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**DATE:** February 19, 2015

**TO:** Planning Commission

**FROM:** Neighborhood Planning Committee

**SUBJECT:** *West Side Flats Master Plan and Development Guidelines* – Summary of Public Testimony and Committee Recommendations

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#### **BACKGROUND**

The Planning Commission released the draft *West Side Flats Master Plan and Development Guidelines* and proposed rezonings on December 5, 2014, and held a public hearing on January 30, 2015. Notice of the public hearing was published in the Legal Ledger, Saint Paul Pioneer Press and Early Notification System; notices were mailed to property owners within the study area. At the public hearing, 27 people spoke: 16 opposed (13 were current or former Rexam employees), 9 in favor and 2 in favor but with concerns (Saint Paul Area Chamber of Commerce and Saint Paul Port Authority). In addition, staff received written comments from 14 individuals/organizations before the close of the hearing record: 8 opposed (a couple were from people who also spoke at the public hearing), 3 in favor (all who spoke at the public hearing), 2 in favor but with concerns (same as above) and 1 neutral (MnDOT Office of Aeronautics). The written comments are attached.

#### **SUMMARY OF PUBLIC TESTIMONY AND STAFF RESPONSE/RECOMMENDATION**

While much of the testimony (written and oral) was in opposition to the draft Master Plan, the opposition was almost exclusively about the impact on Rexam of proposed streets and park in Phase IV. Testimony in favor of the draft Master Plan touched on many facets of the document supported by the community, including building heights that protect views of the river and bluffs; a connected and walkable street network that encourages and supports diverse building types, land uses and transportation choices; innovative stormwater management as an organizing principle for future development; opportunities to honor the diversity of people and cultures on the West Side; protection of environmental assets; and a growing employment district that will provide jobs for West Siders.

Two key issues arose out of the public testimony: 1) the impact of the Master Plan on the employment district east of Robert Street and south of Fillmore Avenue; and 2) building heights. *This memo contains two options for consideration by the Planning Commission regarding proposed streets and park in the area east of Robert and south of Fillmore: Option A recommends keeping the streets and park on all base maps and as part of Phase IV implementation; Option B recommends removing them and including a set of goals/strategies for consideration as Phase IV becomes a reality. The Committee is forwarding both options for the Planning Commission's consideration. All of the other Committee recommendations are the same under either Option A or B.*

### **Riverview Industrial Park (commercial/industrial employment district)**

#### **Hearing Summary**

Most of the opposition to the draft Master Plan was presented by current or past employees of Rexam. They stated strong concern that the Rexam building is not shown on the Illustrative Plan on pg. 64, and that it is replaced with Eva Street Park and three new streets. Although the draft Master Plan states that the construction of new streets and parks throughout the planning area would be likely only in conjunction with private redevelopment; that parcels can be put to any legal use permitted under current zoning until such time as the City has the resources to build the recommended streets and parks; and that infrastructure changes in the area east of Robert and south of Fillmore are likely to occur in Phase IV (of IV, 20-30 years out), Rexam employees feel the future of their company is threatened. Most of the Rexam speakers asked that the Phase IV improvements be deleted from the Master Plan.

The Saint Paul Area Chamber of Commerce and Saint Paul Port Authority also expressed concern about this issue, but stated it more strongly: that “the proposed public improvements would directly interfere with the ability of existing businesses to operate, create jobs and expand in Saint Paul” (Chamber), and that the current draft “places insurmountable impediments to near-term industrial redevelopment prospects” (Port Authority). The Chamber recommended language to address these concerns:

*The city does not intend to utilize eminent domain proceedings to facilitate the development of new streets and parks proposed under the plan. The proposed streets and parks will be constructed as private development and redevelopment occurs. The proposed streets and parks are conceptual in nature and are subject to change as development occurs. The location of proposed streets and parks in the plan does not necessarily reflect the city’s intended placement of those public improvements. When development and redevelopment occurs, the exact location of new streets and parks will be determined. Until such time as new streets and parks are constructed as part of a redevelopment project, parcels may be put to any legal use permitted under the current zoning classification, provided that the proposed use meets all applicable conditions and/or standards.*

The Port supports insertion of this language as well, as did a couple of the Rexam employees.

#### **Committee discussion**

The Neighborhood Planning Committee spent a great deal of time discussing the testimony from Rexam employees, and how the Master Plan should address their concerns while retaining the vision and key principles of the Plan. Several points were made, including:

- There is a concern about the perception that the Master Plan is anti-business. While Commissioners don’t agree, the “baggage” of this perception is weighing down the Plan and derailing support for it.
- The overwhelming concern seems to be the depiction of streets and parks on the base maps and Illustrative Plan; there appears to be something particularly threatening about the plan graphics. Illustrations showing a future build-out condition can be very powerful, as has been shown in this case. A future vision of streets and parks where buildings exist today creates uncertainty about whether a business should invest in its building or inventory now or in the near future, knowing that a plan shows them gone in 20-30 years.

- Perhaps simply removing the timelines associated with each phase (within 5 years, 5-15 years, 10-20 years and 20-30 years) would address Rexam's concerns. This way the vision stays intact, but the Plan doesn't prescribe or suggest when each phase might occur.
- It is important to have a long-range vision to guide both public and private investment. Having clear graphics helps all partners understand the community's intention for the neighborhood, and allows decisions to be made that, over time, will bring the vision to fruition.

The Committee discussed both of the options laid out below, and ended up being evenly split between support for Option A and support for Option B. The Committee forwards both options to the full Commission for discussion at its February 27, 2015 meeting.

#### **Committee response – Option A: Leave Plan As Is**

The breaking up of superblocks, construction of a more fine-grained/urban street and block pattern, and creation of a more pedestrian-friendly environment are fundamental to achieving the community's vision for the West Side Flats. It is unfortunate that the long-term vision for the employment district of a more fine-grained/urban street and block pattern, a more pedestrian-friendly environment connected to the Mississippi River and transit, and a higher-quality public realm is being perceived as counter to other fundamental goals of the Master Plan, such as provision of high-paying commercial/industrial job opportunities, improved business functionality and improved visual character of the jobs district. It is not the intention of the Master Plan to be anti-business or to send a message that existing businesses need to leave immediately. In fact, no non-conforming uses will be created by the proposed rezonings, and there are several statements in the Master Plan in support of a growing jobs sector. The Committee believes there are sufficient safeguards and caveats in the Master Plan to make clear that construction of proposed streets and parks will occur only in conjunction with private redevelopment (as was done with U.S Bank/Livingston Avenue and West Side Flats Apartments/Harriet Island Boulevard). Further, implementation of Phase IV is noted as 20-30 years out, after implementation of Phases I-III has transformed the Flats into a mixed-use, walkable, transit-oriented urban village. The WSCO letter said it well: "As more of the WSFMP is implemented, and the neighborhood develops and matures, businesses will have the opportunity, at their own discretion, to change land uses and develop their businesses and property in a way that reflects the evolving characteristics of the neighborhood."

#### **Committee recommendation – Option A:**

1. Retain the proposed streets and park in the area east of Robert Street and south of Fillmore (Phase IV). The draft Plan makes it clear that construction of public infrastructure is likely only in conjunction with private redevelopment, states that properties may be used for legal permitted uses until such time as the City has the resources to build streets and parks, and puts implementation of Phase IV out 20-30 years. A variation of this option would be to retain the proposed streets and park in the Phase IV area, but remove the time frames noted after each phase (pg. 107-108). The Committee noted that the time frame of 20-30 years for Phase IV caused particular consternation for Rexam employees, but agreed with the community and developer desire to indicate recommended implementation phasing, as it can help establish investment priorities.

### **Committee Response - Option B: Remove Streets and Park in Phase IV**

It is unfortunate that the long-term vision for the employment district of a more fine-grained/urban street and block pattern, a more pedestrian-friendly environment connected to the Mississippi River and transit, and a higher-quality public realm is being interpreted as conflicting with other goals of the Master Plan, such as provision of high-paying commercial/industrial job opportunities, improved business functionality and improved visual character of the jobs district. It is not the intention of the Master Plan to be anti-business or to send a message that existing businesses need to leave immediately. However, that is how the draft Master Plan is being interpreted by some business representatives. While there are several statements in the Master Plan supporting job retention and growth, the presence of future streets and parks is derailing support for the Plan. Given that Phase IV is likely 20-30 years out, it is acceptable to remove the new streets and park in Phase IV and simply add text that states the Plan's intent for the future.

### **Committee Recommendation – Option B:**

1. Remove the proposed streets and park east of Robert Street between Fillmore Avenue and Plato Boulevard from the Master Plan base map, which would remove them from all of the individual master plans (land use, urban design, acceptable building heights, street system, transit system, pedestrian and bike circulation, parks and open spaces, green infrastructure and public art) as well as the Illustrative Plan. The Illustrative Plan would show existing buildings and streets east of Robert between Fillmore and Plato, with a “bubble” explaining future strategies to pursue as redevelopment occurs in this area. As an example, a revised Street System Plan and Illustrative Plan are attached showing how the maps would look with these changes.
2. Keep the area east of Robert and south of Fillmore in Implementation Phase IV (20-30 years), but replace the bullets on page 108 of the draft Plan with the following bullets:
  - As redevelopment occurs, build a connected street network to integrate the employment district with the neighborhood west of Robert Street.
  - Increase job density.
  - Increase land use diversity, allowing for employees to live within walking distance of employment.
  - As redevelopment opportunities arise, break down the scale of blocks to be more urban in scale, more pedestrian-friendly in character, and more appropriate to an employment district adjacent to the Mississippi River and a mixed-use transit village.
  - Allow for a central green in the employment district.
  - Design streets to provide for all modes, including cars, bikes, pedestrians and transit.
3. This option could also remove the time frames noted after each phase (pg. 107-108).

### **Committee Response - Both Options:**

Most of the language recommended by the Chamber and Port is already in the draft Master Plan – either word-for-word or stating the same intent with slightly different wording:

- p. 65 “This Illustrative Plan is not intended to represent a specific development proposal. It is intended to illustrate the general direction for building configuration and orientation, land use, off-street parking and public realm. The exact location of streets and parks will be determined as redevelopment occurs.”
- p. 106 “...the study area's large size and redevelopment timeline requires the City to have an implementation approach that is phased and affords flexibility over time. Things will change as development progresses, such as market demand, developer interest,

demographics, public financing capacity, types of funding sources available, and policies at various levels.”

- p. 106 “...it is important to note that the construction of new streets and parks proposed in this Plan is likely only in conjunction with the redevelopment of private property, as the City is unlikely to have the financial resources to build public infrastructure without attendant private development. Until such time as the City has the resources to build the recommended new streets and parks, as part of a redevelopment project, parcels may be put to any legal use permitted under the current zoning classification, provided that the proposed use meets all applicable conditions and/or standards.”
- p. 108 “As redevelopment occurs, acquire right-of way for proposed streets in the Phase IV area...”
- p. 108 “As redevelopment occurs, acquire land for Eva Street Park.”

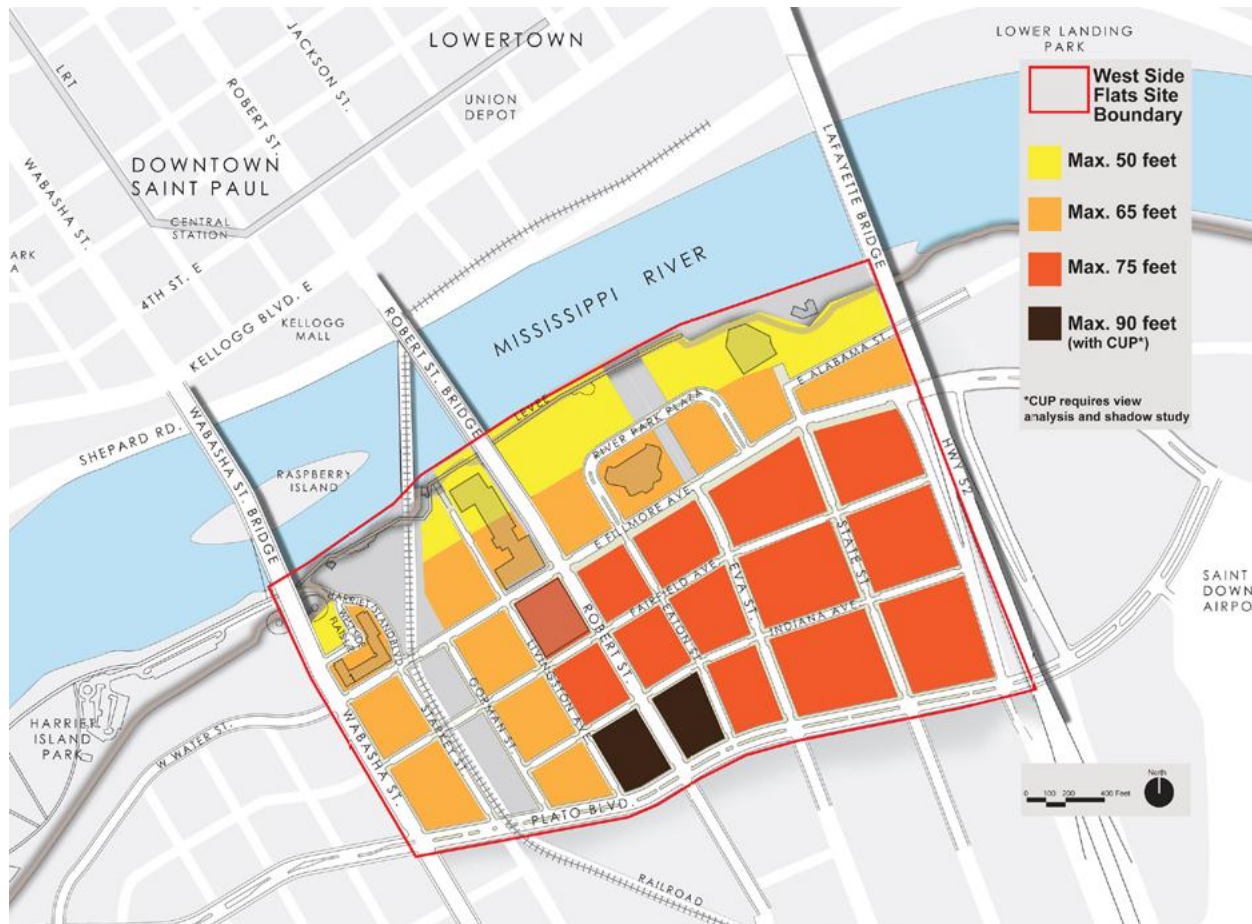
**Committee Recommendation – Both Options:**

1. Do not insert the language recommended by the Chamber and Port, for the following reasons:
  - a. Most of the language is already in the draft Plan, either word-for-word or with slightly different wording that states the same intent.
  - b. The City Attorney’s Office has advised against inserting language about the City’s intended use of eminent domain. A property owner may want the City to use eminent domain to purchase property in the future, as they would then be eligible for relocation benefits. The City Attorney saw no legal reason to take this tool off the table.

**Building heights**

**Hearing Summary**

Representatives from the Saint Paul Area Chamber of Commerce and Sherman Associates expressed concern about the acceptable maximum heights shown in Fig. 5.4 (p. 37). These heights will be adopted as the T3M and ITM permitted maximum heights within the study area. Sherman Associates requests that the maximum heights for the block north of Fillmore, between the railroad tracks and Livingston Avenue, stay as they are currently allowed in the *West Side Flats Master Plan* – 6 stories facing Fillmore and 5 stories elsewhere (towards the river). Sherman Associates also requests that height measurements be made in stories, not feet. The Chamber stated support for this position at the public hearing.



Carol Swenson, West Side resident and member of the West Side Flats Master Plan Community Task Force, commented on the proposed zoning text amendment regarding the conditions under which a conditional use permit could be granted for 90' building heights at Robert and Plato. The proposed language states that the Planning Administrator or Planning Commission *may* require a shadow study and/or view analysis to help determine the impact of the additional height. Ms. Swenson requested that the Planning Commission make the view analysis mandatory, not discretionary, and that the Commission establish criteria and a process for conducting the visual analysis. During the task force process, Ms. Swenson volunteered to work with staff and the Commission on the criteria and process.

**Committee response:**

The West Side Flats Master Plan Community Task Force spent a great deal of time exploring the impacts of various building heights on views to and from the river, and reconciling those impacts with the density and diversity principles underlying the Plan. The consultants did extensive view analyses of different heights; there was a large community meeting debating the pros and cons of taller buildings; and a compromise was introduced by Friends of the Mississippi River and the National Park Service that set the stage for the recommended heights.

Based on experience with several zoning cases regarding height and the lack of consistency in total height when stories are used instead of feet, City staff converted all height limits to feet years ago. The Committee believes that measurements in feet more dependably convey building height.

**Committee recommendation:**

1. Keep the acceptable maximum building heights as proposed in the December 5, 2014 draft Master Plan (Fig. 5.4). These are the result of a passionate conversation between interested parties and a compromise that best balances the preservation of significant river views and economic development. Exceptions to the acceptable heights should be considered either as a conditional use permit or variance, especially given the special site conditions noted by Mr. Kuechle for the parcel east of the tracks and north of Fillmore.
2. Continue to measure building heights in feet rather than stories.
3. Require a view analysis for a conditional use permit to go to 90' on the two blocks north of Robert and Plato.
4. Prepare, with assistance from Community Task Force members and City staff, a set of guidelines establishing criteria and a process for such view analysis.

**COMMITTEE RECOMMENDATIONS - SUMMARY**

The Neighborhood Planning Committee recommends the Planning Commission forward the draft *West Side Flats Master Plan and Development Guidelines* and proposed rezonings to the City Council, with the following comments/recommended changes:

1. **Option A:** Retain the proposed street and park improvements for Phase IV, and retain existing language regarding City actions to acquire land and construct public infrastructure throughout the study area. Remove the time frames noted after each phase (pg. 107-108). **OR**
2. **Option B:** Remove the proposed street and park improvements for Phase IV from all base maps and the Illustrative Plan; remove the time frames noted after each phase (pg. 107-108); replace the language under Implementation Phase IV with the following bullets and add this guidance to the Illustrative Plan:
  - As redevelopment occurs, build a connected street network to integrate the employment district with the neighborhood west of Robert Street.
  - Increase job density.
  - Increase land use diversity, allowing for employees to live within walking distance of employment.
  - As redevelopment opportunities arise, break down the scale of blocks to be more urban in scale, more pedestrian-friendly in character, and more appropriate to an employment district adjacent to the Mississippi River and a mixed-use transit village.
  - Allow for a central green in the employment district.
  - Design streets to provide for all modes, including cars, bikes, pedestrians and transit.
3. **Both Options:** Retain the proposed acceptable maximum building heights shown in Fig. 5.4 of the draft Master Plan.
4. **Both Options:** Amend the proposed zoning text changes to note (l) of Table 66.331 Traditional Neighborhood District Dimensional Standards and note (g) of Table 66.531 Industrial District Dimensional Standards to have the last line read: "The planning administrator or planning commission *shall* require a shadow study and/or view analysis for a conditional use permit application to help determine the impact of additional height."
5. **Both Options:** Prepare, with assistance from Community Task Force members and City staff, a set of guidelines establishing criteria and a process for such view analysis.

Attachments

- ✓ Written Testimony
- ✓ Sample Street System Plan showing Phase IV streets and park removed
- ✓ Illustrative Plan showing Phase IV streets and park removed