

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

Minutes August 10, 2018

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 10, 2018 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Anderson, DeJoy, Reveal; and Messrs. Baker, Edgerton, Fredson, Lindeke, Ochs, Oliver, Perryman, Rangel Morales, Risberg, and Vang.

Commissioners Absent: Mmes. *Lee, *Mouacheupao, *Underwood, and Messrs. *Khaled, *Reich, and *Wojchik. [*Excused]

Also Present: Lucy Thompson, Interim Planning Director; Ya Ya Diatta, Dept. of Safety and Inspections; Allan Torstenson, Bill Dermody, Tony Johnson, Alena DeGrado, and Sonja Butler, Dept. of Planning and Economic Development.

I. Approval of minutes June 1st, July 13th, and July 27, 2018.

MOTION: *Commissioner Lindeke moved approval of the minutes of June 1, 2018. Commissioner Baker seconded the motion. The motion carried unanimously on a voice vote.*

MOTION: *Commissioner Lindeke moved approval of the minutes of July 13, 2018. Commissioner DeJoy seconded the motion. The motion carried unanimously on a voice vote.*

MOTION: *Commissioner Lindeke moved approval of the minutes of July 27, 2018. Commissioner Anderson seconded the motion, which carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Reveal announced that Commissioner Luis Rangel Morales has joined the Zoning Committee and will remain on the Board of Zoning Appeals.

III. Planning Director's Announcements

Interim Planning Director Lucy Thompson announced that the Metropolitan Airports Commission is reconvening the Saint Paul Downtown Airport Joint Airport Zoning Board to review and adopt a Saint Paul Downtown Airport zoning ordinance. When they last convened, the Saint Paul Planning Commission chair (Barb Wencl) was co-chair of the group. The Planning Commission is being asked to provide a co-chair again, and Chair Reveal has expressed interest in doing it.

At City Council, amendments to Zoning Code Chapter 64, Signs, recently before the Planning Commission, were laid over for a week at the request of Councilmember Prince to look at concerns about digital display and signs proposed for Treasure Island Center. The O'Gara's rezoning was unanimously adopted by the City Council.

In response to questions from Commissioners, Allan Torstenson, PED staff, said the proposal for Treasure Island Center is to allow them to have advertising signs like other sports facilities downtown, which includes digital display. Councilmember Prince is also concerned about the effect of the proposed amendments on signs allowed at CHS Field. Currently the code allows advertising signs at sports facilities with permanent seating for over 10,000 spectators and located in the B4 and B5 districts, which is just Xcel. The amendments would change it to 1,000 spectators to accommodate signs proposed for Treasure Island Center.

IV. Zoning Committee

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

NEW BUSINESS

#18-026-074 Starbucks – Modification of site plan for existing coffee shop with drive-through sales. 234 Snelling Avenue North, SE corner at Marshall Avenue. (*Josh Williams, 651/2266-6659*)

Commissioner Lindeke said he voted against this at Zoning Committee because of concerns about safety and traffic, and thinks the Conditional Use Permit should not have been approved in the first place. The modifications are a marginal improvement, but the drive-through will still impact the traffic and safety of people at this busy intersection. Snelling is already a dangerous street, especially for bicycling. Marshall is one of the main bicycle routes in the city, and the City has been trying for years to make safe bike routes for people all abilities and ages.

Commissioner Ochs said he also voted against the recommendation because it doesn't solve the problem. He observed at 9:48 a.m. on a Monday morning that there were cars extending beyond the sidewalk, even with the cars bumper-to-bumper and a traffic control officer there. The modifications to the site plan will add queuing space for 1-2 more cars, but he thinks that is not sufficient to solve the problem. He suggested that Starbucks consider looking at adjacent property to add some space to the site.

Commissioner Baker said that the proposed modification of the site plan is what's before the Commission, not a change to the Conditional Use Permit. The modification is an improvement.

Commissioner Fredson added that the City has an obligation to work with Starbucks to address a problem with the site plan for a business for which the Commission granted a Conditional Use Permit.

MOTION: *Commissioner Edgerton moved the Zoning Committee's recommendation to approve the modification of the site plan subject to additional conditions. The motion carried 11-2 (Lindeke, Ochs) on a voice vote.*

#18-084-202 KBD Investments LLC – Rezone from OS Office Service to B2 Community Business. 877 White Bear Avenue North, NW corner at Stillwater. (*Bill Dermody, 651/266-6617*)

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

#18-079-298 HRA – Rezone from RT2 Townhouse to T2 Traditional Neighborhood. 623-629 Whittall, between Payne Avenue and Edgerton Street. (*Bill Dermody, 651/266-6617*)

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

#18-084-109 The Summit Center for Arts and Innovation – Historic use variance for the Summit Center for Arts and Innovation, including music- and art-related education, public programs and events, and spiritual/church related service and receptions, including weddings and memorial services. 1524 Summit Avenue, SW corner at Saratoga Street. (*Bill Dermody, 651/266-6617*)

Commissioner Rangel Morales said many community members voiced concern about how these proposed uses would impact the neighborhood. Since the use variance would stay with the property, Commissioner Rangel Morales expressed concern that future users will not be held to uses like choruses and orchestras, Based on these broad conditions that allow concerts and events, he doesn’t think this proposal is compatible with existing uses in the neighborhood and intends to vote no.

Chair Reveal asked Commissioner Rangel Morales if he had alternative language that would satisfy his concern.

Commissioner Rangel Morales said his concern is that there aren’t terms narrow enough in the Zoning Code to restrict the use to the limited purposes stated by the applicant. While these conditions are narrower than the application, this type of use variance would presumably enhance the value of the property, so it could then be sold to someone else who could use it for other types of music and concerts.

Commissioner Baker asked about recourse if the next owner used the facility for rock concerts.

Chair Reveal said that generally whoever purchased it would be subject to the conditions of approval, which she thinks includes non-amplification.

Commissioner Rangel Morales said he thinks non-amplification only applies to outdoor events.

Bill Dermody said they discussed many ways to address the concern of this becoming a night club under a future owner. There are very few, if any, amplified concert venues that operate under the proposed restrictions on the hours of operation that indoor events do, other than wedding receptions. Staff thought that this was the cleanest and most enforceable regulation to prevent a night club situation.

Chair Reveal asked Mr. Dermody to speak on what the options are for people if there is a perceived or actual infraction.

Mr. Dermody said that historic use variance conditions must be abided by. As for a Conditional Use Permit or similar zoning approval, the Zoning Administrator would notify the Planning Commission of any violation, and the Zoning Committee can hold a public hearing to start a revocation process.

Commissioner Perryman, as a wedding DJ, said that wedding receptions can get very loud and could cause issues. In response to a question from Chair Reveal, he said non-amplification outdoors would take care of the problem.

Commissioner Edgerton asked about City noise standards.

Mr. Dermody said his understanding is that there are limits from early morning until 10:00 PM and stricter limits after 10:00 PM.

Commissioner Vang said the proposed spiritual and educational uses are consistent with the historical uses of the church. She suggested adding a condition to regulate the percentage of use in a category, e.g. 60% use for arts and music, 40% for weddings and other activities.

Mr. Dermody said that would require a complex calculation and would be difficult to enforce. Another option might be a maximum number of certain types of events per week or maximum hours on uses considered to be problematic.

Commissioner Baker said his concern with such a condition is that they are moving into changing the business model, getting into how the applicant does their business.

Chair Reveal said she thinks this is only the second time the provisions for a historic use variance have been used, and there is very little history and precedent for enforcement and execution that things like Conditional Use Permits have.

Commissioner DeJoy said she admires Mr. Rupp's vision for preservation and reuse of the building and his investment in the property, but she is against the historic use variance because of the intensification of the use in an RM1 zoning district with very limited parking. There are only twelve spaces and potential to have 300 people at a wedding.

Chair Reveal asked her if she saw what the applicant said about shared parking.

Commissioner DeJoy replied she did not see any contract tied to that, so maybe they can get some clarification. The use now in RM1 allows social institutions, but events on a regular basis like weddings can significantly increase the intensity.

Commissioner Ochs said all churches have intensified use at times, and thankfully they don't have parking lots to accommodate maximum use because then there would be large parking lots that sit mostly empty on many days.

Commissioner Lindeke said he thinks churches and weddings at churches are an intense use historically. He prefers not to use the Zoning Code to regulate things like sound. There are other better, more flexible ways to regulate noise.

Commissioner Edgerton added that there is disruption, more people, noise, and parking with events. The question is to how much is acceptable, which is subjective. What he does like about this is it allows for the reuse and maintenance of a historic church. Ultimately, we have to weigh this all and make our best judgment.

Commissioner Vang proposed a motion to add limits on certain events to limit their intensity. In response to a question by Chair Reveal, Commissioner Vang said the details of the limitations can be discussed.

Commissioner Rangel Morales seconded the motion.

Chair Reveal asked for discussion on the motion to limit the days per week or the time allowed for certain kinds of intense uses.

Commissioner Baker is concerned about changing the applicant's business model.

Commissioner Vang said he would like to limit the number and number of days for certain activities.

Commissioner Ochs said the Certificate of Occupancy determines the number of people allowed in a building for each use. That is already regulated.

Commissioner Rangel Morales said he seconded the motion to amend because part of the presentation of the Zoning Committee by the current owner was an explanation of what his business is. Commissioner Vang's concerns are not unfounded in the sense that the existing business is already a wedding planning/reception business.

Chair Reveal said that she is not going to accept this as an amendment for consideration unless it is more specific, with either a number of events week per some period of time or a number of days per year.

Commissioner Oliver asked why there would be separate hours for indoor reception events and weekends, as opposed to requiring that all events need to end at 10 p.m. and the doors close at 11p.m. across the board.

Mr. Dermody said that question is partially answered in the applicant's response to the neighborhood testimony where they lay out these hours as one set they are willing to abide by. Also, events like concerts have a clear end time, while wedding receptions seem to trail off, with most of the activity ending around 10 p.m..

Commissioner Edgerton asked how typical it is for wedding receptions to go until midnight, and if a 10 p.m. closing time would create a hardship on the business.

Commissioner Perryman said he has seen a variety of situations. Some venues that have sound issues, where neighbors have complained, they are really strict on it, and then the wedding party will hop on a bus and go to a different venue. It is ideal to have everything in one place instead of having people driving around. The most common closing time is midnight; 10:00 p.m. is rare amongst venues he has been to.

Commissioner Vang asked if this building will have a liquor license. Mr. Dermody said that it does not have a liquor license, but they anticipate applying for one. Chair Reveal noted that a liquor license is an entirely separate regulatory process that the Planning Commission is not involved with.

Chair Reveal ruled the motion to amend to be out of order unless there is more specific language.

Mr. Dermody said he heard a concern about the frequency of reception events, and the most enforceable restriction would be days per week as opposed to keeping track of an entire year. Wedding receptions could be restricted Monday through Wednesday, for example. He also noted that the applicant has expressed concern about such restrictions.

Commissioner Vang made a motion to restrict wedding receptions Monday through Wednesday. There was no second to the motion.

Commissioner Perryman asked if this was going to operate as a church, or if it is purely going to be an event venue.

Mr. Dermody said there is a church using the building currently, and that is anticipated to continue. The church is not the focus of the historic use variance because it is a permitted use.

MOTION: Commissioner Edgerton moved the Zoning Committee's recommendation to approve the historic use variance subject to additional conditions. The motion carried 11-2 (DeJoy, Rangel Morales) on a voice vote.

Commissioner Edgerton announced that the next Zoning Committee meeting on August 16, 2018 has been canceled.

V. Comprehensive and Neighborhood Planning Committee

West Marshall Avenue Zoning Study - Adopt resolution recommending rezoning the properties in the study area as recommended in the zoning study memo dated July 25, 2018, and amend the study area to include the parcel at 225 Wilder Street and recommend rezoning it to T2. *(Kady Dadlez 651-266-6619)*

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

Commissioner Rangel Morales said that at the Committee meeting, he had expressed concern about the areas close to the University of St. Thomas currently proposed to be rezoned to T3. He recalled a presentation about limiting the amount and requiring space between students housing in that area. He also recalled the a proposal to rezone property at St. Clair and Snelling to T3, where the Commission ended up recommending making the corner T3 and the rest of the properties T2. T3 here may be good, but his concern is that rezoning to T3 now would limit future public input. Rezoning to T2 would leave it open for the owner to request a Conditional Use Permit or variance, and having a hearing to allow community input.

Chair Reveal said that this recommendation goes to City Council, and they will have another hearing on it.

Commissioner Lindeke noted Metropolitan Council plans for high-frequency transit on Marshall, just like the A-Line. He thinks rezoning along Marshall should provide for more density, as has been done with transit-oriented rezoning for the Green Line, A Line and Gold Line. He is concerned that the proposed rezoning allows less density and creates more complexity.

In response to a question from Chair Reveal, Commissioner Lindeke said the timing of Metropolitan Council plans for BRT here depends on funding from the State Legislature.

Chair Reveal said that when there is a BRT proposal and funding for it, some of the zoning could be reconsidered.

Commissioner Lindeke said that is what he would predict, that we would come back to this in a year or two.

Lucy Thompson, PED staff, said that the proposed rezoning up-zones quite a bit, and she doesn't understand the point about this being a down-zoning.

Commissioner Lindeke said that it is up-zoning in the area that does not have transit access, which he thinks is ironic.

Mr. Torstenson said the proposed rezoning down-zones some property in the six-block area that is currently RM2 where there are historic single family homes and duplexes and there is a desire to maintain the historic character. It also proposes T1 zoning at Prior and at Fairview, which is a mixed-use zone that allows quite a bit of density and also allows some commercial uses.

Commissioner Rangel Morales said he understands the interest in more density at Cretin and Cleveland, and he supports T3 there eventually, but he wants to provide for future public input.

MOTION TO AMEND: *Commissioner Rangel Morales moved to amend the current proposal at the corner of Cretin and Marshall and the corner of Cleveland and Marshall, to rezone to T2 rather than T3. Commissioner Risberg seconded the motion. The motion carried 6-5 (Edgerton, Fredson, Oliver, Perryman, Reveal) on a voice vote.*

Commissioner Fredson moved to call the question. There being no objection, the Commission proceed to the vote on the main motion.

MOTION: *Commissioner Rangel Morales moved the Comprehensive and Neighborhood Planning Committee's recommendation to amend the study area to include property at 225 Wilder Street, adopt the resolution amending the study area and recommending the proposed zoning changes and forward to the Mayor and City Council for adoption. The motion carried 6-5 (Edgerton, Fredson, Lindeke, Oliver, Reveal) on a voice vote.*

Initiating a Zoning Code Parking Study – Approve resolution initiating a study to examine Zoning Code Text Amendments to City parking standards to implement the Saint Paul Comprehensive Plan. (Tony Johnson, 651/266-6620)

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

Commissioner Lindeke asked what type of feedback is desired from the Transportation Committee.

Mr. Johnson responded that he wanted to give the Transportation Committee a chance to review the scope of the study and provide feedback.

Commissioner Lindeke suggested starting the presentation with the parking and road network inventory maps.

Commissioner Edgerton asked why everyone is complaining that there is not enough parking when there is so much space dedicated to parking.

Mr. Johnson replied that parking supply is definitely not the issue; it is how we use it.

Commissioner Edgerton said we have bikes, cars and now we have dockless scooters and bikes that should be considered.

Commissioner DeJoy said a lot of times the reuse of commercial buildings is limited by the demand for off-street parking. This has really become problematic in a lot of deals that she has worked on. She would like to see this explored in the study.

Commissioner Edgerton said also they need to think about the future, the economy and fewer people owning cars and how that will factor into future parking demands.

MOTION: Commissioner Rangel Morales moved the Zoning Committee's recommendation to approve the resolution initiating a study. The motion carried unanimously on a voice vote.

VI. Transportation Committee

Commissioner Lindeke announced that at the next meeting on Monday, August 13, 2018, they will talk about the parking study and rethinking I-94 Phase I study from MnDOT. At their last meeting, they discussed the Mill & Overlay Projects planned for this summer and fall. They talked about 4th Street Market District Project study, which was an effort to think about how to use 4th Street between CHS Field and Xcel Center in a different way. The study has been put on the back burner so the Transportation Committee has an opportunity to push this forward again.

VII. Communications Committee

No announcements.

VIII. Task Force/Liaison Reports

None.

IX. Old Business

None.

X. New Business

None.

XI. Adjournment

Meeting adjourned at 10:15 a.m.

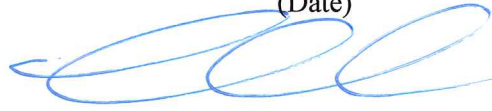
Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
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Respectfully submitted,



Lucy Thompson
Interim Planning Director

Approved 10/5/18
(Date)



Luis Rangel Morales
Secretary of the Planning Commission

