

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

Minutes June 1, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, June 1, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Perrus, Shively, Thao, Wang,, Wencl; and Messrs. Edgerton, Gelgelu, Nelson, Ochs, Oliver, Schertler, Spaulding, Ward, Wickiser.

Commissioners Absent: Mmes. Halverson, *Noecker, *Porter, *Reveal, and Messrs. *Connolly, *Lindeke.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Mike Klassen, Allen Lovejoy, Department of Public Works; Allan Torstenson, Patricia James, Anton Jerve, Josh Williams, Kate Reilly, Sarah Zorn, Christina Morrison, Dan Bayers, Eduardo Barrera, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 4, 2012.

MOTION: *Commissioner Ward moved approval of the minutes of May 4, 2012. Commissioner Edgerton seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that the City Council approved reduced requirements for bars and restaurants serving beer, wine and liquor. These were changes recommended by the Planning Commission in 2011.

She also asked commissioners to please save the date for a special workshop being offered by the Urban Land Institute called Navigating the New Normal, which is scheduled for Tuesday, July 17, 2012 from 3:00-5:00 p.m. at City Hall Room 40. It's a workshop ULI is offering to city officials to help them think about new ways of dealing with development in an era of reduced resources and changing demographics. More information will be available as the details are finalized.

IV. PUBLIC HEARING: PUBLIC HEARING: Urban Agriculture Zoning Study – Item from the Comprehensive Planning Committee. (*Anton Jerve, 651/266-6567*)

[testimony deleted for brevity]

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: Industrial Zoning Study – Item from the Comprehensive Planning Committee. (*Allan Torstenson, 651/266-6579*)

[testimony deleted for brevity]

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 4, 2012, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

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

One item came before the staff Site Plan Review Committee on Tuesday, May 29, 2012:

- East Side Family Clinic, new 34,000 square foot medical clinic at 895 East 7th street (at Forest).

Two items to come before the staff Site Plan Review Committee on Tuesday, June 5, 2012:

- Grand Hill Carriage House, remove a 2-car garage and construct one new dwelling unit over a new 3-car garage, at 555 Grand Hill.
- Payne Maryland Center, construct a new community center, library and parking lot and renovate existing athletic fields at 1178 Payne (at Maryland).

OLD BUSINESS

#12-048-442 Volunteers of America – Conditional use permit for a Department of Corrections–licensed community residential facility with modification to permit up to 74 adult residents. 1394 Jackson Street, between Arlington and Hyacinth. (*Patricia James, 651/266-6639*)

MOTION: *Commissioner Nelson moved the Zoning Committee’s recommendation to approve the conditional use permit subject to additional conditions with a modification to permit 74 adult residents.*

Commissioner Ward asked about the rationale for more than doubling the number of residents that is allowed in the zoning code.

Commissioner Nelson said this is an existing operation which houses 74 residents at the current time. The size of the building at 1394 Jackson is appropriately sized for 74 residents. The project proponent needs a certain number of residents on site to be able to offer the wide variety of programs that are part of their contract. The efficiency of scale isn't recognized in the zoning code for this exact use. The current code permits 16 to 32 residents. Given the program requirements and the size of the building, transferring the existing 74-person program to this site would fit appropriately within the existing structure.

Commissioner Ward asked about the impact of this use on the character of the neighborhood.

Commissioner Nelson said the character of the area is industrial. The distance requirement for this type of use from other facilities is beyond the minimum. It is also located in a planning district whose population in community residential facilities is below the 1% threshold. Also some felt that an industrial area is a more appropriate location for this use than in a residential area or next door to residential uses.

Commissioner Wickiser said that he will be voting against this resolution because of the testimony of the next door land owner that this development would be detrimental, and in addition, the zoning would allow for 16 residents here and they are requesting 74. The economics of whether this facility works for the applicant or not is outside the bounds of a zoning decision in his opinion.

Commissioner Schertler said he thinks that the proposed number of residents is a pretty radical change, and he is not convinced that a compelling case has been made justifying this size of a deviation.

Patricia James, PED staff, clarified that this facility used to serve as the workhouse for women under a contract with Ramsey County. The county now can accommodate women in their remodeled workhouse, and Volunteers of America now has a license with the State Department of Corrections and a contract with the federal government to house federal prisoners nearing the end of their sentences.

Commissioner Edgerton stated he also is not comfortable with this deviation from 16 to 74. This would now put released but convicted felons as well as others who are awaiting trial into this certain area. If they're meeting all the rules, then the Planning Commission has a responsibility to allow it, but in this case it isn't meeting the rules; this is asking for a significant increase in the number, and he does not supportive this.

Upon questions from Commissioner Ward, Commissioner Nelson clarified that the applicant has an interest in the property sufficient to make this application, and there is a request for a modification to increase the number of residents that their allowed within the property.

Commissioner Spaulding asks about where the number 16 came from.

Ms. James said that the number 16 comes from a state law that says residential facilities licensed by the state department of human services – generally including persons with some kind of disability – are a permitted multiple family use, and that local governments must allow these facilities for up to 16 residents in their multiple family residential zoning districts. The City “borrowed” that number for licensed correctional community residential facilities when the zoning code was updated in the 1990’s, even though facilities licensed by the department of corrections are not covered by that state law.

Commissioner Schertler noted that if the City is trying to protect industrial property as part of the industrial zoning study, and this application is moving in the opposite direction of that by allowing more residential population via conditional use permits, is this in conflict with the Comprehensive Plan?

Ms. James clarified that the Comprehensive Plan recommended looking at the uses that are permitted in industrial zoning districts to determine if they are consistent with the goals of the Land Use Plan. This study has suggested some changes to the industrial use list, but did not suggest changes regarding the location of community residential facilities, in part because that is better addressed in a zoning study of community residential facilities. Under the existing zoning regulations, this use is permitted, and the existing zoning is consistent with the comprehensive plan.

Commissioner Nelson noted that he sees similarities between this type of community residential facility and the St. Anthony Residence on Hersey Street, which was also located in an industrial zone.

The motion to approve the conditional use permit with a modification to permit 74 adult residents failed on a voice vote of 5-7 (Edgerton, Ochs, Oliver, Schertler, Wang, Ward, Wickiser).

*Commissioner Wickiser moved to approve the conditional use permit with a modification to permit 32 adult residents instead of 74, keeping the rest of the resolution the same.
Commissioner Ochs seconded the motion.*

Commissioner Ward said that going from 74 to 32 does not address finding #2d, that the facility serve no more than 16 facility residents except in a B4 or B5, so this is the same issue of industrial versus other zoning uses. In B4 and B5, 32 residents are allowed, but this is an I district and only 16 are allowed. He would agree to amending it to 16 instead of 32.

Commissioner Wickiser said this is an acceptable use under the zoning at 16, 32 seems to him to be a reasonable number.

Commissioner Schertler agreed with Commissioner Wickiser. Approving the modification to allow 32 as opposed to 16 is based on other intense districts, B4 and B5, acknowledging that I1 is more similar, and he supports it.

Commissioner Ward stated that the application meets all of the requirements at 16, and we’re able to approve it at 16. He thinks that the commission should strictly stick to what’s allowable.

Commissioner Merrigan moved to call the question. No one seconded the motion. The motion to call the question passed unanimously on a voice vote.

MOTION: *Commissioner Wickiser moved to approve the conditional use permit subject to additional conditions with a modification to permit 32 adult residents. The motion carried 7-5 (Nelson , Oliver, Shively, Ward, Wencl) on a voice vote.*

NEW BUSINESS

[deleted for brevity.]

Commissioner Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, June 7, 2012.

[Remainder of minutes deleted for brevity.]

XIII. Adjournment

Meeting adjourned at 12:56 p.m.

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

Respectfully submitted,

Approved _____

(Date)

Donna Drummond
Planning Director

Daniel Ward II
Secretary of the Planning Commission