

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING AGENDA
THURSDAY, MARCH 7, 2019
6:15 PM**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair
Michael Stahlmann, Commission Vice-Chair
Tom Sonnek, Commission City Council Liaison
Chris Bathurst, Commissioner
Rick Gelbmann, Commissioner
Trisha Hamm, Commissioner
John Wahl, Commissioner
Allan Worm, Commissioner

STAFF

Molly Just, City Planner

III. ADOPT AGENDA

IV. APPROVAL OF MINUTES

Approve the January 3th, 2019 regular meeting minutes
Approve the February 7th, 2019 regular meeting minutes

V. MEETING OPEN TO THE PUBLIC

Note: This is a courtesy extended to persons wishing to address the Commission concerning issues that are not on the agenda. This discussion will be limited to 15 minutes.

VI. PUBLIC HEARING

Conditional Use Permit – Adult Day Care Facility – 2090 11th Avenue East

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

VIII. REPORTS FROM STAFF

A. 2090 11th Avenue East – Conditional Use Permit (Adult Day Care)

IX. REPORTS FROM COMMISSIONERS

Update from City Council Liaison

X. ADJOURNMENT

The next regularly scheduled Planning Commission Meeting is Thursday, April 4, 2019 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
PROPOSED REGULAR MEETING MINUTES
THURSDAY, JANUARY 3, 2019
6:15 P.M.**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Trisha Hamm, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison

Chris Bathurst, Commissioner

ABSENT

Michael Stahlmann, Commissioner

Rick Gelbmann, Commissioner

John Wahl, Commissioner

Allan Worm, Commissioner

STAFF

Molly Just, City Planner

Karin Derauf, Commission Secretary

III. ADOPT AGENDA

Chair Barton requested the following additions to the Agenda:

-VII. Commission Business – Election of Chair and Vice Chair

-VIII. Reports from Staff – Update on December 2018 Planning Request

Motion to adopt agenda by Commissioner Gelbmann, and seconded by Commissioner Wahl, with all present voting aye (6-0). Motion carried to adopt the January 3, 2019 Agenda.

IV. APPROVAL OF MINUTES

Chair Barton requested the following amendments to the December 6, 2018, Planning Commission meeting minutes:

-Page 4, first paragraph, last line: “The applicant agreed to postpone action on the item.”

-Page 5, last paragraph before Reports from Staff – the motion should read” to recommend that the City Council approve the Comprehensive Plan for submission to the Metropolitan Council.”

Motion to approve Minutes by Commissioner Stahlmann, and seconded by Commissioner Worm, with all present voting aye 6-0). Motion carried to approve the December 6, 2018 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARINGS

A. 2663 17th Avenue E. – Minor Subdivision (Lot Split)

City Planner Molly Just reviewed the application for a minor subdivision lot split and variance at 2663 – 17th Avenue E. The subject property is located within the R-1 single family residential zone, and the Shoreland Overlay District. The request for a variance is required as the lot split would create lots that are small in size and width than that which is permitted in the R-1 zone. The applicant is requesting a 920 square foot variance for each lot from the required minimum lot size, and a 10-foot variance from the minimum required lot width.

Ms. Just reviewed practical difficulties criteria for approval of a variance which must be met for a variance request to be approved. She noted many criteria were not met in this case, including density requirements, buildable land, practical difficulties, unique circumstances, and appropriate use.

Ms. Just stated City Staff recommends that the Planning Commission forward a recommendation of denial of this request to the City Council.

Commissioner Worm stated there are many 50-foot wide lots in this neighborhood, including adjacent to the subject property.

Chair Barton stated 10% infill housing would allow the applicant to bring the lot size to 54 feet wide.

Ms. Just stated many metro cities like North St. Paul have older established neighborhoods with existing smaller lots. She added existing lots have a greater pull on what will be established as the desirable lot size in a neighborhood, rather than creating non-conforming lots. She noted, however, there is a trend toward allowing higher density in the City's Comprehensive Plan, as well as on the regional level.

Chair Barton stated, in existing neighborhoods, minimum lot size must be decreased to increase density. She added the infill percentage allowance can be used toward this purpose.

Chair Barton welcomed the applicant and invited him to address the Planning Commission.

Corey Wright, 6152 Upper Afton Road, Woodbury, stated he is one of the owners of the subject property. He added he and his partner see the lot split as a value proposition for North St Paul, both aesthetically and economically. He added there are 16 lots in the adjacent block that have a width of 50 feet. He noted the existing home has been renovated, and the proposed single family on the other lot would be consistent with homes in the neighborhood.

Mr. Wright stated the renovation of the existing home will increase its resale value, and the proposed new home would provide additional property tax revenue. He added a 10% lot width reduction through the urban infill initiative would reduce their variance request to 4 feet.

Councilmember Sonnek asked whether the applicants were aware of Zoning code restrictions when they purchased the property and whether a lot split was always their intention. Mr. Wright stated the potential for a 2nd lot was a consideration, but not originally part of their plan.

Commissioner Worm stated the specific circumstances were not created by the landowner.

Chair Barton opened the public hearing at 6:44 p.m.

Keenan Raverty, 2668 18th Avenue East, stated his property is located directly north of the subject property. He added he does not believe double-wide lots are an eyesore. He noted he appreciates the improvements to the existing home that have been made by the applicant.

Mr. Raverty stated the shared alley is maintained by the homeowners, and there has been damage in the alley caused by construction machinery used during renovation. He asked whether the proposed home would have alley access, and whether that would create a burden.

Mr. Raverty stated he would like to find out more about the proposed plan before he can support it. He urged the Planning Commission to respect the integrity of the Comprehensive Plan and deny the variance and lot split.

Jim McDonald, a real estate broker, stated the applicants have done a fantastic job cleaning up the existing home. He added his clients would like to build a rambler on the 2nd lot, with a garage off 17th Avenue. He noted he provided copies of floor plans to City Hall this week, along with a letter of introduction.

The Planning Commission had not received Mr. McDonald's documentation. Ms. Derauf agreed to follow up on the plans submitted by Mr. McDonald.

Bob Vancanneyt, 2685 17th Avenue, stated he does not believe a new home would fit in with the existing homes in the neighborhood. He added there are many homes that have issues with water in the basement. He noted adding another home to the neighborhood, which is close to Silver Lake, would create more problems.

Susanna Morgan, 2657 17th Avenue, stated her home is next door to the double lot. She added the home was owned by an elderly lady who lived there her whole life, and she kept a beautiful garden on the double lot. She noted the yard has been overgrown since the home changed owners about 10 years ago.

Ms. Morgan stated she does not agree that a rambler would fit in with the neighborhood, as every other house within 3 blocks either way is either a story and a half or a two-story. She added she appreciates what has been done to renovate the existing house.

Ms. Morgan stated she has problems with water in her basement, and a neighbor has a backyard that floods every time there is a rainfall.

Jason Stutzman, 2670 17th Avenue, stated he does not see how adding a house would be aesthetically pleasing. He added he experiences water problems in his basement. He noted his lot is 50 feet wide.

Don Bieniek, 2146 East Belmont Lane, stated he would not support the proposed new home to have access to the alley, which will create traffic and maintenance issues.

Chair Barton stated site plans for the potential lot split are not up for discussion at tonight's meeting.

Ms. Morgan stated there is an enormous tree on the double lot near the alley, which would be severely affected by construction traffic.

Chair Barton closed the public hearing at 7:04 p.m.

Commissioner Gelbmann stated the Planning Commission is guided by the City's Comprehensive Plan and Zoning Ordinance, which express the intent of the City to maintain character and preserve quality of life. He added the Comprehensive Plan process is nearly complete. He added he does not see how he can vote to support this request.

Chair Barton stressed the importance of considering the affect a lot split would have on the neighborhood as well as the Shoreland Overlay District, such as impervious surface, groundwater and drainage issues. She noted the Planning Commission is not justified in recommending approval for creation of 2 nonconforming lots out of a conforming lot.

Commissioner Worm stated 50-foot wide lots already exist in this neighborhood. He added the double lot looks like an empty lot. He noted he understands the standards must be adhered to, but maybe the standards need to be changed.

Commissioner Worm stated he would like to go on record that he is in favor of the variance.

Chair Barton stated the Planned Unit Development is a different process, but that is a consideration.

Ms. Just reviewed Minnesota case law and the League of Minnesota Cities' documentation regarding setting precedent in granting variances. She added precedent should not be a concern for the Planning Commission.

Commissioner Wahl stated it is difficult to support additional structures and impervious surface in the Shoreland Overlay District. He added he agrees with Commissioner Worm that a 50-foot wide lot would be consistent with other homes in the neighborhood. He noted, however, having 50-foot wide lots in the past does not mean the City has to commit to that in the future.

Motion to recommend denial of minor subdivision (lot split) by Commissioner Wahl, and seconded by Commissioner Gelbmann, with Commissioner Worm voting nay (5-1). Motion carried to recommend denial of minor subdivision and lot split for 2663 17th Avenue E.

Motion to recommend denial of variance from minimum lot size and width by Commissioner Wahl, and seconded by Commissioner Stahlman, with Commissioner Worm voting nay (5-1). Motion carried to recommend denial of variance from minimum lot size and width for 2663 17th Avenue E.

Ms. Just stated this issue will be reviewed by the City Council at their January 15, 2019, Regular Meeting.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Chair Barton requested nominations for Planning Commission Chair and Vice-Chair.

Motion to appoint Chair Barton as 2019 Planning Commission Chair by Commissioner Worm, and seconded by Commissioner Hamm. Motion carried to appoint Chair Barton as 2019 Planning Commission Chair.

Motion to appoint Vice-Chair Hamm as 2019 Planning Commission Vice-Chair by Chair Barton and seconded by Commissioner Wahl. Motion carried to appoint Vice-Chair Hamm as 2019 Planning Commission Vice-Chair.

Chair Barton stated the Ordinance that establishes the Planning Commission clearly states attendance criteria for meetings. She stressed the importance of Commissioners notifying someone if they will be absent, as a quorum is necessary. She requested a summary of Commissioners' attendance. Ms. Derauf agreed.

Commissioner Gelbmann requested that attendance be recorded in the meeting minutes. Ms. Derauf stated there is a note at the end of meeting minutes requesting notification of any planned absences.

Chair Barton stated the Commissioners usually receive an email notification regarding their Commission term, but they have not received an email yet. Ms. Just stated Commissioner appointments will be on the City Council's January 15, 2019, Meeting Agenda.

VIII. REPORTS FROM STAFF

Ms. Just reviewed a proposed Ordinance text amendment addressing columbariums, which are exterior memorials, usually a low wall with drawers, where cinerary urns are stored. She added they are usually located outside funeral homes or near cemeteries and are becoming a popular form of memorial. She noted City Staff were contacted by a church that wants to do a columbarium.

Ms. Just stated the use is allowed but City Staff would like to formalize the language to make it a permitted use rather than requiring a Conditional Use Permit. She added a columbarium would be an accessory structure or use to the primary facility funeral home or cemetery. She noted the Planning Commission is requested to hold a public hearing at their February meeting.

Ms. Just recommended the following amendment to the definition of cemetery, which includes columbarium: "For the purposes of this Code, columbarium shall be allowed as a permitted use when operating in conjunction with and within the boundary of cemetery, funeral home or religious institution."

Ms. Just noted this use would be allowed in the R1, R2 and R3 as well as mixed use districts, where funeral homes are allowed. She added a columbarium would be part of the requested use. She noted she is unsure whether there are any existing columbariums in neighboring communities but agreed to look into it.

Chair Barton asked whether standards would be required since it would be outside, and whether it would be listed on the Table of Uses. Ms. Just agreed, adding it would fall under "Institution" on the Table of Uses, which is a permitted use in the City's Residential Districts.

Ms. Just stated crematoriums are not currently an allowed use and would require a change to the definition of "Funeral Home" on the Table of Uses. She added the Planning Commission had reviewed proposed plans for a funeral home. She noted they have made it clear they will not be proposing a crematorium as part of their plan.

Chair Barton stated it would be rare to exclude a land use. She added there has been some hesitation about the nuisance that goes along with burning, but there are new and developing techniques and processes. She added the City no longer has an Industrial Zone, where such a conditional use would have been allowed.

Ms. Just stated a land use could be excluded, and crematorium is more of a policy definition. She added a public hearing on this issue will be held at the Planning Commission's February 2019 meeting.

Chair Barton requested an update on the variance request reviewed by the Planning Commission in December 2018. Ms. Just stated she spoke with the applicant, Pat O'Brien, who indicated he hopes to bring the proposal back in a revised format.

IX. REPORTS FROM COMMISSIONERS

Commissioner Worm reiterated his position that the City Code should be changed to allow 50-foot wide lots, as discussed earlier. Chair Barton stated that would be the appropriate approach, rather than using individual variances.

Chair Barton stated it would be helpful for the Planning Commission to review an inventory of properties in North St. Paul, as there may be only a few lots that would be affected.

Councilmember Sonnek stated he will continue to be the Planning Commission's Council Liaison for 2019. He apologized for his absence from the December 2018 meeting due to family concerns. He added development continues apace within the City, including additional access on McKnight Road, which would encourage further development.

Councilmember Sonnek reviewed potential development projects at the City Hall site and near Anchor Block Company.

Commissioner Wahl stated the American Medical Association has produced new data on health and safety problems related to light pollution from LED street lights. He added this could be something the Planning Commission could review to consider mitigation and solutions such as shielding and lighting requirements for new building projects. He noted City Staff could provide some information regarding what other cities are doing.

Commissioner Gelbmann stated Valley Branch Watershed District, which includes Silver Lake, has produced a plant survey that is available on their website. He added the survey shows improvements in various areas: native plants have been recovering and increasing, and the occurrence of invasive plants and algae has reduced.

X. ADJOURNMENT

There being no further business, motion to adjourn by Chair Barton, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 8:07 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, February 7, 2019 at 6:15 p.m.

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
PROPOSED REGULAR MEETING MINUTES
THURSDAY, FEBRUARY 7, 2019
6:15 P.M.**

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:15 p.m.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Trisha Hamm, Commission Vice-Chair

Tom Sonnek, Commission City Council Liaison

Chris Bathurst, Commissioner

Michael Stahlmann, Commissioner ABSENT

Rick Gelbmann, Commissioner

John Wahl, Commissioner

Allan Worm, Commissioner

STAFF

Molly Just, City Planner

III. ADOPT AGENDA

By unanimous vote (6-0) motion carried to adopt the February 7, 2019 Agenda.

IV. APPROVAL OF MINUTES

The Planning Commission's January 8, 2019 minutes will be added to the Planning Commission's March 7, 2019 Meeting Agenda.

City Planner Molly Just stated City Staff will videotape Planning Commission meetings, which will improve minute-taking and enhance public access.

V. MEETING OPEN TO THE PUBLIC

There were no comments.

VI. PUBLIC HEARING

A. Text Amendments to City Ordinance Definitions – Columbaria, Funeral Homes and Religious Institutions

City Planner Molly Just reviewed the staff report related to this agenda item. She added a funeral home has expressed a desire to have a columbarium on their property. She noted a columbarium is a low memorial wall for storage of crematory remains.

Ms. Just commented that the text amendment includes language reflecting that crematoriums are a prohibited use.

Commissioner Wahl expressed concern about whether a land use can be eliminated. He added this might be a First Amendment issue.

Ms. Just stated she has worked with many communities where crematoriums are not allowed. She added the text amendment would not create any non-conforming uses in North St. Paul.

Chair Barton stated perhaps this should be more clearly defined since crematoriums are referenced in the definition of Funeral Home. Commissioner Wahl agreed. He stated crematory retorts, or cremation chambers, must comply with State requirements, and compliance should be required for columbaria as well.

Ms. Just stated there are no State statutes related to columbaria, but there is a zoning Ordinance provision requiring the site plan process when 1500 square feet or more of a site are improved. She added it is more likely that this columbarium request will go through the site plan process.

Chair Barton opened the Public Hearing at 6:26 p.m.

There were no public comments.

Chair Barton closed the Public Hearing at 6:26 p.m.

City Council Liaison Tom Sonnek asked what limitations might be placed on a columbarium through the site plan process. Ms. Just stated the City Code contains parameters related to structures, which would apply to columbaria.

Commissioner Worm asked whether columbaria can be inside a building. Ms. Just confirmed this, adding that use would not be regulated through this Ordinance.

Commissioner Bathurst made a motion, seconded by Commissioner Worm, with all presented voting aye (6-0). Motion carried to recommend to Council, to adopt text amendments to definitions for columbaria, funeral home and religious institutions.

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

Meeting privacy issue

Chair Barton stated City Staff has requested that the Planning Commission consider an amendment related to confidential information reviewed at a previous Planning Commission meeting.

Motion to amend prior meeting minutes to ensure data confidentiality under State Statute Chapter 13 by Chair Barton, and seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried.

Chair Barton stated more City Staff and the City Attorney will provide more information on this issue in the next month or so. She added there may be training available to help educate Planning Commissioners.

Chair Barton requested that the Planning Commission address Agenda Item 8a, Staff Reports, Variance Request. The Planning Commission agreed.

Agenda Item 8a. 2827 2nd Street – Variance (Garage)

Ms. Just reviewed the staff report related to this variance request for a 12-foot variance to add a garage at 2872 2nd Street North. The subject property is a corner lot located at the intersection of Beam Avenue and 2nd Street North. Corner lots in R1 District are required to have a 15-foot setback from the side yard adjacent to the corner.

Ms. Just stated a recommendation in this case is not required at tonight's meeting to comply with the 120-day Statute. She added Mr. O'Brien, the applicant, has reduced the requested setback amount to 10 feet, or a variance of 5 feet. She recommended an additional condition that the property must meet the 40% maximum lot coverage requirement in the R1 District. She noted City staff recommends denial of this request.

Chair Barton requested clarification regarding the size of the existing garage. Pat O'Brien, the applicant, stated the outside measurements of the garage are 13 feet wide x 26 feet deep, and there is a stairwell into the basement of the home, which is a split level.

Chair Barton asked Mr. O'Brien whether he has worked with a designer or builder, and if he considered a 10-foot width increase, to 23x26', which would not require a variance. She added there are criteria in the Zoning Code for practical difficulties that would justify a variance, and these criteria are not met in this case.

Mr. O'Brien stated he spoke with a few contractors who recommended a width of 28 feet for a 4-bedroom house. He added the existing garage is too small for his truck and additional storage.

Commissioner Worm requested recommendation from City Staff. Ms. Just stated it is possible for Mr. O'Brien to build a 2-car garage without a variance. She added a variance would be

granted if there were a problem or characteristic specific to the property, which is not the case here.

Liaison Sonnek asked Mr. O'Brien whether he would consider a 22-foot wide garage that would not require a variance. Chair Barton stated he could have a 23-foot wide garage without a variance.

Mr. O'Brien stated there are a variety of garage sizes in the neighborhood, and his neighbor to the east has a 3-car garage. He added he could extend the garage longer than 26 feet, but that would require roofline and grade modifications as well as removal of mature oak trees.

Chair Barton stressed the importance of having unique criteria that would require a variance. She added construction of an accessory building would be an option.

Commissioner Gelbmann stated the Planning Commission is required to adhere to the Zoning Code, and he does not believe that there should be an exception in this case. He added it is an issue of fairness and administering standards and regulations that are the same for all residents.

Commissioner Gelbmann made a motion, seconded by Commissioner Hamm, with all present voting aye (6-0). Motion carried to recommend to Council, denial of the variance request for a 12-foot variance to add a garage at 2872 2nd Street North.

Chair Barton stated this case will be reviewed by the City Council at their Regular meeting on February 19, 2019.

Commissioner Wahl requested clarification regarding the criteria related to "building lines", and why that is considered important, especially since this is a corner lot. He asked if this is an aesthetic concern.

Ms. Just stated the requirement is related to the preserving the character of the community. She added aerial views of this block show a strong building line, where the homes line up along the front. She added this improves sight lines and bolsters the importance of preserving neighborhood character. She noted it is a splendid block from this perspective.

Commissioner Worm stated he likes a variety of staggered setbacks rather than having homes all in a straight line.

VIII. REPORTS FROM STAFF

None

IX. REPORTS FROM COMMISSIONERS

Update from City Council Liaison

Liaison Sonnek reviewed a newspaper article that a resident forwarded to him regarding the City of New Orleans, entitled "Scramble for Variances Already Making a Mockery of the City's New

Zoning Code”. He stressed the importance of focusing on upholding “bedrock principles” that underly zoning regulations, and placing limits on development that have the force of law.

Liaison Sonnek stated the Planning Commission meetings will be videotaped and transcribed, to provide City Clerk Mary Mills with minute-taking support through Timesaver. He added this has already been approved for the City Council minutes, which are posted on the City website and transcribed by Timesaver. He noted tonight’s meeting is being videotaped but will not be posted online.

Liaison Sonnek stated there was discussion about whether it is appropriate to videotape and post the meetings of the City’s Commissions, as Commissioners are volunteers and not elected public officials. He added there is more incentive for Planning Commission meetings to be made public due to the nature of their work. He requested the Planning Commission’s feedback and comment on this issue.

Commissioner Wahl stated meeting videos would be an additional record, as meeting minutes are already posted on the City’s website.

Chair Barton stated the concern originally raised by Commissioner Stahlmann was that residents might try to use videotaped Planning Commission meetings, posted on the City website, as a forum for their own agenda. She added the benefit outweighs the risk.

Liaison Sonnek stated it is a benefit to the community to have meeting videos available online. Commissioner Hamm agreed, adding she supports transparency at every level and sometimes it can be difficult to make it to City meetings. She stressed the importance of making meetings accessible to everyone. Commissioner Bathurst agreed.

Commissioner Gelbmann stated public access to City meetings is important. He added a separate issue is how the records are stored and archived, which can be expensive and time-consuming. He stressed the importance of ensuring that this process is addressed consistently.

Ms. Just agreed to review data retention requirements and provide an update for the Planning Commission.

It was the majority consensus of the Planning Commission to post videotaped Planning Commission meetings on the City website beginning in March 2019.

Development Projects

Council Liaison Sonnek gave an update on development projects:

-Anchor Block site development – the south end of the property will be the site of approximately 100 townhomes, with construction to commence in Spring 2019. City Staff continues to work with the property owner on development of the north end of the site, which would include a potential traffic signal with full access from McKnight Road to 3rd Street, as well as 120 market-rate apartments, a gas station and storage facility.

Commissioner Worm asked whether the Gateway Trail would be affected. Liaison Sonnek stated site development will have no effect on the Gateway Trail.

Commissioner Gelbmann stated the existing intersection on the south side of Highway 36 could be changed, which would be a better solution than adding a new traffic signal.

-Pawn shop – Liaison Sonnek stated City Staff is reviewing a proposal from Twin Cities Pawn for a new pawn shop in Polar Plaza. He added this would be the City’s first pawn shop, and there are many questions and ordinances to be reviewed.

Ms. Just stated the Zoning Code was amended in 2009 to include licensing of pawn shops. She added City Staff is reviewing the Code, as well as similar language from other cities, in preparation for City Council consideration in March or April 2019.

-Community Center building - Liaison Sonnek stated R.T. and Jen Luczak, owners of Kokoro Volleyball, attended a recent City Council workshop to discuss the possibility of purchasing the community center building. Kokoro Volleyball Center, which is currently operating out of the old community center, has experienced continued growth and success, and the Luczaks hope to expand their business. The City Council was amenable to the possibility.

Commissioner Wahl asked how this would impact the library, which is currently located within the community center building. Liaison Sonnek stated the library’s lease would have to be honored, and Ramsey County could be involved in any potential discussions.

Trash Hauler Contract

Liaison Sonnek stated the City’s trash hauler contract will be up for renewal in Summer 2019, and City Staff are reviewing options, including direct negotiations with different haulers. He added more information will be available soon.

Highway 120

Liaison Sonnek stated the City Council reviewed the Highway 120/Hadley Road interchange at a recent workshop. The Hadley Road/Highway 36 interchange construction is scheduled for completion this year, which will eliminate the traffic signal at that location. The City Council wants to pursue a “turnback” for Highway 120 from Highway 36 to Highway 694, a potential solution in which the roadway would be relinquished from the County to the local municipality. It is hoped that this will create the opportunity for a potential trail or boardwalk along Silver Lake on Highway 120.

Commissioner Worm asked whether any Commissions were eliminated or combined. Liaison Sonnek stated the Design Review Commission is on hiatus. The Environmental Commission is also on hiatus but is mentioned in the Comprehensive Plan. Ms. Just confirmed this.

Chair Barton requested an update on the proposed tattoo shop, as she saw some new lettering in the window. Ms. Just stated she did not have any information. Liaison Sonnek asked whether there are regulations or a timeline for development after a request is approved. Chair Barton stated this was added as a permitted use. Ms. Just stated the only requirement would be a building permit.

Commissioner Wahl asked for an update on the former Tap & Grill site. Liaison Sonnek stated there is no new information. He added a development group is looking at market-rate apartments across the street from City Hall, and a pre-application has been received for the old City Hall site. He added the applicants have been instructed to file a preliminary PUD application soon.

Commissioner Hamm and Commissioner Worm are both unable to attend the Planning Commission's March 7, 2019 meeting.

X. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Worm, and seconded by Commissioner Gelbmann, with all present voting aye (6-0). Motion carried to adjourn the meeting at 7:36 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, March 7, 2019 at 6:15 p.m.

MEMORANDUM

Date: 03/07/2019
To: Planning Commission Members
From: Molly Just, AICP, City Planner
CC: Scott Duddeck, Interim City Manager
Debra Gustafson, Administrative and Community Services Director
Re: Application for a Conditional Use Permit for Blia Adult Day Care, located at 2090 11th Ave E

BACKGROUND

The applicant is requesting approval of a Conditional Use Permit to allow the operation of an Adult Day Care Facility. The Conditional Use Permit is necessary to allow the operation of this type of use within all districts of the City of North Saint Paul. The applicant, Blia Adult Day Care has already applied to the State of Minnesota Department of Human Services for the license required for the facility. The State of Minnesota and City of North Saint Paul are coordinating on the proposed facility.

The day care facility would serve adults over age 18 who require supervision and assistance for daily living including monitoring of health conditions. The maximum number of adults being cared for at the site would be 60. The hours of the facility will be seven days a week from 7 am to 8 pm. Meals will be prepared in an on-site commercial kitchen which will be separately licensed through Ramsey County. The applicant will provide the required number of 28 parking spaces, two of which must be ADA compliant. Since the property is a multi-tenant commercial building, the applicant has determined that signage marking 10 spaces for day care use only would be appropriate and will do so. See the applicant's proposal for parking the facility.

The Planning Commission is asked to make a recommendation to the City Council to approve or deny a Conditional Use Permit for Blia Adult Day Care located at 2090 11th Ave E.



FINDINGS

Conditional Use Permit Review

Standards for the review and approval of Conditional Use Permits are found in Chapter 154.004 Section F of the City Code are listed in below in italics. Staff comments on each of the review criteria follow.

2. *Standards.* The City Council may grant a conditional use permit after considering the recommendation of the Planning Commission and if the use at the proposed location is compliant with the following findings:

i. The use is consistent with the general purposes and intent of the Comprehensive Plan;
The proposal is in harmony and consistent with the 2030 Comprehensive Plan which includes this site in the Diversified Development land use category. The CUP would allow for a commercial use in a commercially designated area. **Criteria met.**

ii. The use will not adversely affect the health, safety, or general welfare of the city;
The proposed CUP will not create adverse effects on the general health, safety or general welfare of the City based on the nature of its use or location. **Criteria met.**

iii. The use is compatible with present and future land uses in the surrounding area and reasonably related to the overall needs of the city;
Land uses surrounding the property are primarily commercial and guided to remain commercial in the future, making the use compatible. **Criteria met.**

iv. The use or appearance of the use is compatible with adjacent properties;
Based on the description of the request from the applicant, and an analysis of site conditions, this CUP appears to be compatible with adjacent properties. It abuts other commercial uses and will not create visual blight. **Criteria met.**

v. The use can be adequately supported by public urban services including the water supply, transportation system and capacity, police and fire protection, utilities, and sanitary waste disposal and stormwater disposal systems;
The proposed use will be added to an established commercial building. The proposed use will not burden public urban services. **Criteria met.**

vi. The use will not create an excessive burden on existing parks, schools, and other public facilities which serve or are proposed to serve the area;
There will not be an increase in demand for parks, schools, or other public facilities. The idea is that the proposed use will provide a social outlet for the older population, without subsidy from the municipality. **Criteria met.**

vii. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned land;

The proposed use is approximately 100 feet from the nearest residentially zoned properties, and the residential units have and will continue to be adjacent to commercial uses. The proposed use will not be conducted outside, and the hours of operation do not extend past 8:00 pm. This increases the compatibility of the proposed use with the residentially zoned properties. **Criteria met.**

viii. The use is in harmony with the general purposes and intent of this chapter and the zoning district in which the applicant intends to locate the proposed use;

The use allows the applicant to operate a commercial business in a location that is currently vacant and allowed through the processes of this chapter. **Criteria met.**

ix. The use will not create an intrusion of excessive noise, glare, or general unsightliness; and

The proposed use will not create excessive noise, glare or general unsightliness. **Criteria Met.**

*x. If applicable, the proposed use is consistent with officially adopted city plans and overlays. **Criteria Met.***

3. **Conditions.** In permitting a new conditional use, the City Council may impose, in addition to the requirements set forth in the chapter, conditions considered necessary or appropriate to protect the public health, safety and general welfare of the city.

Additional Standards:

The zoning code contains no additional standards for the “Adult Day Care” use. The definition of Adult Day care is below:

- **ADULT DAY CARE.** A program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services including health services, social services, and nutritional services that are directed at maintaining or improving the participants' capabilities for self-care.

RECOMMENDED ACTION

Based on the findings described in this report, staff recommends the following action:

1. **Approval** of the Conditional Use Permit as the application meets the requirements as set forth by City Code Chapter 154.004

Blia Adult Day Care
Application for a Conditional Use Permit

Description of Adult Day Care Facility

Blia Adult Day Care is a community based agency that provides a specialized program of adult day care for frail, elderly, and dependent adults. Our dedicated staff is here to provide compassionate care with the goal of providing long term support in keeping our clients independent and active.

Our targeted population include adults and individuals 18 years of age and older, who require supervision, increased social interaction, assistance with personal cares, assistance with daily living activities, and monitoring their health status. The maximum number of persons the program intends to serve onsite at any one time is 60. Staff ratio is 1:5 for participants deemed incapable of self-preservation and 1:8 for participants deemed capable of self-preservation. The days and hours of operation will be 7am to 8pm from Monday to Sunday.

Breakfast, lunch and dinner will be prepared in a commercial kitchen onsite and will be provided with the program following guidelines from and meeting all of Minnesota Statutes chapter 245 human services licensing. Snacks in between will also always be available. Food provided follow a meal plan approved by a Licensed Dietician.

We offer emotional, functional, social/spiritual, physical and mental support. We accept adults: (i) who need support in their daily activities to keep them active in their community and lead a more fulfilling life, (ii) who would benefit from the social experience and stimulation of an adult day care program like ours, (iii) who need focused attention with issues involving nutrition and healthy living issues, (iv) who our program will assist daily caregivers/family members of our clients by providing alternative solutions to institutional type care.

We ensure that our clients have an opportunity for consistent support in their physical and mental health development and maintenance by providing:

- Routine health monitoring with consultation from a registered nurse, including obtaining baseline and routine monitoring information on client health status, such as vital signs, weight, and dietary needs;
- General health education such as providing information about nutrition, illnesses, and preventative care;
- Communicating changes in client health status to the client's caregiver;
- Monthly and as needed updating of the client's medical record, and assistance as needed with coordination of health services provided outside of the adult day care program

We ensure that our clients have the opportunity to enjoy a variety of stimulating activities (lead by licensed nutrition, licensed nursed or licensed physical therapist where necessary) such as:

- General therapeutic activities
- General Health Education
- Healthy Nutrition Habits
- Socialization

Blia Adult Day Care
Application for a Conditional Use Permit

Description of Transportation

Blia Adult Day Care will provide transportation for all Clients. All Clients will be picked up in Cargo Vans. The van will drop the clients off at the front entrance where there is a ramp. Staff members will help guide clients into the building at all times.

Adult Day Care Center Staff Ratio Requirements

Number of participants deemed incapable of self-preservation in emergency (Staff ratio = 1:5)

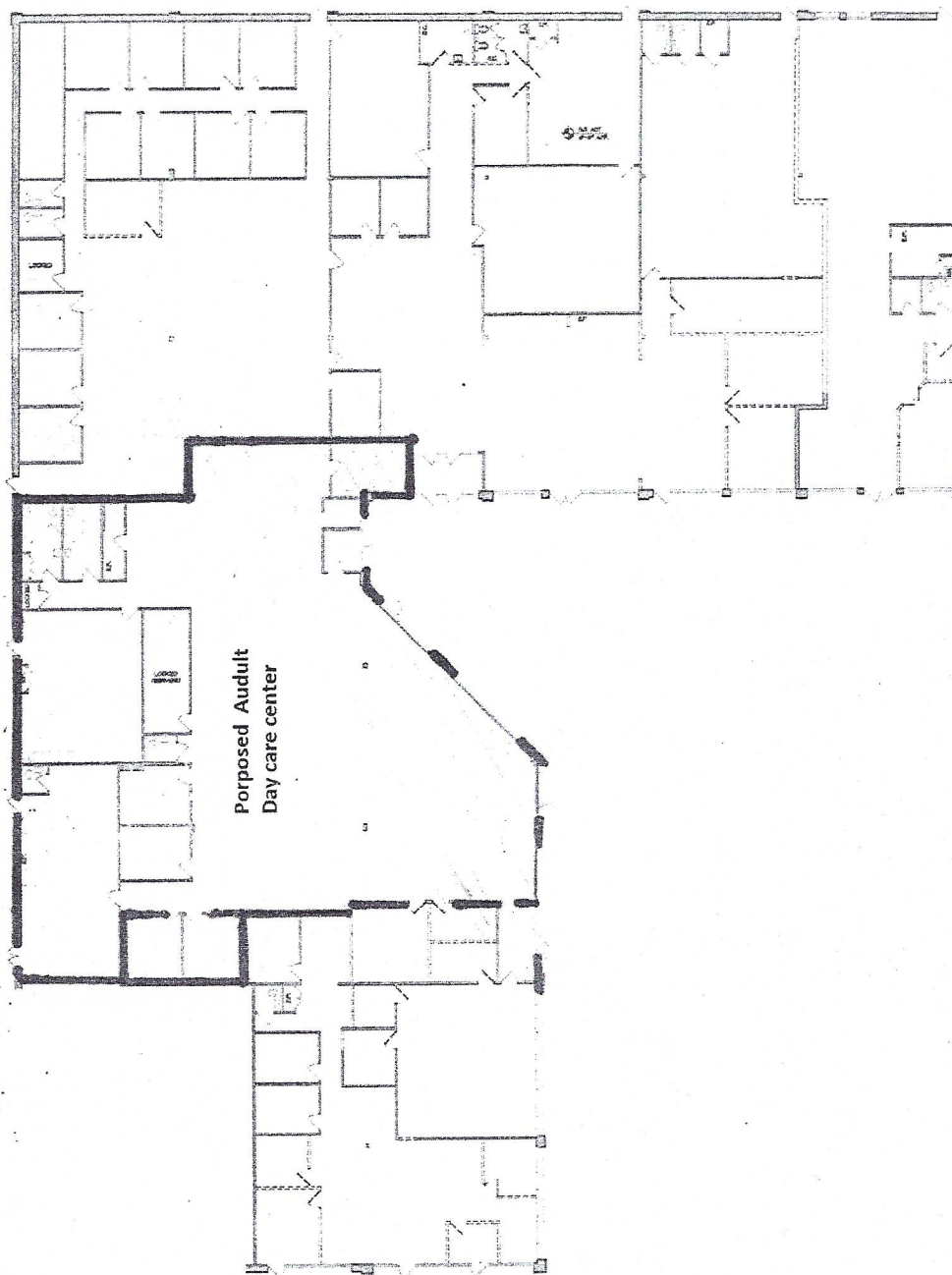
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
0	-	1	1	1	1	1	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4
1	1	1	1	1	1	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5
2	1	1	1	1	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5
3	1	1	1	2*	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5
4	1	1	2*	2	2	2	2	2	3	3	3	3	4	4	4	4	4	4	5	5	5
5	1	2*	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5
6	2*	2*	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5
7	2*	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	5
8	2*	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	5
9	2	2	2	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	5	6
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13	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	5	6	6	6	6
14	2	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	6	6	6	6	6
15	2	3	3	3	3	3	4	4	4	4	4	5	5	5	5	6	6	6	6	6	6
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17	3	3	3	3	3	4	4	4	4	4	5	5	5	5	6	6	6	6	6	7	7
18	3	3	3	3	4	4	4	4	4	5	5	5	5	6	6	6	6	6	6	7	7
19	3	3	3	3	4	4	4	4	4	5	5	5	5	6	6	6	6	6	6	7	7
20	3	3	3	4	4	4	4	4	5	5	5	5	5	6	6	6	6	6	7	7	7

Instructions:

Number of participants deemed capable of self-preservation in emergency (Staff ratio = 1:8)

Calculate the number of participants the center will serve at any one time who are capable of appropriate action for self-protection in an emergency. The chart indicates the staff requirements for each combination.

* Although the formula prescribes one staff person in these cases, part 9555.9690, subpart 2, item B requires that a second adult who is not a participant also be present.



TOM OSOSKI
DESIGN SERVICES, L.L.C.

2360 COMO AVENUE
SAINT PAUL, MN 55108
TELEPHONE: 651-208-4949
E: nelsonoski@yahoo.co.uk

BLIA ADULT DAY CARE

2080 11TH AVE E, NORTH ST. PAUL

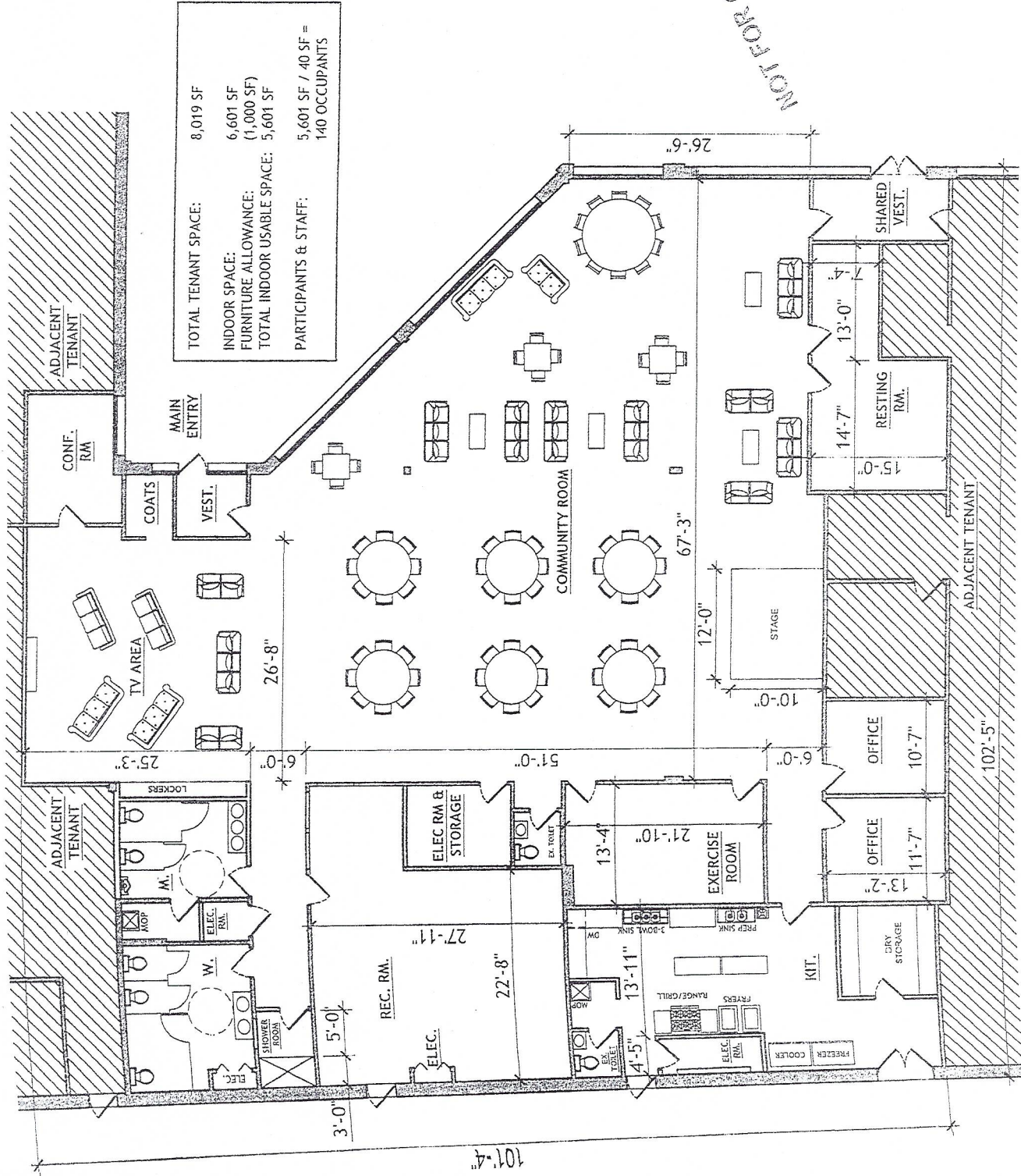
Blia Y. Vang
License Holder
Blia Elderly Center, LLC
5660 Julep Way N
Lake Elmo, MN 55042
blavang73@gmail.com
P: 651-235-7124
F: 651-797-2584

DATE

09-24-2018

SHEET

A1



SCHEMATIC FIRST FLOOR PLAN

Blia Adult Day Care

Parking and Transportation Narrative

Blia Adult Day Care will provide transportation for all Clients. All Clients will be picked up in Cargo Vans. The van will drop the clients off at the front entrance where there is a ramp. There will be posted sign that let drivers know where to park. Staff members will help guide clients into the building at all times. See page 3 of 3 for the route of the transportation cargo vans. See page 2 of 3 for location along with a signage for drop off and pick up of the clients.

Blia Adult Day care has a total of 8,016 SF gross floor area and will provide at least 28 spaces for the center, 10 of those parking spaces will have a sign posted that it is designated only for the center. We will have at least 2 ADA stalls and least one spot will be van accessible. The van accessible stall will be in the format of 96" to 96" stall width to accessible aisle width. The vehicle accessible stall will be in the format of 96" to 60" stall width to accessible aisle width.

Please see pages 2 and 3 for further details.

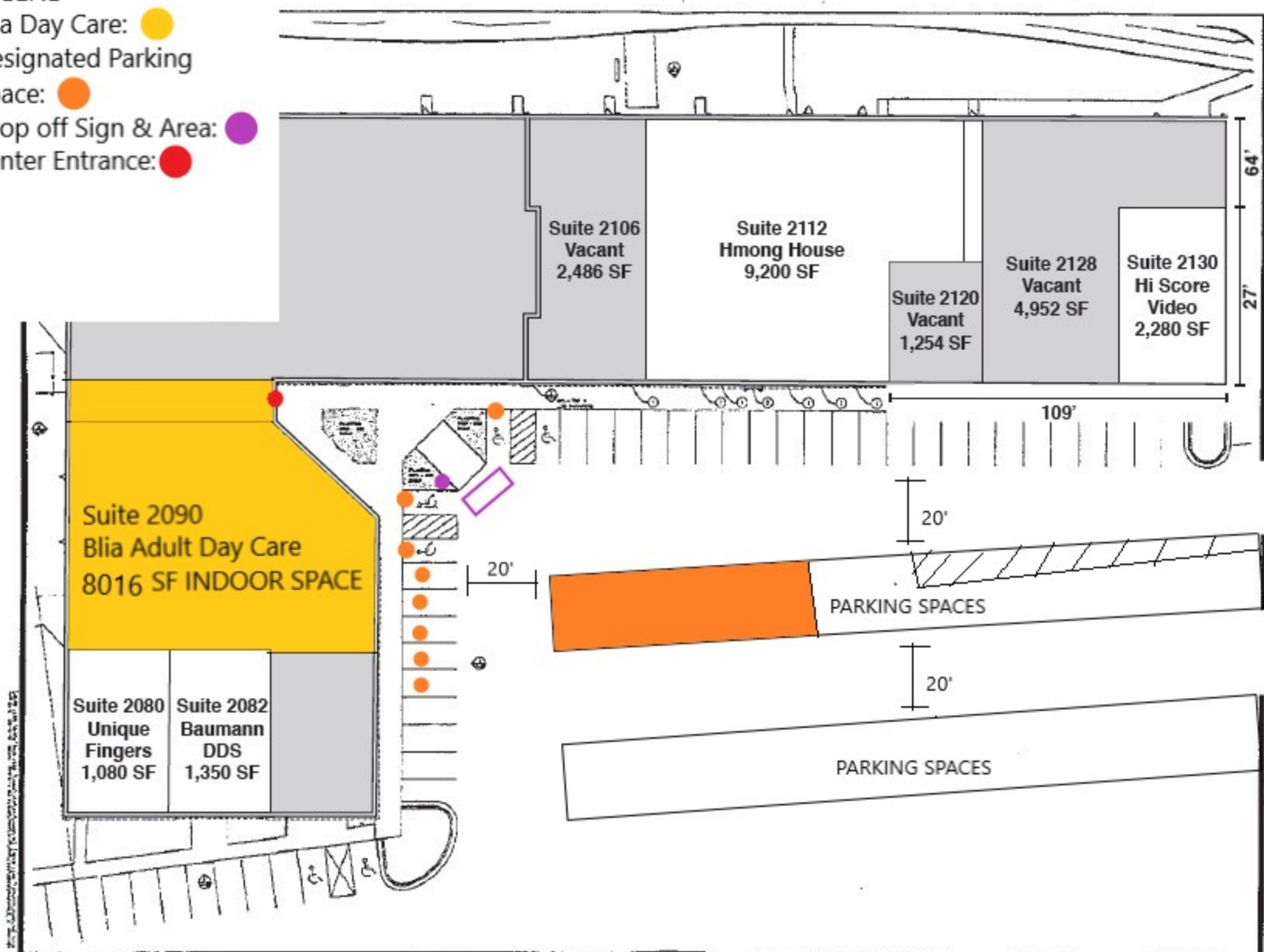
LEGEND

Blia Day Care: 
Designated Parking

Space: 

Drop off Sign & Area: 

Center Entrance: 



LEGEND
ENTRANCE & EXIT: →



Google



Minnesota Department of **Human Services**
Office of the Inspector General
Licensing Division

DO NOT WRITE IN THIS BOX – FOR DHS USE ONLY

\$ _____ # _____

Date _____ Initial _____

License Application

Minnesota Statutes, Chapter 245A (Human Services Licensing Act)

Read and follow the detailed instructions provided for completion of this application form. Please type or neatly print using black or blue ink. If you do not currently have a license from DHS, you must complete all items on the license application and the license application addendum in order for your entire application to be complete. Follow the instructions on page 3 of the License Application Instructions for submitting your completed license application.

If you currently hold a license from DHS, you do not need to answer Sections 3-5 and 11. DHS Licensing Staff will disregard any information entered there if you are a current license holder. If you need to update information in Sections 3-5 and 11, please use the DHS Online Information Update System at www.dhs.state.mn.us/licenseupdate.

1. License type

A single application is required for each type of license you are applying for. Check the applicable box below. You may select only one. For each license type you must submit materials and approvals in addition to this application form in order for your application to be complete. Select the link for license type you are applying for to find details on the additional required materials and approvals.

An application for adult foster care, child foster care, family child care, or family adult day services must be obtained from the county where the services will be provided.

Adult day services

- ☒ Adult day center (DHS Rule 223) to serve six or more adults; does not include family adult day services

Child placement agency

- ☐ Child foster care placement and adoption (DHS Rule 4)

Child care

- ☐ Child care center (DHS Rule 3); does not include family child care

Services for adolescents

- ☐ Independent living assistance for youth (MN Statutes, section 245A.22)

Chemical health

- ☐ Chemical dependency treatment program (DHS Rule 31)

- ☐ Detoxification program (DHS Rule 32)

Mental health

- ☐ Residential facility for adults with mental illness (MN Rules, parts 9520.0500 to 9520.0690)

Mental health – Do NOT use this application for the following programs. Select the link to go to the current application.

Children's residential facility (MN Rules, Chapter 2960)

Outpatient mental health clinic (DHS Rule 29)

2. License history

2.1 Do you currently hold other licenses issued by DHS?

☐ Yes

☐ No

- **IF YES**, enter your DHS License Holder ID Number and either your MN Tax ID Number if you are a "nonindividual" License Holder or your Social Security Number if you are an individual License Holder. If you do not know your License Holder ID Number, your Authorized Agent can contact DHS Licensing staff to request this information.

DHS License Holder ID Number:	MN Tax ID Number for "nonindividual" license holder OR Social Security Number for "individual" license holder: 5851047
-------------------------------	--

2.2 Have you ever had a DHS license denied or revoked?

☐ Yes

☒ No

If yes, list the date of denial or revocation and license type or the license number(s), attach additional page as needed:

DATE OF LICENSE DENIAL	LICENSE TYPE FOR DENIED LICENSE
DATE OF LICENSE REVOCATION	LICENSE TYPE & NUMBER FOR REVOKED LICENSE

3. License holder information

The license holder is the business entity that is responsible for the license. Minnesota Human Services Licensing Act makes a distinction between "individual" and "nonindividual" license holders. Please read the following section carefully.

An "individual" license holder is generally a **sole owner** or **sole proprietorship** where the business is owned and run by one individual and in which there is no legal distinction between the owner and the business. This means you have not formed a corporation (e.g., business, for profit, nonprofit, limited liability corporation) and have not organized as a partnership, association, other organization and are not a government entity. You may have registered with the Minnesota Secretary of State's office to use an assumed name, and you may have employees, but you are still a sole owner/sole proprietor. If you are an "individual" license holder, you should list your full legal name as the license holder.

A "nonindividual" license holder means that you have **created a business organization** in order to make a legal distinction between the owner and the business. Generally, this means you are operating as a business corporation, nonprofit corporation, limited liability corporation, partnership, limited liability partnership, voluntary association, or other organization, or you are a government entity. In this case, the license holder is the business or government agency. If you are a "nonindividual" license applicant, you should list the business name as it

appears on your tax forms or as it is listed with the Secretary of State's business registration as the license holder.

For information on the types of business ownership go to the Minnesota Secretary of State's online Business, Nonprofit & UCC page.

3.1 License holder type and name: Complete ONLY ONE section – A or B.

☒ **A. Has the License Applicant formed a corporation or other business or is a government entity? Yes, the business that is requesting a DHS license is a "nonindividual" with the following business type (check only ONE box):**

- ☐ Business Corporation
- ☐ Nonprofit Corporation
- ☒ Limited Liability Corporation (LLC)
- ☐ Limited Partnership
- ☐ Limited Liability Partnership (LLP)
- ☐ Government Entity

Throughout this application, you will be referred to as a "nonindividual" license holder.

You must provide the full name of your business as it appears on your tax forms. This is usually the same business name you registered with the Minnesota Secretary of State if you completed a business filing. This information will be printed on your license certificate as the name of the license holder under, "Issued To:"

Business Name of "nonindividual" License Holder (or name of Government Entity):

BIA Adult Day Care, LLC

Print Full Business as it appears on business tax forms or on filing with the Secretary of State's office – do not abbreviate

☐ **B. Has the License Applicant formed a corporation or other business? No, I am an "individual" and not a business corporation, nonprofit corporation, limited liability corporation, partnership, limited liability partnership, voluntary association, or other organization, or government entity, and I am operating as a sole owner/sole proprietor.**

Two or more individuals may be co-applicants or co-license holders if they are not a corporation, partnership, voluntary association, or other organization or government entity.

Throughout this application, you will be referred to as an "individual license holder".

You must provide your full legal name as it appears on your driver's license or state-issued identification card. This information will be printed on your license certificate as the name of the license holder under, "Issued To:"

Legal Name of "individual" License Holder:

Print your name as it appears on your driver's license or other state-issued ID.

If another person (not a business entity) is joining you as a co-applicant and will be a co-license holder, please provide his/her name:

Print name as it appears on their driver's license or other state-issued ID.

3.2 License Holder Address: This is the primary business address of the license holder; P.O. Box is not acceptable.

ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)			
2090 East 11 th Ave			
CITY	COUNTY	STATE	ZIP
North St Paul	Ramsey	MN	55109
TELEPHONE NUMBER		FAX NUMBER	
651. 235. 7124		651. 797. 2584	

Address for Second "individual" Co-Applicant: For use ONLY when Section B is completed above and two (2) "individuals" are applying for a license together.

ADDRESS of SECOND "INDIVIDUAL" CO-APPLICANT (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)			
CITY	COUNTY	STATE	ZIP
TELEPHONE NUMBER		FAX NUMBER	

3.3 Tax identification information (This information is not public.): You are required to provide your tax identification information, including your Federal Employer ID Number (FEIN), if you have one.

You must provide your Minnesota Tax Identification Number, if you have one. The Minnesota Department of Revenue requires a business to have a Minnesota Tax ID if it collects sales tax on retail sales in Minnesota; has employees and collects withholding taxes; or is a corporation doing business in Minnesota and files a tax return with the Department of Revenue. For information on registering for a Minnesota Tax ID, go to the [Minnesota Department of Revenue](#) website. You must also provide your FEIN, if you have one. This is a nine-digit number you obtained from the Internal Revenue Service (IRS) because you have employees or operate your business as a corporation or partnership.

If you completed Section B, above, and are applying as an "individual" license holder, you must also provide your Social Security Number (SSN). If the FEIN and the SSN are both entered, the FEIN will be used for tax purposes and the SSN will be used for identification purposes only.

MN TAX ID (IF YOU HAVE ONE)	SSN (IF YOU ARE AN INDIVIDUAL LICENSE HOLDER)	FEDERAL EMPLOYER ID NUMBER (FEIN)
5851047	—	83-2122857

Tax identification information is not public, except that under section 270C.72, DHS is required to provide the Minnesota Department of Revenue the tax identification number and the Social Security Number of each license applicant. Under the Minnesota Government Data Practices Act, we must advise you that:

- i. This information may be used to deny the issuance of a license, or to revoke a license, if you owe the Minnesota Department of Revenue delinquent taxes, penalties or interest.
- ii. DHS will only provide the tax identification information to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service.

4. Controlling individual(s) information (skip this section if you currently hold a DHS license; your information is already on file)

Controlling individual: As part of applying for a license, you are required to disclose individuals and businesses that make up your ownership and/or management structure. You must identify all controlling individuals as defined under section 245A.02, subdivision 5a.

"Controlling individual" means a public body, governmental agency, business entity, officer, owner, or managerial official whose responsibilities include the direction of the management or policies of a program. An organization must identify all of the officers, owners, and managerial officials of the organization as controlling individuals.

- Owner means an individual who has direct or indirect ownership interest in a corporation, partnership, or other business association issued a license under this chapter.
- Managerial official means those individuals who have the decision-making authority related to the operation of the program, and the responsibility for the ongoing management of or direction of the policies, services, or employees of the program.

"Controlling individual" includes organizations ("nonindividuals") and individuals.

- For an individual, provide your first, middle, and last name as it appears on your driver's license or state-issued identification card and your residential address.
- For organizations that are controlling individuals, this is the business or organization name as it appears on your tax forms and primary business address. Provide the full name, do not abbreviate.

FULL LEGAL NAME DO NOT ABBREVIATE <i>Bla Yang Vang</i>			POSITION/TITLE <i>Chief MGR</i>	
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE) <i>5660 Julie Way N</i>				
CITY <i>Lake Elmo</i>	STATE <i>MN</i>	ZIP <i>55042</i>	TELEPHONE NUMBER <i>651.235.7124</i>	
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes) OWNER, <u>100%</u> of ownership if 5% or more <u>OFFICER</u> <u>MANAGERIAL OFFICIAL</u>				

FULL LEGAL NAME, DO NOT ABBREVIATE			POSITION/TITLE	
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)				
CITY	STATE	ZIP	TELEPHONE NUMBER	
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes) OWNER, _____ % of ownership if 5% or more OFFICER MANAGERIAL OFFICIAL				

FULL LEGAL NAME DO NOT ABBREVIATE			POSITION/TITLE	
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)				
CITY	STATE	ZIP	TELEPHONE NUMBER	
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes) OWNER, _____ % of ownership if 5% or more OFFICER MANAGERIAL OFFICIAL				

FULL LEGAL NAME DO NOT ABBREVIATE			POSITION/TITLE
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)			
CITY	STATE	ZIP	TELEPHONE NUMBER
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes)			
OWNER, ___ % of ownership if 5% or more		OFFICER	MANAGERIAL OFFICIAL

FULL LEGAL NAME DO NOT ABBREVIATE			POSITION/TITLE
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)			
CITY	STATE	ZIP	TELEPHONE NUMBER
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes)			
OWNER, ___ % of ownership if 5% or more		OFFICER	MANAGERIAL OFFICIAL

- IF YOU HAVE MORE CONTROLLING INDIVIDUALS, ATTACH A SEPARATE SHEET OF PAPER WITH THE ADDITIONAL NAMES.

5. Authorized Agent information (skip this section if you currently hold a DHS license; your information is already on file)

Authorized Agent: The agent must be authorized to accept service on behalf of all of the controlling individuals of the program. Service on the agent is service on all of the controlling individuals of the program. It is not a defense to any action arising under chapter 245A that service was not made on each controlling individual of the program. The designation of one controlling individual as your authorized agent does not affect the legal responsibility of any other controlling individual. It is the responsibility of the authorized agent to ensure that any mail received from DHS is distributed as needed and a response provided within stated timelines when required.

- If you are an **individual** applicant and completed Section 3B above, then you are the authorized agent and your name must be entered here.
- If you are a **"nonindividual"** applicant and completed Section 3A above, you must designate a controlling individual to act as the Authorized Agent for the license holder. A completed and notarized *Applicant Agreement, Acknowledgement and Verification Form* is required for the authorized agent. The form is provided with this application on the last page.

FULL LEGAL NAME DO NOT ABBREVIATE			
Bila Yang Vang			
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE)			
5260 Julie Way N			
CITY	COUNTY	STATE	ZIP
Lake Elmo	Ramsey Wash	MN	55042
TELEPHONE NUMBER	E-MAIL ADDRESS:		
651.235.7124	bilavang73@gmail.com		
TYPE OF CONTROLLING INDIVIDUAL (check all applicable boxes)			
OWNER, 100% of ownership if 5% or more		OFFICER	MANAGERIAL OFFICIAL

6. Sensitive background study information person. FOR ALL APPLICANTS: If you want to designate your Authorized Agent to be your sensitive background study information person, leave this section blank. Otherwise, please designate your sensitive background study information person.

This is the individual you designate to maintain all background study documentation submitted to and received from DHS as required under sections 245C.07 and 245C.20. The individual's name, address, telephone number, and email address must be provided. It is the responsibility of the sensitive background study information person to maintain background study records and to comply with all background study notices from DHS.

This person will receive an email allowing temporary access to the DHS online background study system, NETStudy, in order to submit the background studies required for the application. This person's email address is required in order for the temporary access email to be sent.

FIRST, MIDDLE, LAST NAME Bila Yang Yang			
ADDRESS (STREET ADDRESS IS PREFERRED, A PO BOX MAY BE USED) 5660 Julep Way N			
CITY Lake Elmo	COUNTY Washington	STATE MN	ZIP 55042
TELEPHONE NUMBER 651.235.7124	FAX NUMBER 651.797.2584	EMAIL bilayang73@gmail.com	
FOR DHS ONLY - LICENSE NUMBER		FOR DHS ONLY - LICENSOR	

7. Program name and location

Please enter the name and physical location of your program. The "Program Name" may be different from the license holder name, meaning the license holder is "doing business as" (dba) the program name. Your licensed program or service will be listed under this program name on DHS' online Licensing Information Look Up. Licensing Information Lookup is used by the public to find programs and services they are interested in. This information will also be printed on your license certificate under, "Doing Business At." A street address is required; a PO Box is not acceptable.

PROGRAM NAME Bila Adult Day Care LLC			
ADDRESS (STREET ADDRESS REQUIRED, A PO BOX IS NOT ACCEPTABLE) 2090 East 11th Ave			
CITY North St Paul	COUNTY Ramsey	STATE MN	ZIP 55709
TELEPHONE NUMBER 651.235.7124	FAX NUMBER 651.797.2584		

8. Workers compensation insurance verification

You must complete and submit the Certificate of Compliance Minnesota Workers' Compensation Law (MN LIC 04) form with your license application in order for your application to be complete. Under section 176.182 DHS is prohibited from issuing a license until the applicant presents acceptable evidence of compliance with the worker's compensation insurance requirement of Minnesota Statutes, Chapter 176.

Minnesota workers' compensation law requires all employers to purchase workers' compensation insurance or become self-insured. This is often referred to as "mandatory coverage." Employers are generally defined as those who hire another to perform services. Employees are generally defined as people performing services for another, for hire, including minors and workers who are not citizens. For information on worker's compensation insurance requirements go to the Minnesota Department of Labor and Industry website at: <http://www.dli.mn.gov/WorkComp.asp>.

9. Organizational chart

You must submit a chart showing the organizational structure and authority within the program. The list must identify the individual positions and the names of the people in those positions. In addition, DHS may request a corporation's Articles of Incorporation; a Limited Liability Company's (LLC) Articles of Organization; a Limited Liability Partnership's (LLP) registration; or a Limited Partnership's certificate. DHS may request the Certificate of Assumed Name for any individual/sole proprietor, corporation, limited partnership or limited liability company that conducts business in Minnesota under a name other than their full legal name.

10. License application fee

You must submit the application fee with each license application.

NUMBER ON CHECK OR MONEY ORDER

5083

11. Applicant acknowledgement of public funding reimbursement for licensed services (skip this section if you currently hold a DHS license; your information is already on file)

Under section 245A.04, subdivision 1, DHS license holders who elect to receive any public funding reimbursement, including Medical Assistance or Child Care Assistance, for the licensed services, must acknowledge that they will comply with funding requirements, that compliance with those requirements may be monitored by DHS Licensing, and that they know the consequences for noncompliance with those requirements. As a DHS license applicant you must verify whether you intend to receive any public funding by checking the applicable box for item 1 or 2 below. If you check item 2, you are acknowledging the conditions stated in (a) to (c):

1. ☐ I do not elect to receive any public funding reimbursement for the licensed services.
2. ☒ I do elect to receive public funding reimbursement for the licensed services and I acknowledge the following:
 - a. I must comply with the provider enrollment agreement or registration requirements for receipt of public funding;
 - b. My compliance with the provider enrollment agreement or registration requirements for receipt of public funding may be monitored by DHS Licensing as part of a licensing investigation or licensing inspection; and
 - c. That noncompliance with the provider enrollment agreement or registration requirements for receipt of public funding that is identified through a licensing investigation or licensing inspection, or noncompliance with a licensing requirement that is a basis of enrollment for reimbursement for a service, may result in:
 - (1) a correction order or a conditional license under section 245A.06, or sanctions under section 245A.07;
 - (2) nonpayment of claims submitted by the license holder for public program reimbursement;
 - (3) recovery of payments made for the service;
 - (4) disenrollment in the public payment program; or
 - (5) other administrative, civil, or criminal penalties as provided by law.

If you checked item 2, above, you must indicate whether you intend to receive funding from Medical Assistance. If you do, you must name a Compliance Officer as described below:

☒ Check here if you intend to receive Medical Assistance funding as reimbursement for the program or service you will be providing under this license and then designate your compliance officer.

Compliance officer. If you will be or are enrolled as a Minnesota Health Care Program (MHCP) provider, and will or do receive reimbursement through Medical Assistance for the licensed program or services, you must designate a **compliance officer** who is responsible for ensuring the program complies with Medical Assistance laws or regulations in accordance with section 256B.04, subdivision 21, paragraph (b). If you have questions about MHCP Provider Enrollment, go to DHS' online MHCP Enrolled Providers Home page.

FIRST, MIDDLE, LAST NAME AND TITLE/POSITION BLIA YANE VANG			
ADDRESS (STREET ADDRESS IS PREFERRED, A PO BOX MAY BE USED) 5660 Julep Way N			
CITY LAKE ELMO	COUNTY Washington	STATE MN	ZIP 55042
TELEPHONE NUMBER 651-235-7124	FAX NUMBER 651-797-2584	EMAIL blia.vang73@gmail.com	

12. Applicant Agreement, Acknowledgement and Verification Form

The Authorized Agent named above in Section 5 (or the Authorized Agent already on file with DHS if you currently hold a DHS license) must act as the authorized signatory on the application. The Authorized Agent must review and approve the license application before it is submitted to DHS, and must sign below only in the presence of a notary public.

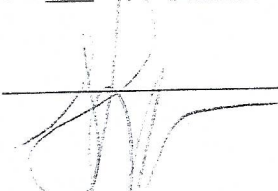
By signing below, I agree that the information that I have provided on this application form is true, accurate and complete. If the Commissioner of Human Services grants me a license, I agree to comply with the requirements contained in Minnesota Statutes, chapter 245A and all applicable laws and rules, at all times during the terms of the license. I acknowledge that the Commissioner's representative has the right to request any documentation required by Minnesota Rules or Laws and to inspect the facility/service at any time during the hours that services are provided. Further, I acknowledge that the documentation and inspection required by statutes and rules is necessary for the Commissioner to determine whether I am complying with Minnesota Rules and Laws. Finally, I understand that the Commissioner may fine, suspend, revoke or make conditional, or deny a license if an applicant or a license holder fails to comply fully with the applicable laws or rules, or knowingly withholds relevant information from or gives false or misleading information to the Commissioner in connection with an application for a license or during an investigation.

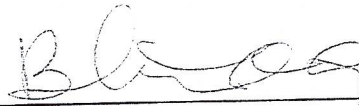
In accordance with Minnesota Statutes, section 245A.04, subdivision 1, by signing your name you are affirming that you are the individual applicant or the authorized agent for the "nonindividual" applicant, responsible for dealing with the Commissioner of Human Services on all matters provided for in Minnesota Statutes, Chapter 245A and on whom service of all notices and orders must be made.

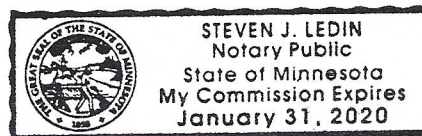
[Continued on next page]

I, BLIA YANG VANG
(PRINT FULL NAME OF AUTHORIZED AGENT LISTED IN SECTION 5 ABOVE, OR ALREADY ON FILE WITH
DHS IF YOU ARE A CURRENT LICENSE HOLDER.),

being sworn, state that I am the Authorized Agent for the license holder identified above. I understand that, by signing below, I am responsible for dealing with the commissioner of human services on all matters provided for in Minnesota Statutes, chapter 245A. I also understand that service of all notices and orders affecting any license held by the License Holder identified above may be made on me, in accordance with Minnesota Statutes 2012, section 245A.04, subdivision 1.

Subscribed and sworn to before me on	
this <u>7th</u> day of <u>November</u> , 20 <u>18</u> ,	
	Notary Public


Signature of Authorized Agent
(WAIT- SIGN ONLY IN FRONT OF A NOTARY PUBLIC)



If there are two people applying for this license as noted on page 3 of the license application, please have the second applicant complete this section:

I, _____
(PRINT FULL NAME OF AUTHORIZED AGENT LISTED IN SECTION 5 ABOVE, OR ALREADY ON FILE WITH
DHS IF YOU ARE A CURRENT LICENSE HOLDER.),

being sworn, state that I am the Authorized Agent for the license holder identified above. I understand that, by signing below, I am responsible for dealing with the commissioner of human services on all matters provided for in Minnesota Statutes, chapter 245A. I also understand that service of all notices and orders affecting any license held by the License Holder identified above may be made on me, in accordance with Minnesota Statutes 2012, section 245A.04, subdivision 1.

Subscribed and sworn to before me on	
this _____ day of _____, 20____,	
_____	Notary Public

Signature of Authorized Agent
(WAIT- SIGN ONLY IN FRONT OF A NOTARY PUBLIC)

DO NOT WRITE IN THIS BOX – FOR DHS USE ONLY

Original signature verified on _____ (MM/DD/YYYY) by _____ (Initial)

Adult Day Center (DHS Rule 223) License Application

License Application Addendum

You must complete and attach this addendum page to the main license application form. Failure to do so will result in an incomplete application.

Program site information

1. Ages served

Indicate the age range of persons to be served by the program.

18 years through 100 years

2. Gender served

Check the applicable box to indicate the gender to be served by the program.

☐

Male

☐

Female

☒

Both male and female

3. Requested license capacity

Indicate the maximum number of persons the program intends to serve onsite at any one time: 60

4. Days and Hours of operation

Identify the days and hours of operation of your program.

Monday	From <u>7am</u>	To <u>3pm</u>
Tuesday	From <u>7am</u>	To <u>3pm</u>
Wednesday	From <u>7am</u>	To <u>3pm</u>
Thursday	From <u>7am</u>	To <u>3pm</u>
Friday	From <u>7am</u>	To <u>3pm</u>
Saturday	From <u>7am</u>	To <u>3pm</u>
Sunday	From <u>7am</u>	To <u>3pm</u>

5. Food service

Check all the applicable boxes indicating what meals or snacks the program will provide.

☒

Breakfast

☐

Morning snack

☒

Lunch

☐

Afternoon snack

☒

Dinner/supper

☐

Evening snack

Check all the applicable boxes indicating where meals or snacks will be prepared or taken.

☒

Food prepared onsite

☐

Food catered

☐

Meals taken at separate location

☐

Bag lunches

A. Additional Required Materials and Approvals

If you are applying for an adult day center license, you must read and comply with the additional requirements for licensure and complete and submit each of the additional required materials identified below in order for your license to be complete.

Center status during application process: You may not operate as an adult day care center or advertise as a licensed program until all licensure requirements have been fulfilled and approved by the Licensing Division and a license issued.

Adult Day Center (DHS Rule 223) License Application

1. Policies, procedures, and program records

You must develop and submit the following program records, forms, and policies and procedures with your application. Sample forms and policies and procedures are available online from the [DHS Licensing Forms](#) web page under the Forms for Adult Day Centers section.

a. Required program records:

- ☒ (1) Individual Service Plan – Provide sample forms to be used for intake screening, initial services plans, and individual plans of care ([9555.9700](#)).
- ☒ (2) Individual Abuse Prevention Plan – Provide a sample form ([245A.65](#), subdivision 2; [626.557](#), subdivision 14).
- ☒ (3) Participant Records/Application Materials – Provide sample forms to be maintained in each participant record ([9555.9660](#); [626.557](#), subdivision 14, (b), and [245A.65](#), subdivision 2, (b)).
- ☒ (4) Monthly Plan of Daily Activities – Provide a monthly plan for diversified daily program activities designed to meet the needs and interests of the participants and include all requirements under [9555.9710](#), subpart 6, A through C.
- ☒ (5) Meal and Snack Menus – Provide sample menus for all meals and snacks served by the program which comply with USDA nutritional requirements and approved by a registered dietitian ([9555.9710](#), subpart 1, E).
- ☒ (6) Adult Day Program Center Director Personnel Requirements Form – Complete for the center director and provide documentation to verify qualification requirements ([9555.9680](#), subpart 1).
- ☒ (7) Summary of Staff Information Form – Complete the Summary of Staff Information Form, identifying the applicant(s) and staff persons hired at the time of application.
- ☒ (8) Consultants – Provide the names of the required consultants, including a registered dietitian, registered nurse, and registered physical therapist, and documentation to verify that the consultant's licensure, registration, or certification meets the requirements under [9555.9710](#).
- ☒ (9) Record of Incidents – Provide a sample form to document all incidents involving participants ([9555.9720](#), subpart 4).

b. Required policies and procedures:

Information to assist you in developing required policies and procedures is available in the [Guidelines for Developing Policies and Procedures for Adult Day Centers](#).

- ☒ (1) Policy and Program Information ([9555.9640](#))
- ☒ (2) Written plans for emergencies caused by fire and weather ([9555.9720](#), subpart 9)
- ☒ (3) Written procedures governing medical emergencies ([9555.9720](#), subpart 10)
- ☒ (4) Health services including policies and monitoring procedures for participant self-administration of medications for unlicensed personnel who provide medication assistance, approved by a registered nurse consultant ([9555.9710](#), subpart 3)
- ☒ (5) Program Drug and Alcohol Policy ([245A.04](#), subd. 1, paragraph (c))
- ☒ (6) Program Abuse Prevention Plan ([245A.65](#), subdivision 2; [626.557](#), subdivision 14)
- ☒ (7) Mandated Reporting of Maltreatment of Vulnerable Adults policy, ([245A.65](#); [626.557](#), and [626.5572](#)). Review the sample policy available on the DHS Licensing website titled, [Maltreatment of Vulnerable Adults Reporting Policy for DHS Licensed Programs](#).
- ☒ (8) Program Grievance Procedure ([245A.04](#), subd. 1, paragraph (d))

Adult Day Center (DHS Rule 223) License Application

2. Facility floor plan

You must submit a facility floor plan that verifies the physical plant and space requirements for adult day care centers according to Minnesota Rules, part 9555.9730. You may use the floor plan available online.

3. DHS notice to local zoning authority

Contact the local municipality to determine any possible requirements for conditional or special use permits. Compliance with zoning ordinances is required prior to issuance of a license. When your application is received, the DHS Commissioner will provide 30 days' notice to the affected municipality where the applicant is seeking to provide services as identified in section 245A.04, subd. 2. An absence of objection by the local authority will be considered approval.

4. Fire, building, and health inspections

Before a license will be issued, you must provide documentation of compliance with applicable fire, building, and health codes, or documentation that an appropriate waiver has been granted. It is recommended that you contact these inspection agencies prior to submission of your application to DHS Licensing to ensure that the proposed space complies with applicable code requirements. Once your application has been submitted and determined by DHS to be complete, the DHS licensor assigned to evaluate your application will assist you with requesting inspections from other agencies. The completed and approved code inspection reports must be submitted to the DHS licensor before the onsite licensing inspection is conducted and a license is issued.

Fire inspection: Minnesota Statutes, section 245A.151, requires an inspection by a State Fire Marshal to determine compliance with the State Fire Code under section 299F.011. In some areas, local fire inspector(s) are trained and approved by the State Fire Marshal to conduct the fire inspection. The State Fire Marshal maintains an online list of local fire code inspectors trained and approved by the State Fire Marshal Division to conduct the required inspection for DHS licensed facilities. If a community does not have an approved local fire code inspector, the State Fire Marshal must conduct the inspection. The phone number for the office of the State Fire Marshal is (651) 215-0500. An inspection fee may be required.

Building inspection: A building code inspection by the local building inspector to determine compliance with local building code is required. If the facility is located in a non-coded area of the state and there is no building code inspection required for the program location, you must submit documentation from the local authority (city) that there is no code requirement.

Health inspection: Based on the level of food preparation, handling and service, licensure by the Department of Health may be required. If a community does not have a local health inspector to determine if a health license is required, the state Health Department must be contacted. The phone number for the office of the state Health Department is (651) 201-5000.

5. Onsite inspection

Within 90 working days after receipt of a complete application, including written verification of fire, building, health, and zoning approvals, the DHS licensor will contact you to schedule an onsite visit. At the time of the onsite visit, you must demonstrate that you are in full compliance with all licensing rules and regulations or a license will not be issued.

B. Information and Resources for Applicants and License Holders

Additional information and forms are available online from the DHS Licensing Forms web page under the Forms for Adult Day Centers section. It is recommended you make print them and make additional copies for future use. Check the website regularly for updates and added forms.

1. Additional forms available for future use

- a. Center Director Personnel Requirement
- b. Summary of Staff Information
- c. Staffing Pattern

Adult Day Center (DHS Rule 223) License Application

- d. Adult Day Care Center Staff Ratio Requirements
- e. Variance Request
- f. Document List - Checklist to assist you in complying with documentation requirements for participant records, personnel records and other program records.

2. Additional information

The following are links to online information related to adult day center services. You may want to bookmark or add these sites to your internet favorites for future reference:

- a. For general licensing information, go to DHS Licensing
- b. For licensing forms, go to Licensing Forms
- c. For annual license renewal information, go to License Renewal Information
- d. For information on specific licensing requirements, go to DHS Licensing Licensed Programs and Services
- e. For information on background study requirements, go to DHS Licensing Background Studies
- f. For information on maltreatment requirements and investigations, go to DHS Licensing Maltreatment Investigations
- g. To find DHS licensed programs, go to DHS Licensing Information Lookup
- h. For information on all types of licenses issued in Minnesota, go to License Minnesota
- i. For information on becoming a Minnesota Health Care Program (MHCP) provider, go to DHS Provider Enrollment
- j. For information on Emergency Preparedness, Response, and Recovery, go to the Minnesota Department of Health website

3. Additional resources

The following contacts may be of interest to new adult day service providers:

- a. DHS - Aging and Adult Services Division, (651) 431-2600
- b. Minnesota Adult Day Services Association (MADSA), (763) 464-2698

C. Applicable Rules and Laws

The following laws and rules apply to the provision adult day services licensed according to Minnesota Statutes, chapter 245A:

- Minnesota Rules, chapter 9555 (9555.9600 through 9555.9730 - DHS Rule 223).
- Minnesota Statutes, chapter 245A, Human Services Licensing Act
- Minnesota Statutes, chapter 245C, Background Study Act
- Minnesota Statutes, chapter 626.557 and 626.5572, Vulnerable Adults Act (VAA)

D. License Application Checklist

Use the License Application Checklist to help you prepare your license application. You must verify that all forms and materials identified on the checklist have been completed and are included in your license application before you submit it to the DHS Licensing Division.

Adult Day Center (DHS Rule 223) License Application

E. License Application Processes

1. The following processes must be completed before you submit your application:

- ☒ I submitted a complete license application and the \$550 license application fee to the correct address.
- ☒ I have reviewed and understand the applicable rule and statutory requirements, including background study requirements for the applicant and controlling individuals, and for ongoing background study requirements for the program if it is licensed.

2. The following processes are completed after you submit your application, but before a license is issued:

- ☒ I understand that the DHS Licensing Division has 90 working days to act on my application, once a complete application has been received.
- ☒ I understand that if my application is incomplete or substantially deficient, I will receive a written notice from the DHS Licensing Division identifying documents that are missing or deficient and I will be given 45 days to resubmit a second application that is substantially complete. I understand that a failure to submit a substantially complete application after receiving notice from the commissioner is a basis for license denial under section 245A.05.
- ☒ I understand that once DHS determines my application to be complete, the DHS Licensor will assist me in requesting inspections from building, fire, and health officials.
- ☒ I understand that upon receipt of my application, DHS will notify the local zoning authority of my application for a license and the local zoning authority must approve the use of the property for adult day center services.
- ☒ I understand that once I have met all required license application requirements and written approvals have been received from building, fire, and health officials and submitted to DHS, the DHS licensor will contact me to schedule an onsite licensing inspection.
- ☒ I understand that I must be compliant with all applicable rules and laws at the time of the licensing inspection or a license will not be issued.
- ☒ I understand that the sensitive background study information person must submit the required background studies, pay the background study fee, and that I must receive notice from DHS that the background studies for the required individuals have cleared.