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

Minutes April 1, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, April 1, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present:	Mmes. Halverson, Merrigan, Perrus, Reveal, Thao, Wencl; and Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Ochs, Oliver Schertler, Spaulding, Ward, and Wickiser.
Commissioners Absent:	Mmes. *Porter, *Wang, and *Young. *Excused
Also Present:	Donna Drummond, Planning Director; Patricia James, Luis Pereira, Christina Morrison, Kate Reilly, Sarah Zorn, Jessica Rosenfeld and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes of March 4th and March 18, 2011.

Chair Commers requested that page 2 of the March 4th minutes include a note that Commissioner Wencl assumed the Chair for discussion and voting on the Greater Frogtown CDC case.

MOTION: ***Commissioner Merrigan moved approval of the minutes of March 4, 2011 as amended. Commissioner Kramer seconded the motion. The motion carried unanimously on a voice vote.***

MOTION: ***Commissioner Thao moved approval of the minutes of March 18, 2011. Commissioner Reveal seconded the motion. The motion carried unanimously on a voice vote.***

II. Chair's Announcements

Chair Commers said that one of the items on the agenda is the review of CIB proposals for compliance with the Comprehensive Plan. He had a meeting earlier in the week with the current STAR Board Chair, Kari Antrim and with Deann Lesch, who is the CIB Committee Chair. They talked about how the three committees can be working more in concert together. He hopes this will be an ongoing area of enhanced communication.

III. Planning Director's Announcements

Donna Drummond announced that she had sent out an email about possible membership in the American Planning Association (APA) for planning commissioners. The APA offers a special rate for planning commissioners. Interested commissioners should give a check to Ms. Drummond by the next Planning Commission meeting, payable to the APA in the amount of

$50.00.

She also announced that the Great River Gathering will be held on May 12, 2011. Staff will collect reservations and payments so planning commissioners attending can be placed together at the same table. More information will be forthcoming.

IV. Zoning Committee

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

One item came before the staff Site Plan Review Committee on Tuesday, March 29, 2011, Total Tool Supply, Inc. located at 1710 Concordia Avenue & 315 Pierce Street, a new 12,460sf building and new 5,680sf storage building.

Two items will come before the Site Plan Review Committee on Tuesday, April 5, 2011. They are: Metals Reduction Company (MRC) located at 355 University Avenue, take corrective measures for contaminated soil, and Project for Pride in Living located at 2236 West 7th Street, a new 44 unit apartment building.

NEW BUSINESS

#11-102-646 Eugene Sitzmann – Rezoning from RM2 Medium-Density Multiple-Family Residential to TN1 Traditional Neighborhood. 45 Syndicate Street South, NW corner at Grand. *(Sarah Zorn, 651/266-6570)*

Commissioner Kramer said that this is an existing building that is currently zoned only for residential use, but past and current commercial/office uses have been in the building, and the owner would like to continue to legally have those uses there.

Answering a question by Commissioner Ochs, Commissioner Kramer explained that the building is currently configured for residential use, but there have been uses on the ground floor in the past that would not be allowed under the RM2 zoning. The current office use in the building triggered this rezoning application.

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

#11-103-938 Robert Casselman – Re-establishment of nonconforming use as a duplex. 838 Goodrich Avenue between Avon and Victoria. *(Kate Reilly, 651/266-6618)*

Commissioner Nelson said he is usually not in favor of re-establishing nonconforming uses like this, but this is a different situation because this building was built as a duplex. This is what the nonconforming use ordinance is written to allow, and it shouldn't have to be changed simply because it's been vacant for more than a year.

MOTION: ***Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.***

#11-103-193 Red Dog Holdings LLC – Conditional Use Permits for a pawn shop, two fast food restaurants with drive-thru service, and an auto specialty store. 1891 Suburban Avenue, NW corner at Burns. *(Penelope Simison, 651/266-6554)*

Commissioner Kramer reported that the Zoning Committee laid this case over to the April 7, 2011 meeting.

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, April 7, 2011.

V. Comprehensive Planning Committee

Commissioner Merrigan reported that they had met on Tuesday, and discussed the Hamline, Victoria, and Western plans and the comments from the public hearing on February 18th. They took the staff's recommendations and made a few modifications and passed them forward for review. A date has not been set for the committee's next meeting.

VI. Neighborhood Planning Committee and Transportation Committee

Review of CIB Proposals for Comprehensive Plan Conformance - Approve resolution to transmit the Planning Commission's review to the CIB Committee and its task forces for consideration in the 2012-2013 CIB Process. *(Luis Pereira, 651/266-6591, Jessica Rosenfeld, 651/266-6560, and Christina Morrison, 651/266-6546)*

Commissioner Wencl, chair of the Neighborhood Planning Committee said the committee made some revisions to the staff's recommendations and moved the resolution on behalf of the Neighborhood Planning and Transportation Committees.

Commissioner Perrus thanked the staff who spent a lot of time putting this together, responding to the committee's questions, and making this easy to read and understand.

Commissioner Spaulding, chair of the Transportation Committee, commented on that committee's review of the Streets and Utilities proposals.

Commissioner Kramer said that the comments regarding items 28 and 29 talk about improving safety and reducing crashes, but also include comments about decreasing pedestrian friendliness by increasing pedestrian crossing distances. Those comments do not reveal the whole story at either of those intersections. Both are very busy intersections and by adding turn lanes they will be able to control the left turns. This increases the crossing distance for pedestrians but by controlling turns pedestrian safety is increased. So, those comments are not entirely useful.

Chair Commers asked if Commissioner Kramer sees a basis to change the committee rating.

Commissioner Kramer said that the comments need to reflect that if the lanes are built the pedestrians crossing time needs to be increased. Also, it should be noted that putting in left turn lanes is intended to increase pedestrian safety as well.

Commissioner Spaulding explained that this arose out of a committee discussion and he believes one or both of those projects is listed in the appendix to the Transportation Chapter of the Comprehensive Plan. There was some concern about precedent setting, but they did not get into specifics of that project enough to understand the full context.

Commissioner Kramer added that he would not strike out what they already have, but just to add more, something like what he suggested earlier.

Commissioner Oliver said regarding item 55, the William Mitchell Student crosswalk, given what Commissioner Kramer just raised why isn't that mentioned with this particular project which does exactly that and also why elevate a historic design guideline over the Comprehensive Plan?

Commissioner Spaulding said that the issue here is that the Heritage Preservation Commission's guidelines for the street are pretty clear about maintaining the existing character of Summit Ave.

Christina Morrison, PED staff, said that the Historic Preservation chapter requires that equal consideration be given to projects with preservation factors when reviewing CIB proposals and that all of the proposals under consideration were reviewed by Amy Spong of the HP staff. Only this proposal under Streets and Utilities was determined to have a direct conflict with the historic district. Ms. Morrison noted that this determination may be because of the color and the design of the intended bump outs and crosswalk and the hope would be that a proposal would be more sensitive to the historic context and to the Summit Avenue guidelines. She also noted that the Comprehensive Plan has a policy encouraging narrowing streets, also known as "road diets." Morrison noted that this is a difficult call due to the fact that some policies in the Comprehensive Plan are supportive and other policies are not.

Commissioner Spaulding said that the Summit Avenue Residential Preservation Association and some of the local stakeholders opposed the plan as currently presented and that on balance it did not fulfill the general direction of the Comprehensive Plan.

Commissioner Ochs stated that he does not understand the need for special attention on this intersection that already has adequate facilities, and that there are other locations that could use this money for crosswalks. He further questioned the need for this additional expense, one block away from a controlled intersection.

Chair Commers said that the CIB process is a ranking process that involves a great number of citizens who serve on task forces and also on the CIB Committee, and make recommendations about funding projects. He noted that the Planning Commission process is to establish which projects are in conformance with the Comprehensive Plan, which informs the overall ranking process.

Commissioner Wickiser responded to Commissioner Oliver's questions about historic preservation, noting that Historic Preservation is a chapter of the Comprehensive Plan and that the group is tasked with determining which policies of the Comprehensive Plan trump other policies.

Commissioner Oliver noted that it is not necessarily historic preservation versus other chapters, but that the argument seems weak as a historic preservation issue: that it's likely inconsistent with the design guidelines and that it might conflict with the Historic Preservation Chapter. Commissioner Oliver stated that improving pedestrian safety and improving walkability are clear goals. He felt the rating was not justified and that the project is fully in line with an important portion of the Comprehensive Plan. Commissioner Oliver asked what the other ratings were available requesting a rating that is more favorable then "directly conflicts."

Commissioner Spaulding stated that the conflict could be resolved if the project was revised to be made in conformance with both the Historic Preservation and Transportation Plans. Commissioner Spaulding stated that he was not aware of what portion of the CIB proposal triggered Heritage Preservation staff's comments and if it is resolvable.

Christina Morrison, PED staff, noted that the CIB proposals were one-page descriptions, and that some projects were not described in great detail regarding design. Staff rated the projects with the best information available and that other safety measures should be explored which would not impact the historic significance. Ms. Morrison was not sure if the CIB process has a protocol for sending projects back to applicants to be revised.

Ms. Morrison also stated that the four different ratings used, which were given to them by the CIB staff are: 1) Significantly addresses specific goals of the Comprehensive Plan; 2) Generally addresses goals of the Comprehensive Plan; 3) Does not support goals of the Comprehensive Plan; and 4) Directly conflicts with a recommendation of the plan.

Commissioner Spaulding said if Historic Preservation concerns could be addressed to the satisfaction of staff, that this project would move into the rating of "generally addresses" or even "significantly addresses" specific goals of the Comprehensive Plan. Commissioner Spaulding suggested changing the rating to "generally addresses goals of the Comprehensive Plan" and noting that in order to fulfill that rating it would need to go through or be given some form of approval by the Heritage Preservation staff or commission.

Commissioner Reveal made a friendly amendment suggesting that a comment be added stating that the project could be significantly in compliance with the plan if the design could be such that it addresses both the Transportation Plan and Historic Preservation Plan policies.

MOTION: ***Commissioner Spaulding moved the joint Neighborhood and Transportation Committee's recommendation to approve the resolution with the amendments discusssed to the attached spreadsheet. The motion carried unanimously on a voice vote.***

Commissioner Wencl announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, April 6, 2011.

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, April 4, 2011.

VII. **2011 State Legislative Session Update** - Informational presentation by Wendy Underwood, Government Relations, Mayor Coleman's Office.

Wendy Underwood, Director of Government Relations for Mayor Coleman and the City of Saint Paul, gave an update on the 2011 State Legislative session. Ms. Underwood distributed a letter that had been sent to House and Senate leaders from the mayors of Saint Paul, Minneapolis and Duluth. The letter addresses the significant budget cuts being considered by the Legislature. The cuts are across the board, but this letter focuses on local government aid, education and transit. In short, local government aid is eliminated for the City of Saint Paul over the next 3-years. The Senate gave their cut number for 2010 and moved forward at that amount. From the Senate side if their bill were to pass, as of July 2011 there would be a $15 million reduction in local government aid (LGA) to Saint Paul, which would have to be addressed immediately. On the House side it would be much more drastic, the cut would be $25 million this year and growing until zero in 2014.

Under public education the cuts are drastic; both bills are represented as increasing spending on public education. They're doing that by taking funds out of Minneapolis, Saint Paul, and Duluth and putting them in schools in the rest of the state. The primary program targeted there is integration aide, which is all but eliminated from Saint Paul schools and put in the suburbs. The reasoning is that the city has failed to close the achievement gap which is what these funds are targeted to address. Regarding transit, the House side reduces the Metropolitan Council's budget by $120 million over the next two-years. The House has tried to fill that cut with CTIB dollars, but that is now out of the bill. So those are the three main areas that are addressed in the letter, and they are working hard on this and really trying to help people understand the full impact of these cuts.

Commissioner Schertler asked if the levy was about $90 million.

Ms. Underwood did not have the figures in front of her, but believes the City's general fund budget is approximately $230 million with the certified LGA amount. What is in state law now is $62 million for the City. The police department budget alone is $90 million and the levy is about $90 million. LGA at the $62 million amount is 27% the City's general fund budget, which is higher than some cities, but for most greater Minnesota cities it is over half. If the City were to make up this amount of LGA with property taxes, it would require about a 75% tax increase.

Commissioner Schertler said the key point is that of the $230 million budget most of that is special funds which have funding restrictions and are not flexible, whereas the levy clearly can be spent across departments and the LGA funds are flexible dollars too. Part of the City's budget is assessments and fees for issuing debt and all these other things that are coming through the machinery here, but they can not be moved around. A levy increase of that size would not be sustainable.

Ms. Underwood said that the $62 million LGA cut is equal to the budget for Parks, the City Attorney Office, most of the Fire Department. So these are very significant cuts being proposed.

Commissioner Ward asked who in the legislature is supporting these cuts, in terms of the geographic areas they represent?

Ms. Underwood said that the representatives from Saint Paul are fighting very hard against these cuts. They had great committee and floor testimony from a number of the legislators who are on property tax and tax committees. The did a great job of explaining the impact of the cuts and noted that they especially target just Duluth, Minneapolis and Saint Paul, the only three cities

being cut out of the 850 cities that receive LGA. All of the members from these other cities get it, they have been advocating to support LGA for years. The decisions to put this forward are coming from the suburbs. They receive the net benefit. Ms. Underwood could not say by numbers, but the votes on the tax bill were very partisan.

Commissioner Merrigan asked if these three cities generate more jobs then any other city in the state that the government wants to cut.

Ms. Underwood does not have that exact number but she is comfortable saying yes.

Donna Drummond, Planning Director, asked if there has been any discussion about the amount of sales tax that is generated by these three cities.

Ms. Underwood said yes they send hundreds of millions in sales tax and property tax to the state. She also talked about the other issue in the handout involving Central Corridor. There is legislation that has had one hearing calling for cancelation of the bonds for Central Corridor, Como Zoo and Metro parks. They had a good hearing in which the cancellation of those bonds was withdrawn. Ms. Underwood mentioned a couple of other policy items of interest. The legislation to address the Minnetonka case about variances is moving forward. There have been hearings on the House side and negotiations are going on behind the scenes and the Senate side is waiting for that. Another issue relates to the Mississippi River Critical area. There is a bill that both repeals the authority for DNR to write the rules and the bill also eliminates the designation of the critical area. The City opposes the bill, but it did pass off the Senate floor and it has never had a hearing in the House.

Ms. Underwood said that she loves working on the regional ball park project. There was a good story at the beginning of the week on MPR with the House bonding chair quoted as saying it is a good project and it should get done. However, he also says there won't be a bonding bill this year. Site assembly is underway in the Lowertown site and the support at the legislature is great. The City's bonding request for the ball park is in the Governor's bonding bill for $20 million out of the $27 million requested. The Governor had a big public meeting this week around the need to pass a bonding bill this year. Should that be a part of the mix to avoid a government shut down, then they plan to be right firmly in the middle of these discussions.

Commissioner Schertler asked what the total development cost for the ball park is.

Ms. Underwood said the total cost is $47 million, their request to the state is $27 million, the team is putting in $10 million and the City is assuming the remainder, which is site assembly and clean up.

Commissioner Spaulding said that the Legislature wants to use Livable Communities funds to help plug the gap in transit, but he expects the City wants to use those funds in a substantial way to further Saint Paul in some of the things we hope to accomplish, such as along the Central Corridor. Has the City taken any position on that?

Ms. Underwood said their partner organization Metro Cities, which lobbies the legislature, and the Metropolitan Council have that in their agendas and the City works with them. The City is opposed to that; we want those dollars to be coming to the City's economic development projects like they are intended.

Commissioner Ward listened to one of the hearings that was held in the U.S. House which was a bill to eliminate NSP 3 funding. It passed in the House and it's being forwarded on to the Senate. If NSP3 get repealed, and the amount the City has received under that program is $2.8 million, how does that gap get plugged, because his understanding was that a lot of those dollars were previously committed?

Ms. Underwood said NSP along with CDBG and most every other program of that kind is on the table at the federal level. The City is watching all of this very closely. They get daily updates especially on CDBG negotiations because those funds are very important to the City.

Commissioner Perrus asked if Ms. Underwood could talk a little more about the jobs bill and what is being done with the summer youth programs.

Ms. Underwood said that last year the Office of the Legislative Auditor came out with a pretty harsh report on the Department of Employment and Economic Development (DEED). She said it is very critical of DEEDs lack of oversight and accountability to spending in the department. In two pages of a 60 page report, one of the areas addressed was about pass-through grants. Saint Paul is a recipient of a pass through grant; the funds are for Saint Paul's Youth Jobs Corp, which is the summer job program for youths. With the state funds they are able to employ about 600 kids every summer and for 10 weeks they earn on average of about $1000 over the summer. When talking about it at the legislature she explains why this program is so important at the city level, because these are kids that are not in the welfare system and not in the juvenile crime system but they are at an age where they are going to choose a path. With these summer job programs they can get these kids and help them choose the right path. In the report about DEEDs lack of oversight around the pass-through programs, the legislative auditor said something needs to be done so recommended a competitive grant program. DEED responded with a proposal to establish a competitive grant program for pass-through funds. What that would mean is that the City would be competing for those dollars every year or two years as opposed to it being in the base budget. So the Legislature in the House chose to cut all of the city's programs ranging from 20-30%; all the youth programs were cut 30% for this coming fiscal year starting July 2011, giving DEEDs time to establish a competitive grants process just for youth programs. In the Senate they roll almost every program in DEED into a big competitive grants program effective July 1st. Ms. Underwood said it would be difficult for DEED to be ready to start this by July 1st without eliminating these programs.

Chair Commers thanked Ms. Underwood for her presentation.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force Reports

No Task Force reports.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:55 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 4-15-11
(Date)

Anthony Fernandez
Secretary of the Planning Commission

PED\butler\planning commission\minutes\April 1, 2011