

AGENDA

NEW BRIGHTON PLANNING COMMISSION
REGULAR MEETING

TUESDAY, FEBRUARY 15, 2011
7:00 P.M.

1. Call to Order:

2. Roll Call:

____ **Bruce
Howard**

____ **James Alvey**

____ **Norm
Schiferl**

____ **Verne
McPherson**

____ **Steve
Danger**

____ **Paul Zisla**

____ **Erin Nichols
Matkaiti**

3. Agenda Review

4. Approval of Minutes

(A) January 18, 2011

5. Report on Council Action: Mr. David Phillips, City Council Member

6. Public Hearings

(A) Anna Miranda requests consideration of a Special Use Permit to allow operation of an event center at 400 Old Highway 8 NW.

(B) City of New Brighton requests consideration of a Preliminary Plat impacting property on the east side of Old Highway 8 NW within the Northwest Quadrant Redevelopment Area, creating four outlots, to be known as Outlots A – D, NORTHWEST QUADRANT EAST.

7. Adjourn: _____

WORKSESSION (to follow regular meeting)

Landscaping Standards

PLANNING COMMISSION PROCEEDINGS

Regular Meeting – January 18, 2011 7:00 p.m.

Present: Commissioners Bruce Howard, James Alvey, Steve Danger, Paul Zisla
Norm Schiferl and Erin Nichols-Matkaiti

Absent: Commissioner Verne McPherson

Also Present: Janice Gundlach-City Planner, and Katie Bruno-Office Assistant.

Agenda Review: Commissioner Zisla requested a report on the status of the communications tower located at Freedom Park. Chair Howard noted that will be discussed during the announcement portion of the meeting.

Minutes: Minutes from December 21, 2010 were presented and approved.

Council Action: Councilmember Phillips reported the Stuart Proposal was tabled until the January 25, 2011 Council Meeting; as there were questions related to the subordination agreement. Councilmember Philips reported the Library received eleven proposals for the design and construction, possibly opening late fall 2011. The 2010 budget was settled, with a reduction in the total budget, and the levy being unchanged. Councilmember Phillips stated Council is hopeful to see an increase in Building Permit revenue in 2011.

Public Hearing:

- (A) Donald Wyland and Carol Noren request consideration of a Special Use Permit to permit operation of a pet cremation business at 833 3rd ST SW, Suite #2.**

City Planner Gundlach reported the applicant is requesting a Special Use Permit to permit operation of a Pet Cremation business at 833 3rd Street SW, Suite #2. This property consists of a multi-tenant light industrial building with various other permitted and specially permitted uses. The applicant proposes to offer services only related to the cremation process, and would not conduct any funeral services on site. The applicant would service families one at a time, by appointment only, and intends to unload deceased pets indoors through the existing overhead door at the rear of the building. The applicant would also offer home pick-up of deceased pets and work with area animal hospitals to provide cremation services. The front half of the building would consist of office space and a small conference room/showroom displaying various cremation and burial products. The back half of the building would contain the “retort”, which operates without odors and extremely low emissions. The retort (of hot hearth technology) produces no visible smoke, only heat vapors and would be installed by qualified persons. The Building Official and the Fire Marshal would perform inspections prior to opening. City Planner Gundlach checked with the City of Edina, as they currently have a pet cremation as well as a human cremation business, they haven’t received any complaints with the businesses. An overview of the floor plan was displayed. 29 notices were sent to neighbors within 350 feet, no inquiries were received. City Staff recommends approval with 7 conditions.

Commissioner Norm Schiferl suggested rewording the condition related to the retail services, to assure it is clear that memorial services would not be permitted.

The applicant, Skip Wyland expressed his gratitude to the commission, and introduced his wife and partner Carol Noren, along with Joe Emmer, representing the company that manufactures the retort.

Commissioner Zisla noted an article in the Minneapolis paper reported on a potential human cremation site in the City of St Paul. Mr. Wyland stated the concern with the St Paul location is with the amalgam that can release mercury into the environment. Mr. Wyland reported there is no amalgam present in pets, and that would not be an issue with their proposed project.

Commissioner Danger questioned what particulates are released into the air.

Joe Emery, representing B & L Cremation Systems reported there is a small amount of nitrogen/oxygen, and some carbon monoxide released into the air, all of which is well within the EPA guidelines.

Commissioner Schiferl questioned if the MPCA regulates the business. City Planner Gundlach reported permits are required, and will need to be obtained with the installation of the machine.

Commissioner Alvey questioned hours of operations. Mr. Wyland reported they will operate on an appointment basis, with no set hours. Mr. Alvey also questioned how long carcasses will be stored. Mr. Wyland responded 28-48 hours, and a chest deep freezer is available if needed.

Commissioner Nichols-Matkaiti inquired to the size limit. Mr. Wyland responded the retort machine has a 200 pound capacity. Commissioner Danger asked what is done with any unclaimed ashes. Mr. Wyland responded there are a few that don't want the ashes returned to them, and an appropriate burial spot would be used; landfills would not be used. Commissioner Danger asked if any would be buried in the City of New Brighton. Mr. Wyland stated probably not, unless they were approached by an interested party.

Ms. Carol Noren stated most who utilize their services want their ashes returned.

Commissioner Schiferl suggested including a condition related to the disposal of ashes.

Chairperson Howard asked for additional comments. There were none.

Motion by Commissioner Schiferl seconded by Commissioner Nichols-Matkaiti to close the Public Hearing.

6 Ayes, 0 Nays, Motion Carried

The Public Hearing was closed at 7:27 pm.

Motion by Commissioner Schiferl, seconded by Commissioner Danger to approve staff recommendation with the addition of condition #8:

"All ashes shall be managed in a lawful manner."

6 Ayes, 0 Nays, Motion Carried

Announcements:

(A) LMCIT's Land Use Incentive program

City Planner Gundlach announced the League of Minnesota Cities is offering an on-line course pertaining to Land Use, and directed commissioners to contact her if they are interested in participating.

(B) Variance Legislation

City Planner Gundlach included a small write up regarding the Minnesota Supreme Court opinion from June 2010 regarding the hardship issue. The League has worked on a bill replacing the word *hardship* with *practical difficulties*.

(C) Update on Clearwire Telecommunication Tower at Freedom Park

City Planner Gundlach reported in early 2010 the telecommunication tower was approved by the City Council. The tower was subsequently built much larger than approved by the City Council. In December 2010 the City Attorney sent a letter to Clearwire stating they were in default; as they are on City property. The attorney for Clearwire responded stating they are not in default, as they built the tower to comply with the conditions of approval. However they did not communicate to City staff, the Planning Commission, or the City Council that in order to meet the conditions of a 4 locate tower the tower would have to be much larger than originally approved. Clearwire has until February 8th to clear the default. Councilmember Phillips stated it is a significant issue, as the tower has a diameter of almost 4 times what was approved.

Chairperson Howard stated he will be giving an update to the City Council on the Planning Commission activities in 2010 on January 25, 2011, all commissioner were invited to join him.

Adjournment:

Motion by Commissioner Danger, seconded by Commissioner Alvey to adjourn the meeting.

6 Ayes, 0 Nays, Motion Carried

Meeting adjourned at 7:35 PM

PLANNING REPORT

DATE: February 11, 2011
CASE: SP2011-002
SUBJECT: Special Use Permit to Allow a Dance Hall/Assembly Hall at 400 Old Highway 8 NW
APPLICANT: Anna Miranda

REQUEST & BACKGROUND

The applicant is requesting a Special Use Permit to permit operation of a "Multi-Purpose Area" (also being termed an event center) at 400 Old Highway 8 NW. This site is the former American Tri-City Legion, who has since sold the building and no longer is in operation. The applicant has a lease with the new owner for use of the entire building. The applicant intends to operate the restaurant and bar, which are permitted uses in this zoning district, in the same manner that they have been operated in the past by the Legion. The applicant also intends to use the remaining portion of the building for events, also in a manner similar to how the Legion used the space. However, based on review of City records it does not appear the American Tri-City Legion ever obtained the necessary Special Use Permit to operate. The applicant intends to hold a variety of events in this space, including "live music performing, family shows, trade shows, and community meeting, and private events" as outlined in the applicant's attached narrative.

The applicant has stated she has experience running this type of business and has at least one liquor license operation in the City of Minneapolis. Ms. Miranda has outlined her experience in this business within her attached narrative. She intends to name the proposed business 400 Heat, referencing caliente (hot) food.

The applicant has stated that she has had a lease with the new owner since December 1, 2010. However, Ms. Miranda has been unable to operate until she obtains a liquor license and until the Special Use Permit process is complete. Over the past two months, Ms. Miranda has been working with Public Safety staff, the Building Official, Fire Marshal, and Ramsey County Department of Health on a variety of issues including the liquor license, building and fire codes, and food licensing. Ms. Miranda would like to open for business on March 1, 2011.

ATTACHMENTS

- A – Resolution
- B – Project Location Map
- C – Zoning Map
- D – Aerial Photograph
- E – Neighborhood Notification Map
- F – Applicant Narrative
- G – Applicant Responses to SUP Criteria
- H – Floor Plan
- I – Parking Map
- J – Existing Site Photos

FINDINGS

Section 5-240. Special Permitted Uses in a B-3 District.

Section 8-130. Special Use Standards.

Section 11-030 (3). Minimum Number of Off-Street Parking Spaces Required.

SITE CHARACTERISTICS

Location:	400 Old Highway 8 NW
Lot Size:	1.6 Acres (69,971 SF)
Topography:	Flat
Comprehensive Plan Designation:	CB, Community Business
Zoning:	B – 3, General Business
Surrounding Land Uses:	
North:	Convenience Gas/Service Station
South:	4 th ST NW, Oak Grove Manufactured Home Park
East:	Old Highway 8 NW, Industrial & Business Uses
West:	9 th AVE NW, Single Family Homes

SPECIAL USE PERMIT ANALYSIS

Zoning Code Section 5-240 (1) requires a Special Use Permit for “amusement centers, recreation centers, armories, assembly halls, bowling alleys, dance halls, pool and billiards, theaters, skating rinks, or other social, sports, or recreation centers operated as a business”. Staff finds that the proposed use of the “Multi-Purpose Area” as depicted on the proposed floor plan meets this definition, specifically assembly hall and dance hall, and thus a Special Use Permit must be obtained in order to operate.

The purpose of the Special Use Permit is to review the special use standards of Zoning Code Section 8-130 and determine if the special use will have detrimental impacts to the area. The applicant provided responses to the special use permit criteria in the attached Special Use Permit Criteria Worksheet. The criteria include:

1. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
5. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

While staff would normally provide responses to each individual criterion, there are really three main issues of concern that warrant discussion. Those three issues are discussed below:

Proposed Use of Multi-Purpose Area

The applicant has indicated in the attached narrative that the multi-functional area would be used for “live music performing, family shows, trade shows, and community meeting, and private events”. Generally speaking, the only use that is somewhat concerning to staff is the live music and associated dancing. This is a concern because this use has the potential to accommodate lots of people, and coupled with alcohol could cause other unintended negative impacts such as disturbances in the parking lot. While the Legion held dances, dances were not regular events,

not necessarily open to the general public, and were typically geared toward the non-youth crowd. If live music and dancing is approved as part of the Special Use Permit, staff recommends conditions that aim to control the negative impacts. The other uses of family shows, trade shows, and community meeting and private events shouldn't cause these same types of concerns and probably do not warrant extensive conditions.

With regard to conditions of approval aimed at mitigating unintended negative impacts, staff has provided a list of conditions in the Staff Recommendation paragraph below. Those conditions include the specific language the applicant used to describe the types of events she wishes to hold. This language states that uses will be limited to "live music performing, family shows, trade shows, and community meeting and private events". Additionally, occupancy loads should be posted to control crowding, security plans should be implemented when general admission to a public event exceeds 100 persons, and events requiring security should be reviewed by the Public Safety Department at least 48 hours in advance. Lastly, there is an existing wooden private fence running north/south along the western property boundary. This fence should be repaired so as to provide a 6' physical screen to the single family homes to the west. Staff finds that with these conditions, the proposed multi-purpose area can be controlled so as to prevent negative impacts and allow continued operation of the space in a similar manner to how the previous user (Tri-City American Legion) used it.

Staff has discussed the proposed uses with Public Safety, who is processing a liquor license. Public Safety will prohibit contact sports related uses like boxing, wrestling, or any other form of entertainment whose primary purpose is physical contact by striking or touching an opponent with hands, head, feet, or body (team sports where physical contact is incidental is exempt) in conjunction with the liquor license. To be consistent, staff has included this condition as part of the Special Use Permit as well.

Parking

While the applicant has indicated she intends to use the multi-purpose area in a manner much like the previous owner/tenant used the space, staff is concerned about live music coupled with dancing and alcohol and the potential large patron draw that could occur. The former use of this space by the Legion was primarily private parties and fundraisers, not general public admission events. Introduction of regular live music dances and events of a commercial nature open to the general public, rather than simply hall rental, is likely to put a much higher demand on parking.

The existing building is divided into three separate and distinct spaces being a bar, restaurant, and the multi-functional area required the Special Use Permit. The Zoning Code provides required parking ratios for bars and restaurants but no ratios for uses similar to the multi-functional area. Thus, staff researched what typical parking ratios are for an event center/assembly hall. Based on those ratios, the site demands the following amount of parking:

Restaurant:	$2040 \text{ SF} - 10\% = 1839 / 60 = 31 \text{ stalls}$
Bar:	$2276 \text{ SF} - 10\% = 2048 / 50 = 41 \text{ stalls}$
Multi-Functional Area:	Maximum Occupancy Load = 267 persons / 4 = 67 stalls
Total:	139 stalls

The site contains 110 stalls, 29 stalls short. Being the restaurant and bar are permitted uses, and the site clearly has adequate parking to support those uses, the matter is whether there is enough parking stalls to also permit the multi-functional area. Staff would offer the following comments:

- The applicant has stated in her written narrative and in her responses on her SUP Criteria Worksheet that she intends to operate in a manner similar to the Legion. Staff is unaware of any parking problems the Legion had.
- The applicant's only significant difference in proposed events is the live music and dances open to the general public. Staff has offered conditions below that should limit the use so as to ensure adequate parking is provided. These conditions relate to maximum occupancy loads and security requirements when public events exceed 100 persons.
- The 139 total parking stall number assumes all three uses operate independently of one another and simultaneously, which is an unlikely scenario.
- Staff also recommends a condition that prohibits on-street parking, which will require the applicant to self-police her parking, which will in turn impact the type and size of events. This condition is easily enforced in that street parking will constitute a violation of the special use permit.

Taking into consideration the bulleted points above and the conditions noted in the Staff Recommendation paragraph, staff feels parking issues can be addressed.

Hours of Operation

The last item concerns noise. The existing permitted uses of bar and restaurant already have potential to generate unwanted noise, especially being State Law permits these businesses to be open until 2 AM. Thus, staff finds it appropriate to impose hours of operation on the multi-functional area to ease the closing time effect when all patrons exit the building at the same time. Staff would recommend that the multi-functional area close at 10 AM Mondays through Thursday and close at 12 midnight Fridays through Sundays. Public Safety is recommending that during peak operation days of Friday through Sunday, alcohol cannot be served past 11:30pm.

Lastly, staff recommends that the existing fence running along the western, north/south property line be repaired and replaced as necessary. This will provide some screening and minor noise protection to the single family neighborhood to the west. Staff also recommends that no noise be audible from the property boundaries. While residential uses exist to the south, there is a topography change and vegetation screen that makes this neighborhood less vulnerable to noise.

With restricted hours of operation on the multi-functional area and prohibition of noise at the property boundaries, staff finds the noise concern can be addressed.

STAFF RECOMMENDATION

Staff recommends approval of the special use permit, stipulating the following conditions:

1. The proposed multi-purpose area is limited to live much performing, family shows, trade shows, and community meeting and private events.
2. Physical contact uses by striking or touching an opponent with hands, head, feet, or body (team sports where physical contact is incidental is exempt) are prohibited consistent with liquor license requirements.
3. The posted occupancy load in the multi-purpose area must never exceed 267. Because of the potential for all three uses, multi-purpose/restaurant/bar areas, to interact occupancy loads in all three spaces must be posted based on the Fire Marshal's determination.

4. Any event consisting of live entertainment open to the public and admission of more than 100 persons must include a security plan submitted and approved by the Public Safety Department at least 7 days in advance of the event.
5. On-street overflow parking is prohibited. Measures must be taken to provide parking for all patrons of the business on site.
6. The existing fencing along the western, north/south property line must be repaired and replaced so as to provide a 6' screen from the single family homes to the west across 9th AVE NW.
7. The existing fence screening around the dumpster enclosure must be repaired to ensure the entire garbage and recycling area is screened from public view.
8. No music or audible voice is detectable at the property boundaries.
9. The multi-functional area must honor the following hours of operation:
 - a. Monday – Thursday: 10pm
 - b. Friday – Sunday: 12 midnight, with alcohol not being served past 11:30pm
10. Prior to opening for business, the property must be inspected by the City Planner, Building Official, and Fire Marshal to confirm compliance with applicable codes and conditions and the entire site must be fully snow plowed to ensure every usable parking space is fully accessible.



Janice Gundlach, City Planner

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT.

WHEREAS, an application has been made by Anna Miranda to permit operation of an event center (also termed multi-purpose area, assembly hall, and/or dance hall) at 400 Old Highway 8 NW, and

WHEREAS, the procedural history of the application is as follows:

1. An application for a Special Use Permit was received on January 28, 2011.
2. The Planning Commission, pursuant to published and mailed notices, held a public hearing on February 15, 2011 and all present were given a chance to freely speak at the hearing.
3. The Planning Commission voted to recommend approval on February 15, 2011 subject to conditions.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Special Use Permit (SP2011-002):

1. The property is zoned B – 3, General Business which requires review and approval of a special use permit for assembly halls and dances halls.
2. The property is guided in the Comprehensive Plan for Community Business.
3. The applicant has proposed to operate multi-purpose area consisting of live music performing, family shows, trade shows, and community meetings, and private events.
4. Zoning Code Section 5-240 (1) allows “amusement centers, recreation centers, armories, assembly halls, bowling alleys, dance halls, pool and billiards, theaters, skating rinks and other social, sports, or recreation centers operated as businesses” by review and approval of a Special Use Permit.
5. The Planning Commission reviewed the proposal in accordance with the following Special Use Permit conditions of Zoning Code Section 8-130:
 - a. That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - b. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - c. That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - d. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - e. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.
6. The Planning Commission found all Special Use Permit criteria of Section 8-130 to be met due to the following:

- a. The applicant has stated intent to operate in a manner similar to the previous user, which was not problematic to the neighboring area.
- b. The applicant is not expanding use of the existing multi-purpose area.
- c. Physical contact uses will not be permitted and all other uses can only consist of live music performing, family shows, trade shows, and community meeting and private events.
- d. 110 parking spaces are available on-site and it has been demonstrated by the previous user that this is an adequate amount based on how the building is used.
- e. Additional conditions related to occupancy loads and security plans should appropriately control the size of events open to the general public.
- f. Repair and replacement of the fence along the western property boundary should provide a visual screen from the activity and vehicles on site from the single family homes to the south.
- g. Restricted hours of operation and a provision that noise not be audible at the property lines should mitigate any negative impacts felt in the residential area to the west and south.

NOW THEREFORE BE IT RESOLVED, that based upon the above findings of fact the application for a Special Use Permit (SP2011-002) is hereby recommended to the City Council for approval, subject to the following conditions:

- 1. The proposed multi-purpose area is limited to live music performing, family shows, trade shows, and community meeting and private events.
- 2. Physical contact uses by striking or touching an opponent with hands, head, feet, or body (team sports where physical contact is incidental is exempt) are prohibited consistent with liquor license requirements.
- 3. The posted occupancy load in the multi-purpose area must never exceed 267. Because of the potential for all three uses, multi-purpose/restaurant/bar areas, to interact occupancy loads in all three spaces must be posted based on the Fire Marshal's determination.
- 4. Any event consisting of live entertainment open to the public and admission of more than 100 persons must include a security plan submitted and approved by the Public Safety Department at least 7 days in advance of the event.
- 5. On-street overflow parking is prohibited. Measures must be taken to provide parking for all patrons of the business on site.
- 6. The existing fencing along the western, north/south property line must be repaired and replaced so as to provide a 6' screen from the single family homes to the west across 9th AVE NW.
- 7. The existing fence screening around the dumpster enclosure must be repaired to ensure the entire garbage and recycling area is screened from public view.
- 8. No music or audible voice is detectable at the property boundaries.
- 9. The multi-functional area must honor the following hours of operation:
 - a. Monday – Thursday: 10pm
 - b. Friday – Sunday: 12 midnight, with alcohol not being served past 11:30pm
- 10. Prior to opening for business, the property must be inspected by the City Planner, Building Official, and Fire Marshal to confirm compliance with applicable codes and conditions and the entire site must be fully snow plowed to ensure every usable parking space is fully accessible.

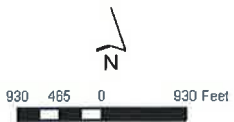
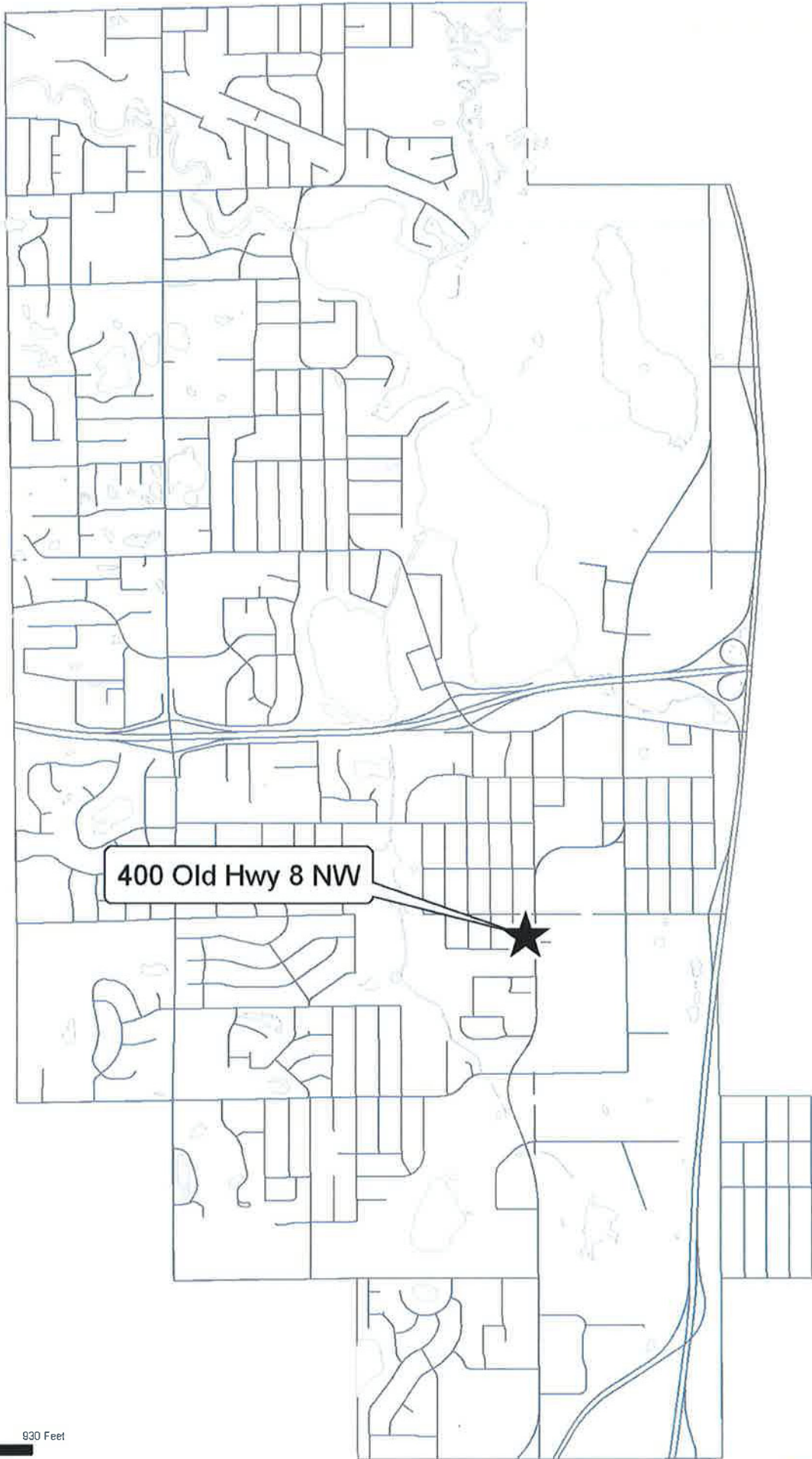
Adopted this 15th day of February.

Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - 400 Old Hwy 8 NW

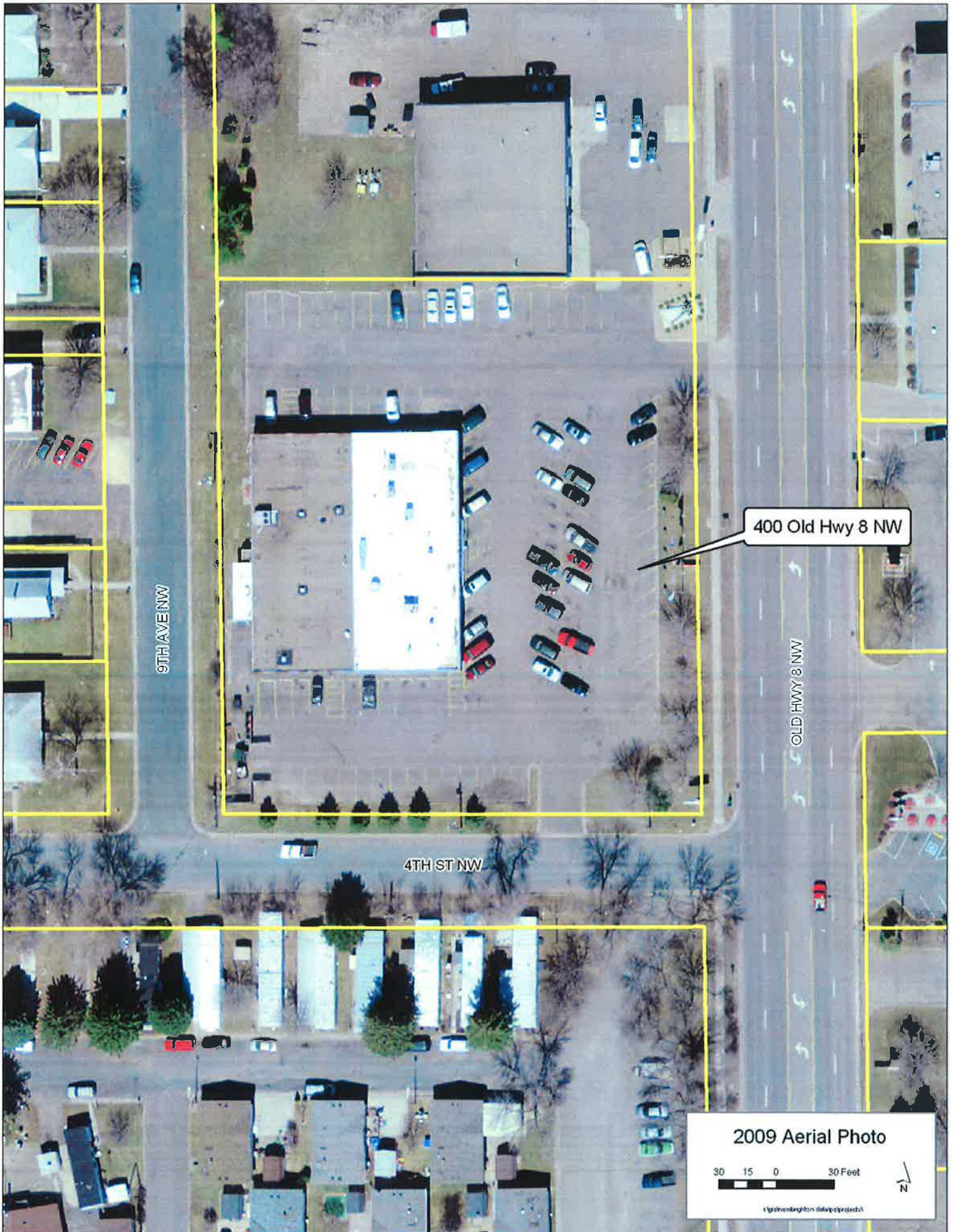




- R-1, Single Family Residential
- R-2, Two Family Residential
- B-3, General Business
- I-1, Light Industrial
- I-2, Heavy Industrial



Current Zoning
 400 Old Hwy 8 NW
 B-3, General Business



9TH AVE NW

4TH ST NW

OLD HWY 8 NW

400 Old Hwy 8 NW

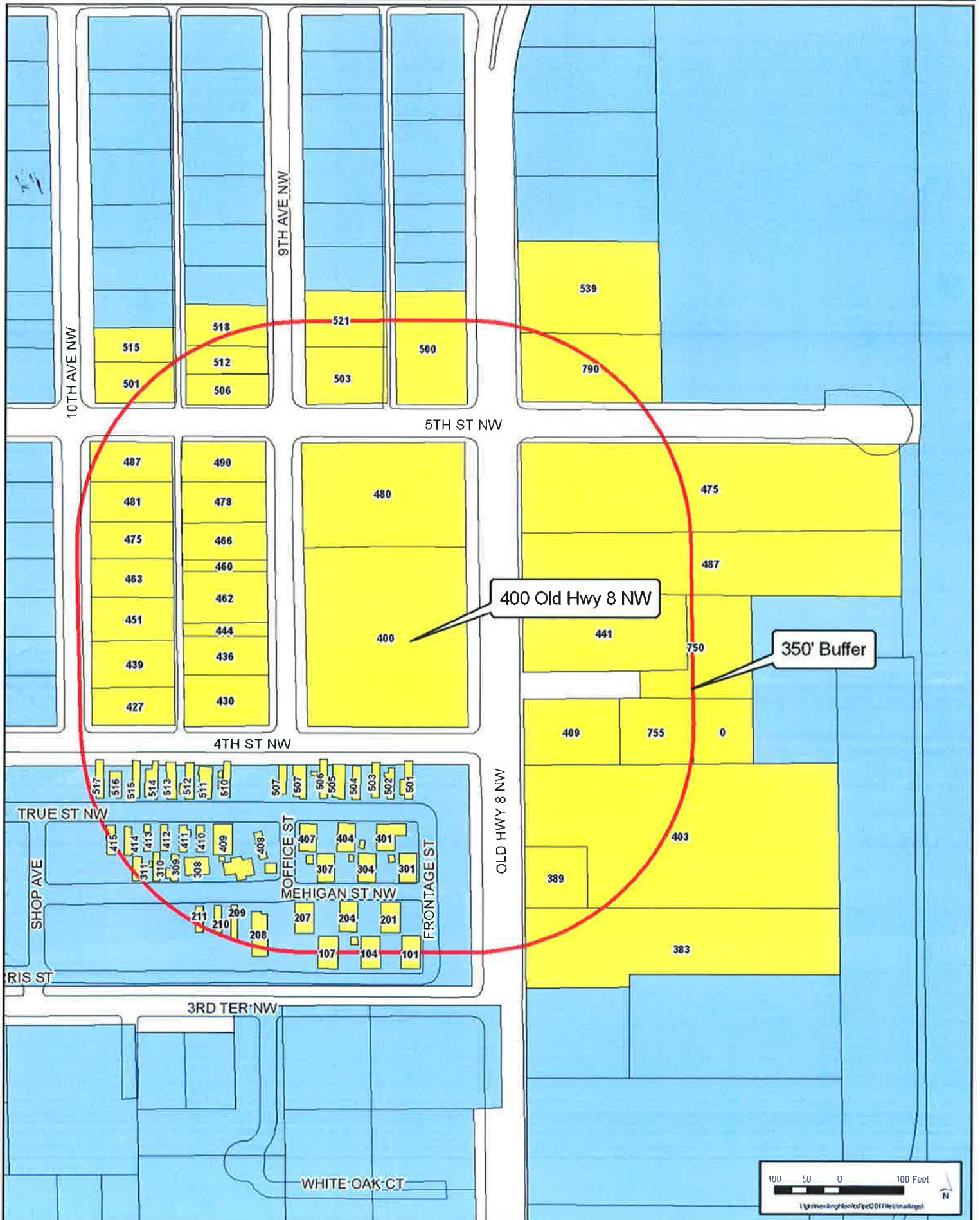
2009 Aerial Photo

30 15 0 30 Feet



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350' Mailing Buffer - 400 Old Hwy 8 NW



400 HEAT

RESTAURANT | BAR | EVENT CENTER

400 Heat Event Center Descriptions

First I would like to let everyone know why the name Heat, in Spanish means Caliente, and we usually serve are food Calient (HOT) Heat; also when we serve food with a lot of spices or chili we said our food is hot or Caliente. Also is an attractive name.

The 400 Heat Event Center will be a signature of food and entertainment facility that will enable a variety of civic functions and deliver both economic and social benefits to the entire City of New Brighton. The center is designed to be a multi-purpose facility that will enhance the quality of life of people in the North West area.

The business facility use is not changing; will be used the same as the previous tenants (tri-city legion) did.

Of course we need to do some retouches with new paint, carpet, lights, etc

Us the new tenant I'm having all required and necessary permits to operate the business. We want to reassure our neighbors that we are doing everything in our power to establish a good and healthy relationship with the city and everyone who became in contact with the business, the management is open to work with everyone.

My experience with the type of business, multiple events is my track record of credibility.

For example:

Every time an event takes place, we'll provide professional security by our long time provider Talon Security service, which is own and operated by active and retired police officers. We also provide if necessary valet parking to accommodate over flow of cars.

The Responsibilities/policies of the security guard are:

Each security or off-duty law enforcement officer at event center will be educated in the zero tolerance program.

Security or off-duty law enforcement officer(s) will coordinate with the event center and entertainment promoters to discuss the type of event being held and what crowd is expected so security can plan how to effectively provide security and the number of patrons that will be admitted.

Security or off-duty law enforcement officers will coordinate with event center and entertainment promoters or private event coordinator to decide when to stop admitting patrons into the event center so security can conduct a sweep of the surrounding area to remove loitering trespassers and to curb potential disorderly conduct before closing.

DRESS CODE: is required

No Weapons

- No Hats, Beanies, or Bandanas
- No excessively Long or Baggy Clothes
- No Work boots (Timberlands, Lugz, etc.)
- No Tank tops, Sleeveless, or Cutoff Shirts
- No Plain White Tees
- No Chains or Large Jewelry around the neck
- No Chain Wallets or Chains Hanging from Pants
- No Jerseys
- No visible gang tattoos, or any gang like Appearance allowed in the Center, etc.
- Management reserves the right to refuse entry or modify this list at any time.

PARKING LOT REGULATIONS

Consider installing video cameras in parking lots or outside the event center as prevention for crime.

Promptly address issues of insufficient lighting in parking lots.

Post a sign at the entrance of the center's entrance to inform patrons that the event center participates in the violence reduction program and will prosecute any criminal behavior which occurs in the center.

Routinely check outside the event center throughout the evening to ensure that the center is not in violation of applicable noise ordinances, in addition to checking that patrons are not littering or urinating around the premises.

The Event Center is located on the ^h Old Highway 8 NW.

The building encompass approximately 8,332 square feet. Of interior public area

The dining room area is a portion of the building (2,040 sq. ft.), seats 45, perfect for breakfast, business lunches, appetizers or dinners. Proudly serves contemporary American cuisine with a Latin American flair and is committed to featuring local produce, naturally raised meats and sustainable seafood whenever possible.

The lounge/bar is a great spot for cocktails and to watch sports (another 2,276 sq. ft.) seats 36, comfortable.

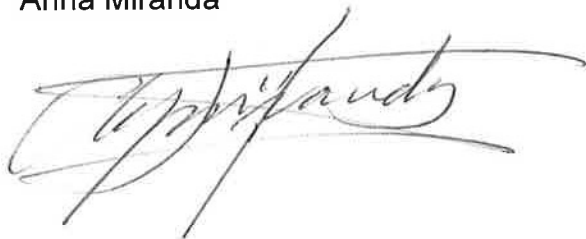
From a multi-functional perspective, the facility will include all amenities required to adequately host live music performing, family shows, trade shows, and community meeting, and private events.

The ballroom center portion of the facility includes a 4,016sq. ft. dividable ballroom and meeting space.

I really appreciated the opportunity to be your new neighbor and work together for the benefit of all

Sincerely;

Anna Miranda

A handwritten signature in cursive script, appearing to read 'Anna Miranda', written in dark ink.

400 Old highways 8 NW, New Brighton MN 55112

Special Use Permit Criteria Worksheet

A special use permit cannot be approved unless the Planning Commission and City Council find that the following criteria have been met. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary and consult with the City Planner at the time of your Pre-Application Meeting as some items may not be applicable for your project.

1) That the establishment, maintenance, or operations of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Business will be used same way as the tri-city region did.

2) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

the new tenant has experience with west center type of business.

3) That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

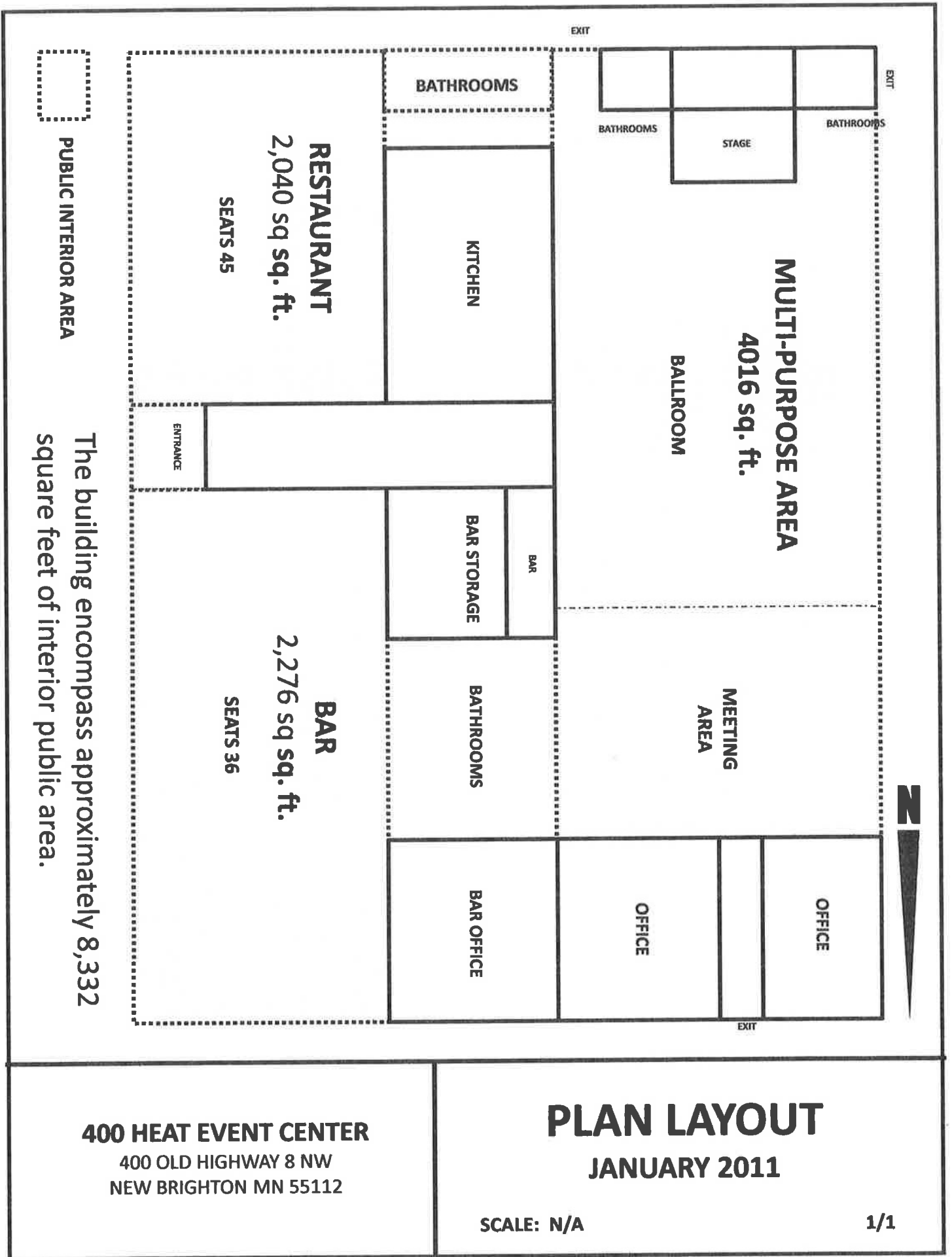
N/A

4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

the building use will be the same as the previous tenant - tri-city region did.

5) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located.

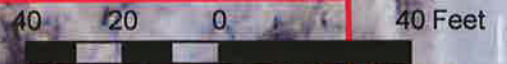
the new tenant is not expanding or making any changes to the building. also permit is requested as required.

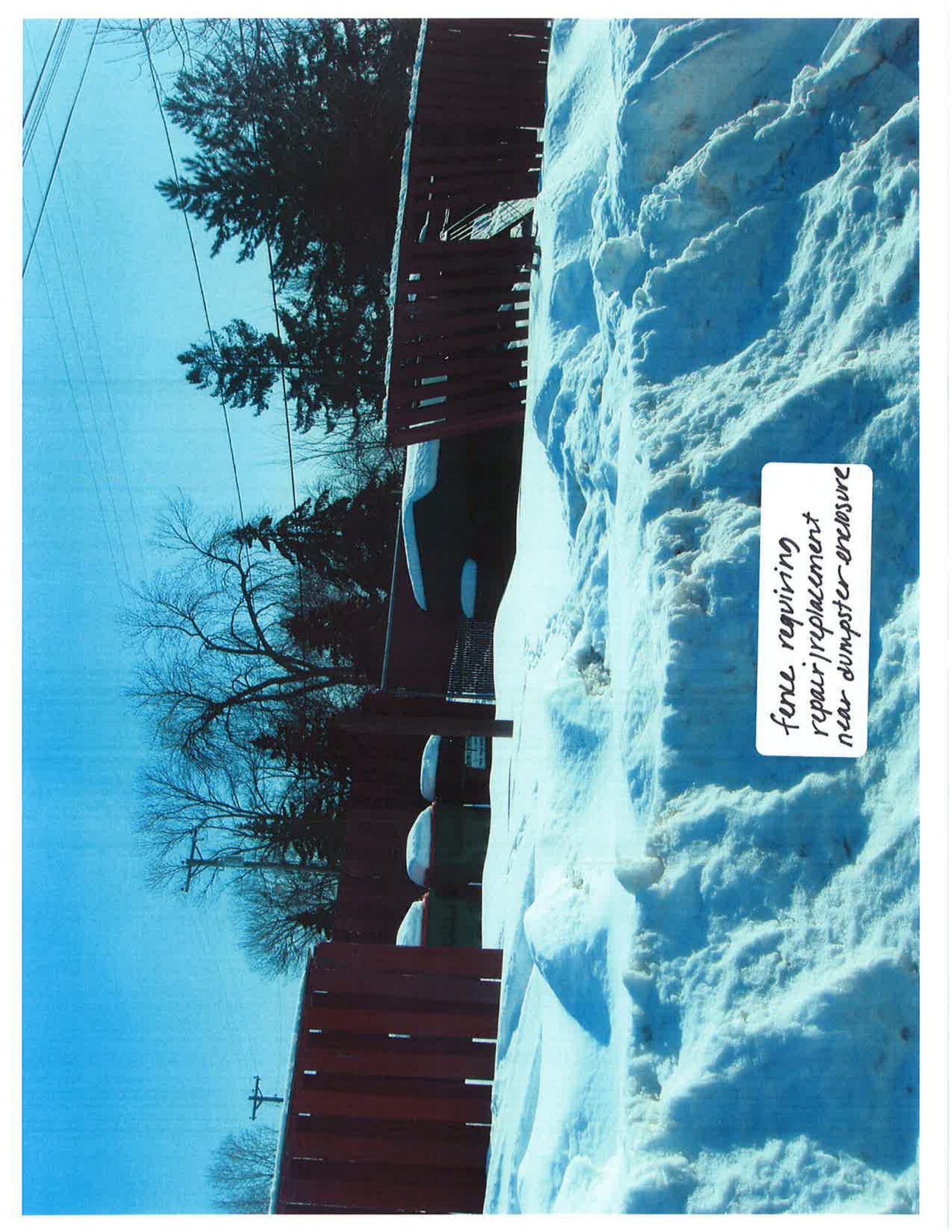


Parking (existing & proposed)

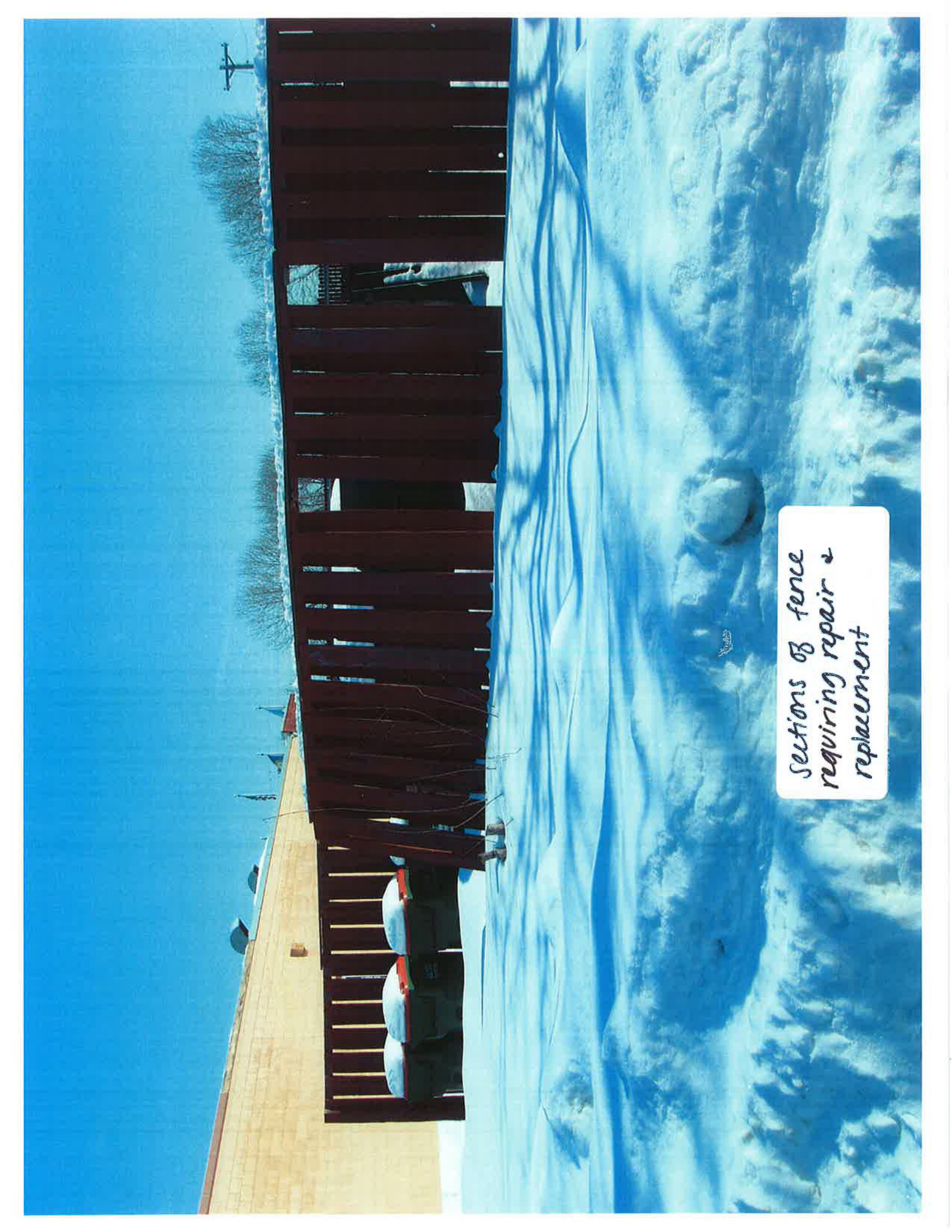


TOTAL STALLS = 110



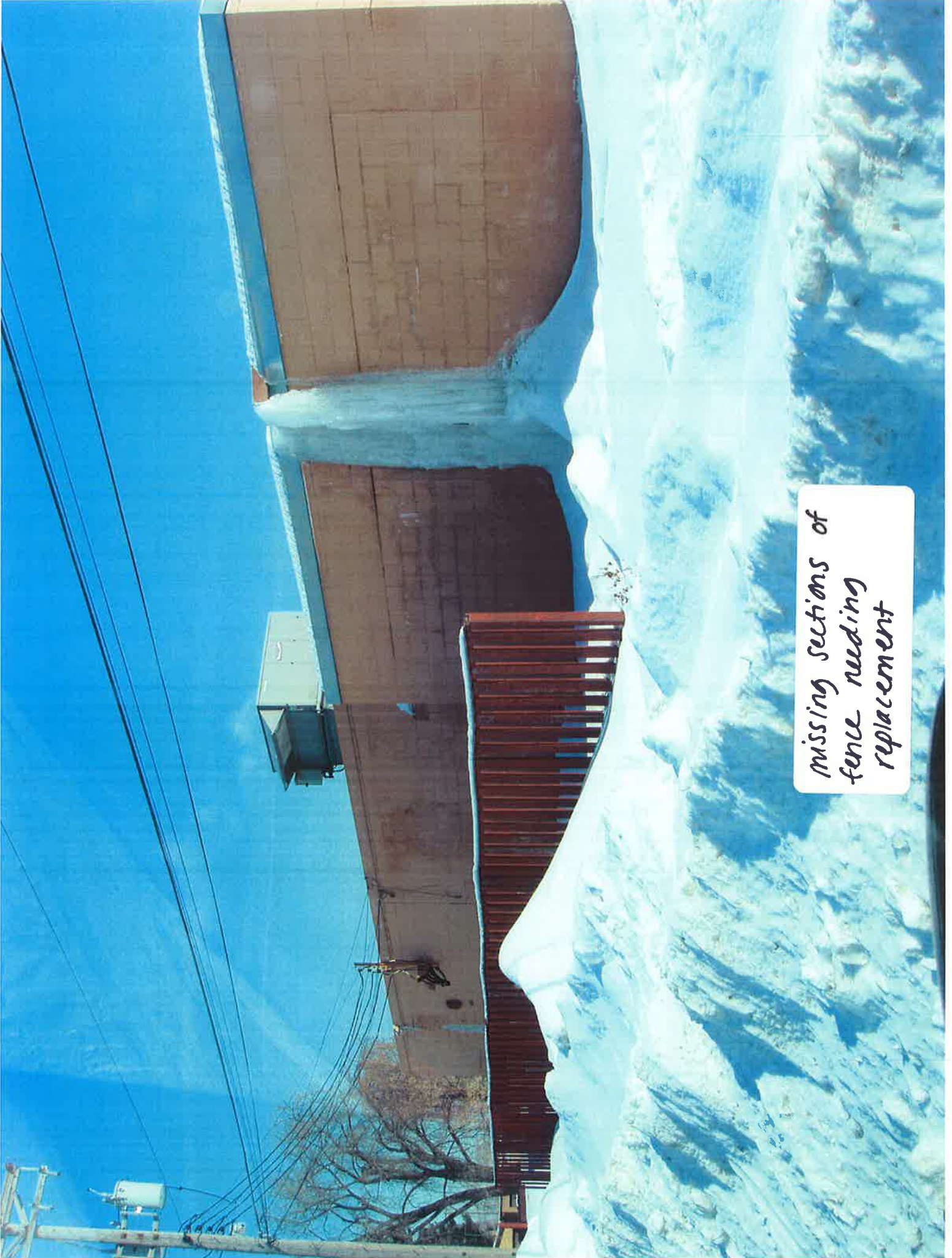
A photograph of a winter scene. In the foreground, there is a large, uneven pile of snow. Behind it, a wooden fence runs across the frame. To the left of the fence, there are several trees, including evergreens and bare deciduous trees. In the background, a utility pole with power lines is visible against a clear blue sky. The overall scene suggests a rural or semi-rural area after a snowfall.

fence requiring
repair/replacement
near dumpster enclosure

A photograph of a snowy landscape. In the foreground, there is a large, uneven pile of snow. A dark wooden fence runs horizontally across the middle ground. To the left of the fence, a portion of a light-colored wooden building is visible. The background shows a clear blue sky and some distant trees. A white text box with a black border is overlaid on the right side of the image, containing the text "Sections of fence requiring repair & replacement".

Sections of fence
requiring repair &
replacement

missing sections of
fence needing
replacement





missing sections of
fence needing
replacement

PLANNING REPORT

DATE: February 9, 2011
CASE: PL2011-001
SUBJECT: Preliminary Plat of NORTHWEST QUADRANT EAST
APPLICANT: City of New Brighton

REQUEST & BACKGROUND

City staff is requesting Preliminary Plat approval, to be known as NORTHWEST QUADRANT EAST, which would allow assembly of existing parcels within the Northwest Quadrant Redevelopment Area. The area specifically included in the preliminary plat is all the land on the east side of Old Highway 8 NW, north of I-694, west of I-35W, and south of 14th Street NW. The land would be assembled into four separate outlots and approximately 5.6 acres would be dedicated for roadway purposes.

The Planning Commission is being asked to consider the preliminary plat at this time in an effort to clear title and assemble land in preparation for future development. Final plat consideration will follow preliminary plat approval, where the lots will legally be created into four outlots. Once development opportunities arise within this area of the Northwest Quadrant, interested developers will process a final plat and “carve” off the portion of land that they would develop. Preliminary plat approval is an important step to clearing title and is occurring in conjunction with a title registration process (which is a separate County action).

ATTACHMENTS

A – Resolution Approving the Preliminary Plat
B – Project Location Map
C – Zoning Map
D – Aerial Photo Map
E – Neighborhood Notification Map
F – Certificate of Survey (3 pages)
G – Preliminary Plat (2 pages)

FINDINGS

Section 26-32: Data Necessary for Preliminary Plat.

Section 36-33: Qualification Governing Approval of Preliminary Plat.

SITE CHARACTERISTICS

Location:	Northwest Quadrant (east side of Old Highway 8 NW)
Lot Size:	Preliminary Plat = 45.45 acres
Topography:	Varies
Comprehensive Plan Designation:	City Center – Mixed Use
Zoning:	NWQ, Northwest Quadrant
Surrounding Land Uses:	
North:	AAA Cooper Trucking Terminal
South:	I-694
East:	I-35W
West:	Old Highway 8 NW

PRELIMINARY PLAT ANALYSIS

Section 26-32 establishes the data necessary for preliminary plat submittal and the procedures under which the City shall review the plat. All required submittals were received, reviewed by

all departments, and found to be satisfactory. Also, all required legal notices were met. Additionally, Section 26-33 establishes the following qualifications governing the preliminary plat (staff responses in italics):

(1) The Planning Commission may return a conditional recommendation. The City Council may require revisions as it deems necessary for the health, safety, general welfare, order and convenience of the City.

Staff would not recommend any conditions be placed on preliminary plat approval as the land is vacant.

(2) The approval of a preliminary plat indicates that the subdivider may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.

The City will proceed towards final plat once the City Council approves the preliminary plat.

(3) No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible.

There are not flood impacted areas within the preliminary plat. The area proposed for road dedication has been refined by our engineering department and environmental consultant. In other words, the road alignment is fixed.

The preliminary plat will create four outlots and dedicate right-of-way for a future road connecting Old Highway 8 NW and 14th ST NW. The lot breakdown is as follows:


Outlot A:	16.67 acres
Outlot B:	20 acres
Outlot C:	1.98 acres (to be retained by the City for ponding)
Outlot D:	1.17 acres (to be retained by the City for ponding)
Right-of-Way:	5.63 acres
Total:	45.45 acres

Staff finds the plat to be in satisfactory form, including the dedication of the appropriate Drainage & Utility Easements. The four outlots will be retained by the City for sale to developers for future redevelopment efforts. Outlots C and D will remain city owned as they contain regional ponds.

Noting the above, staff recommends approval of the Preliminary Plat to be known as NORTHWEST QUADRANT EAST.

STAFF RECOMMENDATION

Adoption of the attached Resolution recommending approval of the Preliminary Plat of NORTHWEST QUADRANT EAST.



Janice Gundlach, City Planner

**RESOLUTION
PLANNING COMMISSION
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND RECOMMENDING APPROVING A PRELIMINARY PLAT TO BE KNOWN AS NORTHWEST QUADRANT EAST.

WHEREAS, an application has been made by the City of New Brighton to be considered for a Preliminary Plat for property generally located on the east side of Old Highway 8 NW, north of I-694, west of I-35W, and south of 14th Street NW within the Northwest Quadrant Redevelopment Area, and

WHEREAS, the procedural history of the application is as follows:

1. Preliminary Plat materials were received by E. G. Rud & Sons Inc. on behalf of the City in December of 2010.
2. Public hearing notices for the Preliminary Plat were published in the Sun Focus on February 3, 2011.
3. Public hearing notification was distributed to all property owners within 350' of the subject property on February 4, 2011.
4. The Planning Commission, pursuant to published and mailed notices, held on a public hearing on February 15, 2011.
5. The Planning Commission recommended Preliminary Plat approval to the City Council on February 15, 2011.

WHEREAS, the Planning Commission makes the following Findings of Fact with respect to the Preliminary Plat (PL2011-001):

1. The property is zoned NWQ, Northwest Quadrant.
2. The plat is to be known as NORTHWEST QUADRANT EAST.
3. The property is located within in the Northwest Quadrant redevelopment area, generally north of I-694, east of Old Highway 8 NW, south of 14th Street NW, and west of I35W.
4. The preliminary plat includes creation of four outlots, Outlot A – D, NORTHWEST QUADRANT EAST, and dedication of roadway to be known as Northwest Parkway.
5. The Planning Commission held a public hearing on the preliminary plat on February 15, 2011 and all persons were given the opportunity to be heard.
6. Section 26-33 of the City Code provides the following qualifications governing approval of a preliminary plat:
 - A. The Planning Commission may return a conditional recommendation. The City Council may require revisions as it deems necessary for the health, safety, general welfare, order and convenience of the City.
 - B. The approval of a preliminary plat indicates that the subdivider may proceed toward fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval.

- C. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which would make adequate drainage of the streets and lots impossible.
- 6. The Planning Commission reviewed the above qualifications with regard to the Preliminary Plat of NORTHWEST QUADRANT EAST and found all criteria to be met.

NOW THEREFORE BE IT RESOLVED, that based upon the above findings of fact the application for Preliminary Plat (PL2011-001), to be known as NORTHWEST QUADRANT EAST, is hereby recommended to the City Council for approval.

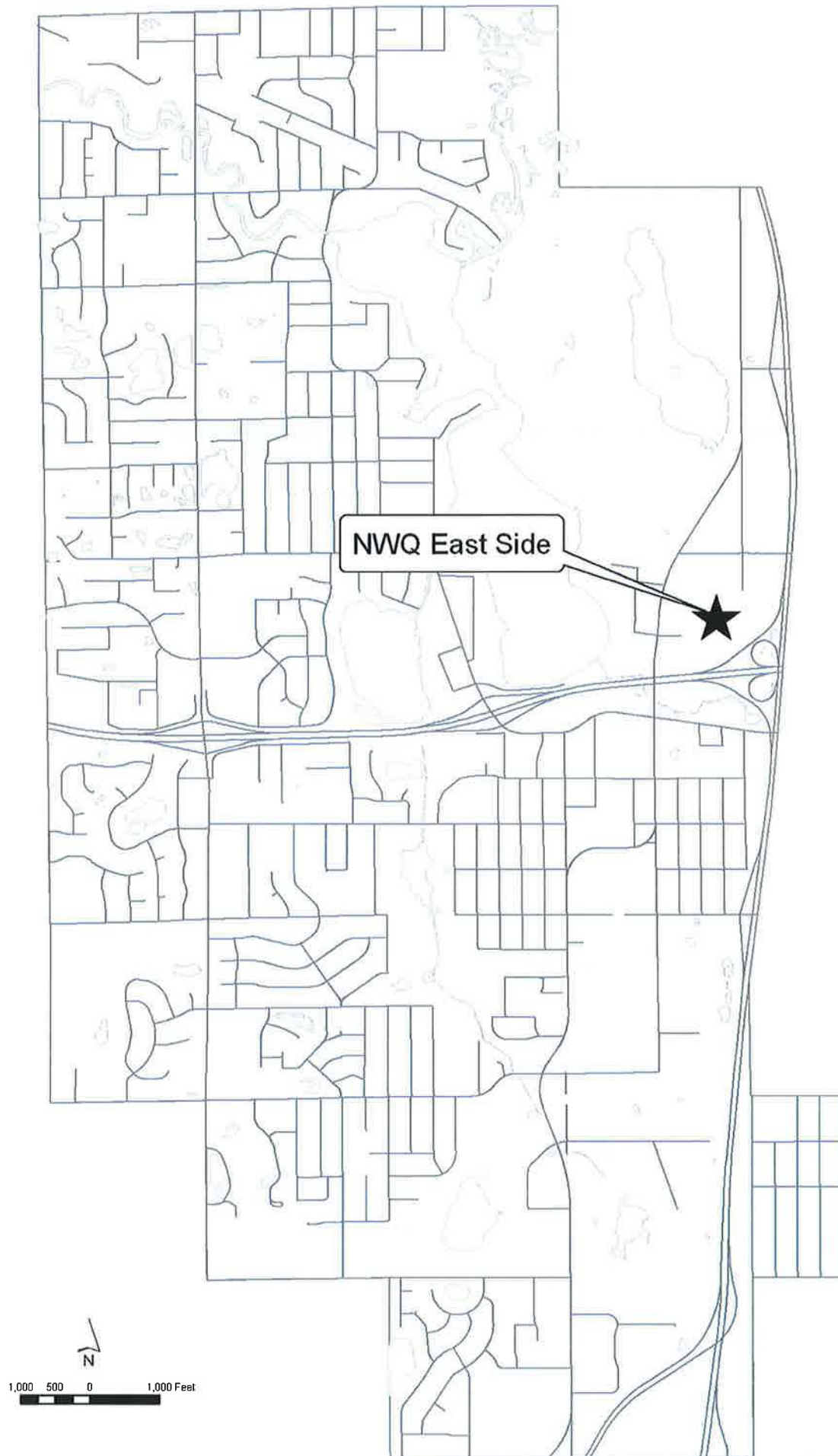
Adopted this 15th day of February, 2011.

Bruce Howard, Planning Commission Chair

ATTEST:

Janice Gundlach, City Planner

Location Map - Northwest Quadrant (east side)





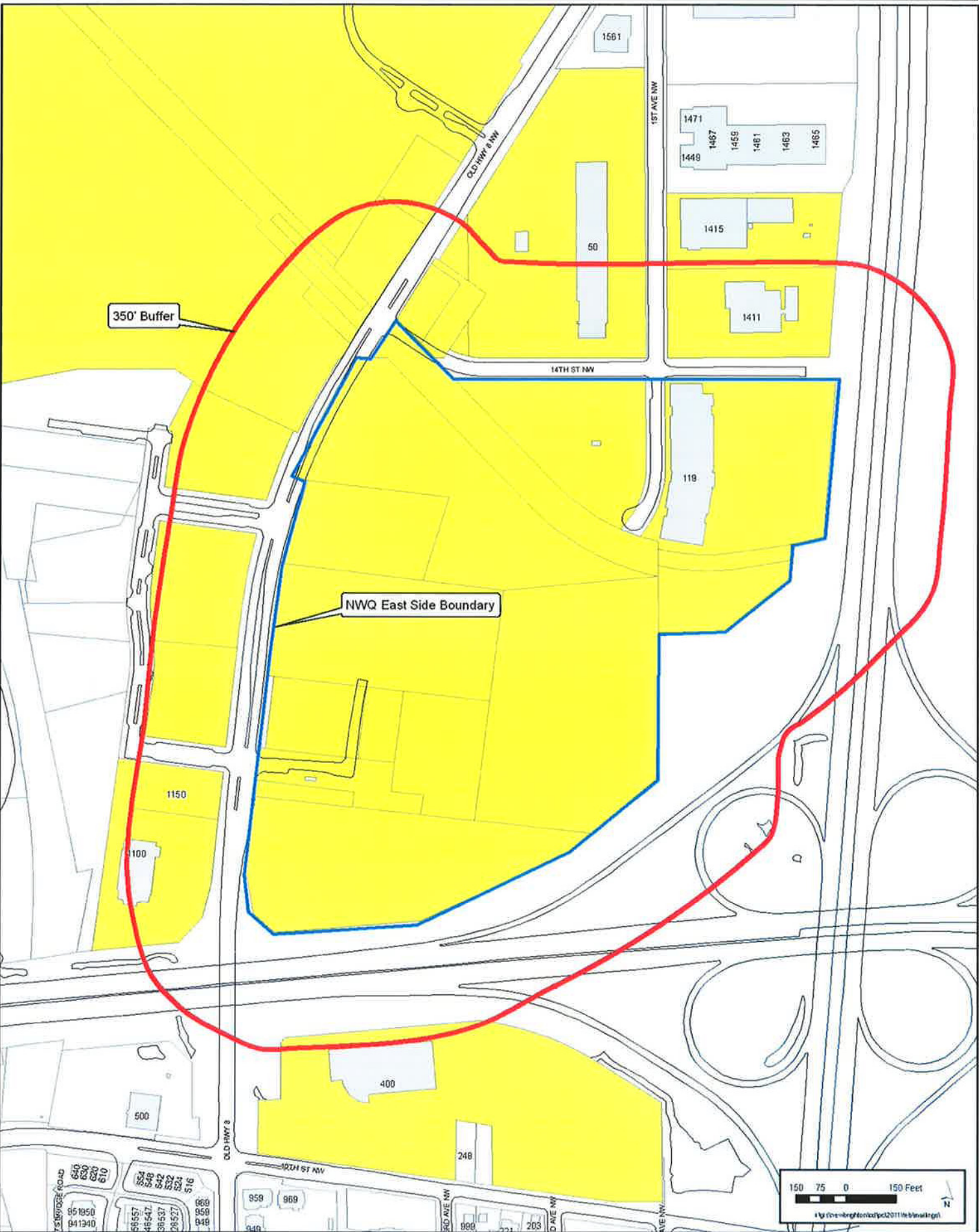


2009 Aerial Photo

150 75 0 150 Feet

figshareington data.com devpc201106/maps

350' Mailing Buffer - East Side Northwest Quadrant



CERTIFICATE OF SURVEY

~form THE CITY OF NEW BRIGHTON

PARCEL DESCRIPTIONS:

Parcel 1 (Dahlke Trailer)

That part of the Southeast Quarter of Section 20, Township 30, Range 23, described as commencing at the Southeast corner of said Southeast Quarter, thence North along the East line of said Southeast Quarter 1184.19 feet; thence North 83 degrees 17 minutes 28 seconds West (assuming said East line of Southeast Quarter as bearing North and South) a distance of 202.28 feet to the actual point of beginning of the land herein described; thence continuing North 83 degrees 17 minutes 28 seconds West 1027.70 feet; thence South 8 degrees 42 minutes 32 seconds West 148.53 feet; thence Southerly on a tangent curve concave to the East, having a radius of 2824.79 feet and a central angle of 1 degree 57 minutes 36 seconds, a distance of 95.63 feet; thence South 85 degrees 15 minutes 04 seconds East 10 feet; thence South 8 degrees 25 minutes 10 seconds East 111.81 feet; thence South 47 degrees 04 minutes 14 seconds East 88.60 feet; thence North 83 degrees 19 minutes 00 seconds East 442.64 feet; thence North 65 degrees 34 minutes 04 seconds East 469.99 feet; thence Northeasterly to the actual point of beginning. Subject to a limitation on the right of access to Interstate Highway 694 as set forth in the instruments recorded in Book 1343 of Deeds, page 395, Book 1750, page 247 and Book 2279, page 939 of Ramsey County Records.

Parcel 2 (Lange)

Parcel A:

That part of the Southeast Quarter, Section 20, Township 30, Range 23, described as follows: Beginning at the intersection of State Trunk Highway No. 6 and State Trunk Highway No. 100, (now Highway 694), thence Northerly along said centerline of said Highway No. 8 a distance of 518.53 feet to point of commencement of land to be described, thence Southeasterly at right angles to said centerline of Highway No. 8, for a distance of 340 feet, thence Northeasterly at right angles to last described course of a distance of 50 feet, thence Northeasterly at right angles to last described course (and being parallel to last described course) to a point in the centerline of said Highway No. 8, thence Southeasterly along center line of said Highway No. 8 to a point of beginning. Ramsey County, Minnesota.

Parcel B:

All that part of the Southeast Quarter of Section 20, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows:

Commencing at the intersection of the centerline of State Trunk Highway No. 100 (now Highway 694), with the centerline of County Road No. 77, formerly known as State Trunk Highway No. 8, thence Northeasterly on said centerline, 668.53 feet to the point of beginning; thence Southeasterly at right angles, 340 feet; thence Southeasterly at right angles, 50 feet; thence Southeasterly at right angles, 210 feet; thence Northeasterly at right angles, 60 feet; thence Northeasterly at right angles, 100 feet; thence Northeasterly at right angles, 90 feet; thence Northeasterly at right angles, 450 feet to the centerline of County Road No. 77; thence Southeasterly, at right angles, along said centerline 100 feet to the point of beginning. Ramsey County, Minnesota.

Parcel C:

All that part of Southeast Quarter of Section 20, Township 30, Range 23 described as follows: Commencing at the intersection of State Trunk Highway No. 100 (now Highway 694), with centerline of County Road No. 77, formerly known as State Trunk Highway No. 8, thence Northeasterly on said centerline, 983.53 feet; thence Southeasterly at right angles, 340 feet to point of beginning which is the Northeasterly corner of the United States Post Office property; thence Southeasterly at right angles along the Southeasterly boundary line of said U.S. Post Office property, 215 feet; thence Southeasterly at right angles, 110 feet; thence Northeasterly at right angles 215 feet; thence Northeasterly at right angles 110 feet to point of beginning. Ramsey County, Minnesota.

Parcel 3 (Haines)

Parcel 1:

All that part of Southeast Quarter of Section 20, Township 30, Range 23 described as follows: Commencing at the point of the centerline of the S.T.H. No. 100 with County Road 77, formerly known as S.T.H. 68, thence Northeasterly following centerline of County Road No. 77, 983.53 feet; thence Southeasterly at right angles, 450 feet; thence Northeasterly at right angles, 195 feet; thence deflect right 10 degrees 142.16 feet to the point of beginning; thence Southeasterly at right angles 100 degrees 142.9 feet to centerline of said County Road No. 77; thence Southeasterly on said centerline 334.63 feet; thence deflect left 90 degrees 450 feet; thence Northeasterly at right angles 195 feet; thence deflect right 10 degrees 50 minutes 142.16 feet to the point of beginning; subject to County Road No. 77, Ramsey County, Minnesota.

Parcel 2:

That part of the Southeast Quarter of Section 20, Township 30, Range 23 in Ramsey County, Minnesota described commencing at the Southeast corner of said Southeast Quarter, thence North along the east line of said Southeast Quarter 1184.19 feet; thence West, deflecting to the left 83 degrees 17 minutes 28 seconds, a distance 201.93 feet; thence continuing West along said last described line 518.21 feet; thence Northerly, at right angles, 60 feet; thence West, at right angles, 100 feet; thence Northerly, at right angles, 500 feet; thence Northeasterly, deflecting to the right 10 degrees, a distance of 142.16 feet to the actual point of beginning of the land herein described; thence Easterly, deflecting to the right 80 degrees, a distance of 241.31 feet; thence Southerly at right angles a distance of 335 feet; thence West at right angles a distance of 266 feet; thence Northerly at right angles a distance of 195 feet; thence Northeasterly deflecting to the right 10 degrees a distance of 142.16 feet to the actual point of beginning. Certificate of Title No. 384180.

Parcel 3:

All that part of Southeast Quarter of Section 20, Township 30, Range 23 described as follows: Commencing at the intersection of centerline of S.T.H. No. 100 with the centerline of County Road No. 77, formerly known as S.T.H. 68, thence Northeasterly following the centerline of said County Road No. 77, 983.53 feet; thence Southeasterly at right angles 450 feet; thence Northeasterly at right angles, 195 feet; thence deflect right 10 degrees 00 minutes, 142.16 feet to the point of beginning; thence deflect left 100 degrees 462.0 feet to the centerline of said County Road No. 77; thence Northeasterly following said centerline a distance of 264.96 feet to the intersection of said centerline with a line drawn 260 feet North of (measured at right angles) and parallel to the first course mentioned after the point of beginning; thence continuing Southeasterly on said line a distance of 464.1 feet; thence deflect right 100 degrees 264.01 feet to the point of beginning.

Parcel 4

Tract A & B, REGISTERED LAND SURVEY NO. 485, Ramsey County, Minnesota.

Parcel 5 (Mangelkock)

All of Lot 2, Block 1, that part of Lot 1, Block 1 and Block 5 lying easterly of the following described line: Commencing at a point in the south line of said Lot 1 distant 51.00 feet westerly along said south line from the southeast corner of said Lot 1, thence northerly to a point in the north line of said Block 5 distant 107.35 feet East along said north line from the northwest corner of said Block 5 and lying West of the east line of Lot 3, Block 1, extended northerly to Butcher's Street, all in Butcher's Allotment No. 1 of Grounds in Section 21, Township 30 North, Range 23 West, Ramsey County, Minnesota. AND Lot 3, Block 1, Butcher's Allotment No. 1 of Grounds in Section 21, Township 30 North, Range 23 West, Ramsey County, Minnesota. AND Lots 4 and 5, Block 1, and that part of Block 5 lying West of extended east line of Lot 5 and East of extended west line of Lot 4, except that part of Lots 4 and 5, Block 1 and that part of Block 5 adjoining said Lot 5 which lies easterly of a line run parallel with and distant 175 feet westerly of the following described line: Beginning at a point on the south line of said Section 21, distant 498.99 feet east of the southwest corner thereof, thence run northeasterly at an angle of 84 degrees 1 minute 15 seconds with said south section line for 2900 feet and terminating, all in Butcher's Allotment No. 1 of Grounds in Section 21, Township 30 North, Range 23 West, Ramsey County, Minnesota.

Parcel 6 (Butcher's Spur)

That part of the 100.00 foot wide Minnesota Transfer Railway Company right of way known as Butcher's Spur in the Northeast Quarter of Section 20, Township 30, Range 23, Ramsey County, Minnesota which lies southeasterly of the northeasterly right of way line of Old Highway No. 8. Subject to roads.

Together with the 100.00 foot wide Minnesota Transfer Railway Company right of way known as Butcher's Spur in the Southeast Quarter of Section 20, Township 30, Range 23, Ramsey County, Minnesota, the center line of which is described as follows: Beginning at the northeast corner of said quarter section; thence on an assumed bearing of South 89 degrees 57 minutes 27 seconds West along the north line of said quarter section a distance of 747.80 to the point of beginning; thence South 44 degrees 13 minutes East, 557.65 feet to the beginning of curve; thence on a tangent curve to the left with a radius of 716.8 feet, a distance of 421.75 feet to a point on the east line of said quarter section, distant 601 feet south from said northeast corner thereof.

Parcel 7 (Darling)

Except that part of 14th Street North, New Brighton, Minnesota, all that part of the Southeast Quarter of Section 20, Township 30, Range 23 which lies Northeasterly of the Minnesota Transfer Railway Company's 100 foot wide right-of-way, the centerline of which is described as follows:

Beginning at a point in the North line of said quarter section distant 747.8 feet West from the Northeast corner thereof, and running thence South 44 degrees 13 minutes East, 557.65 feet to the beginning of curve; thence on a curve to the left with a radius of 716.8 feet, a distance of 421.75 feet to a point in the East line of said quarter section, distant 601 feet South from said Northeast corner thereof.

And

That part of Lot 1, Block 1, and that part of Block 5, Butcher's Allotment No. 1 of Grounds in Section 21, Township 30, Range 23, lying West of the following described line: Commencing at a point on the South line of said Lot 1, distant 51.00 feet West along said South line from the Southeast corner of said Lot 1, thence Northerly to a point in the North line of said Block 5, distant 107.35 feet East along said North line from the Northwest corner of said Block 5, together that portion of vacated First Avenue North (Cleveland Avenue) occupying thereto by the reason of the vacation thereof, according to the recorded plat thereof, and situated in Ramsey County, Minnesota.

Parcel 8

The west 1 foot of Section 21, Township 30 North, Range 23 West and lying Southerly of the right-of-way line of the Minnesota Transfer Railway Company, and North of the off ramp from Interstate 35W to 694W. And that part of the Northwest quarter of the Southeast Quarter of Section 21, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows: Beginning at the point of intersection of the West line of said Section 21, with the Southerly right-of-way line of the Minnesota Transfer Railway Company; thence South on the West line of said Section 21 a distance of 200 feet; thence deflect to the left at an angle of 90°00'00" for 200 feet; thence deflect to the left at an angle of 38°39'35" for 256.12 feet; thence deflect to the left at an angle of 51°20'25" to an intersection with the Southerly right-of-way line of the Minnesota Transfer Railway Company; thence run West along the Southerly right-of-way line of said railway company to the point of beginning, excepting therefrom the Westery 1 foot thereof.

Parcel 9

That part of the Southeast Quarter of Section 20, Township 30, Range 23, described as commencing at the Southeast corner of said Southeast quarter; thence North along the East line of said Southeast quarter 1184.19 feet; thence West, deflecting to the left 83 degrees 17 minutes 28 seconds, a distance of 544.14 feet to the actual point of beginning of the land herein described; thence continuing West along said last described line 166 feet; thence Northerly, at right angles 60 feet; thence West at right angles, 100 feet; thence Northerly, at right angles, 305 feet; thence Easterly, at right angles, 266.00 feet; thence Southerly to the actual point of beginning. Certificate of Title No. 351728

Parcel 10 (Post Office)

All that part of the Southeast Quarter of Section 20, Township 30, Range 23, described as follows:

Commencing at the intersection of the centerline of Old Highway No. 8-63 with the centerline of Old State Trunk Highway No. 100; thence Northeasterly on centerline of said State Trunk Highway No. 8-63, 768.53 feet to the point of beginning; thence Southeasterly at right angles to said centerline 340 feet; thence Northeasterly at right angles 215 feet; thence Northeasterly at right angles 340 feet to the centerline of said State Trunk Highway No. 8; thence Southeasterly on said centerline 215 feet to the point of beginning, according to U.S. Government Survey thereof. Subject to rights of public in road.

Parcel 11 (Co-Op)

That part of the Southeast quarter of the Northeast Quarter of Section 20, Township 30 North, Range 23 West, described as follows:

Beginning at the point of intersection of the Northerly right of way line of Butcher's Spur and the Easterly line of Trunk Highway U.S. No. 8, thence Northeasterly, along the said Easterly line of said Trunk Highway 200 feet; thence Southeasterly at right angles 100 feet; thence Southeasterly, on a line parallel to the said East line of said Trunk Highway 224 feet, more or less, to the Northerly right of way line of Butcher's Spur; thence Northeasterly along the said right of way line 103 feet, more or less, to the place of beginning. And

That part of the Southeast quarter of the Northeast quarter of Section 20, Township 30 North, Range 23 West, described as follows: Beginning at the point of intersection of the Southeasterly line of Old State Trunk Highway No. 8-63 and the Northeasterly line of Butcher's Spur right of way, thence Northeasterly along the Southeasterly line of Old State Trunk Highway No. 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence Southeasterly on said deflection to the North line of 14th Street North; thence West on the North line of said 14th Street North to the Northeasterly line of Butcher's Spur right of way; thence Northeasterly on the Northeasterly line of said Butcher's Spur right of way to place of beginning.

Except property described as follows:

Beginning at the point of intersection of the Northerly right of way line of Butcher's Spur and the Easterly line of Trunk Highway U.S. No. 8, thence Northeasterly along the said Easterly line of said Trunk Highway 200 feet; thence Southeasterly at right angles 100 feet; thence Southeasterly on a line parallel to the said East line of said Highway 224 feet, more or less, to the Northerly right of way line of Butcher's Spur; thence Northeasterly along the said right of way 103 feet more or less, to the place of beginning.

NOTES

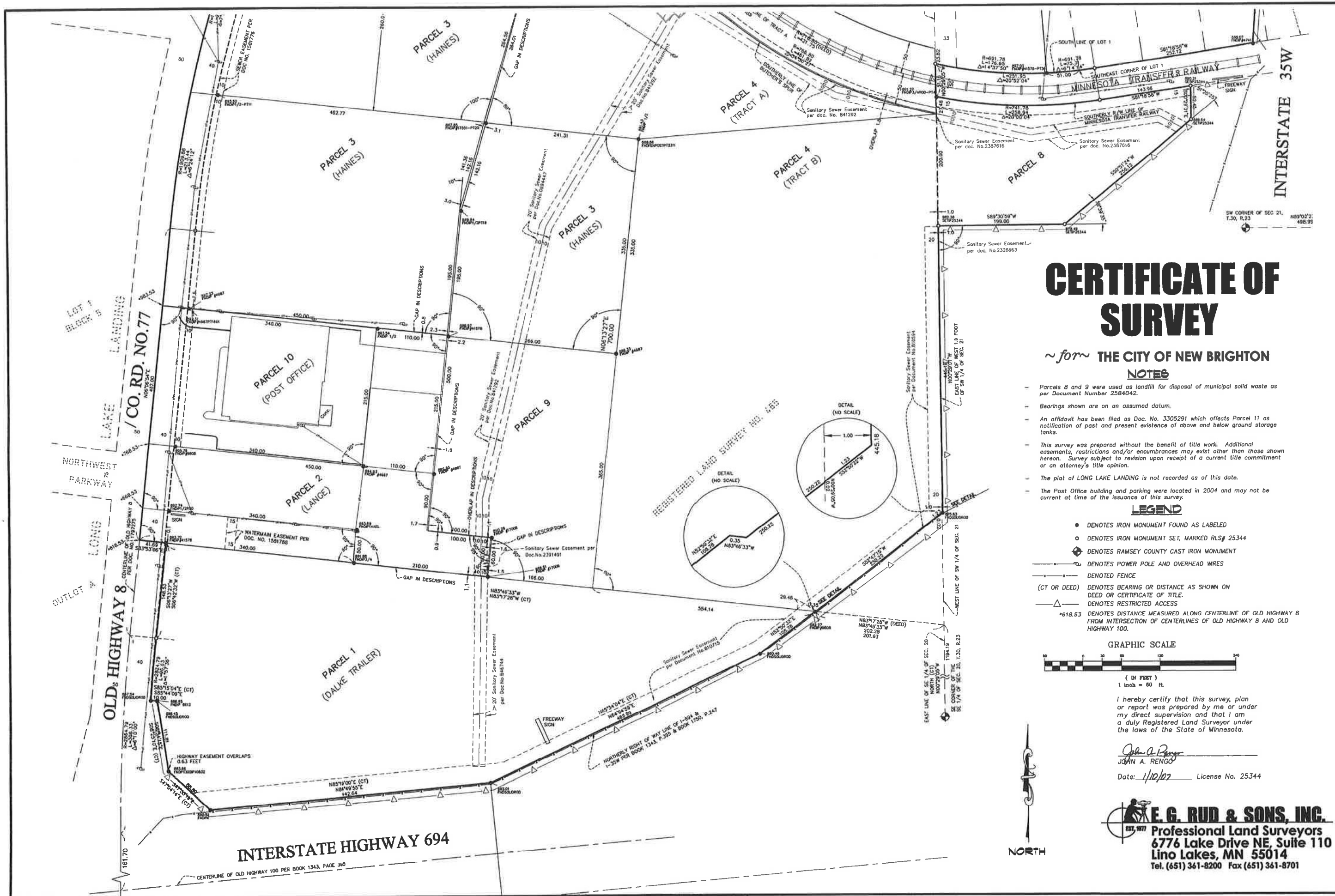
- Parcels 8 and 9 were used as landfill for disposal of municipal solid waste as per Document Number 2584042.
- Bearings shown are on an assumed datum.
- An affidavit has been filed as Doc. No. 3305291 which affects Parcel 11 as notification of past and present existence of above and below ground storage tanks.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

John A. Rengo
JOHN A. RENGO

Date: 1/10/07 License No. 25344

 **E.G. RUD & SONS, INC.**
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701



CERTIFICATE OF SURVEY

~ for ~ THE CITY OF NEW BRIGHTON

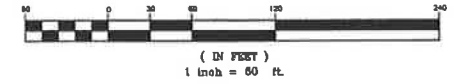
NOTES

- Parcels 8 and 9 were used as landfill for disposal of municipal solid waste as per Document Number 2584042.
- Bearings shown are on an assumed datum.
- An affidavit has been filed as Doc. No. 3305291 which affects Parcel 11 as notification of past and present existence of above and below ground storage tanks.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- The plat of LONG LAKE LANDING is not recorded as of this date.
- The Post Office building and parking were located in 2004 and may not be current at time of the issuance of this survey.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25344
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES POWER POLE AND OVERHEAD WIRES
- - - DENOTES FENCE
- (CT OR DEED) DENOTES BEARING OR DISTANCE AS SHOWN ON DEED OR CERTIFICATE OF TITLE.
- △ DENOTES RESTRICTED ACCESS
- *618.53 DENOTES DISTANCE MEASURED ALONG CENTERLINE OF OLD HIGHWAY 8 FROM INTERSECTION OF CENTERLINES OF OLD HIGHWAY 8 AND OLD HIGHWAY 100.

GRAPHIC SCALE



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

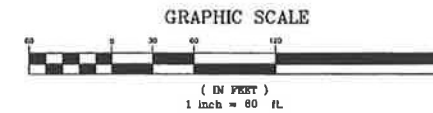
John A. Renko
JOHN A. RENKO

Date: 1/10/07 License No. 25344

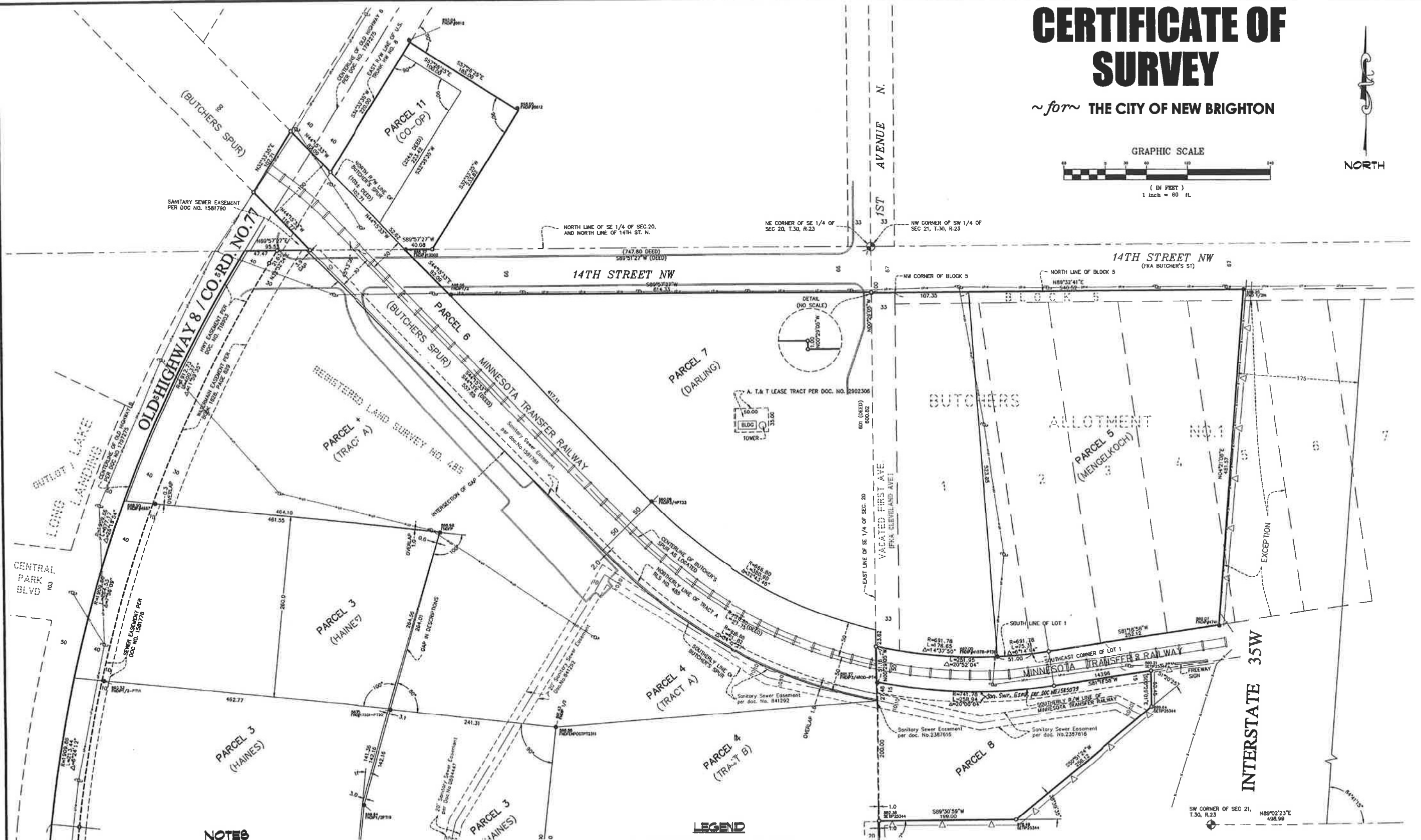
E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

CERTIFICATE OF SURVEY

~ for ~ THE CITY OF NEW BRIGHTON



NORTH



NOTES

- Parcels 8 and 9 were used as landfill for disposal of municipal solid waste as per Document Number 2584042.
- Bearings shown are on an assumed datum.
- An affidavit has been filed as Doc. No. 3305291 which affects Parcel 11 as nilification of past and present existence of above and below ground storage tanks.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- A road easement may not exist over the westerly end of 14th Street, across Butcher's Spur and connecting with Old Highway No. 8. Ramsey County mapping also does not show a road easement in this area.
- The plat of LONG LAKE LANDING is not recorded as of this date.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 25344
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES POWER POLE AND OVERHEAD WIRES
- - - DENOTES FENCE
- (CT OR DEED) DENOTES BEARING OR DISTANCE AS SHOWN ON DEED OR CERTIFICATE OF TITLE
- △— DENOTES RESTRICTED ACCESS

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

John A. Rengo
JOHN A. RENGO
Date: 1/19/07 License No. 25344

E. G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 341-8200 Fax (651) 341-8701

PRELIMINARY PLAT

of: NORTHWEST QUADRANT EAST

FOR: THE CITY OF NEW BRIGHTON

PARCEL DESCRIPTIONS:

PARCEL A

That part of the Southeast Quarter of Section 20, Township 30, Range 23, Ramsey County, Minnesota described as follows:

Commencing at the southeast corner of said Southeast Quarter of Section 20; thence on an assumed bearing of North 00 degrees 29 minutes 05 seconds West along the east line of said Southeast Quarter 1194.19 feet; thence North 83 degrees 46 minutes 33 seconds West along a line hereinafter referred to as "Line A", 720.14 feet to the point of beginning of the property to be described; thence North 06 degrees 13 minutes 27 seconds East 60.00 feet; thence North 83 degrees 46 minutes 33 seconds West 100.00 feet; thence North 08 degrees 13 minutes 27 seconds East 500.00 feet; thence North 16 degrees 13 minutes 27 seconds East 406.17 feet; thence North 83 degrees 46 minutes 33 seconds West along 464.43 feet to the centerline of Old Highway B, formerly known as State Trunk Highway No. 8 as recorded in Document No. 1797275; thence southeasterly along said centerline 477.90 feet along a nontangential curve concave to the east having a radius of 1909.86 feet, a central angle of 14 degrees 20 minutes 03 seconds and a chord bearing of South 13 degrees 18 minutes 56 seconds West; thence South 06 degrees 08 minutes 54 seconds West 487.05 feet to the intersection with the westerly extension of said "Line A"; thence South 83 degrees 46 minutes 33 seconds East, along said westerly extension of said "Line A" 551.53 feet more or less to the point of beginning.

PARCEL B

All that part of the Southeast Quarter of Section 20, Township 30, Range 23 which lies northeasterly of REGISTERED LAND SURVEY NO. 485, and lies westerly, northerly, and southerly of Northwest Parkway, and Lot 1, Block 1, TRANSOMA ADDITION, Ramsey County, Minnesota.

And

That part of the 100.00 foot wide Minnesota Transfer Railway Company right of way known as Butcher's Spur in the Northeast Quarter of Section 20, Township 30, Range 23, Ramsey County, Minnesota which lies southeasterly of the northeasterly right of way line of Old Highway No. 8. Subject to roads.

And

That part of the Southeast quarter of the Northeast quarter of Section 20, Township 30, Range 23, described as follows: Beginning at the point of intersection of the Southeasterly line of Old State Trunk Highway No. 8-63 and the Northeasterly line of Butcher's Spur right of way, thence Northeasterly along the Southeasterly line of Old State Trunk Highway No. 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence Southeasterly on said deflection to the North line of 14th Street North; thence West on the North line of said 14th Street North to the Northeasterly line of Butcher's Spur right of way; thence Northeasterly on the Northeasterly line of said Butcher's Spur right of way to place of beginning.

And

That part of the following described property:
That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 30, North, Range 23 West, lying southeast of Old State Trunk Highway 8-63 and northeast of the Minnesota Transfer Railway Company's Butcher Spur Right-of-Way, except the north 450 feet and further excepting the following:
Beginning at the point of intersection of the southeasterly line of Old State Trunk Highway 8-63 and the northeasterly line of Butcher's Spur Right-of-Way, thence northeasterly along the southeasterly line of Old State Trunk Highway 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence southeasterly on said deflection to the north line of 14th Street North; thence west on the north line of said 14th Street North to the northeasterly line of Butcher's Spur Right-of-Way; thence northeasterly on the northeasterly line of said Butcher's Spur Right-of-Way to place of beginning; subject to streets.

which lies southeasterly of a line parallel with and distant 51.21 feet southeasterly from the centerline of said Old State Trunk Highway 8-63 as described in Document No. 1797275 and which lies northerly of Line "A" as described below and which lies westerly of Line "B" as described below:

Line A:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 88 degrees 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 511.15 feet to the point of beginning of the line to be described; thence westerly 152.08 feet along a tangential curve concave to the north having a central angle of 32 degrees, 36 minutes, 08 seconds and a radius of 267.00 feet and said line there terminating.

Line B:

Commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 88 degrees, 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 565.81 feet to the point of beginning of the line to be described; thence North 01 degree, 58 minutes, 35 seconds East 480.00 and said line there terminating.

And

That part of the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 30, North, Range 23 West, lying southeast of Old State Trunk Highway 8-63 and northeast of the Minnesota Transfer Railway Company's Butcher Spur Right-of-Way, except the north 450 feet and further excepting the following:

Beginning at the point of intersection of the southeasterly line of Old State Trunk Highway 8-63 and the northeasterly line of Butcher's Spur Right-of-Way, thence northeasterly along the southeasterly line of Old State Trunk Highway 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence southeasterly on said deflection to the north line of 14th Street North; thence west on the north line of said 14th Street North to the northeasterly line of Butcher's Spur Right-of-Way; thence northeasterly on the northeasterly line of said Butcher's Spur Right-of-Way to place of beginning; subject to streets.

which lies southerly of a line described as commencing at the southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 89 degrees, 57 minutes, 27 seconds West along the south line of said Southeast Quarter of the Northeast Quarter 511.15 feet to the point of beginning of the line to be described; thence westerly 152.08 feet along a tangential curve concave to the north having a central angle of 32 degrees, 36 minutes, 08 seconds and a radius of 267.00 feet and said line there terminating.

And

That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 30, North, Range 23 West, lying southeast of the centerline of Old State Trunk Highway 8-63 and lying southerly of the Minnesota Transfer Railway Company's Butcher Spur Right-of-Way.

PARCEL C

That part of the west 1 foot of Section 21, Township 30 North, Range 23 West which lies southerly of the right-of-way line of the Minnesota Transfer Railway Company, and northerly of the off ramp from Interstate 35W to 694W. And that part of the Northwest quarter of the Southwest Quarter of Section 21, Township 30 North, Range 23 West, Ramsey County, Minnesota, described as follows: Beginning at the point of intersection of the West line of said Section 21, with the Southerly right-of-way line of the Minnesota Transfer Railway Company, thence South on the West line of said Section 21 a distance of 200 feet; thence deflect to the left at an angle of 90°00'00" for 200 feet; thence deflect to the left at an angle of 30°39'36" for 256.12 feet; thence deflect to the left at an angle of 51°32'25" 52.45 feet to an intersection with the Southerly right-of-way line of the Minnesota Transfer Railway Company; thence run Westerly on the Southerly right-of-way line of said railway company to the point of beginning, excepting therefrom the Westerly 1 foot thereof.

And

That part of the Minnesota Transfer Railway Company lying east of the west line of said Section 21, and lying westerly of the southerly extension of the east line of Lot 1, Block 1, TRANSOMA ADDITION, Ramsey County, Minnesota.

Parcel D

That part of the Southeast Quarter of Section 20, Township 30, Range 23, described as commencing at the Southeast corner of said Southeast quarter; thence North along the East line of said Southeast quarter 1194.19 feet; thence Westerly, deflecting to the left 83 degrees 17 minutes 28 seconds, a distance of 554.14 feet to the actual point of beginning of the land herein described; thence continuing Westerly along said east described line 166 feet; thence Southerly, at right angles 50 feet; thence Westerly at right angles, 100 feet; thence Northerly, at right angles - 305 feet; thence Easterly, at right angles, 266.60 feet; thence Southerly to the actual point of beginning. Certificate of Title No. 351728

Parcel E (Dahlke Trailer)

That part of the Southeast Quarter of Section 20, Township 30, Range 23, described as commencing at the Southeast corner of said Southeast Quarter; thence North along the East line of said Southeast Quarter 1194.19 feet; thence North 83 degrees 17 minutes 28 seconds West (assuming said East line of Southeast Quarter as bearing North and South) a distance of 202.28 feet to the actual point of beginning of the land herein described; thence continuing North 83 degrees 17 minutes 28 seconds West 1027.70 feet; thence South 6 degrees 42 minutes 32 seconds West 148.53 feet; thence Southerly on a tangential curve concave to the East, having a radius of 2824.78 feet and a central angle of 1 degree 57 minutes 36 seconds, a distance of 96.63 feet; thence South 85 degrees 15 minutes 04 seconds East 10 feet; thence South 8 degrees 25 minutes 10 seconds East 111.81 feet; thence South 47 degrees 04 minutes 14 seconds East 88.80 feet; thence North 85 degrees 19 minutes 00 seconds East 442.84 feet; thence North 65 degrees 34 minutes 04 seconds East 469.99 feet; thence Northeasterly to the actual point of beginning. Subject to a limitation on the right of access to Interstate Highway 694 as set forth in the instruments recorded in Book 1543 of Deeds, page 395, Book 1750, page 247 and Book 2279, page 939 of Ramsey County Records.

Parcel F

Tract A & B, REGISTERED LAND SURVEY NO. 485, Ramsey County, Minnesota.

Parcel G

That part of the Southeast Quarter of Section 20, Township 30, Range 23 in Ramsey County, Minnesota described commencing at the Southeast corner of said Southeast Quarter; thence North along the east line of said Southeast Quarter 1194.19 feet; thence Westerly, deflecting to the left 83 degrees 17 minutes 28 seconds, a distance 201.93 feet; thence continuing Westerly along said east described line 518.21 feet; thence Northerly, at right angles, 60 feet; thence Westerly, at right angles, 100 feet; thence Northerly, at right angles, 500 feet; thence Northeasterly, deflecting to the right 10 degrees, a distance of 142.16 feet to the actual point of beginning of the land herein described; thence Easterly, deflecting to the right 80 degrees, a distance of 243.31 feet; thence Southerly at right angles a distance of 335 feet; thence Westerly at right angles a distance of 266 feet; thence Northerly at right angles a distance of 195 feet; thence Northeasterly deflecting to the right 10 degrees a distance of 142.16 feet to the actual point of beginning. Certificate of Title No. 384186.

RIGHT OF WAY

That part of the following described property:

That part of the Southeast Quarter of the Northeast Quarter of Section 20, Township 30, North, Range 23 West, lying southeast of Old State Trunk Highway 8-63 and northeast of the Minnesota Transfer Railway Company's Butcher Spur Right-of-Way, except the north 450 feet and further excepting the following:
Beginning at the point of intersection of the southeasterly line of Old State Trunk Highway 8-63 and the northeasterly line of Butcher's Spur Right-of-Way, thence northeasterly along the southeasterly line of Old State Trunk Highway 8-63 a distance of 220 feet; thence deflect 90 degrees to the right a distance of 185 feet; thence deflect 90 degrees to the right and thence southeasterly on said deflection to the north line of 14th Street North; thence west on the north line of said 14th Street North to the northeasterly line of Butcher's Spur Right-of-Way; thence northeasterly on the northeasterly line of said Butcher's Spur Right-of-Way to place of beginning; subject to streets.

which lies northeasterly of a line parallel with and distant 51.21 feet southeasterly from the centerline of said Old State Trunk Highway 8-63 as described in Document No. 1797275.

NOTES

- Parcels D and E were used as landfill for disposal of municipal solid waste as per Document Number 2584042.
- Bearings shown are on Ramsey County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Current zoning -- NWO (Northwest Quadrant District) See code for setbacks. Setbacks are dependant on proposed use and will be determined at time of site approval.

DRAWN BY: NLO	JOB NO: 10008	DATE: 12/21/10
CHECK BY: JER	SCANNED	
1 2/21/10	city comments	cto
2		
3		
NO	DATE	DESCRIPTION
		BY

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES POWER POLE AND OVERHEAD WIRES
- DENOTES FENCE
- (CT OR DEED)— DENOTES BEARING OR DISTANCE AS SHOWN ON DEED OR CERTIFICATE OF TITLE.
- △— DENOTES RESTRICTED ACCESS
- *618.53 DENOTES DISTANCE MEASURED ALONG CENTERLINE OF OLD HIGHWAY B FROM INTERSECTION OF CENTERLINES OF OLD HIGHWAY B AND OLD HIGHWAY 100.

VICINITY MAP



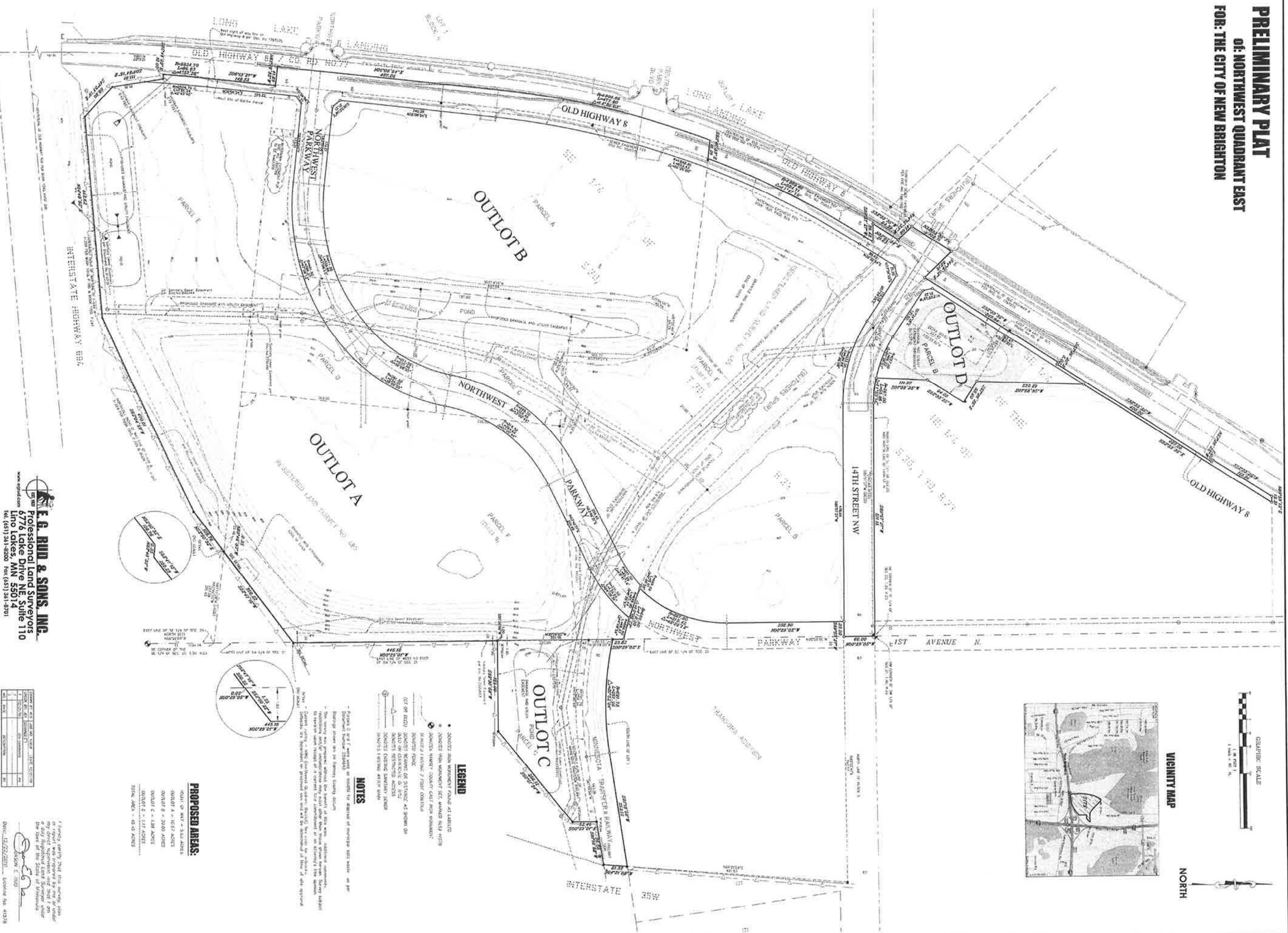
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


JASON E. RUD

Date: 12/22/2010 License No. 41578

 **E.G. RUD & SONS, INC.**
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

PRELIMINARY PLAT
OF NORTHWEST QUADRANT EAST
FOR: THE CITY OF NEW BRIGHTON



Work Session Materials



Memo

Date: February 8, 2011
To: Planning Commission
From: Janice Gundlach, City Planner *ja*
Subject: Landscaping Ordinance: Purpose & Goals

At the direction of the Commission, staff prepared a list of proposed purposes and goals for inclusion in a future ordinance related to landscaping standards as a follow-up to the January 18th work session discussion. Staff examined the City of Roseville ordinance, Commissioner Schiferl's written comments, and comments received by staff from other Commissioners since the work session. This information was drafted into a bulleted list, with a stated purpose, that should ultimately guide the drafting of more descriptive landscaping standards.

Staff would recommend the Commission examine the proposed stated purpose and goals, as drafted by staff, to ensure it reflects what the Commission's ultimate goals are. Staff would then recommend the Commission discuss what descriptive standards could be included to address those stated purposes and goals. To aid in this discussion, staff has attached the January 18th work session memo and Commissioner Schiferl's memo, which were distributed last month. Pages 2 and 3 of both memos outline some common themes and suggestions.

Staff also understands the Commission is interested in providing additional language that would preserve an option to veer from the descriptive standards when information is presented that addresses how the goals are alternatively being met. Staff advises the Commission to keep this in mind as more descriptive standards are discussed. This is important in that the descriptive standards shouldn't be so overwhelming or burdensome that developers/property owners/etc opts for alternative designs as a means to avoid the descriptive standards. Should this occur a lot of the uncertainty surrounding the landscaping plan requirement (that exists today) may still exist.

Staff looks forward to a good discussion.

Purpose and Goals: The City recognizes the various aesthetic, economic, and environmental benefits of a well landscaped environment. The goal of this ordinance is to address as many of the following goals as is appropriate and possible, depending on the specific characteristics of an individual site:

- Protect the health, safety, and general welfare of the city
- Deter crime
- Promote reestablishment of the vegetative environment for aesthetic, health, and wildlife reasons
- Improve ground water quality and water conservation
- Reduce storm water runoff
- Promote compatibility between land uses
- Aid in energy conservation
- Safeguard and enhance property values
- Minimize large expanses of paved area
- Provide shade
- Preservation of existing vegetation and tree canopy where appropriate
- Encourage use of a variety of deciduous, coniferous, and ornamental trees, shrubs, flowers, and groundcovers
- Promote year-round ornamental/visual interest
- Promote the minimization of environmental impacts through promotion of natural systems and use of low-maintenance native plants
- Ensure longevity and practicality of the landscaped environment



Memo

Date: January 14, 2011
To: Planning Commission
From: Janice Gundlach, City Planner
Subject: Landscaping Standards

In November of 2010 the Commission met for a work session to prioritize topics that relate to potential amendments to the Zoning Code. There was consensus at the meeting that the top priority should be landscaping standards. The purpose of this memo is to outline issues relevant to this topic and provide example ordinances from nearby communities to aid the Commission in advising Council on potential amendments to the current ordinance.

Existing Landscaping Standards

Zoning Code Section 8-010(2) currently requires that a landscaping plan be submitted in conjunction with all Site Plan requests. As an aside, Site Plan applications are required for construction of a new building or structure other than single and double family residences. Section 8-010(2) is attached for reference, but generally speaking there are no specific standards other than to submit a plan.

While Section 8-010(2) governs landscaping standards for site plan approvals, the Northwest Quadrant zoning district provides its own set of landscaping standards in Section 6-750(3) that would apply to all properties zoned NWQ, Northwest Quadrant. Both the Transoma project and Stuart apartment project in the NWQ were required to submit landscape plans meeting these criteria. These criteria are attached for reference purposes.

Problems w/the Existing Landscaping Standards

Because the existing landscaping standards of Section 8-010(2) are not prescriptive, there have been at least two situations with applicants where more was requested in terms of landscaping, yet the applicant was not willing to add to a landscaping plan. The best example was the McDonald's rebuild on Old Highway 8 SW. Ultimately, the owner agreed to the landscaping additions requested by staff, but there was initial push-back by their architect. Staff finds it difficult to provide landscaping-related conditions of approval when the Zoning Code does not explicitly back up that recommendation. In the McDonald's case there was a Special Use Permit that provided a little more flexibility with conditions of approval, but in situations where only a Site Plan application is considered problems could more easily arise.

Goals of Landscaping Standards

As the Commission begins the process of examining various landscaping standards and crafting an amendment, staff would recommend the Commission briefly discuss what the goals for New Brighton should be. What isn't getting accomplished with regard to the current standards and what would the Commission like to accomplish? Are projects suffering because of the current ordinance? If the Commission understands the goals they wish to achieve, it will be easier to craft an amendment.

Being Descriptive

Regardless of the specific ordinance that is ultimately crafted and presented to the Council, staff would remind that Commission that the ability to enforce the standards is important. The standards should be descriptive enough where city staff can easily determine compliance. Highly descriptive standards also allow the person preparing the landscaping plan to have some assurance the plan will be acceptable to the Planning Commission and City Council. This will prevent City staff, the Commission, and City Council from getting into situations where the applicant refuses to include something requested in a landscape plan.

Allowing Flexibility

It should also be noted that a highly descriptive ordinance can be sometimes problematic as it leaves little or no room to work with the applicant to achieve certain goals. Whatever standards are ultimately crafted, the Commission needs to be prepared to live with those standards should the applicant be unwilling to budge beyond them. Additionally, if an applicant is unwilling to meet a standard a situation may arise where a variance would be necessary. If it is the Commission's desire to still maintain a little flexibility with regard to landscaping standards, staff would suggest working with the City Attorney to include language providing Council authority to use discretion when applying the standards. Without this language, the only means for flexibility other than issuing a variance would be through the PUD or PRD process and depending on certain project characteristics, not all projects are eligible for a PUD or PRD (example: site must be at least 4 acres).

Example Ordinances

Staff examined what other nearby communities are doing with regard to landscaping standards. These communities included Fridley, Arden Hills, Columbia Heights, Mounds View, St. Anthony, and Roseville. The landscaping ordinances for these communities are attached. The Commission may want to review these ordinances to get a better understanding of what kinds of standards are typical and use these ordinances as a base for crafting an amendment to the New Brighton Zoning Code.

Common Themes in Ordinances

Collectively, the ordinances of Fridley, Arden Hills, Columbia Heights, Mounds View, St. Anthony, and Roseville reveal several themes with regard to landscaping standards:

- Most codes have a threshold for requiring a landscape plan, including in conjunction with all site plan reviews, when a project exceeds a certain value, when a project consists of a 10% expansion or disturbance of 5,000 SF, if additional parking is included, or when impervious surfaces are increasing.
- General landscape plan details include the placement, species type, species size, and methods of installation.
- Minimum sizes for plant materials such as caliper for deciduous trees, height for evergreens, and pot size for shrubbery.
- Plans must include a combination of trees (canopy, evergreen, and ornamental), shrubs, flowers, and ground covers.
- Timeframes for completing installation.
- Security for initial installation and/or a full growing season.
- Maintenance plans.
- Prohibited species.
- Landscaping goals such as encouraging natives and year round interest and color, improving water quality, reducing runoff, encourage energy efficiency, etc.

-
- Removal of diseased materials.
 - Right-of-way plantings.
 - Berming/buffering as a means for screening between two uses.
 - Irrigation
 - Landscaping variety requirements, such as a single species may not consume more than 25%-50% of the total # of species proposed.
 - Credit for preserving existing trees.
 - Parking lot landscaping, specifically a requirement for landscaping islands of a minimum size to include a canopy and/or ornamental tree. The number of required islands can be based on total number of parking stalls proposed.
 - Minimum # of trees based on length of street frontage, based on length of site perimeter, and based on total size area (examples: 1 tree/100' of street frontage, 1 tree/100' of site perimeter, 1 tree/5,000 SF of undeveloped site area).
 - A percentage landscaping requirement based on total site area (example: 10% of total site area must be landscaped).

The Commission should to review these common themes to determine what would be appropriate for New Brighton and inclusion in a code amendment.

Staff Recommendation

Staff recommends the following:

- The landscaping amendment be done through existing Section 8-010(2), which means a landscaping plan would be required for any new building or structure other than single and two family residences.
- Further define the types of projects that would trigger submission of a landscaping plan, such as using a disturbance threshold of adding impervious surfaces.
- Include all the items listed in the "Common Themes" section above. There should be further discussion with regard to details of these individual standards.
- Include language that provides some flexibility should it be necessary depending on the characteristics of the project and the characteristics of adjacent and nearby uses.

Closing

Staff looks forward to a good discussion. Staff suggests using this first work session to discuss goals and to generally discuss landscaping standards. This will provide direction to staff on how to prepare a Zoning Code Amendment. It is anticipated that a draft ordinance would be provided at subsequent work sessions. Ultimately, the Commission will hold a public hearing and forward a recommendation to the City Council.

January 18, 2011

TO: Janice Gundlach, City Planner
FROM: Norm Schiferl
RE: Preliminary issues/thoughts/ideas for discussion about landscaping standards

1. I strongly suggest we focus first on the big picture issues – purposes and goals -- before we delve into the tempting details. Here are my initial thoughts, building upon the purposes and goals you cited in your memo to the PC.

Purposes for enhancing current NB landscaping standards

- Consistency with public purposes and policies: Landscaping standards should reflect public purposes as reflected in NB comp plan and other relevant City policies
- Efficient and effective regulation: Applicants should have reasonable certainty that their landscape plans will be approved, if they meet minimum standards, which should help reduce delays in project approvals. City staff should have regulatory backup for their recommendations, resulting in administrative efficiencies.
- Flexibility: Alternative approaches should be allowed or even encouraged if they can meet or exceed the intent of the goals reflected in the standards, such as the increasing emphasis on having land use decisions being more sustainable. *(note: Roseville's ordinance is one model for flexibility)*

Public purposes/goals for landscaping standards

- Maintaining/improving property values of proposed projects and surrounding land uses.
 - Improving quality of life by improving desirability of proposed projects to users/occupants of projects and surrounding land uses; e.g., using landscaping to bring structures to visual scale and to break up expanses of paved surfaces; providing varied, year-round ornamental/visual enhancement; providing shade; only providing as much high-maintenance turf as is really needed
 - Ensuring sufficient quantities and sizes of landscape materials to have a significant initial effect upon installation, while allowing for long-term growth of plant materials
 - Providing screening and buffering of land uses as appropriate – both visual and noise
 - Ensuring that landscaping features are designed, implemented, and maintained for the long term; e.g., ensuring proper soil areas, plant placement, species selection and variety, installation, maintenance
 - Enhancing energy efficiency through interplay of effective building design and orientation with landscape features; e.g., shade from the sun, shelter from wind
 - Minimizing environmental impacts and promoting use of natural systems; e.g., encouraging use of low-maintenance native plants to reduce need for watering, fertilizing, pesticides; promoting use of landscape buffer areas and mulching mowers to reduce nutrient runoff due to spillage of grass clippings and fertilizer
 - Enhancing public safety and deter crime; e.g., ensuring landscape features do not adversely affect site lines for motorists, bicyclist, or pedestrians, and do not provide for excessively secluded areas that might encourage criminal activity
 - Ensuring that landscaping for parking areas is designed to address multiple goals, including comfort (shade), snow storage, adequate soil volume for longevity of trees/woody material
- (note: Roseville's ordinance has a number of well-stated goals)*

2. A key goal should be to ensure that every landscape plan is designed to ensure longevity and good health of plants, especially trees and shrubs.

This is important because:

- Any of the benefits of plantings, such as shade (energy and comfort benefits), aesthetics, maintaining property values, and screening, are obviously lost if the plants don't thrive or if they die.
- There is embodied energy in growing, transporting, preparing soil, planting, and maintaining plants that is lost if the plants don't thrive.
- Unnecessary waste is produced every time plants are prematurely removed.

Ensuring longevity/good health entails

- Providing for adequate soil volume for long-term root development (very often lacking in commercial plantings, especially in parking lots; one way to do this is to have larger and fewer parking lot islands; another way is to have engineered soils extending soil volume beyond planting area to under parking areas with porous pavement)
- Providing for proper soil drainage (often lacking for any kind of new development, once the topsoil is scraped off prior to construction and equipment compacts what remains)
- Taking foot traffic into account (people frequently walk through plantings, thus compacting soil around plants)
- Proper species selection (hardy, relatively easy to establish and maintain, relatively long-lived, attractive – preferably multi-seasonally, not prohibited, not too messy, etc.)
- Proper planting (this is crucial; it is very common for trees/shrubs to be planted too deep, because they arrive with excess soil above the roots that is not removed properly, and/or have trunks covered with “mulch volcanoes” – roots are denied sufficient oxygen, which among other things can lead to stem girdling many years later that can shorten the life of a tree and make it more susceptible to blowdown in storms; another problem is planting too deep in heavier and/or compacted soils, such that the roots do not spread out properly; yet another problem seen frequently is failure of the installers to properly remove burlap and metal cages for balled & burlap trees)
- Proper mulching/weed minimization (ensuring adequate moisture and oxygen to root zones – meaning care in use of landscape fabric, depth of mulch; minimizing excess heat build-up, such as from darker mulch materials)
- Proper irrigation (too much can be as bad as too little)
- Proper trunk protection (from weed whips, lawnmowers, snowplowing)
- And more. It would be good to try to get some ideas from Professor Gary Johnson at UM Extension Dept of Forestry Resources, specializing in urban and community forestry, who has been a leader and innovator in many issues, such as stem girdling syndrome.

<http://www.forestry.umn.edu/People/Johnson/index.htm>

If these steps are not properly taken for ensuring plant longevity/health, a one-year guarantee is not worth a lot, especially for trees.

3. Some specific items

- Acceptable and prohibited species: I think we should have such lists, but not list specific species in the ordinance. Instead, the list would be maintained and updated periodically by staff, and made available to anyone proposing a project requiring a landscape plan. The reason, as anyone who has followed buckthorn – widely sold here into the 1990s – knows, is that things change, and sometimes what seemed like a good species or specific cultivar becomes no longer so; climate change may exacerbate this situation. A good example is *Acer ginnala* or Amur Maple and its cultivars – non-native, gorgeous, hardy, adaptable smaller tree or shrub that is widely sold and

used locally, but MDNR has listed it for quite some time as a noxious species because it self-seeds and presumably can crowd out native species.

- Varieties of crabapples: Two thoughts here: First, crabapples are obviously widely used in plantings, and for good reason – hardiness, beauty, etc. They, as a type of apple tree, are also potentially prone to nasty disease and insect problems. Thus, only disease/insect-resistant varieties should be planted, and there are plenty of those available from reliable local nurseries and growers. Even with that, though, susceptibility to at least apple scab can change over time for a cultivar in some cases, I have been told. Consequently, if there are going to be several crabapples in a planting, I think we should require more than one variety to be planted. Another issue with crabapples is to encourage use of varieties with multi-seasonal value, meaning fruit and foliage in addition to 4-7 days of flowering glory; any good crabapple cultivar on the market now with fruit keeps its fruit on the tree until it is eaten or withers away, meaning messiness is not a major issue any longer; some varieties with bright red or orange fruit can be stunning in fall and sometimes well into winter.
- Credit for preserving existing trees/vegetation: needs some guidelines regarding what is worth protecting, which probably means at a minimum only native vegetation.
- Flexibility: e.g., Commercial irrigation systems are notorious for wasting water, so we should allow for flexibility for landscape plans to include low-maintenance areas where no irrigation is provided or needed; encourage less sod and associated water/fertilizer/pesticide use by providing more flexibility for developer if include more lower-input landscaping.
- Non-vegetative sustainability: for items such as benches to be included in a landscape plan, encourage use of environmentally-friendly, durable, low-maintenance products, such as benches made from recycled plastic

Thank you.