PC Case 22-02 – Ordinance Amendment Regarding Public Hearings for Conditional Use Permit and Site Plan Approvals

BACKGROUND:
As part of the ongoing efforts of City Staff to continue to improve and streamline both the application process and City meetings, Staff noted that the current process, per code, calls for two public hearings (one at Planning Commission and one at City Council) for both site plans and conditional use permits. However, per state statute only one public hearing is required for these planning applications.

As such, City Staff thought it would be beneficial to align the City’s code with state statute and update the process to hold the one required public hearing at the Planning Commission meetings, which are typically where the more thorough review of the specifics of the applications are reviewed. This does not limit City Council’s ability to also review the item in detail as the items can be reviewed under New Business, in which the Mayor may open the meeting to public comment if they so choose.

STAFF RECOMMENDATION:
Staff recommends the Planning Commission hold a public hearing and make a recommendation on the proposed ordinance amendment.

ATTACHMENTS:
Staff Presentation
Redlined Ordinance

TIMELINE:
January 18: Planning Commission (Public Hearing)
January 24: City Council First Reading
February 14: City Council Final Reading (Public Hearing)
Planning Commission –
January 18th, 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 hearing at City Council.
- Variances, rezoning requests and text amendments only require **one** public hearing per code.
  - Although not required, City currently holds two public hearings for rezoning requests and text amendments (one hearing at PC and one at CC)

**Statute Statute Language**
- Requires only **one** public hearing for all zoning applications, including site plan and CUP applications.
  - Can either be at Planning Commission or City Council.
Why Make the Change?

• Streamlines the process
  • Each public hearing requires a public notice be drafted and published, both at cost to the City.
  • Public hearing is set as one meeting, clearer for the applicant and the public.
  • Non-controversial items can be placed on consent agenda at Council, i.e. CUP for a dental office
    • Change does not prevent due process, controversial items can still be placed on the regular Council agenda for discussion and feedback from those attending the meeting.
    • Provides more flexibility for scheduling at Council should an item be continued at Planning Commission.

• In discussing with the City Attorney’s office, all other communities they assist only require one public hearing (typically at the Planning Commission).
  • South St. Paul
  • Cottage Grove
  • Stillwater
  • Forest Lake
  • Hastings
  • Inver Grove Heights
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 Hearings. 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 Hearings. 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 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 14th day of February, 2022.

Attest:

______________________________  ________________________________
David J. Napier, Mayor          Nicole Tillander, City Clerk