



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
AUGUST 13, 2015 – 6:00 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Executive Analyst:	Renee Eisenbeisz
Commissioner:	Matt Prestegaard	Planner:	Sherri Buss
Commissioner:	Marvin Taylor	Council Liaison:	Tom Ingemann
Commissioner:	David Tweeten		

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of July 13, 2015

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider a Request from Husnik Meats for a Conditional Use Permit for Property Located at 94 21st Street

1. Memo from Sherri Buss
2. Resolution No. 2015-8

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting	August 20, 2015	5:30 p.m.
2. City Council Meeting	September 3, 2015	5:30 p.m.
3. City Offices Closed for Labor Day	September 7, 2015	
4. Planning Commission Meeting	September 10, 2015	6:00 p.m.

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
July 13, 2015**

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, Matt Prestegaard ,Marvin Taylor, David Tweeten

Commissioners absent –

Also present – Deb Hill, City Administrator; Renee Eisenbeisz, Executive Analyst; Sherri Buss, TKDA Planner; Tom Ingemann, Council Liaison

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of June 11, 2015

Motion by Haley, seconded by Prestegaard, to approve the June 11, 2015 minutes as presented. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing - To consider a Request from August Ventures for a Rezoning and Conditional Use Permit for Property Located Along Hastings Avenue, North of Ford Road

The Public Hearing opened at 6:01 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the July 13, 2015 Planning Commission packet.

Troy Kingore, 780 Ford Road - I'm directly across from the holding pond. Listening to what you've described, I'd like to start with a background on the Comprehensive Plan. You said that it's been in place for a long time, when did it get approved? I've been there since 1992 and it was rural when I moved there. When I hear talk about fitting the plan, it was rural for a long time. It went to business and then back to MX. You're fitting back to the plan of the area in a residential zone. There was explanation about the area being commercial, directly across the street, it's residential, it doesn't turn commercial until you cross Valley Road. Hastings Avenue has been picked away since I've moved there. Did I think this would happen eventually, no. I heard you say that it fits the Comprehensive Plan over and over again. The rezoning and CUP has some concern to me. The MX-2 zoning fits with the neighborhood that is there. The buffering from that area has been picked away. You removed the buffering when you put the holding pond in there. Again, it was rural at one time. It's understandable to build houses there, not commercial. Going to the use, I believe there are other lots in Newport that are built to handle truck traffic and that is on this side of the highway along 7th Avenue. There are lots that are available that aren't being utilized. Does it fit this builder's purpose, maybe not but you're taking it away from residential. I do have concern about the lighting plan, again the buffering is gone, the work hours, the amount of traffic, 550 trucks per day.

Ms. Buss - No, vehicles. No more than 150 trucks and that's total trips, in and out.

Mr. Kingore - When you were explaining this, I heard everything in support of changing the zoning but haven't heard anything about keeping it as MX-2. Has it been vetted completely?

Ms. Buss - The most recent Comprehensive Plan started in 2008 and was approved by the City in 2010. There was a City visioning process that looked at uses in the City and potential uses. I wasn't here for the Comp Plan before that so I don't know what it was zoned before that but it was zoned for business in the 2008 Comp Plan because it's a large parcel, has good highway access, and half of it is not eligible for development because of the power lines. I think in that Comp Plan, it was B-2 and we've changed the numbering since then. B-1 now is the same thing as B-2 was in the last Comp Plan. We would be changing it back to what it was designated as in the most recent Comp Plan.

Mr. Kingore - So MX-2 is commercial, it has no residential?

Ms. Buss - You can have both residential and commercial.

Mr. Kingore - I just want to make it clear because the name is "Commercial," it should be clarified.

Vice-Chair Haley - It is well written and explained very well in the City Code. There's a real good explanation of it.

Mr. Kingore - I understand that you have more online but I don't know what's being represented here.

Ms. Buss - So based on the Comp Plan zoning, the City made the investment in the stormwater pond so that it could handle the level of impervious surface on this site. It handles water from elsewhere as well.

Mr. Kingore - I never heard that the pond was for that lot, it was for the flooding along Ford Road. Once you remove those trees, you've removed any buffering I have from the highway and the noise will increase. The same year that you removed the trees from the holding pond, a storm came through and took down several trees. There was not much wind blowing on my wind, when I would go riding, it was cooler from the buffering. Now I get snow drifts in the winter. Those trees are taking a force of storms. I will lose my buffering. I do have concern about all the truck traffic. The area along 7th Avenue isn't being utilized before you change the zoning in a residential area. I have concern with that. I don't know how the Comp Plan or spot zoning, keeps picking this spot. You say the Comp Plan, a long time, it was approved in 2010, that's not a long time in my opinion.

Matt Prestegaard - Do you mind pointing out your house on the map? It looks like there's a handful next to you?

Mr. Kingore - Yes, there are three properties on Ford Road and two properties to the west of the holding pond. Again, you're taking down the buffering. We're going to see traffic, it's changing the scenery. The residents up the hill miss the scenery, they hear the traffic all the way up the road. Will the trees be there forever, no, but it's more than the buffering. It's also, what it is now, is this an industrial town? I don't know. I think it's a residents' town. I hope they come first before you bring more businesses in. We have a lot of property that can be developed that may fit this better and have better access. I understand the tax-base issue.

Matt Prestegaard - You mentioned whether or not it had been vetted. I think we can say that no, that is the purpose of this meeting. We heard an opinion and this is the perfect time for you to express your opinion. I don't want you to feel that you've missed something.

Vice-Chair Haley - The Comp Plan that we're under right now is 2 years of planning before it's approved. The only reason it isn't the zoning that they want is because the Swanlunds had asked to rezone it for another development that slipped away.

Mr. Kingore - There could be more residential developments along the way.

Vice-Chair Haley - It was originally business and the only reason we're visiting it right now is because it got changed from the Comp Plan.

Ms. Buss - A couple of the things that you could talk about tonight is buffering. They've proposed a row of coniferous trees between the building and pond. You can see the trees on the landscape plan on the screen. It doesn't extend the whole way, the question would be should there be more. We don't have a lighting plan yet but do require it to be downcast in your ordinance. Joe, which way will the trucks come?

Joe Sullivan, August Ventures - The truck traffic will go north on Hastings Avenue to 494.

Vice-Chair Haley - Hopefully, there will be traffic south on Hastings Avenue for our other businesses.

Mr. Sullivan - We're also proposing to preserve about one acre of existing vegetation south of the building.

Executive Analyst Eisenbeisz - That's right across from the homes.

Mr. Sullivan - We're also not touching the bluff areas.

David Tweeten - Is it City property around the ponds? Can we plant trees around it?

Admin. Hill - You don't typically plant trees along ponds because of cleanup.

Chairperson Mahmood - So it looks like there will be some buffering for you Troy.

Marvin Taylor - I'm wondering, the area where you're planting evergreens, is there a reason that you're not trying to preserve the existing trees there?

Mr. Sullivan - I think the trees that we are proposing is above and beyond your code.

Ms. Buss - I don't think there are existing trees where they are proposing trees.

Marvin Taylor - Does your property extend south of the tree line?

Mr. Sullivan - I think the clearing comes on to our property so we're adding trees where there are none because of the way the pond was constructed.

Mr. Kingore - I'll speak to more of the buffering, I did attend the meetings for the pond and asked about trees and got a response that the City was looking into planting trees. As far as planting trees, there are some that don't shed leaves, I understand the mowing problem that that does cause, they could place the trees in such a way that you don't mow. Currently, you're not mowing the full width between the road and pond.

Vice-Chair Haley - This property owner has no right to plant trees on City property so those are two different issues. Planting trees in the pond area would be highly detrimental.

Ms. Buss - We could ask Bruce if there's any potential for planting trees around the pond to augment the buffer. It's not something we can make a condition of this project.

Mr. Kingore - That would not be a fix all. Another point, existing vegetation, that whole area is not treed, maybe half of it. The highway is not directly across from my house and now I don't have a buffer. The running joke is that we watch the sunset over the exit and listen to the highway hum. I see where the trees are, there's a flat area that goes around the pond, I thought that was a service road and it looks like it's gone. I have a question about that. It was a service road to the Public Works site. I don't know if this has any impact on that, that's something to think about. It's not about the trees across from my house, it's the direction that the storms come in, the wind

comes in, the additional heat that's caused. There's an impact to the neighborhood when we take out wooded areas, the area loses value. Trees are very beneficial to the area.

Chairperson Mahmood - I know this isn't any consolation to the trees but that building will block a lot of sound and wind. I know that's not what you're looking for but hopefully the trees they put up will be aesthetically pleasing.

David Tweeten - Right now, it's MX, which involves commercial uses, this is going to a warehouse use, but in terms of aesthetics, it's not much different.

Ms. Buss - I know Mr. Swanlund tried to market this for mixed-use and because of the power lines, he couldn't find anyone who wanted to do residential.

David Tweeten - The trees aren't coming back under MX either.

Mr. Kingore - In regards to truck traffic, I understand that that's the closest on-ramp but it won't be too long before they decide that a left is a much easier route than up a hill with a full load. They will start to go left and go down Hastings Avenue.

Vice-Chair Haley - We can do some signage but ultimately traffic is traffic.

Mr. Kingore - That's why I bring the point up.

Vice-Chair Haley - Certainly, the thousands of homes that are going up on Bailey Road will impact me but we're in the city, it's growth.

Mr. Kingore - Vehicle traffic, not semis. A big difference to the neighborhood.

Colleen Kingore, 780 Ford Road - I was just curious, will there be any fencing on the south side or will it just be trees?

Mr. Sullivan - Typically, you wouldn't see any fencing along visitor and employee parking. To the extent that there is extended stay parking to the north, that would require screening.

Ms. Buss - So the proposed fencing is on the north side?

Mr. Sullivan - Yes.

Vice-Chair Haley - And Hastings Avenue is a County road, it's built to handle the traffic.

The Public Hearing closed at 6:45 p.m.

Vice-Chair Haley - I would say some questions were asked.

Matt Prestegaard - I wondered about the topography as well and didn't think it would screen it enough to prevent folks from seeing it. The issue that we'll run into is while the buffering discussion is tragic, regardless of the zoning, that buffering is threatened.

Ms. Buss - Yes, even if there's residential development those trees would be gone.

Matt Prestegaard - Yes, so what we're left with is if residents would rather look at a residential or commercial use but it's irrespective of the zoning question. The conditional use permit, it might be a secondary issue.

David Tweeten - I don't see the issues raised affecting the zoning decision because the same factors apply to MX and this use in terms of buffering. It's not the use that's taking away the buffering, it's the City's ponds.

Ms. Buss -That's private property and it's allowed to be developed.

David Tweeten - I don't see a solution except for non-use.

Ms. Buss - Which would mean the City would need to buy it.

Vice-Chair Haley - There's a lot of parkland in Newport. I've heard the discussion that you took away my view. Land is going to develop around us. I understand that you want to keep your view.

Chairperson Mahmood - I understand Troy's concerns but the view is going to change no matter what. Right now, we have an opportunity for a business owner to come in and put a building in that has a history of running this type of business, he's going to be a responsible neighbor, has a good track history. I think it's a win for the City and I know the view is going to go, but it would no matter what. I think we're in a good situation here. When it comes to lighting, they'll have to talk about that, that's a condition in the permit. If it becomes an issue, we can take care about it.

David Tweeten - Is the public hearing only for the rezoning?

Executive Analyst Eisenbeisz - It's for both, you have to approve the rezoning first and then the CUP.

Matt Prestegaard- I'm beginning to get a clear picture of the rezoning but need more information on the CUP.

Ms. Buss - If you rezone this to B-1, then this use is a permitted use with a CUP. You can apply reasonable conditions but it would be very difficult for you to deny this use since it's permitted with a CUP.

David Tweeten - And it's a discussion about what those reasonable conditions are.

Matt Prestegaard - I want to point out that it seems our hands are tied and that the buffering issue doesn't come into play with the zoning issue.

Motion by Haley, seconded by Tweeten, to approve Resolution No. 2015-5 as presented. With 5 Ayes, 0 Nays, the motion carried.

Vice-Chair Haley - What are the conditions on the CUP?

Ms. Buss - They are:

1. The Applicant shall submit Final Plans that are substantially in conformance with the plans that were submitted to the City on June 15, 2015. The Plans shall include building plans, elevations, and detailed information on exterior building design and materials that are consistent with the City's performance standards. The Building Plans shall be approved prior to approval of a building permit.
2. The Applicant shall address the Engineer's comments regarding utilities and stormwater management and submit the final site and utility plans to the City Engineer for review prior to approval of a building permit.
3. Maximum truck loads serving the site may not exceed 9 tons in weight year-round.
4. The applicant shall provide the plans for the buildings to the City staff for approval.
5. No outside storage is permitted on the site.
6. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
7. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.

8. Lighting shall conform to the ordinance requirements. The applicant shall submit a lighting plan to the City for approval prior to approval of a building permit.
9. Any utility equipment installed at the site must meet the ordinance requirements.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.

Vice-Chair Haley - If the road changes and the tonnage increases, are they still limited?

Ms. Buss - Yes.

Vice-Chair Haley - So it should probably be that it can't exceed the limit of the roadway.

Ms. Buss - We can change that.

Vice-Chair Haley - There's that little piece that's existing vegetation, can it be improved? Can we ask to have some trees there?

Marvin Taylor - About two-thirds of it is trees based on the aerial.

Vice-Chair Haley - It's interesting that the whole area under the power lines is clear cut.

Matt Prestegaard - It is oddly sparse on the southern portion of that, is that City-owned?

Executive Analyst Eisenbeisz - No, everything in the red line is their property.

Matt Prestegaard - It looks like it was cleared as a result of the pond.

Vice-Chair Haley - It could be.

Matt Prestegaard - You would like to see that grow up again if the City's not making use of it.

Vice-Chair Haley - The City doesn't own it anymore.

Ms. Buss - If you wanted to increase the buffer, you could add that they need to do additional trees.

David Tweeten - There's that line of trees along the parking lot. I don't know if it's function has been defined apart from meeting ordinance requirements.

Ms. Buss -I'm assuming it'll provide some shading as well. You can certainly recommend a double row or staggered row. Or you could add a condition that they need to maintain that for the long term.

Vice-Chair Haley - I have a hard time imposing those things on the property owner because it's their property and to say that they need to isolate an acre of property for buffering, I really hate to do that to anyone.

Chairperson Mahmood - I understand where you're coming from but we need to look at the residents' concerns as well and try to make everyone happy. If it doesn't hinder Joe too much, I don't think it's too much to ask.

Vice-Chair Haley - With all respect to Troy and people's opinions, they are opinions and it doesn't apply that everyone in that neighborhood has the same opinion. That's one opinion in the whole neighborhood so we're going to impose that on a landowner because of one opinion. We're going to burden a landowner with thousands of dollars for some trees. I'm not saying it's wrong, I'm just saying those are the consequences.

Marvin Taylor - I think the issue is that that acre is not conducive for a building and it almost makes sense for the City to own it as an extension of the pond. That would preserve the public good of it more clearly.

Matt Prestegaard - That's where my comment was coming from. Through this temporary easement, those trees were cleared and now this lot has empty space and I wouldn't feel comfortable asking the landowner to fill it.

Vice-Chair Haley - Give me that acre of land and I'll build something on it. That's incredibly valuable and what the owner chooses to do with it should be his choice.

David Tweeten - It is up to that owner to be a good neighbor or not.

Vice-Chair Haley - I looked at that corner and was wondering why he wasn't building it out. That's what I would do.

Matt Prestegaard - Certainly, we're not in any position to impose constraints on the owner. It's just the question of what's the intent. The intent right now is to preserve vegetation and maybe add vegetation.

David Tweeten - He did suggest that there would be more trees than are presently there. I think it's reasonable to request a double row of trees by the parking lot. There's some function to those trees as a buffer. It'll take some years for those to be a substantial buffer.

Ms. Buss - That's a reasonable condition.

Matt Prestegaard - In prior conversations like this, we spent a lot of time talking about truck noise and we haven't talked about it yet. I can remember requiring special back-up devices. What can we expect to impose or not impose regarding noise?

Ms. Buss - The trucks in this case are on the backside so the building provides some screening from that. The parking lot in front of the building is for customers or employees. Would the trucks be using back-up beepers?

Mr. Sullivan - I don't know, I wouldn't think so.

Chairperson Mahmood - You wouldn't hear it.

Ms. Buss - I think they'll be shielded pretty well with the layout.

David Tweeten - The worst would be if they turned left on Hastings Avenue. That would be the noisy part.

Marvin Taylor - My concern is on the visual buffer. I've worked in that area and it's noisy with Highway 61. The trucks will be relatively modest. Given the layout, I think the trucks won't be noisy. I think we need to make sure that it needs to be visually appealing.

Bill Sumner, 737 21st Street - I am right across the pond from this development. If we talk about putting trees in, we should do an analysis of the topography. There's a reason the trees that are there are there. It's a lot of popples and scraggly box elder trees. That little section that they are leaving are not prime trees. I love the trees but I don't think it's proper for us to tell him to put a specific type of trees in that won't work there by nature of the location. That's unfair to the owner and us. I just want to make sure that whatever we require is done appropriately.

Mr. Kingore - I did put a lot of emphasis on the buffer. I understand that the trees will be gone with any type of development. The heavy concern is the additional semi traffic. Why do we want to add noise to the area. A semi going up a hill two blocks from my house makes a lot more noise than a semi rolling by on the highway. I hope the ordinance for engine braking is enforce. When they take a right, I will hear that noise. If they turn left, it'll be

easier for them to leave but do you want trucks going down Hastings. There are areas in Newport that are already zoned for semis. The CUP adds an additional burden of noise.

Chairperson Mahmood - Any more discussion? Does anyone want to add anything?

David Tweeten - You had discussed noise-tempering solutions.

Ms. Buss - It was for the site next to us and the concern was that their driveway was right across from homes and they would be moving cars around overnight so we asked that they use the more modern version of beepers that are not as noisy because of how close people were to it. We can say things about noise if it's reasonable. I think in that case, it was.

Matt Prestegaard - It's tricky because we don't know what businesses will be in there. Possibly a provision about hours of operation and the screening. I don't know how much further we can go.

Ms. Buss - Do you have any sense about types of hours for this location?

Mr. Sullivan - It's difficult to anticipate who will be doing business in this property. I've tried to create a property geared towards success and I'm fearful of the limits. I need to fill that building in a competitive environment and the more constraints, will limit the businesses. I'll leave it up to you guys and you need to address your constituents. The reality is that the design works perfect to keep all the truck traffic to the north. We live in a metropolitan area with the highways right there. That design is as good as it's going to get with limiting the noise. I don't know what type of businesses but you start limiting me and that limits my audience.

Chairperson Mahmood - I think it's hard to set a parameter of hours when you don't know who will be there.

Matt Prestegaard - I agree.

Ms. Buss - Since things will be inside or to the north of the building, I think it is hard to justify setting hours.

Vice-Chair Haley - He needs opportunity to fill it and would hate to see limiting hours. It adds a burden.

Chairperson Mahmood - Unless someone has something really important to say, I think we should call for a vote. We've talked this out and the Council has to approve it anyways. They can make changes if they see fit.

David Tweeten - Troy, would you like to say anything? Do you have suggestions for hours of operation?

Vice-Chair Haley - The Chairperson is supposed to invite people up.

Chairperson Mahmood -It's ok.

Mr. Kingore - It's the truck traffic that is going to add additional noise, the backing up, brakes, all night hearing it. I understand that limiting hours of operation are difficult on a business. Once you let this go, they have free reign to do what they want. During the day when most people are at work is fine, but most people would like to limit the additional noise at night when they're trying to sleep or have functions outside. I think it'll have an impact on our property values. I would like to lessen that as much. If people see semi trucks pulling in and out they'll have a different reaction than cars. I can't answer the hours of operation, it's hard to answer.

Chairperson Mahmood - I think we need to call the vote, the Council can add or change anything. We've talked it to death.

Executive Analyst Eisenbeisz - There are two amendments. The maximum truck load cannot exceed the maximum capacity of Hastings Avenue and adding a double row of trees.

Vice-Chair Haley - Are we adding that condition about the trees. I don't know what value it would serve. It'll be 20 years before it has some significance.

Ms. Buss -It's a parking lot, once a tree is six feet tall, it'll screen the parking lot well.

Admin. Hill - Maybe maintaining the trees is more important than doubling them up.

Vice-Chair Haley - Maintain any planted trees?

Admin. Hill - Yes.

Chairperson Mahmood - I'm fine with that, I don't think the double row will do much.

Matt Prestegaard - I'm comfortable with that.

David Tweeten - I think there's a big difference between one row and two. If we have no condition, than it's just the minimum.

Vice-Chair Haley - He's already proposing more trees than the minimum.

David Tweeten - On the drawing.

Marvin Taylor - I don't see a necessity of stipulating it but would like to encourage it. I also hope the building will look nice. We do want to break it up to a certain extent.

Vice-Chair Haley - I look at those buildings and they're beautiful to me.

Ms. Buss - Do we want something saying that they need to maintain the planted trees?

Chairperson Mahmood - Yes.

Motion by Haley, seconded by Taylor, to approve Resolution No. 2015-6 as amended. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing - To consider a Request from the City of Newport for a Minor Subdivision for Property Located at the Corner of 2nd Avenue and 9th Street

Sherry Buss, TKDA Planner, presented on this item as outlined in the July 13, 2015 Planning Commission packet.

The Public Hearing opened at 7:29 p.m.

Robert Erickson, 1017 4th Avenue - What's the variance on this property? Is it residential?

Ms. Buss - It's residential and will remain. It's in the R-1 District and you can only have single-family in that district.

Mr. Erickson - Who is responsible for the infrastructure?

Ms. Buss - The City, there's sewer on 9th Street that would serve these properties? The developer would need to bring them into the homes. It's a single-family

Mr. Erickson - Ok, thanks.

Abel Alsides, 455 6th Avenue - I own the property across the street, you say you're going to build a house around. Will that affect my property?

Ms. Buss - The driveways will go off of 9th Street.

Vice-Chair Haley - Abel, what's your concern?

Mr. Alsides - Can I still build?

Vice-Chair Haley - Yes, certainly.

Ms. Buss - Yes.

The Public Hearing closed at 7:34 p.m.

David Tweeten - Question about minimum of 70 feet wide. We have 69.5, is that ok?

Ms. Buss - They will be over 70 feet once the alley vacation is done. Most cities allow this if it's within a half percent, it can be considered the same as the requirement. The vacation will happen first so that the lots will be 70 feet or more.

Matt Prestegaard - So we can make that statement that the vacation will happen first?

Ms. Buss - Yes.

Admin. Hill - Once the alley is vacated, the eastern lot will get half a foot and the remaining will go to the western lot to give more room from the bluff line.

Motion by Prestegaard, seconded by Tweeten, to approve Resolution No. 2015-7 with the understanding that the alley vacation will occur before the final plat is recorded with the County. With 5 Ayes, 0 Nays, the motion carried.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Eisenbeisz - Pioneer Day is Sunday, August 9th at Pioneer Park. The parade starts at 11:00 and will go from Fire Hall #1 to Pioneer Park. Buttons are now for sale.

Matt Prestegaard - I don't have a report per say but I wanted to thank residents for coming tonight. Even if it didn't impact outcome tonight, it matters that we hear from you.

David Tweeten - I think it did impact outcome.

Chairperson Mahmood - We do appreciate it.

Vice-Chair Haley - Booya was great as well, it sold out at 1:36 p.m.

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-------------------------|----------------|-----------|
| 1. City Council Meeting | July 16, 2015 | 5:30 p.m. |
| 2. City Council Meeting | August 6, 2015 | 5:30 p.m. |

3. Pioneer Day
4. Planning Commission Meeting

August 9, 2015

August 13, 2015

6:00 p.m.

8. ADJOURNMENT

**Motion by Haley, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 7:38 p.m.
With 5 Ayes, 0 Nays, the motion carried.**

Signed: _____
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz
Executive Analyst



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

Memorandum

To: Newport Planning Commission
Reference: Husnick Meat Co., Inc. CUP

Copies To: Deb Hill, City Administrator
Renee Eisenbeisz, Executive Analyst
Joe Murphy, Applicant
James and Pamela Kaiser, Property Owners
Project No.: 15742.004

From: Sherri Buss, RLA AICP, City Planner
Routing:

Date: August 4, 2015

SUBJECT: Husnick Meat Co., Inc.
Application for a Conditional Use Permit (CUP)

MEETING DATE: August 13, 2015

LOCATION: 94 21st Street

APPLICANT: Joe Murphy, President
Husnick Meat Co., Inc.
235 South Concord Exchange
South St. Paul, MN 55075

CURRENT ZONING: MX-3 (Transit-Oriented Mixed Use)

60-DAY PERIOD: September 12, 2015

ITEMS REVIEWED: Application, survey, cover letter submitted on July 13, 2015

BRIEF DESCRIPTION OF THE REQUEST

The applicant, Joe Murphy of Husnick Meat Co., Inc, has submitted an application for a Conditional Use Permit (CUP) to locate his company's sausage production facility in an existing building at 94 21st Street. The business currently operates in South St. Paul, and manufactures a variety of meat products. The site is in the MX-3 District. Small-scale manufacturing businesses that occupy more than 5,000 square feet in area require a Conditional Use Permit (CUP) in the MX-3 District.

BACKGROUND

The applicant is requesting a Conditional Use Permit (CUP) to locate a food manufacturing business at 94 21st Street in Newport. Husnick Meat Co. has been in business since 1928, and has operated at their current location in South St. Paul since 1985. They are a USDA Federally-Inspected meat company that manufactures several food products for food service distributors such as Stock Yards Meats, US Foods, and Sysco Asian Foods. They also serve restaurants, grocery stores, and the Minnesota Wild. The company is growing and does not have enough space to expand at their existing facility. They are proposing to move their sausage production space to the existing building at 94 21st Street.

The existing site includes a building that is approximately 8,400 square feet in size. The total site area is approximately 0.70 acres (30,500 square feet). The site has an existing parking lot and loading facilities. Husnick Meat Co., will use the existing building and site, and does not plan to expand the building or change the parking lot.

The applicant plans to operate a first shift between 6:00 a.m. to 5:00 p.m., Monday through Friday. The shift will include up to 6 employees. They will manufacture raw and cooked/smoked products. Cooking/smoking cycles are computer-controlled to manage smoke. The site will not include retail operations—retail sales will continue at the South St. Paul location.

EVALUATION OF THE REQUEST:

1. Zoning District and CUP Standards

The MX-3 District is intended to include a mixture of residential, commercial, office and civic uses at urban densities that support transit use. The district regulations permit small-scale manufacturing uses up to 10,000 square feet in area, and require a CUP if the area of the use is between 5,000 and 10,000 square feet.

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 94 21st Street based on the City's zoning ordinance and related standards.

2. Proposed Use—Office/Warehouse with Commercial Use

The proposed use is permitted with a CUP in the MX-3 District. The use is consistent with the Zoning Ordinance.

3. Comprehensive Plan

The Comprehensive Plan includes goals to encourage redevelopment in the MX-3 District with a mix of commercial, retail, restaurant and entertainment uses, to strengthen commercial uses that maintain the small-town character of the city, and to expand the community's tax base and employment opportunities. The Comprehensive Plan designates the site at 94 21st Street for use as either a commercial or residential use. The proposed use is consistent with the goals, land use and zoning maps included in the 2030 Comprehensive Plan.

4. Dimensional Standards, Setbacks, and Requirements

The dimensional standards and setbacks for the MX-3 district that apply to the proposed site plan include the following:

- Minimum lot area: None
- Minimum lot depth: None
- Minimum lot width: 30 feet
- Maximum lot coverage (buildings): None
- Structure setbacks: Front yard: 0; side yard: 5 ft.; Rear yard: 20 ft.
- Parking setbacks: Front yard: 0 feet (parking is not allowed in the front yard of new buildings); side yard: 5 ft.; rear yard: 10 ft.
- Maximum building height: 40 feet
- Public utilities required, including sewer

The existing building is setback approximately 10 feet from the rear lot line, and therefore does not meet the current setback requirement at that location. The parking area in front of the building also does not meet the current requirement in the MX-3 District to place parking at the side or rear of the building. This is an existing, legal nonconforming situation, and therefore no change in setbacks or parking are required for the proposed use.

The sections that follow analyze the application in relation to criteria #3-6 in the zoning ordinance for evaluating Conditional Use Permit applications.



5. Traffic and Roadways

The site will use the existing driveway for access to 21st Street.

The Planner asked the applicant to estimate the daily traffic to and from the site. Joe Murphy indicated that there will be approximately 6 employees at the site each day (12 trips to and from the site), and an average of one delivery truck to and from the site each day. Existing local roadways have the capacity to handle the expected traffic.

The Planner requested comments from the City Engineer and Public Works Director regarding any traffic or roadway issues. The Engineer indicated that he has no concerns or comments about the proposed use of the property.

6. Parking Requirements and Driveways

Parking Requirements. Section 1330.06 of the Zoning Ordinance includes standards for parking. The ordinance requires the following:

- Manufacturing uses: 1 space per 500 square feet of floor area

Based on the site plan, several parking spaces are located next to the building. The parking area on the site has sufficient space to provide the required parking area. The proposed parking shown on the site plan meets the code requirements.

Pavement and Driveways. The Zoning Ordinance requires that all parking, loading and service areas and driveways in Mixed-Use, Business and Industrial Districts be constructed of concrete, asphalt or similar durable and dustless surface that meets the City's Public Works Design Manual standards. The site plan indicates that the parking areas are paved and meet the ordinance requirement.

7. Building design and materials/Accessory Structures

Section 1330.05, Subd. 3 of the Zoning Ordinance lists the permitted exterior building materials that may be used in non-residential zoning districts. The list includes brick, stone, glass, concrete or cast-in-place concrete or precast concrete panels, decorative concrete block, stucco, some types of metal panels, and wood, vinyl or metal siding.

The existing exterior building materials meet the ordinance requirement. The applicant does not plan to alter the building exterior.

8. 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.

9. 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 site plan does not include a location for trash handling and recycling. The Planner has included a proposed condition for the CUP that refuse and recycling for the business shall meet the ordinance requirements.

10. 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 description of the proposed uses does not indicate that parking of vehicles will occur for more than 48 hours. If such parking will occur on the site, the location should be screened from adjacent public streets and residential uses. The Planner has included a condition that vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential uses.

11. 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.

12. Lighting

The applicant indicated that he will fix the existing light fixtures on the building, but does not plan to add additional lighting. Light fixtures should meet the ordinance requirement and be of a downcast, cutoff type that conceal the light source from view and prevent light from spilling into adjacent areas.

13. Landscaping

No new landscaping is required.

14. Restricted Operations (noise, odor, glare, etc.) and Hours of Operation

Based on ordinance requirements, noise, odors, smoke and particulate matter should not exceed Minnesota Pollution Control Agency standards. The ordinance also requires that “the emission of noxious matter shall be controlled so that no such emission crosses the lot line of the property from which it originates. Noxious matter shall mean any solid, liquid or gaseous material, including gases, vapors, odor, dusts, fumes, mists, etc. that are detrimental to or endanger the public health, safety, comfort or general welfare, or causes damage to property.”

The applicant’s letter indicated that the smoking that is part of the meat production is controlled, and that they have received no complaints regarding odors or smoke at their current facility in South St. Paul. City staff contacted the City of South St. Paul, and that City’s staff verified that the City has received no complaints about the business.

The Planner included a condition that the applicant will need to meet the Zoning Ordinance standards and State standards for noise and air quality.



15. Hours of Operation

The applicant indicated that the work shift will operate between 6:00 a.m. and 5:00 p.m. Monday through Friday. The Planning Commission should discuss whether a condition setting hours of operation should be included in the CUP.

16. Signs

The application did not include locations or plans for proposed signs. He indicated to staff that he plans to replace the existing signs on the building with signs of similar designs. The new signs must meet the ordinance requirements. The conditions include a requirement that the applicant obtain any required sign permits.

17. 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.

18. Stormwater Management

No change is proposed on the site, and therefore there are no new stormwater management requirements for the proposed use.

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 MX-3 Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of business and commercial uses in the MX-3 District.
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 smoke, dust, and other nuisances and existing and anticipated traffic conditions and parking facilities.
4. The development of the property with the new use will have positive results for the City.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. 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 Planner finds that with proposed conditions, the request meets the ordinance requirements for a Conditional Use Permit.

ACTION REQUESTED FOR THE REZONING AND CUP REQUEST:

The Planning Commission can recommend:

1. Approval



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

PLANNING STAFF RECOMMENDATIONS:

The Planner recommends that the Planning Commission recommend approval of the Husnick Meat Co., Inc. request for a Conditional Use Permit for a Manufacturing Use to produce Meat Products on the site at 94 21st Street, with conditions:

1. The use of the site shall conform to the site plan submitted with the application on July 13, 2015.
2. The applicant shall provide the plans for the buildings to the City staff for approval.
3. No outside storage is permitted on the site.
4. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
5. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
6. Lighting shall conform to the ordinance requirements.
7. Any new utility equipment installed at the site must meet the screening requirements of the zoning ordinance.
8. Any new lighting shall meet the ordinance requirements.
9. The use shall meet the State of Minnesota standards for noise and air quality.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. 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: July 13, 2015

Public Hearing Date August 13, 2015

Applicant Information

Name: Husnik Meat Co. Inc. / Joe Murphy

Telephone: 651-457-7076

Mailing Address: 235 So. Concord Exchange

Telephone: 651-331-1239

City/State/Zip: So. St. Paul, MN 55075

Property Owner Information

Name: James D and Pamela M Kaiser

Telephone: _____

Mailing Address: 12088 Gantry CT

Telephone: _____

City/State/Zip: Apple Valley, MN 55124

Project Information

Location of Property: 94 21st Newport, MN 55055

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

26.028.22.44.0048 (0.22 acres), 26.028.22.44.0049 (0.24 acres) and 26.028.22.44.0050 (0.24 acres).

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 checked="" type="checkbox"/> Conditional Use Permit | |
| <input type="checkbox"/> Residential | \$300 plus Escrow |
| <input checked="" type="checkbox"/> Commercial | \$450 plus Escrow |
| <input type="checkbox"/> Subdivision Approval | |
| <input type="checkbox"/> Minor Subdivision | \$300 plus Escrow and Parkland Dedication Fee |
| <input type="checkbox"/> Major Subdivision | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ | |
| <input type="checkbox"/> Review by Engineer Cost: _____ | |
| <input type="checkbox"/> Total Cost: _____ | |

Escrow Fees

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

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
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.

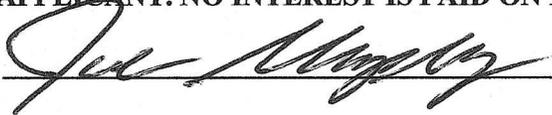
Present Use of Property: Kaiser Manufacturing - Industrial sewing

State Reason for Planning Request: _____

Husnik Meat Co. Inc. would like to purchase this site and use it for our sausage production. We would manufacture fresh and cooked/smoked sausage products at this location. We are currently out of space at our current location in So. St. Paul.

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: \$1,450 Date Paid: 7/13/15 Receipt #: 3501

Publication of Notice Date: July 29, 2015

Public Hearing Date: August 13, 2015

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____



HUSNIK MEAT CO., INC.



235 So. Concord Exchange • South St. Paul, Minnesota 55075 • Ph. (651) 457-7076

Fax (651) 455 – 9345

June 25, 2015

To Whom it May Concern:

Husnik Meat Co. Inc. has been in business since 1928. We have been located at our current So. St. Paul location since 1985. We are a USDA Federally Inspected meat company. We manufacture several food products for food service distributors such as Stock Yards Meats, US Foods and Sysco Asian Foods. We also service our own customer base which includes restaurants, grocery stores, as well as the Minnesota Wild. Over the last few years we have begun selling our line of beef sticks to a couple of distributors, Polka Dot Dairy and T&E Distributing. They have our product in Cub Foods Stores, Jerry's Foods, and some HyVee stores, Holiday Station Stores, and some Super America Stores along with several independent stores in the Midwest.

Due to this growth I am in need of expanding my production facility. I would like to move all my sausage production to a separate facility, both cooked and fresh products. I would like to purchase 94 21st in Newport, MN.

We would start out by running a 1st shift with operating hours of 6:00am to 5:00pm Monday – Friday. We would have up to 6 employees at this location. We would manufacture raw and cooked /smoked products. Our cooking/smoking cycles are computer controlled, so we aren't constantly billowing out smoke. Husnik Meats will be using the existing building and site, and do not plan expansion of the building or changes to the parking lot. We will continue to operate raw production and retail out of our So. St. Paul location, we will not sell retail at the proposed Newport site. We have been in our current location in So. St. Paul since 1985 and have never had a noise or odor complaint from our neighbors or the city.

If there are any other questions please do not hesitate to contact me.

Sincerely,


Joe Murphy
President

94 21st Street
Newport, MN

LEGAL DESCRIPTION:

DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lots One (1), Two (2), Three (3), Block Four (4),

EXCEPT Parcel No. 10 of Washington County Highway Right of Way Plat No. 140-CSAH 38.
Parcel No. 10 is within Lot 1, Block 4, Red Rock Villas, as surveyed and platted and now on file
in the office of the Registrar of Titles of Washington County, Minnesota.

Torrens Property

PID Numbers:

26-028-22-44-0048

26-028-22-44-0049

26-028-22-44-0050



Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

7200 Hemlock Lane - Suite 300
Maple Grove, MN 55369
Telephone: (763) 424-5505
www.LoucksAssociates.com

CADD files prepared by the Consultant for this project are instruments of the Consultant's professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawings files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.

7/10/15 DRAWING ISSUED

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Richard L. Licht
Richard L. Licht - PLS

26724 7/6/15
License No. Date

JAA



DESCRIPTION OF PROPERTY SURVEYED
(Per Schedule A of the herein referenced Title Commitment)

Lots One (1), Two (2), Three (3), Block Four (4).

EXCEPT Parcel No. 10 of Washington County Highway Right of Way Plat No. 140-CSAH 38. Parcel No. 10 is within Lot 1, Block 4, Red Rock Villas, as surveyed and platted and now on file in the office of the Registrar of Titles of Washington County, Minnesota.

Torrens Property

ALTA/ACSM OPTIONAL TABLE A NOTES
(The following items refer to Table A optional survey responsibilities and specifications)

- 3) This property is contained in Zone X (areas determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27163C0319E, effective date of February 3, 2010.
- 4) The Gross land area is 30,620 +/- square feet or 0.70 +/- acres.
- 7a) Exterior dimensions of the buildings are shown at ground level.
- 9) The number of parking stalls on this site are as follows: 7 Regular + 0 Handicap = 7 Total Parking Stalls.
- 11b) We have shown buried structures and utilities on and/or serving the site Per Gopher State One-Call Ticket No.'s 151632962 and 151632959. The following utilities and municipalities were notified:

CITY OF NEWPORT-(651) 459-2475
COMCAST-(612) 522-8141
MAGELLAN MIDSTREAM PARTNERS-(918) 574-7098
CENTURYLINK-(855) 742-6062
WASHINGTON COUNTY-(320) 963-2400
XCEL ENERGY-(651) 229-2427

- i) Utility operators do not consistently respond to locate requests through the Gopher State One Call service for boundary purposes such as this. Those utility operators that do respond often will not locate services from their main line to the customer's structure or facility - they consider those segments private installations that are outside their jurisdiction. If a private service to an adjoiner's site crosses this site or a service to this site crosses an adjoiner, it may not be located since most operators will not mark such "private" services.
- ii) Snow and ice conditions during winter months may obscure otherwise visible evidence of a buried structure or utility.
- iii) Maps provided by operators, either along with a field location or in lieu of such a location, are very often inaccurate or inconclusive. EXTREME CAUTION MUST BE EXERCISED BEFORE AN EXCAVATION TAKES PLACE ON OR NEAR THIS SITE. BEFORE DIGGING, YOU ARE REQUIRED BY LAW TO NOTIFY GOPHER STATE ONE CALL AT LEAST 48 HOURS IN ADVANCE AT 651/454-0002.

SURVEY REPORT

The property depicted on this survey and the easements of record shown hereon are part of the property described in the Commitment for Title Insurance issued by Land Title, Inc. as agent for First American Title Insurance Company, with File No. 523512, dated June 8, 2015.

- 1) The following remarks reference items in Schedule B, Part II - Exceptions of the herein referenced Title Commitment:

- a) Item no.'s 1-10, and 12-14 are not survey related.
- b) Item no. 11: Temporary construction easement in favor of Washington County in deed, dated July 23, 2002, filed August 28, 2002 as Document Number 1115882 appears to have expired on October 31, 2006.

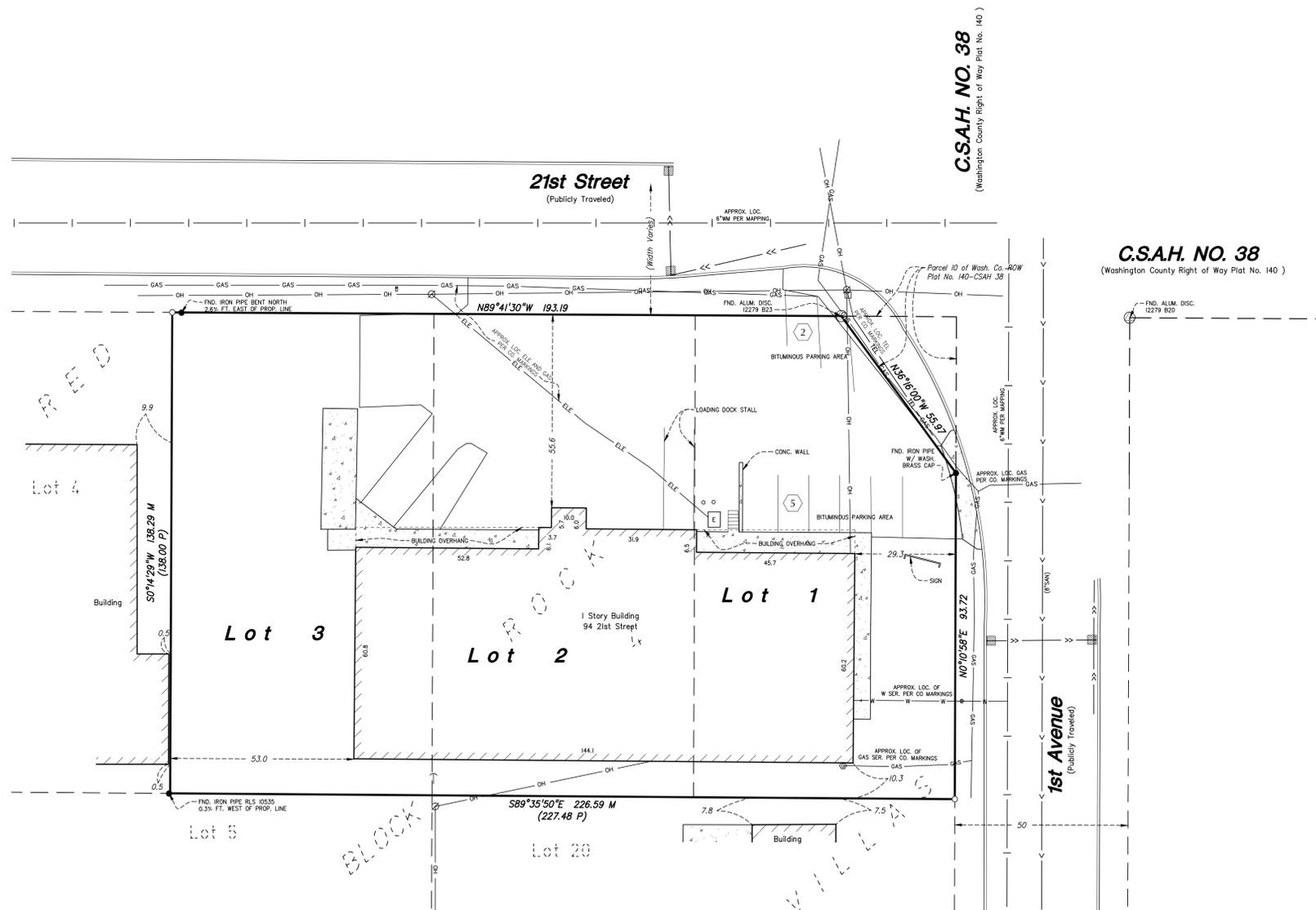
CERTIFICATION

To James D. Kaiser and Pamela Mae Kaiser; Land Title, Inc. and First American Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and includes Items 1 - 4, 7a, 8, 9 and 11b of Table A thereof. The field work was completed on July 6, 2015.

Date of Plat or Map: July 10, 2015

Richard L. Licht
Richard L. Licht, PLS Minnesota License No. 26724
rlight@loucksassociates.com



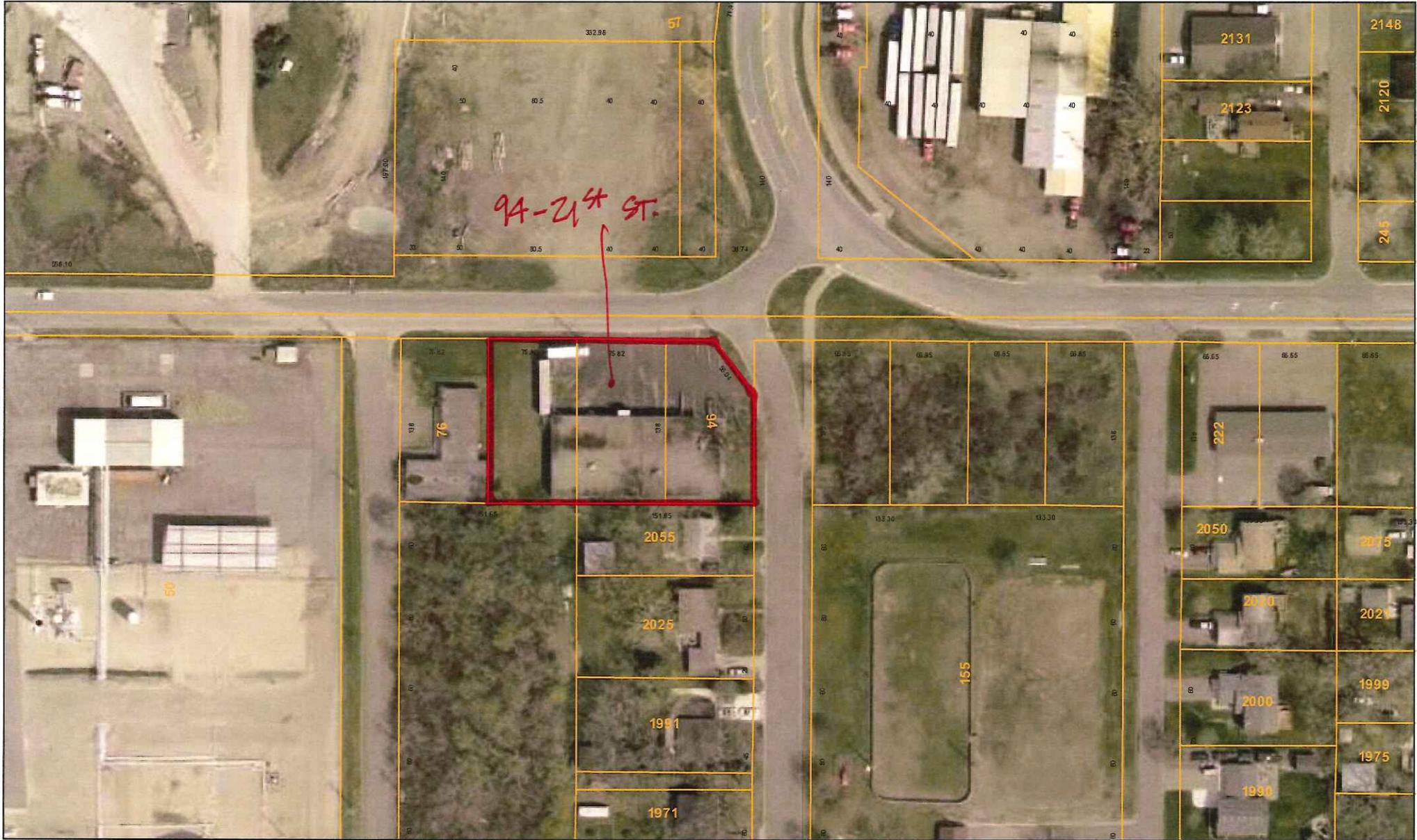
SURVEY LEGEND - EXISTING CONDITIONS

	CATCH BASIN		STORM SEWER
	SANITARY MANHOLE		SANITARY SEWER
	TELEPHONE PEDESTAL		WATERMAIN
	POWER POLE		UNDERGROUND ELECTRIC
	ELECTRIC TRANSFORMER		UNDERGROUND GAS
	GAS METER		UNDERGROUND TELEPHONE
	PLAT DIMENSION		OVERHEAD UTILITY
	MEASURED DIMENSION		CONCRETE CURB
			CONCRETE

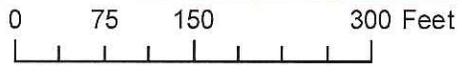


SCALE IN FEET

- △ DENOTES PK NAIL FOUND
- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH X 14 INCH IRON MONUMENT SET, MARKED "RLS 26724"



94-21st STREET



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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





**CITY OF NEWPORT
PLANNING COMMISSION**

**NOTICE OF PUBLIC HEARING
TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT**

Notice is hereby given that the Newport Planning Commission will hold a Public Hearing on Thursday, August 13, 2015, at 6:00 P.M. or as soon thereafter, in the City Hall Council Chambers at the Newport City Hall, 596 7th Ave., Newport, MN, to consider an application from Husnik Meat Co., 235 South Concord Exchange, South St. Paul, MN 55075 for a Conditional Use Permit to operate a business at 94 21st Street. The request is for a conditional use permit to allow for meat manufacturing.

Said property is legally described as:

PID#26.028.22.44.0048, 26.028.22.44.0049, and 26.028.22.44.0050 - Lots One (1), Two (2), Three (3), Block Four (4),

EXCEPT Parcel No. 10 of Washington County Highway Right of Way Plat No. 140-CSAH 38. Parcel No. 10 is within Lot 1, Block 4, Red Rock Villas, as surveyed and platted and now on file in the office of the Registrar of Titles of Washington County, Minnesota.

The Planning Request is governed under Chapter 13, Section 1310.10, Conditional Use Permit of the City Code of Ordinance.

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

Dated this 14th day of July, 2015.

Deb Hill
City Administrator

(Publish in the Washington County Bulletin Wednesday, July 29, 2015)

ADDRESS/PID #	OWNER	OWNER'S ADDRESS	CITY, STATE ZIP
76 21ST STREET	ABBOTT PAUL M	331 2ND AVE	NEWPORT MN 55055
2602822410038	AGGREGATE INDUSTRIES-NO CENTRAL REG	2815 DODD RD # 101	EAGAN MN 55121
2602822410039	AGGREGATE INDUSTRIES-NO CENTRAL REG	2815 DODD RD # 101	EAGAN MN 55121
57 21ST STREET	AGGREGATE INDUSTRIES-NO CENTRAL REG	2815 DODD RD # 101	EAGAN MN 55121
2163 2ND AVENUE	BETO DUANE T & SANDRA	75 DOUGLAS ST	ST PAUL MN 55102
1980 2ND AVENUE	BROBERG STEVEN R & CHRISTINE M	PO BOX 34	NEWPORT MN 55055
2602822410014	CASTILLO SHIRLEY	2123 2ND AVE	NEWPORT MN 55055
2602822410015	CASTILLO SHIRLEY	2123 2ND AVE	NEWPORT MN 55055
2123 2ND AVENUE	CASTILLO SHIRLEY	2123 2ND AVE	NEWPORT MN 55055
2602822430002	CITY OF NEWPORT	596 7TH AVE	NEWPORT MN 55055
155 20TH STREET	CITY OF NEWPORT	596 7TH AVE	NEWPORT MN 55055
2025 1ST AVENUE	CONKLIN ROBERT J & DOROTHEA L KAHL	2025 1ST AVE	NEWPORT MN 55055
1990 2ND AVENUE	DOPPLER JAMES C & LYNN M	PO BOX 212	NEWPORT MN 55055
2602822440044	FEDOROWSKI FAMILY TRS	3570 SUNNY ACRES DR NW	HACKENSACK MN 56452
2602822440043	FEDOROWSKI FAMILY TRS	3570 SUNNY ACRES DR NW	HACKENSACK MN 56452
2020 2ND AVENUE	GELDON CHARLES JR	2020 2ND AVE	NEWPORT MN 55055
2602822440045	KAISER JAMES D & PAMELA M	12088 GANTRY CT	APPLE VALLEY MN 55124
2602822440050	KAISER JAMES D & PAMELA M	12088 GANTRY CT	APPLE VALLEY MN 55124
2602822440046	KAISER JAMES D & PAMELA M	12088 GANTRY CT	APPLE VALLEY MN 55124
2602822440049	KAISER JAMES D & PAMELA M	12088 GANTRY CT	APPLE VALLEY MN 55124
94 21ST STREET	KAISER JAMES D & PAMELA M	12088 GANTRY CT	APPLE VALLEY MN 55124
1991 1ST AVENUE	KRAMER RAYMOND A	1991 1ST AVE	NEWPORT MN 55055
2075 3RD AVENUE	MELBY STEVEN E	2075 3RD AVE	NEWPORT MN 55055
2055 1ST AVENUE	NELSON JACOB A	2055 1ST AVE	NEWPORT MN 55055
2602822440025	NEWPORT CAR WASH INC	1019 CRESTVIEW DR	HUDSON WI 54016
2602822440024	NEWPORT CAR WASH INC	1019 CRESTVIEW DR	HUDSON WI 54016
222 21ST STREET	NEWPORT CAR WASH INC	1019 CRESTVIEW DR	HUDSON WI 54016
2602822440052	NEWPORT TERMINAL CORP #914	PO BOX 1224	BLOOMINGTON MN 55440
50 21ST STREET	NEWPORT TERMINAL CORP #914	PO BOX 1224	BLOOMINGTON MN 55440
1951 1ST AVENUE	OCEGUEDA GABRIEL M	1951 1ST AVE	NEWPORT MN 55055
1931 1ST AVENUE	OSWALD CRYSTAL	PO BOX 102	PRESCOTT WI 54021
2000 2ND AVENUE	PEN KOSAL & VANTHY LY	2000 2ND AVE	NEWPORT MN 55055
1911 1ST AVENUE	SECRETARY OF HOUSING & URBAN DEVELOPMENT	4400 WILL ROGERS PKWY #300	OKLAHOMA CITY OK 73108
2050 2ND AVENUE	TORRES VICENTE & MEYBEL	2050 2ND AVE	NEWPORT MN 55055
2602822410041	WASHINGTON COUNTY	11660 MYERON RD N	STILLWATER MN 55082
2602822440057	WIERSGALLA STEVEN M & DONNA M	1971 1ST AVE	NEWPORT MN 55055
1971 1ST AVENUE	WIERSGALLA STEVEN M & DONNA M	1971 1ST AVE	NEWPORT MN 55055
155 21ST STREET	WILSON LINES OF MINN INC	2131 2ND AVE	NEWPORT MN 55055-1083
2131 2ND AVENUE	WILSON LINES OF MINNESOTA INC	2131 2ND AVE	NEWPORT MN 55055-1083

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2015-8**

A RESOLUTION RECOMMENDING THE NEWPORT CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT REQUESTED BY HUSNIK MEAT CO, 235 SOUTH CONCORD EXCHANGE, SOUTH ST. PAUL, MN 55075, FOR PROPERTY LOCATED 94 21ST STREET, NEWPORT, MN 55055

WHEREAS, Husnik Meat Co., 235 South Concord Exchange, South St. Paul, MN 55075, has submitted a request for a Conditional Use Permit to allow for meat manufacturing; and

WHEREAS, The property is located at 94 21st Street and is more fully legally described as follows:

PID#26.028.22.44.0048, 26.028.22.44.0049, and 26.028.22.44.0050 - Lots One (1), Two (2), Three (3), Block Four (4),

EXCEPT Parcel No. 10 of Washington County Highway Right of Way Plat No. 140-CSAH 38. Parcel No. 10 is within Lot 1, Block 4, Red Rock Villas, as surveyed and platted and now on file in the office of the Registrar of Titles of Washington County, Minnesota.

WHEREAS, The described property is zoned Mixed Use Transit-Oriented Design (MX-3); 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 13, 2015; 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 MX-3 Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of business and commercial uses in the MX-3 District.
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 smoke, dust, and other nuisances and existing and anticipated traffic conditions and parking facilities.
4. The development of the property with the new use will have positive results for the City.

5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. 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 a Conditional Use Permit for meat manufacturing for property located at 94 21st Street with the following conditions:

1. The use of the site shall conform to the site plan submitted with the application on July 13, 2015.
2. The applicant shall provide the plans for the buildings to the City staff for approval.
3. No outside storage is permitted on the site.
4. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
5. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
6. Lighting shall conform to the ordinance requirements.
7. Any new utility equipment installed at the site must meet the screening requirements of the zoning ordinance.
8. Any new lighting shall meet the ordinance requirements.
9. The use shall meet the State of Minnesota standards for noise and air quality.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.

Adopted this 13th day of August, 2015 by the Newport Planning Commission.

VOTE: Mahmood	_____
Haley	_____
Prestegaard	_____
Taylor	_____
Tweeten	_____

Signed: _____
 Anthony Mahmood, Chairperson

ATTEST: _____
 Deb Hill, City Administrator