



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

COMMITTEE OF ADJUSTMENTS/
PLANNING COMMISSION MEETING

MUNICIPAL CENTER COUNCIL CHAMBERS
SEPTEMBER 18, 2018
7:00 P.M.

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. PC Minutes 8-21-18
Documents:
[08-21-18 PC MINUTES.PDF](#)
 12. Public Hearings
 - 12.A. PC Case #18-17 - Zoning Code Amendment To Allow Temporary Homeless Shelters Through An Interim Use Permit In The R1 And B3 Districts - City Of West St. Paul
(CONTINUED FROM AUGUST 21, 2018)

Documents:

PC REPORT.PDF
ORDINANCE 8-28-18.PDF

13. New Business

14. Old Business

15. Other

15.A. Environmental Committee Liaison

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 Kavanaugh on Tuesday, August 21 at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

ROLL CALL

Commissioners Present: Stevens, Franzmeier, McPhillips, Chair Kavanaugh, Strohmeier, and Green.

Absent:

Commissioner Leuer

Also Present:

Assistant Community Development Director Ben Boike, Community Development Coordinator Melissa Sonnek, City Council Liaison Ed Iago, Recording Specialist Alex Eveland.

ADOPT MINUTES

None to ADOPT

PUBLIC HEARINGS

PC Case #18-15 - Conditional Use Permit to allow a Learning Center (Massage Therapy) in a B4 District at 1891 Robert St. (Massage Spa) - Fengze Sun

Community Development Coordinator Melissa Sonnek presented the staff report.

- Applicant Ms. Fengze Sun is proposing to start a massage therapy learning center called Sunrise Center in the 1,600 sq. ft of unutilized space of Amazing Spa, and possibly expand it to cosmetic related courses in the future.
- This proposal meets the Zoning code requirement for parking.
- Amazon Spa is in good standing with their current license.

Community Development Coordinator Melissa Sonnek recommended approval, provided the applicant meets the following conditions:

1. Obtains all applicable building and sign permits,
2. Maintains an annual city license for massage business
3. Ensures that training instructors have personal massage therapy license
4. Obtains proper Accreditation from the State of Minnesota
5. Maintains records of employees, students and course timing for review and/or audit by relevant authority.

Chair Kavanaugh asked how the City regulates the massage business?

- Massage Therapy licensing is done through the Police Department. The City limits the number to 20 individual massage therapy licenses. WSP has currently 14 massage therapy licenses given to individuals.

The applicant asked the Board if Sunrise Center is required to obtain another Massage business license.

- Assistant Community Development Director Ben Boike clarified that while Sunrise Center can operate its massage business under the Amazing Spa's existing license, it is required that each instructor who will be performing hands teaching are required to obtain their individual massage therapy license.

The applicant asked if she would have to obtain the license in her name as it has not been determined yet as to who would own or manage Sunrise Center.

- Assistant Community Development Director Ben Boike clarified that the Police Department will have to verify this.

Commissioner McPhillips asked if Sunrise Center can provide accreditation to students so to gain a license to practice massage therapy.

- The applicant answered that if Sunrise Center gets its recognition/license from MN Office of Higher Education, then students will be accredited and can apply for licenses.

ON MOTION to APPROVE Conditional Use Permit by Commissioner McPhillips, seconded by Commissioner Franzmeier, Commissioners RESOLVED to APPROVE and the proposal will be included in the City Council Meeting on Monday, August 27, 2018. Motion approved 6-0.

PC Case #18-16 - Site Plan Approval For The Exterior Remodel Of 1273 Robert St. (McDonald's) - Kevin Shay, Landform, LLC

Assistant Community Development Director Ben Boike presented the staff report.

Since 1273 Robert Street is an existing building, the additional changes to the parking lot included in the site plan do not require a formal review. At this meeting, only the section on exterior re-modelling of the building and trash enclosures will be discussed.

- The proposed site plan meets the 60% primary/secondary building material code requirements.
- The west and south elevation are not required to meet the 40% window coverage as these walls do not overlook an open space, parking lot or the street.
- The plan meets 40% window coverage code requirements on the east elevation.
- However, the north elevation which faces the parking lot, does not have 40% window coverage.

Kevin Shay of Landform LLC, requested the Board to remove the condition of meeting the 40% window coverage requirement on the northern elevation since the interior layout of the store on the north are its operational areas; namely, storage, freezer, cooler. Also, making structural changes to include additional windows will not be feasible within the scope of the current remodeling project.

Assistant Community Development Director Ben Boike recommended approval of the site plan since legally McDonald's are within their legal right to remodel the exterior of an existing building without making structural changes to the interior of the facility itself.

In future if McDonald LLC makes internal structural changes, they will have to meet the 40% window coverage code to the northern elevation.

Per condition 2c of the staff recommendation on the proposed site plan, McDonald's will make updates to the trash enclosures to match the re-modelled building exterior.

ON MOTION to APPROVE Site Plan for the exterior remodeling of the building, remove item 2b (40% window coverage code on the north elevation) and add condition 2c (Trash enclosures to match the exterior of the building) by Commissioner McPhillips, seconded by Commissioner Stevens, Commissioners RESOLVED to APPROVE and will be included in the City Council Meeting on Monday, August 27, 2018. Motion approved 6-0.

PC Case #18-17 - Zoning Code Amendment to allow Temporary Homeless Shelters through an Interim Use Permit in the R1 and B3 Districts - City of West St. Paul

ON MOTION to CONTINUE by Commissioner McPhillips, seconded by Commissioner Stevens, Commissioners RESOLVED to continue discussion on September 18, 2018 at the regular meeting of the Planning Commission at 7:00 PM. Motion approved 6-0.

NEW BUSINESS

No new business

OLD BUSINESS

No old business

ADJOURNMENT:

ON MOTION by Commissioner McPhillips, seconded by Commissioner Green, Commissioners RESOLVED to ADJOURN the August 21, 2018 regular meeting of the Planning Commission at 7:35 PM. Motion approved 6-0.

*Prajacta (Alex) Eveland
Recording Specialist*

To: **Planning Commission**
From: **Ben Boike, Assistant Comm. Dev. Dir.**
Date: **September 18, 2018**

PC Case #18-17: Zoning Code Amendment regarding Temporary Homeless Shelters (CONT. FROM AUGUST 21, 2018)

REQUEST:

The City Council has directed Staff to proceed with the attached draft ordinance that would allow temporary homeless shelters in the R1 and B3 districts through an Interim Use Permit (IUP). The proposed ordinance is in response to an operator that provided temporary homeless shelters in two churches last winter. The zoning ordinance does not currently have language regulating this use.

If the draft amendment is approved, the IUP process requires an annual application through the City. The first application would require Planning Commission and Council review with subsequent years allowing for administrative review if the application is identical to the previous year and if there were no issues during the previous year.

In addition to requiring an IUP, the proposed language would require the following requirements in the R1 districts:

- (1) The principal use on the site is not a single-family or two-family use;
- (2) The interim use is accessory to the principal use on the site and is located within an existing structure;
- (3) The interim use is only operated as a temporary residential housing for the homeless use from November 1 through May 1;
- (4) The interim use is only operated for 30 consecutive days and no more than 60 days total during the permitted months identified above;
- (5) A fire inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Fire Department;
- (6) A building code inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Building Official;
- (7) The number of temporary residential occupants allowed shall be determined by the Fire Marshal pursuant to the Fire Code;
- (8) The interim use is operated by a Minnesota non-profit corporation who has a contract to operate such services through Dakota County Social Services;
- (9) The principal use and the interim use shall possess all federal, state and local licenses and permits required prior to occupancy of the interim use.

Shelters would be required to meet the same requirements outlined above in the B3 districts (Augustana Lutheran Church). In addition, in the B3 districts, the principal use on the site cannot be single-family, a business or a commercial use.

RECOMMENDATION:

Hold public hearing and recommend approval of the amendment.

ATTACHMENTS:

Draft Ordinance

TIMELINE:

September 18: Planning Commission Recommendation

September 24: City Council First Reading

October 8: City Council Second Reading (public hearing)

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

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE WEST ST. PAUL ZONING CODE ALLOWING
TEMPORARY RESIDENTIAL HOUSING FOR THE HOMELESS
AS AN INTERIM USE**

The City of West Saint Paul does ordain:

SECTION 1. West St. Paul Zoning Code Section 154.004 regarding DEFINITIONS is hereby AMENDED to add the following definition:

TEMPORARY RESIDENTIAL HOUSING FOR THE HOMELESS. Temporary residential housing for groups of people who are part of a temporary residential housing for the homeless program located within an existing structure of the principal use, intended for a limited period of time.

SECTION 2. West St. Paul Zoning Code Section 153.054 relating to temporary residential housing residential housing is hereby ENACTED as follows:

153.054 INTERIM USES.

Within any R-1A One-Family Use District, the following uses shall be interim uses:

(A) Temporary residential housing for the homeless provided that it meets the following conditions:

- (1) The principal use on the site is not a single-family or two-family use;
- (2) The interim use is accessory to the principal use on the site and is located within an existing structure;
- (3) The interim use is only operated as a temporary residential housing for the homeless use from November 1 through May 1;
- (4) The interim use is only operated for 30 consecutive days and no more than 60 days total during the permitted months identified above;
- (5) A fire inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Fire Department;
- (6) A building code inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Building Official;
- (7) The number of temporary residential occupants allowed shall be determined by the Fire Marshal pursuant to the Fire Code;
- (8) The interim use is operated by a Minnesota non-profit corporation who has a contract to operate such services through Dakota County Social Services;

(9) The principal use and the interim use shall possess all federal, state and local licenses and permits required prior to occupancy of the interim use.

SECTION 3. West St. Paul Zoning Code Section 153.069 relating to temporary residential housing for the homeless is hereby ENACTED as follows:

153.069 INTERIM USES.

Within any R-1B One-Family Use District, the following uses shall be interim uses:

(A) Temporary residential housing for the homeless provided that it meets the conditions outlined in §153.054 (A).

SECTION 4. West St. Paul Zoning Code Section 153.084 relating to temporary residential housing for the homeless is hereby ENACTED as follows:

153.084 INTERIM USES.

Within any R-1C One-Family Use District, the following uses shall be interim uses:

(A) Temporary residential housing for the homeless provided that it meets the conditions outlined in §153.054 (A).

SECTION 5. West St. Paul Zoning Code Section 153.172 related to temporary residential housing for the homeless is hereby AMENDED as follows:

153.172 INTERIM USES.

Within the B-3 General Business District, the following uses shall be interim uses:

(A) Any interim use regulated in the B-2 District, §153.157, provided that it meets the following conditions:

- (1) 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.
- (2) 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.
- (3) Off-street parking required for the sales area shall be one space per 150 square feet of sales area.

(B) Temporary residential housing for the homeless provided that it meets the conditions outlined in §153.054 (A) and that the principal use on the site is not a single-family, business or commercial use.

SECTION 6. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance allows for temporary residential housing for the homeless as an interim use from November 1 through May 1 as long as it is located in non-single-family and non-commercial uses in the R1 and B3 zoning districts and operates for no more than 30 consecutive days and 60 days total from November 1 through May 1.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2018.

Ayes:

Nays:

Attest:

Jenny Halverson, Mayor

Shirley R. Buecksler, City Clerk