



**City of Newport
Planning Commission Minutes
April 13, 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, David Tweeten, Saengmany Ratsabout

Commissioners absent –

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

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the February 9, 2017 Meeting

David Tweeten - I'll be abstaining because I wasn't there.

Motion by Mahmood, seconded by Ratsabout, to approve the February 9, 2017 minutes as presented. With 4 Ayes, 0 Nays, Tweeten Abstaining, the motion carried.

B. Planning Commission Minutes of the March 9, 2017 Workshop

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

Motion by Taylor, seconded by Mahmood, to approve the March 9, 2017 workshop minutes as presented. With 4 Ayes, 0 Nays, Ratsabout Abstaining, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Peter Joseph for Approval of a Variance for Property Located at 591 2nd Avenue

Sherri Buss, City Planner, presented on this item as outlined in the April 13, 2017 Planning Commission packet.

David Tweeten - What's the required setback?

Ms. Buss - 30 feet because it's a corner lot.

David Tweeten - So he's already within the setback?

Anthony Mahmood - Yes but only because the City increased the right-of-way so they moved his property line.

Saengmany Ratsabout - Would the addition restrict any construction for the fishing pier?

Ms. Buss - The Council decided that the fishing pier isn't going to happen here.

The public hearing opened at 5:40 p.m.

Asst. to the City Admin. Eisenbeisz - The two comments we received via email were from neighbors and neither of them had issues with it. One was in your packet and the other one was emailed to you today and will be included in the minutes.

The public hearing closed at 5:41 p.m.

Motion by Mahmood, seconded by Ratsabout, to approve Resolution No. P.C. 2017-2 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing – To consider an application from Dorothy Simonson for Approval of a Variance for Property Located at 1808 3rd Avenue

Sherri Buss, City Planner, presented on this item as outlined in the April 13, 2017 Planning Commission packet.

Anthony Mahmood - If they got rid of some of the driveway, they wouldn't even need a variance?

Ms. Buss - Yes.

The public hearing opened at 5:51 p.m.

Mike Simonson, 1808 3rd Avenue - When we bought this house, it was a foreclosure and it had been stripped of light fixtures, bearing walls, and they put an island for a dining area in the center of a bearing wall. We had to replace that wall so that closed in our dining room. It's now 6 by 5. They moved it to the far corner and used a bedroom has a dining area. We can do that and have done it but it means carrying all of the food to the opposite end of the house which makes no sense.

Anthony Mahmood - Could you put a header in and open it back up?

Mr. Simonson - We left it open about 4 feet.

Chairperson Haley - What percentage over are we?

Ms. Buss - 2.5%.

Mr. Simonson - This will be 4 feet high.

Dorothy Simonson, 1808 3rd Avenue - There will be access to water underneath.

Chairperson Haley - What's the length of the driveway?

Asst. to the City Admin. Eisenbeisz - It's about 1,300 sq. ft.

Chairperson Haley - So you could remove about 160 sq. ft.

Mr. Simonson - If we move the driveway, we'd have to take out trees because they're causing dirt runoff.

Chairperson Haley - What about the shed in the back?

Mrs. Simonson - That's anchored down to the ground. It'd be impossible to remove.

Mrs. Simonson - When the engineer came out to look at the shed, they said it was the best looking shed in the neighborhood. We made an improvement there, why won't you let us make this improvement. We'd like to make it beautiful for us and those in the future.

Chairperson Haley - The area you live in is primarily bedrock and we have a water issue in the city. Met Council and others are forcing our hand to minimize this. That's why we're trying to think of other ways.

Mrs. Simonson - Would a rain barrel help?

Chairperson Haley - No, the numbers they gave are a lot higher.

Mr. Simonson - Those numbers seem a little ridiculous. The water is already hitting that area because of the deck. We're just putting a roof over it.

David Tweeten - Is the deck considered pervious?

Asst. to the City Admin. Eisenbeisz - We weren't aware that there was already a deck there.

Mrs. Simonson - Yes, there's a deck existing.

Mr. Simonson - This would only move it 1 foot wider.

Asst. to the City Admin. Eisenbeisz - The roof makes it impervious.

Ms. Buss - It would be a question to the engineer. Unfortunately, your items didn't say anything about a deck being there.

Mr. Simonson - We did too.

Mrs. Simonson - We told her the same day that she screamed at us.

Mr. Simonson - Our contractor told you too.

Asst. to the City Admin. Eisenbeisz - I didn't scream at you and no one ever said anything about a deck being there.

Ms. Buss - It's not on the aerial photo.

Anthony Mahmood - Is the deck a game changer?

Ms. Buss - We'll have to talk with Jon.

Anthony Mahmood - Should we table this until we find out?

Ms. Buss - Yes.

Chairperson Haley - Would you prefer that we table this until we find out?

Mrs. Simonson - Yes please.

Ms. Buss - Can you provide some pictures of the deck?

Mrs. Simonson - Yes.

Chairperson Haley - I understand how difficult this is because I've been through this. The previous one before you did a better job than I've ever seen. All of those pictures really help. None of us are trying to deny you.

Ms. Buss - We need to see something that shows the size of the deck and what you're proposing here. We need to have records. We also need to see what the deck looks like so the engineer can review it and say how impervious it is. If you could provide those to Renee, we would review them and it would come back next month. Unless you guys would be comfortable with letting the Council make the decision.

Chairperson Haley - I'm fine with that.

Anthony Mahmood - That works for me.

Ms. Buss - It would only need to come back if the engineer believes the deck is pervious.

David Tweeten - With conditions like a rain garden?

Mrs. Simonson - We can't do a rain garden that size.

Mr. Simonson - We don't have drainage problems.

Ms. Buss - The engineers will have to review it and then get back to us. They have to look at the watershed requirements as well. Are you comfortable with it going to City Council?

Chairperson Haley - I'm comfortable with them reducing the impervious coverage to 35% or if they meet the engineer's standards. They would need to remove the shed, shave the driveway, or meet the engineer's standards.

Ms. Buss - So the recommendation would be if the deck is considered impervious, they don't need a variance. If the deck is considered pervious, the engineer would need to make a recommendation about how much stormwater we're dealing with and what might be an appropriate way to deal with it.

Chairperson Haley - Yes.

Vice-Chair Taylor - 35% is a lot of impervious surface on a little lot like that. I think that driveway could be reduced. I'd like to see the addition but we need to have a conversation with the engineer.

Ms. Buss - The hard thing for the city is that if you grant this variance, you'd be setting a precedent and it could create an issue. If you can get stuff to Renee right away on Monday morning we can review it and get something to the City Council on Thursday. You can table it now and have it go to the Council.

Mr. Simonson - On our street, everyone parks on the grass or street, we don't.

The public hearing closed at 6:08 p.m.

C. Public Hearing – To consider an application from Jose Enriquez for Approval of a Variance for Property Located at 2855 Sterling Avenue

Sherrri Buss, City Planner, presented on this item as outlined in the April 13, 2017 Planning Commission packet.

David Tweeten - Do we have any requirements regarding continuity with the house?

Ms. Buss - Yes, it needs to be similar in terms of color, roof pitch, and design.

David Tweeten - What about a requirement to have a physical connection to the house?

Ms. Buss - We don't have that requirement. It needs to be at least 5 feet apart from the other garage and house due to fire code issues.

The public hearing opened at 6:17 p.m.

The public hearing closed at 6:18 p.m.

Vice-Chair Taylor - My email conversation with Sherri is the question about footprint and how we assess that. We don't want accessory structures overshadowing the house. The difference between eaves and the foundation is my main concern and how we're looking at that.

Ms. Buss - We don't require people to get a survey, it's expensive. If we had a major issue, we could but typically we don't. What we've relied on for everyone, and the ordinance says footprint, is the County's GIS aerial maps and the measuring tool they have. That's been the standard.

Asst. to the City Admin. Eisenbeisz - We've used that standard as well as the property owner's numbers.

Anthony Mahmood - Can you count a deck that's attached?

Ms. Buss - No, it would need to be an enclosed space.

Chairperson Haley - We could change the ordinance to allow for a bigger garage.

Asst. to the City Admin. Eisenbeisz - The variance request is not for the size, it's to be closer to the street than the house.

David Tweeten - The power lines created the current location of the existing garage?

Ms. Buss - Yes.

Motion by Mahmood, seconded by Tweeten, to approve Resolution No. P.C. 2017-3 as presented. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

A. Comp Plan Discussion - Land Use Chapter

Sherri Buss, City Planner, presented on this item as outlined in the April 13, 2017 Planning Commission packet. The Planning Commission discussed the following:

- **Urban Farming** - The Planning Commission discussed adding language saying that the City allows for urban farming such as chickens and bees.
- **Tiny Houses** - The Planning Commission discussed adding language to allow for tiny houses in the future.
- **MX-5 District** - The Planning Commission discussed adding future requirements to the MX-5 District.
- **Land Use Map** - The Planning Commission looked at the future land use map and discussed the following areas:
 - **Cedar Lane Levee** - Ms. Buss added green space to the Cedar Lane Levee and a trail along Cedar Lane. The Planning Commission discussed adding a trail between the Holiday Terminal and River down to the levee area.
 - **Maxwell Avenue** - The Planning Commission would like to highlight Maxwell Avenue has an entrance to Newport.

- **Bailey Road** - Change the residential parcels on Bailey Road to Mixed Residential.
- **Development and Redevelopment Priorities Map** - The Planning Commission discussed this draft map and the density calculations for the residential development areas.

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | April 20, 2017 | 5:30 p.m. |
| 2. Park Board Meeting | April 27, 2017 | 6:00 p.m. |
| 3. City Council Meeting | May 2, 2017 | 5:30 p.m. |
| 4. Planning Commission Meeting | May 11, 2017 | 5:30 p.m. |

8. ADJOURNMENT

Motion by Haley, seconded by Mahmood, to adjourn the Planning Commission Meeting at 7:15 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Kevin Haley, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Asst. to the City Administrator

Hi, Deb:

My husband and I received notice of the Public Hearing on Thursday, April 13th, in reference to the variance request to the side yard setback at 591 2nd Avenue.

We won't be able to attend that hearing, but if you wouldn't mind passing our message on to the Planning Commission, we'd appreciate your help.

We have no objection to this particular variance. It doesn't seem as if it would have any negative impact on the neighborhood.

Thanks,

Linda Michie and Steve Monette

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Linda Michie, NCARB
Registered Architect + Certified Interior Designer

[Michie Architects, LLC](#)

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