

**CITY OF BAYPORT  
PLANNING COMMISSION MEETING MINUTES  
CITY COUNCIL CHAMBERS  
November 18, 2019  
6:00 P.M.**

**CALL TO ORDER**

Pursuant to due call and notice thereof, Commissioner Kelly called the regular Bayport Planning Commission meeting of November 18, 2019 to order at 6:00 p.m.

**ROLL CALL**

Commissioners Present: Elizabeth Kelly, Aaron Ochs, Orin Kipp, Colleen Siegfried, and Tom Triplett

Commissioners Absent: None

City Staff Present: Assistant City Administrator/Planner Sara Taylor, City Administrator Adam Bell, City Attorney Andy Pratt, and City Council Liaison John Buckley

**APPROVAL OF MINUTES**

It was moved by Commissioner Kipp and seconded by Commissioner Kelly to approve the September 23, 2019 regular meeting minutes. Motion carried 5-0.

**PUBLIC HEARINGS**

Commissioner Kelly called on Administrator Bell to present amendments to Appendix B – Zoning of the Bayport City Code of Ordinances related to the regulation of residential short term rental use. Administrator Bell indicated that the city has been working towards regulation of short term rentals (STR) for approximately two years. Bayport City Council banned STR of less than 30 days in January 2018. Since then, staff reviewed other cities' existing STR policies to draft the proposed ordinance. The ordinance was originally reviewed by the Planning Commission in March 2019. City Council approval of the ordinance was recommended. Following discussion at the April 2019 City Council meeting, the STR ordinance was tabled so staff could continue to revise the document and address specific concerns. In October, the STR issue returned to the City Council and at that time, it was decided to turn the matter back to the Planning Commission for more discussion and additional opportunity for public comment. Administrator Bell summarized the highpoints of the revised ordinance and licensing procedures. He indicated the intent of the amended ordinance language was to preserve and protect the residential character of Bayport, while still allowing for STR opportunity.

As part of the licensing procedure, notification of neighboring properties within 350 feet would be required. If there were no objections by neighboring properties, the license could be approved administratively. If objections are received, the application would be reviewed by the Planning Commission. The number of licenses would be limited to 15 in the city, with no more than 12.5% of a block face obtaining a license. At least one license per block face would be allowed regardless of density to accommodate some of the more sparsely populated streets within the city. A block face definition would need to be included in the ordinance language.

Commissioner Kelly questioned whether staff was trying to address actual problems raised by STR prior to the ban, or simply prevent potential problems. Administrator Bell indicated that prior to the STR ban in 2018, staff was aware of four rental properties within the city. Complaints received during that time were primarily noise related.

Commissioners Triplett and Kelly expressed concern about the unfamiliar judicial role the Planning Commission would take in the STR licensing process and recommend a course of action be shifted to the City Council or administrative staff. Administrator Bell indicated the STR licensing process was modelled after the City of Stillwater.

Commissioners proceeded to review the proposed ordinance by line item. Commissioner Kelly requested a longer time period than the suggested seven days for notifying the city of changes regarding the licensed properties. She would like to see language added to indicate the yearly renewal inspection for a license will not

be as onerous as the initial application. She feels a restriction on external signage should be relaxed to allow for clarity and ease in parking vehicles. She also asked that several parts of the ordinance around license revocation be altered or removed, as well as language around the recourse with disorderly conduct by renters. Commissioner Kelly feels the proposed ordinance goes too far in addressing and anticipating problems that did not exist prior to the STR ban in 2018. Commissioner Siegfried clarified that inspections would occur prior to license approval. Commissioner Kelly then opened the public hearing on these ordinance amendments and invited anyone wishing to comment, to approach the podium.

Jed Seeger and Sarah Dezial, 206 5<sup>th</sup> Street South, object to including neighbors input in the licensing procedure. They also feel the need for off-street parking is unnecessary, considering the conservative density of licenses that will be granted within the city.

Dan Goldston, 4 Point Road, feels the exclusion of certain neighborhoods due to existing HOA restrictions is not fair to the remaining parts of Bayport. He is concerned that STR negates the rights of neighboring property owners and infringes on the strong sense of community life in Bayport.

April Amys, 528 6<sup>th</sup> Street North, has concerns with the off-street parking requirement and the input of the neighbors in the licensing process. She asked that signage be allowed for parking clarification purposes.

Jon VanZee, 308 William Street, Stillwater, spoke on behalf of his Bayport parents and has been a neighbor to a STR in Stillwater. He cited nuisances like noise and parking and recommended the requirement of off-street parking in the ordinance. He thinks neighbor input is essential and the 60 minute response time from the emergency contact/property owner should be reduced to 30 minutes. He feels STR should be limited to owner occupied rentals only to prevent party house style rentals.

It was moved by Commissioner Ochs and seconded by Commissioner Kelly to close the public hearing. Motion carried 5-0.

Upon questioning by Commissioner Kelly, Administrator Bell indicated there are no parking restrictions on long-term rentals above or beyond a regular Bayport residence. The city is not aware of any parking complaints specifically related to STR prior to the ban in 2018. The inclusion of parking language was strictly included due to feedback from neighboring communities.

Commissioner Ochs generally likes how the amended ordinance attempts to preserve the residential character of Bayport. He feels the license cap of 15 is conservative but is concerned about potentially 8 STR within a 4 block radius if these limits are enacted without more proximity restrictions. This could create parking nuisances for the renters, as well as noise and upheaval for residents in these areas. Commissioner Kelly feels the STR issue is a balance between property owners' rights versus community rights. The proposed ordinance is weighty and cumbersome in its approach of anticipating problems before they happen. She'd like to send the ordinance document back to staff for re-working.

It was moved by Commissioner Triplett and seconded by Commissioner Ochs to recommend City Council approve amendments to Appendix B-Zoning of the Bayport City Code of ordinances related to the regulation of residential short term rental use with incorporation of the changes and concerns expressed by the Planning Commission. Motion carried 4-1 with Commissioner Kelly voting nay.

**OLD BUSINESS** - None

**NEW BUSINESS** - None

**GENERAL INFORMATION** - Commissioner Kelly announced that Planning Commissioners Coleen Siegfried and Aaron Ochs have been reappointed for a 3 year term.

**OPEN FORUM** - None

**ADJOURNMENT**

It was moved by Commissioner Siegfried and seconded by Commissioner Kelly to adjourn the meeting at 7:48 p.m. Motion carried 5-0.