

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

Minutes October 6, 2017

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 6, 2017, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Anderson, DeJoy, Eckman, Lee, Reveal; and Messrs. Fredson, Khaled, Makarios, Ochs, Oliver, Rangel Morales, Reich, Vang, and Wojchik.

Commissioners Absent: Mmes. *Mouacheupao, *Thao, *Underwood, and Messrs. *Baker, *Edgerton, *Lindeke, and *Perryman.

*Excused

Also Present: Donna Drummond, Planning Director; Peter Warner, City Attorney, Lucy Thompson, Allan Torstenson, Bill Dermody, Josh Williams, Jamie Radel, and Sonja Butler, Department of Planning and Economic Development staff.

I. Swearing in new commissioners Shannon Eckman and Eric Wojchik.

New Planning Commission members Shannon Eckman and Eric Wojchik were sworn in by Peter Warner, Assistant City Attorney.

II. Approval of minutes August 25, 2017.

MOTION: *Commissioner Reich moved approval of the minutes of August 25, 2017. Commissioner Vang seconded the motion. The motion carried unanimously on a voice vote.*

III. Chair's Announcements

Chair Reveal had no announcements.

IV. Planning Director's Announcements

Donna Drummond announced that the Ford Zoning and Public Realm Master Plan was approved by City Council on a 5-2 vote. The City Council changed the affordable housing percentage targets, to 20% affordable housing for the Ford site in total, with 10% of those affordable at 30% of Area Median Income, 5% at 50% and 5% at 60%. She also announced that Merritt Clapp-Smith, the lead staff for the Ford Plan, had submitted her resignation and will be moving on to other things.

The City Council had its public hearing on Short Term Rental regulations, and 29 people testified. The zoning amendments that the Planning Commission recommended were paired with some licensing code changes that the Department of Safety and Inspections brought forward.

V. Commissioner Appreciation

Honoring Commissioner Makarios for his service on the Planning Commission.

Chair Reveal read a resolution thanking Commissioner Makarios for his service on the Planning Commission.

MOTION: *Commissioner DeJoy moved approval of the resolution honoring Commissioner Makarios. Commissioner Fredson seconded the motion. The motion carried unanimously on a voice vote.*

VI. Zoning Committee

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

OLD BUSINESS

#17-060-690 Listening House – Appeal of a zoning administrator similar use determination for Listening House to provide services at First Lutheran Church. 464 Maria Avenue, NE corner at 8th Street. (*Bill Dermody, 651/266-6617*)

Commissioner Makarios reported that the Zoning Committee had a lot of discussion about whether this is an appropriate use in a residential zoning district. The committee voted 4 – 3 to recommend granting the appeal, thereby reversing the Zoning Administrator’s decision to permit this use in a residential zoning district. He noted the matrix summarizing discussions that Listening House, the church, and their neighbors had, facilitated by Nancy Homans from the Mayor’s Office, since the public hearing and the last Planning Commission meeting.

Commissioner Vang asked if Listening House has budgeted \$700 per month for guests’ bus fare, or if that is just what they have been paying out. Chair Reveal replied that we don’t know their budget.

Commissioner Eckman asked about where Listening House would move if they can’t continue their services at the church. Commissioner Makarios said he doesn’t know.

Commissioner Rangel Morales asked Assistant City Attorney Peter Warner about the appeal period and how the appeal occurred after Listening House had invested so much.

Mr. Warner said that the Zoning Code provides for appeal of a decision within 10 days of the decision. The difficulty here was lack of notification of the Zoning Administrator’s decision. Mr. Warner discussed a basic principle of law that an appeal provision without notification has no value, so when staff realized that notice had not gone out in this case he advised that there be notification of the decision with an opportunity for appeal.

Chair Reveal suggested a possible code amendment to clarify the notification required for such decisions.

Commissioner Fredson said he was one of the no votes at the Zoning Committee meeting. His hope was that both sides could come together and find some agreement, and that the commission could approve the use with some additional conditions.

Commissioner Ochs noted the option of bringing this issue to the City Council through appeal of the Planning Commission’s decision.

Commissioner Vang said it seems that there was some progress with the neighborhood process, and asked if there is a way for the commission to allow the use to continue under certain conditions for a trial period of a few months and then come back for an annual review.

Mr. Warner said the issue before the commission is the appeal of the determination made by the Zoning Administrator, whether that determination was correct, which needs to be addressed first.

Commissioner Rangel Morales asked Zoning Committee members who voted to uphold the appeal to comment about why they voted that way.

Commissioner Ochs said the commission's charge is to determine whether this use is similar to what's permitted and appropriate in the district, and he thinks it doesn't meet that test. It's an intensity issue, and he thinks it doesn't fit well in a residential district.

Commissioner DeJoy said that while there is a lot of support for this organization and its operations, from a zoning perspective she thinks this is the wrong place.

Commissioner Makarios said this was a hard decision for him. It came down to the required findings under law for a similar use determination, one being that it is similar in character of one or more uses permitted in the RT1 district. Staff's finding was that the condition was not met because the use has a detrimental effect on the neighborhood, and there was compelling testimony about its significant detrimental effect on the neighborhood. Another required finding is that the use is consistent with the Comprehensive Plan. Staff found that this required finding was not met because the use has proven to not be compatible with adjacent properties.

Commissioner Rangel Morales asked Mr. Warner if he knew where there are other facilities like this in the city. Mr. Warner said that he is not familiar with any other facilities like Listening House. Chair Reveal noted that staff indicated they don't have information on that either.

Commissioner Ochs asked what zoning district Listening House was previously in at the Dorothy Day Center.

Bill Dermody, PED staff, said Listening House was formerly located near the Dorothy Day Center in the B5 or B4 business district.

Commissioner Oliver said he sees this as a plain accessory use of a church, what he expects Christian churches to do, and he will be voting to reject the appeal.

Commissioner Eckman asked if there was a recommendation from the District Council.

Commissioner Makarios said that at the time of the public hearing there was no recommendation from the District Council.

Chair Reveal requested a hand vote.

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to grant the appeal. The motion failed on a 7-7 voice vote.*

MOTION: *Commissioner Fredson moved to lay this case over to the next Planning Commission meeting on October 20, 2017. Commissioner Ochs seconded the motion. The motion carried unanimously on a voice vote.*

NEW BUSINESS

#17-077-911 Metric Auto Parts – Rezone from RM2 Multiple Family to B2 Community Business. 550 South Smith Avenue, E side between George and Stevens. (*Jake Reilly, 651/266-6618*)

Commissioner Wojchik asked about the reason for the West Side Community Organization recommendation for denial of the rezoning.

Commissioner Makarios said it was about the parking lot size and the amount of pavement. He said the property owner made it clear that they don't intend to pave over this new lot, but eventually they would like to redo the entire site and parking area. They don't need more parking, but they want to improve their property.

Chair Reveal added that they would have to come back to the City for a site plan review to redo the parking lot.

Commissioner Makarios said the question before us is rezoning of the lot, and he thinks the proposed rezoning is appropriate.

Commissioner DeJoy noted the letter from the community organization in the packet. It looks like there was some debate in response to a community concern and that is what resulted in their letter recommending denial.

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#17-078-505 Morton Salt Rain Shelter – Conditional use permit for a structure not elevated on fill in the FF flood fringe district. 1111 Childs Road. (*Josh Williams, 651/266-6659*)

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried on a voice vote of 13 in favor with 1 abstention (Reich).*

Commissioner Makarios announced the items on the agenda at the next Zoning Committee meeting on Thursday, October 12, 2017.

VII. Joint Comprehensive and Neighborhood Planning Committee

2040 Comprehensive Plan update: Housing Chapter – Overview and Key Themes. (*Jamie Radel, 651/266-6614*)

Jamie Radel, PED staff gave a power point presentation which can be seen on the web page at: <http://www.stpaul.gov/planningcommission>

Ms. Radel, Senior Planner with Planning and Economic Development, is drafting the Housing Chapter for the Comprehensive Plan. Ms. Radel gave an update on status of the draft plan, discussed the requirements set forward by Metropolitan Council, and the process that the interdepartmental staff team used to undertake the update. She then gave a high level overview of the plan's goals.

Commissioner Vang announced the item on the agenda at the next Joint Comprehensive and Neighborhood Planning Committee meeting on Tuesday, October 17, 2017.

VIII. Transportation Committee

Commissioner Ochs announced that the next Transportation Committee meeting has been canceled.

IX. Communications Committee

No report.

X. Task Force/Liaison Reports

No reports.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:35 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 December 1, 2017
(Date)



Cedrick Baker
Secretary of the Planning Commission