



CITY OF NEWPORT
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PLANNING COMMISSION MINUTES
November 15, 2022

1. CALL TO ORDER

Chair Leyde called the Planning Commission meeting to order at 5:30 p.m. on November 15, 2022.

2. ROLL CALL

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

Not Present (0): None.

3. MEETING MINUTES

A. September 13, 2022

Commissioner Bonilla motioned to approve the Planning Commission Meeting Minutes from September 13, 2022. Seconded by Commissioner Fuelling. Approved 5-0.

4. PUBLIC HEARINGS

A. CUP- Keller Fence, 498 7th Avenue

City Planner Nathan Fuerst stated the Keller Fence project is located at 498 7th Avenue. Keller Fence is proposing to purchase parcels along 7th Avenue. These parcels are currently zoned B-2 and about 3.5 acres in size. Future land use for this area is mixed commercial/residential. The proposal is to combine four different parcels into one and to completely redevelop this site to be the new home of Keller Fence. The use would have office space for administrative functions, warehouse space for large equipment, and outdoor storage for building materials. The request is for a Conditional Use Permit (CUP).

Commissioner Kermes inquired if we would demolish the existing structures on these parcels. Planner Fuerst stated yes, the existing structures would be removed, and the site would be completely redeveloped and there would be a stormwater pond. The packet includes a site plan for review. Planner Fuerst stated staff believes this proposal meets findings and would recommend approval to City Council. Planner Fuerst explained that if the Planning Commission was to deny the CUP, there must be specific findings for the denial.

Chair Leyde opened the Public Hearing at 5:53 p.m. on November 15, 2022.

The owner of Absolute Towing addressed the Commission. He stated he has leased parcel five for the last five years and inquired if this request gets approved, would he have to move. He stated he is concerned with commercial truck traffic as it is currently not allowed. He trained his employees to enter from the south because the truck route starts at his driveway.

Mark McKenzie, residing at 999 7th Avenue, addressed the Commission. Mr. McKenzie stated he has lived in Newport for over 30 years and does not want the truck traffic heading north. Mr. McKenzie is concerned that the City Planner is selling this proposal and not giving an unbiased presentation of the impacts on the community. Mr. McKenzie feels this is an industrial use and is concerned with the truck traffic running on 7th Avenue near the residential homes as it will affect their quality of life and property values. Mr. McKenzie inquired how many trucks will be running throughout the day and night. Mr. McKenzie stated he is frustrated there has never been a real effort to redevelop 7th Avenue in a way that was considerate to the people who already live there. He stated the Commission should ask themselves if they would want this built across the street from their home and if they would want these trucks driving in front of their home.

Pauline Schottmuller, residing at 97 10th Street, addressed the Commission. Ms. Schottmuller gave background information and stated with the redesign of Highway 61, the Council passed an ordinance that prohibited truck traffic on the city section of 7th Avenue, which is from the Glen Road overpass to the south. Ms. Schottmuller believes this business will generate a lot of truck traffic and feels that an outdoor storage business belongs in an industrial zone.

Chair Leyde read written comments into the record that were received from resident Dan Lund.

A Newport resident, residing on 5th Avenue, stated she would not mind this business as there is already noise from the train. She is more concerned that an apartment would go in as an alternative. She does not foresee crime going up with this type of business.

Will Nordstrom, residing on 5th Avenue, stated he believes this business is better than a 300-unit apartment.

Chair Leyde closed the Public Hearing at 6:25 p.m. on November 15, 2022.

Commissioner Mahmood stated the written comments from Mr. Lund mentioned these parcels were MX-3, but that is not correct as this property is zoned B-2. Commissioner Mahmood stated he will back the citizens if they do not want this business, but there needs to be a reason. Commissioner Mahmood stated he personally would like to see as much business as possible in Newport to lower the taxes.

Chair Leyde stated traffic is undoubtedly going to be more congested. He also feels screening and landscaping is an issue. Chair Leyde stated if Ms. Schottmuller is accurate and there is an ordinance prohibiting truck traffic, then it would be illegal for them to drive down that road depending on the restrictions.

Chair Leyde motioned to table the Conditional Use Permit for Keller Fence. Seconded by Commissioner Mahmood. Approved 5-0.

B. CUP- Mota's Motors, 1545 7th Avenue

Chair Leyde opened the Public Hearing at 6:36 p.m. on November 15, 2022.

Planner Fuerst stated the city received a request for a CUP from the property owner at 1545 7th Avenue. The site is approximately 5.6 acres in size. The zoning is MX-3, and the future land use is mixed commercial/residential. The city has been working with the property owner and there are several elements of this site that are non-conforming with city ordinances. One of the tenants is Mota's Motors, which is an Automotive Specialty Service, and only allowed with a CUP. This use is currently happening on-site, and they are seeking to come into conformance by getting a CUP. The possible actions are to approve, approve with conditions, or deny. The applicant provided an aerial view of the building, the parking locations, and an interior layout of the tenant's space. Staff recommends approval with several conditions.

Jan Weston, residing at 1420 4th Avenue, addressed the Commission. Ms. Weston inquired how this will be different than what is there now. Chair Leyde explained that this business is currently occupying the space, so it would not be much different as they are just looking for permission from the city. Ms. Weston inquired who owns the whole complex and who will repair the fence. Chair Leyde stated the property owner would be responsible for the upkeep. Planner Fuerst stated the property owner is Kube, LLC.

Mota, who is the property owner of Mota's Motors, addressed the Commission. Mr. Mota stated when they first came in, the section they are operating was a pigsty. They had to help clean the entire area and try to get it up to code. Mr. Mota stated with all the catalytic converter theft that is going on, they have been working to design catalytic converter shields to help protect catalytic converters from getting stolen. They also restore old classic land cruisers. Chair Leyde stated the CUP application listed that this shop performs unique customization, modification, and performance enhancements of current and classic vehicles, but not body or major repair, and inquired how this is possible without major body repairs. Mr. Mota stated in his opinion, major repair is tearing an engine down to the bone and requires a task of more than 24 hours to complete. Chair Leyde inquired if the city has a definition of body or major repair. Commissioner Kermes inquired if they have lifts inside the shop. Mr. Mota stated yes. Commissioner Kermes inquired if taking the entire body off a ton-truck would be major repair, as he has seen pictures on Facebook. Chair Leyde inquired if a CUP covers the entire property. Planner Fuerst stated a CUP is tied to the property; however, the city can restrict, through a condition of approval, where this use can take place on-site. Staff would suggest referencing the aerial map that the applicant submitted as a condition of approval for where this use can take place. Planner Fuerst stated a CUP runs with the property indefinitely. Planner Fuerst read the definition in the zoning code for bodywork. Mr. Mota stated they do interior work such as sound systems, redoing carpet, or repairing leather.

Jeff Wallace, property owner of Kube, addressed the Commission. Mr. Wallace stated they had Mota's Motors apply for a CUP immediately after they brought the property, so they have been trying. Mr. Wallace stated if someone drops a car off on 7th Avenue, they move it to the back of the shop where the cars are screened. He stated the building has been inspected by the City of Cottage Grove, who noted what needed to be changed, and those improvements were done. Chair Leyde has concerns about the business hours and the health and safety criteria. Mr. Wallace stated their original intent when they purchased the property was to have work / live spaces, but due to the railroad noise they had to abandon those plans. Mr. Wallace stated Mota's space is insulated.

Pauline Schottmuller, residing at 97 10th Street, addressed the Commission. Ms. Schottmuller stated this is a second Croix Holding potential situation and finds it very alarming as a CUP is forever and would take a lot of work to revoke. This is a non-conforming building and Mota's Motors is a non-conforming use. Ms. Schottmuller stated she watched the Planning Commission meetings when they were revising the comprehensive plan and debated the transit station and architectural standards for the transit station. She stated that building used to be the Callahan Steel Company when she was a child, so it had to be built in the late 1940's or early 1950's and has been deteriorating ever since. The city has wanted that building gone for a long time. When the trash haul company was in there they wanted to expand into roll-offs and the city denied that. The building sat vacant, and the city wanted the building torn down. Ms. Schottmuller does not believe there is any amount of fixing to the building that will make it acceptable to the vision for 7th Avenue. It also does not meet the comprehensive plan and they have not received required permits. Ms. Schottmuller inquired how the city would know if their business expanded or if they are performing major auto body repair. Ms. Schottmuller does not think a CUP should be given for any business until that property is brought up to code and the city has effective code enforcement in place.

Mr. Wallace stated we have been applying for permits since day one. They have not all be approved, but they have been trying. They have spent \$50,000 in architectural planning. The reception they received from the city has been less than cordial which he believes is related to the previous use. Mr. Wallace stated the place was a mess, but they have repaired the holes in the building along seventh, removed more than 160 yards of debris, and recycled more than 30,000 pounds of plastic. They inherited all the empty containers and have been trying to get rid of those since day one. Mr. Wallace stated there is nothing wrong with the fence and at night they lock the fence because they have not been able to install the automatic closing system they have already purchased. He stated the city does not need to worry about Mota's Motors expanding because they are landlocked by two tenants (the owners and Elegant Surfaces). Mr. Wallace stated they have a legal non-conforming building, which means the building is allowed to be there and they are doing everything they can to improve the property. They have a new tenant coming, which is an artist's studio, and is a conforming use. They will be renaming the tan building the Kingman Center for the Arts. The roof on the building on seventh is only seven years old. Mr. Wallace stated he is frustrated as they inherited the hatred of the previous tenant, and they are trying to deal with that on a daily basis. He stated he recently developed two significant projects. The first is a dog track in Hudson, and the second is the Glenwood Englewood site in Minneapolis.

Ms. Schottmuller stated when she looked at the Council packet for this Thursday there is a closed meeting involving this property which signals there is possible legal action involving this property. Ms. Schottmuller stated she understands you cannot expand a non-conforming building, but how much change is allowed for a legal non-conforming building if you keep the same footprint. Planner Fuerst stated the state allows for repair, replacement, or maintenance of an existing legal non-conforming structure.

Chair Leyde closed the Public Hearing at 7:39 p.m. on November 15, 2022.

Commissioner Mahmood inquired why this building is non-conforming. Planner Fuerst stated there are existing non-conformities on the site. The city is looking for those items to be remedied as much as possible. Planner Fuerst stated if the Planning Commission decides to table this item for further consideration it would come back to the Planning Commission on December 13th, and to the Council at either the December 15th or the January meeting. Council discussed tabling as there are concerns and they would like further exploration on compliance standards.

Chair Leyde motioned to table the Conditional Use Permit for Mota's Motors. Seconded by Commissioner Kermes. Approved 4-1 (Mahmood).

5. COMMISSION REPORTS

No Commission Reports.

6. ADJOURNMENT

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

The Planning Commission Meeting was adjourned at 8:17 p.m. on November 15, 2022.

Respectfully submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Brandon Leyde, Chairman