

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

Minutes April 20, 2018

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 20, 2018, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Anderson, DeJoy, Eckman, Lee, Mouacheupao, Reveal, Underwood; and Messrs. Baker, Edgerton, Fredson, Oliver, Rangel Morales, Reich, and Risberg.

Commissioners Absent: Messrs. *Khaled, *Lindeke, *Ochs, *Perryman, *Vang, and *Wojchik.

*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Bill Dermody, Anton Jerve, Josh, Williams, Mike Richardson, Jamie Radel, Laura Eckert, Department of Planning and Economic Development staff.

I. Approval of minutes March 23, 2018.

MOTION: *Commissioner Underwood moved approval of the minutes of March 23, 2018. Commissioner Anderson seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Reveal recognized Commissioner Mouacheupao, who announced a project on the North End to collect 100 stories through digital media from residents and others connected to the North End. The project is being done in partnership with a North End multimedia youth organization and the City of Saint Paul. Kathy has been interviewed. If any Commissioners are a resident or know others, or if you have a deep connection with the North End, there is contact information on the flyer.

III. Planning Director's Announcements

Donna Drummond announced that the Mayor's State of Our City will need to be rescheduled due to weather. The HRA/City Council has been focusing on affordable housing and fair housing; reports, presentation and background information are available on the City Councils web page at: stpaul.gov/departments/city-council.

IV. Planning Director Appreciation

Chair Reveal announced that Planning Director Donna Drummond is retiring, and today is her last Planning Commission meeting. Chair Reveal read a resolution honoring Donna and her amazing career with the City.

MOTION: *Commissioner Rangel Morales moved approval of the resolution honoring Planning Director Donna Drummond. Commissioner DeJoy seconded the motion. The*

motion carried unanimously on a voice vote.

Chair Reveal said that, in her experience with several other Planning Commissions, Ms. Drummond is by far the best director she has ever worked with and has one of the best most professional staffs that she has ever seen, including Seattle. Chair Reveal personally thanked Ms. Drummond.

Ms. Drummond thanked Chair Reveal, and said that it has really been an honor to serve as the Planning Director and as chief staff to the Planning Commission. The Planning Commissioners she has worked with over the years are smart, engaged and committed to community service. Ms. Drummond is definitely leaving with mixed emotions, because there are some exciting projects underway and on the horizon, like the Ford site, Hillcrest golf course redevelopment, development around the soccer stadium, and completing the 2040 Comprehensive Plan. Ms. Drummond is leaving everyone in good hands; Lucy Thompson will be taking over as Interim Planning Director. The search is starting very soon for a permanent replacement. Staff has been terrific, and they will continue to be here to support the commission.

Chair Reveal announced that there a reception for Donna Drummond on Thursday, April 26th at 10:30 a.m. in Room 40 City Hall basement.

V. **PUBLIC HEARING:** Accessory Dwelling Units Zoning Study Amendments – Item from the Comprehensive and Neighborhood Planning Committee. (*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>

Chair Reveal read the rules of procedure for the public hearing.

The following people spoke.

1. Trudy Ohnsurg, 1125 Burns, Saint Paul, MN 55106. She supports Accessory Dwelling Units (ADU) because ADUs are all about equity and housing. Saint Paul has the highest numbers of non-white people in the state. However, the percentages of ethnicity and race are very different depending upon where you are in the city. The area she lives in is about 40% non-whites, and in other areas of the city it is 10% or 15%. There is an equity and access issue that we need to be able to address. A very effective way to do that is through ADUs; ADUs are the cost effective way to increase property value as a homeowner. What is being built is additional living space; it is finished square feet on existing property that adds much more value than redoing a kitchen or adding a bath. In addition, ADUs allow people who otherwise would not be able to afford property to do so, as they can leverage the potential to rent out the ADU against the cost of the mortgage. Also, it adds rental space within communities, and it does it in a way that the homeowners are right there monitoring their property. ADUs can be accessories to our city, let's accessorize our city with ADUs.

Commissioner Baker asked if she would potentially have an ADU.

Ms. Ohnsurg said that she would in a heartbeat. It would help with her mortgage. Previously, she lived in Wisconsin and her father needed support, and he is unable to live on his own anymore. To accommodate him in her home, she undertook extensive remodeling to

her home.. Friends of hers who live in Hudson, Wisconsin, built an ADU above their garage as a way for them to increase their property value. Their intention was to use the space as an office, but instead they housed their niece and her child after a major life challenge. They were able to offer this space to her free-of-charge while she was dealing with these family issues.

2. Brian Jacobsen, 2229 Falcon Avenue, Saint Paul, MN. He has completed a lot of research over the past several months on ADUs in order to build an ADU on his property, including selecting an architect. During that process he learned that ADUs are currently not allowed in his neighborhood. He was encouraged when he heard about this initiative and the extension of this amendment to extend to his neighborhood. He has been a resident of the Battle Creek neighborhood for about 7 years, and they have space that they are envisioning for multipurpose, creative, flexible space that can be used for work, as an occasional guest house, or just an extension of their home in the summer time. If this zoning amendment goes forward, it gives them more of a vision of how they can continue to stay in their neighborhood, and continue to utilize the space and amenities that surround them.
3. Eric Larsen, 1165 Sherburne Avenue, Saint Paul, MN 55104. He is the first (and maybe the only) person to apply and build an ADU under the zoning code that was passed in November 2016. They built a 600-square foot, 2-car garage with a second floor apartment. The apartment has a full kitchen, full bath, and one bedroom. The unit has about 600 square feet of living space and a 250-square-foot deck. This has been a very positive experience for him in his neighborhood, and is a positive addition to his home and his desire to build community in his neighborhood. He has had great reception from neighbors. He held an open house a few weeks ago for the neighborhood to show people the unit. From community and development standpoints, he thinks ADUs are a great way to slowly add density to neighborhoods and do it in a nonobtrusive way that benefits members of the community. He will start renting it out in the next few months.

Commissioner Eckman asked about the demographics of Mr. Larsen's neighborhood and the racial and ethnic backgrounds of the people who came to the open house.

Mr. Larsen said the 4 or 5 neighbors who attended the open house were Caucasian. Those that attended included the couple who live next door to them who have lived there for about 53 years, and they have been very supportive and active in the community, a young family from across the alley; and a man from Ethiopia, who is a renter a few houses down. More of the homeowners in his neighborhood are Caucasian, and most of the renters are people of color.

Chair Reveal asked whether there were any City zoning or building requirements that Mr. Larsen encountered that surprised you and were significant obstacles to completing the project.

Mr. Larsen said the biggest obstacle was the height requirement – i.e. that the structure cannot be taller than your house. They hired an architect who was able to creatively design the accessory building to meet the height requirement; there is a 10-foot ceiling in the middle of the second floor of the accessory structure. The building has dormers, and the ADU does have some slanted side walls in the corners. He said that this may be a challenging requirement to meet for many people, because they have one-story homes and would not be

able to build above a garage. The other requirement that surprised him was the lot size area requirement, which is currently set at 5,000 feet minimum lot size. Most of the lots in his neighborhood are about 40 ft. x 120 ft., (4,800 square feet). Based on this, he thought that he would have to apply for a conditional use permit, but he learned that he could count half of the area of the alley as part of the lot area, and he was about 100 sq. ft. above the requirement.

Commissioner Mouacheupao asked about Mr. Larsen's plan for occupancy.

Mr. Larsen replied long-term rental. He anticipates renting it out to people he knows or making it available to somebody in a short-term crisis. He plans on offering a little lower than market- rate, at least initially.

Commissioner Underwood thanked Mr. Larsen for attending and building an ADU, and said that she appreciated his efforts.

4. Stephanie Kubes, 25 W. Winona, Saint Paul, MN 55107. Ms. Kubes lives in a tiny house that she owns. She believes tiny house living is a win-win for cities. Amending ADU regulations to allow movable, tiny homes is the right thing to do if you care about families, communities and property values. Multigenerational living does not have to be defined as just family living; we all are one community and taking care of each other as well as the environment, which is a strong value in the tiny house movement. She feels there can be some common ground found on tiny, movable houses, and that the City can create some regulations so that we can all benefit from what tiny living has to offer.

Commissioner DeJoy appreciates Ms. Kubes testimony and she encouraged her to save that get involved in the future when the City looks at cluster home development.

Commissioner Eckman asked how parking her mobile unit could be applied as an ADU for the property.

Ms. Kubes said that there several different types of ADUs, including mobile tiny housing. For some reason, mobile tiny houses area often excluded from ADU conversations. She believes tiny home should be permitted in cities.

Commissioner Baker asked her about the size of her tiny home and the size that is typical for them generally.

Ms. Kubes said that her house is 416 square feet, and that includes her loft spaces. Her house is built on a 30-foot trailer. She is the client-consultant for Midwest Tiny Living, which is a tiny home builder based out of St. Cloud. Currently, the standard size is 30 ft. x by 8.5 ft. . Most average between 28 ft. and 32 ft. in length.

Chair Reveal asked Ms. Kubes to clarify that she is advocating that mobile tiny homes be considered within this ordinance.

Ms. Kubes replied yes.

5. Edie Meissner, Co-chair of the Saint Paul Advisory Committee on Aging (ACOA), 409 Colborne Street, Saint Paul, MN 55102. ACOA has already sent a letter of support. There are many options that ADUs can provide to families, the senior community and caregivers. ACOA has spent the last two years gathering information, and they have made some very specific recommendations to the 2040 Comprehensive Plan. The Comprehensive Plan update integrates their framework of “aging in community” as a replacement for the term “aging in place.” ACOA wants to make sure that there are options for people who may find that their house is too big, are unable to manage it, or may not have enough help for it. ADUs provide alternatives where people can move.
6. Cara Martner, 144 Congress Street West, Saint Paul, MN 55107. Ms. Martner has had to live with her mother for the past 10 years, and is looking to live by herself. Due to the cost of housing, she will likely have to move from the West Side, where she has lived for the last 30 years. She is trying to determine what is more affordable for her, renting or owning a home. She values the idea of having equity. Although it is nice living with her mother, she would like the option to live on the property in a temporary or mobile housing unit. She feels that moveable, tiny houses may be more sensitive to environmental factors, such as trees, and the historic layout of the properties on the West Side.

MOTION: Commissioner Mouacheupao moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 23, 2018, and to refer the matter back to the Comprehensive and Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.

Chair Reveal allowed for 10 minutes of Commissioner follow-up questions for staff.

Chair Reveal asked how the minimum lot size was determined.

Ms. Radel said 5,000 square feet is the smallest legal lot size for a single-family house in Saint Paul. This minimum was adopted in 1975, so many of the lots that were subdivided prior to 1975 do not meet this standard.

Ms. Drummond asked Ms. Radel to explain how the rule about adding half the alley makes many of these lots meet that minimum.

Ms. Radel responded that the zoning standard includes the lot plus half the area of the alley for alley-loaded lots.

Chair Reveal asked if it would require a Zoning Code amendment to reduce that lot size.

Ms. Radel responded that it would not, since the 5,000 sq. ft. requirement for ADUs is not the same as the minimum lot size requirement.

Chair Reveal asked if they could be smaller.

Ms. Radel said they could be smaller. In Union Park there are a lot of parcels that are 40 ft. x 120 ft., but they are not alley loaded so do not meet the 5,000-square-foot standard. Perhaps a way to accommodate ADUs on those lots would be to allow ADUs within the principal structure. In this

case, it is not a lot area requirement issue, but a house size issue, and there is a minimum house size requirement of 1,000 square feet. This could be a possible compromise.

Commissioner Baker asked about the rationale for the height limit.

Ms. Radel said the height requirement is based on what is allowed for a carriage house, which can be up to 25 feet in height. The ADU requirement is the lesser of 25 feet or the height of the principal structure. This requirement was developed to address the concern of maintaining the character of the neighborhood.

Commissioner Reich asked about the difference between a carriage house on Summit Avenue and an ADU.

Ms. Radel said there is no difference, except that a carriage house is an historic use. To have a carriage house on a property, it would have to have been an historic use where domestic help resided. The 25-foot height is achievable along Summit Avenue because those houses are so tall.

Commissioner Reich asked for clarification that if there is a structure where somebody lived at one point on the property, it is grandfathered in as a carriage house. If it is a new use, it is not grandfathered in.

Ms. Radel said that is correct. However, if you are living on Summit Avenue, and you want to put in a new carriage house, you cannot do so unless you have a historic one on the property already.

Commissioner Lee asked what the Department of Safety and Inspections (DSI) requires for ADUs, and whether you have to comply with landlord regulations if you choose to rent it out.

Ms. Radel said that if ADUs are allowed in your area, you can build one by right as long as you meet the standards. A homeowner does not need to get a conditional use permit. The owner needs to go to DSI for a building permit. If the two units are within the same structure, there is no need for a Certificate of Occupancy, because it would be regulated the same as an owner-occupied duplex. If the ADU is detached from the principal structure, the rental unit would have to get a Certificate of Occupancy through DSI, because the owner occupant is not living in the same structure.

Commissioner DeJoy said that the principal dwelling unit in ADUs shall not exceed the definition of family allowed in a single housekeeping unit. District 2 Community Council sent a letter stating a concern about occupancy. Commissioner DeJoy would like clarification regarding occupancy and how it will be enforced.

Ms. Radel said the occupancy would be what is allowed under the definition of family, which is one or two people and their directly lineal descendants, a domestic help, and two other people, or four unrelated adults. This would be enforced the same way it is enforced today, usually by complaint. The City hears from the neighbors who call DSI and report that there are more people in a house than should be. For example, if there are 5 college students living in a house in Mac Groveland or Union Park, DSI gets a call saying there are 5 students living in this house and only 4 are allowed. DSI then investigates the complaint. If the house was divided and an ADU built,

with two adults living in one unit and 3 adults living in the other unit, the same process would be followed.

Commissioner DeJoy clarified that enforcement is in reaction to a complaint.

Ms. Radel replied that that is correct.

Commissioner Eckman asked whether a housing unit is considered multi-family if there is an ADU within the principal residence.

Ms. Radel said it would be considered a single-family home with an ADU within it. Owner-occupancy is a required condition for an ADU. As part of the process to establish an ADU, a deed restriction needs to be filed with the County attesting that you have the second unit and that you live there. If someone were to purchase the property and did not want to live there, then it would have to revert back to a single-family home. Reversion would mean the removal of a kitchen and any wall, partition, or locked door that creates a separate unit.

Commissioner Rangel Morales asked whether the letters from the districts that were not considered in the original proposal are also being considered when the item goes back to Committee.

Chair Reveal replied yes. She is interested in the Committee's recommendation regarding city-wide versus non-city-wide.

Commissioner Baker wanted to know what Chair Reveal said to the Comprehensive and Neighborhood Planning Committee about tiny houses.

Chair Reveal asked what the minimum size of an ADU is now, and what was or is the discussion about tiny houses.

Ms. Radel said the minimum lot size is zero. We had that conversation 18 months ago with the Planning Commission determining it was an unnecessary requirement.

VI. Zoning Committee

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

Three items came before the Site Plan Review Committee on Tuesday, April 17, 2018:

- Larpenteur Crossing – New commercial building at 1330 Larpenteur Avenue West. Huang Ly-LH Architects SPR# 18045918
- Vomela Companies – New industrial building at 875 Minnehaha Avenue. Mark Auth-The Vomela Companies SPR# 18-045945
- Public Storage – New rental storage facility building at 1441 Hunting Valley Road. D. Matula-PS Mid-West One, LLC SPR# 08-045835

NEW BUSINESS

#18-037-334 LB 842 Ray LLC – Rezone from T2 Traditional Neighborhood to T3 Traditional Neighborhood. 2330 Long Avenue, SW corner of Long and Bradford Street. (*Anton Jerve, 651/266-6567*)

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

#18-036-924 Larpenteur Crossing Sarin Devt. – Conditional Use Permit for drive-thru sales, with modification of special conditions for drive-thru lane separation from residential property (60’ required, 54.9’ proposed), vehicular ingress and egress separation from residential property (60’ required, 20.9’ proposed), and 6’ buffer with screen planting along residential property (6’ opaque fence on top of 2.6’ wall proposed). 1330 Larpenteur Avenue and 1672 Hamline Avenue, SE corner of Larpenteur and Hamline. (*Josh Williams, 651/266-6659*)

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

#18-033-299 BP Gas and Convenience – Conditional Use Permit for replacement of convenience store and car wash, with modification of maximum setback requirements so that pump islands may be between the building and Hamline; and variance of minimum floor area ratio (0.5 required, 0.16 proposed). 1347 University Avenue West, NW corner at Hamline. (*Josh Williams, 651/266-6659*)

Commissioner Oliver asked whether the proposed structure larger or smaller than the existing structure.

Commissioner Edgerton replied that it is slightly larger.

Josh Williams, PED staff, added that it is about twice as big, including the car wash.

Chair Reveal said that the physical appearance is different.

Commissioner Edgerton said it is largely maxing out what can be done, subject to being able to allow cars and trucks to drive around, and meeting setback requirements.

Chair Reveal said that a bigger development could be on the site if it was not a gas station use, but that would require cleanup and removing tanks.

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

Commissioner Edgerton announced the items on the agenda at the next Zoning Committee meeting on Thursday, April 26, 2018.

VII. Comprehensive and Neighborhood Planning Committee

Zoning Code Chapter 64 Signs Text Amendments Study – Release for public review and set a public hearing for June 1, 2018. (Kady Dadlez, 651/266-6619)

Kady Dadlez, PED staff, gave a Power Point presentation, which can be seen on the web page at: <http://www.stpaul.gov/planningcommission>

Commissioner Fredson asked how the advertising sign proposed for Treasure Island Center is similar or different from what is currently permitted at CHS Field and the Xcel Energy Center. He does not recall seeing display boards promoting off-site products and services at the Xcel Energy Center. He is specifically interested in whether this would permit the advertising of off-premise products and services, which strikes him as different unless he is just not recalling seeing that on the video boards outside the Xcel Energy Center. That kind of change he would consider significant.

Ms. Dadlez believes that the dynamic display signs at both the Xcel Energy Center and CHS Field are permitted under the existing provisions, and they both display advertising signs. She cannot say exactly what their content is; she thinks she has seen advertisements for trucks and other products. She added that, during the public hearing, that would be a good question to ask the operators of Treasure Island Center regarding what the signs would be displaying.

Chair Reveal asked for confirmation that the proposed amendments will allow advertising signs at Treasure Island Center, a professional sports facility, just as the current ordinance permits advertising signs at CHS Field and the Xcel Energy Center, professional sports facilities.

Ms. Dadlez replied correct.

MOTION: *Commissioner Mouacheupao moved on behalf of the Comprehensive and Neighborhood Planning Committee to release the draft for public review and set a public hearing on June 1, 2018. The motion carried unanimously on a voice vote.*

VIII. Transportation Committee

No report.

IX. Communications Committee

No report.

X. Task Force/Liaison Reports

No report.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:55 a.m.

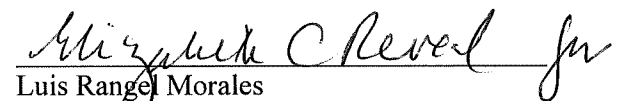
Recorded by Laura Eckert, PED staff
and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Lucy Thompson
Interim Planning Director

Approved June 1, 2018
(Date)



Luis Rangel Morales
Secretary of the Planning Commission