



**City of Newport
Planning Commission Minutes
November 8, 2012**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Susan Lindoo, Dan Lund, Janice Anderson, Matt Prestegaard

Commissioners absent – Katy McElwee-Stevens

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

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of October 11, 2012

Chairperson Lindoo – I wanted to check on one item on page 2 where it states “The Planning Commission discussed the bicycle facilities proposed for the transit station, and the WCRRA staff presentation regarding plans to connect the site to existing and future bicycle trails in the area. The Planning Commission recommended adding a condition that a dedicated bicycle lane be developed to connect the existing trail on Maxwell Avenue to the transit facilities to support safe bicycle use of the facility and local trails.” I think Dan wanted bicycle path instead of lane and I was wondering if we wanted to change that word.

Vice-Chair Lund – Yes, I think I used route so it’s not specific.

Sherri Buss, TKDA Planner – We’ve talked with the County regarding that and they are going to make the sidewalk between Maxwell Avenue and the station ten feet wide to accommodate both bicyclists and walkers.

Chairperson Lindoo – Also on page two, we need to add that the Planning Commission would like the County to consider realigning the driveway for Newport Cold Storage.

Motion by Anderson, seconded by Lund, to approve the October 11, 2012 minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Steven Lutzwick, 1125 2nd Avenue, Newport for Approval of a Variance for Property Located at 1125 2nd Avenue

The Public Hearing opened at 7:03 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 8, 2012 Planning Commission Packet.

The Applicant, Steven Lutzwick, is requesting a variance to allow for a single family home with an opening elevation that is below the floodplain elevation. The property is located at 1125 2nd Avenue, in the River Residential (R1-A) District, Shoreland Overlay District, Floodplain Overlay District, and Mississippi River Critical Area. The lot is approximately .98 acres.

The property is in the floodplain and the FEMA base elevation is 703 feet. The Applicant bought the property with an existing single family home on it. The opening elevation of that house was 700.5 feet. The Applicant removed the existing home and replaced it with a new single family home last year. The Applicant indicates that he consulted with neighbors about the design of the house and that he wanted the house to be consistent in architectural character and elevation with those in the surrounding area. In order to build a house of similar height to others in the area, the opening elevation of the lower level of the new house is at 701.21 feet. This elevation is lower than that allowed by the Zoning Ordinance, and therefore the applicant requests a variance. The application includes eight letters of support from neighboring property owners.

Prior to the Planning Commission meeting Cathy Bloom of 1109 2nd Avenue discussed concerns regarding a drainage issue that developed between 1109 and 1125 2nd Avenue after the new home was constructed. Ms. Buss and Admin. Anderson are recommending that a condition be added requiring Mr. Lutzwick to work with Ms. Bloom on this issue.

Vice-Chair Lund – Before we start the discussion I would like to state that I am Mr. Lutzwick’s neighbor and did sign a letter stating that I have no issue with where his house is.

Matt Prestegaard – What are the consequences of not granting a variance?

Ms. Buss – They would need to alter the house to meet the requirement.

Matt Prestegaard – So pretty severe.

Vice-Chair Lund – Is there anything we can do to limit the precedence we set with this variance?

Admin. Anderson – From what I understand, it only lasts about a year. I think this is an unusual case. Future Planning Commission and Councils are not held to a decision that is made today.

Ms. Buss – Variances are considered case by case so it would be hard for someone to argue to us that we need to grant them a variance because we did it for someone else.

Janice Anderson – Wouldn’t this usually be caught during the review of the building plans?

Admin. Anderson – Yes, and I forget the reason as to why this is after the fact. I think this was a case where he thought he had done everything that he had needed to do.

Ms. Buss – It is typically the building inspector’s job to review the plans and ensure that they comply with the Code.

Janice Anderson – When was the 703 feet requirement established?

Ms. Buss – I believe it was updated in the last few years.

Chairperson Lindoo – Do we want to require our City Attorney to approve the indemnification agreement?

Admin. Anderson – He already did.

The Public Hearing closed at 7:15 p.m.

Motion by Anderson, seconded by Prestegaard, to approve Resolution No. P.C. 2012-11 recommending the City Council approve the Variance as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Chairperson Lindoo – You mentioned that we still need to update the variance ordinance, could you put that on an upcoming agenda?

Ms. Buss – Yes, we can put that on when we have a public hearing on an ordinance.

B. Discussion Regarding the B-2 Zoning District

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 8, 2012 Planning Commission Packet. The Planning Commission discussed two items in regards to the current B-2 Zoning District. The first item was the proposed zoning map that Ms. Buss had created. The proposed map includes a new “MX-4” Transition District to replace the current northern B-2 District. The map leaves the existing southern B-2 District in place, but renumbers it as B-1. The Planning Commission requested that the following changes be made to the proposed map:

- Revise MX-1 to include the area between Glen and Ford Roads and Hastings and 8th Avenues
- Create a MX-4 District to include the remaining area of the old MX-1 District
- Designate the area north of Ford Road, south of Cemetery Road and east of Hastings Avenue as MX-2

Ms. Buss will revise the zoning map for the December 13, 2012 meeting.

The second item the Planning Commission discussed was the revised Section 1350 of the City Code for non-residential districts that Ms. Buss provided in the November 8, 2012 packet. The revision included the following:

- Revised Purpose section of the Business Districts and B-1 District. The revision focuses on the purpose of the remaining Business district.
- Item 1350.12 - Intent of the MX-4 Transition District.
- Item 1350.13 - Dimensional Requirements table.
 - This table makes the MX-4 District a “hybrid” of the standards for the MX Districts and the B District. The minimum lot sizes allowed are similar to the MX Districts, to allow for the existing residential uses and potential creation of new residential uses. However, the standards for Parking setbacks are similar to those of the Business districts, acknowledging that this district includes a number of existing surface parking lots that are adjacent to residential uses.
- Item 1350.14 - Uses in the Non-residential Districts
 - This table includes a broader set of uses in the MX-4 District than in either the MX Districts or B District. It allows residential uses in the MX-4 district (a key change from the B-2 District). It also allows some business uses, such as “Building materials and services,” “outdoor sales in conjunction with a permitted use,” that exist in the District, that are not allowed in the MX- and MX-2 Districts, to accommodate existing uses.
 - This table integrates all of the MX Districts. A new second table follows that includes the B and I Districts in a single table.
- Item 1350.15 - Administrative Procedures for Non-residential Districts
 - This section integrates the Administrative Procedures for all non-residential districts, which are currently in 2 separate sections in the ordinance.
- Item 1350.16 - Performance Standards for Non-residential Districts
 - The performance standards section integrates the standards which currently exist in several places in the ordinance, and tries to put them in a logical order.
 - It places the general standards at the beginning of this section, and the additional standards for the MX-3 District at the end of the section.

The Planning Commission requested that the following changes be made:

- Revise the district numbers and locations in the Code to be consistent with the zoning map
- Add the following Civic and Semi-Public Uses to the Use Table:
 - Day Care Centers
 - Essential Services/Public Utilities
 - Funeral Home
 - Hospitals
 - Medical Clinics
 - Military Reserve, National Guard Centers
 - Parking Garage (as a principal use)
 - Parking Lot, Surface (as a principal use)
 - Penal/Correctional Facilities

- Place of worship and associated facilities, except schools
- Post Office
- Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities
- Schools-trade, college, vocational, and associated facilities
- Social, Fraternal clubs and lodges, union halls
- Revise Section 1350.02(B) to read “To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base”
- Revise the section regarding parking standards to require planted boulevards in the MX-1 and MX-4 districts for the fronts of parking lots

Ms. Buss will provide an updated draft of Section 1350 for the December 13, 2012 meeting.

5. COMMISSION AND STAFF REPORTS

Admin. Anderson – The City has submitted clean-up grant applications with Met Council and DEED for the former Knauff Salvage Yard behind City Hall. Additionally, we did not get a grant for the Red Rock Gateway area but we will apply for it again. We are applying for another grant to acquire the lots next to Lions Park so we can expand it.

Chairperson Lindoo – What about that piece of land behind the Habitat for Humanity house that MnDOT owns?

Admin. Anderson – We have a meeting on that next week.

6. NEW BUSINESS

No new business

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

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| 1. Veterans’ Day – City Offices will be closed | November 12, 2012 | |
| 2. City Council Meeting | November 15, 2012 | 5:30 p.m. |
| 3. Thanksgiving Holiday – City Offices will be closed | November 22 – 23, 2012 | |
| 4. City Council Meeting | December 6, 2012 | 5:30 p.m. |
| 5. Planning Commission Meeting | December 13, 2012 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Prestegaard, seconded by Lund, to adjourn the Planning Commission Meeting at 8:50 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst