

WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Samantha Green on Tuesday, December 15, 2020 at 8:05 pm

Roll Call: Samantha Green, Morgan Kavanaugh, Peter Strohmeier, Dan McPhillips, Lisa Stevens, Maria Franzmeier, Tori Elsmore

Also Present: Melissa Sonnek, City Planner; Sharon Hatfield, Administrative Specialist; Amanda Johnson, City Attorney; John Justen Council Liaison

Adopt Minutes: Minutes from the November 17, 2020 training meeting were approved with no changes.

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Green said that there were five Public Hearings tonight.

PC Case 20-14 - Site Plan, Preliminary and Final Plat for the Construction of a Self-service Laundromat at 1365 Robert Street, Linn Investments LLC

Sonnek said the proposed new building will be just over 4,700 square feet; it will result in the tear down of the existing Perkins building. There are office and residential uses to the north, Augustana Lutheran Church to the east (B3); there is some B4 shopping to the south with Lucky China and Bingo Palace to the southwest. The minimum building setbacks have been met per ordinance code. The parking setbacks have also been met. The proposed parking stalls do comply with minimum width and depth with exception of the stalls approved by the variance. The submitted plans do show some lighting extending beyond the southern property line. As a condition of approval, staff is recommending that the applicant revise the lighting plan so that no lighting extends into the neighboring property line or into the street. With the location of the building and the parking lot, the landscaping plan is very limited; the grading also limits where the landscaping can be done. The existing power lines along the northern property line also have to be taken into consideration. City staff is pleased with the proposed landscaping plan. The proposed trees on the site have been increased from 2.5 caliper inches (required) to 3 inches. The applicant has also proposed more screening to the residents on the northwest side. The Environmental Committee is pleased with the plan; they agreed with City Staff that the property is too constrained to meet the 41 tree requirement. They would like to see some on-site water treatment incorporated into the site if possible. They recommend that the annuals and the perennials planted on site be pollinator friendly and not treated with neonicotinoids. Staff is recommending as a condition of approval that the applicant follow the conditions listed by the Environmental Committee and consider having the on-site water treatment per the Committee's December 8, 2020 memo. The site does have the screening required when a business is across from residential properties. The screening is on the northwest part of the site. The proposed building materials do comply with the minimum code requirements. The applicant is also complying with the minimum visual relief measures.

The Commission has already discussed the trash enclosure. The enclosure does require screening. Screening does need to compliment the primary building. The applicant has done this. Regarding roof top mechanicals, which are located on the west and north side of the building, they need screening as

well. Staff is recommending as a condition of approval, upon the application of a building permit, that all roof top mechanicals be appropriately screened per zoning code.

Regarding the signage, Sonnek said that the Commission does not often get to see plans for signage. Code allows 10 percent coverage for the wall façade. The applicant complies with this code. The free standing monument sign does meet the minimum setback requirements. The only piece that does not meet with the code is the dynamic display. It is prohibited by code. City Staff is recommending as a condition of approval that the applicant revise the signage so that it complies with the zoning code. The consultant at WSB reviewed the stormwater plan for the site. Since the site is smaller than one acre, it does not require filtration elements. The site, however, must manage stormwater on site so that it does not over flow to other properties or onto the street. City staff recommends as a condition of approval that the applicant adhere to all the items outlined in the WSB memo of December 7, 2020.

Regarding the plat, currently the site is two lots. The City is requiring that the property be replatted into one parcel. City staff recommends as a condition of approval that the plat be recorded at the County within one year of approval and prior to the submittal of a building permit.

Sonnek said that on Monday, MnDOT submitted their comments on the plan. They are requiring the closure of the Robert Street access. City staff and the applicant will be discussing this with MnDOT to see what the other options are. City staff recommends the approval of the site plan to allow for the construction of the self-serve laundromat for the redevelopment of 1365 Robert Street, subject to the submitted plans and the aforementioned conditions, the variances and the preliminary and final plat. Sonnek mentioned that there were some concerns with the noise levels of the vacuums. It is possible to make this a condition of approval, if it is a concern to the Commission. Sonnek asked if there were any questions.

As there were no questions from the Commission, Green opened the Public Hearing at 8:20 pm.

Michael Orange, 1211 Bidwell Street, called into the meeting. He said that he sent a letter to the Commissioners yesterday. There is a revision to it; the Environmental Committee did file a report and he would like the Planning Commission to ignore the comment about the Committee report. Orange said that the proposed building proposed is inconsistent with the Renaissance Plan for Robert Street. The Comp Plan tells the City to take every opportunity to bring buildings closer to the street so that they reinforce the street scape and enhance the pedestrian environment. The Plan steers the City away from the auto-oriented street scape along Robert St, which is still dominated by parking lots. This project is the exact opposite of what it should be. The Renaissance Plan is clearly referenced in the 2040 Plan, it says that the City will collaborate with property owners and developers to use the Robert Street Renaissance Plan as a guide. Orange encourages the Commission to use the Plan; the Code allows the setback of 20 feet from the street. It is common in that area. The entire block face has no parking in any of those units. The applicant says that he needs parking in front for safety reasons. Orange finds it hard to believe that a safe business cannot be run without parking in front. He does not “buy it.” It is a common threat from developers. Regarding the issue of vacuum cleaners, there is no worse site for the vacuum cleaners than right next to the sidewalk on Robert Street. The noise from the vacuums and the music being played at the Mr. Car Wash (2 blocks south) was so obnoxious that the management needed to post signs discouraging it. Vacuum cleaners need to be at the rear of the building. Oranges likes the condition of space being allotted for sidewalk on Emerson; money needs to be escrowed for the applicant’s portion of the sidewalk’s cost. The Comp Plan calls for new developments to consider

sustainable green building design. The City did this with the Maintenance Facility. The City should encourage this developer to maximize energy efficiency.

Julie Eastman from Ward I called into the meeting. She had questions about the site plan and the proposal. She asked about the onsite water treatment and if they are talking about gray water treatment as part of the development. Eastman mentioned the MnDOT Robert Street access closure and the future addition of the DRT line. She wondered if MnDOT would require any future development to close this type of access. She asked about Met Council and St. Paul Regional Water Services and if the laundromat and the car wash have the correct sanitary sewer linings in place. She asked if the Met Council knows about these types of businesses going in with the increases in water and sanitary sewer.

With no other calls, Green closed the Public Hearing was closed.

Green opened the discussion to the Commission. Kavanaugh appreciated Orange's comments. Kavanaugh could not agree with him more. The first thing that jumped out to Kavanaugh [on the site plan] was the parking lot facing Robert Street. He opposes this consistently. It could be a better site plan overall. It could be a great looking property with the parking in back. He understands MnDOT's closure of the Robert Street access with the proximity to Emerson Ave. It is particularly hazardous in the winter time traveling down the hill and turning into the property. Green agreed with Kavanaugh. She would like to see the building pushed forward. She said that a door could be added to the back of the building for easy access. Because of the current zoning regulations, Green asked the City Attorney if the Commission is under any obligation to approve the plan as is, even though the Comprehensive Plan calls for something different. The plan in front of the Commission, outside of the variances, (all of which were approved except for the garbage,) looks like it complies, (except for the lighting and signage.) Sonnek confirmed this. Franzmeier had questions for the applicant. Franzmeier asked if the vacuums were a necessary programmatic part of the site, or if the vacuums could be removed. Linn said that all of the sites have vacuum cleaners and they are a great service to their customers. He does not understand the issue; it is up against Robert Street. The vacuum noise decibels are less than the decibels generated by Robert Street. There are not multiple vacuums proposed, only one. The customers appreciate them because they have a lot of time on their hands and are able to vacuum out their cars. Franzmeier asked if a sidewalk could be added to the site plan. Linn said yes; it was not that the sidewalk was omitted. The sidewalk is not part of their property, so it was not part of the design. If it were required, Linn would do it; they have done this in other cases. Busselman said that there is room for sidewalk. It has to be studied to see if there are any obstacles to constructing the sidewalk, (like power lines). Franzmeier said that the property looks great; it would be an added bonus if the Commission could foster a deal to implement the sidewalks and achieve the Bike/Ped Plan in the City. Green asked about the gray water and if the City Engineer had said anything about the sanitary sewer system for this project. Sonnek said there was not much specificity from the Environmental Committee regarding the type of water treatment requested. If the property were over an acre, treatment is required, specifically for phosphorus. Once the building permit is submitted, plans go to St. Paul Regional Water. The property would be charged in the increase of units. The plans are also sent to Met Council for the sewer access charge. (by unit) The City cannot give approval until St. Paul Regional Water and the Met Council have given approval. McPhillips asked Linn about the vacuum on Robert St; the busiest day is Sunday. It probably is the busiest day for the church across the street. People will pull up their cars on Sunday, turn up their music and run the vacuum. It does not look good; it is not the look that the Commission is trying to get for the City. McPhillips asked about the two doors on the south side of the building and none to the west. It does not make sense for people carrying laundry. Linn said that their

laundromats are different from others; theirs have far more windows and their indoor layout is very different as well. The entire west side of the building is the mechanical area. The mechanical area is located in back of the dryers. It is impossible to put an access point for the customers in this area. McPhillips asked if the vacuum could be located at the back of the building. Linn said that because the vacuum is coin operated it is safer to have it at the front of the building for visibility reasons. If the vacuum were in the back, “you are opening the door” for someone to pull up and drill out the coin box.

Johnson referred to the Green’s earlier question about approvals; the Commission can attach conditions or restrictions [to their recommendations] that are deemed necessary to protect public interest. The Commission can keep this in mind while they are discussing elements of the site plan. Stevens asked about energy efficient design; Elliott Stendel, the architect from Architecture Consortium, said that the building is meeting the guidelines for MN Energy code. There is increased insulation in the walls and the roof; this is the largest gain. There are many windows; however, the windows are double-paned and insulated. These are standard measures. EIFS, a synthetic stucco that will be used on the building, will increase the building efficiency. Window awnings will shade the windows partially. In terms of plumbing, very efficient equipment will be used for electrical usage and in terms of any water used. The actual water used will be far less than in a traditional setting. The roof top units are high efficiency as well.

Green said that this application is a good example of why the Commission needs to marry the Comp Plan and the City’s zoning requirements. She is not a fan of the parking in front. At the same time, the applicant is following the guidelines that they have been given. McPhillips agreed. He said that that once it is done, it will be a fine looking building, but it is not what the Commission wants or where they want it. McPhillips asked Sonnek if the recourse was to put conditions on the application. Sonnek said this was accurate.

Stevens commented that she even though she dislikes parking in the front on Robert Street, she would feel much safer in the laundromat if the parking were in front. She has no concern about the vacuum noise. There are vacuums at other locations like gas stations and there are no problems. She does not understand the issue. She does not feel the safety factor should be dismissed. If she were doing laundry at a late hour, she would not want to walk in the back of the building where no one could see anything. The coin-operated vacuum, should also be located in the front. She does not see what the problem is with the location frankly. Sonnek asked if the Commission would be amenable to relocating the vacuum away from Robert Street (not abutting) and closer to the building but still in the front of the building. Linn said he does not know how the layout would work. A vacuum in the [very] front of the building would interfere with customers carrying laundry and out of the building. It is not a good place to locate the vacuum for anyone. It would not make sense when it comes to the noise levels. Moving the vacuum would also take up parking spaces in front of the door. Customers want to park right in front of the door. Being as close to the door is very valuable.

Kavanaugh said that unless the building is brought up to the street and the parking located in back, he is probably a no on the site plan. Stevens asked the applicant if both rows of parking were need in the front or could it be reduced to one row. Linn said that honestly, they would like to have more parking than they have. At their site in St. Cloud, there are sometimes as many as twenty cars late at night. There are occasions when more parking is very necessary. Linn went on to say, that the plan is within code as to where the building is placed. The desire is to move the buildings to the front, but it is not what the code says. They are within code. Green said that the issues are not with code compliance; most of the facility

falls within code. The Commission is assessing whether or not the application fits into Comprehensive Plan and the vision for the city. Kavanaugh asked the attorney to elaborate on their next step. Johnson said that the code allows the Commission to recommend reasonable conditions and restrictions necessary to protect the public interest. If the Commissioner deems that public interest is the Comprehensive Plan, that would be the nexus. It is more than public safety; it also includes public interest and purpose.

Green asked if there were a motion to approve or deny the application. Franzmeier asked the attorney if it were appropriate to deny the site plan based on the fact that it does not meet the Comp Plan and the best interests of the public. Johnson referenced conditions and restrictions the Commission can pose upon approval. The Commission can approve with the condition that the building has to move to the front. The Commission can approve with the restriction that the vacuum needs to be moved wherever deemed appropriate. The public purpose of this would be to comply with the Comprehensive Plan and intent for Robert Street area. It is an approval with conditions.

Franzmeier made a motion to approve the site plan with a reasonable condition of approval that the applicant align the façade of the building against Robert Street and locate parking behind the building to comply with the Comprehensive Plan. McPhillips seconded the motion.

Discussion followed. Kavanaugh added a friendly amendment that the Commission supports MN Dot's closure of the Robert Street access. Franzmeier and McPhillips agreed to the amendment.

Votes 6 ayes/1 nays. The motion carried.

Linn said that he wished to withdraw the application. Chair Green said that Linn should follow up with City Staff if they choose to do this. There is still one more step for the application since it will still have to be reviewed by City Council.

Green said that the Commission must also [make recommendations] on the final plat. Green asked if it was still appropriate to approve the plat with the change in the site plan. Sonnek said that the plat would not be altered based on the building location.

Kavanaugh made a motion to approve the preliminary and final plat. Stevens seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

A motion was made by Franzmeier for a 5-minute recess. McPhillips seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

A short recess of 15 minutes was requested and granted at 9:15pm.

Green reopened the meeting at 9:30 pm.

PC Case 20-15 – Site Plan, Conditional Use Permit, Preliminary and Final Plat for the Construction of a New Two-Story Commercial Building Containing Minor Automotive Repair, A Motor Fuel Station, And A Car Wash in a B3 – General Business District at 1820 Robert Street S, Bobby and Steve’s Auto World

Sonnek said there are multiple applications for the redevelopment of Bobby and Steve’s Auto World. It is a teardown of the existing building into an expanded two-story building. The conditional use permits for review are for the motor fuel station and the minor auto repair. The hours of operation will not change. However, the number of employees will increase from 6-8 employees to 10-11 employees. The applicant is still in discussions for the shared parking agreement. Sonnek asked the applicant if he still needed the conditional use permit for the off premises signage. Noyes said he did not need the permit now. Noyes withdrew the conditional use permit application for the off premises signage. Sonnek went on to say that the area is primarily commercial with B4 to the north and the west, B3 for the subject property and east, as well as single family homes to the south. Outside of the building setback, (which the Commission just discussed,) the setbacks in the site plan fall within code. Similarly, the parking setbacks meet the requirements with the exception of the rear (east) setback. The applicant is proposing to close the southernmost Robert Street access to increase the safety of the site. There is some lighting that exceeds beyond the southern and western property lines. City staff is recommending as a condition of approval that the applicant revise the lighting plans. The applicant is proposing to remove 8 trees from the site. Although the landscaping plan falls short of the replacement minimum, city staff is comfortable with the plan because of the site limitations. The Environmental Committee agreed that the applicant would not be able to plant the required 38 tree minimum; they recommended that the site use pollinator friendly plants not treated with neonicotinoids. They also recommended that the applicant consider using impervious pavement on the site to help with runoff. The committee recommended planting native grasses along the east property line for additional screening. City staff recommends a condition of approval that the applicant consider the recommendations of the Environmental Committee’s memo of December 8, 2020. Sonnek said that screening is required in a commercial area when it is adjacent to a residential area. There are mature trees that already screen the property south of Marie Avenue. Staff does not believe additional landscaping or screening are necessary. The building materials do meet minimum 60/40 requirement. The applicant is proposing metal panels to screen the trash enclosure. This is not permitted per code. City staff is recommending as a condition of approval that the trash enclosure screening be revised. For window coverage and visual relief, code mandates that there must be 40 percent window coverage on the first floor. The south, east and the west elevations of the building meet the requirement. However, the north elevation has very little window coverage. City staff is recommending as a condition of approval that the north elevation be revised.

By code, façades of more than 60 feet must have visual relief elements. The north and east elevations do not have the visual relief requirements. City staff is recommending as a condition of approval that the north and elevations be revised to incorporate visual relief. No details have been included as to roof top mechanicals. City staff is recommending as a condition of approval that all rooftop mechanicals are properly screened. The engineering consultant at WSB reviewed the proposed plan. Staff is recommending as a condition of approval that the applicant adhere to the WSB memo dated December 7, 2020. Regarding the preliminary and final plat, City Staff is recommending as a condition of approval that the plat be recorded at the County within one year of approval and prior to the submittal of the building permit. MnDOT’s comments were mostly pedestrian-oriented and recommending the construction of sidewalk along Marie Avenue. The applicant has agreed to do this. City Staff is recommending as a condition of approval that the applicant adhere to the items listed in the MnDOT

memo of November 10, 2020. In summary, Sonnek said that City staff recommends the approval of the conditional use permits, (minus the off-premises sign permit application.) All applications are contingent upon other applications, (variances, site plans and preliminary and final plats.) Sonnek reminded the Commission that the shared parking agreement condition had been withdrawn. City staff recommends the approval of the site plan subject to the aforementioned conditions. City staff is recommending the approval of the preliminary and final plat subject to the submitted aforementioned/listed conditions.

Sonnek asked if there were any questions. Noyes said that the north side is the car wash. He said that more windows could be added to the top level; on the bottom, he would have to speak to the car wash manufacturers about this. It probably would not be advantageous to add windows to the bottom/ car wash. Sonnek said that the visual relief in general would be achieved if windows were added on the top level. Franzmeier asked the applicant about the brick colors tones. Noyes said it is a glazed brick; there is gray brick on the base and a white brick that harkens back to 50-60's Deco look of garages or ice cream parlors. Franzmeier asked if this was proprietary color for the building; the starkness of the white may clash with the earth tones of the surrounding buildings. Noyes said he worked with Bobby and Steve's to create a sleek modern look; this look along with the glass elevator will draw in customers. Kavanaugh asked about the requirement to have employees park off-site. He is concerned with employees crossing Robert Street. Sonnek said that the intent was originally for the employees to park at Culvers; it is more of a concern to park at the Lowe's. A compromise is to still have the shared parking for the employees only when it is needed. Green opened the Public Hearing at 9:42 pm. With no call in questions, Green closed the Public Hearing and opened the discussion to the Commission.

Kavanaugh asked about the condition for the sidewalk. Sonnek said that it was not part of the plat-listed conditions. She asked Johnson where the condition should be placed. Johnson said that it should be part of the site plan.

Franzmeier made a motion to approve the Conditional use permit to allow for a motor fuel and minor auto. Stevens seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

Green asked if there were a motion to approve the condition for the sidewalk put forth by Kavanaugh. Franzmeier commented that West St. Paul is a very dark city. It is something that the Commission wants to plan. However, the lighting bleeding into the sidewalk, in interest of public safety may not necessarily be a bad thing. She is wondering if the condition approval for the lighting should be revoked. Stevens agreed with Franzmeier. Sonnek said the City does want the sidewalk to be well lit. Sonnek suggested that the condition be reworded to read, "...work with City staff to ensure that the lighting is appropriate for the sidewalk on Marie [Avenue]."

McPhillips made a motion to approve the site plan with the additional sidewalk with the recommendation that the applicant work with City Staff for appropriate lighting along Robert Street and Marie Ave. Franzmeier seconded the motion

Votes 7 ayes/0 nays. The motion carried.

McPhillips made a motion to approve the preliminary and final plat. Stevens seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

PC Case 20-16 Conditional Use Permit to Allow a Car Wash in A B3 – General Business District at 1949 Robert St. – Crew Carwash, Inc.

Sonnek said that this was a conditional use permit to allow a car wash in the B3 district. It is currently the Baker's Square site. The building will be torn down for a completely new building for the fully enclosed car wash. The full site plan review will probably come back to the Commission in January. To the north is the B4 shopping center (Southview Square), to the east, R1 Single Family Residential (Southview Country Club), to the south is Aspen Dental (B3) and to the west is B3, (Southview Garden Center.) Sonnek said that city staff recommends the approval of the conditional use permit to allow a car wash in the B3 district and highlighted the condition that the on-site vacuums not be allowed to operate between 10 pm -7 am. With no questions from Commission members, Green opened the Public Hearing at 9:43pm. Jane Neafus of Crusader Avenue called in. She and others object very strongly to the location of the application. She talked about the noise pollution, future traffic and pedestrian safety. Neafus is concerned with the noise created by such a large car wash. There are 144 families affected by this in the condo complex. The traffic would increase. With no access on Robert Street, customers would have to turn into Crusader Ave. It would also be dangerous because there are no sidewalks on Crusader at all. There are 2 schools and two churches three blocks away.

Green summarized Neafus's concerns: traffic on Crusader, the lack of a sidewalks, bus routes and noise pollution; she apologized for the bad connection. McPhillips commented that the reconstruction of Crusader Ave. is coming up. McPhillips asked Sonnek about the construction of sidewalks on Crusader Ave. Sonnek said that it was a good question. She believes that a study will be done to determine which side of Crusader is the better fit for sidewalk. There may be a City-wide assessment for the payment of the sidewalks; this may only be in discussion currently.

Green is concerned that if there is not a turn in on Robert Street; cars would have to enter through Crusader Ave. A lot of cars will be diverted into Livingston Avenue. There is a potential of 40 cars at one time lining up at any given time. It will divert a lot of traffic into the neighborhoods. McPhillips said, not necessarily. The City has been diverting a lot of traffic on to Livingston for the past few years. It seems to be doing okay. A sound fence on the vacuum side of the lot is something McPhillips would like to see. Justin Furr, Director of Real Estate and Development at Crew Carwash, Inc. spoke before the Commission. Furr said that the sound from the vacuums would not travel to the nearby residences. The sound study said that the sound would be much the same as a car going by the residents' homes. However, they are agreeable to installing a sound fence if they were required to do so. Sonnek said that a sound fence or landscaping would be a reasonable condition.

McPhillips made a motion to approve the conditional use permit with the condition of a sound fence on the west and north sides in the vicinities of the vacuums. Kavanaugh seconded the motion. Discussion followed. Franzmeier asked if there were any consideration being made regarding future sidewalk construction. She wanted to know if the building would allow a sidewalk. Sonnek

looked at the site plan and said there is room for a sidewalk along the southern side of the site along Crusader Avenue.

Votes 7 ayes/0 nays. The motion carried.

PC Case 20-17 - Conditional Use Permit to Allow a Medical Clinic in a B3 – General Business District at 1700 Livingston Ave. – Sutton Outpatient Services

Sonnek said that Rob Sutton has submitted a CUP application to open an outpatient substance use center that would be offering assessments and classes. The surrounding properties include: to the north, east and south, B3 General Business, to the west R4 multi family, townhomes and apartments. Sonnek reviewed the hours of operation and number of employees for the proposed building. Sonnek said that city staff is recommending the approval of the conditional use permit, subject to the applicant applying for and obtaining all the applicable building and sign permits with the City of West St. Paul. (Sonnek received a note from Justen that Crusader Avenue is slated for reconstruction in 2022.) Sonnek asked if there were any questions. Kavanaugh asked about the CUP; does it run with the land or the particular suite. Sonnek said she wrote the language specific to the building. However, the language would be corrected to be specific to the suite. Kavanaugh asked if there were any conflicting/ non-compatible uses in the building that the Commission should know about. Sonnek did speak to the owner of the building. There is a financial advisor and an advertising firm in the building. They are more typical office uses and therefore, compatible. Franzmeier asked about the other chemical health office. Sonnek said that she does not think that office is still there; the listing may not have been current. It was not listed by the property owner and would not have a CUP.

With no other questions, Green opened the Public Hearing at 10:16 pm. With no calls from the public, Green closed the Public Hearing and opened the discussion to Commission Members.

Kavanaugh made the motion to approve the conditional use permit. McPhillips seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

PC Case 20-18 - Ordinance Amendment Regarding the Definition of Family - City of West St. Paul

Sonnek related that City Council recently requested an update on the definition of family. It currently does not include language to include domestic partnerships. The new proposed language does include the allowance of domestic partnerships. The new ordinance would clean up the language and take out the specifics such as spouse, grandparents, parents and children. It would leave the definition very simple. A family would include two or more persons legally related by blood or marriage, domestic partnership, foster care or adoption, or a group of not more than 3 persons not related by blood, marriage, domestic partnership, foster care or adoption, living together in one dwelling unit. Green said essentially, this is just cleaning the definition up and making the language more inclusive. Justen said he pushed this change forward. Domestic partnerships should be reflected in the language, specifically to clarify the City's rental ordinances. There should be relationships that should be considered outside of

marriage and blood that need to be allowed to be considered as a family in our rental ordinance language.

Green opened the meeting to the Public Hearing at 10:21 pm. With no comments from the public, Green closed the public hearing and asked for further discussion with the Commission. McPhillips asked if this language pertained to the rental units and to Police Department. Sonnek said that there are two instances in the code that involve the definition of family. The definition is most applicable in rental licensing ordinance. Sonnek gave the example of a rental duplex. The owner may live in the primary unit; the son or a daughter may live in the secondary unit. If they are a family, they would not be required to get a rental license. This is an example of how this would be enforced. McPhillips asked if this example is why the language is being changed. Justen said not exactly; he said that the current language of blood, marriage, adoption and foster care excluded domestic partnerships, which are common when there are two people living together for a long time. There are certain codicils in our rental code where they would be excluded. To be more inclusive for various relationships that should be accepted. Sonnek added that the original intent of the language was to avoid dormitory style settings. If there were an excessive number of people living in a home, per the existing code, there would be no more than 3 unrelated people living in a unit. With the new language, the domestic partnership would be included in the family definition. McPhillips asked if there were any backside to this. Kavanaugh said he didn't think so. Anytime we can make the definition of family more broad is a good thing. It is a fundamental right to have family the way an individual wants it. Stevens agreed. Green said that she has been in a domestic partnership for 19 years; it is nice to know that her relationship would now legally be considered a family. McPhillips said not so fast; the Commission has not passed it yet. McPhillips asked about the City of St. Paul's definition and if West St. Paul definition was more simple. Sonnek said that the intent was to make the West St. Paul definition more broad; the more specific the definition, the harder it is to enforce. Justen added that it is important for the City to recognize domestic partnerships. There are nuances to this; but the current language is problematic. Families take many different shapes and it is important to have it in the City language to have that acceptance. It should be codified.

Stevens made a motion to accept the ordinance amendment. Kavanaugh seconded the motion.

Votes 7 ayes/0 nays. The motion carried.

A motion was made to adjourn at 10:29 pm.

The motion carried. All Ayes.

Respectfully submitted,

Sharon G. Hatfield