

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

Minutes April 5, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 5, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Porter, Reveal, Shively, Thao, Wenc; and Messrs. Edgerton, Gelgelu, Lindeke, Makarios, Nelson, Ochs, Schertler, Spaulding, and Ward.

Commissioners Absent: Ms. *Wang, and Messrs. *Connolly, *Oliver, and *Wickiser.
*Excused

Also Present: Donna Drummond, Planning Director; Merritt Clapp-Smith, Kate Reilly, Anton Jerve, Bill Dermody, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes March 22, 2013.

MOTION: *Commissioner Reveal moved approval of the minutes of March 22, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wenc announced that even though the Transportation, Neighborhood Planning, and Zoning Committee meetings are cancelled for the next two weeks the Planning Commission will be holding a public hearing on April 19th as previously scheduled and asked that commissioners please be in attendance.

III. Planning Director's Announcements

Donna Drummond announced that the Planning Commission's recommended text amendment on tap rooms was approved by City Council on March 27th. The change will allow small breweries, which are those brewing under 5,000 barrels per year, to have a tap room on site so they can sell their product directly to customers to drink. This use will now be allowed in the T and B districts. There are a few brewers that are ready to set up shop now that this has been approved.

The Great River Passage Master Plan had a public hearing on Wednesday at City Council; most of the testimony was in support. Concerns were expressed about whether all of the great ideas in the plan would be using resources that would normally go to community recreation centers or neighborhood parks. The Parks director explained that a lot of the funding for the initiatives in Great River Passage will be coming from state or federal sources, so they are not directly in competition. The plan will be back at City Council in a week for final adoption. One of the

issues related to the plan is the old Island Station power plant building. There was a moratorium put into place by the Council to allow time to adopt the plan and also to do a historic evaluation of Island Station. That evaluation has been completed, and it determined the building is not eligible for the National Register of Historic Places. This means it is not eligible for historic tax credits. However, the study found the building did meet two of seven criteria for local designation. The Historic Preservation Commission has voted to start a designation study and formally evaluate that.

Finally, the Great River Gathering dinner is coming up again on May 9th. If anyone is interested in going and sitting together as a Planning Commission please let Sonja Butler know.

IV. Zoning Committee

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

Two items came before the staff Site Plan Review Committee on Tuesday, April 2, 2013.

- Rolling Hills Apartments, new community building for existing apartment complex at 1319 Westminster Street.
- Rayette Building, convert indoor parking space to apartments and related site work at 261 East 5th Street.

Three items will come before the staff Site Plan Review Committee on Tuesday, April 16, 2013.

- Montessori Training Center, new classroom buildings at 1611 Ames Avenue.
- Como Elementary School, repave existing store and gas pumps and replace with new at 780 Wheelock Parkway West.
- Reemo Convenience Store and gas pumps remove existing store and gas pumps and replace with new at 1200 Rice Street.

OLD BUSINESS

#13-149-246 Capitol Lien/Anthony Magnotta – Determination of similar use for a hybrid light fixture powered by a vertical wind turbine and a photovoltaic solar panel in the B3 general business district. 1000 Dale Street North between Hatch and Dale. *(Kate Reilly, 651/266-6618)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the resolution for determination of similar use for a hybrid light fixture.*

Commissioner Merrigan asked if there were any setback requirements from the property line or any other parking setbacks for any other lighting use.

Commissioner Nelson said that this is in a B3 zone, which has no setback requirements.

Kate Reilly, PED staff, said there are no setbacks in the B3 zoning district and the lighting section in the zoning code does not refer to any setbacks.

AMENDMENT TO MOTION: *Commissioner Merrigan moved to amend the resolution to have staff look into an appropriate consideration of a setback for something with a moving part on the property line.*

Ms. Reilly said that when they discussed the 1010 North Dale wind turbines they were set back from the roof line in order to minimize the visual impact. In this case, the wind turbine appears to be next to the property line but it is adjacent to a parking lot and more than 50 feet from any building. However it could be setback 4 feet from the property line, which could be an amendment.

Commissioner Merrigan said that the Commission is setting a precedent here for similar applications using this technology.

Commissioner Spaulding said that it is not clear to him what the site constraints are, but with the ongoing Wind Turbine zoning study can look at this question. The study can re-evaluate this situation based on the experience they have.

Commissioner Ward said that the restrictions or amendments put on this could be best handled by code and allowing DSI to then catch anything during the site plan review. It is not the Planning Commission's position to be code enforcement police before DSI looks at it. This should be handled by DSI.

Commissioner Ochs said he'd like to see this go through. This property owner is somewhat restricted in what can be done with this and he thinks it is perfectly allowable in this particular zone.

Commissioner Perrus thinks that the concern is that the Commission won't see another one of these cases because this DSU would set conditions for anyone moving forward with another one of these in the future. So without setbacks or other specific restrictions in place there's no code enforcement. She would not be opposed to putting in a condition to keep the moving part of the turbine away from another building, but the problem is since we don't know all the situations where this might be used we don't know if that condition would make sense for other applications. We're stuck in this circular discussion so we really need to have the zoning study completed.

Commissioner Nelson said that what is adopted today will become the code for this use in the B3 zone. It will be treated as an accessory use with zero setbacks and any restrictions within what is approved today will become the restrictions by code for DSI to approve with regard to any turbine of this sort in the future. So depending on whether it takes another year or another two years for the study to get done, in that interim what is decided today will be the code requirements. Some kind of setback may be appropriate. We may not have exactly the right number but zero is not the right number for a moving part on a turbine. They can adapt that into the new study, but he believes that there should be something required for this application.

Chair Wencil asked when the study might be brought forth.

Donna Drummond, Planning Director, said that there is a draft that has been prepared that is currently being reviewed internally with other staff in PED and DSI. It should not take long to reach the Neighborhood Planning Committee.

Commissioner Schertler said this should be a priority issue. He talked about the idea of the Planning Commission weighing in on priorities for planning projects and said that it may be appropriate for the Comprehensive Planning Committee to follow up on this idea.

Ms. Drummond said that during the annual meeting, she gives the Planning Commission a list of accomplishments from the previous year and projects for the coming year, so that would be a good time to have a discussion about priorities. Also the Planning Commission does not get involved in all the things that the planning staff is working on; there are a variety other things that demand planning staff time. Ms. Drummond understands the frustration with the wind study and will try to move that along as quickly as possible.

Commissioner Merrigan said that since we don't have anything formally in the zoning code we might be able to condition this use in a way that deals with this situation until the study is done.

Ms. Reilly was handed a suggestion from other staff for an additional condition that states that the "turbine must be of a height, setback and design that does not present an apparent safety risk." That would then be a condition that any other wind turbine would have to meet. And for this case they have already addressed the height from the ground to the wind turbine in the conditions as well.

AMENDMENT TO THE MOTION: *Commissioner Merrigan moved to amend the motion to add a condition that the wind turbine must be of a height, setback, and design that does not present an apparent safety risk. Commissioner Nelson seconded the motion. The motion carried unanimously on a voice vote.*

The main motion with the added amendment carried unanimously on a voice vote.

NEW BUSINESS

#13-156-977 Blue Ox Mini Golf – Determination of similar use for outdoor commercial recreation (miniature golf course). 928 7th Street West, SE corner at Toronto Street.
(Bill Dermody, 651/266-6617)

Commissioner Nelson said that this is a historic site so this will have to go through the Historic Preservation review with regards to construction on this site.

Commissioner Schertler said for this determination of similar use the applicant's letter talks about outdoor garden centers as a comparison. If Home Depot put an outdoor garden center there is that a compatible use? It's used as a reference to be compatible.

Bill Dermody, PED staff, said that the application suggests that outdoor garden centers are comparable, however the findings don't address that. The opinion of the staff and Zoning Committee is that there are other uses allowed in the district that are closer matches.

Commissioner Schertler questioned whether parks are comparable. Isn't this different if it's a private activity, basically an enterprise that's going to be taxable property and they're charging fees to golf there? The comparable uses that are identified are more public uses for TN zoning so do we care that that line is crossed?

Mr. Dermody said that the way the DSU is proposed here, the findings and the conditions don't make that comparison directly, so that would be a separate decision to be made the way this is laid out right now.

Commissioner Ward said being that this may be looked at as a similar use by another developer. Are there additional conditions that the City may want to put on there, so that years from now if it no longer becomes a use that the community is favorable for such as miniature golf and they do want to move toward an outdoor vegetable garden or outdoor farmers market, that there be some type of conditions that that not be the intent of this particular finding?

Mr. Dermody said that there are a variety of uses that are allowed in this zoning district. But the question before the Commission isn't what is the universe of uses that should be allowed here, but whether this particular use is similar to others that are allowed in T3. This application doesn't ask if there are other uses that should also be determined similar or be allowed in the district. So the question of predicting other uses is not before us now.

Commissioner Ward said that because it's in a historic district are there additional restrictions that then come into play?

Mr. Dermody said the fact that it's in a historic district doesn't directly limit the uses, however it limits the design. It is unlikely that a seven story office tower would go there because it would obscure the view of the historic buildings.

Commissioner Perrus said this discussion highlights her overall concern about determinations of similar uses, their scope and how the Commission should limit findings and conditions to make sure they're not creating a scope broader than intended. There are other ways that they could go with this and she understands that this is a process and it may be helpful to have a general discussion by the Planning Commission about DSUs. This discussion really highlights the confusion over how findings are drafted and the limitations of what a DSU actually means when those findings and conditions are created. This discussion highlights concerns well beyond what these findings say, so it would be helpful to have that discussion.

Commissioner Edgerton asked if there are specific design requirements that are put in place on this because he understands that this miniature golf course is going to be a little different. He thought that there weren't permanent installations of holes, but they would change over time as different artists designed holes. It's probably not that different from a traditional miniature golf course but it will be somewhat different. The one at the Walker had some different kinds of things there that you don't see at your normal miniature golf, so what will the design requirements be that will govern this.

Mr. Dermody said that the Walker is a great example because they are using that as their model. There will be changes in holes over time – they'll be designed by artists and will rotate out periodically. That will be a difficult question for the HPC to address when we don't know what all the holes are going to look like, so it will probably be a combination of some design standards

and concepts that can be brought to the HPC and reviewed by staff as time goes on to make sure that every installation generally conforms.

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the resolution for determination of similar use for outdoor commercial recreation subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Nelson said that the next Zoning Committee meeting on Thursday, April 11, 2013 has been cancelled.

V. Neighborhood Planning Committee

Creative Enterprise Zone Amendment to District 12 St. Anthony Park Community Plan – Approve resolution recommending adoption of the Creative Enterprise Zone Amendment by the Mayor and City Council. (Merritt Clapp-Smith, 651/266-6547)

MOTION: *Commissioner Shively moved to approve the resolution recommending the Creative Enterprise Zone amendment be adopted by the Mayor and City Council. Commissioner Ochs seconded the motion. The motion carried unanimously on a voice vote.*

Chair Wencil announced the next Neighborhood Committee meeting on Wednesday, April 10, 2013 has been cancelled.

VI. Complete Streets Project Update – Informational presentation by Anton Jerve, PED.
(Anton Jerve, 651/266-6567)

Anton Jerve, PED staff, gave a presentation updating the Planning Commission about the Complete Streets Planning project. He said the Complete Streets Planning project is about developing tools to implement complete streets policies. The process is funded by a TIGER II Grant and includes a citywide assessment, a street design manual, and an action plan. Each of these tools is being completed with the overall goal to integrate Complete Streets policies into everyday street design practices. They want to create tools that function to create a balanced street design and also get everybody involved in street design process. Whether it's the staff from different departments in the City, different agencies, neighborhood groups, special interest groups all talking from the same page, the same understanding of street design best practices as applied in Saint Paul. The partners on the project are the Transportation Committee, a technical advisory committee made up of staff from Public Works, PED, Parks, DSI, and then they'll be bringing in Police, schools and other partners like MnDOT, Ramsey County, and Metro Transit as needed. The grant partners are St. Paul Riverfront Corporation and St. Paul Smart Trips.

The first major work item is a citywide assessment. This included a mapping exercise that looks at citywide safety assessment and multimodal gap analysis. The goal of these mapping exercises is to help prioritize potential pilot projects and identify ongoing data needs that they have for this type of analysis in the city. The results of the assessment will be summarized in a technical report to the Transportation Committee and set the stage for an action plan.

Commissioner Schertler said that the sidewalk replacement policy used to be a complaint based system. When somebody complained that they have a crack in front of their neighbors' sidewalk, the City sent out an inspector to see if it needs repair, then it was repaired and the property owner

was assessed, and the property owner was upset because they have to pay for it. The alternative to doing that is to evaluate the quality of infrastructure citywide and to budget maintenance. For example, if there is a pothole in the street in front of my house and it is filled I don't get assessed, but if there is a pothole in the sidewalk in front of my house and it is filled then I get assessed and that doesn't make sense. And part of the assessment of the quality out there would be contextual and comprehensive. So they say we're going to do 10 miles of sidewalk and we're going to use professional judgment on the quality of the infrastructure and replace it based on professional judgment as opposed to a complaint based system.

Mr. Jerve said that's a good example of the type of coordination we should have between complete streets policies and street programs, such as sidewalk repair.

Mr. Jerve continued on saying that the second major work item is the Street Design Manual and the purpose is to illustrate possible street design best practices, to explain impacts of the design on modes of transportation, and show how street design elements can be used together. Mr. Jerve talked about the content consisting of the introduction, background and relationships, urban design treatments, street design, maintenance and implementation. He showed an example of the manual's template and how each design element will be addressed. It will contain a few photos from Saint Paul and the photos will be generated from a photo competition that will kick off in a couple of weeks. The idea is to have the photo content provided by anyone interested in the manual and helps to customize it to Saint Paul. And where appropriate they want to highlight any public art opportunities, and environmental and maintenance characteristics as they relate to specific design elements.

One of the outreach events they are planning is the "Better Block" event on East 7th Street between Margaret and Arcade; it's a one-day event on June 6th from 3-8 p.m. It's a way to temporarily redesign a street with traffic flowing through; it's a hybrid between street redesign and a block party. It is a way of illustrating what they are talking about in the manual in real life, a tangible change that people can relate to rather than looking at it on paper. There is a planning session for the event on April 25th from 6-7:30p.m. at 798 East 7th Street. The web page is: <http://saintpaul.teambetterblock.com>.

And the final tool that they will be developing as part of this process is an action plan and this will have a list of priority projects, recommendations to improve the street design process in Saint Paul and a summary of pilot projects, which will be half-day to whole-day workshops to develop planning level street designs for specific locations and prioritize improvements at those locations. A primary goal of these pilot projects is to test the manual making sure it is working for their needs and tweak it before final adoption. They are going to do up to 10 workshops. The general timeline for the whole project is that by September the grant activities are completed.

Commissioner Nelson said that a lot of the streets in Saint Paul are state aid roads, so how would the design manual interface with MnDOT standards and work together, because MnDOT has a lot of power with regards to the roads that they have control over.

Mr. Jerve responded the manual will be developed within the context of all applicable design manuals that may dictate design requirements. It will illustrate best practices, requirements and situations that may call for design variations.

Commissioner Porter said regarding the funding, she's curious if it's tying to funders like HUD

and FTA. Sometimes they are more likely to fund projects if the project is considered in terms of a corridor, so you should tie that language about corridor planning and complete streets together in some way.

Mr. Jerve responded the future funding source would depend upon the scope of the project, but larger-scale projects and future analysis should reflect a corridor perspective

Commissioner Porter said that her question was more on incorporating the language into the manual as opposed to focusing on the pilot projects. Also she did not hear anything about recycling or sustainability.

Mr. Jerve responded the manual will address sustainability in terms of the stormwater, green infrastructure and maintenance qualities and opportunities of each design element.

Commissioner Noecker asked what the level of authority of the manual would be and what the relationship is with the Comprehensive Plan. Also she asked about the Planning Commission's role in this when it comes back.

Mr. Jerve responded that it will define standard practice for street design in Saint Paul, but will be based on other manuals that may have more authority and/or define standards. It will be adopted in some form, but will have to be adopted in a way that allows for administrative updates as other state and federal manuals are updated. Mr. Jerve stated the Planning Commission would approve the Manual before sending it on to City Council.

Commissioner Edgerton asked about the relationship to other documents. For example, the Fort Road/W. 7th plan had recommendations about street furniture and things like that for the area behind the curb. How does this relate if there were inconsistencies between this complete streets manual and some of the neighborhood plans and how do those documents interact?

Mr. Jerve responded the manual will have guidance for above standard elements, like street furniture and other streetscape elements.

Commissioner Edgerton said so if there were some inconsistency the design manual would govern? Mr. Jerve replied yes.

Commissioner Merrigan hopes that there are ways that they can recognize some of the individual characteristics of the neighborhoods so that they don't have sort of a mono design for streets, yet they may have a singular underlying good principle for stormwater planting places for multimodal transportation. She hopes there are enough options to reflect neighborhood character.

Mr. Jerve clarified that the manual would define the parameters for streetscape elements based on requirements such as ADA, maintenance, etc., but would allow for individual neighborhood customization and expression.

Commissioner Shively asked how are they interacting the transit piece with buses because those are moving parts run by another institution and you may have a bus corridor in one location that might shift to another.

Mr. Jerve responded the manual will include guidance on transit facilities, based upon Metro

Transit requirements and other sources and will be written to be flexible enough to respond to the specific needs of the street in the context of the function, land use, and right of way width.

VII. Comprehensive Planning Committee

Commissioner Merrigan had no report.

VIII. Transportation Committee

Commissioner Spaulding announced that the next Transportation Committee meeting on Monday, April 8, 2013 has been cancelled.

IX. Communications Committee

Commissioner Thao had no report.

X. Task Force/Liaison Reports

Commissioner Merrigan announced the items on the agenda for the Shepard Davern Area Planning Task Force, which will meet on Wednesday, April 10th from 4:00 to 6:00 p.m. at the St. Paul Jewish Community Center, 1375 St. Paul Avenue.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:58 a.m.

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

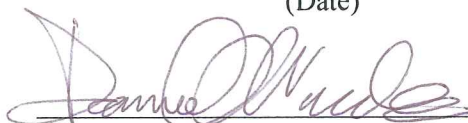
Respectfully submitted,



Donna Drummond
Planning Director

Approved April 19, 2013

(Date)



Daniel Ward II
Secretary of the Planning Commission