



HOUSING AND LAND USE COMMITTEE

Wednesday, August 24, 2011
Edgumbe Recreation Center

Committee Members: Steve Matysik, Leo Viktora, Kelly Wilcox, Dennis Gerhardstein, Dawn Lundmark, David Redmond, Sheila Sweeney, Rochelle Allison, Mike DeCourcy, Sam Walling

Also in Attendance: Afton Martens (staff), Christine Rozek, Wendy Lane, Sasha Bergman

7:04 – Meeting called to order

7:04 – Leo moves to add agenda items re: approval of June minutes and updates from WSNAC on UST liquor license and neighborhood disturbances action plan.

7:06 – Introductions

7:09 – Leo moves for consideration and approval of June 2011 minutes, correcting “McClure” and “Hennes” in the minutes.

Meeting called to order. Attendance roster distributed. Committee introductions.

City Process, Licensing & Zoning – Christine Rozek (Licensing) and Wendy Lane (Zoning), City of Saint Paul Department of Safety and Inspections

CN – Class N – notification to the neighborhoods within certain distances. Anything with liquor is 45 day notice. Wait for 45 days to hear from councils and concerned neighbors. Any concerns will generate hearing with admin office, which takes testimony and reads recommendations and forwards these to the city council. Law doesn't limit it to 45 days. If neighborhood council needs more time, can call Cindy and try to work it out with the applicant.

Leo – asks about the waiver of the 45 day period.

CR – Applicant often doesn't realize that there is a 60 day processing period. Waits too long, needs district council approval and city council member to move the issue onto the agenda. Administrative office can waive 45 day period, then get city council approval. Otherwise, no city council approval is necessary and the license issues.

Steve – asks what happens if MGCC supports waiving the 45 day period and there are problems, or a neighbor submits comments against the license after the waiver.

CR – city will hold a hearing and can put conditions on the license at any time.

Afton – asks about temporary patio licenses.

CR – conditional recommendation for Plums was not accepted by the city council, now in the court of appeals. Not something her office would recommend.

Steve – raises questions re: procedure for zoning variance for parking at Grand Sandwich, which did not come before the committee.

Leo – mentions that there is also an issue with who gets notice. Neighboring business owners did not receive notice of the application for the waiver.

Steve- asks how we can make sure that surrounding businesses receive proper notice.

CR – office gets addresses for notice from the Ramsey County property files, and the owner of the property receives notice.

WR – explains that the district council gets notice of the site plans, only public hearings occasionally, otherwise left to city staff because of all the technical issues. The district council can request a public hearing, but the planning commission can deny the request. The planning commission is 21 citizens and is staffed by the planning department. The Board of Zoning Appeals is 7 members, and is staffed by the department of safety and inspections. Rezoning goes to the full city council.

If city doesn't make a decision on a request within 60 days, including the appeal period, the request is automatically approved. As a result, city attorneys recommend not laying things over unless the applicant requests it, or agrees in writing. As a result, staff can't do this, the DC or BZA may lay it over on meeting though if it's requested. But can also ask the applicant to lay it over.

With respect to notifications, minor notifications are single family residential additions (pool/garage) and are to neighbors within 100 feet. Major notifications are commercial or new construction in residential, then notice is to neighbors within 350 feet.

The Board of Zoning Appeals handles appeals from staff decisions, and variances.

Notification to district councils go out 3 days from the application coming in.

When speaking with applicants, staff recommends that the applicant go to the district councils before applying.

Leo – asks if, at the time of the early notification, things are fully laid out.

WR – explains that staff has 25 days to review plans for completeness. they may find that it is not and there is additional clarification necessary. If there is more or if a variance is necessary then they need to re-notify.

Leo – mentions struggles experience with considering whether to support incomplete proposals.

WR – explains that sometimes applicants are in a hurry and don't want district council approval. Like licensing, notification goes to owners and not to renters or lessees.

Steve – observes that he can understand this for residential renters, but thinks that it is more difficult for businesses.

Afton – explains that if the council flyers then the occupants get the notice too, not just the property owner.

Discussion with Steve re: the procedure.

Steve – asks about CUPS – how gives permission, the home owner?

WR – explains that yes, it's the owner's permission. The only time you need a petition is for converting residential to commercial/industrial or for non-conforming use. To change from one non-conforming use to another, no petition is necessary. Some other odd circumstances. But no petition for CUP or variance.

?? – asks whether anything will slide back into a previous zoning if it is rezoned.

WR – If a non-conforming residential use is vacant more than one year, then it goes to the planning commission to reestablish a non-conforming use permit. Planning staff is doing a study on non-conforming use chapter. The Saint Paul ordinance is currently not in compliance with state law. For example, billboards – one proposal is that because of RE of non-conforming use permit, if it goes back to what it was originally built as, then there is no need for approval.

??- gas stations zoned as commercial, will not revert to something else, but need a CUP for gas stations so would need to apply for that.

WR – court of appeals case changed the rules here. The legislature’s new law is that instead of granting a variance only if there is undue hardship, there would be practical difficulties. No city ordinances need to be changed.

AM – asks why Grand Sandwich got parking variance, which seemed unlikely.

WR – owner convinced the council that he had a lot of walk in customers.

Leo – mentions tension between granting variances and encouraging non-motor traffic in our neighborhoods.

WR – department is working on revising parking standards for beer and liquor so that fewer spots are required. Differentiate between bars and restaurants that serve beer/wine with their meals. Doesn’t think that it will pass with the city council, though.

Leo – asks about Historic Preservation Commission issues.

WR – there are also some independently identified buildings that are outside of historic districts.

Some discussion among the committee re: approvals for permits involving historic preservation districts. Some things staff can approve, others the commission needs to approve.

Updates/Announcements

Dave –discusses the moratorium on conversion of single family homes to student rental properties near St. Thomas. Directors for the planning commission are to come up with a procedure for licensing single family homes for student rental. Suggests that community council pay attention to this issue, at the very least draft resolutions to submit to the planning commission. There may be an informational meeting as early as October on this issue.

Leo – mentions that UST straddles two different councils, Mac-Grove and Union Park. Thinks we should reach out to them so we can become of one mindset as to how to address this issue. Thinks we should look at this on a city-wide bases and not single out UST.

WL – Planner will likely pass around what he’s thinking of at a later time. October meeting would be to gather information.

Dave – testimony was 4 opposed and 11 in favor of the recommendation for the moratorium. UST did not oppose but said it would oppose any restrictions on its ability to operate.

WL – mentions that non-owner occupied houses could still be converted under the ordinance—very tricky language.

Afton – asks what HLU meeting this issue should be discussed at, and who should attend.

Leo – suggests contacting the planner to collect more information.

Dave – recommends that people ask for a copy of the Partnership Feasibility Study, or the Smith Report re: density of rental properties in residential areas.

Leo – mentions that WSNAC did forward recommendations re UST liquor license, no bar on campus, manager training, hours of sale 10AM to 12AM, 7 days a week and annual review, no restrictions on frequency, listed indoor locations, no sales in any undergraduate halls, only one outdoor sales event—alumni weekend beer tent. Passed 5-0-1. recommendation has been sent on to the city.

Last spring concerns among neighbors about student disturbances, wanted to know what UST was doing about this. UST has a 3-pg document of what UST does every month of the academic year to address student issues.

Steve – asks that Leo give Afton these documents for the file.

8:14 – motion to adjourn passes.