



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers

May 11, 2015 – 6:00 p.m.

A. CALL TO ORDER

B. APPROVAL OF MINUTES

- April 20, 2015 regular meeting

C. PUBLIC HEARINGS

- Consider a conditional use permit for government use and construction of a new Bayport Fire Hall on the property located at 1012 5th Avenue North

D. OLD BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION

G. OPEN FORUM

H. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 20, 2015
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Commissioner Richtman called the regular Bayport Planning Commission meeting of April 20, 2015, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Brad Abrahamson, Beth Kelly, and Jeff Richtman

Commissioners Absent: Joe Ritzer

City Staff Present: City Administrator Logan Martin, Assistant City Administrator/Planner Sara Taylor, City Planning Consultant Dan Licht, City Council Liaison Patrick McGann and City Engineer John Parotti

APPROVAL OF MINUTES

It was moved by Commissioner Kelly and seconded by Commissioner Abrahamson to approve the March 16, 2015 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

OLD BUSINESS

Consider a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B: City Planning Consultant Dan Licht stated the application from Mattamy Homes, submitted on behalf of the development's current owner, Inspiration Holdings, LLC, that was recommended for approval at the March Planning Commission meeting has been revised. The applicant is proposing a traditional four-way intersection at Inspiration Parkway North and Primrose Path, instead of the roundabout shown on the original application. He explained that engineering standards for roundabouts have changed since the original Inspiration site design was approved in 2004, to allow for emergency and service vehicles, property visibility and directional islands. A roundabout in this location would now require a significantly larger circumference for the paved surface and result in reduced green space. The plan has also been amended to add a sidewalk on the north side of Periwinkle Place. The applicant presented the alternative site plans to Inspiration residents and no negative comments were received. City staff recommends approval of the amended application, based on the suggested findings of fact and conditions of approval stated in the April 15, 2015 staff report. The general consensus of the Planning Commission was that the amendment falls within the scope of the application recommended for approval in March.

It was moved by Commissioner Abrahamson and seconded by Commissioner Kelly to recommend to the City Council to approve a Planned Unit Development (PUD) General Development Plan and a Preliminary Plat for Inspiration Phase III-B, with the proposed revisions presented by staff, and subject to the findings of fact and conditions of approval stated in the staff report. Motion carried.

NEW BUSINESS

GENERAL INFORMATION

OPEN FORUM

ADJOURN

It was moved by Commissioner Kelly and seconded by Commissioner Abrahamson to adjourn the meeting at 6:15 p.m. Motion carried.

MEMORANDUM

DATE: May 6, 2015

TO: Planning Commission (May 11, 2015 meeting)

FROM: Sara Taylor, Assistant City Administrator/City Planner

SUBJECT: Public hearing to consider a conditional use permit for government use and construction of a new Bayport Fire Hall on the property located at 1012 5th Avenue North

A. BACKGROUND

The property is located at the northeast quadrant of Stagecoach Trail and 5th Avenue North, addressed as 1012 5th Avenue North. The parcel was previously part of the Minnesota Department of Corrections campus in Bayport and consists of a total lot area of approximately 4 acres or 181,000 square feet. The property is currently vacant and is now owned by the City of Bayport. It is zoned R-3 Multiple Family Residential and is surrounded by a mixture of zoning districts and residential, public, and institutional uses.

Over the past several years, the city has been evaluating the Bayport Fire Department's activity and space needs, including investigating alternate locations for a new building, more central to the service area. In 2014, the subject parcel was deeded to the city at no cost, through legislation from the Minnesota Department of Corrections to be used as a potential site for a new Fire Hall. After much site surveying, soil testing, and preliminary utility work, the city has determined the parcel is suitable and would like to proceed with development of the site for a new Fire Hall building and related improvements. However, because governmental uses and structures are a conditional use in the R-3 Multiple Family zoning district, a conditional use permit (CUP) is required to allow development and use of the site for a Fire Hall.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350 feet of the subject property and published in the Stillwater Gazette on April 24, 2015. The following informational items are attached:

- Proposed site plan
- Restrictive deed covenants
- Middle St. Croix Watershed Management Organization (MSCWMO) comments
- Washington County Department of Transportation review comments
- Architectural renderings of the new Fire Hall

B. STAFF COMMENTS

In 2010, the city completed a comprehensive study of the Bayport Fire Department's activity and space needs. The study revealed that the current Fire Hall, which is located at 301 2nd Avenue North and consists of 6,630 square feet, would not be able to sustain the storage and equipment needs of the service area long-term. In addition, increasing maintenance demands on the existing building, which was built in the 1940's, along with growing safety concerns related to the

building's proximity to Andersen Elementary School, prompted the city to recognize that a new location for the Fire Department would soon be necessary.

Due to accessibility and proximity to other communities served by the Bayport Fire Department (Oak Park Heights, Baytown, West Lakeland), the subject parcel has been considered the most desirable location for a new Fire Hall building. In 2014, the city approached the Department of Corrections to discuss an opportunity and/or partnership in which the city could acquire the parcel. Through legislation, the parcel was eventually deeded by the Minnesota Department of Corrections to the City of Bayport to be used as a potential site for a new Fire Hall.

Over the past year, the city assembled a Fire Hall Building Committee, comprised of Fire Department personnel, to work with the construction management firm Kraus Anderson and architecture firm Leo A. Daly to develop a concept plan and create a preliminary design for a new Fire Hall within a \$5,650,000 construction budget established by the City Council. After several workshops and meetings, the City Council recently decided to move forward with the project and awarded construction bids on May 4, 2015.

In order to allow the proposed government use and Fire Hall building on this parcel, a CUP that establishes performance standards and a review of the site plan is necessary. As proposed, the parcel meets minimum lot dimension and area requirements for the R-3 Multiple Family zoning district. The building will consist of 15,670 square feet and includes five apparatus bays, offices, storage, training, and common areas, as well as a potential future expansion area for a dormitory. The building footprint, drive aisles, and parking stalls all meet setback requirements. The building height and impervious coverage also comply with city code requirements.

| | CITY CODE | PROPOSED |
|-------------------------|---------------------------|---------------------|
| Lot area | Min. 10,000 square feet | 181,121 square feet |
| Lot frontage | Min. 75 feet | 359 feet |
| Lot depth | Min. 130 feet | 493 feet (Avg.) |
| Impervious lot coverage | Max. 35% | 34.36% |
| Maximum building height | Max. 45 feet | 24 feet |
| Front (south) setback | Min. 30 feet | 30 + feet |
| Side (east) setback | Min. 10 feet | 30 + feet |
| Side (west) setback | Min. 20 feet (corner lot) | 30 + feet |
| Rear (north) setback | Min. 30 feet | 30 + feet |

Overall, the proposed site plan meets design and performance standards required by city code. A combination of fencing and landscaping will buffer the building and parking areas from adjacent properties. The transformer, generator, and refuse containers located on the northwest side of the building will also be screened from public view with a metal screen enclosure. Safety lighting will be installed throughout the property with shielded fixtures, directed downward and away from public rights-of-way and adjoining properties. Drive aisles and parking areas will be surfaced with a combination of concrete and asphalt and have been designed to accommodate large fire apparatus and vehicles. A total of 34 off-street parking stalls, including 1 handicap accessible stall, have been provided and are adequate to accommodate both fire personnel and visitors.

Access will be provided on both 5th Avenue North and on Stagecoach Trail and access points have been spaced according to Washington County's specifications. Municipal water and sewer utilities will be extended along 5th Avenue North to serve the site.

It should be noted that certain restrictive deed covenants have been placed on this parcel, due to its proximity to the Correctional Facility and potential safety concerns. Some of these deed restrictions conflict with city code, specifically fence and landscape height. Because these restrictions were implemented to protect the health, safety, and welfare of the general public, and strict enforcement of code requirements over the deed restrictions would create a negative impact, some flexibility in these design standards is warranted. As a result, the fence on the east property line will be 6 feet in height (two feet greater in height than allowed by city code) and landscaping will be minimized in type, quantity, and height, especially along the property lines, to promote less of a solid buffer/screen from adjacent properties for security reasons.

C. SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL

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 the 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. If the use is determined to be compatible with city code and not have a negative impact on the neighborhood, a request for the CUP should be granted.

This property is surrounded by a variety of zoning districts and uses which will complement the Fire Hall and related services. The proposed use also conforms to the city's comprehensive land use plan. As such, staff recommends approval of the conditional use permit, subject to the following conditions:

1. Restrictive deed covenants have been recorded against the parcel for the general health, safety, and welfare of the community and shall be implemented accordingly. Should these restrictions conflict with city code, including those mentioned within this report, the deed restrictions shall prevail.
2. Upon a recommendation for approval of the CUP by the Planning Commission, preliminary grading and site development may commence, but no infrastructure improvements shall be completed until the CUP has been approved by the City Council.
3. Grading, drainage, erosion control, traffic circulation, and utility improvements shall be subject to the review and approval of the City Engineer.
4. Building, plumbing, and mechanical improvements shall be subject to review and approval of the City Building Official or designee.
5. Design and performance standards delineated within this report shall be completed prior to issuance of a certificate of occupancy and use of the Fire Hall building, in accordance with the site plan, restrictive deed covenants, and city code.
6. This CUP is granted to allow development and use of the site specifically for a new Fire Hall. Any change to the proposed use within this zoning district shall require an amendment or new CUP, as deemed necessary.

7. Site improvements shall comply with MSCWMO and Washington County Department of Transportation review comments.
8. The CUP may be reviewed for compliance on an annual basis, or as the City Council deems necessary, to ensure compliance with the conditions of the CUP.

D. RECOMMENDATION

Staff recommends approval of a conditional use permit for government use and construction of a new Bayport Fire Hall on the property located at 1012 5th Avenue North. Suggested findings of fact and conditions of approval are stated in section “C” of the staff report. The Planning Commission is asked to make a recommendation on the application for City Council consideration. The City Council will consider the conditional use permit at its meeting on June 1, 2015.

BAYPORT FIRE STATION
Bayport, NJ

City of Bayport
200 Bayport Ave.
Bayport, NJ 08007

LEO A DALY

200 Market Street, Suite 1100
Newark, NJ 07102
Tel: 973.261.1000
Fax: 973.261.1001

PIERCE PENN & ASSOCIATES
1000 New York Avenue, Suite 200
Newark, NJ 07102
Tel: 973.261.1000
Fax: 973.261.1001

KEY PLAN

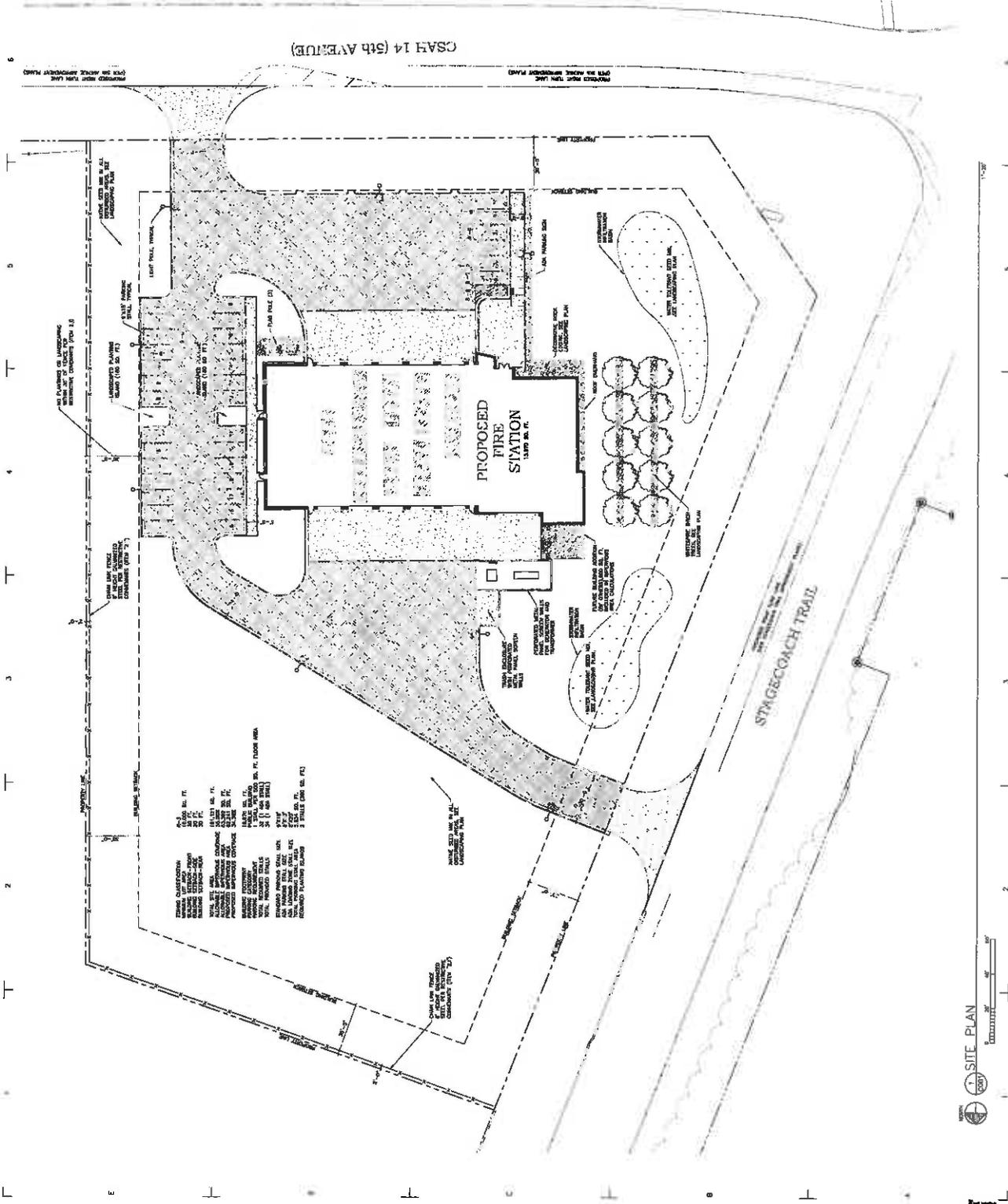
| NO. | DESCRIPTION | DATE |
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| 2 | REVISED | 08/14/07 |
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CONSTRUCTION DOCUMENTS

Project No. 14-076

SITE PLAN

C-001



SITE PLAN
Scale: 1" = 10'-0"

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RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Agreement") is made as of June 5, 2014, by the State of Minnesota, Department of Administration ("Declarant").

RECITALS:

- A. Pursuant to Laws of Minnesota 2014, Chapter 294, Article 2, Section 21, notwithstanding Minnesota Statutes, Sections 16A.695 and 16B.281 to 16B.296, the Commissioner of Administration of the State of Minnesota may convey to the City of Bayport for no consideration that certain parcel of land more particularly described on Exhibit A attached hereto and made a part hereof by reference (hereinafter "Restricted Parcel"), provided that the Restricted Parcel revert to the state if the City of Bayport stops using the Restricted Parcel for a public purpose as a fire station.
- B. As a condition of said conveyance, the City of Bayport has agreed and consented to Declarant establishing certain restrictions on the Restricted Parcel described below.

NOW, THEREFORE, in consideration of the conveyance of the Restricted Parcel to Buyer by Declarant, and for other consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant states:

1. Recitals. The Recitals above are hereby incorporated herein and made a part hereof.
2. Restricted Parcel Restrictions. Declarant hereby declares and imposes the following restrictions ("Restrictions") on the Restricted Parcel:
 - (a) The Restricted Parcel shall only be used as a city fire station for fire station purposes including without limitation office space for the officers and the storage of firefighting apparatus such as fire engines and related vehicles, personal protective equipment, fire hoses and other specialized equipment. In the event the Restricted Parcel is not used as a city fire station for fire station purposes (i) for twelve (12) consecutive months or (ii) for less than twelve (12) months on three (3) separate occasions over a three (3) year period, the Restricted Parcel shall automatically revert to Grantor unless Grantor specifically grants Buyer, or its successors and assigns, an exception to these time periods in writing. Upon reversion to Grantor, Buyer, or its successors and assigns, shall demolish and remove all portions of such structure and its improvements, including the debris resulting therefrom, and otherwise clean and restore the area affected by such demolition to a level, graded condition.
 - (b) Buyer, its successors and assigns, of the Restricted Parcel shall follow all zoning requirements in place on the date Buyer first acquires the Restricted Parcel, including without limitation setback minimums and building height maximums.

- (c) Only one building or structure may be erected on the Restricted Parcel. The improvements on the Restricted Parcel shall conform to the attached site plan attached hereto as Exhibit B (“Site Plan”).
- (d) All equipment, supplies, materials and vehicles at the Restrictive Parcel shall be stored so that they are not visible from the Minnesota Correctional Facility in Bayport, Minnesota.
- (e) Buyer, its successors and assigns, of the Restricted Parcel shall maintain, at its sole cost and expense, the same in a clean and neat condition and shall take such measures as are necessary to control grass, weeds, blowing dust, dirt, litter or debris. Buyer, its successors and assigns, of the Restricted Parcel covenants to keep and maintain, at its sole cost and expense, the building located on the Restrictive Parcel in good order, condition and repair.
- (f) Buyer, its successors and assigns, of the Restricted Parcel shall fence all improvements located from time to time on the Restrictive Parcel, including without limitation the improvements shown on the Site Plan, so that public access to the site is blocked after normal business hours.
- (g) All lighting at the Restrictive Parcel, including without limitation, the perimeter lighting of the improvements located from time to time on the Restrictive Parcel, shall be designed so it does not encroach or invade the residential living units of the Minnesota Correctional Facility in Bayport, Minnesota. In the event the lighting at the Restrictive Parcel interferes with, causes a nuisance to, encroaches, or invades the residential living units of the Minnesota Correctional Facility in Bayport, Minnesota, Declarant shall have the right to require Buyer, its successors and assigns, at Buyer’s (or its successors and assigns’) expense, to modify the lighting so that the interference, nuisance, encroachment or invasion is eliminated.
- (h) The improvements, building, and structures on the Restricted Parcel shall be no taller than the shorter of two (2) stories or twenty (24) feet in height.
- (i) Buyer, its successors and assigns, of the Restricted Parcel shall install within sixty (60) days of the date of this Agreement and subsequently maintain a nuisance fence along the border of the Restricted Parcel and any property owned by Grantor. The nuisance fence shall be made of galvanized steel, six (6) foot high chain link with no visual obstructions, such as, for example, slats, within the fence fabric.
- (j) Only deciduous trees shall be allowed on the Restricted Parcel and no trees, shrubs, bushes or landscaping of any kind shall be within thirty (30) feet of the fence required and described in Section 2(i) above.

3. Default

- (a) All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by any owner of the Restricted Parcel or its permittees of any of the terms, covenants, restrictions or conditions hereof, Declarant shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance.
- (b) Demolition Remedy. Notwithstanding anything to the contrary in this Agreement, in the event that the structure on the Site Plan is not used as a fire station in accordance with Section 2(a) above, then Buyer, its successors and assigns, of the Restricted Parcel shall, within ninety (90) days after receiving written notice from Declarant, demolish and remove all portions of such structure and its improvements, including the debris resulting therefrom, and otherwise clean and restore the area affected by such demolition to a level, graded condition.
- (c) Additional Remedies. In addition to all other remedies available at law or in equity, upon the failure of the owner of the Restricted Parcel to cure a breach of this Declaration within thirty (30) days following written notice thereof by Declarant, the Declarant shall have the right to, but shall not be obligated or required to, perform such obligation contained in this Declaration on behalf of the owner of the Restricted Parcel and be reimbursed by the owner of the Restricted Parcel upon demand for the reasonable costs thereof.
- (d) Lien Rights. Any claim for reimbursement, including interest as aforesaid, and all costs and expenses including reasonable attorneys' fees awarded to Declarant in enforcing any payment in any suit or proceeding under this Agreement shall be assessed against the Restricted Parcel in favor of Declarant and shall constitute a lien against the Restricted Parcel until paid, effective upon the recording of a notice of lien with respect thereto in the Office of the of the County Recorder of Washington County.

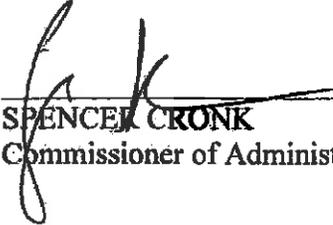
4. Miscellaneous.

- (a) No Waiver. The failure of the Declarant to enforce the covenants herein shall not be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restriction.
- (b) No Third Party Beneficiaries. This Declaration is for the benefit of Declarant, its successors and assigns, and for no other person or entity and there shall be no third party beneficiaries of the terms of this covenant.
- (c) Run With the Land. This covenant shall run with the land and be binding upon the executors, administrators, heirs, assigns of the covenantor, and their successors in title.

IN WITNESS WHEREOF, this Declaration is made as of the date first written above.

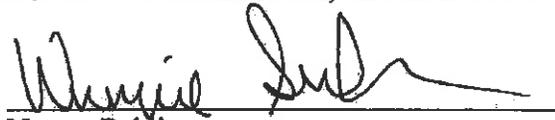
DECLARANT:

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

By: 
SPENCEK CRONK
Commissioner of Administration

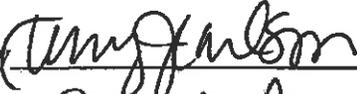
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this 5th day of June, 2014, by Spencer Cronk, Commissioner of Administration, on behalf of the State of Minnesota, Grantor.


Notary Public

APPROVED:
STATE OF MINNESOTA
DEPARTMENT OF CORRECTIONS



By: 
Title Deputy Commissioner
Date 5/27/14

Drafted By:

Roger F. Behrens, Esq.
Real Property Specialist
State of Minnesota
Department of Administration, Real Estate and Construction Services Division
50 Sherburne Avenue, Suite 309
St. Paul, MN 55155

MIDDLE ST. CROIX WATERSHED MANAGEMENT ORGANIZATION

455 HAYWARD AVENUE OAKDALE, MINNESOTA 55128
Phone 651.330.8220 x22 fax 651.330.7747 www.mscwmo.org



March 30, 2015

Logan Martin, Administrator
City of Bayport
294 North Third St.
Bayport, MN 55003

RE: Bayport Fire Station

Dear Mr. Martin,

The Middle St. Croix Watershed Management Organization (MSCWMO) received a submittal of items on February 13, 2015 and a re-submittal on March 30, 2015 for the proposed Bayport Fire Station, located within MSCWMO boundaries and in the City of Bayport. The proposed project qualifies for full review under the MSCWMO 2006 Watershed Management Plan (WMP).

The project, as revised, meets all applicable standards contained within Section 5.0 of the MSCWMO Watershed Management Plan.

Please contact me at 651-330-8220 x22 or misensee@mnwcd.org if you have any questions regarding these comments.

Sincerely,

A handwritten signature in blue ink that reads "Mikael Isensee".

Mikael Isensee
Administrator
Middle St. Croix Watershed Management Organization

Cc: Susan St. Ores, MSCWMO Board Manager
Kevin Gardner, Pierce Pini & Associates, 9298 Central Avenue, Suite 312, Blaine, MN 55003
Sara Taylor, City of Bayport



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

April 28, 2015

Sara Taylor
City Planner
City of Bayport
294 North Third Street
Bayport, MN 55003

RE: Washington County comments on the Conditional Use Permit application for the Bayport Fire Station

Dear Ms. Taylor

Washington County has reviewed the application and plans for the new fire station in the City of Bayport. We appreciate your coordination and collaboration with county traffic during plan development. Based on these efforts, access locations and improvements to the county right of way along CSAH 14 and CSAH 21 have been prepared and will be approved by county staff. The following are the brief comments to the overall plan:

- Access and Right-of Way permits have been submitted for the work to access the county road, infrastructure, and turn lane improvements in the county right-of way.
- A traffic control plan shall be submitted for review and approval by the county.
- The developer or the city must submit the drainage report and calculations to our office for review of any downstream impacts to the county drainage system. Along with the drainage calculations, we will request written conclusions that the volume and rate of stormwater run-off into the county right-of way will not increase as part of the project.

If you have any questions or comments to the responses on fire station plan, please contact me at Ann.Pung-Terwedo@co.washington.mn.us.

Sincerely,

A handwritten signature in black ink that reads "Ann Pung-Terwedo".

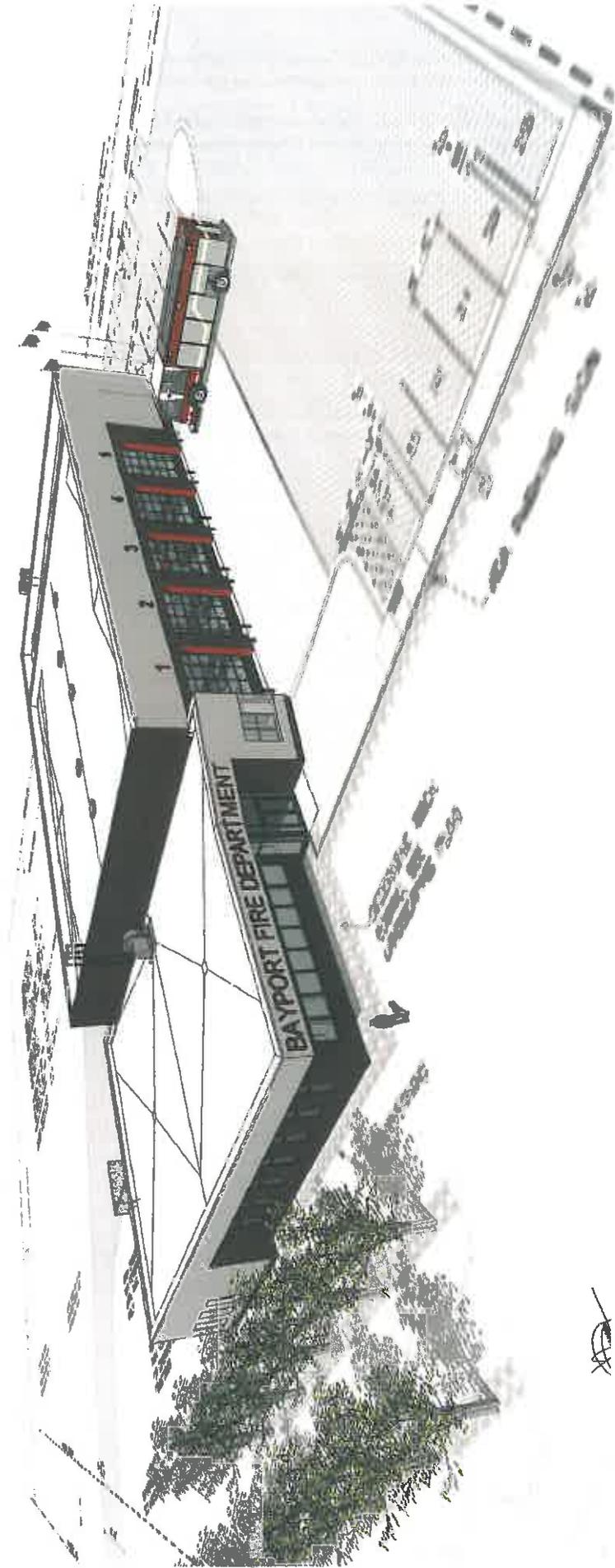
Ann Pung-Terwedo
Senior Planner

Cc: Joe Gustafson, Traffic Engineer
Wayne Sandberg, County Engineer



BAYPORT FIRE DEPARTMENT, BAYPORT, MN

LEO A DAILY

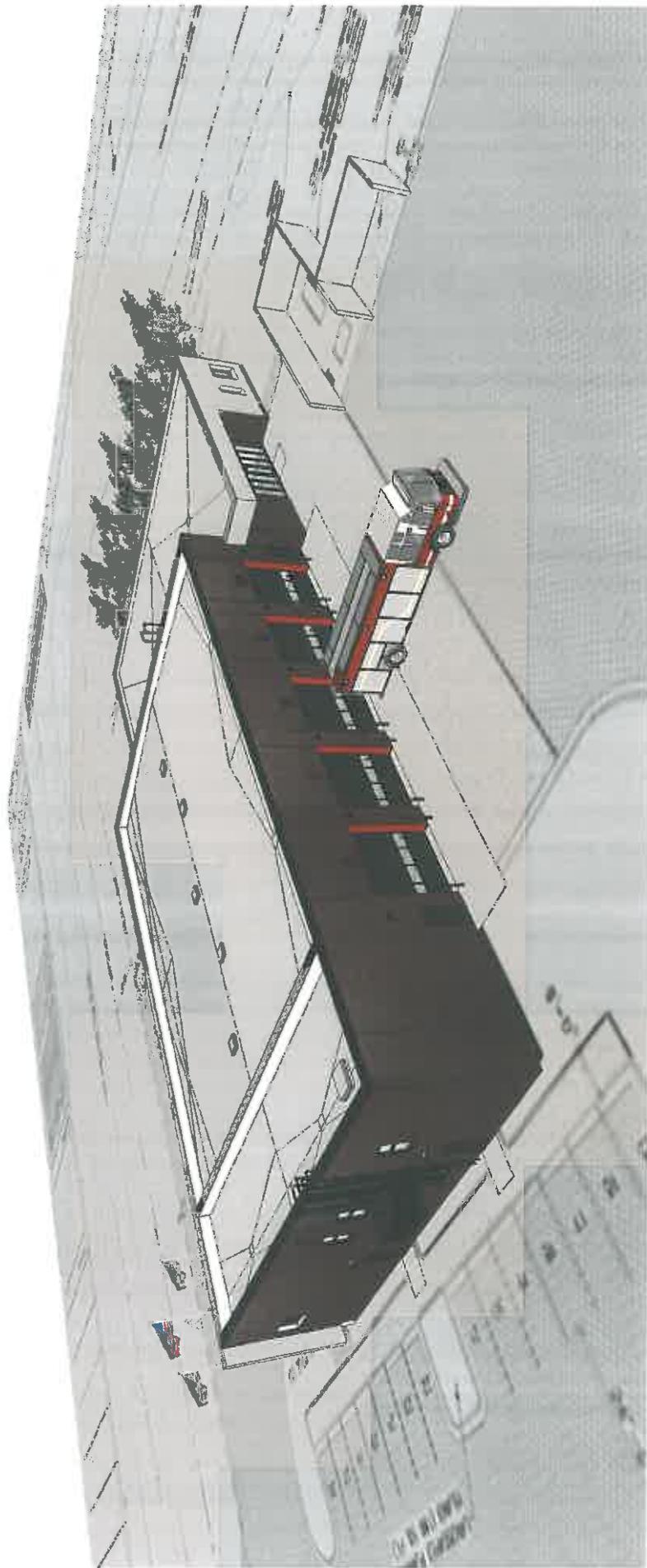


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BAYPORT FIRE DEPARTMENT, BAYPORT, MN

LEO A DALY



BAYPORT FIRE DEPARTMENT, BAYPORT, MN

LEO A DALY