



**CITY OF NEWPORT
PLANNING COMMISSION MEETING
NEWPORT CITY HALL**

February 8, 2022 – 5:30 P.M.

****Meeting May Be Held Remotely****

<https://us02web.zoom.us/j/86847875768?pwd=Y1lIR2NDb1JUYjRmQ1BjV2lhandFdz09>

Commissioner:	Anthony Mahmood	City Administrator:	Deb Hill
Commissioner:	Brandon Leyde	Asst. to the City Admin:	Travis Brierley
Commissioner:	Maria Bonilla	City Planner:	Sherri Buss
Commissioner:	Tami Fuelling	City Planner:	Nathan Fuerst
Commissioner:	Michael Kermes	Council Liaison:	Marvin Taylor

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLANNING COMMISSION NOMINATIONS
 - A. Chair
 - B. Vice-Chair
4. MEETING MINUTES
 - A. December 14, 2021
5. PUBLIC HEARINGS- 2040 Comprehensive Plan Amendment
 - A. Transit Site/Outlot A
 - B. 910 12th Street
6. PROPOSED FUTURE USE MX-3
7. COMMISSION REPORTS
8. ADJOURNMENT



**CITY OF NEWPORT
PLANNING COMMISSION MEETING MINUTES
NEWPORT CITY HALL
December 14, 2021**

1. CALL TO ORDER

Chair Mahmood called the Planning Commission Meeting to order at 5:30 p.m. on December 14, 2021.

2. ROLL CALL

Present (4): Chairman Anthony Mahmood, Commissioner Brandon Leyde, Commissioner Tami Fuelling, and Commissioner Michael Kermes.

Not Present (1): Commissioner Maria Bonilla.

3. MEETING MINUTES

A. November 9, 2021

Chair Mahmood motioned to approve the Planning Commission Meeting Minutes from November 9, 2021. Seconded by Commissioner Kermes. Approved 4-0.

4. PUBLIC HEARING- Driveway Variance Request 460 12th St

City Planner Nathan Fuerst stated there is a request from Leeland Kinnell for a driveway variance at 460 12th Street. The current driveway is considered legal-nonconforming because it is in violation of two city codes. The first violation is the class 5 surface material and the second is the proximity to the side yard. The driveway surface will be improved, but the location cannot be moved due to the configuration on the site of the home and detached garage. Staff recommends approving this request with conditions listed in the report.

Chair Mahmood opened the Public Hearing at 5:33 p.m. on December 14, 2021.

Bill Sumner, residing at 737 21st Street, addressed the Commission. Mr. Sumner stated he supports the driveway variance as it is a reasonable request. The driveway has been there a long time and there are no alternative locations.

Chair Mahmood closed the Public Hearing at 5:35 p.m. on December 14, 2021.

Commissioner Leyde motioned to recommend Council approve the Driveway Variance Request at 460 12th Street. Seconded by Commissioner Fuelling. Approved 4-0.

5. RESIDENTIAL PARKING ORDINANCE

Planner Fuerst stated at the last meeting the Planning Commission provided feedback on several items regarding the residential parking ordinance. One item the Planning Commission wanted to further discuss was the number of passenger vehicles allowed and to be flexible in accommodating larger families. Another point of discussion was the number of commercial vehicles allowed to ensure residents who work in the trade industry can park their commercial vehicles. The Commission also felt recreational vehicles should not be counted if they are property screened in the side and rear yards of a property. Planner Fuerst stated there is an updated draft of the residential parking ordinance for consideration.

Chair Mahmood stated in Section 36-163 there is a line that states no more than four vehicles, but if you continue reading, there are exceptions to this rule which is contradictory and confusing. Planner Fuerst stated the beginning statement is the standard and the items detailed underneath provide flexibility to that standard. Planner Fuerst stated we can look at changing the wording to streamline and make it clearer.

Chair Mahmood stated when discussing screening he did not see the definition in this section. Planner Fuerst stated that screening is defined in the definition section of the zoning ordinance. Planner Fuerst stated we can provide a cross-reference to that definition.

Commissioner Kermes motioned to recommend Council approve the Residential Parking Ordinance with the discussed changes. Seconded by Commissioner Leyde. Approved 4-0.

6. COMMISSION REPORTS

None.

7. ADJOURNMENT

Commissioner Leyde motioned to adjourn the Planning Commission Meeting. Seconded by Commissioner Fuelling. Approved 4-0.

The Planning Commission Meeting was adjourned at 5:45 p.m. on December 14, 2021.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Anthony Mahmood, Chairman



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MEMORANDUM

Memo Date: January 28, 2022
Meeting Date: February 8, 2022
To: City of Newport, Planning Commission
From: Nathan Fuerst, City Planner
Subject: Comprehensive Plan Amendment – Newport Transit Station Area
Action Requested: Hold a Public Hearing and Approve the Proposed Comprehensive Plan Amendment.

Applicant: City of Newport

Background

This item is being presented to the Planning Commission due to the need to correct an inconsistency between Newport's Zoning Ordinance and its adopted 2040 Comprehensive. This item was preliminarily discussed and supported by the City Council at its regularly scheduled meeting on January 20, 2022.

Overview

The Newport Transit Station area, identified on the attached map, is currently located in the City's MX-2, Transit Oriented Mixed Use District. The intent of this zoning district is to allow a mix of land uses, residential and commercial, that have densities and intensities complementary to transit service and walkable, livable, neighborhoods.

Newport's 2040 Comprehensive Plan guides this area with a future land use of Commercial/Business Park. In these areas, the Comprehensive Plan only provides for commercial or business uses, and specifically prohibits residential development. This discrepancy between the zoning district and Comprehensive Plan will need to be corrected if residential development is to be compatible with both the zoning ordinance and Comprehensive Plan.

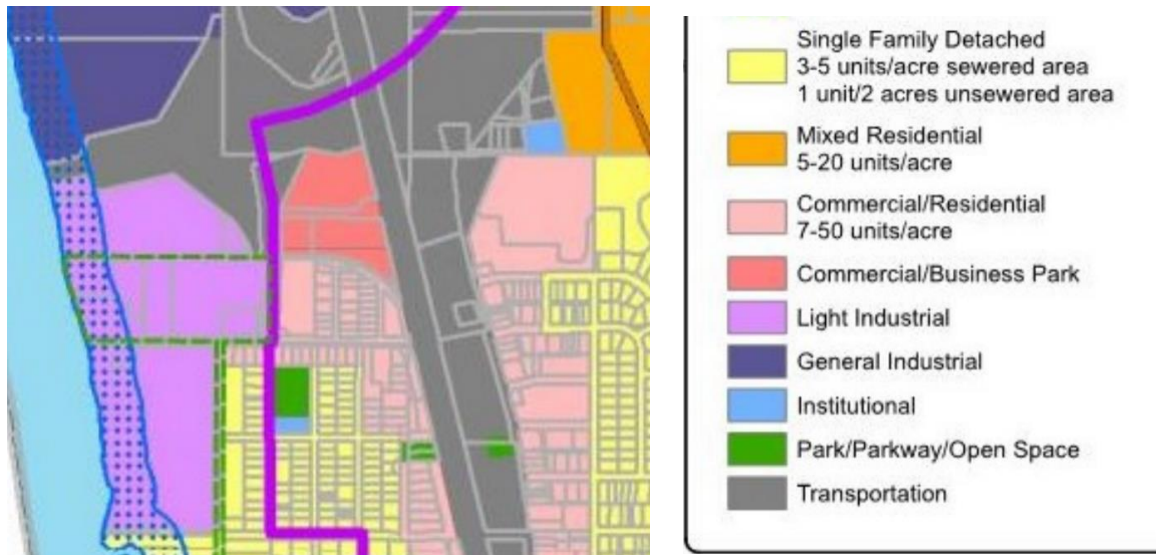
Proposed Amendments

In addition to the future land use designation, Staff have identified two other related discrepancies in review of the zoning ordinance and Comprehensive Plan that will be corrected as part of this amendment process. All three proposed corrections are summarized below:

1. **Map:** Re-guide the Newport Transit Station area as Mixed Commercial/Residential, a mixed-use category which includes the MX-2 Zoning District.
2. **Text:** Align the Comprehensive Plan and Zoning Ordinance by removing the Residential/Commercial zoning district from the comprehensive plan (listed there as MX-2), and renumbering the zoning districts listed therein accordingly
3. **Text:** Update the allowable densities in the Comprehensive Plan's Mixed Commercial/Residential future land use category by changing the densities listed to reflect those permitted in the City's zoning ordinance.

Comprehensive Plan Review:

Image below from adopted 2040 Comprehensive Plan:



Future Land Use Category descriptions from the Comp Plan: (Highlights are staff emphasis)

***Mixed Commercial/Residential** areas will allow for development of new housing units and a variety of commercial, office, business, service, restaurant, and entertainment uses. The integration could be vertical (within the same buildings) or horizontal (with residential and commercial uses in separate buildings).*

The City will permit a variety of multi-family uses including apartments, condominiums, and townhomes in these areas. Residential densities permitted in these areas range from 7-50 units per acre, depending on the zoning district (proposed future zoning is shown on Figure 12-1). The Mixed Commercial/Residential land use areas include several zoning districts with the following permitted densities:

- **MX-1 (Downtown)** and **MX-4 (General Mixed Use)** zoning districts permits residential units with densities of 7-18 units per acre.
- **MX-2 (Residential/Commercial)** and **MX-5 (Mixed Use Buffer)** zoning districts permit residential units with a minimum density of 10 units per acre.
- **MX-3 (Transit-Oriented)** zoning district around the Newport Transit Station, permits densities between 20-50 units per acre to support transit service.

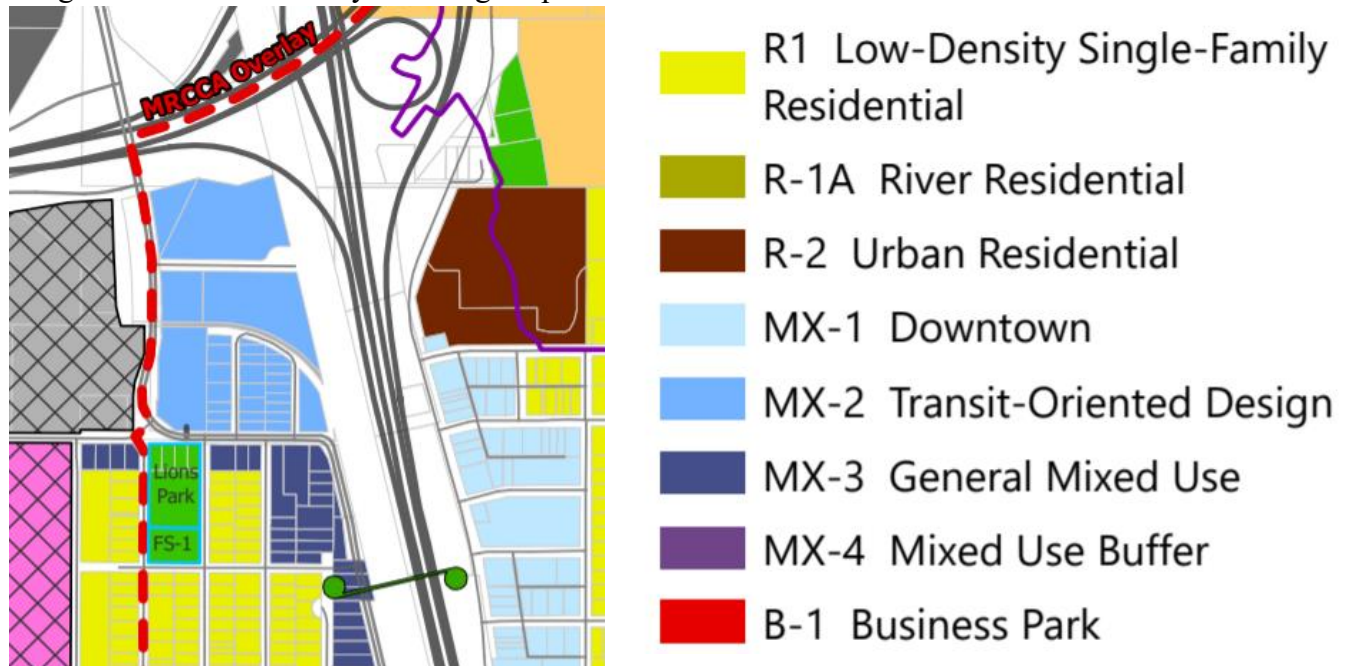
The City anticipates a 60/30/10 mix of residential/commercial/office land uses in the Mixed Commercial/Residential areas, with a higher proportion of residential uses west of Highway 61 (in the MX-3 and MX-4 zoning districts), and higher proportions of commercial and office uses in the Mixed Commercial/Residential areas along Hastings Avenue (MX-1 and MX-2 zoning districts east of Highway 61). The MX-1, MX-2, and MX-5 districts are nearly fully developed, while the MX-3 and MX-4 districts include large vacant and underdeveloped sites near the Newport Transit Station and along 7th Avenue. New housing in the MX-1, MX-2, and MX-5 districts may be redeveloped by combining and redeveloping the smaller parcels in these districts. The MX-3 and MX-4 districts offer potential for larger-scale new development and redevelopment housing and mixed-use projects.

Allowed and permitted uses in the Mixed/Commercial/Residential Districts include single-family homes, two-family homes, townhomes, and multifamily residential uses. These areas also allow a wide range of commercial, retail, office, civic, institutional, park, and public uses that are compatible in type and scale with residential uses.

Commercial/Business Park areas provide locations for a variety of office, retail, warehouse, and related business uses. Residential uses are not permitted in these areas.

Zoning Map/Ordinance Review:

Images below from the City's Zoning Map



Sec. 36-236. - Specific intent of the MX-2, Transit-Oriented Mixed-Use District.

The specific intent of the MX-2, Transit-Oriented Mixed-Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the Newport Transit Station at densities and intensities that support and increase transit use. The district is also intended to encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness at street level.

The City's zoning ordinance specifically calls the areas in proximity to the Newport Transit station out within the description of the MX-2 district's intent. This is consistent with the Comprehensive Plan's definition of the Future Land Use category, MX-3 Transit Oriented Mixed Use, found on page 37.

Comparison of Comp. Plan and Zoning Ordinance Mixed Use Districts

Mixed Commercial/Residential Land Use	Density	Zoning Districts (Sec. 36-240)	Density
MX-1 Downtown	7-18 units/acre	MX-1 Downtown Mixed-Use	8-20 units/acre
MX-2 Residential/Commercial	10+ units/acre	MX-2 Transit-Oriented Mixed-Use	20-50 units/acre
MX-3 Transit Oriented	20-50 units/acre	MX-3 General Mixed-Use	8-20 units/acre
MX-4 General Mixed-Use	7-18 units/acre	MX-4 Mixed-Use Buffer	8-20 units/acre
MX-5 Mixed-Use Buffer	10+ units/acre		

Consistency with the Comprehensive Plan

Similar to updating any ordinance, a Comprehensive Plan Amendment needs to consider how the proposed changes will impact various sections, tables, or figures in the Plan.

In this case, the change appears to be consistent with the existing tables and forecasts found in the plan. The changes proposed to the Newport Station Area's land use guidance appears to be consistent with the Development and Redevelopment Priorities map (figure 4-3) and the Residential Density forecast found in table (4-4).

The changes in the permitted density above are not anticipated to measurably change the City's density in Mixed Commercial/Residential Land use areas, nor are they expected to reduce the City's ability to meet its overall density goals. In addition, the corrections proposed above align with the land use goals established in the Comprehensive Plan, specifically General Land Use Goal #1.

Comprehensive Plan Amendment Process and Next Steps

The Met Council will review the following process for Comprehensive Plan Amendments:

- ~~1. Review period for Adjacent Governments and Affected Districts – Notice Sent 1/25/2022~~
- February 8 - City Planning Commission for review and approval
- February 17 - City Council for review and approval
- February 18 - Submittal to Met Council for review.
- TBD** –Met Council Review Determination

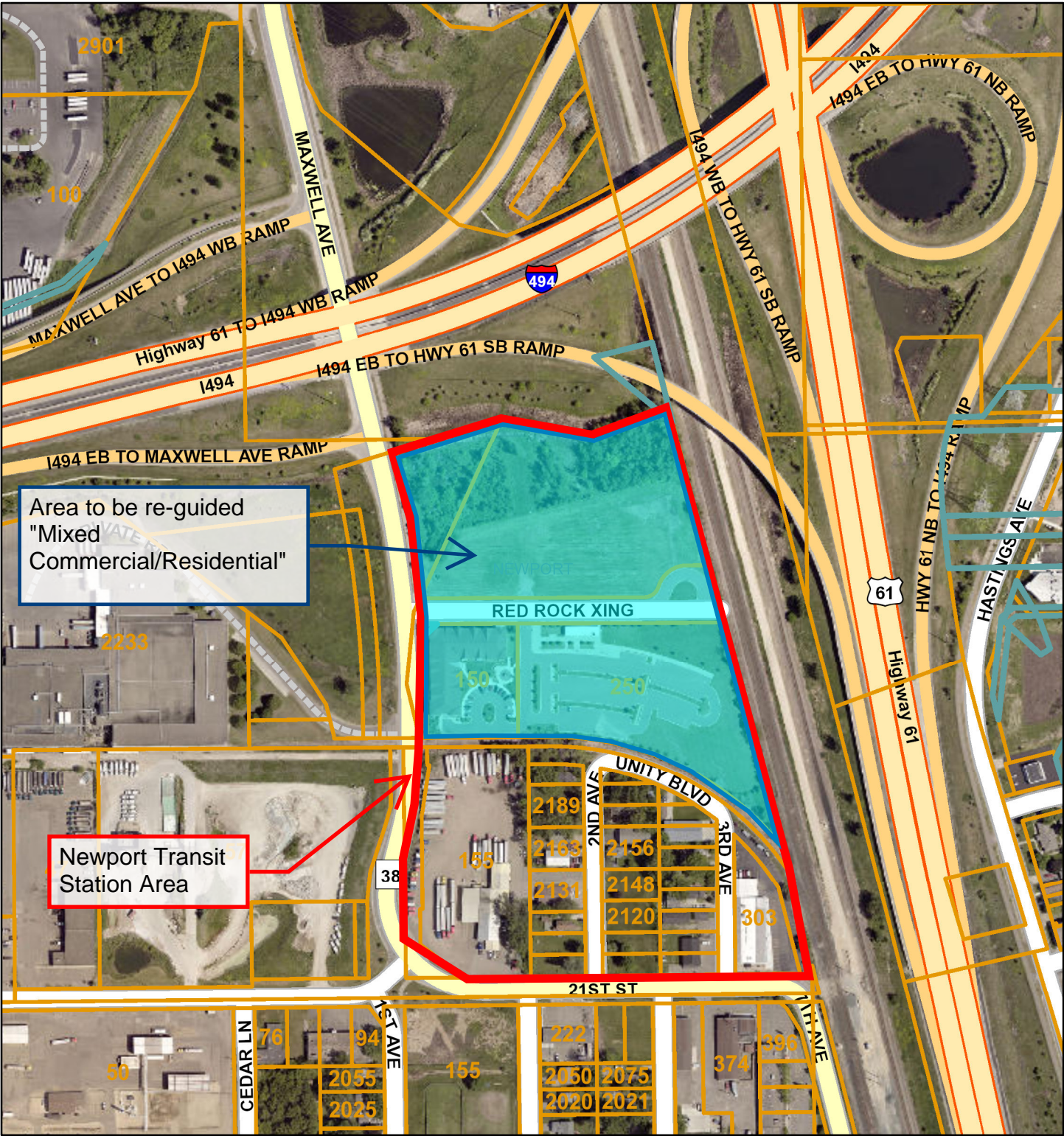
The process and timeline for Comprehensive Plan Amendment can be simplified and accelerated depending upon two determinations. A Met Council decision to waive the adjacent review requirement and a determination to allow administrative review of the amendment.

It does appear that this amendment request could meet the criteria established for both an adjacent review waiver and administrative review. Staff met with Newport's Sector Representative and confirmed that both are possible, but each determination will ultimately be made by the Met Council after they begin review.

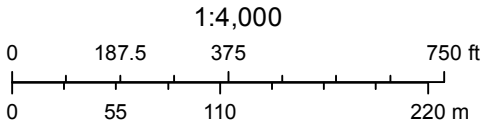
Resources Used:

- City of Newport 2040 Comp Plan – [link here](#)
- City of Newport Zoning Map – [link here](#)
- City of Newport Zoning Code – Article V, Nonresidential Uses – [link here](#)
- Metropolitan Council – Comprehensive Plan Amendment – [link here](#)

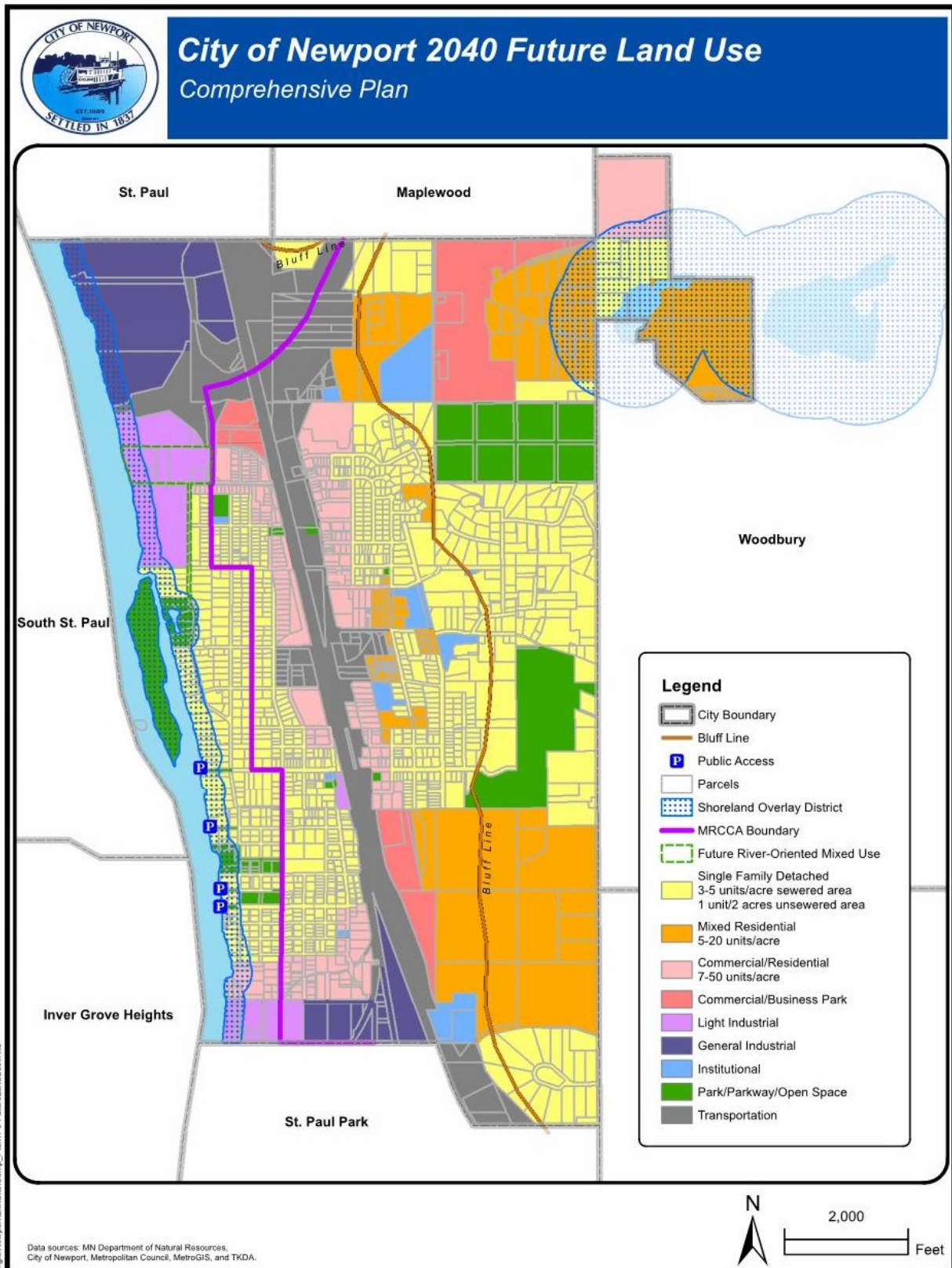
Newport Station Area



January 14, 2022



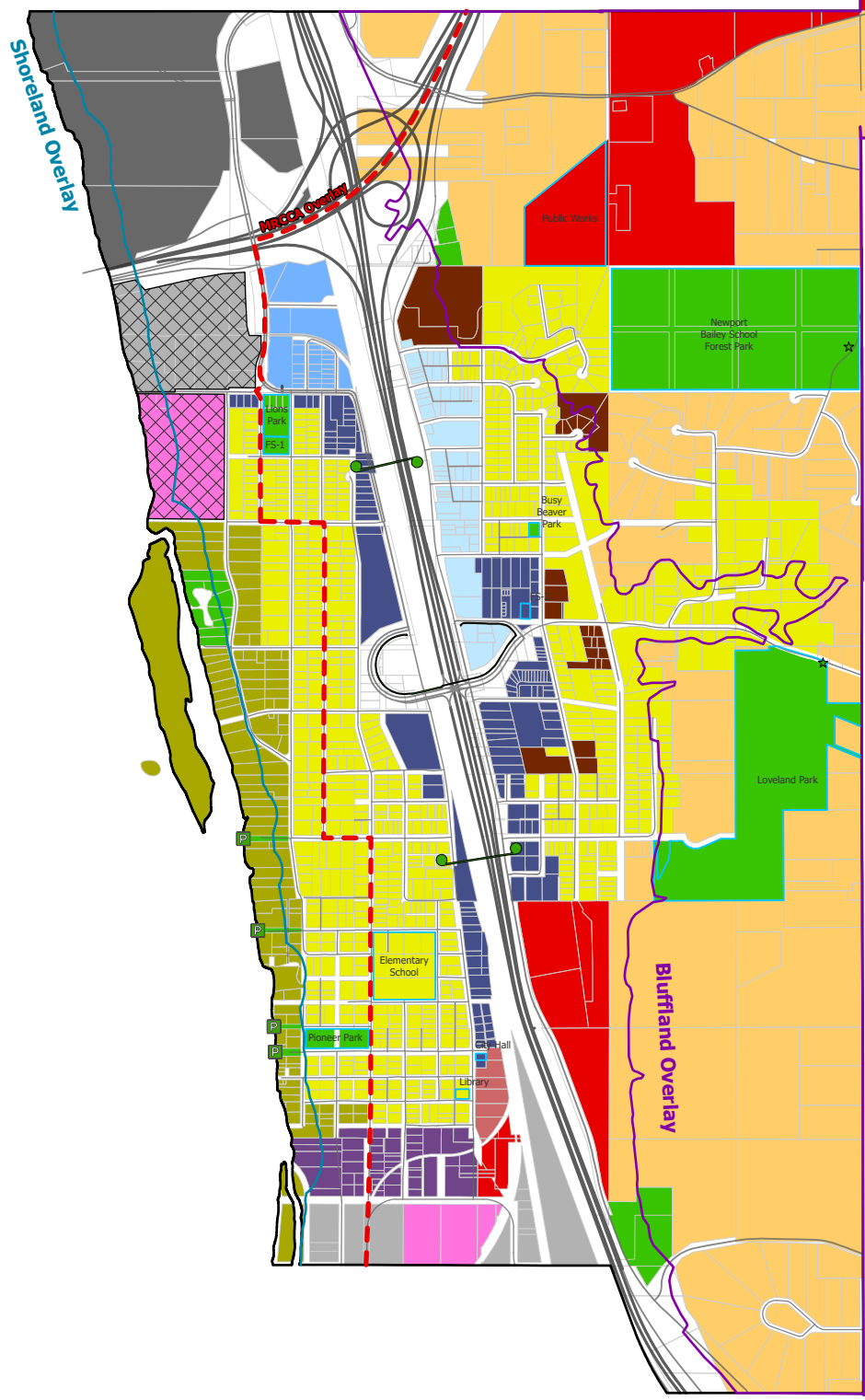
**Figure 4-2:
Future Land Use (2020-2040)**





City of Newport Zoning Map

Print Date: 2/19/2021



Zoning Districts

- OS Open Space
- RE Residential Estate
- R1 Low-Density Single-Family Residential
- R-1A River Residential
- R-2 Urban Residential
- MX-1 Downtown
- MX-2 Transit-Oriented Design
- MX-3 General Mixed Use
- MX-4 Mixed Use Buffer
- B-1 Business Park
- B-2 General Business
- I-S Industrial Storage
- I-1 Light Industrial
- I-2 General Industrial

Overlay Districts

- River Development
- Mississippi River Critical Area (MRCCA) Boundary
- Bluffland Area**
- Shoreland Area**

Floodplain Overlay District: see current FEMA Floodplain map.
**Estimated boundary. Exact boundary to be determined by survey at time of development.

Other Public Features

- ★ Park Entrance
- Public Access/Overlook
- Public Facility
- Hwy 61 Pedestrian Crossing



Data Sources:
City of Newport
Washington County
Met. Council
MN DNR

Other Map Features

- City of Newport Municipal Boundary
- Parcels, Spring 2019



ZONING MAP

CITY OF NEWPORT
WASHINGTON CO., MN



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MEMORANDUM

Memo Date: January 28, 2022
Meeting Date: February 8, 2022
To: City of Newport, Planning Commission
From: Nathan Fuerst, City Planner
Subject: Comprehensive Plan Amendment - 910 12th Street
Action Requested: Hold a Public Hearing and Approve the Proposed Comprehensive Plan Amendment.

Applicant: City of Newport

Background

This item is being presented to the Planning Commission to correct an oversight that occurred during the 2040 Comprehensive Planning process and subsequent rezoning process. The subject property was initially rezoned in June, 2011, from R-1 Residential Single-Family to MX-1 Mixed Use Downtown. During the 2040 planning process, the property should have been guided to reflect the zoning Mixed Use zoning district designation.

It does not appear that the rezoning was reflected on the 2040 Future Land Use Map, and the property was subsequently rezoned back to Single Family Residential in the Zoning Code update following adoption of the 2040 plan. It is not uncommon for omissions of properties like this one, those on the edge of various future land use areas, to be corrected after the comprehensive planning process.

The zoning district designation was identified by City Staff and the property owners, Jim and Vicky Murr, who then submitted a rezoning request to the City seeking to bring the property back to a Mixed-Use District zoning. In recognition of the apparent oversight, and to correct an inconsistency between the adopted future land use map and desired zoning district, the City has initiated this Comprehensive Plan Amendment Process.

Newport's adopted Future Land Use map guides this property for Single Family Detached. In these areas, the Comprehensive Plan only provides residential land uses along with *parks and open space, places of worship, day care facilities, public facilities, public utilities, group homes, and bed and breakfast uses.*

This discrepancy between the Comprehensive Plan and desired zoning district will need to be corrected if the use of the property is to align with the former and desired zoning designation.

Proposed Map Amendment

This amendment will re-guide the parcel at 910 12th Street from a Single Family Detached designation to Mixed Commercial/Residential.

Comprehensive Plan Review:

Image below from adopted 2040 Comprehensive Plan:



Allowed Uses in Future Land Use Categories

Single Family Detached:

Allowed and permitted uses in the Single-Family Detached areas include single-family residential, parks and open space, places of worship, day care facilities, public facilities, public utilities, group homes, and bed and breakfast uses.

Mixed Commercial/Residential

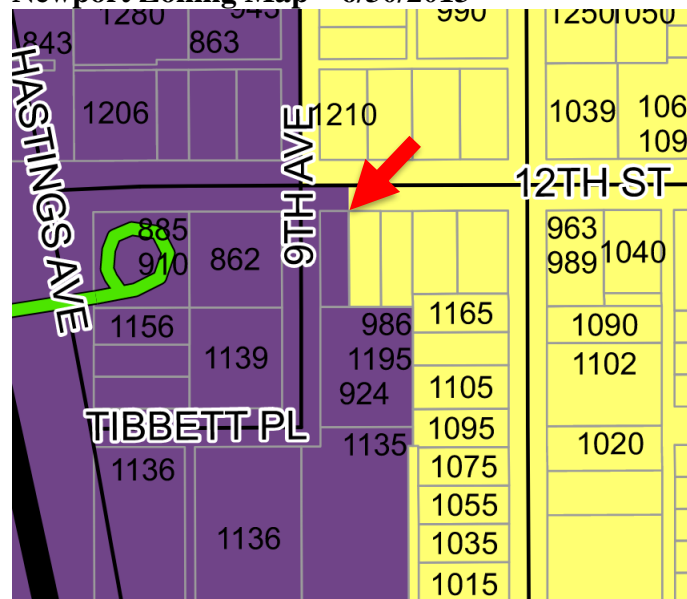
Allowed and permitted uses in the Mixed/Commercial/Residential Districts include single-family homes, two-family homes, townhomes, and multifamily residential uses. These areas also allow a wide range of commercial, retail, office, civic, institutional, park, and public uses that are compatible in type and scale with residential uses.

2040 Comprehensive Plan Figure 12-1 – Future Zoning Map



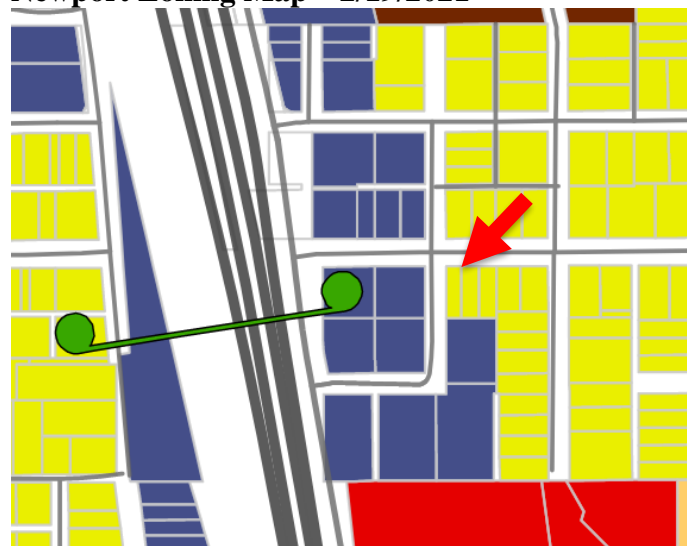
The subject property is included in the Comprehensive Plan's Future Zoning Map as MX-4 General Mixed Use. This is different from the property's present zoning, R-1, and the MX-1 designation established in the 2011 rezone.

Newport Zoning Map – 6/30/2013



- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design
- MX-4 General
- B-1 Business Park/Office/Warehouse

Newport Zoning Map – 2/19/2021



- R1 Low-Density Single-Family Residential
- R-1A River Residential
- R-2 Urban Residential
- MX-1 Downtown
- MX-2 Transit-Oriented Design
- MX-3 General Mixed Use
- MX-4 Mixed Use Buffer
- B-1 Business Park

Consistency with the Comprehensive Plan

Similar to updating any ordinance, a Comprehensive Plan Amendment needs to consider how the proposed changes will impact various sections, tables, or figures in the Plan.

The proposed amendment is not anticipated to measurably impact the City's density in Mixed Commercial/Residential or Single Family Detached Land Use areas. It is also not expected to reduce the City's ability to meet its overall density goals. Lastly, the amendment is consistent with the General Land Use Goals established in the 2040 Comprehensive Plan.

Rezoning

The subject property will ultimately also be rezoned to allow for the property to match the former zoning designation. A public hearing notice for that will be held in March with a final approval possible on March 17. This should align with the Met Council's review and determination on the comprehensive plan amendment.

Comprehensive Plan and Rezoning Amendment Process and Next Steps

The Met Council will review the following process for Comprehensive Plan Amendments:

1. February 8 – Planning Commission for review and approval of comp. plan amendment
2. February 17 – City Council for review and approval of comp. plan amendment
3. February 18 – Submittal to Met Council for review
4. March 8 – Planning Commission review and decision on rezoning
5. March 17 – City Council review and decision on rezoning
6. TBD – Met Council Review Determination
7. TBD – Review period for Adjacent Governments and Affected Districts (this may be waived)

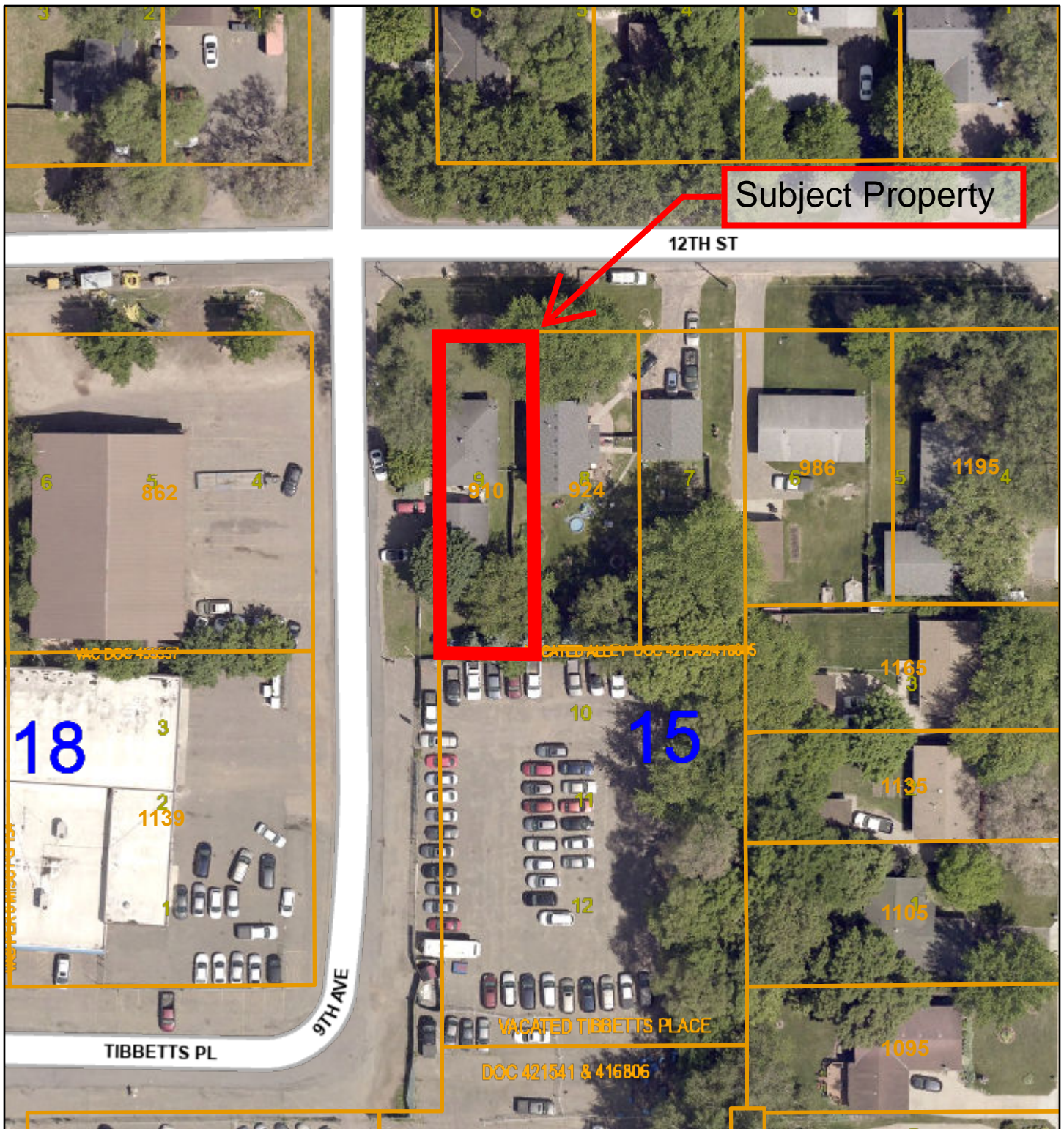
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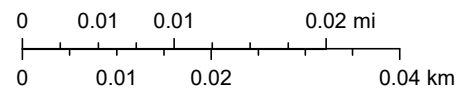
910 12th Street



1/28/2022, 3:27:00 PM

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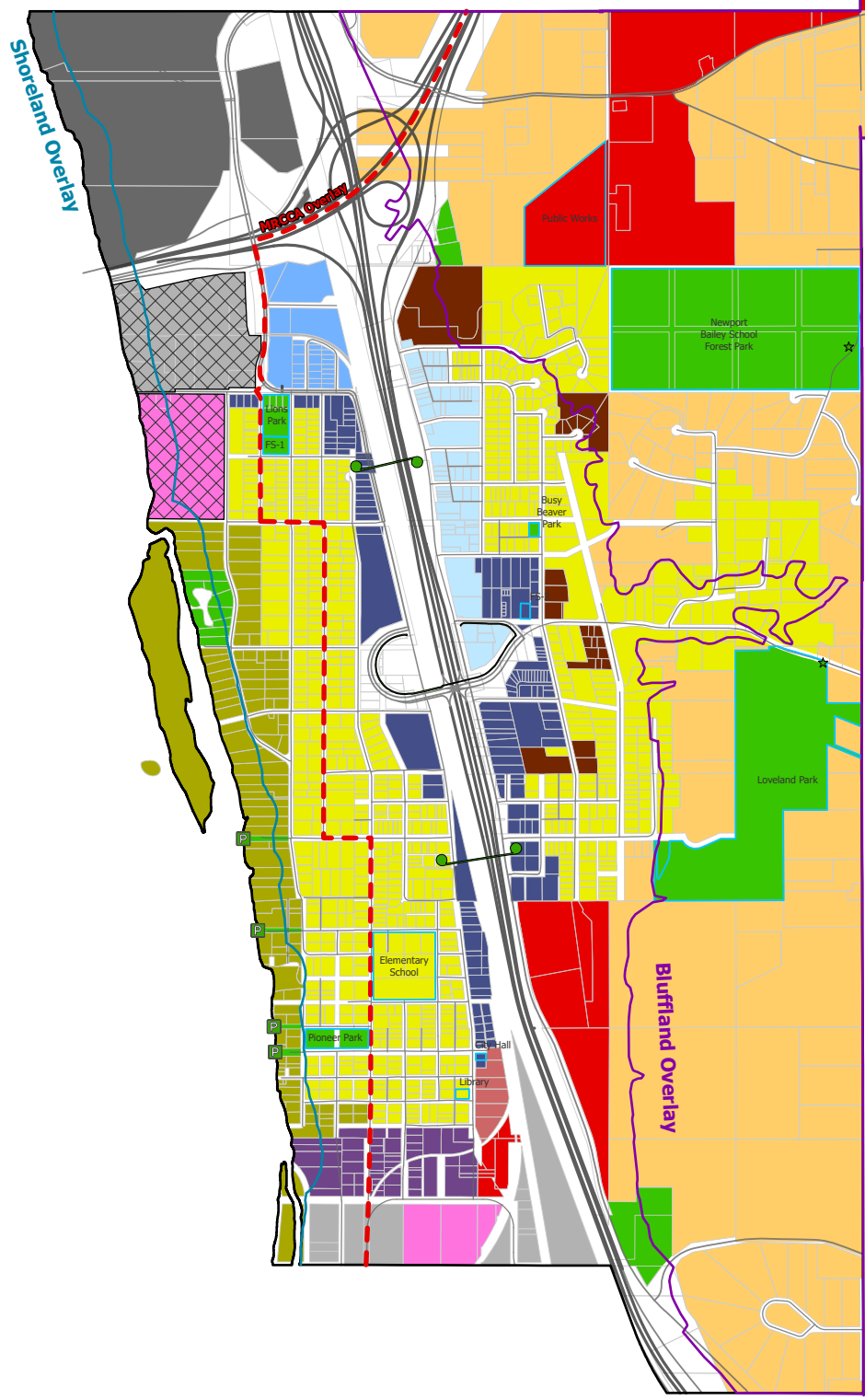


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City of Newport Zoning Map

Print Date: 2/19/2021



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- Mississippi River Critical Area (MRCCA) Boundary
- Bluffland Area**
- Shoreland Area**

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**Estimated boundary. Exact boundary to be determined by survey at time of development.

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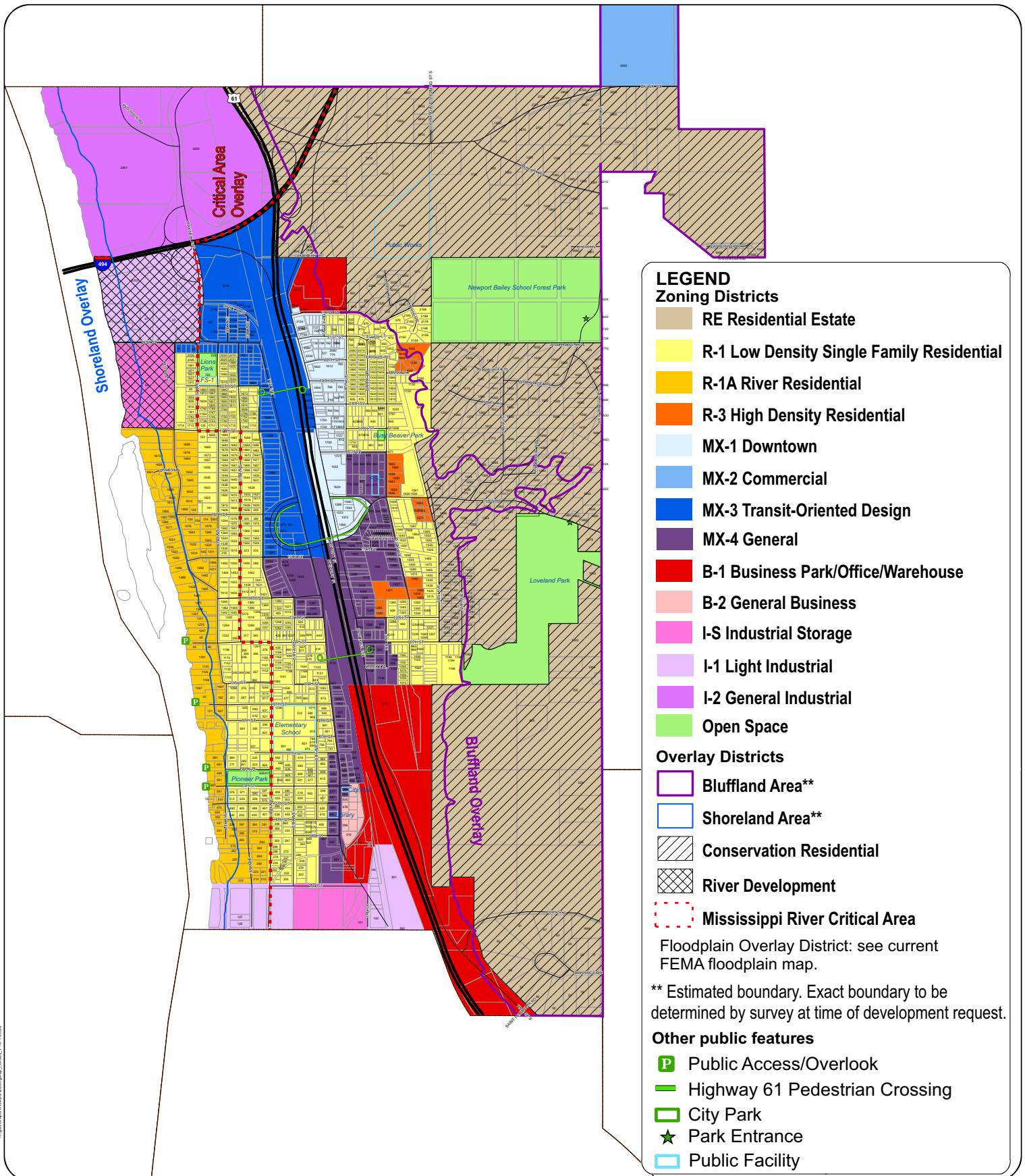


ZONING MAP

CITY OF NEWPORT
WASHINGTON CO., MN



City of Newport Zoning Map



Data sources: City of Newport, Washington County, Metropolitan Council
Zoning Map Adopted June 20, 2013
Map printed July 21, 2015

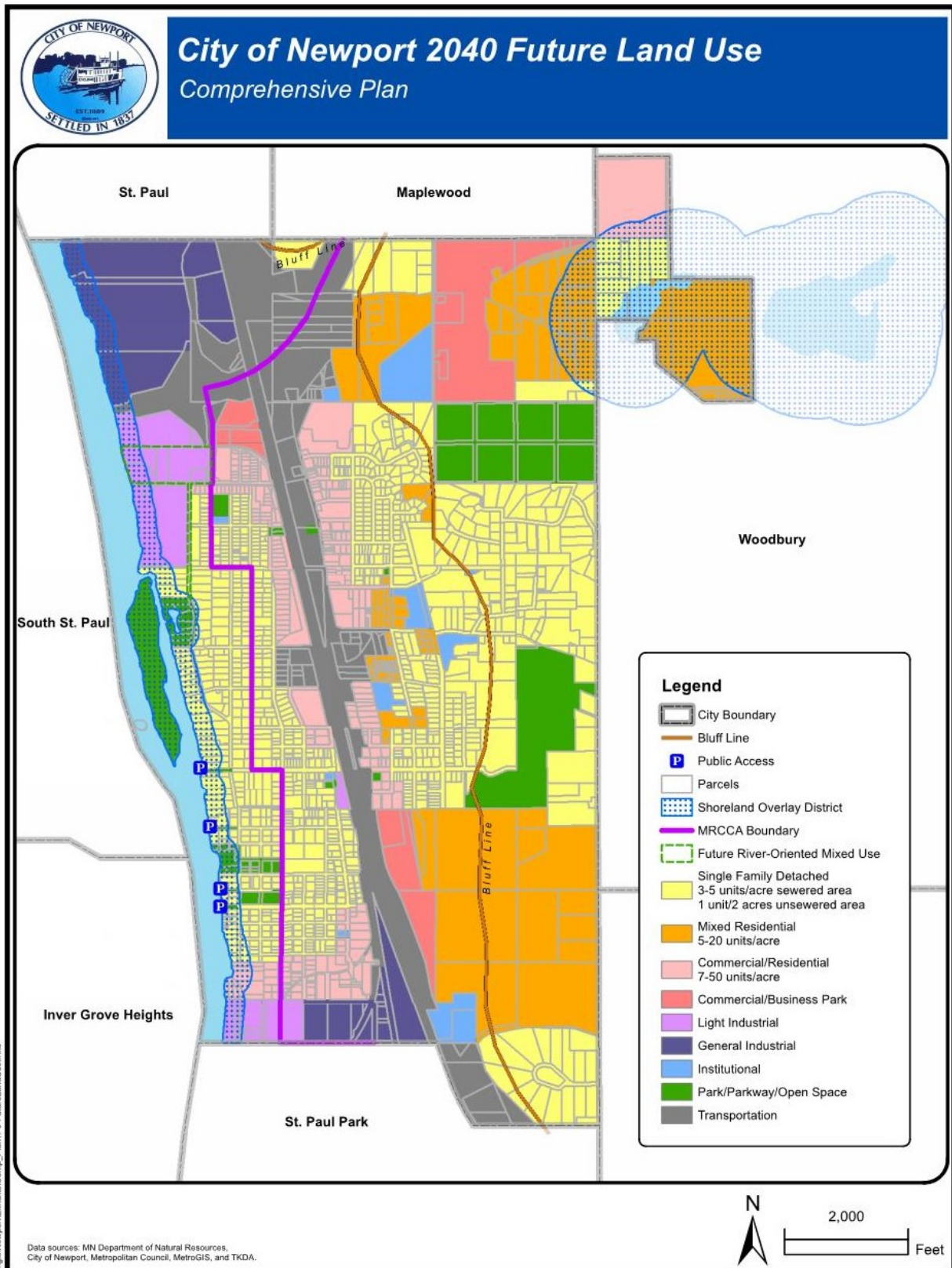


2,000

Feet

1 inch = 500 feet

**Figure 4-2:
Future Land Use (2020-2040)**





**City of Newport
Planning Commission Minutes
June 9, 2011**

1. CALL TO ORDER

Chairperson McElwee-Stevens called the meeting to order at 7:00 P.M.

2. ROLL CALL

Commissioners present – Katy McElwee-Stevens, Susan Lindoo, Janice Anderson, David Engfer, Daniel Flood

Commissioners absent –

Also present – Brian Anderson, City Administrator; Brenda Beissel, Administration Analyst; Tom Ingemann, Council Liaison; Sherri Buss; TKDA Planner, Tim Geraghty; Mayor; Steven Gallagher, Council Member, Tracy Rahm, Council Member

3. APPROVAL OF PLANNING COMMISSION MINUTES OF MARCH 10, 2011.

Motion by Anderson, seconded by Engfer, to approve Minutes of April 14, 2011. With 5 Ayes, 0 Nays, the motion carried.

4. APPOINTMENTS WITH COMMISSION

Public Hearing – To consider an application from Jim Murr, 9270 Inver Grove Trail, Inver Grove Heights, MN 55076, for a Re-zoning of property located at 910 12th Street, Newport, MN 55055. The property is located in an R-1 (Residential Single-Family) Zoning District.

Chairperson McElwee-Stevens opened the Public Hearing at 7:04 P.M.

Administrator Anderson – Jim and Vicky Murr approached the City of Newport on May 17, 2011, to apply for a zoning amendment, rezoning 910 12th Street from an R-1 (Residential Single-Family) District to a MX-1 (Mixed Use Downtown) District. The property area is approximately 6,750'. To the south, to the west, and kitty-corner to Mr. and Mrs. Murr's property, are properties that are all zoned MX-1. South of the Murr's property is Imperial Camper Sales. The Murrs have been trying to sell their property and have not had any luck; realtors have said this is because of the location and due to what's across the street and behind the Murrs' property.

Across the street from the Murr's property is where a lot of activity takes place; a lot of campers go in and out of those doors. There is constant traffic in the area. If you look kitty-corner across the street, a business operates out of here as well, so there's a little activity that's moving around over there.

Staff met with Jim several times to discuss the rezoning of the property and the opportunity for commercial development on the property. He finds his request suitable for the property and surrounding area. The proposed use and building expansion for his plumbing business will require

him to meet the dimensional standards, such as setbacks, performance standards, etc. of the MX-1 District. His proposal does not require a CUP.

Mr. Murr wants to enlarge his garage for more office space so he can operate out of there. The neighbor to the east would be looking at a larger garage. The current garage takes up one-third of what's already there, so the garage would simply be extended. However, you saw how small his yard was to begin with; there would still be a 20' buffer zone. The property bordering Mr. Murr's property on the west is also commercially zoned. What would happen if this is approved is that the proposed rezoning of the property would require submittal of a Comprehensive Land Use Plan amendment to Metropolitan Council staff; it does not have to be fully reviewed.

It is the recommendation of City staff that the Planning Commission approve Draft Resolution No. P.C. 2011-6, recommending that the Newport City Council rezone 910 12th Street from R-1 to MX-1.

Al Schwartz, 924 12th Street – My name is Al Schwartz; I live right next door to the property that you're talking about. I'd just like to say what he said about they tried to sell it, but couldn't because of the commercial property around there, well, that's gonna affect my property when I try to sell it. I don't know, I just don't feel it's a good spot for commercial. There's enough around them already. There's empty buildings already, commercial buildings around there that are empty. For me, it's just, I don't see it being a good idea.

Elizabeth & Louie Richards, 986 12th Street – (Louie) We're also in opposition of this rezoning because all of the other commercial property around us. There's empty buildings, there's commercial property all the way around; it's too much.

(Elizabeth) – You showed kitty-corner for the explanation, but you didn't show right across the street where there is another nice house and behind it where we're living. Another commercial area is going to bring down our houses even more than the economy has. We're against this.

Jim & Vicky Murr, 910 12th Street – (Vicky) – We own the property at 910 12th Street. I see it as an improvement if we're allowed to have it rezoned. Any activity that we would have would be only imposed on Imperial Camper Sales, which is already a commercial space; it shouldn't have any negative effect on the people that live on 12th Street. We have no intention of having an empty building; it would be operational. I see it as positive.

(Jim) – We've been operating out of 78 19th Street, across from Fritz's. That property was in three times worse shape than what we're looking at. We've extensively remodeled, put a garage on. The next door neighbor, she's actually fallen in love with me, because we're never there. We show up at 7:30; we're gone at 4:30. There's no weekends, no noise, there's no vehicles. I think the people to the east of us, I think it would be an advantage to block Imperial Campers. They're not going to deal with the noise and seeing all this activity moving. I had a newer neighbor who moved in in November across the street from my present shop who came over and he didn't even know we ran an operation there. He thought the house was vacant. We have the opportunity to sell the property we're in, so that's going to bring another business into town. We're offsite; we don't work at the building. We're simply office and material. The employees are all gone; the vehicles are all gone. Actually, where we're at presently, I believe, brought the values of the existing homes up, the improvements we made to our property. Like I say, the neighbors, we've been here eight years, I've never had a complaint for anything. It's a quality run business. The yards are kept up; everything's maintenance free.

Susan Lindoo – How you'd use that property...is it a sales operation? I know where you are down in the other spot and I've walked by there and it is pretty quiet.

Jim Murr – One reason we moved to Newport, we were in downtown South St. Paul on Southview. My father started the business and the traffic was insane. We couldn't get anything done; we had people coming in for five cent parts. I don't deal with any of this anymore. Once in a blue moon we might sell something as far as retail, but it's not the principle of our operation. We've actually been in Apple Valley for the last year and a half.

Susan Lindoo – So, the people who work for you are working elsewhere? They're out on call?

Jim Murr – Yes.

Susan Lindoo – And they don't return to that location every morning or every night.

Vicky Murr – Sometimes they do, but all of the activity would be centered around 9th Avenue, which shouldn't affect anybody else because the way the property sits now, it faces Imperial Camper Sales.

Jim Murr – We've honestly had three realtors look at it and we picked it up as a bank repo and have done extensive work to the interior. The outside doesn't show it, but it's been reroofed, and honestly it still looks like hell. It needs siding.

Susan Lindoo – Would the house be used as office space?

Jim Murr – Eventually. Presently my daughter's living there.

Administrator Anderson – A couple thoughts: It would still keep with the integrity of the neighborhood, being that the house is still there. Basically, then what would happen is that a new garage would go in, so the size of the garage would increase. One item we could work with if this were approved is putting buffering between the neighbor to the east and this area (referring to map) with greenery or something else.

Susan Lindoo – Presently someone's living in the house, but eventually the house would be converted into an office?

Vicky Murr – Not necessarily, no. It's residential now; I expect it to remain that way.

Susan Lindoo – The house?

Vicky Murr – Yes.

Janice Anderson – The existing property – I thought at one time somebody came in and I thought at that time the trucks would be going into and loading up and coming out of the garage area, the building that you are in now. Looking at the property that you are asking to move to, do you expect the same...

Vicky Murr – All the activity would occur on 9th Avenue. It wouldn't occur on any other street.

Janice Anderson – It wouldn't be a drive-through...

Vicky Murr – No, and actually we don't have a drive-through now. I think what you're referring to...there's a driveway in the back that we really don't use.

Jim Murr – Originally we were going to do a drive-through, but that never panned out because it didn't make any sense.

Vicky Murr – So, everything would occur on 9th Avenue.

Jim Murr – Weekends, nights, everything's undercover, locked up. If anybody wants to drive by our present location, right at the moment it's got a dumpster and a few things because we are actually moving out. It doesn't look like it normally does.

Dan Flood – I actually drove by the property and it always looks very nice. Is the new location going to house vehicles? Can we expect to see service vehicles there?

Vicky Murr – The trucks are generally inside at our current location, but because of the move they're not.

Susan Lindoo – I have one question for Administrator Anderson. This using one lot, is that not too unusual in a rezoning? I usually think of a whole block in terms of a rezoning.

Administrator Anderson – I think the concern would come in if it were a spot zone. We don't consider it a spot zone, as directly across the street and directly behind it are used for commercial, so it wouldn't really stand out.

Janice Anderson – Right now there's a fence between the street and the house, according to the picture that you have. So, that would be removed and my question I had when you had that picture up is where that boat was sitting, is that property part of Imperial?

Administrator Anderson – I think the fence can be considered to be removed so they can get their vehicles over there.

Janice Anderson – My question really is, that grassy area between the fence and the street, whose property is that?

Administrator Anderson – That's actually the City's right-of-way.

Ed Schwartz – When you drove by my house, did you notice my house was really nice?

Dan Flood – Yeah, actually, I did.

Ed Schwartz – And I'm sure Jim's got good plans and he's gonna take care of it, but a concern for me is what happens when he sells it and somebody else gets in there and is maybe gonna run a tire shop or work on cars. That's another concern I had being right next door.

Janice Anderson – I think there are Ordinances to time limits.

Administrator Anderson – A lot of auto body is not even permitted in MX.

Dan Flood – Auto repair is.

Administrator Anderson – Right and a lot of the others require a CUP.

Ed Schwartz – That's just a concern I had, and looking at the big building, too. They say it will block my view, but it will block my view, you know. There's a lot of theft that goes on in the trailer park because there's nobody there. Newport just caught somebody about a month ago; I called it in. Somebody was stealing stuff out of the trailers back there. That's one less set of eyes being in that neighborhood.

Dan Flood – On a lighter note, thank you for being a watchful citizen and a good neighbor.

Vicky Murr – If approved, we'd look at putting in a camera system.

Chairperson McElwee-Stevens closed the Public Hearing at 7:26 P.M.

Susan Lindoo – This is a hard one, but how I'm thinking now is that this is probably a lot that would be hard to put another residence in because of where it is. It sounds like it's hard to sell as a residence because it does face Imperial Camper Sales. So in some ways I think about this maybe as a linking between hardcore sales, a quieter business, kind of linking into a residential area that is split between residential and non-residential. There's always a line there somewhere, there always has got to be an edge and that's always a difficult edge. This might be...

Katy McElwee-Stevens – The buffer?

Susan Lindoo – Yes, I'm kind of thinking that.

Administrator Anderson – In talking to Jim, I learned that the business at Imperial Campers has picked up over the years and things kept going and going and going. I don't know how long that shed has been there, but there's a lot of negative impact to his property. It's good for business and good for the community, etc. He is just trying to see if there is a way, as you are alluding to, that there is a better use for that property. He feels that it is not strictly residential any more because of the impact that he has to put up with from Imperial Camper Sales.

Daniel Flood – In looking through the various uses of MX-1, and obviously we can't label every business imaginable, but I don't see it in there anywhere. Permitted, CUP, or anything else. I'm not sure which one you guys used to decide that.

Admin. Anderson – Professional Office.

Daniel Flood – But we are going to be storing vehicles in a four-car garage. That is not a professional office...that is more a storage or some kind of operation. But, I can get around that, but my other concern...and I'm not saying I'm opposed to this because I think actually the property will look nicer in the end than what it does right now....but in our MX-1 Downtown District it says this District is primarily intended for more pedestrian oriented uses such as specialty retail stores, professional services, sit down restaurants, coffee shops, floral shops, etc. I don't believe we are necessarily meeting the intent of our own MX-1 if we are allowing this rezoning specifically for that

type of business. If we are going after what our MX-1 is that is a different story but I don't see that this business fits what we currently want in an MX-1. That is my point for everybody else. I'm not saying it wouldn't be a great business to move in there. It would actually make the property look better.

Susan Lindoo – At one point we were going to combine MX-1 and MX-2 because we thought the differences between them were sort of semantic. During the Comp Plan we knew that we needed something else in transit or the Red Rock.

Sheri Buss – I think the uses were almost identical in the two district which is why we felt comfortable just making one district instead of trying to divide and decide which lot belonged where. The difference was the descriptor that the MX-1 had a little more of the “downtown” boutique look, and the MX-2 had a little more of a descriptor that was just about commercial business, neighborhood level, but non-highway. Both districts were intended to get away from the highway oriented use and to allow mixed residential and commercial. We didn't think about it too much and I think the trend in Zoning right now is to try to have less districts. People have started to recognize that you start splitting hairs when you have a lot of districts. When we combined them on the Zoning Map we didn't go through a lot of that thinking. The challenge for this site is...try to imagine that next to the businesses that are there would you really get pedestrian oriented retail given what are the surroundings. If the whole area was a redevelopment zone that at this point we might think about it differently but it's not so it becomes a little bit of a challenge. Quite often we don't have a use that comes in isn't a perfect fit with any use that's listed in your Use List. We are not going to find a list that say, 'plumbing office/vehicle storage'. So, Brian gets to make a call, in your Ordinance, about which use this is most like. The Zoning Administrator, which in this case is Brian, is that person.

Admin. Anderson – Right now they could park vans there and work for X Electric or X Plumbing. There is nothing to say that they can't in a residential area.

Dave Engfer – I don't want to do anything to discourage any business from staying here in the City of Newport. We have a quality business guy here who has been operating as a responsible citizen and I want to keep him here. We need more.

Motion by Lindoo, seconded by Engfer, to adopt P.C. No. 2011-6, recommending that the City Council approve Ordinance No. 2011-4 to amend the Newport Zoning Ordinance and Map. With 4 Ayes, Flood voting Nay, the motion carried.

5. VISITORS PRESENTATION / PETITIONS / CORRESPONDENCE

6. STAFF REPORTS AND OTHER BUSINESS

At this time the video portion of the meeting was completed.

Hay Dobbs gave their presentation for the developer's forum discussion.

7. COMMITTEE REPORTS / CITY COUNCIL ACTION

8. ADJOURNMENT

Motion by Engfer, seconded by Flood, to adjourn the Planning Commission Meeting at 8:56P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Katy McElwee-Stevens, Chairperson

Respectfully submitted,

Brenda Beissel
Planning Commission Secretary



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MEMORANDUM

Memo Date: February 7, 2022
Meeting Date: February 8, 2022
To: Newport Planning Commission
From: Nathan Fuerst, City Planner
Subject: Imperial Camper Site – Proposed Site Uses and Future Development

Action Requested: Review and discuss the suitability of the use proposed for these parcels. If it's determined the use is reasonably similar, a motion to recommend the determination to the City Council is requested.

Overview

The City of Newport has recently received a proposal from a business interested in acquiring the old Imperial Camper Site in the City. This site is located southeast of the intersection of Hastings and 12th Streets. It consists of a number of parcels, identified on an attached map, all in the General Mixed Use MX-3 Zoning District. The Future Land use for the parcels is Commercial/Residential, which aligns with the present zoning designation.

The interested business consists of four different DBA's which all provide separate but related services. A narrative and site plan submitted by the interested business, attached to this memo, states the following about the scope of activities:

bioLawn and bioTree represent the core of the business operations. These companies focus on providing plant health care, fertilization, disease control, insect control and weed management, applications. The business does NOT provide mowing, snow plowing or landscaping services. The focus of the business is in providing environmentally friendly, sustainable options to produce high quality lawns and landscapes. The company uses specialized equipment fitted inside of small box trucks and highly trained technicians to service residential clients.

bioHome and bioLights are divisions that offset the lost revenue and business during the winter. These businesses operate during the off-season winter months in order to keep our employees employed. bioHome focuses on residential carpet and duct cleaning. bioLights focuses on residential outdoor holiday lighting.

Classifying the Use

Although bioLawn includes of four different businesses, the use should be viewed by its aggregate function. bioLawn is proposing office space to support business operations, shop space to allow routine maintenance on equipment, and storage space for product used in day to day business operations. In addition to uses inside the building, the bioLawn site plan shows fleet vehicles parked in several prospective locations across the subject area.

The City code does not expressly list this proposed use, which is generally similar to in function to a showroom or contractor's yard, however City Code section 36-48 does provide for a process which allows the Planning Commission and City Council to make a determination the use is reasonably similar to a permitted, conditional, or accessory uses listed in the district. Once a determination is made that a use is similar, the same determination will carry forward for all similar uses in the future.

In this case, Staff do find that the use can be considered similar in function to several principal uses that are either permitted by right or conditional uses. Those uses are listed below:

- Conditional – Automotive services and car specialty services (not including body repair or major repair)
- Conditional – Bakeries, wholesale
- Permitted – Business Services
- Permitted – Offices: general, medical, professional freestanding, or mixed-use building
- Conditional - Towing services (no outside storage of vehicles)

Accessory uses:

- Conditional – Parking lot, as an accessory use

Nonconforming Uses:

There are several of the subject parcels in the area which appear to be considered nonconforming or for which a conditional use permit has not been issued. These parcels are listed below with a staff interpretation of the use and status.

- **862 12th St. - PID 3602822310067** – By all appearances, this parcel is presently used for warehousing. That use is not permitted in the MX-3 district. It could be considered legal nonconforming under the City's ordinance provided the use is continued. The current status of this property is legal nonconforming.
- **Unaddressed Parcel PID 3602822310057** – This parcel is currently used as a parking lot associated with vehicle sales uses on surrounding properties. The use not permitted as a principal use in the district, and may only be allowed as an accessory use with a conditional use permit. The current status of this property is legal nonconforming.

Current Site Challenges

bioLawn is proposing to utilize four of the six parcels which make up the old Imperial Camper site. A site plan is available as part of the bioLawn narrative. There are several key issues with the existing site plan that the City should consider.

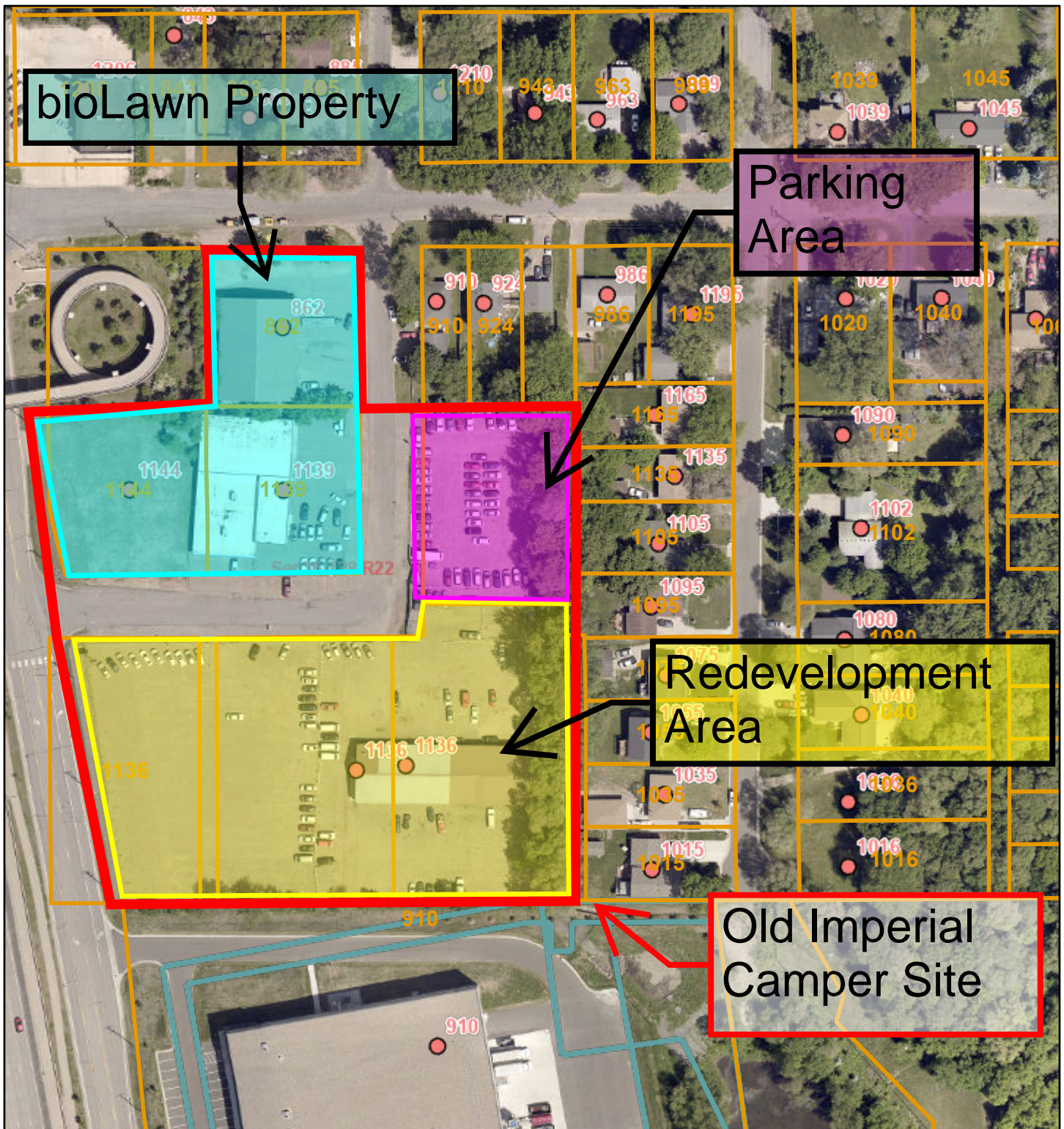
1. **Building Encroachment** – The building on the parcel addressed 1139 Tibbetts place appears to encroach onto the neighboring parcel to the west addressed as 1144 Hastings Ave. This issue should be addressed to remove the encroachment by combining both lots.
2. **Nonconforming Uses** – Those uses are identified above and include both warehousing and vehicle storage. Where possible, it is always the goal of the City to require or encourage compliance with City code.
3. **Multiple Properties** – the disadvantage of having the same land use across multiple parcels is a lack of ability to regulate the use and the site as one. Uses spread across several sites may be subject to different performance standards or other requirements. Parcels could be separated if the use discontinues and the use left on a particular site may be nonconforming, as is the situation with 862 12th Street.

4. **Redevelopment of Southern Parcels** – the parcels that bioLawn does not intend to utilize will continue to remain a redevelopment challenge due to the existing use, layout of the site including a building split by a property boundary, and unused public right-of-way which bisects one of the parcels. At a minimum, the lot boundary issues would need to be cleaned up prior to redevelopment.

Suggested Next Steps:

1. **Determination of Use** – This application should be brought to the Planning Commission and City Council for a determination whether the proposed use is in line with the existing uses in the district (Per Sec. 36-48). Staff suggest that if a determination is made that the use is similar to both permitted and conditional uses, that the use be treated as conditional use.
2. **Lot Combination + Conditional Use Applications** – If #1 occurs, and a determination is made following staff's suggestion, then bioLawn should make an application for a lot combination to combine the lots surrounding the main building(s) and a conditional use permit application.
 - a. **Lot Combination** - The lot combination would remove the building encroachment and provide a better site for potential future redevelopment. If the lot combination does not include 862 12th Street, that parcel would also be considered legal nonconforming.
 - b. **Conditional Use Permit (CUP)** - would allow for the City to provide conditions and expectations for the operation of the business on the impacted properties. Changes to use or buildings could trigger the need for a CUP amendment.
3. **Unaddressed lot PID 3602822310057** – This parcel cannot be combined with the others that the business would operate on. The nonconforming use, parking, could be continued. The applicant would be encouraged to take steps to reduce the impact of the nonconformity on site by incorporating landscaping and improving screening of the use. IF the use, parking, is ever discontinued on the site for longer than a year, than any parking thereafter would be subject to code enforcement.
4. **Southerly Parcel Redevelopment** – As noted in the narrative, bioLawn does not intend to utilize the parcels acquired on the southern part of the property. This is an opportunity for the city to address the challenges on these parcels. Although the City cannot require an action without a request or confirmed illegal nonconformity, it can work with the potential owner to remove barriers towards the following:
 - a. **Alley Vacation** - vacating the unused right-of-way may serve the public interest by creating a larger area for redevelopment.
 - b. **Lot Combination** - and combining the parcels into one would remove the encroachment of the existing building while creating a larger site for redevelopment.

Subject Area



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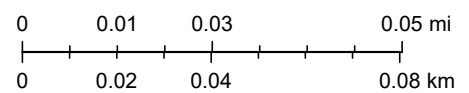
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Sections

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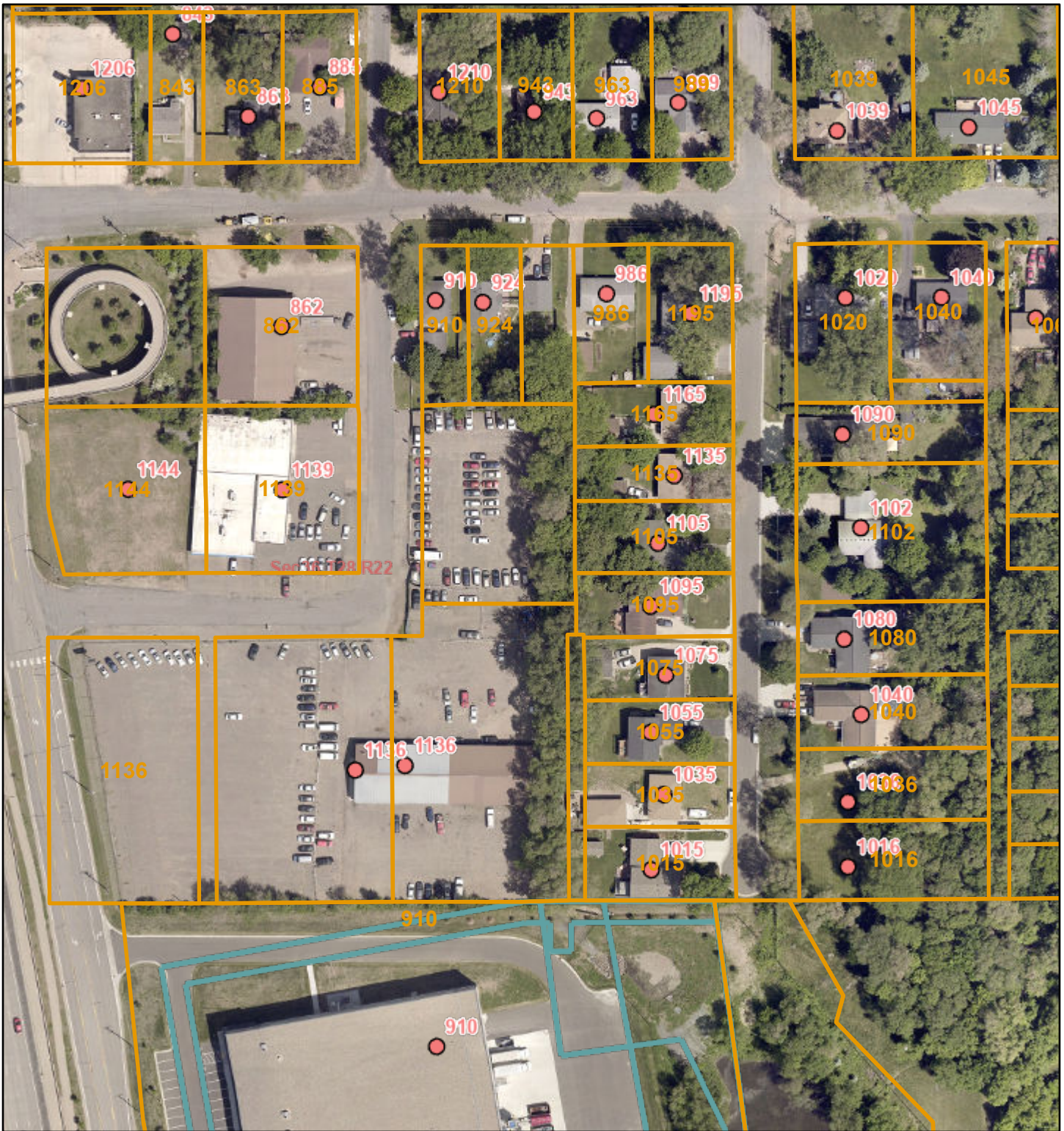
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Address Points



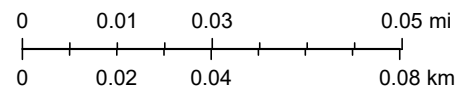
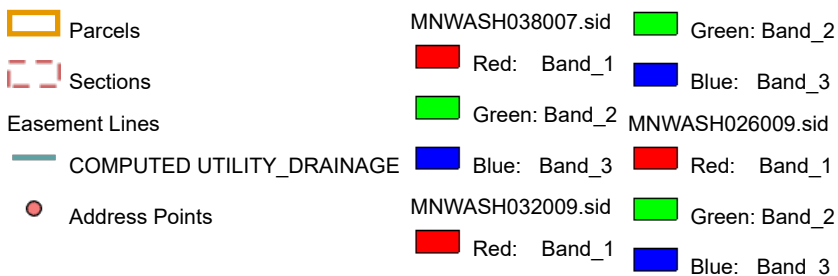
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Turf Intelligence LLC Purchase of Old Imperial Camper Site

Background

Turf Intelligence LLC was founded in 2009 as a turf consulting business, servicing the needs of high-end golf courses and sports fields across the United States. In 2016, the owners pivoted the business direction and entered the residential lawn care service industry in the Twin Cities. Born and raised in the Twin Cities, the owners wanted to utilize their immense knowledge of turf management to provide a higher level of lawn care to homeowners and also to spend more time at home with their growing families. Originally started as Healthy Grass, Turf Intelligence LLC has grown the business through organic growth and acquisition. Presently, the company markets itself as bioLawn, bioTree, bioHome and bioLights. These four DBAs represent the company that is looking to acquire the Old Imperial Camper Site.

Scope

The group of companies focuses on residential services to homes in the 7 county metro area. In 2021, the company employed at its peak 22 employees. Of those 22 employees, 6 of the employees were office based and 16 of the employees were field based. In 2021, the company provided services to almost 5,000 properties, which represented 50% growth from the year prior. Growing from 0 customers at the beginning of 2016 to almost 5,000 customers at the end of 2021, the company and its owners expect to continue growing. They are invested in growing the business, employing more people and servicing the Twin Cities community.

The business'

bioLawn and bioTree represent the core of the business operations. These companies focus on providing plant health care, fertilization, disease control, insect control and weed management, applications. The business does NOT provide mowing, snow plowing or landscaping services. The focus of the business is in providing environmentally friendly, sustainable options to produce high quality lawns and landscapes. The company uses specialized equipment fitted inside of small box trucks and highly trained technicians to service residential clients.

bioHome and bioLights are divisions that offset the lost revenue and business during the winter. These businesses operate during the off-season winter months in order to keep our employees employed. bioHome focuses on residential carpet and duct cleaning. bioLights focuses on residential outdoor holiday lighting.

Standard operations

6am: Our managers typically arrive and begin preparations for the day. This is work done inside the shop and would not be considered noisy.
7am: Typically, field technicians arrive. They find out their assignment for the day. They leave the property by 7:30am in their company truck.
8am: Office staff arrives and is working in the office for the day. The general public does not visit our facility. We may have a visitor or two. A service manager is typically working in the shop area to repair equipment and prepare materials for future services.
3:30pm: Service Technicians begin arriving back at the shop. They back up to a garage and fill up with the product they will need for the next day. Afterwards, they will park their truck in the lot and go inside to do paperwork.

6pm: Service Technicians have returned from the field, parked their trucks, and the building is locked up.

The Future

bioLawn et. al. plans to continue to invest into the business through acquisitions, organic growth and expansion. The next step for the business is to begin opening new locations in adjacent markets to the Twin Cities in order to reach more customers and expand the business. We are looking for a home base to settle the corporate operations that will then feed the additional growth. We plan to add additional office employees to this home base and invest in it as our template for future location growth.

Why are we interested in this site?

Since 2016, this business has moved to a new location each year due to the rapid growth and continued expanding needs. That has been stressful on the business and our team. With the knowledge that has been gained over the past 5 years and our clear understanding of the future of the business, we have a solid understanding of our facility needs for now and the future. That makes it the right time to purchase a property. We feel that the Old Imperial Camper site can service the business as it stands today and grow with the company.

First and foremost, the site has the shop space North of Tibbetts Place that can house materials, service equipment, and load our trucks for service. Additionally, the office space can support our current team of 6 individuals with existing room to hold additional employees. The lot to the west of the building also offers potential for future expansion. The lot to the east of the main building also provides adequate space for the nightly storage of our service vehicles.

bioLawn et. al's. plans for the property

We recognize that the site is in need of some love and attention. We would start by clearing out all of the existing tenants and removing “junk” from the grounds. (While we plan to move out the existing tenants, we recognize the need to learn more so we can fully evaluate the best course of action). Our plans would also include improving the exterior condition and appearance of the building. Inside the main building we would remove all of the temporary structures that have been built. We would restore the main functionality of the structures. We would also invest in improvements in the buildings. Presently our plans do not involve using the property to the south of Tibbetts Pl. This property would either be further developed by the company or sold off for someone else to develop.

Refer to the attached map for additional details on how we would use the site.

- Red - Area south of Tibbetts Pl – we may or may not acquire this property in the transaction. If we do, we will be listing the property for sale with the target of moving it to someone to develop the property.
- Blue – This area we would target for overnight parking of our vehicles. See included photo. We have approximately 20 vehicles. These are fully enclosed, branded vehicles. They are all maintained and operational. Each vehicle leaves the property to provide services from April – November. During the winter months vehicles do not necessarily leave every day. Our plan for this area is to have it enclosed and screened. Other than vehicles and an occasional trailer we would not be storing any materials or equipment outside.

- Yellow – This building would be considered longer term storage and not accessed daily. We prepurchase materials such as fertilizer and Christmas lights. This area would be used to store those until they are needed. We would also store equipment that is not used regularly, such as core aeration machines.
- Black – This section would be the main area for our daily production. We would prepare and load vehicles with fertilizer, small equipment and plant health care products for the daily services.
- Green – This section would be our mechanics section. Vehicles and small equipment would come into this area for maintenance. We do not do major repairs, but rather regular maintenance activities.
- Orange – This section would be our office. We would have 4-6 built out offices and around 6-8 cubicles. We would also have a meeting area and break room in this area. We would only be using 8 office employees at this time.
- Light blue – this would be parking for visitors and handicap people
- Employee Parking – we are still evaluating the best course of action for parking for employees. We have 8 office employees who remain on site all day. And approximately 15 technicians that start and finish at the site, but who are departed from the site during the day.
 - Option A – Pink – Using existing paved space this is one option
 - Option B – Blue – we could use the service vehicle spots for parking of technicians as they will take those vehicles offsite.
 - Option C – Purple – Although a financial burden at the moment. The long term option that would best suit this site is to pave this area and make it available for employee parking.

Storage of seasonal items - not a daily use building

Shop space used to store daily use items and fill trucks with products

Mechanics area - repairing small equipment and doing basic maintenance

Office space - 8 employees - offices and cubicles

Visitor and handicap parking

Parking Option C - build new paved parking lot for employees

Parking Option A - using existing paved area

Parking option B - employees park where there truck is

Enclosed - Screened overnight parking for work vehicles.

Sell this off for development

