

**PLANNING COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey Planning Commission conducted a regular meeting on Thursday, May 5, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice Chairperson Gary Van Scoy
Commissioner Randy Bauer
Commissioner Ralph Brauer
Commissioner Andrew Dunaway
Commissioner Joseph Field
Commissioner Robert Schiller

Members Absent: Chairperson Gary Levine

Also Present: Senior Planner Tim Gladhill
Economic Development/Marketing Manager Aaron Backman

CALL TO ORDER

Vice Chairperson Van Scoy called the regular meeting to order at 7:01 p.m.

CITIZEN INPUT

There was none.

APPROVAL OF AGENDA

Motion by Commissioner Dunaway, seconded by Commissioner Schiller, to approve the agenda as presented.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Schiller, Bauer, Brauer, and Field. Voting No: None. Absent: Chairperson Levine.

APPROVE PLANNING COMMISSION MINUTES

Motion by Commissioner Bauer, seconded by Commissioner Field to approve the following minutes as presented:

- 1) Planning Commission regular meeting minutes dated April 7, 2011.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Field, Brauer, Dunaway, and Schiller. Voting No: None. Absent: Chairperson Levine.

NOTE CITY COUNCIL MINUTES

The following Council minutes were noted:

- 1) City Council regular meeting minutes dated February 22, 2011
- 2) City Council regular meeting minutes dated March 8, 2011
- 3) City Council regular meeting minutes dated March 22, 2011

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Request for a Conditional Use Permit to Exceed Sign Size Restrictions at 7333 Sunwood Dr. NW; Case of Leroy Signs, Inc.

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 7:02 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Senior Planner Gladhill stated this seems consistent with the approval already given to NAU and Staff is recommending approval.

Scott Laage with Leroy Signs stated the illuminated back letters didn't fit their need, because they are using LED and it absorbs into the background and does not reflect the light. The face lite letters NAU is requesting to use are the same type of lettering as on the Medical Examiners building.

Commissioner Bauer asked if the applicant's request is consistent with the changes that the City is looking at making to the sign ordinance.

Senior Planner Gladhill stated absolutely, we are going to look at what we have approved and look at what can be approved administratively and at the design guidelines. There are some ways for flexibility. The applicant is asking for 24 inches in height and 18 inches is what is going to be the baseline height for administrative approval.

Vice Chairperson Van Scoy stated that one of the discussions in the past was that a lot of the signs in The COR would be at street level, and most of what the Commission is asked to approve are second story, and he asked if this would be addressed with the new ordinance.

Senior Planner Gladhill confirmed that it would and added that what makes this request different is that it is a single tenant building.

Motion by Commissioner Dunaway, seconded by Commissioner Field, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

The public hearing closed at 7:13 p.m.

Commission Business

Motion by Commissioner Dunaway, seconded by Commissioner Bauer to recommend City Council approve the resolution adopting findings of fact favorable relating to Leroy Signs, Inc. request for a conditional use permit to exceed sign size restrictions established in City Code.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Bauer, Brauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

Motion by Commissioner Dunaway, seconded by Commissioner Field to recommend City Council approve the issuance of a conditional use permit based on findings of fact relating to Leroy Signs, Inc. and adopt the resolution declaring the terms.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissions Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

Case #2: Public Hearing – Request for a Home Occupation Permit to Operate an Auto Body Repair Business on the Property Located at 17441 Baugh St. NW; Case of Lawrence and Paula Ferber

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 7:14 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Two letters in support of the applicant were submitted after the agenda was created.

Lawrence Ferber, 17441 Baugh St. NW, the applicant stated he has been operating the business for 39 years. It is a clean operation, a nice looking property and he does not have junk.

Vice Chairperson Van Scoy stated he would like to have a time limit on the permit and asked the applicant what was his timeframe for retirement, as was noted in the staff report.

Mr. Ferber replied two or three years.

Senior Planner Gladhill asked the applicant if he was comfortable with a sunset clause that would have the home occupation expire in three years. He also clarified that in the event this operation is discontinued for more than a year it expires, that the business cannot be sold to someone else that any future owner would have to go through the same process of approval, and that Mr. Ferber could not move the approval of the home occupation permit to another parcel.

Mr. Ferber replied he would like the permit to remain open and not expire.

Senior Planner Gladhill stated he would leave it to the commission if they want to entertain an expiration date or if they feel we have enough control within our city code to make sure this doesn't become a public nuisance. He continued that with the size of this parcel and the adequate separation that it should not impact the neighboring structures.

Vice Chairperson Van Scoy asked if there was a written report from the fire department. Senior Planner Gladhill stated there was not a written report, but the department has reviewed the substance of this case and is comfortable with the findings of fact and the terms in the permit.

Commissioner Dunaway asked how much automotive paint was stored on site.

Mr. Ferber stated a total of probably 5 - 10 gallons of thinner and reducers and only enough paint for what is needed for the current repair and then he properly recycles it.

Commissioner Bauer asked if the 39 years he has been in business has been at this location.

Mr. Ferber replied 19 years at this location and 20 years next door to this location. He is the sole employee, business has operated the same and is strictly by referral and no advertising is done.

Motion by Commissioner Dunaway, seconded by Commissioner Field, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

The public hearing closed at 7:27 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Dunaway to recommend that City Council adopt the resolution adopting Findings of Fact favorable relating to the applicant's request for a home occupation permit.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Dunaway, Brauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

Motion by Commissioner Bauer, seconded by Commissioner Dunaway to recommend that City Council approve the applicant's request for a home occupation permit.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Dunaway, Brauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

Case #3: Consider Ordinance to Amend Section 117-90 "Map" of Chapter 117 of the Ramsey City Code Related to the 2030 Comprehensive Plan.

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 7:30 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Eileen Rick, 15059 Limonite St. inquired as to why she received a letter.

Senior Planner Gladhill stated everyone within the boundary received a letter because the zoning district was being changed back to what it was.

Ms. Rick asked if it was going back to one acre lots.

Senior Planner Gladhill explained that there is a two and one half-acre lot minimum for any redevelopment. Those lots that are one acre lots will remain, however any future development would have a minimum lot size of two and one-half acres. He continued to explain the reason the one-acre lots are included in this district.

Carol Sibbel, 7311 Alpine Drive, asked if this does pass when it would be reviewed again.

Senior Planner Gladhill stated every ten years the city is required to update its Comprehensive Plan. There are opportunities for comp plan amendments; however, in this fashion it is done once every ten years. If you have five acres you would be able to divide into two lots, there might be some public infrastructure requirements.

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Dunaway, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Bauer, Brauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

The public hearing closed at 7:43 p.m.

Commission Business

Commissioner Bauer asked if there is no action taken, does it remain 10 acre lot requirement.

Senior Planner Gladhill stated it would remain Central Rural Reserve, which would be in conflict with the current Comprehensive Plan. The City would need to request an amendment to the Comprehensive Plan with the Metropolitan Council.

Discussion ensued regarding the number of one acre lots already in existence in the zoning district.

Commissioner Brauer stated that the reason for the 10 acre lot minimum was to prevent the owners of the larger parcels from having one acre lot developments right next to them.

Vice Chairperson Van Scoy stated another criteria in combining the different lot sizes besides the size of the lot, is to keep this area outside of the MUSA.

Commissioner Field clarified that the only properties affected by this change are those five acres or larger in size that have a potential for subdivision.

Motion by Commissioner Dunaway, seconded by Commissioner Field to recommend the City Council approve the Ordinance to amend the Official Zoning Map as presented.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

Case #4: Request for Interim Use Permit for a Go Cart Track at 14550 Armstrong Boulevard; Case of Karl Janzen

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 7:51 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Karl Janzen, 9131 178th Avenue NW, and Tim Marchiafava 19119 Waco Street, Elk River the applicants stated they started looking into a Go-Cart track about 18 months at a different site that didn't work out with the owner. They asked the City if they would be interested in a joint venture. They stated it is a win/win situation for both the city and them. There shouldn't be a dust issue. The motors are 5 hp Briggs and Stratton, 4-cycle with mufflers mandated. The applicants presented two letters one from Coborns, and one from Acapulco Restaurant in support of the Go Cart Track.

Vice Chairperson Van Scoy stated he would like the noise addressed, as that has been the number one concern of other motor type activity in the City.

Senior Planner Gladhill read the letters in support presented from Coborns and Acapulco Restaurant.

Vice Chairperson Van Scoy questioned if all business in the area received notification.

Senior Planner Gladhill stated notice went out to the property owners within 350 of this property, which might not have been received by each of the tenants.

Jeff Wise, 7901 165th Avenue, stated he was in support of the Go Cart Track as it is good for his business and all the businesses in the area. The pine fence going up will keep it clean.

Commissioner Bauer asked if the applicants had long range plans as to how to proceed when the Highway #10 and Armstrong interchange develops.

Mr. Marchiafava stated they want to show that they are a viable business and good for the City and when the interchange develops the City will want to retain the business and work with them to find a new location.

Commissioner Bauer asked what would happen to the site if the track didn't stay in business.

Mr. Janzen stated the provisions in the contract state they have to turn it into a flat piece of land, which would be to remove fencing and light poles and re-grading.

Commissioner Field asked what other locations they have operated their racetrack and if the participants provide their own go-cart.

Mr. Janzen stated the Sherburne County Fairgrounds, Wisconsin, Cokato, MN and the participants provide their own go-cart.

Commissioner Field asked what the schedule was.

Mr. Marchiafava stated Friday nights as a general guideline. The gates will open at 5:00 p.m., race at 7:00 p.m. and close at 10:00 p.m. There are a few opportunities that they might race on a different night.

Commissioner Dunaway noted that each machine puts out 75 decibels of noise and asked how many teams are running at any particular time.

Mr. Janzen stated there will be three to 12 carts on the track at a time. He continued that there would be more noise from Armstrong Blvd. and Highway #10 then there would be from the go-carts.

Senior Planner Gladhill stated that noise is measured at the property line and has to sustain the level for a fair amount of time.

Commissioner Brauer asked if Senior Planner Gladhill was comfortable that the noise ordinance would manage any noise problems with this track.

Senior Planner Gladhill stated the applicants have to work within the noise ordinance and the data they have provided states they will be in compliance.

Vice Chairperson Van Scoy asked clarification of the schedule and if the applicants were planning on having a sound system.

Mr. Janzen stated the schedule would be once a week at the most and they haven't planned on a sound system.

Vice Chairperson Van Scoy asked if the racers are primarily children or exclusively children.

Mr. Janzen stated they are primarily children. The ages range from six to 60. Parents will bring their children and race with them. Seventy-five percent are under the age of 16.

Commissioner Field asked if the insurance is provided by the applicants, or if the teams have their own insurance. Mr. Janzen replied they cover insurance for the property, racers, and spectators.

Commissioner Brauer stated in the agreement it states that it would be twice a week and the applicants had stated once a week.

Mr. Marchiafava stated there is the option for twice a week, maybe a Wednesday and a Friday. It is not a regular occurrence; however it is nice to have the option.

Commissioner Dunaway asked how many races are run on a night and how the dust will be controlled.

Mr. Janzen stated there are seven or eight classes and each runs three times. There is a water truck that will water the track before, during and after each race.

Commissioner Field asked if there are additional parking spaces.

Senior Planner Gladhill stated we have verbal or written approval from two different property owners. There will be items to work through following Council review and approval and one of those items is to determine whether an easement needs to be given so there is a recordable document so it will survive sales of the different parcels.

Commissioner Dunaway asked how many spectators can be accommodated.

Mr. Marchiafava stated there is a bleacher that will hold 45 and plenty of ground space for blankets or lawn chairs. If attendance grows past that they would put up another set of bleachers.

Tim Kelsey, 7900 151st Lane, stated his concern regarding the traffic on Armstrong Blvd. with these events and oil getting onto the dirt.

Senior Planner Gladhill stated Armstrong is getting some upgrades this summer; signalization is going in at Bunker Lake Blvd. intersection. There is a need for upgrades and an interchange and the City saw that through the Comprehensive Plan process. He added that the applicant will be responsible for any environmental cleanup.

Mr. Wise stated two years ago when Oasis was still in operation they had more than 50 vehicles in a two hour timeframe pull into their business. The racers will be entering the site off of 146th Avenue and that was done to prevent traffic back up.

Motion by Commissioner Bauer, seconded by Commissioner Field, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Field, Dunaway, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

The public hearing closed at 8:43 p.m.

Commission Business

Commissioner Dunaway stated he does have some concern regarding the traffic with Legacy Christian Academy coming and school activities being on Friday nights.

Mr. Janzen stated the race dates are after school ends and before it starts in the fall again.

Motion by Commissioner Dunaway, seconded by Commissioner Field to recommend that City Council adopt the resolution adopting findings of fact favorable to the applicant relating to the request for an Interim Use Permit to allow for commercial outdoor recreation for the operation of a Go-Cart Track.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

Motion by Commissioner Brauer, seconded by Vice Chairperson Van Scoy to recommend that City Council approve the Interim Use Permit based on findings of fact; contingent upon compliance with the City Staff Review Letter dated April 28, 2011 and combining condition #2 and #22.

Further Discussion

Commissioners discussed the IUP terms and a friendly amendment was made and accepted.

Motion by Commissioner Brauer, seconded by Vice Chairperson Van Scoy to recommend that City Council approve the Interim Use Permit based on findings of fact; contingent upon compliance with the City Staff Review Letter dated April 28, 2011 with the following changes to conditions: #2 “These IUP uses are for a five year term commencing on the date of approval of this permit or including termination of the IUP in the event the Subject Property is needed for another public purpose including, but not limited to, the construction of Armstrong Boulevard. This IUP is defined in Section 117-52 of City Code. City Staff will monitor the events for any problems related to traffic, crowd control, noise, and other issues related to public safety”. #3 “The PERMITTEE may operate no more than twice per week and no race shall commence after 10:00 p.m.” #22 “That the IUP shall abide by all lease terms between the PERMITTEE and the City”.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Bauer, Brauer, Dunaway, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

Case #5: Ordinance to Amend City Code Section 117-349 (Accessory Uses and Buildings)

Public Hearing

Vice Chairperson Van Scoy called the public hearing to order at 9:00 p.m.

Presentation

Senior Planner Gladhill presented the Staff Report.

Citizen Input

Discussion ensued regarding two story accessory structures and when a conditional use permit should remain a requirement to allow for them.

Mr. St Hilaire, 7335 Alpine Drive, stated he has a land locked parcel and would like some resolution to this situation.

Senior Planner Gladhill stated these are two separate issues, he was familiar with the situation; however what is being reviewed and discussed today has nothing to do with land locked parcels. He continued that the City has offered various solutions to both parties and their attorneys and this is not something that is going to be resolved tonight.

Norman Archer, 15410 Jackel Street, stated he built a two story structure eleven years ago and a storm came through and now it needs to be replaced. The ordinance in place now does not allow for him to rebuild the structure at the current height. He stated that he has been waiting for this ordinance to be brought forward so he could rebuild.

Senior Planner Gladhill described the process of the ordinance to this point.

Vice Chairperson Van Scoy thanked Mr. Archer for working with Staff and following the guidelines of city code, as not everyone does. He asked Mr. Archer if the changes that are being reviewed were favorable to him. Mr. Archer said they were.

Motion by Commissioner Dunaway, seconded by Commissioner Brauer, to close the public hearing.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Brauer, Bauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

The public hearing closed at 9:41 p.m.

Commission Business

Commissioner Schiller suggested that attached garages be excluded from the total number of accessory structures allowed.

Commissioners continued discussing the two story accessory structure requirements.

Motion by Commissioner Dunaway, seconded by Commissioner Field to recommend that the City Council adopt the ordinance to amend City Code Section 117-349 (Accessory uses and buildings) with the following amendments to the draft ordinance: clarifying two story in different areas, checking that the intent of the language is captured in the footnotes, and excluding attach garages rather than primary garages.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Field, Bauer, Brauer, and Schiller. Voting No: None. Absent: Chairperson Levine.

Planning Commission recessed at 9:57 p.m. and returned at 10:02 p.m.

Case #6: Recommend Planning Services Consultants for Interview with the City Council

Presentation

Senior Planner Gladhill presented the Staff Report.

Commissioner Brauer questioned that Farr & Associates were one of the applicants, however, not one of the five.

Senior Planner Gladhill stated their location and travel expense were considered in the decision. There will be occasions the consultant will need to attend meetings and the cost was factored into their response.

Commissioner Brauer asked if the Commission could pass on to council that it give staff the flexibility to call on Farr's expertise if and when needed, especially if the City goes to form based codes.

Senior Planner Gladhill stated if that is the direction or recommendation of the Planning Commission Staff will pass that along, however, we have to look at budget constraints and make sure we can handle both.

Economic Development/Marketing Manager Backman stated that as they looked at these companies they looked at the principals and who they are assigning to do the work.

Discussion ensued regarding the proposals for planning services.

The Planning Commission recommends that Staff and Council make the decision regarding the firms with the flexibility to call on Farr & Associates as a potential resource for special projects.

Case #7: Update on Legislation Related to Variance Authority

The Update on Legislation Related to Variance Authority was noted.

Case #8: Review Upcoming Comprehensive Plan Amendments

The Review on Upcoming Comprehensive Plan Amendments was noted.

Case #9: Staff Update

The Staff Update was noted.

Case #10: Zoning Bulletin

The Zoning Bulletin was noted.

Case #11: Upcoming Training Opportunities

Upcoming Training Opportunities was noted.

Case #12: APA MN Newsletter

The APA MN Newsletter was noted.

OTHER COMMISSION BUSINESS

ADJOURNMENT

Motion by Vice Chairperson Van Scoy, seconded by Commissioner Dunaway, to adjourn the meeting.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Dunaway, Bauer, Brauer, Field, and Schiller. Voting No: None. Absent: Chairperson Levine.

The regular meeting of the Planning Commission adjourned at 10:26 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary