

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

The Ramsey Planning Commission conducted a special meeting on Thursday, October 20, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent:           None

Also Present:               Senior Planner Tim Gladhill

**CALL TO ORDER**

Chairperson Levine called the regular meeting to order at 7:00 p.m.

**CITIZEN INPUT**

None.

**APPROVAL OF AGENDA**

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

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

**PUBLIC HEARINGS/COMMISSION BUSINESS**

**Case #1:       Request for an Amended Conditional Use Permit for an Accessory Dwelling at 16101 Ramsey Blvd. NW (continued); Case of Anthony Reed**

**Presentation**

Senior Planner Gladhill presented the Staff Report, which included updating the Commissioners on the legal opinion of the City Attorney.

### **Commission Business**

Commissioner Bauer stated it seems to him the attorney is referring to a single structure in a single family residential zone, what we are looking at is a second single structure in a single family residential zone, so what we are looking at in the CUP is allowing a second structure and what restrictions can be placed on that. If ordinance permits renting within a single structure, why not allow it in a second structure. The original conditions applied to a unique situation and now we have to move forward in a way that is in the best interest of all of those involved.

Senior Planner Gladhill stated the City Attorney is addressing keeping the intent of the single family zoning; limiting the number of renters, fixing the definition of family to include the most current by state statute, and the clause that says the applicant cannot collect rent.

Discussion ensued regarding the definition of family including case law, number of people, traffic levels, and building code.

Commissioner Van Scoy stated there isn't a clear definition of family, but the term is being used in the City's ordinances and the Commission needs to address that; maybe for this issue focus on limiting the number of people allowed.

Commissioner Field stated that the Commission seems to be juggling several issues. The applicant is requesting two things that are different in the CUP; permission to rent the structure and permission to rent it to non-family.

Commissioners discussed the City Attorney's opinion and the language referring to the definition of family how to address that in the findings and conditional use permit.

Senior Planner Gladhill stated he spoke with the applicant prior to the meeting regarding the City Attorney's opinion and he is agreeable to the three person limit.

Anthony Reed, 16101 Ramsey Blvd. NW, the applicant asked if limiting the number of three persons affects the main dwelling unit as well.

Senior Planner Gladhill stated that the Attorney's opinion applies to the subject property which includes the main and detached structure.

Commissioner Dunaway stated he thinks this would set a dangerous precedence if another applicant with a three (3) car detached garage came forward with an ailing mother and wanted to do the same thing.

Senior Planner Gladhill stated today's ordinance addresses those concerns. The second dwelling is not allowed as a conditional use today. The City is protected from this situation occurring again.

Discussion ensued regarding the history of the Conditional Use Permit, and how to fix it both for future property owners and staff. Discussion continued regarding the findings of fact.

Motion by Commissioner Bauer, seconded by Commissioner Van Scoy to recommend that City Council adopt findings of fact favorable relating to the request for an amended Conditional Use Permit with the additional finding “That the original property owner did rent the dwelling to an unrelated person, subsequently contrary to the original CUP the City did grant a rental license for the dwelling and the current owner purchased the property with the understanding the second dwelling was a rental unit.”

Amended motion by Commissioner Bauer, seconded by Commissioner Van Scoy to recommend that City Council adopt findings of fact favorable relating to the request for an amended Conditional Use Permit with the additional finding “That the original property owner did rent the dwelling to an unrelated person, subsequently contrary to the original CUP the City did grant a rental license for the dwelling and the current owner purchased the property with the understanding the second dwelling was a rental unit” and “That the amendment would resolve innate conflicts with the City’s actions.”

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

Motion by Commissioner Brauer, seconded by Commissioner Van Scoy to recommend that City Council approve the request for an amended Conditional Use Permit.

### **Further Discussion**

Commissioner Van Scoy asked the applicant the square footage of the accessory dwelling, how many bedrooms and if he was OK with the limit of three (3) people.

Mr. Reed stated the dwelling was 1300 square feet, has two bedrooms which seems to make it designed more for singles, elderly that are living on their own or a family just starting out.

Discussion ensued as to how many residents would be allowed and if a limit should be included in the amended CUP.

Amended motion by Commissioner Brauer, seconded by Commissioner Van Scoy to recommend that City Council approve the request for an amended Conditional Use Permit with Condition #6 to read “The City Administrator and/or his/her designee shall have the right to inspect the premises for compliance, safety purposes, and any violation of city code annually or at any time upon reasonable request.”

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

### **COMMISSION/STAFF INPUT**

## **ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 8:30 p.m.

Respectfully submitted,

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Tim Gladhill  
Senior Planner

ATTEST:

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JoAnn Shaw  
Planning Division Secretary