

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION 26-

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW
AN OUTDOOR SEATING AREA WITH LESS THAN EIGHT SEATS IN A
B-5, GATEWAY NORTH MIXED-USE DISTRICT AT 963 ROBERT ST S**

WHEREAS, a conditional use permit application for an outdoor seating area at 963 Robert Street South in a B-5, Gateway North Mixed-Use zoning district has been submitted to the City of West St. Paul (the “City”) for the Property (the “Property”) proposed to be legally described as:

All of Lot One (1), Block one (1) of Emerson Hill Second Addition, except the northern 40 feet, in West Saint Paul of Dakota County, Minnesota (the “Property”)

The Property or its address is commonly known as 963 Robert Street South, West St. Paul, Minnesota 55118. The Property tax identification number is 42-23-72-60-10-12.

WHEREAS, GC Emerson, LLC currently owns the Property;

WHEREAS, Tatiana Kilgore, on behalf of Bloom by Mari Cafe, the Applicant (the “Applicant”), desires to lease a portion of the Property and utilize it as a restaurant with an outdoor seating area;

WHEREAS, city staff completed a review of the application and made a report pertaining to said request, a copy which has been presented to the West St. Paul Planning Commission (the “Planning Commission”); and

WHEREAS, following proper notice, a public hearing concerning the application was held before the Planning Commission on March 17, 2026;

WHEREAS, following said public hearing, the Planning Commission recommended the West St. Paul City Council (the “City Council”) approve the conditional use permit as written and presented in the application, submitted plans, and staff report with certain conditions;

WHEREAS, the recommendation of the Planning Commission and summary of such public hearing have been presented to the City Council; and

WHEREAS, based on the staff report, staff’s summary of the planning commission meeting and public hearing, and recommendations, the City Council finds that:

1. The proposed use of outdoor seating area with less than eight seats is a conditional use in the B-5, Gateway North Mixed-Use zoning district,
2. The proposed use is in general harmony with the 2040 Comprehensive Plan as the proposed use of the property is commercial and the property is guided for mixed-use in the plan,

3. The proposed use does not interfere with or diminish the use of adjacent surrounding properties due to similar commercial uses and scale,
4. The property is currently being served by existing public infrastructure facilities and will continue to do so in its current capacity,
5. The proposed use does not disrupt the general flow of traffic and does not cause undue traffic congestion as there are no proposed changes to the site access or parking design,
6. There are no known historical, architectural, natural, and/or environmental features on the subject property,
7. The proposed use will not cause negative effects on the city as a whole as the surrounding area is primarily commercial, and
8. The proposed use will not jeopardize the public's health, safety, and/or general welfare.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council as follows:

Section 1: Approval of the requested conditional use permit. The City Council hereby approves the conditional use permit request to allow two outdoor seating areas with more than eight seats at the Property.

Section 2: Conditions attached to the approval of the conditional use permit. The conditional use permit includes the following conditions:

1. The applicant shall apply for and obtain all applicable permits, licenses, and permissions with the City of West St. Paul.
2. The outdoor patio shall comply with § 153.156 (F) of the zoning code.
3. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
4. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
5. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 3. Findings and incorporation of recitals and exhibits. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 4. Authorization to take additional steps. The City Council authorizes the mayor, city manager, city staff, and the city’s consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 5. Effective Date. This resolution is effective immediately upon its passage and without publication.

Passed by the City Council of the City of West St. Paul, Minnesota, this 23rd day of March 2026.

Attest:

David J. Napier, Mayor

Daniel Nowicki, Assistant City Manager