



**City of Newport
Planning Commission Minutes
February 9, 2017**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 5:30 p.m.

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, Saengmany Ratsabout

Commissioners absent – David Tweeten

Also present – Deb Hill, City Administrator; Renee Eisenbeisz, Asst. to the City Administrator; Bill Sumner, Council Liaison; Sherri Buss, TKDA Planner.

3. NOMINATION AND APPOINTMENT OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2017

Motion by Mahmood, seconded by Taylor, to appoint Kevin Haley to Chairperson. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Motion by Ratsabout, seconded by Mahmood, to appoint Marvin Taylor as Vice-Chairperson. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the December 8, 2016 Meeting

Saengmany Ratsabout - I'll be abstaining because I wasn't there.

Motion by Mahmood, seconded by Taylor, to approve the December 8, 2016 minutes as presented. With 3 Ayes, 0 Nays, Ratsabout Abstaining, and 1 Absent, the motion carried.

B. Planning Commission Minutes of the January 12, 2017 Workshop

Motion by Mahmood, seconded by Ratsabout, to approve the January 12, 2017 workshop minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider a request for a Planned Unit Development for 1101 5th Avenue

Sherri Buss, City Planner, presented on this item as outlined in the February 9, 2017 Planning Commission packet.

The public hearing opened at 5:44 p.m.

Carol Robertshaw, 1158 5th Avenue - I had to take a phone call when you talked about the width, what are they?

Ms. Buss - The narrowest is 63.5 feet and the widest is 70 feet.

Ms. Robertshaw - I live in a lot that's 40 feet wide. This particular lot, will you be taking out the woods?

Ms. Buss - Yes, unfortunately, to complete the grading, the woods have to go. It won't affect any trees on the adjacent lot but most of the trees will have to go on that lot.

Chairperson Haley - The stormwater retention is on that lot too.

Ms. Robertshaw - Yes, there has been serious flooding in that area.

Ms. Buss - And that's what they're trying to improve with the stormwater system. There will be a holding pond.

Donna Young, 496 12th Street - My concerns after listening to this is that I would prefer to have double lots because there's already an issue on 5th Avenue with traffic. So we'll have the one way on 11th Street so they have to come on 5th Avenue and we're adding five lots on that side. My garage is off of 5th Avenue. I'm not even sure if you're aware of the traffic on that street. We have a lot of snowmobilers and kids on bikes. They go tearing down that street and I've almost taken them out. If you take that into account, you'll need to understand that you'll be doubling the amount of traffic on that nice quiet street. I've talked with the police about this. There needs to be more of a police presence in that area because there are a lot of issues with vandalism. I'm mostly concerned about the traffic.

Dave Shopbell, 1154 4th Avenue - I've been there since 1978 and the lots were required to be 75 feet at that time. Prior to that is when the 50 foot lots came in. It's been 75 for as long as I can remember.

Ms. Buss - No, it's 70 feet.

Mr. Shopbell - So it was changed when it was rezoned? It was 75 feet when we built.

Ms. Buss - It's been 70 feet since at least 2007.

Mr. Shopbell - You talked about swales. Right now, I have two inches of standing ice in my back yard. That's evolved over the years with the different things that have gone on in that property. I'm assuming before anything is built, that that will be addressed so I don't have to come back here because my house is flooding. If we get a lot of rain in the spring, I have water in the back of my house because of what's gone on there.

Ms. Buss - We'll have the City Engineer reach out to you.

Mr. Shopbell - I know there have been other questions. My one neighbor behind me is concerned about the soil because there was a lot of things that stood there for years. Have there been any studies?

Ms. Buss - We can have Bruce check on that to see if we need to do a Phase I. Salt wouldn't be a contaminant.

Mr. Shopbell - It sounds like we're getting the Council to vote on this in a week,

Chairperson Haley - The lot has been there for 15 years.

Tony Mahmood - If you're going to talk, you need to come to the podium.

Mr. Shopbell - These questions should be addressed before you sell them.

Chairperson Haley - We can have Bruce address that and discuss it at the Council meeting.

Mr. Shopbell - How do you vote on something you don't have answers to?

Ms. Buss - It'll be addressed before the final vote.

Darold Oswald, 295 11th Street - My main concern is that since you've done 7th Avenue, we get twice the water coming down our street. It peels up constantly. I can't keep my driveway there now. If they can't come up with a way to keep the water up there, you'll destroy that road. Every time it rains, I have to take two to three wheelbarrows full of gravel off of the street and back into my driveway. I can't keep it up there. This has been since 7th Avenue was done because there used to be a storm sewer at 11th and 7th. I've talked with Bruce about it and he just says oh well. If they can't come up with a way of deterring that water somewhere else. It can't come down our streets.

Chairperson Haley - The retention pond has to be able to handle the water by law.

Mr. Oswald - I'm also concerned about the lot sizes. The majority of the lots are twice what you're proposing. My lot is 100 by 300 and it's one of the smallest lots. They're trying to put a lot of houses in a small area. It's going to get really cramped. I also want to know what's going in there because we don't need any more Section 8, rental or habitat for humanity homes.

Ms. Buss - The developers that have talked with us have mentioned market-rate, single-family.

Mr. Oswald - So these funny-looking two-car garages with half a house behind it.

Ms. Buss - That's not what we've seen but we can take your comment.

Mr. Oswald - You're breaking your own laws. You don't flex for any of us, why should we allow you to?

Chairperson Haley - I take issue with that.

Vice-Chair Taylor - I do too.

Chairperson Haley - We've barely denied anyone that has come to us since I've been on the Planning Commission.

Mr. Oswald - A neighbor across the street asked for an alleyway to be eliminated because it's their driveway. After you took their money, you said Xcel Energy said no to it. Xcel never said anything about it. You're always laws, laws, laws.

Chairperson Haley - We on this Commission, have approved everything that has come before us.

Mr. Oswald - I built my garage 15 years ago and you wouldn't let me do anything beyond what the code says.

Chairperson Haley - I'm telling you that there isn't anyone on the Planning Commission...

Mr. Oswald - And as I look around, except for one of you, I haven't met any of you and I've been here for 40 years. As far as bending rules, you don't change rules that have been in existence for a long time to squeeze one more house in the area that we only need three in.

Chairperson Haley - We are limited by State laws and because of our proximity to the metro, any future development has to have density higher than this on average. Four houses per acre is not uncommon.

Mr. Oswald - If you live in downtown St. Paul, this isn't. Our motto is "turn your clocks back 100 years." Our lots are huge down here, they always have been. I'd like to break my lot up but you won't let me do it. It's just one

thing after another. You'll bend the rules for yourselves but you won't break them for anyone else. This area, there's room for four houses, not nine. You're just looking for trouble.

Chairperson Haley - The difference between this and what's allowed is one lot.

Mr. Oswald - Then let's put three instead of four on 4th Avenue. You're trying to cram way too many houses in there.

Mr. Shopbell - If this development went in next to you, would you not want reassurances that the value of the homes will be equal to the value of your home? I think that's a fair question. Your honest answer would have to be yes.

Vice-Chair Taylor - We're not developers here. There aren't any guarantees. These houses will probably be worth more than the houses in this neighborhood. I would say it's a high probability.

Chairperson Haley - These will be all new houses. If you went out and looked at the average house built in the metro, it's impossible to build one for less than the value of your houses.

Mr. Shopbell - My lot is 80 feet wide and I have a 3,000 square foot home. You won't be able to do that on these lots.

Chairperson Haley - You wouldn't be able to build your home today for your value.

Mr. Shopbell - According to my insurance company they can.

Chairperson Haley - It'd probably be \$300,000.

Mr. Shopbell - So they'll be \$300,000 homes? The value of our property down here is less than any other area period. I don't want to see them put in something so that my home's value decreases.

Chairperson Haley - There are three lots that have three new houses, what was the average price of those?

Asst. to the City Admin. Eisenbeisz - I believe \$200,000 and they all sold.

Mr. Shopbell - So now we have \$200,000 homes in areas where our homes are worth more than that.

Chairperson Haley - I asked an audience member before the meeting and their value is less than \$200,000.

Mr. Shopbell - We're asking for a valuation that is comparable to the neighborhood.

Ms. Buss - There are minimum design standards that require it to look like a traditional house. It will be a private market decision so the City can't give you a guarantee.

Mr. Shopbell - It would help by going back to what's allowed and then we would be able to have equivalent sized lots.

Ms. Buss - If you go in to St. Paul, you have 40 foot wide lots with \$700,000 homes. You're saying that the only factor is lot width, it's not. I'm moving to Woodbury on a 40 foot lot and it's a valuable home. Lot width is not the only decider on the value. The City has its standards.

Vice-Chair Taylor - We have a tool to allow the flexibility from the ordinance requirements with the Planned Unit Development.

Ms. Buss - The overall size of these lots meets the minimum size requirements of the ordinance. They are at least 9,100 square feet. A few of the lots are a few feet less than 70 feet, that's the flexibility we're looking at.

Ms. Young - I have a question in terms of tax base. What would be the difference in taxes if we reduced the number of houses? If we cut down from nine to four or five?

Admin. Hill - The City portion is about \$1,000 per home per year.

Ms. Buss - So it would be about \$9,000 so you would cut that in half.

Ms. Young - I'm suggesting a compromise. I agree with the other residents. I'm recommending that you postpone your vote. To look at it more thoroughly. To have us come back when you have more data. If that lot has been sitting there, it can a little bit longer. Let's get some more studies and do it right.

Tony Mahmood - What do you want studied?

Ms. Young - Let's look at the water issue. It's four blocks from the River and I have a deep appreciation for the land. That's why I wanted to buy a house in Newport because as a single person, I can't afford to live in my hometown of Woodbury. Growing up in Woodbury, we had the second largest lot in Royal Oaks. They've been getting smaller and smaller. The Met Council is putting pressure on us to put more homes in. These people have lived here much longer. I think we need to look at cutting back to a compromise. You'll still get \$5,000 in taxes. That'll cut down on traffic and other issues such as crime. We like our peaceful neighborhood and would like to keep it that way.

Chairperson Haley - There will be potentially nine lots, you can buy them.

Ms. Young - That's unreasonable and illogical.

Tony Mahmood - We're already looking at the water issue.

Ms. Buss - The City Engineer is working on a plan and it'll actually improve the runoff.

Tony Mahmood - They'll have a solution for that.

Ms. Young - Let's wait until that's done. I don't think you should vote tonight and send it to the Council next week. We're going into spring, let's look at this more closely. Let's go to this gentleman's back yard and my area. I'll give you one more example. I live on the corner of 12th and 5th. I have a house, my property used to stretch all the way down the street. The guy next to me, lives in St. Paul and rents that house. I've had white trash living in that house since I moved in. It took three years and many phone calls to the police to take care of a dog issue.

Ms. Buss - Is there a point here?

Ms. Young - Yes, the point is that I agree, you're looking at numbers, we're looking at quality. We want good people for our city. If we have good people that come here, they'll provide taxes for you. Extend it three or four more months. It's ok. Please listen to my request.

Ms. Robertshaw - I just have one question. Where will the holding pond be?

Admin. Hill - It'll be swales.

Ms. Buss - It's on the south two lots towards the back. There are also swales that are in the back of each lot. The water won't be there for more than 24 hours. There is a sewer outlet. The idea is that the water settles there and then goes to the Mississippi.

Chairperson Haley - The report says that the runoff will be reduced by 87%. I understand your concerns. There are big issues. This development will reduce the runoff issue by about 90%. We can't take the whole neighborhood's water into this lot.

Mr. Oswald - You're bending the rules for these lots. I know there's a gentleman who owns a whole block between 9th and 10th and 2nd and 3rd. Why can't he have 70 foot lots?

Chairperson Haley - Has he asked us?

Mr. Oswald - He wanted to do this 15 years ago. You're smearing this in his face.

Ms. Buss - He can come forward and make an application like anyone else.

Mr. Oswald - He should be able to do it, he's lived here long enough. New faces don't care about old faces.

Tony Mahmood - That's not true. I give my time to this community and care about this community. I've lived here for 13 years. You're saying I don't care and that's not true.

Mr. Oswald - I've been here 40 years.

Ms. Buss - I think we should keep this to the issue at hand.

Mr. Oswald - I just think he should be able to approach the City and ask for the same thing.

Ms. Buss - He can.

Mr. Oswald - He's tried.

Chairperson Haley - With the current administration?

Admin. Hill - I haven't received anything but it's irrelevant to this.

Mr. Shopbell - Just a point so you understand. I've tried to buy this property next to me for the last 20 years and couldn't. You can't tell these people that they can buy it because they can't. It's been sitting empty for years. My wife sat on the commission for the apartment building. We've tried to do things and it doesn't work.

Chairperson Haley - These lots will be available for sale.

William Pierce, 623 11th Street - I have a couple comments and some questions. I attended the meeting on Monday night about the one-way for 11th Street. I'm assuming that that will happen because there's not enough room where I'm located. These old houses are grandfathered in and there isn't that kind of room. When I think about the one-way configuration, I assume it'll be about 22 feet. If you look at the announcement for tonight's meeting, there are a lot of things I wish I could understand. I bought the house five years ago and have put a lot of money into it. I know someone has tried to strong-arm my neighbor Shirley into giving up 14 feet and the only reason you're doing a one-way configuration is because she wouldn't give it up. My question is about the vacated alley on 11th Street. Originally, 11th Street wasn't on this plan. In your haste to sell these lots, you've added 11th Street and the sewer system.

Admin. Hill - This question came up during the neighborhood meeting on Monday night. Engineer Herdegen addressed this. In order to correct the water issues on 5th Avenue, we needed to add 11th Street.

Mr. Pierce - It was added way after the fact.

Admin. Hill - Because that's what they discovered after doing their study for 5th Avenue.

Mr. Pierce - They used this property as a staging ground for the previous street projects, is it possible that consideration wasn't made for how they left that property and that created the water problem?

Admin. Hill - No, the water problem has been there for many years.

Chairperson Haley - The grading for the nine lots will correct the water issues by 90%.

Ms. Buss - This meeting isn't about the street projects. You'll need to talk with the Engineer.

Mr. Pierce - I brought those concerns up the other night and Ms. Hall didn't want to give 14 feet so you could do a two-way street. I said that the City should consider buying out a couple lots on 11th Street so you could create a real street and the City wasn't prepared to answer that. Before I sit down, could you address the vacated alley?

Admin. Hill - That's the legal description and the alleyway was vacated long ago.

Ms. Buss - There's not an alley vacation that's part of this development.

Mr. Pierce - To wrap up, I don't understand your motivation to do this when there are bigger issues. Even on 11th Street and neighbors that have 100's of calls to the Sheriff's Office.

Chairperson Haley - This isn't pertinent to the PUD. I understand your concerns.

Mr. Pierce - Why are you pushing for this?

Ms. Buss - The City owns this property and isn't getting any tax dollars from it. It's put in significant investment to serve this property and needs to get some money back for its investment. That's the City's motivation in doing this. To make the most efficient use of its investment on behalf of all the residents of Newport who are all paying taxes to pay this property and the infrastructure improvements. The City has the ability through the PUD to try and get the most out of this lot.

Mr. Pierce - There's a big refinery next to us that are buying lots of homes and decreasing the value of Newport.

Ms. Buss - The City just rezoned that area so the City could get more value from those lots. The City can't stop them from buying lots.

Chairperson Haley - I appreciate what you're saying but it doesn't apply to this PUD.

Mr. Pierce - I put a lot of faith in you and hope you can steer this community in the right direction.

Anita Nye, 489 10th Street - I am just concerned that you keep the lots at a decent size. I think anything is better than nothing. I don't mind the housing but don't want to see them jammed in. I'd like them wide and make sure the lots are big enough. Go down to five or six. Also the corner lot at 11th and 5th, that doesn't look very efficient to me. I also don't understand the water. Will they know the water will be standing there for 24 hours?

Ms. Buss - Yes. The City will take an easement for it. These are mostly underground storage areas.

Candy Bichner, 1153 5th Avenue - That lot was used for the City and the salt, that's chemicals sitting on the ground. The trucks, everything, it should be checked.

Chairperson Haley - We took notes and will check into that.

Ms. Bichner - Where will the one-way street be?

Ms. Buss - 11th Street.

Asst. to the City Admin. Eisenbeisz - 5th Avenue or 11th Street.

Ms. Bichner - It's a one-way because of these lots?

Ms. Buss - No, it's because we don't have enough right-of-way to make a two way street. These lots don't have anything to do with the street.

Ms. Bichner - These will be single-family, not rentals or Section 8?

Chairperson Haley - We can't prohibit anyone from renting their homes. They'll be single-family.

Ms. Bichner - Who is paying for the sewer and water?

Chairperson Haley - The developer.

Ms. Bichner - What about the lot across the street that you own?

Chairperson Haley - That's not up for discussion tonight.

The public hearing closed at 6:45 p.m.

Tony Mahmood - If we don't have the water problem 100% solved, why are we moving forward now?

Ms. Buss - He's very close, he's at 94% and is working with the Watershed District. It has to be done before anyone develops it. There's a lot of time between making this change and houses going up.

Admin. Hill - Jon wouldn't have let it come to you if we weren't close.

Chairperson Haley - Our staff have been working on this for a long time. They didn't just throw it out in a couple of months.

Admin. Hill - The original plan was from 2009.

Vice-Chair Taylor - I see a needed investment in the housing stock. It's going to be challenging but it's a good investment. I was surprised by the opposition. I think it'll be a good benefit to the City. I hope it plays out well for the neighbors. I think it will. I was looking at lot sizes around the metro and they're 50 to 70 feet on average. The difference is pretty minute for shrinking the lot widths by five feet.

Tony Mahmood - One of the reasons that you're going with nine is to help pay for the infrastructure?

Ms. Buss - Yes and it's already been done.

Admin. Hill - We're short four feet but the lot sizes are larger than the minimum requirement because of their depth. The lots on 5th Avenue meet the minimum requirements.

Ms. Buss - Why would you do less than the eight that the ordinance permits?

Saengmany Ratsabout - In the Council workshop, could you remind us why the Council wanted to go with nine instead of eight?

Admin. Hill - It maximizes the investment without compromising much else. We have the PUD for this reason.

Ms. Buss - It didn't seem like we were going away from the norm too much because the lot sizes are above the minimum requirements.

Chairperson Haley - I would really like to figure out how we can build single-family houses for people who can afford them. I also lived in Woodbury and moved here because it's more reasonable. I would love to get houses down to the \$150,000 range but that won't happen.

Motion by Mahmood, seconded by Taylor, to approve Resolution No. P.C. 2017-1 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Ms. Buss - I have to get going to another meeting.

Asst. to the City Admin. Eisenbeisz - We can postpone the workshop. For the public input on the Comp Plan, we have surveys available online and at City Hall. We also have a bulletin board going around town to gather input. We also had the 5th Grade classes submit ideas. Our open house will be on February 28th at 5:30 p.m. I'll work my hardest to get the results from the survey and note cards to you before the open house.

6. COMMISSION AND STAFF REPORTS

7. NEW BUSINESS

8. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|-------------------|-----------|
| 2. City Council Meeting | February 16, 2017 | 5:30 p.m. |
| 3. City Offices Closed for Presidents' Day | February 20, 2017 | |
| 4. Park Board Meeting | February 23, 2017 | 6:00 p.m. |
| 5. City Council Meeting | March 2, 2017 | 5:30 p.m. |

9. ADJOURNMENT

Motion by Taylor, seconded by Haley, to adjourn the Planning Commission Meeting at 6:59 p.m. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Kevin Haley, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Asst. to the City Administrator