

CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
August 22, 2022
6:00 P.M.

CALL TO ORDER

Pursuant to due call and notice thereof, Commissioner Kelly called the regular Bayport Planning Commission meeting of August 22, 2022 to order.

ROLL CALL

Commissioners Present: Elizabeth Kelly, Orin Kipp, and Coleen Siegfried

Commissioners Absent: Aaron Ochs

City Staff Present: City Administrator Adam Bell and Assistant City Administrator/Planner Sara Taylor

OATH OF OFFICE TO NEW MEMBER CARL BLISS

Commissioner Kelly administered the oath of office to Carl Bliss and welcomed him to the Planning Commission.

APPROVAL OF MINUTES

It was moved by Commissioner Kipp and seconded by Commissioner Siegfried to approve the January 25, 2021 regular meeting minutes. Motion carried 4-0.

PUBLIC HEARINGS

1. Consider an application submitted by Andersen Corporation to rezone the parcels located at 707, 727, 743, 759 3rd St. N., and adjacent entrance to the facility from R-2 Single Family Urban (residential) to I (industrial): Planner Taylor noted that the subject parcels are located along Highway 95, adjacent to Andersen Corporation's main facility, and are surrounded by a mixture of residential, commercial, and industrial land uses. The parcels are currently zoned residential, but are presently guided for future industrial land use by the city's Comprehensive Land Use Plan. The four parcels on the north are vacant and consist of green space or landscaped area and also provide vehicle access from Highway 95 to Andersen employee parking areas. The parcel located furthest south, addressed as 707 3rd St. N. contains an existing single-family house that is slated for demolition, which will revert to open green space, and an accessory detached garage/storage building which will remain on site and be utilized by Andersen for storage of seasonal grounds maintenance equipment. Andersen is proposing to paint the exterior of the storage building to create a cohesive palette with the main facility. They will also be planting maple trees along the south lot line of 6th Ave. N. to soften the transition from residential to industrial land use in this area.

Planner Taylor noted that because the proposed application is consistent with future land use guidance in the city's Comprehensive Plan, the proposed zoning would be consistent with Andersen's main facility, and the proposed use would be compatible with the surrounding neighborhood, staff is supportive of rezoning the parcels from residential to industrial, subject to the conditions listed in the staff report. Notice of the public hearing was published in the Stillwater Gazette, posted at City Hall, and mailed to all property owners within 350 feet. The city did not receive any public comment related to the application.

Discussion followed on whether the rezoning could potentially allow for Andersen to sell the property to another industrial user or expand their main facility/parking areas. Planner Taylor responded that as a condition of approval, the rezoning of the subject parcels will not become effective until said parcels are combined with the existing tax identification numbers for Andersen Corporation's main facility. Chris Weyer, Andersen Corporation, confirmed that the intent was to expand on the green space that currently exists in this area to create a buffer from the adjacent residential neighborhood and mitigate existing impervious surface, not to expand their current facility or list the parcels for sale. Planner Taylor reiterated that once the parcels are combined with the main facility, subdivision standards would need to be met and approved by the city to facilitate any type of lot division in the future, which is not likely.

Commissioner Kelly opened the public hearing. There was no public comment on the proposed application and so it was moved by Commissioner Siegfried and seconded by Commissioner Bliss to close the public hearing. Motion carried 4-0.

The Planning Commission expressed support for the proposed application, subject to the conditions recommended by staff. It was moved by Commissioner Kipp and seconded by Commissioner Siegfried to recommend the City Council approve an application submitted by Andersen Corporation to rezone the parcels located at 707, 727, 743, 759 3rd St. N., and adjacent entrance to the facility from R-2 Single Family Urban (residential) to I (industrial). Approval is subject to findings of fact and conditions listed in the staff report and presented at the meeting. Motion carried 4-0.

2. Consider amendments to Appendix B – Zoning Ordinance related to the regulation of swimming pools:

Planner Taylor noted that staff has been working on amendments to the swimming pool ordinance over the past few months, specifically updates to be consistent with building code regulations, as well as make it easier for property owners and contractors to read and understand. In working with the city's Building Official to make necessary updates, it was brought to staff's attention that more municipalities are now recognizing a key-operated power locking automatic cover as an acceptable protective safety feature for pools, as opposed to a fence enclosure. Currently, the zoning ordinance recognizes a cover as a suitable alternative in the R-1 district, which primarily applies to Point Rd. However, when looking at similar lot characteristics in other areas of the city, staff believes it would be appropriate to extend this provision to lots in the R-2 district with a minimum area of 35,000 square feet, which is similar to the R-1 district. When considering smaller lots in the downtown area and in Inspiration, it was noted that a cover may not be a fitting alternative to a fence, as these areas have several young families with children and are in close proximity to neighboring lots. For safety and liability reasons, staff is not recommending the cover provision be allowed on lots less than 35,000 square feet at this time. However, this may be something the city could consider in the future. Notice of the public hearing was published in the Stillwater Gazette and posted at City Hall. The city did not receive any public comment related to the proposed ordinance amendments.

Discussion followed on typical lots sizes in the city in comparison to staff's recommended threshold of 35,000 square feet for the cover provision. Planner Taylor responded that the average platted lot of record in the city is 7,500 square feet. In the downtown area, there are many properties that consist of 2 or 3 combined platted lots of record, but in most cases, these properties would not meet the minimum of 35,000 square feet. She noted that larger estate lots on Point Rd. and Osprey Blvd. average at least 1 acre (far exceeding the 35,000 threshold). Planner Taylor noted that city staff did not specifically look at surrounding communities in regards to what their threshold was for allowing a cover provision as opposed to a fence enclosure. However, the city's building inspection firm MNSPECT was consulted, as they service both rural and urban cities in the metro area with varying lot and neighborhood characteristics, but found that most provisions were specific to the makeup of each community.

Commissioner Kelly opened the public hearing. There was no public comment on the ordinance and so it was moved by Commissioner Siegfried and seconded by Commissioner Kelly to close the public hearing. Motion carried 4-0.

The Planning Commission expressed overall support for the ordinance amendments, as prepared by staff, with several members reiterating that for safety and liability reasons, they were in favor of the 35,000 square foot lot area requirement for the cover provision. It was moved by Commissioner Kelly and seconded by Commissioner Siegfried to recommend the City Council approve amendments to Appendix B – Zoning Ordinance related to the regulation of swimming pools, as discussed. Motion carried 4-0.

OLD BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION - None

OPEN FORUM - None

ADJOURNMENT

It was moved by Commissioner Siegfried and seconded by Commissioner Kelly to adjourn the meeting at 6:27 p.m. Motion carried 4-0.