

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

Minutes July 24, 2015

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 24, 2015, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, Noecker, Padilla, Reveal, Thao, Underwood, Wang, Wencil; and Messrs. Gelgelu, Lindeke, Makarios, Nelson, Ochs, and Oliver.

Commissioners Absent: Mmes. *McMahon, Merrigan, *Shively, and Messrs. Connolly, *Edgerton, Ward, and Wickiser.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Bill Dermody, Jamie Radel, Hilary Lovelace, Vincent Ferguson, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes June 19, 2015.

MOTION: *Commissioner Reveal moved approval of the minutes of June 19, 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 announced that City Council acted on a number of zoning studies that were recommended by the Planning Commission. The Residential Standards Zoning Study was approved by City Council last Wednesday along with a package of minor text. The public hearing was held on the Parkland Dedication Amendments and the City Council laid that over until August 12th to get more information on the potential impact on future revenue among several other questions.

IV. PUBLIC HEARING: Gold Line Station Area Plans – Item from the Neighborhood Planning Committee. (Bill Dermody, 651/266-6617)

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Gold Line Station Area Plans. Notices of the public hearings were published in the Saint Paul Pioneer Press on July 20, 2015, July 27, 2015 and August 3, 2015, and were published in the Legal Ledger on July 13, 2015, and were sent to the citywide Early Notification System list of recipients and other interested parties.

Bill Dermody, PED staff gave a brief power point presentation giving some background which can be viewed on the web page at: <http://www.stpaul.gov/planningcommission>. As of today two letters had been received. One was from Christine Eid with Stinson, Leonard and Street, representing Brixmor Property Group, Inc. owner and operator of the Sun Ray Shopping Center and the other from Cheryl Schmura, Board Chair and Tracine Asberry, Executive Director of Saint Paul Youth Services.

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

The following people spoke.

1. Cheryl Schmura, 6255 Keswick Avenue, Stillwater, representing Saint Paul Youth Services, stated that their building is directly impacted by the station location. The Saint Paul Youth Services learned only two weeks ago that the site plan for the Sun Ray Station includes their office and the adjoining property. They have not been engaged in any discussions on the project, in fact they have talked with neighboring businesses that only became aware of it when they were asked what they knew about the project. This raises concerns about how the site plan will affect their organization location both in the short and long term, how their clients will be serviced while the project is underway, will their agency be viable given the potential disruption to their services and the resulting loss in clientele. If they are to continue the vital services that they provide they need to be involved in plans such as the Gold Line. They are requesting to be included step by step in the planning process of the Gold Line as it pertains to the Sun Ray Station. Only through this engagement can they hope to avoid serious negative impacts to their organization and the population that they serve. (letter submitted with literature)
2. Christine Eid, Attorney with Stinson, Leonard, Street, 1881 Munster Avenue, representing the Brixmor Property Group. Brixmor generally supports the Gold Line Station Area Plans and the expansion of the BRT at Sun Ray; they also support the higher density vision of the City of Saint Paul. However they have concerns, with the station area plan at Sun Ray and the proposed rezoning from the existing B2 District to the T4 District. Sun Ray is a thriving shopping center that has been in the area for over 50 years contributing to the community, the local economy and the Saint Paul and Ramsey County property tax base. It is a historically successful shopping center, with a current occupancy rate of 92%. Brixmor is concerned with the current configuration of the Sun Ray Station in the existing plan, and their concern is with the short and long term configuration. Short term there is a pedestrian and bikeway path that bisects an existing building located within the shopping center and would result in the re-configuration of the parking area. Both of these would have the potential to negatively impact existing leases and future leases by displacing at least one tenant in addition to visibility, access and stability of the overall shopping center. The long term plan contemplates the existence of a street grid and the realization of that street grid is possible if the shopping center is demolished. Brixmor encourages the station's existence at Sun Ray; they have ideas about how to accomplish the higher density transit oriented vision of the city and county and also allow the existing thriving shopping center to continue. Regarding the rezoning they are concerned with the higher density design and development standards that may come along with the fact that the Sun Ray Shopping Center is in close proximity to a station. They would like the zoning amendments to allow for more organic and gradual growth of the shopping center in conformance to the higher density standards. Brixmor is

opposed to any zoning amendments that would result in nonconformity. And they request the City take a thoughtful economical and practical approach to moving forward with both the station area and the rezoning. They look forward to working with City staff in order to accomplish the City's higher density vision while allowing Sun Ray to continue to be a thriving and successful community shopping center. (a letter with their concerns was received)

3. Liz De La Torre, 2215 5th Street East, was a participant in the Sun Ray Design Workshop. Sun Ray Shopping Center is a good tax base, but it is somewhat of an eye sore, the two biggest tenants are Cub Foods and TJ Maxx. The group did a thoughtful process and they wanted to create a sense of community, they wanted to address a lot of the public safety concerns that are in that area. There is no easy access for anyone south of 94 to get to the bus. And one of the things that they wanted to improve was how to make that more pedestrian friendly, more bike friendly considering all modes of transportation. She knows that there is not a single solution that is going to solve everything but there was a lot of thought in this process and they really came together as a group after hours of designing with the city planners, Bill Dermody was very helpful. And they want to have a long term plan for their community to address all of the issues. She understands some of the concerns that Brixmor brings forward, but they should take into consideration that they did not do this on a whim, they want to make this a place that thrives on the east side, a place that connects the eastside to the rest of the metro area and that is exactly what this plan does as well as create some community space and open space.

MOTION: *Commissioner Oliver moved to continue the public hearing to Friday, August 7, 2015, leaving the record open for additional written testimony received by 4:30 p.m. on Monday, August 10, 2015. The motion carried unanimously on a voice vote.*

V. Zoning Committee

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

One item to come before the Site Plan Review Committee on Tuesday, July 28, 2015:

- Gloria Dei Lutheran Church – Repave existing parking lot and other site work at 700 Snelling Avenue South.

Three items to come before the Site Plan Review Committee

- Saint Paul Seminary – Repave existing parking lot and driveway at 2260 Summit Avenue.
- Saint Paul Parks – Expand existing parking lots at Como Park and associated site improvements located at 1225 Estabrook Drive.
- Keg and Case Market – Renovate existing building for commercial use and build a parking lot at Schmidt Brewery site. *(Preliminary meeting)*

NEW BUSINESS

Chair Wencl chaired the Zoning Committee meeting therefore she gave the report and the First Vice Chair Reveal took over the Planning Commission Chair duties the during the zoning report.

#15-133-643 Wesenberg Management Group LLC – Rezone approximately 28 feet between 2238 Doswell and 2275 Como Avenue from B2 Community Business to T2 Traditional Neighborhood. 2275 Como Avenue, 2238 Doswell Avenue between Doswell and Gove Place. (Mike Richardson, 651/266-6621)

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

#15-133-740 St. Anthony Housing – Conditional use permit for a maximum height of 43 feet. 2301 Como Avenue, 2238 Doswell Avenue SE corner of Doswell and Como. (Mike Richardson, 651/266-6621)

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

#15-133-357 Northern Iron of St. Paul LLC – Rezone from VP Vehicular Parking to IT Traditional Industrial. 877-897 Wells Street between Mendota and Forest.

Commissioner DeJoy wanted to know if the District 5 Council had weighed in on this.

Commissioner Wencl said that in the summary report it states that District 5 made no recommendation.

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

#15-130-256 Meridian Behavioral Health – Conditional use permit to increase the number of residents to 64 in the existing licensed human service community residential facility. 135 Colorado Street East Terminus of Colorado and Clinton. (Jake Reilly, 651/266-6618)

MOTION: Commissioner Wencl moved the Zoning Committee’s recommendation to approve the conditional use permit. The motion carried unanimously on a voice vote.

#15-134-166 Best Pawn – Conditional use permit for commercial outdoor sales. 523-575 7th Street East between Kittson and Hwy 52 ramp. (Jake Reilly, 651.266-6618)

Commissioner Wencl reported that this is to permit a food truck to operate on the premises. The reason this application is here, is because the Public Utility Commission received a complaint about waste water from this food truck being put into the storm sewer. The applicant was told to stop until they got a conditional use permit for that purpose and there were conditions added which included the requirement for a mitigation plan for disposal of waste water.

Commissioner Noecker said this conditional use permit would incorporate the outdoor auto sales conditional use permit, but questioned whether that was the best way to do it. Does that mean

that two very different kinds of uses will be on the same conditional use permit or does it make more sense to have two separate conditional use permits for those different uses?

Commissioner Wencl said the reason that it was incorporated was that the former conditional use permit for the outdoor sales was for 9 spaces but now would be 6 spaces, so they reduced the number of spaces.

Commissioner Lindeke wanted to know what the City process is for zoning for and approving food trucks in general on spots similar to this. He would like to see food trucks appear in parking lots around the city.

Commissioner Wencl said that that was part of the discussion at Zoning Committee; they were thinking that there needs to be some further study and decisions about food trucks and where they apply in the zoning code.

Commissioner Padilla asked how the City regulates food trucks for general operation on the city streets. Are we requiring them to retain their waste water or not dump it? How are we dealing with that differently than with a conditional use permit?

Commissioner Wencl said that in the application there is that requirement.

Commissioner Padilla replied that this is a conditional use permit (CUP) for a private company not the food truck itself. So if the food truck is violating its own license by not appropriately disposing of the water within its own vehicle, that is separate issue from offering up a conditional use permit for a private property owner who is housing a food truck that is violating its license by dumping its water inappropriately and mitigating it that way. So there is a big disconnect on how we are dealing with that overall.

Commissioner Revea said that in this case what's happening is that it's not always the same food truck and they were advised that they need to have CUP to have any food truck and the conditions require that any food truck operating has to provide a waste water and trash disposal plan to the owner. We don't know what all the licensing requirements are and we discussed wanting more information about how these are regulated generally.

Commissioner Padilla said it is a concern if we have waste water issues on food trucks that are not under a CUP but are simply licensed and operating on City streets. This should be addressed.

Commissioner Wencl said one of the differences in this case is that this food truck is on private property rather than on a public street. And that was one of the reasons why it had to be dealt with this way.

Commissioner Padilla understands that that is why they are doing a CUP for this application. However, her concern is if we have food trucks that are dumping waste water elsewhere in the city that should be regulated by licensing whether or not it's on private property.

Commissioner Noecker asked if it were possible to have a presentation or discussion about food trucks generally, as they add a lot to street life.

Commissioner Nelson said that one of his concerns is the generators that food trucks use. In terms of noise and pollution it would be good if food trucks could do a better job of not negatively impacting what's around them when they need to be able to operate independently without access to utilities.

Commissioner DeJoy said the particular food truck for this application is one she has eaten at and they are quite delicious tacos. It is parked there on a regular basis and it came up on somebody's radar screen at DSI when questioned why this food truck was allowed to park there for long periods of time. She was told that normally they are supposed to park on the street. This particular situation is not allowed that is why it's before us. Food trucks are becoming more and more popular and it would be good to get more information about the rules.

Donna Drummond, Planning Director, said that she would ask DSI to have someone come and present the current regulations for these.

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

#15-134-559 Taco Bell/Border Foods – Conditional use permit for drive-thru sales and to increase the maximum number of off-street parking spaces, and variances of minimum floor area ratio (0.5 required, 0.11 proposed), window and door openings of front façade length (50% required, 47% proposed), and interior parking lot landscaping (15% required, 12% proposed). 565 North Snelling Avenue SW corner at Edmund. *(Josh Williams, 651/266-6659)*

Commissioner Wencl announced that this case has been laid over to the July 30, 2015 Zoning Committee meeting.

#15-134-693 BleuAnt LLC – Rezone from BC Community Business Converted District to RM2 Multiple Family. 1174 Grand Avenue between Dunlap and Ayd Mill Road. *(Jamie Radel, 651/266-6614)*

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

#15-134-770 BleuAnt LLC – Variances of side yard, rear yard, and front yard setbacks and lot coverage requirements. 1174 Grand Avenue between Dunlap and Ayd Mill Road. *(Jamie Radel, 651/266-6614)*

Commissioner Padilla said that Commissioners Edgerton and Wickiser are not present so asked if someone could provide their rationale for approval.

First Vice Chair Reveal said that they were quite articulate about it; they felt that the development was a good thing and that this was not unreasonable to put 8 units on this site. They thought that it was well designed in terms of materials and scale relative to the adjacent buildings and density is what's called for in the plan that covers that area. So that was the basis for their votes.

Commissioner Wencil added that the characterization of the people who voted against this was that it was out of scale with the two adjacent buildings.

Commissioner Padilla asked if there was enough parking provided, and also noted the need for resolution of the conflict between the plan requiring density even though there are adjacent properties that haven't gotten there yet in terms of density. We are still requiring density in the plan, so somebody has to start with the density in order to get the density.

Commissioner Wencil said that the density before this had been for a single family home, so it's a higher density.

Commissioner Padilla replied that that's what the plan calls for, and somebody has to start to get to the density in order to get the density in the plan that you want, even if adjacent properties are not there yet. How do you resolve that?

First Vice Chair Reveal said that it was a complicated discussion because both the adjacent properties by themselves would not conform to all the rules of RM2 even though they are zoned RM2.

Commissioner Wencil added that they were built in the early 1920's.

First Vice Chair Reveal said that the rationale was simply that you're going from a small, very small single family home to a much more dense use on that parcel with a more appropriate zoning. The issue is that the proposed building goes out further toward the alley closer to the side property lines than the buildings on either side. And there were a lot of issues about congestion in the alley because it is a dead end alley that has a large amount of both commercial and residential uses. Even though there were adequate parking spaces underneath and behind the building in their request, neighbors were concerned about what that would do to the already highly congested alley. Her hope was that they would see a new proposal that would conform better or at least address those issues.

Jamie Radel, PED staff, clarified that it is not an issue of density that's driving this, this is an 8 unit building. The buildings to the east and west are much denser. It is really an issue of scale of the building and context of those existing buildings and within the context of the standards for the RM2 District.

Commissioner Lindeke said Grand Avenue is one of the most successful corridors in the city, both economically and in terms of how it looks. One of the big reasons for that is this existing 1920s era density that doesn't conform to any of the current zoning codes we have. He has never seen a proposal for a building on Grand Avenue that looks so much like one of those old buildings than this one. He does not know why this one is such a big deal; it's slightly larger, taller or sticks out a little further, but if we want to recreate this vitality that everyone in Saint Paul loves on this stretch, this is the best proposal he has seen come before the Planning Commission. It is disappointing that we are going to turn this down.

Commissioner Underwood asked for clarification on what the district council and neighbors want if they are opposed to the approval of this project, wondering if they are opposed to doing anything with the single-family house currently on the lot.

First Vice Chair Reveal said they are not opposed to doing anything but are opposed to the scale of this project.

Commissioner Underwood asked if there was a sense that the neighbors would support some kind of improvement to the property.

First Vice Chair Reveal replied absolutely, that there would be support for a multiple unit building with adequate parking.

Commissioner Wencil thinks that they were generally in favor of this kind of use but they felt this particular footprint was too big.

Commissioner Underwood said so there is opportunity to make it right. Commissioner Wencil said yes.

Commissioner Nelson disagreed with Commissioner Lindeke on the character issue. On the drawings he sees a building that is probably going to be a story taller than the buildings next to it. If you look at the perspective drawing they provided, it shows the building behind it as though it is a 3 story building and it is not, it's 2 ½ it has a garden apartment level, which would be approximately equivalent to their garage level. You step up to the first floor and the units on either side have apartments where the garage would be in the proposed scheme. Another issue is character. Looking at the buildings around it, they have a distinct cornice line and a cap and face middle top. The proposed building is not of that character at all so it doesn't necessarily fit in. It looks more like a 1960s banded window sort of a building so it really is not of the same character of Grand Avenue. He thinks the scale is a little too big and he would like to see something better.

Ms. Drummond, Planning Director, added that part of the issue with this one is that the RM2 requirements do not work very well for a small lot like this. And to get underground parking and to achieve that you need a certain width of the building. Also to achieve the grade necessary to get into the underground parking it has to be elevated somewhat, which added to the height of the building.

Commissioner Padilla thanked Ms. Drummond for the explanation. It helped her, because if their goal is to move towards this direction of more density it is helpful to understand that the zoning does make it challenging for certain parcels. She really thinks that they should be encouraging underground parking wherever they can, however it is really expensive so it requires a little more density and more scale if we are going to ask developers to do that in order to pay for it. There is not enough land around there to keep pushing parking out so you would think that neighbors would be happy to see an underground parking proposal, even if it make a little impact into the alley. She will be voting no on the recommendation for denial.

Commissioner Lindeke agrees with Commissioner Padilla. He is voting no for the denial, and he thinks that making a distinction between density and scale is important because of the number of units of the buildings on each side. It's not a question of density; it's a question of scale and some of the challenges trying to fit with a small lot and the zoning that we have.

Commissioner Noecker agrees with the need for encouraging density and also to establish the character of a neighborhood, but in this case what she is looking at is just the basic rules of

the game that they have set in terms of the RM2 District. In this case the proposal does not conform to any of them and it cannot be shown to her that it not because they want to build a bigger building and couldn't build a smaller building. If we don't feel that the rules that we have set encourage the density that we want then we should change those rules but not change those rules in the middle of the game.

First Chair Reveal clarified that if you vote yes on this you are voting to deny the variances and if you vote no then we will need an alternative motion for consideration.

MOTION: *Commissioner Wencl moved the Zoning Committee's recommendation to deny the variance. The motion carried 8-6 (DeJoy, Lindeke, Makarios, Ochs, Padilla, Thao) on a voice vote.*

VI. Neighborhood Planning Committee

Chair Wencl chaired the Neighborhood Planning Committee meeting therefore she will give the report and the First Vice Chair Reveal will take over the Planning Commission Chair duties during the Neighborhood Committee report.

Pioneer Era Limestone Buildings of Saint Paul at 445 Smith Avenue, 383 Goodhue Street, 282 West Seventh Street, 202 McBoal Street, and 178 Goodrich Avenue – Resolution providing recommendation to the Heritage Preservation Commission regarding proposed designation as Saint Paul Heritage Preservation Sites. (*Bill Dermody, 651-266-6617*)

Commissioner Wencl gave the report.

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

Commissioner Underwood commented on how grateful she is to live within a community with these beautiful buildings but a community of residents that are taking very good care of these buildings and making them active assets in the community.

Donna Drummond, Planning Director, added that the City Council recently approved a new process that is allowed under state law for a historic use variance for properties that are locally designated as historic. The Zoning Committee will be getting a historic use variance application soon under this new ordinance for the Stone House Stone Saloon project at 445 Smith. It is a way to allow a use that is normally not permitted by the zoning that the property is in but allows a historic use of that property to move forward. It will be fairly rare that we see these but this will be the first one.

Commissioner Padilla asked if they are going to be doing use variances.

Ms. Drummond said yes, this is what's called a historic use variance and it is allowed under state law for historic structures. This is an ordinance that the City Council passed recently and it's a process that starts with the Heritage Preservation Commission (HPC) which reviews it and then makes a recommendation to the Planning Commission. The Planning Commission holds a hearing at Zoning Committee and the Planning Commission and HPC recommendations then go to the City Council for a public hearing and final decision.

Commissioner Padilla needed clarification that this is very unique because use variances are generally strictly prohibited so there is clearly a state law that provides and allows for them in this particular context only. Ms. Drummond replied yes, that is correct.

Commissioner Ochs suggested that the Planning Commission members receive information about the nature of the historic use variance, its intentions and how it's applied so that they are more familiar with it.

Commissioner Wencl said yes they will do that.

VII. Comprehensive Planning Committee

Commissioner Thao reported that they had two items on their agenda at the last meeting. There was an informational presentation on the University Avenue Innovation District and developments happening there. There was also continued discussion of the DNR Mississippi River Critical Area Rulemaking and they are close to finishing it out. The next Comprehensive Planning Committee meeting is scheduled for August 4, 2015.

VIII. Transportation Committee

Commissioner Lindeke reported that at their last meeting Dakota County Regional Rail talked about how they recently had gone through a process to discuss what the Robert Street Transitway alternatives would be and decided not to decide anything pending further comprehensive planning by the City of West Saint Paul. They also heard about Ramsey County's plans to reconstruct White Bear Avenue which will be under construction this fall. The next Transportation Committee meeting for Monday, July 27, 2015 has been cancelled.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Thao announced that the Grand Round Advisory Committee met this week and they reviewed draft design concepts for each segment for the Grand Round. This information can be viewed on the web site. One key piece they are trying to do is more outreach, particularly to the eastside. Also, there are going to be sidewalk improvements, because it is not just about a bike pathway but there are a lot of pedestrian improvements being made too.

Chair Wencl asked if the sidewalk improvements are going to be paid for by public money or is it part of the property tax assessments.

Commissioner Thao understands that right now it is part of the 8-80 Vitality Fund which the Mayor received funding for, bonding money from sales tax proceeds. That east side segment is scheduled for the first part of construction next year so they really want more engagement from those neighbors.

Commissioner Lindeke said the Downtown Loop Task Force met a couple of weeks ago and that

process is continuing forward. They have picked some definitive preliminary streets, and it is a question about which side of the street to put the bike loop on. They are also trying to figure out a name for it, is it a loop or a path? If the commission has thoughts on that please share them with Commissioner Lindeke. He can forward it to the members on that task force.

Commissioner Makarios said that the Ford Task Force had a public meeting, the final public topic meeting that they have been going through one by one. They are now waiting for the environmental data to come back before they schedule their next series of meetings in the fall.

Ms. Drummond added that 150 people were in attendance and the topic was jobs and housing. There was a lot of interest in those topics. Mayor Coleman kicked off the meeting, demonstrating how important jobs and housing are on the Ford site.

Commissioner Ochs asked when the task force expects to get the environmental information?

Commissioner Makarios said that they are hoping in the next couple of months. Ford is doing the drilling and they provide all the data to the MPCA. The task force does not get any preliminary look at the data. It will all come out in one big report, so when Ford is ready it will become public and they will take a look at it. He's hoping that will happen in the early fall.

Commissioner Ochs added that environmental information will dictate where residential zoning can be applied.

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

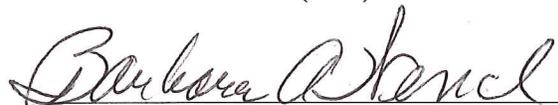
Respectfully submitted,

Approved August 21, 2015

(Date)



Donna Drummond
Planning Director



Daniel Ward II
Secretary of the Planning Commission

