



**City of Newport
Planning Commission Minutes
July 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 –Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of June 12, 2014

Motion by Mahmood, seconded by Haley, to approve the June 12, 2014 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Tom Long for Approval of a Conditional Use Permit for Property Located at 2204 Hastings Avenue

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

Kevin Haley - The curbing that you see coming off of Hastings, will the new curbing extend from there?

Ms. Buss - Yes and they'll create a driveway opening away from that corner and work with the owner on that.

The Public Hearing opened at 6:08 p.m.

Susan Lindoo - According to the regulations, maximum lot coverage is 80% and that is just buildings? So you can have 100% of the lot covered?

Ms. Buss - Yes and in this case, since he's not putting up any new buildings, we're not requiring him to do storm water management.

Matt Prestegaard - The boulevard work would help slightly.

Susan Lindoo - I think it would be nice to have a few trees along the boulevard.

Ms. Buss - We wouldn't require that since he's not changing the site and that's part of the Hastings Avenue right-of-way.

Susan Lindoo - So the City would put up trees?

Ms. Buss - Yes.

Vice-Chair Mahmood - When are they planning on doing Ford Road?

Executive Analyst Eisenbeisz - It's this summer. They're finishing up on this side and then move over to Ford Road, I think they said in August and September.

Vice-Chair Mahmood - And the curbing is down for water sakes?

Ms. Buss - It's usually for storm water, the whole street will get curbing.

Vice-Chair Mahmood - Because you would like to see it have no curbing right?

Tom Long, 2204 Hastings Avenue - In a perfect world, it would be the drive-up type of curb but it doesn't sound like that will happen so we'll need to live with the type of curb they put in.

Kevin Haley - I think it's an incredibly restricted lot and I would encourage us to give him that drive over curb. I drove over there and talked with the neighbors. Tom has been in this community a long time and other businesses encourage us helping him. I also drove around a bit more and the Newport Center has a drive over curb and it works and people use it all the time. If there were a curb there, it would be impossible to use the parking lot.

Ms. Buss - We can take that message back, it's already in the plans.

Executive Analyst Eisenbeisz - Those plans have been set since last year.

Matt Prestegaard - That's important but the approval of the CUP is independent of pursuing a change request in the project.

Ms. Buss - Yes and I know Jon plans to work with him on the location of the driveway.

Susan Lindoo - It seems like a pretty straight-forward CUP.

Bill Sumner, 737 21st Street - I'm a neighbor to this property and would like to see them have an opportunity to bring it up to an attractive business. As a member of the City Council, I like to support the businesses in the City. I stand in favor of this proposal. It's been said, new and used, you'll just be selling used correct?

Mr. Long - Yes.

Ms. Buss - Our use definition allows both.

The Public Hearing closed at 6:17 p.m.

Motion by Haley, seconded by Prestegaard, to approve Resolution No. P.C. 2014-9 as presented recommending that the City Council approve a CUP to allow for a vehicle sales, display and service use at 2204 Hastings Avenue. With 5 Ayes, 0 Nays, the motion carried.

B. Discussion Regarding Fences

Sherris Buss, TKDA Planner, presented on this item as outlined in the July 10, 2014 Planning Commission Packet. The Planning Commission directed the Planner to bring back an ordinance amendment for the August 14 meeting with the following:

- Combine Section 1330.05, Subdivisions 15 and 21 but have separate rules for residential and commercial businesses
- Allow barbed wire fence in all business and industrial districts and require the barbed wire to start at least six feet off the ground and point inwards.
- Require a permit for barbed wire fences in the mixed-use districts for the Zoning Administrator to approve or disapprove with the same requirements for business and industrial districts. Additionally, there cannot be barbed wire in the front of the building.

C. Discussion Regarding Historical Overlay District

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 10, 2014 Planning Commission Packet. The Planning Commission directed the Planner to bring back an ordinance repealing Section 1370.07 for the August 14 meeting. The Planning Commission also requested that the Planner bring back sketches of what someone could do on different size lots in Newport.

5. COMMISSION AND STAFF REPORTS

6. NEW BUSINESS

Chairperson Lund - Have you heard from the Lehrke's lately? I spoke with them and there are two changes they would like us to make.

Executive Analyst Eisenbeisz - I know Deb spoke with them and told them that they need to bring something to us to put on the August agenda and we haven't heard back from them.

Chairperson Lund - The two changes they would like to see are removing the CUP requirement for the brewing and add a microbrewery as a permitted use in the MX-3 District. I think those are the only two things we could do to help them. I know it's a huge investment to put in that brewing equipment so being able to have the option of a microbrewery would help.

Kevin Haley - It's just a change in volume and it'll never be a rattling, tear up the neighborhood type of thing.

Susan Lindoo - So they don't want to be a brewpub?

Chairperson Lund - They want to be a brewpub in the near term but if they got better at brewing then they could move to a microbrewery.

Kevin Haley - All of our licenses are used up right now. If we took the CUP off of there, it won't have any impact on anyone because they're all licensed establishments right now.

Susan Lindoo - So we have the right to say never mind, you don't need a CUP even though our ordinance says that?

Executive Analyst Eisenbeisz - They're asking us to make it a permitted use.

Susan Lindoo - So we would change our ordinance?

Executive Analyst Eisenbeisz - That's what they're asking and Deb told them that they need to bring something to us, we won't put it on the agenda without a request.

Chairperson Lund - Should we put it on the agenda?

Kevin Haley - Let's put it on the agenda.

Executive Analyst Eisenbeisz - We need to see a request from them and what they want.

Chairperson Lund - We can ask you to put something on the agenda.

Susan Lindoo - If they want it why can't they write something up? It doesn't feel right that you two are lobbying for them.

Chairperson Lund - We're not lobbying for them, I'm just telling you what they said. It's very simple changes.

Councilman Ingemann - If odor becomes a problem you have no teeth in your ordinance, require a CUP.

Kevin Haley - We could make that part of the ordinance. As a liquor establishment, if they have people that are causing severe harm in the neighborhood we can take away their license.

Chairperson Lund - I wasn't advocating for them, I was just passing along the message.

Susan Lindoo - I know they want things but I'd feel better if they came here.

Vice-Chair Mahmood - Me too.

Kevin Haley - That's ok.

Chairperson Lund - Ok, we'll wait for them.

Kevin Haley - I live up where people have long driveways and our ordinance requires that if they sell, they need to pave their driveway, which could be two or three hundred feet long. I believe that Woodbury requires the first 25 or 30 feet. Bruce said there was potential soil washing off the street. Similar to Woodbury, we would require the first 25 or 30 feet.

Susan Lindoo - I thought we changed that a couple summers ago.

Executive Analyst Eisenbeisz - We don't have the length they need to pave. I know Bruce was looking to bring this to the City Council at some point.

Matt Prestegaard - It sounds reasonable.

Chairperson Lund - That's separate from zoning?

Executive Analyst Eisenbeisz - Yes, it's in our nuisance chapter.

Vice-Chair Mahmood - Who enforces that because my neighbor sold their house and their driveway washes out into mine all the time and they didn't pave it when it was sold. I brought it to Brian's attention.

Executive Analyst Eisenbeisz - Let me take a look at that because I know there was a condition in a purchasing agreement for a house on High Street that the new owners would take care of it because of the weather.

Kevin Haley - Can we put it on an agenda?

Executive Analyst Eisenbeisz - It was going to go to the City Council in the near future because it's in the nuisance section.

Kevin Haley - Can we put it on as a zoning issue? Doesn't that make sense?

Susan Lindoo - Is that under our jurisdiction?

Executive Analyst Eisenbeisz - I would need to check, I'll talk with Bruce and Deb.

Susan Lindoo - I would suggest you guys take the planning workshops that are being offered now because they are really useful. I think it's a really good workshop.

Executive Analyst Eisenbeisz - I sent out an email a couple weeks ago, I can resend it. The City pays for them.

Chairperson Lund - One more item, the DNR is working on a new set of rules for the River, has the City been involved in that?

Executive Analyst Eisenbeisz - I believe Deb has been, I haven't.

7. ANNOUNCEMENTS

Executive Analyst Eisenbeisz - Booya is July 13 and the parade is on July 12 at 6:30 p.m.

Chairperson Lund - Pioneer Day is August 10 and our next meeting is August 14.

8. ADJOURNMENT

Motion by Mahmood, seconded by Haley, to adjourn the Planning Commission Meeting at 7:03 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst