

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

Minutes February 8, 2019

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 8, 2019, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, Grill, Lee, Reveal; and Messrs. Baker, Edgerton, Fredson, Lindeke, Oliver, Perryman, Rangel Morales, Risberg and Vang.

Commissioners Absent: Mmes. *Anderson, *Mouacheupao, *Underwood, and Messrs. *Khaled, and *Ochs.

Absent: *Excused

Also Present: Luis Pereira, Planning Director; Fay Simer, Public Works Department, Ya Ya Diatta, Department of Safety and Inspections, Lucy Thompson, Bill Dermody Josh Williams, Kady Dadlez, Tony Johnson, and Sonja Butler, Department of Planning and Economic Development staff.

I. Swearing in New Commissioner Kristine Grill.

New Planning Commission member Kristine Grill was sworn in by Shari Moore, City Clerk.

II. Approval of minutes January 11, 2019.

MOTION: *Commissioner Rangel Morales moved approval of the minutes of January 8, 2019. Commissioner Oliver seconded the motion. The motion carried unanimously on a voice vote.*

III. Chair's Announcements

Planning Commission By-Laws: Revision needed to preclude the chair voting on a quasi-judicial matter except in the event of a tie.

MOTION: *Chair Reveal moved the revision of the Planning Commission By-Laws to preclude the chair voting on a quasi-judicial matter. (except in the event of a tie vote). Commissioner Baker seconded the motion. The motion carried unanimous on a voice vote.*

Planning Commission decision whether to re-open the votes on #18-126-865 Twin Cities German Immersion School (variances) and #18-117-556 Twin Cities Germain Immersion School (site plan)

Chair Reveal said the vote is whether or not to re-open the two cases for a vote. If you vote yes, then you are voting to re-open the cases and consider the variances and site plan for a second

time. If you vote not to re-open, you are allowing the no decision to stand.

Commissioner Baker said if voting yes, does the items stay here at the Planning Commission or does anything go back to the Zoning Committee?

Chair Reveal said if we vote yes to re-open then it will be taken up as the first item on the Zoning Committee agenda today.

Commissioner Lindeke asked how this relates to any appeals process through the City Council. Would the two-time lines both be appealable or what?

Luis Pereira, Planning Director, said both the site plan and variances if the Commission acts today, are appealable to the City Council. The two deadlines for 15.99 are slightly different for the site plan 1599 deadline is March 6th and the variances, 15.99 deadline is March 26th. However, the site plan is not approvable without the variances being approved so that in affect means that the first deadline March 6th is the one that the Commission needs to either 1) act on today, or if not 2) the site plan and variances affectively are approved by operations of law on March 6th.

Commissioner Edgerton recused himself from voting.

MOTION: *Chair Reveal moved to re-open the vote on case #18-126-865 Twin Cities German Immersion School (variances) and case #18-117-556 Twin Cities Germain Immersion School (site plan). The motion failed 2-9 (Baker, DeJoy, Grill, Lee Lindeke, Oliver, Perryman, Risberg, Vang) on a voice vote. No action taken on either item, and the applicant would prevail by operation of law on March 6, 2019.*

IV. Planning Director's Announcements

Luis Pereira announced that at City Council on Wednesday, there was a decision on a settlement between First Lutheran Church and the City of Saint Paul. First Lutheran Church settlement has a few impacts for the planning work program, there will be a training required for all planning and zoning staff to deal with zoning applications on the RLUIPA which is the Religious Land Use Institutionalized Persons Act, that is a federal law that deals with religious institutions and land use. Within 6-months of the settlement there is a required training of city staff, in addition to that, there is a required zoning study that would look at land use applications made by religious institutions to the City, ensuring that there is a good process for them within 3 years.

Chair Reveal noted that there is a separate settlement between the City of Saint Paul and Listening House. So, they will continue to operate the program at Listening House.

Also, the Mississippi Corridor Critical Area Chapter of the Comprehensive Plan is in a preliminary draft stage, staff has been working hard with the consultants to get that finalized today or Monday and get that over to various stakeholders for initial comment. After that comment happens it would be coming back to the Comprehensive and Neighborhood Planning Committee for consideration to go through the process. Lastly, he sent an email aimed mostly at the Comprehensive and Neighborhood Planning Committee members that they are adding one additional meeting in February to begin review of the six Comprehensive Plan Chapters public testimony from the public hearing on January 11, 2019. And potentially one or two additional

meetings in March given the volume of large items that are coming, please add those to your calendar. Everyone is welcome to participate in those meetings. Mr. Pereira noted that Tony Johnson, staff on the planning team is being promoted to Senior City Planner.

Commissioner Baker inquired about city staff needing to go through training because of the First Lutheran Church settlement. And when it comes to religious institutions applications that come before them, is there anything that we as a Planning Commission need to do differently from what they have been doing based on the settlement.

Mr. Pereira presumes that there may be implications for both staff review of land use applications submitted by religious institutions and potentially implications for the Commission's decision, however he does not know at this moment what some of those things are. He thinks training will be really timely to help inform them.

Commissioner Baker's concern is that in between the time that staff goes through training and if they receive anything from a religious institution being able to ensure that we know what to do.

Chair Reveal suggested that the City Attorney Peter Warner brief them at some point, so they know, and they will check if it's applicable.

V. Comprehensive and Neighborhood Planning Committee

Commissioner Perryman inquired why all the extra meetings and the last two were canceled?

Luis Pereira, Planning Director, said the two items that are coming to the Comprehensive and Neighborhood Planning Committee are large items, one was the Ford Site Master Plan Amendments and Zoning Text Amendments Study which will come on February 20th, staff has been busy going through all of those comments and updating recommendations on the amendments, it's a timing matter getting through the volume of comments. And it is the same thing with the 2040 Comprehensive Plan, and even more so as 1,200 comments were submitted.

VI. PUBLIC HEARING: Saint Paul Pedestrian Plan – Item from the Comprehensive and Neighborhood Planning Committee. (Fay Simer, 651/266-6204)

Fay Simer, Department of Public Works gave a Power Point presentation which can be viewed on the web page at: <http://www.stpaul.gov/planningcommission>

Chair Reveal announced that the Saint Paul Planning Commission is holding a public hearing on the Saint Paul Pedestrian Plan. Notice of the public hearing was published in the Legal Ledger on Thursday, January 24, 2019 and mailed to the citywide Early Notification System list of recipients and other interested parties.

Chair Reveal read the rules of procedure for the public hearing. Chair Reveal also, noted that nothing submitted after the closure of the public record can be read or considered by the Planning Commission. We have been flooded with paper about cases that have passed the public hearing deadline and they can't be considered and will not be included in the public record.

The following people spoke.

1. Jack Byer, Executive Director of the Payne Phalen Community Council, 567 Payne Avenue, Saint Paul, MN 55130. On behalf of the community council they are very pleased that the city has done a Pedestrian Plan and that it is a citywide effort and it looks these issues comprehensively. It also has been engagement driven and generally speaking they agree with all of the goals established and the priorities. A couple of suggestions for possible inclusion into the plan, first is pertaining to adding sidewalks, particularly connectivity. On Phalen Boulevard east of Arcade Avenue over to the intersection of Johnson Parkway and Maryland Avenue, that stretch of Phalen Parkway has trails it has not connectivity to the neighborhood. And part of the reason for that is there are no streets that connect to and from Phalen Boulevard to the neighborhoods. On the Southside that is for good reason there's a railroad track, on the Northside there's simply a bluff and a lot of fences so they suggest that this plan consider pedestrian infrastructure that is not only sidewalks parallel to city streets. There is ample opportunity to connect those neighborhoods with those jobs in the corridor through pedestrian infrastructure to make it easier for people in the neighborhood to connect with those places of employment.

Secondly, they encourage the city to think about pedestrian infrastructure that is not just sidewalks or infrastructure that crosses city streets, but things like bridges, connection to trails, steps and things like that. For instance, Sweet Hollow is down in the hollow and its tough to get to in some cases there is only good access points at a couple of places. Finally, the walking public when they cross the street or when walking down the street they don't differentiate between a city street, a county stated highway and a MNDOT highway. In District 5, Payne Avenue is a city street, Arcade is state highway and Maryland is a county state highway, while the intergovernmental jurisdictions are mentioned in the plan he encourages the city to work with our intergovernmental partners and to help the public understand how some components of street design are handled differently by different entities and how the maintenance, snow removal is carried out along those streets.

2. Pat Thompson, Co-Chair of the District 12 Transportation Committee, 1496 Raymond Avenue, Saint Paul, MN 55108. She supports the plan and happy that the city is doing this and fully support the movement toward multi-modal approach to being a city and the way that lets us exist as we go into a future of climate change and recognizing that we all need to be able to move on our feet as much as possible and not be endangered as we do that. On appendix page 90 and on the map on page 71 the plan refers to Lower St. Anthony Park, there is no such thing, it's South St. Anthony Park; this is important, please correct it. North St. Anthony Park is marked as a medium priority area for walking investment, they agree with that but Eustis Street South of Como right against 280 there are no sidewalks on either side of Eustis and this is where traffic from the 280 ramp comes off and on. Just a few blocks south of Eustis there are several apartment buildings and its very common to see people walking this stretch in the street. It is very unsafe. And this needs to be a priority somewhere in order for that to ever happen. South St. Anthony Park is marked as a high priority area for walking investment and they agree with that. The only two specific stretches in the plan that are listed on the numeric list of high priorities are not ones that our district council has ever talked about. Their highest priorities would be to build sidewalks near the LRT stations where housings being built. Particularly on Territorial Road to basically rebuild Territorial Road with useable sidewalks where there are many truck movements and to do safety improvements around the ramps around 280 where there are constant endangerments every day to people. There is a hi-rise where there are people with mobility impairments who are

trying to reach the light rail and can't cross (every day during the winter there are people in wheelchairs in the road)

MOTION: *Commissioner Lindeke moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, February 11, 2018, and to refer the matter back to the Transportation Committee for review and recommendation. The motion carried unanimously on a voice vote.*

VII. Zoning Committee

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

Two items to come before the Site Plan Review Committee on Tuesday, February 12, 2019:

- Met Council Plaza – Site improvements at 390 Robert street North. Kathleen Angelo, TKDA. SPR #19-007537
- Ridgcrest Saint Paul – New building at 1636 University Avenue West. Trent Mayberry, TOLD Development Company. SPR #19-006143

NEW BUSINESS

#19-003-730 Reza Inc. – Rezone from BC Community Business (converted to T2 Traditional Neighborhood. 770 Grand Avenue, between Avon and Grotto. *(Kady Dadlez, 651/266-6619)*

MOTION: *Commissioner Edgerton moved the Zoning Committee's recommendation to approve the rezoning. The motion carried 10-2 (Edgerton, Oliver) on a voice vote.*

#19-003-542 Francesco O'Ryan – Conditional Use Permit for a reception hall/rental hall. 786 University Avenue West, SE corner at Avon. *(Tony Johnson, 651/266-6620)*

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

Commissioner Edgerton announced that the next Zoning Committee meeting on Thursday, February 14, 2019 has been canceled.

VIII. Capitol Rice Development Framework – Informational presentation by Peter Musty, Capitol Area Architectural and Planning Board.

Peter Musty, Capitol Area Architectural and Planning Board gave a Power Point presentation which can be viewed on the web page at: <http://www.stpaul.gov/planningcommission>

Commissioner Edgerton commended them on the Rice Street prioritization that is important and the idea of multi-modal ped, bike and vehicle. He encourages they continue coordinating, collaborating with City and County as you look at improving that corridor to the north especially the North End. He also wanted to know about the Sears site redevelopment what they know at this point.

Mr. Peter Musty said that they have met with them and other agencies. And they are likely to bring in a plan, but they have not left a plan with anyone. They are still testing, and the market has to be right and things can change from month to month. They have not seen a plan nor have knowledge of who the developer is if they even have picked a developer.

Commissioner Perryman said regarding the boundaries and the history of why its shaped like this, has the shape changed and why are certain things included and certain things are not in the boundaries of the space. The boundaries of the full district how it weaves in and out of certain spaces.

Mr. Paul Mandel, Executive Secretary, said they were created by the legislature back in 1967 when they were doing all kinds of special districts. Originally it was just the Capitol Campus the state properties that expanded up to the North and then the legislature added at one point the old, what is now the Anderson Building the DHS Building the state had bought that, so they expanded there. At one point it was going to be in the old Arts and Science Building, so they expanded those 4-blocks, so we would have design controls over those buildings and when they did the History Center they expanded up toward the Cathedral. Legislature modifies it as necessary.

Commissioner Fredson asked what the current zoning of the Sears site is and in terms of height limits what are the current limits versus the State Office Building. He is assuming that height limits in place would be to preserve especially the Capitol sort of standing out.

Mr. Musty said that the new Senate Building off to the right and State Office Building are a good guide the height limit is what he calls the shoulders of the Capitol that is the height limit, it is non-negotiable, and it goes through most of the district. In the Sears site it is maybe 4-6 stories.

Mr. Mandel added that if you are used to dealing with Saint Paul maps they use a datum, and to get it to feet above sea level you add 694.1 feet to the Saint Paul datum to get that 944 which is the predominate height restriction. In the late 1990's we lowered a level coming down the hill for the health buildings so that we would always recognize that hillside and Health East Bethesda because it is actually higher than the Capitol is on the hillside we add another 22 feet to acknowledge that hill.

Commissioner Lindeke wanted to know about the market studies or retail demand any office demand, housing demand have there been conversations with people about that and what does the picture look like in the space looking at the Rice Marion area.

Mr. Musty said the general assumption was that downtown would have to strengthen before we see the market in these areas along the line, but it has continued to surprise everyone where strength is popping up with market. It's hard to say. They are going to be very flexible and open to the market as it comes through and essentially, they're the regulator.

Mr. Mandel added that as far as state offices go the appetite usually with the legislature is about one new state office building per administration.

Commissioner Lindeke asked if there was a state office building of some kind would it be possible ever to do mixed use on that? Is it out of the question? There is a lot of demand for lunch spots for example there are thousands of office workers and it seems like cafeterias are

private even though they are open to the public and it would be great to have someplace that was a gateway between the public and private.

Mr. Mandel said the past Department of Administrations who are the landlord have been hesitant even though their plan calls for activated public spaces on the first floor, of all the state buildings that are built since 1990. But they get pushed back from the downtown that their using taxpayer money and creating spaces that compete with downtown commercial spaces. And that is what has always happened in the past, even though they push the downtown building owners push back.

Commissioner Lindeke feels like there is a lot of room here especially if that is the conversation between BOMA or the new Downtown Alliance. There is a lot of room for common ground about some of the priorities and with the new administration all around there could be a different conversation in the future.

Commissioner DeJoy said that when considering the development of the soccer stadium, the Sears site was identified as being a significant parking place a park and ride. She is wondering as part of this planning has there been consideration and conversation about what would happen if the parking to support the soccer stadium was eliminated or reduced. And has that been part of the conversation?

Mr. Musty said the mechanisms in place when this changes to be looking at holistically shared parking if its seasonal and daytime use with the Capitol that means a lot of empty spots at night and on weekends. And if its private sector driven they would want the facility to be used at night and on weekends. There may be a natural fit whether it's the soccer stadium or downtown uses near the station generally that is a good idea up and down Central Corridor to look at spots for shared parking not just shared locally but shared so you can park and move up and down the Green Line.

Mr. Mandel added that their Comprehensive Plan pushes heavily to eliminate all surface parking in the entire district in favor of structured parking because they have higher standards then even the City does on structure parking. Parking spaces average between 35 and 40 thousand dollars a space, by the time it's built they don't want it to look like parking they want it flat level with all internal traffic as far as it needing to convert the building to other uses besides parking. It does get pricey, but it would be private sector or municipal but not state, they also pushed the League of Minnesota Cities building that their redevelopment of their parcel would also look at structure parking solutions rather then more surface.

Commissioner Fredson said one of the unique things about the lot on the Southwest corner of University and Rice Street is the LRT line butts the property so there is no access to the property and he assumes that they were involved in that planning and decision making.

Mr. Mandel was at that point and that was a result because of the grade directly behind the Capitol from there to Robert Street was exceeding 6% they had to cut away some of the slope. And that's the one stretch where they came with a curb side which does create a land locked position for University Avenue frontage which is privately owned. The green space is privately owned but the state has tried to secure it; the legislature support for purchase of land is even lower than purchase of the building.

Mr. Musty noted that one of the functions that the City has that they do not have is community development, they're funding strings to assemble land like the City might be able to over a long period of time. It is definitely one of the things collaborating with the City going forward to untie some of the difficulties of some of those sites there would be helpful collaboration.

Merritt Clapp-Smith is working with Peter Musty and Paul Mandel trying to make sure that there's very clear process as a developer comes forward on how to move through both their review items from zoning and design and the City items for preliminary and final platting. On the timeline that was shown one piece they are still trying to figure out is the Environmental Review piece and does that happen before or after preliminary platting at the City. If they think it should be somewhere else then what is shown they will make that adjustment, but the main goal is to make sure that the City and Capitol Area Architectural Planning Board (CAAPB) are completely agreed on the steps and sequencing so when the developer comes its very clear and everybody is on the same page. The second thing that is really important for coordination between the two is the community engagement and helping the public and stakeholders to understand that there are two review entities and a lot of people will assume that this is all a City decision and they might call the City Councilmembers about what they are hearing on the site. And it is going to be a process that's led by the CAAPB and needs to be closely coordinated with the City.

Mr. Musty added that people are routinely confused about what the CAAPB Board is, what the boundaries are, and what they do, so its constantly an educational process. This is a big important project and media will be covering it so clarity working with Luis Pereira and others, clarity for staff, clarity for community organizations on the process of review. They have been out in front on the framework they wanted to get ahead of it, so they weren't backing up through the development process with the developer. That is a challenge a head of both the City because you'll be getting the calls a lot of them that you'll face together clarity about the process.

Mr. Pereira has been working with Mr. Musty and Merritt Clapp-Smith and other staff to look at that graphic about the process and we have some things we are checking into as it relates to the timing of the planning and environmental review. The other is the site plan review which currently CAAPB has a site plan review process and the City has site plan review process and the way that the City goes through their site plan review process after the CAAPB process is parallel to it, it does not have a regulatory approval power that the CAAPB site plan review process does but it is a tool an assist to the CAAPB to signal what are some of the things that the City will have to be involved with streets, sidewalks, there is Parkland Dedication whether its public or privately owned but public accessible, public park space what does that mean for the City. Beginning to signal those things that will come into effect at the plat stage which will be later.

Mr. Musty added that they will rely on that. This is predevelopment, there is also a development process they've had two new buildings in the Capitol area over the summer. They have been developing with Tia Anderson at the Department of Safety and Inspections (DSI) and getting in earlier is the lesson and making sure DSI is up to speed on their process then they had off, they give a zoning permit that goes through building permit that is after the predevelopment stuff. Then they do a certificate of design compliance to make sure that what they approve in zoning complies with what building permitting what they're looking at in the final stage of building permit. That's the development process.

Lucy Thompson, PED staff said she believes the City does have regulatory site plan approval. The CAAPB Board looks at a concept plan that gets straightened out with them and the planning

and zoning check boxes are made then it comes to site plan approval and what the City looks at is the impact of a project in the Capitol area on municipal systems. The City does have approval authority in that, and some of the planning and zoning stuff they would look at as part of their site plan approval CAAPB would have already taken care of, what the City would look at is traffic egress and ingress, storm water all the other municipal systems that they take care of. They do have approval authority there.

Chair Reveal noted that in the early discussions on Sears there were some Zoning Committee conversation about what was happening and where it was going.

Luis Pereira, Planning Director, added that in terms of potential for City involvement the environmental review process and the responsible government unit for that review whether it's the City on board for that and depending on what type of review it is it will potentially impact City staff and involve them.

IX. Transportation Committee

Commissioner Lindeke reported that their last meeting was canceled. He then announced the items on the agenda at the next Transportation Committee meeting on Monday, February 11, 2019.

VIII. Communications Committee

No report.

IX. Task Force/Liaison Reports

No report.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 10:10 a.m.

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

Respectfully submitted,



Luis Pereira
Planning Director

Approved _____
(Date)



Lue Vang
Secretary of the Planning Commission