

3/12/2014
Fulton Neighborhood Association
Draft Moratorium Ordinance Discussion

Ward 13 Council Member Linea Palmisano and City Planner Jason Wittenburg began the discussion around the draft moratorium ordinance enacted on 3/7. The ordinance calls for a one year ban on all demolition and new construction permits in Armatage, Fulton, Kenny, Linden Hills and Lynnhurst neighborhoods while the issue can be further studied by City Staff and U of M students. The five Ward 13 neighborhoods have more teardowns than the other 78 City neighborhoods combined. CM Palmisano gave an example of a current building project in Fulton neighborhood that has an unpermitted and illegally placed Port-A-Potty and dumpster. The house actually being built does not match the site plan previously submitted. City staff is spending a lot of time auditing and policing teardowns, but they are understaffed. Teardowns are also not being done in an environmentally responsible fashion, no consideration is being given to storm sewers and storm water run-off, and much work is being done without proper permits. All of these factors led to her decision to request the moratorium. Had she given two weeks' notice, there would have been a rash of permits pulled to try to get around any future changes. CM Palmisano noted that there are already a lot of approved permits in the queue and there will still be plenty of work going on this construction season. She plans to hold two focus groups in Fulton asking for resident feedback. These groups are scheduled for Sat., April 5 from 10 a.m to Noon and Thurs., April 10 from 8-10 a.m. The draft ordinance next goes to the Zoning and Planning Committee of the City Council for a public hearing at 9:30 a.m. on March 20 at City Hall. The meeting is open to the public. The committee will approve, modify or reject the draft and it will be sent for a full City Council vote on March 28. Should the ordinance be approved, there will be a process to claim a hardship Waiver; this process will be similar to a variance request. Notice must be given to surrounding neighbors, there will be a public hearing and it must be approved by the Zoning Board of Adjustment and the full City Council.

Jason Wittenburg noted that the City needs to implement adequate enforcement of building permits. He presented a map noting the locations of the 67 new construction permits pulled in 2013. This data does not include "virtual" teardowns, where a small portion of the original home is left intact. These are considered remodeling projects.

Residents asked questions (Q) or made comments (C). Council Member Palmisano answered (A):

Q: Why can't the City work on these issues while still letting people keep their jobs and do work ?

A: The City would love to hire a housing ombudsman like Edina, but they do not have the resources to be proactive rather than reactive.

Q: The moratorium was an ambush and didn't give anyone notice. When did this process start?

A: CM Palmisano first spoke with the City Attorney on March 5; the ordinance was introduced on Mar 7.

C: Thank you for the moratorium. There are so many problems caused by builders not respecting neighbors.

C: The term "builders" is a very broad term. Some are large companies while others are small, local business owners living right here in Fulton and Linden Hills who are good people who follow the rules, pay taxes and do good work.

Q: What does the 1500 sq.ft. mean for other remodeling?

A: It does not include detached structures and is meant to capture the virtual teardowns.

Q: Is the goal to eliminate teardowns completely?

A: No. They are trying to change the outcome and the process.

Q: In other parts of the City, inspectors are all over the place. Why aren't they here? Why aren't they checking in on these houses? Why aren't they fining the builders 2 or 3 x and then not giving them any future permits?

A: CM Palmisano has tried to approach builders to approach issues from a broader perspective and has not been successful at getting them to the table. Resources (City staff time) are very limited. Many builders prefer Minneapolis over Edina because we are less litigious.

Q: The 2007 ordinance change was a good first step and did not require a building moratorium while study was being done. Are the majority of the builders causing the problems? Or just a select few?

A: CM Palmisano does not have the data to answer that question.

C: The building issues are a matter of enforcement and do not require a moratorium.

C: The intent of the 2007 ordinance changes have been skirted by the builders and they just work around them. For example, they just build the foundations higher so the total height of the structure can be higher.

C: The construction management problems are short term and certainly need to be addressed. But the long term problem is what is happening to the design element of the neighborhood and the cohesion. We need to request a new look at the ordinance and modify the existing zoning rules.

Q: The FAA tried to force RNAV on us without notice. How is this moratorium any different? Don't like the way it was done.

A: CM Palmisano disagrees. They are trying to gather feedback and spread out the concentration of teardowns throughout the City. They are trying to modify the behavior of the builders.

C: There are some builders out there just trying to put the biggest house possible on the lot without any regard to design. But don't forget that there are good ones who are producing homes that blend in with the community and you'd never know it is a new house. This kind of work just takes more thought and dedication up front.

C: Sometimes you just need to stop and take a break and see where things are. When things are changing so quickly you can't gauge what is happening. Teardowns affect quality of life for neighbors. Some people live to work, but others work to live. They can't do this if their home is under a constant barrage of noise, debris, etc. from a teardown next door.

C: There has got to be a happy medium that allows new construction while not jeopardizing others' quality of life.

Q: Whether you are for or against the moratorium, please assume positive intent from CM Palmisano. Both sides have valid points. Is it all or nothing?

A: Everything is still on the table. CM Palmisano is still open to all possibilities. Feedback is welcome.

C: The moratorium is stopping the construction process. Don't get distracted talking about the style of home. That is a separate issue.

C: Neighbors need to be allowed to participate in the process ahead of time. This would alleviate some of the construction and design issues.

C: Architects would also like to be involved in the process study CM Palmisano is starting.

C: Several comments made about how construction issues make their homes and their beloved neighborhood no longer appealing. People will start to move out of the community due to these problems.

C: The construction management issues could be resolved by consistent enforcement. Funding needs to be identified immediately for better enforcement. If Ward 13 is experiencing the most construction, than they deserve the most staff resources.

C: The newer, bigger homes allow people to put down roots and become part of the community. Fulton is a desirable place to live and we all need to be good neighbors to one another.

C: The reputation of the schools in this part of the City is a big part of why it is so desirable.

Q: It is good business to replace some of these houses. They are outdated and not well maintained. That is in everyone's best interest. But why isn't there enough staff to enforce construction management so we didn't get to this point in the first place?

A: City staffing levels have decreased by 10%. The need for increased inspections and enforcement was not anticipated.

Q: What is the timeline from here? Why wasn't there a plan of action in place before taking this step?

A: CM Palmisano has asked for outside participation from a variety of sources to help with a process study. This includes, neighbors, neighborhood organizations, the University of Minnesota, etc. City staff will try to see what can be done immediately (construction and enforcement issues) versus what will take a while (design, size, etc. which will require zoning ordinance changes).

C: It seems like City staff doesn't work very efficiently or communicate well between departments.

C: The City needs to step forward and provide Ward 13 with the resources it needs to enforce the projects. We have a disproportionate amount of work and deserve a disproportionate amount of staff enforcement.

C: Ward 13 has roughly 30,000 residents and 14,000 housing units. There were 67 permits pulled in 2013. This is only 1%. How can the city NOT be able to manage to enforce that number of projects?

C: Jobs and tax revenues are being negatively affected by the moratorium.

C: To be a teardown, it doesn't make economic sense to do that unless a builder can get a property for \$250-300K. As of today, there are only 2 listings on the MLS in Fulton, Linden Hills and Lynnhurst in that price range. There are only 6 or 8 available for under \$400K. Have we exhausted the supply?