

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
JUNE 21, 2010
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Chairperson Goldston called the regular Bayport Planning Commission meeting of June 21, 2010 to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Dan Goldston, Pam Hoye, David Levy, Tom Mabie and Jennifer Schneider

Commissioners Absent: None

City Staff Present: Council Liaison Judy Seeberger, Assistant City Administrator/Planner Sara Taylor and City Attorney Nick Vivian

APPROVAL OF MINUTES

It was moved by Commissioner Levy and seconded by Commissioner Mabie to approve the May 17, 2010 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Application 2010-02 (amended): Consider a zoning ordinance amendment to Section 3 – Definitions, a zoning ordinance amendment to Section 6 – B-1 Limited Business, and a request for a conditional use permit (CUP) to allow a limited transit vehicle storage facility with light, routine maintenance as an accessory use at 204 2nd Avenue South (portions of this application were heard at the May 17, 2010 Planning Commission meeting): Assistant City Administrator/Planner Taylor noted that the applicant withdrew his original application as it did not accurately detail the proposed long-term use of the property, and therefore a new application would be submitted. She noted no action was required at this time.

Application 2010-03: Consider a conditional use permit (CUP) to allow automotive sales and open lot outdoor display at 174 3rd Street South: Assistant City Administrator/Planner Taylor stated that in November 2008, the property owner was granted variances to construct a new office/retail building on the property; however, he was unable to construct the building due to the economic market. She explained that property owner Jeff Hause is developing a long-term business plan for the site, which he hopes will include a new building in this B-2 Central Business zoning district. In the interim, he would like to remodel the existing building and lease it for use as a retail sales office and indoor showroom for automobile and recreational vehicle sales. The applicant is also requesting outdoor display of automobiles, which requires a CUP. Additionally, the applicant is requesting outdoor display of small recreational vehicles, such as snowmobiles, ATV's and jet skis. The proposed site plan, outdoor sales lot specifications, business hours and proposed site improvements were reviewed. Planner Taylor stated that the applicant is requesting that major required site improvements be deferred for one year, as the long-term business plan may not include automotive sales/display. Notice of the public hearing was published in the Stillwater Gazette and mailed to all property owners within 350 feet of the property. One comment was received from an adjacent property owner regarding installation of an 8-foot privacy fence, and Planner Taylor stated this was one of the improvements that would be completed immediately, upon approval of the application.

Staff is recommending approval of the CUP to allow the outdoor display of automobiles, limited outdoor display of motorcycles, and deferral of the major required site improvements for one year. Planner Taylor stated that the applicant is also seeking outdoor display of small recreational vehicles, i.e. snowmobiles, ATV's, and jet skis. However, to keep with the intent of the ordinance, which specifies "automotive sales", staff feels that outdoor display of the above mentioned recreational vehicles is a stretch. These recreational vehicles are not considered "street legal" and therefore do not really meet the interpretation of automotive sales. Planner Taylor also stated that it is difficult to keep small recreational vehicles displayed neat and orderly on an outdoor sales lot and these vehicles are often a target for vandalism or theft. For these reasons, staff's interpretation is that these vehicles are better suited for display indoors.

Commissioner Levy had concerns with traffic entering and exiting the location, and Planner Taylor indicated that one of the conditions of approval was securing a permit from the Minnesota Department of Transportation (MnDOT) for the access location into the parking lot and the left turn lane pavement marking and striping on Highway 95, if applicable. Applicants Jeff Hause and Richard Swanson answered questions regarding parking lot access, outdoor lot security, projected timeline, routes for test drives, and online and retail sales options. Applicant Swanson stressed the importance of his request for outdoor seasonal display of recreational vehicles, including boats. Planner Taylor stated that city code allows only enclosed boat, trailer, and marine sales as a permitted conditional use in the B-2 Central Business zoning district. Attorney Vivian explained that the current city code does not address the sale of recreational vehicles, and stated that staff felt that the best interpretation of code for this site was to conditionally allow automobile sales, including trucks and possibly motorcycles.

Chairperson Goldston opened the public hearing and no comment was heard.

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

The general consensus of the Planning Commissioners was to recommend the proposed use and support the outdoor display of smaller recreational vehicles. Discussion followed on the number of recreational vehicles that would be allowed and whether a restriction was necessary. Commissioner Levy reiterated his concern with vehicles being able to safely enter and exit the parking lot and stated he would like the improvements to be made on a timely basis. Planner Taylor indicated that one of the conditions of approval requires that all building and site improvements be completed prior to the business opening.

Attorney Vivian stated that if the Planning Commission felt that small recreational vehicles should be classified under the interpretation of automotive sales, their motion on the application should clearly specify this intent and the types of recreational vehicles to be allowed. Discussion followed on options for securing recreational vehicles after hours, including whether it was necessary to require security chains at the property's entrance/exit. Planner Taylor indicated the CUP would be reviewed in one year and any issues that arise could be addressed at that time.

It was moved by Commissioner Schneider and seconded by Commissioner Hoye to recommend to the City Council to approve a conditional use permit to allow automotive sales and open lot outdoor display at 174 3rd Street South, including snowmobiles, ATV's, and jet ski recreational vehicles, and other conditions recommended by staff. Motion carried.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION – None

OPEN FORUM

Commissioner Mabie requested that staff check on the legality of temporary outdoor storage structures, which are unsightly and susceptible to wind damage. Staff stated that neither city code nor the building code currently regulate these structures, but that staff would look into the matter and report back at an upcoming meeting.

ADJOURN

It was moved by Commissioner Mabie and seconded by Commissioner Schneider to adjourn the meeting at 6:50 p.m. Motion carried.