

<p>Chair: John Ross Vice-Chair: Ryan Briese Commissioners: Tim Felton Justin Humenik Ruth Krueger Jason Pachi Stephanie Yendell</p>	 <p style="text-align: center;">City of South St. Paul Planning Commission Agenda</p> <p style="text-align: center;">Wednesday, August 3, 2016 7:00 p.m.</p>	<p>City of South St. Paul 125 Third Avenue North South St. Paul, MN 55075 Phone: (651) 554-3217 Fax: (651) 554-3211 www.southstpaul.org</p>
<p>Hearing assistance PA system is available – if you need a hearing assistance unit please notify City staff before the meeting. (If you use the hearing assistance PA system, please remove your hearing aid so it does not cause a feedback problem)</p>		
<p>Roll Call</p>		
<p>1. Agenda</p>		
<p>2. Minutes A. July 6, 2016</p>		
<p>3. Public Hearings</p> <p>A. <u>Olson Garage Variance</u> (1035 15th Ave. N.): Consider an application by Jeremiah Olson requesting a variance to allow construction of a new garage that is 1.5 feet higher than allowed by City code.</p> <p>B. <u>Twin City Hide Building Addition & Site Plan Amendment</u> (501 Malden St.): Consider a request for a 5,300 square foot building addition to the southwest side of the existing facility and amendments to the site plan including additional parking areas to the west and southeast of the building. (item withdrawn by applicant)</p> <p>C. <u>Concord Lanes, Inc. Variances</u> (365 North Concord St.): An application for variances that would: increase the gross allowable signage area from 150 square feet to 520 square feet for signage and allow weathered wood exterior material for a portion of the east and south elevations of the building.</p> <p>D. <u>Zoning Code Amendment</u>: Amending Section 118-121 of the Zoning Code to allow up to two accessory structures to include one garage and one accessory structure (<i>continued from 7/6/16 PC meeting</i>)</p> <p>E. <u>Comprehensive Plan Amendment</u>: Changing the Future Land Use designation of a property in the community from Open Space to Industrial.</p> <p>F. <u>Zoning Amendment</u>: Amendment to the North Riverfront Development District that would allow exterior storage as an Interim Use.</p>		
<p>4. New Business</p> <p>A. <u>Proposed Ordinance on Temporary Family Health Care Dwelling Units</u>: Consider an ordinance opting out of State Statute, Section 462.3593 Requiring Cities to Permit Temporary Family Health Care Dwelling Units.</p>		
<p>5. Other Business A. <i>Updates</i></p>		
<p>6. Adjournment</p>		

Next Planning Commission Meeting: September 7, 2016

This meeting is being taped by Town Square Television (NDC4): phone: 651-451-7834 web: www.townsquare.tv
Replays can be viewed on Government Channel 19 on the Thursday following the meeting at 1:00 p.m. & 7:00 p.m.

**MINUTES OF MEETING
SOUTH ST. PAUL PLANNING COMMISSION
July 6, 2016**

MEETING CALLED TO ORDER BY COMMISSIONER JOHN ROSS AT 7:00 P.M.

Present:	John Ross	Absent:	Tim Felton
	Ryan Briese		Jason Pacht
	Justin Humenik		Stephanie Yendell
	Ruth Krueger		
	Peter Hellegers, City Planner		

1) APPROVAL OF AGENDA – Chair Ross noted items 4C. and 4D. have been moved to the August 3, 2016 Planning Commission meeting - as presented – Briese/Krueger (4-0)

2) APPROVAL OF MINUTES for June 1, 2016 – Humenik/Krueger (4-0)

3) NEW BUSINESS

There was none.

4) PUBLIC HEARINGS

A. South St. Paul Rod & Gun Club (600 Gun Club Road) – Consider a Conditional Use Permit and Site Plan Review for a proposed firing shed for a proposed pistol and rifle range at their facility.

Mr. Hellegers reported the Gun Club is requesting a CUP for a rifle range area on the southeast portion of the property which is southeast of the area of where the existing shot gun areas are located. Last year the organization received CUP approval to amend the berming around site allowing separation for a proposed rifle range. At that time, it was proposed that firing would take place from a culvert structure. However, since that time concerns and questions have been raised about the use. A staff site visit revealed a semi-trailer had been brought in and installed behind the culvert structure from which shooting is taking place. The trailer wasn't a component of the 2015 CUP and as a temporary structure is in violation of the CUP. The Gun Club is now submitting plans to replace the trailer with a permanent building enclosed on three sides with a knee wall on the remaining side. The proposal replaces the culverts with baffles at differing intervals which will deflect stray bullets and increase safety from either seated or standing position.

The proposed firing station is a wood framed structure located behind a berm on three sides decreasing visibility. Mr. Hellegers stated the baffle design is a better proposal than the culvert structure as it better controls where the bullets go. Additionally, the engineering firm of AECOM was hired to assist in the range design and plans.

Gun Club representative George Stockberger, Jr. reported the 2015 pistol/rifle conduit was a temporary solution and hasn't been used even though it was approved. During the winter the Gun Club sought and found an engineer to design a permanent structure. Mr. Stockberger explained how the baffle system prevents errant bullets.

Chair Ross stated an ADA parking space next to the firing range is required to accommodate ADA users including a sign at the trail access point leading to the range and asked the applicant if the noise from pistols/rifles is louder than existing shotgun and trap shooting. The applicant reported shotguns are completely outdoors; however, the pistols/rifles will be fired from inside the firing structure which will keep the actual shot inside the building.

Commissioner Briese asked the applicant if there is a record of incidents where the shots are going outside the range area. The applicant reported is no record of such incidents.

Mr. Hellegers noted one comment was received from the City of Inver Grove Heights Parks & Recreation Department requesting shots be directed away from either IGH or the regional trail which is to the west and the south sides of the property.

Joe McBride residing at 4059 59th Street E., Inver Grove Heights stated he didn't believe the noise has improved with the increased west berm height. He recently learned about the public hearing and expressed concerns with shooting toward the Inver Grove Heights park and the increased noise to neighboring property owners.

Chair Ross stated the Gun Club has been in existence since the 1935 and happenings are monitored to provide a safe environment. Due to the improved design he is in favor of the applicant's request with the additional condition that a handicapped accessible sign is installed.

Commissioner Briese asked staff if the Gun Club property is north of a park. It was noted the City of Inver Grove Heights purchased the property directly south of the Gun Club with the intention of developing a park. Commissioner Briese asked if the City of IGH contacted the Gun Club prior to purchasing the property for a proposed park. The applicant responded no. Mr. Stockberger reported a Minnesota statute states as changes occur (i.e. County bike path, park) near a gun club it is the responsibility of the other party to mitigate changes to the Gun Club's satisfaction.

Discussion ensued regarding the flood plain regulations and raising the building several feet to prevent flooding which was agreeable to the applicant. The applicant stated law enforcement intends to use the range for training.

Motion to approve the CUP as presented – Briese. Chair Ross added a friendly amendment to the motion to include the condition that signage is installed indicating the availability of a handicapped accessible parking spot. Seconded by Humenik – (4/0).

B. Zoning Code Amendment – Amending Section 118-121 of the Zoning Code to allow up to two accessory structures to include one garage and one accessory structure.

Mr. Hellegers reported the current Zoning Code states a property is limited to one garage (attached or detached) plus one other accessory building. The item was brought to the Planning Commission after the City Council directed staff amend the zoning code due to the difficulty encountered by homeowners who wished to build a garage; however, have an existing garage and accessory structure on the property. The current Code would require removal of the accessory building prior to building the second garage.

Staff is proposing amending the text of Sections 118.121 & 118.208 which would allow two accessory structures. The proposed ordinance would:

- Eliminate language stating that a property is limited to one garage (attached or detached) plus one other accessory building and replace it with allowing two accessory buildings. Attached garages would be considered part of the principal building (house) and would not count against the number of accessory buildings.
- Cap an accessory garage building to 1,000 square feet and an additional accessory building (shed) at 200 square feet, totaling 1,200 square feet for accessory buildings.

Discussion ensued regarding lot coverage and setbacks controls in place as a safeguard. Chair Ross commented he had no problem with the proposed alternative language.

Commissioner Briese raised a concern as to how the proposed changes would apply to multi-family dwelling units and whether garages would be used as rental units. Mr. Hellegers reported the matter is pertinent to structures in the R-1 zoning district. Commissioner Briese requested language be added that all accessory buildings must be used by the occupants of the property.

No correspondence was received nor was anyone present to comment on the proposed ordinance amendment.

Mr. Hellegers noted it is not necessary to make a decision by a specific date. Staff will provide 2-3 alternatives for consideration at the next Planning Commission meeting.

Due to the fact three commissioners were not in attendance Commissioner Briese made a motion to continue this item to the next meeting of the Planning Commission scheduled for August 3, 2016 - 2nd by Commissioner Humenik (4-0).

5) OTHER BUSINESS

Mr. Hellegers noted items 4C. and 4D. were removed from this agenda for consideration at the August 3rd meeting. Three additional applications have been submitted for consideration at that meeting.

Motion to adjourn – Yendell/Humenik (4-0).

Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.A
---	--	-----------------------------------

Project Name:	Olson Garage Variances	
Site Address:	1035 15 th Avenue North	PID: 36-70200-05-250
Applicant(s):	Jeremiah Olson	
Request:	Consider the request for a variance 1.5 feet for the height of the garage	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	August 15, 2016	
Deadline:	August 13, 2016* <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location map B. Correspondence from neighboring property owners C. Materials submitted by the applicant	

REQUEST

The applicant is requesting a 1.5' variance for the height of a proposed 24' x 24' detached garage that would be located in the rear yard of the applicant's property.

BACKGROUND

The property located at 1035 15th Avenue North is an existing single family dwelling that is located in the R-1: Single Family Residential zoning district. Adjacent properties are all located in the R-1 zoning district as well. Dakota County records show that the property is approximately .24 acres (10,454 s.f.) and that the house was built in 1938. The property has a shared driveway that runs along the northern edge of the property between 1035 and 1037 15th Avenue North. The property also had a detached garage at the southwestern corner of the subject property and was located partially on the subject property and partially on the property to the south (1029 15th Ave. N.). The garage was located below downhill from the house and had an upper storage loft space above the garage. As the garage was located in a point of low elevation it was subject to standing water and the applicant has voiced concerns about development in the

neighborhood insofar as the potential impacts to the garage. The applicant reports that they acquired the entire garage and have since demolished the structure. There are no other garages on the property

EVALUATION OF THE REQUEST

A. VARIANCE

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning – Accessory Building/Garage

The garage proposed in the variance application has a 24' by 24' footprint and would have a height of 17.5 feet where the maximum height under City Code is 16 feet from the floor of the garage to the peak of the roof.

The City Code provides the following options for someone looking to build a garage or storage shed in the community: a detached garage can be as large as 1,000 square feet and an additional 200 square feet can be used for another accessory building (shed). Garages have a maximum height of 16 feet from floor to peak and sheds had a maximum height of 12 feet. The applicant's property is limited to a total building coverage of 3,136 square feet and without the proposed garage on the lot there is currently 1,992 square feet of building coverage left within that standard. This would allow the applicant to build a detached garage and additional accessory structure (shed) up to the maximum sizes as listed above. Even with the footprint of the proposed garage there is still another 1,500 square feet that would have accommodated a larger garage footprint or space that could still be used for a shed.

A 2-car garage and 24' by 24' footprint would be considered a reasonable use of property and a building permit could be issued for such a structure provided the structure complied with other zoning standards such as the maximum height of the garage.

As the variance is for the 1.5 feet height difference between the 16 feet that is allowed and the proposed height of 17.5 feet the rationale for the variance should include a nexus between the requested variance and the issues specific to the site that granting the variance would alleviate.

The narrative notes that the previous garage was subject to flooding as it was downhill and had property line issues and, they concluded that rebuilding was the best option. Furthermore the narrative explains that the previous 24' by 24' garage had a second level loft space and thus the applicants are seeking additional storage space to accommodate storage on the property. However the proposed garage would be built in an entirely different portion of the property and the application does not address why the variance for the height

of the garage is required at the proposed location. The narrative also does not explain why other options available within City Code would not be viable.

One of the issues noted is that the garage kit has been ordered and the applicant already has the trusses which would cause the additional height (visible in the pictures provided). However this is an economic consideration and statute does not allow economic considerations to serve as the practical difficulty basis for granting a variance.

2. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:*
 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.*

3. Correspondence from Neighboring Property Owners

A neighboring property owner has submitted a letter with concerns regarding the proposed variance for garage height. A copy of the letter has been included as part of the correspondence section for this item.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

- A. **Denial.** If the Planning Commission has reviewed the application and determined that the application is inconsistent with the Variance findings (see p.3-4 of this

report), then the application should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the 1.5 foot garage height **Variance** for the property located at 1035 15th Avenue North, for the following reasons:
 1. The application does not establish a practical difficulty for the construction of the proposed garage on the proposed site.
 - The plight of the property owner is not due to circumstances unique to the property. The location of the proposed garage is on a level surface behind the home. Construction of a new garage in this location is subject to the requirements of the City Code and those standards apply regardless of the size or height of the garage that was removed from a different location on the property.
 - The applicant notes that trusses which would lead to the garage being taller than allowed by code have already been built and paid for which would be an economic consideration and Statute does not allow that to constitute a practical difficulty.
 - The City Code provides other options that would allow the property owner to construct a garage on the property and which would not require variance. These options include but are not limited to:
 - constructing a 16-foot tall detached garage with a larger footprint (to accommodate the additional storage desired by the applicant)
 - constructing a 16-foot tall garage with the same size footprint as currently proposed and constructing another accessory structure (to accommodate additional storage).

Findings:

The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

However, there are not practical difficulties in complying with the ordinance as the need for a variance could be remedied by reducing the height of the garage by 1.5 feet, and there is adequate space to have accommodated a much larger garage that would have provided more storage space that is noted in the narrative as the reason the variance is necessary. The plight of the property

owner is not due to circumstances unique to the property that were not created by the property owner.

B. **Approval.** If the Planning Commission has reviewed the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- Approval of the 1.5 foot garage height **Variance** for the property located at 1035 15th Avenue North, subject to the following findings and conditions:

Conditions of Approval:

- 1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

a) Application/background (Jeremiah Olson)	dated 06/15/2016
b) Plans / Elevations (Menards/M. Frankot)	dated 07/15/2016
c) Site Plans (M. Frankot)	dated 07/15/2016
(J. Novotny)	dated 05/18/2016
d) Pictures of the site (M. Frankot)	dated 07/11/2016
e) Survey (Loucks Assoc.)	dated 05/06/2008
- 2) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 3) **Compliance with Laws and Approvals.** The property must remain compliant with all federal, state, and local laws and ordinances and all prior City approvals.
- 4) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

STAFF RECOMMENDATION

Staff recommends **denial** of the garage height variance for the property located at 1035 15th Avenue North, for the reasons listed in this report.

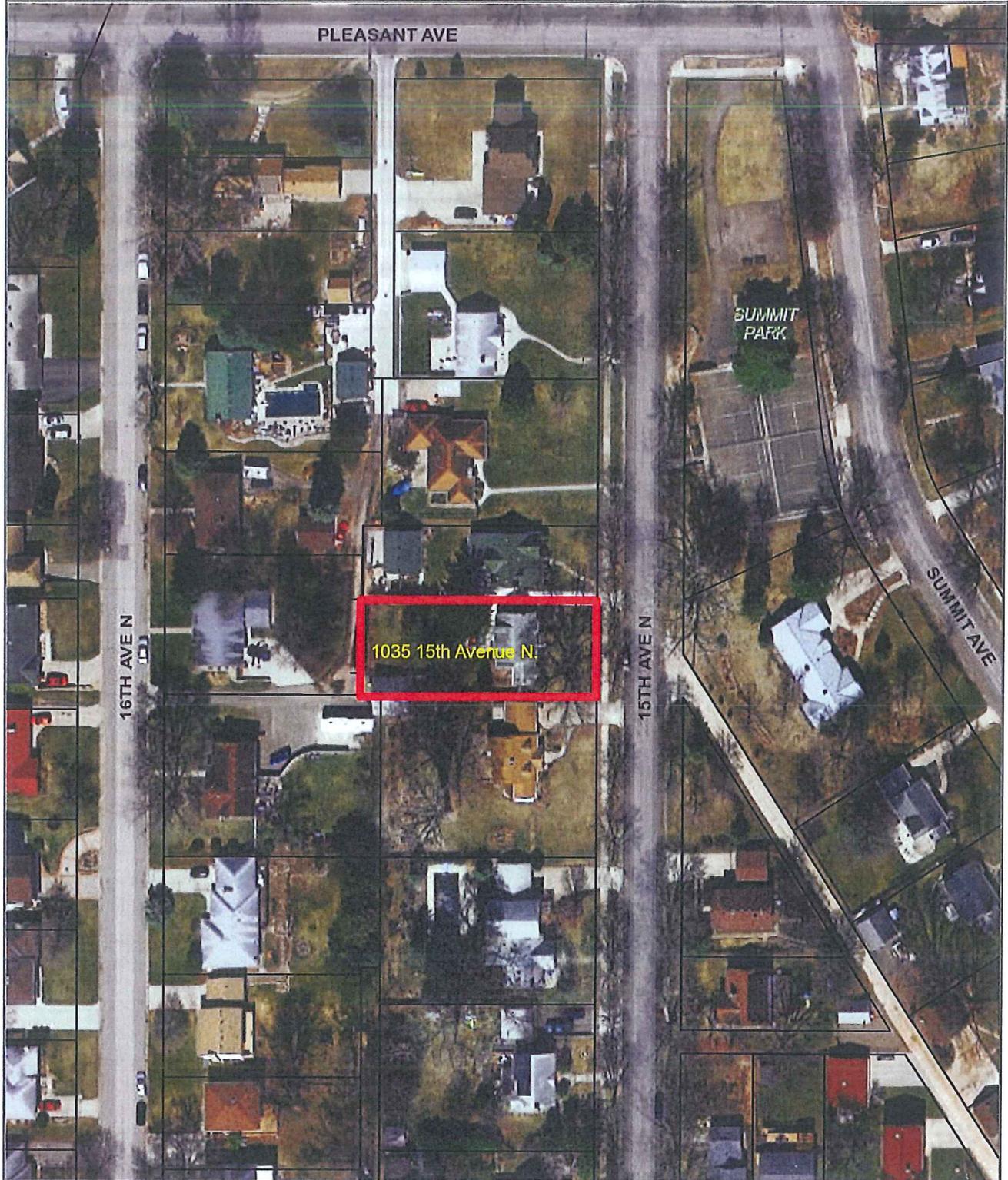
Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

A₁

1035 15th Avenue North



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 100 feet
 7/12/2016



A₂

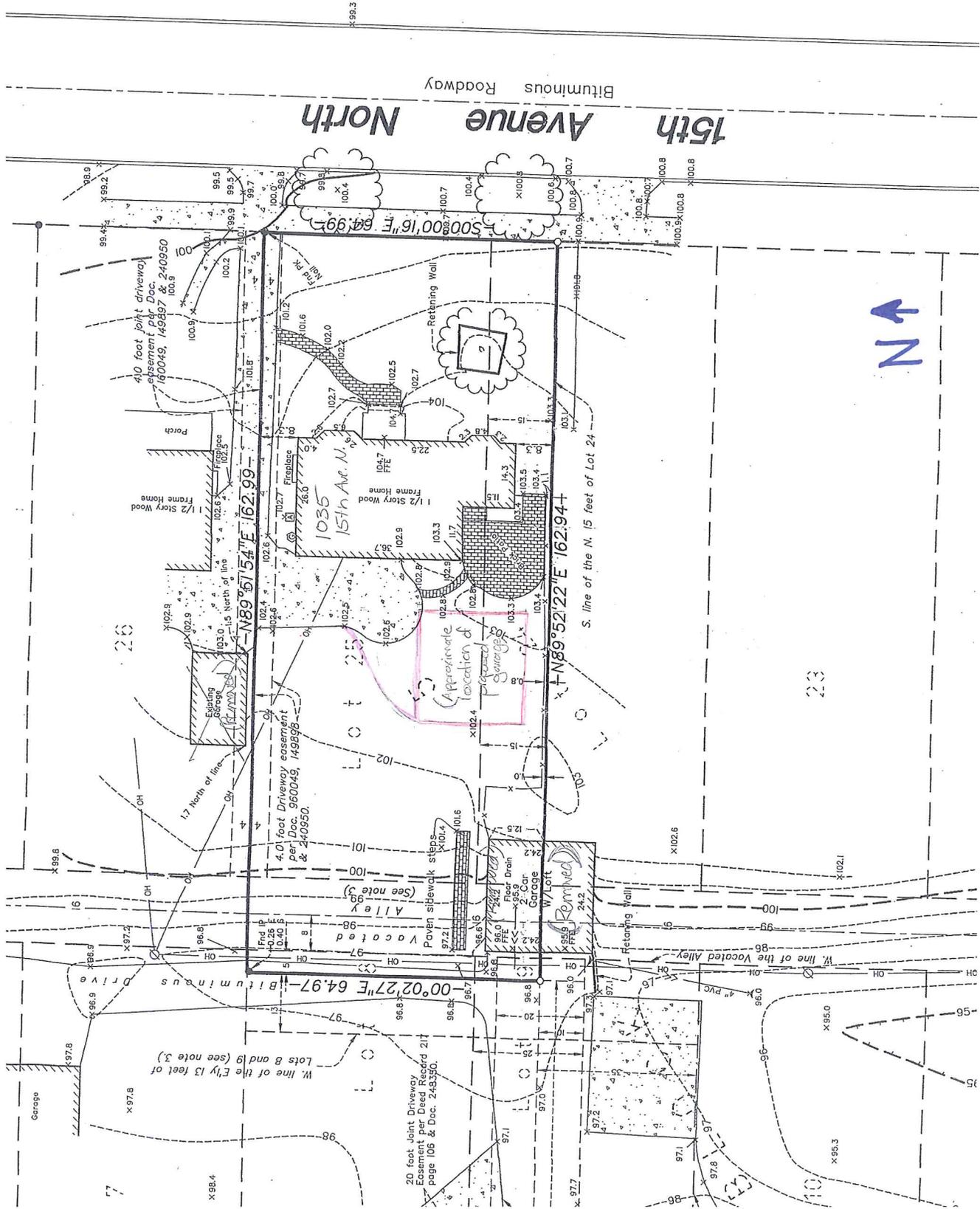
- 1 MARK LI
- 2 GUY WIR
- 3 SIGN
- 4 72.5 SPOT EL
- 5 A/C UNIT
- 6 CABLE TV
- 7 ELECTRIC
- 8 TELEPHONE
- 9 UTILITY P
- 0 ELECTRIC

DESCRIPTION OF PROPERTY
Per Doc. No. 960049

The Easterly 13 feet of Lot of Lot 9, Block 5, South foot strip being made up one-half of the vacated c and Lot 25, and the North Division".

NOTES:

1. This survey was performed.
 2. We have shown easement title search. There may easements of which we
 3. The legal description is following reasons:
 - a. The easterly 13 feet description of the subject proper from the centerline description of the
 - b. The easterly half o description. We hav that the proper va accrual of the vacac not been provided.
- We suggest legal counsel b revise the legal description.





South St Paul Planning Commission

August 3, 2016 Meeting

Jeremiah Olson, 1035 15th Ave North Variance Request

My name is Bruce Kessel and I live at 1029 15th Avenue North, the property immediately to the South of the Olson's. The Olson's proposed garage is immediately to and closely abutting the north property line of my property. It appears to be just west of the westerly footprint of my house.

As you may be aware, there previously was a garage located at the western edge of the Olson's and my property. The garage was a two stall garage with a wall dividing the stalls, with one half of the garage being located on each parcel, and thus the northerly half of the structure was owned by the Olson's and the southerly half was owned by myself. The floor of the garage was near or below the lowest grade in the immediate area and thus had water issues during spring thaws and rain events. The Olson's spent years attempting to have their neighbors and/or the City pay to alleviate this issue.

As you also may be aware, there was no public access to the garage, however, I had an easement with the neighbor behind me to cross their property to access the garage. It is unclear if the Olson's had any easement to access their garage.

The Olson's undertook several legal actions against me to gain control of the garage and the land under it. After considerable legal costs to me, I agreed to allow the Olson's to lease the lower half of my garage, only to have the Olson's renege on the agreement and again seek the legal system to gain control of a portion of my property. In an effort to put an end to this continued harassment of me and the surrounding neighbors, I agreed to allow the garage to be demolished, subject to several conditions. One was the Olson's were to landscape the area where the garage currently existed once it was torn down, which they are now refusing to do. The agreement also indicated that I would not oppose the Olson's building a new conforming garage. The City on several occasions over period that have owned the property (approximately 10 years) have indicated that there were height restrictions and no garage would be allowed to be built to a similar height as the then existing garage. The only reason I agreed to allow the garage to be demolished was directly related to the understanding that any new structure would comply with all existing codes.

It should also be noted that while the agreement with the Olson's indicated I would not oppose a new structure that conformed with all the applicable codes, they recently instructed their attorney to write to me and indicate that I could not oppose their construction of a garage (implying regardless of whether conformed with the existing city code or not) – an apparent attempt to intimidate me and minimize any opposition to their variance request.

In summary, I would like to voice my opposition to any height variance to the garage at 1035 15th Avenue North. The proposed garage is immediately north of my north property line in my back yard. The additional height will increase the visual impairment to my property. By demolishing the prior non-conforming garage, the neighborhood and City had one long standing problem resolved. It should not now allow a new non-conforming structure to be built that will likely be there for the next fifty to one hundred years. As such, please deny the variance for additional height to the proposed garage.

C,

June 14, 2016

Jeremiah Olson

1035 15th Avenue North

South St. Paul, MN 55075

Cell: 541-503-8381

pastorolson@comcast.net

JUN 15 2016

Dear Peter Hellegers,

Thank you for the input from your phone call today. We thank you for the application form.

We will complete the form.

I am attaching the longer answers in this document.

Jeremiah Olson

On page 1.

Planning and Zoning application completed.

Required application and escrow fees enclosed. See enclosed check.

A scaled site plan. Submitted with this application as obtained from Contractor: Novotny as prepared by Mike Frankot and Jared Novotny.

A narrative of the petitioner explaining the request.

- A. A replacement of our old two stall alley garage with complete 24X24 foot loft (with at least a 12 foot high loft ceiling). The old alley garage has already been torn down and removed from the property. We are replacing that with a new 24X24 foot garage on our lot to the SE of our rear house door. This will have a full loft which will be over 6 feet tall to accommodate storage. The loft will be smaller than the loft we gave up in our old garage.
- B. This request for variance is also a hardship request. Since 1991 additional construction in our alley between 15th and 16th Avenue North has increased the serious flooding in our old garage. Though I have worked with the neighbors and the city since 1991 to have a city alley and city storm sewer installed I have had no success. The massive flow of water from the city streets, alley and neighbors had rendered the state of the garage unusable.
- C. A new, replacement, garage on higher ground was our only realistic solution.

- C2
- D. This is also a hardship case as the serious flooding could not be alleviated and we were forced to go to a considerable expense to tear down our old garage and construct a new building. We have already made a considerable expenditure to create a new garage slab, apron and driveway. We have already ordered our garage kit. Our trusses have already been ordered, created and paid for to the amount of \$2000. We cannot have a refund. Our contractor understood that our garage and variance had already been approved.

THIS SECOND NARRATIVE indicated the need for a Variance and satisfies the additional requirements.

- A. The variance is consistent with the normal use of a garage. It replaces, on a smaller scale, the storage we already enjoyed in our previous garage.
- B. This new garage, and variance, should be granted as it eliminates a non-conforming garage building in our neighborhood. The new garage also fully conforms to placement on our property. In the decades since the original garage was constructed there were several property sales which resulted in our alley garage being mostly on our property, but somewhat less than half on the Kessel property and slightly on the Jim Zerull property on 16th Avenue.
- C. This variance will resolve several property and flooding problems in a single act.
- D. We will utilize the garage and loft for the ordinary purposes that were used for the previous garage.
- E. The plight has come from many decades of flooding and resistance from the city and neighbors to have the installation of a city alley and a storm sewer system. We did not create any of these problems, but consistently tried to resolve these problems without success.

This variance will not affect the character of the neighborhood in any negative way. In fact, this will be a considerably improved insuring conformity, elimination of a building on three properties and allow the city to consider flooding issues without our involvement. We are tired of taking all of the neighborhood water in our old garage.

THIS IS NOT A NEW NEIGHBORHOOD SUBDIVISION.

Jeremiah Olson

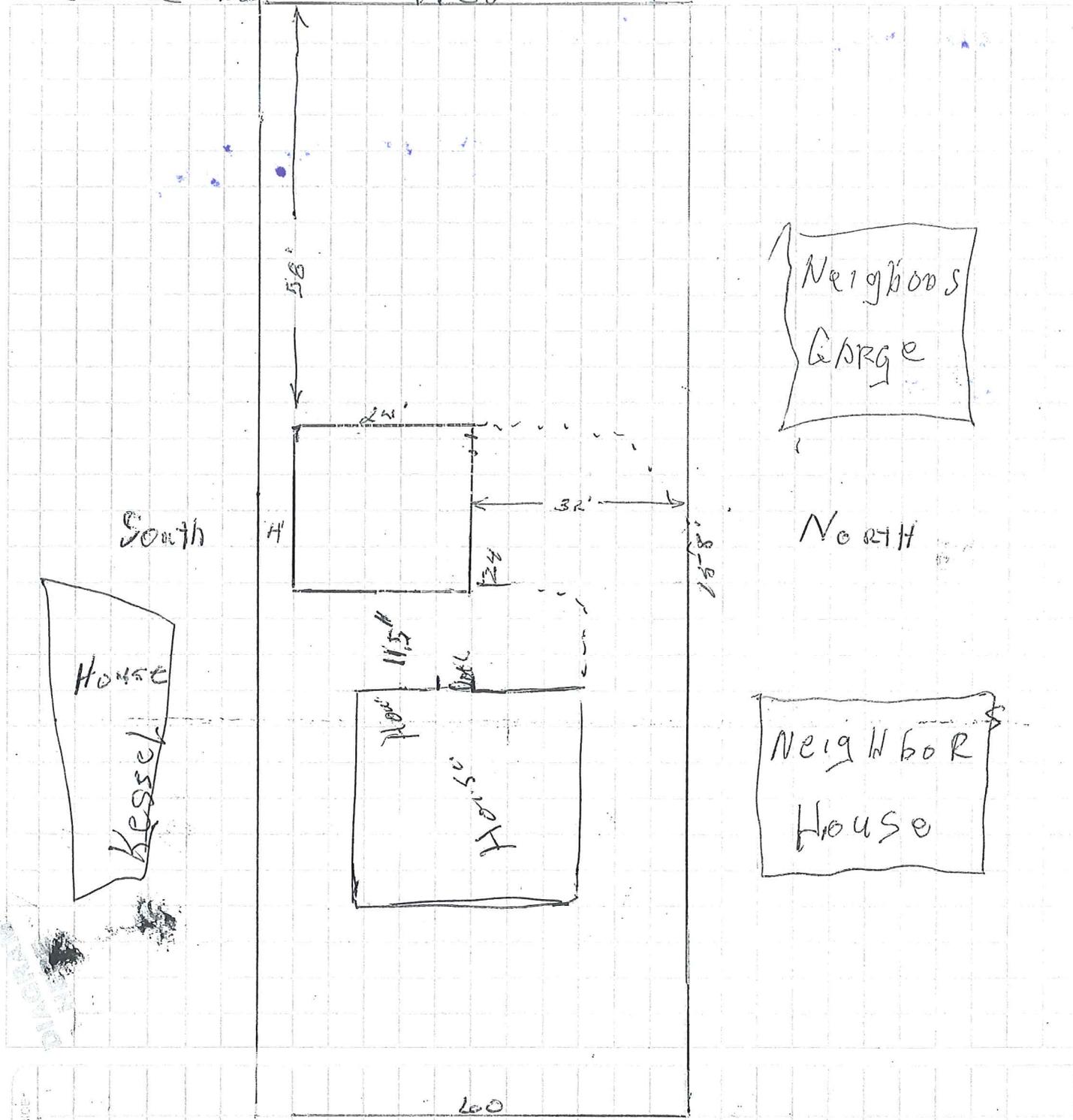


Site Plan (submitted for variance)

JUL 15 2016 **C3**

ALLEY

Jessie Olson West



South

North

HOUSE

Kessel

Neighbors
Garage

Neighbor
House

11.5'
10.5'
Garage

200

~~1035~~
1035 15th Ave N

EAST

PRICE

ITEM OR PART DESCRIPTION

ADDITIONAL PARTS
TO ADD IN ON OTHER SIDE

1035 15th Ave N

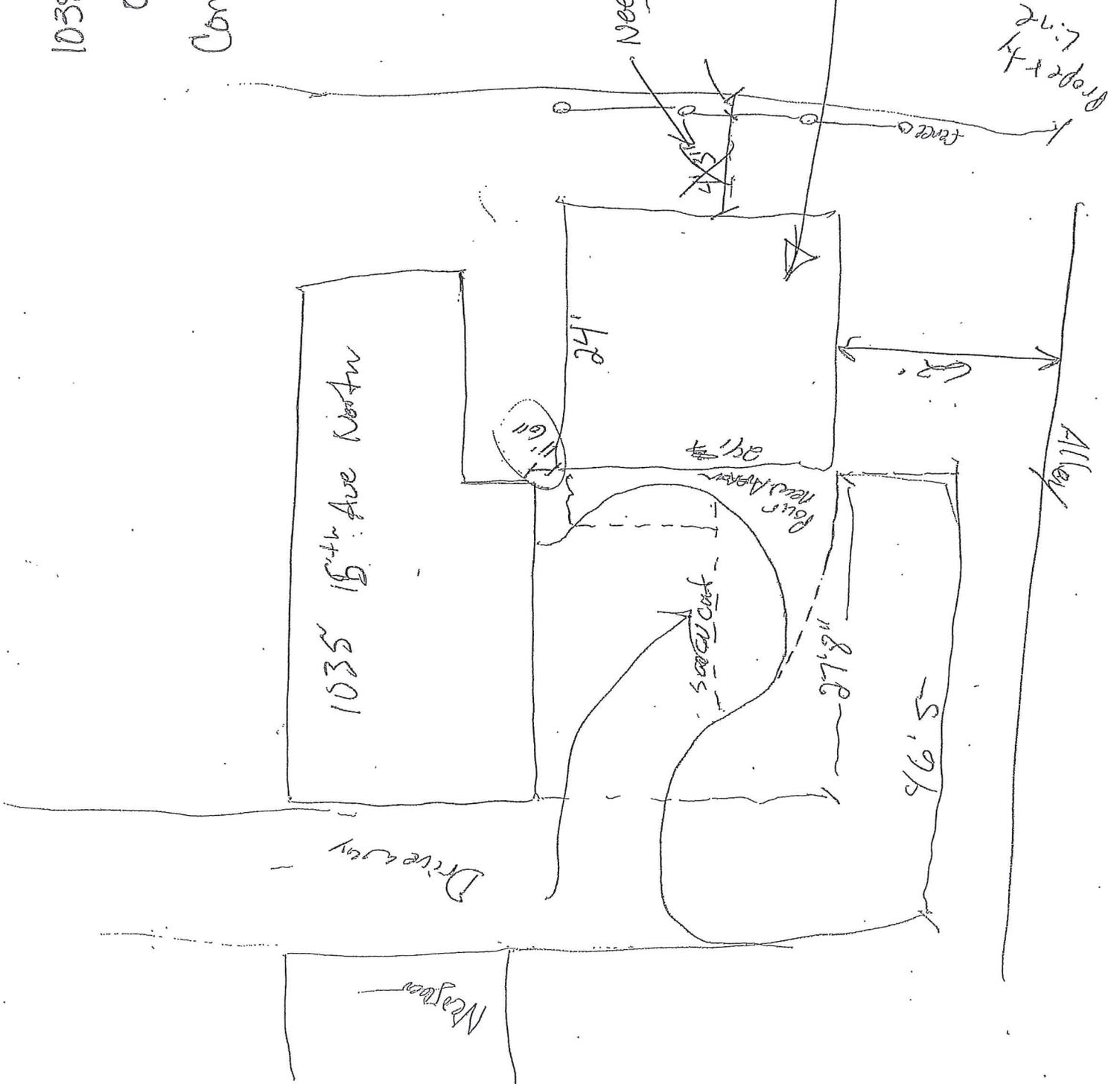
071415

Concrete pad for garage

Site Plan (concrete permit)

5/18/16

C3.5



Ca

Olson Property

South St. Paul, Minnesota
Jeremiah Olson
101 156 Ave. N.
St. Paul, MN 55108
Minnesota, 55057



- LEGEND**
- CHAIN MARK
 - G.C. VALVE
 - G.C. METER
 - WATER MAINS
 - WATER MAINS VALVE
 - HYDRANT
 - G.C. VALVE
 - POWER POLE
 - LIGHT POLE
 - WIND LIGHT
 - CITY WIRE
 - SIGN
 - SPOT ELEVATION
 - A/C UNIT
 - CABLE TV FIDELITY
 - ELECTRIC TRANSFORMER
 - TELEPHONE FIDELITY
 - ELECTRIC MANSION
 - CONCRETE CURB
 - CONTOUR
 - CONFEROUS TREE
 - DECIDUOUS TREE

REVISIONS TO PROPERTY SURVEY
No. 10, No. 10000

The Eastern 1/2 of Lot 2, and the Eastern 1/2 of the North 1/2 of Lot 3, Block 5, South St. Paul, Minnesota, and 1/2 one-half of the vacated alley to which has been added an additional 5 feet; Block 2, and the North 1/2 of Lot 24, Block 2, South St. Paul, Minnesota.

NOTES:
1. This survey was performed without the benefit of a Title Commitment.
2. We have shown easements of record provided by DCA. This form 5/16/09 contains estimates of which we are not responsible for additional easements or claims of which we are not aware.
3. The legal description of the property surveyed is ambiguous for the following reasons:
a. The eastern 1/2 of Lots 2 & 3 is not congruous with the description of the right-of-way shown on a plat, which is 100 feet wide, whereas the description of the 1/2-foot strip.
b. The eastern half of the vacated alley is not included in the legal description. We have shown the boundary lines on the assumption that the vacated alley is 20 feet wide and part of Lot 24. We have not been provided a copy of the resolution of this title.
We suggest that the client be consulted to address these issues and possibly revise the legal description.

PROFESSIONAL CERTIFICATE
I, the undersigned, a duly Licensed Professional Engineer, do hereby certify that the above is a true and correct copy of the original survey as shown to me by the client, and that the same is a true and correct copy of the original survey as shown to me by the client, and that the same is a true and correct copy of the original survey as shown to me by the client.

DATE: 5/15/2016
BY: [Signature]
FOR: [Signature]



0 20 40
SCALES IN FEET
○ SHOWS 1/2 INCH = 100 FEET
○ SHOWS 1/4 INCH = 400 FEET
○ SHOWS 1/8 INCH = 800 FEET
○ SHOWS 1/16 INCH = 1600 FEET
○ SHOWS 1/32 INCH = 3200 FEET
○ SHOWS 1/64 INCH = 6400 FEET
○ SHOWS 1/128 INCH = 12800 FEET
○ SHOWS 1/256 INCH = 25600 FEET
○ SHOWS 1/512 INCH = 51200 FEET
○ SHOWS 1/1024 INCH = 102400 FEET
○ SHOWS 1/2048 INCH = 204800 FEET
○ SHOWS 1/4096 INCH = 409600 FEET
○ SHOWS 1/8192 INCH = 819200 FEET
○ SHOWS 1/16384 INCH = 1638400 FEET
○ SHOWS 1/32768 INCH = 3276800 FEET
○ SHOWS 1/65536 INCH = 6553600 FEET
○ SHOWS 1/131072 INCH = 13107200 FEET
○ SHOWS 1/262144 INCH = 26214400 FEET
○ SHOWS 1/524288 INCH = 52428800 FEET
○ SHOWS 1/1048576 INCH = 104857600 FEET
○ SHOWS 1/2097152 INCH = 209715200 FEET
○ SHOWS 1/4194304 INCH = 419430400 FEET
○ SHOWS 1/8388608 INCH = 838860800 FEET
○ SHOWS 1/16777216 INCH = 1677721600 FEET
○ SHOWS 1/33554432 INCH = 3355443200 FEET
○ SHOWS 1/67108864 INCH = 6710886400 FEET
○ SHOWS 1/134217728 INCH = 13421772800 FEET
○ SHOWS 1/268435456 INCH = 26843545600 FEET
○ SHOWS 1/536870912 INCH = 53687091200 FEET
○ SHOWS 1/1073741824 INCH = 107374182400 FEET
○ SHOWS 1/2147483648 INCH = 214748364800 FEET
○ SHOWS 1/4294967296 INCH = 429496729600 FEET
○ SHOWS 1/8589934592 INCH = 858993459200 FEET
○ SHOWS 1/17179869184 INCH = 1717986918400 FEET
○ SHOWS 1/34359738368 INCH = 3435973836800 FEET
○ SHOWS 1/68719476736 INCH = 6871947673600 FEET
○ SHOWS 1/137438953472 INCH = 13743895347200 FEET
○ SHOWS 1/274877906944 INCH = 27487790694400 FEET
○ SHOWS 1/549755813888 INCH = 54975581388800 FEET
○ SHOWS 1/1099511627776 INCH = 109951162777600 FEET
○ SHOWS 1/2199023255552 INCH = 219902325555200 FEET
○ SHOWS 1/4398046511104 INCH = 439804651110400 FEET
○ SHOWS 1/8796093022208 INCH = 879609302220800 FEET
○ SHOWS 1/17592186044416 INCH = 1759218604441600 FEET
○ SHOWS 1/35184372088832 INCH = 3518437208883200 FEET
○ SHOWS 1/70368744177664 INCH = 7036874417766400 FEET
○ SHOWS 1/140737488355328 INCH = 14073748835532800 FEET
○ SHOWS 1/281474976710656 INCH = 28147497671065600 FEET
○ SHOWS 1/562949953421312 INCH = 56294995342131200 FEET
○ SHOWS 1/1125899906842624 INCH = 112589990684262400 FEET
○ SHOWS 1/2251799813685248 INCH = 225179981368524800 FEET
○ SHOWS 1/4503599627370496 INCH = 450359962737049600 FEET
○ SHOWS 1/9007199254740992 INCH = 900719925474099200 FEET
○ SHOWS 1/18014398509481984 INCH = 1801439850948198400 FEET
○ SHOWS 1/36028797018963968 INCH = 3602879701896396800 FEET
○ SHOWS 1/72057594037927936 INCH = 7205759403792793600 FEET
○ SHOWS 1/144115188075855872 INCH = 14411518807585587200 FEET
○ SHOWS 1/288230376151711744 INCH = 28823037615171174400 FEET
○ SHOWS 1/576460752303423488 INCH = 57646075230342348800 FEET
○ SHOWS 1/1152921504606846976 INCH = 115292150460684697600 FEET
○ SHOWS 1/2305843009213693953 INCH = 2305843009213693953000 FEET
○ SHOWS 1/4611686018427387906 INCH = 4611686018427387906000 FEET
○ SHOWS 1/9223372036854775812 INCH = 9223372036854775812000 FEET
○ SHOWS 1/18446744073709551624 INCH = 18446744073709551624000 FEET
○ SHOWS 1/36893488147419103248 INCH = 36893488147419103248000 FEET
○ SHOWS 1/73786976294838206496 INCH = 73786976294838206496000 FEET
○ SHOWS 1/147573952589676412992 INCH = 147573952589676412992000 FEET
○ SHOWS 1/295147905179352825984 INCH = 295147905179352825984000 FEET
○ SHOWS 1/590295810358705651968 INCH = 590295810358705651968000 FEET
○ SHOWS 1/1180591620717411303936 INCH = 1180591620717411303936000 FEET
○ SHOWS 1/2361183241434822607872 INCH = 2361183241434822607872000 FEET
○ SHOWS 1/4722366482869645215744 INCH = 4722366482869645215744000 FEET
○ SHOWS 1/9444732965739290431488 INCH = 9444732965739290431488000 FEET
○ SHOWS 1/18889465931478580862976 INCH = 18889465931478580862976000 FEET
○ SHOWS 1/37778931862957161725952 INCH = 37778931862957161725952000 FEET
○ SHOWS 1/75557863725914323451904 INCH = 75557863725914323451904000 FEET
○ SHOWS 1/151115727451828646903808 INCH = 151115727451828646903808000 FEET
○ SHOWS 1/302231454903657293807616 INCH = 302231454903657293807616000 FEET
○ SHOWS 1/604462909807314587615232 INCH = 604462909807314587615232000 FEET
○ SHOWS 1/1208925819614629175230464 INCH = 1208925819614629175230464000 FEET
○ SHOWS 1/2417851639229258350460928 INCH = 2417851639229258350460928000 FEET
○ SHOWS 1/4835703278458516700921856 INCH = 4835703278458516700921856000 FEET
○ SHOWS 1/9671406556917033401843712 INCH = 9671406556917033401843712000 FEET
○ SHOWS 1/19342813113834066803687424 INCH = 19342813113834066803687424000 FEET
○ SHOWS 1/38685626227668133607374848 INCH = 38685626227668133607374848000 FEET
○ SHOWS 1/77371252455336267214749696 INCH = 77371252455336267214749696000 FEET
○ SHOWS 1/154742504910672534429499392 INCH = 154742504910672534429499392000 FEET
○ SHOWS 1/309485009821345068858998784 INCH = 309485009821345068858998784000 FEET
○ SHOWS 1/618970019642690137717997568 INCH = 618970019642690137717997568000 FEET
○ SHOWS 1/1237940039285380275435995136 INCH = 1237940039285380275435995136000 FEET
○ SHOWS 1/2475880078570760550871990272 INCH = 2475880078570760550871990272000 FEET
○ SHOWS 1/4951760157141521101743980544 INCH = 4951760157141521101743980544000 FEET
○ SHOWS 1/9903520314283042203487961088 INCH = 9903520314283042203487961088000 FEET
○ SHOWS 1/19807040628566084406975922176 INCH = 19807040628566084406975922176000 FEET
○ SHOWS 1/39614081257132168813951844352 INCH = 39614081257132168813951844352000 FEET
○ SHOWS 1/79228162514264337627903688704 INCH = 79228162514264337627903688704000 FEET
○ SHOWS 1/158456325028528675255807377408 INCH = 158456325028528675255807377408000 FEET
○ SHOWS 1/316912650057057350511614754816 INCH = 316912650057057350511614754816000 FEET
○ SHOWS 1/633825300114114701023229509632 INCH = 633825300114114701023229509632000 FEET
○ SHOWS 1/1267650600228229402046459019264 INCH = 1267650600228229402046459019264000 FEET
○ SHOWS 1/2535301200456458804092918038528 INCH = 2535301200456458804092918038528000 FEET
○ SHOWS 1/5070602400912917608185836077056 INCH = 5070602400912917608185836077056000 FEET
○ SHOWS 1/10141204801825835216371672154112 INCH = 10141204801825835216371672154112000 FEET
○ SHOWS 1/20282409603651670432743344308224 INCH = 20282409603651670432743344308224000 FEET
○ SHOWS 1/40564819207303340865486688616448 INCH = 40564819207303340865486688616448000 FEET
○ SHOWS 1/81129638414606681730973377232896 INCH = 81129638414606681730973377232896000 FEET
○ SHOWS 1/162259276832213363461947544465792 INCH = 162259276832213363461947544465792000 FEET
○ SHOWS 1/324518553664426726923895088931584 INCH = 324518553664426726923895088931584000 FEET
○ SHOWS 1/649037107328853453847790177863168 INCH = 649037107328853453847790177863168000 FEET
○ SHOWS 1/1298074214577067007695580355726336 INCH = 1298074214577067007695580355726336000 FEET
○ SHOWS 1/2596148429154134015391160711452672 INCH = 2596148429154134015391160711452672000 FEET
○ SHOWS 1/5192296858308268030782321422905344 INCH = 5192296858308268030782321422905344000 FEET
○ SHOWS 1/10384593716616536061564642857810688 INCH = 10384593716616536061564642857810688000 FEET
○ SHOWS 1/207691874332330721231292857156213772 INCH = 207691874332330721231292857156213772000 FEET
○ SHOWS 1/41538374866466144246258571431243544 INCH = 41538374866466144246258571431243544000 FEET
○ SHOWS 1/83076749732932288492517142862487088 INCH = 83076749732932288492517142862487088000 FEET
○ SHOWS 1/166153499465864576985034287249741776 INCH = 166153499465864576985034287249741776000 FEET
○ SHOWS 1/332306998931729153970068574499483552 INCH = 332306998931729153970068574499483552000 FEET
○ SHOWS 1/664613997863458307940137148998967104 INCH = 664613997863458307940137148998967104000 FEET
○ SHOWS 1/1329227995726916615880274297997934208 INCH = 1329227995726916615880274297997934208000 FEET
○ SHOWS 1/2658455991453833231760548595995868416 INCH = 2658455991453833231760548595995868416000 FEET
○ SHOWS 1/5316911982907666463521097191991736832 INCH = 5316911982907666463521097191991736832000 FEET
○ SHOWS 1/10633823965815332927042194383983473664 INCH = 10633823965815332927042194383983473664000 FEET
○ SHOWS 1/21267647931630665854084388767966947328 INCH = 21267647931630665854084388767966947328000 FEET
○ SHOWS 1/42535295863261331708168777535933894656 INCH = 42535295863261331708168777535933894656000 FEET
○ SHOWS 1/85070591726522663416337555071867789312 INCH = 85070591726522663416337555071867789312000 FEET
○ SHOWS 1/170141183453045326832675110143735578624 INCH = 170141183453045326832675110143735578624000 FEET
○ SHOWS 1/34028236690609065366535022028747117248 INCH = 34028236690609065366535022028747117248000 FEET
○ SHOWS 1/68056473381218130733070044057494234496 INCH = 68056473381218130733070044057494234496000 FEET
○ SHOWS 1/136112946762436261466140088114988468992 INCH = 136112946762436261466140088114988468992000 FEET
○ SHOWS 1/272225893524872522932280176229968937984 INCH = 272225893524872522932280176229968937984000 FEET
○ SHOWS 1/544451787049745045864560352459937875968 INCH = 544451787049745045864560352459937875968000 FEET
○ SHOWS 1/1088903574099490091729120704919875751936 INCH = 1088903574099490091729120704919875751936000 FEET
○ SHOWS 1/2177807148198980183458241409839751503872 INCH = 2177807148198980183458241409839751503872000 FEET
○ SHOWS 1/4355614296397960366916482819679503007744 INCH = 4355614296397960366916482819679503007744000 FEET
○ SHOWS 1/8711228592795920733832965639359006015488 INCH = 8711228592795920733832965639359006015488000 FEET
○ SHOWS 1/17422457185791841467665931278718012030976 INCH = 17422457185791841467665931278718012030976000 FEET
○ SHOWS 1/34844914371583682935331862557436024061952 INCH = 34844914371583682935331862557436024061952000 FEET
○ SHOWS 1/6968982874316736587066372511487204812323904 INCH = 6968982874316736587066372511487204812323904000 FEET
○ SHOWS 1/1393796574863347317413274502297440962464768 INCH = 1393796574863347317413274502297440962464768000 FEET
○ SHOWS 1/278759314972669463482654900459488192492936 INCH = 278759314972669463482654900459488192492936000 FEET
○ SHOWS 1/557518629945338926965309800918976384985872 INCH = 557518629945338926965309800918976384985872000 FEET
○ SHOWS 1/111503725989067785393061960183952769977164 INCH = 111503725989067785393061960183952769977164000 FEET
○ SHOWS 1/223007451978135570786123920367905539954328 INCH = 223007451978135570786123920367905539954328000 FEET
○ SHOWS 1/446014903956271141572247840735811079086556 INCH = 446014903956271141572247840735811079086556000 FEET
○ SHOWS 1/892029807912542283144485681471622155813112 INCH = 892029807912542283144485681471622155813112000 FEET
○ SHOWS 1/178405961582508456628897166294324431162224 INCH = 178405961582508456628897166294324431162224000 FEET
○ SHOWS 1/356811923165016913257794332588648862324448 INCH = 356811923165016913257794332588648862324448000 FEET
○ SHOWS 1/713623846330033826515588665177297726488896 INCH = 713623846330033826515588665177297726488896000 FEET
○ SHOWS 1/1427247692660067653031177330354594529777792 INCH = 1427247692660067653031177330354594529777792000 FEET
○ SHOWS 1/2854495385320135306062354660709189059555584 INCH = 2854495385320135306062354660709189059555584000 FEET
○ SHOWS 1/5708990770640270612124709321418378119111168 INCH = 5708990770640270612124709321418378119111168000 FEET
○ SHOWS 1/114179815412805412242484184228367562222336 INCH = 114179815412805412242484184228367562222336000 FEET
○ SHOWS 1/228359630825610824484968368456735124444672 INCH = 228359630825610824484968368456735124444672000 FEET
○ SHOWS 1/45671926165122164896993673691347024889344 INCH = 45671926165122164896993673691347024889344000 FEET
○ SHOWS 1/91343852330244329793987347382694049778688 INCH = 91343852330244329793987347382694049778688000 FEET
○ SHOWS 1/182687704660488659587974744765380995557376 INCH = 182687704660488659587974744765380995557376000 FEET
○ SHOWS 1/365375409320977319175949489530761991114752 INCH = 365375409320977319175949489530761991114752000 FEET
○ SHOWS 1/73075081864195463835189897906152398222944 INCH = 73075081864195463835189897906152398222944000 FEET
○ SHOWS 1/146150163728390927670379795812304776445888 INCH = 146150163728390927670379795812304776445888000 FEET
○ SHOWS 1/292300327456781855340759591624609552891776 INCH = 292300327456781855340759591624609552891776000 FEET
○ SHOWS 1/584600654913563710681519183249219105783552 INCH = 584600654913563710681519183249219105783552000 FEET
○ SHOWS 1/1169201309827127421363038366498438211577104 INCH = 1169201309827127421363038366498438211577104000 FEET
○ SHOWS 1/233840261965425484272607673298877623544208 INCH = 233840261965425484272607673298877623544208000 FEET
○ SHOWS 1/467680523930850968545215346597755247088416 INCH = 467680523930850968545215346597755247088416000 FEET
○ SHOWS 1/935361047861701937090430693195510491768832 INCH = 935361047861701937090430693195510491768832000 FEET
○ SHOWS 1/1870722095723403874180861386391020983537664 INCH = 1870722

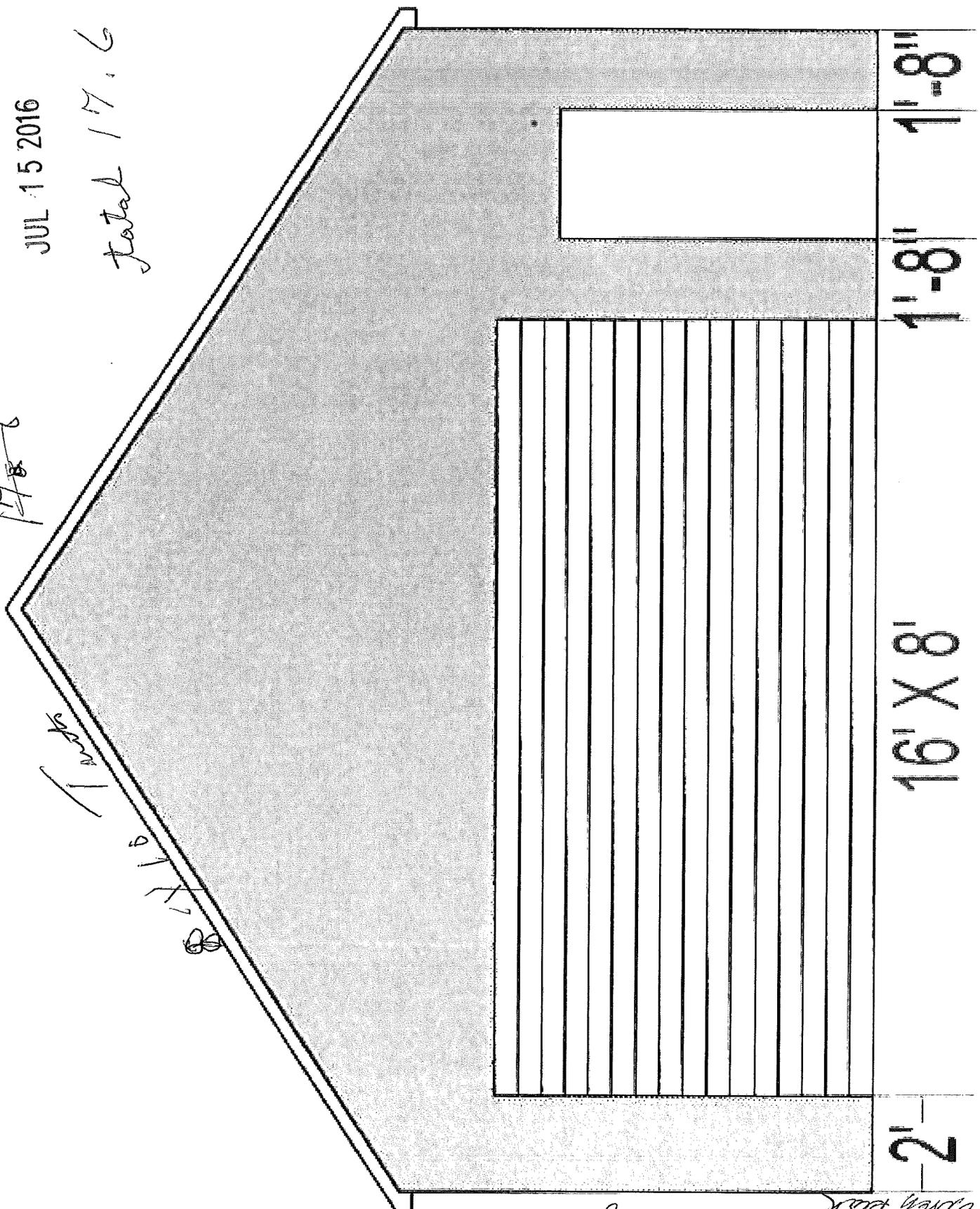
JUL 15 2016

total 17.6

~~17.6~~

17.6

17.6



Brick Block 2x4 - 2 foot walls

2'

16' X 8'

1'-8"

1'-8"

2'-8" X 6'-8"

5

INDIVIDUAL INQUIRY INFO

17.6 total

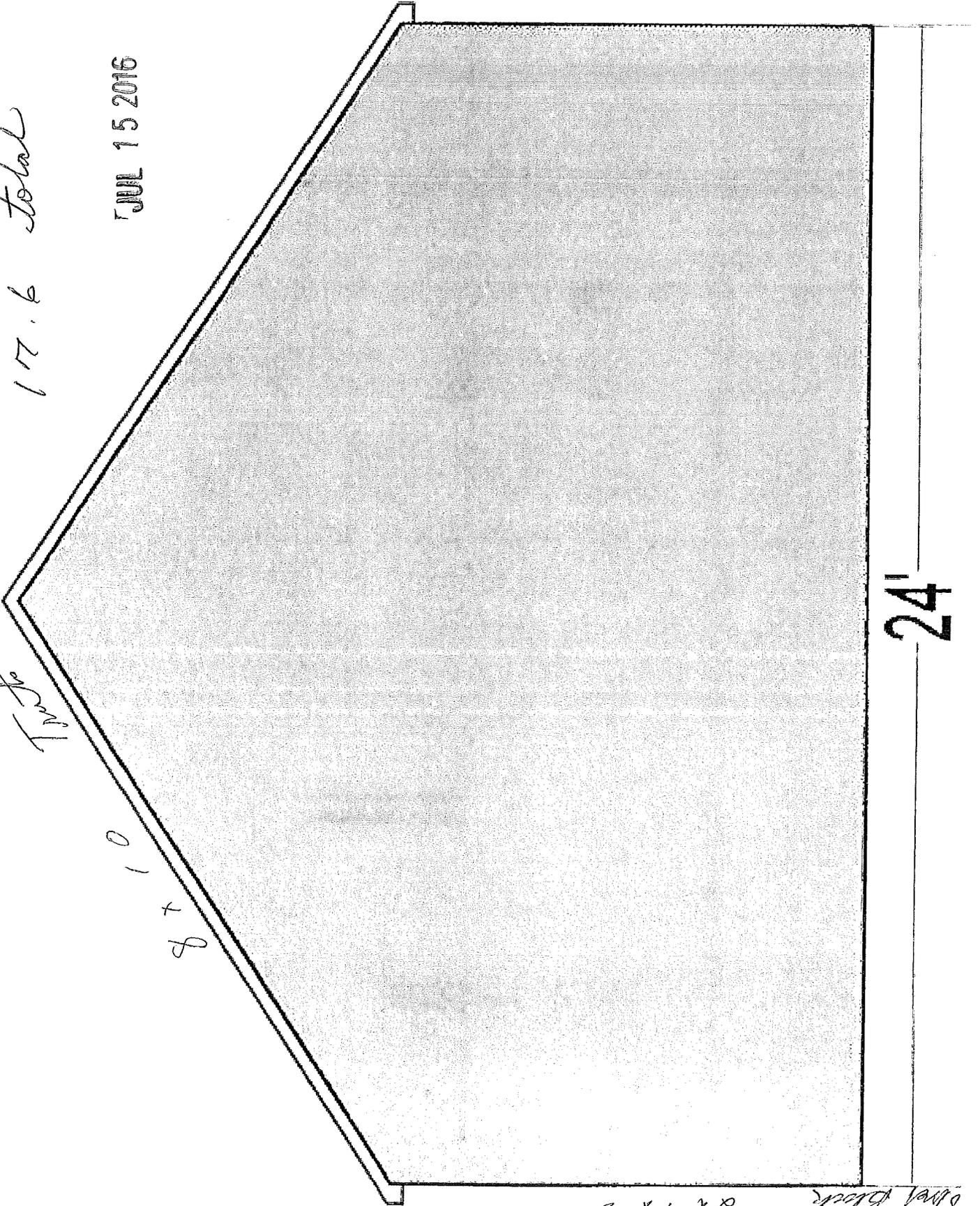
JUL 15 2016

Final

8710

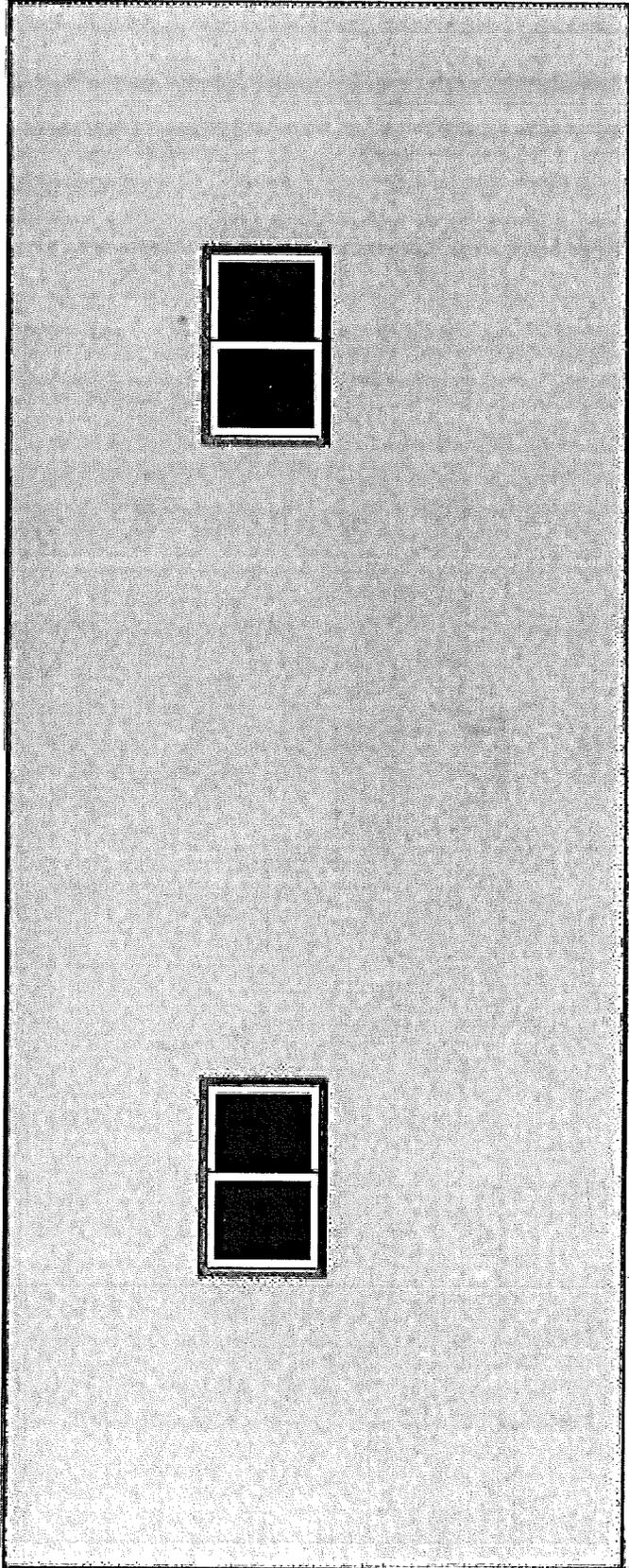
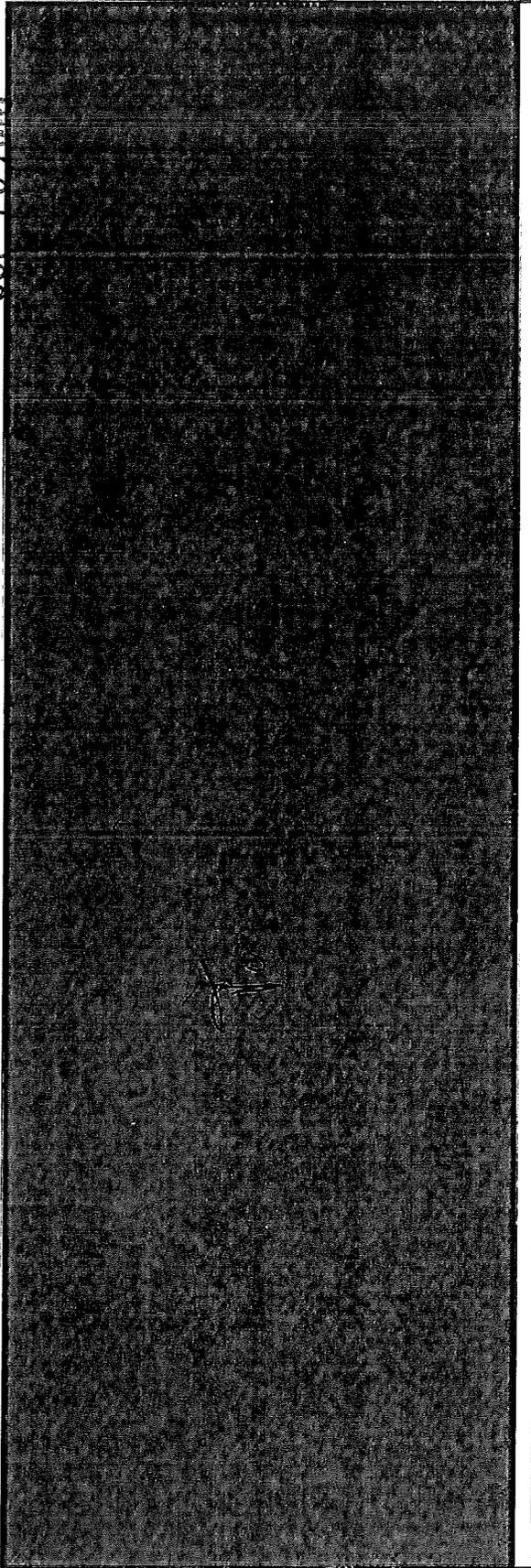
24'

8 x 4 x 8
Steel Block



JUL 15 2016

57



3'-9"

9'-9"

4'-6"

Total 17.6

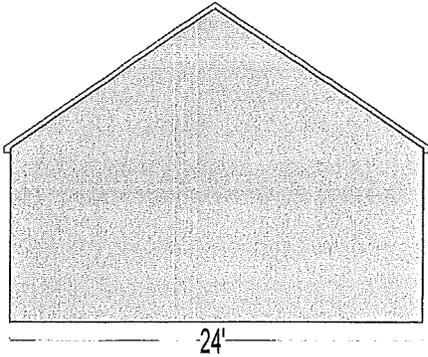
3' X 2'

AREA

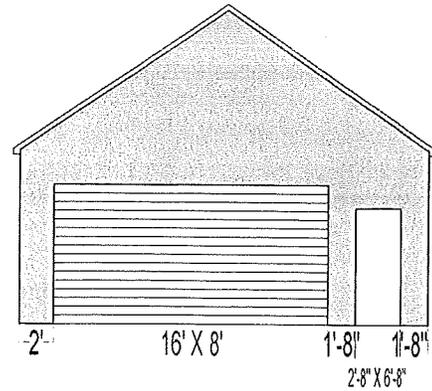
8810 Lind

Sum Block 2x4 - 8 Feet

***** Here are the wall configurations for your design.**
 Illustration May Not Depict All Options Selected

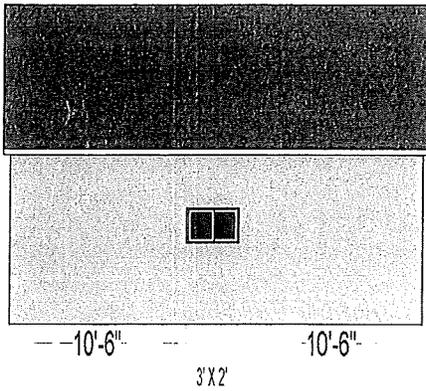


Gable Front View

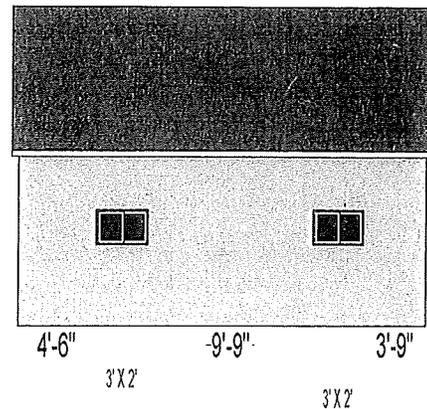


Gable Back View

(1) -
 (1) -



Eave Front View
 (1) -



Eave Back View
 (2) -

Building Size: 24 feet wide X 24 feet long X 10 feet high
 Approximate Peak Height: 18 feet 5 inches (224 inches)

*8 inch Block 8 foot wall 8 feet 10
 17, 6 Trusler*

NOTE: Overhead doors may need to be "Wind Code Rated" depending on your building location.
 Confirm the door requirements with your local zoning official before construction.

Menards-provided material estimates are intended as a general construction aid and have been calculated using typical construction methods. Because of the wide variability in codes and site restrictions, all final plans and material lists must be verified with your local zoning office. Menards is a supplier of construction materials and does not assume liability for design, engineering or the completeness of any material lists provided. Underground electrical, phone and gas lines should be located and marked before your building plans are finalized. Remember to use safety equipment including dust masks and sight and hearing protection during construction to ensure a positive building experience.

C9



A



B

C10



C11



E



F

C12



G



H



I



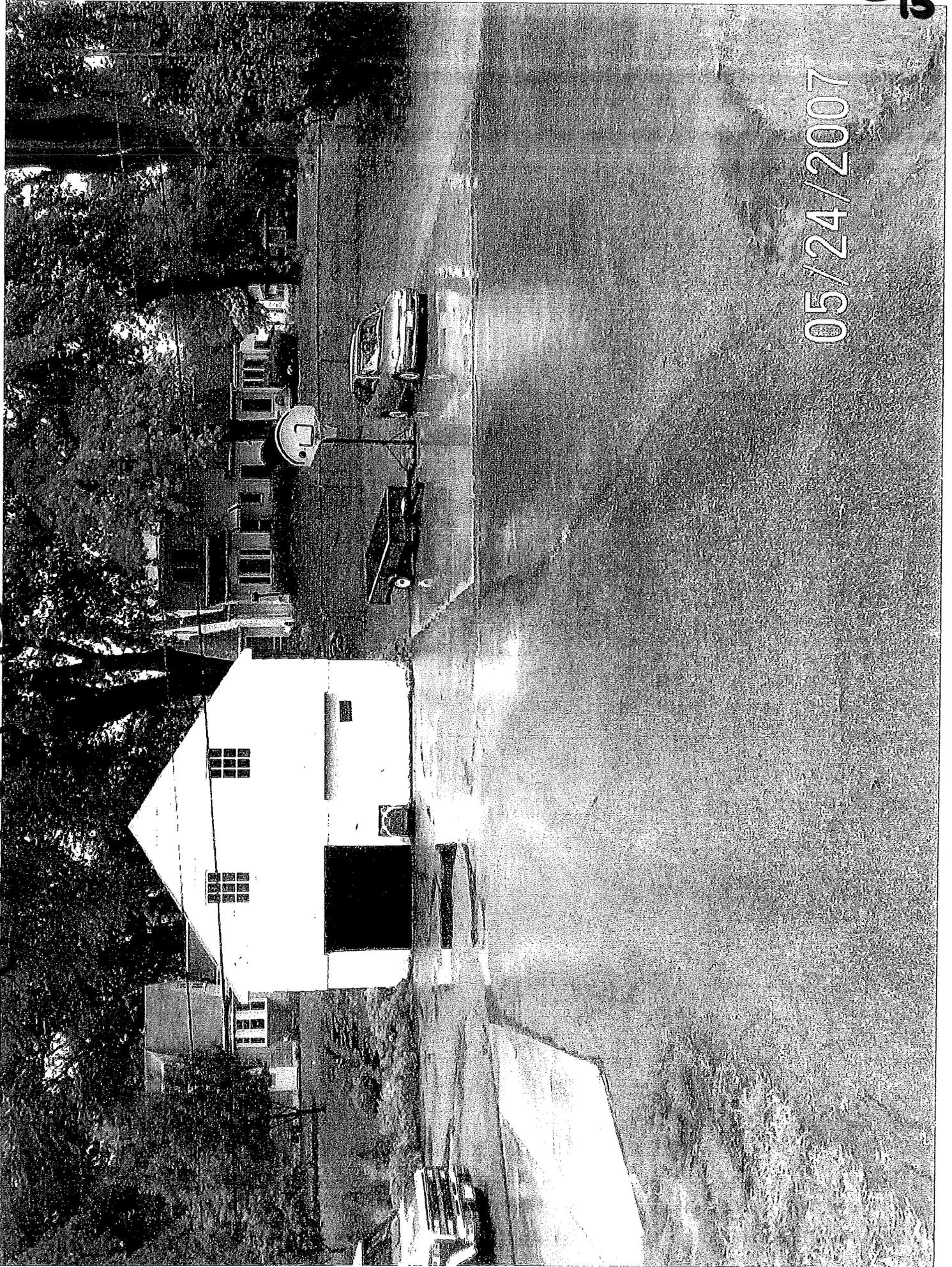
J

C14



K

(Previous garage)



05/24/2007

C15

Jeremiah Olson

A Proposal for a New Garage Variance at 1035 15th Ave. N.

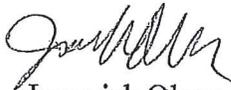
July 31, 2016

1. Our new garage replaces a nonconforming garage. The proposed garage is smaller than our old garage, but provides upper storage space that we lost by demolishing the old garage. Our new loft storage space will still be much smaller than the space we lost by demolition.
2. We demolished our old garage because the city's actions caused, and considerably increased, the flooding. The city had approved a basketball court (1030 – 16th Ave. N.) that served as a flat dam and directed water toward our garage. The city approved a nonconforming, 18-foot high garage to the property north of us that caused increased flooding in the alley (1037 – 15th Ave. N.). At the time of the approval of that larger garage, at a public meeting, South St. Paul Engineer, John Sachi, noted that the new garage would increase the water flow in our alley. In addition, city attorney Corey Land, threatened to plug or block our small drain in our alley garage, as it was deemed to be illegal and not in conformance. This would have greatly increased flooding in the alley which still has no storm sewer. We faced a great hardship for 25 years as we tried to work with the city to solve that flooding problem. The city should recognize that we solved several nonconforming property issues and building issues by demolishing that alley garage. Our new garage will eliminate several problems and allow us to actually have a garage. Since 2008, when our north side neighbor's variance on their garage was approved, we were virtually unable to use our garage stall on the lower level. Our garage use was limited to our considerable storage loft which had a ridge line storage area of up to 12 feet in height. Our new garage will be half of that height and will give us some useful storage. Our new garage will enable us to enter and exit onto 15th Avenue North. I recall considerable discussions at public meeting, for years, about the tall garage on the property to the north of us. The city desired that the new garage have access only to 15th Avenue North. The city was aware that there was no storm sewer in the alley and that an exit there would cause increased flooding in a private alley. Our new garage will cause no flooding in any direction.
3. Currently there are at least three newer constructed non-conforming garages in a radius of less than a block of our home. These buildings are all considerably bigger than our proposed garage. We should be given at least the same level of approval these neighbors were granted for their variances.
4. The proposed garage will increase our property value and property values in the neighborhood. Our new garage will enable an increase in the tax base and be an improvement in the community. We intend to make it an attractive building of the highest quality. It will allow storage in one building, which will eliminate the need for an additional storage shed. Kessel, our neighbor to the north, has a storage shed that is approximately 15 years old. It is not in good condition. As Kessel stated in his letter, our garage could last for 50 to 100 years. It will be in good condition which will benefit the

neighborhood and city. Other neighbors also have small metal or wood storage sheds. They all come to look bad and become eyesores. A larger garage with a good loft is a much better use of space on our lot, and as in many places in our community, as it allows for better use of the lot for lawn, flower beds, and gardens. We have extensive landscaping, with many gardens that we want to preserve.

5. Kessel and other neighbors do not have valid objections to our proposed garage. Kessel claims in his letter that, "[t]he additional height will increase the visual impairment to my property." This is a nonsensical statement. We already have a fence on the south side of our property, abutting Kessel's property. He does not have a right to have a view of our property. Our garage would not restrict Kessel in any way.
6. The proposed garage will have no negative effects on Kessel's property. It will be on the north side of his property. It will not block sunlight or create additional shadows. Kessel already has large trees on the north and west sides of his property.

Respectfully,


Jeremiah Olson

651-503-8381

Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 3.C
---	--	-----------------------------------

Project Name:	Concord Lanes (Mattie's Lanes) Signage and Materials Variances	
Site Address:	365 Concord St. N.	PID: multiple
Applicant(s):	Mattie's Lanes, Inc.	
Request:	Consider the request for a variance of 370 square feet to accommodate additional signage on the property, a variance to allow the signage to not be outside of the sign band of 10-15 feet tall on the building, and a variance to allow a weathered wood exterior material.	
Proceeding:	Public Hearing / Planning Commission Recommendation	
Tentative City Council Meeting Date:	August 15, 2016	
Deadline:	September 4, 2016* <small>*The City must act on this request by this 60-day review period deadline unless the city provides the applicant with written reasons for why additional time, up to a maximum of 120 days, is required. The City may extend the review period beyond the 120 days but only with the applicant's consent.</small>	
Exhibits:	A. Location map B. Correspondence from neighboring property owners - (none) C. Materials submitted by the applicant	

REQUEST

The applicant is requesting variances for the total amount of signage on the property at 365 Concord Street North, location of the signage on the building, and variances for the use of exterior materials.

BACKGROUND

The property at 365 Concord Street North is located in the NCMU (North Concord Mixed Use) Zoning District a bowling alley is allowed as a Conditional Use. The building was constructed in 1978 and was formerly known as "Wells Lanes" and most recently as "Mattie's Lanes". During the transition from Wells to Mattie's the brown weathered wood exterior, that had covered much of the building's exterior, was removed and the block walls were painted tan with a maroon band and the exterior remains that way today.

EVALUATION OF THE REQUEST

A. VARIANCE

Following are standards from the City's Zoning Code that apply to specifically to the application.

1. Zoning

The zoning for the property is NCMU: North Concord Mixed Use District and is pedestrian-centric zoning that allows for a mixture of retail, office, and residential uses and typically contemplates retail uses occupying spaces of approximately 10,000 square foot spaces. The site is a 35,000 square foot bowling alley which is a conditional use in the district. The building was built in 1978 and the building and existing signage sizes predated the NCMU district. Previously the bowling alley site also had an illuminated wall sign for "Wells Lanes" that was removed around the time that the old brown wood paneling was removed from the exterior of the building.

The site has direct visibility to Concord Street with over 750 feet of frontage on a 4-lane street with higher speed limits. The proposed signage variances would only allow wall signage that is only 10 percent of the visible wall area with the majority of the signage facing Concord Street. The 10 percent threshold has been a standard that the City has used for dealing with signage variance requests particularly on large buildings (such as the Sportsman's Guide variances) so there is an established precedent. The total signage area for the property proposed in the variance also includes the allowable freestanding sign size in the NCMU district as the existing pylon sign is likely to be replaced in the near future.

The NCMU district includes standards that signage sit within a band of 10-15 tall on the wall of the building. In a traditional storefront scenario as contemplated in the NCMU district that could be accommodated with wall signage over the shop windows and door. However, the bowling alley does not fit that traditional storefront mold and allowing a variance from the sign band location allows balance for breaking up the longer blank wall spans. The signs that would be impacted by the variance for the sign band are the logo sign at the far left on the east elevation and the illuminated tag line sign at the right on the east elevation. The smaller signs serve a wayfinding purpose directing customers to the bowling center or the restaurant/bar portion of the facility.

Finally, the applicant has proposed a secondary exterior material of weathered wood plank that would help to break up the mass of the building with the change in material and relief. Changes in materials and relief is a concept used in the NCMU zoning district to limit blank wall spans and encourage buildings that are more visually interesting and contribute to the pedestrian oriented character of

the district. Given the larger size of the building the application of a secondary material is used to emphasize the entryways and break up the main wall elevation of the building. The weathered wood plank material would be limited to the entryways and the portion in between the two entryways on the east elevation. The building would also be painted as per the attached plans.

2. Variance Findings

In variance cases the City is required to make findings in regard to practical difficulties as used in connection with the granting of a variance as defined by State Statute 462.357, subd. 6 and in City Code Section 118-39. The City must make the following findings in considering approval of a variance:

- a. *The variance is in harmony with the general purpose and intent of the ordinance*
- b. *The terms of the variance are consistent with the Comprehensive Plan, and*
- c. *The applicant for the variance establishes that there are practical difficulties in complying with the ordinance. (Economic considerations alone do not constitute practical difficulties). Practical difficulties as used in connection with the granting of a variance means that:*
 - i. *The property owner proposes to utilize the property in a reasonable manner.*
 - ii. *The plight of the property owner is due to circumstances unique to the property that were not created by the property owner, and*
 - iii. *The variance will not alter the essential character of the neighborhood.*

3. Correspondence from Neighboring Property Owners

Staff was contacted by one property owner that had concerns about noise generated by events at the building. The property owner also wanted to know the type and location of the signage. Staff provided the property owner with a copy of the proposed signage for the building.

ALTERNATIVES

The Planning Commission has the following actions available on the proposed application:

- A. **Approval.** If the Planning Commission has review the application and determined that the application is consistent with the Variance findings (see p.3-4 of this report), then staff would recommend the following conditions for a *recommendation* for approval:

- Approval of the **Variances** of 367 square feet for the total amount of signage on the property, signage to be located outside of the 10-15 foot tall “sign band” for the building, and a variance to allow a weathered wood secondary exterior material for the property located at 365 Concord Street North, subject to the following findings and conditions:

Findings:

The Planning Commission has reviewed the proposal and determined that the use conforms to the general purpose of the Zoning Code and should not substantially diminish or impair property values, will not impede the normal and orderly development of property in the neighborhood, has access to adequate utilities, and there is adequate ingress and egress for the property.

Furthermore, there are practical difficulties in complying with the ordinance due to the size and location of the building which necessitates sign variances for proper visibility and identification, and the proposed secondary materials help to break up the mass of the building which is one of the goals of the architectural standards for the district. The property owner proposes to utilize the property in a reasonable manner and the plight of the property owner is due to the unique circumstances of the property size and location which was not caused by the property owner. The proposed use and building would not alter the essential nature of the neighborhood.

Conditions of Approval:

- 1) **Compliance with Plan Submittals.** The site shall be utilized in substantial conformance, in the reasonable opinion of the City Council, with the application, narratives, and with the following plans on file with the Community Development Department:

a) Application/background (Mattie’s Lanes, Inc., Shea)	dated 07/07/2016
b) Additional Narrative	dated 07/29/2016
c) Plans / Elevations (Shea, Inc.)	dated 07/06/2016
- 2) **Building Permits Required.** Building Permits are required for the proposed improvements. All building plans and specifications are subject to the review and approval of the City Building Official and South Metro Fire Marshal.
- 3) **Reasonable Maintenance for Wood Exterior Materials.** The applicant shall provide proper maintenance for the weathered wood plank exterior material to ensure that the materials remain in good condition and are not subject to substantive degradation from physical or environmental damage.
- 4) **Compliance with Laws and Approvals.** The property must remain compliant

with all federal, state, and local laws and ordinances and all prior City approvals.

- 5) **Termination of the Variance.** The variance will terminate if improvements have not substantially begun within 1-year from the date of approval of the variance. The violation of any condition of approval for the variance shall terminate the variance. The property must be continually operated for use specified in the Variance to remain valid. If the property is not used for the use listed in this Variance for a period of 1-year then the Variance shall terminate.

B. **Denial.** If the Planning Commission does not favor the proposed application or portions thereof, the above requested should be recommended for denial. If the Planning Commission recommends denial, then findings of the basis for denial should be given.

- Denial of the **Variations** of 367 square feet for the total amount of signage on the property, signage to be located outside of the 10-15 foot tall "sign band" for the building, and a variance to allow a weathered wood secondary exterior material for the property located at 365 Concord Street North, for the following reasons:

1. _____

STAFF ANALYSIS

The proposed variances appear to be in keeping with the type of use and the location along a busy commercial street. The proposed variances appear to be necessary based on the size of the building, location from the street and speed of the adjacent traffic. Signage proposed would be consistent with existing precedent for signage area variances in the City. The proposed weathered wood material will help to break up the mass of the building which is consistent with the concepts of the zoning district and is reasonably applied given the mass of the building.

STAFF RECOMMENDATION

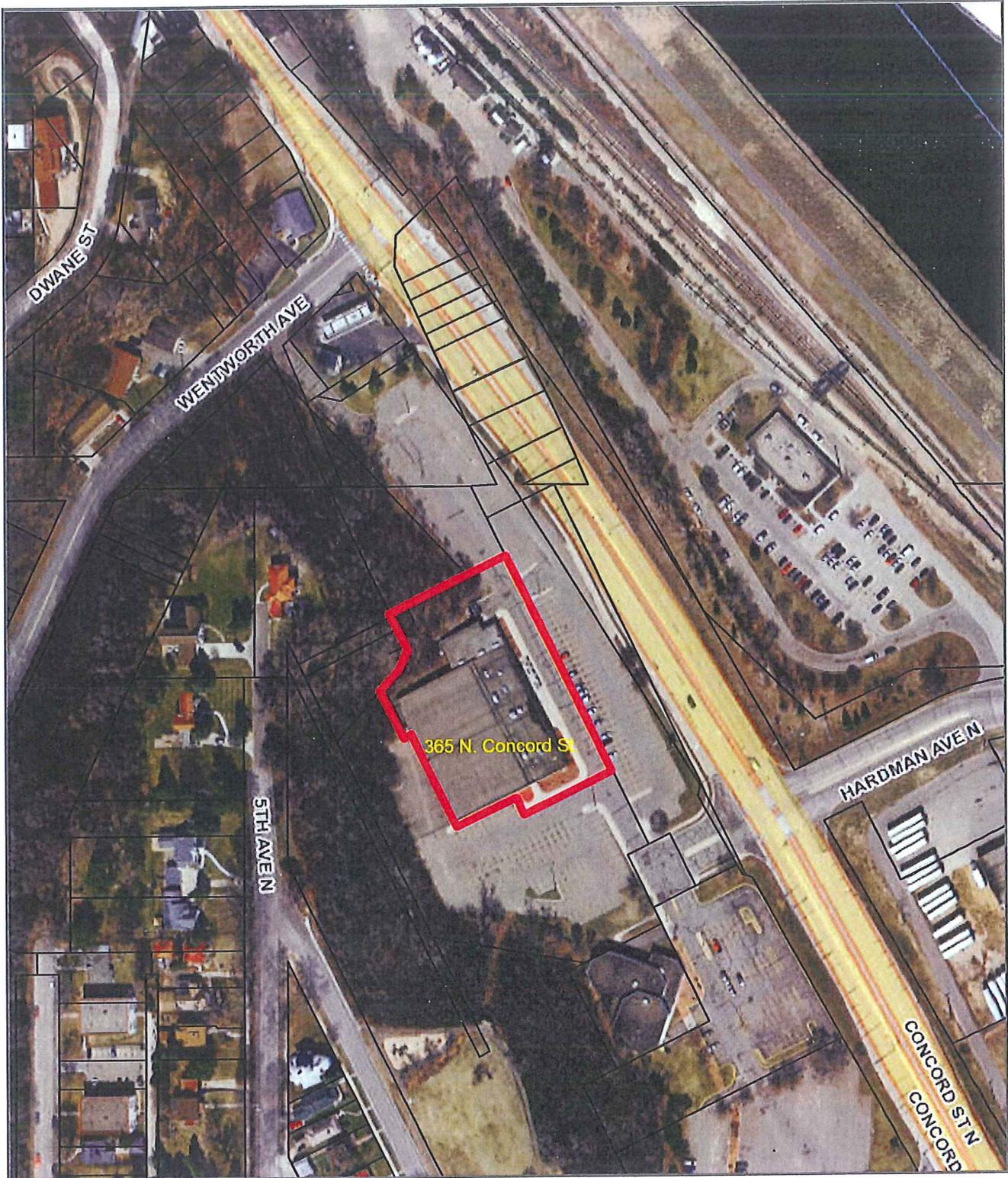
Staff recommends **approval** of the variances property located at 365 Concord Street North, subject to the conditions listed in this report.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

365 N. Concord St.



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 200 feet
7/14/2016



10 South Eighth Street
Minneapolis MN 55402

t 612_339_2257
sheadesign.com

C,

July 7, 2016

Peter Hellegers, AICP
Planning Division Manager
City of South St. Paul
125 Third Ave North
South St. Paul, MN 55705

Re: Mattie's Signage Variance Request
Shea project no.: 7399

Dear Mr. Hellegers:

Anderson Companies is the Owner of Mattie's Lanes located on 365 North Concord Avenue. On behalf of Anderson Companies Shea Inc. is submitting this narrative as part of the signage variance request to obtain an increase to the gross allowable site square footage from 150 SF to 367 SF.

Mattie's is an existing Bowling Center with a Bar and Restaurant located within the existing building footprint. A new name, logo and signage have been developed for the business, Concord Lanes. The commercial services as a bowling center with a bar and restaurant will remain as existing.

Adjacent properties include, parking lots on three sides owned by HRA of South St. Paul. Further south is a Liquor Store. Further north there is a gas station. Further east there is a residential development buffered by steep wooded landscape. Further west is another steep landscape sloping down to an industrial building next to the Mississippi River.

There are typically 28 to 30 employees during the winter season, and 20 employees during the summer months. At any one time the maximum number of anticipated customers is 425, but most likely would be 300, with an average of 200 during the busy winter months.

The hours of operation are:

Monday	11 am- 1 am (21 plus starts at 9 pm)
Tuesday	11 am-midnight
Wednesday	11 am-midnight
Thursday	11 am-midnight
Friday	11 am-1 am (cosmic starts at 9 pm)
Saturday	11 am-1 am (cosmic starts at 9 pm)
Sunday	11 am-11 pm

C2

2

project name/ #: 365 N. Concord Ave
date: July 7, 2016

Thank you for the opportunity to present this variance application. If you have any questions about the application, please contact the applicant Mike Anderson at 651-578-3870 or mike@anderson-cos.com.

Sincerely,



Cecelia Dillon, NCARB, AIA
Project Architect

Shea, Inc.

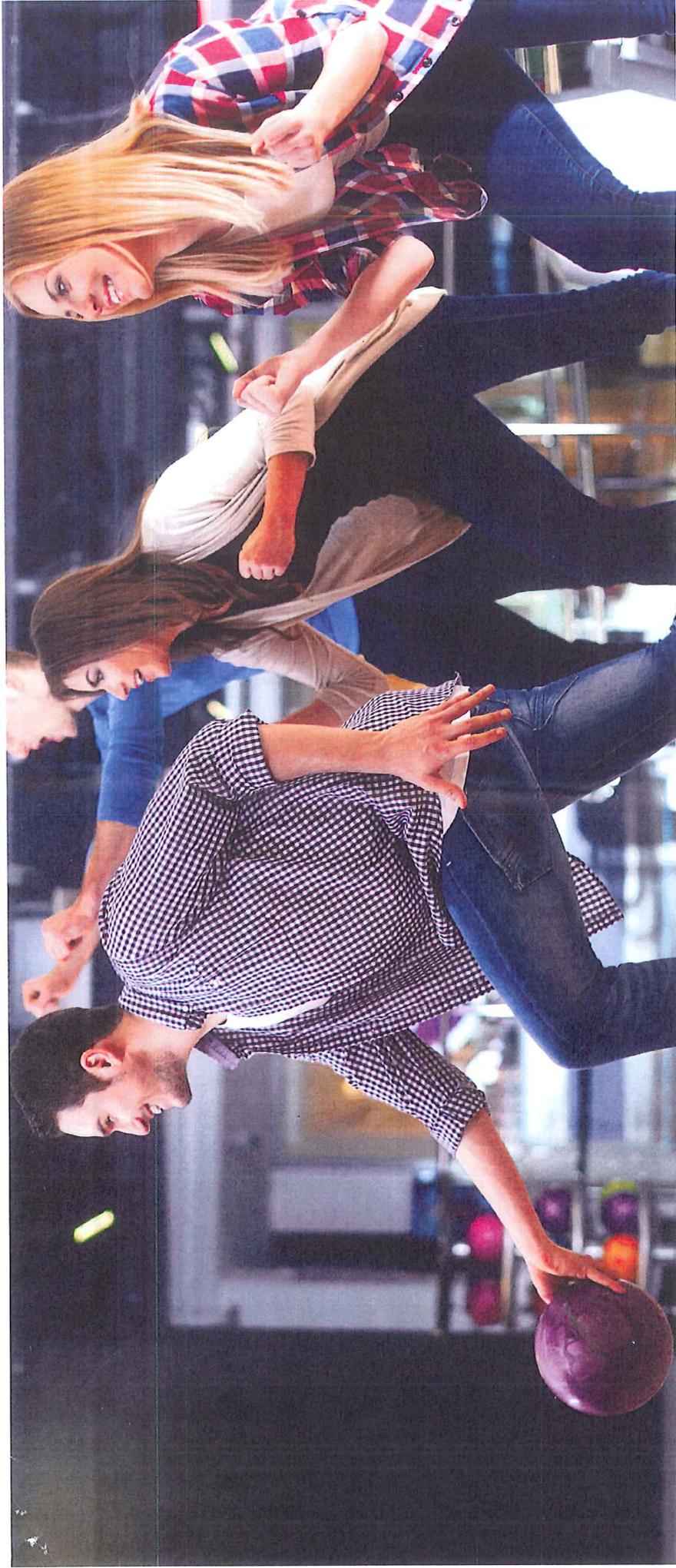
From: Cecelia Dillon
Sent: Friday, July 29, 2016 12:46 PM
To: Peter Hellegers
Subject: RE: Weathered wood exterior materials / existing signage - Mattie's/Concord Lanes

Peter:

The weathered wood material is proposed to be either a cedar or teak wood that will naturally weather over time. These species of wood hold up well and weather with a beautiful varied grey patina. The boards will be installed on a metal frame mounted to the existing brick structure. The boards will be fastened in such a way that they can be easily replaced. We look at the material choices being similar to an exterior wood deck. Sealers and stains have to be renewed every year. By going with a wood species that has a natural ability to weather and resist decay and insects, the owners will have an exterior that will be both maintainable and provide a natural appearance.

The site needs additional signage because its façade is only one story in height. The building is very long and not very tall. The existing signage gets lost on the long façade and is hardly noticeable. Signage square footage needs to be larger to make an impact to drivers when at such a low height. Additional square footage of signage will also correct the issue that the entrances are not well marked. With the additional square footage, we will be able to clearly show to people where the entrances are located for the bowling and bar areas. We will also be able to provide signage large enough to be clearly readable from Concord Avenue North.

Cecelia Dillon, NCARB, AIA
Project Architect
Shea Inc.
952-200-8987



Mattie's Lanes Presentation Exteriors and Logos



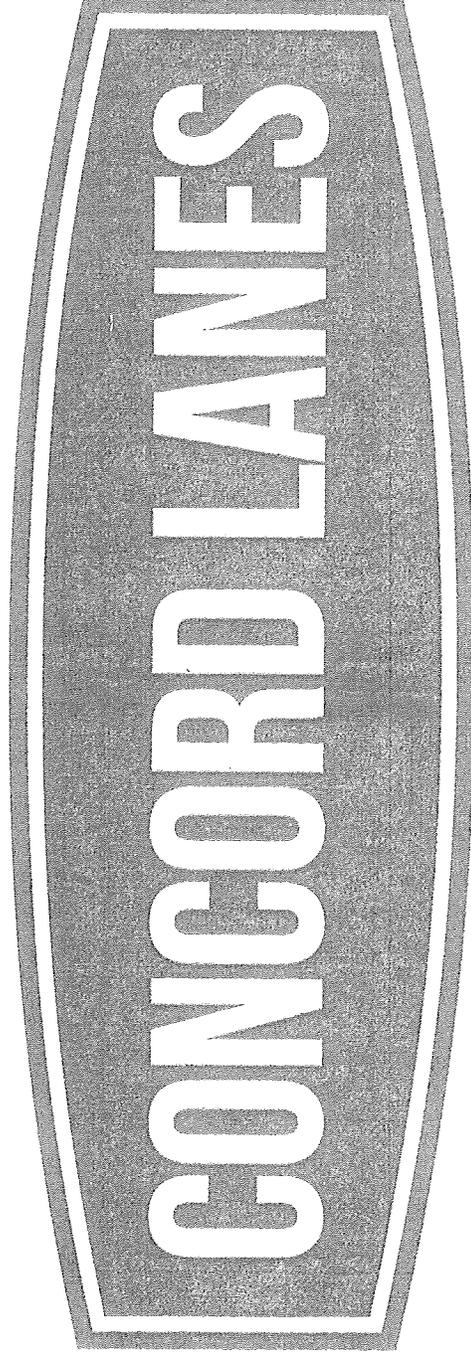
PRESENTED TO ANDERSON CO.
JULY 6, 2016

CS

Mattie's Lanes – 365 N. Concord Ave



Logo



CE

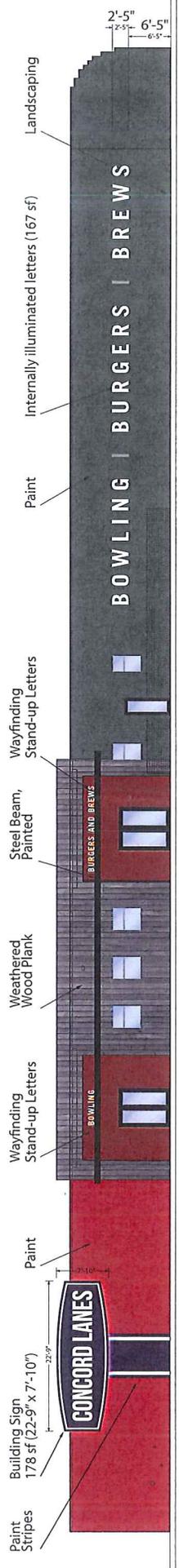
C7

Exterior Elevations

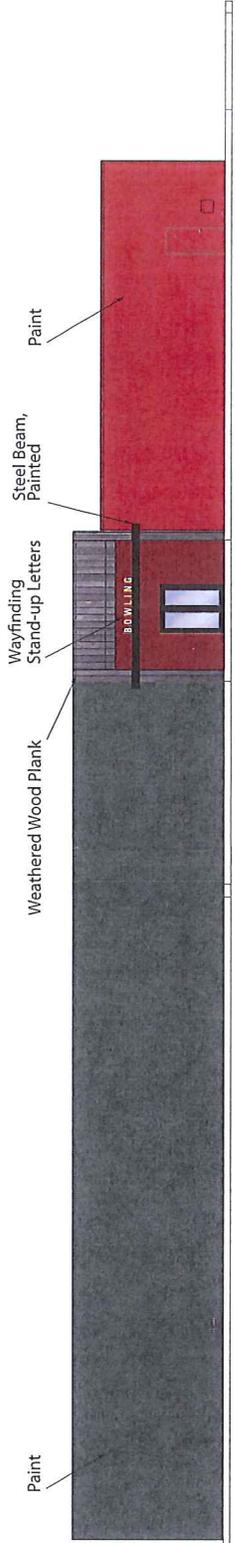
Existing Exterior



Total Facade SF:	3,450
Building Sign SF:	178
Wayfinding Signage SF:	22
Tagline Singage SF:	167
Total Signage SF:	367

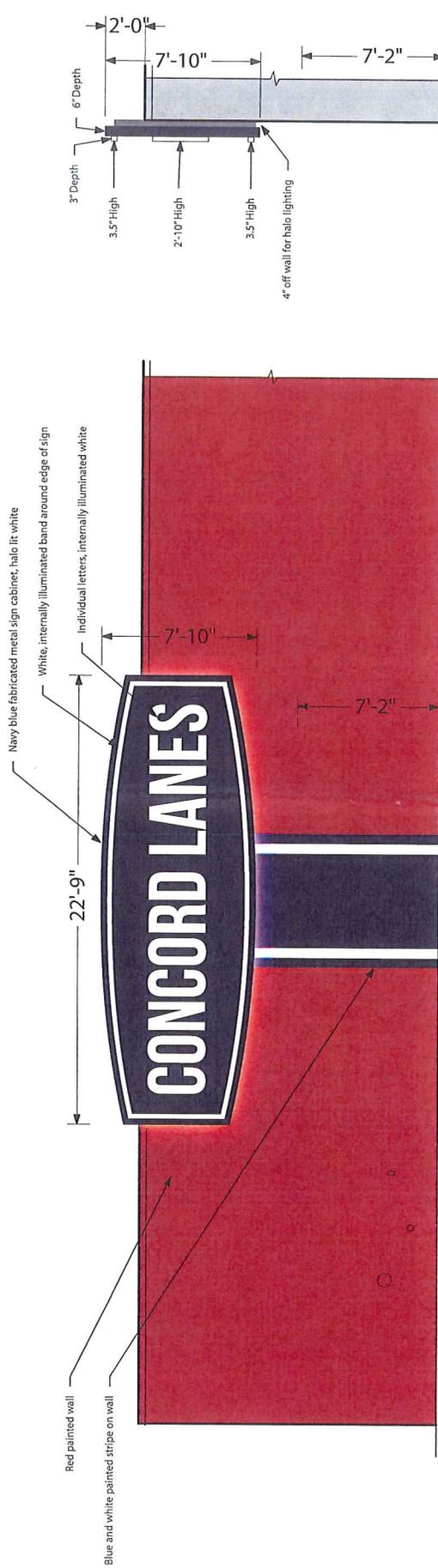


EAST ELEVATION



SOUTH ELEVATION

Building Sign Details

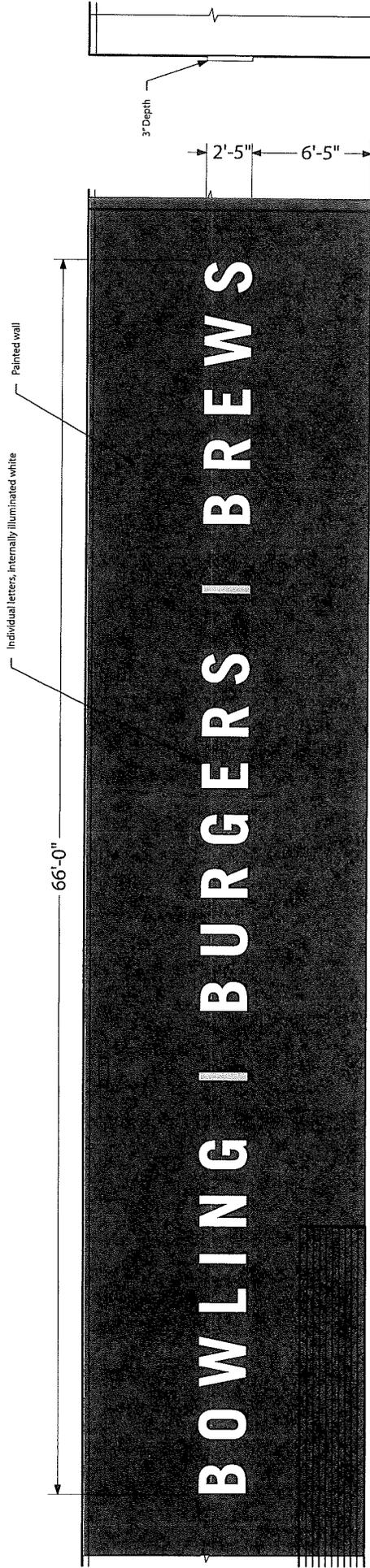


Elevation

Section

Ca

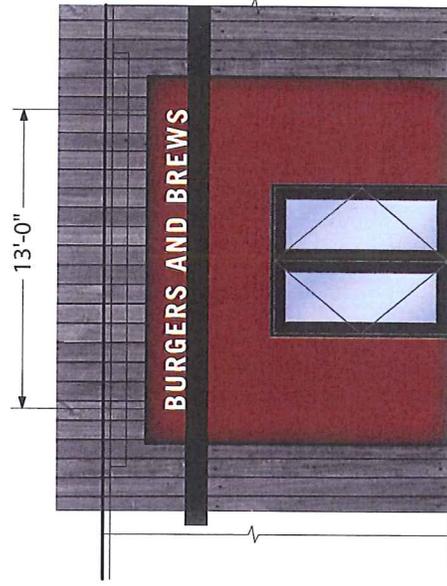
"Tagline" Sign Details



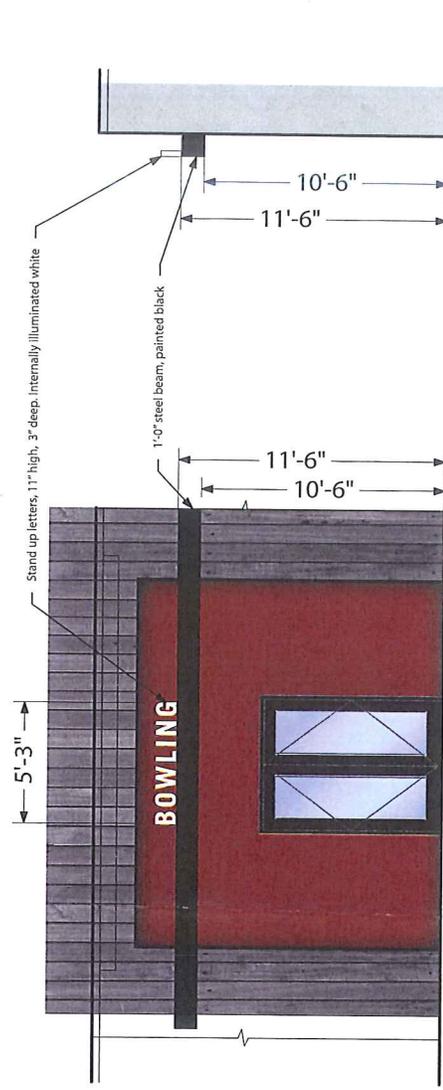
Elevation

Section

Wayfinding Sign Details



Elevation, Restaurant Entrance



Elevation, Bowling Entrance (2)

Section

Peter Hellegers

From: Michelle Lehmann <chris_michellelehmann@comcast.net>
Sent: Sunday, July 31, 2016 5:49 PM
To: Peter Hellegers
Subject: Re: Notice of Public Hearing

Hi Peter,

In relation to the Public Hearing on August 3rd regarding Mattie's Lanes and their request for variances, we would like to offer that we are opposed to any signs that rise above the building and/or are illuminated. We do not believe that Mattie's Lanes has been a responsible business owner. We are disappointed over recent events that occurred with this business when noise was an issue. When we called this business, they told us to call the police. The police visited more than once and the noise continued throughout the day at times getting worse. They, also, did not pull a permit with the city for the event. They held a similar event once more after this initial incident. It is difficult to support a business when they are not being a responsible neighbor.

I am sorry that I will be unable to appear at the hearing, but please let me know the outcome. Thank you for your time and consideration of my comments.

Michelle Lehmann
420 5th Ave. N.
SSP, MN 55075

From: "Peter Hellegers" <phellegers@southstpaul.org>
To: "Michelle Lehmann" <chris_michellelehmann@comcast.net>
Sent: Tuesday, July 26, 2016 11:54:42 AM
Subject: RE: Notice of Public Hearing

Hi Michelle,

The proposed signs are wall signs and most would be located on the east side of the building facing Concord Street, one would be over the southern door to the bowling alley facing the liquor store. The signs would include illumination, mostly backlit with the one logo sign having a halo lighting as well. Halo lighting is what they use on the signage for the Affinity Plus building at Plato/Highway 52. In addition to the signage variances they would be painting and making some upgrades to the exterior of the building. I have attached a copy of the elevation drawings that will help better explain the request.

Please feel free to contact me with any additional questions.

Sincerely,

Peter



Peter Hellegers, AICP | Planning Division Manager | City of South St. Paul
125 Third Avenue North | South St. Paul, MN 55075
p. 651.554.3217 | f. 651.554.3271 | www.southstpaul.org

From: Michelle Lehmann [mailto:chris_michellelehmann@comcast.net]
Sent: Tuesday, July 26, 2016 10:43 AM

To: Peter Hellegers <phellegers@southstpaul.org>

Subject: Re: Notice of Public Hearing

Hello,

Just checking back in on this email. I know that you just got back in the office yesterday, but the meeting is next week already.

Thanks,

Michelle Lehmann

From: "Michelle Lehmann" <chris_michellelehmann@comcast.net>

To: phellegers@sspmn.org

Sent: Tuesday, July 19, 2016 12:42:29 PM

Subject: Notice of Public Hearing

Hi Peter,

This is Michelle Lehmann and I am looking for more information about the Wed, Aug. 3rd hearing regarding Mattie's Lanes and the request for sign variances.

What types of signs are they talking about, where do they want to place them and how tall are they going to be?

I would like to understand this better before I send my comments/thoughts against such a request.

I may not be able to attend the hearing on August 3rd due to another engagement at the same time that evening.

I am frustrated with this business after the last event that was held down there. It was a huge nuisance in our neighborhood for an entire Sunday afternoon, which only became worse once the police paid a visit down there. The noise was unbelievable.

Could you please share more information regarding what they are asking for?

Thank you,

Michelle Lehmann

612-419-6640

Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Items: 3.E and 3.F
---	--	--

Project Name:	Comprehensive Plan Amendment – NRDD area
Request:	Consider an amendment to the Comprehensive Plan to change the future land use designation from
Proceeding:	<ul style="list-style-type: none"> ▪ Discussion ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council –1 st Reading – August 15, 2016 City Council – 2 nd Reading– September 19, 2016
Exhibits:	Item 3E and 3F: A. PC Resolution 2016-07 – Comprehensive Plan Amendment B. PC Resolution 2016-08 – Zoning Amendment C. Maps (zoning)

Background

The City has had some development interest from neighboring properties such as the neighboring Saint Paul impound lot and United Pacific Railroad (UPRR). These uses would exterior storage due to the industrial nature of surrounding properties and the fact that these are currently the only properties with ways to directly access the property. The UPRR has proposed to lease a 5 acre parcel on the City owned parcel for exterior storage that would be used to store track materials to be used in their railyard improvements and expansion as well as providing storage space for materials and rail cars after the improvements have completed. If the City were to entertain this concept it would also require an Interim Use Permit to allow the proposed storage use of the property. The current Open Space designation would not allow for exterior storage and the proposed Industrial designation is most consistent with the neighboring properties to the north and east. Additionally in that scenario the City would also need to amend the zoning to allow exterior storage as a conditional or interim use.

Property Characteristics

Future Land Uses

The property is part of a 7-acre parcel owned by the City that is located at the northern border with Saint Paul. The property to the north is in the City of Saint Paul, the property to the east is guided Open Space, the property to the south is guided Park, and to the west is the railroad. Concord Street is west of the railroad with no other development on the right side of the road and residential property on the west side of Concord.

Existing Land Uses

The property to the east is the Alter industrial property, to the south is the Kaposia Landing park, to the west is railroad, and to the north is the Saint Paul impound lot.

Zoning

The property is currently zoned North Riverfront Development District (NRDD) and has a Public Land overlay. Permitted Uses in the NRDD include boat marinas and public recreation uses; Conditional Uses in NRDD would allow commercial recreation.

Access

The property is currently landlocked with no street access to the property. This is likely the main reason the property has not already been developed.

Other considerations

The Mississippi River Regional Trail (MRRT) has a proposed extension that would run from Kaposia Landing park and through the far western portion of the property, wind through Saint Paul and would eventually connect to Harriet Island Park in Saint Paul. This MRRT extension project has received grant approval which would be funded for the year _____. Some of the potential conflicts with the proposed trail and proposed UPRR storage use by include the ensuring sufficient buffer space around the trail so the trail user experience isn't substantially diminished and a proposed at grade crossing of the trail to provide access into the site.

Item 3E:

Request

Consider a Comprehensive Plan Amendment to change the future land use designation of a property from Open Space to Industrial.

Item 3F:

Request

Consider a Zoning Amendment to allow exterior storage as an interim use for the NRDD zoning district.

The property is part of a 7-acre parcel owned by the City that is located at the northern border with Saint Paul. The property to the north is in the City of Saint Paul, the property to the east is guided Open Space, the property to the south is guided Park, and to the west is the railroad. Concord Street is west of the railroad with no other development on the right side of the road and residential property on the west side of Concord.

Process / Timeline

Process – The Planning Commission will hold a discussion on the item, make a recommendation, and the Comprehensive Plan Amendment and Zoning amendment would be forwarded to the City Council for consideration.

Steps:

1. Hold public hearing on comprehensive plan – continue to September 7th PC meeting
2. Hold public hearing on zoning amendment – continue to September 7th PC meeting

Staff Analysis

The interest in the property raises the question about whether the property is guided correctly and whether there are other potential uses for the property. The likely uses would derive from the surrounding property types and a limiting factor is the lack of access to the property. Some recreational uses may be a harder fit due to the lack of access and the nature of the surrounding industrial properties and railroad which could diminish the quality of a recreational use. Additionally the City is already developing an 87 acre park just south of the site. Therefore open space/passive recreation use on the parcel would likely be best served as providing adequate natural buffers around the trail to preserve the user experience. The next most likely development option would be an industrial land use given the nature of the development in Saint Paul and the Alter metal recycling use directly east of the site. It's possible that the site could accommodate a more desirable industrial use than exterior storage but the City would need to provide access to the site and would need to obtain an access easement to provide that access. Additional analysis would be necessary of the site to determine condition of the soils and other issues impacting developability. If the developability of the site is limited then exterior storage or open space are likely the highest and best uses of the property.

Staff Recommendation

Staff recommends a Comprehensive Plan Amendment to allow for industrial and open space uses with industrial focused to the interior portion of the property and the open space use reserved to buffer the future MRRT trail extension. Staff does not recommend the zoning amendment at this time. However if exterior storage of the site were to be entertained staff would recommend that it be limited to the northern and eastern portions of the site so that the use would not impact the proposed trail along the western edge of the property.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-07**

**RECOMMENDING APPROVAL/DENIAL OF A COMPREHENSIVE
PLAN AMENDMENT TO CHANGE THE FUTURE LAND USE FROM
OPEN SPACE TO INDUSTRIAL**

WHEREAS, the City's Comprehensive Plan guides future land uses for property within the City, and

WHEREAS, the subject property is located at the northeastern corner of the community and is shown as Open Space on the Future Land Use map from the Comprehensive Plan, and

WHEREAS, the subject property is currently undeveloped and is surrounded by existing Industrial uses and railroad lines, and

WHEREAS, in order to guide the property to its highest and best use and make the property consistent with neighboring land use the future land use would need to be guided as Industrial instead of Open Space, and

WHEREAS, an extension of the Mississippi River Regional Trail (MRRT) is proposed along the western side of the property which would connect the existing trail system to the south with Harriet Island in Saint Paul to the north, and

WHEREAS, future land uses of property to the east whether Industrial or Open Space can coexist with the proposed MRRT trail extension, and

WHEREAS, the Planning Commission opened a public hearing on the proposed resolution at their August 3, 2016 meeting and continued the public hearing to their September 7, 2016 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Approval/Denial of An Amendment to the Comprehensive Plan to change the Future Land Use from Open Space to Industrial.

Adopted this 7th day of September, 2016.

Chair

ATTEST:

City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-08**

**RECOMMENDING APPROVAL/DENIAL OF A ZONING AMENDMENT
TO ALLOW EXTERIOR STORAGE AS AN INTERIM USE IN THE
NORTH RIVERFRONT DEVELOPMENT DISTRICT**

WHEREAS, the subject property is located at the northeastern corner of the community in the North Riverfront Development District (NRDD), and

WHEREAS, the purpose of the NRDD is to promote and regulate the development of mixed commercial and certain high-density uses in the area adjacent to and in the vicinity of the Mississippi River by the balancing of utilization of land for the purposes for which it is most appropriate and protection of the river amenities in the public interest, and

WHEREAS, the is currently undeveloped and is surrounded by existing Industrial uses to the north and east and railroad lines to the south and west and does not currently have street access to the property, and

WHEREAS, the City of South St. Paul (“the City”) has an interest in amending the zoning regulations in the NRDD district to include Exterior Storage as an Interim Use, and

WHEREAS, the Planning Commission opened a public hearing on the proposed resolution at their August 3, 2016 meeting and continued the public hearing to their September 7, 2016 meeting; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

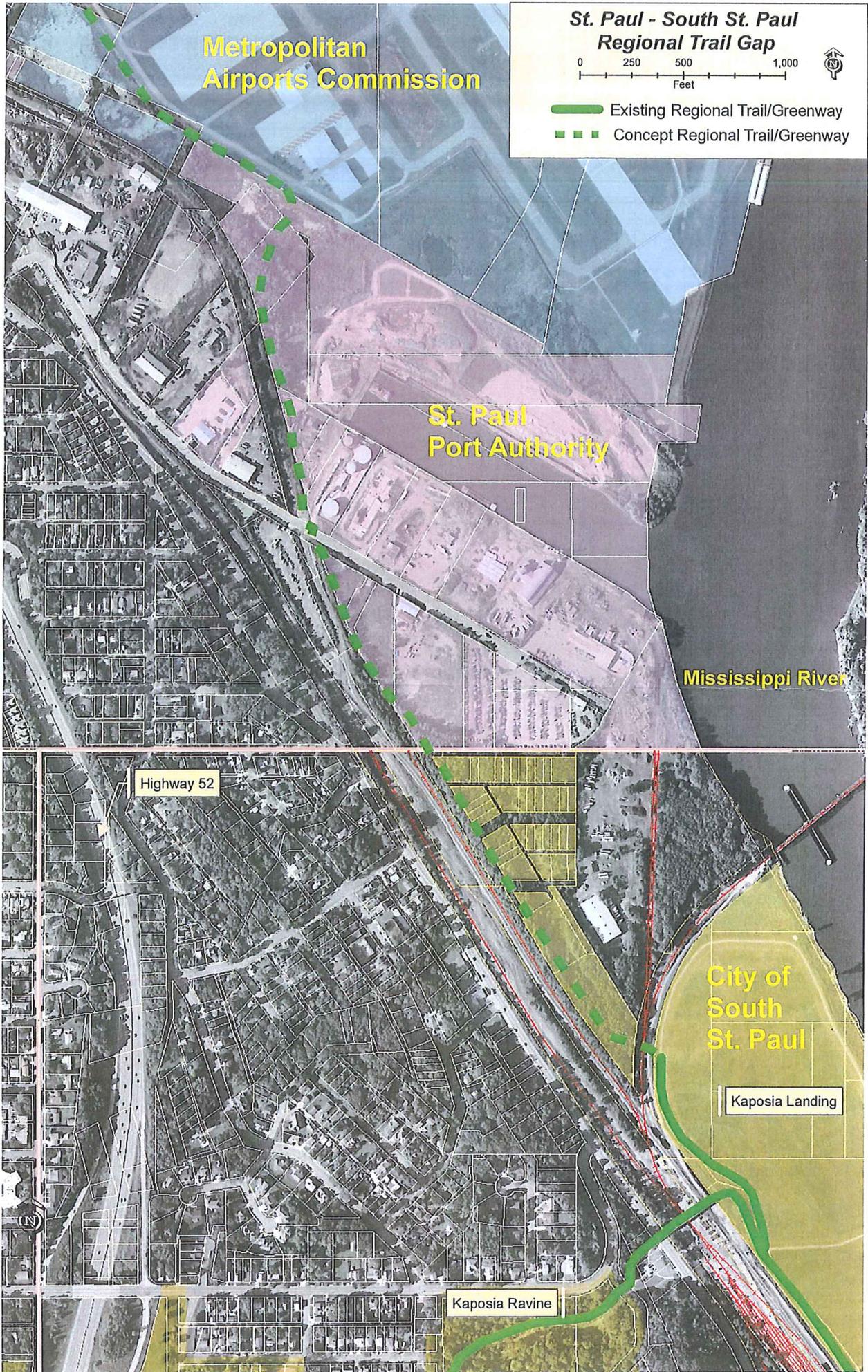
1. Approval/Denial of an Amendment to Section 118-130 to allow Exterior Storage as an Interim Use in the NRDD Zoning District.

Adopted this 7th day of September, 2016.

Chair

ATTEST:

City Planner

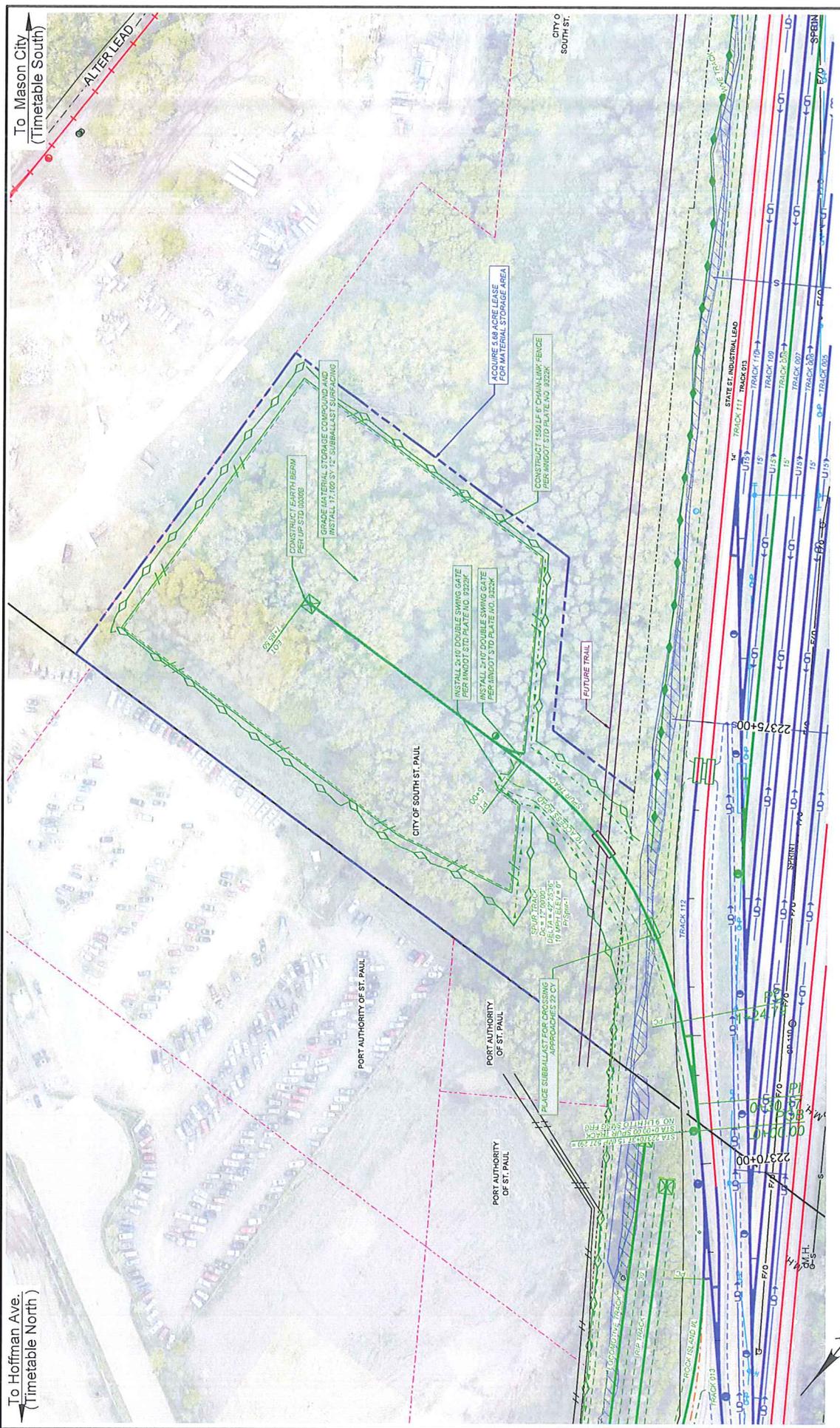


City of St. Paul



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification. Dakota County assumes no legal responsibility for the information contained in this data.

Map Scale
1 inch = 342 feet
10/4/2012



To Hoffman Ave.
(Timetable North)

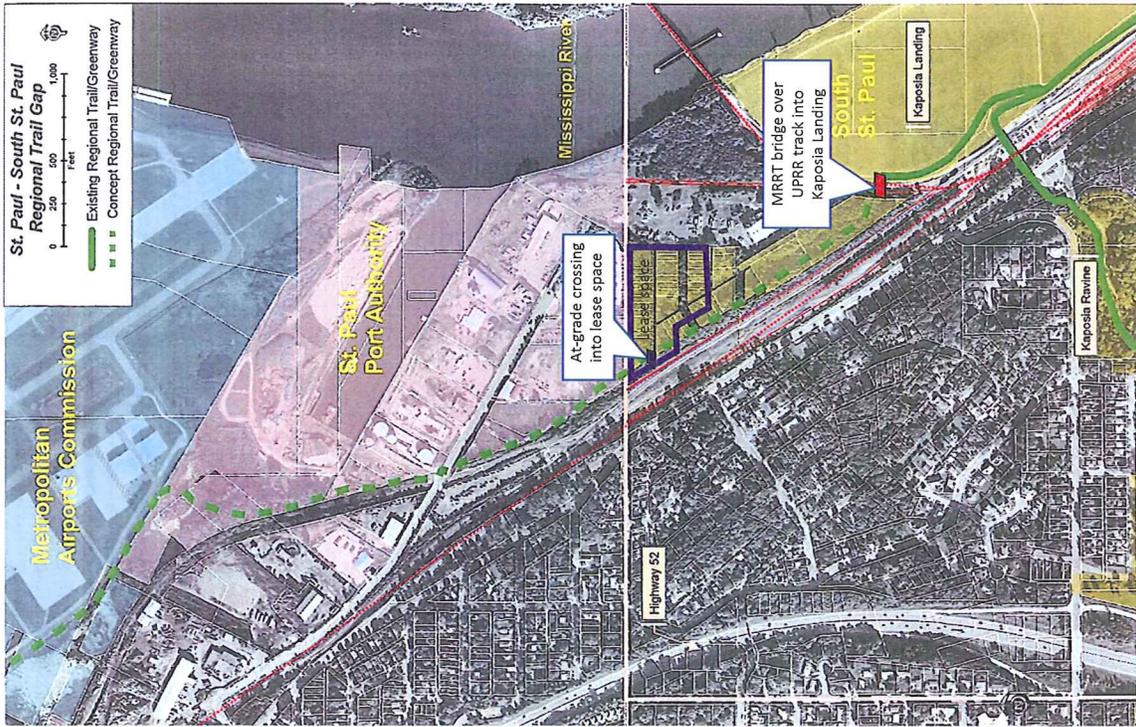
To Mason City
(Timetable South)

60% PRELIMINARY
NOT FOR CONSTRUCTION DATE: 7/09/2015

SCALE IN FEET
100 0 100 200

UPRR

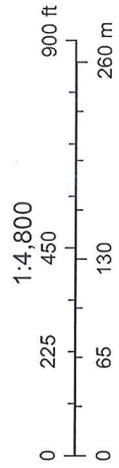
DRAWN BY:	JNS	UNION PACIFIC RAILROAD	Office of Assistant Vice President Engineering Design/Construction
CHECKED BY:	ZDH		
DATE:	08 JULY 2015		
SHEET NUMBER:	PO13 of PO52		
LOCATION & DESCRIPTION: TO MP 340.84 ALBERT LEA SUBDIVISION MP 528.82 TO MP 526.16 STATE STREET SOUTH ST. PAUL YARD IMPROVEMENTS & RUN THROUGH SLOT SHEET TITLE: SPUR TRACK AND MATERIAL STORAGE PLAN			



Dakota County, MN

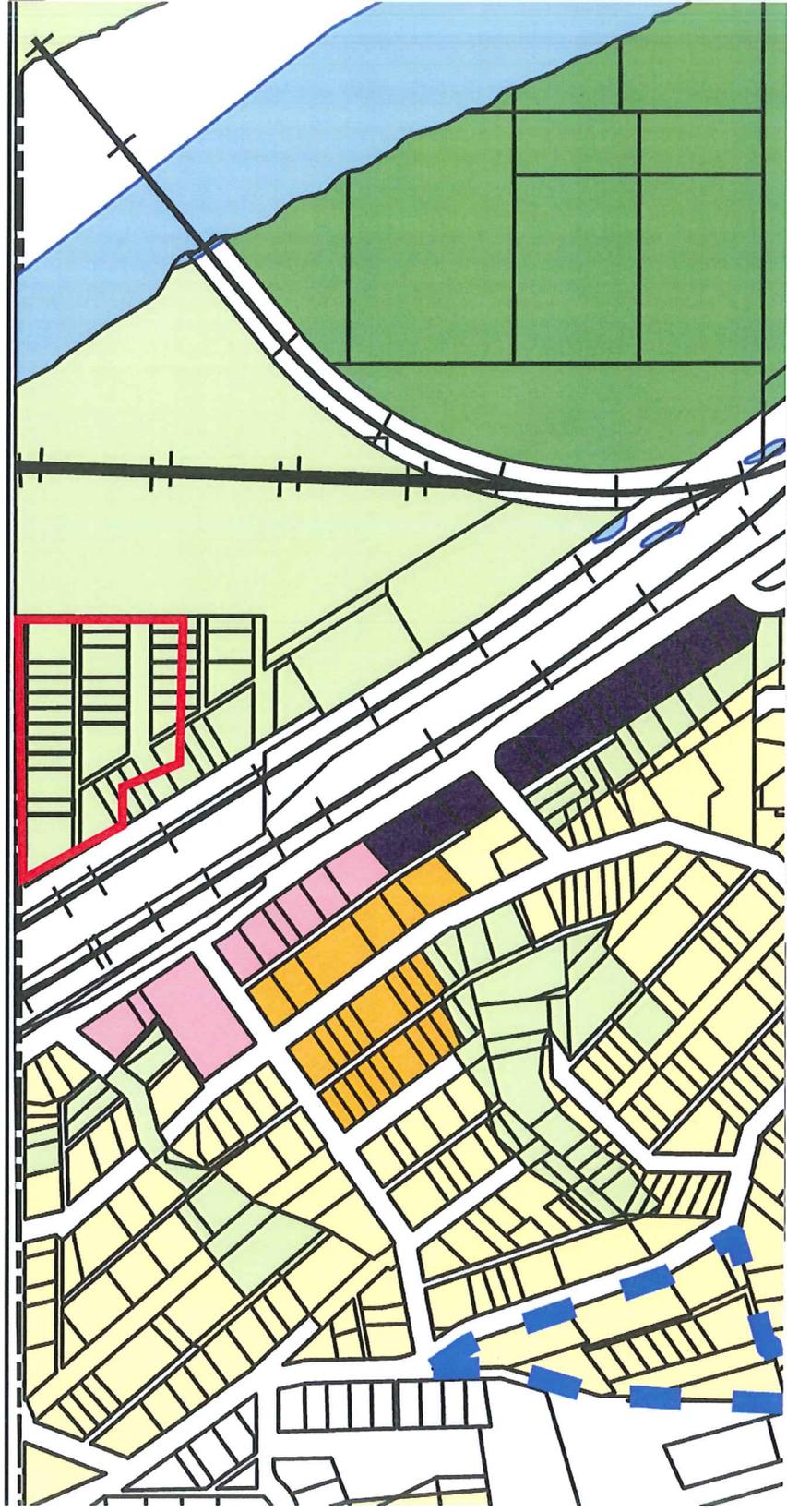


August 2, 2016

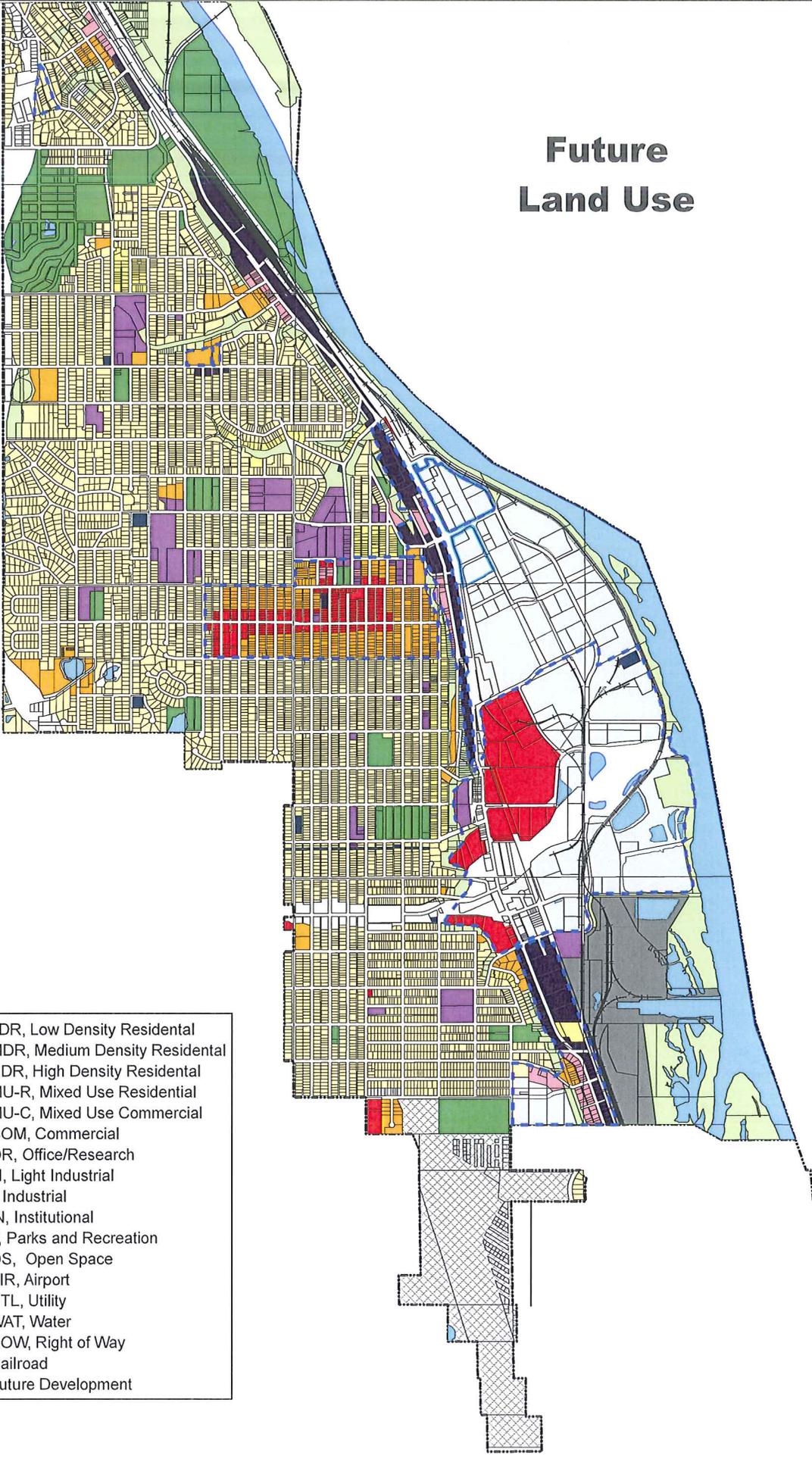


Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Site in Context – Future Land Use (Comp Plan)

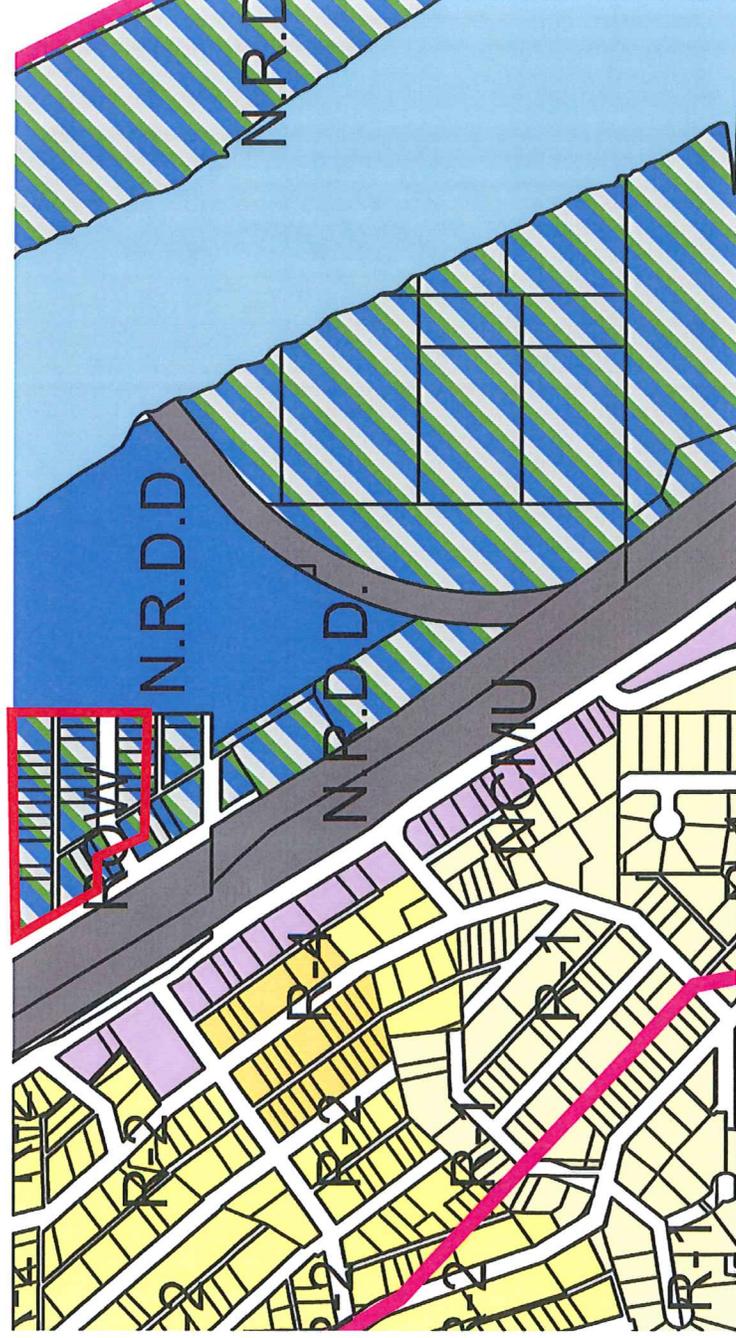


Future Land Use

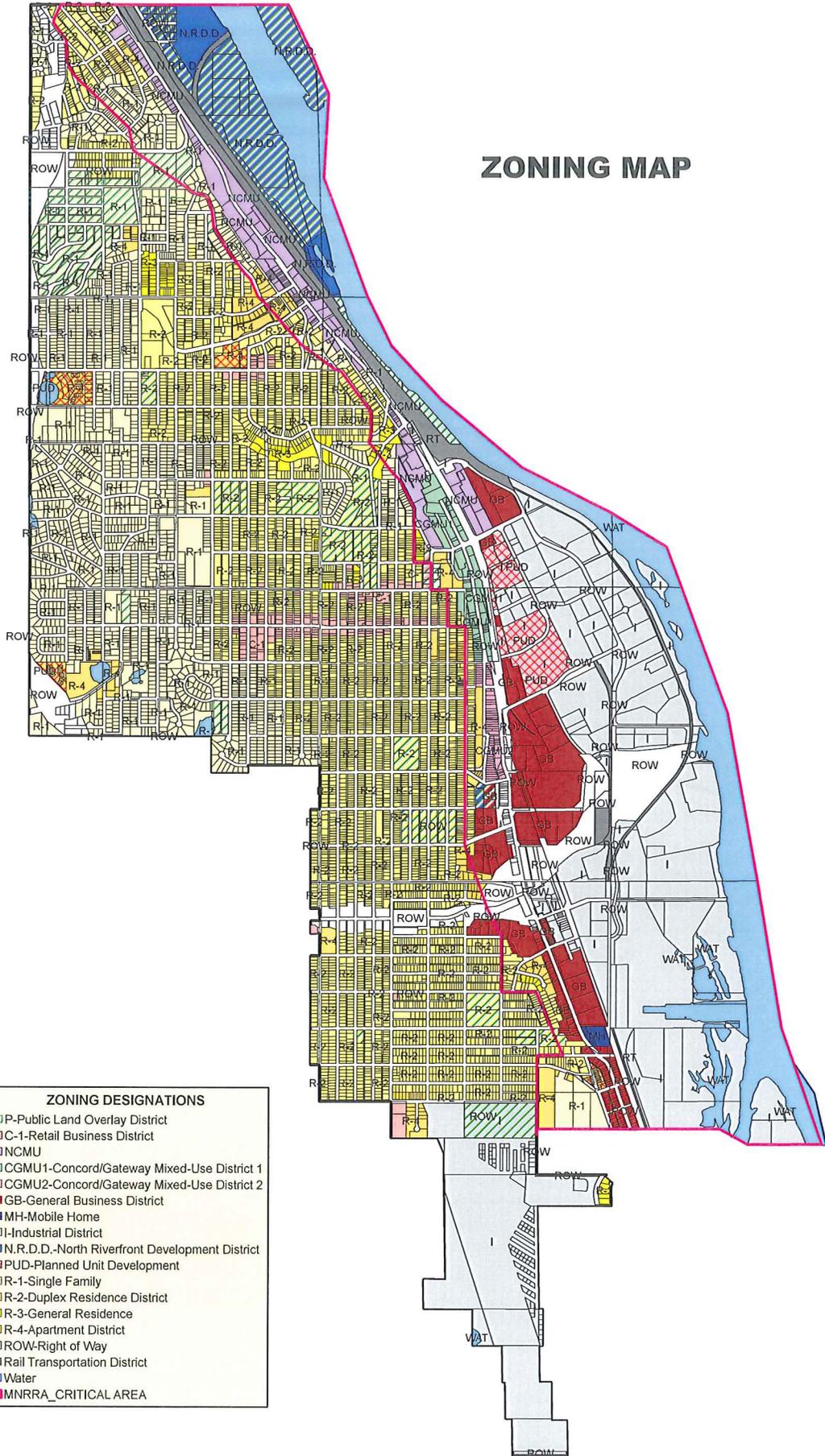


- LDR, Low Density Residential
- MDR, Medium Density Residential
- HDR, High Density Residential
- MU-R, Mixed Use Residential
- MU-C, Mixed Use Commercial
- COM, Commercial
- OR, Office/Research
- LI, Light Industrial
- I, Industrial
- IN, Institutional
- P, Parks and Recreation
- OS, Open Space
- AIR, Airport
- UTL, Utility
- WAT, Water
- ROW, Right of Way
- Railroad
- Future Development

Site in Context - Zoning



ZONING MAP



ZONING DESIGNATIONS

- P-Public Land Overlay District
- C-1-Retail Business District
- NCMU
- CGMU1-Concord/Gateway Mixed-Use District 1
- CGMU2-Concord/Gateway Mixed-Use District 2
- GB-General Business District
- MH-Mobile Home
- I-Industrial District
- N.R.D.D.-North Riverfront Development District
- PUD-Planned Unit Development
- R-1-Single Family
- R-2-Duplex Residence District
- R-3-General Residence
- R-4-Apartment District
- ROW-Right of Way
- Rail Transportation District
- Water
- MNRRA_CRITICAL AREA



Planning Commission Meeting Date: Wednesday, August 3, 2016	 City of South St. Paul Planning Commission Report	PC Agenda Item: 4.A
---	--	-----------------------------------

Project Name:	Temporary Family Health Care Dwelling Units (“Drop Homes”)
Request:	Consider an ordinance opting out of State Statute requiring cities to permit Temporary Family Health Care Dwelling Units
Proceeding:	<ul style="list-style-type: none"> ▪ Discussion ▪ Planning Commission Resolution (Recommendation to City Council)
City Council Meeting Date(s):	City Council –1 st Reading – August 1, 2016 City Council – 2 nd Reading/Public Hearing – August 15, 2016
Exhibits:	A. PC Resolution 2016-06 – Temporary Family Health Care Dwellings B. League of Minnesota Cities Memo – Temporary Family Health Care Dwellings of 2016 C. 2016 Minnesota Session Laws – Chapter 111 (S.F. No. 2555) D. Draft Ordinance Opting Out of the Requirements of Minnesota Statutes Section 462.3593

Request

Review and discuss the attached draft ordinance opting out of the State Statutes that would require cities to permit Temporary Family Health Care Dwelling Units and provide a recommendation to the City Council. Staff has prepared Planning Commission Resolution 2016-06 which would recommend that the City Council adopt the proposed ordinance.

What Would the Proposed Ordinance Do?

The proposed ordinance would:

- The ordinance would have the City opt out of the State Statute requirements that would require cities to permit Temporary Family Health Care Dwelling Units.

What is a Temporary Family Health Care Dwelling Unit?

A Temporary Family Health Care Dwelling Unit is similar to a tiny house; it is limited to 300 square feet, cannot be attached to a permanent foundation, and needs to meet state accessibility standards. Locations for the units are limited to properties where there is an existing dwelling unit where their caregiver resides. There is no age requirement for the

occupants of the dwelling units so it is not specific to seniors, it is limited to: "...a person who is a resident of the state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant or and advanced practice registered nurse, licensed to practice in this state." Units are limited to 6 months on the site with one 6-month renewal option. The units are limited to one such dwelling per lot and one person per the temporary dwelling unit.

Why Should the City Take This Action (to opt out of the requirements)?

- The requirements give cities little review or enforcement authority,
- the temporary dwelling units are allowed to circumvent most zoning regulations,
- information required for the permits would be private data causing HIPPA data handling concerns,
- the City can only charge a \$100 initial permit fee with a \$50 renewal which would not cover the City's costs (*i.e. administration/inspection, additional emergency service needs*)
- the burden of determining whether the proposed temporary dwelling was in compliance with the legislation would be borne by the City
- The temporary units have potential impacts on neighborhoods by allowing higher densities than allowed under zoning which could result in more dwelling units on the City's already crowded 40-foot wide lots.

Process / Timeline

Process – The Planning Commission will hold a discussion on the item, make a recommendation, and the ordinance amendment would be forwarded to the City Council for consideration.

Timeline - The first reading for this item was held at the August 1st City Council meeting and the 2nd reading/public hearing, would be scheduled for the August 15th City Council meeting. If approved by the Council the ordinance would be in effect from the date of adoption.

Staff Recommendation

Staff recommends approval of PC Resolution No. 2016-06 which would recommend approval of the ordinance opting out of the State requirements for Temporary Family Health Care Dwellings.

Respectfully Submitted,

Peter Hellegers

Peter Hellegers, City Planner

City of South St. Paul
Dakota County, Minnesota

**PLANNING COMMISSION
RESOLUTION NUMBER 2016-06**

**RECOMMENDING APPROVAL OF AN ORDINANCE OPTING OUT OF
MINNESOTA STATE STATUTE, SECTION 462.3593, REQUIRING
CITIES TO PERMIT TEMPORARY FAMILY HEALTH CARE
DWELLING UNITS**

WHEREAS, the City Code establishes certain standards for development in the City of South St. Paul, including standards for the location and maximum number of dwellings on a property, maximum building coverage and impervious surface on a property; and

WHEREAS, the City Code establishes certain standards for development in the City of South St. Paul, including standards for the location and maximum number of dwellings on a property, maximum building coverage and impervious surface on a property; and

WHEREAS, the proposed legislation would circumvent protections built into the City Code to protect the health, safety, general welfare, and orderly development of the community by requiring communities to allow Temporary Family Health Care Dwelling Units without having to follow standard zoning and City Code requirements; and

WHEREAS, there are existing temporary family health care options within the community including space in existing family residences, existing rental units within the community, the large number of group homes and housing with services establishments and assisted living and senior apartments; and

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of South St. Paul, Minnesota, as follows:

1. Recommending approval of An Ordinance Opting Out of the Requirements of Minnesota Statutes, Section 462.3593

Adopted this 3rd day of August, 2016.

Chair

ATTEST:

City Planner



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 Grundhoefer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 111--S.F.No. 2555

An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. **Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. [394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means 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.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family

health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means 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.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code I19.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

Copyright © 2016 by the Revisor of Statutes, State of Minnesota. All rights reserved.

ORDINANCE NO. 1307

CITY OF SOUTH ST. PAUL

**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;

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

THE CITY COUNCIL OF THE CITY OF SOUTH ST. PAUL, ORDAINS as follows:

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

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this _____ day of _____, 2016, by the City Council of the City of South St. Paul.

CITY OF SOUTH ST. PAUL

By: _____
Beth Baumann, Mayor

ATTEST:

Christy Wilcox, City Clerk