

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

Minutes May 30, 2014

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 30, 2014, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, Merrigan, Noecker, Padilla, Reveal, Shively, Thao, Wang, Wencil; and Messrs. Gelgelu, Lindeke, Nelson, Ochs, Oliver, and Ward.

Commissioners Absent: Ms. *Underwood, and Messrs. *Connolly, *Edgerton, *Makarios, and *Wickiser.

Absent: *Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Jake Reilly, Bill Dermody, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 2, 2014.

MOTION: *Commissioner Reveal moved approval of the minutes of May 2, 2014. Commissioner Shively seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencil announced that she and Donna Drummond attended a meeting at the Saint Paul School District for their Facilities Master Plan Committee. They will be holding six future meetings to develop a 10 year facilities plan. They were both asked to be a part of this committee so as they have more information the Planning Commission will be informed.

III. Planning Director's Announcements

Donna Drummond reminded the commissioners if they are interested in the discounted rate for APA membership that checks need to be submitted within the next week or so. Also the City's comments on the Met Council's Thrive MSP 2040 were submitted a month ago. The Met Council recently posted responses to comments and have summarized all of the comments from various cities, other entities and private individuals who submitted comments. An email with the link to those comments will be sent out.

IV. Zoning Committee

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

Four items came before the Site Plan Review Committee on Tuesday, May 27, 2014:

- State Capitol, site improvements associated with capitol building renovation at 75 Martin Luther King Boulevard.
- Homestead Partners/Pleasant Avenue houses, prepare site for construction of 8 single-family houses at 361 Pleasant Avenue.
- Frogtown Park, site work for a new park, including earthwork, entrance road, parking, walks, landscaping at 919 Lafond Avenue. (Work does not include Frogtown Farm urban agriculture.)
- Maria Traffic Calming, improvements to Maria Street to improve pedestrian environment at 400 Maria.

One item to come before the Site Plan Review Committee on Tuesday, June 3, 2014:

- Minnesota Capitol Office Building, new office building at 80 Sherburne. (This site is in the Capitol Area. The City does not have zoning jurisdiction in the Capitol Area and so the review will be limited to aspects of the plan that impact City infrastructure such as sewers, water service, boulevard trees, streets and driveways.)

NEW BUSINESS

#14-200-064 Yia Vang – Reestablishment of nonconforming use for a chiropractic clinic. 1200 Galtier Street, SE corner at Maryland. (Jake Reilly, 651/266-6618)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the reestablishment of legal nonconforming use. The motion carried unanimously on a voice vote.*

#14-198-104 TNT Fireworks (1177 Clarence) – Conditional use permit for outdoor commercial sale of consumer fireworks. 1177 Clarence Street, West side of Clarence at Rose Avenue East. (Bill Dermody, 651/266-6617)

Commissioner Padilla stated that there is a mistake in the final resolution the "2014" should be stricken.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions, with the "2014" stricken from the resolution. The motion carried unanimously on a voice vote.*

#14-197-427 Internacional Auto Sales LLC – Expansion of nonconforming use to increase number of parking stalls for used car sales (17 existing spaces for used cars for sale, 29 proposed). 1265 Arcade Street, NW corner at Orange. (Bill Dermody, 651/266-6617)

Commissioner Padilla said that there was a letter in the packet that does not include a name or email address, and should be removed based on counsel from the City Attorney.

Commissioner Padilla made a motion to remove the letter from the public record for failure to

disclose any identifying information. Commissioner Lindeke seconded the motion. The motion carried unanimously on a voice vote.

Commissioner Noecker asked about the cars parked on the street and whether they were in violation of the condition of their conditional use permit not to have "for sale" cars parked on the street.

Commissioner Padilla explained why she voted no on this proposal at the Zoning Committee meeting. She is always hesitant to expand nonconforming uses because there is a reason why they are made nonconforming. If she were to expand a nonconforming use it would be fully in compliance, it should be a stellar citizen in the community before they are given additional rights on top of what they have. She noted one person said that there's funeral traffic, but every other testimony heard and letters submitted were about cars being left for weeks on end, and people had called the City before. There had not been any enforcement action taken, and technically the City could have instituted enforcement action in the last year based on what they've heard. She was not convinced that this application could meet the public health, safety, and welfare test in Finding #6.

Commissioner Reveal said they were all concerned about this, one of the reasons they added the condition to make it explicit that they could not park on the street, and her problem was that there hadn't been any enforcement. With what appeared to be a fairly lengthy history of complaints on it, the City didn't do anything, but they could have and should have. The other thing was that there was nobody at the meeting to speak against it. If it had been more of a ubiquitous problem she would have expected to see more concern. It's an issue that the City should have dealt with sooner.

Commissioner Oliver said that this has been a problem property for a long time and he believes that the City has been involved with prior owners. The obstinacy of the prior owner is making it look like there had been lack of enforcement action, but it's not the same. Setting that aside, it does not seem to be a good reason to allow them an expansion of a nonconforming use. Expansions are not supposed to happen – it is a quirk in the zoning code that he is not comfortable with so he shares the bias in not expanding. He does not agree that it meets Condition #6 or Condition #7. Looking at the aerial photos almost in every picture there are more than 14 cars on that lot, except for one year when it was apparently shut down and there were no cars on the lot. He will be voting against this.

Commissioner Thao asked for clarification of condition #7.

Commissioner Padilla said that it's a mild redundancy. The intention was to carry a stick to say that if we're going to do this, it is clearly a condition. It extends beyond the standard zoning conditions and makes it clear that they need to be in compliance with all zoning and license conditions. The zoning administrator would have to notify the Planning Commission of violation of any condition, and then the Planning Commission could revoke the permit.

Bill Dermody, PED staff, said that there is a revocation process. If there is a violation of any of these conditions - including #7 - it would be forwarded to the Planning Commission, which could then revoke the permit or add and modify conditions.

Commissioner Nelson said that there have been several cases over the years where they have had

a conditional use permit brought back before the committee to consider potential revocation .

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the expansion of nonconforming use subject to additional conditions. The motion carried 8-7 (DeJoy, Lindeke, Noecker, Ochs, Oliver, Padilla, Ward) on a voice vote.*

Commissioner Nelson announced that the next Zoning Committee meeting on Thursday, June 5, 2014 has been cancelled.

V. Comprehensive Planning Committee

Amendment to Chapter 64-Signs – Release proposed text amendments for public review and set a public hearing on July 11, 2014. *(Jake Reilly, 651/266-661)*

Jake Reilly, PED staff, outlined the proposed text amendments to Chapter 64 – Signs of the Zoning Code. He said that the proposed amendments address three issues. The first issue is to simply update language, correct typographical errors and enhance language in order to facilitate interpretation of the code over time. The second issue addressed proposes amendments to the code that would allow signage proposed for the new ballpark in Lowertown in a similar manner to the signage allowed at the Midway Stadium facility. In addition, Comprehensive Planning Committee members asked staff to develop language to allow roof signs in B4 Central Business and B5 Central Business Service districts, subject to a conditional use permit. The third issue addressed by these proposed code amendments includes the addition of a section regarding bicycle sharing facilities. State legislation allows for bicycle racks in the public right of way, as well as for those bicycle racks to have signage on them, but the City's code prohibits advertising signage in all districts. The Nice Ride bicycle sharing facilities are partially funded through sponsorship signage, which meets the definition of advertising sign in the City's code. In order to allow these signs in all zoning districts, a new Section 64.422 Bicycle sharing facility sponsorship signs would be added to the code and provide standards to which the signage must adhere. A fourth issue initially included in the amendment package, Legislative Code Appendix I amendments regarding advertising on transit stations and facilities, but this is a franchise agreement and has been removed from the amendment package following discussion with the City Attorney's office. Mr. Reilly asked the Commission to set a public hearing on the matter for July 11, 2014.

Commissioner Merrigan said that when the committee looked at Sec. 64.414 (b) as initially proposed by staff, they changed specific height and size requirements because they thought that a one-size-fits-all approach in an already developed district might not net the desired results, but that they wanted to be able to evaluate place, size, and manner on a case-by-case basis, and consider context. Ms. Merrigan stated that the addition of the B4 district to the staff-proposed B5 district is to generate discussion and comments about the downtown area generally, where roof-top signage might be appropriate and has existed historically, to get the kind of feedback that they would need to direct the amendments.

Commissioner Lindeke inquired as to the status of the Schmidt Brewery sign which is in neither a B4 nor B5 district. He asked if there are ways to allow that type of signage in exceptional cases or when a sign has historic significance.

Mr. Reilly said that under the recommendations as proposed, roof signs such as the Schmidt

Brewery sign in other districts would continue to be handled under the provisions for legal nonconforming uses, and new roof signs in the B4 and B5 districts would have to go through a conditional use permit process.

Commissioner Ochs said that signs like the Schmidt Brewery and First Bank signs are iconic. He said his understanding of the spirit of this whole sign issue/arguments is to get video-type billboards and other large advertising billboards under control with some restrictions. Mr. Ochs said that he feels that the term "dynamic" is loosely defined in the code in that it could be simply scrolling time and temperature to the video screens that are seen on the Xcel Energy Center. He said that some dynamic, as in moving, signs should be acceptable downtown. Mr. Ochs also brought up that Sec. 64.414(c) would require that roof-top signage face an adjoining arterial street. He wanted to know who would be able to see the sign. He asked if people on an adjoining street would really look up to see a sign on the roof of a five or six story building. He stated that those types of signs are meant to be seen from farther away, and the restriction in (c) that they must be designed to be read from an adjoining street would make such signs not very useful, and is too restrictive. The 1st Bank sign, for example, is intended to be seen far away.

Commissioner Padilla said that dynamic signs are an issue on roof tops generally because if they are moving or scrolling or flashing they may impact traffic. She concurred with Mr. Ochs that roof signs are not intended for pedestrians on adjacent streets, rather to be seen from farther away. There has been this battle over the on premise/off-premise dynamic display issue for years. Only on premise signs are allowed to actually scroll or flash like the Xcel Energy Center dynamic sign whereas off premise signs are not allowed to do that and off premise signs are governed in a number of ways differently than on premise signs. The goal to have dynamic displays where they are appropriate is still allowable under these changes; this is simply a prohibition on dynamic displays on roof tops. In response to the comments regarding nonconforming signs and the long debate over legal nonconforming signs, Mrs. Padilla said that Saint Paul has an interesting code that is unlike most others in that it allows reestablishment of nonconforming uses and allows expansion of nonconforming uses. She thinks the Schmidt sign should remain, and that's why the nonconforming use provisions are there.

Commissioner Noecker said that the committee suggested modifications to Sec. 64.414(b) but she does not see language about how the roof sign is going to be calculated as a portion of the total allowable sign area.

Mr. Reilly said that there was discussion about this issue, which was resolved, because there is a restriction under 64.505 for B4 and B5 districts, that the sum of the gross surface display area of all business signs on a lot shall not exceed four (4) times the lineal square feet of lot frontage of a lot. This would include roof signs (business signs on a roof), and does not need to be restated in regulations pertaining to roof signs.

Commissioner Noecker agreed that roof signs aren't designed to be read by traffic on adjoining arterial streets, and she is not sure what the first part Sec. 64.414 (c) means and how it would be enforced. She also inquired as to the rationale regarding a facility that fronts only one arterial street only having one roof sign versus fronting on two having two. If there is a total allowable sign area that is the ultimate limit of how much signage can be had, she asked if it mattered where on the building it is and if that should be dependent upon what type of street it faces.

Commissioner Merrigan said she supports Sec. 64.414 (c) as written because the relationship to

an arterial street is better than establishing no relationship at all for the placement of roof signs. She also stated that when someone submits a package for their business signage they will determine where they want to place their signage, whether on the side of the building or on the roof of the building, and how they want to display signage. She said in a sense that we are just picking one limiting factor but the applicant will ultimately figure out that percentage and she would prefer that people developing the signage have that ability, especially given the fact that we have the opportunity to review it through a conditional use permit process.

Chair Wencil reminded the commissioners that they are talking about releasing draft amendments for public review and setting a public hearing, and that there will be time for additional discussion after the public hearing.

Commissioner Oliver said that an issue to address before it is released for public review is on page 4 of the draft amendments, where Sec. 64.414 (c) bases the number of roof signs allowed on the number of arterial streets the building fronts on. He asked where arterial streets are defined.

Mr. Reilly said the Zoning Code definition of major thoroughfare refers to the definition of arterial streets in the city's Comprehensive Plan.

Commissioner Oliver said it would be more clear to include a definition of arterial streets in the sign chapter of the code.

Commissioner Padilla said referring to the Comprehensive Plan makes sense. It identifies the functional class of each street. For example, Snelling Avenue is identified in the Comprehensive Plan as one type of street and Lexington Parkway is something else.

Donna Drummond, Planning Director, said there is a map in the Transportation Plan chapter of the Comprehensive Plan that shows street categories and identifies arterial streets.

MOTION TO AMEND: *Commissioner Noecker moved to amend Section 64.414 (c), striking the word "arterial" in all three sentences in (c). Commissioner Ward seconded the motion. The motion carried 12-3 (Merrigan, Oliver, Wencil).*

Commissioner Ochs asked if the restriction on signs with dynamic display in Section 64.414 (f) applies to signs such as the big red No.1 on top of the First National Bank that turns off and on, and to the Schmidt sign letters that light up individually. He thinks the definition of "sign with dynamic display" needs further clarification so that it is better understood, and there could be exceptions to the restrictions on them.

Mr. Reilly stated that merely the ability to turn a sign off and on does not make it dynamic. However, potentially such a sign may fall under regulations for signs with dynamic display in Sec. 64.405(e)(2) that says stable images may be changed once every 12 seconds.

Commissioner Oliver agrees that the definition of dynamic signs is not great, but it is better than others that have been tried.

Chair Wencil said that when she was on the Neighborhood Planning Committee they had many hours of discussion about what constitutes a dynamic sign.

Commissioner Padilla noted a current U.S. Supreme Court case on what is a dynamic sign, which is not easy to define and not well settled.

Commissioner Lindeke asked if the code includes requirements about maintenance of signs, for example where part of the sign is gone or half of it doesn't light up.

Mr. Reilly replied that Section 64.405 includes requirements about maintenance of signs.

Commissioner Nelson commented that language about signs being large enough to be viewed by vehicles misses the point that it is the lettering (not the sign) that needs to be large enough to be read and understood. He said there is a large body of research with regard to letter sizes, types of letters, light against dark, dark against light, and other signage design standards, and that it can be a real safety issue. He thinks that the size of the message is the most important aspect, not the size of the sign, with regard to safety in vehicles.

Mr. Nelson noted that the only place safety is mentioned in the state statute for the location of bicycle racks and transit shelters in public right-of-way is with regard to the placement of bicycle racks in the public right-of-way, whereas in the section on bus shelters, bus benches, and things of that sort, there is no mention that they have to be placed in a manner safe for pedestrians or vehicles, other than they can't be within lanes maintained for vehicle traffic. He said that a lot of times these things are placed in tight locations, congesting pedestrian areas. He thinks it's interesting that only bike racks have to be safely placed.

MOTION: *Commissioner Merrigan moved on behalf of the Comprehensive Planning Committee to release the draft amendments for public review and set a public hearing on July 11, 2014. The motion carried unanimously on a voice vote.*

VI. Lowertown Ballpark: - Informational presentation on the site plan, design, and construction schedule by Jody Martinez, Design Manager, Parks and Recreation Department.

Jody Martinez is the Design Manager with the Department of Parks and Recreation. Ms. Martinez gave an overview of the Lowertown Ballpark. She explained the design-build approach for the ballpark, and that it is different from most Parks projects. The design-build team consists of the City of Saint Paul Parks Department, the Saint Paul Saints Ball Club, which will be the primary tenant, Ryan Company, a Minneapolis-based developer, and Nelson Tietz & Hoyer as the owner's rep. She provided some highlights of the ballpark. It is a \$63 million project that takes 11 acres just on the edge of Lowertown and converts it to a new 7,000 seat ballpark. They expect to have about 180 events there per year, and about 400,000 visitors. They are working very hard on getting some solar grant funding and they are taking water from the roof of the adjacent LRT Operation and Maintenance building and piping it into the ballpark site to use to help irrigate the field. They are also working with the Department of Safety & Inspections to allow them to use the water for flush toilets, which is very innovative. Immediately adjacent to the ballpark will be an off-leash dog park which is a part of this project. There is an existing off-leash dog park on the site; they have temporarily moved it during construction but it will be moved back. The whole ballpark will be open to the public. It will not be shut down during off game days but will be open to the public to go in and have lunch etc.

Project funding includes \$27 million in state DEED grants, a \$1 million DEED loan, local bonding of \$25 million, and the Saints are contributing \$11 million for a total of \$63 million. Ms.

Martinez showed several pictures of the ballpark and the surrounding buildings in the area on the overhead projection screen. They have been working on this for a year and the work has included soil remediation as it was a highly contaminated site. The utility work was done in 2013 and over the winter they were diligently working to finalize all of the design plans. In the spring of 2014 the concrete work and steel structure started, with the goal of completing the project in a year, so things will be moving very quickly.

Regarding tenant signage, the Saints have not identified who they will be working with on naming rights, etc. but that will be coming forward. They have been working closely with Amy Spong, staff to the Heritage Preservation Commission, to try to get the roof top signage allowed for the ballpark. In looking at all the historic photos of the area roof signs were prevalent.

Finally, there was a request for proposals out for public art, which is required for state funded and City-owned projects. Lowertown has already improved and has a lot of life with more people living there, more restaurants, more bars and once the ballpark is there it is going to bring everything together. This, along with the opening of the Green Line LRT and Union Depot is really changing the face of downtown Saint Paul.

Commissioner Ochs said that he did not see how vehicle circulation is considered in this. Ideally you want pedestrians and people to use transit, but families from the suburbs are going to drive into town and park on the street to ride on the light rail to come to the Depot or the ballpark.

Ms. Martinez said that it is not being ignored, but the first thing that needs to be done which has not been established yet is where the tailgating lot is going to be. That is going to drive a lot of the traffic so they have been working with various lot owners. This will be different because the Saints won't own the lot so another entity will own the lot. Once they have established the tailgating lot then they will figure out what's the signage, how are we going to move people and that kind of thing. It's something they are looking into.

Donna Drummond, Planning Director, added that there was an environmental assessment worksheet done for this project and it did evaluate parking and traffic and it was determined that there was 8,000 parking spaces within a short walk of the ballpark.

Commissioner DeJoy asked how much bigger this ballpark seating is versus at the Midway Stadium.

Ms. Martinez is not sure but she guesses about 4,000 and now we're up to 7,000. She will verify this and get back to the Planning Commission.

Commissioner Lindeke asked if there was any discussion about traffic calming on 5th Street because 5th and 6th Streets are high speed one way streets going through downtown and his concern is that a car might drive into home plate.

Ms. Martinez said that they are working with all of the safety factors; they have bollards that will stop vehicles all along Broadway at the end of 5th.

Commissioner Lindeke is thinking more about 5th Street in general, about how to slow down traffic on 5th Street.

Commissioner Padilla asked who is responsible for covering additional costs over the \$63 million if there are any.

Ms. Martinez has been assured that there will not be any overages.

Commissioner Noecker said that since the ballpark will be open during the weekdays to the public are there going to be any facilities in there like restaurants or anything else that will be open to the public? Or is it more like bring your lunch and sit on the field kind of thing.

Ms. Martinez said that particular question has not come up, but she does not think so. The discussions they have had with the Saints so far is that as long as they are there and their offices are open they will allow the public in. That didn't come up about whether the public might be interested in being able to purchase food. However, she will bring that up at the next meeting.

Chair Wencl said how there would be time for 180 events since our summers are not that long.

Ms. Martinez replied that this will be a year round facility, and may host events like the winter carnival.

Commissioner Ochs asks what it is like working on such a large project and how much ownership does Parks and Recreation have along with the Saints in terms of how it's being designed and how it's being built?

Ms. Martinez said that she is the project manager, Chris Stark, an architect with Parks and Recreation and Nelson Tietz & Hoyer, the owner's representative, are at the table with the Saints and it is a great team and yes the City feels ownership.

VII. Neighborhood Planning Committee

Commissioner Oliver announced that at the last meeting they had a status report on the planning process and draft of the Shepard Davern Plan.

VIII. Transportation Committee

Commissioner Lindeke said that at the Transportation Committee's last meeting they had an update from MnDOT about 35E. They also talked about the citywide bikeways plan and public comments received. Commissioner Lindeke also announced the items on the agenda at the next Transportation Committee meeting on Monday, June 2, 2014.

IX. Communications Committee

Commissioner Merrigan said that there was nothing to report.

X. Task Force/Liaison Reports

Commissioner Oliver reported that the Gateway Station Area Planning Task Force was scheduled to have a meeting on Tuesday, June 3, 2014, but that has been cancelled. The task force has had two productive meetings so far. There is a lot of work to do and they should be meeting again

sometime this month.

Commissioner Nelson announced that the Shepard Davern Task Force has two dates set up for public meetings regarding proposed zoning changes. Those are June 16th and June 24th at St. Luke's Church by the fire station in that area.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:06 a.m.

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

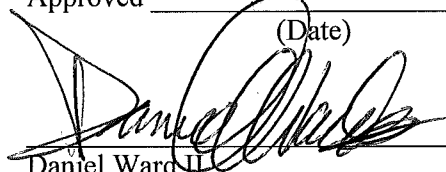
Respectfully submitted,



Donna Drummond
Planning Director

Approved July 11, 2014

(Date)



Daniel Ward II
Secretary of the Planning Commission