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

Minutes October 20, 2017

A meeting of the Planning Commission of the City of Saint Paul was held Friday, October 20, 2017, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Anderson, DeJoy, Eckman, Lee, Mouacheupao, Reveal, Thao; and Messrs. Edgerton, Khaled, Lindeke, Ochs, Oliver, Perryman, Rangel Morales, Reich, Vang, and Wojchik.


*Excused

Also Present: Lucy Thompson, Acting Planning Director; Allan Torstenson, Bill Dermody and Laura Eckert, Department of Planning and Economic Development staff.

I. Approval of minutes September 22, 2017.

MOTION: Commissioner DeJoy moved approval of the minutes of September 22, 2017. Commissioner Vang seconded the motion. The motion carried unanimously on a voice vote.

II. Chair’s Announcements

Chair Reveal had no announcements.

III. Planning Director’s Announcements

Acting Planning Director Lucy Thompson announced that Merritt Clapp-Smith has resigned. A card was passed around for signatures. The City Council held a public hearing on short-term rental regulations and introduced amendments to the draft regulations. There will be a zoning tutorial for Planning Commissioners after the November 3, 2017 Planning Commission meeting.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tia Anderson, 551/266-9086)

Two items came before the Site Plan Review Committee on Tuesday, October 17, 2017:

- St. Paul JCC Addition – Building addition for a Creative Arts Wing at 1375 St. Paul Avenue. Michael Waldman-JCC SPR# 17-084349

- Mister Car Wash – Building addition and Lane Reconfiguration at 520 7th Street East. Tim Vaughn-Mister Car Wash SPR# 17-084102
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)

Chair Reveal reviewed the case and the tie vote at the last meeting on the Zoning Committee recommendation to grant the appeal. The motion on the table from the Zoning Committee is to grant the appeal, which would overturn the Zoning Administrator’s decision.

Commissioner Ochs had a thoughtful, heartfelt discussion about this case, understanding the implications for services that are needed and the negative impact this use is having on the neighborhood. It’s good that the church is helping to provide these services, but unfortunate that the need is so big that providing these services in this neighborhood location is having such a big impact. We need to provide proper care and services to those in need, but we also need to be fair to neighbors and think about negative effects on them. He supports the staff recommendation to grant the appeal and overturn the Zoning Administrator’s decision because he feels that, as land use decision makers, we need to figure out how to appropriately provide these services in a proper place with proper standards to avoid negative impact.

Commissioner Edgerton said that, at the Zoning Committee meeting, he voted to grant the appeal because of the detrimental effect Listening House is having on the character of the neighborhood. He noted other zoning cases where permits were denied on the basis of detrimental neighborhood impact for things like a facade without enough windows and too large of a parking ramp. In this case, the Commission has heard a lot of testimony about issues that are a lot more detrimental to the neighborhood.

Commissioner Oliver said that “detrimental to the character of the neighborhood” is not a standard for a determination of similar use. The question is whether churches are allowed to do this in a residential zoning district, and whether Listening House is a use consistent with any other use allowed in a residential district. We have gotten our wires crossed because the Zoning Administrator put some conditions on this use based on conditions for home occupations, but we are not trying to figure out if this is similar to home occupations. The issue of detriment to the residential character of the neighborhood is part of those home occupation conditions. If the Zoning Administrator’s determination stands, then Listening House will have to deal with that, and they may come back for zoning enforcement, and may be found to be outside of their conditions, but that is a separate thing from deciding whether it is a similar use. He cannot conscience voting to find that this is not something the church can do, and he cannot conscience the idea that services for the homeless are inconsistent with the Comprehensive Plan.

Commissioner Edgerton said in this case, the Zoning Administrator’s decision was conditioned upon this use not being detrimental to the character of the neighborhood.

Commission Perryman said that the examples of windows being detrimental to the neighborhood are very different than human needs.

Commissioner Rangel Morales said he doesn’t see the detriment to the neighborhood.
Commissioner Lindeke said that, to him, it is dependent on scale. If there were only 5 people getting services at this church it would be fine, but if it is 150 people, we need to think about whether that is a significant impact. It is a difficult decision.

Commissioner Ochs said that this is about compatibility of land and negative effects on the neighborhood due to the scale of the use. If the scale of the use were to be closer to the small scale allowed for a home occupation, it would be compatible with the neighborhood and would not be an issue. He thinks the City can find a way to define the services and appropriate standards for where and how it is permitted, and needs to do that.

Chair Reveal asked for a roll call vote.

**MOTION:** Commissioner Edgerton moved to approve the Zoning Committee’s recommendation to grant the appeal, thereby reversing the Zoning Administrator’s decision to allow services by Listening House at 464 Maria Avenue subject to conditions. The motion failed by a roll call vote of 5-12 (Anderson, Eckman, Edgerton, Khalid, Lee, Lindeke, Mouacheupao, Oliver, Perryman, Rangel Morales, Reveal, Thao).

Commissioner Thao made a motion to approve a revised resolution to amend two findings and modify the Zoning Administrator’s decision to add 11 conditions. Commissioner DeJoy seconded the motion.

Chair Reveal noted that these are not conditions that we have seen before today, but it is a decision that we have to act on today. A 5-minute recess was given for Commissioners to read over the proposed resolution.

Bill Dermody reviewed the draft resolution presented by Commissioner Thao for the Planning Commission. There are three conditions that the Zoning Administrator had placed on this use and 11 additional proposed conditions that address topics that were discussed in the neighborhood discussions with Listening House and First Lutheran Church conducted by Nancy Homans of the Mayor’s Office. With the public hearing closed, we will find out whether they find this acceptable if there is an appeal. Mr. Dermody noted a 2004 determination of similar use for an accessory use of a church in which the Planning Commission limited accessory yoga classes to 10 people at a time is the only number we have as a frame of reference to provide some guidance for a standard for allowable scale for this type of use. Proposed condition #14, generally limiting the number of guests to 20 per day, is written so that it is not a strict, hard limit that would require turning guests away. Rather, it is worded to prevent them from operating over the number of 20 guests on a regular basis.

Chair Reveal said the Zoning Committee has asked staff to ensure public notice of a Zoning Administrator determination of similar use in the future, and to provide the Zoning Committee with some guidelines beyond home occupation standards to help think through decisions like this. This is envisioned to be something like duplex and triplex conversion guidelines.

Commissioner Rangel Morales noted language in the staff report that says the function of Listening House is to provide assistance to low-income, homeless or lonely adults for hospitality, practical aid, and referrals to other agencies for specific needs, outreach, collaborating with art/health professionals and maintaining a food shelf. He said finds it hard to differentiate that from what a typical church function is, and asked if generally limiting this
use to 20 guests per day is limiting the church to 20 guests per day, which would be hard to enforce.

Commissioner Vang proposed a friendly amendment to condition #5 to include language that reads, Listening House staff must be on-site for two hours before and two hours after the times guests are served at the facility. Commissioner Thao accepted this as a friendly amendment.

Commissioner Reich said that the way this came before us is the only way it could have, through an appeal by the neighbors as opposed to a process by which people could get together and work things out, which is frustrating. He thinks the neighbors have valid concerns and that Listening House is a valuable service. He will support the conditions, but hopes discussions between the neighborhood and Listening House continue and they can work through the issues so everybody can live in a place where people are being served while kids can still walk to school.

Commissioner Eckman noted condition #13 regarding good neighbor policies and consequences, including suspension or barring from Listening House, which would be an opportunity for the community to discuss when is a line being crossed.

Commissioner Lindeke said there are lots of different kinds of places that might call themselves religious institutions. We have to be able to limit what can happen in a religious institution, and these conditions are reasonable, so he supports them.

Commissioner Khaled asked if the limit of 20 guests per day in condition #14 is cumulative per day or at a given time.

Bill Dermody, PED staff, said it is cumulative per day, so if there are 10 guests in the morning and 10 different guests in the afternoon, that would get you to 20.

Commissioner Rangel Morales noted concerns about restrictions on religious institutions, something for City Attorney Peter Warner to comment on.

**MOTION:** Commissioner Thao moved to approve a revised resolution denying, in part, the appeal, amending two findings and modifying the Zoning Administrator’s conditions to address issues raised in the course of the Zoning Committee’s and Planning Commission’s deliberations. The motion passed by a roll call vote of 14-2 (DeJoy, Rangel Morales)

**NEW BUSINESS**

#17-082-824 206-208 Bates 4-plex – Re-establishment of a nonconforming 4-plex. 206-208 Bates Avenue, between Plum and Wilson. (Bill Dermody, 651/266-6617)

**MOTION:** Commissioner Edgerton moved the Zoning Committee’s recommendation to approve the re-establishment of a nonconforming 4-plex. The motion carried unanimously on a voice vote.
#17-083-216 1477-1485 Minnehaha Avenue East – Rezone from VP Vehicular Parking to T2 Traditional Neighborhood. 1477-1485 Minnehaha Avenue East, NW corner at Barclay. (Bill Dermody, 651/266-6617)

Commissioner Wojchik noted that the zoning map for this case in the October 12th Zoning Committee packet has the star on the Twin Cities Academy site, which is incorrect. It is actually the site to the north.

Commissioner Edgerton said this was pointed out at the Zoning Committee meeting.

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

#17-079-581 Kevin Greenlee – Conditional use permit for a bed and breakfast residence with 4 guest rooms. 483 Ashland Avenue, between Mackubin and Arundel. *(Tony Johnson, 651/266-6620)*

Commissioner Reich noted opposition letters expressing concern about strangers coming to the house, and to be clear that the proprietor would be living on site while people are staying there.

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

Commissioner Edgerton announced that the next Zoning Committee meeting on Thursday, October 26, 2017 has been canceled.

V. **Joint Comprehensive and Neighborhood Planning Committee**

Zoning Code Chapter 65 Minor Text Amendments – Approve resolution recommending zoning code text amendments to the Mayor and City Council for adoption. *(Allan Torstenson, 651/266-6579)*

**MOTION:** Commissioner Thao moved the Comprehensive Planning Committee’s recommendation to approve the resolution recommending zoning code text amendments to the Mayor and City Council for adoption. The motion carried unanimously on a voice vote.

Commissioner Thao announced that, at their last meeting, they welcomed new Committee members and had a discussion about the Parks Chapter. At the next meeting on Tuesday October 31, 2017, they will continue discussion on the Parks Chapter of the Comprehensive Plan.

VI. **Downtown Vitality Vision** – Informational presentation by Darlene Walser, Executive Director, Saint Paul Riverfront Corporation.

Darlene Walser, Saint Paul Riverfront Corporation gave a Power Point presentation, which can be seen at: [http://www.stpaul.gov/planningcommission](http://www.stpaul.gov/planningcommission)
Commissioner Reich referenced one of the 10 Strategies to Ensure Resilience and Vitality: Aim for at least 5% of the city’s population for downtown, and asked what the current percentage is.

Darlene Walser said she thinks that it is about 3.5% (approximately 10,000 residents); 14,500 would be 5%

Commissioner Lee referenced one of the slides showing a collective impact visual. It would be interesting to follow up with how those different entities are going to work together. It is good to think about unintended consequences and the good things that can happen when there is collective impact.

In response to a question by Commissioner Edgerton, it was noted that this and all presentations to the Planning Commission meetings are posted on the web page.

Commissioner Edgerton asked how they incentivize more office space in the downtown area in that “donut hole,” and what specific things are they thinking.

Ms. Walser said that the working group set up by the Saint Paul Riverfront Corporation to oversee the Downtown Vitality Vision comprises a broad cross section of players, including building owners, developers, as well as non-profit organizations. The collaboration of all of these stakeholders is critical to success. The working group is exploring how to reduce red tape and increase transparency so that it is easier to do business downtown. The group is also looking at the economic development tools the City currently has and getting feedback on which ones are working and which ones are not.

Lucy Thompson, PED staff, added that all of downtown’s assets have to be marketed in order to bring (and retain) more jobs and residents here. A specific example is the work City staff are doing to refresh Ecolab Plaza in order to be an amenity for Osborn370 (the repurposed Ecolab office building). While the condition, appearance, and vibrancy of the plaza is important to the successful tenanting building, the overall vitality of downtown is a selling point as well.

Commissioner DeJoy said that the topic of retail always comes up. She appreciates the tenacity of the *Saint Paul on the Mississippi Development Framework*, and how well the vision of that document has been sustained and realized over time.

Ms. Walser said that the City of Saint Paul has done great planning work. All the great work that you are seeing downtown is because of the work that everyone has done to-date. The world around us has changed, and retail is not going to ever be like it was 40 years ago. What we know about retail is that it is becoming more about the experience of being with people. People are going to be coming downtown for the experience. Whereas housing “grows like dandelions” anywhere and without much effort, retail is “like an orchid” and needs just the right conditions to succeed.

Commissioner Khaled said what is particularly unique to Minnesota is the density of Fortune 500 companies and the fact that this is a major startup hub. There may be an opportunity to catalyze a “multi-sector deal-making space” – e.g. where General Mills sets up a space in downtown where people can learn the latest in food technology. Target has also partnered with a national incubator. Perhaps downtown could host some of these Fortune 500 companies on an incubator basis, perhaps in a storefront space.
Commissioner Edgerton said that is a great idea, trying to attract and develop start-up small companies. Some of those companies have roots in Saint Paul.

Ms. Walser said that is part of what the new owners of Osborn370 are trying to do. Members of the Mayor’s Tech Cabinet are also part of the Downtown Vitality Vision conversation.

VII. Transportation Committee

Commissioner Lindeke said the next Transportation Committee meeting has been canceled.

VIII. Communications Committee

No report.

IX. Task Force/Liaison Reports

Commissioner Edgerton said the Rice-Larpenteur Task Force had its meeting with the policy makers and is starting to see some design recommendations for the area. He suggested bringing them to the Planning Commission at some point. Lucy Thompson agreed and also noted that the Saint Paul Design Center is meeting with the consultant team in November.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:55 a.m.

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

Respectfully submitted,

Lucy Thompson
Acting Planning Director

Approved December 1, 2017
(Copy)

Cedrick Baker
Secretary of the Planning Commission

Planning Team files/planning commission/minutes/October 20, 2017