



# CITY OF BAYPORT

294 NORTH 3<sup>RD</sup> STREET  
BAYPORT, MN 55003

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## **PLANNING COMMISSION MEETING City Hall - Council Chambers January 20, 2009 – 6:00 p.m.**

### **A. CALL TO ORDER**

### **B. SWEARING IN OF NEW MEMBER PAM HOYE**

### **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 the existing garage on the property to be utilized as an elevation method other than fill, to construct a proposed second level addition to the garage, for the purpose of creating a single-family residential dwelling unit located at 9 Point Road**

### **F. OLD BUSINESS**

### **G. NEW BUSINESS**

- **Consider approval of application due dates and meeting calendar for 2009**

### **H. GENERAL INFORMATION**

- **Planning Commission vacancy**

### **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 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.

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# MEMORANDUM

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**DATE:** January 13, 2009

**TO:** Planning Commission (January 20<sup>th</sup> 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 the existing garage on the property to be utilized as an elevation method other than fill, to construct a proposed second level addition to the garage, for the purpose of creating a single-family residential dwelling unit located at 9 Point Road

## **A. BACKGROUND**

The property is located at 9 Point Road and is legally described as Lot 9, Point Addition to Bayport, Washington County, Minnesota. The parcel is approximately 55,000 square feet and is zoned R-1 Single-family Estate. The parcel contains an existing garage that is currently being used for storage by the property owners, who reside at 10 Point Road, but it does not contain an existing residential dwelling unit. The property abuts the St. Croix River to the west and is surrounded by residential homes to the north, south, and east.

Braden Construction has submitted an application for a conditional use permit (CUP), on behalf of the applicant, to allow the existing garage on the property to be utilized as an elevation method other than fill, to construct a proposed second level addition to the garage, for the purpose of creating a single-family dwelling unit. Both the existing garage and the proposed dwelling unit are permitted uses within this zoning district. However, since this property is located within the floodplain, it must also comply with the elevation requirements found within the Floodplain Management Ordinance. Sections 402 and 403 of this ordinance state that all structures must be elevated on fill, so that the lowest floor level is protected from flooding. Since the proposed single-family dwelling will not be elevated on fill and instead will be constructed as a second level addition to the existing garage, the proposed addition requires a CUP.

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 January 6, 2009. The following informational items are attached:

- narrative by the applicant
- survey of the property
- photo of the existing garage
- sketches of the garage and proposed addition

## **B. STAFF COMMENTS**

City code requires that new structures located within the floodplain be elevated on fill, to minimize the exposure of water and potential flood damage to the structure. This property is somewhat unique in that it contains an existing garage structure, which was constructed with masonry floodproof

materials in the year 1991. Rather than demolishing the existing garage, which is of sound construction and in good condition, the applicant is proposing to use the garage as the foundation to elevate the proposed dwelling unit, instead of fill. By utilizing the existing garage, the property owners will be able to eliminate the need for fill, thus preserving many trees on the site, as well as the natural terrain and river views. However, in order to utilize this alternative elevation method, a CUP is required.

As proposed, the floor elevation of the second level dwelling would be 699 feet, which complies with the minimum 693 foot floor elevation for dwelling structures, as required by the Floodplain Management Ordinance. Similar elevation methods were used in the development of the Waterford Condominiums, located adjacent to the Bayport Marina, which have proven to be successful in elevating dwelling structures above flood elevations.

It is the property owner's immediate intent to utilize the second level of the structure as a personal, hobby art studio and/or single-family dwelling. The existing garage portion of the structure will continue to be utilized as a tuck-under style storage space for tools, yard/recreational equipment, and similar items of minimal investment. However, since the lower level of the structure will be prone to frequent flooding, flood vents are required to be installed, to provide hydrostatic relief, to sustain the proposed second level addition, and comply with the Floodplain Management Ordinance.

The proposed second level will be an open floor plan concept and include a bathroom, kitchen, and new septic and well system. Ingress/egress to the second level dwelling area would be accessed solely from an exterior ramp/walkway adjacent to the building. Interior access from the lower level garage area to the second level will not be allowed. Including the proposed cantilevers over the north and south foundation walls of the existing garage, the interior second level dwelling area is 1,980 square feet. An outdoor deck area, which is approximately 532 square feet, is also proposed to cantilever over the west foundation wall, overlooking the river. As proposed, the existing garage and proposed second level dwelling will comply with all impervious coverage requirements and setbacks.

### ***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 second level addition to the existing garage, to create a single-family residential dwelling unit, would be compatible with the zoning for the property and the overall neighborhood. Although an elevation method other than fill is proposed for this project, staff feels that this method will be consistent with other projects within the city (Waterford Condominiums) which have proven to be a successful elevation method and have not had a negative effect on the community. As such, allowing a CUP for the proposed elevation method and second level dwelling may be appropriate. However, to comply with regulations set forth by city code, staff and the Minnesota Department of Natural Resources (DNR) recommend the following conditions of approval:

- The proposed addition to the existing garage structure shall be constructed in compliance with the survey, site plan, and elevation sketches that were provided as part of the CUP application, for the purpose of creating a single-family residential dwelling unit, and maintained in a manner that is compliant with city code.

- ❑ The use of the structure shall be limited to those permitted within the R-1 Single-family Estate zoning district. Use of the structure for commercial, retail, or exhibiting to the public is prohibited
- ❑ A Minnesota licensed structural engineer is required to design the proposed cantilever areas, posts, elevated walkways, and required flood vents associated with the structure, as well as provide documentation that the garage foundation is an appropriate elevation method, an appropriate method of floodproofing, and able to withstand hydrostatic pressure associated with the proposed project.
- ❑ Prior to installation of the proposed well and septic system, plans must be submitted to Washington County Public Health Department for permit review and approval
- ❑ This project may be subject to the review and approval of the Middle St. Croix Watershed Management Organization (MSCWMO). The applicant shall coordinate plan review, permitting, and/or approval directly with the MSCWMO
- ❑ The following items shall be submitted to the city and the DNR for final review and approval
  - land survey
  - site plan
  - construction plan
  - grading/drainage plan
  - vegetative cutting plan (permit required for cutting)
  - site stabilization/erosion control plan
  - landscape plan
  - color swatches for all exterior finishes on structure (must be earth or summer vegetation tone)
  - documentation of approval from a Minnesota licensed structural engineer for project design
  - documentation of approval from MSCWMO
  - documentation of approval and permit for well/septic system from Washington County Public Health Department
- ❑ The project shall meet all requirements of city code, with the exception of the alternate elevation method allowed by the CUP.
- ❑ 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 the existing garage on the property to be utilized as an elevation method other than fill, to construct a proposed second level addition, for the purpose of creating a single-family residential dwelling unit. 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 February 2, 2009.



December 15, 2008

To Whom it may concern,

On behalf of the property owners, Eric & Julia Hynnek, Braden Construction is applying for a conditional use permit to remodel an existing garage at #9 Point Road, Bayport, MN into a single family home/art studio. The Hynneks have spent over a year analyzing different options to create a studio space on this lot. A great deal effort and resources were spent exploring the option of demolishing this garage and building a new studio structure. To make this happen, many trees would be lost and much fill would need to be brought in altering both the terrain and views. Additionally, the building height would have been significantly higher than what is currently proposed. After careful and thoughtful analysis of these options, the Hynneks decided to utilize the existing garage as a foundation and add a second level thereby transforming this building into single-family living and studio space. In order to proceed with this option, they are requesting a conditional use permit.

The existing 1320 sq. ft. garage is a substantial building constructed out of masonry flood proof materials with a floor elevation at 688.64'. Currently, there are no flood vents in this garage space to provide for hydrostatic relief should water levels reach that stage. Part of the scope of work would involve adding these vents as required to bring this garage into conformity. This garage space would continue to be used for storage of yard tools and items like lawn tractors only. The second level is constructed using materials, finishes and an exterior architectural style that is similar to the Hynneks residence on lot 10. The finished floor height of this level is 699.30'. The structure will average approximately 25' above finished grade. The finished living area is 1980 sq. ft.

It is the homeowner's intent to use this building primarily as an art studio space. It will include a bathroom, kitchen, and new septic & well.

1438 7<sup>th</sup> Street  
Houlton, Wisconsin 54082

MN: 651.779.6819 WI: 715.549.6099 Fax: 715.549.6199 [www.BradenConstruction.com](http://www.BradenConstruction.com)

VICINITY MAP



SECTION 10  
RANGE 7 AND 8 T12N, R20W  
WASHINGTON COUNTY, MINNESOTA

**SITE PLAN**  
LOT 9, POINT ADDITION TO BAYPORT,  
CITY OF BAYPORT,  
WASHINGTON COUNTY, MINNESOTA

PLAN HERE-AFTER, FC  
ERIC AND JULIA HYNNEK  
Trustees  
Page 9 of 999

**TRUSTEES DEED**

Document Number: 201807  
Date of Recording: 11/15/2018  
Recording Office: Hennepin County

**BENCHMARK ELEVATION 685.85 FEET NOV 1929**

STATION: 4444  
DATE: 10/10/2017  
MARKER LOCATION:  
IN BAYPORT AT BEACH ON CITY PARK ON W. 1/2 SEC. 10, T12N, R20W, WASH. CO. MINN. NEAR  
JONES IN BAYPORT. ELEVATION OF TOP OF MARKER = 685.85 FEET. MARKER IS A  
CONCRETE PIPER WITH DIAMETER OF 4 INCHES. MARKER IS SET IN A  
CONCRETE FOUNDATION. THE MARKER IS THE NATIONAL STANDARD OF BAYPORT  
BAYPORT.

**NATIONAL OCEANIC ATMOSPHERIC AGENCY**

STATION AREA INFORMATION: ST. CROIX BEACH NOV 1929  
1945 FLOOD = 684.10  
APPROXIMATE FLOOD STAGE = 685.00  
MARKER FLOOD STAGE = 685  
MODEST FLOOD STAGE = 681  
FLOOD STAGE = 687  
DRAINAGE DIRECTION: S. E. A. S.

EXISTING IMPROVEMENTS SURFACE AREA

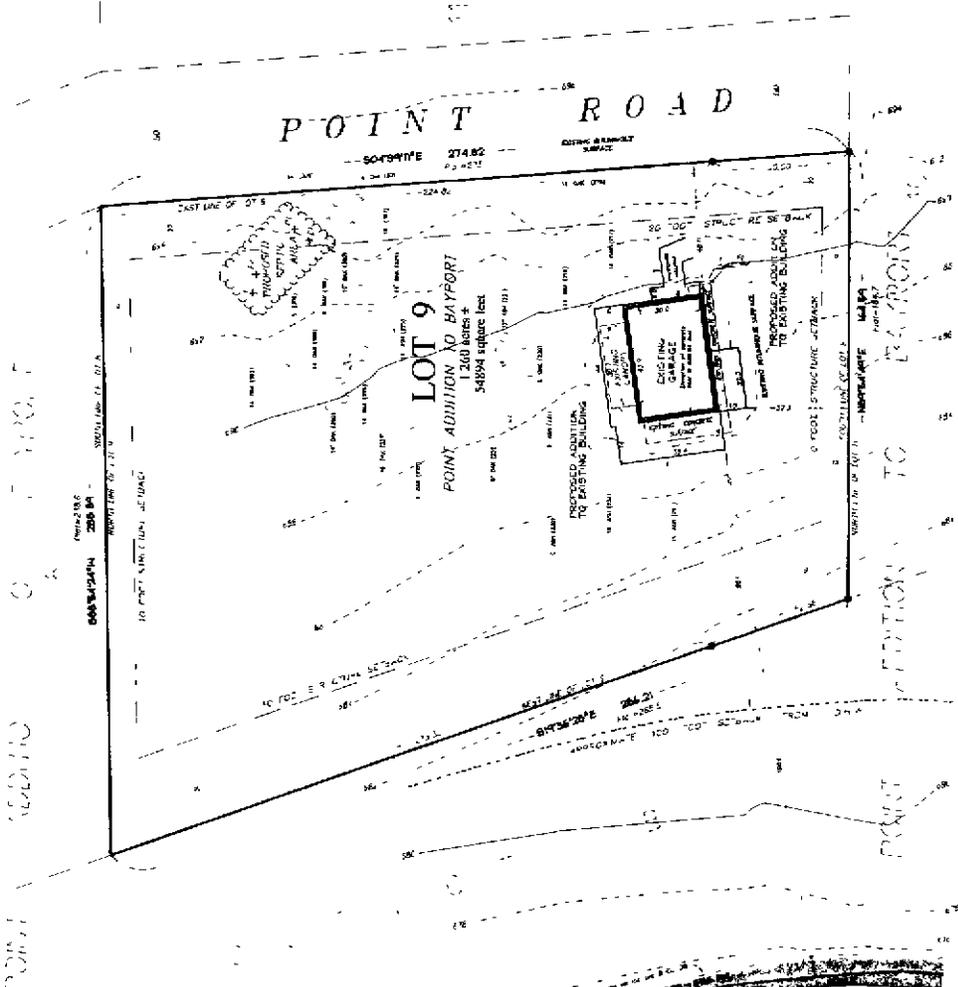
CONCRETE	1.51 sq. feet
GRAVEL	2.78 sq. feet
ASPHALT	4.61 sq. feet
MULCH	1.85 sq. feet
TOTAL	10.75 sq. feet

PERCENT OF PAVING  
CONCRETE: 13.96%  
GRAVEL: 25.84%  
ASPHALT: 42.97%  
MULCH: 17.23%

ADDITIONAL TO IMPROVEMENT SURFACE AREA

Grass	1.51 sq. feet
West side	1.51 sq. feet
East side	1.51 sq. feet
Front side	1.51 sq. feet
Back side	1.51 sq. feet
TOTAL	6.05 sq. feet

DATE: 11/15/2018  
DRAWN BY: J. J. JENSEN  
CHECKED BY: J. J. JENSEN



LAKE ST. CROIX



**LEGEND**

1. Dimensions of this drawing are in feet unless otherwise noted.  
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DESIGNED BY  
J. J. JENSEN  
DRAWN BY  
J. J. JENSEN  
CHECKED BY  
J. J. JENSEN

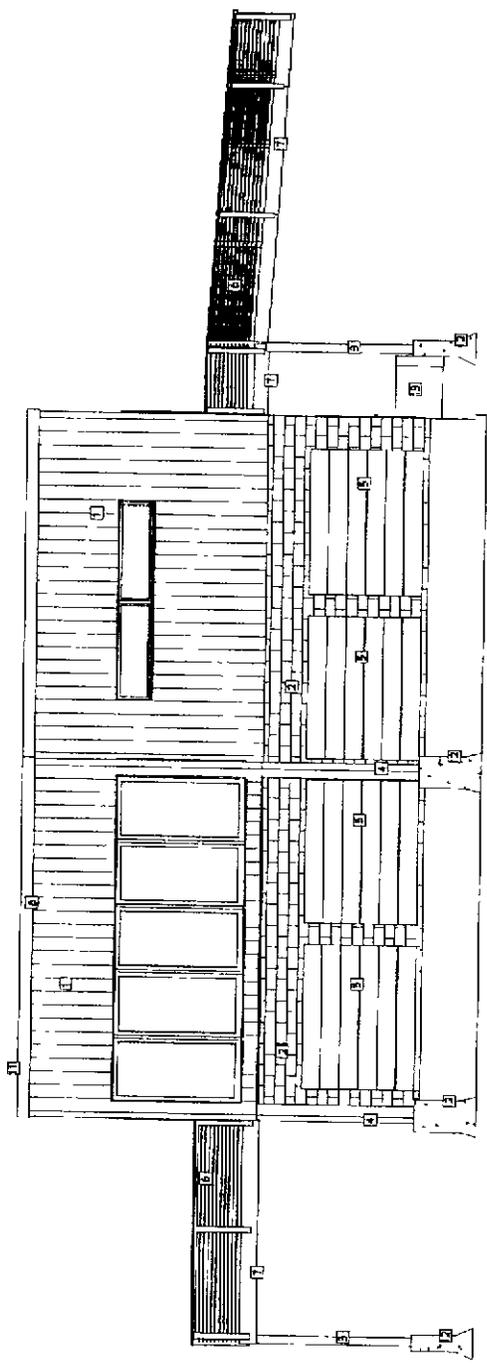
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EXISTING #2

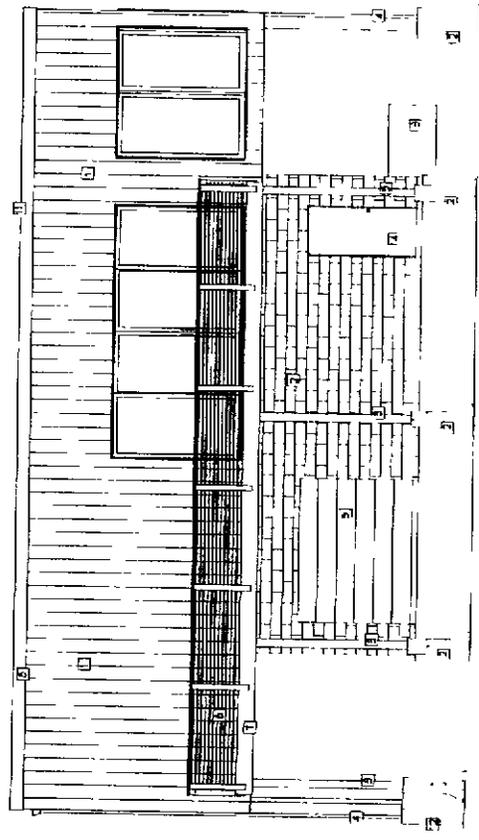


**MATERIAL LEGEND**

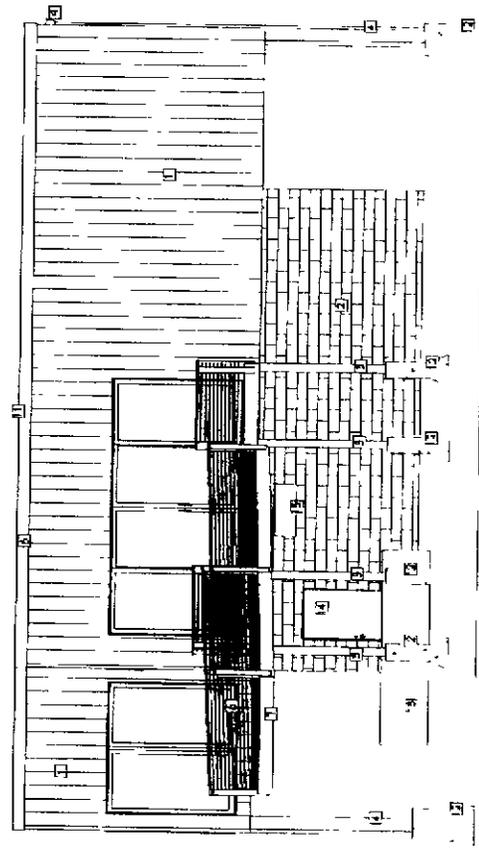
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**SOUTHELEVATION**  
SCALE 1/4" = 1'-0"



**WEST ELEVATION**  
SCALE 1/4" = 1'-0"



**EAST ELEVATION**  
SCALE 1/4" = 1'-0"



# CITY OF BAYPORT

294 NORTH 3<sup>RD</sup> STREET  
BAYPORT, MN 55003

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## DUE DATES AND MEETINGS FOR PLANNING AND ZONING APPLICATIONS IN 2009

<i>Due date for application/fees</i>	<i>Planning Commission Meeting</i>	<i>City Council Meeting</i>
Thursday, January 15	Tuesday, February 17	Monday, March 2
Thursday, February 12	Monday, March 9	Monday, April 6
Thursday, March 19	Monday, April 20	Monday, May 4
Thursday, April 16	Monday, May 18	Monday, June 1
Thursday, May 14	Monday, June 15	Monday, July 6
Thursday, June 18	Monday, July 20	Monday, August 3
Thursday, July 16	Monday, August 17	Tuesday, September 8
Thursday, August 20	Monday, September 21	Monday, October 5
Thursday, September 17	Monday, October 19	Monday, November 2
Thursday, October 15	Monday, November 16	Monday, December 7
Thursday, November 19	Monday, December 21	January 2009

*All meetings will be held at 6:00 p.m. at City Hall, unless otherwise noted.  
For further information regarding planning and zoning applications or related matters, call Sara Taylor at 651-275-4404.*