



**CITY OF NEWPORT
PLANNING COMMISSION WORKSHOP MEETING
NEWPORT CITY HALL
SEPTEMBER 8, 2016 – 5:30 P.M.**

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

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION REGARDING MX-5 DISTRICT REZONING**
- 4. ADJOURNMENT**



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

Memorandum

To:	Newport Planning Commission	Reference:	MX-5 District Rezoning and Ordinance Amendment -- Public Hearing Comments and Options for Next Steps
Copies To:	<hr/> Deb Hill, City Administrator <hr/> Renee Eisenbeisz, Assistant to the Administrator <hr/>	Project No.:	16021.000
From:	<hr/> Sherri Buss, RLA AICP, City Planner <hr/>	Routing:	<hr/> <hr/>
Date:	<hr/> August 31, 2016 <hr/>		

Summary of Public Comments on Proposed Rezoning of R-1 and R-1A Areas to MX-5

The Planning Commission held a public hearing on proposed rezoning of the area north Western Refining. The proposed rezoning is being proposed by the City to try to address the impacts of the refinery’s purchase and clearing of residential parcels to create a “safety” or “buffer” zone.

The refinery has purchased **40 parcels** (total of 188 acres) and has cleared **34 homes from parcels** in the area to date (see attached info). Approximately 13 homes remain within the proposed MX District. The issue for the City is that the property tax that it receives from the vacant residential parcels is greatly reduced from the taxes received for residential parcels with a home. Even though the parcels are vacant, the City still needs to provide the same services to the vacant parcels, including snow plowing, street maintenance, etc., and this is a growing financial burden.

The comments received at the public hearing included the following:

- Concerns that the change in zoning would affect the values of properties within the new district
 - *Information from the Washington County Assessor’s office provided below*
- Concerns that the change in zoning would affect the values of properties adjacent to the new district
 - *Information from the Washington County Assessor’s office provided below*
- Concerns about maintenance and zoning violations (vehicle parking, trash, operating businesses in homes) in the area that are affecting the value of existing residential properties
 - *City staff responded that these issues should be reported to the City, and the City will follow up on violations*

- The new zoning and uses could create additional traffic in the neighborhood
 - *Would need to evaluate potential impacts based on any proposed new uses.*
- Allowing multifamily uses in the area could affect residential property values
 - *Information from the Washington County Assessor's office provided below*
- Western Refining commented that their purchase of properties has been limited, that they are responding to owner requests to purchase, that they do not intend to put refinery buildings on the vacant properties, that they do not intend to erode property values, and that they may bring other options to the city to address the loss in property taxes from the vacant properties.
 - *Information gathered by the City shows that the refinery has purchased 34 parcels to date.*
 - *The City Administrator followed up with the refinery staff to request that they provide information on other options or meet with staff, but as of September 1, has had no response from the refinery*
 - *In meetings with City staff, some refinery staff have stated that the refinery may be interested in developing some office, transportation, or other refinery use on the vacant parcels in the proposed MX District, and at other meetings have said that they are not interested in use of parcels north of the refinery other than as a "safety" zone*

The Planner indicated that she would talk with the County Assessor's office to get further information about how the change in zoning would be viewed in assessing and determining values for the properties in and around the area proposed for re-zoning.

Comments from the Assessor

The Planner asked the Assessor's Office staff the following questions:

- How could the change in zoning classification affect the values of existing residential properties within the zoning district?
- How could the change in zoning classification affect the values of existing residential properties adjacent to the MX zoning district?
- How would the change in zoning classification affect the values of the vacant properties that are owned by the refinery?

The assessor's comments included the following:

Impacts on residential properties in and adjacent to the proposed MX District

- The rezoning from an R district to MX would not affect the classification or value of residential properties in or adjacent to the district in the short-term, and would be likely to affect the values of the residential properties in the long term only if the Assessor's Office noted that the market for the properties is changing (based on either higher sale values or lower sale values for similar properties in the area).
- If multifamily uses are developed next to or near single-family residential uses, this does not affect the value of the single-family parcels. Adjacency to properties that are developed or likely to be developed for commercial or industrial uses can affect residential property values, again, based on comparable sales.



- Values are more likely to change for properties that are classified as nonconforming in a district rather than conforming, because the nonconforming parcels may be more likely to be redeveloped with a different use if there is market demand.
- Residential properties may be affected by adjacency to vacant parcels or parcels with other uses in a variety of ways. Adjacency to vacant parcels can sometimes add value to residential parcels, because having fewer neighbors can make parcels more attractive—the Assessor would look at sale prices on properties in the area to determine if the vacant parcels were adding value. Adjacency to an area that is in demand for commercial or industrial uses can add value, particularly to nonconforming parcels in commercial or industrial districts, because it looks like the parcels' value in the market is rising, and the parcels could be converted to the new use.

Adjacency to Industrial or Commercial uses can also have a negative or positive impact on residential properties. The uses could have a negative impact due to the impacts of those uses on the sale prices of the residential properties; or if the residential properties could be part of new development or redevelopment for a commercial/industrial use, the value could go up.

- The valuation process is largely a market-driven process, based on the Assessor's determination of the "highest and best use of the property in the market place. But the change in classification from R to MX alone will not affect the value or property tax situation for the residential properties if residential uses are permitted in the MX district. The Assessor's office considers the zoning district where the parcels are located, current uses, permitted (potential) uses in the district, recent sales and market information, and based on all of that information, determines the "highest and best" use of the properties in the market place to determine the assessed value.
 - If the current R district were rezoned to MX, and nothing else changed in the district, the property values of existing homes and properties would not be likely to change.
 - If the Assessor's office saw that sale prices for residential properties were trending higher—either due to buyers being will to pay higher prices due to adjacency to vacant lots, or due to demand for the parcels for other uses in the new district—then they would be likely to raise the value of the properties.

If the Assessor's office saw that the sale prices for residential properties were trending lower—perhaps due to the adjacent vacant parcels and assumptions about the future of the area, or to declining maintenance of properties in the area, then this could change the value of remaining residential parcels.

Impacts of changing the Zoning classification on refinery-owned parcels

- The Assessor's staff said that changing the zoning classification of the refinery parcels from a residential classification to a commercial or industrial classification would result in increasing the property taxes for the parcels—likely 3 to 4 times the property taxes that are realized from the vacant residential parcels (MX is a commercial classification).



While the value of the parcels may not change, changing the classification does change the property taxes assessed on the properties.

- Western Refining has made different statements about its intended future use of the parcels it owns. In one meeting with City staff, Refinery staff indicated that they may be interested in expanding the industrial uses of their property or adding office uses in the area north of the current refinery boundary because they are running out of space within the refinery site. At the public meeting, the staff indicated that they do not plan to expand outside the current boundaries.

Discussion

The Commission should discuss the comments received at the public hearing, the information received from the County Assessor, and provide some thoughts to staff on next steps. Some options include:

- Continue to move forward with rezoning the area to MX-5, including:
 - Providing the info from the Assessor’s office to the neighborhood
 - Determine a set of permitted uses that will include single-family residential and other uses that are compatible with that use
 - Develop performance standards for the district that protect existing uses from negative impacts by requiring setbacks, screening, etc. for non-residential uses
- Consider rezoning the area north of Western Refining to an Industrial classification that allows single-family uses as a conforming use for now, and revise if all residential uses leave the district, and permits uses that could be compatible with residential areas to the north.
 - This classification would suggest that the City considers the current use in the district as largely Industrial, and that it likely or desirable that the refinery will expand in the future, and is providing an opportunity for that to happen
 - “Industrial buffer” could be a permitted use in the district—or the district could be called an Industrial Buffer district. Some cities in the U.S. have this zoning classification.
- Take no action to rezone, accept the lower property taxes from the vacant parcels, or hope that the refinery will provide some options to address the loss in tax value



Section 1350 - Non-residential Districts

1350.01 Scope.

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

1350.02 Purpose of Business Districts.

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

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

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

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

1350.04 Specific intent of the General Business District

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

1350.05 Purpose of the Industrial Districts.

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

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

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

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

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

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

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

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

1350.09 Purpose of the Mixed-Use Districts.

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

1350.10 Specific intent of the MX-1 Downtown District.

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

1350.11 Specific intent of the MX-2 Commercial District.

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

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

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

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

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

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

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

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

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

A. Non-residential district requirements

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

City of Newport

Section 1350 Non-Residential Districts

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

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

** See section 1300.08 Exceptions to Front Yard Setbacks

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

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

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

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

C. Densities in the MX-3 District

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

1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

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

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

City of Newport

Section 1350 Non-Residential Districts

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

City of Newport

Section 1350 Non-Residential Districts

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

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

B. Business and Industrial District Uses

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

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

City of Newport

Section 1350 Non-Residential Districts

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

Houses removed by Retiree

10 ① 5th Ave

24

42

50

60

90

19

110

124

148

160

15

135

195

235

208

222

245

260

257

②

4th Ave

130

150

170

6

220

232

234

③ 3rd Ave

9

127
125
215

③ 7th Ave

295
296
86

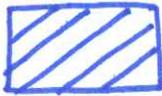
② 6th Ave

- 210
- 251

①

Century Ave

350



PROPOSED
NEW MX-5
MIXED USE
DISTRICT

EXISTING
R-1A RESIDENTIAL
DISTRICT

EXISTING I-1
LIGHT INDUSTRIAL
DISTRICT

EXISTING R-1
RESIDENTIAL DISTRICT

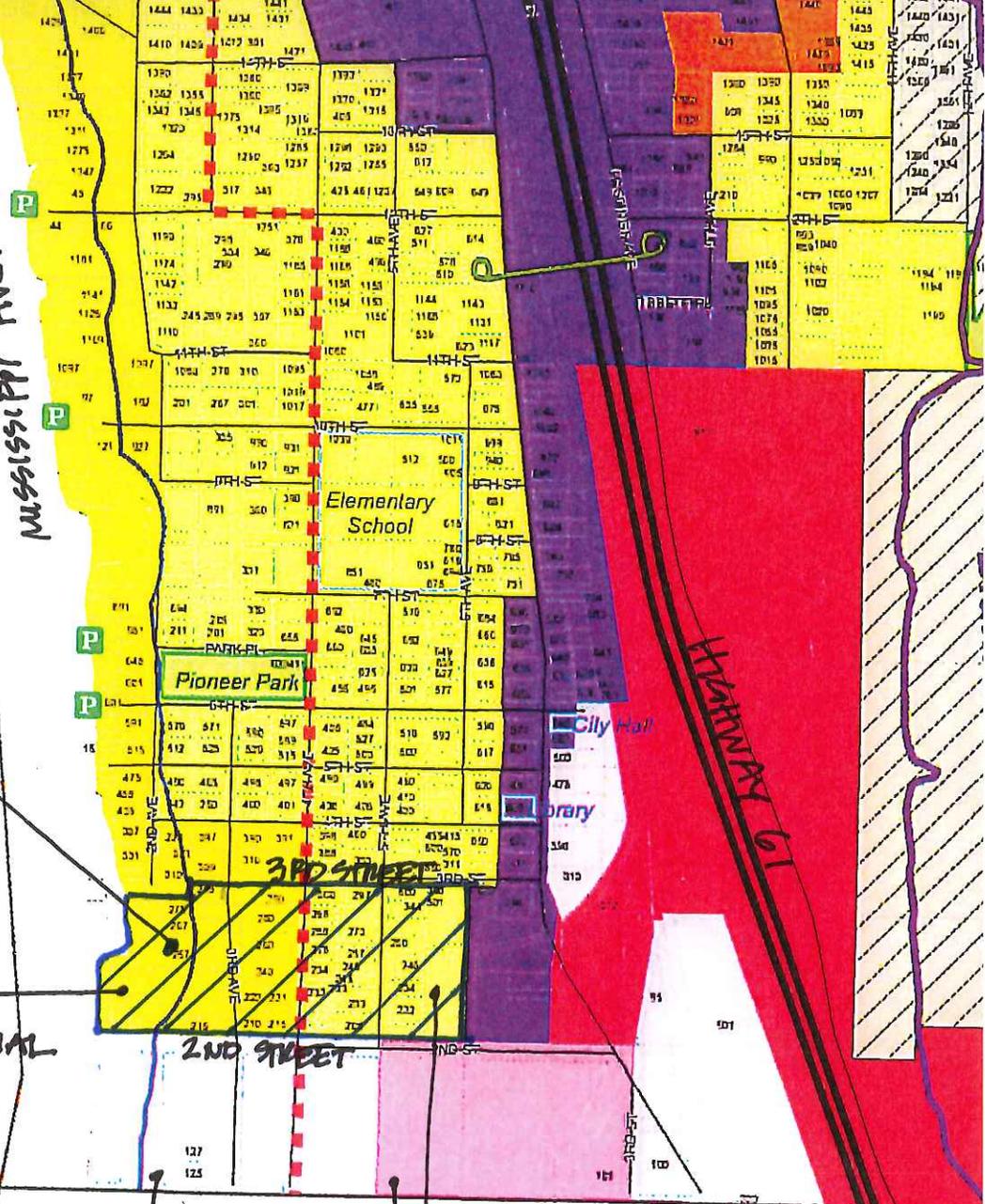
EXISTING I-S
INDUSTRIAL STORAGE DISTRICT

CITY OF NEWPORT

EXISTING ZONING DISTRICTS AND
PROPOSED NEW MX-5 DISTRICT

PUBLIC HEARING AUGUST 11, 2016

MISSISSIPPI RIVER





DRAFT

**City of Newport
Planning Commission Minutes
August 11, 2016**

1. CALL TO ORDER

Chairperson Mahmood called the meeting to order at 5:30 P.M.

2. ROLL CALL

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten (arrived at 5:35 p.m.), Saengmany Ratsabout

Commissioners absent –

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

Chairperson Mahmood - I'd like to say welcome to our newest Planning Commission member Saengmany, hopefully you bring a lot of enlightenment to our discussions.

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Planning Commission Minutes of the June 9, 2016 Meeting.

Motion by Haley, seconded by Taylor to approve the June 9, 2016 Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.

B. Planning Commission Minutes of the July 14, 2016 Workshop Meeting

Motion by Haley, seconded by Taylor to approve the July 14, 2016 Workshop Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.

4. COMMISSION AND STAFF REPORTS

A. Public Hearing – To consider an amendment to the Conditional Use Permit for IR Services for property located along 7th Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

Vice-Chair Haley - How do you control stormwater crossing other parcels, especially when they are sold off?

Ms. Buss - They all drain front to back so there shouldn't be drainage across parcels. The current owners are responsible for maintenance. If they want to create an agreement with any new owners they can and the City will approve that.

The Public Hearing opened at 5:37 p.m.

Dan Tilsen, G3 Engineering - There would be an easement for the stormwater facilities. It's pretty common to have stormwater maintenance agreements these days. Each lot would be responsible for their portion. You shouldn't need to clean the pond regularly in regards to silt and sediment. It's closer to a 50 year kind of thing. You should check it every year.

Vice-Chair Haley - Thanks.

The Public Hearing closed at 5:40 p.m.

Commissioner Taylor - In regards to the development agreement, there were grants given for the cleanup.

Admin. Hill - The original agreement was on if we didn't get the grant from DEED that the owner would be responsible for the cleanup costs. We got that so it can come out of the agreement and be revised with the new conditions.

Chairperson Mahmood - The City is still on the hook for something?

Ms. Buss - There's a form for discharge that the City's name is still on because the City was involved in the grant. The City's Engineer has provided them with the form to transfer that responsibility.

Asst. to the City Administrator - There is an amendment to condition #14 since we did change the ordinance for trash enclosures.

Motion by Tweeten, seconded by Haley, to approve Resolution No. 2016-9 as amended. With 5 Ayes, 0 Nays, the motion carried.

B. Public Hearing – To consider amendments to Section 1330 and Section 1340 Regarding Residential Building Materials

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

The Public Hearing opened at 5:45 p.m.

The Public Hearing closed at 5:45 p.m.

Commissioner Taylor - Do we want to be more inclusive on roofing materials like tile and slate? We just state asphalt shingles and metal.

Ms. Buss - We could certainly say other common roofing materials can be used. I can ask the building inspector if there's a class of roofing materials.

Vice-Chair Haley - I would say we just add those.

Motion by Taylor, seconded by Ratsabout, to approve Resolution No. 2016-10 as amended. With 5 Ayes, 0 Nays, the motion carried.

C. Public Hearing – To consider amendments to Section 1350 and Rezone

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 11, 2016 Planning Commission packet.

The Public Hearing opened at 5:54 p.m.

Admin. Hill - Sherri is multi-family allowed in this area? It was my understanding that it wasn't and told someone it wasn't.

Ms. Buss - At this point, we're proposing it is permitted. That's one thing that's open for discussion tonight.

Deb Weber, 397 3rd Avenue - I haven't seen any new parcels of land being bought by Tier 1, why all of a sudden is this something of a concern?

Admin. Hill - They have about 150 acres in town.

Ms. Buss - Aren't there 10 or 12 parcels that they've purchased in this area?

Admin. Hill - Our public works superintendent believes they've taken about 20-30 homes out.

Ms. Weber - I live on 3rd Avenue and they've taken some houses from there but they did so some time ago.

Vice-Chair Haley - They've purchased one property recently. The intent is that we've lost a lot of tax value and we're trying to figure out a way to recoup that. The refinery is a great neighbor. I'm partially to blame for this for bringing it up. We've since talked with them and I think they're willing to work with us on other parcels they have and develop them. The biggest thing we hear is taxes, taxes, taxes.

Ms. Weber - I don't want to see any of that land developed. I don't want to see any business by my house because I don't want my property value to be effected.

Commissioner Tweeten - It was my understanding too that we wanted to protect property values from further degradation. I view this as something to protect something that is there.

Commissioner Taylor - I was under the impression that there had been more activity recently.

Admin. Hill - Not recently. I'm not sure when these were all purchased but Bruce has been here a long time.

Chairperson Mahmood - Let's get back to the public hearing and let these guys talk.

Paul Anderson, Western Refining - We've been open to purchase opportunities but we've only done one in the past several months. Others may be considered in the future. We won't develop that property and will leave it in that condition to create a buffer. We'd like to propose that this be considered later and we'll come back to the City with other alternatives.

Bev Rohda, 300 4th Avenue - They are worried about the loss of taxes in the City. For the last seven years or more the four neighbors that border the vacated 3rd street have tried to have that property added to ours so we'd be paying taxes and they refused to do it. There are other ways of getting tax money that aren't being seen. There's enough problems with junk yards and trash yards and we're looking at businesses possibly. There's a landscaping business, that place is a mess but he's allowed to do it. I've had two mortgage companies turn me down because they said we won't get the value back. They said the overall appearance of the neighborhood.

Vice-Chair Haley - It's not Northern not taking care of their property?

Ms. Rohda - No, it's the overall appearance.

Ken Schwebach, 410 5th Avenue - I have some concerns. The whole neighborhood. I don't know if this will make it worse, I don't think it'll make it better. You can't follow your own rules. We have businesses working out of their homes and the vehicles are parked on the streets. What do you do about that? I thought there were laws against that.

Vice-Chair Haley - If that's taking place, call the City.

Mr. Schwebach - You don't patrol your own city?

Ms. Buss - Zoning is enforced based on complaints. There isn't enough staff time to cruise the street. Are they parking for a long time?

Mr. Schwebach - They don't even follow the overnight parking rules in the winter. There are four - six vehicles in their driveway. They're using the neighbors driveway too. What you're proposing to do isn't going to help the problem. You're turning it into light industrial?

Ms. Buss - No, it's residential with a little bit of office.

Mr. Schwebach - What's this doing for the immediate neighborhood?

Vice-Chair Haley - The point of this was to help with the taxes. I think we have some alternatives that we'll discuss. A mixed-use allows for both business and residential. A good portion of our city is in mixed-use.

Mr. Schwebach - I'm just curious on if it'll degrade the neighborhood or improve it. From what I've seen of the use of that property so far from the refinery it's basically a dump down there. They maintain some of the grass but that's about it. Doesn't the maintenance crew do anything?

Vice-Chair Haley - I personally appreciate what you're saying.

Mr. Schwebach - I don't want to see my property value going down any more.

Vice-Chair Haley - There's a couple of us that are on the board with Northern Tier and they are very responsive. I know they'll address what you just said.

Mr. Schwebach - Those woods don't look good and I don't think it's helping our neighborhood. Right now, it's not helping.

Jeff Mumm, 337 2nd Avenue - I'm very opposed to this. Businesses generate traffic and we don't need any more. There's plenty of places for business. They don't need to go into a residential area.

Paul Abbott, 331 2nd Avenue - I just have one question. You talked about residential uses, what type of limit are you putting on the multiple units?

Ms. Buss - I think we'd like to hear what you think?

Mr. Abbott - I don't think anything more than a duplex would be advantageous.

Mike Otterness, 290 3rd Avenue - Other than the one lady, I haven't heard from one person who is actually in that zone. First of all, property value, what will that do to potential buyers once it becomes mixed use? I'm very concerned about that.

Vice-Chair Haley - The reason we use mixed use is so you don't become legal nonconforming.

Mr. Otterness - That's fine for the mortgage standpoint but buyers don't want to be in mixed use.

Vice-Chair Haley - We have a significant amount of mixed use.

Mr. Otterness - I know of three houses that the refinery has bought recently. They haven't been closed yet? I know you're buying them for the buffer. My point is that once they own these lots, they're not going to build in there. If you're going to do this then the refinery should have to buy the remaining homes because we'll lose value.

Vice-Chair Haley - I believe 13 homes still exist in that area. My understanding is that they wouldn't chase you away if you were interested in selling. If there weren't 13 houses inside that area, it would make sense to zone it commercial but we don't want to make those homes nonconforming.

Mr. Otterness - My concern is what's going to happen to the value of that area and it'll reflect on the next block. As long as you guys are on the table for buying those last 13 houses. I'm getting concerned about what's happening in there and my neighbors.

Commissioner Tweeten - I hope our concern is the same as yours, to protect the values.

Mr. Otterness - Is the proposed area decided by you guys?

Ms. Buss - They make a recommendation and then the City Council makes the final decision.

Mr. Otterness - Do we get to weigh in on it?

Ms. Buss - This is a part of it. The Council meeting is open, it's up to the Mayor on whether or not he wants to take testimony. I think we want to hear as much as possible. The group has been struggling with how to deal with this. It is a real problem for the City. The values go down but the costs to maintain the street goes up. It is very valuable and we want everyone to make comments.

Mr. Otterness - Who is mandating the buffer zone?

Chairperson Mahmood - There is no mandate.

Vice-Chair Haley - They need it to protect their business. The refinery has given individuals market rate for their property when they are interested in selling. As far as we know, there's no intent to go past third. Often people go up to them asking them to buy their property.

Mr. Otterness - I understand that but they are buying it and I'm getting worried about what's going to happen to my value. It's going to keep going down. When would it be official?

Ms. Buss - They can make a recommendation to the Council tonight or talk about it longer.

Mr. Otterness - Is there a list of uses?

Asst to the City Administrator Eisenbeisz - The packet has been on the website for the past week.

Chairperson Mahmood - The whole reason for this is to work with the refinery and find out what we can do to stop losing taxes. We want to hear from you. Before this, I thought it was a good idea but now I'm not so sure.

Commissioner Tweeten - One of my concerns was what was the feel of the neighborhood as is. We could do nothing and say it's residential.

Debbie McClure, Western Refining - I'm the person that partially handles the real estate transactions. I wanted to make clear that we did not approach the City and ask for this. We prefer not to do this which is why we'd like to talk with the City on alternatives. We are talking to people who have contacted us. I have three people that knocked on our doors to ask if we could look at their property. I look to see if they are in that 3rd Avenue area. We're not looking at anything outside of that area or inside. If someone comes to me and says that they want to sell, we'll look at it and say yes or no. In Newport, in the last five years, the only house that has been purchased is the Graf house on the River. Anything prior was years ago. I can't speak for Marathon. I think it's a little misleading to say that the refinery is going out and buying houses and tearing them down and eroding the real estate values because that is not our intent. The people we've talked to and bought, we're getting an equal benefit. They've approached us and we're able to negotiate a good market rate. We've been talking with the City, this was not our plan. Our intent is not to rezone and put refinery buildings on that property. I do appreciate your comments about the trash, I know once a year, we make a big effort and does cleanup so maybe once a year isn't enough.

Chairperson Mahmood - The three houses that you're in negotiation with, what will you do with those? You said your intent is not to tear down houses.

Ms. McClure - We would tear those down, they would create a hazard and risk.

Leslie Erickson, 310 3rd Avenue - We're just to the north of the proposed area. My thoughts express the same concerns and opinions of most of our neighbors. I would be concerned about the values as well. It's a really nice neighborhood with a lot of beautiful houses and people take care of their properties. We would like to keep it peaceful. If this happens, we've been battling with keeping 3rd Street maintained for many years. Would that be made into a real street?

Admin. Hill - It's not in the horizon right now.

Doug Carlton, 438 4th Avenue - My concern is like everyone else. I'm one street away, what does that do to us? I appreciate when 4th Avenue got redone. We've lived there for 40 years and put up with semis for years. I don't know whose idea it was to take out the stop signs along 4th Avenue. Now all of the traffic comes down 4th Avenue and they come fast. I like the improvements that have been done but if they start building, what does that do to me. I agree with the traffic. I already have ten times the traffic on 4th Street. I don't know if any of you have driven that but that is a blind intersection at 4th and 5th. I just wanted to add that because I've been upset that they pulled stop signs. The intention was to put traffic on 7th Avenue.

Mr. Abbott - When you talk about manufactured homes...

Ms. Buss - They're already allowed.

Mr. Abbott - Are there any limitations?

Ms. Buss - They have to meet the State Building Code but State Law doesn't allow us to prohibit them. That doesn't mean mobile homes. They have to be on a foundation.

The Public Hearing closed at 6:34 p.m.

Chairperson Mahmood - I would like to table this. There's too much information. We need to process what you all said and figure out what we should do. We need to talk about this more.

Ms. Buss - I think it might be helpful to get some sense from the assessor on how housing values are determined and how this would affect the values.

Mr. Schwebach - You've talked about the buffer zone. Is it a buffer zone or blast zone? I would suggest you look at the shockwave plan before you make any more decisions and thermal radiation. You need to look at that.

Motion by Haley, seconded by Ratsabout, to table Resolution No. 2016-11. With 5 Ayes, 0 Nays, the motion carried.

Vice-Chair Haley - We are all citizens. Our intention is to improve the City.

Commissioner Taylor - I don't see this in terms of tax base. The current situation isn't ideal and we're trying to find a way forward.

Vice-Chair Haley - You coming here and talking with us is the only way we hear your concerns. We represent you so thank you.

Mr. Schwebach - Will we get another mailing?

Ms. Buss - Only for a public hearing. This was the public hearing. If it changes dramatically, you'll have another public hearing. I think we'd like to hear fairly soon from the refinery so we can keep working on this issue. You'll have to watch agendas or call the City to find out when this will be before the Planning Commission again.

5. NEW BUSINESS

