

WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Vice Chair Leuer on Tuesday, April 19, 2016, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

ROLL CALL

Commissioners present: Vice Chair Leuer and Commissioners Fernandez, McPhillips, Nelson, Kavanaugh and Ramsay.

Absent:

Chair Hubert.

Also Present:

Assistant Community Development Director Boike, Council Liaison Bellows and Recording Secretary Blume.

APPROVE MINUTES

ON MOTION of Kavanaugh, seconded by the rest of the Planning Commission members, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of February 16, 2016 as written.

Ayes: 6 Nays: 0

PUBLIC HEARINGS

CASE # 16-03

Application For An Interim Use Permit To Allow Outdoor Display / Sale Of Plants And A Food Stand At 2001 Robert Street – Cub Foods.

Assistant Community Development Director Boike reviewed the request from Kent Dixon to approve the application for an Interim Use Permit to allow an outdoor display / sale of plants and a food stand at 2001 Robert Street – Cub Foods.

Mr. Boike said included in the Committee's packets are copies of the application and copies of the public notice sent out for the Public Hearing. He explained the subject property currently consists of a retail shopping center.

Staff recommends APPROVAL of the INTERIM USE PERMIT to allow for the OUTDOOR DISPLAY OF HORTICULTURAL PRODUCTS and to allow a FOOD STAND subject to the following conditions:

1. The applicant shall meet the provisions as outlined in Section 23.5 of the Zoning Code.
2. The Interim Use Permit shall be valid from the date of Council approval through December 31, 2016.
3. No more than two (2) Food Stands shall be located on-site at any given time and hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
4. All Food Stands must be inspected by the State Health Department and must be located on the sidewalk fronting Cub Foods.

5. The applicant shall provide a clear path for pedestrians on the sidewalk adjacent to the display / sales area.

Vice-Chair Leuer asked the Commissioners if there were any questions for Assistant Community Development Director Boike or Mr. Doug Duehne.

Commissioner Ramsay asked if an electrical inspection would be required. Mr. Boike said one was never required in the past and Mr. Doug Duehne, Cub Foods representative, also stated an electrical inspection was never needed in the past but if an electrical inspection is required they will get one.

After much discussion regarding what would be used at the food stand and how electricity would be provided, the issue of requiring an electrical inspection was dropped.

Vice-Chair Leuer opened the Public Hearing at 7:08 p.m. and since there was no one in the audience he closed the Public Hearing at 7:08 p.m.

ON MOTION by McPhillips, seconded by Ramsay, the Planning Commission recommended approval of Case #16-03, Application For An Interim Use Permit To Allow Outdoor Display / Sale of Plants And A Food Stand At 2001 Robert Street – Cub Foods.

Ayes: 6 Nays: 0 Abstain: 0

**CASE # 16-04
Zoning Ordinance
Amendment, Section
153.004 Regarding The
Definition Of A Family –
City of West St. Paul**

Assistant Community Development Director Boike explained the definition of “Family” was recently amended within Section 150.036 which regulates Rental Licensing to read the following:

FAMILY

- (1) An individual or two or more persons legally related by blood, marriage, foster care or adoption in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings, but not aunts, uncles or cousins, or
- (2) A group of not more than three persons not related by blood or marriage living together in a dwelling unit.
(NEW)

Section 153.004 of the Zoning Code also includes a definition of “Family” but does not contain the second definition (NEW) that is

in the Rental Licensing code.

In order to provide consistency within the code, Staff is recommending the attached Zoning Code amendment which amends the definition of Family to match the definition of Family in the Rental Licensing section of the Code.

Staff recommends holding a Public Hearing and recommend approval of the amendment.

Assistant Community Development Director Boike said he would take any questions anyone had.

Commissioner McPhillips asked for clarification of the second definition of a family (NEW) and Vice Chair Leuer said under the Rental Licensing code it states one family can live in a single unit so the language just defines what one family is or can be. Assistant Community Development Director Boike said yes this is correct.

Commissioner Kavanaugh asked if the City Attorney reviewed this and if there was an opinion letter. Assistant Community Development Director Boike said the City Attorney was involved as well as the City Council when the decision was made to change the language last fall.

Commissioner Kavanaugh thought the two different codes were completely different in terms of defining a family but Assistant Community Development Director Boike said having different definitions in the code is never a good idea.

Commissioner Nelson asked if someone had a larger house with a rental agreement license if more than three unrelated people could live there and Assistant Development Director Boike said that under the Rental Licensing code it is capped at no more than three unrelated people living in a single unit.

Commissioner Fernandez thought the Planning Commission was getting into a weird area where today when many multi-generational people are living together. He is uneasy adding in this verbage because he sees it as a tool for someone to come down on a single family homeowner in the future.

Assistant Community Development Director Boike suggested opening up a discussion on what a family is and let the City Council know the Planning Commission is not comfortable with changing the language.

Council Liaison Bellows explained further what the reasoning was behind the City Council’s decision to change the definition of a “Family”.

Commissioner Kavanaugh said he is not against the city defining a “Family” but doesn’t understand why it is being narrowed down so far to not include aunts, uncles or cousins. City Liaison Bellows explained the purpose of the additional language was to allow others to come in and not to exclude other family members.

Commissioner Fernandez said the way the language is written right now he would be voting no because it seems like the language is trying to fit everything and everyone into a definition of “Family”.

Commissioner Ramsay asked if an incident happened to cause the language to be changed. Assistant Community Development Director Boike said the city has seen an increase in larger families moving into the area but there hasn’t been one single incident that caused the language to be looked at.

ON MOTION by Kavanaugh, seconded by Fernandez, the Planning Commission denied approval of Case #16-04 based on the following conditions: 1) the more narrowly defined terms set forth in this proposal is too narrow and the Commission is not comfortable with it, 2) better wording, 3) previous case law that was mentioned and 4) the impending issues with Group Homes and the impact it could have in the city.

Ayes: 6 Nays: 0 Abstain: 0

NEW BUSINESS:

OLD BUSINESS:

None.

ADJOURNMENT:

None.

ON MOTION of Fernandez, seconded by Nelson, Commissioners RESOLVED to ADJOURN the April 19th, 2016 regular meeting of the Planning Commission at 7:53 p.m.

All Ayes. 6/0.

WEST ST. PAUL PLANNING COMMISSION
Meeting Minutes – April 19, 2016