



**City of Newport
Planning Commission Minutes
December 13, 2012**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Susan Lindoo, Janice Anderson, Katy McElwee-Stevens, Matt Prestegaard

Commissioners absent – Dan Lund

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

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of November 8, 2012

Chairperson Lindoo – I found one small item. On page 3 on the top, there are three bullet points and I was wondering if something was missing. It says “Designate the area Ford and Cemetery Roads and east of Hastings Avenue as MX-2.” Is it supposed to be north of Ford Road?

Janice Anderson – It would be north of Ford, south of Cemetery Road and East of Hastings Avenue.

Motion by Anderson, seconded by Prestegaard, to approve the November 8, 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 AccessAbility, 8362 Tamarack Village #119, Woodbury, MN for Approval of a Variance for Property Located at 627 6th Avenue, Newport

The Public Hearing opened at 7:05 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the December 13, 2012 Planning Commission Packet.

The Applicant, Accessibility Options, Inc. is requesting a variance on behalf of Philip Frank, the property owner. The variance would allow for construction of a wheel chair ramp to serve a grandchild who lives at the home at 627 6th Avenue North. The property is approximately .16 acres in size, and is located in the R-1 Low Density Single-Family Residential District. The first condition stating that they need a building permit is no longer needed as the ramp is low enough to the ground and does not need a building permit per the Code.

Janice Anderson – Have the fees been paid for already?

Ms. Buss – Yes. We don't start the review until they've paid the fee.

Admin. Anderson – At the last Council meeting the Council did approve adding a fee to the 2013 fee schedule to double the variance fee if something is built without obtaining a variance.

Matt Prestegaard – I presume the tree is healthy and that we wouldn't want them to remove it?

Ms. Buss – It appears so and it would be rather expensive to request them to remove it.

Chairperson Lindoo – I approve the variance but I would like to say something to the applicant about jeopardizing their client's best interest, which they did by building it without obtaining the variance.

Ms. Buss – The fee will be assessed to AccessAbility instead of the property owner since they are the ones who applied and built it without obtaining a variance first.

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

Chairperson Lindoo – Can we add a condition recommending that any penalty fees be charged to the Applicant instead of the property owner?

Ms. Buss – Yes.

Motion by Prestegaard, seconded by Anderson, to approve Resolution No. P.C. 2012-12 recommending the City Council approve the Variance as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Discussion Regarding Ordinance Updates

Sherri Buss, TKDA Planner, presented on this item as outlined in the December 13, 2012 Planning Commission Packet. The Planning Commission discussed two ordinance amendments for Section 1310.11, Variances, and Section 1350, Non-Residential Districts.

The amendment for the variance ordinance is to include a new State criteria that has changed the criteria for variance approval from "hardship" standards to "practical difficulties." A public hearing for the variance amendment will be included with the public hearing for the non-residential districts.

Katy McElwee-Stevens – I have one question on Subdivision 4 where it says "Failure of the property owners to receive the notice shall not invalidate the proceedings." Does that mean that we could still hold a public hearing if the notices were lost in the mail?

Ms. Buss – Yes.

Katy McElwee-Stevens – Then why do we need to send notices?

Ms. Buss – If it's a controversial issue you'll have several people come to the meeting and say that they didn't receive the notice even if they did in hopes of postponing it. That sentence prevents that from happening.

Motion by Anderson, seconded by McElwee-Stevens to recommend to City Council that a public hearing be held at the January 10, 2013 meeting to amend Section 1310.11. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

The second amendment is in regards to Section 1350, Non-Residential Districts. This is a continued discussion from the November 8, 2012 Planning Commission meeting. The first item that the Planning Commission discussed was the draft zoning map. The draft includes the following changes:

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

Martin Vietoris, owner of 2154 Hastings Avenue, is requesting that four parcels along Ford Road between Hastings Avenue and Valley Road be included in the new MX-1 District so that he can build a duplex. Mr. Vietoris requested a rezoning request earlier in 2012 for these parcels from B-2 to R-1 so that he could build single-family homes. The Council approved his original request in July 2012. The draft map includes an updated MX-1 District to include these parcels.

The second item that the Planning Commission discussed was the language amendments to Section 1350, Non-Residential Districts. The amendments include the following:

- 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

The Planning Commission discussed these revisions and requested that the following amendments be made for the Public Hearing:

- Define a T.O.D. District as discussed in Section 1350.15(G)(4)
- Fill in the blank for Section 1350.15(G)(4)(e)
- Revise the use table so that parking garages, parking lots, or surfaces as a principal use are not allowed in the MX-2 District
- Redraw the North Pedestrian Bridge to be the same as the South Pedestrian Bridge

Motion by Anderson, seconded by McElwee-Stevens to recommend to City Council that a public hearing be held at the January 10, 2013 meeting to amend Section 1350. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Chairperson Lindoo – Did you meet with MnDot about turning back some property?

Admin. Anderson – Yes, MnDot will turn it back to the County and then we’ll take a look at getting it. It’ll be mid-2013 before that happens.

Ms. Buss – The County flipped the transit station so that the backside is no longer facing Maxwell Avenue. I think we should thank Dan for hanging in there and talking with your County Commissioner about it. The HRA submitted a grant application to acquire those four parcels between Lions Park and Maxwell Avenue. They utilized the Parks Master Plan to submit the application. The decision will be made in the Spring.

6. NEW BUSINESS

No new business

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

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| 1. Christmas Holiday – City Offices
will be closed | December 24 – 25, 2012 | |
| 2. New Year’s Holiday – City Offices
will be closed | January 1, 2013 | |
| 3. City Council Meeting | January 3, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | January 10, 2013 | 7:00 p.m. |

8. ADJOURNMENT

Motion by Anderson, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:15 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Susan Lindoo, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst