

**CITY OF BAYPORT  
PLANNING COMMISSION MEETING MINUTES  
CITY COUNCIL CHAMBERS  
OCTOBER 21, 2013  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Commissioner Ritzer called the regular Bayport Planning Commission meeting of October 21, 2013 to order at 6:00 p.m.

**ROLL CALL**

Commissioners Present: Brad Hallett, Jeff Richtman and Joe Ritzer

Commissioners Absent: None

City Staff Present: Assistant City Administrator/Planner Sara Taylor, City Administrator Logan Martin, and City Council Liaison Patrick McGann

**APPROVAL OF MINUTES**

It was moved by Commissioner Richtman and seconded by Commissioner Hallett to approve the July 22, 2013 meeting minutes as presented. Motion carried.

**PUBLIC HEARINGS**

Consider an amendment to the existing conditional use permit for outdoor seating and use associated with the tavern/restaurant at 193 3<sup>rd</sup> Street North: Assistant City Administrator/Planner Taylor reviewed an application to amend the conditional use permit (CUP) for Perro Creek Tavern located on the first floor of the building at 193 3<sup>rd</sup> Street North. She reviewed the CUP issued in 2011 and recent changes that require an amendment to the existing CUP, specifically an increase in the overall outdoor dining capacity from 30 to 40 seats. The previously approved rear yard game courts have been removed to accommodate the increased seating, which staff believes will encourage a quieter outdoor area and be more compatible with the surrounding uses and neighborhood. She noted all outdoor activity would be required to end by 10:00 p.m. Sunday-Thursday and 12:00 a.m. on Friday and Saturday, consistent with the original approvals in 2011. Staff recommended approval of the amendment to the existing CUP to allow the exterior modifications to the rear yard site plan that result in an increase of total outdoor seating capacity to 40 seats. Notice of the public hearing was published in the Stillwater Gazette and mailed to property owners within 350 feet of the subject property, and no public comment was received.

Restaurant proprietor Mark Kraske stated a desire to expand the rear yard seating capacity to offer a more enjoyable dining option than available at the front of the building. He indicated the new arrangement has been well received and is unaware of any issues with neighbors or parking concerns. Planner Taylor said the property owners, Jeff and Michelle Hause, want to retain the outdoor seating capacity option in the front of the building, as approved with the 2011 CUP.

Commissioner Ritzer opened the public hearing and the following were heard:

Linda Parenteau, 206 2<sup>nd</sup> Street North, acknowledged noise concerns with the former restaurant business and requested clarification on how the increased outdoor seating capacity would be achieved and whether the new proprietors plan on having outdoor music. It was explained that all

outdoor seating would be confined within the existing fenced-in area, and Mr. Kraske stated they have no plans for outdoor live bands. Mrs. Parenteau expressed continued concerns with patrons parking in front of her home on weekends and stated she has difficulty backing out of her driveway due to increased vehicles on the street. She requested assistance from the city to alleviate her parking concerns and Commissioner Ritzer stated staff would be asked to check into her concerns.

It was moved by Commissioner Hallett and seconded by Commissioner Richtman to close the public hearing. Motion carried.

Discussion followed on the proposed change to the CUP decreasing the outside noise level, which would benefit the nearby residential properties.

It was moved by Commissioner Hallett and seconded by Commissioner Richtman to recommend approval to the City Council of an amendment to the existing conditional use permit for outdoor seating and use associated with the tavern/restaurant at 193 3<sup>rd</sup> Street North, subject to the findings and conditions listed in the staff report. Motion carried.

Planner Taylor stated the request would be considered at the November 4, 2013 City Council meeting, and staff would make a recommendation to the City Council on how to address Mrs. Parenteau's parking concerns.

Consider a conditional use permit for outdoor seating and use associated with the proposed restaurant/café and a variance to allow a rear addition to the existing building on the property located at 320 5<sup>th</sup> Avenue North: Planner Taylor reviewed an application to allow outdoor seating and use for a proposed restaurant/café and an addition to the rear of the building located at 320 5<sup>th</sup> Avenue North. The new property owner Julia Kaemmer and applicant Olivier Vrambout are renovating the commercial building to include a restaurant/café with onsite coffee roasting and plan to apply for a liquor license. The proposed conditional use permit (CUP) would allow outdoor seating and liquor service for up to 9 patrons in the front of the building and up to 15 patrons in the back. A variance is also being requested for a 9 foot x 12 foot addition that would house a coffee roaster and allow expansion of the legally non-conforming building that does not meet current setback requirements. The proposed site improvements were reviewed. Staff believes the CUP request is consistent with zoning and other uses in the neighborhood and recommended approval. As a condition of approval for the CUP, all outdoor activity must end by 10:00 p.m. Sunday-Thursday and 12:00 a.m. on Friday and Saturday. Staff recommended approval of the variance to allow the proposed expansion to the rear of the building, noting the setback and depth of the addition would be similar to adjacent commercial buildings. The CUP and variance recommendations would be subject to the conditions of approval stated in the staff report. Notice of the public hearing was published in the Stillwater Gazette and mailed to property owners within 350 feet of the subject property, and the city received one comment relating to outdoor entertainment. Upon review, staff added a condition of approval for the CUP that any outdoor entertainment or activity beyond the normal restaurant operations would require a special event application.

Discussion followed on the recommended conditions of approval. Commissioners Hallett and Richtman expressed concern that the required 8-foot solid fence would be out of character with surrounding properties. Planner Taylor explained the fence would help mitigate noise concerns, but should the Planning Commission feel a 6-foot fence is more appropriate, this condition could be modified. Commissioner Hallett questioned how the city would confirm that the landscaping improvements equal 1% of the total project cost. Planner Taylor stated the landscaping improvement costs would be submitted to the city for review and compliance and kept on file with the application. Commissioner Richtman questioned the temporary barrier for the front outside

seating area, and Planner Taylor indicated Washington County preferred a temporary barrier for this sidewalk area off County Road 14 (5<sup>th</sup> Avenue North). Staff has concerns that a temporary barrier may not be effective in confining patrons drinking alcohol; however, as a condition of approval, the city could require a permanent barrier in the future, if deemed necessary. Commissioner Richter inquired about the design of the rear addition and Planner Taylor stated the city has not yet received exterior renderings or construction plans. Julia Kaemmer stated the intent for the addition is to enhance the historical look and feel of the building. She said they hope to open for business by next spring.

Commissioner Ritzer opened the public hearing and no comments were heard.

It was moved by Commissioner Hallett and seconded by Commissioner Richtman to close the public hearing. Motion carried.

The consensus of the commissioners was that the application requests are in line with the existing conditions in the block and surrounding businesses.

It was moved by Commissioner Richtman and seconded by Commission Hallett to recommend approval to the City Council of a conditional use permit for outdoor seating and use associated with the proposed restaurant/café and a variance to allow a rear addition to the existing building on the property located at 320 5<sup>th</sup> Avenue North, subject to the findings and conditions listed in the staff report. Motion carried.

Planner Taylor stated the request would be considered at the November 4, 2013 City Council meeting.

#### **OLD BUSINESS – None**

#### **NEW BUSINESS**

Election of Vice Chairperson: Planner Taylor stated that Vice Chairperson Joe Ritzer has agreed to serve as the Chairperson for the remainder of the year. Staff recommended that Commissioner Richtman be elected to serve as the Vice Chairperson, due to his experience and longevity on the Planning Commission.

It was moved by Commissioner Hallett and seconded by Commissioner Ritzer to elect Jeff Richtman as the Vice Chairperson of the Planning Commission for two years or until his term expires. Motion carried.

#### **GENERAL INFORMATION**

Planning Commission vacancies: Planner Taylor stated there are two vacancies on the Planning Commission and staff hopes to fill both positions by the end of the year. Information is posted on the city's website or interested applicants can contact City Hall. The positions will remain open until the vacancies are filled. Planner Taylor thanked former commissioners Todd Gilles and Jason Obler for their service on the Planning Commission.

#### **OPEN FORUM – None**

#### **ADJOURN**

It was moved by Commissioner Richtman and seconded by Commissioner Hallett to adjourn the meeting at 6:36 p.m. Motion carried.