

Zoning Board of Appeals
Tuesday, January 15, 2019
6:00 p.m.
St. Cloud City Hall Council Chambers

ROLL CALL

Members Present: Dick Andzenge, Susanne Barkalow, Drew Hultgren, John Mathews and Ryan Schleicher
Members Absent: Allen Bright and Emil Radaich
Staff Present: Dave Broxmeyer and Ashley Skaggs

OCTOBER 16, 2018 MINUTES

ACTION TAKEN: Barkalow/Schleicher/Approved (4-0-1, Hultgren abstained)

NOVEMBER 20, 2018 MINUTES

ACTION TAKEN: Barkalow/Mathews/Approved (5-0)

CUP2019-01 / CP INVESTMENT GROUP & MOTHER'S LOVE CHILD CARE CENTER / 1520 24TH AVE N

ACTION TAKEN: Schleicher/Barkalow/Tabled (5-0)

Broxmeyer explained a request for a Conditional Use Permit (CUP). The existing day care facility is approved for 117 children. The applicant is proposing to reduce the overall number of persons but will have a combination of 66 children and 43 adults. An updated site plan was presented addressing an access door between the children and adult areas. The door is proposed as a half door gate.

Hultgren asked about a site plan amendment that will allow for the co-mingling of children and adults. Broxmeyer stated the applicant has received preliminary approval from the State of Minnesota for this business model. Mathews asked if there were any standards regarding the adults admitted to a facility such as this. Broxmeyer stated there is nothing within the LDC that would address the types of individuals that would be permitted in the adult day care center portion. That function is typically left to the state and enforced by the county. Mathews asked if there any regulations regarding these types of intergenerational facilities. Broxmeyer stated he could not find any standards that identified these facilities being placed together.

Mathews asked about access to the facility. Broxmeyer stated that children will enter on the west side of the building, while adults enter on the east side of the building. Barkalow asked if there are other facilities such as this within the city. Broxmeyer stated he is not aware of any other intergenerational facilities in the city. Hultgren asked if approval could be contingent upon state and county approval. Broxmeyer stated that it can be made a condition of approval.

Hultgren opened the public hearing and invited testimony. The following persons testified:

George Kluempke, 29013 Kepler Ct, Cold Spring – The dividing door is not necessarily required, but the operators wanted a distinction to show the children and adult spaces. Children and adults will always be supervised. Adults moving through the child care portion to use the restroom will be accompanied by a supervisor. The change to the site plan has to do with fire exit requirements. The door is required to swing both ways, and a full-sized door with push bars each way is not made for this size opening. Co-mingling will be planned exercises such as storytelling, etc. There are other facilities such as this in the metro area.

Andzenge asked about the type of adults that will be permitted to the facility.

Bosteya Farah, Mother's Love Child Care Center – Adults 18 and above will need to qualify through the state to be eligible for services. They will need to require companionship or to mingle with other adults. The facility is mainly used by older adults.

Andzenge asked about the background check procedure. Farah stated that the applications are submitted to the state for their approval. She did not know the criteria for approval. Clients have case managers they work with in advance of applying for services. If the client does have a background, staff is able to determine whether providing service to that individual is appropriate. Farah noted that clients will have an option to participate in co-mingling, and it will not be a requirement. Adult clients will be referred to the facility.

Schleicher asked about the state requirements for indoor and outdoor space for adults. Kluempke stated the architects researched state requirements and planned accordingly.

Schleicher asked how clients will be transported to the facility. Farah stated that the facility will transport those adults that need it. Some may be able to transport themselves or have access to transportation.

Andzenge suggested redefining the age of those admitted for services. It is not clear what kinds of adults will be accepted to the program. Farah stated that the facility will mainly be for older adults; however, she cannot deny services to, for example, an 18-year-old that is having mental issues.

Kluempke noted the target audience is retired older adults that need companionship. He is unsure of the facility's ability to deny services to someone they feel will be disruptive. If the state accepts this type of non-lockable physical barrier, then everyone has lived up to their expectations.

Hultgren questioned whether the CUP is the first step in the process, and whether the driving force behind the request to allow co-mingling is due to the layout of the building. Kluempke stated he does not disagree; however, they have not been told that this type of facility is not allowed. The state will not inspect the facility until it is ready. If the doorway is not acceptable, the walls will need to be modified to allow for a double door.

Dr. Mohamed Yassin, 1511 Northway Dr - He was approached by the same owner of the day care approximately three months ago to lease space to provide rehabilitation classes for adults with repeat drug and alcohol offenses. He provided a definition of an adult day services center from the Department of Health, including the parameters for who can be served. The population served in an adult day care center needs to have a medically necessary reason to receive services. A report was provided from the MN Department of Human Services summarizing an inspection from earlier in January which noted 32 violations at the facility.

Dr. Karen Rouw, 2025 Stearns Way – She expressed concerns for the violations presented by Dr. Yassin. The facility has proven in the past they cannot operate by the standards outlined by the state, and it may put the children and adults at risk. She provided a letter in opposition to the request.

Dr. Bradley Anderson, 2055 15th St N – He agreed that further definition is needed regarding the types of persons who will be permitted into the facility. There needs to be a commitment by the organization to tell us who will be brought into the neighborhood.

Tom Peterson, 1521 Northway Dr – He is concerned with the number of violations the facility received recently.

There being no one else wishing to speak, the public hearing was closed. Hultgren commented that the information presented requires further investigation, and the applicant should have an opportunity to respond. Schleicher made a motion to table the request to further investigate the information presented and to allow for several questions to be answered. The motion was seconded by Barkalow and carried unanimously.

Broxmeyer stated that when a request is tabled, a notice is sent to extend our 60-day review period for cause due to the additional information and additional questions. After discussion, the board compiled a list of questions to be addressed in advance of the next meeting as follows:

1. Will drug and alcohol rehabilitation and counseling be provided anywhere within the building located at 1520 24th Ave N?
2. Provide an update from the MN Department of Human Services addressing the status of the 32 citations for the existing child care center identified in the January 3, 2019 Correction Order.
3. How will medications for the potential adult clients be stored and/or distributed?
4. Provide additional information from the state licensing authorities regarding the co-location of child and adult daycares within the same building.
5. Will the adult day care operators be completing an independent background check of the potential adult day care clients?
6. Do the adult day care operators have the ability to reject potential adult clients that have been approved by the State of Minnesota?
7. Will the adult day care provider accept clients who have not been referred by a qualified health care provider or the State of Minnesota?
8. Can the floorplan of the building be altered to accommodate children and adults with greater separation of the populations and still meet building/fire code exiting requirements?
9. Are there potential restrictions that could be added to the Conditional Use Permit (CUP), based on objective standards, that are enforceable by the City?

Kluempke commented that 30 days may not be enough time to get feedback from the state. Hultgren stated that the applicant will be given enough time to respond for the March 2019 meeting. If more time is needed, the applicant can let staff know.

OTHER BUSINESS

ACTION TAKEN: None

Broxmeyer stated that a public hearing is scheduled at the Planning Commission in February to review the Land Development Code regarding sign regulations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:24 p.m.