



**CITY OF NEWPORT  
PLANNING COMMISSION MEETING  
NEWPORT CITY HALL  
NOVEMBER 10, 2016 – 5:30 P.M.**

Chairperson:	Anthony Mahmood	City Administrator:	Deb Hill
Vice-Chair:	Kevin Haley	Asst. to the City Admin:	Renee Eisenbeisz
Commissioner:	Marvin Taylor	Planner:	Sherri Buss
Commissioner:	David Tweeten	Council Liaison:	Tom Ingemann
Commissioner:	Saengmany Ratsabout		

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

A. Planning Commission Minutes of the October 13, 2016 Meeting

**4. APPOINTMENTS WITH COMMISSION**

A. **Public Hearing** – To consider amendments to Section 1350 and Rezone

1. Memo from Sherri Buss
2. Resolution No. P.C. 2016-12

B. Discussion Regarding Catherine Drive

**5. COMMISSION & STAFF REPORTS**

**6. NEW BUSINESS**

**7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |   |                      |           |
|---|----------------------|-----------|
| 1. City Council Meeting                 | November 17, 2016    | 5:30 p.m. |
| 2. City Offices Closed for Thanksgiving | November 24-25, 2016 |           |
| 3. City Council Meeting                 | December 1, 2016     | 5:30 p.m. |
| 4. Planning Commission Meeting          | December 8, 2016     | 5:30 p.m. |

**8. ADJOURNMENT**



**City of Newport  
Planning Commission Minutes  
October 13, 2016**

**1. CALL TO ORDER**

Chairperson Mahmood called the meeting to order at 5:30 P.M.

**2. ROLL CALL**

Commissioners Present – Anthony Mahmood, Kevin Haley, Marvin Taylor, David Tweeten, Saengmany Ratsabout (arrived at 5:47 p.m.)

Commissioners absent –

Also present –Renee Eisenbeisz, Asst. to the City Administrator, Sherri Buss, TKDA Planner, Tom Ingemann, Council Liaison

**3. APPROVAL OF PLANNING COMMISSION MINUTES**

**A. Planning Commission Minutes of the August 11, 2016 Meeting**

**B. Planning Commission Minutes of the September 8, 2016 Workshop Meeting**

**Motion by Haley, seconded by Taylor to approve the August 11, 2016 and September 8, 2016 Workshop Meeting Minutes. With 4 Ayes, 0 Nays, 1 Absent, motion carries.**

**4. APPOINTMENTS WITH COMMISSION**

**A. Red Rock Square Open Space Review**

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 13, 2016 Planning Commission packet.

**Motion by Haley, seconded by Taylor, to accept the Park Board comments and making them advisory. With 5 Ayes, 0 Nays, the motion carried.**

**B. Discussion Regarding MX-5 District Rezoning and Ordinance Amendment**

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 13, 2016 Planning Commission packet and in the attached memo from Ms. Buss. The Planning Commission directed staff to change the Resolution to say that everything except single-family, greenspace, and buffer space needs to be 300 feet from a residential district or use and will need a conditional use permit. The Planning Commission asked staff to notify residents within the proposed district of the ordinance change and that it will be before the City Council on November 3, 2016.

**Motion by Mahmood, seconded by Taylor, to approve Resolution No. 2016-11 as amended. With 5 Ayes, 0 Nays, the motion carried.**

**C. Discussion Regarding Catherine Drive Potential Development**

Sherri Buss, TKDA Planner, presented on this item as outlined in the October 13, 2016 Planning Commission packet. The City Council will be discussing this at their October 20, 2016 NEDA meeting and the Planning Commission is invited to attend.

**5. COMMISSION AND STAFF REPORTS**

**6. NEW BUSINESS**

**7. ANNOUNCEMENTS**

A. Upcoming Meetings and Events:

- |   |                  |              |
|---|------------------|--------------|
| 1. City Council Meeting                           | October 20, 2016 | 5:30 p.m.    |
| 2. Park Board Meeting                             | October 27, 2016 | 6:00 p.m.    |
| 3. Buckthorn Removal Day, Bailey School<br>Forest | October 29, 2016 | 9:00 - 12:00 |
| 4. City Council Meeting                           | November 3, 2016 | 5:30 p.m.    |

**8. ADJOURNMENT**

**Motion by Mahmood, seconded by Haley, to adjourn the Planning Commission Meeting at 6:47 p.m. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Anthony Mahmood, Chairperson

Respectfully submitted,

Renee Eisenbeisz  
Assistant to the City Administrator



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	<u>Newport Planning Commission</u>	<b>Reference:</b>	<u>MX-5 District Rezoning and Ordinance Amendment -- Update</u>
<b>Copies To:</b>	<u>Deb Hill, City Administrator</u> <u>Renee Eisenbeisz, Assistant to the Administrator</u>		
<b>From:</b>	<u>Sherri Buss, RLA AICP, City Planner</u>	<b>Project No.:</b>	<u>16021.000</u>
<b>Date:</b>	<u>October 4, 2016</u>	<b>Routing:</b>	

At the Planning Commission meeting in September, the Planning Commission discussed the proposed MX-5 district, and Western Refining's continuing purchase of residential properties within the area of the proposed district. Since that meeting, the City has learned about 3 additional properties that the refinery is in the process of purchasing within the proposed district.

The Planning Commission requested information about the financial impact of the Western Refining purchase and clearing of the residential properties north of the refinery. The City Administrator estimates that **the annual cost of the lost property taxes, sewer and water fees to the City budget is approximately \$40,000**. Newport's budget is tight, and other property owners in the City bear these costs as the tax and fee contributions from the refinery-owned parcels declines. The attached spreadsheet provides information about the parcels that the refinery has purchased to date. The columns at the right side show the total property tax dollars for each property, the amount that goes to the City, and the amount that would go to the city if the property were rezoned to a mixed use or other commercial/industrial district.

### **Recent Meeting with Western Refining and MX-5 District Discussion**

The City Administrator and City Attorney are continuing to work with Western Refining on the City's concerns and potential options to address the lost revenue. They met with representatives of Western Refining on October 4. The Refinery representatives indicated that they are interested in pursuing rezoning of the area north of the refinery to a new MX-5 district, and believe that this may be the best option both the Refinery and the City.

The Refinery reviewed an earlier draft of the proposed district use table, and provided some comments. Their suggested MX-5 District list of uses is attached for Planning Commission discussion. Some key questions may be about the proposed Diesel and Motor Vehicles Fuel Retail Sales and Warehousing uses, and standards for separating these uses from adjacent residential areas if allowed. The refinery will also be requesting a rezoning for a parcel at 101 7<sup>th</sup> Avenue, and the proposed zoning district and rezoning could be noticed and considered at the same meeting. Please be prepared to discuss the proposed district on October 13.

WESTERN  
REFINING  
COMMENTS  
10/10/2016

City of Newport

Section 1350 Non-Residential Districts

1350.15 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development, sf=square feet

Use	MX-1	MX-2	MX-3	MX-4	MX-55B
<b>Residential Uses</b>					
Single-family detached, one dwelling per lot	P	P	N	P	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD	P
Two-family residences	P	P	N	P	P
Townhouse, rowhouse	P	P	P	P	P
Manufactured single-family dwelling	P	P	N	P	P
Mobile homes	N	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	P	P
Congregate housing for senior populations	P	P	P	P	P
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	P	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P	P
Live-work building	C	C	C	C	C
PUD	PUD	PUD	PUD	PUD	PUD
<b>Civic and Semi-Public Uses</b>					
Day Care Facilities in Single Family Homes with 14 or fewer children being attended to	P	P	N	P	C
Day Care Facilities in Single Family Homes with more than 14 children being attended to	C	C	N	C	C
Day Care Facilities	C	C	C	C	C
Day Care Facilities in a mixed-use building	P	P	P	P	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	C	C	C	C	N
Hospitals	C	C	C	C	N
Military reserve, national guard centers	C	N	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N	NC
Parking Lot, Surface (as a principal use)	C	N	N	N	C
Penal/correctional facilities	N	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maxi-	C	N

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City of Newport

Section 1350 Non-Residential Districts

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Use	MX-1	MX-2	MX-3	MX-4	MX-5B
			mum		
Schools for business, trade, dancing, music	C	C	C	C	N
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P	P
Transit stations and related parking facilities	C	C	C	C	C
<b>Commercial Uses</b>					
Administrative support services	P	P	P	P	P
Adult Uses	N	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C	N
Artist studios	P	P	P	P	P
Auto body repair and major auto repair, towing services	C	N	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C—Maximum 4 repair bays	C	<del>NC</del>
Bakeries, delicatessens, coffee shops	P	P	P	P	P
Bakeries, wholesale	P	C	C	C	N
Bed and Breakfast	P	P	N	P	P
Biotechnology	P	P	P	P	<del>NP</del>
Brew on premises store	P	P	P 10,000 sf maximum	P	N
Brewery, craft	P/C*	P/C*	P/C*	P/C*	N
Building materials and services	C	N	N	N	N
Catalog and mail order	P	P	P	P	N
Conference Center, 50,000 square feet or less	C	C	C	C	<del>NC</del>
Convenience stores	P	P	P	P	P
Data centers	C	C	C	C	P
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C	N
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C	N
Fabrication of office and computer equipment	P	P	P	P	N
Financial services	P	P	P	P	N
Fitness and recreation centers, in a mixed-use building	C	C	C	C	N
Gas, diesel or other motor fuel retail sales	C	C	N	C	<del>NC</del>
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C	N
Internet publishing and broadcasting	P	P	P	P	N
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000 sq ft maximum	C	N
Medical appliance assembly	P	P	P	P	N
Motion picture and sound recording industries	C	C	C	C	N
Offices – general, medical, professional, free-standing, or mixed-use building	P	P	P—to 10,000 sq ft; C—larger	P	P

City of Newport

Section 1350 Non-Residential Districts

Use	MX-1	MX-2	MX-3	MX-4	MX-5B
			than 10,000 sq ft		
Printing, publishing, bookbinding, blueprinting	C	C	C	C	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C	N
Retail and service establishments, free-standing, or mixed-use building	P	P	P—to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	P	P—to 10,000 sq.ft. C—10,000 to 50,000 sq.ft.
Research, development and testing laboratory	C	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—no liquor served	P	P	P	P	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served, including a small brewery or winery as an accessory use	C	C	C	C	N
Restaurants with drive-through service	C	C	C	C	N
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P	P
Small scale manufacturing and artisans	P	P	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P	P
Theaters (with structured parking)	P	P	P	P	N
Theaters	C	C	C	C	N
Towing services (no outside storage of vehicles)	P	C	P	C	<del>NC</del>
Vehicle sales, display and service	C	N	N	N	N
Vehicle Storage Lot	N	N	N	N	<del>NC</del>
Warehousing as a primary use	N	N	N	N	<del>NC</del>
<b>Accessory Uses</b>					
Drive up facilities	C	C	C	C	<del>NC</del>
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C	N
Renewable energy system	P	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C	N
Parking lot, as an accessory use	C	C	C	C	P
Swimming Pool	P	P	P	P	N

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- Brewery, Craft—in MX Districts, a conditional use permit is required for one or both of the following:
  - a. A Craft Brewery with more than fifteen thousand (15,000) square feet of floor area to ensure size and design compatibility with the particular location.
  - b. A Craft Brewery that manufactures more than five thousand (5,000) barrels of malt liquor a year in order to ensure operational and design compatibility with the particular location.

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted, sf=square feet

Use	B-1	B-2	I-1	I-2	I-S
<b>Civic and Public Uses</b>					
Airports	N	N	C	C	N
Cemetery and/or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical Clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	C	N	N	N
Parking Lot, Surface (as a principal use)	N	C	P	P	P
Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post Office	P	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
<b>Commercial Uses</b>					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N
Convenience stores	P	P	N	N	N

City of Newport

Section 1350 Non-Residential Districts

Use	B-1	B-2	I-1	I-2	I-S
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
Hotels, motels	P	P	N	N	N
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	N	P
Vehicle Sales, display and Service	N	C	N	N	N
Vehicle Storage Lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
<b>Warehouse and Industrial Uses</b>					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	N	P
Warehousing	C	C	P	P	N
<b>Accessory Uses</b>					
Outdoor sales, in conjunction with a permitted use	N	C	N	N	N
Renewable energy system	P	P	P	P	P
Parking lot, as an accessory use	P	P	P	P	P



444 Cedar Street, Suite 1500  
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## Memorandum

<b>To:</b>	City of Newport Planning Commission	<b>Reference:</b>	St. Paul Park Refining Rezoning Request and Ordinance Amendment
<hr/>		<hr/>	
<b>Copies To:</b>	Deb Hill, City Administrator	<b>Project No.:</b>	15258.002
<hr/>		<hr/>	
Renee Eisenbeiz, Assistant to the City Administrator			
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Jason Akey, St. Paul Park Refining Co. LLC			
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<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Routing:</b>	
<hr/>		<hr/>	
<b>Date:</b>	November 1, 2016	<hr/>	
<hr/>		<hr/>	

**SUBJECT:** St. Paul Park Refining Co. Request for Ordinance Amendment to include Offices as a permitted use in the I-1 Zoning District and for Rezoning a Parcel from from I-S to I-1

**MEETING DATE:** November 10, 2016

**LOCATION:** 101 7<sup>th</sup> Avenue

**APPLICANT:** St. Paul Park Refining Co. LLC  
c/o Jason Akey  
301 St. Paul Park Road  
St. Paul Park, MN 55071

**CURRENT ZONING:** I-S (Industrial Storage)

**60-DAY PERIOD:** December 15, 2016

**ITEMS REVIEWED:** Application form and attachments received October 17, 2016

### BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting a rezoning of one parcel from I-S (Industrial Storage) to I-1 (Light Industrial). St. Paul Park Refining has purchased this property, and wants to convert the future use of the building to Warehousing and Office uses. These uses are not permitted in the I-S

District. The Warehouse use is permitted in the I-1 District, and Offices uses are currently occurring as accessory uses in the I-1 District.

## **BACKGROUND**

The subject property includes one parcel that is 1.75 acres in size. The parcel is located on 7<sup>th</sup> Avenue at the City's southern boundary with St. Paul Park. The Refinery recently purchased the property, and plans to convert the existing building to office and warehouse uses in the future.

Office and warehouse uses are not permitted in the I-S District. Warehouse uses are permitted in the I-1 District and in Business Districts in Newport. Office uses currently exist in some of the businesses in the I-1 District as accessory uses. These office uses were established prior to adoption of the current Zoning Ordinance.

The applicant has requested that the City amend the uses permitted in the I-1 district to permit Office uses, and then rezone the property at 101 7<sup>th</sup> Avenue to I-1 so that Warehouse and Office uses will be permitted on the parcel..

The parcel proposed for rezoning is between an existing I-1 District to the east and the I-S District to the west. Adjacent parcels to the south in St. Paul Park are zoned I-2 General Industrial. The building on the parcel in Newport extends onto an adjacent parcel in St. Paul Park, as noted on the attached aerial photo.

## **EVALUATION OF THE REQUEST**

### **Zoning Ordinance Amendment**

The applicant is requesting that the City amend the I-1 District use list to permit Office uses in that district. The proposed amendment is attached. Office uses are currently occurring in this district (for example, at Newport Cold Storage). Office uses are generally compatible with the other uses in the district, and are often a part of a Warehouse use.

Office uses are consistent with the purposes of the I-1 District as described in the Zoning Ordinance: "such uses are non-polluting, not excessively noise or dirty, limited traffic producers, and do not produce hazardous wastes as by-products."

The Planner has provided a draft ordinance amendment to include Office uses as permitted uses in the I-1 District. The Planning Commission should discuss whether the office use should be permitted as a primary or accessory use, and if any performance standards are needed for this use. The Planner suggests that the existing setback, lot coverage, building height and General Performance Standards in Section 1330 seem sufficient to regulate Office uses in the I-1 District.

### **Rezoning Request**

Rezoning requests are evaluated based on the following criteria:

- Existing and proposed land uses on and around the site



- How the proposed zoning would fit in with the general zoning pattern of the neighborhood and city
- The conservation of property values
- Advantages to the entire City
- No change shall be recommended unless it is in the interest of public health, safety and welfare, and is compatible with the comprehensive plan.

The next sections include the staff evaluation of the proposed rezoning based on the criteria in the ordinance listed above. A draft map showing the proposed zoning change and adjacent districts is attached.

#### Existing and proposed land uses on and around the site

The existing uses on the site include industrial storage. The uses on adjacent parcels are industrial uses, and the adjacent parcels are zoning for industrial use in both Newport and St. Paul Park.

The applicant proposes that future uses on the site will be warehousing and offices uses for the St. Paul Park Refinery. The proposed uses are more consistent with the purposes and uses in the I-1 District than the I-S District. The Zoning Ordinance describes I-1 uses as “non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products,” while the I-S District provides areas for “storage of petroleum products and other similar storage uses.”

#### Fit with the City’s General Zoning Pattern

A change to I-1 zoning will be compatible with the general zoning patterns of the City. The area surrounding the site is zoned for industrial uses. The parcel is adjacent to the I-1 District to the east, surrounded by parcels zoned for industrial use in Newport and St. Paul Park.

#### Conservation of Property Values

The change from I-S to I-1 zoning is unlikely to affect property values, since the parcel will still be classified as Industrial for property tax purposes.

#### Advantages for the Whole City

The change in classification may have advantages for the whole city in that the addition of new uses could provide additional jobs and increase the property’s value in the long-term.

#### Public Health, Safety, and Welfare

The Planner asked the applicant to identify any changes in traffic or infrastructure that may occur with the proposed change in use and zoning for the parcel. The applicant stated that the change in use will not change traffic levels or patterns, and will not require any change in city services to the property. The proposed warehouse and office uses will not have negative impacts on public health, safety, welfare, or public services.



*Compatibility with the Comprehensive Plan*

The Comprehensive Plan update adopted in 2010 supports the continuing Industrial zoning for the area around the St. Paul Park Refinery that is currently zoned Industrial. The proposed rezoning is consistent with the goals in the Comprehensive Plan.

**ACTION REQUESTED**

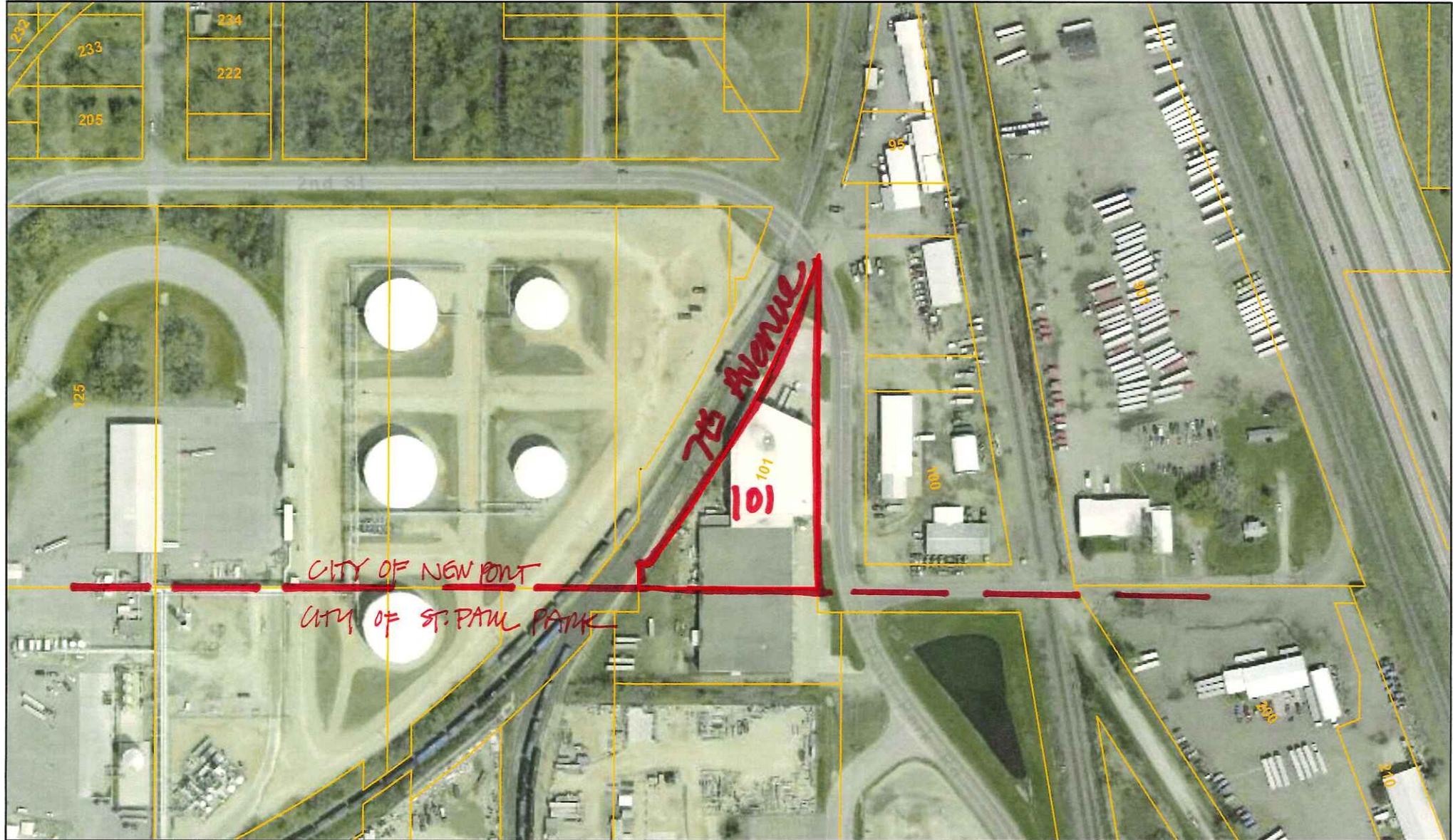
The Planning Commission can recommend to the City Council:

1. Approval of the ordinance amendment and rezoning
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

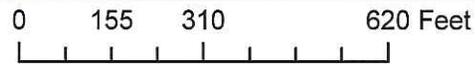
**PLANNING STAFF FINDINGS AND RECOMMENDATIONS**

The Planner recommends that the Planning Commission recommend approval of the St. Paul Park Refinery request for an amendment to the Zoning Ordinance to permit Office uses in the I-1 Zoning District, and to rezone the parcel at I01 7<sup>th</sup> Avenue from I-S to I-1.





Parcel ID: 0102722240019

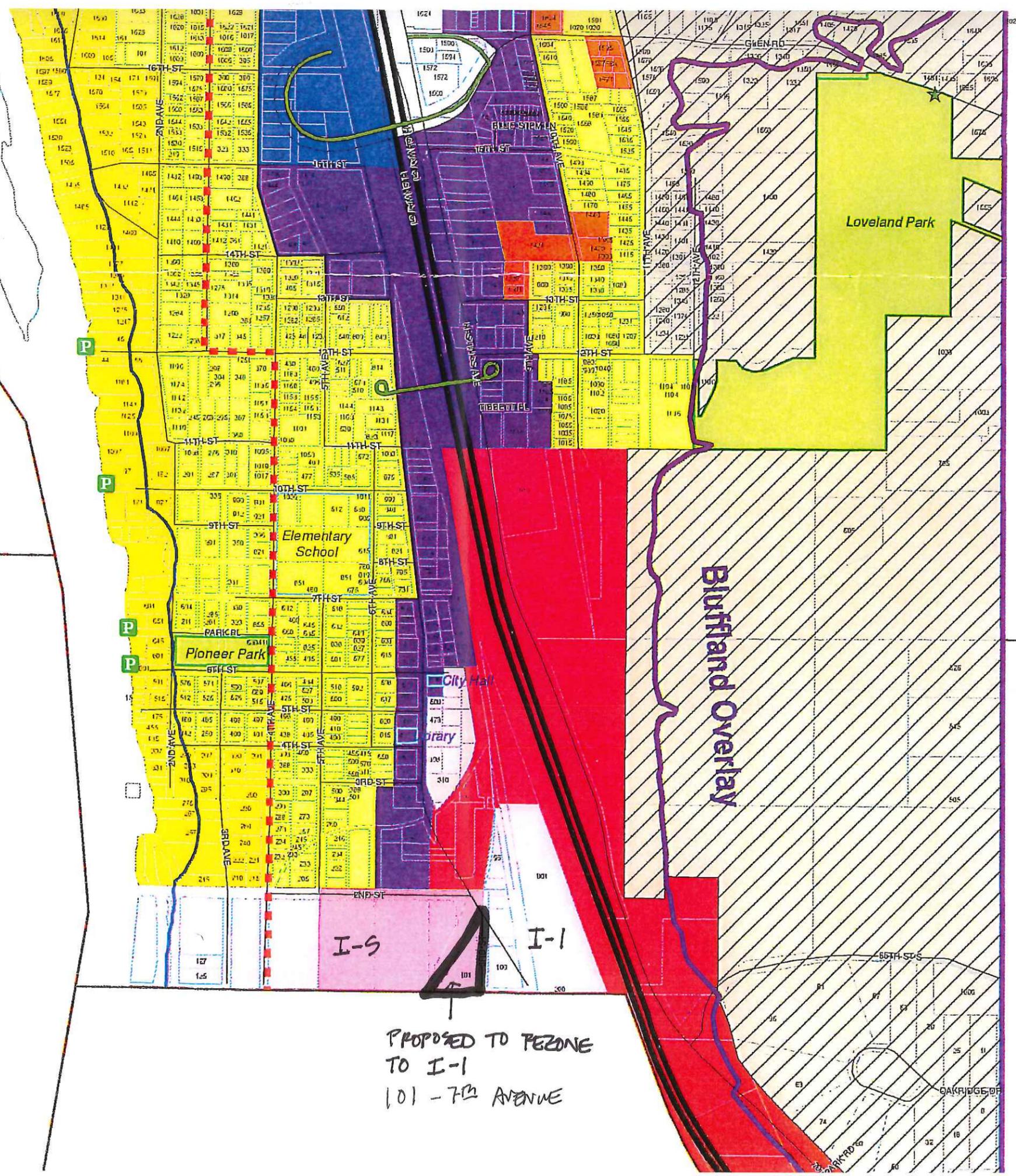


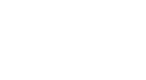
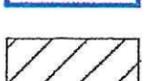
**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Parcel Address:  
101 7TH AVE, CITY OF NEWPORT

Created on 10/31/2016

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



-  MX-3 Tr
-  MX-4 Ge
-  B-1 Bus
-  B-2 Gen
-  I-S Indus
-  I-1 Light
-  I-2 Gene
-  Open Sp
- Overlay Distri**
-  Bluffland
-  Shoreland
-  Conserv
-  River De
-  Mississi
-  Floodplain Ov
-  FEMA floodpl
- \*\* Estimated bou**

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted, sf=square feet

Use	B-1	B-2	I-1	I-2	I-S
<b>Civic and Public Uses</b>					
Airports	N	N	C	C	N
Cemetery and/or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical Clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	C	N	N	N
Parking Lot, Surface (as a principal use)	N	C	P	P	P
Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post Office	P	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
<b>Commercial Uses</b>					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N
Convenience stores	P	P	N	N	N
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N

City of Newport

Section 1350 Non-Residential Districts

Use	B-1	B-2	I-1	I-2	I-S
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
Hotels, motels	P	P	N	N	N
Industrial Buffer	N	N	P	P	P
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
<u>Offices</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	N	P
Vehicle Sales, display and Service	N	C	N	N	N
Vehicle Storage Lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
<b>Warehouse and Industrial Uses</b>					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	N	P
Warehousing	C	C	P	P	N
<b>Accessory Uses</b>					
<b>Outdoor sales, in conjunction with a permitted use</b>	N	C	N	N	N
<b>Renewable energy system</b>	P	P	P	P	P
<b>Parking lot, as an accessory use</b>	P	P	P	P	P

## City of NEWPORT Planning Request Application

Newport City Hall ♦ 596 7<sup>th</sup> Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

Application Date: October 17, 2016                      Public Hearing Date \_\_\_\_\_

### Applicant Information

Name: St. Paul Park Refining Co. LLC c/o Jason Akey                      Telephone: 651-458-2785  
Mailing Address: 301 St. Paul Park Rd.                      Telephone: 651-459-9771  
City/State/Zip: St. Paul Park, MN 55071

### Property Owner Information

Name: St. Paul Park Refining Co. LLC                      Telephone: 651-459-9771  
Mailing Address: 301 St. Paul Park Rd.                      Telephone: 855-468-6972  
City/State/Zip: St. Paul Park, MN 55071

### Project Information

Location of Property: 101 7th Ave, Newport

Legal Description of Property (Must match description on the Deed) and P.I.D. #: 01-027-22-24-0019

(See attached Exhibit A)

- Zoning District:** Industrial Storage                      **Flood Plain:**    AE      **0.2% Annual Chance Flood Hazard**
- |  |   |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment          | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min)   |
| <input checked="" type="checkbox"/> Rezoning                   | \$500 plus Escrow   |
| <input type="checkbox"/> Zoning Amendment                      | \$500   |
| <input type="checkbox"/> Variance                              | \$300 plus Escrow   |
| <input type="checkbox"/> Conditional Use Permit                |   |
| <input type="checkbox"/> Residential                           | \$300 plus Escrow   |
| <input type="checkbox"/> Commercial                            | \$450 plus Escrow   |
| <input type="checkbox"/> Subdivision Approval                  |   |
| <input type="checkbox"/> Minor Subdivision                     | \$300 plus Escrow and Parkland Dedication Fee   |
| <input type="checkbox"/> Major Subdivision                     | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____                          |   |
| <input type="checkbox"/> Applicable Zoning Code Chapter: _____ |   |
| <input type="checkbox"/> Review by Engineer Cost: _____        |   |
| <input type="checkbox"/> Total Cost: _____                     |   |

## Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

**Present Use of Property:** Diversified Manufacturing Corp (DMC) is a light manufacturing business that does custom packaging and private label label filling of liquid and dry products for a variety of industries. Building currently has office administration, manufacturing, production and shipping capabilities.

**State Reason for Planning Request:** St. Paul Park Refining Co. LLC has purchased the property from DMC and desires to enhance the building to have primary uses of Warehousing and Office space. The current zoning of Industrial Storage is not inclusive of both of these uses. The property is adjacent to I-1 Industrial property to the east. This request includes (1) rezoning the properties to I-1 Industrial and adding the use of "office space" to the I-1 zoning as a permissible use. This rezoning fits the general zoning pattern because the parcels to the east are zoned I-1, and consist of manufacturing offices with warehousing.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT:  for SPPRC

SIGNATURE OF OWNER (IF APPLICABLE): \_\_\_\_\_

**For Office Use**

Fee: \_\_\_\_\_ Date Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Publication of Notice Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

P.C. Resolution #: \_\_\_\_\_

Council Action Date: \_\_\_\_\_

Council Resolution #: \_\_\_\_\_

## EXHIBIT A

### REZONING APPLICATION - 101 7<sup>th</sup> Avenue, Newport

Parcel ID: 01-027-22-24-0019

Legal Description (from Deed):

Lots 1 through 10, East of railroad, Block 13, Division No. 1 of St. Paul Park together with that part of vacated alley which accrued to Lot 10 by reason of vacation thereof; Lots 11 through 15, Block 13, Division No. 1 of St. Paul Park; Lots 16 through 26 East of railroad, Block 13, Division No. 1 of St. Paul Park; together with that part of vacated 1st Street which accrued to Lots 15 and 16, Block 13, Division No. 1 of St. Paul Park and that part of vacated 2nd Avenue East of the railroad which accrued to Lots 1 and 30, Block 16, Division No. 1, of St. Paul Park, and together with that part of vacated alley which accrued to Lots 11 through 20, Block 13 by reason of vacation thereof, and together with that part of vacated Second Street which accrued to Lots 28, 29 and 30, Block 16, Division No. 1 of St. Paul Park, and together with that part of vacated Third Street which accrued to Lots 1, 2 and 3, Block 16, Division No. 1 of St. Paul Park.

Abstract

Area proposed for rezoning: 1.75 acres (76,230 sq ft)

Building location: See Exhibit B (survey)

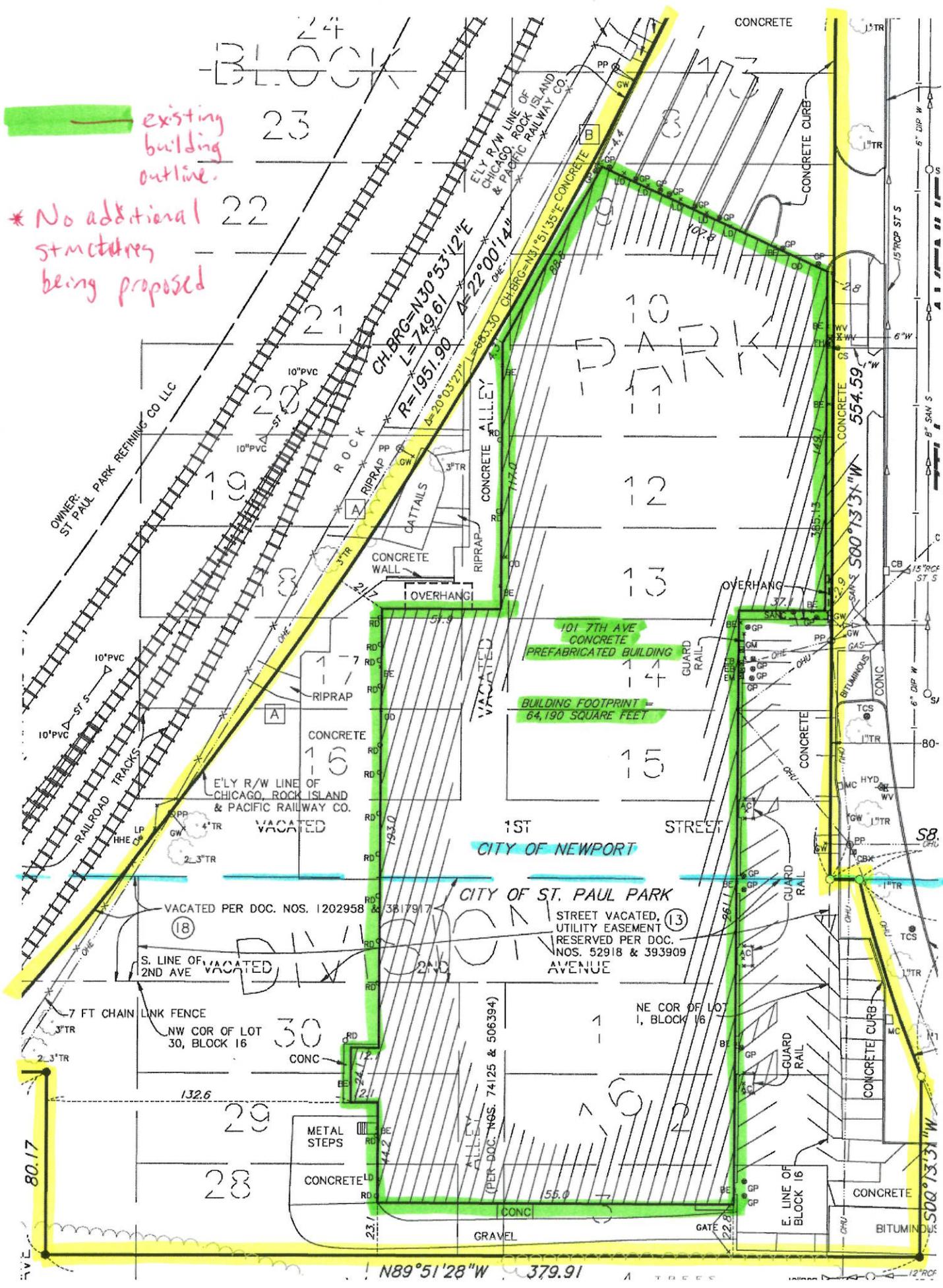
Building dimensions: See Exhibit B (footprint 64,190 sq ft)

No additional structures or modifications to the existing building footprint are being proposed for this parcel.

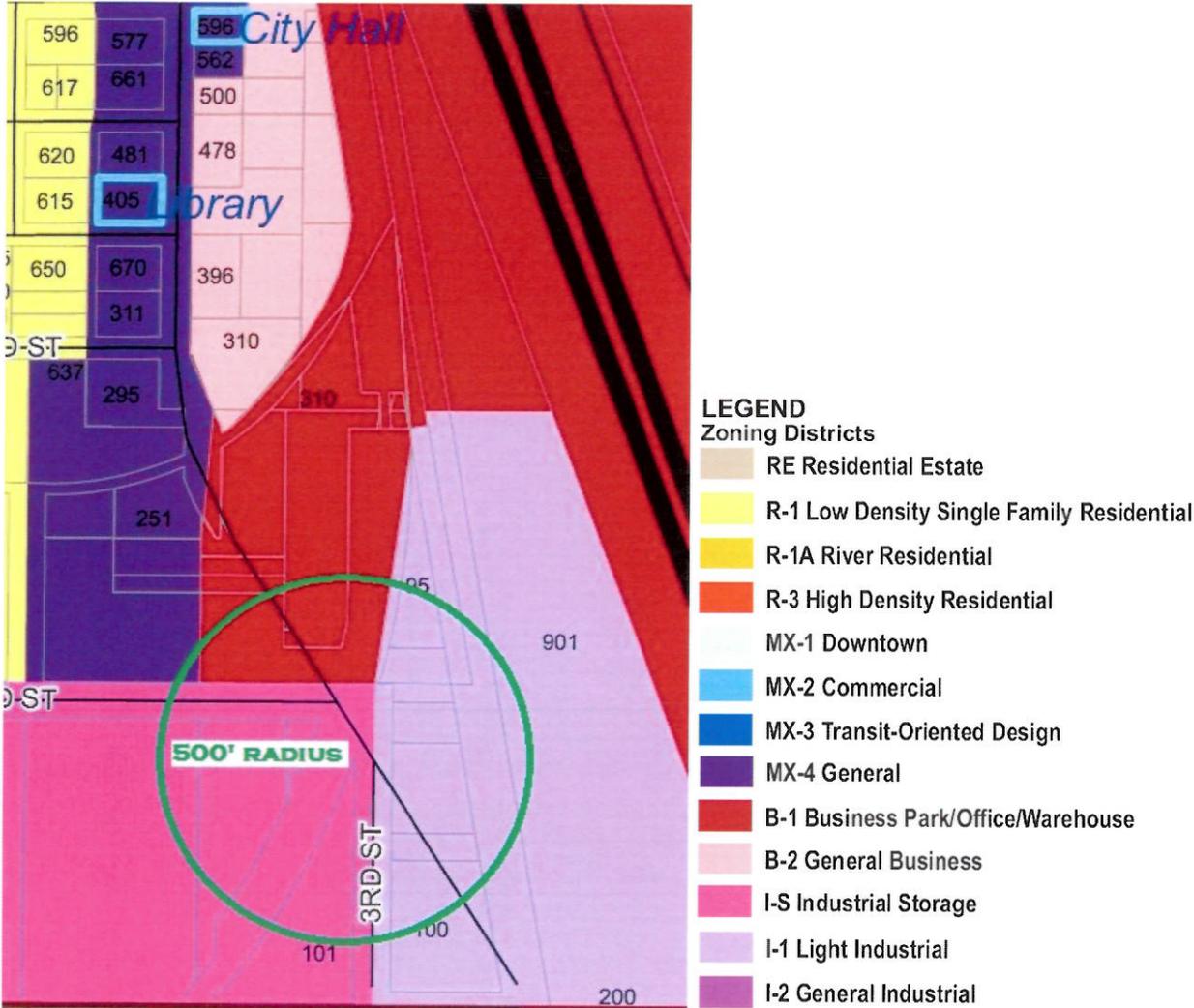
BLOCK 24  
23  
22

existing building outline.

\* No additional structures being proposed



**Present Zoning within 500 feet**



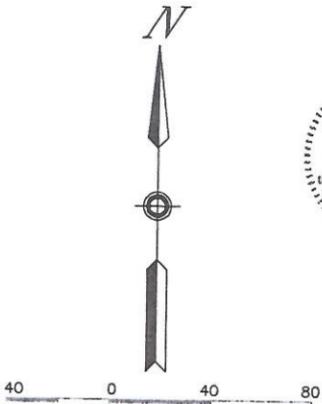
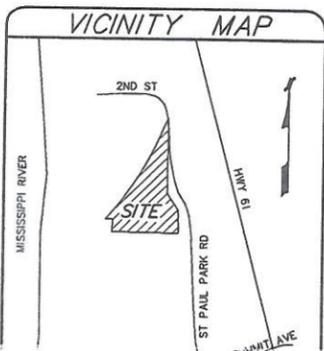
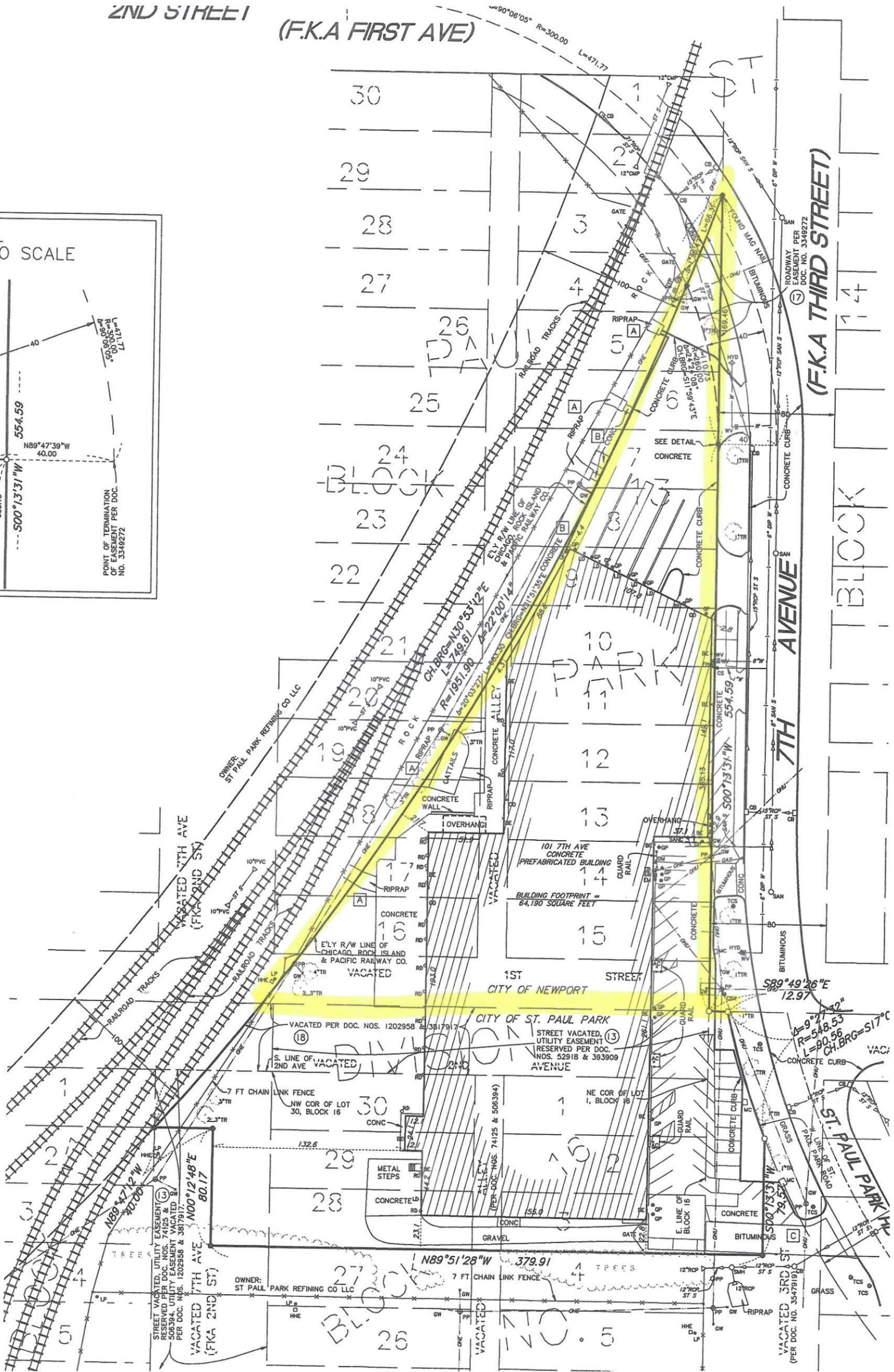
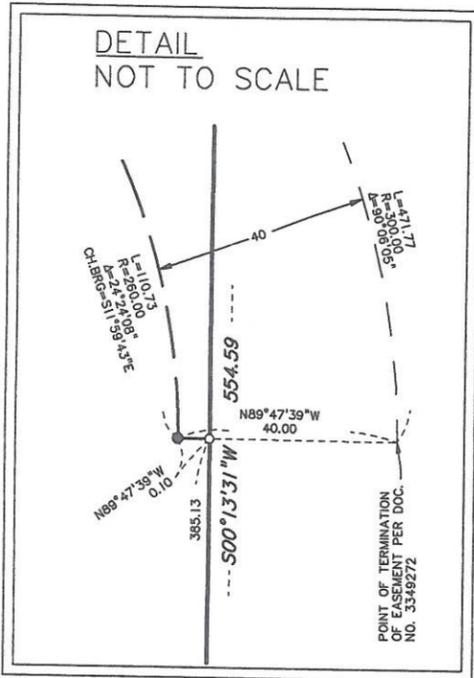
- Parcel is currently zoned I-S
- Adjacent to I-1 Light Industrial to the East
- Within 500 feet of MX-4 General and B-1 Business Park

- Topographical Contours at 2-foot intervals



2ND STREET

(F.K.A FIRST AVE)



**SURVEYOR'S CERTIFICATION**

To Markid Properties II, LLC, a Minnesota limited liability company; St. Paul Park Refining Co., LLC, a Delaware limited liability company; Stewart Title Guaranty Company and Land Title, Inc.:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 7(b)(1), 8, 9, 11 and 13 of Table A thereof. The fieldwork was completed on September 15, 2016.

Dated this 26th day of September, 2016.

SUNDE LAND SURVEYING, LLC.

By: *Mark S. Hanson*

Revision

Drawing Title:  
**ALTA / NSPS LAND TITLE  
NORTHERN T1  
101 7TH  
Newport, M.**

**SUNDE** LAND SURVEYING  
9001 E  
92  
www.sunde.com

**PLANNING COMMISSION  
RESOLUTION NO. P.C. 2016-12**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A REZONING AND ORDINANCE  
AMENDMENT REQUESTED BY ST. PAUL PARK REFINING CO., 301 ST. PAUL PARK ROAD, ST. PAUL  
PARK, MN 55071, FOR PROPERTY LOCATED AT 101 7TH AVENUE, NEWPORT, MN 55055**

**WHEREAS**, St. Paul Park Refining Co., 301 St. Paul Park Road, St. Paul Park, MN 55071, has submitted a request for a rezoning and ordinance amendment; and

**WHEREAS**, The proposed rezoning is for property located at 101 7th Avenue, Newport, MN 55055, and is more fully legally described as follows:

**PID#01.027.22.24.0019** - LOTS 1 THROUGH 10, EAST OF RAILROAD, BLOCK 13, DIVISION NO. 1 OF ST. PAUL PARK TOGETERH WITH THAT PART OF VACATED ALLEY WHICH ACCRUED TO LOT 10 BY REASON OF VACATION THEREOF; LOTS 11 THROUGH 15, BLOCK 13, DIVISION NO. 1 OF ST. PAUL PARK; LOTS 16 THROUGH 26 EAST OF RAILROAD, BLOCK 13, DIVISION NO. 1 OF ST. PAUL PARK; TOGETHER WITH THAT PART OF VACATED 1ST STREET WHICH ACCRUED TO LOTS 15 AND 16, BLOCK 13, DIVISION NO. 1 OF ST. PAUL PARK AND THAT PART OF VACATED 2ND AVENUE EAST O FHT ERAILROAD WHICH ACCRUED TO LOTS 1 AND 30, BLOCK 16, DIVISION NO. 1 OF ST. PAUL PARK, AND TOGETHER WITH THAT PART OF VACATED ALLEY WHICH ACCRUED TO LOTS 11 THOROUGH 20, BLCOK 13 BY REASON OF VACATION THEROF, AND TOGETHER WITH THAT PART OF VACATED SECOND STREET WHICH ACCRUED TO LOTS 28, 29, AND 30, BLOCK 16, DIVISION NO. 1 OF ST. PAUL PARK, AND TOGETHER WITH THAT PART OF VACATED THIRD STREET WHICH ACCRUED TO LOTS 1, 2, AND 3, BLOCK 16, DIVISION NO. 1 OF ST. PAUL PARK.

**WHEREAS**, The described property is zoned Industrial Storage (I-S); and

**WHEREAS**, The request is to rezone the property to Light Industrial (I-1) and amend the uses to permit offices in the I-1 district; and

**WHEREAS**, Chapter 13, Section 1310.02, Subdivision 3, of the Code of Ordinance states; "Proceedings for amendment, which are initiated by the petition of the owner or owners of the property, shall be filed with the Zoning Administrator. All applications shall be accompanied by an administrative fee as prescribed in Subsection 1310.01 and shall include the following information:

- A. The name and address of the applicant or applicants;
- B. A description of the area proposed to be rezoned; the names and addresses of all owners of property lying within such area and a description of the property owned by each;
- C. The present zone classification of the area and the proposed zone classification;
- D. A description of the present use of each separately owned tract within the area, and the intended use of any tract of land therein;
- E. A site plan showing the location and extent of the proposed building, parking, loading, access drives, landscaping and any other improvements;
- F. A statement of how the rezoning would fit in with the general zoning pattern of the neighborhood, and the zoning plan of the entire City;
- G. A map showing the property to be rezoned, and the present zoning of the surrounding area for at least a distance of five hundred (500) feet, including the street pattern of such area, together with the names and addresses of the owners of the lands in each area; and

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on November 10, 2016.

**NOW, THEREFORE, BE IT RESOLVED,** That the Newport Planning Commission recommends Newport City Council approval for a Rezoning of the described property from I-S to I-1 and a Zoning Amendment to amend the present language found in *Section 1350 Nonresidential Districts*. It will read as follows:

**Section 1350 Nonresidential Districts**

**1350.16 Uses in the Non-Residential Districts**

**B. Business and Industrial District Uses**

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted, sf=square feet

Use	B-1	B-2	I-1	I-2	I-S
<b>Civic and Public Uses</b>					
Airports	N	N	C	C	N
Cemetery and/or crematorium	C	N	N	N	N
Day care centers	C	C	C	C	C
Day care centers in a mixed-use building	P	P	C	C	C
Essential services/public utilities	P	P	P	P	P
Funeral Home	P	P	N	N	N
Hospitals	C	C	N	N	N
Medical Clinics	P	P	N	N	N
Military reserve, national guard centers	C	C	N	N	N
Park and public recreation facilities	P	P	P	P	P
Parking Garage (as a principal use)	C	C	N	N	N
Parking Lot, Surface (as a principal use)	N	C	P	P	P
Penal/correctional facilities	N	N	C	C	N
Place of worship and associated facilities, except schools	P	P	N	N	N
Post Office	P	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C	C
Sanitary landfill	N	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	P	C	N	N
Schools for business, trade, dancing, music	C	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	P	N	N	N
Transit stations and related parking facilities	C	C	N	N	N
<b>Commercial Uses</b>					
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	N	C	C
Animal boarding, grooming, retail sales	N	C	N	N	N
Auto painting and body work	N	N	C	N	N
Auto storage	N	C	C	P	C
Bakery, wholesale	N	C	N	N	N
Biotechnology businesses	C	C	N	N	N
Brewery, craft	P	P	P	N	N
Building materials and services	N	C	N	N	N
Commercial greenhouse operations	C	C	P	N	N
Convenience stores	P	P	N	N	N
Data centers	N	C	N	N	N
Distillery, craft	P	P	P	N	N

Use	B-1	B-2	I-1	I-2	I-S
Fabrication of apparel, leather products and products from prepared products	N	P	N	N	N
Fabrication of office and computer equipment	N	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	P	N	N	N
Hotels, motels	P	P	N	N	N
Industrial Buffer	N	N	P	P	P
Medical, dental or veterinary clinics and laboratories	N	C	N	N	N
Offices	P	P	P	P	N
Printing, publishing, bookbinding, blueprinting	N	C	N	N	N
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	N	C	N	N	N
Restaurants, traditional or liquor served; bar and grill	P	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	N	P	N
Small brewery or winery as an accessory use to a bar or restaurant	P	P	P	N	N
Storage, mini-storage, cold-storage	N	N	N	N	P
Vehicle Sales, display and Service	N	C	N	N	N
Vehicle Storage Lot	N	C	N	N	N
Veterinary clinic, animal hospital	C	C	P	N	N
Wholesale sales	P	P	N	N	N
Winery, craft	P	P	P	N	N
<b>Warehouse and Industrial Uses</b>					
Manufacturing	C	C	P	P	N
Micro- and regional brewery	N	P	P	N	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	N	C
Storage, mini-storage, cold storage	N	N	N	N	P
Warehousing	C	C	P	P	N
<b>Accessory Uses</b>					
<b>Outdoor sales, in conjunction with a permitted use</b>	N	C	N	N	N
<b>Renewable energy system</b>	P	P	P	P	P
<b>Parking lot, as an accessory use</b>	P	P	P	P	P

Adopted this 10th day of November, 2016 by the Newport Planning Commission.

VOTE: Mahmood \_\_\_\_\_  
Haley \_\_\_\_\_  
Taylor \_\_\_\_\_  
Tweeten \_\_\_\_\_  
Ratsabout \_\_\_\_\_

Signed: \_\_\_\_\_  
Anthony Mahmood, Chairperson

ATTEST: \_\_\_\_\_  
Deb Hill, City Administrator



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

## Memorandum

<b>To:</b>	Newport Planning Commission	<b>Reference:</b>	Planning and Zoning for Potential Development near Catherine Drive
<b>Copies To:</b>	<hr/> Deb Hill, City Administrator <hr/> Renee Eisenbeisz, Assistant to the City Administrator <hr/>	<b>Project No.:</b>	16021.000
<b>From:</b>	<hr/> Sherri Buss, RLA AICP, City Planner <hr/>	<b>Routing:</b>	<hr/> <hr/>
<b>Date:</b>	<hr/> November 1, 2016 <hr/>		

The City Council has decided to extend the development moratorium for the area near Catherine Drive where sewer and water services will be provided. The moratorium could be extended for up to 18 months. Staff estimate that 8-9 months will be needed to complete the zoning changes, discussions with Woodbury, and comprehensive plan amendment that will be needed to lift the moratorium.

The City needs to make the following planning and zoning decisions for the area before the moratorium is repealed.

1. Determine the future zoning district(s), densities, and standards in the area that will receive municipal services.
2. Complete a Comprehensive Plan Amendment and obtain approval by the Metropolitan Council for the rezoning and utility extension

The extension of municipal services could serve an area of up to 160 acres (shown on the attached figures as the Proposed Utility Service Area). The Reiling parcel and city-owned parcel that a developer is currently discussing with the city include approximately 53 acres of that area.

### Current Zoning for the Proposed Utility Service Area

The area proposed for extension of utility services is currently zoned RE (Residential Estates). The requirements for parcels in the RE District include the following:

- Parcels in the RE district may be developed at a minimum size of 2 acres without municipal services; and
- Parcels in the RE District must be treated as R-1 parcels if sewer and water are available. (Section 1340.02 D of the Zoning Ordinance: "Any lot or parcel of land located in a Residential Estates Zone (RE) served by municipal sewer service shall be treated as a Single Family Residential [R-1] parcel and shall be required to meet all requirements of R-1 zoning.")

- The minimum lot size currently permitted in the R-1 District is 9,100 (4-5 units per acre).
- The uses permitted in the R-1 District include single-family detached residential (1 unit per lot), single-family detached residential more than 1 unit per lot ( with a PUD), group homes with up to 6 residents, manufactured dwellings, churches, day care facilities (up to 14 children), public facilities and utilities, and a limited number of uses with a CUP that are also permitted in the RE district.

If the City wants to allow and limit development of the area proposed for utility service to single-family homes at current R-1 district densities and standards, no change is needed in the zoning ordinance.

## **Future Zoning**

City Council members have expressed interest in permitting a higher level of density in the area proposed for public utilities, and allowing additional residential uses such as townhouse and multifamily uses. Metropolitan Council policies also support increased densities in new development and redevelopment areas in urban communities.

City staff interviewed several developers about the potential housing market for the Reiling and City parcels. Most said that they thought the market for these parcels would primarily be single-family homes on lots 40' wide or larger, and some developers thought that there may be a market for "villa" or other townhome residential products on the site. The developers stated that redevelopment of other parcels in the area proposed for utilities with existing single-family homes would be challenging because a developer would need to assemble multiple parcels, and the cost of purchasing and demolishing existing homes would reduce the profit for such development.

The process to rezone (completing a zoning amendment) would include:

- Identify the boundaries of the area to be rezoned
- Identify the existing or a new zoning district for the area
- Create the standards for the new zoning district
- Hold a public hearing on the rezoning, and make a recommendation to the Council
- Council adoption of the new zoning for the area.

### Issue #1: Boundaries for Rezoning

The Planning Commission may consider:

- Rezoning the entire area proposed for utility service extension
- Rezoning a subset of the area—such as the 53-acre area that includes the city-owned and Reiling parcels at this time. This is the area of current development interest, and the area that includes relatively large undeveloped parcels. This would leave the remainder of the area in the RE District with the requirement that new development meet the R-1 District standards

### Issue #2: Approaches to Rezoning or Flexible Development of the Area Proposed for Utility Extension

Several options are possible for rezoning

- Use an existing zoning district



- Create a new zoning district
- Use the Planned Unit Development (PUD) ordinance, or modify the PUD ordinance to allow more flexibility with a current zoning district
- Create a PUD District for the area

1) Existing Zoning Districts

- Existing zoning districts that permit single family and other residential uses include the R-2, R-3, MX-1, MX-2, and MX-4 Districts. The MX districts permit a variety of commercial uses in addition to residential uses.
- The tables that show the requirements for these districts are attached.
  - Maximum density in the R-2 District is 7.5 units per acre
  - Maximum density in the R-3 District is 14.5 units per acre
  - Maximum density in the MX-1 District is 18 units per acre
  - Maximum density in the MX-2 District is 10.9 units per acre
  - The maximum density in the MX-1 District is 18 units per acre

The Zoning Ordinance includes several Bonuses and Special Regulations for the R-2 and R-3 Districts (Section 1340.05 and 06 of the ordinance), including:

- a. If parking spaces are provided within or below the structure, the density can be increased
  - b. If the sites adjacent to the development are zoned R-1 or R-1A, the density of the area within 150 feet of those districts must be reduced
  - c. If total lot coverage is less than 20%, the density may be increased
  - d. For each unit containing more than 2 bedrooms, the density can be increased.
  - e. The ordinance includes minimum floor areas for multiple-family dwellings and design review requirements, including landscaping, sidewalks, etc.
  - f. Multiple-family residential projects in these districts must set aside at least 20% of the site area for parks, recreation, and open space, excluding stormwater management areas.
- The requirements for the R-2 and R-3 Districts were developed for the small multifamily districts that were created within the older areas of Newport in the past. Some of the requirements, such as the 20% open space requirement, are higher than would be required for new development in most communities.

2) New Zoning District

The Planner reviewed ordinance options from some other communities for areas where municipal services are being extended. Woodbury has an interesting ordinance that applies to new areas that allows much flexibility in the types and densities of residential uses in such areas, based on land use areas identified in the Comprehensive Plan. The ordinance is attached for discussion. Some features include:

- The ordinance allows for staged development as municipal services are provided with a variety of residential uses
- Single-family residential uses on a variety of lot sizes are permitted uses
  - Minimum lot sizes are included in item (f)
  - Minimum lot width is 80 feet
  - Maximum building coverage is 35%



- Multi-family uses and other non-residential uses are conditional uses
- PUD's are permitted with a CUP

### 3) PUD Ordinance

PUD's are both a form of development and a development process. PUD provisions in zoning ordinances allow large lots or a group of lots to be developed in a more flexible way than allowed by the underlying zoning. They may allow flexibility in densities, uses, and design (such as street widths). PUD's often require that the developer provide some benefit to the city (such as additional open space or trails, protection of environmental features) to compensate for the flexibility granted from the standard requirements.

Newport has a Planned Unit Development (PUD) ordinance but it does not allow flexibility in uses from the underlying zoning category, and it allows flexibility in density only in the RE District. The PUD ordinance would need to be amended in order to allow multifamily residential uses or flexibility from the R-1 density standards for the parcels included in the area of proposed utility expansion.

Some communities identify PUD's as a development process (Woodbury), and others require the creation of a PUD District for each PUD (Cottage Grove, Rosemount). Examples of each approach are attached. I have highlighted some items in the examples that are of interest for developing a Newport ordinance.

Some Pros to the PUD approach:

- Allows for flexibility and creativity in design that can address some unique conditions or opportunities on a site.
- Allow for development of an area with a mix of uses and densities in a comprehensive way. Provides coordination in design for phased developments.
- Allows the City to work with a developer to meet specific goals of each party
- The City could identify the City and Reiling parcels as a "District," requiring a single developer for the district, and avoiding potential purchase & development of the Reiling parcel only.

Some Cons to the PUD approach:

- Negotiations can be lengthy and challenging, especially if a developer wants a high degree of flexibility from standards, and the City does not agree or does not know what it wants. Can become a kind of "bargaining"—especially if the City has not set some minimum design or development standards, and the developer wants a lot of flexibility.
- Can result in neighborhoods with very unique standards that are difficult to track over time. Some cities with many PUDs that all have different standards have found this to be a problem.

## Options

Some options that the Planning Commission may consider include:

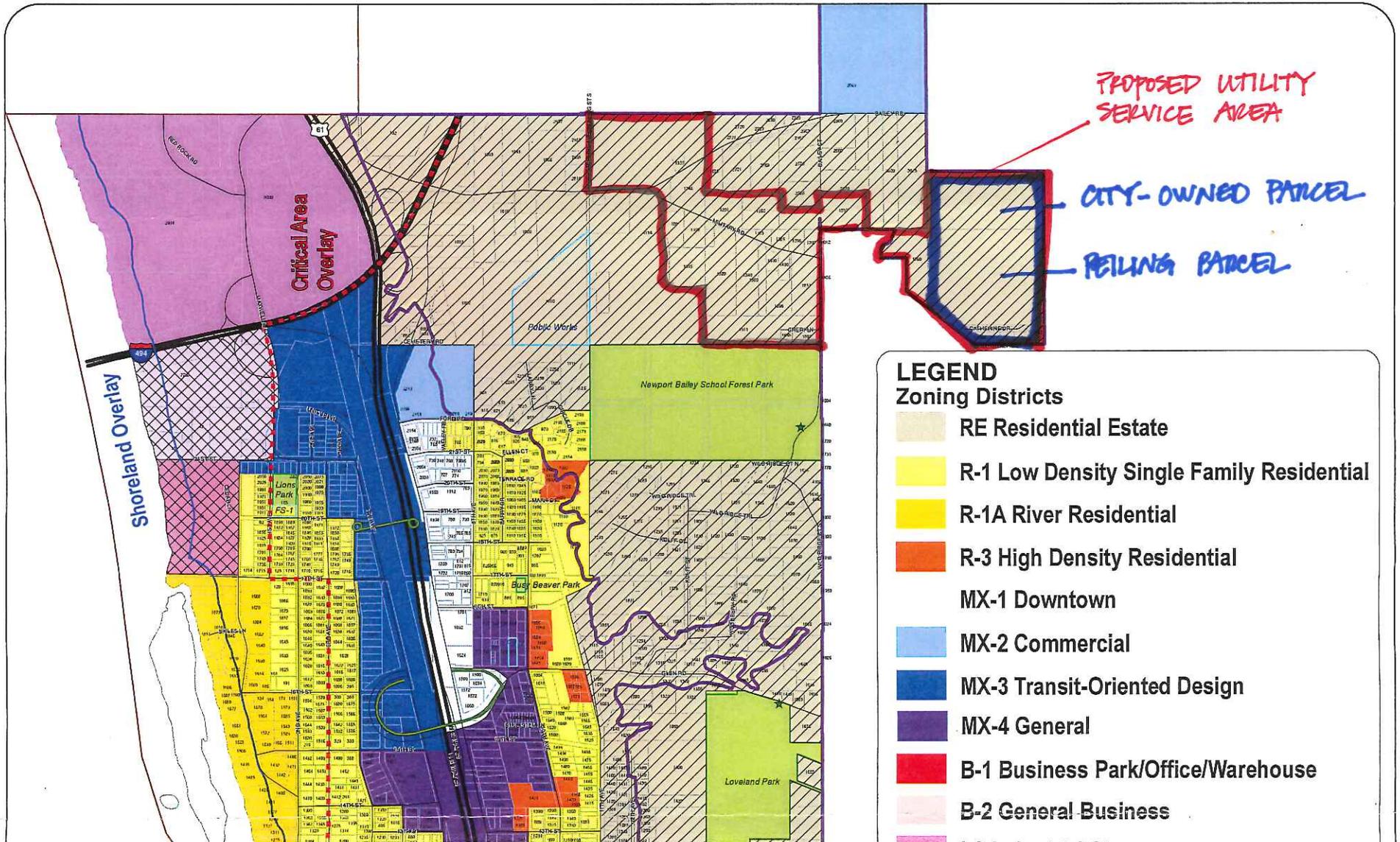


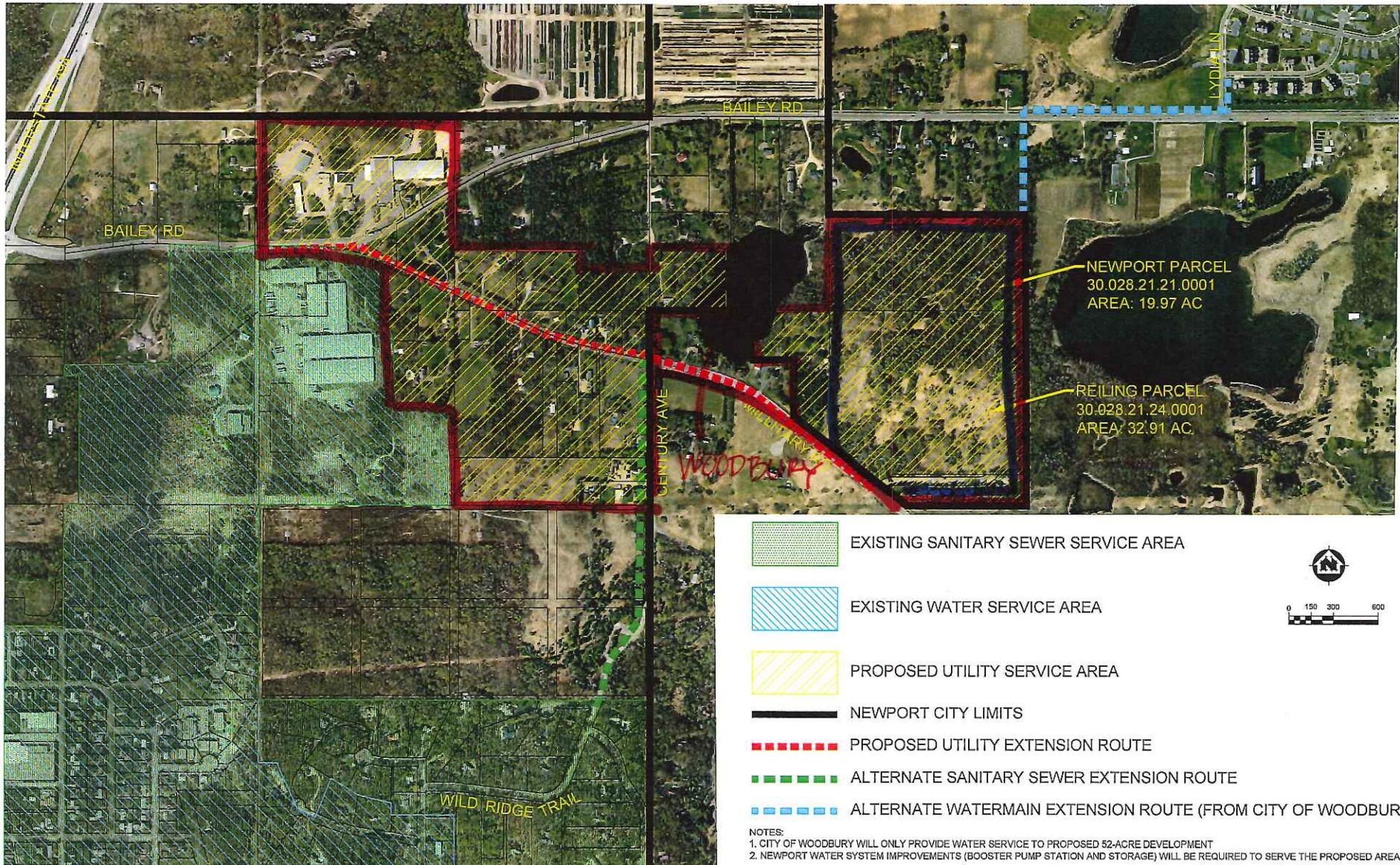
- 1) Keep the current zoning for the RE District are that will be served by municipal utilities. This would require that parcels that are served by municipal utilities develop to meet R-1 requirements.
- 2) Keep the current zoning for the RE District and designate the City/Reiling parcels as a PUD District. Adopt an amended PUD District ordinance to allow flexibility in development standards.
- 3) Adopt new zoning district(s) for the whole area to be served by municipal utilities—such as the Woodbury R-4 Urban District. A PUD could be an option with this district.
- 4) Adopt new zoning district(s) for the whole area to be served by municipal utilities, and designate the City/Reiling parcels as a PUD District.

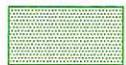




# City of Newport Zoning Map





-  EXISTING SANITARY SEWER SERVICE AREA
-  EXISTING WATER SERVICE AREA
-  PROPOSED UTILITY SERVICE AREA
-  NEWPORT CITY LIMITS
-  PROPOSED UTILITY EXTENSION ROUTE
-  ALTERNATE SANITARY SEWER EXTENSION ROUTE
-  ALTERNATE WATERMAIN EXTENSION ROUTE (FROM CITY OF WOODBURY)

NOTES:  
 1. CITY OF WOODBURY WILL ONLY PROVIDE WATER SERVICE TO PROPOSED 52-ACRE DEVELOPMENT  
 2. NEWPORT WATER SYSTEM IMPROVEMENTS (BOOSTER PUMP STATION AND STORAGE) WILL BE REQUIRED TO SERVE THE PROPOSED AREA

PROJECT NO.:	SCALE: AS SHOWN	NO.	DATE	REVISION
PROJECT DATE:	DRAWN BY:			
P.D.:	CHECKED BY:			
PLOT DATE: 11/08/15, P:\103306\103104\103185\103185000 - General\Utilities\Utility Areas\103185.dwg				

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date \_\_\_\_\_ License No. \_\_\_\_\_

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UTILITY EXTENSION  
 CATHERINE DRIVE  
 NEWPORT, MN

UTILITY SERVICE AREAS

Woodbury

**Sec. 24-134. - R-4 urban residential district.**

- (a) *Purpose and scope.* This section applies to the R-4 urban residential district. This district is created to provide an adequate amount of land to meet the demand for urban residential development. These areas will **require public sewer and water systems** which will be extended to encourage staged and orderly growth in the city in conformance to the comprehensive plan or amendments thereto. **These lands are shown as "Places to Live, High Density Residential", "Places to Live, Medium Density Residential" or "Places to Live, Low Density Residential" on the comprehensive plan or amendments thereto. Maximum density shall be consistent with the base density in the comprehensive plan unless increased using a density bonus through an approved planned unit development.**
- (b) *Permitted uses.* Permitted uses are as follows:
- Agricultural building existing on April 14, 1971.
  - Agricultural use existing on April 14, 1971.
  - Essential services including power lines under 35 KV.
  - Historic site.
  - Open space, public or private.
  - Residential care facility serving six or fewer persons.
  - Single-family detached dwelling on a platted lot.
  - Single-family detached dwelling on an unplatted lot not less than 20 acres with a width of not less than 500 feet.
  - Single-family detached dwelling on an unplatted lot of record less than 20 acres in existence as of September 12, 2012.
  - Residential care facility serving six or fewer persons.
- (c) *Permitted accessory uses.* Permitted accessory uses are as follows:
- Accessory structures in accordance with section 24-281.
  - Common property to a multiple family complex or planned unit development.
  - Daycare, home-based and licensed, serving 12 or fewer persons.

Ground source heat pump systems in accordance with section 24-404.

Home occupation in accordance with section 24-263.

Retail sales accessory to golf course/driving range, ice arena or park facility.

Satellite dish for residential use.

Solar energy system in accordance with section 24-406.

Temporary seasonal roadside stand not to exceed one per farm selling only products grown on that farm.

Wind energy system on lots at least 20 acres in size up to 45 feet in height in accordance with section 24-405.

(d) *Conditional uses.* Conditional uses are as follows:

Accessory uses for a place of worship or school in addition to those listed as permitted may be allowed as a conditional use.

Assisted living facility serving 16 or more persons.

Cemetery in existence as of September 26, 2012.

Daycare, accessory to a place of worship or school.

Daycare, home-based and licensed, serving from 13 to 16 persons.

Daycare, licensed, serving more than 16 persons along a collector or arterial street.

Golf course, driving range.

Government use.

Historic reuse ancillary to the primary residential use limited to: tearoom with scheduled events; indoor or outdoor wedding receptions and socials as scheduled events; bed and breakfast; and catering kitchen.

Multiple-family dwelling in accordance with section 24-309.

Place of worship in accordance with section 24-303.

Planned unit development in accordance with article IV.

Residential care facility serving from seven to 16 persons.

Single-family attached dwelling.

School in accordance with section 24-303.

(e) *Interim conditional uses*. Interim conditional uses are as follows:

Farmers' market in accordance with section 24-265.

Telecommunications tower in accordance with article VI, division 4.

Wind energy system on lots at least 20 acres in size up to 75 feet in height in accordance with section 24-405.

(f) *Zoning district standards*.

(1) Minimum lot area:

a. Single-family detached dwellings, unplatted: 20 acres.

b. Single-family detached dwellings, platted: 10,000 square feet with a minimum buildable area of 4,000 square feet.

c. Single-family attached dwellings:

1. Duplex: An average of 6,000 square feet per unit.

2. Townhouse: An average of 4,500 square feet per unit.

3. Quadplex: An average of 4,500 square feet per unit.

d. Multiple-family dwellings:

1. Efficiency: 2,300 square feet (maximum five percent efficiency units).

2. One-bedroom: 2,925 square feet.

3. Two-bedroom: 3,600 square feet.

4. Three-bedroom: 4,275 square feet.

(2) Minimum lot width: 80 feet.

(3) Minimum lot depth: 125 feet unless the rear lot line abuts a collector or arterial street then the minimum lot depth shall be 160 feet.

(4) Maximum lot depth: The depth of any lot in a subdivision shall not exceed three times the lot's width.

(5) Access: Maximum of two accesses per residential lot on a public street.

(6) Maximum height: Three stories or 40 feet.

(7)

Minimum front yard setback: 35 feet, unless the front yard abuts an existing or future collector or arterial street, then the minimum front yard shall be 50 feet from the anticipated future right-of-way.

(8) Minimum side yard setback:

- a. From residential street: 20 feet.
- b. From major road (collector or arterial street): 50 feet.
- c. From interior lot line: Ten feet.
- d. From interior lot line: If a garage, five feet.
- e. When the garage and the living unit align, or a portion of the living unit is above the garage, the side yard setback to the structure on the garage side shall be five feet.

(9) Minimum rear yard setback: 35 feet unless the rear yard abuts an existing or future collector or arterial street, then the minimum rear yard shall be 50 feet from the anticipated future right-of-way.

(10) Maximum building coverage: 35 percent.

(Ord. No. 1858, § 1858.01, 9-26-2012)

WoodburyARTICLE IV. - PLANNED UNIT DEVELOPMENTS<sup>31</sup>*Footnotes:*

--- (3) ---

*Editor's note—Ord. No. 1860, § 1860.01, adopted October 10, 2012, amended article IV in its entirety to read as herein set out.**Former article IV, §§ 24-201—24-215, pertained to similar subject matter, and derived from Ord. Mins. of 6-27-2001; Ord. No. 1754, § 1754.03, 9-22-2004; No. 1803, § 1803.01, 5-14-2008; Ord. No. 1825, § 1825.14, 10-14-2009.*

## Sec. 24-201. - Scope and general provisions.

This article applies to **planned unit development conditional use permits**. A planned unit development (PUD) is a tract of land developed as a unit under single or unified ownership or control and which generally includes two or more principal buildings or uses but may consist of one building containing a combination of principal and supportive uses. **A PUD is intended to allow flexibility in the zoning process to encourage innovative land use and development. This article may allow modification to zoning and subdivision requirements such as lot size and dimensions, rights-of-way and street widths, housing types and building setbacks as well as allow private streets and driveways or zero lot line development.**

(Ord. No. 1860, § 1860.01, 10-10-2012)

## Sec. 24-202. - Purpose.

The purposes of this article are:

- (a) To encourage **a more creative and efficient development** of land and its improvements through the preservation of natural features and/or desirable site characteristics than possible under strict application of zoning and subdivision requirements.
- (b) To meet **the goals and policies of the comprehensive plan** and adopted master plans of the city **while** preserving the health, safety, and welfare of its residents.
- (c) To allow for the **potential mixture of compatible uses in an integrated and well-planned area.**
- (d) To **increase public open space or greenways and/or** to ensure concentration of open space into more usable areas and preservation or restoration of natural resources.
- (e) **To facilitate the economical and efficient provision of streets and public utilities** and to prevent development that would burden the existing tax base or in areas without adequate public improvements.
- (f)

To facilitate developments that provide a benefit to the city as a whole, through, but not limited to, higher standards of architectural and site design, enhanced or innovative public infrastructure, sustainable design, provision of life-cycle and/or affordable housing, redevelopment or expanded transportation options.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-203. - Effect on existing zoning; interpretation.

The granting of a PUD conditional use permit does not alter in any manner the existing zoning district classification except that building permits shall not be issued which are not in conformity pursuant to an approved PUD conditional use permit unless it is amended, cancelled or modified. Whenever a question arises concerning the interpretation of this article, it shall be the duty of the planning and zoning commission to ascertain all facts concerning the question and forward all data and a recommendation to the city council for a determination.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-204. - Permitted uses.

Uses not otherwise allowed in the zoning district are prohibited within a PUD unless specific provisions are made and listed in the PUD conditional use permit or conditions of approval. A PUD may include varied and compatible land uses within one defined development. Uses may include:

- (a) Dwelling units in detached, clustered, semi-detached or attached multi-storied structures or combinations thereof.
- (b) Commercial, office and industrial uses.
- (c) Supporting community facilities and institutional uses.
- (d) Parks, recreational facilities and open space.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-205. - Density.

In any PUD the maximum number of dwelling units allowed shall not exceed the base density identified in the land use districts in the comprehensive plan, except that:

- (a) Density bonuses consistent with the comprehensive plan and any adopted city policies may be granted if the proposed project meets certain objectives of the city as identified in the comprehensive plan. These objectives include but are not limited to affordable housing or other identified housing needs, sustainability, increased open space or greenway development.
- (b) Density transfers within the PUD may be allowed provided the project area is at least 40 acres; however, this area requirement may be reduced when the project provides for the dedication of needed public infrastructure.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-206. - Pre-application meeting.

Prior to the submission of any plan to the planning and zoning commission, the applicant shall meet with the zoning administrator to discuss the contemplated project relative to community development objectives for the area in question and to learn the procedural steps and exhibits required. This includes the procedural steps for a conditional use permit and a preliminary plat. The applicant may submit a simple sketch plan at this stage for informal review and discussion. The applicant is urged to avail himself or herself of the advice and assistance of the city staff to facilitate the review.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-207. - Concept plan.

The concept PUD plan is optional and provides an opportunity for the applicant to submit a plan to the city generally illustrating the proposed development without incurring substantial cost. The process is also intended to allow the city and general public to identify potential issues and concerns at an early stage of project development.

- (a) The property owner or his agent may meet with the zoning administrator to describe the situation, to be advised of the procedures and to obtain an application form.
- (b) The following exhibits shall be required for a concept PUD application:
  - (1) Complete application form signed by all property owners.
  - (2) All required fees and escrows along with an executed escrow deposit agreement.
  - (3)

Statement of all property owners of all land included within the proposal and a list of property owners' names and addresses within 500 feet of the outer boundaries of the property and two sets of mailing labels obtained from Washington County or a title or abstract company.

- (4) Location map showing the site in relation to the surrounding area and important elements, including major roadways, public facilities and parks.
  - (5) Concept plan(s) or sketch(es) for the proposed project area.
  - (6) Written narrative addressing proposed uses, housing types, density, public or private amenities, parks and open space, phasing, timing as well as the experience and financial capacity of the proposed developers. The narrative should address how the city's values, as identified in the comprehensive plan, are incorporated into the design of the overall development.
- (c) The zoning administrator shall forward the application and required exhibits to the planning and zoning commission for review and consideration. A notice of the planning and zoning commission meeting for consideration of the application shall be sent to all property owners within 500 feet of the outer boundaries of the property in question.
  - (d) The planning and zoning commission shall review the proposal and report to the city council its comments and suggestions with regard to the concept PUD plan.
  - (e) The zoning administrator shall schedule the public hearing and shall cause notice of the time, place and purpose of said hearing to be published at least ten days prior to the date of the hearing in the official newspaper of the city. The notice shall be mailed to the owners of the property within 500 feet of the outer boundaries of the property in question not less than ten days prior to the date of the hearing.
  - (f) The city council shall, after receipt and placing on file the report of the planning and zoning commission and zoning administrator, hold a public hearing on the application. The city council shall also review the concept PUD plan and provide feedback to the applicant. The council will not take any formal action to approve or deny the application. No comments, suggestions, remarks or observations made by city staff, the planning and zoning commission or the city council shall be binding on the city for future stages.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-208. - PUD conditional use permit.

(a)

*Application procedure.* An applicant shall make an application for a PUD conditional use permit following the procedural steps as set forth in article II, division 4, conditional use permits, of this chapter.

- (b) *Required exhibits.* In addition to the requirements in section 24-41, the following exhibits and written narratives shall be submitted to the zoning administrator by the proposed developer as a part of the application for a PUD conditional use permit:
- (1) Explanation of the character of the planned development and the manner in which it has been planned to take advantage of the PUD regulations, including a list of all deviations from the standard zoning regulations and an explanation as to why these deviations provide a public benefit.
  - (2) Explanation of how comments on the concept PUD plan have been incorporated into the design of the general development plan, if applicable.
  - (3) General indication of the expected schedule of development including progressive phasing and time schedule.
  - (4) Any additional information requested by the city staff, the planning and zoning commission and city council that may be required for clarification of the proposed project.
- (c) *Preliminary plat.* Unless waived by the zoning administrator, the applicant shall also submit a preliminary plat and all the necessary documentation as required under chapter 21 of all or that portion of the project to be platted. For purposes of administrative simplification, the public hearings required for the PUD conditional use permit and preliminary plat and any potential rezoning of property may be combined into one hearing or may be held concurrently.
- (d) *Additional findings.* In addition to the criteria and standards set forth in article II, division 4 of this chapter for the granting of conditional use permits, the following additional findings shall be made before the approval of the PUD conditional use permit:
- (1) The proposed PUD is in conformance with any adopted master plan for the project area.
  - (2) The PUD is designed to form a desirable and unified environment within its own boundaries.
  - (3) The development plan provides for the creation, preservation or restoration of natural resources such as native vegetation, valuable habitat, lakes, streams, wetlands, shorelands, flood plains, woodlands, steep slopes and similar areas.
  - (4)

The PUD is consistent with the planned and efficient provision of public improvements and would not burden the existing tax base by increasing development or in areas without adequate infrastructure or public facilities.

- (5) The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighboring property and will not be detrimental to potential surrounding uses.
- (6) The tract under consideration is under single ownership or control.
- (7) Single-family detached units or clustering of housing units may be allowed as a PUD in areas providing urban services, or in the R-2 estate district, providing parks and open space are an integral part of the plan.
- (8) Each phase of the development, as it is proposed to be completed, is of sufficient size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, and that provision and construction of dwelling units and common open space are balanced and coordinated.
- (9) Common elements proposed as part of the PUD are appropriate for the scale, location, shape, size, density and topography of the development and must be suitably improved for the intended use(s) except that significant natural features may be preserved or restored.
- (10) The project area is at least ten acres in size unless the applicant can show that a PUD of less acreage meets the standards and purposes of the comprehensive plan and preserves the health, safety and welfare of the citizens of the city and that all of the following conditions exist:
  - a. The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district.
  - b. The proposal would benefit the area surrounding the project to greater degree than development allowed within the underlying zoning district(s).
  - c. The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district.
  - d.

If applicable, the proposal would increase open or green space or ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-209. - Approval and implementation.

- (a) The city council shall review the PUD conditional use permit application. If the PUD is approved by the city council, the zoning administrator shall issue a conditional use permit to the applicant including conditions of approval and record it in the office of the county recorder.
- (b) The applicant shall also submit a final plat for all or that portion to be platted. Such plats may be submitted in smaller increments as may be economical to finance or construct at one time.
- (c) Any final plat shall conform to the approved PUD conditional use permit and approved preliminary plat. This plan shall include any recommended changes by the planning and zoning commission or city council to the original PUD application and original preliminary plat.
- (d) Outlots to be dedicated for park, ponding or other purposes shall be deeded to the city, via warranty deed or other deed as approved by the zoning administrator, before the final plat is released for recording.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-210. - Coordination with subdivision regulations.

- (a) It is the intent of this article that subdivision review under chapter 21 be carried out simultaneously with the review of a planned development under this article.
- (b) The plans required under this article must be submitted in a form, which will satisfy the requirements of chapter 21 for the preliminary and final plats.
- (c) Flexibility of design standards and criteria of chapter 21 may be allowed as part of a planned unit development.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-211. - Enforcement of development schedule.

The construction and provisions of all of the common open spaces and public and recreational facilities which are shown on the approved PUD must proceed at the same phase of the construction of dwelling units. From time to time the zoning administrator may review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If he or she shall find that the rate of construction of dwelling units is greater than the rate at which common open spaces and public and recreational facilities have been constructed and provided, he or she shall forward this information to the city council, which may modify or revoke the PUD permit.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-212. - Conveyance and maintenance of common elements.

- (a) All land shown on the approved PUD as common open space must be conveyed to a homeowners association or similar organization provided in an indenture establishing an association or similar organization for the maintenance of the planned development. The common open space must be conveyed to the homeowners association or similar organization subject to covenants which restrict the common open space to the uses specified on the PUD conditional use permit, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.
- (b) If a homeowners association is created, the city may require the applicant to submit any required homeowner association documents at the time of the first final plat of development to the city attorney and city staff which explain:
  - (1) Ownership and membership requirements.
  - (2) Articles of incorporation and bylaws.
  - (3) Time at which the developer turns the association over to the homeowners.
  - (4) Approximate monthly or yearly association fees for homeowners.
  - (5) Specific listing of items owned in common including such items as roads, recreation facilities, parking, common open space grounds, and utilities.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Sec. 24-213. - Review and amendments.

- (a) From time to time the zoning administrator may review PUDs within the city and may make a report to the city council on the status of non-compliance for a particular PUD. If the zoning administrator finds that the development has not commenced within one year after the

original approval of the conditional use for the PUD, the zoning administrator may recommend that the city council extend the time or revoke the conditional use permit as set forth in article II, division 4 of this chapter. Prior to cancellation or revocation of this permit, the city council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.

- (b) For additional phases of the PUD, if within five years the project has not progressed, the zoning administrator may recommend that the city council determine what action will be taken with the remainder of the project. Prior to determining the outcome of the PUD, the city council shall hold a public hearing at which time all interested parties will be given an opportunity to be heard.
- (c) Minor changes in the location, placement, and heights of the buildings or structures may be authorized by the zoning administrator if required by engineering or other circumstances not foreseen at the time the PUD was approved.
- (d) Approval of the planning and zoning commission and city council shall be required for other substantial changes such as change in use; rearrangement of lots, blocks and building tracts; significant increase in lot coverage; major change in traffic circulation; or reduction in green space, open space, parking or stormwater management. These changes shall be consistent with the purpose and intent of the approved PUD conditional use permit.
- (e) Any amendment to the PUD shall require the same procedures as for the application for a conditional use permit as set forth in article II, division 4 of this chapter.

(Ord. No. 1860, § 1860.01, 10-10-2012)

Secs. 24-214—24-230. - Reserved.

COTTAGE GROVE +  
ROSEMOUNT

## Chapter 14

# PUD PLANNED UNIT DEVELOPMENT DISTRICT

### 11-14-1: PURPOSE:

The purpose of the Planned Unit Development (PUD) District is to provide a district which will encourage the following:

- A. Flexibility in land development and redevelopment in order to utilize new techniques of building design, construction and land development;
- B. Provision of lifecycle housing to all income and age groups;
- C. Energy conservation through the use of more efficient building designs and sitings and the clustering of buildings and land uses;
- D. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including, but not limited to, steep slopes, trees and poor spoils;
- E. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land into larger parcels;
- F. High quality of design and design compatible with surrounding land uses, including both existing and planned;
- G. Sensitive development in transitional areas located between different land uses and along significant transportation or scenic corridors within the City; and
- H. Development which is consistent with the Comprehensive Plan. (Ord. 644, 2-19-1997)

**11-14-2: USES:**

Within the PUD District, all uses must be consistent with the Comprehensive Plan designation for the property and consistent with permitted uses and accessory uses allowed by this Title. Within the PUD District, all uses allowed by conditional use permit within any other district are allowed by conditional use permit. Uses allowed by conditional use permit shall be reviewed for compliance with the PUD master development plan and with the applicable conditional use permit standards specified in Sections 11-2-4 and 11-2-9 of this Title. (Ord. 644, 2-19-1997)

**11-14-3: DEVELOPMENT STANDARDS:**

Within the PUD District, all development shall be in compliance with the following:

- A. Minimum Area: Each PUD shall have a minimum area of ten (10) acres, excluding areas within a designated wetlands, flood plain or shoreland district or right of way, unless the applicant can demonstrate the existence of one of the following:
1. Unusual physical features of the property itself or of the surrounding neighborhood such that development as a PUD will conserve a physical or topographic feature of importance to the neighborhood or community;
  2. The property is directly adjacent to or across the right of way from property which has been developed previously as a PUD and will appear as and will function as an extension of that previously approved development;
  3. The property is located in a transitional area between different land use categories or on a principal or minor arterial as defined in the Comprehensive Plan;
  4. The property is proposed to be developed with cluster homes as defined in Section 11-14-4 of this Chapter.
- B. Uses Other Than Designated Uses: The City may permit up to ten percent (10%) of the gross floor area of all buildings in a PUD to be used for land uses for which the site is not designated in the Comprehensive Plan if the City Council finds that such use is in the best interests of the City and is consistent with the requirements of this Chapter. If nondesignated uses are to be incorporated into a PUD, the City may forward a copy of the request to the Metropolitan Council for review.

- C. More Than One Use: Where the site of a proposed PUD is designated for more than one land use in the Comprehensive Plan, the City may require that the PUD include all the proposed land uses.
- D. Density: Each residential PUD or the residential portion of each mixed use PUD shall have a density within the range specified in the Comprehensive Plan for the PUD site. If the site is not designated in the Comprehensive Plan for residential use, the appropriate density shall be determined by the City based upon the City Council's finding that such density is consistent with the intent of the PUD and of the Comprehensive Plan.
- E. Streets, Utilities, Public Facilities And Subdivisions: The City ordinances governing the specifications and standards for streets, utilities, public facilities and subdivisions may be modified based upon the uniqueness of the PUD. The City Council may therefore approve streets, utilities, public facilities and land subdivisions which are not in compliance with usual specifications or ordinance requirements if it finds that strict adherence to such standards or requirements is not required to meet the intent of this Chapter or to protect the health, safety or welfare of the residents of the PUD, the surrounding area or the City as a whole.
- F. Building Setbacks:
1. Buildings shall set back a minimum of thirty feet (30') from local streets and forty feet (40') from railroad lines or principal or minor arterials, as designated in the Comprehensive Plan; except, that in no case shall the setback be less than the height of the building not to exceed a maximum of one hundred feet (100').
  2. The setback for all buildings from exterior PUD lot lines not abutting a public street shall be thirty feet (30'); except, that in no case shall the setback be less than the height of the building not to exceed a maximum of one hundred feet (100').
  3. Building setbacks from internal public streets shall be determined by the City based on characteristics of the specific PUD.
  4. Parking lots and driving lanes shall be set back at least twenty feet (20') from all exterior lot lines of a PUD.
  5. Where industrial or commercial uses abut developed or platted single-family lots outside the PUD, greater exterior building and parking setbacks may be required in order to provide effective screening. The City Council shall make a determination regarding the adequacy of screening proposed by the applicant. Screening may include the use of natural topography or earth berming, existing and proposed plantings and other features such as roadways and wetlands which provide separation of uses.

6. Areas within a PUD which are designated in the approved master development plan or final site plan for residential use shall be considered a residential district for purposes of determining building and parking setback requirements on adjacent commercial and industrial property outside the PUD.
- G. More Than One Building Per Lot: More than one building may be placed on one platted or recorded lot in a PUD.
- H. Single Land Use Or Housing Type: Any PUD which involves a single land use type or housing type shall be permitted; provided, that it is otherwise consistent with the objectives of this Title and the Comprehensive Plan.
- I. Private Recreational Uses: Each residential PUD comprised of units other than single-family detached housing or within a mixed use PUD shall provide an area dedicated for private recreational uses for project residents. Such areas will be for active or passive recreational uses suited for the needs of the residents of the project, including swimming pools, trails, nature areas, picnic areas, tot lots and saunas.
- J. Unified Ownership Or Control: All property to be included within a PUD shall be under unified ownership or control or subject to such legal restrictions or covenants as may be necessary to ensure compliance with the approved master development plan and final site and building plan.
- K. Signs: Signs shall be restricted to those which are permitted in a sign plan approved by the City and shall be regulated by permanent covenants.
- L. Application Of Other Provisions: The requirements contained in sections of this Title pertaining to Chapter 3, General Zoning Provisions, and Chapter 6, Performance Standards, shall apply to a PUD as deemed appropriate by the City.
- M. Compliance With Provisions: No building or other permit shall be issued for any work on property included within a proposed or approved PUD nor shall any work occur unless such work is in compliance with the proposed or approved PUD. (Ord. 644, 2-19-1997)

#### **11-14-4: CLUSTER HOUSING:**

Each PUD developed for single-family detached dwellings on sites guided for low density residential development in the Comprehensive Plan shall be subject to the following standards:

- A. Minimum Size Of Parcel: Minimum size of entire parcel or parcels subject to the PUD: 10 acres;
- B. Permitted Locations: In areas of the City where smaller lots will serve as a transition between low density residential areas and a higher intensity use or because of unique physical or topographic constraints, the property could be more sensitively developed, as determined by the City Council, as a small lot cluster home development;
- C. Minimum Lot Size:
1. MUSA: 7,500 square feet;
  2. Non-MUSA: 1.5 acres;
  3. For cluster housing where lot areas are designed to be similar to the size of the dwelling unit and the surrounding property held in common ownership, the 7,500 square foot lot size is waived as long as the average of all parcels is a minimum of 7,500 square feet;
- D. Minimum Lot Width At ROW Line:
1. MUSA: 60 feet;
  2. Non-MUSA: 180 feet;
- E. Minimum Lot Depth: 125 feet;
- F. Minimum Front Yard Setback:
1. MUSA: 20 feet on internal streets within the PUD. On exterior or through streets, a 30 foot setback must be provided on local streets and a 40 foot setback on intermediate and minor arterial streets as defined by the Comprehensive Plan;
  2. Non-MUSA: 100 feet on internal streets within the PUD;

G. Minimum Side Yard Setbacks:

1. MUSA: 10 feet with 5 feet on the garage side;
2. Non-MUSA: 25 feet;

H. Rear Yard Setback:

1. MUSA: 30 feet;
2. Non-MUSA: 50 feet;

I. Building Height: Maximum of 35 feet;

J. Dwellings:

1. All dwelling units shall have a depth of at least 20 feet for at least fifty percent (50%) of their width;
2. All dwellings shall have a permanent foundation in conformance with the Minnesota State Building Code;

K. Accessory Structures: Accessory structures shall conform to the setbacks and sizes established in Section 11-3-3 of this Title;

L. Covenants:

1. MUSA: Where property is within the MUSA, a homeowners' association shall be established by the developer to oversee the maintenance of commonly held properties and review of architectural modifications to the approved plans;
2. Non-MUSA: When property is outside the MUSA, the developer shall sign a restrictive covenant for land to be held as open space or for agricultural purposes under this clustering provision. The restrictive covenant shall limit the use of the restricted land to agricultural purposes or open space until the property is rezoned, or receives City sewer and water services;

- M. **Architectural And Landscape Design; Privacy:** The applicant shall demonstrate that the architectural and landscape design being proposed for cluster housing developments provide privacy for both internal and exterior living areas. This provision shall include, but not be limited to, landscape and fence screens, location of HVAC equipment, and location of structures relative to adjacent homes. Deviations from approved plans must be approved by both the City Council and by the established homeowners' association;
- N. **Fire, Life And Safety Requirements:** The applicant shall demonstrate that the platting, design and setback of structures will meet City fire, life, and safety requirements and facilitate the maintenance of building exteriors, which may be accomplished by any combination of structural setback requirements, provision of easements and/or incorporation of building code improvements approved by the City. No intrusions of any kind will be permitted into approved setbacks unless it can be demonstrated that fire, life, and safety requirements of the City can be met. These revised setbacks will specifically be designated in the PUD agreement;
- O. **Compliance Required:** All lots platted within a cluster housing development under this Chapter shall have a statement recorded in the chain of title that states that any construction on the lot must be in compliance with the PUD development plan, final site plan, and architectural drawings, as approved by the City; and
- P. **Lot Yield Plan:** A lot yield plan must be submitted as part of the developer's proposal. The applicant shall demonstrate in the lot yield plan the number of potential lots which could be developed under the existing zoning compared to the developer's proposal. (Ord. 644, 2-19-1997)

## **11-14-5: REVIEW OF APPLICATION:**

### **A. Concept Plan:**

1. In order to receive guidance in the design of a PUD prior to submission of a formal application, an applicant may submit a concept plan for review and comment by the Planning Commission and City Council. Submission of a concept plan is optional but is highly recommended for large PUDs. In order for the review to be of most help to the applicant, the concept plan should contain such specific information as is suggested by the City. Generally, this information should include the following:
  - a. Approximate building and road locations;
  - b. Height, bulk and square footage of buildings;

- c. Type and square footage of specific land uses;
  - d. Number of dwelling units;
  - e. Generalized grading plan showing areas to be cut, filled and preserved; and
  - f. Staging and timing of the development.
2. The comments of the Planning Commission and City Council shall address the consistency of the concept plan with this Chapter. The comments of the Planning Commission and City Council shall be for guidance only and shall not be considered binding upon the City regarding approval of the formal PUD application when submitted.

B. Rezoning; Master Development Plan:

1. Approval of a rezoning to PUD and approval of a master development plan shall be subject to the procedures outlined in Section 11-2-8 of this Title for a Zoning Map amendment. The master development plan shall contain the following:
  - a. Building location, height, bulk and square footage;
  - b. Type and square footage of specific land uses;
  - c. Number of dwelling units;
  - d. Detailed street and utility locations and sizes;
  - e. Drainage plan, including location and size of pipes and water storage areas;
  - f. Grading plan;
  - g. Generalized landscape plan;
  - h. Generalized plan for uniform signs and lighting;
  - i. Plan for timing and phasing of the development;
  - j. Covenants or other restrictions proposed for the regulation of the development; and
  - k. Renderings or elevations of the entrance side of buildings to be constructed in the first phase of the development.
2. Approval of the master development plan shall indicate approval of the previously listed items and shall occur in conjunction with rezoning of the property to PUD. After rezoning of the property to PUD, nothing shall be constructed on the PUD site except in conformance with the approved plans and this Chapter.

### C. Final Site And Building Plan:

1. Approval of a final site and building plan for the entire PUD or for specific parts of the PUD shall be subject to the procedures outlined in Section 11-2-4 of this Title. The final site and building plan shall contain information as required by the City, including the following:
  - a. Detailed utility, street, grading and drainage plans;
  - b. Detailed building elevations and floor plans; and
  - c. Detailed landscaping, sign and lighting plans.
2. The final site and building plan shall be in substantial compliance with the approved master development plan. Substantial compliance shall mean:
  - a. Buildings, parking areas and roads are in substantially the same location as previously approved;
  - b. The number of residential living units has not increased or decreased by more than five percent (5%) from that approved in the master development plan;
  - c. The floor area of nonresidential uses has not been increased by more than five percent (5%) nor has the gross floor area of any individual building been increased by more than ten percent (10%) from that approved in the master development plan;
  - d. There has been no increase in the number of stories in any building;
  - e. Open space has not been decreased or altered to change its original design or intended use; and
  - f. All special conditions required on the master development plan by the City have been incorporated into the final site and building plan. Approval of a final site and building plan shall signify approval of all plans necessary prior to application for a building permit, subject to conformance with any conditions on the approval and subject to other necessary approvals by the City.

D. Combining Final Site And Building Plan With Master Development Plan: Applicants may combine the final site and building plan review with the master development plan review by submitting all information required for both stages simultaneously.

### E. Recommendations And Actions:

1. The Planning Commission and City Council shall base their recommendations and actions regarding approval of a PUD on a consideration of the following:

- a. Compatibility of the proposed plan with this Chapter and the goals and policies proposals of the Comprehensive Plan;
  - b. Effect of the proposed plan on the neighborhood in which it is to be located;
  - c. Internal organization and adequacy of various uses or densities, circulation and parking facilities, public facilities, recreation areas, open spaces, screening and landscaping;
  - d. Consistency with the standards of Section 11-2-4 of this Title pertaining to site and building plan review; and
  - e. Such other factors as the Planning Commission or City Council deems relevant.
2. The Planning Commission and City Council may attach such conditions to their actions as they shall determine necessary or convenient to better accomplish the purposes of this Chapter. (Ord. 644, 2-19-1997)

#### **11-14-6: TERM OF APPROVAL:**

If application has not been made for a final site and building plan approval pursuant to the approved master development plan for all or a part of the property within a PUD or construction on the property has not been initiated in conformance with the approved site and building plan by December 31 of the year following the date on which the PUD Zoning Map amendment became effective or if within that period no extension of time has been granted, the City Council may rezone the property to the zoning classification at the time of the PUD application or to a zoning classification consistent with the Comprehensive Plan designation for the property. In the absence of a rezoning, the approved master development plan shall and approved site and building plan if applicable shall remain the legal control governing development of the property included within the PUD. (Ord. 644, 2-19-1997)

#### **11-14-7: AMENDMENTS:**

- A. Major amendments to an approved master development plan may be approved by the City Council after review by the Planning Commission. The notification and public hearing procedure for such amendment shall be the same as for approval of the original PUD. A major amendment is any amendment which:
1. Substantially alters the location of buildings, parking areas or roads;