



**City of Newport
Planning Commission Minutes
April 10, 2014**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Anthony Mahmood, Susan Lindoo, Matt Prestegaard, Kevin Haley

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Sherri Buss, TKDA Planner; Fritz Knaak, City Attorney

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of March 12, 2014

Susan Lindoo - On page 1, the third line up there should be a "not" between "that does" and "say anything."

Motion by Mahmood, seconded by Prestegaard, to approve the March 12, 2014 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider amendments to the Zoning Code, Chapter 1300, Section 1330 General District Regulations, Section 1350 Non-residential Districts, and Section 1370.09 River Redevelopment Overlay District and Amending the Zoning Map

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 10, 2014 Planning Commission Packet.

Matt Prestegaard - I had an opinion last time that the conversation consisted of two parts. First, a question about the zoning and second a conversation about the use.

Susan Lindoo - I think it makes sense to do the zoning first.

Matt Prestegaard - My own issue with MX-4 was that the summary statement said we were moving away from auto uses so it seemed disingenuous to have an automotive use when that was the summary.

Susan Lindoo - I think the idea there was that for a long-time they thought about the uses along the highway as auto-oriented in the sense that they would be fast-food restaurants or gas stations where you could get off and on the highway quick because there wasn't restricted entrances. I think our thought was that now that Highway 61 has changed, the uses along the highway should not just be the quick on and off uses.

Kevin Haley - Having a discussion about the CUP and the fact that there is an existing CUP and the family has evidence of that for the body shop and whether or not what we're doing needs to be done whatsoever because the uses that are proposed already existed. Bill's operated as a salvage yard, towed, repossessed, etc. which is what the

applicant is proposing to do. These operations were allowed in the CUP. Do they need a CUP? Do we need to change zoning?

Ms. Buss - City staff looked for a copy of the CUP in their files and at the County and couldn't find one so as far as we know there is no permit. If there is a copy it would be useful for us to see it. My guess is that if there was a permit, it would be for a salvage yard and this is not a salvage yard.

Susan Lindoo - What happens if it hasn't been used for a certain time.

Ms. Buss - If it hasn't been operating for over a year then it expires.

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

Ev Acker, 615 4th Street - I would just like to say welcome neighbors. I think they have a good clean operation and hope you can get the zoning right for them.

The Public Hearing closed at 6:13 p.m.

Vice-Chair Mahmood - That was the big snag last time, where and how we could fit them. We asked staff to do all of the work they did and I think we should take a look at that and think about it because I think these guys would be a great fit. Ev just came up and changed his mind from last month. I think it's our duty to get this done today.

Susan Lindoo - The definitions and where you placed them in the tables made sense to me.

Kevin Haley - Looking at the map, it's only the pink area and that only encompasses these parcels?

Ms. Buss - Yes and you can add more if you want. The parcels to the south are owned by the refinery and used as buffers. In some respects, what we zone them, as long as it's business or industrial use, doesn't make a difference to them.

Matt Prestegaard - But we are rezoning City Hall.

Chairperson Lund - For the record, if we pass this, we're not accused of spot zoning. Have we pointed out the difficulties with this property, specifically related to the clean-up costs, which would not be the same for the refinery property. Otherwise it looks a little funny having this stand-alone lot. Why are we changing City Hall?

Ms. Buss - City Hall would be a little island, it makes it square. If we were doing one or two parcels, it would be spot zoning but we're right next to the other business district and there are 14 parcels so I wouldn't consider it spot zoning.

Susan Lindoo - There are three houses south of City Hall, are all houses part of this?

Executive Analyst Helm - The one right next to City Hall is not part of this.

Susan Lindoo - Because it'll be changed too so it'll become legal non-conforming.

Ms. Buss - That was part of the rationale for MX-4, to keep the houses conforming. The houses are legal non-conforming with the B district.

Chairperson Lund - Is that a separate lot right behind City Hall and the house?

Executive Analyst Helm - Yes.

Chairperson Lund - It might make sense to draw the line to keep that house conforming.

Kevin Haley - It's one of those mixed bags. The next person that owns it might want to tear it down. I don't know how easy it is to get financing for non-conforming lots.

Chairperson Lund - But we're doing that to an uninterested party. The alternative is to chop off a small section of the Knauff property from the rezoning.

Susan Lindoo - You could just keep City Hall and the house in MX-4.

Chairperson Lund - I'd rather do that.

Kevin Haley - So the future owner potentially, you're limiting that to only non-conforming business use.

Susan Lindoo - No, we're making it MX.

Kevin Haley - All of the houses?

Susan Lindoo - No, the ones on the Knauff property would be purchased.

Kevin Haley - But they're individual parcels.

Chairperson Lund - We're trying to avoid creating a burden for someone that is not part of these parcels.

Kevin Haley - I'm thinking of that too. The future owner of the Knauff property may choose to leave those as houses and when we turn it into a business district they cannot...

Chairperson Lund - Are you suggesting we just say anything you want anywhere, anytime?

Kevin Haley - No, I'm saying make those houses MX.

Susan Lindoo - I think we're past that point now.

Chairperson Lund - You're suggesting that we carve out every house?

Kevin Haley - Because if you own them, you can only do business in them.

Susan Lindoo - So then they couldn't be part of the proposed use.

Kevin Haley - You could in the future, apply for a zoning amendment.

Susan Lindoo - I don't think we want to do spot zoning.

Ms. Buss - They can stay as houses, we're not saying they need to get out.

Chairperson Lund - I think we're ok with it.

Ms. Buss - So you would like to remove 562 and 596 7th Avenue and keep them in MX-4?

Chairperson Lund - Yes. If we're in general agreement for that, I'd like to dig in to the use table. How do we compare auto body repair to vehicle sales display and service.

Ms. Buss - The service part is only for vehicles that they're selling.

Chairperson Lund - Ok. We require a CUP for parking garage and parking lot in B-2 and it's permitted in B-2, I don't see why we need a CUP in B-2 if we don't need one for B-1.

Matt Prestegaard - I was wondering where the uses came from for B-2. Were they resurrected from the old B-2 in which we might have to assume there was a particular reason or were they constructed for this exercise?

Ms. Buss - Part of it goes back to a discussion with the previous Administrator where a business wanted to come in and turn a parcel into a parking lot only. The discussion with Brian was do we really want people to be able to turn parcels into parking lots. It was already permitted in B-1 so we didn't change that. It was Brian's sense that that's not a great use of land. We can change it to a CUP for both.

Susan Lindoo - Are you suggesting we require a CUP for both districts?

Kevin Haley - The only B-2 we have is this piece right here.

Chairperson Lund - What about making a parking lot not permitted in B-1 based on the concerns.

Ms. Buss - Both of them?

Chairperson Lund - As a primary use in B-1 and add a CUP to the parking garage in B-1.

Matt Prestegaard - I was confused why the veterinary use varies. There's a use that's "Animal boarding, grooming, veterinary clinics, retail sales."

Chairperson Lund - We should probably scratch "Veterinary clinics" from that use since it's a separate use further down.

Ms. Buss - I took some of the business uses from the MX districts that I thought you would allow in B-2 but are probably too small for B-1.

Chairperson Lund - Ok.

Kevin Haley - We may need to go back and look at the tables in the future.

Executive Analyst Helm - You're keeping 562 and 596 7th Avenue in the MX-4 District, removing "Veterinary Clinics" from the " Animal boarding, grooming, veterinary clinics, retail sales" use, making parking garage as a principal use allowed with a CUP in B-1 and making parking lot as a principal use not allowed in B-1.

Motion by Lindoo, seconded by Prestegaard, to approve Resolution No. P.C. 2014-4 as amended recommending that the City Council approving zoning amendments to Section 1330, Section 1350, and Section 1370.09. With 5 Ayes, 0 Nays, the motion carried.

B. Application from David Sullivan for Approval of a Rezoning and Conditional Use Permit for Property Located on 7th Avenue between 3rd and 6th Streets

Motion by Prestegaard, seconded by Mahmood, to approve Resolution No. P.C. 2014-1 as presented recommending the City Council approve a rezoning from B-1 to B-2 for property located on 7th Avenue between 3rd and 6th Streets. With 5 Ayes, 0 Nays, the motion carried.

Ms. Buss - When we begin this process, the City could not find an existing permit for the Knauff site so as far as we knew it was a non-conforming use. When the applicants came in, we recommended that they get a CUP. Mr. Haley asked if we should be requiring them to get a CUP.

Attorney Knaak - Yes. If the use requires a CUP and there is no CUP on file or record then yes.

Mr. Haley - If a property was used for 30 years and the people that are proposing to buy it will be using it for a similar use, do they need one?

Ms. Buss - Part of that question is is this a similar enough use?

Attorney Knaak - That depends. In this case, the use needs to be continuous and if there is a lapse, it's irrelevant if the new use is similar or not because the old use expired. You can review annually each and every CUP and make a determination if it's working and being complied with.

Susan Lindoo - If there wasn't a CUP of record, could someone come in and buy it and use it the same way without getting a CUP?

Attorney Knaak - You have an existing non-conforming use and you can continue to operate that use but you can't expand.

Ms. Buss - If we made that decision, we would be getting into the discussion about expanding. In your code, if it's not clear if a new use is the same as an existing use, the Zoning Administrator gets to make that determination.

Sherri Buss, TKDA Planner, presented on the Conditional Use Permit as outlined in the April 10, 2014 Planning Commission Packet. Mr. Sullivan discussed improvements that he'll be making to the property. Such improvements include repairing the fence and placing mesh along it to prevent individuals from seeing inside. The current fence is a non-conforming structure and as such Mr. Sullivan is able to repair and maintain it. Additionally, Mr. Sullivan will be able to expand the existing fence up to 20%. Another improvement will be to paint the front of the warehouse building. The Planning Commission went through each condition listed on the Conditional Use Permit. There was no discussion on condition numbers 2, 4 - 5, 7, 9 - 11, 14 - 15, 19, 21 - 24, and 26. Below are the points of discussion for the remaining conditions:

1. The Applicant shall submit Final Site Plan(s) and Building Plans that are substantially in conformance with the plans that were submitted to the City, dated February 12, 2014. All elements of the Final Plans must meet the requirements of the zoning ordinance. Final plans shall be submitted within 30 days of the approval of the CUP, and before the start of business operations on the site.

The 30 day deadline was increased to a 60 day deadline.

3. The Applicant shall modify the plans for City Engineer approval, and comply with the requests of the City Engineer included in the Engineer's memo, dated February 18, 2014, except for the requirement that concrete curbing be required for the parking area. All work shall be completed in accordance with the City of Newport's Engineering Standards. The plans shall be submitted within 30 days of the approval of the CUP, and before the start of business operations on the site.

The 30 day deadline was increased to a 60 day deadline.

6. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using that gate or the gate north of the existing house near 4th Avenue between 9 a.m. and 4:30 p.m. At all other hours, trucks shall enter and exit the site using the gate south of the warehouse. The height of the gates shall be the same as the fence, and the gates must remain closed when not in use.

The timeframe changed from 9:00 a.m. and 4:30 p.m. to 8:00 a.m. and 8:00 p.m.

8. The applicant shall provide the plans for the improvements to the warehouse to the City staff for approval. The plans shall include removing existing rust from the warehouse exterior, painting the entire warehouse and removal of the existing Bill's Auto Parts signage. The warehouse plans shall be submitted to the City within 30 days of the approval of the CUP, and improvements to the warehouse shall be completed within 90 days of approval of the CUP.

The 30 day deadline was increased to a 60 day deadline and the 90 day deadline was increased to a 150 day deadline.

Mr. Sullivan - Have we made a decision on painting the whole warehouse?

Ms. Buss - That's what staff thought. What is your thought on that?

Chairperson Lund - I think rather than worry about painting the warehouse immediately, we should add a condition about maintaining the warehouse to not have rust. I'm more concerned about maintaining it indefinitely in the future than painting the whole thing.

Mr. Sullivan - When I was here last month, the face of it seemed to have the most objections. I haven't even concentrated on the back side, you can barely see it now and even less when we do the screening. I'm all for doing things that make sense but I'm reluctant to paint something that no one can see.

Susan Lindoo - Could you paint the front a similar color to the other sides?

Mr. Sullivan - It can stay silver.

Admin. Hill - My thought process was that you can see some of the north side of the building and it would look strange to have a nice front and then not paint the rest. If you paint your house, you don't just paint the front.

Vice-Chair Mahmood - I think he's going to eventually paint the whole thing.

Kevin Haley - I'm with Deb and with Dan for that matter because he's saying don't let it get rusty. I think that's more important than painting.

Chairperson Lund - It sounds like we should separate into what should happen now and then maintaining the building to have no visible rust.

Vice-Chair Mahmood - Was this in the original thing last month.

Ms. Buss - Painting the entire warehouse, removing the sign, and the deadlines are new.

Vice-Chair Mahmood - So this is pretty much in there because Dave said he was going to paint the front and now we're going to make him paint the whole building, that doesn't seem very fair.

Ms. Buss - We didn't actually get to the point of approval.

Susan Lindoo - We were responding to what we heard from the people at the hearing.

Mr. Sullivan - Yes, I didn't really pay much attention to the aesthetics at the beginning.

Matt Prestegaard - I can appreciate that his expenses are mounting and I think we might have to accept that by making this requirement it's going to increase his expenses and might delay other aesthetic improvements.

Mr. Sullivan - The trees, painting, and screening is all north of \$20,000.

Chairperson Lund - What do you mean by a facelift to the front?

Mr. Sullivan - Replacing the doors and trim and painting the front.

Susan Lindoo - I would think from an aesthetic standpoint that whatever the surface is it should be flat, not shiny. I think that is one of the things that always makes industrial areas look industrial. Also, maintaining it so there is no rust. I think the other things like removing the sign and replacing the doors will be good as well.

Chairperson Lund - It sounds good to me.

Kevin Haley - This is a pole building. We're not asking you to change that. You mentioned possibly changing the tin out which might be easier and cheaper than painting.

Mr. Sullivan - That's the plan for the front.

Kevin Haley - What Deb said about the side that is so exposed, I would definitely encourage that.

Mr. Sullivan - When I come here, the fencing really blocks that siding. I'm sure you can see the upper part and roof but I would think the north side would be less.

Vice-Chair Mahmood - My concern is the front because the neighbors have to look at it. When you drive by you see it for about a second. I would hope in the future you would plan on doing the whole building but right now, I'm fine with just the front.

Chairperson Lund - What if we change #8 to say "replace the front façade" and have a second item about maintaining the visible portion to be rust free? Is that enough?

Matt Prestegaard - Is the front façade a condition?

Chairperson Lund - No.

Ms. Buss - We can change it to say "The applicant shall provide plans for improvements to the front façade of the warehouse to City staff for approval. The plans would include removing existing rust from the warehouse exterior, removing the existing signage and maintaining the building so it's rust free."

Chairperson Lund - Can you add the whole warehouse for the plans?

Ms. Buss - Ok.

12. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.

Mr. Sullivan - If I have an outside dumpster inside the fence, is that considered an enclosed structure?

Ms. Buss - Yes, as long as we can't see it.

13. Lighting shall conform to the plan submitted with the application and the ordinance requirements. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare from spilling onto adjacent residential areas.

Chairperson Lund - That includes replacing the halogen light on the front of the building?

Ms. Buss - It would need to be a downcast type of fixture.

Mr. Sullivan - Sure.

16. The applicant shall submit final plans for fence repairs and screening elements to the City staff for approval within 30 days of the approval of the CUP.

The 30 day deadline was increased to a 60 day deadline.

17. The applicant shall submit a landscape plan to the City for approval that includes a screen of conifer trees (Black Hills Spruce, *Picea glauca densata*, or equivalent) that shall screen the fence from the view of adjacent residential properties. The trees shall be a minimum 5 feet in height at planting, and shall be maintained or replaced as needed to screen the fence. The landscape plan shall be submitted to the City within 30 days of approval of the CUP, and improvements shall be completed within 90 days of approval of the CUP.

The 30 day deadline was increased to a 60 day deadline and the 90 day deadline was increased to a 150 day deadline.

Chairperson Lund - We've only talked about screening the front side so if that's what we intend let's put that in there.

Matt Prestegaard - That's true.

Kevin Haley - So what I'm hearing is that after we approve this, our staff has the right to reject anything.

Ms. Buss - Yes, you could have it come back to you if you want.

Kevin Haley - I think Deb can handle it.

Ms. Buss - I don't think we'd be more likely to request changes then reject something.

18. The hours of operation for serving visitors shall be 9 a.m. to 4:30 p.m.

The hours of operation changed from 9:00 a.m. and 4:30 p.m. to 8:00 a.m. and 8:00 p.m.

20. The business may bring repossessed vehicles to the site outside the hours of operation under the following conditions:

The trucks that are dropping off vehicles shall enter and exit the site via the gate south of the warehouse building. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.

Equipment with back-up beepers shall not be used outside the daytime hours of operation (9 a.m. to 4:30 p.m.). At all times, the applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms.

Chairperson Lund - The truck has a backup beeper but he'll still want to use the truck so we should reword it to say that the backup beeper can't be used not the use of the vehicle.

Ms. Buss - We would then say "Backup beepers should not be used on equipment at the site outside the daytime hours of operation."

Chairperson Lund - How about "activated" instead of "used."

Ms. Buss - You don't care if he's using equipment that has backup beepers you don't want the beepers to be on.

Mr. Sullivan - There is no on and off switch on the beepers.

Chairperson Lund - No, you would need to drive forward then.

Mr. Sullivan - When you're dropping a car off there will probably be a few feet where you have to back up, it's unavoidable. You have to back the car into a stall.

Chairperson Lund - That's what we're trying to avoid.

Susan Lindoo - So there will be a few beeps.

Mr. Sullivan - It will be minimal. The last thing I want is a ton of complaints from the citizens or the City but I'm not going to tell you that there will never be a beeping truck between 4:30 p.m. and 9:00 a.m. It's illegal to disconnect the beeper.

Chairperson Lund - If you get pull-through lots you won't have to back up.

Ms. Buss - The other option is using equipment with broadband beepers rather than the traditional ones. They are much quieter. It's a new form of beeper where you can definitely hear it if you're standing next to the vehicle but it becomes more of a white noise the farther you stand away from it.

Chairperson Lund - Do those meet DOT standards?

Ms. Buss - Yes and they're gradually converting a lot of equipment to it.

Mr. Sullivan - So the neighbors won't be bothered by it.

Ms. Buss - No.

Kevin Haley - Would you be opposed to that?

Mr. Sullivan - No, we'll do that.

Ms. Buss - So we'll change it to require equipment with broadband beepers at night.

Matt Prestegaard - You can almost just take out the first sentence of the second bullet and say that " At all times, the applicant shall utilize equipment with broadband alarms."

Vice-Chair Mahmood - Does that work for you?

Mr. Sullivan - To not allow them at all?

Vice-Chair Mahmood - Right now, the way it reads, he can use beepers from 9:00 a.m. to 4:30 p.m. and then at night he would use the broadband beepers. I'm assuming it's expensive to switch to broadband beepers. This way, he could just switch a couple and use them for night time use.

Ms. Buss - The way this is written, during the day, he can use the regular beepers but needs to use the broadband beepers at night.

Kevin Haley - The whole intent here is to minimize neighborhood noises.

Chairperson Lund - What's the turning radius of your trucks?

Mr. Sullivan - It depends.

Chairperson Lund - How many stalls will you have?

Mr. Sullivan - I haven't figured that out yet. We probably won't mark out stalls right away because it'll be Class 5.

Chairperson Lund - I'm wondering if it would be practical to have a center aisle for trucks to drive through at night so they don't have to back up.

Mr. Sullivan - Anything is possible but I'm not in a good position to make a lot of promises that I don't know I can keep.

Kevin Haley - Do you have any way that you would propose so the neighbors aren't hearing the backup beepers?

Mr. Sullivan - I'll bend over backwards to get the broadband beepers. The last thing I want is a lot of complaints.

Susan Lindoo - It seems like we could just put in there that overtime he converts to broadband beepers.

Ms. Buss - You have to imagine yourself being one of the residents that live around here.

Chairperson Lund - If I lived over here and the beepers woke up my kid even once that would be too much. I'm not comfortable with allowing any backup beepers. Maybe if we extended the daytime hours that would help.

Kevin Haley - If we extended them to 8:00 p.m. and then broadband beepers have to be used after that, would that work?

Mr. Sullivan - To me, 4:30 p.m. seems early.

Ms. Buss - That's what you proposed in your application.

Mr. Sullivan - I meant for when customers would be coming and going I didn't mean that would start my night time operations. I think 8:00 p.m. would be better.

Ms. Buss - So no backup beepers between 8:00 p.m. and 8:00 a.m.?

Mr. Sullivan - Yes.

Chairperson Lund - I don't know how comfortable I am with allowing broadband beepers because I've never heard them. This is a major concern to me.

Individual from Audience - How do you control the trains and emergency vehicles?

Ms. Buss - He needs to control his contractors.

Individual from Audience - The highway makes noise, the railroad makes noise, etc. He won't be running in and out 24/7.

Chairperson Lund - The question is is it a reasonable burden for the residents and is there something we can do about it.

Individual from Audience - It's an OSHA requirement. Every vehicle needs to have a backup beeper.

Chairperson Lund - We're not suggesting no backup beepers, we're suggesting he only drive forward.

Individual from Audience - Yes you are because you're making it impossible.

Chairperson Lund - He has 200 feet to turn around, that's not impossible.

Individual from Audience - When it's empty.

Mr. Sullivan - Has anyone seen how much these will cost? If we're talking about a couple hundred dollars I don't think it's an issue.

Matt Prestegaard - It looks like under \$100 to purchase.

Mr. Sullivan - My wife is showing me one for \$140. My fleet will have them.

Chairperson Lund - It appears they are more directional than the standard beeper so if you're backing up towards the railroad it won't be an issue.

Mr. Sullivan - Plus you're pretty far away from the street. We can tell our guys to put the cars picked up at night against the fence.

Vice-Chair Mahmood - I think if we do 8:00 p.m. to 8:00 a.m. and he's comfortable with the broadband beepers and placing the night vehicles against the railroad we should be fine.

Chairperson Lund - Is that a reasonable requirement to say that to the extent you're backing up after hours you back up against the railroad?

Mr. Sullivan - Yes the screening on the fence will also help.

Kevin Haley - Do you want to hear the broadband beepers?

Chairperson Lund - Yes.

Kevin Haley played a video with a comparison of the standard beepers versus the broadband beepers.

Ms. Buss - We're good with the broadband alarms?

Chairperson Lund - We're not specifying alarms 8 to 8, broadband only at night right?

Ms. Buss - Yes, so we won't worry about hours, we'll just say broadband beepers only.

Chairperson Lund - No, with hours.

Matt Prestegaard - Yes, you will need to change the wording to include daytime hours of operation from 8:00 a.m. to 8:00 p.m. The second condition would be changed to strike the first sentence of " Equipment with back-up

beepers shall not be used outside the daytime hours of operation (9 a.m. to 4:30 p.m.)" and strike the "At all times" in the second sentence. Then you could say "The applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms."

Chairperson Lund - So are we changing all of the mentions of 9:00 a.m. to 4:30 p.m. to 8:00 a.m. to 8:00 p.m.?

Ms. Buss - Yes.

25. The applicant shall continue to work with the City to apply for grant funds to clean up the site, through grant cycles in 2014 and 2015. If the City is not awarded grant funds for cleanup, the applicant will be responsible for cleanup, and shall provide to the City a detailed plan for treatment and disposal of contaminated soils for the site that meets regulatory requirements.

Chairperson Lund - I think we need a deadline for this condition.

Ms. Buss - So how long does he have after 2015 to clean it up?

Chairperson Lund - Yes.

Admin. Hill - That would be part of the developer's agreement. We plan to have that thing cleaned up one or two years after the fourth round.

Chairperson Lund - So what about no later than January 1, 2018? I don't want to leave it open.

Admin. Hill - We have no plan on leaving it open.

Ms. Buss - They just want to give you an indication of what they would like to see in the agreement.

Admin. Hill - Ok.

Ms. Buss - So if we don't get a grant, is it agreeable to say that by January 1, 2018 the site would be cleaned up?

Mr. Sullivan - Yes.

Chairperson Lund - When do you find out about the grants?

Admin. Hill - We would know around July for the May grant and around the end of December for the November grant.

Chairperson Lund - So we would give two full years for the cleanup if we don't get the grant, does that work?

Admin. Hill - I think it only takes a couple weeks to do the cleanup.

Susan Lindoo - How about if we give them a deadline for getting a plan to the City?

Ms. Buss - We already have that.

Chairperson Lund - I'm not too worried about the plan, I'm worried about it getting done.

Motion by Lindoo, seconded by Haley, to approve Resolution No. P.C. 2014-2 as amended recommending the City Council approve a conditional use permit for property located on 7th Avenue between 3rd and 6th Streets for a automobile repossession business. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

Admin. Hill - A few of you met with the HRA folks last night about the branding of the Red Rock Gateway Area and they are doing a bus tour of some of the sites that we would like to have there. They would like to extend that invitation to the Planning Commission. The tour will be on April 30 from 4:00 to 8:00 p.m. If you could let me know if you can make it that would be great.

6. NEW BUSINESS

A. Discussion Regarding Lot Coverage

Sherrri Buss, TKDA Planner, presented on this item as outlined in the April 10, 2014 Planning Commission Packet.

Matt Prestegaard - It seems worth looking at.

Susan Lindoo - I think it should be combined with the height too. I'm thinking about the character of the neighborhood. If we decide greater lot coverage we should keep the height low too. I remember years ago, several neighbors were concerned about a two-story apartment building being built in a neighborhood and residents didn't want people looking down on them. Could we ask the HPC to get something back to us on this before we meet next?

Ms. Buss - We could ask.

Chairperson Lund - I think it makes sense to strongly consider greater lot coverage since we've approved variances for it. But what you're saying is adjust the setback requirements based on the height.

Susan Lindoo - Yes.

Ms. Buss - We did that for the MX-3 District.

Executive Analyst Helm - The maximum height is 35 feet.

Kevin Haley - I think we need to open it up so these lots can be used.

Chairperson Lund - The offensive piece about the height is when there are windows high up not a roof line right?

Susan Lindoo - My point was that when you have windows overlooking a property. I think we need to think about the whole structure of the neighborhoods and make sure the pieces fit together.

Ms. Buss - The kinds of concerns in Minneapolis are where people are building houses that cover so much of the lot that they completely shade the neighboring properties.

Susan Lindoo - I think that's what Linda and Robert were talking about, keeping things in scale.

Chairperson Lund - I'm sensing some hesitation from Kevin.

Kevin Haley - I've done a lot of building. I built a house in Minneapolis and the setback was five or seven feet and the lots are 35 or 50 feet and my house was 20 feet across. Those are similar to these small lots and what we're hearing is that people want to build a two car garage and they can't. I doubt we'll attract many McMansions.

Susan Lindoo - Garages aren't typically two stories.

Ms. Buss - You have some room to move. Your minimum lot width is 70 feet. It gives us the ability to think about it with the whole piece.

Kevin Haley - I would like to see it get much higher because you can't build on the small lots.

Chairperson Lund - My hesitation would be the river lots.

Ms. Buss - We can't change the lot coverage for those lots because they are within the shoreland district.

Chairperson Lund - If there are any infill lots, our R-1A goes quite a bit beyond the shoreland district line so we might want to consider moving those into the R-1 district.

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | April 17, 2014 | 5:30 p.m. |
| 2. Park Board Meeting | April 24, 2014 | 7:00 p.m. |
| 3. City Council Meeting | May 1, 2014 | 5:30 p.m. |
| 4. Planning Commission Meeting | May 8, 2014 | 6:00 p.m. |

8. ADJOURNMENT

Motion by Mahmood, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:18 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst