

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

**Minutes October 17, 2014**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 17, 2014, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. McMahon, Merrigan, Reveal, Shively, Thao, Underwood, Wang, Wencil; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Oliver, and Ward.

**Commissioners Absent:** Mmes. \*DeJoy, \*Noecker, \*Padilla, and Mr. \*Wickiser.

\*Excused

**Also Present:** Donna Drummond, Planning Director; Merritt Clapp-Smith, Michelle Beaulieu, Jake Reilly, Allan Torstenson, Josh Williams, Lucy Thompson, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes September 19, 2014.**

***MOTION:*** *Commissioner Reveal moved approval of the minutes of September 19, 2014. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

**II. Chair's Announcements**

Chair Wencil had no announcements.

**III. Planning Director's Announcements**

Donna Drummond announced that the City Council heard two appeals of Planning Commission decisions last Wednesday. The Planning Commission's approval of the conditional use permit for the boutique hotel at 344 Summit was upheld on a 5-2 vote. The appeal on the auto repair and sales at 1176 Dale was laid over until November 5<sup>th</sup>.

The Knight Foundation has announced the winners of its Green Line Challenge grant awards, which are funding a variety of activities along the corridor. The foundation's new competition is an ideas competition for all the Knight Foundation cities to develop ideas for making cities more successful, attracting talent and creating opportunity in civic engagement. This is open to anyone to submit an idea and it is a fairly easy application process. Michelle Beaulieu is coordinating ideas from the City; contact her @ [michelle.beaulieu@ci.stpaul.mn.us](mailto:michelle.beaulieu@ci.stpaul.mn.us) or [knightscities.org](http://knightscities.org). Finally, there is a Saint Paul Healthy Transportation for All convening that has been organized by the district councils on Saturday, October 25<sup>th</sup> from 8:30 a.m. to 4:00 p.m. in the Carpenters Hall Union. This is an opportunity for anyone who lives or works in Saint Paul to communicate, and collaborate with other change makers across the city on how to create a better more equitable

transportation system.

**IV. PUBLIC HEARING: Shepard Davern Plan & District 15 Plan Amendment – Item from the Neighborhood Planning Committee. (Michelle Beaulieu, 651/266-6620)**

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Shepard Davern Plan & District 15 Plan Amendment. Notice of the public hearing was published in the Pioneer Press on September 29, 2014, October 6, 2014 and October 13, 2014, was published in the Legal Ledger on October 6, 2014, and was sent to the citywide Early Notification System list and other interested parties.

Michelle Beaulieu, PED staff, gave a power point presentation which can be seen on the web page at: <http://stpaul.gov/index.aspx?NID=3430>

Commissioner Connolly asked what was meant by the strategy “supporting a better mix of housing,” is there too much of one kind of housing or trying to avoid too much of one kind, what does that mean?

Ms. Beaulieu said that there is a lot of higher density housing in the area, a lot of rental higher density housing and a lot of rental housing in general. It was the desire of the task force to be able to maintain some diversity of housing which includes the single family homes that are owner occupied. As new development begins in the area, and there is a lot of activity happening, the group wants developers to keep that in mind and think about having different size units, and think about different tenancies.

Commissioner Lindeke said being that the neighborhood is very diverse, what kinds of efforts were made to reach out to people who don't speak English as a first language?

Ms. Beaulieu said that they did a mailing to everyone in the neighborhood advertising the task force and the neighborhood meetings. They did translate some documents into Spanish at the beginning of the plan as requested by community members and they tried to make sure that the representatives on the task force were able to represent the needs of the different neighbors.

Commissioner Ward said in the beginning it was mentioned that one of the big concerns was crime, what type of crime is occurring in this area and is there a frequency occurring here that is not in other neighborhoods in the city.

Ms. Beaulieu replied that she does not have the crime stats for this particular neighborhood as compared to other parts of the city, but what was heard from task force members and other members of the community is that the perception of crime is pervasive throughout the community that prevents people from walking around the community. There were reports of property crime, graffiti, vandalism and general loitering, so those are the reports that they heard and what they kept in mind as they did this.

Ms. Beaulieu thanked the co-chairs Gaius Nelson and Greg Campbell in the audience and thanked all of the task force members for going through this process and working hard on this plan.

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

The following people spoke.

1. Greg Campbell, a Highland Park resident who lives within one mile of this zoning area being looked at. The District Council asked him to co-chair the Shepard Davern Task Force to review that neighborhood for purposes of livability, sustainability and looking at housing stock and businesses. The task force had met at least once a month, and the public did come to many of the meetings and a couple of the open houses as well. This neighborhood has a high density of senior citizens and people that are not necessarily people who drive cars all the time. What was heard from senior citizens was that they want clean safe streets and available shopping and merchandising in the area. The seniors were also concerned about being able to cross W. 7<sup>th</sup> Street and Shepard Road, lots of concern about bike paths, and walking trails along W. 7<sup>th</sup> from Shepard up to the river drive. There were concerns of the speed of traffic on Shepard Road and the speed on W. 7<sup>th</sup> Street. And what they are really looking for is the sustainability and livability of this community. This task force worked really hard on this, there were a lot of viewpoints they put in a lot of time and effort in this and he supports this 100%.

Commissioner Ward said that Mr. Campbell kept using the work sustainability and that means different things to many people, so can he define sustainability and his definition of how he's using it applied to this particular study?

Mr. Campbell replied that he would look at sustainability as a situation where it comes from the neighbors. The neighbors in the neighborhood built this community going forward; they sustain themselves by bringing in good quality businesses, and landlords. Sustainability is that they as a community can work together to move forward. The City of Saint Paul is not going to do everything for them but they want the abilities to put some things in place that they have some control through their Highland District Council to make this neighborhood a very clean, safe and viable neighborhood that's what they are looking for.

Commissioner Connolly said that in the context of the ground work that was looked at for how the neighborhood is now and how to sustain it was there any demographic projections for the next 10, 15, 20 years and if so do those projections suggest that the recommendations are going to be relevant for the next generation.

Mr. Campbell said that the area we're looking at if you think of the neighborhood, it is coming down from the bluffs with kind of the river flats there, actually Paster Enterprises did a lot of demographics for them business wise. And the amount of people that live in this area really do not sustain a lot of high volume businesses; there's just not enough people there because people shop in the village and other areas. So what they are looking for in this plan and how does this work with our demographics they do know that even with this plan that they have to attract people from other parts of Saint Paul. That is why it is very important to have a neighborhood that's clean and safe with good businesses.

2. Bill Rosenbloom a task force member and on the Highland District Council's Community Development Committee and a resident in the neighborhood. He said that Ramsey County currently has a task force looking at ways to connect downtown Saint Paul with the Mall of America and the airport.

They were told not to look at the railroad tracks in the alternative use for the tracks and the property because this Ramsey County task force would be considering using those tracks for the use as a light rail connection. His concern is that those tracks are very close to many residential and commercial properties, some of the neighbors' backyards are just 50 feet from that railroad property and yet there is no one on that task force from this neighborhood or representing this neighborhood. So he is asking the Planning Commission to add language to the Shepard Davern Plan that specifically asks that any task force setting the alternative uses for those tracks and the railroad land would include voting members from property owners whose property abuts or is close to those tracks that those individuals have representation. Mr. Rosenbloom also requested that language be added to the plan designating McDonough Park which is a 7 acre park along the north side of Saint Paul Avenue from Davern to Lexington then along West 7<sup>th</sup> Street it is mentioned in the plan under Parks and Strategies, Strategy Summary, PR7 and he asked that this be raised as a high priority as an alternative park. At the current time it is classified as a preserve and the Parks Department spends virtually no money for maintenance which has resulted in it becoming a place where trash and debris collects and it is never cleaned up. Being designated as a high priority would help with CIB requests in addition it would help clean up the West 7<sup>th</sup> Gateway to Saint Paul that runs along West 7<sup>th</sup> Street. Think of how proud they would be with a gateway that actually looks like a gateway to Saint Paul. He asked that these changes be made to the Shepard Davern Plan. A letter was also received from Mr. Rosenbloom.

3. Tia Anderson, President of the Highland District Council (HDC), said the HDC requested the Saint Paul Planning Commission initiate a review and update of the Shepard Davern Small Area Plan. The HDC worked with Saint Paul Planning and Economic Development to establish a Shepard Davern Task Force. Since 2013 the task force reviewed transportation, housing, parks and recreation, and land uses goals for the area in order to develop a modern, relevant vision for the neighborhood. The HDC received regular updates on the task force's work and had opportunities to review draft plan recommendations. The HDC supports improvements to the Shepard Davern area as a Gateway to the City of Saint Paul. The HDC recommends adoption of the proposed Shepard Davern Area updates to the District 15 Highland Park Neighborhood Plan and Plan Summary. The Highland District Council thanks Michelle Beaulieu and PED staff, the Shepard Davern Task Force and Planning Commission for their thoughtful work on the Shepard Davern Plan and commitment to bettering the neighborhood. A letter was received from the Highland District Council as well.
3. Peter Coyle, a land use lawyer on behalf of Enterprise Holdings. Enterprise Holdings is a very large land owner, with property along Shepard Road through an affiliated company that's owned the property since 1999. They manage three car rental brands and they all operate out of the adjacent Saint Paul International Airport and some years ago the airport adopted a policy that required the private car rental companies to move off site. And this was one of the available sites that were most proximate to the airport, and the reality is that Enterprise is a business that needs to operate where it is operating, it does not have any viable options for its business. It is essential to the airport operation, its essential to air traffic that comes through the airport; this is a low impact business within the city in the sense of its demands on public service. And while they are already in a category that limits their ability to grow and expand their business, one of the short comings of the study is the lack of discussion about how to treat the existing businesses that have made substantial investment in their properties. They need to be there for the long term and in this instance most likely will be there for the long term so he encourages that there be policy language included for how the

City will deal with those companies as they continue to run their business and in the future will need to make improvements to their property to accommodate the growth and evolution of the company.

4. Laura Nichols, a previous member of the task force and owns residential property in the area said that they were a very diverse group and what they came up with was argued and fought with and she thinks that it was the best consensus that they could come up with. There are things that she does not care for in the plan but there are lots of things that she likes, which is a good compromise. The one thing that she thinks is missing is any discussion about what happens if we have more density, future density and what grouping that density might come to. For example; if there are more seniors that come into play or more children that come into the neighborhood. There is a school across Edgumbe just outside of the planning area, but right now all the schools in Highland are either at capacity or over capacity and she wished that there was something in the plan that addresses that and addresses that as a concern or future concern.

***MOTION: Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, October 20, 2014, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.***

***PUBLIC HEARING: Shepard Davern Zoning Study – Item from the Neighborhood Planning Committee. (Merritt Clapp-Smith, 651/266-6547)***

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Shepard Davern Zoning Study. Notice of the public hearing was published in the Saint Paul Pioneer Press on September 29, 2014, October 6, 2014 and October 13, 2014, and was published in the Legal Ledger on October 6, 2014, and was mailed to the citywide Early Notification System list and other interested parties.

Merritt Clapp-Smith, PED staff, gave power point presentation which can be seen on the web page at: <http://stpaul.gov/index.aspx?NID=3430>.

Commissioner Underwood asked about McDonough Park. Where is that and are there any zoning changes?

Ms. Clapp-Smith said that McDonough Park is at the toe of the bluff

Commissioner Connolly asked how many nonconforming uses are being created and how many are being eliminated.

Ms. Clapp-Smith does not have the count, but as far as uses there are almost no uses that are becoming nonconforming, what becomes nonconforming is the design of existing buildings. Generally for this area because they are expanding from either business or multifamily to a zone that has both, they're making more properties conforming than nonconforming.

Commissioner Connolly is not sure if this is what was behind Mr. Coyle's question on behalf of his client, but is there a working agreed upon definition of the difference between major reinvestment versus redevelopment.

Ms. Clapp-Smith replied that that is something (DSI) Department of Safety and Inspections interprets and she's not sure what the exact threshold is for when you go from investing and expanding to a more major reinvestment but it's pretty much redevelopment. Mr. Connolly said meaning it's pretty much a dramatic change. Ms. Clapp-Smith said right like you're taking the building down and reconstructing.

Commissioner Edgerton asked if there have been demographic studies or market research studies of the area that you're able to tap into. What do we see in the future in terms of land use changes particular to where might the market be going?

Ms. Clapp-Smith said that they were able to look at some of the demographic and the market potential based on the size of the area where it draws from and the Sibley Plaza property owners analyzed that too. So we have a sense of the current market but as far as where the neighborhood's going that is very difficult to tell and it has the opportunity to go in many different directions. Which is why this plan and this rezoning is so important, it can be a turning point for this neighborhood and depending on the policies and investments that proceed will really shape that future direction.

Commissioner Nelson said one clarification on the nonconformity, the one significant item would be that drive through windows are allowable uses with a conditional use permit in the business districts they would not be in the T Districts, is that correct. Ms. Clapp-Smith said correct in the T3.

Commissioner Nelson said so it would be allowed in a T3, a drive through window?

Ms. Clapp-Smith said that the T2 allows it and the T3 does not.

Commissioner Nelson also asked about mixed uses within a building. Does T district zoning require vertical mixed use or is horizontal mixed use acceptable?

Ms. Clapp-Smith said with T zoning you can do horizontal mixed use, it does not require vertical mixed use. She noted that there is some allowance for mixed use zoning in B2 Districts so Sibley Plaza is proposing to add a residential component next to and above the retail. You can do that in a B2 zoning if you have enough retail as the base and within that building but you would not be able to do a pure residential within a business zoning.

Commissioner Ward said that there has been a lot of discussion about potential future uses and demographics and someone said that it is really hard to predict what the future is going to be. Being that it is difficult we're looking at zoning right now and trying to figure out what would be the highest and best use today as well as moving into the future. But are we also looking at other City departments that are in charge of economic development and investment by using public dollars in order to help be a catalyst for development to happen in those areas? So what other departments are we talking to other than just DSI that can help by adding investment incentives or other dollars in order to help with the aging housing stock, or help people get any type of assistance or loans in order to help improve their properties?

Ms. Clapp-Smith said that the Parks Department has a role, since there is active interest in adding a park to this neighborhood. Public Works will be playing a big role because there are many

different transportation studies going on in this corridor and there will be transit investments of some type after some of these studies are done. Transit investment provide opportunities for streetscape improvements and the Great River Passage Plan sees a different design for Shepard Road and making a better connection across Shepard to access the river. So before this plan was in place the Great River Passage Plan has a lot of good investment that it envisions for this neighborhood that would increase value and amenity.

Commissioner Ward replied that he heard one resident and staff member say that the neighborhood was really concerned about all this talk and all this planning but then nothing happens. It takes money to do all of this and are we looking at writing some type of grants or proposals or what.

Ms. Clapp-Smith said that they have encouraged the task force and the neighbors to be very vocal and to advocate for the investments that they would like to see because those are decisions that go to our elected officials to consider. So it is really up to this community to advocate for themselves and given all the planning work they have the support and interest of staff now.

Commissioner Makarios is interested in the Enterprise Holdings properties and what changing those properties to a T3 means both for the use and for the specifics of their property.

Ms. Clapp-Smith said that the property is now is zoned RM2 multiple family residential and it would be changing to a T3 under the proposed zoning. It is non-conforming now and will remain non-conforming under T3, so this change doesn't really impact their status.

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

The following people spoke.

1. Ken Henk, Vice President of Paster Enterprises. Paster Enterprises developed Sibley Plaza, which is entirely within the Shepard Davern Zoning Study area. They support the overall zoning plan recommendation for the Shepard Davern area and agree that as recommended it will allow the area to respond to developing market forces as parts of the community are redeveloped and addresses current nonconforming uses. They urge the Planning Commission to align with the recommendations of the Shepard Davern Task Force and the Highland District Council related to the Sibley Plaza parcels. By maintaining the current B2 zoning on those parcels, they will be able to substantially upgrade their service to the neighborhood by redeveloping the entire property with market rate housing, improved grocery offerings and other retail options within the next 15 months. A significant zoning change to their property at this time will limit their ability to deliver on this. Their plans have been introduced to the community and have been well received. So they asked that the current recommendation be to maintain B2 zoning on the Sibley Plaza property. A letter from Paster Enterprises, LLC was received as well.

Commissioner Connolly asked what exactly would Mr. Henks not be able to do in T3 zone that he can in B2? Is it a shorter building, different façades on retail, different square footages, different units?

Mr. Henk said that the primary element would be parking and the ability for drive through windows for both coffee use and the drug store. This parcel is 1,300 feet long, it's a quarter

of a mile long the equivalent of maybe four city blocks, it's long and narrow and they have looked at schemes of how can they put more buildings on the street without putting them back-to-back and have side parking. But those configurations they just cannot make work nor will they work for their anchor tenants, grocery tenants and fitness tenants. The shape of the parcel interferes with parking, and the drive through use. With the B2 zoning they are allowed to add a residential element to it and they are proposing to go up about 60 feet with the zoning because B2 allows a setback so you can go 30 feet right at the property line and for every 10 feet in height you have to setback 10 feet so they are conscience of the neighborhood immediately to the west of them which is single family and they are not looking to add the apartment component right up against Davern. They are in the process and with current B2 zoning their plans work with that.

Commissioner Nelson said that one of the items with regards to the T zoning and one of the reasons for it is because of the design standards and design guidelines that are part of T zoning. With this rezoning that overlay district would go away however this would remain a B2 zone where he is located, so he wondering what types of guidelines, design guidelines, sorts of quality items he would be putting into their development to comply with what the T zone. Because he does not think this recommendation deals with maintaining the overlay within any zoning areas that would remain.

Donna Drummond, Planning Director, clarified that the overlay would go away with this proposed zoning change; however the overlay stops at West 7<sup>th</sup> and does not extend north of West 7<sup>th</sup> so that property is not currently in the overlay.

Mr. Henk said that they have owned their property for 60 years. They are long term holders of the properties they develop, not a merchant builder that builds, sells and moves on to the next project. And they take great care in the designs and the components that go into those developments so they have no issue with matching or exceeding the T3 design requirements. And they are looking at a quality project, looking at adding as much green as they can to it and adding community areas where people can gather. He does not know exactly what those design standards are but they intend to meet or exceed them.

Commissioner Ochs said that there are plenty of opportunities to work with T3 zoning and he can see that the drive through piece would not be negotiable but he does believe that the building, grounds and parking areas could still be accomplished through T3 zoning. How many attempts or efforts did they make on trying to work with T3 zoning in their designs?

Mr. Henk said that they started out looking at that and what they looked at was leaving parts of the buildings and taking other ones down but with the long linear property they were turning their back on parts to the west in order to have the buildings on the street, similar to Mississippi Market down West 7<sup>th</sup> to accomplish that. When you look at an 8 or 9 acre property that's long and linear to try to keep all of your tenants compatible and have a walkway connecting all of the store fronts, they do not think that this shape and size parcel lends itself for that or the size of it. Regarding the rail spur there are certainly plans that the city is looking at on changing that and right now they have their back turned to those railroad tracks, and they realize that there is going to be a better use for them. A letter was received from Mr. Henk as well.

2. Greg Campbell, a co-chair of the task force and a resident within one mile of this zoning area being looked at. Mr. Campbell said that this is a very challenging area. There is a lot of different zoning, and this is like a patchwork quilt. There are a lot of different things going on and how to try and make this a cohesive neighborhood and allowing people to have uses of the property that they need to be successful without being detrimental to their neighbor. There's a transportation challenge, with the Highway 5 interchange being studied where does traffic flow, on Shepard or down West 7<sup>th</sup>, that is important to know for businesses. Regarding the zoning there is T1, T2, and T3 and we know what that is and 10 years from now we could list the same elements that belong in each one of these zonings and it will not be the same because there will be changes. In reference to the Sibley Plaza property and retaining that as it is, that is a challenge because West 7<sup>th</sup> is there it has a huge parking lot in front that's not beautiful. Paster Enterprises is asking to go into this parcel and redevelop it. He challenged the Highland District Council if this passes to stay the same along with the Community Development Committee that they as a task force of the neighborhood ask the Highland District Council along with the City bodies to make sure that this is done with high quality materials.
3. Arthur Kourajian, resident in a condominium building three blocks from Sibley Plaza Shopping Center. He is on the Board of Directors for his condominium association and this subject has been discussed at several of their monthly meetings. Generally the residents of his condominium are very much in favor of retaining the B2 zoning for the Sibley Plaza area as well as the B3 for the area just west of Davern on West 7<sup>th</sup> Street. Their major concern is that this area becomes a hub for quality of living. They also have a desire to keep their neighborhood continually improving in appearance and quality and economic value. Housing values have taken a hit in recent years and they think that the redevelopment of this shopping center would be a great boon to the property values that they enjoy in that area.
4. Bill Rosenbloom, a resident representing himself, said that Shepard Davern does not have a corner store, no dry cleaners; there are very few services and limited retail. The proposed \$50 million Paster Enterprise development of the current Sibley Plaza site promises to be the spark that could ignite the momentum that's needed to turn the entire area around. The task force and the Highland District Council both supported leaving the zoning as it is for the shopping center site and the apartment project behind it. The City planners have added T3 as an option for zoning this parcel. The neighborhood is in need of an upgraded and renovated center and the developer has been very clear that the center can only be built if the zoning remains the same and a large part of that reasoning is the need for parking in the front rather than in the rear. And someone who has the ability to build a \$50 million project with the constrictions that they need with tenants etc. and if they cannot fulfill that then there is no way the project is going to be done. Mr. Rosenbloom submitted a copy of the proposed Sibley Plaza redevelopment plan aware that this is a zoning discussion, but this development plan is dependent on the zoning. Look at what they have now and what they could have tomorrow a win for the neighborhood, a win for the City with substantial increased tax revenue and a win for the developer. He asked that the City side with the neighbors in the neighborhood and leave the current zoning in place. Written comments were received from Mr. Rosenbloom as well.

Commissioner Ochs said that he does not believe that is the be all and end all solution. He believes that there are other alternatives for design that could probably still work with a T3 zone. Maybe there are people on staff or planning commissioners that are stubborn and want

to see one thing but maybe the same thing can be said about the developer's side. He is sure that there is some sort of room to work somewhere in there and hopefully the two sides could come together and create something that's long term more viable for what West 7<sup>th</sup> as a gateway would be and as a development that would serve the community. Do you believe that if this was not existing zoning that it would go away?

Mr. Rosenbloom said that he cannot speak for the developer, but the neighborhood would support whatever the developer needs to make this development happen. They are not specifically supporting a plan which they have not seen, they are supporting the zoning and if the key to that situation is needing the parking in front then they would continue to support the developer and believe they were not going to build it if they could not get that parking. Hopefully it can be resolved.

Commissioner Connolly asked if the railroad behind the property is currently in use.

Mr. Rosenbloom said no it is not being used and that the railroad still owns the track and if they wanted to run a train down there they could, but it just goes to Ford and then downtown, which it goes behind a great number of houses as it winds its way to Ford.

5. Tom Bates, a resident just a few blocks away from Sibley Plaza project and he is in favor of it maintaining the B2 zoning classification. It looks like it's a good plan from the Paster people and it looks like it would be a benefit for the neighborhood. And with the Canadian Pacific rail property behind it, it just makes sense, because there has been some talk about green space and parks to have that maintained as a hiking, biking trail. There has also been some talk about putting transportation in there but that would be redundant in the sense that they already have a lot of buses that go back and forth between West 7<sup>th</sup> and Highland Village and point's farther out.
6. Ellen Mack, a longtime resident about half mile from Sibley Plaza, and she has attended a few Highland District Council meetings recently, including one which Paster/Bader group reviewed their proposal for redeveloping Sibley Plaza. She wanted to express her support of this proposal as presented and hopes the City will let the B2 zoning remain in effect so this redevelopment can proceed. She thinks that the plan looks great and would revitalize the area and make it safer, cleaner, and stronger and a more welcoming section of the city. Written comment was received from Ellen Mack as well.
7. Tia Anderson, President of the Highland District Council (HDC) said they have been closely involved in the public process of the Shepard Davern Zoning Study. The Highland District Council's Community Development Committee has hosted a community meeting with Paster Enterprises and the neighborhood where Paster Enterprises presented its proposed redevelopment for Sibley Plaza under the parcels current zoning. The Shepard Davern Task Force had a meeting in late September to vote on the zoning proposal and the HDC considered the Task Force's recommendations in early October. HDC supports the zoning study recommendations that were made by the Shepard Davern Task Force. The HDC's approved resolution with some exception of 1) retaining the current B2 and RM2 zoning for the three parcels owned by Pater Enterprises, and 2) rezoning parcels to T2 where the Zoning Study recommends parcels for either T1 or T2 zoning. Additionally two major concerns were raised: 1) protection of the Mississippi River Critical Area from over development, and 2) consideration for longer-term redevelopment of the neighborhood. The Highland District

Council thanks PED staff Merritt Clapp-Smith and Michelle Beaulieu for their work, and the Planning Commission for their continued work on the Shepard Davern Zoning Study. A letter was submitted and received from the Highland District Council with their comments and recommendations.

Commissioner Ochs asked if the HDC has seen any alternative designs that would accommodate a T3 zoning for that parcel of land that the Paster Enterprises proposes to redevelop.

Ms. Anderson said that when Paster Enterprises presented to the Highland District Council they only presented a single proposal; they did not present one that worked with T3 zoning.

8. Peter Coyle, a Land Use Lawyer on behalf of Enterprise Holdings. They have nonconforming status and they understand that but they have a business that's existing that plans to exist for a very long time and this is an opportunity to specify how existing businesses will be allowed reinvest in their properties. Enterprise Holdings has code issues that they have to deal with from time to time that make them modify their properties. They have business growth issues that they want to accommodate in the future and they want to be assured that they will be able to achieve those objectives without undo regulatory requirements given their long term status and their good neighbor status within the city and their willingness to continue to make those kinds of investment to ensure that they are a responsible contributing corporate citizen.
9. Laura Nichols, a previous member of the task force and owner of residential property in the area. She supports Sibley Plaza being able to maintain what they have and their plan is beautiful. Considering B2 zoning she believes there was a precedent set for continuing B zoning within a major T rezoning in Highland Village, where the neighbors got together and said there this is a business we need that doesn't fit with T2 zoning and let's keep the B zoning.
10. Connie Barry, a resident of the Highland Pointe Condominiums, is in favor of keeping the B2 zoning because any retail shopping mall has to be customer friendly and the parking requirement for T3 is that parking has to be on the side or in the back of the stores. Most of the strip malls that she has used in the metropolitan area have parking in front of each door. So it is easy access and customer friendly. Another thing is allowing drive-throughs, so if you can picture for example Byerly's in Eagan, they have a big drive through where you can pick up your groceries and it's customer friendly. So to draw the retailers that you want they have to be customer friendly and have their own requirements and they can go other places but there are many of the stores that Paster Enterprises has proposed that they would like to see here and in their neighborhood. A letter with her comments was received from Ms. Barry as well.
11. Igor Kildeev represents a liquor store in Sibley Plaza Shopping Center. He asked that the B2 zoning be kept for the center because the parking in front is essential for the retail success. Being in the retail business for the past 10 years, parking in the back kills the convenience of the business; it's like building a wall in front of the business. They intend to stay in the area and would like to see the shopping center redeveloped and asked that the Planning Commission adopt the plan as recommended by the Shepard Davern Task Force and keep the Sibley Manor property zoned for the commercial use.

***MOTION: Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, October 20, 2014, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.***

Chair Wencl thanked everyone for coming to this public hearing and was glad to hear the comments. They really do take into account the testimony given and they will be going over it again in Neighborhood Committee and then a recommendation will be made.

**V. Zoning Committee**

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

One item to come before the Site Plan Review Committee on Tuesday, October 28, 2014:

- Repave school bus parking lot for Saint Paul Public Schools at 261 Chester Street.

**NEW BUSINESS**

#14-324-859 Forrest Heating Inc. – Establishment of nonconforming use as a heating service business. 995 Burns Avenue NE corner at Clermont. *(Bill Dermody, 651/266-6617)*

***Commissioner Nelson announced that this case has been laid over to the November 6, 2014 Zoning Committee meeting.***

Commissioner Nelson announced that the next Zoning Committee meeting on Thursday, October 23, 2014 has been cancelled.

**VI. Department of Natural Resources: Draft Mississippi River Corridor Critical Area Rules – Informational presentation and discussion, Dan Petrik and Suzanne Rhees, DNR Staff.**

Dan Petrik and Suzanne Rhees took turns giving a power point presentation which can be seen on the Planning Commission web page at: <http://stpaul.gov/index.aspx?NID=3430>

Chair Wencl asked about the changes to the rules the DNR is considering and this is different than the information that the Planning Commission received earlier. So it would be necessary for them to proceed with the public hearing under the first set of regulations that were put out formally rather than what was just told in terms of the proposed changes.

Mr. Petrik said that they came as a courtesy to let the Commission know how this discussion is evolving and maybe how you decide to respond is affected by what you heard today or maybe it's not, but that's up to you to figure out how you want to proceed.

Commissioner Reveal said that the issue for the Planning Commission is the timing of public notice and what has to be out there legally. She has been involved in a lot of these discussions on the Comprehensive Planning Committee and as chair of the West Side Flats Task Force and she is very pleased with the direction much of this has taken. This is answering some of their most significant questions which had to do both with nonconformity and about the objective of the

protection and preservation of the steep slopes and the bluffs and what's being accomplished by one setback versus another and this helps a great deal to clarify what you're trying to do. And it would be very helpful for there to be some kind of testimony that says at least where you are in the process of revising these and maybe the topics that are most likely to have a change, just the map of conforming, nonconforming is powerful, and you cannot commit yourself to a change until it's made.

Chair Wencl said since you are making some changes in terms of the public hearing if we only heard from the previous regulations that you turned out it would be irrelevant now that we have more information and if somebody is able to present that, that would give more timeliness to what we want to have in the public hearing.

Ms. Rhees said that the issue is that's essentially what they presented today, where they are in the process. By two weeks from now they will be a little further along but they won't have anything in time for your notice that is any more definitive than this power point. They are going to leave this with the Commission and it can be circulated in preparation for the hearing.

Commissioner Reveal said the questions in the public hearing are our legal record and she would like to find some way to get many of these points into that record. Staff people could do it; somebody could testify from DNR, somebody could testify from the community. We just want to be sure that you're not uncomfortable with it going in to the public hearing record to say DNR told us this is where they were and we look forward to that actually happening.

Ms. Rhees said that they are comfortable with that, and you certainly can feel free to take their presentation and put it into the public record.

Donna Drummond, Planning Director, said that many of the people who will come next meeting to talk about these rules are here listening to this presentation and they can provide comment on what they think of this direction. For DNR, this is really their somewhat informal process for getting public comment before they finalize their agency draft to go to the formal administrative law judge process. This process is informal for the Planning Commission to get input onto what it wants to recommend for City comments officially as part of their next phase.

Commissioner Reveal wants to be sure that they are not creating in the legal public record for discussion something that goes further than DNR would be prepared to go on record with at that moment. As long as DNR is comfortable with this, she is ok with this.

Ms. Rhees replied yes they are comfortable with that.

Commissioner Lindeke said when you talk about visual impact or scenic qualities or view corridors, it seems like a different natural resource to talk about a view because these are very subjective situations. He's thinking of a slide shown earlier of the old Xcel power plant with a smoke stack in the river valley. People could have argued that it was ugly or beautiful and maybe come to a consensus that it was ugly and now it's gone and so it's forgotten from the view. How does the DNR look at and study scientifically and analyze something like scenery, something like a river view and why is that part of a scope?

Ms. Rhees said that it's part of the enabling legislation, which is 116 G, which dates back to the 1970's. It authorized the environmental quality board and created the process for designating

critical areas. A certain section of it talks specifically about the Mississippi River Corridor and it identifies the scenic resources, the economic resources, the mineral resources, just about every kind of resource you could think of, all kind of on equal footing. So yes it is a challenge for them to figure out as they don't really have the time or essentially the mission to evaluate scenic resources. But what they are trying to do is establish some parameters where local governments can do some of that evaluation on their own.

Mr. Petrik added that the main tool that they have historically has been by limiting building heights and where those heights can be located. It's a crude tool but it still is the most important tool and one of the more important issues that the Planning Commission has expressed concern about as have other people who have other interest in protecting views as well. So you could spend a lot of time and do a lot of analyses to come up with this but it doesn't lend itself very well to rule making. That gets down to the fine grain planning that through the conditional use permit process proposed that the Planning Commission can actually influence how structures will look or what the views to and from the corridor will be like.

Commissioner Merrigan went back to what Commissioner Lindeke was talking about. There are a couple of phrases and you both acknowledge that they'll require further clarification as the process goes along but things like mandatory conservation design, do we know what that means yet? But things like that seem a little fluid and she doesn't fully know the interaction between the DNR and the LGU's in developing those kinds of discussions.

Mr. Petrik said that in a sense it is a requirement for conservation design in certain areas on certain parcels of a certain size being redeveloped or developed for the first time. From a technical stand point the ground is a little more solid and well-trodden in that many communities already have existing conservation design requirements, where they specify the amount of land to set aside where it should be set aside or the type of land or how to restore that land. There are many parts of this corridor that are in need of restoration over the past 30-50 years as they've been developed in such a way where there's no essence of habitat left any more. And part of this process is to restore some of that to this corridor and through the redevelopment process is the key mechanism for doing that.

## **VII. Transportation Committee**

Draft of the Saint Paul Bicycle Plan – Release for public review and set a public hearing for December 5, 2014. Reuben Collins, Transportation Planner/Engineer, Public Works.  
(*Reuben Collins, 651/266-6059*)

Commissioner Lindeke said there is one item which is the Saint Paul Bicycle Plan and the final draft was released at the Transportation Committee meeting on Monday of last week, and passed unanimously to be considered here and then sent along for public hearing, but because of the time Commissioner Lindeke is proposing holding off on the presentation from City staff with all the details of the revised plan for now, but he still wants to release it for public review.

Chair Wencil said that they will have the presentation before the public hearing on December 5, 2014.

**MOTION:** *Commissioner Lindeke moved on behalf of the Transportation Committee to release the draft for public review and set a public hearing on December 5, 2014. The motion carried unanimously on a voice vote.*

Commissioner Lindeke announced that at the next Transportation Committee meeting on Monday, October 20<sup>th</sup>, they will have a field trip meeting and he extended an invitation to anybody on the commission to come along. They are going to have a guided tour of Trout Brook Nature Sanctuary.

**VIII. Comprehensive Planning Committee**

Commissioner Merrigan announced that at their next meeting on Tuesday, October 28<sup>th</sup> they will discuss Parkland Dedication and the Comprehensive Plan conformance of the CIB and STAR grants applications.

**IX. Neighborhood Planning Committee**

Commissioner Oliver announced that they have an item for consideration over the coming two weeks, which are a set of minor zoning text amendments. In lieu of having a meeting he suggested that the packets will be emailed to members of the Neighborhood Planning Committee to look at and the action would be to bring it to the commission for public hearing release so that it will be reviewed a few more times in case something came up.

**X. Communications Committee**

Commissioner Thao had no report.

**XI. Task Force/Liaison Reports**

Commissioner Makarios announced that there is a working group meeting of the Ford Task Force on Monday night, and there will be a large public meeting in November.

**XII. Old Business**

None.

**XIII. New Business**

None.

**XIV. Adjournment**

Meeting adjourned at 11:24 a.m.

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

Respectfully submitted,

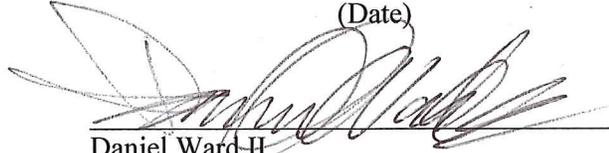


---

Donna Drummond  
Planning Director

Approved November 14, 2014

(Date)



---

Daniel Ward II  
Secretary of the Planning Commission