



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
DECEMBER 11, 2014 - 6:00 P.M.**

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

AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of November 13, 2014

4. APPOINTMENTS WITH COMMISSION

A. **Public Hearing** – To consider an application from Sicon Motors for Approval of a Conditional Use Permit for Property Located at 2030 Hastings Avenue

1. Memo from Sherri Buss
2. Application
3. Resolution No. P.C. 2014-18

B. **Public Hearing** – To consider amendments to the Zoning Code, Section 1330 and Section 1350

1. Memo from Sherri Buss
2. Resolution No. P.C. 2014-19

5. COMMISSION & STAFF REPORTS

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

1. City Council Meeting December 18, 2014 5:30 p.m.
2. City Offices Closed due to Christmas Holiday December 24 - 25, 2014
3. City Offices Closed due to New Year's Holiday January 1, 2015
4. Planning Commission Meeting January 8, 2015 6:00 p.m.

8. ADJOURNMENT



**City of Newport
Planning Commission Minutes
November 13, 2014**

1. CALL TO ORDER

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

2. ROLL CALL -

Commissioners present – Dan Lund, Anthony Mahmood, Matt Prestegaard (6:07 p.m.), Kevin Haley

Commissioners absent – Susan Lindoo,

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 September 11, 2014

B. Planning Commission Workshop Minutes of October 9, 2014

Motion by Mahmood, seconded by Haley, to approve the September 11, 2014 and October 9, 2014 minutes as presented. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from Patrick Schille for Approval of a Minor Subdivision of Property Located at 1631 3rd Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 13, 2014 Planning Commission Packet.

The Public Hearing opened at 6:04 p.m.

The Public Hearing closed at 6:05 p.m.

Kevin Haley - Was the Park Dedication fee paid before?

Ms. Buss - No.

Vice-Chair Mahmood - In regards to the sewer wording, it sounds like it has to be done even if they're not building it?

Ms. Buss -No they wouldn't need to do it until a house was built. That's just to let them know that it's coming.

Chairperson Lund - And there's two driveways so this would solve that issue?

Ms. Buss - Yes.

Motion by Mahmood, seconded by Haley, to approve Resolution No. P.C. 2014-16 as presented recommending that the City Council approve a minor subdivision for property located at 1671 3rd Avenue. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Kevin Haley - That comes with a \$2,000 Park Dedication fee?

Ms. Buss - I think you need to recommend to the Council an amount for this subdivision. Do you want to use the same number we had for Dalluhn's a month ago or a different number?

Chairperson Lund - I think we should do \$2,000.

Motion by Lund, seconded by Mahmood to recommend a \$2,000 Park Dedication Fee for this Subdivision. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Mr. Schille, 1671 3rd Avenue - Can we have the house stubbed in when they do the streets?

Ms. Buss - Yes, talk with Bruce Hanson about that.

B. Public Hearing – To consider amendments to the Zoning Code, Section 1350

Sherry Buss, TKDA Planner, presented on this item as outlined in the November 13, 2014 Planning Commission Packet.

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

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

Motion by Haley, seconded by Prestegaard, to approve Resolution No. P.C. 2014-17 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Discussion Regarding Underground Utilities

Sherry Buss, TKDA Planner, presented on this item as outlined in the November 13, 2014 Planning Commission Packet.

Kevin Haley - A lot of times, telephone poles aren't on the corner of a lot line so it makes it difficult to cross other properties.

Ms. Buss - And that's like the Cottage Grove example where they couldn't require the utilities to be placed under ground because the developer didn't own all of the properties where it would have been buried. You would need to put in the code that it needs to be feasible. We wouldn't want to stop a subdivision from happening because it's too expensive.

Chairperson Lund - Does infill include houses being torn down?

Ms. Buss - It could.

Chairperson Lund - Right now along Hastings Avenue, every building has something coming off the main line.

Kevin Haley - I had a conversation with one of the business owners and he was wondering how to get the lines buried.

Ms. Buss - A developer said that almost anyone who is building something new will bury the service lines to the parcel. We can write the code to say that anyone who does infill or new development would need to bury utility lines where it is feasible.

Kevin Haley - We should put it in the ordinance but if they want to deviate from it or have a review for it, we should charge \$250. There's no benefit to not burying it.

Executive Analyst Eisenbeisz - I think if it's in the ordinance, it would need to be buried unless they can prove it's not feasible. I would think they would need to come before the Planning Commission if they wanted an exemption.

Ms. Buss - We could have an exemption permit and charge a fee for us to review. We could do that administratively.

Chairperson Lund - What about burying a new transmission line? Cottage Grove is talking about existing lines. We have areas where I could see them needing a new line.

Ms. Buss - That's what Fritz is getting at when he talks about the franchise agreement. The City has one with utilities and one part of that could be that they bury any new lines. I don't think there's a way through the zoning code to enforce that. We could put something in the ordinance but you'll probably never get them to bury the main lines.

Kevin Haley - We don't need to add language if it won't be enforced.

Vice-Chair Mahmood - Yes, we're trying to clean it up.

Ms. Buss - Ok, we'll bring something to you for the next meeting.

D. Discussion Regarding Park Dedication Fees

Sherri Buss, TKDA Planner, presented on this item as outlined in the November 13, 2014 Planning Commission Packet.

Kevin Haley - You made a good point in some of this that the need for parks is with denser housing. They wouldn't be inclined to use a park in the RE District because they have land.

Ms. Buss - But they could use trails or use the parks for picnics. A lot of cities have done a graduated scale based on density. Using that kind of analysis we would end up with \$2,000 per unit for single-family and \$1,500 per unit for multi-family.

Chairperson Lund - I like your point about a higher density development would have fewer people per unit so it seems to be a reasonable approximation of park demand assuming single-family houses would have more people.

Kevin Haley - I like the direction that Sherri is going. You said \$2,000 for single-family and \$1,500 for multi?

Ms. Buss - You could make an argument for a fee between \$2,000 and \$2,500. That's where most communities in this area are. We have to have a rationale like this on record somewhere in case a developer comes in and challenges us.

Matt Prestegaard - This only happens upon development right?

Ms. Buss - Yes.

Kevin Haley - The family that was just here, they need to pay the park fee even if they don't develop it.

Ms. Buss - Anyone that is a developer is used to this fee.

Matt Prestegaard - I just want to make sure that an individual owner in a condo building wouldn't be required to pay this.

Ms. Buss - No.

Kevin Haley - I would go with the \$2,000 and \$1,500.

Chairperson Lund - I personally like splitting up multi-family. The last page in Sherri's memo had single-family at \$2,500, \$2,000 per unit for densities below 10 units per acre and \$1,500 per unit for densities above 10 units per acre.

Matt Prestegaard - Are you thinking of utilization or ability to pay?

Ms. Buss - It has to be utilization.

Chairperson Lund - If you look at Newport as a whole, infill on the west side will have smaller houses than the east side.

Kevin Haley - It's not an issue of ability to pay.

Ms. Buss - He's arguing for the three-tier system. It's a judgment call at this point.

Kevin Haley - Keep them low. Too high of fees will make people go somewhere else.

Ms. Buss - They won't find anything much cheaper than this.

Vice-Chair Mahmood - I like the \$2,000 for single-family and \$1,500 for any multi-family.

Chairperson Lund - At the end of the day, it's important for the City to get development.

Motion by Mahmood, seconded by Haley, to recommend \$2,000 per single-family dwelling and \$1,500 per unit for multi-family dwellings for Park Dedication Fees. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. COMMISSION AND STAFF REPORTS

Admin. Hill - The Transit Station will have a grand opening this spring. The route changes December 1, 2014.

6. NEW BUSINESS

7. ANNOUNCEMENTS

Chairperson Lund - The next City Council meeting is November 20, 2014 and our next meeting is December 11, 2014.

8. ADJOURNMENT

Motion by Mahmood, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 6:44 p.m. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Dan Lund, 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: Sicon Motors CUP

Copies To: Deb Hill, City Administrator
Renee Eisenbeisz, Executive Analyst
Riwa Jeremiah, applicant
Robert Howard, owner, Newport Enterprises LLC
Jon Herdegen, MSA, City Engineer
Project No.: 15481.009

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

Date: December 1, 2014

SUBJECT: Sicon Motors Conditional Use Permit (CUP) for Motor Vehicle Sales, Display and Service

MEETING DATE: December 11, 2014

LOCATION: 2030 Hastings Avenue

APPLICANT: Riwa Jeremiah
2525 White Bear Avenue North
Maplewood, MN 55109

OWNER: Robert Howard
Newport Enterprises LLC
6025 Hawkins Road
Woodbury, MN 55129

CURRENT ZONING: MX-1 (Downtown District)

60-DAY PERIOD: January 12, 2015

ITEMS REVIEWED: Application, Sketch Plan.

BRIEF DESCRIPTION OF THE REQUEST

The applicant, Riwa Jeremiah, is requesting a CUP for a Vehicle Sales, Display and Service use at the property at 2030 Hastings Avenue. The business will include a used-car dealership and auto leasing. The previous use of the property was a convenience store, and the buildings are currently vacant.

BACKGROUND

The subject property includes 1 parcel located within the MX-1 Downtown Zoning District on Hastings Avenue. The parcel includes a building, canopy structures, and parking areas, and is approximately one-half acre in size.

The applicant is requesting that the new use include vehicle sales and display for used and leased vehicles. The business will use the existing building and parking areas on the site. No changes are proposed to the buildings or site.

EVALUATION OF THE REQUEST

Zoning Ordinance Criteria for Granting 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 2030 Hastings Avenue based on the City's zoning ordinance and related standards.

1. Zoning District and Proposed Use—Vehicles Sales, Display and Service

The proposed use is Motor Vehicle Sales, Display, and Service. The use is permitted in the MX-1 Zoning District with a Conditional Use Permit. The definition of this use is "the sale or trade of new or used motor vehicles, including cars, trucks, buses, campers, motorcycles or other motorized vehicles, including the display of new or used vehicles, or the possession of new or used vehicles for sale or trade." The applicant does not anticipate any significant repair of vehicles at this site. The business has another location where any needed repairs could be completed.

Dimensional Standards, Setbacks, and Requirements in the Zoning District

The dimensional standards and setbacks for the MX-1 District include the following:

- Minimum lot area: 2,400 square feet
- Minimum lot depth: 80 feet
- Minimum lot width: 30 feet
- Maximum lot coverage (buildings): 80%
- Structure setbacks: Front yard: 0 feet;
Side yard if adjacent to a residential district: 10 feet
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 parcel at 2204 Hastings is approximately 21,000 square feet (.48 acres) in area; the lot depth is 150 feet, and the parcel is approximately 145 feet wide. The existing building covers approximately 12% of the parcel, and meets the structure setback requirements.

The majority of the surface area of the parcel is currently used for parking. There are existing boulevard areas between the driveways along Hastings Avenue that is part of the road right-of-way and outside the parcel. The ordinance requires that parking be setback 20 feet from the front lot line and five feet from the side and rear lot lines. Businesses on Hastings Avenue may count the city-owned boulevard to meet the parking setback requirement. Parking on the side and rear should meet the setback requirements.

The existing parcel and building meet the ordinance requirements. No changes are proposed for the new use.

The Planner has included a condition that parking on the side and rear shall meet the five-foot setback requirements from the parcel boundaries.



2. Comprehensive Plan

The Comprehensive Plan supports the continuing existence and redevelopment of Hastings Avenue with commercial and residential uses that have a “main street” character. The plan discourages the development of “big box” businesses in the MX-1 District, and supports smaller, locally-owned businesses and services that fit the small town character of Newport. The proposed commercial use is generally consistent with the land use goals included in the 2030 Comprehensive Plan.

3. Potential Impacts of the Business and Ordinance Requirements

Section 1330.05 of the Zoning Ordinance includes performance standards for businesses operating in Newport, including Vehicle Sales businesses. The standards address the potential impacts of the business that need to be evaluated for CUP criteria 3-7, listed above. The Zoning Ordinance allows the City to include conditions in the CUP to avoid or minimize potential impacts to surrounding properties. The sections below evaluate the proposed business based on the performance standards, and identify conditions that the Planning Commission and Council may consider to manage the potential impacts on surrounding properties.

Parking and Vehicle Storage

Section 1330.05 of the Zoning Ordinance includes standards for parking and storing vehicles. Subdivision 6 applies to Vehicle Sales, Display and Service, and states that “any outside storage or display of vehicles for sale, rent or lease shall be by Conditional Use Permit as governed by this chapter, and shall include only operable new vehicles or operable used vehicles in good working order and of good appearance. The Planner has included a condition that the business shall meet the vehicle storage requirement of the ordinance, and that no open storage of other items is permitted on the property.”

Pavement and Driveways. The existing business has four accesses: two 32-foot concrete driveways off Hastings Avenue and two 24-foot bituminous driveways off 20th Street.

The Engineer made the following comments and recommendations regarding access for the proposed use:

“All driveway widths presently conform to the City Code (811.07E), but the two driveways closest to the corner of Hastings Avenue and 20th Street pose some concerns regarding the traffic movements at the intersection.

“According to the MnDOT Road Design Manual for commercial streets in an urban setting, the recommended setback, as measured from the property line, from any driveway to a major street (in this case, Hastings Avenue) should be at least 30 feet and the setback to a minor street (20th Street) a minimum of 20’. [Jon Herdegen revised the November 24 memo language on minor street setback requirements by phone on December 1 to say “a minimum of 20 feet”.] The two closest driveways do not appear to meet this recommended setback.”

“However, since there are no proposed modifications to the lot including the structures and paved surface, we do not recommend that any driveway modifications be imposed for this conditional use permit. At such time when the lot is further developed or the intended use changes, the City should consider requiring these driveways to be removed.”



Buildings and Accessory Structures

No changes are proposed to the existing building or structures on the property. No new accessory structures are proposed on the site plans.

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 of items other than new or used vehicles is permitted on the site.

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.

Lighting

No new lighting is proposed at the site. Lighting must meet the ordinance requirement that it be a downcast, cut off type, and that glare and lighting shall not spill over to adjacent residential properties.

Landscaping

Section 1330.05, Subdivision 14 includes the landscaping requirements for commercial and office uses. The ordinance requires that areas of land not covered by structures or pavement shall be landscaped. In this case, the entire site is covered by pavement. The boulevard areas within the road right-of-way are landscaped with turf grass. Since no changes in buildings or pavements are proposed, the Planner has not included requirements for landscaping for the new use.

Hours of Operation

The applicant has proposed that the hours of operation be 9 a.m. to 7 p.m., Monday through Friday, and 7 a.m. to 2 p.m. on Saturday. The Planner has included the proposed hours as a condition for the CUP.

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.

Infrastructure and Public Services

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. The Engineer did not recommend new stormwater management facilities or practices for the site, since the impervious coverage will not change.

Potential effects of the proposed use on surrounding properties, including valuation, aesthetics and scenic views, land uses, and character and integrity of the neighborhood.

The existing site and buildings are vacant. The addition of a new business may have a positive effect on the valuation and character of the neighborhood.

The Planner has included a proposed condition that only vehicles in good, operable condition that are on display for sale may be stored at the site, and that that site must be maintained in a neat and orderly condition, so that the new use does not have negative impacts on the value and aesthetics of adjacent properties and the neighborhood.

The Zoning Ordinance section 1310.10 permits the City to inspect conditionally-permitted uses at any time to determine if the applicant is adhering to the conditional use permit. The Planner has included a condition that the City inspect the Vehicles Sales use within one year of the start of the use, and thereafter as needed, to monitor compliance with the conditions of the CUP.

The Zoning Ordinance requires that the proposed use must begin within one year of the date when the CUP is granted.

FINDINGS FOR THE CONDITIONAL USE PERMIT REQUEST

1. The proposed use is a conditionally-permitted use in MX-1 Downtown Zoning District, and the dimensional standards of the site and buildings meet the ordinance requirement.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the continuation and redevelopment of commercial uses that are locally-owned, and have a "main street" character.
3. The conditions for approval of the proposed use include requirements for development and operation of the business 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 vehicle display and storage, lighting and access on adjacent streets and land uses.
4. The redevelopment of the property with a new use that complies with the performance standards in the ordinance and conditions of the CUP may have positive 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 will not have negative impacts on sensitive environmental features, including surface waters, ground water, wetlands or floodplains.
7. In permitting the 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 that the Council approve a Conditional Use Permit for a Vehicle Sales, Display and Service use for Sicon Motors at 2030 Hastings Avenue. The Planner recommends the following conditions for the proposed uses:

1. The use of the property and buildings shall be consistent with the sketch plan and application that the applicant submitted to the City on November 13, 2014.
2. The auto repair services at the site shall be limited to light auto repair (no painting or body work) shall only be performed on vehicles that are on display for sale by this business.
3. The applicant shall obtain any federal, state or local licenses or permits needed to operate the Vehicle Sales, Display and Service use.
4. Vehicles or other business property shall not be stored or displayed within the City right-of-way on Hastings Avenue or Ford Road, and the business shall comply with the five-foot side and rear setback requirements of the ordinance.
5. Vehicles that are displayed and stored on the parcel shall be only operable new vehicles or operable used vehicles that are in good working order and of good appearance. No open storage of items other than operable new and used vehicles that are displayed for sale is permitted. The site shall be maintained in a neat and orderly condition.
6. No stacking, crushing, or dismantling of vehicles is permitted on the site.
7. The permitted use on the site does not include automobile painting and body work.
8. 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.
9. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare and light from spilling onto adjacent residential areas.
10. The hours of operation shall be 9 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 2 p.m. on Saturday.
11. 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.
12. The City shall inspect the Vehicle Sales, Display and Repair use within one year after it is established on the site, and may inspect the site as needed thereafter to monitor compliance with the conditions of the CUP.



13. The new Vehicle Sales, Display and Repair use shall begin operation at the site within one year of the date of approval of the CUP.
14. The applicant shall pay all fees and escrow associated with this application.





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MEMO

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

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

Subject: Sicon Motors CUP

Date: November 24, 2014

We have reviewed the CUP application from Sicon Motors LLC for the property located a 2030 Hastings Avenue. The former convenient store property has four (4) accesses; two (2) 32-foot concrete driveways off of Hastings Ave and two (2) 24-foot bituminous driveways off of 20th Street. All driveway widths presently conform the City code (811.07.E) but the two driveways closest to the corner of Hastings Avenue and 20th Street pose some concern regarding the traffic movements at the intersection.

According to the MnDOT Road Design Manual for commercial streets in an urban setting, the recommended setback, as measure from the property line, from any driveway to a major street (in this case Hastings Ave) should be at least 30' and the set back to a minor street (20th Street) less ~~than~~ ^a 20'. The two closest driveways do not appear to meet this recommended setback. *minimum of*

However, since there are no proposed modifications to the lot including the structures and paved surface, we do not recommend that any driveway modifications are imposed for this conditional use permit. At such time when the lot is further developed or the intended use is changes, the City should consider requiring these driveways to be removed.

20'

*revised by
phone call
12/1/14*

Offices in Illinois, Iowa, Minnesota, and Wisconsin

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

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: _____ Public Hearing Date _____

Applicant Information

Name: SICON MOTORS LLC Telephone: 952-457-0599
Mailing Address: 2525 Whitebear Ave N Telephone: _____
City/State/Zip: maplewood MN 55109

Property Owner Information

Name: 250 Newport Enterprises LLC (Robert Howard, Chief) Telephone: 651-260-2018
Mailing Address: 6025 Howells Rd Telephone: _____
City/State/Zip: Woodbury MN 55129

Project Information

Location of Property: 2030 HASTINGS AVE, Newport MN 55055

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

See attached tax Statement for parcel / property and copy of deed

- 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 + <u>\$1,000 escrow</u> |
| <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: Convenience store / vacant #

State Reason for Planning Request: to allow for used

car dealership and auto leasing

proposed hours 9-7pm m-f Saturday

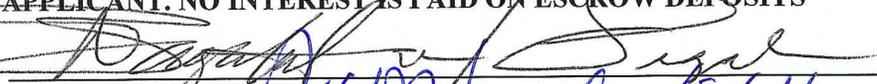
7am-2pm Sunday closed, property will be kept

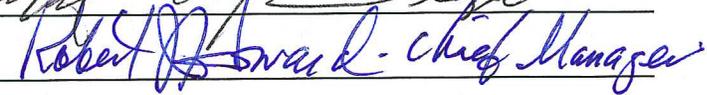
neat and clean and orderly

will be used for used car only - the numbers of cars parked will be determined based on how many drive ways the city will allow us / 50000 motors

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: _____ Receipt #: _____

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

Site 5300

EXHIBIT A

Legal Description

LOTS FIFTEEN (15), EXCEPT THE NORTHERLY TWENTY-FIVE FEET (25') THEREOF, AND ALL OF LOTS SIXTEEN (16) AND SEVENTEEN (17), BLOCK THREE (3), RED ROCK PARK, ACCORDING TO THE PLAT THEREOF, WASHINGTON COUNTY MINNESOTA.

EXCEPT THE EASTERLY SEVEN FEET (7') OF SAID LOT FIFTEEN (15), EXCEPT THE NORTHERLY TWENTY-FIVE FEET (25') THEREOF, SIXTEEN (16) AND SEVENTEEN (17).

ENTERED IN TRANSFER RECORD
WASHINGTON COUNTY, MINNESOTA
May 3, 2026
MOLLY F. O'Rourke, AUDITOR-TREASURER
BY *Madeline A. Redman*
DEPUTY
25.028.22.33.0041

Address of Property: 2030 Hastings Avenue, Newport, Minnesota
Property Identification Nos.: 25-028-22-33-0041



Conditional Use Permit Application Checklist

Conditional Use Permits are covered under Section 1310.10 of the Zoning Code. Please provide the following information with your application for an Conditional Use Permit.

GENERAL REQUIREMENTS:

INCLUDED IN SUBMITTAL

- | | | |
|--|---|-----------------------------|
| 1. Application Form | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. Fees | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. Escrow | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4. Complete legal description and PID number of all parcels included in the request. The legal descriptions must be copied directly from the deed and provided in a word document. | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5. A full description of the request—proposed use of the site, activities proposed, hours of operation, etc. (either on the application form or in a letter) | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 6. A map, aerial photo or plan showing the parcel in question and all property within five hundred (500) feet of the parcel boundaries | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Site Plan | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| • One (1) 11"x17" hard copy and/or one (1) electronic copy. The City may require a larger size plan if needed to adequately review the request. | | |

Plan Sheet Requirements:

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

SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED:

INCLUDED IN SUBMITTAL

- | | | |
|--|------------------------------|-----------------------------|
| ✓ 1. Property lines and dimensions | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| ✓ 2. Area in acres and square feet | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| ✓ 3. Existing and proposed building and parking locations and dimensions | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| ✓ 4. Existing and proposed setbacks | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| ✓ 5. Buildable area and the existing and proposed area of the parcel(s) covered by impervious surfaces | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| ✓ 6. Existing and proposed driveways | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 7. Stormwater analysis and proposed best management practices, if required by the City Engineer | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 8. Septic system and well (if applicable) <i>Not Applicable</i> | <input type="checkbox"/> YES | <input type="checkbox"/> NO |

- 9. Vegetation and landscaping (if applicable to the request) *None applicable* YES NO
- ✓ 10. Wetland delineation (if applicable) *Not applicable* YES NO
- 11. Topographic contours at 2-foot intervals, bluff line (if applicable) YES NO
- 12. Waterbodies, Ordinary High Water Level and 100 year flood elevation (if applicable) YES NO
- 13. Other proposed improvements and additional information relevant to the request YES NO

GENERAL REQUIREMENTS

Application Form

1. Complete legal description and FID number of all parcels included in the request. The legal description must be typed directly from the deed and provided in a word document.

2. A full description of the requests proposed out of the applicant's proposed parcel, separated site, within the application form or a letter.

3. A map, aerial photo or plan showing the parcel in question and all parcels within five hundred (500) feet of the parcel boundaries.

4. One (1) 11" x 17" hard copy and/or one (1) electronic copy. If any request is larger size plan it needed to be clearly view the request.

Plan Sheet Requirements:

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

SITE PLAN REQUIREMENTS - EXISTING AND PROPOSED

1. Property lines and dimensions

2. Use in notes and space for

3. Existing and proposed building and parking locations and dimensions

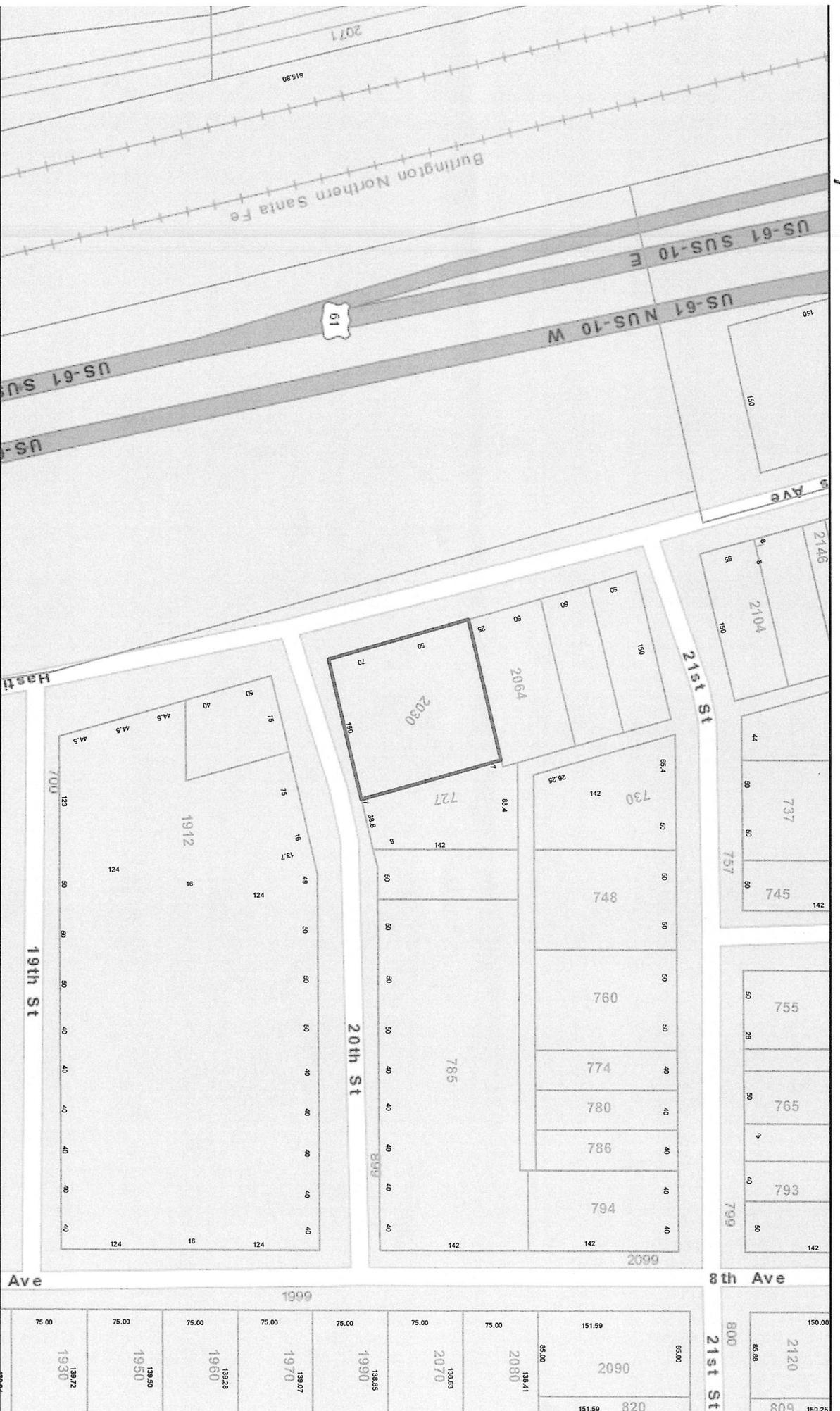
4. Existing and proposed setbacks

5. Portable area and the existing and proposed area of the project, covered by easements and other

6. Existing and proposed driveway

7. Easement, right of way and proposed road or utility easements if any are in the City Engineer

8. State of streets with utility easements

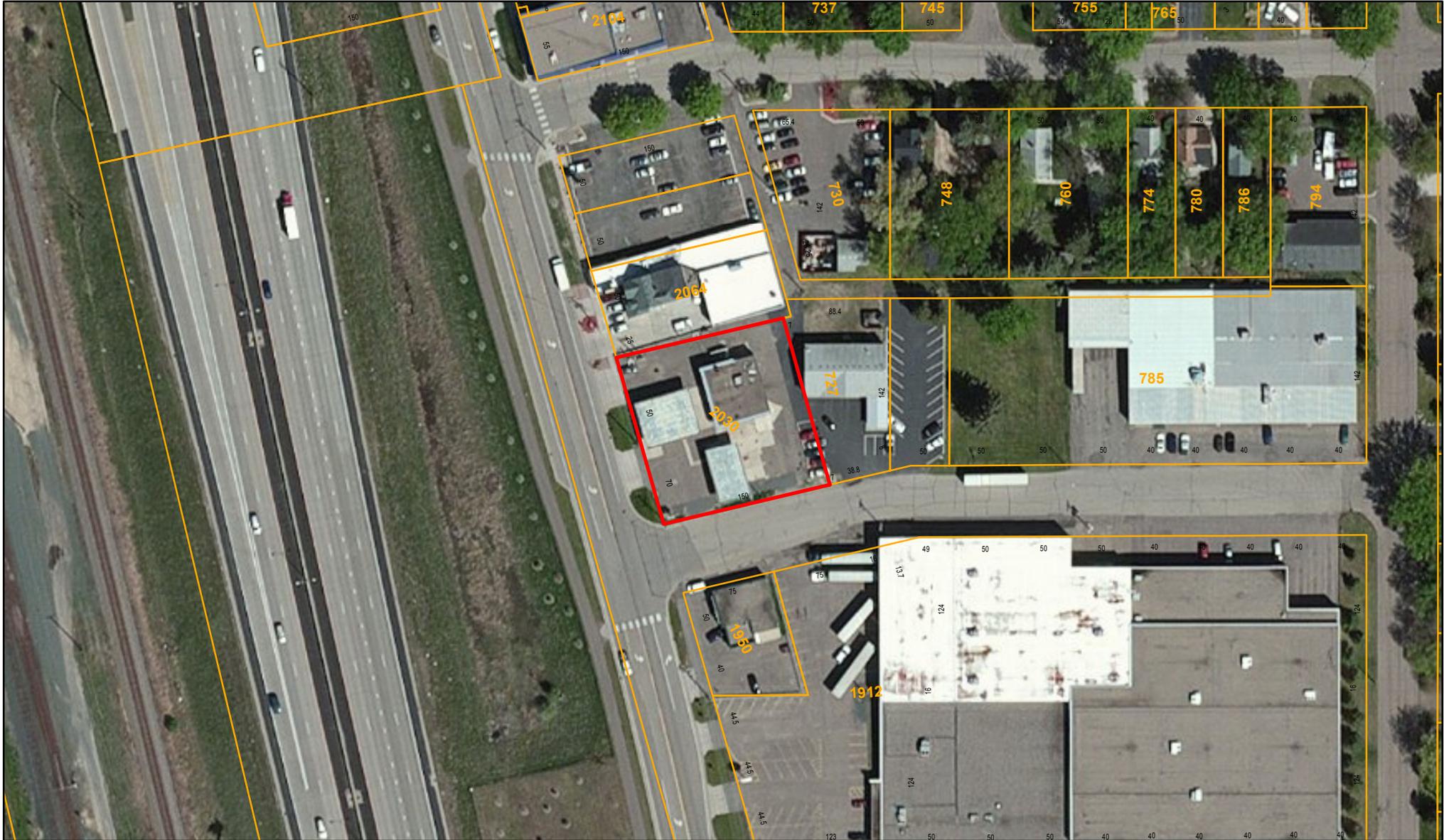


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Parcel ID: 2502822330041

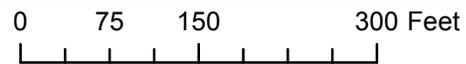
Parcel Address:
2030 HASTINGS AVE, CITY OF NEWPORT

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.



Parcel ID: 2502822330041

Parcel Address:
2030 HASTINGS AVE, CITY OF NEWPORT



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

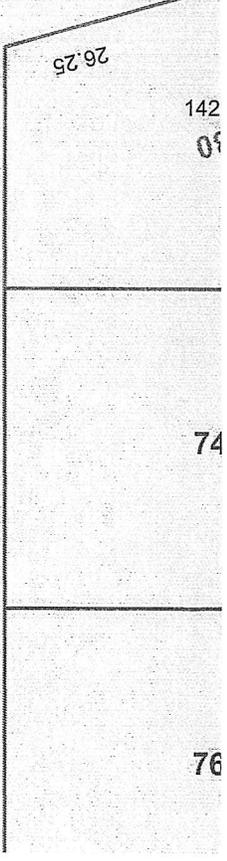
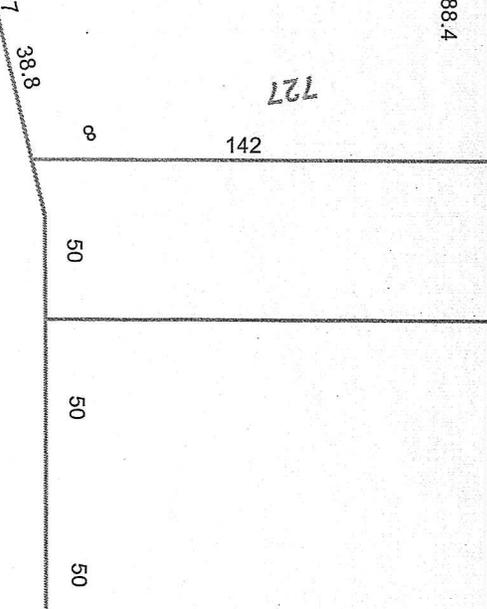
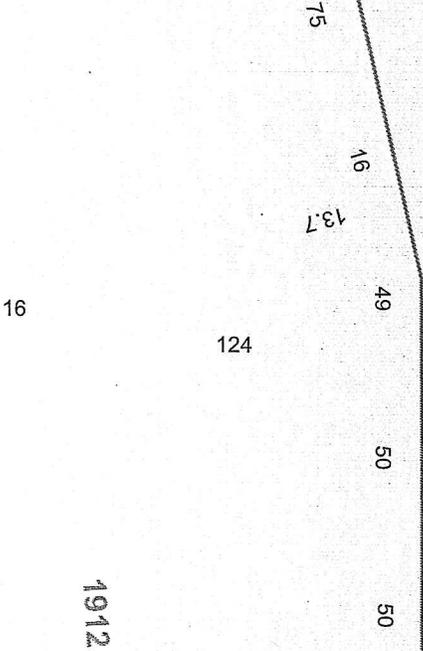
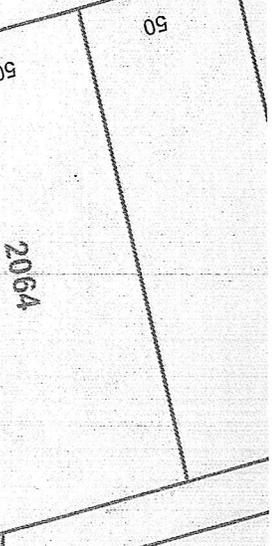
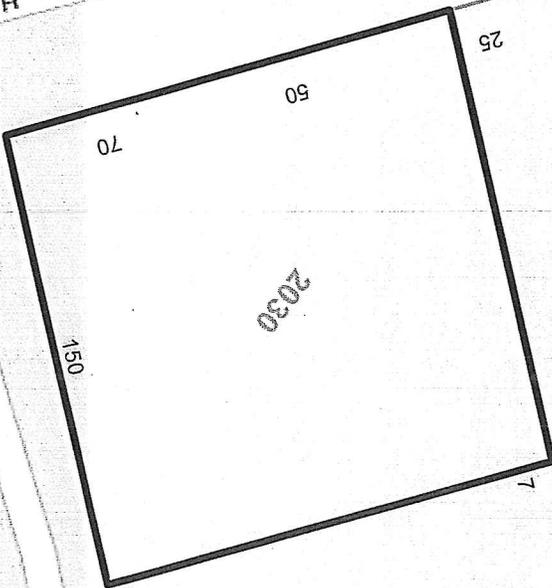
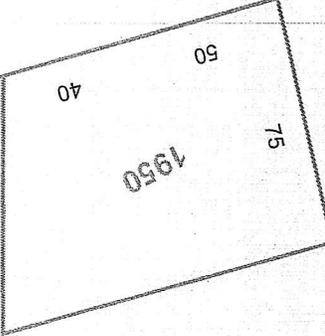
115-61 NUS-10 W

61 10

plot

Hastings Ave
Hastings Ave

20th St



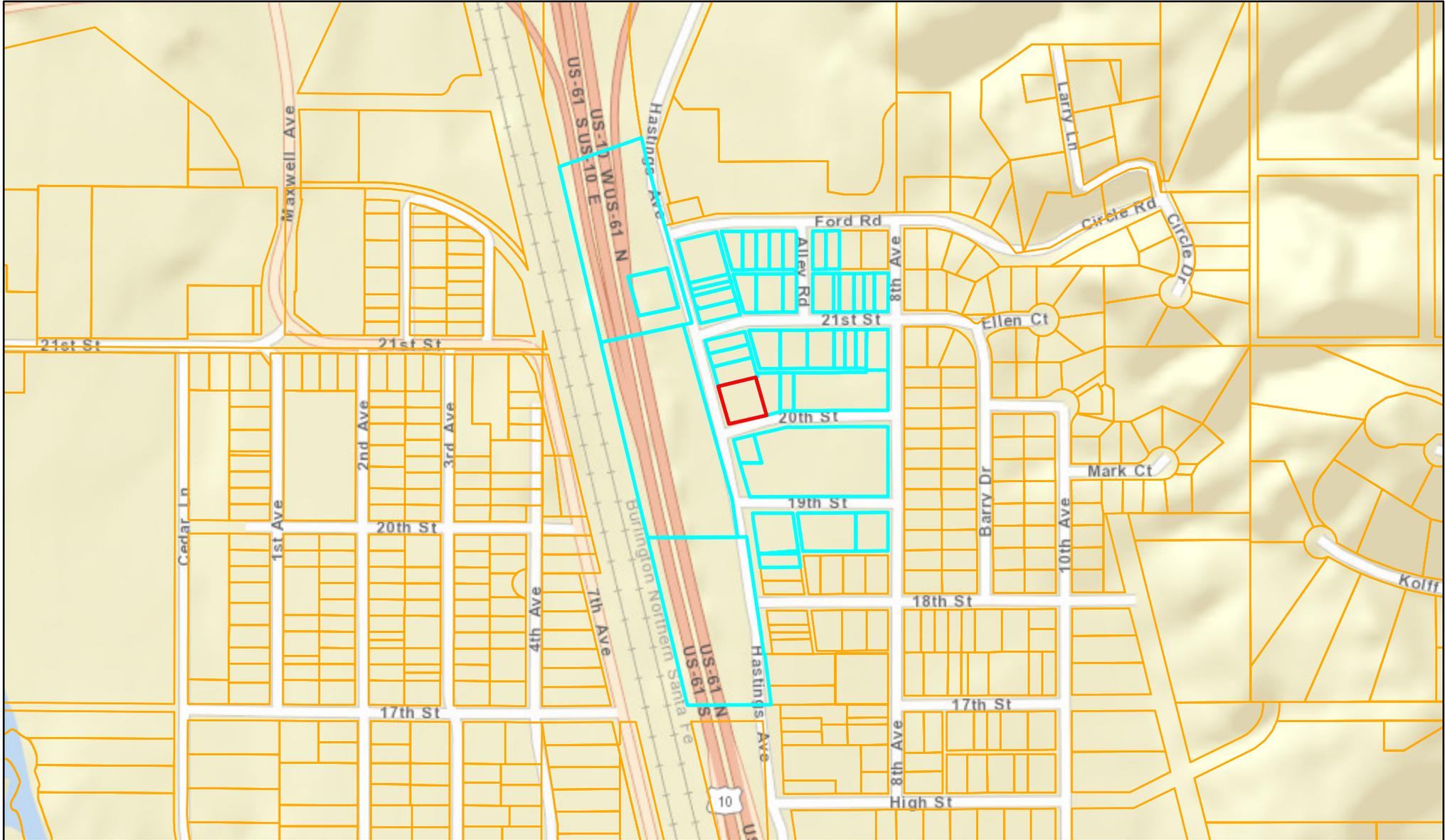
Map Street View Birds Eye Info All

Bookmark Reset 2030 hastings ave newport mn Go

Office Space Available
Office space leasing and sales - flexible, convenient, reasonable

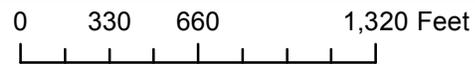
Map data © 2014 Google

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Parcel ID: 2502822330041

Parcel Address:
2030 HASTINGS AVE, CITY OF NEWPORT



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

Map Street View Birds Eye Info All

Bookmark Reset 2030 hastings ave newport mn Go

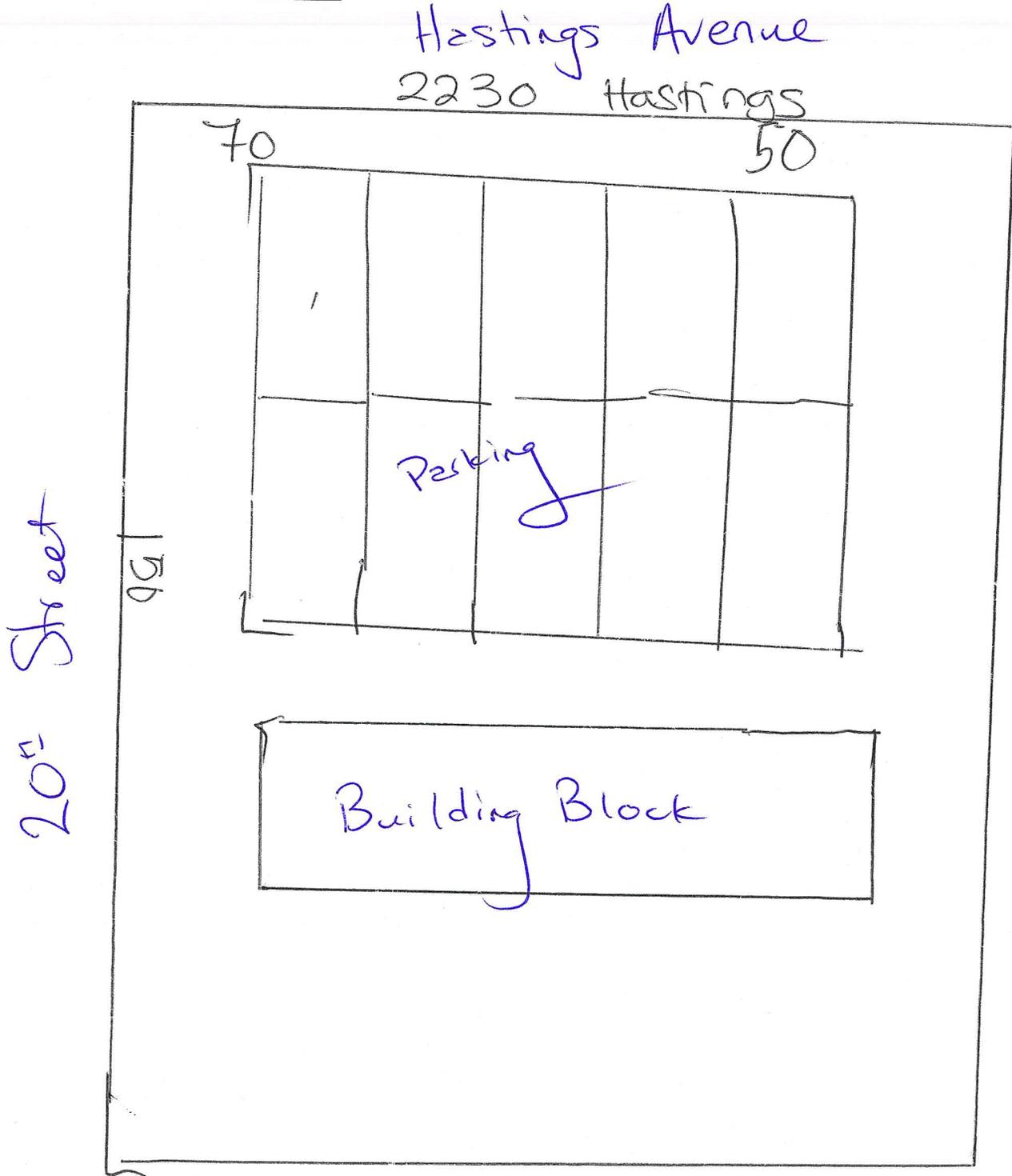


2030 Hastings Avenue, Newport, MN 55055, USA

lat: 44.879388°
lng: -93.0015°
zoom: 13

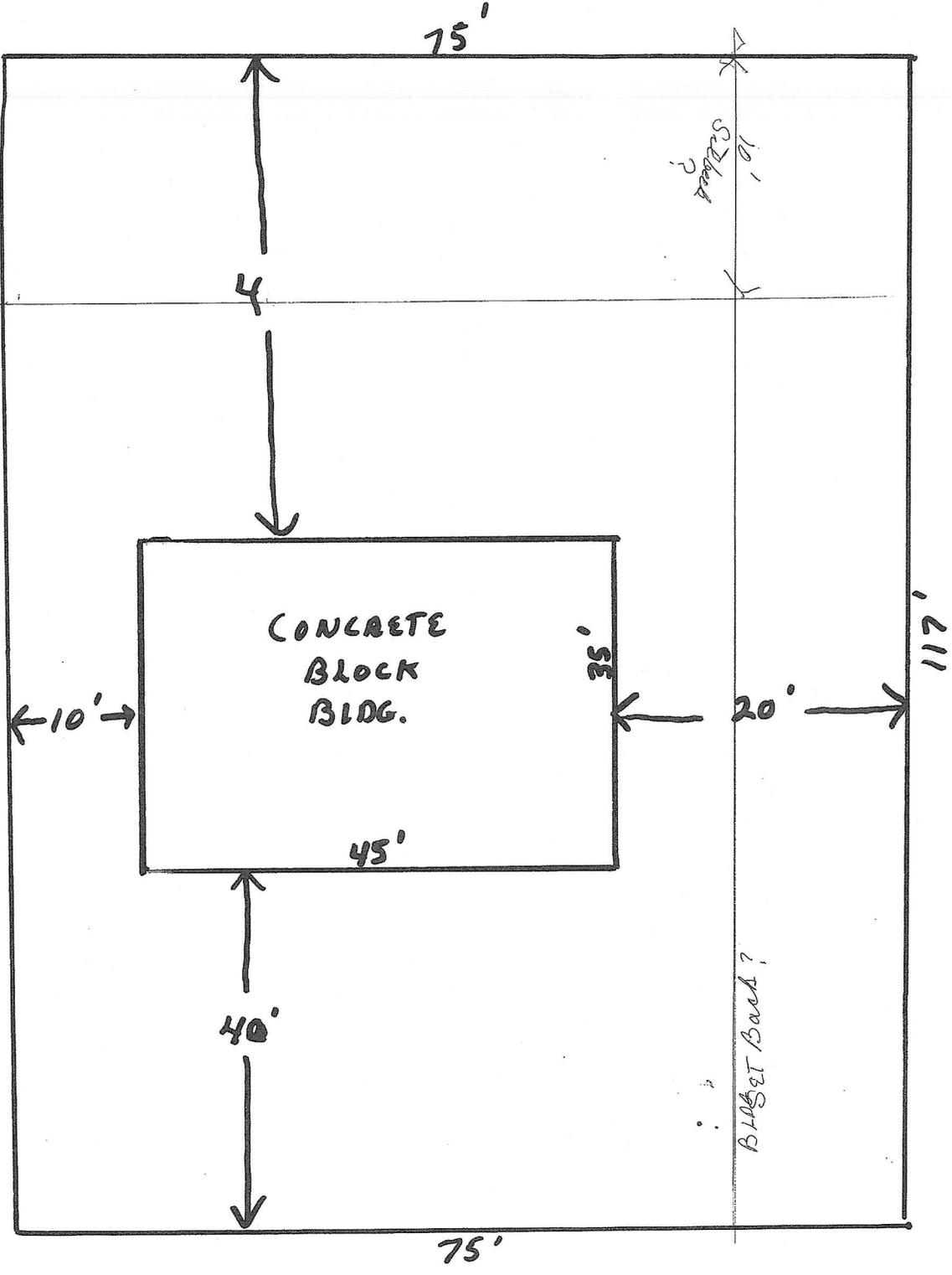
Auto Bird's Eye

[Zoom Fit](#) [Full Page Map](#) [Create New Map](#)



N ←

→ S



ADDRESS/PID #	OWNER	OWNER'S MAILING ADDRESS	CITY, STATE, ZIP
780 19TH STREET	MEVMAR LLC	9270 INVER GROVE TRL	INVER GROVE HEIGHTS MN 55076
766 19TH STREET	SCHLICHTING J R & VIOLA TRS	766 19TH ST	NEWPORT MN 55055
727 20TH STREET	HOWARD ROBERT J	6025 HOWKINS RD	WOODBURY MN 55129
25.028.22.33.0079	HOWARD ROBERT J	6025 HOWKINS RD	WOODBURY MN 55129
785 20TH STREET	FRITZ/20TH PROPERTIES LLC	1362 GOODRICH AVE	ST PAUL MN 55105
730 21ST STREET	JOHNSON DAVID W & ROZLYN M	2064 HASTINGS AVE	NEWPORT MN 55055
737 21ST STREET	SUMNER WILLIAM A	737 21ST ST	NEWPORT MN 55055
745 21ST STREET	THUNBORG TIMOTHY	745 21ST ST	NEWPORT MN 55055
748 21ST STREET	HUGLEY TIMOTHY J & BONNIE J	748 21ST ST	NEWPORT MN 55055
755 21ST STREET	BOWES JACKIE M	755 21ST ST	NEWPORT MN 55055
760 21ST STREET	PERKINS ROBERT G & ROBERTA M	760 21ST ST	NEWPORT MN 55055
765 21ST STREET	HACKEN ALVIN K & DEBORAH A	765 21ST ST	NEWPORT MN 55055
25.028.22.32.0027	HACKEN ALVIN K & DEBORAH A	765 21ST ST	NEWPORT MN 55055
774 21ST STREET	KIRITSCHENKO JASON R & ANDREA	774 21ST ST	NEWPORT MN 55055
780 21ST STREET	KIRCHNER TROY & JULIE	780 21ST ST	NEWPORT MN 55055
786 21ST STREET	KW REALTY INVESTORS LLC	9200 PARK AVE	BLOOMINGTON MN 55420
793 21ST STREET	MAILAND MARK S & DIANE L	793 21ST ST	NEWPORT MN 55055
25.028.22.32.0031	MAILAND MARK S & DIANE L	793 21ST ST	NEWPORT MN 55055
25.028.22.32.0029	MAILAND MARK S & DIANE L	793 21ST ST	NEWPORT MN 55055
794 21ST STREET	SAGSTETTER STEVE & RAVEN K	1418 SELBY AVE	ST PAUL PARK MN 55071
770 FORD ROAD	MOONEY NOREEN M	770 FORD RD	NEWPORT MN 55055-1510
25.028.22.32.0025	MOONEY NOREEN M	770 FORD RD	NEWPORT MN 55055-1510
1842 HASTINGS AVENUE	TINUCCI BROS REST HOLDINGS LLC	PO BOX 268	NEWPORT MN 55055
1894 HASTINGS AVENUE	TINUCCI BROS REST HOLD LLC	PO BOX 268	NEWPORT MN 55055
1912 HASTINGS AVENUE	FRITZ/HASTINGS PROPERTIES LLC	1362 GOODRICH AVE	SAINT PAUL MN 55105
1950 HASTINGS AVENUE	SHANNON THOMAS V & CHERI L	6240 IDEAL AVE	COTTAGE GROVE MN 55016
2064 HASTINGS AVENUE	JOHNSON DAVID W & ROZLYN M	2064 HASTINGS AVE	NEWPORT MN 55055
2104 HASTINGS AVENUE	CENTRAL BANK	2270 FRONTAGE RD W	STILLWATER MN 55082
25.028.22.32.0032	CENTRAL BANK	2270 FRONTAGE RD W	STILLWATER MN 55082
25.028.22.33.0038	CENTRAL BANK	2270 FRONTAGE RD W	STILLWATER MN 55082
25.028.22.32.0016	CENTRAL BANK	2270 FRONTAGE RD W	STILLWATER MN 55082
25.028.22.32.0017	CENTRAL BANK	2270 FRONTAGE RD W	STILLWATER MN 55082
2146 HASTINGS AVENUE	DECKER KATHRYN E	229 18TH AVE S	SOUTH ST PAUL MN 55075
25.028.22.32.0019	DECKER KATHRYN E	229 18TH AVE S	SOUTH ST PAUL MN 55075
2150 HASTINGS AVENUE	ERICKSON GRANT M	7874 COBBLESTONE CT	WOODBURY MN 55125
2154 HASTINGS AVENUE	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
2154 HASTINGS AVENUE	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
25.028.22.32.0009	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
25.028.22.32.0011	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
25.028.22.32.0008	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
25.028.22.32.0010	MARTIN JOSEPH RE LLC	2154 HASTINGS AVE STE 100	NEWPORT MN 55055
25.028.22.32.0003	STATE OF MN-DOT	1500 COUNTY ROAD B2 W	ROSEVILLE MN 55113
25.028.22.33.0004	STATE OF MN-DOT	1500 COUNTY ROAD B2 W	ROSEVILLE MN 55113
25.028.22.33.0003	STATE OF MN-DOT	1500 COUNTY ROAD B2 W	ROSEVILLE MN 55113
25.028.22.32.0002	STATE OF MN-DOT	1500 COUNTY ROAD B2 W	ROSEVILLE MN 55113
25.028.22.33.0063	TAX FORF LAND-STATE OF MN	14949 62ND ST N	STILLWATER MN 55082

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-18**

A RESOLUTION RECOMMENDING THE NEWPORT CITY COUNCIL APPROVE A CONDITIONAL USE PERMIT REQUESTED BY SICON MOTORS LLC, 2525 WHITEBEAR AVENUE NORTH, MAPLEWOOD, MN 55109, FOR PROPERTY LOCATED 2030 HASTINGS AVENUE, NEWPORT, MN 55055

WHEREAS, Sicon Motors LLC, 2525 Whitebear Avenue North, Maplewood, MN 55109, has submitted a request for a Conditional Use Permit to allow for a Motor Vehicle Sales, Display and Service Use; and

WHEREAS, The proposed rezoning is for property located 2030 Hastings Avenue, Newport, MN 55055, and is more fully legally described as follows:

PID#25.028.22.33.0041 - LOTS FIFTEEN, ECEPT THE NORTHERLY TWENTY-FIVE FEET THEREOF, AND ALL OF LOTS SIXTEEN AND SEVENTEEN, BLOCK THREE, RED ROCK PARK, ACCORDING TO THE PLAT THEREOF, WASHINGTON COUNTY MINNESOTA.

EXCEPT THE EASTERLY SEVEN FEET OF SAID LOT FIFTEEN, EXCEPT THE NORTHERLY TWENTY-FIVE FEET THEREOF, SIXTEEN AND SEVENTEEN

WHEREAS, The described property is zoned MX-1 Downtown; 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 December 11, 2014; 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 a conditionally-permitted use in MX-1 Downtown Zoning District, and the dimensional standards of the site and buildings meet the ordinance requirement.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the continuation and redevelopment of commercial uses that are locally-owned, and have a “main street” character.
3. The conditions for approval of the proposed use include requirements for development and operation of the business 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 vehicle display and storage, lighting and access on adjacent streets and land uses.

4. The redevelopment of the property with a new use that complies with the performance standards in the ordinance and conditions of the CUP may have positive 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 will not have negative impacts on sensitive environmental features, including surface waters, ground water, wetlands or floodplains.
7. In permitting the 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 a Vehicle Sales, Display and Service Use for Sicon Motors at 2030 Hastings Avenue with the following conditions:

1. The use of the property and buildings shall be consistent with the sketch plan and application that the applicant submitted to the City on November 13, 2014.
2. The auto repair services at the site shall be limited to light auto repair (no painting or body work) shall only be performed on vehicles that are on display for sale by this business.
3. The applicant shall obtain any federal, state or local licenses or permits needed to operate the Vehicle Sales, Display and Service use.
4. Vehicles or other business property shall not be stored or displayed within the City right-of-way on Hastings Avenue or Ford Road, and the business shall comply with the five-foot side and rear setback requirements of the ordinance.
5. Vehicles that are displayed and stored on the parcel shall be only operable new vehicles or operable used vehicles that are in good working order and of good appearance. No open storage of items other than operable new and used vehicles that are displayed for sale is permitted. The site shall be maintained in a neat and orderly condition.
6. No stacking, crushing, or dismantling of vehicles is permitted on the site.
7. The permitted use on the site does not include automobile painting and body work.
8. 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.
9. Lighting fixtures shall be downcast, cutoff-type fixtures that prevent glare and light from spilling onto adjacent residential areas.
10. The hours of operation shall be 9 a.m. to 7 p.m. Monday through Friday, and 9 a.m. to 2 p.m. on Saturday.
11. 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.
12. The City shall inspect the Vehicle Sales, Display and Repair use within one year after it is established on the site, and may inspect the site as needed thereafter to monitor compliance with the conditions of the CUP.
13. The new Vehicle Sales, Display and Repair use shall begin operation at the site within one year of the date of approval of the CUP.
14. The applicant shall pay all fees and escrow associated with this application.

Adopted this 11th day of December, 2014 by the Newport Planning Commission.

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

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator



11 East Superior Street, Suite 340
Duluth, MN 55802
218.724.8578
tkda.com

Memorandum

To:	Newport Planning Commission	Reference:	Ordinance Updates and Public Hearing
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
From:	Sherri Buss, RLA, AICP, Planner	Project No.:	15482.000
Date:	December 1, 2014	Routing:	

Ordinance Amendments

The Planning Commission will hold a public hearing at its December 11 meeting regarding proposed amendments to Sections 1330 (Performance Standards for Non-residential and Residential Districts) and 1350 of the Zoning Ordinance (Non-residential Districts). The amendments include the following:

- New item called Subdivision 9 in Section 1330 that requires that all utilities be placed underground when practicable and feasible in non-residential districts. The proposed language is identical to the language that requires undergrounding of utilities for new subdivisions. This section would apply to redevelopment as well.
- New item called Subdivision 25 in Section 1330 that requires that utilities be placed underground in residential districts. This would apply to redevelopment or infill development. The language is the same as the language used for new subdivisions in Chapter 12 of the Development Code.
- New item called 1350.18 in Section 1350 that requires undergrounding of utilities in the MX districts.

Performance standards for utilities are mentioned several sections in the Zoning Ordinance, so the updates include all sections where the performance standards are addressed.

Background related to the proposed ordinance amendments (from the staff memo for the Planning Commission's November meeting) is the provided below:

Underground Utilities (Background information--staff memo for November 13 meeting)

The Planning Commission discussed concerns related to the appearance of overhead utilities in the City at the meeting in October, and requested that staff look for ways to require that utilities be placed underground.

Newport Ordinance and Attorney Comments

Newport's Subdivision Ordinance requires that in new subdivisions, "When practicable and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles." (Chapter 12, Section 1200.13, Item K)

Newport's Zoning Ordinance does not require that utilities in developed portions of the community be placed underground with infill development that does not require subdivision, or if redevelopment occurs. In practice, many residential developers currently chose to place the utility lines within private lots underground with infill or redevelopment, but it is not required. (Communication with John Anderson regarding recent development on infill lots in Newport.)

The Planner requested that the City Attorney provide an opinion on the following questions, based on the Planning Commission discussion in October:

1. Can the City add a requirement similar to the one in the subdivision ordinance to require utility undergrounding in existing neighborhood with redevelopment or infill?
2. Can the City require that existing overhead utilities along Hastings Avenue be placed below ground?

The Attorney provided the following responses:

- "The City can require underground placement for all new construction.
- "The best place to deal with existing overhead utility lines is in the City's Franchise Agreement with the utility. We did have some discussion on this topic during the Highway 61 construction. My recollection is that the utilities will do it but will insist that the cost be borne by the City. You may recall a similar controversy in Minneapolis when the city wanted the utilities to move their lines to accommodate the light rail construction, and the utilities balked, insisting the City pick up the cost."

Ordinances in Neighboring Communities

The Planner reviewed ordinances in the cities of Maplewood, Woodbury and Cottage Grove to identify how neighboring communities deal with the utilities issue. The findings included the following:

- Woodbury's Subdivision Ordinance includes a requirement that is similar to Newport's Subdivision Ordinance: "When practicable and feasible, all utilities shall be placed underground. All underground work shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles."
- Maplewood's Zoning Ordinance includes a performance standard that applies to infill or new development in existing neighborhoods as well as to new subdivisions. It states, "Underground placement of utilities shall be required unless economic, technological or land characteristic factors make underground placement unfeasible. Economic considerations along shall not be the major determinant regarding feasibility."



- Cottage Grove's Zoning Ordinance includes an extensive section on Undergrounding (a copy is attached). It applies to existing neighborhoods and new subdivisions.
 - Like the Maplewood ordinance, Cottage Grove's ordinance requires that new facilities be placed under ground, unless it is not technically or economically feasible.
 - Item D. also states that the City may require that replacement, relocation or reconstruction of facilities be located underground, and provides a process for replacement or retirement of overhead facilities, including notice to the utility companies and a public hearing.

The Planner discussed the implementation of the Cottage Grove ordinance with one of the senior planners at the City. He stated the following:

- While the ordinance says that the City may require that existing utilities that are proposed for replacement, relocation or reconstruction be placed underground if feasible, the City cannot require the utility companies to pay for the underground placement. The City would need to pay for placing the existing utilities underground.
- The Cottage Grove planner provided two recent examples of how the ordinance has been implemented:
 - A developer proposed a new senior housing development in Cottage Grove. The City felt that the existing above ground utilities that would serve the development were unsightly, and wanted to require the developer to place them underground. The developer objected, and the City Attorney determined that the City could not require the developer to underground the utilities, because the existing utilities were not part of the project. The City chose not to pay the high cost to place the utilities underground, so they remain above-ground.
 - As part of a recent roadway project on County Road 19, the City proposed that Xcel Energy place the existing utility lines underground along the roadway. The City could not require Xcel to pay the cost of undergrounding the existing utilities. Xcel provide a cost estimate to the City for the undergrounding—the cost was high (John thought between \$500,000 and \$1,000,000), and the City decided undergrounding would not be implemented.

Options for Discussion

The Planning Commission may discuss the following options or suggest others if it wishes to amend the ordinance to require that new or existing utilities be placed underground:

- The City could add an item to its performance standards to require that new utilities associated with development or infill development in existing neighborhoods be placed underground. The item could be similar to the requirement in the City's Subdivision Ordinance, or the requirement in the Maplewood ordinance.



The item could be added to Sections 1330.05--Subdivision 3 performance standards for non-residential districts, and Subdivision 20, the performance standards for residential districts.

- The City could add a more extensive section such as the one that Cottage Grove has that requires the consideration of undergrounding of existing utilities with redevelopment. However, experience in Newport, Cottage Grove and other cities indicates that the City would need to pay for the undergrounding. Adoption of the ordinance requirement to consider undergrounding does not give the City the authority to require that utilities pay for the change in utility location.

Planning Commission Recommendation

The Planning Commission recommended that the Zoning Ordinance be updated to require that utilities be placed underground when feasible and practical with infill development and redevelopment, similar to the requirements for undergrounding utilities for new subdivisions. The Commission will hold a public hearing on the proposed amendments at its December meeting.



2) Ramps & corners	10 foot candles
3) Entrances & exits	50 foot candles
4) Stairwells	20 foot candles

Subd. 145 Landscaping. All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance. Trees provided shall be at least twenty-five (25) percent overstory deciduous and at least twenty-five (25) percent coniferous. All deciduous trees provided shall be long-lived hardwood species.
- D. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
 - 1) Seeding of future expansion areas as shown on approved plans.
 - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.
 - 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- E. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- F. Berming used to provide screening of parking lots shall be 3 feet in height and shall have a maximum slope ratio of 3:1.
- G. Parking Lot Requirements.
 - 1) Parking lots for more than eight (8) cars shall landscape 10 percent of the parking lot surface area. The landscaped area may be in the form of landscape islands, special brick paving or other landscaping as approved by the Zoning Administrator. Landscape islands shall be a minimum width of 16 feet and with a minimum surface area of 250 square feet. The landscaped area shall adhere to the size and material requirements of this Chapter.
 - 2) On a corner lot, and at entrances, nothing shall be placed or allowed to grow in such a manner as to impede vision between a height of 2 ½ and 10 feet above the centerline grades of the intersecting streets within a triangular area 30 feet from the intersecting street right-of-way lines.

H. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:

- 1) Deciduous trees shall be at least 2 ½ inches in diameter.
- 2) Ornamental trees shall be a minimum of 1 ½ inches in diameter
- 3) Evergreen trees shall have a minimum height of 6 feet.
- 4) Potted shrubs shall be in a 5 gallon pot or larger.
- 5) Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.

I. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

Subd. 156 Fences.

A. Fences in Business (B) and Industrial (I) Zoning Districts:

- 1) A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- 2) The side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
- 3) A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.

4) A fence shall only be constructed of the following materials:

- a. Treated wood, cedar, or redwood
- b. Simulated wood
- c. Decorative brick or stone
- d. Wrought iron or aluminum designed to simulate wrought iron
- e. Coated or non-coated chain link
- f. Split rail
- g. Barbed wire. Barbed wire may be used for top fencing only around Business and Industrial uses where the base fence is at least six (6) feet in height. The barbed wire portion of the fence may not exceed three (3) strands, and shall have arms projecting into the applicant's property on which the barbed wire shall be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.

~~4)5)~~ _____ A fence may be no more than twelve (12) feet in height.

~~5)6)~~ _____ A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence shall be closer than one (1) foot from a public walkway.

~~6)7)~~ _____ In the I-S district, a fence at least six (6) feet in height shall be required around all storage tanks.

~~7)8)~~ _____ No fence shall be constructed on public rights-of-way.

B. Fences in the Residential (R) and Mixed Use (MX) Zoning Districts:

- 1) A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- 2) That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
- 3) A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
- 4) A fence may be no more than four (4) feet in height in the front yard.
- 5) A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
- 6) Except in the RE district, electric fences may not be used.
- 7) A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic. No fence may be closer than one (1) foot from a public walkway.
- 8) All fences shall be maintained in good condition and appearance.
- 9) A fence shall only be constructed of the following materials:
 - a. Treated wood, cedar, or redwood
 - b. Simulated wood
 - c. Decorative brick or stone
 - d. Wrought iron or aluminum designed to simulate wrought iron
 - e. Coated or non-coated chain link
 - f. Split rail
 - g. Other materials or fence types as approved by the Zoning Administrator.

- 10) Barbed wire fence material may be used for security purposes on the side and rear of non-residential buildings in the MX Districts with the approval of an Administrative Permit by the Zoning Administrator. The barbed wire portion of the fence shall not be placed in the front yard. Barbed wire may be used for top fencing only where the base fence is at least six (6) feet in height. The barbed wire portion of the fence may not exceed three (3) strands, and shall have arms projecting into the applicant's property on which the barbed wire must be fastened. The minimum height to the bottom strand of the barbed wire shall not be less than six (6) feet from finished grade.
- 11) Except in the RE District, welded wire shall not be used for fences on property boundaries.
- 12) Welded wire may be used in the RE District for fences on property boundaries of rear yards.
- 13) Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
- 14) Except in the RE District, snow fences may not be used for fences.
- 15) Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.

~~16)~~ No fence shall be constructed on public rights-of-way.

16)

Subd. 167 Noxious Matter. 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 but not limited to gases, vapors, odor, dusts, fumes, mists, or combinations thereof, the emission of which is detrimental to or endangers the public health, safety, comfort or general welfare, or causes damage to property. The operator of the facility shall comply with a regular inspection schedule as approved by the City and shall submit reports of such inspections to the City.

Subd. 178 Restricted Operations. Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. Noise, odors, smoke and particulate matter shall not exceed Minnesota Pollution Control Agency standards. Glare, whether direct or reflected, such as from spotlights or high temperature processes, as differentiated from general illumination, shall not be visible beyond the lot line of the property from which it originates.

Subd. 189 Explosives. Any use requiring the storage, use or manufacturing of explosives, or other products which could decompose by detonation, shall not be located less than four hundred (400) feet from any residential use or residentially zoned area. This provision shall not apply to the storage or use of liquefied petroleum or natural gas for normal residential or business purposes, nor to the storage and distribution for retail sale of gasoline and other motor fuels if properly stored and handled according to applicable safety regulations.

Subd. 1920 Exceptions for Legal Non-Conforming Structures. The standards in this section do not apply to legal non-conforming single family residential structures and properties in Business and Industrial districts, provided they are continuously used for residential purposes only, and provided any additions or alterations to these structures meet the standards of the R-1 district and other

applicable zoning and building code standards. For legal non-conforming non-residential structures in the Business and Industrial districts or for existing non-residential development on properties that are rezoned to a Business or Industrial zoning district, the following exceptions shall apply:

- A. New construction projects for repairs, remodeling, or additions to a structure do not need to meet the standards in this section if the construction increases the size of the building by less than ten (10) percent, or if it increases the assessor's market value by less than twenty (20) percent.
- B. Construction projects involving a building expansion between ten (10) and fifty (50) percent of the size of the building or an increase in assessor's market value between twenty (20) and fifty (50) percent of its value need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements of this section as determined by the Planning Commission, upon the advice of the Zoning Administrator. If two or more smaller projects, over a period of five years or less, together exceed the percentage thresholds in this paragraph, the property shall then meet a reasonable proportion of the requirements as determined by the Zoning Administrator.
- C. Construction projects involving a building expansion over fifty (50) percent of the size of the building or an increase in assessor's market value over fifty (50) percent of its value shall be required to meet all the standards of this section. If two or more smaller projects, over a period of five years or less, together exceed the percentage threshold in this paragraph, the property shall then meet all the standards of this section.
- D. For the purposes of determining compliance with the standards in this section, site work not involving the structures on site shall be considered separately from work on the structures.
 - 1) For legal non-conforming uses, new construction projects for repairs, remodeling, or additions to the parking lot, outdoor spaces, landscaping, or other exterior features do not need to meet the standards in this section if the construction increases the size of these areas by less than ten (10) percent.
 - 2) Construction projects involving an expansion of exterior space between ten (10) and fifty (50) percent of the size of the parking lot or other outdoor space need not meet all the standards of this section, but shall be required to meet a reasonable proportion of the requirements as determined by the Planning Commission, upon the advice of the Zoning Administrator.
 - 3) For the purposes of this section, adding one inch or more of new material to an existing parking lot surface shall be considered an increase of one hundred (100) percent of the area involved.

Subd. 2021 Performance Standards in RE, R-1, and R-1A districts. All construction or alteration of buildings, structures, or property in the RE, R-1, and R-1A districts shall comply with the standards set in Subds. 21 through 23 inclusive, as interpreted by the Zoning Administrator. All decisions of the Zoning Administrator may be appealed to the City Council as provided for elsewhere in this Code.

Subd. 222 Exterior Storage and Screening in RE, R-1, and R-1A districts.

- A. All waste, refuse, garbage and containers shall be kept in a building or in a fully screened area, except as allowed before a scheduled collection.
- B. All non-operating vehicles or equipment shall be kept within a fully enclosed building.
- C. No exterior storage shall be allowed in the front yard, except parking of operable vehicles, subject to the following conditions and exceptions:
 - 1) All vehicles parked in the front yard shall be on concrete, blacktop, or similar durable hard surface free of dust.
 - 2) No more than three (3) vehicles may be parked in the front yard at any one time, only one of which may be over six thousand (6,000) pounds gross vehicle weight or over twenty (20) feet in length.
 - 3) Additional operable vehicles above the limit of three (3) may be parked in the front yard on a temporary basis, for no more than forty-eight (48) consecutive hours.
- D. All exterior storage in the street side yard of a corner lot shall be fully screened from the street and adjacent properties.

Subd. 233 Lighting in the RE, R-1, and R-1A districts. Lighting used to illuminate any exterior area or structure shall be arranged so as to direct the light away from any adjoining property or from the public street.

Subd. 244 Landscaping in the RE, R-1 and R-1A Districts. All areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped according to the provisions of this section:

- A. At least one (1) overstory tree shall be provided in the front yard for each fifty (50) feet of lot frontage.
- B. There shall be a minimum of one (1) tree for every one thousand (1,000) square feet of non-impervious surface area on the lot.
- C. All landscape materials shall be appropriate to the physical characteristics of the site in terms of hardiness, salt-tolerance, and sun or shade tolerance.
- D. All areas of land not covered by structures, pavement, or landscaping may be covered by natural characteristics, when appropriate.
- E. All areas not otherwise improved in accordance with approved site plans shall be sodded. Exceptions shall be as follows:
 - 1) Seeding of future expansion areas as shown on approved plans.
 - 2) Undisturbed areas containing existing viable natural vegetation that can be maintained free of foreign and noxious plant material.
 - 3) Areas designated as open space or future expansion areas properly planted and maintained with native prairie grass.

- 4) Use of mulch material such as rock or wood chips in support of shrubs and foundation plantings.
- F. Slopes and Berms. Final slope grades steeper than the ratio of 3:1 shall not be permitted without special landscaping treatments such as terracing, retaining walls, or ground cover.
- G. Plant Size Requirements. Plant size requirements for landscaping areas shall be as follows:
1. Deciduous trees shall be at least 2 ½ inches in diameter.
 2. Ornamental trees shall be a minimum of 1 ½ inches in diameter.
 3. Evergreen trees shall have a minimum height of 6 feet.
 4. Potted shrubs shall be in a 5 gallon pot or larger.
 5. Evergreen shrubs used for screening purposes shall be at least 3 feet in height at planting. Evergreen shrubs will have a minimum spread of 24 inches.
 6. Except when a property's topsoil depth is less than 24 inches, the plant size requirement may be reduced by 50% or to 1 ¼ inches and doubling the number of trees.

H. Landscape plans and screening plantings shall be completed within one year from the date a building permit is issued.

Subd. 25 Utilities Location in Residential (R) Districts. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

1330.06 Off-Street Parking

Subd. 1 General.

- A. Standards. Off-street parking, loading, and service areas shall be improved with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulation within the parking area. Acceptable surfaces may include crushed rock and similar treatment for parking accessory to single family and duplex residential structures, all other uses shall utilize asphalt, concrete or substitute as approved by the Zoning Administrator. All surfacing shall be completed prior to occupancy of the structure, unless specific approval otherwise has been granted by the City. Parking areas for three (3) vehicles or fewer shall be exempt from the requirements of this paragraph.
- B. Dimensions. Each off-street parking space shall be a minimum of nine (9) feet wide by eighteen (18) feet deep. Access drives and aisles shall be a minimum of twenty-four (24) feet wide for two-way traffic, and eighteen (18) feet wide for one-way traffic. Parking space dimensions for angled parking shall be approved by the Zoning Administrator, based on acceptable planning standards.

- 4) *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

1350.18 Performance Standards for Non-residential Districts

- A. The Performance Standards included in Item 1330.05 of this Ordinance shall apply in the Non-residential districts, except as modified in this Section.
- B. All public rights-of-way within the MX, Business, and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.
- C. MX District Parking standards.
 - 1) Parking requirements in the MX Districts shall be governed by Section 1330 except for the following:
 - a. Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.
 - b. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that is a minimum 20 feet in width and that meets the landscaping requirements of the ordinance. City-owned right-of-way areas on the east side of Hastings Avenue shall be considered to meet all or part of the 20-foot boulevard requirement for the parcels adjacent to the right-of-way.
 - 2) In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.
 - 3) Parking standards for the MX-3 District are included in Section 1350.19.
 - 4) Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.

- D. Building Standards. Every primary and accessory building in a Commercial, Industrial, or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.
- 1) Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products, or better.
 - 2) Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.
 - 3) Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.
 - 4) Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal, untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel, or similar products. Exterior metal surface finishes shall be warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, and shall not compose more than 50% of the building elevation facing a public roadway.
 - 5) Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. Metal roof materials may be used upon approval by the Zoning Administrator.
 - 6) Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.
 - 7) Other exterior building materials may be approved by Conditional Use Permit if it is determined that:
 - a. The materials are similar to or better than the permitted materials listed above;
 - b. The materials are high-quality, long-lasting, attractive, reasonably maintenance-free; and
 - c. The materials are integrated harmoniously into the building design and consistent with neighboring uses.
- E. Exterior Storage: No materials, product, or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.
- F. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.
- G. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.
- H. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or MX-2 district must be

completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

H.I. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

1350.19 Additional Performance Standards for the MX-3 District

A. Height and Setback Standards

- 1) General setback standards for the MX-3 District are indicated on the table in Section 1350.14.
- 2) Additional setback and building height standards for the MX-3 District include the following:
 - a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
 - b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits, or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes, and back-flow preventers.
 - c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
 - d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
 - e. When a lot abuts an existing single-family residence or a property that may be used for single-family residential purposes, a minimum side yard of fifteen feet (15') and a rear yard of twenty-five feet (25') shall be required.
 - f. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. Any required side or rear yard setback shall be increased by one foot for each additional foot of height.

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2014-19**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT TO SECTION
1330 GENERAL DISTRICT REGULATIONS AND SECTION 1350 NON-RESIDENTIAL DISTRICT**

WHEREAS, The Planning Commission reviewed and discussed concerns related to overhead utilities throughout the City; and

WHEREAS, The Planning Commission feels it is advantageous to add language requiring utilities to be placed underground when practical and feasible; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its meeting of Thursday, December 11, 2014; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Section 1330 General District Regulations and 1350 Non-Residential Districts*. They will read as follows:

Section 1350 - General District Regulations

1330.05 Performance Standards

Subd. 9 Utilities Location. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

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 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. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Section 1350 - Non-residential Districts

1350.18 Performance Standards for Non-residential Districts

H. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

- I. When practical and feasible, all utilities shall be placed underground. All groundwork shall be completed prior to street surfacing. All utility lines for telephone and electrical service shall be placed in rear line easements when carried on overhead poles.

Adopted this 11th day of December, 2014 by the Newport Planning Commission.

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

Signed: _____
Dan Lund, Chairperson

ATTEST: _____
Deb Hill, City Administrator