

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

**Minutes December 28, 2012**

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 28, 2012 at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners Present:** Mmes. Merrigan, Noecker, Perrus, Porter, Reveal, Shively, Thao, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Oliver, Schertler, Spaulding, Ward, and Wickiser.

**Commissioners Absent:** Ms. \*Wang and Messrs. \*Nelson and \*Ochs.  
\*Excused

**Also Present:** Donna Drummond, Planning Director; Tom Beach, Department of Safety and Inspections; Lucy Thompson, Merritt Clapp-Smith, Michelle Beaulieu, Bill Dermody, and Sonja Butler, Department of Planning and Economic Development staff.

**I. Approval of minutes November 30<sup>th</sup> and December 14, 2012.**

**MOTION:** *Commissioner Reveal moved approval of the minutes of November 30, 2012. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

and

**MOTION:** *Commissioner Reveal moved approval of the minutes of December 14, 2012. Commissioner Thao 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 had no announcements, other then to wish everyone a happy new year.

**IV. Zoning Committee**

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

No current applications.

**NEW BUSINESS**

#12-216-269 Wilebski's Blues Saloon – Establishment of legal nonconforming use as a commercial parking lot. 92 California Avenue West, SE corner at Camelot Street.  
(Bill Dermody, 651/266-6617)

Commissioner Noecker asked why it was decided that the parcel is too small to be redeveloped as something else.

Commissioner Perrus said that this is the first time that this part of the code has been used to establish a nonconforming use as a parking lot. Consideration of this parcel as it related to this code requirement included discussion about the size of the parcel, the surrounding land uses, and the relationship of those uses to the parcel. The neighborhood group came and spoke in support of the application for nonconforming use as a parking lot; they stated that they did not think this site that was suitable for redevelopment or other opportunities. It has been used as a parking lot since the owner had purchased the property and even longer than that. The Zoning Committee talked about whether the code was clear on what too small for development meant and taking into account that it should be more than just a buildable lot, but whether development is appropriate in that location. The discussion concluded that a parking lot is the most beneficial use of this property.

Commissioner Spaulding noted that one of the challenging things about this case is that it is a parking lot and there are 120 units of housing behind it and no sidewalk to those 120 apartment units. He was concerned about approving a parking lot that does not include a requirement for a sidewalk. He also noted it was important for the site plan to go through a formal site plan review process to ensure it met code requirements.

**MOTION:** *Commissioner Perrus moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-216-053 Mademoiselle Miel LLC – Rezoning from RM2 Medium Density Multiple Family Residential to T2 Traditional Neighborhood. 340-342 Kellogg Boulevard West, between Summit and Mulberry. (Michelle Beaulieu, 651/266-6620)

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

#12-215-800 Sandy's Professional Dog and Cat Grooming – Change of nonconforming use permit to change condition regarding location of off-street parking for existing dog and cat grooming business. 360 Clifton Street, SE corner at Jefferson.  
(Michelle Beaulieu, 651/266-6620)

Commissioner Connolly questioned why Sandy (the owner) needs to do this if she does not need the parking?

Commissioner Perrus replied that the business was given a nonconforming use permit to allow operation of the business and there was a condition about off street parking. The parking couldn't be provided on-site, so the owner found an adjacent business with extra parking spaces that allowed her to enter into a long term lease agreement for those spaces.

**MOTION:** *Commissioner Perrus moved the Zoning Committee's recommendation to approve the change of nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#12-210-553 Ford Plant Demolition (phase 1, 2, and 3) – Site plan review for the demolition of the Ford Motor Twin Cities Assembly Plant. 966 Mississippi River Boulevard. (Tom Beach, 651/266-9086)

**MOTION:** *Commissioner Perrus moved the Zoning Committee's recommendation to approve the site plan review for the demolition of the Ford Motor Twin Cities Assembly Plant subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Perrus announced the next Zoning Committee meeting on Thursday, January 3, 2013 has been cancelled.

**V. Comprehensive Planning Committee**

Commissioner Merrigan had no report.

**VI. Neighborhood Planning Committee**

Commissioner Oliver had no report.

**VII. Transportation Committee**

Sixth Street Sidewalk Widening – Approve resolution supporting the proposed project and recommending approval to the Mayor and City Council. (Michelle Beaulieu, 651/266-6620)

Commissioner Spaulding said that the Sixth Street Sidewalk Widening project has been discussed over the course of several years within the downtown and Lowertown community. It came to the Transportation Committee from the Department of Public Works. Commissioner Spaulding explained that the committee considered the concept of the sidewalk widening project, and considered whether it was consistent with the goals of the City's Comprehensive Plan.

Commissioner Spaulding said that there have been lengthy discussions in the downtown community about this project, and the CapitolRiver Council did support the project in 2010. He noted that there was a substitute resolution that had been handed out this morning to commissioners, which includes more detail on the process and why the committee is recommending approval. He discussed the fact that Fifth and Sixth Streets downtown are important transportation corridors, and the goal is to find an appropriate treatment to make them more complete streets. Treatment of any particular street needs to be context sensitive with the goal of providing the broadest range of transportation alternatives within the available space. The project that came before the committee was weighed against those goals and priorities and the Transportation Committee voted to support the concept plan for this sidewalk widening project.

Chair Wencl stated that the resolution is being moved by the Transportation Committee, and that the Planning Commission has several actions that it could take. One is to approve the resolution, to vote it down by not approving it or to take no position and let it move forward to City Council

without the Planning Commission's recommendation either way.

Commissioner Perrus noted there will be a public hearing at the City Council, so there will be an opportunity for comments from the community at that time. She said it seemed that a permanent widening of the sidewalk would be beneficial for a few months out of the year. Was there discussion about temporary and pop-up installations for outdoor cafés and consideration of the loss of on street parking at least while the Saints Stadium is being built?

Commissioner Spaulding said the discussion was focused mainly on the proposal in front of the committee. The committee was asked for its advice on this particular proposal and he didn't think the committee's role was to consider these types of alternatives that weren't in front of them.

Commissioner Oliver said other than the space for sidewalk cafés, was there any other transportation utility noted for the 18 foot sidewalk?

Commissioner Spaulding explained that improved pedestrian mobility was another purpose of the wider sidewalk. This being a historic downtown, the sidewalks are substantially narrower than if they were to be designed today. Mears Park is one of the most pedestrian-oriented destinations in downtown and providing ample and comfortable pedestrian facilities is a major benefit of this project.

Chair Wencil added that the Historic Preservation Commission (HPC) will review the project before it is considered by the City Council. She also noted the presence in the audience of two staff from the Department of Public Works, Jesse Farrell and John Maczko. She said they are available to answer questions from the commissioners

Commissioner Porter asked who initiated the original request. Was it from Public Works or from the business or property owners?

Commissioner Spaulding said the project has been put forward by the Department of Public Works, with the support of the property owners who would be assessed to pay for it

Commissioner Edgerton asked if it would be inappropriate for the Commission to consider an alternative like the pop-up sidewalk.

Chair Wencil answered yes, because that proposal is not in front of the Commission. The Transportation Committee has recommended approval of this resolution and that is what is under consideration.

Commissioner Porter asked for clarification on what a pop-up or temporary sidewalk was.

Donna Drummond, Planning Director, asked if staff from the Department of Public Works could explain some of the discussion that's happened regarding that option.

Jesse Farrell, Civil Engineer with Public Works, said that there are temporary and permanent options that have been considered. The property owners prefer the permanent, which is an 18 foot concrete sidewalk. Other parties have encouraged the exploration of a temporary seasonal installation, where a parking lane is temporarily removed and a small area that is typically used for

parking is temporary used for dining opportunities. This option was explored as there was a trial installation of that and the property owners decided they are not interested in that.

Commissioner Schertler said that this does not rise to the level of requiring that the Planning Commission have an opinion on it. He asked why a project like this was brought to the Planning Commission and also what the timing or schedule was for this project.

Ms. Drummond said that the Department of Public Works wanted to bring this issue to the Transportation Committee, because this is a topic that has generated a lot of public discussion about what is the appropriate thing to do. So it was appropriate to bring it this to the Transportation Committee. The Transportation Committee was established a few years ago to talk about issues like this that affect our public rights-of-way and the transportation system, and sidewalks are an important part of the transportation network downtown. So the committee felt that this was an appropriate topic for them to be discussing and decided to take position in support.

Commissioner Schertler said the City should make the right-of-way pedestrian friendly without overly compromising its transportation function but noted the commissioners are not transportation engineers.

Chair Wencl asked if Commissioner Schertler was considering whether or not the commission should take a position.

Commissioner Wickiser said he was in favor of not taking a position. He noted there were a lot of people in the audience and he does not know what their positions are on this. He knows they will get a chance to speak at the City Council hearing and he does not want the commission to lend credibility to one side or the other by taking a position they are not ready to take.

Chair Wencl asked the staff from Public Works give an update on the schedule and process.

John Maczko, City Engineer with the Department of Public Works, said that this project came to them from the business owners as a way to expand vibrancy in Lowertown. In 2010 they explored the pop-up sidewalk option for a short period of time to see how that worked and what people thought of it. There are pros and cons to the pop-up sidewalk and in the end it was decided by the property owners that they did not want to pursue that option. Public Works brought this proposal forward and the business owners would like to get this constructed as possible in Spring 2013.

Chair Wencl asked if there was a benefit to having the sidewalk widened other than outside dining in the warm weather.

Mr. Maczko said wider sidewalks are beneficial in cities that are promoting multi-modal transportation options by making areas more walkable. The sidewalks in downtown are narrow and that is part of the reason the Transportation Committee and others feel there is a need here. Saint Paul developed like many older east coast cities with narrow rights-of-way and in many cases Saint Paul only has 60 feet of right-of-way. So choices have to be made about how best to use that limited right-of-way. Getting input from the Transportation Committee and Planning Commission about those choices is important.

Commissioner Perrus was surprised at the level of concern about this project and the information that the Planning Commission received. There was very little to go on to help her understand the balance and what the Comprehensive Plan says about that. In general you can find reasons in the Comprehensive Plan to support any position you want to take. In the future it would be helpful to have more detail in a report on the alternatives considered and where the project came from. Her concern is that with the new stadium going in this area the City is losing parking as a result of this sidewalk extension. That is an extremely busy area of town and what is the long term thought about how this fits into the overall parking needs in Lowertown. That is what she wants to see in a report to get a better understanding of what recommendation the Commission should make.

Commissioner Oliver said he is not making an endorsement or rejection of this. He would like to take a neutral position. There are two projects here - the basic streetscape improvements and then the sidewalk widening. He doesn't think the Commission has enough information to make a recommendation.

Commissioner Spaulding said one of the things to recognize about this project is that it has been substantially discussed in the community and there are obviously some differences in opinion. Public Works and the property owners have looked at the alternatives and would like to proceed with this option. The Transportation Committee has looked at it from a transportation perspective and has recommended it. The Planning Commission needs to be open to the idea of forwarding a recommendation and saying that this is something that is worth pursuing as a project. He is concerned about sending the wrong message if the Commission does not take a position when a decision must be made by the City.

***Commissioner Ward moved to call the question. The motion to call the question passed 9-7 on a voice vote. The Commission proceeded to the vote on the main motion.***

**MOTION: *Commissioner Spaulding moved on behalf of the Transportation Committee to recommend approval of the resolution supporting the proposed project and forward to the Mayor and City Council recommending approval.***

**ROLL CALL VOTE: *The motion to approve the resolution supporting the proposed project and forward to the Mayor and City Council failed on a roll call vote 8-9 (Connolly, Gelgelu, Oliver, Porter, Reveal, Schertler, Ward, Wencl, Wickiser).***

***Commissioner Schertler move to forward on with no recommendation. Commissioner Ward seconded the motion.***

Commissioner Perrus stated that she would be comfortable with supporting not making a recommendation, although her concern is that they have been asked to take some kind of position. She is concerned about the level of detail in this report. It is such a controversial issue but she does think that they have to take positions even if they are uncomfortable and even if they feel they don't have all of the details.

Commissioner Ward said there was insufficient information for the Planning Commission to take a position. It's been vetted at the district council and a lot of commissioners don't feel that this is the appropriate venue for this particular discussion to take place even though it was appropriately sent to the Transportation Committee. In a situation where you don't have enough knowledge sometimes it's best not to take a position and let the City Council decide where they will have the

benefit of public testimony. He supports taking no position.

Commissioner Spaulding said for those who are skeptical about taking a position he asked if there was some additional information that could come from Public Works or others to give Commissioners the context needed to make that decision. He asked those who remain unsure about whether to take a position to identify the pieces of information that would help them be able to take a position.

Commissioner Oliver said it's not so much the lack of information but he sees the widening issue as neutral in the Comprehensive Plan. The widening of a sidewalk doesn't strike him as the type of thing that calls for the Planning Commission's imprimatur one way or the other.

Commissioner Noecker said at this point she would support the motion to go forward without having any recommendation, but in taking this stance she is concerned they are making too little of their role as a Planning Commission.

Commissioner Perrus said that the Planning Commission has dealt with these types of projects before and if they are going to take this kind of approach because there is controversy over this item from Transportation Committee then she encouraged the Planning Commission to do this consistently. There should be some consistency in procedure and process for these types of items that come through the Transportation Committee.

Commissioner Wickiser said the decision has implications for the tax base and on-street parking and the Planning Commission does not have any information on what the district council considered in taking their recommendation. Also by not taking a position and kicking the can down the road they are effectively following in a rich tradition of the US Congress.

Commissioner Schertler clarified that by having no opinion he does not mean he has no judgment about the Comprehensive Plan. Nothing about this project rises to the level of Planning Commission review. The Commission could be here for a very long time if they have to review every sidewalk width and curb cut for every Public Works project in the city.

Commissioner Reveal asked if this is on City Council's agenda and if whether it is coming up soon.

Ms. Drummond said the item is listed on the agenda for next week at City Council; however Public Works staff has indicated that it will be laid over. The project is required to go to the Heritage Preservation Commission for review because it is in a historic district and that will occur first.

Commissioner Reveal asked if the Heritage Preservation Commission will have a public hearing.

Ms. Drummond replied yes that would be required.

Commissioner Porter supported taking no position because she feels that she does not have enough information. The Planning Commission should take things on case by case basis and it shouldn't be assumed that a person is voting not to take a position because they don't want conflict.

**MOTION:** *Commissioner Schertler moved to forward to the Mayor and City Council with no recommendation. The motion carried 11-5 (Connolly, Edgerton, Merrigan, Shively, Spaulding) on a voice vote.*

Commissioner Spaulding said that the Transportation Committee also discussed a plan to reconstruct Snelling Avenue between Selby and Midway Parkway and noted these plans to rebuild Snelling Avenue are long term.

Commissioner Perrus said that she was not trying to say that anyone's motives were to kick the can down the road and she wanted to be clear that was not her point. She understands people not having an opinion and it was not her intention to make any one feel like she was saying they couldn't make a decision or that they weren't being thoughtful about it.

**VIII. Communications Committee**

Commissioner Thao had no report.

**IX. Task Force Reports**

None.

**X. Old Business**

None.

**XI. New Business**

None.

**XII. Adjournment**

Meeting adjourned at 9:44 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 January 11, 2013

(Date)



Daniel Ward II  
Secretary of the Planning Commission