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

Minutes August 21, 2015

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 21, 2015, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. DeJoy, Merrigan, Padilla Reveal, Shively, Thao, Underwood, Wang Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, and Wickiser.
Commissioners Absent:	Mmes. *McMahon, *Noecker, and Messrs. Oliver, and *Ward. *Excused
Also Present:	Donna Drummond, Planning Director, Josh Williams, Bill Dermody, Jake Reilly, Mike Richardson, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes July 10, 2015 and July 24, 2015.

MOTION: ***Commissioner Reveal moved approval of the minutes of July 10, 2015. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.***

and

MOTION: ***Commissioner Reveal moved approval of the minutes of July 24, 2015. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.***

II. Chair's Announcements

Chair Wencl asked commissioners to fill out the survey regarding Planning Commission meeting times that is at their places.

III. Planning Director's Announcements

Donna Drummond announced that the Parkland Dedication ordinance amendments were close to being adopted. The City Council had laid over the item for one week for consideration of a minor change.

IV. PUBLIC HEARING: Campus Boundaries Zoning Study – Item from the Neighborhood Planning Committee. *(Josh Williams, 651/266-6659)*

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Campus Boundaries Zoning Study. Notice of the public hearing was published in the

Legal Ledger on August 10, 2015, and was mailed to the citywide Early Notification System list and other interested parties.

Josh Williams, PED staff person gave a power point presentation which can be viewed on the web page at: http://www.stpaul.gov/planningcommission

Commissioner Reveal asked if, for example, she wanted to expand her campus boundary to include two houses that she owns adjacent to the campus, she can apply for a conditional use permit and bring them in to the campus and then demolish the houses, but if the property is already vacant she cannot do it unless it has been vacant for 10 years?

Mr. Williams replied yes, that is the intent.

Commissioner Wang's asked about property that is not vacant – how is that considered?

Mr. Williams said that the intent of the recommendation is to provide an incentive for an entity upon purchase of residential property to maintain it in a residential use. However, the amendment only requires that the building remain standing, not that it be actively occupied, although that is preferable.

Commissioner Underwood asked about the 10 year timeline?

Mr. Williams said there was some discussion about this amongst staff in terms of coming up with a recommendation. It is hard to put an exact number on it and 10 may not be the best, but this is why we hold a public hearing and have this public process. The idea was that 10 years is a sufficiently long period of time to discourage demolition, with the understanding that if an institution is pursuing an expansion they're going to need to acquire a number of properties and will likely expect that they would have to hold properties for a number of years anyway. The intent is that they maintain that residential use until such time that they finalize their expansion plans and get City approval for the expansion.

Commissioner Makarios asked about the undue hardship provisions as they apply to a conditional use permit.

Mr. Williams said because this would become a condition of the conditional use permit the Planning Commission would be able to modify this condition if there is undue hardship shown by the institution in question.

Commissioner Ochs asked how you would define any kind of new development to occur on the property. If a property was brought into the campus boundary and not developed right away for the originally intended purpose and instead developed in the short term in another manner would that be affected?

Mr. Williams clarified that the situation Commissioner Ochs asked about was where a property was acquired, and the structure was demolished after it had been added to the campus. He noted that this question that has come up before, where we go through a campus expansion process and a conditional use permit is issued based on the college's specific expansion plans. He stated that conditional use permits can expire unused, and as with any conditional use permit, the City can't say 'you have a permit; you have to build what you said you were going to build'. For instance, a

campus plan could be crafted, the Planning Commission and everyone agrees that the plan is great for the neighborhood, and the institution demolishes structures in preparation for building out the plan. In that situation, the City would not be in a position to force construction of something on that piece of land. In that situation the property would remain vacant, or they could use it for a campus use, or they could use it for a residential use.

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

The following people spoke.

1. Ken Dehkes, Director of Facilities, Operations & Horticultural Services at Hamline University, 1536 Hewitt Avenue. Mr. Dehkes said that Hamline University is a significant part of the Hamline-Midway neighborhood community and greatly contributes to its economic growth. It remains one of the largest employers in the vicinity, and its health is and should be important to the community, just as the health of the community is important to Hamline. By putting an additional barrier restricting our ability to meet the changing needs of our university – limiting how we may use property we might purchase with an arbitrary number of 10 years, we feel this could prevent us from being flexible and could have a negative effect on our university's health and well-being. If it is decided to move forward with the proposed zoning change, they ask that it apply to new purchases only and that it not be retroactive; they do not feel it should include homes already owned by colleges and universities. They feel the existing properties should be governed by the existing process under which they were purchased – of soliciting the City for change in campus boundary.

2. Doug Hennes, Vice President for University & Government Relations at St. Thomas University, 2115 Summit Avenue. Mr. Hennes noted that this proposal would not affect St. Thomas University, which does not own any property in Saint Paul beyond their boundaries at this time. However, St. Thomas does oppose the proposed change in the zoning code. They do not believe it is good public policy, and reaching back 10 years seems excessive, unfair and even punitive. City staff acknowledges that it can take many years for an institution to acquire enough properties to enable new development on that land. And some of those properties can be in terrible condition, and it doesn't make fiscal sense to put significant dollars into them because they ultimately will be demolished. But the proposed zoning code amendment would prohibit – unfairly, in their view – the institution from adding the property to the campus boundary if buildings were demolished. A possible solution would be for an institution to put any property to other uses if a building or buildings were demolished. Examples could include a well-landscaped green space, a park, a community garden or even a parking lot, and when the institution is ready to expand its campus boundaries and add the property in question, it would do so. This is something the proposal under consideration at this time would not allow.

   Commissioner Nelson stated that St. Thomas has some specific restrictions, and inquired of Mr. Hennes whether those restrictions have been a hardship to the university through the years.

   Mr. Hennes said no, in 2004 after fighting for 5 years over campus expansion and adding two blocks to the campus boundary, one of the key issues in the end became a concern that neighbors had that they were going to continue to acquire property outside the traditional boundary. And at the time they had no intension to do so, so they agreed to draw a firm line

in the sand in terms of what their campus boundaries were going to be, even to the extent that they sold three properties they owned on the south side of Grand Avenue. So it has not provided a hardship. Although St. Thomas is fairly land locked they still have some open spaces that they can develop and they have their downtown Minneapolis Campus too.

Commissioner Nelson said it sounds like St. Thomas had a pretty clear idea of how far it wanted to expand in the future over time, which helped mitigate and define any problems. It really provided the plan for what they are doing now with regard to the size of their campus and allowed them to divest of those other properties.

Mr. Hennes agreed that that was the case at the time.

Commissioner Nelson noted that Tom Welna from Macalester College had submitted a letter with regard to Macalester College's position on this. This was handed out to the Planning Commission.

Donna Drummond, Planning Director, added that a resolution from the Highland District Council was handed out as well.

Commissioner Connolly asked where the desire to change the process for campus expansion came from, what problem are they trying to solve? He stated he just wanted some background.

Mr. Williams said that it is in part a response to what Mr. Dehkes from Hamline University was talking about, that there has been some concern in the Hamline Midway neighborhood, but it is not the first time this issue has come up. The colleges and universities that are located in Saint Paul are a valued part of the city with what they bring to us in terms of education, vitality they add to the community, and the services that they offer to the surrounding neighborhood. But there is a potential for incompatibility because campuses are very different from residential neighborhoods in terms of the land use patterns and the size of buildings. People coming and going often involves a lot of traffic and staff want to make sure we are adequately addressing that campus expansion process. The intent of the code is that the Planning Commission has a chance to evaluate those potential impacts on the surrounding properties. One of those impacts is the removal of housing that is there. If you go into a block and remove 4 of 8 houses that dramatically changes the complexion of that block, and currently that's not something that the City looks at in terms of a regulatory role in how campuses expand. The proposed amendment would at least provide an incentive to have a more thoughtful and open planning process in the absence of a demolition review ordinance. Mr. Williams said that it is up to the members of the Planning Commission to debate whether or not the proposed amendment is the best way to do that or even an effective way to do that, but the proposal is what staff came up with as a tool to at least get us part way there.

MOTION: ***Commissioner Shively moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, August 24, 2015, and to refer the matter back to the Neighborhood 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, August 18, 2015:

- Airport BP Convenience/Gas Store – Expand existing car wash for convenience/gas store at 2526 West 7th Street.
- Parkway Little League – New ballfield and parking lot at 1130 3rd Street East.

One item to come before the Site Plan Review Committee on Tuesday, September 1, 2015:

- Pioneer Press Building – convert existing office building to 165 apartments. Site work includes converting adjacent parking lot to courtyard with limited parking at 345 Cedar Street.

OLD BUSINESS

#15-134-559 Taco Bell/Border Foods – Conditional use permit for drive-through 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 Snelling Avenue North, SW corner at Edmund. *(Jake Reilly, 651/266-6618)*

The application was withdrawn.

Commissioner Padilla made a motion requesting that DSI (Department of Safety and Inspections) do a comprehensive review of the complaints and actions against Border Foods, including a history of building permits and buildings or activities that have been completed without building permits, and present a report at a public hearing on this special use permit to the Zoning Committee in about 2 meetings from now. Commissioner Lindeke seconded the motion.

Commissioner Wickiser said that he has been involved in a number of nuisance properties in his time living in Saint Paul and that is a very slow process in order to address issues. He is disappointed in this particular instance because nothing will change for the people next door. The applicant isn't necessarily happy that the process was protracted. There is a conditional use permit now with very few conditions; they could operate the drive-through 24/7 if they wanted to. In addition, predicating a denial on the fact that DSI does not have record of a permit for a job that was done 40 years ago is really thin ice. He thinks that if they go back to the neighbors one year from now after going through this process which is going to cost the City money rather than be a revenue generating positive development, he thinks that the neighbors are not going to be any happier one year from now than they are today. He thinks that correcting the issue for the neighbors was supporting that application.

Commissioner Padilla said that the Zoning Committee did come with a recommendation to approve a conditional use permit with conditions that she thinks were very well worked out and gave a lot of respect to both the existing business and a desire for that to continue, as well as to the neighbors surrounding the property. Border Foods had all the opportunity to accept our very

reasonable conditions and move forward and build a better site and a better business on that property. The end result was a very good resolution recommending support of the application. Regarding the existing special use permit the public hearing will allow them to determine whether there are violations that need to be addressed and as the Zoning Committee they have authority to add additional conditions and restrictions on a property if a permit is being violated. At this point the goal is to get everything on the table and figure out the next steps, but somehow they need to resolve this issue.

Commissioner Edgerton is also disappointed with this outcome. He is not surprised by it because the committee held the line. He feels they were hamstrung to a certain extent just by the process that they had to go through. It could have worked out in some way if there could have been a discussion more between the City, neighbors, and applicant to work out an agreeable compromise. It would be nice if moving forward there would be some way to have that kind of discussion with a new proposal that would actually work, but he does not know what will happen at this point.

Commissioner DeJoy asked if there are complaints about current operations of the business that DSI is responding to.

Commissioner Padilla said that there are a couple of ways that things can come before the Zoning Committee for a public hearing. One of those ways is by DSI responding to complaints about an existing permit and reporting back to the Planning Commission that there is something that they need to review. The other way is that the Planning Commission, or Zoning Committee can request that a hearing be held on a matter where something has come to their attention that they believe requires DSI inspection. There is a long history of complaints regarding this property. There have been concerns that DSI has not been responsive to those complaints. She is not sure what the current list of complaints looks like or how recent those have been, but at the Zoning Committee's public hearing there were very recent photos and very recent testimony about existing conditions that would be considered a nuisance under the code standards.

Commissioner Reveal added that this problem is not exclusive to Taco Bell although it's primarily at that site, mainly because of the late hours of the drive-through. That entire two block area on both sides of Snelling has had significant problems in the past year that have escalated and deescalated from time to time. The police have been involved and there are many reports from them about this area. They could add three or four more buildings to an open review to look at the whole situation, but this is the application that came in front of them that brought it to the City's attention. She too is very disappointed that they have ended up where they are and she totally supports the notion of a review of the existing special use permit.

MOTION: ***Commissioner Padilla moved to request the Department of Safety and Inspections to prepare a report to the Zoning Committee on the status of the applicant's compliance with their existing special condition use permit, record of building permits for the existing drive-through, and current violations of any City zoning ordinances and hold a public hearing before the Zoning Committee two meetings from now. The motion carried 16- 1 (Wickiser) on a voice vote.***

NEW BUSINESS

#15-144-605 Dr. Marie Wang – Change of nonconforming use from a law office to a psychiatry office and apartment. 1450 Frankson Avenue between Pascal and McKinley.
(Josh Williams, 651/266-6659)

MOTION: ***Commissioner Padilla moved the Zoning Committee's recommendation to approve the change of nonconforming use. The motion carried unanimously on a voice vote.***

#15-138-929 Mike and Joelle Olson – Establishment of nonconforming use as a triplex. 897 Goodrich Avenue, between Victoria Street South and Milton Street.
(Jamie Radel, 651/266-6614)

Commissioner Padilla announced that this case has been laid over to the September 10, 2015 Zoning Committee meeting.

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on August 27, 2015.

VI. Comprehensive Planning Committee

DNR Mississippi River Critical Area Rules – Approve resolution recommending comments to the Mayor and City Council. *(Josh Williams, 651/266-6659)*

Commissioner Underwood asked if what's being forwarded to City Council is what we received earlier.

Commissioner Thao said what's being sent is in the packet with the salmon color sheet and the resolution is on the back page. The date on the document that was sent was 2014 but the recent date is August, 2015.

Josh Williams, PED staff, said that he had failed to update the header that appeared at the top of each page, so that was corrected to the August 4, 2015 date. The document other than that is the same one that went out earlier in the packets.

Donna Drummond, Planning Director noted that the reason that there has been such a lag between now and when the Planning Commission had a public hearing on this is that we were waiting and still are waiting for the State Revisor's office to release the draft rules for formal public comment. There was another version of the draft rules that was released informally to various cities last December. We expect that the draft rules will come out in the fall and we don't expect a lot of changes from the last informal draft that was released. So staff thought it was appropriate to have the commission finalize its comments to the Mayor and City Council now because it is a short window for the public comment period and this will give the Mayor and Council enough time to decide what its formal comments should be to the DNR on these rules.

Commissioner Reveal wanted to put on the record that there has been an enormous amount of work done by the committee and staff on this, especially Allan Torstenson and Josh Williams. Everyone wanted to be sure that the critical issues were well defined and clearly summarized and this final memo does a really good job of doing that.

MOTION: ***Commissioner Thao moved to approve the resolution recommending the comments to the Mayor and City Council. The motion carried unanimously on a voice vote.***

VII. Neighborhood Planning Committee

Gold Line Station Area Plans – Approve resolution recommending adoption of plans and property rezonings to the Mayor and City Council. *(Bill Dermody, 651/266-6617)*

Commissioner Thao said that one of the plan recommendations says the Sun Ray Station Park & Ride should be placed and designed so as to not remove the St. Paul Youth Services building. What happens if they move?

Bill Dermody, PED staff, said that the plan could use the address of the building instead of referring to it as the St. Paul Youth Services building. He said there is no need to make a change to the resolution because the intent is the same.

MOTION: ***Commissioner Shively moved to approve the resolution recommending that the plans and property rezonings be adopted by the Mayor and City Council. The motion carried 16 with 1 abstention (Edgerton) on a voice vote.***

District 14 Macalester-Groveland Community Plan – Release draft for public review and set a public hearing for October 2, 2015. *(Mike Richardson, 266-6621)*

Commissioner Shively stated that staff will do a presentation at the public hearing.

Commissioner Thao said there was a little discussion about preserving housing affordability and asked if the plan included anything about affordable housing development, because not a lot has been done in this neighborhood compared to other neighborhoods in the city.

Chair Wencl said that from what they looked at she does not believe that there was a lot of discussion about affordability in terms of housing.

Mike Richardson, PED staff, pointed out that strategy H2, which calls for providing a range of housing types and affordability to meet the needs of all people throughout their lives and changing lifestyle needs, is found on page 8 of the plan.

MOTION: ***Commissioner Shively moved to release the draft for public review and schedule a public hearing on October 2, 2015. The motion carried unanimously on a voice vote.***

Commissioner Shively announced the items on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, August 26, 2015.

VIII. Transportation Committee

Commissioner Lindeke reported that the committee heard two items at its last meeting. The Pedestrian Assessment Report was full of maps and charts showing accident rates on different corners around the city and where the safe and unsafe streets are going back 10 years. The other item was a presentation by Public Works about the City's proposed mill and overlay streets and bike lanes that are proposed to go in on three streets, Oakdale on the West Side, Western Avenue

in Frogtown, and the third is Minnehaha Avenue. Minnehaha Avenue does not involve removing any parking; the other two involve taking parking off one-half of the street on one side. There was a count of parking space usage and it seems that it won't be a problem. The next Transportation Committee meeting on Monday, August 24th 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 discussed whether or not they preferred bike lanes or sidewalks throughout the course of the route. The next meeting is on September 16, 2015 at the Arlington Hills Library, which will include testing out some of the design plans that the consultant is bringing forth.

Commissioner Padilla asked if she was talking about sidewalks for biking.

Commissioner Thao replied that both sidewalks and bike paths in different configurations are being considered. Given the limited resources the committee must provide input on its preferences. Is the preference for parking spaces, bike lanes, bike paths, bike trails and/or sidewalks?

Commissioner Padilla always gets frustrated when she sees bikers on sidewalks.

Commissioner Lindeke said that it is technically legal except in commercial areas.

XI. Old Business

None.

XII. New Business

Commissioner Nelson announced he had received from the Minnesota Pollution Control Agency (MPCA) a letter in regards to Hawkins Chemical. This is the property where the Planning Commission approved a site plan and a conditional use permit that went to City Council. The neighbors petitioned the MPCA to do an evaluation to see whether an environmental assessment worksheet was required. The letter from the MPCA states that after their study no environmental assessment worksheet would be required for this project based upon the findings of the effects that it would have on the area. This is just an update from an item that was on the agenda back in April.

XIII. Adjournment

Meeting adjourned at 9:45 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 September 18, 2015
(Date)

Daniel Ward II
Secretary of the Planning Commission

Planning Team Files\planning commission\minutes\August 21, 2015