



**City of Newport  
Planning Commission Minutes  
November 14, 2013**

**1. CALL TO ORDER**

Chairperson Lund called the meeting to order at 6:03 P.M.

**2. ROLL CALL -**

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

Commissioners absent –

Also present – Deb Hill, 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 10, 2013**

**Vice-Chair Prestegaard** - I have a couple. On the bottom of page 1, it seems that Chairperson Lund is unwilling to give up his blanket, I think it should be "blanket approval." Another one, on the middle of page 10, where I said "That was my feeling too," it should be "t-o-o."

**Chairperson Lund** - That's all I found too. Well done, they're extensive minutes.

**Motion by Mahmood, seconded by Anderson, to approve the October 10, 2013 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Discussion Regarding Accessory Structure Size in the RE District**

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 14, 2013 Planning Commission Packet.

**Susan Lindoo** - A couple of minor things. One is on that table, could it be "Minimum 500 square feet of accessory structure is permitted on all parcels, regardless of house size, if required setbacks are met?" I read that twice to think it through and realize what you were saying so I thought this would make it clearer.

**Chairperson Lund** - There's not a maximum limit for less than two acres. So to get to a maximum limit, that would be based on the size of the principal structure?

**Ms. Buss** - And of lot coverage, in the RE District, it's 20%. That typically controls the size of structure.

**Chairperson Lund** - So 20% of two acres is 8,000 square feet so we should have a maximum cap for less than two acres.

**Ms. Buss** - Ok, so somewhere we need to say the maximum accessory structure size in all districts is 2,500 square feet.

**Chairperson Lund** - Let's just add it to the table unless there's a smaller maximum. Our intent for less than two acres was to make it similar to the other districts.

**Executive Analyst Helm** - The R1 District is 25% coverage. An accessory structure cannot be larger than the house.

**Ms. Buss** - In this table, we're going up to 1.99 acres. What we could say is "A total footprint of all structures may be no larger than the square foot of the principal structure or no larger than 2,500 square feet."

**Vice-Chair Prestegaard** - I would say 2,000 square feet.

**Chairperson Lund** - I think we should have a maximum for all of the districts. It could be a smaller maximum outside of the RE District.

**Ms. Buss** - In the R-1 District, there are some bigger lots so we probably should add a subdivision 4 stating that in all districts outside of the RE District, the maximum accessory structure size shall be 2,000 square feet.

**Chairperson Lund** - Do we mean that for all districts?

**Ms. Buss** - No, I would say just residential districts.

**Executive Analyst Helm** - There are some houses in the mixed-use districts.

**Ms. Buss** - So we could say the maximum is for wherever we allow a residential use.

**Susan Lindoo** - I have one other thing. On page 1340-5, where you say "No accessory building shall at any time be used as a habitable building," could we put in there that it couldn't be used as manufacturing or industrial use? Just to make it really clear.

**Ms. Buss** - Then we would need to say that no accessory building in a residential district may be used for a manufacturing or industrial use.

**Susan Lindoo** - I'm good with that because people don't read the whole ordinance.

**Ms. Buss** - We did have a question about whether or not someone could build a 2,000 square foot woodshop in their backyard.

**Janice Anderson** - Why would you deny that?

**Ms. Buss** - If they were using it for their own personal use, you couldn't, but if they're using it as a business you could. It could also be a home occupation but there are conditions on that as well.

**Janice Anderson** - For my own clarification, we're just talking about the R1, R2 and R3 Districts correct?

**Ms. Buss** - The table on page 1340-3 is the RE District.

**Chairperson Lund** - For the setbacks on 1340-4, we have a formula for structures larger than 2,000 square feet.

**Ms. Buss** - That's not a change.

**Chairperson Lund** - The part I would like to open to discussion is that we don't have a similar formula for the rear setback but we do have a maximum of 50 feet for the rear setback. Do we want to make the rear different from the side and do we want to use the same formula to the rear?

**Susan Lindoo** - That might be especially relevant with the RE District because our lots are so irregular.

**Chairperson Lund** - I think the setback should be the same for the side and rear. What's a maximum amount for the rear setback? What are the regular setbacks?

**Executive Analyst Helm** - For the RE, the side yard is 20 feet, the rear yard is 10 feet, and the front yard is 40 feet.

**Chairperson Lund** - So the 100 feet limit won't mean anything because to get that would be a 5,000 square foot building, which won't be allowed. I think we can get rid of the maximum.

**Ms. Buss** - So you want to take out the maximum and have the formula be for the rear too?

**Chairperson Lund** - Yes. So anything above 2,000 square feet needs to deal with the formula. I think we also need to specify that we'll round up with the formula. I think we should change the rear setback to 20 feet as well for the RE District or it should at least be the same as the side.

**Ms. Buss** - I think that makes sense. We'll change it to 20 feet so that it's the same as the side. We'll have the public hearing at the December meeting.

## **B. Discussion Regarding Breweries**

Sherri Buss, TKDA Planner, and Executive Analyst Helm presented on this item as outlined in the November 14, 2013 Planning Commission Packet. There are State regulations regarding breweries and what licenses they would need. A taproom license would allow the owners to sell only their brew, whereas a brew pub license would allow the owner to sell their brew and other liquor. The City Council will be discussing amending Chapter 5, Alcoholic Beverages, of the City Code to allow for these different licenses at a future meeting.

**Susan Lindoo** - Would we also allow for the micro-distilleries or wineries?

**Ms. Buss** - In Stillwater, there's a winery where all of the grapes are grown in other parts of Washington County and they bring the grapes in and make the wine there.

**Janice Anderson** - There are a lot of standing wineries where all they do is bring in other crops and brew the wine.

**Ms. Buss** - That's the question for you. We've had a question about a use and we could amend to only allow that use or expand it further and allow the other types of businesses.

**Chairperson Lund** - I don't have any problem with these anywhere that we allow a bar. Is there a limit on the number of liquor licenses we can issue?

**Executive Analyst Helm** - Yes, it's five on-sale liquor licenses. We have three on-sale currently.

**Janice Anderson** - I think there's a question of distance though too.

**Executive Analyst Helm** - There's a regulation for off-sale.

**Susan Lindoo** - This isn't a bar though.

**Executive Analyst Helm** - There's a limit for on-sale and the brew pub is an on-sale. There isn't a limit for off-sale but we do have a distance regulation of 1,000 feet. They would like to sell off-sale as well but the Red Rock Saloon does that right now and they're 1,000 feet away from Newport Liquor.

**Chairperson Lund** - Maybe we could ease that restriction for selling their own product.

**Executive Analyst Helm** - That would need to be a Council discussion. They just approved an ordinance this last year for that regulation.

**Ms. Buss** - Is there a general agreement that we would like to allow micro-breweries?

**Janice Anderson** - Yes.

**Susan Lindoo** - I would like to allow more. These would be craft breweries because it's more than 5,000 barrels? The micro-breweries are the really small. They were recommending a limit of 20,000 barrels. It would be also the craft distilleries and wineries. At the very end, their recommendation is to use the term "craft brewery," which is the capacity to manufacture 20,000 or less barrels per year.

**Ms. Buss** - And brew pubs, by the State, are regulated to 3,500 barrels per year.

**Vice-Chair Prestegaard** - It says that the State recently increased it to 20,000 barrels so that would apply to brew pubs, taprooms and growlers. I think 20,000 seems reasonable.

**Ms. Buss** - So we would update the Code to allow any of these things?

**Susan Lindoo** - Would it be the mixed-use and business districts?

**Janice Anderson** - Mixed-use also allows residential.

**Susan Lindoo** - But in here they talk about the traditional neighborhoods and aren't those similar to our mixed-use?

**Ms. Buss** - Yes and if you look at the table, you'll see that St. Paul allows them if they're small enough in the traditional districts. Do you like how St. Paul has set it up?

**Susan Lindoo** - I'm looking at the very last pages and notice that they're allowing it in three of the four traditional districts. Didn't we combine some of the mixed-use districts?

**Ms. Buss** - No, there are four.

**Susan Lindoo** - Are there any of those where we don't want to allow them? I think it makes sense for the transit-oriented mixed-use and the commercial areas.

**Ms. Buss** - St. Paul's T-1 is almost like your residential districts.

**Susan Lindoo** - Do we feel our mixed-use is really mixed-use?

**Ms. Buss** - Think of the area around here, this building is in a mixed-use district.

**Janice Anderson** - Aren't there regulations regarding distances from schools?

**Executive Analyst Helm** - Yes, it's 800 feet.

**Ms. Buss** - If we were going to allow it in the MX-4 District, you would want to invoke that.

**Executive Analyst Helm** - And that's a State Regulation.

**Susan Lindoo** - St. Paul has them in the business and industrial districts.

**Ms. Buss** - I don't think we permit restaurants in the industrial districts. You could allow an actual brewery in the industrial districts. You probably want to allow brew pubs wherever you allow restaurants.

**Susan Lindoo** - Are we talking about making changes for the brew pubs and breweries? We might as well do all of them.

**Chairperson Lund** - Are there any type of restrictions we would like to add over a normal bar? I'm inclined to say that they need to meet the restrictions of a normal bar and then I would be willing to have the Council remove the regulation for 1,000 feet for off-sales.

**Ms. Buss** - If someone wanted to do off-sale for just their growlers, would the Council be willing to waive that regulation?

**Councilman Ingemann** - What we don't want is another liquor store 200 feet away from an existing liquor store. It would eliminate the liquor store if it was just their own product.

**Chairperson Lund** - I guess there's no reason to ask if we need more than five liquor licenses if we're only using three.

**Executive Analyst Helm** - The limit is a State Regulation and is determined by our population. I would have to check with the State but I don't believe a taproom license would be considered an on-sale license.

**Susan Lindoo** - There were a couple other things that were brought up in the St. Paul ordinance including odor. I don't think they recommended a specific restriction but there was something about it coming from the by-products drying. We might want to look at that. They also said something about restricting events that a brew pub could have.

**Ms. Buss** - That's a big discussion in Minneapolis and St. Paul. There are a number of brew pubs that are holding regular events and neighbors are getting frustrated. They're discussing whether or not they should limit the number of events for a brew pub. A restriction like that is a good thing to think about if it's close to a residential area.

**Vice-Chair Prestegaard** - I understand your concerns but I wouldn't know where to set the value on the number of events or a minimum number of barrels.

**Susan Lindoo** - We might want to wait and see.

**Ms. Buss** - Other cities require a permit for the event.

**Executive Analyst Helm** - I've never issued one.

**Susan Lindoo** - Do we need to have something in the code about odor?

**Ms. Buss** - I can ask St. Paul about what they are going to do.

**Chairperson Lund** - Are we going to allow conditional use permits for these?

**Ms. Buss** - That's up to you. St. Paul does it at a certain size. 5,000 square feet wouldn't require one but anything above 15,000 square feet do. That's consistent with what we've done in other districts.

**Chairperson Lund** - My concern would be related to smell mitigation but that could be a condition.

**Ms. Buss** - You might want to require one for a distillery because I think that's where the odor comes from.

**Susan Lindoo** - I can see requiring one for a mixed-use district but not the business district.

**Ms. Buss** - If you look at St. Paul's chart, they don't require conditional use permits in business districts.

**Chairperson Lund** - Renee, can you give a brief explanation of the procedure and cost for a conditional use permit?

**Executive Analyst Helm** - We typically need the application about six weeks prior to the public hearing because of publication notices and review. In regards to cost, it's \$450 for the application plus a minimum of \$2,000 escrow. If they don't need a conditional use permit, it typically takes about three weeks for review and is based on the value of the project. The conditional use permit takes about six to eight weeks.

**Chairperson Lund** - So it is a burden to require a conditional use permit. Do we require one for bars now?

**Ms. Buss** - Yes, for a restaurant that is serving liquor. We return any escrow amount that we don't use.

**Vice-Chair Prestegaard** - So they're allowed in all of the mixed-use and business districts with a conditional use permit, not to exceed 20,000 barrels.

**Susan Lindoo** - And they have a limit for distilleries. It seems like St. Paul did quite a bit of background in this.

**Ms. Buss** - So if you wanted to go ahead with this, we can start creating a draft and look up a couple of those issues. Mostly, I think it'll be changing the tables.

**Chairperson Lund** - Maybe the only difference between these and a regular bar would be related to smell. I think we can just use our regular bar regulations and have one extra provision regarding smell.

**Ms. Buss** - So based on that, we'll bring back a draft at the next meeting.

## **5. COMMISSION AND STAFF REPORTS**

**Admin. Hill** - There will be a ceremony for the Transit Station on November 25. The demolition should be done by the end of January and they'll start construction in May depending on frost. They're hoping to be done by the end of October 2014.

**Ms. Buss** - We've also been working on an issue with Aggregate Industries, which is just across Maxwell. We've had a number of complaints in regards to dust. We've taken this opportunity to talk to them about the coming Transit Station and that when we bring developers out, it's their site that make people worried about putting housing up in that area. They came in to talk to us this week about what they can do to come into compliance. They agreed that their site is a problem. Some of the stuff is debris from the Wakota Bridge. They'll also start building landscaped berms west of Maxwell. I think that's a real plus to get them screened. We said that we needed a plan within 30 days from when they received the letter.

**Chairperson Lund** - Are we doing any monitoring of the garbage-sorting facility? People always blame the smell on the South St. Paul rendering plant but I don't believe that they don't contribute to the odor.

**Ms. Buss** - We don't. I'm not sure if the State monitors them.

**Chairperson Lund** - There's a State mandate but if we don't complain, the State might not be so inclined to fight against it. I know the County spent \$9 million last year to subsidize it. Now there are some environmentalists saying that it's better for the environment not to burn garbage. I don't think that's a good location for it and unless someone can tell me why we want them I would be happy to chase them out of here whether that means talking to the County or complying with the Clean-Air Act. That's what is going to kill the project because no one is going to put residences there when it stinks of garbage.

**Anthony Mahmood** - They built a baseball field next to one.

**Chairperson Lund** - That one has scrubbers and they keep it enclosed. A lot of people say that the smell is not coming from there but I find that hard to believe.

**Susan Lindoo** - We don't smell it on this side but I've driven across the bridge and can smell something.

**Councilman Ingemann** - There's a rendering plant in South St. Paul.

**Ms. Buss** - In seriousness, Barb Dacy from the County HRA said that has they have been out talking about this, that has been a question. They're putting together an idea for how to market this area and she feels that one of the big messages we need to get out is that there aren't bad smells.

**Councilman Ingemann** - The garbage plant as a sweet smell, not the one you smell when you go across the bridge.

**Susan Lindoo** - Tony, you're saying that it does smell?

**Anthony Mahmood** - Yes. Certain nights during the winter, I can smell the garbage plant and I know the difference between the two smells.

**Chairperson Lund** - Is there a reason we don't want to put the screws to them on their smell emissions?

**Councilman Ingemann** - Taxes.

**Susan Lindoo** - But if they prevent the development of the other area, which is going to be greater in the long run?

**Ms. Buss** - If they have a conditional use permit, it would be very hard to take it away.

**Chairperson Lund** - But if we start enforcement actions under environmental policies...

**Ms. Buss** - If you can get the PCA to monitor it and they are violating the policies than they could remove the permit.

**Chairperson Lund** - Not in such a direct way but if the County knows that we don't like it. Washington County subsidized it for \$9 million.

**Susan Lindoo** - Maybe they would need to use scrubbers or whatever. If Barb Dacy is running into these issues maybe that's enough of a case to ask the PCA to monitor it. If they determine there is a smell they could be asked to come into compliance.

**Ms. Buss** - I'll ask Barb what she thinks about it.

**Anthony Mahmood** - The main smell is coming from across the road.

**Chairperson Lund** - They're under the spotlight over there.

**Ms. Buss** - What Barb has been wanting to say is that the rendering guys are being forced to clean up their act so that it won't be an issue in the future but if the garbage plant is causing a smell as well she can bring that to the County Board. I'll talk with Barb about it.

**Vice-Chair Prestegaard** - How did the deer hunt go?

**Admin. Hill** - They took six or eight.

**Susan Lindoo** - Will they do it again next year?

**Admin. Hill** - If the Council decides to.

## **6. NEW BUSINESS**

**Chairperson Lund** - I've been trying to figure out how we can apply for Parks and Trails money. There has been some talk about the island and acquiring that.

**Admin. Hill** - I actually spoke with a representative of the family that owns it and they were going to have a meeting this month to discuss it.

**Chairperson Lund** - I'm trying to figure out how we can apply for the dedicated funding for parks and trails.

**Admin. Hill** - I have an email that I received in the last day or two and I was going to talk to Barb Dacy about it.

**Chairperson Lund** - Great.

**Susan Lindoo** - Does that go along with the passive park along Cedar Lane?

**Admin. Hill** - From what I understand, yes.

**Chairperson Lund** - And then hopefully get the fishing pier back. So the City is acquiring all of those properties?

**Admin. Hill** - That's the plan.

**Chairperson Lund** - It looked like someone was razing some land.

**Executive Analyst Helm** - Do you know where it was? We're not acquiring all of the properties on Cedar Lane.

**Chairperson Lund** - It was on the west side, it looked like someone was bringing in a bunch of dirt.

**Admin. Hill** - That was to fill the basement. We've had meetings with the National Park Service about it.

**Ms. Buss** - We've also talked with Washington County because one of the planners is thinking about a long-range plan for sites all around Washington County, especially on the Mississippi and St. Croix Rivers for kayaking. We're trying to get it in front of people as much as we can.

**Chairperson Lund** - All of that Park and Trail money can't be gone can it?

**Ms. Buss** - A lot of it goes through State and metro parks. My impression is that cities haven't been going after it because it goes towards a regional park.

**Admin. Hill** - They also issue money to those projects that have a plan.

**Ms. Buss** - But we can try to find out the rules.

## **7. ANNOUNCEMENTS**

### **A. Upcoming Meetings and Events:**

- |  |                        |           |
|--|------------------------|-----------|
| 1. City Council Meeting                            | November 21, 2013      | 5:30 p.m. |
| 2. City Offices Closed due to Thanksgiving Holiday | November 28 - 29, 2013 |           |
| 3. City Council Meeting                            | December 5, 2013       | 5:30 p.m. |
| 4. Planning Commission Meeting                     | December 12, 2013      | 6:00 p.m. |

## **8. ADJOURNMENT**

**Motion by Prestegaard, seconded by Lindoo, to adjourn the Planning Commission Meeting at 7:35 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm  
Executive Analyst