

Saint Paul Planning Commission

Notice to Commissioners and the public:

The chair of the Planning Commission has determined that it is not practical nor prudent for the Planning Commission and its Committees to meet in-person or pursuant to Minnesota Statutes, Section 13D.02. In light of the COVID-19 health pandemic, it is not feasible for any member of Planning Commission to be present at the regular location, and all members of the Planning Commission will attend this meeting by telephone or other electronic means.

It is also not feasible for members of the public to attend the meeting at its regular location due to the health pandemic and emergency. Accordingly, no meeting will be held in City Hall Conference Center Room 40 at 15 W. Kellogg Boulevard.

Minutes August 7, 2020

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 7, 2020, at 8:30 a.m. via skype or conference call.

Commissioners Present: Mmes. Anderson, Hoang, Mouacheupao, Underwood; and Messrs. Baker, Edgerton, Khaled, Lindeke, Oliver, McMurtrey, Perryman, Rangel Morales, Risberg, Syed, and Vang.

Commissioners Absent: Mmes. *DeJoy, *Grill, and Messrs. *Hood.
*Excused

Also Present: Luis Pereira, Planning Director; Yaya Diatta, Department of Safety and Inspections, Shari Moore, City Clerk Office, Allan Torstenson, Josh Williams, Bill Dermody, Mike Richardson, Kady Dadlez, Menaka Mohan, Michael Wade, and Sonja Butler, Department of Planning and Economic Development staff.

I. Swearing in New Commissioners Omar Syed, Garrison McMurtrey, and Tram Hoang.

New Planning Commission members Omar Syed, Garrison McMurtrey, and Tram Hoang were sworn in by Shari Moore, City Clerk.

II. Chair's Announcements

Chair Rangel Morales had no announcements.

III. Planning Director's Announcements

Luis Pereira said they were successful in resubmitting the second draft of the approved Comprehensive Plan 2040 to the Metropolitan Council. There were some minor edits they need to make, now the clock starts for them to review it. Anticipated is Metropolitan Council Committee review by September and full Metropolitan Council approval by October. Mr. Pereira

thanked the Comprehensive Plan team for their continued work on that. Also, Planning and Economic Development (PED) has a new director Nicolle Goodman, she was appointed the director of PED at City Council on Wednesday. Mr. Pereira is excited to have the new commissioners join. They will have an opportunity to introduce themselves. Tram Hoang, a policy advocate with the Alliance, Garrison McMurtrey, senior communications associate with Target Corporation, and Omar Syed works with M Health and owner of Chili Time Coffee, he thanked them for stepping up. We still have a couple of vacancies in Wards 6 and 7 on the East Side for a total of four, two in each ward and one spot still vacant for Ward 2. So if you know anyone who would be a good fit, talk to them share the information with them.

Commissioner Khaled wanted to attend the swearing in of the new commissioners, even while he has been staying in the seat as he transitions to moving from Saint Paul and making sure the ward is represented. Commissioner Khaled thanked everyone for being amazing colleagues and he looks forward to staying in touch with everyone outside of here.

Chair Rangel Morales thanked Commissioner Khaled for his time on the commission and continuing to participate in the transition process, much appreciation.

IV. Zoning Committee

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

OLD BUSINESS

#20-047-173 Taco Bell Drive Thru – Conditional use permit for restaurant drive-thru reconstruction with building replacement. 565 Snelling Avenue North, SW corner at Edmund Avenue. (*Josh Williams, 651/266-6659*).

Commissioner Edgerton gave the report on this case.

Commissioner Lindeke said that he voted to deny the application at Zoning Committee. He wants to make a friendly amendment to the resolution finding 3C, which currently says the drive thru is detrimental to the pedestrian-friendly character of the area, because it enhances auto-oriented use while not providing for pedestrian-oriented services. He wants to change the ending adding on to the end of 3C finding in the resolution to say: and at the expense of pedestrian safety. The logic is that drive thrus interact with sidewalks and curb cuts turning in and off of busy streets next to a very busy light rail stop that has a lot of pedestrian traffic and activity.

Chair Rangel Morales inquired as to what was actually voted on at Zoning Committee level and if that issue came up. He was not at that Zoning Committee meeting.

Commissioner Lindeke said that he made the motion to deny it in the first place and staff tried to write down what was talked about.

Josh Williams, PED staff, said that the procedure when there is something other than the staff's recommendation coming out of Zoning Committee, is for staff to use what's in the record. Which is the discussion at committee and to capture what is stated on the record as basis for the motion by the commissioners. In this case Commissioner Lindeke made the motion and to use that to draft the resolution on behalf of the Zoning Committee. That is what staff has done here.

Commissioner Lindeke approves of the resolution, he just wants to make a friendly amendment to the end of finding 3C as he stated here, and he just made a motion to do that.

Unless there's objections, it was clearly stated what the amendment to the motion would be and it was made by the individual who was the original maker of the motion at Zoning Committee. So if the Zoning Committee votes on the motion to deny as amended by Commissioner Lindeke, then that would be acceptable.

Chair Rangel Morales said then we will accept the "friendly amendment" and in voting if you disagree with the amendment then you can vote against the entire motion, then we can take it without the amendment.

Commissioner Perryman said as a Taco Bell fan he thinks that they are doing a lot to help and all the concerns. He is familiar with the woman who lives behind the alley and the speaker noise. There has been a lot of comments about the undesirables that gather and comments about the use being detrimental to the neighborhood's character. There are at least two gas stations, drive ins and other things near by and a space that has many calls for development and many empty lots along Snelling between Pierce Butler and University Avenue. This is something that is obviously used a lot by the community, and they should be allowed to develop with their new plans. With that Commissioner Perryman will be voting against the denial.

Commissioner Baker wants clarification as to what they are voting for and what yes or no means.

Chair Rangel Morales said that when this first came to the Zoning Committee, staff actually recommended approval and the Zoning Committee members Dejoy, Grill, and Lindeke made a motion to deny. And they denied it based upon findings 3a, 3c, and 3d, so based on the Comprehensive Plan, based on the detriment to the neighborhood, and the overall development. If people voted in favor of that motion, that means approval for this request is not granted. If people voted against this motion it would mean they are voting against Commissioner Lindeke's motion to deny. If the motion fails, then someone could make a motion to approve and just rely on the original staff recommendations.

Chair Rangel Morales said that the motion is to deny the request based upon findings 3a, 3c, with the friendly amendment, and 3d.

The motion failed 3-9 (Anderson, Baker, Edgerton, Hoang, Mouacheupao, Perryman, Syed, Underwood, Vang)

Commissioner Perryman made a motion to approve based on the original staff recommendation. Commissioner Baker seconded the motion.

Commissioner Lindeke said that the drive thru is very old it was approved before the city even had drive thrus on the books. It dates back to the early 1970's the permit they are under does not have any regulations about hours of operation. If this was approved at the Zoning Committee, we would have put conditions on the permit to restrict some of the hours. We need to think about whether or not we want to approve it with the conditions that were put in place by staff or maybe tweak those a little to ensure if this project goes forward it would be in conformity and reflect the values in our Comprehensive Plan, around station area, especially pedestrian safety and the hours.

Chair Rangel Morales clarified what Commissioner Lindeke was referring to. In the original staff recommendation there were three conditions. 1) Drive thru operations shall be not later than 3:00 a.m. on Saturday and Sunday and no later than 2:00 a.m. Monday through Friday. 2) Speaker box sound in the drive thru lane shall not be plainly audible as to unreasonably disturb the peace and quite of residential properties. 3) the final plan needs to be approved by the Zoning Administrator.

Commissioner Perryman is in support of the times listed in the speaker box situation.

Chair Rangel Morales said the motion is amended to include the three recommendations in the original staff report per times, volume of the speaker box, and approval by the Zoning Administrator. Commissioner Perryman is ok with amending that motion and Commissioner Baker is ok seconding the conditions as well.

Commissioner Perryman noted that the crowd it attracts is not Taco Bell's doing, it could have been a Burger King there or anything. The gas station across the street is open late, there use to be a convenience store across the street that attracted people too. People that live in that area are looking for places to go it should be more on the city to find other opportunities for them as opposed to blaming the establishment for what they attract. Other Taco Bells in the city don't have the same situation, it's based on the location who is in the neighborhood.

Mr. Williams made clear that the motion is to move the original staff recommendation and conditions. Which includes not only the conclusion but the findings that provide the basis for that conclusion. Those findings are what is required in order to make a conclusion one way or another and the motion has to say those moving the staff recommendation based on the findings within the staff report. Which then gets transferred and becomes the resolution itself.

MOTION: *Commissioner Edgerton moved staff's recommendation to approve the conditional use permit subject to additional conditions. The motion carried 10-3 (Lindeke, Oliver, Risberg) on a roll call vote.*

NEW BUSINESS

#20-048-857 1880 Old Hudson Road CUP – Conditional use permit for 85' building height. 1880 Old Hudson road, SW corner at Hazel Street North. (Bill Dermody, 651/266-6617)

Commissioner Baker gave the report.

Commissioner Hoang said this is a great development in that it's bringing high quality, high density housing and investment in a diverse neighborhood. She is trying to figure out how can they make sure that this a racially equitable development in that the people who currently live in that neighborhood can benefit from this type of great development and investment. Commissioner Hoang would like to hear more about the discussion at the Zoning Committee around affordability and why the request being made by the district council was not followed up on.

Chair Rangel Morales said the Committee asked the applicant a lot of questions. What changed Chair Rangel Morales vote into a yes was the applicant indicated that they were working with City Councilmember Jane Prince to try and find funding for including affordable housing into

their units. They also indicated they were hoping to price the units at market-rate affordable levels, aiming for about \$2.11 per foot, which put them at about the high end of a 60% AMI unit, for efficiency, 1- & 2-bedroom units. Although they are not calling it “affordable housing” they would fall within that parameter if they were able to make that happen. He trusts that they will continue to work with Councilmember Prince and the community to include affordable housing.

Commissioner Baker agrees that what was helpful for committee members to hear where the numbers were landing even though they were not necessarily called “affordable housing.” It made the committee feel more comfortable with this project. It does not remove the concern from the district council in their letter. With that he felt comfortable moving forward with the project.

Commissioner Syed said that he is really concerned about the rent. Most of the neighbors are low income. Once a new building goes there how is it going to affect them? Also, before they submitted their application, did the community have a meeting or did any meeting happen there?

Bill Dermody, PED staff, said that the applicant did meet with the District 1 Land Use Committee remotely to discuss their issues. If you are talking about a meeting with the surrounding apartments, that did not happen, but with the District 1 neighborhood, yes that did happen.

Commissioner Syed said that he really prefers that they hold a meeting there.

Chair Rangel Morales noted to the new commissioners this has been an ongoing discussion that they have had in this commission and they seem to get caught up on all these developments that are being placed in areas like this, which sometimes will not be affordable to everybody and it causes a lot of questions. He appreciates them having the discussion and holding them to the fire on it. Even though the applicant stated that that was their goal in terms of what they were trying to get for pricing, they could not commit to it. Chair Rangel Morales specifically asked them if they would be okay conditioning their conditional use permit for 85 feet either to a specific price or a specific price per square foot. Because their discussions were still ongoing in terms of funding and how they were going to make the numbers work, they were not comfortable with it. He’s hoping they were acting in good faith when they presented in front of Committee and that they are really trying to do what they said they are trying to do.

Commissioner Edgerton said that he supports this project, and he realizes that there is a need for affordable housing. He wonders, don’t we want to encourage a mix of housing and demographics within our neighborhoods? Because it’s a low-income neighborhood, allowing only affordable housing there seems as though that would create more concentration of low-income people. Is that really what we want to do? If anything, we should be pushing for affordable housing to be in a higher-income area so we can have a better mix of economic statuses throughout the city. He supports this project and the idea that it can create more affordable housing in general in the city, but the idea of concentrating it – he is not certain how he feels about that.

Commissioner Mouacheupao agrees with Commissioner Edgerton in that mixed income is a direction that they want to move towards, and she especially likes the idea of putting more affordable housing in neighborhoods that don’t have affordable housing. Her concern with this particular project is can it push low income people out of a neighborhood. Is it a gentrifying project? Is it going to negatively impact the people that are already there?

Commissioner Hoang said obviously we need affordable housing everywhere, and the flip side to why do we concentrate poverty is also why do we concentrate wealth through zoning and planning. As we think about where we want to put affordable housing it's important to think about this idea that perhaps people that live in historically disinvested neighborhoods want to stay and want to be able to experience great investments in their neighborhood without getting displaced. Yes to building more affordable housing in wealthier neighborhoods and yes to building affordable housing in less wealthy neighborhoods because sometimes people want to stay in their neighborhood. What is encouraging about the district council land use committee's suggestion to include some affordable housing is that it does provide a spectrum of mixed income housing for the neighborhood. She does not see that they are asking for full affordable which is really difficult to finance from a developer's standpoint.

Commissioner Edgerton said his understanding is that this is not displacing – this is vacant that's being developed with new residential property, and is not displacing a low-income apartment. Is that the case?

Chair Rangel Morales said that that was his understanding too. The concern is the preservation of existing housing that's affordable already. If we don't maintain it in an active role when trying to develop in areas like this, it would essentially have the effect of changing the neighborhood by taking away those units that are organically there.

Commissioner McMurtrey asked if this building would be all housing or will there be any retail or businesses on the lower level.

Bill Dermody, PED staff, said that it's planned for all residential. He noted that this is a conditional use permit for height, not for uses – the zoning could allow a different plan to come in that included some retail. But that's not what's on the table right now.

Commissioner McMurtrey said he fears that without getting some kind of commitment from the applicant that there will be enough affordable housing in this area, that we could displace and push out organic affordable housing that currently exist in this area. Would there be any way to have a follow up with the applicants to have them address some of the specific questions that were raised today?

Chair Rangel Morales said that a lot of the questions being raised during this conversation were specifically asked of the applicant. Including the pricing of the units, price per square foot, type of units that are going to be built. And the response was that they were working with City Councilmember Jane Prince, explaining their goals of what they were trying to get to. Trying to get the funding to help build. In terms of commitment, they would not agree to anything.

Commissioner Lindeke said we are having the right conversations and asking the right questions. For him there is not an easy answer on how to approach things. So what he does when looking at a housing proposal at the Zoning Committee is to think about it in a very specific case by case way. In this specific case Chair Rangel Morales shared some of his perspective as well, which is that the actual numbers that the applicant shared with them are pretty affordable given what we're looking at for market rate projects in the City of Saint Paul now. About 60%-70% Area Median Income (AMI) is what we discuss in the theoretical conversations we've been having about what inclusionary zoning would look like or in Minneapolis's inclusionary zoning. In this case he supported the project because it does replace a vacant lot, it's near a future transit station that fits

with a lot of the land use and transportation policies that the City has in place. Commissioner Lindeke thanked everybody for such a good discussion today and encouraged them to keep doing that.

Commissioner Edgerton said thanks for all the input and conversation. It's great and it is something they need to continue talking about as they move forward.

Commissioner Underwood said that she welcomes the new commissioners, and this is an actual example of some of the really difficult conversations that we have been having in recent months. Over the last couple of years, there have been frustrations with the limits on what the City requires right now and what position that puts us in. She is looking forward to getting to know the new Planning and Economic Development Director and hoping we have an ally in these efforts.

MOTION: *Commissioner Baker moved the Zoning Committee's recommendation to approve the conditional use permit subject to an additional condition. The motion carried unanimously on a roll call vote.*

#20-046-445 Kimball Court Supportive Housing Expansion – Conditional use permit for a building addition to expand an existing supportive housing facility with modification of condition to increase the number of facility residents from 79 to 98 residents. 545-555 Snelling Avenue N., NW corner at Charles Avenue. (Josh Williams, 651/266-6659)

Commissioner Vang asked if at Zoning Committee there was any conversation about additional parking space? Based on the letters from the community there was concern especially increasing 19 residential units because there are concerns that there is not enough parking space.

Commissioner Lindeke said he does not think that they did. This project is within the station area for the light rail stop, and the A-line BRT project. In general for transportation policy for Saint Paul they have been trying to move away from requiring parking spaces, which are very expensive. If they did require parking for this project, it would increase rents dramatically. Overall transportation and housing goals of the city is to try to decrease parking requirements, especially near transit and he thinks that is why it was not brought up in this case.

Josh Williams, PED staff, noted that the policy discussion and whether it makes sense to require parking in this particular location because its within 1/4 mile of University Avenue where no parking is required and when the code is clear like this, regarding the ability of the Commission to not require parking, the Commission does not have a lot of leeway to impose a condition that is contrary to what is clear in the code. The policy discussion aside you are limited in this particular case.

MOTION: *Commissioner Edgerton moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a roll call vote.*

Commissioner Edgerton announced that the next Zoning Committee meeting on Thursday, August 13, 2020 is canceled.

Commissioner Baker thanked the new commissioners for entering into the discussion, a follow-

up with Commissioner Underwood that these are conversations that they've had and it's great to hear the interest and the conversation coming from the new commissioners on some of these topics that they are currently wrestling with and hopefully they will continue wrestle with. Making sure they are providing a perspective to the city, also being representatives to the communities.

V. Comprehensive and Neighborhood Planning Committee

District 14 and District 15 Residential Design Standards - Review final recommendation from Comprehensive and Neighborhood Planning Committee and consider resolution recommending approval to the Mayor and City Council. *(Mike Richardson, 651/266-6621)*

Commissioner Perryman gave the report.

MOTION: *Commissioner Perryman on behalf of the Comprehensive and Neighborhood Planning Committee moved to approve the resolution recommending adoption by the Mayor and City Council. The motion carried unanimously on a roll call vote.*

VI. Transportation Committee

Chair Rangel Morales announced that their next meeting scheduled on Monday, August 10, 2020 is canceled. However, Chair Rangel Morales will be reaching out to the new commissioners regarding the different committees and which ones you would have an interest in. And possibly be on two committees.

VII. Communications-Nominations Committee

Commissioner Underwood thanked Luis Pereira and the Communications-Nominations Committee as they welcomed three new members today. There are still openings/vacancies in Wards 2, 6 and 7. Also, thanks to those board members who've been having phone conversations with people who have expressed interest and have been forwarded to the committee from the Mayor's Office.

VIII. Task Force/Liaison Reports

Luis Pereira, Planning Director, gave the report on the Hillcrest Community Advisory Committee has been meeting and working with Bill Dermody as the lead staff and consultants. There are four site draft approaches, essentially land use maps. There will be a month of public input mostly virtual so there's an opportunity to go on the web site and see a video and a document with lots of detail about the four site approaches. Also, a new tool, Social Pinpoint, to provide your comments, map-based comments, and some limited pop-up in-person community engagement (socially-distanced) around sites nearby.

IX. Old Business

None.

X. New Business

None.

XI. Adjournment

Meeting adjourned at 10:01 a.m.

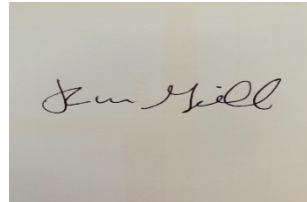
Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Approved February 19, 2021
(Date)



Luis Pereira
Planning Director



Kristine Grill
Secretary of the Planning Commission