

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

**The regular meeting of the West St. Paul Planning Commission was called to order by Chair Samantha Green on Tuesday, March 16, 2021 at 6:30 pm.**

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

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

Tim Haubrich introduced himself to the Commission. He served on the Planning Commission/Committee of Adjustments in the late 90's. In the early 2000's he was elected to City Council. He is participating as a Charter Commission member at this time.

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

**PC Case 21-01 - Site Plan and Conditional Use Permit Applications for the Construction of a Drive-Through Lane at 1608 Robert St. S. - Jimmy John's**

Sonnek said that the application is for a site plan and a conditional use permit for the construction of a drive-through lane at 1608 Robert Street South on the south side of the existing parking lot. Properties to the north, south and west are zoned B6 – Town Center Mixed Use and the properties to the east (Wal-Mart and the Hobby Lobby site) are zoned B4 – Shopping Center, to the north is the Noodles & Company, and to the south is Taco Bell. All of the existing building setbacks comply with the code minimums; they will not be changing so no additional review of this was necessary. All of the parking setbacks remain in code compliance with the exception of the western property line setback for the drive-through since parking and drive-throughs are not allowed in the front yard or within the setback areas. City staff is recommending as a condition of approval that the site plan be revised to have the drive-through shift at least 6 feet to the east so that it lines up with the building façade. The applicant stated they are willing to do this but it may result in the loss of one parking stall. All of the parking stall dimensions comply with the code minimums. Access to the site will remain the same as it is currently, with the access through the Wal-Mart parking lot off of Wentworth Avenue. There is the two-way drive aisle on the eastern side of the parking lot, which will remain the same. The access for the drive-through only will be constructed south of the existing access point. Code requires a by-pass lane within the drive-through for any users to exit the drive-through lane. The current building material complies with the construction material percentages, (60 percent primary material, 40 percent secondary material.) In review of the menu and signage board, one of the conditions is that menu boards are not to be heard after 10 pm. The site plan was reviewed by the City's engineering consultant at WSB Engineering. As the site is under one acre, there is no required water filtration required. There are however, water rate control and erosion control measures that will be required. City staff is recommending as a condition of approval that the applicant adhere to the all of the items listed in the WSB memo dated March 4, 2021. The drive-through is a conditional use. It is allowed if: it is not located in the front yard or setback areas; there is adequate stacking as determined by City Staff; electronic speakers are not heard beyond the property line and not operated between 10 pm and 7 am; auto headlights are screened and that a by-pass lane is provided. Sonnek concluded saying that this is a minor site plan review. City Staff recommends

approval of the site plan subject to the conditions that she outlined in her presentation. The site plan is subject to the approval of the conditional use permit. The conditional use permit is contingent upon the site plan as well.

Green asked what screening would there be between the drive-through and the street. Sonnek answered that there are some existing boulevard trees. Sonnek confirmed that the drive through lane extends past the building. Staff is recommending as a condition of approval that it be shifted 6 feet. Green asked if City Staff or the Environmental Committee think additional screening is needed. Sonnek answered that since it was a minor site plan, and there was no change in landscaping, the plan was not brought before the Environmental Committee. There was no additional discussion especially because Robert Street is a big, “commercial stretch.”

Franzmeier commented about the landscaping and asked if there would there be another curb cut to allow another drive-through only access point. Sonnek confirmed that there will be a curb cut south of the existing entrance. There would be no obstruction to existing landscaping. The trash enclosure would be in the same location and will remain in compliance per code.

Kavanaugh asked about the exterior of the drive-through window and what it would look like. Sonnek showed a picture of the façade and said the applicant can elaborate further if the Commission had additional questions.

Franzmeier asked about the pedestrian sidewalks. Sonnek said there is existing sidewalk along Robert Street (west side of the building,) and there is sidewalk that goes around the building. This will be maintained with the exception of the south side of the site because the sidewalk will be removed for the drive-through pick up window. Sonnek has not heard back from the County regarding extending the sidewalk to the east. It is a “tight squeeze” (about 10 feet) and has elevation changes and power lines. Stevens asked how it would work for pedestrians coming in from the sidewalk to the store. Sonnek showed the location of the sidewalk that circles the building (except for the southern section which will be removed) and the proposed cross walk for pedestrians.

Kavanaugh asked about the access into and out of the site and why the exit out of the drive-through does not line up with the access into and out of the site. Sonnek said that during the internal staff review, this was one of the concerns that arose. However, there is a low traffic count for the drive-through with 3-5 cars during peak hours. With such a low count, there was not much concern from a staff perspective. There is minor conflict with the cars as they exit the drive-through. The volume is low; so the chances for conflict or accident are pretty low.

Kavanaugh commented on the menu board. Sonnek said that the menu board would probably be shifted 6 feet to the east. Haubrich asked Sonnek to confirm that patrons would be facing to the west while they are ordering. Sonnek confirmed. The car will travel west and the menu board will face east. When the patron picks up, they will be facing east after they perform a u turn in the drive-through lane.

The applicant, Dustin Wetzel of Spin the Planet/Jimmy Johns, came forward to speak. Wetzel, said that he had nothing additional to say about the application.

Stevens asked about how much parking gets used. Wetzel said that parking requirements are pretty minimal. In shop traffic is about 10 percent of the business. The traffic is not a major concern. Most people are ordering for delivery.

Franzmeier asked about the drive-through request and the desire to have one specifically at this location. Wetzel said they have 8 other locations in the twin cities metro area that have a drive-through. They

would like to be like a Raising Canes or a Chik-fil-A. He would like to have their type of traffic and currently he does not at this location. There is a much larger demand now for pick-up and delivery. He is anticipating a 15-20 percent increase in sales with the addition of the drive-through. The other eight locations have been able to maintain their sales numbers during the COVID19 quarantine with the drive-throughs. Kavanaugh asked about the functionality of the drive-through; it is “pretty crammed in.” Wetzel said they have two other sites designed similar to this one. The design has not been an issue.

The Commission asked if the addition of the drive-through would alter the exterior of the building. Other than the pickup window, Dustin does not anticipate changes to the interior or the exterior of the building. Kavanaugh asked about any changes to the interior. Wetzel said the interior changes included moving around the prep tables or a counter. It would be very minimal work.

Kavanaugh asked if Wetzel was motivated to decrease parking. Wetzel replied no.

The Public Hearing was opened at 6:54 pm. With no questions or comments from the public, Green closed the Public Hearing at 6:55 pm.

Green said that she would like to see additional screening along Robert Street, especially by the order/menu board. She would like to add the condition that if the applicant removes any trees that they appropriately replace them following City guidelines with the standard Environmental Committee language- neonicotinoid-free, pollinator-friendly and native plantings, if possible.

She would also like to see if City Staff and the applicant could investigate the possibility of extending the sidewalk east along Wentworth Avenue to the property line before the Council meeting. Regarding screening, Sonnek said there are two boulevard trees along the western side between the store and the southern property line. Green would like to see something else, maybe some shrubs to alleviate the lines of cars along Robert Street. Haubrich said that with the drive-through, he does not believe there is room for more plantings. The Commission could lobby for it but there is not enough room to make it work.

Franzmeier said there are two things that do not sit well with her. She can understand the desire for increased sales. However, the bus stop there is highly used. There is pedestrian foot traffic that goes from the bus stop to the Wal-Mart behind the site. The plan eliminates a streamlined pedestrian path that connects the two areas. The plan puts traffic flow in there. She would really like to see a sidewalk run along Wentworth Avenue to Walmart. She would like City Staff to work the county on this. People are trudging through the snow on the curbs in the winter, trudging through muddy grass in the summer. It makes the City look trashy. She is concerned with the higher density apartment complex going in kitty corner to this site. The other concern is the access points. With the other curb cut, it is already a chaotic entry point from the Wal-Mart parking lot. Stevens agreed. She is wondering about the markings on the pavement and the signage for the drive-through especially from Robert Street.

Kavanaugh also agrees with Franzmeier’s concerns. There are some things that do not work well on the site plan. He does not like the idea of the ordering board facing [Robert Street.] He would not want patrons yelling their orders toward pedestrians walking by on Robert Street. There is an overabundance of parking on the site and there is room to make changes. The same applies to the northern part of the site. It would be nice to have sidewalk there instead of four parking spaces or dead grass. Kavanaugh wondered how people would access the bus stop if the sidewalk on the south side of the building is removed. Kavanaugh asked if there were any other menu boards which faced Robert Street. Sonnek said that Taco Bell to the south has their menu board on the east side of the building. Burger King (which will be reviewed later tonight) will have their menu board on the east side of the building. Cane’s is on the

west side of the building. Sonnek could not think of any other menu board within the city that face Robert St.

Green asked the applicant about the location of the entrances and the exits to the store. Wetzel said they are located on the east and west side of the building currently. Haubrich asked about southeast [pedestrian] access of the building. Wetzel does not know if the access would change. He would have to speak to the Jimmy John's people. He does not think it would change. He does not anticipate any conflicts; the Jimmy Johns drivers already pull up to this area to complete their orders. McPhillips said if it is not easy to get into the store on the east side, people are going to walk through the drive aisle to get to the west side. McPhillips said there is a lot of foot traffic in this area. He asked Wetzel if he were willing to construct a privacy fence to deter people from walking through the drive aisle. Wetzel said there was a short conversation regarding the north side of the building. There is a partial sidewalk; they are open to extending the sidewalk and willing to help the process. McPhillips said that is good, but he was referring to the turn on the west end that would keep pedestrians from entering the drive aisle. Kavanaugh asked if McPhillips was referencing the black decorative fencing on various parts of Robert Street. McPhillips replied yes. McPhillips was thinking of the end of the drive aisle to the west and a buffer between Robert Street and the curbing to stop people from walking through. After speaking with the applicant and showing the location on the plan Sonnek said that the applicant is willing to incorporate the screening to increase the likelihood that people will travel around the north side of the building to the potential sidewalk on Wentworth Avenue. The applicant is amenable to the iron wrought fencing used on Robert Street.

Green summarized her notes so far: iron wrought fencing to block off the possibility of pedestrians walking through the drive aisle; relocating the order board so that patrons are not yelling at Robert Street; any trees that are removed be replaced to City standards; and exploring the sidewalk extension along Wentworth with the county and City Staff before the next Council Meeting;

Kavanaugh asked if the applicant expressed willingness to add the sidewalk on Wentworth Avenue to the north of the site providing it is feasible, and if the applicant open to having this as a condition of approval. The applicant said yes.

**A motion was made by McPhillips to approve the site plan with the conditions previously listed by Green.**

**Haubrich seconded the motion.**

**Votes 7 ayes/0 nays. The motion carried.**

### **PC Case 21-02 - Site Plan and Conditional Use Permit Applications for the Construction of a Fast Food Restaurant and Drive-Through Lane at 1650 Robert St. S. - Burger King**

Sonnek said that this was site plan and a conditional use permit (CUP) applications for the demolition and construction of a new Burger King at the existing location at 1650 Robert St S. Properties to the east and south are zoned B4 – Shopping Center District, Walmart and Hobby Lobby, to the west the properties are zoned for B3 – General Business District, which is occupied by a multi-tenant office building as well as Arby's restaurant. All the parking setbacks comply with the code minimums with the exception of 5 parking stalls along the west side of the site. The stalls will either need to be relocated within the site or the applicant will have to pursue a shared parking agreement with an adjacent property owner. The City does not allow parking along Robert Street or in the front yard. As for the parking counts and

dimensions, all the proposed stalls meet dimension minimums. For a building of this size and use, the minimum number of stalls is 29. The plan includes 30 stalls. However, with the removal of the stalls on the west, it would leave the plan 4 stalls short. There will be a cross walk from Robert Street to the west side of the building for pedestrian access. There is only one access point to the building and it is off Robert Street. The applicant is pursuing an access agreement with Wal-Mart to the east and with Hobby Lobby to the south. The general flow for the site is counter-clockwise. There is a two-way drive aisle along the south side of the site. The two order lanes will switch to a one-way drive aisle which will function as the drive through. North of this there will also be a by-pass lane which will also function as the non drive-through traffic lane. The site is tight and does not allow for additional lanes of traffic although it would be preferable to have them. Sonnek related there are no “hard and fast” way to determine the minimum required number for drive-throughs. It is analyzed on a case by case basis. The proposed plan included stacking room for 12 vehicles. This the typical maximum number of queueing cars for peak business hours. The applicant is comfortable with the 12 count for queueing. However, City Staff recommends that additional stalls on the north side be dedicated for cars in the drive-through to pull off and wait if and when that becomes necessary. This would avoid traffic building up along Robert Street or other entrances in and out of the site. For the submitted lighting plan, there is some light that extends beyond the property line. City Staff is recommending as a condition of approval that the applicant revise the submitted lighting plans so no light extends beyond the property lines. Regarding the landscaping plan, the applicant will remove 4 trees and maintain 4 existing trees on site. The minimum replacement of 30 percent per code would equal 8.1 inches; additionally, the applicant would need to fulfill the code requirement of one tree for every 20 feet of property line. This would equal 38 trees. With the 4 existing trees and 34 new trees, there would be 38 trees in total on the site. City Staff is excited to see that the proposed landscaping requirements are being met. The Environmental Committee did review the landscaping plan at their last meeting. They were pleased that the minimums were being met. However, they would like some additional stormwater treatment on site. As recommended conditions of approval, they would like to see the proposed Norway Maple be replaced with a non-invasive species and that the applicant incorporate native and pollinator-friendly plants not treated with neonicotinoids. City staff is recommending as a condition of approval that the applicant adhere to the items outlines in the Environmental Committee’s memo dated March 10, 2021. Regarding the building design, as Sonnek mentioned earlier, 60 percent of the building materials must be comprised of primary materials (brick, stone, stucco or glass) and no more than 40 percent can be secondary materials, (wood composite, synthetic stucco or metal.) The applicant is proposing a combination of stucco, stone, glass and some vintage cedar panels. All of the elevations meet the requirements, except for south elevation. Since publishing the Planning Commission memo, the applicant has updated and revised the building elevations and added stucco to the south side of the building. The construction materials now meet all the code requirements. Since the site is in the B3 district, code requires that there is at least 40 percent window coverage on the areas that faces a street, parking lot, or open space. The area on the western side of the building (seating area) is already largely comprised of open glass. However, there are some areas that do not allow glass such as the kitchen and bathroom areas. The applicant is proposing Spandrel glass panels for these areas. These have been used in other buildings like LA Fitness and Bank of America. The general signage components are in place. However, to ensure that the plans meet code requirements, City Staff is recommending that sign dimensions are supplied with the building permit. The site is under one acre; it does not trigger the formal water filtration requirements. However, the erosion control requirements will be required. This is detailed in the WSB memo of March 4, 2021. City Staff is recommending that the applicant adhere to the items outlined in this memo. MnDOT was able to review the plans. One of their concerns was the proposed cross walk be ADA compliant. MnDOT also recommended closing the Robert Street access. The City did attempt to close this access during the

Robert Street Reconstruction. It was determined that it would have been a “taking,” and the closing could not be required. Therefore City Staff is recommending as a condition of approval that the applicant adhere to the items listed in the MnDot memo dated February 12, 2021, with the exception of the recommendation to close Robert St. As mentioned previously, the drive-through is a conditional use permit subject to the listed conditions covered earlier in Sonnek’s presentation: not in the front yard or setback area; adequate stacking; electronic speakers not heard beyond the property line between 10 pm and 7 am; a by-pass lane is provided, and auto headlights are screened. In conclusion, Sonnek said that City Staff recommended approval of the site plan subject to the listed conditions mentioned in her presentation. Similarly, City staff is recommending the approval of the conditional use permit as well. Both applications are contingent upon the other.

Sonnek asked if there were questions. Green talked about the five stall decrease in parking triggering the need for the shared parking agreement or the relocation of the parking stalls. Green asked if the option for a variance was brought to the applicant. Sonnek said that the option was not discussed because the thought process was to avoid getting a variance if the applicant could secure the shared parking agreement. It is the preferred alternative over a variance.

As far as the Wal-Mart entrance, Green asked if there were appropriate signage to let people know that there would be no access to the drive through. Sonnek said that staff could work with the applicant on the signage.

Franzmeier asked who owned the drive lane off Robert Street that leads into the Wal-Mart parking lot, [north of the site]. Sonnek said that it belongs to Wal-Mart.

Franzmeier asked if there were any discussion with the applicant about providing a cross property sidewalk connecting Robert Street to the Wal-Mart parking lot. Sonnek said that she has not had any conversation with the applicant about this; there is a proposed crosswalk from the Robert street sidewalk to the west side of the building and on the northeast side of the building where there is a minor grassy area.

Franzmeier asked since the site is very similar to the Taco Bell, does the Taco Bell have CUP’s for their drive-through. Sonnek said that this is a good question and did not know off the top of her head, it was constructed before the landscaping requirements were implemented. She does not know and would have to investigate.

Kavanaugh asked if there were any planned outdoor seating. Sonnek said no. The seating area is primarily inside at the southwest corner of the building.

Following up on Franzmeier’s question, Kavanaugh asked if there were room on the south side of the building to put in a sidewalk that juts out from parking spaces. The Target store has an example of this kind of sidewalk. It provides a way for pedestrians to walk through the length of the parking lot. Sonnek said that potentially there could be a sidewalk put in on the south side drive aisle; it would not be ideal to jump through the drive through area. Along the southern property line (east-west direction), there would be room for either the landscaping or the sidewalk, but not both.

Kavanaugh asked about discussions regarding outdoor seating. Sonnek said that she has not had any discussions regarding outdoor seating with the applicant. Haubrich said there is a grade difference from Hobby Lobby’s parking lot. Sonnek said that she would have to look at the grading plan to be sure. The applicant either has or is working toward having an agreement for driveway cuts. Haubrich said that the

applicant should be able to obtain parking spots from the Hobby Lobby parking lot. Green said that Hobby Lobby is a wasteland of parking spots.

The applicant, John Kayser from Cave Enterprises, spoke before the Commission. Kayser is the Vice President of Development. They are the developer as well as the franchisee and the operator. They operate restaurants throughout the Midwest. They are very excited with this particular location. The site has been sitting there for several years. He is excited to renovate this site and present a brand new look for their brand in West St. Paul. The layout with the double drive-through and the additional access points is going to be a huge improvement to what was there. Following up on a few points raised by Commission members, Kayser said that a ‘Do Not Enter’ sign can be placed off of the Wal-Mart northeast entrance. They have to convey the counter-clockwise around the lot in order to get to the drive-through. As far as outdoor seating, they would like to put in outdoor seating. However, with the size of the building and the double drive-through, they do not have the room for outdoor seating. They can accommodate 60 plus people in their dining room, so they do not see outdoor seating as critical.

Regarding the grade differential in terms of the sidewalk, it is definitely something for discussion. Kayser has discussed with Sonnek the loss of the 5 parking spots along Robert Street. Kayser has some concerns about this. They have a cross access easement in place with Wal-Mart; they are in discussions with Hobby Lobby for the other easement. It is pretty much locked in; they are adding language that would allow the offsite parking that would make up for the minimum shortfall for the 5 spots that they are losing. If there is a variance process where they could appeal the additional parking, having the spots on his site would provide some benefit, especially if they lose a stall for a pedestrian walkway access point.

Kayser said that Jason Daye, the civil engineer (Excel) on the project can speak to the grade differential between the Burger King, Hobby Lobby and Wal-Mart lots. The plan meets all the requirements from an engineering standpoint in terms of transitioning vehicular traffic from the two sites. As far as making the connection compliant as far as accessibility, Kayser does not know if it can be achieved given the short amount of runway to meet the slope requirements. A step-up may be needed to be constructed. The plan does include the required pedestrian accessible access point to Robert Street. Kayser’s understanding is that only one is required. Kayser has discussed with Sonnek the dedicated parking to handle overflow from the drive through traffic after a food order has been placed. The brand’s position on how to operate the drive-through is focused on speed. The target time is 3 minutes from when the order is placed to when the customer leaves the window. The brand does not want to park cars. The brand wants to keep the cars moving through the experience. If there were an issue of not moving the cars fast enough or things started backing up they would look at it on a case by case issue. It would be difficult for him as a franchisee operator to implement something that does not meet the brand criteria. With the double drive-through and the three different entrance points, Kayser does not feel that this will be an issue.

Kayser thanked the Commission for their consideration, and he hopes to have the store construction and in operation before the end of the year.

Stevens asked Kayser about his preference for parking. Kayser said they are at 30 stalls; he would utilize all the parking that they can and contain it on the site. He would rather have the cars parked at their location rather than reducing parking and having the occasional pedestrian traveling across the parking lot to come into their restaurant. The drive-through business in the last 12 months has really “taken off” and the typical sales for the restaurant is now 60-70 percent drive-through traffic. Stevens asked if 25 stalls is enough parking. Kayser said that 25 stalls is adequate; low twenties is relatively common for similar sites.

Kavanaugh thanked Kayser for coming in tonight. Kavanaugh said that the site was the worst blighted area in the City right now. It is great to see the new building. He asked about the possibility of outdoor seating. Kayser talked about the size of the building and the double drive-through and the two windows and the multiple use restrooms and the larger dining room. When making decisions [regarding the site plan,] and determining priorities, the double drive-through is critical. It is a must have from a dining room perspective, 60 seats are needed if they want to properly serve the interior component. He cannot see where they are positioned on the site for outdoor seating. Kayser does not know if they have adequate footage for outdoor patio seating. Kayser said with parking situated along the perimeter and with the size of the patio to accommodate 12 people and patio furnishings, along with the space required for accessible pass of travel to meet the zoning/landscaping/green space requirements, he does not see them being able to get the patio into the site.

Franzmeier asked if Kayser is going to do a complete demolition of the current building. Kayser said that it is a complete, "start over." As far as he can tell the current building was not originally a Burger King restaurant.

Franzmeier asked about the easements off of Wal-Mart and Hobby Lobby. She was curious about the three access points and if the site plan was doable with just two. Kayser said that the site plan is not "untypical;" they do not have a bypass lane on the east side where the menu boards are. Because of this, the Wal-Mart curb cut and the Hobby Lobby curb cut allow the traffic to convey very well around the site. Traffic will not have to travel out to the main artery, Robert Street. That is the benefit of having the 3 entrance points. Kayser pointed out that with the median on Robert Street, the traffic going north on Robert into the Burger king site can now turn around in the Hobby Lobby parking lot and go south on Robert Street.

Franzmeier asked about snow removal from the site. Kayser said if need be with heavy snows, the snow will be removed off the site. There is not a lot of loading and storage capacity on the site.

Franzmeier asked if might be possible to locate a patio not directly adjacent to the building but across the parking lot to another greener area. Kayser replied that the concern is with the brand and an operational standpoint. Having people especially children walk across the parking lot to sit is not something that he is comfortable with.

Haubrich asked Sonnek if the City is running into an issue with parking for sites because the parking spaces are a different size versus what was there previously. Sonnek said no, not for this site. New developments have reduced their parking stall dimensions from 20 feet to 18 feet if there is a curb for the car to extend over.

Haubrich asked if the drive-through queueing stalls were affecting the number of spots the applicant has currently. Sonnek replied no. This is a "if and or when situation." If there is a traffic back-up onto adjacent lots or onto Robert Street, the City would look at dedicating parking stalls. The stalls were not discounted from the total number of stalls on the site plan.

Haubrich asked if Sonnek provided information to the applicant to apply for a variance. Sonnek said she did not. As she said previously, she is hesitant to even entertain a variance. The understanding is that if something can be accomplished without a variance, for example, through shared parking or other methods, the variance is much harder to justify. Essentially, if it can be done without the variance, then the property would not be eligible for the variance. Haubrich said that his advice is to provide the applicant with information regarding applying for a variance.



Haubrich asked Kayser if any parking stall agreements have been made with Hobby Lobby or Wal-Mart. Kayser said that the Burger King Corporation is pursuing cross access parking with Hobby Lobby as part of the easement agreement that they are entering. This will offset the parking stalls that they are losing in the front. The other concern about dedicating parking to the overflow of the drive through is that dine-in customers are discouraged from parking there.

The Public Hearing on the application was opened at 8:06 pm. As there were no questions or comments from the public, Green closed the Public Hearing at 8:07 pm.

Green asked Attorney Johnson about requiring the applicant to enter a parking agreement if [parking] becomes a problem. Johnson said that if the code requires the applicant to have a minimum of 29 stalls, the City can impose a condition that recognizes it can be done with a combination of stalls on the site, or stalls on the site plus an agreement with a neighboring property owner to meet 29 stalls. The proof of parking would be whatever agreement the applicant might have. They either have 29 stalls on the property or x number of stalls on the property plus x number of stalls in the agreement that total 29 stalls. The condition is that the applicant has those two options to provide for parking. Either all on the site or the site plus the agreement with the adjacent property owner. Alternatively, the applicant can return with a variance request. Johnson confirmed that the Commission can approve the application as it is today and the applicant can come back to the Commission to apply for a variance.

Green commented on the entrance way from Wal-Mart; she can see people getting confused that they cannot enter the drive-through from that entrance. She would like to see some appropriate signage letting people know it is a parking lot and not a drive-through.

Haubrich asked about the number of parking stalls on the site plan. Sonnek said right now there are 30 stalls on the plan. The applicant needed 29 stalls. However, there is no parking allowed in the front of the building. They will lose 5 stalls from the 30 they proposed. One condition of approval that staff proposed is that the applicant reconfigure the site to accommodate the loss of the 4 stalls or enter into a shared parking agreement with one of the adjacent neighbors.

Franzmeier asked the other Commissioners if they had any strong feelings regarding the pedestrian connection between Robert Street and the Wal-Mart parking lot. Green does not know how the connection can be included in the site plan without losing a considerable number of trees. If they were to go on the other side of the current landscaping, the applicant will be “creeping onto Wal-Mart property.”

Stevens asked if the stalls go away, what happens in that area. And if the water filtration the Environmental Committee wanted could be put in those spots. She also followed-up on Franzmeier’s comments and asked what the pedestrian flow would be in the site. Kayser said that the parking stalls would be hashed off or they would possibly expand the landscaping. Kayser would like to apply for a variance and will discuss this with Sonnek later. The proposed landscaping along Robert Street is very robust. The site plan includes 38 trees. With the amount of landscaping enhancement and the number of trees, the site will be beautiful. Green clarified with Kayser that the variance would still take away the parking stalls and not require him to have the off-site contract for parking.

Regarding the additional sidewalk connection onto Wal-Mart or Hobby Lobby, Kayser said that because of the grade differentials, it would have to be an accessible connection. A switch back ramp would be needed in order to make up the grade differential; there is not enough length to achieve this. Sonnek said that for every one foot of elevation, the [site plan] needs 7 feet of length. This is likely the distance between the two properties. If there is more than one foot of grade, the [site plan] has already run out of room.

Daye talked about rain gardens on the site and pedestrian crossing. Regarding the Environmental Committee memo, they are doing two things to reduce pavement on site. They are maintaining as many green areas they can and reducing the impervious pavement on the property by 15 percent. These areas have been converted into lawn and landscaping areas. From a stormwater conveyance standpoint, to clean the storm water prior to leaving the site, they are introducing some sumps in the bottom of the catch basins to collect larger materials and suspend solids in the runoff. Currently the site just runs off into Robert Street directly into the roadway. The site plan intercepts the water with catch basins and storm sewer. The soils on the site are not overly conducive to raingardens for infiltration. This is the reason why raingardens are not included in the site plan. In regards to the pedestrian connection to the east, they have two concerns. The steepness of what the pedestrian connection would look like especially running along the drive connection between Burger King and Wal-Mart. It is 6.5 percent drive from about 30 feet. It would be considered a ramp. A landing, hand rails and things of that nature would have to be provided. The other concern is that the connection would “dump pedestrians” into Wal-Mart’s main north-south drive on the west end of their lot. To meet federal codes, they would have to convey pedestrians to the Wal-Mart entrance through a dedicated access way. It obviously does not exist currently. The connection would need to be negotiated between the two developments.

**Kavanaugh made a motion to approve the site plan. Discussion ensued.**

**To clarify, Green previously suggested a friendly amendment stipulating appropriate signage through the Wal-Mart entrance indicating that it is not a drive-through. Kavanaugh agreed to the amendment.**

**Haubrich seconded the motion.**

**Votes 7 ayes/0 nays. The motion carried.**

### **PC Case 21-03 – Ordinance Amending Sections 153.004 and 153.171 of the West St. Paul City Code Regarding Cosmetic Tattooing - City of West St. Paul**

Sonnek related that City Council had their first reading a year ago and has approved the second reading of the ordinance amendment to remove the business licensing requirement for cosmetic tattooing, better known as microblading. The decision to remove the local business licensing requirement was partially due to the fact the Minnesota Health Department already regulates and licenses cosmetic tattooing. Another motivation for updating the code is the fact that cosmetic tattooing usually does not take place at a standard tattoo establishment. More typically it is performed in a spa, salon and stand-alone businesses. The change in the ordinance was adopted in March 2020. The business licensing was removed; the full intent was not carried through by altering the zoning code. Currently the language of cosmetic tattooing is still included under the definition of body art. Body art has limited location limitations. The proposed change in front of the Commission tonight would take cosmetic tattooing out of the body art language section and allow it to be in areas similar to a spa, salon or a stand-alone establishment.

The Public Hearing was opened at 8:27 pm. With no questions or comments from the public, Green closed the Public Hearing at 8:28 pm.

Stevens moved approval of the amendment. McPhillips seconded the motion.

**Votes 7 ayes/0 nays. The motion carried.**

**New Business - Election of Officers**

Sonnek tabulated the votes and Green and Franzmeier were elected Chair and Vice-chair of the Planning Commission respectively.

**Old Business - NA**

**Other - NA**

**Adjourn**

**A motion was made to adjourn at 8:32 pm.**

**The motion carried. All Ayes.**

Respectfully submitted,

Sharon G. Hatfield