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

Minutes August 9, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, August 9, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners

Mmes. Noecker, Porter, Shively, Thao, Wencl; and

Present:

Messrs. Edgerton, Gelgelu, Lindeke, Nelson, Oliver, Schertler, Spaulding, and

Ward.

Commissioners

Mmes. *Merrigan, *Perrus, *Reveal, *Wang, and Messrs. *Connolly, *Makarios,

*Ochs, and *Wickiser.

Absent:

*Excused

Also Present:

Donna Drummond, Planning Director; Allan Torstenson, Anton Jerve, Mike

Richardson and Sonja Butler, Department of Planning and Economic

Development staff.

I. Approval of minutes June 28, 2013.

MOTION: Commissioner Nelson moved approval of the minutes of June 28, 2013. Commissioner Shively seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond reported on City Council consideration of the Industrial Zoning Study. Councilmember Stark wanted more discussion about design standards for the I1 District. The Planning Commission had recommended applying three new design standards related to door and window openings, landscaping and street trees, and sidewalks in the I1 District. Councilmember Stark was interested in whether new standards for building facade articulation, and materials and detailing for the IT Transitional Industrial District should also apply in the I1 District. There was a lot of discussion about this by interested groups and an agreement was struck to apply the building facade articulation, and materials and detailing standards to new I1 development within 150 feet of parcels in a residential or traditional neighborhood zoning district. The City Council public hearing was held last Wednesday and there was no opposition, so this should be approved next week.

IV. Zoning Committee

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

Two items came before the Site Plan Review Committee on Tuesday, August 6, 2013:

- New Horizons Day Care, renovate existing building and add elevator/stairs, site improvements including removing 8 parking spaces for a new play lot at 1965 Ford Parkway.
- 180 Degrees, demolish existing building, grade the site and install stormwater ponds in preparation for future development on the site at 1291 East 7th Street.

Three items to come before the Site Plan Review Committee on Tuesday, August 13, 2013:

- Obb's Bar, addition to existing restaurant building at 1347 Burns Avenue.
- Regions Hospital parking lot, tear down existing hotel building and construct a new 45-car parking lot at 149 University Avenue East.
- Island Station, demolition of existing power plant building at 380 Randolph.

NEW BUSINESS

#13-207-336 Grand Holding Co. LLC – Reestablishment of nonconforming use as an auto convenience market/auto service station with 3 auto service bays and an accessory car wash. 236 Grand Avenue, SW corner at Smith. (Lucy Thompson, 651/266-6578)

Commissioner Ward asked about the requirement in condition #5 for storage of vehicles awaiting repair or pickup in defined parking spaces.

Commissioner Nelson said this is a standard code requirement for this use in traditional neighborhood districts. A site plan submitted along with the application shows where parking spaces will be defined with stripes in compliance with zoning code parking space size and access requirements.

Commissioner Lindeke asked if someone could refresh his memory on rezoning of this site about a year ago, and if the Planning Commission had recommended T3.

Commissioner Nelson said that the Planning Commission recommended rezoning this site and the adjacent Burger King from B3 to T3 as part of a zoning study of the area, and that the City Council changed it to T1.

<u>MOTION</u>: Commissioner Nelson moved the Zoning Committee's recommendation to approve the reestablishment of legal nonconforming use. The motion carried unanimously on a voice vote.

Commissioner Nelson announced that the next Zoning Committee meeting on Thursday, August 15, 2013, has been cancelled.

V. Comprehensive Planning Committee

<u>Urban Agriculture Zoning Study</u> – Approve resolution recommending zoning code amendments to the Mayor and City Council. (*Anton Jerve*, 651/266-6567)

Anton Jerve, PED staff, gave a brief presentation to review the recommendations and changes since the public hearing.

Generally, the zoning study recommends modifying the existing agriculture use category and creating a farmers market use category. Agriculture is a limited conditional use as it stands now and is recommended to be expanded to all zoning districts as an allowed use or conditional use. This change will allow independent agriculture uses, such as community gardens, for-profit growing, etc. A site plan would be required and sites of more than 1-acre would require a conditional use permit (CUP) in residential and traditional neighborhood districts. Bees would be allowed by permit. Sites under 1-acre in residential and traditional neighborhood districts would have some additional standards that limit sales, accessory structure size and signage. The new farmers market land use definition would allow markets in all districts and also would require a site plan. Larger markets (6 or more) vendors would require a CUP and small markets would be allowed without a CUP.

The benefits of the agriculture use changes eliminates barriers to locally-grown food, gives the Department of Safety and Inspections a standardized mechanism to track agriculture uses and reduces situations requiring a CUP. The creation of a farmers market definition reduces administrative process by defining farmers markets and standardizing design review. It allows for farmers markets in more locations and it would limit situations where they need a CUP, or the time it takes to get it done.

In response to the public hearing a year ago, there were several changes made to the agriculture zoning text recommendations:

- o a lower fee was standardized at \$30.00 rather than the sliding scale proposed for the public hearing,
- o the definition was clarified,
- o fish was removed as an allowed use so it can be studied further,
- o the provision for 4-foot set-back of plots from the sidewalk was removed,
- Allowances for accessory structures was clarified and temporary structures were defined,
 and
- o A soil testing requirement was added.

Likewise, changes to the farmers markets text recommendation included:

- o the definition was clarified,
- o sales other than produce would be allowed by Planning Commission (via CUP) rather than using a percentage, and
- o the reference to license home-processed food was removed to avoid confusion with licensing requirements, which are not regulated by zoning.

Commissioner Noecker asked why a time limit was put on the hours of operation for the farmers markets with 5 or less vendors, but not on the larger ones. She also asked how the Planning Commission would evaluate sales of anything other than produce, and what standards would be used to decide what besides produce might be sold?

Mr. Jerve answered the second question first, saying the applicant would propose and justify a proportion in their application. The Comprehensive Planning Committee discussed that this may be a candidate for some additional administrative guidelines, but these will likely be difficult to draft until there have been several applications.

Donna Drummond, Planning Director, added that this might be analogous to the duplex-triplex conversion guidelines or the conditional use permit for exceeding the parking maximum guidelines, and after some experience then staff can develop guidelines that the Planning Commission can review and approve as operating procedures for these types of permits. Staff was not sure what a reasonable percentage was without getting some experience first.

Mr. Jerve said the hours of operation were limited for smaller farmers markets because they will not have CUP review by the Planning Commission, and wanted to make sure that there were no undo impacts to a neighborhood.

Commissioner Lindeke was curious about the recent State takeover of inspections of food and swimming pools and whether or not this falls into that kind of debate or difference.

Mr. Jerve replied that he does not know how that will impact this, if at all. Ms. Drummond added that zoning permits would still be under the purview of the city's zoning inspectors, but she is not sure that it will have a big impact on this particular activity.

Commissioner Ward said looking through some of the requirements for the differential between the smaller operations and the larger operations there was a section that referred to a comment from Tom Beach that indicated larger sites would have a SAC "1 credit" and in looking through the document he didn't find anything about this. In the site plan review there is no reference to the need for permanent or temporary restroom facilities.

Mr. Jerve said that that has not come up to his knowledge as a requirement; it may be part of the permitting process, but not as part of the zoning.

Commissioner Oliver asked for clarification about how this is going to work for people who are using their own residential property. Is there some point where we're drawing the line with things that are coming up to 1-acre or are we going to take a position that if you are using your own residential property and its less than 1-acre it's just a garden and this doesn't apply.

Mr. Jerve said that even if you are over an acre and if you live on the property and are just growing for your own use that would be allowed today as an accessory use. What this allows is agriculture as a primary use of land, such as if someone wanted to grow on their property and sell produce as part of community agriculture and they want to have a pick up date and time they can do that.

Commissioner Oliver questioned the requirement for building permits for the cold frames, hoop houses, etc. and if that is something we're locked into. It seems odd to have a building permit for some of these structures in a garden.

Mr. Jerve said there is such a wide variety in those types of structures. The structures can vary in size from bigger than a garage to smaller plastic tubes structures. Building inspectors may need a

permit or documentation to let them know it was safe. Having the site plan requirement gives DSI the chance to say whether something needs a building permit or does not.

Commissioner Edgerton noted that it says under Agriculture "principal use of land for production of food or horticultural corps to be harvested, sold, or donated" and harvested seems to imply that that could be for personal consumption doesn't it? Would personal vegetable gardens fall under this and what might the implications be?

Mr. Jerve replied that the zoning amendments only apply to principal use of land. A personal garden would be accessory use and is currently allowed.

Ms. Drummond clarified that if you are living on your property and growing something that is an accessory use, and if it is a vacant lot, it becomes the principal use of the property.

Commissioner Oliver said that there was one reference in the public hearing about whether there was a conflict between having covered crops and property maintenance standards, and the zoning code requires grass a certain height. Have we looked at Chapter 34, Property Maintenance Standards to see if there is a conflict there at all? He wants to assure people that it's okay to have covered crops and they are not going to have a City code violation.

Mr. Jerve replied that there is no height conflict with Chapter 34.

Commissioner Shively noted that the Parks Commission recently approved a more formal structure for approving community gardens on parkland, which Frogtown Farms is in a lease agreement with the Parks Department. Commissioner Shively appreciates that this proposal has this underlying land use level of regulation and any lease agreement that happens with a City department can be more restrictive and have additional conditions that are the priority of the department.

<u>MOTION</u>: Chair Wencl moved to approve the resolution recommending that the zoning code amendments be adopted by the Mayor and City Council. The motion carried unanimously on a voice vote.

VI. Neighborhood Planning Committee

Commissioner Oliver announced the items on the agenda at the next Neighborhood Planning Committee meeting on Wednesday, August 14, 2013.

VII. Transportation Committee

Commissioner Lindeke said that at their meeting they had heard from Ruben Collins, Public Works, about making Marshall Avenue a complete street, with bike lanes and a bike boulevard treatment from Snelling Avenue east all the way to John Ireland Blvd. Also they heard about the Streetcar Feasibility Study Phase II, Part 2 and PED just released the final map for phase II. They identified seven lines from the initial potential lines that are going to be part of this. This possible streetcar map is; West 7th, East 7th, Payne, Rice Street, Robert Street, Selby and Grand Avenue. The next phase of that project is to try to figure out which of those lines are going to be the initial ones to select. They also had a brief update on the Highway Transitway Corridor Study that MnDOT is looking at. It is similar to the one in Minneapolis on 35W south of downtown where

they have a bus in the middle of the freeway lane and then there is a stop at 46th and 35W. They're looking at doing that on 35E and the only stop in Saint Paul would be at West 7th and 35E, which would be a bus transit station and it would go to downtown Saint Paul, but that is ways off into the future.

Commissioner Lindeke also announced the items on the agenda for the next Transportation Committee meeting on Monday, August 12, 2013.

Commissioner Nelson said regarding the streetcar study and progress, the city of Minneapolis was taken to task by the Met Council regarding its streetcar study. What's the impact on Saint Paul's study and what is similar or different about the Saint Paul study compared to what happened in Minneapolis.

Ms. Drummond said that she looked at the letter and she saw it more as just a note to proceed with caution in looking at how these things are financed. The Met Council basically was saying there are a lot of demands for transit improvements in the metro area and that if streetcars are being proposed primarily for economic development purposes rather than for transit improvements then other funding sources should be considered in trying to build these out.

Commissioner Porter added that the concern is who's going to operate the system, be it Minneapolis or Saint Paul. In this particular case it's like putting the cart before the horse just making sure all those kinds of things have been discussed with the agency that is perceived to be the operator down the road.

Commissioner Schertler said that one issue is about financial resources to operate mass transit systems in the region and another issue is about operational efficiencies of regional transit systems versus municipal transit systems. There is a land use issue here and he would like to see some of the dissenting studies out there on the impact of trolley cars on economic development. The right-of-way is limited and fixed guideway systems that consume right-of-way and get preferential treatment even if it's in mixed traffic create issues to sort out, such as on West 7th Street, where it's also a (BRT) Bus Rapid Transit alignment for Metro Transit. BRT and trolley cars are going to conflict and they are both mass transit modes but they both have different right-of-way needs so there is going to be some challenges. If the Planning Commission is making land use decisions based on transportation impact on land use, they should know the science behind that better. His primary concern is the allocation of public right-of way to preferential users. Having mass transit modes compete with each other seems to be something that they shouldn't engage.

Ms. Drummond said that streetcars serve a more local neighborhood use. Typically they are 2 or 3 miles long as a starter line. Bus Rapid Transit (BRT) serves a more regional market, and the stations that would be developed for BRT or streetcar could be used by both and both could run in mixed traffic and so the major impact is that where a station is added there would need to be a bump out from the curb for the station. There would be a loss of a few parking spaces where that happens. The economic impact is a good question and this topic will be coming to the Planning Commission from the Transportation Committee sometime this fall for a final recommendation to the City Council.

Commissioner Porter asked if the Planning Commission could get an update on what's happening with BRT for Saint Paul.

Ms. Drummond said that there's arterial rapid bus which is being looked at for Snelling and West 7th and Snelling has been selected as the first choice for starting that in the metro area. West 7th is being looked at more globally as part of the Riverview corridor study that Ramsey County Regional Authority is getting started on.

VIII. Communications Committee

Commissioner Thao had no report.

IX. Task Force/Liaison Reports

Commissioner Nelson announced that the Shepard Davern Task Force will be meeting on Wednesday, August 14, 2013, 4:00 p.m. at the St. Paul Jewish Community Center.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:35 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 August 23, 2013

(Date)

Daniel Ward II

Secretary of the Planning Commission