



**City of Newport
Planning Commission Minutes
July 13, 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; Tom Ingemann, Council Liaison

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of June 11, 2015

Motion by Haley, seconded by Prestegaard, to approve the June 11, 2015 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing - To consider a Request from August Ventures for a Rezoning and Conditional Use Permit for Property Located Along Hastings Avenue, North of Ford Road

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

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 13, 2015 Planning Commission packet.

Troy Kingore, 780 Ford Road - I'm directly across from the holding pond. Listening to what you've described, I'd like to start with a background on the Comprehensive Plan. You said that it's been in place for a long time, when did it get approved? I've been there since 1992 and it was rural when I moved there. When I hear talk about fitting the plan, it was rural for a long time. It went to business and then back to MX. You're fitting back to the plan of the area in a residential zone. There was explanation about the area being commercial, directly across the street, it's residential, it doesn't turn commercial until you cross Valley Road. Hastings Avenue has been picked away since I've moved there. Did I think this would happen eventually, no. I heard you say that it fits the Comprehensive Plan over and over again. The rezoning and CUP has some concern to me. The MX-2 zoning fits with the neighborhood that is there. The buffering from that area has been picked away. You removed the buffering when you put the holding pond in there. Again, it was rural at one time. It's understandable to build houses there, not commercial. Going to the use, I believe there are other lots in Newport that are built to handle truck traffic and that is on this side of the highway along 7th Avenue. There are lots that are available that aren't being utilized. Does it fit this builder's purpose, maybe not but you're taking it away from residential. I do have concern about the lighting plan, again the buffering is gone, the work hours, the amount of traffic, 550 trucks per day.

Ms. Buss - No, vehicles. No more than 150 trucks and that's total trips, in and out.

Mr. Kingore - When you were explaining this, I heard everything in support of changing the zoning but haven't heard anything about keeping it as MX-2. Has it been vetted completely?

Ms. Buss - The most recent Comprehensive Plan started in 2008 and was approved by the City in 2010. There was a City visioning process that looked at uses in the City and potential uses. I wasn't here for the Comp Plan before that so I don't know what it was zoned before that but it was zoned for business in the 2008 Comp Plan because it's a large parcel, has good highway access, and half of it is not eligible for development because of the power lines. I think in that Comp Plan, it was B-2 and we've changed the numbering since then. B-1 now is the same thing as B-2 was in the last Comp Plan. We would be changing it back to what it was designated as in the most recent Comp Plan.

Mr. Kingore - So MX-2 is commercial, it has no residential?

Ms. Buss - You can have both residential and commercial.

Mr. Kingore - I just want to make it clear because the name is "Commercial," it should be clarified.

Vice-Chair Haley - It is well written and explained very well in the City Code. There's a real good explanation of it.

Mr. Kingore - I understand that you have more online but I don't know what's being represented here.

Ms. Buss - So based on the Comp Plan zoning, the City made the investment in the stormwater pond so that it could handle the level of impervious surface on this site. It handles water from elsewhere as well.

Mr. Kingore - I never heard that the pond was for that lot, it was for the flooding along Ford Road. Once you remove those trees, you've removed any buffering I have from the highway and the noise will increase. The same year that you removed the trees from the holding pond, a storm came through and took down several trees. There was not much wind blowing on my street, when I would go riding, it was cooler from the buffering. Now I get snow drifts in the winter. Those trees are taking a blunt force of storms. I will lose my buffering. I do have concern about all the truck traffic. The area along 7th Avenue isn't being utilized before you change the zoning in a residential area, I have concern with that. I don't know how the Comp Plan or spot zoning, keeps picking this spot. You say the Comp Plan, a long time, it was approved in 2010, that's not a long time in my opinion.

Matt Prestegaard - Do you mind pointing out your house on the map? It looks like there's a handful next to you?

Mr. Kingore - Yes, there are three properties on Ford Road and two properties to the west of the holding pond. Again, you're taking down the buffering. We're going to see traffic, it's changing the scenery. The residents up the hill miss the scenery, they hear the traffic all the way up the road. Will the trees be there forever, no, but it's more than the buffering. It's also, what it is now, is this an industrial town? I don't know. I think it's a residents' town. I hope they come first before you bring more businesses in. We have a lot of property that can be developed that may fit this better and have better access. I understand the tax-base issue.

Matt Prestegaard - You mentioned whether or not it had been vetted. I think we can say that no, that is the purpose of this meeting. We heard an opinion and this is the perfect time for you to express your opinion. I don't want you to feel that you've missed something.

Vice-Chair Haley - The Comp Plan that we're under right now is 2 years of planning before it's approved. The only reason it isn't the zoning that they want is because the Swanlunds had asked to rezone it for another development that slipped away.

Mr. Kingore - There could be more residential developments along the way.

Vice-Chair Haley - It was originally business and the only reason we're visiting it right now is because it got changed from the Comp Plan.

Ms. Buss - A couple of the things that you could talk about tonight is buffering. They've proposed a row of coniferous trees between the building and pond. You can see the trees on the landscape plan on the screen. It doesn't extend the whole way, the question would be should there be more. We don't have a lighting plan yet but do require it to be downcast in your ordinance. Joe, which way will the trucks come?

Joe Sullivan, August Ventures - The truck traffic will go north on Hastings Avenue to 494.

Vice-Chair Haley - Hopefully, there will be traffic south on Hastings Avenue for our other businesses.

Mr. Sullivan - We're also proposing to preserve about one acre of existing vegetation south of the building.

Executive Analyst Eisenbeisz - That's right across from the homes.

Mr. Sullivan - We're also not touching the bluff areas.

David Tweeten - Is it City property around the ponds? Can we plant trees around it?

Admin. Hill - You don't typically plant trees along ponds because of cleanup.

Chairperson Mahmood - So it looks like there will be some buffering for you Troy.

Marvin Taylor - I'm wondering, the area where you're planting evergreens, is there a reason that you're not trying to preserve the existing trees there?

Mr. Sullivan - I think the trees that we are proposing is above and beyond your code.

Ms. Buss - I don't think there are existing trees where they are proposing trees.

Marvin Taylor - Does your property extend south of the tree line?

Mr. Sullivan - I think the clearing comes on to our property so we're adding trees where there are none because of the way the pond was constructed.

Mr. Kingore - I'll speak to more of the buffering, I did attend the meetings for the pond and asked about trees and got a response that the City was looking into planting trees. As far as planting trees, there are some that don't shed leaves, I understand the mowing problem that that does cause, they could place the trees in such a way that you don't mow. Currently, you're not mowing the full width between the road and pond.

Vice-Chair Haley - This property owner has no right to plant trees on City property so those are two different issues. Planting trees in the pond area would be highly detrimental.

Ms. Buss - We could ask Bruce if there's any potential for planting trees around the pond to augment the buffer. It's not something we can make a condition of this project.

Mr. Kingore - That would not be a fix all. Another point, existing vegetation, that whole area is not treed, maybe half of it. The highway is not directly across from my house and now I don't have a buffer. The running joke is that we watch the sunset over the exit and listen to the highway hum. I see where the trees are, there's a flat area that goes around the pond, I thought that was a service road and it looks like it's gone. I have a question about that. It was a service road to the Public Works site. I don't know if this has any impact on that, that's something to think about. It's not about the trees across from my house, it's the direction that the storms come in, the wind

comes in, the additional heat that's caused. There's an impact to the neighborhood when we take out wooded areas, the area loses value. Trees are very beneficial to the area.

Chairperson Mahmood - I know this isn't any consolation to the trees but that building will block a lot of sound and wind. I know that's not what you're looking for but hopefully the trees they put up will be aesthetically pleasing.

David Tweeten - Right now, it's MX, which involves commercial uses, this is going to a warehouse use, but in terms of aesthetics, it's not much different.

Ms. Buss - I know Mr. Swanlund tried to market this for mixed-use and because of the power lines, he couldn't find anyone who wanted to do residential.

David Tweeten - The trees aren't coming back under MX either.

Mr. Kingore - In regards to truck traffic, I understand that that's the closest on-ramp but it won't be too long before they decide that a left is a much easier route than up a hill with a full load. They will start to go left and go down Hastings Avenue.

Vice-Chair Haley - We can do some signage but ultimately traffic is traffic.

Mr. Kingore - That's why I bring the point up.

Vice-Chair Haley - Certainly, the thousands of homes that are going up on Bailey Road will impact me but we're in the city, it's growth.

Mr. Kingore - Vehicle traffic, not semis. A big difference to the neighborhood.

Colleen Kingore, 780 Ford Road - I was just curious, will there be any fencing on the south side or will it just be trees?

Mr. Sullivan - Typically, you wouldn't see any fencing along visitor and employee parking. To the extent that there is extended stay parking to the north, that would require screening.

Ms. Buss - So the proposed fencing is on the north side?

Mr. Sullivan - Yes.

Vice-Chair Haley - And Hastings Avenue is a County road, it's built to handle the traffic.

The Public Hearing closed at 6:45 p.m.

Vice-Chair Haley - I would say some questions were asked.

Matt Prestegaard - I wondered about the topography as well and didn't think it would screen it enough to prevent folks from seeing it. The issue that we'll run into is while the buffering discussion is tragic, regardless of the zoning, that buffering is threatened.

Ms. Buss - Yes, even if there's residential development those trees would be gone.

Matt Prestegaard - Yes, so what we're left with is if residents would rather look at a residential or commercial use but it's irrespective of the zoning question. The conditional use permit, it might be a secondary issue.

David Tweeten - I don't see the issues raised affecting the zoning decision because the same factors apply to MX and this use in terms of buffering. It's not the use that's taking away the buffering, it's the City's ponds.

Ms. Buss -That's private property and it's allowed to be developed.

David Tweeten - I don't see a solution except for non-use.

Ms. Buss - Which would mean the City would need to buy it.

Vice-Chair Haley - There's a lot of parkland in Newport. I've heard the discussion that you took away my view. Land is going to develop around us. I understand that you want to keep your view.

Chairperson Mahmood - I understand Troy's concerns but the view is going to change no matter what. Right now, we have an opportunity for a business owner to come in and put a building in that has a history of running this type of business, he's going to be a responsible neighbor, has a good track history. I think it's a win for the City and I know the view is going to go, but it would no matter what. I think we're in a good situation here. When it comes to lighting, they'll have to talk about that, that's a condition in the permit. If it becomes an issue, we can take care of it.

David Tweeten - Is the public hearing only for the rezoning?

Executive Analyst Eisenbeisz - It's for both, you have to approve the rezoning first and then the CUP.

Matt Prestegaard- I'm beginning to get a clear picture of the rezoning but need more information on the CUP.

Ms. Buss - If you rezone this to B-1, then this use is a permitted use with a CUP. You can apply reasonable conditions but it would be very difficult for you to deny this use since it's permitted with a CUP.

David Tweeten - And it's a discussion about what those reasonable conditions are.

Matt Prestegaard - I want to point out that it seems our hands are tied and that the buffering issue doesn't come into play with the zoning issue.

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

Vice-Chair Haley - What are the conditions on the CUP?

Ms. Buss - They are:

1. The Applicant shall submit Final Plans that are substantially in conformance with the plans that were submitted to the City on June 15, 2015. The Plans shall include building plans, elevations, and detailed information on exterior building design and materials that are consistent with the City's performance standards. The Building Plans shall be approved prior to approval of a building permit.
2. The Applicant shall address the Engineer's comments regarding utilities and stormwater management and submit the final site and utility plans to the City Engineer for review prior to approval of a building permit.
3. Maximum truck loads serving the site may not exceed 9 tons in weight year-round.
4. The applicant shall provide the plans for the buildings to the City staff for approval.
5. No outside storage is permitted on the site.
6. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
7. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.

8. Lighting shall conform to the ordinance requirements. The applicant shall submit a lighting plan to the City for approval prior to approval of a building permit.
9. Any utility equipment installed at the site must meet the ordinance requirements.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.

Vice-Chair Haley - If the road changes and the tonnage increases, are they still limited?

Ms. Buss - Yes.

Vice-Chair Haley - So it should probably be that it can't exceed the limit of the roadway.

Ms. Buss - We can change that.

Vice-Chair Haley - There's that little piece that's existing vegetation, can it be improved? Can we ask to have some trees there?

Marvin Taylor - About two-thirds of it is trees based on the aerial.

Vice-Chair Haley - It's interesting that the whole area under the power lines is clear cut.

Matt Prestegaard - It is oddly sparse on the southern portion of that, is that City-owned?

Executive Analyst Eisenbeisz - No, everything in the red line is their property.

Matt Prestegaard - It looks like it was cleared as a result of the pond.

Vice-Chair Haley - It could be.

Matt Prestegaard - You would like to see that grow up again if the City's not making use of it.

Vice-Chair Haley - The City doesn't own it anymore.

Ms. Buss - If you wanted to increase the buffer, you could add that they need to do additional trees.

David Tweeten - There's that line of trees along the parking lot. I don't know if it's function has been defined apart from meeting ordinance requirements.

Ms. Buss -I'm assuming it'll provide some shading as well. You can certainly recommend a double row or staggered row. Or you could add a condition that they need to maintain that for the long term.

Vice-Chair Haley - I have a hard time imposing those things on the property owner because it's their property and to say that they need to isolate an acre of property for buffering, I really hate to do that to anyone.

Chairperson Mahmood - I understand where you're coming from but we need to look at the residents' concerns as well and try to make everyone happy. If it doesn't hinder Joe too much, I don't think it's too much to ask.

Vice-Chair Haley - With all respect to Troy and people's opinions, they are opinions and it doesn't apply that everyone in that neighborhood has the same opinion. That's one opinion in the whole neighborhood so we're going to impose that on a landowner because of one opinion. We're going to burden a landowner with thousands of dollars for some trees. I'm not saying it's wrong, I'm just saying those are the consequences.

Marvin Taylor - I think the issue is that that acre is not conducive for a building and it almost makes sense for the City to own it as an extension of the pond. That would preserve the public good of it more clearly.

Matt Prestegaard - That's where my comment was coming from. Through this temporary easement, those trees were cleared and now this lot has empty space and I wouldn't feel comfortable asking the landowner to fill it.

Vice-Chair Haley - Give me that acre of land and I'll build something on it. That's incredibly valuable and what the owner chooses to do with it should be his choice.

David Tweeten - It is up to that owner to be a good neighbor or not.

Vice-Chair Haley - I looked at that corner and was wondering why he wasn't building it out. That's what I would do.

Matt Prestegaard - Certainly, we're not in any position to impose constraints on the owner. It's just the question of what's the intent. The intent right now is to preserve vegetation and maybe add vegetation.

David Tweeten - He did suggest that there would be more trees than are presently there. I think it's reasonable to request a double row of trees by the parking lot. There's some function to those trees as a buffer. It'll take some years for those to be a substantial buffer.

Ms. Buss - That's a reasonable condition.

Matt Prestegaard - In prior conversations like this, we spent a lot of time talking about truck noise and we haven't talked about it yet. I can remember requiring special back-up devices. What can we expect to impose or not impose regarding noise?

Ms. Buss - The trucks in this case are on the backside so the building provides some screening from that. The parking lot in front of the building is for customers or employees. Would the trucks be using back-up beepers?

Mr. Sullivan - I don't know, I wouldn't think so.

Chairperson Mahmood - You wouldn't hear it.

Ms. Buss - I think they'll be shielded pretty well with the layout.

David Tweeten - The worst would be if they turned left on Hastings Avenue. That would be the noisy part.

Marvin Taylor - My concern is on the visual buffer. I've worked in that area and it's noisy with Highway 61. The trucks will be relatively modest. Given the layout, I think the trucks won't be noisy. I think we need to make sure that it needs to be visually appealing.

Bill Sumner, 737 21st Street - I am right across the pond from this development. If we talk about putting trees in, we should do an analysis of the topography. There's a reason the trees that are there are there. It's a lot of popples and scraggly box elder trees. That little section that they are leaving are not prime trees. I love the trees but I don't think it's proper for us to tell him to put a specific type of trees in that won't work there by nature of the location. That's unfair to the owner and us. I just want to make sure that whatever we require is done appropriately.

Mr. Kingore - I did put a lot of emphasis on the buffer. I understand that the trees will be gone with any type of development. The heavy concern is the additional semi traffic. Why do we want to add noise to the area. A semi going up a hill two blocks from my house makes a lot more noise than a semi rolling by on the highway. I hope the ordinance for engine braking is enforce. When they take a right, I will hear that noise. If they turn left, it'll be

easier for them to leave but do you want trucks going down Hastings. There are areas in Newport that are already zoned for semis. The CUP adds an additional burden of noise.

Chairperson Mahmood - Any more discussion? Does anyone want to add anything?

David Tweeten - You had discussed noise-tempering solutions.

Ms. Buss - It was for the site next to us and the concern was that their driveway was right across from homes and they would be moving cars around overnight so we asked that they use the more modern version of beepers that are not as noisy because of how close people were to it. We can say things about noise if it's reasonable. I think in that case, it was.

Matt Prestegaard - It's tricky because we don't know what businesses will be in there. Possibly a provision about hours of operation and the screening. I don't know how much further we can go.

Ms. Buss - Do you have any sense about types of hours for this location?

Mr. Sullivan - It's difficult to anticipate who will be doing business in this property. I've tried to create a property geared towards success and I'm fearful of the limits. I need to fill that building in a competitive environment and the more constraints, will limit the businesses. I'll leave it up to you guys and you need to address your constituents. The reality is that the design works perfect to keep all the truck traffic to the north. We live in a metropolitan area with the highways right there. That design is as good as it's going to get with limiting the noise. I don't know what type of businesses but you start limiting me and that limits my audience.

Chairperson Mahmood - I think it's hard to set a parameter of hours when you don't know who will be there.

Matt Prestegaard - I agree.

Ms. Buss - Since things will be inside or to the north of the building, I think it is hard to justify setting hours.

Vice-Chair Haley - He needs opportunity to fill it and would hate to see limiting hours. It adds a burden.

Chairperson Mahmood - Unless someone has something really important to say, I think we should call for a vote. We've talked this out and the Council has to approve it anyways. They can make changes if they see fit.

David Tweeten - Troy, would you like to say anything? Do you have suggestions for hours of operation?

Vice-Chair Haley - The Chairperson is supposed to invite people up.

Chairperson Mahmood -It's ok.

Mr. Kingore - It's the truck traffic that is going to add additional noise, the backing up, brakes, all night hearing it. I understand that limiting hours of operation are difficult on a business. Once you let this go, they have free reign to do what they want. During the day when most people are at work is fine, but most people would like to limit the additional noise at night when they're trying to sleep or have functions outside. I think it'll have an impact on our property values. I would like to lessen that as much. If people see semi trucks pulling in and out they'll have a different reaction than cars. I can't answer the hours of operation, it's hard to answer.

Chairperson Mahmood - I think we need to call the vote, the Council can add or change anything. We've talked it to death.

Executive Analyst Eisenbeisz - There are two amendments. The maximum truck load cannot exceed the maximum capacity of Hastings Avenue and adding a double row of trees.

Vice-Chair Haley - Are we adding that condition about the trees. I don't know what value it would serve. It'll be 20 years before it has some significance.

Ms. Buss -It's a parking lot, once a tree is six feet tall, it'll screen the parking lot well.

Admin. Hill - Maybe maintaining the trees is more important than doubling them up.

Vice-Chair Haley - Maintain any planted trees?

Admin. Hill - Yes.

Chairperson Mahmood - I'm fine with that, I don't think the double row will do much.

Matt Prestegaard - I'm comfortable with that.

David Tweeten - I think there's a big difference between one row and two. If we have no condition, than it's just the minimum.

Vice-Chair Haley - He's already proposing more trees than the minimum.

David Tweeten - On the drawing.

Marvin Taylor - I don't see a necessity of stipulating it but would like to encourage it. I also hope the building will look nice. We do want to break it up to a certain extent.

Vice-Chair Haley - I look at those buildings and they're beautiful to me.

Ms. Buss - Do we want something saying that they need to maintain the planted trees?

Chairperson Mahmood - Yes.

Motion by Haley, seconded by Taylor, to approve Resolution No. 2015-6 as amended. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing - To consider a Request from the City of Newport for a Minor Subdivision for Property Located at the Corner of 2nd Avenue and 9th Street

Sherris Buss, TKDA Planner, presented on this item as outlined in the July 13, 2015 Planning Commission packet.

The Public Hearing opened at 7:29 p.m.

Robert Erickson, 1017 4th Avenue - What's the variance on this property? Is it residential?

Ms. Buss - It's residential and will remain. It's in the R-1 District and you can only have single-family in that district.

Mr. Erickson - Who is responsible for the infrastructure?

Ms. Buss - The City, there's sewer on 9th Street that would serve these properties? The developer would need to bring them into the homes. It's a single-family

Mr. Erickson - Ok, thanks.

Abel Alsides, 455 6th Avenue - I own the property across the street, you say you're going to build a house around. Will that affect my property?

Ms. Buss - The driveways will go off of 9th Street.

Vice-Chair Haley - Abel, what's your concern?

Mr. Alsides - Can I still build?

Vice-Chair Haley - Yes, certainly.

Ms. Buss - Yes.

The Public Hearing closed at 7:34 p.m.

David Tweeten - Question about minimum of 70 feet wide. We have 69.5, is that ok?

Ms. Buss - They will be over 70 feet once the alley vacation is done. Most cities allow this if it's within a half percent, it can be considered the same as the requirement. The vacation will happen first so that the lots will be 70 feet or more.

Matt Prestegaard - So we can make that statement that the vacation will happen first?

Ms. Buss - Yes.

Admin. Hill - Once the alley is vacated, the eastern lot will get half a foot and the remaining will go to the western lot to give more room from the bluff line.

Motion by Prestegaard, seconded by Tweeten, to approve Resolution No. 2015-7 with the understanding that the alley vacation will occur before the final plat is recorded with the County. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Eisenbeisz - Pioneer Day is Sunday, August 9th at Pioneer Park. The parade starts at 11:00 and will go from Fire Hall #1 to Pioneer Park. Buttons are now for sale.

Matt Prestegaard - I don't have a report per say but I wanted to thank residents for coming tonight. Even if it didn't impact outcome tonight, it matters that we hear from you.

David Tweeten - I think it did impact outcome.

Chairperson Mahmood - We do appreciate it.

Vice-Chair Haley - Booya was great as well, it sold out at 1:36 p.m.

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-------------------------|----------------|-----------|
| 1. City Council Meeting | July 16, 2015 | 5:30 p.m. |
| 2. City Council Meeting | August 6, 2015 | 5:30 p.m. |

3. Pioneer Day
4. Planning Commission Meeting

August 9, 2015

August 13, 2015

6:00 p.m.

8. ADJOURNMENT

Motion by Haley, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 7:38 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst