

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

Minutes April 21, 2017

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 21, 2017, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Anderson, DeJoy, McMahon, Reveal, Thao, Underwood; and Messrs. Edgerton, Fredson, Lindeke, Makarios, Ochs, Perryman, Rangel Morales, Reich, Tanaka, and Vang.

Commissioners Absent: Mmes. *Mouacheupao, and Messrs. *Khaled, and *Oliver.
*Excused

Also Present: Donna Drummond, Planning Director; Reuben Collins, Department of Public Works, Lucy Thompson, Allan Torstenson, Bill Dermody, Josh Williams, Kady Dadlez, Tony Johnson, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes March 24, 2017.

MOTION: *Commissioner Thao moved approval of the minutes of March 24, 2017. Commissioner McMahon seconded the motion. The motion carried unanimously on a voice vote.*

and

Approval of minutes April 7, 2017.

Chair Reveal announced that the minutes are not available at this time. However they will be ready for approval at the next Planning Commission meeting.

II. Chair's Announcements

Chair Reveal announced that with Gene Gelgelu's recent award of the Bush Fellowship and his continuing obligations as Executive Director of the African Economic Development Solutions, that he will not have the free time needed to provide effective service to the City as a planning commissioner, so he has resigned from the Planning Commission. Now we are in need of two Planning Commissioners since Emily Shively has resigned as well. To ensure geographic balance we are particularly interested in applicants from Wards 5, 6, and 7 but all applicants are welcome. Chair Reveal urged the commissioners to reach out to people they know that they think are qualified and might be interested.

III. Planning Director's Announcements

Donna Drummond announced an event that will occur Saturday morning from 11:00 a.m.-2:00 p.m. on the West Side Flats Greenway. It is an Earth Day event where people will plant 100 sunflowers in 100 yellow buckets that they can decorate. It's a public art activity and installation that will be there for the whole summer that will give people an idea of the greenway once it is built. Also, Ms. Drummond noted she had emailed to the commissioners the Department of Planning & Economic Development's 2016 annual report.

Chair Reveal mentioned that they are in need of a chair for the Communications Committee, the sole responsibility of which has been to do the Planning Commission annual report. Commissioner Thao added that it only requires about 3 hours of time out of the year.

IV. PUBLIC HEARING: Central Station Block Design Guidelines – Item from the Comprehensive Planning Committee. (*Lucy Thompson, 651/266-6578*)

Chair Reveal announced that the Saint Paul Planning Commission was holding a public hearing on the Central Station Block Design Guidelines. Notice of the public hearing was published in the Legal Ledger on April 6, 2017, and was mailed to the citywide Early Notification System list and other interested parties.

Ms. Thompson announced that on Sunday, April 23rd on KMOJ-FM radio station from 1-2:00 p.m., there will be a call-in radio program on equity and the Comprehensive Plan. This is part of the City's efforts to diversify opportunities for community engagement on the Comp Plan. Kristin Beckmann, Deputy Mayor, Monica Bravo, WSCO, and Ms. Thompson will participate in a conversation for the first half hour, and the second half hour will be a call-in. This program will be the first of three such radio programs related to the Comp Plan; the other two will be on community/public health and aging in community.

Lucy Thompson, PED staff, gave a power point presentation summarizing the Central Station Block Design Guidelines, including background, use and adoption schedule. The draft document is available at: <http://www.stpaul.gov/planningcommission>

Commissioner Lindeke asked whether the Urban Renewal Historic District is in place.

Ms. Thompson said that the district has been determined eligible for the National Register of Historic Places, but that it has not been officially listed on the National Register. There has been no local HPC action to designate it as a local preservation district.

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

The following person spoke:

Mr. John Rupp, 366 Summit, Saint Paul, MN 55102, owner of the Saint Paul Athletic Club Building, stated he hopes that a transit building will be included in the area designated as potential plaza space near the Vertical Connection. The building should include security and restrooms. Mr. Rupp noted that there is a "catastrophe" going on around Central Station with

increased drug trafficking and uncivil behavior that needs to be addressed immediately to prevent a significant loss of employers and other businesses in the immediate area.

MOTION: *Commissioner Thao moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 24, 2017 and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.*

PUBLIC HEARING: Alternative Financial Establishment Zoning Study – Item from the Neighborhood Planning Committee. (Tony Johnson, 651/266-6620)

Chair Reveal announced that the Saint Paul Planning Commission was holding a public hearing on the Alternative Financial Establishment Zoning Study. Notice of the public hearing was published in the Legal Ledger on April 6, 2017, and was mailed to the citywide Early Notification System list and other interested parties.

Tony Johnson, 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.

No one spoke.

MOTION: *Commissioner DeJoy moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, April 24, 2017 and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. The motion carried unanimously on a voice vote.*

V. Zoning Committee

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

Two items came before the Site Plan Review Committee on Tuesday, April 18, 2017:

- BNFS – Kittson Street Drainage Improvements at 0 Brunson Street. Dan Peltier-BNSF Railway Company. SPR #17-024670
- St. Paul JCC – Building Addition and Remodel at 1375 St. Paul Avenue. Michael Waldman-St. Paul JCC. SPR #17-024687

Three items to come before the Site Plan Review Committee on Tuesday, April 25, 2017:

- Nova Classical Academy – Sport Field Improvements at 1455 Victoria Way. Eric Williams-Nova Academy. SPR #17-028801
- University of St. Thomas – Stadium, Track, and Ball Field Improvements at 2115 Summit Avenue. Josh Gallus-UST. SPR #17-027562

- United Home Healthcare – Parking lot Improvements at 506 Kenny Road. Cziasarh Neng Yang-United Home Healthcare. SPR #17-027594

OLD BUSINESS

#17-017-620 Verizon Wireless – Conditional use permit for small cell canister antennas on 3 light poles (total heights: 41’, 22’, and 43’9”) and rooftop panel cell antennas on Kagin Commons. 1605 Grand Avenue, Macalester College Campus. (*Bill Dermody, 651/266-6617*)

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

#17-017-675 Verizon Wireless – Conditional use permit for a small cell canister antenna on a light pole (33’ total height). 1679 Grand Avenue, NE corner at Cambridge. (*Bill Dermody, 651/266-6617*)

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

#17-019-449 Verizon Wireless – Conditional use permit for panel cell antennas on a light pole (26’8” total height) and rooftop panel cell antennas on Buetow Music Center. 300 N Hamline and 1245 N Carroll Avenue, Concordia University Campus. (*Bill Dermody, 651/266-6617*)

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

#17-019-520 Verizon Wireless – Conditional use permit for panel cell antennas on a light pole (32’3” total height). 199 N Hamline, Concordia University. (*Bill Dermody, 651/266-6617*)

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

#17-019-179 Wingspan Life Resources – Establishment of legal nonconforming use status to use the house as an office for two employees who do not live in the house (along with use of the house as a residence for two people). 1239 Sherburne Avenue, between Syndicate and Griggs. (*Josh Williams, 651/266-6659*)

MOTION: *Commissioner McMahon 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.*

NEW BUSINESS

#17-023-698 Metro State University – Conditional use permit to expand the campus onto lots zoned RT1 Two Family Residential to expand a parking lot. 381-393 Bates Avenue, NW corner of 6th Street East and Bates Avenue. (*Jake Reilly, 651/266-6618*)

Commissioner Makarios announced that this case was laid over by the Zoning Committee.

#17-015-513 LeCesse Development – Rezone from B2 Community Business to T3 Traditional Neighborhood. 246-286 Snelling Avenue South, between St. Clair and Stanford. (*Josh Williams, 651/266-6659*)

Commissioner Makarios reported that the Zoning Committee had voted 5 – 2 to recommend approval of the rezoning, and that he and Commissioner DeJoy had voted against it.

Commissioner Underwood asked Commissioners DeJoy and Makarios to share their concerns.

Commissioner Makarios said he agrees that higher density mixed-use development is appropriate at this site, but thinks that the height and density allowed under T3 would be inconsistent with the neighborhood, which has a lot of one-story commercial buildings and single family homes.

Commissioner DeJoy said she is not opposed to traditional neighborhood zoning here, but has concerns about the design of the proposed development with most of the first floor being parking that isn't pedestrian-friendly and doesn't fit the neighborhood.

Commissioner Underwood asked if building height would be lower under T2 zoning.

Commissioner Makarios said permitted building height under T2 is lower, and noted that the Planning Commission needs to respond to rezoning application for T3.

Donna Drummond, Planning Director, said that T2 allows up to 35 feet in building height, and up to 45 feet with a conditional use permit.

Chair Reveal said that she voted in favor of T3 because she feels it is the right zoning, particularly on the corner at Snelling and St. Clair.

Commissioner Lindeke said that he also feels T3 is appropriate for this unique corner, with the Marvy Company headquarters (where barber poles are manufactured) two buildings to the east on Saint Clair and Macalester College (where there is a wind turbine and has many different building heights) kitty corner from this site.

Commissioner McMahon raised the question of how the “area” in question should be defined. She looks at Snelling Avenue as a corridor, with the A-Line and other development along it, where T3 zoning is appropriate.

Commissioner Ochs also stated support for changing the zoning to T3, stating that 55 feet is just 5 stories, and if we want higher density on this corridor we need some higher buildings.

Commissioner Thao said there had been quite a bit of controversy when the Vintage on Selby was proposed, too, and that she supports of the rezoning to T3.

Commissioner Reich agreed that enabling higher density development along public transit corridors is something the Planning Commission should pursue, that this corner and project are unique, and T3 is likely appropriate if the design of the proposed were different. The corner may work at 5-stories, but that height along the entire block with single family homes behind the building gives him pause. He reviewed the shadow study, which looks at 1:00 and 3:00 PM but not summer evenings time when backyards would be in shadow. He noted that the Vintage and Whole Foods development on the corner of Selby and Snelling has other buildings across the street and kitty-corner that are taller, which helps the building fit in. In contrast, buildings around this site are shorter, and we can't ignore this site context.

Commissioner Rangel Morales said he would define "area" as a smaller, more immediate area.

Commissioner Edgerton said he voted in favor of the rezoning and looks at the larger context and the Comprehensive Plan, which has city-wide aspirations for better transit, livability, sustainability, and density to support it. Taller buildings are more energy efficient, and we need more density if we're trying to support the new A-Line. Achieving these aspirations that are good for the city overall mean change, and there is a tension with change that we wrestle with all the time.

Commissioner Makarios said he appreciates that big picture perspective. He said the question before the Planning Commission about the proposed rezoning is about the general mix and intensity of uses appropriate here, not the specific proposed building. The general sense of the Zoning Committee is that T3 zoning at this corner could make sense, but not the conditional use permit and site plan for this specific proposal.

Commissioner Fredson said he lives in this neighborhood and agrees with the District 14 Community Council recommendation for approval of the rezoning.

Commissioner Reich asked what happens to the proposed development if the Planning Commission recommends approval of the rezoning.

Commissioner Makarios explained that the Planning Commission's recommendation on the rezoning is advisory to the City Council. If the City Council approves the rezoning to T3, that would be the new underlying zoning for any development that would come forward in the future. Planning Commission denial of the conditional use permit and site plan would mean that this proposed development could not be built. The developers could come back with a new site plan that meets T3 requirements. He noted that only part of the building as currently proposed requires a conditional use permit for additional height.

Josh Williams, PED staff, clarified that the rezoning application automatically goes to the City Council for a final decision, regardless of the Planning Commission recommendation. The Planning Commission decisions on the site plan and conditional use permit applications are final unless appealed to the City Council on the basis of an error of finding, fact, or procedure.

Commissioner McMahon asked if a new site plan would come back before the Planning Commission even it doesn't require a conditional use permit.

Chair Reveal replied that the Planning Commission could require Zoning Committee and Planning Commission review of a new site plan or the Zoning Administrator could send it to the Planning Commission, but it is not mandatory.

Commissioner Underwood asked what would happen if the zoning of this site were changed again as part of the Snelling Avenue South Zoning Study.

Commissioner Reveal said the Planning Commission has not yet seen the zoning study and is making a recommendation now just on the application for rezoning to T3.

Commissioner Makarios added that the Snelling Avenue South Zoning Study is just a draft at this point. The Planning Commission has not yet had a public hearing or considered any public input on it.

Mr. Williams said that the draft Snelling Avenue South Zoning Study recommends T3 for all of the properties proposed for redevelopment by LeCesse.

Commissioner Ochs said that zoning should generally be for a larger area, not lot by lot. In this case, if T3 is great for the corner T3 is broad enough for the whole parcel. It shouldn't be T3 just for a lot at the corner and T2 for the next lot.

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to approve the rezoning. The motion carried 13-3 (DeJoy, Reich, Underwood) on a voice vote.*

#17-016-413 LeCesse Development – Site plan review for a 5½ story mixed-use development with 128 residential units, 1,800 sq. ft. commercial space, and 203 structured parking spaces. 246-286 S. Snelling Avenue, between St. Clair and Stanford. *(Josh Williams, 651/266-6659)*

Commissioner Makarios noted the findings on which the Zoning Committee based its recommendation, on a vote of 6 – 1, to deny the site plan.

Commissioner Edgerton explained his reasons for voting against the motion to deny at the Zoning Committee meeting, regarding meeting the letter of the law for quasi-judicial decisions. He is uncomfortable making a decision to deny based on subjective things such as “human scale” and “neighborhood character.”

Commissioner Lindeke said one of the reasons he likes the T districts is because of the design standards they provide for evaluating site development proposals. They call for windows along street fronts, but in this case they would be looking into a parking ramp. The design standards call for parking to be placed away from the street in the back of properties if possible and this development really did not do that so he voted against it.

Commissioner Ochs said that often we see that a condition is either met or not met, and asked how often we say it “can be” met.

Chair Reveal said it is common for staff reports and the commission to say that a standard or requirement can be met subject to certain conditions, which can become conditions of approval.

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to deny the site plan review. The motion carried 15-1 (Edgerton) on a voice vote.*

#17-015-551 LeCesse Development – Conditional use permit for building height over 55' (62' 4" proposed). 246-286 S. Snelling, between St. Clair and Stanford. (Josh Williams, 651/266-6659)

MOTION: *Commissioner Makarios moved the Zoning Committee's recommendation to deny the conditional use permit. The motion carried 14-2 (Edgerton, Ochs) on a voice vote.*

Commissioner Makarios announced the items on the agenda at the next Zoning Committee meeting on Thursday, April 27, 2017.

VI. Comprehensive Planning Committee

River Balcony Master Plan – Release draft for public review and set a public hearing for May 19, 2017. (Lucy Thompson, 651/266-6578)

MOTION: *Commissioner Thao moved on behalf of the Comprehensive Planning Committee to release the draft for public review and confirm a public hearing on May 19, 2017. The motion carried unanimously on a voice vote.*

Commissioner Thao announced the items on the agenda at the next Comprehensive Planning Committee meeting on Tuesday, May 2, 2017.

VII. Neighborhood Planning Committee

Snelling Avenue South Zoning Study – Release draft for public review and set a public hearing for May 19, 2017. (Josh Williams, 651/266-6659, and Tony Johnson, 651/266-6620)

Tony Johnson, PED staff, gave a power point presentation which can be seen on the web page at: <http://www.stpaul.gov/planningcommission>

Commissioner Makarios asked if any of the existing uses would become legally nonconforming as a result of the proposed zoning changes.

Mr. Johnson replied yes, many of the automotive uses will become legally nonconforming; however, there is a provision in the zoning code which allows most auto uses that become nonconforming to expand as though they are conforming uses. The zoning change will prohibit the establishment of new auto uses along the corridor. Some auto oriented uses (auto convenience market, for example) will become conditional uses. Conditional uses can generally expand by up to 50% of their existing area before they need to apply for a conditional use permit.

MOTION: *Commissioner DeJoy moved on behalf of the Neighborhood Planning Committee to release the draft for public review and confirm a public hearing on May 19, 2017. The motion carried unanimously on a voice vote.*

Short Term Rental Study and Zoning Amendments – Release draft for public review and set a public hearing for June 2, 2017. (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>.

Chair Reveal asked if there were cities that collect taxes via host platforms.

Ms. Dadlez said that there are some cities that collect taxes via host platforms but Saint Paul is relatively unique in its intent to license the host platforms. She noted that ride share platforms like Uber and Lyft are licensed by the City rather than the City licensing individual drivers. The City conducts random audits of drivers to check on compliance.

Commissioner Lindeke referred to the slide listing positive and negative aspects of short terms rentals, pointing out that he believes the second bullet point, "Reduce neighborhood quality of life: late night activity, noise, crime, litter, property damage, fire danger, loitering, and reduced on-street parking" is a bit overstated, adding that in his experience short rentals tend to be well run and assets to neighborhoods.

Ms. Dadlez said the staff report goes into a little more detail about neighborhood impact. The summary in the slide is the overarching review of all short term rentals across the country. She added the staff report notes that short term rental hosts generally speaking work hard to operate in good fashion because they are concerned about receiving 5star ratings. That is how they get and keep business.

Commissioner DeJoy pointed out that the Neighborhood Planning Committee discussion included specific concerns about late night activity, noise, and crime. There were other members of the committee that were concerned about the impact on neighborhood quality of life and there was a lot of discussion about it, which is probably why that bullet was included in the presentation.

Commissioner Thao is very concerned about short term rentals impacting the availability of affordable housing and stated that the current draft of the report says that's not an issue for Saint Paul. She added that in other cities there are instances where building owners have evicted all of the tenants in order to make room for short term rentals. This is extremely concerning. Also if we look at current availability and rental rates at a particular income level we are finding very few vacancies. The report should address this concern and potential impact to affordable housing seriously. Another concern she expressed is potential discrimination against renters and the need to enforce fair housing laws. There have been cases where people of color have been rejected by hosts. She added that for this reason there's now a specific rental platform that caters to people of color. She stated that she wants the planning commission to consider how it would hold that as a standard. She knows the ratings count but do they really care if they get one star because they were discriminatory? She wants to raise the fair housing issue and the potential impact to affordable housing as really important items the report should address.

Commissioner Edgerton wanted to know what is the difference between bed and breakfast and vacation rental by owner and why would they be regulated differently.

Ms. Dadlez said that bed and breakfast residences are an established use in the zoning code. Short term rentals are a new use and an outgrowth of the sharing economy. Bed and breakfast

residences are allowed in one and two-family homes and provide a meal along with the stay; they are licensed by the state for this activity. Short term rentals do not provide a meal and as proposed can be located in a one or two-family home as well as in apartment and condominium units. A bed and breakfast residence with one guest room is a permitted use; two or more guest rooms require a conditional use permit. Some travelers prefer bed and breakfast residences while others are satisfied with the offerings of a short term rental. The number of guest rooms allowed in a bed and breakfast residence is determined by the type of dwelling unit and the lot size.

Commissioner Edgerton said the primary difference is that bed and breakfast residences provide breakfast. Other than that, there is really no difference. So think of it in the context of the regulations we have in place currently for bed and breakfast residences. How are short term rentals different and therefore regulated differently? You should look at how you're going to regulate traditional bed and breakfast residences in the context of how you are regulating this new short term rental use.

Chair Reveal asked if the bed and breakfast is limited to stays of 30 days or less.

Ms. Dadlez said a bed and breakfast stay is limited to a period of less than a week.

Commissioner Perryman asked whether there is evidence that a large percentage of Airbnb units generate complaints about noise, crime, litter, etc., or whether this an anecdotal conclusion based on a few complaints.

Ms. Dadlez said the statements in the staff report and in the slide are general conclusions about the positive and negatives aspects of short term rentals based on research of cities across the county. They are not necessarily based on Saint Paul's experience, though she added that similar complaints were raised by some residents during the workgroup and listening sessions.

Commissioner Underwood said this was discussed at the Neighborhood Planning Committee. The report staff prepared includes a lot of research from other cities around the country and in the metro and Minnesota. We are not New Orleans, but New Orleans did a very extensive study and we take what we can from that since the host platforms do not provide much information or data. So as a result of that something that makes this very difficult is that our information is largely anecdotal and from our own experiences with the use. So we think there are about 250 sites right now in Saint Paul, we don't know exactly where they are, how many people are staying in them, or how often they are rented.

Commissioner DeJoy added that discussions did not only happen at the Neighborhood Planning Committee. There were two workgroup and one public listening sessions that the Department of Safety and Inspections hosted. Bed and breakfast residence representatives were in attendance along with host platform representatives and owner-occupied and non-owner occupied hosts. Concerned residents and tourist interests were also represented. A lot of information was gained at the sessions Commission DeJoy attended.

Commissioner Makarios said it seems that there are at least 250 directly affected properties in the city that we know of. What kind of outreach are we doing, above and beyond what we normally do, to make sure affected property owners know about the public hearing?

Ms. Dadlez said the intent is to send out a notice to the ENS. In addition the workgroup

representatives will be notified and those representatives can reach out to those they represent to get the word out. In addition there is a project webpage with information and a survey on Open Saint Paul to receive input and comment from interested parties.

Donna Drummond, Planning Director, added that we cannot get the addresses of existing short term rental units from the host platforms due to privacy rules, so there is no way to do a mailing directly to the properties nor is there any email addresses from the host platform.

Commissioner Perryman suggested using Facebook to help get the information out to people.

MOTION: Commissioner DeJoy moved on behalf of the Neighborhood Planning Committee to release the draft for public review and confirm a public hearing on June 2, 2017. The motion carried unanimously on a voice vote.

Commissioner DeJoy announced the items on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, April 26, 2017.

VIII. Transportation Committee

Update to the Saint Paul Bicycle Plan – Approve resolution recommending plan amendments to the Mayor and City Council. (*Reuben Collins, 651/266-6059*)

MOTION: Commissioner Lindeke moved to approve the resolution recommending that the plan be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.

Commissioner Lindeke announced the items on the agenda at the next Transportation Committee meeting on Monday, April 24, 2017.

IX. Communications Committee

No report.

X. Task Force/Liaison Reports

Commissioner Makarios announced that the Ford Task Force will be meeting on Monday, May 1st at 6:30 p.m. at the Gloria Dei Lutheran Church.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:30a.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 May 19, 2017
(Date)



Melanie McMahon
Secretary of the Planning Commission