

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

RESOLUTION NO. 21-

**RESOLUTION MEMORIALIZING THE FINDINGS OF FACT AND REASONS
FOR DENIAL RELATING TO THE CONDITIONAL USE PERMIT
APPLICATION FOR A MEDICAL OFFICE USE: A CHEMICAL
DEPENDENCY RECOVERY PROGRAM IN A B1 DISTRICT
AT 34 MORELAND AVENUE EAST**

WHEREAS, a conditional use permit application for a medical office use, specifically a chemical dependency recovery program (“Requested Use”), has been submitted to the City for the property located at 34 Moreland Avenue East (“Property”) by Steve Wallin (“Applicant”); and

WHEREAS, a public hearing concerning the conditional use permit was held before the West St. Paul Planning Commission (“Planning Commission”) on August 17, 2021, and the Planning Commission recommended the City Council of West St. Paul (“City Council”) approve the conditional use permit; and

WHEREAS, at the City Council meeting on August 23, 2021, the City Council voted to table the conditional use permit application, requesting additional information regarding the safety and compatibility of the Requested Use with other uses on the Property, an investigation of possible illegal uses currently operating on the Property, and an investigation for possible building safety violations; and

WHEREAS, a public hearing concerning the conditional use permit was held before the City Council on September 13, 2021; and

WHEREAS, based on the additional information obtained by West St. Paul City Staff (“City Staff”), City Staff is now recommending denial of the conditional use permit due to the public health, safety and welfare concerns related to the incompatibility of the requested use with uses already existing in the building. Specifically, City Staff believes the application should be denied for the following reasons:

1. The Requested Use is not compatible with the Silver and Gold Exchange, a precious metals dealer currently operating out of the adjacent suite, particularly with no safety or security plan.
2. The Requested Use is not compatible with the Applicant’s concurrent conditional use permit application requesting an autism intervention program for young children given the building’s physical configuration and a lack of a safety or security plan between the uses.

3. The Applicant is operating an illegal use on the Property; retail sales is not a permitted use in the B1 zoning district and there is an existing retail use in the building.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that the conditional use permit for medical office use as a chemical dependency recovery program located at 34 Moreland Avenue East, is hereby denied for the following findings of fact and reasons:

1. The Requested Use is not compatible with the Silver and Gold Exchange, a precious metals dealer currently operating out of the adjacent suite, particularly with no safety or security plan.
2. The Requested Use is not compatible with the Applicant's concurrent conditional use permit application requesting an autism identification and therapy program for young children given the building's physical configuration and a lack of a safety or security plan between the uses.
1. The Applicant is violating the zoning code by allowing a retail use in the B1 zoning district.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 13th day of September, 2021.

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk