

City of Ramsey
Agenda
Regular Planning Commission
Thursday May 5, 2011
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the following Planning Commission meeting minutes:
Planning Commission meeting minutes dated April 7, 2011
- 5. Note City Council Minutes**
 1. Note the following City Council meeting minutes:
City Council meeting minutes dated Tuesday, February 22nd
City Council meeting minutes dated Tuesday, March 8th
City Council meeting minutes dated Tuesday, March 22nd
- 6. Public Hearing/Commission Business**
 1. Request for a Conditional Use Permit to Exceed Sign Size Restrictions at 7333 Sunwood Dr NW; Case of Leroy Signs, Inc.
 2. 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
 3. Consider Ordinance to Amend Section 117-90 "Map" of Chapter 117 of the Ramsey City Code Related to the 2030 Comprehensive Plan.
 4. Request for Interim Use Permit for Go Cart Track at 14550 Armstrong Boulevard; Case of Karl Janzen
 5. Ordinance to Amend City Code Section 117-349 (Accessory Uses and Buildings)
 6. Recommend Planning Services Consultants for Interview with the City Council
 7. Update on Legislation Related to Variance Authority
 8. Review Upcoming Comprehensive Plan Amendments
 9. Staff Update

10. Zoning Bulletins
11. Upcoming Training Opportunities
12. Planning Minnesota-Official Newsletter of the American Planning Association, Minnesota Chapter
7. **Commission/Staff Input**
8. **Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 05/05/2011

By: JoAnn Shaw, Community Development

Title:

Approve the following Planning Commission meeting minutes:

Planning Commission meeting minutes dated April 7, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

04.07.11

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	04/27/2011 10:30 AM
JoAnn Shaw (Originator)	JoAnn Shaw	04/29/2011 09:07 AM
Tim Gladhill	JoAnn Shaw	04/29/2011 10:48 AM
Aaron Backman	JoAnn Shaw	04/29/2011 10:49 AM
Form Started By: JoAnn Shaw		Started On: 04/26/2011 02:29 PM
	Final Approval Date: 04/29/2011	

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, April 7, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Ralph Brauer
 Commissioner Andrew Dunaway
 Commissioner Gary Van Scoy
 Commissioner Joe Field
 Commissioner Rob Schiller
 Commissioner Randy Bauer

Also Present: Senior Planner Tim Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson
 Economic Development/Marketing Manager Aaron Backman
 Management/Planning Intern Patrick Brama

CALL TO ORDER

Chairperson Levine called the regular meeting to order at 7:13 p.m.

CITIZEN INPUT

None.

APPROVAL OF AGENDA

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

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

APPROVE PLANNING COMMISSION MINUTES

Motion by Commissioner Dunaway, seconded by Commissioner Van Scoy to approve the following minutes as presented:

- 1) Planning Commission regular meeting minutes dated March 3, 2011.

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

NOTE CITY COUNCIL MINUTES

The following Council minutes were noted:

- 1) City Council regular meeting minutes dated February 8, 2011

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Appointment of Chairperson and Vice Chairperson

Senior Planner Gladhill presented the Staff Report.

Motion by Commissioner Dunaway, seconded by Commissioner Bauer, to appoint Gary Levine as Chairperson of the Planning Commission through March 31, 2011.

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

Motion by Commissioner Bauer, seconded by Commissioner Brauer, to appoint Gary Van Scoy as Vice Chairperson of the Planning Commission through March 31, 2012.

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

Case #2: Introduce Ordinance to Amend City Subdivision Code Related to Financial Sureties for Required Improvements

Senior Planner Gladhill presented the Staff Report and noted that the proposed ordinance amendment is only applicable to commercial, industrial and public/quasi public projects. He further stated that this would only give the City the ability to discuss surety requirements to ensure that it is fair and equitable.

Motion by Commissioner Bauer, seconded by Commissioner Dunaway, to recommend that the ordinance be introduced to amend the City's subdivision regulations relating to financial sureties.

Discussion:

Commissioner Van Scoy asked how the City will verify that the City is adequately protected if this is adopted.

Senior Planner Gladhill stated that a consideration could be to withhold a Certificate of Occupancy until the private improvements are complete or collect a Letter of Credit surety or cash escrow to cover any outstanding private improvements.

Economic Development/Marketing Manager Backman inquired what adjacent communities do.

Senior Planner Gladhill stated that it doesn't appear that any other communities waiver from a surety requirement on public improvements.

Commissioner Dunaway asked if it would help to reduce the 125% surety requirement to a lesser amount.

Senior Planner Gladhill stated that it would likely need to be substantially less than 100% of the required improvements.

Commissioner Brauer asked if language could be incorporated into the ordinance amendment such that clarify when these alternative securities could be used.

Senior Planner Gladhill stated that his recommendation would be to continue to require a standard letter of credit either under the zoning or subdivision standards unless city-initiated projects are backed by assessments back to the benefiting property or properties and also that the City would have the flexibility to withhold the Certificate of Occupancy for private improvements separate from the public improvements.

Commissioner Van Scoy asked if this is intended to provide a competitive advantage for the City.

Senior Planner Gladhill stated that may be an outcome but that it is not the purpose of the amendment.

Commissioner Bauer accepted the friendly amendment with the suggested language provided by Senior Planner Gladhill.

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

Case #3: Presentation of the Basics of Planning and Zoning

City Staff presented the presentation and addressed questions from the Planning Commission.

Case #4: Staff Update

The Staff Update was noted.

Associate Planner/Environmental Coordinator updated the Planning Commission regarding the upcoming Business Expo at the Fountains of Ramsey and the Environmental Expo & Tree Sale at the Municipal Center. Both events will be held on April 30, 2011 from 9am to 2pm.

Case #5: Upcoming Training Opportunities.

Senior Planner Gladhill identified several upcoming training opportunities that the Planning Commission may find interesting.

Case #6: Planning Minnesota—Official Newsletter of the American Planning Association, Minnesota Chapter

The newsletter was noted.

Case #7: Zoning Bulletins

The Zoning Bulletins were noted.

OTHER COMMISSION BUSINESS

ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 8:57 p.m.

Respectfully submitted,

Chris Anderson
Associate Planner/Environmental Coordinator

ATTEST:

JoAnn Shaw
Planning Division Secretary

Regular Planning Commission

5. 1.

Meeting Date: 05/05/2011

By: JoAnn Shaw, Community Development

Title:

Note the following City Council meeting minutes:

City Council meeting minutes dated Tuesday, February 22nd

City Council meeting minutes dated Tuesday, March 8th

City Council meeting minutes dated Tuesday, March 22nd

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

02.22.00

03.08.11

03.22.11

Form Review

Inbox
Tim Gladhill
Aaron Backman

Reviewed By
Tim Gladhill
Aaron Backman

Date
04/26/2011 02:20 PM
04/26/2011 02:43 PM
Started On: 04/26/2011 11:42 AM

Form Started By: JoAnn Shaw

Final Approval Date: 04/26/2011

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 7.01: Request for a Home Occupation Permit to Operate a Home Based Office for
 Carefree Home Services at 7830 149th Ln NW; Case of Michael Beach 4

 7.02: Request for Adopt Ordinance for Sale of City Owned Property in Auditor’s
 Subdivision Number 27; Case of City of Ramsey and Cross of Hope Lutheran Church 4

 7.03: Revised Real Estate Services Agreement for Bury & Carlson Site 5

 7.04: Consider Resolution Authorizing Acquisition of Tax Forfeit Property 6

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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, February 22, 2011 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember David Jeffrey
Councilmember Colin McGlone
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Public Works Director Brian Olson
Senior Planner Timothy Gladhill
City Attorney William Goodrich

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by Elk River High School students.

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Jeffrey, seconded by Councilmember Wise, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Wise, Backous, Elvig, McGlone, and Tossey. Voting No: None.

5. CONSENT AGENDA

Motion by Councilmember Jeffrey, seconded by Councilmember Tossey, to approve the following items on the Consent Agenda:

- 5.01 Note the following Board and Commission Meeting Minutes:
 - a. Environmental Policy Board meeting minutes dated January 3, 2011
 - b. Planning Commission meeting minutes dated January 6, 2011
 - c. Economic Development Authority meeting minutes dated January 13, 2011
- 5.02 Authorize Budget for Washington D.C. Travel for Mayor Ramsey and City Administrator Ulrich to Lobby for North Star Station Funding
- 5.03 Approve change order for engineering services related to City Project #08-21; Water Tower #3
- 5.04 Approve Award of Contract for Geotechnical Services and Material Testing
- 5.05 Adopt Resolution #11-02-044 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 3, 2011 through February 16, 2011.
- 5.06 Adopt Resolution #11-02-045 authorizing 18th Partial Payment to CB&I Inc. for IP 08-21 Water Tower No. 3
- 5.07 Adopt Resolution #11-02-046 Dedicating City Owned Property at the Intersection of County Road 57 and Alpine Drive for Project Purposes
- 5.08 Adopt Resolution #11-02-047 Dedicating City Owned Property in the vicinity of County State Aid Highway No. 116 (Bunker Lake Boulevard) from Germanium to Basalt Street for Project Purposes
- 5.09 Report from the Personnel Committee
 - 1) Consider a Resolution to Reclassify the Fire Inspector to Fire Marshal – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-048 Approving the Reclassification of the Fire Inspector to Fire Marshal.*
 - 2) Consider a Resolution Ending the Probation Period of the Senior Accountant – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-049 Ending the Probation of the Senior Accountant*
 - 3) Consider a Resolution Ending the Probation Period of the Human Resources Representative – *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-02-050 Ending the Probation of the Human Resources Representative*
- 5.10 Report from Finance Committee
 - 1) Consider Fee for Agent of Record for Property, Casualty and Workers Compensation – *Ratify the recommendation of the Finance Committee and authorize a not-to-exceed amount of \$5,800 for the City’s Agent of Record for Property, Casualty and Workers Compensation services.*
 - 2) Consider “Self-Serve” Canoe and Kayak Access for Sunfish Lake Park and Public Bikes for the COR – *Ratify the recommendation of the Finance Committee and approve funding of the self-serve canoe and kayak system at a not-to-exceed amount of \$9,000 from the Park Trust Fund, and apply \$5,000 in SHIP monies to*

the canoes and kayaks, first, with any excess SHIP funds to be used toward the purchase of public bicycles.

- 3) Review of Budgets – EDA, Enterprise and General Fund – *Ratify the recommendation of the Finance Committee and accept the budgets for EDA, Enterprise and General Fund and adopt Resolution #11-02-051 Amending 2010 EDA Budget, Resolution #11-02-052 Adopting 2011 EDA Budget, Resolution #11-02-053 Amending 2010 Enterprise Budgets, Resolution #11-02-054 Adopting 2011 Enterprise Budgets, and Resolution #11-02-055 Amending 2010 General Fund Budget*

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Tossey, Backous, Elvig, McGlone, and Wise. Voting No: None.

6. PUBLIC HEARING

There were no Public Hearings.

7. COUNCIL BUSINESS

7.01: Request for a Home Occupation Permit to Operate a Home Based Office for Carefree Home Services at 7830 149th Ln NW; Case of Michael Beach

Associate Planner Gladhill reviewed the staff report.

Michael Beach, 7830 148th Lane NW, applicant, was present.

Mayor Ramsey confirmed the applicant is only officing out of his home.

Mr. Beach stated he is.

Councilmember McGlone said he would normally oppose home occupations. However, since this is a large lot and there were no residents in the meeting opposed to this operation, he would not oppose the request.

Motion by Councilmember Tossey, seconded by Councilmember Elvig to adopt Resolution #11-02-056 adopting Findings of Fact #0884 and adopt Resolution #11-02-057 approving the request for a home occupation.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Tossey, Elvig, Backous, Jeffrey, McGlone, and Wise. Voting No: None.

7.02: Request for Adopt Ordinance for Sale of City Owned Property in Auditor's Subdivision Number 27; Case of City of Ramsey and Cross of Hope Lutheran Church

Associate Planner Gladhill reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to waive the reading of the ordinance per City Charter and adopt Ordinance #11-02 authorizing the sale of property legally described on attached Exhibit A, contingent upon recording of Cross of Hope Addition plat.

A roll call vote was performed by the Recording Secretary:

Councilmember Jeffrey	aye
Councilmember Wise	aye
Councilmember McGlone	aye
Councilmember Backous	aye
Councilmember Elvig	aye
Councilmember Tossey	aye
Mayor Ramsey	aye

Motion carried.

7.03: Revised Real Estate Services Agreement for Bury & Carlson Site

Development/Marketing Manager Backman reviewed the staff report. He added there are three alternatives the City could be looking at in compensation for Mr. LaFavre. One option is to leave the compensation as proposed at 5%. This would be based on the current assessed value of \$1,266,000. The second option is to pay for services rendered to date. There would be an hourly fee. The third option is to pay an hourly rate on the first 60 hours, and a 2% rate on the assessed value at closing. The hourly rate would be paid whether the project moved forward or not. The first option of a 5% fee is paid on contingency. Development/Marketing Manager Backman explained there are a few options for proceeding. The first is to look at selecting one of the above three options. The second option is to deny all proposed options. The third is to wait and see what develops. He noted he has told Mr. LaFavre he is at risk, and if the Council does not approve compensation, he is out the time he has put in. He indicated Mr. LaFavre recognizes this.

Mayor Ramsey clarified the cap is 2% plus 60 hours in the third option.

Development/Marketing Manager Backman answered in the affirmative. He further clarified if there was a joint broker fee, the buyer would be responsible for their side of the joint broker.

Councilmember Elvig inquired what Mr. LaFavre brought to the table.

Development Marketing/ Manager Backman responded Mr. LaFavre is making suggestions on how to approach the company in working with the lease, and is putting together materials regarding important items about the lease. He is helpful in the overall deal making.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to approve a revised commercial exclusive listing agreement with Integrust Advisory Group pertaining to the Bury & Carlson site that is limited in scope to the current prospect including an hourly rate on the first 60 hours, and a 2% rate on the assessed value at closing.

Further discussion: Councilmember Wise pointed out this is an appropriate arrangement, taking into consideration that this is two-thirds of the work normally required. The parties are brought to the agent in this case, lessening his work. Councilmember Tossey questioned whether staff routinely brings in a broker when a situation like this develops. Development/Marketing Manager Backman responded that bringing in a broker is reserved for specific cases. However, there were several difficult issues related to this property, which warranted additional representation. Councilmember McGlone raised his concern that the City has put itself in a delicate situation with a real estate broker who is not working under a contract at the moment. He understands there are closed meetings so the information isn't made public, but if the City does not enter into a contract, he is not beholding to the City. He questioned how this situation could be prevented from happening again. Development/Marketing Manager Backman replied the City is under time constraints. The buyer is serious and well capitalized. He said he felt it was appropriate at the time to find the broker.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, Jeffrey, McGlone, Tossey, and Wise. Voting No: None.

7.04: Consider Resolution Authorizing Acquisition of Tax Forfeit Property

City Attorney Goodrich reviewed the staff report.

Public Works Director Olson noted this is a vacant park at this point. The staff has been meeting with the property owners and engaging their interest.

City Attorney Goodrich indicated once this becomes park land, it has to remain as park land and if the City acquires it for park land, it has to pay for the land. If the City wants it for residential, it has to pay market price, which is stated on the taxes.

Development Manager Lazan noted the price is within the fair market value range.

Councilmember McGlone commented it appears the purchase price would be \$15,000 for residential use, which is less than the cost for a residential lot. He stated it seems as though the City is trying to create a park whether the community is amenable or not.

Councilmember Elvig mentioned the property doesn't have value unless the City creates it. He suggested making an offer of half the asking amount and explaining the situation.

City Attorney Goodrich replied a suggested amount cannot be offered because State Statute says it has to be market value. He suggested asking what the sellers would accept or possibly they would ask less than what the City would offer.

Councilmember Tossey agreed with Councilmember Elvig, adding that the City would have to add infrastructure and extend sewer and water service from the street. He stated he would have been opposed to that.

Discussion took place on the definition of market value.

Development Manager Lazan suggested the City make an aggressive offer. He noted a price of \$12,000 for 1.5 lots is well below market value. There have been adjacent lots, not on park land, in the \$25,000 to \$30,000 range.

Councilmember Elvig stated he wanted to go on record disagreeing with Mr. Lazan's opinion. He stated if the City chooses not to build on a park because it cannot afford to, the land is not worth anything.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to adopt Resolution #11-02-058 authorizing the Mayor and City Administrator to complete the application to Anoka County and the Department of Revenue for a State use deed to secure ownership of Outlot K, except the Westerly 140 feet, Ramsey Town Center 8th Addition for park and recreation purposes, with the understanding that the City will make a reasonable offer and to adopt Resolution #11-02-059 authorizing the Mayor and City Administrator to complete the application to Anoka County and the Department of Revenue for a State deed to secure ownership of the Westerly 140 feet of Outlot K, Ramsey Town Center 8th Addition for residential purposes.

Further discussion: City Attorney Goodrich explained he will send this information to the County and then to the Department of Revenue and bring it back to the Council.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Tossey, Backous, Elvig, Jeffrey, and McGlone. Voting No: None.

7.05: Consider Support of Running Aces Harness Park Gaming Expansion

City Administrator Ulrich reviewed the staff report and recommended action on this item be postponed due to the fact that the City of Columbus has not taken action.

Motion by Councilmember Jeffrey, seconded by Councilmember Tossey, to postpone this item to the next regularly scheduled Council meeting.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Tossey, Backous, Elvig, McGlone, and Wise. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

Bonding Issue

City Administrator Ulrich stated the Council approved the bonding issue in the Work Session held this evening. He said he will be testifying this week at the State level and hearings are expected to be held March 9, 2011.

Anoka County Chamber Gala

Councilmember Wise mentioned the Anoka County Chamber Gala will be on Friday, February 25, 2011, at Courtyards of Andover.

Mayors Prayer Breakfast

Mayor Ramsey indicated the Mayors' Prayer Breakfast is Friday, April 1, 2011, at Constance Free Church in Andover from 7:30 to 9:00 a.m. This is a fundraiser for Youth First in Anoka, Andover and Ramsey. The speaker is Chris Brooks, Executive Director of World Vision – Twin Cities.

League of Minnesota Cities Newly Elected Councilmember Session

Councilmember Tossey noted he and Councilmember Backous will attend a League of Minnesota Cities session entitled "How to Be a Councilmember" on Friday, February 25, 2011.

Cable Casting HRA Meetings

Councilmember Jeffrey reported that some residents have requested that the HRA meetings be televised because they are interested in the COR. He asked that this item be added to a Work Session for discussion.

Boy Scouts Breakfast

Councilmember Elvig stated the Boy Scouts' breakfast is Thursday, February 24, 2011, at 7:30 a.m. at the Courtyards of Andover.

Seeking Board and Commission Members

Councilmember Backous noted the City is still looking for Board and Commission members and he encouraged citizens to get involved.

Deputy City Administrator Nelson noted the first day to review applications for Board and Commission members is February 18, 2011. The first night of interviews with the Council will be on March 2, 2011. She encouraged residents to apply as soon as possible.

9. ADJOURNMENT

Motion by Councilmember Wise, seconded by Councilmember Backous, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 7:59 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Chris Moksnes, *TimeSaver Off Site Secretarial, Inc.*

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 7.01: Consideration of Final Approval of Ramsey RLF Loan to Wells Catering, Inc., and SAC/WAC Fee Assistance to Ramsey Retail Rental, LLC 4

 7.02: Receive Economic Development Authority Recommendation in Regards to Name of Azurite Street in the Sunfish Lake Business Park 5

 7.03: Consider design revisions for City project 11-21; intersection signalization at Armstrong and Bunker Lake Boulevards, and associated infrastructure improvements to serve the Legacy Christian Academy development 5

 7.04: Consider a Resolution to Appoint Board and Commission Members 6

 7.05: Consider Support of Running Aces Harness Park Gaming Expansion 8

 7.06: Consider Resolution in Support of Recommendations for Refurbishment of Coon Rapids Dam 8

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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, March 8, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Acting Mayor Jeffrey Wise
 Councilmember Randy Backous
 Councilmember David Elvig
 Councilmember David Jeffrey
 Councilmember Colin McGlone
 Councilmember Jason Tossey

Members Absent: Mayor Bob Ramsey

Also Present: Deputy City Administrator Heidi A. Nelson
 Public Works Director Brian Olson
 City Engineer Tim Himmer
 Senior Planner Tim Gladhill
 City Attorney William Goodrich
 Coleen Lasher, Human Resources Representative

1. CALL TO ORDER

Acting Mayor Wise called the regular meeting of the Ramsey City Council to order at 7:00 p.m., and led in the Pledge of Allegiance.

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Deputy City Administrator Nelson stated the last item on the Work Session agenda, Schedule Meeting and Review Agenda for Joint Meetings with Adjacent Cities and City Commissions, is moved to Item 7 on this meeting's agenda.

Motion by Councilmember Elvig, seconded by Councilmember Backous, to approve the agenda as amended.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Backous, Jeffrey, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

5. CONSENT AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to approve the following items on the Consent Agenda:

- 5.01 Receive Cash & Investments Report for Period Ending February 28, 2011
- 5.02 Receive Cash & Investments Report for Period Ending January 31, 2011
- 5.03 Approve the following City Council and Committee Meeting Minutes
 - City Council Regular Meeting – January 25, 2011
 - City Council Work Session – February 8, 2011
 - City Council Regular Meeting – February 8, 2011
- 5.04 Authorize Agreement for Fare Reimbursements
- 5.05 Adopt Resolution #11-03-060 Approving Cash Disbursements made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of February 17, 2011 through March 2, 2011
- 5.06 Adopt Resolution #11-03-061 Approving State of MN Joint Powers Agreements with City of Ramsey on Behalf of its City Attorney and Police Department
- 5.07 Adopt Resolution #11-03-062 through #11-03-067 accepting the feasibility study and call the public hearing for the 2011 Street Maintenance Program; City projects #11-01 through 11-06
- 5.08 Report from the Personnel Committee Meeting held on 02-22-11
 - 1) Consider a Resolution Accepting the Resignation of a Patrol Officer and Authorization to Recruit a Replacement Patrol Officer - *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-03-068 to accept Officer Erdman's resignation and to authorize staff to begin a recruitment process to fill the vacancy.*
- 5.09 Report from the Finance Committee of February 22, 2011
 - 1) Consider Contract for Agent of Record for Property, Casualty, and Workers Compensation Insurance – *Ratify the recommendation of the Finance Committee and authorize the agent of records contract for two years in the amounts of \$6,000 for 2012 and \$6,200 in 2013.*
 - 2) Credit Card Analysis – *Ratify the recommendation of the Finance Committee to schedule a worksession on March 22, 2011 to discuss credit cards with eligible vendors and the city's utility billing company.*
- 5.10 Report from Public Works
 - 1) Overview of the Utility Department SCADA System – *Information purposes only.*
 - 2) Overview of the 2011 Street Maintenance Program – *Ratify the recommendation of the Public Works Committee to recommend that the City Council direct staff to prepare feasibility study for the 2011 Street Maintenance Program and schedule a public open house.*
 - 3) Consider Change Order for City Improvement Project #10-32; 176th Avenue Culvert – *Ratify the recommendation of the Public Works Committee to approve*

the change order for Improvement Project #10-24; 176th Avenue culvert replacement, in the amount of \$20,395.56.

- 4) Consider Engineering Services Request for Proposals – *Ratify the recommendation of the Public Works Committee to authorize staff to distribute an RFP for engineering services in an effort to build a specialized pool of three to five consultants for a term of three years to utilize, as necessary, for overflow work and to include language stating the information would be owned by the City and presented in a format the City can use and manipulate.*
- 5) Consider Roadway Modifications at TH10 & Feldspar Street NW – *Ratify the recommendation of the Public Works Committee to request that MnDOT advance the project sooner with State funding and no City funding.*
- 6) Update on Retro Fitting of Public Works Lighting – *Ratify the recommendation of the Public Works Committee to table this item until the next Public Works Committee meeting.*

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Tossey, Backous, Jeffrey, and McGlone. Voting No: None. Absent: Mayor Ramsey.

6. PUBLIC HEARING

There were no public hearings.

7. COUNCIL BUSINESS

7.01: Consideration of Final Approval of Ramsey RLF Loan to Wells Catering, Inc., and SAC/WAC Fee Assistance to Ramsey Retail Rental, LLC

Development/Marketing Manager Backman reviewed the staff report.

Councilmember Jeffrey asked if this has been approved once.

Development/Marketing Manager Backman replied it has been approved, though it has been revised since then to include a full-service, sit-down restaurant.

Motion by Councilmember Jeffrey, seconded by Councilmember Elvig, to approve a \$68,000 RLF loan with a term of 10 years at one percent over prime (4.25%) to Wells Catering for The Falls Cafe project, and secured by a first position on \$165,000 of equipment; and approve zero interest, forgivable loans totaling \$55,000 to Ramsey Retail Rental to offset SAC/WAC fees associated with a new full-service restaurant at The Ramsey Office Plaza building in The COR.

Further Discussion: Councilmember Elvig pointed out if the SAC fees are reduced, the City should reduce its contribution. Development/Marketing Manager Backman suggested the Council approve a loan up to \$55,000 and staff will make all efforts to lower the fees with the Met Council, thereby reducing the City's contribution. He explained the terms of the RLF loan has not changed, even though this is now a larger project. The SAC/WAC fees have changed due to it being a larger project. The capacity is 140 seats. Councilmember McGlone noted he

was the only opposing vote at the EDA meeting, and he will still oppose. He stated the City is considering a subsidy for two competing interests. He said he thought there was a conflict of interest between the Boards. Councilmember Tossey stated he is prepared to approve the loan. He commented he agreed with Councilmember McGlone in that there are two Commissions competing. He added he is not willing to allow taxpayers to subsidize a project that will be competing. Mr. Kruger put his plan in front of the Council first, and Councilmember Tossey said he would support this project. Deputy City Administrator Nelson explained the Flaherty space is for 3,000 square feet of retail space. There is no formal agreement in place to indicate a restaurant will be included in that project. Discussion took place regarding the history of the Flaherty Collins project. Councilmember Backous noted the City has the first position on \$165,000 worth of equipment on this project. There is no collateral on the other potential project. Councilmember McGlone went on record noting the total value of the project is over \$800,000 and he didn't think this \$55,000 would make or break the project. He added the subsidy stays with the building owner if it fails and he felt the City was working against itself. Councilmember Elvig pointed out the EDA has a mission to bring jobs into the City with a formula. The City has already helped to fund one restaurant, which means it is competing against itself with any other restaurant. However, this would bring jobs. He asked that the EDA consider putting a policy in place in their next discussion.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Jeffrey, Elvig, Backous, and Tossey. Voting No: Councilmember McGlone. Absent: Mayor Ramsey.

7.02: Receive Economic Development Authority Recommendation in Regard to Name of Azurite Street in the Sunfish Lake Business Park

Senior Planner Gladhill reviewed the staff report.

Acting Mayor Wise stated he attended the meeting where this was discussed. He said he did not find anything that would support the position that changing the name of the street would change response time for police and fire.

Motion by Councilmember Backous, seconded by Councilmember Elvig, to make no change to the segment of Azurite Street in the Sunfish Lake Business Park

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Backous, Elvig, Jeffrey, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

7.03: Consider Design Revisions for City Project 11-21; Intersection Signalization at Armstrong and Bunker Lake Boulevards, and Associated Infrastructure Improvements to Serve the Legacy Christian Academy Development

Public Works Director Olson reviewed the staff report.

Acting Mayor Wise asked if there is a way to do this on a smaller scale.

Public Works Director Olson answered the amount of line that is buried can be reduced. This would be capitalizing on the relocation benefits, since they have to relocate anyway. He noted this is the time to bury the lines because of the construction. The total cost is \$152,000 with the savings.

Councilmember Elvig questioned whether this would have to be untrenched or handled again if an overpass goes through.

Mr. Olson responded he didn't think it would because there would be no reason to relocate the lines.

Councilmember Elvig inquired if there are any other conduits that should be put in the ground while the lines are being buried.

Public Works Director Olson explained Sunwood Drive has a large differential in elevation for the overpass, so any other conduit can be added as needed. He noted there is a difference in the cost to bury conduits. A resolution from the TIF would have to be granted to extend the budget. He said staff can research whether there is a conduit to put in on the east side while they are burying. He added there already is sewer underneath the other side of Armstrong Boulevard that will be extended to the north to Legacy Academy. There will be sewer on both sides of Armstrong Boulevard.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to Adopt Resolution #11-03-069 Approving the terms of an up to \$175,000 interfund loan (from PIR fund) in connection with Tax Increment Financing District #14 with the funds to be used to bury the existing private utilities in coordination with City project #11-21.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Jeffrey, Backous, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

7.04: Consider a Resolution to Appoint Board and Commission Members

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Tossey, to table this item to the next regularly scheduled Council meeting.

Further discussion: Councilmember Elvig suggested making a motion to authorize the appointments with the exception of leaving discussion open for a new EDA member. Councilmember McGlone stated he may want to change some positions on the list, and he thought the Mayor should be available for the discussion. Councilmember Jeffrey raised the issue that the Mayor wasn't able to attend the interviews, and it may not be necessary to wait for him for further discussion. Discussion took place on whether further discussion should wait until Mayor Ramsey can attend, and whether Mayor Ramsey would need to vote on the interviewees.

Motion failed. Voting Yes: Councilmember McGlone. Voting No: Acting Mayor Wise, Councilmembers Backous, Elvig, Jeffrey, McGlone, and Tossey. Absent: Mayor Ramsey.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to Adopt Resolution #11-03-010 to appoint the following board and commission members and to table the appointment to the EDA to the next regularly scheduled Council meeting:

<u>Name</u>	<u>Board or Commission</u>	<u>Term Dates</u>	<u>Length</u>
Jim Bendtsen	Board of Admin. Hearings	April 1, 2011 to March 31, 2015	4 Years
Based on disc.	Economic Dev. Authority	April 1, 2011 to March 31, 2017	6 Years
Jennifer Carlson	Environmental Policy Board	April 1, 2011 to March 31, 2015	4 Years
Trent Hassett	Environmental Policy Board	April 1, 2011 to March 31, 2015	4 Years
Michael Max	Environmental Policy Board	April 1, 2011 to March 31, 2015	4 Years
Bridgett Barr	Park and Rec. Commission	April 1, 2011 to March 31, 2015	4 Years
Andrew Fyten	Park and Rec. Commission	April 1, 2011 to March 31, 2015	4 Years
David Minke	Park and Rec. Commission	April 1, 2011 to March 31, 2015	4 Years
Richard Chubb	Park and Rec. Commission	April 1, 2011 to March 31, 2012	1 Year
Ralph Brauer	Planning/Bd. of Adj.	April 1, 2011 to March 31, 2015	4 Years
Joseph Field	Planning/Bd. of Adj.	April 1, 2011 to March 31, 2015	4 Years
Rob Schiller	Planning/Bd. of Adj.	April 1, 2011 to March 31, 2012	1 Year
Randy Bauer	Planning/Bd. of Adj.	April 1, 2011 to March 31, 2014	3 Years

Further discussion: Deputy City Administrator Nelson informed this item will be presented to Council on March 22, 2011. She said there are significant vacancies and starting orientation with newly elected officials will be helpful. Councilmember McGlone stated he has concerns with the rest of it and would like to make changes. City Attorney Goodrich noted the motion was moved by a majority, which prevails. Discussion took place regarding the candidates and how they were chosen.

Councilmember Elvig called the question to stop debate.

Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Jeffrey, Backous, McGlone, and Tossey. Voting No. None. Absent: Mayor Ramsey.

Councilmember Elvig called the question for the motion.

Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Backous, Jeffrey, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

Motion by Councilmember Jeffrey, seconded to Councilmember Backous, to appoint Mr. Chris Riley to the EDA.

Motion failed. Voting Yes: Councilmembers Jeffrey, Backous, Elvig. Voting No: Acting Mayor Wise, Councilmembers McGlone, and Tossey. Absent: Mayor Ramsey.

Mr. Riley stated he considered himself to be a force to try to help businesses and retain business as well as attract new businesses and jobs. He apologized if he stepped on toes and requested support to be appointed to the EDA Committee.

7.05: Consider Support of Running Aces Harness Park Gaming Expansion

Deputy City Administrator Nelson reviewed the staff report.

Motion by Acting Mayor Wise, seconded by Councilmember Elvig, to Adopt Resolution #11-03-071 Supporting Running Aces Harness Park and Its Request to Permit Electronic Gaming Machines at its State Licensed and Regulated Gaming Facility.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Elvig, Backous, Jeffrey, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

7.06: Consider Resolution in Support of Recommendations for Refurbishment of Coon Rapids Dam

Deputy City Administrator Nelson reviewed the staff report.

Acting Mayor Wise asked if this resolution is to benefit a shared resource.

Deputy City Administrator Nelson responded the City does benefit from the Coon Rapids Dam and the recreational pool. The City residents who live on the river can access those resources. The City does benefit directly by the dam being restored and maintained.

Motion by Councilmember Jeffrey, seconded by Councilmember Elvig to Adopt Resolution #11-03-072 in Support of the Recommendations for Refurbishment of the Coon Rapids Dam.

Further discussion: Councilmember Elvig stated the benefit for Ramsey is extreme. The benefit now is that the dam functions as a great barrier for the carp. Councilmember Backous agreed.

Motion carried. Voting Yes: Acting Mayor Wise, Councilmembers Jeffrey, Elvig, Backous, McGlone, and Tossey. Voting No: None. Absent: Mayor Ramsey.

7.07 Schedule Meeting and Review Agenda for Joint Meetings with Adjacent Cities and City Commissions (from Work Session)

Deputy City Administrator Nelson provided a brief overview. She asked the Councilmembers to identify items they would like on the agenda for joint City meetings.

Acting Mayor Wise questioned what progress has been made in working with other cities.

Public Works Director Olson responded the cities of Andover, Anoka, Nowthen and Anoka County collectively have been meeting with Ramsey. The City Administrators have met with the highway departments. A cost share policy has been discussed and how that relates to transportation issues. Another meeting is set up for this week Friday to discuss access spacing guidelines and how to move forward with a change in those policies.

Acting Mayor Wise asked if Ramsey has done any lobbying with State representatives on MnDOT and asked about their scoring.

Public Works Director Olson stated it is difficult to anticipate the scoring methodology from one solicitation to the next. Solicitation for Federal funds is through the Met Council and Transportation Advisory Board and Transportation Advisory Council. He noted different boards conduct the scoring.

Councilmember Tossey noted an item to bring up is the need for police services. Neighboring cities may not have a contract with nearby cities, which should be discussed.

Councilmember McGlone stated he was at a League of Minnesota Cities training last week and one of the Councilmembers for Nowthen expressed interest in exploring transportation solutions with Ramsey. They have some of the same issues.

Councilmember Elvig suggested long-term fresh water may be an issue. He proposed the Met Council should take this up as their issue, and since they haven't, the City should take it up regionally.

Deputy City Administrator Nelson asked if there were any issues regarding other Commissions that should be discussed.

Acting Mayor Wise noted communication between the HRA and EDC should happen regularly and all Boards should know how to work together with others.

8. MAYOR, COUNCIL AND STAFF INPUT

Home Improvement Show

Deputy City Administrator Nelson noted Saturday, March 19, 2011, is the annual Home Improvement Show from 9:00 a.m. to 3:00 p.m. at the Andover Community Center.

Mayors Prayer Breakfast

Deputy City Administrator Nelson stated the next Mayors' Breakfast is Friday, April 1, 2011, from 7:30 a.m. to 9:00 a.m. at Constance Evangelical Free Church in Andover.

Business & Environmental Expo

Deputy City Administrator Nelson noted the Business and Environmental Expo is on April 30, 2011, from 9:00 a.m. to 2:00 p.m. The Environmental Expo will be held at the Ramsey Municipal Center.

Ramsey Rotary Wine Tasting Fundraiser

Deputy City Administrator Nelson stated the Annual Fundraising Wine Tasting Event by the Rotary Club will be held on Thursday, March 24, 2011, from 6:00 to 9:00 at the Links at Northfork.

9. ADJOURNMENT

Motion by Councilmember Jeffrey, seconded by Acting Mayor Wise, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 8:18 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, March 22, 2011. at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember David Jeffrey
Councilmember Colin McGlone
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Fire Chief Dean Kapler
Public Works Director Brian Olson
Finance Officer Diana Lund
Senior Planner Timothy Gladhill
City Engineer Tim Himmer
Police Chief James Way
Parks Supervisor Mark Riverblood
City Attorney William Goodrich
Human Resources Representative Colleen Lasher
Planning Intern Patrick Brama
MN State Rep of the Government Finance Organization Darren Nelson
Isanti County Commissioner Alan Duff
Anoka County Commissioner Matt Look
County Attorney Tony Palumbo
Fridley Chief of Police Don Abbott

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:00 p.m., followed by the Pledge of Allegiance led by students from Elk River High School.

2. PRESENTATION

2.01 Presentation of Certificate of Achievement in Financial Reporting

Mr. Darren Nelson, Minnesota State Representative of the Government Finance Organization, presented the Certificate of Achievement in Financial Reporting to Finance Officer Diana Lund.

3. CITIZEN INPUT

Mr. Alan Duff, Isanti County Commissioner and Candidate for the Conexus Board of Directors introduced himself and stated his intentions if elected to the Board.

4. APPROVE AGENDA

Mayor Ramsey noted Item 5.13 Authorize Credit Card Contract with RevTrak will be removed from the consent agenda and added as a regular agenda item as Item 7.6. Also, Item 7.7 Consider Televising the HRA Meetings will be added.

Motion by Councilmember Elvig, seconded by Councilmember Backous, to approve the agenda as amended.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, Jeffrey, McGlone, Tossey, and Wise. Voting No: None.

5. CONSENT AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Tossey to approve the following items on the Consent Agenda:

- 5.01 Note the following commission and boards meeting minutes:
 - a. Planning Commission dated February 3, 2011
 - b. Environmental Policy Board dated February, 7, 2011
 - c. Economic Development Authority dated February 10, 2011
 - d. Economic Development Authority dated February 24, 2011
- 5.02 Approve Exemption for a Gambling License for the Knights of Columbus Council #14984 to Operate Bingo at the Church of St. Katharine Drexel
- 5.03 Approve Exemption for a Gambling License for the Isanti County Chapter of Minnesota Deer Hunters to Operate a Raffle at Game Fair
- 5.04 Approve License Applications
- 5.05 Approve the following City Council Meeting Minutes:
 - 1) January 18, 2011 City Council Work Session
 - 2) January 24 - 25, 2011 Strategic Planning Session
 - 3) February 1, 2011 Special City Council
 - 4) February 1, 2011 City Council Work Session

- 5.06 Approve Anoka County Connectivity Services Agreement for Broadband Services
- 5.07 Adopt Resolution #11-03-073 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of March 3, 2011 through March 16, 2011.
- 5.08 Adopt Resolution 11-03-074 Authorizing 1st Partial Payment to Dryden Excavating for IP 10-24 656W Drainage Outlet
- 5.09 Adopt Resolution 11-03-075 Authorizing Final Payment to New Look Contracting for IP 09-22 2009 Storm Sewer Projects
- 5.10 Adopt Resolution #11-03-076 Supporting Trail Grant Applications for Trails Along T.H. #47 and Co. Rd. #83
- 5.11 Approve Request for Capital Funds from QCTV and Approve the Purchase of Equipment and Applications Utilizing QCTV Funds
- 5.12 Adopt Resolution #11-03-077 to Prohibit Parking on Armstrong Boulevard NW (CSAH 83), from Sunwood Drive NW to Alpine Drive NW in the City of Ramsey, Minnesota, for State Aid Project 199-020-005 (IP 11-21) and Adopt Resolution #11-03-078 to Prohibit Parking on Bunker Lake Boulevard NW (CSAH 116), from Armstrong Boulevard NW (CSAH 83) to 955 Feet East of Armstrong Boulevard NW (CSAH 83), in the City of Ramsey, Minnesota for State Aid Project 199-020-005 (IP 11-21) and Resolution #11-03-079 to Prohibit Parking on Bunker Lake Boulevard NW from Armstrong Boulevard NW (CSAH 83) to Puma Street NW, in the City of Ramsey, Minnesota for State Aid Project 199-121-001 (IP 11-21)
- 5.13 ~~Authorize Credit Card Contract with RevTrak~~ **(Placed on Regular Agenda)**
- 5.14 Authorization to Seek Proposals for Abatement Services
- 5.15 Authorization to Seek Proposals for City Towing Services

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Tossey, Backous, Jeffrey, McGlone and Wise. Voting No: None.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Request Support for a County-Wide Integrated Public Safety Information System

Police Chief Way reviewed the staff report.

County Commissioner Matt Look stated he was present to ask for the Council's support as this project advances. This is a public safety project as identified by the County.

County Attorney Tony Palumbo, Chair of Joint Law Enforcement Council, reviewed the JLEC.

Fridley Chief of Police Don Abbott stated he is the Chair of the committee that is working on getting this project funded. He commented each discipline in Anoka County has its own system, and the systems do not communicate well. It would be beneficial to have one system in the

County that all entities can put information into, and get information out of. He gave an example of an emergency call and how it is handled through all disciplines. Currently, the information is transferred from digital to handwritten and vice versa. Anoka County has one of the highest error rates.

Councilmember Jeffrey stated he serves on JLEC and is in full support of this system.

Motion by Councilmember Jeffrey, seconded by Councilmember Backous, to adopt Resolution #11-03-080 showing support of a comprehensive shared public safety information system and legislative change to allow specific bonding authority for the project.

Further discussion: Councilmember Tossey questioned what records are currently kept. He further asked whether a Ramsey officer has record of a citation issued in Fridley, for instance. Police Chief Abbott responded records are shared among cities. Citations are shared, whereas, warnings are not. He said they do follow Chapter 13 of the statues and only share information that is allowed. The new system would have protections built in to preserve confidentiality. Councilmember Elvig asked what this project would mean to the residents of Ramsey, or the City in terms of finances. Police Chief Abbott explained there is no money requested now. All that is requested now is support as they go to the legislature for the bond issue. He clarified on a \$200,000 property, there would be a tax impact of \$7 per year. It will be made clear to residents that it is a specific county wide public safety measure. Police Chief Abbott stated the vision for this project is to help our police and firefighters work smarter, faster, safer and better.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Backous, Elvig, McGlone, Tossey, and Wise. Voting No: None.

7.02: Consider a Resolution to Appoint a Member to the Economic Development Authority or to Continue the Current Recruitment

Human Resources Representative Lasher reviewed the staff report.

City Attorney Goodrich advised the state statute guidelines are that until the Mayor makes an appointment, the Council has no ability to make a decision on this process, other than have an interview.

Councilmember Jeffrey explained every decision made by the EDA has to come to Council for a final decision. The HRA has independent spending authority, but the EDA spending goes through the Council.

City Attorney Goodrich clarified further that they are distinctly different bodies. When the EDA makes a decision, it does have to come to the Council for final approval. When the HRA makes a decision, it does not have to go through Council.

Mayor Ramsey stated he had just learned that he is to appoint a member to the EDA. He said he would like to request more applicants and interviews and will make a decision after that.

Councilmember Elvig said he was confused as to why there is a review process. He commented the Council as a body will not be interviewing.

City Attorney Goodrich explained the Council has to approve the Mayor's appointment, so the Council as a body would want to interview as well.

Mayor Ramsey stated he would like to review the policy on interviews at a future work session.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to direct staff to continue the current recruitment specific to the EDA as described below:

- A) Applications will be accepted until the second review date of April 5, 2011
- B) All applications for the EDA received by April 5, 2011, will be provided to the City Council for confidential review
- C) New applicants will be invited to interview with the City Council on April 12, 2011
- D) A member will be appointed to the EDA on April 26, 2011 to begin serving in May 2011 and ending March 31, 2017

Further discussion: Councilmember Wise suggested term limits on all commissions be discussed at a future work session. Councilmember Jeffrey announced he will not support the motion. He said at the last meeting, it was decided there would not be more interviews. He said there is a good candidate, who has been present at the meetings, and should be approved. Councilmember Elvig expressed his frustration at the process, though there is no reason not to support the Mayor's decision. Councilmember Tossey inquired whether the information regarding the process of the Mayor making the appointment was just discovered, as there had been discussions about the interviewees in the past. City Attorney Goodrich explained it was known all along that the Mayor is to make the appointment. Councilmember Backous expressed his frustration since many interviews had taken place. He requested that the election be based on the current interviewees. Mayor Ramsey stated he was out of town during the interviews and was not part of them so he is not prepared to make a decision at this point.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Elvig, McGlone, and Tossey. Voting No: Councilmembers Backous and Jeffrey.

7.03: Request for Waiver of Paving Requirements to Allow a Class V Parking Surface at 8110 Highway 10 NW; Case of Chad Lundquist

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Jeffrey, to approve the waiver of paving requirements and request for a Class V parking surface as noted on the site plan.

Further discussion: Senior Planner Gladhill noted the property will have to go through a formal grading permit. Any questions will be addressed on the final review of the permit. Councilmember Elvig inquired if this gives more solid ground to enforce other issues on other

properties. Senior Planner Gladhill replied this is the first request the City has processed. Other properties have made the same request but have not brought forth information for a discussion. Councilmember Wise indicated that since the MnDOT's transportation plan has changed, the City should be more proactive on having the fronts of places along Highway 10 up to code, and give them more options for the use of the back of their property. Senior Planner Gladhill inquired if this property should be required to have a screen to shield the inoperable vehicles from view of adjacent property. Mayor Ramsey commented he would like them screened, but at the minimum, have the vehicles lined up to look better. Chad Lundquist, 8110 Highway 10 NW, property owner, stated he had a situation with a violation last July 9 and has had none since then. He admitted he did not allow for this amount of snow, which is unusual, and makes it more difficult to keep the property cleaned up. He noted there is natural screening on his property and the adjacent property has not had any complaints. Mr. Lundquist said he has driven around and witnessed inoperable vehicles on other properties that are not screened. Mayor Ramsey clarified that he did not intend to make a motion to require screening on his property, but he would like to see it more organized.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Jeffrey, Backous, Elvig, Tossey, and Wise. Voting No: None.

7.04: Introduce Ordinance to Amend Section 117-90 “map” of Chapter 117 of the Ramsey City Code Related to the 2030 Comprehensive Plan; Case of the City of Ramsey

Senior Planner Gladhill reviewed the staff report. He acknowledged rumors about forced City sewer and water hookup, and issues with taxes. He explained the Charter protects citizens from forced City sewer and water. In terms of impact to taxes, that is a focus of market conditions.

Mayor Ramsey invited citizens to speak.

Lonnie Gray, 17530 Nowthen Boulevard, stated the initial concerns were the economic implications due to taxes, though much of this has already been clarified. He sought clarification on the ultimate implications to move from rural zoning to residential zoning and questioned why this is being done. He pointed out there is an individual that has a lot of acreage and wants to sell some and asked if it would be better to grant that individual a variance to divide his land rather than rezone everyone's property. Mr. Gray stated he is concerned about the wetlands behind his home. He stated many residents did not receive proper notification; many were unaware of what was going on. He requested a continuance so residents can understand the implications.

Senior Planner Gladhill explained this is part of an intense process driven by the residents. He explained the notification system that was used and indicated that natural resources will be protected. He added the City is working with the individual that would like to sell some property and no rezoning has been done with that area.

Mayor Ramsey indicated he was part of this process before becoming the Mayor. He explained that because it is being reclassified does not mean it will develop. It is an opportunity for those landowners to develop.

Mr. Gray commented there are a lot of residents whose properties are not amenable to develop. He asked that these properties be excluded from the zoning.

Mayor Ramsey explained if property is not durable for development, it would not be developed. However, if neighboring property is feasible, it could be developed.

Phil Lattero, 17540 Nowthen Boulevard, said he did not know about this issue until a couple of weeks ago. He expressed concern regarding his property taxes and said he was pleased to hear the information presented tonight.

Motion by Mayor Ramsey, seconded by Councilmember Jeffrey, to introduce an Ordinance to amend Section 117-90 "Map" of Chapter 117 of the Ramsey City Code related to the 2030 Comprehensive Plan.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Elvig, Backous, McGlone, Tossey, and Wise. Voting No: None.

7.05: Introduce Ordinance to Amend City Code Section 117-118 (Town Center) of the Ramsey City Code; Case of City of Ramsey

Senior Planner Gladhill reviewed the staff report.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to introduce an Ordinance to amend City Code Section 117-118 (Town Center) of the Ramsey City Code.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Wise, Tossey, Backous, Elvig, Jeffrey, and McGlone. Voting No: None.

7.06: Authorize Credit Card Contract with RevTrak

Finance Director Lund reviewed the report.

Motion by Mayor Ramsey, seconded by Councilmember Jeffrey, to authorize a contract for credit card services with RevTrak, based on the City Attorney's review of the contract.

Further discussion: Councilmember Wise raised the point that there is an expense to the City by taking credit cards, but this is alleviated by the fact that the City will capture funds it wouldn't otherwise have gotten quickly. Mayor Ramsey explained the citizens will be able to pay City utility bills online. Councilmember Jeffrey pointed out the information is secure. The Council discussed security measures at length and the City will not hold any confidential information. City Administrator Ulrich noted this service will not apply only to utilities; there will be other uses as well.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Jeffrey, Backous, Elvig, McGlone, Tossey, and Wise. Voting No: None.

7.07: Discussion and Vote on Whether to Televis HRA Meetings

Mayor Ramsey explained the Council has discussed whether the HRA meetings can be televised. This issue is brought forward tonight to ask the Council to vote on whether these meetings can be televised starting tonight and moving forward.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to approve televising HRA meetings held after the regular Council meetings.

Further discussion: Councilmember Jeffrey explained that the Councilmembers form the body of the HRA. He is the Chair and supports televising these meetings. Mayor Ramsey warned that many of the items to be discussed are confidential, and those items will be scheduled for later in the agenda so the meeting can be closed.

Motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Jeffrey, Backous, McGlone, Tossey, and Wise. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

Planning Intern

Mayor Ramsey introduced the new Planning Intern, Patrick Brama.

Census Data

Mayor Ramsey reviewed the new census data, noting that Anoka is the fastest growing county in Minnesota, and Ramsey is the second fastest growing city in the County.

Local Government Officials Meeting

City Administrator Ulrich said the Government Officials meeting is Wednesday, March 30.

Mayors Prayer Breakfast

City Administrator Ulrich stated the Mayor's Prayer Breakfast is Friday, April 1, and will support Youth First.

HRA Goals Discussion

Councilmember Elvig indicated the City Council wears a different "hat" than the Housing and Redevelopment Authority (HRA), which is the development entity of the City. He requested a conversation of what the HRA's goals and what it wants to accomplish. He said he would like to know if the goals of the Council are the same.

Mayor Ramsey responded it was a big step for the HRA to purchase the property. This would not have been his first choice for the City to engage in this project, but in the state it was in, it

was the only choice and there are exit strategies. He said there is nothing he would deviate from what has been done so far.

9. ADJOURNMENT

Motion by Councilmember Jeffrey, seconded by Councilmember Tossey, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 8:36 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

6. 1.

Meeting Date: 05/05/2011

By: Chris Anderson, Community
Development

Title:

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

Background:

The City received an application on April 11, 2011 from Leroy Signs, Inc., on behalf of NAU Country, requesting a conditional use permit to exceed sign size restrictions for the NAU Country single occupant building located at 7333 Sunwood Drive NW.

Notification:

In accordance with State statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The Public Hearing was also noticed in the Anoka County Union, the City's official newsletter for public notices.

Observations:

The COR zoning district sign regulations, excluding the COR-2 subdistrict, have distinctly different architectural standards than those for the general Business and Employment zoning districts within the community. These regulations were developed with the intention of applying them to the central areas of The COR where there will be many multi-tenant buildings, with each individual tenant having very limited frontage. Consistent with all sign regulations in the City, the City has built in flexibility in its sign regulations through the use of the CUP process.

The NAU Country building has dimensions of 179 feet by 183 feet, has frontage along three (3) public roads, and is a single-occupant building. It is located in the COR-3 zoning district, which restricts wall-mounted signs to a maximum of five percent (5%) of the ground floor building facade area or twenty-four (24) square feet, whichever is less. Furthermore, lettering, numbers, or graphics are restricted to a maximum height of twelve (12) inches. However, businesses with frontage on more than one public road are allowed the permitted sign criteria for each street frontage.

According to the applicant, NAU Country has redesigned their company logo and thus, needs to update their existing wall signage. In 2005, the City Council approved a conditional use permit (CUP) for the current signage on the building. That CUP allowed two (2) wall signs, each totaling just over fifty-three (53) square feet and permitted twenty-four (24) inch tall lettering.

The applicant is proposing to replace both of the existing wall signs with new wall mounted signs. The lettering and graphics are proposed to be twenty-four (24) inches in height, consistent with previously approved letter height for the building, but the overall square footage, which would be forty-five (45) feet per sign, would be slightly less than what was previously approved in 2005. The proposed signage would be front-lit with internal illumination. Neither sign would project more than six (6) inches from the wall.

Funding Source:

All costs associated with reviewing the application are the responsibility of the Applicant.

Staff Recommendation:

Staff is aware that the sign regulations for the COR area are limited in terms of size of signs allowed and will be revisiting these regulations for possible amendments in the very near future. This request is for a larger, single tenant building with frontage on three (3) public roads. The current proposal represents a slight reduction in square footage per sign from what exists on the building presently and maintains the twenty-four (24) inch letter height approved by the original conditional use permit in 2005. Our current preference in terms of letter height for this area is not to exceed 18 inches in height through the CUP process. While Staff is not opposed to the use of front-lit internally illuminated lettering, which is the preference of the applicant and currently exists on the building, some consideration should be given to utilizing reverse-lit (halo-style) lighting with solid lettering. That style of lighting would be more consistent with the intent of the sign regulations for The COR area. However, Staff is supportive of the request regardless of which of the two aforementioned lighting styles is utilized provided the letter height does not exceed 24 inches in height.

Committee Action:

Motion to recommend that the City Council adopt findings of fact relating to Leroy Signs, Inc. request for a conditional use permit to exceed sign size restrictions established in City Code.

-and-

Motion to recommend that City Council approve Leroy Signs, Inc. request to exceed sign size restrictions based on the findings of fact, and adopt a resolution declaring terms of conditional use permit.

Attachments

Site Location Map

Existing Wall Signage

Proposed Signage

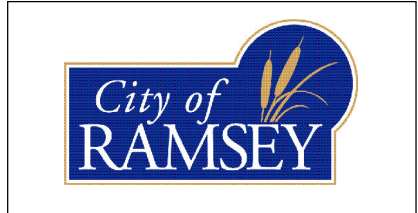
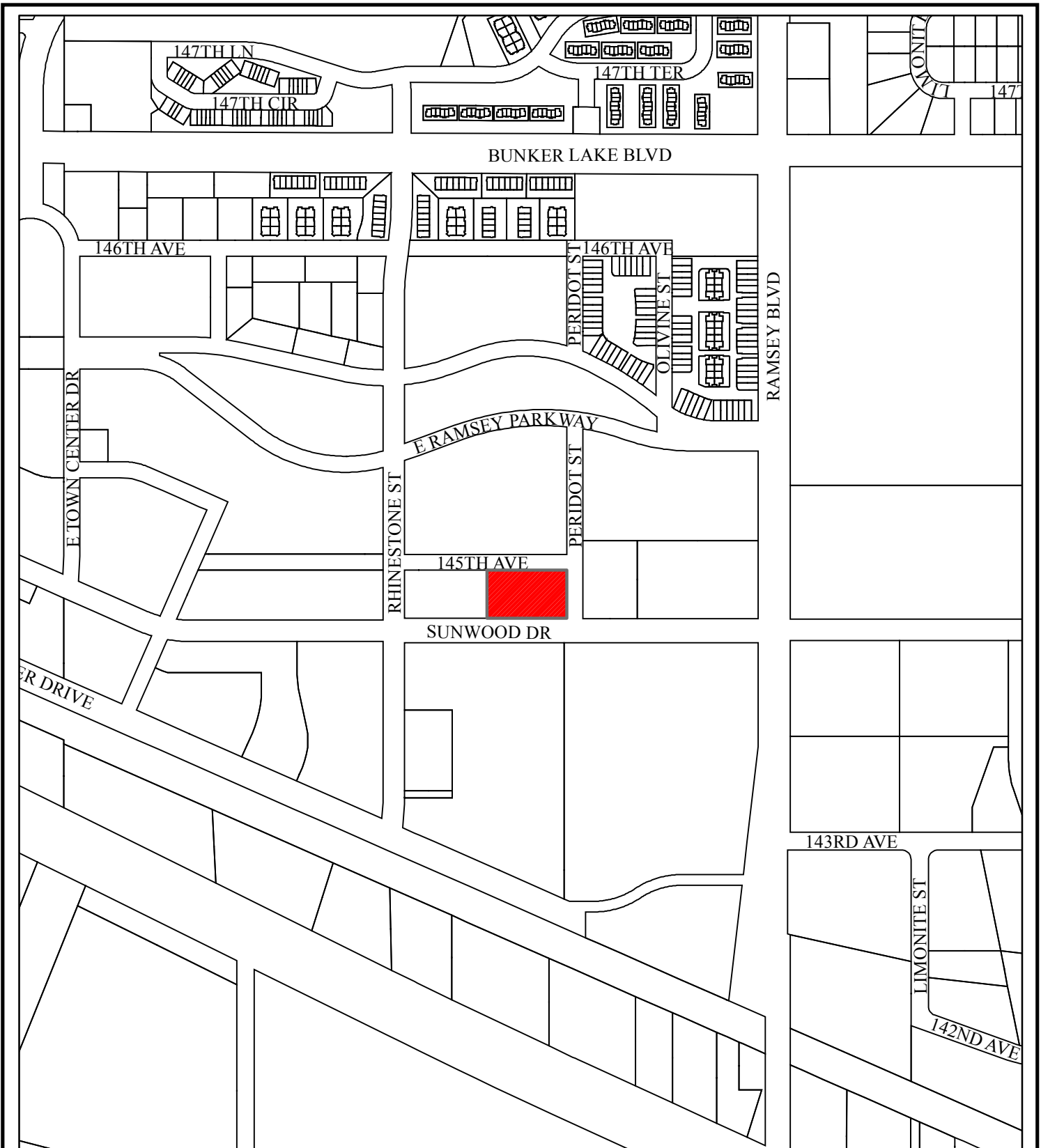
Example of Reverse-Lit (Halo Style) Lighting

Proposed Findings of Fact

Proposed Conditional Use Permit

Form Review

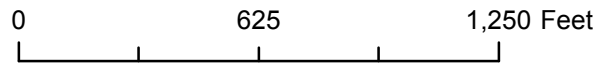
Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	04/28/2011 01:52 PM
Chris Anderson (Originator)	Chris Anderson	04/28/2011 02:01 PM
Tim Gladhill	Tim Gladhill	04/28/2011 03:35 PM
Aaron Backman	Aaron Backman	04/29/2011 10:43 AM
Form Started By: Chris Anderson		Started On: 04/26/2011 10:32 AM
	Final Approval Date: 04/29/2011	



7333 Sunwood Drive

Legend

- Site
- Parcels



Existing Signage

B



A

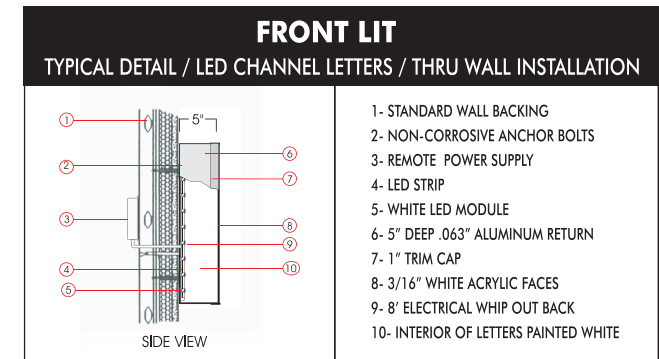
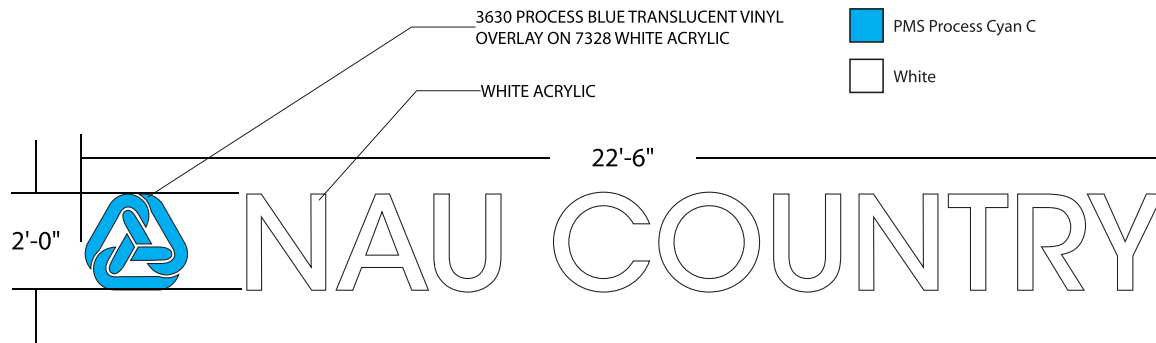




Front Entrance of Building



Back of Building Facing Peridot Street and Sunwood Dr NW



REMOVE EXISTING SIGNS / FABRICATE AND INSTALL TWO NEW SETS INTERNALLY ILLUMINATED CHANNEL LETTERS



NAU

Channel Letters
SIGN DESCRIPTION:

Ramsey, MN
LOCATION:

Scott Laage
SALESPERSON:

1/4" = 1'
SCALE:

04/05/11
DATE:

NAU_CL_V4A.ai
FILENAME:

IMPORTANT NOTICE:
This is a proprietary design of Leroy Signs, Inc., designed specifically for this project. It is illegal and unethical to distribute to any other entity for copy or use. This design cannot be used without the written consent of Leroy Signs, Inc.

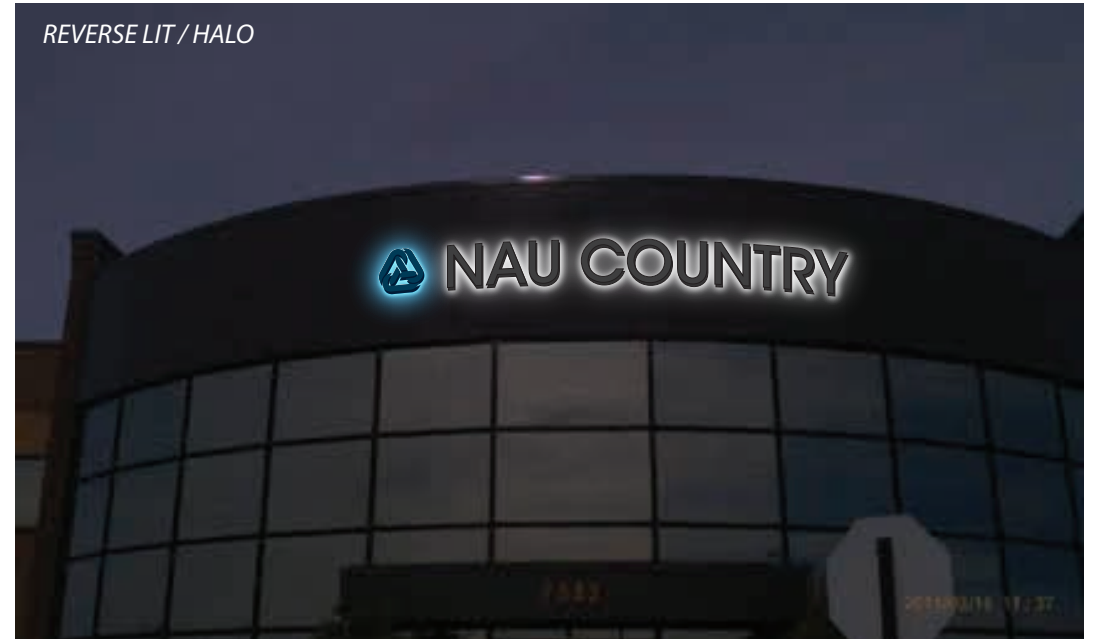
LEROY
SIGNS
6325 WELCOME AVE, N.
MINNEAPOLIS, MN 55429
Phone: 763-535-0080
Fax: 763-533-2593

REVERSE LIT / HALO

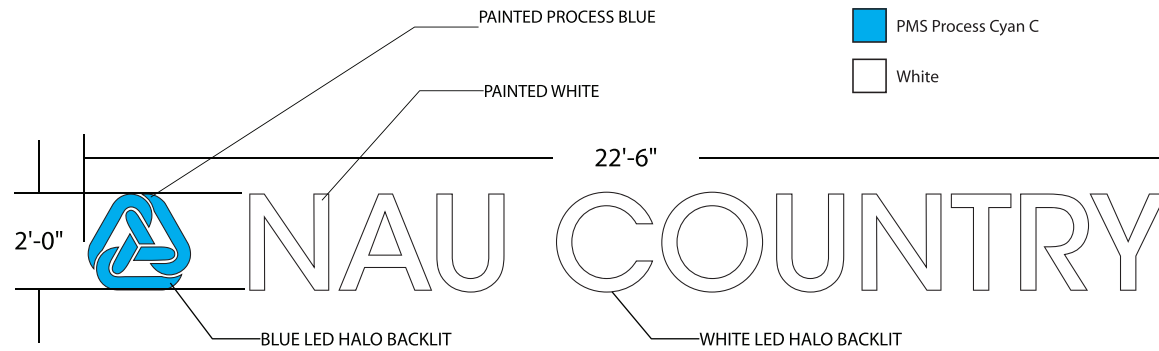


Front Entrance of Building / DAY DEPICTION

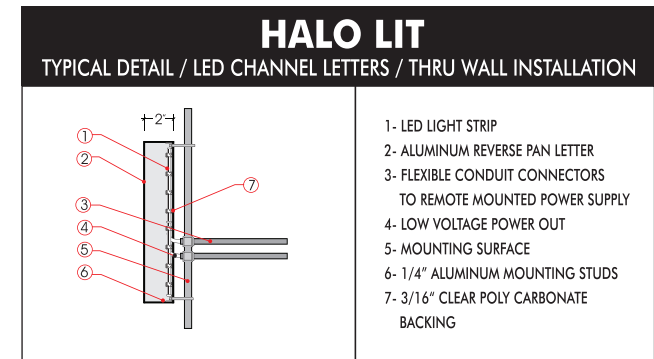
REVERSE LIT / HALO



Back of Building Facing Peridot Street and Sunwood Dr NW / NIGHT DEPICTION



REMOVE EXISTING SIGNS / FABRICATE AND INSTALL TWO NEW SETS INTERNALLY ILLUMINATED CHANNEL LETTERS



NAU

Channel Letters
SIGN DESCRIPTION:

Ramsey, MN
LOCATION:

Scott Laage
SALESPERSON:

1/4" = 1'
SCALE:

04/25/11
DATE:

NAU_CL_V5A.ai
FILENAME:

IMPORTANT NOTICE:
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LEROY
SIGNS
6325 WELCOME AVE, N.
MINNEAPOLIS, MN 55429
Phone: 763-535-0080
Fax: 763-533-2593

RESOLUTION #11-05-____

A RESOLUTION ADOPTING FINDINGS OF FACT #____ RELATING TO A REQUEST FROM LEROY SIGNS, INC. FOR A CONDITIONAL USE PERMIT TO EXCEED SIGN SIZE RESTRICTIONS

WHEREAS, the City of Ramsey received an application from Leroy Signs, Inc. for a conditional use permit to exceed the sign size restrictions on the property generally known as 7333 Sunwood Dr and legally described as follows:

Lot 1, Block 1, Ramsey Town Center 4th Addition, Anoka County, Minnesota

(“Subject Property”)

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. That Leroy Signs, Inc., hereinafter referred to as “Applicant,” properly applied for a conditional use permit (the “Permit”) to exceed the allotted square footage for wall signs and to use lettering that is greater than twelve (12) inches in height.
2. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the City Code on May 5, 2011, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
3. That the Subject Property is approximately 1.23 acres in size.
4. That the Subject Property is zoned COR-3.
5. That the parcels to the south, west and east of the Subject Property are zoned COR-3 and the parcel to the north of the Subject Property is zoned COR-5.
6. That the COR district sign regulations, excluding the COR-2 sub-district, are much more restrictive than the sign regulations for the other Business and Employment districts.
7. That the intent of the more restrictive sign regulations was to apply them to the central areas of The COR where there will typically be many multi-tenant buildings, with individual tenants having very limited frontage.
8. That the Subject Property has a single-occupant building with dimensions of 179 feet by 183 feet and frontage along three (3) public streets, Sunwood Drive, Peridot Street, and 145th Avenue.
9. That Section 117-118 (COR District) of the Ramsey City Code states that a sign shall be affixed to the front facade of the building and shall project outward from the wall to which it is attached no more than six (6) inches. The area of the signboard shall not exceed five percent (5%) of the ground

floor building facade area or twenty-four (24) square feet, whichever is less, and the height of the lettering, numbers, or graphics shall not exceed twelve (12) inches.

10. That Section 117-118 (COR District) of the Ramsey City Code also states that businesses with frontage on more than one public street are allowed the permitted sign criteria for each street frontage.
11. That the Applicant is contracted by NAU Country Insurance Company, which is affiliated with NAU Holding Company LLC, the owner of the Subject Property.
12. That the Applicant is proposing to install two (2) signs. One would be affixed to the front facade of the building and one would be affixed to the rear facade of the building. Both would exceed the twelve (12) inch high letter restriction and maximum size of twenty-four (24) square feet.
13. That the two (2) proposed wall signs would replace the two (2) existing wall signs currently on the building.
14. That the dimensions of the proposed signs are twenty-two feet six inches (22.5 feet) in length and two (2) feet in height, resulting in a total of forty-five (45) square feet per sign. The proposed signs would project six (6) inches from the wall and each would utilize twenty-four (24) inch high letters.
15. That the applicant would prefer to utilize internally illuminated lettering and graphics rather than reverse lit lettering and graphics (halo-style lighting).
16. That a conditional use permit was approved by the City in 2005 allowing two (2) wall signs, each totaling 53.17 square feet.
17. That a conditional use permit to exceed sign size restrictions will/will not grant the Applicant special privileges that are denied by the City Code to other properties in the commercial area.
18. That the proposed increase in sign surface area will/will not be designed so as to be harmonious and appropriate in appearance with the existing or intended character of the vicinity and will/will not change the essential character of the area.
19. That the proposed increase in sign surface area will/will not adversely impact traffic in the area.
20. That the proposed increase in sign surface area will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
21. That the proposed increase in sign surface area will/will not substantially impair the use, enjoyment, or market value of surrounding properties.
22. That the proposed increase in sign surface area will/will not be hazardous or disturbing to existing or future neighboring uses.

23. That the proposed increase in sign surface area will/will not create excessive additional requirements at public cost for public facilities and services, and it will/will not be detrimental to the economic welfare of the community.
24. That the proposed increase in sign surface area will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of glare.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 31st day of May, 2011.

Mayor

ATTEST:

City Clerk

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-___

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT BASED ON FINDINGS OF FACT #___ AND DECLARING TERMS OF PERMIT TO EXCEED SIGN SIZE RESTRICTIONS ESTABLISHED IN CITY CODE.

WHEREAS, Leroy Signs, Inc., properly applied for a conditional use permit to exceed wall sign size restrictions as established in City Code on the property generally known as 7333 Sunwood Drive and legally described as follows:

Lot 1, Block 1, Ramsey Town Center 4th Addition, Anoka County, Minnesota

(“Subject Property”)

WHEREAS, the Planning Commission met on May 5, 2011, conducted a public hearing, and recommended City Council approval/denial of the request.

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

1. Based on Findings of Fact #___, a conditional use permit (“Permit”) to exceed sign size restrictions is hereby granted to Leroy Signs, Inc. (“Permittee”).
2. The **Permittee** is herein granted permission to erect two (2) wall signs on the **Subject Property**, each consisting of forty-five (45) square feet and each with two (2) foot high letters.
3. The signs shall not project outward from the wall to which they are attached more than six (6) inches.
4. The installation of the signs on the **Subject Property** shall require a sign permit from the City of Ramsey (the “City”).
5. The signs shall be properly constructed and maintained in accordance with Division 8 (Signs) & 117-118 (COR District) (f) (Signage) of the Ramsey City Code.
6. That the **Permittee** shall be responsible for all **City** costs incurred in administering and enforcing this **Permit**.
7. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
8. That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.

9. That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
10. That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit** it is grounds for suspension or revocation hereof consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 31st day of May, 2011.

Leroy Signs, Inc. hereby acknowledges receipt of this permit and has reviewed the conditions of this permit and has agreed to comply with the terms of this permit.

Leroy Signs, Inc.

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, _____, before me a Notary Public, personally appeared _____, the _____ of Leroy Signs, Inc., a domestic corporation under the laws of the State of Minnesota, on behalf of the corporation.

Notary Public

NAU Holding Company, LLC hereby acknowledges receipt of this permit and has reviewed the conditions of this permit and has agreed to comply with the terms of this permit.

NAU Holding Company, LLC

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, _____, before me a Notary Public, personally appeared _____, the _____ of NAU Holding Company, LLC, a limited liability company under the laws of the State of Minnesota, on behalf of the company.

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me a Notary Public personally appeared Bob Ramsey and JoAnn M Thieling, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Bob Ramsey and JoAnn M Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
15153 Nowthen Boulevard NW
Ramsey, MN 55303

This document reviewed by:
Randall, Dehn and Goodrich
2140 Fourth Avenue
Anoka, Mn 55303

Regular Planning Commission

6. 2.

Meeting Date: 05/05/2011

By: Chris Anderson, Community
Development

Title:

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

Background:

On April 11, 2011, the City received an application from Lawrence and Paula Ferber to operate an auto body repair business on the property located at 17441 Baugh St NW.

Notification:

In accordance with State statute, Staff attempted to notify property owners within 350 feet of the subject property of the public hearing via Standard US Mail. The Public Hearing was also published in the Anoka County Union, the City's official newsletter for public notices.

Observations:

In March of 2011, the City received a complaint concerning the potential operation of an auto body repair business being operated at 17441 Baugh St NW. Upon initial inspection, no evidence of a business was seen from the road. However, an auto body repair business was found online that matched this address and thus, Staff sent a notice of violation to the property owner regarding home-based businesses.

The subject property is approximately ten (10) acres in size and is zoned R-1 Residential (Rural Developing). There are two (2) detached accessory buildings on the property (behind the home) and the auto body repair business is currently being operated in the larger of the two detached accessory buildings. The business operation consists of minor repairs to the bodies of motor vehicles, such as doors, fenders, bumpers etc, including painting. The detached accessory building is equipped with a spray booth where the painting occurs. The hours of operation are Monday through Friday from 8:00 a.m. to 4:30 p.m. The applicant has stated that he does not have any employees and does no advertising; his business is strictly by referrals.

The detached accessory building is setback approximately 300 feet from Baugh St. and is screened partially by the home and a stand of evergreen trees. The only exterior evidence of the business operation is a small, fenced enclosure where various parts are stored until they can be disposed of properly, which is situated within the evergreen trees and is virtually unnoticeable from the road and adjacent properties.

The property to south of the subject property is approximately nine (9) acres in size and the properties to the north are all approximately 1.30 acres or larger. The nearest neighboring principal structure is approximately 275 feet from the detached accessory building housing the business operation.

City Code restricts the number of vehicle trips to two (2) vehicle trips per hour per standard eight (8) hour business day or sixteen (16) trips within a 24-hour period. However, since the subject property is located on county road (CR 83), City Code allows for an increased rate of twenty-five percent (25%) or twenty (20) vehicle trips per 24-hour period. According to the applicant, during his busiest weeks, he would not anticipate more than sixteen (16) vehicle trips per week, including deliveries, pick-ups, and clientele, clearly within the provisions of City Code.

The applicant has provided documentation verifying that the business operation complies with various federal requirements and that he has completed certain training requirements of the EPA with regard to spray painting.

Funding Source:

All costs associated with reviewing the application are the responsibility of the Applicant.

Staff Recommendation:

Planning Staff has consulted with both the Building Official and Fire Marshal regarding this request. The following factors were discussed and considered:

- Size of property (ten [10] acres)
- Screening
- Virtually no exterior evidence (other than the small, fenced enclosure)
- Relatively short duration remaining for the business operation (applicant has stated that he plans to retire in a couple years)
- Low level of intensity and frequency concerning actual repair and refinishing that occurs on the property
- Steps that the applicant has already taken, such as completion of EPA training requirements, documentation showing passing a paint arrestance filter test and use of a functional spray booth for painting.

Based on these factors, it is Staff's opinion that this business operation, in its current state, it appears that the use is not a nuisance to nor does it pose a safety concern for the surrounding properties. Therefore, Staff would recommend approving the request for a home occupation permit, provided that there shall be no exterior evidence of the home occupation, including but not limited to, outdoor storage of vehicles being serviced.

Committee Action:

Motion to recommend that City Council adopt Resolution #11-05-___ adopting Findings of Fact #___ relating to the Applicant's request for a home occupation permit.

-and-

Motion to recommend that City Council adopt Resolution #11-05-___ to approve the request for a home occupation permit based on the findings of fact.

Attachments

Site Location Map

Exterior Photos of Shop from Applicant

Site Photos Interior/Exterior

Aerial Image

EPA Rule 40 Compliance Status Report

EPA Rule 40 Paint Booth Compliance Report

Shop Insurance Policy

Concerns from Neighboring Property Owner

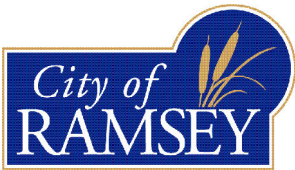
Findings of Fact

Proposed Home Occupation Permit

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Amy Dietl	04/26/2011 02:51 PM
Chris Anderson (Originator)	Chris Anderson	04/26/2011 02:56 PM
Tim Gladhill	Tim Gladhill	04/28/2011 09:20 AM
Aaron Backman	Aaron Backman	04/28/2011 11:33 AM
Form Started By: Chris Anderson		Started On: 04/25/2011 02:11 PM

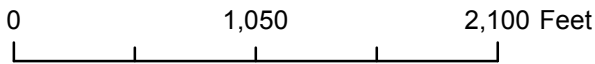
Final Approval Date: 04/28/2011



17441 Baugh Street

Legend

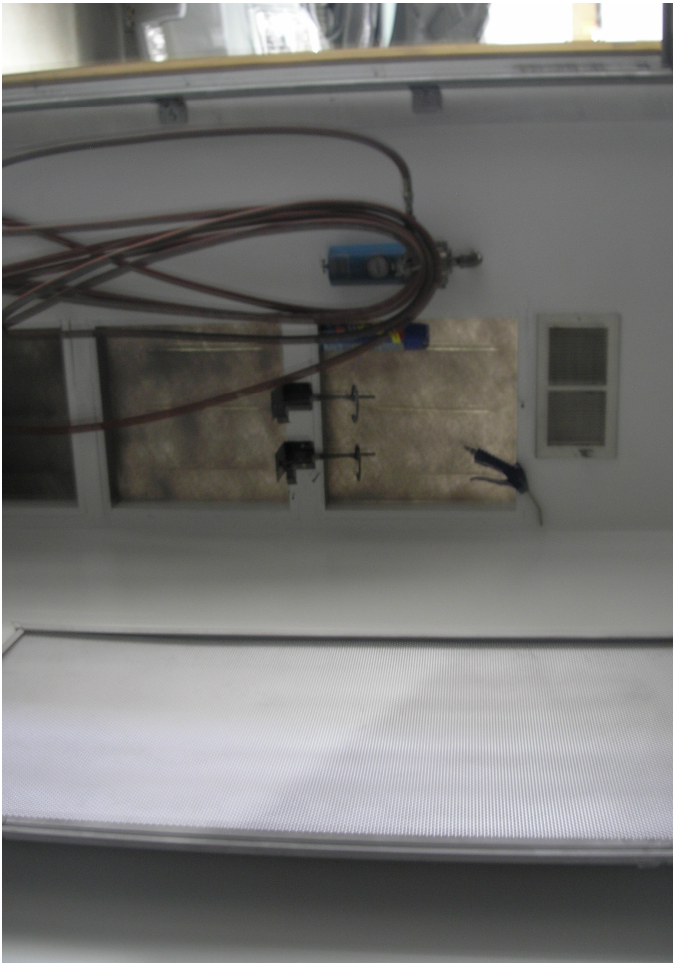
-  Site
-  Parcels



SHOP
PHOTOS













Notification of Compliance Status
For Paint Stripping and Miscellaneous Surface Coating Operations
Area Source NESHP
40 CFR Part 63, Subpart HHHHHH (Parts 63.11169-63.11180)

Auto body collision repair facilities subject to 40 CFR Part 63, Subpart HHHHHH must be in compliance with the requirements of the rule by January 10, 2011, and must submit a Notification of Compliance Status by March 11, 2011. Facilities that started up after September 17, 2007 must be in compliance with the requirements and notifications upon startup.

1. Company Information

Business Name LARRY'S AUTO BODY
Address 17441 BAUGH ST N.W
City, State, Zip RAMSEY, MN. 55303

2. Facility Location Information (if different from Company Information)

Business Name _____
Street Address (physical location) _____
City, State, Zip _____

3. Mobile Repair

Do you repair vehicles at the customer's location, rather than at a fixed location?

Yes No

If yes, please provide the address where records are kept

Address _____
City, State, Zip _____

4. Compliance Certification for Surface Coating – full requirements detailed in 40 CFR 63.11173(e) through (g)

If you surface coat motor vehicles or mobile equipment you must meet the following requirements:

- Spray-applied coatings must be applied in a preparation station or spray booth that:
 - Has a full roof and three complete walls/curtains when coating subassemblies.
 - Has a full roof and four walls/curtains when coating complete vehicles.
 - Has either dry filters demonstrated to achieve at least 98% capture of paint coating overspray or a waterwash system.
 - Is ventilated at either negative pressure, or at positive pressure of no more than 0.05 inches water gauge if the booth is sealed and has an automatic pressure balancing system.

- Spray-applied coatings must be applied with high-volume low-pressure (HVLP) spray guns, HVLP-equivalent technology, electrostatic application, airless spray gun, or air-assisted airless spray gun.
- Spray guns must be cleaned using non-atomizing methods.
- Painters must be trained and certified in the proper application of surface coatings.
- An Initial Notification form must be submitted to the U.S. Environmental Protection Agency (EPA).
- Records demonstrating compliance with these requirements must be kept on site.

Please Check One

<input checked="" type="checkbox"/>	This facility is currently in compliance with all of the requirements listed above.
<input type="checkbox"/>	This facility does not use coatings that contain cadmium, chromium, lead, manganese, or nickel, <u>and</u> has received an approved petition for exemption from the EPA.

5. Compliance Certification for Methylene Chloride Paint Stripping – full requirements detailed in 40 CFR 63.11173(a) through (d)

If you use paint strippers containing methylene chloride, you must meet the following requirements:

- Evaluate each use to see if there is truly a need for paint to be removed.
- Evaluate each use to see if non-chemical paint removal can be done.
- Minimize evaporation of paint strippers containing methylene chloride during use.
- Minimize exposure to the air of paint strippers containing methylene chloride.
- Practice proper storage and disposal of paint strippers containing methylene chloride.
- Track usage of methylene chloride paint strippers.

Please Check One

<input type="checkbox"/>	This facility is currently in compliance with the requirements listed above.
<input checked="" type="checkbox"/>	This facility does not use paint strippers containing methylene chloride.

If you use more than one ton (about 150 gallons) each year of paint strippers containing methylene chloride, you must:

- Develop and implement a written methylene chloride management plan addressing the above requirements, and
- In areas where paint strippers containing methylene chloride are used, post a placard outlining the plan.

Please Check One

<input checked="" type="checkbox"/>	This facility is currently in compliance with the requirements listed above.
<input type="checkbox"/>	This facility does not use more than one ton annually of paint strippers containing methylene chloride.

6. Compliance Verification Statement

I certify the truth, accuracy, and completeness of the information being submitted. The facility is in compliance with all the relevant standards of 40 CFR Part 63, Subpart HHHHHH.

Signature Lawrence J. Feber Date 3-14-11
Printed Name LAWRENCE J FEBER Title OWNER
Address 17441 BAUGH ST NW
City, State, Zip RAMSEY, MN 55303
Telephone number 763-441-3805 Email (if available) _____
I am the: Owner Operator Certifying Official

7. Where to send the completed Notification of Compliance Status

Retain a copy for your records.

If two addresses are listed for your state, send a copy to both addresses.

Indiana businesses

USEPA Region 5
Compliance Tracker AE-17J
77 W Jackson Blvd
Chicago, IL 60604

and

IDEM
Office of Air Quality
Compliance and Enforcement Branch
100 North Senate Avenue
MC61-53, IGCN 1003
Indianapolis, IN 46204-2251
No State Submittal Required

Michigan businesses

USEPA Region 5
Compliance Tracker AE-17J
77 W Jackson Blvd
Chicago, IL 60604

No State Submittal Required

Minnesota businesses

USEPA Region 5
Compliance Tracker AE-17J
77 W Jackson Blvd
Chicago, IL 60604

Wisconsin businesses

USEPA Region 5
Compliance Tracker AE-17J
77 W Jackson Blvd
Chicago, IL 60604

and

MACT Notifications
WI DNR - Air Program AM/7
PO Box 7921
Madison, WI 53707-7921

LARRY FERBEL
Paint Technician

HAS SUCCESSFULLY COMPLETED
THE TRAINING REQUIREMENTS AS OUTLINED IN

EPA Rule 40 CFR Part 63

Subpart HHHHHH

**National Emission Standards for
Hazardous Air Pollutants (HAP)**



Signed by Training Instructor

3/23/11

Date of Training



EPA Rule 40 CFR Part 63 subpart HHHHHH Training Review

Technician Name: LARRY FERREN

Date: 3-23-11

1. A technician paints cars and light trucks at a local collision center. Is this technician required to have documented training under EPA Rule 40 CFR Part 63?

- Yes
- No

2. Which of the following help improve transfer efficiency?

- Spray gun set-up
- Gun distance
- Spray overlap
- All these

3. Where may coatings be sprayed under EPA Rule 40 CFR Part 63?

- Open shop floor
- Enclosed prep stations
- Enclosed booths
- Outdoors

4. How may spray guns be cleaned under this EPA Rule?

- Spraying solvent into booth filter
- Enclosed gun cleaner or by hand

5. Does my shop have to notify the EPA that we are compliant to EPA Rule 40 CFR Part 63?

- Yes
- No



EPA Rule 40 CFR Part 63 subpart HHHHHH Training Review

Technician Name: LARRY FERBER Date: 3-21-11

6. How often is painter recertification required?

- Every 2 years
- Every 3 years
- Every 4 years
- Every 5 years

7. Is a facility that does not apply products containing target HAPs automatically exempt from this rule?

- Yes
- No

8. Are non-refillable aerosols exempt from this rule?

- Yes
- No

9. This rule requires my shop to document that the spray booth filters have 98% or greater efficiency

- Yes
- No

10. Proper overlap for spray coatings is

- 45% - 55%
- 55% - 65%
- 65% - 75%
- 75% - 85%

Score: 100 %



Compliance Checklist for LARRY FERBER

Paint Technician Name

Training content:

- Roles requiring training
- Identify coatings subject to EPA Rule
- Select compliant equipment
- Select compliant spray guns, fluid tips, and gun set-ups for the products used
- Describe regulations regarding spray booth operations and filter maintenance
- Make adjustments to spray technique to maximize efficiency and minimize overspray
- Identify compliant methods for cleaning spray guns

Training Evaluation:

- Knowledge Assessment completed
- Observed Performance:
 - Proper spray equipment
 - Proper gun set-ups
 - Proper spray techniques
 - Proper booth filters
 - Proper cleaning techniques

I certify that the Technician named above has successfully completed the hands-on training and evaluation to meet the requirements of EPA Rule 40 CFR Part 63 Subpart HHHHHH National Emission Standards for Hazardous Air Pollutants (HAP)

Larry Ferber
Signed by Collision Center Owner

3-23-11
Date

Re-certification required by 3-23-16 (date)



PAINT ARRESTANCE FILTER TEST REPORT
Spray Removal Efficiency & Paint Holding Capacity

Tested for: Air Flow Technology Inc.
Filter Mfr.: Air Flow Technology Inc.
Filter Name: 15 Grams Paint Arrestor
Report#/Test#: R 660 T 760
Report Date: March 16, 2005

Test Information

FILTER DESCRIPTION:

White/Green highloft fiberglass

PAINT DESCRIPTION:

High Solids Baking Enamel (S.W. #1 Permaclad 2400, red)

PAINT SPRAY METHOD:

Conventional Air Gun at 40 PSI

SPRAY FEED RATE:

137 gr./min. 130 cc./min.

AIR VELOCITY:

150 FPM

Test Results

INITIAL PRESSURE DROP of Clean Test Filter

0.02 in. water

FINAL PRESSURE DROP of Loaded Test Filter

0.14 in. water

WEIGHT GAIN on TEST FILTER & Test Frame Trough

3925 grams

PAINT HOLDING CAPACITY of TEST FILTER

1073 grams = 2.4 lbs.

PAINT RUN-OFF

2852 grams

WEIGHT GAIN on FINAL FILTER

47.1 grams = PENETRATION

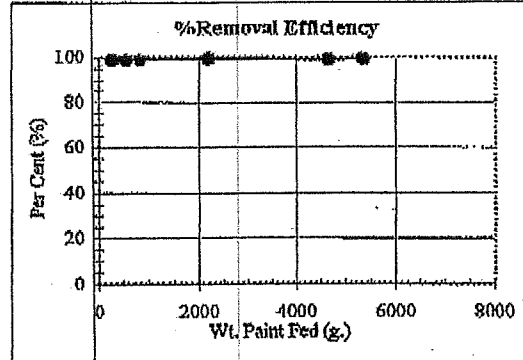
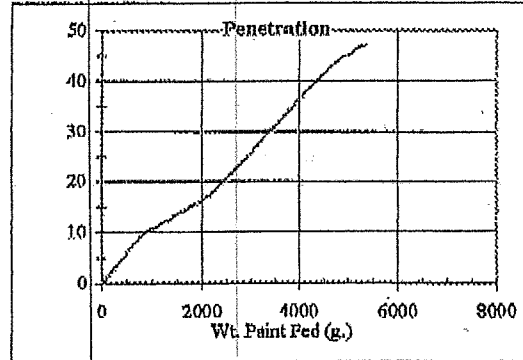
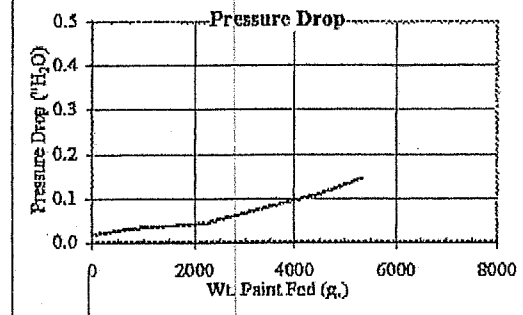
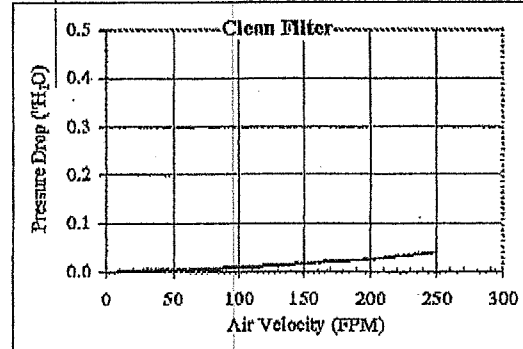
AVERAGE REMOVAL EFFICIENCY of TEST FILTER

98.81 %

COMPLIANT WITH 40 CFR PART 63 NESHAP

Test Engineer: Todd Kruger

Supervising Engineer: K. C. Kwok, Ph.D.





PPG BUSINESS DEVELOPMENT CENTER REGISTRATION FORM.

This form must be completely filled out to properly register you for class.

Participant

Y Social Security #: (LAST 4 DIGITS ONLY) 3181518

X Name: LARRY FERBER

Home Address: 17441 BAUGH ST NW

1 City: Ramsey State: MN Zip: 55303

X Home Phone Number: (763) 441-3805

Job Title: OWNER

Sponsoring Jobber

Name: KEYSTONE AUTOMOTIVE

City: MINNEAPOLIS, MN State: _____

Account #: _____ P. O. # _____

[Signature]
Distributor Signature Date _____

[Signature]
PPG Territory Manager Territory # _____

Do you have a minimum of one (1) year technician experience in a collision repair facility and are you familiar with basic paint application techniques? yes no

Do you have any health concerns which may prohibit your participation in any hands-on activities involving application of refinish products? yes no

If yes, what are they? _____

Signature: [Signature]

Date: 3-10-11

Company / Employer

X Name: LARRY'S AUTO BODY

X Address: 17441 BAUGH ST NW

X City: Ramsey State: MN Zip: 55303

X Phone Number: (763) 441-3805

X Fax Number: (763) 441-7640

Certified First

Class Information

Class Desired: 6H Class

Date: Waiting list

(First Choice) (Second Choice)

Location: Edina MN

(First Choice) (Second Choice)

- For list of available classes contact Faxback at 1-800-450-2654 or www.ppgrefinish.com.
- You will be invoiced through your sponsoring jobber.
- For product-related classes, travel/lodging arrangements and costs are the participant's responsibility.
- Do not make airline reservations until you have received written confirmation.

Cancellation Notice

Please remember you must cancel your class registration three (3) business days prior to start of class, otherwise a "No Call - No Show" will result in PPG billing you the full cost of this class.

Please fax or mail this completed application to:

PPG Business Development Center
7715 Parklawn Ave
Edina, MN 55435
Phone: 952-831-3181

Fax: 952-831-5606



**MIDWEST FAMILY MUTUAL
INSURANCE COMPANY**
P.O. BOX 9425 Minneapolis, MN 55440-9425

PART B DECLARATION PAGE

GARAGE BUSINESSOWNER

Renewal Coverage Summary

DB

POLICY NUMBER	FROM	POLICY PERIOD	TO	12:01 AM STANDARD TIME	AGENT
GRMN0560025417	08/17/10	08/17/11			00250
NAMED INSURED AND ADDRESS				AGENT	
LAWRENCE JOSEPH FERBER DBA: LARRY'S AUTO BODY 17441 BAUGH ST RAMSEY, MN 55303				ASPEN AGENCY LLC 2669 COON RAPIDS BLVD NW COON RAPIDS, MN 55433 Phone: (763) 755-7000	
				19	

* IF SUPPLEMENTAL DECLARATION SUPPLEMENTAL DECLARATION

Business Description: Auto Body or Paint Shops	Form of Business: Individual
--	--

In return for the payment of the premium and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy.

DESCRIBED PREMISES	Forms Applicable: Special
Premises No. Bldg. No. Location	Mortgage Holder Name and Address

SEE ATTACHED SUPPLEMENTAL DECLARATIONS

SEE ATTACHED SCHEDULE

PROPERTY	PREM. NO.	BLDG. NO.	PREM. NO.	BLDG. NO.	PREM. NO.	BLDG. NO.
-----------------	-----------	-----------	-----------	-----------	-----------	-----------

SEE ATTACHED SUPPLEMENTAL DECLARATIONS

Deductible \$ SEE ATTACHED SUPPLEMENTAL DECLARATIONS

OPTIONAL COVERAGES

SEE ATTACHED SUPPLEMENTAL DECLARATIONS

LIABILITY AND MEDICAL PAYMENTS

Except for Fire Legal Liability, each paid claim for the following coverages reduces the amount of insurance we provide during the applicable annual period. Please refer to paragraph D.4. of the Businessowners Liability Coverage Form.

	Limits of Insurance
Liability \$100 DEDUCTIBLE COMPLETED OPERATIONS	\$1,000,000 per accident/ \$2,000,000 annual aggregate.
Medical Expense	\$5,000 per person
Fire Legal Liability	\$150,000 any one fire or explosion

TOTAL PREMIUM \$1,842.00

FORMS AND ENDORSEMENTS: SEE ATTACHED SCHEDULE
SYMBOL 30 APPLIES TO GARAGE LIABILITY (See CA0005)

THESE DECLARATIONS, TOGETHER WITH THE COVERAGE FORM(S), COMMON POLICY CONDITIONS AND FORMS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART THEREOF, COMPLETE THE ABOVE NUMBERED POLICY.

Includes copyright material of Insurance Service Office Inc., with its permission. Copyright Insurance Service Inc., 1984, 1985

DATE 07/20/2010
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Renewal Coverage Summary

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			Phone: (763) 755-7000	19

BUSINESSOWNERS SUPPLEMENTAL DECLARATIONS

===== LOCATION ADDRESS(ES) =====

Premis. No.	Bldg. No.	Address
1	1	17441 BAUGH ST, RAMSEY MN 55303

===== DESCRIPTION OF PREMISES =====

Premis. No.	Bldg. No.	Occupancy	Construction
1	1	Auto Body or Paint Shops	Frame

===== COVERAGES =====

COVERAGES PROVIDED

Premis. No.	Bldg. No.	Coverages	Limit of Insurance	Automatic Increase in Insuranc	Ded
1	1	Building - RC	\$94,800	6%	\$1,000
1	1	Personal Property/Contents - RC	\$19,000	6%	\$1,000

OPTIONAL COVERAGES

Premis. No.	Bldg. No.	Coverages	Limit	Ded
1	1	Uninsured Motorist	\$500,000	
1	1	Underinsured Motorist	\$500,000	
1	1	Personal Injury Protection	\$0	
1	1	Non-Owned Auto Liability	\$1,000,000	
1	1	Loss of Income/Extra Expense	ACTUAL LOSS SUSTAINED	
1	1	Garagekeepers- Collision - Primary	\$60,000	\$1,000
1	1	Garagekeepers- Comprehensive - Primary	\$60,000	\$1,000



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PART B DECLARATION PAGE

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			19	

Tool Floater Coverage

Description	Serial Number	Value	Deductible	Premium
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FORM SCHEDULE

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:

FORMS APPLICABLE TO ALL PREMISES AND COVERAGES

Form	Edition	Description	Loc Item	Ded	Limit	Premium
BP0002	06-89	Businessowners Special Property Coverage Form				
BOP0996	05-00	Deductible Clause				
BP 05 15	01-08	Disclosure Pursuant to Terrorism Risk Ins Act				
BP-05-26	01-08	Nuclear, Bio, Chemical Terrorism Exclusions				
BP0009	06-89	Businessowners Common Policy Conditions				
BP0125	06-90	Minnesota Changes				
BP0412	01-87	Limitation of Coverage to Designated Premises				
BP0417	06-89	Employment - Related Practices Exclusion				
CA0005	06-92	Garage Coverage Form				
CA0218	01-92	Minnesota Changes - Cancellation & Nonrenewal				
CA2505	06-92	Garage Locations & Operations Med Payment Cov				
GAR0001	10-92	Policy Conditions				
GAR0002	10-92	Garage Property Amendatory Endorsement				
IL0003	06-89	Calculation of Premium				
IL0017	11-85	Common Policy Conditions				
IL0021	11-85	Nuclear Energy Liability Exclusion Endt				
MFM 001	01-08	Policy Holder Notice				
MFM-GR01	01-08	Dealers Covered Auto Symbols				
MFM-GR02	01-08	Drive Away Collision Extension				
MFMBP-02	01-09	Asbestos Exclusion				
PRIV NTC	07-01	Privacy Policy Notice				
BOP 0006	06-89	Liability Coverage Form				
CA 21 24	01-90	UM/UIM Motorist Coverage - MN				
CA2225	12-96	MN PIP				

DATE 07/20/2010
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PART B DECLARATION PAGE

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				19

FORM SCHEDULE

Forms and Endorsements applying to this Coverage Part and made part of this policy at time of issue:

FORMS APPLICABLE TO ALL PREMISES AND COVERAGES

Form	Edition	Description	Loc Item	Ded	Limit	Premium
CA2510	06-92	Fire Legal Liability Coverage - Garage				
GAR0003	10-92	Garagekeepers Coverage				
IR 00 85	04-05	Identity Recovery Rejection				

Chris Anderson

From: Dan Guynn [danguynn@mindspring.com]
Sent: Monday, April 25, 2011 6:56 PM
To: Chris Anderson
Subject: Concerns regarding request for Home Occupation Permit

Chris,

Thanks very much for your help understanding the scope of the permit requested by our neighbor and the permitting process.

Our concerns are described below; we will also send the commission a paper copy by mail.

Dan

Re: Request from Lawrence and Paula Ferber for a Home Occupation Permit,
Auto body repair shop, Lot 1, Block 1, Whitetail Meadows, Anoka County, Minnesota

We live immediately adjoining the subject property, on Lot 2. Although we have had no problems with the Ferbers' business as it has operated thus far, a horrible experience with a similar situation in another locality makes us worry about a possible repeat of those troubles.

In that prior case, shortly after we had built on a rural property, the adjacent land owners began bringing in junked cars. They told us they just did a little work for friends. Before long it became a full-fledged junk yard - hundreds of vehicles -- in violation of all the laws and regulations. It was ugly, it was noisy at all hours, and it lowered property values for everyone around. Orders from county zoning went ignored. Only after multiple court hearings, when a judge began issuing expensive citations for contempt, was the junk removed. Getting this resolved took a lot of time, effort, and emotional stress. We don't want to go through that again.

The Ferbers' business has not been like that. But we want the City to make sure that the permit, if issued, does not allow anything similar to happen in the future.

Our neighborhood is pleasant, quiet, rural residential suburbia, a nice place to live. We urge the Planning Commission to include limits on hours of operation, traffic, and (preferably no) signage, to keep the business no larger than it currently is. We urge that the permit, if issued, apply only to the Ferbers and not to future owners. And of course, we oppose any outdoor storage of junked vehicles.

Sincerely,

Dan Guynn, Jr. & Pamela L. Guynn
17411 Baugh St. NW
Ramsey, MN 55303

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-___

A RESOLUTION ADOPTING FINDINGS OF FACT #___ RELATING TO A REQUEST FROM LAWRENCE AND PAULA FERBER FOR A HOME OCCUPATION PERMIT TO OPERATE AN AUTO BODY REPAIR AND REFINISHING BUSINESS ON THE PROPERTY LOCATED AT 17441 BAUGH ST NW.

WHEREAS, the City of Ramsey received an application from Lawrence and Paula Ferber requesting a home occupation permit to operate an auto body repair and refinishing business in a detached accessory building located on the property generally known as 17441 Baugh St NW and legally described as follows:

Lot 1, Block 1, Whitetail Meadows, City of Ramsey, Anoka County, Minnesota.

(the "Subject Property")

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That on April 11, 2011, Lawrence and Paula Ferber, herein referred to as the "Applicant", properly applied for a home occupation permit to operate an auto body repair and refinishing business (the "Home Occupation") in a detached accessory building on the **Subject Property**.
2. That the **Applicant** appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on May 5, 2011, and that said public hearing was properly advertised.
3. That the **Subject Property** is zoned R-1 Residential (Rural Developing) and the surrounding parcels are also zoned R-1 Residential (Rural Developing).
4. That the **Subject Property** is approximately ten (10) acres in size; the lot to the south is approximately nine (9) acres and the lots to the north and east are at least 1.3 acres or larger in size.
5. That the **Applicant** shall occupy and own the dwelling unit on the site of the **Home Occupation**.
6. That the **Home Occupation** is located in a detached accessory building located on the **Subject Property** and shall not exceed total accessory building space or height allowed on the site of the home occupation (allowed 6,000 square feet of accessory building space and a maximum allowable height of twenty-two [22] feet; **Home Occupation** is located in a fifty-two by thirty-six [52 x 36] square foot building [1,872 sq. ft.] and the **Subject Property** also includes a second, smaller detached accessory building and an attached garage, which combined square footage is less than 6,000 sq. ft.).
7. That at least 400 square feet of garage space will be reserved for indoor residential parking and storage related to the residential use on the **Subject Property**.
8. That the only exterior evidence of the **Home Occupation** on the **Subject Property** is a small, fenced enclosure, just west of the detached accessory building and well screened from the road by a stand of evergreen trees, which is used to store miscellaneous parts until they can be disposed of properly.

9. That there is no interior or exterior business signs or display related to the **Home Occupation** on the **Subject Property**.
10. That there shall be no more than twenty (20) vehicle trips per 24 hour period related to the **Home Occupation**, as established in City Code Sec. 117-351 (Home Occupations). Vehicle trips shall include deliveries, non-residential waste collection, customers and employees.
11. That the **City** finds the **Home Occupation** does not constitute a fire hazard to neighboring residences.
12. That the **City** finds the **Home Occupation** does not constitute a nuisance to neighbors due to excessive traffic, light glare, noise, odors, vibration or other circumstances.
13. That the **Home Occupation** does involve operations related to auto body repair and refinishing.
14. That the **Home Occupation** does not employ any persons that do not live in the dwelling unit on the **Subject Property** (Non-resident Employees).
15. That based on the size of the **Subject Property**, the Applicant could utilize up to three (3) Non-resident Employees for the **Home Occupation**.
16. That the **Home Occupation** does include operating methods that include transactions with the public (customers, clients, consultants, subcontractors, etc.) on the **Subject Property**.
17. That the **Home Occupation** does not conduct retail sales on the **Subject Property**.
18. That the **Home Occupation** business hours are proposed to be 8:00 a.m. to 4:30 p.m. Monday through Friday. The **Home Occupation** will not operate on Saturdays or Sundays.
19. That all structures shall comply with all applicable codes, including, but not limited to, building, fire and zoning.
20. That the **City** finds the **Home Occupation** operates beyond the parameters of a general and administrative home occupation permit requirements (117-351) and therefore requires Planning Commission and City Council review and approval.
21. That the **City** finds that the **Home Occupation** operates/does not operate beyond the intent and parameters of 117-351 (Home Occupations) and finds that the **Home Occupation** is/is not low-level and is not a use typically found in a residential area.
22. That the proposed use will/will not adversely impact traffic in the area.
23. That the proposed use will/will not be compatible with the residential neighborhood due to density and lot size of the surrounding lots.
24. That the proposed use will/will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
25. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of neighboring properties.

26. That the proposed use will/will not be hazardous or disturbing to existing or future neighboring uses.
27. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
28. That the proposed use will/will not create excessive additional requirements at public cost for public facilities and services, and it will/will not be detrimental to the economic welfare of the community.
29. That the proposed use will/will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

where upon said resolution was declared duly passed and adopted by the Ramsey City Council on this the 31st day of May, 2011.

Mayor

ATTEST:

City Clerk

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-__

A RESOLUTION APPROVING THE ISSUANCE OF A HOME OCCUPATION PERMIT TO OPERATE AN AUTO BODY REPAIR AND REFINISHING BUSINESS ON THE PROPERTY LOCATED AT 17441 BAUGH ST NW BASED ON FINDINGS OF FACT #__ AND DECLARING TERMS OF PERMIT

WHEREAS, the Ramsey City Council adopted Resolution #11-05-__ adopting Findings of Fact #__ for this use and herein approves the home occupation permit.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

On May 31st, 2011, a home occupation permit ("Permit") was issued by the City of Ramsey ("CITY") to Lawrence and Paula Ferber ("PERMITTEE") to operate an auto body repair and refinishing business on the property generally known as 17441 Baugh St NW and legally described as follows:

Lot 1, Block 1, Whitetail Meadows, City of Ramsey, Anoka County, Minnesota.

(the "Subject Property")

This permit is issued pursuant to Section 117-51 and 117-351 of the Ramsey City Code. The conditions of this permit are as follows:

1. That this resolution shall allow for the operation of an auto body repair and refinishing business (the "Home Occupation") to operate in a detached accessory building on the **Subject Property**. The area set aside for the home occupation in the detached accessory building shall not exceed the total accessory building space or height allowed on the site (as established in City Code Section 117-349). The **PERMITTEE** shall be required to reserve at least 400 square feet of accessory building space for the purposes of the primary residential use.
2. That the **PERMITTEE** shall reside in the dwelling unit of the **Subject Property** and is allowed up to three (3) non-resident employees (the "Non-resident Employees") on the **Subject Property** unless otherwise permitted by City Code. Notification must be given to the **CITY** if the **PERMITTEE** will utilize any non-resident employees.
3. That the established business hours are Monday-Friday from 8:00 a.m. to 4:30 p.m. on the **Subject Property**. The Home Occupation may not operate on Saturdays or Sundays.
4. That the number of vehicular traffic trips per day to and from the **Subject Property** may not exceed twenty (20) vehicle trips per twenty-four (24) hour period and vehicular traffic trips include deliveries, non-residential waste collection, customers, and employees, five (5) days a week on the Subject Property.
5. That the **PERMITTEE** shall not lease the business portion of the accessory building located on the Subject Property to any person(s) that does not reside on the **Subject Property**.
6. That the **PERMITTEE** agrees to comply with Chapter 117, Article II, Division 6, Subdivision 1 of City Code, titled "Signs".

7. That the **PERMITTEE** agrees to comply with section 117-355 of City Code relating to outside storage and maneuvering of vehicles and equipment on the **Subject Property**; all parking and maneuvering areas on the **Subject Property** must be surfaced with concrete, bituminous or class V gravel.
8. That should the **PERMITTEE** utilize Non-resident Employees, they shall park on the driveway on the **Subject Property**.
9. That the **PERMITTEE** agrees there shall be no exterior evidence of the home occupation on the **Subject Property** other than the existing, small, fenced enclosure west of the detached accessory building and customer and employee parking.
10. That the **PERMITTEE** must obtain all applicable permits to ensure that the structures are compliant with all applicable state and local codes.
11. That the **PERMITTEE** shall install proper ventilation for the flammable liquid separator, which is located on the exterior of the detached accessory building and is required to collect waste from the floor drain, within ten (10) days of approval of this **PERMIT**. Said ventilation shall be a minimum three (3) inch vent installed a minimum of twelve (12) inches above finished grade.
12. That should the **PERMITTEE** die or sell the **Subject Property**, the **Permit** shall be automatically terminated, except that in the case of death, should a surviving spouse or child, residing at the same address, desire to continue the home occupation, written notice to that effect shall be given to the City Administrator and the City Council may authorize continuation of the **Permit** without further hearing.
13. The **PERMITTEE** shall reside on the **Subject Property**; if the **PERMITTEE** does not reside on the **Subject Property**, the **Permit** shall be terminated.
14. That adequate water supply and on-site sewage disposal facilities shall be the responsibility of the **PERMITTEE**.
15. The **PERMITTEE** shall be responsible for maintaining any applicable State or County licenses and permits.
16. The **PERMITTEE** shall be responsible for all costs incurred in the administration and enforcement of this **Permit**.
17. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
18. That the **PERMIT** may be suspended or revoked by the City Council for cause after a hearing before the City Council. Any such revocation hearing shall be processed the same as for conditional use permits in accordance with City Code Section 117-51.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 31st day of May, 2011.

Lawrence and Paula Ferber, owner(s) of fee title to the Subject Property, hereby acknowledge receipt of this Permit and have reviewed the conditions of this Permit and have agreed to comply with the terms of this Permit.

Lawrence Ferber

Paula Ferber

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, _____, before me a Notary Public, personally appeared Lawrence and Paula Ferber, husband and wife, owner(s) of fee title to the Subject Property, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared Bob Ramsey and JoAnn M Thieling, to me personally known, who, being each by me duly sworn did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council and said Bob Ramsey and JoAnn M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

The document drafted by:
The City of Ramsey

This document reviewed by:
Randall and Goodrich

7550 Sunwood Dr NW
Ramsey, Minnesota 55303

2140 Fourth Avenue
Anoka, MN 55303

Regular Planning Commission

6.3.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

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

Background:

Every ten (10) years, municipalities within the Metropolitan Council's jurisdiction are required to adopt an updated Comprehensive Plan per Minnesota Statute 473, which includes a Future Land Use (FLU) Map. The City recently completed this round of updates and officially instituted a revised FLU Map. Within nine (9) months, the City must now update its official controls, including zoning code text amendments and amendments to the Official Zoning Map to be consistent with the Future Land Use Map.

Notification:

The Public Hearing was properly notified in the Anoka County Union. Although mailing notices are not required if the amendment involves more than five (5) acres, City Staff attempted to notify affected parcels of the Public Hearing via Standard US Mail.

Observations:

The City is processing these amendments in phases. This first phase included amendments that did not include revised or new zoning districts be established. This second phase consists only of the current Central Rural Reserve District as a follow up to the Central Rural Reserve Study. The final phase is anticipated to include those areas which require new or revised zoning districts. These districts include an 'Office Park' and 'Park' zoning district, which are currently not established in the zoning code at this time.

Prior to the 2030 Comprehensive Plan Update, the City undertook a study to review the redevelopment potential of the area known as the Central Rural Reserve. The study ranged from land use types, to current traffic pattern concerns, to aging private septic stems, to protecting existing land owners and natural resources. The City received a great deal of feedback and data as part of the process and the Open House was well attended. The ultimate decision based on completion of the study was to make no formal redevelopment effort at this time nor make any permanent changes to the land use designation based on the Study itself.

The 2030 Comprehensive Plan guides this area now as Rural Developing consistent with the remainder of the rural-type zoning surrounding this area. The minimum lot size in this area is currently ten (10) acres. The proposed Rural Developing category has a minimum lot size of 2.5 acres. Also, the Rural Developing category is not guided for city sewer and water.

Based on questions from the public, Staff has revised the map that was mailed to impacted parcels. The revised map attempts to clarify the actual area of change. It should be noted that the proposed amendment does not have any negative impact to wetlands, which are protected under Minnesota Statutes related to the Wetland Conservation Act. Also, the proposed amendment is not an indication of any pending development, simply reverting back to the original zoning following completion of the Central Rural Reserve Study. The revised map also overlays existing wetlands to illustrate areas of protected wetlands.

Funding Source:

All costs associated with the amendment are being handled as regular staff duties.

Staff Recommendation:

City Staff recommends approval of the Ordinance to amend the Official Zoning Map as presented.

Committee Action:

Motion to recommend the City Council approve the Ordinance to amend the Official Zoning Map as presented.

Attachments

Proposed Zoning Map Changes

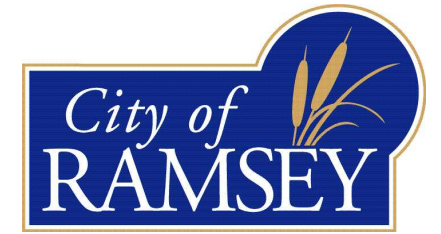
Approved Future Land Use Map

Proposed Ordinance

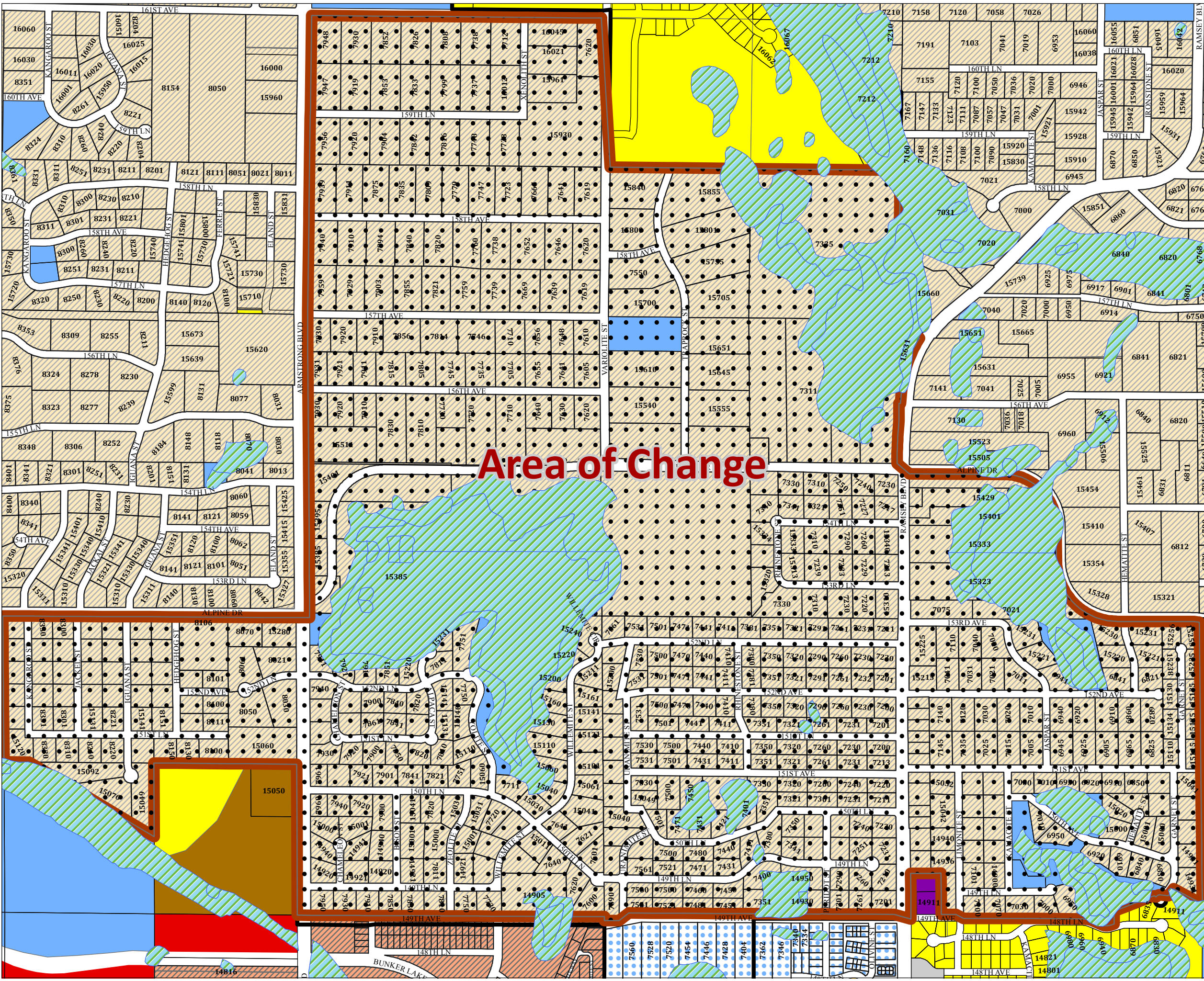
Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/21/2011 02:33 PM
Aaron Backman	Aaron Backman	04/21/2011 03:21 PM
Tim Gladhill (Originator)	Tim Gladhill	04/28/2011 03:41 PM
Form Started By: Tim Gladhill		Started On: 04/21/2011

Final Approval Date: 04/28/2011

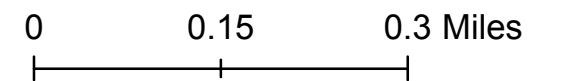


Official Zoning Map Proposed Changes



- NWI
- Former Central Rural Reserve
- 2030 MUSA
- R-1 Residential (MUSA)
- R-1 Residential (Central Rural Reserve)
- R-1 Residential (Rural Developing)
- R-2
- R-3
- B-1
- B-2
- H-1
- E-1
- E-2
- MU-PUD
- Public/Quasi-Public
- PUD
- Town Center (See Master Plan for Sub-Districts)
- Parcels

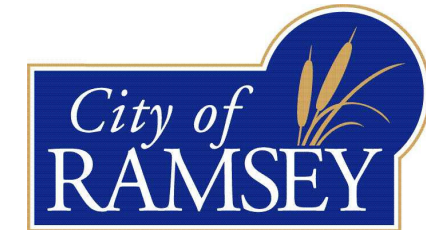
Update: March 2011
Update: April 2011



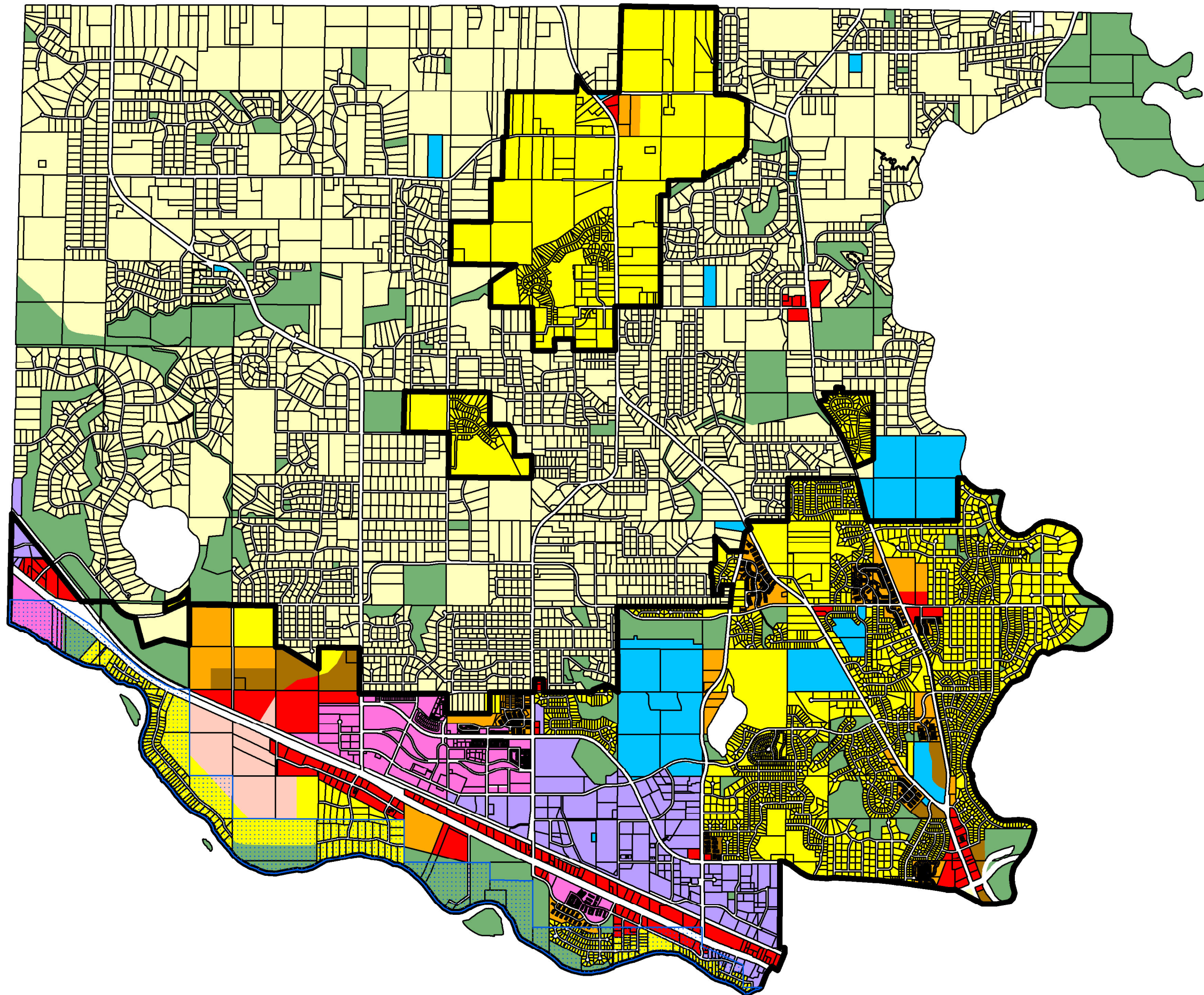
This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free.

The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

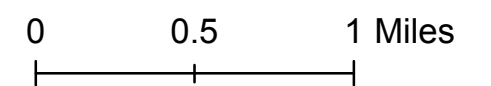
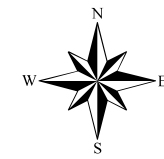
The City of Ramsey disclaims any responsibility for or liability for the accuracy of the information at any point of initial contact with a GIS user. The public has general access to the geographic information provided pursuant to Minnesota Statute 466.03, Subd. 21 (2000), and the user of this map acknowledges that the City of Ramsey is immune from any and all claims brought by User, its employees or agents, or third parties with respect to the user's access of the data.



2030 Comprehensive Plan Future Land Use Map



- Future Land Use
- LDR
 - MDR
 - HDR
 - Office Park
 - Commercial
 - MU
 - Business Park
 - Public
 - Rural Developing
 - Rural Preserve
 - Park
 - MUSA
 - MRCCA Boundary



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ORDINANCE #11-__
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISIONS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-90 "MAP" OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.

SECTION 1. AMENDMENT

The following legally described properties or portions thereof, herein attached as Exhibit A, are hereby rezoned from R-1 Residential (Central Rural Reserve) to R-1 Residential (Rural Developing).

(the "Subject Property")

SECTION 2. MAP

The City is hereby instructed to cause this amendment to be shown on the "City of Ramsey Zoning Map", which map was adopted pursuant to Section 117-90 of the Ramsey City Code.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota the _____ day of _____, 2010.

Mayor

ATTEST:

City Administrator

- Introduction date:
- Posting dates:
- Adoption date:
- Publication date:
- Effective date:

Exhibit A
R-1 Residential (Central Rural Reserve) to R-1 Residential (Rural Developing)

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Regular Planning Commission

6. 4.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

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

Background:

The City has received an application from Karl Janzen for an Interim Use Permit (IUP) to operate Ramsey Raceway, a go-cart racing track to host a weekly racing circuit. The Subject Property is the former site of an Oasis Market gas and convenience store, set to be demolished over the next month. The City acquired the parcel for the eventual reconstruction of Armstrong Boulevard. The proposed interim use would be set to expire when the parcel is needed for this public purpose.

The purpose and intent of allowing interim uses is to allow for uses for a limited time that reasonably utilizes the property where it is not reasonable to utilize in the manner provided in the comprehensive plan and to allow uses that are presently acceptable but that, with anticipated development will not be acceptable in the future. In issuing the permit, the City should find the following:

- The use generally conforms with zoning regulations (i.e. bulk standards)
- The date or event that will terminate the use can be identified with certainty
- Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future
- The user agrees to any conditions that the City Council deems appropriate for permission of the use.

Notification:

All properties within 350 feet of the Subject Property were notified of the Public Hearing by Standard US Mail. The Public Hearing was also notified in the Anoka County Union, the official newspaper of the City of Ramsey.

Observations:

The Subject Property is approximately 1.23 acres in size and the proposed track would be less than one (1) acre in size and consist of a clay surface. The Subject Property is located just north of Highway 10 and the parallel railroad tracks, and west of Armstrong Blvd. The proposed track would be a 'sunken' track, in that grades would be lowered from the existing surface to create a bowl effect. This was done to decrease visibility of the track itself from Armstrong Boulevard and attempt to better manage stormwater. The proposed use would be classified as commercial outdoor recreation, which is not currently an allowable use within the COR-2 sub-district, but could serve as an acceptable interim use of the Subject Property until such time it is needed for the eventual reconstruction of Armstrong Boulevard. When reviewing the proposed IUP, Staff focused on the following:

- Other potential uses that would be viable for a short interim period such as this
- Compatibility with surrounding uses, including The COR
- Compatibility and potential issues with the City's public nuisance ordinances
- Safety of racers and spectators

The site plan indicates construction of a wood privacy fence for aesthetic controls and screening, and a chain link fence around the track itself for spectator safety. The interior fence would be lined with tires 18-24 inches high, consistent with the Applicant's insurance requirements, according to the Applicant. A water truck is proposed to be used to control dust created by the racing surface. The Applicant has stated that all safety measures are being provided in accordance with insurance requirements. Staff has avoided making subjective direction as to safety measures to avoid exposure to liability in case the City's safety recommendations were ever deemed insufficient.

Races would be held weekly in summer months on either Friday or Saturday nights with one race per week. The

Applicant would also like the flexibility to host other similar events, such as snowmobile racing in the winter months. All racing would need to comply with the City's nuisance regulations found in City Code Section 30-3 (Public nuisances), including noise regulations.

A portion of the adjacent property is proposed to be used for racer parking, but not for parking for spectators of the event. There are no plans to upgrade this parking area and thus, parking would be accommodated directly on top of the existing grass area. The owner of the adjacent parcel will need to be party to the IUP in order for this to be accomplished.

The Applicant is proposing to utilize four (4) portable restrooms on the Subject Property. In a cursory review by Staff, it appears that a special event with the proposed number of attendees falls in line with this calculation ranging from four (4) to six (6) portable restrooms. Other items to be used on the Subject Property include an electrical distribution box, concession trailers, and small accessory structure (for racer check-in). Alcohol will not be served on site. The Applicant is also proposing a eight (8) foot by four (4) foot sign affixed to the proposed privacy fence. The Applicant is working on a final electric distribution plan to maximize safety of the distribution box. All items to be placed or erected on the Subject Property shall be subject to applicable licenses and permits.

Staff's principle concern is in regards to available on-site parking for this assembly type use. With only 21 available off-street parking spaces provided, this would only provide for an estimated 50-60 spectators. As stated above, parking for race teams would be proposed for the parcel to the west of the Subject Property. The proposed interim use has the potential go draw a larger crowd with this. The parking lot is connected to the parcel to the north, which could absorb some of this parking demand, although would take away from available spaces for that use. Staff would recommend the Applicant provide proof-of parking for an additional 30 spaces or more including shared parking agreements with both adjacent property owners. This would allow parking for approximately 100 more spectators. In addition, Staff would recommend that the Applicant provide plans for preventing on-street parking on Armstrong Boulevard.

The Applicant is currently working on final plans and details prior to review by the City Council. There are a few items that the City will need clarification on, in writing, prior to review by the City Council, consistent with the Staff Review Letter.

Funding Source:

Per direction and approval of the City Council, all costs associated with review of the application are being handled as part of regular staff duties.

Staff Recommendation:

Staff recommends that the Planning Commission forward any concerns regarding the compatibility of the proposed interim use with the surrounding land uses and future land uses in the area. Staff recommends that an interim use permit is the best tool to utilize for this parcel for any use approved for the Subject Property given the future need of this parcel is for future transportation improvements and upgrades to Armstrong Boulevard.

Committee Action:

Motion to recommend that the City Council adopt the resolution adopting findings of fact related to the request for an Interim Use Permit;

-AND-

Motion to recommend that the City Council adopt/not adopt the resolution approving the Interim Use Permit, based on findings of fact and contingent upon compliance with the City Staff Review Letter dated April 28, 2011.

Attachments

Site Location Map

Site Plan Sheet 1

Site Plan Sheet 2

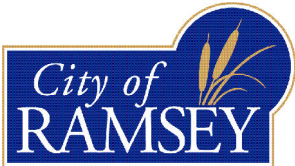
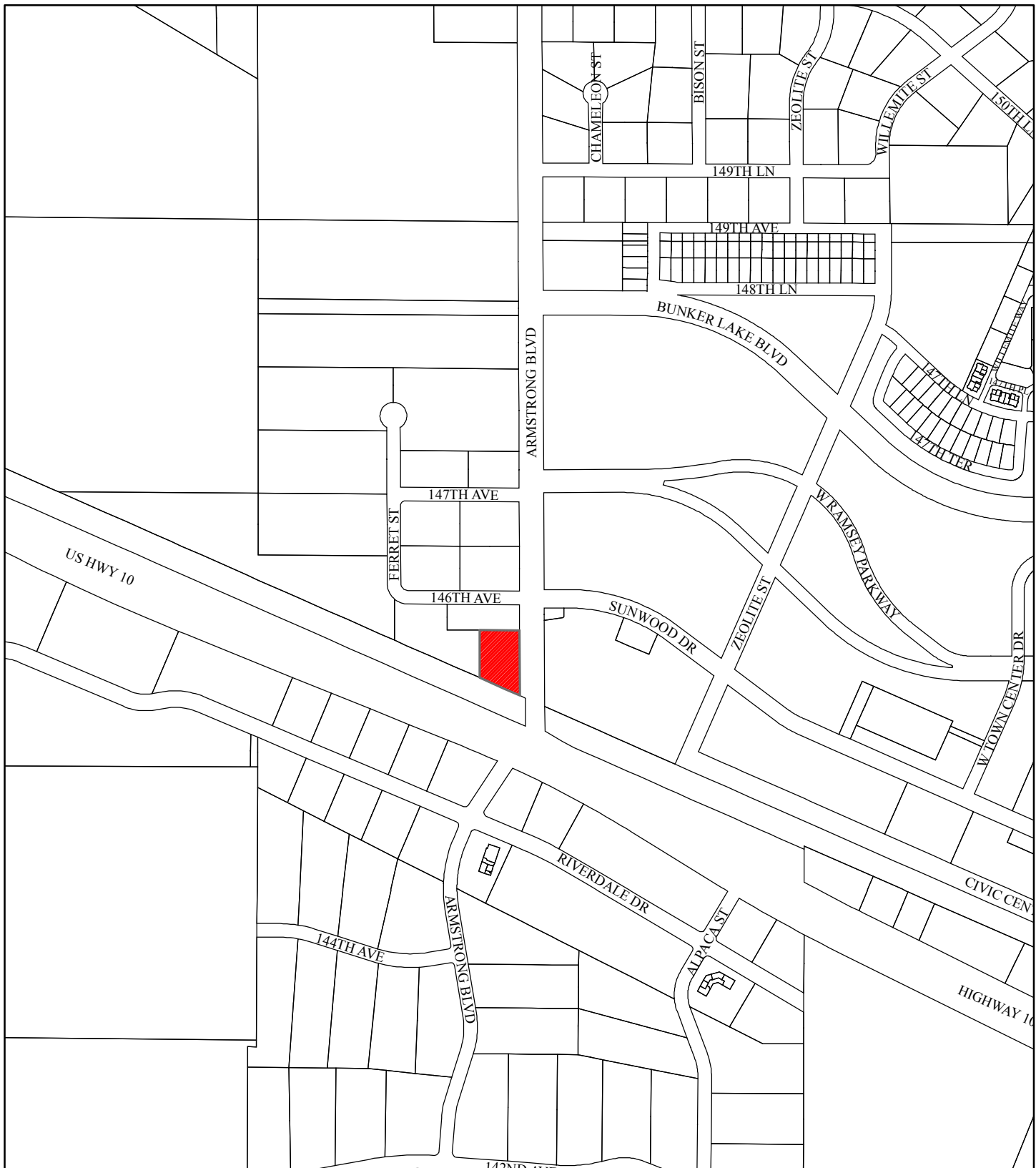
Proposed Findings of Fact

Proposed IUP

Staff Review Letter

Form Review

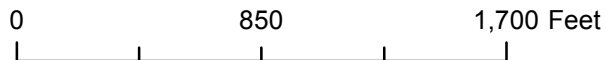
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Tim Gladhill (Originator)	Tim Gladhill	04/29/2011 08:29 AM
Aaron Backman	Aaron Backman	04/29/2011 10:16 AM
Form Started By: Tim Gladhill		Started On: 04/21/2011 02:26 PM
	Final Approval Date: 04/29/2011	

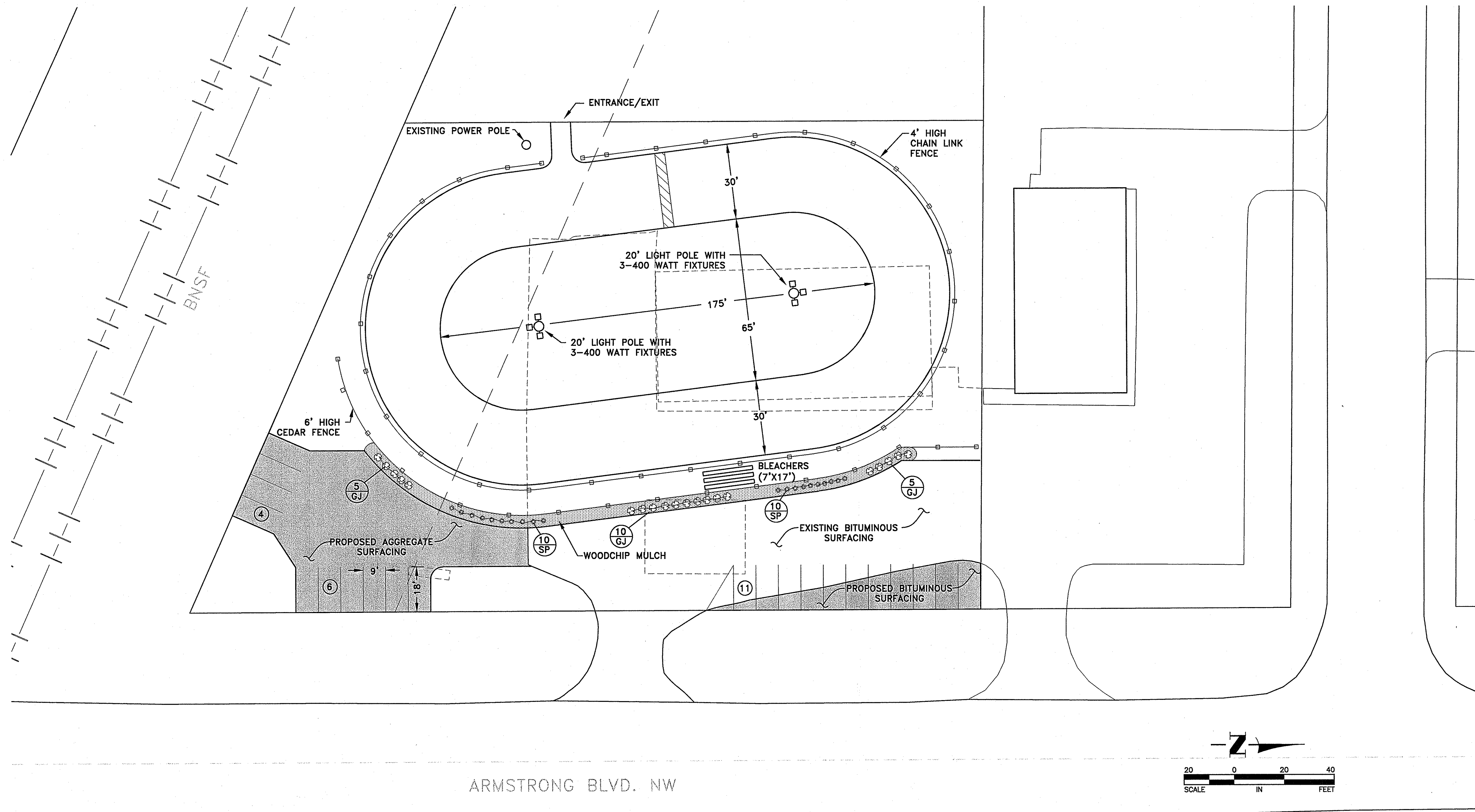




Ramsey Raceway
14550 Armstrong Blvd.

Legend

- Site
- Parcels





-  SEA GREEN JUNIPER (20 TOTAL)
-  GOLD FLAME SPIREA (20 TOTAL)

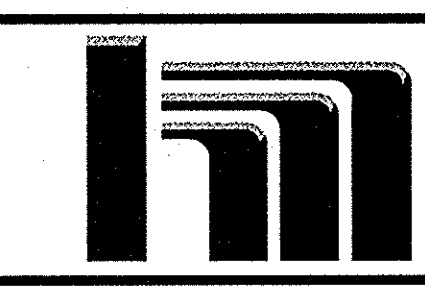
Apr 13, 2011 - 2:42pm
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DATE	REVISION

I hereby certify that this plan, specification, or report 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.

BRAD C. WILKENING, P.E.
Date 4/12/11 Lic. No. 26908

DESIGNED BY: **BCW**
DRAWN BY: **DMS**
CHECKED BY: **BCW**



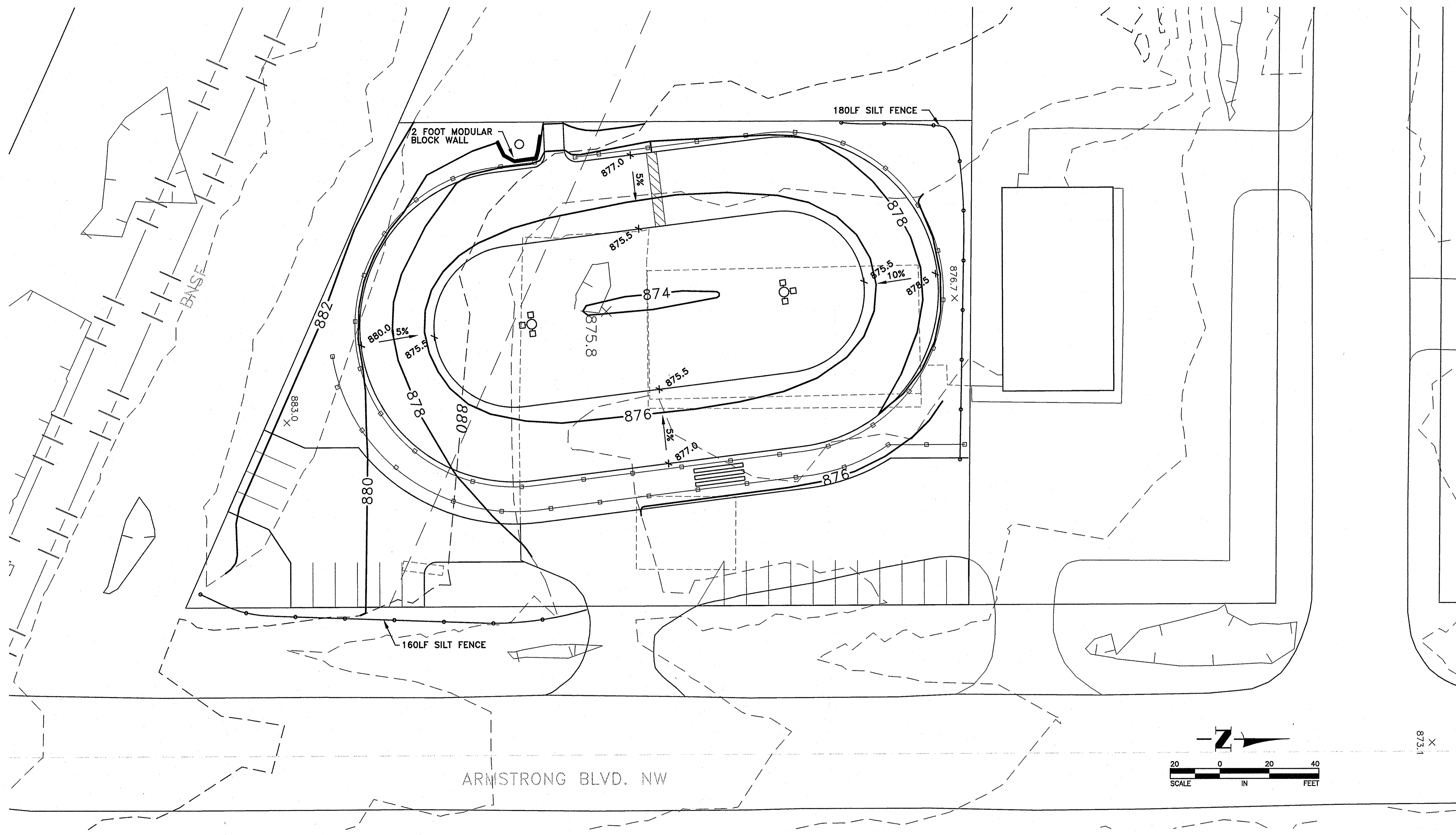
Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

RAMSEY GO-CART FACILITY
RAMSEY, MINNESOTA

SITE AND LANDSCAPE PLAN
CITY OF RAMSEY, MINNESOTA

SHEET **1** OF **2**
SHEETS
RA812

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DATE	REVISION

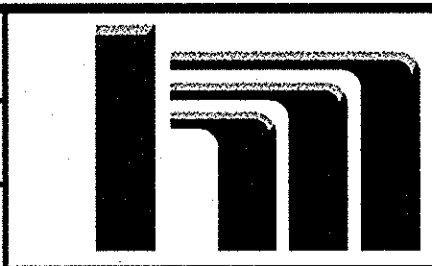
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

BRAD C. WILKENING, P.E.
Date 4/12/11 Lic. No. 26908

DESIGNED BY:
BCW

DRAWN BY:
DMS

CHECKED BY:
BCW



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RAMSEY GO-CART FACILITY
RAMSEY, MINNESOTA

GRADING AND EROSION CONTROL PLAN
CITY OF RAMSEY, MINNESOTA

SHEET **2** OF **2**
SHEETS

Councilmember _____ moved for the adoption of the following resolution:

RESOLUTION #11-05-___

A RESOLUTION ADOPTING FINDINGS OF FACT #___ RELATING TO A REQUEST FOR AN INTERIM USE PERMIT TO ALLOW FOR COMMERCIAL OUTDOOR RECREATION FOR THE OPERATION OF A GO CART TRACK

WHEREAS, Karl Janzen, hereinafter referred to as "Applicant", has properly applied for an Interim Use Permit to allow the operation of a go cart track on the subject property generally known as 14550 Armstrong Blvd NW, legally described as:

Lot 1 and 3, Block 1, Hauser Addition, Anoka County, Minnesota.

(the "Subject Property").

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA that the findings of fact relating to the request are determined to be as follows:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-51 of the Ramsey City Code on May 5, 2011 and that said public hearing was properly advertised.
2. That the Subject Property is approximately 1.23 acres in size and located in the COR-2 Sub-District.
3. That the Subject Property is surrounded by parcels also zoned COR-2 and is located adjacent to the Burlington Northern/Santa Fe Railroad.
4. That Section 117-118 (The COR) of City Code does not list commercial outdoor recreation as a permitted or conditional use.
5. That the Subject Property was previously used as a gas and convenience store and is currently vacant.
6. That the Applicant is proposing to host weekly go cart races and other related recreational vehicle races including, but not limited to, snowmobiles and lawn mowers, on the Subject Property with up to forty (40) racers per event.
7. That the Applicant is proposing to construct a clay racing surface as proposed on the site plan prepared by Hakanson Anderson dated April 12, 2011 (the "Site Plan"), including safety and screening fencing, herein attached as Exhibit A.
8. That the Site Plan indicates construction of a six (6) foot tall privacy fence and a four (4) foot tall chain-link fence.

9. That the Applicant is proposing to construct a sign and scoring tower on the Subject Property.
10. That the Applicant is proposing to utilize used tires, off-rim, stacked eighteen (18) to twenty-four (24) inches high on the inside of the proposed chain-link fence of the track as a safety measure for spectators, per insurance requirements for the Applicant.
11. That the Applicant is proposing to establish a parking area consisting of a combination of asphalt and gravel totaling twenty-one (21) parking spaces on the Subject Property.
12. That a drainage and utility easement exists in the southern portion of the Subject Property.
13. That the Applicant has proposed to utilize the adjacent parcel for parking for racers on a grass surface.
14. That the Applicant is proposing to erect a seventeen (17) feet long by three (3) tier high bleacher section on the Subject Property.
15. That the Applicant is proposing to utilize two (2) portable restrooms on the Subject Property.
16. That the Applicant has stated that there will not be a fuel pump on the Subject Property and that individual racers shall be responsible for their own fuel.
17. That the Applicant has stated that concessions will be provided on the Subject Property by a private vendor.
18. That the Applicant has stated that electrical service will be provided in the interior of the track.
19. That the Applicant has stated that the gravel/clay track will be monitored as to control dust through the use of a water truck.
20. That the Applicant has stated that the Applicant will carry a \$2,000,000 insurance policy for the interim use and building all safety specification per requirements of the Applicant's insurance agency.
21. That the City has researched formulas for number of portable restrooms required for similar uses that show it appears that four (4) to six (6) portable restrooms should be required.
22. That the Applicant's proposal will/will not substantially adversely impair the use, enjoyment or market value of any surrounding property.
23. That the Applicant's proposal will/will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area.

24. That the proposed interim use will/will not be served adequately by essential public facilities and services, such as highways, streets, police and fire protection.
25. That the proposed interim use will/will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
26. That the proposed interim use will/will not be consistent with the intent and purposes of this chapter.

The motion for the adoption of the foregoing findings of fact was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 31st day of May, 2011.

Mayor

ATTEST:

City Clerk

Exhibit A
Site Plan

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-05-___

A RESOLUTION APPROVING AN INTERIM USE PERMIT TO ALLOW FOR COMMERCIAL OUTDOOR RECREATION FOR THE OPERATION OF A GO CART TRACK, BASED UPON FINDINGS OF FACT #___ AND DECLARING TERMS OF SAME.

WHEREAS, Karl Janzen, hereinafter referred to as "**PERMITTEE**", has properly applied for an Interim Use Permit to allow the operation of a go cart track on the subject property generally known as 14550 Armstrong Blvd NW, legally described as:

Lots 1 and 3, Block 1, Hauser Addition, Anoka County, Minnesota.

(the "Subject Property"); and

WHEREAS, the City Council has adopted findings of fact related to the **PERMITTEE**'s application by its Resolution #11-05-___, which are hereby incorporated as reference.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That based on the foregoing findings of fact, the City Council concludes that an Interim Use Permit ("IUP") may be granted to the **PERMITTEE** conditioned upon the following:

- 1) The **PERMITTEE** may operate go-cart racing track on the Subject Property as indicated on the site plan prepared by Hakanson Anderson, dated April 12, 2011 (the "Site Plan"), herein attached as Exhibit A.
- 2) These IUP uses are for a five year term commencing on the date of approval of this permit. 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.
- 4) The **PERMITTEE** shall acquire permission from any and all persons, organizations, or companies with rights to any and all drainage and utility easements to perform any work within any drainage and utility easement and shall be subject to approval of the City Attorney as to legal form.
- 5) The **PERMITTEE** shall provide the City's City Engineer with final civil engineering plans to ensure compliance with Stormwater management and erosion control prior to commencing any construction.

- 6) The **PERMITTEE** shall be responsible for any environmental cleanup on the Subject Property as a result of any hazardous material spill.
- 7) The **PERMITTEE** shall comply with City Code Section 30-3 (Public nuisances) including, but not limited to, noise levels and dust control.
- 8) The **PERMITTEE** shall be responsible for obtaining all applicable permits, licenses, etc. including, but not limited to, a Zoning Permit for fence construction, a permanent sign permit, a grading permit, and a license from Anoka County for all food vendors.
- 9) The **PERMITTEE** shall be allowed to expand the existing parking lot consistent with the Site Plan. The **PERMITTEE** shall be responsible for securing an additional thirty (30) proof of parking spaces in addition to the twenty-one (21) shown on the Site Plan. The **PERMITTEE** shall secure shared parking easements, subject to review and approval of the City as to form prior to executing such agreement, for all proof of parking for spaces not on the Subject Property.
- 10) The **PERMITTEE** shall be allowed to utilize tires along the inside of the chain-link fence stacked no more than two (2) tires high.
- 11) The **PERMITTEE** shall be allowed to park vehicles on a grass surface for those vehicles necessary for the operation of the go carts.
- 12) The **PERMITTEE** shall be allowed to utilize bleacher sections in accordance with applicable building regulations. The **PERMITTEE** shall notify the City prior to placing any bleacher on the Subject Property to ensure compliance with applicable regulations.
- 13) The **PERMITTEE** shall be required to maintain six (6) portable restroom facilities in clean and sanitary conditions at all times of operation.
- 14) Any improvements, including financial investment, the **PERMITTEE** may make in reliance on this IUP SHALL NOT be considered as factors by the City in the event the **PERMITTEE** applies for an extension of the IUP.
- 15) The **PERMITTEE** shall be required to provide appropriate safety barriers surrounding the electrical service to prevent damage and injury to racers and spectators, subject to approval of the City's Police Chief and Fire Chief.
- 16) If any provision of this IUP shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 17) This IUP shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the City and the **PERMITTEE**.
- 18) The violation of any of the material terms of this IUP is grounds for suspension or revocation hereof, consistent with applicable law. Furthermore, the City specifically reserves the right to amend, suspend or revoke this IUP consistent with applicable law as reasonably required to protect the public health, safety and welfare and the environment. Specifically, but without limiting the foregoing, the City may amend, suspend or revoke this IUP consistent with applicable law if the City Council reasonably determines that

continued operation of the one-day events places the public health, safety, or welfare, or the environment in jeopardy or creates a public nuisance due to noise or other nuisance factors.

- 19) The City reserves the right to enter the Subject Property for the purposes of conducting inspections and obtaining necessary information pertaining to the construction and operational effect of the IUP or any related event.
- 20) All costs incurred by the City in administering and enforcing this permit shall be the responsibility of the Permittee and shall be paid within thirty (30) days of billing by the City.
- 21) The **PERMITTEE** shall be responsible for removal of all outdoor storage and debris within 48 hours of conclusion of event.
- 22) That the IUP shall abide by all lease terms between the PERMITTEE and the City, including termination of the IUP in the event the Subject Property is needed for another public purpose including, but not limited to, construction of Armstrong Boulevard.

The motion for the adoption of the foregoing resolution as duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council, this the 31st day of May, 2011.

Karl Janzen hereby acknowledges receipt of this permit and that its representatives have reviewed the conditions of this permit and have agreed that the organization will comply with the terms and conditions of this permit.

KARL JANZEN

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2011, before me a Notary Public, personally appeared Karl Janzen, a single person, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed

Notary Public

Peter Chalich hereby acknowledges receipt of this permit and that its representatives have reviewed the conditions of this permit and have agreed that the organization will comply with the terms and conditions of this permit.

PETER CHALICH

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2011, before me a Notary Public, personally appeared Peter Chalich, a single person, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed

Notary Public

CITY OF RAMSEY

By: _____

Attest: _____

Its: Mayor _____

Its: City Administrator _____

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2011, before me a Notary Public personally appeared Bob Ramsey and Kurt G. Ulrich, to me personally known, being each by me duly sworn did say that they are respectively the Mayor and City Administrator of the City of Ramsey, the municipal corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said municipal corporation, and the said instrument was signed and sealed on behalf of said municipal corporation by authority of its City Council and said Bob Ramsey and Kurt G. Ulrich acknowledge said instrument to be the free act and deed of said municipal corporation.

Notary Public

*The document drafted by:
The City of Ramsey
7550 Sunwood Drive
Ramsey, MN 55303*

*This document reviewed by:
William Goodrich, City Attorney
2140 Fourth Avenue
Anoka, MN 55303*

April 28, 2011

Karl Janzen
Ramsey Raceway
9131 178th Ave NW
Ramsey, MN 55303

Re: Interim Use Permit Review – Ramsey Raceway

Dear Mr. Janzen:

We are in receipt of a Interim Use Permit Application for a go cart track at 14550 Armstrong Blvd NW along with plans prepared by Hakanson Anderson Associates, Inc. dated April 12, 2011. We offer the following comments:

General: The site plan is proposing to develop a gravel go cart track. This development will not include any buildings as part of this site plan. The subject property is bordered by Armstrong Boulevard on the east and the Burlington Northern-Santa Fe Railroad right-of-way to the south. The track is proposed as a clay surface. *Please provide the City with specifications of the type of gravel/clay proposed.*

Zoning: The property is zoned COR-2. There are no building uses to review as part of this site plan application.

Grading, Drainage, and Utility Plans: Staff has the following comments on the plans prepared by Hakanson Anderson Associates, Inc. Please revise the plans accordingly:

- Plans should reference existing contours
- Plans for Stormwater management (ponding/treatment) should be included

Landscaping: The submitted plans include a landscaping plan, which is generally acceptable for the interim use, although it would not meet the typical design standards of the COR-2 sub-district. The City prefers the use of additional trees along the proposed privacy fence or Armstrong Boulevard.

Access: The Subject Property is proposed to gain access from Armstrong Boulevard from an existing access of the previous user. The existing access is only fifteen (15) feet wide, which does not provide for two-way circulation. The existing parking lot is connected to the parking area for the parcel to the north, which has a separate access which could provide additional circulation. A wider access to the Subject Property (24 ft.) should still be considered given the assembly-use nature of the interim use.

The Site Plan also indicates an access to the west directly to the adjacent parcel. Please provide the City with proof of authorization from the adjacent parcel. If approved, the IUP shall be recorded on the adjacent parcel as well to authorize the use of that parcel for parking and access. Also, it is unclear based

on the plans the access point for spectator to the proposed bleachers. *Please submit a revised plan that addresses these matters.*

Parking Standards: You are proposing to utilize a portion of the existing parking surface for parking as well as expand a gravel parking surface to the south. In addition, it appears that you are proposing for racers to Staff has concern with the limited number of parking spaces provided on the Subject Property.

Easements: The proposed interim use includes improvements in an existing utility easement. Entities with rights to these easements shall provide approval of the interim use. *Please provide the City with proof of authorization prior to review by the City Council.*

Safety: In order to provide a safe racing and spectator event, the City shall require certain safety improvements and clarification as follows:

- Please provide specifications on the bleacher sections
- Please provide information on fuel storage; it is our understanding that no fuel pump will be provided.
- Please provide final electrical service plans; plans should be made to provide an electrical service vault.
- Spectator safety is provided through the use of a four (4) foot tall chain-link fence.
- Please provide an emergency response action plan including hazardous material spills.

Signs: In our discussions, you have mentioned the use of signs throughout the raceway. However, the plans do not indicate locations or specifications of signs. *Please submit a plan sheet indicating the locations and specifications (sizes) of signs prior to review by the City Council.*

Lighting: Please provide the City with details regarding the lighting that will be located on the Subject Property. City standards require that the luminaire (light source) must not be visible from beyond the property line. *The applicant should submit shop drawings of the lighting fixtures for review and approval by the City Engineer.*

Concessions: All food service shall be required to obtain proper permits and licenses. *Please provide the City with proof of licensure prior to operation.*

REU Number: The Residential Equivalent Unit (REU) is a method of assessing accurate quarterly usage charges for stormwater management, and is based on percent of impervious surface coverage. Due to the change in impervious area with this project the REU will need to be revised accordingly. Please provide the impervious area calculation so a new REU can be calculated. This item will be completed with the building permit application.

The Planning Commission will be meeting at 7:00 p.m. on Thursday, May 5, 2009 at the Ramsey Municipal Center, 7550 Sunwood Drive NW to review your proposed site plan. You or your representative may want to be present to answer any questions that may arise. Thank you for your cooperation in this process.

If you have any questions, please call us at (763) 427-1410.

Respectfully,

Interim Use Permit Review
April 28, 2011
Page 3 of 3

CITY OF RAMSEY

Tim Gladhill
Senior Planner

Tim Himmer
City Engineer

Regular Planning Commission

6. 5.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Ordinance to Amend City Code Section 117-349 (Accessory Uses and Buildings)

Background:

At a recent Work Session, the City Council reviewed a list of potential amendments to the City's Zoning Code related to accessory structures and buildings. Based on Council input, Staff is forwarding a proposed ordinance to reflect that discussion.

Notification:

The Public Hearing was properly notified in the Anoka County Union, the City's official newspaper for Public Notices.

Observations:

The proposed amendments are intended to better reflect the future land use vision of the different residential land uses and provide for additional flexibility and clarification within each zoning district. Specifically, the ordinance amends the Code as follows:

- Provides for separate sub-sections for MUSA and Rural Developing categories in order to allow for use of metal panel (pole barn) structures in the Rural Developing area.
- Excludes attached garages from square footage calculations to provide for additional square footage per lot (still need to meet maximum building coverage requirements).
- Provides for better design standards for metal panel structures in order to allow for a broader use in the Rural Developing area.
- Provides for an administrative process for two-story accessory structures.
- Provides for clarification on driveway requirements for certain structures.
- Provides for additional flexibility within environmental overlay districts.

The impetus for the amendment is based on a City Council strategic goal to look at better residential design and architectural standards and provide for additional accessory structure space based on recent amendments to the public nuisance ordinance. The additional square footage is intended to allow for enclosed space to store various items that are addressed by off-street parking and blight regulations without the additional process of a conditional use permit. Over the past several years, the City has established a consistent policy in permitting larger accessory buildings. Many of these conditions included in conditional use permits can now be processed administratively. The amendment also protects the residential and architectural character of our residential neighborhoods by providing design standards and flexible tools.

Funding Source:

Amendments are being processed as part of regular staff duties.

Staff Recommendation:

Staff recommends that the Planning Commission recommend that the City Council adopt the ordinance to amend City Code Section 117-349 (Accessory uses and buildings).

Committee Action:

Motion to recommend that the City Council adopt the ordinance to amend City Code Section 117-349 (Accessory uses and buildings).

Proposed Ordinance

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/26/2011 11:13 AM
Aaron Backman	Aaron Backman	04/26/2011 02:27 PM
Form Started By: Tim Gladhill	Final Approval Date: 04/26/2011	Started On: 04/25/2011 03:28 PM

ORDINANCE #11-_____

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISION OF LAND CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.

AN ORDINANCE AMENDING SECTION 117-349 (ACCESSORY USES AND BUILDINGS) OF THE RAMSEY CITY CODE.

The City of Ramsey ordains:

SECTION 1 AUTHORITY

This ordinance is adopted pursuant to and under the authority of the City Charter of the City of Ramsey.

SECTION 2 AMENDMENTS

City Code Section 117-349 is amended as follows (additions indicated as underline, deletions indicated as ~~strike through~~)

Sec. 117-349. - Accessory uses and buildings.

- (a) Sport courts and other impervious surfaces must meet the minimum setbacks established for accessory buildings in section 117-111 unless otherwise specified by this Code.
- (b) Every commercial fishing pond shall be enclosed by a fence or wall not less than four feet high to prevent uncontrolled access by small children.
- (c) Swimming pools and spas (also see chapter 105, article III).
 - (1) *Setback requirements.*
 - a. Swimming pools and spas shall be set back a minimum of ten feet from all adjoining lots. For corner lots, swimming pools and spas shall meet the required side yard setback for buildings in the applicable zoning district (section 117-111(d)). Swimming pools and spas may not extend closer to the front lot line of the parcel than the principal structure

located on said parcel, except that on residential parcels of one acre or more in size, a swimming pool or spa may be constructed closer to the front lot line than the principal structure, provided that such swimming pool or spa can maintain a 200-foot setback from the property line.

- b.** A swimming pool or spa may not be located closer than four feet to the principal structure located on the parcel where the swimming pool or spa is to be constructed.
- c.** No swimming pool or spa may be constructed within 20 feet of any portion of an on-site sewer system or any private water well.
- d.** No person shall build, construct, locate or install a swimming pool and walkway or spa within any easement.

(2)

Fencing.

- a.** *Temporary fencing.* During the construction of any in-ground swimming pool or spa, the construction area must be secured with a portable fence which is not less than four feet in height.
 - 1.** Temporary fencing shall be flush with the ground and securely anchored.
 - 2.** Supportive posts shall be placed no more than eight feet apart.

b.

Permanent fencing.

- 1.** All aboveground swimming pools that have a minimum side-wall height of four feet need not be fenced, but shall have removable steps, which steps shall be removed when the swimming pool is unattended. In the event that an accessory deck to the swimming pool is constructed, which is adjacent to any part of the swimming pool, said deck shall include, on its entire outside perimeter, a 36-inch-high guard rail. The guard rail shall be constructed so that no open space within it is wider than six inches.
- 2.** All outdoor spas shall have either a fence as described in subsection (c)(2)b.1 of this section, or a secured cover.

(3)

Noise.

- a.** The swimming pool or spa shall be designed, constructed and sited in such a way as to limit noise generated by its mechanical equipment, so as not to create a nuisance and/or affect the reasonable use and enjoyment of adjacent property owners.
- b.**

The swimming pool and/or spa shall be sited on the parcel so that its mechanical equipment, including heating and filtering equipment, is located at least 30 feet from the inhabited portion of neighboring residential structures.

(4)

Pool walkway deck and deck drains. Unobstructed deck areas not less than 48 inches wide shall be provided to extend entirely around each in-ground swimming pool. Swimming pool decks shall be constructed above, but not more than nine inches above, the normal water line. The required deck area shall be constructed of impervious material. The deck shall have a pitch of at least one-fourth inch to the foot, designed so as to prevent back drainage into the pool. If deck drains are provided, drain pipe lines shall be at least two inches in diameter; drain openings shall have an open area of at least four times the cross sectional area of the drain pipe. Deck drains shall not be connected to the re-circulation system pipe.

(5)

Swimming pool drainage. To the extent feasible, back flush water or water from pool drainage shall be on the owner's property or into approved public drainageways. Water shall not drain onto adjacent or nearby private land.

(6)

Lighting. Lights used in conjunction with a swimming pool and/or spa shall be located and constructed so as to deflect away from adjacent property and in such a manner that they do not create a nuisance or affect the reasonable use and enjoyment of adjacent property.

(7)

Permits. Swimming pools or spas that are less than 5,000 gallons shall be allowed without the issuance of a building permit; however, a zoning permit must be obtained prior to the swimming pool or spa being constructed, installed, or moved onto a property.

(d)

Accessory buildings.

(1)

Any proposed accessory building should be located on the parcel of land so as to allow for orderly future re-subdivision of a parcel on which the building is to be located.

(2)

No accessory building shall be constructed on any lot prior to the time of construction of the principal building.

(3)

Detached accessory buildings with 120 square feet or less of floor area shall be allowed without issuance of a building permit. However, a zoning permit must be obtained prior to the building being constructed or moved onto a property. Detached accessory buildings not exceeding 120 square feet shall comply with all required setbacks and zoning regulations. Detached accessory buildings not exceeding 120 square feet of floor area may be finished with hardboard lap siding, vinyl lap siding, metal siding, metal panels, wood (painted) and/or masonry. Prefabricated molded plastic storage containers not exceeding 120 square feet in floor area are permitted.

(4) Agricultural buildings, as defined in Minn. Stats. § 326B.103, subd. 3, shall require a zoning permit prior to the building being constructed or moved onto a property and shall comply with all other zoning regulations.

(5) Detached accessory buildings greater than 120 square feet in floor area shall require a building permit and comply with all applicable building codes and zoning regulations.

(6) Accessory building height.

a.

The height of detached accessory buildings shall not exceed 22 feet on parcels two acres (87,120 square feet) or greater in size.

b.

The height of detached accessory buildings shall not exceed 16 feet on parcels less than two acres (87,120 square feet) in size. On parcels less than two acres, the height of side walls shall not exceed ~~fourteen~~ feet.

c.

The height of attached accessory buildings shall not exceed the height of the principal structure.

d.

A variance will be required to exceed the established height restrictions for accessory buildings. The variance shall be processed in accordance with the procedures established in [section 117-53](#). Criteria governing consideration of a variance request to exceed height restrictions on accessory buildings shall include, but not be limited to the following:

1.

Whether the variance will impair an adequate supply of light and air to adjacent property.

2.

Whether the variance will have the effect of allowing a use that is prohibited in the applicable zoning district.

3.

Whether the variance will impair established property values within the neighborhood.

4.

Whether the increased height will be compatible with the principal building on the same parcel.

5.

Whether the increased height will be compatible with existing development in the immediate neighborhood.

6.

Whether the variance requested is the minimum variance necessary to accomplish the intended purpose of the applicant.

(7)

[Architectural and exterior standards for accessory buildings:](#)

- a. Gambrel roofs (barn style) are permitted.
- b. Where provided, accessory buildings with metal panel exterior finish must include the following:
 - 1. If located in the front yard, shall include at least three (3) of the following:
 - i. Minimum of three (3) complimentary colors
 - ii. Minimum of 35% brick on front (street facing) façade.
 - iii. 100% vegetative screening. Use of vegetative screening shall require an agreement, recorded against the property with the Anoka County Recorder, specifying replacement standards, species, size of plantings, and other items as required by the Zoning Administrator.
 - iv. 10% window coverage on front (street facing) façade and common property lines.
- c. Driveways shall be required for doorway openings meeting or exceeding eight (8) feet wide by seven (7) feet tall. All driveways must meet underlying zoning district standards in which the property is located, except that Class V shall be permitted as an extension of an existing driveway for the sole purpose of accessing a detached accessory structure if the existing driveway is in compliance with current zoning standards.

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(8)

Detached accessory buildings shall be prohibited from containing complete independent living facilities (accessory apartments), which would include permanent provisions for living, sleeping, eating, and sanitation. Independent living facilities shall be considered those which meet three or more of the criteria in subsection (6)d of this section and have provisions for separating the living space.

(9)

Two-story accessory buildings shall ~~not~~ be permitted on properties less than two acres in size. ~~A conditional use permit shall be required for two-story accessory buildings on properties that are two acres or greater in size.~~

(10)

No part of an accessory building shall extend into a drainage and utility easement or any required setback.

(11)

Any accessory building proposed to be within five feet, overhang to overhang, of the principal building shall either be made structurally a part of the principal building or the wall and soffit area of the accessory building that is within five feet of the principal building shall be constructed to a one-hour fire rating.

(12)

Accessory building location.

a.

On lots two acres (87,120 square feet) or greater in size, the detached accessory building may be located nearer the front property line than the principal building provided the following criteria are met:

1.

The placement of the detached accessory building maintains compliance with the standard front yard structure setback requirement for the respective zoning district;

2. The exterior materials used on the detached accessory building match those of the principal building on the subject property unless otherwise provided for in this Section;
3. The accessory building is designed with soffit, fascia and eave overhang; and
4. The accessory building does not exceed the height of the principal building or 22 feet, whichever is less.

b. On lots less than two acres (87,120 square feet) in size, the accessory building shall be located in the side or rear yard and shall not be located nearer the front property line than the principal building on that lot, unless a variance is obtained. This provision shall not apply to attached garages that maintain compliance with the applicable front yard setback requirement.

c. Front, side and rear yard accessory building setback requirements are outlined in section 117-111(d).

d. Detached accessory buildings may be located in the front (street facing) yard when located riparian lots in the Wild and Scenic, Critical Area, or Shoreland Overlay Districts, provided the structure meets the underlying front yard setback and cannot exceed the height of the principal structure. Detached accessory buildings located nearer the front property line than that of the principal structure must meet the same general design and materials as the principal structure.

(13) All accessory buildings, with the exception of attached garages, shall be included when calculating the maximum square footage of accessory building space allowed on a property. All accessory buildings, including attached garages, shall be included ~~and~~ when determining the total number of accessory buildings on a property.

(14) Accessory building size restrictions. Size restrictions and performance standards for accessory buildings in residential districts shall be as follows:

a. R-1 Residential (MUSA)

Parcel Size (sq. ft. and acres) (excl. road right-of-way)	Maximum Square Footage Allowed for Accessory Buildings ¹	Maximum # of Acc. Bldgs. Allowed (includes primary garage)	Exterior Finish Permitted	Architectural Standards Required	Maximum Allowable Height in Feet (one story buildings permitted, two with CUP and

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0—21,779 (0 to 0.5 acre)	10% of lot, or 1,500 square feet, whichever is smaller	2	Same general design and materials as home	Soffit, fascia, eave overhang to match home	2 acres) 16
21,780—43,559 (0.5 acre to 1 acre)	1,800	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
43,560—65,339 (1 acre to 1.49 acres)	2,200	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
65,340—87,119 (1.5 to 1.99 acres)	2,400	3	Same general design and materials as home	Soffit, fascia, eave overhang to match home	16
87,120—108,899 (2.0 to <u>2.49</u> acres)	2,400	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ⁴
108,900—152,459 (2.5-3.49 acres)	2,700	3	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ⁴
152,460—196,019 (3.5-4.49 acres)	3,000	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ⁴
196,020—239,579 (4.5-5.49 acres)	3,500	4	Same general design and materials as home or color compatible metal panels ²	Soffit, fascia, eave overhang to match home	22 ⁴
239,580—283,139 (5.5-6.49 acres)	3,900	4	Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
283,140—326,699 (6.5-7.49 acres)	4,300	5	Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴

326,700— 370,259 (7.5- 8.49 acres)	4,700	5	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
370,260— 413,819 (8.5- 9.49 acres)	5,100	5	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
413,820— 435,599 (9.5 to 9.99 acres)	5,500	5	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
435,600— 871,199 (10 to 19.99 acres)	6,000	6	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
871,200— 1,742,399 (20 to 39.99 acres)	8,000	7	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴
1,472,400 plus (40 acres or more)	12,000	8	compatible metal panels ² Same general design and materials as home or color compatible metal panels ²	<u>Soffit, fascia, eave overhang to match home</u> None ³	22 ⁴

¹ A portion of the square footage allowed for accessory buildings shall be utilized or reserved for a primary garage. The primary garage shall be at least 400 square feet in size.

² If the accessory building is closer to the front property line than the principal building, then the construction must have the same general design and materials as the home.

³ If the accessory building is closer to the front property line than the principal building, then a design with soffit, fascia and eave overhang will be required.

⁴ If the accessory building is closer to the front property line than the principal building, then the height of the accessory building cannot exceed the height of the principal building or 22 feet, whichever is more restrictive.

b. R-1 Residential (Rural Developing)

<u>Parcel Size</u> <u>(sq. ft. and</u> <u>acres)</u> <u>(excl. road</u> <u>right-of-way)</u>	<u>Maximum</u> <u>Square</u> <u>Footage</u> <u>Allowed for</u> <u>Accessory</u> <u>Buildings¹</u>	<u>Maximum # of</u> <u>Acc. Bldgs.</u> <u>Allowed</u> <u>(includes</u> <u>primary</u> <u>garage)</u>	<u>Exterior</u> <u>Finish</u> <u>Permitted</u>	<u>Architectural</u> <u>Standards</u> <u>Required</u>	<u>Maximum</u> <u>Allowable</u> <u>Height in Feet</u> <u>(one story</u> <u>buildings</u> <u>permitted, two</u> <u>with CUP and</u> <u>2 acres)</u>
<u>0—21,779 (0</u> <u>to 0.5 acre)</u>	<u>10% of lot, or</u> <u>1,500 square</u> <u>feet, whichever</u> <u>is smaller</u>	<u>2</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>16</u>
<u>21,780—</u> <u>43,559 (0.5</u> <u>acre to 1 acre)</u>	<u>1,800</u>	<u>3</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>16</u>
<u>43,560—</u> <u>65,339 (1 acre</u> <u>to 1.49 acres)</u>	<u>2,200</u>	<u>3</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>16</u>
<u>65,340—</u> <u>87,119 (1.5 to</u> <u>1.99 acres)</u>	<u>2,400</u>	<u>3</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>16</u>
<u>87,120—</u> <u>108,899 (2.0 to</u> <u>2.49 acres)</u>	<u>2,400</u>	<u>3</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>22⁴</u>
<u>108,900—</u> <u>152,459 (2.5-</u> <u>3.49 acres)</u>	<u>2,700</u>	<u>3</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>22⁴</u>
<u>152,460—</u> <u>196,019 (3.5-</u> <u>4.49 acres)</u>	<u>3,000</u>	<u>4</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u>	<u>Soffit, fascia,</u> <u>eave overhang</u> <u>to match home</u>	<u>22⁴</u>

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<u>196,020—</u> <u>239,579 (4.5-</u> <u>5.49 acres)</u>	<u>3,500</u>	<u>4</u>	<u>metal panels²</u> <u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>239,580—</u> <u>283,139 (5.5-</u> <u>6.49 acres)</u>	<u>3,900</u>	<u>4</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>283,140—</u> <u>326,699 (6.5-</u> <u>7.49 acres)</u>	<u>4,300</u>	<u>5</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>326,700—</u> <u>370,259 (7.5-</u> <u>8.49 acres)</u>	<u>4,700</u>	<u>5</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>370,260—</u> <u>413,819 (8.5-</u> <u>9.49 acres)</u>	<u>5,100</u>	<u>5</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>413,820—</u> <u>435,599 (9.5 to</u> <u>9.99 acres)</u>	<u>5,500</u>	<u>5</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>435,600—</u> <u>871,199 (10 to</u> <u>19.99 acres)</u>	<u>6,000</u>	<u>6</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>871,200—</u> <u>1,742,399 (20</u> <u>to 39.99 acres)</u>	<u>8,000</u>	<u>7</u>	<u>Same general</u> <u>design and</u> <u>materials as</u> <u>home or color</u> <u>compatible</u> <u>metal panels²</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u> <u>to match home</u>
<u>1,472,400 plus</u> <u>12,000</u> <u>(40 acres or</u>		<u>8</u>	<u>Same general</u> <u>design and</u>	<u>Soffit, fascia,</u> <u>22⁴</u> <u>eave overhang</u>

more)

materials as to match home
home or color
compatible
metal panels²

¹ A portion of the square footage allowed for accessory buildings shall be utilized or reserved for a primary garage. The primary garage shall be at least 400 square feet in size.

² If the accessory building is closer to the front property line than the principal building, then the construction must have the same general design and materials as the home or with metal panels as outlined in this Section.

³ If the accessory building is closer to the front property line than the principal building, then a design with soffit, fascia and eave overhang will be required.

⁴ If the accessory building is closer to the front property line than the principal building, then the height of the accessory building cannot exceed the height of the principal building or 22 feet, whichever is more restrictive.

SECTION 3 SUMMARY

The following official summary of Ordinance #11-__ has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #11-__ to amend Ramsey City Code Chapter 117 (Zoning and Subdivision of Land) Section 117-349 (Accessory Structures) to:

- Provide separate standards for the R-1 Residential (MUSA) and R-1 Residential (Rural Developing) zoning districts to reflect land use descriptions in the 2030 Comprehensive Plan.
- Exclude attached garages from square footage calculations
- Provide flexibility in use of metal panel structures by providing additional architectural standard clarification
- Provide for flexibility for detached accessory structures when located along riparian lots within environmental overlay districts

SECTION 4 EFFECTIVE DATE

The effective date of this ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the ____ day of _____, 2011.

Mayor

ATTEST:

City Administrator

Introduction Date: _____

Posting Dates: _____

Adoption Date: _____

Publication Date: _____

Effective Date: _____

Regular Planning Commission

6. 6.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Recommend Planning Services Consultants for Interview with the City Council

Background:

On February 8, 2011, the City Council approved a reorganization of the City's Community Development Department that resulted in the elimination of one (1) full-time employee in the Planning Division. As part of the reorganization, the City Council authorized the utilization of consulting/contracted services for planning and zoning services and authorized City Staff to issue a request for proposals (RFP). The purpose of the RFP was to seek a consultant to work on an as-needed basis to provide service when the workload exceeds available resources utilizing existing staff. This provides a cost-savings measure that allows the City to utilize this service only when needed. The City received nine (9) responses to the proposal and Staff interviewed five (5) of these firms. Staff is looking for a recommendation on three (3) consultants to forward to an interview with the City Council. At this time, Staff recommends forwarding the firms of Bonestroo, Landform, and MFRA.

Notification:

No notification required.

Observations:

The City Council chose to utilize consulting services for a portion of the administration of the City's zoning and subdivision ordinance to better match market conditions and subsequent workload in the City's Planning Division. The use of consultant services also provides the City the opportunity to capitalize on additional resources and expertise the firm may have in-house, including but not limited to, site planning, traffic forecasting, and engineering. The chosen consultant is proposed to report to the Senior Planner and assist the City in implementation and administration of the City's zoning and subdivision ordinances through amendments to the Comprehensive Plan, amendments to the City Code, and review of land use applications. The selected consultant will work on an as-needed basis at the request of the Senior Planner.

Based on the responses to the RFP and answers to interview questions, Staff recommends forwarding no more than three (3) consultants to be invited to the next stage in the process of selecting a consultant by interviewing/presenting to the City Council. The scoring matrices used to score initial response (Response Scoring Matrix) and interview question response (Interview Scoring Matrix) are attached as background of the process used to review.

The City received responses from Bonestroo, Community Growth Institute, Farr and Associates, Landform, MFRA, NAC, SWB, Weber Community Planning, and WSB. From those responses, Staff interviewed five (5) of these firms. Subsequently, Staff recommends the firms of Bonestroo, Landform, and MFRA be selected to present to the City Council. Selected respondents are anticipated to interview and present to the City Council at a Work Session on May 10th. Planning Commissioners are welcome and encouraged to attend this Work Session. Responses for all five (5) of the firms interviewed by Staff are attached for review.

Funding Source:

Review of the responses to the RFP are being handled as part of regular Staff duties. Funding for the selected consultant will come from the City's general fund.

Staff Recommendation:

Staff recommends forwarding three (3) consultants to interview and present to the City Council at a Work Session to be determined in April.

Committee Action:

Motion to recommend that the City Council interview three respondents to the City's RFP for planning and zoning services as recommended by City Staff.

The Planning Commission may include in the motion any feedback on the proposals received, including those not currently scheduled for presentation with the City Council.

Attachments

Bonestroo Response

Landform Response

MFRA Response

Weber Community Planning Response

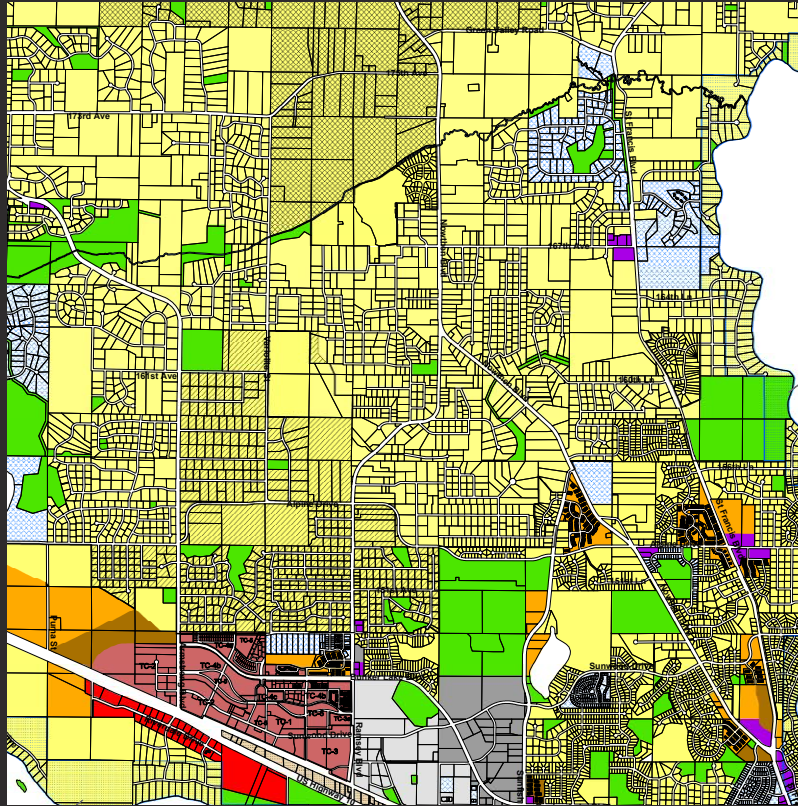
WSB Response

Response Scoring Matrix

Interview Scoring Matrix

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/25/2011 04:06 PM
Aaron Backman	Aaron Backman	04/26/2011 01:51 PM
Form Started By: Tim Gladhill		Started On: 04/15/2011 03:06 PM
	Final Approval Date: 04/26/2011	



Proposal

Professional Planning and
Zoning Services

City of Ramsey

April 8, 2011



NEXT
PAGE >

April 8, 2011



CITY OF RAMSEY

Tim Gladhill
Senior Planner
7550 Sunwood Drive NW
Ramsey, MN 55303

Dear Tim:

Thank you for the opportunity to present our professional planning services to Ramsey. We are prepared to assist your staff as needed with an experienced team of planners. We understand the need to be efficient with the City's resources, responsive to the City's needs, and yet thorough and thoughtful in our assistance on planning and zoning issues.

We are very familiar with Ramsey, having assisted with the most recent Comprehensive Plan, and we understand the issues and forces that have shaped the community. Ramsey deserves to have first-rate advice and assistance on planning matters, and Bonestroo is recognized as a leader in municipal planning and engineering. Our planners are among the most experienced and respected in the region.

We bring not just a day-to-day planner to handle the zoning applications, but a team of only experienced, seasoned professionals with specialties in zoning law, urban design, economic development, market research, redevelopment, environmental review, sustainable regulations, GIS mapping and analysis, and many other specialties.

Bonestroo's planners offer Ramsey our wealth of experience helping communities achieve their goals and build quality environments. Our team is excited about the opportunity to meet Ramsey's planning needs with our skill, enthusiasm, and diligence, and we have proposed what we believe are competitive rates for your consideration.

All cities are faced with limited resources. We take seriously the challenge to stretch those resources and deliver quality services and advice to Ramsey. We are eager to work with you again, and demonstrate how the breadth and depth of Bonestroo's expertise will benefit the City.

Sincerely,

BONESTROO, INC.

Christina E. Goodroad
City Planner

Philip J. Carlson, AICP
Director of Planning

Organization & Planning Team

FIRM INFORMATION

Ranked 197th among design firms nationally in *Engineering News Record's* list of Top 500 Design Firms, Bonestroo is one of the Midwest's largest full-service planning, engineering, and environmental science firms. We provide innovative, practical solutions for our municipal clients.

CONTACT INFORMATION

Bonestroo, Inc.

2335 West Highway 36

St. Paul, MN 55113

Phone: 651-636-4600

Fax: 651-636-1311

Website: www.bonestroo.com

COMMITMENT TO SUSTAINABILITY

Dedicated to improving places and improving lives, Bonestroo is committed to sustainable practices internally and externally. As a builder of communities, an employer, and a corporate citizen, we are conscious of the environmental, economic, and social impacts of our actions. We strive for steady and meaningful progress toward a sustainable future as purposeful stewards of the environment.

BROAD KNOWLEDGE AND EXPERIENCE WITH NUMEROUS PLANNING ACTIVITIES

Our planners have extensive experience inside city halls handling day-to-day zoning applications, including variances, conditional use permits, site plan reviews, and planned unit developments.

Because we also have experience with private sector development, we can speak the developer's language. This results in clear, consistent communication and the ability to create development scenarios that are mutually beneficial.

Many zoning applications, however, are not from sophisticated developers, but rather from modest contractors or ordinary citizens simply trying to get a small project going to improve their corner of the world.

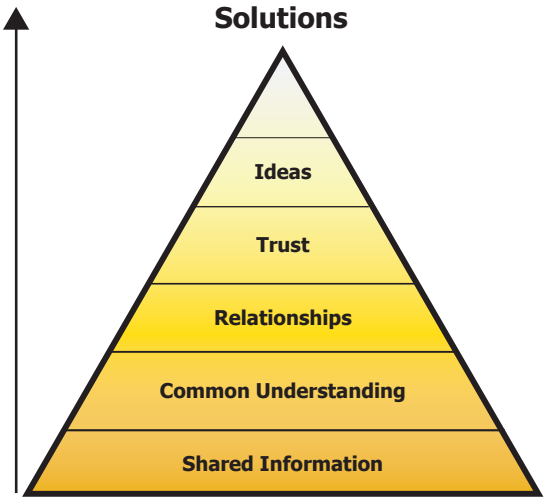
Bonestroo's planners take pride in our ability to communicate the world of planning and zoning to ordinary folks, so that the process can be seen as fair, reasonable and – to the extent possible – predictable.

Our planning group also has significant experience working with communities to:

- Develop application procedures and improve record keeping
- Draft zoning ordinance and comprehensive plan amendments
- Conduct planning education and training workshops
- Prepare environmental reviews, special studies, or master plans



Our core planning team is supported by more than 300 Bonestroo professionals, including engineers, ecologists, and landscape architects with the capabilities and the skills to help Ramsey build its future.



COMMUNICATION IS CRITICAL

Bonestroo believes the ability to communicate is critical to our work. Effective communication begins with understanding your audience and developing a means to clearly convey the message. Our employees are taught the key elements of communication: listening, writing, public speaking and listening again!

Good communication leads to collaborative, sustainable solutions as shown in the solutions pyramid to the left. This pyramid describes a people-driven process, which starts with shared information and common understanding and leads to relationships

and trust. Unleashing the power of relationships and trust leads to shared vision and sustainable solutions.

PLANNERS PARTNER WITH COMMUNITIES TO ACHIEVE VISION

At its core, Bonestroo is a municipal consulting firm. We train and develop our people to understand the workings of communities and to partner with our communities to achieve their vision. We take pride in mentoring and training our professionals beyond their required technical expertise and growing their understanding of each individual city.



We know the importance of community engagement and education, the need to support decision-makers with the right information, and the results of effective participation.

Our training supports the concept that four primary elements need to be addressed to develop sustainable solutions for our clients:

- Technical – Solutions must be technically sound.
- Environmental – We understand the impact of our work on the environment and look for opportunities to enhance the natural environment. Because sustainability is an important element of everything cities do, we keep our clients up-to-date on the latest thinking and advances.
- Financial – Total costs and cash flow are extremely important to maintaining healthy communities. We treat our clients’ resources the same way we would treat our own.
- Social/Political – A small group of people can have a strong voice in representative government. We firmly believe you don’t have a solution until you have consent (not necessarily consensus).

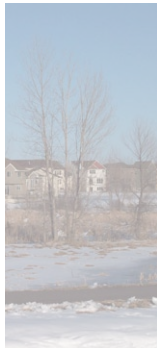
Ramsey Core Planning Team

RAMSEY PLANNING TEAM

We are pleased to offer the City of Ramsey experienced and collaborative staff members who can help staff administer land use application reviews, and process City zoning and subdivision amendments. Bonestroo’s planners are among the most well-known and respected in the region. We have a reputation for delivering practical and implementable results that effectively guide communities.

Tina Goodroad

CITY PLANNER



EDUCATION

St Cloud State University

Bachelor of Arts - Local and Urban Affairs

AFFILIATIONS

American Planning Association (APA)

Minnesota Chapter of the American Planning Association (MnAPA)

Sensible Land Use Coalition (SLUC)

Urban Land Institute (ULI)

Tina will manage the City’s zoning code updates and serve as the primary point of contact with Ramsey for day-to-day assistance with development review as needed and requested by the City.

With 18 years of planning experience and 12 years serving municipalities as city planner, Tina brings the necessary skills and consistency in service and professionalism needed to assist Ramsey. Her clients have consistently given her rave reviews for her knowledge, energy, dedication and professionalism.

Tina’s experience working as a city planner provides her the skills necessary to provide a precise level of service to applicants. She has responded to hundreds of phone calls and conducted “planning counter” conversations with residents and developers,

effectively assisting them through the often unknown planning review process.

Tina has also prepared hundreds of staff reports for planning commissions, park commissions, and city councils. She has built trust and rapport with each planning commission and city council she has had the opportunity to serve. Tina is committed to providing a friendly, consistent, and professional level of service in Ramsey.

Tina’s consulting experience focuses on comprehensive planning, zoning studies, and full ordinance updates. She completed three major updates as part of the implementation efforts of recently completed Comprehensive Plans. Tina also serves municipal clients in day-to-day planning services, sustainability planning and ordinance development.

Phil Carlson, AICP
 PLANNING DIRECTOR



EDUCATION

University of Minnesota
 Bachelor of Architecture

CERTIFICATIONS

American Institute of Certified Planners (AICP)

AFFILIATIONS

American Institute of Certified Planners (AICP)
 American Planning Association (APA)
 Minnesota Chapter of the American Planning Association (MnAPA)
 Sensible Land Use Coalition (SLUC)

Phil was project manager for Ramsey’s recent Comprehensive Plan Update and is intimately familiar with Ramsey’s planning and zoning issues.

Phil and his planning team have provided municipal planning services to dozens of metro area communities. He brings the knowledge, understanding, and talent to address Ramsey’s distinct needs and opportunities. Phil will oversee the project team and serve as a resource to Tina.

Phil has extensive experience working with cities to deliver day-to-day planning services and prepare comprehensive plan updates. He is adept at collaborating with City staff, various commissions, and the public to achieve a community vision that stakeholders can support.

Along with his comprehensive planning expertise, Phil has more than 30 years of experience working on zoning studies, master plans, redevelopment projects, environmental reviews, and designing mixed use, residential, retail, office, and industrial projects. He is frequently called as an expert witness in land use and zoning cases.

ZONING ORDINANCE PREPARATION

Phil has experience designing and implementing mixed-use town centers with form-based codes that encourage increased

density, pedestrian traffic and conservation practices. He worked with the City of Owatonna on low impact development codes, the City of Burnsville on the mixed use Heart of the City development, Maple Grove on the Arbor Lakes area, West St. Paul on the Robert Street Corridor design guidelines, Mankato on the Downtown Mankato Urban Design Guidelines, and many others.

EDUCATION AND OUTREACH

Phil has served on the faculty of Government Training Services for more than 25 years, conducting seminars on comprehensive planning, zoning, tax increment financing, and shoreland regulation to city staff and decision-makers.

COMPREHENSIVE PLANNING

Phil has assisted with dozens of comprehensive plans for Minnesota communities in his 33-year career, including St. Cloud, Roseville, Burnsville, Blaine, Mendota Heights, Dayton, Minnetrista, Spring Lake Park, Sauk Centre, Sauk Rapids, Alexandria, Little Falls, and others.

Jay Demma

MARKET RESEARCH



Jay is well known for his knowledge and experience in researching land use, housing, and economic development in the upper Midwest. In his 16 years in market research, Jay has held a variety of staff and executive positions at leading market research firms in the Twin Cities and Philadelphia, and has worked on hundreds of research and consulting assignments throughout the United States.

EDUCATION

University of Minnesota

Bachelor of Science - Geography
Master of Urban and Regional Planning

AFFILIATIONS

Sensible Land Use Coalition (SLUC)
American Planning Association (APA)
Urban Land Institute (ULI)
Economic Development Association of Minnesota (EDAM)

Hongyi Duan

GIS COORDINATOR



A specialist in mapping and GIS, Hongyi will make sure the team's data is properly recorded in Ramsey's GIS system. Hongyi has worked on a wide variety of projects in her role as GIS Coordinator including comprehensive plans, zoning studies, and urban design. She also serves as a day-to-day mapping consultant for a number of cities in Minnesota.

EDUCATION

Beijing Polytechnic University

Bachelor of Science - Architecture

Iowa State University

Master of Science - Planning

AFFILIATIONS

Urban Land Institute (ULI)

COMPUTER EXPERIENCE

Adobe Suite
ArcInfo
ArcView
AutoCAD
CorelDraw Suite
Microsoft Suite

Experience

EXPERIENCE PROVIDING PLANNING SERVICES

Bonestroo provides professional consulting services in engineering, planning, and environmental science. Our staff includes planning, landscape architecture, and urban design professionals who respond to our clients' community planning, zoning code development or development plan review needs on a project basis or combined with day-to-day planning assistance.

Planning and related services represent about 5% of Bonestroo's total services. *Among the seven key members of the Bonestroo planning team, all types of community planning and zoning work are about 90% of our work, with about 30% of that work devoted to zoning code and development review.*



Bonestroo planners are familiar with Ramsey's planning history.

PHILOSOPHY

Our philosophy on the balance between economic development and zoning regulation is rooted in our understanding of the foundations of planning and zoning in our American form of government. The Constitution establishes a government with limited and clearly delineated powers.

There are key functions government must perform – regulation of land for the community's health, safety and welfare is among them – but we must guarantee everyone the right to enjoy and invest in their individual properties as long as they pose no harm to their neighbors.

Bonestroo planners are leaders in education on planning and zoning issues. We stress to the attendees of the seminars we teach that we must be clear regarding the intent of any regulation, be sure that has a rational basis, and that it is the minimum necessary requirement to achieve a desired end result.

With this background in mind, communities come together to craft a shared vision in a comprehensive plan and then implement that plan with regulations, such as the zoning code and subdivision code.



A varied mix of business types is essential to Ramsey's future success.

MARKET RESEARCH IS KEY

In Ramsey's plan, and in all recent comprehensive planning efforts by the Bonestroo planning team, there is a market research component – a community market overview – that indicates what the market demand is likely to be in terms of the type and scale of residential and commercial development in the future.

Translating this market information into zoning code standards, reflecting the various types of development at the right scale in the right locations, will help create community that can succeed in the marketplace.



Bonestroo supports its planning work with market research to help achieve real world success.

COMMUNITY CHARACTER CONSIDERATIONS

We believe it is vitally important to understand the character of the community as it exists today together with goals set forth for future development when preparing zoning codes that may affect not only future development but current property owners. We do not believe in a one-size-fits-all approach to zoning.

We will create specific standards that provide a balanced approach to residential development that supports rural areas that may remain rural for some time, while preparing new standards for developing or soon-to-be developing areas of the community.

CREATIVE APPROACHES TO ZONING

Zoning can be very creative with customized approaches to fit with and adapt to unique character of the land or to meet specific density objectives.

Codes should be reasonable with clear standards to meet the City’s objectives. We will look for solutions that help current property owners see economic return on their property (allow expansion or other needs), while also creating clear standards for new residential development that meet the density and design objectives set forth in the plan.

This combined approach will result in balance between promoting development of any scale, while also employing the correct level of regulatory tool to meet city’s objectives.

HOW TO FOSTER GROWTH

The single most important thing a community can do to support and encourage development (whether it’s a small business expansion, single family home expansion, or 100+ unit residential subdivision) is to manage and reduce the applicant’s risk and provide as much certainty as possible about

the ultimate outcomes of the development review and approval process. This can only happen when regulatory standards are clear, concise, and usable by any applicant.

Bonestroo believes creative standards based on flexibility using best management practices, incentives, and other methods provides the greatest opportunity for each project to meet the City’s vision without an overly cumbersome process resulting from over regulation. We will achieve this through the use of graphics/illustrations, strong definitions, and clear requirements and built in flexibility where appropriate to meet the goals for each land use.



Our ability to produce quality graphics illustrates concepts for decision makers.

PLANNING SERVICES CLIENTS IN THE LAST THREE YEARS

Bonestroo works for a wide variety of communities with vastly different planning needs. We follow the evolution of our municipal clients and their needs at each stage.

Bonestroo has helped many of our long-term clients, which were once facing similar challenges as Ramsey, develop comprehensive plans, zoning ordinances, special studies, and assist with day-to-day planning activities to help achieve their vision for the future.

Most recently (in the past three years), these clients include:

- Stacy
- Harris
- Dayton
- Forest Lake
- Corcoran
- Brooklyn Park
- Lauderdale
- Oakdale
- LaCrescent
- Albany
- Melrose
- Victoria
- Princeton

REFERENCES

We welcome you to contact the following clients for whom we have provided planning services.

CITY OF DAYTON

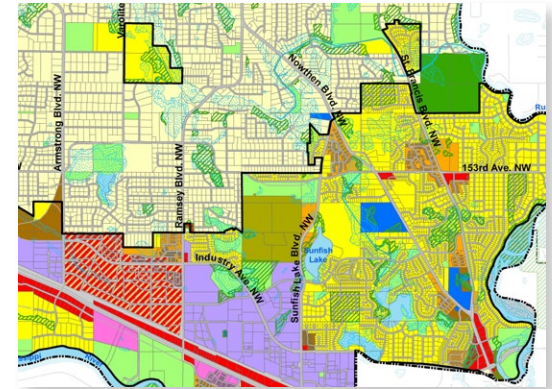
Erin Stwora 763-421-3487
Assistant to the City Administrator
12260 South Diamond Lake Road
Dayton, MN 55372
estwora@cityofdaytonmn.com

CITY OF FOREST LAKE

Doug Borglund 651-209-9734
Community Development Director
21350 Forest Boulevard
Forest Lake, MN 55025
doug@ci.forest-lake.mn.us

CITY OF BROOKLYN PARK

Cindy Sherman 763-493-8051
Planning Director
5200 85th Avenue North
Brooklyn Park, MN 55443
cindy.sherman@brooklynpark.org



The Land Use Plan and its goals are the basis for current and future planning decisions.

2030 Comprehensive Plan Update, Zoning Ordinance Update, Form Based Design Requirement Manual

FOREST LAKE, MN

Completed 2009

2010 MN APA MERIT AWARD

Tina served as project manager for preparation of the City's 2030 Comprehensive Plan Update, and immediately after completed a full update to the Zoning Ordinance that included new downtown and general mixed use districts, new business park district and a form based design requirement manual for all commercial, industrial and mixed use zoning districts.

tool to illustrate the site, building and sustainability design standards required within the ordinance.

Throughout the update process, Tina worked closely with staff and the Planning Commission with periodic reviews, input and final adoption.

Mixed use districts were created to allow for increased residential density along Highway 61 within city's downtown and major commercial corridor. This increased density coupled with strong design standards intensified an area with existing infrastructure rather than extending growth prematurely.

The form-based design requirement manual serves as an effective regulatory

Site Design:
Building Frontage: At least 65% of the street frontage of any lot shall be occupied by building facades at the property line. In addition, a minimum of the first 50 feet of the lot frontage on either side of a street intersection must be occupied by buildings set at the property line. Parking or other space open to the sky is not allowed within this first 50 feet.

At least 65% of the street frontage of any lot shall be occupied by building facades at the property line. In order to meet this requirement, the following formulas should be used:

building lot frontage / total lot frontage = 65% or greater

All lots shown in this example meet the 65% building street frontage requirements. Lots 1 and 4 have met the requirements on both sides that front the street.

Lot 1: $125' / 120' = 100\%$
 $130' / 155' = 84\%$

Lot 2: $75' / 92' = 78\%$

Lot 3: $85' / 82' = 100\%$

Lot 4: $112' / 102' = 65\%$
 $100' / 125' = 80\%$

Lots 1 and 4 also meet the required building possession within the first 50' of the property line on either side of the street intersection.

4-2 City of Forest Lake

- a) On lots with more than one street frontage, the building shall be located to meet the 65% street frontage requirement on both streets.
- b) The building frontage requirement may be met either with an enclosed building or an arcade constructed with a permanent roof of the same materials as the remainder of the building.
- c) At least the first and second floor must meet the building frontage requirement. Arcades at street level and terracing of building facades above the second floor are encouraged.

- d) Wherever a surface parking area faces a street frontage, such frontage shall be screened with a decorative wall, railing, hedge, or a combination of these elements to a minimum height of 2 1/2 feet and a maximum height of 3 1/2 feet above the level of the parking lot at the build to line.
- e) Drive-through or drive-in lanes are not allowed within the build-to-line or in front of any buildings; they must be located to the side or rear of a building.
- f) To provide linkages to parking and the lakefront, all business shall provide a primary entrance at both the front and the rear of the building.
- g) Rear facing windows and doors shall be provided on all structures to promote use of off-street parking lots and create connections to the Handwood Creek Trail and the lakefront.

Bonestroo

Mixed Use Guideline example

d) Landscaping

- 1) Use best management practices for tree plantings in order to encourage maximum canopy growth. This can include adequately sized planting beds, CU Structural Soil, Silva cells, or other methods to allow healthy root development. See Section 153.230 for additional Landscaping requirements. Use best management practices for tree plantings in order to encourage maximum canopy growth. This can include adequately sized planting beds, CU Structural Soil, Silva cells or other methods to allow healthy root development.
- 2) Landscaping shall be designed to provide shading and cooling during the summer months while minimizing reduction of solar heat penetration during the winter months. See Section 153.230 for additional Landscaping requirements.
- 3) Landscaping is to be environmentally sensitive and should include native drought resistant plants and turf, and a reduced need for chemical fertilizers and pest control. See Section 153.230 for additional Landscaping requirements.
- 4) Where irrigation is required in Section 153.230 use recycled gray water, roof water, collected site run-off or an irrigation system that will deliver up to ninety-five (95) percent of the water supplied.

Landscaping should include native drought resistant plants and a reduced need for chemical fertilizers and pest control.

Where irrigation is required, use collected site runoff for water supply.

5-2 City of Forest Lake

Bonestroo

Sustainability Guideline example

2030 Comprehensive Plan Update & Zoning Ordinance Update

DAYTON, MN

Completed 2010

Tina served as project manager for all aspects of the Comprehensive Plan Update and Zoning Ordinance Update. As Dayton is just now extending municipal services, the comprehensive plan update required extensive public education to educate and inform residents and the Steering Committee about their options for land use, staging of growth, and growth management.

A strong connection for future land use planning was tied to natural resource planning and protection. With so many changes made to land use and creation of new land use categories, the Zoning Ordinance was completely updated.

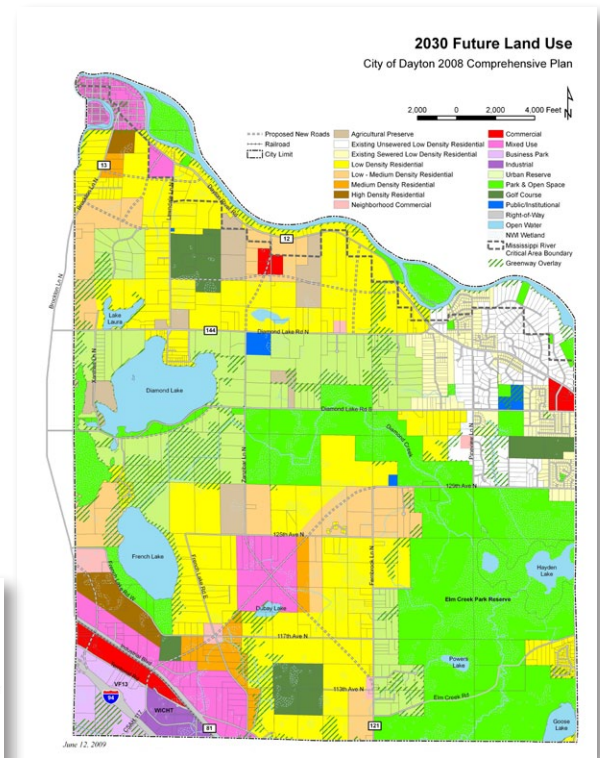
New standards for residential, commercial, and industrial use districts with site and building design standards were developed to ensure the very first sewered development meets the standards set forth in the plan.

In addition, Tina created three new Mixed Use Districts and form based design requirements to respond to new growth areas including the Historic Village. New landscaping, parking, and growth management ordinances were also created.

Tina divided the ordinance update in the phases and worked closely with staff and the Planning Commission for review, public hearing and recommendation after each phase.



Historic Village Concept Plan



2030 Future Land Use Plan

2030 Comprehensive Plan Update & Zoning Ordinance Update

CORCORAN, MN

Completed February 2011

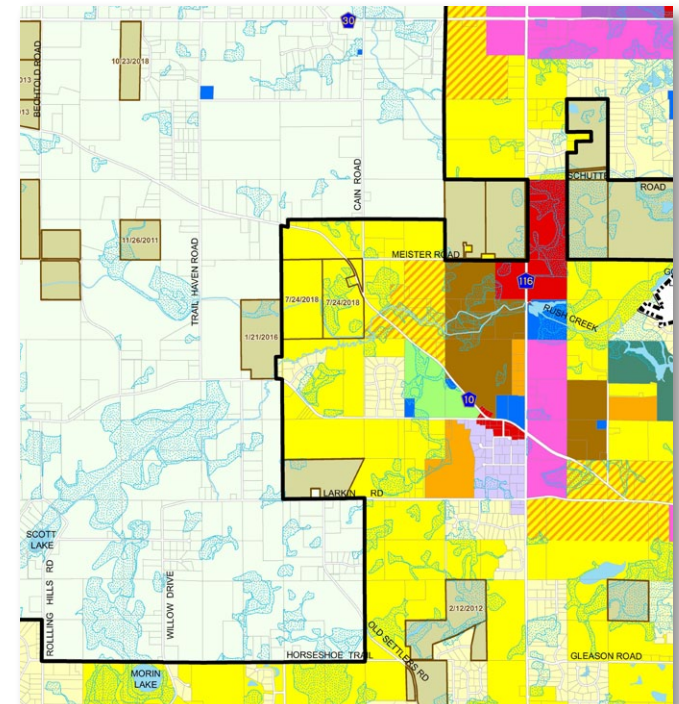
Tina served as project manager for the Comprehensive Plan Update and then prepared key zoning ordinance elements for plan implementation. Zoning ordinance elements focused largely on environmental conservation, integrated tree preservation, open space plat, growth management, and updates to all use districts with preparation of new mixed use districts including building and site design standards for all districts.

Each of these elements considered the effect of new regulations on existing property owners with creation of alternative ways owners can benefit from economic return now prior to extension of sewer into the City or reaching its western limits.

Creative approaches to residential use districts were developed to meet densities called forth in the plan, but with built-in flexibility and choice of elements that allows range in lot sizes in a single district without the added requirement of a PUD but still providing PUD level benefits.

These tools allow the City to work with applicant on innovative developments within the ordinance provisions resulting in better developments but without the added time a PUD often requires.

Tina completed the open space plat ordinance work in conjunction with efforts of a Greenway Committee. Remaining ordinances were prepared and reviewed by staff and joint Planning Commission and City Council review meetings.



Process & Services

UNDERSTANDING RAMSEY'S PLANNING NEEDS

The City is looking for day-to-day assistance in development review in addition to project specific work to create amendments to the City's Zoning Ordinance that will fully implement the 2030 Comprehensive Plan.

Bonestroo is a valuable resource for the City of Ramsey in supporting staff in day-to-day planning duties and in implementing the goals and policies of the City's Comprehensive Plan.

The City wants to amend its Zoning Code to comply with the Comprehensive Plan. This effort will result in new residential architectural standards, creation of a new Office Park Zoning District and potential revisions to the signage ordinance.

We will review existing use districts and update as needed and provide recommendations and options for development of form-based codes or other flexible zoning techniques that support the type, scale, and design desired in the City.

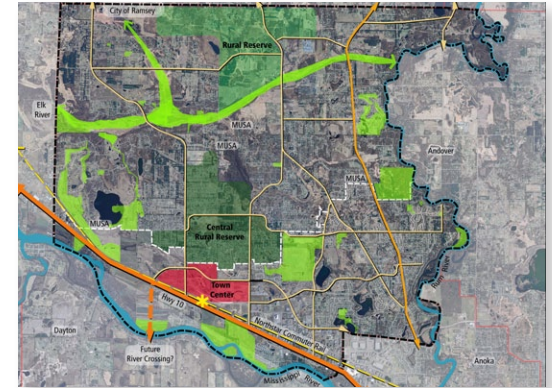
THE BONESTROO ADVANTAGE

Bonestroo planners assisted the city in preparing the current Comprehensive Plan, starting in 2007, working within the Ramsey3 process. We assisted the community in a unique, day-long, hands-on charrette workshop to create the land use plan for Ramsey. We are familiar with many of the issues that are important to various parts of the Ramsey community and with many of the people who have helped shape the plan.

Our planning group has in-depth experience providing municipal planning services. We have worked with numerous developing and fully developed communities in the metropolitan area to manage both growth and redevelopment and achieve their vision for a successful future.



Bonestroo worked with the Ramsey3 process in developing the Comprehensive Plan



Bonestroo planners are familiar with the planning issues facing Ramsey

With a team that includes some of the region's most experienced and respected planners, our experience includes working on a few of the area's most complex and interesting planning projects as well as decades of experience working with many communities on the smallest zoning applications.

We bring not just a day-to-day planner to handle the zoning applications, but a team of experienced, seasoned professionals with specialties in market research, zoning law, urban design, economic development, redevelopment, environmental review, sustainable regulations, GIS mapping and analysis, and many other specialties.

APPROACH TO SERVING RAMSEY

The RFP divides the effort into two parts. Bonestroo has full in-house capability for all aspects of the work including development review, preparation of zoning ordinance amendments, creation of form-based design elements or other flexible zoning techniques identified throughout the process. No subconsultants are needed.



Housing choices are an important part of Ramsey's appeal.

DEVELOPMENT REVIEW:

If desired Bonestroo can provide on-site office hours to assist staff in review of selected land use applications and preparation of staff reports for Planning Commission and City Council.

Benefits of on-site office hours would include convenient pre- and post-application meetings with applicants and staff and ability to assist in resident calls or inquires.

We believe strongly in face-to-face discussion of planning projects and proposals and in site visits to understand the issues. Once these initial contacts are made we can continue to meet face-to-face or communicate via phone or email on many issues.

CITY ZONING CODE AMENDMENTS:

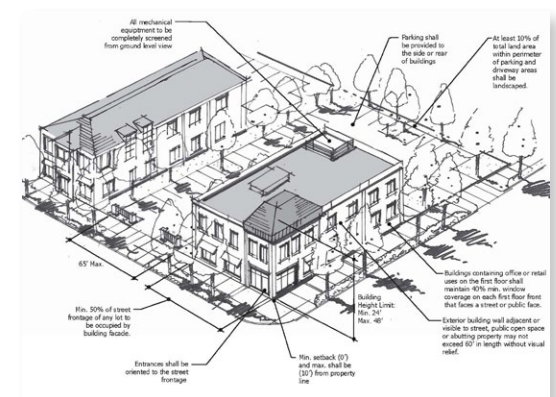
Bonestroo staff will meet with City staff to discuss necessary updates, format, content, etc., and then prepare draft amendments for staff review. Upon review and discussion with city staff, Bonestroo will prepare final drafts and staff reports for review and presentation to the Planning Commission. Bonestroo will attend all necessary Planning Commission public hearings and City Council meetings for final adoption.

PARTICIPATION BY CITY STAFF AND OFFICIALS:

Bonestroo staff will complete development review and preparation of staff reports under direction of the Senior Planner. It is anticipated that the Senior Planner will review staff reports prior to presentation

to Planning Commission and City Council. Bonestroo will be available to attend meetings as requested. Participation by officials would be limited their respective meetings.

Bonestroo will coordinate review of Zoning Code Amendments in a similar way with staff. We will coordinate scheduling of meetings and venues with City Staff but facilitate the various meetings throughout the amendment and adoption process. It is anticipated that the Planning Commission would have a greater role in reviewing drafts throughout the six-month process.



Communicating graphically is an important part of Bonestroo's work in creating special places that foster community identity.

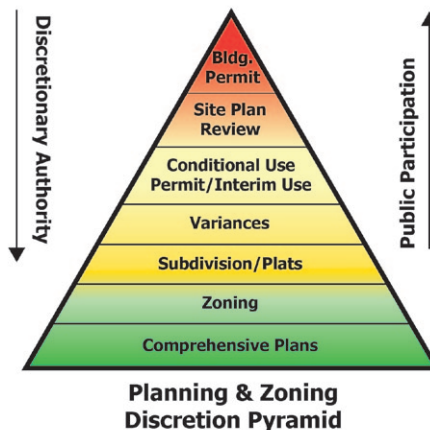
Community involvement in the process will allow our team to identify key issues and concerns early on, develop alternative amendments and evaluate the alternatives in order to develop consensus around a preferred alternative.

By promoting public involvement, a community can tap into the concerns, expectations, and creativity of its residents to produce innovative solutions.

Bonestroo promotes and encourages city's to consider a high level of public participation with ordinance updates similarly to the comprehensive plan as the city's highest level of discretionary authority lies in these two tools.

The right plan for public participation will be determined along with City staff, but some options we like to consider include:

- **Utilize the Planning Commission as a working group for all draft reviews.** Hold special workshop meetings with the Planning Commission at the onset of the project to determine the final scope of amendments; during key points of the drafting to educate and share drafts; final draft reviews; and all necessary public hearings.



- **Focus groups meeting(s):**
 - Engage the local business community to discuss changes to commercial, industrial districts and related ordinances that will affect them such as site/building design and signage.
 - Meet with local residents regarding proposed changes to residential districts. Identify current needs for expansion that might result in changes to ordinances or flexible zoning techniques that support improvements without a need for a variance.
 - Other groups identified through initial staff and Planning Commission efforts.

- **Open Houses:** An open house style meeting will be utilized prior to the public hearing to unveil the draft amendments to the public. Summaries of each draft ordinance will be prepared to help residents understand the changes, how it may affect them or others through future developments. Feedback forms will be available to solicit input from the public. Bonestroo will coordinate preparation materials for display on the City's website.



Recognizing that community involvement happens in a variety of ways, Bonestroo planners are experienced in many techniques and approaches to maximize participation and input.

DELIVERABLE:

Final ordinance documents in current ordinance format for codification.



Maple Grove, MN – Arbor Lakes

RELATED SERVICE CAPABILITIES

REDEVELOPMENT MASTER PLANS

Community planning evolves and redevelopment is a key component. We base our approach on real market conditions and traditional urban design principles to create plans that build economic value, as well as a sense of place overtime.

We have a strong track record for creating award-winning redevelopment plans that build memorable places through thoughtful, artful, high-quality design that respects, reinforces, and enhances a communities' unique characteristics and builds economic value.

STREETSCAPE AND PLAZA DESIGN

Streetscape projects must balance the functional needs of vehicles with safety and aesthetic considerations to improve pedestrian comfort and create a fresh identity. Human scale improvements and pedestrian friendly environments are the focus of these projects. Calming traffic through narrowing of roads and landscaping and creating open spaces that invite people to interact are critical to successful public spaces.

Our team has experience working with communities to define objectives, review alternatives, and prepare designs that reinforce their ultimate vision and create a sense of community pride.

CORRIDOR PLANNING AND DESIGN

Urban corridors can be challenging for their diverse land use, stakeholders, and street characteristics. The key is to create a cohesive design throughout the entire corridor that expresses a sense of place. Streetscape treatments such as monumentation, lighting, and signage to building architecture and the setbacks play key roles in defining the character along any corridor.

URBAN DESIGN GUIDELINES AND FRAMEWORK MANUALS

A key component to implementing a community's vision is to document the design into definitive components that can be used to guide future development. Design guidelines and frameworks plans are tools the community can use, once adopted, to do just that. They set aesthetic and design principles that must be followed when new development is proposed.



Excelsior, MN – Streetscape Framework

SITE MASTER PLANNING AND DESIGN

Planning can offer the structure vision and guidance for successful creation of places and the implementation of multiple project types.

We provide context sensitive solutions to site issues and explore multiple alternatives for how the site can be utilized. We conduct aspects from inventory to implementation, including goals and objectives, public facilitation, technical analysis, creative design, and feasibility of improvements.

TRAIL AND GREENWAY DESIGN

When properly designed and developed, these corridors can provide a wide range of benefits to people, habitats, and wildlife. Each corridor can uniquely express the cultural and natural features of the area.

Our knowledgeable staff is ready to solve the technical, environmental, and political challenges posed by your project. We can help at every step, including feasibility analysis, master planning, cost estimation, phasing, public involvement and funding strategies.



Burnsville, MN – Nicollet Commons Park

PARKS, OPEN SPACE, AND AMENITY DESIGN

Ranging from parks, monuments, to rain gardens, our services can enhance communities by combining public green space and high quality design standards. People are looking more and more for ways to be distinguished as a community, to have places to socialize with others in their neighborhoods, and promote the preservation of significant natural features.

Our staff has assisted a wide range of communities in making these ideals reality. We can create meaningful and expressive designs that will enhance the overall quality of living.

GOLF COURSE DESIGN

Our golf course designers provide clients with a full range of in-house services to support the creation or renovation of a golf course. From initial site analysis, land survey, or design to guiding the project through the approval process, our staff is equipped to address any issues that may arise.

Approval for golf course design is particularly challenging in areas that are considered environmentally or culturally sensitive. With our knowledge of federal, state, and local guidelines, our staff brings you the expertise needed to obtain approvals without substantial modifications.

Timing

MEETING YOUR SCHEDULE

To meet with timelines desired by the City, to update the Zoning Code in compliance with the Comprehensive Plan, Bonestroo proposes a start date no later than June 1, 2011 and completion by December 1, 2011 using the following schedule for drafting, focus groups, open house and key City meetings:

	2011									2012
	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN
Draft Code Amendments			JUNE - AUGUST							
Draft Review					AUGUST - OCTOBER					
Public Participation			JUNE		AUGUST - OCTOBER					
Final Review & Adoption							OCTOBER - DECEMBER			

SAMPLE PLANNING TRACKING TABLE

MANAGEMENT SYSTEMS

Whether it's planning and zoning processes and procedures, inspection, or information to manage the City's infrastructure, Ramsey's systems needs to be easily explained and easy to use.

The planning systems Bonestroo will manage with the City include:

- Clear ordinances that implement your comprehensive plan goals.
- Consistent and equitable procedures for reviewing and processing development applications so developers, business owners, and residents receive fair treatment in the City's approval process.
- Application forms, submittal schedules, summaries and checklists for the various applications will be provided in a user-friendly format so individuals using them understand what is expected, the timing of the process, and why and how things will be accomplished.
- Procedures for tracking applications to maintain the 60-day rule and any other statute requirements.
- Streamlined planning procedures for specific applications related to existing residents and existing development.
- Record-keeping related to planning policies, zoning ordinances, and development applications – organized filing systems, policy tracking, ordinance tracking, and consistent file structures.

APPLICANT NAME	APPLICANT ADDRESS	PERMIT ADDRESS	STAFF	DATE APPLICATION SUBMITTED	COMPLETION LETTER DEADLINE	DATE INCOMPLETE LETTER SENT
Smithson	1140 Green Ave N	1140 Green Ave N - Administrative Variance	Whitney	April 26, 2010	May 11, 2010	N/A
Olson	7810 44th St North	7810 44th St North - Oversized Building	Whitney	April 20, 2010	May 3, 2010	N/A
Rogers	720 5th St North	720 5th St North	Whitney	October 25, 2010	December, 23 2010	N/A

DATE APPLICATION COMPLETE	60 - DAY DEADLINE	60 - DAY EXTENSION	APPLICANT EXTENSION	RESIDENT LETTER MAILED	DATE OF PUBLIC HEARING NOTICE SENT TO OFFICIAL NEWSPAPER	DATE OF PUBLICATION OF PUBLIC HEARING NOTICE
April 20, 2010	June 19, 2010			April 26, 2010	May 11, 2010	N/A
April 15, 2010	June 14, 2010			May 21, 2010	June 3, 2010	
N/A	N/A					

PLANNING COMMISSION		CITY COUNCIL		RESOLUTION # RECORDED	INSPECTION COMPLETED
PUBLIC HEARING	ACTION	REVIEW	ACTION		
Administrative	Approved		Denied	2010-38	Not Started
June 15, 2010	Tabled				
N/A	N/A	Administrative	Approved		

(Prepared for the City of Oakdale)

Compensation

BILLING RATES

Bonestroo will provide the planning services in this proposal on an hourly basis at the following rates:

- Tina Goodroad\$93/hour
- Phil Carlson \$104/hour
- Jay Demma \$90/hour
- Hongyi Duan \$85/hour

Rates for other staff if needed will be quoted on request

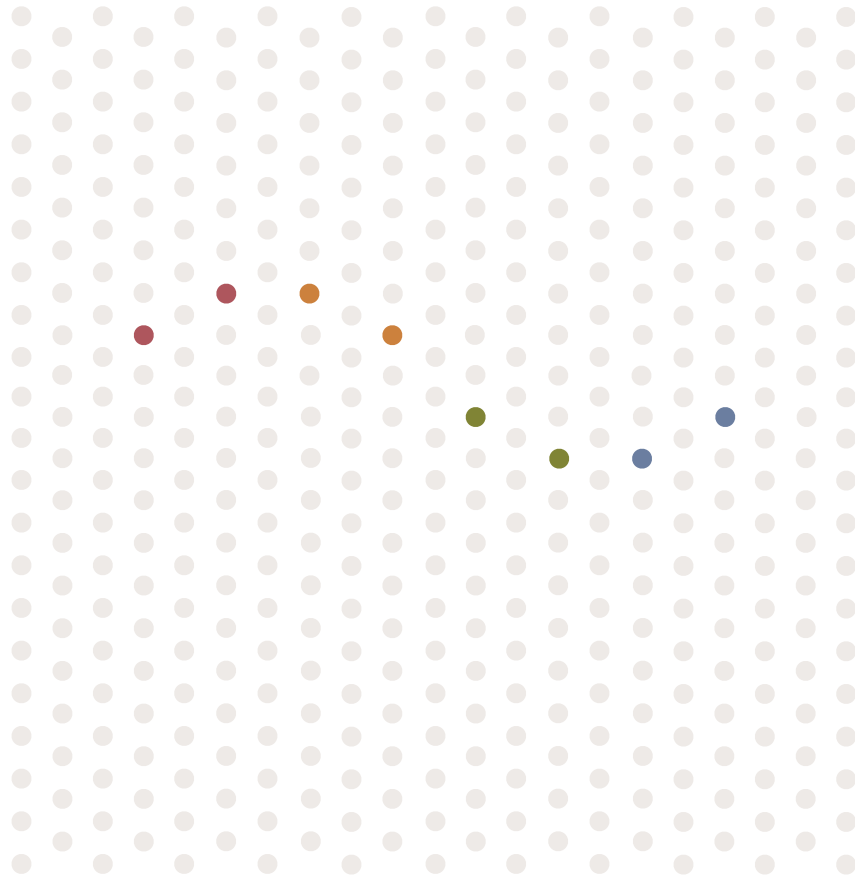
We will charge our time in 0.25-hour increments.

In addition to the hourly rates for staff we will charge the City for typical expenses, such as mileage, copies, plots, supplies, or other necessary materials for requested planning work.



[BACK](#)

LANDFORM



City of Ramsey Planning Services

Planning

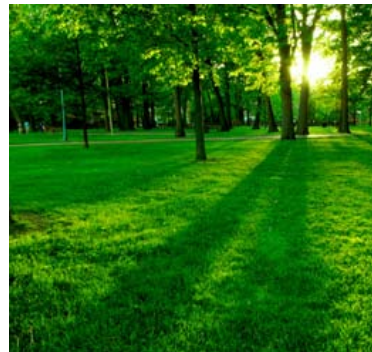
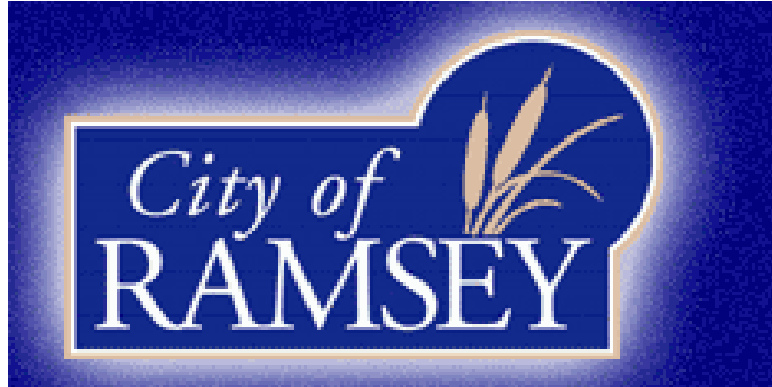
Zoning

Plan Review

Ordinance
Updates

City Meetings

Respond to
Residents



April 8, 2011

Prepared for:
Tim Gladhill
Senior Planner
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Prepared by:
Kendra Lindahl, AICP
Landform
105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401
Phone: 612-252-9070
Email: klindahl@landform.net



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Approach to the Scope of Services



It is vital to address Ramsey's land use challenges, growth trends and development issues to better establish planning goals for the community in its current and future development needs.

The City of Ramsey faces a number of planning challenges as growth continues and the community works to balance the rural and urban elements within the City. In the current marketplace, consulting planning staff can supplement the city planning team and help to balance the inevitable peaks and valleys of the development cycle.

We understand that the City is looking for professional planning assistance to provide support for day-to-day planning activities, development review and ordinance preparation. Our Landform team is experienced and committed to providing excellent service and helping you meet these planning demands.

Landform is dedicated to interweaving the broader issues of the urban landscape with the intimate scale of our community, neighborhood spaces and natural environment. We understand the value of design and planning at any scale and the need for a thoughtful, innovative and sustainable design process. Our work is based on an in-depth understanding of the uniqueness of a place. We believe that by uncovering and building upon the unique qualities of a place in a restorative manner, we will ensure its long-term success.

A major component of place is the natural environment and its resources. We strive to responsibly achieve harmony with the earth's land and resources in projects of all scales. Our SensiblyGreen® initiative is the result of a focus on both resource management and economic viability. Our sensible approach provides economical solutions, cost-saving opportunities and a sensitive use of natural resources.

Community -Based Planning Solutions

We take a community-based approach to the planning process and are dedicated to tailoring a planning approach that meets the needs of your community. We would also provide planning staff for Planning Commission and City Council meetings as needed. We work at your direction and look forward to working with you to set priorities and establish ordinances, policies and procedures to help you accomplish your goals.



We employ a SensiblyGreen® approach to planning and design and can help you understand and discover new ways to improve and expand upon sustainability in your community.

We look forward to once again working with Ramsey. Our principal planner, Kendra Lindahl, began her planning career as a planning intern for the City of Ramsey which created a strong foundation for her planning career. Our Landform team is currently working as the Development Manager for the City of Ramsey HRA for The COR, which gives us an immediate understanding of the issues and challenges facing the City.

Our ultimate goal is to provide approachable, knowledgeable planners that are available to answer questions and provide professional planning support to staff as needed. We would be able to schedule regular office hours at City Hall if desired. This would allow us to be available for staff meetings and meetings with residents or developers as scheduled by staff.

Approach to the Scope of Services



You will gain a team experienced in both the public and private sectors – a design team that has in-depth and successful experience with the policy portion of community plans and studies as well as the development realities of the plans.

Our company is unique in that we have experience with both public and private sector clients. This helps us incorporate market realities into the planning we do for cities and helps us to better understand the resident and developer positions, while ensuring that the city's goals are met. This is especially valuable for the City when we are working on ordinance updates as we can anticipate challenges and opportunities and draft language to address those issues up front to minimize conflicts.

Planning & Zoning and Economic Development are two separate but related City activities. We believe that planning and zoning tools put in place by the City should encourage the type of development you wish to see and clearly define expectations. However, these ordinances must leave enough flexibility for developers to respond to market changes that allow development that is consistent with the City's overall vision.

Our firm has extensive experience working with cities to develop and implement ordinances and development policies. We have a solid understanding of the opportunities and challenges new developments present for communities.

We can help the City Council, Planning Commission and City Staff make appropriate decisions regarding City zoning and land use policies. We understand that the needs of a community like Ramsey are different than other cities, but we can apply our experience from working in other communities to help create solutions that work for you. We can help you with plan review for new development, be present at meetings and create ordinances and maps to implement the goals and the objectives of the City. We will create tools to assist you in preserving the historic characteristics of your City while responding to new influences and other impacts. We can create ordinances that meet the specific needs of Ramsey and will be readable and understandable to the public and the Council. We pride ourselves on our ability to communicate effectively with people both verbally and in writing and we relish the opportunity to work with you this year as you finalize your code updates.

Our firm is uniquely qualified to help you implement these plans as we have a solid understanding of the market realities and professional planning principles. We can capitalize on these skill sets to benefit the City of Ramsey as you review development proposals.

General Planning Services



We are experienced in the public policy and planning side of municipal projects as well as the design realm. We have completed park master plan options for the City of Oak Grove, MN.



Shoreview Town Center master planning design process created a master plan and preliminary design standards for area redevelopment.

Landform has the experience and staff available to provide the planning services requested by Ramsey. Specifically, Landform will:

- Prepare Ordinance Updates. The City is in the process of implementing the 2030 Comprehensive Plan and must prepare a number of ordinance amendments and updates. Our staff has experience developing ordinances to implement the Comprehensive Plan and currently leading a similar exercise in the City of Corcoran. We can lead the process to develop Residential Architectural Standards, create a new Office Park Zoning District, update other zoning districts, update the Sign Ordinance, evaluate form-based codes, etc.
- Review Land Use Applications. We will review applications for consistency with City adopted Zoning Ordinance and Comprehensive Plan, city policies and relevant laws, rules and regulations and develop appropriate findings.
- Prepare Planning Reports and Technical Correspondence. We will prepare planning reports for the Planning Commission and City Council with supporting documentation. We will work with the city to ensure that the format and style of these reports meets your needs. We will present the information at public meetings as directed.
- Attend City Meetings. We understand that the planner is typically asked to attend the planning commission meeting and the Council meeting where applications are being presented. Additionally, we would attend staff meetings as requested by the city.
- Provide Office Hours. We will work with city staff to provide office hours when needed. We often find that these office hours provide great opportunities to learn from each other and improve the planning process.
- Planning Resource. Our experienced planning staff will support city planning staff and provide a resource for planning process and policies. Our experience gives us insight into how to create and maintain a Community Development Department that is open and transparent. Landform is currently formalizing our "market-readiness" assessment tools to help cities determine their perception in the marketplace and help them be more user-friendly.
- Professionalism. We will consistently maintain a courteous and professional manner. We believe that we work for the community and pride ourselves on providing exceptional service every day.

Timing/Schedule

Our team is available to begin work on this project immediately. Our first step would be to meet with City staff to identify priorities for the ordinance updates and present these recommendations to the City Council for approval. Updates to the zoning ordinance can vary greatly depending on the scope of work and public process. We believe that several of the required ordinance updates can be completed concurrently and, therefore, reduce the amount of time needed. Several of the ordinance updates

General Planning Services

are very simple updates that will likely not involve significant public interest, but other like the residential architectural standards will create interest. We believe that a combination of open houses and workshops with key stakeholders will be required for some of the updates (like residential builders to discuss proposed architectural standards). Other more simple ordinance update may be adequately addressed through the public hearing process. We would work with staff to develop the process for each of the ordinance updates and believe all of the specific ordinances identified in the RFP can be completed by the fall of 2011.

60-day Review

We have reviewed the City's current application schedule and believe that we can work within that schedule, which will ensure compliance with the 60 day review period. We would ask that when we are to be assigned a land use application, city staff notify us of the submittal and we will complete the required review for completeness so that we can notify the applicant of the review schedule and any missing information. We would then prepare public hearing notices as required and schedule the application for Commission and Council review.

Landform Planning Services

Our Planning & Infrastructure Studio focuses 100% on public sector clients. Our public work represents approximately 50% of the firm's overall revenues. Due to the recent required Comprehensive Plan updates, our planning work is now split evenly between ordinance updates and development review.

Planning & Economic Development

We believe that well-written ordinances and policies are a critical component of economic development. City that have been thoughtful about their vision for the community and have developed the tools to make that vision a reality are the cities that are experiencing economic development. Our planning philosophy is that cities need to make it easy for landowners and developers to do the right thing. When cities are clear about what they want to see and outline a process that is easy for developers to understand and complete, development follows. This is why we believe that ordinances need be developed to meet the City objectives and vision and need to be clearly written so that staff, developers, residents and City officials all understand what is expected.



This Land Use Plan and recommendations for Highway 7 Corridor Study in Hutchinson, MN, is relevant because of the similarity between Hutchinson's and Ramsey's growth along significant Highway and river corridors.

We have experience implementing regulations and ensuring compliance with local, regional, state and federal regulations. Our team understands the important of relationships between neighboring communities, the County, the Metropolitan Council, the State and Ramsey. Our team has experience working with all of these entities and creating successful outcomes for our clients. We are passionate about helping our clients reach their goals!

Identification & Qualifications of Assigned Personnel

Our team possesses the talent and expertise to provide city planning services to Ramsey. At Landform, we look to build relationships with communities where we believe our team is well-suited to the needs of the specific community. We create solutions for your community that are as unique as you are. You can be assured that Ramsey is a significant client for our studio and will be given our full commitment. The team members identified will be available immediately and will be committed to this team for the duration of this project.

Quality + Experience = Value

Kendra Lindahl will be the primary Landform contact for Ramsey. Other staff members will be available to provide planning services should additional staff time be required. Our staff members have experience with a number of municipalities and will be available to support Ms. Lindahl and the City.

Your Planning Team

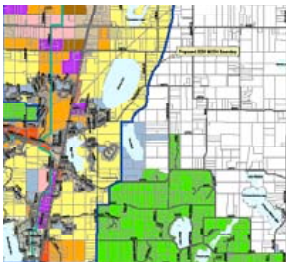
Leadership

Ms. Kendra Lindahl and Mr. Robert Schunicht lead the Planning & Infrastructure Studio. This group is focused exclusively on serving our municipal clients. We make it our business to understand the public process, the development process, the current market climate and conditions, and the pressures you face. With that solid understanding as a foundation, we help shape the project approach, production and delivery processes to anticipate those needs. Our proactive approach means we can be as fully responsive and flexible while still meeting demanding city schedules and challenging budgets.

Ms. Kendra Lindahl, AICP, Project Principal and Planner

Ms. Lindahl will be the primary city contact. Her knowledge of the area and professional planning experience will be an asset to the City of Ramsey. She will be responsible for committing firm resources and assuring performance and overall client satisfaction. Ms. Lindahl's experience with both public and private sector clients has provided her with an understanding of the big-picture concepts and the expertise to ensure that details are addressed. Relevant experience is as follows:

- Ramsey Town Center Re-Visioning (now "The COR"), Ramsey, MN
- Village of Hardwood Creek, Lino Lakes, MN
- Big Lake Downtown Framework Plan, Big Lake, MN
- Highway 7 Corridor Study, Hutchinson, MN
- Corcoran Planning Services; Zoning and Subdivision Ordinance; Area Plans and Design Guidelines, Corcoran, MN
- Hugo Comprehensive Plan Update; Downtown Plan and Design Guidelines; and Multi-Family Design Guidelines, Hugo, MN Corcoran Planning Services, Corcoran, MN
- Hanifl Fields Athletic Park Shelter, Hugo, MN



At Landform, we look to build relationships with a limited number of communities where we believe our team is well-suited to the needs of the specific community.

Identification & Qualifications of Assigned Personnel



Highway 7 Corridor Study in Hutchinson, MN, involved working with City staff and residents to shape the corridor plan for area growth due to the expansion of Highway 7.

Mr. Robert Schunicht, P.E., Vice President

Mr. Schunicht has over 30 years of diverse experience in all aspects of infrastructure planning and design for both the public and private sectors. His broad experience includes working for a variety of government units ranging from small townships to large metropolitan agencies and the federal government. In the course of his career, he has completed infrastructure plans for approximately 40 communities, including one third of the developing communities in the 7-County Metropolitan Area. He is adept at public facilitation and specializes in developing collaborative, multi-jurisdictional agreements. He has provided consulting engineering services to the City of Maple Grove for over 30 years and has been involved in the planning and design of the infrastructure that allowed the City to grow from a population of 10,000 to over 60,000. In late 2007 and 2008 he stepped in to an interim role as Sartell's client service manager and led the development and construction support services of a \$30 million capital improvement program. Relevant experience is as follows:

- Maple Grove Gravel Mining Area Master Plan, Maple Grove, MN
- Sartell Brookwood Area Reconstruction, Sartell, MN
- Elm Creek Interceptor Master Plan

Mr. Steve Sabraski, Designer III

Mr. Sabraski will provide planning and graphic design support on this project. He has worked closely with Ms. Lindahl on a wide range of projects. His design talent combined with his strong technical and analytical skills make him invaluable to our team. Mr. Sabraski will be responsible for maintenance of the GIS database for the City of Ramsey and preparation of supporting graphics as requested. He will be assisting Ms. Lindahl in daily planning operations as well.

Experience



We have completed projects such as Ordinance updates, Comprehensive Plan updates and planning studies that involve extensive public participation processes.

Landform has a wide range of experience on similar municipal planning projects. Details of several of our most current, relevant projects are summarized below:

City of Corcoran

Landform served as the City Planner for the City of Corcoran from 2003-2007 and again beginning in 2009-present providing plan review and other daily planning services. We also led the following City projects during that time:

Zoning and Subdivision Ordinance, 2010

Zoning and Subdivision Ordinance, 2004

Area Plans and Design Guidelines for three distinct areas in the City, 2004

City of Hugo

Landform has served as the City Planner for the City of Hugo since 2001, providing plan review and other daily planning services. We were also the lead on the following City projects during that time:

Hanifl Fields Athletic Park Shelter (design & construction administration), 2010

Comprehensive Plan Update, 2008

CSAH 8 Streetscape Plan, 2008

Downtown Plan and Design Guidelines, 2007

Multi-Family Design Guidelines, 2006

Rural Preservation Program Ordinance, 2005



Our planning services for the City of Hugo included Comprehensive Plan and Ordinance updates that involved extensive public process coordination and participation.

City of Medina

Landform served as the City Planner for the City of Medina 2004-2009, providing plan review and other daily planning services. We were the lead on the following City projects during that time:

Comprehensive Plan Update (including a number of mapping elements), 2008

Miscellaneous Ordinance Updates, 2004-2008

City of Hutchinson

Landform completed a Corridor Study for the City of Hutchinson, MN, that included recommended changes to the City's zoning map and ordinance:

Highway 7 Corridor Study, 2007

Additional Work Experience

Many of our other planning and urban design projects are also very applicable to our work with the City of Ramsey for planning services and we would be happy to provide additional work examples upon request.

Firm Profile



Our experience in the planning and design of active, healthy places will benefit you with more thoughtful, unique planning services.

Landform is a multi-disciplinary consulting firm, founded in 1994 and based in Minneapolis, Minnesota. In 2009, we corporately restructured and brought in Robert Schunicht, who joins Darren Lazan in partnership of the firm. We offer a full range of site design, planning and engineering services. Our professional resources include landscape architects, planners, urban designers, civil engineers and land surveyors for a total of nearly 20 professional staff. We are committed to client service, design quality, principles of sustainability and an innovative approach to site design.

Landform is organized into studios, each with their own expertise and area of specialization and experience. We shape our project design and delivery process to anticipate the needs of our clients based on an in-depth understanding of their project type or market. Each studio offers a fully integrated and interdisciplinary design process from Site to Finish®. Within the studios, project teams bring together the professionals with the specific expertise and the experience needed to meet their clients' project objectives. Professional services include:

- planning
- landscape architecture
- sustainable design
- LEED® design/management
- development management
- urban design and architecture
- civil engineering
- land survey
- environmental coordination
- master planning

Our team offers you:

- a team leader with proven experience working in communities to address their unique needs.
- a team leader with personal knowledge of Ramsey and the surrounding area.
- a team experienced in leading public processes to gather meaningful and significant input.
- a team which has demonstrated success in keeping projects moving forward while maintaining a high level of stakeholder and community involvement.
- a team with strong analytical skills.
- a team with strong graphic, mapping and GIS skills.

Conflict of Interest/ Multiple Roles

Landform is currently working for the City HRA as the Development Manager for The COR. We believe that this experience is an advantage to the City because our team is already familiar with the City process, City Code and Comprehensive Plan. We do not believe that the planning services anticipated by the RFP create any conflict of interest. However, we do know that it is important to ensure transparency in the process. Therefore, we would recommend that any land use application for a development proposal in The COR be reviewed by City staff rather than the Landform consulting planner. While the review of a land use application must be based only on the facts of the application and does not give the planner discretion in their review, we believe this separation would be important to maintain transparency and avoid any perception of impropriety.

Basis for Compensation

If our work plan does not meet your goals, we will work with you to make the adjustments needed to tailor our proposal to meet your needs.



Our team possesses the talent and expertise to help you realize your vision and develop policies, plans and documents for the City of Ramsey, your residents and developers.

We understand that municipalities face many budgetary challenges--providing essential services to its citizens while maintaining the budget without overburdening citizens. We provide cost-effective solutions to your planning challenges.

We would provide daily planning services (such as review of applications) on an hourly basis (in 15 minute increments) but would propose a flat rate (\$200) for attendance at regularly scheduled Planning Commission and City Council meetings.

For ordinance updates and amendments, we can work with the City to develop a scope of work and can complete the work on an hourly or a fixed fee basis. We find when the scope of work and process can be clearly defined, a fixed fee works very well, but when outcomes and process are still undefined, an hourly agreement works best. We will work with you and tailor our proposal to meet your needs.

We could provide staffed office hours should the city desire staffed hours, but we would always be available via email and phone for questions. Based on our experience in other communities, we believe that telephone and email correspondence can be a cost-effective and efficient method of handling simple questions and requests.

Our fee schedule is attached. If our plan does not meet your goals in terms of fees and expenses, we will work with you to make the adjustments needed to tailor our proposal to meet your needs. We believe that, together, we can ensure that the City's investment in our quality planning services remains a cost-effective service.

Standard 2011 Hourly Billing Rates (\$/hr)

Standard Rates

Principal Planner	\$115.00
Associate	\$120.00
Project/Senior Planner	\$106.00
Planner III	\$78.00
Planner II	\$73.00
Planner I	\$69.00
Senior Principal	\$130.00

Reduced 2011 Ramsey Rate

Ramsey Rates

Landform values our existing relationship with the City of Ramsey. We evaluated our history with the City and have adjusted our rates to provide Kendra Lindahl as the consulting City Planner at a reduced rate of **\$78.00/hour**. Ramsey would benefit from working directly with a firm principal who is experienced in management of a planning department and the public process at a significant reduction from our standard municipal rates.

List of References

We are proud of our record of professional, quality service and our ongoing relationships with our clients. We encourage you to speak to them about our team.

Mr. Ken Guenther
Mayor, City of Corcoran
Ph: 612-710-0734

kenguentner@aol.com

Mr. Bryan Bear
Community Development Director, City of Hugo
Ph: 651-762-6320

bbear@ci.hugo.mn.us

Ms. Rebecca Bowers
Director of Community, Economic, and Housing Support, Scott-Carver-Dakota CAP
Agency (Former Community Development Director, City of Hutchinson)
Ph: 651-322-3513

Rebecca.Bowers@capagency.org



Resumes

Kendra Lindahl, AICP

Principal



Ms. Lindahl leads the Planning and Infrastructure Studio. Ms. Lindahl's experience with both public and private sector clients has provided her with an understanding of the big picture concepts and the expertise to ensure that the details are addressed. This client mix keeps her on the cutting edge which allows her to be creative and successful in managing the increasingly complex approval process. Ms. Lindahl brings a complete understanding of the review and permitting process and is a valuable addition to your development team. In addition to solid writing skills, her strengths include effective presentation skills at public hearings and meetings.

Education	Master of Arts in Public Administration, Hamline University Bachelor of Arts, University of Minnesota-Morris
Registration	American Institute of Certified Planners (AICP)
Municipal Experience	Landform, Planner Consulting City Planner, Hugo, Minnesota Consulting City Planner, Corcoran, Minnesota Hanifl Fields Athletic Park Shelter, Hugo, Minnesota Hugo Comprehensive Plan Update, Hugo, Minnesota Dunlop Park, Oak Grove, Minnesota Highway 7 Corridor Study, Hutchinson, Minnesota Shoreview Town Center Plan and Design Guidelines, Shoreview, Minnesota Hugo Downtown Redevelopment Plan and Design Guidelines, Hugo, Minnesota Big Lake Downtown Framework Plan, Big Lake, Minnesota City of Plymouth, Senior Planner, Plymouth, Minnesota City of Elk River, Zoning Assistant, Elk River, Minnesota
Skills	Prepare updates to city ordinances, codes and comprehensive plans Prepare environmental review documents (EAW, EIS, AUAR) Coordinate development plan reviews Organize and facilitate neighborhood, task force and public meetings and workshops Lead strategic goal-setting sessions with City Councils and Planning Commissions Respond effectively to public inquiries about development projects and procedures Understand and interpret government regulations and procedures Facilitate the development process
Affiliations	American Planning Association (APA) Minnesota Chapter of American Planning Association (MnAPA) Sensible Land Use Coalition (SLUC) Board Member Economic Development Association of Minnesota (EDAM)

Robert G. Schunicht, PE

Vice President



Mr. Schunicht has more than 30 years of experience in all aspects of infrastructure planning and design for both the public and private sectors. His broad experience includes working for a variety of government units ranging from small townships to large metropolitan agencies and the federal government. In the course of his career he has completed infrastructure plans for approximately 40 communities, including one third of the developing communities in the Seven County Metropolitan Area. He is adept at public facilitation and specializes in developing collaborative, multi-jurisdictional agreements. He applies his institutional and regional knowledge to pursue meaningful relationships that help his clients achieve their desired future. Bob has successfully completed several mergers/acquisitions using a relationship-based integration process that he developed.

Education Master of Science in Civil Engineering, University of Minnesota
Bachelor of Science in Civil Engineering, University of Minnesota

Registration States of Minnesota, Wisconsin and Michigan

Experience City of Maple Grove, MN:
Consulting engineering services for 30+ years
Developed Maple Grove's original sanitary sewer, water and storm water plans
Discovered, defined and developed Maple Grove's unique drift aquifer into the most cost-effective source of water in the Metro Area
Led the preparation of Maple Grove's Gravel Mining Area Plan which set the stage for the reclamation of four square miles of gravel pits and the development of the highly successful Arbor Lakes commercial area

Metropolitan Council Environmental Services (MCES), St. Paul, MN:
Consulting services to the MCES for 30+ years
Planned and designed the interceptor system in Eden Prairie, Chanhassen and Shorewood
Led the preparation of the master plan for the MCES's interceptor system
Led an advisory team of eight communities and the MCES to a collaborative solution for the Elm Creek gravity interceptor system that will serve over 100,000 people

City of Sartell, MN:
Recently served as interim City Engineer in Sartell for 12 months
Successfully developed and implemented a \$30-million capital improvement program that included street reconstruction, a water treatment plant, two County Road reconstructions (with roundabouts) and a variety of utility projects.

Affiliations City Engineers of Minnesota
Minnesota Public Works Association
American Council of Engineering Companies (ACEC)

Steven E. Sabraski, PE
Designer



Mr. Sabraski is a Designer for the Retail & Commercial Design Studio. His dedication to project success and attention to detail is unmatched. His expertise in grading design, stormwater modeling, and drafting provide the essential tools necessary for successful project development. The experience he has gained through work on large commercial projects has given him broad exposure to the complexities related to the site development process, and has a clear understanding of what it takes to bring a project from Site to Finish®.

- Education** Bachelor of Civil Engineering, University of Minnesota
- Registration/
Certification** State of Minnesota
Erosion and Sediment Control Specialist/Design of SWPPP Certification, University of Minnesota
- Experience** Minneapolis Public Schools Headquarters, Minneapolis, Minnesota
Radisson BLU at Mall of America, Bloomington, Minnesota
Costco, Burnsville, Minnesota
Target Corporation, Multiple Nationwide Locations
The Residence at the COR, Ramsey, Minnesota
The COR at Ramsey, Ramsey, Minnesota
The Foundry, South Strabane Township, Pennsylvania
Bridgewater Falls, Fairfield Township, Ohio
Parkway Village, Goodyear, Arizona
Church of South Mountain, Phoenix, Arizona
Applebee's International, Multiple Minnesota Locations
Chipotle, Multiple Nationwide Locations
McDonald's Restaurants, Multiple Midwest Locations
Wendy's, Multiple Minnesota Locations
Suite Living, Multiple Minnesota Locations
Brookdale Chevrolet / BG, Brooklyn Center, Minnesota

2008 Comprehensive Plan Update for City of Hugo

Hugo, Minnesota



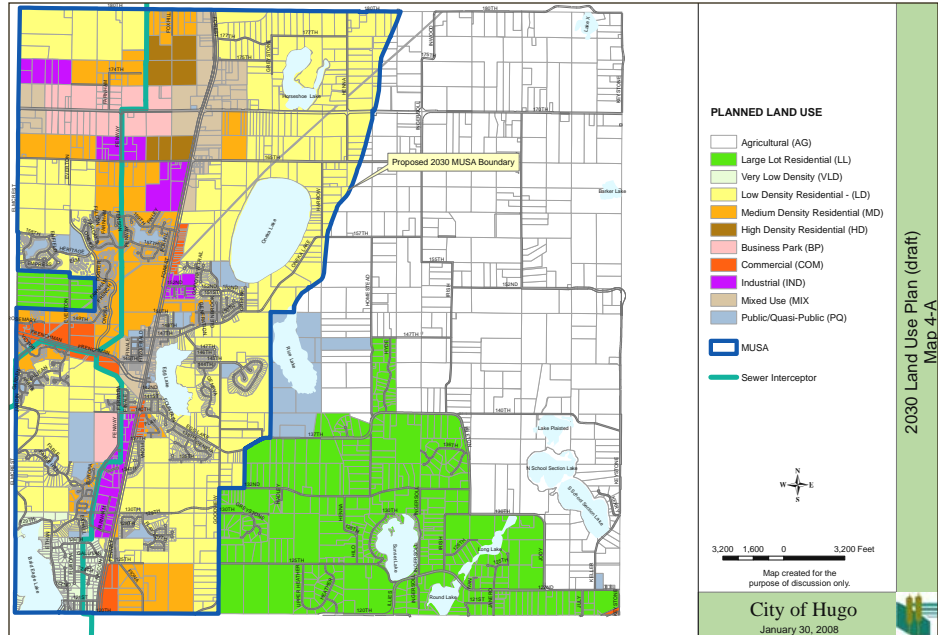
Hugo City Hall

Project involves several phases including establishing a project background, a vision, goals and strategies.

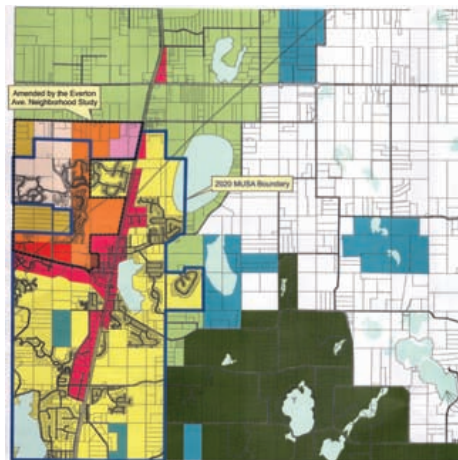
Comprehensive Plan options for alternative development, land use and growth, developing land use options, growth scenarios and the plan development and final draft (to be completed in Spring 2008).

Process of the project includes a series of community workshops, public open houses, meetings with City staff and other project team consultants.

2008 Estimated Completion



Current draft of the Hugo Land Use Map



1998 Hugo Land Use Map

2030 Land Use Plan (draft)
Map 4-A

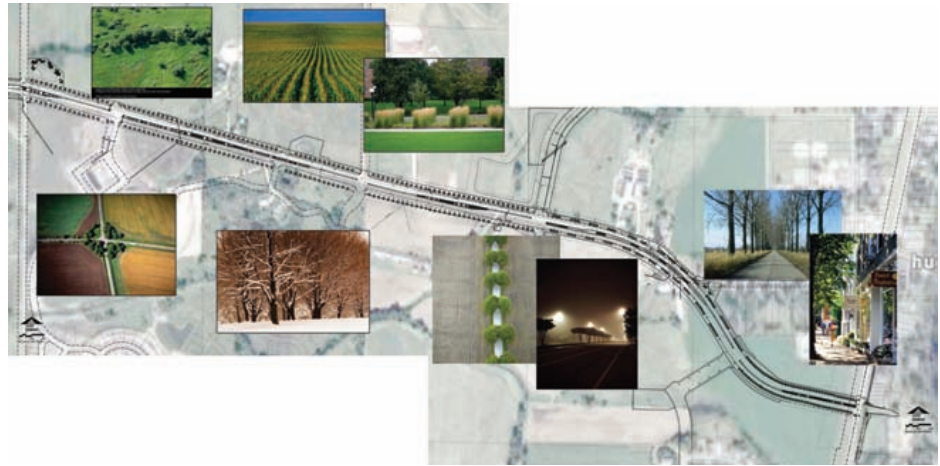
CSAH 8 Landscape Plan for City of Hugo Hugo, Minnesota



Victor Square in Hugo



Feel of redevelopment plans along CSAH 8



Landscape plan and gateway into downtown Hugo along CSAH 8 and its re-alignment that is changing the traffic flow through downtown Hugo.

Worked directly with City Council and Planning Commission throughout the design process.

Created trail linkages, pedestrian-friendly streetscapes, improved traffic flow, better access to existing businesses and homes and scenic linkages to and from downtown Hugo. Landform also designed the Hugo Downtown Plan.

2008 Plan Completion



Hugo Downtown Plan & Design Guidelines

for City of Hugo
Hugo, Minnesota



Landmark feed mill



New Hugo City Hall

Plan for the redevelopment of the downtown area based on a new County Road 8 alignment that changed the traffic flow through Hugo.

Determine for retail and commercial opportunities to attract new businesses to downtown.

Plan creates trail linkages, pedestrian-friendly streetscapes, improved traffic flow, access to existing businesses and linkages to the lake front from downtown.

Project is the recipient of a 2004 Livable Communities Opportunity Grant.

2005 Plan Completion



City of Corcoran
Planning Services
 Corcoran, Minnesota

for City of Corcoran

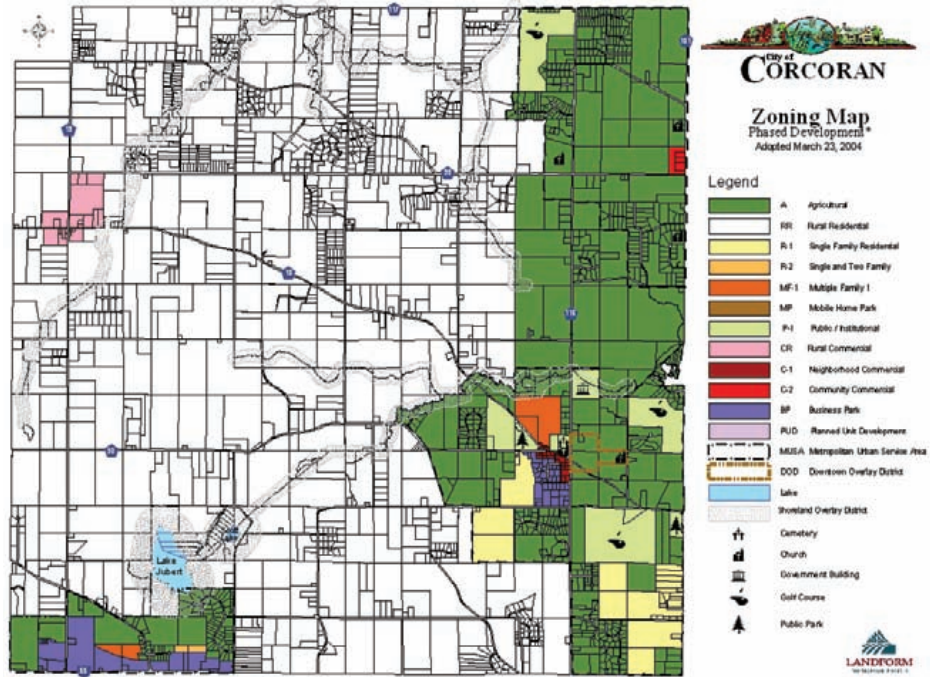


Landform provides general planning support, including development review and responding to resident inquiries as well as developing the City Zoning and Land Use maps in ArcGIS format.

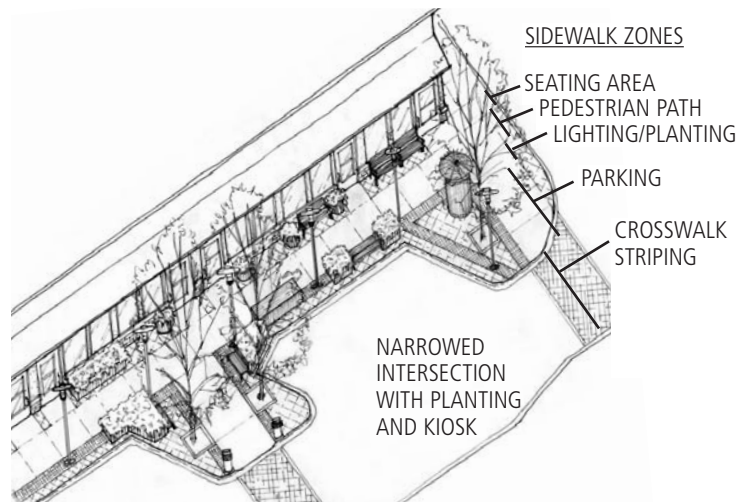
Monitor other programs such as Agricultural Preserve status and Development Rights counts, and process the requests for changes to all of the above.

In addition to the on-going review of development applications, Landform also prepared a new Zoning Ordinance and Subdivision Ordinance for the City.

The Zoning Ordinance contained many new elements including design guidelines for the urban areas of the community. The intent of the design guidelines for the City of Corcoran is to assist in creating high-quality development while preserving the City's rural character.



*Within the MUSA boundary and the Potential Future Urban Service Area, the purpose of the Agriculture zoning district is to preserve areas where urban services are planned but not yet available. This zoning district will preserve land in the MUSA until sanitary sewer, municipal water, streets and other necessary public infrastructure is available. These lands may be re-zoned to a district compatible with the Land Use Plan within 2 years of the scheduled date of extension of urban services.



Design Guidelines illustration

County Road J Gateway Master Plan for the City of Lino Lakes Lino Lakes, Minnesota



Master plan for the area surrounding County Road J and Hodgeson Road, which is a gateway into Lino Lakes Road and water/sewer improvements will create new opportunities for mixed-use development.

Plan goal was to identify road connections, trail linkages and create guidelines to shape pedestrian-friendly streetscapes to access businesses.

Preserve and protect wetland areas and plan for ponding and stormwater treatment.

2006 Plan Completed



Akin Riverside Historic Promenade Master Plan
Anoka, Minnesota

for City of Anoka

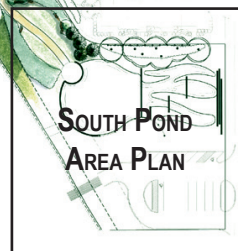
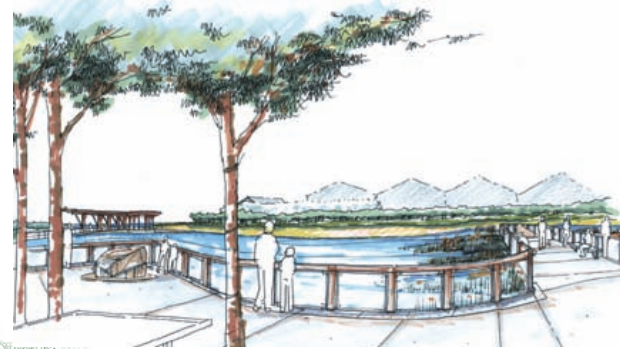
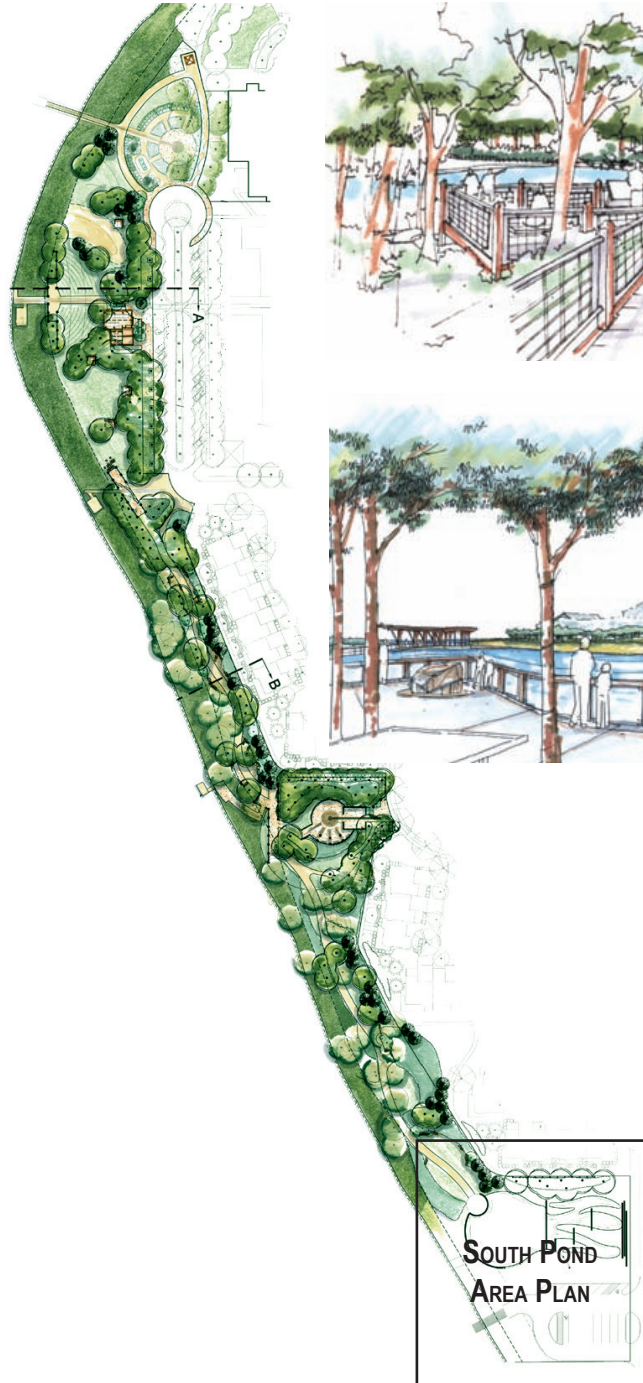


The Riverside Park Master Plan was developed in a public planning process in which residents attended workshops and indicated priorities for improvements to the historic riverfront area.

Improving the Rum River water quality while filtering the existing storm sewer outlet was a high priority.

Other priorities included restoration of riverfront vegetation, public trails, overlooks, park pavilion and picnic areas and expression of Anoka's history on the river.

2001 Plan Completed



Akin Riverside South for City of Anoka
Pond Area Plan
& Interpretive Walk
 Anoka, Minnesota



Riverside Park improvements included native grasses and curvilinear forms to create a naturalistic setting along the Rum River. Meandering multi-use trail reflects river movement.

A new trailhead marks the start of the walk. Here, South Pond provides stormwater treatment for 57 acres of surrounding development with an on-site grit chamber and stormwater basins.

Landform designed interpretive graphics for signage used in key places along the Rum River trail. The City of Anoka and the Anoka County Historical Society received a Certificate of Commendation from the American Association for State and Local History in 2004 for being an excellent outdoor learning environment.

2003 Project Completion



(Courtesy of Minnesota Historical Society)



Landform's graphics for interpretive signage

**Dunlop Property
Master Park Plan**
Oak Grove, Minnesota

for City of Oak Grove



Existing wetlands on portion of site

Master park plan, phasing plan and cost estimate of a new park with pavilion, wetland boardwalks, skating pond, sledding hill, playground, restored prairie and sports fields.

Protected natural resources by improving wetlands and restoring prairie.

Improved quality of life by creating a more centralized park for the community.

Landform designed the master park plan and provided landscape architecture services as part of this larger, regional park improvements project.

2009 Plan Completion



Master plan



Site analysis

Medina Comprehensive Plan Update for City of Medina

Medina, Minnesota

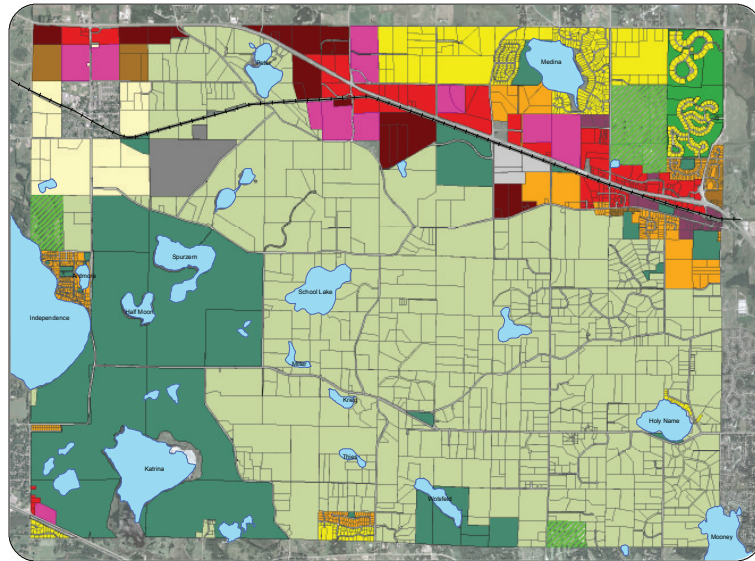
The Comprehensive Plan will focus on a balanced land use plan that integrates natural resource preservation, compact urbanized growth, and rural development.

Plan includes infrastructure, land use, and open space planning to comprehensively address the future needs of the community.

Public participation was encouraged in the process by offering a series of public open houses, a community survey, and opening all Advisory Panel worksessions for feedback and input.

The Plan is being updated as mandated by the Metropolitan Council's 2008 directive.

2008 Completion



Approved by City Council for distribution in February 2008



Highway 7 Corridor Study Hutchinson, Minnesota

for City of Hutchinson



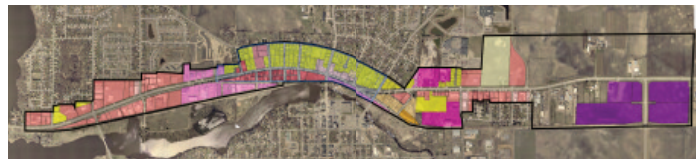
Evaluated current conditions, zoning and land use maps associated with area along Highway 7.

Created zoning, land use and development recommendations for Overlay District to serve as a gateway into Hutchinson.

2007 Study Completed



Zoning Recommendations



Existing Zoning



Land Use Recommendations



Existing Land Use

Highway 7 Corridor Study

Hutchinson, Minnesota

for City of Hutchinson



Hutchinson power plant

Worked with Advisory Panel to develop conceptual site plans within new overlay district.

Throughout series of Advisory Panel Workshops and Community Workshops, created a framework for changes to zoning and land use strategies in order to accomplish goals of city and community.

2007 Study Completed



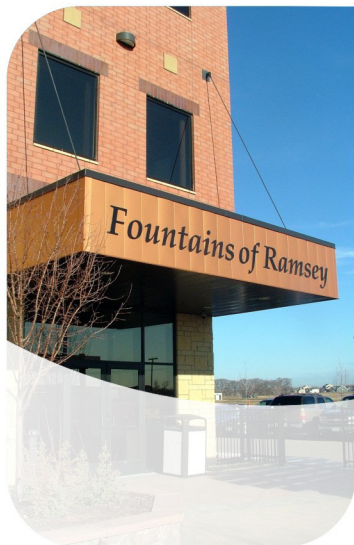
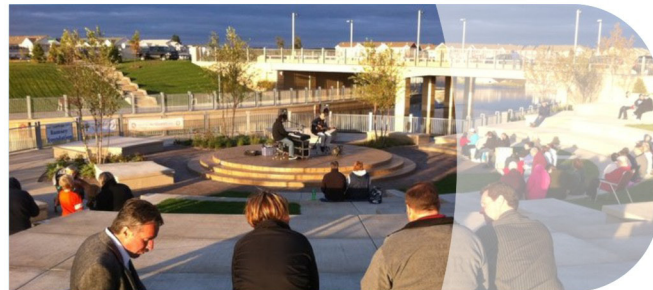
Contemporary Development Recommendations



Mixed-Use Development Recommendations

City of Ramsey

Proposal to Provide Professional Planning Services
4-7-11



Proposal by Ben Gozola
763-746-1650
bgozola@mfra.com

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SECTION 1: LETTER OF INTEREST

April 7, 2011

Tim Gladhill
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303



RE: Proposal to Provide Routine Professional Planning Services

Dear Mr. Gladhill,

MFRA, Inc. sincerely appreciates the opportunity to introduce ourselves and our planning service qualifications to the City of Ramsey. We believe that our past experiences providing general planning and zoning support make us an ideal candidate to help the City achieve its visions and goals.

MFRA is a multi-disciplinary consulting firm that has served the private and public sectors for nearly 50 years. We currently act as the primary City Planner for the cities of North Oaks, Tonka Bay, Aitkin Hampton, St. Mary's Point and Maple Plain; and provide as-needed planning consultation to full-time planning staff in Orono, Monticello and Lake Elmo. We believe that our services cannot be matched in terms of quality and affordability, and we stand apart from our competition in many ways:

- MFRA has three municipal planners with experience working as City Planners. Having past City experience distinguishes us from other consultants who have only worked for private developers and not for a City and its residents. We've stood in your shoes and understand what commissions and Councils are seeking from their staff.
- Our planning staff has years of experience reviewing development applications, building permits, and all other application types.
- Having two landscape architects and an environmental specialist on staff provides our clients with added benefit through comprehensive reviews which take into account possible alternative designs that are more environmentally sensitive and/or visual pleasing.
- We are planners that represent the City's direction for development; not planners that direct cities how to develop.

The City of Ramsey deserves special attention and a strong commitment from the most qualified individuals in the consulting industry. We at MFRA are ready to meet with you and would sincerely appreciate the opportunity to present our qualifications in person. If you have any further questions or concerns, please feel free to contact me at **(763) 476-6010** or email me at **bgozola@mfra.com**.

Sincerely,

Ben Gozola, AICP
Senior Planner

Consultants focused on
service, quality and innovation.

MFRA, Inc. (MFRA) is a professional consulting firm with nearly 50 years of experience serving clients throughout the United States. We offer cities a single source for planning, civil engineering, surveying, and landscape architecture which can ensure your community's goals and visions become a reality.

BACKGROUND:

Since 1966, MFRA has been providing professional consulting services in the public and private sectors throughout Minnesota and beyond. Our more than 40 professionals and support staff are industry leaders in the consulting field, and each can bring you a diverse background of skills and experience to overcome the challenges you face.

The hallmarks of MFRA's success stem from our dedication to professional integrity, strong client advocacy and client satisfaction. We strive to instill an atmosphere of mutual trust with our clients by providing responsive, high-quality service that emphasizes innovation and technical expertise. We will always represent you without conflicts of interest, and will endeavor to address your needs with creative, practical and visionary solutions that do not overlook the important factors of safety, functionality and cost effectiveness. Such an approach gives our communities exactly what they seek: a unique sense of place that is cognizant of economic realities.

MFRA addresses the public's needs--and by extension a City's goals--through a firm grasp of advocacy and public participation techniques. We strive to engage all stakeholders and provide support and assistance to all parties throughout the course of a project. Importantly, we make sure to communicate all of the gathered feedback and facts to the City's decision makers so they can make the best and most educated decisions on behalf of the community.

Professionals by Discipline
 Professional Engineers: 13 (39%)
 Registered Surveyors: 1 (3%)
 Landscape Architects: 2 (6%)
 Planners: 3 (9%)
 Survey Crews: 6 (18%)
 Technical Staff: 8 (24%)

As a consulting city planner for communities large and small, we bring with us a broad spectrum of experiences and knowledge that will be of significant value to the City of Ramsey. Whether we are warning you about issues being faced by a similar community or drawing from successful solutions we've implemented elsewhere, Ramsey will reap the benefits of being part of our family!

WHY MFRA?

The remainder of this proposal supports the following reasons to select MFRA for your planning needs:

- **Extensive background providing the specific services you are seeking**
- **Tailored & economical service**
- **Demonstrated experience in ordinance writing including park dedication ordinances, office park zoning districts, and transitional regulations.**
- **Our planning services approach**
- **Ability to save the City money by utilizing similar efforts as a template in Ramsey**
- **Our strong references**

“Through the hard work and dedication of our employees, MFRA will continue to grow and position itself as the preeminent full-service consulting firm within the Twin Cities over the next five years. We see no reason to doubt this vision given our combined experience and the high-quality work products we produce!”

- **Sirish Samba**, President, MFRA, Inc.



SECTION 3: PROFESSIONAL STAFF

The key to excellent service is exceptional people. MFRA prides itself on hiring leaders within their field who understand the importance of clear communication and second to none customer service. For each of our prospective clients, we carefully suggest those staff members whom we believe will be a great fit for your needs. We are committed to providing the City of Ramsey with the following team.

Proposed Lead Staff Member

Ben Gozola, AICP

Ben Gozola, AICP, is our firm's primary contact for supplying day-to-day planning assistance for communities just like the City of Ramsey. **Ben has over twelve years of experience in the planning field** and has worked for communities both large and small.

You will find in contacting our references that Ben comes highly recommended for the planning services you are seeking. His experience in a wide variety of city types and political settings allows him to quickly integrate himself into the flow of City business and to begin addressing your needs from day one. The following is a brief overview of what he will bring to your City:

- Outstanding ability to craft ordinances tailored to specific community goals and desired outcomes – rewrote all zoning codes for both New Ulm and Monticello
- Thorough knowledge of comprehensive planning and the relation to city code requirements
- Exceptional in writing and interpreting city codes
- Skilled in developing new processes and procedures for organizations
- Extensive experience reviewing and presenting land use applications to city councils and boards
- Personable and well suited for interacting with residents as a representative for the community
- Excellent communication skills and an understanding of how to involve the public from the beginning of a project
- Detail oriented organizational skills to ensure all applications and/or tasks are reviewed and completed by the anticipated deadline
- Proficient in GIS and cartography for all your mapping needs



Education

Bachelor of Arts in Geography
University of Minnesota,
Duluth, MN (1995)

Professional Associations

The American Institute of Certified
Planners (AICP)

American Planning Association (APA)

Professional Experience

Over 12 years of municipal and
regional planning experience

4 years with MFRA

4 years as City Planner for the City of
Minnetrista

1 year as Zoning Administrator for the
City of Minnetrista

4 years as a transportation planner
with ARDC

City of Robbinsdale Charter Commis-
sion Member

Supplementary Planning Staff

Tom Goodrum, Director of Planning Services

Mr. Goodrum oversees all planning work performed by MFRA, and would assist Ben when necessary to provide the City of Ramsey with the highest degree of service. In the event Ben is unavailable to attend a meeting, Tom would be the City's back up planner. Tom understands the dynamics which exist in a suburban developing community like Ramsey thanks to his experiences in Minnetonka and Shakopee. Additionally, his experiences as a City Planner for Carver County, Independence, Maple Plain, and St. Bonifacius gives him a broad perspective in development types and methodologies.



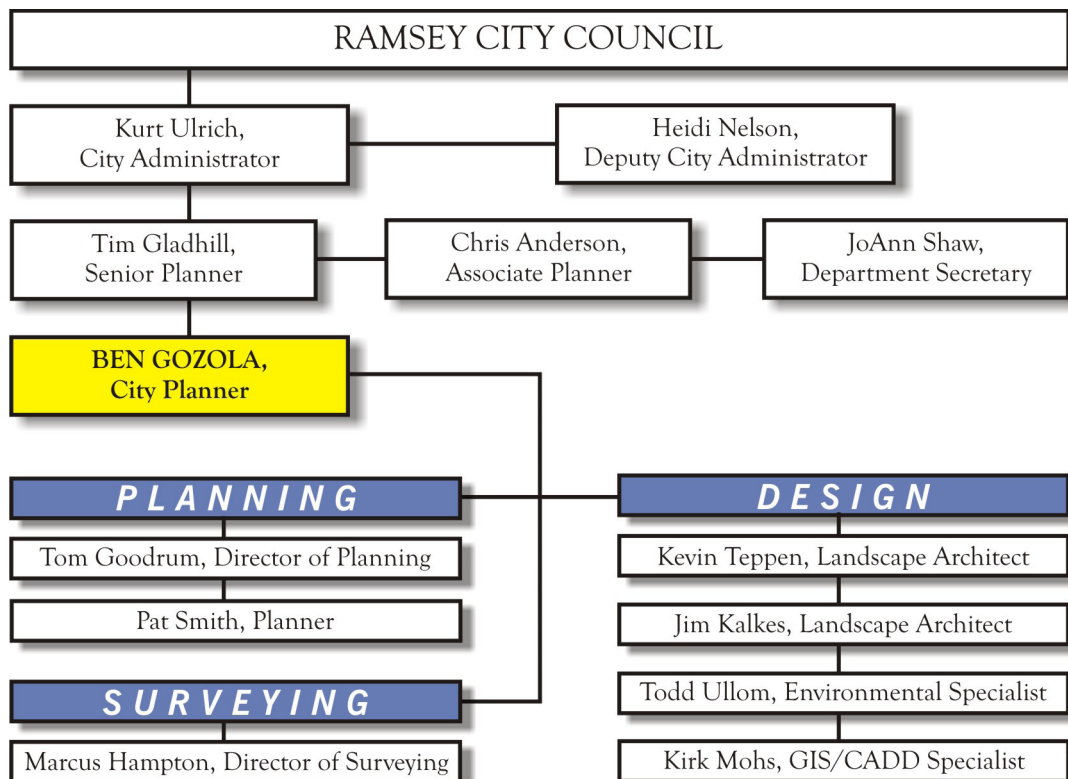
Pat Smith, AICP

Mr. Pat Smith is an accredited planner with over 11 years of municipal planning experience. He would be a secondary backup planner for Ramsey in the unlikely event that Ben or Tom would not be available. His experiences in the suburbs of Richfield and Chaska would benefit any projects in Ramsey, as would his background in historic preservation and economic development.



Organizational Chart

Ben Gozola is proposed to be the City's main contact for all services provided by MFRA and will report directly to Mr. Gladhill. Additional team members available to provide supplementary services as requested are also shown.



SECTION 4: EXPERIENCE

What percentage of the Firm's Business is related to Planning/Zoning?

MFRA is a multi-disciplined small company providing primarily engineering, surveying and planning services to our clients. Within the company, 18% of our professional staff (three planners, two landscape architects and one environmental scientist) focus their talents on planning related issues.

What percent of the Firm's Business comes from Zoning Code and Development Review?

For the planners at our firm, zoning code and development review makes up roughly one half of yearly income. Importantly, the proposed main planner for the City of Ramsey, Ben Gozola, devotes 100% of his time and yearly income specifically focusing on writing ordinances and providing exactly the type of services you seek. He has written entire zoning ordinances for the Cities of New Ulm and Monticello, and assists his other client cities with ordinance updates on an as-needed basis.

Philosophy on Zoning as it Relates to Economic Development

First and foremost, MFRA approaches all ordinance writing with a City's underlying goals in mind. For example, an ordinance we write to regulate hardcover in Orono (a city extremely focused on water quality above all other goals) will be far different than a set of hardcover regulations we'd craft for the City of Monticello (a city striving to be business friendly that does not want to create any unnecessary impediments to their growth). MFRA will work with your local staff to gain a deep understanding of what you want to accomplish, and will provide you with an ordinance tailored to meet your needs. We believe our broad spectrum of experiences is invaluable to meeting our clients goals.

How can Zoning be used to Foster Economic Growth & Residential Development

Easy to read, easy to understand, and easy to comply. Developers all understand there are certain things they will need to do in every community when plying their trade. What can set your community apart though is a straightforward set of regulations and clean process time lines. If a developer knows that $1 + 1$ always = 2 in your community (and there won't be any surprises), you'll already have a leg up on most of your competition.



Client List

MFRA's municipal clients for whom we've provided similar planning services to include:

- Monticello -- full zoning ordinance re-write
- New Ulm -- full zoning ordinance re-write
- Aitkin -- acting city planner
- Lake Elmo -- as-needed services to assist full-time staff
- Orono -- as-needed services to assist full-time staff
- North Oaks -- acting city planner
- St. Paul Park -- as-needed planning services
- Tonka Bay -- acting city planner
- St. Paul Park -- as-needed planning services
- St. Mary's Point -- acting city planner
- Maple Plain -- acting city planner
- Hampton -- acting City planner

References

The following is a brief list of references who can speak directly to MFRA's experience related to Routine Professional Planning Services. We strongly encourage you to contact all of our references as our clients can best inform you of the services you'll receive from MFRA. Additional references can also be provided upon request.

Angela Schumann, Community Development Director, City of Monticello
(763) 271-3224
angela.schumann@ci.monticello.mn.us

Jessica Loftus, City Administrator, City of Orono
(952) 249-4601
jloftus@ci.orono.mn.us

Joseph Kohlmann, City Administrator, City of Tonka Bay
(952) 474-7994
jkohlmann@cityoftonkabay.net

Susan Hoyt, Sector Representative, Metropolitan Council Sector Representative
(former City Administrator in Lake Elmo)
(651) 602-1330
susan.hoyt@metc.state.mn.us

Dean Lotter, City Administrator, City of New Brighton
(former supervisor of Ben Gozola with the City of Minnetrista)
(651) 638-2100
dean.lotter@newbrightonmn.gov



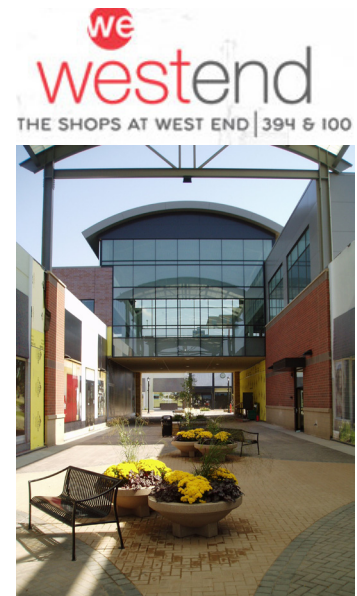
SECTION 5: PLANNING PROJECTS

MFRA understands that the COR development is vital to the economic prosperity of the City of Ramsey. Our planners and engineers have been involved with the design and development of the region's most significant development projects and are familiar with the economic impact that they bring to a community. Our most recent relevant projects are listed here:

REDEVELOPMENT PROJECTS

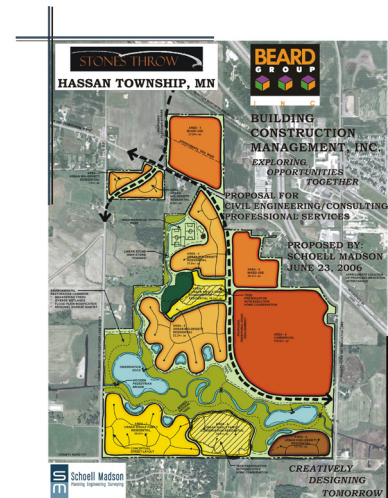
The Shops at West End..... St. Louis Park, MN

MFRA provide the site design and engineering for this class "A" urban office and lifestyle center. The Shops at West End is the first phase of a new regional destination mixed-use retail and office development with 375,000 square feet of retail and 33,000 square feet of office space. Open in late 2010, the upscale project has taken off and is currently leased at approximately 70% in spite of the down economy. MFRA's design for the development included upscale streetscaping, site furnishings, banners, lighting, public art, and gathering spaces which worked in harmony to create a vibrant and attractive setting.



Stones Throw Rogers, MN

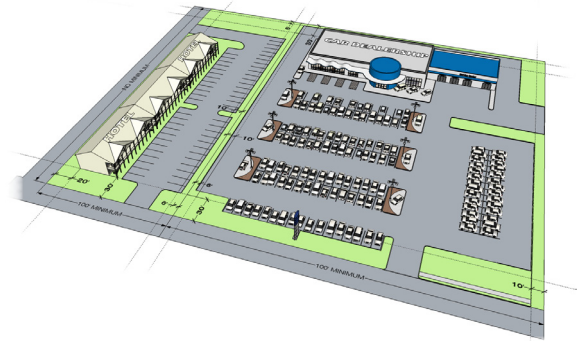
MFRA provide the planning and engineering design for this 619-acre master planned community consisting up to 1,361 units of life-cycle housing plus 183 acres of commercial retail, office, industrial and mixed uses with two hundred acres of public open space and 14 miles of trails. While all parties were excited to see this plan come to fruition, the downturn in the economy coupled with delayed implementation of a new interchange with I-94 has put this project on-hold.



Other Redevelopment Projects:

MFRA was also involved in the following redevelopment projects:

- Arbor Lakes, Maple Grove, MN
- Excelsior & Grand, St. Louis Park, MN
- Red Rock Territory, Woodbury, MN
- Tamarack Hills, Woodbury, MN

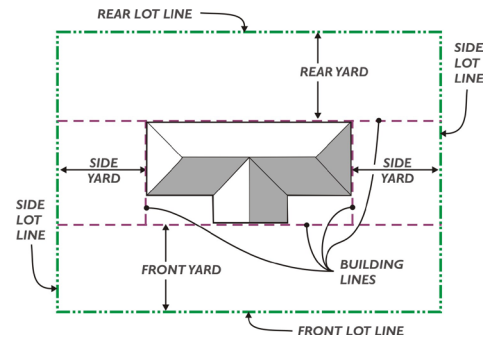


ZONING CODE UPDATE PROJECTS

City of Monticello Zoning Code

MFRA led an 18 month effort to fully revise and rewrite the City of Monticello's zoning ordinance which included multiple avenues for public input including:

- A Kick-Off Open House Meeting
- Twelve (12+) Steering Committee Meetings
- IEDC Meetings (4 meetings/2 agenda items)
- Chamber of Commerce Meetings (2)
- Usage of an Email Distribution List
- One-on-one meetings with residents
- Direct email responses to those with questions
- Newsletter & Website Updates
- Concluding Comments Open House
- and a Joint Planning/Council workshop



The end result of the process was a new code that encapsulated the community's vision outlined in their comprehensive plan, addressed old code deficiencies and inaccuracies, and is easy to read and user friendly thanks to the use of graphics, tables, and other communication tools. Additionally, the final document was formatted in a web-friendly manner so as to allow for easy use on the City's website. We strongly encourage you to view the final results on the City's website (www.ci.monticello.mn.us).



City of New Ulm Zoning Code

MFRA completed a similar zoning code update project for the City of New Ulm but utilizing a different process. In this effort, MFRA was simply asked to draft a new draft ordinance that the City would then use/rework utilizing in-house staff. Local work on this project is still on-going as of the writing of this proposal, so final results cannot yet be viewed.



DOWNTOWN REVITALIZATION PROJECTS

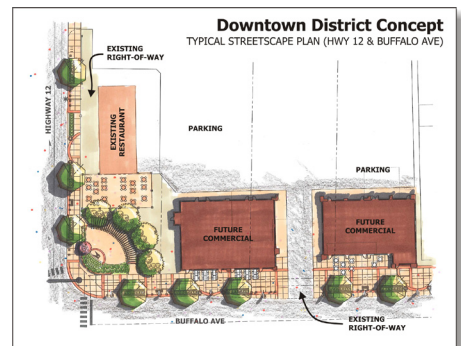
Downtown Master Plan.....Maple Plain, MN

As the City's planning consultant, MFRA along with a City task force created three distinct plans for revitalization of the City's Downtown and Gateway districts. The plans included design guidelines and new zoning standards for each area which invited redevelopment. Since its adoption, the plan has led to the establishment of a new park-and-ride from metro transit that was initially proposed to be located outside of town, a proposed redevelopment of a city block for a mixed-use project which includes a new City Hall, and has invited new businesses such as ACE Hardware to locate within the City. Like Ramsey, Maple Plain needed new zoning regulations to govern a new Office Park designation in their comprehensive plan, so this effort also addressed that need.



Highway Corridor Plan.....Montrose, MN

The City of Montrose hired MFRA to prepare a downtown and highway corridor plan to proactively address a planned MnDOT project through their community. The planners at MFRA worked with a City task force in capturing their vision and devising plans to make that vision a reality. Since the plans adoption, the City has begun to implement the suggested improvements starting with pedestrian friendly street reconfigurations and the installation of municipal banners. Local business leaders have also embraced the plan and are actively implementing the proposed design elements as part of their private growth initiatives.



Eau Claire Central Area Plan.....Eau Claire, WI

MFRA lead an effort in the City of Eau Claire to prepare a master plan for the city's educational and medical districts with a focus on developing a sense-of-place and acceptance by a diverse group of land owners. The plan assessed the current conditions and major planning issues facing the area including the existing land use patterns, automobile circulation issues, alternative transportation options, natural features, the pattern of property ownership, adopted development plans and city zoning regulations. The end product was widely accepted by the community as it addressed the needs of a diverse range of interests and represented a win-win for all parties involved.



MFRA's top priority is client satisfaction. More than half of our yearly workload is derived from repeat clients who appreciate our commitment to timely service and quality products. If selected to provide you with services, the city will have one main contact at our company who would be responsible for your satisfaction and through whom all communication would go. This approach ensures clear communication between both parties, and delineates who at MFRA will be responsible for your satisfaction. Our employees thrive in this environment, and we are anxious to put our team to work for you.

Approach to General Planning Services.

MFRA's approach to providing planning services is to serve the community as a member of the City staff and not be simply an outside resource. In general, the following items exemplify the approach and/or services we provide to our municipal clients.

- Be knowledgeable of the requirements of the City's comprehensive plan, zoning ordinances, subdivision regulations and other codes and policies.
- Lead efforts to identify short and long-range planning/economic goals, and establish plans to bring such goals to fruition.
- Be available to meet with potential applicants to explain the City review process, provide feedback on proposed plans, and to do whatever is necessary to ensure the land use process is user friendly.
- Provide thorough reviews of land use applications by analyzing requests in relation to City codes, and to do so in a timely manner which allows the applicable commissions and the City Council ample time to consider the facts surrounding a case well before the night of a meeting.
- Conduct special project research as directed by City Staff.



SECTION 6: PROCESS AND SERVICES



- Track and manage all land use applications to ensure the City is always in compliance with state mandated deadlines for application review. This includes the coordination of reviews by internal staff, other consultants and outside governmental agencies.
- Attend meetings as directed by the City to present our reports and recommendations.
- Be available to knowledgeably answer questions that arise during the review.
- Attend staff meetings as requested to provide a planning perspective on current issues and to receive direction on needed services.



- Write or amend City codes as needed to implement necessary regulations to ensure the City continues to build towards its vision.
- Manage code enforcement activities by conducting investigations as directed, tracking complaints from beginning to end, and rectifying identified non conformities through an orderly and consistent process.
- Provide administrative support to Commissions and Councils, and recommend new policies or procedures to proactively address future concerns.
- Represent the City in a friendly, respectful, and efficient manner; and make reasonable estimates on the cost of requested services.



- Provide detailed maps and graphics as needed utilizing our Geographical Information System (GIS) and other professional graphics software.
- Maintain detailed records of projects and service time to ensure that costs and fees are accurately assessed.

“

I have been very pleased with MFRA's planning services for the City of Tonka Bay. [MFRA has] consistently provided the City with excellent work while navigating through the intricate planning issues that Lake Minnetonka cities consistently face.

- Joseph Kohlmann
City Administrator,
City of Tonka Bay

”

Distribution of Work

MFRA's is comfortable doing as-much or as-little of a project depending upon the City's needs. With some of our clients, MFRA is asked to complete projects from stem to stern; with others, we may only provide graphical assistance. Whatever the task, MFRA will be there to help. Unless we are asked to do work outside of our expertise (and we have received authorization from the City), we will not sub-contract any work requested of us.

The above holds true with regards to the specific ordinance updates outlined in the RFP. In our experience, a code update process using a steering committee made up of commission members and council members is an excellent way to tackle goals the public has already established in the comprehensive plan. That said, "process" is not a one-size-fits-all endeavour. MFRA will work with local staff to identify not just the problems to be solved, but also the outside challenges that need to be considered. Is there a deadline to complete the update? Is the issue publicly contentious thereby requiring significant public involvement, feedback and input? Are there special groups that need to be directly consulted to ensure all voices are heard?



Public Participation

People are very busy in today's world, so convincing them to participate in a planning process can be difficult. MFRA therefore recommends certain principles be followed:

- **Make it Personal:** Tell them how the outcome may affect their lives or property.
- **Make it Significant:** Tell them how the process may have great impact on their community.
- **Make it Easy and Fun:** Provide various ways to participate. Overcome any literacy barriers. Encourage individual expression without criticism. Make it hands-on.

Again, in working with your City staff, we will identify the specific public involvement procedures that will ensure a successful outcome on a project-by-project basis. Options we have found to be successful include:

Newsletters: Newsletters could be mailed to every address in the city and include summaries, schedules and contact names.

Post Cards: Post cards could be used to announce meetings and lead people to the project Website.



SECTION 6: PROCESS AND SERVICES

Mobile Display: A display of project graphics with “word boards” could be set up in libraries, City Hall, Chamber of Commerce office, banks, etc.

Website: A page can easily be established on the Website of the City of the consultant, or an individual site can be created.

Radio Call-In Show: City staff and consultant could participate in a local radio talk and call-in show.

Cable Television Show: City staff and the consultant could be video taped while discussing the draft plan with project graphic boards. The local cable TV provider will gladly produce and distribute the thirty minute program.

Televised Meetings: Meetings of the advisory committee could be video taped by the local cable television franchisee.

Newspaper Articles: Newspapers are often hungry for local content. Build a relationship with a reporter and help him or her find ways to find human-interest angles for the story. In Green Bay, the local paper won a National APA award for their coverage of the comprehensive plan.

Newspaper Editorial Support: Seek editorial support for the draft plan by involving the editor and reporter throughout the process.

“Open House” Presentations: Provide opportunities for people to casually learn about the plan and provide comments at convenient times through City staff and consultants.

Citizens Advisory Committee: The most effective single method of receiving public opinion. Representatives of various local “groups” can be involved from beginning to end, thus building understanding of the intricacies of the issues. They serve as liaisons to their constituencies.

Product(s) to be Delivered

MFRA will complete all draft ordinances in a style and format consistent with the City’s current practices. We are very experienced in notice requirements for public hearings and can assist with all administrative steps as needed. Additionally, we have in-house expertise to take care of any graphics needs (CADD, GIS, Sketch-up, Photoshop, etc). In choosing MFRA to provide planning services, the City will receive exactly what it is looking for on a project-by-project basis.



Schedule of Work

MFRA would strongly recommend the City focus its energies during this process to find the consulting group your staff is most comfortable working with and that you believe will best represent the City. We believe our proposal clearly demonstrates our strong qualifications, and we know our references will confirm that MFRA is an ideal choice. Furthermore, it is our belief that telling the City what you should specifically do prior to having all of the facts and input from your staff and local officials is contrary to MFRA's way of doing business.

In updating the City code to be compliant with the comprehensive plan, there will be some tasks that can likely be accomplished in a quick time frame (i.e. application submittal requirements review) while other implementation issues may require a more lengthy process (i.e. park dedication process updates). Once selected as your consultant, MFRA will sit down with city staff and local officials to develop a schedule that meets any state mandated deadlines for comprehensive plan implementation, and prioritizes the remaining issues (residential architectural standards, creation of an office park zoning district, other district updates, etc) as the City sees fit.

Importantly, MFRA already has experience completing the specific work you are seeking. In the City of Maple Plain, we assisted with Comp Plan implementation efforts which included the creation of a new office park zoning district, creation of architectural guidelines for redevelopment areas, and reworked the City's park dedication ordinance.

Because you are seeking a consultant to provide services on an hourly basis, we will work closely with your staff to understand your budgetary constraints and assist in prioritizing how the limited dollars available can best be spent given all identified needs. Based on our past experiences, we find that the final process to be used will have a major impact on how drawn out the update process becomes. The following are estimated time frames for updates using different methodologies:

<u>TASK</u>	<u>LANGUAGE DRAFT ONLY</u>	<u>USE OF TASK FORCE</u>
Compliance with the 2030 Comp Plan	3 to 5 weeks.....	2 to 4 months
Residential Architectural Standards	6 to 8 weeks.....	3 to 5 months
Office Park Zoning District.....	2 to 4 weeks.....	2 to 4 months
Revisions to existing zoning districts.....	2 weeks per section	1 to 4 months
Form based codes	6 to 8 weeks.....	3 to 5 months
Sign Ordinance.....	2 to 4 weeks.....	2 to 4 months



Standard Review Process

MFRA has assisted many communities with updating their internal procedures to ensure the community can always adhere to Minnesota Statute 15.99. The following pages depict a process checklist we've used in other communities.

Lake Elmo City Process Handbook

Last Updated 11.1.07

Chapter 1: Processing New Land Use Applications (in general)

Each month, the city may receive new land use applications which require review by the Planning Commission and City Council. The date applications are submitted will dictate the resulting review timeline as staff must ensure the City Council is provided with adequate time to make a decision. Regardless of the type of application, the following procedure should be followed to ensure the application is complete and is sent to the appropriate commenting agencies.

- STEP 1: Administrative staff will take in and date stamp all new land use applications and associated materials when submitted by an applicant. Of greatest importance at this time is to ensure the required fee was paid and the application is signed. Each application must be placed in a file, and then be provided directly to the Planner for processing. The transfer of the file to the Planner should occur on the same business day the application was submitted (and no later than the next business day if circumstances dictate such).
- STEP 2: The Planner will assign the file(s) a unique land use number to indicate the year and order in which the application was received (i.e. 2007-11 would indicate the eleventh application received in the year 2007). All applications shall be given such a unique number (using subdivision as an example; the phases of concept plan, preliminary plat, and final plat would each have their own separate file even though all focus on the same issue). The Planner shall log each new application into a tracking spreadsheet stored in the folder {S:/Land Use} on the City's server. It is critical that all information is entered at this time (application date, review expiration date, etc.)
- STEP 3: The Planner shall review the provided information, and make a determination on whether the application is complete according to the City's submittal requirements outlined in code. Note that state statute currently gives the City 15 business days to complete this application review to determine whether it is complete.
 - If an application is incomplete, the Planner shall send a letter to the applicant explaining what information was missing, and provide instructions on how to "complete" the application so that it may be reviewed ([Appendix A](#)). The Senior Planner shall be copied on all such letters. Sending of an "incomplete" letter will end all review on the submitted application, and will close the applicable file. One copy of all submitted materials along with the City's "incomplete" letter should remain in the file. All other paperwork can be set aside for pick up by the applicant by a specified time. If the paperwork is not picked up, it should be recycled. Note that any future resubmission will require a new land use application, and will receive a new unique file number.¹ <END REVIEW>

¹ Closing out incomplete files and requiring a new application with resubmittals will ensure the City adequately documents the beginning and end dates of all applications, thereby ensuring adherence to MN State Statute 15.99.

- If an application is deemed complete, the Assistant Planner shall continue to Step 4.
- STEP 4: The Planner will begin by placing all items on the appropriate future agenda(s). This will differ based on the type of application submitted.
- Most land use items will need to be placed on both a Planning Commission and City Council agenda. Begin by placing the item on the Planning Commission agenda for the fourth Monday of the following month (which should be approximately 30 days out).
 - Next, the item is to be placed on the next available City Council agenda (the first Monday of the following month).
 - If the application is for... (will be updated to include only those items which go to council) only City Council review will be necessary. As such, the item should be placed on the first available agenda only once the item is ready for presentation. Planning staff will track such items on the land use spreadsheet administered by the Planner.
- STEP 5: The Planner must then ensure that all required public hearings are properly noticed. Begin by placing all items which require a public hearing on a notice to be published in the paper of record ([Appendix B](#)). Once prepared, the Planner should email the notice to the paper for publication (be sure the notice is provided three weeks prior to the Monday of the scheduled Planning Commission meeting in order to meet the 10 day notification requirement²). Then you must prepare two forms of public hearing notices for each application: one to send to surrounding neighbors ([Appendix C](#)), and one to send directly to the applicant (see [Appendix D](#)). Once prepared, provide all notices to administrative staff for mailing. Be sure to clearly communicate the date by which the notices MUST be sent³.
- STEP 6: The application(s) then need to be organized and relevant information sent to interested agencies for comment. Fill out a review request sheet ([Appendix E](#)) by identifying the new applications and agencies to which the information is to be sent⁴. Then go through each application and identify which information other agencies may want to review (the consultant planner, legal council, and consultant engineer should receive copies of all submitted information). Provide the review request sheet and identified information for each application to the administrative staff for mailing.

² The publication deadline at the _____ is _____ p.m. every _____.

³ All materials must be sent to the appropriate parties a minimum of ten days prior to the public hearing. **It is always recommended to complete the mailings as soon as possible to avoid missing a time deadline.**

⁴ If you are unsure of whether an agency will be interested in a given item, be sure to send them the information; better to go the additional mile than regret not having provided the information.



SECTION 7: TIMING

- STEP 7: The lead planner on the application is now responsible for preparing the staff report(s) for the applicable meeting(s).
- STEP 8: Once the City Council takes action on the application, the lead planner on the application shall prepare any applicable resolutions approving the request. It is recommended to have the City Attorney draft all resolutions of denial as these are the documents most likely to be scrutinized in court if a lawsuit ensues. The resolution should then be placed on the consent agenda for the following City Council meeting. Once the resolution has been approved by the Council, Administrative staff shall mail one copy to the applicant(s), and file one copy in the appropriate land use file. Administrative staff should take this opportunity to organize the materials in the file for future reference (i.e. removing duplicate pieces of information, putting items in a consistent order with other land use applications, etc).
- STEP 9: As a final step, the Planner shall update the land use tracking spreadsheet to indicate whether an application was approved or denied, and to signify the application is no longer active. <END REVIEW>

MFRA can easily amend this and other “planning department handbook” items we’ve previously created. Doing so will not only address the City’s review issues, but also conserve your limited planning dollars as we will not be recreating the wheel,

MFRA is open to negotiating a compensation schedule that works for both parties, and we offer the following proposal for your consideration. Please note that we understand the budgetary concerns that currently exist for all cities and therefore offer the City of Ramsey the minimum hourly rate for our planners and the elimination of some reimbursable costs typically included in consulting services.

MFRA proposes to be compensated at an hourly rate for services provided. If the City would like us to complete a specialty study (e.g. a park study or a neighborhood redevelopment plan), that can either be completed at our agreed upon hourly rate or be subject to a separate negotiated contract per the City's preference. For the City of Ramsey, we are proposing the following fees for our planners:

- **Ben Gozola, Proposed consulting planner for the City of Ramsey – \$110/hour**
- Tom Goodrum, Backup Planner – \$135/hour
- Pat Smith, Planner / Secondary Back-up – \$70/hour

We believe these rates for our planners will meet the City's goal of securing a professional planner at the best possible price. Please know that we are open to locking in these rates and/or exploring alternative compensation rates provided both parties can agree to a win-win compensation schedule.



Planning Commission And City Council Meetings

MFRA proposes to cap hourly fees for Planning Commission or City Council meetings at four (4) hours for any commission or council meeting we are asked to attend (this price is INCLUSIVE of travel time).

Mileage

Mileage will be charged to the City at the standard rate adopted by the State of Minnesota yearly.

Reimbursable Expenses

MFRA will not invoice the City for the following expenses:

- Invoicing (accounting time)
- Copies (unless budgeted as part of a specialized project)
- Faxes
- Mailings

Fee Schedule

All services not specifically discounted by this proposal will be billed using the 2011 MFRA Fee Schedule shown on the following page.

Sample Invoice

A sample MFRA invoice is provided herein. We believe the level of detail we provide when documenting our time is a great asset to our client communities as they allow a municipality to recoup its costs in a fair and transparent manner.

“ [MFRA] has been extremely helpful assisting the City through numerous planning issues including a city-wide rezoning effort and adoption of an updated Zoning Ordinance. [Ben Gozola] is very professional and has displayed excellent communication skills when dealing with controversial or complicated issues, both with the Planning Commission and with the public.

- **Kathy Brophy**
City Clerk,
City of Aitkin

”

MFRA, Inc.
Hourly Fee Schedule **
(Effective 01/01/2011)

The hourly charges are in the following ranges, depending on the associates involved:

Principal Engineer/Land Surveyor/Planner	\$ 135.00 - 151.00/Hour
Registered Engineer/Land Surveyor	\$ 100.00 - 140.00/Hour
Supervisory and Senior Technician	\$ 95.00 - 125.00/Hour
Certified Planner	\$ 95.00 - 125.00/Hour
Landscape Architect	\$ 100.00 - 126.00/Hour
Engineer	\$ 90.00 - 95.00/Hour
Soil Scientist	\$ 105.00 - 112.00/Hour
CADD/Technician	\$ 85.00 - 95.00/Hour
Construction Technician	\$ 95.00 - 100.00/Hour
Survey Technician/Surveyor (Crew Chief)	\$ 99.00 - 103.00/Hour
GPS-GEOXH Crew	\$ 126.00/Hour
Survey Crew	\$ 125.00 - 200.00/Hour
Clerical	\$ 62.00 - 77.00/Hour

** Subject to annual adjustment.

S:\MAINFILE\MFRA\Hourly Rates\Hourly Fees -2011.DOC





Sample Invoice

Invoice

Invoice Number: 66445
February 01, 2010

To: City of XXXXXXXX
Attention: XXXXXXXX
4901 Address
XXXXXX, MN XXXXXX

Project: 16907 General Planning Services

Project Manager: Benjamin Gozola
Professional Services thru: 1/31/2010
Billing Group: 001

Hours worked, charge rate, and final billing per item is clearly denoted

Professional Services

Each entry clearly denotes the project that was completed

**Project Administration
Senior Planner**

70 WEST PT PL (1-4-09)
-- discussing upcoming meeting with Jeff , identifying alternative engineer if needed
-- reviewing MCWD delineation with Jeff

Senior Planner

70 WEST POINT PLACE (1-5-09)
-- organizing new information received to date
-- email to Rose regarding updated narrative
-- communication with City on latest submittals from both sides
-- conversation with Jim on legal concerns
-- revisions to the report
-- emails from Rose and Charles
-- email response to Charles regarding table request

Senior Planner

70 WEST POINT PLACE (1-6-09)
-- conversation with Charles regarding request to table
-- conversation with Jim on options
-- draft email and letter penned for attorney review
-- email to Charles describing options
-- final email to City staff on application withdrawal

Senior Planner

165 LAKEVIEW (1-6-10)
-- conversation with the City Attorney regarding applicant's procedural complaint
-- email to Jessica requesting she send an email to the applicant
-- beginning initial review of application

<i>Bill Hours</i>	<i>Rate</i>	<i>Charge</i>
0.25	105.00	26.25
2.50	105.00	262.50
1.50	105.00	157.50
1.50	105.00	157.50

Detailed notes on how the time was used are also provided

An Equal Opportunity Employer

TERMS: Due on



MFRA, Inc
Project: 16907

Monday, February 01, 2010
Invoice: 66445

Invoice date is shown at the top of each page

Professional Services

	<u>Bill Hours</u>	<u>Rate</u>	<u>Charge</u>
Senior Planner 165 LAKEVIEW (1-6-10) -- full code review of application -- notations for quick discussion with the City Attorney	2.00	105.00	210.00
Senior Planner 165 Lakeview (1-8-09) -- conversation with Jim on my findings -- discussion with Jeff on engineering concerns -- phone conversation with Steve regarding problems and needed plan changes	1.75	105.00	183.75
Senior Planner 165 Lakeview (1-12-10) -- VM from applicant on new plan sets -- drafting report for DRC review -- DRC meeting -- travel	6.25	105.00	656.25
Senior Planner 165 LAKEVIEW (1-13-10) -- call to Scott regarding application review and meeting date	0.13	105.00	13.65
Senior Planner 165 LAKEVIEW AVE (1-20-10) -- public hearing notice creation -- report update (still need engineering comments)	0.50	105.00	52.50
Senior Planner 165 LAKEVIEW (1-25-10) -- 60 day review extension letters -- completing report for delivery to city -- executive summary creation -- area map creation	2.00	105.00	210.00
Senior Planner 165 LAKEVIEW (1-26-10) -- completing area map -- delivering packet materials to City Hall for review -- sending materials to DNR and MCWD for review	0.50	105.00	52.50
Senior Planner 165 LAKEVIEW (1-27-10) -- call from mortgage company regarding 60-day extension -- review of application/discovery of two addresses -- informing attorney of ownership/application issue; decision to send out letter to applicant as well -- preparation of applicant extension letter / sending	0.50	105.00	52.50

Reimbursables are clearly denoted and organized

Professional Services Totals: \$2,034.90⁽¹⁾

Reimbursables

	<u>Date</u>	<u>Bill Units</u>	<u>Unit Bill Rate</u>	<u>Charge</u>
Mileage	1/12/2010	30.00	0.50	15.00
Mileage	1/21/2010	30.00	0.50	15.00
Reimbursables Totals:				\$30.00

Project Totals:

***** Total Project Invoice Amount: \$2,064.90**

The final total due is clearly shown as the final invoice item

14800 28th Avenue N - Suite 140 ~ Plymouth, Minnesota ~ 55447
phone 763/476-6010 ~ fax 763/476-8532 ~ e-mail: mfra@mfra.com
TERMS: Due on receipt. Past due accounts subject to finance charge of 1% per month (12% APR).

An Equal Opportunity Employer

SECTION 9: ADDITIONAL INFORMATION

Avoiding Conflicts of Interest

If hired as your consultant, MFRA will represent Ramsey without conflicts. While we do represent private clients who develop land throughout the state, we will refrain from taking any new planning or engineering work in the City to avoid even the appearance of a conflict of interest while we act as representatives for the City. We also pledge to disclose to the City if an application includes a client that we had served in the past, and will recuse ourselves when requested to do so by the City.

At this time, MFRA is working with OPUS on a potential project at St. Thomas Academy. We do not anticipate this to cause a conflict, but will recuse ourselves if/when the project moves forward, and can offer suggested secondary service providers if needed.

Sample Report

On the following pages, we have provided a sample report prepared by Ben Gozola for the City of Tonka Bay. We believe this report exemplifies the thorough reviews done by MFRA. Please note that all code criteria for approving the specific application type(s) are listed along with staff's recommendations as to whether or not the requirement has been met. Full findings are provided at the end of the report as are recommended Council options.

City of Tonka Bay Planning Department
Variance & Conditional Use Permit Report

To: **City Council**
From: Ben Gozola, City Planner
Meeting Date: **11-11-08**
Applicant: **James & Catherine Gray**
Owner: Same
Location: **115 Clay Cliffe Drive**
Zoning: **R1-A**

Introductory Information

Proposed Project: The applicant is seeking to build a “lanai” [lah-nah-ee, luh-nahy] on the northeast side of the home. “Lanai” is a Hawaiian term for porch or veranda. The proposed structure will essentially be a roofed porch that will include retractable screens (please see the attached exhibit for a rendering of the lanai).

Variance Request(s): The proposed lanai will require an 18-foot variance from the required 50-foot lakeshore setback from Lake Minnetonka.

CUP Request(s): The proposed changes will require approval of a Shoreland Impact Plan CUP for total hardcover in the amount of 41.08%.

Applicable Codes: **Section 1017.06. Lot Area and Setback Requirements.** Requires that all principal structures in the R1-A zoning district be at least 50 feet from the front property line (the lakeshore), and at least 8 feet from all side lot lines.

1070.09 Minimum Setback Requirement. Requires that all principal structures in the shoreland district be at least 50 feet from the ordinary high water mark.

Section 1070.11 Impervious Surface Coverage. Requires that a shoreland impact plan and conditional use permit be obtained if the proposed impervious surface on a lot is proposed to be between 35% and 45%.



SECTION 9: ADDITIONAL INFORMATION

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

Findings

Site Data:	<p>Lot Size – 24,630 square feet</p> <p>Existing Use – Residential</p> <p>Existing Zoning – R1-A</p> <p>Property Identification Number: 28-117-23-21-0009</p>
Building Height:	<ul style="list-style-type: none"> ▪ The proposed lanai will not exceed the allowable height in the R1-A zoning district.
Flood Plain Buffer:	<ul style="list-style-type: none"> ▪ The elevations within 15’ of the proposed lanai are all conforming to the required floodplain buffer elevation.
Floor Area Ratio:	<ul style="list-style-type: none"> ▪ The proposed structure will essentially be a porch / entryway with a roof that includes retractable screens, and will be open to the elements throughout the year. An exterior door will be used to separate the lanai from the remainder of the home. These features lead us to conclude the proposed structure is not part of the floor area of the home and therefore the addition would have no bearing on the existing FAR for this lot. <p>If Council disagrees with staff’s interpretation of the lanai and finds that it should be included in the calculation, there is still no problem as the FAR. Including the lanai square footage as part of the floor area would increase the FAR from 24.1% to 25.0% according to calculations provided by the applicant.</p>
Hardcover Analysis:	<ul style="list-style-type: none"> ▪ The existing impervious surface on the property covers 10,393 square feet (or 42.2% of the lot). ▪ The proposed impervious surface coverage following construction of the lanai will be 10,118 (or 41.08% of the lot). Note that the applicants are proposing to remove significant areas of stone walkway to ensure that even though a covered porch is being built, the overall hardcover will still be going down as part of this project. ▪ In accordance with section 1070.11 of City Code, a proposal that creates impervious surface totals between 36% and 45% requires approval of a shoreland impact plan and a conditional use permit by the City Council. Reviews of both requests are included herein.

Application Review:

Applicable Code Definitions:	<p>Building. Any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.</p>
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Page 2

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

(cont.)

Building Setback. The minimum horizontal distance between the building and the lot line.

Conditional Use. Those occupations, vocations, skills, arts, businesses, professions, or uses and/or related building/structures, or improvements specifically designated in each zoning use district or by this Ordinance, which for the respective conduct or performance may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, conditions, modification, or regulations for the promotion or preservation of the general public welfare, health, convenience and the integrity of the City Comprehensive Municipal Plan and this Ordinance.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site.

Floor Area, Gross. The sum of the gross horizontal areas of all floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as activities, to the production or processing of goods, or to business or professional offices. However, the floor area shall not include basement or cellar floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall not include the cellar area.

Floor Area Ratio (FAR). The floor area of a building or buildings on any lot divided by the area of such lot, or in the case of planned developments by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

Impervious Surface. Any structure or surface which interferes to any degree with the direct absorption of water into the ground, including but not limited to, roofs, sidewalks, paved driveways and parking areas, patios, tennis courts, swimming pools, or any other similar surface.

Lot, Frontage. The front of a lot shall be, for purposes of complying with this Ordinance, that boundary abutting a public right-of-way. For lots abutting on two streets, the front shall be the boundary with the shortest length. For lakeshore lots, the boundary abutting the lakeshore shall be considered the front.

Setback. The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

SECTION 9: ADDITIONAL INFORMATION

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

(cont.)

Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such deviation will not be contrary to the public interest and where, owing to conditions unique to the individual property under consideration and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**Variance
Criteria:**

By state statute, there are three definitive criteria that all variances must address. The three criteria are as follows, along with staff's analysis of the applicant's request.

A. *Is the variance request reasonable? The hardship requirement does not mean that a property owner must show the land cannot be put to any reasonable use without the variance. Rather, the property owners must show that they would like to use their property in a reasonable manner that is prohibited by the ordinance.*

Staff Comments: Staff finds this request is reasonable as the proposed lanai is conforming to all setbacks specific to the lot lines defining this lot; most notably it meets the two eight (8) foot setback requirements from the northwestern and northeastern property lines. The nonconformity relates to the required OHW setback from the lakeshore *on the adjacent lot*. This lakeshore setback cuts into the otherwise buildable area on the northeastern side of the home, making it difficult to locate a porch off the back of the home. **Staff finds this criteria is met.**

B. *Does the application present unique circumstances?*

Staff Comments: The lot in question presents a unique circumstance in that it must comply with an additional setback not related to the lot lines defining this lot. This additional setback limits the landowners ability to construct a porch off the rear of the home that would otherwise be allowed. **Staff finds this criteria is met.**

C. *If approved, would the variance alter the essential character of the locality?*

Staff Comments: Granting of the requested lakeshore setback variance would not impact the character of the neighborhood. Please note that the Clay Cliffe Homeowners Association architectural control committee has reviewed the proposed lanai and has approved the plans. It is the Homeowners association that owns the adjacent lakeshore, so they would be the only party potentially impacted by the proposed construction. **Staff finds this criteria is met.**

The applicant must also establish and demonstrate compliance with the variance criteria set forth in Tonka Bay City Code Section 1004.02 Subd 3. before an exception or modification to city code requirements can be granted by the City Council. The following are the nine additional criteria established by code, along with staff's analysis of the applicant's request(s).

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Page 4

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

(cont.) In considering all requests for a variance and in taking subsequent action, the City Council shall make a finding of fact that proposed action will not:

A. Impair an adequate supply of light and air to adjacent property.

Staff Comments: The requested variance will have no if any impact on the availability of light and air to adjacent properties. **Staff finds this criteria is met.**

B. Unreasonably increase the congestion in the public street.

Staff Comments: The addition of a lanai to this home will have no impact on traffic. **Staff finds this criteria is met.**

C. Increase the danger of fire or endanger the public safety.

Staff Comments: The addition of a lanai to this home will have no impact on fire danger related to a single family dwelling, nor will it pose a danger to public safety. **Staff finds this criteria is met.**

D. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this Ordinance.

Staff Comments: Improvements to properties such as this will typically (if anything) increase surrounding property values rather than have a negative impact. With regards to fulfilling the intent of the ordinance, the unique location of this home and the unique configuration of the lakeshore ensure that no lakeshore views will be impacted. And provided the City finds the resulting hardcover and shoreland impact plan is acceptable, then the other reasons for meeting lakeshore setbacks will also be fulfilled. **Provided the requested CUPs are granted, staff finds this criteria is met.**

E. Violate the intent and purpose of the Comprehensive Plan.

Staff Comments: The Comprehensive Plan calls for this area of the City to be used for single-family dwellings, and for development to occur in an orderly fashion in a manner best for the community. **Provided the requested CUPs are granted, staff finds this criteria is met.**

F. Violate any of the terms or conditions of 1004.02 Subd 4.

1004.02 Subd 4. Conditions. A variance from the terms of this Ordinance shall not be granted unless it can be demonstrated that:

a. *Undue hardship will result if the variance is denied due to the existence of special conditions and circumstances which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.*

1. *Special conditions may include exceptional topographic or water conditions or, in the case of an existing lot or parcel of record, narrowness, shallowness, insufficient area or shape of the property.*

SECTION 9: ADDITIONAL INFORMATION

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

(cont.)

2. *Undue hardship caused by the special conditions and circumstances may not be solely economic in nature, if a reasonable use of the property exists under the terms of this Chapter.*

Staff Comments: The home at 115 Clay Cliffe Drive was the original home around which the Clay Cliffe development was platted. As such, it was not originally constructed with current codes and setbacks in mind which results in the existing home being nonconforming to lakeshore setbacks on both sides of the point. The age of the home, the narrowness of the point, and the fact that the proposed addition meets all setbacks specific to the lot lines defining the parcel work together to define a special set of circumstances for construction on this lot. **Staff finds this criteria is met.**

- b. *Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance or deny the applicant the ability to put the property in question to a reasonable use.*

Staff Comments: Construction of a porch or deck off the rear of a home is commonplace throughout the City. Because of the unique lakeshore configuration *on the adjacent lot*, constructing a useable rear facing deck on this home would be difficult given the homes configuration. As we have also found the request is reasonable, we do find **this criteria is met.**

- c. *The special conditions and circumstances causing the undue hardship do not result from the actions of the applicant.*

Staff Comments: As previously noted, this was the original home on the point around which the Clay Cliffe development was established. The current owners did not build the home and are not responsible for the existing nonconformities or difficulties that arise for construction of the proposed lanai. **Staff finds this criteria is met.**

- d. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district under the same conditions.*

Staff Comments: Construction of a porch off the rear of a home is normal and customary throughout the city. Provided the CUPs for hardcover and the shoreland impact plan are granted, there are no identified impacts being created by the proposed lanai. We find no reason to believe that a special privilege would be granted to the property owner given the facts outlined in our analysis. **Staff finds this criteria is met.**

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

**Shoreland
Impact Plan
CUP:**

For applications proposing to have between thirty-five (35) and forty-five (45) percent hardcover, code requires an applicant obtain a shoreland impact CUP. Essentially, the applicant's plan must "...set forth proposed provisions for sediment control, water management, maintenance of landscaped features, and any additional matters intended to set forth proposed changes requested by the applicant and affirmatively disclose what, if any, change will be made in the natural condition of the earth, including loss of change of earth ground cover, destruction of trees, grade courses and marshes. The plan shall minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible, and shall affirmatively provide for the relocation or replanting of as many trees as possible which are proposed to be removed. The purpose of the Shoreland Impact Plan shall be to eliminate potential pollution, erosion and siltation." For these types of CUPs, the following criteria are to be reviewed:

- a. *The projects shall be analyzed to determine the impact of impervious surfaces, storm water runoff, floodplain, and water quality implications. Only those projects shall be allowed where the adverse impacts have been mitigated through approved means to the extent possible.*

The city engineer has fully reviewed the proposed plans and has found the proposed reduction in hardcover is being done responsibly and in a manner than will not impact the adjacent property. Authorization of this project would actually reduce overall hardcover and benefit the property. Please see the attached memo and the associated findings of the engineer. **Staff finds this criteria is met.**

- b. *Storm water treatment measures including, but not limited to, sediment basin (debris basins), desilting basins or silt traps, installation of debris guards, and microsilt basins on storm water inlets, oil skimming devices, etc. shall be required subject to the review of the City Engineer and Minnehaha Creek Watershed District on projects where applicable.*

None of the listed BMPs are reasonable to require given the small changes proposed by this project. The applicant's willingness to eliminate existing hardcover in conjunction with this project, however, will provide benefits to this and the adjacent lot. **Staff finds this criteria is met.**

- c. *Projects shall be analyzed by the City in terms of provisions for maintenance and enhancement of landscape features, change in the natural condition of the soil, removal of trees, grade courses and marshes. The plan shall also minimize tree removal, ground cover change, loss of natural vegetation, and grade changes as much as possible. It shall further provide for the relocation or replanting as many trees as possible which are proposed to be removed.*

There will be little vegetation removal in the area of the proposed lanai, and no elevation changes where existing hardcover will be removed. Unlike many projects, the overall impacts created by construction will be very minimal and will be outweighed by the resulting benefits of additional plantings and hardcover removal. **Staff finds this criteria is met.**

SECTION 9: ADDITIONAL INFORMATION

Variance: 115 Clay Cliffe Drive
City Council Report: 11-11-08

- (cont.) d. *Projects shall be analyzed by the City in terms of the appearance of the structure when viewed from the lake's surface. Building materials, and color shall be analyzed to determine which facade and roof materials minimize the appearance and blend the structure into the shoreland and vegetation.*

The lanai is proposed to blend in with the existing structure by utilizing the same materials and colors. Additionally, because of the unique configuration of this lot and the surrounding lakeshore, the lanai will not impede any lakeshore views. **Staff finds this criteria is met.**

- e. *Lot coverage on a project basis shall be restricted to the provisions for maximum impervious surface coverage as provided for in this Ordinance.*

Tonka Bay city codes allows for requests of hardcover up to 45% without the need for a variance. As this request does not exceed this threshold, and is not subject to a variance review, **staff finds this criteria is met.**

- f. *Residential densities on a project basis shall not be allowed to exceed the maximum allowed density of the base zoning districts for which the project is proposed.*

As this proposal does not include subdivision of the parcel, **this criteria does not apply.**

- g. *All projects shall be in conformance with the Shoreland Management Plan, Comprehensive Plan, and Zoning and Subdivision Ordinances of the City of Tonka Bay.*

Provided all needed variances and conditional use permits are approved, the proposal would be in line with the noted documents. Engineering has conducted a full review of the proposed plans and is recommending approval. **Staff finds this criteria is satisfied.**

- h. *All projects shall be subject to the review by the Minnehaha Creek Watershed District and the City Engineer.*

As always, staff would propose to make any approval contingent upon the acquisition of all necessary permits from the MCWD. Additionally, the plan has been reviewed and is recommended for approval by the City engineer (review memo is attached). **As such, staff finds this criteria is satisfied.**

Resident Concerns: Staff is not aware of any resident concerns surrounding the requested variances. As noted, the Clay Cliffe Homeowners Association is aware of the project, and their architectural review committee has already approved the plans.

Additional Information: None.

Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08

Conclusion:

The applicants are seeking approval of the following:

1. An 18-foot variance from the required 50-foot lakeshore setback from Lake Minnetonka for construction of a lanai of the northeastern side of the existing home.
2. A Shoreland Impact Plan CUP to authorize total hardcover in the amount of 41.08%.

Variance Findings:

Based on our analysis of the review criteria in state statute and in City Code, **staff would recommend approval of the requested lakeshore setback variance** based on the following:

- The request is reasonable as construction of a porch off the rear of a home is a normal and customary improvement on homes in Tonka Bay.
- The lot in question presents a unique circumstance in that construction must comply with an additional setback not related to the lot lines defining this lot.
- The lanai will be conforming to all setbacks specific to the lot lines defining this lot, and is only nonconforming to the required OHW setback from the lakeshore on the adjacent lot.
- The lanai will not impair an adequate supply of light and air to adjacent property, will not increase street congestion, and will not pose a fire or safety danger.
- The lanai will not impair surrounding property values, and its construction would not generate impacts designed to be avoided by city codes and the comprehensive plan.
- The age of the home, the narrowness of the point, and the fact that the proposed addition meets all setbacks specific to the lot lines define a special set of circumstances for construction on this lot.
- The current owners did not build the home and are not responsible for the existing nonconformities or difficulties that arise for construction of the proposed lanai.
- Granting of the variance will not confer a special privilege upon the landowner.

Shoreland Plan CUP Findings:

Based on our analysis of the review criteria in City Code, **staff would recommend approval of the requested shoreland impact plan CUP** based on the following:

- The proposed reduction in hardcover is being done responsibly and in a manner than will not impact the adjacent property.
- There will be little vegetation removal in the area of the proposed lanai, and no elevation changes where existing hardcover will be removed.
- The lanai will blend in with the existing home and will not impede any lakeshore views.



SECTION 9: ADDITIONAL INFORMATION

*Variance: 115 Clay Cliffe Drive
City Council Report; 11-11-08*

***Council
Options:***

The City Council has the following options:

- A) DIRECT STAFF TO PREPARE A RESOLUTION APPROVING one or more of the requests based on the applicant's submittals and findings of fact.
- B) DIRECT STAFF TO PREPARE A RESOLUTION DENYING one or more of the requests (based on the applicant's submittals and findings of fact).
- C) TABLE THE ITEMS and request additional information

By code, a 4/5 vote of the City Council is necessary to approve these requests. The 60-day review period for this application expires on 12-9-08, but can be extended an additional 60 days if more time is needed.

***Recommended
Conditions:***

Staff would recommend the following conditions be placed on any approvals granted by the City:

- 1. The applicant shall obtain all necessary permits and approvals from the City and other applicable entities with jurisdiction prior to any construction.**
- 2. Proof of securing an MCWD permit shall be required prior to the City issuing a building permit for the proposed construction.**
- 3. Additional conditions as listed in the City Engineer's memo.**

***Denial Motion
Template:***

I move that we direct staff to prepare a resolution of denial for the requested variance (and/or) CUP based on the following findings of fact...

***Approval
Motion
Template:***

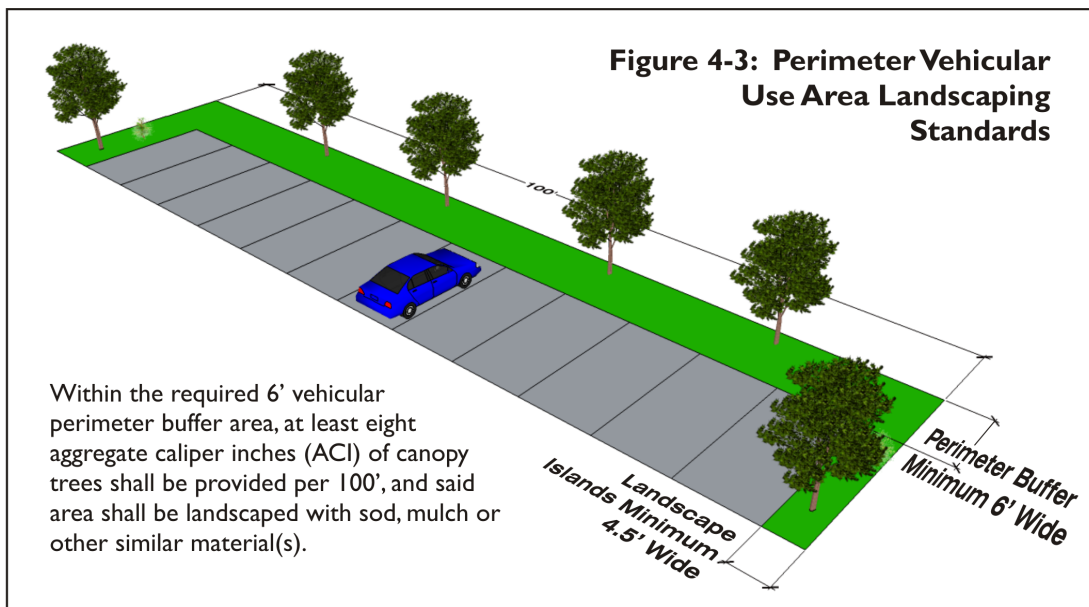
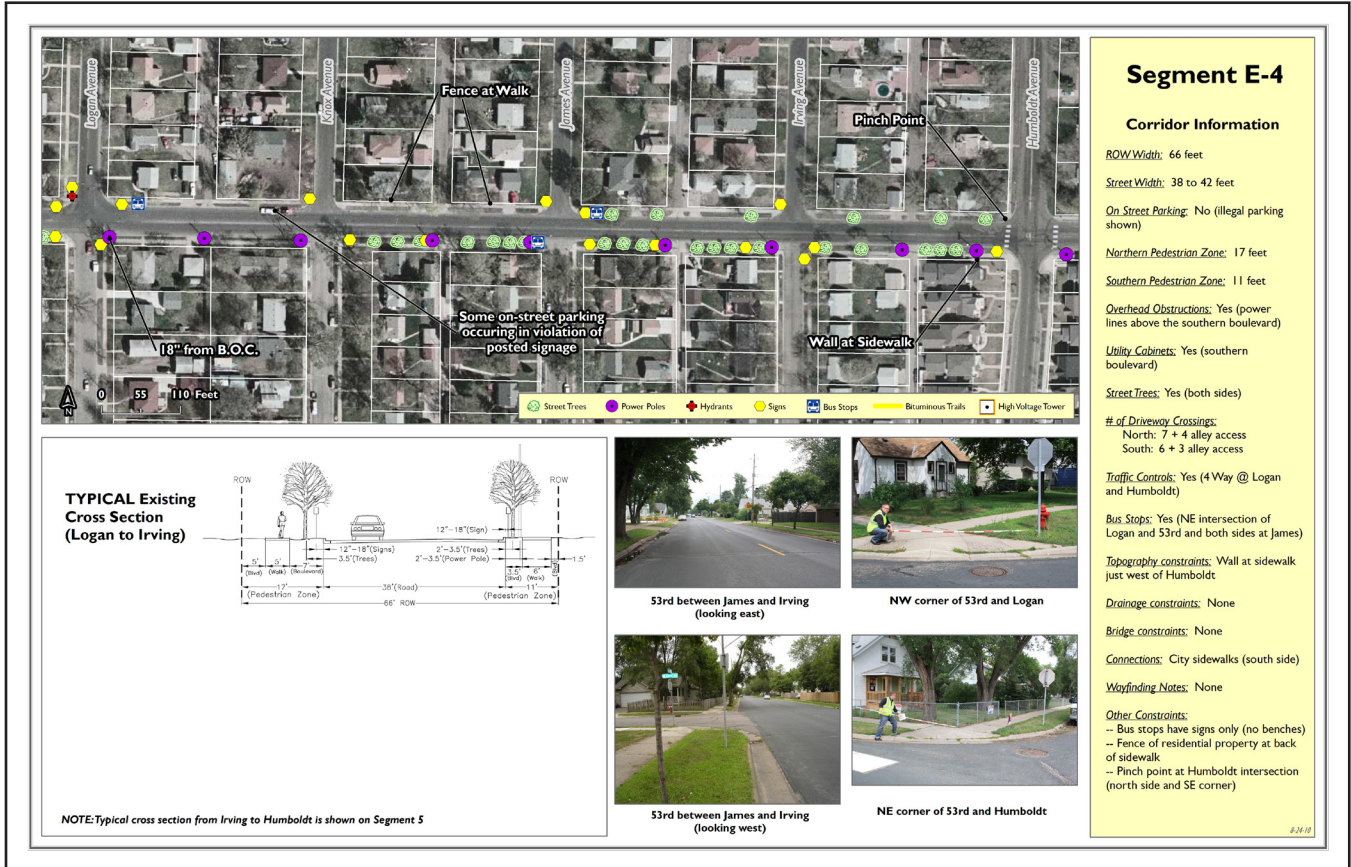
I move that we direct staff to prepare a resolution of approval for the requested variance and CUP based on the following findings of fact...

...with the following conditions:

cc: James and Catherine Gray, *Applicants*

Graphics

The example images on this page (and those found throughout this proposal) illustrate the strong graphic abilities MFRA can bring to the City of Ramsey





Education

Bachelor of Elective Studies (BES),
1987, St. Cloud State University, St.
Cloud, MN

Planning Internship, City of Shakopee

Professional Associations

American Planning Association

Sensible Land Use Coalition

Met Council Natural Resource Task
Force

Local Government Unit (LGU)

Representative for Carver County, MN
and City of Minnetonka, MN

Professional Experience

24 Years Total

7 Years consulting

15 Years of City, County and
Regional Planning:

Metropolitan Council
City of Minnetonka
Carver County
St. Bonifacius
Northwest Consultants

Primary Backup Planner Full Resume

Tom Goodrum, Director of Planning Services

Mr. Goodrum is the Director of Planning Services at McCombs Frank Roos Associates. His experience covers Commercial Development, Residential Development, Urban Planning, and Re-development, Conservation Development, Rural Planning, Parks and Recreation Planning and Design, Regional Policies, Streetscapes and many other specialties. Duties performed within these projects include Project and Construction Management, Site Design, Government Liaison, Code and Regulation Interpretation, Coordination with special interest groups and municipalities, Public Presentation, Report and Summary Writing.

His experiences have provided comprehensive knowledge in planning and development implementation in the following areas:

- A planner for the full-spectrum of residential and commercial development with previous employment in rural, urban and regional units of government, including consulting services.
- Preparing comprehensive reports with a detailed analysis of the proposed project and providing recommendations to assure a quality project.
- Drafting and administering environmental sensitive ordinances (wetland, shore-land, floodplain and erosion control) within land use plans as they relate to specific projects.
- Guiding cities through conservation developments that used alternative planning practices to create harmonious developments within environmentally sensitive sites.
- Thorough knowledge in developing a comprehensive plan that best suites the goals of the community and the strategies of the regional plans.
- Focal person in gathering information from communities, outside government agencies, consultants, affected parties, neighborhood meetings and other resources to effectively explain the facts of a project and to provide appropriate measures in resolving issues.
- Lead in overseeing projects, from initial contact through final approval, providing guidance throughout the planning process to create a favorable project.

Secondary Backup Planner Full Resume

Pat Smith, AICP

Mr. Smith is a Community Planner with MFRA. His experience as a Municipal planner for multiple communities has prepared him to be a consulting planner providing general city services. He is highly skilled in analyzing local ordinances, writing detailed reports, and presenting difficult information to elected bodies and members of the public. His understanding of statutory requirements coupled with his experience in tracking and administering application reviews will ensure your City complies with all regulations while providing exemplary service to your citizens.

Mr. Smith brings to the table a comprehensive knowledge in the planning and development field. The following is a brief overview of what he will bring to your City:

- Extensive experience leading neighborhood redevelopment projects
- Skilled in bringing different interest groups together to provide public input on difficult projects
- Thorough knowledge of comprehensive planning and economic development
- Strong design and site plan review skills
- Excellent communication skills and able to lead quality, professional presentations
- Ambitious team player who is willing to take on difficult challenges
- Outstanding ability to craft ordinances tailored to specific community goals and desired outcomes
- Exceptional in writing and interpreting city codes
- Personable and well suited for representing a city in any venue
- Detail oriented organizational skills to ensure all applications and/or tasks are reviewed and completed by the anticipated deadline



Education

Master of Science in Urban & Regional Planning
University of Wisconsin, Madison

Bachelor of Science in Economics
University of Wisconsin, Eau Claire

Post Graduate Study of Historic Preservation, Real Estate Finance, and Architectural Drawing

Professional Associations

The American Institute of Certified Planners (AICP)

American Planning Association (APA)

Professional Experience

Over 10 Years of Municipal and Regional Planning Experience

1 Year with MFRA

5 Years as a City Planner for the City of Chaska, MN

4 Years as a City Planner for the City of Burien, WA

2 Years as the Community Development Manager for Richfield, MN





MFRA
14800 28th Avenue North
Suite 140
Plymouth, MN 55447
763-476-6010
www.mfra.com

Proposal to Provide Professional Services

Planning and Zoning Services for the City of Ramsey



8 April 2011





Tim Gladhill, Senior Planner
City of Ramsey
7550 Sunwood Drive NW
Ramsey, Minnesota 55303

Dear Mr. Gladhill:

I am enthused to present this proposal to provide planning and zoning services to the City of Ramsey.

I offer the benefit of my 30+ years of planning and zoning experience, my 18 years of service as a municipal planning director for two suburban cities and an affordable hourly rate.

In addition, I can provide related services such as landscape architecture, urban design, traffic engineering, ecology, law and others. My team member Suzanne Rhees, AICP, previously prepared form-based zoning regulations for Ramsey Town Center.

I urge you to contact my references as they will attest to the quality of my work.

Thank you for this opportunity.

Sincerely,
Weber Community Planning

William Weber, AICP, PTP
Principal

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Summary

For the following reasons, we believe that Weber Community Planning is ideally suited to assist the City of Ramsey with its needs in development application review and zoning code amendments.

Development Application Reviews

Bill Weber has a combined 18 years experience reviewing development applications for the Cities of Vadnais Heights and Oakdale. For those Cities, he has served as the sole city planner on a consulting basis.

Zoning Ordinance Amendments

Bill has drafted numerous amendments to zoning ordinances and written entirely new and complete zoning or subdivision ordinances. Having administered some of the ordinances he has written gives Bill an added insight to the importance of careful wording.

Approach to Zoning Administration and Economic Development

Bill approaches each review with the belief that land development can benefit current and future residents if consistent with the comprehensive plan and properly designed. He offers judgment honed by many years of experience to help build lasting value.

Availability

Services will be provided by Bill Weber unless specialized subconsultant services are requested by the City. Bill's committed workload will allow him to provide the timely service sought by Ramsey.

Support Services

Support services can be provided as needed by subconsultants in form-based zoning, landscape architecture, traffic engineering, natural resources, cultural resources, graphics, Website design or geographic information systems.

Fees

Weber Community Planning offers an affordable and very competitive hourly charge rate.

Organization

This proposal is presented by:

Weber Community Planning

William C. Weber, AICP, PTP
3824 Huntington Avenue
St. Louis Park, Minnesota 55416

952-451-4818 bill@weberplanning.com www.weberplanning.com

Weber Community Planning is the professional practice of William Weber, AICP, PTP, and his network of allied professionals engaged in helping to create great communities.

The firm emphasizes a highly participatory approach leading to realistic solutions that are embraced, adopted and implemented.

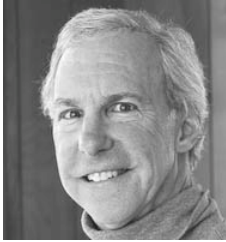
Weber Community Planning, established in 2010, provides services in community and economic development, land use planning and land development

Every client benefits from the 35 years of experience and the direct involvement of Mr. Weber.

Support services are provided as needed by subconsultants in law, geographic information systems, graphics, landscape architecture, traffic engineering, natural resources, cultural resources or Website design. Working relationships have already been established with specific, trusted professionals in each of these disciplines. See page 2-3 for a specific list of technical resources.

Organization

William Weber, AICP, PTP **Primary Planning Consultant**



Bill Weber has more than 18 years experience in municipal development review and zoning administration plus other specialized city planning experience.

He served for three years as the consulting planner to the City of **Oakdale** and for 16 years as the planner for the City of **Vadnais Heights**. With both Cities, he provided the **same services sought by the Ramsey** – review land development applications of all kinds, amend the zoning and subdivision ordinances, prepare design guidelines, create district plans, and participate in Planning Commission and Council meetings as requested.

Bill has a wealth of **other city planning experience** that may be valuable to Ramsey. He has prepared zoning ordinance amendments, design guidelines, comprehensive plans, redevelopment plans, economic development plans, transit-oriented development plans, bicycle network and corridor plans, park system plans, housing assistance plans, capital improvement plans, environmental impact statements and grant applications.

Nearly all of Bill's clients have been Cities and other public agencies although he has worked for **private land development** companies both as a consultant and as an employee. He also has studied real estate development and finance at the University of Minnesota and with the National Development Council. This dual perspective has helped him become a more effective and wiser public sector planner.

As a result of his extensive background, Bill has knowledge in the many areas necessary for sound review of **site plans and plats**: urban design, grading, drainage, surface water protection and regulation, plantings, lighting, traffic engineering, surveying, utilities, land use law, real estate finance, the land development process and public communication.

He has drafted **amendments to zoning ordinances** and written entirely new and complete zoning or subdivision ordinances. Having administered some of the ordinances he has written gives Bill an added insight to the importance of careful wording.

Bill has a Master's Degree in Urban Planning from Michigan State University and a Bachelor's Degree in Sociology from the University of Notre Dame. He was previously employed with BRW, Inc., URS Corporation, Toll Brothers Housing and McCombs Frank Roos Associates.

Professional Team Resources

Bill Weber could call on any of these sub-consultants for assistance if necessary and approved by the City.

Form-Based Zoning

Suzanne Rhees, AICP

Suzanne Rhees has more than 20 years experience in community and neighborhood planning and zoning with a particular emphasis on community character and traditional urbanism. She has taken a lead role in bringing form-based zoning concepts to Minnesota through projects such as the Capitol Area Zoning Rules and the City of Roseville Zoning Ordinance Update. Suzanne has also led or played a key role in a variety of large code updates, including zoning ordinance rewrites for the Cities of Madison and Green Bay, Wisconsin; for Rice and Washington Counties, Minnesota; and the Linn County, Iowa, Unified Development Code. Suzanne has contributed as a writer and reviewer to publications such as the American Planning Association’s *Planning and Urban Design Standards* and *Codifying New Urbanism* (PAS Report No. 526), and has made numerous presentations at national and regional conferences on zoning and design topics.

Traffic Engineering

Mike Spack, PE	Spack Consulting
Ed Terhaar, PE, PTOE	Wenck Associates

Landscape Architecture

Kathleen O’Connell, RLA	O’Connell Design
Todd Wichman, RLA	Todd Wichman Landscape Architecture

Natural Resources

Brett Emmons, PE	Emmons & Olivier Resources
Jason Husveth	Critical Connections Ecological Services

Cultural Resources

Anne Ketz	The 106 Group
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Geographic Information Systems

Josh Suess	Suess Custom Maps
Blaine Hackett	GIS Rangers

Law

Matthew Seltzer, JD	Leonard Street Dienard
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The Services of Weber Community Planning

Approximately **90 percent** of the work of Weber Community Planning is related to community planning and zoning. The balance is service to the private sector in matters related to land development or expert witness testimony.

Of the municipal work, approximately **30 percent** consists of development reviews and zoning ordinance amendments.

Weber Community Planning has the time available to serve the City of Ramsey very well. That commitment of time to Ramsey will be protected. Mr. Weber has an excellent record of providing services on time and within budget.

Approach to Zoning Administration

The first obligation of a planner in the review of a land development application is to faithfully and fairly apply the letter of the ordinance. The opinion of the planner should not be substituted for the ordinance when the ordinance is clear, and each applicant should be treated in the same manner.

However, there are often gray areas in an ordinance or a plan. Some provisions of a Code, such as variances, special use permits or planned-unit developments, allow for and encourage interpretation with the aim of creating an outcome that is more beneficial for the community as well as the applicant.

Mr. Weber has proven that he has the experience and knowledge to understand how to balance protecting existing, neighboring land uses against promoting growth. With Bill, it is never all one way or the other. He tends to approach each review with the assumption that the overall goal is to build a city according to the comprehensive plan and that each development can benefit past and future residents or businesses if designed properly. The challenge is to understand the aims of the comprehensive plan, the letter of the City Code, prevailing Council opinion and the art of site design.

Bill takes each review through a series of steps or screens to arrive at a final recommendation to the City Council. Typically, these include considering

Experience

whether the land use is consistent with the comprehensive plan then the zoning map; what is the relationship between the initial design and the characteristics of the site (nature, topography, access, utilities, etc.) and the nearby land use, both existing and planned; whether any exceptions are requested; and whether design improvements are warranted.

The review process ideally involves working with the developer before a formal application has been submitted to talk about consistency with the plan and Code, major concerns, and submittal requirements. There are many opportunities for improvement at that point, and later problems may be avoided. Even after a design has been committed to paper and an application submitted, Bill continues to work with the applicant to improve the design from the City's point of view. One objective is to minimize difficulties for the Planning Commission and City Council.

If there are unresolved differences of opinion or if the application conflicts with the letter of the Code, the review memos presented by Bill to the Planning Commission and, subsequently to the Council, aim to recommend approval with conditions. Such conditions, if adopted, are incorporated into the development agreement.

By the time an application reaches the Planning Commission or City Council, a recommendation of outright denial is not unheard of but is viewed as the last alternative. Bill has not been afraid to recommend denial when he feels it is in the best interest of the community. A recent example was an application in Vadnais Heights for a variance to the height of a billboard. (A copy of that review memo has been included in Section 10.)

Representatives of the City of Ramsey are encouraged to speak with the Vadnais Heights City Administrator, Gerry Urban, for his assessment of Bill's judgment in these matters and Bill's ability to work among the applicant, City staff and the City Planning Commission or Council. Bill has worked with Mr. Urban for 15 years. During that time, Vadnais Heights added 3,700 housing units, 8,000 residents, 7,000 jobs and 332 acres of commercial or industrial growth.

Fostering Economic and Residential Growth

Weber Community Planning believes that economic and residential growth can be promoted and enhanced through comprehensive planning and zoning. Guidance and regulation should improve the quality and quantity of private investment by providing confidence to developers, minimizing conflicts, attracting better participants and reducing costs. Properly administered, zoning should help build lasting value.

There are two major elements in wise land development regulation: attitude and design.

Each review ought to begin with a positive attitude, the expectation that each increment of development will enhance prior neighborhood growth. Although some proposals simply are not suited to achieve that objective, it is a good place to begin. The reviewer should understand that he or she is working for both the current residents (or businesses) as well as the future citizens. To play that role well requires dexterity and skill because the interests of the current and future citizens are sometimes in conflict. The regulations often make the decisions easy, but the best outcomes occasionally require compromise. Beginning the discussion with the expectation that a mutually beneficial outcome is possible will usually bring to the City Council a proposal that can be approved with minimal headache.

Design is the other major element in zoning administration as there is usually more than one way to arrange a site. The elements of design that are typically regulated through suburban zoning include transitions, plantings, traffic access, density, clustering, orientation, signage, lighting, loading and trash handling. Massaging the site plan or plat with the developer or consultant will often lead to improved results.

Building some flexibility into the zoning ordinance will open the door to creative design that protects existing conditions while fostering high-quality growth. Although it is often more work, increased reliance on the PUD, MU-PUD and Town Center districts will avoid many of the problems associated with conventional “Euclidian” zoning. It is important that these districts be used within the framework of a plan and provide a benefit to the community not otherwise possible; they should not simply be used to circumvent the limitations of the zoning ordinance.

Experience

Recent Clients with Similar Projects

In the past **three years**, Mr. Weber has provided to these municipal clients services involving zoning administration or zoning ordinance amendments:

City	Service
Vadnais Heights	Zoning administration / application review Comprehensive Plan update
Wyoming	Zoning ordinance amendment (comprehensive) Comprehensive Plan
Breezy Point	Direction for zoning ordinance amendments as part of the Comprehensive Plan update
Waconia	Direction for zoning ordinance amendments as part of the Comprehensive Plan update
Hastings	Direction for zoning ordinance amendments as part of the Comprehensive Plan update
St. Anthony	Direction for zoning ordinance amendments as part of the Comprehensive Plan update

Client References

Mr. Weber has worked with the following clients in the past **three years** on projects similar to those requested by the City of Ramsey:

Gerald Urban

City Administrator

City of Vadnais Heights

651-204-6010

Services: Zoning administration
Comprehensive planning

Craig Mattson

City Administrator

City of Wyoming; previously also a client in the City of Oakdale

651-462-0575

Services: Comprehensive revisions to the zoning ordinance in Wyoming
Zoning administration in Oakdale
Comprehensive planning in Wyoming

Cindy Sherman

Director of Planning

City of Brooklyn Park

763-493-8051

Services: Plan, Design Guidelines and EIS for Astra Village
Northern Area Master Plan

Representative Projects Completed by Mr. Weber

Application Review, Zoning Administration and Municipal Planning

Served as the consulting city planner to the City of Vadnais Heights from 1978 to 1993 and from early 2010 to the present time. Reviewed all applications for land development, negotiated design improvements, coordinated closely with City staff, presented recommendations to the Planning Commission, Parks Commission and Council, maintained the zoning and subdivision ordinances and the comprehensive plan, and conducted special plans and studies.

Served as the consulting city planner to the City of Oakdale from 1979 through 1983 and performed the same duties as in Vadnais Heights.

Zoning and Subdivision Ordinances

Directed the complete revision of zoning ordinances in Green Bay, Wisconsin, and in Vadnais Heights, Oakdale and Wyoming, Minnesota. Wrote zoning ordinance amendments for the cities of Richfield, Brooklyn Center, Hutchinson and Lilydale, Minnesota; Rock Springs, Wyoming; Roswell, New Mexico; and Thornton, Colorado. Prepared amendments to subdivision ordinances in Green Bay, Wisconsin, and Roswell, New Mexico.

Led the complete redrafting of the Sherburne County Zoning Ordinance. Rewrote portions of the zoning ordinances for McLeod and Renville Counties. Drafted a rural clustered housing ordinance in Greene County, Missouri.

Urban Design Guidelines and Form-Based Regulations

Wrote and illustrated urban design guidelines for commercial, residential and multi-use districts. Guidelines have been prepared for municipal district plans such as the *Arden Hills County Road C District Plan*, the *Eau Claire West Riverside District Plan*, the *Vadnais Heights City Center District Plan*, and the *Brooklyn Park Northern Area Plan*. Similar work for the private sector includes the *Astra Village Development Guidelines*. Samples from these documents are available for review.

Planning Projects

Mr. Weber uses his edited digital catalog of 8,000+ photos to illustrate and complement the text of design guidelines. This rich resource is very effective at explaining planning and design ideas to citizens and officials.

Urban design guidelines have been be melded with conventional zoning approaches to create a hybrid of form-based zoning.

Transit-Oriented Development

Prepared station neighborhood plans and design guidelines for the Northstar commuter rail system, the Raleigh-Durham regional rail system, the Chapel Hill to Durham LRT system, the Cincinnati LRT system, the Southeast Wisconsin LRT system. Wrote the Land Use Element of the FTA New Starts application for the Northstar Corridor. Managed the Lincoln, Nebraska, Transit and Land Use Plan.

Land Development

Directed the design, environmental review and approvals process for a 150-acre multiple-use project in Brooklyn Park consisting of 1.9 million square feet of office space, 100,000 square feet of retail space and 950 housing units.

Facilitated the entitlements process for a 250-acre residential PUD in Maple Grove for Town & Country Homes, a 200-acre residential PUD in Maple Grove for D.R. Horton, a 225 acre residential PUD in Buffalo for Edina Development Corporation.

Environmental Documents

Managed or assisted in the preparation of environmental impact statements for I-494, TH 610-252, Minneapolis West River Parkway, TH 14-52 in Rochester, 79th-80th Street in Bloomington, the Savage Fen and Eagle Creek in Savage, Minnesota, a Hennepin County sanitary landfill search, and a 150-acre office park. Managed numerous EAWs for residential and multiple-use developments.

River Corridor Plans

Prepared *Mississippi River Critical Area Plans* for Minneapolis and Brooklyn Center, and played a key role in *Above the Falls: The Upper Mississippi River Corridor Master Plan*.

District Revitalization Plans

Managed revitalization plans for downtowns in Springfield, Missouri; Champaign, Illinois; Stillwater, Northfield and Rosemount, Minnesota and Eau Claire, Wisconsin; the *Minneapolis Upper Mississippi River Corridor Master Plan*; the *Crystal Bass Lake Road Redevelopment Plan*; the *St. Paul Central Riverfront Plan*, Arden Hills County Road E Corridor, Westgate

Business Park; the Eau Claire Medical and Educational District, the Eau Claire West Riverside District, and the Highway 7, Highway 61 and Brooklyn Boulevard Corridor Plans.

Comprehensive Plans

Prepared more than two dozen comprehensive plans for cities up to 200,000 population in eight states. Created an innovative, effective and award-winning method for public involvement and decision-making that combines strategic and comprehensive planning; and led community leaders to consensus in complex and controversial situations.

Client have included Brooklyn Park, Maple Grove, Minnetonka, Shakopee, Hopkins, Savage, Maplewood, St. Anthony (1979, 1987, 2008), Brooklyn Center, Hutchinson, New Ulm, Oakdale, Milaca, Hastings, Vadnais Heights, Waconia, Wyoming and Breezy Point, Minnesota; Green Bay, La Crosse, Eau Claire (1992, 2005) and Fond du Lac, Wisconsin.

Created district plans for the final growth area of Brooklyn Park (4,000 acres) and southeastern Springfield, Missouri (six square miles).

Rural and Semi-Rural Land Use Plans

Drafted land use plans for ten counties including Anoka, McLeod, Renville, Sherburne, Washington and Stearns Counties, Minnesota; Pierce County, Wisconsin; Sweetwater County, Wyoming; and Chaves County, New Mexico. Prepared the initial draft of the Rural Area policies for the Metropolitan Council 2030 Regional Development Framework.

Bicycle Networks and Corridors

Designed a route linking downtown Milwaukee to the Bay View Neighborhood through the Port of Milwaukee; the 5.6-mile East River Bikeway in Manhattan, New York; a greenways system plan for the St. Louis metropolitan area; the eight-mile Mississippi River Heritage Trail through Dubuque, Iowa; and system plans for Oakdale and Vadnais Heights, Minnesota, and Eau Claire and Superior, Wisconsin.

Park System Plans

Managed citywide park system plans in Eau Claire, Fond du Lac, Green Bay and Superior, Wisconsin, Springfield, Missouri, and Vadnais Heights and Oakdale, Minnesota. Helped prepare plans for Lake Minnetonka Regional Park, the Upper Mississippi River parkway extension and the 1200 square mile bi-state open space and greenways network in the St. Louis metropolitan area.

Descriptions of Three Recent Planning Projects

The following are three recent projects conducted by Mr. Weber that are relevant to issues experienced by a suburban developing community.

Vadnais Heights Zoning Administration and Application Review

Bill has served as the consulting city planner to the City of Vadnais Heights for fifteen years. During that time, he conferred with prospective land developers, reviewed all land development, subdivision or rezoning applications and presented recommendations to the Planning Commission and Council, prepared the *Comprehensive Plan* three times, wrote the entirety of the zoning and subdivision ordinances, amended the zoning ordinance and provided marketing information to the Economic Development Corporation.



Walmart Store

Three application reviews written by Mr. Weber in the past six months are appended to this proposal:

- An application to expand an existing **Walmart store** by 30,000 square feet to accommodate grocery sales
- An application to build **housing for the elderly** including independent and assisted living as well as memory care.
- An application for a **variance** to the height of a nonconforming billboard.
- An amendment to the **nonconforming use** section of the zoning ordinance.

These application reviews are included in this proposal under sections 8, 9, 10 and 11.

These reviews were written in close coordination with the City staff including the Administrator, Engineer, Building Official, Fire Chief and Attorney. Staff meetings are held most Tuesday afternoons to review applications and draft memos; representatives of the applicants are sometimes invited to participate. Other meetings or communications are also held with the applicants.



Richfield Zoning Ordinance Amendments, 2006

Bill drafted a comprehensive set of amendments to the Richfield, Minnesota, zoning ordinance in 2006. These amendments affected parts of nearly every district, the administrative rules, the general site development standards, conditional use specifics and the definitions. Bill met frequently with the city planning staff to conceive and refine the amendments then assisted as the staff reviewed the wording with the City Planning Commission over several months.

Astra Village Development Design, Approvals and Environmental Review, 2008

Astra Village is a 150-acre multiple-use development in Brooklyn Park consisting of 2.0 million square feet of office, 1,000 housing units, 92,000 square feet of retail space and a 15 acre park.

Mr. Weber led a team of landscape architects and civil and traffic engineers from McCombs Frank Roos Associates to prepare a master plan and 67-page set of design guidelines.

Photos and sketches were used to describe the desired components and explain the architectural and site planning guidelines for residential, office and commercial development along with public space design and landscaping. These design guidelines were intended to become the basis of zoning for this property.

Offices and housing were proposed to front onto the generously landscaped Astra Parkway to help create inward focus and a sense of place. A ravine park was proposed to address the need for storm water management and recreational open space near the middle of the site.

The team negotiated extensively with Hennepin County and performed multiple traffic simulations to arrive at a mutually acceptable solution for site access along Zane Avenue, County Road 14.

Reference: Cindy Sherman, Director of Planning, City of Brooklyn Park.



Astra Village Master Plan for Office, Residential, Retail and Park Development



A page from the Astra Village Design Guidelines

Planning Process for Land Use Applications

Mr. Weber would serve like an extension of the City staff when asked to review a land use application. This process would be directed by the Senior Planner and could involve any or all of these elements as requested:

- 1. Meet with the prospective applicant** at City Hall or another location, typically with City staff, to discuss the review process, the submittal requirements, the site conditions, the *Comprehensive Plan* or *Town Center Master Plan*, City Code requirements, and, possibly, a sketch plan. Suggest revisions to the sketch plan to improve the formal application. Optionally, the sketch plan, or preliminary site plan, may also be reviewed with the Planning Commission and the Council at this point. Sketch plans are mandatory in the Town Center District.
- 2. Inspect the development site** either with the applicant, with City staff or alone; photograph the site.
- 3. Receive a completed application** from the Senior Planner either at City Hall, through the US Mail or through the Internet. Ensure that all the required materials have been included if the City staff have not already done so. Notify the applicant of any missing materials. Establish the date for compliance with Minnesota Statute 15.99 (the 60-day rule) or Minnesota Statute 462.358, Subd. 3b (the review process for plats). Begin the review clock when all required materials have been received.
- 4. Discuss the application** and any preceding information with the Senior Planner or his designee.
- 5. Prepare a draft review memo** including graphics such as reduced scans of the submittal documents, site photos and other information helpful to the Planning Commission and Council. Prepare the memo according to the template or outline typically used by the City.
- 6. Review the draft memo** with the Senior Planner, other members of City staff and the applicant either at City Hall or over the telephone. Negotiate design changes with the applicant as needed. Amend the memo as discussed then resubmit it via the Internet to the Senior Planner in the format of Word, WordPerfect or PDF.
- 7. Request a time extension** if necessary to meet the statutory time deadline. This would be done by City staff.

8. **Attend as requested public review meetings** conducted by the Planning Commission, Town Center Review Board, Parks Commission, Economic Development Authority or Council.
9. **Attend as requested** City staff meetings at which development applications are reviewed.

Planning Process for Amendments to the City's Zoning Code

Mr. Weber would follow this process when asked to amend the wording of a portion of the Zoning or Subdivision Codes:

1. **Meet with members of the City staff** to review and understand the shortcomings of the section of the Code under consideration. Discuss examples of how this portion of the Code has not served the interests of the City in the past, how circumstances have changed or how the *Comprehensive Plan* dictates a revision.
2. **Prepare draft amendment language** and submit it to the Senior Planner for initial review. Prepare and include explanatory graphics that would be embedded in the text.
3. **Meet with City staff** to discuss the draft language, or receive comments via the Internet. Use of the Track Changes and Comments feature in Microsoft Word is sometimes useful in this process but it is not expected that the City staff would have to write revisions in detail.
4. **Meet with potentially affected landowners** and citizens if requested by City staff to hear their comments on the amendments. City staff would, of course, be involved in such meetings. This element is described in more detail below.
5. **Continue to refine the wording** of the amendment until the Senior Planner is satisfied the draft is ready for public review.
6. **Attend public hearings at the Planning Commission** and City Council as requested to explain the draft amendment and hear comments.

Staffing for Application Reviews and Zoning Ordinance Amendments

All services would be performed by Mr. Weber. If necessary and requested by the Senior Planner, Bill could enlist additional subconsultant help in any of these disciplines: law, landscape architecture, traffic engineering, graphics, geographic information systems, cultural resources or natural resources.

Participation by City Staff and Officials

City staff would be expected to provide background information, prior plans and similar information that may not be otherwise accessible; to review drafts of his work; to meet with applicants, members of the public or City officials; and to meet in person for discussions as needed. It is assumed that the staff would provide prompt responses to inquiries via telephone or the Internet

Public Participation in Zoning Code Amendments

Public participation in the review of draft amendments to the text of the City Code may take several forms depending on the nature of the amendment and the desire of the City. These include:

- Simply process the amendment through the normal course of the Planning Commission and the City Council with notification as required for a public hearing.
- Provide a copy of the draft amendment on the City's Website.
- Mail copies of the draft amendment to landowners who the City anticipates may be directly affected or who have expressed an interest in the matter.
- Conduct an informal meeting of interested landowners, developers, business owners or other citizens to learn about and comment on the draft amendment.
- Televisе the review of the draft amendment by the Planning Commission and City Council on the community cable television channel, QCTV.

Anticipated Product of the Zoning Code Amendments

It is anticipated that Weber Community Planning would provide the precise language of the draft City Code amendment in the numbering and format used by the City. Along with the wording could be explanatory graphics that the City could chose to include in the City Code or not, and explanatory text. A sidebar format is often helpful for presenting explanatory text.

Proposed Starting Date

Mr. Weber would be available to begin work immediately on either land development application reviews and/or amendments to the Zoning Code.

Time Line for Zoning Code Amendments

Amendments to the Zoning Code could be undertaken either one at a time in sequence or several simultaneously with overlapping time frames. Some amendments are likely to take longer than others. It is expected that all of these amendments could be initiated and completed within a six month window:

- Items to comply with the 2030 *Comprehensive Plan*
- Residential architectural standards
- Addition of the Office Park zoning district
- Addition of a Public Park zoning district.

Other amendments could take longer, such as the addition of a form-based regulatory element or revisions to the sign ordinance.

Bill Weber fully expects to have the time available to proceed quickly on any or all Code amendments. The greatest schedule factor will probably be the length of time allotted for public review.

A time line for a single ordinance amendment might look like this:

Process Step	Week Number
Meet with City staff	1
Prepare draft amendment wording	1 – 3
Meet with City staff	4 - 5
Meet with affected stakeholders (optional)	5 – 7
Continue to refine the wording	5 – 8
Conduct public hearings	9 - 14

Timing

Standard Schedule for Reviewing Land Use Applications

A typical time line for reviewing a land development application is presented below. Such review schedules are sometimes adjusted by mutual agreement between the City and the applicant.

Process Step	Week Number
Meet with prospective applicant	1
Inspect the development site	1
Receive a fully completed application	2 (varies)
Determine that the application is complete.	2
Notify the applicant of the 60-day deadline (zoning applications) or the 120-day deadline (plat applications)	2
Discuss the application with City staff and the applicant	2 – 4
Prepare a draft review memo	3 – 4
Review the draft memo with City staff and the applicant	3 – 4
Request a time extension if necessary	5 – 8
Attend public review meetings with the Planning Commission, Parks Commission and City Council	5 – 9
Help prepare a written agreement with the applicant	9+

Cost

Fee for Application Reviews

Weber Community Planning requests an **hourly rate of \$80.00** for the services of Mr. Weber. Alternative arrangements are possible, such as differing rates for ordinance revisions versus application reviews that may be charged back to the applicant.

There would be no charge for miscellaneous photocopying, driving mileage or meals in conjunction with evening meetings. Time spent driving between the office in St. Louis Park and Ramsey would be charged. The minimum increment of time charged would be 0.25 hour.

Weber Community Planning would provide a monthly invoice that lists the date of each service, the service provided that day, the time spent for each service, the hourly charge rate, the dollar amount and any direct costs. An example of a detailed monthly invoice is shown on the next page.

Estimated Cost for Zoning Ordinance Amendments

Shown below is our preliminary estimate for the cost of amending these parts of the Ramsey zoning ordinance:

- Office District (new)
- Public Park District (new)
- Residential architectural standards (new).

We would expect to refine this work program and cost estimate to suit the needs of the City.

Task	Hours
Discuss needs with City staff	4
Prepare first draft of three amendments	16
Review with City staff	4
Prepare second draft	4
Optional reviews with affected stakeholders	8
Review with Planning Commission	4
Amend as necessary	4
Review with City Council	4
Amend as necessary	2
Total Hours	50
Hourly Charge Rate	\$ 80
Estimated Charges	\$ 4,000

Cost

Sample Invoice

Weber Community Planning
3824 Huntington Avenue
St. Louis Park, MN. 55416
952-451-4818
bill@weberplanning.com



Mr. Timothy Gladhill
Senior Planner
City of Ramsey
7550 Sunwood Drive
Ramsey, Minnesota 55303

1 April 2011

Municipal Services and
Application Reviews for the
Month of March 2011

Municipal Services		Hours	Rate	Charges	Totals
Development Review Committee					
22 March	Prepare for and participate in DRC meeting	3.50	\$ 85	\$ 297.50	
Planning Commission or City Council Meetings					
3 March	Participate in the Planning Commission meeting	3.00	85	255.00	
Zoning Ordinance Amendments					
1 March	Prepare memo on Office Park zoning district	3.00	85	255.00	
7 March	Prepare memo on residential architectural standards	4.00	85	340.00	
14 March	Meet with staff to review memos	3.00	85	255.00	
15 March	Refine prior memos	2.00	85	170.00	
Subtotal for Municipal Services		18.50		\$	1,572.50
Development Application Reviews					
Golden Years Seniors Housing					
1 March	Draft review memo	4.00	\$ 85	\$ 340.00	
9 March	Refine review memo	0.50	85	42.50	
22 March	Prepare memo to developer re: DRC outcome	0.50	85	42.50	
23 March	Telephone call with developer	0.25	85	21.25	
				\$	446.25
TOTAL CHARGES THIS MONTH					\$ 2,018.75

8 – Retail Expansion

The following section presents a review by Mr. Weber of a proposed expansion of a major retail store.



Date: 15 October 2010
To: Vadnais Heights City Council
From: William Weber, AICP, Planning Consultant
Subject: Walmart Building Addition

Recommended Action

That the City Council approve the Revision F site plan, preliminary plat, easement vacations and special use permit for the 29,840 square foot expansion of the Walmart store contingent on these measures:

1. **Preliminary Plat:** That the small triangle of land west of Arcade Street (Outlot A) be dedicated to the City.
2. **Hours of Truck Traffic:** That the Development Agreement state that no semi-trailer trucks will enter or leave the site between 10 PM and 5 AM.
3. **Building Façade and Signs:** That the building architect present for City staff approval the final design of the building façade and all signs to be used on the site including wall, freestanding and traffic signs.
4. **Pedestrian Lighting along County Road E:** That the question of which pedestrian lights should be installed along County Road E, when and by whom is resolved through discussions between the City and Walmart representatives. (See page 15 of my memo).
5. **Photogrammetric Plan:** That an updated photogrammetric plan showing lighting levels across the site be submitted for staff review.
6. **Security Cameras:** That security cameras be installed in the parking lot.
7. **Other Staff Recommendations:** Any other requirements of the City staff.
8. **Development Agreement:** That the applicant enter into a Development Agreement with the City that specifies these and other requirements.

Recent Amendments

Since the Council review of September 21st, the applicant has made these changes to the plan:

- Added seven landscaped island to the western side of the parking lot, all of which have shrubs and wooded mulch, and five of which have trees.
- Added three landscaped islands to the center of the parking lot that include over story trees plus shrubs and perennials.
- Created a continuous driving aisle along the southern and eastern sides of the site that may serve development along the freeway and south of this site. Moved the Arcade Street access point south. (See page 12.)
- Adjusted access to the pharmacy drive-through and the truck dock.
- Relocated the infiltration pond. The detailed design of the pond should be reviewed by the City Engineer and VLAWMO.

Applications Submitted

Wal-Mart Realty Company has submitted these applications:

- Site Plan
- Preliminary Plat
- Vacation of easements
- Special Use Permit (amendment to the 1993 permit)

Public Notices and Comments

A public notice of these applications was posted and mailed to landowners within 350 feet of the site. The City Planning Commission heard public comments on these applications at a meeting on August 23rd.

Conformance with the Recommendations of the Planning Commission

The applicant has revised the plans to meet all of the recommendations of the City Planning Commission, which reviewed these applications on August 23.

Zoning

The site is zoned City Center. All development in the City Center zoning district requires a Special Use Permit.

The properties to the immediate south and northeast of the site are zoned City Center.

Current Site Conditions

The site is presently occupied by a 125,510 square foot Walmart building and parking lot that were constructed in 1993.

Proposed Improvements

Walmart wishes to expand its current store by 29,840 square feet on its southern end to a total of 155,350 square feet for the purpose of providing additional grocery and pharmacy sales. There may also be another, small retailer inside the Walmart store. Additional improvements would include:

- Renovating the building façade
- Expanding the store's vestibule eastward
- Adding a second entrance on the east side
- Relocating the southwest access point (near the truck dock)
- Closing the northwest access (near the garden center)
- Repaving the parking lot
- Adding landscaped islands in the parking lot
- Improving the entrances and drive aisles
- Adding two truck docks and reconfiguring the truck dock area
- Adding a drive-through for the in-store pharmacy; That feature would be located near the southeast corner of the building expansion
- Adding screened, at-grade cooling condensers along the south side of the building
- Replacing and improving some of the landscaping
- Adding pedestrian seating areas and one sidewalk
- Changing the drainage and adding an infiltration pond
- Changing the signs on the front of the building and on the pylon along the freeway.

Construction is proposed to begin in Spring of 2011.

Preliminary Plat

Most drainage and utility easements on the site will be vacated and replaced with new easements in favor of the City. All facilities and utilities that have been constructed in the vacated easements will be relocated and restored.

Outlot A, 1,892 square feet in size, will be created west of Arcade Street and dedicated to the City.

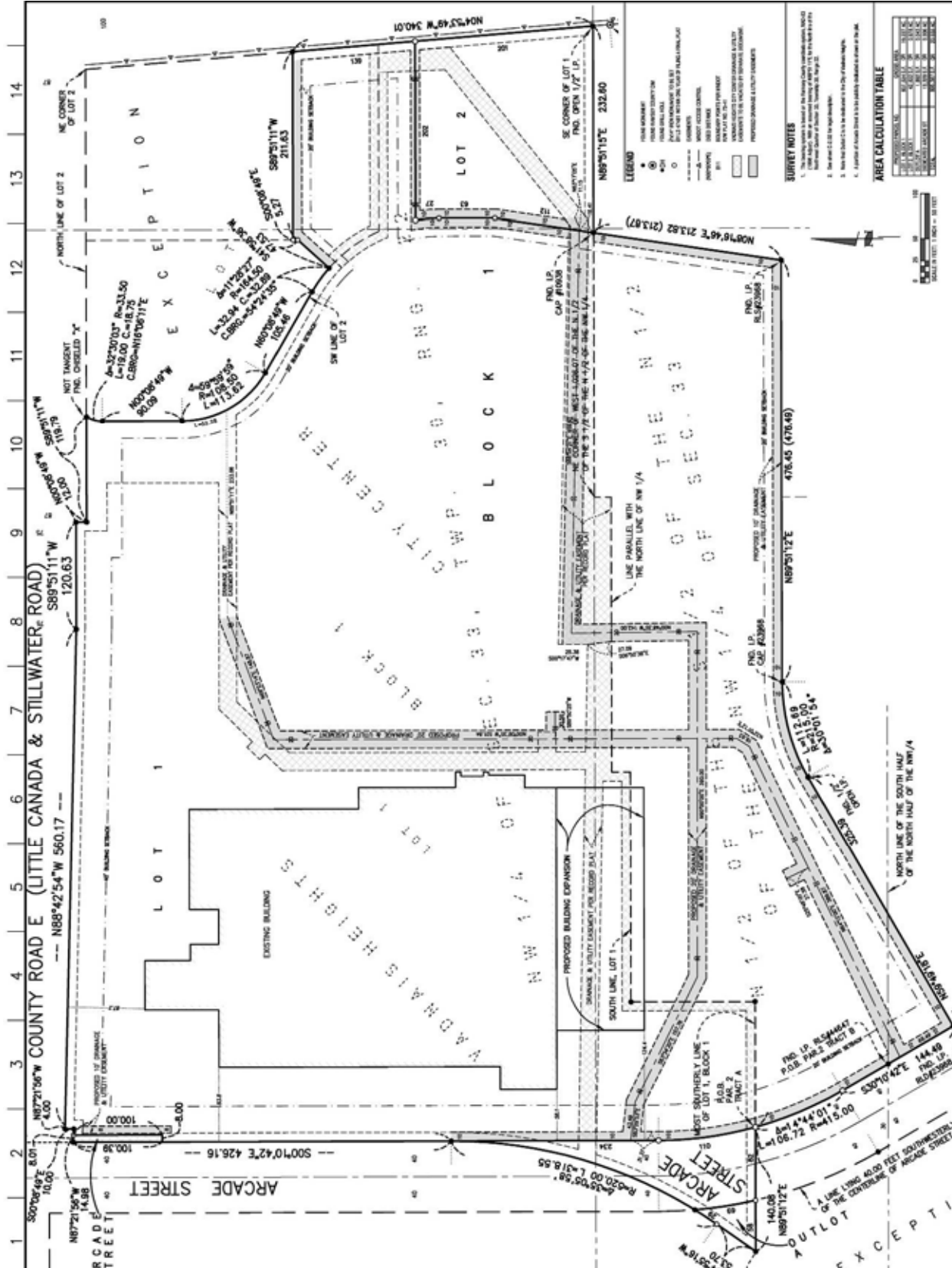
Lot 2: Lot 2, one acre in size, will be created on the eastern side of the site. A portion of Lot 1 (which includes the Walmart store) will continue to abut the freeway. The pylon sign stands on that eastern extension of Lot 1.

Arcade Street Easement: The portion of Arcade Street that is now on an easement will be platted as public right-of-way.

Additional Right-of-Way for Arcade Street: As requested by the City Engineer, the preliminary plat shows additional right-of-way along the eastern side of Arcade Street near County Road E to accommodate the future widening of Arcade Street. That land is 8 feet wide and 100 feet long, extending south from the right-of-way of County Road E.

It is anticipated that northbound Arcade Street will be modified to include a left-turn lane, a through lane and a right-turn lane. Presently, there is a left-turn lane and a combination through and right-turn lane.

Land that would be dedicated is presently used as a landscaped building setback space and sidewalk. (Further description of this need is presented under the Traffic section, below.)



Preliminary Plat

Landscaping

All of the plantings along County Road E will be completely redesigned and replaced except for a few junipers that are still in good condition. Trees and shrubs will be added south of the parking lot.

Islands: Seven landscaped islands will be installed along the western side of the parking lot, all of which will have under story shrubs and perennials and five of which will also have trees. Three landscaped islands with overstory trees, shrubs and perennials will also be added in the center of the parking lot.

Tree Species: The trees used will be a combination of overstory and ornamental deciduous and coniferous species. The perimeter of the site and the islands in the middle of the parking lot will have hackberrys, sugar maples, northwoods maples, honey locusts, swamp white oaks and Valley Forge American Elms. Closer to the store, there will be crabapples, serviceberrys and river birches. Spruce will be used in the northwest and southwest corners. The hackberrys, which will be used in and near the parking lot, are a tall-growing, drought-tolerant deciduous trees related to the elm.

Shrubs and Perennials: Nine types of shrubs and seven species of perennials will be used as under story plantings along County Road E, in the parking lot islands and in the planters near the store front. Prominent among these will be junipers (a low, spreading conifer), spirea (a brilliant flowering deciduous shrub) and reed grass (a tall and graceful perennial).

Planters: There would be three large planters installed in the sidewalk along the eastern side of the building. Species used in the planters will be Spring Snow crabapples, spirea, wild garlic, day lilies and junipers. The height of the planters should be suitable for seating.

Truck Dock Wing Wall: The truck dock will continue to be screened from Arcade Street by a wing wall constructed of materials that match the building wall. The planting scheme along that wall that will be consistent with the current pattern on the western side of the building.



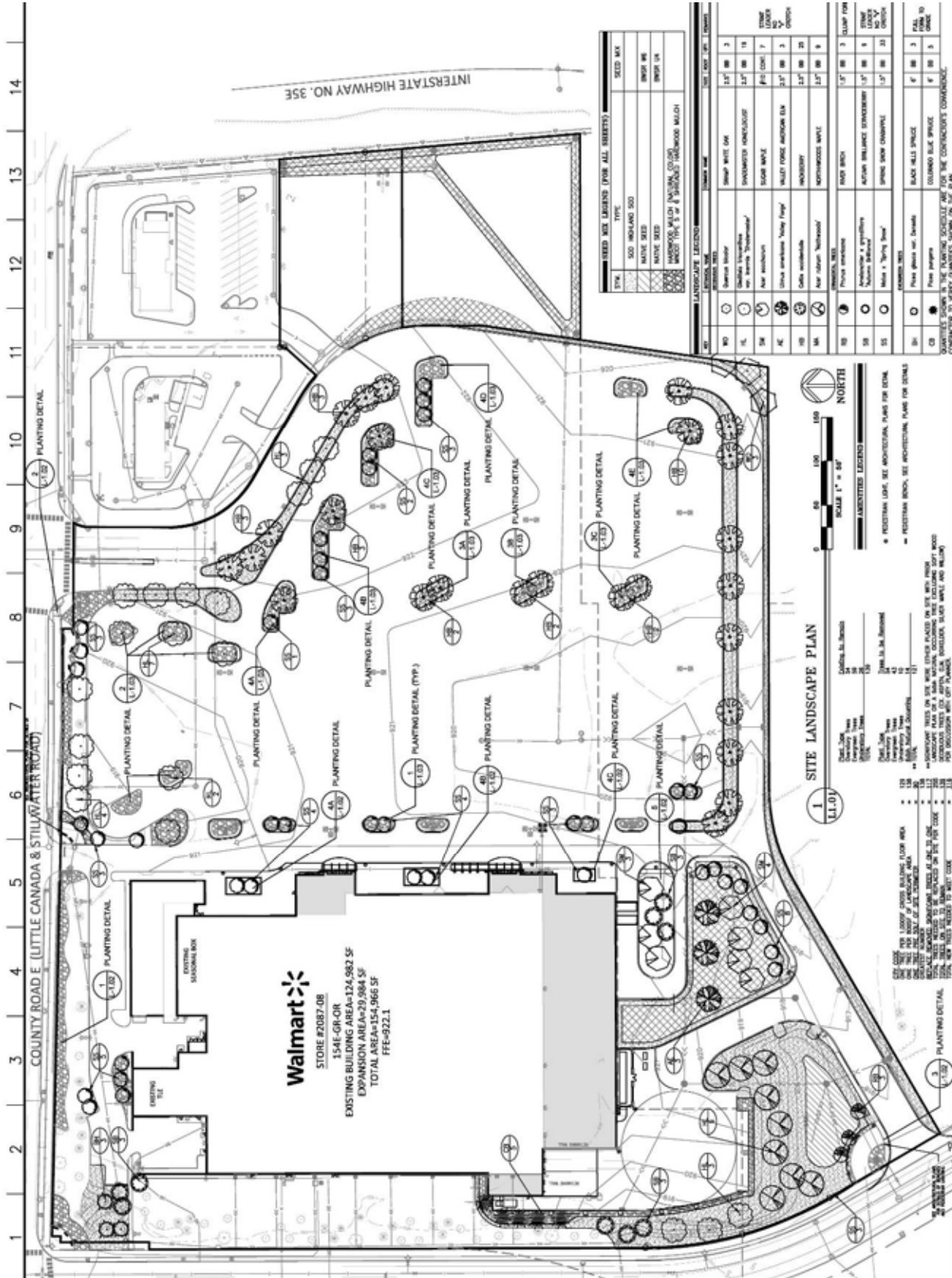
Proposed materials for the truck dock screening wall



Plantings along the western perimeter

Pedestrian Features

Four seating areas will be created: three along County Road E and one at the southwest entrance along Arcade Street. Each will be augmented with over story trees, shrubs and perennials including maples, spruce, spirea, reed grass, prairie dropseed and dwarf artic willows. Permanent metal architectural benches will be included. There will not be any advertising on the benches.

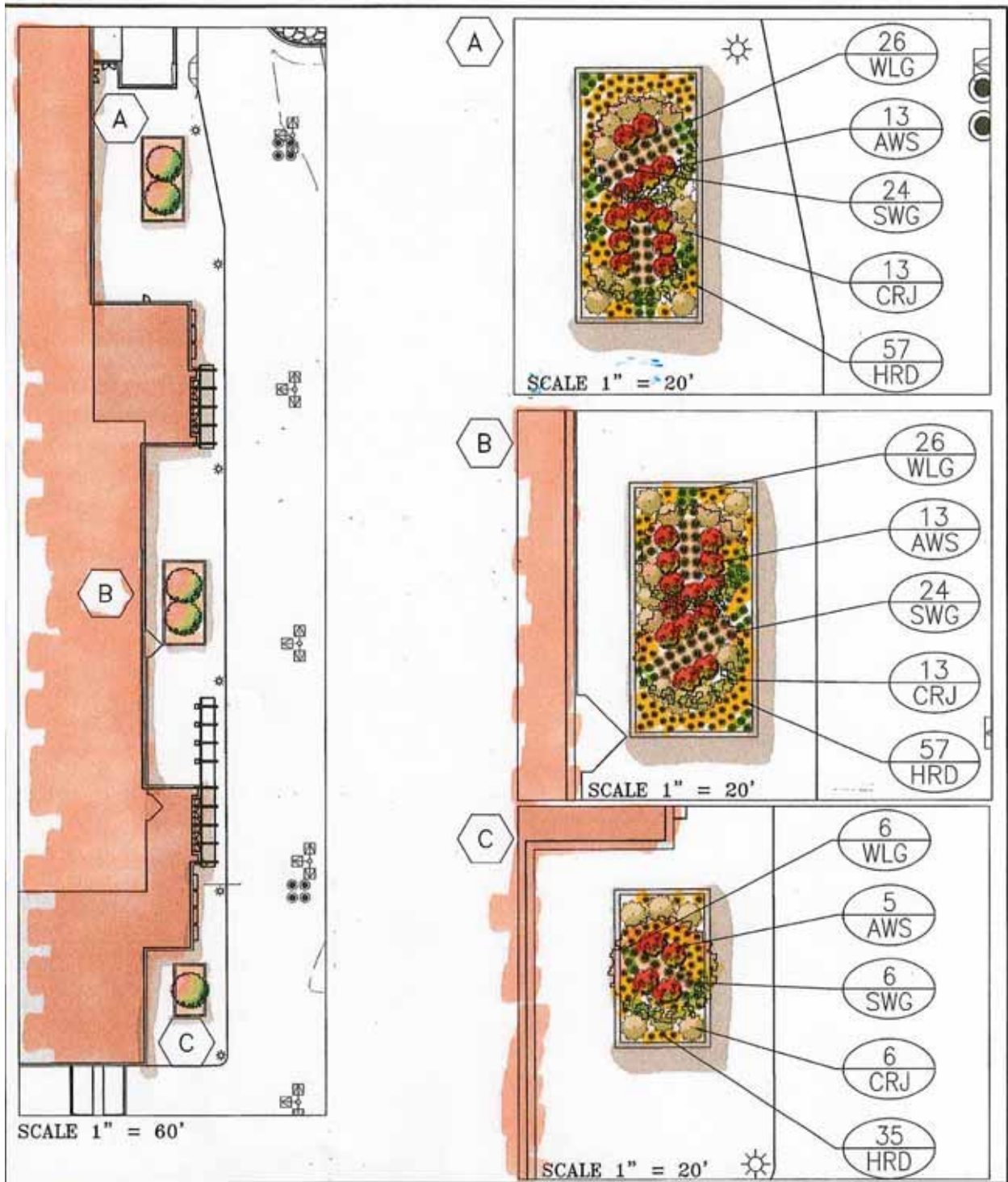




Landscaping Detail



Landscaping Detail



Planter Detail

Building Façade

The building façade will receive a new color scheme as shown below. I believe that the proposed building façade is consistent with the intentions of the City Center zoning district.



Traffic

According to a traffic impact study prepared by MFRA, Inc., the applicant’s engineer, dated 13 June 2010, the building addition will generate an additional 71 trips during the AM peak hour and 53 additional trips during the PM peak hour. These additional trips will not have an adverse impact on the current levels of service at the site entrances. The Level of Service at each of the four site entrances is forecast to be the same in the first year after the store is expanded as it was before it was expanded, as shown by the following table. Therefore, no mitigation actions are needed. Traffic engineer Thomas Sohrweide, PE, PTOE, of SEH, Inc., has reviewed the applicant’s traffic study and agrees with its conclusions.

Existing and Forecast Traffic Level of Service

	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
	Existing	2011 Build	Existing	2011 Build	Existing	2011 Build
County Road E / Northeast	B	B	C	C	C	C
County Road E / Center	A	A	A	A	A	A
County Road E at Arcade Street	B	B	C	C	C	C
Arcade Street / Southwest	A	A	A	A	A	A

Source: Traffic Impact Study for the Vadnais Heights Walmart Store Expansion, MFRA, Inc., June 13, 2010.

Nonetheless, Walmart is proposing minor site plan modifications to improve traffic flow and to address concerns raised by City staff in previous meetings with Walmart representatives.

These modifications include:

- **Southwest Entrance (Arcade Street):** Traffic exiting the Walmart site presently has limited visibility onto Arcade Street. In addition, there are conflicts at this location between delivery vehicles and customer traffic.

By shifting the entrance to the south, visibility will be improved and customer traffic will be separated from delivery traffic.

- **Northwest Entrance (Arcade Street):** The current northwest entrance is located less than 100 feet south of the intersection of County Road E and Arcade Street. This creates multiple traffic conflicts including causing southbound traffic to back up into the intersection because of vehicles attempting to turn left across northbound traffic.

In order to address the City's concern, Walmart has agreed to close the northwest entrance drive.

- **Northeast Entrance (County Road E):** The current entrance design does not clearly define how the dual southbound lanes of entering traffic are expected to sort themselves into the site.

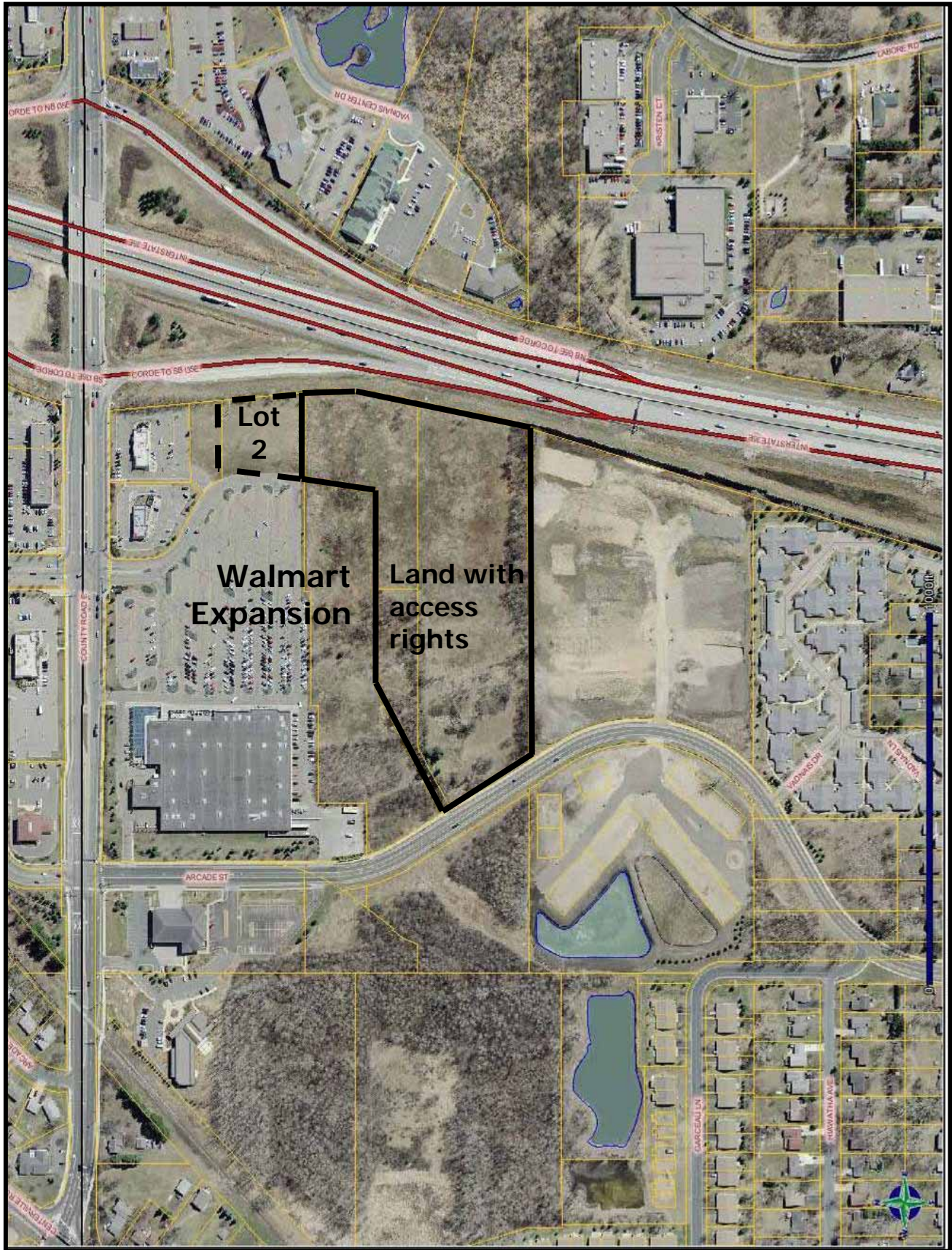
In order to improve the situation, Walmart proposes to reconfigure and reconstruct the east entrance from County Road E to provide a clear separation of the entering lanes.

Also, a striped southbound left-turn lane will be created to separate traffic bound for the restaurants from other traffic, which will improve traffic flow and safety. These entrance modifications will lead to a continuous perimeter drive aisle that links around the parking lot to the Arcade Street entrance. (See the following paragraph.)

Access to Properties to East and South: Site Plan Revision F (October 13) now shows a continuous private drive aisle along the eastern and southern sides of the site running between the main entrance on County Road E to the Arcade Street entrance. This 30-foot-wide lane will be built with greater load bearing capacity than the rest of the parking lot and is intended to also serve future development along the freeway (Outlot 2) and south and southeast of this site. A previous agreement between Walmart and the adjacent property owners will allow access to and shared use of this private road. (See the graphic on the next page.)

This revision includes moving the Arcade Street access point further south along Arcade Street, which will improve visibility and safety there.

Additional Street Right-of-way Needed for Arcade Street: The Vadnais Heights Fire Department requests that intersection of northbound Arcade Street at County Road E be modified to include left- and right-turn lanes as well as a through lane. The intent of the recommendation is to reduce traffic queues at that location so as to make it easier for emergency vehicles from the adjacent station to access Arcade Street and County Road E. Additional street right-of-way will be dedicated to the City by the applicant to accommodate this widening. The City Engineer has recommended that the additional right-of-way be 8 feet wide and 100 feet long, extending south from the right-of-way of County Road E. The preliminary plat shows this additional right-of-way.



Access to the Drive-Up Pharmacy: The drive-up pharmacy is designed for one-way traffic that moves from west to east. After the Planning Commission review, the pharmacy access drive was separated from the driveway serving the refrigeration compressors.

Truck Traffic Restrictions: The number of trucks serving the store is expected to increase to 88 per day from the current 60 per day; 16 of those would be smaller, vendor trucks. Those providing fresh foods and baked goods are expected to arrive between 4 and 6 AM. I recommend that truck traffic not be allowed to or from the site between 10 PM and 4 AM. The Planning Commission advised that the truck service hours should be revisited after housing develops on adjacent property.

Parking

The parking ratio will be 4.9 spaces per 1,000 feet of gross leasable area or 5.1 spaces per 1,000 square feet of net usable area (which is the formula allowed by the zoning ordinance). The ordinance requires 5.0 spaces per 1,000 square feet of net floor area. An additional “proof of parking” area is shown on the plan to satisfy an agreement that Walmart has with the adjacent land owner. The number of parking spaces was reduced slightly when additional landscaped islands were added this week.

Second Building Entrance

A second building entrance, located north of the original entrance, has been added to the plan since the review by the City Planning Commission. I think this feature will benefit the store by adding more visual interest to the eastern wall and spreading the parking demand. I think that the second entrance will function adequately in terms of the pedestrian crossing and traffic movement. There is no evidence that the second entrance will increase traffic generation or parking demand more than already estimated.

Bicycling and Walking Access

The existing sidewalks along County Road E, Arcade Street and the storefront will remain. A new sidewalk will be added along the southwest entrance drive. There will be two striped pedestrian crossings from the parking lot to the front sidewalk. Landscaped seating areas will be constructed. A bicycle parking rack will be installed on the front sidewalk near the front entrance.

Interior Retailer

Another, smaller retailer such as a hair salon, restaurant or a bank may be located inside the building in the future.

Pharmacy Drive-Through

Access to the pharmacy drive-through would be from a dedicated entrance off of the new Arcade Street access drive. Signs will help direct customers to the drive-through. The pharmacy entrance drive has been clarified since the review by the Planning Commission.

Bale and Pallet Storage Area

The bale and pallet storage area has been moved to the southern side of the truck turnaround area since the Planning Commission review. It will still be screened by a solid wing wall in that location.

Pedestrian-Scale Lighting

There would be decorative pedestrian-scale lights (16+/- feet tall) installed in the sidewalk along the front (eastern side) of the store E, along the southwestern access drive and potentially along County Road E. The fixture is the Sternberg Gallery model shown here.

I and City staff are concerned that there may be an aesthetic conflict between the Walmart pedestrian lights and the present or future public lights (whether overhead or pedestrian) along County Road E. Therefore, the City will determine by January 20, 2011, which street light is preferred and then Walmart can install those lights next summer with their project.



Drainage

An infiltration basin will be installed in the southwestern corner of the site to reduce and filter some of the runoff. The City Engineer has additional comments on drainage.

Signs

The freeway pylon sign would have its panels replaced but there would be no other changes in the dimensions of the sign.

There may be a small wall sign on the eastern façade for a potential future tenant such as a bank, hair stylist or restaurant.

The building architect should show us all signs proposed for the site including freestanding, wall and traffic signs. (In particular, the signage over the pharmacy drive-through should be more subdued than what was used on the Bloomington Walmart (see the photo on page 4).

Security Cameras

Security cameras shall be installed to view the parking lot and other exterior portions of the site. If desired, the Ramsey County Crime Prevention Officer can provide further advice on this subject.

9 – Retail Expansion

The following section presents a review by Mr. Weber of a proposal to build housing for the elderly.



Date: 28 March 2011
To: Vadnais Heights City Council
From: William Weber, AICP, City Planning Consultant
Subject: Gable Pines Seniors Housing

Application

Gable Pines, LLC, requests approval of a 124-unit senior housing development on the southeast corner of County Road E and Judson Road plus an additional parking lot for the adjacent Reell Precision Manufacturing site. The applications under consideration are:

- Special Use Permit for a Planned Unit Development on a site smaller than five acres (this is not a change in zoning)
- Site plan
- Preliminary plat.

This is a revival of an application made in 2008. This time there would be fewer independent living units and more assisted living and memory care units.

Types of housing units:

	<u>Revised Plan</u>	<u>Original Plan</u>
Independent living	27	58
Assisted living	57	37
Memory care	40	20
Total	124 units	115 units

Housing units by number of bedrooms:

Studio	44
1 bedroom	56
1 bedroom + den	6
<u>2 bedrooms</u>	<u>18</u>
Total	124

The forecast number of residents remains unchanged at 143.

In simplest terms, the building would be L-shaped with the base of the L parallel to County Road E. Two wings would extend from the “top” of the L to the southwest and southeast. The main part of the building would have four levels -- a below-grade parking garage and three stories of housing.

The two southern wings would be arranged as:

Western wing:

Third level	Assisted living	9 units
Second level	Assisted living	9 units
First level	Memory care	10 units
Garage level	Memory care	10 units

Eastern wing:

First level	Memory care	10 units
Garage level	Memory care	10 units

Please refer to the sketch on page 4.

Because there is a ten-foot drop in elevation from the northern to the southern end of the site, each of the two wings would have memory care apartments at the same elevation as the parking garage. Thus, the eastern wing would only be as tall as the first floor of the main part of the building plus a pitched roof.

In addition to apartment units, Gable Pines would include these features and amenities:

- Theater
- Fitness center
- Beauty parlor
- General store
- Screened porch and patio
- Chapel
- Library
- Community room
- Crafts room
- Dining room with private dining
- Private club room
- Café with extended hours and food services
- Front lobby (common living room and receiving area for visitors)
- Reception area and administrative offices.

Gable Pines, LLC, seeks endorsement from the City Council for its application for Minnesota senior housing revenue bonds. It also requests direct support in the form of a tax increment financing package.

To maintain affordability for these residents that require a nursing home level of medical care, a minimum of 20 percent of the units would be allocated to qualified medical assistance households.

The building and its services would be managed by Ebenezer (<http://www.fairviewebenezer.org/>), an arm of the Fairview Health Services.

Public notice of the Planning Commission and City Council public hearings were posted, published, and mailed to nearby addresses beyond code requirements.



Site Location



Building Configuration and the Immediate Vicinity



South Elevation for revised proposal with 40 Memory Care units on Garage Level and 1st Floor.
 Change to southeast wing is due to replicating the Garage Level Memory Care plan on the 1st Floor above the Garage Level.
 Design based on 10 unit staffing modules.

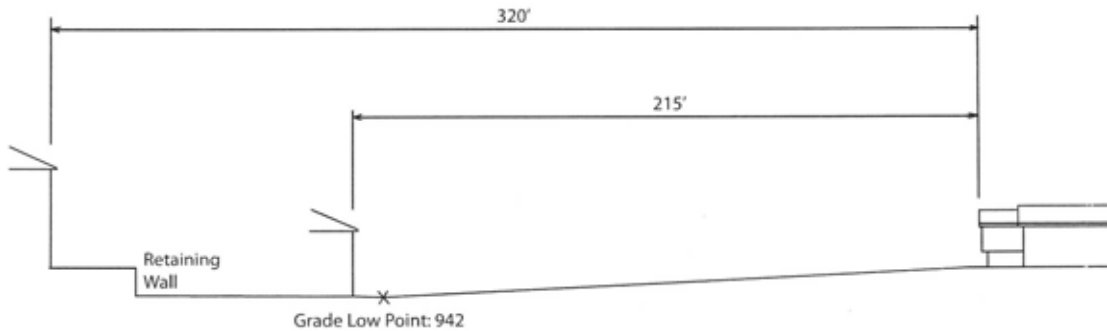


VIEW FROM EAST

VIEW FROM NORTHEAST



The southeastern wing would have two complete levels, not one complete level and one partial level, as shown in this 2009 sketch.



Main Building	
Approximate Elevations:	
Facia	988
1st Floor	958
Grade	956

Memory Care Wing	
Approximate Elevations:	
Facia	967
1st Floor	958
Ground Floor	946
Grade	945

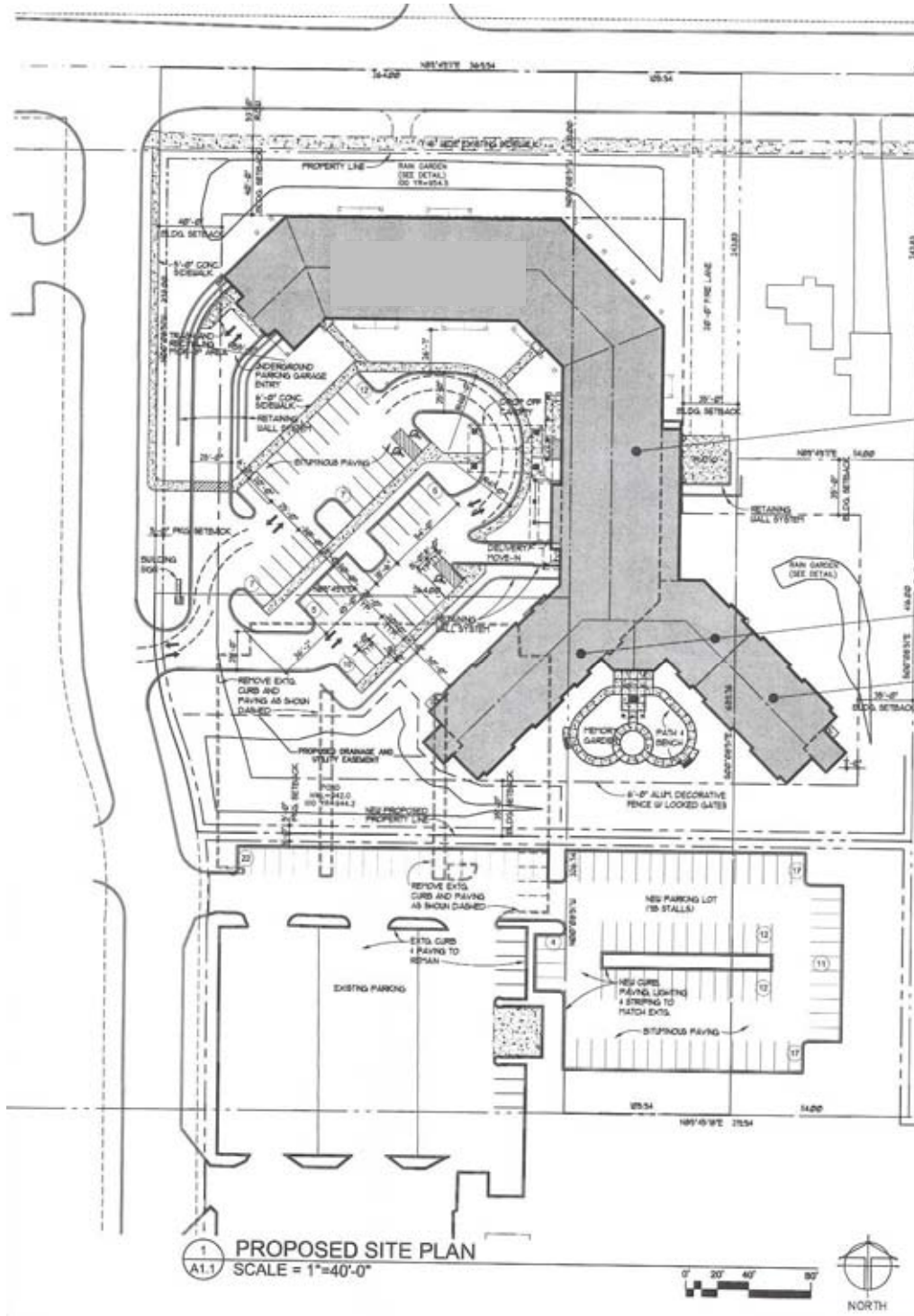
Approximate Elevations:	
Facia	968
1st Floor	960
Grade:	954

Land Ownership and Site Configuration

To assemble a site for this project that is properly shaped, Gable Pines, LLC, will acquire an 0.88-acre parcel from its southerly neighbor, Reell Precision Manufacturing. In exchange, RPM will receive a 0.88-acre parcel from Gable Pines. This will make the southern property edge for the project a straight east-west line.

RPM would move its parking lot to the parcel that would be acquired from Gable Pines. Gable Pines will remove the parking lot that it acquires from RPM and use it as part of the proposed seniors housing development. The size of the development site after the swap would be approximately 4.7 acres. Please refer to the parcel plan below.





Land Use on the Site and Vicinity

The site is presently occupied by a house as well as a parking lot that serves Reell Precision Manufacturing (RPM), which is located to the south of the development site. Two other parcels in this project are undeveloped.

The house site (Parcel C) is partially wooded. Parcels A and B, to the east, are more heavily wooded, particularly the most easterly parcel, which includes a grove of mature conifers. All of the trees would be removed from the 4.7 acre seniors housing site during grading for development.

Immediately northeast of the site are two houses, both served by County Road E; the westerly of the two is occupied by a tax preparation / appraisal business. East of the site is a neighborhood of single-family houses that are served by English Street.

South of the seniors housing development site is a parking lot serving Reell Precision Manufacturing and an undeveloped parcel covered with mature conifers.

County Road E is to the north of the site and Judson Road is to the west. North of County Road E there are three rows of mature conifers then houses on large lots in the City of Gem Lake. West of Judson Road is a dental office and a parking lot for an industrial building.

Zoning and Comprehensive Plan Designations

The Comprehensive Plan designates this site as Office-Business. The western half of the site is zoned Office-Business District and the eastern half is zoned Office District.

Proposed Site Development for Gable Pines Seniors Housing

Zoning Ordinance Standards:

The Vadnais Heights zoning ordinance does not provide standards for seniors housing that can be used to assess this application for a Special Use Permit. Housing for the elderly, especially apartments for assisted living and memory care, should not be reviewed under the same standards applied to typical apartment buildings because of the vastly different traffic generation, parking needs and apartment sizes.

Density:

Housing Units: 124
Site size: 4.71 acres
Net density: 26 units per acre

Site Coverage:

Building: 21 percent
Total impervious: 40 percent
Green space: 60 percent

Setbacks and Building Height:

The building would be set back a minimum of 40 feet from all property lines. The average setback of the southeast wing from the eastern property line would be 85 feet.

The building height would be three stories of housing above grade plus a pitched roof. The two southern wings would be one story of housing above the first floor elevation of the main part of the building plus a pitched roof.

Parking for Gable Pines:

I believe that the parking supply is adequate to satisfy the demand.

Under building:	27 spaces
Surface:	47 (including three for handicapped)
Total	74 spaces

Only the residents of the 27 independent living apartments will be driving. Staff from Ebenezer estimate that only 20 of the 27 garage spaces will be rented, and I agree. Thus, there are enough garage parking spaces for the residents.

There would be 20 staff on the maximum shift. Seven additional parking spaces should be allocated to staff to accommodate overlap during shift changes. Not counting the handicapped spaces, that leaves 17 surface spaces for visitors. A representative of Ebenezer believes that number will be sufficient. Staff would also be allowed to park in any unrented garage spaces if necessary. As a final resort, on-street parking is permitted on Judson Road.

A representative of Ebenezer has estimated parking demand as follows:

Independent living @ 1 per unit	27
Assisted living @ 0.5 per unit	29
Memory care @ 0.25 per bed	10
Staff change @ 1 per 3 staff	7
Total demand	73
Total supply	74

Landscaping:

A landscaping plan was prepared by Brauer & Associates, landscape architects. The planting plan for overstory trees slightly exceeds the minimum requirement, which is one tree for each 1,000 square feet of building floor area.

Building floor area:	153 (1,000 square feet)
Overstory trees:	159 (36 % deciduous, 43 % coniferous)

Deciduous trees would be at least 2.5 inches diameter and coniferous trees would be at least six feet tall.

The perimeter plantings are most closely spaced along the eastern boundary of the site to screen the view from the nearby single-family houses.

The parking lot would include planted islands.

The landscaping plan also includes ornamental trees, shrubs and annual flowers. At the southern end of the building, there would be a fenced garden accessible by residents of the memory care apartments. All open areas will be sodded.

There would be a patio on the eastern side of the building near the house / office. The patio would be screened with a hedge of Techny Arborvitae and Black Hills Spruce.

All exterior lighting would be limited to the western side of the building, around the parking area. Thus, there would be no light glare directed toward the housing to the east.

Sidewalks and Paved Paths:

There would be sidewalks around the perimeter of the parking lot and down the middle of the island in the parking lot. A large canopy would protect the drop-off area at the front entrance from rain and snow. Five-foot concrete sidewalks are proposed to be built by the developer from (a) the parking lot to the sidewalk that exists along County Road E, (b) the parking lot entrance to County Road E along Judson Road and (c) the emergency exit of the southwestern wing to the sidewalk along the parking lot (this may require a culvert). The sidewalk along Judson Road should be six feet wide to conform to City standards.

A six-foot asphalt walking path would be built around the southern end of the building from the parking lot to the eastern patio. The Fire Department requests that a six-foot asphalt branch path be added from that path to the southern property line at the northeastern corner of the existing RPM parking lot. Once again, a culvert or similar City-approved solution may be necessary.

Traffic:

I believe that the road system can easily accommodate the additional traffic generated by this project while maintaining a good level of service. The expected traffic generation by the development would be low -- on the order of 200 to 300 trips per day. The traffic signal planned at the intersection of County Road E and International Drive will help create more gaps in the traffic on E, which will aid westbound left turns from Judson Road. Also, some of the traffic may choose to use Willow Lake Boulevard.

Façade Architecture:

The architectural design of the proposed seniors housing is entirely residential in character. The façade would consist primarily of brick, the roof would be pitched and covered with asphalt shingles, and the windows would be recessed and include muntins (dividers) and stone lintels. The façade would be broken into smaller sections by use of alternative brick glazing, alternative materials, gables and stone accents.

Other Visual Considerations:

The proposed seniors housing would be visually screened from view from the housing to the east by three features:

- The existing mature trees on the rear of the single-family lots
- The proposed landscaping on the development site
- The change in elevation.

A site landscaping plan has been prepared by a professional landscape architect. The eastern edge of the development site would be planted with Red Pines, Black Hills Spruce, Austrian Pines, Balsam Firs, Northern Red Oaks, Sumacs and Aspen. Along the building would be Swamp White Oaks and Bur Oaks plus foundation plantings consisting of Serviceberries, Alpine Currants and Techny Arborvitae.

Because of the slope, the edge (fascia) of the pitched roof of the wing of the seniors housing closest to the single-family houses is only about seven feet higher in elevation than the ground level at the nearest single-family house (3575 English Street). The distance from that wing to the nearest house is approximately 230 feet. Thus, the combination of existing and proposed plantings, elevation change and distance minimize the visual effect of the seniors housing.



Relationship of the Roof Edge to the Surrounding Grade



Simulated View of Gable Pines from the Rear of 3575 English Street

Also, as noted above, the residential character of the proposed building would help it coexist with the housing to the east. This building would make a much better neighbor, in my opinion, than type of building possible under the Office zoning district, which could be a four-story building with a commercial architectural façade.

Grading, Ponding, Drainage and Utilities:

Please refer to the memo prepared by the City Engineer.

Lighting:

Lighting and photometric plans have been submitted. The proposed McGraw-Edison Generation Series luminaire is shown here. The color was not specified. All of the overhead lights would be around the parking lot. The photometric model shows that there would be no light escaping the site to the east.



Fire Code and Building Code:

Please refer to the review provided by the Fire official. In a supplemental e-mail message, Fire Technician Christopher Hearden stated that the Department does not object to the plantings south of the Memory Garden, an issue raised by the City Planning Commission.

Fire truck access is shown from the parking lot and the underground garage. There would also be a fire lane from County Road E to the eastern patio built with a system that would support trucks but could be overlaid with gravel or grass. I would prefer the grass option for the sake of appearance if that is acceptable to the Fire Department.

Fire truck access to the southern end of the building would be provided via the northwesterly RPM parking lot. A fire hydrant should be located near the northeastern corner of the existing RPM parking lot on the Gable Pines property.

Fire Chief Leier requests that if the northwesterly RPM parking lot (south of Gable Pines) should ever be removed by redevelopment a fire lane should be built by the Gable Pines owner along the southern edge of their site from Judson Road to the middle of the building, possibly centered on the southern property line. Chief Leier concurs that the Development Agreement should indicate that the City and the owner of Gable Pines will work to arrive at a mutually satisfactory solution if that event ever transpires.

Development Proposal for the Reell Precision Manufacturing Site

Proposal:

A parking lot with 95 stalls and concrete curb would be built on the southern end of Parcels A and B and connected to the existing RPM parking lot. The parking lot would be set 55 feet from the eastern property line (which abuts the residential neighborhood).

Site Conditions:

The eastern half of the site is mostly covered with mature conifers, most of which would be removed.

The parcel for the new parking lot will be almost exactly the same size as the parcel being transferred to Gable Pines, LLC, which is 0.88 acre.

Zoning:

The site is zoned Office District, and parking lots are an Accessory Use in that zone.

Nearby Land Use:

Single-family houses are located to the east of the parking lot site. The nearest house would be 230 feet away.

Landscaping:

Overstory trees would be added on the eastern and southern sides of the parking lot and in a central island. I recommend that the builder attempt to retain any of the existing conifers along the eastern edge of the site. I also recommend that the landscaping along the eastern property line be increased if trees in the setback area are removed. .

Parking Supply for RPM:

The 95 spaces being created are just two fewer than the number of spaces being removed.

Grading, Ponding and Drainage:

Refer to the review prepared by the City Engineer.

PLANNING COMMISSION REVIEW

At the City Planning Commission review on February 22, two citizens commented. One citizen commented that it is unfair to allow housing on a site zoned Office and Office-Business. Another objected to the size of the building, the resulting traffic and the loss of wildlife habitat.

The Planning Commission voted unanimously to approve the PUD application, Site Plan application and Preliminary Plat application with these conditions:

1. That additional landscaping be planned along the eastern property line.
2. That the landscaping south of the Memory Garden be deleted so that it does not hinder access by fire fighters.

RECOMMENDATION

I recommend approval of the Special Use Permit, preliminary plat and site plan for Gable Pines Seniors Housing with these conditions:

- That the planting plan in the setback along the eastern side of the future RPM parking lot be supplemented with additional confers if existing trees are lost there. The Development Agreement should state that the Planner should have the right to inspect the conditions during the landscaping process and determine whether additional plantings are warranted.
- That the public sidewalk along Judson Road be six feet wide rather than five.
- That an asphalt branch be added from the perimeter walking path to the southern property line at the northeastern corner of the existing RPM parking lot.
- That the developer agrees that if the northwesterly parking lot on the RPM property (south of Gable Pines) should ever be removed by redevelopment a fire lane would be built by the Gable Pines owner along the southern edge of the site from Judson Road to the middle of the building, possibly centered on the southern property line.
- That the requirements of the City Engineer and Fire Technician be adhered to except as amended in this memo or by the City Council.

- That the park dedication requirement be in cash as recommended by the Parks, Recreation and Trails Commission.
- That an updated plan set be submitted that coincides with the final approved plans if this application is approved.
- That a Development Agreement be executed that binds the applicant to the submitted plans, any additional requirements approved by the Council, and regular City fees.

10 – Variance

The following section presents a review by Mr. Weber of a proposal for a variance to a nonconforming use.



Date: 2 March 2011
To: Vadnais Heights City Planning Commission
From: William Weber, AICP, Planning Consultant
Subject: Amendments to the Nonconforming Use Section of the Zoning Ordinance

The City staff, the City Attorney and I feel that amendments to the portion of the City Code that addresses nonconforming uses ought to be considered.

The City Code should be updated to come into compliance with Minnesota Statute 462.357, Subd. 1e(a), which provides: “Except as otherwise provided by law, any nonconformity, including the lawful use of occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion ...”

Vadnais Heights City Code currently reads:

6.110 (2): “Except where specifically limited elsewhere in this Code or modified below, any nonconforming use may be continued, but may not be extended, expanded, intensified or changed unless to a conforming use.”

6.110 (3): “Normal maintenance of a structure containing or which is a nonconforming use is permitted, including necessary non-structural repairs and incidental alternations which do not extend, expand, or intensify the nonconforming use.”

We recommend that the Code be amended as follows:

6.110 (2): Rights. Pursuant to Minnesota Statutes, Section 462.357, Subd. 1e:

- (a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time a City Code amendments created the nonconformity, may be continued with any necessary approvals, including through repair, replacement, restoration, maintenance or improvement but not including expansion unless authorized by this Section.
- (b) Normal maintenance of a structure containing a nonconforming use or which is a nonconforming use is permitted including repair, replacement, restoration or improvement, which does not extend, expand or intensify the nonconforming use.
- (c) A legal nonconforming industrial or commercial use may be expanded once by no more than 10 percent of its floor area or 1,200 square feet, whichever is greater, with a Special Use Permit and with a specific finding by the City Council that the

proposed expansion will reduce the impact of the legal nonconforming industrial or commercial use on the surrounding properties in terms of activity, noise, traffic, light, appearance, outside storage of vehicles, equipment of materials, or other issues pertinent to the specific property and use involved.

In addition to the new wording shown above about maintaining a nonconforming use, we recommend the following clauses that allow expansion by Special Use Permit or variance and which limit rights.

6.110 (3): Expansion Prohibited. Nonconformities may not be expanded unless expressly permitted as described below.

- (a) Nonconforming uses may expand upon issuance of a Special Use Permit only when such expansion is expressly listed as a Special Use within the applicable zoning district. [Note: the zoning ordinance presently does not list any such Special Uses.]
- (b) Nonconforming lots may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of nonconformity.
- (c) Nonconforming structures may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of nonconformity.
- (d) Nonconforming site characteristics may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of nonconformity.

6.110 (4): Termination of Rights.

- (a) A legal nonconforming use must not resume when:
 - (i) The use is discontinued for a period of more than one year, or
 - (ii) The use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value and no building permit has been applied for within 180 days of when the property was damaged. The assessed market value (including buildings and land) must be determined by the most recent valuation of the City Assessor.

6.110 (5): Conformance Triggers: Nonconformities must be brought into conformance upon the following events:

- (a) Nonconforming uses. Nonconforming uses must be brought into conformance with current requirements of the City Code upon:
 - (i) Change of the use.
 - (ii) Discontinuance of the use
 - (iii) Destruction of the use, provided that no building permit has been applied for within 180 days of the date of destruction. The City may impose reasonable conditions on the building permit to mitigate newly created impacts on adjacent properties.
- (b) Nonconforming lots. Nonconforming lots must be brought into conformance with current lot requirements of the City Code upon:
 - (i) Subdivision or replatting of the lot.
- (c) Nonconforming structures. Nonconforming structures must be brought into conformance with current structure requirements of the City Code upon:
 - (i) Destruction or removal of the structure, or
 - (ii) Relocating the structure.

- (d) Nonconforming Site Characteristics. Nonconforming site characteristics must be brought into conformance with current site characteristic requirements of the City Code upon:
 - (i) Redevelopment of the site or expansion of total floor area on the site by 25 percent or greater
 - (ii) Destruction or removal of the site characteristic
 - (iii) Issuance of a permit for a related site characteristic if conformance is stipulated as a condition of permit approval
 - (iv) Change of use of the site (only for use-generated requirements including but not limited to the number of parking spaces and trash storage requirements)
 - (v) A determination by the City that the site characteristic must be brought into conformance to protect the public health, safety and welfare.

6.110 (6): Unsafe Structures. Nothing in this Section shall be construed to permit the continued use of a structure or site found to be in violation of building, basic life safety or health codes of the City.

Definitions

These definitions should be added to the City Code if the amendments described above are adopted.

- 5.490 Nonconforming Use: A use that was legally conforming at the time it was established but which does not comply with the current City Code. .
- 5.491 Nonconforming Lot: A lot lawfully established prior to the effective date of the City Code or subsequent amendments to it that fails to meet requirements for lot area, and/or width, depth, lot frontage or other requirements of the existing City Code.
- 5.492 Nonconforming Site Characteristic: A site characteristic lawfully established prior to the effective date of the Code or subsequent amendments to it that fails to meet requirements of the existing City Code. For the purpose of nonconformities, “site characteristics” are physical improvements to the site beyond structures and may include but are not limited to impervious surface coverage, storm water facilities, parking and parking lots, driveway surfaces, screening fences, landscaping, sidewalks, patios, man-made water features such as ponds or swimming pools, and similar features.
- 5.493 Nonconforming Structure: A structure that was legally conforming at the time it was constructed but which does not comply with the current City Code.
- 5.494 Nonconforming Site: A site lawfully established prior to the effective date of the City Code or subsequent amendments to it that fails to meet requirements of the existing City Code.
- 5.495 Operational Characteristics: “Operational characteristics” include but are not limited to hours of operation, where a vehicle may park, electronic sign operating characteristics, use of outdoor loud speakers, auto dealer test drive routes, unloading of auto dealer vehicles, noise, traffic generation, exterior storage, odors, lighting operation and similar activities.

- 5.496 Repair: For the purpose of nonconformities, “repair” means to restore to good condition by replacing or reassembling broken, worn out or malfunctioning components. Repair does not include expansion.
- 5.497 Replacement: For the purpose of nonconformities, “replacement” means construction that provides a substitute substantially equivalent to the pre-existing conditions that preceded damage or destruction.
- 5.498 Restoration: For the purposes of nonconformities, “restoration” means to restore or repair to good condition by replacing ore reassembling broken, worn out or malfunctioning components. Restoration does not include expansion.

11 – Zoning Amendment

The following section presents a recommendation by Mr. Weber for an amendment to a Zoning Ordinance.



Date: 2 March 2011
To: Vadnais Heights City Planning Commission
From: William Weber, AICP, Planning Consultant
Subject: Amendments to the Nonconforming Use Section of the Zoning Ordinance

The City staff, the City Attorney and I feel that amendments to the portion of the City Code that addresses nonconforming uses ought to be considered.

The City Code should be updated to come into compliance with Minnesota Statute 462.357, Subd. 1e(a), which provides: “Except as otherwise provided by law, any nonconformity, including the lawful use of occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion ...”

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6.110 (3): “Normal maintenance of a structure containing or which is a nonconforming use is permitted, including necessary non-structural repairs and incidental alternations which do not extend, expand, or intensify the nonconforming use.”

We recommend that the Code be amended as follows:

6.110 (2): Rights. Pursuant to Minnesota Statutes, Section 462.357, Subd. 1e:

- (a) Any nonconformity, including the lawful use or occupation of land or premises existing at the time a City Code amendments created the nonconformity, may be continued with any necessary approvals, including through repair, replacement, restoration, maintenance or improvement but not including expansion unless authorized by this Section.
- (b) Normal maintenance of a structure containing a nonconforming use or which is a nonconforming use is permitted including repair, replacement, restoration or improvement, which does not extend, expand or intensify the nonconforming use.
- (c) A legal nonconforming industrial or commercial use may be expanded once by no more than 10 percent of its floor area or 1,200 square feet, whichever is greater, with a Special Use Permit and with a specific finding by the City Council that the

proposed expansion will reduce the impact of the legal nonconforming industrial or commercial use on the surrounding properties in terms of activity, noise, traffic, light, appearance, outside storage of vehicles, equipment of materials, or other issues pertinent to the specific property and use involved.

In addition to the new wording shown above about maintaining a nonconforming use, we recommend the following clauses that allow expansion by Special Use Permit or variance and which limit rights.

6.110 (3): Expansion Prohibited. Nonconformities may not be expanded unless expressly permitted as described below.

- (a) Nonconforming uses may expand upon issuance of a Special Use Permit only when such expansion is expressly listed as a Special Use within the applicable zoning district. [Note: the zoning ordinance presently does not list any such Special Uses.]
- (b) Nonconforming lots may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of nonconformity.
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- (d) Nonconforming site characteristics may expand only upon approval of a variance or planned unit development zoning that allows the proposed level of nonconformity.

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- (a) A legal nonconforming use must not resume when:
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6.110 (5): Conformance Triggers: Nonconformities must be brought into conformance upon the following events:

- (a) Nonconforming uses. Nonconforming uses must be brought into conformance with current requirements of the City Code upon:
 - (i) Change of the use.
 - (ii) Discontinuance of the use
 - (iii) Destruction of the use, provided that no building permit has been applied for within 180 days of the date of destruction. The City may impose reasonable conditions on the building permit to mitigate newly created impacts on adjacent properties.
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 - (i) Redevelopment of the site or expansion of total floor area on the site by 25 percent or greater
 - (ii) Destruction or removal of the site characteristic
 - (iii) Issuance of a permit for a related site characteristic if conformance is stipulated as a condition of permit approval
 - (iv) Change of use of the site (only for use-generated requirements including but not limited to the number of parking spaces and trash storage requirements)
 - (v) A determination by the City that the site characteristic must be brought into conformance to protect the public health, safety and welfare.

6.110 (6): Unsafe Structures. Nothing in this Section shall be construed to permit the continued use of a structure or site found to be in violation of building, basic life safety or health codes of the City.

Definitions

These definitions should be added to the City Code if the amendments described above are adopted.

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- 5.498 Restoration: For the purposes of nonconformities, “restoration” means to restore or repair to good condition by replacing ore reassembling broken, worn out or malfunctioning components. Restoration does not include expansion.

12 – Form-Based Zoning

The following section presents a partial example of hybrid form-based zoning for a suburban municipality prepared by team member Suzanne Rhees. The regulating plan that accompanies this text is a separate document.

Chapter 1005. Commercial and Mixed-Use Districts

1005.01 Statement of Purpose

The commercial and mixed-use districts are designed to:

- A. Promote an appropriate mix of commercial development types within the community;
- B. Provide attractive, inviting, high-quality retail shopping and service areas that are conveniently and safely accessible by multiple travel modes including transit, walking, and bicycling;
- C. Improve the community's mix of land uses by encouraging mixed medium- and high-density residential uses with high-quality commercial and employment uses in designated areas;
- D. Encourage appropriate transitions between higher-intensity uses within commercial and mixed use centers and adjacent lower-density residential districts; and
- E. Encourage sustainable design practices that apply to buildings, private development sites, and the public realm in order to enhance the natural environment.

1005.02 Design Standards

The following standards apply to new buildings and major expansions of existing buildings (i.e., expansions that constitute 50% or more of building floor area) in all commercial and mixed-use districts. Design standards apply only to the portion of the building or site that is undergoing alteration.

- A. **Corner Building Placement:** At intersections, buildings shall have front and side facades aligned at or near the front property line.
- B. **Entrance Orientation:** Primary building entrances shall be oriented to the primary abutting public street. The entrance must have a functional door. Additional entrances may be oriented to a secondary street or parking area. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- C. **Vertical Facade Articulation:** Buildings shall be designed with a base, a middle, and a top, created by variations in detailing, color, and materials. A single-story building need not include a middle.
 - 1. The base of the building should include elements that relate to the human scale, including doors and windows, texture, projections, awnings, and canopies.



Corner building placement, entrance orientation, base, middle, and top

2. Articulated building tops may include varied rooflines, cornice detailing, dormers, gable ends, stepbacks of upper stories, and similar methods.

D. Horizontal Facade Articulation: Facades greater than 40 feet in length shall be visually articulated into smaller intervals of 20 to 40 feet by one or a combination of the following techniques:

1. Stepping back or extending forward a portion of the facade;
2. Variations in texture, materials or details;
3. Division into storefronts;
4. Stepbacks of upper stories; or
5. Placement of doors, windows and balconies.



Horizontal facade articulation

E. Window and Door Openings:

1. For nonresidential uses, windows, doors, or other openings shall comprise at least 60% of the length and at least 40% of the area of any ground floor facade fronting a public street. At least 50% of the windows shall have the lower sill within three feet of grade.
2. For nonresidential uses, windows, doors, or other openings shall comprise at least 20% of side and rear ground floor facades not fronting a public street. On upper stories, windows or balconies shall comprise at least 20% of the facade area.
3. On residential facades, windows, doors, balconies, or other openings shall comprise at least 20% of the facade area.
4. Glass on windows and doors shall be clear or slightly tinted to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas.
5. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building facade.
6. Displays may be placed within windows. Equipment within buildings shall be placed at least 5 feet behind windows.



Window and door openings

F. Materials: All exterior wall finishes on any building must be one or a combination of the following materials: face brick, natural or cultured stone, textured pre-cast concrete panels, textured concrete block, stucco, glass, pre-finished metal, fiberglass or similar materials, or cor-ten steel (other than unpainted galvanized metal or corrugated materials). Other new materials of equal quality to those listed may be approved by the Community Development Department.

G. **Four-sided Design:** Building design shall provide consistent architectural treatment on all building walls. All sides of a building must display compatible materials, although decorative elements and materials may be concentrated on street-facing facades. All facades shall contain window openings. This standard may be waived by the Community Development Department for uses that include elements such as service bays on one or more facades.



Four-sided building design

H. **Maximum Building Length:** Building length parallel to the primary abutting street shall not exceed 200 feet without a visual break such as a courtyard or recessed entry, except where a more restrictive standard is specified for a specific district.

I. **Garages Doors and Loading Docks:** Loading docks shall be located on rear or side facades and, to the extent feasible, garage doors should be similarly located. Garage doors of attached garages on a building front shall not exceed 50% of the total length of the building front.



Garage door placement

J. **Rooftop Equipment:** Rooftop equipment, including rooftop structures related to elevators, shall be completely screened from eye level view from contiguous properties and adjacent streets. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

1005.03 Table of Allowed Uses

Table 1005-1 lists all permitted and conditional uses in the commercial and mixed use districts.

- A. Uses marked as “P” are permitted in the districts where designated.
- B. Uses marked with a “C” are allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- C. Uses marked as “NP” are not permitted in the districts where designated.
- D. A “Y” in the “Standards” column indicates that specific standards must be complied with, whether the use is permitted or conditional. Standards for permitted uses are included in Chapter 1011 of this Title; standards for conditional uses are included in Section 1009.02 of this Title.

E. **Combined Uses:** Allowed uses may be combined within a single building, meeting the following standards:

1. Residential units in mixed-use buildings shall be located above the ground floor or on the ground floor to the rear of nonresidential uses;
2. Retail and service uses in mixed-use buildings shall be located at ground floor or lower levels of the building; and
3. Nonresidential uses are not permitted above residential uses.

***General retail, such as:**

- Antiques and collectibles store
- Art gallery
- Auto parts store
- Bicycle sales and repair
- Book store, music store
- Clothing and accessories sales
- Convenience store
- Drugstore, pharmacy
- Electronics sales and repair
- Florist
- Jewelry store
- Hardware store
- News stand, magazine sales
- Office supplies
- Pet store
- Photographic equipment, studio, printing
- Picture framing
- Second-hand goods store
- Tobacco store
- Video store
- Uses determined by the Community Development Department to be of a similar scale and character
- Personal services, such as:**
- Barber and beauty shops
- Dry-cleaning pick-up station
- Interior decorating/upholstery
- Locksmith
- Mailing and packaging services
- Photocopying, document reproduction services
- Consumer electronics repair
- Shoe repair
- Tailor shop
- Tutoring
- Watch repair, other small goods repair
- Uses determined by the Community Development Department to be of a similar scale and character

Table 1005-1	NB	CB	RB	CMU	Standards
Office Uses					
Office	P	P	P	P	
Clinic, medical, dental or optical	P	P	P	P	
Office showroom	NP	P	P	P	
Commercial Uses					
Retail, general and personal service*	P	P	P	P	
Animal boarding, kennel/day care (indoor)	P	P	P	P	Y
Animal boarding, kennel/day care (outdoor)	NP	C	C	NP	Y
Animal hospital, veterinary clinic	P	P	P	P	Y
Bank, financial institution	P	P	P	P	
Club or lodge, private	P	P	P	P	
Day care center	P	P	P	P	Y
Grocery store	C	P	P	P	
Health club, fitness center	C	P	P	P	
Learning studio (martial arts, visual/performing arts)	C	P	P	P	
Liquor store	C	P	P	P	
Lodging: hotel, motel	NP	P	P	P	
Mini-storage	NP	P	P	NP	
Mortuary, funeral home	P	P	P	P	
Motor fuel sales (gas station)	C	P	P	C	Y
Motor vehicle repair, auto body shop	NP	C	P	C	Y
Motor vehicle rental/leasing	NP	P	P	NP	Y
Motor vehicle dealer (new vehicles)	NP	NP	P	NP	
Movie theater, cinema	NP	P	P	P	
Pawn shop	NP	C	C	NP	
Parking	C	C	C	C	
Restaurant, Fast Food	NP	P	P	P	
Restaurant, Traditional	P	P	P	P	

Table 1005-1	NB	CB	RB	CMU	Standards
Residential - Family Living					
Dwelling, one-family attached (townhome, rowhouse)	NP	NP	NP	P	
Dwelling, multi-family (3-8 units per building)	NP	NP	NP	P	
Dwelling, multi-family (upper stories in mixed-use building)	P	P	NP	P	
Dwelling, multi-family (8 or more units per building)	C	NP	NP	P	
Dwelling unit, accessory	NP	NP	NP	C	Y
Live-work unit	C	NP	NP	P	Y
Residential - Group Living					
Community residential facility, state licensed, serving 7-16 persons	C	NP	NP	C	Y
Dormitory	NP	NP	NP	C	
Nursing home, assisted living facility	NP	NP	NP	C	Y
Civic and Institutional Uses					
College, post-secondary school	NP	NP	P	P	Y
Community center, library, municipal building	NP	NP	P	P	
Place of assembly	P	P	P	P	Y
School, elementary or secondary	NP	NP	P	P	Y
Theater, performing arts center	NP	NP	P	P	Y
Utilities and Transportation					
Essential services	P	P	P	P	
Park-and-ride facility	NP	P	P	P	
Transit center	NP	P	P	P	
Accessory Uses, Buildings, and Structures					
Accessory buildings for storage of domestic or business supplies and equipment	P	P	P	P	Y
Accessibility ramp and other accommodations	P	P	P	P	
Detached garage and off-street parking spaces	P	P	P	P	Y
Drive-through facility	NP	C	C	NP	Y
Gazebo, arbor, patio, play equipment	P	P	P	P	Y
Home occupation	P	NP	NP	P	Y
Renewable energy system	P	P	P	P	Y
Swimming pool, hot tub, spa	P	P	P	P	Y
Telecommunications tower	C	C	C	C	Y
Tennis and other recreational courts	C	C	P	P	Y
Temporary Uses					
Temporary building for construction purposes	P	P	P	P	Y
Sidewalk sales, boutique sales	P	P	P	P	Y
Portable storage container	P	P	P	P	Y

1005.04 Neighborhood Business (NB) District

- A. **Statement of Purpose:** The Neighborhood Business District is designed to provide a limited range of neighborhood-scale retail, service, and office uses in proximity to residential neighborhoods or integrated with residential uses. The NB district is also intended to:
 1. Encourage mixed use at underutilized retail and commercial intersections;
 2. Encourage development that creates attractive gateways to City neighborhoods;
 3. Encourage pedestrian connections between Neighborhood Business areas and adjacent residential neighborhoods;
 4. Ensure that buildings and land uses are scaled appropriately to the surrounding neighborhood; and
 5. Provide adequate buffering of surrounding neighborhoods.

- B. **Design Standards:** The standards in Section 1005.02 shall apply except building length parallel to the primary abutting street shall not exceed 160 feet without a visual break such as a courtyard or recessed entry.

C. Dimensional Standards:

Table 1005-2	
Minimum lot area	No requirement
Maximum building height	35 feet
Minimum front yard building setback	No requirement
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

- D. **Residential Density:** Residential densities shall not exceed 12 units per acre.

- E. **Improvement Area:** The total improved area, including paved surfaces and the footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.

- F. **Frontage Requirement:** Buildings at corner locations shall be placed within five feet of the lot line on either street for a distance of at least 20 feet from the corner.
- G. **Parking Placement:** Surface parking shall not be located between the front facade of a building and the abutting street. Parking shall be located to the rear or side of the principal building. Parking abutting the primary street frontage is limited to 50% of that lot frontage.
- H. **Screening from Residential Property:** Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Community Development Department shall determine the primary street.

1005.05 Community Business (CB) District

- A. **Statement of Purpose:** The Community Business District is designed for shopping areas with moderately scaled retail and service uses, including shopping centers, freestanding businesses, and mixed-use buildings with upper-story residential uses. CB Districts are intended to be located in areas with visibility and access to the arterial street system. The district is also intended to:
 1. Encourage and facilitate pedestrian, bicycle and transit access; and
 2. Provide adequate buffering of surrounding neighborhoods.

B. Dimensional Standards:

Table 1005-3	
Minimum lot area	No requirement
Maximum building height	40 Feet
Front yard building setback (min. - max.)	0 To 25 feet*
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 Feet from residential lot boundary ^b Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary
Minimum surface parking setback	5 feet

- a Unless it is determined by the Community Development Department that a certain setback minimum distance is necessary for the building or to accommodate public infrastructure.
- b Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

C. Residential Density: Residential densities shall not exceed 24 units per acre.

D. Improvement Area: The total improved area, including paved surfaces and footprints of principal and accessory buildings and structures, shall not exceed 85% of the total parcel area.

E. Frontage Requirement: A minimum of 30% of building facades abutting a primary street shall be placed within 25 feet of the front lot line along that street.

Primary street: The street where the highest level of pedestrian activity is anticipated. This is generally, but not exclusively, the street of higher classification. The Community Development Department shall determine the primary street.

F. Surface Parking: Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.

G. Parking Placement: When parking is placed between a building and the abutting street, the building shall not exceed a maximum setback of 85 feet, sufficient to provide a single drive aisle and two rows of perpendicular parking along with building entrance access and required landscaping. This setback may be extended to a maximum of 100 feet if traffic circulation, drainage, and/or other site design issues are shown to require additional space. Screening along side and rear lot lines abutting residential properties is required, consistent with Chapter 1011 of this Title.

1005.06 Regional Business (RB) District

A. **Statement of Purpose:** The RB District is designed for businesses that provide goods and services to a regional market area, including regional-scale malls, shopping centers, large-format stores, multi-story office buildings and automobile dealerships. RB Districts are intended for locations with visibility and access from the regional highway system. The district is also intended to:

1. Encourage a “park once” environment within districts by enhancing pedestrian movement and a pedestrian-friendly environment;
2. Encourage high quality building and site design to increase the visual appeal and continuing viability of development in the RB District; and
3. Provide adequate buffering of surrounding neighborhoods.

B. **Design Standards:** The standards in Section 1005.02 shall apply except that ground floor facades that face or abut public streets shall incorporate one or more of the following features along at least 60% of their horizontal length:

- a. Windows and doors with clear or slightly tinted glass to allow views in and out of the interior. Spandrel (translucent) glass may be used on service areas;
- b. Customer entrances;
- c. Awnings, canopies, or porticoes; and
- d. Outdoor patios or eating areas.

C. **Dimensional Standards:**

Table 1005-4	
Minimum lot area	No requirement
Maximum building height	65 feet; taller buildings may be allowed as conditional use
Minimum front yard building setback	No requirement (see frontage requirement below)
Minimum side yard building setback	6 feet where windows are located on a side wall or on an adjacent wall of an abutting property 10 feet from residential lot boundary Otherwise not required
Minimum rear yard building setback	25 feet from residential lot boundary 10 feet from nonresidential boundary ^a
Minimum surface parking setback	5 feet

- a Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

- D. **Improvement Area:** The total improved area, including paved surfaces and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.
- E. **Frontage Requirement:** A development must utilize one or more of the three options below for placement of buildings and parking relative to the primary street:
1. At least 50% of the street frontage shall be occupied by building facades placed within 20 feet of the front lot line. No off-street parking shall be located between the facades meeting this requirement and the street.
 2. At least 60% of the street frontage shall be occupied by building facades placed within 65 feet of the front lot line. Only 1 row of parking and a drive aisle may be placed within this setback area.
 3. At least 70% of the street frontage shall be occupied by building facades placed within 85 feet of the front lot line. Only 2 rows of parking and a drive aisle may be placed within this setback area.
- F. **Access and Circulation:** Within shopping centers or other large development sites, vehicular circulation shall be designed to minimize conflicts with pedestrians.
- G. **Surface Parking:** Surface parking on large development sites shall be divided into smaller parking areas with a maximum of 100 spaces in each area, separated by landscaped areas at least 10 feet in width. Landscaped areas shall include pedestrian walkways leading to building entrances.
- H. **Standards for Nighttime Activities:** Uses that involve deliveries or other activities between the hours of 10:00 P.M. and 7:00 A.M. (referred to as “nighttime hours”) shall meet the following standards:
1. Off-street loading and unloading during nighttime hours shall take place within a completely enclosed and roofed structure with the exterior doors shut at all times.
 2. Movement of sweeping vehicles, garbage trucks, maintenance trucks, shopping carts, and other service vehicles and equipment is prohibited during nighttime hours within 300 feet of a residential district, except for emergency vehicles and emergency utility or maintenance activities.
 3. Snow removal within 300 feet of a residential district shall be minimized during nighttime hours, consistent with the required snow management plan.

Under E, for example, primary drive aisles in parking lots may be located away from building entrances or designed as internal streets with curb and sidewalk.



1005.07 Community Mixed-Use (CMU) District

- A. **Statement of Purpose:** The Community Mixed-Use District is designed to encourage the development or redevelopment of mixed-use centers that may include housing, office, commercial, park, civic, institutional, and open space uses. Complementary uses should be organized into cohesive districts in which mixed- or single-use buildings are connected by streets, sidewalks and trails, and open space to create a pedestrian-oriented environment. The CMU District is intended to be applied to areas of the City guided for redevelopment or intensification.
- B. **Regulating Map:** The CMU District must be guided by a Regulating Map for each location where it is applied. The Regulating Map establishes the following parameters:
1. **Street and Block Layout:** The regulating map defines blocks and streets based on existing and proposed street alignments. New street alignments, where indicated, are intended to identify general locations and required connections but not to constitute preliminary or final engineering.
 2. **Parking Locations:** Locations where surface parking may be located are specified by block or block face. Structured parking is treated as a building type.
 3. **Building and Frontage Types:** Building and frontage types are designated by block or block face. Some blocks are coded for several potential building types; others for one building type on one or more block faces. Permitted and conditional uses may occur within each building type as specified in Table 1005-1.
 4. **Building Lines:** Building lines indicate the placement of buildings in relation to the street.
 5. **Street Types:** The regulating map may include specific street design standards to illustrate typical configurations for streets within the district, or it may use existing City street standards. Private streets may be utilized within the CMU District where defined as an element of a regulating map.
- C. **Regulating Map Approval Process:** The Regulating Map may be developed by the City as part of a zoning map amendment following the procedures of Section 1009.06 of this Title and thus approved by City Council.
- D. **Amendments to Regulating Map:** Minor extensions, alterations or modifications of proposed or existing buildings or structures, and changes in street alignment may be authorized pursuant to Section 1009.05 of this Title.

E. Dimensional Standards:

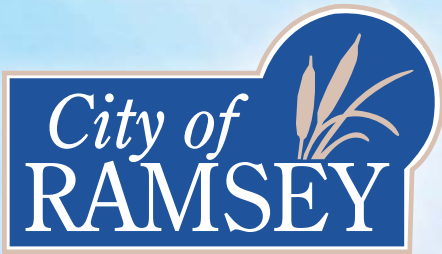
Table 1005-5	
Minimum lot area	None
Maximum building height	None
Minimum front yard setback	See frontage map
Minimum side yard setback	6 feet where windows are planned in a side wall or present in an adjacent wall 10 feet from residential lot boundary ^a Otherwise not required
Minimum rear yard setback	25 from residential lot boundary
Maximum building height	Within 50 feet of residential district boundary, equal to maximum height in that district

a Unless greater setbacks are required under Section 1011.12 E.1. of this Title.

F. Improvement Area: The total improved area, including paved areas and footprints of principal and accessory buildings or structures, shall not exceed 85% of the total parcel area.

G. Shared Parking or District Parking: A district-wide approach to off-street parking for nonresidential or mixed uses is preferred within the CMU district. Off-street surface parking for these uses may be located up to 300 feet away from the use. Off-street structured parking may be located up to 500 feet away from the use.

H. Parking Reduction and Cap: Minimum off-street parking requirements for uses within the CMU district may be reduced to 75% of the parking requirements in Chapter 1019 of this Title. Maximum off-street parking shall not exceed the minimum requirement unless the additional parking above the cap is structured parking.



Proposal to Provide:

Planning Services

for the

City of Ramsey

April 7, 2011





April 7, 2011

Mr. Tim Gladhill, Senior Planner
City of Ramsey
7550 Sunwood Drive NW
Ramsey, Minnesota 55303

Re: Proposal to Provide Planning Services for the City of Ramsey

Dear Mr. Gladhill:

The City of Ramsey has established a vision that states *“without compromising private property rights and needs of future generations, Ramsey will evolve through citizen driven, collaborative processes that respect the balance and connectivity between its unique urban, rural and natural environments.”* Often times, planners working for communities seem to get trapped in a “small window view” or “project window” and forget to look out and see how these things create and shape the larger image. They seem to focus on the puzzle pieces and not the picture on the puzzle box. By establishing this vision for collaboration and sustainability, your community has already begun to look at the picture on the puzzle box. ***A partnership with WSB & Associates, Inc. will assist you in establishing long-range plans to ensure that current planning and development projects have a positive impact for the future of your community.***

In preparing the information provided in this proposal, we have highlighted a few clear differentiators between WSB and our competition.

- **WSB is a planning and engineering company focused on the needs of municipalities.**
WSB currently serves more than 50 communities, the State of Minnesota, and numerous counties in varying planning and engineering capacities. The service areas that we have added to WSB over the past 15 years have all been related to expanding our expertise, and to providing more complete services to the municipalities we serve. Through this, we have developed the people and processes required to provide better ideas and the best solutions to municipal planning issues. You are our focus and you will see that in our attention to your needs.
- **Our proposed Planner, Kelsey Johnson, is the right fit to assist the City of Ramsey.**
We are confident that Kelsey is the right fit to assist the City of Ramsey’s planning staff, based on our understanding of your needs. Kelsey’s experience working with Cities both as a staff City planner and as a consultant City planner have provided her with the unique skills to ensure that planning decisions can be practically applied. Kelsey has provided successful leadership in communities experiencing growth, those concerned with the preservation of natural/cultural amenities, and those focused on areas of redevelopment, all of which are issues facing the City of Ramsey and its residents.

- **WSB has a diverse support staff which allows us to effectively consider all sides of an issue.**
Based on the expansive knowledge and experience that exists at WSB, Kelsey and our planning team will have the ability to efficiently determine any and all planning tasks. Her recommendations will be thoughtful and will be thoroughly vetted through communications with WSB's support staff.
- **WSB is committed to 'finding a way' regarding economic development.**
We are creative in finding solutions with a 'can do' attitude. Our approach to developing projects focuses on determining how a project or a task can be completed, as opposed to why it can't be done. We have developed a corporate culture that values creativity, long-lasting relationships, and high technical standards. This culture allows us to offer our clients expertise that delivers cost effective, thoughtful, and successful projects.


We are excited about the prospect of developing a lasting, collaborative, and trustworthy relationship with you and your staff. Thank you for the opportunity to illustrate our planning capabilities. Please contact either of us at 763.541.4800 to discuss our next steps together.

Sincerely,

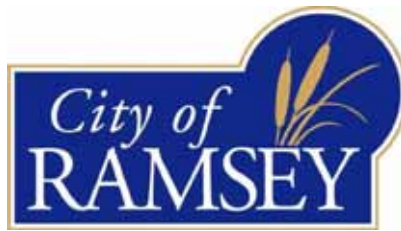
WSB & Associates, Inc.



Kelsey Johnson
Proposed Planner/Project Manager



Anthony Heppelmann, PE, Vice-President
Contract Negotiation/Resource Facilitation



Proposal to Provide
PLANNING SERVICES
For the City of Ramsey

Organization	1
Experience.....	5
Process and Services.....	9
Timing.....	15
Cost	17



ORGANIZATION

Firm Profile

WSB & Associates, Inc. is a Minnesota based and multi-disciplined consultant planning and engineering firm that is ideally suited to provide planning services to the City of Ramsey. WSB provides municipal planning, engineering, transportation, structural, water resources, environmental, GIS, right of way, construction engineering, and other planning services to governmental agencies.

We have developed a corporate culture that values creativity, long-lasting relationships, and high technical standards. This culture allows us to offer our clients expertise that delivers cost effective, thoughtful, and successful projects.

Currently, WSB represents numerous Cities on a variety of planning activities. Recent planning projects completed include a series of concept land use design layouts associated with the Bailey Lake Sewer Extension project for the City of Woodbury, and environmental and land use reviews of future developable acres for the Cities of Minnetrista and Rogers.

In addition, WSB represents the City of Mahtomedi as their City Planner. Like the City of Ramsey, the City of Mahtomedi strives to maintain a collaborative community process that respects balance and connectivity between the City's urban, rural and natural environments. Our work in the planning field has allowed us to develop a strong understanding of the needs of community stakeholders and issues the City faces. We understand the opportunities that are available for developing communities like Ramsey related to redevelopment.

We have also established solid working relationships with regulatory agencies affecting the City including but not limited to, Mn/DOT, MnDNR, Met Council, Anoka County, MPCA, City of Anoka, City of Andover, and the Lower Rum River Watershed Management Organization.

We hope that the following proposal will provide you with the information and understanding of how WSB is different from other planning firms and why we are the ideal firm to assist the City of Ramsey with their upcoming planning service needs.

Key Personnel

WSB has developed a team of highly qualified staff to provide all of the services requested by the City of Ramsey. Our experience providing similar services to other communities within the metropolitan area has made us extremely well versed and skilled in providing planning services to communities such as Ramsey. WSB has strategically hired and trained our staff so that we are highly skilled, diverse, and possess a wealth of knowledge for providing the services you seek.



Kelsey Johnson — Planning and Project Management

Kelsey Johnson is the proposed Planner who will assist the City of Ramsey with planning services. She will be responsible for coordinating with the City's Senior Planner on the administration of zoning and subdivision regulations. This will include amendments to the City's Zoning Code and the review of various land use applications for compliance with the City's Zoning and Subdivision Ordinance on an as needed basis. By utilizing high quality project delivery and respectful communication with staff, City Council, and community stakeholders, Kelsey will develop the trust necessary for an effective City Planning relationship. Providing a high level of customer service and fostering a trusting

work relationship is of extreme importance to Kelsey and will be invaluable to the City. Kelsey is an exceptionally diligent worker, an excellent communicator, and is well respected in the communities she represents.

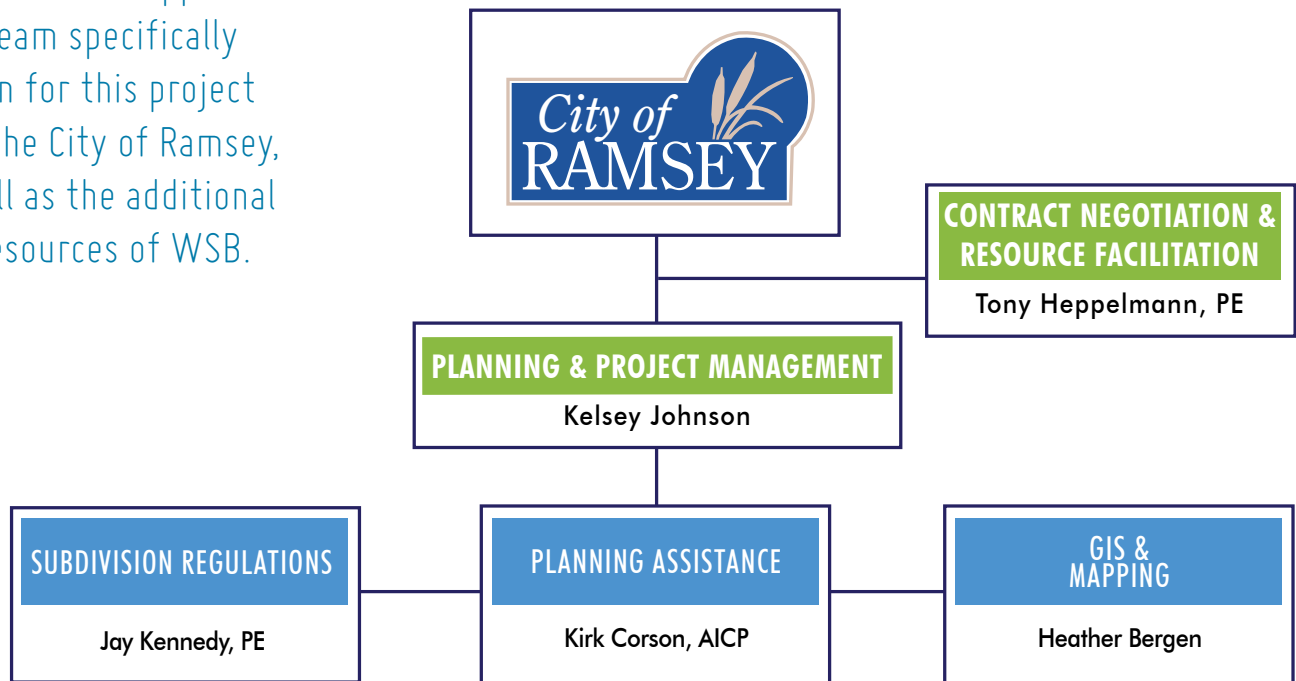
Kelsey has the experience, background, and positive attitude necessary to represent the City in meetings with residents, business owners, and City staff, as well as at Council and Commission meetings as may be required. She has the drive and skills needed to become an effective extension of the City's staff and can enhance the current excellent work environment at City Hall. Additionally, Kelsey has strong knowledge of the grant and funding process for municipal improvement projects.

Kelsey's experience working with the Cities of Mahtomedi, Cloquet, Grey Cloud Island Township, Woodbury, and Ankeny, Iowa has included a wide variety of projects – development plan review, comprehensive plan updates, zoning ordinance updates, subdivision regulation updates, housing action plans, redevelopment planning, and map preparation using GIS software. The knowledge and experience she has developed during the completion of projects in these communities, along with her commitment to getting the job done, will make certain that Kelsey will effectively meet the needs of the City of Ramsey.

A few highlights of Kelsey's work experience include:

- Housing Action Plan 2011-2020 – Mahtomedi, MN
- Zoning Ordinance and Subdivision Regulations Update – Mahtomedi, MN (2010)
- Comprehensive Plan 2008-2030 Update – Mahtomedi, MN
- Zoning Ordinance and Subdivision Regulation Update – Cloquet, MN (2008)
- Comprehensive Plan 2008-2030 Update – Grey Cloud Island Township, MN

Kelsey will be supported by a team specifically chosen for this project with the City of Ramsey, as well as the additional full resources of WSB.



Tony Heppelmann, PE – Contract Negotiation & Resource Facilitation

Tony will provide contract negotiation and resource facilitation for the City of Ramsey. He will make certain the necessary resources are available for the project team. He will be responsible for contract management and also provides a second point of contact for the City, should they desire it.

Tony is a Vice President and Transportation Group Manager with over 25 years of experience in the field of transportation planning and design. Tony has been the project manager on a wide variety of transportation projects, including highway corridor studies, environmental impact studies, and preliminary design studies. His technical responsibilities on these projects have included traffic forecasting, traffic impacts and needs assessments, alternatives analysis, and preliminary geometric design. Through his work on these projects, Tony has developed a thorough knowledge and understanding of the project development process for both federal and state aid projects, as well as the keys for successful implementation of a project.

Tony’s recent projects in and around the City of Ramsey include the interchange study at TH 10/CSAH 83, road design at CSAH 116/CSAH 83, the TH 47 study, CSAH 116 and CSAH 7, and traffic forecasting in Anoka County.



Jay Kennedy, PE — Subdivision Regulation Assistance

Jay will serve as an advisor to Kelsey as needed. He will review and provide comments relating to zoning ordinance and subdivision regulations. Jay is a registered professional engineer with nearly 20 years of experience in municipal and civil engineering projects including streets, utilities, site grading, park improvements, and development review. His current responsibilities include management of planning, coordination, design, and construction administration of a wide variety of municipal projects. Jay has broad experience updating and applying zoning and subdivision regulations in urban and rural settings. He has been involved in numerous zoning ordinances and subdivision regulation rewrites and updates, including the City of Mahtomedi and the City of Hugo, MN.



Kirk Corson, AICP — Planning Assistance

Kirk will support Kelsey in her role as City Planner assistant, providing additional availability of services, should the City of Ramsey need it. Kirk is a planner (AICP), certified general real estate appraiser, and real estate broker with almost thirty years of experience in development planning and review, municipal planning, construction, and right of way acquisition, documentation, and valuation. Kirk gained his experience from serving in the City planning capacity for the cities of Milwaukee, WI; Mound, MN; Anoka, MN; and Blaine, MN.



Heather Bergen — GIS and Mapping

Heather will assist Kelsey in the preparation of the Zoning Map and other maps and graphics for the City of Ramsey. Heather has four years work experience in the Geographic Information Systems field using ArcGIS. She specializes in cartographic map design, building and managing databases and developing customized GIS education courses. Heather has worked closely with City staff to develop cartographic display of zoning classifications for many municipalities including Champlin, Monticello and Minnetrista, Minnesota. She has managed and edited these and other cities zoning GIS databases. In addition to map and database design Heather has lead several ArcGIS education courses which support City staff in utilizing GIS data. These education courses are tailored to the specific needs of each client.





EXPERIENCE

Community Planning, Zoning, Development Review and WSB

Planning, engineering, and design related to municipal land use and infrastructure systems are the primary areas of service for WSB, and has been since our inception in 1995. Over the past several years, many of our clients have asked us to formalize our Community Planning offering. To that end, WSB added Kelsey Johnson to our team in 2010. Kelsey is leading our efforts related to Community Planning and Zoning, which currently accounts for approximately 1% of our firm's business. However, based on the synergy between engineering and planning and the ongoing work that we perform for more than 50 communities, we envision this percentage to increase in the near future.

Although Community Planning is a newer service offering at WSB, prior to 2008 the firm's business related to zoning code and development review accounted for between 20%-30% of the firm's total revenues. This large percentage was directly attributable to the large amount of residential and commercial development that was occurring in the communities that we represent. WSB has extensive experience related to zoning code and development plan review.



Firm's Philosophy

WSB understands that economic development is vital to the success in any community and in 2011 we are committed to 'finding a way'. We are keenly aware of how our recommendations related to zoning, subdivision code, land use, planning, or engineering matters impact economic development. Therefore, we are thoughtful in our recommendations with regard to how they may impact existing residents and businesses, as well as proposed development opportunities. **While we do not advocate for changing regulations to accommodate individual developments, we do recognize that there are situations that should be evaluated against existing circumstances in order to arrive at a recommendation.** No regulation can be written for every situation and reasonableness is critical to successful projects.

Additionally, WSB is comfortable with using the zoning and subdivision code to foster and enhance economic development and residential growth. We believe in looking at the regulations to see if the past land use and zoning assumptions are acceptable in light of the new economic realities. In some communities, we are evaluating lot size and street/right-of-way widths. In other communities, we have been involved with creating flexible design standards associated with low impact (environmental) developments. Everything in the zoning and subdivision code should be on the table for discussion. We don't believe that you can regulate quality development. **Rather, you get quality development from understanding what the regulations are intending to accomplish and then by adapting them to support a plan that best meets the goals and culture of the community.**



Similar Experience

WSB currently provides planning and engineering services to more than 50 municipalities, the state of Minnesota, and several Counties. We provide planning services to small rural townships, developing suburban communities, and fully developed urban Cities.

Specifically, WSB currently provides day-to-day planning services to the City of Mahtomedi, MN, and has provided ordinance and code preparation assistance to over 15 communities. Recently, Kelsey Johnson has assisted the Cities of Mahtomedi, MN and Cloquet, MN in complete zoning ordinance and subdivision regulation updates. Additional ordinance work performed by the WSB includes but is not limited to, planned uni developments (PUD), mixed use developments, updates to the stormwater utility, floodplain, natural resources, erosion control, surface water management, and illicit discharge ordinances for the Cities of Hastings, Shakopee, Grant, Excelsior, Hanover, Inver Grove Heights, Wyoming, Champlin, Monticello, Coon Rapids, and St. Anthony.



City of Mahtomedi

WSB staff has developed a strong relationship with the City of Mahtomedi. Like the City of Ramsey, the City of Mahtomedi also values maintaining a facilitated citizen involvement process that allows the community flexibility to meet future needs without compromising the needs and interests of current residents. Kelsey's planning work has earned her recognition and highlights the nature of our working relationships. Kelsey currently serves as the City's consulting staff planner. Through this experience, Kelsey has gained considerable skills that allow her to advise the City on planning issues.

In addition to the day-to-day planning tasks that Kelsey provides to the City (staff reports, building permit review for zoning compliance, code enforcement, meeting with developers and residents, etc.), Kelsey has worked on a number of specific projects for the City including:

Zoning Ordinance / Subdivision Regulation Update 2010

Kelsey served as the Project Manager and Lead Planner on the update to the Zoning Ordinances and Subdivision Regulations for the City of Mahtomedi. The previous ordinance was a compilation of many patches that were prepared over many years.

As a result, it was important that the City update the ordinance to eliminate conflicting language, to provide consistency with the recently updated Comprehensive Plan, and to respond to pertinent changes in the Minnesota State Law. In addition to the language of the ordinance, Kelsey prepared an updated Zoning Map using GIS software.

“Kelsey is very organized and thorough and works exceedingly well with our City staff. We feel she is a valuable, supplementary asset to our City.”

Judson Marshall
Mayor
City of Mahtomedi

Housing Action Plan 2011 – 2020

The Housing Action Plan was prepared for the City of Mahtomedi in association with the City’s participation in the Local Housing Incentives Account Program (LCA LHIA) under the Metropolitan Livable Communities Act. The Plan provides the City with a reference to guide planning efforts, financial initiatives and strategies, and direction to the City regarding the approach it should take; the types of housing opportunities the City should promote; and the roles in providing those opportunities.

Comprehensive Plan Update 2008-2030

Kelsey worked on a major update of the City’s Comprehensive Plan, identifying goals, objectives, policies, and plans to guide the City well into the future. The Comprehensive Plan brought together various elements of Mahtomedi into a comprehensive ‘big picture’ plan that provides a basic framework to guide other planning efforts in the City and to guide the relationship between the City and the metropolitan area. The plan had an emphasis on the City’s desire to maintain and enhance its ‘small town’ character. The plan also emphasizes the City’s desire to become a sustainable community that meets the needs of present generations without compromising the ability of future generations to meet their needs.



City of Cloquet, Minnesota

Zoning Ordinance/Subdivision Regulation Update 2008

In 2008, Kelsey worked with the City of Cloquet to prepare a complete rewrite of the Zoning Ordinance and Subdivision Regulations. To ensure consistency between the Ordinance and the recently updated Comprehensive Plan, Kelsey created new zoning districts and updated language throughout the Zoning Ordinance. As part of the rewrite, Kelsey created the City’s first digital Zoning Map. The update resolved confusing language and numerous inconsistencies that existed in the former Zoning Ordinance and Zoning Map.

The City of Cloquet, like the City of Ramsey, has excellent schools, healthcare, community services, and parks and recreation that provide residents with a high quality of life. Much like the City of Ramsey, as Cloquet looked toward the future and worked through the Zoning Ordinance updates, the underlying concept of providing for sustainable growth that does not adversely affect the City’s small town charm or its natural and social resources was a key ingredient.



Grey Cloud Island Township, Minnesota Comprehensive Plan Update 2008-2030

Kelsey was the Project Manger and consulting author of the Grey Cloud Island Comprehensive Plan/Critical Area Plan (Mississippi River Critical Corridor Area) Update. Grey Cloud Island Township is a diversified rural community at the edge of advancing development. Kelsey skillfully dealt with many complicated issues and coordinated with diverse stakeholders to develop this well throughout the plan.

Kelsey prepared an amendment to the Critical Area Plan for the Township because most of the Township falls within the defined boundaries of the Critical Area. A key component of this update was to ensure the Mississippi River Critical Corridor Area/MNRRRA update was maintaining the wants and needs of the Grey Cloud Island Township, as well as the policies and requirements as outlined in Executive Order 79-19. Both the Critical Areas within the Township and within the City of Ramsey are designated as 'Rural Open Space'. Understanding that the City feels this designation is inconsistent with the City's Comprehensive Plan, which guides this area as Low Density Residential (LDR), a suburban-type density, both still share the underlying characteristics of preserving and protecting the existing and potential scenic, natural, and historic resources for the enjoyment of the surrounding region. Both districts also express the need to maintain and protect the existing transportation function of the river.

By understanding the purpose and the intent of the MRCCA, WSB can make certain that planning and development/redevelopment in the area achieves development as a multi-purpose resource; resolves the conflicts of use of land and water; preserves and enhances its natural, aesthetic, cultural, and historical value for the public use; and protects its environmentally sensitive area, all of which are clearly defined as high values in Executive Order 79-19.

This experience, coupled with our relationships established with the US Fish and Wildlife Service, US Parks Department, Met Council, MPCA, MnDNR, BWSR and representatives of neighboring communities, makes us an excellent resource for the development of comprehensive solutions for your community as it relates to the MRCCA.

References

WSB not only prides itself in completing quality work in a timely manner, we also find great satisfaction in the connections we develop and maintain with our clients. We continually strive to strengthen our partnership with each client, to bring successful conclusion to the project at hand, and to build strong relationships for future mutual benefit. We encourage you to call our references and talk with them directly about our collaboration.

Scott Neilson, City Administrator

City of Mahtomedi, MN
651.426.3344
sneilson@ci.mahtomedi.mn.us

Breanne Rothstein, AICP, Senior Planner

City of Minnetrista
952.241.2522
brothstein@ci.minnetrista.mn.us

Brian Fritsinger, City Administrator

City of Cloquet, MN
218.879.3347
bfritsinger@ci.cloquet.mn.us

John Peterson, Director of Community Development

City of Ankeny, IA
515.965.6425
jpeterson@ankenyiowa.gov



PROCESS AND SERVICES

Staffing Commitment

WSB monitors workload on a weekly basis utilizing Deltek project management software, and we are constantly aware of staff commitments. WSB assures the City of Ramsey that the staff identified in this proposal is available and have the capacity to meet your project schedules. Our workload/staffing review process makes certain that team members in each area of discipline are not over-committed to other projects that would prevent them from fulfilling the duties to which they are assigned. As the proposed planner to assist the City, Kelsey will have the majority of the contact with the City. She is immediately available to work with the City of Ramsey.

The following process and service descriptions represent our understanding of your needs.

On-Site Office Hours and Response to Inquiries

WSB understands that the City anticipates utilizing a consultant for an average of 15-20 hours per week. We also understand that, depending upon the workload, the number of hours could increase or decrease. We anticipate that majority of this work will be done from the WSB office; however, Kelsey will be available to work at the Ramsey City Hall as needed.

Additionally, WSB staff will always be available any time during the week, by telephone, email, or fax to address questions from residents, businesses, developers, and City Staff related to planning issues. It is WSB's policy to respond to telephone calls or emails within 24 hours. If complete answers to inquiries take longer to develop, we will follow up with a telephone call or an email to let the concerned individual know that we are working to find an answer to their question or a solution to their problem.

Regarding planning project related inquiries, Kelsey has the solid commitment from her team to meet any reasonable deadline. Depending on the nature of the inquiry, a schedule is established to make certain that all parties expectations related to project delivery are met or exceeded.

Zoning Ordinance and Subdivision Regulations Update

WSB has the experience and know-how to assist the City of Ramsey with planning support. Our proposed team consists of skilled professionals that have the necessary expertise to assist the City in its effort to balance thoughtful, orderly development, as well as assist the Planning Division in updating and administering the City's Zoning and Subdivision Ordinance.

WSB has grown to over 150 staff members consisting of licensed land use planners, licensed engineers, environmental planners, construction administration staff, and surveyors. Because of this diversity of staff and expertise in a variety of service areas, **WSB will perform all elements requested by the City of Ramsey with in-house staff and will not require contract services with sub-consultants.**

WSB is familiar with the City of Ramsey; however, we understand that your background knowledge will provide the foundation for this planning collaboration. As consultants, we recognize that City Staff has limited time and resources available. At the start of any assigned planning tasks, we will work with you to clearly define the roles of the consultant and the roles of City Staff.

The below detailed scope of services corresponds to the City's objectives as described in the Request for Proposals. By combining the City's background knowledge with the WSB team's enthusiasm, management skills, and many years of experience, together we will produce an exceptional Zoning and Subdivision Ordinance document. In consultation with the City, we will gladly adapt and adjust our scope of services to best meet your needs.

Task 1: Project Launch

WSB staff will put a significant effort into ensuring that all parties have a clear understanding of the specific work to be completed, the schedule for completing the work, the budget for completing the work, and the roles and responsibilities of all involved in this planning effort. Our goal will be to clearly define the planning process so that it runs smoothly and efficiently. We will work closely with City Staff to complete the following tasks:

- Refine the goals and objectives desired;
- Identify what is working well within existing Ordinances and what opportunities for improvements exist;
- Refine the proposed work program, work schedule, and the roles and responsibilities of all that will be involved in this planning effort;
- Refine the public participation plan; and
- Obtain pertinent background data from the City and other applicable jurisdictions/agencies.

Task 2:

Public Participation Process

The City of Ramsey has a strong history of public participation and citizen involvement. During the update of the Comprehensive Plan, the City established values to *'embrace a people-centered, long-term perspective'* and established a desire to *'involve all citizens in decisions that impact their lives, property, and neighborhoods through the use of a facilitated process such as collaborative decision-making'*. WSB will maintain this tradition by promoting public participation and stakeholder involvement throughout this planning effort.

WSB will work with City Staff to develop a meaningful public participation plan. The following describes techniques that WSB is proposing to use to seek community involvement in this planning process.

Key Interviews

WSB understands that many residents and business owners within the City have a great deal of passion and ideas to contribute to the Zoning Ordinance and Subdivision Regulations Update. We also understand that some people may not have the time to be intimately involved in the planning effort. Consequently, WSB will interview a number of key people to gather input on what they perceive to be the issues with the existing code, and what opportunities exist. Key people include governmental officials, property owners, developers, City Staff, and other organizations the City feels could contribute to this process.

Social Media

WSB will provide the City with information relating to meetings dates, agendas, progress updates and documents that can be posted on the City's website or Facebook Page. This data will be provided in PDF format. Additionally, if requested by the City, WSB can provide text on the Zoning Ordinance and Subdivision Regulations Update for the City's 'Ramsey Resident' newsletters. We can also provide the City with project related boards that can be displayed at key locations throughout the community.

Zoning Task Force

WSB proposes to work with a broad based Zoning Task Force throughout this planning process. This committee will help guide the development and provide critical feedback and recommendations regarding the direction of the update. We will work with the City to determine the members of the Zoning Task Force. Based on our experience, we recommend that the Task Force include the Planning Commission, at least one representative (liaison) from the City Council, appropriate City Staff, key property owners/developers, and other key community stakeholders. We anticipate meeting with the Zoning Task Force once a month throughout this process.

Technical Review Committee

The Technical Review Committee includes the City Planner, City Engineer, a representative from Public Works, the City Attorney, and others that can provide feedback on the technical aspects of the Ordinance and Subdivision Regulations. WSB will submit materials electronically to the Technical Review Committee on a monthly basis for review and comment. Meetings with the Technical Review Committee will occur on an as needed basis. This incremental approach to review allows the Technical Review Committee ample time to review each major topic one at a time, rather than reviewing the entire update all at once. Using this incremental method helps make certain there are no surprises. We have found that this provides our clients with a smooth Zoning Ordinance and Subdivision Regulation update process.





Public Open Houses

Working with the Zoning Task Force and City Staff, WSB proposes to conduct two open houses. We envision that the first open house will provide residents with an opportunity to learn about the Update process and to express their needs and concerns. The second open house will provide an opportunity for the community to review a draft of the Zoning Ordinance and Subdivision Regulation Update and discuss options for addressing the previously expressed needs and concerns.

Commission and Council Updates

WSB will work with City Staff to provide written and oral updates on the planning process to pertinent commissions and the City Council as needed.

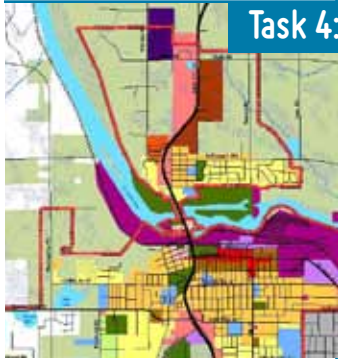
Public Hearings and Ordinance Adoption

WSB will be available to present the Draft Zoning Ordinance, Subdivision Regulations, and Zoning Map to the Planning Commission and the City Council.

Task 3: Inventory and Analysis

- 3.1 Obtain the existing Zoning Ordinance and Subdivision Regulations and review for consistency with the updated Comprehensive Plan and applicable Minnesota State Statutes, Rules, and Regulations.
- 3.2 Identify the key conflicts between the updated Comprehensive Plan and the existing Zoning and Subdivision Regulation Ordinances.
- 3.3 Tour the City of Ramsey with City Staff to gain a better understanding of what is working well with the existing Ordinances and what opportunities might exist for improvements.
- 3.4 Summarize in written and graphic form the key issues and opportunities associated with the Ordinance, including:
 - Necessary changes to bring the Ordinances into conformance with the updated Comprehensive Plan
 - Opportunities to streamline the administrative process while ensuring development is consistent with the Ordinances
 - Opportunities to promote an understanding of the development process and the relationship between Ordinances and the City’s vision as expressed in the updated Comprehensive Plan
 - Opportunities to integrate residential architectural standards requirements
 - Evaluate the possibility of integrating form-based codes or other flexible zoning techniques
 - Language, illustrations, and formatting options and recommendations

Task 4: Zoning Districts and Zoning Map



As a result of the Comprehensive Plan Update, the City has identified a need for significant revisions and updating the Zoning Code. This process will require revising some existing zoning districts, as well as creating some new districts.

- 4.1 Create new zoning districts and revise the existing zoning districts to be consistent with the updated Comprehensive Plan. As identified in the Plan Update, the following revisions should be considered at a minimum:
 - Create a new zoning district to correspond to the new Office Park designation
 - Revise ordinances dealing with density transitions between new and existing residential lots
 - Review draft zoning district language with the Zoning Task Force and City Staff
 - Revise and refine draft zoning district language

- 4.2 Revise the existing Zoning Map as necessary to be consistent with the updated Comprehensive Plan, if necessary, including:
 - Gathering the existing GIS data resources from City Staff including future land use, parcel, and digital orthophotography and assemble the information into a project GIS
 - Meet with City Staff to gather zoning information
 - Develop a draft Zoning Map consistent with the Comprehensive Plan
 - Deliver draft hard copy maps to the Zoning Task Force and City Staff for review
 - Make final changes to the Zoning Map
 - Supply digital and/or hardcopy maps to the Zoning Task Force and City Staff for final review
 - Develop an interactive .pdf document that ties the Zoning Map to the Zoning Ordinances. When users click on a location on the map, they will immediately be taken to the Zoning Ordinances that apply to that location
 - Provide the City with a number of hard copy and digital maps including the zoning shapefile, geodatabase layer files, zoning map documents, .Jpg of the Zoning Map, and an interactive .pdf document of the Zoning Map tied to the Zoning Ordinance

Task 5: Revision of Zoning Ordinance Sections

WSB will review and refine pertinent sections of the existing Zoning Ordinance as needed. It will be important to:

- Replace antiqued language;
- Remove obstacles that conflict with the goals and policies of the updated Comprehensive Plan
- Remove obstacles that conflict with the Minnesota State Statutes, Rules, and Regulations
- Introduce and address residential architectural standards
- Additional items to be considered and discussed with City Staff include, but are not limited to, form-based codes or other flexible zoning techniques, and the sign ordinance.

Task 6: Revision of Subdivision Regulations



In addition to modifications to the chapters of the Zoning Ordinance, changes to the City's Subdivision Ordinance to bring it into conformance with the City's recently updated Comprehensive Plan include:

- Review the park dedication requirements for consistency
- Review procedures for the review and approval of subdivisions
- Review the requirements for submission by a subdivider to ensure accurate and complete base information used
- Encourage data to be submitted in electronic format for inclusion in the City base map data
- Review the street design requirements for consistency

Task 7: Adoption of the Zoning Ordinance, Zoning Map, and Subdivision Regulations

If requested, WSB will attend public hearings with the Planning Commission and review meetings with the City Council to review and adopt the Zoning Ordinance, Subdivision Regulations, and the Zoning Map. We will gladly assist City Staff in presenting the updates, or we are more than happy to take the lead in the adoption process.

Upon adoption of the updated Zoning Ordinance and Subdivision Regulations, WSB will provide the City of Ramsey with the updates in both Microsoft Word and in .pdf format. One other step we like to take is to create a report that summarizes and documents the issues, findings, and recommendations for the updates to the code (summary of changes). We find this helpful to track the changes made to the City code and explain the reasons for the changes.



TIMING

Zoning Code Amendment and Planning Assistance

WSB is prepared to start assisting the City with planning services immediately upon direction from the City to start. Based on the schedule outlined in the City's RFP, we anticipate a start date of June 2011 and will have the final Zoning Ordinance, Subdivision Regulations and Zoning Map updates ready for City Council approval in December 2011. The following table outlines the proposed process for meeting this schedule. WSB would be happy to work with the City during Project Launch to refine our proposed planning process.

Project Task	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Task 1: Project Launch							
1.1 – Refine goals and objectives	■						
1.2 – Identify strengths and opportunities	■	■					
1.3 – Refine work program	■	■					
1.4 – Refine public participation plan	■	■					
1.5 – Obtain background data	■	■					
Task 2: Public Participation Process							
2.1 – Key Interviews	■	■					
2.2 – Social Media	■	■	■	■	■	■	■
2.3 – Zoning Task Force	●	●	●	●	●	●	
2.4 – Technical Review Committee	●	●	●	●	●	●	
2.5 – Public Open Houses		●				●	
2.6 – Commission and Council Updates			●			●	
2.7 – Public Hearings and Ordinance Adoption							●
Task 3: Inventory and Analysis							
3.1 – Obtain existing Zoning Ordinance and Subdivision Regulations and review for consistency with the updated Comprehensive Plan and Minnesota State Statutes, Rules, and Regulations	■	■					
3.2 – Identify key conflicts	■	■					
3.3 – Tour the City of Ramsey with City Staff	■	■					
3.4 – Summarize key issues and opportunities		■	■				
Task 4: Zoning Districts and Zoning Map							
4.1 – Create new zoning districts		■	■				
4.2 – Revise existing Zoning Map		■	■				
Task 5: Revision of Zoning Ordinance Sections		■	■	■	■	■	
Task 6: Revision of Subdivision Regulations				■	■	■	
Task 7: Adoption of the Zoning Ordinance, Zoning Map, and Subdivision Regulations							●

Land Use Application Review



An important part of the Zoning Ordinance is to establish application procedures, internal review procedures, public notice and hearing procedures, and approval criteria for the processing of land use applications and actions that affect the development and use of property within the City of Ramsey. Typically, the following categories define the review and approvals associated with development – public hearings, informational meetings, and administrative review and approval.

Pre-Application Meeting

Prior to submission of an application required by the City's Ordinance, WSB typically likes to set up a pre-application meeting between a potential applicant and City Staff. This meeting is an opportunity for the applicant(s) to describe what application is being considered, and for City Staff to indicate which application is appropriate and what criteria will be used to determine whether the application should be approved. Participation in a pre-application meeting does not imply or assume subsequent approval, approval with conditions, or denial of an application.

Establishing an Application Deadline

To ensure compliance with Minnesota State Statutes, Rules, and Regulations, it is helpful for both Applicants and City Staff to establish an Application Deadline. A suggested deadline for applications to be complete and submitted to the City would be 30 days prior to the next regular meeting of the Planning Commission, unless otherwise determined by City Staff. This allows City Staff to determine if the applicant is complete or to request additional information as may be needed as required by Minnesota State Statute §15.99: Time Deadline for Agency Action.

Clear Application Process

Each section of the Zoning Ordinance (i.e. Site Plan Review, Conditional Use Permits, Interim Use Permits, Variances, Preliminary Plats, Final Plats, etc.) will have a detailed explanation of the roles and responsibilities of each reviewer. Tasks to be performed and timelines to be followed are clearly outlined for City Staff, the Planning Commission, and the City Council. References to pertinent Minnesota State Statutes, Rules, and Regulations are included in the ordinance text. Having these processes clearly identified in the pertinent sections of the Zoning Ordinance will make certain that Minnesota State Statutes are followed.



COST

Basis for Compensation

We recognize that compensation for services is one of the critical components to a successful planning relationship with the City of Ramsey. We also recognize that, in order to reduce administrative overhead costs, to streamline the development review process, to increase the focus on encouraging and supporting economic growth, and to improve technical effectiveness, the City has reorganized the Community Development Department. As such, we have carefully considered the following:

General planning services are based on the *hourly rates* depicted on the Rate Schedule shown on the next page. Additional services agreed upon by the City and WSB will also be based on the hourly rates depicted on the next page. ***The fee for Kelsey’s attendance and participation at City Council and Planning Commission meetings as may be necessary will be billed at a flat rate of \$80 per meeting.***

WSB always maintains an open door/open communication policy with our clients and ***we do not charge for general telephone calls.*** We feel it is important for our clients to be able to call our staff for general information or advice without the anxiety of getting invoiced for a ten minute call. WSB’s policy has been and will continue to be that we will invoice for time actually spent on a project and not round up to the nearest quarter or half hour.

Proposed Hourly Rates for the Project Team

Kelsey Johnson	\$72
Kirk Corson.....	\$96
Jay Kennedy.....	\$134
Heather Bergen	\$68

Following our rate schedule, we have attached a sample invoice for your information.

2011 Rate Schedule

Costs associated with word processing, vehicle mileage, cell phones, reproduction of common correspondence and mailing are included in our hourly rates.

Reimbursable expenses include costs associated with plan, specification and report reproduction, permit fee, delivery cost, etc.

Rate Schedule is adjusted annually.

	Billing Rate/Hour
Principal	\$134.00
Associate	\$126.00
Sr. Project Manager/Sr. Project Engineer	\$121.00
Project Manager II/Project Engineer III	\$112.00
Project Manager/Project Engineer II/Engineering Specialist III	\$105.00
Project Engineer/Registered Land Surveyor/ Engineering Specialist II	\$96.00
Graduate Engineer II/Engineering Specialist I/ Sr. Construction Observer	\$86.00
Graduate Engineer/Engineering Technician V/ Construction Observer	\$76.00
Planner	\$72.00
Engineering Technician IV/Scientist III	\$68.00
Engineering Technician III/Scientist II	\$62.00
Engineering Technician II/Scientist I	\$56.00
Engineering Technician I	\$49.00
Office Technician II	\$62.00
Office Technician I	\$33.00
Survey (Two-Person Crew/GPS Crew)	\$140.00
Survey (Three-Person Crew/Expanded GPS Crew)	\$167.00

Sample Invoice

City of Ramsey
 Attn: Tim Gladhill
 7550 Sunwood Drive NW
 Ramsey, MN 55303

June 1, 2011
 Project No: xxxx-xxx
 Invoice No: 1

Professional Services from May 1, 2011 to May 31, 2011

Professional Personnel

			Hours	Rate	Amount
Ordinance Review					
Johnson, Kelsey	4/20/11		1.50	72.00	108.00
Plan Review					
Johnson, Kelsey	11/10/10		2.00	72.00	144.00
Review Application					
Johnson, Kelsey	11/04/10		1.00	72.00	72.00
	Totals		4.50		324.00
	Total Labor				324.00

Billing Limits	Current	Prior	To-Date
Total Billings	324.00	144.00	468.00
		Total this Invoice	\$324.00

Comments: _____

Approved by: _____

Reviewed by: Tony Heppelmann
 Project Manager: Kelsey Johnson

PLANNING SERVICES INTERVIEW

Responder:											
1. HOW WILL YOU UTILIZE THE COMPREHENSIVE PLAN TO GUIDE YOUR POLICY ANALYSIS IN ASSISTING IN THE IMPLEMENTATION OF THE ZONING AND SUBDIVISION CODE?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
2. WHAT TYPES OF ON-GOING TRAINING DO YOU PROVIDE TO YOUR EMPLOYEES?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
3. WHAT RECOMMENDATIONS DO YOU HAVE TO BALANCE THE NEED FOR PUBLIC PARTICIPATION AND INPUT WITH FIRM DEADLINES OUTSIDE OF THE CONTROL OF THE CITY?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
4. THE SELECTED CONSULTANT MUST HAVE THE SKILLS TO PROVIDE EXCELLENT CUSTOMER SERVICE TO RAMSEY RESIDENTS, CONTRACTORS, STAFF, BOARDS, AND COUNCIL. PLEASE GIVE AN EXAMPLE OF A TIME WHEN YOU WERE DISAPPOINTED WITH YOUR CONFLICT MANAGEMENT SKILLS, HOW YOU HANDLED THE SITUATION, AND WHAT YOU LEARNED FROM IT? FOLLOW UP: RECOMMENDING DENIAL OF APPLICATION?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
5. WHAT RECOMMENDATIONS WOULD YOU HAVE FOR THE CITY TO STREAMLINE THE REVIEW PROCESS AND STILL ENSURE COMPLIANCE WITH APPLICABLE REGULATIONS?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
6. HOW WILL YOU MANAGE POTENTIAL CONFLICTS OF INTEREST THAT MAY ARISE IF YOU ARE WORKING FOR THE PRIVATE SECTOR THAT MAY BRING APPLICATIONS TO THE CITY OR RELY ON COMPLIANCE WITH REGULATIONS YOU MAY INFLUENCE THROUGH CITY CODE UPDATES?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
Subtotal											/60

7. WHAT ARE YOUR BACKUP PLANS IN THE EVENT OF VACATION, ILLNESS, ETC.? WHO WILL BE THE POINT OF CONTACT?												TOTAL
Score:	10	9	8	7	6	5	4	3	2	1		/10
Comments:												
8. OVERVIEW OF NEXT STEPS												
USE ATTACHMENT												
9. QUESTIONS FROM FIRM?												
OTHER COMMENTS												
Comments:												
Total Score:												/70

PLANNING SERVICES INTERVIEW

Responder:											
1. HOW WILL YOU UTILIZE THE COMPREHENSIVE PLAN TO GUIDE YOUR POLICY ANALYSIS IN ASSISTING IN THE IMPLEMENTATION OF THE ZONING AND SUBDIVISION CODE?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
2. WHAT TYPES OF ON-GOING TRAINING DO YOU PROVIDE TO YOUR EMPLOYEES?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
3. WHAT RECOMMENDATIONS DO YOU HAVE TO BALANCE THE NEED FOR PUBLIC PARTICIPATION AND INPUT WITH FIRM DEADLINES OUTSIDE OF THE CONTROL OF THE CITY?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
4. THE SELECTED CONSULTANT MUST HAVE THE SKILLS TO PROVIDE EXCELLENT CUSTOMER SERVICE TO RAMSEY RESIDENTS, CONTRACTORS, STAFF, BOARDS, AND COUNCIL. PLEASE GIVE AN EXAMPLE OF A TIME WHEN YOU WERE DISAPPOINTED WITH YOUR CONFLICT MANAGEMENT SKILLS, HOW YOU HANDLED THE SITUATION, AND WHAT YOU LEARNED FROM IT? FOLLOW UP: RECOMMENDING DENIAL OF APPLICATION?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
5. WHAT RECOMMENDATIONS WOULD YOU HAVE FOR THE CITY TO STREAMLINE THE REVIEW PROCESS AND STILL ENSURE COMPLIANCE WITH APPLICABLE REGULATIONS?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
6. HOW WILL YOU MANAGE POTENTIAL CONFLICTS OF INTEREST THAT MAY ARISE IF YOU ARE WORKING FOR THE PRIVATE SECTOR THAT MAY BRING APPLICATIONS TO THE CITY OR RELY ON COMPLIANCE WITH REGULATIONS YOU MAY INFLUENCE THROUGH CITY CODE UPDATES?											TOTAL
Score:	10	9	8	7	6	5	4	3	2	1	/10
Comments:											
Subtotal											/60

7. WHAT ARE YOUR BACKUP PLANS IN THE EVENT OF VACATION, ILLNESS, ETC.? WHO WILL BE THE POINT OF CONTACT?												TOTAL
Score:	10	9	8	7	6	5	4	3	2	1		/10
Comments:												
8. OVERVIEW OF NEXT STEPS												
USE ATTACHMENT												
9. QUESTIONS FROM FIRM?												
OTHER COMMENTS												
Comments:												
Total Score:												/70

Regular Planning Commission

6. 7.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Update on Legislation Related to Variance Authority

Background:

Minnesota Statute Section 462.357 is the enabling statute that gives cities police powers to provide zoning ordinances and sets forth basic guidelines and processes that cities must follow in order to provide zoning ordinances. Located within this section of the Statute are guidelines and processes for variances, or deviations from the literal interpretation of the rules and regulations set forth in local ordinances. In 2010, the Minnesota Supreme Court issued a ruling that changes how cities are able to interpret and review variances to zoning ordinances. In response, the Minnesota Legislature has proposed amendments to Minnesota Statute Section 462.357 in an attempt to return to previous practices in variance review.

Notification:

No notification required.

Observations:

In 2010, the Minnesota Supreme Court heard a case regarding the interpretation of 'undue hardship' and 'reasonable use' in a case for a request for a Variance in the City of Minnetonka. The Minnesota Supreme Court ruled that the City of Minnetonka, using a previously accepted Minnesota Supreme Court ruling, inappropriately interpreted and applied the reasonable use standard related to variances. Under previous interpretation, an applicant only needed to illustrate that the request for a variance was reasonable.

Although the Minnesota Supreme Court ruling was related to a land use application outside of the City of Ramsey, it changed how the City is legally able to interpret Minnesota Statutes and provide for the Variance process within its own ordinances. As stated in the recent planning commission workshop, the power to provide zoning and subdivision ordinances is not an inherent right, but a police power provided to the City through state enabling statutes.

Legislation has been introduced in both the Minnesota House and Senate for consideration (HF 0052 and SF 0013). The bill attempts to provide language to return to the previous interpretation of reasonable use. The bill also amends Minnesota Statute 394, the enabling statute for counties. The bill attempts to provide a consistent interpretation for both cities and counties, an interpretation that currently differs between the two levels of zoning authority. Please note that only language in Minnesota Statute Section 462 would impact the City, and not Section 394. The bill has passed the House and is now under review by the Senate. A copy of the bill is attached for review.

Regardless of the outcome of the proposed legislation, Staff continues to recommend reviewing our current ordinances and to look for opportunities to build flexibility into the ordinances themselves versus relying on variances as a flexibility tool. Staff finds variances a necessary tool to capture those unique circumstances that may not have been thought of at the time of drafting of an ordinance, but also finds opportunities to provide such flexibility while limiting discretionary or subjective review.

Funding Source:

Review, tracking, and monitoring of the proposed legislation are being handled as part of regular staff duties.

Staff Recommendation:

No recommendation needed at this time.

Committee Action:

No action needed at this time.

Attachments

Variance Legislation

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/21/2011 02:33 PM
Aaron Backman	Aaron Backman	04/26/2011 02:06 PM
Form Started By: Tim Gladhill		Started On: 04/15/2011 08:51 AM
	Final Approval Date: 04/26/2011	

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State of Minnesota

Printed
Page No. **16**

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH
SESSION

HOUSE FILE No. **52**

January 10, 2011

Authored by Peppin, Smith, Nelson, Mahoney, Westrom and others

The bill was read for the first time and referred to the Committee on Government Operations and Elections

February 24, 2011

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to local government; providing for variances from city, county, and town
1.3 zoning controls and ordinances; amending Minnesota Statutes 2010, sections
1.4 394.27, subdivision 7; 462.357, subdivision 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 394.27, subdivision 7, is amended to read:

1.7 Subd. 7. **Variances; hardship practical difficulties**. The board of adjustment
1.8 shall have the exclusive power to order the issuance of variances from the terms of any
1.9 official control including restrictions placed on nonconformities. Variances shall only be
1.10 permitted when they are in harmony with the general purposes and intent of the official
1.11 control ~~in cases when there are practical difficulties or particular hardship in the way of~~
1.12 ~~carrying out the strict letter of any official control~~, and when the terms of the variance
1.13 are consistent with the comprehensive plan. ~~"Hardship" as used in connection with the~~
1.14 ~~granting of a variance means the property in question cannot be put to a reasonable use~~
1.15 ~~if used under the conditions allowed by the official controls; the plight of the landowner~~
1.16 ~~is due to circumstances unique to the property not created by the landowner; and the~~
1.17 ~~variance, if granted, will not alter the essential character of the locality. Variances may be~~
1.18 ~~granted when the applicant for the variance establishes that there are practical difficulties~~
1.19 ~~in complying with the official control. "Practical difficulties," as used in connection with~~
1.20 ~~the granting of a variance, means that the property owner proposes to use the property in a~~
1.21 ~~reasonable manner not permitted by an official control; the plight of the landowner is due~~
1.22 ~~to circumstances unique to the property not created by the landowner; and the variance,~~
1.23 ~~if granted, will not alter the essential character of the locality. Economic considerations~~
1.24 ~~alone shall do not constitute a ~~hardship~~ if a reasonable use for the property exists under~~

2.1 ~~the terms of the ordinance~~ practical difficulties. Practical difficulties include, but are not
 2.2 limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be
 2.3 granted for earth sheltered construction as defined in section 216C.06, subdivision 14,
 2.4 when in harmony with the official controls. No variance may be granted that would allow
 2.5 any use that is ~~prohibited~~ not allowed in the zoning district in which the subject property is
 2.6 located. The board of adjustment may impose conditions in the granting of variances to
 2.7 insure compliance and to protect adjacent properties and the public interest. ~~The board~~
 2.8 ~~of adjustment may consider the inability to use solar energy systems a "hardship" in~~
 2.9 ~~the granting of variances.~~

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.11 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.12 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and
 2.13 adjustments may be taken by any affected person upon compliance with any reasonable
 2.14 conditions imposed by the zoning ordinance. The board of appeals and adjustments has
 2.15 the following powers with respect to the zoning ordinance:

2.16 (1) To hear and decide appeals where it is alleged that there is an error in any
 2.17 order, requirement, decision, or determination made by an administrative officer in the
 2.18 enforcement of the zoning ordinance.

2.19 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~
 2.20 ~~in instances where their strict enforcement would cause undue hardship because of~~
 2.21 ~~circumstances unique to the individual property under consideration, and to grant such~~
 2.22 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~
 2.23 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting~~
 2.24 ~~of a variance means the property in question cannot be put to a reasonable use if used~~
 2.25 ~~under conditions allowed by the official controls; terms of the zoning ordinance including~~
 2.26 restrictions placed on nonconformities. Variances shall only be permitted when they are in
 2.27 harmony with the general purposes and intent of the ordinance and when the terms of the
 2.28 variance are consistent with the comprehensive plan. Variances may be granted when the
 2.29 applicant for the variance establishes that there are practical difficulties in complying with
 2.30 the zoning ordinance. "Practical difficulties," as used in connection with the granting of
 2.31 a variance, means that the property owner proposes to use the property in a reasonable
 2.32 manner not permitted by the zoning ordinance; the plight of the landowner is due to
 2.33 circumstances unique to the property not created by the landowner; and the variance, if
 2.34 granted, will not alter the essential character of the locality. Economic considerations alone
 2.35 ~~shall~~ do not constitute ~~an undue hardship if reasonable use for the property exists under~~

3.1 ~~the terms of the ordinance. Undue hardship also includes~~ practical difficulties. Practical
3.2 difficulties include, but ~~is~~ are not limited to, inadequate access to direct sunlight for solar
3.3 energy systems. Variances shall be granted for earth sheltered construction as defined in
3.4 section 216C.06, subdivision 14, when in harmony with the ordinance. The board of
3.5 appeals and adjustments or the governing body as the case may be, may not permit as a
3.6 variance any use that is not ~~permitted~~ allowed under the zoning ordinance for property in
3.7 the zone where the affected person's land is located. The board or governing body as the
3.8 case may be, may permit as a variance the temporary use of a one family dwelling as a two
3.9 family dwelling. The board or governing body as the case may be may impose conditions
3.10 in the granting of variances to insure compliance and to protect adjacent properties.

3.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

Regular Planning Commission

6. 8.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Review Upcoming Comprehensive Plan Amendments

Background:

The City has several planned and required Comprehensive Plan Amendments (CPAs) pending in the near future. These include, but are not limited to, amendments to The COR Master Plan, Wellhead Protection (MN Dept. of Health Requirement), Closed Landfill (MN Pollution Control Agency), the Master Parks and Trail Plan, and future planning for the 167th Avenue/TH 47 (Saint Francis Boulevard node). In addition, the City is scheduled to receive a revised System Statement related to transportation as well as parks and open space which may require amendments to the 2030 Comprehensive Plan. A presentation Staff has prepared for the Metropolitan Council staff is attached for your review.

With a new planning consultant on board in June to assist with daily activities in the Planning Division, Staff is looking for any additions, deletions, or changes and a recommended plan for public input for these CPAs.

Notification:

No notification required.

Observations:

Funding Source:

Amendments to the Comprehensive Plan are being handled as part of regular staff duties.

Staff Recommendation:

Staff recommends the Planning Commission recommend any additions, deletions, or changes and public input processes for pending Comprehensive Plan Amendments.

Committee Action:

Recommend any additions, deletions, or changes and public input processes for the proposed Comprehensive Plan Amendments.

Attachments

Metropolitan Council Presentation

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/21/2011 02:33 PM
Aaron Backman	Aaron Backman	04/26/2011 02:10 PM
Form Started By: Tim Gladhill		Started On: 04/18/2011 08:16 AM
	Final Approval Date: 04/26/2011	

2030 COMPREHENSIVE PLAN

CITY OF RAMSEY
PROPOSED AMENDMENTS

CHAPTER 4: ASSUMPTIONS

Changes as needed per revised system statement

Market reality of forecasts

- Beyond 2030?



FORECASTS

	2010	2020	2030
Households	9,793	13,046	16,298
Population	28,121	36,329	43,561
Employment	6,700	9,100	11,938

FORECAST REALITY?

Current households = 8,302

Forecasted households = 16,298

Difference = 7,996

Per year to 2030 = 400 units/year

Can we extend the forecasted totals beyond 2030?



CHAPTER 5: LAND USE

The COR Master Plan (formerly Ramsey Town Center)

Country Crossings Planning (TH 47 & 167th Avenue Commercial Node)

Closed Landfill Land Use Plan

Hope Fellowship

Green Valley Commercial Node



THE COR MASTER PLAN

Additional retail commercial

- 50 Acres
- 'The West 50'

Reduction in housing units

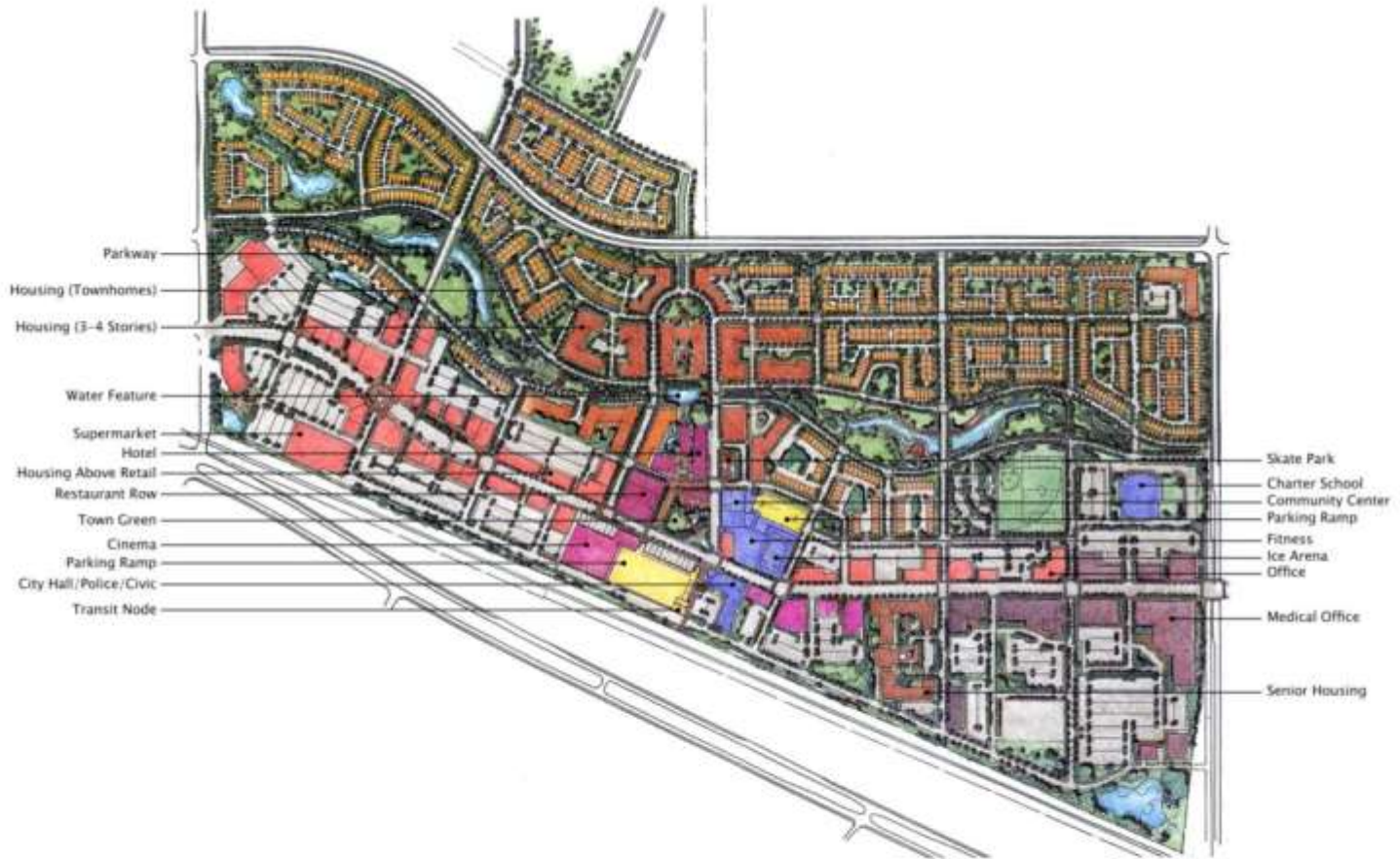
- Off-set by recently approved projects?

Retail to anchor/support mixed-use area

Extensive public input



THE COR CURRENT MASTER PLAN



12 March 2004



RAMSEY TOWN CENTER
Ramsey, Minnesota

Site Plan

THE COR PROPOSED MASTER PLAN



LAND DESIGNATION

- PARK/PUBLIC SPACES
- PARCELS FOR SALE
- PARCELS OWNED BY OTHERS

DEVELOPMENT STATUS

- EXISTING DEVELOPMENT
- PROPOSED DEVELOPMENT
- ACTIVE DEALS
- UNDER CONTRACT

ACCESS

- EXISTING SIGNALIZED INTERSECTION
- FUTURE SIGNALIZED INTERSECTION
- FULL INTERSECTION
- NO LEFT OUTBOUND MOVEMENTS
- PARKING RAMP

TRAFFIC INFORMATION

ADT INFORMATION TAKEN FROM 2009 ACTUAL COUNTS AND 2030 PROJECTED VOLUMES



**DEVELOPMENT
PLAN 5.00**

31-M-2011

COUNTRY CROSSINGS

Redevelopment Opportunities

Struggling retail commercial

New water tower

Available water

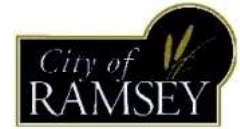
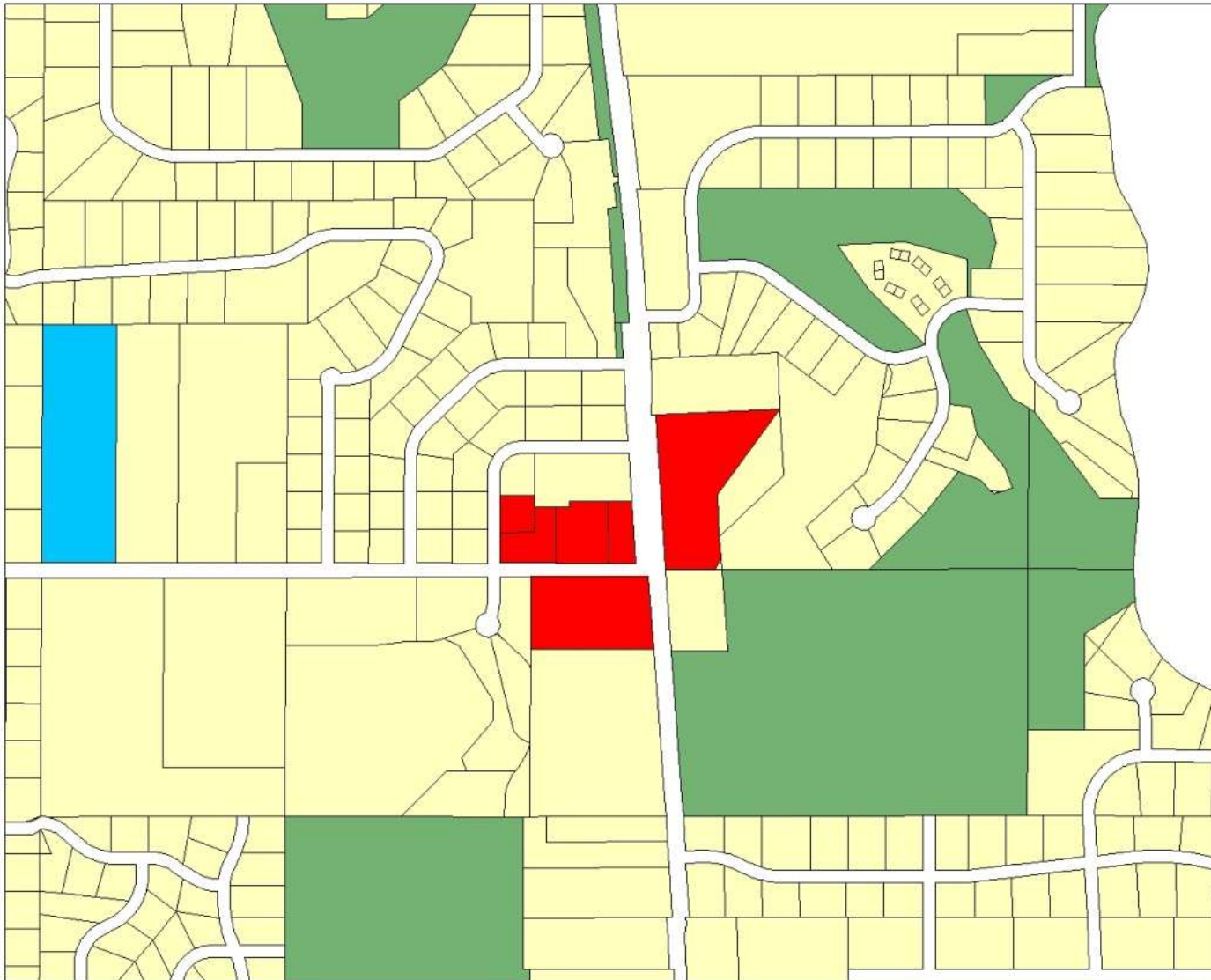
Future sewer

Increased housing densities?

Reduction on commercial acreage?



COUNTRY CROSSINGS



Country Crossings

Legend

- Parcels
- ramsey_flu**
- 11_2003_LU**
- LDR
- MDR
- HDR
- Office Park
- Commercial
- MU
- Business Park
- Public
- Rural Developing
- Rural Preserve
- Park



0 0.05 0.1 Miles



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The City of Ramsey does not warrant that the GIS data can be used for exact measurements of distance or direction or precision in the depiction of geographic features. Parcel or block boundaries are shown approximately (782-4276412).

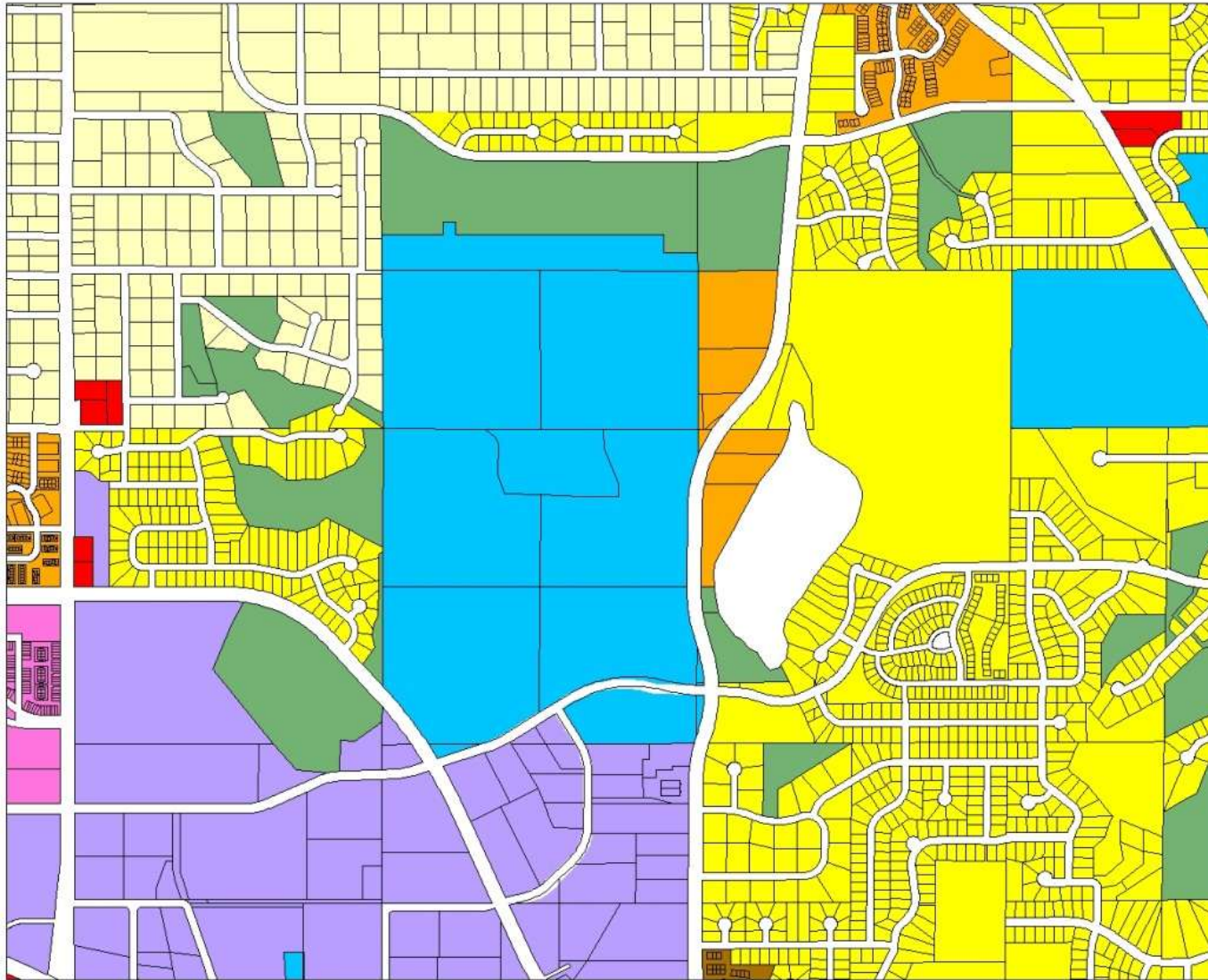
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CLOSED LANDFILL

Minnesota Pollution Control Agency is requiring consistency with their land use plan

- Already eliminated future industrial
- Elimination of MDR area (impact on forecasts and affordable housing capacity)
 - Three (3) parcels
 - Approximately 15 acres

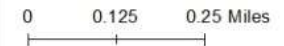
CLOSED LANDFILL



Closed Landfill

Legend

-  Parcels
- ramsey_flu**
- 11_2003_LU**
-  LDR
-  MDR
-  HDR
-  Office Park
-  Commercial
-  MU
-  Business Park
-  Public
-  Rural Developing
-  Rural Preserve
-  Park



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HOPE FELLOWSHIP

Approximately 30 Acres

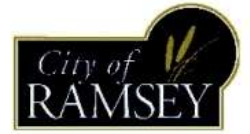
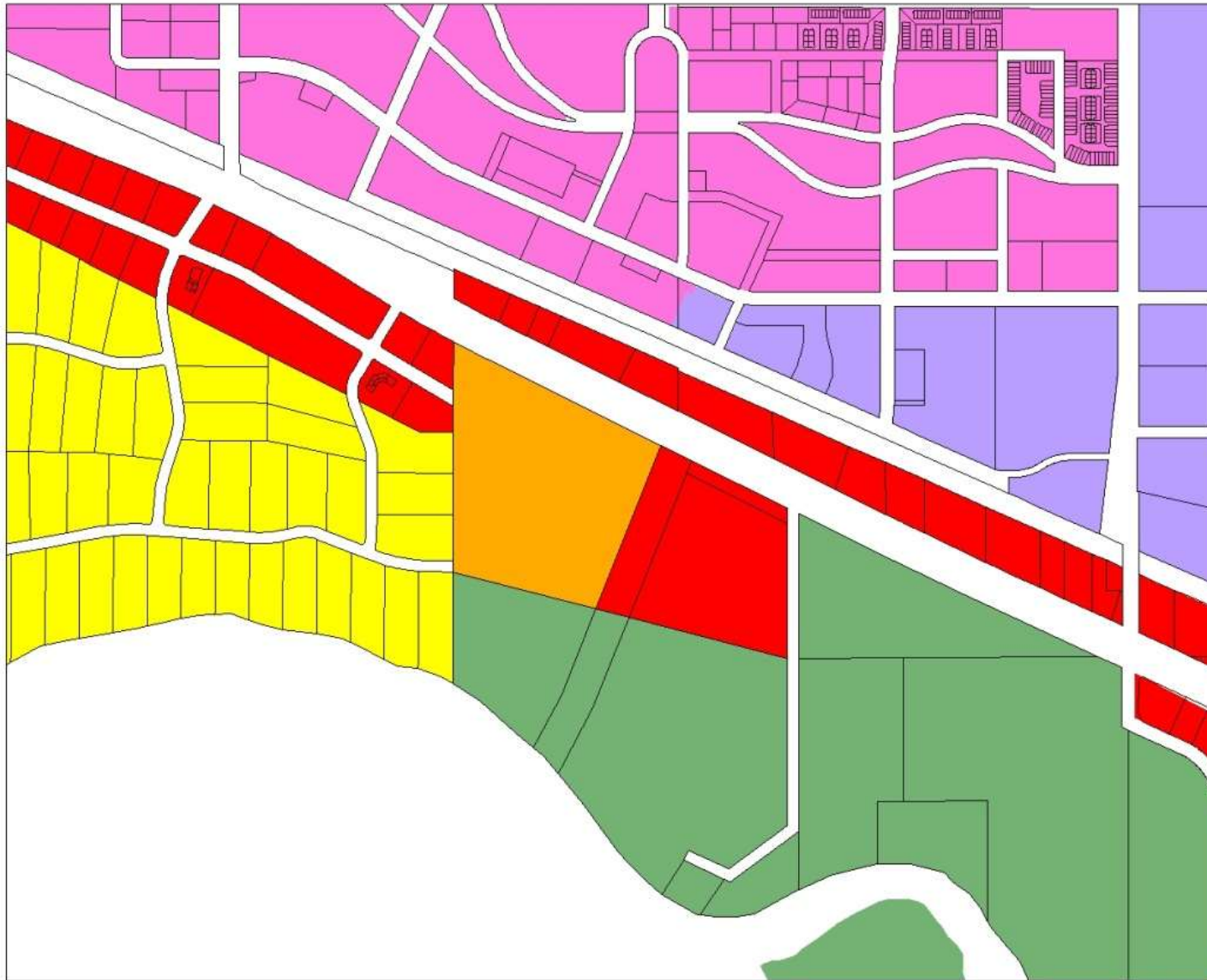
Formerly guided Commercial

Currently guided MDR

Property owner want to revert back to Commercial



HOPE FELLOWSHIP



Hope Fellowship

Legend

- Parcels
- ramsey_flu
- 11_2003_LU
- LDR
- MDR
- HDR
- Office Park
- Commercial
- MU
- Business Park
- Public
- Rural Developing
- Rural Preserve
- Park



0 0.05 0.1 Miles

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GREEN VALLEY COMMERCIAL

Two (2) parcels

Approximately six (6) acres

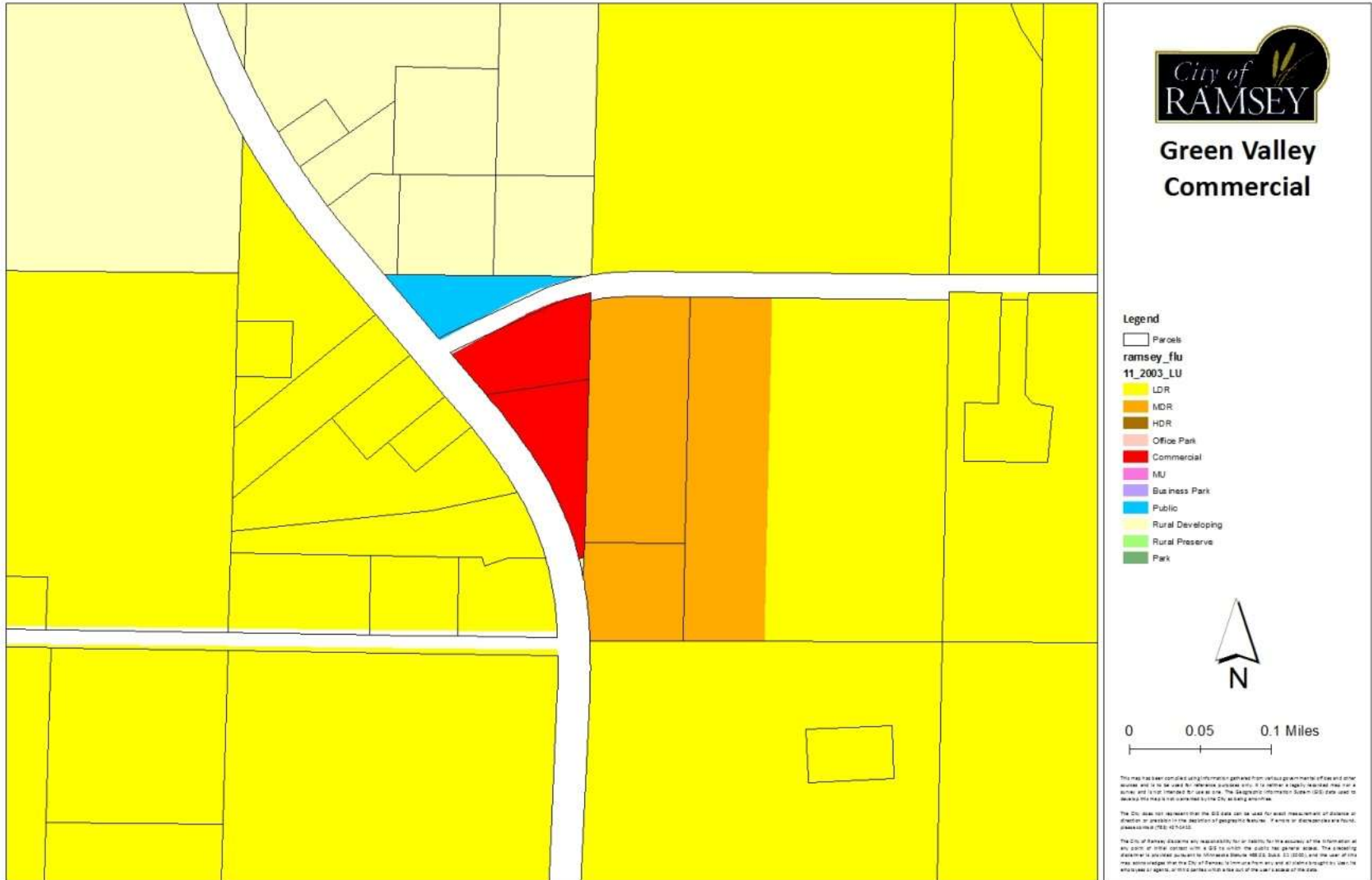
Formerly guided Rural Developing

Currently guided Commercial

Property owner desires to revert to residential

- Now within MUSA with 2030 Plan

GREEN VALLEY COMMERCIAL



CHAPTER 6: TRANSPORTATION

Re-examine TAZs

Revised TPP

Future Transportation Map

COR/Mississippi West Highway 10 Pedestrian Crossing

Rum River Central Regional Park



TAZ

Potential issues with methodology connecting to Future Land Use Map

Re-evaluate using better technology

Better reflection of distribution

Coordination with Anoka County sub-TAZ

Utilize updated data from transportation studies



TPP

What about Highway 10 and the investment the City and Metropolitan Council have already made?

- Don't expect to resolve today

FUTURE TRANSPORTATION MAP

Variolite Street Extension

167th Avenue Extension



COR/MISSISSIPPI WEST PEDESTRIAN CROSSING

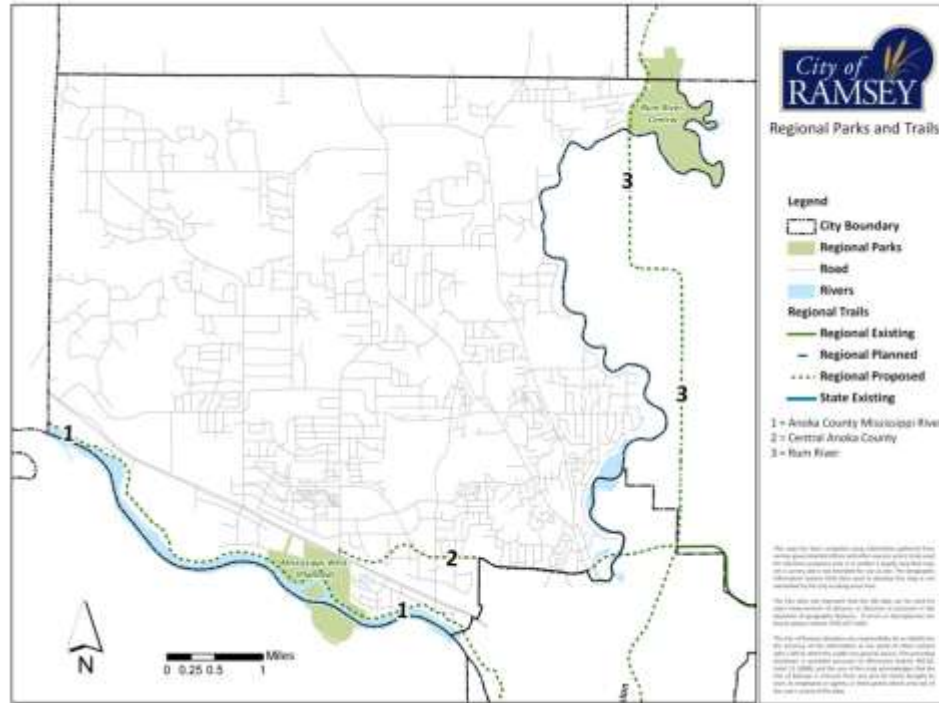
Connection to Regional Systems

- Mississippi West Regional Park
- Mississippi Anoka County Regional Trail
- Central Anoka County Regional Trail
- Highway 10
- Northstar Commuter Rail

Addition as future Regional Trail?



COR/MISSISSIPPI WEST CONNECTION



RUM RIVER CENTRAL REGIONAL PARK

Remove reference to boundary adjustment consistent with Plan approval



CHAPTER 7: HOUSING

Amendment as required by recent and proposed amendments



CHAPTER 9: WATER RESOURCES

Wellhead Protection Overlay as required by the Minnesota Dept. of Health



CHAPTER 10: PARKS, RECREATION, AND OPEN SPACE

Consistency with revised Parks and Open Space Plan

Amended City Master Parks and Trail Plan

COR/Mississippi West Pedestrian Crossing



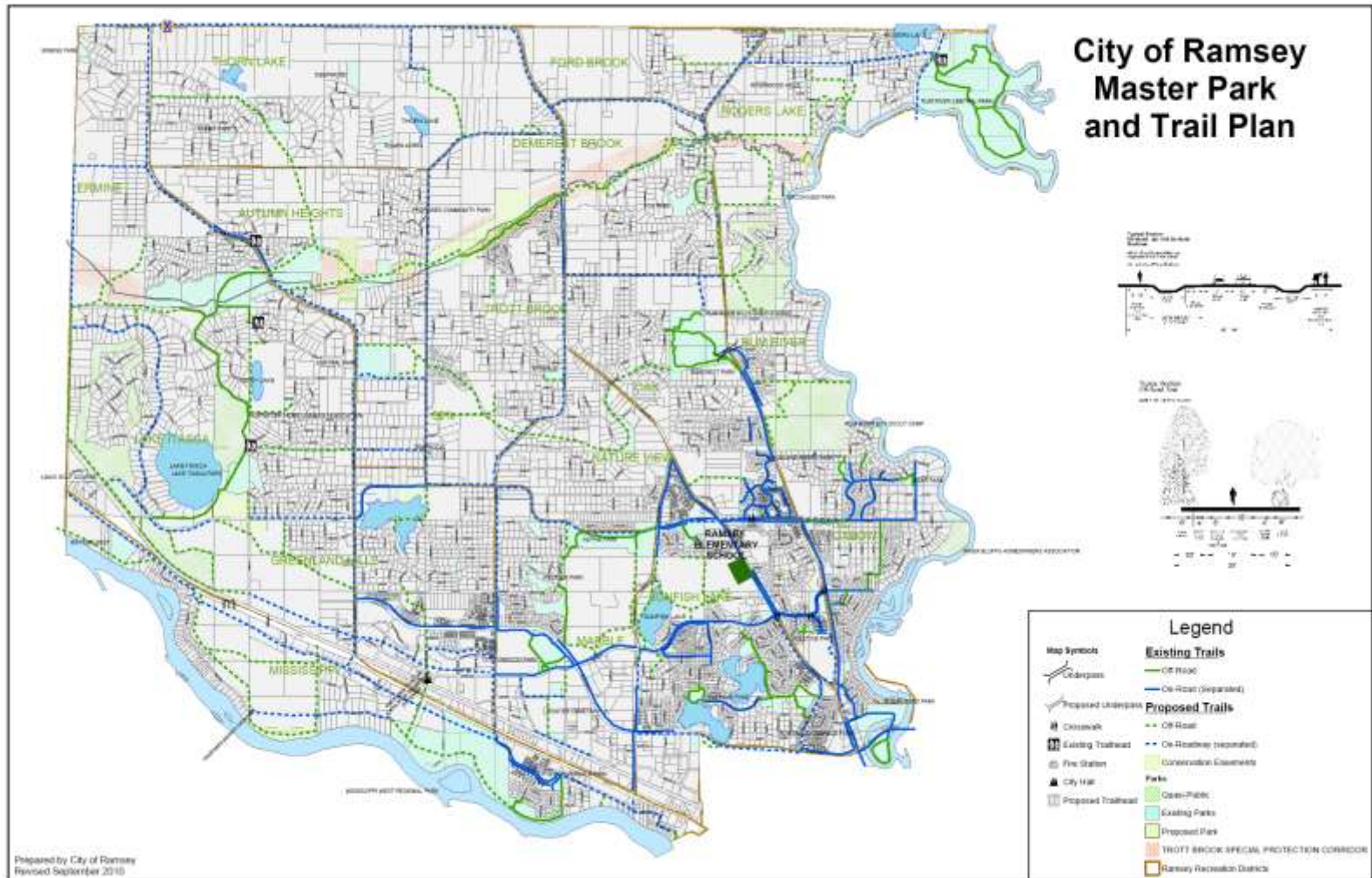
MASTER PARK AND TRAIL PLAN

Amendments to non-regional parks and trails

Change to the map



MASTER PARK AND TRAIL MAP



STRATEGY

Consolidate where possible

- Major amendments

Multiple phases

- Timing constraints and requirements



Regular Planning Commission

6.9.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Staff Update

Background:

The Staff Update is attached.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

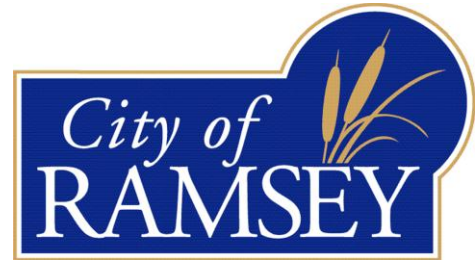
Staff Update

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/29/2011 08:39 AM
Aaron Backman	Aaron Backman	04/29/2011 08:59 AM
Form Started By: Tim Gladhill		Started On: 04/29/2011
	Final Approval Date: 04/29/2011	

Memo

DATE: April 29, 2011
TO: Ramsey Planning Commission
FROM: Community Development Staff
RE: Staff Update



City Council Update. The following is a brief summary of actions taken in April that may be of interest to the Planning Commission:

Ordinance to Amend City Code related to financial sureties. The City Council adopted the ordinance to allow for alternative securities, consistent with the Planning Commission's recommendations.

Amendment to CUP for Cross of Hope. The City Council approved an amendment to the CUP for Cross of Hope to extend the hours of operation to 11:00 p.m., noting that any outdoor activities would need to meet the City's public nuisance regulations.

Ordinance to amend the Official Zoning Map. The City Council adopted the ordinance to amend the Official Zoning Map.

Ordinance to Amend 117-118 (Town Center). The City adopted the ordinance to amend City Code Section 117-118 to rename to The COR.

Consider Site Plan for parking lot amendments at 7533 Sunwood Drive NW. The City Council approved minor parking lot amendments to 7533 Sunwood Drive NW, including a new access onto Sunwood Drive.

Economic Development, The COR, and General Development Update. Staff will be available to provide a general update on development in the City.

Regular Planning Commission

6. 10.

Meeting Date: 05/05/2011

By: JoAnn Shaw, Community Development

Title:

Zoning Bulletins

Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Zoning Bulletins

Form Review

Inbox
Tim Gladhill
Aaron Backman

Reviewed By
Tim Gladhill
Aaron Backman

Date
04/28/2011 09:20 AM
04/28/2011 10:32 AM
Started On: 04/26/2011 03:46 PM

Form Started By: JoAnn Shaw

Final Approval Date: 04/28/2011

Zoning Bulletin

in this issue:

Variance—Homeowners Ask For Variance From
Roof Height Limit, Claiming Hardship Was Fault
of Their Contractor 2

Hearings—Court Remands Subdivision Permit
Application To Board For Further Consideration 4

Referendum—After County Rejects Citizens’
Proposed Zoning Amendment, Citizens Demand
Referendum Vote 6

Findings—In Denying Variance Requests, Board
Summarizes Evidence In a Section Separate From Its Findings 8

Zoning News from Around the Nation 10

Variance—Homeowners Ask For Variance From Roof Height Limit, Claiming Hardship Was Fault of Their Contractor

Neighbors say variance cannot be issued because hardship was self-created

Citation: *Morikawa v. Zoning Bd. of Appeals of Town of Weston*, 126 Conn. App. 400, 2011 WL 341683 (2011)

CONNECTICUT (02/08/11)—This case addressed the issue of “whether a hardship created by the error of the [homeowners’] contractor and/or architect is self-created” and, as such, insufficient to justify a variance.

The Background/Facts: Joseph Ryan and Lois Ryan (the “Ryans”) constructed a single-family home in the town. The home was located in a district that only permitted single-family homes with a maximum height of 35 feet.

Approximately four months after its completion, the town’s code enforcement officer determined that the roof was 37 feet, seven inches

Contributors

Corey E. Burnham-Howard

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high. A cease and desist order was issued to the Ryans. The order required them to “remove the height violation and bring the structure into compliance.” On appeal by the Ryans, the town’s zoning board of appeals (“the “ZBA”) upheld the cease and desist order.

The Ryans then applied for a variance. They asked the Board to grant them a variance from the 35-foot building height limit. They maintained that they were entitled to a variance because enforcement of the height limit was a hardship for them. They said that the fact that their roof was nearly three feet above the height limit was the fault of their independent contractor and/or architect. Thus, they said their hardship resulted from “a voluntary act by one other than the one whom the variance would benefit.” In other words, they argued that since the roof height error was not their fault, they should get the variance.

The Board granted the variance.

The Ryans’ abutting neighbors, Curtis Morikawa and Diane Lynch (the “Neighbors”), appealed. They argued that the Ryans’ hardship was self-created, and that, as such, it was insufficient to justify the grant of a variance. The court agreed.

The Ryans appealed. On appeal, they maintained that the court improperly concluded that their hardship was self-created.

DECISION: Affirmed.

The Appellate Court of Connecticut held the alleged errors of the Ryans’ architect and/or general contractor were attributable to the Ryans, and thus, the Ryans’ claimed hardship was self-created, precluding the granting of a zoning ordinance.

The court explained that a variance gives permission “to act in a manner that is otherwise prohibited under the zoning law of the town” “An applicant for a variance must show that, because of some peculiar characteristic of his property, the strict application of the zoning regulation produces an unusual hardship, as opposed to the general impact which the regulation has on other properties in the zone.” The court further explained that a zoning board of appeals may grant a variance only when two basic requirements are satisfied: “(1) the variance must be shown not to affect substantially the comprehensive zoning plan”; and “(2) adherence to the strict letter of the zoning ordinance must be shown to cause unusual hardship unnecessary to the carrying out of the general purpose of the zoning plan.” Without hardship, a variance may not issue, emphasized the court. Moreover, a “mere economic hardship or a hardship that was self-created ... is insufficient to justify a variance.”

Here, the Neighbors had argued that a variance should not issue because the Ryans’ hardship was self-created. The Ryans had countered that their hardship was not self-created, but was created by the error of the contractor and/or the architect. The appellate court agreed with the Neighbors. The court acknowledged that variances may be issued when

the hardship is created by “a voluntary act by one other than the one whom the variance will benefit.” That, however, was not the case here. Rather, the court found that here, the errors of the architect and/or general contractor that resulted in the roof exceeding the 35-foot height requirement were “attributable to the [Ryans] because the voluntary acts of those persons were on behalf of the ones whom the variance would benefit [(i.e., the Ryans)].” Thus, concluded the court, the Ryans’ hardship was self-created. As such, the Board could not grant the variance sought by the Ryans.

See also: *Highland Park, Inc. v. Zoning Bd. of Appeals of Town of North Haven*, 155 Conn. 40, 229 A.2d 356 (1967).

See also: *Pollard v. Zoning Bd. of Appeals of City of Norwalk*, 186 Conn. 32, 438 A.2d 1186 (1982).

Case Note: The Ryans had also asked the court “to recognize a ‘de minimis’ deviation exception that would obviate the need for the homeowners to prove hardship.” The appellate court refused to do so. The court noted that the authority to grant a variance is controlled by statute. The governing statute—Conn. Gen. Stat. § 8-6(a) (3)—did “not allow a variance unless the applicant proves there is an ‘exceptional difficulty or unusual hardship’”

Hearings—Court Remands Subdivision Permit Application To Board For Further Consideration

Board asks whether applicant is entitled to a contested case hearing or merely a public hearing

Citation: *Sheridan County Com’n v. V.O. Gold Properties, LLC*, 2011 WY 16, 2011 WL 338723 (Wyo. 2011)

WYOMING (02/04/11)—This case addressed the issue of whether, under Wyoming law, a subdivision applicant is entitled to a contested case hearing.

The Background/Facts: V.O. Gold Properties, LLC (“Gold”) owned property in the county. In 2009, Gold submitted a subdivision and final plat application to the county Public Works Department. The county Planning and Zoning Commission (the “PZC”) recommended denial of the application. The Board of County Commissioners (the “Board”) ultimately denied the application. The record basis for the Board’s decision was limited to the minutes of the meeting at which the denial was made. This was because the Board’s recording equipment failed. Addi-

tionally, no separate findings of fact, conclusions of law, or final order were entered.

Gold filed in court a Petition for Review. He challenged the Board's denial of his subdivision and final plat application. Among other things, he argued that the Board's decision was: "arbitrary, capricious, an abuse of discretion, and not in conformity with law."

The Board conceded that the agency record was inadequate and that remand was necessary to make a complete record.

The district court reversed the Board's decision to deny Gold's subdivision permit. The court remanded the matter to the Board for an "appropriate hearing."

The Board appealed, asking the appellate court to determine whether the hearing it must provide on remand had to be: a contested case hearing (i.e., trial-type hearing) or a public hearing.

DECISION: Affirmed in part, reversed in part, and remanded.

The Supreme Court of Wyoming held that the Board needed only to hold a public hearing on whether to grant Gold's subdivision permit; Gold was not entitled to a contested case hearing before the Board.

The court explained that, in determining whether or not a subdivision applicant (such as Gold) is entitled to a contested case hearing, the court first needs to determine whether there is any law that requires a trial-type hearing. The court found that no law required such a hearing. Wyoming statutory law governing real estate subdivisions (Wyo. Stat. Ann. §§ 18-5-301 et seq.) did not require a board of county commissioners or a county planning commission to provide a contested case hearing to an applicant for a subdivision permit. The rules and regulations adopted by the PZC in this case also did not require contested case hearings for subdivision and plat applications. They required only that the PZC receive "public comment" on the preliminary plat and the final plat.

Having found that "neither the statutes nor the administrative rules provide[d] for a contested case hearing," the court further explained that a contested case hearing to deny or approve a subdivision permit would be required "only if the applicant has a property right in that subdivision plan that is protected by constitutional due process." In other words, since the statutes and rules did not require a contested case hearing, Gold would only get such a hearing if it had a vested property right in its subdivision plan. A vested property right, said the court, required "more than an abstract need or desire for it ... [and] more than a unilateral expectation of it"; it required a "legitimate claim of entitlement to it." The court found "no authority that suggests a property owner has a vested right in a contemplated development or subdivision."

Thus, concluded the court, Gold, "under the existing statutes and county regulations, was not entitled to a contested case hearing, and the prospect of developing a subdivision is not a vested property right pro-

ected by the constitutional right to due process.” Therefore, no law required a contested case hearing for a subdivision permit application.

The court remanded Gold’s subdivision permit application back to the Board for further consideration under a public hearing.

See also: *Foster’s Inc. v. City of Laramie*, 718 P.2d 868 (Wyo. 1986).

Case Note: The court also noted that a “subdivision permit application is more nearly akin to legislative action[—which produces a general rule or policy—]than it is to adjudicative action[—which applies to identifiable persons and specific situations]” because a subdivision “implicates many policy and public welfare considerations.” The court said that while the determination of “adjudicative facts” requires a contested case hearing, the determination of “legislative facts” does not.

Referendum—After County Rejects Citizens’ Proposed Zoning Amendment, Citizens Demand Referendum Vote

County says proposed amendment is not a legislative decision and thus not referable to a referendum vote

Citation: *Grant County Concerned Citizens v. Grant County Bd. of Com’rs*, 2011 SD 5, 2011 WL 325630 (S.D. 2011)

SOUTH DAKOTA (02/02/11)—This case addressed the following issue: “whether a proposed amendment to a zoning ordinance that is rejected by a county commission is referable to the qualified voters of the county.”

The Background/Facts: Grant County Concerned Citizens (“Citizens”) submitted a proposed amendment to a zoning ordinance to the Grant County Board of Commissioners (the “Board”). Citizens proposed to increase the setbacks for concentrated animal feeding operations. After public hearing and consideration, the Board rejected Citizens’ proposed amendment.

Citizens then petitioned the Board to refer the proposed amendment to a public vote. The Board rejected this referendum petition. It said that the matter was not referable.

Citizens then filed in court a request for the court to order (i.e., a writ of mandamus) the Board to refer the proposed amendment to a public vote. The circuit court agreed with the Board. It held that Citizens’ pro-

posed amendment was not a legislative decision and was therefore not referable to a referendum vote.

Citizens appealed.

DECISION: Affirmed.

The Supreme Court of South Dakota held that a proposed amendment to a zoning ordinance is not a legislative decision, and, thus, is not referable to a referendum vote.

The court explained that the procedure for submitting an amendment of an ordinance was governed by South Dakota statutory law. SDLC § 11-2-30 provided: "After the hearing, the board shall by resolution or ordinance, as appropriate, either adopt or reject the amendment" That section also provided that § 11-2-22 was applicable. Section 11-2-22 provided: "The comprehensive plan, zoning ordinance, and subdivision ordinance may be referred to a vote of the qualified voters of the county pursuant to §§ 7-18A-15 to 7-18A-24"

The court found that the language of § 11-2-22 referred "only to a 'comprehensive plan, zoning ordinance, and subdivision ordinance.'" Here, noted the court, Citizens was "not seeking any of th[ose] but rather a rejected amendment to a zoning ordinance." The court determined that SDCL § 11-2-22 was not applicable.

Even if § 11-2-22 was applicable, noted the court, § 7-18A-15 (cited in § 11-2-22) allowed that only ordinances or resolutions "adopted by a board" could be referred to a referendum vote. Here, there was no "adoption" of an ordinance; here, the Board "rejected the proposed amendment." Moreover, § 7-18A-15.1 provided only that a "legislative decision of a board of county commissioners is subject to the referendum process." Here, found the court, the Board's rejection of the proposed amendment did not constitute a legislative act. Only affirmative actions effecting some change in an existing ordinance or the passing of a new ordinance may be referred to a referendum vote, said the court.

The court concluded that because the Board's rejection of Citizens' proposed amendment was not a legislative decision (i.e., it "was not an act"), it was not referable to the referendum process.

See also: *Bechen v. Moody County Bd. of Com'rs*, 2005 SD 93, 703 N.W.2d 662 (S.D. 2005).

See also: *Wang v. Patterson*, 469 N.W.2d 577 (S.D. 1991).

Case Note: In emphasizing the difference between legislative decisions—which were subject to referendum vote—and administrative decisions—which were not—the court noted that "all municipal action cannot be subject to local review by the electorate. If govern-

ment is to function there must be some area in which representative action will be final.”

Findings—In Denying Variance Requests, Board Summarizes Evidence In a Section Separate From Its Findings

Applicant says denial should be overturned because separation of findings from evidence prevented meaningful judicial review

Citation: *Critical Area Com'n for Chesapeake and Atlantic Coastal Bays v. Moreland, LLC*, 2011 WL 265852 (Md. 2011)

MARYLAND (02/28/11)—This case addressed the issue of “what level of detail a Board of Appeals must employ in supporting its findings with evidentiary references, in order to enable meaningful judicial review.”

The Background/Facts: Moreland, LLC (“Moreland”) owned two parcels on the north shore of Warehouse Creek in the county. The parcels were within the 100-foot buffer of a “critical area” of the Chesapeake Bay. Under the county’s critical area protection program, certain activities, including “new structure” construction and a specified maximum percentage of vegetation clearing, were prohibited within the 100-foot buffer of tributaries to the Chesapeake Bay. The county code did allow for variances in the critical area under certain conditions and circumstances.

Moreland sought to construct a single-family home on each of its two parcels. Moreland requested variances from the county’s Office of Planning and Zoning. Moreland claimed that “without variance relief from the prohibition on development within the buffer area and from tree clearing limitations, [it] [could] not build any reasonably sized home on these residentially zoned lots.”

An administrative hearing officer denied Moreland’s variance requests.

Moreland appealed, and the county Board of Appeals (the “Board”) also denied the variance requests. In reaching its conclusion, the Board provided a 14-page memorandum opinion after conducting three nights of evidentiary hearings over a course of several months. Among other things, the Board found that “the proposed construction, because of the large area of impervious surface and the removal of significant amounts of vegetation, would adversely affect the water quality of Warehouse Creek.”

Moreland appealed. It contended that the Board's opinion denying the variance failed to provide sufficient detail and reasoning to enable meaningful judicial review. Moreland contended that "the central issue '[was] not whether there [was] substantial evidence in the record,' but rather, whether the [Board]'s opinion denying the variance requests [was] amenable to meaningful judicial review." Moreland said it was not because each of the Board's findings was not immediately followed by supportive and specific evidentiary references.

The circuit court agreed with Moreland. It found that the separation of findings from the evidence in the Board's opinion prevented meaningful judicial review. It concluded that the Board failed to adequately support in its written decision any of its adverse findings with references to specific evidence. The court remanded the matter back to the Board.

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays and the South River Federation (collectively, the "Bays Commission") appealed. The Bays Commission countered that the Board's opinion adequately reflected that substantial evidence existed in support of its findings.

The court of special appeals agreed with the circuit court.

The Bays Commission again appealed.

DECISION: Reversed, and matter remanded.

The Court of Appeals of Maryland found that the Board's decision did permit meaningful judicial review and therefore should be upheld. The court held that the Board provided sufficient reasoning for its conclusion that Moreland had failed to establish that its proposed development in the critical area would not adversely affect water quality.

In so concluding, the court found that the Board's opinion "contained clear adverse findings, as well as summaries of substantial evidence supporting those findings." The court said that the Board did not, as Moreland had argued, need to describe the evidentiary foundation for each of its findings immediately following each findings. All that was needed was "articulated evidence in support of conclusory finding[s]."

The court explained that when a board of appeals "merely states conclusions, without pointing to the evidentiary bases for those conclusions, such findings are not amenable to meaningful judicial review and a remand is warranted." However, "[i]n contrast, ... when the [b]oard of [a]ppeals refers to evidence in the record in support of its findings, meaningful judicial review is possible."

The court determined that the present case fell within the latter category. This was because the Board, in its determination that the Moreland variances should be denied, "explicitly summarized evidence presented by several witnesses supporting its conclusions, albeit in a separate section, enabling meaningful judicial review." Because the board of appeals summarized substantial evidence in support of its conclusory findings,

meaningful judicial review was possible, concluded the court. Accordingly, the court held that the board's decision should be affirmed.

See also: *Bucktail, LLC v. County Council of Talbot County*, 352 Md. 530, 723 A.2d 440 (1999).

See also: *Annapolis Market Place, L.L.C. v. Parker*, 369 Md. 689, 802 A.2d 1029 (2002).

See also: *Mastandrea v. North*, 361 Md. 107, 760 A.2d 677 (2000)
Chesley v. City of Annapolis, 176 Md. App. 413, 933 A.2d 475 (2007).

See also: *Alviani v. Dixon*, 365 Md. 95, 775 A.2d 1234 (2001).

Case Note: In its decision, the court emphasized that a board of appeals could, in a section separate from its findings, summarize the evidence. Doing so would not "deprive[] the [b]oard's conclusory findings of adequate evidentiary support."

Zoning News from Around the Nation

CONNECTICUT

State Representative Jonathan Steinberg (D-136th District) has proposed legislation to amend the state's affordable housing laws. Under Steinberg's proposal, "municipalities would be able to consider whether affordable housing development proposals follow 'principles of smart growth.'" Currently, municipalities cannot deny or request changes to proposed affordable housing developments unless they violate established health and safety standards. Steinberg's bill is now before the Housing Committee.

Source: *The Daily Easton*; www.thedailyeaston.com

MARYLAND

The Howard County Council has voted "to change the county zoning law to allow beehives at reduced setbacks under certain conditions." Prior to the recent change, "apiaries (a cluster of beehives) fell under the zoning regulations for farming, which require animal shelters to be set back at least 200 feet from neighboring properties." Apiaries are now allowed with 25-foot setbacks from neighboring properties (or 10 feet in cases where a six-foot-tall fence or barrier surrounds the apiary).

Source: *Columbia Flyer*; www.explorehoward.com

MASSACHUSETTS

Pending before the state legislature is a bill—the Land Use Reform and Protection Act—that would “reform the state’s zoning laws to make it easier to preserve open space, build affordable housing and mixed-use developments in community centers and ensure that cities and towns are ‘more livable and walkable’ with sidewalks and accommodations for bicycles.”

Source: *Boston Herald*; <http://news.bostonherald.com>

OHIO

Madeira is reportedly considering “dark-sky” zoning legislation. The legislation would require “outdoor lights to be shielded and to be directed downward instead of upward.” One councilman reported that the legislation “probably would affect only public property initially.” Proponents of the legislation sight benefits to the environment and cost-savings.

Source: *Cincinnati.com*; <http://news.cincinnati.com>

VIRGINIA

The state senate recently passed a “controversial aquaculture bill”—Senate Bill 1190. The bill, which now heads to the House of Delegates for consideration, would “roll commercial aquaculture activities under the protections of the Virginia Right to Farm Act.” Opponents of the bill have claimed the bill “would strip local authority over zoning issues.” The bill essentially “introduces aquaculture into farming regulations that prevent localities from adopting ordinances requiring special exceptions or use permits for agriculture-related activities in areas where zoning allows agriculture.”

Source: *Daily Press*; <http://articles.dailypress.com>

WEST VIRGINIA

House Bill 2871, which recently passed the House of Delegates, provides that a “brownfield economic development district may not be approved unless the district conforms to a county’s or municipality’s planning and zoning laws.” The bill will now be considered by the state senate.

Source: *The Journal*; www.journal-news.net

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Rezoning—City Denies Churches Applications For Rezoning and Conditional Use Permit to Allow “Assembly Use”

Church argues denials substantially burden the church’s religious exercise in violation of RLUIPA

Citation: *International Church of the Foursquare Gospel v. City of San Leandro*, 2011 WL 505028 (9th Cir. 2011)

The Ninth Circuit has jurisdiction over Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

NINTH CIRCUIT (CALIFORNIA) (02/15/11)—This case addressed the issue of whether a city’s denial of a church’s rezoning and conditional use permit applications substantially burdened the church’s religious exercise in violation of the Federal Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”) (42 U.S.C.A. § 2000cc(a)(1)).

The Background/Facts: International Church of the Foursquare Gospel (“ICFG”) had a dramatically increasing membership. ICFG determined that its present location in the city was too small to support its

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large congregation. It sought to build a new church facility on certain industrial land that it purchased in the city (the "Property").

ICFG's Property was located in the city's Industrial Park ("IP") zoning district. It was also situated in an area set aside in the city's General Plan "to preserve an environment for industrial and technological activity."

The city's zoning code (the "Zoning Code") did not allow in the IP district or other industrial or commercial district of the city: "assembly uses," which included churches and private non-profit clubs, lodges, and organizations. "Assembly uses" were only allowed in: Residential districts, provided the assembly use obtained a conditional use permit ("CUP") or "IP (AU) with Assembly Use Overlay" districts.

ICFG applied to the city for: (1) a rezoning of the Property from IP to "IP (AU) with Assembly Use Overlay"; and (2) a CUP for a proposed assembly use at the Property under the existing IP zoning.

The city's Planning Commission denied ICFG's rezoning application. It did so because it found that ICFG's Property did not meet two criteria of eight that it used in determining suitability of properties for AU Overlay designation. The Planning Commission also denied ICFG's CUP application because of "inconsistency with the zoning and additional factors such as inadequate parking."

ICFG appealed both denials. The City Council also denied both applications.

ICFG appealed to district court. ICFG argued that the city's denial of ICFG's rezoning and CUP applications violated the substantial burden provision of the federal RLUIPA. RLUIPA provides that a government land-use regulation "that imposes a substantial burden on the religious exercise of a ... religious assembly or institution" is unlawful "unless the government demonstrates that imposition of the burden ... is in furtherance of a compelling government interest; and is the least restrictive means of furthering that compelling interest."

Finding there were no material issues of fact in dispute and deciding the matter on the law alone, the district court granted summary judgment in favor of the city. The court concluded that the city's denial of ICFG's rezoning and CUP applications did not violate the substantial burden provision of RLUIPA.

ICFG again appealed.

DECISION: Reversed, and matter remanded.

The United States Court of Appeals, Ninth Circuit, held that the district court erred in holding that: (1) as a matter of law, the city's actions did not impose a substantial burden on ICFG's exercise of religion within the meaning of RLUIPA; and (2) the city's claimed need to preserve properties for industrial use qualified as a compelling governmental interest as a matter of law.

The court explained that RLUIPA applies if “[the] burden is imposed in the implementation of a land use regulation ..., under which a government makes ... individualized assessments of the proposed uses for the property involved.” The court noted that, in this case, the zoning scheme itself “may be facially neutral and generally applicable.” However, it found that the individualized assessment that the city made to determine that ICFG’s rezoning and CUP request should be denied was not.

Here, further explained the court, ICFG bore the burden of proving that the city’s Zoning Code or denial of the CUP imposed a substantial burden on ICFG’s religious exercise, in violation of RLUIPA. To meet that burden, it had to show “more than inconvenience on religious exercise;” it had to show that city placed “substantial pressure” on ICFG “to modify [its] behavior and to violate [its] beliefs.” If ICFG could demonstrate a substantial burden, the city would bear the burden of establishing that its action: “(A) [was] in furtherance of a compelling governmental interest; and (B) [was] the least restrictive means of furthering that compelling government interest.”

The court found that ICFG had presented evidence that “no other suitable sites exist[ed] in the [c]ity to house [ICFG]’s expanded operations.” ICFG had also asserted that its core religious beliefs required it to be able to meet in one place in communal worship with the entire congregation. As such, the court found that ICFG had presented enough evidence to raise a fact issue for trial (thus precluding summary judgment) as to whether the denial of space adequate to house all of ICFG’s operations could be a substantial burden imposed by the city on ICFG. The court remanded the matter back to the district court for further proceedings on the issue.

Also, assuming, for the sake of argument, that ICFG proved a substantial burden, the court noted that the burden would then shift to the city. The city maintained that it had a “compelling interest in preserving [ICFG’s] [P]roperty for industrial use” because it “was located in [a focus area] that [was] specifically targeted in the [c]ity’s General Plan for preservation of industrial and certain commercial development needed to maintain the [c]ity’s job base and economic welfare.”

The court held that “preservation of industrial lands for industrial uses [did] not by itself constitute a ‘compelling interest’ for purposes of RLUIPA.” Nor was “revenue generation” a compelling state interest “sufficient to justify denying a religious institution a CUP when such denial imposes a substantial burden.” Even assuming the city’s interest here was compelling, the court found that there was “a genuine issue of material fact as to whether the [c]ity used the least restrictive means to achieve its interest.” The court noted that the city had not presented “evidence that it could not achieve the same goals by using other property within its jurisdiction for that purpose” (i.e., the purpose of preservation of industrial lands for industrial uses).

For these reasons, the court reversed the district court's order granting summary judgment for the city, and remanded the matter for further proceedings.

See also: *Guru Nanak Sikh Soc. of Yuba City v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006).

See also: *Grace Church of North County v. City of San Diego*, 555 F. Supp. 2d 1126 (S.D. Cal. 2008).

Vested Property Rights—Landowners Spent Millions on Capital Development in Reliance on Zoning Under Preliminary Development Plan

After county rezones land, landowners claim a vested property right

Citation: *Jordan-Arapahoe, LLP v. Board of Com'rs of the County of Arapahoe, Colo.*, 2011 WL 420439 (10th Cir. 2011)

The Tenth Circuit has jurisdiction over Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming.

TENTH CIRCUIT (COLORADO) (02/08/11)—This case addressed the issue of whether a county's approval of a preliminary development plan ("PDP") created a vested property right.

The Background/Facts: Jordan-Arapahoe, LLP and Jacob Mazin Company, Inc. (together, "Jordan-Arapahoe") owned land in the county (the "Property"). A 1998 PDP, amended in 1999, (the "1998/1999 PDP" or the "PDP") rezoned Jordan-Arapahoe's land from agricultural to Mixed Use-Planned Unit Development ("MU-PUD"). The 1998/1999 PDP noted that "Automotive Sales and Repair" was an allowable use under the MU-PUD zoning.

Relying on the 1998/1999 PDP provision of "Automotive Sales and Repair" as an allowed use, Jordan-Arapaho paid approximately \$2.6 million in capital development costs on the Property. The capital development was done in preparation for selling the Property to a buyer interested in using it for an automotive dealership.

In April 2006, Jordan-Arapahoe agreed to sell the Property to CarMax. The sale was contingent upon confirmation that CarMax's intended use of an automotive dealership was permitted under the zoning regulations.

After learning of the planned development, the county Board of Commissioner's (the "County") rezoned the Property. The rezone effectively made it impossible to build a car dealership on the Property and negated Jordan-Arapahoe's contract with CarMax.

Jordan-Arapahoe sued. It claimed that the County's rezone deprived it of a protected property interest without due process in violation of the 14th Amendment of the United States Constitution. More specifically, Jordan-Arapahoe argued that it had a vested property interest to use its land for "automotive sales and repair" under: (1) Colorado's Vested Property Rights Act ("VPRA"); and (2) Colorado common law. Jordan-Arapahoe alleged that the VPRA prevented the County from changing the zoning once it had already approved a PDP. It also alleged that it had a vested right under Colorado common law by virtue of its detrimental reliance on the original zoning classification.

The district court disagreed with Jordan-Arapahoe. It held that Jordan-Arapahoe had failed to show a protected property interest under Colorado law since its development proposal had not yet become sufficiently final, or vested.

Jordan-Arapahoe appealed.

DECISION: Affirmed.

The United States Court of Appeals, Tenth Circuit, held that, under Colorado law, a property owner does not obtain a vested property right unless: (1) there was approval of a site specific development plan; or (2) the landowner substantially and detrimentally relied on representations and affirmative actions by local government. The court found neither condition was met here.

The court explained that, generally, "a landowner's protected interest in a particular zoning decision depends on 'whether there is discretion in the [local zoning authority] to deny a zoning or other application.'" If discretion is limited so that properly followed procedures require a particular outcome, then a property interest exists. On the other hand, "where the governing body retains discretion and the outcome of the proceeding is not determined by the particular procedure at issue, no property interest is implicated."

Here, then, to succeed, Jordan-Arapahoe had to show that the county had limited discretion to change the zoning and to disapprove Jordan-Arapahoe's final development plan. The court concluded that Jordan-Arapahoe failed to make that showing and thus had not demonstrated a protected vested property interest.

In so concluding, the court rejected Jordan-Arapahoe's allegation that the VPRA prevented the County from changing the zoning once it had already approved a PDP. The VPRA provided that: "A vested property right shall be deemed established with respect to any property upon the approval, or conditional approval, of a site specific development plan" Under County law, an applicant could seek approval of a "vested property right" either: (1) by approval of a site specific development plan; or (2) by approval of a development agreement relating to the proposed development. Here, Jordan-Arapahoe did not receive approval of

a final development plan. Still, Jordan-Arapahoe argued that the County did not have discretion to reject a final development plan if the plan was consistent with the already-approved PDP. The court disagreed, finding the County zoning code gave the County discretion to reject or modify proposed developments until it approved a final development plan.

The court also rejected Jordan-Arapahoe's allegation that it had a vested right under Colorado common law by virtue of its detrimental reliance on the original zoning classification. The court explained: "Colorado law recognizes a protected property interest in a zoning classification when a specifically permitted use becomes securely vested by the landowner's substantial actions taken in reliance, to his or her detriment, on representations and affirmative actions by the government." While Jordan-Arapahoe showed detrimental reliance, it did not show representation or affirmative action by the County, found the court. The PDP alone could not qualify as an affirmative action or representation because Jordan-Arapahoe "could not have reasonably relied on the PDP approval as creating a vested right absent [a second-step final development plan approval required by the county's zoning code]."

See also: *Eason v. Board of County Com'rs of County of Boulder*, 70 P.3d 600 (Colo. App. 2003).

Procedures—Seven-Member Board Votes Three to Two to Adopt Rezone Application

Town says application fails because adoption requires favorable vote of majority of entire board

Citation: *Depot Property, LLC v. Town of Arlington, Tennessee*, 2011 WL 334472 (Tenn. Ct. App. 2011)

TENNESSEE (01/31/11)—This case addressed the issue of whether adoption of a rezoning application requires: the favorable vote of the majority of the membership of the legislative body who participates in the consideration of the rezoning application; or the favorable vote of the entire membership of the legislative body.

The Background/Facts: Terry Cox purchased a home in the town (the "Property"). He later transferred the Property to Depot Property, LLC ("Depot Property"). (Hereinafter, "Cox" is inclusive of both Terry Cox and Depot Property.) The Property was zoned single family residential. Cox wanted to use the Property as a law office instead of a residence. Cox filed an application with the town to have the property rezoned for office use. This rezoning would require an amendment to the town's zoning ordinance.

The town's Planning Commission recommended denial of Cox's application. The Board of mayor and aldermen (the "Board") then considered the application.

The Board had a total of seven members, which included the mayor and six aldermen. Prior to the Board's consideration of his rezoning application, Cox requested that the mayor and one alderman recuse themselves from consideration of the application. He made this request on the grounds of either a conflict of interest or a predetermined position on the question of rezoning of the Property. The mayor and alderman agreed to recuse themselves. The remaining five Board members ultimately voted three (in favor) to two (opposed) to approve Cox's rezoning application.

Thereafter, the town attorney advised that the rezoning application had failed. He noted that under Tennessee statutes—T.C.A. § 13-7-204—if a proposed amendment to a zoning ordinance is not approved by the municipal planning commission, then in order to be adopted, it must receive a favorable vote by a majority of the entire membership of the municipality's legislative body. Thus, to be adopted, the town attorney advised that Cox's rezoning application needed a favorable vote by four members of the seven-member Board. This, he said, was regardless of how many members recused themselves or were otherwise absent.

The Board then referred the matter back to the Planning Commission. The Planning Commission again voted to deny Cox's rezoning application. The Board again considered Cox's application. The mayor and five of the six aldermen attended the Board meeting. The mayor and one alderman recused themselves. The four remaining Aldermen considered the application. The motion to approve the rezoning failed for lack of a second.

Cox later filed in court a petition for common law certiorari against the town. Cox claimed that he had received a "majority" vote of the Board in favor of the zoning amendment (i.e., the rezoning application). Cox asked the court to void the denial of his application.

The court found that the Board's decision to treat its three-to-two vote favoring Cox's rezoning application as insufficient to amend the town's zoning ordinance was contrary to the provisions in T.C.A. § 12-4-101(c)(3)(B). That statute states that a member of a municipal zoning body who "abstains from voting" on an issue "shall not be counted for the purpose of determining the majority vote."

The town appealed. The town argued that the trial court erred in finding that the general statute—§ 12-4-101(c)(3)(B)—controlled over the mandatory provisions of § 13-7-204.

DECISION: Reversed.

The Court of Appeals of Tennessee agreed with the town that § 13-7-204 applied to the Board's vote on Cox's rezoning application. The court

agreed that the more specific statutory provision—§ 13-7-204, which alluded to the function of a municipality’s planning commission and the municipality’s legislative body with respect to the amendment of the municipal zoning ordinance—controlled over the more general statutory provision—§ 12-4-101(c)(3)(B), which contained general provisions on the actions of public official with respect to the contracts of a municipality or other political subdivision.

The court found that § 13-7-204 was “clearly intended to address precisely the situation presented here[.]” Interpreting the statutory language, the court found it clear and unambiguous: “Under [§] 13-7-204, a favorable vote from the majority of the entire seven-member Board was required to enact Cox’s proposed amendment to the [t]own zoning ordinance.” Since Cox’s application received only three votes, the Board correctly determined that the proposed amendment had failed, concluded the court.

See also: *Armwine v. Union County Bd. of Educ.*, 120 S.W.3d 804, 183 Ed. Law Rep. 603 (Tenn. 2003).

See also: *Carson Creek Vacation Resorts, Inc. v. State, Dept. of Revenue*, 865 S.W.2d 1 (Tenn. 1993).

Case Note: The trial court had also found that the Board’s decision was arbitrary and capricious. The appellate court disagreed.

Conditions—Town Says Applicant Violated Ordinance Because He Failed to Comply With State Permit

Applicant argues town lacks authority to enforce conditions of state permit

Citation: *Town of Vassalboro v. Barnett*, 2011 ME 21, 2011 WL 505227 (Me. 2011)

MAINE (02/15/11)—This case addressed the issue of whether a town had the authority to enforce conditions of a landowner’s Maine Department of Transportation (“MDOT”) permit.

The Background/Facts: Leo Barnett applied to the town’s planning board (the “Board”) for a subdivision permit. The town’s Subdivision Ordinance (the “Ordinance”) performance standards required that “[a]ny and all required permits from the [MDOT] shall be submitted” to the Board before it approves a subdivision application. Barnett submitted his

MDOT permit. The Board eventually approved Barnett's subdivision application. However, the Board later found that Barnett violated the Ordinance because he failed to fully comply with two of the MDOT permit's special conditions.

The town filed a land use complaint in the district court. It alleged, among other things, that Barnett violated the Ordinance by not fully complying with the special requirements of his MDOT highway entrance permit.

The court entered judgment against Barnett.

Barnett appealed. He did not challenge the Ordinance's requirement that he obtain an MDOT permit. Rather, he contended that the town did not have authority to enforce the conditions of the MDOT permit once it was issued. He said this was because the enforcement function had been preempted by state law and reserved to MDOT. Accordingly, Barnett argued that he fully complied with the Ordinance when he submitted the permit with his subdivision application.

DECISION: Affirmed.

The Supreme Judicial Court of Maine disagreed with Barnett. It held that the town had the authority to enforce the conditions of Barnett's MDOT permit.

The court acknowledged that MDOT had the sole authority to issue the required permit initially. However, it found nothing in the governing statute—23 M.R.S. § 704—reserved to MDOT the exclusive authority to enforce the permit once it had been issued. Rather, the court found § 704 contemplated “shared responsibility for the enforcement of highway entrance standards between MDOT and the municipality involved.”

Furthermore, the court said that under the town's home rule authority, the Ordinance was presumed to be valid unless: it purported to “exercise a power or function expressly denied to the [t]own by statute”; or “if enforcement of the Ordinance ‘would frustrate the purpose of any state law.’” In this instance, found the court: “the [t]own's enforcement of Barnett's MDOT permit requirements further[ed], rather than frustrate[d], the purpose of 23 M.R.S. § 704.” As such, the court concluded that the town's enforcement of the permit was a “valid exercise of the [t]own's home rule authority.”

See also: *Damon v. S.D. Warren Co.*, 2010 ME 24, 990 A.2d 1028 (Me. 2010).

Case Note: The court noted that MDOT could have taken enforcement action against Barnett if it chose. However, in enacting § 704, the court found that “the Legislature did not intend to render the

[t]own powerless to enforce MDOT-mandated highway safety standards affecting its residents.”

Case Note: The town also alleged other violations of town ordinances made by Barnett. The trial court found all of the alleged violations were committed by Barnett. The appellate court affirmed.

Zoning News from Around the Nation

COLORADO

Recently, the Denver City Council preliminarily approved new licensing procedures and requirements for medical-marijuana centers and grow facilities. Under the new rules, grow facilities that had “set up in areas where zoning laws later changed ... will face a public hearing within two years to determine whether they can stay.” The new rules would also restrict new dispensaries from operating within 1,000 feet of drug and alcohol treatment centers.

Source: *Denver Post*; 2011 WLNR 2989953

ILLINOIS

Reportedly, DuPage County is “expected to drop a controversial proposal to ban new places of assembly in unincorporated residential areas.” Alternatively, the county board may propose zoning law amendments “that would address parking, traffic and density issues caused by ‘massive religious facilities’” and would possibly reduce the county’s allowable floor area ratio.

Source: *Daily Herald*; 2011 WLNR 3703834

MASSACHUSETTS

Regis College has reportedly asked the state appeals court to reverse a land court judge’s decision regarding the college’s proposed construction of a 362-unit luxury retirement community on its Weston campus. Residents of the retirement community would “have an individualized learning plan and be required to take at least two courses a semester.” The land court judge ruled that the development was “primarily a housing program, and therefore not exempt from local zoning laws.” The college is attempting to “bypass local zoning under a state law known as the Dover Amendment, which grants zoning exemptions for educational facilities.”

Source: *Boston Globe*; www.boston.com

The Newton Board of Aldermen recently approved a set of new residential zoning rules. Effective October 15, 2011, the zoning changes will “impact the city’s floor-area ratio (FAR) regulations and the parts of a home that are factored into a property’s FAR, which is the relationship between a home’s floor space to its lot size.... Residents who want to add more floor space to their homes, but would exceed FAR limits in doing so, must seek a special permit from the city.” The zoning changes are reportedly aimed at preventing “construction of oversized homes.” Now included in home’s floor space are: garages, certain enclosed porches, and some accessory buildings.

Source: *NewtonPatch*; <http://newton.patch.com>

MONTANA

Great Falls is considering a new zoning ordinance that would allow chickens in residential zones. Current “city law prohibits livestock, including poultry, except in one suburban zoning district” The proposed ordinance would allow chickens in an additional five residential zones in the city, with restrictions. Another ordinance would: restrict the number and sex of chickens allowed; require covered, predator-proof coops; and set distance restrictions from property lines and neighboring homes.

Source: *KRTV*; www.krtv.com

NEW YORK

Buffalo is considering adoption of new zoning laws “based on an environmentally friendly code to encourage smarter development and walkable neighborhoods.” “The Green Code project entails the first new citywide land-use plan since 1977 and marks the first time since 1951 that the city will adopt a broad new set of zoning laws.”

Source: *Buffalo News*; 2011 WLNR 3204420

Regular Planning Commission

6. 11.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Upcoming Training Opportunities

Background:

In an effort to keep the Planning Commission informed of valuable training opportunities, Staff will make an attempt at regular updates for training opportunities that may be useful to the Planning Commission.

Notification:

Observations:

GTS Land Use Planning Workshops

Multiple Programs

March 9-May 15

www.mngts.org

National Business Institute

Land Use Law: Current Issues in Subdivision, Annexation, and Zoning

May 10

www.nbi-sems.com

League of Minnesota Cities

LU501: Land Use Basics: Grasping the Ground Rules

Web-based

www.lmc.org/page/1/landuse.jsp

American Planning Association (APA) Minnesota Chapter Conference

September 28-30

St. Cloud, MN

www.plannersconference.com

Funding Source:

Staff Recommendation:

Committee Action:

None required.

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/25/2011 03:34 PM
Aaron Backman	Aaron Backman	04/26/2011 01:15 PM
Form Started By: Tim Gladhill		Started On: 04/25/2011
Final Approval Date: 04/26/2011		

Regular Planning Commission

6. 12.

Meeting Date: 05/05/2011

By: Tim Gladhill, Community Development

Title:

Planning Minnesota-Official Newsletter of the American Planning Association, Minnesota Chapter

Background:

Attached is the April American Planning Association-Minnesota Chapter Newsletter. The May issue is scheduled to be available on-line on or about May 1 at www.mnapa.com.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

May APA Mn Newsletter

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	04/25/2011 03:34 PM
Aaron Backman	Aaron Backman	04/26/2011 01:18 PM
Form Started By: Tim Gladhill		Started On: 04/25/2011
	Final Approval Date: 04/26/2011	



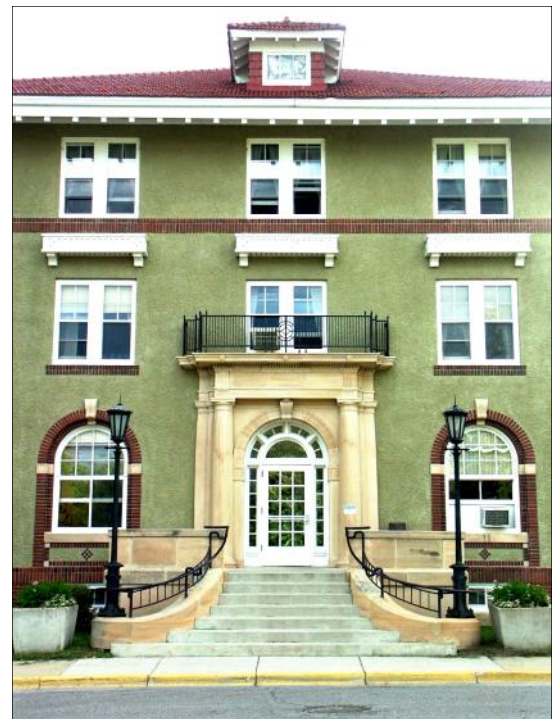
Minn West Technology Campus

Bruce Peterson, AICP
Director of Planning and Development Services
City of Willmar

The Minn West Technology Campus in Willmar occupies the site of the former Willmar Regional Treatment Center that was founded nearly 100 years ago. It is a beautiful example of the re-use of a defunct public facility for purposes of private enterprise. To the casual passer-by, not much has visibly changed. But, the purpose and use of the site has been changed dramatically. What used to be a facility for the treatment of chemical dependency and mental illness is now a growing, thriving technology park for bio-science research and development, as well as for manufacturing and support services.

As of this writing, the 110-acre campus is home to twenty businesses and over 260 employees. Major campus tenants include Nova Tech Engineering and Life-Science Innovations, the two companies that purchased the property from the State of Minnesota in 2006. Other tenants include a number of technology and biotechnology ventures, civil and agricultural engineering businesses, and a variety of professional support businesses. The entire site is a JOBZ sub-zone offering real estate and corporate tax breaks to qualifying businesses. Additional services available on-site include business incubation services, conference rooms, a robust IT/communications network, cafeteria, daycare center, and fitness center with gymnasium and pool.

To-date, over \$12.0 million has been invested in the acquisition and renovation of the campus and its buildings. The entire site is on the National Register of Historic Places, which creates challenges for building re-use and new construction. Spanish Colonial and Renaissance architecture dominates the former cottages and administration buildings, and has been replicated in the course of constructing new industrial facilities, as well as in all renovations.



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Community Brown Bag
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Internships
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planning minnesota

published by:

The Minnesota chapter of the American Planning Association (APA MN) publishes this newsletter on a monthly basis, with combined June/July and December/January issues.

submissions:

We welcome articles, letters to the editor, photos, calendar items, project profiles, planners on the move items, and other news. Send all submissions via e-mail to:

newsletter@mnapa.com

deadlines:

All submissions should be sent to the editors by April 15, 2011 for inclusion in the May issue.

newsletter editors:

Bob & Kate Garwood
Phone: 763-862-4230

newsletter@mnapa.com

changes of address:

APA MN does not maintain address lists. All lists are maintained at the national office and mailed to local chapters each month. If you have moved, send your updated info to:

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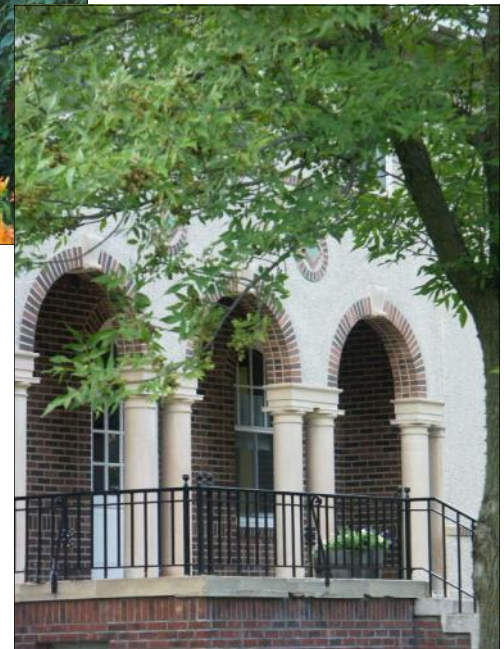
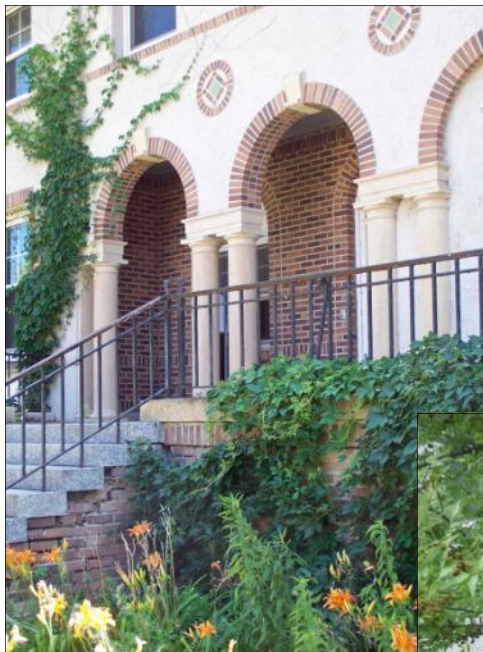
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A “coming attraction” is the Mid-Central Research and Outreach Center scheduled to be open later in 2011. Funded by a \$1.25 million grant from the State of Minnesota Department of Employment and Economic Development, and matched by funds from the campus owners, the facility will become a hub of innovation for bio-science research and problem solving. Partners in the project include the campus owners, City of Willmar, University of Minnesota, and the MNSCU system. The Outreach Center is slated to become a major focal point on campus with up to 40 professors and graduate students assisting businesses with research and development. One of the Center’s primary goals is to bring intellectual property to the marketplace. Technology spin-offs will be accommodated on campus or in the expanded Willmar Industrial Park.

The City of Willmar and surrounding area is proud of the campus, its redevelopment efforts and historic preservation. It will help shape the economic future of west central Minnesota, as technology plays a greater role in its most dominant industry, agriculture.



Treasurer's Update: 2010 in review and the 2011 Budget

Adam Fulton, AICP
Minnesota Chapter Treasurer



When 2011 rolled around, I heard lots of cries saying good riddance to 2010. But financially, 2010 was not a bad year for the Minnesota Chapter. We collectively spent about \$4,000 less than we took in, improving reserve fund levels and allowing for a continued high level of programming and member outreach. Due to our strong reserves, the chapter was able to fund attendance at the state conference by several un/under employed members, continue website improvements, and maintain a strong level of up-to-date legislative information for members. Importantly, the Board also approved funding for an audit of the APA-MN books in 2010. Completed by Kern, DeWenter Viere, Ltd., the audit results showed that the chapter's books are accurate and offered recommendations for additional financial oversight. Recommendations from the audit have been taken up by the Board, which will act to create a finance committee to review the books in detail on a regular basis.

The 2011 budget generally holds spending at 2010 levels. It continues major regular outreach efforts, including the monthly newsletter, yearly conference, administrative support, and other critical but less publicized items such as the Gunnar Isberg Scholarship for planning students and funding to allow the chapter to nominate Minnesota chapter members for FAICP recognition. Membership dues fund the majority of the budget items.

A priority of the 2011 work plan is again providing funds to District Directors to allow for additional district-level programs, AICP certificate maintenance opportunities, and networking. These funds are provided as part of a board-approved program through the chapter's reserve fund, an expenditure directed by the reserve fund policy adopted by the Chapter Board

in 2009. If you have ideas for programming in your district, contact your District Director and make the suggestion! Educational opportunities have the biggest impact when they relate directly to the unique planning issues faced in different parts of the state – whether landfill issues in the northeast or infrastructure issues in the southwest. As always, if you have any budget questions, or are interested in learning more about the chapter's finances, feel free to contact me at afulton@stlouispark.org.

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APA Minnesota Brown Bag Lunch Event Featuring: *Smart House Livable Community, Your Future*

Presented by Lyn Bruin and Diane Sprague

When: Tuesday, May 17, 2011 from 12:00 to 1:30pm

Where: Goldstein Museum of Design, 241 McNeal Hall, 1985 Buford Ave, University of Minnesota St. Paul Campus. McNeil Hall is northwest of the intersection of Buford and Gortner Avenues. Park at the Gortner Avenue ramp, 1395 Gortner Ave. (\$3/hour) or at the State Fairgrounds lot to the east of the Continuing Education and Conference Center (\$3.75/day).

<http://www1.umn.edu/pts/maps/Library/pdf/StPaul.pdf>

About the event: The first of 70 million Baby Boomers turn age 65 this year. The size and impact of this post-World War II generation challenge America's resources, communities, and concepts of what it is to be a "senior." Aging boomers' desires to continue living independently will place major demands on the homes and communities in which they live. Innovative design and assistive technology can respond to these demands, and community planners can learn more about possible options by attending a brown bag at this exhibition.



The exhibition is a model of a 1960s-era home in which owners Jim and Sarah, a fictional, mid-60s couple, raised their family and lived for decades. They recently renovated the home so they can continue enjoying their active, engaged lifestyle for many years. The exhibition's co-curator will give planners a guided tour where they can see and test an array of useful personal technology and redesigned home features. The couple also provide notes and brief videos in various parts of the home highlighting their process in deciding where and how to renovate and what features they now particularly appreciate. In addition to the tour, planners will hear a presentation profiling design and funding resources, and outreach strategies, that can assist couples like Jim and Sarah in their communities.

About the presenters: **Lyn Bruin** is the exhibit co-curator leading the tour. She is an Associate Professor of Housing Studies in the College of Design at the University of Minnesota. Dr. Bruin's areas of interest/activity include: affordable housing and neighborhoods, homeownership initiatives, family housing decisions and housing policy, housing for aging populations and residential satisfaction.

Diane Sprague will provide the presentation on resources and outreach strategies. She directs the *Lifetime Home Project*, which promotes accessible/universal design, home telehealth and innovative living arrangements in "communities for a lifetime."

Attendees are welcome to bring their lunches to the event; beverages will be provided. Please RSVP to Matthew Parent at matthew.parent@co.anoka.mn.us by **Thursday, May 12th, 2011.**



Community Planning Assistance Teams

The Community Planning Assistance Team (CPAT) initiative is an AICP component of a broader APA Community Assistance Program. By pairing a multidisciplinary team of expert urban planning professionals from around the country with residents and other stakeholders from local communities, the place-based initiative seeks to foster community education, engagement, and empowerment. Each team member is selected for the specific expertise needed on the project.

Through a coordinated, collaborative effort with community members, key stakeholders, and relevant decision makers, the team develops a framework or vision plan that promotes a sustainable, livable, economically vibrant, and healthy urban environment.

Projects are highly focused efforts because of the time constraints on pro bono team members. They may vary from economic development strategies, transit-oriented developments, parks/waterfronts, and urban design guidelines to affordable housing, sustainability plans, and water management issues.

Background

Community assistance is built into the professional role of a certified planner. One principle of the [AICP Code of Ethics and Professional Conduct](#) states that certified planners shall aspire to "seek social justice by working to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of the disadvantaged and to promote racial and economic integration." Another principle is that certified planners should aspire to "contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities."

In the early 1990s, the American Planning Association took aim at the issue of social equity in planning and development. In recognition of the key role urban and regional planners



The American Planning Association's Professional Institute

American Institute of Certified Planners

Making Great Communities Happen

play in shaping vibrant, sustainable, and equitable communities, the APA Board of Directors established the "Community Planning Team" initiative in 1995. This resulted in a successful pro bono effort to assist an economically struggling African American community in North Carolina. AICP has continued to develop pro bono planning initiatives that provide assistance to communities in need.

In 2005, program efforts were notably increased after the tragic and devastating effects of Hurricane Katrina the Gulf Coast Region. APA immediately embarked on a number of initiatives and projects, including Planning Assistance Teams in the affected cities of Henderson Point, Mississippi, and Mandeville and Slidell in Louisiana.

Application Periods

Team Member Applications

If you are an APA member and have a desire to join a CPAT Team, please [submit an application](#). Team member applications are always accepted.

Community Applications

The CPAT initiative currently holds two annual application cycles for communities seeking planning-related assistance. If your community has a project suitable for a CPAT, [download the application](#) and submit it during one of the open application periods. Applications must be post-marked or emailed by the application deadline. **Next application period deadline:** June 21, 2011.

Project Timelines

While the specifics of every project will be different, provided below is an abbreviated example of a typical timeline of a CPAT project. APA staff will work with each selected community to determine the timeline for their unique

- continued on next page -

project. A more detailed timeline is included with the community application. Project timelines typically consist of three main stages:

1. Organization of materials and preliminary assessment of project site (team briefing book preparation)
2. The team's on-site visit (community meetings, media releases, preliminary report)
3. Follow-up and final report.

Month 1 (following official selection of community project):

- APA staff and community contact person(s) discuss project in more detail; identify all stakeholders and compile a contact list; finalize dates for the team leader visit and the team's visit.
- Community contact person begins gathering and preparing materials for a team briefing book.

Month 2:

- Team leader and APA staff make a site visit to community. Community contact person organizes a meeting during visit with stakeholders.
- Complete team is selected based on the expertise needs of the project.

Month 3:

- Community contact person(s) finalizes Team briefing book.
- Team visits community (3 to 5 days) and presents preliminary findings to community on final day of visit.

Months 4 to 6:

- Team works independently on final report.

Month 7:

- Final report is completed.

Call for Experts: Want to be a Team Member?

New applications are always welcomed. Accepted applicants are entered into a database of potential candidates. [Team Member Application \(pdf\)](#)

Visit [APA's FAQ page](#) and click on "Community Planning Assistance Teams (CPAT)" for answers to frequently asked questions about the program.

Is your APA member profile up-to-date?

Is it time for you to renew your APA membership? Before you do this, you should review the information in your member record. Your accurate member record helps APA operate efficiently and, since that is the membership information used by your Minnesota Chapter, it ensures that APA-MN and National APA can send news and information to you in a timely manner.

To view your member profile, [log in to APA's website](#) with your APA ID and password. Select "Renew" and review all the information on your Invoice page. Please pay particular attention to your subscriptions, division memberships, and salary range (for members with salary-based dues). Just make any necessary changes to your profile information and log out. Any changes you made will be saved.

Go green and renew online!

You can help APA operate greener and faster by renewing your membership and subscriptions online. After you've verified your information on the [Invoice](#) page, please enter your billing address and credit card number with the expiration date. Click "Next" and follow the on-screen instructions. You'll receive an e-mail confirmation right away—no paper required! If you do not renew your membership online, APA will mail a printed invoice to you early next month.

Tell National what you think.

National appreciates your membership in APA and hopes you choose to renew for another year. Because they're always trying to serve members better, they're asking you to take a few minutes to complete a brief [member satisfaction survey](#). Your input will help them improve benefits and services for all members.





22nd Annual Transportation Research Conference

May 24 and 25, 2011

[St. Paul Crowne Plaza Hotel](#)

11 East Kellogg Boulevard

Saint Paul, MN 55101

The conference acts as a forum for researchers and practitioners from Minnesota and the Upper Midwest to share their research findings in a variety of transportation-related areas. Concurrent sessions are focused in four categories that match the Center’s research emphasis areas—Transportation Safety and Traffic Flow, Transportation Infrastructure, Transportation and the Economy, and Transportation Planning and the Environment—with a fifth category covering Education and Outreach issues.

Opening Session: *P3s-Public Private Partnerships? Or, Peripatetic Pain in the Pants?*

• **Tuesday, May 24, 8:30am to 10:00am**

As state governments struggle to meet growing transportation infrastructure needs, leveraging existing resources through the use of public-private partnerships (P3s) has become increasingly attractive. P3s are agreements that allow private companies to take on traditionally public roles in infrastructure projects while keeping the public sector accountable for a project and the overall service to the public.

Adrian Moore, Vice President of Research at the Reason Foundation, will discuss the role P3s might play in Minnesota’s transportation future. He will review trends in transportation P3s and what drives them, examine the pros and cons of P3s, describe current innovations and evolutions in P3s and discuss how P3s are being used and what crucial elements help them succeed.



Adrian Moore

Luncheon Presentation: *Driven Apart*

• **Tuesday, May 24, 11:45am to 1:30pm**

Driven Apart offers a new view of the relationship between transportation performance and urban development patterns. The report says compact cities are the real answer to reducing traffic delays and lays out an alternative set of accessibility-based measures of urban transportation performance that provide a better guide to policymakers.

Joe Cortright, Economist with Impresa and senior adviser to CEOs for Cities, will share highlights from *Driven Apart: How Sprawl is Lengthening Our Commutes and Why Misleading Mobility Measures are Making Things Worse* at the conference luncheon.



Joe Cortright

Credit

A request for AICP Certification Maintenance credits has been submitted for the opening plenary presentation, luncheon plenary presentation and many other conference sessions. A list of the sessions approved for credit will be posted on the [event web page](#) when it becomes available.

Registration

Cost:	May 24 and 25: \$180	May 24 luncheon presentation, only: \$30	Register
	May 24 (one day): \$140	Student (both days): \$20	
	May 25 (one day): \$80	Speaker/Moderator: \$100	Conference web page



Planners' Day at the Capitol

Friday April 15, 2011



American Planning Association Minnesota Chapter Minnesota Association of County Planning and Zoning Administrators

Laws made in St. Paul can have a profound effect on the practice of planning, the health of our communities, and the environment throughout Minnesota. Planners need to understand the issues, know how the law-making process works and be able to engage in that process when needed. Legislators, in turn, need to hear from planners about important issues and challenges we face as professionals working throughout Minnesota. Attend the brown bag session, and learn where to find your legislators' offices and how they conduct a hearing on bills. You will also learn firsthand how a bill is shaped into law before passage. Then, attend a roundtable program to hear an important update on the Minnesota Planning Enabling Law Reform Initiative spearheaded by the APA MN and MACPZA Legislative Committees. An interactive discussion is planned between key committee legislators and planners on the need for reform of Minnesota's planning and zoning enabling laws. Learn about the reasons behind the main goal and objectives of this initiative and how we can work together to make it happen. The program will wrap up with complimentary hors d'oeuvres, and all are welcome to attend this year's interesting and informative program.

Program Schedule

- 11:30 Tour House of Representatives & State Office Building**
Meet in House Room 500 South State Office Building –
100 Rev. Dr. Martin Luther King Jr. Blvd.
- 12:30 Brown Bag and Legislative Process 101**
Annalee Garletz, AICP, Policy Analyst & Joe Mathews, General Government
Policy Analyst Association of Minnesota Counties
- 1:30 Update on Joint APA Minnesota and MACPZA Planning Enabling Law**
Reform & other key planning bills before the 2011 Legislature
Andrew Mack, AICP & Bob Patton, AICP APA-MN Legislative Committee
Co-Chairs - House Room 500 South
- 2:00 Legislative Roundtable Program**
Presentation on State Planning Enabling Law Reform Initiative
APA MN & MACPZA Legislative Committee Chairs and roundtable discussion with
invited legislators - House Room 500 South
- 4:00 Social Gathering Hors d'oeuvres**
Provided compliments of APA Minnesota and MACPZA
Kelly Inn 161 St. Anthony Avenue, St. Paul, (free parking at LMC, AMC or Sears) two
blocks SW of the State Capitol
Map of the capitol complex for the State Office Building may be found at:
http://www.admin.state.mn.us/pmd/maps/sob_detail.pdf

Application pending for 4.5 CM Law Credit

For more information about this program please contact:
Andrew Mack at 218-759-3582 or Mark Erickson at 320-523-3702

Sustainable Community Forum: Greening the Building Code

When: April 5th, 2011 from 12:00 to 1:30pm

Where: [Roseville City Council Chambers](#),
2660 Civic Center Drive, Roseville, MN 55113

Cost: Free, please feel free to bring a bag lunch if you would like.

Applied for 1.5 APA CM credits

About: The Minnesota Chapter of the United States Green Building Council (USGBC) hosts quarterly Sustainable Communities Forum to support communities in their sustainability efforts. The greening of the building code has arrived with the creation of the International Green Building Code and National Green Building Standards. Join **Nick Carver**, Assistant Building Official for the City of Maplewood, for an overview of both codes and learn how they work in tandem with other green rating systems like LEED. Find out how jurisdictions can customize a green building program through the use of the minimum standards, special jurisdictional requirements and project electives. Minnesota examples of implementation will highlight cost-effective strategies for implementation.

Speaker: **Nick Carver** has been the Assistant Building Official for the City of Maplewood since 1987. He has been active in the development of green building codes through his role as the Chairmain for the Green Building/Energy Code Development Committee and as Secretary for the Regional III International Code Development Committee. In addition to being a State of Minnesota certified Building Official, he is internationally certified as a Commercial Building Official and Plans Examiner, as well as in Green Building Standards.

Registration is taken by the USGBC at <http://www.usgbcmn.org/event-detail/?id=402>.

For more information or questions, please contact Rita Trapp from HKGi at either rita@hkgi.com or 612-252-7135.

APA MN Legislative Committee Update



How to Review all Planning Related Bills on the APA-MN Chapter Website

Things are happening quickly, now, at the Capitol. Bills are coming out of committees, budgets are being discussed and new laws will be on the books soon.

To stay in touch with what is happening in the 2011 Legislature, just check the APA-MN website. Information on planning related bills and their status introduced in the 2011 Session can be viewed at:

http://www.mnapa.com/legislative_committee.php

To review bill language or the current status on a bill in the session from this page, just open the current Tracking Spread Sheet for House and Senate and then just click on the bill link. Look for more updates, soon.

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ReMix/Streetlife Reunion, Exhibition and Great Idea! Exchange

Join us for a celebration of six years of collaboration

Friday, April 15, 2011

100 Rapson Hall and courtyard

5-7pm Alumni reunion and exhibition reception

7-8pm Alumni and student Great Idea! Exchange on Safe Routes to School in North Minneapolis

8-8.30pm Great Idea! Award voting and announcement

Register at z.umn.edu/Remix

Presented by Juxtaposition Arts, UMN Department of Landscape Architecture and College of Design, Center for Urban and Regional Affairs, and funded by the UMN Imagine Fund: Supported by a Generous Donation from the McKnight Foundation.

Upcoming Issues of *planning minnesota* to Highlight Work of Consultants

Focus on Contributions of Planning Consultants

This year, the Newsletter Editors want to bring a focus to a special part of our planning community. We want to highlight the many and varying contributions of consultants to the world of planning. For those of us who need to study a specialty, have a specific project, need to extend our staff, but cannot do so permanently, consultants can be just the right answer.

Planning Consultants are available everywhere in the state. Some are part of small firms, others are part of very large firms, many are members of our Minnesota Chapter of APA and many have received their AICP certification.

These consultants provide expertise in a variety of topics: environmental, transportation, long-range planning, zoning, comprehensive plans, neighborhood plans, downtown plans, ordinance writing, grant writing and many, many other topics. They are experts in small town, rural community, developed city, township, county and state-wide planning topics.

We would like to highlight the work and contributions of consultants over a series of 3 of 4 editions of the newsletter. If you are a consultant, or have worked with a consultant who you think should be highlighted, let us know.

CONSULTANTS: *Please send an email to newsletter@mnapa.com to request a form that asks each consulting firm to respond to specific questions and provides guidelines on photos and exhibits to include when we highlight your firm.*

**Deadline for Consultant Submittals
May 15, 2011**

Guest Writers Wanted

We're looking for some new writers with some different perspectives on planning.

Are you a consultant? An environmental planner? A small town planner?

Do you work for a city? A township? A state agency? An MPO?

Is there something you'd like to say to all the planners in the state?

Is there something you know about that you think *other* planners should know about?

Here's your chance! Pick a topic; write up 300 to 1,000 words on that topic; throw in a picture or a graphic or two if you can; and send it to us for the newsletter. We'll publish it and provide your name in the byline. Think about it. It's not a long term commitment, just a one-time request—an opportunity—for you to share knowledge important to you with other planners. Submit your article (don't forget the pictures) to us via email at newsletter@mnapa.com and we'll publish your column (sounds nice, doesn't it—*your column*).

Still have questions? Let us know. Contact Kate Garwood at kate.garwood@co.anoka.mn.us or at 763-862-4230. Please consider being a columnist for **planning minnesota**. Your fellow planners want to hear from you!

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Employment Opportunities

Job Title: Community Development Director/
Planner/Zoning Administrator

Location: Princeton, MN

Salary Range: \$47,542 to \$59,429

Link: <http://www.princetonmn.org> (Under "City Jobs")

Contact: Mark Karnowski
City of Princeton
705 2nd Street North
Princeton, MN 55371
763-389-2040
mark@princetonmn.org

Deadline: Open until filled

Job Description

Things are happening in Princeton and we need a community development specialist to keep things moving in the right direction! Princeton (pop. 4,700) is accepting applications for a community development director/planner/zoning administrator to promote economic stability and growth in the City of Princeton.

Minimum Qualifications

If you have a Bachelor's degree with major coursework in planning, public administration or a related field and at least three years of applicable work experience, please contact us for a complete position description and an application packet .

Application Instructions:

Contact Princeton City Hall by calling (763) 389-2040 or by emailing mark@princetonmn.org.

Job Title: RFP/Planning Services

Location: Ramsey, MN

Link: <http://www.cityoframsey.com/>

Contact: Tim Gladhill, Sr. Planner
7550 Sunwood Drive NW
Ramsey, MN 55303
Phone: 763-576-4308
tgladhill@ci.ramsey.mn.us

Deadline: April 8, 2011

Job Description

The City of Ramsey is seeking proposals for planning and zoning services.

Application Instructions:

Please see RFP for more information:

<http://www.cityoframsey.com/Documents/CMS/commdev/planning/ElectronicPosting.pdf>.

Proposals must be submitted electronically.

NOTE

Beginning April 1st, we will no longer be waiving the \$25 fee for members to post a job or RFP ad on the website or in the newsletter. Thanks to those who took advantage of the free postings during the last year.



William C. Weber, AICP, PTP

952.451.4818
bill@weberplanning.com

3824 Huntington Avenue
St. Louis Park, Minnesota 55416

www.weberplanning.com

Are you interested in affordably gaining additional skilled capacity in your planning office and mentoring a prospective planner? If so, you might consider engaging a Landscape Planning student at the University of Minnesota (UM) as an intern for a minimum of 250 hours.

Who are the Interns?

The interns are students in an *undergraduate* UM major called Landscape Planning. The major is located in the College of Design. Graduates of this program are employable as Planning Technicians in public and private planning offices. They are **required** to complete a 250-hour internship typically in the summer between their junior and senior years. The internship is an opportunity to work in a professional environment under the guidance of a planning professional. It is a transitional step between students' education and their professional careers.

What skills and understandings do the interns possess?

Before their internship, students will have completed 57 credit hours of course work in Geography and Planning, as well as Environmental Design. Students will have strong skills and know how to:

- Draw and sketch for Environmental Design, including hand rendering and applying various components of Adobe Creative Suites 4™ (e.g. InDesign and Photoshop).
- Use ArcGIS™ geographic information systems technology in various spatial analysis and cartographic representational capacities.
- Analyze environmental information important to community and regional planning and integrate these analyses into development of various types of planning documents.
- Gather and analyze information relevant to routine issues in planning administration (e.g. site plan review and zoning variance requests).
- Examine the implications of planning proposals, using various criteria for evaluating social and physical impacts.

What are my responsibilities as an Internship Supervisor?

Students work with their prospective planning internship supervisors and a faculty member to construct an internship work program that meets the needs of the prospective internship supervisor as well as the student. While intern compensation varies by organization, the National Association of Colleges and Employers reports that typical interns receive \$16 per hour. Your obligation would be to supervise the intern's completion of job responsibilities outlined in an internship agreement and to complete a one-page questionnaire regarding your evaluation of the intern's performance.

How do I get more information?

If you are interested in engaging an intern, or if you think it might be a good idea but have some questions, we invite you to contact Professor Brad Agee (ageex004@umn.edu) and to register your internship interest at UM Goldpass (goldpass.umn.edu). We are interested in establishing longer-term relationships with planning offices and planning firms who find the Landscape Planning Internship program to be useful to their operations. We hope to optimize the value of the internship program to local practitioners as well as to the students and our curriculum.

Brad Agee, Director of Undergraduate Studies
Department of Landscape Architecture
College of Design
University of Minnesota
ageex004@umn.edu, 612-281-9957

David G. Pitt, Ph.D., AICP, Professor
Department of Landscape Architecture
College of Design
University of Minnesota
pittx001@umn.edu, 612-625-7370

April, 2011 Event Calendar

For updates and more event details, visit MnAPA.com and click on **Member Events**.

Tuesday, April 5 **Sustainable Community Forum: Greening the Building Code** (see p. 9)

12:00 noon to 1:30pm. Where: Roseville City Council Chambers ([map](#)), 2660 Civic Center Drive, Roseville. Cost: Free; please feel free to bring a bag lunch if you would like. The Minnesota Chapter of the United States Green Building Council (USGBC) hosts quarterly Sustainable Communities Forum to support communities in their sustainability efforts. The greening of the building code has arrived with the creation of the International Green Building Code and National Green Building Standards. Join Nick Carver, Assistant Building Official for the City of Maplewood, for an overview of both codes and learn how they work in tandem with other green rating systems like LEED. Find out how jurisdictions can customize a green building program through the use of the minimum standards, special jurisdictional requirements and project electives. Minnesota examples of implementation will highlight cost-effective strategies for implementation.

Speaker: **Nick Carver** has been the Assistant Building Official for the City of Maplewood since 1987. He has been active in the development of green building codes through his role as the Chairmain for the Green Building/Energy Code Development Committee and as Secretary for the Regional III International Code Development Committee. In addition to being a State of Minnesota certified Building Official, he is international certified as a Commercial Building Official and Plans Examiner, as well as in Green Building Standards. Registration is taken by the USGBC at <http://www.usgbcmn.org/event-detail/?id=402>. For more information or questions, please contact Rita Trapp from HKGI at either rita@hkqi.com or 612-252-7135. Applied for 1.5 APA CM credits

Thursday, April 7 **Advanced Planning and Zoning Workshop for Professional Planners**

8:30am to 12:30pm (check-in 8:00 am). Minnesota Counties Intergovernmental Trust (MCIT) Building 100 Empire Drive, St. Paul. To Register: www.mngts.org. Download pdf for more details [here](#).

Thursday, April 14 **Brown Bag Lunch: Access to Destinations Study**

12:00 noon to 1:30pm. Presented by **Dr. David Levinson** at University of Minnesota, Room 1130 of the Mechanical Engineering Building. <http://www1.umn.edu/twincities/maps/MechE/>

Access to Destinations is an interdisciplinary research and outreach effort coordinated by the Center for Transportation Studies at the University of Minnesota, with support from sponsors including the Minnesota Department of Transportation, Hennepin County, the Metropolitan Council and the McKnight Foundation.

The Access to Destinations Study takes a new approach to understanding how people use the transportation system, and how transportation and land use interact. At the heart of this approach is the concept of accessibility: the ability of people to reach the destinations that they need to visit in order to meet their needs. By focusing on “accessibility,” rather than simple congestion measures, the Access to Destinations Study aims to produce a more complete and meaningful picture of transportation and its role in our lives. This presentation will discuss the research and results of this five year study, along with a newly created online mapping tool to help those who make transportation and land-use decisions in the Twin Cities region capture variations in accessibility to different types of destinations for travelers who drive, bike, walk, or use transit. To learn more about accessibility and its role in the Access to Destinations Study, visit <http://www.cts.umn.edu/access-study/>.

About Dr. David Levinson: David Levinson's current research focuses on understanding the process of network growth, evaluating transportation technology and policy and modeling travel behavior. He teaches courses in Transportation Policy, Planning, and Deployment, Transportation Systems Analysis, Transportation and Land Use, Transportation Economics and Transportation Engineering. He is the director of the Nexus research group, exploring issues related to networks, economics, and urban systems, and is a co-leader of the interdisciplinary Access to Destinations Study. Attendees are welcome to bring their own lunch to this event. Please RSVP to Matthew Parent at matthew.parent@co.anoka.mn.us by Tuesday, April 12th.



April, 2011 Event Calendar

Friday, April 15 **Great Idea Exchange at the College of Design** (see p. 10)

Come cast your vote on your favorite idea around **Safe Routes to School in North Minneapolis**, meet with recent College of Design alumni that have done work in North Minneapolis, and enjoy a reception and exhibition of past and present **ReMix/Streetlife** student work. Join us for a celebration of six years of collaboration: Friday, April 15, 2011 in 100 Rapson Hall and courtyard. Register at z.umn.edu/Remix.

5-7pm Alumni reunion and exhibition reception

7-8pm Alumni and student Great Idea! Exchange on Safe Routes to School in North Minneapolis

8-8.30pm Great Idea! Award voting and announcement.

Presented by Juxtaposition Arts, UMN Department of Landscape Architecture and College of Design, Center for Urban and Regional Affairs, and funded by the UMN Imagine Fund: Supported by a Generous Donation from the McKnight Foundation.

Wednesday, April 27 **Twins Game**

Gathering at the Loop Bar is at 5:15 pm - first pitch is at 7:10 pm. Loop bar location: 606 Washington Ave N (<http://www.theloopmpls.com/>). Parking: We always suggest taking transit. But if you drive, you are on your own for parking. Reservations: Reserve your ticket by emailing Lisa Wittman at wittman@goldenvalleymn.gov. Payment: Checks should be made payable (within one week of your reservation) to APA Minnesota and sent to Lisa Wittman, City of Golden Valley, 7800 Golden Valley Road, Golden Valley, MN 55427.

If you have questions, please contact Mark Grimes at 763-593-8095 or mgrimes@goldenvalleymn.gov.

Monday, May 2 to Wednesday, May 4 **The ABCs of Form-based Codes & FBC 301: Completing, Adopting and Administering the Code**

Location: Portland Public Library Rines Auditorium, 5 Monument Square, Portland, Maine 04101

Please check out the website for more information: <http://www.regonline.com/builder/site/default.aspx?EventID=946683>.

Tuesday, May 31 **Call for Session Proposals - Upper Midwest APA Conference**

This year, APA Iowa is pleased to be hosting the Upper Midwest APA Conference, **MOTATE - Transportation and Mobility in the Green Era**, hosted annually by Iowa, Illinois, Wisconsin and Minnesota APA State Chapters. This year's event will be held **October 19-21, 2011 in Davenport**.

At this time, the Conference Planning Committee is accepting **Session Proposals** for individuals/groups interested in presenting at the conference or conducting mobile tours at the conference. Detailed information, including the session proposal forms are available on the APA Iowa website at, <http://www.iowa-apa.org/events/conference-information.html>.

Session proposals are due back to the conference committee by May 31, 2011.





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