



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
AUGUST 11, 2016 – 5:30 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Asst. to the City Admin:	Renee Eisenbeisz
Commissioner:	Marvin Taylor	Planner:	Sherri Buss
Commissioner:	David Tweeten	Council Liaison:	Tom Ingemann
Commissioner:	Saengmany Ratsabout		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

- A. Planning Commission Minutes of the June 9, 2016 Meeting
- B. Planning Commission Minutes of the July 14, 2016 Workshop Meeting

4. COMMISSION & STAFF REPORTS

- A. **Public Hearing** – To consider an amendment to the Conditional Use Permit for IR Services for property located along 7th Avenue
 - 1. Memo from Sherri Buss
 - 2. Resolution No. P.C. 2016-9
- B. **Public Hearing** – To consider amendments to Section 1330 and Section 1340 Regarding Residential Building Materials
 - 1. Memo from Sherri Buss
 - 2. Resolution No. P.C. 2016-10
- C. **Public Hearing** – To consider amendments to Section 1350 and Rezone
 - 1. Memo from Sherri Buss
 - 2. Resolution No. P.C. 2016-11

5. NEW BUSINESS

6. ANNOUNCEMENTS

- A. Upcoming Meetings and Events:
 - 1. City Council Meeting August 18, 2016 5:30 p.m.
 - 2. City Council Meeting July 7, 2016 5:30 p.m.
 - 3. Heritage Preservation Meeting July 13, 2016 5:00 p.m.
 - 4. Planning Commission Meeting July 14, 2016 6:00 p.m.

7. ADJOURNMENT



**City of Newport
Planning Commission Minutes
June 9, 2016**

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten

Commissioners absent – Matt Prestegaard,

Also present – Deb Hill, City Administrator, Renee Eisenbeisz, Asst. to the City Administrator, Sherri Buss, TKDA Planner.

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the May 12, 2016 Meeting.

Chairperson Mahmood - It said that Matt was here last time and he wasn't.

Motion by Haley, seconded by Taylor, to approve the May 12, 2016 Meeting Minutes as amended. With 4 ayes, 0 Nays, 1 Absent, motion carries.

4. COMMISSION AND STAFF REPORTS

A. Public Hearing – To consider an application from MWF Properties, Inc. for approval of a Conditional Use Permit Located at 150 Red Rock Crossing

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 9, 2016 Planning Commission packet.

The Public Hearing opened at 6:10 p.m.

The Public Hearing closed at 6:11 p.m.

Commissioner Tweeten - Some of it comes down to the fact of our plan and what they are responding to. They're responding to our 2011 amendment, which itself, didn't turn out how the plan forecasted.

Ms. Buss - That's because the original plan was for rail and it changed to bus without any consideration on land use.

Commissioner Tweeten - That seems to be a big change. It seems telling that we've sat on this property for a while until a subsidized project came along and I'm not convinced that such a project is going to lead to further development in the direction we want that place to go. Is it still going in the direction we wanted it to go in 2011? It seems counterproductive to have workforce housing in a workforce community, that's what Newport is. We're not struggling to find affordable housing here, we're struggling to lift property value. On a design tip, it is sort of a fortress with its back to the street, we're not getting the mixed-use, main street gateway that I think is called for in that plan. It faces the bus station. There won't be any entrances for a pedestrian walking by. That's understandable

from a designers standpoint, that's a busy street and you want to protect yourself from that. Maybe that's not a good place for a residential development.

Ms. Buss - It's a challenge. Unfortunately when it changed to a bus, it came without an opportunity to redo the zoning. We have to evaluate this against the zoning we have in place.

Commissioner Tweeten - Yes and that does include mixed-use, pedestrian level activity and street facing buildings.

Vice-Chair Haley - I would concur with everything you said. I don't like the use, I don't like the way the building is sitting there. That's not the intent of this area, I don't like it.

Commissioner Taylor - I generally think this is a good project. That area is a messy landscape right now. We've crafted a vision for it, it'll take a long time for that vision to take root. I think it'll be hard to come up with something significantly better than this. I think they worked within the framework. The density for that district is pretty high, the building follows the profile. It's our plan. I think it'll be a challenge to transition that area to something vibrant. It doesn't have mixed use on the first floor but I think it would be difficult to get something in there. I think it's a solid investment in a part of town that hasn't seen investment beyond the transit station. That's the big picture I take on this project.

Chairperson Mahmood - To get to some of the issues, the open space, is that something we have any control over at all? It's not going to be a park, it'll be private property.

Ms. Buss - We say that they need to dedicate 10% for open space, we haven't said that it needs to be public. I think the idea was that it's open space for the residents living there. You can make recommendations if you want it more open to the public. As a basic minimum, we require that they show seating and amenities. They need to do that, if you want it to come back to you, you can recommend that.

Chairperson Mahmood - I just want to make sure we have some teeth and say how we want it to be.

Commissioner Tweeten - Is there any flexibility to their parking lot?

Ms. Buss - You could ask them to look at the option of having an agreement with the County to share that parking lot.

Chairperson Mahmood - It sounds like some of the concerns with the Commission are that it's aesthetically not pleasing and we're trying to have it look nice. We want people to come in and want to build retail across the street.

Vice-Chair Haley - They're meeting the requirements in the zone that was established before any of us were on the Commission.

Councilman Ingemann - The reason the building is there is because the Council wanted to put it against the railroad tracks and we said no. They are looking at the north part for businesses.

Ms. Buss - You can ask for more information on open space, suggest a reduction in parking or to discuss with Washington County about shared parking.

Vice-Chair Haley - Do we require those islands?

Ms. Buss - We have it in our code, I told the applicants that they could address landscaping on the edge of the parking lot instead of the islands.

Vice-Chair Haley - Those are taking up like 8 spaces. If they could get rid of those and extend the open space, that would be nice. Can we agree to get rid of them?

Chairperson Mahmood - Yes.

Ms. Buss - Ok.

Commissioner Taylor - You were talking about linking the age of the residents with the space and that makes sense. Maximizing that and linking it to the residents is a big thing to the livability of that space. That's the only outdoor space for those residents. That space does matter a lot so the bigger we can make it the better. Having a good space, especially for young kids, is essential.

Ms. Buss - Would you be leaning towards tabling it and asking them to come back with changes related to the open space, reduce the parking, look at shared parking, and expanding the area? Or you can put that into the conditions and approve it tonight with that condition.

Vice-Chair Haley - I would go with adding the condition.

Ms. Buss - So we'll craft some conditions for this that say that you are requesting that the applicant look at options for expanding the open space.

Commissioner Tweeten - I have some concerns. By making tweaks here and there, we're ratifying an obsolete plan and going forward with it regardless of the fact that there's no light rail.

Chairperson Mahmood - The problem is that they meet the requirements of the current zoning.

Ms. Buss - The questions are with the design guidelines and how this relates to the street, open space, and pedestrian use. Do you want them to go back and do some significant changes to the plans to have orientation towards the street and have more open space?

Commissioner Tweeten - I would like to have some confidence that this will be a development that moves forward. Will commercial follow a subsidized housing project or is this a one-off subsidized building that goes up and the market won't support another development.

Ms. Buss - I haven't seen it but the County has worked with the HRA for this area to have housing on this corner and straight to the north and some type of commercial or industrial uses on the rest. The market study that the HRA did suggests that housing, particularly subsidized housing, there's a market for it here but not for retail use. When we made the plan, we hoped that the transit station would do better and there'd be a market for coffee shops, daycare, drycleaners, etc. Retail is probably not likely in this area, maybe some other kinds of business park or industrial uses or offices.

Commissioner Tweeten - I don't think we should coast on the plan of 2011.

Ms. Buss - We have this before us and to a large degree it meets the minimum standards. It'll be hard to deny it.

Commissioner Tweeten - Can the design standards be made conditional?

Ms. Buss - Yes but we don't say that there has to be mixed use on every site.

Barb Dacy, Executive Director of the Washington County HRA - I wanted to comment on the broader picture of Red Rock Crossing. It's not a one-off approach. We have put together market studies and have had ongoing conversations with private developers about this area. Sherri is correct that there is a 2011 market study. We just updated that in 2015. In general, the findings were the same. There's a significant demand for housing, both

affordable market rate and senior. There is also a demand for industrial and job creating businesses. The demand for retail was not as great in both studies. When you look at that area, the first question you have to ask is how can we jumpstart development and show the marketplace that this is a good place to live and work. The transit use is an amenity. There's a broader plan to get connections down to the parks as well. Part of our work is that we went to the development community and asked them how to jumpstart it. Because the amenity piece is still being developed, it's difficult to attract a market rate housing developer. However, with the affordable housing development, it offers some amenities and addresses a community need. The developer feedback said to start with something that can be done and get financed. The advantages of this development are fourfold. First off, it's \$10 million of investment from a private developer. The folks that will be living there, it's workforce housing. They either work in the community or general area. Newport has a need for new types of housing. These folks will support the local area. It can get done within the next year, it's new housing options that will attract younger folks, it has more current amenities, and it can help jumpstart developer interest. It's a first step and is part of an overall planned approach to help rejuvenate this area.

Vice-Chair Haley - How does this benefit the community by using TIF money in this environment other than helping the builder but up a building? It doesn't help our community that I see.

Ms. Dacy - It helps by rejuvenating the area by creating new housing opportunities and jobs. It creates construction jobs but there are other opportunities in the redevelopment area that we're trying to work on simultaneously to attract new businesses. If you think of the area south of the railroad spur, we're starting to acquire properties and create developable properties for mixed use. The purpose of TIF is to help with that acquisition.

Ms. Buss - We should be clear, there is no TIF for this use.

Ms. Dacy - The developer is requesting tax increment but in order to accomplish the acquisition and the relocation, there will need to be TIF districts created to help pay for those expenses. It's all part of an overall plan to rejuvenate this area.

Commissioner Tweeten - I don't see residents of this place, clambering for anything. They are right off the highway for Cottage Grove and Woodbury. They won't be going to the other side of the highway.

Commissioner Taylor - I don't see why not, I go over there.

Ms. Buss - That'd be difficult to say. I think for tonight, this meets the ordinance requirements. If something meets the ordinance requirements and can agree with reasonable conditions, we need to approve it. The question for you is do you want them to go back to the drawing board and show how they will meet the design guidelines or does that not make a difference. The issues are the bigger issues of the area and we can't address that tonight.

Vice-Chair Haley - I'll vote to approve this right now with some of the conditions. I personally don't like it but I don't feel we can do anything with the established zoning. It meets the minimum requirements.

Chairperson Mahmood - Three years ago we talked about this and went on a bus tour and it kind of fizzled out but we're here again. I've been on the platform that if we build something, other things will happen. Whether this is exactly what we're looking for or not, it's a start. If we have to tweak some things to accommodate the residents, then let's do that and get it started. I don't think we need to talk about everything. Let's bring it to a vote.

Gale Libby, Wilson Lines - I think we're trying to put a square peg in a round hole here. One of the biggest problems Newport has had is a mix of residential and business. We get noise complaints, it's a continuous battle. We have two sites here with Raceway to Fun and Knauff, why don't we put a development there. I can't see too many seniors living in that area. When the wind is just right, the plants stink. We've been having trouble with kids vandalizing our trailers. We were in one trailer and it was full of needles. It's impossible to catch anyone. With low income housing, I just see that being worse. It'll increase the police activity. Everywhere around here, you see

businesses being built. Why can't we get some businesses that offer more than the minimum wage. They're building them in Woodbury and Cottage Grove and South St. Paul. This is not a good mix here. It'll create more problems. Let's do something right. The area on Glen and 10th is the worst part of Newport and now we'll have it there. I know we're not the most attractive area of Newport but we don't need a conditional use permit. I just don't follow the thinking. Cemstone owned that property and they got kicked out. They built a first class facility in South St. Paul. It's a beautiful place. That whole area is trucks and now we're trying to get a round peg in there. I don't understand the thinking.

Ms. Buss - I think the question is do you want to approve this tonight, do you want to see more design work, or do you just want to make that a condition of approval.

Commissioner Tweeten - Our hands aren't tied. We do have the requirement that the use not be detrimental or endanger the public welfare.

Ms. Buss - If you want to craft a denial, we can go there. I'm not getting that feeling from the other three. If you feel that way, we can craft a denial.

Vice-Chair Haley - I would be more than willing to let David craft that. I agree with what he's saying and what Gale is saying but I'm concerned we don't have a leg to stand on.

Commissioner Tweeten - What did I hear, 60% of kids at Newport Elementary are on assisted lunch.

Ms. Buss - That's not a basis for denial.

Commissioner Tweeten - But it forms the backdrop on where we're putting another use.

Chairperson Mahmood - What I'm hearing is that we'll have a split vote or we table it until we get some more information on the design work.

Ms. Buss - That's up to you.

Vice-Chair Haley - My feeling is that we could drag this on and make them miserable and still not change anything because of the zoning. I think they would be conducive to the parking because it benefits them.

Ms. Buss - A lot of that will be visitor parking. Would you like to see the revised conditions?

Chairperson Mahmood - Yes please.

Motion by Haley, seconded by Taylor, to approve Resolution No. P.C. 2016-7 as amended. With 3 Ayes, Tweeten voting Nay, and 1 Absent, the motion passed.

Vice-Chair Haley - That area is a great industrial area, I wish we could expand it more in industrial.

B. Public Hearing – To consider amending Chapter 1350, Section 1350.14 (a) to remove standards for building coverage and add standards for lot coverage in each district

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 9, 2016 Planning Commission packet.

Public Hearing opened at 6:51 p.m.

Marty Victoris, 2154 Hastings Avenue - I'd like to know what it's about. I haven't seen it.

Vice-Chair Haley - Before it was just building coverage, we've added all impervious surfaces to it.

Ms. Buss - We're going up to 75% in all of the Mixed-Use, Business, and Industrial Districts except for MX-1. It's 80% in MX-1.

Public Hearing closed at 6:52 p.m.

Motion by Haley, seconded by Tweeten, to approve Resolution No. 2016-8 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Industrial Buffer District

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 9, 2016 Planning Commission packet. Staff will be meeting with the Refinery on June 15, 2016. As such, the Planning Commission would like to wait to discuss it at the July meeting. The Planning Commission's main concern is that they are taking away from the City's tax base.

5. NEW BUSINESS

6. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|----------------------------------|---------------|-----------|
| 2. City Council Meeting | June 16, 2016 | 5:30 p.m. |
| 3. City Council Meeting | July 7, 2016 | 5:30 p.m. |
| 4. Heritage Preservation Meeting | July 13, 2016 | 5:00 p.m. |
| 5. Planning Commission Meeting | July 14, 2016 | 6:00 p.m. |

7. ADJOURNMENT

Motion by Tweeten, seconded by Haley, to adjourn the Planning Commission Meeting at 7:00 p.m. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Assistant to the City Administrator



**City of Newport
Planning Commission Workshop Minutes
July 14, 2016**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten

Commissioners absent –

Also present –Deb Hill, City Administrator; Renee Eisenbeisz, Asst. to the City Administrator; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. DISCUSSION REGARDING TEMPORARY CARE DWELLINGS

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 14, 2016 Planning Commission Workshop packet. The Planning Commission recommended that the City opt out of the legislative requirement and discuss it as part of the 2040 Comprehensive Plan.

4. DISCUSSION REGARDING AN INDUSTRIAL BUFFER DISTRICT

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 14, 2016 Planning Commission Workshop packet. The Planning Commission recommended creating a new mixed-use district for the area between 2nd and 3rd Streets and the Mississippi River and 7th Avenue with the below amendments:

- Change day care facilities to "permitted with a CUP"
- Don't allow parking garages as a principal use
- Permit a gazebo as an accessory use

This will be up for a public hearing on August 11, 2016.

5. DISCUSSION REGARDING BUILDING MATERIALS FOR THE RESIDENTIAL DISTRICTS

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 14, 2016 Planning Commission Workshop packet. The Planning Commission directed staff to bring forward an amendment to Section 1330.05, Subd. 3 regarding building materials in residential districts with the below amendments:

- Add "does not include corrugated or flat metal panels"
- Add "decorative" in front of concrete block

This will be up for a public hearing on August 11, 2016.

6. DISCUSSION REGARDING START TIME

Asst. to the City Administrator Eisenbeisz presented on this item as outlined in the July 14, 2016 Planning Commission Workshop packet. The Planning Commission directed staff to amend the Planning Commission Policy to have a 5:30 p.m. start time instead of a 6:00 p.m. start time. This will go to the City Council for final approval and start with the August meeting.

7. ADJOURNMENT

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Asst. to the City Administrator



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Memorandum

To:	Newport Planning Commission	Reference:	Imperial Recovery Services-- CUP Amendment
Copies To:	Deb Hill, City Administrator		
	Renee Helm, Assistant to the Administrator		
	Christopher and Stephanie Findley, applicants		
		Project No.:	16020.006
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	August 1, 2016		

SUBJECT: Imperial Recovery Services, MN
Application for an Amendment to the Conditional Use Permit
approved on April 17, 2014

MEETING DATE: August 11, 2016

LOCATION: 310 7th Avenue

APPLICANT: Christopher and Stephanie Findley
Imperial Recovery Services, MN
310 7th Avenue

CURRENT ZONING: B-2 (General Business)

60-DAY PERIOD: September 12, 2014

ITEMS REVIEWED: Application and plans submitted July 14, 2016

BRIEF DESCRIPTION OF THE REQUEST

The applicants, Christopher and Stephanie Findley, have submitted an application to amend a conditional use permit that the City granted to Imperial Recovery Services LLC in 2014. The CUP was granted for the Vehicle Storage Lot use on the 14 parcels located at 310 7th Avenue. The ownership and name of the business have changed, and the applicants are requesting an amendment to the CUP to permit phasing the development and improvements on the site.

BACKGROUND AND SITE HISTORY

The applicants are requesting an amendment to the exiting Conditional Use Permit to operate an automobile repossession business on the parcels shown on the site plan. The proposed plan includes the use of existing buildings on the site, and the addition of an area of impervious surface that will be used for parking automobiles. The previous business on the property was Bill's Auto Salvage/Bill's Auto Parts. The soils on the site were contaminated by the previous use, and the contamination was cleaned up with the assistance of an MPCA grant that the City obtained for that purpose.

The ownership of the site has changed since the original CUP was granted. David Sullivan, the applicant for the CUP, is no longer one of the business owners. The change in ownership does not affect the CUP—the permit is granted to the property, and responsibility for the permit and its conditions have transferred to the new owners.

The proposed use of the site has not changed from the use approved for the CUP. The owners plan to operate an automobile repossession company on the site. They will store repossessed cars, trucks, motorcycles and other vehicles on the property, and owners may visit the site to reclaim their property.

The applicants are requesting an amendment to the CUP to permit phasing of the business and improvements on the site. The Site Improvement and Grading Plans identify the proposed project phases. Phase I is proposed to occur at the south end of the site, and will include the stormwater improvements required for the entire property.

Most of the original conditions approved for the CUP will continue to apply. The City will consider some amendments to the conditions related to project phasing and the new site plan. The conditions that have been addressed have been deleted from the amendment.

EVALUATION OF THE REQUEST:

CUP Amendments follow the same approval process and must meet the same standards as a CUP.

Section 1310.10 of the code indicates that the city may grant a CUP when the use is consistent with the Zoning Ordinance and Comprehensive Plan, and the City may impose conditions and safeguards to protect the health, safety and welfare of the community. Criteria for evaluating the proposed uses and developing conditions for the CUP include the following:

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the appropriate zoning district.
2. The proposed use is consistent with the Newport Comprehensive Plan.
3. The proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.



4. The potential effects of the proposed use on surrounding properties, including valuation, aesthetics and scenic views, land uses, and character and integrity of the neighborhood.
5. The potential impacts of the proposed use on governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential impacts on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes, flood plains and soils.
7. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City and other governmental bodies having jurisdiction in the City.
8. In permitting a new conditional use, the City may impose additional conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

This staff report evaluates the request for a Conditional Use Permit for the property located at 478 7th Avenue based on the City's zoning ordinance and the criteria for approving CUP's.

1. Proposed Use—Vehicle Storage Lot

The Vehicle Storage Lot use is permitted in the B-2 district with a Conditional Use Permit.

2. Consistency with the Comprehensive Plan

The City's Comprehensive Plan supports strengthening the city's commercial districts and the physical improvement of those districts. The Comprehensive Plan supports development of a mixture of commercial, office and residential uses in the areas adjacent to Highway 61. It supports the development of new business to improve the City's tax base and expand employment. The Zoning Ordinance states that the purpose of the B-2 General Business District is to "provide the opportunity for diverse businesses to take advantage of the City's location and access to major roadway corridors. The district is intended to provide locations for businesses that serve local and regional needs, and may include retail businesses, highway or automobile-oriented businesses, and quasi-industrial and wholesale enterprises that do not need an industrial setting, and can be designed or managed to be compatible with surrounding districts." The proposed use helped the City to obtain a grant to clean up pollution on the site, and includes conditions that require physical improvement of the site. The use is generally consistent with the goals of the Comprehensive Plan.

3. Dimensional Standards, Setbacks, and Requirements

The dimensional standards and setbacks for the B-2 district that apply to the proposed uses and plan include the following:

- Minimum lot area: 15,000 square feet
- Minimum lot depth: 150 feet
- Minimum lot width: 100 feet
- Maximum lot coverage (buildings): 30%
- Structure setbacks: Front yard: 20 feet; side yard 10 ft.; Rear yard, 20 ft.
- Parking setbacks: Front yard: 20 feet; side and rear yard: 5 ft.
- Maximum building height: 40 feet
- Public utilities required, including sewer



The applicant is maintaining the existing residential and commercial buildings on the site. The existing buildings are legal, nonconforming structures in the B-2 District. The existing buildings meet the setback and height requirements.

The applicant is proposing to expand the parking area on the site. The plans indicate that the proposed parking meets the setback requirements for parking in the B-2 District.

The applicant will need to combine the parcels that will be occupied by the business in order to meet the minimum lot size requirements. This requirement is included in the proposed conditions. The applicant has not completed this requirement to date. The applicant's engineer submitted a preliminary survey identifying the proposed reconfiguration of the 14 parcels that were part of the original CUP to 6 parcels on July 29. The reconfigured parcels meet the minimum size and dimensional requirements for parcels in the B-2 zoning district.

3. Traffic

The site plan indicates that Imperial Recovery Services is proposing that traffic will enter the site at the south end, across from 3rd Street, and exit the site across from 4th Street. Both locations currently have driveway access to 7th Avenue.

The applicant originally estimated that approximately 20 trucks would make round trips to and from the business each day (typically wrecker and rollback trucks), and approximately 50 cars would make round trips to and from the site. The proposed traffic will be lower if only Phase 1 is developed under the amended CUP. The existing roadways that serve the area are adequate to handle the traffic expected at the site. The City's Public Works Supervisor's records indicate that 7th Avenue was designed and built as a 9-Ton road to serve construction traffic during the reconstruction of Highway 61. Based on the roadway design, there can be no heavier trucks servicing the facility, year round. The Planner has included a condition that the maximum truck loads serving the facility may not exceed 9 tons in weight year-round.

4. Parking Requirements and Driveways

Parking Requirements. Section 1330.06 of the Zoning Ordinance includes standards for parking for a variety of uses, though none is similar to the proposed use. Standards for other uses with employees and customers require that there be 1 space for each 2 employees on the largest shift, and 1 space for each 250 square feet of gross floor area for services uses.

The applicant originally estimated that the total number of employees on the site would be approximately 25; therefore 13 spaces are required for employee parking. The gross floor area of non-residential buildings on the site is 4000, which requires 16 spaces. The proposed parking that is planned for this use is more than adequate to meet the code requirements. The applicant must include designated parking spaces for handicapped persons to meet state requirements.

Pavement and Driveways. The Zoning Ordinance requires that all parking areas and drives be constructed of concrete, blacktop or similar durable hard surface free of dust, and that the periphery of all parking areas and drives shall be constructed with poured-in-place concrete curbing unless otherwise approved by the City.



The applicant is requesting an exception to the requirement that all parking areas be constructed with poured-in-place curbing, based on the following rationale:

- The parking area is not open to the public. It is not like typical business or commercial lots that need to control parking by the public.
- Only employees of the business will be operating vehicles in the parking areas.
- The applicant is proposing a fence approximately one-foot from the edge of the parking areas so that vehicles will not be able to go past the edge of the parking area, so that the edge of the hard surface should not deteriorate due to parking over the edge.

City staff reviewed the applicant's proposal for parking, and the City Engineer recommended that the requirements for curbing be waived for this use based on the applicant's rationale and unique characteristics of the site. This is consistent with the original conditions recommended for the CUP. The paved areas will sheet-drain to the stormwater management areas on the site.

5. Building design and materials/Accessory Structures

The applicant is proposing to use the existing buildings on the site. No new accessory structures are proposed on the site plans.

The applicants completed the improvements that the original CUP required for the exterior of the warehouse.

6. Exterior Storage Requirements

Section 1350.13 requires that no materials, products or equipment be stored outside of an enclosed building except for daily display of merchandise during store hours. The Planner has included a proposed condition for the CUP that no outside storage is permitted on the site. The performance standard related to "outside storage" does not include vehicle storage, which is addressed in another section of the ordinance.

7. Refuse and Recycling

Section 1350.13 requires that all refuse and recycling containers be stored in the principle structure or a fully enclosed accessory structure, and Section 1330.05 (Subd 10) further requires that dumpsters, trash, trash handling equipment and recycling equipment shall be stored within an enclosed accessory structure of the same materials as the principal structure. The Planner has included a proposed condition for the CUP that refuse and recycling for the business shall meet the ordinance requirements.

8. Screening and Fencing Requirements

The ordinance requires that any vehicles parked for more than forty-eight hours shall be completely screened from residential uses, and screened from the eye-level view of public streets and from the public front and office sides of business and industrial uses.

The applicant indicated that the vehicles that are brought to the site may be stored for more than 48 hours. The site is screened from the land uses the east by the railroad berm, and to the south by existing trees.



Additional screening is required to screen the residential land uses to the north and west from the parking areas.

- The applicants propose that a new security fence be added to the site. The Fence should meet the screening requirements of the ordinance.
- The Planning Commission discussed the need for year-round vegetative screening of the fence in order to create screening that meets the ordinance requirement for the original CUP application. The Planning Commission recommended a condition for the original CUP that requires that conifers be planted to meet the landscaping requirements and screen the fence from view from adjacent residential areas. The Planner included a condition that the applicants shall submit plans for the fence and screening to be phased with proposed site development for staff approval.

9. Utility Equipment—Screening Requirements

The ordinance requires that all utility equipment (heating and ventilating equipment, meters, and similar equipment) shall be completely screened from eye-level view of adjacent properties and streets. If any utility equipment will be added to the structures, it must meet the ordinance requirement.

10. Lighting

The original CUP application included a lighting plan for the entire site that was approved. The application for the CUP amendment indicates that the owners may wish to change the lighting plan. The applicants shall submit the new lighting plan to City staff for approval. The lighting plan must meet the ordinance requirements to be downcast and controlled so that it does not impact adjacent residences.

11. Landscaping

The CUP included conditions related to landscaping to meet the ordinance requirement. The applicants completed the required landscaping in 2016, and the conditions have been removed for the amended CUP. The parcel owners must maintain the landscaping that was required for the CUP.

12. Restricted Operations (noise, odor, glare, etc.)

Based on ordinance requirements, noise, odors, smoke and particulate matter should not exceed Minnesota Pollution Control Agency standards. Any glare, direct or reflected, from spotlights or activities on the site should not be visible beyond the property boundaries.

The applicant is proposing to drop off vehicles after normal working hours, and is proposing that vehicles enter the yard via the gate just south of the warehouse, and exit the yard via the gate north of the existing house, so that headlights do not shine into homes across 7th Avenue. The planner included this traffic pattern as a proposed condition for approval of the CUP.

The applicant also noted that equipment with back-up beepers may be used at the site, and proposed the traffic pattern to avoid noise from the beepers. The Planning Commission reviewed options for broadband alarms that will not be audible at neighboring properties. The



Planning Commission recommended that broadband beepers be used on all truck and backing operations at the site.

13. Hours of Operation

The applicant proposed that the hours that they conduct business with the public will be 9 a.m. to 4:30 p.m., Monday through Friday, the same hours proposed for the original CUP. They note that their employees will also drop off vehicles at other hours, and have proposed the traffic pattern discussed above to minimize impacts to neighbors.

The Planning Commission originally recommended that the hours of operation for the CUP be 8 a.m. to 8 p.m. No change has been proposed for the amended CUP.

14. Signs

The application did not include locations or plans for proposed signs. A freestanding entry sign is permitted for this business. Signs must meet the ordinance requirements. The applicant should submit any plans for proposed signage to the Zoning Administrator for approval.

15. Infrastructure, Public Services, Health and Welfare

The City Engineer reviewed the site plans and indicated that adequate sewer and water services are available to serve the proposed uses at the site. The site is unlikely to generate additional needs for public services. If cleanup of existing pollution on the site occurs as a result of the new use, it will benefit the health and safety of Newport, its residents, and the physical environment.

16. Stormwater Management

The City Engineer reviewed the stormwater plan for the site, and provided the following comments:

- The stormwater management facilities should be constructed during the first phase of improvements at the site. The City Engineer shall approve the facilities.
- The applicant should submit an as-built drawing and a revised maintenance agreement for the stormwater management facilities for City approval.
- The City of Newport is still listed as the NPDES permit holder as the site owner. The new owners should sign and submit the Notice of Termination/Permit Modification form to remove the City's responsibility. (Staff will provide the form to the applicants.)
- The Development Agreement should be revised if needed to address the maintenance of stormwater facilities for the site based on the proposed reconfiguration of the parcels.

The Planner included the Engineer's proposed conditions for approval of the amended CUP.

FINDINGS FOR THE CONDITIONAL USE PERMIT REQUEST

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the B-2 General Business Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of a mix of residential and commercial uses in the areas along Highway 61.



3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.
4. With the proposed conditions, the use will not have negative impacts on surrounding properties, including valuation, aesthetics, and the character of the neighborhood.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential use and development plan have resulted in the cleanup of existing pollution on the site, and will provide for stormwater management that meets the City's requirements.
7. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

The Planning Commission found that with proposed conditions, the request meets the ordinance requirements for a Conditional Use Permit.

ACTION REQUESTED FOR THE REZONING AND CUP REQUEST:

The Council can:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

PLANNING COMMISSION RECOMMENDATIONS:

The Planner recommends that the Planning Commission recommend approval of an amendment to the Conditional Use Permit (April 17, 2014) for the Vehicle Storage Lot Use at 310 7th Avenue, not including auto body repair or major repair" at the site, with conditions.

The Planner recommends changes to the original conditions to address the new phasing plan for the use, and to remove conditions that the applicant has addressed since approval of the CUP. The Planner recommends the following conditions for the amended CUP:

1. The ~~Applicant shall submit Final Site Plan(s) and Building Plans that are substantially development and phasing of the site shall be~~ in conformance with the plans that were submitted to the City, ~~dated February 12, 2014~~ on July 14, 2016. ~~All elements of the Final Plans must meet the requirements of the zoning ordinance. Final plans shall be submitted within 60 days of the approval of the CUP, and before the start of business operations on the site.~~
2. The applicants shall combine the parcels that will be occupied by the business as needed to meet the minimum lot size requirements.



~~3. The Applicant shall modify the plans for City Engineer approval, and comply with the requests of the City Engineer included in the Engineer's memo, dated February 18, 2014, except for the requirement that concrete curbing be required for the parking area. All work shall be completed in accordance with the City of Newport's Engineering Standards (with the exception of the concrete curb requirement). The plans shall be submitted within 60 days of the approval of the CUP, and before the start of business operations on the site.~~

4.3. No concrete curb shall be required for the parking areas on the site. Parking lots shall drain to the stormwater ponds.

~~5.4. Maximum truck loads serving the site may not exceed 9 tons in weight year-round.~~

5. The applicant shall direct traffic to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue.

6. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using that gate or the gate north of the existing house near 4th Avenue between 8 a.m. and 8:00 p.m. At all other hours, trucks shall enter and exit the site using the gate south of the warehouse. The height of the gates shall be the same as the fence, and the gates must remain closed when not in use.

7. The applicants shall revise the plan to include a location for visitor parking and handicapped parking that meets State and Federal regulations.

~~8. The applicant shall provide the plans for the improvements to the warehouse to the City staff for approval. The plans shall include removing existing rust from the warehouse exterior, painting the front façade of the warehouse, maintaining the warehouse in a rust-free condition, and removal of the existing Bill's Auto Parts signage. The warehouse plans shall be submitted to the City within 60 days of the approval of the CUP, and improvements to the warehouse shall be completed within 150 days of approval of the CUP.~~

~~9.8. The stormwater management facilities shall be constructed during the first phase of improvements at the site. The City Engineer shall approve the facilities.~~

~~10.9. The applicants shall submit an as-built drawing and a revised maintenance agreement for the stormwater management facilities to the City for approval.~~

~~11.10. The City of Newport is still listed as the NPDES permit holder as the site owner. The new owners shall sign and submit the Notice of Termination/Permit Modification form to remove the City's responsibility.~~

~~12.11. No outside storage other than vehicles stored on the parking areas is permitted on the site.~~

~~13.12. No motor vehicle repair, motor vehicle body work, motor vehicle painting, or sales of vehicles or parts is permitted on the site.~~

~~14.13. No stacking, crushing, or dismantling of vehicles is permitted on the site.~~

~~15.14. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.~~



~~16-15.~~ Lighting shall conform to the ~~plan submitted with the application and the ordinance requirements.~~ The applicants shall submit any revised lighting plan to the City for approval. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare from spilling onto adjacent residential areas.

~~17.~~ The fencing, ~~and related~~ screening, ~~and landscaping~~ on the site shall be ~~repaired~~ maintained in good condition so that the requirements of the ordinance are met. ~~Fencing and screening improvements shall be completed before the business begins operations at the site.~~

~~18-16.~~ Any utility equipment installed at the site must meet the ordinance requirements.

~~19.~~ The applicant shall submit final plans for fence repairs and screening elements to the City staff for approval within 60 days of the approval of the CUP.

~~17.~~ The applicant shall submit a landscape plan to the City for approval that includes a screen of conifer trees (Black Hills Spruce, *Picea glauca densata*, or other conifer species as approved by the City) that shall screen the fence from the view of adjacent residential properties. The trees shall be a minimum 5 feet in height at planting, and shall be maintained or replaced as needed to screen the fence.

~~20.~~ The landscape plan shall be submitted to the City within 60 days of approval of the CUP, and improvements shall be completed within 150 days of approval of the CUP.

~~21-18.~~ The daytime hours of operation shall be 8:00 a.m. to 8:00 p.m.

~~22.~~ The applicant shall direct traffic to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue.

~~23-19.~~ The business may bring repossessed vehicles to the site outside the daytime hours of operation (8 a.m. to 8 p.m.) under the following conditions:

- The trucks that are dropping off vehicles shall enter and exit the site via the gate south of the warehouse building. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.
- Equipment shall use broadband alarms only. The use of back-up beepers shall be prohibited at the business. The applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site.

~~24-20.~~ The Applicant shall apply to the City for a permit for any sign(s) proposed as the site. All signs shall meet the ordinance requirements.

~~25-21.~~ Noise, odors, smoke and particulate matter produced on the site shall not exceed Minnesota Pollution Control Agency standards.

~~26-22.~~ The applicant shall complete a revised Development Agreement with the City that includes at least the following: ~~1) the responsibilities, phasing and deadlines for the cleanup of the hazardous materials on the site and 2) a maintenance agreement and performance bond for the stormwater facilities on the site.~~ The deadline for clean-up of hazardous materials at the site shall be January 1, 2018.

~~27.~~ The applicant shall continue to work with the City to apply for grant funds to clean up the site, through grant cycles in 2014 and 2015. If the City is not awarded grant funds for cleanup, the applicant will be responsible for cleanup, and shall provide to the City a



~~detailed plan for treatment and disposal of contaminated soils for the site that meets regulatory requirements.~~

~~28.23.~~_____ The applicant shall pay all fees and escrow associated with this application.



City of NEWPORT Planning Request Application

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

Application Date: 6-22-2016 Public Hearing Date _____

Applicant Information

Name: IR Services Telephone: 651-458-0200
Mailing Address: 310 7th Ave, Newport, MN 55055 Telephone: 832-230-3813
City/State/Zip: Newport, MN 55055

Property Owner Information

Name: IR Services Telephone: 651-458-0200
Mailing Address: 310 7th Ave, Newport, MN 55055 Telephone: 832-230-3813
City/State/Zip: Newport, MN 55055

Project Information

Location of Property: 310 7th Ave, Newport, MN 55055

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

See attached PID LIST and Certificate of Survey

- 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 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 |
- Other: Amended CUP
- 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

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: _____

State Reason for Planning Request: _____

Change in Ownership and Project Staging

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: _____

SIGNATURE OF OWNER (IF APPLICABLE): _____

For Office Use

Fee: _____ Date Paid: _____ Receipt #: _____

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

Imperial Recovery Services MN

Planning Request

Business/Operations Plan

6-22-2016

City of Newport Mayor, City council and Planning Commissioners,

The amended CUP as required by the city has three elements to be amended. Items strick through are deleted and items underlined have been added.

1. The owners have changed.
2. Having been operating over the last 6 months it is clear we must scale back the staging plan to reflect supply and demand, a revised staging plan reflects this change.
3. Request the CUP is flexible enough that future sale of parcels not needed would not require an amended CUP for each sale

~~David & Diane Sullivan along with~~ Christopher and Stephanie Findley ~~have come together to~~ form Presidential Recovery Services, LLC for the expressed purpose of purchasing the subject buildings and land formerly known as Bill's Auto Salvage/Bill's Auto Parts. That is really the total reason for the existence of that LLC. ~~The Sullivans and the~~ Findleys have also formed a domestic corporation here in Minnesota called Imperial Recovery Services MN, Inc., which will be the name of the entity conducting the business that gives rise to this request.

Please accept our request for an amended Conditional Use Permit (CUP) to operate an automobile repossession company on the property, formally known as Bill's Auto Salvage/Bill's Auto Parts, etc... The following is a description of the proposed use, operations and improvements.

Imperial Recovery Services, MN (hereinafter referred to as I R Services) is planning to operate an automobile repossession company based at the former salvage yard. One of the main things we will be doing at that location is storing cars, trucks, motorcycles, etc... that we repossess primarily in the 7 county Twin Cities metropolitan area.

The automobile repossession industry in general and I R Services specifically is a far cry from most anything that you may have seen on some of the TV shows that are on the air now. We are bonded and insured for millions of dollars and in fact David Sullivan and Stephanie Findley serve as elected officers of Allied Finance Adjusters. AFA is the largest and the oldest

(established in 1936) trade association in the repossession industry. We conduct teleconference meetings once a month and conventions twice a year. As nationally recognized industry leaders, some of our main concerns are keeping our members educated on maintaining a professional workplace and complying with the various state, federal and local rules, laws, and standards that are applicable to our industry.

At the outset of our business we plan to store the majority of the vehicles on the approximate two acres of land to the south, east, north and north east of the “warehouse” building. We also plan to store some repossessed collateral and personal property found in cars/trucks inside the warehouse as well.

Some key information that I believe the City of Newport needs to know:

- Office hours to conduct business with public: Monday thru Friday 9am – 4:30pm. The public will come and go primarily to retrieve their personal effects and in some cases they will be retrieving their collateral as well.
- All traffic will be directed to come into our facility from the south (taking the 70th street exit off of Highway 61).
- We will be dropping off some repossessed cars/trucks “after hours” and our plan is to route vehicles into the storage yard via the gate just south of the warehouse and have them exit the yard via the gate just north of the yellow house. This should virtually eliminate any noise from “backup beepers”. Also, by exiting via the north gate our headlights will not shine on any homes but rather down 4th street. Should we have occasion to exit the south gate our headlights would shine down 3rd street.
- We anticipate doing some repair and sprucing up to the exteriors of both the warehouse and the small yellow house.
- We will not be selling any of the collateral.
- We will not be repairing any of the collateral.
- We want to install lighting in such a way that for the most part it aims down and to the east wherever practical. **We will not allow any exterior lighting that will have an impact on any of the homes of the citizens Newport with the possible exception of 396 7th Avenue which we will own.**

We anticipate some office staff working out of the warehouse and some in the old “paint and auto repair shop”. At this time we envision conducting business with debtors (when they come to our office to retrieve personal effects or their collateral) from the old repair shop.

We are requesting an exception to ***City Zoning Code 1330 General District Regulations Section 1330.05 Subd. 7 Paving and Curbing:*** requiring the periphery of all parking areas to be

constructed with poured-in-place concrete curbing. We are requesting that concrete curb and gutter not to be required under the city code for the following reasons;

1. This is a unique parking area and is not open to the public.
2. Only professional employees/drivers are allowed to operate vehicles in that area.
3. We are proposing a security fence one foot from the edge of parking so vehicles will not be able to drop off the edge of the parking area alleviating the concern of deterioration of the hard surface edge.
4. The request is controlled by the city if the use were to change under the conditions of the CUP.

Exhibit A

Newport, MN Purchase Agreement PID and Legal Lot descriptions (pg 1 of 2)

Body Shop

PID – 0102722210009

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 5 BLOCK 3 SUBDIVISIONCD 55455 & LOT 6 & 1/2 VAC ALLEY ADJ

Open Lot

PID#: 0102722210011

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 11 BLOCK 3 SUBDIVISIONCD 55455 & LOTS 12-15 & VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210012

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 16 BLOCK 3 SUBDIVISIONCD 55455 & LOTS 17-18 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210013

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 19 BLOCK 3 SUBDIVISIONCD 55455 & LOTS 20 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210014

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 21 BLOCK 3 SUBDIVISIONCD 55455 & LOT 22 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210015

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 23 BLOCK 3 SUBDIVISIONCD 55455 & LOT 24 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ & ALL VAC ST LYING N OF LOT 24

Yellow House

PID#: 0102722210016

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 1 BLOCK 4 SUBDIVISIONCD 55455 LOTS 2-4 & 1/2 VAC ALLEY ADJ

Warehouse

PID#: 0102722210017

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 5 BLOCK 4 SUBDIVISIONCD 55455 & LOTS 6-11 & VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ & 1/2 PARKER ST ADJ

Open Lot

PID#: 0102722210018

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 12 BLOCK 4 SUBDIVISIONCD 55455 & LOTS 13-15 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210019

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT BLK 5 BEING N1/2 OF ALL LYING WEST OF THE C R I & P RR RIGHT OF WAY & S OF THE N LINE OF LOT 18 BLK 3 PROJECTED E TO THE RR R/W & 1/2 VAC 8TH AVE ADJ

Exhibit A

**Newport, MN Purchase Agreement
PID and Legal Lot descriptions
(pg 2 of 2)**

Open Lot

PID#: 0102722210020

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT OF BLK 5 BEING S1/2 FOLL ALL LYING W OF C R I & P RR R/W & SO. OF NO. LINE OF LOT 18 BLK 3 PROJECTED EAST RO RR R/W & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210021

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT OF BLK 5 LYING N OF S LINE OF LOT 19 BLK 3 ELY TO C B & N RY R/W & S OF S LINE OF LOT 23 & 1/2 VAC 8TH AVE ADJ

Open Lot

PID#: 0102722210022

Legal Description: SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT OF BLK 5 LYING N OF THE S LINE OF LOT 23 BLK 3 EXTENDED ELY TO C B & Q RY R/W & 1/2 VAC 8TH AVE ADJ



5.20 ACRES, MORE OR LESS

G-Cubed Inc.
 Engineering
 Surveying
 Planning
 285 Westview Drive
 West Saint Paul, MN 55118
 ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA
 Geoffrey G Griffin
 DATE _____ REG. NO. 21940

DESIGNED	DJT	REVISD	BY	DATE
DRAWN				
CHECKED				

LATEST REVISION: 2/7/2014
 Prepared For:
 DAVE SULLIVAN
 6127 S. Hearthstone Ave.
 Cottage Grove, MN 55016
 FILE NO.: 14-012 CP

CITY OF NEWPORT
 WASHINGTON COUNTY, MN
 2014 CONSTRUCTION

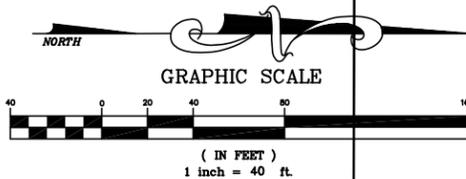
OUTDOOR STORAGE
 IMPROVEMENT PLAN

EXISTING CONDITIONS
 AERIAL PHOTO
 SHEET 1 OF 1 SHEETS

EMERGENCY OVERFLOW
CLASS 3 RIPRAP W/GEOTEXTILE
10' WIER BOTTOM EL. 743.4
6:1 SLOPES TO TOP EL. 744.0

SOUTH BASIN DESIGN DATA
100YR HW EL. 743.74
NWL = 741.0
BASIN TOP 744.0
BASIN BOTTOM EL. 738.0
8" HICKENBOTTOM CONTROL OUTLET
WITH 44-1" HOLES PER FOOT
& 8-1"x 4" SLOTS PER FOOT
BOTTOM HOLE 741.00
TOP OPEN RISER 743.40

EAST BASIN DESIGN DATA
100YR HW EL. 743.71
NWL 741.8
BASIN TOP 744.0
BASIN BOTTOM EL. 738.0



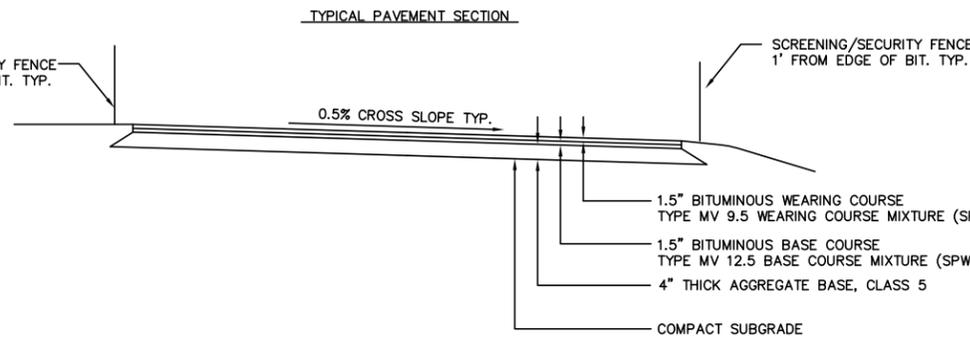
FENCE NOTE:
1.) EXISTING FENCE SHALL BE REPAIRED AND MAINTAINED AS NEEDED.
2.) FENCE ALONG CITY STREET SHALL PROVIDE FULL SCREENING.

CALL BEFORE YOU DIG
GOPHER STATE CALL
TWIN CITY AREA
MN. TOLL FREE 1-800-252-1166
651-454-0002

GOVERNING SPECIFICATIONS

THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CITY OF NEWPORT STANDARDS INCLUDING CONFORMANCE WITH; MNDOT AND CEAM SPECIFICATIONS (LATEST ADDITIONS). TRAFFIC CONTROL SHALL CONFORM TO THE REQUIREMENTS OF MNMUTCD. WORK SHALL ALSO BE IN CONFORMANCE WITH NEWPORT MS4 PERMIT FOR SEDIMENT CONTROL AND EROSION CONTROL INCLUDING PREPARATION OF SWPPP AND NPDES PERMIT FROM THE MPCA.

SCREENING/SECURITY FENCE
1' FROM EDGE OF BIT. TYP.



G-Cubed Inc.
Engineering
Surveying
Planning
285 Westview Drive
West Saint Paul, MN 55118
ph. 651.288.9474 fax 651.455.4948

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Geoffrey G. Griffin
DATE 9/23/2015 REG. NO. 21940

DESIGNED	DJT
DRAWN	
CHECKED	

REVISED	BY	DATE
(A)	DJT	9/23/2015
(B)	DJT	5/19/2016

LATEST REVISION: 9/23/2015
Prepared For:
DAVE SULLIVAN
6127 S. Hearthstone Ave.
Cottage Grove, MN 55016
FILE NO.:14-012 CP

CITY OF NEWPORT
WASHINGTON COUNTY
MINNESOTA
(A) REVISED AS PER CITY OF NEWPORT REVIEW COMMENTS
(B) REVISED PAVEMENT PHASING

IMPERIAL RECOVERY SERVICES MN

SITE IMPROVEMENT AND GRADING PLAN
BENCHMARKS:
TOP MH CL CL 4TH ST. AND 7TH AVE. ELEV. 743.07'
TOP MH CL CL 6TH ST. AND 7TH AVE. ELEV. 742.70'
SHEET 2 OF 5 SHEETS

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-9**

**A RESOLUTION RECOMMENDING THE NEWPORT CITY COUNCIL APPROVE AN
AMENDMENT TO A CONDITIONAL USE PERMIT REQUESTED BY IR SERVICES, 310 7TH
AVENUE, NEWPORT, MN 55055, FOR PROPERTY LOCATED ON 7TH AVENUE BETWEEN 3RD AND
6TH STREETS, NEWPORT, MN 55055**

WHEREAS, IR Services, 310 7th Avenue, Newport, MN 55055, has submitted a request to amend a Conditional Use Permit that the City approved April 17, 2014 to allow for an Vehicle Storage Lot Use/ automobile repossession business use, not including auto body repair or major repair; and

WHEREAS, the amendment is due to the owners changing and requesting that the business plan be phased; and

WHEREAS, the property is located on 7th Avenue between 3rd and 6th Streets, Newport, MN 55055, and is more fully legally described as follows:

PID# 0102722210009 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 5 BLOCK 3
SUBDIVISIONCD 55455 & LOT 6 & 1/2 VAC ALLEY ADJ

PID# 0102722210011 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 11 BLOCK 3
SUBDIVISIONCD 55455 & LOTS 12-15 & VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210012 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 16 BLOCK 3
SUBDIVISIONCD 55455 & LOTS 17-18 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210013 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 19 BLOCK 3
SUBDIVISIONCD 55455 & LOTS 20 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210014 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 21 BLOCK 3
SUBDIVISIONCD 55455 & LOT 22 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210015 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 23 BLOCK 3
SUBDIVISIONCD 55455 & LOT 24 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ & ALL VAC ST
LYING N OF LOT 24

PID#: 0102722210016 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 1 BLOCK 4
SUBDIVISIONCD 55455 LOTS 2-4 & 1/2 VAC ALLEY ADJ

PID#: 0102722210017 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 5 BLOCK 4
SUBDIVISIONCD 55455 & LOTS 6-11 & VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ & 1/2 PARKER ST
ADJ

PID#: 0102722210018 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK LOT 12 BLOCK 4
SUBDIVISIONCD 55455 & LOTS 13-15 & 1/2 VAC ALLEY ADJ & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210019 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD
55455 PT BLK 5 BEING N1/2 OF ALL LYING WEST OF THE C R I & P RR RIGHT OF WAY & S OF
THE N LINE OF LOT 18 BLK 3 PROJECTED E TO THE RR R/W & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210020 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD
55455 PT OF BLK 5 BEING S1/2 FOLL ALL LYING W OF C R I & P RR R/W & SO. OF NO. LINE OF LOT
18 BLK 3 PROJECTED EAST RO RR R/W & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210021 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT OF BLK 5 LYING N OF S LINE OF LOT 19 BLK 3 ELY TO C B & N RY R/W & S OF S LINE OF LOT 23 & 1/2 VAC 8TH AVE ADJ

PID#: 0102722210022 - SUBDIVISIONNAME DIV NO.6 ST PAUL PARK BLOCK 5 SUBDIVISIONCD 55455 PT OF BLK 5 LYING N OF THE S LINE OF LOT 23 BLK 3 EXTENDED ELY TO C B & Q RY R/W & 1/2 VAC 8TH AVE ADJ

WHEREAS, The described property is zoned General Business District (B-2); and

WHEREAS, Section 1310.10 Subd. 2 Criteria states the criteria for acting upon a Conditional Use Permit (C.U.P.) application as follows: *“In acting upon an application for a conditional use permit, the City shall consider the effect of the proposed use upon the health, safety, and general welfare of the City including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood; consistency with the Newport comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire; effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes flood plains and soils; and other factors as found relevant by the City. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City or other governmental bodies having jurisdiction over the City. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which it considers necessary to protect the best interest of the surrounding area or the community as a whole.”*; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on August 11, 2016; and

WHEREAS, the Planning Commission’s findings related to the request for approval of a Conditional Use Permit include the following:

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the B-2 General Business Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of a mix of residential and commercial uses in the areas along Highway 61.
3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions and parking facilities on adjacent streets and land.
4. With the proposed conditions, the use will not have negative impacts on surrounding properties, including valuation, aesthetics, and the character of the neighborhood.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. The potential use and development plan have resulted in the cleanup of existing pollution on the site, and will provide for stormwater management that meets the City’s requirements.
7. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport Planning Commission **Hereby Recommends Newport City Council Approval** for an amendment to the Conditional Use Permit for a Vehicle Storage Lot Use/ automobile repossession business use, not including auto body repair or major repair with the following conditions:

1. The development and phasing of the site shall be in conformance with the plans that were submitted to the City on July 14, 2016.
2. The applicants shall combine the parcels that will be occupied by the business as needed to meet the minimum lot size requirements.
3. No concrete curb shall be required for the parking areas on the site. Parking lots shall drain to the stormwater ponds.
4. Maximum truck loads serving the site may not exceed 9 tons in weight year-round.
5. The applicant shall direct traffic to access the site from the south, using the 70th Street exit from Highway 61 and 7th Avenue.
6. Trucks shall enter the site using the gate south of the warehouse, and shall exit the property using that gate or the gate north of the existing house near 4th Avenue between 8 a.m. and 8:00 p.m. At all other hours, trucks shall enter and exit the site using the gate south of the warehouse. The height of the gates shall be the same as the fence, and the gates must remain closed when not in use.
7. The applicants shall revise the plan to include a location for visitor parking and handicapped parking that meets State and Federal regulations.
8. The stormwater management facilities shall be constructed during the first phase of improvements at the site. The City Engineer shall approve the facilities.
9. The applicants shall submit an as-built drawing and a revised maintenance agreement for the stormwater management facilities to the City for approval.
10. The City of Newport is still listed as the NPDES permit holder as the site owner. The new owners shall sign and submit the Notice of Termination/Permit Modification form to remove the City's responsibility.
11. No outside storage other than vehicles stored on the parking areas is permitted on the site.
12. No motor vehicle repair, motor vehicle body work, motor vehicle painting, or sales of vehicles or parts is permitted on the site.
13. No stacking, crushing, or dismantling of vehicles is permitted on the site.
14. All trash and recycling equipment shall be stored within an enclosed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
15. Lighting shall conform to the ordinance requirements. The applicants shall submit any revised lighting plan to the City for approval. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare from spilling onto adjacent residential areas.
16. The fencing, screening, and landscaping on the site shall be maintained in good condition so that the requirements of the ordinance are met. Any utility equipment installed at the site must meet the ordinance requirements.
17. The daytime hours of operation shall be 8:00 a.m. to 8:00 p.m.
18. The business may bring repossessed vehicles to the site outside the daytime hours of operation (8 a.m. to 8 p.m.) under the following conditions:
 - a. The trucks that are dropping off vehicles shall enter and exit the site via the gate south of the warehouse building. Headlights shall be controlled so there are no impacts to homes across 7th Avenue.

b. Equipment shall use broadband alarms only. The use of back-up beepers shall be prohibited at the business. The applicant shall utilize equipment with broadband alarms, minimize equipment and alarm volumes, and utilize a circular traffic pattern to the extent feasible to minimize the need for equipment to back up on the site.

19. The Applicant shall apply to the City for a permit for any sign(s) proposed as the site. All signs shall meet the ordinance requirements.

20. Noise, odors, smoke and particulate matter produced on the site shall not exceed Minnesota Pollution Control Agency standards.

21. The applicant shall complete a revised Development Agreement with the City that includes at least the following: a maintenance agreement and performance bond for the stormwater facilities on the site.

22. The applicant shall pay all fees and escrow associated with this application.

Adopted this 11th day of August, 2016 by the Newport Planning Commission.

VOTE: Mahmood
Haley
Taylor
Tweeten
Ratsabout

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator



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

Memorandum

To:	Newport Planning Commission	Reference:	Residential Building Materials Ordinance Amendment – Public Hearing
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz, Assistant to the Administrator		
From:	Sherri Buss, RLA AICP, City Planner	Project No.:	16021.000
Date:	August 1, 2016	Routing:	

The Planning Commission will hold a public hearing on August 11 to review proposed change to the Zoning Ordinance standards for exterior building materials for residential buildings.

City staff frequently receive questions about the exterior materials allowed for residential buildings, including accessory structures. The Planning Commission recently updated the general performance standard sections of the Zoning Ordinance for non-residential districts, but the update did not include information for residential structures. The Ordinance identifies materials for residential buildings that are permitted in the MX-3 District since this section was recently updated, not for other residential districts or buildings.

The draft also includes a change to the section on accessory structures from the current standards. The current standards require that accessory structures be built of the same material as the primary structure. This is challenging when the home's exterior material is stucco.

The Planning Commission reviewed and discussed this ordinance amendment on July 14, made several changes that have been incorporated in the amendment, and recommended that a hearing be held on the changes at the August meeting.

1330.05 Performance Standards

Subd. 1 Intent. It shall be the intent of this section to promote high standards of design and construction in the City. These standards are set forth in order to enhance the visual appearance of the built environment within the City, to preserve the taxable value, to implement the goals and policies of the Comprehensive Plan and to promote the public health, safety, and welfare of the general public.

Subd. 2 General Scope—Performance Standards for Non-Residential Districts. Except in the RE, R-1, and R-1A districts, any construction or alteration of buildings, structures, property or exterior equipment in the City which requires a building permit under the provisions of this Chapter shall be reviewed by the Zoning Administrator and shall comply with the standards set in Subds. 3-15 and 17-19 inclusive. **Subd. 16 includes performance standards for Fences in all districts.**

If the Zoning Administrator determines that the plans comply with the intent and standards contained herein, a building permit may be issued. All decisions of the Zoning Administrator may be appealed to the City Council as provided for in this Chapter.

Subd. 3 Building Materials in Residential Districts. The exterior primary building materials of principal and accessory residential structures may include wood, lap siding with wood appearance (shall not include corrugated or flat metal panels), vinyl, brick, stone, marble, glass, decorative concrete block, stucco, and equivalent or better products. Asphalt shingles and metal (finished metal standing seam) may be used for roofing materials.

Accessory structures shall be constructed of durable, finished materials and shall be compatible in color to the principle structure. Accessory structures over one-hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, pitch, and color. Metal accessory buildings are permitted only in the Residential Estates (RE) District.

Subd. 4 Building Materials in Non-Residential Districts. Exterior building materials of all non-residential and mixed-use structures shall comply with the following requirements:

- 1) Allowable exterior building materials shall be classified as Class I, II or III materials or Accent materials, as follows.
 - a. Class I exterior building materials include brick, stone, marble or glass. Bronze-tinted or mirror glass are prohibited as exterior materials.
 - b. Class II exterior building materials include architecturally-treated concrete panels, cast-in-place concrete, or pre-cast concrete panels; specialty concrete block (such as textured, burnished, or rock-faced block) or stucco.
 - c. Class III exterior building materials include unpainted or surface-painted concrete block (scored or unscored), unpainted or surface-painted plain or ribbed concrete panels, and unfinished or surface-painted metal.
 - d. Accent materials may be wood or metal if appropriately integrated into the overall building design and not situated in areas that will be subject to physical or environmental damage.

1340 Residential Districts

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

Subd. 7 Compatibility. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over one hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, color, ~~and exterior finish materials.~~

If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Chapter.

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-10**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1330 GENERAL DISTRICT REGULATIONS AND SECTION 1340 RESIDENTIAL DISTRICTS**

WHEREAS, The City has been working to update language in its Zoning Code; and

WHEREAS, City staff frequently receive questions about exterior materials for residential buildings; and

WHEREAS, the current zoning code does not address building materials for residential buildings; and

WHEREAS, The Planning Commission feels it is advantageous to add language for building materials for residential buildings; and

WHEREAS, The Planning Commission held a public hearing at its meeting of Thursday, August 11, 2016; 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 1330 General District Regulations and Section 1340 Residential Districts*. They will read as follows:

Section 1330 General District Regulations

1330.05 Performance Standards

Subd. 1 Intent.

Subd. 2 General Scope—Performance Standards for Non-Residential Districts.

Subd. 3 Building Materials in Residential Districts. The exterior primary building materials of principal and accessory residential structures may include wood, lap siding with wood appearance (shall not include corrugated or flat metal panels), vinyl, brick, stone, marble, glass, decorative concrete block, stucco, and equivalent or better products. Asphalt shingles and metal (finished metal standing seam) may be used for roofing materials.

Accessory structures shall be constructed of durable, finished materials and shall be compatible in color to the principle structure. Accessory structures over one-hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, pitch, and color. Metal accessory buildings are permitted only in the Residential Estates (RE) District.

Subd. 4 Building Materials in Non-Residential Districts.

Subd. 5 Additions, Alterations, and Accessory Structures.

Subd. 6 Other Structures—Garages and Walls.

Subd. 7 Outside Storage.

Subd. 8 Utility Equipment.

Subd. 9 Utilities Location.

Subd. 10 Loading and Service Areas.

Subd. 11 Trash Handling.

Subd. 12 Screening.

Subd. 13 Outdoor Electronic Speakers.

Subd. 14 Lighting.

Subd. 15 Landscaping.

Subd. 16 Fences.

Subd. 17 Noxious Matter.

Subd. 18 Restricted Operations.

Subd. 19 Explosives.

- Subd. 20 Exceptions for Legal Non-Conforming Structures.**
- Subd. 21 Subdivisions 21-24 -- Performance Standards in RE, R-1, and R-1A districts.**
- Subd. 22 Exterior Storage and Screening in RE, R-1, and R-1A districts.**
- Subd. 23 Lighting in the RE, R-1, and R-1A districts.**
- Subd. 24 Landscaping in the RE, R-1 and R-1A Districts.**
- Subd. 25 Utilities Location in Residential (R) Districts.**

1340 Residential Districts

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

Subd. 7 Compatibility. All accessory structures of any size shall be constructed of durable, finished materials and shall be compatible in color to the principal structure. All accessory structures over one hundred fifty (150) square feet in area shall be compatible with the principal structure in terms of design, roof style, roof pitch, color.

If an accessory building is attached to the main building, it shall be made structurally a part of the main building and shall comply in all respects with the requirements of this Chapter applicable to the main building. An accessory building, unless attached to and made a part of the main building, shall not be closer than five (5) feet to the main building, except as otherwise provided in this Chapter.

Adopted this 11th day of August, 2016 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Taylor	_____
Tweeten	_____
Ratsabout	_____

Signed: _____
 Anthony Mahmood, Chairperson

ATTEST: _____
 Deb Hill, City Administrator



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Memorandum

To:	Newport Planning Commission	Reference:	MX-5 District Rezoning and Ordinance Amendment -- Public Hearing
Copies To:	Deb Hill, City Administrator Renee Eisenbeisz, Assistant to the Administrator	Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	August 1, 2016		

Background

Northern Tier Energy has been buying parcels in Newport in the R-1 District west of Highway 61 and north of the refinery. Northern Tier has been clearing the parcels, with the intent that these areas will be "buffer" areas for their refinery. They also own a large area east of Highway 61 that they describe as a buffer. This is a concern to the City because the taxable value of the cleared parcels has been reduced to the value of "vacant" residential parcels, and therefore the tax revenues to the City have been reduced in a significant area within Newport. The City Administrator discussed the concerns with the City's Assessor. He indicated that if the vacant parcels were classified as commercial or mixed use, the valuation for property taxes would be higher for vacant parcels with such classifications than for vacant parcels zoned for residential use.

The City has discussed this issue with Northern Tier. Northern Tier has indicated that they are not planning to purchase additional parcels at this time, and that they are interested in some potential office and residential uses of the parcels they own north of the refinery. The City staff explained to Northern Tier that if they wish in the future to expand industrial uses related to the refinery north of their existing Industrial parcels, they would need to request that parcels be rezoned for this use. Northern Tier's staff also indicated that the refinery may be willing to sell some of its parcels west of Highway 61 so that they could be development for commercial or residential uses.

The City Administrator asked the Planning Commission to look at the potential for identifying a new zoning district with an MX or other classification for the area north of the refinery and south of 3rd Street, so that the parcels could be classified as a commercial use and assessed at a higher value than vacant residential parcels.

The Planning Commission looked at a variety of options to address the following:

- Allow the parcels the refinery owns east of Highway 61 to be taxed at a higher rate than vacant residential properties
- Permit some uses of the parcels such as office uses that could be compatible with existing residences in the area
- Protect adjacent residences from expansion of industrial uses.

Mississippi River Critical Area Rules

The Minnesota DNR is updating its rules for areas within the Mississippi River Corridor Critical Area (MRCCA). A portion of the proposed MX-5 District is within the Critical Area. The Critical Area rules that apply to this area (called the River Neighborhood District) are that the area “shall be characterized by primarily residential neighborhood. The district includes parks and open space, limited commercial development, marinas, and related land uses. The Planning Commission needs to consider this designation as it proposes uses and standards for the new MX-5 District.

Planning Commission Recommendations for Rezoning and Ordinance Amendment

The Planning Commission discussed the future of the area north of the refinery at several meetings. The Commission recommended that a new Mixed Use District be developed for this area, and that the area between 2nd and 3rd Streets, the Mississippi River and the existing MX-4 District, be rezoned to the new MX-5 District classification.

The map of the proposed district is attached. The Commission proposes that the existing R-1A and R-1 Districts in this area be rezoned to MX-5.

The Commission is proposing changes to the Zoning Ordinance to create the new district, its dimensional standards, and lists of allowed and permitted uses. The proposed Zoning Ordinance amendment is attached for discussion at the public hearing on August 1.



Section 1350 - Non-residential Districts

1350.01 Scope.

Except as otherwise provided, this division applies to all non-residential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.

Business districts shall be established to accomplish the general purpose of this Chapter and the Comprehensive Plan and for the following specific purposes:

- A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;
- B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base;
- C. To promote a high quality of business and commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare, and similar problems.

1350.03 Specific intent of the Business Park/Office/Warehouse District.

The Business Park/Office/Warehouse District is intended to provide locations for office, warehouse, and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base.

1350.04 Specific intent of the General Business District

The General Business District is intended to provide the opportunity for diverse businesses to take advantage of the City's location and access to major roadway corridors. The district is intended to provide locations for businesses that serve local and regional needs, and may include retail businesses, highway or automobile-oriented businesses, and quasi-industrial and wholesale enterprises that do not need an industrial setting, and can be designed or managed to be compatible with surrounding districts.

1350.05 Purpose of the Industrial Districts.

The industrial districts shall be established to accomplish the general purpose of this Chapter and the Comprehensive Plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products, and employees can be carried on efficiently;
- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.06 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.07 Specific intent of the I-2 General Industrial District.

The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.08 Specific intent of the I-S Industrial Storage District.

The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.09 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the Comprehensive Plan and to foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.10 Specific intent of the MX-1 Downtown District.

The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. District requirements and standards will create neighborhoods that are aesthetically pleasing, dense, safe, and walkable. This district is primarily intended to integrate residential uses with pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. This district shall serve as the center for financial, commercial, professional, and entertainment activities. Inclusion of high density housing above commercial uses in this district will support commercial and entertainment uses and public transit services.

1350.11 Specific intent of the MX-2 Commercial District.

The specific intent of the MX-2 Commercial Mixed Use District shall be to provide areas that integrate diverse commercial and residential uses. Minimum lot sizes are larger than those in the Downtown District. Development is intended to be compatible with the scale of surrounding areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood and on areas that are visual gateways to the City.

1350.12 Specific intent of the MX-3 Transit-Oriented Mixed Use District

The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

- A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
- B. Maximize access to transit.
- C. Encourage use of transit infrastructure.
- D. Provide parking in an efficient and unobtrusive manner
- E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.13 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61 and adjacent industrial districts, to uses that are compatible with adjacent Mixed-Use Districts and development of the Downtown character of Hastings Avenue residential and mixed use districts. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.14 Specific intent of the MX-5 (Mixed Use Buffer District)

The specific intent of the MX-5 (Mixed Use Buffer District) is to provide for a mix of residential, commercial, and office uses that provide for a residential uses and a limited set of office and commercial uses in areas of the City that are located between industrial uses and nearby residential and mixed-use districts. The uses in the district must be compatible with nearby residential and mixed-use districts.

1350.15 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	MX-5	B-1 and B-2	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	4,000	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	100	150	200	200	200
Minimum lot width in feet	30	40	30	30	40	100	100	100	100
Maximum lot coverage by all buildings (%)—uses other than Single Family residential	80%	50 75%	None 75%	80 75%	75%	30 75%	40 75%	50 75%	50 75%
Maximum lot coverage by all impervious surfaces (%)—Single-Family residential uses	35%	35%	35%	35%	35%	NA	NA	NA	NA
<i>Structure setback standards***</i>									
Minimum front yard setback	0	10**	0	0	10	20	20	20	50
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	10	50	50	50	100
Minimum side yard	0	5	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential	10	10	10	10	10	50	50	50	100

City of Newport

Section 1350 Non-Residential Districts

Requirements	MX-1	MX-2	MX-3	MX-4	<u>MX-5</u>	B-1 and B-2	I-1	I-2	I-S
district									
Minimum rear yard	20	20	20	20	<u>20</u>	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	<u>20</u>	50	50	50	100
<i>Parking and driving aisle setback in feet</i>									
Minimum front yard	20	Not allowed	Not allowed	20	<u>Not allowed</u>	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	<u>Not allowed</u>	50	50	50	50
Minimum side yard	5	5	5	5	<u>5</u>	5	5	5	5
Minimum side yard for multifamily, commercial, or industrial uses if adjacent to any R district	20	20	20	30	<u>20</u>	30	30	30	30
Minimum rear yard	5	5	5	5	<u>5</u>	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	<u>10</u>	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	<u>40</u>	40	40	40	40
Maximum height of storage tank in IS district									55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	<u>Yes</u>	Yes	Yes	Yes	Yes

*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.08 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

<i>Height and Setbacks</i>	<i>Residential Townhouse</i>	<i>Residential Apt., Condo, Cooperative</i>	<i>Mixed-Use Building</i>	<i>Commercial, Civic, not in mixed-use building</i>
<i>Height</i>	<i>3 stories or 35 feet, whichever is less</i>	<i>2 stories minimum, 4 stories maximum*</i>	<i>2 stories minimum, 4 stories maximum*</i>	<i>No minimum, 4 stories or 40 feet maximum</i>
<i>Setbacks</i>	<i>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</i>	<i>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</i>	<i>Front: Maximum of 15 feet Side: 10 feet Rear: none required</i>	<i>Front: Maximum of 8 feet Side: 10 feet Rear: None required</i>

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

- 1) The maximum residential density in the MX-3 District shall be 50 units per acre.
- 2) The minimum residential density in the MX-3 District shall be 30 units per acre.
- 3) The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development, sf=square feet

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Residential Uses					
Single-family detached, one dwelling per lot	P	P	N	P	<u>P</u>
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD	<u>P</u>
Two-family residences	P	P	N	P	<u>P</u>
Townhouse, rowhouse	P	P	P	P	<u>P</u>
Manufactured single-family dwelling	P	P	N	P	<u>P</u>
Mobile homes	N	N	N	N	<u>N</u>
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P	<u>P</u>
Congregate housing for senior populations	P	P	P	P	<u>P</u>
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	<u>P</u>
Mixed-Use (dwelling unit above ground floor)	P	P	P	P	<u>P</u>
Live-work building	C	C	C	C	<u>C</u>
PUD	PUD	PUD	PUD	PUD	<u>PUD</u>
Civic and Semi-Public Uses					
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P	<u>C</u>
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C	<u>C</u>
Day Care Facilities	C	C	C	C	<u>C</u>
Day Care Facilities in a mixed-use building	P	P	P	P	<u>C</u>
Essential services/public utilities	P	P	P	P	<u>P</u>
Funeral Home	C	C	C	C	<u>N</u>
Hospitals	C	C	C	C	<u>N</u>
Military reserve, national guard centers	C	N	N	N	<u>N</u>
Park and public recreation facilities	P	P	P	P	<u>P</u>
Parking Garage (as a principal use)	C	N	C	N	<u>N</u>
Parking Lot, Surface (as a principal use)	C	N	N	N	<u>C</u>
Penal/correctional facilities	N	N	N	N	<u>N</u>
Place of worship and associated facilities, except schools	C	C	C	C	<u>C</u>
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C	<u>C</u>
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C	<u>N</u>

City of Newport

Section 1350 Non-Residential Districts

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Schools for business, trade, dancing, music	C	C	C	C	<u>N</u>
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P	
Transit stations and related parking facilities	C	C	C	C	<u>C</u>
Commercial Uses					
Administrative support services	P	P	P	P	<u>P</u>
Adult Uses	N	N	N	N	<u>N</u>
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C	<u>N</u>
Artist studios	P	P	P	P	<u>P</u>
Auto body repair and major auto repair, towing services	C	N	N	N	<u>N</u>
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C	<u>N</u>
Bakeries, delicatessens, coffee shops	P	P	P	P	<u>P</u>
Bakeries, wholesale	P	C	C	C	<u>N</u>
Bed and Breakfast	P	P	N	P	<u>P</u>
Biotechnology	P	P	P	P	<u>N</u>
Brew on premises store	P	P	P 10,000 sf maximum	P	<u>N</u>
Brewery, craft	P/C*	P/C*	P/C*	P/C*	<u>N</u>
Building materials and services	C	N	N	N	<u>N</u>
Catalog and mail order	P	P	P	P	<u>N</u>
Conference Center, 50,000 square feet or less	C	C	C	C	<u>N</u>
Convenience stores	P	P	P	P	<u>P</u>
Data centers	C	C	C	C	<u>P</u>
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C	<u>N</u>
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C	<u>N</u>
Fabrication of office and computer equipment	P	P	P	P	<u>N</u>
Financial services	P	P	P	P	<u>N</u>
Fitness and recreation centers, in a mixed-use building	C	C	C	C	<u>N</u>
Gas, diesel or other motor fuel retail sales	C	C	N	C	<u>N</u>
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C	<u>N</u>
Internet publishing and broadcasting	P	P	P	P	<u>N</u>
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C	<u>N</u>
Medical appliance assembly	P	P	P	P	<u>N</u>
Motion picture and sound recording industries	C	C	C	C	<u>N</u>
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—larger than 10,000 sq ft	P	<u>P</u>

City of Newport

Section 1350 Non-Residential Districts

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Printing, publishing, bookbinding, blueprinting	C	C	C	C	<u>N</u>
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C	<u>N</u>
Retail and service establishments, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	P	<u>P—to 10,000 sq.ft.</u> <u>C—to 10,000 to 50,000 sq.ft.</u>
Research, development and testing laboratory	C	C	C	C	<u>C</u>
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P	<u>C</u>
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C	<u>N</u>
Restaurants with drive-through service	C	C	C	C	<u>N</u>
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P	<u>P</u>
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P	<u>P</u>
Theaters (with structured parking)	P	P	P	P	<u>N</u>
Theaters	C	C	C	C	<u>N</u>
Towing services (no outside storage of vehicles)	P	C	P	C	<u>N</u>
Vehicle sales, display and service	C	N	N	N	<u>N</u>
Vehicle Storage Lot	N	N	N	N	<u>N</u>
Warehousing as a primary use	N	N	N	N	<u>N</u>
Accessory Uses					
Drive up facilities	C	C	C	C	<u>N</u>
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	<u>P</u>
Outdoor sales, in conjunction with permitted use	C	C	N	C	<u>N</u>
Renewable energy system	P	P	P	P	<u>P</u>
Rental of vehicles (with limited outside storage)	C	C	C	C	<u>N</u>
Parking lot, as an accessory use	C	C	C	C	<u>P</u>
Swimming Pool	P	P	P	P	<u>N</u>

- Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:
 - a. A Craft Brewery with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
 - b. A Craft Brewery that manufactures more than five thousand (5,000) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted, sf=square feet

Use	B-1	B-2	I-1	I-2	I-S
Civic and Public Uses					
Airports	N	N	C	C	N
Cemetery and/or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical Clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	C	N	N	N
Parking Lot, Surface (as a principal use)	N	C	P	P	P
Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post Office	P	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
Commercial Uses					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N
Convenience stores	P	P	N	N	N
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N

City of Newport

Section 1350 Non-Residential Districts

Use	B-1	B-2	I-1	I-2	I-S
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
Hotels, motels	P	P	N	N	N
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	N	P
Vehicle Sales, display and Service	N	C	N	N	N
Vehicle Storage Lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
Warehouse and Industrial Uses					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	N	P
Warehousing	C	C	P	P	N
Accessory Uses					
Outdoor sales, in conjunction with a permitted use	N	C	N	N	N
Renewable energy system	P	P	P	P	P
Parking lot, as an accessory use	P	P	P	P	P



PROPOSED
NEW MX-5
MIXED USE
DISTRICT

EXISTING
R-1A RESIDENTIAL
DISTRICT

EXISTING I-1
LIGHT INDUSTRIAL
DISTRICT

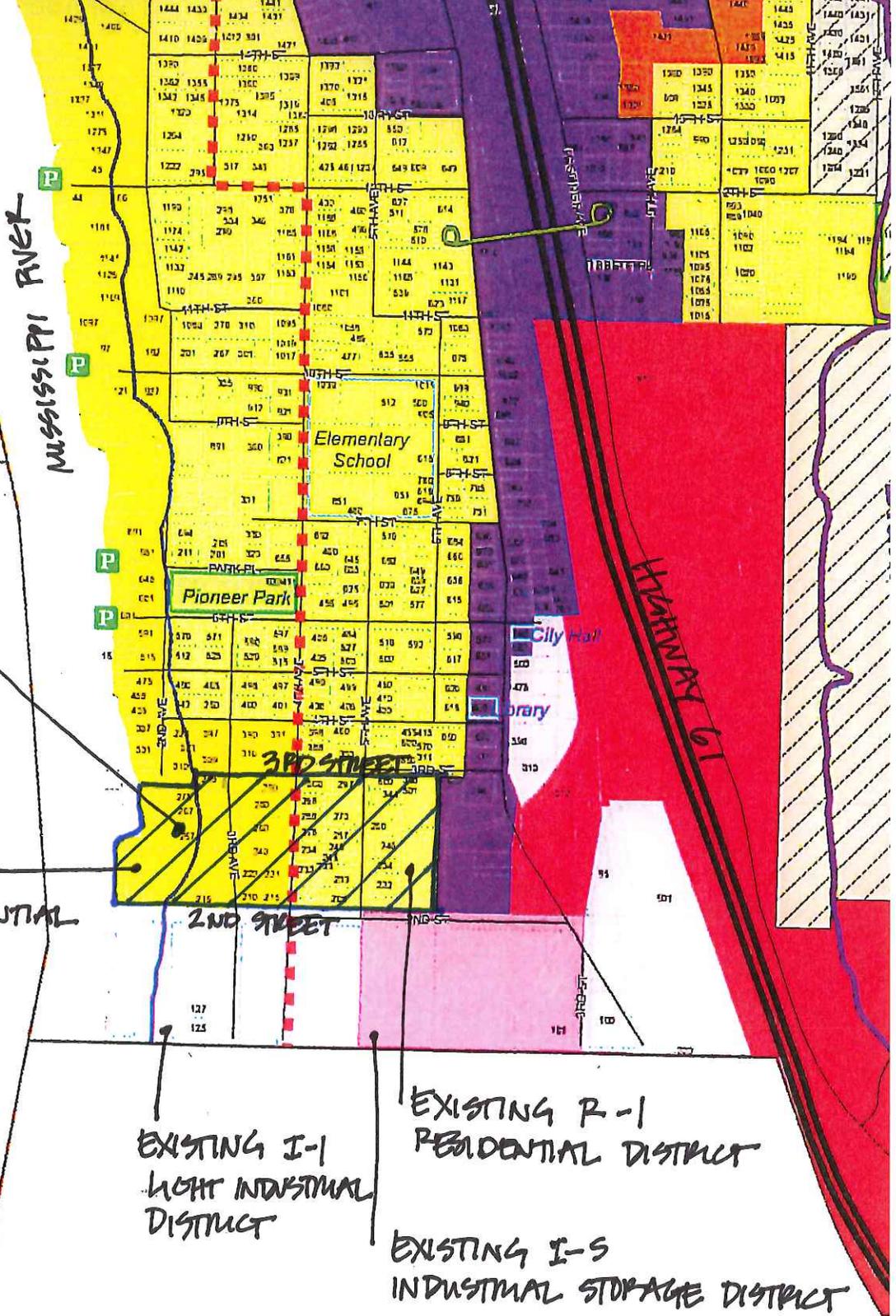
EXISTING R-1
RESIDENTIAL DISTRICT

EXISTING I-S
INDUSTRIAL STORAGE DISTRICT

CITY OF NEWPORT

EXISTING ZONING DISTRICTS AND
PROPOSED NEW MX-5 DISTRICT

PUBLIC HEARING AUGUST 11, 2016



**PLANNING COMMISSION
RESOLUTION NO. P.C. 2016-11**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1350 NONRESIDENTIAL DISTRICTS AND AMENDING THE ZONING MAP**

WHEREAS, an industrial use in the south end of the City has been purchasing properties in the residential zones to act as a buffer; and

WHEREAS, the industrial use would like to utilize some of the parcels in the buffer zone for office use; and

WHEREAS, the Planning Commission discussed creating a new mixed-use district for this buffer zone to allow for a mix of residential, commercial, and offices; and

WHEREAS, The Planning Commission feels it is advantageous to add a new mixed-use district and amend the zoning map to reflect the new district; and

WHEREAS, The Planning Commission held a public hearing at its meeting of Thursday, August 11, 2016; 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 1350 Nonresidential Districts* and amend the zoning map. It will read as follows:

Section 1350 Nonresidential Districts

1350.01 Scope.

1350.02 Purpose of Business Districts.

1350.03 Specific intent of the Business Park/Office/Warehouse District.

1350.04 Specific intent of the General Business District

1350.05 Purpose of the Industrial Districts.

1350.06 Specific intent of the I-1 Light Industrial District.

1350.07 Specific intent of the I-2 General Industrial District.

1350.08 Specific intent of the I-S Industrial Storage District.

1350.09 Purpose of the Mixed-Use Districts.

1350.10 Specific intent of the MX-1 Downtown District.

1350.11 Specific intent of the MX-2 Commercial District.

1350.12 Specific intent of the MX-3 Transit-Oriented Mixed Use District

1350.13 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61 and adjacent industrial districts, to uses that are compatible with adjacent residential and mixed use districts. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.14 Specific intent of the MX-5 (Mixed Use Buffer District)

The specific intent of the MX-5 (Mixed Use Buffer District) is to provide for a mix of residential, commercial, and office uses that provide for a residential uses and a limited set of office and commercial uses in areas of the City that are located between industrial uses and nearby residential and mixed-use districts. The uses in the district must be compatible with nearby residential and mixed-use districts.

1350.15 Dimensional Requirements for lots and structures in non-residential districts

A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	MX-5	B-1 and B-2	I-1	I-2	I-S
Minimum lot area in square feet	2,400	4,000	None	2,400	4,000	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	100	150	200	200	200
Minimum lot width in feet	30	40	30	30	40	100	100	100	100
Maximum lot coverage	80%	75%	75%	75%	75%	75%	75%	75%	75%
Maximum lot coverage by all impervious surfaces (%)— Single-Family residential uses	35%	35%	35%	35%	35%	NA	NA	NA	NA
<i>Structure setback standards***</i>									
Minimum front yard setback	0	10**	0	0	10	20	20	20	50
Minimum front yard if across collector or minor street from any residential district	10	10**	10	10	10	50	50	50	100
Minimum side yard	0	5	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	20	50	50	50	100
<i>Parking and driving aisle setback in feet</i>									
Minimum front yard	20	Not allowed	Not allowed	20	Not allowed	20	20	20	20
Minimum front yard if across collector or minor street from any R district	50	Not allowed	Not allowed	50	Not allowed	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5	5
Minimum side yard for multifamily, commercial, or industrial uses if adjacent to any R	20	20	20	30	20	30	30	30	30

Requirements	MX-1	MX-2	MX-3	MX-4	MX-5	B-1 and B-2	I-1	I-2	I-S
district									
Minimum rear yard	5	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	10	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	40	40	40	40	40
Maximum height of storage tank in IS district									55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.08 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

Height and Setbacks	Residential Townhous	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories or 40 feet maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

- 1) The maximum residential density in the MX-3 District shall be 50 units per acre.
- 2) The minimum residential density in the MX-3 District shall be 30 units per acre.
- 3) The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

1350.16 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development, sf=square feet

Use	MX-1	MX-2	MX-3	MX-4	MX-5
Residential Uses					
Single-family detached, one dwelling per lot	P	P	N	P	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD	P
Two-family residences	P	P	N	P	P
Townhouse, rowhouse	P	P	P	P	P
Manufactured single-family dwelling	P	P	N	P	P
Mobile homes	N	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P	P
Congregate housing for senior populations	P	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P	P
Live-work building	C	C	C	C	C
PUD	PUD	PUD	PUD	PUD	PUD
Civic and Semi-Public Uses					
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P	C
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C	C
Day Care Facilities	C	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	C	C	C	C	N
Hospitals	C	C	C	C	N
Military reserve, national guard centers	C	N	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N	N
Parking Lot, Surface (as a principal use)	C	N	N	N	C
Penal/correctional facilities	N	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C	N
Schools for business, trade, dancing, music	C	C	C	C	N
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maxi-	P	

Use	MX-1	MX-2	MX-3	MX-4	MX-5
			imum		
Transit stations and related parking facilities	C	C	C	C	C
Commercial Uses					
Administrative support services	P	P	P	P	P
Adult Uses	N	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C	N
Artist studios	P	P	P	P	P
Auto body repair and major auto repair, towing services	C	N	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C	N
Bakeries, delicatessens, coffee shops	P	P	P	P	P
Bakeries, wholesale	P	C	C	C	N
Bed and Breakfast	P	P	N	P	P
Biotechnology	P	P	P	P	N
Brew on premises store	P	P	P 10,000 sf maximum	P	N
Brewery, craft	P/C*	P/C*	P/C*	P/C*	N
Building materials and services	C	N	N	N	N
Catalog and mail order	P	P	P	P	N
Conference Center, 50,000 square feet or less	C	C	C	C	N
Convenience stores	P	P	P	P	P
Data centers	C	C	C	C	P
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C	N
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C	N
Fabrication of office and computer equipment	P	P	P	P	N
Financial services	P	P	P	P	N
Fitness and recreation centers, in a mixed-use building	C	C	C	C	N
Gas, diesel or other motor fuel retail sales	C	C	N	C	N
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C	N
Internet publishing and broadcasting	P	P	P	P	N
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C	N
Medical appliance assembly	P	P	P	P	N
Motion picture and sound recording industries	C	C	C	C	N
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P--to 10,000 sq ft; C—larger than 10,000 sq ft	P	P
Printing, publishing, bookbinding, blueprinting	C	C	C	C	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C	N
Retail and service establishments, free-standing, or	P	P	P--to 10,000	P	P—to

Use	MX-1	MX-2	MX-3	MX-4	MX-5
mixed-use building			sq ft; C—10,000 to 50,000 sq ft maxi- mum		10,000 sq.ft. C— 10,000 to 50,000 sq.ft.
Research, development and testing laboratory	C	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C	N
Restaurants with drive-through service	C	C	C	C	N
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P	P
Theaters (with structured parking)	P	P	P	P	N
Theaters	C	C	C	C	N
Towing services (no outside storage of vehicles)	P	C	P	C	N
Vehicle sales, display and service	C	N	N	N	N
Vehicle Storage Lot	N	N	N	N	N
Warehousing as a primary use	N	N	N	N	N
Accessory Uses					
Drive up facilities	C	C	C	C	N
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C	N
Renewable energy system	P	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C	N
Parking lot, as an accessory use	C	C	C	C	P
Swimming Pool	P	P	P	P	N

- Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:
 - a. A Craft Brewery with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
 - b. A Craft Brewery that manufactures more than five thousand (5,000) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted, sf=square feet

Use	B-1	B-2	I-1	I-2	I-S
Civic and Public Uses					
Airports	N	N	C	C	N

Use	B-1	B-2	I-1	I-2	I-S
Cemetery and/or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical Clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	C	N	N	N
Parking Lot, Surface (as a principal use)	N	C	P	P	P
Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post Office	P	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
Commercial Uses					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N
Convenience stores	P	P	N	N	N
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
Hotels, motels	P	P	N	N	N
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N

Use	B-1	B-2	I-1	I-2	I-S
Storage, mini-storage, cold-storage	N	N	N	N	P
Vehicle Sales, display and Service	N	C	N	N	N
Vehicle Storage Lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
Warehouse and Industrial Uses					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	N	P
Warehousing	C	C	P	P	N
Accessory Uses					
Outdoor sales, in conjunction with a permitted use	N	C	N	N	N
Renewable energy system	P	P	P	P	P
Parking lot, as an accessory use	P	P	P	P	P

1350.17 Administrative Procedure for Re-Zoning in the Non-residential Districts

1350.18 Administrative Procedure for Site Plan Review in the Non-residential Districts and Additional Procedures for Development in the MX-3 District

1350.19 Performance Standards for Non-residential Districts

1350.20 Additional Performance Standards for the MX-3 District

Adopted this 11th day of August, 2016 by the Newport Planning Commission.

VOTE: Mahmood _____
Haley _____
Taylor _____
Tweeten _____
Ratsabout _____

Signed: _____
Anthony Mahmood, Chairperson

ATTEST: _____
Deb Hill, City Administrator