



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
February 11, 2021**

1. CALL TO ORDER

Chair Mahmood called the Planning Commission Meeting to order at 5:30 p.m. on February 11, 2021.

2. ROLL CALL

Present (5): Chairman Anthony Mahmood, Commissioner Brandon Leyde, Commissioner Maria Bonilla (5:34 p.m.), Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (0): None.

3. MEETING MINUTES

A. January 14, 2021

Chair Mahmood motioned to approve the Planning Commission Minutes from January 14, 2021. Seconded by Commissioner Leyde. Approved 4-0.

4. PUBLIC HEARING- Zoning Map and Zoning Ordinances: Bailey Road Study Area

City Planner Sherri Buss stated the Commission has been working on the Bailey Road Study area for over a year and the City put a moratorium on this area. In the comprehensive plan that was approved in 2019, the Bailey Road area was guided for urban development due to the extension of utilities. The Planning Commission then started working on regulations to manage the steep slopes that dominate that area. The Commission held a public hearing for the proposed R-2 zoning for the Bailey Road area in August 2020. At that time, they received public comments that people felt this area was not suited for urban development. The area has very limited road access and the County will only allow a right in and right out at Sterling Avenue. The Planning Commission reviewed these issues along with the City Council and concluded this area should remain Residential Estates (RE). RE has 2-acre minimum lot sizes and no sanitary sewer connections. There is one property in this area, the Libby property, that is located within 100 feet of City sewer and water and therefore would be treated as R-1.

Planner Buss stated the Planning Commission will hold a public hearing for the proposed RE zoning of this area with exception of the Libby property. There is also a final version of the bluff overlay ordinance that has regulations which include no development on slopes greater than 18%, setback rules, stormwater management, erosion control, and vegetation management. If the Planning Commission recommends the zoning ordinance and bluff overlay ordinance and the Council adopts these, the City can lift the moratorium.

Chair Mahmood opened the public hearing at 5:40 p.m. on February 11, 2021.

Gordon Nesvig, Attorney for the Crawford's who reside at 1002 Bailey Road, addressed the Commission. Mr. Nesvig inquired if the Crawford property can hook up to sewer and be treated as R-1. Planner Buss stated the way it is proposed the Crawford's would be in the RE district and would need to request a zoning change to R-1 or R-2 if they wanted to hook up to sewer and have denser development. Mr. Nesvig inquired if they could do a planned unit development (PUD). Planner Buss stated they could propose a PUD, request lot sizes smaller than two-acres, and request hook up to sewer and water. The City however would not allow multi-family PUD's in R-1 or RE. Mr. Nesvig inquired if there are exceptions to the bluff ordinance for developers if they can prove to Engineering a safe plan on the slopes. Planner Buss stated yes, the exceptions are still included.

Bill Sumner who resides at 737 21st Street addressed the Commission. Mr. Sumner stated he is in favor of development mainly for the City budget and for the future. Mr. Sumner stated some are concerned with road access however he gave examples of other roads in Newport with the same problem that are managing just fine. Mr. Sumner stated there are many options as well for managing steep slopes. Chair Mahmood stated his concern is losing the beautiful bluff line to housing. Mr. Sumner stated the area is such a small portion of the bluff line. Mr. Nesvig stated the view of the slopes will not change because there are still parts of the slope you cannot build on.

Brian Daly who resides at 1020 Bailey Road addressed the Commission. Mr. Daly stated his home is in the middle of the Bailey Road study area. Mr. Daly stated the Planning Commission was correct when they recommended this area be zoned RE. Mr. Daly supports this area staying zoned RE due to the steep slopes, traffic/access problems, and to preserve the natural beauty of this area.

Chair Mahmood stated Duane and Sharon Erickson, who reside at 1055 Bailey Road, submitted a letter to the City. City Administrator Deb Hill read the letter which stated the Erickson's would be negatively affected by multi-family development due to traffic.

Planner Buss stated the Libby's who reside at 1005 Bailey Road sent a letter to the City. This is the property that is right next to public works and could potentially have R-1 zoning and connect to sewer. They have provided a concept development to the City. Currently they are looking at 6 lots, each of which is approximately two-acres in size similar to RE. They feel the slope and traffic are issues for developing at urban densities.

Robin Ramberg who resides at 1045 Bailey Road addressed the Commission. Ms. Ramberg stated she and her husband would like the area to remain RE. Traffic is already an issue with getting into their driveway. They feel Newport needs business development and not housing development.

Chair Mahmood closed the public hearing at 6:00 p.m. on February 11, 2021.

Commissioner Leyde stated there are some who want development in this area, but there is a good amount of people saying no to this and those are the residents who will be directly affected by any development in this area. Commissioner Mahmood stated he understands the concerns for residents opposed to development. Commissioner Kermes stated he is in favor of RE as the traffic is already a big issue. Commissioner Fuelling agrees that traffic is a big factor.

Commissioner Leyde motioned to recommend Council adopt the Bluffland Overlay Ordinance and set the zoning for the Bailey Road area to Residential Estates. Seconded by Commissioner Bonilla. Approved 5-0.

5. PUBLIC HEARING- Non-Residential Uses: Zoning Amendment for “Catering” use

Planner Buss stated that catering is currently not allowed as a use in the Newport zoning code. Mr. Mahmood is interested in establishing a food catering business on his property. Mr. Mahmood’s property is in a mixed-use zoning district which allows a mix of commercial and residential. Mr. Mahmood applied to the City to add food catering as a permitted use within Newport. The Planning Commission will need to determine if we want to add that use to the City, what zoning districts would be allowed, if an Interim Use Permit (IUP) or Conditional Use Permit (CUP) would be required, and what standards would be required.

Chair Mahmood stated that since he has a personal stake in this issue, he will not vote and will let Commissioner Leyde lead the discussion.

Commissioner Leyde opened the public hearing at 6:15 p.m. on February 11, 2021.

Bill Sumner who resides at 737 21st Street addressed the Commission. Mr. Sumner stated Newport already has Tinucci’s as a catering option and fully supports this as a business opportunity and hopes the Planning Commission will move this forward.

Assistant to the City Administrator Travis Brierley stated we received a few phone calls and the main concern is will this directly affect their property. There were no strong objections and we did not receive any written comments.

Commissioner Leyde closed the public hearing at 6:17 p.m. on February 11, 2021.

Commissioner Leyde stated he feels we should consider making this a use with an IUP so the permit would sever once the property was sold. Planner Buss stated a CUP becomes a property right and runs with the land whereas an IUP would not automatically transfer to a new owner.

The Commission discussed which districts make sense for catering.

Commissioner Bonilla inquired the differences between a CUP and an IUP. Planner Buss stated the process and standards are the same. You still need an application and public hearing, but the difference is one runs with the land and the other has a date or event when the permit ends. Typically, the event is a change in ownership.

Anthony Mahmood residing at 822 High Street addressed the Commission. Mr. Mahmood stated if you are going to do the IUP he would not limit it to when the resident leaves. Instead, he would suggest setting a time to review the IUP as it would give the City more power if there were any problems.

Planner Buss inquired if there is a need for unique performance standards. Planner Buss stated there is already a list of items required to look at when doing an IUP or CUP. The Commission feels comfortable with these standards. Mr. Mahmood stated in the list of requirements you should add a requirement that the applicant be fully licensed with the state and fully insured.

Commissioner Leyde motioned to recommend Council allow food catering in MX-1, MX-3, and MX-4 zoning districts utilizing an IUP and using the performance standards that are in the code. Seconded by Commissioner Bonilla. Approved 4-0-1 (Mahmood).

6. PLANNING COMMISSION ROLES AND RESPONSIBILITIES

Planner Buss stated since there are new members on the Planning Commission, she wanted to go over the basic responsibilities. One big item is working on the comprehensive plan, however a comprehensive plan was adopted in 2019, so the next process would not be until 2027. In the meantime, any amendments to the comprehensive plan would come to the Planning Commission. The Planning Commission is also responsible for the zoning map and zoning ordinance amendments. The Planning Commission will receive applications for variances, IUP’s, CUP’s, and other kinds of zoning permits. In general, the Planning Commission is the recommending body and then it goes to the City Council for final decisions.

City Administrator Deb Hill stated she contacted the League of Minnesota Cities who have done training for Planning Commissions for numerous years. They are willing to give an hour training to the Planning Commission as a basic overview and to answer questions. Administrator Hill stated she can coordinate that meeting.

7. HERITAGE LANDMARKS

Assistant Brierley stated the Heritage Preservation Commission (HPC) is requesting opinions on five historic properties being nominated for landmark registration in 2021. If a property is designated a historic landmark, there are certain rules and restrictions that must be followed for the property. The Planning Commission is to consider these locations and give recommendations to the Council.

Chair Mahmood stated the Planning Commission should research these properties and then we can discuss at the March meeting.

8. MEETING DAYS AND TIMES

Administrator Hill stated Mayor Elliott and the Council have inquired whether the Planning Commission could change their meeting day to earlier in the week. This would allow a few extra days to get necessary information to the Council for review before their scheduled meetings.

The Commission discussed that Tuesday’s would be a good option.

Chair Mahmood motioned to change the Planning Commission meeting days to the second Tuesday of each month starting at 5:30 p.m. Seconded by Commissioner Leyde. Approved 5-0.

9. COMMISSION REPORTS

None.

10. ADJOURNMENT

Chair Mahmood motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Leyde. Approved 5-0.

The Planning Commission Meeting was adjourned at 7:03 p.m. on February 11, 2021.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman