

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
SEPTEMBER 15, 2008
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Vice Chairperson Wolfe called the regular Bayport Planning Commission meeting of September 15, 2008, to order at 6:05 p.m.

ROLL CALL

Commissioners Present: Commissioners David Levy, Jennifer Schneider, Judith Seeberger and Ron Wolfe

Commissioners Absent: Chairperson Tom Mabie

City Staff Present: Assistant City Administrator/Planner Sara Taylor and City Council Liaison Sharon Ridgway

APPROVAL OF MINUTES

It was moved by Commissioner Schneider and seconded by Commissioner Levy to approve the May 19, 2008 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a request for a conditional use permit to allow outdoor seating and consumption of food and beverages within a proposed outdoor, uncovered front porch area at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North: Assistant Administrator/Planner Taylor reviewed a request from the Bayport American Legion for a Conditional Use Permit (CUP) to allow outdoor seating and consumption of food and beverages. The property is zoned Central Business, with commercial businesses on three sides and residential homes on the east side. An uncovered front porch area on the northwest corner of the building, with maximum dimensions of 21 feet x 13 feet, is proposed for the outdoor area. The uncovered porch would meet the setback requirements and no variance would be required. The porch would accommodate six seats and hours of use would be limited to 10:00 a.m. to 10:00 p.m., which would be consistent with similar CUPs in the Central Business district. Access to the porch would be gained through a proposed patio door. Staff feels the proposed CUP application is reasonable and recommended approval, per the suggested findings of fact and conditions of approval as stated in section "C" of the staff report. 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.

Club Manager Aaron Prichard stated that the sign for the Senior Center would be relocated to the other side of the entrance and the Legion sign would not be moved. The proposed cost for the project is \$5,000.00-\$6,000.00, with 1% of the project cost required for landscaping. He would work with staff to develop a landscape plan. No lighting, music, speakers, or awning is proposed for the porch area. Discussion followed on monitoring the seating limit on the porch. Planner Taylor indicated the resolution for approval of the CUP would indicate a limit of six seats and

would be enforced on a complaint basis with the City Council, if needed. Mr. Prichard stated the porch would serve patrons who smoke and/or would like to eat/drink outdoors.

The public hearing was opened by Vice Chairperson Wolfe, and no comments were received.

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

Discussion followed on the small size of the proposed porch, which would help self-govern the number of people who could use it at any given time. Planner Taylor reported there have not been consistent complaints with the outdoor seating at Woody's Bar and Grill.

It was moved by Commissioner Seeberger and seconded by Commissioner Schneider to recommend to the City Council to approve the discussion of a conditional use permit to allow outdoor seating and consumption of food and beverages within a proposed outdoor, uncovered front porch area, not to exceed 21 feet x 13 feet, at the Hesley Jensen American Legion Post 491, located at 263 3rd Street North, per the findings of fact and conditions of approval as stated in the staff report. Motion carried.

The CUP approval will be addressed at the October 6, 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 Wolfe to adjourn the meeting at 6:21 p.m. Motion carried.