



AGENDA
Planning Commission Meeting
March 16, 2021 | 6:30 p.m.
Electronic Meeting

***Due to COVID-19 and pursuant to Minnesota Statutes Section 13D.021,
this Planning Commission meeting is taking place virtually via Zoom.***

- ***Watch the meeting electronically:*** To observe the meeting electronically, visit www.newbrightonmn.gov or tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast).
- ***To comment on a public hearing item in advance of the meeting:*** As City Hall is currently closed to the public due to the COVID-19 pandemic, we strongly encourage you to forward your comments and questions to Ben.Gozola@newbrightonmn.gov up to noon on the day of the meeting, or call Ben Gozola at 651-638-2059. Your comments will be included in the record and addressed as part of the meeting.

To provide public comment during the electronic meeting: To participate and speak as part of the public hearing, visit: <https://us02web.zoom.us/j/81603862779?pwd=K1FUSINzQ0FNM2M5WktFU1hZbDFEz09> (no app needed) or use your Zoom app to join by entering: Meeting ID: 816 0386 2779 and Passcode: 985059 to join the meeting.

I. Call to Order

II. Roll Call*

- | | |
|--------------------------------|---------------------------------|
| ▪ Chair Erin Nichols-Matkaiti | ▪ Commissioner Jeanne Frischman |
| ▪ Commissioner Liza Allen | ▪ Commissioner Tim McQuillan |
| ▪ Commissioner Todd Biedenfeld | ▪ Commissioner Eric Nelsen |
| ▪ Commissioner Youssef Enanaa | |

III. Approval of Agenda

IV. Approval of Minutes

1. February 16th, 2020

V. Report from City Council Liaison

* A quorum of the City Council may be present.

VI. Public Hearings

1. None

VII. Business Items

- 1. Minor Subdivision:** Request from Do Nguyen to authorize removal of an existing house to legally subdivide the property at 2530 Silver Lake Road into two (2) buildable parcels – PID 18-30-23-21-0032
- 2. Ordinance 880: Short Term Rentals.** An ordinance to establish permit requirements for short-term (14-day or less) rental properties

VIII. Adjournment





**MINUTES
PLANNING COMMISSION
February 16, 2021 City Hall
Council Chambers 6:30 p.m.**

I. Call to Order

The meeting was called to order at 6:30 p.m. by Chairperson Nichols-Matkaiti. Due to the COVID-19 pandemic this meeting was held virtually.

II. Roll Call

Members Present.....Chairperson Erin Nichols-Matkaiti, and Commissioners Todd Biedenfeld, Youssef Enanaa, Jeanne Frischman, Tim McQuillan, and Eric Nelsen

Members Absent.....Commissioner Liza Allen

Also PresentBen Gozola (Assistant Director of Community Assets and Development) and Mayor Kari Niedfeldt-Thomas

III. Approval of Agenda

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to approve the February 16, 2021 agenda as presented.

A roll call vote was taken. Approved 6-0.

IV. Approval of Minutes

Minutes from November 17, 2020

Motion by Commissioner McQuillan, seconded by Commissioner Nelson, to approve the November 17, 2020 meeting minutes as presented.

A roll call vote was taken. Approved 4-0-2 (Commissioner Frischman and Chair Nichols-Matkaiti abstained.

V. Report from City Council Liaison

Mayor Kari Niedfeldt-Thomas introduced herself to the Commission and thanked each Commissioner for their dedicated service to the community. She explained she was looking forward to City's Zoning Code being updated. She reported the Council would be seeking student commissioners for each of its commissions. She indicated the City Council has directed staff to hire a new individual to assist with inclusivity initiatives this summer and noted an inclusivity commission would be formed. She encouraged the Commissioners to send her names of individuals that would be interested in serving on this commission. She commented on how this new commission would partner with the community. She further discussed the strategic plan and scorecards the Council would be creating for the coming year. She encouraged the Commissioners to reach out to her with any comments or questions.

VI. Public Hearing

A) PUD & Site Plan Amendment: Request from TÜV SÜD to expand their existing research and testing facility at 141 14th Street NW.

Assistant Director of Community Assets and Development Gozola reported TÜV SÜD is seeking to place a 20,000 square foot addition onto their existing building at 141 14th Street NW to expand their testing capabilities for the North American market. Most of the site related issues for this property were previously addressed via the 2017 approval authorizing construction of the original facility. While additional details are still being requested by staff, we do believe the plans submitted are sufficient to secure conditional approval given past plan reviews & approvals. Staff provided further comment on the history of this property, the proposed expansion and recommended approval of the PUD and Site Plan, based on the findings of fact and subject to the following conditions:

1. The applicant consents to making minor amendments to the plans to successfully address all engineering issues that arise once updated Civil plans are submitted and reviewed.
2. Plans shall be updated as needed to address any concerns relating to the existing domestic water service line location in relation to the addition.
3. A revised landscaping plan showing consistency with the original landscaping plan must be submitted along with any future building permit application and shall be subject to approval by DCAD staff.
4. A formal lighting plan shall be submitted as part of the building permit application to show consistency with previous approvals and no impacts to adjacent ROWs or neighboring properties.
5. Any problems with existing or proposed lighting that are later identified shall be brought into compliance with code requirements.
6. The applicant shall obtain all necessary permits from the Rice Creek Watershed District.
7. Plans shall successfully show how the existing passive gas venting framework under the existing building will be extended under the new foundation/addition.

8. All new/additional utilities (i.e. telephone, electric, gas service lines, etc.) are to be placed underground in accordance with the provisions of all applicable City ordinances
9. Lighting shall be directed downward, and installed so as to prevent direct light from being detectable at the lot line of the site on which the source is located.
10. Lighting shall not shine directly into the public right-of-way or onto any residential use.
11. All construction activities shall adhere to New Brighton City Code restrictions especially as they relate to parking and hours of work.

Commissioner Frischman asked if the comment staff received was from a local business owner or resident. Assistant Director of Community Assets and Development Gozola explained the call was received from a resident from the nearby neighborhood.

Chair Nichols-Matkaiti opened the Public Hearing at 6:53 p.m.

Adam Menzi, Director of Medical and Health Services for TUV SUD, thanked the Commission for their consideration. He stated he was very excited for TUV SUD to be expanding in New Brighton. He anticipated 25 additional high paying scientific jobs will be added to the local economy from this expansion.

Motion by Commissioner McQuillan, seconded by Commissioner Frischman, to close the Public Hearing.

A roll call vote was taken. Approved 6-0.

Motion by Commissioner Biedenfeld, seconded by Commissioner Frischman, to recommend the City Council approve the requested PUD Amendment and site plan based on the findings of fact and subject to the listed conditions.

A roll call vote was taken. Approved 6-0.

B) Special Use Permit: Request from Susan Morrison and Clearscape Holdings LLC to establish a special use permit for a new landscaping company intending to replace the existing D-Rock landscaping company at 175 Old Highway 8 SW.

Assistant Director of Community Assets and Development Gozola reported Clearscape Holdings LLC, a company operating On Time Landcare, is seeking to consolidate its various real estate locations throughout the metro into a central company headquarters located at 125/175 Old Highway 8. The new landscaping company would replace the existing landscaping company (D-Rock) on the subject site. This SUP would address long-standing issues of screening outdoor storage and protection of the nearby creek/ditch. Staff provided further comment on the request and recommended approval of the Special Use Permit, based on the findings of fact and subject to the following conditions:

1. Materials/design of the opaque wall/fence/gate combination intended to screen on-site storage from view from Old Highway 8 must be reviewed and approved by staff prior to installation. Appeals to staff's determination would be sent to Council for a final decision.

2. Lighting on the site and building shall be directed downward and be installed so as to prevent direct light from being detectable at all lot lines. Lighting is also not to shine directly into the public right-of-way. Any problems with existing lighting that are later identified shall be brought into compliance with code requirements.
3. The applicants shall provide a narrative of spill control practices for equipment stored near creek, and come to an agreement with DCAD staff on final mitigation measures to contain and prevent materials from leaving the site and entering the creek/ditch as may be needed both now or in the future.
4. The applicant shall obtain all needed permits from the Rice Creek Watershed District (RCWD), and agree to address storm water concerns if unforeseen issues arise (or become foreseeable) as a result of the on-site storage.
5. The applicants shall provide spot elevations and a grading/drainage plan for proposed employee parking lot for staff approval prior to the improvement being made. Drainage created by the proposed parking lot shall not adversely affect neighboring properties.
6. The applicants shall stripe the new employee parking lot per the approved plan upon completion of paving.
7. The applicants shall provide an updated survey to staff showing on-site utilities, and accommodate minor site changes if directed to do so by the City to protect these utility lines.
8. The applicants will provide the fire marshal with updated Material Safety Data (MDS) sheets as may be needed.
9. The applicants shall either make improvements to the site to eliminate tracking of dirt into the street, or shall pay for street sweeping services whenever directed to do so by the City.
10. Sign changes on the building and/or site will need to be reviewed and approved via a separate sign permitting process.
11. If later determined necessary, the applicant shall make minor adjustments to the arrangement of parking spaces if it is ultimately determined changes are needed to facilitate large vehicle turning movements.

Chair Nichols-Matkaiti asked if there was a difference between the outdoor storage of building/landscaping materials versus vehicles. Assistant Director of Community Assets and Development Gozola stated the City has not historically distinguished between the vehicles and building materials, both are viewed as outdoor storage.

Commissioner Biedenfeld recommended this business be required to use 8th Avenue.

Commissioner McQuillan asked if there was a wall along 8th Avenue. Assistant Director of Community Assets and Development Gozola reported there was a building and fence along 8th Avenue.

Commissioner McQuillan supported the building having to use 8th Avenue versus Old Highway 8 for egress and ingress.

Chair Nichols-Matkaiti opened the Public Hearing at 7:09 p.m.

Wade Gerten, owner of Clearscape Landscaping, explained the business would naturally want to enter and exit onto quieter streets, especially if traffic were backed up along Old Highway 8. He anticipated trucks would be using 8th Avenue or 8th Street to enter and exit the site.

Chair Nichols-Matkaiti questioned how many vehicle trips would occur on a daily basis. Mr. Gerten reported he services commercial properties, large townhome associations and apartment buildings. He explained he tries to have crews roll out at different times. He estimated he would have 20 to 25 vehicles leaving each morning and noted the crews would return at different times in the afternoon or evening. Further discussion ensued regarding the number of cars that would be parked in the parking lot.

Chair Nichols-Matkaiti asked if staff was concerned about truck traffic from the other businesses in this industrial area, especially during the morning hours. Assistant Director of Community Assets and Development Gozola commented staff did not have any concerns at this time.

Motion by Commissioner McQuillan, seconded by Commissioner Biedenfeld, to close the Public Hearing.

A roll call vote was taken. Approved 6-0.

Chair Nichols-Matkaiti asked if the Commission wanted to add a condition with respect to traffic flow or should the applicant be allowed to work through this matter.

Commissioner Biedenfeld suggested Condition 11 be amended to address this concern.

Commissioner Frischman anticipated traffic safety would dictate how the applicant chooses to enter and exit this site. She recommended traffic safety be referenced in Condition 11 if it were to be amended.

Commissioner Nelson stated if this were a retail establishment, he would be more concerned, but given the fact this was for the movement of employees and fleet vehicles, he anticipated these employees would work through the traffic concerns.

Commissioner Enanaa agreed explaining the applicant was aware of the traffic situation and could address the traffic concerns with his employees.

Motion by Commissioner Nelson, seconded by Commissioner Enanaa, to recommend the City Council approve the proposed special use permit based on the findings of fact and listed conditions.

A roll call vote was taken. Approved 6-0.

VII. Business Items

None.

VIII. Adjournment

Motion by Commissioner Frischman, seconded by Commissioner McQuillan, to adjourn the meeting.

A roll call vote was taken. Approved 6-0.

Meeting adjourned at 7:32 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ben Gozola". The signature is stylized with a large, looped "B" and a cursive "G".

Ben Gozola
Assistant Director of Community Assets and Development



Agenda Section:	VII
Item:	1
Report Date:	3/9/21
Commission Meeting Date:	3/16/21

REQUEST FOR COMMISISON CONSIDERATION

ITEM DESCRIPTION: Minor Subdivision: Request from Do Nguyen to authorize removal of an existing house to legally subdivide the property at 2530 Silver Lake Road into two (2) buildable parcels – PID 18-30-23-21-0032.
DEPARTMENT HEAD'S APPROVAL:
CITY MANAGER'S APPROVAL:
No comments to supplement this report ____ Comments attached ____

15.99 Deadline: 6/12/21

Recommendations:

- Staff believes the subdivision can be approved with conditions.
- Template motions, recommended findings, and suggested conditions can be found on page 7

Legislative History:

- Complete application received on 2/12/21
- Planning Commission business item review (no public hearing per code for minor subdivisions) scheduled for 3/16/21;
- Council public hearing (required by code) scheduled for 3/23/21

Financial Impact: None

Summary:

- Do & Bryan Nguyen are seeking approval to remove the existing home at 2530 Silver Lake Road in order to split the land into two conforming buildable parcels. Provided all improvements are removed leaving no nonconformities to the new lot line, this is a permissible lot split subject to conditions.

Attachments:

- 1) Staff Report
- 2) Engineering Memo
- 3) Draft Resolution
- 4) Agency/Public Comments
- 5) City Maps
- 6) Applicant's supporting documentation

Ben Gozola, AICP,
Assistant Director of Community Assets and Development

To: Planning Commission

From: Ben Gozola, Assistant Director DCAD

Meeting Date: 3-16-21

Applicants: Do and Bryan Nguyen

Main Contact: Jay Nguyen

Location: 2530 Silver Lake Road NW

Zoning: R-1

Introductory Information

Project: Do & Bryan Nguyen are seeking approval to remove the existing home at 2530 Silver Lake Road in order to split the land into two conforming buildable parcels.

History:

- Complete application received on 2/12/21
- Planning Commission business item review (no public hearing) scheduled for 3/16/21;
- Council public hearing (required by code) scheduled for 3/23/21

Request(s): ▪ **Minor subdivision of the property at 2530 Silver Lake Road**

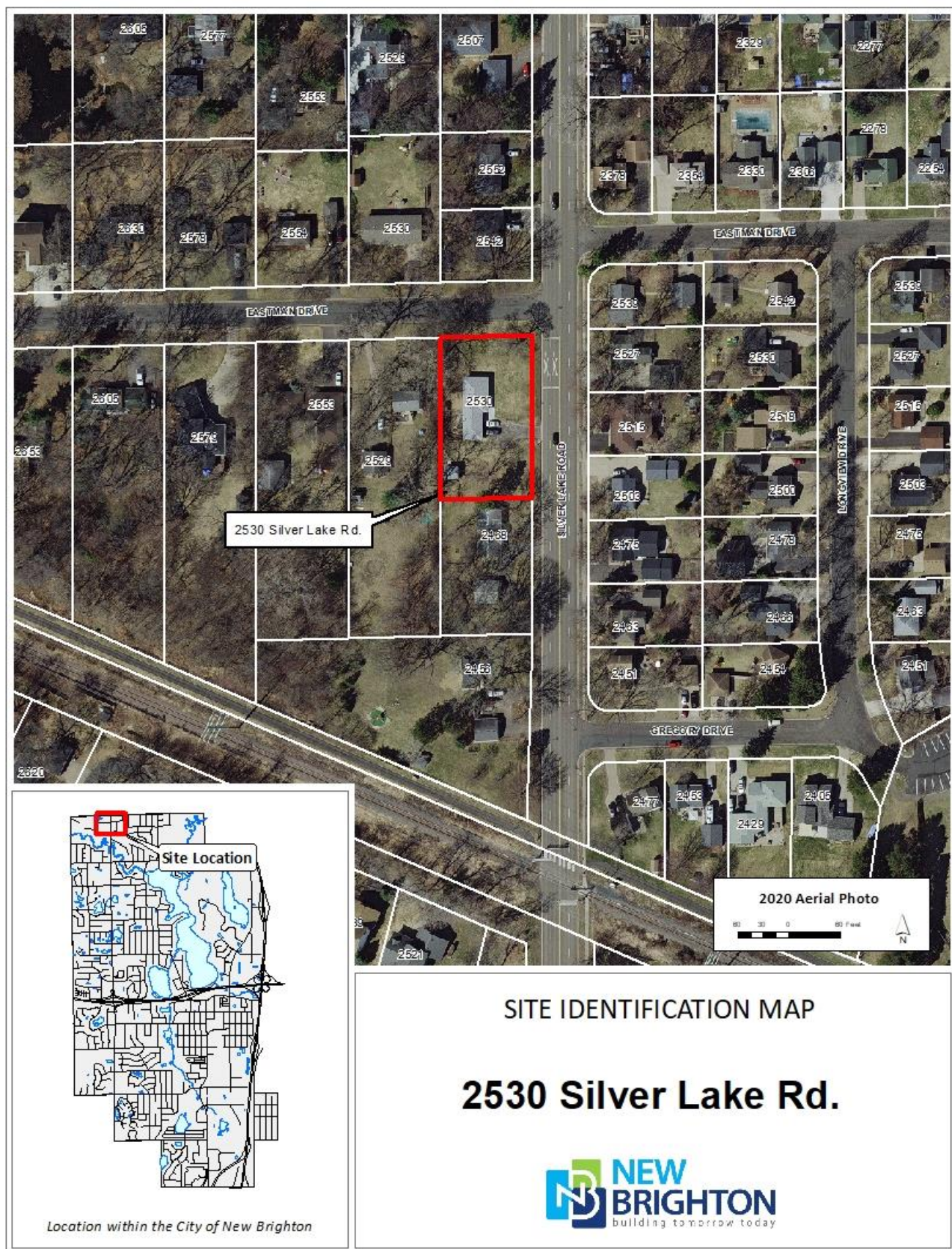
General Findings

Site Data:

- Existing Lot Size = 0.47 acres (20,549 sq ft)
- Existing Use – Single Family Home (to be removed)
- Existing Zoning – R-1
- Property Identification Number (PID): 18-30-23-21-0032

Comp Plan Guidance:

- The 2040 Comprehensive Plan guides this property for Low Density Residential use (LDR). The proposed subdivision into two lots meeting R-1 zoning standards is appropriate.



**Notable Code
 Definitions:**

- **Boundary Lines.** Any line indicating the bounds or limits of any tract or parcel of land. Also, a line separating the various use districts as shown on the City’s zoning map.
- **Frontage.** The width of a lot or building site measured on the line separating it from the public street or way.
- **Front Line.** A line separating the lot from the public street or way. The front line of lots with more than one street side shall be determined by the method specified in Section 8-670 of the Zoning Code.
- **Lot.** A parcel of land delineated upon and thereafter described by reference to a plat, registered land survey, or auditor's subdivision, or any similar recorded dedication document.
- **Lot Width.** The mean horizontal distance between the side lot lines of a lot as measured within the lot boundaries.
- **Subdivision.** The division of a parcel of land for the purpose of transfer of ownership or building development into two or more lots or parcels any of which resultant parcels is less than five acres in area or has a frontage of 300 feet or less on a public right-of-way; or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to consolidation. For purposes of this Chapter, subdivision also means the division of any land within a single tax parcel, including the division of lots or parcels that have been combined for tax purposes.

**Applicable
 Codes:**

- **Chapter 26, Article 1, General Conditions.**
 Outlines various minimum requirements for lots within a subdivision and the minor subdivision process.

**Applicant’s
 Narrative:**

We are requesting consideration of a lot split to divide our parcel to allow for the future construction of two single-family homes.

Minor Subdivision Review

Existing Conditions:

- The property at 2530 Silver Lake Road is of sufficient size to be subdivided into two lots, but the existing home on the property (built in 1953) is in a location that precludes subdivision.
- The land must be cleared of all improvements as a condition of any subdivision approval.

Proposed Lot Split:

- The landowner is proposing to create two lots from the present parcel, and both lots would meet minimum requirements.

PROPOSED	Parcel A	Parcel B
Area (min 10,000 sq ft)	10,272 square feet (conforming)	10,277 sq ft (conforming)
Width (min 75 feet*)	95' (conforming)	95' (conforming)
Bldg Coverage (30%**)	0.0% (conforming)	0.0% (conforming)
Max Impervious (50%**)	0.0% (conforming)	0.0% (conforming)

* at the building setback

** site will be cleared of all improvements as a condition of approval ensuring no nonconformities

Lot Access:

- Ramsey County reviewed the proposed lot subdivision along Silver Lake Road (Ramsey CSAH 44) and provided the following comments:
 - Only one driveway access will be allowed to Silver Lake Road.
 - The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive, the City street.
 - The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.
- Staff concurs with and supports the County recommendations, and has included such as conditions should the proposed subdivision be approved.

Building Pads:

- Both proposed Parcel A and Parcel B will have sufficient areas for new single family dwellings. No concerns with potential impediments such as topography or wetlands.

Easements / ROW:	<ul style="list-style-type: none"> ▪ All drainage and utility easements as required by code are being dedicated as part of this minor subdivision. ▪ There is no need to request additional right-of-way along either Eastman Drive or Silver Lake Road.
Utilities	<ul style="list-style-type: none"> ▪ With this I would make sure that we identify the need to televise the existing sewer services and verify existing unused water service works. ▪ Sewer access charges and water access charges will apply to the new lot.
Environmental Impacts:	<ul style="list-style-type: none"> ▪ The creation of one additional lot in this context does not trigger the need for any formal environmental review.
Wetlands:	<ul style="list-style-type: none"> ▪ There are no wetlands on this site.
Shoreland District:	<ul style="list-style-type: none"> ▪ The subject property is not in the shoreland district.
Flood Plain & Steep Slopes:	<ul style="list-style-type: none"> ▪ There are no flood plains or steep slopes on this site.
Watershed District Comments (RCWD):	<ul style="list-style-type: none"> ▪ Per the Rice Creek Watershed District (RCWD): <ul style="list-style-type: none"> – <i>“The area to be subdivided is less than 1 acre and is located more than 300 feet from a waterbody therefore, a RCWD permit is not required. However, a notice of intent must be submitted to the District for projects that disturb more than 5,000 square feet of land. RCWD requests that the landowner provide notice to the District if they will be exceeding this threshold.”</i>
Park Dedication:	<ul style="list-style-type: none"> ▪ Chapter 26, Article 4 of the City Code outlines requirements for park dedication at the time of subdivision/new development. Per the City of New Brighton Fee Schedule based on the needs outlined in the 2040 Parks Comprehensive Plan, the Park Dedication fee per new dwelling unit is \$1,825. This dedication must be paid prior to filing the new subdivision with Ramsey County.
Engineering:	<ul style="list-style-type: none"> ▪ Engineering has reviewed the plans and their comments are contained on the attached memo dated 3/9/21.

- | | |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (cont.) | <ul style="list-style-type: none"> ▪ Main highlights: <ul style="list-style-type: none"> – Surveyor should show the existing storm sewer line to the north and east of these properties. – Sewer and Water access charges will apply at the time of building permit. |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- | | |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Resident
Concerns &
Feedback: | <ul style="list-style-type: none"> ▪ As of 3/11/21, no comments either for or against this proposal have been received by the City. |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|

Conclusion:

The application is requesting to subdivide the property at 2530 Silver Lake Road NW into two buildable lots

Staff Recommendation: Per the analysis outlined in the report, staff is recommending **APPROVAL** of the proposed subdivision with conditions.

**Commission
Options:**

The Planning Commission has the following options:

- A) RECOMMEND APPROVAL OF THE REQUEST based on the applicant’s submittals and findings of fact.
- B) RECOMMEND DENIAL OF THE REQUEST based on the applicant’s submittals and findings of fact.
- C) TABLE THE ITEM and request additional information.

Based on an application date of 2/12/21, the 120-day review period for this application expires on 6/12/21. This deadline is set by statute and can only be extended by the applicant.

**Template Denial
Motion:**

(not recommended)

- “I move that we recommend the City Council deny the proposed subdivision based on the following findings of fact:”
 - (provide findings to support your conclusion)

**Template Approval
Motion:**

RECOMMENDED

- “I move we recommend the City Council approve the proposed subdivision based on the findings of fact and conditions listed on page 7 the report as may have been amended here tonight.”

***Suggested Findings
of Fact:***

1. The applicants propose to remove all improvements on the lot to ensure both new lots contain no nonconformities.
2. Both proposed lots exceed the minimum lot size in the R-1 zoning district.
3. Both proposed lots exceed the minimum required width for an R-1 zoned lot.
4. Both of the proposed lots will have legal and direct access to an adjacent public roadway for access purposes.
5. Both lots can be adequately served by municipal utilities.
6. All required easements will be dedicated as part of this minor subdivision.

***Recommended
Conditions:***

1. The land must be cleared of all improvements as a condition of any subdivision approval
2. Park dedication in the amount of \$1,825 shall be paid prior to the subdivision being filed with Ramsey County.
3. Regarding lot access for both Parcel A and Parcel B:
 - a. Only one driveway access will be allowed to Silver Lake Road.
 - b. The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive to the north.
 - c. The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.
4. Engineering comments in the 3/9/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
5. A notice of intent shall be submitted to the Rice Creek Watershed District if planned projects will disturb more than 5,000 square feet of land.

cc: Do and Bryan Nguyen, Applicants



interoffice

MEMORANDUM

to: Ben Gozola, Assistant Director of Community Assets and Development/City Planner
from: Dustin Lind, Engineering Supervisor
subject: 2530 Silver Lake Road
date: March 9, 2021

The Engineering Department has reviewed the minor subdivision plan for the property at 2530 Silver Lake Road and we offer the following comments:

Storm Sewer

- 1) The site survey is missing the storm sewer line that runs adjacent to the property on the north and east lot lines. Approximate location shown on attached plan.

Watermain and Sanitary Sewer

- 1) Sewer Availability Charges (SAC) and Water Availability Charges (WAC) will be issued for the newly created lot during the building permit process.
- 2) The capped sewer service to Parcel B is incorrectly shown. The service does not extend to the property line as shown; rather it terminates at the service wye located next to the sewer main.
- 3) The existing sewer service to Parcel A shall be televised to ensure functionality prior to reinstatement.
- 4) The existing water service curb stop shall also be inspected to ensure functionality prior to reinstatement.

**RESOLUTION
CITY COUNCIL
CITY OF NEW BRIGHTON**

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING A MINOR SUBDIVISION

WHEREAS, the City of New Brighton is a municipal corporation, organized and existing under the laws of the State of Minnesota; and,

WHEREAS, the City Council of the City of the New Brighton has adopted a comprehensive plan and corresponding zoning regulations to promote orderly development and utilization of land within the city; and,

WHEREAS, Do and Bryan Nguyen (the “Applicants”), own land located at 2530 Silver Lake Road (the “Property”) which is legally described as:

EXISTING LEGAL DESCRIPTION:

That part of Lot 20, Knollwood Park No. 2, lying Northerly of the Southerly 160 feet thereof, said 160 feet being measured along the East AND West lines of said Lot. Reserving therefrom a 5 foot easement across said lot approximately 185 feet South of the North line of said lot for public utilities use, such as setting of poles, stringing of wires, trimming or removing of trees as necessary for line clearance, or for laying of underground conduits, Ramsey County, Minnesota.

WHEREAS, the Applicants made application to the City on 2/12/21 seeking a minor subdivision to divide the Property into two (2) buildable lots; and

WHEREAS, staff fully reviewed the request and prepared a report for consideration by the Planning Commission at their meeting on March 16, 2021; and

WHEREAS, the Planning Commission considered the subdivision request at their March 16, 2021, meeting and made recommendations for City Council consideration; and

WHEREAS, the City Council held a public hearing to listen to public input regarding this request at their meeting on March 23, 2021; and

WHEREAS, following the public hearing, the City Council considered the recommendations of the Planning Commission, Staff, the Applicant's submissions, the contents of the staff report, and other evidence available to the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of New Brighton hereby approves the requested minor subdivision based on the following findings of fact:

1. The applicants propose to remove all improvements on the lot to ensure both new lots contain no nonconformities.
2. Both proposed lots exceed the minimum lot size in the R-1 zoning district.
3. Both proposed lots exceed the minimum required width for an R-1 zoned lot.
4. Both of the proposed lots will have legal and direct access to an adjacent public roadway for access purposes.
5. Both lots can be adequately served by municipal utilities.
6. All required easements will be dedicated as part of this minor subdivision.

BE IT FURTHER RESOLVED, that approval of the minor subdivision shall be subject to the following conditions:

1. The land must be cleared of all improvements as a condition of any subdivision approval
2. Park dedication in the amount of \$1,825 shall be paid prior to the subdivision being filed with Ramsey County.
3. Regarding lot access for both Parcel A and Parcel B:
 - a. Only one driveway access will be allowed to Silver Lake Road.
 - b. The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive to the north.
 - c. The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.
4. Engineering comments in the 3/9/21 Engineering Memo shall be successfully addressed to the satisfaction of the City Engineer prior to issuance of a building permit.
5. A notice of intent shall be submitted to the Rice Creek Watershed District if planned projects will disturb more than 5,000 square feet of land.

ADOPTED this 23rd day of March, 2021 by the New Brighton City Council with a vote of __ ayes and __ nays.

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

The undersigned Applicants have read, understand and hereby agree to the terms of this resolution and on behalf of himself/herself, his/her heirs, successors and assigns, hereby agree to the conditions set forth above, and to the recording of this resolution and attachments in the chain of title of the property.

Dated _____

<authorized representative>

Subscribed and sworn to before me this _____ day of _____, 2021.

Notary Public

From: [Mareck, Scott](#)
To: [Benjamin Gozola](#)
Cc: [Estochen, Bradley M](#); [Isaacson, Brian](#)
Subject: RE: NB March Land Use Application (quick turn around please)
Date: Monday, March 8, 2021 2:10:35 PM
Attachments: [image006.png](#)
[image007.png](#)

Ben,

Ramsey County has reviewed this proposed lot subdivision along Silver Lake Road (Ramsey CSAH 44) and have the following comments:

- Only one driveway access will be allowed to Silver Lake Road.
- The access can be a shared driveway for both parcels or one parcel can access via Eastman Drive, the City street.
- The new driveway location onto Silver Lake Road must be located at or south of the existing driveway location to provide adequate spacing from existing access points and safe operations along the corridor.

Thank you for the opportunity to provide this input.

Scott

Scott M. Mareck, AICP

Senior Transportation Planner | Public Works
612-719-1543 (cell)
1425 Paul Kirkwold Dr., Arden Hills, MN 55112



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From: Benjamin Gozola <Ben.Gozola@newbrightonmn.gov>
Sent: Monday, March 8, 2021 1:29 PM
To: Estochen, Bradley M <Bradley.Estochen@CO.RAMSEY.MN.US>; Daniel Scollan <daniel.scollan@state.mn.us>; eric.wojchik@metc.state.mn.us; Jack Gleason <john.gleason@state.mn.us>; Jason Spiegel (jason.spiegel@state.mn.us) <jason.spiegel@state.mn.us>; Kelsey White (kwhite@ricecreek.org) <kwhite@ricecreek.org>; MnDOT Review Team <metrodevreviews.dot@state.mn.us>; Mareck, Scott <Scott.Mareck@CO.RAMSEY.MN.US>
Subject: NB March Land Use Application (quick turn around please)

External message alert: This message originated from outside the Ramsey County email system.
Use caution when clicking hyperlinks, downloading pictures or opening attachments.

Reviewing agencies,

Apologies for a late delivery this month. We only one (1) application this month that came in late, but we can still get it through this month so we appreciate your quick review and comment. The request is for a minor subdivision (one lot into two) right off of Silver Lake Road.

- 1. Minor Subdivision:** Request from Do Nguyen to authorize removal of an existing house to legally subdivide the property at 2530 Silver Lake Road into two (2) buildable parcels – PID 18-30-23-21-0032.

Application materials **are attached**.

Presumed Interested Parties: ~~MnDOT, DNR, Met Council~~ **Ramsey County, RCWD,**

A response is neither required nor expected, **but comments (if you'd like to provide any) are due back to me ASAP...this one is on the fast track and I failed to send this out last week.**

Thank you as always!

Ben Gozola, AICP

Assistant Director of Community Assets and Development | City of New Brighton
803 Old Highway 8 | New Brighton, MN 55112

651-638-2059 | www.newbrightonmn.gov | [Find us on Facebook](#)

From: [Kelsey White](#)
To: [Benjamin Gozola](#)
Subject: RE: NB March Land Use Application (quick turn around please)
Date: Tuesday, March 9, 2021 2:06:47 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hello Ben,

Thank you for providing notice for the 2530 Silver Lake Road subdivision in New Brighton. The area to be subdivided is less than 1 acre and is located more than 300 feet from a waterbody therefore, a RCWD permit is not required. However, a notice of intent must be submitted to the District for projects that disturb more than 5,000 square feet of land. RCWD requests that the landowner provide notice to the District if they will be exceeding this threshold.

Thank you,

Kelsey White

Permit Review Technician
Rice Creek Watershed District
4325 Pheasant Ridge Dr. NE, #611
Blaine, MN 55449-4539
Ph: 763-398-3084
kwhite@ricecreek.org



[Please consider following the RCWD on Facebook.](#)

From: Benjamin Gozola <Ben.Gozola@newbrightonmn.gov>
Sent: Monday, March 8, 2021 1:29 PM
To: Bradley Estochen (Bradley.Estochen@CO.RAMSEY.MN.US)
<Bradley.Estochen@CO.RAMSEY.MN.US>; Daniel Scollan <daniel.scollan@state.mn.us>;
eric.wojchik@metc.state.mn.us; Jack Gleason <john.gleason@state.mn.us>; Jason Spiegel
(jason.spiegel@state.mn.us) <jason.spiegel@state.mn.us>; Kelsey White <kwhite@ricecreek.org>;
MnDOT Review Team <metrodevreviews.dot@state.mn.us>; Scott Mareck
(Scott.Mareck@CO.RAMSEY.MN.US) <Scott.Mareck@CO.RAMSEY.MN.US>
Subject: NB March Land Use Application (quick turn around please)

Reviewing agencies,

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Application materials **are attached**.

Presumed Interested Parties: ~~MnDOT,~~ **Ramsey County, RCWD,** ~~DNR, Met Council~~

A response is neither required nor expected, **but comments (if you'd like to provide any) are due back to me ASAP...this one is on the fast track and I failed to send this out last week.**

Thank you as always!

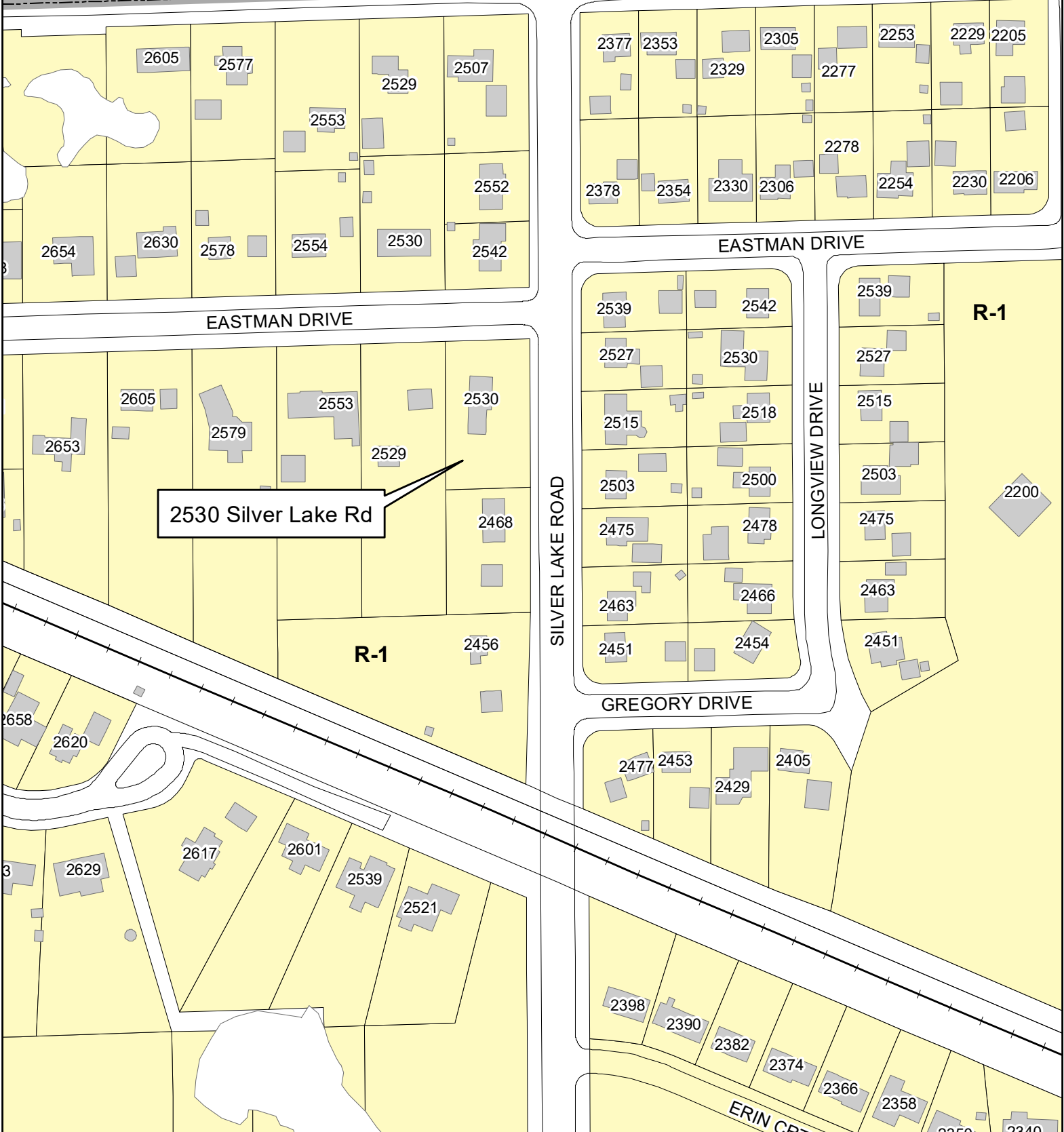
Ben Gozola, AICP

Assistant Director of Community Assets and Development | City of New Brighton

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COUNTY ROAD H



2530 Silver Lake Rd

R-1

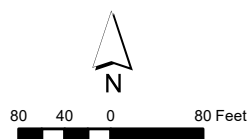
R-1

2200

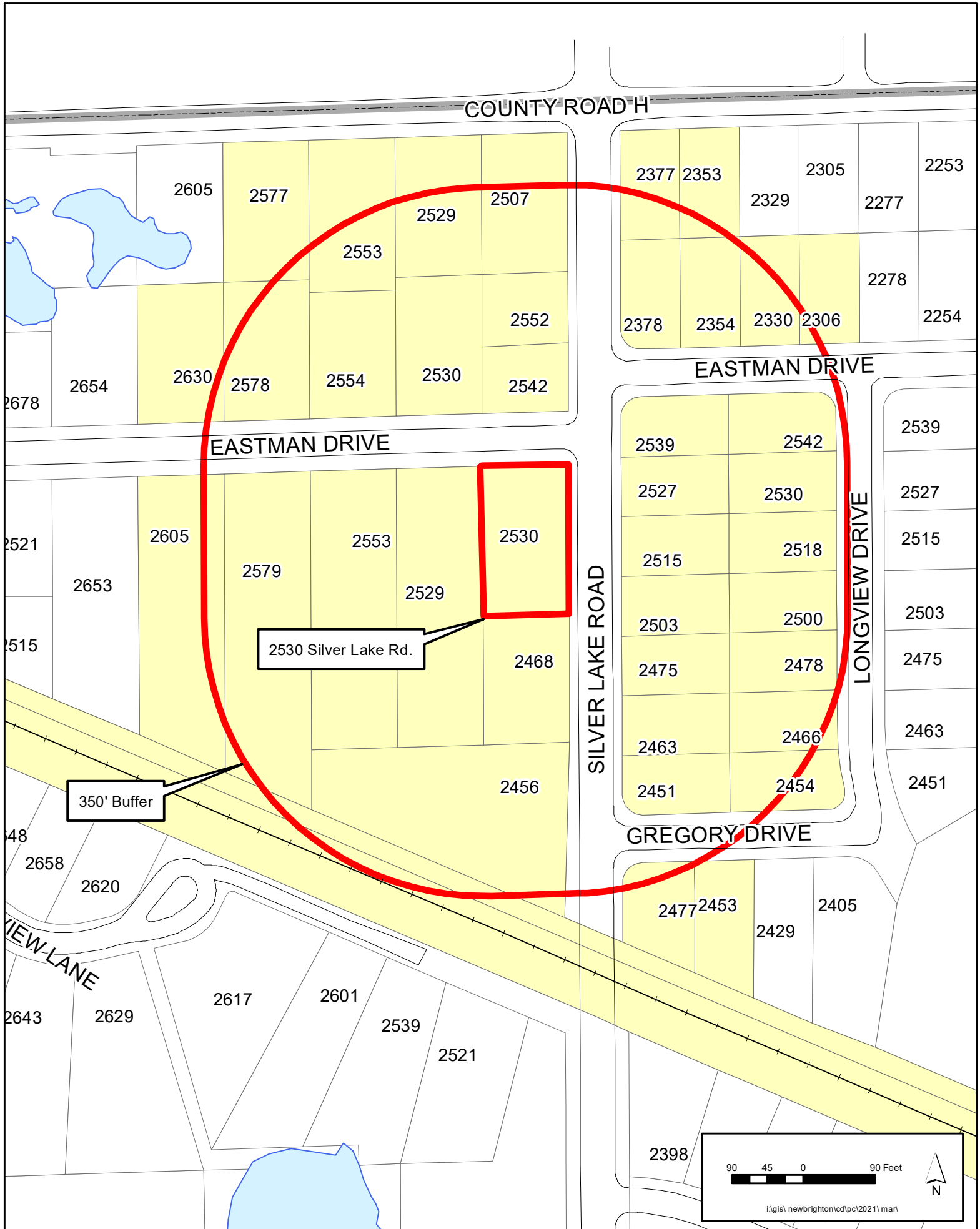
Current Zoning

2530 Silver Lake Rd
R-1, Single Family Residential

■ R-1, Single Family Residential



2530 Silver Lake Rd. - 350' Mailing Buffer



MINOR SUBDIVISION

~for~ JAY NGUYEN
~of~ 2530 SILVER LAKE ROAD
NEW BRIGHTON, MN

EXISTING LEGAL DESCRIPTION:

That part of Lot 20, Knollwood Park No. 2, lying Northerly of the Southerly 160 feet thereof, said 160 feet being measured along the East AND West lines of said Lot. Reserving therefrom a 5 foot easement across said lot approximately 185 feet South of the North line of said lot for public utilities use, such as setting of poles, stringing of wires, trimming or removing of trees as necessary for line clearance, or for laying of underground conduits, Ramsey County, Minnesota.

ZONING/SETBACK INFORMATION

EXISTING/PROPOSED ZONING R-1
MINIMUM LOT AREA = 10,000 SQUARE FEET
MINIMUM LOT WIDTH = 75 FEET (AT SETBACK)
FRONT SETBACK = 30 FEET
SIDE SETBACK = 5 FEET
REAR SETBACK = 5 FEET

PROPOSED LEGAL DESCRIPTIONS:

PARCEL A

That part of Lot 20, Knollwood Park No. 2, Ramsey County, Minnesota, which lies northerly of the south 255 feet of said Lot 20, said 255 feet being measured along the East and West lines of said Lot 20.

PARCEL B

The north 95 feet of the south 255 feet of Lot 20, Knollwood Park No. 2, Ramsey County, Minnesota, as measured along the East and West lines of said Lot 20.

PROPOSED DRAINAGE AND UTILITY EASEMENT DESCRIPTION:

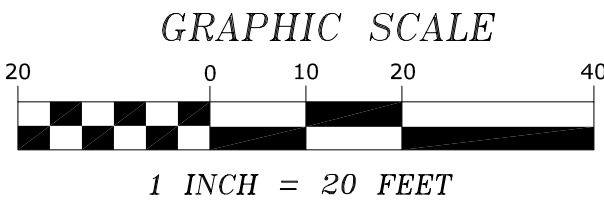
A perpetual easement for drainage and utility purposes over, under, and across the northerly 10 feet; westerly 10 feet; easterly 10 feet; southerly 5 feet; and northerly 10 feet of the southerly 100 feet of that part of Lot 20, Knollwood Park No. 2, lying Northerly of the Southerly 160 feet thereof, said 160 feet being measured along the East AND West lines of said Lot, Ramsey County, Minnesota.

TREE DETAIL

DENOTES ELEVATION
DENOTES TREE QUANTITY DENOTES
TREE SIZE IN INCHES DENOTES TREE
TYPE

BENCHMARK

RAMSEY CO. BM #9050
ELEVATION: 892.4260



NORTH

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- DENOTES PROPOSED ELEVATION
- DENOTES EXISTING ELEVATION
- DENOTES DIRECTION OF DRAINAGE
- DENOTES GUY WIRE
- DENOTES AIR CONDITIONING UNIT
- DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES ELECTRICAL MANHOLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES WATER VALVE
- DENOTES SIGN
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES BUILDING SETBACK LINE
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

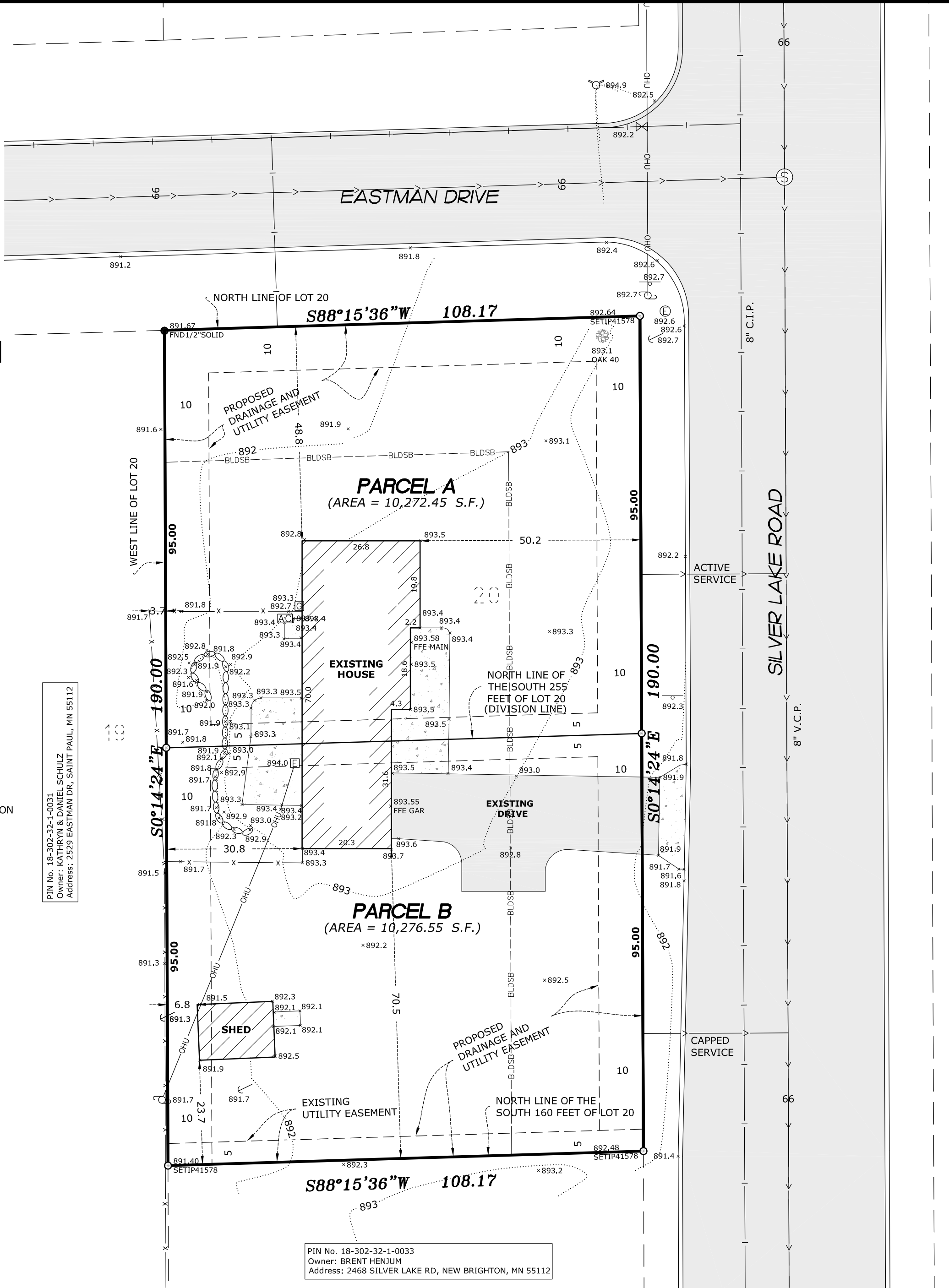
SURVEY NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/19/21.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 18-20-23-21-0032.
- Curb shots are taken at the top and back of curb.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

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: 02-12-2021 License No. 41578



DRAWN BY:	RAF	JOB NO:	210014BT	DATE:	02/12/21
CHECK BY:	JER	FIELD CREW:	RW		
1					
2					
3					
NO.	DATE	DESCRIPTION		BY	

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



City of New Brighton Application Form

(Land use applications, Subdivision applications, and vacation requests will not be considered complete and will not be accepted until all property owners have signed)

I. Property Owner #1

Do Nguyen 2530 Silver Lake Rd NW MN 55112
 (name) (mailing address) (st) (zip)
612-562-7777 doonguyen@gmail.com
 (phone #) (fax #) (email)

Signature: 

II. Property Owner #2 For more than two owners, please provide their information and signature(s) on a separate sheet.

Bryan Nguyen 2839 Silver Lake Rd NE MN 55418
 (name) (mailing address) (st) (zip)
612-545-6791 nguye402@gmail.com
 (phone #) (fax #) (email)

Signature: 

III. Please identify the request(s) for which you are applying:

- ☐ **LAND USE APPLICATION** (subject to MN State Statute 15.99 timelines)
- | | |
|-----------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Variance | <input type="checkbox"/> Non-conforming Use Permit |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Grading Permit |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Moving/Relocating Structures Permit |
| <input type="checkbox"/> Zoning Code Amendment / Rezoning | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Other: |

☒ **SUBDIVISION APPLICATION** (subject to MN State Statute 462.358, subd. 3b timelines)

- | | |
|--------------------------------------------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> Administrative Lot Split | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> PUD or PRD | <input type="checkbox"/> Final Plat |

☐ **GENERAL APPLICATION** (not subject to any state mandated timelines)

- | | |
|------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Right of Way Vacation | <input type="checkbox"/> Municipal Site Work Authorization |
| <input type="checkbox"/> Easement / Utility Vacation | <input type="checkbox"/> Zoning Letter |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Deadline Extension Request | <input type="checkbox"/> Other: |

FEES

Fees for individual application types are established on a yearly basis by the City Council.

Please see the attached fee schedule for the applicable costs (and possibly escrow requirements) for your request(s).

Briefly describe your request below (If additional space is needed, please attach a narrative to this application)

REQUEST CONSIDERATION OF A LOT SPLIT TO DIVIDE PARCEL
FOR THE FUTURE CONSTRUCTION OF 2 SINGLE
FAMILY HOMES.

IV. Property & Contractor Information:

Street Location/Address of Property: 2530 Silver Lake Rd NW New Brighton MN
 Property Identification Number (PID): 183023210032 Zoning District: R-1 ⁵⁵¹¹²

Legal Description (From Deed or Certificate of Title): ☐ Please see attached

Lot: 20 Block: N/A Addition: KNOLLWOOD PARK NO. 2

Property described is by: ☐ Abstract ☒ Torrens - Certificate #: 633753
 Location of Certificate: _____

Architect (if applicable): _____ Phone: _____

JASON RUD
 Surveyor/Engineer (if applicable): E.G. RUD AND SONS Phone: jrud@egrud.com
651-361-8225

Builder (if applicable): _____ Phone: _____

V. Main Contact Person

- ☐ Property Owners
☒ Other (if other, please fill out the information below)

Title (Position or relation to property owners): Jay (sibling)

Jay Nguyen 2839 Silver Lake Rd St. Anthony MN
 (name) (address) (st) (zip) 5541
612-545-6792 nguye402@gmail.com
 (phone #) (fax #) (email)

VI. Notice of Fees

As set forth in the City Fee Schedule and pursuant to applicable law, the property owner shall be responsible to reimburse the city for all related miscellaneous costs incurred pursuant to the processing of this application. Note that these reimbursements may exceed the amount of the original land use application fee. Such expenses may include, but are not limited to, direct city payroll and overhead costs, fees paid to consultants and other professionals, and the cost of printing, mailing, and supplies. These miscellaneous fees are due immediately upon notification by the City. The City shall provide, upon request, an itemized statement of the various expenses incurred by the City. The City may withhold final action on a land use application and/or rescind prior action until all miscellaneous fees are paid. The City may require additional deposits, if deemed necessary. The property owner agrees to allow city staff and commission members to access the property per this application for inspection.

I acknowledge that I have read the above statement and fully understand that I am responsible for all costs incurred by the City in the processing and reviewing of this application.

Property Owners Signature: [Signature] Date: 2/12/21

ADMINISTRATIVE USE ONLY:	
Date Application Received:	PC Date:
Fee Paid:	CC Date:
Escrow Paid:	
Receipt Number:	

Form Last Updated 08/28/20

Certificate of Title

Certificate Number: **633753**

Created by Document Number: **2665030**

Transfer From Certificate Number: **602297**

Originally registered June 12, 1940. Book 215, Page 256, District Court No: 4192

State of Minnesota
County of Ramsey



S.S.

REGISTRATION

This is to certify that

Do Duc Nguyen, whose address is 2530 Silver Lake Road Northwest, New Brighton, Minnesota, 55112;

is now the owner of an estate in fee simple

In the following described land situated in the County of Ramsey and State of Minnesota,

That part of Lot 20, Knollwood Park No. 2, lying Northerly of the Southerly 160 feet thereof, said 160 feet being measured along the East and West lines of said Lot. Reserving therefrom a 5 foot easement across said lot approximately 185 feet South of the North line of said lot for public utilities use, such as setting of poles, stringing of wires, trimming or removing of trees as necessary, for line clearance, or for laying of underground conduits.

Subject to Restrictions contained in Document No. 305117.

Subject to the interests shown by the following memorials and to the following rights or encumbrances set forth in Minnesota statutes chapter 508, namely:

1. Liens, claims, or rights arising under the laws of the Constitution of the United States, which the statutes of this state cannot require to appear of record;
2. Any real property tax or special assessment;
3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
4. All rights in public highways upon the land;
5. The right of appeal, or right to appear and contest the application, petition, or other proceeding affecting the title, as is allowed by this chapter;
6. The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
7. Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

Memorials				
Document Number	Document Type	Date Received Month Day, Year Time	Amount (\$)	Running in Favor Of
2583353	Mortgage	Mar 22, 2017 12:09 PM	\$116,800.00	Mortgage Electronic Registration Systems, Inc., P.O. Box 2026, Flint, Michigan, 48501-2026

Indexes Verified through **1/21/2021**



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office this 8th day of May, 2020.

Tara J Bach

Registrar of Titles,

In and for the County of Ramsey and State of Minnesota.

REQUEST FOR COMMISSION WORK SESSION DISCUSSION

ITEM DESCRIPTION: Consider DRAFT Ordinance 880: An Ordinance Amending Chapter 13 Of The New Brighton City Code Regarding the Licensing of Short Term Rentals
DEPARTMENT HEAD'S APPROVAL:
CITY MANAGER'S APPROVAL:
No comments to supplement this report ____ Comments attached ____

15.99 Deadline: n/a

Recommendations:

- Provide opinions to Council on the proposed regulations to initiate permitting requirements for short term rentals within the City of New Brighton.

Legislative History:

- None

Financial Impact:

- Given the limited extent of what is proposed, no financial impact to our residents. Permits fee (TBD) will be minimal, and the suggested regulations will only impact people who allow their properties to be continually used in a manner contrary to code.

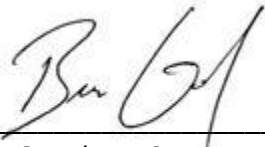
Summary: Main aspects of the proposed ordinance include:

- Short term rentals are currently defined as any dwelling being rented for a period of 14 days or less.
- Anyone who wants to conduct a short term rental must acquire a permit each year. Exceptions: renting of individual rooms, and if the owner lives at the property and will be present during the rental period.
- Permits expire on Dec 31st of each year. Permits obtained between Nov 1st and Dec 31st run through Dec 31st of the following calendar year.
- All short term rentals must have a resident agent who can/will respond to problems.

(cont.)

- Documentation of occupants is required...list must be made available to the city upon request
- Specific information must be posted in the rental for occupants reference (contact info for the agent, property address, diagram of emergency exits)
- Owner is responsible for occupants adhering to all applicable ordinances & laws.
- First offense requires owner to take actions necessary to prevent further violations
- Second offense within 365 days of an initial violation results in immediate permit suspension and review by Council. Council can reinstate, amend conditions, or revoke after a public hearing.
- Properties with revoked permits cannot obtain a new permit for 365 days
- Persons who have a permit revoked cannot be issued a new short-term rental permit for 365 days.

Attachments: 1) *DRAFT Ordinance 880*
2) *Summary Publication Resolution (for eventual Council approval)*



Ben Gozola, AICP

Assistant Director of Community Assets and Development

To: **Planning Commission**

From: Ben Gozola, *Assistant Director DCAD*

Meeting Date: **3-16-21**

INTRODUCTION

Short term rentals (e.g. properties advertised for rentals as short as one day which are advertised on websites like AirB&B, VRBO, etc), have become a contentious issue throughout the metro, and many cities are presently exploring various ways to protect existing neighborhoods from the potential impacts of this relatively new use type. Recent complaints locally prompted the City Council to ask staff to study the issue, and propose a possible direction tailored to New Brighton. A draft approach was reviewed by Council at the February 9th Work Session meeting, and has now been refined for final consideration.

ORDINANCE 880 OVERVIEW

Ordinance 880 would require property owners wishing to rent out their property as a short-term rental (defined as fourteen days or less at a time) to obtain an inexpensive permit and follow a simple set of guidelines. The new regulations would not apply to property owners who live on the property and would be present throughout the stay of a short-term rental guest or to the renting of an individual room within a dwelling.

- **Lines 8 – 19.** This portion of the ordinance adds a definition for “Short Term Rental” to Chapter 13 of the City Code.
- **Lines 21 – 24. Ordinance Purpose.** These lines establish the purpose and intent of adopting regulations to govern short term rentals.
- **Lines 25 – 30. Scope.** This language sets up a permitting exemption for owners who live on-site or only rent out individual rooms.
- **Lines 31 – 33. Permit Required.** States that any property owner who engages in short term rental of their dwelling must obtain a permit from the City.
- **Lines 34 – 50. Application.** These lines identify the items that make up a complete application for a short-term rental permit.

- **Lines 51 – 59. Short Term Rental Permit Application Review and Issuance.** These lines state that staff will review and approve permit applications, and provides direction on what to do if an application is incomplete. Complete applications will be approved.
- **Lines 60 – 62. Reasonable Conditions.** These lines give staff the authority to place conditions on any approval to ensure compliance with short-term rental requirements.
- **Lines 63 – 91. Requirements for Short Term Rentals.** These lines outline the four main things short-term renters must do:
 1. **They must identify a “resident agent” for the property.** A resident agent is someone who lives and works within 30 minutes of the short-term rental who can be the main contact for the property and address issues if/when complaints arise.
 2. **Documentation of Renters Required.** This can be important information for the City or local law enforcement if/when problems arise.
 3. **In Unit Posting of Important Information.** Each short-term rental must provide basic information to their short-term tenants such as the property’s address, fire escapes, and contact information for the resident agent.
 4. **Must comply with local ordinances.** States that owners are responsible for their renters adhering to all local, State, and Federal regulations.
- **Lines 92 – 106. Effect of Permit Approval.** These lines outlines how long permits are in effect, that they are non-transferable if the property is sold, and how permits can be renewed from year to year.
- **Lines 107 – 127. Suspension and Revocation.** These lines provide the City with recourse if/when a short-term rental property owner has guests that not adhering to local ordinances. A first time offense will be handled administratively with staff. The problem will be examined, and the property owner will be asked to implement appropriate measures to prevent future violations. Any further violations with 365 days will trigger an automatic suspension of the permit and review by City Council. Following their review, Council may elect to reinstate, amend, or revoke a permit.
- **Lines 128 – 132. Effect of Revocation.** These lines outline the consequences of a revoked permit: no new permit for one year, and no new permits for the resident agent for one year.

- **Lines 133 – 142. Enforcement provisions.** These lines were provided by the City Attorney to outline all enforcement remedies available to the City when enforcing these provisions.

RECOMMENDATION

Because this ordinance falls outside of Zoning, review by the Planning Commission is at the discretion of the City Council. As part of their work session review in February, Council requested the Commission examine this language as a business item in March and provide your feedback for their consideration. By law, the public hearing for this language will be held before the City Council prior to a final decision being made.

Staff is recommending approval of Ordinance 880 based on the following:

- The ordinance represents a win-win for citizens: property owners would still be free to rent their property as they see fit, but neighboring property owners would now be protected if/when such rentals become a problem.
- The new permit requirement will be free at first, and inexpensive once a permit fee is set during the next update of the City's fee schedule (\$10 is the proposed fee).
- Taking a reasonable step now to place controls on short-term rentals will hopefully ensure far more drastic measures (such as an out-right ban) can be avoided.

ATTACHMENTS:

1. *Ordinance 880*
2. *Draft summary publication resolution for Ordinance 880*

ORDINANCE NO. 880

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF NEW BRIGHTON

**AN ORDINANCE AMENDING CHAPTER 13 OF THE NEW BRIGHTON CITY CODE
REGARDING THE LICENSING OF SHORT TERM RENTALS**

THE CITY OF NEW BRIGHTON ORDAINS:

SECTION 1. Chapter 13 of the Code of Ordinances of the City of New Brighton, Minnesota, is hereby amended as follows:

Existing Article 1, General Conditions, is amended as follows:

Sections 13-1 through 13-2 are hereby restated and incorporated herein unchanged.

Section 13-3. Definitions, introductory paragraphs and definitions (1) through (24) are hereby restated and incorporated herein unchanged.

(25) Short Term Rental. A non-owner occupied dwelling unit rented for a period of fourteen (14) consecutive days or less.

Section 13-3. Definitions, existing definitions (25) through (28) are hereby restated and incorporated herein as definitions (26) through (29).

Sections 13-4 through 13-29 are hereby restated and incorporated herein unchanged.

Existing Articles 2 through 6 are hereby restated and incorporated herein unchanged.

Article 7. Short Term Rentals

Sec. 13-200. Purpose.

The purpose of this Article is to ensure that the short-term rental of a permitted dwelling unit is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood, or an influence that fosters blight and deterioration, or creates a disincentive for others to reinvest in the community.

Sec. 13-210. Scope.

This ~~section~~Article applies to any dwelling unit proposed to be used as a short-term rental with the following exceptions:

- (1) If the owner lives at the property and will be present on the property during the short-term rental period; or
- (2) The renting of an individual room.

Sec. 13-220. Permit Required.

The short-term rental of any dwelling unit, or advertisement of a dwelling unit for short-term rental, shall be prohibited unless a permit authorizing short-term rental has been approved in accordance with this Article.

Sec. 13-230. Short Term Rental Permit Application.

Applications for a short-term rental permit shall be made by the fee owner or authorized representative of the fee owner of the residence proposed for use as a short-term rental. All applications for a short-term rental permit shall include:

- (1) A completed City of New Brighton application form for short-term rental permits;
- (2) Verification of authority to file the application (i.e., proof of ownership or control of the property; if not the owner of the property, the signature of the fee owner of the property);
- (3) ~~Required fee;~~A fee in an amount that is set forth in the City's fee schedule;
- (4) Contact information for both the owner and any authorized agent involved with the short-term rental;
- (5) The short-term rental property's address, number of bedrooms, total livable square feet, and number of off-street parking spaces;
- (6) A site plan identifying the location and number of off-street parking spaces;
- (7) Confirmation that the applicant:
 - a. Has read and understands City Code Chapter 13, Article 7;
 - b. Will post an easily accessible list of emergency contacts at the short-term rental; and
 - c. Will post an easily accessible copy of rental rules and regulations at the short-term rental.
- (8) Any other information that may be reasonably required by the City to evaluate the application.

Sec. 13-240. Short Term Rental Permit Application Review and Issuance

- (1) Approval of a short-term rental application will be granted by the City Council once the City has confirmed that all required information and the required fee has been submitted.
- (2) If the City determines that an application is incomplete, the applicant shall be notified of the

deficiencies in the application and the date by which all deficiencies must be rectified.

- a. The permit will be issued if all deficiencies are addressed prior to the deadline.
- b. Failure to address all deficiencies by the deadline will result in denial of the permit and forfeiture of the application fee. Reapplication shall require submittal of a new application and ~~new~~ payment of an additional fee.

Sec. 13-250. Reasonable Conditions.

In approving a short-term rental permit, the City may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure compliance with short-term rental requirements.

Sec. 13-260. Requirements of All Short Term Rentals

(1) Resident Agent.

- a. No short-term rental permit shall be issued without designation of a local resident agent.
- b. The resident agent must live and work within 30 miles of the dwelling unit being offered as a short term rental.
- c. The ~~Agent~~resident agent may, but is not required to be, the owner.
- d. One person may be the resident agent for multiple dwelling units.
- e. At all times, the resident agent shall have on file with the City a primary and a secondary phone number as well as a current address. The resident agent or a representative of the resident agent shall be available 24-hours a day at the primary or secondary phone number during all times that the dwelling unit is being rented to respond immediately to complaints or issues relating to the dwelling unit.
- f. The City shall be notified in writing of any change of resident agent prior to the change occurring.
- g. The resident agent shall be responsible for the activities of the tenants and maintenance and upkeep of the dwelling unit; and shall be authorized and empowered to receive ~~service of the~~ notice of violation of the provisions of City ordinances and state law, to receive orders, and to institute remedial action to effect such orders, and to accept all service of process pursuant to law.

(2) Documentation of Renters. The resident agent shall maintain a list of all occupants authorized to use the short-term rental during any given rental period. The resident agent shall make the list of occupants available to City staff and/or law enforcement upon request.

(3) In-Unit Posting. The following information shall be posted in a conspicuous place within the short term rental:

- a. Name and contact information for the resident agent in charge of monitoring the property while renters are present.
- b. Street ~~Address~~address of the subject property.
- c. Floor plan indicating fire exits and escape routes.

(4) Compliance with Local Ordinances. No owner shall undertake or allow the short-term rental of a dwelling unit in a manner that does not comply with ~~all applicable~~the City ~~Ordinances~~Zoning Code, the ~~laws of the State of Minnesota, and~~City Code, including but not limited to this Article and state and federal laws and regulations.

Sec. 13-270. Effect of Short Term Rental Permit Approval.

- (1) **Effective Dates.** Issuance of a short term rental permit shall authorize use of the property as a short term rental per the following guidelines:
 - a. All short term rental permits issued between January 1st and October 31st of any given calendar year shall expire at midnight on December 31st of that same calendar year.
 - b. Short term rental permits issued between November 1st and December 31st of any given calendar year shall authorize use of the property as a short term rental through December 31st of the following calendar year.
- (2) **Non-transferable.** Sale of a property or transfer of ownership rights to a non-permit holder shall invalidate an issued short term rental permit. The new owner must apply for and receive a new short term rental permit to re-establish short term rental rights. Prospective owners wishing to establish short term rental rights on a property prior to acquisition may apply for a permit jointly with the present property owner.
- (3) **Renewal.** To ensure existing permit holders can avoid a lapse in eligibility, permit holders are encouraged to apply for renewal of their permit after November 1st for the following calendar year.

Sec. 13-280. Permit Suspension or Revocation.

Any short-term rental found to be out of compliance with the requirements of Section 13-260 shall be subject to permit suspension or revocation

- (1) **First Offense.** Upon determining a short-term rental property is out of compliance with any provision of Section 13-260, the property owner shall be ordered by City staff to correct the violation and take any/all appropriate actions necessary to prevent further violations. If the property owner disagrees with the order, he or she may appeal the decision to the City Council. Said decision shall be heard by the City Council at its next regular meeting.
- (2) **Second Offense.** Upon determining that a second offense has occurred within 365 days of an initial offense, the permit shall be immediately suspended and directed to the City Council for reinstatement, amendment, or revocation.
- (3) **Council Review.** The City Council may take action to reinstate, amend, or revoke a short term rental permit upon finding that any of the conditions set forth in Section 13-260 have been violated twice in any 365 day period. The City shall notify the short term rental permit holder, in writing, of the violations triggering the review, and the date upon which a public hearing will be held by the City Council to consider the matter. Written notice of the public hearing shall be provided to the short term rental permit holder and to all property owners within 350 feet of the property subject to the permit. Such notice shall be mailed to the last known address of the owners at least 10 days prior to the hearing. Following the hearing and subsequent discussion, the City Council may reinstate the permit, make amendments to the permit conditions, or revoke the permit by adopting a resolution with findings of fact that include the basis for the revocation.
- (4) **Effect of Revocation.**
 - a. No person who has had a permit revoked under this Section shall be issued a short-term rental permit for one year from the date of revocation.

- b. A property that has had its permit revoked shall not be issued another short-term rental permit for one-year from the date of revocation.
- (5) ~~Appeals & Penalties. (GET LANGUAGE FROM CITY ATTORNEY)~~ Enforcement.
 - a. An owner, operator, tenant, or occupant of any building or property in violation of the provisions of this Article may be charged and found guilty of a misdemeanor and may be held responsible for the cost of enforcement in addition to penalties.
 - b. The City may exercise any and all remedies at law or in equity to ensure compliance with this Article. All unpaid costs, charges, and penalties may be certified to the property for collection with the property taxes.
 - c. The City hereby further declares that the short-term rental of a dwelling or dwelling unit in violation of this Article may constitute a public nuisance pursuant to Chapter 17 of the City Code and the City may exercise its authority to abate such nuisances.

Sec. 13-290—299 Reserved

SECTION 2. Effective Date

This ordinance shall take effect upon its adoption by the City Council, its publication in the City's official newspaper.

ADOPTED this ____ day of ~~February~~March 2021, by the New Brighton City Council with a vote of ____ ayes and ____ nays.

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk

Document comparison by Workshare 10.0 on Wednesday, March 3, 2021
4:57:41 PM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/706676/1
Description	DOCSOPEN-#706676-v1-Short_Term_Rental_Ordinance
Document 2 ID	PowerDocs://DOCSOPEN/706676/2
Description	DOCSOPEN-#706676-v2-Short_Term_Rental_Ordinance
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	30
Deletions	11
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	41

RESOLUTION ____
CITY COUNCIL
CITY OF NEW BRIGHTON

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 880 BY TITLE AND SUMMARY**

WHEREAS, the city council of the City of New Brighton has adopted Ordinance No. 880, an ordinance amending Chapter 13 of the New Brighton city code regarding permitting of short-term rental properties; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Brighton, that the City Clerk shall cause the following summary of Ordinance No. 880 be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of New Brighton has adopted Ordinance No. 880 which requires that property owners first obtain a permit from the City prior to renting out their dwelling as a short term rental on websites such as VRBO and AirB&B. The purpose of the inexpensive permit is to ensure that such properties are being overseen by a resident agent during the time of the rental (i.e. someone who can respond within 30 minutes to issues should any arise), that renters be documented, that certain information is provided to renters, and that renters are responsible for seeing that their guests comply with all local ordinances. Repeat problems at a property will result in immediate suspension of a permit and review by City Council. Following review, the City Council may reinstate, amend, or revoke the permit. Repeat problems at properties may result in revocation of short-term rental rights for up to one year. The full ordinance text is available for inspection at City Hall during regular business hours, and will be emailed or sent to any party upon request.

Mayor Kari Niedfeldt-Thomas

BE IT FURTHER RESOLVED by the City Council of the City of New Brighton that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

Adopted this 13th day of April, 2021 by the City of New Brighton City Council with voting as follows:

Mayor Kari Niedfeldt-Thomas: _____

Abdullahi Abdulle: _____

Emily Dunsworth: _____

Graeme Allen: _____

Pamela Axberg: _____

Kari Niedfeldt-Thomas, Mayor

Devin Massopust, City Manager

ATTEST:

Terri Spangrud, City Clerk