONSENT:</b> Informational briefings with policy discussion, general directives to staff for follow-through	<i>Project and program reviews primarily initiated by staff; or involvement with program development by others</i>
<b>INVOLVE:</b> Discussions to develop directions for projects & programs	<i>Policy involvement from inception through design, inc. policy development; environmental documentation</i>
<b>DEVELOPMENT OF PROJECT/PROGRAM:</b> Discussion to form process; screening of ideas; development of recommendations; and managing outreach to the community	<i>Committee has primary responsibility for concept development, and/or overseeing participation process, and/or making specific recommendations to Planning Commission, Mayor and/or City Council</i>



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-228-3261*

**November 26, 2014**

**To:** Planning Commission

**From:** Neighborhood Planning Committee

**Re:** Minor Zoning Text Amendments to Chapters 60-62, and portions of Chapters 63 & 65 Public Hearing

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On December 5, 2008 the Saint Paul Planning Commission initiated a study of the Zoning Code to address minor text errors and clarify language in the zoning code. At the December 5, 2014 Planning Commission, there will be a public hearing on these amendments. The Planning Commission set the public hearing at the October 22, 2014 meeting, with notice to both the Legal Ledger and ENS list being published the week of October 27, 2014.

Staff has been in the process of conducting this study and began work with Chapters 60 and 61 of the Zoning Code. A public hearing was held at the February 19, 2010 regular meeting of the Planning Commission. Subsequently the City Council adopted Ordinance 10-349 amending the zoning code to reflect those amendments.

Since that time additional changes have been made to both references in and interpretations of the code within these chapters, as well as additional typographical and contextual errors were found. This package addresses those edits and modifications. This package covers Chapters 60 through 62 of the Zoning Code as well as portions of Chapters 63 and 65. This is the first in a series of public hearings on all minor text amendments to Zoning Code chapters.

Perhaps the most notable amendment in the package is the edit to Sec. 61.601. Variances, which brings the Saint Paul Zoning Code into compliance with the Minnesota State Statute language in MN Stat. 462.357. Subd.6.

# Draft Minor Text Amendments Package –11/26/2014

## Chapter 60. Zoning Code – General Provisions and Definitions

### ARTICLE I. 60.100. GENERAL PROVISIONS AND EXCEPTIONS

#### Sec. 60.104. - Construction of language.

The following rules of construction apply to the text of this code:

...

~~(e)~~ The word "building" includes "structure" and any part thereof.

~~(e)(f)~~ The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

~~(f)(g)~~ The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

~~(g)(h)~~ Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

...

~~(h)(i)~~ "Abut" means having a common boundary or relationship at ~~either~~ a common property line, street or alley.

~~(i)(j)~~ "Adjacent" means located nearby, with or without contact.

~~(j)(k)~~ "Adjoin" means having a common boundary or relationship at a common property line.

~~(k)(l)~~ "Contiguous" means abutting.

~~(l)(m)~~ A "—" shall mean "through" when used between zoning district abbreviations within a land use category, e.g., "RT1—RM2" residential districts shall mean RT1, RT2, RM1, and RM2 residential districts.

[The terms *building* and *structure* are defined separately and are different.]

### ARTICLE II. 60.200. GENERAL DEFINITIONS

#### Sec. 60.214. M.

...

~~*Master plan.* A plan for a specific site proposed for development or redevelopment under the provisions of the TN3 district, in order to demonstrate compliance with the intent of the district.~~

[This definition is out of date and is not needed here. § 66.344(b) *Master plan* applies to more than just the T3 district, and is clear about what a master plan without a separate definition here.]

**Sec. 60.216. O.**

...

*Open space.* Land and water areas retained for use as active or passive recreation areas or for resource protection. For the calculation of minimum open space within a TN3 traditional neighborhood district development, open space shall not include parking facilities, driveways, utility or service areas, or required yards.

[This district is no longer referred to as TN, but T.]

**Sec. 60.217. P.**

...

*Planning district.* One (1) of seventeen (17) geographic areas delineated, and from time to time amended, by the city council to facilitate citizen participation, early notification of proposed city actions, and planning for the purpose of determining concentration of community residential facilities. ~~Planning District Thirteen is divided into three (3) separate planning districts: Merriam Park, Snelling Hamline and Lexington Hamline.~~ An official map of the designated areas is maintained by the department of planning and economic development.

[District 13 is no longer divided into 3 separate planning districts.]

**Sec. 60.220. S.**

...

~~*Swimming pool.* A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.~~

[Move this definition to be with the regulations for this accessory use in Article 65.900, Accessory Uses.]

**Sec. 60.227. Z.**

...

*Zoning conditional uses and variances*

- (1) *Conditional uses:* A conditional use is a use permitted only after review and approval of an application by the planning commission, or the planning or zoning administrator where delegated to do so pursuant to section ~~61.300~~ 61.202(c).

...

**ARTICLE III. 60.300. ZONING DISTRICTS AND MAPS GENERALLY**

**Sec. 60.301. Zoning districts established.**

For the purposes of this code, the city is hereby divided into the following zoning districts:

...

(g) Overlay districts.

SF state fair parking and vending overlay districts

TP tree preservation overlay district

SD Shepard Davern commercial and residential redevelopment overlay districts

WB White Bear Avenue overlay district

HV Hillcrest Village overlay district

EG East Grand Avenue overlay district

SH Student housing neighborhood impact overlay district

[East Grand Avenue Overlay District was added in 2006. Student Housing Overlay District was added in 2012]

...

(i) Floodplain management overlay districts

FW floodway overlay district

FF flood fringe overlay district

[Regulations for these districts, pursuant to FEMA requirements, were adopted as a separate chapter 72 in 2010.]

## **Chapter 61. Zoning Code – Administration and Enforcement**

### **ARTICLE. I. 61.100. GENERAL PROVISIONS**

#### **Sec. 61.107. Conditions of approval.**

The planning commission, planning or zoning administrator, board of zoning appeals, or city council may impose such reasonable conditions and limitations in granting approval of a site plan, conditional use permit, similar use determination variance or other zoning approval, and in making a similar use determination, as are determined to be necessary to fulfill the ~~spirit~~ intent and purpose of the zoning code, to ensure compliance, and to protect adjacent properties and additionally, when approving a variance, as are directly related to and roughly proportionate to the impact of the variance

[Edited to bring the variance findings and conditions language in this code into compliance with the new state variance language in MN Stat. 462.357, Subd. 6.]

### **ARTICLE. IV. 61.300. GENERAL APPLICATION AND REVIEW PROCEDURES**

...

#### **Sec. 61.302. Application forms and fees.**

...

(b) *Fee schedule.* Fees for the following zoning control applications shall be as follows:

...

- (8) *Rezoning*: One thousand two hundred dollars (\$1,200.00) up to one (1) acre of land, two hundred fifty dollars (\$250.00) for each additional acre of land, and an additional fee of five hundred dollars (\$500.00) for rezoning to TN3(M) Traditional Neighborhood District with a master plan and an additional fee of one thousand dollars (\$1,000.00) for rezoning to PD Planned Development District.

[This district is no longer referred to as TN, but T.]

...

#### ARTICLE. IV. 61.400. SITE PLAN REVIEW

##### **Sec. 61.402. Site plan review by the planning commission.**

- (a) *Plan to be submitted*. A site plan shall be submitted to and approved by the planning commission before a permit is issued for grading or the erection or enlargement of any building except one- and two-family dwellings, and including the following:

....

- (4) Any development in a TN district.

...

- (c) *Site plan review and approval*. In order to approve the site plan, the planning commission shall consider and find that the site plan is consistent with:

...

- (5) The arrangement of buildings, uses and facilities of the proposed development in order to ~~assure~~ ensure abutting property and/or its occupants will not be unreasonably affected.

...

- (d) *Compliance and time requirements*. The planning commission may make such requirements with respect to the above matters as to ~~assure~~ ensure compliance with them. When changes are required, the revised site plan shall be submitted within six (6) months from the date the applicant was notified of required changes. The zoning administrator may grant extensions. The property must be brought into compliance with the approved site plan within one year of the date of approval or as otherwise specified by the zoning administrator.

[Correction of a typographical error. Usage correction.]

...

#### ARTICLE. V. 61.500. CONDITIONAL USE PERMITS

##### **Sec. 61.503. Conditional use permit, change requiring new permit.**

...

- (b) The floor area of a conditional use expands by fifty (50) percent or more. For a conditional use existing on October 25, 1975, expansion is the sum of the floor area of all the expansions since then. For a conditional use established after October 25, 1975, expansion is the sum of the floor area of all

the expansions since being established. Floor area does not include floor area which is accessory to a principal use and which does not result in the expansion of a conditional use.

[Correction of a typographical error.]

#### **Sec. 61.505. Conditional use permits, automatic expiration.**

Unless expressly provided by the planning commission, when a use requiring a conditional use permit is discontinued or ceases to exist for a continuous period of ~~three hundred sixty five (365) days, one~~ (1) year, or when a conditional use changes to a permitted use not requiring a conditional use permit, the conditional use permit shall automatically expire. Except for conditional use permits for a college, university, seminary, or similar institution of higher learning if the lot area of a conditional use is subsequently reduced in size, unless the reduction results from acquisition by governmental agencies for public improvements or uses, the conditional use permit shall automatically expire. If a conditional use becomes nonconforming and subsequently is discontinued or ceases to exist for a continuous period of ~~three hundred sixty five (365) days, one~~ (1) year, the conditional use permit shall automatically expire. When an approved conditional use is not established in accordance with section 61.105, or is established and subsequently changed to a conditional use requiring a new permit under section 61.503, the conditional use permit shall automatically expire.

(C.F. No. 07-348, § 1, 5-9-07)

[One year is consistent with other time periods in the code. When the reduction in size stems from eminent domain or other acquisition by governmental agencies for public improvements or uses, it should not cause the CUP to expire. The colleges are concerned that they might lose their CUP if they sell off a part of the campus. This provides clarifying language per the colleges' request.]

### **ARTICLE. VI. 61.600. VARIANCES**

#### **Sec. 61.601. Variances.**

The board of zoning appeals and the planning commission shall have the power to grant variances from the strict enforcement of the provisions of this code upon a finding that:

- (a) The variance is in harmony with the general purposes and intent of the zoning code.
- (b) The variance is consistent with the comprehensive plan.
- (ca) The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in question cannot be put to a reasonable manner not permitted by use under the strict provisions of the code;. Economic considerations alone do not constitute practical difficulties.
- (db) The plight of the landowner is due to circumstances unique to the property, and these circumstances were not created by the landowner;.
- (c) The proposed variance is in keeping with the spirit and intent of the code, and is consistent with the health, safety, comfort, morals and welfare of the inhabitants of the City of Saint Paul;
- (d) The proposed variance will not impair an adequate supply of light and air to adjacent property, nor will it alter the essential character of the surrounding area or unreasonably diminish established property values within the surrounding area;

- (e) The variance, ~~if granted, would~~ will not permit any use that is not allowed ~~permitted under the provisions of the code for the property in the zoning district where the affected land is located, ; nor would it alter or change the zoning district classification of the property;~~ and
- (f) ~~The request for variance will not alter the essential character of the surrounding area is not based primarily on a desire to increase the value or income potential of the parcel of land.~~

In granting a variance, the board or commission shall make written findings stating the grounds upon which the variance is justified. ~~Hardship as described in the finding set out in subsection (a) above shall include the need for Inadequate~~ access to direct sunlight for solar energy systems constitutes a practical difficulty in finding (c) above.

[Edited to bring the variance findings and conditions language in this code into compliance with the new state variance language in MN Stat. 462.357, Subd. 6.]

## Chapter 62. Zoning Code – Nonconforming Lots, Uses and Structures

### Sec. 62.109. Nonconforming use permits

...

- (d) *Expansion or relocation of nonconforming use.* 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;
  - (2) For expansion of a structure, the expansion will meet the yard, height and percentage of lot coverage requirements of the district;
  - (3) The appearance of the ~~enlargement~~ expansion or relocation will be compatible with the adjacent property and neighborhood;
  - (4) Off-street parking is provided for the ~~enlargement~~ expansion or relocation that meets the requirements of article 63.200 for new uses;
  - (5) Rezoning the property would result in a "spot" zoning or a zoning inappropriate to surrounding land use;
  - (6) After the ~~enlargement~~ 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;

...

[The word "enlargement" was struck in Ordinance 12-71, but was not edited properly in the final version.]

## Chapter 63. Zoning Code – Regulations of General Applicability

### ARTICLE.I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS



**Sec. 63.119 – Sec. 63.121. Reserved.**

**Sec. 63.120. Private residential pools and hot tubs.**

Private outdoor residential pools, both above and below ground, and hot tubs are permitted as an accessory use within the rear yard or nonrequired side yard; except that, for multiple-family developments, the planning commission may determine the location of the pool or tub. Private outdoor pools and hot tubs shall meet the following requirements as applicable:

- (a) — There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall for aboveground pools. For in-ground pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) — There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
- (c) — No swimming pool shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the zoning code, whichever is greater.
- (d) — No swimming pool shall be located in a public easement.
- (e) — All yards of one and two family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.
- (f) — All yards containing hot tubs shall be secured as in subsection (5) above or shall have a cover which shall be locked when the hot tub is not in use.

[Move this section, along with the definition of *swimming pool* in Sec. 60.220, to Article 65.900, Accessory Uses, where these requirements for specific accessory uses belong.]

**Sec. 63.121. Radio and television antennas.**

Antennas, including single satellite dish TVRO's three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, ham radio transmitters and television receivers, are permitted as accessory uses in all zoning districts and shall meet the following requirements:

- (a) — Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.
- (b) — Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.
- (c) — Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.

[The definition and standards for accessory uses such as this belong in Article 65.900 Accessory Uses.]

## Chapter 65. Zoning Code - Land Use Definitions and Development Standards

### ARTICLE VII. 65.900. ACCESSORY USES

#### Sec. 65.910. Accessory use or accessory.

A building, structure or use which is clearly incidental to, customarily found in connection with, and (except as provided in section 63.300) located on the same zoning lot as, the principal use to which it is related.

When "accessory" is used in the text, it shall have the same meaning as "accessory use."

An accessory use includes, but is not limited to, the following:

...

- (p) ~~Radio and television receiving antennas including satellite receiving dishes, or short wave transmit/receive antennas designed for dispatching or use with household electronic equipment including "ham" radio equipment, subject to the regulations in section 62.117.~~

#### Sec. 65.911. Antenna, radio and television receiving.

A wire, set of wires, metal or carbon fiber element(s), including no more other than one (1) satellite dish antennas three (3) meters or less in diameter, used to receive radio, television or electromagnetic waves, and including the supporting structure thereof, permitted as accessory uses in all zoning districts.

##### Standards and conditions:

- (a) Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.
- (b) Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.
- (c) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.

#### Sec. 65.912. Antenna, short-wave radio transmitting and receiving.

A wire, set of wires or a device, consisting of a metal, carbon fiber or other electromagnetically conductive element used for the transmission and reception of radio waves used for short-wave radio communications, and including the supporting structure thereof, permitted as an accessory use in all zoning districts.

##### Standards and conditions:

See section 65.911. Antenna, radio and television receiving.

[The amendments to §§ 65.910-65.912 above clarify the code as it is being administered under the provisions of § 63.121. the standards and conditions for these accessory uses are moved here from § 63.121 in Chapter 63 Regulations of General Applicability so that the definitions and standards for these uses are together.]

#### Secs. 65.913 – 65.9149. Reserved.

### **Sec. 65.915. Hot tub, outdoor.**

#### *Standards and conditions:*

All yards containing hot tubs shall be secured as required in section 65.923(e) or shall have a cover which shall be locked when the hot tub is not in use. A hot tub shall be located at least three (3) feet away from any lot line.

[The use of a hot tub is not likely to produce the noise and splashing associated with a swimming pool; therefore, the setback requirements for a hot tub could be lessened. The proposed language codifies DSI's interpretation that the word "pool" only applies to a swimming pool, and that a hot tub must meet the setback requirement of an accessory use.]

### **Secs. 65.916 – 65.919. Reserved.**

### **Sec. 65.922. Support services in housing for the elderly.**

Support services within elderly housing as defined in section 65.1231 including limited food service, beauty salon and retail goods and sales areas.

#### *Development standard:*

Support service areas shall not exceed five (5) percent of designated community room area.

[Corrects typos.]

### **Sec. 65.923. Swimming pool, outdoor.**

A pool or tub constructed either above or below grade and having a capacity of five thousand (5,000) or more gallons.

[Definition moved here from § 60.220.]

#### *Standards and conditions:*

- (a) There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the swimming pool wall for aboveground pools. For in-ground swimming pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.
- (b) There shall be a distance of not less than four (4) feet between the outside swimming pool wall and any building located on the same lot.
- (c) A swimming pool shall not be located in a required front or side yard, less than ten (10) feet from any street or alley right-of-way, or in a public easement.
- (d) A hot tub shall not be located in a required front or side yard, less than three (3) feet from any lot line, or in a public easement.
- (e) All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.

[There is confusion over whether the regulations for swimming pools and hot tubs in § 63.120 apply to swimming pools only or to both swimming pools and hot tubs. The definition of swimming pool as having a capacity of 5,000 or more gallons and thus not including hot tubs gets lost in Sec. 60.220. List *swimming pool* and *hot tub* as separate uses in Article 65.900, Accessory Uses, which along with the definition of *swimming pool* will avoid confusion about what regulations apply to swimming pools and what applies to hot tubs.]



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor

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Saint Paul, Minnesota 55101-1806

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## SITE PLAN REVIEW COMMITTEE

**Tuesday, December 2, 2014  
2nd Floor Conference Room  
375 Jackson Street, Suite 218**

<u>Time</u>	<u>Project Name and Location</u>
9:00	Viking Tool 355 State Street Addition to existing industrial building
9:30	Dunedin Terrace 175 Congress Site improvements for existing housing

### **Applicants should plan to attend this meeting.**

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

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

### **Parking**

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

If you have questions, please contact Tom Beach at 651-266-9086 or [tom.beach@ci.stpaul.mn.us](mailto:tom.beach@ci.stpaul.mn.us).

**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: November 26, 2014  
TO: Planning Commission  
FROM: Zoning Committee  
SUBJECT: Results of November 25, 2014 Zoning Committee Hearing

**OLD BUSINESS**

1. **Forrest Heating Inc. (14-324-859)**  
Establishment of nonconforming use as a heating service business

**Address:** 995 Burns Avenue  
NE corner at Clermont

**District Comment:** District 4 made no recommendation

**Support:** 3 people spoke, 0 letters

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

**Hearing:** closed

**Motion:** Lay over to December 11, 2014

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Denial	Laid Over ( 5 - 0 - 1 ) (Wickiser)

**NEW BUSINESS**

2. **August Ventures LLC ( 14-342-289 )**  
Rezoning from RT1 Two-Family to B1 Local Business

**Address:** 999 - 1003 Hudson Road  
between Cypress and Earl

**District Comment:** District 4 made no recommendation

**Support:** 0 people spoke, 0 letters

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

**Hearing:** closed

**Motion:** Approval

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>
Approval	Approval ( 6 - 0 )

city of saint paul  
planning commission resolution  
file number \_\_\_\_\_  
date \_\_\_\_\_

WHEREAS, August Ventures, LLC, File # 14-342-289, has applied for a rezoning from RT1 two-family to B1 Local Business under the provisions of § 61.801(b) of the Saint Paul Legislative Code, on property located at 999-1003 Hudson Road, Parcel Identification Number (PIN) 33.29.22.31.0090-0091, legally described as Scotten's Subdivision Block 71, Lots 16 and 17, Lyman Dayton's Addition to St. Paul; and

WHEREAS, the Zoning Committee of the Planning Commission, on November 25, 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 wishes to rezone the property from RT-1 two-family residential to B1 Local Business in order to make the use and structure a conforming use in B1 for use as a self-serve laundry and apartment unit.
2. The proposed zoning is consistent with the way this area has developed along Hudson Road. The business is immediately adjacent to other land zoned for commercial uses.
3. The proposed zoning is consistent with the Comprehensive Plan. These lots are proximate to the proposed Earl Street Station for the proposed Gateway Corridor rapid transit line which may run along Hudson Road. The District 4 Plan Summary (2009) calls for the reuse, rather than demolition, of existing commercial buildings (Strategy C3) as well as foster neighborhood-scale commercial (Strategy C8.2).
4. The proposed zoning is compatible with the zoning on the east half of the block face, which is B2 Community Business. The intent of B1 Local Business zoning is to provide uses that are necessary to satisfy the basic convenience needs of residents, like that of a self-service laundry facility.
5. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term "*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*" This is not a case of spot zoning.
6. The petition for rezoning was found to be sufficient on October 30, 2014: 11 parcels eligible; 8 parcels required; 10 parcels signed.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of August Ventures LLC for a rezoning from RT1 Two-Family to B1 Local Business for property at 999-1003 Hudson Road be approved.

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

The Comprehensive Planning Committee will be meeting on Tuesday, December 2<sup>nd</sup> to finalize a committee recommendation on DNR

Mississippi River Critical Area Rulemaking

comments. Their recommendation will be sent out to the full commission after the committee meeting for consideration at the December 5<sup>th</sup>

Planning Commission meeting.





**CITY OF SAINT PAUL**  
Christopher B. Coleman, Mayor

25 West Fourth Street  
Saint Paul, MN 55102

Telephone: 651-266-6565  
Facsimile: 651-266-6549

**DATE:** November 20, 2014  
**TO:** Planning Commission  
**FROM:** Neighborhood Planning Committee  
**SUBJECT:** Draft *West Side Flats Master Plan and Development Guidelines*

---

### **BACKGROUND**

In November 2012, the Saint Paul Planning Commission initiated an update of the 2001 *West Side Flats Master Plan and Development Guidelines*, authorized the creation of a community task force to guide preparation of the plan update, and initiated a zoning study for a portion of the planning area. The primary goals of the *Plan* update were to: 1) review the urban design and land use directions in the 2001 *Plan*; 2) explore stormwater management opportunities in more detail, particularly incorporating green infrastructure; 3) anticipate impacts of proposed development on the sanitary sewer system; and 4) include land east of Robert Street that had been the subject of the controversial Bridges of Saint Paul proposal in 2005-2006.

The City issued a Request for Proposals in October 2012 for a consultant to assist City staff in updating the *Plan*. HKGi of Minneapolis was selected to lead a multi-disciplinary team and began work in December 2012. A community task force (CTF) was appointed in January 2013, with Commissioner Betsy Reveal as chair. The CTF met from February 2013 through April 2014. In addition, a project management team (PMT) comprising City staff from Public Works, Parks and Recreation, Safety and Inspections, and PED; and the Director of the Saint Paul Design Center was created to guide the work of the consultants. The PMT met throughout the planning process.

### **ISSUES PRECIPITATING AN UPDATE OF THE 2001 WEST SIDE FLATS MASTER PLAN**

Four issues were at the forefront of the Plan update: 1) urban design and land use; 2) stormwater management; 3) sanitary sewer capacity; and 4) anticipated development pressure east of Robert Street.

#### Urban design and land use

After 10+ years of using the 2001 *Master Plan*, City staff wanted to explore whether it could provide the right type and level of direction in a time of changing markets and limited public funding capacity. While the fundamental urban design goals and principles in the *Master Plan* (relating to height and density gradients, the street and block pattern, and the proposed open space network) have stood the test of time, City staff wanted to take a fresh look at some of the land use and development assumptions, and explore whether a more general, flexible regulatory approach is a better fit for the West Side Flats Urban Village.

#### Stormwater management

City staff experience with the *Master Plan* since 2001 has shown the importance of more detailed stormwater management planning to inform urban pattern, building configuration, street design, density, and the design and function of public spaces. In addition, innovations in

stormwater management, and the increased interest in stacked-function, green infrastructure call for a new look at the opportunities for more visible (bio-oriented) approaches.

#### Sanitary sewer

The original *Master Plan* did not consider the impact of proposed development on sanitary sewer capacity or demand. Consequently, over the life of the *Plan*, the impact of each development proposal on the sanitary sewer system has been evaluated on a case-by-case basis. City staff wanted to avoid either a “first-come, first-served” allocation of sanitary sewer capacity, or a situation where later development phases pay disproportionately for improvements to the sanitary sewer system.

#### Expansion of planning area

Experience with the Bridges of Saint Paul project, as well as the City’s recent work on the *Great River Passage Master Plan*, have shown the need to plan for a larger area along the West Side riverfront. The planning area was extended to the east, to include the area bounded by Robert Street, Lafayette/Hwy. 52, Plato Boulevard and the river. The expanded planning area also includes Riverview Industrial Park.

### **PLANNING PROCESS**

The update of the *West Side Flats Master Plan and Development Guidelines* consisted of several opportunities for community engagement. In addition to the CTF noted above, which met 11 times over 13 months, the project team hosted:

- four stakeholder meetings, organized by issue/theme
- a two-day design workshop, with the CTF, PMT and consultant team
- two developer roundtables, to keep the Plan grounded in market reality
- two listening sessions, to engage underrepresented groups
- two community Open Houses
- regular updates with the Riverfront, Development and Land Use Committee of WSCO
- a City web site
- Open Saint Paul, where on-line surveys helped reach a larger audience

More detail on each of these techniques is included on pgs. 9-11 of the draft *Plan*. In August 2014, the WSCO (West Side Community Organization) board voted to send the CTF draft of the *Plan* to the Planning Commission to begin the formal adoption process.

### **THE DRAFT PLAN**

The draft as proposed by the Community Task Force is attached. The Vision and Guiding Principles underlie the strategies and development guidelines.

#### The Vision: 21<sup>st</sup> Century Riverfront Urban Village

The West Side Flats will emerge as a thriving riverfront urban village that connects the larger West Side community to the Mississippi River and downtown Saint Paul. With its unique location in the Mississippi River floodplain, the presence and movement of water will be reflected in land use patterns, street design, building massing, stormwater features, and public realm design. The West Side Flats will have strong physical and visual connections to the river’s edge and bluffs, walk/bike-friendly streets, a well-designed network of public spaces, restored natural systems, urban neighborhood design, a complementary mix of high-quality and human-scaled buildings, a variety of housing types and public art. The West Side Flats will recapture its identity as a place that welcomes and integrates a broad mix of people, cultures

and destinations into a vibrant mixed-use community. By restoring a more balanced mix of neighborhood, business and natural systems, it will be a model for economic, environmental and social sustainability. The employment-oriented district will continue to provide high-paying commercial/industrial job opportunities for the region and local residents, as it evolves into a more diverse, higher-intensity, and visually attractive business district over time.

#### Guiding Principles

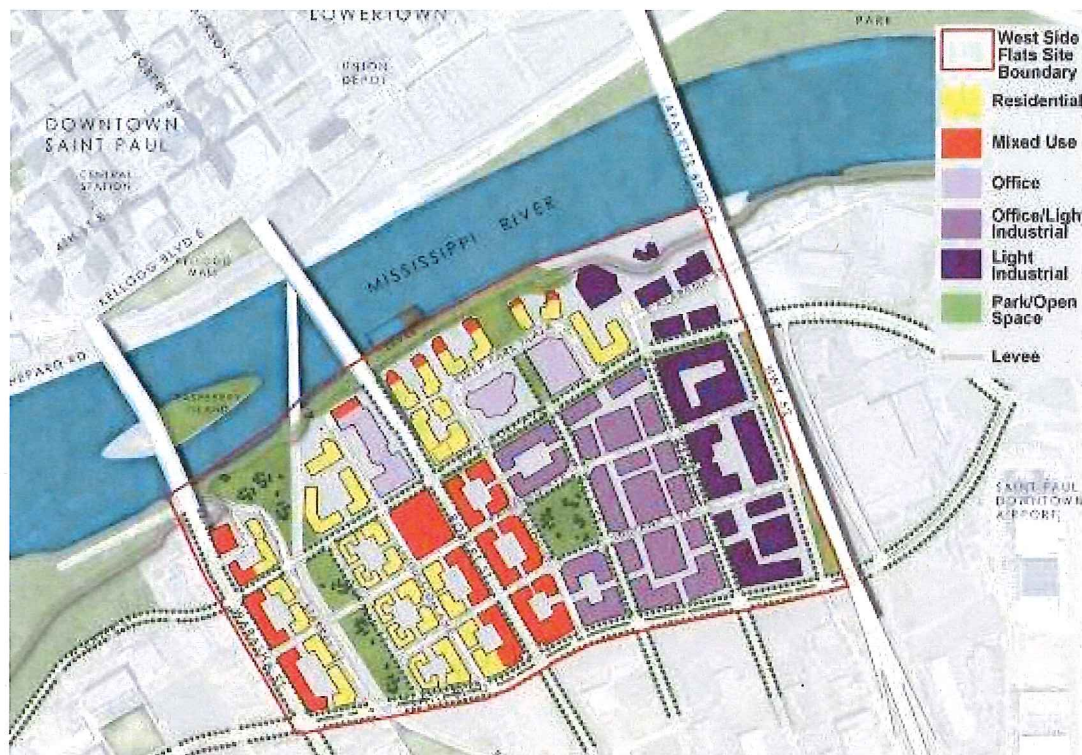
1. Integrate a broad **mix of complementary land uses** throughout the neighborhood that offer people opportunities for living, working, commerce, entertainment and recreation.
2. Promote a **diverse mix of housing types** that welcome residents of all ages, incomes, household types and cultural backgrounds.
3. Re-establish an urban neighborhood **block and street pattern** that provides urban-scale development parcels, a robust network of attractive public streetscapes, and increased connectivity for all transportation modes.
4. Create a **prominent public realm** that links the Riverfront Esplanade, bluffs, parks, open spaces and streets into a green space framework; provides opportunities for community gathering and public art; and connects to the regional system of trails, parks and open spaces.
5. Sensitively **integrate stormwater runoff** into the neighborhood's green infrastructure system of streets, public open spaces and private yards as a valuable natural resource, visual asset and unique neighborhood identity element.
6. Provide a balanced, convenient, safe and comfortable **network for movement** within, to and from the neighborhood, including walking, biking, vertical circulation (e.g. bluffs to flats, levee to water), driving and transit.
7. Encourage a **variety of building heights and massing**, while preserving important views and creating new views of the river, bluffs and community landmarks.
8. Create an **urban ecology** that balances sustainable urban and natural systems, including tree canopy, green streets, native vegetation, and cleanup of contaminated soils.
9. Improve the business functionality, land use diversity and visual character of the **commercial/industrial employment** district east of Robert Street to provide high-paying job opportunities (especially for West Side residents) and complement the larger West Side Flats neighborhood.
10. Support community **cultural development** opportunities that reflect and respond to the larger West Side neighborhood's past, present and future, engaging artists and creative communities in all phases of West Side Flats redevelopment.
11. Create a **unique and welcoming public edge** along the riverfront that invites walking, cycling and gathering places for all in all seasons.
12. **Engage all members** of the West Side community in on-going plan implementation.

From the Vision and Guiding Principles, the *Plan* recommends strategies for:

land use	transit
urban design and sustainability	parks and open spaces
streets	green infrastructure
pedestrian and bike circulation	public art



The layering of all of these Plan elements comes together in the Illustrative Plan:



#### Development Guidelines

The development guidelines are intended to assist the community, property owners, developers, design professionals and City staff as they reinvest in and design development projects, public spaces and public infrastructure. They are in addition to the T3 and IT district design standards. As a set of guidelines rather than requirements, they are intended to provide direction for future development, while leaving room for individual expression and flexibility. The development guidelines address the following elements:

- streets
- site development
- buildings
- parking
- stormwater/water quality
- utilities
- public art

#### Implementation

Chapter 7 addresses implementation. Rezoning is recommended, as is a development phasing plan. In general, the rezonings comprise expanded use of T3M (rezoning 4 parcels from I1 to T3M and 8 parcels from T3 to T3M), and rezoning 22 parcels from I1 to ITM. The “M” designation means that the parcels will be covered by the *West Side Flats Master Plan and Development Guidelines*.

#### Appendix: Stormwater and Sanitary Sewer System Analysis

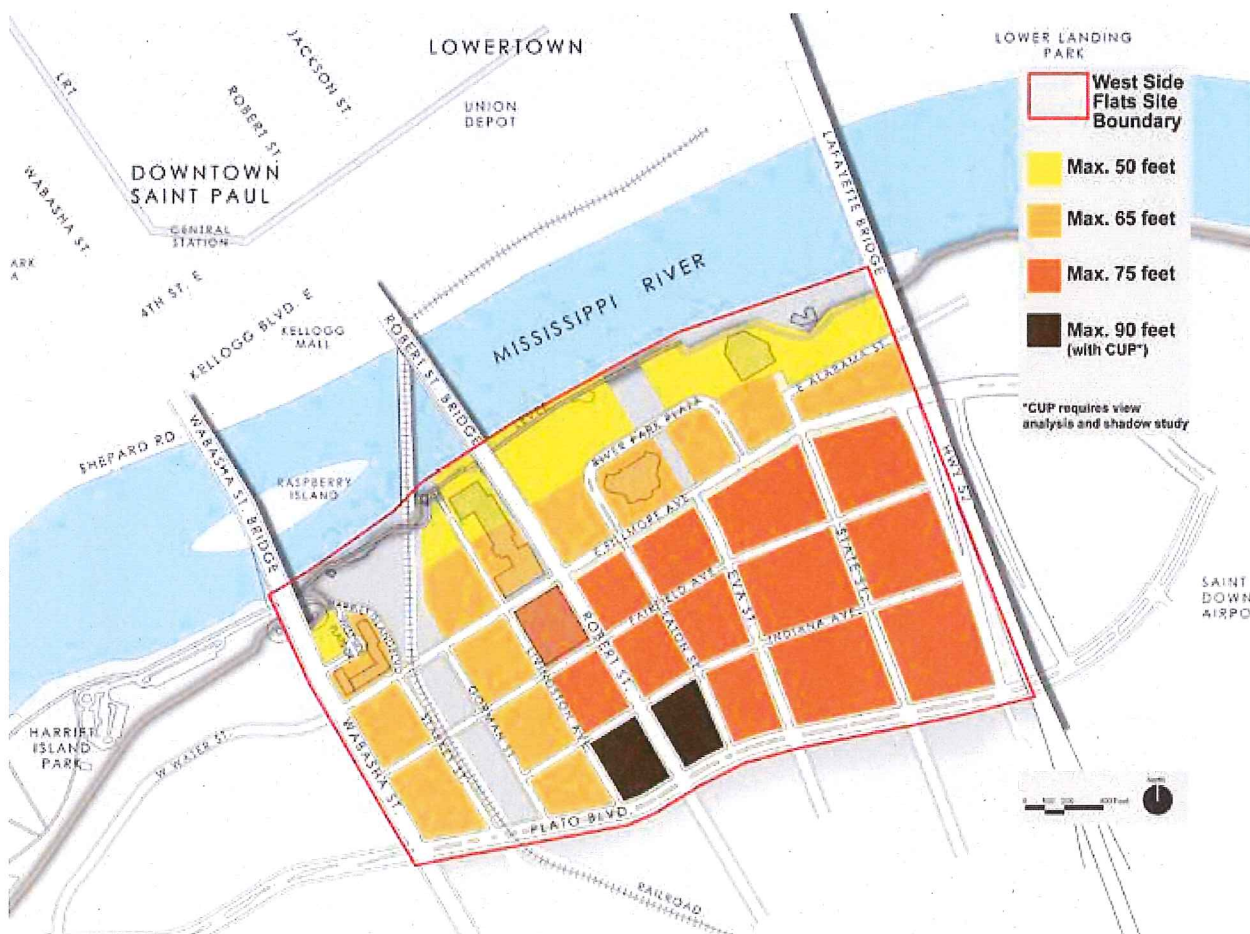
The more detailed analyses of the stormwater and sanitary sewer systems on the West Side Flats are included in a technical Appendix. This information is intended to inform future decisions regarding development density, street design, management and treatment of stormwater on public and private land, and sanitary sewer system upgrades.

## KEY ISSUES

A wide range of opportunities and issues was addressed during the 16-month planning process. Two issues became more prominent towards the end of the process: proposed building heights (related to proposed rezonings) and the street network proposed for Riverview Industrial Park.

### Building heights

The main concern was the impact of proposed building heights on views of the Mississippi River Valley, and on the ability to "read" and understand the unique location of the Flats within a larger floodplain surrounded by bluffs. The task force originally recommended acceptable maximum building heights up to 100' and 125' in specific locations. At the request of the Friends of the Mississippi River, the issue was reopened at the very end of the task force process, which led to an April 2014 community forum on height and impacts on views, and a revised recommendation from the CTF. The acceptable maximum heights proposed are shown below.





Street and block pattern in Riverview Industrial Park

Towards the end of the planning process, the Saint Paul Port Authority raised a concern regarding the proposed street and block pattern in Riverview Industrial Park – the portion of Riverview that is within the planning area is bounded by Robert Street, Fillmore Avenue, Highway 52 and Plato Boulevard. The Port is concerned that the size of the proposed blocks would be too small to accommodate new industrial development, and that industrial tenants would not only see no benefit from new streets and sidewalks, but the prospect of assessments to fund street infrastructure would discourage any future industrial development. The CTF considered the Port's concerns, but retained its recommendation to build a connected street network as redevelopment occurs; the draft *Plan* proposes this for Phase IV, which is likely 20-30 years out.

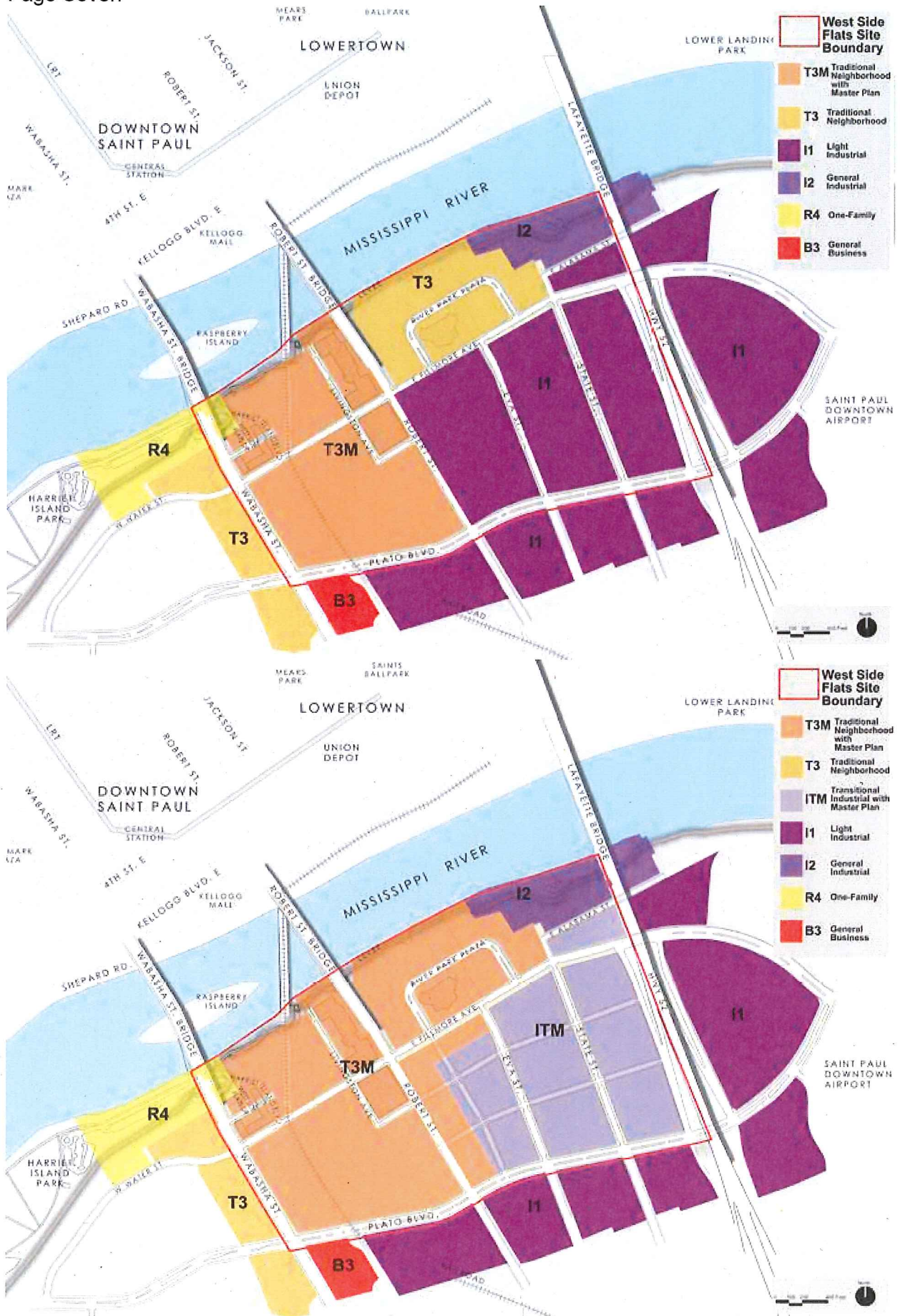
**PROPOSED REZONINGS AND ZONING TEXT CHANGES**

In order to implement the vision, guiding principles and development guidelines contained in the updated *West Side Flats Master Plan and Development Guidelines*, 34 parcels are recommended for rezoning:

- 4 parcels (one owner) from I1 to T3M
- 8 parcels (one owner) from T3 to T3M
- 22 parcels (16 owners) from I1 to ITM

In addition, text amendments are proposed to the T district dimensional standards table (Sec. 66.331) and I district dimensional standards table (Sec. 66.531) to reflect the acceptable maximum building heights shown on Figure 5.4 of the *West Side Flats Master Plan and Development Guidelines*. The proposed text changes are shown in Attachment 2.

As far as staff has been able to determine (through Ramsey County tax files and Certificates of Occupancy), no non-conforming uses will be created with the rezonings. PED staff held an informational meeting on November 5, 2014 with owners of parcels affected by the proposed rezonings to give them general background on the draft *Plan*, explain why rezonings are being proposed, and answer questions about the impact of the rezonings on current land use. Four business owners attended, all located within the industrial area. The primary concern was the impact of the proposed streets and parks on existing businesses, especially where future street and parks would run through or totally remove an existing business. In response to these concerns, staff made some minor changes to the draft *Plan* to clarify that new streets and parks will be built only as redevelopment occurs. Staff also added anticipated timelines for implementation of each phase to make it clear that redevelopment in Phase IV (the industrial area) is 20-30 years out.



**COMMITTEE RECOMMENDATION**

The Neighborhood Planning Committee recommends the Planning Commission release the December 5, 2014 draft of the *West Side Flats Master Plan and Development Guidelines*, proposed rezonings and proposed text amendments for public review, and set a public hearing for January 30, 2015.

Attachments:

1. *West Side Flats Master Plan and Development Guidelines*, December 5, 2014
2. Proposed changes to Sec. 66.331 Density and Dimensional Standards table for T Districts



**ATTACHMENT 2**  
**PUBLIC HEARING DRAFT OF CHANGES PROPOSED TO IMPLEMENT**  
**UPDATED WEST SIDE FLATS MASTER PLAN AND DEVELOPMENT GUIDELINES**  
**DECEMBER 5, 2014**

**Sec. 66.331. Density and dimensional standards table.**

Table 66.331, traditional neighborhood district dimensional standards, sets forth density and dimensional standards that are specific to traditional neighborhood districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability. Where an existing building does not conform to the following requirements, the building may be expanded without fully meeting the requirements as long as the expansion does not increase the nonconformity.

Table 66.331. Traditional Neighborhood District Dimensional Standards

<i>Building Type by Zoning District</i>	<i>Density</i>	<i>Lot Size Minimum (per unit)</i>		<i>Building Height (feet)</i>		<i>Yard Setbacks (feet)</i>		
	<i>Min. - Max. (a)</i>	<i>Area (sq. ft.) (a)</i>	<i>Width (feet)</i>	<i>Min.</i>	<i>Max.</i>	<i>Front Min.-Max.</i>	<i>Side Min.</i>	<i>Rear Min.</i>
<b>T1</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 - 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 - 25 (i)	(k)	15
Multifamily	10 - 25 units/acre (b)	1700 (b)	n/a	none	35 (e)	10 - 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 1.0 FAR	n/a	n/a	none	35 (e)	0 - 25	(k)	(k)
<b>T2</b>								
1-family dwelling	6 - 12 units/acre (b)	3500 (b)	30	none	35 (e)	15 - 25 (i)	(k)	15
2-family/townhouse	8 - 20 units/acre (b)	2000 (b)	20	none	35 (e)	10 - 25 (i)	(k)	15
Multifamily	FAR as for mixed use	n/a	n/a	none	35 (e), (f)	10 - 25 (i)	(k)	(k)
Nonresidential or mixed use	0.3 - 2.0 FAR with surface parking and 0.3 - 3.0 FAR with structured parking (c)	n/a	n/a	none	35 (e), (f)	0 - 10 (j)	(k)	(k)
<b>T3</b>								
1-family dwelling	8 - 12 units/acre (b)	3500 (b)	30	25	35 (e)	15 - 25 (i)	(k)	15
2-family/townhouse	10 - 20 units/acre (b)	2000 (b)	20	25	35 (e)	10 - 25 (i)	(k)	15
Multifamily	0.5 - 3.0 FAR (d)	n/a	n/a	25	45 (e),(g),(l)	10 - 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 - 3.0 FAR (d)	n/a	n/a	25	55 (e),(g),(l)	0 - 10 (j)	(k)	(k)
<b>T4</b>								
Multifamily	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	10 - 25 (i)	(k)	(k)
Nonresidential or mixed use	0.5 min. FAR (d)	n/a	n/a	25	75 (e), (h)	0 - 10 (j)	(k)	(k)

Min. - Minimum

Max. - Maximum

FAR - Floor Area Ratio

n/a - not applicable

Notes to table 66.331, traditional neighborhood district dimensional standards:

(a) In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying minimum lot area and maximum density requirements, one-half the width of such alley adjoining the lot shall be considered part of the lot. The minimum FAR applies to new buildings. The minimum FAR does not apply to the creation or reconfiguration of lots, or to removal of buildings. For a new building on a zoning lot where an existing building will remain, or where the new building and its associated parking and landscaping will cover only part of the site and leave the rest of the site open for an additional building, minimum FAR may be calculated based on the area of the site covered by the new building and its associated parking and landscaping. Public gathering areas, landscaped areas at least twenty (20) feet wide preserved for future development between the public right-of-way and parking, and land dedicated to the city as public right-of-way may be approved by the planning administrator as counting toward meeting the minimum FAR.

(b) Units per acre is calculated based on net acreage. Density based on units per acre must be calculated for parcels of an acre or more in size. For smaller parcels, the maximum number of units may be calculated based upon minimum lot size per unit.

In calculating the area of a lot for the purpose of applying lot area and density requirements, the lot area figure may be increased by three hundred (300) square feet for each parking space (up to two parking spaces per unit) within a multiple-family structure or otherwise completely underground. Parking spaces within an above-ground parking structure, except for those on the top level, may also be used for this lot area bonus. The maximum number of units possible on a lot using this lot area bonus can be calculated using the formula  $X = L \div (A - 600)$ , where  $X$  = maximum units allowed,  $L$  = lot area in square feet, and  $A$  = required lot area per unit in square feet. A site plan showing parking layout and dimensions shall be required when applying for this lot area bonus.

(c) Floor area ratio (FAR) shall be prorated upon the percentage of required parking that is provided as structured parking. A minimum FAR of 0.5 is required in light rail station areas. Thirty (30) percent of the floor area of structured parking within, above, or below the principal structure may be counted toward meeting the minimum FAR.

(d) 1.0-3.0 FAR in light rail station areas for lots more than twenty-five thousand (25,000) square feet in area, with no maximum FAR in T4. The floor area of structured parking above or below space used for principal uses, up to an amount equal to the floor area of the principal uses, may be counted toward meeting the minimum FAR. For lots more than twenty-five thousand (25,000) square feet partly in a light rail station area, minimum FAR shall be prorated upon the percentage of the lot in a light rail station area.

(e) Except in the river corridor overlay district, height of structures may exceed the maximum if set back from side and rear setback lines a distance equal to additional height. Structures shall be no more than twenty-five (25) feet high along side and rear property lines abutting RL-RT2 residential districts; structures may exceed this twenty-five (25) foot height limit if stepped back from side and rear property lines a distance equal to the additional height.

(f) A maximum height of forty-five (45) feet may be permitted with a conditional use permit.

(g) Except in the river corridor overlay district and within light rail station areas between Lexington Parkway and Marion Street, a maximum height of ninety (90) feet may be permitted with a conditional use permit. Structures shall be stepped back one (1) foot from all setback lines for every two and one-half ( $2\frac{1}{2}$ ) feet of height over seventy-five (75) feet. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.

(h) Additional height may be permitted with a conditional use permit. Structures shall be stepped back one (1) foot from all setback lines for every two and one-half ( $2\frac{1}{2}$ ) feet of height over seventy-five (75) feet. A shadow study may be required for a conditional use permit application to help determine the impact of the additional height.

(i) Where at least fifty (50) percent of the front footage of the block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing

structures, or the normal setback requirement in the district plus half the amount the average setback is greater than the normal setback requirement, whichever is less. Existing structures set back twenty (20) percent more or less than the average shall be discounted from the formula. The minimum front yard setback shall not exceed the maximum front yard setback requirement. Sixty (60) percent of the front facade must fall within the maximum setback. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

(j) For properties fronting on University Avenue between Marion and Emerald Streets a minimum four (4) foot front yard setback is required. The four (4) foot setback shall be either landscaped or paved. If paved (preferred), the property owner may provide a permanent easement to the City to provide additional sidewalk space. An additional six (6) feet may be added to provide an outdoor activity zone, pedestrian seating or amenities, resulting in a building setback of ten (10) feet. For local heritage preservation sites, the standard may be modified to comply with the preservation program and design review guidelines.

(k) No side or rear yards are required along the interior lot lines except as otherwise specified in the building code; provided, that if walls of structures facing such interior lot lines contain windows or other openings, yards of not less than six (6) feet shall be provided. Side and rear yards of at least six (6) feet shall be required when a nonresidential use adjoins a side yard of a residential property. These setback requirements from interior lot lines shall be waived when an easement agreement is recorded as to the affected properties. Proof of such recorded easement shall be provided at the time of application for a building permit. The recording of the easement agreement shall be interpreted to mean that the following intents and purposes of these setback requirements are met: adequate supply of light and air to adjacent property; sufficient space for maintenance of the building from the same lot; and prevention of damage to adjoining property by fire or runoff from roofs. The setback shall be a minimum of thirteen (13) feet from the centerline of an adjoining alley.

(l) For the T3M Upper Landing area bounded by Chestnut Street, Spring Street, Smith Avenue and the Mississippi River. In developments for which a master plan was adopted by the city council as of August 23, 2001, and for which there was a signed, approved redevelopment agreement with the housing and redevelopment authority of the city as of August 23, 2001, a maximum height of sixty-five (65) feet may be permitted without a conditional use permit, and a maximum height of one hundred (100) feet may be permitted with a conditional use permit, provided that such developments, to the extent reasonably possible, follow the design guidelines of the "Sustainable Decisions Guide for City Facilities" or other sustainable development guidelines. For the T3M Victoria Park area generally bounded by W. 7<sup>th</sup> Street, Otto Avenue, Shepard Road and Montreal Way. In developments for which there was a signed, approved redevelopment agreement with the housing and redevelopment authority of the city as of March 17, 2004, a maximum height of seventy-five (75) feet may be permitted with a conditional use permit. For the T3M West Side Flats area generally bounded by Wabasha Street, Plato Boulevard, Highway 52 and the Mississippi River, the maximum permitted building heights shall be as shown on Figure 5.4 of the West Side Flats Master Plan and Development Guidelines adopted by the city council on \_\_\_\_\_, 2014; for the parcels on the northeast and northwest corners of Robert Street and Plato Boulevard, a maximum height of seventy-five (75) feet may be permitted without a conditional use permit, and a maximum height of ninety (90) feet may be permitted with a conditional use permit. The planning administrator or planning commission may require a shadow study and/or view analysis for a conditional use permit application to help determine the impact of the additional height.

#### **Sec. 66.531. Density and dimensional standards table.**

Table 66.531, industrial district dimensional standards, sets forth density and dimensional standards that are specific to industrial districts. These standards are in addition to the provisions of chapter 63, regulations of general applicability.



Table 66.531. Industrial District Dimensional Standards

<i>Zoning District</i>		<i>Height Maximum</i>	<i>Yard Setbacks Minimum (feet)</i>		
		<i>Feet</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
<b>IT</b>	Transitional Industrial	50 (a),(b), (g)	0 (c),(d),(f)	(e),(f)	(e),(f)
<b>I1</b>	Light Industrial	50 (b)	0 (c),(d),(f)	(e),(f)	(e),(f)
<b>I2</b>	General Industrial	75 (b)	0 (c),(d),(f)	(e),(f)	(e),(f)
<b>I3</b>	Heavy Industrial	75 (b)	0 (c),(d),(f)	(e),(f)	(e),(f)

Notes to table 66.531, industrial district dimensional standards:

- (a) Buildings exceeding this height limit, to a maximum height of seventy-five (75) feet, may be permitted with a conditional use permit.
- (b) The height of the structure may exceed the maximum building height allowed in the district provided the structure is set back from all exterior property lines of the parcel a distance equal to the height which said structure exceeds the maximum building height allowed in the district.
- (c) On those lots or parcels, or portions of lots or parcels, where the frontage adjoins or is directly across a street from a required front yard in any use district other than an industrial or VP vehicular parking district, the front setback requirements of said abutting districts shall apply.
- (d) On those lots or parcels, or portions of lots or parcels, which adjoin a right-of-way line of a parkway, the required setbacks from the parkway right-of-way line shall be equal to that required for residential uses in effect along the parkway right-of-way or twenty-five (25) feet, whichever is greater. The following parkways and portions of parkways are excluded from this setback requirement: Ford Parkway (from Kenneth Street to Finn Street and north side between Finn Street and Mississippi River Boulevard), Gannon Road, and Lexington Parkway (from Pierce Butler Route to the nearest Burlington Northern Railroad tracks).
- (e) No side or rear yards are required except as specified in the building code, and except that side and rear yard setbacks of at least six (6) feet shall be required where an industrial district adjoins a side yard in an adjacent residential district.
- (f) Loading and unloading shall not be permitted in any required front, side or rear yards.
- (g) For the ITM West Side Flats area generally bounded by Robert Street, Plato Boulevard, Highway 52 and the Mississippi River, the maximum permitted building heights shall be as shown on Figure 5.4 of the West Side Flats Master Plan and Development Guidelines adopted by the city council on \_\_\_\_\_, 2014; for the parcel(s) on the northeast corner of Robert Street and Plato Boulevard, a maximum height of seventy-five (75) feet may be permitted without a conditional use permit, and a maximum height of ninety (90) feet may be permitted with a conditional use permit. The planning administrator or planning commission may require a shadow study and/or view analysis for a conditional use permit application to help determine the impact of the additional height.



**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street Telephone: 651-266-6700*  
*Saint Paul, MN 55102 Facsimile: 651-266-6549*

**Date:** December 5, 2014  
**To:** Planning Commission  
**From:** Neighborhood Planning Committee  
**RE:** The District 11 Hamline Midway Mixed-Use Corridors 40-Acre Zoning Study

### **Background**

The Hamline Midway Zoning Study was initiated by Saint Paul Planning Commission Resolution 13-58 in December of 2013 (see attached). Per the authorizing resolution, the zoning study has looked at blocks with frontage on Snelling and Hamline Avenues between University Avenue and Pierce Butler Route, and at blocks with frontage on Thomas and Minnehaha Avenues between Hamline and Snelling.

The purpose of this update memorandum is to provide an overview of the zoning study process, lay out recommendations, and request that the zoning study and recommendations be sent on the full Planning Commission to release for comment and set a public hearing date.

### **Zoning Study Process**

As noted the, Planning Commission initiated the study in late 2013, based on a request from District 11, the Hamline Midway Coalition (HMC). At the same meeting, the Planning Commission released and set a public hearing date for the Hamline Midway Community Plan. That plan, which was adopted as an addendum to the Comprehensive Plan by the City Council in May 2014, was a summary document, developed by City staff from a longer plan originally written by D11/HMC board and committee members and volunteers. While the adopted plan includes relatively little discussion of the requested zoning study, more extensive discussion of zoning issues was found in the original plan document developed by D11/HMC. The study area, as described in the authorizing resolution, was identified based on the original D11/HMC document as well as City staff discussions with the D11/HMC staff and the Ward 4 office.

In September, letters were sent to owners of properties recommended here for rezoning and notifying them of the potential recommendation. Minimal responses were received.

In evaluating the current zoning and developing recommendations for changes to zoning in the study area, staff considered a number of factors. These included past, current and planned future land use, parcel size and configuration, building types, regulation of college campuses, planned transit improvements, and general market trends, as well as City plans for the area. For purposes of discussion, the study area has been broken into sets of subareas along Snelling and Hamline, as shown on Maps 1 and 2 (attached).

### **Findings: Snelling (Areas 1, 2, and 3)**

#### **Current Land Use, Zoning, and Building Types**

Snelling Avenue in the study area is currently characterized by a mix of commercial, residential and institutional uses, with one and two-story commercial buildings generally predominate. On most blocks, the parcels facing Snelling are about 120' deep, and are separated from single-family and duplex housing along the cross streets by a north-south oriented alley. The west side of Snelling is characterized by detached low-density residential structures between Edmunds and Pierce Butler Route on the north end of the study area (Area 1) and on the first block and a half going north from Thomas Avenue (Area 2). Everything north of Englewood Avenue on the east side of Snelling is part of the Hamline University Campus. On the west side, the block between Englewood and Hubbard is occupied by Hamline Elementary and the Hancock Recreation Center.

All parcels along Snelling in Area 1 are currently zoned RM2 multifamily, with the exception of the small motel (2 parcels) on the west side of Snelling at Pierce Butler Route, which is zoned B3 general business. Area 2 parcels along Snelling are all presently zoned B2 community business, except for the city park between Lafond and Thomas, which is currently, zoned T2.

Minnehaha Avenue between Snelling and Asbury (Area 2, immediately east of Snelling) is lined by single family homes on the north side and the Hamline Library and the now-vacant Knox Presbyterian Church on the south. The library and church parcels are presently zoned R4 one-family residential.

Area 3 also includes the site of the former Samaritan Hospital site, which occupied a block bounded by Thomas Avenue on the north, Simpson Street on the east, Charles Avenue on the south, and Asbury Street on the west. Edmund Avenue is vacated between Asbury and Simpson, forming a superblock. It is presently zoned RM2 Multifamily. Samaritan Hospital itself occupied the southern portion of the superblock. Later, an accessory medical office building and parking ramp were built on the northern half of the block. At the time it was built, hospitals were allowed in residential districts. In the early 1990s, the former Samaritan Hospital was demolished and townhomes were constructed on the site. The medical office building and parking ramp became legally nonconforming primary uses. The office building continues to be use for that purpose. However, this use only generates demand for approximately 100 off-street parking spaces, while the ramp, built to serve the hospital as well, has 327 spaces. In April of 2014, the Planning Commission approved an establishment of nonconforming use permit for use of the parking ramp for vehicle storage. The portion of Area 3 between Snelling Avenue and the Samaritan Hospital site and Snelling Avenue is primarily a mix of multifamily and single family residential, and is zoned RM2. The parcels on fronting on Snelling in Area 3 were rezoned to T2 as part of the Central Corridor zoning study.

#### **Comprehensive Plan, District Plan, and Future Land Use**

The future land use map in the Land Use Chapter of the Comprehensive Plan identifies Snelling Avenue, including the entirety of all blocks on the east side of Snelling in the area, as a Mixed Use Corridor (Areas 1, 2, and 3). The map identifies the intersection of University and Snelling (Area 3) as a Neighborhood Center. All of the land within Area 3 is also located within the station area planning boundary, as defined

by the 2008 Snelling Station Area Plan. The Comprehensive Plan describes Mixed Use Corridors as being primary thoroughfares served by transit. Neighborhood Centers are described as compact mixed use areas located adjacent to major intersections and served by transit. Outside of Downtown, the Comprehensive Plan identifies Mixed Use Corridors and Neighborhood Centers as having the highest residential densities in the City. Strategies 1.12 and 1.21 of the of the Land Use Chapter call for balancing the density and scale of development to accommodate growth and provide housing at densities that support transit in, respectively, Neighborhood Centers and Mixed-use Corridors. Strategies 1.15 and 1.24, respectively, call for a mix of uses in these areas.

Land Use Strategies LU 1.1 and 1.2 of the Hamline Midway Community Plan call for zoning studies to evaluate the appropriateness of rezoning from business to traditional neighborhood designations throughout the district and along Snelling Avenue in particular. Strategy LU 1.3 calls for identifying redevelopment opportunities in the district. Strategies LU 2 and LU 5 call for pedestrian scale development and appropriate transitions between “disparate land uses”, respectively.

### Analysis and Recommendations

Recent and planned transit improvements were a key consideration of this zoning study. The Green Line LRT on University Avenue is now operational. In 2015, the planned opening of the A Line arterial BRT will provide improved service on Snelling and link it to the Blue Line, via Ford Parkway and, in Minneapolis, 46<sup>th</sup> Street. Also, in addition to BRT-related infrastructure, the Snelling Avenue Multi-modal Study (completed by MnDOT in early 2013) identified recommendations on better accommodating bikes and pedestrians within the corridor and improving safety and mobility, although time lines and funding for improvements aren’t clear.

Arterial BRT will not only bring better service to Snelling, but also establish Snelling as a key north-south link and reaffirm Snelling and University as a key node in that system, drawing growth and investment to the node at University and the entire length of Snelling considered in this study.

Zoning along the Snelling Avenue corridor needs to accommodate growth and intensification of both residential and commercial uses, consistent with its designation as a Mixed-Use Corridor and with the investment that improved transit service should bring over time. The physical form of future development along the corridor should also enhance the multi-modal nature of the corridor through building design and site configuration. T2 Traditional Neighborhood zoning provides for development densities similar to those allowed under the current B2 Community Business, B3 General Business, and RM2 Multifamily Residential designations. It also provides for step downs in allowed height near lower density residential properties to soften transitions from these to more intense types of land uses. T2 Traditional Neighborhood is recommend for all parcels on the west side of Snelling within Areas 1 and 2 and on the east side of Snelling within Area 2, with the exception of Hamline Park between Thomas and Lafond, which is already T2 Traditional Neighborhood.

North of Englewood Avenue on the east side of Snelling are two large parcels owned by Hamline University (Area 1), which are currently zoned RT1 Two-Family Residential. These parcels are part of the Hamline University campus as defined the by conditional use permit (CUP) which regulates campus boundaries, uses, building heights, and parking for Hamline University. The conditional use permit allows for use within the campus boundary, such as classroom buildings, dormitories, offices, etc. that would not otherwise be allowed under the base zoning. The campus boundaries may only be expanded with approval of the Planning Commission. The present base zoning and CUP are sufficient to allow continued development of and investment in the Hamline University campus. However, development standards for college and university campuses, codified in Chapter 65 of the zoning code and enacted through the CUP, require setbacks of 50 feet from all property lines, with additional setbacks for building

heights above 50 feet. Such large setbacks are not appropriate along Snelling, nor do they reflect how the campus has been built out, including the recently constructed student center just north of Englewood, which required a CUP modification for reduced setback. No change to the present zoning is recommended. However, as an alternative, a change to a T1 base zoning could also be considered. This would remove the need for a CUP for most of the existing campus, and would apply T1 dimensional standards.

In Area 2, the Hamline Library and the former Knox Presbyterian Church are located along the south side of Minnehaha Avenue, just east of Snelling. Reuse of the church building is limited by the present R4 One-Family Residential zoning. A T2 Traditional Neighborhood designation would allow reuse of the building for a variety of commercial and residential uses, and is recommended. It is assumed that the Hamline Library will remain in operation and under the ownership of the City for the foreseeable future, and the inclusion of the library parcel in the rezoning to create a contiguous zoning district is recommended.

In Area 3, the parcels along Snelling, as well as several along Thomas Avenue, were, as noted, previously rezoned to T2 Traditional Neighborhood. Also as previously noted, the Samaritan Hospital site and the remainder of Area 3 between it and Snelling are within the defined station area planning boundary in the Snelling Station Plan, and are within a quarter mile (5 minute walk) of the Snelling Green Line LRT station. Rezoning of this entire area (as shown on Map 1) to T2 Traditional Neighborhood is recommended.

The portion of Area 3 generally west of Asbury (it includes one parcel on the east side of Asbury on the south side of Sherburne) is well within walking distance of the Snelling LRT station and should be considered part of the Neighborhood Center identified on the future land use map of the Comprehensive Plan. T2 Traditional Neighborhood zoning would be compatible with all existing uses, and would provide for flexibility in potential redevelopment as the level of transit service in the area continues to improve and land use in the station area generally intensifies as projected during planning for the Central Corridor. The office building on the former Samaritan Hospital site would become a conforming use under T2 zoning. Including the site in the proposed rezoning would also provide create a contiguous district and provide flexibility in potential future redevelopment of the site.

### **Findings: Hamline (Areas 4, 5, and 6)**

#### **Current Land Use, Zoning, and Building Types**

At the intersections of Hamline with Thomas (Area 6) and Minnehaha Avenues (Area 4), one- and two-story commercial uses (with second floor multi-family residential) occupy three of four corners, and are zoned B2 community business. At Minnehaha, Horton Park is located on the northwest corner and at Thomas a duplex, presently zoned RT1 two-family, occupies the northwest corner. The rest of Hamline within the study area is lined by single-family homes oriented to the cross streets, with two notable exceptions. At Van Buren (Area 4), Dreamland Arts, a small gallery and performance space, occupies a one-story commercial building facing Hamline; the building shares a lot with and is attached to a single family home that faces Van Buren, which is occupied by the owner/proprietor of Dreamland Arts. The parcel is currently zoned B1 local business. The former Saint Columba parish school occupies the entire eastern side of Hamline between Lafond and Blair (Area 5). The school building shares a large parcel (approximately 2/3 of the block bounded by Hamline, Blair, Syndicate and Lafond) with the Church of Saint Columba, which is located to the east along Lafond. The church is still in active use. The parcel shares R4 one-family zoning with the surrounding properties.

#### **Comprehensive Plan, District Plan, and Future Land Use**



The future land use map in the Land Use Chapter of the Comprehensive Plan identifies Hamline Avenue (Areas 4, 5, and 6) as a Residential Corridor. Thomas Avenue (including portions in Area 3) and Minnehaha Avenue (portions in Area 1) are not identified as corridors, and are considered part of the surrounding Established Neighborhoods except where they intersect with Neighborhood Centers and identified corridors. Residential Corridors are described in the Comprehensive Plan as segments of streets that run through Established Neighborhoods and that are characterized predominantly by medium density residential uses. Established Neighborhoods are described in the Comprehensive Plan as being predominantly residential, with a variety of housing types and scattered, neighborhood serving commercial and service uses.

As noted previously, land use strategy LU 1.1 of the Hamline Midway Community Plan calls for zoning studies to evaluate the appropriateness of rezoning from business to traditional neighborhood designations throughout the district. Strategy LU 1.3 calls for identifying redevelopment opportunities in the district. Strategies LU 2 and LU 5 call for pedestrian scale development and appropriate transitions between “disparate land uses”, respectively.

### Analysis and Recommendations

Commercial uses are generally relatively limited along Residential Corridors and in Established Neighborhoods. Where commercial uses do exist, underlying zoning should support the continuance of uses—and establishment of new uses on existing commercial sites—that are generally compatible with the surrounding neighborhood and provide local-consumer goods and services. Zoning should also reflect building scale and form and site design requirements consistent with the character of the surrounding neighborhoods.

Area 4 includes the existing commercial node at Minnehaha and Hamline, as well as the Dreamland Arts site at Hamline and Van Buren. The commercial node at Thomas is currently zoned B2 Community Business. The recommended rezoning to T2 Traditional Neighborhood would generally allow a similar range and intensity of uses, and apply similar dimensional and density standards. However, in the event of redevelopment, T2 zoning would require site and building design more consistent with traditional neighborhood storefront designs. It would also provide property owners with the flexibility in use of properties for which finding viable commercial uses can be difficult. A similar cluster of B2 zoned commercial properties exists in Area 6, at the intersection of Hamline and Thomas. For similar reasons, rezoning to T2 is recommended here as well. However, Area 6 also includes a duplex property, currently zoned RT1 Two-Family Residential. Rezoning to T2 would allow for continued residential use or the potential conversion of the space to a commercial use.

Dreamland Arts and the attached residential structure are currently zoned B1 Local Business. The business is generally regarded as a gallery for zoning purposes. However, it also functions as a very small scale theater. A theater would be allowed under the proposed T2 zoning, as would the attached residence. Although the change in zoning would technically allow a more potentially intense set of uses and more building mass on the site, the small size of the parcel is a practical limitation on the potential for uses of a type and scale that would be incompatible with surrounding uses.

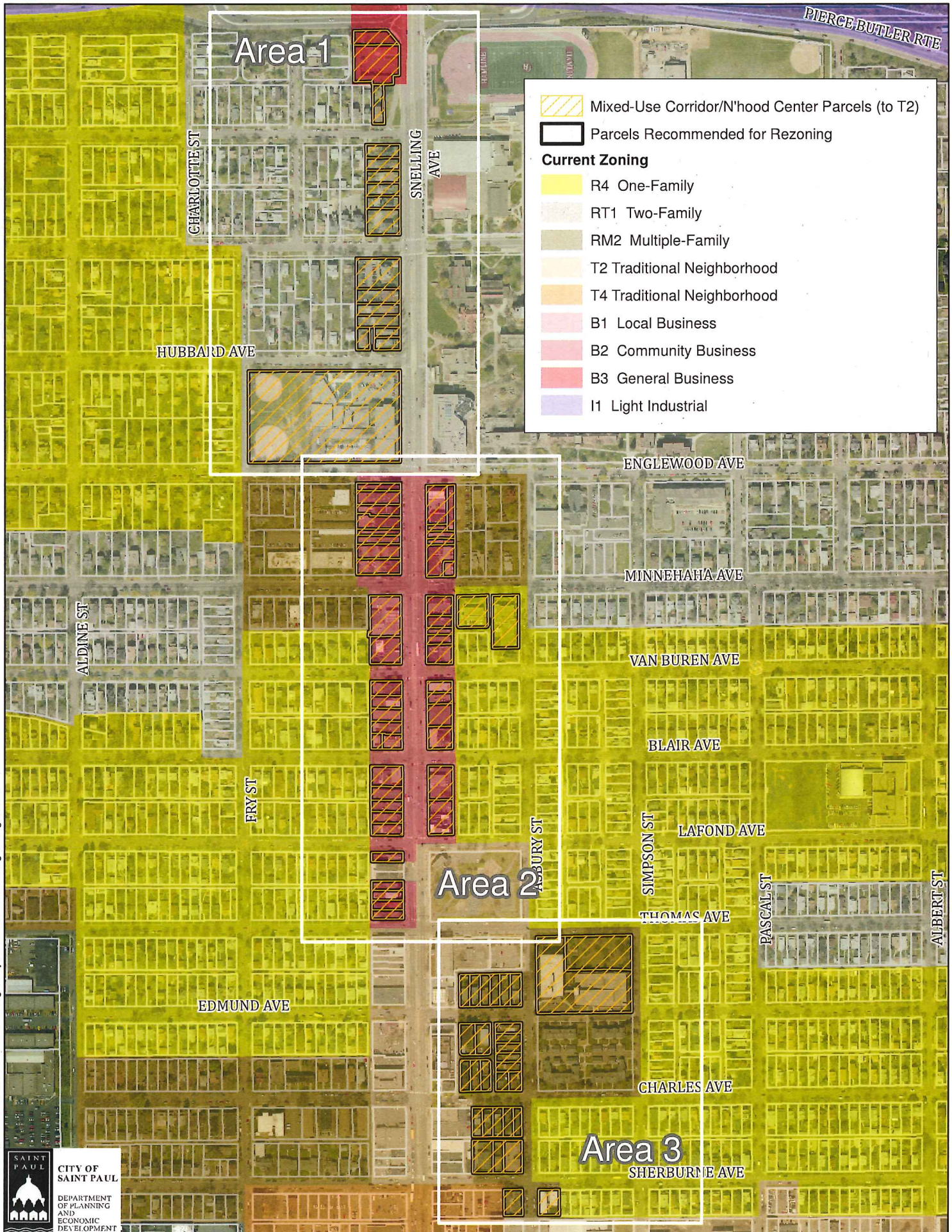
As noted, Area 5 consists of the St. Columba church and former parish school. Under the present R4 One-Family Residential zoning, options for reuse of the vacant building are limited, even under the provisions for reuse of large structures in Chapter 65 of the zoning code. Under the proposed T1 Traditional Neighborhood zoning, the building could be put back into use as a school, converted to multifamily housing, or used for office space for community, non-profit, and service organizations. It should be noted that parking may not be sufficient for a multifamily use.

## **COMMITTEE RECOMMENDATION**

1. Release the District 11 Hamline Midway Mixed-Use Corridors 40-Acre Zoning Study for public review and set a public hearing date of February 13, 2015.

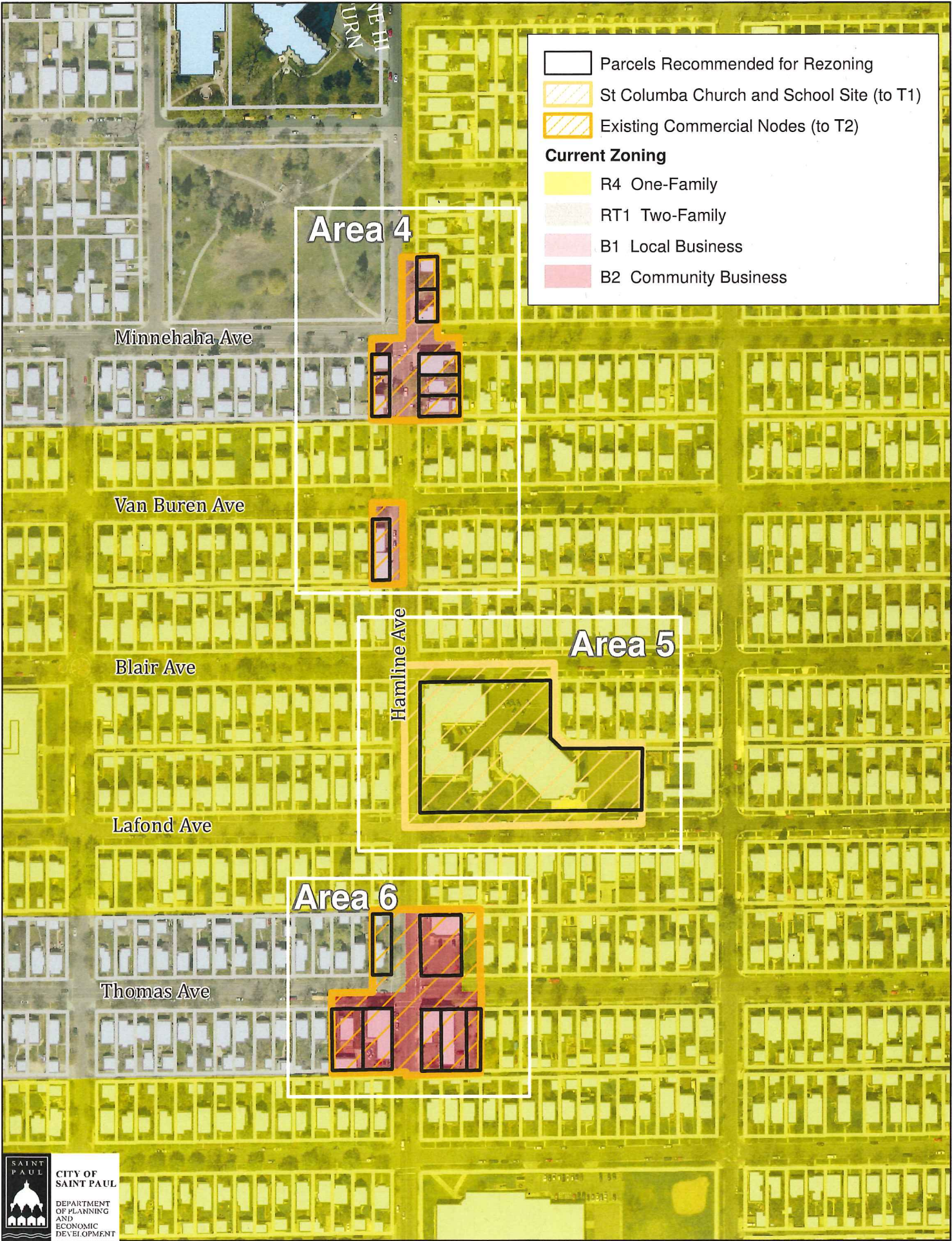


# Map 1: Recommended Zoning Changes - Snelling Avenue





# Map 2: Recommended Zoning Changes - Hamline Avenue







**CITY OF SAINT PAUL**  
*Christopher B. Coleman, Mayor*

*25 West Fourth Street  
Saint Paul, MN 55102*

*Telephone: 651-266-6565  
Facsimile: 651-266-6549*

Francis W Crowley  
1769 Snelling Ave N  
Falcon Heights MN 55113-5725

### **\*Potential Zoning Changes to Your Property\***

The Saint Paul Planning Commission periodically conducts zoning studies to determine whether or not the zoning designations in a study area should be changed in order to maximize the potential for expansion and establishment of uses consistent with the City's Comprehensive Plan and applicable area and district plans.

In December of 2013, the Saint Paul Planning Commission passed a resolution initiating the District 11 Hamline Midway Mixed-Use Corridors 40-Acre Zoning Study. The resolution called for a study area generally defined as including all blocks with street frontage on Snelling and Hamline Avenues between University Avenue and Pierce Butler Route, and all blocks with street frontage on Thomas and Minnehaha Avenues between Hamline and Snelling Avenues.

In conducting the study, Planning Commission staff have identified a number of potential zoning changes in the study area. You have received this letter because you are the listed owner of a property identified for potential zoning. Details on the property and the current and potential new zoning are listed below. **NO FORMAL PROPOSAL FOR REZONING OF YOUR PROPERTY HAS BEEN MADE AT THIS TIME.**

Property address: 871 Snelling Ave N Unit 2  
Saint Paul MN 55104-1218

Current zoning: B2 Community Business  
Potential new zoning: T2 Traditional Neighborhood (mixed-use)

The next step in the study is for the Planning Commission to consider the findings and recommendations compiled by staff, and release the study for a six-week public comment period which will conclude with a public hearing before the full Planning Commission. **NO HEARING HAS BEEN SCHEDULED AT THIS TIME.**

While the hearing has not yet been scheduled, it is anticipated that it will be held in December 2014 or January 2015, with review by the Planning Commission's Neighborhood Planning Committee of the study's findings and recommendations beginning as early as the end of October 2014. When a definitive hearing date has been established, you will receive notice by mail of the time, date, and location, along with details regarding how to submit comments. Notice of the hearing and additional information will also be posted to following website when it becomes available: <http://stpaul.gov/index.aspx?NID=5545>

Following the public comment period and hearing, the Planning Commission will forward to the Saint Paul City Council any recommendations for property rezoning. A second public hearing will be held before the City Council, and any zoning changes would be enacted at the discretion of that body.

For questions regarding the zoning study, potential zoning changes, or related matters, please contact Josh Williams, Senior Planner with the Department of Planning and Economic Development. He can be reached by email at [josh.williams@ci.stpaul.mn.us](mailto:josh.williams@ci.stpaul.mn.us) or by telephone at (651) 266-6659.

city of saint paul  
planning commission resolution  
file number 13-58  
date December 20, 2013

Resolution to Initiate District 11 Hamline Midway Zoning Study

WHEREAS, the *Hamline Midway Community Plan*, a proposed addendum to the Saint Paul Comprehensive Plan, has been released for public comment and a hearing before the Planning Commission set for February 7th, 2014; and

WHEREAS, the *Hamline Midway Community Plan* proposes rezoning of properties along portions of Snelling, Hamline, and Thomas Avenues; and

WHEREAS, the Hamline Midway Coalition more generally envisions Hamline and Snelling Avenues as vibrant pedestrian- and transit-oriented, mixed use corridors connecting the Green Line LRT to the neighborhood to the north; and

WHEREAS, the future land use map of the Saint Paul Comprehensive Plan identifies Hamline Avenue north from University Avenue north to Pierce Butler Route as a Residential Corridor and Snelling Avenue from University north to Pierce Butler Route as a Mixed Use Corridor; and

WHEREAS, Hamline Avenue from University Avenue north to Pierce Butler Route is currently a mix of T2 Traditional Neighborhood, R4 One Family Residential, B1 Local Business, B2 Community Business, and RM2 and RM3 Multifamily Residential zoning districts; and

WHEREAS, Snelling Avenue from Thomas Avenue north to Pierce Butler Route is currently a mix of T2 Traditional Neighborhood, B2 Community Business, B3 General Business, and RTI Two-Family Residential zoning districts; and

WHEREAS, the current zoning of properties along the aforementioned stretches of Hamline and Snelling Avenues, as described herein, may inhibit the expansion and establishment of uses consistent with the future land use map of the Comprehensive Plan and the vision of the Hamline Midway Coalition; and

moved by  
seconded by  
in favor  
against

Shively

Unanimous

Planning Commissioner Resolution  
Initiate District 11 Hamline Midway Zoning Study  
Page 2 of 2

WHEREAS, the current residential zoning designations of large properties near the intersections of Thomas and Minnehaha Avenues with Snelling Avenue may similarly inhibit the future development of an important Mixed Use Corridor; and

WHEREAS, Sec. 61.801(b) of the Zoning Code authorizes the Planning Commission to initiate an amendment to the Zoning Code as provided in Minnesota Statutes Sec. 462.357, Subd. 4;

NOW, THEREFORE, BE IT RESOLVED that the Saint Paul Planning Commission hereby initiates the District 11 Hamline Midway Mixed Use Corridors 40-Acre Zoning Study, for a study area generally defined as all blocks with street frontage on Snelling and Hamline Avenues between University Avenue and Pierce Butler Route, and all blocks with street frontage on Thomas and Minnehaha Avenues between Hamline and Snelling Avenues.