



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING City Hall - Council Chambers March 9, 2009 – 6:00 p.m.

A. CALL TO ORDER

B. SWEARING IN OF NEW MEMBERS PAM HOYE AND DAN GOLDSTON

C. ELECTION OF VICE CHAIRPERSON

D. APPROVAL OF MINUTES

- **October 20, 2008 regular meeting**

E. PUBLIC HEARINGS

- **Consider a request for a conditional use permit (CUP) to allow five designated parking stalls to be used for overnight, outdoor storage of customer vehicles during non-business hours, for a proposed transmission and auto repair business, located at 120 3rd Street South**

F. OLD BUSINESS

G. NEW BUSINESS

H. GENERAL INFORMATION

I. OPEN FORUM

J. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
OCTOBER 20, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Chairman Mabie called the regular Bayport Planning Commission meeting of October 20, 2008, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Chairperson Tom Mabie, Commissioners David Levy, Judith Seeberger and Ron Wolfe

Commissioners Absent: Commissioner Jennifer Schneider

City Staff Present: Assistant City Administrator/Planner Sara Taylor, Engineer Barry Peters, City Council Liaison Sharon Ridgway

APPROVAL OF MINUTES

It was moved by Commissioner Levy and seconded by Commissioner Wolfe to approve the September 15, 2008 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South: Assistant Administrator/Planner Taylor reviewed a variance application to provide off-street parking for a proposed two-story office/retail building at the intersection of Highway 95 and 1st Avenue South. The new building would contain an office for the applicant's construction business, with tentative other uses being additional office space, retail space, and a coffee shop or deli style restaurant. All proposed uses are permitted in the B-2 Central Business district, and all building and parking area setbacks would be met. Staff estimates the required number of parking stalls for the site from 15 to 50, based on the tentative uses. The applicant's proposal includes 26 off-street parking stalls for employees and customers. The proposal also includes a six-foot privacy fence along the west property line, a rain garden, a dumpster enclosure and hooded, down-lit lighting. Staff believes the hardship criteria for a variance from off-street parking requirements has been met due to the unique lot configuration and that the majority of existing businesses within the central business district utilize on-street parking as the primary source of parking. Additionally, a reduction in off-street parking requirements for recent redevelopment sites in the zoning district has not had a negative impact. The applicant has worked with staff to comply with the city's parking requirements and has indicated a willingness to provide additional parking off-site, if needed. Staff recommended approval of the variance to allow 26 off-street parking stalls onsite, subject to the conditions of approval as listed in the staff report, with the potential for two additional stalls, if the City Council grants a proposed street vacation at their November meeting. Notice of the public hearing was published in the Stillwater Gazette and mailed to all property owners within 350 feet of the property, and no public comments were received prior to tonight's meeting.

The public hearing was opened by Chairperson Mabie and the following individuals were heard:

Dave Ness, Jr., 232 4th Street North, believes there is a safety concern with cars parking along Highway 95, and questioned whether no parking signs would be required in the area.

Applicant Jeff Hause, J.G. Hause Construction, Inc., stated he does not anticipate employee/customer parking along Highway 95. He noted a permit from MnDOT would be required for access into the parking lot, with striping for a left turn lane. He anticipates four parking stalls would be needed for his employees and indicated several site plans were generated in an attempt to meet the required off-street parking requirements. The median roof line would be 28 feet, and the building would exceed the required setback from the front property line.

Commissioners voiced concern with traffic to and from Highway 95 and the proposed left turn lane, and Planner Taylor indicated the applicant and staff would pursue these concerns with MnDOT should the parking variance be approved. Commissioner Levy had a concern with visibility if cars are parked on both sides of 1st Avenue South and the need to slow traffic down in the area to realize a safe turn into the property.

Richard Hayner, 239 1st Avenue South, stated the corner of 1st Avenue South and Highway 95 is a dangerous corner due to visibility issues with parked vehicles in the current lot. Engineer Peters indicated the proposed parking area and building layout should not impede visibility at the intersection, and it was noted the building meets all setback requirements.

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

Engineer Peters indicated the city can place no parking signs on 1st Avenue South, as needed, to ensure visibility at the corner of 1st Avenue South and Highway 95.

It was moved by Commissioner Levy and seconded by Commissioner Wolfe to recommend to the City Council to approve a variance from off-street parking requirements for a proposed office/retail building at 174 3rd Street South, with a minimum of 26 parking stalls to be included in the initial construction of the project, with two additional stalls should the street vacation be approved, in accordance with the approved site plan, and a review of traffic and parking safety issues on city streets related to the outlet on 1st Avenue South. Motion carried.

The variance and street vacation requests will be addressed at the November 10, 2008 City Council meeting.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

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

MEMORANDUM

DATE: February 24, 2009

TO: Planning Commission (March 9th meeting)
Mike McGuire, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a request for a conditional use permit (CUP) to allow five designated parking stalls to be used for overnight, outdoor storage of customer vehicles during non-business hours, for a proposed transmission and auto repair business, located at 120 3rd Street South

A. *BACKGROUND*

The property is located at 120 3rd Street South and is legally described as the east one-half of Lots 10-12, Block 71 Bayport, Washington County, Minnesota. The parcel contains an existing commercial garage/office and a paved parking lot, which were previously used for an outdoor auto sales business. The property is zoned B-2 Central Business and is surrounded by a combination of residential and commercial uses.

Gordy and Suzanne Tellinghuisen, applicant and prospective property owners, plan to open a transmission and auto repair business, which is a permitted use within the zoning district. In conjunction with this use, the applicant would like to designate five parking stalls on the property to be used for overnight, outdoor storage of customer vehicles during non-business hours. City code requires that outdoor storage within the B-2 zoning district be regulated by a CUP. Therefore, the applicant is requesting a CUP for outdoor storage, in conjunction with the proposed, permitted transmission and auto repair use.

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 February 23, 2009. The following informational items are attached.

- narrative by the applicant
- site plan of the property with proposed outdoor storage/parking area
- photos of the existing property

B. *STAFF COMMENTS*

In 2004, this property received some major updating, as part of a CUP and variance request, to use the property for outdoor auto sales. In the past year, the auto sales use has been discontinued and the property has been listed for sale. As stated above, the prospective property owners would like to open a transmission and auto repair business on the site. The proposed use is permitted within the B-2 zoning district. However, in conjunction with this use, the applicant would like to designate five parking stalls to be used for overnight, outdoor storage of customer vehicles during non-business hours, which requires a CUP.

To ensure the use will be compatible with the surrounding neighborhood, all repair work associated with the business will be conducted within the existing garage/office building, with the exception of occasional storage of automobiles waiting to have work completed or waiting to be picked up by customers. General operating hours will be 8:00 a.m. – 6:00 p.m. Monday – Friday and 8:00 a.m. – 12:00 p.m. on Saturday and Sunday.

As part of the business plan, the applicant is proposing to complete some minor remodeling to the interior of the existing building. However, the floor plan will continue to accommodate four repair stalls, one of which will be utilized as an office space for the business. No modifications to the existing parking lot are planned, with the exception of designating the five parking stalls for outdoor storage of customer vehicles after business hours, as well as employee and customer parking stalls. Additional landscaping is also proposed, to comply with the city code requirement that landscaping improvements equal to 1% of total project cost be installed on the property

Because the property was recently updated, and has been maintained in good condition since these updates, staff feels that the property is in compliance with the performance standards set forth by city code. The paved parking lot that was installed in 2004 will easily accommodate the parking demands for the proposed business and outdoor storage. In addition, because repair activity will be contained within the building, the proposed use will be compatible with the surrounding neighborhood.

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 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.

After reviewing the property and proposed project, staff feels that the parking area for overnight, outdoor storage of customer vehicles during non-business hours, in conjunction with the transmission and auto repair business, would be compatible with the zoning for the property and the overall neighborhood. However, to comply with regulations set forth by city code, and minimize the impact on the surrounding neighborhood, staff recommends the following conditions of approval.

- The five (5) designated parking stalls to be utilized for overnight, outdoor storage of customer vehicles during non-business hours shall be located along the west side of the parking lot and screened at all times by a solid 6 foot privacy fence. The stalls shall be striped and posted for such use.
- There shall be a minimum of three (3) parking stalls designated for employee parking. The stalls shall be striped and posted for such use.
- There shall be a minimum of one (1) customer handicap parking stall. The stall shall be striped and posted for such use.
- To minimize the impact to surrounding properties, the applicant shall make an effort to store customer vehicles inside the building during non-business hours, when feasible, rather than storing/parking the vehicles in the designated outdoor storage area.
- All customer vehicles parked/stored in the outdoor storage area must be licensed and operable. No vehicle shall be parked within this outdoor storage area for more than seven (7) days.
- A landscaped yard shall be maintained between the parking lot and the public right-of-way.

- ❑ General hours of operation shall be 8.00 a.m. – 6.00 p.m. Monday – Friday and 8:00 a.m. – 12:00 p.m. on Saturday and Sunday. The business shall not be open to the public outside of the established hours of operation
- ❑ 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 CUP to allow five designated parking stalls to be used for overnight, outdoor storage of customer vehicles during non-business hours, for a proposed transmission and auto repair business, located at 120 3rd Street South. 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 request for City Council consideration. The City Council will consider the request at its meeting on April 6, 2009.

Gordy Tellinghuisen
2541 Harvester Ave. East
Maplewood, Minnesota 55119
651 528 8566
651 324 1684 (mobile)

February 3, 2009

Sara Taylor
Assistant City Administrator/Planner
294 N. Third
Bayport, Minnesota 55003

Subject: Conditional Use Permit

Dear Ms. Taylor:

This is in reference to our conversation in regard to obtaining a conditional use permit for customer overnight parking at the property located at 120/122 Third Street South in Bayport..

The proposed area for overnight parking is on the west side of the parking lot, along the fence line.

Daytime customer and handicap parking shall be on the east side of the parking lot and employee parking on the north end of the lot.

I appreciate and fully understand the Cities concern regarding the appearance of this property.

I assure you, that as a professional I am fully aware of the necessity of maintaining a business in a neat, clean and orderly condition.

Thank you for your assistance in this matter.

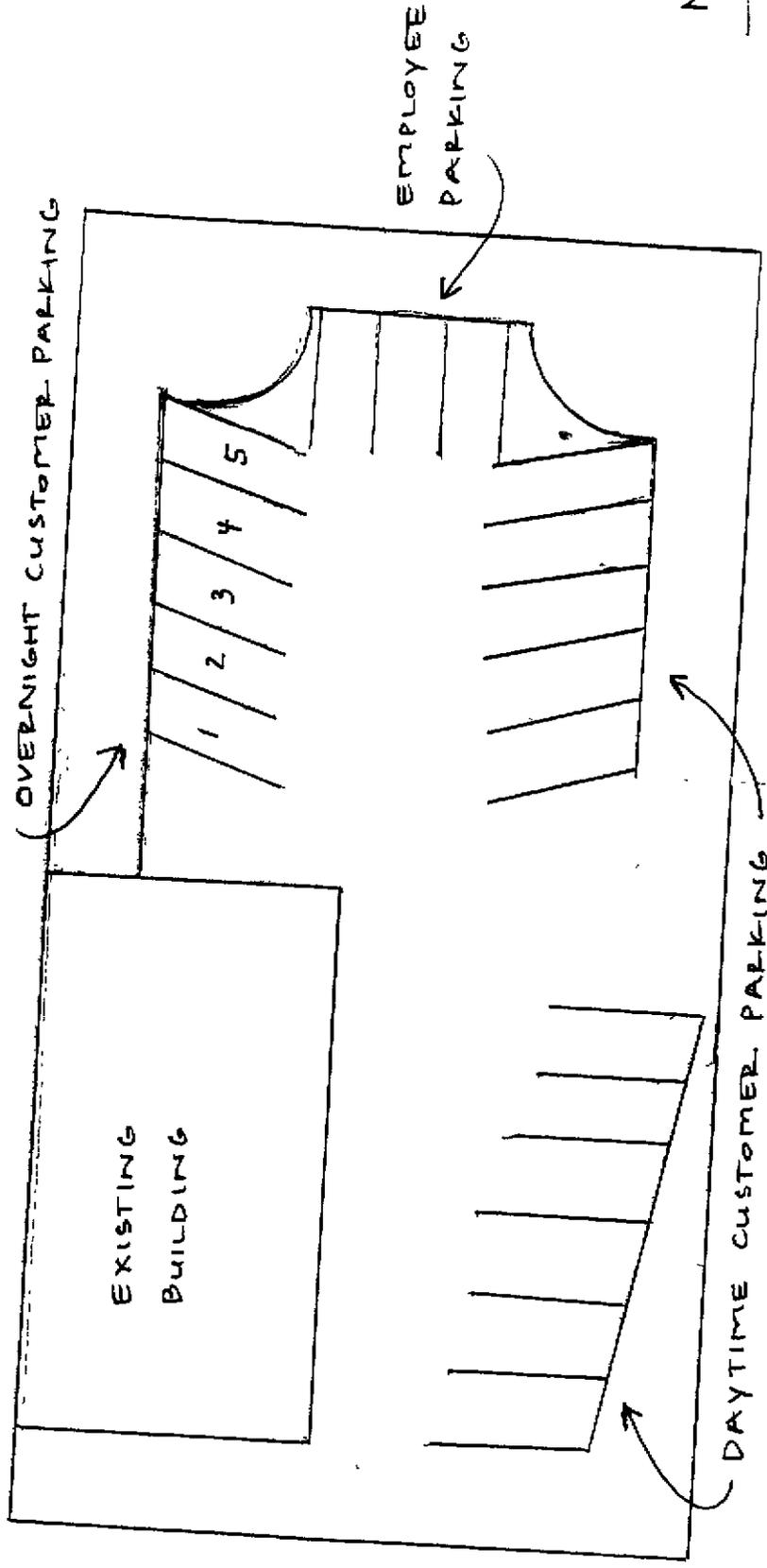
Sincerely,

Gordy Tellinghuisen

A handwritten signature in black ink that reads "Gordy Tellinghuisen". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

CENTRAL AVE

N



120 3RD STREET

