

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

Minutes February 24, 2012

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 24, 2012, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Porter, Reveal, Shively, Thao, Wang; and Messrs. Connolly, Edgerton, Gelgelu, Nelson, Ochs, Oliver, Schertler, Spaulding, Ward and Wickiser.

Commissioners Absent: Mmes. *Halverson, *Perrus, *Wencl, and Mr. *Lindeke.
*Excused

Also Present: Donna Drummond, Planning Director; Lucy Thompson, Patricia James, Allan Torstenson, Kate Reilly, Penelope Simison, Luis Pereira, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes February 10, 2012.

MOTION: *Commissioner Oliver moved approval of the minutes of February 10, 2012. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Commissioner Reveal, the Commission's first vice chair, chaired the meeting. She announced that Commissioner Nelson is organizing a tour for commissioners of the District Energy facility and asked for commissioners to indicate their interest. Commissioner Nelson will try to find a time that works for most commissioners.

III. Planning Director's Announcements

Donna Drummond announced that the City Council approved several property rezonings recommended by the Planning Commission on February 15th, including the Cityview Apartments at 743 East 3rd Street, which was rezoned from B2 to T2, and the Port Authority rezonings for Beacon Bluff.

She also noted a flyer that had been distributed about the upcoming 7th Annual Sustainable Communities Conference which will be held at the University of Minnesota on March 23-24.

IV. PUBLIC HEARING: Greater Lowertown Master Plan Summary – Item from the Comprehensive Planning Committee. (Lucy Thompson, 651/266-6578)

First Vice-Chair Reveal announced that the Saint Paul Planning Commission was holding a

public hearing on the Greater Lowertown Master Plan Summary. Notice of the public hearing was published in the Legal Ledger on January 30, 2012, and was mailed to the citywide Early Notification System list and other interested parties.

Lucy Thompson, PED staff briefly reminded the Commissioners that the CapitolRiver Council submitted a letter with priorities for implementation. Also, the Saint Paul Heritage Preservation Commission submitted a resolution that recommends approval of the Summary. The HPC has the authority to comment on all plans that impact historic sites or districts. Dayton's Bluff District 4 Community Council submitted a letter stating their comments, questions and concerns.

First Vice-Chair Reveal read the rules of procedure for the public hearing.

The following people spoke.

1. Ms. Ellen McPartlan, Chair of the Greater Lowertown Task Force, which developed the plan with a consultant team. She noted that she is very happy to finally be at this stage in the plan's adoption process, after 36 focus group meetings, community surveys, 2 arts workshops, 3 public meetings, over 20 task force meetings and over 900 people engaged in the process. Ms. McPartlan reviewed the key ideas, initiatives and underlying values of the Plan. She asked for the Planning Commission's approval of this plan.
2. Mr. Justin Busch, a resident artist in Lowertown, supports this plan and urges the Planning Commission to approve it. He noted that a lot of work went into getting the community involved to preserve Lowertown, which is unique not just in the Twin Cities but in any comparably-sized metropolitan area, in that there is a large very active, very serious artist community. In Lowertown, there is also affordable artist housing. The plan states that the arts community is a vital part of Lowertown.

Commissioner Ward asked Mr. Busch if he could give the board and commissioners an idea to the percentage of artist who were involved in some of these meetings. Mr. Busch guessed that perhaps 25% of the artists living in the area had some input into the Plan.

3. Mr. Robert Ferguson, serves on the Heritage Preservation Commission and served on the Greater Lowertown Task Force. He noted that the historic character of Lowertown is essential to Lowertown's identity, and that preservation is a fundamental community value. Mr. Ferguson thanked Lucy Thompson, PED staff, and Amy Spong, HPC staff, for going many extra miles working with the community and task force on this plan. Mr. Ferguson urged the Planning Commission to approve this plan and move it forward to the City Council.
4. Mr. Peter Thompson, representing Springboard for the Arts, expressed their support for the Greater Lowertown Master Plan, particularly Chapter 4 on Arts, Culture and the Creative Economy. As a Lowertown-based organization whose mission is to connect artists to the skills and information services they need to make a living, the Plan aligns with their mission. They invested financial resources and participated in the process of creating the chapter on Arts, Culture and the Creative Economy.
5. Mr. Kevin Barta and his wife are members of the Greater Lowertown Task Force. They also run a local community organization called Lowertown Landing. In the 3-years they

have lived in Lowertown, they have seen significant change in the neighborhood. The Greater Lowertown Master Plan will provide guidance into the future; it is very comprehensive and a lot of community members were involved in it. He urged the Planning Commission to approve the Plan.

6. Mr. Chip Lindeke, with Rafferty, Rafferty, Tollefson & Lindeke Architects in Lowertown also was a member of the Greater Lowertown Task Force and is a member of the Lower Phalen Creek Project. He expressed support for the Plan. The Plan is good for the future of Lowertown, the city and the East Side, so he asked the Planning Commission to approve it.
7. Ms. Amelia Gluba, on the board at the Tilsner Artist Cooperative, supports historic preservation of the Lowertown area and the maintenance of affordable live/work spaces for the artists.
8. Mr. Tim Griffin, Director of Urban Design at the Saint Paul Riverfront Corporation, also a member of the Greater Lowertown Task Force and a board member for the CapitolRiver Council, supports the plan. It was gratifying to see the themes of the plan vigorously debated and evolve. The planning process was transparent and flexible. The recommendations relating to the riverfront in Lowertown echo those in the Great River Passage Master Plan. The Saint Paul Riverfront Corporation is especially interested in collaborating on the Sibley connection to the river, the Broadway extension to Warner Road, the new pedestrian bridge over the Bruce Vento Nature Sanctuary, and Lower Landing Park. Mr. Griffin urged the Planning Commission to adopt the Plan.

Commissioner Oliver said that the Heritage Preservation Commission's resolution notes what appears to be a potential conflict between recommended development along Kellogg Boulevard and extending Broadway to Warner Road, and the intent to preserve the train deck at Union Depot. He asked Mr. Griffin if this is really seen as a conflict.

Mr. Griffin said that the historic area was expanded to include the train deck. He feels confident that working through these opportunities can happen within the context of the HPC process.

Commissioner Edgerton raised a concern about gentrification in Lowertown, such that artists will be priced out once new development occurs in Lowertown. He asked whether the Plan addresses this issue. Lucy Thompson, PED staff, responded that gentrification concerns were prominent in the planning process. The Plan recognizes the issue, and addresses it through support for the preservation of affordable housing and affordable work spaces for artists. The chapter on arts and the creative economy recommends retention of Lowertown as an arts community where people live and work, and having artists take a leadership role in the future of Lowertown.

Commissioner Ward asked whether there is some way to put some teeth in the Plan to ensure long-term affordability. Ms. Thompson responded that the Plan encourages a range of housing types and prices, not just affordable housing.

Commissioner Wickiser asked how the different needs of various City departments are balanced in the Plan. Ms. Thompson responded that City staff had input as the Plan was

being prepared, and that she feels a good balance has been struck between neighborhood and city-wide goals.

9. Mr. Jesse Haug, a resident at the Crane-Ordway Building in Lowertown, is an artist and director of a multi purpose art space. Mr. Haug has lived in the area for 6-years and could live the rest of his life there. He stated that there is a true community in Lowertown, and a density that provides spontaneity, diversity and connections. The Lowertown Plan is an opportunity to move forward for Lowertown, Saint Paul and Minnesota. Mr. Haug expressed concern about the ballpark and the impact it will have on the unique character of Lowertown. Lowertown has reached a critical mass of people that it can now support a grocery store, pharmacy and hardware store. Mr. Haug also expressed concerns about gentrification of the neighborhood.
10. Mr. Marcus Young, who works for the Public Arts Saint Paul and is the City's Artist-in-Residence. Mr. Young said that this plan is a significant achievement by a neighborhood group; it is the result of careful listening to stakeholders, good guidance by City staff and generous expertise from the consultants. Consideration of art, the artist community and art audiences played a large part in this plan. He read three perspectives from a survey of artists about the future of Lowertown.
11. Ms. Christine Podas-Larson, is President of Public Art Saint Paul, which is located in Lowertown. She spoke in favor of the Plan, and encouraged the Planning Commission to approve it.
12. Ms. Rhea Pappas, an artist and resident in Lowertown, has lived in Lowertown for 3 years and loves it. She also loves the proposed Greater Lowertown Master Plan and recommends its approval. Ms. Pappas is a part of the Saint Paul Arts Collective, which wants to protect both the artist and non-artist community in Lowertown. She is especially supportive of the sustainability strategies on the Plan. Her major concerns are parking and the use of the Gillette Building.
13. Andrew Schlack, Chair of the CapitolRiver Council, expressed the community's support for the Plan. He noted that there are a number of issues that have been addressed adequately and admirably by the task force. Mr. Schlack stated that the siting of the Central Corridor LRT Operations and Maintenance Facility in Lowertown galvanized the community to organize and plan for its future. Mr. Schlack encouraged the Planning Commission to support the Plan.

First Vice-Chair Reveal called Lucy Thompson, PED staff, to answer questions from Planning Commissioners.

Commissioner Edgerton asked whether the area east of the Lafayette Bridge, visioned for urban agriculture, had been tested for contaminated soil. Ms. Thompson responded that detailed environmental review work has not been done for the area, and that it would need to be done before implementing this vision. Anticipating high levels of contamination, the Plan assumes raised planting beds and greenhouses as most likely in this area.

Commissioner Connolly asked whether the City or this Plan works to help build the economic engine to empower artists and help them all get to a point where they are making enough money to pay taxes. Ms. Thompson responded that the Plan puts a great deal of emphasis on engaging artists in the neighborhood, local and regional economy. The chapter on Arts, Culture and the Creative Economy has several recommendations about how to improve the economic prosperity of neighborhood artists, and it also has recommendations about how to involve them in future decision-making for the neighborhood. There is an emphasis on leadership development for artists, so that they are proactively engaged in their future.

Commissioner Schertler noted the community-based nature of this planning effort, and that it grew out of a lack of trust of government to plan for the future of Lowertown (i.e. the OMF siting decision by Met Council). He asked where staff thought this is going in the future, and whether we are likely to see more grass roots efforts in planning and fundraising for implementation. Ms. Thompson responded that community groups are definitely increasingly needing to find alternative sources of funding to support their planning efforts. In the case of Lowertown, she spoke with community members at some length about whether to have PED staff the planning process, under the auspices of a Planning Commission task force, etc. In the end, community members felt that it would be better for them to work directly with a consultant team, with advice and guidance from City staff. Ms. Thompson stated that she is very proud of the community and the work they have done; she feels they learned a great deal about City government and planning, and how truly complicated this work is.

Commissioner Oliver noted that Lowertown appears to be a good candidate for form-based coding, and asked whether the task force or consultant had ever considered it. Ms. Thompson responded that form-based coding had not been raised as an option, and that she does not feel it would be a good fit. She noted two reasons: 1) existing zoning is already flexible on land use and adequately addresses building form; 2) Lowertown is in both a National Register and local historic district, which provides another layer of design guidelines that address built form, relationship to the street, etc.

Commissioner Ochs noted that there is overwhelming support for this Plan. He asked whether other interests besides arts and preservation were represented on the task force. Ms. Thompson responded that the task force was selected to represent the diversity of interests in Lowertown. Also, two sets of focus group sessions were held, organized by issue or theme, including developers, transit, parks, East Side, Saint Paul Saints, businesses, stormwater/ecology and residents.

Commissioner Porter asked if there was a representative from the proposed ball park on the task force. Ms. Thompson responded that, while a Saints representative did not sit on the task force, someone from the organization attended several task force meetings, all public meetings and the focus group sessions. In addition, while the planning process was going on, Saints representatives were meeting with individual building residents to discuss their proposed plans and gather feedback.

MOTION: Commissioner Noecker moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, February 27, 2012, and to refer the matter

*back to the Comprehensive 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)*

Two items came before the Site Plan Review Committee on Tuesday, February 21, 2012:

- Unity Church Unitarian, remodel, new entry hall and courtyard, other small additions, relocate chiller at 732 Holly Avenue.
- Penfield mixed use development, review latest revisions to the site plan at 100 East 11th Street.

Two items to come before the Site Plan Review Committee on Tuesday, February 28, 2012:

- City View Electric, construct 2,000 building addition to store parts that are currently stored outside at 1617 Wynne Avenue.
- Beacon Bluff Parcel 3 (North), demolition of existing buildings and grade 5 acre site for future development at 881 Bush Avenue.

OLD BUSINESS

#11-310-568 Metropolitan State University - Conditional Use Permit for a wind turbine on a freestanding pole 104 feet high. 645 7th Street East between Maria and Mounds.
(Kate Reilly 651-266-6618)

Commissioner Nelson explained the changes from the staff report findings and the current resolution. On page 2 item 3(3) language was added to say the condition is not met. The finding was changed to indicate that the proposed wind turbine would be detrimental to the character of the near by Dayton's Bluff heritage preservation district; in addition, noise from the wind turbine may be detrimental to the tranquility of the nearby Sweet Hollow Park. The next change is on page 3, d (3) the condition that where possible, antennas should be designed to blend in with the surrounding environment. Due to proximity of the proposed wind turbine to the St. Paul Downtown Holman Field Airport, the Federal Aviation Administration (FAA) requires a red light at the top and that the pole and blades be painted white, so the turbine cannot blend in. The third change is of the decision: Now, Therefore, Be It Resolved, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, based on finding 3(3) above, that the application of Metropolitan State University for a conditional use permit for a wind turbine on a freestanding pole 104 feet high at 645 E 7th Street is hereby denied.

Commissioner Noecker asked for more clarification on what pushed the committee to this recommendation.

Commissioner Nelson said that there was discussion about the differences between Macalester College and this site. At Macalester the wind turbine is in the middle of the campus. It's a smaller wind turbine. The location and setting of this wind turbine at Metropolitan State is

different – it is in a prominent location, and therefore did not meet the standards. Other discussion was about the FAA requirement, even though there was no determination that the finding was not met. The whole premise of the FAA requirements is to maximize visibility for the wind turbine so that it won't interfere with aviation.

Commissioner Spaulding passed around a photo of an existing cell phone antenna that is about the same height and in roughly the same location as the proposed turbine. This visual impact does not rule out siting the turbine there; however he is not sure that it would not cause a detrimental impact to a treasured natural area.

Kate Reilly, PED staff, clarified that the wind turbine at Metro State is twice the size in terms of the kilowatts that it produces, and it is only 16 feet taller than the Macalester College wind turbine. Regarding noise, she also referenced information from the American Planning Association that the general consensus for small energy systems is that the sound is between 50 and 55 decibels, which is about the level of a refrigerator running and is usually masked by surrounding traffic noise.

Commissioner Oliver stated he did not agree that there is enough evidence to deny this conditional use permit. His big issue is about noise. Most information he has read is in connection with commercial grade wind turbines, with a diameter of 100 feet. This is a 32 foot turbine, by itself, not part of a wind farm. Decisions cannot be made on this general conjecture or things that are not applicable. He is familiar with the lawsuits referenced in the letters, which have to do with commercial grade wind farms. This is a stand-alone turbine, and he does not think that by itself its size is going to change the ability of animals to avoid objects. He does not see sufficient evidence to deny the conditional use permit on those grounds, when it is not specific at all to the project that's proposed. The applicant has not established that the limit of 75 feet in height is impractical, so he is not convinced that a pole height of 104 feet is necessary. He needs more information before he can find that this pole should exceed 75 feet. He recommended referring the application back to the Zoning Committee to answer these questions.

Kate Reilly, PED staff, explained that the trees and the wind turbine would be at the same plane. In order for it to be 30 feet above the trees, the propellers have to be at 90 feet which gives a hub height of about 102-104 feet.

Commissioner Merrigan said that there have been three cases in the city about wind turbines from about 2002. There has not been a citywide policy for wind turbines because there has not been a lot of applications for them. However, she believes that there will be more applications, and the Planning Commission needs guidance and consistency for this use. She is concerned that the Commission not go in a direction inconsistent with the eventual policy. This is the reason she has decided to not support this motion and voted for denial at the Zoning Committee.

Commissioner Ochs is in support of the resolution as it is and he echoes Commissioner Merrigan's comments.

Donna Drummond, Director of Planning, noted that there is a study underway for wind turbines or wind energy, and because of the issues surrounding this particular application and the increasing interest in green energy, there may be more cases like this soon. Staff hopes to have some recommended zoning requirements regarding wind energy to the Neighborhood Committee within a month or two.

Commissioner Gelgelu stated he was not convinced at this point to deny on the basis of section 3(3); he needs more information why they should deny.

Commissioner Noecker stated she thinks that, based on the FAA color striping and the way it would appear, it does violate 3(3) in terms of being detrimental to the character of the neighborhood. It is not going to blend into the surrounding environment.

Commissioner Nelson clarified that the wind turbine is not going to be candy striped. It does require the aviation lighting and to be painted an aviation white color designed to maximize visibility of the turbine for aviation purposes. He further stated that Metropolitan State chose a location that required FAA markings; there are other portions of their campus that would not require these markings. He thinks the committee's motion for denial is appropriate.

Commissioner Edgerton said in terms of the 3(3) it sounds like the noise should not be considered really an issue, likewise in terms of the birds there should not be concern based on the letter from the Audubon Society. There isn't strong scientific backing to state that. This is making a subjective judgment based on personal opinions of whether or not this is an issue. He is uncomfortable denying the conditional use permit based on that.

Commissioner Connolly commented that he thinks the stated reason to deny is very subjective. He will vote to allow the turbine.

Commissioner Ward moved to call the question. There being no objection, the commission proceeded to the vote on the main motion.

MOTION: Commissioner Nelson moved the Zoning Committee's recommendation to deny the conditional use permit. The motion failed 4-10 on a voice vote.

MOTION: Commissioner Connolly moved to approve the conditional use permit based on the original staff findings. Commissioner Edgerton seconded the motion. The motion carried 10-4 (Nelson, Ochs, Shively, Wickiser) on a voice vote.

NEW BUSINESS

#12-011-389 Pastor Irene Stockett - Conditional Use Permit for a rooming and boarding house for six residents. 1565 Albemarle Street, NW corner at Hoyt. (Luis Pereira, 651-266-6591)

Commissioner Nelson said that the committee has no recommendation. The property appears to be a large house that would be of adequate size for the seven people proposed to live there, but the main issue was confusion as to how this house would actually be used. In addition, some of the testimony from neighbors was that they also did not know what was being proposed.

Commissioner Ward said that given the confusion as to what the intent was, what it's going to be, how it's going to affect the neighbors or the community, he moved to send the application back to the Zoning Committee for additional information.

Commissioner Spaulding seconded the motion. It carried unanimously on a voice vote.

#11-310-833 McDonalds USA LLC - Conditional Use Permit with modification for a fast food restaurant with drive-through service. 2322 7th Street West, SW corner at Madison.
(Kate Reilly, 651-266-6618)

MOTION: Commissioner Nelson 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 Nelson announced the items on the agenda for the next Zoning Committee meeting on Thursday, March 1, 2012.

VI. Neighborhood Planning Committee

Nonconforming Use Text Amendments – Recommendation to release for public review and set public hearing for April 20, 2012. (Patricia James, 651/26-6618)

MOTION: On behalf of the Neighborhood Planning Committee, Commissioner Oliver moved to release the draft for public review and set a public hearing on April 20, 2012. The motion carried unanimously on a voice vote.

North End-South Como District 6 Plan – Approve revised resolution recommending to the Mayor and City Council adoption of the plan and approval of the proposed property rezonings.
(Penelope Simison, 651/266-6554)

Commissioner Oliver said that this resolution had come to the commission before, however the commission had not decertified the prior plans, so this resolution has been revised to do that.

MOTION: Commissioner Oliver moved on behalf of the Neighborhood Planning Committee to approve the revised resolution recommending that the plan and proposed property rezonings be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.

Commissioner Oliver noted the next Neighborhood Committee meeting will be on Wednesday, March 14, 2012.

VII. Comprehensive Planning Committee

Commissioner Spaulding announced the items on the agenda for the next Comprehensive Planning Committee meeting on Tuesday, March 6, 2012.

VIII. Transportation Committee

Commissioner Spaulding reported that they had met and discussed the issue of winter plowing on Saint Paul streets. There was also a briefing on Cherokee Park Trail plans. Commissioner Spaulding announced the items on the agenda for the next meeting on Monday, January 27, 2012.

IX. Communications Committee

Commissioner Thao had no report.

Mr. Seeb said that they do not see themselves as a consultant in the sense of an architectural firm or landscape architectural firm. They work with many of these types of firms and sometimes help them find opportunities through business in the community. The kind of consultancy that the Riverfront Corporation does has involved things like the new Payne/Maryland community center. They are helping them related to organizing their board and positioning there volunteers. It's a time limited consultancy and the Riverfront Corporation will help them get established and help them get off on their own.

Task Force/Liaison Reports

Commissioner Oliver reported that the Neighborhood STAR Board had their first meeting of the year last Wednesday and they also held their workshop for potential applicants.

Commissioner Oliver announced that the Near East Side Task Force had met a week or so ago and Luis Pereira, PED staff has prepared most of the task force's final strategy document. In addition to the strategy, there are some significant rezonings that will be proposed also. This will be coming before the Planning Commission soon.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:35 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

03/09/12

(Date)



Daniel Ward, II
Secretary of the Planning Commission