

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

Minutes May 8, 2015

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 8, 2015, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. DeJoy, McMahon, Merrigan, Noecker, Padilla, Reveal, Shively, Thao, Underwood and Messrs. Connolly, Edgerton, Gelgelu, Makarios, Nelson, Ochs, and Oliver.

Commissioners Absent: Ms. *Wang, and Messrs. *Lindeke, *Ward, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Bill Dermody, Michelle Beaulieu, Merritt Clapp-Smith, Mike Richardson, Leila Tripp, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 24, 2015.

MOTION: *Commissioner Reveal moved approval of the minutes of April 24, 2015. Commissioner Padilla seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wencil had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that there have been three City Council appeals filed from Planning Commission decisions made at their last meeting on the Hawkins Chemical conditional use permit, the Shepard Davern development height variance, and the Highland Village mixed use development site plan review. Public hearings on the appeals are yet to be scheduled. She also announced that the Great River Gathering is next Thursday, and commissioners that have registered should let her know today so that she can make sure they are seated together.

IV. PUBLIC HEARING: Residential Standards Zoning Code Amendments – Item from the Neighborhood Planning Committee. (Mike Richardson, 651/266-6621)

Chair Wencil announced that the Saint Paul Planning Commission was holding a public hearing on the Residential Standards Zoning Code Amendments. Notice of the public hearing was published in the Legal Ledger on April 27, 2015, and was mailed to the citywide Early Notification System list and other interested parties.

Mike Richardson, PED staff, went over the background and purpose of the study, starting with a focus on Ward 3, and Zoning Code amendments that would apply city-wide that have been drafted for discussion and public comment. Letters from 8 of District Councils had been received, along with 13 other letters and 9 comments through Open Saint Paul. Mr. Richardson summarized some of the issues that have been raised.

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

The following people spoke.

1. Karen Jeffords-Brown has been a resident in Ward 3 for over 20 years. She represents Save Our Saint Paul Neighborhoods which is a citywide community action group concerned with preserving our neighborhoods. Ward 3 is eager that these initial steps proceed in that ward. These standards require further consideration as to whether they are well suited for the whole city. They suggest that the city develop conservation districts as a tool which could be tailored to conditions and needs in our neighborhoods. Their organization supports the proposed zoning code amendments for Ward 3, but believe that other wards need time to contemplate these changes. She suggested implementing them as a pilot for 3-5 years in Ward 3, and then evaluating whether they have inhibited investment or created other problems. Reducing actual mass and perceived mass of houses that can be built so close to property lines on small lots is needed in Ward 3. They also support further study and public input in the development of citywide design standards but they emphasize that they would like these standards adopted immediately in Ward 3. They also submitted written comments.
2. Larry Pfaff, a resident in the Highland Park neighborhood. He saw a decision making rule that was very helpful in solving complex problems. It consisted of three boxes. In the first box were things you had to do, in the middle box were things that were not clear, and in the right hand box were things you can do on your own or were free to do. It seems to him that that kind of decision model would be very useful in evaluating these design standards, which should be done periodically.
3. Dianne Ploetz a Saint Paul resident for 23 years. The problem as she sees it is the large number of tear downs that are happening very rapidly, often by builders from outside of the neighborhood tearing down small homes and replacing them with very large homes. These new large homes often cause problems for neighbors in that they are built right up to property lines, restrict sun light, and it impose on the rights of the people living nearby. She suggested a moratorium on tear downs, saying it's a complex issue. She also suggested a field trip for people to look at instances where this has been done very well and the new houses fit in with the neighborhood, and instances where new construction has not gone so well.
4. Shawn Devine, Board President of Fort Road Federation District 9. Mr. Devine read from a letter that was submitted to the Planning Commission. The Fort Road Federation recognizes that other neighborhoods in Saint Paul, beyond Ward 3, also have concerns about infill and residential expansion projects. However in addressing these challenges the city must strike a balance between improving the existing housing stock with increased investment and respecting the current character of a neighborhood. The Federation supports immediate action to undertake zoning changes recommended for Ward 3. Once in place they plan on monitoring the effect in Ward 3 to determine what regulations might be suitable in Ward 2.

5. Andrew Barry a Saint Paul resident, said that acting quickly for Ward 3 will serve a lot of purpose and he has noticed that a large number of the tear down and rebuild construction that is going on in Highland Park and MacGroveland are properties that have been on the market for a long time. These are properties that are not selling quickly and are not popular with the purchasing public. They're popular with builders because of the high return on investment but not selling well and if acting quickly or in a manner not long lasting might slow down this trend/fade to the point where builders will realize that these are not homes that are selling well and not always a good investment. Another concern in the amendments is the building height is addressed as in the peak of the roof of the building. One of the characteristics of these new structures is the height of entry the height of the ceil of the entry door, which is often higher there is market pressure toward 9 foot ceilings in basements having livable space in basements beyond what has been traditionally done. And that higher entry door and subsequently higher window spacing relative to adjacent properties is one of the characteristics that make these buildings not fit with their neighbors. So if future additions to the amendments might include addressing that feature in some manner. He agrees with others that some action in Ward 3 quickly will do a great deal of service to the citizens.
6. Bonnie Alton, a resident in Saint Paul thanked city staff for the opportunity to speak and she welcomes the specific comments made by the Neighborhood Committee and the Comprehensive Planning Committee as they consider how the Residential Design Standards Zoning Study might move forward. She appreciates the two committees realizing the importance of testing and outreach to fully vet these recommendations and their suitability beyond Ward 3. Ms. Alton addressed the issue of residential building heights based upon the Ward 3 study. The study suggests that no house should be over 24 feet tall, unless 50% of the structures around it are taller than that. On the face value of that idea, it seems like it might work. The down side of it is that if a conforming structure is 24 feet tall under the new rules, how many homes in the city become non-conforming. Houses that fall into that category in District 16 have undergone millions of dollars of renovation over the past 30 years to stabilize their suitability and character for years to come. When she asked this question at a meeting on April 28th Mr. Richardson made it clear that it would be the responsibility of the land owner to have surveys done of every single property around them in order to make this determination. That seems overly restrictive.

As a businesswoman, she recognizes that the City of Saint Paul is a very large business, relying on tax dollars from property taxes and sales taxes to operate. How does the city balance the value of higher taxable real estate and the rights as citizens to own our property without onerous restrictions? The zoning code that is currently in place works, but if moved in this direction, each Ward should be given the opportunity that was afforded Ward 3 and have 12 months to mull it over. (Written testimony was previously submitted to city staff)

7. Philip Wahberg representing Summit Hill Association District 16 Planning Council. The study that was done for Ward 3 has been extensive and was allowed to be put together with considerable input from the neighborhood over a 12 month period. The residence of District 16 have had about four weeks since this has been announced as a potential citywide action to review and try and understand how that may affect their housing stock within their district. The overall sense is that there's a rush to bring things together to make this a citywide change and it might not be appropriate for District 16 in all the recommendations. The one size fits all ordinances might not be appropriate for their neighborhood because of significant differences in housing stock from Ward 3 and other districts. It's the feeling of the Summit

Hill Association through the consultation of the neighborhood that the process to enact these changes citywide has occurred too quickly and more time is required to analysis and study the effects on their neighborhood. There is a desire by many in their neighborhood to have a voice in what changes may occur and whether they are appropriate for all aspects of the city.

8. Lori Brostrom a Summit Avenue resident thanked the city for considering these important issues. She personally endorses moving ahead with Ward 3 because of their great need and she also asks for more time so that Ward 2 and the other Wards in the city can take the same amount of time, effort and thoughtfulness in approaching their unique issues. She detailed in her written comments things that in the existing proposed guidelines would not work in her opinion for District 16. But she also welcome the opportunity to make adjustments to the design guidelines as they are, more than anything it is important to preserve the integrity of all the neighborhoods in the city and by putting together effective guidelines, it can be done. (Written testimony was previously submitted)
9. Bonnie Blodgett a Crocus Hill resident thinks that it would be wise to look back at the history of Saint Paul neighborhoods and what actually happened in the 1970's when people came in and wanted to be urban pioneers and fix up those neighborhoods. They were given incentives thanks to the historic designation in the form of dollars to invest in their houses and they applied for low market loans, which was great because they were willing to roll up their sleeves and fix those old houses and fix those neighborhoods. They loved their houses and they wanted to invest in them, invest in the neighborhood. And those houses that were built in 1890 and 1880 were the products of exactly the same kind of enthusiastic exuberant creativity that now we are in danger of stifling with rules. She cannot wait to see what probably the most renowned architect living today in Minnesota one of them the other one is building a new house on Summit Avenue and these are not going to be traditional 1890's houses but they are going to add enormously to the vigor and the interest of the neighborhoods and they are going to fit just fine with the house next door in the neighborhood.

Commissioner Noecker said she appreciates her appreciation for both history and creativity, so should she understand from her comments that Ms. Blodgett is not in favor of the design standards proposed here.

Ms. Blodgett said that she is in favor not only of the one size doesn't fit all but she is also in favor of a very intimate kind of review by neighbors of what affects them in the immediate surrounding neighborhood. What she means by that is when the MacGroveland neighborhoods encircled that house (1721 Princeton) with candles and signs and said that this is awful, she was rooting for that. She was totally in favor of what happened there. The reason she feels differently about 27 Crocus Place is because it's a neighborhood which everything about it is different, the house is sitting on the bluff, and it's a fortress blocking the view from everyone else. Drive by there now and you see this beautiful site and the house that is going to replace the old one is going to be much more inviting and more transparent so we'll be able to enjoy the site and the site was there first. So bring ideas together but keep it local, keep it small, keep it intimate and avoid the kind of rules that have unintended consequences.

10. Tia Anderson representing the Highland District Council and they wanted to thank Councilmember Tolbert and Mike Richardson for their leadership on this residential design

issue. Ward 3 has experienced an increase in both tear downs as well as additions that are out of scale in Highland Park's traditional neighborhood. The Highland District Council supports the residential design standards as put forth by the city, they also advocate that they be applied citywide and DSI staffing and funding that would allow for enforcement of the city's zoning code. (Written comments were submitted from the Highland District Council)

11. Michael Wilson is a Saint Paul resident and he feels like part of what is going on here are two different issues. He is all for creativity and he understands Summit Hill since he lived in Summit Hill for about 10 years. What's happening in Ward 3 is two-story shoe boxes are being put in, so when he hears yes we want creativity, we want the freedom to have great architects come in, but he is not seeing that in Ward 3. He is seeing builders come in who are trying to take advantage of every single square foot of the lot and often obliterating views from the neighbors. He moved into Ward 3 thinking that this is one of the charming gems within Saint Paul, you drive through and it's almost fairytale like and now what he is starting to see is something that looks more like a suburb with big expensive homes but not something to look into the future to raise a family.
12. Andra Perzichilli a Saint Paul resident who is not in favor of the proposed changes because she feels that they are a one size fits all. And to address tear downs, she has a home that was built in 1925 she has 3 small children and she would like to continue living in her house. On her block looking around, there have been houses that have been built in a lot of different era's 1970's, 1950's, 1960's and her house. On the left and right side of her house on her side of the block people have built on every single inch of land, not saying that she wants to do that in the future but she wants to be able to have that option as well. She feels that the proposed changes will affect her ability to build onto her house in the future and there are a lot of unintended consequences.
13. Harold Tremblay and his wife have been Saint Paul residents for 35 years and his specific concerns are that the restrictions in Ward 3 are going to be watered down. And by applying it citywide they will not get what they need immediately to stop these tear downs. Last summer he watched a tear down and a rebuild happen and what hasn't been addressed yet is how that affects their lots. He could not park in front of his house for 2 months and in that time the Police were called on him when he questioned the owner of the property who was a speculator about his parking in front of a restricted area; he called the Police and said that they were harassing him. The Police said that this would be over in 2 months; this was in July the guy is still there cleaning up. Mr. Tremblay thanked Chris Tolbert and his assistant for helping them, when they made their concerns known to them. But this is still going on and now it's May. He does not think that the citywide restrictions are necessary yet, as heard from other people as well. Different Wards have different concerns and needs Ward 3 needs to have this stopped if not stopped, restricted to the point where you cannot build a house that's 3,000 square feet on a lot that was designed for a 1200-1500 max. He bought in Saint Paul because it reminded him of New England where he grew up. So looking across the street at a house that belongs in a suburb that's towering over the house next door to it and is bigger than the largest duplex that he has seen in his neighborhood makes no sense and it reduces the quality of living in Saint Paul. So please decide in favor of Ward 3.
14. Winston Kaehler has also been a Saint Paul resident for 35 years and when he moved into his home he could see the sky from both sides of his house, he can no longer do that at this point. He does support revising regulations and standards for residential construction in Ward 3 as

soon as possible. He believes that there is currently a regulation that a house cannot cover more than 35% of its lot area, and he finds it hard to believe that that regulation is being enforced at this time. Also it is wrong to have no notification procedures in place for replacement of homes when there are notification procedures in place for things as minor as putting up a new garage. At least if they knew that they had some kind of voice in shaping their neighborhoods as time went on that would go a long way toward helping the problems that we all are facing with these conflicting goals that are in connection with the phenomenon we're witnessing of the rash of demolition and replacement housing in Ward 3 and potentially in other parts of the city.

15. Matt Hill, Vice Chair, Heritage Preservation Commission (HPC) the HPC has only been able to discuss this amongst their Executive Committee but look forward to having the full commission having the chance to look at this as this moves forward. They want to express their gratitude to the staff for their work on this complex topic and hope that this commission sees that the HPC as a partner as these plans progress. They share concern with some of the other testimony provided today about the sensitivity of the roll out on a citywide scale but know that they share the mutual goals of housing stock preservation, community cohesion and city progress and this will help advance a shared resolution to these important and needed changes.

Commissioner Nelson asked if there was anything in the modifications that you see that would really have any impact on historical preservation issues.

Mr. Hill said that from a personal standpoint he thinks that one thing he has looked at and would hope that these plans would help us think more thoroughly about is the need to have data and inventory analysis of what we already have there. Too often we don't have the background of information that will help us make the decision for the future, and there is some needed components to be added to this as it goes forward for the city to look at in terms of permit review process and resources to support staff as they do this deeper analysis.

16. Meg Arnosti resides across the street from the Dutch Colonial that was purchased by Macalester College, instead of having two big monstrosities and she is very grateful for that. Ms. Arnosti is a landscape architect and she has a client who lives on Mount Curve which is a traditional house next to a lot of other traditional houses and their neighbor to the south has built a huge three-story in the back two-story in the front addition to their house that extends the length of their property to the point where now they are going to move, unless she can find a way to help screen that. It's a flat roof house and particularly large compared to the other houses that have a peak roof and this is completely out of character and has destroyed the character of the neighbors on either side of it and should not be allowed. So she wants to present the idea of a conservation district option, she knows that that has been discussed and that's not what we are specifically talking about here but in the Tangletown neighborhood they would like to have the opportunity to have a conservation district overlay where they can create their own regulations that pertain to just their own neighborhood and they are moving forward with a study on that. But they would like to make sure that there's an opportunity within the city guidelines to have something like that.
17. Dale Johnson a Saint Paul resident for 37 years said that he thinks it's a smart idea that we don't lay this thing across the city. Ward 3 needs to address the two-story shoe boxes they

have, but the people in the other areas of the city should be allowed to take care of their area of the city. And a blanket document is not a good idea.

Commissioner Connolly asked if there was any collective body of anecdotes or conventional wisdom about how the people who are moving into these houses are getting along.

Mr. Johnson said that he does see animosity and he sees this little house and then they build a big monster next to it and that person cannot see the sky and they are not happy - it's just that simple. That is why we need to address it because he had one go up across the street from him, does it affect him? No, but it certainly does affect the houses on both sides of it.

18. Mary Klauda a Saint Paul resident that has a large tear down remodel next to her and it's been there since last year and the neighbors are very nice. They act somewhat sheepishly around her because they realize how small her house it next to their house and she feels like she's the gardener. The neighbor (he) had said to her on numerous occasions about the problems that he has had with water in the basement, water in the garage, issues with not having enough ventilation upstairs and the sod that was put down looks like hay and he is concerned. He has said numerous times that he would not recommend that builder to anyone. And while the houses are still going up the people that are buying them are having issues less than a year after they have moved in.
19. Catherine Penkert and her family moved into their 1924 bungalow in Saint Paul from Apple Valley 3 years and 3 days ago. In the time that they have lived there they have seen what started as flipping a couple of houses change to feel like flipping the neighborhood. many of these houses were done under remodel permits, so a remodel for a bathroom shows up in the data the same way as taking a house down to three walls and building a whole new house. So many of them don't show up as tear downs but that's what they are. You see this by walking around the neighborhood and in a 5 minute walk from her house they have seen close to twenty in just 3 years. When they came in and bought their house they were in the middle to upper end of the price scale at just under \$300,000, and now they're taking out the houses that are \$200,000 and replacing them with \$600,000 houses so who can afford to live in Highland. Thinking about the neighborhood schools, safety and all the reasons you might want to live in this neighborhood it's important to her to keep this neighborhood accessible to a wider variety of people.

Commissioner Nelson said that you've seen the study and there were a number of examples with different houses that were built on lots some of them tear downs and some remodeling. Did you feel that the scale of those houses that were examples were appropriate and still something that should be allowed within the city under the rules.

Ms. Penkert does not remember the exact examples in the report. The house that Mary Klauda referenced that she watched go up something about, it was taken down to three walls and in the city's permit data it would show up as a remodel, you could barely see it but then the county's data, which takes a while to catch up, and when that county date shows up it shows up as a new house, it use to be a 1924 house now its listed as a 2014 or 2015 house. So eventually it's registered as a whole new home and there is a big time lag in the data even the data in the report that's two years old it takes a while to see this trend.

20. Carol Kist resides on Palace by Prior in Saint Paul and there are tear downs all around her house the one across the street has been worked on for about a year. It gets very noisy throughout the day and at night. She calls these houses McMansions because they are so huge and now people are saying shoe boxes, well she thinks that's more appropriate because they do seem to be made of quickie cheap material, they are not the brick, classic stable more permanent kind of houses. A lot of them have wooden steps, steps should be made of cement or brick and in a few years these houses are going to be falling apart. And these are not energy efficient homes, they have higher ceilings, huge windows, if they were building them better and insulating them making them energy efficient that might be okay, but they're being very wasteful they're costing more to heat or cool. Ms. Kist believes that in 20 years or more her house will be torn down, it's a small lot but they'll build it up and fill up the whole lot or maybe she will be chased out of the neighborhood sooner because this is all going to make her property taxes go up overall.
21. Lisa Arnet lives on Berkeley Avenue in Saint Paul a street full of story-and-a-half smaller bungalows that are kind of a target for this sort of thing. Her family has been living there for 17 years and at the time it was affordable, now they probably would not be able to afford their house. And the houses on either side of her house well, one has sold, and the other one the people are going to move out of and Ms. Arnet is afraid that two gigantic houses are going to go up and box them in on both sides and they will never see anything but their own yard because the giant houses will have taken up the full length of those lots. She is afraid that this is what's going to drive them out and her family will have to move because she does not want to live like that.

MOTION: *Commissioner Oliver moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, May 11, 2015, 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. *(Tom Beach, 651/266-9086)*

Two items to come before the Site Plan Review Committee on Tuesday, May 12, 2015:

- Site improvements for Martin Luther King play area at 271 Mackubin.
- West Side Flats (Phase 3) – Two new apartment buildings with a total of 266 apartment units at 41 Livingston.

Five items to come before the Site Plan Review Committee on Tuesday, May 19, 2015:

- Brandychase Townhouses – Drainage improvements for existing parking area at 2310 Benson Avenue.
- Battle Creek School – Drainage and site improvements for existing school at 2121 North Park Drive.
- Wheelock School – Drainage and site improvements for existing school at 1521 Edgerton.

- Kowalski's Market – Addition to existing grocery store at 1261 Grand Avenue.
- Twin Cities Academy – New school building and associated site work.

OLD BUSINESS

#15-021-950 Freedom Works, Inc. – Conditional use permit for a transitional housing facility for up to 24 residents with modification of required lot area. 869 5th Street East, NW corner at Mendota. (Bill Dermody, 651/266-6617)

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

NEW BUSINESS

#15-020-454 Cory & Pamela Biladeau – Conditional use permit for a bed and breakfast residence with 3 guest rooms in a two-family dwelling, and variance of the requirement for paving of off-street parking and driveways. 96 Virginia Street between Laurel Avenue and Maiden Lane. (Leila Tripp, 651/266-6708)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions and the variance is denied. The motion carried unanimously on a voice vote.*

#15-023-966 TNT Fireworks – Conditional use permit for outdoor commercial sale of consumer fireworks. 2481 7th Street West between Davern and Alton Streets. (Michelle Beaulieu, 651/266-6620)

Commissioner Underwood said on page 3 of the resolution (2) sales of fireworks are permitted only from June 25 to July 5, 2015, annually. Does that mean that they can do this every year? And also is Sibley Plaza going to be there in a year?

Commissioner Padilla said that conditional use permits cannot be limited by a timeframe; they run with the land so if there are modifications to the land or somehow the site goes away then there would have to be modifications made to the conditional use permit to allow them to continue.

Commissioner Padilla also wanted to confirm that we normally have hours of operations included in these permits for sales and this one does not include that and she does not know what the standard hours of operation are, but she would like to make sure that that's included.

Commissioner Merrigan suggest language that says; consistent with previous permit applications for similar conditions.

Allan Torstenson, PED staff said looking at a conditional use permit for fireworks sales that was issued in 2010 and we had hours of operation of 9:00 a.m. to 8:00 p.m. daily and it would be nice to be specific about it in the permit so that people know.

Commissioner Merrigan said that in the last couple of years we've allowed it to go to 9:00 p.m. or 10:00 p.m.

Mr. Torstenson said that he thinks that the most recent one was near Phalen Boulevard and Maryland and if we want to use the same hours as that. His memory is that you're right, but he does not have that in front of him. So we will add that.

Commissioner Padilla made a motion to approve the language with the hours of operation as Mr. Torstenson can define based upon previous permits. Commissioner Gelgelu seconded the motion.

Commissioner Noecker asked what the rationale for limiting the hours is.

Commissioner Padilla said that the rationale is make these hours consistent with other business operations in the area, so that you're not doing outdoor fireworks sales at midnight or 2 a.m. It's to be consistent with the neighborhood and to provide people with a standard time that they know there will be no driving in and out of a parking lot to get fireworks.

Commissioner Noecker said instead of being consistent with what the hours were previously should we be thinking more about what the hours are in the surrounding neighborhood of businesses.

Commissioner Merrigan said that in the past we have generally granted the hours that the fireworks vendor have requested, so we haven't been restricting their opportunity to business in anyway on a basis of their own needs. And often they have been in shopping center parking lots so it's been clear when those parking lots clear out and things slow down within that neighborhood in terms of the strip retail or Cub Foods and there has been a good connection between the needs of the provider and the needs of the neighborhood in these discussions.

Commissioner Noecker said and they requested these hours in this case or we didn't have a request from them this time.

Commissioner Merrigan said in the last couple of years they have generally requested hours because there weren't restrictions in the past and there were negotiations in the past couple of years to find the right hours for their sales.

Commissioner Shively said that in the packet is a letter from the TNT original manager that said that they would like to open daily from June 25th to July 5th with the hours of 8 a.m. to 10 p.m. daily. So maybe we can use that request and put those hours in.

Commissioner Nelson pointed out that there was no testimony there in opposition to this at all. The only person that testified was the applicant.

Commissioner Padilla said that she saw that letter in the packet and they just never discussed it at Zoning Committee it wasn't part of the things that went through and we have gotten comfortable with the process especially with this applicant over the last few years. She cannot remember if they have done 10 p.m. on week nights or if it's only been 10 p.m. on Friday or Saturday in the past she does not want to extend it on Monday, Tuesday, Wednesday or Thursday unless that's

been historically what we have done, so she continues to move the resolution to have Mr. Torstenson make this similar to what this applicant has received in the past.

Chair Wenc said that she would be comfortable with whatever the hours were issued to them in the past.

Commissioner Nelson added the most liberal hours that were issued in the past.

Chair Wenc replied yes, we are talking about the same applicant, so let's just use the same hours that we've issued to them in the past. And we will say that in terms of the motion.

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

#15-022-097 Wilebski's Blues Saloon Parking Lot – Revocation or modification of a nonconforming use permit for a parking lot issued in 2012 (Zoning File #12-216-269) due to noncompliance with the conditions of the permit. 92 California Avenue West, SE corner at Camelot Street. (Bill Dermody, 651/266-6617)

Commissioner Nelson noted that there was a request by the applicant that this be extended to September, apparently there is a STAR Grant in the works that they have applied for which would have helped pay for and defer some of the cost of this parking lot. The discussion on that was whether the STAR Grant Committee was aware that this is money that they are being requested to grant with regard to an application and requirements that are currently nonconforming. And the Zoning Committee felt that September is too long to wait for this particular issue.

Commissioner Padilla added that she really supported revoking this nonconforming use permit at the Zoning Committee meeting. The applicant is going to get this done. He probably received some bad advice from his attorney as he had started his work on the property and then was told to hold off, in order to apply for a STAR Grant and use some city funds to rectify a nonconforming use permit violation. And in order to not penalize the property owner for that bad advice, we allowed him to go through May 31st to get this done and he was very clear that he would get this done. If he does not by May 31st the permit will automatically be revoked on June 1st.

Commissioner Ochs said that it sounds like they had enough time to consider the financing so if we are going to extend some time to allow them the opportunity to finish parking lot installation then perhaps there should be more consideration as to the availability of contractors in the short time frame of 30 days.

Commissioner Padilla replied that he did have a contractor ready to go and actually did some of the mill work on the site before he was told to hold off in order to apply for city funds to rectify the situation. So he has a contractor ready to go and ultimately for us extending any further would be problematic based on the history of the violation. He has had a couple of years to rectify this and there are contractors out there that he has been communicating with but he needs to get this done by May 31st.

Commissioner Noecker hopes that it takes a minimum amount of staff time possible to further

deal with this matter and confirm that the paving is done.

Bill Dermody, PED staff provided an update that the owner reports the paving is already complete and the striping is scheduled to be completed shortly. So this condition of May 31 should be doable.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the modification of existing nonconforming use permit to allow the applicant until May 31, 2015 to pave and stripe the parking lot. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on Thursday, May 14, 2015.

VI. Comprehensive Planning Committee

Commissioner Thao reported that at their last meeting they had continued discussion of the comments on proposed rules on the Mississippi River Critical Area Rulemaking. And that discussion will continue on at their next meeting. The action for the Planning Commission today is:

CIB Proposals – Approve resolution and forward to the (CIB) Capital Improvement Budget Committee. (*Michelle Beaulieu, 651/266-6620*)

Commissioner Reveal said that she realizes that on the STAR applications and CIB too that they are looking only conformity with Comprehensive Plan, but she hopes they will let at least at a staff level all the parties responsible for that know that we hope they ask the question about whether the applicant is in conformance with existing city permit and other things. And if not make sure that the money isn't coming in simply to comply with a condition that has failed to be met for three years. Because that is not an appropriate use of STAR money. She has no problem with it we have imposed something on a business owner that is a new condition that requires a completely different solid waste or waste water treatment system that seems to her appropriate to ask for subsidy to help comply. But not when you have been grossly in noncompliance for three years and now want somebody else in the public sector to pay for your failure to do it.

Commissioner Thao said that the next motion here is a revised resolution that gets to that point exactly. And they felt it didn't pertain to CIB, but it is in the next resolution.

Commissioner Nelson said it would seem that the Comprehensive Plan would encourage that properties be in conformance with zoning and finding regulations, so some conformity.

MOTION: *Commissioner Merrigan moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution and forward to the Capital Improvement Budget Committee. The motion carried unanimously on a voice vote.*

Neighborhood STAR Proposals – Approve resolution and forward to the Neighborhood STAR Board. (*Michelle Beaulieu, 651/266-6620*)

Commissioner Thao announced that the revised resolution that states rating this year's STAR applications for consistency with the Comp. Plan with an additional whereas that speaks to

Commissioner Reveals point about applications compliance rule, permits be ineligible for STAR funds, either directly or as a sub-grantee.

MOTION: Commissioner Thao moved on behalf of the Comprehensive Planning Committee to recommend approval of the resolution and forward to the Neighborhood STAR Board. The motion carried unanimously on a voice vote.

Commissioner Thao also announced the items on the agenda at the next Comprehensive Planning Committee meeting on Tuesday, May 19, 2015.

VII. Neighborhood Planning Committee

Commissioner Oliver announced that the next meeting on Wednesday, May 13, 2015 has been cancelled.

VIII. Transportation Committee

Commissioner Ochs announced the items on the agenda at the next meeting on Monday, May 11, 2015.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Makarios announced that the Ford Task Force had a public meeting last week about 175-200 people came to give public input on plans for the bicycling and pedestrian fares. Transit at the Ford site had a great meeting and at the next Planning Commission meeting on May 22nd Merritt Clapp-Smith and Commissioner Makarios will give an update on where things are at and highlights from the trip they took. And the next public meeting for the Ford Task Force will be on Wednesday, May 27th they will be talking about streets, traffic and parking at 7:00 p.m. at the Gloria Dei Lutheran Church.

Commissioner Reveal said that the city council did not take action on the West Side Flats Master Plan and is providing opportunity for further public hearing on it which will be in mid-June. They are going to reconvene the Task Force at least one more time to consider Councilmember Thune's recommended changes. Several task force members are concerned about them because they do eliminate most of language about street grid and parks. The task force will testify at the next city council public hearing on June 3rd on behalf of whatever conclusion they reach.

Commissioner Thao has recently accepted the position of the co-chair of the Grand Round Community Advisory Committee which the first meeting will be held on Tuesday, May 19, 2015 at the Arlington Hills Community Center.

Commissioner Oliver mentioned that the Gateway Station Area Planning Task Force met on May 5th and went over draft plans for the station areas and provided input to staff.

Commissioner McMahon announced that the Highway 5/Shepard Road had their first open house

at the Saint Paul Jewish Community Center. They showed slides and there was lots of input.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 10:20 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Approved _____
(Date)

Donna Drummond
Planning Director

Daniel Ward II
Secretary of the Planning Commission