

WEST ST. PAUL COMMITTEE OF ADJUSTMENTS

The regular meeting of the West St. Paul Planning Committee of Adjustments was called to order by Chair Morgan Kavanaugh, on Tuesday, January 21, 2020 at 7:00 pm in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

ROLL CALL: Morgan Kavanaugh, Samantha Green, Peter Strohmeier, Dan McPhillips, Lisa Stevens, Tori Elsmore

Also Present: Jim Hartshorn, Community; Melissa Sonnek, City Planner; Kori Land, Attorney; John Justen, Councilman

Community Development Director Hartshorn introduced Melissa Sonnek as the West St. Paul's new City Planner. Sonnek replaces Ben Boike. Sonnek has a master's degree in planning and has been shadowing Boike for a few years. Hartshorn said there is no one more qualified for this position.

The commission welcomed new member, Tori Elsmore; she has lived in West St. Paul for a year in Ward I. She previously lived in Inver Grove Heights and served on the Planning Commission there. She is a lawyer who loves a good ordinance.

Adopt Minutes: Minutes from the November 19, 2019 meeting were approved.

PUBLIC HEARINGS

PC Case 19-15 – Conditional Use Permit, Site Plan, and Preliminary Plat Review for the Construction of a New Medical Office Building at 1140 Robert St. – Dan Saad

Sonnek reviewed the application, on behalf of Dan Saad, for the new medical office building at 1140 Robert Street. She showed the current uses and zoning for the buildings around the proposed facility. She reminded the commissioners that her review was a continuation from last month's meeting. The applicant has secured more parking stalls from adjacent properties since last meeting. This has eliminated a variance needed for the site.

Sonnek asked the commission if there were any questions. Commissioner Green asked Sonnek for a picture of how the adjacent parking lots abut the Wakota lot. Sonnek showed a picture of it and said that code requires that the parking stalls be within 150 feet of the property line. Wakota will get 10 shared stalls with Twin Ventures and the remaining stalls from Rivera Chiropractic. Sonnek said that it is mostly open concrete parking lot, (no curbing). The parking lots in general are "in rough shape." It is in the plan to repave the Wakota and Raddatz parking lots. Green asked how the cities would ensure that the shared parking lot agreements would be maintained. Sonnek said that through resident and customer complaints, the City would find out if the shared parking agreements were terminated. The City would find out if side streets were being used for parking. Council would be able to revoke the Conditional Use Permit if this happened. Sonnek said because Wakota most closely related to a medical facility, staff felt it was the best fit. Commissioner Elsmore asked if any licensed doctors worked there. Sonnek said that this is a question for the applicant... Elsmore asked if they are required to be licensed through the State of Minnesota; Sonnek asked the city attorney if it were required; it is not.

The applicant, Dan Saad, Executive Director of Wakota Life came forward with his attorney, Rich Gabriel. They have worked with city staff on the report that was just reviewed and are in agreement with it except for 2 issues. In a previous meeting with Hartshorn and Boike, they asked that the building permit be conditioned upon the filing of the final plat by occupancy of the premises. Gabriel's office will be doing the platting. Gabriel does not know if he can get the platting done before construction. They

had discussed with Boike and Hartshorn last November. Boike said in an email that they can condition the site plan for the final plat to be approved by City Council and recorded by the County prior to the occupancy of the new building rather than by release of building permit, (to allow them to go forward with the building.)

There was also a change with the parking. Gabriel talked to Kori Land about this. The applicant would ask that their staff park in the southerly end of the parking lot, not necessarily in the shared lots. There is not a lot of need for parking during the day. Nancy Raddatz uses her parking mostly at night; the two Raddatz and Wakota lots would be adequate for Wakota. Saad explained the Conditional Use Permit for the medical office was because of the ultrasounds that are performed. There is a doctor what writes off on the sonogram. There is also a sonographer. Medical service makes up only 18 percent of the business; the other 80 percent is “families coming in to get diapers, wipes and clothing for the kids.”

Commissioner Stevens asked about volunteers: Saad said they have currently (with volunteers) is 6-7 people at the building; daily they have about 17 clients come to the Center, which means about two an hour. They may stay about 15 -20 minutes for training... Hopefully Wakota will double the clientele with the new building. .It would be nice for the employees to be able to park [legally] on their own lot especially on Saturdays. Green asked if anyone has spoken to Nancy Raddatz; Gabriel said they have be in contact with their attorney as recently as that morning; they presented Raddatz with four different ways their lots could be used. There is a common easement; Raddatz does not dispute it. They have shared parking lots for years. Gabriel said that Raddatz is most concerned with losing parking spaces. He has not heard back from Raddatz regarding the parking options. Saad said that he is trying his best to ensure that there is a safe path to their building from the parking stalls. Especially during the busy winter months he will ask his employees to park in the shared spots, and he is working with Twin Ventures to make sure that a safe path is plowed to the front entrance of the Wakota building. There are not a lot of parked cars at Twin Ventures and the chiropractic during the day; that is why there is so much available parking. There is also a crosswalk into the door front of the Wakota building. If striping is needed; he is willing to do it. He will work with both property owners for proper signage for the parking spots. His staff will also inform clients as to the shared spots. Commissioner Mc Phillips asked about alley lights in the back; Saad answer that the City does not want lights that hit the neighboring residents at night. The Wakota closes at 5 pm and Saad noticed that is very dark at the back of the building. He does not know what type of outdoor lighting Nancy has at night. Raddatz has been doing night time recitals for many years and has had no problems.

Stevens asked about the business hours in the new Wakota building. Saad said they would still maintain regular business hours for the most part; they may sometimes have something going on Saturday. The Wakota has never had to have classes outside regular business hours. Stevens asked about doubling the number of clients with the new facility; Saad said that the new facility would provide some much needed storage space and a new area for occupational training for classes in hospitality; there will be a child care area. They would like to have hands on training for child care. Students could use Wakota for [job] references. The new building would not be used just for offsets. They are also looking for a mental health worker a couple days a week. Services would be free, but [Wakota] would like to charge for rental space. It would be nice to get the rental revenue; as a non-profit it is hard to get all expenses covered by donations. They would also like to work with a satellite clinic located in White Bear, Alpha Family, for wellness checks; they would rent space to a health worker for these visits. Stevens asked about how medical emergencies are handled. Saad said that they partner work with Dr. Hernandez of Entira Clinics and United Family Medicine. If there is a real emergency, they call 911. He said they have not had that type of emergency. If something is seen in an ultra sound; they call Dr. Hernandez right away. Stevens

asked about a back-up plan for the parking agreements. Saad feels good about the relationships with adjoining properties. He is also reaching out to two other nearby properties, Crown Trophy and the Mexican candy store, and to Nancy Raddatz with interest in buying their properties. The other factor is that West St. Paul is also going to change its parking stall codes to reflect what is going on in the rest of the Twin Cities area and the number of stalls required per square foot will decrease. Green asked if there is not going to be a lot of people, why does the building need such a big foot print. There is a lack of green space. Saad said he has spoke to the Mayor; the Mayor said to not make the building too small. Originally the building was going to be bigger on the ground and encroach on the parking lot. Instead they built up and have storage space. They are trying to anticipate the building needs for the next 20 years. Saad hopes to never have to go through another capital campaign. Saad is also considering having a green roof like the Environmental Committee recommended. McPhillips asked where the clients come from and the about Wakota's funding. Saad said seventy-five percent come from zip codes 55118 and 55106; the area covered is South St. Paul, Inver Grove Heights and Mendota Heights to Eagan. It's quite a large area. Most of the funding is from private donations, (250K). They have also received the Positive Alternatives Grant from the MN Department of Health, the grant is about a one-third of the revenue. Stevens asked about emergency vehicle access to the facility. Sonnek replied that the application has been reviewed by the fire department; The Fire Department signed off on the application and has no concerns.

Saad introduced the architect for the building, Carlos. He spoke about the windows on the south side of the building. He just received the findings from City Staff regarding the visual relief yesterday and has not had time to address the recommendation; He disagrees with the Building Inspector about the allowance of the windows on the south side. The relief on the north side was something that was already agreed upon on the previous plan. He wants to revisit with staff. He said that changing the relief is relatively simple; however, he wants it to comply with international building code. Kavanaugh asked about condition #4 regarding the windows on the southern elevation and the 40 percent coverage. Carlos said these the southern windows are not allowed per international code. Sonnek has spoken with the Building Official. He is of the opinion that up to 45 percent window coverage could be met on the southern elevation. Carlos said that it is not a matter of ordinance but of building code. It is a different set of rules. In closing, Gabriel restated that his office will try to work as fast as they can on getting the final plat approved. Recording the final plat and making this a contingency on releasing the building permit would be detrimental to them. They asked that it be conditional to the occupancy rather than the release of the building permit. Kavanaugh asked Sonnek to comment on the requirement. Sonnek said that typically it is based on the issuance of the building permit not the C of O. The City wants the plans to be solidified prior to the beginning of the construction of the building. It is a typical recommendation from staff. Kavanaugh said it would be taken under consideration.

Kavanaugh opened the meeting to the public hearing. Chris Gevara from Ward III spoke. She has sat on the Environmental Committee and other advisory committee like the Robert Street Renaissance Plan; this plan was accepted by City Council in 2017 She talked about the goal of generating economic prosperity and lifting West St. Paul into a complete position. The plan is being used to guide development. The north end of the City was marked as a weakness and the Wakota site was marked as a weakness. Residents want an area that they can use and that is not blighted. Guevara talked about how the report notes that the Robert Street corridor lacks identity and has no places of significance in which the citizens can be proud. The new building will not make people proud. It is the wrong location for a building of its size. The plan calls for development that would attract new residents and businesses. The new building will not bring economic prosperity. The plan calls for more human scaled zoning code and to have more usable public space. There was to be more redevelopment with retail commercial interest on ground

levels that people could walk to. This building does not benefit the immediate communities. Gevara said there is a lack of zoning and ordinance changes to support the Renaissance Plan. To approve the plan would be short-sighted; [the Commission] should think of the ramifications for the next 20-40 years.

Julie Eastman of Ward I came before the commission. She talked about the size of the proposed building. She said that the building would almost quintuple in size. She talked about the Sola Salon and the Telecris buildings; the City is receiving tax dollars from these businesses and not from Wakota. She talked about the parking variances; this is not a good way to go. These contracts could be terminated at any time. Wakota talks about growth and leasing to space to like-minded services. This would bring more traffic and additional permits. She questioned the transparency regarding expanded development on and potentially buying more of the adjacent properties. She does not want the building to be a focal point of the community cityscape.

Katie Dohman spoke before the Commission. She talked about the conditional use permit and about client privacy and HIPAA laws; Wakota is not bound by HIPAA. They have no laws which bind them to keep information confidential. There is nothing preventing them from sharing information from family members, people off the street or newspapers. They can disclose history, test results, any decision the client has made. There is no recrimination or any ability to sue for medical malpractice if they give bad advice. The state of MN does not require sonographers to be licensed. As Wakota is not really a medical facility, Wakota's sonographers are not required to be licensed. Wakota is not required legally to disclose medical problems found during the sonograms as normal medical facility would. Wakota also has false medical information on their website regarding the abortion reversal pill and that birth control is a known carcinogen. This is not evidence based standard care. The conditional use permit is misleading. She would like the commission to think about sanctioning this building with a lot of asterisks (parking variances) who will then sublease to like-minded organizations. As a taxpayer, she does not want to see [this type of] development. Especially when that property does not pay taxes. [For this location,]; it should be a slam dunk development. It should make sense for the corridor. Shoehorning a monolithic box into a tiny space where you're not sure of the use, sounds like blight.

Laura Zannmiller of Ward I, talked about property taxes; she lives in a small house with 2K in property taxes. Properties in the area pay as low as \$5,000 to \$11,000 in property taxes. She is concerned with the possible expansion of Wakota buying adjacent properties. She has heard a lot of the costs of Robert Street; she said that she does not want to lose more revenue with the Wakota building.

Judy Ronnelly of Ward III came to speak. She is a 28-year resident. She has a 40 year career as a registered nurse and she served nine years in the United States Air Force. She has been a school nurse, a hospice home care nurse, and for 23 years she has been a licensed pediatric nurse practitioner. She has provide care in private clinics, community clinics, schools a drop in center for homeless adolescents, as well as a program for runaway girls who are being trafficked sexually. She is currently a nurse practitioner at a local clinic and an adjunct professor at a local university. The treatments and care she provides is based on evidence-based scientific research. Evidence-based health care is the standard for care in the clinics she has worked in. She is concerned with clinics that provide care that is not evidence-based and can provide false and misleading information. She has had instances when other crisis pregnancy centers clinics have not administered the same kind of testing her clinics have administered; it causes confusion and mistrust in the medical system. This happens with ultrasound pictures as well. As a healthcare provider she is concerned that Wakota wants to expand; She does not want the city to be known for a center that does not have scientific evidence based practices or as having a clinics in our the city is giving out false information to women about their bodies. This clinic may not be the best fit for West St. Paul.

Mary McCauley of 1223 Ottawa, Ward III came to speak. She has been a resident for 35 years. She lives in the traditional territory of the Anishinaabe, Her mother volunteered at Wakota Health Care center; she was probably one of the original volunteers. (McCauley has been a psychotherapist for the last 40 years.) She suspects that it is not the same agency that it was and that they are not transparent in who they are and what their goals are. She talked about the partnerships Wakota has listed with other organizations. A partnership is explicit, collaborative and has shared goals. NAMI is a listed in partnership with Wakota. National Alliance for Mental Illness (NAMI) is recognized for the quality of care. NAMI has distinctly different views on how to handle mental illness. NAMI would help people make their own best decisions and not sway women to their organization's goals. McCauley spoke with the Executive Director of the Minnesota branch of NAMI; she wasn't aware of the partnership with Wakota. Just Between Friends is also not familiar with Wakota Life; they do not know who Wakota Life is. These two responses left her with the impression that the partnerships are foggy, not transparent and possibly misleading. McCauley's head is spinning about the size of the new building and how Wakota says they will not have many more clients. The parking requirements also concern her. The reasoning behind expanding the building only because the Mayor told them is slippery. She wonders if the other information that was provided to the Planning Commission was misleading.

Andrea Freeson from Ward III spoke. She serves the community as a life-span doula. She helps people from birth to end of life care. She will echo what has been said before. She has valid concerns regarding the medical facility classification. She reminded the commission about the massage parlor that wanted to expand and relicense. The City did not have regulation around the massage parlor classification. As a doula, her responsibility is to provide actual fact-based care to clients. When a business is qualified as medical and is not doing this type of care, the City may need to revisit what qualifies as a medical facility. Anyone can administer a sonogram. Wakota does do some great things; like car seats. She has sent people there to do that type of work. She would like Wakota to be honest and factual. Everything's very foggy. We have to look at backgrounds and licensing. There is debatable employment experience at Wakota. West St. Paul needs to be astute and aware about what is expanding in the City.

Kavanaugh closed the hearing. There were no questions to the applicant.

The commissioners shared their comments about the application. Green has some very deep concerns with the "modge podge" parking arrangements especially if the City were to revoke the conditional use permit for Wakota. The blue print is huge for this area. She is not sure if this can be classified as a medical facility.

Elmore said if Wakota is principally engaged only 13 percent of the time [in sonograms,] why is it being classified as a medical office. She wondered if there were a better conditional use or a charitable use. Sonnek said a new use could be explored. Stevens asked how other charitable organizations are classified. McPhillips remarked that the parking and the long range vision will create a mess. Whether or not Mr. Saad acquires the other properties; it is tenuous. It is a lot of building and hodgepodge parking. Strohmeier agreed and talked about zoning decisions and impervious surface. It is important whenever you have development to think about climate change, and the effect on sewers. The City of West St. Paul has an aging sewer system. Ms. Gevara talked about the guiding documents. They gives guidance to city council; she took the words out of his mouth. The parking seems to be ever changing. He has concerns about the 11th hour parking agreements.

A motion was made to deny the Conditional Use Permit, Site Plan and Preliminary Plat Review for the new medical office building at 1140 Robert Street because of the building does not fit in to the medical facility classification and because of the foot print because of the site plan.

The motion carried. All Ayes

The recommendation goes to council on Monday.

NEW BUSINESS

Sonnek reminded commissioners that at the February meeting the election of new officers would be held.

There will be a mandatory work session with Kori Land on March 17 at 4:30 pm.

OLD BUSINESS-NA

ADJOURN

A motion was made to adjourn the meeting at 8:47 pm. The motion carried. All ayes.

Respectfully submitted,

Sharon G. Hatfield