

WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Hubert on Tuesday, October 18, 2016, at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota, 55118.

ROLL CALL

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

Absent:

Commissioner McPhillips.

Also Present:

Asst. Community Development Director Boike, Council Liaison Bellows, City Attorney Land, and Recording Secretary Dull.

APPROVE MINUTES

ON MOTION of Leuer, seconded by Fernandez, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of September 20, 2016 as written.

Ayes: 6 Nays: 0 Abstain: 0

PUBLIC HEARINGS

CASE # 16-14

Applications For A Conditional Use Permit To Allow A Drive-through Lane In A B3, General Business District And Site Plan Review For The Construction Of A New Office Building (Bank) And Parking Lot At 1994 Robert St. S. – Civil Site Group

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit and Site Plan subject to the conditions detailed in the memo.

Commissioner Ramsay inquired about the footprint of the new building and also asked about drive-through back-up. Asst. Community Development Dir. Boike stated the building footprint would be about half the size and the drive-through back-up would occur in the main drive aisle and not into Robert St.

Commissioner Fernandez clarified with Asst. Community Development Dir. Boike the drive-through lane and building access which would be full access at a signal and right-in, right-out at the south access.

Commissioner Kavanaugh suggested adding a condition to require a bike rack and an east/west crosswalk from the parking lot. He also asked for clarification of the calculation of trees required by Code and what leeway existed. Asst. Community Development Dir. Boike explained tree requirements were based on linear footage around the perimeter but location and the amount of impervious surface dictates where trees actual fit. He added that the Environmental Committee reviews applications to provide a recommendation for trees and shrubbery on a site and ensure enough spacing for survival.

Commissioner Nelson clarified the storm water retention plan.

Applicants Brandon Garnett with Nelson Architect and David Knaeble with Civil Site Group stood for questions.

Commissioner Leuer asked why the proposal included more parking than required by Code. He also noted the 30 foot drive aisle seemed large. The Applicants stated commercial properties typically request more parking and noted that if the additional drive-through lane is installed in the future, a few stalls will be lost. They also pointed out that the drive aisle matched that of the property to the north.

The Applicants walked through site circulation of the proposed future aisle and traffic patterns. Island depth was proposed to be 10 feet wide and as such, greenery may be able to be installed.

Commissioner Kavanaugh confirmed with the Applicants they would be willing to install a bike rack and had no issues with adding a crosswalk. They discussed the trash enclosure for the site which would be coordinated and shared with Petco. Commissioner Kavanaugh also clarified with Asst. Community Development Dir. Boike that approval of the conditional use permit would allow for the future drive-through as long as it is within the area depicted and a building permit would be needed to accomplish the work to confirm compliance with approvals.

Council liaison Bellows asked the Applicant to come to the Council meeting with perspective drawings, elevations of the proposed building, and interior layout.

Chair Hubert opened the Public Hearing at 7:26 p.m. and seeing no one wishing to speak for or against the application, **Chair Hubert closed the Public Hearing at 7:26 p.m.**

ON MOTION by Kavanaugh, seconded by Ramsay, the Planning Commission recommended approval of Case #16-14, application for a Conditional Use Permit to allow a Drive-through Lane in a B3 District and Site Plan for the construction of a new office building and parking lot at 1994 Robert St. S. subject to the condition provided in the staff memo and adding the following two conditions:

6. Applicant shall include a bike rack on site.
7. Applicant shall provide an east/west crosswalk from parking lot.

Ayes: 6 Nays: 0 Abstain: 0

CASE # 16-15
Application For A
Conditional Use Permit To
Allow An Accessory
Structure In A B3,
General Business District
At 1906 Livingston Ave. –
The Povolny Group, Inc.

Assistant Community Development Director Boike reviewed the staff memo to the Commissioners. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Applicant Jim Povolny stood for questions.

Commissioner Ramsay inquired about the type of things stored and whether diesel fuel would be stored on site. The Applicant advised that storage items included construction trailers and materials and would not include tanks as the company typically does general construction.

Chair Hubert opened the Public Hearing at 7:35 p.m. and seeing no one wishing to speak for or against the application, **Chair Hubert closed the Public Hearing at 7:35 p.m.**

ON MOTION by Fernandez, seconded by Kavanaugh, the Planning Commission recommended approval of Case #16-15, application for a Conditional Use Permit to allow an accessory structure in a B3 District at 1906 Livingston Ave. subject to the conditions provided in the staff memo.

Ayes: 6 Nays: 0 Abstain: 0

CASE # 16-16
Zoning Ordinance
Amendment, Sections
153.004 And 153.050
Through 153.128 Relating
To Group Homes – City of
West St. Paul

City Attorney Land reviewed the memo to the Planning Commission regarding an Ordinance amendment for Group Homes and provided additional background regarding the progress of Group Home zoning and expiration of a moratorium. She noted that Asst. Community Development Dir. Boike continues to be involved in discussion regarding Group Homes and how to manage issues. City Attorney Land also provided an overview of the permitted uses by district noting that the proposed amendment will update the Zoning Ordinance to mirror state law.

Commissioner Ramsay asked about concerns that led to the moratorium. Attorney Land explained an issue regarding an apartment complex and a drain on public resources due to an uncontrollable atmosphere of similar issues or problem tenants.

Commissioner Leuer clarified with Attorney Land the permitted people in R3 and R4 Districts and when the uses may be considered restricted under the state language.

Commissioners asked Attorney Land to explain how the proposed amendment would apply to townhomes and apartments as well as allowances for duplex properties. They also discussed housing vouchers, government services, etc. and how these would work within the proposed ordinance.

Commissioners inquired about the problem properties and their locations. Attorney Land stated there are about five apartment buildings that have been addressed over the last few years and that the County is protective of where the units are so they are not all identified within the city. She also noted that these units are unpredictable as to where they are located and it depends on the provider and how well they are providing their services.

Commissioner Kavanaugh asked whether the proposed ordinance would create any legal nonconforming uses. Attorney Land advised she was not aware of any but if so, the legal nonconforming use could continue.

Commissioner Ramsay noted Burnsville's ordinance as an example and asked if the city could do something similar. Attorney Land explained that the rental ordinances provides a three or four strike limit before a monetary penalty and request to evict problem tenants. She also noted the same limits for excessive police calls. Attorney Land maintained that complaints have been made to the County and State but they hold jurisdiction over these service providers.

Council Liaison Bellows inquired about regulating density under the rental ordinance and Attorney Land explained that state law preempts local government restrictions and that the rental density requirements still apply whether regulating number of establishments rather than people.

Commissioner Fernandez confirmed with the City Attorney that the City had no idea how many Group Homes are operating in West St. Paul, that the data isn't collected in rental applications, and that there were no notifications per state law so there was no ability to thwart any issues. Attorney Land stated that restrictions on predatory offenders has been drafted for Council and will be brought forward in the near future.

Commissioner Ramsay asked whether providers are licensed and if they have to own the buildings. Attorney Land explained that providers can buy buildings and use all units for clients or they can contract with an owner for a certain number of units. Asst. Community Development Dir. Boike stated that historically, the units have been scattered throughout the city but that recently providers are buying out buildings. He noted he was working with the county to address some issues.

Commissioner Nelson noted that prohibited uses are addressed in B and I Districts but are not addressed in the R Districts. He also asked whether providers would still be allowed to purchase an entire building. Attorney Land acknowledged that the prohibition would be added to the R Districts and it was an oversight in drafting. She advised that the proposed language would just restrict the people per unit, not the number of units.

Chair Hubert opened the Public Hearing at 7:59 p.m. and seeing no one wishing to speak for or against the application, **Chair Hubert closed the Public Hearing at 7:59 p.m.**

ON MOTION by Leuer, seconded by Ramsay, the Planning Commission recommended approval of Case #16-16, Zoning Ordinance Amendment, Sections 153.004 and 153.050 through 153.128 relating to Group Homes and requested amendment to the ordinance to include a statement of prohibited uses to any and all effected districts.

Ayes: 6 Nays: 0 Abstain: 0

NEW BUSINESS

None.

OLD BUSINESS:

None.

OTHER:

None.

ADJOURNMENT:

ON MOTION of Nelson, seconded by Hubert, Commissioners RESOLVED to ADJOURN the October 18, 2016 regular meeting of the Planning Commission at 8:03p.m.

All Ayes: 6/0