

**CITY OF BAYPORT
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
OCTOBER 30, 2023
6:00 P.M.**

CALL TO ORDER

Pursuant to due call and notice, Commissioner Kelly called the regular Bayport Planning Commission meeting of October 30, 2023 to order.

ROLL CALL

Commissioners Present: Elizabeth Kelly, Orin Kipp, Carl Bliss, and Aaron Ochs

Commissioners Absent: Coleen Siegfried

City Staff Present: City Administrator Matt Kline, Assistant City Administrator/Planner Sara Taylor, City Attorney Eric Larson, and City Council Liaison Katie Hill

APPROVAL OF MINUTES

It was moved by Commissioner Kipp and seconded by Commissioner Kelly to approve the May 22, 2023 minutes. Motion carried 4-0.

PUBLIC HEARINGS

1. Consider an interim use permit for a period of approximately one year to conduct auto sales with outdoor storage and display at 397 5th Ave. N.: Planner Taylor noted the property is zoned B-2 Central business and surrounded by a mixture of commercial business on the north, east, and west property boundaries, and residential on the south. The property formerly operated as JR Transmission, which offered auto restoration and repair services. Applicant Brennan Swanson recently purchased the property with the intent of offering auto repair, as well as auto sales and display, with a primary focus of online advertising and sales by appointment only. Auto repair is a permitted use in the B-2 zoning district, but auto sales and display requires a special use permit.

Planner Taylor noted that the city's current ordinance regulating auto sales was adopted many years ago and is clearly meant to regulate a more traditional type dealership with on-site advertising and display, as well as an unanticipated volume of "drop in" customers during business hours. The ordinance also requires distinct design and dimensional standards to prevent the potential for nuisance operations or impacts to adjacent properties. Currently, the property is deficient in meeting many of these standards, as summarized in the staff report. In an effort to be more inventive in how the city could potentially allow and regulate the applicant's proposal for online auto sales, the City Council held a workshop on September 11 and October 2 to discuss the potential for an interim use permit. The interim permit would allow online auto sales on a one year trial basis under certain conditions to evaluate whether the use is appropriate for the site long-term. If so, the city could then consider issuance of a permanent conditional use permit for the use upon expiration of the interim permit.

Planner Taylor summarized the applicant's proposal, which includes minimal improvements during the one year interim use period. The applicant has been made aware that additional improvements, such as mitigation of excess impervious and gravel surface and enhanced landscaping will likely be conditions of approval if the city were to consider a permanent conditional use permit following the interim period. She reviewed the proposed site plan, which includes 16 parking stalls for auto sales/display and employees and 5 parking stalls for auto sales/repair customers. The site currently exceeds the maximum impervious coverage of 80%. In an effort to mitigate some impervious, staff is recommending restoration of a sod/landscape buffer strip along the south property line. Sections of fence that are 4 ft. in height will also be increased to 5 ft. to comply with city code and provide an enhanced buffer for the neighboring residential property.

Planner Taylor reviewed staff's suggested findings of fact and conditions of approval for the interim use permit. Notice of the public hearing was mailed to all property owners within 350 feet and published in the Stillwater Gazette on October 13. The city did not receive any public comment related to the application. Based on the information presented, the Planning Commission is asked to provide a recommendation to the City Council.

Discussion followed, with Planner Taylor and the applicant fielding questions from the Planning Commission regarding type of auto sales and display location, landscaping improvements, removal of outdoor storage, and how the city will evaluate whether the proposed use is appropriate during the interim period. Planner Taylor referred to the suggested conditions of approval on which the use would be evaluated, such as noise, lighting, signage, parking, volume of customers, and hours of operation.

Commissioner Kelly opened the public hearing and no comments were heard. It was moved by Commissioner Bliss and seconded by Commissioner Kelly to close the public hearing. Motion carried 4-0.

It was moved by Commissioner Kelly and seconded by Commissioner Ochs to recommend approval of an interim use permit for a period of approximately one year to conduct auto sales with outdoor storage and display, subject to findings of fact and conditions listed in the staff report. Motion carried 4-0.

2. Consider amendments to Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of short term rentals: Planner Taylor noted that in 2019, the city adopted an ordinance to regulate and license short term rentals for any period less than 30 days. Since adoption, the city has only issued two licenses. In reviewing the ordinance in response to the most recent license application, staff identified areas of the ordinance that need to be clarified to ensure consistent administration. Staff also recognized that the existing ordinance could benefit from reorganization, not only to assist staff administer the provisions, but also help applicants better understand the license eligibility requirements and inspection process.

On October 2, the City Council held a workshop to discuss the ordinance and provide direction to staff on desired amendments. Subsequently, staff has prepared a markup of the existing ordinance with comments notating whether sections have been revised, relocated elsewhere in the new ordinance, or deleted for consideration. Planner Taylor reviewed substantial revisions to ordinance, which have been summarized in the staff report and highlighted in yellow text in the proposed draft.

Planner Taylor noted that because the ordinance relates to zoning, the Planning Commission is being asked to participate in the amendment process by holding a public hearing, and providing a recommendation on the amendments. Notice of the public hearing was published in the Stillwater Gazette on October 13. The city did not receive any public comment related to the proposed ordinance amendments. Discussion followed on the requirement for City Council approval, notification process to surrounding property owners, quantity of licenses available citywide, and noise restrictions. The Planning Commission expressed appreciation that the proposed ordinance is more simplified and easier for applicants to understand the licensing process.

Commissioner Kelly opened the public hearing and no comments were heard. It was moved by Commissioner Kelly and seconded by Commissioner Kipp to close the public hearing. Motion carried 4-0.

It was moved by Commissioner Kelly and seconded by Commissioner Ochs to recommend approval of amendments to Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of short term rentals to the City Council. Motion carried 4-0.

OLD BUSINESS - None

NEW BUSINESS - None

GENERAL INFORMATION - None

OPEN FORUM – None

ADJOURNMENT

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

City Administrator/Clerk