



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING

City Hall - Council Chambers
December 19, 2011 – 6:00 p.m.

A. CALL TO ORDER

B. APPROVAL OF MINUTES

- November 21, 2011 regular meeting

C. PUBLIC HEARINGS

- Public hearing to consider a conditional use permit (CUP) to allow a seasonal lawn care and snow removal business at 204 2nd Avenue South

D. OLD BUSINESS

E. NEW BUSINESS

F. GENERAL INFORMATION

- Calendar of application due dates and meetings for 2012

G. OPEN FORUM

H. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 21, 2011
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Vice Chairperson Levy called the regular Bayport Planning Commission meeting of November 21, 2011 to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Todd Gilles, David Levy and Joe Ritzer

Commissioners Absent: Pam Hoye

City Staff Present: Assistant City Administrator/Planner Sara Taylor

APPROVAL OF MINUTES

It was moved by Commissioner Gilles and seconded by Commissioner Obler to approve the August 22, 2011 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Public hearing to consider an amendment to the city's Comprehensive Plan to comply with the Metropolitan Council's 2030 Policy Plan: Planner Taylor reviewed minor text amendments to the city's comprehensive land use plan necessary to comply with the Metropolitan Council's 2030 Policy Plan. The changes relate to the Middle St. Croix Valley Regional Trail Search Corridor. The amendment acknowledges the general alignment of the trail corridor on the Parks, Existing and Proposes Trails, Sidewalks and Paths map. The proposed amendments have received preliminary approval from the Metropolitan Council. She stated notice of the public hearing was published in the Stillwater Gazette and no public comments were received prior to the meeting.

Vice Chairperson Levy opened the public hearing and no public comment was heard.

It was moved by Commissioner Ritzer and seconded by Commissioner Gilles to close the public hearing. Motion carried.

It was moved by Commissioner Obler and seconded by Commissioner Gilles to recommend to the City Council to approve an amendment to the city's Comprehensive Plan to comply with the Metropolitan Council's 2030 Policy Plan, with the findings of fact as listed in the staff report. Motion carried.

OLD BUSINESS – None

NEW BUSINESS – None

GENERAL INFORMATION

Planner Taylor announced Commissioner Hoye's term expires on December 31, 2011, and she will not be seeking reappointment. The vacancy will be posted on the city's website and City Hall.

OPEN FORUM – None

ADJOURN

It was moved by Commissioner Levy and seconded by Commissioner Ritzer to adjourn the meeting at 6:06 p.m. Motion carried.

MEMORANDUM

DATE: December 13, 2011

TO: Planning Commission (December 19, 2011 meeting)
Mitch Berg, City Administrator

FROM: Sara Taylor, Assistant City Administrator/Planner

SUBJECT: Public hearing to consider a conditional use permit (CUP) to allow a seasonal lawn care and snow removal business at 204 2nd Avenue South

A. BACKGROUND

The property is located at 204 2nd Avenue South and is legally described as Lots 9-10, Block 75 Bayport, Washington County, Minnesota. The property is zoned B-1 Limited Business and contains two garage/storage buildings that have been unoccupied for the past several years. The property is surrounded by a combination of residential, commercial, and industrial uses and is guided for commercial use in the city's comprehensive plan.

Applicants Adam Bressler and Rick Mealhouse of Valley Green, Inc., are in the process of negotiating a purchase agreement with the current property owner Dave Schulte of Denali Investments LLC. The applicants would like to operate a seasonal lawn care and snow removal business at the property, which would include indoor storage and light repair of lawn and snow removal equipment associated with the business, when not in operation off-site. Because seasonal businesses are a conditional use in the B-1 Limited Business zoning district, the applicants are requesting a CUP that specifies conditions under which the proposed use is permitted.

Notice of the Planning Commission's public hearing was mailed to all property owners within 350 feet of the subject property and published in the Stillwater Gazette on December 8, 2011. The following informational items are attached:

- narrative by the applicant
- background of zoning and land use matters related to the property
- recent photos of the property
- site plan with required improvements

B. STAFF COMMENTS

As stated, the applicants are proposing to purchase and operate a seasonal lawn care, landscape maintenance, and snow removal business at the property. The existing buildings would be used to store the lawn care and snow removal equipment when not providing services to clients and accounts off-site. The buildings would also be used to complete small repairs on the equipment associated with the business, such as oil changes, brake work, and blade sharpening.

To ensure the use will be compatible with the surrounding neighborhood, all activity would be contained within the existing buildings, with the exception of the daily dispatch and return of employees and equipment. Summer lawn care would include daily dispatch of employees at approximately 6:30 a.m. and return at approximately 5:00 p.m. Winter snow removal dispatch and return would be dictated by snowfall. It should be noted, however, there may be several weeks where no business would be conducted at the property, as the need to provide lawn care and snow removal services would depend on the season and weather. Small repairs may be conducted into the early evening hours, as necessary, upon return of the equipment at the end of the work day, but no activity would be conducted with the general public or customers at the site.

The applicants acknowledge that the property is currently in disrepair and have agreed to paint the buildings, repair the fence, remove brush and overgrown vegetation, and grade the property as necessary for stormwater retention and parking areas. The applicants have been informed that additional improvements may be required in the near future, such as abatement of the existing septic system, paving of the parking and drive areas with asphalt or concrete, participating in a city utility extension and street improvement project to address stormwater runoff, and connecting the property to city sewer or providing an appropriate holding tank, which shall depend on the results of the required septic inspection, and/or if the City Council initiates a utility extension/street improvement project in this area.

It should be noted that the property has previously been involved with multiple zoning applications and land use issues, which staff feels should be acknowledged when considering both this application and future use of the property. Past issues of concern include heavy traffic, excessive outdoor storage, loud repair activity, and lack of property maintenance. In order to do its due diligence to the adjacent property owners and honor the type of land use intended for the site, staff feels that the city needs to be cautious in considering future use, to prevent a reoccurrence of past violations and overuse of the property. However, staff feels the proposed use would be compatible with the area and create a nice "buffer" between the surrounding industrial/commercial and residential uses, which is consistent with the intent of the B-1 zoning district.

C. *SUGGESTED FINDINGS OF FACT AND CONDITIONS OF APPROVAL*

The B-1 Limited Business zoning district is intended to act as a low impact business buffer district, between residential and commercial uses, with limited public contact. To comply with city code, uses within this district shall be contained inside buildings, with no outdoor storage or activity unless specified by CUP, and shall have limited hours of operation to minimize impact to adjacent residential uses.

After reviewing the CUP application, staff feels that the proposed use of a seasonal lawn care and snow removal business would be compatible as a conditional use within the B-1 zoning district and the city's comprehensive land use plan, subject to the following conditions:

- General business operating hours shall be 6:30 a.m. – 8:00 p.m., with the exception of required snow removal dispatch dictated by snowfall.
- No outdoor storage or activity is permitted, with the exception of parking employee vehicles in designated areas on the property during business hours.
- An inspection of the septic system by Washington County will be required as part of the sale of the property, and it is the responsibility of the property owner and/or applicants to comply

with orders issued as part of the inspection, as well as all city, county, state, and federal rules and regulations.

- Required site improvements include painting the exterior of the existing buildings, repair or replacement of the existing fence and retaining walls, removal of weeds/scrub vegetation, installation of a dumpster enclosure (if dumpster is stored outside of the buildings), installation of stormwater retention areas, installation of business signage on the front of the building facing 2nd Ave. S., and any other improvements noted in accordance with the attached site plan, with completion by June 1, 2012.
- Participation in a city utility extension/street reconstruction/stormwater mitigation project may be required in the near future, at which time all parking areas and drive aisles will be required to be resurfaced with concrete or asphalt and striped accordingly, in addition to completion of any other site alterations deemed necessary by the city, as a result of the project. If no such project is initiated by the city prior to March 1, 2014, all parking areas and drive aisles will be required to be resurfaced with concrete or asphalt and striped accordingly by June 1, 2014.
- The CUP shall be formally reviewed one (1) year from the date of approval, and periodically thereafter, to determine if the conditions of the CUP have consistently been met, the property is in compliance with city code, and whether any conditions shall be modified to ensure the use is compatible with surrounding neighborhood. Failure to complete the required site improvements within the specified timeframe may result in the city revoking the CUP. The city will continue to monitor the property on a regular basis, to ensure ongoing compliance with the conditions of the CUP.

D. RECOMMENDATION

Staff recommends approval of a CUP to allow a seasonal lawn care and a snow removal business at 204 2nd Avenue South. Suggested findings of fact and conditions of approval are stated in sections “B” and “C” of the staff report. The Planning Commission is asked to make a recommendation on the application for City Council consideration. The City Council will consider the request at its meeting on January 3, 2012.

NARRATIVE BY THE APPLICANT

November 15, 2011

The City of Bayport

Members of the Bayport City Council and Planning Commission:

Valley Green Lawn and Landscape Care is a small locally owned company that is looking at purchasing the property at 204 2nd Avenue South in Bayport Minnesota. We specialize in landscape maintenance for town home developments in the eastern metro area. Our reputation of providing excellent service at a fair price has allowed our business to grow significantly. We have additional opportunities to expand but do not have the facilities necessary to accomplish this.

The property will be used for housing and completing small repairs on our equipment, like oil changes, brake installation and sharpening blades. During the summer employees would show up during the workweek around 6:30 am and leave for the day approximately 15 minutes after arriving. Upon their return, around 4 or 5:00 pm, a small amount of repairs may be needed and completed at that time. During the day there would typically be very little traffic to and from the property. During the winter employees would arrive to retrieve their equipment and head to the job site as the snowfall dictates. Additionally, the site would allow us to keep our off season equipment indoors, properly maintained and out of the elements.

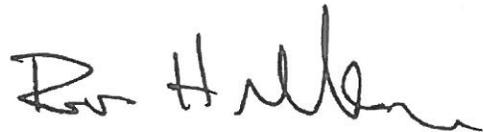
Currently the site is in obvious disrepair. There would be immediate attention the grounds such as repainting the building, fixing and maintaining the fence, removal of brush and general grading and maintenance of the grounds.

We feel that Valley Green is a great fit for the property because of its location to the properties we maintain and because we care about the appearance of both the property and the surrounding neighborhood. With a bit of hard work we feel that this building can be fixed up and become an asset to the community.

Thank you for considering our proposal,



Adam K. Bressler
Valley Green, Inc.



Richard H. Mealhouse

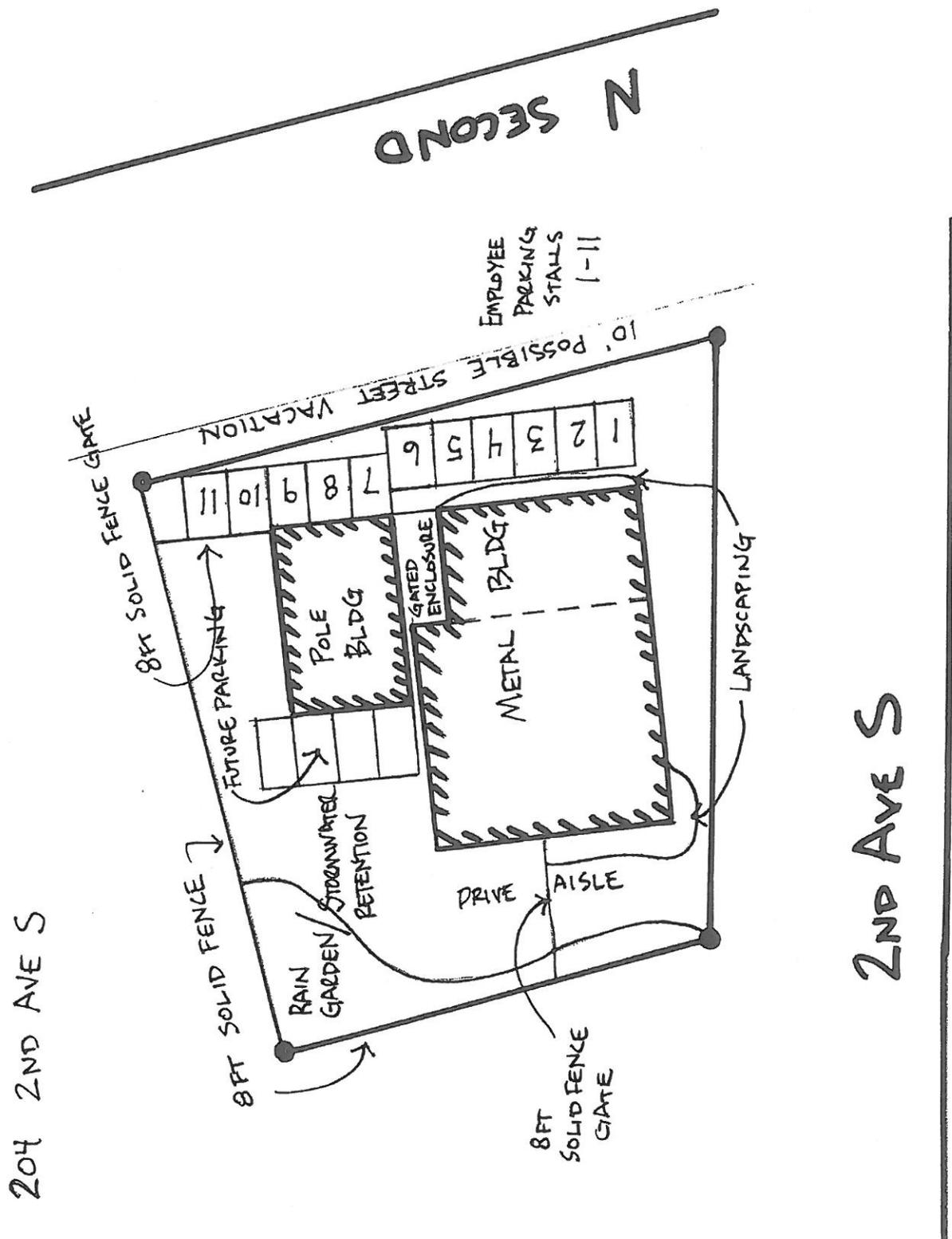
BACKGROUND OF ZONING AND LAND USE

1972	City granted a variance to operate a truck repair shop in a residential zoning district
1984	City granted a CUP to construct a new garage building with conditions City rezoned property from residential to B-4 Existing Business
1985	City granted a building permit to construct a 60' x 60' garage building
1997	City found rezoning in 1984 to be invalid, due to a lack of 4/5's vote by City Council
1998	City corrected rezoning issue; rezoned property from residential to B-4 Existing Business City granted a CUP to allow existing truck repair shop to continue, with conditions City granted a variance for excess impervious coverage for the building that was built in 1985 (impervious coverage was not enforced when building permit was granted) City granted a variance to allow proposed off-street parking to consist of class 5 instead of bituminous (due to excess existing impervious coverage on site)
2005	City rezoned property from B-4 Existing Business to B-1 Limited Business
2006	Truck repair shop use discontinued; property was sold to a new owner Dave Schulte
2010	City granted a CUP to allow a limited transit vehicle storage facility with light repair and maintenance of transit vehicles associated with the business Sale of the property was never finalized for the transit vehicle storage facility
2011	Property remains vacant

RECENT PHOTOS



SITE PLAN WITH REQUIRED IMPROVEMENTS





CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

APPLICATION DUE DATES AND PLANNING COMMISSION MEETINGS FOR 2012

<u>Due date for application/fees</u>	<u>Planning Commission Meeting</u>	<u>City Council Meeting</u>
Thursday, December 15	Tuesday, January 17*	Monday, February 6
Thursday, January 19	Tuesday, February 21*	Monday, March 5
Thursday, February 9	Monday, March 19	Monday, April 2
Thursday, March 15	Monday, April 16	Monday, May 7
Thursday, April 19	Monday, May 21	Monday, June 4
Thursday, May 17	Monday, June 18	Monday, July 2
Thursday, June 14	Monday, July 16	Monday, August 6
Thursday, July 19	Monday, August 20	Tuesday, September 4*
Thursday, August 16	Monday, September 17	Monday, October 1
Thursday, September 13	Monday, October 15	Tuesday, November 13*
Thursday, October 11	Monday, November 19	Monday, December 3
Thursday, November 15	Monday, December 17	January 2012
Thursday, December 13	January 2012	February 2012

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.
** Indicates meetings that have been rescheduled due to a holiday or conflict with the regular meeting date.*