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- 5 1. **CALL TO ORDER** – Chair Kris Kopitzke called the meeting to order at 7:02 PM
- 6
- 7 2. **PLEDGE OF ALLEGIANCE** – was recited.
- 8
- 9 3. **ROLL CALL** – Present: Chair Kris Kopitzke, Lucia Wroblewski, Mark Nelson, Roger Bowman, Sally
- 10 Doherty, Justin Sykora, James Langan, Annie Perkins. A Quorum was present. Absent was Scott Patten
- 11 (excused).
- 12 **ALSO IN ATTENDANCE** – City Council member Joe Richter, City Administrator Ron Moorse, City Clerk
- 13 Julie Yoho
- 14
- 15 4. **APPROVAL OF AGENDA** –
- 16 **Motion/Second: Wroblewski/Nelson to approve agenda. Passed 8-0.**
- 17
- 18 5. **APPROVAL OF MINUTES** –
- 19 A. May 7, 2018
- 20 **Motion/Second: Wroblewski/Langan To approve the minutes of the May 7, 2018 Planning**
- 21 **Commission meeting with changes noted. Passed 8-0.**
- 22
- 23 6. **REPORTS AND PRESENTATIONS** – none
- 24
- 25 7. **PUBLIC HEARINGS** –
- 26 A. Afton Marina & Yacht Club Inc. Application for a Conditional Use Permit for a Restaurant at 16071 31<sup>st</sup>
- 27 Street
- 28
- 29 Chair Kopitzke opened the public hearing at 7:05 pm.
- 30
- 31 Administrator Moorse provided the following summary:
- 32 The Afton Marina and Yacht Club, Inc. has requested approval of a conditional use permit to allow the
- 33 establishment of a seasonal restaurant upon its marina site located at 16071 31<sup>st</sup> Street South. The
- 34 restaurant is proposed to occupy 2,700 square feet of an existing boat and slip repair building which
- 35 measures approximately 9,400 square feet in size. Specifically, the restaurant would occupy the eastern
- 36 portion of the building which is provided views of adjacent St. Croix River.
- 37
- 38 City Planner Bob Kirmis gave a summary of his report. He pointed out that the primary issue is the access
- 39 from 32<sup>nd</sup> St. Alternative accesses discussed in the report are not supported by the marina.
- 40 Brad Aho, Afton Marina Treasurer, provided background information on the marina and the proposed
- 41 restaurant. They would like to have a second entrance for safety.
- 42 John, Lumberyard Pub. Stated he will work with Windmill to address their concerns as much as possible.
- 43 He expects different spikes in traffic, along with foot and boat traffic coming in to restaurant. He said the
- 44 parking lot could be closed to vehicles during peak boat launch times.
- 45 Rich, Attorney for Windmill Marina. Stated they are opposed to the CUP and the proposal. Windmill
- 46 maintains that portion of 32<sup>nd</sup> Street as a boat launch area, not public road. Afton marina is proposing to use
- 47 private roadway. For 50 years the access off 31<sup>st</sup> street has worked for Afton marina; they can access off
- 48 their own property. 32<sup>nd</sup> street is the busiest street in Afton. A full traffic study is needed. There also is a
- 49 gas tank and holding tank on the border.
- 50 Joe, Windmill Marina, spoke against the CUP and described typical traffic patterns and congestion. They
- 51 have an agreement to operate the boat launch for the community. Provided photos showing traffic
- 52 congestion. Noted that 32<sup>nd</sup> street goes at an angle toward the river.
- 53 Bev Aho, Afton Marina. Spoke in support of the CUP. Stated they are requesting to use the public right of
- 54 way.

55 Tamara Peterson, Afton Marina. Spoke in support of the CUP request. Windmill could reverse traffic circle  
56 flow to help ease congestion.  
57 DeDee Armstrong, local resident. Stated that this will impact on the people living here in town.  
58 Ted, Windmill Marina asked if the road is capable of handling additional traffic? When would study be  
59 available?  
60 City Engineer Nick Guilliams replied that counts were done over Memorial Day; but need to be analyzed.  
61 Ted asked about drainage  
62 Guilliams replied that as part of design they will need VCWD and culvert permits. Traffic study not complete  
63 yet.  
64 Glen Bowman, Afton Marina, stated that a preliminary study done for the culvert is in progress.  
65 Joe, Windmill Marina, stated they have paid for maintenance and improvements for past 40 yrs. on that road.  
66 Brad Aho, Afton Marina, spoke in support of the second access road.  
67 Kevin Kelling Afton Marina; spoke in support of the CUP.  
68 DeDee Armstrong stated her specific concerns are regarding traffic and parking.  
69 Beth Nelson, 2990 Itasca Ave S. St Mary's Point; asked about impervious surface next to the river and how  
70 the runoff will be mitigated.  
71  
72 **Motion/Second Doherty/Bowman To close public hearing. Passed 8-0.**  
73  
74 Public hearing closed at 8:23pm  
75  
76 Wroblewski asked why hasn't Afton Marina addressed a different access point, or fixed the gate if it doesn't  
77 function well? Why is there no alternative? Questions on traffic estimates? Getting a CUP isn't a right,  
78 concerns have to be mitigated. (no answers provided for the questions)  
79 Nelson asked what kind of road we need on 32<sup>nd</sup> for cars to pass boat traffic to get into driveway.  
80 Guilliams replied that it is a 2-way street. Vehicles would have to wait in line or illegally pass. Road would  
81 remain 2-way traffic.  
82 Perkins stated that the 32<sup>nd</sup> St photos had boats parked along it. It was not being used as a 2 way road. CUP  
83 requires 32<sup>nd</sup> St to be sufficient to accommodate increased traffic. A formal traffic study is needed.  
84 Kopitzke stated that it is a city street built to standards, but it is not used as a normal road. Public street, yet  
85 not used as public street.  
86 Administrator Moorse stated that it is a public ROW, the public has a right to use. The marina agreement  
87 indicates hasn't operated as a public street; also the ROW is at an angle, road becomes private as you head  
88 toward the river.  
89 Perkins asked why are options B & C in the planning report off the table? They have 34 acres to work with  
90 and can modify the entrance. (no answer)  
91 Bowman stated he hasn't heard a good explanation on why the other entrance won't work. How much traffic  
92 is too much on 32<sup>nd</sup>? Also consider the pedestrian traffic impacts. The restaurant mentioned closing the  
93 parking lot at peak times – a parking lot is required for a CUP.  
94 Sykora agreed that closing the parking lot isn't going to work.  
95 Bowman stated he doesn't see a solution  
96 Doherty stated she sees it as a land locked parcel. Same ownership but different parcels. Could approve CUP  
97 with conditions for the city to figure out how to do it safely, complete traffic study and work with both  
98 marinas.  
99 Bowman asked about timing. (Mid July is 60 days)  
100 Doherty stated she would move to recommend approval of the CUP with conditions listed. It is an approved  
101 use and no variance is needed.  
102 Kopitzke asked about the responsibility for the kitchen equipment if owners change. (CUP is to the lease  
103 holder. It is a DNR requirement that the kitchen equipment be removable)  
104 Bowman asked about light pollution if there is a wall of windows facing the river. (Seasonal restaurant, not  
105 open in the winter. Lighting will not be bright when open).  
106 Wroblewski asked why can't the entrance come in from the other way?

107 Brad Aho answered that it was considered and needs 2/3 majority to approve change in marina bylaws. The  
108 gate isn't wide enough and is not designed to be public.  
109 Perkins asked about the marina bylaws; if the restaurant benefits the marina, they should be easy to change.  
110 Aho replied that it is private property, the members buy in and have right to use the private property.  
111 Perkins asked about the driveway application that was submitted in December. Moose replied that it was  
112 submitted then rolled into this application.  
113 Doherty asked about food equipment design. (Full service restaurant with equipment that can be removed  
114 in event of flood if necessary.)  
115 Bowman asked about outside dining or bar service? (There will be none outside)  
116 Langan asked if the CUP is approved and parcel is sold off, is the CUP transferable? Does it go with  
117 property? Moose replied that it is a restaurant CUP and goes with the property. New owners would need  
118 to meet all conditions.  
119 Langan stated that in the future he could see that parcel being be sold off  
120 Doherty asked that if it is sold, does that change any of the requirements of conforming to the ordinance?  
121 Bowman asked if a CUP can be seasonal? (Application is for seasonal use)  
122 Wroblewski asked if the CUP can be approved with conditions or denied with no conditions. What is the  
123 best way to approach?  
124 Kirmis replied it is best to add more conditions. There is nothing about seasonal use right now.  
125 Kopitzke noted there is nothing about seasonal use as a condition right now.  
126 Doherty added she would not recommend putting seasonal use as a condition.  
127

128 **Motion/Second Doherty/Kopitzke To recommend approval of the Conditional Use Permit for a**  
129 **restaurant at 16071 31<sup>st</sup> St with 14 conditions provided below, plus additional.**

- 130 1. The Planning Commission provide recommendation and the City Council determine the preferred  
131 access location to the restaurant site (32<sup>nd</sup> Street South, 31<sup>st</sup> Street South or a combination thereof which  
132 corresponds to peak demand times).
- 133 2. The following access-related conditions shall apply:
  - 134 A. All recommendations of the City Engineer related to driveway and/or street improvements and  
135 traffic analysis/traffic management shall be satisfied.
  - 136 B. Any costs associated with the improvement of 32<sup>nd</sup> Street South, if required, shall be borne by the  
137 applicant.
  - 138 C. If a new access to 32<sup>nd</sup> Street South is deemed acceptable by City Officials, such access shall be  
139 subject to driveway permit processing.
  - 140 D. An opportunity shall be provided for emergency vehicles to access the restaurant site from 32<sup>nd</sup>  
141 Street South.
  - 142 E. Project development plans shall be modified as necessary to reflect the approved site access  
143 location (or locations).
- 144 3. Information be provided by the applicant which documents the exterior building appearance of the  
145 restaurant and related finish materials.
- 146 4. The City Engineer and/or Washington County Department of Public Health provide comment and  
147 recommendation regarding the adequacy of existing well and septic systems and any modifications  
148 which are necessary to accommodate the proposed use.
  - 149 A. Conform with city's and county's recommendation on connecting to city sewer
- 150 5. The applicant provide proof to the City that new boat slips have been approved by the official  
151 governing authority and are to be legally established.
- 152 6. City Officials find the proposed hours of restaurant operation (11:00 am to 10:00 pm, seven days a  
153 week) to be acceptable.
- 154 7. All newly erected site signage shall comply with the applicable provisions of Section 12-210 of the  
155 Zoning Ordinance, be subject to review by the City's Design Review/Heritage Preservation  
156 Commission and be subject to sign permit.
- 157 8. The submitted site plan shall be modified to identify a trash handling area. The trash handling area  
158 shall be located such that it will be accessible to refuse pick-up vehicles.

- 159 9. Trash handling receptacles shall be located in an enclosure such that they are screened from view of  
160 public rights-of-way and neighboring properties.  
161 10. The site plan shall be modified to identify a loading area which provides ample maneuvering space for  
162 delivery vehicles.  
163 11. The amount of impervious surface coverage upon the subject site shall not be increased.  
164 12. Outdoor dining activities shall not be allowed except via the processing of a conditional use permit  
165 amendment.  
166 13. Issues related to site grading and drainage shall be subject to comment and recommendation by the  
167 City Engineer, including water quality best management practices.  
168 14. Comments of other City Staff.  
169 15. DNR approval must be received for intended use including all aspects and implementation relative to  
170 runoff containment  
171 16. Lighting must conform with Afton ordinances, the DNR, and relevant river organizations.  
172

173 Discussion

- 174 Doherty stated that the 3 big issues are traffic management, that all costs be borne by the applicant, and that  
175 the new access is deemed acceptable subject to driveway permit.  
176 Bowman stated that we are making a decision without full information on traffic due to time constraints.  
177 Sykora stated that the other options have not been fully explored. This is an approved use, but other options  
178 need to be explored.  
179 Kopitzke stated that it doesn't require a variance, and it is a public street.  
180 Doherty agreed that there are other ways to solve the problem, but this is a separate parcel that has rights  
181 Perkins pointed out that no variance is required, as long as 32<sup>nd</sup> street can accommodate the traffic  
182 Kopitzke stated that Windmill Marina can't block a public street from other uses  
183 Nelson stated that the motion should be phrased as a recommendation to the council. Doherty accepted.

184 **Motion Vote**

- 185 **4 Aye, 4 Nay. Split recommendation goes to council.** (Doherty, Nelson, Koptizke, Perkins Aye; Langan,  
186 Wroblewski, Sykora, Bowman Nay)  
187

- 188 B. Ordinance 01-2018, An Ordinance Amendment regarding allowed uses, design standards, landscape  
189 requirements and exterior storage in the City's Industrial zones (I1-A, I1-B and I1-C)  
190

191 Administrator Moorse provided the following summary: The ordinance amendment reflects revisions to  
192 the list of uses allowed in the Industrial zones, clarifying exterior storage regulations, and updating design  
193 standards and landscape requirements, based on feedback from both the Planning Commission and City  
194 Council.  
195

196 Chair Kopitzke opened the public hearing at 9:06 pm

197 No comments were received

198 **Motion/Second Doherty/Wroblewski To close public hearing. Passed 8-0.**

199 Public hearing closed at 9:07 pm  
200

201 Perkins stated we should require pollinator friendly plantings and non-turf grass rather than recommend.  
202 Moorse stated that the planning commission can recommend and bring to the council. He will look into  
203 existing guidelines.

204 Sykora asked about allowing fuel storage tanks, and that not allowing may limit uses too much.

205 Bowman asked about height and setback requirements, change setback to 10'.

206 Moorse stated there is a 35' setback now

207 Discussion over heights

208 **Motion/Second Nelson/Wroblewski To recommend the City Council to approve the ordinance  
209 amendment with changes discussed.**

210 Discussion

211 Langan stated that an interior height of 40' interior is recommended.  
212 Sykora stated he would recommend 25% for natural habitat plantings.  
213 Perkins stated it could be written as "natural habitat as defined by xx".  
214 Doherty stated that it may be hard to come up with specs for stronger terms about native plantings, have staff  
215 look into recommendations. Friendly amendment / accepted.

216 **Motion Vote 8-0**

217

218 **8. NEW BUSINESS - none**

219

220 **9. OLD BUSINESS –**

221 A. Update on City Council Actions

222 1. Council highlights from the May 15, 2018 Council meeting

223 Council member Richter provided a summary of the Council meeting.

224

225 **10. ADJOURN**

226 **Motion/Second Langan/Wroblewski To adjourn. Passed 8-0.**

227

228

229 Meeting adjourned 9:33pm

230

231

232 Respectfully submitted by:

233

234 JY

235 Julie Yoho, City Clerk

236

237

238 **To be approved on July 9, 2018 as (check one): Presented: \_\_\_\_\_ or Amended: X**