



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING **City Hall - Council Chambers** **October 20, 2008 – 6:00 p.m.**

A. CALL TO ORDER

B. APPROVAL OF MINUTES

- **September 15, 2008 regular meeting**

C. PUBLIC HEARINGS

- **Consider a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South**

D. OLD BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION

G. OPEN FORUM

H. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
SEPTEMBER 15, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Vice Chairperson Wolfe called the regular Bayport Planning Commission meeting of September 15, 2008, to order at 6:05 p.m.

ROLL CALL

Commissioners Present: Commissioners David Levy, Jennifer Schneider, Judith Seeberger and Ron Wolfe

Commissioners Absent: Chairperson Tom Mabie

City Staff Present: Assistant City Administrator/Planner Sara Taylor and City Council Liaison Sharon Ridgway

APPROVAL OF MINUTES

It was moved by Commissioner Schneider and seconded by Commissioner Levy to approve the May 19, 2008 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a request for a conditional use permit to allow outdoor seating and consumption of food and beverages within a proposed outdoor, uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North: Assistant Administrator/Planner Taylor reviewed a request from the Bayport American Legion for a Conditional Use Permit (CUP) to allow outdoor seating and consumption of food and beverages. The property is zoned Central Business, with commercial businesses on three sides and residential homes on the east side. An uncovered front porch area on the northwest corner of the building, with maximum dimensions of 21 feet x 13 feet, is proposed for the outdoor area. The uncovered porch would meet the setback requirements and no variance would be required. The porch would accommodate six seats and hours of use would be limited to 10:00 a.m. to 10:00 p.m., which would be consistent with similar CUPs in the Central Business district. Access to the porch would be gained through a proposed patio door. Staff feels the proposed CUP application is reasonable and recommended approval, per the suggested findings of fact and conditions of approval as stated in section "C" of the staff report. Notice of the public hearing was published in the Stillwater Gazette and mailed to all property owners within 350 feet of the property, and no public comments were received prior to tonight's meeting.

Club Manager Aaron Prichard stated that the sign for the Senior Center would be relocated to the other side of the entrance and the Legion sign would not be moved. The proposed cost for the project is \$5,000.00-\$6,000.00, with 1% of the project cost required for landscaping. He would work with staff to develop a landscape plan. No lighting, music, speakers, or awning is proposed for the porch area. Discussion followed on monitoring the seating limit on the porch. Planner Taylor indicated the resolution for approval of the CUP would indicate a limit of six seats and

would be enforced on a complaint basis with the City Council, if needed. Mr. Prichard stated the porch would serve patrons who smoke and/or would like to eat/drink outdoors.

The public hearing was opened by Vice Chairperson Wolfe, and no comments were received.

It was moved by Commissioner Schneider and seconded by Commissioner Seeberger to close the public hearing. Motion carried.

Discussion followed on the small size of the proposed porch, which would help self-govern the number of people who could use it at any given time. Planner Taylor reported there have not been consistent complaints with the outdoor seating at Woody's Bar and Grill.

It was moved by Commissioner Seeberger and seconded by Commissioner Schneider to recommend to the City Council to approve the discussion of a conditional use permit to allow outdoor seating and consumption of food and beverages within a proposed outdoor, uncovered front porch area, not to exceed 21 feet x 13 feet, at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North, per the findings of fact and conditions of approval as stated in the staff report. Motion carried.

The CUP approval will be addressed at the October 6, 2008 City Council meeting.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Levy and seconded by Commissioner Wolfe to adjourn the meeting at 6:21 p.m. Motion carried.

MEMORANDUM

DATE: October 10, 2008

TO: Planning Commission (October 20th meeting)
Mike McGuire, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South

A. *BACKGROUND*

The property is located at 174 3rd Street South, at the intersection of Highway 95 (or 3rd Street South) and 1st Avenue South. The property contains an existing building that was previously used to repair and service automobiles, known as Dann's Service Center. The total lot area is approximately 16,600 square feet. The property is located at the south end of the city's central business district and is zoned B-2 Central Business. Surrounding uses include commercial businesses to the north and east, transitioning to residential on the west and south.

The applicant, Jeff Hause, J.G. Hause Construction Inc., is proposing to construct a new two-story office/retail building on the property. However, because of the unique configuration of the lot, and its location within the central business district, the applicant is having difficulty situating a reasonably sized building on the property that meets setback requirements, and complies with off-street parking requirements. For this reason, the applicant is requesting some flexibility in design standards, and a variance from off-street parking requirements.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350' of the subject property and published in the Stillwater Gazette on October 6, 2008.

The following informational items are attached:

- narrative by the property owner
- site plan of the proposed building and layout
- exterior sketch of the proposed building

B. *STAFF COMMENTS*

As stated above, the property contains an existing service station building, which is no longer in use. It appears that the property was part of a larger parcel of land, but at some point, the parcel was significantly reduced in size to allow for improvements to Highway 95. In addition, the existing building does not meet the setbacks required by the current zoning code.

The applicant is proposing to demolish the existing structure on the property, and construct a new two-story office/retail building, which will conform to all setback requirements, and be a visual improvement for the business district and surrounding neighborhood. The proposed building footprint will consist of approximately 2,576 square feet. The applicant is proposing to locate the main office for his construction company on the second floor of the building, which would occupy approximately 25% of the building.

Tentative use of the remaining space is anticipated to include additional office space, retail, and/or a coffee shop/deli style restaurant, which are all permitted uses within the central business district

In reviewing the performance standards for the proposed building and site plan, staff feels that the applicant has made an effort to meet or exceed most requirements, despite the unique and somewhat awkward lot configuration. However, as with other commercial uses in the central business district, creating off-street parking that complies with the zoning code has been a challenge. Since the entire use of the building has yet to be determined, it is difficult to provide an exact number of parking stalls required, based on use. However, staff has developed the following table of parking calculations, based on the applicant's anticipated use of the building:

UPPER LEVEL USE	PROPOSED WITHIN BUILDING	REQUIRED # OF OFF-STREET PARKING STALLS
OFFICE	1300 - 2276 SQ FT	4/1000 SQ FT = 2 - 3 STALLS
RETAIL	0 - 976 SQ FT	1/200 SQ FT = 5 STALLS
COMMON AREA (RESTROOMS, HALLWAYS, STAIRWAYS, ETC)	300 SQ FT	0 STALLS
TOTAL	2576 SQ FT.	3 - 7 STALLS

LOWER LEVEL USE	PROPOSED WITHIN BUILDING	REQUIRED # OF OFF-STREET PARKING STALLS
KITCHEN	0 - 600 SQ FT	1/80 SQ FT = 8 STALLS
DINING	0 - 1376 SQ FT	1/40 SQ FT = 35 STALLS
RETAIL	0 - 2276 SQ FT	1/200 SQ FT = 12 STALLS
COMMON AREA (RESTROOMS, HALLWAYS, STAIRWAYS, ETC)	600 SQ FT	0 STALLS
TOTAL	2576 SQ. FT.	12 - 43 STALLS

The applicant's proposed site plan includes 26 off-street parking stalls, to be used solely by the employees and customers. Parking for the office space would generally not be utilized after 5:00 p.m. or on weekends, and therefore these stalls would be available for use by other tenants during evenings and weekends. According to the table above, the required number of parking stalls for the site ranges from 15 to 50, depending upon use.

Despite the site's location within the central business district, where off-street parking is virtually non-existent amongst the existing businesses, staff feels that the applicant has made a real effort to comply with city code parking requirements, and furnish off-street parking for most, if not all traffic to the site. The applicant has also demonstrated a commitment to furnish additional parking off-site, should future demand warrant it. In conjunction with this project, the applicant will be seeking a 10 foot street vacation along 1st Avenue South from the City Council at the November meeting, which would potentially add two additional parking stalls at the south end of the lot, for a total of 28 stalls. In addition, existing on-street parking is available along 1st Avenue South. It should be noted that the site plan also includes a drive-thru lane for potential use by a coffee shop/retail tenant. However, depending upon the tenant(s), this drive-thru may not be necessary, and could be replaced with additional parallel parking.

As is the case with many city zoning codes, staff is finding that parking requirements created around 20 years ago were likely based on the high volume shopping days, like the day after Thanksgiving, rather than on regular, daily use and most often exceed the actual number of stalls necessary to accommodate the use. In addition, several sections of the city's zoning code recognize that conformance with these parking regulations may be difficult and/or unnecessary for infill development and redevelopment. As such, provisions to allow reduced off-street parking may be appropriate.

As stated above, staff feels that the applicant has made an effort to meet or exceed most other zoning requirements. All setbacks for the building and parking areas will be met, a 6 foot privacy fence will be installed along the west property line, a rain garden will be installed to collect all storm water run-off generated on the site, a dumpster enclosure will be installed to screen and confine all trash, and hooded, down-lit lighting will be installed for security purposes.

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Minn Stat. 462.357 requires that a variance request must meet all three criteria of an undue hardship for the variance to be granted. The criteria is as follows: (1) the property in question cannot be put to a reasonable use if used as required by this Zoning Code; and (2) the plight of the landowner is due to circumstances unique to the property and not created by the property owner; and (3) the variance if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under the terms of the ordinance.

Findings of fact to approve the variance: Strict application of the ordinance in this particular case would constitute an undue hardship, because all three of the required criteria are met. Specifically:

- (1) The existing building on the property is non-conforming and in need of significant maintenance. Due to the configuration of the lot, there is little buildable area to construct a new, reasonably-sized building that meets the setback requirements, and accommodates the maximum number of parking stalls required for the tentative uses. In order to permit reasonable use, a reduction in off-street parking stalls would be appropriate.
- (2) The property is located in a fully developed, central business district of the city that was designed like many traditional downtowns, in that on-street parking was encouraged, and therefore parcels were not designed or sized to accommodate off-street parking. For this reason, granting some flexibility in regard to off-street parking requirements would be appropriate.
- (3) A majority of existing businesses within the central business district utilize on-street parking as their primary source of parking, and very few have any off-street parking stalls to accommodate their business. A reduction in off-street parking requirements for more recent redevelopment sites, such as the shops just north of this site (bakery, pawn shop and liquor store), has not had a negative impact, and only seems appropriate to attract and sustain business within this district. If the variance is not granted, and off-street parking is required to comply with city code, the essential character of the neighborhood would be altered, as this would not be consistent with existing parcels.

D. RECOMMENDATION

Staff recommends approval of Application 2008-04 for a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South, with a minimum of 28 parking stalls to be included in the initial construction of the project, in accordance with the approved site plan. Suggested findings of fact are as stated in section "C" of the staff report and are subject to the following conditions of approval:

- This application may be subject to the review and approval of the Middle St. Croix Watershed Management Organization (MSCWMO). Any conditions required by the MSCWMO shall be implemented as part of this application.

- Prior to any demolition, a permit will need to be secured from the city, in addition to any inspections deemed necessary by city staff
- Prior to construction, a final grading plan, construction plans, lighting plan, landscaping plan, and engineering plans for the rain garden shall be submitted by the applicant, in accordance with the approved variance, for review and approval by city staff
- Landscaping improvements equal to 1% of total project cost is required. An itemized list of materials and related costs shall accompany the landscaping plan. If this cannot be accomplished due to the size or configuration of the site, the applicant can work with staff to satisfy this requirement at an alternate site
- The property shall meet all requirements of city code, with the exception of the off-street parking variance granted by the City Council.
- Prior to the issuance of a final certificate of occupancy, all site improvements must be completed per construction plans and site plan specifications
- A permit from MNDOT must be secured to outlet into their storm water system
- A permit from MNDOT must be secured for the access location into the parking lot and the left turn lane pavement marking and striping on Hwy 95.
- Parking for the site will be subject to periodic review by city staff. Shall it be determined that additional parking is necessary, the applicant or property owner shall work with staff to provide additional parking to accommodate the site
- An application for the proposed street vacation shall be made to the City Council in conjunction with this variance application. If granted, the two additional off-street parking stalls shown on the site plan shall be installed, to provide a total of 28 stalls on site

The Planning Commission is asked to make a recommendation on the request for City Council consideration. The City Council will consider the request at the November 10, 2008 meeting

Re: Vacant Gas Station @ 174 Third Street

J.G. Hause Const., Inc. has been investigating the potential use of this site to utilize as our corporate office. After running the numbers on the site and new construction cost, we have determined the building must be a minimum of 5,152 sq ft, consisting of 2576 sq. ft. on each level. This would allow the site to be financially feasible.

Our company will occupy approximately 25% of the building. Other occupants are unknown at this time. It is our desire to attract a coffee/sandwich shop to our site. We believe this site must have several options for use. There are a large number of office spaces available throughout the St. Croix Valley and we believe making the whole site an office complex would not be financially viable.

The parking requirements for the site are as follows:

J.G. Hause Construction will occupy approximately 1300 sf of the upper level. If the upper level is all office space minus common space of 300 sf, it would require 9 parking stalls. If the remaining 976 sf not occupied by J.G. Hause is retail, it would require 8 stalls.

The lower level could easily be all restaurant space. Having said that, the required parking goes like this; 2576 sf minus approximately 600 sf of common space, equals 1976 sf. This consists of 600 sf of kitchen and 1376 sf of dining. The kitchen requires 7.5 stalls and the dining 35 stalls for a total of 42.5 parking stalls. In a retail scenario, the parking requirement would be 5 parking stalls.

The maximum requirement would be 51 stalls and the minimum requirement is 13 stalls. The design of this lot is conducive to 28 on-site parking stalls. However, existing on-street parking is plentiful and utilized by other businesses in town. Our site plan shows some of the on-street existing available parking also potential future parking. In addition, we did a physical measure of State Street. At the corner of State and First the street is 60 ft. wide, as you travel North 140 ft. on State, the street narrows to 40 ft. wide.

Also, office retail/office parking would not be generally used after 5 pm, which would be the restaurant peak time. The site location on the West side of Hwy 95 is safe and convenient for residents to walk or bicycle. If a restaurant is permitted it would add an additional eating option for area residents and businesses.

The new building would have a positive impact on the community. It would be the first commercial building seen when entering Bayport from the South. The new building would be an aesthetic improvement from the now vacant building located on the site. It could attract new business to open or relocate to Bayport. It would make it more convenient to get a quick bite to eat in a family atmosphere. Also unfortunately for us, this would more than likely increase the city's tax revenue (darn).

Parking Requirements

Upper Level 2576

Scenario 1

Office	1300	250	5.2
Retail	976	400	2.44
Common	300	0	
Total Stalls			7.64

Scenario 2

Office	2276	250	9.104
Retail	0	400	0
Common	300	0	
Total Stalls			9.104

Lower Level 2576

Scenario 1

Kitchen	600	80	7.5
Dining	1376	40	34.4
Common	600	0	
Total Stalls			41.9

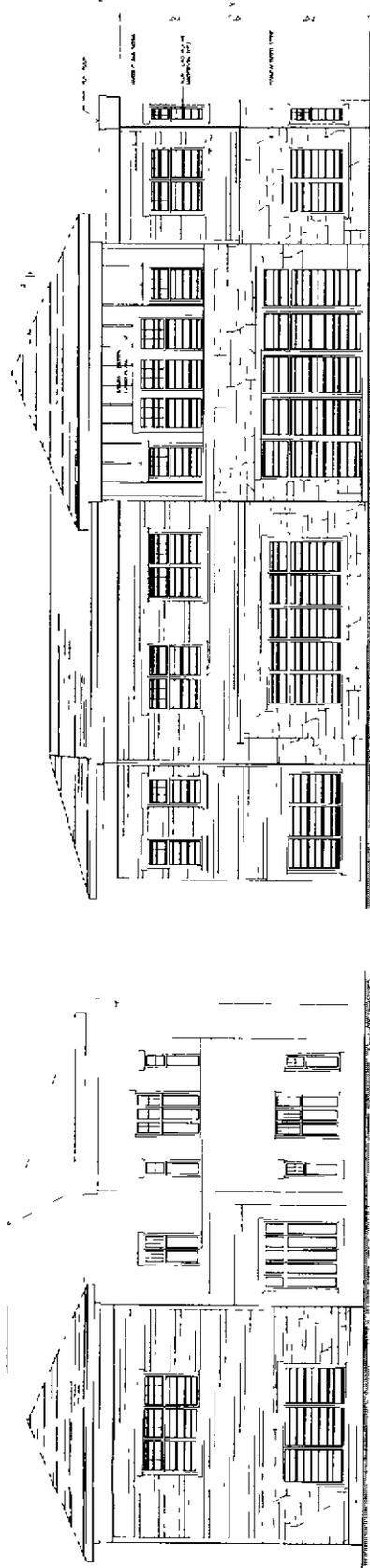
Scenario 2

Retail	2276	400	5.69
Common	600	0	
Total Stalls			5.69

Maximum # of stalls	51.004
Minmum # of stalls	13.33

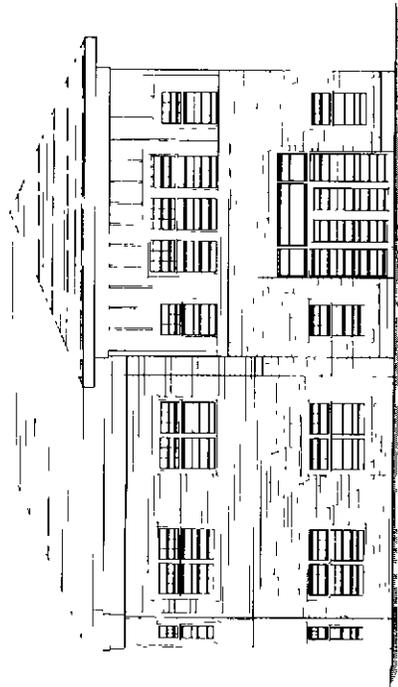
PROPOSED
HAUSE BUILDING
 95 and 1st Avenue, BAYPORT MINNESOTA

GRUBE
 ARCHITECTS
 1500 W. WASHINGTON
 ST. PAUL, MN 55108
 TEL: 612.222.1111

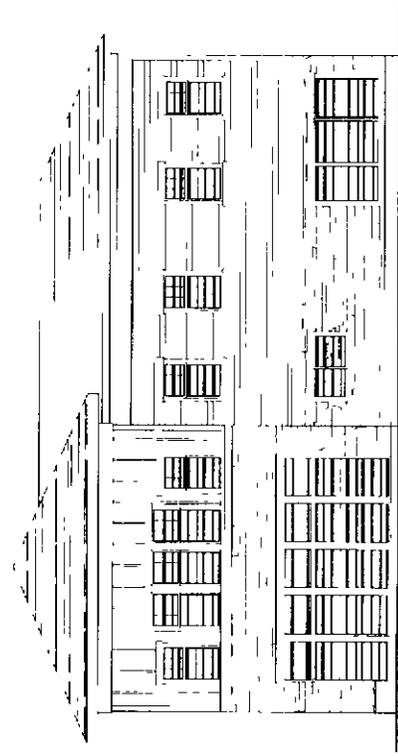


1 SOUTH ELEVATION (1ST AVE)
 24' 0" x 37' 0"

2 EAST ELEVATION (HW 95)
 34' 0" x 37' 0"



3 NORTH ELEVATION
 28' 0" x 37' 0"



4 WEST ELEVATION
 34' 0" x 37' 0"

3 HAUSE CONSULTING
 95 AND 1ST AVENUE
 BAYPORT MINNESOTA
 PROPOSED FLOOR PLAN

3 HAUSE CONSULTING
 95 AND 1ST AVENUE
 BAYPORT MINNESOTA
 10/05/2008 LVA EDL

PROJECT NUMBER: 00114
 DATE: 10.18.2008
 DRAWN BY: [blank]
 CHECKED BY: [blank]
 PROJECT: [blank]

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