CITY OF SAINT PETER, MINNESOTA
AGENDAS AND NOTICES OF MEETING

Regular Workshop Session of Monday, March 18, 2019
Community Center, St. Peter Room – 5:30 p.m.
600 South Fifth Street

I. CALL TO ORDER

II. DISCUSSION
   A. Vacation Rental By Owner Regulations
   B. Traverse Green Subdivision Outlot RFP Update
   C. Weed Regulations

III. ADJOURNMENT

Office of the City Administrator
Todd Prafke

TP/bal
TO: Todd Prafke  
City Administrator

FROM: Russ Wille  
Community Development Director

RE: Vacation Rental by Owner

ACTION/RECOMMENDATION

None needed. For Council review and discussion only.

BACKGROUND

In January, the City Council adopted regulations relating to Vacation Rental by Owner operations. The final version of the regulations contained different language than that recommended by the Planning and Zoning Commission. To make discussion at the workshop easier to follow, we have put together the attached page showing the following three versions of the language:

- The previous City Code language
- Changes recommended by the Planning Commission
- The final language as adopted by the City Council in January

Prior to the January Council action, Vacation Rental by Owner operations were defined as a “Bed and Breakfast”. The definition at that time required that operation of a Bed and Breakfast be undertaken within a residential structure occupied by the property owner. The regulations at that time also limited such lodging to periods of less than a week in length.

The Planning Commission recommendation was that the definition be amended to create two distinct classifications for Vacation Rental by Ordinance operations. One would regulate owner-occupied operations while the other would address those operations which are conducted in the absence of owner’s occupancy.

The Planning Commission’s intent was to have those Vacation Rental by Owner operations be conducted in an owner-occupied structure allowed within all of the residential zoning districts as a permitted use of land. There would be no rental licensing or conditional use permit required.

Those not occupied by the owner would be regulated as a Conditional Use within all of the residential zoning districts. A Conditional Use Permit would require a public hearing and mailed notice of the hearing to all property owners within 350 feet. The proposed use would be reviewed based upon the seventeen standards contained in the Zoning Code. The use could be permitted subject to certain conditions or it could be approved unconditionally. Any
conditions imposed would be to avoid or eliminate conflicts between the Vacation Rental by Owner operation and neighboring uses of land.

In rare instances, where no conditions could be imposed to negate a land use conflict, the Conditional Use Permit could be denied. A permit could also be revoked and penalties assessed if the Vacation Rental by Owner fails to conform to the conditions imposed by the permit.

At the January Council meeting the City Council adopted language defining Visitor Habitation as it relates to Vacation Rental by Owner operations and removed the definition of a Vacation Rental by Owner operation which is occupied by the owner of the residential structure.

The new definition would require non-owner occupied Vacation Rental by Owners to be licensed and inspected in the same manner as residential apartment units. It appears that the action taken by the Council is contrary to their previously stated intent to have non-owner occupied Vacation Rental by Owner operations regulated as a Conditional Use process.

Following the January Council action, there is now no definition of a Vacation Rental by Owner which is occupied by the owner. The residential Conditional Uses provided in the amended ordinance are for owner occupied Vacation Rental by Owner which is not defined in the ordinance.

There is now a clear definition of Vacation Rental by Owner, not occupied by Owner use. However, this use is not listed on any roster of permitted or conditional uses within the residential districts.

If the Vacation Rental by Owner is owner occupied, in the absence of an alternative use definition in the Zoning Code, it would be regulated by the Residential Rental regulations and licensed and inspected as an apartment unit. They would be licensed and inspected every other year by the Building Department.

The Residential Rental licensing does not differentiate between owner-occupied and non-owner occupied apartments. For instance, if you own a house and want to rent a room to a co-worker or friend, you would need to be licensed under the Residential Rental regulations. If the Commission and Council are satisfied that the matter is adequately addressed by the Residential Rental regulations, no further adjustments would be necessary. However, the goal of regulating Vacation Rental by Owner (not owner occupied) as a Conditional Use is an attempt to address the goals suggested by the City Council and Planning Commission. It is my opinion that the Conditional Use process would accomplish the goals of:

1. Protecting the neighboring residences from nuisance situations.
2. Providing for notification to neighboring property owners of the impending change in residential occupancy.
3. Providing an avenue to conditionally approve the proposed use.
4. Establishing permit conditions which can be monitored, enforced and prosecuted.
5. Provide for the life safety of those residing in the non-owner occupied Vacation Rental by Owner.

If agreement can be reached that the goals are adequately addressed in the ordinance adopted by the Council in January, no alteration of the land use definition would be necessary. It would,
however, be necessary to amend the Council action to list the particular Conditional Uses in the residentially zoned districts to read “Vacation Rental by Owner: Not Owner Occupied”

Aside from that issue, the City Council also asked the Planning Commission to reconsider a few other matters and return a recommendation to the Council as it relates to the maximum length of stay. The original ordinance language limited Visitor Habitation (Vacation Rental by Owner, Campground, Hotel/Motel) stays to less than a weekly basis. The recommendation from the Planning Commission and the amendment adopted by the City Council extended the length of stay to less than 30 days.

Individual Councilmembers had expressed a concern that the maximum stay of 30 days is too short and should be extended. The example given is a family dislocated from the home due to emergency, disaster or peril. There have been instances where such families have relocated for periods significantly longer than 30 days.

Our goal here may be that shorter stays may have a different impact on the surrounding neighborhood. The question that may best set the regulatory timeline is, what length of stay is likely to impact the neighborhood? There seems to be a fundamental difference in the terms “rental” and “vacation stay” as they relate to use of the property.

The Planning Commission discussed the matter again at their regular March meeting and suggested the City Code be amended to allow for occupancy of a Vacation Rental by Owner for up to 90 days.

Please feel free to contact me should you have any questions or concerns on this agenda item.

RJW
OLD LANGUAGE:

(36) Visitor Habitation: Establishments primarily engaged in the provision of lodging services on less than weekly basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

a. Bed and Breakfast: An owner-occupied dwelling designed and utilized as a single-family residence, managed by the property’s owner, and having bedroom accommodations and dining provisions, served in the owner’s private dining room or kitchen for those accommodated as paying guests.

b. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

c. Hotel/Motel: Lodging services involving the provision of room or board. Typical uses include hotels, motels and transient boarding houses.

RECOMMENDED BY P&Z:

(36) Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less than thirty (30) day basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

a. Vacation Rental by Owner: A dwelling designed and utilized as a single-family residence, managed by the property’s owner, and having bedroom accommodations and dining provisions, served in the owner’s private dining room or kitchen for those accommodated as paying guests.

b. Vacation Rental by Owner (Homestead): An owner occupied dwelling designed and utilized as a single-family residence, managed by the property’s owner and having bedroom accommodations for paying guests.

c. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

d. Hotel Motel: Lodging services involving the provision of room or board. Typical uses include hotels, motels or transient boarding houses.

AS ADOPTED BY COUNCIL

(36) Visitor Habitation: Establishments primarily engaged in the provision of lodging services on a less than thirty (30) day basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:

a. Vacation Rental by Owner, not occupied by Owner: A dwelling designed and utilized as a single-family residence, managed by the property’s owner, and having bedroom accommodations for paying guests. Such uses shall be licensed and inspected by the Saint Peter Building Official as per the regulations contained within City Code, Chapter 10, Residential Rental Property.

b. Campground: Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

c. Hotel Motel: Lodging services involving the provision of room or board. Typical uses include hotels, motels or transient boarding houses.
TO: Honorable Mayor Zieman  
Members of the City Council

FROM: Todd Prafke  
City Administrator

RE: Traverse Green Subdivision Outlot D - Request for Proposals (RFP) Update

ACTION/RECOMMENDATION

None needed. For Council information only.

BACKGROUND

As part of the development of Traverse Green Subdivision, an Outlot was included for future multi-family development with the intent of finding a private interest to develop that portion of the neighborhood lying north of the extended Clark Street right-of-way.

We continue to see a need for additional larger lot development within the marketplace and based on that information, a Request for Proposals was reviewed by the Council and then sent to over 60 recipients in the housing development industry including banks, developers, builders and designers. Members may recall that we had no respondents.

Recently I have attended a number of meetings on housing and our future needs for development of lots that are greater than 10,000 square feet. As members know the City wide inventory of this size lot is very low at less that a dozen.

Based on the input received at those meetings and discussion with some of the folks in the industry, we have put together a much more open ended RFP in hopes of offering an opportunity for a "developer" to work with the City in development of this area and potential adjoining properties in a larger lot development. Our goal is to really allow the folks in the private sector to come and talk about what they see as a need in the market and what assistance they may need as a developer to move a project forward.

The land subject to the Request for Proposals is identified as Outlot D, Traverse Green Subdivision. The property contains 15.56 acres and is zoned (R-3) Multi-Family Residential.

The RFP suggests that the City would prefer the construction and sale of properties to support the construction of market-rate single family homes with total development costs (land, construction, utilities) of at least $250,000.
The RFP also indicates that the City would prefer a developer which would assume all financial responsibility for the construction upon the Outlot. However, the RFP does say that the City would consider proposals that anticipate a financial partnership between the developer and City of Saint Peter.

It is our goal to be open to discussion with anyone that has interest and clearly define their plan, resources and needs so that we can help facilitate larger lot development.

My goals for the workshop are four-fold:

- Allow the Council to know what our plan is going forward.
- Discuss some of the things we now know about the changes in marketplace and what potential "developers" saw in the first RFP and we hope will now see.
- Frankly, offer an opportunity for us to promote the Council's willingness to talk with just about anyone who has the ability to make a development move forward.
- Promote what might be a great opportunity for the private sector to become involved and a catalyst for this market rate type of housing development.

Please feel free to contact me should you have any questions or concerns on this agenda item.

TP/bal
REQUEST FOR PROPOSALS
Outlot “D”
Traverse Green Subdivision
City of Saint Peter

To all interested parties: The City of Saint Peter, Minnesota has undertaken the construction of a third residential subdivision developed and designed utilizing the principles of the Building Better Neighborhoods program created by the Greater Minnesota Housing Fund.

The City is seeking a partner or buyer to develop the northern 15.56 acres of the residential subdivision. In addition, there is an opportunity to develop an additional 22 adjoining acres which is owned by the School District. All of this land is available for larger lot development and the City will consider all offers, ideas or plans for the development of the property.

I. Project Location: The City owned property is legally described as:

*Outlot D, Traverse Green Subdivision, City of Saint Peter, Nicollet County, Minnesota.*

A copy of the proposed final plat of Traverse Green Subdivision depicting Outlot D, is attached as Exhibit A.

II. Price: The developer shall disclose the price at which they would propose to acquire the site from the City of Saint Peter.

The developer shall also be responsible for the design, installation and financing of the utility infrastructure and other improvements within and upon Outlot D necessary for occupancy of the residences or suggest ways the City may help them in the development of the land through assessment, financing or other tools as suggested by the respondent (developer).

III. Zoning Classification: The subject property is zoned (R-3) Multi-Family Residential.

IV. Project Site History: The City development site contains approximately 15.56 acres of land with opportunity to expand to 37 acres. The property was originally purchased by Independent School District #508 as the Board contemplated the site for the construction of a new high school campus. The School Board ultimately decided to join the City of Saint Peter in the development of an alternative site which combined School District and City park facilities on a jointly developed campus.

Prior to ISD #508’s acquisition of the property, the site was used for the growing of agricultural crops such as corn and soybeans. Subsequent to the acquisition by ISD
#508, the property has been farmed and managed by the Agricultural Academy as part of the ISD #508 curriculum.

V. **Mixed Use/Mixed Income:** The City of Saint Peter will retain ownership of 47.16 acres of land generally located to the south of the future, extended Clark Street. This site is being developed utilizing the concepts of the Building Better Neighborhoods program authored by the Greater Minnesota Housing Fund.

VI. **Development Preference:** The City is seeking a partner or buyer to privately develop the northern 15.56 acres (Outlet D) of Traverse Green Subdivision as a single-family residential development.

 Ideally, the City would desire the construction and sale of properties to support the construction of market rate single-family homes with total development costs (land, construction, utilities) of at least $250,000+ and lot sized generally greater than 10,000 square feet.

While the City would prefer proposals that anticipate the developer assuming all financial responsibility for construction of the Outlot, the City would consider proposals that anticipate a financial partnership between the City and developer.

VII. **Platting:** The successful respondent shall prepare the required submittals for the consideration of a Final Plat of Outlet D, the 15.56 acre development property. The plat application shall include payment of a $250 fee for the consideration of the subdividing of lands.

VIII. **Parkland Dedication Fee:** Upon acceptance of a Final Plat, the developer would pay a parkland dedication fee equal to 12% of the fair market value of the "Net Developable Area" of the subdivision as defined in Section 44 of the Saint Peter City Code.

IX. **Project Timeline:** The City of Saint Peter has begun construction of Traverse Green Subdivision. The construction of new single-family homes began in September 2016.

X. **Neighborhood Connectivity:** To provide for the uniform development of the community required in the Saint Peter Comprehensive Plan, the proposed development of Outlet D must consider how the subdivision will be connected to adjoining parcels via roadways, trails and sidewalks.

At a minimum, future vehicular access to the adjoining undeveloped lands should be planned and platted to provide ingress and egress to and from the neighborhood. The Final Plat shall provide for the safe and efficient circulation of both vehicular and pedestrian traffic.

XI. **Submittals:** Proposals submitted by firms or individuals shall address the following elements in the form of text, imagery and work examples.

A. Resume, background and qualification of the proposed developer, including a roster of successfully completed residential subdivisions.

B. Site sketch depicting the proposed platting of the property.
C. Proposed number of single-family lots and the typical lot size/dimensions.

D. Photos, plats and/or diagrams depicting existing single-family development projects successfully completed by the respondent.

E. Proposed construction timeline.

F. Proposed purchase price or partnership outline.

The City of Saint Peter's review of the submittals shall focus on the respondent's ability to successfully undertake the development of a residential neighborhood which targets the construction and occupancy of single-family homes with total development costs of at least $250,000+ and lot sizes greater than 10,000 square feet.

In review of the proposals, the City shall give consideration to the physical layout of the residential development as well as the vehicular/pedestrian circulation planned within and between adjoining neighborhoods (and undeveloped lands). Preference shall be provided to submittals deemed to be supportive of the housing development proposed by the City of Saint Peter and the City Comprehensive Plan.

Any proposed development must be in conformance with the terms and regulations of the Saint Peter Zoning Code, Subdivision Ordinance and the standards developed for the design and construction of roadways, sidewalks and necessary utility infrastructure.

City staff will review the submittals, conduct interviews (when appropriate), compile a comparative analysis of the submittals and present a recommendation to the City Council prior to entering into exclusive negotiations for the sale and development of the property. The City may hire such consultants and professionals as necessary to assist in the review of the proposals.

Additionally, the chosen developer will need to demonstrate the ability to successfully manage and coordinate the construction, site improvements, landscaping, marketing and sale of the single-family lots within the subdivision.

Once a preferred development is identified, additional financial disclosures will be required to demonstrate that the proposed developer has the financial ability to successfully complete the construction of the subdivision.

XII. **Waiver:** The City of Saint Peter reserves the right to reject any or all of the submittals, to waive any informality in the submittal procedure and to accept any submittal deemed by the City Council to be in the City's best interest as determined by the Council.

XIII. **Additional Information and Submissions of Proposals:** Submittals will be accepted and reviewed in the order received and may be recommended for consideration by the City Council at any time. For questions related to this Request for Proposals, please contact:

City of Saint Peter  
Attn: Community Development Director Russ Wille  
227 South Front Street, Saint Peter, MN 56082  
507.934.0661 russw@saintpetermn.gov
TO: Honorable Mayor Zieman  
Members of the City Council  
FROM: Todd Prafke  
City Administrator  
RE: Weed Ordinance Review  

ACTION/RECOMMENDATION

None needed. For your information and further discussion only.

BACKGROUND

This is a hold over from your last two Goal Sessions. Members had asked to have this on the Goal Session agenda at a workshop last fall. As I recall, this issue came up at least in part, due to the changing nature of how your community viewed what residential yards should be, what weeds are and what is sustainable development. An example is Milk Weed. While in past years that plant was viewed as weed, now in some places it is cultivated to help butterflies.

My goal for this meeting is to have a discussion on the rules, provide information on how we manage and enforce the rules and whether you want to look at alternatives, some of which we already have in your community. While I am not sure that a detailed discussion about developing a list of noxious weeds would be helpful, I do believe a more generalized discussion about how residential yards should be maintained can be a positive discussion. Maybe the idea to key on is articulated in the ordinance and we need to ask “What is a cultivated crop versus a weed?” I would suggest that is a great place to start the discussion.

The Ordinance is in your packet.

My hope for your meeting is to look towards having discussion and setting some goals and standards. Once those are established we will then be able to modify rules if needed, to meet those Community wishes.

It may also be important to note that we rarely issue tickets for weeds in the community and in most cases the weeds are secondary to a larger nuisance issue. We do however, as you have seen via assessment rolls, go out and mow yards. While the mowing and the weed/cultivated issue can be related, in most instances from an enforcement perspective they are not. It is also important to note that from a practical standpoint it is not an issue we bump into on a regular basis. This is an issue that certainly relates to the changing nature of your community morays.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal
ARTICLE III. - WEEDS AND GRASS

Sec. 54-49. - Private property.

It is unlawful for any owner, occupant or agent of any lot or parcel of land in the populated portion of the City to allow any weeds or grass, not a cultivated crop, growing upon such lot or parcel of land to attain a height greater than six inches, or to allow such weeds or grass to go to seed.

(Code 1989, § 10.88(subd. 1); Ord. No. 197(2nd Ser.), § 1, 2, 5-29-1990; Ord. No. 212(2nd Ser.), § 1, 5-28-1991)

Sec. 54-50. - Duty of property owners to cut grass and weeds.

It is unlawful for any property abutting on any street, boulevard, alley, or public easement (hereinafter City-owned right-of-way) to allow any weeds or grass from the line of such property nearest to such City-owned right-of-way to the center of such City-owned right-of-way to attain a height greater than six inches.

(Code 1989, § 10.88(subd. 1.A); Ord. No. 197(2nd Ser.), § 1, 2, 5-29-1990)

Sec. 54-51. - Failure to comply with height limitation.

If any owner, occupant or agent fails to comply with this height limitation and after notice given by the Mayor, has not within seven days of such notice complied, the City shall cause such weeds or grass to be cut and the expenses thus incurred shall be a lien upon such real estate. The City Clerk-Administrator shall certify to the County Auditor, a statement of the amount of the cost incurred by the City. Such amount together with interest shall be entered as a special assessment against such lot or parcel of land and be collected in the same manner as real estate taxes.

(Code 1989, § 10.88(subd. 2); Ord. No. 212(2nd Ser.), § 1, 5-28-1991)

Sec. 54-52. - Natural Nature Areas exempted from article provisions.

Public property designated as a "Natural Nature Area" by resolution of the Council shall be exempt from the requirements of this article.

(Code 1989, § 10.88(subd. 3); Ord. No. 212(2nd Ser.), § 1, 5-28-1991)