



# CITY OF BAYPORT

294 NORTH 3<sup>RD</sup> STREET  
BAYPORT, MN 55003

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## PLANNING COMMISSION MEETING

City Hall - Council Chambers

November 21, 2011 – 6:00 p.m.

### A. CALL TO ORDER

### B. APPROVAL OF MINUTES

- August 22, 2011 regular meeting

### C. PUBLIC HEARINGS

- Public hearing to consider an amendment to the city's Comprehensive Plan to comply with the Metropolitan Council's 2030 Policy Plan

### D. OLD BUSINESS

### E. NEW BUSINESS

### F. GENERAL INFORMATION

- Update on term expiration / reappointment

### G. OPEN FORUM

### H. ADJOURNMENT

**CITY OF BAYPORT  
PLANNING COMMISSION MEETING MINUTES  
CITY COUNCIL CHAMBERS  
AUGUST 22, 2011  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Vice Chairperson Hoye called the regular Bayport Planning Commission meeting of August 22, 2011 to order at 6:00 p.m.

**ROLL CALL**

Commissioners Present: Pam Hoye, David Levy and Joe Ritzer

Commissioners Absent: Todd Gilles

City Staff Present: Assistant City Administrator/Planner Sara Taylor and City Council Liaison Michele Hanson

**SWEARING IN OF NEW MEMBER JASON OBLER**

Commissioner Hoye administered the oath to Jason Obler, whose term will expire on December 31, 2012.

**ELECTION OF OFFICERS**

Assistant City Administrator/Planner Taylor explained that former Chairperson Dan Goldston resigned from the Planning Commission, upon his appointment to the City Council in May 2011. Staff recommended that Vice Chairperson Pam Hoye, be elected as the new Chairperson, and David Levy be appointed to the Vice Chairperson position.

It was moved by Commissioner Levy and seconded by Commissioner Ritzer to appoint Pam Hoye to the position of Chairperson of the City of Bayport Planning Commission for a term of two years or until her term expires. Motion carried.

It was moved by Commissioner Hoye and seconded by Commissioner Obler to appoint David Levy to the position of Vice Chairperson of the City of Bayport Planning Commission for a term of two years or until his term expires. Motion carried.

**APPROVAL OF MINUTES**

It was moved by Commissioner Levy and seconded by Commissioner Hoye to approve the February 22, 2011 meeting minutes as presented. Motion carried.

**PUBLIC HEARINGS**

Public hearing to consider a conditional use permit (CUP) to allow outdoor uses in conjunction with the proposed tavern/restaurant at 193 3<sup>rd</sup> Street North: Planner Taylor explained that Jeff and Michelle Hause, the new owners of the former Captain's Corner tavern at 193 3<sup>rd</sup> Street North, are currently renovating the building to include a professional office for their construction company on the second floor and a tavern/restaurant (Hefty Hause) on the first floor of the building. The property is zoned B-2 Central Business and the office and tavern/restaurant are permitted uses within the zoning district; however, the owners have filed an application for a CUP to allow outdoor uses associated with the tavern/restaurant use. The proposed outdoor uses were detailed as the placement of a walk-in cooler to the rear of the building, patron seating/consumption on the front, side and rear sides of the building, and a recreation area in the rear of the building with two game courts for horse shoes or a similar court game. Planner Taylor noted the application had been revised to include seating in the front of the

building. The owners are also completing several site improvements, including an 8-foot solid wood fence along the side and rear property lines, which staff believes will minimize the impact to adjacent properties. Staff recommended approval of the CUP for the specified outdoor uses, with limited hours of operation until 10:00 p.m., Sunday-Thursday, and 12:00 a.m., Friday and Saturday, as well as the other conditions of approval and findings of fact as stated in the staff report. Notice of tonight's public hearing was published in the Stillwater Gazette and mailed to all property owners within 350 feet of the property, and the city did not receive any public comment.

Planner Taylor clarified that the application proposes seating for 14 people in the front, 16 seats in the rear, and a narrow bar rail on the north side of the building. She noted the Minnesota Department of Transportation has approved the proposed seating area and fence placement adjacent to Highway 95. The project may be subject to review by the Middle St. Croix Watershed Management Organization, and the city engineer has approved the proposed grading and parking plans. Commissioner Levy was concerned that the second story deck may be used for the tavern/restaurant use, and owner Jeff Hause stated it would be for the exclusive use of the office space.

Chairperson Hoye opened the public hearing.

Linda Parenteau, 206 2<sup>nd</sup> Street North, listed her concerns with the proposed application, noting the property is in close proximity to her home. Potential noise from vehicles and patrons is a major concern, along with increased parking on 1<sup>st</sup> Avenue North that will restrict her site line when exiting her driveway. She is concerned with the additional activity that will be generated by the outdoor seating areas, as well as the cigarette smoke/litter that would be produced. She stated there have been ongoing problems with the past two establishments operating at this location, which have had a negative impact on the adjacent residential neighborhood.

Commissioner Gilles' written comments were reviewed by Planner Taylor, specifically concerns with the fence on the east side of the property and how it will relate to the residential property next to it. Depending upon the height of the fence, the apartments on the top floor may have issues with noise and lighting, as well as have full view of the backyard of the establishment. Planner Taylor stated city code does not allow fences over 8 feet in height. She stated the outdoor game area is a new use within the city and noise ordinances would be enforced, if needed.

It was moved by Commissioner Levy and seconded by Commissioner Obler to close the public hearing. Motion carried.

Commissioner Levy stated he is pleased with the improvements to the property and generally in favor of the proposed use, however he is concerned with possible noise issues. He suggested the establishment utilize the front area for smoking after the hours of 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday and Saturday, to alleviate some noise pollution concerns, and that the business routinely provide additional cleaning of the area to mitigate cigarette debris. Commissioner Ritzer acknowledged this is the first business in the B-2 zoning district to utilize the rear portion of the building, adjacent to residential properties. He believes the proposed plan can work with the owner's cooperation and willingness to make adjustments if issues arise. He is concerned that tavern patrons and workers may routinely use the diagonal parking on 1<sup>st</sup> Avenue North, making it unavailable to post office patrons, especially the elderly. Owner Missy Hause stated that to the best of her knowledge, the parking stalls adjacent to the post office were already posted for 15-minute parking only. Planner Taylor stated there would be table service only in the outdoor seating area, and all sales related to the restaurant/tavern use would be contained inside the building, which should help alleviate noise concerns. She indicated CUP's are subject to periodic review, at least once a year, and additional reviews and/or amended conditions of approval could be warranted if complaints arise at the establishment.

It was moved by Commissioner Levy and seconded by Commissioner Hoye to recommend to the City Council to approve a conditional use permit (CUP) to allow outdoor uses in conjunction with the proposed tavern/restaurant at 193 3<sup>rd</sup> Street North, including an outdoor storage area for a walk-in cooler and designated outdoor activity areas for seating, smoking, consumption of beverages, including liquor, and a recreation court game area as presented in the staff report and delineated by the site plan, with the following recommendations:

- Patron smoking shall be limited to the front of the building after 10:00 p.m. Sunday-Thursday and 12:00 a.m. Friday and Saturday.
- Property owners shall make an extra effort to keep the surrounding residential area and off street parking areas free of cigarette and other debris.
- Options for shared off street parking and/or parking restrictions for on street parking may be required by the city to decrease the impact to post office patrons and residents.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**GENERAL INFORMATION**

Planner Taylor stated there are no formal applications to be considered at the September Planning Commission meeting, however staff may proceed with an informal meeting or workshop session to provide new commissioners with a review and update on Planning Commission action taken in the past few years.

**OPEN FORUM** – None

**ADJOURN**

It was moved by Commissioner Hoye and seconded by Commissioner Ritzer to adjourn the meeting at 6:40 p.m. Motion carried.

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# MEMORANDUM

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**DATE:** November 8, 2011

**TO:** Planning Commission (November 21<sup>st</sup> meeting)  
Mitch Berg, City Administrator

**FROM:** Sara Taylor, Assistant City Administrator/City Planner

**SUBJECT:** Public hearing to consider an amendment to the city's Comprehensive Plan to comply with the Metropolitan Council's 2030 Policy Plan

## **A. BACKGROUND**

The Metropolitan Council recently adopted revisions to their 2030 Transportation Policy Plan and 2030 Regional Parks Policy Plan. As such, cities are required by state statute to make any necessary changes to their local comprehensive plan, in order to be consistent with the Metropolitan Council's plans. The revisions made to the Transportation Policy Plan do not directly affect Bayport. However, the revisions made to the Regional Parks Policy Plan will require a minor amendment to the city's comprehensive plan.

Notice of the Planning Commission's public hearing was posted and published in the Stillwater Gazette on Thursday, October 27, 2011.

The following informational items are attached:

- Proposed text amendment to the city's comprehensive plan
- Proposed map amendment to the city's comprehensive plan

## **B. STAFF COMMENTS AND SUGGESTED FINDINGS OF FACT**

As stated above, the changes to the Metropolitan Council's Regional Parks Policy Plan that affect Bayport are very minor. The change in the policy relates to the Middle St. Croix Valley Regional Trail Search Corridor, which is a proposed trail corridor that will stretch from the planned Lake Links Regional Trail in Stillwater to Interstate 94 and will connect to local trails in Lakeland. Washington County will be developing a master plan to establish this trail alignment and will most likely solicit input from surrounding communities as part of this process. However, it is important to note that this trail corridor is only proposed at this time and it is uncertain if or when it will actually be implemented.

In order to conform to the Metropolitan Council's Regional Parks Policy Plan, the city needs to acknowledge that the regional trail search corridor is a component of the regional parks system and the general alignment of the corridor is depicted on a map in the city's comprehensive plan. As such, staff has prepared a text amendment to page 30, *Bicycle and Pedestrian Requirements*, which is listed under the *Transportation* chapter in the city's comprehensive plan. Staff has also revised the *Parks, Existing and Proposed Trails, Sidewalks and Paths* map accordingly.

Both the proposed text and map amendments have received preliminary approval from the Metropolitan Council as conforming to their policy plan and are attached for reference. Assuming the amendments are approved by the city, staff will notify adjacent local governments/jurisdictions of the proposed amendments, as required, and work with the city's representative at the Metropolitan

Council to receive final approval and update the city's comprehensive plan accordingly. It is anticipated the amendments will be implemented and reflected in the city's comprehensive plan by early spring of 2012.

**C. RECOMMENDATION**

Staff recommends approval of the proposed text amendment to page 30, *Bicycle and Pedestrian Requirements*, which is listed under the *Transportation* chapter and an amendment to the *Parks, Existing and Proposed Trails, Sidewalks and Paths* map in the city's comprehensive plan. Suggested findings of fact are stated in section "B" of the staff report. The Planning Commission is asked to make a recommendation on the proposed amendments, which will be considered by the City Council on December 5, 2011.

## ***Bicycle and Pedestrian Requirements***

Bayport has few designated bicycle trails and some non-continuous sidewalks throughout the City. Bayport's small size and the variety of parks dispersed throughout the community may represent opportunities for future connections within the City.

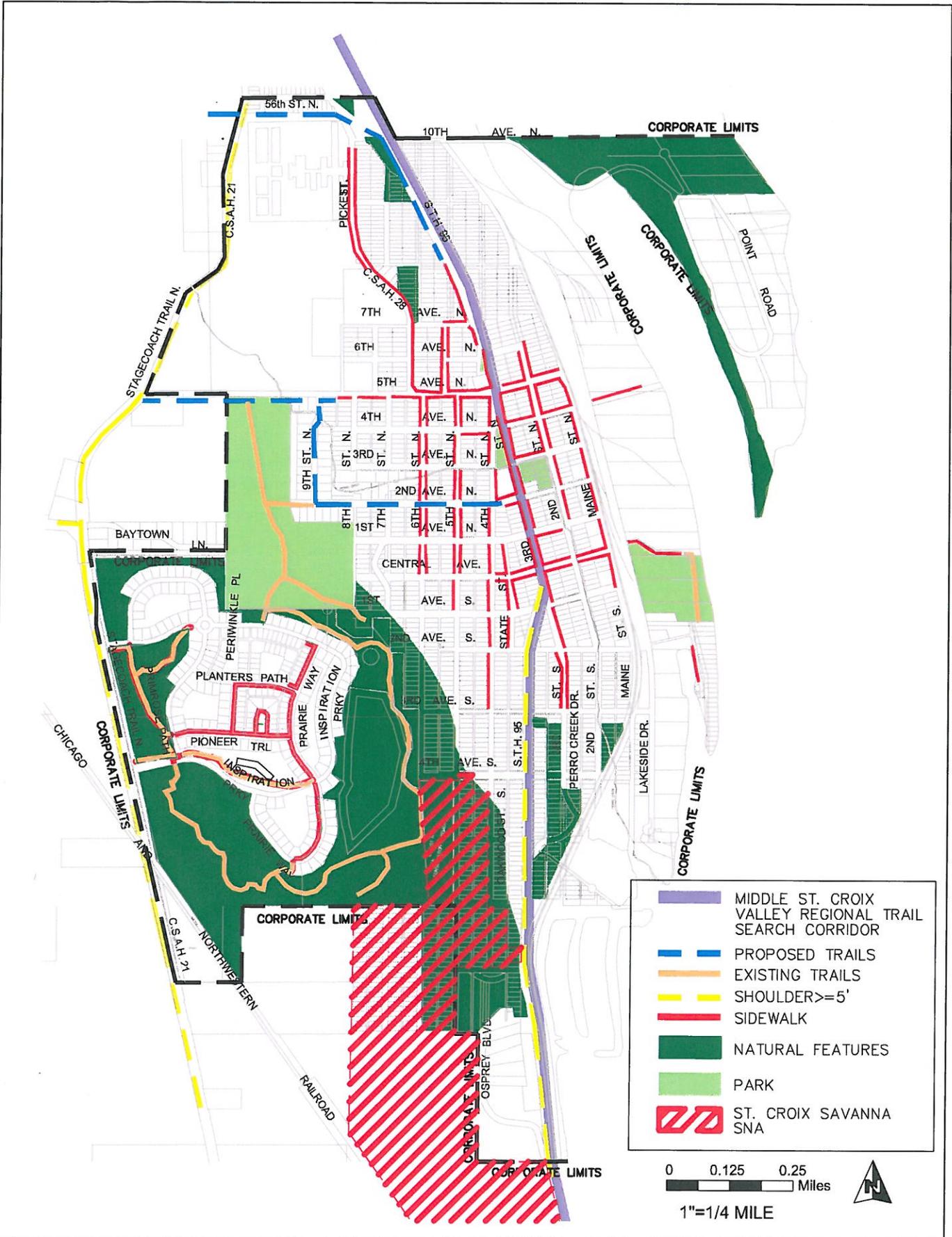
Whenever major roads are constructed or expanded, the City typically incorporates new bicycle/pedestrian trails with the project if funding is available. The Inspiration Development has a trail system that has been constructed as part of the development. Plans for bicycle/pedestrian paths are also proposed as part of Washington County's linear park corridors. These trails are proposed as regional connections linking Bayport to the other communities via trails along TH 95 and CSAH 21. **The Middle St. Croix Valley Regional Trail Search Corridor is a proposed trail corridor that will stretch from the planned Lake Links Regional Trail in the City of Stillwater to Interstate 94 and will connect to local trails in the City of Lakeland.**

Washington County has plans to upgrade CSAH 21 (Stagecoach Trail) in the future as traffic increases. With the added developments along Stagecoach Trail in Baytown Township and the trails located within these developments, the City of Bayport will work with the County to incorporate trails into any plans for Stagecoach Trail improvements.

The City has established four goals to provide for a safe and integral bicycle and pedestrian system:

- To provide safe pedestrian access along and across TH 95. This can be accomplished with the continued use of the intersection flags, installation of a pedestrian bridge or underpass and installation of traffic control signals.
- To provide pedestrian access between Barkers Alps and Inspiration and Baytown Township.
- To provide a bicycle and pedestrian connection to Stillwater and Oak Park Heights. A portion of this connection will be provided when the Highway 36/St. Croix River Bridge project is undertaken.
- In cooperation with Washington County and adjacent communities, obtain unused railroad right of ways for trail purposes.

Currently, there is no bicycle/pedestrian access to any transit corridors/facilities in Bayport since no transit facilities exist. The City of Bayport will work with adjoining communities, encouraging the installation of bicycle/trails with new developments and with street improvements project.



*Parks, Existing and Proposed Trails, Sidewalks and Paths*