

**WEST ST. PAUL PLANNING COMMISSION**  
Regular Meeting

**The regular meeting of the West St. Paul Planning Commission was called to order by Chair on Tuesday, May 18, 2021 at 6 30 pm in the Municipal Center Council Chambers, 1616 Humboldt Avenue, West St. Paul, Minnesota 55118**

**Roll Call:** Morgan Kavanaugh, Dan McPhillips, Lisa Stevens, Tori Elsmore, Tim Haubrich, Samantha Green

Commissioner Fransmeier had an excused absence.

**Also Present:** Melissa Sonnek, City Planner; Sharon Hatfield, Administrative Specialist; Amanda Johnson, City Attorney; Julie Eastman, City Council Liaison

**Adopt Minutes:** Minutes from the January 19, 2021 meeting were approved.

**PC Case 21-04 – A Conditional Use Permit Application to Allow an Electronic Graphic Display Sign in a B4-Shopping Center District at 1365 Robert St- Albrecht Sign Co.**

Sonnek talked about the conditional use permit application that was presented back in January by Tumble Fresh to the Commission. It included a site plan and plat approvals. Tumble Fresh is again in front of the Commission to request a conditional use permit to construct a monument-style sign with an electronic graphic display board component. To the north of the site are office and residential uses. Augustana Church is to the east, (B3.) The B4 district is to the south with Lucky China and Bingo Palace to the southwest. The City allows graphic display signs in the commercial district, with a conditional use permit as long as the applicant complies with a list of conditions. The applicant must obtain the conditional use permit and the sign can operate only in static mode with no motions, animations or video displays. Any changes in the displays must happen instantly with no distracting transitions. The minimum display time is 8 seconds before transitioning. The display may use multiple colors but must not create any distractions or hazards. Each line of text must be one consistent color. The sign must be at least 75 feet away from any other electronic sign. The sign must fall into the 10-foot setback. City Staff does recommend approval of the conditional use permit subject to the condition that the applicant apply and obtain all applicable sign permits, and that the proposed signage complies with section 153.435 of the zoning code.

Sonnek asked if the Commission Members had any questions.

Kavanaugh asked if the 10-foot setback allowed enough visibility for drivers existing the site. Sonnek said yes, there is sufficient viewing room for cars to exist right. Kavanaugh asked if drivers pull up and encroach on to the sidewalk. Sonnek showed the approximate location of the setback and the curb cut which would remain the same in the new development. Haubrich asked about the placement of the turn lane and sign. Sonnek responded that the entrance/exit would be a right in and a right out. If a driver is taking a right in to the site, the sign will be on the driver's right side. If the driver is taking a right out of the site, the sign will be on their left side. Haubrich asked if Sonnek was satisfied with the setback minimum and that the line of sight was not obstructed. Sonnek said absolutely. The 10-foot setback is a standard requirement.

McPhillips asked about the hours of operation. Sonnek said, “You stumped me!” She will look into it. Green asked if lights on a monument sign need to be turned off or is it on all day. Sonnek said that it is on 24 hour a day. That is primarily the reason why they are restricted to commercial districts, and not allowed in residential areas. McPhillips was interested in the hours of sign operation; Sonnek said that the applicant is permitted to have the sign on for 24 hours a day. McPhillips asked if Robert Street would look like Las Vegas Boulevard with lights flashing. Sonnek does not have concerns about this; both the Holiday and Cane’s have signs with the graphics and the changeable texts. There are a handful of them, more so on the southern part of Robert Street. It is common for gas stations to have changeable texts for things like the gas prices. McPhillips does not have concerns.

Kavanaugh commented on the dimensions of the sign. The proposed sign is 56 square feet; they are allowed up to 200 square feet. They can have a sizeable sign. Sonnek talked about the B4 district. Some shopping signs combine signs into one for multiple stores.

With no other comments or question from the Commission, Green opened the Public Hearing at 6:40 pm. With no comments and questions from the public for the Commission, the Public Hearing was closed at 6:43pm.

Stevens commented that these signs are distracting when part of the sign is not functioning. Stevens asked if there was anything in the ordinance requiring the signs to be fixed within a certain amount of time. Sonnek said that she imagined the City would receive a complaint about the sign. The City would ask that the sign be shut off until it were fixed. This is how City staff would handle the situation.

**Haubrich made a motion to approve the application.**

**Kavanaugh seconded the motion.**

**The motion carried. 6 ayes, 0 nays**

**PC Case 21-05 – Ordinance Amending Section 153.171 Of the West St. Paul City Code Regarding Tattoo, Body Piercing, and Body Art Establishments – City Of West St. Paul**

Sonnek reviewed the application and gave some background. In January or December, the City had made the change in code to allow microblading. Council has now asked staff to review this area of the code as a whole to reduce the location restrictions for tattoo, body piercing and in general, body art establishments. Sonnek said the code currently requires a minimum distance buffer of 800 feet. It significantly limits where the establishments would be able to operate in the City. In the Smith Dodd Area, there is some concern about reducing this distance with the proximity to single-family homes.

An option for the Commission is to consider in addition to reducing the minimum distancing requirement could be to require the use be located in a building with minimum square footage of 50,000 square feet; it would likely be limited to a multi-tenant building rather than a stand-alone.

Staff is asking the Commission to comment on the potential ordinance change and to have a Public Hearing on the topic.

Green asked if there were any other type of businesses that have this type of requirement. Sonnek replied that pawnshops have the 800-foot restriction... Bingo halls have a 600-foot restriction. Banquet halls

have a 100-foot restriction from residential properties. Alternative financial institutions also require an 800-foot buffer. Green asked if bars and smoke shops have proximity limits. Sonnek replied that they do not have the restriction. Green said that the bars and the smoke shops do not have the proximity restrictions to a school, but tattoo establishments do. Sonnek confirmed this, assuming that both the school and the tattoo shop were zoned commercial.

Haubrich asked about the limit of two licenses. Sonnek elaborated that the City has discussed limiting the number of licenses similar to liquor licenses or regular business licenses. Microblading was opened up to anywhere that allows hair salon or beauty establishments. There is still some interest, however in limiting proximity for traditional tattooing and body art businesses. Sonnek asked the Commission about their opinions regarding the current restrictions, (the 800-foot buffer.) The Commission could discuss limiting the number of licenses allowed in the City or keep it as it is. This would be an ordinance amendment on how the City regulates these establishments. The ordinance would be how the City regulates this type of use, (as opposed to the application process.)

Haubrich asked Sonnek about what the actual distance currently is between the single-family residences and the Doddway shopping center and what sort of distancing limitations would work with that area. Sonnek stated that if the Commission wants to allow that type of use in the Doddway center and include the distance requirements or limitations, it would not be possible, especially on the eastern portion of the site. The property abuts directly on to single-family homes. Therefore, if the Commission is wanting to allow this use in the Doddway Center, a possible option would be to still allow it through a conditional use permit, but rather than having a minimum distance requirement the requirement would be to have the use located within a building that is of a certain size. Such as a larger, multi-tenant building with a minimum square footage of 25,000 or 50,000 square feet. The minimum distancing requirements could be applied to the B3 and B4, and not apply to the B2 areas.

Kavanaugh asked if there were a legal or factual basis for the distance requirement for this particular use. Sonnek said that it was based on the perception of this type of use. Whenever this type of code was adopted or implemented, the type of establishment was perceived to be not desirable. Kavanaugh asked if the City has any data regarding concerns with this type of use and if City staff felt it to be an acceptable use. Sonnek said she could not speak for any data that was presented when the code was written; however, with the increasing regulations and licensing from the Minnesota Department of Health perspective, safety concerns with this use have decreased. Currently this establishment is not allowed in the B2 zone. It is allowed conditionally in the B3 and the B4.

Stevens asked if there was any concern from the Police Department regarding the use. Sonnek said no concern was expressed.

Elsmore asked if there were any interest in opening a tattoo establishment. Sonnek responded that initially, there was no interest. Council wanted this portion of the code updated as a whole. Coincidentally the first night the item went before Open Council, Sonnek received an inquiry regarding the use being allowed in the B2. Haubrich asked Council Liaison Julie Eastman, what the general opinion of the Council was and what they are looking for. Johnson clarified by stating that recommendations are needed from the Commission. The City could abandon a buffer altogether or establish districts where the use is permitted. The Commission could decide if it were to be a conditional use or a straight allowed use. Possible conditions are that the establishment follow the state guidelines and provides evidence of the permits needed from the state perspective.

With no other comments from the Commission, Green opened the Public Hearing at 6:56 pm. With no comments or questions from the public, the hearing was closed at 6:58pm.

Green said she felt personally that a buffer is not needed. If the City does not need a buffer between a bar and a residential property, there does not need to be a buffer with a tattoo parlor. A bar would create more ruckus than a super-regulated business.

Green has no issues with the establishment being in the B2 zone. A small cute tattoo parlor would fit the vibe the City was hoping for in building the Smith-Dodd area. She would recommend no buffer and allow the use in all areas. It does not need to be a conditional use. Stevens agreed with Green. Tattoo shops are more regulated now and the level of artistry and professionalism has increased. She does not see West St. Paul attracting many tattoo establishments; she does not see a reason to restrict the number of shops to two. McPhillips said that the City would not want six tattoo parlors. Stevens said that the limit would not be because of the concerning type of business but because the City does not want a “million” tattoo parlors.

Kavanaugh said that the conditional use permit make sense because there are state licensing requirements and other things needed. If the business did not comply with these conditions, the City could pull the conditional use and not wait for the state to take action. Johnson confirmed this. Their recommendation would be to keep it a conditional use for that reason. If the conditional permit were not in place, the City would rely on the state to pull the permit. Green asked if there were the same stipulation for microblading. Sonnek said she believed the City allowed it as a permitted use. The City removed the licensing requirement from the City itself; it would be exclusively restricted to the Department of Health [to pull their license.] Other conditional uses include massage and liquor licenses. These uses require a permit as well as a business license.

Kavanaugh said that the limit of licenses is a helpful planning tool for the City if there is a vision for a certain area. The City can also increase the number of licenses if there is a request. Stevens said that she does not see why the City would have the limit for this business and not others. Kavanaugh said there is a limit on pawnshops. Sonnek said there is a limit on the number of trash haulers in West St. Paul. The maximum allowable is four trash haulers; the fifth trash hauler was grandfathered in. Stevens asked if there were a limit on liquor licenses. Sonnek said there is a limit on the 3.2 liquor licenses.

Elmore said the conditional use permit has been required before with other businesses with licenses. It makes sense to Elmore. Treating this business differently because of the type of business it is, does not make sense to her. Picking a number like two or four is arbitrary. Green asked Sonnek for how many requests the City has received to set up a tattoo parlor. Sonnek said that the use would only be allowed in the location where Pawn America is currently. She has only had one inquiry from a few weeks ago. She is not aware of any other requests. The location has been extremely limited to one location. Any interested parties may have been deterred by the location limitation.

Green said after hearing from the recommendation from Johnson, the conditional use permit makes sense. However, restricting it further does not make sense to Green. Stevens agreed with Green. Kavanaugh is on board with the “no buffer;” he is fine with the B2 CUP.

Kavanaugh would stick with staff recommendation on the limit of two licenses. This can be changed or adjusted. Green said two is too little. Stevens does not understand why there is the limit. McPhillips said it is the moral decay. Green asked where the number of two came from. Sonnek said that it is more than one, which is more than what was allowed in that location. The limit could be raised. Green suggested raising the limit to four. The limit of two would not encourage businesses to come to West St. Paul. McPhillips would like to restrict the number to two. He likes Green's idea of the parlor being in a small quaint setting; he does not want it to be on Robert Street. He does not want to see one smack on Robert Street with an electronic display sign. He would like it in a niche area. Green said it sounds like there is a consensus that the conditional use permit makes sense. Allowing the use in the B2 makes sense. The sticking point right now is how many the City allows. West St. Paul is big enough that there could be a tattoo shop in Doddway and on Robert Street, or even further down on Robert Street, and they would not crowd each other. Kavanaugh said that the limit could be changed in the future. Green said she is not crazy about making more work for the Commission. There is a lot of previous work for them to do. Stevens said that perhaps it was not work, but a way of making decisions about certain areas of the City the Commission is trying to develop. Green asked about the incentive for people wanting to open a business in West St. Paul while knowing about the limit of licenses. Kavanaugh said that Sola Salon had this problem. Sonnek clarified that microblading caused the issue. It was just a matter of a five-minute phone call to the City to see if Council was open to their business proposal. It is easy to start the discussion piece. Kavanaugh asked about the conditional use permit and if the applicant can ask for the code to be amended when they apply for the permit. Sonnek confirmed that permits have been reviewed concurrent with ordinance changes previously. It is one more application. DARTS was a rezoning example. It was an ordinance amendment as well as a site plan CUP. The City can run multiple applications together. The timeline is very quick.

Green said she is willing to compromise to a limit of three licenses. Stevens added that the limit of two is harsh. Haubrich said that City Staff recommended two (including the Police Chief). Stevens's concern is that the City is treating this use differently from other businesses.

Haubrich said that eliminating the 800-foot buffer and allowing more flexibility as to where they can go, would open up a lot of doors. Kavanaugh commented the City treats businesses differently all over the place in City Code. Stevens asked about the rationale behind this. Kavanaugh said that [the limit] would be a planning tool for the City Planner. He would follow the recommendation; the limit of licenses is not set in stone. The Commission can make changes. Green asked Kavanaugh to expand upon the rationale. Kavanaugh said it is the same thinking behind the zoning districts and the rationale as to where businesses can go in anywhere in the City. It is a tool for planning and development. Johnson commented that the recommendation was to go slowly because the City does not have any evidence of problems with tattoo parlors. There is no experience. When making a planning change, the City does not want a pendulum swing from one end way over to the other side. The City will want to stage the change and be cautious. This is probably the rationale behind the limit of two. Stevens said that she is fine with the recommendation. McPhillips said this is a recommendation to Council; let them run it. The Commission has made great strides. Green said she thinks it is still stigmatizing the business. Stevens agreed. Green still thinks the limit of two is silly.

**A motion was made by Kavanaugh to make a recommendation to City Council to amend the ordinance to make the following changes: as pertains to the tattoo and body piercings and body art establishments, eliminate the buffer requirement, include the B2 district, to continue to allow it as a conditional use permit and to limit the number of licenses to two.**

**McPhillips seconded the motion.**  
**The motion carried, 6 ayes, 0 nays**

**PC Case 21-06 – Ordinance Amendment Regarding Off-Sale Liquor Establishments in the B2, B3, and B4 Zoning Districts – City Of West St. Paul**

Sonnek said this would be a potential ordinance amendment to allow off sale liquor in the B2 district. It is allowed currently as a conditional use permit in the B3 and the B4. Staff did receive an inquiry for the Smith Doddway Shopping Center, currently located in the B2 district. Currently the code allows the sale as a CUP in the B2. Sonnek asked the Commission to discuss opening this use to a conditional use or a permitted use in the B2 zoning district. Staff would like the Commission to discuss opening up the off sale in the B2 district. Stevens asked about the concerns, and why this does not exist now.

Kavanaugh asked if there were already a liquor store in the B2, on Smith Avenue, (non-conforming use). Green asked if this was the applicant. Sonnek said that staff could not confirm or deny this.

Sonnek went on to describe the districts. The B2 is the neighborhood business/quaint shops. The B3 is the standalone businesses on a slightly bigger scale. The B4 is the shopping center on a larger scale further removed from residential areas. Sonnek said there are two different types of [liquor sales] license. A business can have a 3.2 and a full liquor license. There is a limit of six licenses for the 3.2. Sonnek said she believed that mostly gas stations have this type of license. Speedway, Wal-Mart and Hy-Vee have the 3.2 license.

Haubrich asked if there were any concerns with the existing liquor store in the B2. Sonnek said that the establishment has been there for a very long time, and there have been no recent (past year) police calls or reports about that property. Green said it made sense to have a small liquor store near Oxendale's Market. Kavanaugh commented that Grand Avenue has a number of liquor stores; it is considered a neighborhood business district. They do not seem to have issues.

With no other comments from the Commission, Green opened the meeting to the Public Hearing at 7:36 pm.

With no questions or comments from the public, Green closed the Public Hearing at 7:37pm and brought the discussion back to the Commission.

McPhillips said Grand Avenue along with Arcade Avenue and Kane Avenue, have a variety of liquor stores and they seem to function fine.

**McPhillips made a motion to put a liquor store in the B2 area. Discussion followed.**

**Kavanaugh said there was note about having it a permitted use. Sonnek said that it is currently a conditional use in the B3 and the B4. If the Commission would like to continue in that manner, it would be a conditional use in the B2, B3 and the B4.**

**Kavanaugh added a friendly amendment to allow liquor stores in the B2 as a conditional use.**

**McPhillips accepted the friendly amendment.**

**Kavanaugh seconded the motion.**

**The motion carried. 6 ayes, 0 nays**

### **New Business – Recognition of Cable Caster Mike Lamm**

Green wanted to thank Mike, for his years of service broadcasting the Planning Commission meetings. This was Mike's last meeting. He does a great job with the broadcast and dealing with the shenanigans of this meeting. Green wished him luck in his future endeavors.

Sonnek added that he has been at his job for two decades. The many technological changes the building has gone through the years is something Sonnek cannot begin to imagine. He has been at City Hall for every meeting. He comes in an hour early to deal with the broadcast set up; all Sonnek had to do is put in her flash drive and begin. Mike is able to read Sonnek's mind and know exactly what to do during the presentations and when to do them. Mike has made Sonnek's job easier and smooth for the viewer's at home. The City of West St. Paul will miss Mike.

**Old Business - NA**

**Other - NA**

**Adjourn**

**A motion was made to adjourn the meeting at 7:39pm.**

**The motion carried. All ayes.**

Respectfully submitted,

Sharon G. Hatfield