



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
JUNE 12, 2014 - 6:00 P.M.**

Chairperson:	Dan Lund	City Administrator:	Deb Hill
Vice-Chair:	Anthony Mahmood	Executive Analyst:	Renee Eisenbeisz
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 May 8, 2014

**4. APPOINTMENTS WITH COMMISSION**

- A. **Public Hearing** – To consider an application from Michael Hoffman for Approval of a Side Yard Variance for Property Located at 11 Oakridge Drive
1. Memo from Sherri Buss
  2. Application
  3. Resolution No. P.C. 2014-6
- B. **Public Hearing** – To consider an application from Tom Long for Approval of a Rezoning for Property Located at 2204 Hastings Avenue
1. Memo from Sherri Buss
  2. Application
  3. Resolution No. P.C. 2014-7
- C. **Public Hearing** - To consider amendments to the Zoning Code, Chapter 1300, Section 1340 Residential Districts
1. Memo from Sherri Buss
  2. Resolution No. P.C. 2014-8

**5. COMMISSION & STAFF REPORTS**

**6. NEW BUSINESS**

**7. ANNOUNCEMENTS**

- A. Upcoming Meetings and Events:
- |  |               |           |
|--|---------------|-----------|
| 1. City Council Meeting                | June 19, 2014 | 5:30 p.m. |
| 2. Park Board Meeting                  | June 26, 2014 | 7:00 p.m. |
| 3. City Offices Closed for 4th of July | July 4, 2014  |           |
| 4. Planning Commission Meeting         | July 10, 2014 | 6:00 p.m. |

**8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
May 8, 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, Kevin Haley

Commissioners absent – Matt Prestegaard

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

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of April 10, 2014**

**Susan Lindoo** - On the bottom of page 1 it should be "repossessed" not "reposed."

**Motion by Mahmood, seconded by Haley, to approve the April 10, 2014 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 Mark Gergen for Approval of a Lot Size Variance for Property Located on 4th Avenue south of 20th Street**

Sherri Buss, TKDA Planner, presented on this item as outlined in the May 8, 2014 Planning Commission Packet.

**Chairperson Lund** - Lot A doesn't appear to get anywhere near 4th Avenue so why would we have it face that?

**Ms. Buss** - We talked through what would make the most sense. What you usually try to do is have everyone have the same front setback for the same conformity. Also, for their plans, it makes sense to have the front door face 4th Avenue even though the driveway will come off of 20th Street.

**Chairperson Lund** - Somewhere in the comments it said that the driveway would come off of 4th Avenue too.

**Ms. Buss** - No, the driveway would come off of 20th Street.

**Chairperson Lund** - That allows for the corner lot setbacks then?

**Ms. Buss** - Yes.

**Susan Lindoo** - It sounds as though the houses will be similar between the four lots and those houses took up about 25% on the three conforming lots so it seems like it would be taking up more than 25% on the non-conforming lot.

**Ms. Buss** - Yes, and that's why he's wondering if we could take a look at that in the next couple months and make a change so that when he brings in the plans for the third lot the lot coverage will be easier to meet.

**Chairperson Lund** - I know this has been an ongoing discussion but are you familiar with the similar requirements in nearby cities?

**Ms. Buss** - We looked at that in the last meeting and most allow 30%.

**Executive Analyst Helm** - St. Paul is 35%, Woodbury is 35%, St. Paul Park is 60%, Maplewood is 30% and Cottage Grove is 50% for similar zoning districts.

**Chairperson Lund** - Given it's going to be building season can we put that on the agenda for next time?

**Ms. Buss** - We can do that. So far we have one application and I think you all received the email about a joint meeting with the City Council on June 10. We thought we would have the joint meeting at 5:30 and yours at 6:30 so you wouldn't have to do two meetings that week.

**Chairperson Lund** - I'm not available after 7:00.

**Executive Analyst Helm** - I think one of the things we were waiting for on the lot coverage was coming from the HPC.

**Ms. Buss** - Yes, that's why we delayed it. We're waiting for comments from them.

**Chairperson Lund** - Let's put it on the agenda and they can come comment. What do we think is an appropriate number?

**Susan Lindoo** - I would go to 30%. The reason I'm so reluctant is this water issue. Having enough surface area for water penetration because we are beginning to have aquifer problems. I think you can do it if you don't need to have as much driveway or something. I think we'll need to be more aware of it because we all read the article yesterday about global warming, yes it is happening, yes we'll be warmer, yes we'll have heavier rain in the spring and droughty falls. It's something the whole world will need to start thinking about how we'll handle these changes.

**Chairperson Lund** - What does the lot coverage have to do with this?

**Susan Lindoo** - The amount of impenetrable surface. The amount of runoff you get. Maybe the City can think of other ways for capturing the water and returning it back to the aquifer. The more that is running into the storm sewer and into the Mississippi means less is going into the ground and that is ultimately an issue. I've heard that people who have had to dig a well in our areas need to go deeper than they did before. I think 30% makes sense but I'm not comfortable with 50%.

**Chairperson Lund** - I'm inclined to go at least 35% but I think the aquifer problem is because cities have been tapping water since the 1950's.

**Susan Lindoo** - But where does the water come from that replenishes the aquifer?

**Chairperson Lund** - I don't know that a 5% lot coverage, it's the pumping out.

**Susan Lindoo** - Our city is doing it, in the industrial area you can be 80%. There's more development and less land for water to go through. The more development we have the bigger issue we'll have.

**Ms. Buss** - There seems to be a fair consensus to go a little higher and it'll be on the June or July agenda.

**Susan Lindoo** - If we didn't change the lot coverage would he need a variance?

**Ms. Buss** - Yes.

**Kevin Haley** - Why don't we add that on to this variance, allow for a 30% lot coverage?

**Chairperson Lund** - Can we do that?

**Ms. Buss** - Yes.

**Susan Lindoo** - I would be in favor of that and then maybe it'll go up to 30% for all of the lots. That way it doesn't have to come back to us.

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

**John Anderson, Representative of Mark Gergen** - I've talked with Sherri about some of these issues that you are discussing right now. There are four lots, three of them are non-conforming. The wider lot was two lots that were combined because of the cul-de-sac and overpass. Parcel A does not have a road out to the east so we designed a side-low garage where the house will face 4th Avenue but the driveway will face 20th Street. We'll flip that design for Parcel B. We're going to build A and B first. Parcel D will be able to meet the setbacks and lot coverage. Parcel C needs the lot size variance and about 30% lot coverage. We'll probably also need a 10 foot setback for the front.

**Chairperson Lund** - I think your rear setback on the survey doesn't reflect the Code.

**Ms. Buss** - Yes, the rear is 5 feet.

**Mr. Anderson** - On the rear?

**Chairperson Lund** - Yes.

**Executive Analyst Helm** - For dwellings it's 30 feet and 5 feet for a garage.

**Mr. Anderson** - With the setbacks, a 30 foot rear and a 30 foot front, we have 25 feet to make a house, which we can't really do. We're thinking we'll have a shallow and wide house and garage but we'll still need a variance from the front setback about 10 feet. A comment on the impervious coverage. I do a lot of consulting work for cities as well. Looking at the 25%, it's not that that is a bad number but when you're dealing with a 9,100 square foot lot that gets to be small. 25% is usually for a 12,000 to 15,000 square foot lot. Also, your ordinance requires pavement, buildings, sidewalks, etc. A lot of these cities where you see 30 to 35% is probably just buildings and the 50 to 60% is pavement and structures.

**Ms. Buss** - No, not for the ones we're talking about.

**Mr. Anderson** - I just want to make sure you look at that. We're at 25% already for Parcel B and that's not a huge house. You're basically limiting larger houses from being built on your lot sizes. Someone could do it on a larger lot. We would have liked to build this house a little larger but we can't with the 25% lot coverage.

**Kevin Haley** - I would certainly be willing to go to 30 to 35% on all four lots if there's consensus.

**Susan Lindoo** - We can't do that.

**Executive Analyst Helm** - The public hearing was only for Parcel C.

**Mr. Anderson** - We're fine with what we have on Parcels A and B. We're going to start with those two lots first.

**Kevin Haley** - Would 30% on Lot C meet your needs?

**Mr. Anderson** - Yes.

**Ms. Buss** - Since that's the one that is the subject of the hearing you can add that on.

**Chairperson Lund** - Let's do that and add the front setback too. Looking at those four lots, even if we move it to be 15 feet instead of 25 feet it's still going to be further back.

**Ms. Buss** - What would work for you?

**Mr. Anderson** - We would like a larger back yard.

**Susan Lindoo** - I would rather give him the ten feet in the front to give him a larger back yard.

**Mr. Anderson** - We would like the 10 feet in the front.

**Ms. Buss** - Do you want a 10 foot setback or 10 feet less?

**Mr. Anderson** - If the setback is 30 feet, we would be fine with 20 feet.

**Ms. Buss** - Ok.

**Kevin Haley** - Why would the HPC review the design permit?

**Ms. Buss** - Because it's in the old town. We have a set of criteria for the review such as size, front door, windows, etc. There shouldn't be any issue with them meeting this. Most cities have this. I've already looked at the designs and they would meet the requirements.

**The Public Hearing closed at 6:25 p.m.**

**Motion by Lindoo, seconded by Haley, to approve Resolution No. P.C. 2014-5 as amended recommending that the City Council a variance to permit the applicant to create and develop a lot that is 7,915 square feet in size, with a lot coverage of up to 30% and a front setback of 20 feet. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Executive Analyst Helm** - It'll go to the City Council next Thursday.

**Chairperson Lund** - There seems to be strong consensus on the lot coverage so let's get that on the agenda for next month.

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

**Executive Analyst Helm** - The Planning Commission and City Council will have a joint meeting on Tuesday, June 10 at 5:30 so we were wondering if you would want to have the June meeting that night as well so you don't have to have two meetings that week, it would be at 6:30 or 7:00. We do have one application so far for a side yard setback variance and we might get one more. Would that work?

**Chairperson Lund** - Thursday works much better for me.

**Susan Lindoo** - I'm fine with doing two nights.

**Vice-Chair Mahmood** - Works for me.

**Kevin Haley** - Thursday works for me.

**Executive Analyst Helm** - Ok. Do you want to have the public hearing for the lot coverage that night or just a discussion?

**Chairperson Lund** - Everything.

**Susan Lindoo** - You said that we haven't gotten anything from the HPC?

**Executive Analyst Helm** - They don't meet until next Wednesday.

**Ms. Buss** - I did get something from Bob saying that the lot coverage thing isn't an issue for them.

#### **A. Discussion Regarding Washington County HRA Bus Tour**

**Mr. Buss** - Since we're talking about the tour at the June 10th meeting I was wondering if anyone had any comments or questions about it before that meeting.

**Susan Lindoo** - It was interesting.

**Chairperson Lund** - We saw a lot of nice development.

**Susan Lindoo** - It seemed that we were hearing that it's important that the HRA is working with us and I've heard that from a lot of people. That is a good sign I think.

**Ms. Buss** - They have a lot more experience with this than Newport does, especially with the financing part. They're putting a lot of time into the Liveable Cities grant and the marketing issues. We had a meeting with South St. Paul about the odor issues and the HRA staff are really helpful with trying to deal with that.

**Susan Lindoo** - It's nice to have a body of people who have been working at that level. We just haven't had big money items.

**Kevin Haley** - I would welcome more feedback on TIF because at this moment it doesn't get me all warm and fuzzy.

**Ms. Buss** - There aren't very many tools that a City can use for redevelopment. Redevelopment is expensive and TIF is one of the few financial tools that cities have to help with that process. When I started in the 1980's there were more options but they've gradually gone away.

**Susan Lindoo** - Is there anyone who can give us background or a walkthrough on TIF? It would be interesting to have more information.

**Ms. Buss** - There's some League information and I can get that to you. The City needs to identify a district for TIF and it needs to meet certain State criteria. There's a pretty high threshold for abandoned or vacant lots, for properties that don't meet code, etc. That's all been done for this area. Then you freeze the property tax rates at the current rate for the length of the TIF district. Next, the city would issue bonds. As properties in that area are redeveloped and gain value, the extra value pays back the bonds. The people that typically aren't happy about them are school districts. On the other hand, if there's no other way to finance the redevelopment, the property

will sit there forever. By freezing them for the short amount of time you gain the money you need to finance the redevelopment so that after the 20 years everyone will see the tax dollars.

**Susan Lindoo** - Basically, we couldn't redevelop unless we did bonds to improve the infrastructure.

**Chairperson Lund** - The bonds are a subsidy for the project, not for the infrastructure.

**Susan Lindoo** - They're a subsidy to the developer?

**Chairperson Lund** - To make the whole finances work right?

**Ms. Buss** - Partly. In this case, we're asking for the Livable Communities grant from Met Council, which is also a piece to help bring down some of the costs.

**Chairperson Lund** - That's a separate subsidy on top of the TIF District. So they're both subsidies to make the project happen just so we're clear. It's not for building roads and infrastructures it's for greasing the wheels to get the project done.

**Ms. Buss** - Part of the TIF bonding is for infrastructure, as well as the grant. You would not be able to get a developer to come here and pay for those infrastructure costs because every other city is doing the same thing.

**Susan Lindoo** - It's the sewer and storm water so the developer doesn't need to pay as much for the land?

**Ms. Buss** - I don't know how Stacie has worked it out. The bonding is for roads, sewer, storm sewer, water, plus writing down the land costs.

**Kevin Haley** - A couple of the cases, they had taken the TIF as a tax credit and used it as security or value to the bank. Then the bank gets the tax credit.

**Ms. Buss** - It's very involved. There are tax credits for banks if they invest in "workforce" housing. There's a whole little package of things here and Stacie would need to run through it for you.

**Susan Lindoo** - If we don't do that developers would need to finance it themselves and we're not finding any developers that want to do that correct?

**Ms. Buss** - Yes.

**Chairperson Lund** - Not in the area surrounding the transit station and not today.

**Ms. Buss** - You're seeing someone here who is very interested in investing in your City at a different level and he's not asking for a subsidy. The kind of development we see around the transit station is more difficult to do.

**Kevin Haley** - In that case, the highways are sitting over that lot primarily, to allow for a higher building to keep the garage...

**Chairperson Lund** - The height is limited by the fire trucks.

**Ms. Buss** - Part of the question gets to be could you have a joint agreement with surrounding cities or get a new fire truck eventually but right now, the height is limited. I would encourage you to ask these questions at the joint meeting.

**Susan Lindoo** - He said he has built in Newport before, where is that?

**Executive Analyst Helm** - Eternity Homes built one at 14th Street and 3rd Avenue and one at 15th Street and 3rd Avenue. They're really nice homes.

**Kevin Haley** - How many potential lots are on the old Public Works site?

**Executive Analyst Helm** - 8 or 9.

**Susan Lindoo** - I remember we were going to put a larger multi-family building on there but the neighbors weren't too happy with it. What about the one up on Catherine Drive?

**Ms. Buss** - I think Deb has had a few calls on it but nothing further.

## **6. NEW BUSINESS**

## **7. ANNOUNCEMENTS**

**Chairperson Lund** - We'll have a joint meeting on June 10 at 5:30 p.m. and a regular meeting on June 12 at 6:00 p.m.

## **8. ADJOURNMENT**

**Motion by Haley, seconded by Mahmood, to adjourn the Planning Commission Meeting at 6:47 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

Respectfully submitted,

Renee Helm  
Executive Analyst



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Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	<u>City of Newport Planning Commission</u>	<b>Reference:</b>	<u>Hoffman Variance Request</u>
<b>Copies To:</b>	<u>Deb Hill, City Administrator</u> <u>Renee Eisenbeisz, Executive Analyst</u> <u>Michael Hoffman, applicant and property owner</u>	<b>Project No.:</b>	<u>15481.003</u>
<b>From:</b>	<u>Sherri Buss, RLA AICP, Planner</u>	<b>Routing:</b>	<u></u>
<b>Date:</b>	<u>June 2, 2014</u>		<u></u>

**SUBJECT:** Hoffman Variance Request for Garage

**MEETING DATE:** June 12, 2014

**LOCATION:** 11 Oakridge Drive

**APPLICANT:** Michael S. Hoffman  
11 Oakridge Drive  
Newport, MN 55055

**OWNER:** Michael S. Hoffman

**ZONING:** RE (Residential Estates District)

**60-DAY PERIOD:** July 8, 2014

**ITEMS REVIEWED:** Application Form, narrative, certificate of survey, photos

### BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting a variance from the required 40-foot side yard setback in the RE District to construct a detached garage 20 feet from the side property line.

### BACKGROUND

The applicant is requesting a variance to construct a new detached garage on the property at 11 Oakridge Drive. He is requesting the variance because a garage placed close to the home and

existing driveway that would meet the 40-foot setback requirement would impact the existing slopes, retaining wall, and deck on the parcel. He would need to use the existing driveway to access the new garage because the ordinance prohibits the addition of a new driveway access from Century Avenue—therefore, the new garage should be relatively close to the home and existing driveway.

## **EVALUATION OF THE REQUEST**

### ***Comprehensive Plan***

The property at Oakridge Drive is located in the Residential Estates (RE) Zoning District. The District goals and policies support residential uses and related accessory uses in the district. The proposed use is consistent with the Comprehensive Plan.

### ***Development Code Requirements: Lot sizes and Setbacks***

The minimum lot size in the RE Zoning District is currently 2 acres. The applicant's lot is 2.14 acres in size, and meets the ordinance requirement.

The setback requirements in the RE Zoning District are as follows:

- Front yard setback, all structures: 40 feet
- Side yard setback for dwellings on corner lots: 40 feet
- Side yard setback for garages on corner lots: 40 feet
- Rear yard setback for dwellings: 50 feet
- Rear yard setback for garages: 20 feet

The applicant is requesting a variance to locate the new garage 20 feet from the side property boundary on Century Avenue, rather than the required 40 feet. The existing home and proposed structure meet the other setback requirements.

### ***Number and Size of Accessory Structures***

The zoning ordinance permits up to 2 accessory structures with a total footprint up to 2500 square feet on lots between 2 and 4.99 acres in size in the RE District. The property has an existing garage that is 972 square feet in size, and the applicant is proposing a second garage that is 1440 square feet in size. If the variance is approved, the parcel will include 2 accessory structures with a total footprint of 2412 square feet. The property currently includes a small shed in addition to the existing garage. The applicant indicated that he will remove the shed when the new garage is built. The total number and size of accessory structures meets the ordinance requirement.

### ***Building Height and Materials***

The ordinance requires that the new garage be no taller than the existing home, using the City's definition of building height. Building plans were not included in the application, but will be submitted for a building permit. The building inspector will verify that the height of the garage will not exceed the height of the primary structure. The Planner has included a condition that the height of the garage shall meet the ordinance requirement, and shall be verified by the building inspector.

The zoning ordinance requires that all accessory structures over 150 square feet in size be compatible with the principal structure in terms of design, roof style, roof pitch, color and exterior finish materials. The applicant did not submit plans showing the design and materials that



proposed for the new garage with his application. Design information is required with the building permit application. The Planner has included a condition that City staff shall review the plans showing the design and materials, and they must meet the ordinance requirements.

### ***Lot Coverage***

The zoning ordinance allows a maximum 20% lot coverage in the RE District. The existing lot coverage on the parcel is approximately 7%, based on the survey submitted with the application. With the addition of the proposed garage and some additional driveway area, the lot coverage would be approximately 9%. The proposed coverage meets the ordinance requirement.

### ***Stormwater Management***

The proposed garage will not exceed the lot coverage requirement. The roof and driveway will drain to adjacent grassed areas. No additional stormwater practices are needed to meet the ordinance requirements.

### ***Driveway and Right of Way***

Section 1340.04, Subdivision 14 of the zoning ordinance permits only one driveway access for each parcel. The existing parcel has 2 existing accesses. Therefore no new access to the parcel for the proposed garage is permitted. The applicant must use the existing driveway to access the new garage, and this is noted in the proposed conditions.

The larger side lot setbacks for corner lots are intended to prevent parking within the roadway right-of-way to allow for snow storage and access to utilities located within the right-of-way. The larger access also helps to preserve sight lines near corners. The applicant has sufficient driveway space for parking, outside the right-of-way area. The Planner sent the variance application to the Engineer for review. He indicated that he has no concerns regarding the reduction of the setback at this location. The Engineer did note that Oakridge Drive is scheduled for a pavement overlay this summer, and this may affect the access from the front of the property during construction.

## **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 Comprehensive Plan and Zoning Ordinance state that the purpose of the RE District is to preserve, create and enhance areas for low-density single-family residential dwellings in areas identified in the Comprehensive Plan. The Zoning Ordinance permits residential accessory structures that support the single-family use. The requested variance is therefore consistent with the goals of the Comprehensive Plan and in harmony with the general purposes of the Zoning Ordinance.

- *The proposed use is reasonable.*

Single family homes and related accessory structures are permitted uses in the RE 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 location of the garage are the result of the existing slopes and driveway access on the property. The slopes have created the need for the existing retaining wall, which could be impacted by a garage that met the setback requirements if located near the home. The applicant needs to locate the additional garage near the home in order to utilize the existing driveway, because the ordinance does not permit the addition of another driveway access. The owner/applicant did not create the practical difficulties.

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

The home will remain a single-family residence. The reduced setback along Century Avenue will not impact adjacent residential parcels. Existing screening on Century will help to screen the building from view from the roadway. The Planner suggests that the addition will not alter the essential single-family character of the area.

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

The variance request is based on difficulties related to the location of existing slopes and structures on the parcel, and not economic considerations alone.



- *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 of an entry structure in the proposed location 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 location is the minimum setback needed to accommodate the new garage and avoid existing slopes and the retaining wall. The 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.*

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 on June 12, discuss the Planner's findings, and make its recommendation to the Council regarding the variance request.

### **ACTION REQUESTED**

The 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 from the side setback requirement to locate a garage a minimum of 20 feet from the side lot line on the parcel at 11 Oakridge Drive.

The Planner finds the following:

1. The variance request is consistent with the Comprehensive Plan's goals to permit single-family uses in the RE Zoning District.



2. The proposed single-family use and related accessory structure is a reasonable use in the RE District.
3. The practical difficulties related to the location of the garage are the result of the existing slopes and driveway access on the property. The slopes have created the need for the existing retaining wall, which could be impacted by a garage that met the setback requirements if located near the home. The applicant needs to locate the additional garage near the home in order to utilize the existing driveway, because the ordinance does not permit the addition of another driveway access. The owner/applicant did not create the practical difficulties.
4. Granting the variance will not alter the essential single-family character of the area.
5. The variance request is based on difficulties related to the location of existing slopes and structures on the parcel, and not economic considerations alone.
6. The proposed entry addition 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.
7. The variance is the minimum side setback in order to accommodate the existing slope and structures, and minimize the additional driveway needed for the new garage.
8. Granting the variance will not affect access to direct sunlight for solar energy systems.

The Planner recommends the following conditions:

1. The proposed garage shall conform to the plan submitted to the City and dated April 30, 2014. The minimum garage setback from the side lot line along Century Avenue shall be 20 feet.
2. The Applicant shall obtain a building permit for the proposed garage.
3. The applicant shall remove the existing small shed before construction is completed on the new garage.
4. The garage shall be no taller than the principal structure.
5. No new driveway access is permitted to the parcel.
6. The design of the proposed garage shall be compatible with the principle structure in terms of design, roof style, roof pitch, color and exterior finish materials. The design information shall be included with the building permit application and reviewed by City staff to determine consistency with the ordinance requirements.
7. The applicant shall pay all fees and escrow associated with this application.



# City of NEWPORT Planning Request Application

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

Application Date: 5-9-14

Public Hearing Date June 12, 2014

## Applicant Information

Name: Michael S. Hoffman

Telephone: (651) 458-8406<sup>H</sup>

Mailing Address: 11 Oakridge Drive

Telephone: (651) 437-0502 - Work

City/State/Zip: Newport MN 55055

## Property Owner Information

Name: Michael S. Hoffman

Telephone: (651) 458-8406 Home

Mailing Address: 11 Oakridge Drive

Telephone: (651) 437-0502 Work

City/State/Zip: Newport MN 55055

## Project Information

Location of Property: 11 Oakridge Drive Newport, MN

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

Lot 1 Block 1 Oakridge View Estates  
Washington County MN

Zoning District: \_\_\_\_\_

Flood Plain: AE 0.2% Annual Chance Flood Hazard

- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment          | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)   |
| <input type="checkbox"/> Rezoning                              | \$500 plus Escrow   |
| <input type="checkbox"/> Zoning Amendment                      | \$500   |
| <input checked="" type="checkbox"/> Variance                   | \$300 plus Escrow   |
| <input type="checkbox"/> Conditional Use Permit                |   |
| <input type="checkbox"/> Residential                           | \$300 plus Escrow   |
| <input type="checkbox"/> Commercial                            | \$450 plus Escrow   |
| <input type="checkbox"/> Subdivision Approval                  |   |
| <input type="checkbox"/> Minor Subdivision                     | \$300 plus Escrow and Parkland Dedication Fee   |
| <input type="checkbox"/> Major Subdivision                     | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____                          |   |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ |   |
| <input type="checkbox"/> Review by Engineer Cost: _____        |   |
| <input type="checkbox"/> 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
	\$1,000
Special Use/Interim Use Permit	\$750
Special Use/Interim Use Permit	\$1,000
Over 10 Acres	\$3,500
Under 10 Acres	\$6,500
Subdivision, Major Subdivision, Site Plan Review, Final Unit Development:	
	\$2,000
	\$3,200
	\$4,500
Subdivision, Major Subdivision, Site Plan Review, Final Unit Development:	
10,000 Square Foot Building	\$2,000
15,000 Square Foot Building	\$3,000
20,000 Square Foot Building	\$3,750
25,000 Square Foot Building	\$4,500

Existing Attached Garage is  
 $28' \times 36' = 1008 \text{ sq. ft.}$   
 Proposed garage  
 $36' \times 40' = 1440 \text{ sq. ft.}$   
 $2,448 \text{ total sq. ft.}$

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: Residential

State Reason for Planning Request: Slope of property to West of proposed garage and existing retaining wall would not ALLOW proposed garage without a Variance. A 20 foot side yard width is requested instead of a 40 foot side yard between the East Wall of proposed garage and the property line.

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: Michael A. Hoffman

SIGNATURE OF OWNER (IF APPLICABLE): Michael A. Hoffman

**For Office Use**

Fee: \$800 Date Paid: 05/08/14 Receipt #: 2276

Publication of Notice Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

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.

## GENERAL REQUIREMENTS:

## INCLUDED IN SUBMITTAL

- |  |   |                             |
|--|---|-----------------------------|
| 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 checked="" 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Site Plan   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| • 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

## SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED:

## INCLUDED IN SUBMITTAL

- |   |   |                             |
|---|---|-----------------------------|
| 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 checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Existing and proposed setbacks   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. Buildable area and area of site covered by existing and proposed impervious surfaces | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. Driveways  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Septic system and well (if applicable)   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Vegetation and landscaping (if applicable to the request)                            | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

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

**What is a Variance? What are “practical difficulties?”**

A Variance is a modification or variation to the regulations contained in the Zoning Ordinance. The City may only grant variances when they meet the criteria of Minnesota Statutes and the City’s Zoning Ordinance for granting variances. The ordinance states, “The City Council shall only approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would results in practical difficulties with carrying out the strict letter of the ordinance.”

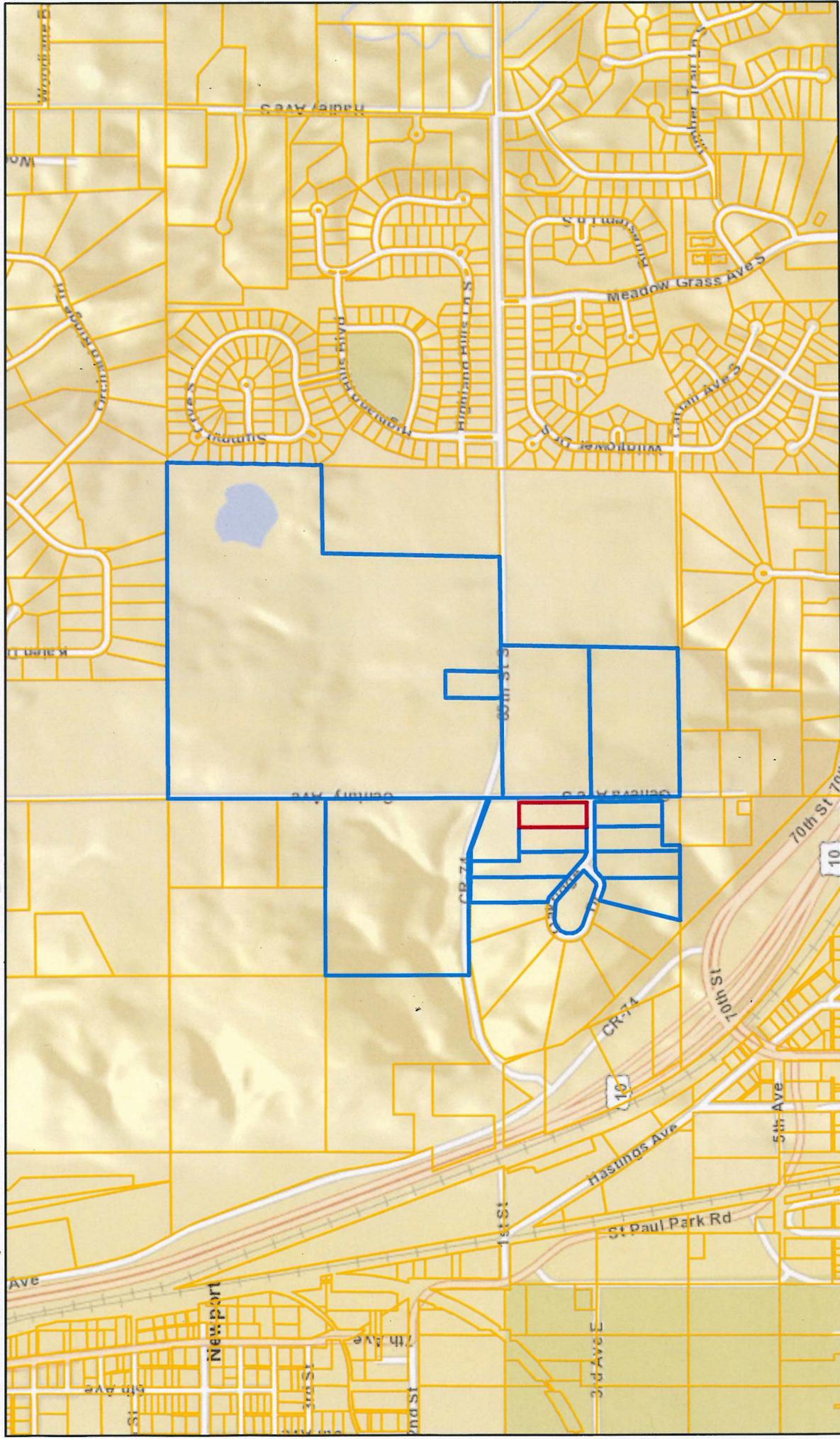
Applicants for a variance need to clearly describe in the application the “practical difficulties” of the site or situation that make it difficult or impossible for the proposed use to meet the ordinance requirements on the site:

“Practical Difficulties” as used in connection with the granting of a Variance means:

- A. The property owner proposes to use the property in a reasonable manner not permitted by an official control. (This means that the proposed use is allowed in the zoning district, but it cannot meet other requirements of the ordinance, such as setbacks.); and
- B. The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and
- C. The variance, if granted, will not alter the essential character of the locality (surrounding neighborhood or city).
- D. Economic conditions alone shall not constitute a practical difficulty if a reasonable use for the property exists under the terms of the Zoning Ordinance.
- E. The proposed 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 the public safety, or substantially diminish or impair property values within the neighborhood.
- F. That the requested variance is the minimum action required to eliminate the practical difficulty.
- G. The City may consider practical difficulties to include inadequate access to direct sunlight for solar energy systems in the granting of the variance.

*City of Newport Zoning Ordinance, Chapter 1, Section 1310.11.*

Circumstances which normally constitute “practical difficulties” relate to lot size, setbacks, steep slopes and wetlands. The circumstances cannot be created by the applicant or landowner, such as a prior subdivision by the owner. The applicant must explain the practical difficulties to the best of his or her ability, and the explanation will be critical information for granting or denying the variance request.



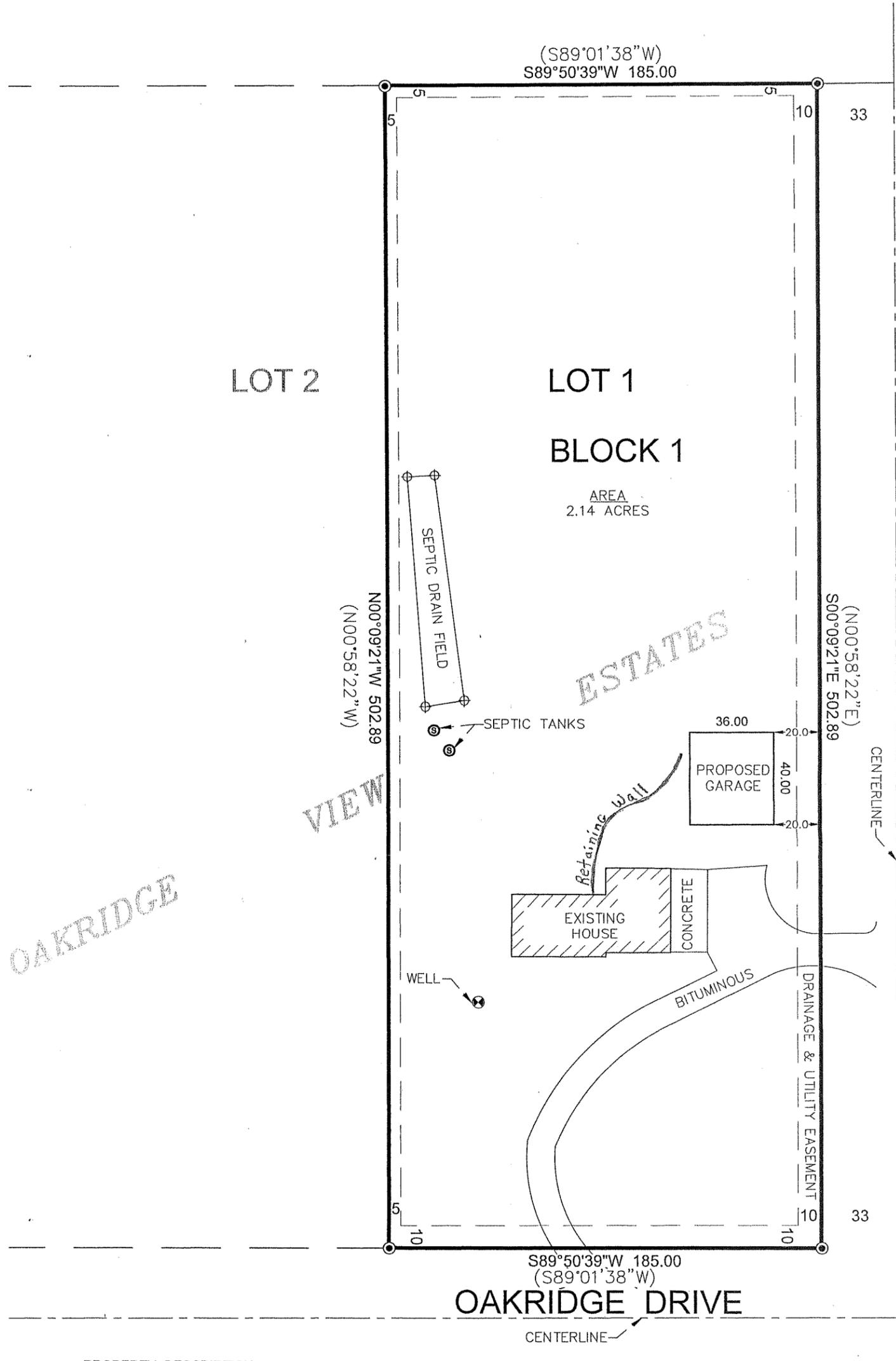
**Parcel ID:** 0102722410002

**Parcel Address:**  
11 OAKRIDGE DR, CITY OF NEWPORT

0 0.125 0.25 0.5 Miles

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

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



**PROPERTY DESCRIPTION**  
 Lot 1, Block 1, OAKRIDGE VIEW ESTATES,  
 Washington County, Minnesota.

- DENOTES FOUND IRON MONUMENT.
- ( ) DENOTES PLAT BEARING.



BEARINGS SHOWN HEREON ARE ORIENTED TO  
 THE WASHINGTON COUNTY COORDINATE  
 SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)

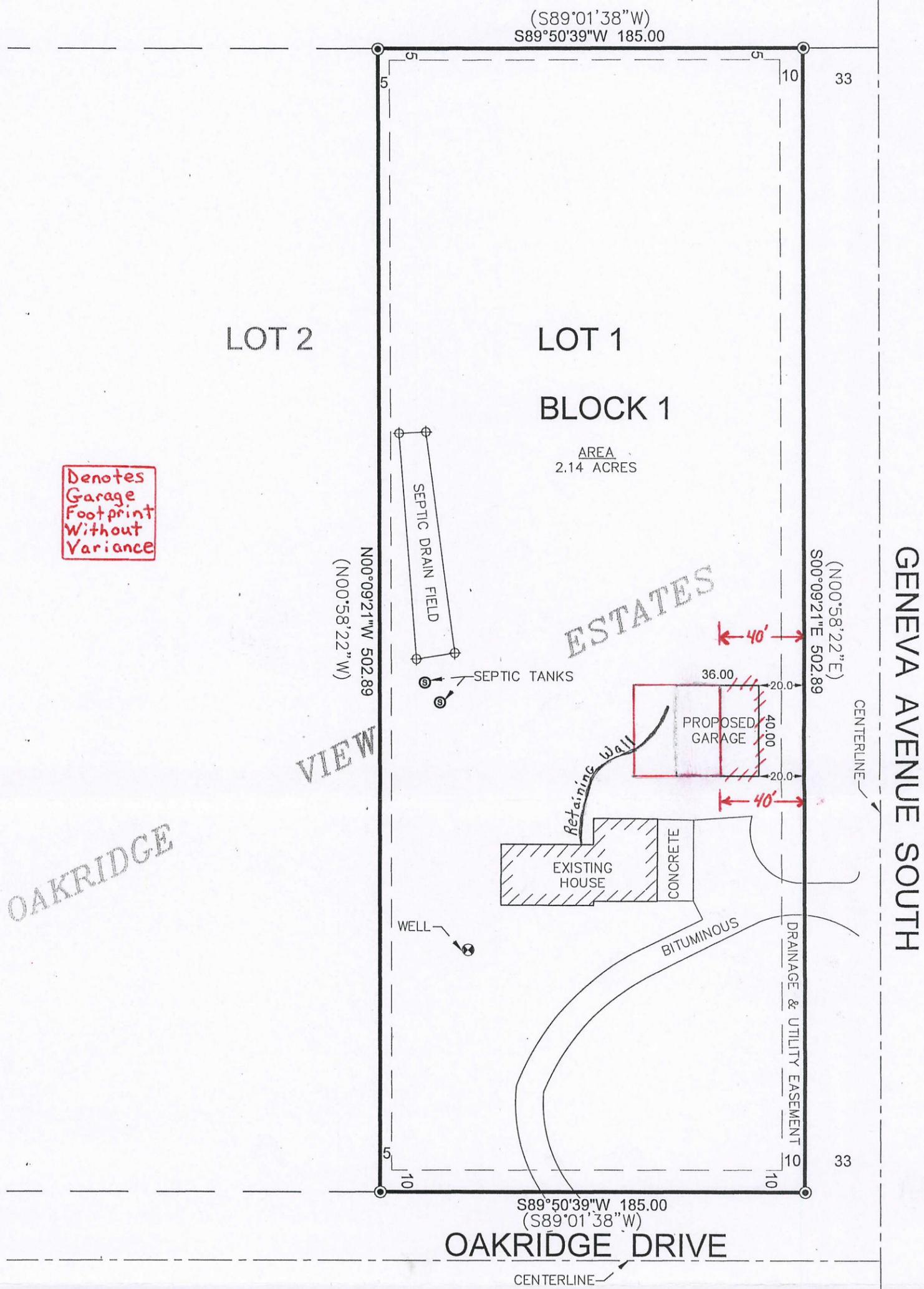
CERTIFICATE OF SURVEY FOR:  
**MIKE HOFFMAN**

I hereby certify that this survey, plan or report 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.

*Mitchell A. Scofield*  
 Mitchell A. Scofield  
 Minnesota License No. 48634  
 Date: April 30, 2014

**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**  
 1112 HWY 55 SUITE 201, HASTINGS, MN 55033  
 (651)438-0000

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	14-207	S-5371	



**PROPERTY DESCRIPTION**  
Lot 1, Block 1, OAKRIDGE VIEW ESTATES,  
Washington County, Minnesota.

⊙ DENOTES FOUND IRON MONUMENT.

( ) DENOTES PLAT BEARING.



BEARINGS SHOWN HEREON ARE ORIENTED TO  
THE WASHINGTON COUNTY COORDINATE  
SYSTEM, NAD 83, 1996 ADJUSTMENT (HARN)

CERTIFICATE OF SURVEY FOR:

*MIKE HOFFMAN*

I hereby certify that this survey, plan or report 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.

*Mitchell A. Scofield*

Mitchell A. Scofield  
Minnesota License No. 48634  
Date: April 30, 2014



**JOHNSON & SCOFIELD INC.**  
**SURVEYING AND ENGINEERING**

1112 HWY 55 SUITE 201, HASTINGS, MN 55033  
(651)438-0000

BK. NA	PG. NA	W.O.#	DRAWING NUMBER
SHEET 1 OF 1 SHEETS	14-207	S-5371	



N  
↓

Proposed West Wall  
of Garage

PROPOSED West Side  
of Garage

← N







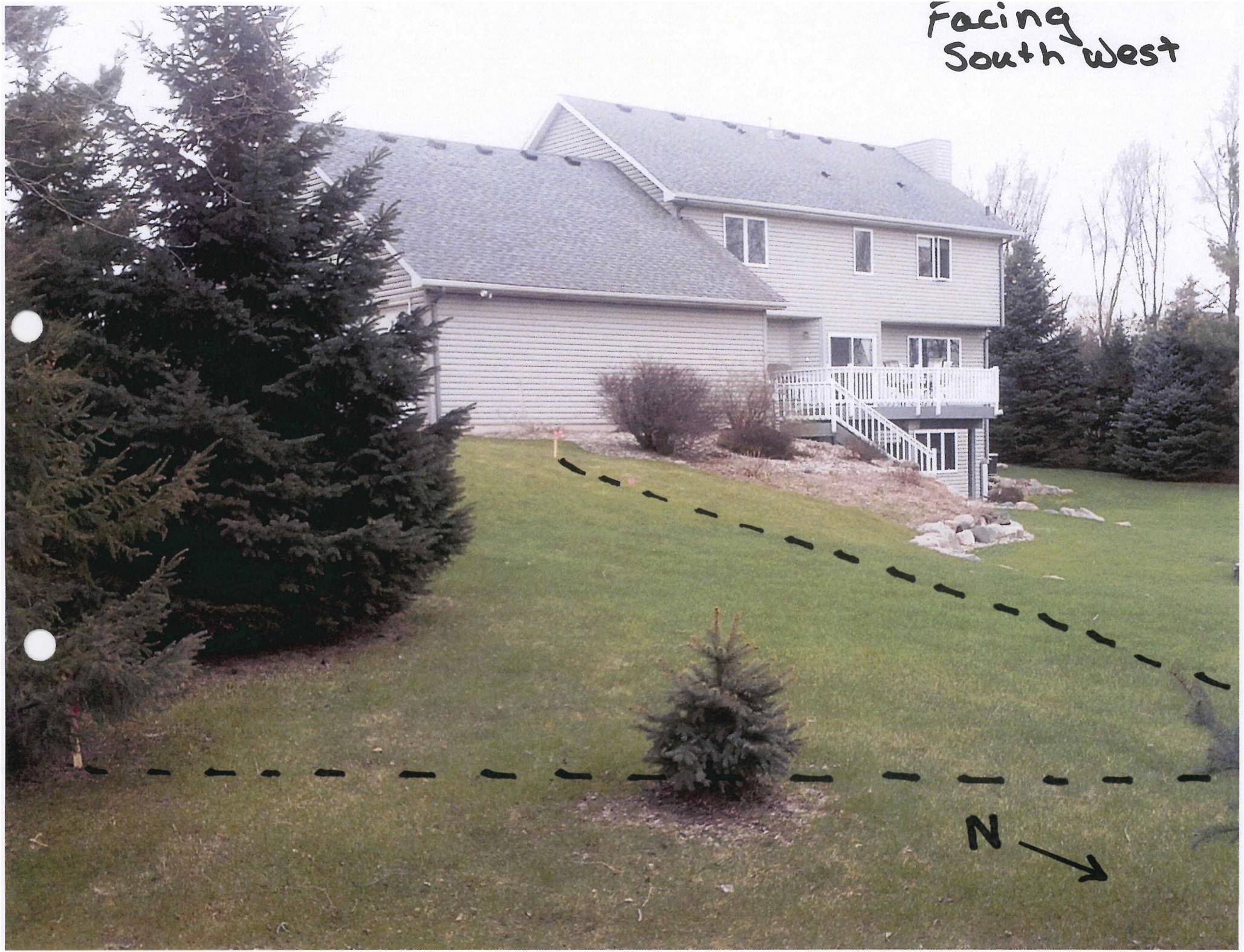
↙ N

Proposed West Wall of Garage

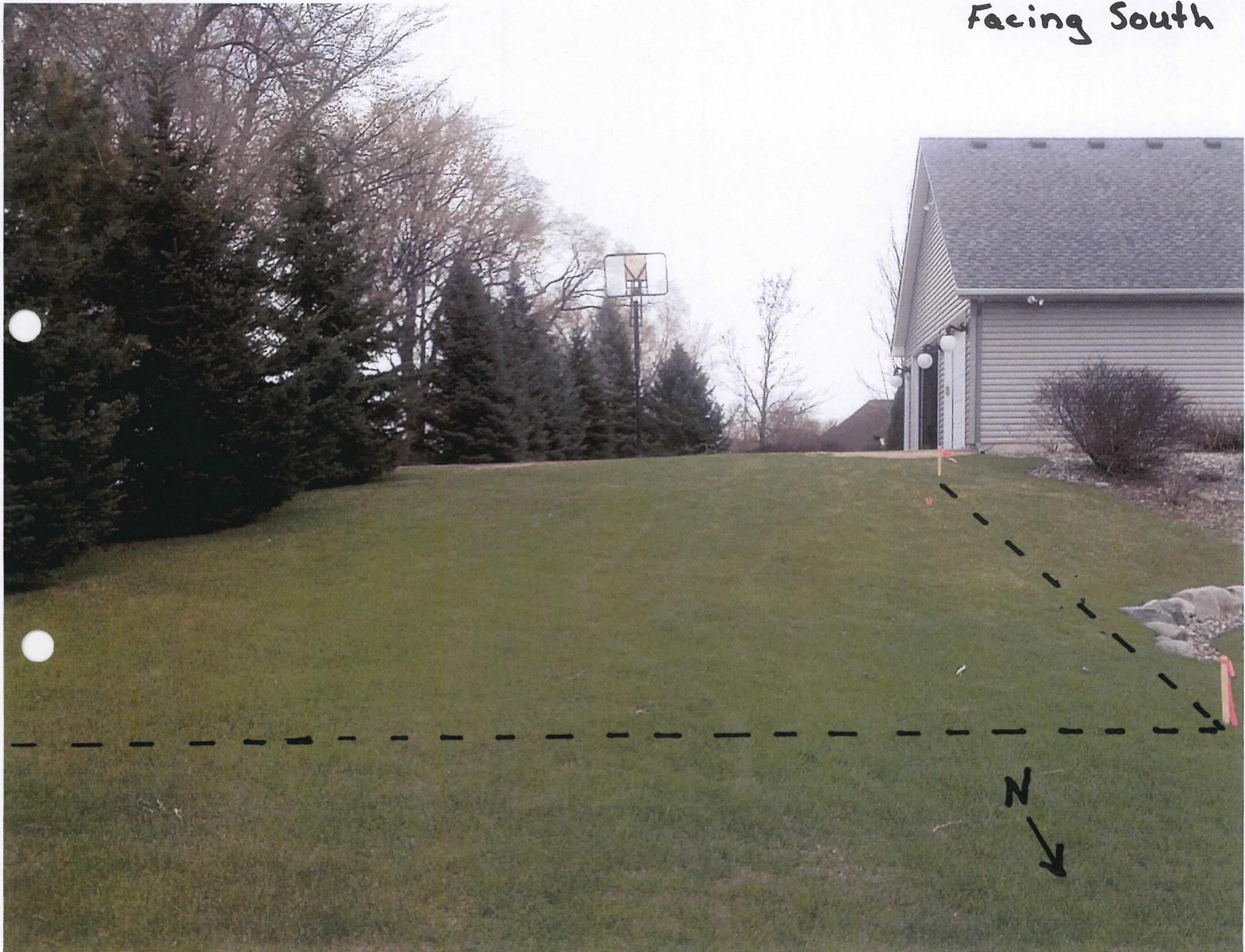




Facing  
South west



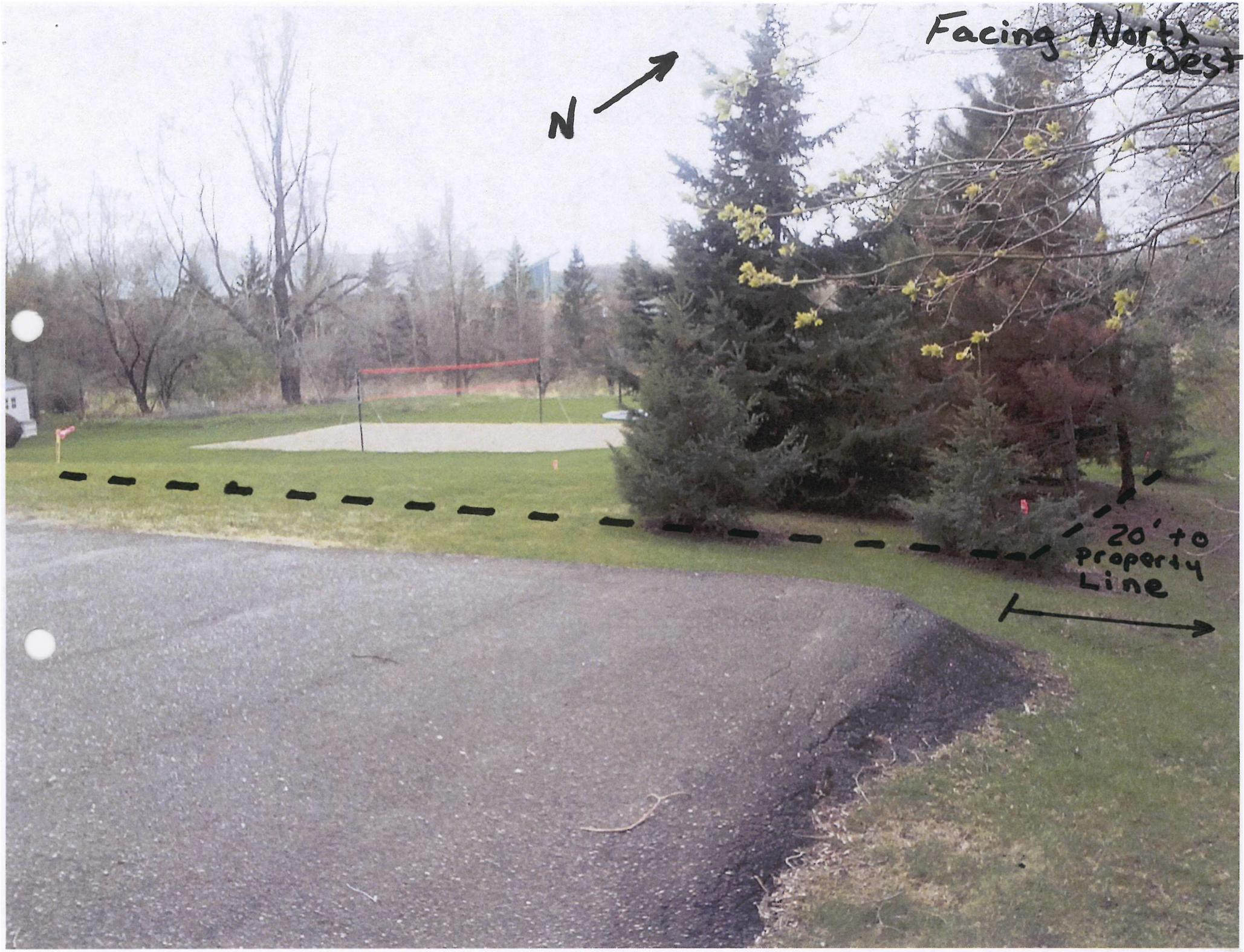
Facing South

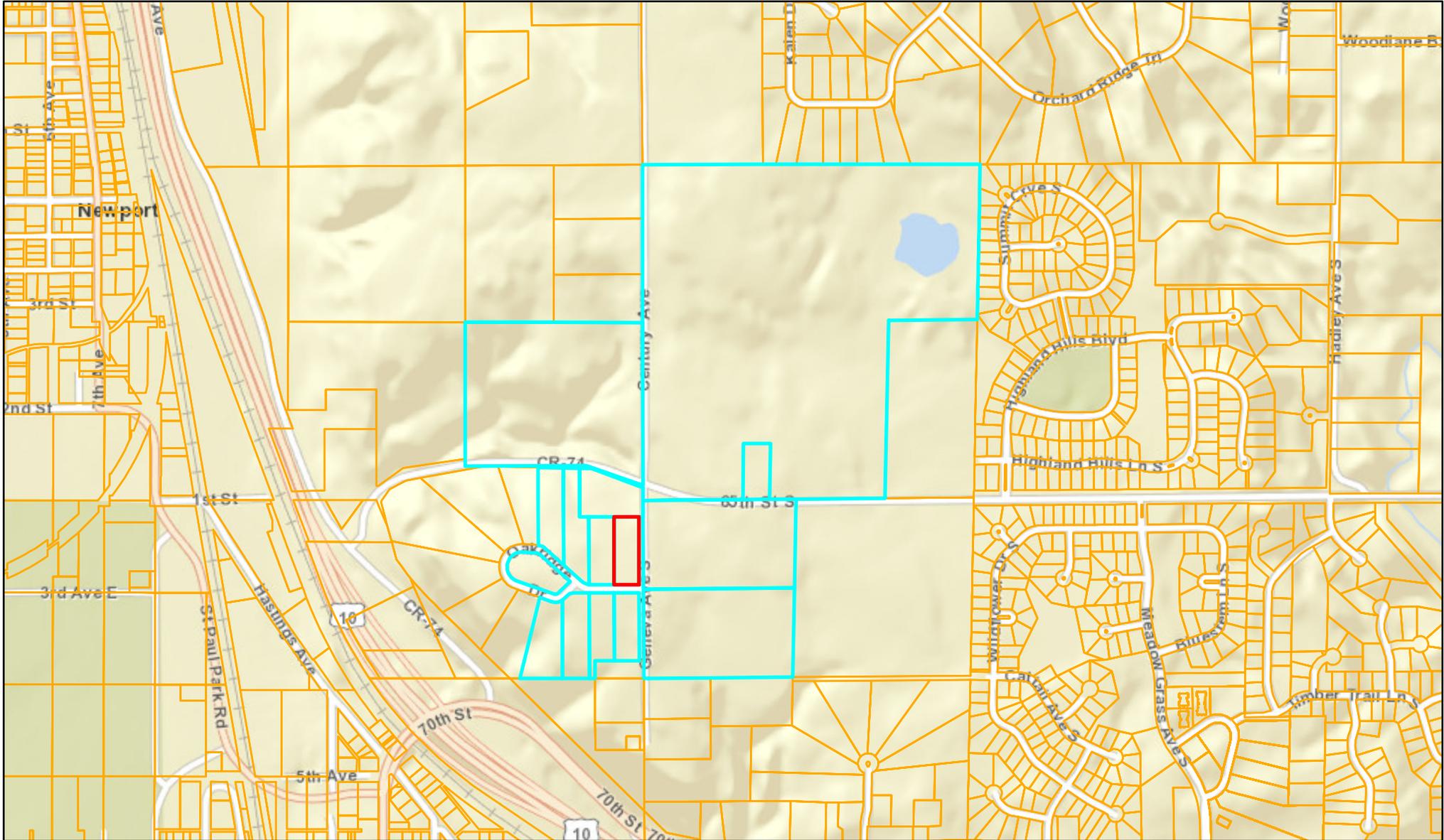


Facing North West

N ↗

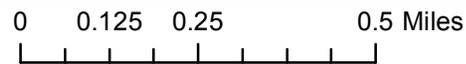
20' to  
property  
Line





Parcel ID: 0102722410002

Parcel Address:  
11 OAKRIDGE DR, 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 VARIANCE**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, June 12, 2014, at 6:00 p.m. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7<sup>th</sup> Ave., Newport, MN, to consider an application from Michael Hoffman, 11 Oakridge Drive, Newport, MN 55055, for approval of a variance at the same location. The request is for a side yard variance.

**Said property is legally described as:**

**PID# 01.027.22.41.0002** - Lot 1, Block 1, Oakridge View Estates, Washington County, Minnesota

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 19<sup>th</sup> day of May, 2014

Deb Hill  
City Administrator

(Publish in the Washington County Bulletin Wednesday, May 28, 2014)

<b>ADDRESS/PID #</b>	<b>OWNER</b>	<b>OWNER'S MAILING ADDRESS</b>	<b>CITY, STATE, ZIP</b>
06.027.21.32.0002	Bailey Nurseries	1325 Bailey Road	Newport, MN 55055
6 Oakridge Drive	Bauer Donald K Trs and Theresa Bauer Trs	6 Oakridge Drive	Newport, MN 55055
39 Oakridge Drive	Brian and Michaela Andersen	39 Oakridge Drive	Newport, MN 55055
25 Oakridge Drive	Fed Natl Mtg Assoc	14221 Dallas Pkwy \$11201	Dallas, TX 75254
6193 65th Street South	George Posavad Jr Trs	3300 Richmond Avenue	Shoreview, MN 55126
32 Oakridge Drive	Michael and Lori Plombon	32 Oakridge Drive	Newport, MN 55055
06.027.21.24.0002	Posavad Family LP	3300 Richmond Avenue	Shoreview, MN 55126
50 Oakridge Drive	Randal and Jennifer Burich	50 Oakridge Drive	Newport, MN 55055
01.027.22.41.0001	Raymond and Carol Rumpca	95 Oakridge Dr	Newport, MN 55055
53 Oakridge Drive	Shannon Schmidt	53 Oakridge Drive	Newport, MN 55055
01.027.22.14.0002	St. Paul Park Refining Co	576 Bielenberg Dr #200	Woodbury, MN 55125
1666 Cty Rd 74	Ten-E Packaging Services	1666 Cty Rd 74	Newport, MN 55055
18 Oakridge Drive	Virginia Thompson Trs	18 Oakridge Drive	Newport, MN 55055

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2014-6**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A VARIANCE  
REQUESTED BY MICHAEL HOFFMAN, 11 OAKRIDGE DRIVE, NEWPORT, MN 55055  
FOR PROPERTY LOCATED 11 OAKRIDGE DRIVE, NEWPORT, MN 55055**

**WHEREAS**, Michael Hoffman, 11 Oakridge Drive, Newport, MN 55055, has submitted a request for a Variance; and

**WHEREAS**, the property is located at 11 Oakridge Drive, Newport, MN 55055, and is more fully legally described as follows:

**PID# 01.027.22.41.0002** - Lot 1, Block 1, Oakridge View Estates, Washington County, Minnesota

**WHEREAS**, The described property is zoned Residential Estate (RE); 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 June 12, 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 to permit single-family uses in the RE Zoning District.
2. The proposed single-family use and related accessory structure is a reasonable use in the RE District.
3. The practical difficulties related to the location of the garage are the result of the existing slopes and driveway access on the property. The slopes have created the need for the existing retaining wall, which could be impacted by a garage that met the setback requirements if located near the home. The applicant needs to locate the additional garage near the home in order to utilize the existing driveway, because the ordinance does not permit the addition of another driveway access. The owner/applicant did not create the practical difficulties.
4. Granting the variance will not alter the essential single-family character of the area.
5. The variance request is based on difficulties related to the location of existing slopes and structures on the parcel, and not economic considerations alone.
6. The proposed entry addition 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.

7. The variance is the minimum side setback in order to accommodate the existing slope and structures, and minimize the additional driveway needed for the new garage.
8. 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 Allow a Side Yard Setback of 20 feet with the following conditions:

1. The proposed garage shall conform to the plan submitted to the City and dated April 30, 2014. The minimum garage setback from the side lot line along Century Avenue shall be 20 feet.
2. The Applicant shall obtain a building permit for the proposed garage.
3. The applicant shall remove the existing small shed before construction is completed on the new garage.
4. The garage shall be no taller than the principal structure.
5. No new driveway access is permitted to the parcel.
6. The design of the proposed garage shall be compatible with the principle structure in terms of design, roof style, roof pitch, color and exterior finish materials. The design information shall be included with the building permit application and reviewed by City staff to determine consistency with the ordinance requirements.
7. The applicant shall pay all fees and escrow associated with this application.

Adopted this 12th day of June, 2014 by the Newport Planning Commission.

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

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

ATTEST: \_\_\_\_\_  
 Deb Hill, City Administrator



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

## Memorandum

<b>To:</b>	City of Newport Planning Commission	<b>Reference:</b>	Long Rezoning Request
<b>Copies To:</b>	Deb Hill, City Administrator	<b>Project No.:</b>	15481.004
<b>From:</b>	Renee Eisenbeisz, Executive Analyst Tom Long, Applicant	<b>Routing:</b>	
<b>Date:</b>	June 3, 2014		

**SUBJECT:** Long Property Rezoning from MX-2 to MX-1

**MEETING DATE:** June 12, 2014

**LOCATION:** 2204 Hastings Avenue

**APPLICANT:** Tom Long  
6939 Lamar Avenue South  
Cottage Grove, MN 55016

**ZONING:** MX-2 (Commercial)

**ITEMS REVIEWED:** Application Form and Letter regarding Rezoning

### BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting a rezoning of the parcel he owns from MX-2 (Commercial Zoning District) to MX-1 (Downtown Zoning District). The parcel is .2 acres in size, and the current use is an auto repair business.

### BACKGROUND

The subject property includes 1 parcel located at the north end of Hastings Avenue. The parcel is currently used as an auto repair business, and past uses have included a used car sales lot.

The parcel is currently in the MX-2 District, along with the large adjacent parcel to the north and east. The area to the south (across Ford Road) along Hastings Avenue is zoned MX-1. Land

uses in the MX-1 District include a variety of office, commercial, and residential uses. The uses adjacent to the Long parcel are an office building and several residential parcels.

The current tenant of the property is an auto repair business. The parcel had a Special Use Permit (similar to a Conditional Use Permit) to operate a used car sales business on the parcel between 1972 and 2010. The permit expired in 2010 because the auto sales use had been abandoned for more than one year.

The City has received numerous complaints from neighbors about the appearance and operation of the auto repair business at 2204 Hastings Avenue in recent years, including complaints about the messy condition of the site and autos parked for extended periods of time that are not operable. The City has sent multiple letters to the owner (Mr. Long) and the Community Services Officer has visited the site to identify and document the issues, to request that the inoperable vehicles be removed, and request that the portion of the site adjacent to residential uses be screened to meet ordinance requirements. Despite these actions, the site condition has not improved.

The applicant's letter requesting the rezoning indicates that he believes that many of the site issues are related to the auto repair use, and that if an automobile sale business is permitted on the site, the appearance will improve due to the change in use. The letter documents the applicant's meetings with the City's CSO and requests that customers of the auto repair business pick up their vehicles from the lot.

The Auto Sales Use is allowed in the MX-1 District, but not in the MX-2 District, and therefore the applicant is requesting rezoning to permit the Auto Sales use.

## **EVALUATION OF THE REQUEST**

The applicant is requesting to change the zoning from MX-2 (Commercial) to MX-1 (Downtown). The next sections include the staff evaluation of the proposed rezoning based on the criteria adopted in the zoning ordinance for rezoning, which include the following:

- Compatibility with the Comprehensive Plan and zoning ordinance
- Potential development and relationship to the City's zoning and development patterns
- Present and intended use of the site, and impacts on property values
- Public interest, and impact on public health, safety and welfare

### **Compatibility with the Comprehensive Plan**

The Comprehensive Plan update adopted in 2010 supports the continuation of commercial uses along Highway 61. The goals for Hastings Avenue included redeveloping of this area with commercial and residential uses to create a "Main Street" character. The plan notes a desire to support the continuation of existing businesses, while adding new businesses.

The plan envisioned a gradual redevelopment of areas along Highway 61 from an area dominated by auto uses to a broader mix of office, residential, and commercial uses. This vision is reflected in the descriptions for the MX Districts in the Zoning Ordinance.



When the Planning Commission updated the zoning ordinance for the MX Districts, the list of uses for the MX-1 District recognized that some auto sales businesses continue to operate along Hastings Avenue, and Auto Sales and Rental was included as a permitted use in the MX-1 District to accommodate those uses. The northern boundary of the MX-1 District was set at Ford Road, and 2204 Hastings was included in the MX-2 District to the north.

The property owner of the large parcel to the north and east of Mr. Long's parcel requested the MX-2 zoning because it permits a wider range of commercial uses than the MX-1 District. He is seeking to sell his property, and wanted to allow diverse uses that would fit on the large parcel. The MX-2 district calls for a mix of commercial uses on larger lots than those that characterize the MX-1 District. The MX-2 District permits auto repair businesses with a Conditional Use Permit, but does not permit Auto Sales and Rental. The description of the MX-4 District (to the south of MX-1) specifically calls for the transition of this district away from auto-oriented uses to a wider range of commercial and redevelopment uses.

A key issue for the requested rezoning is whether the parcel at 2204 Hastings best fits with the MX-1 District or the MX-2 District for the long term. While the parcel is separated from the MX-1 District by Ford Road, the size of the parcel and use history suggest that it is compatible with the lot sizes and uses in the MX-1 District.

### **Potential Development and Fit with the City's General Zoning Pattern and Ordinance Requirements**

The parcel at 2204 Hastings is adjacent to the MX-1 District, and the district could be extended to include this parcel. The extension would generally fit with the zoning patterns along Hastings Avenue. As noted above, the existing and proposed use generally fit with similar businesses currently operate in the MX-1 District.

The proposed Auto Sales use is permitted in the MX-1 District, with a Conditional Use Permit. The current performance standards for commercial uses in the MX-1 District that would apply to an Auto Sales, Rental, or Auto Repair business include the following:

- Parking is permitted to the front of buildings in the MX-1 District. The front setback shall include a planted boulevard that meets the landscaping requirements of the ordinance (planting boulevard trees and grass).
- Vehicles that are parked for more than 48 hours must be screened from the eye-level view of adjacent residential uses.
- Outside storage or display of vehicles for sale, rent or lease shall be by CUP only and shall include only operable new or used vehicles in good working order and good appearance.
- No open storage is permitted in the district. Storage must be in an enclosed building.
- Lighting must be down-cast, and should not "bleed" onto neighboring properties.

If the City approves the change in zoning, the applicant indicated that he will seek a Conditional Use Permit for an Auto Sale business. The Planning Commission and Council will consider the current performance standards as part of the application for the new use, and will have the opportunity to include conditions in the permit that may improve the compatibility of a future use on the site with adjacent uses, including residential uses.



### **Impacts on Property Values**

The current use of the property has been problematic for neighbors, and may have a negative effect on the value of their properties. The applicant is proposing a similar, auto-oriented use, and the application states that the proposed Auto Sales use will be less likely to have the negative impacts associated with the current use. The Commission should consider the potential impacts of the proposed use, and consider whether adoption and enforcement of current performance standards with the new use may improve the situation for adjacent properties, and reduce or prevent negative impacts in the future.

### **Public interest--potential impacts on public health, safety and welfare**

The current use of the property has had negative effects on adjacent properties, though the impacts have not been significant impacts on public health or safety. The proposed use may be similar to the current use in its potential for impacts on public health and safety. The actual impacts will depend on how the site is designed and operated.

The Planner has included a proposed condition that if the rezoning is approved, the operation of the current use or any future use of the site shall be monitored to determine whether the owner and tenants are meeting the ordinance requirements, to avoid negative impacts to public health, safety and welfare.

### **STAFF FINDINGS**

Staff findings related to the request, based on the ordinance criteria for rezoning, include the following:

- The proposed rezoning is compatible with Comprehensive Plan goals to support existing businesses. The Plan supports continuation of “Main Street” businesses in the MX-1 District, which currently includes Auto Sales businesses.
- 2204 Hastings is adjacent to the MX-1 district, and the lot size, existing and proposed use is more similar to lot sizes and uses in the MX-1 district than the MX-2 district.
- The proposed development is permitted in the MX-1 district with a Conditional Use Permit. The ordinance includes performance standards that may improve the compatibility of the proposed use with adjacent uses if the site complies with the standards.
- If the use of the property changes, performance standards are included in the conditions for the proposed use, and the property owner and City enforce the performance standards, the change may result in improved property values.
- The City should require the applicant to operate businesses on the site to prevent negative impacts on public health, safety, and welfare.

### **PLANNING COMMISSION CONSIDERATION OF THE REQUEST**

The Planning Commission should listen to comments at the public hearing, consider the staff report and proposed conditions, and make its recommendation to the Council.



### **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

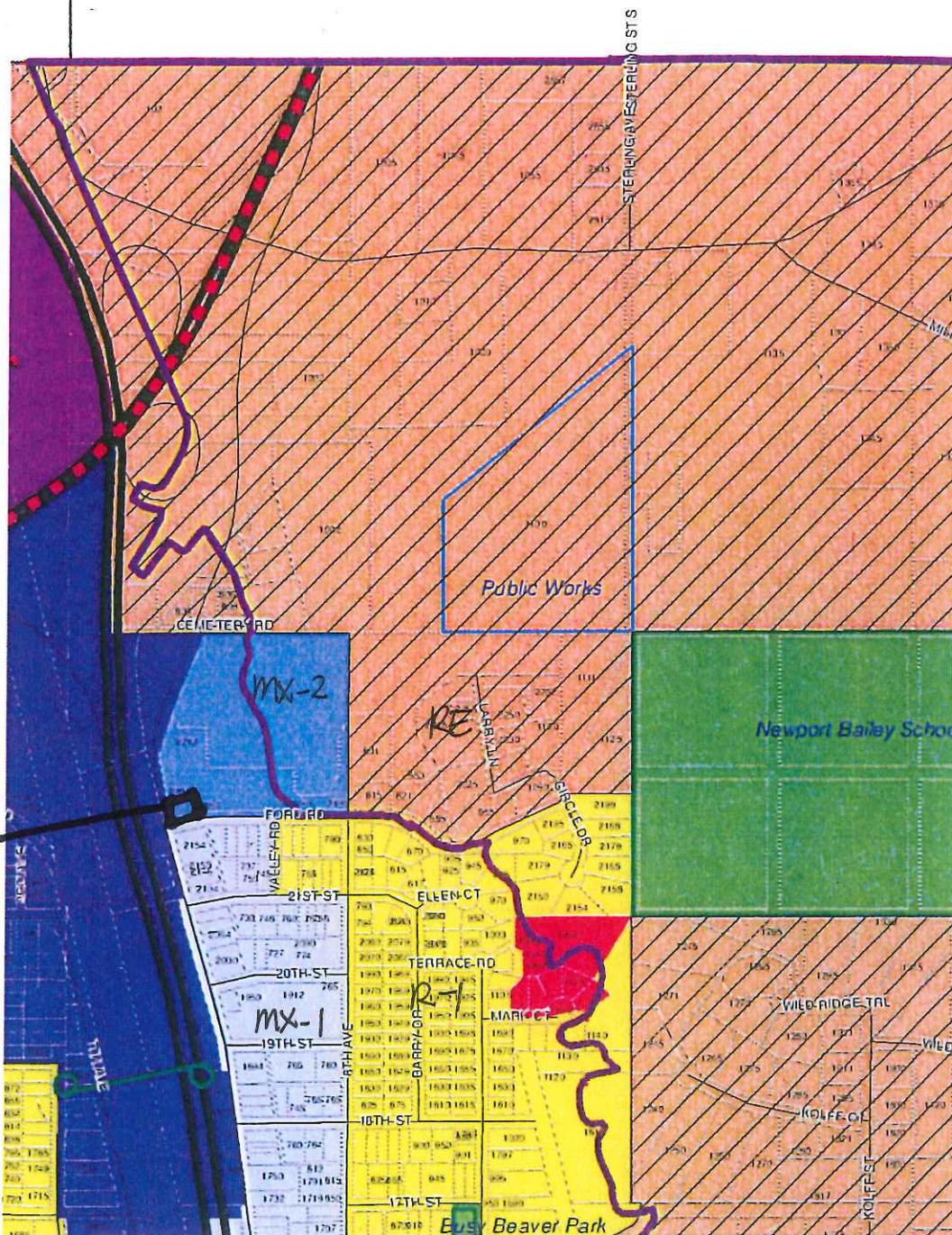
### **PLANNING STAFF FINDINGS AND RECOMMENDATIONS**

The Planner recommends that the Planning Commission recommend approval of the request for a rezoning of the parcel at 2204 Hastings Avenue from MX-2 to MX-1, with the following condition:

1. The City shall monitor existing and future use of the site to determine if the use of the site is compliant with City codes and ordinances and any permit conditions. The site owner shall cooperate with the City to require that uses on the site comply with the City's ordinances and permits.

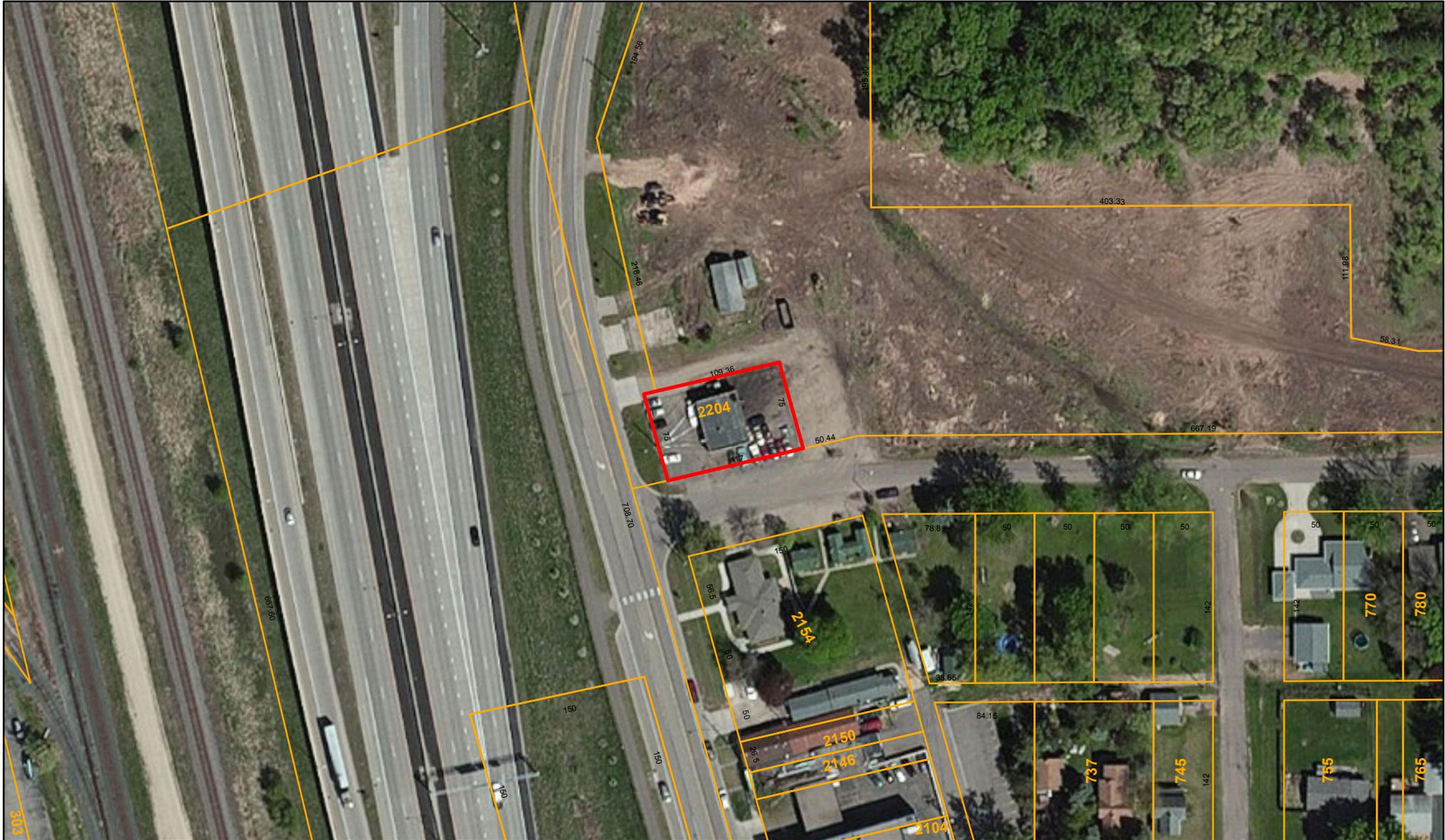


# of Newport Zone

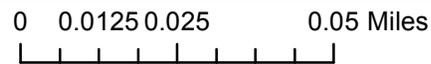


2204 HARRINGS AVE  
PARCEL  
PROPOSED FOR  
REZONING TO  
MX-1





**Parcel ID:** 2502822320006



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

**Parcel Address:**  
2204 HASTINGS AVE, CITY OF NEWPORT

Created on 5/19/2014

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

# City of NEWPORT Planning Request Application

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

Application Date: 4/12/14 Public Hearing Date June 12, 2014

## Applicant Information

Name: THOMAS LONG Telephone: 651-470-4909  
Mailing Address: 6939 LAMAR AVE Telephone: \_\_\_\_\_  
City/State/Zip: COTTAGE GROVE, MN 55016

## Property Owner Information

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Mailing Address: SAME Telephone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

## Project Information

Location of Property: 2204 HASTINGS AVE NEWPORT, MN

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

Please see attached tax statement for legal description.

Zoning District: \_\_\_\_\_ 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 + \$500 escrow

Zoning Amendment \$500

Variance \$300 plus Escrow

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: AUTO REPAIR

State Reason for Planning Request: To change from MX2 to MX1. If MX1 is accepted, I would apply for a conditional use permit to allow for vehicle sales. Please see letter attached.

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: Thomas J. Long

SIGNATURE OF OWNER (IF APPLICABLE): Thomas J. Long

For Office Use

Fee: \$500 + \$500 escrow Date Paid: 04/22/14 Receipt #: 2235

Publication of Notice Date: May 28, 2014

Public Hearing Date: June 12, 2014

P.C. Resolution #: \_\_\_\_\_

Council Action Date: \_\_\_\_\_

Council Resolution #: \_\_\_\_\_



# Rezoning Application Checklist

Rezoning requests are covered under Section 1310.02, Subd. 3 of the Zoning Code. If the City approves the rezoning request, it must amend its Comprehensive Plan and maps, and submit a Comprehensive Plan Amendment to the Metropolitan Council. The approval of the request will not be final until it is approved by the Metropolitan Council. The escrow includes the costs of updating the City's zoning map and filing the Comprehensive Plan Amendment request with the Metropolitan Council on their required form.

Please provide the following information with your application for rezoning.

## GENERAL REQUIREMENTS:

## INCLUDED IN SUBMITTAL

- |  |   |  |
|--|---|--|
| 1. Application Form, including the name, address, contact information and signatures of all parcel owners and applicant  | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| 2. Fees  | <input type="checkbox"/> YES            | <input type="checkbox"/> NO            |
| 3. Escrow  | <input 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 detailed description of the request, including existing and proposed use of all parcel(s), current zoning, proposed zoning, and reason for the request (either on the application form or in a letter). The description should include a statement of how the rezoning would fit the general zoning pattern of the neighborhood and the zoning map of the City. | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| 6. Site Plan   | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| • 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

## SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED:

## INCLUDED IN SUBMITTAL

- |   |                              |  |
|---|------------------------------|--|
| 1. Plan showing the property lines and dimensions of all parcels proposed for rezoning and the present zoning of the surrounding area for at least a distance of five hundred (500) feet, including the street pattern of the area. | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 2. Area proposed for rezoning in acres and square feet  | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 3. Building locations and dimensions—existing and proposed identified   | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 4. Setbacks   | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

- |   |                              |  |
|---|------------------------------|--|
| 5. Parking and loading areas  | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 6. Driveways  | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 7. Locations of wetlands  | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 8. Vegetation and landscaping and other site improvements                               | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 9. Wetland delineation (if required by City staff)                                      | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 10. Topographic contours at 2-foot intervals and bluff line (if required by City staff) | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 11. Waterbodies, Ordinary High Water Level and 100 year flood elevation (if required)   | <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 |

April 15, 2014

To:

The City of Newport

Planning Commission and City Council

My name is Tom Long and I am asking for a change in zoning for 2204 Hastings Ave. in Newport from MX2 to MX1. Currently the property is used as an automotive light repair business. By the basic nature of that type of business there are disabled cars in various degrees of repair, used tires, and car parts on the property. The city has received complaints about how the property looks. The city is not happy about it and quite frankly, neither am I. If the property was zoned MX1, it could be used as a used car dealership {with a conditional use permit}. Any dealer would be sensitive to the property's appearance. With neat and orderly display of cars, prompt plowing, and proper upkeep on the building and premises. By keeping it zoned MX2, it only perpetuates the problem. Historically, whenever the property was used as a used car lot, it was neat and orderly and when it was used as a repair garage, it looked shabby.

It should be noted that all of the commercial realtors that I have talked to have determined that the highest and best use of this property is as a used car lot.

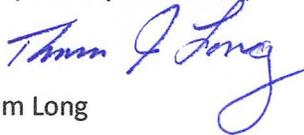
Please also note that I have taken aggressive steps to clean up the property by meeting with CSO Officer Martin and Officer Freemar ( spl?) to develop a plan that will satisfy the city's concerns. This includes a plan to get rid of cars that customers have refused to pick up by sending certified letters demanding owners to pick up their cars or cars will be towed and impounded. This includes two large boats and a large delivery truck.

I am willing and able to make capital improvements to this property if it can be used as a used car lot. I have a 34 year business history in this town and have improved every property that I have owned here when allowed to do so. As an MX2 property my hands are tied. The market limits the rent a repair garage can generate. Currently, nearly 1/2 of the rent goes to commercial property taxes. As a used car lot, it will generate significantly more rent allowing for these capital improvements.

It should also be noted that this property is the ONLY bulding/business zoned MX2 along this strip of Hastings Ave.

Please allow me to improve this property again and make it a clean viable business again by changing the zoning to MX1

Respectfully submitted,



Tom Long



Department of Property Records  
and Taxpayer Services

14949 62<sup>nd</sup> Street North PO Box 200  
Stillwater, MN 55082-0200  
(651) 430-6175  
www.co.washington.mn.us

# Property Tax Statement for Taxes Payable in 2013

Save for future reference



REFUNDS?

You may be eligible for one or even two  
refunds to reduce your property tax.  
Read the back of this statement to find  
out how to apply.

Property ID: 25.028.22.32.0006

Bill#: 935552

Taxpayer: THOMAS J LONG JR  
6939 LAMAR AVE S  
COTTAGE GROVE MN 55016-1646



Desc: Section 25 Township 028 Range 022 PT NW1/4-SW1/4 BEG @ INTERSECTION  
OF N LN OF FORD AVE WITH ELY R/W LN OF HWY 61 & RUN THN E ALG SD N LN OF  
FORD AVE 117 FT TO AN IRON PIPE MON THN N @ RT ANG WITH SD N LN OF SD  
FORD AVE 75FT TO AN IRON PIPE THN W ON LN PARL TO & 75 FT N OF SD N LN OF

Property Address: 2204 HASTINGS AVE  
NEWPORT MN 55055

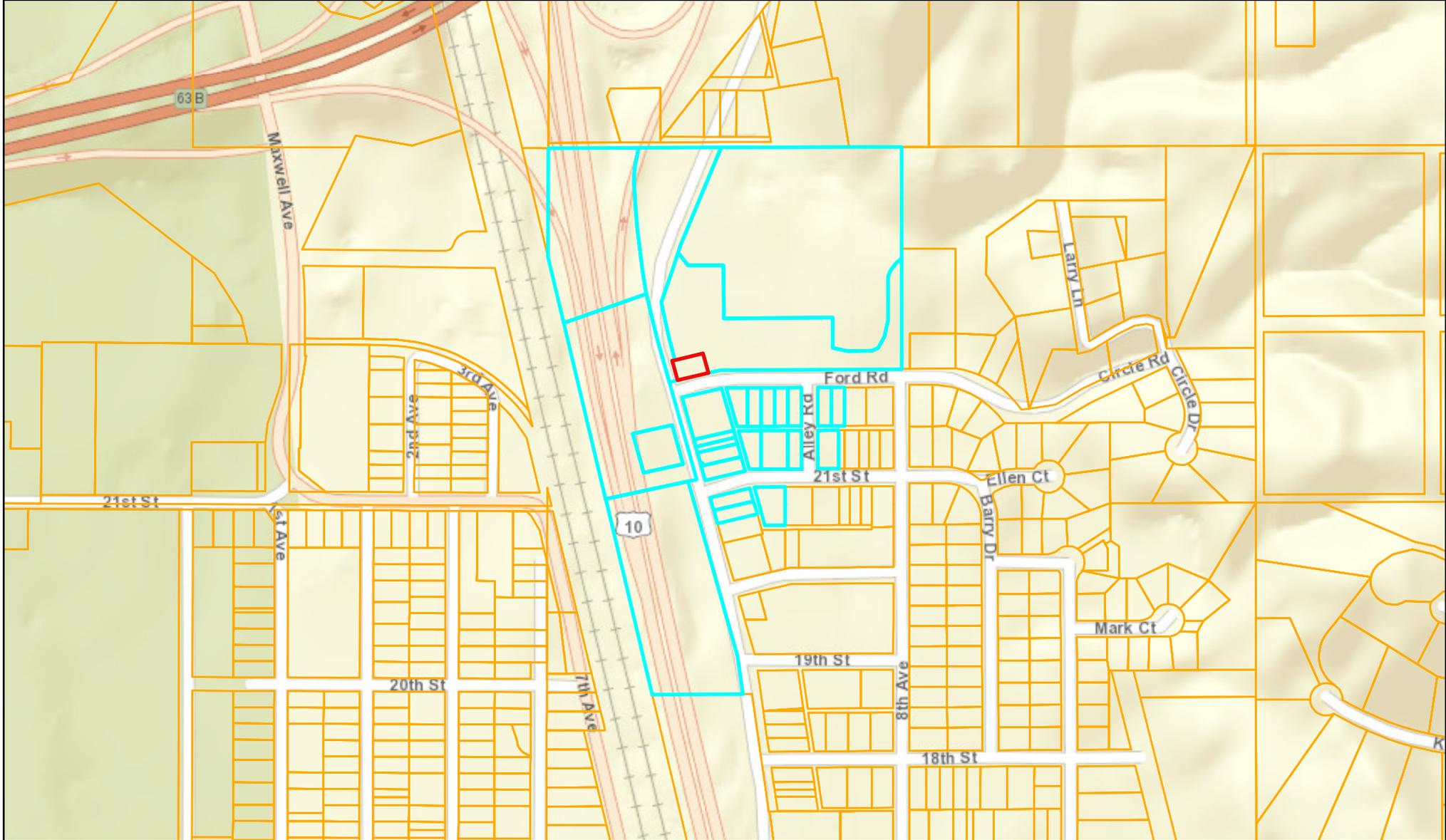
Taxes Payable Year:	2012	2013
Estimated Market Value:	191,400	191,400
Homestead Exclusion:		
Taxable Market Value:	191,400	191,400
New Improvements/ Expired Exclusions:		
Property Classification:	Comm/Ind	Comm/Ind

1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.	<input type="checkbox"/>	\$0.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$0.00
<b>Property Tax and Credits</b>		
3. Property taxes before credits		\$6,279.11
4. Credits that reduce property taxes		\$6,732.46
A. Agricultural market value credit		0.00
B. Other Credits		0.00
5. Property taxes after credits		\$6,279.11
<b>Property Tax by Jurisdiction</b>		
6. County	A. WASHINGTON COUNTY B. COUNTY REGIONAL RAIL AUTHORITY	654.53      685.52 4.33      4.53
7. City or Town	CITY OF NEWPORT	1,326.22      1,419.60
8. State General Tax		1,572.86      1,616.66
9. School District	ISD 833 SOUTH WASHINGTON	881.18      929.93
10. Special Taxing Districts	A. Voter approved levies B. Other Local Levies A. Metro Special Tax Dists B. Other Special Tax Dists C. Fiscal Disparities D. Tax Increment Financing Dists	277.71      317.11 61.17      66.57 39.88      41.92 1,457.78      1,646.96 0.00      0.00 3.45      3.66
11. Non-school voter approved referenda levies		0.00
12. Total property tax before special assessments		\$6,279.11
<b>Special Assessments on Your Property</b>		
13. Special assessments	Interest: 20.25      Principal: 799.29	538.89
STREETS STREET PROJECTS		49.84
SWWS STORMWATER UTILITY-PAY 2013	470.25 DELO UTILITIES	299.45
14. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS		\$6,818.00

FIRST HALF DUE  
SECOND HALF DUE

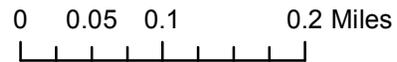
May 15  
October 15

\$3,776.00  
\$3,776.00



Parcel ID: 2502822320006

Parcel Address:  
2204 HASTINGS AVE, 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 REZONING**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, June 12th, at 6:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7<sup>th</sup> Ave., Newport, MN, to consider an application from Thomas Long, 6939 Lamar Avenue, Cottage Grove, MN 55016 for a Rezoning Request for 2204 Hastings Avenue. The request is to rezone the parcel from MX-2 (Commercial) to MX-1 (Downtown) to allow for businesses such as a vehicle sales.

**Said property is legally described as:**

**PID#25.028.22.32.0006** - PT NW1/4-SW1/4 BEG @ INTERSECTION OF N LN OF FORD AVE WITH ELY R/W LN OF HWY 61 & RUN THN E ALG SD N LN OF FORD AVE 117 FT TO AN IRON PIPE MON THN N @ RT ANG WITH SD N LN OF SD FORD AVE 75FT TO AN IRON PIPE THN W ON LN PARL TO & 75 FT N OF SD N LN OF FORD AVE TO INTERSECTION OF SD PARL LN WITH SD ELY LN OF SD HWY THN SLY ALG SD ELY LN OF SD HWY 75 FT TO POB SECTION 25 TOWNSHIP 028 RANGE 022

The Planning Request is governed under Chapter 13, Zoning, Section 1310.02, Subdivision 3 Application for Rezoning of the Newport City Code adopted by the Newport City Council on June 5, 1997.

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 19<sup>th</sup> day of May, 2014

Deb Hill  
City Administrator

(Publish in the Washington County Bulletin Wednesday, May 28, 2014)

<b>ADDRESS/PID #</b>	<b>OWNER</b>	<b>OWNER'S MAILING ADDRESS</b>	<b>CITY, STATE, ZIP</b>
25.028.22.32.0016	Central Bank	2270 Frontage Rd W	Stillwater, MN 55082
2104 Hastings Avenue	Central Bank	2270 Frontage Rd W	Stillwater, MN 55082
25.028.22.32.0032	Central Bank	2270 Frontage Rd W	Stillwater, MN 55082
25.028.22.33.0038	Central Bank	2270 Frontage Rd W	Stillwater, MN 55082
25.028.22.32.0034	City of Newport	596 7th Avenue	Newport, MN 55055
730 21st Street	David and Rozlyn Johnson	2064 Hastings Avenue	Newport, MN 55055
755 21st Street	Dawn Bergman	755 21st Street	Newport, MN 55055
2150 Hastings Avenue	Grant Erickson	7874 Cobblestone Ct	Woodbury, MN 55125
2146 Hastings Avenue	Kathryn Decker	229 18th Avenue South	South St. Paul, MN 55075
25.028.22.32.0019	Kathryn Decker	229 18th Avenue South	South St. Paul, MN 55075
2154 Hastings Avenue	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0012	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0011	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0010	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0009	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0008	Martin Joseph RE LLC	2154 Hastings Avenue #100	Newport, MN 55055
25.028.22.32.0025	Noreen Mooney	770 Ford Road	Newport, MN 55055
770 Ford Road	Noreen Mooney	770 Ford Road	Newport, MN 55055
25.028.22.32.0004	State of MN-Dot	1500 County Road B2 W	Roseville, MN 55113
25.028.22.32.0003	State of MN-Dot	1500 County Road B2 W	Roseville, MN 55113
25.028.22.33.0004	State of MN-Dot	1500 County Road B2 W	Roseville, MN 55113
25.028.22.32.0007	State of MN-Dot	1500 County Road B2 W	Roseville, MN 55113
25.028.22.32.0035	Swanlunds Inc	1222 12th Avenue	Newport, MN 55055
745 21st Street	Timothy Thunborg	745 21st Street	Newport, MN 55055
737 21st Street	William Sumner	737 21st Street	Newport, MN 55055

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2014-7**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A REZONING REQUESTED BY  
THOMAS LONG, 6939 LAMAR AVENUE, COTTAGE GROVE, MN 55016, FOR PROPERTY  
LOCATED 2204 HASTINGS AVENUE, NEWPORT, MN 55055**

**WHEREAS**, Thomas Long, 6939 Lamar Avenue, Cottage Grove, MN 55016, has submitted a request for a rezoning; and

**WHEREAS**, The proposed rezoning is for property located 2204 Hastings Avenue, Newport, MN 55055, and is more fully legally described as follows:

**PID#25.028.22.32.0006** - PT NW1/4-SW1/4 BEG @ INTERSECTION OF N LN OF FORD AVE WITH ELY R/W LN OF HWY 61 & RUN THN E ALG SD N LN OF FORD AVE 117 FT TO AN IRON PIPE MON THN N @ RT ANG WITH SD N LN OF SD FORD AVE 75FT TO AN IRON PIPE THN W ON LN PARL TO & 75 FT N OF SD N LN OF FORD AVE TO INTERSECTION OF SD PARL LN WITH SD ELY LN OF SD HWY THN SLY ALG SD ELY LN OF SD HWY 75 FT TO POB SECTION 25 TOWNSHIP 028 RANGE 022

**WHEREAS**, The described property is zoned MX-2 Commercial; and

**WHEREAS**, The request is to rezone the property to MX-1 Downtown; and

**WHEREAS**, Chapter 13, Section 1310.02, Subdivision 3, of the Code of Ordinance states; "Proceedings for amendment, which are initiated by the petition of the owner or owners of the property, shall be filed with the Zoning Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

- A. The name and address of the applicant or applicants;
- B. A description of the area proposed to be rezoned; the names and addresses of all owners of property lying within such area and a description of the property owned by each;
- C. The present zone classification of the area and the proposed zone classification;
- D. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
- E. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- F. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
- G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of three hundred fifty (350) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area." and

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on June 12, 2014; and

**WHEREAS**, the Planning Commission's findings related to the request for approval of a Rezoning included the following:

1. The proposed rezoning is compatible with Comprehensive Plan goals to support existing businesses. The Plan supports continuation of “Main Street” businesses in the MX-1 District, which currently includes Auto Sales businesses.
2. 2204 Hastings is adjacent to the MX-1 district, and the lot size, existing and proposed use is more similar to lot sizes and uses in the MX-1 district than the MX-2 district.
3. The proposed development is permitted in the MX-1 district with a Conditional Use Permit. The ordinance includes performance standards that may improve the compatibility of the proposed use with adjacent uses if the site complies with the standards.
4. If the use of the property changes, performance standards are included in the conditions for the proposed use, and the property owner and City enforce the performance standards, the change may result in improved property values.
5. The City should require the applicant to operate businesses on the site to prevent negative impacts on public health, safety, and welfare.

**NOW, THEREFORE, BE IT FURTHER RESOLVED That** the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for a Rezoning of the described property from MX-2 to MX-1 to applicant Thomas Long, 6939 Lamar Avenue, Cottage Grove, MN 55016, with the following conditions:

1. The City shall monitor existing and future use of the site to determine if the use of the site is compliant with City codes and ordinances and any permit conditions. The site owner shall cooperate with the City to require that uses on the site comply with the City’s ordinances and permits.

Adopted this 12th day of June, 2014 by the Newport Planning Commission.

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

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

ATTEST: \_\_\_\_\_  
 Deb Hill, City Administrator



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

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Lot Coverage Requirement— Proposed Ordinance Amendment
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Helm, Executive Analyst		
<b>From:</b>	Sherri Buss, RLA AICP, Planner	<b>Project No.:</b>	15482.000
<b>Date:</b>	June 3, 2014	<b>Routing:</b>	

### Background

In April the Planning Commission considered a memo from staff that compared the lot coverage requirements in Newport’s ordinance to the requirements of other communities in the area with similar lot sizes and densities in residential districts. Staff completed this analysis in response to a developer’s comment that Newport’s standards were more restrictive than other similar communities, and the standards made redevelopment of lots in Newport’s R-1 District difficult given current consumer expectations about home and garage size. The developer indicated that 30-35% coverage for single family homes in the R-1 District should make it possible to develop homes that meet consumer expectations.

The Planning Commission discussed the table comparing lot coverage in area communities, and requested that the Planner develop an amended ordinance that increases lot coverage in the R-1 District, to be more similar to other communities. The Commission also recommended that staff review the increased lot coverage with the Heritage Preservation Commission and City Engineer, to gather their comments. That information is provided below.

### Revised Lot Coverage Table

#### *Current requirements*

Newport’s existing standard for lot coverage in the R-1 District is 25%. The minimum lot size in the District is 9,100 square feet. The lot coverage requirement in the R-1A District is a maximum 20%, with a minimum lot size of 15,000 square feet. The Shoreland Overlay District regulations require maximum lot coverage at 25%.

The Planner updated the table provided in April in several ways:

- Revised the coverage in the R-1 District column to include districts in other communities with lot sizes most similar to Newport
- Added coverage levels in R-2 and R-3 districts.

- Revised some of the numbers provided last time for R-1 Districts to include the figures for districts in other cities that are most similar in lot size to Newport, so the comparison is more accurate

<b>City</b>	<b>R-1 District Max. Lot Cover</b>	<b>R-2 District Max. Lot Cover</b>	<b>R-3 District Max. Lot Cover</b>
Newport	25%	30%	30%
Saint Paul	35%	35%	35%
Woodbury	35%	35%	35%
St. Paul Park	50%	50%	50%
Maplewood	30% (see first bullet)	65%	65%
Cottage Grove	40% (see second bullet)	50%	50%

1. Maplewood's ordinance states that "The City Council may approve a larger building area if it finds that it would not affect the character of the neighborhood."
2. The Cottage Grove Planner indicated that their older residential districts have no lot coverage requirement, because the lots were thought to be too large to have a requirement. With the latest update to their ordinance, they have identified some areas for smaller lots, and have established a coverage requirement in the R districts.

The table indicates the following:

- Newport's lot coverage standard is more restrictive than most other communities, in all Residential districts
- The ranges among communities within each district are relatively wide. St. Paul Park allows smaller lot sizes than Newport in the R-1 District (down to 6500 square feet) and the smaller lot size affects the coverage requirement.
- It should be noted that Saint Paul has some higher density districts than Newport, and higher lot coverage is allowed in those districts. This is also true for some mixed-use districts in Woodbury, where the City permits higher densities and higher lot coverage.

*HPC Comments.* Robert Vogel, the staff person for the HPC, indicated that he is not concerned that a slightly higher lot coverage standard would impact historic character. He indicated that the HPC is more concerned with building height and massing. If a high level of lot coverage is permitted in the R-1 district, it could allow construction of much larger buildings that are not in character with other homes in the older neighborhoods in Newport.

*Engineer Comments.* Jon Herdegen provided the following comment: "Regardless of a 35% or 50% limitation on lot coverage, each lot will be evaluated for the peak stormwater runoff rate leaving the lot. If the applicant can successfully demonstrate that there is no net increase between the pre-development and post-development runoff conditions, the percent coverage will not be an issue. With that said, once the coverage exceeds 25-30%, it has been our experience that runoff rates are not easily controlled without some onsite storage. Lot coverage over that threshold, without onsite storage, would be scrutinized to ensure rate control compliance."



### **Proposed Ordinance Amendment**

Staff prepared a draft ordinance amendment for Section 1340.03, attached, based on the information provided above.

The amendment proposes lot coverage up to 35% in the R-1 District, and the same for single-family homes in the R-2 and R-3 Districts. The amendment proposes up to 50% coverage for multifamily units. Note that the coverage maximum would remain at 25% in the Shoreland Overlay District, as required in Section 1370 of the ordinance. The 25% maximum is required in Shoreland Districts throughout Minnesota, unless the DNR has granted an exception to the requirement. This is occasionally done in older commercial districts next to lakes and rivers.

The amendment includes a new requirement that the City Engineer will review all permits for residential construction with lot coverage exceeding 30%, and may require on-site stormwater storage (such as rain gardens) if lot coverage exceeds that level and drainage conditions warrant additional storage for stormwater.

### **Planning Commission Discussion**

Staff request that the Planning Commission members review the information provided in this memo and the ordinance amendment. A public hearing is scheduled at the June 12 meeting for the amendment.



**Section 1340 - Residential Districts**

**1340.01 Purpose**

The residential districts are established to accomplish the general purposes of this Chapter and for the following specific purposes:

- A. To preserve existing living qualities of residential neighborhoods;
- B. To ensure future high quality amenities including, but not limited to, the provision of adequate light, air, privacy, freedom from noise and convenience of access to property;
- C. To increase convenience and comfort by providing usable open space and recreation space on the same lot as the housing units they serve;
- D. To prevent additions or alterations of structures which would damage the character or desirability of existing residential areas;
- E. To protect residential areas, to the extent possible and appropriate in each area, against unduly heavy motor vehicle traffic;
- F. To encourage a variety of dwelling types and a wide range of population densities with emphasis on home ownership; and
- G. To implement the goals and policies of the Comprehensive Plan.

**1340.02 Intent.**

The specific intent of each residential district is as follows:

**Subd. 1 RE - Residential Estate District.** This district shall be intended:

- A. For residential areas without public utilities;
- B. To preserve lands in their natural state or in agricultural uses pending the proper timing for the economical provision of utilities, streets, parks, and other public facilities so that orderly development will occur; and
- C. To preserve and extend areas for single-family dwellings at very low densities within spacious environments
- D. Any lot or parcel of land located in a Residential Estates Zone (RE) served by municipal sewer shall be treated as a Single Family Residential (R-1) parcel and shall be required to meet all requirements of R-1 zoning. (see Ordinance No. 98-2).

**Subd. 2 R-1A - River Residential District.** This district shall be intended to preserve, create, and enhance areas for low-density single-family development along and near the Mississippi River where public utilities are available.

**Subd. 3 R-1 - Low Density Single Family Residential District.** This district shall be intended to preserve, create and enhance areas for low-density single-family dwelling development as an extension of existing residential areas and to allow low-density development in areas indicated as such in the comprehensive plan where public utilities are available;

**Subd. 4 R-2 - Medium Density Residential District.** This district shall be intended to allow development of townhouses, row houses, and other types of low-density multifamily units in areas consistent with the comprehensive plan and serviced by public utilities;

**Subd. 5 R-3 - High Density Residential District.** This district shall be intended to create, preserve and enhance areas for multi-family use at higher densities for both permanent and more transient families. It is typically appropriate only in areas served by public utilities, with good accessibility to thoroughfares, public services, commercial areas, and where such development fits the comprehensive plan and planning policies.

**1340.03 Residential Lot Area, Depth, Width, Coverage, Setbacks and Heights.**

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3
<b>Minimum Lot Area per Unit (Square Feet)</b>					
Dwellings, single-family	2 Acres	15,000	9,100	9,100	9,100
Dwellings, two family	--	--	--	7,800	7,800
Dwellings, more than two family	--	--	--	5,750	3,000
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Lot Depth in Feet	200	150	130	130	130
<b>Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)</b>					
Dwellings, single-family	160 / (200)	100 / (120)	70 / (90)	70 / (90)	70 / (90)
Dwellings, two family	--	--	--	120 / (140)	120 / (140)
Dwellings, more than two family	--	--	--	120 / (140)	120 / (140)
Other uses	160	100	70	120	120
Minimum Front Yard in Feet***	40	30	30	30	30
<b>Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)</b>					
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	10 / (30)	10 / (30)
Dwellings, more than two family	--	--	--	20 / (40)	20 / (40)
Garages or Accessory Structures***	20 / (40)	5 / (30)	5 / (30)	10 / (30)	10 / (30)
Other uses	20	30	30	20	20
<b>Minimum Rear Yard in Feet</b>					
Dwellings, single-family or two family	50	30	30	30	30
Dwellings, more than two family	--	--	--	30	30
Garages or Accessory Structures***	20	5	5	30	30
Other uses	50	40	40	40	40
Maximum Lot Coverage, <del>All Structures</del> <u>Impervious Surfaces Single Family Dwelling Units</u>	20%	20%	<del>25</del> <u>35</u> % ( <u>25% in Shoreland District****</u> )	<del>30</del> <u>35</u> %	<del>30</del> <u>35</u> %
<u>Maximum Lot Coverage, Impervious Surfaces Dwellings, more than 2 family</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
Maximum Building Height in Feet ***	35 feet or 3 stories, whichever is greater, in all districts, but in no case higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District				
Public Sewer Required	No	Yes	Yes	Yes	Yes

\* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than fifteen (15) feet

\*\* Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

\*\*\*See additional standards in Subsection 1340.04.

\*\*\*\* Maximum lot coverage for parcels in the Shoreland Overlay District is 25%, see Section 1370, Subd 24.

Subd. 1 Lot Coverage. The City Engineer shall review building permits that propose lot coverage higher than 30%, and may require on-site stormwater storage if lot coverage exceeds 30% and drainage conditions warrant additional storage for stormwater.

**1340.04 Single Family Residential Garage, Accessory Structure and Driveway Standards.**

The following standards shall apply to all garages and accessory structures for single family homes and duplexes in all zoning districts, and shall be in addition to the standards in Subsections 1340.03, 1370.03 (Shoreland Management District) and 1370.05 (Floodplain Management Districts). The intent of these standards shall be to reduce the impact of multiple vehicles and of large accessory structures on the residential character of the City.

**Subd. 1 Construction.** No accessory building or structure shall be constructed on a lot prior to construction of the primary structure. Building permits are required for all accessory structures.

**Subd. 2 Number.** A residential lot, other than a river riparian lot, may have no more than two (2) accessory structures. A river riparian lot may have a guest cottage and a water-oriented accessory structure as regulated in Section 1370 of this Chapter, the Shoreland Management Section.

**Subd. 3 Height.** No garage, whether attached or detached, nor any accessory structure shall be taller than the principal structure on the lot as measured by the building height definition from Section 1300.01 Subd. 16 Building Height.

**Subd. 4 Location.** A detached accessory building shall not be located in any required front yard.

**Subd. 5 Square Footage.** Except in the RE district, the total footprint of all garage space, whether attached or detached, and of all accessory structure space for single-family residential uses shall be no larger than the footprint of the principal structure, and shall total a maximum of 2,000 square feet; except that a residential lot shall be allowed at least five hundred (500) square feet of garage space regardless of the house size, as long as the required setbacks and other standards are met.

In the **RE District**, the number and size of accessory structures permitted on residential lots is as follows:

Size of Parcel in RE DISTRICT	Number of Accessory Structures	Total Area of Accessory Structures (footprint)
Less than 2 acres	2	Total footprint of all accessory structures may be no larger than the footprint of the principal structure, up to a maximum of 2,000 square feet. Minimum 500 square feet of accessory structures is permitted on all parcels regardless of house size if

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2014-8**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO  
SECTION 1340 RESIDENTIAL DISTRICTS**

**WHEREAS**, The City has received requests to increase its maximum lot coverage for residential districts; and

**WHEREAS**, The Planning Commission feels it is advantageous to increase the maximum lot coverage for the residential districts to encourage redevelopment in infill lots; and

**WHEREAS**, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Wednesday, June 12, 2014; and

**NOW, THEREFORE, BE IT RESOLVED**, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1340 Residential Districts*. They will read as follows:

**Section 1340 – Residential Districts**

**1340.03 Residential Lot Area, Depth, Width, Coverage, Setbacks and Heights**

The following minimum requirements shall be required in all residential districts:

	RE	R-1A	R-1	R-2	R-3
<b>Minimum Lot Area per Unit (Square Feet)</b>					
Dwellings, single-family	2 Acres	15,000	9,100	9,100	9,100
Dwellings, two family	--	--	--	7,800	7,800
Dwellings, more than two family	--	--	--	5,750	3,000
Other uses	2 Acres	1 Acre	1 Acre	1 Acre	1 Acre
Minimum Lot Depth in Feet	200	150	130	130	130
<b>Minimum Lot Width in Feet (Number in parenthesis is the lot width for a corner lot)</b>					
Dwellings, single-family	160 / (200)	100 / (120)	70 / (90)	70 / (90)	70 / (90)
Dwellings, two family	--	--	--	120 / (140)	120 / (140)
Dwellings, more than two family	--	--	--	120 / (140)	120 / (140)
Other uses	160	100	70	120	120
Minimum Front Yard in Feet***	40	30	30	30	30
<b>Minimum Side Yard in Feet (Number in parenthesis is the setback for a corner lot, street side)</b>					
Dwellings, single-family or two family	20 / (40)	10 / (30)**	10 / (30)**	10 / (30)	10 / (30)
Dwellings, more than two family	--	--	--	20 / (40)	20 / (40)
Garages or Accessory Structures***	20 / (40)	5 / (30)	5 / (30)	10 / (30)	10 / (30)
Other uses	20	30	30	20	20
<b>Minimum Rear Yard in Feet</b>					
Dwellings, single-family or two family	50	30	30	30	30
Dwellings, more than two family	--	--	--	30	30
Garages or Accessory Structures***	20	5	5	30	30
Other uses	50	40	40	40	40
Maximum Lot Coverage, Impervious Surfaces Single Family Dwelling Units	20%	20%	35% (25% in Shoreland District****)	35%	35%
Maximum Lot Coverage, Impervious Surfaces Dwellings, more than 2 family	N/A	N/A	N/A	50%	50%
Maximum Building Height in Feet ***	35 feet or 3 stories, whichever is greater, in all districts, but in no case				

	higher than 1,000 feet U.S.G.S. sea level elevation; 25 feet in Shoreland Management Overlay District				
Public Sewer Required	No	Yes	Yes	Yes	Yes

\* Regardless of the setback standards noted in this table, the distance between a proposed foundation wall and an existing foundation wall on an adjacent lot may not be less than fifteen (15) feet

\*\* Side setbacks for substandard lot widths in R-1A: 10% of lot width (25% for Corner Lot, Street Side). Side setbacks for substandard lot widths in R-1: 15% of lot width (33% for Corner Lot, Street Side)

\*\*\*See additional standards in Subsection 1340.04.

\*\*\*\* Maximum lot coverage for parcels in the Shoreland Overlay District is 25%, see Section 1370, Subd 24.

**Subd. 1 Lot Coverage.** The City Engineer shall review building permits that propose lot coverage higher than 30%, and may require on-site stormwater storage if lot coverage exceeds 30% and drainage conditions warrant additional storage for stormwater.

Adopted this 12th day of June, 2014 by the Newport Planning Commission.

VOTE: Lund \_\_\_\_\_  
Mahmood \_\_\_\_\_  
Lindoo \_\_\_\_\_  
Prestegaard \_\_\_\_\_  
Haley \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Deb Hill, City Administrator