

**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 2<sup>nd</sup> 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 6<sup>th</sup> 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 Wencl 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 Wencil 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, Wencil) 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 21<sup>st</sup> 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 7<sup>th</sup>/Shepard Road and a presentation about the Snelling Avenue arterial BRT line from Metro Transit. At the upcoming meeting on May 19<sup>th</sup> 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 6<sup>th</sup>. 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 20<sup>th</sup>, 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 Wencil 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

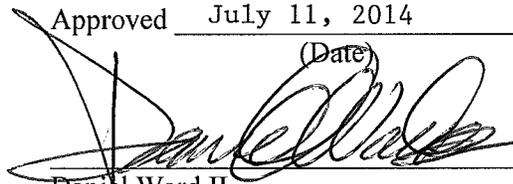
Respectfully submitted,



Donna Drummond  
Planning Director

Approved July 11, 2014

(Date)



Daniel Ward II  
Secretary of the Planning Commission