



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL
April 12, 2018 – 5:30 P.M.**

Chairperson:	Marvin Taylor	City Administrator:	Deb Hill
Vice-Chair:	David Tweeten	Asst. to the City Admin:	Travis Brierley
Commissioner:	Anthony Mahmood	Planner:	Sherri Buss
Commissioner:	Laurie Elliott	Council Liaison:	Bill Sumner
Commissioner:	Saengmany Ratsabout		

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF PLANNING COMMISSION MINUTES
 - A. Minutes of the March 8, 2018 Planning Commission Meeting
4. PUBLIC HEARING- To consider a minor subdivision for 1894 Hastings Avenue
5. PUBLIC HEARING- To consider a Conditional Use Permit for 785 20th Street (Love of Dogs)
6. COMMISSION REPORTS
7. NEW / OLD BUSINESS
8. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|------------------------------------|----------|-----------|
| 1. Heritage Preservation Committee | April 18 | 5:00 p.m. |
| 2. City Council | April 19 | 5:30 p.m. |
| 3. Park Board | April 26 | 6:00 p.m. |
| 4. City Council | May 3 | 5:30 p.m. |
| 5. Planning Commission | May 10 | 5:30 p.m. |



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
March 8, 2018 – 5:30 P.M.**

1. CALL TO ORDER

Chairperson Taylor called the Planning Commission meeting to order at 5:30 p.m. on March 8, 2018.

2. ROLL CALL

Present (4): Chairperson Marvin Taylor, Commissioner David Tweeten, Commissioner Anthony Mahmood, and Commissioner Laurie Elliott.

Not Present (1): Commissioner Saengmany Ratsabout

3. APPROVAL OF PLANNING COMMISSION MINUTES

A. Minutes of the February 8, 2018 Planning Commission Meeting

Commissioner Elliott motioned to approve February 8, 2018 Newport Planning Commission Meeting Minutes. Seconded by Chairperson Tweeten. Approved 4-0.

4. 2040 COMPREHENSIVE PLAN

The draft of the Comprehensive plan will be sent out to surrounding communities and other overseeing authorities for review and then will be submitted to the MET Council after approved by the City Council.

A. Parks and Trails

City Planner Sherri Buss informed the Commission where parks are located throughout the City. Edits were made to the Parks and Trails chapter of the Comprehensive Plan including updates to the goals and the use of park dedication fees from future developments. The Commission discussed the Master Parks Plan being developed by the Park Board which is addressing the City's Parks system as a whole.

B. Housing

Planner Buss provided the Commission with an overview of the single and multi-family housing in Newport. The Commission discussed the affordability of housing and the amount of families spending more than 30% of their income on housing furthered by discussion regarding current housing development opportunities.

C. MRCCA

Planner Buss provided the Commission with an overview of the MRCCA rules. The Commission discussed the current rules and holding community meetings to receive public input regarding the rules. Topics such as determining the areas and land uses between industrial, commercial, and residential type properties.

Items discussed which needed to be put in the plan include river corridor views of and from public overlooks. The Commission discussed the amount and type of vegetation along the Mississippi River which would apply to public and private lands as it has an impact on erosion controls. The historical impacts of the rules affecting walls and vegetation along the river would be deferred to the Newport Historical Preservation Commission along with the potential of volunteers performing the work.

The Commission discussed the Mill Pond site and the levy regarding putting the site in the Comprehensive Plan. Part of the new rules would require developed land to dedicate 50% to parks or open space that is within the shoreland area. This would also apply to redeveloped properties.

The Commission discussed the historical water oriented used along the river and how to address the changes of the landscape of the time. Topics included erosion prevention and controls. The Commission consensus is to add working with the Corp of Engineers, Parks Service, and DNR to the Comprehensive Plan.

The Commission discussed the joint powers agreement regarding the Bailey School Forest. Setting a goal in the Comprehensive Plan to have the City work with the school district in getting the Bailey School Forest Committee active again.

5. COMMISSION REPORTS

None.

6. NEW / OLD BUSINESS

None.

7. ADJOURNMENT

Commissioner Mahmood motioned to adjourn the Planning Commission meeting. Seconded by Commissioner Tweeten. Approved 4-0.

The Planning Commission Meeting was adjourned at 6:45 p.m. on March 8, 2018.

Respectfully Submitted:
Travis Brierley,
Assistant to the City Administrator

Signed: _____
Marvin Taylor, Chairperson



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Saint Paul, MN 55101
651.292.4400
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Memorandum

To:	Newport Planning Commission	Reference:	1894 Hastings Avenue Minor Subdivision
Copies To:	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
	Stonehammer Development, LLC, Applicant	Project No.:	16620.002
From:	Sherri Buss, RLA, AICP, Planner	Routing:	
Date:	April 3, 2018		

SUBJECT: 1894 Hastings Avenue Minor Subdivision

MEETING DATE: April 12, 2018

LOCATION: 1894 Hastings Avenue

APPLICANT: Stonehammer Development, LLC
13875 Highway 13
Savage, MN 55378

ZONING: MX-1 (Downtown Mixed-Use) Zoning District

60-DAY PERIOD: May 12, 2018

ITEMS REVIEWED: Application and Revised Survey received March 13, 2018

BRIEF DESCRIPTION OF THE REQUEST:

The applicant is proposing to subdivide an existing 0.5-acre parcel to create two lots. The lots are proposed to be 0.22 and 0.28 acres in size. The subject property is located in the MX-1 (Downtown Mixed-Use) Zoning District.

The existing residential use on Parcel A will remain. The applicant is considering a future multi-family development on Parcel B.

DETAILED EVALUATION OF THE REQUEST:

The Subdivision Ordinance requires that subdivisions and the subdivision process meet the following standards:

- That the proposed subdivision conform to the Comprehensive Plan.
- That subdivisions are consistent with applicable plans, laws and regulations.
- To provide for the orderly subdivision of land and ensure proper legal descriptions.
- To ensure that adequate public infrastructure, facilities and services are available concurrent with development.
- To require that subdividers furnish land, install infrastructure, pay fees, and install measures needed to ensure that development provides its fair share of capital facilities.
- To ensure that new subdivisions contribute toward an attractive, orderly, stable, livable and safe community through adequate design and construction.
- To encourage wise use and management of land, water, and natural resources and secure the rights of the public with respect to public lands and waters.
- To provide a means to provide adequate recreation areas, school sites, and other public facilities.

The sections that follow review the proposed subdivision based on the ordinance requirements.

Comprehensive Plan

The Comprehensive Plan says that the intent of the MX-1 (Downtown Mixed-Use) Zoning District is to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. The district is primarily intended to integrate residential uses with pedestrian-oriented commercial uses, and permits mixed residential and commercial uses on the same parcel. The minimum lot size in the district is 0.06 acres (2,400 square feet), which would permit the development of up to five dwelling units on Parcel B (18 units per acre maximum density). The developer could apply for approval of a Planned Unit Development (PUD) to increase the density. The development would need to meet the lot coverage and building height standards in the District. Multifamily residential use is consistent with the Comprehensive Plan recommendations for uses in the MX-1 District.

Dimensional Requirements

The Zoning Ordinance requires that lots be a minimum 30 feet wide and 80 feet deep in the MX-1 District.

The structure setback requirements include the following:

- Front yard: 10 feet (across from a collector roadway)
- Side yard: 10 feet
- Rear yard: 20 feet

The proposed lots are approximately 71' and 80' in width, and approximately 149 feet in length on the shorter property lines. The existing structures on Parcel A meet the front and rear setback requirements, but the existing garage does not meet the side setback requirement, and is a nonconforming structure. Buildings proposed on Parcel B will need to meet the setback requirements in the ordinance.



Access and Right-of-Way Requirements

The Parcel A has an existing driveway access to Hastings Avenue, and Parcel B will require a new access. Hastings Avenue (CSAH 38) is a County roadway. The applicant will need to obtain an Access Permit from Washington County for a new driveway to serve Parcel B, and meet the County's standards for access.

Maximum Lot Coverage

The maximum allowed lot coverage in the MX-1 District is 80%. The survey submitted for the subdivision indicates that the existing coverage on Parcel A is 24.5%. Parcel A meets the ordinance requirement, and future development proposed on Parcel B will be required to meet the ordinance requirement for lot coverage.

Accessory Structures

Parcel A has 1 existing accessory structure with a footprint of approximately 449 square feet. The Zoning Ordinance permits all residential uses to have a garage that is up to 500 square feet in area. Parcel A meets the ordinance requirements.

Building Height

No new buildings are proposed on the new parcel. The MX-1 District permits a maximum building height of 40 feet.

Wastewater System and Well

The existing use on Parcel A is served by city water and sewer services. The City's Public Works Director stated that municipal water service is available on Hastings Avenue and sewer service is available in the alley on the east side of the parcel. The existing systems can accommodate the potential multifamily use.

Grading

No construction or grading is proposed with subdivision.

Stormwater Management

The City Engineer reviewed the proposed plat. He noted that future development on the parcels will need to meet the standards of the City's Stormwater Management ordinance.

Park Dedication

The City requires that all subdivisions dedicate land, or cash in lieu of land, to the public as parks, playgrounds, trails or open space for all newly-created lots. If the City determines that land is not needed in the area of the proposed subdivision, the subdivider may pay the cash in lieu fee.



The Planner reviewed the City's future park and trail map to determine if future parks or trails are planned in or near the proposed subdivision, and none are shown in this location. The City typically requires that the subdivider pay the cash in lieu fee if no future parks or trails are identified on the property.

The City's current park dedication fee for new multifamily dwelling units is \$1,500.00 per unit. The City Administrator will determine the fee based on the number of multifamily units proposed for the development of the property.

ACTION REQUESTED:

The Planning Commission may take the following actions:

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

PLANNING STAFF RECOMMENDATIONS:

The Planner recommends that the Planning Commission approve the proposed minor subdivision of the parcel located at 1894 Hastings Avenue, with the following conditions:

1. The Final Plat shall be substantially in conformance with the survey dated March 13, 2018.
2. All future development on Lots 1 and 2 shall meet the requirements of the City's Ordinances.
3. The applicant shall obtain sewer and water service for Parcel B, and pay the required fees for these services.
4. The applicant shall obtain the required Access Permit for the Parcel B from Washington County.
5. The applicant shall obtain building permits and any required stormwater approvals or permits for development on the parcels.
6. The applicant shall satisfy the City's park dedication requirement when development is proposed.
7. The applicant shall pay all fees and escrow associated with this application.





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Memorandum

To:	Newport Planning Commission	Reference:	For the Love of Dogs CUP
Copies To:	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
	Kristin Elmquist and Steve Powell, applicants		
	Summit Commercial Properties, Owner	Project No.:	16620.003
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	April 3, 2018		

SUBJECT: For the Love of Dogs Application for a Conditional Use Permit (CUP) for a Dog Training Facility

MEETING DATE: April 12, 2018

LOCATION: 785 20th Street

APPLICANT: Kristin Elmquist and Steve Powell
1027 Tanney Lane
Hudson, WI 54016

OWNER: Summit Commercial Properties
490 Villaume Avenue, Suite 500
South St. Paul, MN 55075

CURRENT ZONING: MX-1 (Downtown Mixed Use)

60-DAY PERIOD: May 13, 2018

ITEMS REVIEWED: Application and attachments submitted on March 14, 2018

BRIEF DESCRIPTION OF THE REQUEST

The applicants, Kristin Elmquist and Steve Powell, have submitted an application for a Conditional Use Permit (CUP) to locate a Dog Training Facility at 785-20th Avenue. The site is in the MX-1 District. The parcel includes 1.14 acres.

The applicants are proposing to relocate their dog training facilities from Hudson and Menominee, Wisconsin to Newport. The use would include dog-training classes and several competitive dog trial activities during the year. The dog trials bring competitors from around the United States. The use will not include the dog boarding service that they provide, which will continue at their location in Hudson.

All training and dog trial activities are proposed to be contained within the building. The applicants have proposed a “potty area” east of the building, and parking on an existing paved area on the south side of the building. The proposed hours of operation would be 9 a.m. to 9 p.m., with the dog trial activities scheduled primarily during evenings and weekends.

The applicants stated that classes are limited to 6 dogs and their owners, with two classes frequently scheduled at the same time. Classes last approximately 1 hour. Dog trials may attract 25-30 dogs with their owners and a few spectators.

The existing site includes a building that is approximately 22,900 square feet in size. The total site area is approximately 1.14 acres. The applicants do not plan to expand the existing building or parking area.

EVALUATION OF THE REQUEST:

1. Zoning District and CUP Standards

The MX-1 District is intended to include a mixture of residential, retail, commercial, office, and service uses. It is intended to integrate residential uses with smaller-scale, pedestrian-oriented commercial uses. Animal Boarding, Grooming and Related Uses are permitted with a CUP in the MX-1 District, and the District requires that retail and services uses that include more than 10,000 square feet of building area obtain a Conditional Use Permit.

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 proposed Dog Training Facility use at 785 20th Street based on the City's zoning ordinance and related standards.

2. Proposed Use—Office/Warehouse with Commercial Use

The proposed use is permitted with a CUP in the MX-1 District. The use is consistent with the Zoning Ordinance.

3. Comprehensive Plan

The Comprehensive Plan includes goals to encourage development and redevelopment in the MX-1 District with a mix of residential, commercial, retail, restaurant and entertainment uses. Since the completion of the Highway 61 project, the City has sought to bring new uses to the district that are not auto-oriented uses, which dominated Hastings Avenue in the past. The 2030 Comprehensive Plan and the Draft 2040 Comprehensive Plan designate the site for commercial or residential land use. The proposed use is consistent with the goals, land use and zoning maps included in the 2030 Comprehensive Plan.

4. Dimensional Standards, Setbacks, and Requirements

The dimensional standards and setbacks for the MX-1 district that apply to the proposed site plan 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 or 10 feet if adjacent to residential
Side yard: 0 or 10 feet if adjacent to residential
Rear yard: 20 ft.
- Parking setbacks: Front yard: 20 feet
Side yard: 5 ft. or 20 if adjacent to residential
Rear yard: 5 ft. 10 ft. if adjacent to residential
- Maximum building height: 40 feet
- Public utilities required, including sewer

The existing building and parking areas do not meet the setback requirements, and are legal nonconforming structures. The regulations governing nonconforming uses limit the potential expansion of the building. This is an existing, legal nonconforming situation. No changes in setbacks or parking are required for the proposed use.



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

5. Traffic and Roadways

The site will use the existing driveway and parking areas for access to 20th Street.

The Planner asked the applicant to estimate the daily traffic to and from the site. The applicants estimated that six cars would travel to and from the site for each training class, and up to 30 cars for each dog trial. The City's Public Works Director and Engineer stated that the existing streets in the area have the capacity to handle the proposed traffic for this use.

6. Parking Requirements and Driveways

Parking Requirements. The Zoning Ordinance includes standards for parking. The ordinance does not include a parking requirement for an Animal Boarding and Training use. When the number of spaces is not specified for a use, the ordinance says that the parking requirements shall be determined by the Zoning Administrator (the City Administrator).

The applicants stated that each class is limited to a maximum of 6 dogs, and up to 2 classes may be scheduled at the same time. Therefore, the maximum number of dogs at the facility at any time will be 12, with a similar number of owners and cars.

The dog trial events typically include 25-30 dogs, with a similar number of owners, and probably a similar number of cars.

Public Works Director Bruce Hanson reviewed the site, and found there are about 16 existing parking spaces on the property. This number would handle the typical parking needed for training classes. Bruce stated that there is sufficient on-street parking for the dog trial events on 20th and 21st Streets, and that this could be used for events since it will not include overnight parking. The Zoning Ordinance permits on-street parking near commercial buildings to count toward the required number of parking spaces. Based on the estimated numbers of event participants and the Public Works Director's comments, staff recommend that no additional parking is needed to accommodate the proposed use.

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

7. Building design and materials/Accessory Structures

The applicants do not plan to alter the building exterior.

8. Exterior Storage Requirements

Section 1350.13 requires that no materials, products or equipment be stored outside of an enclosed building except for daily display of merchandise during store hours. The Planner has included a proposed condition for the CUP that no outside storage is permitted on the site.



9. Refuse, Recycling and Animal waste

Section 1350.13 requires that all refuse and recycling containers be stored in the principle structure or a fully enclosed accessory structure. The Planner has included a proposed condition for the CUP that refuse and recycling for the business shall meet the ordinance requirements.

The applicants estimated that on average 6 dogs will attend each training class, and 25-30 may be present during larger events. The applicants proposed a “potty area” on the east side of the building. However, only about 7-8’ of grassed space is located within the parcel on that side, and the remainder of the space is city right-of-way. The City will not permit the use of the public boulevard as part of the “potty area.” The area faces residential properties across the street.

City staff recommend a condition that the applicants modify the site plan to locate the “potty area” in the grass space to the west of the building rather than on the east side of the building as proposed, and that the following conditions apply to the management of dog wastes:

- Dog owners and trainers shall bag and remove solid animal waste immediately and dispose of the bags in covered waste containers.
- All solid waste materials from the animals shall be disposed off-site and disposal shall comply with the requirement of the licensed waste hauler.
- The facility shall comply with the requirements of Chapter 6 (Animals) of the City Code, including requirements for management of animal waste.
- Animal odors shall not be detectable beyond the property boundaries.

10. Screening and Fencing Requirements

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

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

Any new fencing shall comply with the ordinance standards for fencing in the MX-1 District.

11. Utility Equipment—Screening Requirements

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



12. Lighting

If new outdoor lighting is added, the light fixtures should meet the ordinance requirement and be of a downcast, cutoff type that conceal the light source from view and prevent light from spilling into adjacent areas.

13. Landscaping

No new landscaping is required.

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

The Planner included a condition that the applicant will need to meet the City Code standards and State standards for noise, odors, and air quality, including the City's standards for dog barking.

15. Hours of Operation

The applicant indicated that the office will be open between 9:00 a.m. and 9:00 p.m. Monday through Friday, and that classes and trials will be scheduled primarily on evenings and weekends. The CUP shall include a condition that the hours of operation shall be 9 a.m. to 9 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday and Sunday.

16. Signs

The application did not include locations or plans for proposed signs. The conditions include a requirement that the applicant obtain any required sign permits.

17. Infrastructure, Public Services, Health and Welfare

The City Engineer reviewed the site plans and indicated that adequate sewer and water services are available to serve the proposed uses at the site.

18. Stormwater Management

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

FINDINGS FOR THE CONDITIONAL USE PERMIT REQUEST

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the MX-1 Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of business and commercial uses in the MX-1 District.
3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts animal noise and waste, traffic, and parking facilities.
4. The development of the property with the new use will have positive results for the City.



5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

The Planner finds that with proposed conditions, the request meets the ordinance requirements for a Conditional Use Permit.

ACTION REQUESTED FOR THE REZONING AND CUP REQUEST:

The Planning Commission can recommend:

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

PLANNING STAFF RECOMMENDATIONS:

The Planner recommends that the Planning Commission recommend approval of the applicants' request for a Conditional Use Permit for a Dog Training Facility on the site at 785 20st Street, with conditions:

1. The use of the site shall generally conform to the site plan submitted with the application on March 14, 2018. The applicants shall revise the site plan to locate the "potty area" on the grassed area west of the building.
2. No outside storage is permitted on the site.
3. All activities shall be contained within the buildings. No dog boarding is permitted on the site.
4. The hours of operation shall be 9 a.m. to 9 p.m. Monday through Friday and 9 a.m. to 6 p.m. on Saturday and Sunday.
5. All trash and recycling equipment shall be stored within the building or in a closed structure.
6. Dog owners and trainers shall bag and remove solid animal waste immediately and dispose of the bags in covered waste containers. The owners shall clean the outdoor "potty area" at least weekly and dispose of animal waste in covered containers.
7. All solid waste materials from the animals shall be disposed off-site and disposal shall comply with the requirement of the licensed waste hauler.
8. The facility shall comply with the requirements of Chapter 6 (Animals) of the City Code, including requirements for management of animal waste.
9. Animal odors shall not be detectable beyond the property boundaries.



10. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
11. Lighting shall conform to the ordinance requirements.
12. Any new utility equipment installed at the site must meet the screening requirements of the zoning ordinance.
13. The Applicant shall meet the City requirements for any new signs proposed on the property.
14. The applicant shall pay all fees and escrow associated with this application.

