



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

**1. CALL TO ORDER**

Vice-Chair Taylor called the Planning Commission meeting to order at 5:30 p.m. on February 8, 2018.

**2. ROLL CALL**

Present (4): Vice-Chair Marvin Taylor, Commissioner David Tweeten, Commissioner Saengmany Ratsabout, and Commissioner Laurie Elliott.

Not Present (1): Commissioner Anthony Mahmood

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Minutes** of the December 14 , 2017 Planning Commission Meeting

Commissioner Tweeten motioned to approve December 14, 2017 Newport Planning Commission Meeting Minutes. Seconded by Commissioner Ratsabout. Approved 3-0. (1 Abstention: Commissioner Elliott)

**4. PLANNING COMMISSION CHAIRPERSON**

**A. New Chairperson**

The Commission follows a tradition of appointing the Vice-Chair to become the Chairperson. Vice-Chair opened nominations for the Chairperson.

Commissioner Tweeten nominated Vice-Chair Taylor as the Chairperson. Seconded by Commissioner Ratsabout. Vice-Chair Taylor accepted the nomination. Approved 4-0.

Commissioner Ratsabout nominated Commissioner Tweeten as the Vice-Chair. Seconded by Chairperson Taylor. Commissioner Tweeten accepted the nomination. Approved 4-0.

**5. PUBLIC HEARING-** to consider the application for approval of Rezoning and Conditional Use Permit for a Residential and Commercial Development at 2300 Hastings Ave.

City Planner Sherri Buss provided a background to the Commission on the proposed development site at about 2300 Hastings Avenue. The site is in the Bluffland Zoning Overlay, has power lines crossing near the center of the site, and was recently re-zoned for the development of a business park. The current zoning, B-2, would need to be changed in order to allow for Zumbro House to build an apartment building. Possible new zoning would include MX-3 or MX-4 which would also require an update to the comprehensive plan. Upon an approved re-zoning 2300 Hastings Avenue (PID 25.028.22.32.0035), a Conditional Use Permit (CUP) would need to be approved allowing for a 200-unit apartment building.

The intent of the apartment building is to provide supported living for residents which need support with a variety of daily tasks. It is likely that a majority of the residents will not be driving and a recommendation of a relaxed parking space standard being included in a CUP. The numbers of parking spaces recommended include 50 spaces for the apartment building and 12 spaces, as required by ordinance, for the retail location. Storm water controls are currently in place will be sufficient resulting in minimal environmental impacts. The

height of the building was reviewed by City Engineer Jon Herdegen and Newport Fire Chief Steve Wiley who did not express major concerns over a building height over 40 feet.

Planner Buss provided her recommendation to grant a CUP with the stated conditions as she did not see any issues with the construction of the building.

Chairperson Taylor opened the Public Hearing at 5:50 p.m. on February 8, 2018.

Tom Evenson of Gonyea Land Company provided comments stating the residents of the apartment would not be restricted to one group of people. The parking spaces would need to only accommodate about 20 employees as there would only be about 20 employees working at any given time on overlapping shifts. About 60-70% of residents which are likely going to need supported services on a regular basis and the number of employees will be dependent on the needs of the residents.

The design and height of the building have not been finalized as an architect has not been hired. The decision has not been finalized on the construction of a 3 or 4 story building. The height restrictions proposed are based on the capabilities of the Newport Fire Department. The design of the building will be determined and finalized after an architect has been hired. The apartment will house 200 units regardless of the number of stories or design of the building and will have green space in the center of the building's structure.

Chris Onken with Onken Properties and Zumbro House stood for questions from the Commission. Mr. Onken was in favor of a 4-story building as it creates a smaller footprint on the environment. It will also create a shorter distance for residents to get to elevators, stairs, and other destinations. The goal is to have as many residents in need of a supported apartment building with approximately 40-50 initial residents coming from current properties overseen by Mr. Onken. Initial vacancies which could not be filled will be opened up to applicants who may not need the supported services.

The level of care provided for residents will be for a variety of tasks and for basic medical support. The majority of the staff hired will include direct support staff, CNAs, and other entry level care givers. There will be some nurses and administrative staff hired as well. The structure of the operations model does not provide advanced medical care services.

Mr. Onken explained how Newport is the best location for him to build. Newport is in close proximity to the Woodbury office, the size of the lot allows for a larger building than currently owned. The location of 2300 Hastings provides excellent exposure to I-494 and ease of access to major highways. In the event the building is sold or the purpose of the building is changed in the future, there would be room to expand the parking lot to meet those needs.

Bill Sumner 737 21<sup>st</sup> street. Speaking as resident, presented questions regarding the size of the apartments with the potential for families and kids living in the apartment.

Mr. Onken responded the vast amount of apartments will be singles bedrooms. The 2 and 3 bedroom units are limited. The purpose of the building will make it unlikely to be many school age children.

Robert Crawford residing at 1002 Bailey Road, expressed his concerns of the mental stability of the residents in a supported apartment building. Mr. Crawford informed the Commission he had developed plans for a business park on the property in prior years.

Chairperson Taylor closed the public hearing at 6:23 p.m. on February 8, 2018.

Commission discussion included the concern of the number of supported residence, market rate apartments, and the parking lot size. More information regarding the percentage of the residents who need support is desired but it is the belief of the Commission the community of Newport is welcoming to all people. The execution of development has been questioned on this site in the past as other developers have not succeeded

in developing the lot. The zoning to MX-3 was also questioned based on the specifics of the zoning being transient oriented. The recommendation for MX-3 was based on the density of the residents, the flexibility of parking, and transportation services.

The height of the building provided a point of concern as the ability for the fire department to reach of 35-40 feet can be a difficult task. The size of the building will present a challenge for the Newport Fire Department's limitations. However, the fire department can handle the size of the building but it is not recommended by Chairperson Taylor to go any larger.

Brian Wordman, engineer with Kimberly Horn, provided a comment as a member of Minnetonka's volunteer fire department. Mr. Wordman expressed the common practice of allowing buildings to be greater in height than what the fire department can handle as long as it could be handled by a mutual aid agreement.

Other concerns discussed by the Commission included the proximity of the building to adjacent properties. The height of the building could provide an opportunity for residents of the apartment to see into the homes of current Newport residents. The parking lot and the retail building will abut the Newport Cemetery. Screening by vegetation was recommended to protect the privacy of the cemetery. Light spillage would be restricted to no more than one foot onto an adjacent property.

The CUP discussion by Commission included the difference between this type of apartment building and a group home. The difference is due to the size of the building as group homes generally are designed to comply with single family zoning districts.

A CUP would not be required in an MX-4 but there would be an issue with the parking lot size and the height of the building. Planner Buss recommends an MX-3 for the zoning and approving a CUP providing flexibility with the design of the building.

Commissioner Tweeten motioned to approve the recommendation to City Council for the rezoning of the parcel located at 2300 Hastings Avenue (PID 25.028.22.32.0035) to be changed from B-2 to MX-4. Seconded by Chairperson Taylor. Approved 4-0.

Commission discussion further included the size of the building regarding fire safety and the ability of the fire department to respond. The previous building proposed to be built on the site was similar in size to the proposed building. The screening of the neighbors and the cemetery would need to be addressed by the developer.

Mr. Onken expressed his concern for the Commission to make a recommendation for approval as it has a large impact on the finances. The recommendation by the Commission will provide a direction for the development to move forward.

Commissioner Tweeten motioned to approve the recommendation of a Conditional Use Permit as requested by Zumbro House. Seconded by Commissioner Ratsabout. Approved 4-0.

## **6. ORDINANCES**

### **A. Chapter 12- Environment**

Planner Buss informed the Commission of the comments discussed by staff since the last meeting. Council would like to have the Newport Ordinance similar to that of South Saint Paul. Comments include the way the monitoring and reporting is performed. A revised ordinance was presented to the Commission based on the comments followed by discussion of these changes.

Listing a complaint which identifies a "significant odor generator" compared to creating a list of potential industries. The concern of picking industries could lead to a scientific definition of the odor produced. A list would require those industries to have a plan to mitigate odors compared to having a complaint driven system prior to action being taken.

The Commission discussed how the code would be enforced and who the City would use to monitor smells. Enforcement fines could be given to board members as they are an officer of the company. Discussion of making the ticket a misdemeanor compared to a petty misdemeanor would provide a more direct approach to resolving any prolonged odor condition.

Judi Hunter from the Recycling and Energy Center presented information regarding how the odor is produced by the Center and what steps are being taken to mitigate and eliminate odors.

Bill Sumner addressed the Commission informing them the changes that have been made have reduced the odors. Being a liaison to the Center, the way the garbage is disposed of is by separation. There is no overnight storage of waste on the tipping floor. Mr. Sumner expressed that he is hopeful the work being done by the Center to mitigate odors is taken into consideration and that community members utilize the City's website to submit odor complaints.

Commissioner Tweeten motioned to recommend the changes to the presented odor ordinance to City Council for approval. Seconded by Commissioner Elliott. Approved 4-0.

## **7. 2040 COMPREHENSIVE PLAN**

### **A. Parks and Trails**

### **B. Housing**

Chairperson Taylor motioned to table Agenda Item 7- 2040 Comprehensive Plan until the March Planning Commission Meeting. Seconded by Commissioner Tweeten. Approved 4-0.

## **8. COMMISSION REPORTS**

None.

## **9. NEW / OLD BUSINESS**

None.

## **10. ADJOURNMENT**

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

The Planning Commission Meeting was adjourned at 8:02 p.m. on February 8, 2018.

Respectfully Submitted:  
Travis Brierley,  
Assistant to the City Administrator

Signed: \_\_\_\_\_  
Marvin Taylor, Chairperson