

Item 2

Case 10000K-04

GENERAL INFORMATION

Applicant: City of Bloomington

Request: Amend Landscaping and Screening Standards

PROPOSAL

As part of the Zoning Ordinance Update Project, updated landscaping and screening standards are required. Current landscaping standards are minimal. Today, most landscaping related issues are addressed through unwritten policy, condition of approval and case by case negotiation during the application process. Adoption of standards will:

- Improve aesthetics by ensuring that all future development meets reasonable landscaping and screening requirements;
- Improve landscaping consistency among sites;
- Improve customer service through documented standards that allow developers to plan and budget for landscaping early on; and
- Provide guidance to landscape architects as they prepare plans and to staff as they review plans.

PROCESS

To recommend landscaping and screening standards, the City retained Hoisington Koegler Group, Inc. (HKGi), a consulting firm with significant experience in both landscape architecture and ordinance drafting. HKGi prepared draft standards in the Fall of 2003 after several meetings with staff and two meetings with a six member Focus Group (one business representative, two landscape architects, a landscaping contractor and a citizen representative). After setting the draft aside for several months to work on the Airport South Comprehensive Plan Update, MSP Airport Zoning, runway related rezonings and the HX-R interim zoning district among other projects, staff began working on the ordinance again this Summer. The Planning Commission discussed landscaping and screening issues at a study meeting on August 12, 2004. Since then, staff has worked out several details and placed the standards in ordinance format.

USE OF POLICY AND PROCEDURE DOCUMENT

The proposed landscaping and screening standards are supplemented by a policy and procedures document (attached). Section 19.52 (g) gives the Planning Manager authority to adopt and implement these policies and procedures. Included within the policy and procedures document are submittal requirements for a landscape plan, surety rates and procedures, and recommendations on materials and design. Having a policy and procedures document provides several advantages. First, minor changes in policy or procedure (such as requiring four copies of a landscape plan rather than five or no longer recommending a certain species of shrub) can be made through a staff action rather than processing an

ordinance to amend the City Code, with its associated time and financial costs for advertisement, agenda preparation, and public hearings. Second, it reduces volume within the City Code, making it more user friendly and focused. Third, it allows for greater flexibility for special circumstances. Planning and Legal staff also believe that recommendations ("should" rather than "must") are more appropriate in a policy document than the City Code.

ISSUES

The proposed landscaping and screening standards are set forward in the attached ordinance and policy document. While the standards are straightforward, staff offers some additional background information on a few key standards below.

Amount of Materials

At the core of any landscaping ordinance is the level of landscaping materials that are required to be installed. Bloomington’s current landscaping ordinance does not prescribe the level of landscaping required. Landscaping levels must therefore be negotiated on a case by case basis, which can lead to inconsistent landscaping levels as well as unpredictability for developers. The establishment of a base level of landscaping to be required is called for by the Guiding Principles adopted for the Zoning Ordinance Update project (Principle 23 – “Incorporate standards in the zoning ordinance that have previously been enforced through policy”).

HKGi’s recommended minimum landscaping requirements are set forward in Section 19.52 (c) (2). They propose requiring all uses except for single and two family residential to install the following levels of landscaping:

Type	Developable Landscaping Area
1 tree	per 2,500 sq. ft.
1 shrub	per 1,000 sq. ft.

“Developable Landscaping Area” is proposed to exclude site features such as natural water bodies and wetlands, wooded areas and scenic easements.

HKGi arrived at these thresholds by analyzing numerous landscape plans in Bloomington and other communities. They counted the level of materials provided, determined the developable landscaping area and then visited the site to develop an on the ground feel for whether the levels provided were sparse or adequate. Through such analysis and through review of standards in peer communities, HKGi arrived at the above thresholds. In reviewing the thresholds against existing sites in Bloomington, staff would note that they “raise the bar” for sparsely landscaped sites, but that sites that could be considered adequately landscaped generally meet the standard. The thresholds proposed would avoid under landscaped sites. Sites where a developer desires a high level of landscaping would exceed the standard.

Parking Lot Island Trees

Staff believes one of the most controversial aspects of the proposed ordinance may be a requirement to install one tree per parking lot island (see Section 19.52 (c) (6)). Whether to include the requirement is an important policy decision that will have an effect on both the future cost of development and the

future appearance of the City. There are good arguments for and against the requirement, which staff will highlight below.

The primary argument for requiring parking lot island trees is aesthetic. Trees can break up the "sea of asphalt effect" and provide visual relief. The contrast in comparing a treed parking lot with a barren parking lot is striking. Along with exterior materials requirements, parking placement, sign standards and building setbacks, parking lot island trees are one of the important physical features that can have a large impact on the overall appearance of a community. Parking lot island trees provide shade in the Summer months, which can reduce the heat island effect. These trees help to define parking islands for motorists, which can improve traffic flow. It is important to note that parking lot island trees would count toward the overall required number of trees on a site. Their cost would not be above and beyond the standard requirements. Structured parking is exempt from the requirement as are small parking lots (75 spaces or less) and islands used for stormwater management purposes.

Several existing Bloomington developments have chosen to enhance their appearance by providing parking lot island trees although they are currently not required. Two recent Bloomington development examples that help convey the strong positive visual effect of even newly planted parking lot island trees are Bloomington Civic Plaza and the 28th Avenue LRT Park and Ride.

There are several arguments against parking lot island trees. They add cost to any development project. Islands supporting trees need to be larger than concrete islands, a fact that tends to increase at least slightly the overall amount of land devoted to parking. Parking lot island trees are hard to maintain. They are exposed to harsh conditions such as salt, exhaust fumes, snow storage, extra heat and limited groundwater. Because of conditions, mortality rates are higher and parking lot island trees may need to be replaced more often than trees planted in other areas. If not irrigated (which is very expensive itself), parking lot island trees often need to be watered manually by truck or hose, which is labor intensive. Additional islands also can increase the difficulty in plowing snow. Falling leaves can increase maintenance costs and clog stormwater catch basins. Business representatives on focus groups for both the landscaping and parking ordinances have expressed serious concern with a requirement for parking lot island trees.

The issue of parking lot island tree requirements overlaps with the upcoming parking standards update. Islands with trees need to be wider (perhaps eight and a half or nine feet in width) than concrete islands to allow room to grow, avoid car doors and gather at least some groundwater. To mitigate the "sea of asphalt effect", islands may need to be required more often than simply at the end of parking tiers. These issues will be addressed in the upcoming parking ordinance. Staff's recommendation on these two issues will be directly influenced by whether or not the final landscape ordinance requires parking lot island trees.

Streetscape

The importance of adding landscaping to the "streetscape" has been referenced several times recently by Council members and Planning Commission members. Historically, the City has limited landscaping in the public right of way due to the many potential impacts with utilities, sidewalks, etc. However, median trees are included in the rebuilt portions of American Boulevard and 28th Avenue. Boulevard trees have been an important part of developing a sense of place at the 98th and Lyndale Oxboro redevelopment and will be included at France and Old Shakopee. The proposed ordinance (see Section 19.52 (c) (5)) requires new development to install landscaping within the boulevard area (between the

curb and sidewalk) when required in a streetscape plan for a district or street segment. Whether to adopt an individual streetscape plan for an area and the details of that plan will be a separate decision for the City Council, independent of the landscape ordinance.

Landscape Surety

The City has required landscape sureties (performance bonds, letters of credit, etc.) to ensure landscape performance for years. The amount of the surety is typically set after the final landscape plan has been prepared and submitted as part of the building permit application. Although somewhat inconsistent due to the current lack of a written policy, the amount of the bond is generally around 150 percent of the cost of the materials in order to cover installation. Staff feels there are weaknesses with the current system. First, the system serves as a disincentive to landscape. It penalizes developers who provide more landscaping (and therefore must post a higher value surety) and rewards developers who provide less landscaping. Second, the surety amount is not set until very late in the process, making it harder to budget. Third, the system adds time costs for both the developer and staff. There are often several calls and faxes between the developer and staff to discuss and document what is covered by the amount estimate and what is not. The developer may not yet have selected a landscaping contractor and may not know what the final cost may be. Fourth, the system can lead to inconsistencies.

To address these concerns, staff proposes a fixed rate (\$0.50) per square foot of developable landscape area. The amount is based on research into the typical costs for providing Code complying landscaping in Bloomington and can be administratively adjusted as necessary. This approach will remove any disincentive to provide additional landscaping, will allow a developer to know the required amount of the surety very early in the process, will reduce staff and developer time spent on the issue and will lead to consistency between sites.

Redevelopment and Constrained Sites

The ordinance requires a site to come into conformance with the new landscaping and screening standards at the time of redevelopment or when total floor area on site is increased by 25 percent or more (see Section 19.52 (i)). Staff recommends setting the threshold at 25 percent because it matches compliance requirements used elsewhere in the City Code for trash storage and represents a significant addition at which time other related design issues (such as parking, lighting and stormwater management) must often be revised. When additions of less than 25 percent are proposed, a modified landscaping plan must be prepared for only the portion of the site affected by the addition.

At the Planning Commission study meeting on landscaping standards, Commissioners expressed concern with the landscape requirements standing in the way of redevelopment on constrained sites. Staff concurs with this concern and proposes Section 19.52 (i) (3) as a way to address it. This subsection states that the City seeks to encourage rather than impede redevelopment and that constrained redevelopment sites may seek relief from the landscape requirements through the planned development process. While this relief would be available with or without the presence of this subsection, it will prove of value by calling attention to the opportunity to seek relief outside the variance process and by clearly stating that in its review of requested landscaping flexibility through the planned development process, "the City shall balance the public interest in promoting redevelopment with the public interest in providing landscaping and screening."

RECOMMENDATION

In Case 10000K-04, staff recommends approval of an ordinance establishing new landscaping and screening standards.

Community Development

GDM

11/15/04

7:15 p.m.

5.4A

ORDINANCES

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UPDATE

This item was considered at the Council's October 18, 2004 meeting and continued to the November 15, 2004 meeting to allow time for staff to research several issues raised by the Council and report back. A memorandum responding to the issues raised is included with the enclosure packet.

PROPOSAL

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landscaping contractor and a citizen representative). After setting the draft aside for several months to work on the Airport South Comprehensive Plan Update, MSP Airport Zoning, runway related rezonings and the HX-R interim zoning district among other projects, staff has now completed review of the draft and worked out several details.

CHRONOLOGY

Focus Group Meeting:	06/12/03 – Received general input
Focus Group Meeting:	09/11/03 – Received input on draft
Planning Commission Study Meeting:	08/12/04 – General discussion
Planning Commission Meeting:	09/23/04 – Public hearing
City Council Meeting:	10/18/04 – Public hearing, item continued
City Council Meeting:	11/15/04 – Public hearing scheduled

DEADLINE FOR AGENCY ACTION

Not applicable - City initiated item

RECOMMENDATION

In Case 10000K-04, staff recommends approval of the attached ordinance amending the City Code to create updated landscaping and screening standards. At a public hearing on September 23, 2004, the Planning Commission recommended approval of the ordinance and endorsed the associated policy and procedures document. At their September 23, 2004 meeting, the Traffic and Transportation Advisory Commission recommended approval of the ordinance and policy and procedures document with seven comments on desired changes (see enclosed memorandum regarding comments).

Three separate actions are requested for this item. One action to adopt the ordinance, a second action to adopt a resolution directing publication in summary form and a third action to adopt a resolution approving the policies and procedures document.