



**City of Newport
Planning Commission Minutes
June 12, 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 Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner;

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of May 8, 2014

Motion by Lindoo, seconded by Haley, to approve the May 8, 2014 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Michael Hoffman for Approval of a Side Yard Variance for Property Located at 11 Oakridge Drive

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 12, 2014 Planning Commission Packet.

The Public Hearing opened at 6:06 p.m.

The Public Hearing closed at 6:07 p.m.

Kevin Haley - Why do we need him to tear down the shed? How big is it?

Michael Hoffman, 11 Oakridge Drive - I do have an existing small storage shed. This proposed garage would replace that shed and I have no problem eliminating it.

Ms. Buss - We do have a limit, on a parcel of his size, he can have 2 accessory structures up to 2,500 square feet. If he doesn't remove the shed, he exceeds the number and size.

Chairperson Lund - Is there any reason we should consider screening requirements?

Ms. Buss - If you look at the aerial, there are several trees along his property already.

Chairperson Lund - I'm not suggesting adding expense to the project but more of an ongoing requirement that he can't cut down trees.

Ms. Buss - You can add a condition that he needs to maintain the existing screening.

Mr. Hoffman - Some pine trees would need to be removed. My intent is to leave the other trees that have been there since I've lived there.

Chairperson Lund - That wouldn't be a burden to you?

Mr. Hoffman - No, not at all.

Ms. Buss - We'll just say "The applicant shall maintain the existing vegetative screen on Century Avenue."

Mr. Hoffman - And half of those trees are on City property.

Chairperson Lund - I only bring that up in case the property across the road gets developed.

Susan Lindoo - Is your existing garage right in front of your house?

Ms. Buss - It's on the side next to the concrete.

Kevin Haley - I don't have any problems at all, I just hate the little storage shed thing but that's an ordinance thing.

Ms. Buss -Yes and we have to be consistent.

Mr. Hoffman - That's what I'm trying to eliminate by getting this structure.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. P.C. 2014-6 as amended recommending that the City Council approve a variance to allow for a side yard setback of 20 feet. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing – To consider an application from Tom Long for Approval of a Rezoning for Property Located at 2204 Hastings Avenue

Sherrri Buss, TKDA Planner, presented on this item as outlined in the June 12, 2014 Planning Commission Packet.

The Public Hearing opened at 6:19 p.m.

The Public Hearing closed at 6:20 p.m.

Matt Prestegaard - How long ago did we rezone?

Executive Analyst Eisenbeisz - I think it was late 2012/early 2013.

Matt Prestegaard - I recall the discussion and I think we debated this parcel at some point and for no other reason than strictly there was a road there we decided to make it MX-2 but I don't remember any other compelling reason to do so.

Ms. Buss - And it was ok because the current use is allowed in MX-2 so it didn't make anything non-conforming.

Chairperson Lund - I don't see anything different between this parcel and the rest of MX-1. As far as it being a problem that is a code enforcement issue not our domain. If people think it's a problem and the City isn't doing anything about it, that's the City's fault.

Kevin Haley - I would go exactly with what you're saying. MX-1 or MX-2 isn't significant here, it's whether or not we enforce the code. I wouldn't have a problem voting right now.

Susan Lindoo - Is there an understanding that the current tenant would leave and you would get a new tenant?

Tom Long, 2204 Hastings Avenue - The overall plan right now is that I would like this guy out of here as soon as possible. I have a prospective buyer for the property that would like to operate it as an used car lot. He and I would decide how much I put into upgrading it. The dealer would be in place as soon as the current tenant is gone.

Susan Lindoo - I wanted to make sure that it wasn't the same person.

Mr. Long - No.

Chairperson Lund - I would suggest that you should talk with the owner about code enforcement.

Ms. Buss - He's actually been very cooperative.

Mr. Long - I have been on this guy's case relentlessly. He's made improvements but not to my satisfaction or the City's satisfaction. There are still some issues that need to be cleaned up regardless of what happens tonight.

Susan Lindoo - Will this help you get rid of the current tenant?

Mr. Long - Yes. I'm only keeping this guy in there because half of the rent goes towards property taxes. I can get him out quick. I have several rental properties and he's 95% of my problems.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. P.C. 2014-7 as presented recommending that the City Council approve a rezoning from MX-2 to MX-1. With 5 Ayes, 0 Nays, the motion carried.

C. Public Hearing - To consider amendments to the Zoning Code, Chapter 1300, Section 1340 Residential Districts

Sherry Buss, TKDA Planner, presented on this item as outlined in the June 12, 2014 Planning Commission Packet.

Chairperson Lund - Isn't the entire Shoreland District in the R-1A?

Ms. Buss - There are one or two lots that are in the R-1 District.

Chairperson Lund - Wouldn't it make more sense to put them in the R-1A? This is something that we've brought up before where we have lots that are in R-1A that should probably be R-1 and those two lots at the bottom that should be in R-1A since they're in the Shoreland District.

Ms. Buss - We could ask for those to be rezoned. I think the one disadvantage might be that since it's only a small piece, you'll start restricting what can be put on those lots. I think we would want to consider that separately.

Chairperson Lund - So we can revisit it later? Is it also true that there is no R-2 and the requirements for it are identical to R-3?

Ms. Buss - Pretty much. I think R-2 was intended to be more duplex. There are a couple differences. Some day we could probably combine those. The other thing I added was a requirement that the Engineer review building permits that propose lot coverage over 30%, you said he reviews them already correct?

Executive Analyst Eisenbeisz - Yes, for new homes and then moving forward we'll have him review garages, sheds, or decks.

Ms. Buss - We can take that out then.

Matt Prestegaard - What was the request that led to this?

Ms. Buss - The City staff met with a developer and he brought it to our attention that our standard was much lower than other communities and he was worried that he wouldn't be able to build a standard, two car garage and meet the requirements. He was able to with the lots he has but he pointed out there are several lots in the old part of town that wouldn't be able to. Since other communities allow it and we can accommodate it in regards to storm water.

Matt Prestegaard - The only thing I noticed was that we're saying 35% but the Engineer will review anything over 30%.

Ms. Buss - We can take it back to 30%, it's up to you.

Kevin Haley - I would go higher.

Chairperson Lund - Do we really anticipate turning someone down if it's 30% and they come in at 33%? I don't think we would given our history.

Kevin Haley - We want to avoid the need for variances.

Ms. Buss - That was my rationale as well.

Kevin Haley - Is there an ordinance that he's reviewing them against?

Ms. Buss - There's a storm water ordinance that he uses and requires both quality and quantity. I think people start having a hard time with the quality of things when they get above 35%.

Susan Lindoo - When I first started we had neighbors coming in two or three times a year because of drainage issues and there was big review of the storm water ordinance. We've gone through several years of drought so it hasn't been an issue but this is another wet year. I think going up to 35% makes sense and it makes sense if the Engineer says going above that will cause issues. I have a rain garden and it does take maintenance and work. There are different options but none of them are perfect. I don't know if we have the expertise to have someone work with that.

Ms. Buss - It's hard with an individual homeowner because most of them don't know how to put in a rain garden so that's part of the problem because we'll require people to hire someone to put something in their yard for storm water management.

Susan Lindoo - And then they have to be maintained. In my experience, it is a big issue and I would hate to have that come back.

Ms. Buss - The storm water ordinance is fairly new and it was approved by the Watershed District.

Susan Lindoo - And we'll have more rain.

Kevin Haley - Since we already have pretty stringent storm water requirements, if we went up to 40% then we would require people to deal with it.

Susan Lindoo - Then we're telling people that they'll have to pay an extra \$4,000 to \$5,000 to put in a rain garden and maintain it every year, I don't think that's a good idea. Then they won't do it and we'll have problems with neighbors. We have something that is working now.

Kevin Haley - You're making a good point.

Vice-Chair Mahmood - We're talking 35% then?

Chairperson Lund - This is a significant increase too.

Ms. Buss - Yes and it seems to work in neighboring communities.

The Public Hearing opened at 6:40 p.m.

Sandra Packer, 1830 10th Avenue - Right now, we're at almost 35% with the house, a single car garage, patio and driveway. We don't have any problems. We want to tear our garage down and build a two car garage, which would take some of our driveway away but it still puts us over the 25%. Water goes down our driveway already. If you look around our neighborhood, the lots are about the same and the guy across the street has a driveway that is three cars wide and two cars deep and his house is the same size as mine. Next door to me has a two car garage.

Kevin Haley - So this would allow you to do what you need to do without a variance?

Mrs. Packer - Yes, that's why I'm here today because I don't want to go through that.

The Public Hearing closed at 6:43 p.m.

Motion by Haley, seconded by Lindoo, to approve Resolution No. P.C. 2014-8 as amended recommending that the City Council approve an amendment to Section 1340. With 5 Ayes, 0 Nays, the motion carried.

Ms. Buss - Next time we have a fence discussion and potentially beer again.

Susan Lindoo - Looking at fence ideas?

Ms. Buss - Yes, since we talked about it before with the barbed wire. The Lehrke's are asking us to revisit the brewery issue again.

Susan Lindoo - Will we ever hear anything about the Historical Overlay?

Ms. Buss - I don't think so, I think you'll need to make a decision about whether or not you want to keep it. I think Bob thinks it's a placeholder. I think if we could beef up some sections to discourage McMansions in old town, he would be happy with that.

Susan Lindoo - I would rather have something there than something ambiguous and you don't know what it is.

Ms. Buss - So put that on for a future meeting.

Chairperson Lund - Just to let everyone know, I believe their issue is that they would like the option to being a microbrewery rather than a brewpub. A microbrewery can't sell other spirits and beer, they can only sell their own beer but they can sell it offsite. As a brewpub, they can sell their own beer and other items. I think it's stage two but we'll have to hear from them.

Ms. Buss - They also have a question about permits, they would rather not have to get one.

Kevin Haley - It's a zoning issue.

Chairperson Lund - I think everyone's been in favor of helping them so we'll see next month.

Admin. Hill - So you're willing to entertain a discussion for them?

Kevin Haley - They should give us something to look at.

Admin. Hill - They'll have to write something up. I know they can't make it to the July meeting so it'll have to wait until August.

Kevin Haley - I don't have a problem with it, I don't think it'll impact us. We've only got five permits and all but one are already being used. If we amended this to accommodate them, it wouldn't have any impact because the one that would remain open would still need a conditional use permit.

Susan Lindoo - I just want to see what they're talking about because I keep hearing about this unhappiness but I don't know what it's about or the issue so I would like to hear from them.

Admin. Hill - Yes, because we as staff cannot defend it for them.

Chairperson Lund - If we change the accessory use from a CUP to just allowed, would that mean that they wouldn't need a CUP?

Susan Lindoo - Are you going to do that for all other businesses?

Chairperson Lund - Isn't the question about whether or not it's a continuing use because they don't have a CUP at all. Are we going to change our Code.

Admin. Hill - That's correct, once they add the brewery, it changes the use and triggers the CUP.

Chairperson Lund - Under our Code that requires a CUP for alcohol serving establishments, are we going to take that off?

Susan Lindoo - I wouldn't want to.

Vice-Chair Mahmood - No.

Chairperson Lund - Isn't that true though that even if we take the CUP off of the brewpub, it doesn't help them.

Executive Analyst Eisenbeisz - I don't believe so but that would be a question to Sherri.

Kevin Haley - So if we changed it to have a microbrewery as an allowed use then they likely wouldn't need a CUP.

Admin. Hill - I think one of Sherri's things is that it's near residential and because it's sort of a manufacturing thing, if there are any issues like odor, trucks, etc, those can be regulated through a CUP.

Susan Lindoo - Do they want to be both?

Executive Analyst Eisenbeisz - You have to be one or another.

Admin. Hill - A brewery is not allowed where they are now.

Matt Prestegaard - Let's hear from them.

Chairperson Lund - There's also been a lot of discussion about the TIF District. I've put forth my reservations about using TIF money for affordable housing on the north end of the District as stage one. I don't know if that's something we can look at with zoning but I feel I might be on an island with my point of view.

Admin. Hill - I don't know if that's the Planning Commission's decision.

Chairperson Lund - Our decision would be with the zoning of the area.

Admin. Hill - I don't think zoning has anything to do with it.

Chairperson Lund - The zoning has to do with the allowed uses in the City and it's our job to decide where the appropriate uses are.

Admin. Hill - To recommend.

Chairperson Lund - To recommend like we do every month. In my view, the north end is better suited for commercial.

Kevin Haley - I would be inclined to agree.

Vice-Chair Mahmood - Weren't we going to wait to hear if we got that triangle piece from MnDot before we made any decisions?

Admin. Hill - We just had a meeting with MnDot and the representative thought it was already granted over to the County but it wasn't on the GIS map so he was going to look into it.

Vice-Chair Mahmood - Because that's where the builder wanted to go in right?

Chairperson Lund - Yes.

Admin. Hill - This isn't on the agenda so maybe we shouldn't be discussing it.

Susan Lindoo - I feel we're not prepared.

Chairperson Lund - We can bring up new business. I appreciate you don't want me talking about it.

Admin. Hill - But discussing it is different. You're talking about future discussion items.

Chairperson Lund - Then let's put it on the agenda to get an update, everything is happening fast. I like the whole project but stage one has to be good.

Executive Analyst Eisenbeisz - So what would you like on the agenda to discuss?

Chairperson Lund - Whatever we need to be able to discuss this.

Executive Analyst Eisenbeisz - The topic though. Do you want to talk about rezoning that area?

Chairperson Lund - I don't think we have any type of consensus for a proposal.

Matt Prestegaard - What would you say, an update on the proposal and then discussion of it?

Chairperson Lund - Discussion of appropriate land use.

Susan Lindoo - Maybe discussion of the tour. Could we have maps as well?

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

Chairperson Lund - The next City Council meeting is June 19 at 5:30 and ours is July 10 at 6:00.

8. ADJOURNMENT

Motion by Haley, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 6:55 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst