



**City of Newport
Planning Commission Minutes
May 14, 2015**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Anthony Mahmood, Kevin Haley, Matt Prestegaard ,Marvin Taylor, David Tweeten

Commissioners absent –

Also present –Deb Schulz, Accountant; Sherri Buss, TKDA Planner;

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of April 9, 2015

Chairperson Mahmood - I just have one change, it says that I called the meeting to order but I didn't since I wasn't here, it should state Kevin.

Motion by Prestegaard, seconded by Haley, to approve the April 9, 2015 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, Section 1330

The Public Hearing opened at 6:01 p.m.

The Public Hearing closed at 6:01 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the May 14, 2015 Planning Commission packet. The first item the Planning Commission discussed was Section 1330.05, Subd. 3.

Vice-Chairperson Haley - Can the section on building materials be taken out?

Ms. Buss - I think so, I think we just list it as a material that's allowed in all districts.

Marvin Taylor - Isn't the objective to prevent commercial buildings from having vinyl siding?

Ms. Buss - It depends on whether you want to do that or not. We want it allowed in R-1 at least.

Marvin Taylor - I was reading it as this line doesn't apply to R-1, those standards are elsewhere.

Ms. Buss - So the question is in the MX districts.

Chairperson Mahmood - I'm in MX-4 and I have vinyl siding.

Ms. Buss - Even on multi-family stuff now, there's quality wood and vinyl siding and I think we would allow that.

Marvin Taylor - Isn't it saying that it's allowed in those districts?

Ms. Buss - Yes, but now we have MX districts.

Matt Prestegaard - Can we attach it to the type of structure instead of district?

Vice-Chair Haley - This is under the header, "Permitted Materials," so that should be a permitted material with possible exclusions in a business district.

Ms. Buss - Are those the districts we want to leave it out of? We need to get rid of only allowing it in R-2 and R-3.

Vice-Chair Haley - We need to permit it but exclude it in say the B Districts only.

Marvin Taylor - The language in blue is adding Subd. 3 where before it wasn't there. This section previously, excluded RA-1. We need to change the language in Subd. 2 it seems.

Ms. Buss - This particular section, at the top says that the standards don't apply in the R-1 and R-2 Districts. I think the issue is what about the MX districts and do we want to allow wood and vinyl. I think we do because it's common in multi-family structures.

Matt Prestegaard - Is the question I asked about structure type versus district type reasonable?

Ms. Buss - We could say it's allowed on residential uses but not commercial or industrial.

Marvin Taylor - The only thing with that is if we get a large unit development, do we want to allow wood or vinyl on those?

Vice-Chair Haley - Plenty of those have mixed materials.

Ms. Buss - Yes, one of the developers that came in proposed to use hardy board.

Vice-Chair Haley - Remember the one that we visited, there was some horrible vinyl siding on that and it was a large building.

Ms. Buss - So we don't want to use vinyl on large multi-family units?

Marvin Taylor - I don't know what the cut-off is.

Vice-Chair Haley - I would be inclined to not allow it on large commercial properties.

Ms. Buss - Or larger multi-family units. I'll write that up based on our discussion, smaller residential units up to quads can use vinyl, wood is allowed on all residential, and wood and vinyl are not allowed on business and commercial buildings.

Marvin Taylor - Unless if we want to allow a certain percentage of wood on buildings.

Ms. Buss - We can take a look to see what our neighbors allow and come back. It just seemed out of date to me.

The next item the Planning Commission discussed was parking standards in Section 1330.

Vice-Chair Haley - The wording doesn't flow well with me. It's that discretionary...

Chairperson Mahmood - Are you talking about giving the Engineer the discretion? I'm on the same page as you.

Ms. Buss - You can take that part out, he typically comments on any development proposal. The only argument that comes in is we have the occasional person that comes in with a durable, dustless surface that's not asphalt and we turn to the Engineer for his discretion.

Vice-Chair Haley - I would like it defined, it seems to allow him discretion anywhere.

Deb Schulz - There was a person who came in that wanted to put in pavers, not asphalt.

Chairperson Mahmood - My concern is where it says if a driveway is in disrepair and the Engineer has the authority to decide that.

Ms. Buss - Should we take that out then?

David Tweeten - I don't think it's unreasonable to give examples and say "or similar."

Ms. Buss - We could say "or a similar, durable, dustless surface that meets the City's standards."

David Tweeten - Yes, something will need to be a judgment call and someone will need to make it.

Ms. Buss - Typically, the City Engineer makes a recommendation. A lot of these things don't go to the City Council. Staff usually takes it to the Engineer.

David Tweeten - What if there's a dispute.

Ms. Buss - Then it would go to the City Council.

David Tweeten - That process needs to be spelled out somewhere right?

Ms. Buss - Yes, probably in the ordinance.

David Tweeten - What is a refusal to pave?

Ms. Buss - We don't go back to people and require them to meet the ordinance now. This would come in with a new building permit or selling a house or with a new business. It's typically when there's a permit.

Deb Schulz - There are standards that Bruce forwarded to me.

Ms. Buss - If instead of saying "as approved by the Engineer" we say "a surface that meets the City's Engineering Standards."

Vice-Chair Haley - An interesting thing is pavers.

Chairperson Mahmood - We just need to make sure those are in the standards. My main concern was if a driveway was in disrepair and the Engineer has the discretion to require them to replace it. What if he just doesn't like the guy?

Vice-Chair Haley - What about C, Standards Maintenance where it says "The City at its discretion can require the entire or greater portion of the driveway to be paved if erosion problems are experienced on public or private land."

Ms. Buss - We could add "The City based on its Engineering Standards." I think he has standards on the drainage part.

Vice-Chair Haley - This is taking it above a building permit and sale.

Deb Schulz - This is because of one home where gravel was going onto the street.

Vice-Chair Haley - I understand that but it says all parking lots shall be kept in good condition with no potholes. If, in the City's judgment, it's deteriorated. It's saying at any time then.

Ms. Buss - This is different, this one is if a person has let their driveway deteriorate to the point where lots of gravel is washing off, the City could require them to bring it up to a standard.

Vice-Chair Haley - I understand but this is opening it up to where our staff can go around to any business and require them to replace it.

Ms. Buss - This is new so if you're uncomfortable with it we can remove it.

Marvin Taylor - I drove around to check this out and a lot of issues with stormwater on the west side is commercial properties, large-scale parking lots that are deteriorated or have gravel, grass, dirt or mud and are draining onto public streets.

Ms. Buss - We could say this applies to commercial and industrial properties only.

Marvin Taylor - I was looking at to see where the erosion was happening.

Vice-Chair Haley - I stopped in here the other day and drove by a commercial property that's not paved and the mud and whatever is coming out of there is huge. I'm not opposed, it's a tough decision.

Chairperson Mahmood - I'm always opposed to the City telling people what they can and cannot do but you have to do it. I think if you reworded it to say "The Engineer's Standards" that would be fine.

Ms. Buss - We could recommend that the Engineer right standards that would be approved by the Council.

David Tweeten - And then time of enforcement.

Matt Prestegaard - It said point of sale.

Vice-Chair Haley - There is a level where it does impact the City. We do have to have some level of standards.

Chairperson Mahmood - Is there a code written already for deteriorated driveways?

Ms. Buss - No.

Chairperson Mahmood - It does say "point of sale."

Ms. Buss - Yes, we wouldn't be going out to try and find properties like this.

Matt Prestegaard - If we define both the standards and timeframe and still feel that we want to be conscious about holding up a sale, we can set the standards low.

Ms. Buss - So you would like the Engineer to set a written, reasonable standard to be approved by the Council.

Deb Schulz - If it's a foreclosed home or sold in the winter, it's set in the purchase agreement.

Marvin Taylor - Some of these properties may be for sale for a long time. I think it's problematic to allow such situations indefinitely.

Ms. Buss - So do you want to take out "point of sale" but still require the Engineer to come up with standards.

Marvin Taylor - Keep it at that for residential but if they're above a certain threshold for commercial and industrial require it prior to the sale.

David Tweeten - That goes along with what I was thinking, if it's at the point of sale, we're creating a disincentive to sell.

Vice-Chair Haley - It's a good chance that we're thinking of a similar property. I think at some point, we need to start pushing it.

Ms. Buss - What if we said at point of sale or if it's violating the watershed district standards?

Matt Prestegaard - Can the City enforce it or want to enforce it? I feel we've had similar conversations where they didn't want to take on enforcement.

Marvin Taylor - Stormwater is the issue.

Ms. Buss - I think our Engineer needs to set up standards for when we would enforce it. The watershed typically only gets involved with new development. Redevelopment is up to the City.

Chairperson Mahmood - Can we write something up with standards for businesses instead of worrying about the residents as much.

Ms. Buss - We could say that the Engineer could come up with standards for both.

Vice-Chair Haley - I also saw that we're only allowing 2 cars in a front yard for residential properties.

Marvin Taylor - There's two different languages, you're allowed three vehicles but only two spots.

Vice-Chair Haley - I don't have a problem limiting surface area but I don't think we should have a limit on vehicles.

Ms. Buss - Part of this is setting a standard for how much of the front yard should be paved, we could say 25% of the front yard area. I think it was trying to limit the amount of paved area in the front yard. The front yard is the area from the required setback to the property line.

Vice-Chair Haley - I think we need to stop people from parking on grass.

Ms. Buss - All parking surfaces in the front yard or those that drain to a public street need to be paved.

Vice-Chair Haley - If we do this, is it enforceable?

Ms. Buss - Yes.

Chairperson Mahmood - I did see something in E where it says that setbacks are five feet and to go to 811.07(E) for standards. That section says three feet.

Ms. Buss - Only the apron can be three feet. So the changes we've made are take out the references to the City Engineer and replace it with City Engineering Standards and we're recommending that there be some standards created for residential and businesses. We're taking out the two-space requirement. Anything else?

Vice-Chair Haley - I have a question, where it says "required parking shall be within four hundred feet of the entrance."

Ms. Buss - That's from your current code. For certain businesses, we have requirements and that means it needs to be on the parcel of your business. You can't count parking spots at another business as yours.

David Tweeten - How is that limited to commercial properties? Same with Access.

Ms. Buss - We can clarify that. Letters K and L are for commercial uses.

David Tweeten - Should we do that for the dimensions as well?

Ms. Buss - We don't have dimensions for residential uses.

David Tweeten - That's not clear.

Ms. Buss - We can say clarify it.

Vice-Chair Haley - Also, D in Subd. 2 where it's talking about driveway space that seems ambiguous.

Ms. Buss - That's in the existing code. Are we at a point where this needs to be looked at again?

David Tweeten - I think so.

Vice-Chair Haley - How would you like us to proceed?

Ms. Buss - It's a good time to look at those sections now if you want to. We haven't reviewed those yet.

Matt Prestegaard - Is there any urgency?

Ms. Buss - One more month won't hold it up.

Chairperson Mahmood - Can we get a copy of the standards?

Deb Schulz - I can send you what Bruce sent me.

Marvin Taylor - I have a couple questions. That 25% requirement, is that distinct from the driveway?

Ms. Buss - I'll take a look at the definitions.

Vice-Chair Haley - What would be an average front yard and what is 25% of that?

Ms. Buss - Let's draw up a couple drawings for next time.

Marvin Taylor - Are people required to get permits for driveways?

Deb Schulz - We just started requiring that.

Motion by Prestegaard, seconded by Haley, to table Resolution No. 2015-3. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--|---------------|-----------|
| 1. City Council Meeting | May 21, 2015 | 5:30 p.m. |
| 2. City Offices Closed due to Memorial Day | May 25, 2015 | |
| 3. City Council Meeting | June 4, 2015 | 5:30 p.m. |
| 4. Planning Commission Meeting | June 11, 2015 | 6:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Tweeten, to adjourn the Planning Commission Meeting at 6:48 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst