

## V. Zoning Committee

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

Four items came before the Site Plan Review Committee on Tuesday, March 29, 2016:

- Johnson High School – Small addition to existing school building and changes to parking lot at 1349 Arcade.
- Tom Reid's – Building addition with patio review at 258 W. 7<sup>th</sup> Street.
- Schmidt Keg and Case – Site work and parking lot for renovation of existing building at 928 7<sup>th</sup> Street West.
- McMurray Field – Parking lot, street and site improvements at 1200 Wynne.

One item to come before the Site Plan Review Committee on Tuesday, April 5, 2016:

- Flint Hills – New secondary spill containment wall around existing storage tanks and repave existing entrance road at 2209 Childs Road.

## NEW BUSINESS

#16-012-584 72 Cesar Chavez – Conditional use permit for a maximum building height of 45 ft., and variance for new construction on slopes greater than 12% in the river corridor. 72 Cesar Chavez Street. (*Jake Reilly, 651/266-6617*)

Commissioner Lindeke said that he is really excited to vote for this. This parcel and the lot across the street have been vacant for almost his entire life time and for someone who lives in the neighborhood it is really depressing so he is really excited to see this happen.

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

#16-016-050 Moises Romo – Reestablishment of nonconforming use as a triplex. 419 Sherburne Avenue between Arundel and Western

***Commissioner Nelson announced that this case has been laid over to the April 7, 2016 Zoning Committee meeting.***

#16-015-194 Victoria Parks Apartments Phase 3 – Appeal of Planning Administrator approval of changes to the Victoria Park Master Plan to allow a 49 ½ ft. high apartment building on Lot 1, Block 6, at 763 Kay Avenue SW corner at Mercer Way. (*Bill Dermody, 651/266-6617*)

Bill Dermody, PED staff person gave an overview of the master plan. He showed graphics on the overhead screen projector, these graphics can be seen on the web page at:

<http://www.stpaul.gov/planningcommission>

Mr. Dermody said that there use to be a tank farm on the site. He then showed how Plate 7 of the master plan, referring to building types, has changed numerous times over the years through both minor and major amendments. He explained that the largest change they had was in 2011 which mainly had to do with Exxon Mobil lawsuit which meant large areas of the master plan were no longer developable and had to be changed to parks and open space, while what was formerly the central green shifted to the school's institutional use. At the same time the road network was realigned to accommodate the school.

Commissioner Nelson said the school was a major modification as was the parkland change, while the changes for Victoria Park Apartments Phases 1 & 2 were minor.

Mr. Dermody said that is correct on both counts. Overall the original plan proposed 840 residential units, in 2011 after the largest change that dropped to 458 or so by staff's estimate, and now prior to this subject application the total number of units is at 655.

Commissioner Underwood asked to see on the map where Nova is.

Mr. Dermody pointed out Nova Academy's location on the map.

Commissioner Underwood asked that because a number of the letters were from people from there.

First Vice Chair Reveal said that the site adjacent to Nova has a "C" on it, so that is undevelopable under the Exxon agreement.

Mr. Dermody pointed out the playground location and how the streets have been realigned.

Commissioner Wickiser commented that there is a picture out there somewhere of him with a shovel as district council president with Randy Kelly during Housing 5000. Opportunities to redevelop pieces of property like this are rare, we have three right now. He is not putting blame on anyone - he thinks that there are some things that happened where we had a master developer that was not able to withstand the storm that came. And a lot of other things like building a street grid that didn't necessarily apply to what happened later. He would like to revisit what happened here and possibly redo or relook at how we plan some of these sites, in order for something like that not to happen. Not to say that what's here is bad but he thinks that these opportunities are so rare that we should look at it a little more critically next time.

Commissioner Underwood asked if this was the most recent parcel we voted on in the past. Did we vote on this building within the last year?

Commissioner Nelson said that the white corner point at Shepard Road and Otto the one that was on an earlier designated as C. It is one that Mr. Dermody pointed out as not being complete and the site not being finished.

Commissioner Underwood replied yes it is under construction now. She remembers that the height was significantly important to the district council and the community at that time. She's trying to appreciate that going from 40 to almost 50 feet is not significant.

Commissioner Nelson said that there are two aspects to height with regards to the zoning code. Currently the zoning there is T3 and if we did not have the M designation, then the T3 zone would allow 45 feet and a conditional use would allow that to go up to 90 feet. So within the T3 underlying zoning in this area without the master plan, there is a lot of higher heights available. In this case, since there was an M designation for master plan, there were some height modifications to the T3 zone put in place, such as the adjacent Nova Classical Academy site which has a height of 52 feet. So this would not be changing the character of building mass on the site because they would still be less than the 52 feet. Another thing that occurs within the zoning code is if you have a larger setback from property lines, you are allowed to go higher by an equivalent amount. This application is about just change from in designation from the master plan limit of 40 feet up to the potential 49 ½ feet – they would still have to meet all of the requirements within the T3 district in regard to height, proximity, and things of that sort.

Commissioner Merrigan said that with mixed use and parking the ceiling heights are a certain amount for that, then when you go into the building you do not get a clear 10 feet because there is a structure in between that can run anywhere from 18 to 24 inches depending on what it is carrying. So, as people have pointed out about the site in general, other buildings around are comparative in height. Commissioner Merrigan would also like to support Commissioner Wickiser's comments about how we look at small area plans and master plans that are very old where we have market conditions that change, yet we need to recognize and be sensitive to the concerns of the neighborhood. But it is a mechanism that would serve the Planning Commission well to evaluate as we move forward to not back decisions in a corner 16 years or 20 years or 10 years later.

Commissioner Underwood had a question about the change in building type from townhome to rental apartment. Do we know if those townhomes are going to be rented or are they going to be owned?

Commissioner Nelson said that the City does not have any authority over what type of ownership model a property can have within it. When he first read that master plan he questioned that fact that certain things were even called owner occupied versus rental because there is no legal justification. He believes it's against state law to designate what kind of an ownership model a particular zoning category has within it. However, he believes that they felt they would be for-sale townhouses and that is what the original intent for the townhouses that were built on the site in Phase 1. And at this point he is not sure whether the townhouses that were built are now rental or are still owner-occupied.

Commissioner Wickiser said that the current townhouses are rental and all of the townhouses in the master plan were proposed for owner occupied. And with regards to some of the building heights, having the capacity to go to 90 feet in Victoria Park was agreed upon by the District Council at the time. The height limits we are talking about here seem to be well within reason. What we are dealing with is building heights that are dictated by economics, and a stick-built building is only going to go so high. We are not getting 90 foot high building requests in Saint Paul for a reason – it's because of money.

Commissioner Edgerton said that looking at this site and 80% of it or something has changed from the original master plan over time. Especially at the time when half the site or whatever ended up going to open space maybe it would have merited taking a holistic look at the remaining site and say "let's replan now" based on knowing that it's changed a lot – trying to piece-meal

from here on out can work, but maybe we can do it better. So looking forward he would suggest with things like the West Side Flats Master Plan or Ford or Midway master plan, maybe add in some language to discuss updating, amending procedures. It is hard to pin point, but there should be some discussion about when enough has changed that we need to step back and revisit it because the old assumptions no longer apply.

Commissioner Lindeke said that one of the letters in the packet mentioned a requested traffic study and he would like to know what that is. It says traffic study but is it a parking study?

Mr. Dermody said that there has been a traffic study requested which has to do with the amount of traffic generated by the site as well as parking implications. That has been requested informally and the developer has started work on that. When we get to the site plan review process, we intend to request that formally.

Commissioner Lindeke said reading the letter one of the things that really jumped out was the issue of speeding in the neighborhood, especially with the park and a school with a lot of children. He would like to see a traffic study or anything dealing with transportation in the area focused on crosswalks, walkability, and slowing down cars.

Commissioner Nelson said that the school itself had also approached the City with regard to traffic especially during drop off and pick up. Regarding master plan changes, we heard testimony from Nova Classical Academy that they purchased the parcel up on the corner at Kay and Mercer and we will probably see another major modification coming up in the future. So any traffic items that are currently going on are before this apartment was even proposed. Looking at the area holistically is something that the City has on their radar.

First Vice Chair Reveal added that they did ask staff to consider bringing the site plan back to Zoning Committee and Planning Commission so that we could see the results of the parking study.

Commissioner Lindeke said that it is not just about parking but it is about safety.

Commissioner Gelgelu said at Zoning Committee the vote was 3-1 the one being Commissioner Makarios, so he would like to know why Commissioner Makarios voted the way he did.

Commissioner Makarios said that it is important to point out that a couple of weeks earlier they had an application from the same developer for a conditional use permit for building height which they would have needed under the original plan, but they modified the building design so they didn't need the conditional use permit. And one of the findings you have to have for a conditional use permit is that the development does not endanger the public health and safety. So all of a sudden the traffic and speed discussion, which is where most of the public opposition to this was really focused, and the safety of children walking to school, getting dropped off and picked up, is important. Taking that out of the mix for this application before us, clearly this is a minor amendment, but he does think it significantly alters the vision for the neighborhood. He knows that the number of housing units is significantly less than the original master plan, but look at all of the green space where there was going to be housing. So you're at two-thirds of the housing density and one-third of the housing space, and that is a significant change. He can't remember anyone other than the developer speaking in favor of this, while there was really significant opposition from neighbors, parents and the school's administration.

Commissioner Ward said that it seems like this comment about public safety and traffic and speed is an underlying element within this. It is really hard to try to plan and legislate and come up with a ruling for human behavior. You can say “don’t speed” – we have enforcement already in place in the city for speeding and it is called signage. People know that they are not supposed to speed in school zones, but yet just recently there were two deaths in a regular common crosswalk. He understands that it is a concern and he understands what people want to try to do but speeding is something that we really cannot control as a Planning Commission and it is more of a Public Works or Police function to be able to enforce that. So the people in the community, if they really want to crack down on speeding the community, can, but he doesn’t think the Planning Commission can.

Commissioner Underwood thinks that adding 37 units to a building is a lot. She notes we spent this much amount of time talking about a lot fewer units in other buildings in the past. She appreciates the dialogue around traffic and pedestrian safety. Commissioner Ward is right – particularly a block away Victoria and 7<sup>th</sup> is a very dangerous intersection. And we have to remember that the rest of this area is green space where we all will be having picnics and playing sports just a lot of activity in addition to Nova. She just picked up on other things in these questions and dialogue about how the developer may do this or that and was seeking a conditional use permit, then went through the Planning Administrator. None of it feels good as a resident in this area so she is going to support the appeal, voting against Commissioner Nelson’s motion.

**MOTION:** *Commissioner Nelson moved the Zoning Committee’s recommendation to deny the appeal of the Planning Administrator’s approval of changes to allow a 49 ½ foot high building. The motion carried 12-3 (DeJoy, Makarios, Underwood) on a voice vote.*

Commissioner Nelson announced the items on the agenda at the next Zoning Committee meeting on Thursday, April 7, 2016.

**VI. Snelling-Midway Master Plan** – Informational presentation on current draft plan by Kady Dadlez, and Josh Williams, PED. (*Kady Dadlez, 651/266-6619, and Josh Williams, 651/266-6659*)

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

Commissioner Ward said that the plan doesn’t give any information about the capacity of the soccer stadium. He said the capacity of the Xcel Energy Center is about 18,000.

Ms. Dadlez said that the initial capacity of the stadium is proposed to be 20,000 with the ability to expand to about 25,500. The actual stadium would not expand but seats would be moved closer together to achieve the larger capacity.

Commissioner Ward noted that there isn’t a lot of parking just for the stadium and wondered where fans are going to park. There are only 4,600 spaces for cars at total build out. Where are the patrons that are going to come to see their favorite team, not everybody is going to ride the Green Line, or the BRT some will drive so where are they going to park?