



Saint Paul Planning Commission
City Hall Conference Center Room 40
15 Kellogg Boulevard West

Christopher B. Coleman,
Mayor

Steering Committee Meeting – 8:00 a.m., Room 41

Agenda

Saint Paul
Planning Commission

July 11, 2014
8:30 – 11:00 a.m.

Chair
Barbara A. Wencil
First Vice Chair
Elizabeth Reveal
Second Vice Chair
Paula Merrigan
Secretary
Daniel Ward II

Pat Connolly
Daniel Edgerton
Gene Gelgelu
Anne DeJoy
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Padilla
Betsy Reveal
Emily Shively
Terri Thao
Wendy Underwood
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

- I. Swearing in of a New Commissioner.**
- II. Approval of minutes of May 16th and May 30, 2014.**
- III. Chair's Announcements**
- IV. Planning Director's Announcements**
- V. PUBLIC HEARING: Amendment to Chapter 64 – Signs - Item from the Comprehensive Planning Committee. (*Jake Reilly, 651/266-6618*)**
- VI. Zoning Committee**
SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)
NEW BUSINESS
#14-293-465 Saint Paul Domestic Abuse Intervention Project – Conditional use permit for reuse of a nonresidential structure for an office, with modification of consent petition condition. 390-394 Dayton Avenue between Western and Arundel. (*Jamie Radel, 651/266-6614*)
- VII. Cultivating Economic Prosperity throughout Ramsey County** – Informational presentation by Ryan T. O'Connor, Director, Policy & Planning, Office of the County Manager.
- VIII. Comprehensive Planning Committee**
- IX. Neighborhood Planning Committee**
- X. Transportation Committee**
- XI. Communications Committee**
- XII. Task Force/Liaison Reports**
- XIII. Old Business**

XIV New Business

XV. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

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

WEEK OF JULY 7-11, 2014

Mon (7) _____

Tues (8) _____

3:30-5:00 p.m. **Comprehensive Planning Committee**
(Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

Minor Text Amendments to Zoning Districts (B, T, I...)
(Jamie Radel, 651/266-6614)

DNR Critical Area Rulemaking Process – preliminary discussion of process and potential City of Saint Paul comments (draft comments will be reviewed at the July 22nd committee meeting). DNR website with more information is at:
<http://www.dnr.state.mn.us/input/rules/mrcca/index.html>

Weds (9) _____

Thurs (10) _____

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

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

Public Hearing/Design Review

541 Dayton Avenue, Hill Heritage Preservation District, by owner Mike Schumann, for a building permit to replace windows, vinyl siding and remove the roofs below the dormers. File #14-028. (Boulware, 651/266-6715)

Pre-Application Review

321 Irvine Avenue, Hill Heritage Preservation District, by Paula Schad, owner, for preliminary review to construct a new four-level single-family residence with a tuck-under garage. (Spong, 651/266-6714)

Fri (11) _____

8:00 a.m. **Planning Commission Steering Committee**
(Donna Drummond, 651/266-6556)

Room 41 City Hall
Conference Center
15 Kellogg Blvd.

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

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

PUBLIC HEARING: Amendment to Chapter 64-Signs – Item from the Comprehensive Planning Committee. (*Jake Reilly, 651/266-6618*)

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

NEW BUSINESS

#14-293-465 Saint Paul Domestic Abuse Intervention Project – Conditional use permit for reuse of a nonresidential structure for an office, with modification of consent petition condition. 390-394 Dayton Avenue between Western and Arundel. (*Jamie Radel, 651/266-6614*)

Informational Presentation.... Cultivating Economic Prosperity throughout Ramsey County – Informational presentation by Ryan T. O'Connor, Director, Policy & Planning, Office of the County Manager.

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

Minutes May 16, 2014

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 16, 2014, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, Noecker, Padilla, Shively, Thao, Underwood, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Makarios, Ochs, and Ward.

Commissioners Absent: Mmes. *Merrigan, *Reveal, and Messrs. *Nelson, *Oliver, and *Wickiser.

*Excused

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

I. Approval of minutes April 4, 2014.

MOTION: *Commissioner Ward moved approval of the minutes of April 4, 2014. Commissioner Wang seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that the Planning Commission had good representation at the Great River Gathering Dinner last Thursday and the speaker was very good.

III. Planning Director's Announcements

Donna Drummond announced that the Lund's Store located in the Penfield project in downtown Saint Paul had its grand opening the previous day. Also, an email was sent out about renewal of the commission's American Planning Association (APA) membership. The membership is voluntary, so if commissioners are interested in being APA members, including membership in the Minnesota Chapter of APA, give Sonja or Donna a check made out to the City of Saint Paul in the amount of \$50.00. The \$50.00 is a reduced rate and includes a lot of benefits.

IV. PUBLIC HEARING: Vertical Subdivision by Registered Land Survey – Item from the Neighborhood Planning Committee. (Allan Torstenson, 651/266-6579)

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on draft amendments to the city subdivision regulations pertaining to vertical subdivision by registered land survey. Notice of the public hearing was published in the Legal Ledger on May 5, 2014, and was mailed to the citywide Early Notification System list and other interested parties.

Allan Torstenson, PED staff person, gave a brief introduction about the amendments. He said that Minnesota Statutes provide for the delineation of multi-level three-dimensional subdivision of space into separate ownership parcels using a registered land survey. City approval of a registered land survey is required before it can be recorded with the county. The city's legislative code has a process and standards for City review and approval of registered land surveys that just subdivide the land, but doesn't currently provide a process or standards for city review and approval of vertical three-dimensional subdivision of space using a registered land survey. Considered today are draft amendments to Chapter 69 subdivision regulations of the legislative code to provide a process and standards for city review and approval of vertical subdivision by registered land survey. There was an informational presentation to the Planning Commission on this by Peter Warner from the City Attorney's office in April, when the Planning Commission passed a resolution to initiate the zoning study. On May 2nd Joan Matzen, an attorney that uses registered land surveys for vertical subdivision, discussed options for vertical subdivision using a (CIC) Common Interest Community plat or an RLS, and explained why an RLS works better for some types of mixed use buildings.

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

The following people spoke.

1. Ms. Angela Christy, head of the Housing and Community Development practice at Faegre Baker Daniels, a law firm in Minneapolis, said she does a lot of mixed-use projects that involve vertical subdivision. Using an RLS for vertical subdivision is a crucial tool for those projects. Minnesota's CIC condominium statute is unique in that it basically requires the building to be completed before being able to file the condominium declaration, which doesn't work for some projects that have separate ownership and financing for different parts of the project. An example is the Hamline Station project in Saint Paul where there are two towers, an underground parking ramp, and first floor commercial. One tower will be owned by one partnership, the other tower will be owned by another partnership for financing reasons, and the first floor commercial will be owned by the commercial developer. The commercial developer intends to get his own financing, and each tower will be financed with multiple sources. An RLS is a great tool for vertical subdivision of such projects. The only concern she has about the draft ordinance is the requirement for city approval of final easement documents prior to recording. Frequently there are negotiations that result in changes to these documents right before closing. Banks may change insurance requirements, for example. If something changes in these documents, projects could be delayed if the change has to be approved by the city. She hopes that specific things of particular concern to the City, such as fire safety and access, could be identified as things that can't be changed without city approval, but the document as a whole would not require city approval.

Commissioner Noecker asked if Ms. Christy could submit written comments on what she thinks should be subject to City review and approval. Ms. Christy said she would.

MOTION: Commissioner Shively moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, May 19, 2014, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward 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*)

Three items came before the Site Plan Review Committee on Tuesday, May 13, 2014:

- New parking lot for existing apartment building at 269 Dayton Avenue.
- Saint Paul Academy performing arts addition at 1750 Randolph Avenue.
- MCES Meter Station bluff restoration/stabilization at 1725 Shepard Road.

One item to come before the Site Plan Review Committee on Tuesday, May 20, 2014:

- Higher Ground, expansion of Dorothy Day Center to include 320 overnight beds and 157 SRO apartments at 215 Old 6th Street (at Main). Preliminary meeting.

NEW BUSINESS

#14-196-994 Little Mekong Night Market – Conditional use permit for farmers market. 402-422 University Avenue West, 387 Aurora Avenue. (*Hilary Holmes, 651/266-6612*)

Commissioner Makarios noted that a letter from the Asian Economic Development Association (AEDA) addressing the hours of operation, and staff recommended amendments to the resolution that was discussed at Zoning Committee, had been distributed. The amendments combine three of the conditions into one and clarify the intent.

Commissioner Makarios moved the resolution as amended to reflect the new conditions.

Commissioner Wang asked about the decision to change the hours and what the discussion was.

Commissioner Makarios said several neighborhood residents testified at the Zoning Committee that are concerned about noise, traffic and street parking from the night market. The Zoning Committee felt that in order to address neighbor concerns the market should not be open as late as proposed. To accommodate the applicant and have enough hours of operation to make it worthwhile to vendors, the Committee moved the start time and the closing time up by one hour, to open earlier and close by 9:00 p.m.

Chair Wencil agreed that since this will be a family market the idea to change the hours was not resisted by the applicant.

Commissioner Wang said that the letter from AEDA says that the applicant would like to have the Planning Commission reconsider the original hours. She agrees with the applicant's point that a night market should at least be during night hours. She stated that her experience with night markets is that they're family friendly, very safe and they benefit neighborhoods.

Commissioner Padilla agreed with Commissioner Wang and asked about any discussion about days of the week, and whether this would be week nights or weekend nights and if there is a way to consider later hours if the market were to be open on Fridays and Saturdays.

Commissioner Makarios replied that the conditional use permit will allow them to operate three nights a week. However the applicant made it clear that for 2014 there will only be 5 or 6 markets, most of which will be on Saturday nights with the possibility of one on a Friday. The conditional use permit would allow them to operate up to three nights a week into the future.

Commissioner Padilla asked if there was any discussion at Zoning Committee that would have allowed three nights a week but the hours of operation to be extended only on weekend nights.

Commissioner Edgerton said that the Zoning Committee did not discuss that in response to testimony that they heard or written testimony that was received, and the applicant did not object to the change at the meeting.

Commissioner DeJoy agreed with the original time proposed, but suggested that in order to make it more neighborhood friendly the amplified entertainment should end earlier.

Chair Wencl said the resolution limits musical performances to between 6:00 and 9:00 p.m.

Commissioner DeJoy said that with outdoor festivals things start winding down when the entertainment ends so it could still stay open until 10 and address the neighborhood concerns.

Commissioner Ward said the resolution and the letter talk about the number of vendors and the director of the event having a list of vendors for each event. It says there will be 20 farmers, 20 food vendors and 10 arts and craft vendors. The question is what happens if a vendor does not doesn't show up and another vendor wants to be added at the last minute- is the vendor list just limited to the numbers specific to the document or is there room to adjust?

Commissioner Makarios said that the amended resolution states that at least 20 of the 50 stalls shall be reserved for farm produce and the other 30 can be a combination. If only 19 farmers show up there will be an empty spot.

Commissioner Gelgelu asked where they got the 20/20/10 numbers from.

Commissioner Makarios said that the applicant was requesting 50 stalls.

Commissioner Gelgelu said one of the reasons for the heavy investment on University Avenue is to create more traffic to University Avenue. The hours the market is asking for are specific to this type of market. He sees University Avenue as an active business corridor where the requested time frame can be accommodated.

Commissioner Padilla moved to amend the amended resolution to allow for the hours of operation as stated Sunday through Thursday, and for Friday and Saturday the hours to be what the applicant originally requested. Commissioner Ward seconded the motion.

Commissioner Makarios said that the earlier hours recommended by the Zoning Committee respond to concerns expressed by neighboring residents Aurora Avenue.

Commissioner Noecker supports extending the hours.

Chair Wencl called for a vote on the amendment, which is the applicant's original hours for Friday and Saturday and the modified hours Sunday through Thursday. The motion carried 12-2 (Makarios, Wencl) on a voice vote.

Commissioner Noecker asked if they want to adjust condition #8 about the musical performances, since the market time is being adjusted on the weekends.

Commissioner Padilla said regardless of what is done on the time the performances have to be within the noise ordinance, so there are limitations to what can happen. She does not have a preference but she was not at Zoning Committee so did not hear the neighbors' concerns.

Commissioner Underwood said that the performance times are not addressed in the letter from AEDA, so she assumes they are comfortable with 6:00 to 9:00, which addresses concerns of the neighbors who spoke at the committee meeting.

MOTION: *The motion to approve the resolution on the application of the Asian Economic Development Association for a conditional use permit for a night farmers market as amended, with the hours changed in condition #9, carried 14-0 with 1 abstention (Thao) on a voice vote.*

Commissioner Makarios announced the items on the agenda at the next Zoning Committee meeting on Thursday, May 22, 2014.

VI. Comprehensive Planning Committee

West Midway Industrial Area Plan – Approve resolution recommending adoption to the Mayor and City Council. (Hilary Holmes, 651/266-6612)

Commissioner Noecker announced the action item for the Planning Commission today is the West Midway Industrial Area Plan. There was a public hearing on March 21st and the whole strategy for West Midway is comprised of three parts, one is the plan, there's the working agreement between the Port Authority and the City of Saint Paul, and there's a white paper, all of which were presented at an earlier meeting. The Comprehensive Planning Committee met after the public hearing and made amendments based upon the public testimony. The committee is recommending that the amended plan be recommended to the Mayor and City Council for final adoption into the Comprehensive Plan.

MOTION: *Commissioner Noecker moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution recommending that the plan be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.*

Neighborhood STAR Applications: Comments regarding Comprehensive Plan Conformance. (Michelle Beaulieu, 651/266-6620)

Commissioner Noecker announced that the Committee had reviewed 42 applications for the Neighborhood STAR Grant Program this year. All but four addressed Comprehensive Plan goals and the other four were neutral on Comprehensive Plan goals. The Comprehensive Planning Committee would like to recommend approval of their comments on the Comprehensive Plan conformance for consideration by the Neighborhood STAR Board.

Commissioner Connolly asked if the historic preservation objectives are officially part of the Comprehensive Plan.

Donna Drummond, Planning Director, replied that there is a Historic Preservation Chapter of the Comprehensive Plan. Further, since historic preservation is site specific, it is helpful to have more information about the historic status of the various properties.

Commissioner Underwood asked if the spreadsheet is in the Neighborhood STAR priority order, because it is not by ward.

Ms. Drummond said the order is by planning district.

Commissioner DeJoy said these are not ranked yet they're just listed by planning district order.

Ms. Drummond said the Neighborhood STAR Board is still in the process of doing interviews and they will use this information to make their final rankings and recommendations.

MOTION: *Commissioner Noecker moved to approve the resolution approving comments regarding Comprehensive Plan conformance of Neighborhood STAR applications. The motion carried 13-0 with 2 abstentions (Thao, Gelgelu) on a voice vote.*

VII. Neighborhood Planning Committee

Donna Drummond announced the item on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, May 21, 2014.

VIII. Transportation Committee

Commissioner Lindeke said that at the committee's last meeting Merritt Clapp-Smith talked about the TIGER grant applications being made by the City. There was also an update on the study looking at realignment possibilities at Hwy 5/West 7th/Shepard Road and a presentation about the Snelling Avenue arterial BRT line from Metro Transit. At the upcoming meeting on May 19th they will get a construction update on the Hwy 35E project and hear from Public Works about the bikeways plan and all the comments from the public meetings a month or two ago.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Chair Wencl reported that the Gateway Station Area Planning Task Force had its first meeting on May 6th. They went through a preliminary review of the five areas where there would be stations, set up their meeting schedule, and elected Mr. Paul Sawyer as the neighborhood co-chair. They will be meeting again on Tuesday, May 20th, 5:00 p.m. at the Conway Recreation Center.

Commissioner Ochs asked if this task force primarily includes representatives of Saint Paul or is this part of the larger regional gateway corridor?

Chair Wencl said that this is only for the station area planning for Saint Paul and they only have representatives from Saint Paul where the station areas are.

Commissioner Ochs said whether this task force will eventually meet with task forces from other cities.

Ms. Drummond added that cities are in charge of land use planning and zoning. This process is very similar to what was done for the Central Corridor, where there was task forces that did the planning for the Saint Paul portion of the line. Minneapolis did its own planning, but there was an effort to make sure there was some consistency across the whole corridor. However the Gateway corridor is very different from University Avenue so it will be interesting to see how this plays out.

XI. Old Business

None.

XII. New Business

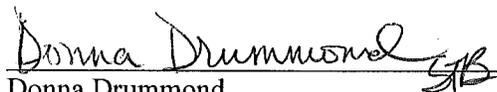
None.

XIII. Adjournment

Meeting adjourned at 9:36 a.m.

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

Respectfully submitted,


Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

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

Minutes May 30, 2014

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

Commissioners Present: Mmes. DeJoy, Merrigan, Noecker, Padilla, Reveal, Shively, Thao, Wang, Wencl; and Messrs. Gelgelu, Lindeke, Nelson, Ochs, Oliver, and Ward.

Commissioners Absent: Ms. *Underwood, and Messrs. *Connolly, *Edgerton, *Makarios, and *Wickiser.

Absent: *Excused

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

I. Approval of minutes May 2, 2014.

MOTION: *Commissioner Reveal moved approval of the minutes of May 2, 2014. Commissioner Shively seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl announced that she and Donna Drummond attended a meeting at the Saint Paul School District for their Facilities Master Plan Committee. They will be holding six future meetings to develop a 10 year facilities plan. They were both asked to be a part of this committee so as they have more information the Planning Commission will be informed.

III. Planning Director's Announcements

Donna Drummond reminded the commissioners if they are interested in the discounted rate for APA membership that checks need to be submitted within the next week or so. Also the City's comments on the Met Council's Thrive MSP 2040 were submitted a month ago. The Met Council recently posted responses to comments and have summarized all of the comments from various cities, other entities and private individuals who submitted comments. An email with the link to those comments will be sent out.

IV. Zoning Committee

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

Four items came before the Site Plan Review Committee on Tuesday, May 27, 2014:

- State Capitol, site improvements associated with capitol building renovation at 75 Martin Luther King Boulevard.
- Homestead Partners/Pleasant Avenue houses, prepare site for construction of 8 single-family houses at 361 Pleasant Avenue.
- Frogtown Park, site work for a new park, including earthwork, entrance road, parking, walks, landscaping at 919 Lafond Avenue. (Work does not include Frogtown Farm urban agriculture.)
- Maria Traffic Calming, improvements to Maria Street to improve pedestrian environment at 400 Maria.

One item to come before the Site Plan Review Committee on Tuesday, June 3, 2014:

- Minnesota Capitol Office Building, new office building at 80 Sherburne. (This site is in the Capitol Area. The City does not have zoning jurisdiction in the Capitol Area and so the review will be limited to aspects of the plan that impact City infrastructure such as sewers, water service, boulevard trees, streets and driveways.)

NEW BUSINESS

#14-200-064 Yia Vang – Reestablishment of nonconforming use for a chiropractic clinic. 1200 Galtier Street, SE corner at Maryland. (Jake Reilly, 651/266-6618)

MOTION: *Commissioner Nelson moved the Zoning Committee’s recommendation to approve the reestablishment of legal nonconforming use. The motion carried unanimously on a voice vote.*

#14-198-104 TNT Fireworks (1177 Clarence) – Conditional use permit for outdoor commercial sale of consumer fireworks. 1177 Clarence Street, West side of Clarence at Rose Avenue East. (Bill Dermody, 651/266-6617)

Commissioner Padilla stated that there is a mistake in the final resolution the “2014” should be stricken.

MOTION: *Commissioner Nelson moved the Zoning Committee’s recommendation to approve the conditional use permit subject to additional conditions, with the “2014” stricken from the resolution. The motion carried unanimously on a voice vote.*

#14-197-427 Internacional Auto Sales LLC – Expansion of nonconforming use to increase number of parking stalls for used car sales (17 existing spaces for used cars for sale, 29 proposed). 1265 Arcade Street, NW corner at Orange. (Bill Dermody, 651/266-6617)

Commissioner Padilla said that there was a letter in the packet that does not include a name or email address, and should be removed based on counsel from the City Attorney.

Commissioner Padilla made a motion to remove the letter from the public record for failure to

disclose any identifying information. Commissioner Lindeke seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Noecker asked about the cars parked on the street and whether they were in violation of the condition of their conditional use permit not to have “for sale” cars parked on the street.

Commissioner Padilla explained why she voted no on this proposal at the Zoning Committee meeting. She is always hesitant to expand nonconforming uses because there is a reason why they are made nonconforming. If she were to expand a nonconforming use it would be fully in compliance, it should be a stellar citizen in the community before they are given additional rights on top of what they have. She noted one person said that there’s funeral traffic, but every other testimony heard and letters submitted were about cars being left for weeks on end, and people had called the City before. There had not been any enforcement action taken, and technically the City could have instituted enforcement action in the last year based on what they’ve heard. She was not convinced that this application could meet the public health, safety, and welfare test in Finding #6.

Commissioner Reveal said they were all concerned about this, one of the reasons they added the condition to make it explicit that they could not park on the street, and her problem was that there hadn’t been any enforcement. With what appeared to be a fairly lengthy history of complaints on it, the City didn’t do anything, but they could have and should have. The other thing was that there was nobody at the meeting to speak against it. If it had been more of a ubiquitous problem she would have expected to see more concern. It’s an issue that the City should have dealt with sooner.

Commissioner Oliver said that this has been a problem property for a long time and he believes that the City has been involved with prior owners. The obstinacy of the prior owner is making it look like there had been lack of enforcement action, but it’s not the same. Setting that aside, it does not seem to be a good reason to allow them an expansion of a nonconforming use. Expansions are not supposed to happen – it is a quirk in the zoning code that he is not comfortable with so he shares the bias in not expanding. He does not agree that it meets Condition #6 or Condition #7. Looking at the aerial photos almost in every picture there are more than 14 cars on that lot, except for one year when it was apparently shut down and there were no cars on the lot. He will be voting against this.

Commissioner Thao asked for clarification of condition #7.

Commissioner Padilla said that it’s a mild redundancy. The intention was to carry a stick to say that if we’re going to do this, it is clearly a condition. It extends beyond the standard zoning conditions and makes it clear that they need to be in compliance with all zoning and license conditions. The zoning administrator would have to notify the Planning Commission of violation of any condition, and then the Planning Commission could revoke the permit.

Bill Dermody, PED staff, said that there is a revocation process. If there is a violation of any of these conditions - including #7 - it would be forwarded to the Planning Commission, which could then revoke the permit or add and modify conditions.

Commissioner Nelson said that there have been several cases over the years where they have had

a conditional use permit brought back before the committee to consider potential revocation .

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the expansion of nonconforming use subject to additional conditions. The motion carried 8-7 (DeJoy, Lindeke, Noecker, Ochs, Oliver, Padilla, Ward) on a voice vote.*

Commissioner Nelson announced that the next Zoning Committee meeting on Thursday, June 5, 2014 has been cancelled.

V. Comprehensive Planning Committee

Amendment to Chapter 64-Signs – Release proposed text amendments for public review and set a public hearing on July 11, 2014. (*Jake Reilly, 651/266-661*)

Jake Reilly, PED staff, outlined the proposed text amendments to Chapter 64 – Signs of the Zoning Code. He said that the proposed amendments address three issues. The first issue is to simply update language, correct typographical errors and enhance language in order to facilitate interpretation of the code over time. The second issue addressed proposes amendments to the code that would allow signage proposed for the new ballpark in Lowertown in a similar manner to the signage allowed at the Midway Stadium facility. In addition, Comprehensive Planning Committee members asked staff to develop language to allow roof signs in B4 Central Business and B5 Central Business Service districts, subject to a conditional use permit. The third issue addressed by these proposed code amendments includes the addition of a section regarding bicycle sharing facilities. State legislation allows for bicycle racks in the public right of way, as well as for those bicycle racks to have signage on them, but the City's code prohibits advertising signage in all districts. The Nice Ride bicycle sharing facilities are partially funded through sponsorship signage, which meets the definition of advertising sign in the City's code. In order to allow these signs in all zoning districts, a new Section 64.422 Bicycle sharing facility sponsorship signs would be added to the code and provide standards to which the signage must adhere. A fourth issue initially included in the amendment package, Legislative Code Appendix I amendments regarding advertising on transit stations and facilities, but this is a franchise agreement and has been removed from the amendment package following discussion with the City Attorney's office. Mr. Reilly asked the Commission to set a public hearing on the matter for July 11, 2014.

Commissioner Merrigan said that when the committee looked at Sec. 64.414 (b) as initially proposed by staff, they changed specific height and size requirements because they thought that a one-size-fits-all approach in an already developed district might not net the desired results, but that they wanted to be able to evaluate place, size, and manner on a case-by-case basis, and consider context. Ms. Merrigan stated that the addition of the B4 district to the staff-proposed B5 district is to generate discussion and comments about the downtown area generally, where roof-top signage might be appropriate and has existed historically, to get the kind of feedback that they would need to direct the amendments.

Commissioner Lindeke inquired as to the status of the Schmidt Brewery sign which is in neither a B4 nor B5 district. He asked if there are ways to allow that type of signage in exceptional cases or when a sign has historic significance.

Mr. Reilly said that under the recommendations as proposed, roof signs such as the Schmidt

Brewery sign in other districts would continue to be handled under the provisions for legal nonconforming uses, and new roof signs in the B4 and B5 districts would have to go through a conditional use permit process.

Commissioner Ochs said that signs like the Schmidt Brewery and First Bank signs are iconic. He said his understanding of the spirit of this whole sign issue/arguments is to get video-type billboards and other large advertising billboards under control with some restrictions. Mr. Ochs said that he feels that the term "dynamic" is loosely defined in the code in that it could be simply scrolling time and temperature to the video screens that are seen on the Xcel Energy Center. He said that some dynamic, as in moving, signs should be acceptable downtown. Mr. Ochs also brought up that Sec. 64.414(c) would require that roof-top signage face an adjoining arterial street. He wanted to know who would be able to see the sign. He asked if people on an adjoining street would really look up to see a sign on the roof of a five or six story building. He stated that those types of signs are meant to be seen from farther away, and the restriction in (c) that they must be designed to be read from an adjoining street would make such signs not very useful, and is too restrictive. The 1st Bank sign, for example, is intended to be seen far away.

Commissioner Padilla said that dynamic signs are an issue on roof tops generally because if they are moving or scrolling or flashing they may impact traffic. She concurred with Mr. Ochs that roof signs are not intended for pedestrians on adjacent streets, rather to be seen from farther away. There has been this battle over the on premise/off-premise dynamic display issue for years. Only on premise signs are allowed to actually scroll or flash like the Xcel Energy Center dynamic sign whereas off premise signs are not allowed to do that and off premise signs are governed in a number of ways differently than on premise signs. The goal to have dynamic displays where they are appropriate is still allowable under these changes; this is simply a prohibition on dynamic displays on roof tops. In response to the comments regarding nonconforming signs and the long debate over legal nonconforming signs, Mrs. Padilla said that Saint Paul has an interesting code that is unlike most others in that it allows reestablishment of nonconforming uses and allows expansion of nonconforming uses. She thinks the Schmidt sign should remain, and that's why the nonconforming use provisions are there.

Commissioner Noecker said that the committee suggested modifications to Sec. 64.414(b) but she does not see language about how the roof sign is going to be calculated as a portion of the total allowable sign area.

Mr. Reilly said that there was discussion about this issue, which was resolved, because there is a restriction under 64.505 for B4 and B5 districts, that the sum of the gross surface display area of all business signs on a lot shall not exceed four (4) times the lineal square feet of lot frontage of a lot. This would include roof signs (business signs on a roof), and does not need to be restated in regulations pertaining to roof signs.

Commissioner Noecker agreed that roof signs aren't designed to be read by traffic on adjoining arterial streets, and she is not sure what the first part Sec. 64.414 (c) means and how it would be enforced. She also inquired as to the rationale regarding a facility that fronts only one arterial street only having one roof sign versus fronting on two having two. If there is a total allowable sign area that is the ultimate limit of how much signage can be had, she asked if it mattered where on the building it is and if that should be dependent upon what type of street it faces.

Commissioner Merrigan said she supports Sec. 64.414 (c) as written because the relationship to

an arterial street is better than establishing no relationship at all for the placement of roof signs. She also stated that when someone submits a package for their business signage they will determine where they want to place their signage, whether on the side of the building or on the roof of the building, and how they want to display signage. She said in a sense that we are just picking one limiting factor but the applicant will ultimately figure out that percentage and she would prefer that people developing the signage have that ability, especially given the fact that we have the opportunity to review it through a conditional use permit process.

Chair Wencl reminded the commissioners that they are talking about releasing draft amendments for public review and setting a public hearing, and that there will be time for additional discussion after the public hearing.

Commissioner Oliver said that an issue to address before it is released for public review is on page 4 of the draft amendments, where Sec. 64.414 (c) bases the number of roof signs allowed on the number of arterial streets the building fronts on. He asked where arterial streets are defined.

Mr. Reilly said the Zoning Code definition of major thoroughfare refers to the definition of arterial streets in the city's Comprehensive Plan.

Commissioner Oliver said it would be more clear to include a definition of arterial streets in the sign chapter of the code.

Commissioner Padilla said referring to the Comprehensive Plan makes sense. It identifies the functional class of each street. For example, Snelling Avenue is identified in the Comprehensive Plan as one type of street and Lexington Parkway is something else.

Donna Drummond, Planning Director, said there is a map in the Transportation Plan chapter of the Comprehensive Plan that shows street categories and identifies arterial streets.

MOTION TO AMEND: *Commissioner Noecker moved to amend Section 64.414 (c), striking the word "arterial" in all three sentences in (c). Commissioner Ward seconded the motion. The motion carried 12-3 (Merrigan, Oliver, Wencl).*

Commissioner Ochs asked if the restriction on signs with dynamic display in Section 64.414 (f) applies to signs such as the big red No.1 on top of the First National Bank that turns off and on, and to the Schmidt sign letters that light up individually. He thinks the definition of "sign with dynamic display" needs further clarification so that it is better understood, and there could be exceptions to the restrictions on them.

Mr. Reilly stated that merely the ability to turn a sign off and on does not make it dynamic. However, potentially such a sign may fall under regulations for signs with dynamic display in Sec. 64.405(e)(2) that says stable images may be changed once every 12 seconds.

Commissioner Oliver agrees that the definition of dynamic signs is not great, but it is better than others that have been tried.

Chair Wencl said that when she was on the Neighborhood Planning Committee they had many hours of discussion about what constitutes a dynamic sign.

Commissioner Padilla noted a current U.S. Supreme Court case on what is a dynamic sign, which is not easy to define and not well settled.

Commissioner Lindeke asked if the code includes requirements about maintenance of signs, for example where part of the sign is gone or half of it doesn't light up.

Mr. Reilly replied that Section 64.405 includes requirements about maintenance of signs.

Commissioner Nelson commented that language about signs being large enough to be viewed by vehicles misses the point that it is the lettering (not the sign) that needs to be large enough to be read and understood. He said there is a large body of research with regard to letter sizes, types of letters, light against dark, dark against light, and other signage design standards, and that it can be a real safety issue. He thinks that the size of the message is the most important aspect, not the size of the sign, with regard to safety in vehicles.

Mr. Nelson noted that the only place safety is mentioned in the state statute for the location of bicycle racks and transit shelters in public right-of-way is with regard to the placement of bicycle racks in the public right-of-way, whereas in the section on bus shelters, bus benches, and things of that sort, there is no mention that they have to be placed in a manner safe for pedestrians or vehicles, other than they can't be within lanes maintained for vehicle traffic. He said that a lot of times these things are placed in tight locations, congesting pedestrian areas. He thinks it's interesting that only bike racks have to be safely placed.

MOTION: *Commissioner Merrigan moved on behalf of the Comprehensive Planning Committee to release the draft amendments for public review and set a public hearing on July 11, 2014. The motion carried unanimously on a voice vote.*

VI. Lowertown Ballpark: - Informational presentation on the site plan, design, and construction schedule by Jody Martinez, Design Manager, Parks and Recreation Department.

Jody Martinez is the Design Manager with the Department of Parks and Recreation. Ms. Martinez gave an overview of the Lowertown Ballpark. She explained the design-build approach for the ballpark, and that it is different from most Parks projects. The design-build team consists of the City of Saint Paul Parks Department, the Saint Paul Saints Ball Club, which will be the primary tenant, Ryan Company, a Minneapolis-based developer, and Nelson Tietz & Hoyer as the owner's rep. She provided some highlights of the ballpark. It is a \$63 million project that takes 11 acres just on the edge of Lowertown and converts it to a new 7,000 seat ballpark. They expect to have about 180 events there per year, and about 400,000 visitors. They are working very hard on getting some solar grant funding and they are taking water from the roof of the adjacent LRT Operation and Maintenance building and piping it into the ballpark site to use to help irrigate the field. They are also working with the Department of Safety & Inspections to allow them to use the water for flush toilets, which is very innovative. Immediately adjacent to the ballpark will be an off-leash dog park which is a part of this project. There is an existing off-leash dog park on the site; they have temporarily moved it during construction but it will be moved back. The whole ballpark will be open to the public. It will not be shut down during off game days but will be open to the public to go in and have lunch etc.

Project funding includes \$27 million in state DEED grants, a \$1 million DEED loan, local bonding of \$25 million, and the Saints are contributing \$11 million for a total of \$63 million. Ms.

Martinez showed several pictures of the ballpark and the surrounding buildings in the area on the overhead projection screen. They have been working on this for a year and the work has included soil remediation as it was a highly contaminated site. The utility work was done in 2013 and over the winter they were diligently working to finalize all of the design plans. In the spring of 2014 the concrete work and steel structure started, with the goal of completing the project in a year, so things will be moving very quickly.

Regarding tenant signage, the Saints have not identified who they will be working with on naming rights, etc. but that will be coming forward. They have been working closely with Amy Spong, staff to the Heritage Preservation Commission, to try to get the roof top signage allowed for the ballpark. In looking at all the historic photos of the area roof signs were prevalent.

Finally, there was a request for proposals out for public art, which is required for state funded and City-owned projects. Lowertown has already improved and has a lot of life with more people living there, more restaurants, more bars and once the ballpark is there it is going to bring everything together. This, along with the opening of the Green Line LRT and Union Depot is really changing the face of downtown Saint Paul.

Commissioner Ochs said that he did not see how vehicle circulation is considered in this. Ideally you want pedestrians and people to use transit, but families from the suburbs are going to drive into town and park on the street to ride on the light rail to come to the Depot or the ballpark.

Ms. Martinez said that it is not being ignored, but the first thing that needs to be done which has not been established yet is where the tailgating lot is going to be. That is going to drive a lot of the traffic so they have been working with various lot owners. This will be different because the Saints won't own the lot so another entity will own the lot. Once they have established the tailgating lot then they will figure out what's the signage, how are we going to move people and that kind of thing. It's something they are looking into.

Donna Drummond, Planning Director, added that there was an environmental assessment worksheet done for this project and it did evaluate parking and traffic and it was determined that there was 8,000 parking spaces within a short walk of the ballpark.

Commissioner DeJoy asked how much bigger this ballpark seating is versus at the Midway Stadium.

Ms. Martinez is not sure but she guesses about 4,000 and now we're up to 7,000. She will verify this and get back to the Planning Commission.

Commissioner Lindeke asked if there was any discussion about traffic calming on 5th Street because 5th and 6th Streets are high speed one way streets going through downtown and his concern is that a car might drive into home plate.

Ms. Martinez said that they are working with all of the safety factors; they have bollards that will stop vehicles all along Broadway at the end of 5th.

Commissioner Lindeke is thinking more about 5th Street in general, about how to slow down traffic on 5th Street.

Commissioner Padilla asked who is responsible for covering additional costs over the \$63 million if there are any.

Ms. Martinez has been assured that there will not be any overages.

Commissioner Noecker said that since the ballpark will be open during the weekdays to the public are there going to be any facilities in there like restaurants or anything else that will be open to the public? Or is it more like bring your lunch and sit on the field kind of thing.

Ms. Martinez said that particular question has not come up, but she does not think so. The discussions they have had with the Saints so far is that as long as they are there and their offices are open they will allow the public in. That didn't come up about whether the public might be interested in being able to purchase food. However, she will bring that up at the next meeting.

Chair Wencl said how there would be time for 180 events since our summers are not that long.

Ms. Martinez replied that this will be a year round facility, and may host events like the winter carnival.

Commissioner Ochs asks what it is like working on such a large project and how much ownership does Parks and Recreation have along with the Saints in terms of how it's being designed and how it's being built?

Ms. Martinez said that she is the project manager, Chris Stark, an architect with Parks and Recreation and Nelson Tietz & Hoye, the owner's representative, are at the table with the Saints and it is a great team and yes the City feels ownership.

VII. Neighborhood Planning Committee

Commissioner Oliver announced that at the last meeting they had a status report on the planning process and draft of the Shepard Davern Plan.

VIII. Transportation Committee

Commissioner Lindeke said that at the Transportation Committee's last meeting they had an update from MnDOT about 35E. They also talked about the citywide bikeways plan and public comments received. Commissioner Lindeke also announced the items on the agenda at the next Transportation Committee meeting on Monday, June 2, 2014.

IX. Communications Committee

Commissioner Merrigan said that there was nothing to report.

X. Task Force/Liaison Reports

Commissioner Oliver reported that the Gateway Station Area Planning Task Force was scheduled to have a meeting on Tuesday, June 3, 2014, but that has been cancelled. The task force has had two productive meetings so far. There is a lot of work to do and they should be meeting again

sometime this month.

Commissioner Nelson announced that the Shepard Davern Task Force has two dates set up for public meetings regarding proposed zoning changes. Those are June 16th and June 24th at St. Luke's Church by the fire station in that area.

XI. Old Business

None.

XII. New Business

None.

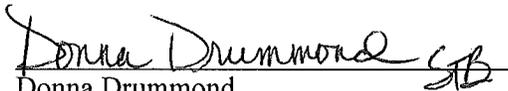
XIII. Adjournment

Meeting adjourned at 10:06 a.m.

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

Respectfully submitted,

Approved _____
(Date)


Donna Drummond
Planning Director

Daniel Ward II
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

*25 West Fourth Street
Saint Paul, MN 55102*

*Telephone: 651-266-6700
Facsimile: 651-228-3220*

DATE: July 2, 2014

TO: Planning Commission

FROM: Jacob Reilly (651-266-6618; jake.reilly@ci.stpaul.mn.us)

RE: Amendments to Chapter 64 – Signs Public Hearing July 11

On January 24, 2014 the Planning Commission authorized a study of Chapter 64- Signs via Resolution #14-05. Staff has been studying the issue, partnering with staff from the Department of Safety and Inspections (DSI), Heritage Preservation Commission (HPC), as well as Saint Paul Parks.

There are four issues to be addressed by these amendments: minor text amendments; amendments to accommodate the new municipal ballpark in Lowertown; transit stop signage; and bicycle sharing facility (Nice Ride) signage.

The Planning Commission will hold a public hearing on the proposed text amendments to Chapter 64 - Signs on July 11, 2014.

Attachments:

A – Proposed text amendments to Chapter 64 – Signs of the Saint Paul Zoning Code with strikeouts/underlines and notes

B – PowerPoint Presentation

C – Comments received in writing from Public Works and Parks Department staff (2)

Chapter 64. Zoning Code - Signs

Article I. Purpose and Definitions

...

Sec. 64.102. Definitions.

All words and terms not defined in this chapter which are defined in the Minnesota State Building Code or elsewhere in the zoning code of the City of Saint Paul shall be interpreted as therein defined. Otherwise, for the purposes of this chapter, terms and words not herein defined shall have the meaning customarily assigned to them. Certain words and terms shall be defined as follows.

...

Sec. 64.103. A.

Advanced speed arteries. A limited access freeway or other road upon portions of which speeds of forty-five (45) miles per hour or greater are permitted.

Advertising sign. A sign which directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or manufactured elsewhere than on the premises upon which the sign is placed. It shall be considered as a nonaccessory sign except that an advertising sign on a professional sports facility with permanent seating for more than ~~ten thousand (10,000)~~ six thousand (6,000) spectators shall be considered as accessory. Billboards are a form of advertising sign. Advertising signs located on ~~bus transit stop shelters, courtesy benches and newsstands racks~~ are regulated under other chapters and are not subject to the requirements of this chapter. Sports facility sponsorship signs are a special type of off-premise sign and are subject to different regulations from advertising signs.

[Note: This adds language to accommodate new opportunities in the city for advertising signs at LRT stations, just as existing language provides for advertising on bus stop shelters and bus stop courtesy benches. "Bus stop shelters" is changed to "transit stop shelters" to apply to LRT and streetcars as well as bus stops.]

...

Sec. 64.104. B.

...

~~*Bus stop shelter.* Bus stop shelters are regulated under appendix I and are not subject to the requirements of this chapter.~~

[Note: To be changed to "transit stop shelter" and moved to Sec. 64.122. T.]

...

Sec. 64.105. C.

Combination sign. A sign incorporating any combination of the features of freestanding, and projecting ~~and roof~~ signs.

[Note: Roof signs are no longer permitted and should not be included under the definition of combination sign]

Courtesy bench. Courtesy benches are regulated under ~~chapter 315~~ Chapter 127, Courtesy Benches, and are not subject to the requirements of this chapter.

[Note: Updates a code reference.]

...

Sec. 64.116. N.

Newsstandrack. Newsstandracks are regulated under ~~chapter 128~~131 and are not subject to the requirements of this chapter.

[Note: Updates a code reference and term to be consistent with Chapter 131]

...

Sec. 64.118. P.

...

Projecting sign. A sign, other than a wall or roof sign, ~~that~~ which projects from and is supported by a wall or a building or structure.

[Note: Cleans up language to make the definition more clear]

...

Sec. 64.120. R.

...

Real estate sign. A temporary sign placed upon a property advertising that particular property for sale, rent or lease, and excluding a cloth, vinyl or banner sign, which are regulated under section ~~64.402(m)(3)~~ 64.419(d).

[Note: Wrong code citation]

Roof sign. A sign mounted ~~erected upon or above~~ a roof or parapet ~~that projects above the top of a building or structure wall.~~

[Note: Clarifies that a roof sign projects above the top of a building wall, including the parapet wall.]

...

Sec. 64.122. T.

Transit stop shelter. Transit stop shelters are regulated under appendix I of the city's legislative code, and are not subject to the requirements of this chapter.

[Note: Was "bus stop shelter" and must be amended to provide for transit options in the city and to ensure the code reference is correct.]

Article II. 64.200. Administration and Enforcement

Sec. 64.201. Duties of zoning administrator.

...

- (d) The zoning administrator shall not issue any sign permits that do not conform to this chapter. ~~No renewal of an expired permit shall be issued for a use or structure made nonconforming by amendments to this code.~~

[Note: Sign permits can no longer be renewed. If a sign permit expires and work was not done under that permit, a new permit, meeting today's standards, must be obtained.]

Sec. 64.203. - Permits.

A permit shall be required for all exterior signs visible from a public right-of-way.

- (a) *Application.* Applications for sign and/or sign structure permits shall be submitted to the zoning administrator. Each application shall contain the names and addresses of the owners of the display structure and property; the address at which any signs are to be erected; the lot, block and addition at which advertising signs are to be erected and the street on which they are to front; and a complete set of plans showing the necessary elevations, distances, size and details to fully and clearly represent the construction and placing of the display structure; and a fee as required under chapter 33.04. Structural plans are required for all freestanding signs greater than fifty (50) square feet. Permit applications for advertising signs along state trunk highways and interstate highways shall be accompanied by proof that the applicant has obtained a permit from the state for the advertising sign.

[Note: Clarifies where fees are listed]

Article IV. 64.400. General Provisions

Sec. 64.401. All signs.

...

- (k) *Illumination.* Flashing signs are prohibited. In residential districts, no sign may exceed a maximum illumination of 0.5 footcandle above ambient light level as measured fifty (50) feet from the sign's face.
- l) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.
- ~~(m) Only one side of a double-faced sign or V-shaped sign shall be used to compute the gross surface display area, display surface area or sign area of a sign.~~
- (~~m~~) Canopy signs that are parallel to the street shall be regulated as wall signs. Canopy signs that are perpendicular to the street shall be regulated as projecting signs.
- (~~e~~) Multiple tenant buildings. Any application for a sign permit for a multiple tenant building shall include a master sign plan for the building, drawn to scale and fully dimensioned, showing any exterior signage to be provided. The property owner or the property owner's designee shall be responsible

for allocating the allowable sign area among the tenants of the building. If a building will contain multiple uses, a comprehensive sign program shall be established.

- (p) Signs attached to buildings shall be positioned so that they are an integral design feature of the building, and to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels, or decorative brickwork.

[Note: Removes duplicate language. Adjusts the formatting to make (k) and (n) more clear and amends (n) to clarify how a multiple-tenant building's master sign plan shall be established.]

...

Sec. 64.405. - Signs with dynamic display.

...

- (e) Image characteristics, duration, and transition. The following standards shall apply to image duration, transition, and other characteristics of signs with dynamic display. Additional district-specific restrictions are contained in Sec. 64.502, and 64.503 and 64.504.

[Note: Adds language referring to code citation for district-specific restrictions]

...

Sec. 64.414. Roof signs.

~~No roof signs are permitted in any zoning district in the City.~~

- (a) Roof signs may be permitted only in the B4-B5 business districts, subject to a conditional use permit.
- (b) The Planning Commission shall consider the context of the building design, building location, and its surroundings in considering whether to approve or deny a conditional use permit, and may impose conditions and limitations pertaining to such things as sign height, width, location, orientation, illumination, and how it is attached to the building.
- (c) Roof signs shall face and be designed to be read by traffic on adjoining streets as designated in the comprehensive plan. A facility fronting on only one (1) street is permitted to have one (1) roof sign; a facility fronting on two (2) or more streets is permitted to have two (2) roof signs.
- (d) For roof signs consisting of lettering with no defined background and that allow visibility through the sign through the spaces, the roof sign area shall be defined as the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by fifty (50) percent in calculating the permitted roof signage.
- (e) If the zoning administrator determines that the sign lighting affects neighboring properties, roof signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any facility event, whichever is later, until 6:00 a.m.

- (f) Roof signs with dynamic display are prohibited.

[Purpose is to accommodate roof signs, subject to a CUP, in the B4 and B5 zoning districts.]

Sec. 64.418. Marquees.

Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in ~~chapter 45~~section 3106 of the state building code. No such sign shall project above or beyond the physical dimensions of the marquee, except that one (1) sign less than four (4) square feet in size may be attached underneath for each entrance located under the marquee, provided the sign does not project lower than eight (8) feet above the sidewalk.

[Note: Updates a code reference]

Sec. 64.420. Advertising signs.

(a) *Advertising signs prohibited.* No advertising signs are permitted in any zoning district in the city. ~~The purposes of this prohibition are to enhance views of the natural and built environments of the city, to improve aesthetically the fusion of residential and commercial areas, to promote community pride on the part of property owners, to encourage beautification and investment in the city, to protect property values, and to reduce cluttered and chaotic signage, which draws attention away from the identification signs of businesses and institutions located in the city.~~ Existing legal nonconforming advertising signs that are not electrified, or illuminated by any means, as of October 26, 2005, may not be wired for electrification or illumination.

~~(1) Advertising signs which are not electrified, or illuminated by any means, as of October 26, 2005, may not be wired for electrification or illumination.~~

(b) *Professional sports facility.* At a professional sports facility with permanent seating for more than ~~ten six thousand (10,000)~~ (6,000) spectators and located in a B4-B5 Business or ~~IR-12~~ Industrial zone, one (1) or two (2) advertising signs are permitted as an accessory use subject to the following standards:

- (1) Advertising signs shall face and be designed to be read by traffic on arterial streets as designated in the comprehensive plan. A facility fronting on one (1) arterial street is permitted to have one (1) advertising sign; a facility fronting on two (2) or more arterial streets is permitted to have two (2) advertising signs.
- (2) No advertising sign shall be located within three hundred (300) feet of a residential zoning district, house of worship, or school offering general education courses at the elementary, junior high or high school level.
- (3) No advertising sign shall exceed seven hundred (700) square feet in size.
- (4) Advertising signs shall be attached to exterior walls of the sports facility structure and shall not project above the wall.
- (5) If the zoning administrator determines that the sign lighting affects neighboring properties, advertising signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any ~~professional sports game~~ facility event, whichever is later, until 6:00 a.m.
- (6) For signs with dynamic display, the modes of display of messages shall conform to the requirements in section 64.405

[Notes: Deletes redundant language that repeats Sec. 64.101. Intent and purpose of the code. Decreasing the number of spectators to 6,000 accommodates the new municipal ballpark, located in the B5 Business service district downtown, in a manner similar to the Xcel Energy Center, located in the B4 zoning district. Removes reference to the IR-12 zoning districts.]

Sec. 64.421. Sports facility sponsorship signs.

Sports facility sponsorship signs are permitted, ~~without regard to in all zoning districts,~~ as accessory uses at the following places: golf courses; hockey rinks at McMurray Field; ~~Midway Stadium the municipal ballpark;~~ baseball fields owned or operated under a long-term agreement by an established youth baseball organization such as the Little League, Babe Ruth, VFW, or American Legion Baseball; and baseball and softball fields at Dunning Field, Rice-Arlington Field, and Arlington-Arkwright Field. Sports facility sponsorship signs are subject to the following required standards:

- (a1) Signs at golf courses shall be integrated with the hole identification signs located at tee boxes and the sponsorship component of such signs shall not exceed two (2) square feet.
- (b2) Signs at hockey rinks shall be on the interior sides of the hockey boards.
- (c3) Signs at baseball and softball fields shall be ~~on the outfield fences or the scoreboard or both and~~ oriented toward the field of play. Such signs shall not exceed twenty-four (24) square feet per sign face, except at ~~Midway Stadium the municipal ballpark~~ where larger signs are permitted because it is an enclosed facility.
- (d4) Each sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification. However, at ~~Midway Stadium the municipal ballpark,~~ product advertising signs are permitted.
- (e5) Signs shall not be illuminated except by the regular sports facility lighting during hours of use.
- (f6) Signs shall be maintained in good condition.
- (g7) Signs at facilities owned and managed by Saint Paul Parks and Recreation shall also be subject to general standards for regulating sports facility sponsorship signs.

[Note: This change accommodates the new municipal ballpark, and allows signage as permitted at the existing Midway Stadium, which this ballpark replaces. Reference to Midway Stadium is struck, as that facility is to be demolished.]

Sec. 64.422. Bicycle sharing facility sponsorship signs.

Bicycle sharing facility sponsorship signs are permitted in all zoning districts subject to the following required standards:

- (a) One (1) sponsorship sign, no more than fifteen (15) square feet in area, is permitted per bicycle sharing facility. The sponsorship sign shall be an integral part of the bicycle sharing facility rack.
- (b) The sponsorship sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification.
- (c) Signs shall not be illuminated.
- (d) Signs shall be maintained in good condition.
- (e) Signs within the public right of way are subject to, and must first have and maintain, a permit from the designated road authority.

[Note: This change accommodates the bicycle sharing facilities currently managed by Nice Ride and follows the regulations outlined in the Code of Federal Regulations as well as Minnesota State Statute 160.27 Subd. 7.]

Sec. 64.503. T1—T4 traditional neighborhood and OS—BC business districts.

(a) *Business and identification signs:*

- (1) The sum of the gross surface display area in square feet of all business and identification signs on a lot shall not exceed one and one-half (1½) times the lineal feet of lot frontage, or seventy-five (75) square feet, whichever is greater.

[Note: The phrase "and identification" was new in Supplement 80 in 2009, but unintentionally lost when Supplement 83 came out in 2011.]

...

(b) *Temporary signs:*

...

- (5) Temporary window signs, shall cover no more than thirty (30) percent of the store window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station

[Note: Corrects a typographical error]

Sec. 64.504. B2—B3 business and IR industrial districts.

(a) *Business and identification signs:*

...

- (4) The height of signs shall be subject to the conditions specified in section 64.503(a)(34).

[Note: became (4) in Supplement 83, through the TN district amendments.]

...

(b) *Temporary signs:*

...

- (5) Temporary window signs, shall cover no more than thirty (30) percent of the window area, including windows in doors, between four (4) and seven (7) feet above grade and shall not block the view from a public right-of-way into the clerk or cashier station.

[Note: Corrects a typographical error]

...

Sec. 64.505. B4 – B5 business districts.

...

- (b) *Temporary signs.* Except for skyway banners and light pole banners, temporary signs shall be permitted as required in section 64.504(b).
 - (1) *Skyway banners.* Banners or signs may be affixed to the exterior of skyway bridges provided the following standards are met:
 - a. The banners serve to promote a legitimate public purpose as established in the written guidelines of the city. These guidelines are developed and updated by a team of city staff from the ~~department of safety and inspections office of license, inspection and environmental protection~~, the department of public works, the city marketing director, and the city planning commission. The guidelines address appropriate banner purposes, sponsors, and applicants;
 - ...
 - c. The banners meet the size standards of section 64.419(d)(3) and also are not more than three (3) feet (thirty-six (36) inches) in height. Sponsorship identification may occupy up to fifteen (15) per cent of the banner face for any number of sponsors. For events with a business name in the title, the sign area taken up by the business name shall not be included as part of the allowed sponsorship area. ~~Banners currently used by organizations that exceed the height or area standards can continue to be used for up to three (3) years after the effective date of this ordinance, provided they are registered with the office of license, inspection and environmental protection before the effective date of the ordinance. After this period, these banners shall be replaced with signs that conform to the size requirement;~~

[Note: Correcting the name of the department. The three-year grace period has come and gone]

Sec. 64.506. I1—I3 industrial districts.

- (a) *Business and identification signs:*

...

- (4) The height of signs shall be subject to the conditions specified in section 64.503(a)(34).
- ~~(5) Electronic message signs are permitted and subject to the conditions specified in the B-2 and B-3 districts, section 64.504(a)(5).~~

[Note: In (4) a new (3) was added to Sec. 64.503 in the TN amendments so old (3) becomes (4). In (5), these, and other, conditions for electronic message signs are now under Sec. 64.400 General Provisions in Sec. 64.405 for "signs with dynamic display."]

...

Article VI. 64.600. Special Sign Districts

Sec. 64.770. Downtown area special district sign plan.

...

- (c) Within the downtown special sign district, no advertising signs shall be permitted ~~except signs on transit shelters and courtesy benches licensed or franchised by the city~~ as permitted in section 64.420(b) for professional sports facilities.

[Note: Advertising signs on transit shelters and courtesy benches are not subject to the requirements of this chapter per language in Sec. 64.103. A. *Advertising sign*. Advertising signs are regulated by section 64.420 (b) for professional sports facilities.]

Chapter 64 - Signs

2014 Amendments

Jacob Reilly

PED

Planning Commission Public Hearing July 11, 2014

Background

- Sec. 61.801(a) of the Zoning Code requires periodic review and re-evaluation.
- Sec. 61.801(b) of the Zoning Code authorizes the Planning Commission to initiate amendments to the code
- January 24, 2014 the Planning Commission initiated a study of Chapter 64
– Signs

Main issues

- Minor text amendments
- Amendments to accommodate signs proposed for the municipal ballpark in Lowertown
 - Allows signs similar to those presently permitted at Midway Stadium
- Roof signs
 - Proposed signs for the ballpark include rooftop signs, presently prohibited city wide
 - Existing rooftop signs in the Central Business District are legally non-conforming
- Transit stop signage
- Bicycle sharing facilities

Minor text amendments

- Correct typographical errors
- Correct citation errors
- Enhance language for clarity, clearing up interpretation issues encountered during enforcement

Lowertown ballpark

- The current Chapter 64 language does not accommodate signs as proposed for the new municipal ballpark in Lowertown
 - The chapter references Midway Stadium as well a “professional sports facilities” but does not provide for the ballpark regarding sports facility sponsorship signs and advertising signs
 - A roof top sign is proposed for the single-story ticketing building
 - Roof top signs are currently prohibited citywide
 - Some roof top signs are legally non-conforming in downtown
- Roof top signs are proposed to be accommodated in B4 Central Business and B5 Central business service districts through a conditional use permit
- Required standards and conditions outlined

Roof signs proposed amendments

Sec. 64.414. Roof signs.

No roof signs are permitted in any zoning district in the City.

- (a) Roof signs may be permitted only in the B4-B5 business districts, subject to a conditional use permit.
- (b) The Planning Commission shall consider the context of the building design, building location, and its surroundings in considering whether to approve or deny a conditional use permit, and may impose conditions and limitations pertaining to such things as sign height, width, location, orientation, illumination, and how it is attached to the building.
- (c) Roof signs shall face and be designed to be read by traffic on adjoining streets as designated in the comprehensive plan. A facility fronting on only one (1) street is permitted to have one (1) roof sign; a facility fronting on two (2) or more streets is permitted to have two (2) roof signs.
- (d) For roof signs consisting of lettering with no defined background and that allow visibility through the sign through the spaces, the roof sign area shall be defined as the smallest area encompassing all of the words, numerals, figures, designs, or trademarks, as well as any ornamental strip, border, or design around the edges of the sign, and shall be reduced by fifty (50) percent in calculating the permitted roof signage.
- (e) If the zoning administrator determines that the sign lighting affects neighboring properties, roof signs shall not be illuminated overnight, either from midnight or from one (1) hour after the end of any facility event, whichever is later, until 6:00 a.m.
- (f) Roof signs with dynamic display are prohibited.

Transit stop signage

- The Green Line Light Rail Transit (LRT) stations are proposed to have sign kiosks.
- Sign kiosks at LRT stations are not addressed in Chapter 64 - Signs, nor are they addressed in other sections of the city's legislative code.
- Bus stops are addressed, and those provisions are recommended to be amended in order to accommodate advertising on LRT and streetcar stop shelters, as well as bus stop shelters, by changing the word "bus" to "transit."

Bicycle sharing facilities (Nice Ride)

- Nice Ride facilities (kiosks) are supported through sponsorship signs on the non-map side of the kiosk.
- Because Nice Ride is a 501(c)3 non-profit organization, they must follow specific rules outlined by the IRS regarding sponsorship signs.
- The signs on the Nice Ride kiosks meet the definition of “advertising sign” in the Saint Paul Zoning Code, which prohibits advertising signs in all zoning districts.
- Proposed amendments would allow sponsorship signs on Nice Ride facilities, known as bicycle sharing facilities, in a similar manner to transit stop shelters in all zoning districts. Minnesota Statutes, Section 160.27 Subd. 7 authorizes the placement of bicycle racks with or without signage in the public right-of-way, subject to approval by the appropriate road authority.

Bicycle sharing amendment

Sec. 64.422. Bicycle sharing facility sponsorship signs.

Bicycle sharing facility sponsorship signs are permitted in all zoning districts subject to the following required standards:

- (a) One (1) sponsorship sign, no more than fifteen (15) square feet in area, is permitted per bicycle sharing facility. The sponsorship sign shall be an integral part of the bicycle sharing facility rack.
- (b) The sponsorship sign shall primarily provide identifying information for a sponsor such as name, address, telephone number, or logo; any product advertising shall be incidental and secondary to sponsor identification.
- (c) Signs shall not be illuminated.
- (d) Signs shall be maintained in good condition.
- (e) Signs within the public right of way are subject to, and must first have and maintain, a permit from the designated road authority.

Questions?

Jacob Reilly

Senior Planner

Planning and Economic Development

651-266-6618

jake.reilly@ci.stpaul.mn.us

Web site and notice: <http://www.stpaul.gov/index.aspx?nid=3441>

Jake

I read thru updated version and see the revisions to Appendix I have been eliminated.

But under section Sec 64.122 T

Proposed Language is

***Transit stop shelter.* Transit stop shelters are regulated under appendix I of the city's legislative code, and are not subject to the requirements of this chapter.**

Since Appendix I only deals with the CBS Outdoor Bus Shelter Franchise and not all transit stop shelters which potentially could include advertising (Met Transit Bus Shelters, BRT Stations/Shelters, LRT Stations/Shelters, future Streetcar Stations/Shelters), I would recommend the above proposed language be amended to:

***Transit stop station.* A transit stop station is a regular stopping place on a public transportation route with a covered structure providing protection against the weather for people waiting for transit. Transit stop stations ~~are regulated under appendix I of the city's legislative code,~~ and are not subject to the requirements of this chapter.**

By copy of this email, I request Peter Warner and Lisa Veith comment on this also.

Paul St. Martin P.E.
Assistant City Engineer
Traffic and Lighting Division
St. Paul Department of Public Works
800 City Hall Annex
25 West 4th Street
St. Paul, MN 55102
Telephone # 651-266-6118
Fax # 651-298-4559
paul.st.martin@ci.stpaul.mn.us

DEPARTMENT OF PARKS AND RECREATION
DESIGN AND CONSTRUCTION



CITY OF SAINT PAUL
Mayor Christopher B. Coleman

400 City Hall Annex
25 West 4th Street
Saint Paul, Minnesota 55102
www.stpaul.gov/parks

Telephone: 651-266-6400
Facsimile: 651-292-7405

June 26, 2014

Saint Paul Planning Commission
25 West Fourth Street, Suite 1400
Saint Paul, MN 55102

Dear Members of the Planning Commission,

We would like to express our support for the Chapter 64 text amendment changes accommodating signs at the new municipal ballpark in Lowertown. Specifically, we believe the effort to allow roof signs, Sec. 64.414, is very important.

A roof sign at the municipal ballpark, designed under the proposed code amendments, and integrated into the architecture, will become a great identifier for the ballpark and the neighborhood. In addition to becoming a recognizable landmark, it would reflect the historic character of the district as a contemporary interpretation of the signs once mounted above the nearby warehouses. Increasing Lowertown's identity and relating to its history are important goals defined in the October 2011 *Greater Lowertown Masterplan*. It is for these reasons that we support the effort to amend the Chapter 64 code.

Sincerely,

Michael Hahm, CPRP
Director, Saint Paul Department of Parks and Recreation
25 W. 4th Street, Suite 400
Saint Paul, MN 55102

cc: Jody Martinez, Saint Paul Parks and Recreation
Chris Stark, Saint Paul Parks and Recreation
Jake Reilly, Saint Paul Planning and Economic Development



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National Gold Medal Award



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, July 8, 2014
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
9:00	Bad Weather Brewing 414 West 7 th Street Reconfigure existing parking lot for new brewery/brew pub (brewery will use existing building)

Applicants should plan to attend this meeting.

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

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

Parking

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

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

FOR THE FULL ZONING COMMITTEE AGENDA SECTION

of this packet go to the link below:

<http://stpaul.gov/index.aspx?NID=3436>

Thank you

Sonja Butler

Planning Commission Secretary/Office Assistant IV

1400 City Hall Annex

25 Fourth Street West

Saint Paul, MN 55102

651-266-6573



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: July 2, 2014
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of July 1, 2014, Zoning Committee Hearing

NEW BUSINESS

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
1.	Saint Paul Domestic Abuse Intervention Project (14-293-465) Conditional use permit for reuse of a nonresidential structure for an office, with modification of consent petition condition	Approval with a condition	Approval with a condition (6 - 0)
	Address: 390-394 Dayton Ave between Western and Arundel		
	District Comment: Recommended approval		
	Support: 2 people spoke, 18 letters		
	Opposition: 1 person spoke , 3 letters		
	Hearing: Closed		
	Motion: Approval with a condition		

city of saint paul
planning commission resolution
file number
date

WHEREAS, St Paul Domestic Abuse Intervention Project, File # 14-293-465, has applied for a conditional use permit for reuse of a nonresidential structure for an office with modification of consent petition condition under the provisions of §65.132; §61.501, and §61.502 of the Saint Paul Legislative Code, on property located at 390 - 394 Dayton Ave, Parcel Identification Number (PIN) 012823210025 and 012823210026, legally described as Kerns Addition to St Paul Ex S 22 Ft Lot 3 and 4 Blk 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on July 1, 2014, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. §65.132 lists five standards and conditions that must be met for reuse of a nonresidential structure in a residential zoning district.
 - a. *The structure cannot be reasonably used for a conforming use.* This condition is met. In 1995, the College of Visual Arts completely remodeled a two-story apartment building into a school building for its campus that included offices, art studio space, and a school library facility. The formal entrance for the building was shifted from the front of the building (facing Dayton Street) to the alley side of the building; the building now fronts onto the parking lot. Without a complete renovation of the building back into residential units or a permitted institutional user found, this building cannot reasonably be used for a conforming use.
 - b. *The proposed use and plans are consistent with the comprehensive plan.* This condition is met. See Finding 2(a).
 - c. *The proposed use and structural alterations or additions are compatible with the surrounding neighborhood and land uses.* This condition is met. The applicant is not proposing an addition to the building or any structural changes that would impact the surrounding neighborhood or land uses.

moved by _____

seconded by _____

in favor _____

against _____

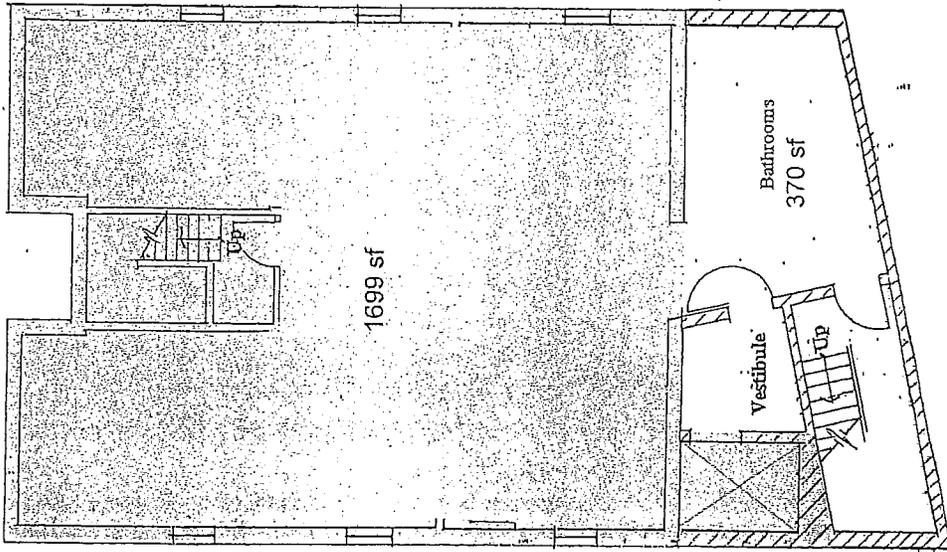
The applicant has requested modification of the special condition in §65.132(e), which requires the applicant to provide a notarized petition signed by two-thirds of the property owners within 100 feet of the property proposed for reuse. The circumstances of this application meet the criteria in §61.502 criteria to modify the special condition in §65.132(e) for a petition. Under the circumstances of this application, eliminating the petition as requested by the applicant is reasonable. Strict application of the petition requirement unreasonably limits and prevents an otherwise lawful use of the structure. In 1995, the building's use changed from an eight-unit apartment building to a building used for an institutional purpose, The College of Visual Arts. When the College acquired the building, it proceeded to convert its interior from residential use space into art studio spaces, offices, and other college-related uses. The College also reversed the building's main entryway from Dayton to the rear (alley side) of the building. These renovations essentially eliminated the building's interior spaces for residential purposes by converting the building's functional use to institutional purposes. As it stands today, without a complete renovation of the building's interior back to residential units, or finding a permitted institutional use, the building cannot be lawfully used for a conforming residential use.

An underlying purpose of §65.132 is to facilitate reuse of permitted nonresidential structures such as churches and schools in residential zoning districts, recognizing that there can be difficulty in finding occupants for reuse of such buildings. The use proposed by the applicant meets all of the conditions required for the conditional use permit except the special condition in §65.132(e) for a petition. Compliance with the petition requirement would result in undue hardship for the owner of this structure. In order to meet the petition's "2/3's" requirement, the applicant must obtain signatures from the owners of fourteen of the twenty properties located within a 100-foot radius of the subject property. Two of these fourteen properties were undergoing ownership changes during the time period signatures were sought by the applicant. Another nine of the fourteen properties are owned by two individuals. Initially the applicant had asked the two property owners who control these nine properties to sign a petition supporting a rezoning application. These owners declined to sign the rezoning petition and the applicant represents that both property owners continue to refuse to sign the reuse petition. Without signatures from these two property owners, whether to rezone or reuse this large building given its current RM2 zoning classification, the building can only be used for residential uses or other institutional uses.

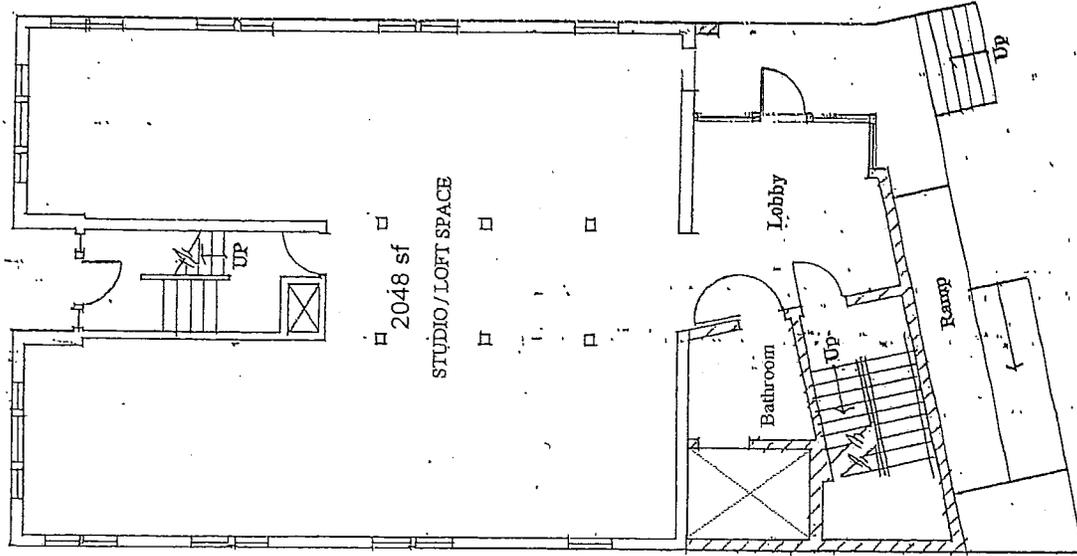
Modification of the petition requirement under the facts in this application will not impair the intent and purpose of the petition requirement. The proposed use of the building is very similar in character to the previous use and, in all likelihood, will be less intense in character than the previous use. The underlying purpose of the petition requirement is to provide notice to adjacent property owners of a proposed reuse. Given that the subject structure had been put to a use other than as a residential since 1995 and that the proposed new use is not substantially different from the previous reuse, strict adherence to the petition requirement in this case will not undermine the enjoyment of adjacent properties as they appear to have coexisted with full knowledge of the nonresidential property for nearly twenty years.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of St Paul Domestic Abuse Intervention Project for a conditional use permit for reuse of a nonresidential structure for an office with modification of consent petition condition at 390 - 394 Dayton Avenue is hereby approved with the following condition.

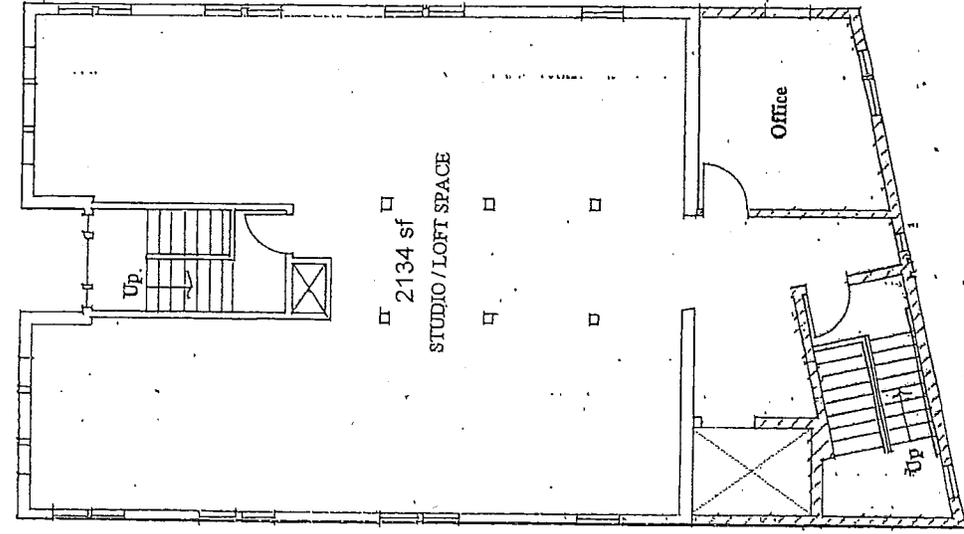
1. Four secure bicycle spots shall be provided and maintained.



A Basement Plan
Scale 1" = 12.43 ft



B First Floor Plan
Scale 1" = 12.43 ft



C Second Floor Plan
Scale 1" = 12.43 ft

4,552 GSF TOTAL

394 Dayton Avenue Rehab Project

VISUAL ARTS



ROSE KRUMER-KOSOWSKI
DESIGN

2201 French Ave SE, Minneapolis



From: Shelley J. Cline [mailto:sjc@stpaulintervention.org]
Sent: Saturday, June 28, 2014 2:29 PM
To: Brian Alton
Subject: FW: regarding building square footage

Hi Brian,

Eric (the civil engineer) and I found signed floor plans for 394 Dayton. Very similar to the set he had been referring to, but more accurate. When Eric was measuring (as per code) he was calculating by exterior walls minus unfinished space in the basement. What he had not realized, until seeing the newer/signed floor plans, is that the Southeast corner of the basement was excavated only to get the foundation for the building's main entrance (from parking lot) buried below the frost line. The space in the corrected floor plans shows the basement space that we thought to be part of the finished space (that is actually filled with dirt) in white.

So upon him re-reviewing everything, the above measurements are the most accurate as per the buildings actual GFA.

I trust you will share this with Jamie.

Shelley

From: Wharton, Eric [mailto:ewharton@BloomingtonMN.gov]
Sent: Friday, June 27, 2014 6:02 PM
To: Shelley J. Cline
Subject: RE: estimate justifying new purchase price

Rechecked floor areas with new cad drawing of the building construction that you gave me last night.
Final Gross Floor Area 4552-OK.

FLOOR AREA DETERMINATION FOR 394 DAYTON AVE. IN ST. PAUL

For the purposes of determining the required parking spaces for the proposed use, the gross square footage was computed based on the outside dimensions of the building, excluding unfinished basement spaces as shown on the accompanying sketch plan. The building being evaluated consists of a rectangular building with 2 stories and an unfinished basement together with a trapezoidal addition that was constructed at the south end in 1997. The dimensions of the original building were determined from a topographic survey performed by Rehder and Associates Land Surveyors dated December 3, 1996 and scaled architectural construction plans prepared by Roark, Kramer Kosowski Architects dated March 5, 1997. Dimensions of the additional gross floor area contributed by the 1997 addition were computed based on the dimensions shown on those construction plans. Field measurement of the interior basement dimensions was in accordance with the above-referenced documents.

Eric Wharton, P.E. (Minnesota)

MARK VOERDING
113 FARRINGTON STREET
SAINT PAUL, MN 55102

July 1, 2014

Members of the Zoning Committee:

I have reviewed the proposal submitted by the College of Visual Arts on behalf of Saint Paul Domestic Abuse Intervention Project and the related staff report. In doing so, I am opposed to the proposal for the following reasons:

- 1) It is my understanding that the parking at the site is not accurately reflected because of an un-resolved easement making the current 10 vehicle lot inaccessible;
- 2) **The staff statement that the proposal is a hardship is not an accurate statement.** The owners have submitted no evidence and have not demonstrated that the property cannot be put to use that complies with the zoning code. This area has a long history of rehabilitation and appropriate re-use of existing structures, maintaining and increasing property values, maintaining higher rents - rents that are more than sufficient to support upgrades and improvements – and there is a need for more residential property in the city and east metro area. Plus, because of its location and access to bus and LRT transit, it is within the corridor in which the city's policies recommend more housing, not less.
- 3) This is an RM-2 district which states *"The RM2 medium-density multiple-family residential district is intended to provide for more extensive areas of multiple-family residential development and a variety of congregate living arrangements, as well as uses that serve the needs of the multiple-family residential districts. It is intended to provide for comprehensive development of multiple-family uses and a balance of population concentration near major thoroughfares, transit, and related facilities."* **Office structures or other commercial uses are not permitted uses in an RM-2 zone.**
- 4) **The statement that the petition "is not practical" is simply a ruse to circumvent the petition process.** The zoning code and other city ordinances that require petitions make no distinction between the owner of a single property owner and one who owns several properties. Each distinct property requires approval of a set percentage of property owners whether a single owner or multiple owner. Every property within the required area gets a voice. Owners of condominiums each get a voice, not one unit on behalf of all. That is a long-held practice in the city. The true purpose of the variance is to assure that the process moves forward when owners cannot be identified, are too distant or there are simply too many to reasonably contact. That is not the case and would not likely stand a legal challenge.

- 5) **The staff statements that the use “is consistent with the health, morals and general welfare of the community” and that it “is consistent with the reasonable enjoyment of adjacent property” are made without basis and without supporting documentation.** In fact, the opposite may be true. The use of the building for meetings raises the demand for parking which in an area that already has demand from visitors to many high-volume business including the 5 bars and restaurants within less than 500 feet, none of which could comply with off-street parking requirements.
- 6) The District 8 Land Use Committee vote to support the proposal is questionable because the community was never notified of the meeting in which the decision was made nor was that meeting posted on the District 8 webpage;
- 7) The adopted zoning code makes clear that one of the intents of the ordinance is “To provide for the adaptive reuse of nonconforming buildings and structures and for the elimination of nonconforming uses of land”. This building began it’s life as a residential structure and, under the code, should be returned to a conforming use;

Finally, once again a permitted institutional use in this neighborhood that ceases to exist would permit the conversion of a building to a use that is not be permitted and is not compatible with the area. The proposal, and sadly the staff report, throws the whole purpose of allowing institutional uses in residential zones into question when it is also used as a convenience to sell a property. It also suggests that the city lacks the ability to enforce its own adopted code.

While the Domestic Abuse Project is one very worthy of this community’s support, this decision is about use, not about the ownership. I believe the committee and the Planning Commission need to make their decision on what the law requires and permits, not who is making the request.

Respectfully,

Mark Voerding

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN. 55102

Dear Ms. Radel:

Let's be real, how can there be a concern with parking issues when there are lives at stake? When did an ordinance become more important than the wellbeing of women and children caught up in an abusive relationship?

If there has EVER been a just-cause for change, this is it. It's time we set regulations aside and focus on an issue that has nearly reached epidemic levels.

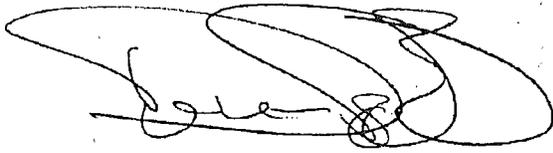
As a neighborhood business owner, I write this letter in support of St Paul Abuse Intervention's request for a conditional use permit for the building located at 394 Dayton Ave.

It is my opinion that they would be a wonderful addition to the neighborhood. Their reputation is stellar, in support of that claim, all one would have to do is speak to Chief Tom Smith, or assistant Chief Bill Martinez of the wonderful St. Paul Police Department. If you do so, I am sure that you would hear that: St Paul Abuse Intervention is their go-to resource that is counted on 24/7 to provide support to those women and children in abusive situations, without them, there is nearly nowhere to turn.

Let's truly be a "saintly city" and govern from the heart, rather than the record books and take one huge step toward dealing with domestic abuse of women and children.

To those on the planning commission, I urge you to do the right thing, support St Paul Abuse Intervention's request for the conditional use permit. With that support, hearts will be mended, lives will be saved and our community will be richer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Foote', with a large, stylized flourish at the end.

Dan Foote
Owner, Foote Marketing
165 Western Ave N.
St Paul, MN. 55101
651-659-9648
651-274-5125

Langer, Samantha (CI-StPaul)

From: Jonathan Bucki <jonathan@dendros.com>
Sent: Monday, June 30, 2014 12:33 PM
To: Radel, Jamie (CI-StPaul)
Subject: Re: Support of St. Paul Intervention Project

Follow Up Flag: Follow up
Flag Status: Flagged

Typo: Dayton Avenue not Western. Corrected below.

My apologies,

JSB

On Jun 30, 2014, at 12:10 PM, Jonathan Bucki <jonathan@dendros.com> wrote:

June 27, 2014

Dear Ms. Radel and Members of the Zoning Committee,

On June 5, 2014, I sponsored a letter to the zoning committee, which was signed by many of our good neighbors, describing what great neighbors the St. Paul Intervention Project has been these many, many years. As I will not be able to attend the hearing, I would like to share the following with the committee.

With all respect, I would like to point out discrepancies in Joe Knapp's letter arguing against a conditional use permit for St. Paul Intervention Project on Dayton Avenue. Please review maps of the areas in question and notice the similarities of the neighborhoods: both a mix of residential and commercial. I do not understand how having SPIP would negatively impact businesses or residential areas.

Contrary to Mr. Knapp's characterization, The St. Paul Intervention Project current office is integrated into our residential neighborhood, adjacent to twenty-six homes on Iglehart Avenue. These residences house young families, grandparents, families with older children, and couples. We see the staff from the St. Paul Intervention Project on a daily bases; for the alley is the main-entrance to their offices, and the back yards and garages of our homes. It is customary, when living in the city, to not only have regular contact with your neighbors to the left and right of you, but as frequently, with those with whom you share the alley. In fact, my children, as well as other children from the neighborhood, frequently play on the ramp and parking lot of the St. Paul Intervention Project, and are always welcomed and treated kindly.

We have lived in our current home for over a decade and cannot recall one disruptive event with St. Paul Intervention Project or its clients. They are the best of neighbors and lend stability to a neighborhood.

Sincerely,

Jonathan Bucki

1506 Iglehart Avenue, St. Paul, MN. 55104

-Jonathan

Jonathan Bucki

Mobile 651-428-1191
Office 651-298-1343

The Dendros Group, LLC
413 Wacouta St. Suite 400
St. Paul, Minnesota 55101

www.dendros.com

Helping and Inspiring People Who Want to Do Good Work Well

Please consider the environment before printing this email

-Jonathan

Jonathan Bucki

Mobile 651-428-1191
Office 651-298-1343

The Dendros Group, LLC
413 Wacouta St. Suite 400
St. Paul, Minnesota 55101

www.dendros.com



Bonnie's Neighborhood Bread Business

534 Selby Avenue • Saint Paul, MN 55102

Phone: 651-221-1057 • Fax: 651-290-2391

e-mail: bjbread@comcast.net

June 27, 2014

Ms. Jamie Radel
Department of Planning and Economic Development
City of Saint Paul
1400 City Hall Annex
25 West 4th Street
Saint Paul, MN 55102

Dear Ms. Radel:

I am writing in support of the Saint Paul Intervention Project. Their work for over 25 years has supported the well-being of women and children in Saint Paul and Ramsey County who are threatened by abusive relationships.

As a small business owner in the neighborhood, I believe their purchase of the building at 394 Dayton Avenue will be an asset to our neighborhood and continue to grow our community as a place of peace and friendship.

Best regards,

A handwritten signature in cursive script that reads "Bonnie Alton".

Bonnie Alton

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN. 55102

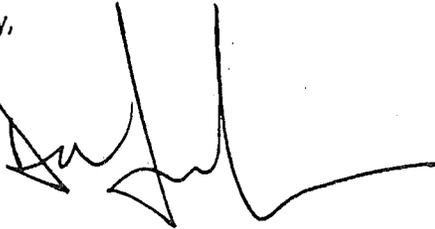
Dear Ms. Radel:

As the owner of QUINLAN BIKE SHOP in the Summit University/Cathedral Hill community and am a strong promoter for the well-being of our neighborhood. I am writing this letter to express my support of the St. Paul Intervention Project purchasing and moving into the office building at 394 Dayton Avenue.

I deeply appreciate the good work they have done for our city over the past three decades and think the building on Dayton Avenue will be a perfect place for their office.

I sincerely hope they will be joining our neighborhood, for they would be a wonderful addition to our vibrant and close-knit community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel J. Jacobsen', with a long horizontal flourish extending to the right.

DANIEL J. JACOBSEN

June 30, 2014

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN 55102

Dear Ms. Radel:

As a long-time community agency in the Summit University neighborhood and strong advocate for our neighborhood's well-being and positive growth, I am writing this letter to express my support of the St. Paul Intervention Project (SPIP) purchasing and moving into the office building at 394 Dayton Avenue.

Having worked with SPIIP for years, I appreciate their important role in our community, and understand how the building on Dayton Avenue will be used as office space for their agency.

As the CEO of the YWCA St. Paul, located at 375 Selby Ave, St. Paul, MN, I welcome them to our Summit University neighborhood. They will be good neighbors and greatly add to our vibrant community.

Sincerely,

William L. Collins, Jr.
Chief Executive Officer

Jamie Radel

City of St. Paul

Department of Planning and Economic Development

6/26/14

Dear Ms. Radel,

I built Fabulous Fern's at 400 Selby Avenue over twenty three years ago and have spent countless hours working with neighbors and fellow business people, to give Selby Avenue a fresh start. It worked for us and the Cathedral Hill Neighborhood. We enjoy a wonderful quality of life and a residential base that would provide a positive role model for anyone involved in the Saint Paul Intervention Project.

For the last twenty three years I have learned that Saint Paul street cops are at least a full step ahead of the social curve. I have talked to a number of real world male and female Police Officers, they are behind the St. Paul Intervention Project 100%.

The building at 394 Dayton needs a stable activity for the space, I personally lived in a rental apartment four doors from #394 for seven years, I know the St. Paul Intervention Project would have a positive impact on the neighborhood, and the neighborhood would be supportive of the Intervention Project, and the City of St. Paul as a whole.

I support the development of the Saint Paul Intervention Project offices at 394 Dayton Avenue and I look forward to supporting their efforts in our neighborhood.

Sincerely yours,

Charles Senkler

Fabulous Fern's Bar and Grill

400 Selby Avenue

Saint Paul, MN 55102

5300 GLENWOOD AVENUE
MINNEAPOLIS, MN 55422-5192

TEL | 763.231.7201



393 MARSHALL AVENUE
SAINT PAUL, MN 55102-1795

FAX | 763.231.7202

NORTHERN STAR COUNCIL
BOY SCOUTS OF AMERICA

www.northernstarbsa.org

June 26, 2014

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN. 55102

Dear Jamie:

I am writing on behalf of the Northern Star Council Boy Scouts of America to show our support for the St. Paul Intervention Project (SPIP) which is planning to purchase and move into a building at 394 Dayton Avenue.

Our office is located at 393 Marshall Avenue and as a prospective neighbor as well as an organization concerned about the welfare of children and their families, we believe this would be an excellent addition to our local community. We support a conditional use permit for SPIP and encourage the St. Paul Zoning Committee to grant their request at your upcoming meeting.

If you have questions, please contact Kent York, Communications Director at 651-254-9142 or kyork@northernstarbsa.org.

Sincerely,

John Andrews
Scout Executive/CEO



Prepared. For Life.™

Radel, Jamie (CI-StPaul)

From: Brian Alton <brian@mcclay-alton.com>
Sent: Friday, June 27, 2014 11:49 AM
To: Radel, Jamie (CI-StPaul)
Subject: FW: 394 Dayton Avenue

Attached is an additional letter of support. Please include with the public record. Thank you.

Brian D. Alton
M^cCLAY·ALTON, P.L.L.P.
brian@mcclay-alton.com

----- Forwarded message -----

From: Carl Nelson <carlnelson37@gmail.com>
Date: Thu, Jun 26, 2014 at 2:17 PM
Subject: 394 Dayton Avenue
To: jaiieradel@ci.stpaul.mn.us

This is to inform you that I support the use of 394 Dayton Avenue as offices for the St. Paul Domestic Abuse Intervention Project.

I live at 222 Virginia Street, two and a half blocks from 394 Dayton.

I believe an office building is an appropriate reuse of the building previously used by the College of Visual Arts for offices and a library.

I also believe assisting the St. Paul Domestic Abuse Intervention Project is for the public good.

Carl E. Nelson, Jr.
222 Virginia Street
[651-290-0833](tel:651-290-0833)
carlnelson37@gmail.com

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 W 4th Street
St. Paul, MN 55102

Dear Ms. Radel:

I am writing this letter in support of the St. Paul Intervention Project's proposal to purchase and occupy 394 Dayton Avenue for their office space. I have been a resident of the Cathedral Hill neighborhood for 8 years, and I believe the agency and its employees will be an asset to the neighborhood.

The St. Paul Intervention Project provides an important community service and we would be lucky to have their offices in our neighborhood. If you have questions, please feel free to contact me.

Sincerely,

Sarah Shefelbine
370 Marshall Ave Apt 501
St Paul, MN 55102

Radel, Jamie (CI-StPaul)

From: steven kluz <stevenkluz@gmail.com>
Sent: Thursday, June 19, 2014 3:12 PM
To: Radel, Jamie (CI-StPaul)
Subject: Conditional Use Permit/390-394 Dayton Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Radel: My wife and I have lived at The Aberdeen Condominium, 370 Marshall Avenue, St. Paul, since it opened in 2005. The Aberdeen is located approximately 200 feet from 390-394 Dayton Avenue. I have in the past served as President of the Homeowners' Association at the Aberdeen, and I am presently on its Board of Directors. (This letter is written in my own capacity, however.)

I have received notice of the Conditional Use Permit Application submitted by St. Paul Domestic Abuse Intervention Project ("SPI"). In response, I have taken it upon myself to review the Application submitted by counsel for SPI, and I have spoken to Rebecca McLane, Program Manager for SPI, to determine the likely impact relocation of SPI to my neighborhood would have.

Based upon my review, I am well satisfied that the proposed relocation will have no appreciable negative impact on the neighborhood. Instead, it appears that this relocation will provide a positive contribution to the neighborhood, and to the City of St. Paul as a whole. One need only pick up the newspaper to appreciate that domestic violence is a scourge that needs to be dealt with. I am satisfied that SPI, in fulfillment of its educational and counseling role, will make a positive contribution to abatement of domestic violence and, in so doing, will not be disruptive to the neighborhood.

In short, I believe that SPI will be a good neighbor and that they should be welcomed with open arms. Accordingly, I stand in support of approval of SPI's application for a Conditional Use Permit.

Very truly yours,

Steven J. Kluz
370 Marshall Avenue/#209
St. Paul, MN 55102

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN. 55102

Dear Ms. Radel:

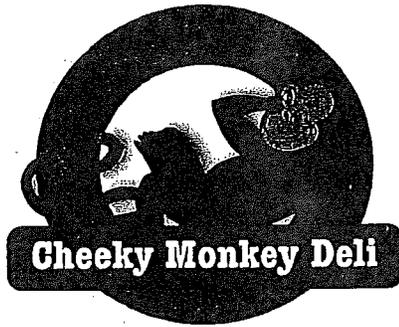
As a business owner in the Summit University/Cathedral Hill neighborhood and strong promoter for our neighborhood's well-being and success, I am writing this letter to express my support of the St. Paul Intervention Project purchasing and moving into the office building at 394 Dayton Avenue. I appreciate their role in ensuring the well-being and safety of our community, and understand how the building on Dayton Avenue will be used as office space for their agency.

As the owner of The Design Company, on 173 Western Avenue North, I welcome them to our Summit University/Cathedral Hill neighborhood, and feel they will be great neighbors and greatly add to the friendly atmosphere of our close community.

Sincerely,

A handwritten signature in black ink, appearing to read "Joy Yoshikawa". The signature is fluid and cursive, with a prominent initial "J" and a long, sweeping underline.

Joy Yoshikawa



June 27, 2014

Jamie Radel
City of St. Paul
Department of Planning and Economic Development
1400 City Hall Annex
25 West 4th Street
St. Paul, MN. 55102

Dear Ms. Radel:

As the owner of the building at 517-525 Selby, and the co-owner of the Cheeky Monkey, in the Summit University/Cathedral Hill community, I am a strong promoter of our neighborhood. I am writing this letter to express my support of the St. Paul Intervention Project purchasing and moving into the office building at 394 Dayton Avenue.

I deeply appreciate the good work they have done for St. Paul over the past three decades and think the building on Dayton Avenue will be a perfect place for their office.

I sincerely hope they will be joining our neighborhood, for they would be a wonderful addition to our vibrant and close-knit community.

Sincerely,

Robert P. Hafdahl
President
Cheeky Monkey Deli, LLC'
517 Selby, LLC

BETTY McCOLLUM
4TH DISTRICT, MINNESOTA

1714 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6631
FAX: (202) 225-1968

165 WESTERN AVENUE NORTH
SUITE 17
ST. PAUL, MN 55102
(651) 224-9191
FAX: (651) 224-3056

www.house.gov/mccollum



UNITED STATES
HOUSE OF REPRESENTATIVES

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON DEFENSE
SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT, AND RELATED AGENCIES

SENIOR DEMOCRATIC WHIP

CONGRESSIONAL
GLOBAL HEALTH CAUCUS,
CO-FOUNDER

CONGRESSIONAL
NATIVE AMERICAN CAUCUS,
CO-CHAIR

June 27, 2014

The Honorable Kathy Lantry
Council President
City of St. Paul
15 Kellogg Boulevard W
Saint Paul, MN 55102-1615

Dear Kathy:

I have been contacted by a constituent, Ms. Shelley J. Cline, Executive Director of The St. Paul Domestic Abuse Intervention Project regarding their attempt to purchase a building located on 394 Dayton Avenue for their new home. Since its inception in 1984, The St. Paul Domestic Abuse Intervention Project has provided support services and advocacy on domestic violence prevention programs.

I understand that the City of Saint Paul, in particular the St. Paul Police Department and Ramsey County District Attorney Office have worked with The St. Paul Domestic Abuse Intervention Project over the years on domestic violence prevention efforts.

As a Member of Congress, I have supported the City of St. Paul, the St. Paul Police Department and Ramsey County in working with The St. Paul Domestic Abuse Intervention Project over the years on domestic violence prevention programs.

Thank you for your consideration of The St. Paul Intervention Project's plan to relocate their office building.

Sincerely,


Betty McCollum
Member of Congress

cc: The Honorable Dai Thao, City Councilmember Ward1
Ms. Kit Hadley, Interim Director of PED
Ms. Donna Drummond, Director of Planning and Zoning