



CITY OF WEST ST. PAUL
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

**COMMITTEE OF ADJUSTMENTS/
PLANNING COMMISSION
AUGUST 16, 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. Minutes - July 19, 2016
Documents:
[PC 7-19-16 MINUTES.PDF](#)
12. Public Hearings
- 12.A. Case #16-08 – Application For A Conditional Use Permit To Allow A Medical Clinic In A B3 District At 1963 Robert St – MedExpress Urgent Care

Documents:

PC REPORT.PDF
APPLICATION.PDF
FLOOR PLAN.PDF
NOTICE.PDF

- 12.B. CASE #16-09 - An Ordinance Opting-Out Of The Requirements Of Minnesota Statutes, Section 462.3593 Relating To Temporary Family Health Care Dwellings – City Of West St. Paul

Documents:

PC REPORT.PDF
ORDINANCE.PDF
LEAGUE SUMMARY.PDF

13. New Business

14. Old Business

15. Other

16. Adjourn

*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 EOE/AA*

WEST ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Hubert on Tuesday, July 19, 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 and Commissioners Fernandez, McPhillips, Leuer, Nelson, Kavanaugh, and Ramsay.

Absent:

None.

Also Present:

Assistant Community Development Director Boike, Council Liaison Bellows and Recording Secretary Dull.

APPROVE MINUTES

ON MOTION of Fernandez, seconded by Leuer, RESOLVED to approve the West St. Paul Planning Commission meeting minutes of June 21, 2016 as written.

Ayes: 7 Nays: 0 Abstain: 0

PUBLIC HEARINGS

CASE # 16-05

Application for a Conditional Use Permit to Allow for the Expansion of an Essential Service Structure (Building Expansion) at 1365 Bidwell St. – St. Paul Regional Water Services (CONT. FROM 5/17/16)

Assistant Community Development Director Boike reviewed the memo to the Commission. Included in Commissioner packets were the application, elevations, plans, and survey. Staff recommended approval of the Conditional Use Permit subject to the conditions detailed in the memo.

Commissioners had no comments due to the Committee of Adjustments' discussion resolving issues.

Chair Hubert opened the Public Hearing at 8:22 p.m. and seeing no one wishing to speak for or against the application, Chair Hubert closed the Public Hearing at 8:22 p.m.

ON MOTION by McPhillips, seconded by Kavanaugh, the Planning Commission approved Case #16-05, application for a Conditional Use Permit for an expansion of an Essential Service Structure in an R1 District at 1365 Bidwell St subject to the six conditions provided in the staff memo and adding the following two conditions:

- 7. Applicant shall include additional new landscaping in the front of the house along with landscaping on the west side; and**
- 8. Applicant must meet City requirements for all lawn maintenance**

Ayes: 7 Nays: 0 Abstain: 0

WEST ST. PAUL PLANNING COMMISSION

Meeting Minutes – July 19, 2016

Page 2

NEW BUSINESS: None.

OLD BUSINESS: None.

OTHER: None.

ADJOURNMENT: ON MOTION of Leuer, seconded by McPhillips, Commissioners RESOLVED to ADJOURN the July 19, 2016 regular meeting of the Planning Commission at 7:36 p.m.
All Ayes: 7/0

TO: Planning Commission
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: August 16, 2016
SUBJECT: Case #16-08, CUP to allow a Medical Clinic at 1963 Robert



REQUEST

MedExpress Urgent Care is requesting a Conditional Use Permit to allow a Medical Clinic at 1963 Robert St. The proposed use will occupy the southern half of the recently constructed building (Aspen Dental occupies the northern half).

Attachments:

Application Package
Notice



EXISTING LAND USES

The subject property consists of a two-tenant commercial building. All adjacent properties consist of commercial uses.

ZONING

The subject property and all adjacent properties are zoned B-3, General Business.

ANALYSIS

Zoning Ordinance

Section 153.141(i) of the Zoning Ordinance requires a Conditional Use Permit to allow a Medical Office in a B3 District (all uses in the B1 are also allowed in the B3):

153.141 CONDITIONAL USES.

Within the B-1 Limited Business District, no structure or land shall be used for the following uses, except by conditional use permit:

(l) Dental or medical office or clinic

Proposal

The applicant is proposing to occupy the remaining 4,590 sq. ft. of the recently constructed 8,190 sq. ft. building. Per the attached narrative, the proposed urgent care clinic will provide walk-in patient services that treat illnesses and injuries along with wellness and prevention services. MedExpress treats common illness, such as cold, flu, rashes, and minor surgical procedures with no overnight stays. The proposed use will be open seven days a week from 8 am to 8 pm. There will typically be 6-8 employees daily.

Parking

The approved site plan for the site includes a total of 37 parking stalls. In addition, a Variance was approved for four additional stalls (providing a total of 41 stalls for parking requirements). The existing Dental Clinic (3600 sq. ft.) requires a total of 18 parking stalls and the proposed Clinic (4,560 sq. ft.) requires a total of 23 parking stalls which equals the 41 approved stalls. In addition to the parking stalls provided on-site, parking is allowed on Crusader Ave.

According to the applicant, their clinics average around 30 patients a day (open 12 hours) which equates to 3 patients an hour. In addition, they average around 6-8 employees per 12 hour shift. As a result, Staff is not concerned about parking.

Review

Staff believes that the proposed use is a good complementary use to the existing tenant, Aspen Dental, and does not foresee any issues or conflict with adjacent uses.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a MEDICAL CLINIC in a B3 District at 1963 Robert St. subject to the following conditions:

1. The applicant shall apply for applicable building and sign permits for the tenant finish.



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

CONDITIONAL USE PERMIT APPLICATION

Filing Fee: \$275.00

(OFFICE USE ONLY)

Escrow Amount: \$400.00 (residential)
\$800.00 (commercial)

CASE NO. 16-08
DATE RECEIVED 7/22/16
RECEIPT # _____
60 DAY DATE 9/20/16

TOTAL FEES \$1,075

1. STREET ADDRESS OF PARCEL 1963 Roberts Street South
2. NAME OF APPLICANT MedExpress Urgert Care Phone # 304-282-6096
3. ADDRESS OF APPLICANT 370 Southpointe Blvd, Suite 100 Email edietz@medexpress.com
Canonsburg, PA 15317
4. NAME OF OWNER Division 25, LLC Phone # 952-897-7760
5. ADDRESS OF OWNER 4350 Baker Road, Suite 400 Email CSimmons@WelshCo.com
Minnetonka, MN 55343
6. LEGAL/PID # 424919500012
7. PRESENT ZONING B-3 – General Business
8. PROPOSED USE OF PARCEL Medical Office – walk-in doctor's office
9. ZONING SECTION AUTHORIZING CUP 153.141.(i)
10. WHAT WILL BE THE EFFECT OF THE PROPOSED USE ON THE HEALTH, SAFETY, & WELFARE OF THE OCCUPANTS IN THE SURROUNDING PARCELS? See Attached Sheet
11. WHAT WILL BE THE EFFECT ON EXISTING AND ANTICIPATED TRAFFIC CONDITIONS, INCLUDING PARKING FACILITIES ON ADJACENT STREETS? See Attached Sheet
12. WHAT WILL BE THE EFFECT OF THE PROPOSED USE ON THE COMPREHENSIVE PLAN? See Attached Sheet

**PROMOTING AND PRESERVING A COMMUNITY OF EXCELLENCE
BY THE ETHICAL, RESPONSIVE, EFFICIENT AND INNOVATIVE PROVISION OF SERVICES
EOE/AE**

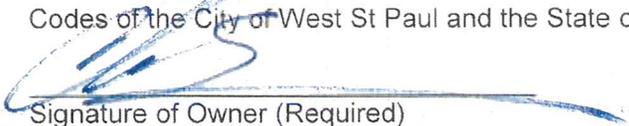
EXHIBITS REQUIRED

- 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 Conditional 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.


Signature of Owner (Required)

952-897-7760
Phone Number


Signature of Applicant (If different)

304-282-6096
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 CONDITIONAL USE PERMIT:

An approved Conditional Use Permit shall lapse and become null and void six months following the date on which the Conditional Use Permit was approved, unless prior to the expiration of six months a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the subject site, or a Certificate of Occupancy is issued by the Building Official. A Conditional Use Permit may be renewed once for a period of one year by the City Council.

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.

City of West St. Paul
1616 Humboldt Avenue
West St. Paul, MN 55118-3972
651-552-4100

Conditional Use Permit Application

Street Address: 1963 Roberts Street South

10.) MedExpress will not have any impact on the surrounding parcels. MedExpress is a commercial business use being developed in the commercial business corridor. The parcels were previously developed for commercial use. MedExpress will be a benefit to the surround community as a doctor's office that treats illnesses and injuries along with wellness services.

11.) MedExpress will have limited impact on the parking facilities and traffic. Per the Institute of Transportation Engineers' Trip Generation 9th Edition with the use of 720 Medical-Dental Office Building, MedExpress will generate 11 trips in the AM Peak Hour and 19 trips in the PM Peak Hour.

12.) MedExpress will not have any impact on the Comprehensive Plan. Medical Office is an approved Conditional Use within the B-3 – General Business zoning district.



Administrative Offices
370 Southpointe Blvd., Suite 100
Canonsburg, PA 15317

724 597 6201 - phone
724 743 1132 - fax

medexpress.com

July 22, 2016

City of West St. Paul
1616 Humboldt Avenue
West St. Paul, MN 55118
651 552-4100

Re: MedExpress West St. Paul
1963 Roberts Street South
West St. Paul, MN 55118

To Whom It May Concern,

MedExpress Urgent Care is a walk-in doctor's office that treats illnesses and injuries along with wellness and prevention services. MedExpress treats common illness, such as cold, flu, rashes, sprains, and minor surgical procedures. Enclosed with the letter is the Our Services brochure which states the services provided by MedExpress Urgent Care. All MedExpress patients are on a walk-in basis with no appointment necessary. No patients are admitted for a extend period of time and there are no overnight stays. MedExpress Urgent Care is open (7) seven days a week from the 8:00 am to 8:00 pm. MedExpress Urgent Care employs health care practitioners who engage in the general practice of medicine. There are typically 8 employees daily that work a 12 hour shift. Construction of the MedExpress Urgent Care tenant space is anticipated to start in September of 2016 with an opening in December of 2016. If you have any questions or require additional information my contact information is below.

Sincerely,

A handwritten signature in blue ink that reads 'Eric Dietz'.

Eric Dietz
MedExpress
370 Southpointe Blvd., Suite 100
Canonsburg, PA 15317
edietz@medexpress.com
304 282-6096

WE TREAT ILLNESSES AND INJURIES FOR ALL AGES

- Colds, flu and other viral illness
- Bronchitis, pneumonia and asthma
- Ear, throat and sinus infections
- Rashes, poison ivy and allergic reactions
- Nausea, vomiting, diarrhea and dehydration
- Fractures, sprains, strains and dislocations
- Minor surgical procedures and stitches
- Cuts, scrapes and splinters

WELLNESS, PREVENTION AND OTHER MEDICAL SERVICES

- Immunizations
- Flu shots
- School, sport and camp physicals
- Screenings
- X-rays, IVs and labs

OCCUPATIONAL HEALTH SERVICES

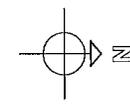
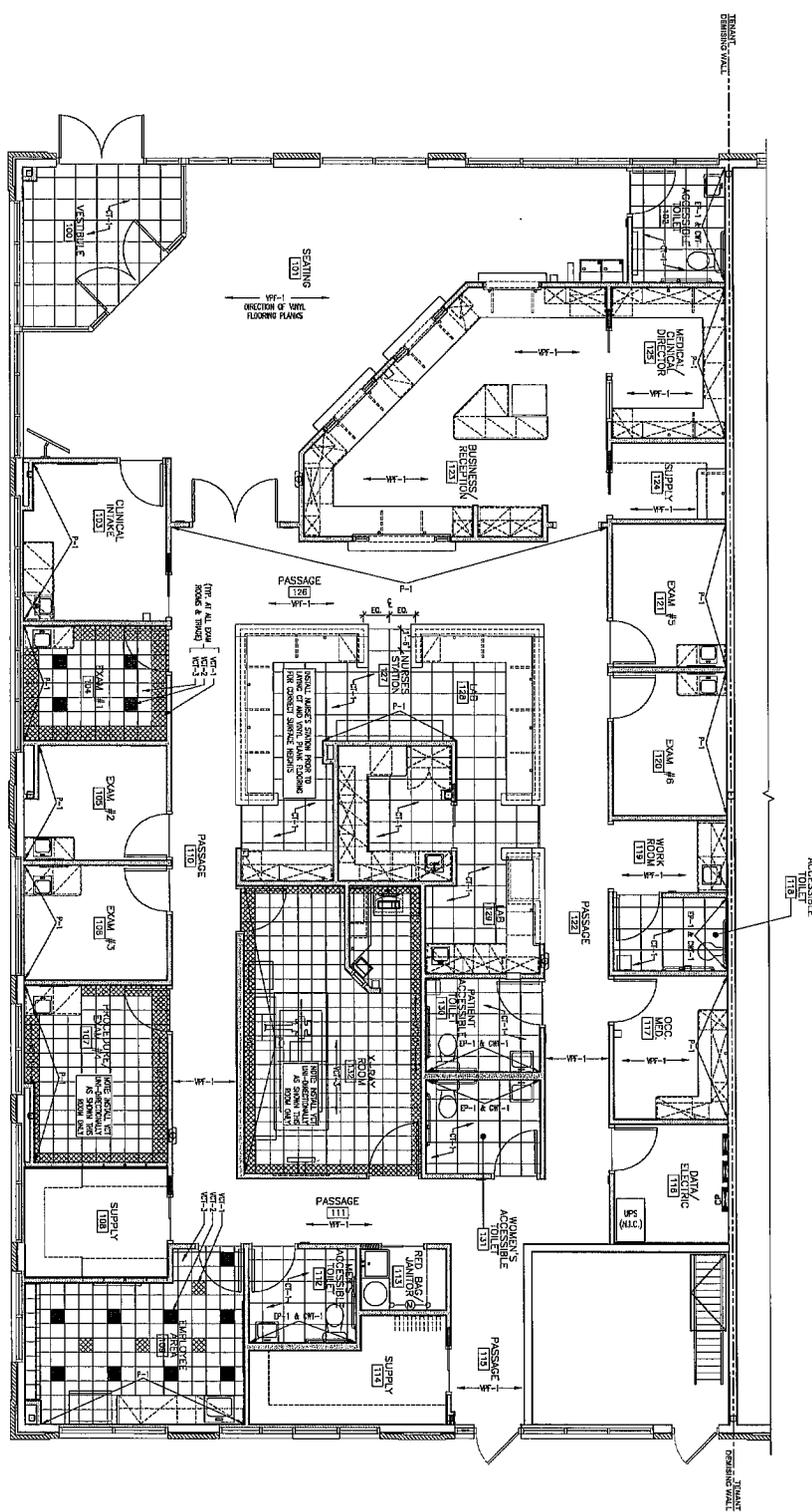
- Employer services
- Urgent care
- Injury care

CONVENIENT

- Open every day
- Most insurance accepted but not required
- Full on-site medical team
- Just walk in



medexpress.com  



ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR IN THE FIELD

SHEET NO. A-5	I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.		FLOOR & WALL FINISH PLAN R. W. LARSON ARCHITECT <small>MINNESOTA ARCHITECTS ASSOCIATION LICENSE NO. 25758</small> 22 3rd St. Suite 202 St. Paul, MN 55102 Phone: 612.339.1212 Fax: 612.339.4391 E-mail: rwl@rwlarch.com	TENANT BUILD-OUT CRUSADER AVENUE & SOUTH ROBERT STREET WEST ST. PAUL, MN 55181 FOR MEDEXPRESS 1751 EARL CORE ROAD MORGANTOWN, WEST VIRGINIA 26505	SHEET NO. A-5
	SIGNATURE: TYPED OR PRINTED NAME: RICHARD W. LARSON DATE: _____ LICENSE NUMBER: 52758	JOB NO. 16082 DATE JULY 14, 2016 VVA			

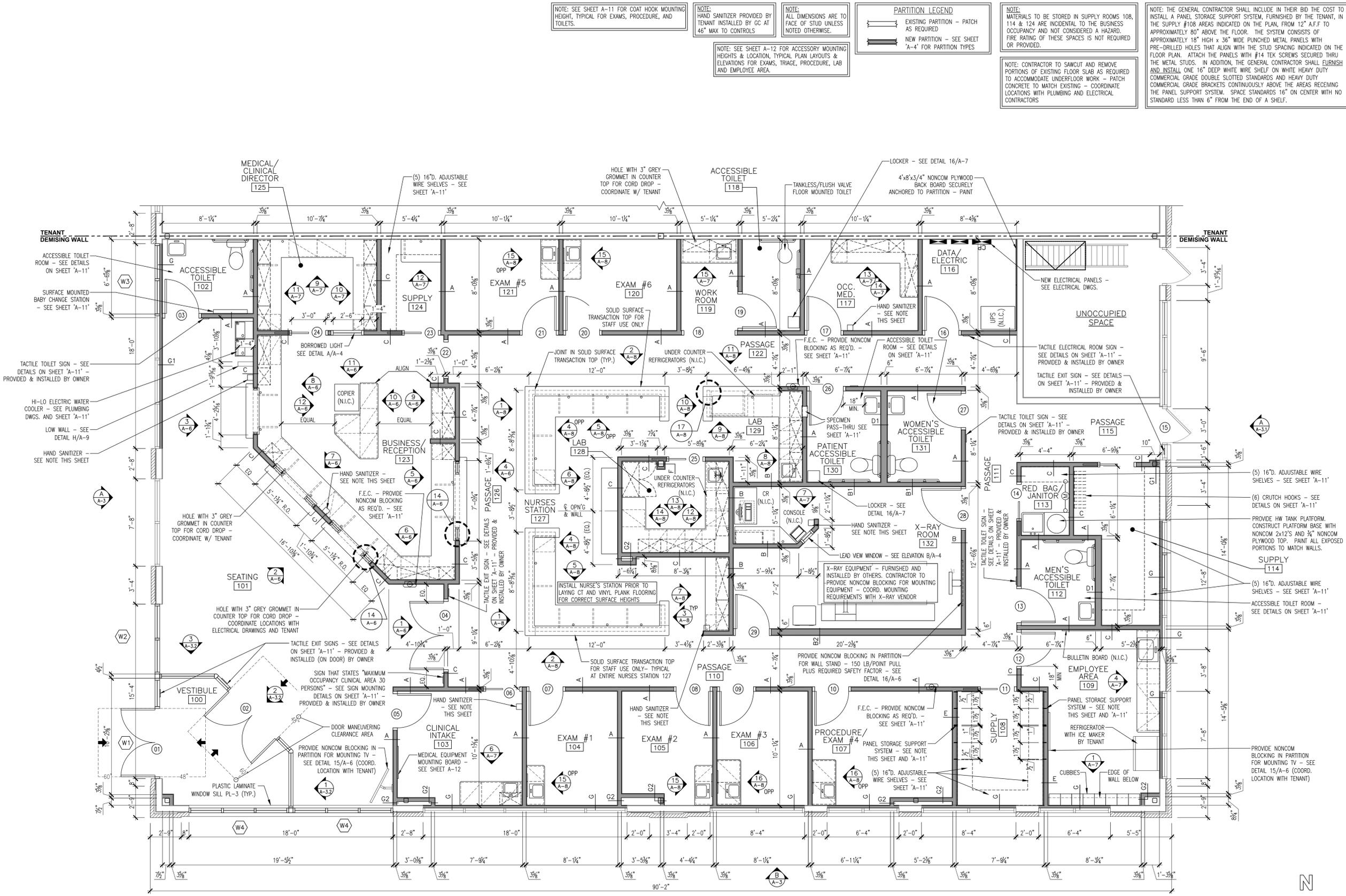
ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR IN THE FIELD

FLOOR PLAN

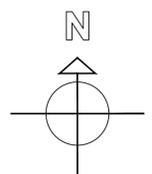
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

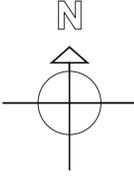
SHEET NO.

A-1



FLOOR PLAN
SCALE: 1/4" = 1' - 0"





ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR IN THE FIELD

FLOOR & WALL FINISH PLAN

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: RICHARD W. LARSON
 TYPED OR PRINTED NAME: RICHARD W. LARSON
 LICENSE NUMBER: 52758
 DATE: _____

NO.	REVISIONS	DATE

SHEET NO.

A-5

R. W. LARSON ARCHITECT ARCHITECTURAL & LANDSCAPE ARCHITECTURE

122 39th St. Building 3
 Minneapolis, MN 55412
 phone: 414.944.1533
 fax: 414.286.8984
 Pittsburgh, PA • Warren, PA

JOB NO. 16082
 DATE JULY 14, 2016
 BY VWA

TENANT BUILD-OUT

CRUSADER AVENUE & SOUTH ROBERT STREET
 WEST ST. PAUL, MN 55181

FOR MEDEXPRESS
 1751 EARL CORE ROAD
 MORCANTOWN, WEST VIRGINIA 26505

SHEET NO.

A-5

FINISH SCHEDULE									
NUMBER	AREA NAME	FLOOR	BASE	WALLS	WALL FINISH	CEILING	CEILING FINISH	CEILING HEIGHT	REMARKS
100	VESTIBULE	CT-1	WB-1	DW	P-3	ATC-1	-	10'-0"	7.16
101	SEATING	VPF-1	WB-1	DW	P-1	ATC-1	-	10'-0"	6.15
102	ACCESSIBLE TOILET	CT-1	CTB-1	DW	EP-1,2/CWT-1	ATC-1	-	8'-0"	2,7,9,11,12
103	CLINICAL INTAKE	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
104	EXAM #1	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,7,9
105	EXAM #2	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
106	EXAM #3	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,7,9,14
107	PROCEDURE EXAM #4	VCT-1,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
108	SUPPLY	VCT-3	RB-1	DW	P-2	ATC-1	-	9'-0"	2
109	EMPLOYEE AREA	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	9'-4"	2,3,7,9,13
110	PASSAGE	VPF-1	WB-1	DW	P-2	ATC-1	-	8'-0"	6,15
111	PASSAGE	VPF-1	WB-1	DW	P-2	ATC-1	-	8'-0"	15
112	MEN'S ACCESSIBLE TOILET	CT-1	CTB-1	DW	EP-1,2/CWT-1	ATC-1	-	8'-0"	2,7,9,11,12
113	RED BAG/JANITOR	VCT-3	RB-1	DW	P-2	ATC-1	-	9'-0"	1,2,4,5
114	SUPPLY	VCT-3	RB-1	DW	P-2	-	-	-	2
115	PASSAGE	VPF-1	WB-1	DW	P-2	ATC-1	-	8'-0"	15
116	DATA/ELECTRIC	VCT-3	RB-1	DW	P-2	ATC-1	-	8'-0"	8
117	OCC. MED.	VPF-1	WB-1	DW	P-1/P-2	DW	P-7	8'-0"	2,9,15
118	ACCESSIBLE TOILET	CT-1	CTB-1	DW	EP-1,2/CWT-1	DW	P-7	8'-0"	2,7,9,11,12,17
119	WORK ROOM	VPF-1	WB-1	DW	P-2	ATC-1	-	8'-0"	2,6,15
120	EXAM #6	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
121	EXAM #5	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
122	EXAM #7	VCT-1,2,3	RB-1	DW	P-1/P-2	ATC-1	-	8'-0"	2,9,10
123	BUSINESS/RECEPTION	VPF-1	WB-1	DW	P-2	ATC-1	-	8'-0"	2,6,15
124	SUPPLY	VPF-1	WB-1	DW	P-2	ATC-1	-	9'-0"	2,15
125	MEDICAL/CLINICAL DIRECTOR	VPF-1	WB-1	DW	P-1/P-2	ATC-1	-	9'-4"	2,9,15
126	PASSAGE	VPF-1	WB-1	DW	P-1/P-2	ATC-1	-	10'-0"	6,9,15
127	NURSES STATION	CT-1	WB-1	DW	P-2	ATC-1	-	10'-0"	2,6,7,9,15
128	LAB	CT-1	WB-1	DW	P-2	ATC-1	-	8'-0"	2,7,15
129	LAB	CT-1	WB-1	DW	P-2	ATC-1	-	8'-0"	2,6,7,15
130	PATIENT ACCESSIBLE TOILET	CT-1	CTB-1	DW	EP-1,2/CWT-1	ATC-1	-	8'-0"	2,7,9,11,12,17
131	WOMEN'S ACCESSIBLE TOILET	CT-1	CTB-1	DW	EP-1,2/CWT-1	ATC-1	-	8'-0"	2,7,9,11,12
132	X-RAY ROOM	VCT-1,3	RB-1	DW	P-1/P-2	ATC-1	-	9'-0"	2,7,9,14

FINISH COLOR AND MATERIAL SCHEDULE	
PAINT	
P-1/EP-1	BENJAMIN MOORE, CLASSIC COLORS, # 1495 OCTOBER MIST
P-2/EP-2	BENJAMIN MOORE, CLASSIC COLORS, # 1493 MORNING DEW
P-3	BENJAMIN MOORE, #2163-30 PENNY
P-4	BENJAMIN MOORE, SUPER WHITE
P-5	CUSTOM PAINT & PRIMER FROM DSI (800-745-1778) COLOR: DOVER BLACK
P-6	SHERWIN WILLIAMS SW6126 NAVAHO WHITE
P-7	SHERWIN WILLIAMS SW7007 CEILING BRIGHT WHITE
STAIN	
S-2	RED TUSCANY - SEE NOTE #1
S-3	STAIN TO MATCH BAMBOO
FLOORING	
VCT-1	ARMSTRONG IMPERIAL TEXTURE STANDARD EXCELON, VINYL COMPOSITION TILE, TEA GREEN #51872, 12" X 12", 1/8" GAUGE, (BORDER)
VCT-2	ARMSTRONG IMPERIAL TEXTURE STANDARD EXCELON, VINYL COMPOSITION TILE, CAYENNE RED #51943, 12" X 12", 1/8" GAUGE, (ACCENT TILE)
VCT-3	ARMSTRONG IMPERIAL TEXTURE STANDARD EXCELON, VINYL COMPOSITION TILE, FORTRESS WHITE #51839, 12" X 12", 1/8" GAUGE, (OVERALL)
CT-1	AMERICAN OLEAN SHADOW BAY COLOR: BEACH SAND SH5118181P6, 18" X 18" SIZE CUSTOM BUILDING PRODUCTS GROUT #156 FAWN.
VPF-1	LUXURY VINYL TILE PLANK FLOORING; CLASSIC PLANK BAMBOO BY TANDUS-CENTIVA, PRODUCT CODE X2869, PROVIDE SCHLUTER MODEL #AEU100 OR #AE100 OR EQUAL TRANSITION STRIP FROM CT-1 TO VPF-1.
CEILING	
ATC-1	24"x24"x5/8" DUNE No. 1774 AS MANUFACTURED BY ARMSTRONG WORLD INDUSTRIES, INC.
WALL TILE	
CWT-1	AMERICAN OLEAN BRIGHT GLAZED WALL TILE, GLOSS ALMOND 0012, 6" X 6" SIZE W/ 2" X 6" BULLNOSE AT TOP - TO 4'-0" A.F.F. CUSTOM BUILDING PRODUCTS GROUT #10 ANTIQUE WHITE
BASE	
CTB-1	AMERICAN OLEAN, 6"x6" CERAMIC TILE THIN LIP COVE BASE, GLOSS ALMOND 0012
RB-1	4" JOHNSONITE WALL BASE, COLOR: 73 - PALM LEAF
WB-1	9/16" X 3 1/4" STANDARD COLONIAL PROFILE PRIMED FIBERBOARD AS AVAILABLE FROM HOME DEPOT SKU #549391 - PAINT SHERWIN WILLIAMS - COLOR: SUPER WHITE, SEMI GLOSS ENAMEL
TRIM	
WC-1	WOOD CASING 1 1/2" X 2 1/2" WIDE PRE-PRIMED WOOD, STANDARD COLONIAL PROFILE AS AVAILABLE FROM HOME DEPOT SKU #711707 - PAINT SHERWIN WILLIAMS - COLOR: SEE SCHEDULE, SEMI GLOSS ENAMEL

CONTACT LOCAL ARMSTRONG DISTRIBUTOR FOR CEILING AND FLOORING PRICING AND REQUEST MEDEXPRESS CSA PRICING.

CASEWORK	
PL-1	WILSONART LAMINATE, "GREEN TIGRIS" 4667-60. TYPICAL AS OVERALL LAMINATE COLOR FOR VERTICAL AND HORIZONTAL SURFACES.
PL-2	NEVAMAR, ARMORED PROTECTION "RED HOT ALLUSION TEXTURED" ALR003T. ACCENT COLOR REVEAL, BASE, ETC ON CABINETRY. REFER TO ELEVATIONS FOR PLACEMENT.
PL-3	WILSONART LAMINATE, "GRAPHITE NEBULA" 4623-60. TYPICAL AT WINDOW SILLS.
SS-1	LG HI-MACS VOLCANICS, STELLER VR21 SOLID SURFACE- TRANSACTION TOPS SEE DETAILS ON SHEETS A-8 & A-9

NOTES:
1. MEDICINE UNIT SHALL BE FABRICATED FROM DISTRESSED PINE. WOOD TO BE FINISHED TO APPEAR OLD/DISTRESSED WITH KNICKS/IMPERFECTIONS ON ALL SURFACES. COLOR: RED TUSCANY. THREE STEP PROCESS OVERALL, TUSCAN RED PAINT/STAIN COLOR, SHADING PAINT, APPLY WAX AFTER PAINT/STAIN HAS DRIED. BUFF FOR FINAL STAIN FINISH (NO SHINE).
2. ALL PAINT MATERIALS SHALL BE AS MANUFACTURED BY SHERWIN-WILLIAMS CO., CLEVELAND, OHIO, UNLESS OTHERWISE NOTED. NO SUBSTITUTIONS PERMITTED. SEE SPECIFICATIONS.
3. PAINT COLORS LISTED ON THIS SCHEDULE INDICATE OTHER MANUFACTURERS. CONTRACTORS SHALL COLOR MATCH THESE MANUFACTURERS TO SHERWIN-WILLIAMS.
4. FLOOR FINISHES SHALL EXTEND UNDER CASEWORK, SHELVEING, LAVATORIES, ETC. AS REQUIRED WHERE THEY DO NOT EXTEND TO THE FLOOR.
5. WAX VCT FLOORS - GLOSS FINISH

INTERIOR FINISH FLAME SPREAD AND SMOKE DEVELOPED REQUIREMENTS	
PER THE ICC CODE, IN ACCORDANCE WITH TABLE 803.9 "INTERIOR WALL AND CEILING FINISH REQUIREMENTS BY OCCUPANCY, THE FOLLOWING REQUIREMENTS SHALL BE MET FOR ALL FURNISHED AND INSTALLED FINISHED MATERIALS, FOR USE GROUP B, NOT SPRINKLERED:	
EXIT ENCLOSURES & EXIT PASSAGEWAYS	CLASS "A" FLAME SPREAD 0-25, SMOKE-DEVELOPED 0-450 (MINIMUM)
CORRIDORS	CLASS "B" FLAME SPREAD 26-75, SMOKE-DEVELOPED 0-450 (MINIMUM)
ROOMS & ENCLOSED SPACES	CLASS "C" FLAME SPREAD 76-200, SMOKE-DEVELOPED 0-450 (MINIMUM)

- FINISH REMARKS:
- FRP FULL HEIGHT BEHIND AND ON SIDES OF MOP BASIN.
 - G.C. TO PROVIDE WOOD NONCOM BLOCKING FOR WALL HUNG ACCESSORIES A CASEWORK.
 - FIRE EXTINGUISHER & CABINET - SEE PLAN FOR LOCATION. SEE SECTION ON "A-11" FOR MOUNTING REQUIREMENTS.
 - ONE FIXED SHELF ABOVE MOP BASIN.
 - MOP/BROOM HOLDER AT RED BAG/JANITOR ROOM.
 - PAINT ALL DRYWALL SOFFITS AND DRYWALL BULKHEADS P-1.
 - SEE FINISH PLAN THIS SHEET FOR FLOOR PATTERN LAYOUT.
 - G.C. SHALL PROVIDE AND INSTALL 3/4" PLYWOOD PANELS FOR TELEPHONE AND/OR ELECTRICAL EQUIPMENT.
 - SEE FINISH PLAN THIS SHEET FOR LOCATIONS OF ACCENT WALL PAINT COLOR
 - SEE EXAM #1 (ROOM 104) FOR TYPICAL EXAM ROOM FLOOR PATTERN LAYOUT.
 - SEE FINISH PLAN THIS SHEET FOR LOCATIONS OF CERAMIC WALL TILE.
 - SEE DETAILS B, C, D/A-11 FOR ACCESSORY MOUNTING HEIGHTS.
 - CONTINUE FLOOR PATTERN UNDER OPEN COUNTER AND SINK CABINET.
 - INSTALL VCT FLOOR UNI-DIRECTIONALLY.
 - PAINT WOOD BASE (WB-1) P-4 SUPER WHITE.
 - PAINT WOOD BASE (WB-1) AT VESTIBULE P-6 NAVAHO WHITE.
 - INSTALL ARMSTRONG 414 RETENTION (HOLD DOWN) CEILING CLIPS.
 - INSTALL 3/8" UNFACED SOUND BATT INSULATION ABOVE CEILING - SEE SPEC

- ABBREVIATIONS:
- ATC ACOUSTIC TILE CEILING - SEE SPECS.
 - CT-# CERAMIC TILE
 - CWT-# CERAMIC WALL TILE
 - CTB-# CERAMIC TILE BASE
 - DW EXISTING/NEW DRYWALL
 - EX EXISTING
 - FRP FIBER REINFORCED POLYESTER PANEL
 - P-# PAINT
 - EP-# EPOXY PAINT
 - RB-# RUBBER BASE
 - S-# STAIN
 - VCT-# VINYL COMPOSITION TILE
 - WB-# WOOD BASE
 - VPF-# VINYL PLANK FLOORING

GENERAL NOTES:
ALL WALL SURFACES TO BE PAINTED SHALL BE CLEANED AND PREPARED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS FOR EACH SUBSTRATE CONDITION. ALL WALL SURFACES SHALL RECEIVE ONE COAT OF PRIMER AND TWO COATS OF PAINT. SAMPLES OF ALL COLORS OF PAINT TO BE USED ARE TO BE SUBMITTED TO ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO COMMENCING WITH THE SCOPE OF WORK.

- ALL WALL PAINT SHALL BE EGGSHELL FINISH.
- ALL WOOD TRIM, CASINGS, DOOR FRAMES, ETC. SHALL BE SEMI-GLOSS ENAMEL.
- ALL PAINT WITHIN RESTROOMS AND JANITOR'S CLOSET SHALL BE EPOXY PAINT FLOOR TO CEILING.
- ALL PAINT ON SOFFIT/CEILING SHALL BE EGGSHELL FINISH.

SUBFLOOR PREP NOTE:
THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REVIEWING THE EXISTING CONCRETE SUBFLOOR CONDITIONS AND INCLUDING IN THEIR BID, ALL REQUIRED FLOOR PREP, PATCHING MATERIALS AND LABOR NECESSARY TO PROPERLY INSTALL THE SPECIFIED FLOOR FINISHES.

ALL DIMENSIONS AND EXISTING CONDITIONS SHALL BE CHECKED AND VERIFIED BY THE CONTRACTOR IN THE FIELD
FLOOR & WALL FINISH SCHEDULES

SHEET NO.	A-5.1	
	TENANT BUILD-OUT CRUSADER AVENUE & SOUTH ROBERT STREET WEST ST. PAUL, MN 55181	
SHEET NO.	A-5.1	
	MEDEXPRESS 1751 EARL CORE ROAD MORGANTOWN, WEST VIRGINIA 26505	
128 396 St. Building 3 Pittsburgh, PA 15213 phone 412.586.4984 fax 412.586.4984 Pittsburgh, PA - Warren, PA	R. W. LARSON ARCHITECT ARCHITECTURAL & LANDSCAPE ARCHITECTURE P.O. BOX 1000 Pittsburgh, PA 15213	
JOB NO.	16082	DATE
TYPED OR PRINTED NAME:	RICHARD W. LARSON	DATE
LICENSE NUMBER:	52758	DATE
NO.	REVISIONS	DATE

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

TO WHOM IT MAY CONCERN:

The listed item below will be public hearing at the Planning Commission meeting on August 16, 2016 at 7:00 p.m. and a public hearing at the Council meeting on August 22, 2016 at 6:30 p.m.:

Case #16-08 – Application for a Conditional Use Permit to allow a Medical Clinic in a B3 District at 1963 Robert St. – MedExpress Urgent Care

Interested persons will be heard at the meetings to be held at City Hall, 1616 Humboldt Avenue, West St. Paul. 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: August 7, 2016

TO: Planning Commission
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: August 16, 2016
SUBJECT: Ordinance Amend. – Temporary Family Health Care Dwellings



City of West St. Paul

CASE #16-09 - An Ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593 relating to Temporary Family Health Care Dwellings – City of West St. Paul

BACKGROUND:

Per the attached summary provided by the League of MN Cities, the State Legislature recently passed a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary health care dwelling. The bill essentially requires all cities to allow mobile dwelling units (300 sq. ft. or less) on residential properties as a permitted use to provide temporary housing for “mentally or physically impaired” relatives. The bill does allow cities the ability to “opt out” of the requirement by passing an ordinance.

Staff discussed the bill with Council at a recent work session. Council directed Staff to draft the attached ordinance amendment to opt out of the requirement. Since the law goes into effect September 1, 2016, Council reviewed and passed the first reading at their August 8, 2016 meeting. The final reading is scheduled for the August 23, 2016 Council meeting.

RECOMMENDATION:

Hold public hearing and recommend approval of the amendment.

ATTACHMENTS:

Draft Ordinance
Public Notice
League of MN Cities Summary

TIMELINE:

Aug. 8: CC first reading
Aug. 16: PC public hearing
Aug. 22: CC final reading (public hearing)

Ord. No. 16-

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

**AN ORDINANCE OPTING-OUT
OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings; and

WHEREAS, subdivision 9 of Minn. Stat. § 462.3593 allows cities to “opt out” of those regulations.

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of West St. Paul opts out of the requirements of Minn. Stat. § 46.3593, which defines and regulates Temporary Family Health Care Dwellings.

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 22nd day of August, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. Cities may want to consider the below when analyzing whether or not to opt out:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.
- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

individual's power of attorney sign the permit application or a consent to release his or her data.

- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect September 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances. By September 1, 2016, however, cities will need to be prepared to accept applications, must have determined a permit fee amount⁴ (if the city wants to have an amount different than the law's default amount), and must be ready to process the permits in accordance with the short timeline required by the law.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”⁷
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

⁸ The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings. However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city’s other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame for which the local governmental unit has to make a decision on granting the permit. Due to the time sensitive

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

nature of issuing a temporary dwelling permit, the city has only 15 days (rather than 60 days) (no extension is allowed) to either issue or deny a permit. The new law waives the public hearing requirement and allows the clock to restart if a city deems an application incomplete. If a city deems an application incomplete, the city must provide the applicant written notice, within five business days of receipt of the application, telling the requester what information is missing. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state “that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living”, without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhofer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.