



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers

April 21, 2014 – 6:00 p.m.

A. CALL TO ORDER

B. OATH OF OFFICE TO NEW MEMBERS BRAD ABRAHAMSON AND ELIZABETH KELLY

C. APPROVAL OF MINUTES

- **October 21, 2013 regular meeting**

D. PUBLIC HEARINGS

- **Consider a request for a variance to exceed the maximum square footage allowed for accessory structures in the R-1 Single-family Estate zoning district for the residential property located at 12 Point Road**
- **Consider a request for an amendment to an existing conditional use permit to allow expanded hours for outdoor seating and consumption of food and beverages within the uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North**

E. OLD BUSINESS

F. NEW BUSINESS

G. GENERAL INFORMATION

H. OPEN FORUM

I. ADJOURNMENT

**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 3rd 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 3rd 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 2nd 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 3rd 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 5th 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 5th 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 (5th 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 5th 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.

MEMORANDUM

DATE: April 15, 2014

TO: Planning Commission (April 21, 2014 meeting)
Logan Martin, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a request for a variance to exceed the maximum square footage allowed for accessory structures in the R-1 Single-family Estate zoning district for the residential property located at 12 Point Road

A. BACKGROUND

The property is located at 12 Point Road and is legally described as Lot 12, Point Addition, Bayport, Washington County, Minnesota. It is zoned R-1 Single-family Estate and contains an existing single-family residential dwelling with an attached garage, a detached garage/storage building, and a detached pool house. The property is surrounded by single-family residential homes to the north, south, and west, and the St. Croix River to the east.

On behalf of property owners Bill and Beverly Bergstrom, applicant Bruce Lenzen, Design/Build LLC, has submitted an application requesting a variance to exceed the maximum square footage allowed for accessory structures within this zoning district. The maximum square footage allowed for attached and detached accessory structures in all residential zoning districts is the lesser of 2,000 square feet or 10% of the total lot area. The intent of this ordinance is to prevent the total aggregate area and/or number of garages and accessory structures from overshadowing the principal dwelling on the property, and to minimize impervious coverage. Because the square footage of all accessory structures on this property exceeds 2,000 square feet and is non-compliant with the zoning ordinance, a variance is required to allow the proposed conditions.

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 April 4, 2014. The following informational items are attached:

- narrative by the applicant and property owners
- land survey of the property with existing structures and elevations
- photos of the property with existing structures
- land survey of the property with proposed structures and elevations

B. STAFF COMMENTS

City records indicate that prior to 2002, this property contained a legally non-conforming single-story residential dwelling consisting of approximately 2,400 square feet, a pool house consisting of approximately 717 square feet, and an in-ground pool. The structures were considered legally non-conforming because they did not meet the minimum regulatory flood protection elevation of 693' required by the city's Floodplain Management Ordinance. In 2001, these structures sustained substantial flood damage, destroying more than 50% of their market value. Section 11.15 of the city's floodplain ordinance states that if any nonconforming use or structure is substantially damaged, i.e.

destroyed by any means, including flooding, to the extent of 50% or more of its market value at the time of destruction, then it should be brought into compliance with the requirements of the ordinance. Therefore, in 2002, the property owners demolished the existing single-family dwelling, with plans to sell the property or reconstruct a new dwelling in accordance with the floodplain ordinance. Due to apparent, minimal damage, the pool house was allowed to remain, but the in-ground pool was also demolished. The property was sold to a new owner shortly thereafter.

In October of 2002, the city issued a building permit to the new property owners, approving construction of a new single-family dwelling with attached garage consisting of approximately 5,582 square feet, a new detached garage consisting of approximately 990 square feet, as well as miscellaneous driveways, walkways, and patio areas, most of which still remain on the property. As a condition of approval for the building permit, the new structures were to be constructed at a minimum elevation of 693' and meet all setback, impervious coverage, and fill requirements, to ensure compliance with the floodplain ordinance. Construction was completed in 2003. Since then, the property has been sold to multiple owners. The current owners purchased the property in 2012.

Recently, the city was approached by the current property owners and applicant about the potential of constructing an addition to the existing detached garage on the property, to facilitate additional storage and a hobby woodworking area. After reviewing the property conditions and holding multiple meetings with the applicant, city staff discovered several discrepancies with the property related to existing structures and elevations, which did not comply with the city's zoning and floodplain ordinances. A summary of the discrepancies is depicted in the chart below.

DISCREPANCY	ALLOWED BY CITY CODE	EXISTING
Total number of accessory structures	1 storage/tool/garden shed (<120 sq. ft.) 1 attached garage 1 detached garage, rural storage building, or agricultural/farm building	1 attached garage 1 detached pool house 1 detached garage Total = 1 attached; 2 detached
Total area of accessory structures	The lesser of 2,000 sq. ft. or 10% of lot area	1 attached garage = 1,342 sq. ft. 1 detached pool house = 717 sq. ft. 1 detached garage = 990 sq. ft. Total = 3,049 sq. ft.
Elevation/fill around structures	No less than 15 ft. of fill around structures at an elevation of 693'	Elevation varies from 690' – 693' around structures

Unfortunately, due to limited information in city records and because the current property owners, applicant, and city staff were not part of the demolition, plan review, and new construction for this property in 2002, we do not have a good understanding as to why these discrepancies exist. Based on the information we have on record, it appears there was an oversight by both the original builder and city staff, to ensure the property was built according to the approved plans and in compliance with city ordinances.

Staff has been working diligently with the applicant and property owners to identify a solution to address these discrepancies. Because all of the structures on the property are at an elevation below 693' and/or do not contain 15' of fill protection as required by the building permit issued in 2002, they are subject to substantial flood damage. Therefore, the city and the Department of Natural Resources are in agreement that it is crucial to address and correct this condition as soon as possible. The applicant and property owners are in agreement that correcting this condition is not only important for the long term integrity of the structures, but also to decrease flood insurance requirements and premiums.

Although the property is currently in compliance with total impervious coverage requirements, the total number and area of accessory structures significantly exceeds the maximum allowed by the city's zoning code. Because the original detached pool house was allowed to remain on the property, and the cumulative square footage of the pool house and attached garage exceeded the maximum 2,000 square foot threshold for accessory structures, the detached garage should not have been permitted and should be addressed.

The applicant and property owners have agreed to demolish the existing, non-conforming pool house, which will bring the property into compliance with one accessory structure per parcel, as well as bring in the necessary fill and re-grade to comply with the required 693' elevation a minimum of 15' around the existing house/attached garage and detached garage. They have also agreed to convert 295 sq. ft. of their existing attached garage into living space, reducing the net accessory structure area on the property. In light of these improvements, the applicant is requesting a variance to allow a 1,010 sq. ft. addition to the existing detached garage. A summary of the proposed improvements and outcomes is depicted in the chart below.

	CITY CODE	EXISTING	PROPOSED	OUTCOME
Lot area	Min. 20,000 sq. ft.	102,170 sq. ft.	102,170 sq. ft.	Complies with city code
Impervious area	Max. 20%	16.8%	16.67%	Complies with city code
Accessory structures	Max. 2,000 sq. ft.	3,049 sq. ft.	3,047 sq. ft. (includes demolishing pool house, converting a portion of attached garage to living space, and adding on to the detached garage)	Requires variance of 1,047 sq. ft.; results in decrease of 2 sq. ft. from existing conditions
Principal dwelling	Min. 1,200 sq. ft.	4,540 sq. ft.	4,835 sq. ft.	Complies with city code
Elevation/fill	15' fill around structures at 693' elevation	15' fill at 690'-693' elevation	15' fill around structures at 693' elevation	Complies with city code

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Minnesota Statutes 462.357 Subd. 6 (2) states in part that variances shall only be granted when they are in harmony with the general purpose and intent of the ordinance and when the applicant establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties" as used in conjunction with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

The applicant and property owners recognize the importance of correcting the discrepancies included in this report and therefore are willing to make a significant investment to bring in the required fill and demolish the existing, non-conforming pool house. Although the proposed improvements to the existing detached garage will require a variance, the outcome of the total impervious area and accessory structure area will actually result in a net decrease from the existing site conditions and increase compliance with city ordinances. The property owners are proposing to continue use of the property in a reasonable manner, which includes excess square footage of accessory structures, but which is due to circumstances that existed at the time of purchase, and not created by the current landowner. As a result of the variance, several site improvements will be completed, which will

improve the essential character of the property, including removal of a secondary detached accessory structure visible from the St. Croix River, relocating accessory storage area to the rear of the property, and installing fill to preserve existing structures at the regulatory flood protection elevation. For these reasons, staff feels the criteria for the variance have been met and is therefore recommending approval, with the following conditions:

- ❑ Once the variance has been recorded, the property owner and/or applicant may submit the appropriate plans/specifications and permit applications to the city for demolition and removal of the secondary accessory structure, repurposing 295 sq. ft. of attached garage from accessory area to finished dwelling area with uninhibited access to the principal dwelling, and bringing in fill and commencing grading activities to comply with the city's floodplain ordinance. The appropriate permit(s) must be obtained from the city and/or other applicable agencies prior to commencing any work on the property.
- ❑ In conjunction with the work listed above, the property owner and/or applicant may submit the appropriate plans/specifications and permit application to the city to complete only minor excavation, grading, and foundation work for the proposed garage addition. However, under no circumstances will a building permit be issued for any structural work associated with the garage addition prior to demolition and removal of the secondary accessory structure, repurposing 295 sq. ft. of attached garage from accessory area to finished dwelling area, and filling/grading activities to comply with the city's floodplain ordinance.
- ❑ Prior to commencement of any minor excavation, grading, and foundation work for the garage addition, a financial surety in the form of a cash payment, letter of credit, or bond, in an amount deemed appropriate by the city, shall be submitted by the property owner to the city, to ensure completion of work in accordance with the conditions of the variance.
- ❑ With the exception of the variance to allow the excess accessory structure area, any proposed or future improvements to the property must comply with all zoning, floodplain, and general city ordinances.
- ❑ The type and color of the exterior finishes for the proposed detached garage addition shall compliment the principal dwelling and existing detached garage and consist of earth or summer vegetation tones.
- ❑ In association with the proposed site improvements, impacts to existing vegetation/trees shall be minimized as much as possible. Prior to cutting or removal of any vegetation/trees, the property owner/applicant must submit a plan identifying existing vegetation/trees, proposed preservation methods, proposed vegetation/trees to be removed or relocated, and a restoration plan for review. A vegetative cutting permit must be obtained from the city. Vegetation/trees six inches in diameter at breast height will require equivalent replacement, or replacement deemed equivalent by the city.

D. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of a variance to exceed the maximum square footage allowed for accessory structures in the R-1 Single-family Estate zoning district for the residential property located at 12 Point Road by allowing an addition to the existing detached garage on the property up to 1,010 square feet, subject to the suggested findings of fact and conditions of approval stated in section "C" of this staff report. The City Council will consider the request at its meeting on May 5, 2014.

City Of Bayport
294 North 3RD Street
Bayport , MN 55003

3/17/14

Bruce Lenzen Design Build LLC
106 Buckeye ST
STE: 202
Hudson, WI 54016
(Agent)

Bill Beverly Bergstrom
12 Point Road
Bayport, MN 55003
(Owners)

RE: Request for Variance to Sec. 703.05 Accessory Buildings and Structures.

703.05. The total aggregate area of residential accessory buildings per lot, attached and detached, shall not exceed **the lesser of 2,000 square feet or ten percent of the total lot area**. In addition, the height of such structure shall not exceed the lesser of one story, up to a maximum of 17 feet, or the height of the principal structure on the lot, except when said structures are located in business, industrial or planned unit developments.

History: The existing structures, (shown on site plan) were constructed in 2002, with the exception of the existing Guest house, which was built 20+ years prior. In 2002 the City of Bayport approved the existing site plan and issued a building permit for the structures that exist to this day. The approved structures included the 717 sq/ft Guest house, a 990 sq/ft Accessory Building, and 1388 sq/ft attached garage, which has since been reduced to 1342 sq/ft. The total existing Accessory Building and Structures previously permitted in 2002 is 3049 Sq/ft.

The current owners of the property, Bill and Beverly Bergstrom purchased the property in 2012, and desire to expand the existing detached garage to a total of 2000 square feet. Upon application for building permit, City staff informed the Bergstrom's that the existing structures already exceeded the maximum allowable size. The Bergstrom's purchased the home believing that the existing structures were compliant, and seek to find a solution to remedy the situation in a fair manner.

The applicant proposes the following solution to enable the proposed 1010 sq/ft garage addition to be built. Remove the existing Guest house of 717 sq/ft, and also repurpose 295 sq/ft from the existing attached garage, totaling 1012 sq/ft. The net result would not increase the existing non-conformity of the structures on the property.

509.05. Grading permit

As part of this proposed project, filling and grading would occur to bring the existing structures , and future proposed structure, compliant with FEMA regulations pertaining to flood proofing requirements. The filling and grading would be performed in conjunction with the removal of the Guest house and building of the Garage.

Regards



**Bruce Lenzen
(Agent)**

WI License #1170890
MN License #BC639077

651 • 329 • 4060

brucelenzendesignbuild.com



BRUCE LENZEN
Design/Build, LLC

PROJECT:
 William Bergstrom
 52 Point Rd.
 Bayport, MN 56005
LOT 12 - POINT ADDITION
 SEC. 2, T29N R20W

NOTES:
 1. See attached site information sheet for information on the survey.
 2. The survey was conducted by Kemper & Associates, Inc. on 08/14/14.
 3. G.S. Land Solutions has re-surveyed the critical area of the project as delineated on this map. Existing survey monuments were also located as additional verification of the accuracy of the survey.
 4. The survey was conducted by Kemper & Associates, Inc.

LEGEND:

- EXISTING UTILITY LINE
- EXISTING UNDERGROUND GAS LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING UNDERGROUND TELEPHONE LINE
- EXISTING SURVEY MONUMENT
- PROPOSED ALUMINUM SURVEY MONUMENT
- PROPOSED 1/2" DIPPER MARKER
- PROPOSED 1" DIPPER MARKER
- PROPOSED 1" SURVEY MONUMENT
- SET BACK

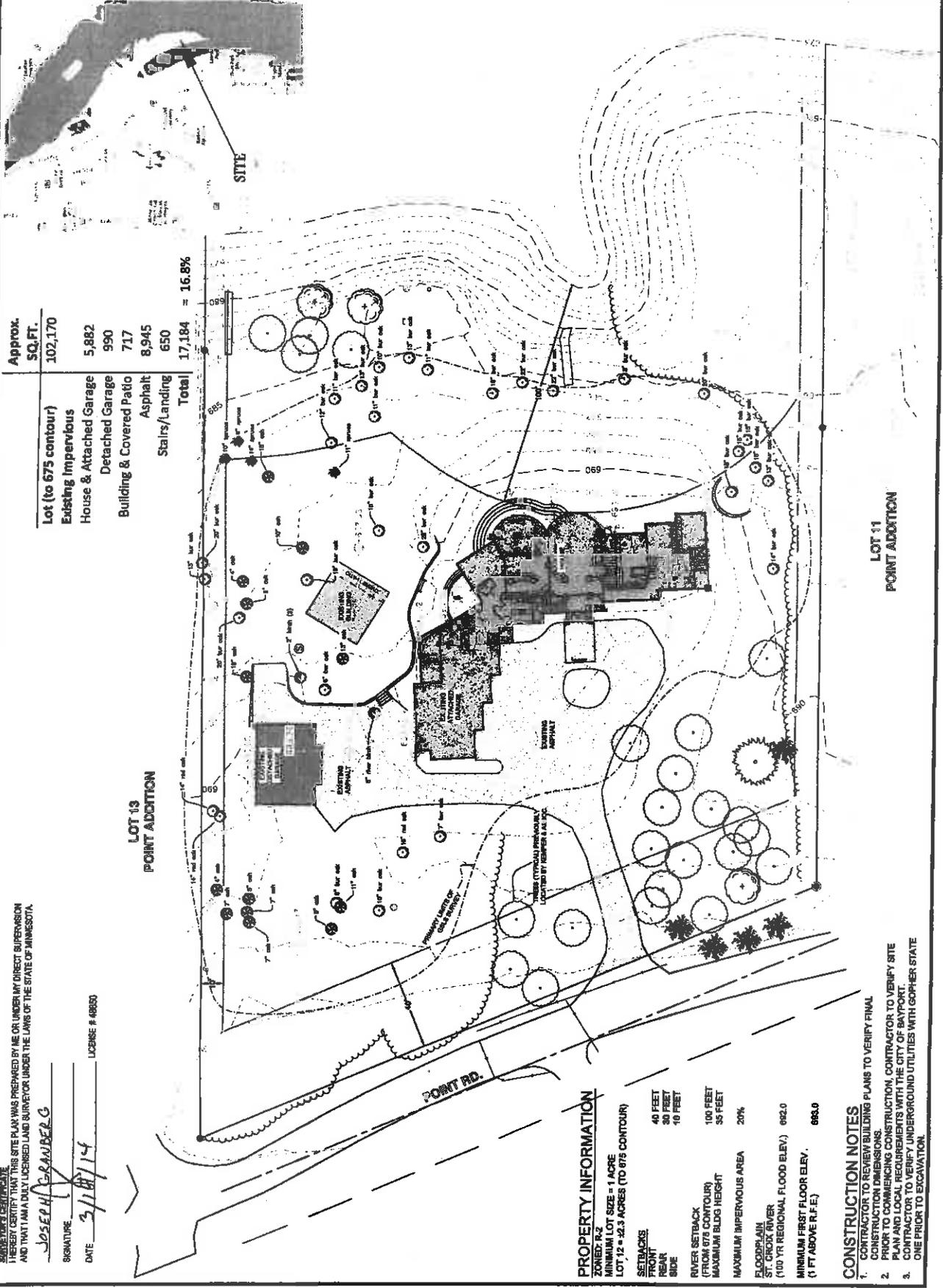
SCALE IN FEET
 0 20 40

THE ELEVATIONS SHOWN ARE DERIVED FROM GPS OBSERVATIONS.

DRAWN BY:	JMS
DESIGNED BY:	GTZ/JAM
DATE:	2/11/14
DRAWN BY:	JMS
DATE:	2/11/14
JOB NUMBER:	
REVISION DISC.	START DATE
REVISION DISC.	END DATE
FIELD SURVEY	JMS
DATE:	

EXISTING CONDITIONS

SHEET NO. 1 OF 1



Lot (to 675 contour)	Approx. SQ.FT.
Existing Impervious House & Attached Garage	102,170
Detached Garage	5,882
Building & Covered Patio	990
Asphalt Stairs/Landing	717
Total	109,759

17,184 = 16.8%

SURVEYOR CERTIFICATE
 I HEREBY CERTIFY THAT THIS SITE PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

JOSEPH GRANBERG
 SIGNATURE
 DATE 2/11/14
 LICENSE # 49850

PROPERTY INFORMATION
 ZONED: R-2
 MINIMUM LOT SIZE = 1 ACRE
 LOT 12 = 22.3 ACRES (TO 675 CONTOUR)

FRONT SETBACKS: 40 FEET
 REAR SETBACKS: 30 FEET
 SIDE SETBACKS: 10 FEET

RIVER SETBACK (FROM 675 CONTOUR): 100 FEET
 MAXIMUM BLDG HEIGHT: 35 FEET
 MAXIMUM IMPERVIOUS AREA: 20%

FLOODPLAIN: ST. CROIX RIVER (100 YR REGIONAL FLOOD ELEV.) 682.0
 MINIMUM FIRST FLOOR ELEV. (1 FT ABOVE R.F.E.): 683.0

- CONSTRUCTION NOTES**
- CONTRACTOR TO REVIEW BUILDING PLANS TO VERIFY FINAL CONSTRUCTION DIMENSIONS.
 - PRIOR TO COMMENCING CONSTRUCTION, CONTRACTOR TO VERIFY SITE PLAN AND LOCAL REQUIREMENTS WITH THE CITY OF BAYPORT.
 - CONTRACTOR TO VERIFY UNDERGROUND UTILITIES WITH GOPHER STATE ONE PRIOR TO EXCAVATION.

Single-family house with attached garage



View from Point Road looking east toward St. Croix River



View from St. Croix River looking west

Attached and detached garages/accessory structures



View from Point Road looking northeast



View from driveway looking north

Secondary accessory detached structure (pool house) to be demolished



View from driveway looking east toward St. Croix River



View from St. Croix River looking west

MEMORANDUM

DATE: April 7, 2014

TO: Planning Commission (April 21, 2014 meeting)
Logan Martin, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a request for an amendment to an existing conditional use permit to allow expanded hours for outdoor seating and consumption of food and beverages within the uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North

A. BACKGROUND

The property is located at 263 3rd Street North and is legally described as Lot 3, Block 56, Bayport, Washington County, Minnesota. It is zoned B-2 Central Business and contains an existing commercial building that is currently occupied by the Hesley Jensen American Legion Post 491. It also contains an off-street parking area on the south side of the building and an uncovered front porch area on the west side of the building along Highway 95. The property is surrounded by commercial businesses to the north, south, and west, and residential homes to the east.

Club Manager Cheryl Dubuque has submitted an application for an amendment to the existing conditional use permit (CUP) to allow expanded hours for outdoor seating and consumption of food and beverages within the outdoor, uncovered front porch area. Clubs, taverns, and restaurants are permitted uses in the B-2 Central Business District. However, any outdoor storage, use, seating, or food or beverage consumption requires a CUP that specifies conditions under which outdoor use is permitted.

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 April 4, 2014. The following informational items are attached:

- narrative by the property owner
- a photo of the existing property with the outdoor front porch

B. STAFF COMMENTS

The purpose of a CUP is to regulate uses that are not permitted by right in a zoning district. As part of the application process for a CUP, the property should be reviewed for compliance with performance standards set forth by city code, impacts and overall compatibility with the surrounding neighborhood, and whether the proposed use would be beneficial to the community.

The existing outdoor porch area and CUP were approved by the city in 2008. The porch is uncovered, to allow water infiltration and contains a railing system to provide fall protection for patrons. Ingress/egress to the porch area is limited from within the building, through a patio door

D. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of an amendment to the existing conditional use permit to allow expanded hours for outdoor seating and consumption of food and beverages within the outdoor, uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North. Suggested findings of fact and conditions of approval are stated in section "C" of the staff report. The City Council will consider the request at its meeting on May 5, 2014.

SUE(CHERYL)DUBUQUE
AMERICAN LEGION POST 491
263N. 3RD STREET
BAYPORT, MN.55003
MARCH 18 2014

City of Bayport Planning Commission:

The Hesley Jensen American Legion Post 491 would like to ask permission to expand our patio hours. Our present hours of use are Wed. thru Sun. until 10P.M. We would like to request our hours be extended to 12:00 A.M. on Fri. and Sat.

Due to fact that we host a number of both community and special events as well as bingo on the weekends it would be nice for our patrons to be able to enjoy our patio After 10:00 without jeopardizing our license or being subject to paying a fine.

As we all are aware our summer evenings in Minnesota are limited, so we would like to take advantage of them as much as we can!

Our location is such that I don't feel there would be any repercussions from surrounding businesses or home owners. As a rule I'm sure you are aware that for the most part we cater to an older clientele and are pretty laid back. There are always unforeseen circumstances but I have yet to experience any since I took over for Aaron Prichard.

If you have any Questions please contact me at (651)439-5463.

Sincerely,



Sup(CHeryl)Dubuque
Club Manager
Hesley Jensen Post #491

