



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
MAY 8, 2014 - 6:00 P.M.**

Chairperson:	Dan Lund	City Administrator:	Deb Hill
Vice-Chair:	Anthony Mahmood	Executive Analyst:	Renee Helm
Commissioner:	Susan Lindoo	Planner:	Sherri Buss
Commissioner:	Matt Prestegaard	Council Liaison:	Tom Ingemann
Commissioner:	Kevin Haley		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of April 10, 2014

4. APPOINTMENTS WITH COMMISSION

- A. **Public Hearing** – To consider an application from Mark Gergen for Approval of a Lot Size Variance for Property Located on 4th Avenue south of 20th Street
1. Memos from Sherri Buss and Jon Herdegen
 2. Application
 3. Resolution No. P.C. 2014-5

5. COMMISSION & STAFF REPORTS

A. Discussion Regarding Washington County HRA Bus Tour

6. NEW BUSINESS

7. ANNOUNCEMENTS

- A. Upcoming Meetings and Events:
- | | | |
|---|--------------|-----------|
| 1. City Council Meeting | May 15, 2014 | 5:30 p.m. |
| 2. Park Board Meeting | May 22, 2014 | 7:00 p.m. |
| 3. City Offices Closed for Memorial Day | May 26, 2014 | |
| 4. City Council Meeting | June 5, 2014 | 5:30 p.m. |

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
April 10, 2014**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Anthony Mahmood, Susan Lindoo, Matt Prestegaard, Kevin Haley

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Sherri Buss, TKDA Planner; Fritz Knaak, City Attorney

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of March 12, 2014

Susan Lindoo - On page 1, the third line up there should be a "not" between "that does" and "say anything."

Motion by Mahmood, seconded by Prestegaard, to approve the March 12, 2014 minutes as amended. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider amendments to the Zoning Code, Chapter 1300, Section 1330 General District Regulations, Section 1350 Non-residential Districts, and Section 1370.09 River Redevelopment Overlay District and Amending the Zoning Map

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 10, 2014 Planning Commission Packet.

Matt Prestegaard - I had an opinion last time that the conversation consisted of two parts. First, a question about the zoning and second a conversation about the use.

Susan Lindoo - I think it makes sense to do the zoning first.

Matt Prestegaard - My own issue with MX-4 was that the summary statement said we were moving away from auto uses so it seemed disingenuous to have an automotive use when that was the summary.

Susan Lindoo - I think the idea there was that for a long-time they thought about the uses along the highway as auto-oriented in the sense that they would be fast-food restaurants or gas stations where you could get off and on the highway quick because there wasn't restricted entrances. I think our thought was that now that Highway 61 has changed, the uses along the highway should not just be the quick on and off uses.

Kevin Haley - Having a discussion about the CUP and the fact that there is an existing CUP and the family has evidence of that for the body shop and whether or not what we're doing needs to be done whatsoever because the uses that are proposed already existed. Bill's operated as a salvage yard, towed, reposed, etc. which is what the

applicant is proposing to do. These operations were allowed in the CUP. Do they need a CUP? Do we need to change zoning?

Ms. Buss - City staff looked for a copy of the CUP in their files and at the County and couldn't find one so as far as we know there is no permit. If there is a copy it would be useful for us to see it. My guess is that if there was a permit, it would be for a salvage yard and this is not a salvage yard.

Susan Lindoo - What happens if it hasn't been used for a certain time.

Ms. Buss - If it hasn't been operating for over a year then it expires.

The Public Hearing opened at 6:12 p.m.

Ev Acker, 615 4th Street - I would just like to say welcome neighbors. I think they have a good clean operation and hope you can get the zoning right for them.

The Public Hearing closed at 6:13 p.m.

Vice-Chair Mahmood - That was the big snag last time, where and how we could fit them. We asked staff to do all of the work they did and I think we should take a look at that and think about it because I think these guys would be a great fit. Ev just came up and changed his mind from last month. I think it's our duty to get this done today.

Susan Lindoo - The definitions and where you placed them in the tables made sense to me.

Kevin Haley - Looking at the map, it's only the pink area and that only encompasses these parcels?

Ms. Buss - Yes and you can add more if you want. The parcels to the south are owned by the refinery and used as buffers. In some respects, what we zone them, as long as it's business or industrial use, doesn't make a difference to them.

Matt Prestegaard - But we are rezoning City Hall.

Chairperson Lund - For the record, if we pass this, we're not accused of spot zoning. Have we pointed out the difficulties with this property, specifically related to the clean-up costs, which would not be the same for the refinery property. Otherwise it looks a little funny having this stand-alone lot. Why are we changing City Hall?

Ms. Buss - City Hall would be a little island, it makes it square. If we were doing one or two parcels, it would be spot zoning but we're right next to the other business district and there are 14 parcels so I wouldn't consider it spot zoning.

Susan Lindoo - There are three houses south of City Hall, are all houses part of this?

Executive Analyst Helm - The one right next to City Hall is not part of this.

Susan Lindoo - Because it'll be changed too so it'll become legal non-conforming.

Ms. Buss - That was part of the rationale for MX-4, to keep the houses conforming. The houses are legal non-conforming with the B district.

Chairperson Lund - Is that a separate lot right behind City Hall and the house?

Executive Analyst Helm - Yes.

Chairperson Lund - It might make sense to draw the line to keep that house conforming.

Kevin Haley - It's one of those mixed bags. The next person that owns it might want to tear it down. I don't know how easy it is to get financing for non-conforming lots.

Chairperson Lund - But we're doing that to an uninterested party. The alternative is to chop off a small section of the Knauff property from the rezoning.

Susan Lindoo - You could just keep City Hall and the house in MX-4.

Chairperson Lund - I'd rather do that.

Kevin Haley - So the future owner potentially, you're limiting that to only non-conforming business use.

Susan Lindoo - No, we're making it MX.

Kevin Haley - All of the houses?

Susan Lindoo - No, the ones on the Knauff property would be purchased.

Kevin Haley - But they're individual parcels.

Chairperson Lund - We're trying to avoid creating a burden for someone that is not part of these parcels.

Kevin Haley - I'm thinking of that too. The future owner of the Knauff property may choose to leave those as houses and when we turn it into a business district they cannot...

Chairperson Lund - Are you suggesting we just say anything you want anywhere, anytime?

Kevin Haley - No, I'm saying make those houses MX.

Susan Lindoo - I think we're past that point now.

Chairperson Lund - You're suggesting that we carve out every house?

Kevin Haley - Because if you own them, you can only do business in them.

Susan Lindoo - So then they couldn't be part of the proposed use.

Kevin Haley - You could in the future, apply for a zoning amendment.

Susan Lindoo - I don't think we want to do spot zoning.

Ms. Buss - They can stay as houses, we're not saying they need to get out.

Chairperson Lund - I think we're ok with it.

Ms. Buss - So you would like to remove 562 and 596 7th Avenue and keep them in MX-4?

Chairperson Lund - Yes. If we're in general agreement for that, I'd like to dig in to the use table. How do we compare auto body repair to vehicle sales display and service.

Ms. Buss - The service part is only for vehicles that they're selling.

Chairperson Lund - Ok. We require a CUP for parking garage and parking lot in B-2 and it's permitted in B-2, I don't see why we need a CUP in B-2 if we don't need one for B-1.

Matt Prestegaard - I was wondering where the uses came from for B-2. Were they resurrected from the old B-2 in which we might have to assume there was a particular reason or were they constructed for this exercise?

Ms. Buss - Part of it goes back to a discussion with the previous Administrator where a business wanted to come in and turn a parcel into a parking lot only. The discussion with Brian was do we really want people to be able to turn parcels into parking lots. It was already permitted in B-1 so we didn't change that. It was Brian's sense that that's not a great use of land. We can change it to a CUP for both.

Susan Lindoo - Are you suggesting we require a CUP for both districts?

Kevin Haley - The only B-2 we have is this piece right here.

Chairperson Lund - What about making a parking lot not permitted in B-1 based on the concerns.

Ms. Buss - Both of them?

Chairperson Lund - As a primary use in B-1 and add a CUP to the parking garage in B-1.

Matt Prestegaard - I was confused why the veterinary use varies. There's a use that's "Animal boarding, grooming, veterinary clinics, retail sales."

Chairperson Lund - We should probably scratch "Veterinary clinics" from that use since it's a separate use further down.

Ms. Buss - I took some of the business uses from the MX districts that I thought you would allow in B-2 but are probably too small for B-1.

Chairperson Lund - Ok.

Kevin Haley - We may need to go back and look at the tables in the future.

Executive Analyst Helm - You're keeping 562 and 596 7th Avenue in the MX-4 District, removing "Veterinary Clinics" from the "Animal boarding, grooming, veterinary clinics, retail sales" use, making parking garage as a principal use allowed with a CUP in B-1 and making parking lot as a principal use not allowed in B-1.

Motion by Lindoo, seconded by Prestegaard, to approve Resolution No. P.C. 2014-4 as amended recommending that the City Council approving zoning amendments to Section 1330, Section 1350, and Section 1370.09. With 5 Ayes, 0 Nays, the motion carried.

B. Application from David Sullivan for Approval of a Rezoning and Conditional Use Permit for Property Located on 7th Avenue between 3rd and 6th Streets

Motion by Prestegaard, seconded by Mahmood, to approve Resolution No. P.C. 2014-1 as presented recommending the City Council approve a rezoning from B-1 to B-2 for property located on 7th Avenue between 3rd and 6th Streets. With 5 Ayes, 0 Nays, the motion carried.

Ms. Buss - When we begin this process, the City could not find an existing permit for the Knauff site so as far as we knew it was a non-conforming use. When the applicants came in, we recommended that they get a CUP. Mr. Haley asked if we should be requiring them to get a CUP.

Attorney Knaak - Yes. If the use requires a CUP and there is no CUP on file or record then yes.

Mr. Haley - If a property was used for 30 years and the people that are proposing to buy it will be using it for a similar use, do they need one?

Ms. Buss - Part of that question is is this a similar enough use?

Attorney Knaak - That depends. In this case, the use needs to be continuous and if there is a lapse, it's irrelevant if the new use is similar or not because the old use expired. You can review annually each and every CUP and make a determination if it's working and being complied with.

Susan Lindoo - If there wasn't a CUP of record, could someone come in and buy it and use it the same way without getting a CUP?

Attorney Knaak - You have an existing non-conforming use and you can continue to operate that use but you can't expand.

Ms. Buss - If we made that decision, we would be getting into the discussion about expanding. In your code, if it's not clear if a new use is the same as an existing use, the Zoning Administrator gets to make that determination.

Sherri Buss, TKDA Planner, presented on the Conditional Use Permit as outlined in the April 10, 2014 Planning Commission Packet. Mr. Sullivan discussed improvements that he'll be making to the property. Such improvements include repairing the fence and placing mesh along it to prevent individuals from seeing inside. The current fence is a non-conforming structure and as such Mr. Sullivan is able to repair and maintain it. Additionally, Mr. Sullivan will be able to expand the existing fence up to 20%. Another improvement will be to paint the front of the warehouse building. The Planning Commission went through each condition listed on the Conditional Use Permit. There was no discussion on condition numbers 2, 4 - 5, 7, 9 - 11, 14 - 15, 19, 21 - 24, and 26. Below are the points of discussion for the remaining conditions:

1. The Applicant shall submit Final Site Plan(s) and Building Plans that are substantially in conformance with the plans that were submitted to the City, dated February 12, 2014. All elements of the Final Plans must meet the requirements of the zoning ordinance. Final plans shall be submitted within 30 days of the approval of the CUP, and before the start of business operations on the site.

The 30 day deadline was increased to a 60 day deadline.

3. The Applicant shall modify the plans for City Engineer approval, and comply with the requests of the City Engineer included in the Engineer's memo, dated February 18, 2014, except for the requirement that concrete curbing be required for the parking area. All work shall be completed in accordance with the City of Newport's Engineering Standards. The plans shall be submitted within 30 days of the approval of the CUP, and before the start of business operations on the site.

The 30 day deadline was increased to a 60 day deadline.

6. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using that gate or the gate north of the existing house near 4th Avenue between 9 a.m. and 4:30 p.m. At all other hours, trucks shall enter and exit the site using the gate south of the warehouse. The height of the gates shall be the same as the fence, and the gates must remain closed when not in use.

The timeframe changed from 9:00 a.m. and 4:30 p.m. to 8:00 a.m. and 8:00 p.m.

8. The applicant shall provide the plans for the improvements to the warehouse to the City staff for approval. The plans shall include removing existing rust from the warehouse exterior, painting the entire warehouse and removal of the existing Bill's Auto Parts signage. The warehouse plans shall be submitted to the City within 30 days of the approval of the CUP, and improvements to the warehouse shall be completed within 90 days of approval of the CUP.

The 30 day deadline was increased to a 60 day deadline and the 90 day deadline was increased to a 150 day deadline.

Mr. Sullivan - Have we made a decision on painting the whole warehouse?

Ms. Buss - That's what staff thought. What is your thought on that?

Chairperson Lund - I think rather than worry about painting the warehouse immediately, we should add a condition about maintaining the warehouse to not have rust. I'm more concerned about maintaining it indefinitely in the future than painting the whole thing.

Mr. Sullivan - When I was here last month, the face of it seemed to have the most objections. I haven't even concentrated on the back side, you can barely see it now and even less when we do the screening. I'm all for doing things that make sense but I'm reluctant to paint something that no one can see.

Susan Lindoo - Could you paint the front a similar color to the other sides?

Mr. Sullivan - It can stay silver.

Admin. Hill - My thought process was that you can see some of the north side of the building and it would look strange to have a nice front and then not paint the rest. If you paint your house, you don't just paint the front.

Vice-Chair Mahmood - I think he's going to eventually paint the whole thing.

Kevin Haley - I'm with Deb and with Dan for that matter because he's saying don't let it get rusty. I think that's more important than painting.

Chairperson Lund - It sounds like we should separate into what should happen now and then maintaining the building to have no visible rust.

Vice-Chair Mahmood - Was this in the original thing last month.

Ms. Buss - Painting the entire warehouse, removing the sign, and the deadlines are new.

Vice-Chair Mahmood - So this is pretty much in there because Dave said he was going to paint the front and now we're going to make him paint the whole building, that doesn't seem very fair.

Ms. Buss - We didn't actually get to the point of approval.

Susan Lindoo - We were responding to what we heard from the people at the hearing.

Mr. Sullivan - Yes, I didn't really pay much attention to the aesthetics at the beginning.

Matt Prestegaard - I can appreciate that his expenses are mounting and I think we might have to accept that by making this requirement it's going to increase his expenses and might delay other aesthetic improvements.

Mr. Sullivan - The trees, painting, and screening is all north of \$20,000.

Chairperson Lund - What do you mean by a facelift to the front?

Mr. Sullivan - Replacing the doors and trim and painting the front.

Susan Lindoo - I would think from an aesthetic standpoint that whatever the surface is it should be flat, not shiny. I think that is one of the things that always makes industrial areas look industrial. Also, maintaining it so there is no rust. I think the other things like removing the sign and replacing the doors will be good as well.

Chairperson Lund - It sounds good to me.

Kevin Haley - This is a pole building. We're not asking you to change that. You mentioned possibly changing the tin out which might be easier and cheaper than painting.

Mr. Sullivan - That's the plan for the front.

Kevin Haley - What Deb said about the side that is so exposed, I would definitely encourage that.

Mr. Sullivan - When I come here, the fencing really blocks that siding. I'm sure you can see the upper part and roof but I would think the north side would be less.

Vice-Chair Mahmood - My concern is the front because the neighbors have to look at it. When you drive by you see it for about a second. I would hope in the future you would plan on doing the whole building but right now, I'm fine with just the front.

Chairperson Lund - What if we change #8 to say "replace the front façade" and have a second item about maintaining the visible portion to be rust free? Is that enough?

Matt Prestegaard - Is the front façade a condition?

Chairperson Lund - No.

Ms. Buss - We can change it to say "The applicant shall provide plans for improvements to the front façade of the warehouse to City staff for approval. The plans would include removing existing rust from the warehouse exterior, removing the existing signage and maintaining the building so it's rust free."

Chairperson Lund - Can you add the whole warehouse for the plans?

Ms. Buss - Ok.

12. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.

Mr. Sullivan - If I have an outside dumpster inside the fence, is that considered an enclosed structure?

Ms. Buss - Yes, as long as we can't see it.

13. Lighting shall conform to the plan submitted with the application and the ordinance requirements. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare from spilling onto adjacent residential areas.

Chairperson Lund - That includes replacing the halogen light on the front of the building?

Ms. Buss - It would need to be a downcast type of fixture.

Mr. Sullivan - Sure.

16. The applicant shall submit final plans for fence repairs and screening elements to the City staff for approval within 30 days of the approval of the CUP.

The 30 day deadline was increased to a 60 day deadline.

17. The applicant shall submit a landscape plan to the City for approval that includes a screen of conifer trees (Black Hills Spruce, *Picea glauca densata*, or equivalent) that shall screen the fence from the view of adjacent residential properties. The trees shall be a minimum 5 feet in height at planting, and shall be maintained or replaced as needed to screen the fence. The landscape plan shall be submitted to the City within 30 days of approval of the CUP, and improvements shall be completed within 90 days of approval of the CUP.

The 30 day deadline was increased to a 60 day deadline and the 90 day deadline was increased to a 150 day deadline.

Chairperson Lund - We've only talked about screening the front side so if that's what we intend let's put that in there.

Matt Prestegaard - That's true.

Kevin Haley - So what I'm hearing is that after we approve this, our staff has the right to reject anything.

Ms. Buss - Yes, you could have it come back to you if you want.

Kevin Haley - I think Deb can handle it.

Ms. Buss - I don't think we'd be more likely to request changes than reject something.

18. The hours of operation for serving visitors shall be 9 a.m. to 4:30 p.m.

The hours of operation changed from 9:00 a.m. and 4:30 p.m. to 8:00 a.m. and 8:00 p.m.

20. The business may bring repossessed vehicles to the site outside the hours of operation under the following conditions:

The trucks that are dropping off vehicles shall enter and exit the site via the gate south of the warehouse building. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.

Equipment with back-up beepers shall not be used outside the daytime hours of operation (9 a.m. to 4:30 p.m.). At all times, the applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms.

Chairperson Lund - The truck has a backup beeper but he'll still want to use the truck so we should reword it to say that the backup beeper can't be used not the use of the vehicle.

Ms. Buss - We would then say "Backup beepers should not be used on equipment at the site outside the daytime hours of operation."

Chairperson Lund - How about "activated" instead of "used."

Ms. Buss - You don't care if he's using equipment that has backup beepers you don't want the beepers to be on.

Mr. Sullivan - There is no on and off switch on the beepers.

Chairperson Lund - No, you would need to drive forward then.

Mr. Sullivan - When you're dropping a car off there will probably be a few feet where you have to back up, it's unavoidable. You have to back the car into a stall.

Chairperson Lund - That's what we're trying to avoid.

Susan Lindoo - So there will be a few beeps.

Mr. Sullivan - It will be minimal. The last thing I want is a ton of complaints from the citizens or the City but I'm not going to tell you that there will never be a beeping truck between 4:30 p.m. and 9:00 a.m. It's illegal to disconnect the beeper.

Chairperson Lund - If you get pull-through lots you won't have to back up.

Ms. Buss - The other option is using equipment with broadband beepers rather than the traditional ones. They are much quieter. It's a new form of beeper where you can definitely hear it if you're standing next to the vehicle but it becomes more of a white noise the farther you stand away from it.

Chairperson Lund - Do those meet DOT standards?

Ms. Buss - Yes and they're gradually converting a lot of equipment to it.

Mr. Sullivan - So the neighbors won't be bothered by it.

Ms. Buss - No.

Kevin Haley - Would you be opposed to that?

Mr. Sullivan - No, we'll do that.

Ms. Buss - So we'll change it to require equipment with broadband beepers at night.

Matt Prestegaard - You can almost just take out the first sentence of the second bullet and say that " At all times, the applicant shall utilize equipment with broadband alarms."

Vice-Chair Mahmood - Does that work for you?

Mr. Sullivan - To not allow them at all?

Vice-Chair Mahmood - Right now, the way it reads, he can use beepers from 9:00 a.m. to 4:30 p.m. and then at night he would use the broadband beepers. I'm assuming it's expensive to switch to broadband beepers. This way, he could just switch a couple and use them for night time use.

Ms. Buss - The way this is written, during the day, he can use the regular beepers but needs to use the broadband beepers at night.

Kevin Haley - The whole intent here is to minimize neighborhood noises.

Chairperson Lund - What's the turning radius of your trucks?

Mr. Sullivan - It depends.

Chairperson Lund - How many stalls will you have?

Mr. Sullivan - I haven't figured that out yet. We probably won't mark out stalls right away because it'll be Class 5.

Chairperson Lund - I'm wondering if it would be practical to have a center aisle for trucks to drive through at night so they don't have to back up.

Mr. Sullivan - Anything is possible but I'm not in a good position to make a lot of promises that I don't know I can keep.

Kevin Haley - Do you have any way that you would propose so the neighbors aren't hearing the backup beepers?

Mr. Sullivan - I'll bend over backwards to get the broadband beepers. The last thing I want is a lot of complaints.

Susan Lindoo - It seems like we could just put in there that overtime he converts to broadband beepers.

Ms. Buss - You have to imagine yourself being one of the residents that live around here.

Chairperson Lund - If I lived over here and the beepers woke up my kid even once that would be too much. I'm not comfortable with allowing any backup beepers. Maybe if we extended the daytime hours that would help.

Kevin Haley - If we extended them to 8:00 p.m. and then broadband beepers have to be used after that, would that work?

Mr. Sullivan - To me, 4:30 p.m. seems early.

Ms. Buss - That's what you proposed in your application.

Mr. Sullivan - I meant for when customers would be coming and going I didn't mean that would start my night time operations. I think 8:00 p.m. would be better.

Ms. Buss - So no backup beepers between 8:00 p.m. and 8:00 a.m.?

Mr. Sullivan - Yes.

Chairperson Lund - I don't know how comfortable I am with allowing broadband beepers because I've never heard them. This is a major concern to me.

Individual from Audience - How do you control the trains and emergency vehicles?

Ms. Buss - He needs to control his contractors.

Individual from Audience - The highway makes noise, the railroad makes noise, etc. He won't be running in and out 24/7.

Chairperson Lund - The question is is it a reasonable burden for the residents and is there something we can do about it.

Individual from Audience - It's an OSHA requirement. Every vehicle needs to have a backup beeper.

Chairperson Lund - We're not suggesting no backup beepers, we're suggesting he only drive forward.

Individual from Audience - Yes you are because you're making it impossible.

Chairperson Lund - He has 200 feet to turn around, that's not impossible.

Individual from Audience - When it's empty.

Mr. Sullivan - Has anyone seen how much these will cost? If we're talking about a couple hundred dollars I don't think it's an issue.

Matt Prestegaard - It looks like under \$100 to purchase.

Mr. Sullivan - My wife is showing me one for \$140. My fleet will have them.

Chairperson Lund - It appears they are more directional than the standard beeper so if you're backing up towards the railroad it won't be an issue.

Mr. Sullivan - Plus you're pretty far away from the street. We can tell our guys to put the cars picked up at night against the fence.

Vice-Chair Mahmood - I think if we do 8:00 p.m. to 8:00 a.m. and he's comfortable with the broadband beepers and placing the night vehicles against the railroad we should be fine.

Chairperson Lund - Is that a reasonable requirement to say that to the extent you're backing up after hours you back up against the railroad?

Mr. Sullivan - Yes the screening on the fence will also help.

Kevin Haley - Do you want to hear the broadband beepers?

Chairperson Lund - Yes.

Kevin Haley played a video with a comparison of the standard beepers versus the broadband beepers.

Ms. Buss - We're good with the broadband alarms?

Chairperson Lund - We're not specifying alarms 8 to 8, broadband only at night right?

Ms. Buss - Yes, so we won't worry about hours, we'll just say broadband beepers only.

Chairperson Lund - No, with hours.

Matt Prestegaard - Yes, you will need to change the wording to include daytime hours of operation from 8:00 a.m. to 8:00 p.m. The second condition would be changed to strike the first sentence of " Equipment with back-up

beepers shall not be used outside the daytime hours of operation (9 a.m. to 4:30 p.m.)" and strike the "At all times" in the second sentence. Then you could say "The applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site and utilize beeper alarms."

Chairperson Lund - So are we changing all of the mentions of 9:00 a.m. to 4:30 p.m. to 8:00 a.m. to 8:00 p.m.?

Ms. Buss - Yes.

25. The applicant shall continue to work with the City to apply for grant funds to clean up the site, through grant cycles in 2014 and 2015. If the City is not awarded grant funds for cleanup, the applicant will be responsible for cleanup, and shall provide to the City a detailed plan for treatment and disposal of contaminated soils for the site that meets regulatory requirements.

Chairperson Lund - I think we need a deadline for this condition.

Ms. Buss - So how long does he have after 2015 to clean it up?

Chairperson Lund - Yes.

Admin. Hill - That would be part of the developer's agreement. We plan to have that thing cleaned up one or two years after the fourth round.

Chairperson Lund - So what about no later than January 1, 2018? I don't want to leave it open.

Admin. Hill - We have no plan on leaving it open.

Ms. Buss - They just want to give you an indication of what they would like to see in the agreement.

Admin. Hill - Ok.

Ms. Buss - So if we don't get a grant, is it agreeable to say that by January 1, 2018 the site would be cleaned up?

Mr. Sullivan - Yes.

Chairperson Lund - When do you find out about the grants?

Admin. Hill - We would know around July for the May grant and around the end of December for the November grant.

Chairperson Lund - So we would give two full years for the cleanup if we don't get the grant, does that work?

Admin. Hill - I think it only takes a couple weeks to do the cleanup.

Susan Lindoo - How about if we give them a deadline for getting a plan to the City?

Ms. Buss - We already have that.

Chairperson Lund - I'm not too worried about the plan, I'm worried about it getting done.

Motion by Lindoo, seconded by Haley, to approve Resolution No. P.C. 2014-2 as amended recommending the City Council approve a conditional use permit for property located on 7th Avenue between 3rd and 6th Streets for a automobile repossession business. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

Admin. Hill - A few of you met with the HRA folks last night about the branding of the Red Rock Gateway Area and they are doing a bus tour of some of the sites that we would like to have there. They would like to extend that invitation to the Planning Commission. The tour will be on April 30 from 4:00 to 8:00 p.m. If you could let me know if you can make it that would be great.

6. NEW BUSINESS

A. Discussion Regarding Lot Coverage

Sherry Buss, TKDA Planner, presented on this item as outlined in the April 10, 2014 Planning Commission Packet.

Matt Prestegaard - It seems worth looking at.

Susan Lindoo - I think it should be combined with the height too. I'm thinking about the character of the neighborhood. If we decide greater lot coverage we should keep the height low too. I remember years ago, several neighbors were concerned about a two-story apartment building being built in a neighborhood and residents didn't want people looking down on them. Could we ask the HPC to get something back to us on this before we meet next?

Ms. Buss - We could ask.

Chairperson Lund - I think it makes sense to strongly consider greater lot coverage since we've approved variances for it. But what you're saying is adjust the setback requirements based on the height.

Susan Lindoo - Yes.

Ms. Buss - We did that for the MX-3 District.

Executive Analyst Helm - The maximum height is 35 feet.

Kevin Haley - I think we need to open it up so these lots can be used.

Chairperson Lund - The offensive piece about the height is when there are windows high up not a roof line right?

Susan Lindoo - My point was that when you have windows overlooking a property. I think we need to think about the whole structure of the neighborhoods and make sure the pieces fit together.

Ms. Buss - The kinds of concerns in Minneapolis are where people are building houses that cover so much of the lot that they completely shade the neighboring properties.

Susan Lindoo - I think that's what Linda and Robert were talking about, keeping things in scale.

Chairperson Lund - I'm sensing some hesitation from Kevin.

Kevin Haley - I've done a lot of building. I built a house in Minneapolis and the setback was five or seven feet and the lots are 35 or 50 feet and my house was 20 feet across. Those are similar to these small lots and what we're hearing is that people want to build a two car garage and they can't. I doubt we'll attract many McMansions.

Susan Lindoo - Garages aren't typically two stories.

Ms. Buss - You have some room to move. Your minimum lot width is 70 feet. It gives us the ability to think about it with the whole piece.

Kevin Haley - I would like to see it get much higher because you can't build on the small lots.

Chairperson Lund - My hesitation would be the river lots.

Ms. Buss - We can't change the lot coverage for those lots because they are within the shoreland district.

Chairperson Lund - If there are any infill lots, our R-1A goes quite a bit beyond the shoreland district line so we might want to consider moving those into the R-1 district.

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. City Council Meeting | April 17, 2014 | 5:30 p.m. |
| 2. Park Board Meeting | April 24, 2014 | 7:00 p.m. |
| 3. City Council Meeting | May 1, 2014 | 5:30 p.m. |
| 4. Planning Commission Meeting | May 8, 2014 | 6:00 p.m. |

8. ADJOURNMENT

Motion by Mahmood, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:18 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	<u>City of Newport Planning Commission</u>	Reference:	<u>Gergen Variance Request</u>
Copies To:	<u>Deb Hill, City Administrator</u> <u>Renee Helm, Executive Assistant</u> <u>Mark Gergen, applicant</u> <u>John Anderson, developer</u>	Project No.:	<u>15481.002</u>
From:	<u>Sherri Buss, RLA AICP, Planner</u>	Routing:	<u></u>
Date:	<u>April 29, 2014</u>		<u></u>

SUBJECT: Gergen Variance Request

MEETING DATE: May 8, 2014

LOCATION: 4 parcels south of 20th Street and west of 4th Avenue

APPLICANT: Mark Gergen
3600 American Boulevard, Suite 130
Bloomington, MN 55431

OWNER: Mark Gergen

ZONING: R-1 Low Density Single-Family Residential

60-DAY PERIOD: June 9, 2014

ITEMS REVIEWED: Application Form, narrative, Certificate of Survey and aerial photo

BRIEF DESCRIPTION OF THE REQUEST

The applicant is proposing to complete a lot line adjustment to create 4 new parcels on a .82-acre area. The area currently includes 4 parcels, but three of the parcels do not meet the minimum lot size requirement in the ordinance. The applicant is proposing to adjust the lot lines to better meet the ordinance requirements, and develop each of the parcels with a single family home. The area is not large enough to create 4 parcels that meet the minimum requirement, and therefore he the applicant requesting a variance from the lot size requirement for one of the proposed parcels, which was reduced in size by the City to create a cul de sac for 4th Avenue.

EVALUATION OF THE REQUEST

Comprehensive Plan

The parcels that the applicant owns are located in the R-1 Low-Density Single-Family Residential District. The Comprehensive Plan generally supports the development of single-family residences and accessory structures in the R-1 District, and specifically supports the development of new in-fill housing on lots in the Old Town area that are at least 50 feet wide. The proposed use is consistent with the Comprehensive Plan.

Development Code Requirements: Lot sizes and Setbacks

The minimum lot size in the R-1 Zoning District is currently 9,100 square feet. The three of the existing lots were created before the current zoning ordinance was adopted, and are each approximately 7,900 square feet in size (lots 1, 2 and 5). The fourth parcel was created by combining two small lots (lots 3 and 4) into one. That lot was reduced in size to create the cul de sac at the end of 4th Avenue when the adjacent pedestrian ramp was created as part of the Highway 61 project. (The existing parcels are shown on the Certificate of Survey dated 2/3/14.)

Three of the existing lots are nonconforming lots. The ordinance allows nonconforming lots to be developed for one single-family detached dwelling, unless the lot is adjacent to an existing vacant lot under the same ownership that could be combined to meet the standards of the zoning district. The applicant owns all four lots, and is therefore needs to try to recombine the lots to meet the size requirement.

The applicant is proposing to adjust the lot lines among the parcels to create four new lots. (The proposed lots A-D are shown on the new Certificate of Survey dated 4/8/14.) Three of the lots—A, B and D will meet the ordinance requirement. Lot C is proposed to be 7,915 square feet in size, and does not meet the requirement. The applicant is requesting a variance to permit the creation and development of Lot C with a single family home. If the variance is approved, the City may approve the lot line adjustment, and the applicant will need to file the adjustment at Washington County before development of the parcels. The analysis of the variance request is provided below.

The setback requirements in the R-1 Zoning District are as follows:

- Front yard setback: 30 feet
- Side yard setback for garages: 5 feet, or 30 feet on a corner lot
- Rear yard setback for garages: 5 feet

The applicant has shown two proposed homes on Lots A and B, to illustrate the potential use of the parcels. The frontage for the proposed homes is the 4th Avenue side. While the home on Lot A has a driveway on 20th Street, City staff have recommended that the front of all of the lots be 4th Avenue, to maintain a consistent front setback among all of the lots to the degree that is possible. The front doors of the homes will face the 4th Avenue lot line. The proposed homes meet the setback requirements.



Accessory Structure Requirements

The Zoning Ordinance includes the following requirements for accessory structures in residential areas:

- Residential lots may have up to 2 accessory structures
- The total footprint of all accessory structures may be no larger than the footprint of the principal structure.
- The maximum footprint of accessory structures is 2,000 feet on each lot.
- Garages may be no taller than the primary structure.

The request proposes one attached garage on lots A and B, and the designs for homes on parcel C and D is likely to be similar to those on lots A and B. The attached garages are approximately 590 square feet in size, and the homes are approximately 950 square feet. The request meets the ordinance requirements for number and size of accessory structures. The proposed conditions require that the number, size and height of accessory structures on all parcels shall meet the ordinance requirements.

Building Height and Materials

The Zoning Ordinance requires a maximum building height of 35 feet in the R-1 District. The Planner has included a condition that all buildings on the parcels shall meet the ordinance requirement.

Lot Coverage

The zoning ordinance allows a maximum lot coverage of 25% in the R-1 District. The proposed coverage for Lot A is 24.7%, and 25% coverage is estimated for Lots B, C, and D. The proposed development of each lot meets the lot coverage requirement.

Stormwater Management and Public Utilities

The Planner requested that the City Engineer provide comments regarding public utilities and stormwater management. The Engineer's response (attached) indicated that barring any major grading modifications for the proposed homes, he did not find "any apparent utility or drainage issues resulting from the requested variance." The Engineer noted that there are currently water and sewer stubs in place for each of the four proposed lots, and they appear to be workable with the proposed lot configuration. The Engineer identified several conditions for approval of the variance, which are included in the draft conditions.

Design Review and Permit

Ordinance section 1340.07 Subdivision 3 requires that all residential units proposed for construction on existing vacant lots within the R-1 District west of TH 61 require a Design Permit. The permit requires that the applicant submit a site plan to the City along with building elevations. The Zoning Administrator may approve the site and building plans, and may ask the Planning Commission and/or Heritage Preservation Commission to provide comments.



The design standards for buildings in the R-1 District west of TH 61 are included in Section 1340.07, and include items related to building setbacks, building design, materials, openings, boulevard maintenance, and preservation of existing trees.

The Planning Commission should discuss whether the Commission requests the option to provide review and comment on the Design Permit.

ORDINANCE REQUIREMENTS FOR EVALUATING A VARIANCE REQUEST

Section 1310.11 of the Zoning Ordinance states that the City may approve variances if they meet the following criteria:

- Granting the variance is consistent with the Comprehensive Plan, and in harmony with the general purposes and intent of the zoning ordinance.
- Strict enforcement of the zoning ordinance would result in “practical difficulties, “ which are defined as follows:
 - The property owner is proposing to use the property in a reasonable manner that is not permitted by the Zoning Ordinance.
 - The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
 - Granting the variance will not alter the essential character of the locality.
 - Economic conditions alone shall not constitute the practical difficulties.
 - Granting the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger public safety, or substantially diminish or impair property values within the neighborhood.
 - The requested variance is the minimum action required to eliminate the practical difficulty.
 - Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

Findings

The following are the Planner’s findings based on the request and the conditions for approving a variance

- *Variances shall only be permitted when they are consistent with the Comprehensive Plan and in harmony with the general purposes and intent of the official control.*

The purpose of the R-1 District is to preserve, create and enhance areas for low-density single-family residential dwellings in areas identified in the Comprehensive Plan. The Plan supports the redevelopment of lots at least 50’ wide in the Old Town area with single-family dwellings. The requested variance is consistent with the Comprehensive Plan and in harmony with the general purposes of the development code.

- *The proposed use is reasonable.*

Single family homes and garages are permitted in the R-1 Zoning District. Therefore, the proposed use is a reasonable use.



- *The request is due to circumstances that are unique to the property, and were not created by the landowner.*

The practical difficulties related to the size of Lot C were created by the area that was taken from the parcels to create the 4th Avenue cul de sac when the pedestrian crossing was developed for Highway 61. If the cul de sac area had not been removed from the parcel, Lot C would meet the size requirement in the zoning ordinance. The City recently transferred some unused right-of-way to the applicant in order to increase the size of Lot C, but it is still smaller than the minimum lot size permitted by the ordinance. The owner/applicant did not create the circumstances that have reduced the potential size of the parcel.

- *The variance, if granted, will not alter the essential character of the area.*

The adjacent parcels to the west of the proposed parcels are all approximately 7900-8000 square feet in size. Granting the variance would not alter the essential character of the area.

- *Economic considerations alone do not constitute practical difficulties.*

The variance request is based on the reduction in the area of Lot C due to the construction of improvements to Highway 61, not solely on economic considerations.

- *The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.*

The addition single family homes that do not exceed the maximum height permitted in the ordinance will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.

- *The requested variance should be the minimum action required to eliminate the practical difficulty.*

The proposed variance will create a new parcel that can be developed with a single-family residence. The remaining 3 lots in the proposed development have been configured to meet the minimum lot size required by the Zoning Ordinance. The proposed variance is the minimum action needed to eliminate the practical difficulty. The action reduces the number of nonconforming parcels on the property from three to one, and therefore brings the area into better conformance with the ordinance.

- *Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems.*

Granting the variance request will not affect access to direct sunlight for solar energy systems.



The findings support granting the variance. The Planning Commission should listen to comments at the public hearing, discuss the Planner's findings, and make its recommendation to the Council regarding the variance request.

ACTION REQUESTED

The Planning Commission can recommend to the City Council:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

PLANNING STAFF FINDINGS AND RECOMMENDATIONS

The Planner recommends that the Planning Commission recommend to the City Council approval of a variance to permit the applicant to create and develop a parcel (Parcel C) that is 7,915 square feet in size within the development proposed south of 20th Street and west of 4th Avenue.

The Planner finds the following:

1. The variance request is consistent with the Comprehensive Plan's goals and general purposes of the Zoning Ordinance to permit single-family uses in the R-1 zoning district, and permit in-fill development of single-family homes on smaller parcels in the Old Town neighborhood.
2. The proposed use is permitted in the R-1 District, and is therefore a reasonable use.
3. The practical difficulties are related to the reduction in size of the parcel that occurred due to construction of the Highway 61 pedestrian bridge and 4th Avenue cul de sac, and were not created by the applicant.
4. Granting the variance would not alter the essential character of the area, which includes other single-family homes on parcels of a similar size.
5. The development of the parcels with single family homes that do not exceed the maximum height allowed by the ordinance will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.
6. The variance is the minimum action needed to create the new parcel, and allows for the reconfiguration of the three adjacent parcels at a size that meets the minimum lot size requirement in the ordinance. The action reduces the number of nonconforming parcels on the property from five to one.
7. Granting the variance will not affect access to direct sunlight for solar energy systems.



The Planner recommends the following conditions:

1. The Applicant shall obtain building permits for development of the proposed homes and structures on each parcel. All structures shall meet the dimensional standards, lot coverage standard, and other requirements of the Zoning Ordinance.
2. The Applicant shall obtain approval of a lot line adjustment for the four parcels, and shall file the approval with at Washington County within 180 days of the approval and prior to development of the parcels.
3. The Applicant shall obtain an approved Design Permit from the City.
4. The property owner shall obtain any necessary permits from the South Washington Watershed District prior to the start of construction activities.
5. Any necessary work performed on existing City streets or utilities shall be completed in accordance with the City of Newport standards, including conformance with Minnesota Department of Transportation (MnDOT) and City Engineers' Association of Minnesota (CEAM) Standards, latest additions.
6. The property owner shall contact the City's Public Works Department for the location of existing utility stub(s) for each proposed lot. Connection to City utilities shall be prohibited without written agreement with the City.
7. The property owners shall provide the City of Newport the appropriate construction application fees, which shall be based on the contracted construction amount.
8. The property owner shall contact Gopher State One Call prior to initiating any construction activities.
9. Erosion and sedimentation Best Management Practices (BMP's) shall be in place prior to commencing any construction activities.
10. The applicant shall pay all fees and escrow associated with this application.





PROFESSIONAL SERVICES

More ideas. Better solutions.®

MEMO

To: Ms. Deb Hill, City Administrator
Ms. Sherri Buss, City Planner

From: Jon Herdegen, P.E. – Project Engineer

Subject: Mark Gergen Lot Reconfiguration Variance

Date: April 28, 2014

We received an existing and a proposed Certificate of Survey depicting the proposed lot reconfiguration for Mr. Gergen's property located along the west side of 4th Avenue, south of 20th Street. We reviewed the documents and do not find any apparent utility or drainage issues resulting from the requested variance. We offer the following comments for consideration moving forward:

- a) The property owner shall obtain any necessary permits from the South Washington Watershed District prior to the start of construction activities.
- b) Any necessary work performed on existing City street or utility shall be completed in accordance with the City of Newport standards including conformance with; MnDOT and CEAM Specifications (latest additions).
- c) The property owner shall contact the City's Public Work Department for the location of existing utility stub(s) for each proposed lot. Connection to City utilities will be prohibited without written agreement with the City.
- d) The property owners provide the City of Newport the appropriate application fees, which shall be based on the contracted construction cost.
- e) The Property Owner shall contact Gopher State One Call prior to initiating any construction activities.
- f) Erosion and sedimentation BMP's shall be in place prior to commencing any construction activities.

If you have any further questions or concerns, please contact me directly at (612) 548-3124 or jherdegen@msa-ps.com. Thank you very much.

Offices in Illinois, Iowa, Minnesota, and Wisconsin

60 Plato Blvd. East, Suite 140, St. Paul, MN 55107-1835
(612) 548-3132 (866) 452-9454

FAX: (763) 786-4574 WEB ADDRESS: www.msa-ps.com

Page 1 of 1

City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7th Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: 04/10/14 Public Hearing Date _____

Applicant Information

Name: Mark Gergen (Attn: John Anderson) Telephone: 612-598-4987
Mailing Address: 3600 American Blvd. Suite 30 Telephone: _____
City/State/Zip: Bloomington, MN 55431 jshubranderson@aol.com

Property Owner Information

Name: same as Applicant Telephone: _____
Mailing Address: _____ Telephone: _____
City/State/Zip: _____

Project Information

Location of Property: South of 20th St. + West of 4th Avenue

Legal Description of Property (Must match description on the Deed) and P.I.D. #: _____

Parcel A: 26028224017 Parcel B: 26028224018

Parcel C: 260282240137 Parcel D: 260282240121

Legals Attached

Zoning District: R-1 Flood Plain: AE 0.2% Annual Chance Flood Hazard

Comprehensive Plan Amendment \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)

Rezoning \$500 plus Escrow

Zoning Amendment \$500

Variance \$300 plus Escrow \$500.00

Conditional Use Permit

Residential \$300 plus Escrow

Commercial \$450 plus Escrow

Subdivision Approval

Minor Subdivision \$300 plus Escrow and Parkland Dedication Fee

Major Subdivision \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee

Other: _____

Applicable Zoning Code Chapter: _____

Review by Engineer Cost: _____

Total Cost: _____

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Present Use of Property: Vacant lots

State Reason for Planning Request: Because the lots are currently non-conforming we are doing lot line adjustments to allow for 3 lots to be conforming and the 4th lot will still be non-conforming so we will need a variance for to be less than the minimum lot size of 9,100 sq. ft.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT: Mark Berger

SIGNATURE OF OWNER (IF APPLICABLE): _____

For Office Use

Fee: \$800 Date Paid: 04/10/14 Receipt #: 2213

Publication of Notice Date: April 23, 2014

Public Hearing Date: May 8, 2014

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____



Variance Application Checklist

Variance requests are covered under Section 1310.11 of the Zoning Code. Please provide the following information with your application for a Variance.

- | <u>GENERAL REQUIREMENTS:</u> | <u>INCLUDED IN SUBMITTAL</u> | |
|---|---|-----------------------------|
| 1. Application Form, signed by Owner and Applicant | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Fees | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Escrow | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Complete legal description and PID number of all parcels included in the request. The legal descriptions must be copied directly from the deed and provided in a word document. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. A statement fully describing the request and the Practical Difficulties (see second page) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. A map, aerial photo or plat showing the parcel in question and all property within five hundred (500) feet of the parcel boundaries. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Site Plan | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| <ul style="list-style-type: none"> • One (1) 11"x17" hard copy and/or one (1) electronic copy. The City may require a larger size plan if needed to adequately review the request. | | |

Plan Sheet Requirements:

- Title block
- Name, address, phone number for owner, developer, surveyor, engineer
- Date of preparation and revision dates
- North Arrow
- Graphic scale not less than 1:100

- | <u>SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED:</u> | <u>INCLUDED IN SUBMITTAL</u> | |
|---|---|--|
| 1. Property lines and dimensions | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Area in acres and square feet | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Existing and proposed building locations and dimensions | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 4. Existing and proposed setbacks | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 5. Buildable area and area of site covered by existing and proposed impervious surfaces | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 6. Driveways | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 7. Septic system and well (if applicable) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 8. Vegetation and landscaping (if applicable to the request) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

- | | | |
|--|------------------------------|--|
| 9. Wetlands (if applicable) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 10. Waterbodies and Ordinary High Water Level and 100 year flood elevation (if applicable) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 11. Bluff line (if applicable) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 12. Additional information relevant to the request | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

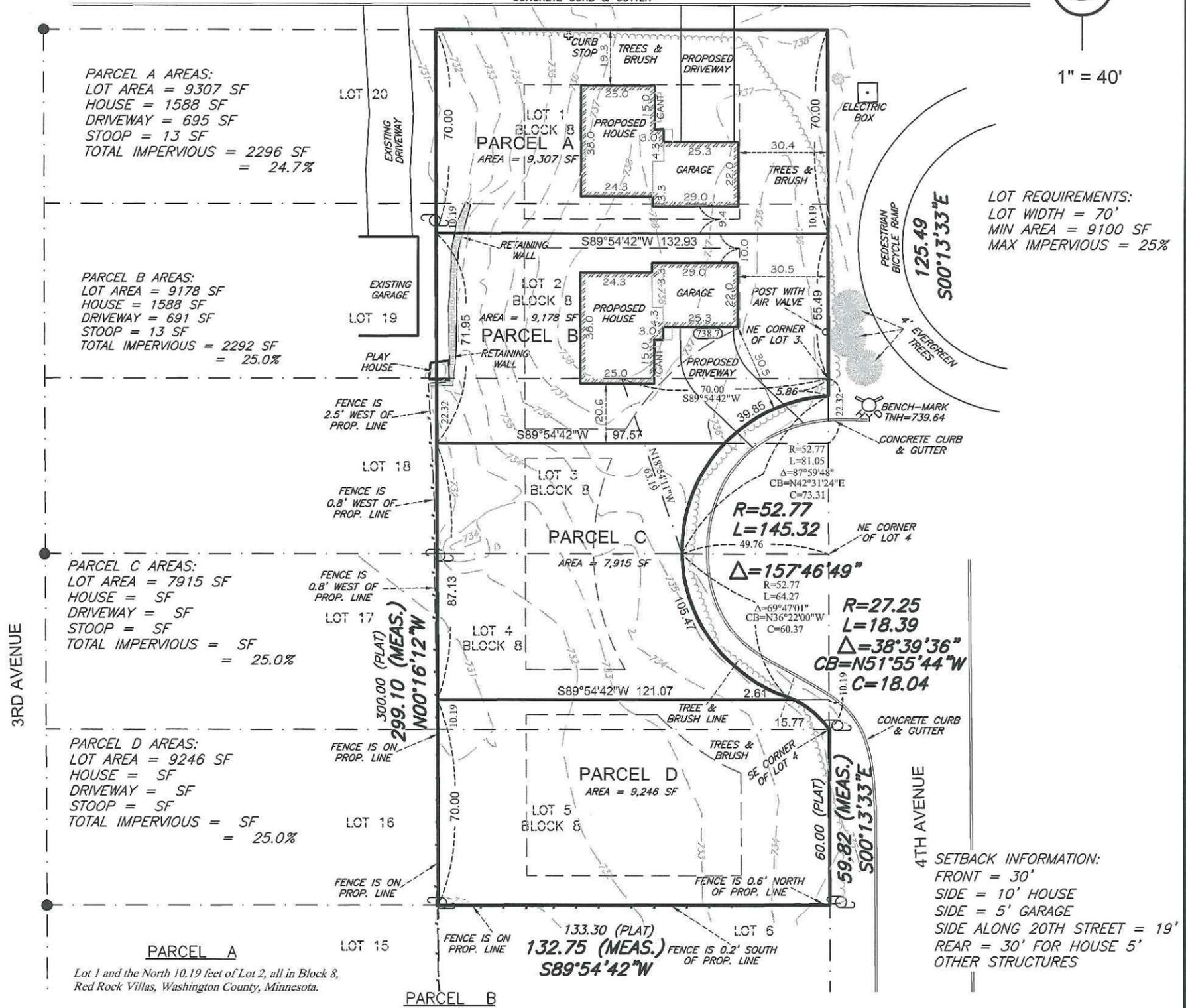
CERTIFICATE OF SURVEY

FOR MARK GERGEN

20TH STREET
133.30 (PLAT)
132.98 S89°54'42"W
CONCRETE CURB & GUTTER



1" = 40'



PARCEL A AREAS:
LOT AREA = 9307 SF
HOUSE = 1588 SF
DRIVEWAY = 695 SF
STOOP = 13 SF
TOTAL IMPERVIOUS = 2296 SF
= 24.7%

PARCEL B AREAS:
LOT AREA = 9178 SF
HOUSE = 1588 SF
DRIVEWAY = 691 SF
STOOP = 13 SF
TOTAL IMPERVIOUS = 2292 SF
= 25.0%

PARCEL C AREAS:
LOT AREA = 7915 SF
HOUSE = SF
DRIVEWAY = SF
STOOP = SF
TOTAL IMPERVIOUS = SF
= 25.0%

PARCEL D AREAS:
LOT AREA = 9246 SF
HOUSE = SF
DRIVEWAY = SF
STOOP = SF
TOTAL IMPERVIOUS = SF
= 25.0%

LOT REQUIREMENTS:
LOT WIDTH = 70'
MIN AREA = 9100 SF
MAX IMPERVIOUS = 25%

SETBACK INFORMATION:
FRONT = 30'
SIDE = 10' HOUSE
SIDE = 5' GARAGE
SIDE ALONG 20TH STREET = 19'
REAR = 30' FOR HOUSE 5'
OTHER STRUCTURES

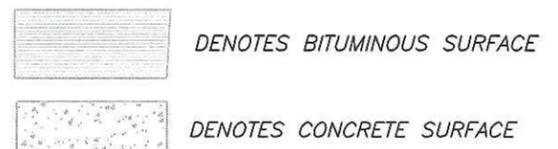
That part of Lot 2 lying southerly of the North 10.19 feet of said Lot 2 and that part of the North 22.32 feet of Lot 3, all in Block 8, Red Rock Villas, Washington County, Minnesota lying northwesterly of the following described line: Commencing at the northeast corner of said Lot 3; thence S89°54'42"W, along the north line of said Lot 3, a distance of 70.00 feet; thence S18°54'11"E, a distance of 63.19 feet to a point on the south line of said Lot 3 distant 49.76 feet westerly of the southeast corner of said Lot 3 and the point of beginning of the line to be described; thence Northeasterly, along a non-tangential curve, concave to the southeast, having a radius of 52.77 feet, a central angle of 87°59'48", a chord bearing of N42°31'24"E, a chord distance of 73.31 feet, an arc distance of 81.05 feet to a point on the east line of said Lot 3 distant 5.86 feet southerly of the northeast corner of said Lot 3 and there terminating.

PARCEL C

That part of Lot 3, Block 8, Red Rock Villas, Washington County, Minnesota lying southerly of the North 22.32 feet of said Lot 3 and lying westerly of the following described line: Commencing at the northeast corner of said Lot 3; thence S89°54'42"W, along the north line of said Lot 3, a distance of 70.00 feet; thence S18°54'11"E, a distance of 63.19 feet to a point on the south line of said Lot 3 distant 49.76 feet westerly of the southeast corner of said Lot 3 and the point of beginning of the line to be described; thence Northeasterly, along a non-tangential curve, concave to the southeast, having a radius of 52.77 feet, a central angle of 87°59'48", a chord bearing of N42°31'24"E, a chord distance of 73.31 feet, an arc distance of 81.05 feet to a point on the east line of said Lot 3 distant 5.86 feet southerly of the northeast corner of said Lot 3 and there terminating. And that part of Lot 4, Block 8, Red Rock Villas, Washington County, Minnesota lying northerly of the South 10.19 feet of said Lot 4 and lying westerly of the following described lines: Commencing at the northeast corner of said Lot 4; thence southerly along the east line of said Lot 4 to the southeast corner of said Lot 4 and the point of beginning of the lines to be described; thence northwesterly, along a curve concave to the southwest, having a radius of 27.25 feet, a central angle of 38°39'36", a chord bearing of N51°55'44"W, a chord distance of 18.04 feet, an arc distance of 18.39 feet; thence northwesterly along a reverse curve, concave to the northeast, having a radius of 52.77 feet, a central angle of 69°47'01", an arc distance of 64.27 feet to a point on the north line of said Lot 4, said point being 49.76 feet westerly of the northeast corner of said Lot 4 and there terminating.

PARCEL D

Lot 5 and that part of the South 10.19 feet of Lot 4, all in Block 8, Red Rock Villas, Washington County, Minnesota lying westerly of the following described lines: Commencing at the northeast corner of said Lot 4; thence southerly along the east line of said Lot 4 to the southeast corner of said Lot 4 and the point of beginning of the lines to be described; thence northwesterly, along a non-tangential curve concave to the southwest, having a radius of 27.25 feet, a central angle of 38°39'36", a chord bearing of N51°55'44"W, a chord distance of 18.04 feet, an arc distance of 18.39 feet; thence northwesterly along a reverse curve, concave to the northeast, having a radius of 52.77 feet, a central angle of 69°47'01", an arc distance of 64.27 feet to a point on the north line of said Lot 4, said point being 49.76 feet westerly of the northeast corner of said Lot 4 and there terminating.



NOTE:
WE HAVE PRORATED THE LOTS IN THIS BLOCK BASED UPON EXISTING MONUMENTATION BEING ON A PRORATED BASIS.

EXISTING PROPERTY DESCRIPTION

Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block Eight (8), Red Rock Villas EXCEPTING;
That part of Lots 3 and 4, Block 8, Red Rock Villas, described as follows: Beginning at the northeast corner of said lot 3; thence southerly along the east line of said Lots 3 and 4 to the southeast corner of said Lot 4; thence northwesterly, along a curve concave to the southwest, having a radius of 27.25 feet and a chord with a length of 18.04 feet and a bearing of North 51 degrees 25 minutes 38 seconds West; thence northwesterly along a curve, concave to the northeast, having a radius of 52.77 feet and a chord with a length of 60.47 feet and a bearing of North 35 degrees 48 minutes 32 seconds West; to a point on the south line of said Lot 3, said point being 49.76 feet westerly of the southeast corner of said Lot 3; thence North 18 degrees 22 minutes 16 seconds West to a point on the north line of said Lot 3, said point being 70.00 feet westerly of the northeast corner of said Lot 3; thence easterly along the north line of said Lot 3 to the point of beginning, Washington County, Minnesota.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 4-8-2014

Thomas J. O'Meara
THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167

**Bohlen
Surveying & Associates**

31432 Follage Avenue
Northfield, MN 55057

Phone: (507) 645-7768
tomeara@bohlsurveying.com



1584 Cliff Road E.
Burnsville, MN 55337

Phone: (952) 895-9212
Fax: (952) 895-9259

- x — DENOTES FENCE
- 000--- DENOTES EXISTING CONTOUR LINE
- DENOTES SET IRON PIPE MONUMENT
- DENOTES FOUND IRON PIPE MONUMENT
- ← DENOTES PROPOSED DRAINAGE DIRECTION
- ⊕ DENOTES SERVICE LOCATION
- DENOTES WOOD HUB
- 000.0 DENOTES EXISTING ELEVATION
- 000.0 DENOTES PROPOSED ELEVATION
- HE=000.0 DENOTES HUB ELEVATION
- ☀ DENOTES LIGHT POLE
- ⊙ DENOTES GUY WIRE
- ⚡ DENOTES POWER POLE

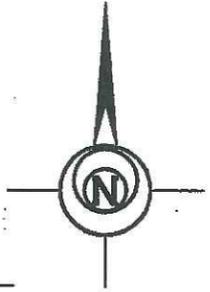
EXISTING

CERTIFICATE OF SURVEY

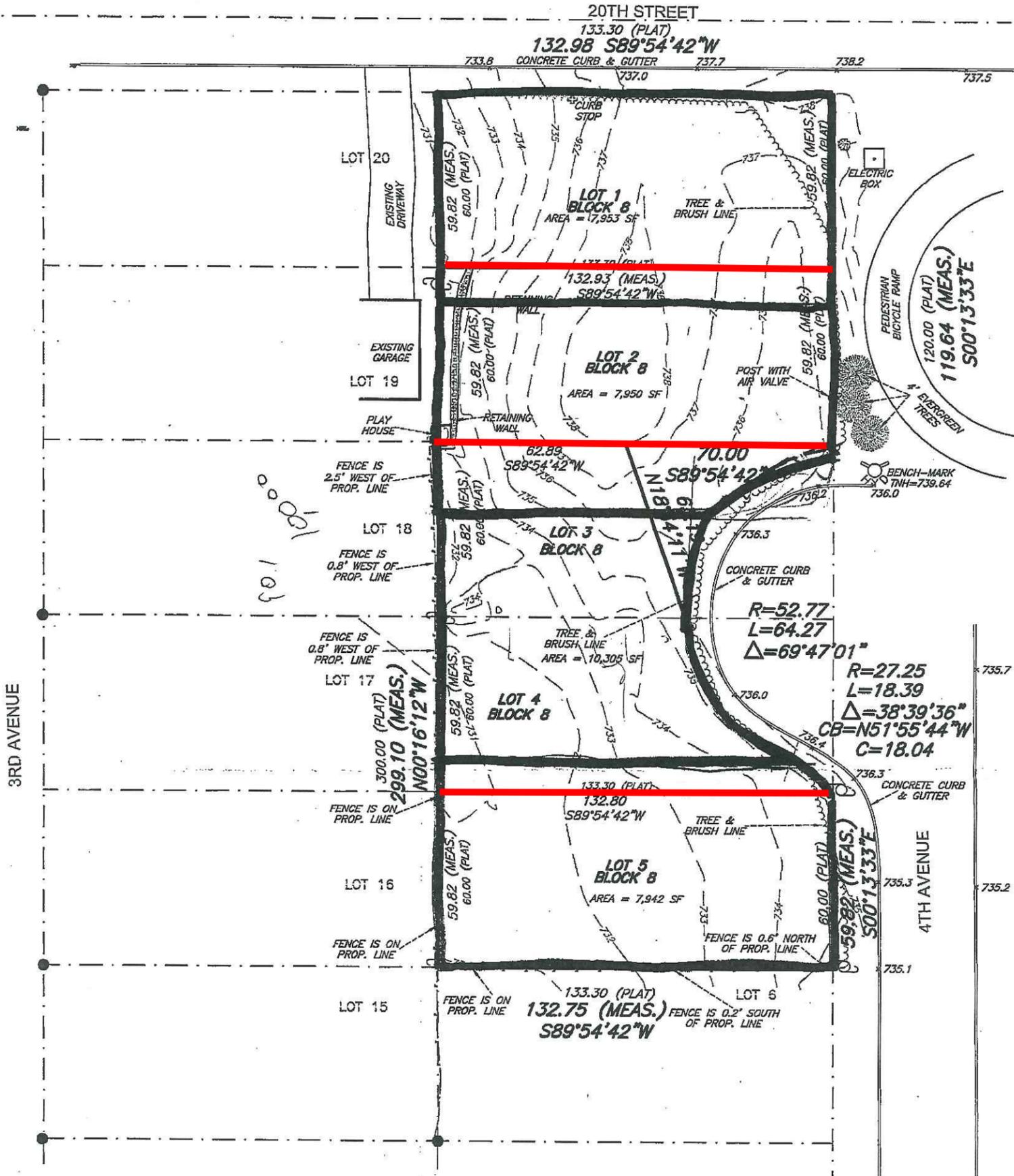
FOR

MARK GERGEN

= Existing Lot Lines
 = Proposed Lot Lines



1" = 40'



NOTE:
WE HAVE PRORATED THE LOTS IN THIS BLOCK
BASED UPON EXISTING MONUMENTATION BEING
ON A PRORATED BASIS.

PROPERTY DESCRIPTION

Lots One (1), Two (2), Three (3), Four (4) and Five (5), Block Eight (8), Red Rock Villas EXCEPTING;
That part of Lots 3 and 4, Block 8, Red Rock Villas, described as follows:
Beginning at the northeast corner of said lot 3; then southerly along the east line of said Lots 3 and 4 to the southeast corner of said Lot 4; then northwesterly, along a curve concave to the southwest, having a radius of 27.25 feet and a chord with a length of 18.04 feet and a bearing of North 51 degrees 25 minutes 38 seconds West; then northwesterly along a curve, concave to the northeast, having a radius of 52.77 feet and a chord with a length of 60.47 feet and a bearing of North 35 degrees 48 minutes 32 seconds West; to a point on the south line of said Lot 3, said point being 49.76 feet westerly of the southeast corner of said Lot 3; then North 18 degrees 22 minutes 16 seconds West to a point on the north line of said Lot 3, said point being 70.00 feet westerly of the northeast corner of said Lot 3; then easterly along the north line of said Lot 3 to the point of beginning, Washington County, Minnesota.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 2-3-14

Thomas J. O'Meara
THOMAS J. O'MEARA, LAND SURVEYOR
MINNESOTA LICENSE NO. 46167

- DENOTES SET IRON PIPE MONUMENT
- DENOTES FOUND IRON PIPE MONUMENT
- DENOTES PROPOSED DRAINAGE DIRECTION
- DENOTES SERVICE LOCATION
- DENOTES WOOD HUB
- 000.0 DENOTES EXISTING ELEVATION
- DENOTES PROPOSED ELEVATION
- HE=000.0 DENOTES HUB ELEVATION
- DENOTES LIGHT POLE
- DENOTES GUY WIRE
- DENOTES POWER POLE

- DENOTES FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES EXISTING CONTOUR LINE

Bohlen Surveying & Associates

31432 Foliage Avenue
Northfield, MN 55057

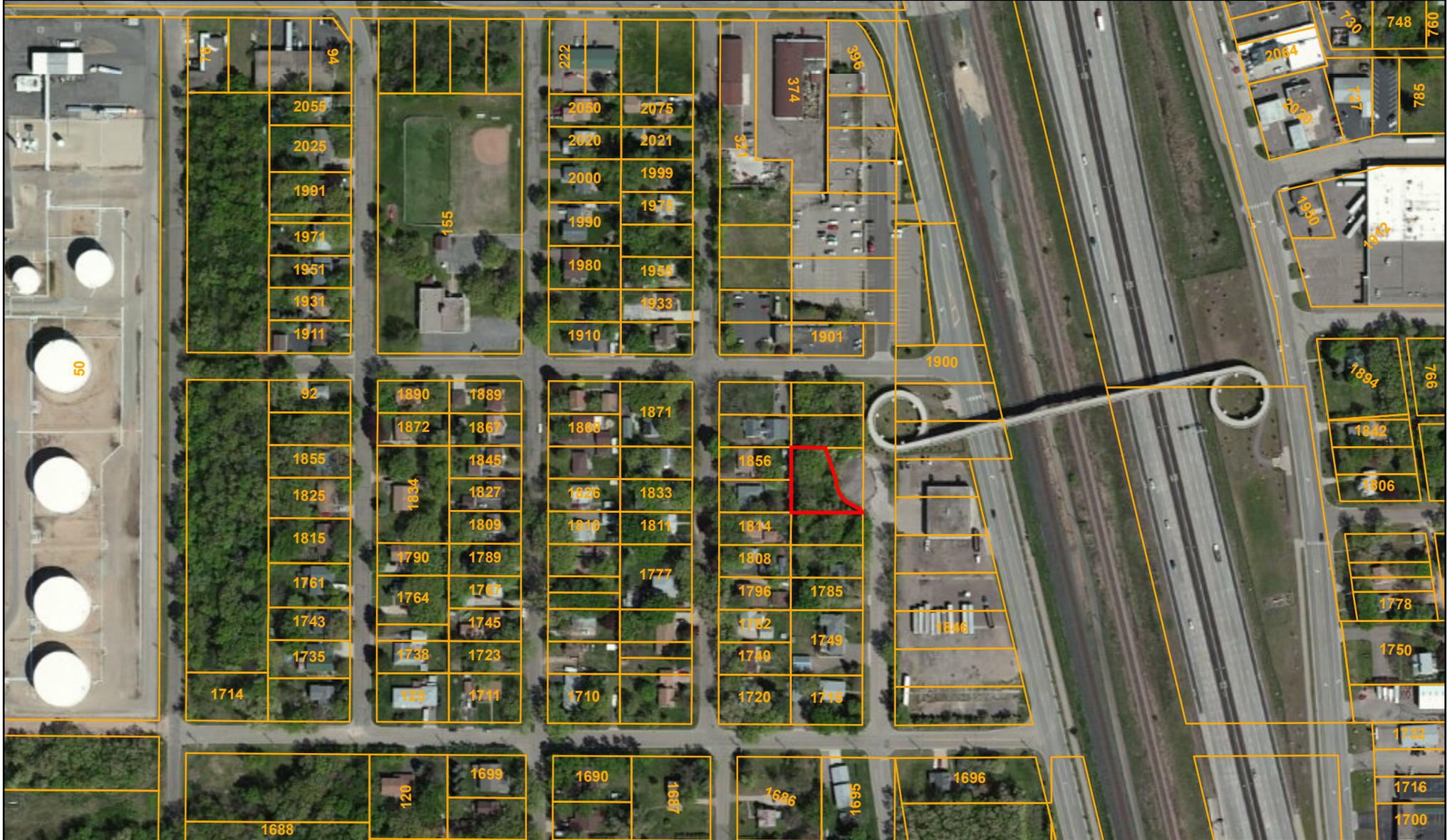
1584 Cliff Road E.
Burnsville, MN 55337

Phone: (507) 645-7768
tomeara@bohlersurveying.com



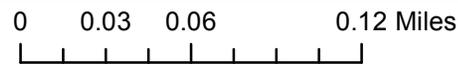
Phone: (952) 895-9212
Fax: (952) 895-9259

S:\Projects\Newport\RED-ROCK-VILLAS\dwg\topo.dwg



Parcel ID: 2602822440137

Parcel Address:
, CITY OF NEWPORT



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER A REQUEST FOR A LOT SIZE VARIANCE**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, May 8, 2014, at 6:00 p.m. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider an application from Mark Gergen, 3600 American Blvd, Suite 130, Bloomington, MN 55431, for approval of a variance. The request is for property located on 4th Avenue, south of 20th Street and is for a lot size variance.

Said property is legally described as:

PID# 26.028.22.44.0137 - That part of Lot 3, Block 8, Red Rock Villas, Washington County, Minnesota lying southerly of the North 22.32 feet of said Lot 3 and lying westerly of the following described line: Commencing at the northeast corner of said Lot 3; thence S89°54'42"W, along the north line of said Lot 3, a distance of 70.00 feet; thence S18°54'11"E, a distance of 63.19 feet to a point on the south line of said Lot 3 distant 49.76 feet westerly of the southeast corner of said Lot 3 and the point of beginning of the line to be described; thence Northeasterly, along a non-tangential curve, concave to the southeast, having a radius of 52.77 feet, a central angle of 87°59'48", a chord bearing of N42°31'24"E, a chord distance of 73.31 feet, an arc distance of 81.05 feet to a point on the east line of said Lot 3 distant 5.86 feet southerly of the northeast corner of said Lot 3 and there terminating. And that part of Lot 4, Block 8, Red Rock Villas, Washington County, Minnesota lying northerly of the South 10.19 feet of said Lot 4 and lying westerly of the following described lines: Commencing at the northeast corner of said Lot 4; thence southerly along the east line of said Lot 4 to the southeast corner of said Lot 4 and the point of beginning of the lines to be described; thence northwesterly, along a curve concave to the southwest, having a radius of 27.25 feet, a central angle of 38°39'36", a chord bearing of N51°55'44"W, a chord distance of 18.04 feet, an arc distance of 18.39 feet; thence northwesterly along a reverse curve, concave to the northeast, having a radius of 52.77 feet, a central angle of 69°47'01", an arc distance of 64.27 feet to a point on the north line of said Lot 4, said point being 49.76 feet westerly of the northeast corner of said Lot 4 and there terminating.

The Planning Request is governed under Chapter 13, Section 1310.11, Subdivision 1 of the City Code of Ordinance.

Information on this Application can be reviewed at the Newport City Hall. The purpose of this hearing is to provide citizens the opportunity to comment on the project either at, or in writing prior to, the Public Hearing.

Dated this 14th day of April, 2014

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, April 23, 2014)

ADDRESS/PID #	OWNER	OWNER'S MAILING ADDRESS	CITY, STATE, ZIP
1911 3RD AVENUE	AFFOLTER CODY S	1911 3RD AVE	NEWPORT MN 55055
1715 3RD AVENUE	AFFOLTER MARK W & BONNIE L	1715 3RD AVE	NEWPORT MN 55055
26.028.22.44.0103	AFFOLTER MARK W & BONNIE L	1715 3RD AVE	NEWPORT MN 55055
1834 3RD AVENUE	AMERICAN MEDICAL RESEARCH INC	105 LAKELAND SHORES RD	LAKELAND MN 55043
1901 4TH AVENUE	BAKER DAVID O & KATHLEEN A	354 18TH AVE N	SOUTH ST PAUL MN 55075
26.028.22.44.0009	BAKER DAVID O & KATHLEEN A	354 18TH AVE N	SOUTH ST PAUL MN 55075
26.028.22.44.0010	BAKER DAVID O & KATHLEEN A	354 18TH AVE N	SOUTH ST PAUL MN 55075
26.028.22.44.0011	BAKER DAVID O & KATHLEEN A	354 18TH AVE N	SOUTH ST PAUL MN 55075
26.028.22.44.0012	BAKER DAVID O & KATHLEEN A	354 18TH AVE N	SOUTH ST PAUL MN 55075
1695 4TH AVENUE	BAY ROBERT F & SUE E	1695 4TH AVE	NEWPORT MN 55055
1808 3RD AVENUE	BEAURLINE DOROTHY	1808 3RD AVE	NEWPORT MN 55055
1687 3RD AVENUE	BOSHNYAK VICTOR V	1687 3RD AVE	NEWPORT MN 55055
1796 3RD AVENUE	BREEN KIRK I & ROBERTA C BREEN	842 LAKE RIDGE DR	WOODBURY MN 55129
1980 2ND AVENUE	BROBERG STEVEN R & CHRISTINE M	PO BOX 34	NEWPORT MN 55055
1777 3RD AVENUE	BUETOW BRUCE G & KATHERINE M	1777 3RD AVE	NEWPORT MN 55055
1845 2ND AVENUE	BUSHINGER KARNETH M	1845 SECOND AVE	NEWPORT MN 55055
26.028.22.44.0136	CITY OF NEWPORT	596 7TH AVE	NEWPORT MN 55055
1846 4TH AVENUE	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0023	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0024	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0025	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0026	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0028	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
25.028.22.33.0029	DLP INVESTMENTS LLC	3955 ROOSEVELT RD	SAINT CLOUD MN 56301
1990 2ND AVENUE	DOPPLER JAMES C & LYNN M	PO BOX 212	NEWPORT MN 55055
1868 2ND AVENUE	EICHMAN DAVID J & CRYSTAL L WRISKY	1868 2ND AVE	NEWPORT MN 55055
1749 4TH AVENUE	FINCHER LOREN J	1749 4TH AVE	NEWPORT MN 55055
1975 3RD AVENUE	GAMER JEROME M & ALICE J	1975 3RD AVE	NEWPORT MN 55055
1855 3RD AVENUE	GERAGHTY MATTHEW R	301 6TH AVE S	SOUTH SAINT PAUL MN 55075
26.028.22.44.0117	GERGEN MARK	3600 AMERICAN BLVD # 130	BLOOMINGTON MN 55431
26.028.22.44.0118	GERGEN MARK	3600 AMERICAN BLVD # 130	BLOOMINGTON MN 55431
26.028.22.44.0121	GERGEN MARK	3600 AMERICAN BLVD # 130	BLOOMINGTON MN 55431
1890 2ND AVENUE	GODFREY EMILY & JONATHAN	1890 2ND AVE	NEWPORT MN 55055
1827 2ND AVENUE	GREENE CLARENCE E JR & PEGGY	1827 2ND AVE	NEWPORT MN 55055
1809 2ND AVENUE	GROCHOW CARROLL K & SANDRA	1809 2ND AVE	NEWPORT MN 55055
1715 4TH AVENUE	HARWELL WAYNE M	1715 4TH AVE	NEWPORT MN 55055
1833 3RD AVENUE	HAUGO LUCILLE E	1833 3RD AVE	NEWPORT MN 55055
1811 3RD AVENUE	JAGOW IMOGENE R	1811 3RD AVE	NEWPORT MN 55055
1814 3RD AVENUE	JUEDES BART K & KELLY J	1814 3RD AVE S	NEWPORT MN 55055
1696 4TH AVENUE	KEAPPROTH MICHAEL C & PAMELA J	1696 4TH AVE	NEWPORT MN 55055
1790 2ND AVENUE	LUND TERANCE R & BEVERLY A	1790 2ND AVE	NEWPORT MN 55055
26.028.22.44.0110	LUND TERANCE R & BEVERLY A	1790 2ND AVE	NEWPORT MN 55055
1735 3RD AVENUE	MARTINSON ANDREA C & DANIEL T	1735 3RD AVE	NEWPORT MN 55055
26.028.22.44.0104	MARTINSON ANDREA C & DANIEL T	1735 3RD AVE	NEWPORT MN 55055
1955 3RD AVENUE	NELSON RALEIGH J	1955 3RD AVE	NEWPORT MN 55055
26.028.22.44.0038	NELSON RALEIGH J	1955 3RD AVE	NEWPORT MN 55055
374 21ST STREET	OPINION BREWING CO LLC	11640 LOCKRIDGE AVE S	COTTAGE GROVE MN 55016
1686 3RD AVENUE	OSTROWSKI JOSEPH M & RITA O	1686 3RD AVE	NEWPORT MN 55055
1740 2ND AVENUE	POSTAL CREDIT UNION	8499 TAMARACK RD	WOODBURY MN 55125
1867 2ND AVENUE	RUMPZA TERRANCE Q & AIMEE K	9118 INDIAN BLVD S	COTTAGE GROVE MN 55016
1762 3RD AVENUE	SCHMIDT ETAL CARRIE J	1484 SUMMIT AVE	SAINT PAUL PARK MN 55071
26.028.22.44.0033	SCHOSSOW DARL	PO BOX 189	NEWPORT MN 55055
1910 2ND AVENUE	SCHOSSOW DELBERT D & SHIRLEY	PO BOX 189	NEWPORT MN 55055
1872 3RD AVENUE	SCHWAN RONALD ETAL	12917 1ST AVE	BURNSVILLE MN 55337

26.028.22.44.0135	SCHWAN RONALD ETAL	12917 1ST AVE	BURNSVILLE MN 55337
1810 2ND AVENUE	SCORE DUANE D & RUTH A	1810 2ND AVE	NEWPORT MN 55055
1826 2ND AVENUE	SCORE LAVERNE H	1826 2ND AVE	NEWPORT MN 55055
321 21ST STREET	SELIGA JOHN J & KAY A	PO BOX 38	NEWPORT MN 55055
1871 3RD AVENUE	SMITH SHIRLEY J	1871 3RD AVE	NEWPORT MN 55055
1846 2ND AVENUE	SPAULDING JOHN H & PENELOPE	1846 2ND AVE	NEWPORT MN 55055
1720 3RD AVENUE	STADLER ROBERT A	1720 3RD AVE	NEWPORT MN 55055
1710 2ND AVENUE	STANFORD FREDRICK J & JODY A HILDEN	1710 2ND AVE	NEWPORT MN 55055
25.028.22.33.0003	STATE OF MN-DOT	1500 COUNTY ROAD B2 W	ROSEVILLE MN 55113
1750 2ND AVENUE	STOKKE CRAIG & DIANE E	1750 2ND AVE	NEWPORT MN 55055
26.028.22.44.0109	STOKKE CRAIG & DIANE E	1750 2ND AVE	NEWPORT MN 55055
1785 4TH AVENUE	STRONG ALLEN R	1785 FOURTH AVE	NEWPORT MN 55055
26.028.22.44.0122	STRONG ALLEN R	1785 FOURTH AVE	NEWPORT MN 55055
25.028.22.33.0080	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
26.028.22.44.0014	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
26.028.22.44.0015	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
26.028.22.44.0016	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
26.028.22.44.0018	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
1933 3RD AVENUE	US FEDERAL CREDIT UNION	1400 RIVERWOOD DR	BURNSVILLE MN 55337
1900 4TH AVENUE	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
25.028.22.33.0017	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
25.028.22.33.0021	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
25.028.22.33.0022	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
25.028.22.33.0081	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
1856 3RD AVENUE	WOLFE AMY A	PO BOX 144	NEWPORT MN 55055
1740 3RD AVENUE	YOUNG ELIZABETH A TRS	1740 THIRD AVE	NEWPORT MN 55055

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-5**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A LOT SIZE VARIANCE
REQUESTED BY MARK GERGEN, 3600 AMERICAN BLVD, SUITE 130, BLOOMINGTON, MN
55431 FOR PROPERTY LOCATED ON 4TH AVENUE SOUTH OF 20TH STREET**

WHEREAS, Mark Gergen, 3600 American Blvd, Suite 130, Bloomington, MN 55431, has submitted a request for a Variance; and

WHEREAS, the property is located on 4th Avenue, south of 20th Street, and is more fully legally described as follows:

PID# 26.028.22.44.0137 - That part of Lot 3, Block 8, Red Rock Villas, Washington County, Minnesota lying southerly of the North 22.32 feet of said Lot 3 and lying westerly of the following described line: Commencing at the northeast corner of said Lot 3; thence S89°54'42"W, along the north line of said Lot 3, a distance of 70.00 feet; thence S18°54'11"E, a distance of 63.19 feet to a point on the south line of said Lot 3 distant 49.76 feet westerly of the southeast corner of said Lot 3 and the point of beginning of the line to be described; thence Northeasterly, along a non-tangential curve, concave to the southeast, having a radius of 52.77 feet, a central angle of 87°59'48", a chord bearing of N42°31'24"E, a chord distance of 73.31 feet, an arc distance of 81.05 feet to a point on the east line of said Lot 3 distant 5.86 feet southerly of the northeast corner of said Lot 3 and there terminating. And that part of Lot 4, Block 8, Red Rock Villas, Washington County, Minnesota lying northerly of the South 10.19 feet of said Lot 4 and lying westerly of the following described lines: Commencing at the northeast corner of said Lot 4; thence southerly along the east line of said Lot 4 to the southeast corner of said Lot 4 and the point of beginning of the lines to be described; thence northwesterly, along a curve concave to the southwest, having a radius of 27.25 feet, a central angle of 38°39'36", a chord bearing of N51°55'44"W, a chord distance of 18.04 feet, an arc distance of 18.39 feet; thence northwesterly along a reverse curve, concave to the northeast, having a radius of 52.77 feet, a central angle of 69°47'01", an arc distance of 64.27 feet to a point on the north line of said Lot 4, said point being 49.76 feet westerly of the northeast corner of said Lot 4 and there terminating.

WHEREAS, The described property is zoned Low Density Single Family Residential (R-1); and

WHEREAS, **Minnesota Statutes 394.27 states** that the criteria for granting a variance include that variances are permitted when they are in harmony with the general purpose and intent of the official control and are consistent with the comprehensive plan; that the request shall be reasonable under the development code; the need for the variance is due to circumstances that are unique to the property and were not created by the landowner; the variance, if granted, will not alter the essential character of the area; economic considerations alone do not constitute practical difficulties; the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood; the requested variance should be the minimum action required to eliminate the practical difficulties; and practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on May 8, 2014; and

WHEREAS, the Planning Commission's findings related to the request for approval of a Variance include the following:

1. The variance request is consistent with the Comprehensive Plan's goals and general purposes of the Zoning Ordinance to permit single-family uses in the R-1 zoning district, and permit in-fill development of single-family homes on smaller parcels in the Old Town neighborhood.
2. The proposed use is permitted in the R-1 District, and is therefore a reasonable use.
3. The practical difficulties are related to the reduction in size of the parcel that occurred due to construction of the Highway 61 pedestrian bridge and 4th Avenue cul de sac, and were not created by the applicant.

4. Granting the variance would not alter the essential character of the area, which includes other single-family homes on parcels of a similar size.
5. The development of the parcels with single family homes that do not exceed the maximum height allowed by the ordinance will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.
6. The variance is the minimum action needed to create the new parcel, and allows for the reconfiguration of the three adjacent parcels at a size that meets the minimum lot size requirement in the ordinance. The action reduces the number of nonconforming parcels on the property from five to one.
7. Granting the variance will not affect access to direct sunlight for solar energy systems.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Variance to Permit the Applicant to Create and Develop a Parcel that is 7,915 Square Feet in Size with the following conditions:

1. The Applicant shall obtain building permits for development of the proposed homes and structures on each parcel. All structures shall meet the dimensional standards, lot coverage standard, and other requirements of the Zoning Ordinance.
2. The Applicant shall obtain approval of a lot line adjustment for the four parcels, and shall file the approval with at Washington County within 180 days of the approval and prior to development of the parcels.
3. The Applicant shall obtain an approved Design Permit from the City.
4. The property owner shall obtain any necessary permits from the South Washington Watershed District prior to the start of construction activities.
5. Any necessary work performed on existing City streets or utilities shall be completed in accordance with the City of Newport standards, including conformance with Minnesota Department of Transportation (MnDOT) and City Engineers' Association of Minnesota (CEAM) Standards, latest additions.
6. The property owner shall contact the City's Public Works Department for the location of existing utility stub(s) for each proposed lot. Connection to City utilities shall be prohibited without written agreement with the City.
7. The property owners shall provide the City of Newport the appropriate construction application fees, which shall be based on the contracted construction amount.
8. The property owner shall contact Gopher State One Call prior to initiating any construction activities.
9. Erosion and sedimentation Best Management Practices (BMP's) shall be in place prior to commencing any construction activities.
10. The applicant shall pay all fees and escrow associated with this application.

Adopted this 8th day of May, 2014 by the Newport Planning Commission.

VOTE: Lund	_____
Mahmood	_____
Lindoo	_____
Prestegaard	_____
Haley	_____

Signed: _____
 Dan Lund, Chairperson

ATTEST: _____
 Deb Hill, City Administrator