

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

Minutes March 21, 2014

A meeting of the Planning Commission of the City of Saint Paul was held Friday, March 21, 2014, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, Merrigan, Noecker, Reveal, Shively, Thao, Underwood, Wang, Wencl; and Messrs. Edgerton, Lindeke, Makarios, Nelson, Ochs, and Oliver.

Commissioners Absent: Ms. *Padilla, and Messrs. *Connolly, *Gelgelu, *Ward and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Tom Beach, Department of Safety and Inspections, Allen Lovejoy, Christine Boulware, Anton Jerve, Hilary Holmes, Bill Dermody, Jamie Radel, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes February 21st and March 7, 2014.

MOTION: *Commissioner Reveal moved approval of the minutes of February 21, 2014. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

and

MOTION: *Commissioner Reveal moved approval of the minutes of March 7, 2014. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced the new committee appointments. New chair for the Transportation Committee will be Commissioner Lindeke, and the two new Zoning Committee members are Commissioners Edgerton and Makarios. Commissioner Makarios will be on the Ford Site Task Force and all other committee and task force members will remain the same.

Chair Wencl also announced that the Great River Gathering dinner will be on May 8th. There are five commissioners that have made reservations so far. Normally it is held at the Saint Paul River Center but this year's event will be at the Union Depot.

III. Planning Director's Announcements

Donna Drummond announced that the Hamline Midway Coalition had appealed the Planning Commission's approval of a variance for the proposed Goodwill retail store at University and Griggs. The public hearing on the appeal was supposed to be at City Council last Wednesday but

district council decided to withdrawal its appeal.

Also a resolution will be considered in honor of Allen Lovejoy who is retiring at the end of March. The resolution will be read immediately after the public hearing.

IV. PUBLIC HEARING: West Midway Industrial Area Plan – Item from the Comprehensive Planning Committee. (Allen Lovejoy, 651/266-6226)

Chair Wencl announced that the Saint Paul Planning Commission is holding a public hearing on the West Midway Industrial Area Plan. Notice of the public hearing was published in the Legal Ledger on March 6, 2014, and was mailed to the citywide Early Notification System list and other interested parties.

Allen Lovejoy gave a presentation about the West Midway Industrial Area Plan at the Planning Commission a few weeks ago so he briefly summarized the plan and process. He noted that after his retirement at the end of March Hilary Holmes will be the staff person for the project.

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

The following people spoke.

1. Roberto de Freitas representing Arnellia's business on University Avenue, one block west of Lexington Parkway. Arnellia is concerned about her business and the loss of on-street parking due to light rail construction. He asked who she can talk to at the City regarding parking for her business.

Donna Drummond, Planning Director said that there is a program run by the City called the Central Corridor Parking Program and the staff person for that is Craig Blakely @ 651/266-6697.

2. Lorrie Louder, Senior Vice President of Business and Intergovernmental Affairs at the Saint Paul Port Authority. Ms. Louder gave kudos to Cecile Bedor and Donna Drummond on this plan and for their leadership on it. She said that Allen Lovejoy has done an incredible job on this plan, which is much appreciated and she is just one of many people who believe that. Mr. Lovejoy has been a long-term good friend of the Port Authority. She has known him for over 20 years and he is savvy, brilliant, and eloquent and he has done such an incredible on this plan and this is indicative of the work that Allen has done over the years.

Ms. Louder served on the task force on behalf of the Port Authority. Other people on the task force were from the community and the business community and they all felt heard, and there was plenty of time for input. As to the strategy itself, they believe this is the way an industrial strategy should be, with coordination between the City and the Port Authority. They appreciate this strategy because it honors industrial development. This city has 33% of its land mass in tax exempt status that means trouble for the City's piggy bank. Industrial pays more in property taxes then it receives in City services which is the opposite of residential. Industrial wages are very good, speaking on behalf of the Port Authority's business centers. Possible future cuts to local government aid and a 23% poverty rate in the

city are both reasons to say there should be no net loss of industrial land. This strategy is a way to get to those answers in a way that honors everyone.

Commissioner Merrigan asked what percentage of the land in Saint Paul is zoned industrial now.

Ms. Louder said that she thinks it is 25% and she will go back and look and get back to Commissioner Merrigan.

Commissioner Merrigan also asked how much of that is currently actively used and how much are you trying to seek a tenant or developer for.

Ms. Louder said that they do not know out of all the industrial land in the industrial zoning category how much is being used. This is a fully built city so it is going to high but they just do not track that. However whenever they purchase industrial property for redevelopment it gets used within a 1-2 years even during recessionary times.

Ms. Drummond added that they did analyze those statistics in depth for the industrial zoning study so they can pull those out and bring those to the committee meeting.

3. Joe Van Ornum, Vice President with Capp Industries Incorporated. They own several buildings on Vandalia Street in the West Midway area. They have been a 50+ year owner and builder of the buildings on Vandalia. They want to know what the Planning Commission or the study will do to help them with the Bolander Concrete crushing operation at the end of Capp Road and Vandalia Street. There is a constant battle on the street with the severe dust problem from that operation 365 days a year. Capp Industries has contacted them and tried to work with the City to find a solution. He has lost tenants because the dust gets into the warehouses and every lawn on Vandalia is about a foot and half taller than when it was installed because of the dust over the years. Not one of his tenants on Vandalia Street is able to keep a clean car longer than 3-4 hours. So as we try to better the industrial area, it might be prudent to do a study of the Bolander Concrete crushing operation to determine if getting rid of them and moving them somewhere more appropriate would be beneficial to the whole midway industrial area. Bolander are not owners of the property. They are tenants and they are good people but their operation is a messy operation and he hopes the City would look at that as a part of the planning for this community.

He also asked if there has been any evaluation of the roadways on Vandalia, Capp Road, Ellis and some of the roads north of University because those roadways are in poor shape. If the plan is to keep good industrial then you need good access, good roads and the appropriate care that it takes to maintain an industrial area.

Commissioner Ochs thanked Mr. Van Ornum for bringing his concerns to light and as a member of the Transportation Committee he knows the roads in and out of the midway area are a concern.

Commissioner DeJoy asked if this dust issue was brought up during the planning and were there any suggestions.

Mr. Lovejoy replied that it was not as long as he has been working on it, but it is something

that they will look into.

4. Tom Bergin, Sr., representing Bergin Fruit and Nut Company at 2000 Energy Park Drive. They moved to Saint Paul seven years ago and the Port Authority was of great help to them. At this point their company is interested in building a new building and they are trying to find the best place to direct those questions and where they might get the answers.

Chair Wencil noted that Lorrie Louder with the Port Authority was in the audience and could assist him.

Two letters were received in response to the West Midway Industrial Area Plan; Nicki Jones, owner of Kuk Sool Won of St. Paul, a business located at 800 Transfer Road and Sue Abderholden, Executive Director, NAMI Minnesota also located at 800 Transfer Road.

MOTION: Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, March 24, 2014 and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. Commissioner DeJoy seconded the motion. The motion carried unanimously on a voice vote.

Chair Wencil announced that Allen Lovejoy is retiring and presented a resolution of appreciation for consideration by the Planning Commission. Chair Wencil read the resolution.

MOTION: Commissioner Reveal moved to approve the resolution honoring Allen Lovejoy. Commissioner Makarios seconded the motion. 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, March 18, 2014:

- Metro Transit, addition to Metro Transit Overhaul Base (locker rooms, break room and paint booth) at 515 North Cleveland Avenue.
- Cremation Society of Minnesota, addition to an existing building for use as a funeral home (no cremations will be done on site) at 1979 Old Hudson Road.

One item to come before the Site Plan Review Committee on Tuesday, March 25, 2014:

- Apex Auto Salvage, review changes to the site (including changes and expansion that were done in the past) at 198 East Minnehaha Avenue.

NEW BUSINESS

#14-098-714 Sola Salon Studios – Reestablishment and change of nonconforming use to a beauty salon. 688 Hague Avenue, SW corner at St. Albans. *(Bill Dermody, 651/266-6617)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the re-establishment and change of legal nonconforming use. The motion carried unanimously on a voice vote.*

#14-098-309 Metropolitan State University Parking Ramp – Variance of minimum parking space width (50% are required to be at least 9' wide; all spaces proposed are 8.5' wide). 400 Maria Avenue. (Tom Beach, 651/266-9086)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the variance. The motion carried 14 with 1 abstention (Edgerton) on a voice vote.*

#12-220-122 Metropolitan State University Parking Ramp – Site plan review for a new 760 car parking ramp. 400 Maria Avenue. (Tom Beach, 651/266-9086)

Commissioner Lindeke asked how the fee structure for the parking will be done, as one of the goals of parking policy is to decouple as much as possible parking fees from other sorts of fees. When trying to do management of travel it makes sense to pay for parking à la carte instead of having it bundled up into your tuition. He asked if that was discussed at the committee hearing.

Commissioner Nelson said there was no specific discussion regarding that but they will ask about this for future parking ramp projects.

Commissioner Ochs asked if there was any discussion or concern from the neighborhood about sharing of the parking? There are a couple of restaurants in the neighborhood that relied upon Metro State's parking facility before and will that be the same going forward?

Commissioner Nelson said that the goal of building this parking ramp is to minimize the on-street parking of students and staff. There is a growth that they see with the campus and they want to work towards meeting their on-site parking requirements. There was not any discussion during the committee meeting regarding shared parking arrangements or anything of that sort. That was not part of the approval that they were looking at.

Commissioner Ochs noted that the Comprehensive Plan encourages shared parking facilities and he hopes that Metro State continues that conversation.

Chair Wencil said that there are representatives from the college in the audience and they probably are listening carefully to what you're saying.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the site plan review subject to additional conditions. The motion carried 14-0 with 1 abstention (Edgerton) on a voice vote.*

#14-094-970 Metropolitan State University Student Center - Site plan review for a new two-story, 27,000 square foot student center. 690 E 7th Street. (Tom Beach 651/266-9086)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the site plan review. The motion carried 14-0 with 1 abstention (Edgerton) on a voice vote.*

#14-088-188 Verizon Wireless – Conditional use permit for 6 cellular antennas and associated equipment on a residential structure less than 60 feet high. 1160 Grand Avenue, SW corner at Dunlap. (*Jamie Radel, 651/266-6614*)

Commissioner Noecker was not convinced that they did an exhaustive job talking to the other institutions in the area. None of the letters point out Kowalski's; they mentioned five institutions in the half mile radius and she is wanting to know if the Zoning Committee heard more than what they have here about their attempts to find other locations where this can be put.

Commissioner Merrigan said that they were provided with a map within a half mile radius that showed who they contacted but there was not any additional information.

Commissioner Noecker's concern is that the Commission is letting people off the hook with these conditions by leaving it up to them as to which businesses in the half mile area they talk about. If we're asking them to look at everyone in the half mile they should be talking about everyone and why that one does or does not work for whatever reason. She is not convinced that they really done their due diligence here or that we required it.

Commissioner Thao said that she hears what the neighbors are saying, but at the same time the Planning Commission has seen many cases like this before and there are equity concerns. Just because the neighbors complain about this neighborhood remember there are other neighborhoods where we have approved cell towers and even free standing poles. The arguments about aesthetics and property values are hard to believe on Grand Avenue. She is going to support the approval of the conditions, because they did the due diligence and have met all of the standards.

Commissioner Reveal is not sure that they actually have evidence of a huge community outpouring against this. No one spoke in opposition, and they received 8 letters and a petition with 13 names. The petition was done by a group and they certainly have had other applications where the opposition from the community is much clearer. Secondly they have a letter that raises two issues, one about the process. The District 16 Planning Council did request a postponement of the hearing but they have no legal standing to make that request; only the applicant can make a request to postpone. And the other comments go to what Commissioner Thao just raised. While there are many occasions where they would like to make a decision based on aesthetics and on property values those are not legally allowable logic for the Commission to make a zoning decision.

Commissioner Oliver also addressed the letter they received, especially the part about it being the democratic process. He made it clear that we all share those concerns. We want this to be an open process but people have to realize that this is not strictly a democratic process, but one of applying conditions. And the conditions that are in our ordinance were also done through a democratic process. This is now carrying forward what was decided earlier and applying it. The fact is that the City allows cell towers by conditional use in residential neighborhoods so that by itself says the City does not consider cell antennas inappropriate for residential neighborhoods. Regarding due diligence, we have our conditions but we also have to recognize the realities of who we're dealing with. The cell phone company does get to say this is why we are putting an antenna at a certain place and the area being covered and how it will work. The half mile rule is a good rule, but that doesn't necessarily drive us to force companies into decisions that are technically not that helpful. What this company was looking for is the height of the land and the

height of the buildings. Kowalski's is significantly shorter than most of the buildings in the area, so as far as that particular item being singled out as a reason to deny this he cannot go with that.

Commissioner Noecker clarified her views that this is not about the amount of community opposition. She has voted many times against community opposition to applications. This is more about the fact that there was so much opposition that it made her look more closely at the conditions to see if they are being met. It's also not about aesthetics. It's really about the conditions and whether or not they're being followed. There may be more of a reason why Kowalski's was not looked at but we don't know that. She thinks that we need to be clearer as to what we need to see to know whether or not all of the institutions within a half a mile have been looked at, so she is voting against this.

Commissioner Nelson commented on the letter that was at their places, saying there were significant accommodations made in this particular item by the applicant. Design work had been done, fees paid in order to design that application. After meetings and hearing concerns of the neighbors regarding property values and aesthetics it was moved further away from those properties. The project was redesigned so there was quite a lot of accommodation was made to the concerns of some of the neighbors. From a zoning perspective and the fact that this attachment could be made as of right for any other use on that building also had an impact on the committee recommendation.

Commissioner DeJoy asked if the recommended conditions were in response to the letters or did the letters come after?

Commissioner Nelson said that condition #3 about removing the antenna is a standard condition that is put on these particular applications. The condition about removing the enclosure for the antenna was added because of that was unique to the particular case and the first two conditions were put on the application to codify the design being proposed to be sure that what was being proposed and shown was the design that was actually implemented.

Chair Wencl added that the change of location of the antenna was done after the letters.

Commissioner DeJoy said the conditions that were placed on this satisfies some of the objections that were raised in the letters.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 13-1 (Noecker) on a voice vote.*

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, March 27, 2014.

V. Comprehensive Planning Committee

Commissioner Merrigan announced that the meeting was cancelled on Tuesday, March 18th but their next meeting will be on Tuesday, April 1st to continue with the West Midway Industrial Area Plan along with two other items that will be on that agenda.

VI. Neighborhood Planning Committee

Commissioner Oliver announced that they had not met in a couple of weeks but they will be meeting on Wednesday, March 26th to initiate a study, and release a draft for public review on vertical subdivisions.

VII. Transportation Committee

Commissioner Lindeke reported that the committee met last Monday with a full agenda. They heard from the Mayor's Office about City bonding priorities and how those are going with Legislature. The Public Works Department talked about the Hamline bridge over Ayd Mill Road which is up and running. There was also a long conversation about the study considering whether University Avenue should be a two lane road with parking back on the street. The next Transportation Committee meeting is on Monday, March 24th. On the agenda is the Gateway Corridor scoping report, a presentation about urban freight movements within the city of Saint Paul, and 2014 mill & overlay update from Public Works.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

Commissioner Reveal announced that they continued to have discussion on two issues relative to the West Side Flats Master Plan. They are tentatively scheduled for their last or next to the last task force meeting on April 22nd. There are 4 parcels in the plan where they originally recommended T4 zoning which is the issue now and this is what will be discussed on April 22nd with the task force. Hopefully they can get this plan in front of the Planning Commission sometime in May and get it completed.

Commissioner Nelson announced that the Shepard Davern task force's next meeting will be the second week of April and will be focused on zoning recommendations for the study area.

X. Old Business

None.

XI. New Business

Commissioner Wang said that more and more they see people who are trying to engage in the Commission's process but don't understand how the Planning Commission works and that their hands are tied a lot of the time. Should there be some kind of statement that informs the public what they do and what they have to judge cases by? She runs into not only the public but people who she thinks would understand and they don't understand why the Planning Commission makes certain decisions.

Donna Drummond, Planning Director, said that they did work on a statement to be read by the chair before the Zoning Committee meetings and there is information on the web site.

Commissioner Wang said maybe staff could think about what the entry points into the process are.

Ms. Drummond said they also have been working with the district council's liaison staff person to do a basic zoning 101 for district council staff people and others on boards that are interested or new to the process on zoning. But there are always going to be people who don't quite understand that process so we will continue to think of ways to get the word out on what we have to consider.

Chair Wencl added that commissioners when approached are good ambassadors for this information. Issues that come up are not always the same issues and there are new people all the time. It is an education process so it's probably something that we just need to listen to people and give them the information.

Commissioner Noecker said it seems that this happens mostly at the public hearings so evaluate what kind of information is included in the public hearing notices so that message could be really clear.

Ms. Drummond said Commissioner Noecker is asking whether we can provide more information on the notice on how this process works. She said we can certainly look at that, however for the zoning public hearing notices they are post card size, which limits the amount of information that can be put on it, but maybe we could make bigger post cards or there are all sorts of ideas that can be considered.

Commissioner Merrigan said that this is the ongoing concern of trying to get enough participation when anything happens, and what's the best way to do outreach. The suggestion that there may be some kind of public hearing or zoning type workshop at the district council is a good place to start. She suggested if there's a way to continue to solidify the relationship with the district councils about some of these more complicated issues that it behooves us to do it.

Commissioner Nelson said maybe it would be clearer to people if they could get a copy of the staff report. If they read it and came prepared to address the staff report that would be a huge thing, because that is what we are basing all of our findings on.

Commissioner Wang thinks that there could be a one of two sentence description that says what the Planning Commission has to consider when considering an application. Something that is front and center so that anytime anyone is looking at our materials (in whatever form that is) they understand that we welcome comments, but there is all this other stuff that we're considering as well.

XII. Adjournment

Meeting adjourned at 10:01 a.m.

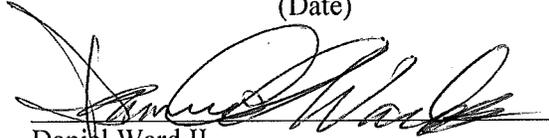
Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved April 18, 2014
(Date)



Daniel Ward II
Secretary of the Planning Commission

Planning Team Files\planning commission\minutes\March 21, 2014