

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

Minutes July 10, 2015

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 10, 2015, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, McMahon, Merrigan, Padilla, Reveal, Shively, Thao, Underwood, Wang, Wencil; Messrs. Edgerton, Makarios, Nelson, Ochs, Oliver, Ward, Wickiser.

Commissioners Absent: Ms. *Noecker, and Messrs. Connolly, *Gelgelu, and *Lindeke.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Bill Dermody, Michelle Beaulieu, Jamie Radel, Jake Reilly, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes June 5, 2015.

MOTION: *Commissioner Reveal moved approval of the minutes of June 5, 2015. Commissioner Thao 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 had no announcements.

IV. Zoning Committee

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

Two items to come before the Site Plan Review Committee on Tuesday, July 14, 2015:

- Johnson Associates – 5-car parking lot for existing commercial building at 1521 Selby Avenue.
- Regional Labor Headquarters – New 16,000 square-foot, two-story office building and parking lot at 384 Smith Avenue North.

One item to come before the Site Plan Review Committee on Tuesday, July 21, 2015:

- Rivoli Bluff Housing – Five new single family houses and site preparation at 681 Rivoli Street.

OLD BUSINESS

#15-036-555 People Incorporated – Rezone from R4 One Family Residential to RT2 Townhouse Residential. 1784 Lacrosse Avenue, SE corner at White Bear Avenue. (Bill Dermody, 651/266-6617)

Commissioner Nelson discussed testimony received at the public hearing, noting that some had suggested that the proposed RT2 zoning would be spot zoning. However, spot zoning is a matter of the uses allowed, not the district title. The uses allowed in RT2 are similar to uses allowed in the surrounding area, including in the OS zoning district directly across the street.

Commissioner Oliver said he is opposed to the rezoning. He noted that rezoning is a policy decision, not a facts and standards issue. While spot zoning is a red herring, RT2 is not used elsewhere on White Bear Avenue, and he thinks it doesn't fit with the district plan or the comprehensive plan. It appears that RT2 was chosen to avoid community involvement. Other options would require a petition.

Commissioner Wickiser said he agrees with Commissioner Oliver. There is not a lot of consistency in the zoning in that area, but he thinks the proposed use could have a detrimental impact.

Commissioner DeJoy asked if the proposed use would be allowed if the property were rezoned to a classification that currently exists in the area.

Commissioner Nelson said it would be allowed under the OS zoning across the street.

Mr. Dermody said that this use is allowed in the OS district without a conditional use permit. It is also allowed in B2 and all zoning districts that are more intense than RT2 except I3.

Commissioner DeJoy said she is familiar with the area and has a concern about parking. She asked why we didn't lean towards OS.

Mr. Dermody replied that there are many zoning districts that permit the proposed use. OS would be appropriate, but we need to review what the applicant applied for.

Commissioner Padilla said that the intensity of the proposed use does not seem to be much different than the previous convent use. The major expansion of Cesar Chavez School will have much greater impact on parking. She understands why the applicant would avoid a petition requirement that would set them up to fail. She appreciated the analysis of spot zoning they asked for considering the uses allowed, which is the issue, rather than just the names of the zoning districts.

Commissioner Ochs discussed issues with rezoning just a single parcel of land, noting there are no rules against that, and said he sees no issue with a little more intense use along White Bear Avenue. His concern is the particular use and the proximity of schools to this type of use.

Commissioner Nelson said the required conditional use permit for the proposed use under RT2 zoning provides for community input and for additional conditions to address concerns. OS zoning, consistent with OS zoning across the street, would permit the use without a conditional use permit. The difference is community input and community veto power with a petition.

Commissioner Edgerton discussed the parking issue for the proposed use, noting that visitors are allowed but are discouraged, the residents don't have cars there, and doctors may visit for a few hours a week, so there is not going to be impact on parking.

Commissioner Wickiser said that while this facility seems to be well managed by a good operator, it could be any operator in the future, and he wants to be careful not to negatively impact something down the road.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the rezoning. The motion carried 9-8 (Ochs, Wang, Ward, Oliver, Wickiser, Underwood, DeJoy, and Wencil) on a roll call vote.

#15-036-227 People Incorporated – Conditional use permit for a licensed human service community residential facility for 16 residents with a variance of off-street parking requirements. (Bill Dermody, 651/266-6617)

Commissioner Nelson said that in response to issues raised at the Zoning Committee, they had asked for some additional research on additional conditions for the conditional use permit.

Bill Dermody, PED staff, said that People Incorporated does not serve persons who have been designated as a sex offender and restricted per court order from contact with any specific population. State law requires notification of the community and the facility of such status. Staff worked with the city attorney's office on three additional conditions for Planning Commission consideration, which Mr. Dermody explained.

Commissioner Nelson moved the Committees report with the three additional conditions, for a total of 6 conditions.

Commissioner Ochs asked how the applicant feels about these conditions.

Mr. Dermody said that he provided the proposed conditions to the applicant this morning, and on a quick review they are fine with them and don't feel it would change their operation compared to what they were going to do anyway.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 16-1 (Wencil) on a voice vote.

NEW BUSINESS

#15-124-232 St. Luke Lutheran Church – Conditional use permit for farmers market with up to fifteen (15) vendors. 1807 Field Avenue, NE corner at Edgcombe. (Michelle Beaulieu, 651/266-6620)

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

#15-127-857 K2 Cars – Conditional use permit, with modification of lot area requirement, for outdoor auto sales. 370 Maryland Avenue West, SE corner at Western Avenue. (Jamie Radel, 651/266-6614)

Commissioner Nelson summarized the public hearing testimony and the Zoning Committee discussion and recommendation, noting that the lot is short of the minimum lot area by only 269 square feet.

Commissioner Merrigan said she was the Zoning Committee member who voted against this. As the chair of the Comprehensive Planning Committee she felt compelled to vote on the side of the district plan, which discourages such use. She added that the community support for this and the small size of the lot area modification made this a difficult decision.

Commissioner Padilla said that this was a difficult decision for all of the Zoning Committee members. The question is how to balance comprehensive plan language with what the zoning specifically allows.

Commissioner Oliver said that a general standard for all conditional use permits is conformance with the Comprehensive Plan. If this complied with all the dimensional standards he would not be as conflicted, but the parcel doesn't meet the lot area requirement.

Commissioner Padilla said there is a lot of community support for the application, and she appreciated changes the applicant made to reduce the number cars for sale on the lot, add more green space, and make the corner more visibly appealing.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 10-6 (Ochs, Wang, Merrigan, Oliver, Underwood, and Reveal) on a roll call vote.

#10-602-216 Manuela Dolores Corona – Set a public hearing to consider modification or revocation of a conditional use permit for an auto specialty store due to noncompliance with conditions of the permit. (Tony Johnson, DSI Zoning/Licensing Inspector, 651/266-9067)

Commissioner Nelson announced that this case will come back to the Zoning Committee in 60 days regarding compliance.

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on July 16, 2015.

V. Neighborhood Planning Committee

Commercial Development District at the Schmidt Brewery Site – Approve resolution regarding Comprehensive Plan conformance. (Michelle Beaulieu, 651/266-6620)

Michelle Beaulieu, PED staff, said that commercial development districts are a tool that can be used to create new liquor license patrol limit areas within existing ward limits. In Saint Paul liquor licenses are restricted by ward; each ward has a certain number that can be distributed throughout the area and commercial development districts exist outside of those limits. Example: all of downtown is included in a commercial development district permitting an additional number of hard liquor licenses within that area within Ward 2.

An application has been submitted with the Department of Safety and Inspections for a commercial development district at the Schmidt Brewery site and as per the code the Planning Commission is asked to opine on the Comprehensive Plan conformity of such a commercial development district. There are a number of findings that the Neighborhood Planning Committee is forwarding to the Planning Commission with the recommendation based on those findings. The recommendation is that the Planning Commission find that the proposed commercial development district for the former Schmidt Brewery site is consistent with the Saint Paul Comprehensive Plan and zoning code, and that the Planning Commission support the creation of the Schmidt Brewery Commercial Development District. The findings are: 1) The former Schmidt Brewery site includes several buildings on three parcels at 928 West 7th Street. 2) The proposed commercial development district is confined to the former Schmidt Brewery site. 3) The proposed commercial development district is consistent with the Saint Paul Comprehensive Plan, which designates the area surrounding and including the former Schmidt Brewery as a proposed neighborhood center. The Comprehensive Plan promotes neighborhood centers as compact mixed use communities that provide services and employment close to residences. 4) The proposed commercial development district is consistent with the West 7th Street Fort Road District 9 Area Plan, which encourages supporting a node of businesses at the intersection of West 7th and Randolph. 5) the proposed commercial development district is consistent with existing T3 zoning of the property which permits bars and restaurants up to 5,000 and 15,000 square feet respectively requiring conditional use permits for larger establishments.

Commissioner Thao asked why was this at the Neighborhood Planning Committee and not at the Comprehensive Planning Committee.

Ms. Beaulieu said that it was because a previous commercial development district that the Planning Commission considered was also sent through the Neighborhood Planning Committee, but that was fifteen years ago.

Donna Drummond, Planning Director, added that for some items it's a judgement call as to which committee it can go to and this seemed like a neighborhood specific issue. The interpretation of the Comprehensive Plan is often part of what the Neighborhood Committee does as well, so it is definitely a judgement call as to where it would go.

Commissioner Merrigan thinks that there might be some occasions where committees can work together when we are doing zoning or transportation studies and we are rezoning large parcels for example. She does not understand why some of these types of agenda items don't also go through the Comprehensive Planning Committee, particularly when applying Traditional Neighborhood zoning districts, as that committee handled the Central Corridor Zoning Study. She thinks that the Comprehensive Planning Committee is terribly underutilized. They end up with one meeting a month and there is work that people want to do and are willing to do and the fact that stuff does not come through the committee discourages attendance and makes people join other committees.

Commissioner Wickiser expressed his support for establishing the commercial development district for Schmidt, noting that perhaps it should be expanded. It may help improve the surrounding area, citing Randolph Ave. between W. 7th St. and Shepard Road as needing improvement.

Donna Drummond, Planning Director, said that they have to comment on what comes before them and this is what came to the Department of Safety and Inspections. The Planning Commission isn't able to define the boundary in this case.

Commissioner Padilla added that it may be helpful for the Comprehensive Planning Committee to review zoning changes recommended in small area plans or other redevelopment areas to ensure consistency with the Comprehensive Plan. She fully supports utilizing that committee more.

Ms. Drummond replied that the Comprehensive Planning Committee is going to be very busy with the Comprehensive Plan update, and it does seem like the various committees have ebbs and flows over time. There was a time when the Comprehensive Planning Committee was extremely busy and the Neighborhood Planning Committee was not. We try to balance the work load. It has been a slow time for the Comprehensive Planning Committee but their work will definitely be picking up.

Commissioner Edgerton noted that as a member of the Neighborhood Planning Committee they have had a number of meetings this summer and he would not argue with the Comprehensive Planning Committee taking on more.

MOTION: Commissioner Edgerton moved the Neighborhood Planning Committee's recommendation to approve the resolution. The motion carried unanimously on a voice vote.

Snelling Avenue South Zoning Study – Approve resolution initiating a study.
(Michelle Beaulieu, 651/266-6620)

Michelle Beaulieu, PED staff, said that Metro Transit is currently building and in the final planning phases for the A Line which is the region's first arterial bus rapid transit project. It will travel from Roseville down Snelling to Ford Parkway, then heading over the river and ending at the 46th Street station on the Blue Line. It's the first of its kind in this region and is a very successful tool in other cities across the country, both in improving transit and helping attract economic development to the areas that they run through.

The Humphrey School of Public Affairs class put together a really great report that included a number of strategies to allow the city to take advantage of this transit investment and encourage economic development along Snelling Avenue. The report focused on rezoning significant portions of Snelling Avenue to encourage denser, more transit and pedestrian-friendly development. The resolution in front of the Planning Commission today is to initiate a formal zoning study of Snelling Avenue South from I94 to Ford Parkway. The area is defined by one full block on either side of Snelling Avenue as well as either side of the major arterials at the station areas for a quarter mile out from the station area locations on those arterials, which is what they would define as the walking distance for people to utilize the service. The study will focus primarily on these commercial nodes and on existing commercial zoning districts but also look at RM2 zoning and some of the areas where there is not currently commercial zoning facing Snelling. The Comprehensive Plan defines the area as a mixed use corridor and the three district

plans support intensification and mixing of uses at these commercial nodes without it spilling over into existing residential areas.

Commissioner Padilla said that this is a great report. As a resident who lives along Snelling on the north side close to Falcon Heights, and she knows that the BRT is coming and feels this area has been somewhat overlooked in planning for the line..

Ms. Beaulieu said that Josh Williams recently completed a zoning study that included Snelling Avenue north of the Green Line Station Areas to Energy Park Drive, but that still leaves that northern portion to be reviewed. It can be something that staff could look at.

Commissioner Padilla said she wants to know if that piece will get reviewed at some point.

Ms. Beaulieu replied that it is important and they can look at what the district plans say about that area too. Maybe that can be the next work program item.

Donna Drummond, Planning Director, added that the reason the zoning study north of University only went up to the railroad tracks is because the Midway Coalition had requested the zoning study so that is the area that was looked at. However, it is a good point that we should be looking at the zoning all up and down where the A Line will be running.

Commissioner Merrigan supports initiating this study and requests that it go through the Comprehensive Planning Committee.

Ms. Drummond said that Commissioner Merrigan has requested that it go through the Comprehensive Planning Committee, and in terms of procedure that may be something the Chair can direct or there can be a vote on it. Staff is okay with having it at the Comprehensive Planning Committee.

Commissioner Padilla asked if both committees would have some oversight over this or would it be in just one committee or the other.

Chair Wencl said the reason it went through Neighborhood Planning is because it came through the district council.

Ms. Drummond said that is partly true, but also because the Neighborhood Committee had done the Snelling North zoning study recently.

Commissioner Padilla asked about the role of the Transportation Committee.

Commissioner Ochs said as a member of the Transportation Committee and the Neighborhood Committee he does admire Commissioner Merrigan's request and desire for more unpaid work. Sometimes he has been concerned as a Neighborhood Planning Committee member that some of the transportation issues were not brought forward to the Neighborhood Planning Committee because they do affect these smaller neighborhood areas. He does not want to get in the way of whatever decisions are made and what is best for which committee to study, but there are some neighborhood issues that he thinks would be legitimate to discuss at a Neighborhood Planning Committee.

Commissioner Edgerton said regardless of the decision he could attend the committee meetings just as a Planning Commissioner so if he wanted to participate he would have that opportunity.

Commissioner Merrigan said that it is important these decisions gets vetted and she wants her committee to take a lead role because of the breath of this particular study and the history of the committee dealing with similar issues with the Central Corridor. And there was not a Transportation Committee at that time.

Commissioner Shively suggested it may be helpful to prepare a purpose statement for each committee that helps clarify their particular role so commissioners know what issues each committee will be considering and developing expertise in those areas. It would also provide more clarity to staff when any issue comes up.

Ms. Drummond said that that is a good idea and said she would draft something for review at the next Steering Committee.

Chair Wencl suggests that for this particular zoning study a joint meeting of the two committees may be in order.

Commissioner Reveal said that there is a steering committee meeting coming up at the end of this month, which has all of the chairs from all the committees and maybe they could address this.

Commissioner Padilla said that there is room for concurrent review. There is no need to increase timelines if the Neighborhood Planning, Comprehensive Planning and Transportation Committees all review concurrently then all those comments can be collated and the discussion held.

Chair Wencl said that the resolution at this point is to initiate a zoning study so it does not need to be given to a particular committee at this time. Commissioner Reveal's suggestion that the steering committee make the decision is a good one.

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

Campus Boundaries Zoning Study – Release draft for public review and set a public hearing for August 7, 2015. (Josh Williams, 651/266-6659)

Commissioner Edgerton announced that Josh Williams will give a full presentation at the public hearing since he is unavailable to do it today. Essentially there are issues with colleges purchasing properties and demolishing the structures on them and leaving vacant lots sitting in anticipation of potential future use or incorporating them into their campus. So there has been some concern about that this and the goal of this study is to look at that issue and put some requirements on it.

MOTION: Commissioner Edgerton moved on behalf of the Neighborhood Planning Committee to release the draft for public review and set a public hearing on August 7, 2015. The motion carried unanimously on a voice vote. (The hearing was subsequently rescheduled to August 21, 2015.)

Commissioner Oliver announced the items on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, July 15, 2015 at 4:00 p.m. instead of 3:30 p.m.

VI. Comprehensive Planning Committee

Commissioner Merrigan announced that their last meeting was cancelled, but their next meeting is scheduled for Tuesday, July 21, 2015.

VII. Transportation Committee

Commissioner Wang announced that their last meeting was cancelled, and their next meeting is on Monday, July 13, 2015.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

Commissioner Thao reported that the Grand Round Community Advisory Committee had some workshops and they are planning on having some open houses coming up next week on July 13th, 14th, and 15th. The open houses will share what was done during the design workshop and the committee itself has a meeting coming up on Thursday, July 16, 2015.

Donna Drummond, Planning Director, announced that there is another Ford Site Planning Task Force public meeting on Wednesday, July 22, 2015 and the focus is on jobs and housing.

Commissioner Merrigan thanked everyone for their patience and openness to consideration on these items today.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 10:10 a.m.

Recorded by Laura Eckert, Executive Assistant
and prepared by
Sonja Butler, Planning Commission Secretary

Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Approved August 21, 2015

(Date)



Donna Drummond
Donna Drummond
Planning Director



for Daniel Ward II
Daniel Ward II
Secretary of the Planning Commission

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