

MINUTES OF THE ZONING COMMITTEE
Thursday, November 24, 2015 - 3:30 p.m.
City Council Chambers, 3rd Floor
City Hall and Court House
15 West Kellogg Boulevard

PRESENT: Edgerton, Makarios, Nelson, Padilla, Wencil, and Wickiser
EXCUSED: Merrigan and Reveal
STAFF: Samantha Langer, Allan Torstenson, and Wendy Lane

The meeting was chaired by Commissioner Nelson.

Zoning Fee Study - Review and recommendation for updating zoning fees to cover the cost of the service for which the fee is imposed.

Allan Torstenson presented the staff report with recommendations for applying the site plan review fee in Zoning Code § 61.302 to site plan review required under both § 61.401 and § 61.402; initiation of a zoning study to consider adjustments of fees prescribed in § 61.302, *Applications forms and fees*, to reflect an increase in costs due to inflation since fees were last set; and initiation and adoption of draft amendments to § 61.302 *Application forms and fees* in the staff report.

Wendy Lane handed out a November 13, 2015, memo to the City Council from Ricardo Cervantes, Director of the Department and Safety and Inspections (DSI), regarding their proposed 3% increase in all DSI fees (including zoning fees paid to DSI) as part of their 2016 budget.

Upon questions from the Commissioners, Mr. Torstenson explained the proposal to apply the site plan review fee in Zoning Code § 61.302 to site plan review required under both § 61.401 and § 61.402, and to combine the separate fees for site plan review and design review for 1- and 2-family dwellings (which now overlap) under site plan review.

Commissioner Padilla asked if there is a size trigger for requiring site plan review for additions.

Ms. Lane said that the ordinance doesn't specify a threshold, but they use a reasonableness standard. For something simple like enclosing an entryway, for example, if it meets zoning requirements they can simply sign off on the building permit. They usually do that right at the counter. They don't need additional code language to be able to do that.

Ms. Lane noted that an addition to building design standards that went into effect on September 2 applies window and door opening standards to residential building additions of more than 120 sq. feet. This can involve calculating window and wall area for the whole house, and takes a lot of additional time. Before building design standards were added to the Zoning Code, zoning staff never reviewed new one or two family construction or additions. They haven't reviewed additions until recently, and they are finding that they take a lot longer than expected. Plan review used to check for zoning compliance and they don't do that any longer. She added that the 3% fee changes in DSI were proposed as part of the budget for next year. The budget office and Mayor's office have recommended that DSI will get 1.5 new FTE's devoted to zoning. It will go to City Council for adoption in a couple of weeks. One of the half time FTE's will be doing design reviews only. The budget change will allow them to hire one new half time FTE. The other FTE will be doing site plan reviews. The fee changes will allow them to get the additional staff.

Commissioner Nelson stated part of the issue is that site plans are very rough and without detail. There should be a requirement for applicants to submit adequate documents for review.

Ms. Lane stated that they are not accepting incomplete site plans or simple sketches. DSI will not be preparing anything for the applicant. The applicant is responsible for supplying adequate documentation.

Mr. Torstenson stated that state statutes require one public hearing for amendments to the Zoning Code. For almost all amendments our practice has been to hold a public hearing at both the Planning Commission and at City Council. For amendments to zoning fees our practice has been to just have a City Council public hearing because it is more of a budget issue rather than a planning policy issue. Based on the Zoning Committee recommendation he will draft a resolution for the Planning Commission to adopt at the next meeting and the public hearing would be at City Council.

Upon questions from Commissioner Wencil, Mr. Torstenson said the Zoning Code states that zoning amendments can be initiated by the Planning Commission or by the City Council. On October 26 the DSI Deputy Director sent a draft ordinance amending Zoning Code fees to the City Attorney's office and Wendy Lane without understanding it needed to go to the Planning Commission for initiation and review. The last time a detailed zoning fee study was conducted was 2010. In that study, DSI and PED zoning staff prepared detailed cost estimates for processing zoning applications. Staff recommend initiation and adoption of the fee amendments proposed by DSI, and also recommend initiation of a zoning fee study for a more complete look at zoning fees.

Upon additional questions from Commissioners, Ms. Lane said that City Attorney Peter Warner has advised that a public review process is needed when fees are raised. It cannot just be an automatic yearly increase.

Mr. Torstenson explained that the tables included with the staff report show cost estimates for processing the various types of zoning applications, comparison of zoning fees with other cities, and inflation data that applies to Saint Paul through 2014.

Commissioner Julie Padilla moved approval of the recommendation to initiate and adopt amendments to zoning fees proposed by the Department of Safety and Inspections, and to initiate a zoning study to consider more complete adjustments of fees prescribed in Zoning Code § 61.302, *Application forms and fees*, to reflect an increase in costs due to inflation since the fees were last set, with public hearings at City Council and no public hearing to be conducted by the Planning Commission.

The motion passed by a vote of 6-0-0.

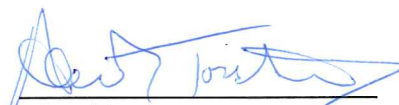
Adopted Yeas - 6 Nays - 0 Abstained - 0

Drafted by:



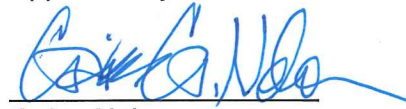
Samantha Langer
Recording Secretary

Submitted by:



Allan Torstenson
Principal Planner for Zoning

Approved by:



Gaius Nelson
Chair