



**City of Newport
Planning Commission Minutes
July 12, 2012**

1. CALL TO ORDER

Vice Chairperson Lund called the meeting to order at 7:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Janice Anderson, Katy McElwee-Stevens, Matt Prestegaard

Commissioners absent – Susan Lindoo,

Also present – Brian Anderson, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; Berry Farrington, TKDA Planner

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of May 10, 2012

Motion by Anderson, seconded by Prestegaard, to approve the May 10, 2012 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Martin Victoris for Rezoning and Minor Subdivision for property located at the corner of Ford and Valley Roads

The Public Hearing opened at 7:01 p.m.

Berry Farrington presented on this item as outlined in the July 12, 2012 Planning Commission packet.

Councilman Ingemann – Would this be considered a spot zone? I think this is considered spot zoning.

Ms. Farrington – Spot zoning is a small area zoned differently from the surrounding area. Because this is continuous with R-1 to the east I would not consider it a spot zone.

Councilman Ingemann – I think their request could be considered under a PUD as well and not change it to R-1.

Ms. Farrington – The underline zoning is B-2 and we can't have a residential property in B-2 so that would need to change.

Matt Prestegaard – Do we know the intent of the B-2 zoning?

Admin. Anderson – I'm not sure of when that was zoned to B-2. It could have been back in the 90's.

Matt Prestegaard – Looking at the map it seems a large part of the B-2 zone is residential today but it appears that at the time it was zoned we were optimistic that there would be more commercial use there.

Councilman Ingemann – What you could do is change the parcels from east of the bank to R-1 since they're all residential properties anyways. That way you're not spot zoning.

Admin. Anderson – I think we have to go through a public hearing to change that so it would need to be at a separate time.

Dan Lund – So what you're saying is it sets a dangerous precedent?

Councilman Ingemann – Correct. All you have to do is change a couple lots to R-1. Put it on the agenda to change those.

Admin. Anderson – We can do that at a future meeting.

Katy McElwee-Stevens – Tom, are you saying that it's illegal to do a spot zoning or it's not good practice?

Councilman Ingemann – It's not good practice.

Matt Prestegaard – I think that's a good future discussion. Item #6 regarding Park Dedication requirements, could you clarify that?

Ms. Farrington – With every subdivision you would either collect a fee for every lot created or get land. Since this is a small development you wouldn't want to put a park there.

Admin. Anderson – It's been a while since we've had one of these so I'll be discussing the fee with Sherri.

Janice Anderson – Looking at the B-2 zoning. Isn't the whole NE corner the water retention pond that was just developed?

Admin. Anderson – Yes, we'll be revising the map to reflect that.

Janice Anderson – This recommendation is existing four lots. Was there any consideration for it to become two lots instead of three?

Admin. Anderson – There was some consideration. I think there was an economy factor in it as well.

Janice Anderson – Ok. It's interesting that the largest parcel has the smallest garage and smallest house.

Martin Vietoris – The dotted lines are showing the buildable area, not necessarily the house and garage. We're anticipating a 1,000 sq ft house. I wanted to put four lots in there but I knew that wouldn't fly so I put three on there. I'm not anticipating that any of these homes will have basements so they need a large garage for storage.

Janice Anderson – So what you're saying is that the largest lot has a smaller buildable area? Is that because of slopes?

Mr. Vietoris – No, it's due to setbacks because it's a corner lot.

Ms. Farrington – Mr. Vietoris do you think the garages will be under 900 sq ft then?

Mr. Vietoris – Yes

Ms. Farrington – Then I don't think we need flexibility from the 25% lot coverage standard then, you should be able to meet it.

Mr. Vietoris – Yes, I just don't want to be limited to under 500 sq ft with the garage because of having no basement.

Ms. Farrington – I would make a recommendation then, I would suggest that the exact footprint of the house and garage be a certain limit. He said 900 sq ft for the garage.

Matt Prestegaard – By square footage or percentage?

Ms. Farrington – I think a 30% maximum would cover it.

Mr. Vietoris – I have two questions. First, item number 2 says to finalize a developer agreement with the City for public improvements, is there a cost to that?

Admin. Anderson – Yes, I'm not sure what the cost is yet.

Mr. Vietoris – These lots are zoned B-2 and the taxes on each lot is \$1,000/year so I've paid \$20,000 on these lots since I've owned it. I first wanted to put four narrow houses on each lot but Brian said no. We can still get something financially feasible with three lots in the market today.

Admin. Anderson – If approved, I think we can go through this with our planners and figure out the fees.

Mr. Vietoris – Secondly, in regards to blacktopping the alley. I don't want to create a ton of runoff for the two houses on the other side of the alley by blacktopping it. I'm wondering if a class-5 alley isn't sufficient.

Janice Anderson – Aren't there other road surfaces that you can put down that the water goes through, a permeable surface that has an asphalt look to it. Is that class -5?

Admin. Anderson – No, I know what you're talking about.

Mr. Vietoris – I've used ground-up asphalt as parking surfaces and that looks pretty good and is easy to maintain.

Admin. Anderson – We can double check with our engineer to see if there are other materials out there.

Mr. Vietoris – If the City engineer and I can work together on that, that's what I'm after. I'm just worried about the amount of runoff that blacktop creates.

Dan Lund – Would you have the same problems if you created a concave alley?

Mr. Vietoris – That would work, I just want some flexibility in it with the City engineer.

The Public Hearing closed at 7:35 p.m.

Motion by McElwee-Stevens, seconded by Anderson, to approve Resolution No. P.C. 2012-5 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Executive Analyst Helm – I just want to confirm the lot coverage issue. We put that in under condition #1. The first sentence will read 'The Applicant shall submit a Final Plat that is substantially in conformance with the Preliminary Plat received by the City on June 20, 2012 with maximum lot coverage of 30%.'

Motion by Prestegaard, seconded by Anderson, to approve Resolution No. P.C. 2012-6 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Resolution No. P.C. 2012-7

Executive Analyst Helm presented on this item as outlined in the July 12, 2012 Planning Commission packet.

Matt Prestegaard – Regarding education, it was my recollection that we were interested in finding out about the classes not requiring them.

Executive Analyst Helm – I believe the resident who was here had said that they were required before purchasing the honeybees so that's what I was looking into.

Janice Anderson – I would expect that anyone interested in raising honeybees would have obtained some information before getting this far. Personally, I don't believe we would need to put that restriction on the owner to prove education or require education.

Admin. Anderson – I think this may be a work in progress as well and we can amend it in the future if need be.

Dan Lund – I think we're being more restrictive than we need to on the notices and setbacks. Do we have a notice requirement on chicken coops?

Executive Analyst Helm – No.

Dan Lund – We're saying that bees need to be at least 150 feet from the property and that the owner needs to receive written consent from occupied property owners within 250 feet from the hive and we're also requiring a latching fence. I think each of those is more restrictive and in combination it's extra restrictive. The citizens who were here last time talked about shrubbery so that the bees would fly up. That seems reasonable to me. Does anyone else have suggestions?

Matt Prestegaard – I don't have a lot of experience with honeybees but I understand that this ordinance is based on other cities and several discussions.

Dan Lund – Do you have Minneapolis' restrictions on honeybees? I think we're being a lot more restrictive than them.

Executive Analyst Helm – In Minneapolis, they have to be 25 feet away from the property line and must receive consent from 80% of properties within 100 feet and 100% of properties immediately adjacent.

Matt Prestegaard – We are talking about the RE District where the lots are a lot larger than Minneapolis' lots.

Dan Lund – I think that is another restriction and it's more than necessary to protect the rights of nearby property owners. The 150 feet from the nearest property line...

Executive Analyst Helm – That 150 feet is for all farm animals, not just honeybees.

Dan Lund – Ok, that makes a little more sense. Do we require written consent for any other animals?

Executive Analyst Helm – No, just honeybees but that restriction was found in the other cities as well.

Dan Lund – What other cities we looked at?

Executive Analyst Helm – Minneapolis, St. Paul and Oakdale.

Dan Lund – And they all allow honeybees in higher densities?

Executive Analyst Helm – Yes

Dan Lund – I would recommend to remove the restriction regarding written consent.

Executive Analyst Helm – I think the written consent is also in there due to allergies because allergies can be severe.

Dan Lund – But if 100 feet is enough for Minneapolis then I would think that 150 feet would be enough.

Councilman Ingemann – What about notification?

Katy McElwee-Stevens – I would exchange that.

Dan Lund – We’re only talking about a limited number of parcels anyways. I propose to change under Section 600.21, Subd 3(F)(2) where applicants must receive written consent to applicants must provide written notification to property owners within 250 ft from the hive.

Motion by Prestegaard, seconded by McElwee-Stevens, to approve Resolution No. P.C. 2012-7 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Admin. Anderson – The City did receive a grant from the Met Council to investigate and clean-up the old salvage yard along 7th Avenue. Diversified Manufacturing is interested in purchasing the entire property. We’ll also be putting in for a \$3 million grant for the Red Rock Corridor. We do have an open house on Wednesday for the transit station. Also, the new Mastertech station has opened.

6. NEW BUSINESS

No new business

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

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|-----------------------------------|----------------|-----------|
| 1. Open House for Transit Station | July 18, 2012 | 6:00 p.m. |
| 2. City Council Meeting | July 19, 2012 | 5:30 p.m. |
| 3. City Council Meeting | August 2, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | August 9, 2012 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Anderson, to adjourn the Planning Commission Meeting at 8:04 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst