



**City of Newport
Planning Commission Minutes
February 14, 2013**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 7:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Matt Prestegaard, Janice Anderson, Susan Lindoo

Commissioners absent – None (5th Position is Vacant)

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; Sherri Buss, TKDA Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of January 10, 2013

Janice Anderson – I don't have a correction but I want to talk about #5 under "Commission and Staff Reports." Where it says "They meet on the same night as the Planning Commission so Katy has submitted a resignation letter" I'm inclined to use "her resignation letter" instead of "a resignation letter."

Motion by Lindoo, seconded by Prestegaard, to approve the January 10, 2013 minutes as amended. With 4 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider amendments to the Zoning Code, including the following: Chapter 1300, Section 1310 Administration and Enforcement, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts, and Amending the Comprehensive Plan and Zoning Map

Sherri Buss, TKDA Planner, presented on this item as outlined in the February 14, 2013 Planning Commission Packet.

Vice-Chair Prestegaard – When is the end of the comment period for the Comp Plan Amendment?

Ms. Buss – They get 60 days, so it will be mid-March. I've heard from Maplewood, Woodbury and Cottage Grove and they all said it looks fine. I haven't heard from the County, Watershed, St. Paul Park and St. Paul. We do have a couple things to update as well. There are a couple of questions related to some smaller issues in regards to the amendments. As Renee was looking through the ordinance, she did not find a separate classification for grocery stores. Do you want a separate classification for grocery stores?

Susan Lindoo – Do we have a size limit so that we wouldn't get a Target or Walmart?

Ms. Buss – We did but I'm not seeing that in the new ordinance.

Executive Analyst Helm – When we approved the MX-3 District, there was a line for a grocery store and that's where the size limit was.

Ms. Buss – It must be because we integrated the use table for all of the Districts so I'll go back and include the size limits.

Janice Anderson – There wasn't any designation for grocery stores that went along with the common service stations.

Ms. Buss – There's a convenience store one that are permitted in B-1. I'll pull those size limits back.

Susan Lindoo – I was thinking we had a requirement that they need to be less than 50,000 sq ft.

Ms. Buss – Do you want a separate grocery store classification? I think it might be nice to have one for the future.

Susan Lindoo – That makes sense.

Ms. Buss – I'll add that along with the size requirements.

Susan Lindoo – Does it make sense to allow grocery stores in all of the Districts? I'm not sure it makes sense for the MX-3 District because of the density. I think it would make sense for the MX-1 and MX-2 Districts.

Ms. Buss – I think at one point there was interest a grocery store at the Dahlene Property which is at the corner of Glen Road and 7th Avenue. We do have a requirement for FARs that make it denser and don't allow big surface parking lots, which could make it difficult for grocery stores to develop in MX-3.

Councilman Ingemann – What if you had a grocery store underneath apartments?

Ms. Buss – You could do that as well.

Susan Lindoo – Maybe grocery stores should require a conditional use permit then so that we can hear what it's going to be like.

Dan Lund – I think maybe the difference for the MX-3 District would be the allowed size.

The Public Hearing opened at 7:19 p.m.

Dave Swanlund, 1915 Butler Avenue, South St. Paul – My dad and uncle make up Swanlunds Inc. which owns the parcel north of Ford Road where the new pond is. My concern is that we've been marketing this as B-2 for a number of years and have been approached by a trucking company to build on this lot, what are we supposed to do now with it being MX-2? Do you expect retail in that little spot? I would hope that you would cast a wide net. I would hope that you would welcome any type of tax base such as a maintenance facility or terminal. There are already restrictions on our property because there are 5 acres of power lines that can't have buildings under. I'm a little concerned about being restricted in selling that piece of property which is already a terrible sell based on the watershed problem which was created by Newport when they put up the new Public Works building and expanded Baileys. If you change this to MX-3 and a trucking company is throwing money at me, is there a chance it can go in or is it too bad?

Ms. Buss – It's actually MX-2.

Vice-Chair Prestegaard – There are several uses under MX-2. I would like to hear more about this offer that you've received.

Mr. Swanlund – It's not an offer, it's a prospect. They come and ask if they would be welcomed and if it's possible to do what they're thinking. I'm actually co-brokering the property with Jim Callahan who called City Hall and was told that with the rezoning, we can't have a trucking company there.

Ms. Buss – And that might be one of the few changes. I can't remember what we allowed under B-2, if we allowed trucking and warehousing or not.

Mr. Swanlund – We were in discussions with Cemstone for a maintenance facility. I would like to point out that the Mayor belittled me for screwing up that deal. What if Cemstone stepped up tomorrow?

Chairperson Lund – Can someone remind me what is allowed in B-2 currently?

Executive Analyst Helm – The current Section 1330 states what is currently allowed. I'm not really seeing any trucking uses.

Mr. Swanlund – It was allowed when the Mayor was chomping at the bit and I discussed it Brian Anderson for years.

Executive Analyst Helm – Manufacturing and warehousing are allowed with a conditional use permit.

Ms. Buss – That would be the main change.

Mr. Swanlund – So you wouldn't allow warehousing?

Ms. Buss – At this point no. I think our reasoning for that was that because of the power lines, it doesn't look like there is enough space for a significant warehouse facility. That's allowed in the B District which is at the southern part of the City. This is the time to reflect on this and whether we think your site belongs in the B District.

Vice-Chair Prestegaard – I think I can speak on behalf of the Commission and say that our intent is to be inclusive and friendly and we don't want existing businesses or residences to be non-conforming with the rezoning. Not knowing about business prospects we may have introduced a restriction that we didn't intend. I think it would be helpful to do a cross-comparison between the two Districts.

Susan Lindoo – That makes sense.

Councilman Ingemann – Unless they consider the automotive services, which is conditional.

Ms. Buss – That could still be done.

Chairperson Lund – That's not allowed in the current B-2 District.

Executive Analyst Helm – It's allowed in the proposed MX-2 District.

Susan Lindoo – What would the trucking business been under the old B-2?

Councilman Ingemann – It's not necessarily a trucking business. Cemstone wanted to park their trucks underneath the power line and put up a 5,200 sq ft of space.

Ms. Buss – It was a maintenance facility. They had originally looked at the old Knox Site.

Mr. Swanlund – I don't know if Cemstone ever bought anything in the end.

Susan Lindoo – Our question is not just Cemstone.

Mr. Swanlund – And I can't give you any more information on prospects because they're represented by a broker.

Ms. Buss – What does your broker tell you about who might be interested in this site?

Mr. Swanlund – I've gotten different calls for businesses looking to expand manufacturing, churches, which apparently City Hall wasn't very friendly to them.

Ms. Buss – Churches would be allowed.

Mr. Swanlund – Apparently the Mayor has an issue with it.

Vice-Chair Prestegaard – So the primary point of concern is that warehousing was allowed in B-2 but is not allowed in MX-2.

Susan Lindoo – Can this come back?

Ms. Buss – Yes.

Chairperson Lund – It looks like the allowed uses have changed and it was our plan to keep industrial uses together. You're pretty isolated there and it's not an ideal place to put something industrial there.

Mr. Swanlund – I haven't been approached by industrial companies.

Ms. Buss – You're more thinking warehouse or office warehouse?

Mr. Swanlund – Yes.

Vice-Chair Prestegaard – Have you had a chance to look at the proposed MX-2 District and the allowed uses?

Mr. Swanlund – I haven't.

Vice-Chair Prestegaard – That might of interest to you. There are 30 or so commercial uses allowed in the proposed MX-2 District.

Janice Anderson – The broker needs to have that information as well.

Chairperson Lund – So it sounds like we might be making some changes in regards to the building sizes so this will be back next month. Mr. Swanlund, I would encourage you to take a look at the differences and come back with more specific comments next month if there's something that still concerns you.

The Public Hearing closed at 7:36 p.m.

Chairperson Lund – I saw in the paper that Newport is considering some electronic billboards and I was wondering how that relates to this.

Janice Anderson – We did prepare a sign ordinance a couple years ago and the Council is suggesting that the sign size be changed for this. We had hoped there wouldn't be electronic billboards here.

Susan Lindoo – I was thinking the same thing.

Ms. Buss – The Council is looking at this as a potential revenue source. It would be along either Interstate 494 or Highway 61.

Executive Analyst Helm – Yes, there are two spots that are in the EDA Packet. The first is along the entrance from 494 onto Maxwell by Newport Cold Storage and the second is by the North Ravine pond along Hastings Avenue.

Janice Anderson – And there was talk about some funds that the City would receive.

Executive Analyst Helm – It would be an additional revenue source, which is why the Council is looking at it.

Janice Anderson – I hope that would be put towards youth.

Ms. Buss – There will be a discussion at the EDA meeting and it will be about what the current Code allows. The State also has requirements regarding billboards. It doesn't affect what we're doing tonight. There is another question regarding outdoor storage and a potential landscape business for 222 21st Street. The business would like to manage a landscaping business at this property, which would require outdoor storage. Do you want to change the outdoor storage standards for MX-3 to be similar to the other Districts or would you like to keep it as is?

Susan Lindoo – Would it fit with the area? When I think about landscaping, I think about outdoor bins and such.

Ms. Buss – If that's what they would like then it would not fit in with the MX-3 District.

Chairperson Lund – They won't be changing the footprint, does that play into it? The way I see it, is that that use seems consistent with what's there now but is not consistent with what we would like there in the future.

Ms. Buss – I think they would be a continuation of a non-conforming use. If there's a conditional use permit that allows for retail use then they could operate a business there because the conditional use permit stays with the property.

Chairperson Lund – With changing the Code, their parking lot is now non-conforming. Does that affect whether or not they need to screen it? Are we going to go to the property owners every time a new tenant moves in and tell them that they need to comply with the new regulations?

Ms. Buss – Under the new regulations, they would not be able to use that parking area in the front for parking. They could have parking in the front or back.

Chairperson Lund – Even though the parking lot is already a permanent structure?

Ms. Buss – Yes.

Susan Lindoo – I was wondering about the MX-3 District and whether or not it should be extended all the way down to Glen Road. I'm not sure if we thought about the impact to the existing businesses.

Ms. Buss – I think we do want the higher density around the transit station but maybe there's a natural boundary south of 21st Street.

Janice Anderson – I think we made the right decision when we extended MX-3 to Glen Road.

Susan Lindoo – We've got that high density and restrictions on parking and outdoor storage; which makes sense near the transit station. However, when we move south on 7th Avenue, we have a mix of businesses and homes. So those businesses will be legal, non-conforming.

Ms. Buss – Their parking lots will be non-conforming but the uses are still allowed. It becomes a problem when a new use moves onto the property.

Vice-Chair Prestegaard – I guess that doesn't bother me as much.

Susan Lindoo – I think we made the right choice for near the transit station, I'm just wondering about along 7th Avenue.

Vice-Chair Prestegaard – What would be an alternative?

Susan Lindoo – Maybe the General Mixed-Use District. I'm comfortable with keeping it as is if no one else wants to change it.

Janice Anderson – I'm comfortable with our original decision.

Ms. Buss – For next month, you'll want to think about whether or not you want to move the boundary for MX-3 and think about the comparison between B-2 and MX-2.

Chairperson Lund – I don't think we need to discuss the boundary for MX-3 any further.

Susan Lindoo – I can withdraw my request if everyone is comfortable with the current boundary.

Vice-Chair Prestegaard – I'm comfortable with the current boundary.

Ms. Buss – So we'll table this until the next meeting.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Helm – I just have one update. The Council will be reviewing the three applications that the City received for the vacant seat at the next Council meeting so hopefully we'll have someone new for the March meeting.

Janice Anderson – I participated in a workshop for developing renewable energy resources for your community. We looked at market trends, technologies, solar resources, and making sure that we have something in our Comprehensive Plan that allows us to expand land use for renewable energies.

Ms. Buss – We updated your Code to include renewable energies.

Janice Anderson – The organization, MN Solar Challenge, created this workshop, which I think was very beneficial.

6. NEW BUSINESS

Ms. Buss – I have an update on the Historic Neighborhood Conservation Overlay District Section of your Code, which Susan had asked about last time. She was wondering whether or not it is implemented. It is not and the reason is that you've never identified where that District is in your community.

Susan Lindoo – It makes sense to me to either identify it or remove it from the Code.

Vice-Chair Prestegaard – What are the potential areas?

Susan Lindoo – I believe it would be what's considered "Old Town," which is on the west side of Highway 61. There are some old homes in that area and Robert Vogel has compiled some materials that describe some of the old homes in that area. In talking with Robert, he said that a group of neighbors would need to come forward and request that their neighborhood be identified as historic but that's never been done and I can't see it being done. I think this was written so that the HPC would review any permits to remodel historic homes.

Ms. Buss – That’s how this is written, so it leaves it up to the HPC. Depending on how these things are enforced, they can be a burden on people whose homes are in the District but are not of historic significance.

Susan Lindoo – Should we consider than whether or not we want to retain this District?

Janice Anderson – Has the HPC been advised or given an opinion on this?

Susan Lindoo – No but I think they should. At this point it doesn’t apply to anywhere. Can we request that they provide advice on it?

Ms. Buss – Yes. Also, I have been talking with Gerdau Ameristeel, which is located along Maxwell Avenue. They would like to build a new building and would like to use a material that may or may not be allowed per your Code. I told their architects that they would come in at the March meeting to present a proposed site plan and bring in an example of the material. It was very controversial when this came before the City Council ten years ago because no one wanted metal material on the side of the building.

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

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| 1. City Council Meeting | February 21, 2013 | 5:30 p.m. |
| 2. City Council Meeting | March 7, 2013 | 5:30 p.m. |
| 3. Planning Commission Meeting | March 14, 2013 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Anderson, to adjourn the Planning Commission Meeting at 8:19 P.M. With 4 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst