

WEST. ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Kavanaugh on Tuesday, September 17th, 2019 at 7:00 p.m. in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118.

ROLL CALL

Dan McPhillips, Lisa Stevens, Maria Franzmeier, Morgan Kavanaugh, Samantha Green, Peter Strohmeier.

Also Present:

Melissa Sonnek, Community Development Coordinator; Ben Boike, City Planner; John Justen, City Council Liaison, Ashley Hoffman, Recorder

Adopt Minutes

Regular minutes from July 16th, 2019. Franzmeier ordered motion to approve; Stevens seconded motion. Minutes were approved at 7:03 p.m.

COMMITTEE OF ADJUSTMENTS

[PC Case 19-08 – Rezoning, Conditional Use Permit, Site Plan review, and Preliminary/Final Plat to allow a 32-unit Retirement Home facility \(memory care/assisted living\) at 938 Robert St. – Hampton Companies](#)

Community Development Coordinator Melissa Sonnek delivered staff presentation of proposal. Discussion of surrounding area and their zone specifications. Rezone to a PRD (planned residential development) while still maintain B5 zoning; change intended to increase density in area. 2040 comp plan calls for more units per acre; staff believes this project aligns with long-term goals of city's 2040 comprehensive plan and is comfortable approving the increased density. All proposed setbacks of the building and parking lot meet code minimums except the south building setback; the southeast corner of the building. Typically the B5 district recommends a 20-ft setback but the applicant is proposing a 3.69 ft setback; however a PRD allows variation. Parking requirements are similar to hospital 1 stall for 3 beds. Facility proposal exceeds. Proposed access would be off Hascal St. and alleyway about a residential alleyway – needs approval for public use. Metro transit stop at southwest corner. As a condition of approval, staff recommends lighting does not exceed zero foot candles at all abutting property lines. Regarding landscaping, code requires that if there is any tree removal, there must be a 30% replacement. Proposal includes 120 trees, replacement would require 16 new trees, applicant is proposing 26 new trees. Development is exceeding minimum requirements in landscaping. Environmental committee approves plan. As a condition of approval city staff requires following recommendations set by environmental committee including use of pollinator friendly native plants that are not treated with neonicotinoids. Additional landscaping includes screening – significant amount on east side. Staff recommends as a COA a 6-ft fence along east property line. Construction Materials – stone siding, glass. Trash enclosure – code does allow for proposed location but since it does abut a public road; additional screening is required. Staff is requiring as a COA that trash enclosure meets code – as well as signage. Proposal is disturbing

more than 1-acre of land, regarding drainage, staff is requiring as a COA all recommendations from city engineer prior to obtaining proper building permits. Applicant is applying preliminary and final plat review for parcel which includes platted and unplatted land totaling 3.26 acres. Staff is recommending as COA a plat plan and submit to Dakota county. MNDOT reviewed proposal and required adherence all recommendations of letter from them. Staff is recommending approval of rezoning application, site plan, conditional use permit, and preliminary and final plat review subject to several conditions.

Commissioner Franzmeier asked what does high level care vs institutional care. Sonnek answered this includes several amenities, including an enclosed patio. 2nd question regards site plan, what is secondary access point – is that a road? Sonnek says it's a glorified dirt road – it's an alleyway that has a primary access point. 3rd question was about how MNDOT reviewed: any concerns with road regarding minimal setback? Staff doesn't foresee that being an issue. Fire dept reviewed proposal too. 4th question was if there was any concern with applicant and neighbors regarding alleyway? City Planner Ben Boike said no issue with applicant; only meet the condition of approval. Commissioner Strohmeier questioned whether there was really no concern about 3.69 ft setback? Is that because it's on a city road – drainage, stormwater, sewer? Boike said a B5 district requires a 10 to 40 ft setback – not that much difference. Plus this site has 3 street sides. Hascal st. is in rear – reviewed it with engineering and fire dept, no concern with proposed setback. DARTS came within 5 ft, no concern. Franzmeier said DARTS is not built yet. Strohmeier says deviation is a concern. Commissioner Stevens asked about intent of the code. Boike said intent was about having the building in the front and parking in the rear. Kavanaugh clarified that there's no parking requirements? Boike said no mandated minimum – similar requirement is hospitals which require 1 stall per 3 beds.

Public Hearing:

Joel Larson, CEO of Suite Living and Hampton Companies. Applicant commented on proposal. Regarding new building, company has several facilities around the Twin Cities. They build them, maintain them, and maintain ownership. Parking is really not necessary in the conditions of the facility; none of the residents drive, only for visitors and staff. Commissioner McPhillips asked if screening an issue for applicant? Larson said no it is not; they spend a lot of money on landscaping, try to put best foot forward. Franzmeier asked about security of other facilities? Larson said they have a location on Rice St, on B2 in Roseville, and one on Edgerton location. They value the visibility to people. Security has 2 phases – completely locked down facility overall, need a code. Memory care side has another locked down portion requiring screening. Residents do have an option for outdoor access, however that is locked down as well and staff goes with residents. Chair Kavanaugh asked if applicant needs alley access? Larson said they do not need alley access. Kavanaugh asked about parking, is the proposed number acceptable? Larson said 24 to 25 is more than adequate. Kavanaugh asked about only 1 current required handicap parking spot. Larson said having only 1 is not an issue. Franzmeier asked about trash location. Where should dump truck access enclosure? Expressed concern about parking lot proposed as a thoroughway to alleyway. Larson said whatever Commission proposes is acceptable. McPhillips asked whether there's screening around it; if it's contained? Larson said there's a fence and gate. Enclosure includes cardboard trash and regular trash. Franzmeier has concern about dump truck blocking access to alleyway for neighborhood residents. Kavanaugh

asked about code requirements. Boike said enclosure can't be in front yard, that's the only requirement and this proposal is the back yard. Larson said he is happy to work with staff.

Kavanaugh opened the floor again for public hearing comments on item.

John Margot, 190 Thompson Ave East. Resident has 4 questions. First, is this the first time you're seeing this project? Kavanaugh responded yes. Resident expressed concern about deviating on setback 7-ft, allow street parking without knowing what the neighbors feel, said 25 parking stalls is enough, environmental committee requires replacing 132 inches, applicant is replacing 65, another deviation. Regarding trash abutments, concern about what that will look like and what the neighbors feel. Concern about staff requesting exceptions on code. Resident feels code and zoning is there for a reason.

Dave Heller, 228 Thompson Ave. Concern about setback; believes city is setting precedent on other projects. Regarding dumpster location and maneuverability concern for dump truck. Concern about tying to alleyway to parking lot; not sure why make the alleyway connection.

Sue Margot, 190 Thompson Ave East. Asked about what happens when families do come to visit neighborhood residents? Any protection for neighbors for parking? Will there be signs? Restricted parking? Boike said not in this location, public street public parking.

Closed public hearing 7:37 PM.

Commissioner McPhillips asked about connection to alleyway. Boike said there's another connection to alleyway on Dakota, there has not been concern. McPhillips asked what if there was an issue? Boike said residents would need an access agreement to address potential issues recorded against applicant to benefit users of alley. There would need to be a clause in agreement that should there be issues; participants can revisit issue. McPhillips asked if there is an easement in place now? Boike said there was formerly an easement directly from Robert St. to alleyway but was vacated. McPhillips has concern about plowing of the alley. Boike said property owner is responsible for plowing parking lot. Kavanaugh asked if access is to benefit homeowners. Boike said yes. McPhillips asked about any response from neighborhood. Boike said nothing heard from neighbors after public notice went out. Franzmeier mentioned what about having 2 access points. Boike said it's possible to break it up; does take away from screening and adds more impervious surface. Franzmeier has additional concern about trash pick-up. Applicant has looked at alternatives to parking location and would agree as a COA to any change. 2nd access is not required. Boike said access is trying to mimic the Dakota to the north which has a similar site plan. Kavanaugh proposed eliminated 2 parking spots. Commissioner Green would rather eliminate alley access. Strohmeier clarified whether residences received notice within 300 ft. Boike said yes, they are aware. Stevens asked City Planner Boike whether he has any concern about setting precedent. Boike said we don't see an issue with that in this area. Density and setback have flexibility without variance process.

Larson said we have a set building – not willing to redesign with 32 units. Not a 3-storey building, we're happy with this design. Regarding trash issue, willing to have flexibility.

Kavanaugh asked members if there are any additional change beyond staff recommendations. Stevens move to approve with 2 changes on staff recommendations; those being trash enclosure relocation and eliminating alley access. Boike responded regarding recommendations to close alley, would need to eliminate condition number 4 because it would no longer be needed, eliminating conditional reform plan. Kavanaugh mentioned rezoning, conditional use permit, preliminary and final plat, asked if any more changes, seeing none he announced a look for a motion.

Commissioner McPhillips made motion to approve with changes made regarding trash enclosure, alleyway access, and condition 4 removed. Commissioner Stevens seconded site plan motion.

Motion passed 6-0. Kavanaugh said we need motion to approve rezoning, conditional use permit, and preliminary and final plat. Stevens made motion to approve the 3 together, Green seconded. Motion passed 6-0, proposal now goes to city council.

PC Case 19-09 – Zoning Ordinance Amendment, regarding allowing Multi-family Housing in the B6, Town Center Mixed-use District – City of West St. Paul

City Planner Boike made presentation regarding proposal. Amendment to allow multi-family developments in B6 district through conditional use permit. Multi-family is only currently allowed if it also includes a commercial component, a mixed-use development. The proposed development is at the Thompson Oaks Golf Course and this project would be in response to the decently developed comp plan which includes an increase in density.

Chair Kavanaugh asked if members had any questions and made comment on this proposal being part of the previous meeting that applicant was not able to attend. No members had any question or comment. Kavanaugh opened meeting to public comment.

Public Hearing:

Sue Margot, 190 East Thomson Ave, proposes delaying this. This issue is related to the apartment buildings and that issue is not able to be discussed tonight.

Dave Heller agrees because so much of this is based on something that's not being heard yet. 52 uses of B5 zoning, questions why not just follow the code of the district. If it's a mixed-use district, then follow that code but if it's a residential, why not just follow the residential code. Resident wants to talk about this proposal in conjunction with other items like the apartment building. Although if the Commission is voting today on this issue, resident requests not to approve this proposal of rezoning.

John Margot, 190 East Thompson mentions returning golf course to prairie. Concern about getting money to pay for it (\$2.3 million according to city). City Planner Boike said he's not really involved with the water reclamation project so he can't comment on that. Resident commented on Dakota County doing a traffic count not yet performed. Resident recommends not passing it until there is an actual plan. Concern about large projects, lack of input, and lack of applicant appearance.

Margaret Dahl, 1486 Oakdale Ave, requests delaying. Resident lives right across from golf course.

City Council Liaison Justen to clarify the cost of these projects. A lot of money is coming from exterior grants for clean water including a clean water grant fund – county, state, or federal money. City Council wouldn't pass something coming out of city budget.

John clarified if you don't get grant money, won't move forward with prairie project, but apartment will still be there. Council Liaison Justen said yes.

Kavanaugh asked Boike about ordinance regarding B6, how much commercial use is required in a mixed-use district? No set percentage. Could be vertical that includes residential and commercial in the same building which is difficult unless you have density. It also complicates parking. Now there is a movement towards horizontal mixed-use which allows commercial and residential in the same district. Senior housing is allowed in current zoning definition, like DARTS. Franzmeier asked about specifics of mixed-use and horizontal plans. Boike said city feels potential trail connection and wetland reclamation project meets city's needs.

JoAnne Santhworth, 1555 Meadow Lane. Land was contaminated, why are you discussing apartments? Single family homes were not allowed. Kavanaugh said we're only looking at a zoning code amendment but asked Boike if he has any more information on soil quality. Boike said bad soil is not in same location as apartment proposal.

Dave Heller has one more clarification. Trying to get R4 under B6 – why not just go with R4 zoning? Can it function as an R4? Boike said it can but really is zoned as B6 because it does allow 4-6 storeys. This area is Heller's backyard, has concerns.

Jospeh Garcia, 1462 Carrie St. Resident lives behind assisted living facility – trees never grew, ground is contaminated, concerned about rezoning for development. Resident also has traffic concerns on Carrie St. with Hyvee coming and additional apartment complex.

Chair Kavanaugh closed public hearing at 8:12 PM.

Strohmeier asked what the proper motion is to continue. Strohmeier made motion to continue item, Franzmeier seconded. Commissioner Green asked what agenda will look like for the next meeting, if Commission will review site plan before rezoning. Boike confirmed. Motion to continue passed 6-0.

[PC Case 19-10 – Rezoning, Conditional Use Permit, Site Plan review, and Preliminary/Final Plat to allow a 153-unit apartment complex at 240 Thompson Ave E. – Paul Tucci, Oppidan](#)

Chair brought proposal before Commission, Commissioner Green made motion to continue item. Commissioner Stevens seconded. Motion to continue passed.

PC Case 19-11 – Zoning Ordinance Amendment, regarding defining and allowing Banquet Halls in the R1A, Single-family Residential District as an accessory use to golf courses and in the B3, General Business District as an accessory use to restaurants – City of West St. Paul

Community Development Coordinator Sonnek presented case. City Council discovered that banquet hall use not currently being identified under any districts, City Council decided to bring issue back down to the Planning Commission to figure it out. Tonight is to present amendment to define a banquet hall in zoning codes. What it is and where they are allowed. Proposed amendment allows banquet halls as a conditional use in B3 and R1 district as accessory to primary use, 100-ft from any residentially zoned property. Strohmeier asked for clarification, how we got to allow them in single family residential districts. Sonnek said R1 allowed use was to allow golf courses to have them, which are typically in residentially zoned districts. Stevens asked clarification to why this use is not considered a business gathering place as well. Boike said it's possible to change language to include this. Kavanaugh asked if city attorney is comfortable with this language change and definition. Boike said yes. Kavanaugh opened public hearing for comment, subsequently closed it seeing no one wishing to speak. Commissioner Franzmeier made motion to approve with condition to add some business language. Stevens seconded. Motion passed 6-0.

NEW BUSINESS: NA

OLD BUSINESS: NA

ADJOURNMENT:

ON MOTION TO ADJOURN by Commissioner Green, seconded by Commissioner Stevens. Commissioners RESOLVED to ADJOURN the September 17th, 2019 meeting of the Planning Commission at 8:20 PM. Motion approved 6-0.

**Respectfully submitted,
Ashley E. Hoffman**