

**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 3<sup>rd</sup> 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 1<sup>st</sup> 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 4<sup>th</sup> 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 1<sup>st</sup> Avenue South and the need to slow traffic down in the area to realize a safe turn into the property.

Richard Hayner, 239 1<sup>st</sup> Avenue South, stated the corner of 1<sup>st</sup> 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 1<sup>st</sup> Avenue South, as needed, to ensure visibility at the corner of 1<sup>st</sup> 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 3<sup>rd</sup> 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 1<sup>st</sup> 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.