



**City of Newport  
Planning Commission Minutes  
April 9, 2015**

**1. CALL TO ORDER**

Vice-Chairperson Haley called the meeting to order at 6:00 P.M.

**2. ROLL CALL -**

Commissioners present –Kevin Haley, Matt Prestegaard (6:05 p.m.),Marvin Taylor, David Tweeten

Commissioners absent – Anthony Mahmood

Also present –Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner;

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of March 12, 2015**

**Motion by Taylor, seconded by Tweeten, to approve the March 12, 2015 minutes as presented. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Discussion Regarding Rezoning the Swanlund Property**

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 9, 2015 Planning Commission packet. The Planning Commission discussed the proposed site plan and rezoning request and do not see an issue with the proposal and rezoning request. The developer will be bring forward a rezoning and CUP request at a future meeting.

**B. Public Hearing - To consider amendments to the Zoning Code, Section 1325**

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 9, 2015 Planning Commission packet.

**The Public Hearing opened at 6:12 p.m.**

**David Tweeten** - I see that we have defined tower as including monopole. There are a couple areas where "monopole" appears. They are:

- 1325.04(A)(3)
- 1325.04(B)(3) and (B)(6)

Another question I had, Section 1325.04(A)(2) says that a conditional use permit is not required for "Adjustment, repair or replacement of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor." Does that have meaning?

**Ms. Buss** - Yes, if the building inspector wanted to, he could ask an engineer to evaluate the safety factor. I've had our structural engineers at work do that. They can look at the plans and see if the tower can carry the weight of the proposed change.

**David Tweeten** - That's the language they use?

**Ms. Buss** - Yes. The building inspector would be the one to determine that.

**David Tweeten** - Another area, 1325.04(A)(5) says that "Wireless telephone antennas located on the side or roof of an existing structure shall be a permitted use." The "shall be a permitted use" should be removed.

**Ms. Buss** - Yes.

**David Tweeten** - In reference to the federal regulations, it seems to anticipate them even to the 20 feet substantial change.

**Ms. Buss** - Which most ordinances don't have so we're fortunate to have that already. The FCC regulations went in to effect yesterday. They try to make it easier for people to update equipment and switch out towers. The FCC is trying to make it consistent nationally so people can't turn a building permit down unless there's a major change.

**David Tweeten** - We couldn't say no at this point either.

**Ms. Buss** - We could have a hearing and have some performance standards. For any replacement equipment, our powers are diminished.

**David Tweeten** - But we would not need to approve it in light of the fact that it doesn't require a CUP.

**Ms. Buss** - You can still issue one if you want to add conditions about color and performance standards. Your ordinances aren't requiring them anymore though.

**Matt Prestegaard** - Section 1325.06(E)(7) talks about fencing heights and what it should not be made of and 1325.06(E)(16) talks about height and what material it should be made of. I'm wondering if we can harmonize that.

**Vice-Chair Haley** - I saw that we don't allow barbed wire. A lot of these companies want barbed wire for security purposes. I would want barbed wire personally.

**Ms. Buss** - So should we get rid of the materials part in #7 and leave the fencing up to them. #16 is for AM/FM radio towers, we might just want them to have the "high voltage" sign. We can leave the material up to them in #16 too and have it be a minimum six-foot high fence.

**The Public Hearing closed at 6:24 p.m.**

**Motion by Prestegaard, seconded by Tweeten, to adopt Resolution No. 2015-2 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

### **C. Discussion Regarding Paving Requirements**

Sherri Buss, TKDA Planner, and Executive Analyst Eisenbeisz presented on this item as outlined in the April 9, 2015 Planning Commission packet. The City Engineer provided the attached comments regarding this discussion. Currently, the City requires that residents pave their driveway at the point of sale if it's unpaved and the question is if parking areas outside of the driveway should be paved as well. The Planning Commission directed staff to create language that combines the three Sections with the following regulations:

- Provide the City Engineer and Public Works Superintendent the discretion to identify when a driveway or parking area needs to be paved and what materials are approved.

- Establish a five foot setback for parking areas outside of the driveway.
- State that any parking area within 40 feet of the street or is draining to the street needs to be paved.

Staff will make the above changes and bring forward a draft resolution at the May 14th meeting, where a public hearing will take place.

**5. COMMISSION AND STAFF REPORTS**

**6. NEW BUSINESS**

**7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |                                |                |           |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting        | April 16, 2015 | 5:30 p.m. |
| 2. City Council Meeting        | May 7, 2015    | 5:30 p.m. |
| 3. Planning Commission Meeting | May 14, 2015   | 6:00 p.m. |

**8. ADJOURNMENT**

**Motion by Prestegaard, seconded by Tweeten, to adjourn the Planning Commission Meeting at 6:49 p.m. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

Signed: \_\_\_\_\_  
 Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz  
 Executive Analyst

## Sherri A. Buss

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**From:** Jon Herdegen <jherdegen@msa-ps.com>  
**Sent:** Wednesday, April 08, 2015 8:00 AM  
**To:** Sherri A. Buss; Bruce Hanson  
**Cc:** Deb Hill (dhill@newportmn.com); Renee Helm (reisenbeisz@newportmn.com)  
**Subject:** RE: Planning Commission discussion on paving requirements for parking

Hi Sherri,

Bruce and I discussed the ordinance inconsistencies you laid out regarding off-street parking. Our primary concern is unpaved surfaces discharging sediment/aggregate onto City streets. We would recommend that all off street parking in front yards (and side yards adjacent to an improved City street) are paved with asphalt, concrete, paver-block, brick or other hard surface as approved by the Superintendent of Public Works or City Engineer. Off-street parking in rear-yard or side-yard, not adjacent to an improved street, may be paved with crushed or washed rock as approved by the Superintendent of Public Works or City Engineer if the applicant can demonstrate that runoff from the rock surface is solely directed onto their own property or a minimum 30' (?) vegetated buffer. If it were up to us, we wouldn't allow any rock surface but that seems to be very restrictive especially if the surface doesn't impact the City Street or neighboring property.

The second concern we had was the exemption for 3 or fewer vehicles. We struggled to determine the basis for this exemption. This may be interpreted that someone could park up to three vehicles on unpaved surfaces in residential districts. I certainly do not think that is the intent but the language seems very unclear to us. We would recommend removing that language in its entirety.

Lastly, the City has had recent some push-back from residents claiming their driveways are paved and are not subject to replacement at the point of sale but the pavement is in such disrepair that it is no longer functioning a paved surface. We have been unable to find any provision in the code that provides the City the ability to use judgement regarding the condition of the pavement and require replacement of failing pavement. Perhaps a statement such as "If, in the City's judgement, the pavement surface has deteriorated beyond maintenance or repair, the owner shall be required to remove and replace driveway or off-street parking pavement in accordance with this Chapter and the Public Works Design Manual at the point of sale".

Please give me a call directly to discuss any comments above. Thanks for the opportunity to comment on the ordinance discussion.

 **Jon Herdegen, PE** | Senior Project Engineer  
MSA Professional Services, Inc.  
PROFESSIONAL SERVICES (612) 548-3124

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**From:** Sherri A. Buss [<mailto:sherri.buss@tkda.com>]  
**Sent:** Tuesday, March 31, 2015 8:51 AM  
**To:** Jon Herdegen; Bruce Hanson  
**Cc:** Deb Hill (dhill@newportmn.com); Renee Helm (reisenbeisz@newportmn.com)  
**Subject:** Planning Commission discussion on paving requirements for parking

Jon and Bruce,

Renee has asked that we have the Planning Commission review the sections in the City's zoning ordinance that address paving requirements for parking areas—particularly residential. Due to the requirement to pave the driveway area