



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

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## PLANNING COMMISSION

April 19, 2016

7:00 p.m.

### MUNICIPAL CENTER COUNCIL CHAMBER

1. COMMITTEE OF ADJUSTMENTS
2. Roll Call
3. Adopt Minutes
4. Public Hearings
5. New Business
6. Old Business
7. Other
8. Adjourn
9. PLANNING COMMISSION
10. Roll Call
11. Adopt Minutes
- 11.A. February 16, 2016 Minutes  
Documents: [02-16-16 MINUTES.PDF](#)
12. Public Hearings
- 12.A. CASE #16-03 – Application For An Interim Use Permit To Allow Outdoor Display/Sale Of Plants And A Food Stand At 2001 Robert St. – Cub Foods  
Documents: [PC REPORT.PDF](#), [APPLICATION.PDF](#), [NOTICE.PDF](#)
- 12.B. CASE #16-04 - Zoning Ordinance Amendment, Section 153.004 Regarding The Definition Of Family - City Of West St. Paul

13. New Business

14. Old Business

15. Other

16. Adjourn

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*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at  
651-552-4100, TDD 651-322-2323 at least 5 business days prior to the meeting  
[www.wspmn.gov](http://www.wspmn.gov) EOE/AA*

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## WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Hubert on Tuesday, February 16, 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, Vice Chair Leuer and Commissioners Fernandez, McPhillips, Nelson and Kavanaugh.

### **Absent:**

Commissioner Ramsay.

### **Also Present:**

Assistant Community Development Director Boike, Alternate Council Liaison Iago and Recording Secretary Blume.

### **APPROVE MINUTES**

**ON MOTION of Leuer, seconded by McPhillips, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of November 17, 2015 as written.**

Ayes: 6      Nays: 0

### **PUBLIC HEARINGS**

#### **CASE # 16-01**

**Application For The Subdivision Of 1636 And 1708 Delaware Avenue: 1) Rezoning 1636 Delaware From C, Conservancy District To R-1C, Single Family Residential; And 2) Plat To Subdivide The Existing Two Lots (1636 & 1708 Delaware) Into Four Lots And One Out Lot – Thomas I. Dodge.**

Assistant Community Development Director Boike reviewed the request from Thomas I. Dodge to approve two applications for the subdivision of his properties at 1636 and 1708 Delaware Avenue: 1) Rezoning of 1636 Delaware (larger northern lot) from C, Conservancy to R-1C, Single Family, and 2) Plat to subdivide the existing two lots to four lots and one out lot.

Mr. Boike said included in the Committee's packets are copies of the application, copies of the public notice sent out for the Public Hearing, memos from the City Civil Engineer and Dakota County, draft rezoning ordinance, land use maps as well as copies of the preliminary / final plat drawings.

Mr. Boike explained the subject property currently consists of two residential lots: 1636 Delaware contains two homes, one being the old family home and the other their current residence, which is zoned C, Conservancy. 1708 Delaware contains one home currently zoned R-1C and where the caretaker of the property lives.

Mr. Boike stated the applicant is not proposing any redevelopment with the requests. The proposed subdivision is strictly to allow each existing lot to be located on its own separate lot giving the owner the ability to sell off at any given time as well as redeveloping (specifically lots 3 & 4).

Staff believes that R-1C, Single Family Residential is the appropriate zoning for the property.

**Staff recommends APPROVAL of the REZONING of 1636 Delaware Avenue from C, Conservancy to R-1C, Single-family Residential subject to the following condition:**

1. Approval is contingent upon approval of the corresponding Plat application.

Mr. Boike said the existing two properties consist of 23.69 acres which the owner wants to subdivide into four lots and one out lot. Dakota County and the City Civil Engineer provided memos with conditions to be met in order for the approval of the preliminary / final plat to be granted.

**Staff recommends APPROVAL of the PRELIMINARY / FINAL PLAT subject to the following conditions:**

1. Approval is contingent upon approval of the corresponding rezoning application.
2. The plat shall be recorded at the County Recorder's Office within 12 months of the city approval.
3. Prior to recording, the applicant must apply for and obtain all required rental licenses for homes on the property that are being rented to non-family members.
4. The applicant shall prepare and record an access easement through Lots 2 and 3 benefiting Lot 4 as shown on the plat.
5. Parkland dedication fees will be required upon application of a building permit for any new home.
6. The plat shall adhere to the requests of Dakota County per the letter dated February 10, 2016.
7. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.

Chair Hubert asked the Commissioners if there were any questions for Assistant Community Development Director Boike.

Commissioner Kavanaugh asked about the access to Lot 4. Assistant Community Development Director Boike replied the County has the authority on access from Wentworth and Delaware Avenues to Lot 3 and 4 but for now they will have access through Lot 3.

Chair Hubert asked if the current driveway to Lot 3 can stay but if the property is redeveloped and/or the house is knocked down would the County require a different driveway. Mr. Boike said they will pursue allowing two driveways in the southern part of Lot 3 & 4.

Commissioner McPhillips asked for a definition of “conservancy.” Mr. Boike explained it was created for the Dodge Nature Center and it meant open area / undisturbed area.

Commissioner Fernandez asked if a new built home would require an asphalt or cement driveway. Mr. Boike said any new construction would require an asphalt / cement driveway and also must connect to City sewer and water.

Chair Hubert asked if the applicant representative would come forward. Mr. David Helmuth, attorney for the Dodge family commented on the access to Lot 3 & 4.

Commissioner Fernandez asked if there are any deed restrictions on the Dodge Nature Center property. Mr. Helmuth commented the land was donated to a foundation and the Dodge family have no intention of making changes to the Dodge Nature Center property.

Chair Hubert opened the Public Hearing at 7:20 p.m. and since there were no questions, Chair Hubert closed the Public Hearing at 7:20 p.m. Chair Hubert asked if there were any further questions.

Vice Chair Leuer asked if there is any land in West St. Paul that is “landlocked” like Lot #4. Mr. Boike said a lot of cities try to get away from it but they still have a subdivision ordinance that allows it. There are quite a few of them still in town.

**ON MOTION by McPhillips, seconded by Leuer, the Planning Commission recommended approval of Case #16-01, Application For The Subdivision Of 1636 And 1708 Delaware Avenue: 1) Rezoning 1636 Delaware From C, Conservancy District To R-1C, Single Family Residential; And 2) Plat To Subdivide The Existing Two Lots (1636 & 1708 Delaware) Into Four Lots And One Out Lot – Thomas I. Dodge.**

**Ayes: 6      Nays: 0      Abstain: 0**

Chair Hubert confirmed with Assistant Development Director Boike that the case will be presented to City Council for consideration on Monday, February 22, 2016 at 6:30 p.m. for the plat review along with the 1<sup>st</sup> reading for re-zoning and then the 2<sup>nd</sup> reading for re-zoning happening on March 14, 2016.

**CASE # 16-02**  
**Zoning Ordinance**  
**Amendment, Section 3.2**  
**Regarding The Definition**  
**Of A Dwelling Unit – City**  
**Of West St Paul**

Assistant Community Development Director Boike said the current zoning ordinance has conflicting definitions pertaining to the number of non-related residents that can reside in a housing unit. The definition of a family and a dwelling unit are as follows:

**Family.** An individual or two or more persons legally related by blood, marriage, foster care or adoption, or a group of not more than three persons not related by blood or marriage living together in a Dwelling Unit.

**Dwelling Unit.** A Building or portion thereof which contains living Facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family or a congregate residence for ten or less persons.

Mr. Boike explained the City Council discussed the conflicting definitions at the January 11<sup>th</sup> Open Council meeting and directed staff to draft the attached amendment to remove the language “or a congregate residence for ten or less persons” from the definition of Dwelling Unit. If approved, the amendment will limit any confusion regarding the number of non-related individuals who can reside in a dwelling unit by limiting the number to three per the definition of family.

**Staff is recommending** holding a public hearing and approving the amendment.

Chair Hubert asked the Commissioners if there were any questions for Assistant Community Development Director Boike.

Commissioner Fernandez asked what brought this subject up. Assistant Community Development Director Boike replied that a particular request came in, the conflicting definition was seen and they realized it needed to be updated. Commissioner Fernandez asked if the city has a group home type of ordinance. Mr. Boike said there are a number of group home type situations where the city allows more than three unrelated but they are called out in the

zoning ordinance and specifically have a limit but are based more on state requirements.

Commissioner Fernandez asked if a facility changes their use if they have to go through an application process each time. Assistant Community Development Director Boike said state rental facilities do not require a rental license but if it is not a state rental facility a rental license is required and would be reviewed on an annual basis.

Commissioner Nelson asked if the amendment is changed what happens to the buildings where there are more than three unrelated. Assistant Community Development Director Boike said those facilities will be grandfathered in unless a rental license is involved and through the annual renewal and review process the city has the right to place conditions and change the number up.

Commissioner Nelson asked then if a conditional use permit would be put in place until the building is sold. Assistant Community Development Director Boike said no depending on the use of the facility.

Commissioner Fernandez asked if this amendment change is based on complaints. Assistant Community Development Director Boike said a lot of cities

Commissioner Kavanaugh asked what the discussion was like at the open City Council meeting. Assistant Community Development Director Boike said this has been an ongoing discussion along with the conflicting definitions of family and dwelling unit it needed to be changed.

Chair Hubert opened the Public Hearing at 7:28 pm and then closed the Public Hearing at 7:28 p.m. because there was no one in the audience.

Commissioner Fernandez asked what else was discussed at the Open City Council meeting pertaining to rental properties especially in regards to South St. Paul limiting rentals, etc. Assistant Community Development Director Boike asked City Council Liaison Iago to comment since he was not at that meeting.

City Council Liaison Iago said South St Paul is looking to modify their rental license ordinance and is pretty much patterning it to West St Paul. The State is no longer involved in finding housing for parties that are being discharged from mental or disability facilities and is now under county jurisdiction. The Mayor has assigned the ordinance to the Public Safety Commission to look over any other areas within the ordinance that need to be modified.

**ON MOTION by Leuer, seconded by McPhillips, the Planning Commission recommended approval of Case #16-02, Zoning Ordinance Amendment, Section 3.2 Regarding The Definition of a Dwelling Unit – City of West St Paul**

**Ayes: 6      Nays: 0      Abstain: 0**

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

The Environmental Committee is still looking for volunteers from the Planning Commission to be a liaison to join their meetings held on the first Wednesday of every month at 6:00 p.m.

**ADJOURNMENT:**

**ON MOTION of Leuer, Commissioners RESOLVED to ADJOURN the February 16, 2016 regular meeting of the Planning Commission at 7:44 p.m.**

All Ayes. 6/0.

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** April 19, 2016  
**SUBJECT:** Interim Use Permit – 2001 Robert St.



**REQUEST:**

On behalf of Jerry's Foods, Kent Dixon is requesting an Interim Use Permit to allow for the outdoor display of Horticultural Products (seasonal plants) and for a Food Stand in front of their storefront at 2001 Robert St (Cub Foods).

**Attachments:**

*Application*  
*Notice*



**EXISTING LAND USES:**

The subject property consists of retail shopping center. Adjacent properties to the north, east and south consist of retail uses. Adjacent properties to the west consist of the Dakota County Service Center and multi-family housing.

**ZONING:**

The subject property is zoned B4, Shopping Center District. Adjacent properties to the north and east are zoned B-3, General Business. Adjacent properties to the south are zoned commercial (Inver Grove Heights). Adjacent properties to the west are zoned R-1, Single Family and R-4, Multiple Family.

**ANALYSIS:**

The B-4 Zoning District allows Interim Uses for the outdoor sale of Horticultural Products and Food Stands if the following conditions are met:

- (a) The sales area shall be Setback at least 300 feet from the Robert Street right-of-way and 150 feet back from any other street.
- (b) The sales area shall not reduce the required supply of off-street parking below the required number of spaces for the Principal Building and for the Interim Use.
- (c) Off-street parking required for the sales area shall be one space per 150 square feet of sales area.

Plants

As was requested in 2011-2015, the applicant is proposing to display flowers and plants under the pergola on the sidewalk fronting the Cub Foods store. The proposed area provide significant open sidewalk between the display area and the parking lot. Staff did not receive any complaints or have any issues with the previously approved interim permits and does not foresee any issues with the proposed area as it meets the requirements listed above.

Food Stand

As was requested in 2012-2015, the applicant is also requesting the ability to locate a Food Stand in the same location. In addition to the brat/hot dog stand, the applicant is also requesting the ability to have a second food stand on occasion for special events/promotions for some of their vendors.

Staff is recommending a condition of approval limiting the number of Food Stands to two at any given time and limiting the hours of operation for the food stands to 7 a.m. to 10 p.m. (Cub is open 24 hours). Staff is also recommending a condition of approval that all Food Stands be inspected by the State Health Department.



**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the INTERIM USE PERMIT to allow for the OUTDOOR DISPLAY OF HORTICULTURAL PRODUCTS and to allow a FOOD STAND subject to the following conditions:

1. The applicant shall meet the provisions as outlined in Section 23.5 of the Zoning Code.
2. The Interim Use Permit shall be valid from the date of Council approval through December 31, 2016.
3. No more than two Food Stands shall be located on-site at any given time and hours of operation shall be limited to 7 a.m. to 10 p.m.
4. All Food Stands must be inspected by the State Health Department and must be located on the sidewalk fronting Cub Foods.
5. The applicant shall provide a clear path for pedestrians on the sidewalk adjacent to the display/sales area.



# CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100  
PARKS/RECREATION 651-552-4150  
FAX 651-552-4190

POLICE 651-552-4200  
FIRE 651-552-4176  
TDD 651-552-4222

## INTERIM USE PERMIT APPLICATION

Filing Fee: \$175.00

(OFFICE USE ONLY)

Escrow Amount: N/A

DATE RECEIVED 3/4/16

RECEIPT # \_\_\_\_\_

TOTAL FEES \$175.00

60 DAY DATE 5/3/16

1. STREET ADDRESS OF PARCEL 2001 South Robert Street

2. NAME OF APPLICANT Kent Dixon Phone # 612-360-8218

3. ADDRESS OF APPLICANT 1358 White Oak Drive Email kdixon@jerrysfoods.com  
Chaska, MN 55318

4. NAME OF OWNER Jerry's Enterprises, Inc. Phone # 952-922-8335

5. ADDRESS OF OWNER 5101 Vernon Av So Email \_\_\_\_\_  
Edina, MN 55436

6. LEGAL/PID # \_\_\_\_\_

7. PRESENT ZONING \_\_\_\_\_

8. PROPOSED USE OF PARCEL Garden center and brat stand

9. ZONING SECTION AUTHORIZING IUP \_\_\_\_\_

10. WHAT WILL BE THE EFFECT OF THE PROPOSED USE ON THE HEALTH, SAFETY, & WELFARE OF THE OCCUPANTS IN THE SURROUNDING PARCELS? \_\_\_\_\_

11. WHAT WILL BE THE EFFECT ON EXISTING AND ANTICIPATED TRAFFIC CONDITIONS, INCLUDING PARKING FACILITIES ON ADJACENT STREETS? \_\_\_\_\_

12. WHAT WILL BE THE EFFECT OF THE PROPOSED USE ON THE COMPREHENSIVE PLAN? \_\_\_\_\_

**EXHIBITS REQUIRED**

- A. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 paper copies, of a map or plat showing the property on which the Interim Use Permit is requested, and all parcel within 150 feet of the boundaries of the subject parcel.
- B. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 paper copies in sets and folded plans, showing application information as follows:
  - a. Proposed and existing topography, and drainage.
  - b. A complete plan prepared and signed by a registered Civil Engineer, Architect, and/or Landscape Architect showing:
    - i. The parking layout, access provisions, structure locations, landscaping, drainage, trees and shrubbery including types and locations, and sizes.
    - ii. Any fences, walls, or other screening, including height and type of material.
    - iii. All lighting provisions, including type, location, and lumens affecting the surrounding parcels and streets.
    - iv. Curb type and location on site.
    - v. Proposed plans for sidewalk to service, parking, recreation and service areas within the site.

**ACKNOWLEDGE AND SIGNATURE**

The undersigned hereby represents upon all penalties of law, for the purpose of inducing the City of West St Paul to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances and all Codes of the City of West St Paul and the State of Minnesota.

  
 \_\_\_\_\_ E. V. P.  
 Signature of Owner (Required)

952-283-2581  
 \_\_\_\_\_  
 Phone Number

\_\_\_\_\_  
 Signature of Applicant (If different)

\_\_\_\_\_  
 Phone Number

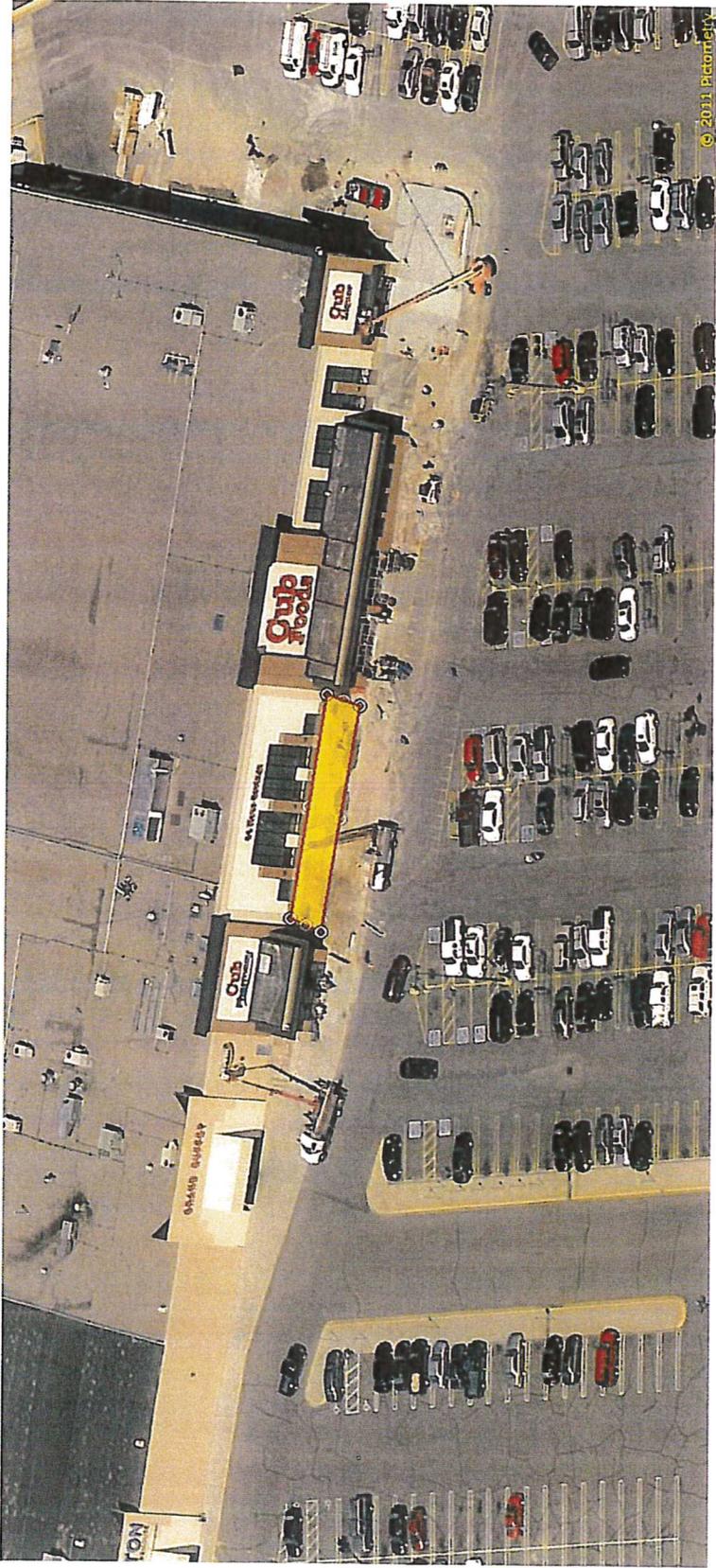
**NOTE: All Materials relevant to this Application must be filed on or before the dates listed on Operating Procedures for Applicants page. The Planning Commission holds its regular meeting at 7:00pm on the third Tuesday of each month.**

**LAPSE OF INTERIM USE PERMIT:**

An approved Interim Use Permit shall lapse and become null and void three months following the date on which the Interim Use Permit was approved if it is not in use or otherwise approved for a later time.

**FEES**

1. The fees to be paid by each applicant for each zoning request shall be as prescribed by the City Council. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to being sent for legal publication and notice. There shall be no fee in the case of applications filed in the public interest by the City Council or by the Planning Commission. Fees shall include application fee, filing fees, consultant, legal, planning, and engineering fees.
2. Applicants shall deposit with the City, together with the application filing fees, the sums required by Council resolution toward prepayment of the Consultants and Attorney's expenses and all costs to be billed and charged to the City. The prepayment amounts shall be a credit toward all reasonable fees and expenses charged by the Consultants to the City in the investigation report and recommendation to the City Council concerning the application. All reasonable expenses and fees in excess of the deposit, shall be paid by the applicant to the City within 30 days of final action on the matter by the City. If not paid within 30 days, the account shall be deemed delinquent. If the fees and expenses incurred by the City from the Consultants are less than the amount of deposit, such excess shall be returned to the applicant upon final action by the City in said manner.



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**CITY OF  
WEST ST. PAUL**

City Hall  
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West St. Paul, MN  
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[www.wspmn.gov](http://www.wspmn.gov)

**CITY OF WEST ST. PAUL  
NOTICE OF PUBLIC HEARINGS**

**TO WHOM IT MAY CONCERN:**

The listed item below will be a public hearing at the Planning Commission meeting on April 19, 2016 at 7:00 p.m. and a public hearing at the City Council meeting on April 25, 2016 at 6:30 p.m.:

CASE #16-03 – Applications for an Interim Use Permit to allow Outdoor Display/Sale of plants and a Food Stand at 2001 Robert St. – Cub Foods

Interested persons will be heard at these meetings. If you have any questions, please contact City Planner Ben Boike at 651-552-4134. If you need any type of accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4102 at least 5 (five) business days prior to the meeting.

Chantal M. Doriott  
City Clerk  
City of West St. Paul

Published: April 10, 2016

**TO:** Planning Commission  
**FROM:** Ben Boike, Assistant Comm. Dev. Dir.  
**DATE:** February 16, 2016  
**SUBJECT:** Ordinance Amend. – Def. of Family



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**REQUEST:**

The definition of “Family” was recently amended within Section 150.036 which regulates Rental Licensing to read the following:

***FAMILY***

- (1) An individual or two or more persons legally related by blood, marriage, foster care or adoption in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings, but not aunts, uncles or cousins; or
- (2) A group of not more than three persons not related by blood or marriage living together in a dwelling unit.

Section 153.004 of the Zoning Code also includes the definition of “Family” which currently reads the following:

***FAMILY***

An individual or two or more persons legally related by blood, marriage, foster care or adoption, or a group of not more than three persons not related by blood or marriage living together in a dwelling unit.

In order to provide consistency within the code, Staff is recommending the attached Zoning Code amendment which amends the definition of Family in the Zoning Code (153.004 – second listed definition) to match the definition of Family in the Rental Licensing section of the Code (150.036 – first listed definition).

**RECOMMENDATION:**

Hold public hearing and recommend approval of the amendment.

**ATTACHMENTS:**

Ordinance Amending Sections 153.004  
Public Notice

**TIMELINE:**

Apr. 19: PC Public Hearing

Apr. 25: CC First Reading

May 9: CC Final Reading (public hearing)

Ord. No. 16-

CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING  
WEST ST. PAUL ORDINANCE SECTION 153.004  
REGARDING THE DEFINITION OF  
FAMILY

The City Council of West St. Paul does ordain:

**SECTION 1. AMENDMENT.** West St. Paul Ordinance Section 153.004 relating to the definition of Family is hereby amended as follows:

~~*FAMILY. An individual or two or more persons legally related by blood, marriage, foster care or adoption, or a group of not more than three persons not related by blood or marriage living together in a dwelling unit.*~~

(1) An individual or two or more persons legally related by blood, marriage, foster care or adoption in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings, but not aunts, uncles or cousins; or

(2) A group of not more than three persons not related by blood or marriage living together in a dwelling unit.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Ayes:

Nays:

Attest:

\_\_\_\_\_  
David Meisinger, Mayor

\_\_\_\_\_  
Chantal Doriott, City Clerk



**CITY OF WEST ST. PAUL  
NOTICE OF PUBLIC HEARINGS**

**TO WHOM IT MAY CONCERN:**

The listed item below will be a public hearing at the Planning Commission meeting on April 19, 2016 at 7:00 p.m. and a public hearing at the City Council meeting on April 25, 2016 at 6:30 p.m.:

CASE #16-03 – Applications for an Interim Use Permit to allow Outdoor Display/Sale of plants and a Food Stand at 2001 Robert St. – Cub Foods

The listed item below will be public hearing at the Planning Commission meeting on April 19, 2016 at 7:00 pm and a public hearing at the Council meeting on May 9, 2016 at 6:30 pm:

CASE #16-04 - Zoning Ordinance Amendment, Section 153.004 regarding the definition of Family – City of West St. Paul

Interested persons will be heard at these meetings. If you have any questions, please contact City Planner Ben Boike at 651-552-4134. If you need any type of accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4102 at least 5 (five) business days prior to the meeting.

Chantal M. Doriott  
City Clerk  
City of West St. Paul

Published: April 10, 2016