



CITY OF BAYPORT

294 NORTH 3RD STREET
BAYPORT, MN 55003

PLANNING COMMISSION MEETING City Hall - Council Chambers April 25, 2016 – 6:00 p.m.

A. CALL TO ORDER

B. OATH OF OFFICE TO NEW MEMBERS JOHN DAHL AND COLEEN SIEGFRIED

C. APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON

D. APPROVAL OF MINUTES

- May 11, 2015 regular meeting
- June 15, 2015 regular meeting

E. PUBLIC HEARINGS

- Consider a conditional use permit (CUP) to allow open outdoor storage and product display of construction services at 174 3rd Street South

F. OLD BUSINESS

G. NEW BUSINESS

H. GENERAL INFORMATION

- **Joint Planning Commission/City Council Workshop – Monday, May 2 at 5:00 p.m.**
The Middle St. Croix Watershed Management Organization will present suggested amendments to the Bayport Code of Ordinances to incorporate Minimal Impact Design Standards (MIDS) for stormwater management.
- **Next tentative Planning Commission Meeting – Monday, May 16, 2016 at 6:00 p.m.**

I. OPEN FORUM

J. ADJOURNMENT

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 11, 2015
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Commissioner Ritzer called the regular Bayport Planning Commission meeting of May 11, 2015, to order at 6:00 p.m.

ROLL CALL

Commissioners Present: Beth Kelly, Jeff Richtman and Joe Ritzer

Commissioners Absent: Brad Abrahamson

City Staff Present: City Administrator Logan Martin, Assistant City Administrator/Planner Sara Taylor, and City Council Liaison Patrick McGann

APPROVAL OF MINUTES

It was moved by Commissioner Richtman and seconded by Commissioner Kelly to approve the April 20, 2015 meeting minutes as presented. Motion carried.

PUBLIC HEARINGS

Consider a conditional use permit for government use and construction of a new Bayport Fire Hall on the property located at 1012 5th Avenue North: Assistant City Administrator/Planner Taylor explained that in 2014, the property was deeded to the city at no cost by the Minnesota Department of Corrections as a potential site for a new Fire Hall. The city has recently decided to proceed with the Fire Hall project at this site that is zoned R-3 Multiple Family Residential. She explained a conditional use permit (CUP) is required to allow a governmental use and building on this approximate 4-acre parcel. The proposed building footprint, drive aisles, and parking stalls meet the setback requirements, and the building height and impervious coverage comply with city code requirements. Access to the site is provided on both 5th Avenue North and Stagecoach Trail and the specifications have been approved by Washington County. Due to proximity to the correctional facility, certain restrictive deed covenants were placed on the parcel which conflict with city code requirements and therefore some flexibility in design standards is warranted. As such, the fence on the east property line will be six feet high, which is two feet greater in height than allowed by city code. The landscaping will also be minimized, especially along the property lines, for security reasons. Staff believes the Fire Hall building and related site improvements are compatible with city code and the city's comprehensive land use plan and recommends approval of the CUP, subject to the findings and conditions included in the May 6, 2015 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.

Commissioner Ritzer questioned why the subject parcel, previously owned by the Minnesota Correctional Facility, is zoned R-3 Multiple Family Residential. Planner Taylor explained although the parcel was being used for institutional purposes, when the city's comprehensive plan was developed, it was determined the parcel would be suitable for multi-family development in the future. She stated the majority of the remaining land owned by the state is zoned B-1 Limited

Business. Commissioner Ritzer also inquired whether Washington County may propose a roundabout at 5th Avenue North and Stagecoach Trail in the future. Planner Taylor said the county reviewed current and projected traffic counts and there are no proposed changes to the intersection at this time.

Commissioner Ritzer opened the public hearing and no comment was received.

It was moved by Commissioner Richtman and seconded by Commissioner Kelly to close the public hearing. Motion carried.

It was moved by Commissioner Kelly and seconded by Commissioner Richtman to recommend to the City Council to approve a conditional use permit for government use and construction of a new Bayport Fire Hall on the property located at 1012 5th Avenue North, subject to the findings of fact and conditions of approval stated in the staff report.

The application will be heard by the City Council at the June 1, 2015 meeting.

OLD BUSINESS

NEW BUSINESS

GENERAL INFORMATION

OPEN FORUM

ADJOURN

It was moved by Commissioner Richtman and seconded by Commissioner Kelly to adjourn the meeting at 6:13 p.m. Motion carried.

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS
JUNE 15, 2015
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice thereof, Commissioner Richtman called the regular Bayport Planning Commission meeting of June 15, 2015, to order at 6:05 p.m.

ROLL CALL

Commissioners Present: Beth Kelly and Jeff Richtman

Commissioners Absent: Brad Abrahamson and Joe Ritzer

City Staff Present: Assistant City Administrator/Planner Sara Taylor, City Planning Consultant Dan Licht, City Council Liaison Patrick McGann and City Engineer Dave Simons

APPROVAL OF MINUTES

Consideration of the May 11, 2015 minutes was continued due to lack of a quorum.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Consider a final plat for Phase III-B of the Inspiration development: Planning Consultant Licht reviewed the application submitted by Mattamy Homes, Inc., for final plat approval of Inspiration Phase III-B and Inspiration 3rd Addition. The final plat application consists of 76 single family lots and a phasing plan for future development of 39 single family lots in Outlot G. The Planned Unit Development (PUD) general development plan and preliminary plat were approved by the City Council on May 4. He noted the developer is required to pay the city \$114,076 in park dedication fees for the initial 76 lots, and an additional \$1,000 park dedication fee will be charged at the time a building permit is issued for each lot. The city attorney will coordinate execution of a separate development agreement and PUD permit prior to consideration of the final plat by the City Council. The city engineer's memorandum of June 11 regarding the grading, street construction and utility plans was reviewed by city staff, and the city is recommending approval of the final plat subject to the 11 findings of fact and conditions of approval listed in the June 10 planning report.

Planner Taylor recognized the lack of a quorum at tonight's meeting and noted the Planning Commission could not make a formal motion on the application. However, she said a recommendation from the members in attendance would be appropriate. Both expressed their support for the Phase III-B final plat application; and, therefore, Commissioner Kelly and Commissioner Richtman recommended approval to the City Council, with the findings of fact and conditions listed in the staff report and presented at the meeting.

GENERAL INFORMATION

OPEN FORUM

ADJOURN

Commissioner Richtman adjourned the meeting at 6:12 p.m.

MEMORANDUM

DATE: April 20, 2016

TO: Planning Commission (April 25, 2016 meeting)

FROM: Sara Taylor, Assistant City Administrator/Planner
Logan Martin, City Administrator

SUBJECT: Public hearing to consider a conditional use permit (CUP) to allow open outdoor storage and product display of construction services at 174 3rd Street South

A. BACKGROUND

The property is located at 174 3rd Street South, at the intersection of Highway 95 (or 3rd Street South) and 1st Avenue South. The property is zoned B-2 Central Business and the total lot area is approximately 16,600 square feet. Surrounding uses include commercial businesses to the north and east, transitioning to residential on the west and south.

Property owners and applicants Jeff and Michelle Hause, Nicott Square, LLC, have submitted an application for a conditional use permit (CUP) to allow open outdoor storage and product display of construction services, in conjunction with use of the existing building as office space for their principal business, J.G. Hause Construction, Inc. The construction office is a permitted use in the B-2 Central Business zoning district. However, the requested outdoor storage and product display of construction services is a conditional use, and therefore requires a CUP. In conjunction with the construction office and outdoor display, the applicants are requesting some flexibility to retain limited operation of internet sales and outdoor display of motor vehicles at the site, in order to preserve their current State of Minnesota Auto Dealer License.

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 April 8, 2016.

The following informational items are attached:

- narrative by the property owner
- site plan with proposed layout
- exhibits of outdoor product displays

B. STAFF COMMENTS

The property contains an existing building that was originally constructed to repair and service automobiles. In 2008, the current property owners and applicants purchased the property and shortly thereafter, the city granted a CUP to use the site for a retail sales office and outdoor display area for automotive and recreational vehicles. Since 2010, the property has continued to be used for vehicle sales and display.

As part of a recent review of their long-term business plan, the applicants have discovered that the market is trending toward online vehicle sales, decreasing the need for a dedicated sales office/outdoor display area, and no longer making auto sales a viable business option for the site. With that, the applicants have decided it would be in their best interest to suspend use of the site principally for vehicle sales and instead, relocate their construction and remodeling business, J.G. Hause Construction, from the second story leased

office space at 193 3rd Street North to this property. The new location will not only expand their marketing and visibility, but also provide an outdoor area to showcase several examples of their construction services and products, such as roofing and siding materials, decks and porches, playhouses, gazebos, patios, fences, sheds, and other accessory structures.

Beyond some minor interior remodeling, the overall floor plan of the existing building will remain intact. The applicants have completed extensive building and site upgrades within the past five years, including the addition of a decorative building façade, an eight (8) foot privacy fence along the north and west property lines with an enclosed outdoor storage/dumpster area, a resurfaced parking area with designated customer and employee stalls, landscaping enhancements, and drainage/stormwater runoff improvements. Therefore, minimal site modifications will be required to accommodate the construction office use and outdoor display area. General business hours will be Monday-Friday, 7:00 a.m. – 7:00 p.m., with a possibility of extending current business hours to be open on Saturday, 9:00 a.m. – 5:00 p.m. Outdoor storage and product display will be limited to the lot area south of the building, during both business hours and non-business hours, with no single structure or display exceeding 200 square feet or 17 feet in height. A drive aisle approximately 24 feet in width will be maintained through the outdoor storage and display area, to control traffic and circulation on the site. A total of six (6) stalls will be designated, striped, and signed for employee and customer parking in the front of the building.

In addition to the offices for J.G. Hause Construction, the applicants would also like to continue limited use of the property for motor vehicle sales, which would be advertised online and shown by appointment. To comply with the minimum hours of operation required by their current State of Minnesota Auto Dealer License, but not conflict with J.G. Hause Construction, the business office would only be open on Thursdays, 10:00 a.m. – 2:00 p.m., or by appointment. During these designated business hours and on weekends, two (2) of the six (6) designated employee/customer parking stalls could potentially be used to display motor vehicles for sale, which would be limited to passenger cars and trucks, and motorcycles. At all other times, motor vehicles will be stored off site or within the enclosed fence area behind the building, screened from public view. Signage advertising the vehicles for sale would be limited to 4 square feet, posted on the windshield or interior window of the vehicle.

It should be noted that the city would not typically recommend that two unrelated uses be allowed to operate on the same parcel which contains a building that was constructed prior to adoption of the city's zoning ordinance and therefore does not meet current zoning ordinances. However, several building and site improvements completed by the applicants over the past few years have brought the property closer to or in compliance with many zoning design and performance standards, including exterior storage and maintenance, screening, landscaping, and parking, which have been a significant improvement over the previous conditions and have had a positive impact on the parcel and overall neighborhood. In addition, both the construction and motor vehicle sales businesses will be owned and operated by the current property owners with minimum overlapping business hours, which will minimize potential conflicts of interest, competition of uses, as well as negative impacts associated with over intensive use of the site. For these reasons, staff feels it is appropriate to allow some flexibility to accommodate the applicant's request, as long as the uses remain in compliance with the established conditions of approval of the CUP.

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

After reviewing the property and the CUP application, staff feels that the proposed construction office, open outdoor storage, and product display of construction services related to the principal business would be compatible as a conditional use within the B-2 zoning district and the city's comprehensive land use plan. In addition, past use of the property for motor vehicle sales suggests compatibility with the surrounding neighborhood, and that it would be conducive to the site as a secondary business. However, to comply with regulations set forth by city code, and minimize impacts, staff recommends approval of the conditions listed below. The CUP shall be periodically reviewed 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 the surrounding neighborhood. If the property is found to be in violation, modification, suspension or revocation of the CUP shall be considered.

In general:

- The CUP issued to this property on July 6, 2010 by Resolution 10-14 for automotive sales and open lot outdoor display shall be suspended and invalid in conjunction with issuance of this CUP for a construction office, open outdoor storage and product display of construction services. Only limited motor vehicle sales and vehicle outdoor display as a secondary business, under the conditions specified within this CUP, shall be allowed in conjunction with the construction business. Should the construction business be relocated or discontinued at some point in the future, the CUP by Resolution 10-14 for primary use of the site for automotive sales and vehicle display may be reinstated through submittal of an application by the applicant and approval by the city.
- Secondary use of the property for limited motor vehicles sales and outdoor display shall only be allowed for current property owners Jeff and Michelle Hause, Nicott Square, LLC as long as they continue to own and operate both the construction and motor vehicle sales businesses. Use of the site for motor vehicle sales or vehicle display by a lessee or other owner is not permitted.
- Improvements to the site shall include striping and signing six (6) employee and customer parking stalls, including one (1) handicap stall, and restoring sod/landscape areas in accordance with the site plan, and removing the existing signage posted on the building, garage doors, light pole, and elsewhere on the site related to motor vehicle sales.
- Parking, storage, or display shall be only permitted on impervious surfaces. All other areas shall consist of sod, landscaping, or equivalent pervious material. The city shall have the right to impose restrictions on or alter placement of structures, vehicles, and displays to prevent safety concerns and visibility impacts for traffic and pedestrians near the site.
- Business operations shall not commence until all building and site improvements included within this report have been completed and approved by the city.

Construction office, outdoor storage, and display:

- General hours of operation for the construction business shall be Monday-Friday, 7:00 a.m. – 7:00 p.m. and Saturday, 9:00 a.m. – 5:00 p.m.
- The open outdoor storage and product display area located south of the building and delineated on the site plan shall be limited to J.G. Hause business vehicles and trailers used to transport employees or construction materials and displays showcasing construction services (such as roofs, siding, decks, porches, playhouses, gazebos, patios, fences, sheds) and other accessory structures with a maximum area of 200 square feet and 17 feet in height. Other unrelated construction items must be stored within or behind the building in the enclosed fence area, screened from public view. Outdoor storage of bulk or raw building and landscape materials, such as shingles, lumber, rock, etc. shall not be permitted.
- To market and demonstrate the versatility of structures and products available, the outdoor storage area may contain displays with multiple size and height variations, with a maximum area of 200 square feet and 17 feet in height. However, in no way does this imply that these

structures comply with the Bayport City Code of Ordinances or are necessarily conducive to placement on commercial or residential property within the city.

- New signage shall be subject to city permit requirements, reviewed and approved by staff prior to installation. Advertising signage on outdoor product displays shall be limited to “J.G. Hause Construction, Inc.” and construction business logo, affixed to the structure.

Motor vehicle sales and outdoor display:

- General office hours for the motor vehicle sales shall be Thursdays, 10:00 a.m. – 2:00 p.m. or by appointment. Motor vehicle display shall be limited to Thursdays, 10:00 a.m. – 2:00 p.m., Saturdays, and Sundays, in compliance with State of Minnesota Auto Dealer License regulations. At no other times than those listed above shall motor vehicles be displayed or advertised for sale on the property.
- Display of motor vehicles for sale shall be permitted in two (2) of the six (6) designated employee/customer parking stalls delineated on the site plan. Motor vehicles shall be limited to passenger cars and trucks, and motorcycles. At all other times, motor vehicles shall be stored off site or within the enclosed fence area behind the building, screened from public view.
- Signage advertising the vehicles for sale shall be limited to 4 square feet, posted on the windshield or interior window of the vehicle. No balloons, streamers, pennants, etc. shall be used to draw attention to the display of motor vehicles for sale.
- Signage for the motor vehicle business shall be posted in an inconspicuous manner, but may comply with State of Minnesota Auto Dealer License regulations. Signage shall be subject to city permit requirements and reviewed by staff prior to installation.

D. RECOMMENDATION

Staff recommends approval of a conditional use permit (CUP) to allow open outdoor storage and product display of construction services, in conjunction with limited operation of online sales and outdoor display of motor vehicles at 174 3rd Street South. Suggested findings of fact and conditions of approval are stated in 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 May 2, 2016.

Jeff & Michelle Hause
193 3rd St N
P.O. Box 206
Bayport, MN 55003

TO: City of Bayport
FR: Jeff & Michelle Hause
RE: 174 - 3rd St
DA: April 6, 2016

To Whom It May Concern:

We are the owners of the above mentioned property & J.G. Hause Const., Inc. We propose to use the property as follows:

Relocate J.G. Hause office to site. Convert existing 2 garage stalls to office space. Display movable sheds, porches, playhouses, etc. in parking lot for sale. Continue Auto Sales on a limited basis and hours in order to keep Auto License valid. J.G. Hause would occupy the majority of the building including signage on front and side of the building (outlined in yellow). Auto Sales would occupy fenced area including signage on fence or side of building, and one office (outlined in blue). J.G. Hause office hours: M-F 7 am -7 pm, Sat 9 am- 5 pm, Sun Closed. Auto Sales: Thurs 10 am – 2 pm and other times by appointment. Two autos maybe displayed Thursdays from 10 am – 2 pm and weekends in the north end of customer parking (outlined in pink). All other times autos would be kept in enclosed fence area (a minimum of 5 & 10 max). Business signs to coordinate in style and color pallet.

We feel our proposed use; will enhance the south entrance of Bayport and add to the City's charm. Our desire is to continue to run our businesses in Bayport. Thank you for your consideration.





FOR SALE

