

HOUSING AND LAND USE COMMITTEE MEETING

Wednesday, October 27, 2021 | 6:30pm

Please note: this meeting is being held remotely online via Zoom and will be recorded.

Chair: Mike Moore

Secretary: *Open--Cindy Radtke, respectfully submitted*

Staff: Alexa Golemo

Committee Members: Mike Moore, Ann Dolan, Catherine Plessner, Cindy Racine, Cindy Radtke, Dave Pasiuk, Dawn Huffman, Elizabeth Wefel, Evan Hall, Heather Huffman, Jack Fei, Julie Kaupa, Kathryn McGuire, Marc Manderscheid, Nora Ptacek, Patty Hartmann, Regina Purins, Ross Gregerson, Saura Jost, Tim Schmidt, Tom Dietsche, Zak Yudishthu, Zuza Pakula

Guests: Tom Schroeder, Cliff K, Sasha Bergman, Tyler Giles, Yuzuha Shibata

MINUTES

6:30 I. Welcome & Introductions

Meeting begun at 6:33 PM CDT called to order by Mike Moore, Chair.

Mike reviewed HLU Roles, Process, and Meeting Process and Conduct

6:35 II. Addition/Deletion of agenda items

No addition/deletions to the second version of the agenda to include Religious Accessory Uses

6:37 III. Approval of September 2021 and October 2021 Special HLU meeting minutes

Motion Cathy P.; 2nd Nora P.

Motion to approve Sept 2021 and Oct 2021 Special HLU Meeting Minutes

Vote Count: 17-0-2

Motion carries. Minutes adopted.

6:40 IV. 1446 Summit Avenue, *Variance Application for Accessory Building Lot Coverage Maximum*, Tom Schroeder

Purpose: A variance of the maximum lot coverage requirement of 1,000 sq. ft. for accessory buildings on zoning lots containing one- and two- family dwellings. The applicant is requesting accessory building lot coverage of 1,438 sq. ft. for a variance of 438 sq. ft. [Article V. Sec. 63.501. – Accessory buildings and uses](#)

Tom Schroeder presented.

Mac-Grove resident 2.5 resident on Summit (and working on property.

Requesting changing the 2-car garage accessory to 3-car garage. Shed included that already is on the property. Needs to remain in place with historical society, affecting the size of garage could allow.

Building 80 ft lot; bring to 21% of accessory density but over the amount of footage allowed.

Property is close to old-growth Maple. The roots are starting to bring the driveway up. Roots to go underneath the building and foundation is buckled. Cannot use this as garage. The roof is not 6 ft high. Contractor quotes to fit boat or regular car, tree must go out. But don't want to remove tree.

Left with leaving building in the place. Not really accessory for garage but as a shed. Built below grade.

Kathy M.: Question about Historical Society review the reason from the Historical Society regarding the shed and final and lot size.

Tom: Stated lot size. Existing garage would sit on current footprint. The small garage was contributing to the accessory. Challenge working on existing foundation. Not touching this building nor as part of variance application, it does contribute to overall square footage of accessory.

Motion: Marc M.; 2nd: Cathy P.

Discussion Summary:

Cathy P: Thank you for saving tree

Marc M: Pointed out this is an accessory building rather than an accessory dwelling unit. Variance given code limitation of 1000 ft. This lot is 2x the size of a typical lot in Mac-Grove. The Landowner is staying in the 35% code. Historical Society put on limitations.

Tom D.: Agree with Marc. Thanked landowner for the excellent info packet

Motion: Motion to approve the variance application for maximum lot coverage for accessory buildings for the property at 1446 Summit Avenue for the conditions and reasons set forth in the application.

Vote Count: 18-0 with 3 abstentions

Outcome: Motion Passes

7:15 V. *Religious Accessory Use Zoning Study*, City of Saint Paul PED

On February 1, 2019, a United States District Court settlement agreement became effective that committed the City of Saint Paul to complete a zoning study within three years that “propose(s) amendments to the City’s zoning ordinance to establish a better process for land use applications for religious organizations.” Specifically, clarity is needed for accessory use standards on religious institution properties and the process for their approval.

[Proposed Religious Institution Accessory Uses Code Amendments](#) (Chapter 65. Zoning Code—Land Use Definitions and Development Standards)

Alexa Clarified. Brian Wagner brought to our attention. Pointed out letter from community. Gray area as churches are in residential areas and concerns about religious vs. government.

Is HLU interested in discussing? Taking a position.

Marc M: Has current client outside of St. Paul. Reminder about St. Paul Church on the Hill wanting to add the secondary uses, beyond principal use. Looking for alternative uses for rent and programming. Saving clause: These standards and conditions...” Federal statute to intrude on religious mission. Suggests to weigh in.

Cindy R.: Question to Alexa on timeline: yes has to be tonight. Question to Marc: How does the federal statute and these updated Zoning restrictions?

Heather H.: 1) Too hurried in one night--so does not recommend, or request extension? 2) Is the part where decreasing memberships of churches that they are seeking alternative uses? Wants to know more about alternative uses? 3) How can we get the info sooner?

Mike M.: Look at verbiage on the agenda to clarify the alternative uses.

Marc M.: Central Baptist is right behind the Pitch (Snelling across the Pitch). Central wants to lease out church building. St. Paul’s church on the Hill. His project is in another city. Fewer members of religious order living in the building, so what to do with the building. Significant. Federal act provides certain protections for religious institutions. Ordinance attempts to strike a balance from particular and ID some uses that are a right and others that would require a conditional use permit. Like the emergency housing: 10 adults/children. Referenced Project Home with Interfaith Action. Typical 20 # of persons, no more than 10 adults. Would be allowed.

Heather H: Cap of people--arbitrary cuz of number of children?

Marc M.: Carve out for Project Home Guess. Relate to St Paul definition of family. His experience some families can have 6 kids.

Tyler G.: As an officer from City Life Church at Cleveland and St. Clair. They find it disturbing. Are there other places for definitions. Concern Item A: no addition or new buildings for 1-5 accessory use. He reads as cannot expand other than sanctuary. Religious communities grow and expand, etc., as part of normal work and dynamism. Oppose and believes commission should withdraw.

Tom D.: Tyler seems that the ordinances seem much stricter than necessary. Can Clause A be removed or modified. Clause B Point 3: All the others are permitted? Needs clarification. Supports general thrust of this. Relaxes some and goes to far in point A. Responding to homeless sheltering: critical need and controversy with West 7 issue. Would there be any additional language. Mixed--but needs to be cleaned up. Redraw and rethink and come back with better version.

Elizabeth W.: States that we do not have enough information to make a stance tonight. We need to hear more debate. At this time, would be opposed. Don't think we need to respond and not enough time for good recommendation.

Ann D.: Opinion/Motion to Table this.

Heather H.: Seconded.

Clarify--HLU to table not the commission.

Kathy M.: Concern is use as an overnight emergency shelter. Shelter that was established like the Project Home and Sisters of St. Joseph of Carandolet. HLU to make a statement from HLU that there was not enough information and some objections by faith institutions in the neighborhood.

Cindy R.: After the motion from Ann is decided, recommend that we ask for extension and more time for community input.

Jack R.: Pointed out deadlines. Questions effectiveness of tabling. Might have to be court order. HLU Should take this up. Yes but striking section A encourages this.

Regina P: Agrees we should make a decision. Agrees Accessory use list. But lack of oversight and gives oversight. If church wants to put up the accessory building wants. Go with Jack's motion. Yes for the ordinance.

Brian W.: Concur we need to take position. We have ability to inform. Concerned overall that this is based on lawsuits, etc., on how they can use their space/land. Concern that the language would incur more lawsuit. Recommends no to tabling. Recommends no to ordinance.

Alexa-Clarifying timeline is not clear even if PLC passes, then all our feedback would go to City Council.

Tom D.: Oppose motion to table. Express nothing. We need to give some feedback. Recommend approval with conditions: strike A, clarify b, add a point D or reword #4 to have some language supervision of overnight shelters.

Dave P.: This is written about existing building. Not written. It is a response to a lawsuit and written quickly and not well. No to tabling. And yes give feedback.

Mike M.: Motion about tabling.

Motion Language: Motion to table consideration of the Proposed Religious Institution Accessory Uses Code Amendments for further discussion at a future HLU meeting (Ann D., Heather H.)

Vote Count: 4-15 with 1 abstention

Outcome: Motion fails.

Tom D: Move recommend approval with several conditions. See motion.

Jack F.: Second

Heather H.: Friendly amendment. Clarify supervision for the purposes of security in and around overnight shelters when in use.

Kathy M.: Add friendly amendment: to affiliate with an agency that supports those staying.

Tom D.: Did not accept friendly amendment from Kathy M. Good idea, but not for this amendment.

Elizabeth W.: Agrees not friendly amendment for this motion.

Kathy M.: Understands. But important part of social issue. To give these people a direction. Can this be in the letter to the Planning Commission?

Evan H.: Add to Brian W. Proposing is better, but will oppose because this is poorly done overall and puts a lot of restrictions on religious institutions that were not there previously. Will vote no to motion on the table and no to original motion.

Tom D.: if we don't like it, not poorly written. We recommend denial and rewrite these parts with this point.

Brian W.: Echo what Tom just said and friendly amendment to denial and to investigate.

Tom D.: Would have to be a different motion since changes main intent.

Brian W.: Vote no on amendment.

Dave P.: Tom you can withdraw and make a new motion.

Tom D.: Wants to get a sense of where we are at as a committee.

Regina P.: Agrees--way original language written lousy. Not sure what good a recommendation do. Concerned about more than the uses than listed in 1-5.

Mike M. Called on Tom D. Motion.

Motion Language: Motion to recommend approval of the Proposed Religious Institution Accessory Uses Code Amendments with the following revisions:

Remove (a)

Clarify (b) as to which uses require a Conditional Use Permit

Reword (4) to require supervision for purposes of security in and around overnight shelters, when in use. (Tom D., Jack F.)

Vote: 5-11 with 1 abstention

Outcome: Motion fails.

Tom D.: Motion to deny and suggest planning commission....see motion.

Brian W.: 2nd

Elizabeth W.: 3rd

Heather H.: Question if we can include more details? Or if tonight is it?

Alexa: Can summarize discussion from verbal and in chat.

Mike M.: Other Community Councils have time to weigh in.

Cathy P.: Citizens can write in to Planning Commission, just not as a district council member.

Jack P.: Nov. 1 deadline for letters/public comment to Planning Commission. Oct. 29 is the Planning Commission Meeting.

Tom D.: We have to do this now to get in Planning Commission. They will be drafting language. Might have time to meet next month IF the City Council. Council does not revise language. Clarified the process.

Motion Language: Motion to recommend denial of the Proposed Religious Institution Accessory Uses Code Amendments with a recommendation to revise amendment language, including: removal of (a), clarification of (b) as to which uses require a Conditional Use Permit, and expansion of (4) to require supervision for purposes of security in and around overnight shelters, when in use (Tom D., Brian W.)

Vote Count: 15-2 with 1 abstention

Outcome: Motion Passes

7:45 VI. Updates & Announcements

Alexa:

1). Webinar with experts on Rent Stabilization and available on the Mac-Grove Website as highlighted on main page. Great attendance... Approx. 100 at Zoom Webinar and 40 via Livestream. Over 200 views of recording.

2) Redevelopment on James Ave. may be moving forward. Reaching out to have the property owners come back. To keep up to date.

3) Meeting Nov. 24. Staff requests meeting be moved to Dec. 1 assuming nothing more pressing comes up. Doesn't think needs a formal vote.

7:20 VII. Adjourn

Mike adjourned at 8pm.