

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 17, 2010
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Vice Chairperson Goldston called the regular Bayport Planning Commission meeting of May 17, 2010 to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Dan Goldston, Pam Hoye, and Jennifer Schneider

Commissioners Absent: David Levy and Tom Mabie

City Staff Present: City Administrator Mitch Berg, Council Liaison Judy Seeberger, Assistant City Administrator/Planner Sara Taylor and City Attorney Mark Vierling

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

It was moved by Commissioner Schneider and seconded by Commissioner Hoye to appoint Dan Goldston as Chairperson of the Planning Commission for a term of two years, or until his term expires. Motion carried.

It was moved by Commissioner Schneider and seconded by Commissioner Goldston to appoint Pam Hoye as the Vice Chairperson of the Planning commission for a term of two years, or until her term expires. Motion carried.

APPROVAL OF MINUTES

It was moved by Commissioner Schneider and seconded by Commissioner Hoye to approve the February 16, 2010 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Public hearing to consider a request for an amendment to the B-1 Limited Business zoning district and a conditional use permit (CUP) to allow a limited transit vehicle storage facility at 204 2nd Avenue South: Planner Taylor noted city records indicate that this corner parcel has been referred to as both 2nd Avenue South and 2nd Street South. To be consistent with Washington County records, the address of record going forward will be 2nd Avenue South. The property is zoned B-1 Limited Business and is surrounded by light commercial/industrial businesses and residential properties. Approximately one month ago, it was brought to the city's attention that the applicant was leasing the property and operating a limited transit vehicle storage facility, which is not permitted by city zoning code. The applicant and property owner were notified that in order to permit such use, they would need to obtain an amendment to the zoning code and a conditional use permit for the property. If approved, the applicant intends to purchase the property and continue the use long-term. Planner Taylor noted the previous business at the site, a truck repair shop, generated multiple complaints from residents, as well as ongoing code violations related to the business, and led to the rezoning of the property to Limited Business. The proposed use is for a "dial-a-ride" service in which small or mid-size buses and/or passenger vans are dispatched for on-demand transportation. The existing metal garage storage building would house a small office area, as well as storage for the vehicles. The general operating hours would be 5:00 a.m. to 8:00 p.m., Monday through Friday, and the majority of the activity would be contained within the building.

Planner Taylor reviewed required property maintenance improvements, including possible hookup to city sewer. Staff believes a limited transit vehicle storage facility would be compatible as a conditional use within the B-1 zoning district and recommends approval of the application and the conditions listed in the staff report, with changes noted to the hours of operation and vehicle passenger loads. Staff received two comments from adjacent property owners supporting the proposed use. Commissioner Levy's comments/concerns regarding property maintenance, outdoor storage/parking, and traffic routes were noted. Notice of the public hearing was published in the Stillwater Gazette and mailed to all property owners within 350 feet of the property.

Discussion followed on the timeline for the required improvements and it was noted the applicant is planning on purchasing the property this fall. Commissioner Schneider believes the current owner should take care of some of the improvements this summer, particularly weed and scrub vegetation removal. She also expressed concern with potential fire department issues. Planner Taylor indicated the project is not subject to a full plan review at this time since no changes are proposed to the building or parking areas; however, Attorney Vierling indicated the Planning Commission or City Council could require fire and building inspections as part of the CUP approval. Planner Taylor stated the building official would work with the applicant regarding the need for sprinkling the building and she will follow-up with the fire chief to determine if his department has any concerns with the application. Commissioner Goldston questioned whether the property had been tested for hazardous waste, given the past use of the property. Planner Taylor indicated hazardous waste would be evaluated by Washington County as part of the septic system inspection required as part of the sale of the property. She stated staff is not recommending vehicle maintenance as part of the approval, since this was not part of the applicant's original proposal and has not been addressed in the staff report.

Applicant Matt Liveringhouse, CEO of Midwest Paratransit Services, Inc. stated it would be essential for his business to be able to perform minor vehicle maintenance in the building, including oil changes and brake work. Complex maintenance/inspection at the 30,000-mile and beyond schedule would be performed at another facility. He expressed concern with selling the building in the future with a restricted zoning use for a building designed for automotive functions. Attorney Vierling explained that a CUP runs with the property, and a future owner would be able to use the property in the same manner within the confines of the permit as issued. Commissioner Hoye questioned allowing vehicle maintenance since residents were not made aware of this requested use. Administrator Berg reviewed staff concerns and suggested postponing the public hearing to allow staff more time to adequately address all concerns. Attorney Vierling stated it would be a judgment call whether the new information presented would warrant a new public hearing. He indicated the public comment period could be kept open until the next Planning Commission meeting or the matter could be passed on to the City Council with recommendation to take further public comment regarding the vehicle maintenance issue. Planner Taylor stated the applicant is aware of the complaints generated by the previous business and does not anticipate similar issues arising with the proposed use. She indicated more stringent conditions could be imposed, if needed, at the time of the annual review of the CUP. Applicant Liveringhouse stated he could take care of removing weeds in the front of the building once he takes ownership; however, he prefers the proposed timeline for other improvements to accommodate his purchase date of the property and to spread out the cost of the required improvements.

Chairperson Goldston opened the public hearing and the following were heard:

Mel Horak, 226 3rd Avenue South, and business owner at 201 2nd Avenue South, stated he wholeheartedly supports the proposed use and believes it is the best use for the property since its

development. He reiterated that the building was designed for truck maintenance and supports the applicant's proposal to perform minor vehicle maintenance inside the building.

Commissioner Schneider noted the challenges of enforcing the CUP for the previous business and supports the applicant's proposed use, including indoor minor maintenance. She recommended a review of the operation by the fire department. Commissioner Goldston believes the proposed use provides a much-needed improvement to an empty building.

It was moved by Commissioner Hoye and seconded by Commissioner Schneider to close the public hearing. Motion carried.

It was moved by Commissioner Hoye and seconded by Commissioner Goldston to recommend to the City Council to approve an amendment to Appendix B – Zoning of the Bayport City Code to allow a limited transit vehicle storage facility as a conditional use in the B-1 Limited Business zoning district. Motion carried.

It was moved by Commissioner Goldston and seconded by Commissioner Hoye to recommend to the City Council to approve a conditional use permit to allow a limited transit vehicle storage facility at 204 2nd Avenue South, with the conditions noted by staff and the additional conditions of allowing minor indoor vehicle maintenance (oil changes, tire replacement/repair, battery and alternator replacement, vehicle inspection) and that the City Council allow additional public comment to be taken at the June 7, 2010 meeting, related to the proposed indoor vehicle maintenance. Motion carried.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Hoye and seconded by Commissioner Goldston to adjourn the meeting at 6:55 p.m. Motion carried.