



**City of Newport
Planning Commission Minutes
June 11, 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 Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner;

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of May 14, 2015

Motion by Haley, seconded by Prestegaard, to approve the May 14, 2015 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing - To consider a Request from Mark Gergen for a 24-Month Extension for a Variance for Property Located at 1825 4th Avenue

The Public Hearing opened at 6:00 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 11, 2015 Planning Commission packet.

Steve Olson, 8007 Rhode Island Circle, Bloomington, on behalf of Mark Gergen - We plan on starting on the 20th Street property soon and will move south from there. The permit for the next lot is ready to go and we'll be picking that up before the end of July.

David Tweeten - No changes to the property since the variance was granted?

Mr. Olson - No.

The Public Hearing closed at 6:03 p.m.

Matt Prestegaard - I remember the original variance and don't see any issues with it.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. 2015-4 as presented. With 5 Ayes, 0 Nays, the motion carried.

Ms. Buss - One thing you can think about is that there are cities that allow extensions to be approved by the City Administrator instead of having to come back and do a public hearing.

Vice-Chairperson Haley - What does that take?

Ms. Buss - We'll have to change the ordinance.

Chairperson Mahmood - Next time we have a zoning amendment, can we put that on there?

Executive Analyst Eisenbeisz - Yes.

Matt Prestegaard - Does it have a fee?

Ms. Buss - Now it does because we have to do a staff report for you and the City Council.

B. Discussion Regarding Proposed Amendments to the Zoning Code, Section 1330

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 11, 2015 Planning Commission packet. Public Works Superintendent Hanson requested that Section 1330.06, Subd. 1(C) include all properties, not just commercial and industrial. Supt. Hanson also provided the Pacer Manual which would be used when determining if a driveway needs to be repaired. The Ordinance will reference the Public Works Design Manual, which will reference the Pacer Manual. Ms. Buss also provided examples of the 25% requirement for parking areas in the front yard.

Chairperson Mahmood - I don't see an issue with the current ordinance.

David Tweeten - Are we going to put some greater enforcement into these issues?

Executive Analyst Eisenbeisz - I think when a property is for sale and they have parking in the front yard, we would require them to either pave it or seed it.

David Tweeten - I do see a problem with trying to enforce something other than the driveway at the point of sale because the person with the extra car is leaving the property.

Executive Analyst Eisenbeisz - So they could seed it, we give property owners the same option if they don't want to pave the entire width of the gravel driveway. I think that's the only time we'll be able to enforce it because anything that is existing now would be grandfathered in.

Vice-Chair Haley - We could easily tell with Google maps if they started parking in the front after this is passed. I differ, I don't think there's a need at all for 25% of paving in front of the house other than the driveway. I don't see it as a benefit.

Ms. Buss - The only argument I see from people is if they have kids, it's hard to get the cars off of the streets for snow emergencies.

Vice-Chair Haley - Can we write it so that we can give some administrative discretion?

Ms. Buss - Or no more than 25% total.

Vice-Chair Haley - I don't see any sense in putting cars in the front yard at all.

Matt Prestegaard - So at my house, I have a driveway and a t-shaped parking area in my front yard. How would we handle that?

Vice-Chair Haley - I have the same issue with my front yard because we're in the RE district.

Chairperson Mahmood - You have such a big yard that you wouldn't pave 25% but for some of these with little houses and little front yards, I think we have to consider something.

Executive Analyst Eisenbeisz - 25% is not a lot if it's a small lot.

Vice-Chair Haley - What if it's 25% in front of the house including the driveway?

Executive Analyst Eisenbeisz - I think that'll be more difficult to calculate for staff when checking the lot coverage.

Marvin Taylor - I drove around today and very few people have parking spaces in the front. Most of them have driveways that are widened. If you want to have something simple, maybe have 35%.

Ms. Buss - We do allow 35% lot coverage in the R-1. I would say 35% would give them at least one space. We could say 35% in the front yard and that includes the driveway.

Chairperson Mahmood - I like that.

Executive Analyst Eisenbeisz - Ok, we'll just need to be more stringent on people providing site plans.

David Tweeten - I don't understand the enforcement mechanism for something other than driveway. I see no reason for why someone wouldn't drive their car into the middle of the yard and re-sod.

Ms. Buss - They're enforceable on new construction. Generally, on any zoning issues, we don't enforce unless it's a complaint.

Matt Prestegaard - Isn't parking on the grass for a long period of time a ticketable offense?

Executive Analyst Eisenbeisz - Yes.

Vice-Chair Haley - As far as Bruce's comments, he's only talking about the first 40 feet for residential right?

Ms. Buss - Yes and we'll make that clear in here.

David Tweeten - Another question I had is what is the meaning of setback in regards to driveways?

Ms. Buss - It's typically side or rear. For parking areas, the setbacks are for front, side, and rear. So we'll change it to be 35% in the front yard, we'll change the standard in C to apply to residential as well, and I'll fix the typo in setbacks.

Marvin Taylor - In 1330.06, Subd. 1(A)(4), it says that "In residential districts, any parking or driveway surface located in the side or rear yard, and all parking surfaces draining to a public paved street," is that saying that all of those materials are allowed in the front yard?

Matt Prestegaard - I think that's the situation I was describing at my house. We have a paved driveway and there's a t-shaped parking area that doesn't have any drainage issues to the street.

Ms. Buss - I think Bruce is concerned about parking areas that do drain to the street. He wants to make sure that it's not draining a lot of gravel to the street.

Vice-Chair Haley - I think a lot of this stemmed from a particular property and we don't want to overreact.

Ms. Buss - My sense is that most of it comes from concerns about stormwater and the increasing requirements for the City.

Vice-Chair Haley - I saw it happen with one of my neighbors in another city and they ended up writing an ordinance to ban what they were doing.

Ms. Buss - Sometimes that happens. I don't think we're changing a lot here, we're just clarifying it.

Vice-Chair Haley - Everything I've heard is at the point of sale. If we have an issue with drainage, can we enforce it before the point of sale?

Executive Analyst Eisenbeisz - Yes, we have a nuisance ordinance that says if you drain to the street multiple times, the City will cite you and assess the cost of cleaning it up.

Marvin Taylor - So that section is saying two different things for parking areas draining to the street.

Executive Analyst Eisenbeisz - We could take out "parking surfaces draining to a public paved street" from the first sentence.

Marvin Taylor - Also, the last sentence is a fragment.

Ms. Buss - I'll take a look at that.

David Tweeten - Subd. 3(B) says "if at least the following conditions" should it be "if all of the following conditions?"

Ms. Buss - Yes.

David Tweeten - I noticed we added some maximum standards for shared parking.

Ms. Buss - In MX-3 only.

David Tweeten - How does that apply to shared parking?

Ms. Buss - There is more encouragement for shared parking in the MX-3 district.

David Tweeten - We're not concerned about over-paving in the case of shared parking? If they don't share parking, they can't go more than 10% over, but is there an upper limit if they're sharing?

Chairperson Mahmood - The reason you share is to have less.

Ms. Buss - Yes, so it wouldn't be an issue.

Marvin Taylor - Where did these numbers come from?

Ms. Buss - They are pretty standard numbers.

Matt Prestegaard - Can you summarize the changes one last time?

Ms. Buss - 35% impervious in the front yard, changing item C to include residential properties, change the City's Design Standards to Design Manual, changing item 4 by removing parking surfaces draining from the first sentence, and typos.

Chairperson Mahmood - I have a few typos as well that I'll just give to Renee.

Motion by Prestegaard, seconded by Tweeten, to approve Resolution No. 2015-3 as amended. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

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|---|---------------|-----------|
| 1. City Council Meeting | June 18, 2015 | 5:30 p.m. |
| 2. City Offices Closed due to 4th of July | July 3, 2015 | |
| 3. Planning Commission Meeting | July 9, 2015 | 6:00 p.m. |
| 4. 62nd Annual Booya | July 12, 2015 | |

8. ADJOURNMENT

Motion by Tweeten, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 6:46 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst