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 3rd Street North: Planner Taylor explained that Jeff and Michelle Hause, the new owners of the former Captain's Corner tavern at 193 3rd 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 2nd 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 1st 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 1st 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 3rd 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.