



# Planning Commission – January 18<sup>th</sup>, 2022

Ordinance Amendment  
– Public Hearings for Site Plans  
and Conditional Use Permits





.....

# Amendment

## Current City Code Language

- Requires two public hearings for site plan and conditional use permit (CUP) zoning applications.
  - One hearing at Planning Commission and one at City Council.

## Statue Statute Language

- Requires only one public hearing for site plan and CUP applications.
  - Can either be at Planning Commission or City Council.

.....

## Staff Recommendation

City Staff is requesting that the Planning Commission review the proposed ordinance amendment,

1. Hold a public hearing, and
2. Recommend approval of the proposed amendment.

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 22-**

**AN ORDINANCE AMENDING SECTIONS 153.028, 153.031, & 153.032  
OF THE WEST ST. PAUL CITY CODE REGARDING  
PUBLIC HEARINGS FOR CONDITIONAL USE  
PERMITS AND SITE PLAN APPROVAL**

The City of West Saint Paul does ordain:

**SECTION 1.** West St. Paul City Code Sections 153.028 (C) relating to Conditional Use Public Hearings is hereby amended as follows:

**§ 153.028 CONDITIONAL USES.**

(C) ~~Public h~~earings. ~~The Planning Commission and the City Council shall each hold at least one public hearing on all applications for conditional use permits.~~

- (1) The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the designated legal newspaper of the city. The notice shall contain the date, time and place of the hearing and a description of the land and the proposed conditional use. At least ten days before the hearing, the City Clerk shall mail an identical notice to the owner and to each of the property owners within 350 feet of the property for which the conditional use permit is sought. Failure of the City Clerk to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings.
- (2) Action by City Council: The City Council must approve or deny the application within 60 days after receipt of all information requested by the city. The time limitation and extension of time are the same as set forth in § 153.027(C)(2).

**SECTION 2.** West St. Paul City Code Sections 153.031 (5) relating to Site Plan Approval Public Hearings is hereby amended as follows:

**§ 153.031 SITE PLAN APPROVAL PROCEDURE AND DESIGN REQUIREMENTS IN RESIDENTIAL DISTRICTS.**

- (5) ~~Public h~~earings. ~~The Planning Commission and the City Council shall each hold at least one public hearing on all applications for site plan approval. Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the designated legal newspaper of the city. The notice shall contain the date, time and place of the hearing and a description of the application.~~
  - (a) The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the designated legal newspaper of

the city. The notice shall contain the date, time and place of the hearing and a description of the land and the proposed conditional use. At least ten days before the hearing, the City Clerk shall mail an identical notice to the owner and to each of the property owners within 350 feet of the property for which the site plan approval is sought. Failure of the City Clerk to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings.

- (b) Action by City Council: The City Council must approve or deny the application within 60 days after receipt of all information requested by the city. The time limitation and extension of time are the same as set forth in § 153.027(C)(2).

**SECTION 3.** West St. Paul City Code Sections 153.032 (G) relating to Site Plan Approval Public Hearings is hereby amended as follows:

**§ 153.032 SITE PLAN APPROVAL PROCEDURE AND DESIGN REQUESTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(G) ~~Public h~~Hearings. The Planning Commission and the City Council shall each hold at least one public hearing on all applications for site and building plan approval. Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the designated legal newspaper of the city. The notice shall contain the date, time and place of the hearing and a description of the application.

- (1) The Planning Commission shall hold a public hearing on the application. Notice of the public hearing shall be given not less than ten days nor more than 30 days prior to the date of the hearing by publication in the designated legal newspaper of the city. The notice shall contain the date, time and place of the hearing and a description of the land and the proposed conditional use. At least ten days before the hearing, the City Clerk shall mail an identical notice to the owner and to each of the property owners within 350 feet of the property for which the site plan approval is sought. Failure of the City Clerk to mail the notice or failure of the property owners to receive the notice shall not invalidate the proceedings.

- (2) Action by City Council: The City Council must approve or deny the application within 60 days after receipt of all information requested by the city. The time limitation and extension of time are the same as set forth in § 153.027(C)(2).

**SECTION 4. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment requires all public hearings for planning applications be held at the Planning Commission.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
David J. Napier, Mayor

\_\_\_\_\_  
Nicole Tillander, City Clerk