

WEST. ST. PAUL PLANNING COMMISSION

The regular meeting of the West St. Paul Planning Commission was called to order by Chair Kavanaugh on Tuesday, July 16, 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, Derek Leuer, Peter Strohmeier.

Also Present:

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

Adopt Minutes

Minutes from work session on February 19th 2019 and June 18th 2019, and regular minutes from June 18th 2019. Strohmeier commented that his name was spelled wrong. Missing he 'H'. McPhillips ordered motion to approve with correction; Franzmeier seconded motion. Minutes were approved at 7:03 p.m.

PUBLIC HEARINGS

Case Number 19-06: Final Plat Review for 2 Parcels

- [PC Report 07.16.2019.pdf](#)
- [PC Attachments - 07.16.2019.pdf](#)

Public hearing to divide parcel. Community Development Coordinator Sonnek presented continuation from previous planning Commission Meeting. Currently 2 lots to create 5 new lots for construction of 4 new single-family homes. Plan was approved last month with conditions to provide supplemental information. Items for review are site access and drainage. Dakota county would prefer one curve cut off Delaware Ave. to stick with existing access, breaking off into 4 individual driveways. Reestablishes need for fire access lane and turnaround. Current and future homeowners would need to maintain current drive to prevent fire crew damage. Regarding drainage and site grading, review is needed for addition of impervious surface driveways to ensure compliance with storm water management code. City engineer consultant reviewed and approved conditions on memo dated July 8, 2019. City staff concluded need for additional screening of applicants and to meet conditions around screening.

Chair opened for any questions. Commissioner Franzmeier asked how homeowners need to maintain fire maintenance of drive. Melissa Sonnek mentioned agreement with existing property owners with notifications of future owners. Commissioner McPhillips asked about screening; whether decision to put trees or fencing was at discretion of builder or cooperation of all parties. Sonnek said it was at the discretion of the applicant with consideration of city staff and public hearing. Chair Kavanaugh asked if staff has preference. City Planner Boike said he talked with neighboring property owner who said they preferred pine trees. Boike defers to developers on

details. Commissioner Stevens asked about buckthorn, concern with it being invasive. Boike said removal of buckthorn could be a reasonable condition of approval.

Applicant Blaine Kirchert, Real Estate Agent in West St. Paul, 1105 Ivy Hill Dr. called forward at 7:10 pm. Applicant commented on screening – natural landscape on screening is expensive – over a fence. 35 – 40 thousand. It's an undue burden on seller. Seller has few assets. Asked Commission to consider that burden. Pine trees are a thousand per tree. Buckthorn – burden if buckthorn removed, neighbors will have to remove it and there is a lot on public property. Can cut on private land but could come back in years. Chair asked current conditions of plat – applicant said some trees and natural border – sparse areas and dense areas. Chair asked if driveway needs to be redone. Applicant said driveway is in good condition. Chair requested applicant preference on screening requirements. Applicant preferred no screening requirements, or suggested fencing. Applicant reasons: adding 4 houses; executive homes. First 2 lots aren't planned to be built for years but are already purchased and securing their lots now. Applicant preferred not to require screening for plans that won't happen for years. Chair Kavanaugh opened floor to questions, none presented. Applicant brought up utility lines. Xcel is not interested in making changes or moving transformer for existing home, however for new houses, it is common to run utility underground. Not common to run utility above ground. Existing house has above ground, doesn't make sense to run existing line underground. Chair clarified that the 4 units utilities would be underground. Applicant agreed that the preference is underground and that for new homes, underground utility has to happen; people don't build homes with above ground power anymore. Xcel's preference is to bury utility for new houses.

Chair Kavanaugh opened floor for public hearing. Dave Wright. 1862 Heather Ct. approached podium for comment. He shares south property line with plats. Wright addressed Ben Boike, Hibbard's (neighbors) cannot be here tonight and Ben got a letter from them. Wright brought up screening. Brought up current conditions of screening – buckthorn. He tried to remove buckthorn and neighbor claimed that it was on his property. Wright didn't take it out then, debate on who owned buckthorn. Speaking on behalf of himself and the Hibbard's (1865 Heather Ct.) Currently there are no fences, not an area that was contemplated as having fencing. Wright prefers landscaping for critters or a berm. Natural area, landscaping makes a lot more sense. Buyers of the new homes would be looking into Wright's house. Wright wants landscaping, more natural, neighborhood is called a preserve. Wright sees a lot of deer; they go through the property then into nature center. Fencing breaks that up. Could be smaller trees, conifer, could use a berm. Wright says Steve Bakke (1864 Heather ct.), additional neighbor, also agrees. Wright said this project should have neighbors' consideration. Commissioner McPhillips asked if there is a question of where the property line is between Wright property line and applicants'. Wright said he didn't know where the property line is. Wright knows there was a survey done, but he doesn't know where the property line is. Ben Boike presented plat map, showed foliage straddles property line. Wright said surveyor put post into property line, survey done last fall. Commissioner McPhillips said it would be nice to know where the line was to have both property owners put trees in. Wright mentioned the Hibbard's (neighbors) are putting pool in, guessing there is a requirement for fencing, but a different requirement. Wright has suggested meeting with applicant to discuss screening. Commissioner McPhillips agrees that natural screening is fitting for the area. Chair Kavanaugh asked about which properties need screening. Wright brought up what Bakke will see with 5 new houses. Talked about 3 current owners who

are most affected. Chair mentioned picture shows natural screening currently. Wright said there's not a lot of natural screening currently, besides buckthorn. Commissioner Franzmeier clarified if he was talking about screening on Marie. Chair asked how many trees he would want. Wright he said he had no idea, need room to grow, and trees allowed to get wide, more space between them. Wright said it was a fairly large area. Boike suggested clumping screening near driveways and existing property owners and new owners. Chair asked if he had any more comments. Wright talked about clusters and said he was prepared to go hand dig the buckthorn screening to get rid of it. He agreed clustering needs to be done. Chair asked if any more comments on item. Chair closed public hearing.

Commissioner Franzmeier asked about screening and wants to understand where natural screening would be; if it would be on property line. Sonnek said south of the drive, however Sonnek said its open to interpretation by commission. Franzmeier brought up redevelopment, don't want to make an unreasonable condition. However, said it's not unreasonable to ask the applicant to pitch in. Franzmeier clarified - don't know if it's a reasonable condition to have clustered screening. Chair clarified it is Commission's job to clarify conditions. Chair asked about plat conditions, are there any concerns as it is now, with drive access or anything. Commissioner Stevens liked they don't have to do curve cuts on Marie, hopes that doesn't change when roundabout goes in. Don't know about screening against Delaware, private drive more appropriate. Chair suggested berm might be unreasonable condition, could create water issue between homes. Screening is usually more of an issue between commercial and residential property uses. Chair understands trees in screening is expensive. Boike said city staff are including screening as a condition of approval because of the backloading of homes into an existing neighborhood. Commissioner McPhillips proposed cluster planting around driveways because of the headlights on cars and trash pickups. McPhillips says it's a reasonable thing to ask, on property line, at the end of designated driveways. Commissioner Green said natural screening would be best, not to mess with integrity of neighborhood – not opposed to fence. Cost to applicant is not a consideration for commission. Green said screening needs to happen, ideally vegetation, shrubs or trees. Could also support fencing. Commissioner Stevens said ideally neighborhood cooperation about removing buckthorn, defining property line, then adding natural screening, maybe lilacs - cheaper. Keeping fencing out. Commissioner Green said all parties need to cooperate on buckthorn. Green says she agrees with clustering and natural screening. Commissioner Leuer suggested modifying clusters of trees, shrubs, or fencing. Let property owners decide what it looks like. Chair Kavanaugh and Commissioner Franzmeier said Commission needs to decide. Commissioner Strohmeier asked Wright if any comment on cluster. Wright said he'd rather have that conversation on clustering rather than fencing. Commissioner Strohmeier commented on screening debates, asked if the land was a nature preserve. Dave Wright said name of development is called The Preserve; named in concert with the Dodge Nature Center. City sees it as a subdivision called The Preserve. Commissioner Franzmeier concerned about putting screening in other people's property. Suggested who ever wants it should put it up. City Planner Ben Boike said it's because it's backyard to front yard property issue, city staff thought it appropriate to discuss screening for this reason. Chair asked if it's because it's a driveway. Commissioner Franzmeier doesn't want this issue to come up too often. Commissioner McPhillips clarified that this is a development, not a single house, changes the nature of the neighborhood. Says putting it in there gives privacy to neighbors they're accustomed to. McPhillips doesn't think it's a big deal to add clusters in requirements on

driveways. Commissioner Green said screening is not a reasonable condition. Commissioner Stevens said she doesn't want a fence. Chair asked if anyone wants a fence, asked if it's appropriate to vote about screening specifically. Boike said Commission should amend the condition of screening and vote on the whole proposal. Commissioner Stevens recommends that Commission should go with staff recommendations. Commissioner Green asked about screening process. Ben Boike said if Planning Commission votes as a condition of applicant to work with city staff, it gives discretion to staff to work with owners, but City Council might change that decision. Chair suggested motion to approve with condition to remove screening condition – not require it. Commissioner Strohmeier recommend vote on condition of screening first, then vote on plat approval with conditions. Chair Kavanaugh asked if there was consensus on McPhillips' condition of limited clustered screening at driveways. Commissioner Franzmeier said we need to clarify a minimum of screening.

Chair clarified recommendation for vote: the applicant shall provide additional natural cluster screening between the private drive and the properties itself, clustered at the end of each driveway, as approved by staff.

Commissioner McPhillips made motion to approve with changing condition number 6. Stevens seconded motion.

Motion passes 7- 0 at 7:53 p.m. and will go to Council following Monday.

Case Number 19-07: Conditional Use Permit to Allow a Pawn Shop in a B4 Shopping Center District at 1676 Robert St.

- [PC Report.pdf](#)
- [PC Attachments.pdf](#)

City Planner Ben Boike made staff presentation. Pawn America is requesting conditional use permit in shopping center. Adjacent to Hobby Lobby. Zone requires conditional use permit for pawn shops, applicant does have an existing conditional use permit and an existing city license to operate current pawn shop but they are requesting to expand building operation to include general retail sales of used merchandise thus requiring a conditional use permit; technically it's an amendment to the current conditional use permit (CUP). Code requires CUP for pawn shops – city has to allow pawn shops but can limit where they locate in town. City staff is recommending approval of CUP to allow pawn shop in the B4 district within suites 5, 9 and 10 subject to 3 conditions. Chair asked if any questions by commission. Commissioner McPhillips clarified they have a permit now but need an expansion of permit. Amending the existing CUP by creating a new one because they are site specific, spaces identified. In order to expand, they need a new one. Commissioner Leuer asked about vacancy. Ben Boike said it was vacant for quite a while. Commissioner Green asked about previous occupancy of Pawn America. Ben Boike said there was no leaving on bad terms, only negative stigma regarding having a pawn shop in town. Commissioner Green asked if Pawn America was cooperative with police dept. Ben Boike said no concern from police of Pawn America. Chair Kavanaugh asked about rezoning of nearby area to allow retirement home. CUP needs to be 800 Ft. away from residential zone areas. Ben Boike said difference between residential zone and residential use regarding space requirements. B6 is a commercial zone district that has a residential use in it. If it was a residential zone then there would be a violation because of the 800 ft requirement. Boike said B6 district allows for commercial, retirement and mixed-use homes (CUP required). Chair asked if it mattered if the

property is not continuous. Boike said no. Commissioner Stevens asked why retirement homes are allowed in commercial and residential districts. Boike said it has to do with details in city code. Commissioner Stevens doesn't understand why senior living complexes are different than standard apartment complexes.

Chair calls applicant forward. Mike Erlandson, works with parent company of Pawn America, 2809 E. IP Minneapolis. Tony Atwood, works for parent company of Pawn America, 5238 198th St, Farmington MN. Work for parent company of Pawn America. Chair asked if any comment on application. Erlandson said Pawn America had been operating since 1990s. My Bridge Now replaced it, a high-end pawn shop. For example, a car can be used as collateral. Not opened 9 – 5, client calls in. Pawn America (PA) had a great relationship with the city of West Saint Paul. Pawn America has letters of support from city staff and community members. If someone pawns a stolen good, pawn broker is at lost. Each item is registered in database, database is now run by city Minneapolis. Most items (90%) are reclaimed by original owner. After 30-day hold period, can be resold on retail floor. PA does not sell guns, does buy them. Not any pornographic material. Commissioner Green asked after leaving West Saint Paul, why leave city and come back? Erlandson said owner in Inver Grove Heights said mall owner promised to redevelop and did not, but good relationship with current mall owner in WSP. No further public comment or questions.

Chair Kavanaugh closed public hearing at 8:12 PM. Chair asked for Commission discussion. Chair asked about items parked outside, such as boats and cars. Ben Boike said strict guidelines on exterior storage in commercial districts. Commissioner Leuer asked what becomes of existing Pawn America site. Boike said property is vacant and has been since Pawn America has left. Commissioners Stevens asked if current site has PA signage. Negative. Chair asked about transactions in existing site, in Suite 5. Boike said no record of transactions; that it's currently an office setting. Chair asked about fee per transaction for city. Ben Boike is not aware. Commissioner Strohmeier has concerns about this. Pawn Shops – in this case the applicant requests an amendment to expand, city is not saying they can't be here. There are associations with pawn shops, Strohmeier doesn't feel comfortable, safety concerns. Intent of zoning is clear on residential – another concern. Doesn't feel comfortable, based on a technicality, that it can be located near residential areas (DARTS property) or within 800 ft of a residential property. Chair asked what Boike what the point of 800 ft residential code was for. Boike said it was an attempt to clarify where a pawn shop can be located. Based on all zoning ordinances, this is the only area in town a pawn shop can be located. A Conditional Use Permit (CUP) allows the city to have an approval process and place reasonable conditions for approval on the use and Pawn America does have one now. In order to deny a CUP, you need findings of fact as to how the CUP impacts the health, safety, or general welfare of the community. Commissioner Strohmeier argues about safety concerns, potential adverse effects on property values, concerns with image for city. Clarify expanding use of pawn shop, not saying it can't be there. Strohmeier says we can't predict what will happen with an expanded CUP. Chair said we are reviewing this as a brand new CUP. More of a question of whether applicant is meeting code. Boike said it's an amendment to existing CUP and therefore it's a new CUP and rescinding the old one. Staff memo includes an analysis of the code and feels that it does meet ordinance and recommends approval. Commissioner Green can't foresee CUP more of a burden than Walmart on DARTS project. Approved Walmart. Green would be interested in original intent of code of 800 ft.

suggested tabling request until discovery of original intent of ordinance. Commissioner Stevens asked what would happen if they sold guns to another pawn shop. Ben Boike said there is a pawn broker ordinance on guns and selling to another pawn shop is allowed. Commissioner Franzmeier asked where would a pawn shop be able to locate – because city must provide a location. Ben Boike said couldn't use mall property (plaza center) – only Wells Fargo or MGM properties. Chair Kavanaugh has no opinions of pawn shops, it's another business, just concerned if it meets CUP code. Chair said we need to revoke existing one and approve new CUP. Commissioner McPhillips said he supports applicant – city attorney approves it; it fills a vacancy. It's not on Robert street, set back a bit. There's a need. Commissioner Green wants to know original intent. Boike said he can try to clarify. Goal was to limit where pawn shops can locate in town. Limited it to this area, appropriate location for pawn shop if WSP were to have one. DARTS wasn't there before. Commissioner Franzmeier said DARTS was a concern in that area. Commissioner Stevens approves plan. Commissioner Franzmeier approves plan.

Commissioner McPhillips made motion to approve as written. Commissioner Stevens seconded motion.

Commissioners McPhillips, Stevens, Franzmeier, and Leuer approved. Commissioners Kavanaugh, Green, and Strohmeier voted against.

Motion passed 4 -3.

OLD BUSINESS: Housing Plan Review

1. [PC Report - 07.16.2019.pdf](#)
2. [Planning Commission Comments on Housing Plan.pdf](#)
3. [Housing Action Plan 2019 - PC 06.18.2019.pdf](#)

Melissa Sonnek reviewed plan and progress and wants feedback on feedback. Chair asked about discussion. Commissioner Leuer suggested adding parking maximums. City Planner Ben Boike said many cities are switching from city minimums to maximums. Commissioner Green asked about how police dept. deals with rental properties, wants police reform on a reactive strategy to proactive and community engagement, mentioned Brooklyn Park plan. Rental community is nearly half of housing population in WSP. Sonnek clarified it is 40-45% in WSP. Commissioner Green said police calls may be abundant. Need to look at other cities who are engaged in police reform and rental properties. Sonnek said police reviews how many calls were made to rental properties upon renewal of license. Police determine count of valid and invalid calls made about property. Green said that's an example of a reactive policy. Green wants more info on how we can service them proactively. Commissioner Stevens seconds that and wants to look at renters and rental property owners. Chair mentioned Home Line - phone line for renters to get advice and information, good for landlords too. Commissioner Stevens asked about programs for rental owners to improve property, how to utilize the vast numbers of programs. Commissioner Green talked about a program for property managers/owners - ROMA monthly meetings. Commissioner Stevens commented on complexity and confusion of numerous of programs to help people. Ben Boike said this plan is a first step in marketing information, along with Dakota County and website and social media awareness. Having all the information in one place will be helpful. City doesn't have any funding for housing specifically currently. Chair Kavanaugh commented on lack of dedicated funding for housing, concerns about it. Commissioner Franzmeier asked about free ways to communicate program awareness. Boike agrees marketing

is key, brought up city newsletter and community development block grant; it's used up every year. Commissioner Stevens asked about date to input comments, it has passed. Commissioner Green asked about housing plan recommendations summary. Boike said looking for consensus from Planning Commission support on recommendations. Chair comments: parking maximums and rental property and police dept. reform. Commissioner Stevens suggested adding line item for rental property and marketing programs/resources or consultants. Boike said Sonnek was the resource for the city. Commissioner Leuer suggest adding executive summary. Commissioner Green proposed movement from complaint-based system (page 27) to more proactive – what about the people who complain a lot; abuse the system. Boike said we've asked city attorney if we can implement deterring/fine; answer is always no we cannot do that.

Chair Kavanaugh asked any other items from Planning Commission. Commissioner Strohmeier commented on amount of work in this plan. However, wants more language on how we educate first time homebuyers in WSP – about city regulations.

Green made motion to approve with comments. 4 line items: police reform, parking maximums, executive summary, and first-time home buyer city code awareness. Chair Kavanaugh seconded motion.

Motion passed 7 – 0.

NEW BUSINESS: NA

OLD BUSINESS: NA

ADJOURNMENT:

ON MOTION TO ADJOURN by Commissioner Green, seconded by Commissioner Stevens. Commissioners RESOLVED to ADJOURN the July 16, 2019 meeting of the Planning Commission at 8:56 PM. Motion approved 7-0.

**Respectfully submitted,
Ashley E. Hoffman**