

City of Ramsey
Agenda
Regular Planning Commission
Thursday, July 7, 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:

Joint Planning Commission meeting minutes dated June 2, 2011
Regular Planning Commission meeting minutes dated June 2, 2011
- 5. Note City Council Minutes**
 1. Note the following City Council meeting minutes:

City Council meeting minutes dated April 12, 2011
City Council meeting minutes dated April 26, 2011
City Council meeting minutes dated May 10, 2011
City Council meeting minutes dated May 31, 2011
- 6. Public Hearing/Commission Business**
 1. Public Hearing - Request for a Conditional Use Permit to Conduct Motor Vehicle Sales in the B-2 Business District on the Property Located at 6740 Highway 10 NW; Case of Tris Star Enterprise
 2. Consider Request for Sketch Plan Review and Site Plan Review of Stoney River at 14501 Nowthen Boulevard
 3. Public Hearing - Consider Ordinance to Amend City Code Section 117-114 Related to Assisted Living and Memory Care Facilities
 4. Public Hearing - Consider Request for Comprehensive Plan and Zoning Amendment at 14501 Nowthen Blvd NW
 5. Public Hearing - Consider Ordinance to Amend City Code Section 117-53 Entitled Variances
 6. Staff Update
 7. Zoning Bulletins
- 7. Commission/Staff Input**

8. Adjournment

Regular Planning Commission

4. 1.

Meeting Date: 07/07/2011

By: JoAnn Shaw, Community Development

Title:

Approve the following Planning Commission meeting minutes:

Joint Planning Commission meeting minutes dated June 2, 2011
Regular Planning Commission meeting minutes dated June 2, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Joint Meeting 06.02.11

Regular Meeting 06.02.11

Form Review

Inbox
Tim Gladhill
Aaron Backman

Reviewed By
Tim Gladhill
Aaron Backman

Date
06/30/2011 10:31 AM
07/01/2011 08:32 AM
Started On: 06/30/2011 10:03 AM

Form Started By: JoAnn Shaw

Final Approval Date: 07/01/2011

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

The Ramsey Planning Commission conducted a special joint meeting on Thursday, June 2, 2011, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Robert Schiller
 Commissioner Gary Van Scoy

Members Absent: Commissioner Andrew Dunaway
 Commissioner Joseph Field

Council Members Present: Mayor Bob Ramsey
 Councilmember Randy Backous
 Councilmember David Elvig
 Councilmember Jason Tossey

Council Members Absent: Councilmember Colin McGlone
 Councilmember Jeffrey Wise

Also Present: City Administrator Kurtis Ulrich
 Senior Planner Tim Gladhill
 Economic Development/Marketing Manager Aaron Backman

CALL TO ORDER

Chairperson Levine called the special joint meeting to order at 5:38 p.m.

CITIZEN INPUT

None.

APPROVAL OF AGENDA

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Brauer, Schiller, and Van Scoy. Mayor Ramsey, Councilmembers Tossey, Backous, Elvig. Voting No: None. Absent: Commissioners Dunaway and Field, Councilmembers McGlone and Wise.

APPROVE PLANNING COMMISSION MINUTES

There were none.

NOTE CITY COUNCIL MINUTES

The Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Discuss Development Review Process, Regulations, Standards and Development Fees

Senior Planner Gladhill presented the Staff Report.

Councilmember Elvig stated there has been some pressure on the Council to keep the fees more competitive with other cities to be sure Ramsey's fees do not hinder development. He noted he was not sure if there were sufficient fees over the years and he was reluctant to bring the fees down. He did not want to have to raise the fees in time, having residents pay in the long run.

Mayor Ramsey stated he did not see a problem with the current fees. He questioned how to qualify that the builders and residents are getting what they pay for in a building permit. He suggested looking into the next five permits to watch how much work goes into them internally and document the staff time. That could be compared to what the consumer pays for in the permit.

Councilmember Tossey stated he was tentative regarding the fact that the builder has to pay a fee to build, and the City retains \$100 of that fee in setting up an erosion control escrow. That fee is kept in an escrow account that doesn't grow interest. He suggested rather than giving a subsidy on the back end, the fee can be reduced on the front end and thereby, make it more competitive.

Councilmember Backous stated he had been appalled at the Park dedication fees. He indicated when he was on the Park and Recreation Commission, he found Ramsey's fees were lower than those nearby. He stated it is more important to break even, and the City should be determining whether the fees cover the costs. If the costs are covered and the City's fees are still quite a bit different than neighboring communities, they should be reconsidered.

Senior Planner Gladhill noted as the 2040 Comp Plan moves closer, staff may have to look at all the management plans again.

Councilmember Tossey explained he spoke with Senior Planner Gladhill that day and asked how many building permits were issued in the current year. There were 9. Of those fees, the City kept \$100 each for a total of \$900. He said he felt the City did not need to take that amount from the builders. He suggested the money be deducted from escrow if the soils become an issue.

City Engineer Himmer explained the \$100 fee has been on the books since 2006. However, it wasn't collected until just last year. There was staff time to set up the accounts this fee goes to. The fee was based on recommendations and on the Capital Improvement Plan. The fees cover the staff costs to set up the accounts, inspections that occur, software and permits.

Mayor Ramsey stated he viewed the \$100 administrative fee for erosion control escrow as minimal. He suggested that the building permit fee be a flat fee instead of 2% of the value of a single family home, for example.

Senior Planner Gladhill responded he understood the percentage is based on the State Building Code, and offered to check on that.

Commissioner Van Scoy questioned how the value of a fee is determined.

Senior Planner Gladhill explained there are benchmarks, and historical data can be used as well.

Commissioner Van Scoy asked whether the item will come back to the Planning Commission.

Senior Planner Gladhill noted the issue will be brought to the Council, though he will keep the Planning Commission apprised of decisions. He noted he is looking for ways to improve the review process.

Case #2: Discuss Employment District Concepts for West of Armstrong Boulevard and South of Highway 10

Senior Planner Gladhill presented the Staff Report.

Councilmember Elvig left at 6:26 p.m.

Mayor Ramsey stated he is satisfied with the Office Park on the south side of Highway 10. He is not in favor of more industrial use on the north side. He suggested that area should be more retail.

Commissioners Van Scoy and Levine, and Councilmember Tossey agreed.

Senior Planner Gladhill questioned if both bodies are comfortable with the new zoning district. He noted this was created in the 2030 Comp Plan and will now need to amend the zoning ordinance to officially create it.

Consensus was reached that both the Planning Commission and City Council agreed with the new zoning district.

City Engineer Himmer pointed out there is a buffer around the area so it doesn't go right into low density housing. Staff will work at trying to find a good way to transition into the area.

Commissioner Van Scoy asked how the land can be accessed.

Senior Planner Gladhill explained it has been difficult to plan with the frequent changes to Armstrong Boulevard. He said he is unsure there would be a direct access to Highway 10. Staff will be working with MnDOT and their new policies.

Commissioner Van Scoy asked what the impact would be of having a river next to the area.

Mayor Ramsey replied the likelihood of a river crossing being built at Armstrong Boulevard is very slim. The interchange is being constructed to accommodate a river crossing some day, but it is a long way off. He added this does not have any bearing on where the office park is located.

Case #3: Review Outside Storage and Employment Districts

Senior Planner Gladhill presented the Staff Report. He questioned whether further clarification should be added to surfacing and screening requirements and clarified this is focused on the industrial area; not the commercial areas.

Councilmember Backous asked if these businesses are along the rail.

Senior Planner Gladhill answered some are.

Councilmember Backous noted there have been discussions regarding screening and it is needed for appearance near the rail.

Economic Development/Marketing Manager Backman explained Hanson Building Products has 40,000 square feet of area, and another 2,700 square feet of office space. The owner wants to expand and stay in Ramsey. The business is along the railroad tracks. There are semis going in and out with siding and roofing products. This is cyclical throughout the year. The trucks need to be unloaded when they come in. The owner would like to have the business along Highway 10. The screening would require more than a fence.

Chairperson Levine stated he prefers to clarify the policy; however, there are individual needs and they must be addressed.

Commissioner Brauer pointed out there are abandoned properties and those that have been left to deteriorate.

Senior Planner Gladhill explained the policy can require those types of places be cleaned up. He noted he would be using code enforcement to deal with this issue.

Case #4: Legislative Update

Mayor Ramsey noted the Governor signed into law the variance ordinance. The cities now have flexibility to issue variances in certain instances. A revised variance ordinance will be submitted to the Council at the July meeting. This variance ordinance is effective immediately.

COMMISSION/STAFF INPUT

- 1) Councilmember Backous reminded the Bodies of a benefit for David Jeffrey at the Fountains of Ramsey, on Sunday, June 5, from 2:00 to 5:00 p.m.

ADJOURNMENT

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Van Scoy, Bauer, Brauer, and Schiller, and Mayor Ramsey, Councilmembers Tossey, Backous, Elvig. Voting No: None. Absent: Commissioners Dunaway and Field, Councilmembers McGlone and Wise.

The regular meeting of the Planning Commission adjourned at 6:58 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, June 2, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Robert Schiller
 Commissioner Gary Van Scoy

Members Absent: Commissioner Andrew Dunaway
 Commissioner Joseph Field

Also Present: Senior Planner Tim Gladhill
 Economic Development/Marketing Manager Aaron Backman
 Associate Planner/Environmental Coordinator Chris Anderson

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

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

APPROVE PLANNING COMMISSION MINUTES

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

- 1) Planning Commission public hearing and regular meeting minutes dated May 5, 2011.
- 2) Planning Commission public hearing and regular meeting minutes dated May 19, 2011.

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

NOTE CITY COUNCIL MINUTES

The Council minutes were noted.

PUBLIC HEARINGS/COMMISSION BUSINESS

Case #1: Public Hearing – Consider Amendment to Chapter 117 of City Code Relating to Required Depth of Topsoil; Case of City of Ramsey

Public Hearing

Chairperson Levine called the public hearing to order at 7:14 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the Staff Report.

Citizen Input

None.

The public hearing closed at 7:16 p.m.

Commission Business

Commissioner Bauer questioned why the change was made from 4 to 6 inches to begin with.

Associate Planner/Environmental Coordinator Anderson explained the Council passed the change to go to 6 inches because adding two inches insured there was enough substance to retain water in response reducing the specification of topsoil required. Also, it was difficult to find the materials to make the mix for requiring only 4 inches under the current ordinance.

Commissioner Van Scoy suggested the action seems counterintuitive. He questioned whether there was data to support the theory that water retention would increase.

City Engineer Himmer explained staff prepared an original mix of topsoil originally to help with water retention, since that was a large issue to address in the area. This did seem to help. However this ordinance is only one year old, and in that time it has been determined that this is an expensive mix of topsoil to use, and causes hardships with developments in progress. There is no scientific data to show how much water savings there will be. The reason for reducing to 4 inches is to alleviate the cost and hardships while still retaining water.

Motion by Chairperson Levine, seconded by Commissioner Brauer, to recommend that City Council adopt Ordinance #11-__ Amending the Required Depth of Topsoil from Six (6) to Four (4) Inches.

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

Case #2: Consider Amendment to Master Park and Trail Map

Presentation

Senior Planner Gladhill presented the Staff Report.

Commission Business

Motion by Chairperson Levine, seconded by Commissioner Van Scoy, to recommend that City Council adopt the revised Master Park and Trail Map.

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

Case #3: Staff Update

The Staff Update was noted.

Case #4: Zoning Bulletins

The Zoning Bulletins were noted.

COMMISSION/STAFF INPUT

None.

ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 7:36 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Chris Moksnes
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 07/07/2011

By: JoAnn Shaw, Community Development

Title:

Note the following City Council meeting minutes:

City Council meeting minutes dated April 12, 2011

City Council meeting minutes dated April 26, 2011

City Council meeting minutes dated May 10, 2011

City Council meeting minutes dated May 31, 2011

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

04.12.11

04.26.11

05.10.11

05.31.11

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/01/2011 11:54 AM
Aaron Backman	JoAnn Shaw	07/01/2011 11:56 AM
Form Started By: JoAnn Shaw		Started On: 07/01/2011 11:36 AM
Final Approval Date: 07/01/2011		

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

The Ramsey City Council conducted a regular meeting on Tuesday, April 12, 2011 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: Councilmember David Jeffrey

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Fire Chief Dean Kapler
Public Works Director Brian Olson
Senior Planner Timothy Gladhill
Assistant City Engineer Tim Himmer
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 Government Class Students.

2. PRESENTATION

Following approval of the Consent Agenda, which includes approval of End of Probationary Periods, the following Fire Fighters were presented: Cory Helgoe, Steve Lundeen, Paul Reighard.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

City Administrator Ulrich stated Item 12 in the Consent Agenda, Introduce Ordinance to Amend City Code Section 117-118 (Town Center) of the Ramsey City Code; Case of City of Ramsey,

should be moved to the regular Agenda Item 7.6 and the title will be changed to say “adopt” instead of “introduce”.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to approve the agenda as amended.

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

5. CONSENT AGENDA

Motion by Councilmember Wise, seconded by Councilmember Backous, to approve the following items on the Consent Agenda:

5.01 Approve the following License Applications:

Vehicle, D. Allen Holding LLC, 7060 – 143rd Avenue NW – Suite 2, Ramsey, MN 55303

Vehicle, TMBC LLC dba Crystal Pierz Marine, 6781 Highway #10 NW – Suite 110, Ramsey, MN 55303

Peddler/ Solicitor, Walters Recycling & Refuse, Inc., P.O. Box 67, Circle Pines, MN 55014

Peddler/Solicitor, Custom Remodelers Inc., 474 Apollo Drive, Lino Lakes, MN 55014

Peddler/Solicitor, American Exteriors of MN LLC, 1408 Northland Drive, Mendota Heights, MN 55120

Pawnbroker, Vehicle Pledge – Div. of Berwyck Group LLC, 6740 NW Highway #10 NW, Ramsey, MN 55303

Pawnbroker, Ramsey Pawn LLC, dba Twin Cities Pawn, 6650 Highway #10 NW, Ramsey, MN 55303

Special Events, Northgate Church, 7250 E. Ramsey Pkwy, Ramsey, MN 55303

Temporary On-Sale Liquor, Church of St. Katharine Drexel, 7101 – 143rd Avenue NW – Suite G, Ramsey, MN 55303

5.02 Approve the following City Council and City Council Committee Meeting Minutes:

a) January 18, 2011 City Council Work Session

b) January 24 - 25, 2011 Strategic Planning Session

c) February 1, 2011 Special City Council

d) February 1, 2011 City Council Work Session

5.03 Reschedule May 24, 2011 Regular City Council Meeting to May 31, 2011

5.04 Approve Exemption for a Gambling License for Greyhound Pets of America – Minnesota

5.05 Accept Plans and Specifications, and authorization to bid City project #09-25;

Dysprosium Street improvements

5.06 Adopt Resolution #11-04-081 amending the terms of the Conditional Use Permit relating to the operation of a religious institution in the R-1 Residential District to allow external activities to occur on the property between the hours of 6:00 a.m. and 11:00 p.m.

5.07 Approve agreement for online auction services

5.08 Adopt Resolution #11-04-082 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of March 17, 2011 through April 6, 2011

5.09 Adopt Resolution #11-04-083 Proclaiming April 29, 2011 as "Arbor Day" and the Month of May, 2011 as "Arbor Month"

- 5.10 Adopt Resolution #11-04-084 relating to parking restrictions for the Dysprosium Street NW Reconstruction Project, State Aid project 199-110-106
- 5.11 Introduce an Ordinance amending Section City Code Section 30-3 titled Property Conditions constituting a public nuisance AND amending City Code Section 2-332 titled Abatement and relating to the abatement of grass, weeds or noxious growths in excess of eight inches in height.
- 5.12 Moved to Regular Agenda
- 5.13 Report from the Personnel Committee meeting held on March 22, 2011.
 - 1) Consider a Resolution to Authorize a Paid-on-call Firefighter Recruitment *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-04-085 Authorizing a Paid-on-call Firefighter Recruitment.*
 - 2) Consider a Resolution Ending the Probation of Paid-On-Call Firefighters *Ratify the recommendation of the Personnel Committee and adopt Resolution #11-04-086 approving the End of Probation of Paid-On-Call Firefighters.*
- 5.14 Report from Public Works
 - 1) Consider Agreement with Minnesota Pollution Control Agency regarding Ambient Groundwater Quality Monitoring Wells *Ratify the recommendation of the Public Works Committee and authorize the use of City owned property to install monitoring wells by Minnesota Pollution control Agency.*
 - 2) Consider Policy for the Disposition of Surplus Wood and Tree Waste – *Ratify the recommendation of the Public Works Committee and approve the Policy for the Disposition of Surplus Wood and Tree Waste*
 - 3) Consider Update on Retro Fitting of Public Works Lighting – *Ratify the recommendation of the Public Works Committee and approve the project and contracting with AID Electric for installation of the fluorescent option and that the AID proposal be further modified to require disposal of all fixtures as described in the vehicle storage building.*
 - 4) Discuss Trail Construction in Conjunction with an Overlay to Alpine Drive near Alpine Park

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

6. PUBLIC HEARING

6.01 Public Hearing for City Improvement projects #11-01 through 11-06; 2011 Street Maintenance Program

Mayor Ramsey closed the regular portion of the City Council meeting at 7:08 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:08 p.m.

Presentation

City Planner Himmer reviewed the staff report.

Citizen Input

There was none.

Motion by Councilmember Elvig, seconded by Councilmember Backous, to close the public hearing.

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

The public hearing was closed at 7:08 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:08 p.m.

Motion by Councilmember Wise, seconded by Councilmember Elvig, to approve the feasibility study for the 2011 Street Maintenance Program; including any proposed revisions.

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

7. COUNCIL BUSINESS

7.01: Consider authorization to bid City project #11-21; the signalization of Armstrong and Bunker Lake Boulevards

Assistant City Engineer Himmer reviewed the staff report.

Mayor Ramsey noted some residents may question why the school is paying a portion and the City is paying a portion. He stated it is due to an agreement that was made in 2009, which the City is honoring.

Mr. Himmer added the funding from the City is going to come from State Aid, and not from the City's General Fund.

Public Works Director Olson added the County paid for approximately one-third of the roadway improvements.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to authorize the solicitation of bids for City project #11-21.

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

7.02: Request to Approve Anoka County Connectivity Services Agreement for Broadband Services

City Attorney Goodrich reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to approve the agreement with the noted amendments and to grant the City Attorney authorization to agree to any additional modifications that may be proposed by the County.

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

7.03: Request to Adopt 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.

Councilmember McGlone commented there were a few residents in the room at the last meeting that thought their taxes may go up in response to this issue. He noted they will not be going up as a result.

Senior Planner Gladhill explained that staff received a response from the County Planner, which reiterated this will not trigger a change to residents' assessed value. Functional use changes may occur such as residential to commercial. He suggested residents call City Hall or go to the City's website if there are any concerns.

Councilmember McGlone asked Senior Planner Gladhill to explain legal non-conforming use, also called grandfathering.

Senior Planner Gladhill clarified if a resident has been approved for a certain use or tax level currently, the City cannot demand a resident change to conform to future regulations. This is in the City Statute.

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #11-03 to amend section 117-90 "Map" of Chapter 117 of the Ramsey City Code related to the 2030 Comprehensive Plan.

Roll call vote:

Councilmember Tossey	aye
Councilmember Elvig	aye
Councilmember Jeffrey	absent
Councilmember Backous	aye
Councilmember Wise	aye
Councilmember McGlone	aye

Mayor Ramsey aye

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

7.04: Request for Adopt Ordinance to Amend City Subdivision Code Related to Financial Sureties for Required Improvements

City Planner Gladhill reviewed the staff report.

Councilmember Elvig stated he appreciated the amendments that have been incorporated into this ordinance. He suggested staff document what worked, and what didn't, and visit this in 12 months.

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #11-04 amending the City's subdivision ordinance related to financial sureties including the amendments proposed at this meeting.

Roll Call Vote:

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

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

7.05: Consider Proposed Amendment to Purchase Agreement - The Residence at The COR

Deputy City Administrator Nelson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to approve the proposed amendment to the purchase agreement contingent on the HRA's approval of the agreement in the next HRA meeting.

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

7.06: Introduce Ordinance to Adopt 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 Elvig, seconded by Councilmember Tossey, to waive the City Charter requirement to read the ordinance aloud and adopt Ordinance #11-05 to Adopt City Code Section 117-118 (Town Center) of the Ramsey City Code; Case of City of Ramsey

Roll Call Vote:

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

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

8. MAYOR, COUNCIL AND STAFF INPUT

May 24 CC Meeting Rescheduled

The May 24 City Council meeting has been rescheduled to May 31, 2011, beginning at 7:00 p.m. due to some Councilmembers attending the ICSC Conference.

Support for Councilmember Jeffrey

Mayor Ramsey reported Councilmember Jeffrey has been absent the past few meetings, and had just learned he is diagnosed with pancreatic cancer. Councilmember Jeffrey will have surgery for the tumor. Mayor Ramsey asked for support for Councilmember Jeffrey.

Joint City Council Meeting w/EDA

City Administrator Ulrich noted there is a Joint Council EDA meeting on April 14 at 7:00 p.m. He noted staff is in the process of scheduling joint meetings with surrounding cities.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 7:35 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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 Property Conditions Constituting a Public Nuisance AND Amending City Code
 Section 2-332 titled Abatement and relating to the Abatement of Grass, Weeds or
 Noxious Growths in Excess of Eight Inches in Height. 4

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

The Ramsey City Council conducted a regular meeting on Tuesday, April 26, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: Councilmember David Jeffrey
Councilmember Randy Backous

Also Present: City Administrator Kurtis Ulrich
Deputy City Administrator Heidi A. Nelson
Public Works Director Brian Olson
Senior Planner Timothy Gladhill
Assistant City Engineer Tim Himmer
Police Chief James Way
Parks Supervisor Mark Riverblood
City Attorney William Goodrich
Human Resources Director Colleen Lasher
Economic Development/Marketing Manager Aaron Backman
Development Manager Darren Lazan

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 Mayor Ramsey.

2. PRESENTATION

Mayor Ramsey recognized Mark Fisher, Anoka County resident, for his induction into the National Freshwater Fishing Hall of Fame.

3. CITIZEN INPUT

None.

4. APPROVE AGENDA

Motion by Councilmember Tossey, seconded by Councilmember McGlone, to approve the agenda as presented.

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

5. CONSENT AGENDA

Councilmember Tossey requested item 5.10, Report from the Personnel Committee meeting held on April 12, 2011, be removed from the Consent Agenda and added as item 7.05.

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

- 5.01 Receive Cash & Investments for Period Ending March 31, 2011
- 5.02 Receive January - March 2011 Financial Reports - General Fund and Enterprise Funds
- 5.03 Note the following Commission and Boards meeting minutes:
 - a. Planning Commission meeting minutes dated Thursday, March 3, 2011
 - b. EPB meeting minutes dated Monday, March 7, 2011
 - c. Economic Development Authority meeting minutes dated March 10, 2011
- 5.04 Approve Exemption for a Gambling License for Capable Partners at Game Fair
- 5.05 Approve Rental License - Terrace Hill Apartments
- 5.06 Approve Building Inspection Services Agreement - Contract Renewal
- 5.07 Approve Easement Modification at 7130 156th Avenue NW Related to City Project #10-24; Wetland 656W Outlet
- 5.08 Adopt Resolution #11-04-087 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing received during the Period of April 7, 2011 through April 20, 2011
- 5.09 Adopt Resolution #11-04-088 Recognizing Mark Fisher for His Induction into the National Freshwater Fishing Hall of Fame

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Approval of Contractors for Abatement Services

Police Chief Jim Way reviewed the staff report.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to approve Rushstar Systems for mowing abatement and clean up abatement services.

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

7.02: Request for Adopt Ordinance Amending Section City Code Section 30-3 titled Property Conditions Constituting a Public Nuisance AND Amending City Code Section 2-332 titled Abatement and relating to the Abatement of Grass, Weeds or Noxious Growths in Excess of Eight Inches in Height.

City Attorney Goodrich reviewed the staff report.

Councilmember Wise pointed out the reason the height is being changed from 12 to 8 inches is that by the time the abatement process is complete, the weeds are already at 8 inches.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to waive the reading of and adopt Ordinance #11-06 amending Section City Code Section 30-3 titled Property Conditions constituting a public nuisance AND amending City Code Section 2-332 title Abatement and relating to the abatement of grass, weeds or noxious growths in excess of eight inches in height.

Roll call vote:

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

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

7.03: Consider Site Plan for Parking Lot Amendments for Ramsey Office Plaza

Senior Planner Gladhill reviewed the staff report.

Councilmember McGlone questioned whether there is a minimum or maximum parking requirement and if the City was meeting one of them.

Senior Planner Gladhill explained there are no minimum parking requirements at this time. The City does want to be assured there is sufficient parking, and the parking requirements will be considered with the developer.

Councilmember Wise inquired whether the discussion regarding the assurance that the access would align with any to the south is documented.

Senior Planner Gladhill explained there has been a verbal discussion regarding the line up of the accesses. He suggested this requirement be put in writing with instruction from the City Attorney for the applicant.

Councilmember Elvig commented there seems to be a bottleneck with trucks and other large vehicles getting in and out of there.

Senior Planner Gladhill noted a more detailed drawing could be created and the permit will not be released without stipulations the Council proposes.

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve the site plan for parking lot expansion and additional access at 7533 Sunwood Drive NW and require written documentation on the southern ingress and egress.

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

7.04: Consider Lease Agreement for 7039 Hwy 10 by RM Golf Carts

Economic Development/Marketing Manager Backman reviewed the staff report.

City Attorney Goodrich stated the rent will be at least as much as the property taxes. The tenant can have possession in May, subject to the City moving its equipment from the property. They will not start rental payments until the City's possessions are removed. The City recognizes the applicants are putting substantial dollars into the property in order to open it.

Councilmember Elvig stated proof of insurance will be needed for early possession.

Motion by Councilmember Elvig, seconded by Councilmember McGlone, to approve the proposed five-year lease with RM Golf Carts, Inc.

Discussion: Councilmember McGlone stated it is important to point out the building is a gutted structure. There is no sheetrock, heat, or bathroom and the applicant is fronting all of those costs at his own risk.

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

7.05: Report from the Personnel Committee meeting held on April 12, 2011.

Case 1: Resolution to Consider the Probationary Period of the Economic Development and Marketing Manager

Deputy City Administrator Nelson reviewed the staff report.

Councilmember Tossey explained the probation was voted to be extended by the City Council. The City Administrator is to make the decision and not the Council. Therefore, the Council acted in error.

Mayor Ramsey agreed that the recommendation to extend the probation should not have been made.

Motion by Mayor Ramsey, seconded by Councilmember Tossey to reverse the motion to extend the probationary period and adopt Resolution #11-04-089 to end the probationary period of the Economic Development and Marketing Manager as of May 8, 2011.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Mayor Ramsey noted the following events:

Thursday, April 28, 2011 - Anoka Technical College Annual Fundraiser Breakfast - 7:30 a.m. at The Fountains of Ramsey. Honored at the breakfast will be retired Anoka County Commissioner Dennis Berg.

Friday, April 29, 2011 - Retirement Dinner for Anoka County Administrator Terry Johnson - 4:30 p.m. - 7:00 p.m. - Greenhaven Golf Course, Anoka, MN

Saturday, April 30, 2011 - Ramsey Business/Environmental Expo. 9:00 a.m. to 2:00 p.m. The Business Expo will be held at The Fountains and the Environmental Expo & Tree Sale will be held at the Ramsey Municipal Center

Monday, May 2, 2011 - Joint City Council meeting with the City of Andover - 6:30 p.m. - Ramsey City Hall - Lake Itasca Room. Public is invited.

Saturday, May 7, 2011 - Spring Recycling Day Event - 8:00 a.m. to Noon - Ramsey Public Works Facility - 14100 Jasper Street NW, Ramsey

Monday, May 9, 2011 - Joint City Council meeting with the City of Elk River - 6:30 p.m. - Elk River City Hall

Tuesday, May 31, 2011 – City Council meeting. There will be no meeting on Tuesday, May 24.

Councilmember Tossey noted that Councilmember Jeffrey had surgery and is doing remarkably well.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 7:24 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, May 10, 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
Senior Planner Tim Gladhill
Fire Chief Dean Kapler
Public Works Director Brian Olson
Assistant City Engineer Tim Himmer
Police Chief James Way
Economic Development/Marketing Manager Aaron Backman
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 students from Elk River High School Government Class.

2. PRESENTATION

None.

3. CITIZEN INPUT

Councilmember McGlone noted he received a call from Mr. Gary Greb who raised his concern regarding the road closure at 142nd Avenue. Mr. Greb was in the hospital and could not attend the meeting. He had a medical emergency and was concerned that if that had happened at his home, he could have died due to the inability for emergency vehicles to get through the road

closure. Councilmember McGlone stated he drove to the road closure to observe this concern. He said he called the Chief of Police, and was told the barriers in place are “knock-down” barriers and the emergency vehicles can drive over them. He noted the concern of the caller was unfounded.

Councilmember Backous questioned how many accidents have happened at that intersection since the road was closed.

Fire Chief Kapler responded he was not sure, but he does know there has been none with injuries because that’s when the Fire Department responds.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

Councilmember Wise requested to move Case 5.5 to Case 7.05.

Councilmember McGlone requested to move Case 5.3 to Case 7.06.

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

- 5.01 Approve an Agreement to Allow the Construction of a Six (6) Foot Tall Wood Privacy Fence that Encroaches onto City Property
- 5.02 Adopt Resolution #11-05-090 Approving Cash Disbursements made and Authorizing Payment of Accounts Payable Invoicing received during the Period of April 21, 2011 through May 5, 2011
- 5.04 Report from the Finance Committee of 4-26-
 - 1) Agenda Item #1 - Credit Card/Debit Card Acceptance Policy¹¹ (*Ratify the recommendation of the Finance Committee adopting the Credit Card/Debit Card Acceptance Policy with additional language added regarding those employees who will be authorized to accept credit cards to sign a form acknowledging and accepting the terms of the credit card/debit card policy.*)
 - 2) Agenda Item #2 - City Financial Dashboard (*Informational only.*)

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Consider Revisions to Development Contract for Legacy Christian Academy/Alpha Development

Senior Planner Gladhill reviewed the staff report.

Mike Altimer, Legacy Christian Academy, stated the Academy is in agreement with the changes in the report.

City Attorney Goodrich explained the purpose is that if the bids come in higher, the City Council would like to have another option to look at it to consider whether the City would like to assist more financially if the developer chooses not to.

Motion by Councilmember Jeffrey, seconded by Councilmember Wise, to approve the revised Development Contract, contingent upon opening and awarding of bids for the 429 Assessment Project to ensure City constructed improvements are properly funded and authorizing the City Attorney to make minor amendments as to legal form to the development contract.

Discussion: Councilmember Elvig questioned why this could change from past policies. Senior Planner Gladhill explained this case is specifically relating to the sewer and water. The City is stating it will collect a letter of credit if the private improvements were not complete. Councilmember Elvig stated he wanted to be careful about setting precedence for the public. Senior Planner Gladhill noted there is a finding in the proposal that this is a non-profit and the City is assured it will be reimbursed. City Attorney Goodrich stated this case is different in that usually the developer sells off lots and the assessments are paid off when the lots are sold.

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

7.02: Consider Storm Sewer Outlet Revisions Related to City Project #08-33, Ute Street Improvements

Assistant City Engineer Himmer reviewed the staff report.

City Attorney Goodrich stated he and staff have looked at the easement issue. He noted there are no drainage issues. There is sufficient legal basis with regard to ownership to have the easement where it is.

Motion by Councilmember Jeffrey, seconded by Mayor Ramsey, to authorize the proposed Ute Street storm sewer outfall revisions on a time and material basis, not to exceed \$2,000.

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

7.03: Request to Authorize Staff to Solicit Bids for Improvement Project 10-22, Ramsey Municipal Parking Facility

Public Works Director Olson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to authorize Staff to solicit bids for Improvement Project 10-22, Ramsey Municipal Parking Facility Phase II.

Further discussion: Councilmember Tossey questioned how much it costs to place ads and request a proposal. Public Works Director Olson responded approximately \$360 per publication. This would be in three different publications, which would bring the total to approximately \$1,000. Councilmember Tossey stated he has no desire to expand this ramp; he sees no reason to do so and does not want to accept the grant. Public Works Director Olson noted there are 350 stalls dedicated solely to transit. The land use next to the ramp cannot be approved without approving the ramp expansion. It is anticipated the parking stalls will be used by the adjacent land use. Deputy City Administrator Nelson explained the design guideline and zoning in place for The COR dictate structured parking in order to reach the density for the plan. If there was no structured parking arrangement, the land use would have to be reconsidered. Mayor Ramsey stated he firmly believes when the rail stop is put into place, 350 stalls will be filled with transit riders. The City solicited for the grant, and it was approved, and he does not want to give it back. City Administrator Ulrich pointed out this would make the land more valuable and is a landmark for the future. Councilmember Backous stated he agreed with Councilmember Tossey and does not believe in building things that are not needed. He suggested sending the money back. Councilmember Elvig theorized sewer pipes are run months and years prior to building in anticipation of building, and it also raises land value. This would be the same type of situation.

Substitute motion by Mayor Ramsey, seconded by Councilmember Elvig to authorize Staff to solicit bids for construction for Improvement Project 10-22, Ramsey Municipal Parking Facility Phase II.

Further Discussion: Mayor Ramsey clarified after 60 days, the Council will decide whether to accept any of the bids. This item will be brought to the Council on June 28.

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

7.04: Request for Approval of Documents to Clear Title to Lands Owned by the City of Ramsey in the Plat of COR ONE.

Deputy City Administrator Nelson reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember Tossey to approve the following documents contingent upon the action by the HRA:

Release of Option
Release of Land from Restrictions
Release of Deferred Assessments
Quit Claim Deed
Declaration of Easement.

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

7.05: Report from the Personnel Committee meeting held on April 26, 2011

Case 1: Consider authorizing staff to complete the annual COPS Grant

Case 2: Resolution to Consider Accepting a Public Works Parks Maintenance Worker Resignation

Case 3: Resolution to Consider Authorizing staff to Hire a Patrol Officer

Motion by Councilmember Wise, seconded by Councilmember Tossey, to approve the original recommendations from the Personnel Department, which are as follows:

- 1) Direct staff to not complete the annual COPS Grant paperwork
- 2) Adopt Resolution #11-05-091 Accepting the resignation of Andrew Eccleston, Parks Maintenance Worker
- 3) Adopt Resolution #11-05-092 Authorizing the hiring of Kyle Hemmerich as Patrol Officer.

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

7.06: Consider a Resolution Re-appointing a Member to the Economic Development Authority

Mayor Ramsey reviewed the steps necessary to appoint a member to the Economic Development Authority (EDA). He stated he chose to reappoint the seated EDA member, Chris Riley.

Councilmember McGlone stated he opposes the appointment of that member.

Motion by Councilmember Jeffrey, seconded by Councilmember Backous, to ratify Mayor Ramsey's appointment of Chris Riley to the EDA by adopting Resolution #11-05-093.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Road Closure

Councilmember Backous inquired how many accidents have occurred since the road closure was put into place at 142nd Avenue.

Police Chief Way stated he did not recall any accidents involving vehicles. There had been four times the amount of typical accidents at that intersection prior to it being closed.

Councilmember Backous pointed out the intersection has been made much safer with the road closure. He noted there have been many letters to the editor of *ABC Newspapers*, and this issue is now done. The process has been completed, and there had been abundant time for debate. One person continues to write the letters and portray the situation as though the neighborhood is against the road closure, which is inaccurate. Councilmember Backous wanted the public to understand there are no safety issues. It was discussed earlier in this meeting that police and fire can get through the barricades that are in place now.

Councilmember McGlone clarified there is more than one individual and at least one Councilmember that was opposed to the closure. He clarified where the actual closure is located.

Public Works Director Olson indicated he had a list of accidents, and they are one-fourth the amount of accidents prior to road closure.

Councilmember Resignation

Councilmember Jeffrey announced he is battling pancreatic cancer. Though he has had successful surgery, he will now embark on aggressive chemotherapy treatments. Because of this, he is unsure he can fulfill the duties he was elected to serve. As such, he submitted his resignation as a Councilmember. He noted he has been on the Council six and a half years, and reviewed some of the events and milestones he has had the pleasure of being part of. He thanked the staff for their service and dedication.

Mayor Ramsey thanked Councilmember Jeffrey for his service.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:00 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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 7.02: Request for Interim Use Permit for Go Cart Track at 14550 Armstrong Boulevard; Case of Karl Janzen 5

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

The Ramsey City Council conducted a regular meeting on Tuesday, May 31, 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
Senior Planner Timothy Gladhill
City Engineer Tim Himmer
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 Mayor Ramsey.

2. PRESENTATION

None.

3. CITIZEN INPUT

Gary Greb, 14183 Argon St NW, Ramsey noted Councilmember McGlone spoke for him at the last Council meeting regarding the road closure at 142nd Avenue and Argon. Since this closure was put into place, he noticed the residents seem to think the street is an extension of their own front yard. The curve of Argon is more dangerous than 142nd Avenue, he contended. He stated emergency vehicles cannot respond to situations quickly due to the road closure. He said he demanded the intersection be reopened immediately.

Mayor Ramsey thanked him for his comments. He sought the decision of putting this item on a future agenda from at least two Councilmembers. There were no Councilmembers in favor.

John Enstrom, 8702 181st Ave., Ramsey, noted there will be a fifth annual flag retirement ceremony on June 14. He mentioned there will be many flags from around the north metro. The following weekend, the national remote control Battleship Conference will be held at Veterans Lake. He invited the public to both events. He suggested visiting his web site at www.veteranslake.com.

4. APPROVE AGENDA

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

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

5. CONSENT AGENDA

Councilmember McGlone requested to move Item 5.13 to Item 7.10.

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

- 5.01 Cash & Investments for Period Ending April 30, 2011
- 5.02 Fire Department 1st Quarter Report
- 5.03 Note the following Commission and Board meeting minutes:
 - a) Environmental Policy Board meeting minutes dated April 4, 2011
 - b) Planning Commission meeting minutes dated April 7, 2011
 - c) Economic Development Authority meeting minutes dated April 14, 2011
- 5.04 Approve the following licenses:
 - Motor Vehicle Sales
Escape RV Center - 8170 Highway #10 NW
 - Garbage and Refuse Haulers
Lepage & Sons - 3118 - 16nd Lane NW, Suite B, Andover, MN 55304
 - Temporary Special Events
Anoka High School Students - Senior Project at Central Park - *this event took place on May 13 and was administratively approved w/Council knowledge*
 - Peddler/Solicitor/Transient Merchant
Southwestern Books - Joy Bradley - current time until August, 2011
- 5.05 Community of Promise Donation Request
- 5.06 Request for a Conditional Use Permit to Exceed Sign Size Restrictions at 7333 Sunwood Dr NW; Case of Leroy Signs, Inc.
- 5.07 Approve the Following Meeting Minutes:
 - a) April 5, 2011 Special City Council
 - b) April 5, 2011 City Council Work Session

- c) April 12, 2011 City Council Work Session
 - d) April 12, 2011 City Council Regular
 - e) April 19, 2011 City Council Work Session
 - f) April 26, 2011 City Council Work Session
 - g) April 26, 2011 City Council Regular
 - h) May 2, 2011 City Council Joint Meeting w/Andover
 - i) May 3, 2011 City Council Work Session
 - j) May 10, 2011 City Council Work Session
 - k) May 10, 2011 City Council Regular
- 5.08 Introduce Ordinance to Amend Section 117-90 "Map" of Chapter 117 of the Ramsey City Code Related to the 2030 Comprehensive Plan.
- 5.09 Introduce Ordinance to Amend City Code Section 117-349 (Accessory Uses and Buildings)
- 5.10 Adopt Resolution #11-05-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 6, 2011 through May 25, 2011
- 5.11 Adopt Resolution 11-05-XXX Authorizing 4th Partial Payment to Rum River Contracting for IP 08-34 Bituminous Paving of 151st, 152nd and Fluorine Street
- 5.12 Adopt Resolution 11-05-XXX Authorizing 2nd Partial Payment to Rum River Contracting for IP 10-07 Alpine/Roanoke Street Improvements
- 5.13 Report from the Personnel Committee meeting held on May 10, 2011.
- 1) Consider a Resolution Accepting the Resignation of a Clerk Typist in the Finance Department – *Ratify the recommendation of the Personnel Committee and adopt Resolution 11-05-XXX to accept the resignation of Ms. Joan Smith; a Clerk Typist in the Finance Department*
 - 2) Consider a Resolution Ending the Probationary Period of the Accountant I – *Ratify the recommendation of the Personnel Committee and adopt Resolution 11-05-XXX to end the probationary period of Ms. Cindy Nelson, Accountant I in the Finance Department.*
- 5.14 Report from Public Works Committee meeting held on May 17, 2011.
- 1) Consider Stormwater Utility Rate Change Request from Green Valley Greenhouse – *Ratify the recommendation of the Public Works Committee and approve a request to change the stormwater utility fees to \$37.08 for Green Valley Greenhouse, retroactive to July 2009.*
 - 2) Consider Installing Permanent Power for Happy Days Celebration – *Ratify the recommendation of the Public Works Committee and approve installation of permanent power of either 400 amp service in one location, or 200 amp service in 2 locations, dependent on further research, on the east side.*
 - 3) The Use of Social Media in Public Works – *Ratify the recommendation of the Public Works Committee and conduct research in an effort to begin using Facebook and citizen Request Tracker as communication tools for the Public works Department.*
 - 4) Consider Options for Street Sweeping – *Ratify the recommendation of the Public Works Committee to research costs of subcontracting by discussing this option with the City of Plymouth, and look at the viability of using refurbished sweepers.*

- 5) Consider Priority Streetlight Installation Related to Various 2011 Improvement Projects – *Ratify the recommendation of the Public Works Committee and recommend the City council direct staff to install all the streetlights referenced in this case with a dedicated funding source for each, which will be determined based upon submission of additional information and discussion.*
- 6) Review Mass Grading Concepts and Import Policy for The COR – *Ratify the recommendation of the Public Works Committee to have a model policy drafted.*

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

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: 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

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Jeffrey, to adopt Resolution #11-05-___ adopting Findings of Fact # ___ relating to the applicant's request for a home occupation permit.

Further discussion: Councilmember McGlone noted in an earlier meeting, it was discussed that any structure that is over 2000 square feet needs a fire suppression system. Fire Chief Kaplar explained that ordinance is in effect for new buildings. This is an existing building and the code in place when it was built applies unless a major addition is added. Councilmember McGlone questioned when the building was built. Lawrence Ferber, owner, answered 1992. Councilmember Elvig asked if there are filings with the County for EPA. Associate Planner/Environmental Coordinator Anderson responded any required permits would be incorporated into this permit.

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

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

Senior Planner Gladhill reviewed the staff report.

City Engineer Himmer noted the Fire Marshall has reviewed this case. This development will be built to state codes, and the fuel storage will be carefully monitored. Every racer needs their own

fire extinguisher. The applicant must mow grass within 24 hours of use to minimize fires. The owner has agreed to all terms, and these terms will be in the permit as well.

Councilmember Wise pointed out this is a city-owned property. This is a joint venture with Mr. Janzen and the City to raise funds for Happy Days.

Motion by Councilmember Wise, seconded by Councilmember Elvig, to adopt findings of fact related to the request for an Interim Use permit; and to 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.

Further discussion: Councilmember Backous inquired who would pay for the utilities if they have to be moved. Senior Planner Gladhill replied the fees will be borne by the developer. The estimates are rather high and are not feasible to bring forward. The request is for Council approval contingent on securing an agreement with Connexus.

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

7.03: Request for a Conditional Use Permit to Exceed Sign Size Restrictions at 7231 Sunwood Dr NW; Case of Allina Medical Clinic

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Councilmember Elvig, seconded by Councilmember Jeffrey, to adopt findings of fact relating to Allina Medical Clinic's request for a conditional use permit to exceed sign size restrictions established in city code subject to review by the City Attorney as to legal form, and to approve Allina medical Clinic's request to exceed sign size restrictions based on the findings of fact, and adopt a resolution declaring terms of conditional use permit subject to review by the City Attorney as to legal form.

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

7.04: Consider Selection of Planning Firm for Consultant Planning Services

Senior Planner Gladhill reviewed the staff report

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to approve a contract with Bonestroo for consultant Planning Services and direct staff of prepare and execute a two-year contract for services, subject to review by the City Attorney as to legal form.

Further discussion: Mayor Ramsey stated all three firms that interviewed are quality firms. He noted he is not in favor of paying \$15 more per hour for Bonestroo compared to what other firms proposed. Councilmember Wise noted since the vast majority of the development is in The COR, the work would have to be done by another consultant than Mr. Lazan which was a reason

to not choose Landform. Mayor Ramsey questioned if staff can handle the plan review for The COR. City Administrator Ulrich indicated staff can handle the site plan reviews as well as other projects. Mayor Ramsey questioned if there would be a conflict of interest in using Landform. City Administrator Ulrich stated there could be a potential conflict of interest, but it could be handled. Councilmember Elvig inquired whether Bonestroo can match a flat rate. City Engineer Himmer stated he could discuss this with them.

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

7.05: Consider Award of Contract for City Improvement Project #09-25; Dysprosium Street Reconstruction

City Planner Himmer reviewed the staff report.

Motion by Councilmember Jeffrey, seconded by Councilmember Wise, to adopt Resolution 11-05-XXX awarding a contract for City project #09-25, Dysprosium Street reconstruction to County Line Excavating in the amount of \$63,972.48.

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

7.06: Consider Award of Contract for City Improvement Project #11-21; Armstrong and Bunker Lake Boulevard Intersection Signalization

City Planner Himmer reviewed the staff report.

Motion by Councilmember Jeffrey, seconded by Councilmember Wise, to adopt Resolution 11-05-XXX awarding a contract for city project #11-21, Armstrong and Bunker Lake Boulevard Intersection Signalization to Douglas-Kerr Underground, LLC in the amount of \$3,458,170.43, and to allow the public Works Director to approve project change orders in the amounts less than \$15,000.

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

7.07: Consider Change Order for City Project #10-24; Wetland 656 Outlet

City Engineer Himmer reviewed the staff report.

Councilmember McGlone inquired if this work has commenced yet.

City Engineer explained it is a change order, or addendum. Staff is waiting for Council approval to start. He explained there were blockages in the culverts and staff had to wait for RFPs to be awarded for the work to begin. Staff had to wait again until the culvert was clean after the winter to be able to tell what the problem was. This caused the delay in discovering a problem.

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve a Change Order for City Project #10-24; Wetland 656 Outlet.

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

7.08: Consider Change Order for City Project #10-07; Alpine Drive and Roanoke Street Improvements

City Planner Himmer reviewed the staff report.

Motion by Mayor Ramsey, seconded by Councilmember Backous, to approve the change order for City project #10-07, Alpine Drive and Roanoke Street improvements, in the amount of \$100,779.70.

Further discussion: Councilmember McGlone questioned why staff was not aware of this issue. City Engineer Himmer explained this is for two separate projects. This was noted in a resident meeting, which are very helpful to conduct. This area was not included in the original scope of the projects.

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

7.09: Accept Councilmember Jeffrey's Resignation as Ward 4 Councilmember, Declare the Ward 4 Councilmember Vacancy, and Schedule a Special Election to Elect a Successor

City Attorney Goodrich reviewed the staff report. Councilmember Jeffrey has signed a form letter of resignation with the effective date of June 1, 2011. The signed letter will be submitted to the City Clerk tomorrow.

Councilmember Jeffrey read a letter. He thanked all who supported him in 6.5 years on the Council and 1.5 years on the Planning Commission.

City Attorney Goodrich noted filling this vacancy on the City Council will be guided by the City Charter. A special election must be held within 90 days of the announcement of a vacancy, which is August 29 in this case. He suggested an election be held Tuesday, August 16 from 7:00 a.m. to 8:00 p.m. in Ward 4.

Motion by Councilmember Jeffrey, seconded by Councilmember Backous, to accept Councilmember Jeffrey's resignation, declare a vacancy in ward 4 effective June 1, 2011, and schedule special election August 16, 2011.

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

7.10: Consider a Resolution Approving the 2011-2012 LELS Patrol Labor Contract

Deputy City Administrator Nelson reviewed the staff report.

Councilmember McGlone explained he removed this from the Consent Agenda because he wanted to vote against it and he cannot vote against on the Consent Agenda.

Mayor Ramsey noted the City is in discussion to offer a raise for LELS in 2012.

Councilmember Tossey indicated he worked with Police Chief Way on the Fitness on Duty program for the first year. He listed the benefits of having police officers that are physically fit. The 2% raise proposed for the second year is inline with other municipalities. He said he is in favor of this.

Motion by Councilmember Tossey, seconded by Councilmember Wise, to adopt the Resolution to approve the 2011-2012 LELS Patrol Labor Contract.

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

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced the upcoming events:

- 1) Thursday, June 2, 2011 - Joint City Council/Planning Commission - Lake Itasca Room
- 2) Sunday, June 5, 2011 - Benefit for Councilmember Jeffrey - The Fountains of Ramsey
1:00 to 5:00 pm.

Mayor Ramsey reported the TIF was approved and signed into law today. He thanked Deputy City Administrator Nelson and others who have worked on this for the last couple of years.

Councilmember Backous reviewed the items that will be auctioned off at the benefit for Councilmember David Jeffrey.

Fire Chief Dean Kapler requested the permit fee be waived for the Veterans Lake events presented earlier by Mr. Enstrom.

Motion by Councilmember Jeffrey, seconded by Councilmember Backous to waive the permit fee for John Enstrom and the events in June at Veterans Lake.

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

Public Works Director Olson followed up on a discussion held last month regarding the Long Term Road Maintenance Survey. This survey will be going to 300 residents. The City cannot change the caller ID as requested. He announced if a resident gets a phone call from Decision Resources LLC, please answer it and let your opinion be known.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:27 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: 07/07/2011

By: Chris Anderson, Community
Development

Title:

Public Hearing - Request for a Conditional Use Permit to Conduct Motor Vehicle Sales in the B-2 Business District on the Property Located at 6740 Highway 10 NW; Case of Tris Star Enterprise

Background:

On June 9, 2011, the City received a request from Tris Star Enterprise for a conditional use permit to conduct motor vehicle sales in the B-2 Business District on the property located at 6740 Highway 10 NW.

Notification:

In accordance with City Code, Staff attempted to notify property owners within 350 feet of the property.

Observations:

Tris Star Enterprise would like to utilize a portion of the property at 6740 Highway 10 NW for motor vehicle sales. The property is zoned B-2 Business District and in October of 2009, Ordinance #09-13 went into effect, making motor vehicle, implement, and recreation equipment sales and service a conditional use in this district. There is an existing business on the property with a similar use, but that business does not include items displayed outside for sale. Therefore, the proposed outdoor motor vehicle sales would constitute an expansion of a lawful, non-conforming use and triggers the requirement of a conditional use permit.

The proposed use would require two (2) dedicated parking spaces, which is based both on the square footage of office area (1 stall per every 300 square feet of office space) and the number of vehicles on display (1 stall per every 10 vehicles displayed for sale). The existing uses on the property (a mix of office and industrial space) require twenty (20) parking stalls. Based on the information included with the conditional use permit application, the applicant would utilize 300 square feet of office space and would have no more than five (5) vehicles on display at any given time. This results in the need for one (1) additional stall (the proposed use requires a total of two [2] dedicated parking stalls, but one is accounted for with the initial calculation for office space). While there is no striping on the site, it does appear that there is sufficient space to accommodate the required parking spaces.

The proposed motor vehicle sales operation includes up to three (3) employees. The hours of operation would be Monday-Wednesday from 8am to 3pm and Thursday-Saturday from 8am to 6pm. The applicant has stated that there would be no more than five (5) vehicles displayed outside for sale at any given time and that there would be no motor vehicle repairs conducted on the property.

Funding Source:

All costs associated with the processing of this request are the responsibility of the applicant.

Staff Recommendation:

Staff recommends approving the request for a conditional use permit for motor vehicle sales contingent on the following:

- There be no motor vehicle repairs conducted on the property.
- There be no outside storage of motor vehicle parts or inoperable vehicles.
- Vehicles displayed for sale do not encroach on the required off-street parking spaces.

Committee Action:

Motion to recommend that the City Council adopt of Findings of Fact #__ __ relating to a request for a conditional use permit to allow motor vehicle sales in the B-2 Business District on the property located at 6740 Highway 10 NW.

-and-

Motion to recommend that the City Council adopt of Resolution # ____ approving the conditional use permit for motor vehicle sales in the B-2 Business District, contingent on the above stated items.

Attachments

Site Location Map

Business Summary from Applicant

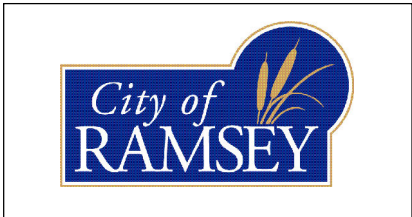
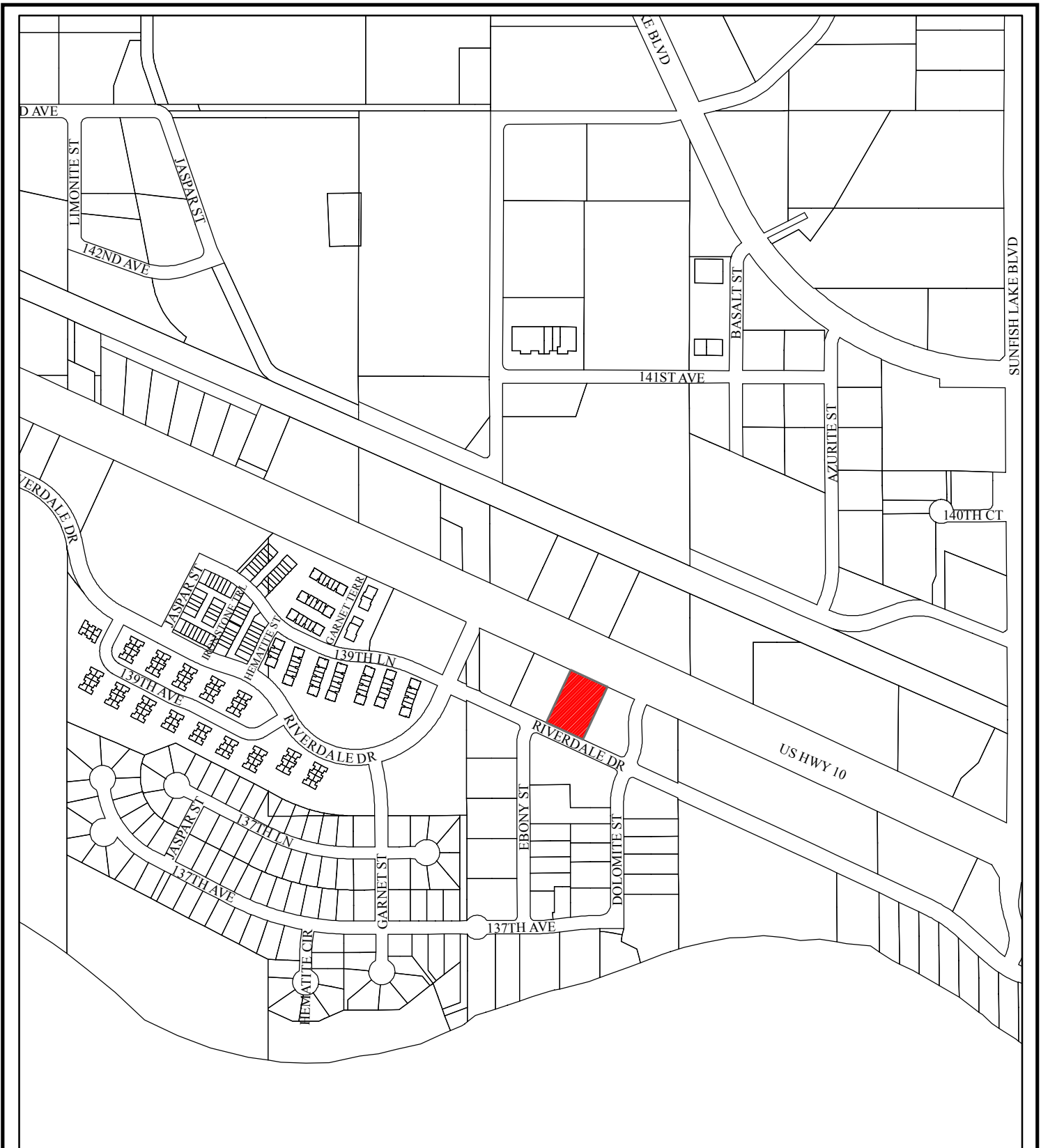
Proposed Findings of Fact

Proposed Conditional Use Permit

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/29/2011 09:13 AM
Aaron Backman	Aaron Backman	07/01/2011 10:43 AM
Form Started By: Chris Anderson		Started On: 06/22/2011 02:29 PM

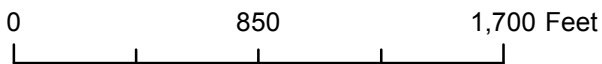
Final Approval Date: 07/01/2011



6740 Highway #10
34-32-25-13-0004

Legend

- Site
- Parcels



June 24, 2011

Tris Tarpeh-Doe
13920 Garnet Ter NW
Ramsey, MN 55303

Anoka County
City of Ramsey

RE: Minnesota Vehicle Dealer License

Property location: 6740 HWY 10 NW, Ramsey, MN 55303-0000
Lot 3 Block 1 Riverside West, SUBJ to EASE of REC
Office Space 1: 300 sq. ft. Within the main building
Office Space 2: 600 sq. ft. Outside of the main building (Storage building office)
One of them base on approver.

There will be no mechanic work done at this location, just sale of used cars and only 5 cars will be park and ready for sale.

Thanks for your cooperation and consideration.

Sincerely,



Tris Tarpeh-Doe

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

RESOLUTION # _____

A RESOLUTION ADOPTING FINDINGS OF FACT # _____ RELATING TO A REQUEST FROM TRIS STAR ENTERPRISE TO CONDUCT MOTOR VEHICLE SALES IN THE B-2 BUSINESS DISTRICT AT THE PROPERTY LOCATED AT 6740 HIGHWAY 10 NW.

WHEREAS, Tris Star Enterprise, hereinafter referred to as the “Applicant,” has properly applied for a Conditional Use Permit to conduct motor vehicle sales in the B-2 Business District on the property generally known as 6740 Highway 10 NW and legally described as follows:

Lot 3, Block 1, Riverside West, Anoka County, Minnesota, subject to easement of record.

(“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 July 7, 2011, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-2 Business District. Properties to the east, west and south of the Subject Property are also zoned B-2 Business District and the properties north of the Subject Property (across Highway 10 NW) are zoned H-1 Highway 10 Business District.
3. That the Subject Property is approximately 1.3 acres in size.
4. That motor vehicle, implement, and recreation equipment sales and service is identified in City Code as a conditional use in the B-2 Business District.
5. That the surrounding properties are a mixture of retail and auto/recreational-related uses.
6. That the Applicant has stated there will be no motor vehicle repair work conducted on the Subject Property.
7. That the Applicant has stated that he is considering two options regarding office space, one unit is 300 square feet and the other potential unit is 600 square feet.
8. That based on the existing uses on the Subject Property, twenty (20) parking spaces are currently required per City Code.

9. That the proposed use requires two (2) or three (3) dedicated parking spaces, dependent on which office unit the Applicant utilizes (the required parking is calculated based on office space and number of vehicles displayed); the proposed use would result in one (1) additional parking space on the Subject Property (the required parking spaces for office space are already accounted for).
10. 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.
11. That the proposed use will/will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
12. That the proposed use will/will not be hazardous or disturbing to existing neighboring uses.
13. That the proposed use will/will not be served adequately by public facilities and services such as highways and streets.
14. 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.
15. 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:

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

Mayor

ATTEST:

City Clerk

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

RESOLUTION #11-07-___

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO TRIS STAR ENTERPRISE TO CONDUCT MOTOR VEHICLE SALES IN THE B-2 BUSINESS DISTRICT AND DECLARING TERMS OF SAME:

WHEREAS, Tris Star Enterprise, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit to conduct motor vehicle sales in the B-2 Business District on the property generally known as 6740 Highway 10 NW and legally described as follows:

Lot 3, Block 1, Riverside West, Anoka County, Minnesota, subject to easement of record.

(“Subject Property”)

WHEREAS, Lakeview Development Inc. of Minnesota is the fee title owner of the Subject Property.

WHEREAS, the Planning Commission met on July 7, 2011, conducted the 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. That based on Findings of Fact #_____, a Conditional Use Permit (“Permit”) to conduct motor vehicle sales with outdoor sale or display area is hereby granted to the **Permittee**.
2. That this **Permit** specifically allows motor vehicle sales to occur on the **Subject Property**.
3. That the **Permittee** shall be limited to a maximum of five (5) motor vehicles on display at any given time on the **Subject Property**.
4. That the **Permittee** shall ensure that the motor vehicles displayed for sale shall be on a paved surface.
5. That no motor vehicle repairs are permitted in the building or on the **Subject Property**.
6. That storage of parts or inoperable vehicles is not permitted outside on the **Subject Property**.
7. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
8. That there shall be a minimum of two (2) dedicated parking spaces reserved for customers of the **Permittee** on the **Subject Property**.

9. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this Permit.
10. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
11. That this **Permit** shall automatically expire if the use is not initiated by July 26, 2012.

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 26th day of July, 2011

Tris Star Enterprise hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Tris Star Enterprise, an Assumed Name under the laws of Minnesota, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

Lakeview Development Inc. of Minnesota hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Lakeview Development Inc. of Minnesota, a Domestic Corporation under the laws of Minnesota, on behalf of the Corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

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 Jo Ann 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 Jo Ann 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
7550 Sunwood Drive NW
Ramsey, MN 55303

This document reviewed by:
Randall & Goodrich
2140 Fourth Avenue
Anoka, MN 55303

Regular Planning Commission

6. 2.

Meeting Date: 07/07/2011

By: Tim Gladhill, Community Development

Title:

Consider Request for Sketch Plan Review and Site Plan Review of Stoney River at 14501 Nowthen Boulevard

Background:

The City has received a request for a Minor Plat as well as Site Plan Review for a 72-unit assisted living complex on a proposed 6.5 acre parcel currently part of the Lord of Life Lutheran Church campus. This case includes two (2) requests for consideration by the Planning Commission: 1) Minor Plat and 2) Site Plan Review.

Notification:

All property owners within 700 feet of the Subject Property were notified of the Sketch Plan Review.

Observations:

Sketch Plan Review

The proposed minor plat proposes to subdivide a portion of the existing Lord of Life campus to create a new, approximately 6.5 acre parcel at the north west corner of the intersection of Saint Francis Boulevard (TH 47) and Bunker Lake Boulevard (CSAH 5). The proposed lot appears to meet all dimensional standards related to the actual subdivision of the parcel. Other dimensional standards will be reviewed as part of the site plan review.

As current property owner desiring to convey the proposed Lot 1 to First Phoenix Group, Lord of Life Lutheran Church is responsible for Required Improvements as listed in the Subdivision Ordinance. It is anticipated that Lord of Life will defer these obligations to First Phoenix Group, and that First Phoenix Group is agreeable to accept these obligations.

Staff is recommending that the area of the current Lord of Life campus guided for further future development be platted as an outlot to avoid triggering any development fee obligations that may be triggered for these future development areas. In addition, Lord of Life Lutheran Church desires to consolidate several parcels it has acquired over the years that make up the current campus. City Staff recommends that the Applicant exclude the areas containing current improvements and utilize the County's PIN Combination process to achieve the same consolidation.

Site Plan Review

The Applicant has proposed a 53,228 square foot, two-story building (footprint) with 72 assisted living/memory care units. It appears that the proposed site plan meets most dimensional standards as required by the B-1 General Business District, with the exception of setbacks for parking and maneuvering areas when adjacent to residentially zoned districts.

It appears that the exterior materials of the proposed structure are composed of a mixture of shakes, stones, and windows with various accents added. It is unclear the exact materials being used, but it is anticipated that the Applicant will provide a material pallet for review. Based on the B-1 General Business District standards, it is likely that the exterior materials will be acceptable, but require specific City Council approval. Waste storage is proposed to be provided interior to the building.

The Applicant proposes 66 parking stalls with an additional 28 proof of parking stalls for future construction. In this instance, Staff applied parking standards for hospital use, which requires one (1) space for four (4) beds plus one (1) additional staff for each employee. Based on the proposed site plan, 18 stalls would be required for the

residential component. Staff has requested additional information on the number of employees to determine final parking requirements. It appears there should be ample parking on site.

The proposed landscape plan appears to generally meet requirements with amendments and additional notes as required in the Staff Review File. Given the current separation and tree cover between the proposed Lot 1 (B-1 General Business District) and the proposed use, it is Staff's opinion that the buffer yard requirements between B-1 and R-3 are satisfied.

The Civil Engineering plans are generally acceptable with additional detail included on the plans as noted in the Staff Review File.

The Master Park and Trail Plan requires that a trail be constructed on site along Nowthen Boulevard. This trail represents a critical trail link that completes a corridor that has had several segments constructed over the past several years. Staff acknowledges the design constraints near the intersection of Nowthen Boulevard (CSAH 5) and Saint Francis Boulevard (TH 47). Due to existing topography, retaining walls are required. Acknowledging the additional construction costs and the benefit of this connection, Staff has prepared a proposal for a grant opportunity for construction dollars through the Safe Routes to School program due to its proximity to Ramsey Elementary School. There is no guarantee that the City will be successful in securing these dollars, and this trail segment will remain a Stage I Improvement obligation of the Applicant.

Also in relation to trail obligations, the Applicant has proposed to construct the remaining segment between the existing terminus of the Nowthen Boulevard Trail (terminating on the Lord of Life Campus) and the proposed Lot 1. Depending on the outcome of the Minor Subdivision process, these improvements outside of the proposed Lot 1 may be considered off site and eligible for credit against Trail Development Fees as required by the Minor Plat. The Trail Development is a mechanism the City has implemented to ensure connectivity of its trail system by ensuring a funding stream for necessary off site improvements to connect various segments. All trails on private property must be encumbered by a perpetual trail easement plus an additional five (5) feet for maintenance purposes where feasible.

Finally, in relation to trail obligations, the City's policy is that trails shall be constructed, at the cost of the developer, on both sides of all State, County, State Aid, and Collector roadways. This policy is implemented by the Master Park and Trail Plan. This Plan indicates a trail construction obligation along Saint Francis Boulevard (TH 47) on Lot 2. Staff will be prepared to discuss various options for this trail linkage.

The Fire Department has requested additional detail be added to the plans in regards to public safety access to the structure. In addition, minor modifications to the location of certain hydrants has been requested.

The request has been sent to Mn/DOT and Anoka County Highway as required. Mn/DOT has responded that a drainage permit shall be required as outlined in their response letter. Staff is awaiting a response from the Anoka County Highway Department.

Funding Source:

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

Staff Recommendation:

Staff recommends approval of the Sketch Plan and Site Plan.

Committee Action:

The Sketch Plan provides the Planning Commission an opportunity to review the concept of a plat/subdivision request on provide feedback on the request. No formal action is necessary.

Motion to recommend that the City Council approve the Site Plan for Stoney River.

Attachments

Site Location Map

Site Plan Submittal

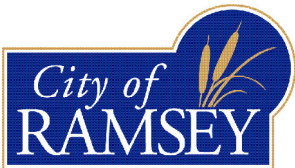
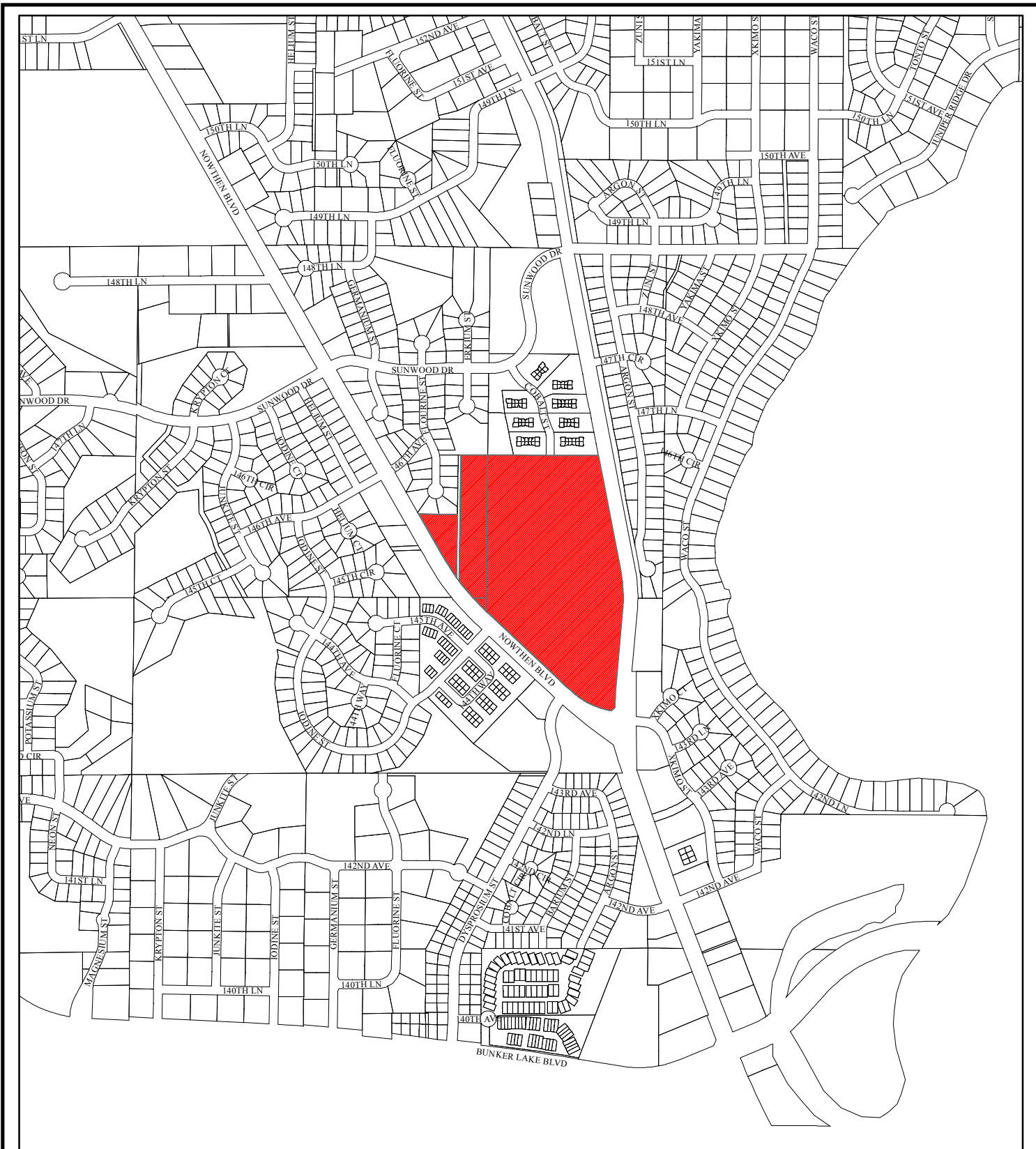
Sketch Plan Page 1

Sketch Plan Page 2

Staff Report - Final

Form Review

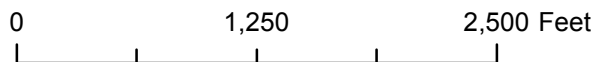
Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	06/30/2011 10:52 AM
Aaron Backman	Aaron Backman	07/01/2011 09:31 AM
Form Started By: Tim Gladhill		Started On: 06/29/2011 11:23 AM
	Final Approval Date: 07/01/2011	



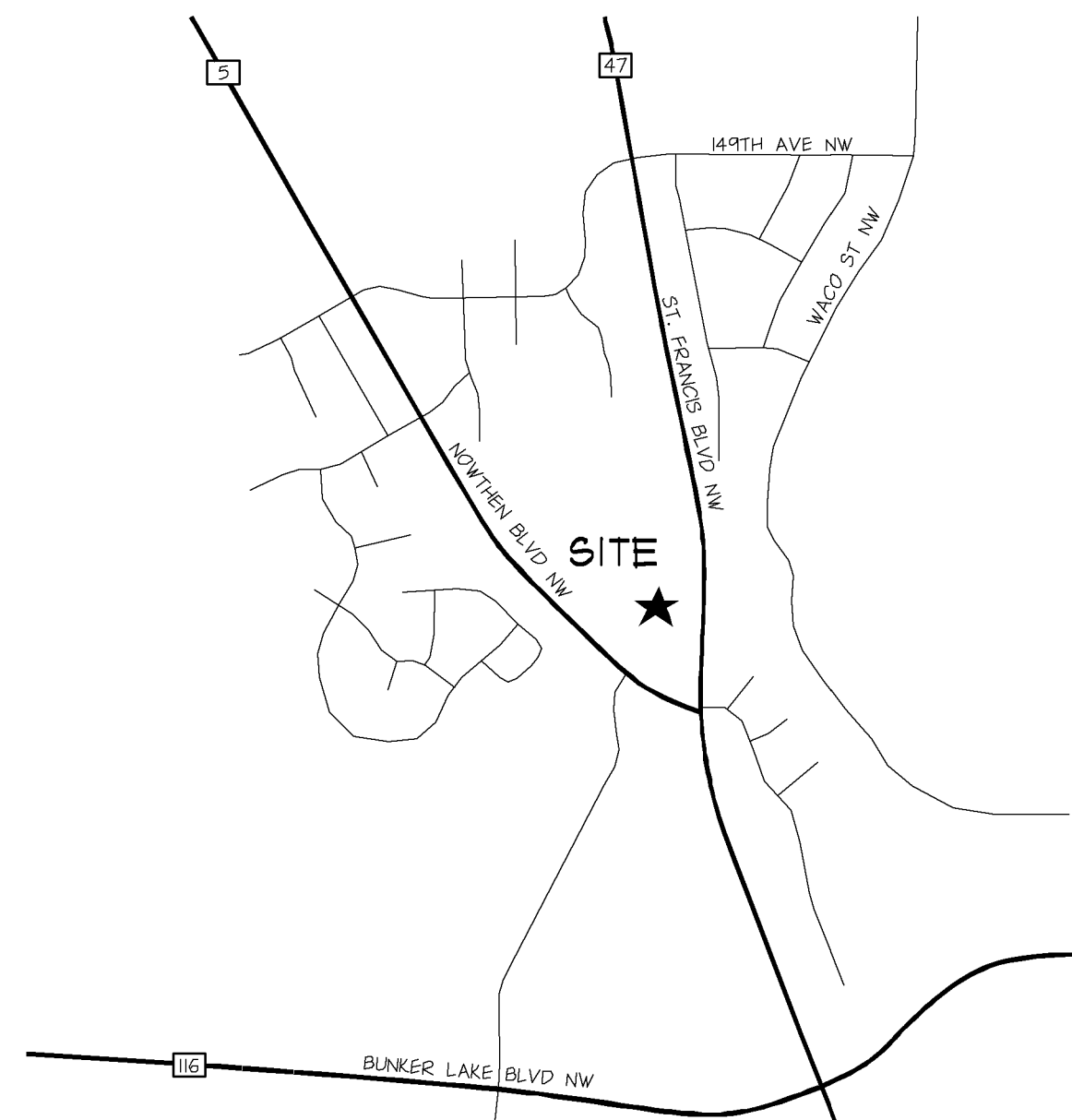
Stoney River

Legend

- Site
- Parcels



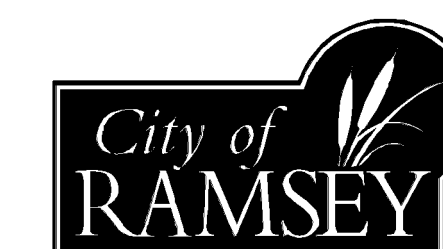
RAMSEY, MN



Stoney River Addition

Ramsey, Minnesota

FIRST PHOENIX GROUP, LLC
 801 CARSLON PARKWAY
 SUITE 1050
 MINNEAPOLIS, MN 55305
 TEL: (612) 759-0877



STONEY RIVER ADDITION
 RAMSEY, MN

SHEET	TITLE
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ABBREVIATIONS

D	Angle	JT	Joint
&	And	L.F.	Lead Feet
@	At	L.P.	Lead Point / Liquid Petroleum
100 YR.	100 Year Flood Elevation	LB.	Local
A.B.	Anchor Bolt	LGU	Local Government Unit
A.D.	Area Drain	LONG.	Longitudinal
A.Y.C.	Ar Condition Unit	LT.	Light / Lighting
ADD.	Addendum	MANT.	Maintenance
ADDL.	Additional	MAS.	Masonry
ADJ.	Adjustment / Adjust	MATL.	Material
AHU	Air Handling Unit	MAX.	Maximum
ALT.	Alternate	MECH.	Mechanical
ALUM.	Aluminum	MEQ.	Medium
ANOD.	Anodized	MEF.	Manufacturer
APPROX.	Approximate	MH	Manhole
ARCH.	Architect	MN.	Minnesota / Minute
AUTO.	Automatic	MISC.	Miscellaneous
AVC.	Average	MINDOT	Minnesota Department of Transportation
B.C.	Back of Curb	MOD.	Module / Modular
B.M.	Benchmark	MUL.	Mullion
B/W	Back of Wall	N.	North
BFE	Basement Floor Elevation	N.I.C.	Not In Contract
BIT	Bituminous (Asphaltic)	N.O. OR #	Number
BLOC	Building	NOM.	Normal
BSHT.	Basement	NPS	Not to Scale
C.F.	Cubic Feet	NWE	Normal Water Elevation
C.F.S.	Cubic Feet Per Second	NWL	Normal Water Level
C.G.	Corner Guard	O.C.	On Center
C.J.	Control Joint	O.D.	Outside Dimension
C.L.	Centerline	O.E.	Overhead Electric
C.M.U.	Concrete Masonry Unit	OH	Overhead
C.O.	Cleanout	OH/WL	Ordinary High Water Level
C.O.E.	U.S. Army Corps of Engineers	OPNG.	Opening
C.Y.	Cubic Yards	ORIC.	Ordnance
CB	Catch Basin	P.C.	Point of Curvature
CBPH	Catch Basin Manhole	P.I.	Point of Intersection
CEH	Cement	PV	Point Indicator Valve
CH	Cast Iron Pipe	P.L. OR P/L	Property Line
CHP	Corrugated Metal Pipe	P.O.B.	Point of Beginning
CONC.	Concrete (Portland)	P.S.F.	Pounds Per Square Foot
CONN.	Connection	P.S.I.	Pounds Per Square Inch
CONST.	Construction	P.T.	Point of Tangency
CONT.	Continuous	P.V.C.	Point of Vertical Curvature
CONTR.	Contractor	P.V.L	Point of Vertical Intersection
COP.	Copper	P.V.T.	Point of Vertical Tangency
CU.	Cup	PE	Polyethylene
D.S.	Down Spout	PE	Pedestal / Pedestrian
DEG.	Degree	PERF.	Perforated
DEMO.	Demolition / Demolish	PREP.	Preparation
DEPT.	Department	PROJ.	Project
DET.	Detail	PROP.	Proposed
DI.	Diameter	PVC	Poly-Vinyl-Chloride (Pipe)
DIAG.	Diagonal	PVMT.	Pavement
DIM.	Dimension	QTR.	Quarter
DI	Ductile Iron Pipe	QTY.	Quantity
DN	Down	R.	Radius
DWG.	Drawing	RAD.	Radius
E.	East	R.D.	Root Drain
E.J.	Expansion Joint	R.E.	Remove Existing
E.O.S.	Emergency Overflow Sault	R.O.	Rough Opening
E.W.	Each Way	R.P.	Radius Point
EA.	Each	RCP	Reinforced Concrete Pipe
ELEC.	Electrical	R.S.	Rough Slop
ELEV.	Elevation	RE.	Regrading
EMER.	Emergency	REQD.	Required
ENGR.	Engineer	REV.	Revision / Revised
ENTR.	Entrance	RGU	Regulatory Government Unit
EQ.	Equipment	R/W	Right of Way
EQUIV.	Equivalent	S.	South
EXP.	Expansion	S.F.	Square Feet
F & I	Furnish and Install	SAN	Sanitary Sewer
F.B.O.	Furnished by Others	SECT.	Section
F.C.	Face of Curb	SE	Side Ext.
F.D.	Floor Drain	SEWO	Side Ext. Walk Out
F.D.C.	Fire Department Connection	SHT.	Sheet
F.V.	Field Verify	SHT.	Sheet
FB	Full Basement	SLNT.	Sloper
FBWO	Full Basement Walk Out	SLNT.	Sloper
FBLD	Full Basement Look Out	SPEC.	Specification
FDN.	Foundation	SQ.	Square
FES	Flared End Section	SPTH	Storm Sewer Manhole
FLR.	Finished Floor Elevation	STD.	Standard
FT. OR (')	Foot	STRUCT.	Structural
FUT.	Future	SYM.	Symmetrical
G.B.	Grade Break	T/R	Top of Rim
G.C.	General Contractor	T/W	Top of Wall
GAL.	Gallon	TEMP.	Temporary
GALV.	Galvanized	THK.	Thick / Thickness
GPE	Garage Floor Elevation	TYP.	Typical
GL.	Glass	UN.O.	Unless Noted Otherwise
GR.	Grade	V.B.	Vapor Barrier
H.	Height	V.C.	Vertical Curve
H.P.	High Point	V.F.	Verify in Field
HDPEP	High Density Polyethylene Pipe	VERT.	Vertical
HCT	Head	VEST.	Vestibule
HORIZ.	Horizontal	W.P.T.	Working Point
HVAC	Heating, Ventilation, Air Conditioning	W.W.F.	Welded Wire Fabric
HYD.	Hydrant	W/O	Without
LD.	Inside Dimension	WD	Walk Out
IN. OR (")	Inches	WEL.	Welding
INFO.	Information	WP	Waterproof
IN.	Inset Elevation	WT.	Weight
INSUL.	Insulation	YD.	Yard
INV.	Invert Elevation	YR.	Year

SYMBOLS

EXISTING	DESCRIPTION	NEW	DESCRIPTION
	CONTOUR		CONTOUR
	SPOT ELEVATION		SPOT ELEVATION
	BUILDING		BUILDING
	CANOPY / OVERHANG		UNDERGROUND STRUCTURE
	CONCRETE		RAILROAD
	CONCRETE CURB		CONCRETE
	EDGE OF PAVEMENT		CONCRETE CURB
	FENCING		EDGE OF PAVEMENT
	GUARD RAIL		FENCING
	CONCRETE RETAINING WALL		GUARD RAIL
	FIELDSTONE RETAINING WALL		CONCRETE RETAINING WALL
	MODULAR RETAINING WALL		FIELDSTONE RETAINING WALL
	SOIL BORING		MODULAR RETAINING WALL
	LIGHT POLE		DOORWAY
	TREES		LIGHT STANDARD
	DENOTES TREE LIMITS		POWER POLE
	MANHOLE		SLOPE, DIRECTION OF FLOW
	CATCH BASIN		BOLLARD
	FIRE HYDRANT		STORM SEWER
	WATER VALVE		SANITARY SEWER-WASTE
	FLARED END SECTION		FORCE MAIN
	IRON MONUMENT FOUND		ROOF DRAIN COLLECTOR
	IRON PIPE MONUMENT SET		WATER MAIN
	P.K. NAIL		FIRE LINE (IF SEPARATE)
	POWERPOLE		FIRE DEPARTMENT CONNECTION
	GUARD POST		DOMESTIC WATER SERVICE
	UTILITY BOX (TV, TEL, ELEC)		CULVERT & END SECTION
	TRAFFIC BOX		GAS LINE
	GAS METER		SOL SUBDRAN
	TRAFFIC SIGN		ELECTRIC-OVERHEAD
	CITY WIRE		ELECTRIC-UNDERGROUND
	REGISTRAR OF TITLES		TELEPHONE-OVERHEAD
	COUNTY RECORDER		TELEPHONE-UNDERGROUND
	STORM SEWER LINE		UNDERGROUND CABLE/TV
	SANITARY SEWER LINE		UNDERGROUND CABLE/TV
	WATER MAIN		LAWN SPRINKLER SLEEVE
	UNDERGROUND GAS		
	OVERHEAD TELEPHONE		
	UNDERGROUND TELEPHONE		
	UNDERGROUND ELECTRIC		
	OVERHEAD ELECTRIC		
	UNDERGROUND CABLE T.V.		
	WELL		
	RESTRICTED ACCESS		
	NOTE NUMBER		
	DENOTES BITUMINOUS SURFACE		

EROSION CONTROL SYMBOLS

SYMBOL	DESCRIPTION
	SILT FENCE
	CONSTRUCTION LIMITS
	INLET PROTECTION

DRAWING SYMBOLS

SYMBOL	DESCRIPTION
	NOTE REFERENCE
	PARKING STALL COUNT
	LARGE SHEET DETAIL
	COORDINATE POINT
	REVISION - ADDENDUM, BULLETIN, ETC.
	REVISED AREA (THIS ISSUE)

LEGAL DESCRIPTION

LOT 2, BLOCK 1, STONEY RIVER ADDITION

ELEVATION DATUM IS BASED ON CITY OF RAMSEY DATA.

HSUBBENCH*MARK IS LOCATED TOP OF NAIL (AS SHOWN ON SURVEY)
 ELEVATION = 883.82

BENCHMARK IS LOCATED SANITARY SEWER MH, "THE PONDS OF RAMSEY", SWLY OF SITE
 RIM ELEVATION = 833.10

BENCHMARK

ARCHITECT

MUDROVICH ARCHITECTS
 300 NORTH THIRD STREET
 SUITE 304
 WAUSAU, WI 54480
 (TELE) 715.848.4880

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REVISION HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

BY/CHK	DATE (07/2011)

CERTIFICATION

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT
 VISIBLE, THIS SHEET HAS BEEN REPRODUCED WITHOUT THE
 READABILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT
 THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

CITY SUBMITTAL
 JUNE 7, 2011

LANDFORM
 From Site to Finish

105 South Fifth Avenue Tel: 612-252-9070
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 Minneapolis, MN 55401 Web: landform.net

FILE NAME C001FPG.DWG

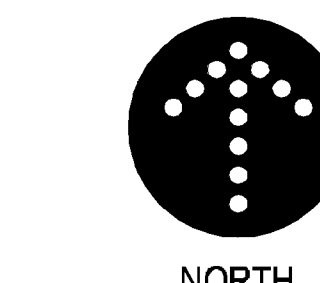
PROJECT NO. FPG1001

CIVIL TITLE SHEET

C0.1



Know what's Below.
 Call before you dig.





① & ② CENTERS OF HIGHWAY EASMENT PER DOC. 453023 AND PER COUNTY STATE AID ROAD NO. 5 SHEET 4 OF 60 SHEETS

COUNTY STATE AID HIGHWAY NO. 5 CENTERLINE DATA: DELTA C = 1'35" DC = 5'00" T.S. = 317.39 FEET L.S. = 300.00 FEET L.C. = 31.66 FEET

HSJ BENCHMARK TOP OF NAIL ELEV. = 889.91

SAN. M.H. RM = 885.10 N. INV. = 870.4 S.E. INV. = 870.4 S.W. INV. = 870.3

SAN. M.H. RM = 885.11 N. INV. = 871.0 S.E. INV. = 871.0 S.W. INV. = 870.9

Δ = 1°09'32" L = 223.18 R = 1085.92

Δ = 1°09'32" L = 223.18 R = 1145.92

Δ = 4°58'18" L = 94.23 R = 1086.92

Δ = 4°58'19" L = 99.44 R = 1145.92

Δ = 43°47'14" L = 164.31 R = 215.00

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DEVELOPER
FIRST PHOENIX GROUP, LLC
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MUNICIPALITY

CITY OF RAMSEY

PROJECT
STONEY RIVER ADDITION
RAMSEY, MN

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REVISION HISTORY
 CONTACT ENGINEER FOR ANY PROHIBITORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW
 BY: ESK DATE: 06.07.2011

CERTIFICATION

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CITY SUBMITTAL
 JUNE 7, 2011

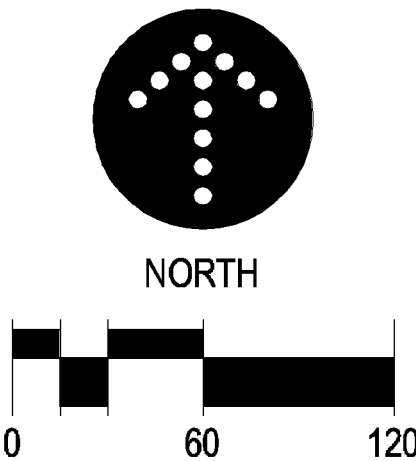
LANDFORM
 From Site to Finish

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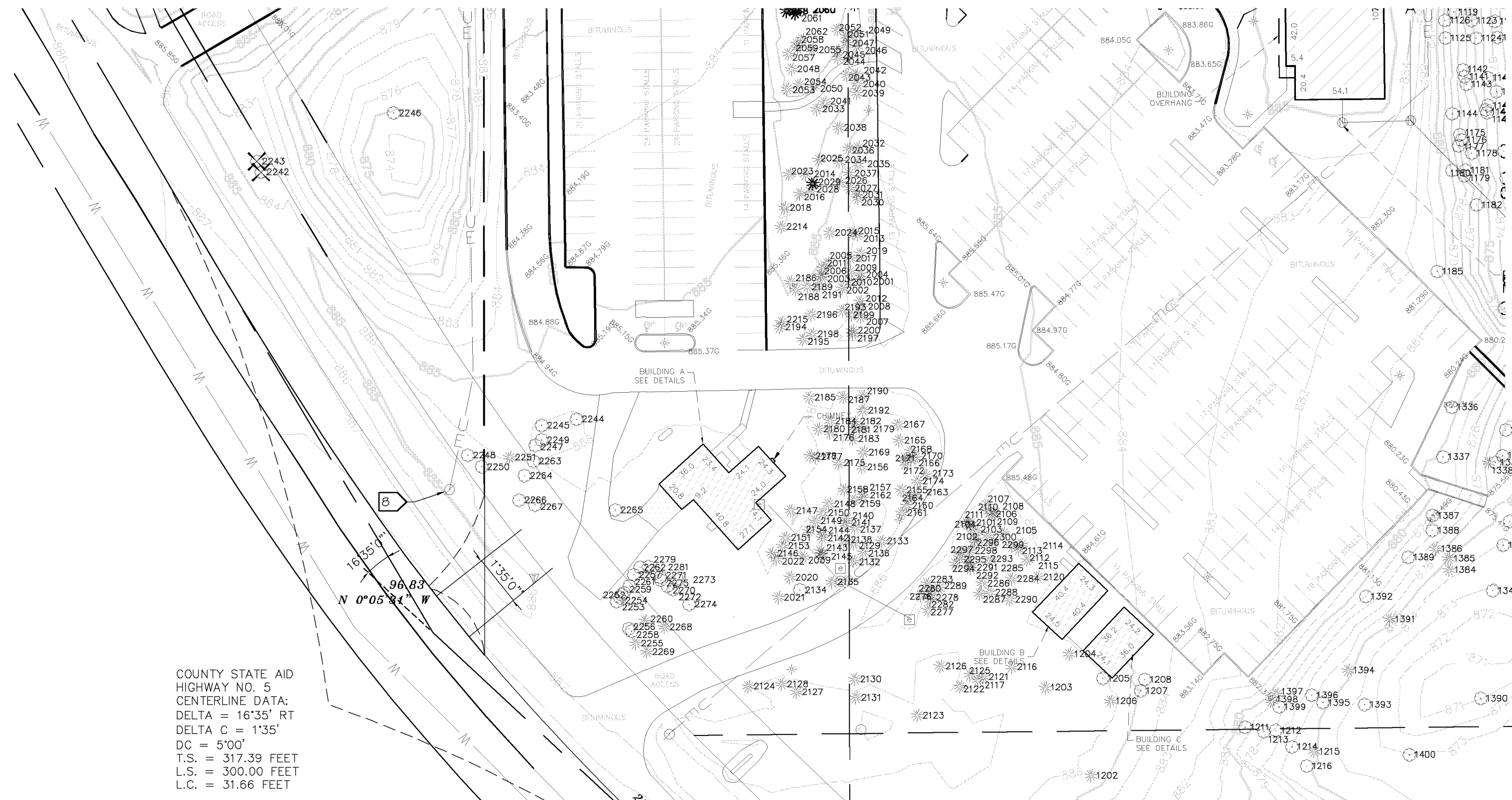
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 PROJECT NO.: FPG1001

OVERALL EXISTING CONDITIONS
C1.0

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DEMOLITION AND CLEARING NOTES

- OBTAIN PERMITS FOR DEMOLITION, CLEARING, AND DISPOSAL PRIOR TO BEGINNING.
- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES <7> HOURS PRIOR TO BEGINNING DEMOLITION AND CLEARING.
- DIMENSIONS SHOWN FOR REMOVAL ARE APPROXIMATE. COORDINATE WITH NEW CONSTRUCTION TO ENSURE APPROPRIATE REMOVAL OF EXISTING FACILITIES.
- REFER TO DETAILS FOR PAVEMENT SAWCUT. REMOVE CONCRETE WALKS AND CURBING TO THE NEAREST EXISTING JOINT BEYOND CONSTRUCTION LIMITS.
- SEE SHEET C31 FOR EROSION PREVENTION AND SEDIMENT CONTROL MEASURES THAT MUST BE IN PLACE PRIOR TO DISTURBANCES TO SITE.
- COMPLETE DEMOLITION WITH MINIMAL DISRUPTION OF TRAFFIC. COORDINATE LANE CLOSURES WITH THE REGULATORY AUTHORITY AND PROVIDE ADVANCE NOTIFICATION TO AFFECTED EMERGENCY SERVICE PROVIDERS.
- PROVIDE BARRICADES, LIGHTS, SIGNS, TRAFFIC CONTROL, AND OTHER MEASURES NECESSARY FOR PROTECTION AND SAFETY OF THE PUBLIC AND MAINTAIN THROUGHOUT CONSTRUCTION.
- PROTECT STRUCTURES, UTILITIES, TREES, PLANT MATERIAL, SO2, AND ADJACENT PROPERTY FROM DAMAGE DURING CONSTRUCTION UNLESS NOTED FOR REMOVAL. DAMAGE SHALL BE REPAIRED TO EQUAL OR BETTER CONDITION AT NO ADDITIONAL COST.

DEMOLITION AND CLEARING NOTES

- REMOVE TREES NOTED, INCLUDING ROOT STRUCTURES, FROM THE SITE. COORDINATE WITH OWNER TO MARK TREES TO BE SAVED OR TRANSPLANTED PRIOR TO CLEARING.
- REMOVE EXISTING SITE FEATURES INCLUDING, BUT NOT LIMITED TO, UNDERGROUND UTILITIES, PAVING, CURBING, WALKWAYS, FENCING, RETAINING WALLS, SCREEN WALLS, APRONS, LIGHTING, RELATED FOUNDATIONS, SIGNAGE, BOLLARDS, LANDSCAPING, AND STAIRWAYS WITHIN THE CONSTRUCTION LIMITS UNLESS NOTED OTHERWISE.
- COORDINATE REMOVAL, RELOCATION, TERMINATION, AND RE-USE OF EXISTING PRIVATE UTILITY SERVICES AND APPURTENANCES WITH THE UTILITY COMPANIES. RESTORE ELECTRIC HANDHOLES, PULLBOXES, POWERPOLES, GUYWIRES, AND STRUCTURES DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH UTILITY OWNER REQUIREMENTS.
- EXISTING PIPING AND CONDUITS MAY BE ABANDONED IN-PLACE IF FILLED WITH SAND AND IF NOT IN LOCATION OF PROPOSED BUILDING OR IN CONFLICT WITH PROPOSED UTILITIES OR STRUCTURES. TERMINATE EXISTING SERVICES AT THE SUPPLY SIDE IN CONFORMANCE WITH PROVIDER'S STANDARDS.
- HALL DEMOLITION DEBRIS OFF-SITE TO A FACILITY APPROVED BY REGULATORY AUTHORITIES FOR THE HANDLING OF DEMOLITION DEBRIS, UNLESS NOTED OTHERWISE.

LEGEND

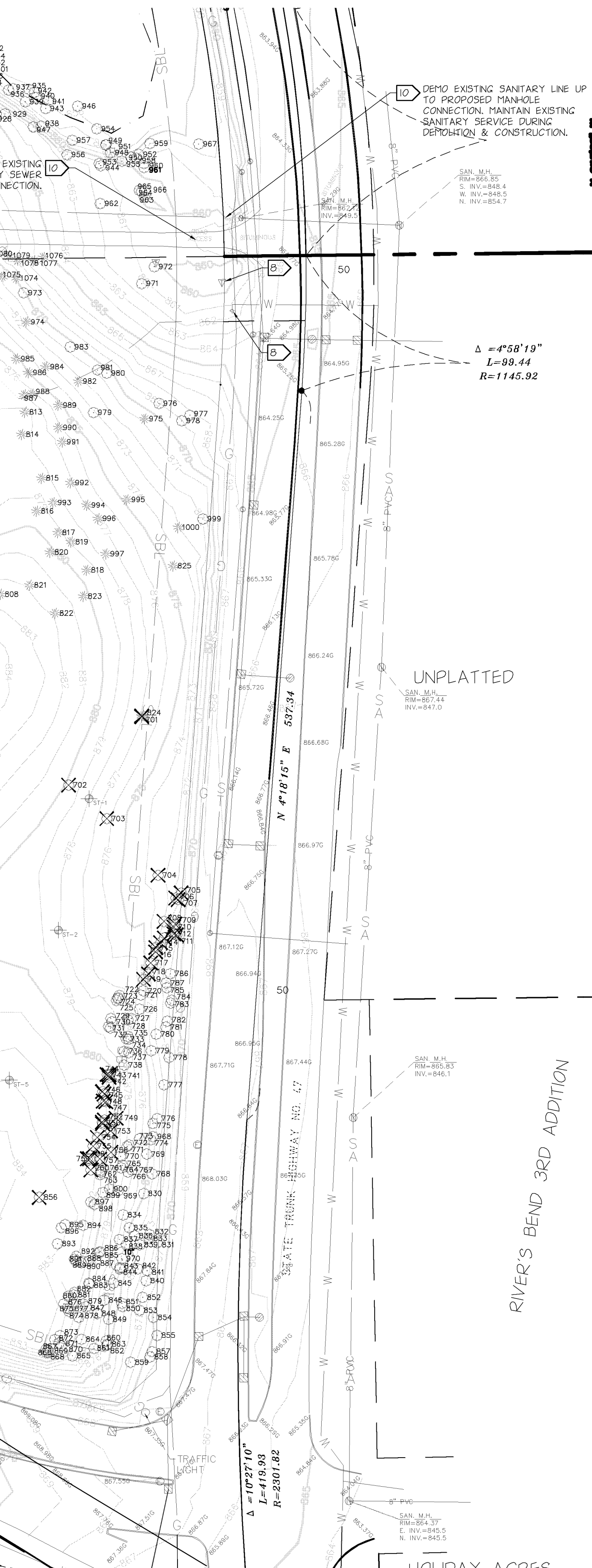
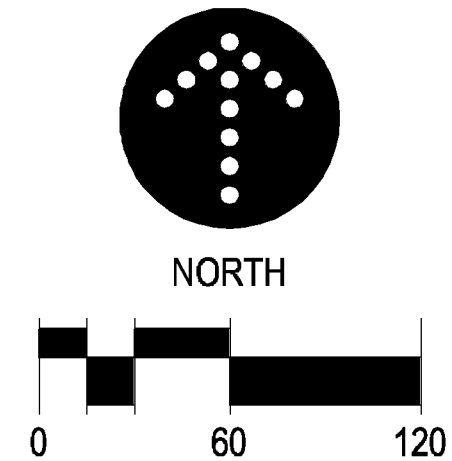
X TREE REMOVAL

TREE REPLACEMENT PLAN

TREE #	TYPE	SIZE	NOTE
601	coniferous	6	REMOVE
701	coniferous	6	REMOVE
702	deciduous	12	REMOVE
703	deciduous	8	REMOVE
704	deciduous	8	REMOVE
705	deciduous	8	REMOVE
706	deciduous	10	REMOVE
707	deciduous	14	REMOVE
708	deciduous	8	REMOVE
709	deciduous	8	REMOVE
710	deciduous	6	REMOVE
711	deciduous	6	REMOVE
712	deciduous	6	REMOVE
713	deciduous	14	REMOVE
714	deciduous	6	REMOVE
715	deciduous	8	REMOVE
716	deciduous	8	REMOVE
717	deciduous	4	REMOVE
718	deciduous	12	REMOVE
719	deciduous	8	REMOVE
720	deciduous	10	REMOVE
721	deciduous	8	REMOVE
722	deciduous	6	REMOVE
723	deciduous	6	REMOVE
724	deciduous	10	REMOVE
725	deciduous	8	REMOVE
726	deciduous	4	REMOVE
727	deciduous	10	REMOVE
728	deciduous	8	REMOVE
729	deciduous	6	REMOVE
730	deciduous	6	REMOVE
731	deciduous	10	REMOVE
732	deciduous	6	REMOVE
733	deciduous	6	REMOVE
734	deciduous	6	REMOVE
735	deciduous	8	REMOVE
736	deciduous	8	REMOVE
737	deciduous	10	REMOVE
738	deciduous	6	REMOVE
741	deciduous	6	REMOVE
742	deciduous	8	REMOVE
743	deciduous	8	REMOVE
744	deciduous	6	REMOVE
745	deciduous	8	REMOVE
746	deciduous	6	REMOVE
747	deciduous	7	REMOVE
748	deciduous	6	REMOVE
749	deciduous	10	REMOVE
750	deciduous	6	REMOVE
751	deciduous	6	REMOVE
752	deciduous	10	REMOVE
753	deciduous	8	REMOVE
754	deciduous	6	REMOVE
755	deciduous	6	REMOVE
756	deciduous	6	REMOVE
757	deciduous	14	REMOVE
758	deciduous	8	REMOVE
759	deciduous	6	REMOVE
760	deciduous	6	REMOVE
761	deciduous	8	REMOVE
762	deciduous	6	REMOVE
763	deciduous	10	REMOVE
764	deciduous	6	REMOVE
765	deciduous	6	REMOVE
766	deciduous	6	REMOVE
767	deciduous	8	REMOVE
768	deciduous	10	REMOVE
769	deciduous	6	REMOVE
770	deciduous	6	REMOVE
771	deciduous	8	REMOVE
772	deciduous	8	REMOVE
773	deciduous	8	REMOVE
774	deciduous	6	REMOVE
775	deciduous	8	REMOVE
776	deciduous	8	REMOVE
777	deciduous	12	REMOVE
778	deciduous	4	REMOVE
779	deciduous	12	REMOVE
780	deciduous	10	REMOVE

TREE #	TYPE	SIZE	NOTE
781	deciduous	8	
782	deciduous	8	
783	deciduous	10	
784	deciduous	10	
785	deciduous	8	
786	deciduous	4	
787	deciduous	4	
792	coniferous	22	REMOVE
796	coniferous	6	REMOVE
824	coniferous	6	REMOVE
826	coniferous	4	REMOVE
827	coniferous	10	REMOVE
828	coniferous	8	REMOVE
829	deciduous	22	REMOVE
830	deciduous	12	
831	deciduous	8	
832	deciduous	8	
833	deciduous	10	
834	deciduous	8	
835	deciduous	8	
836	deciduous	8	
837	deciduous	8	
838	deciduous	10	
839	deciduous	8	
840	deciduous	18	
841	deciduous	10	
842	deciduous	8	
843	deciduous	10	
844	deciduous	8	
845	deciduous	6	
846	deciduous	6	
847	deciduous	6	
848	deciduous	8	
849	deciduous	6	
850	deciduous	8	
851	deciduous	8	
852	deciduous	10	
853	deciduous	8	
854	deciduous	8	
855	deciduous	10	
856	deciduous	4	REMOVE
857	deciduous	10	
858	deciduous	24	
859	deciduous	14	
860	deciduous	8	
861	deciduous	8	
862	deciduous	8	
863	deciduous	8	
864	deciduous	8	
865	deciduous	8	
866	deciduous	8	
867	deciduous	8	
868	deciduous	8	
869	deciduous	8	
870	deciduous	8	
871	deciduous	8	
872	deciduous	12	
873	deciduous	6	
874	deciduous	6	
875	deciduous	4	
876	deciduous	12	REMOVE
877	deciduous	4	

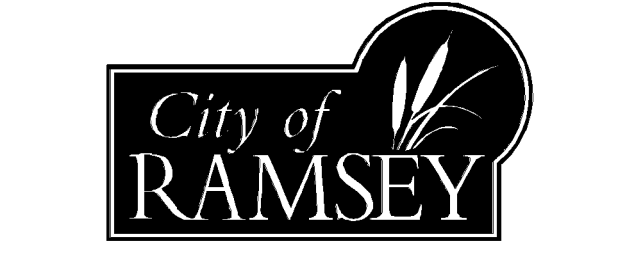
TREE #	TYPE	SIZE	NOTE
878	deciduous	6	
879	deciduous	6	
880	deciduous	6	
881	deciduous	4	
882	deciduous	6	
883	deciduous	8	
884	deciduous	8	
885	deciduous	4	
886	deciduous	4	
887	deciduous	10	
888	deciduous	6	
889	deciduous	10	
890	deciduous	12	
891	deciduous	6	
892	deciduous	12	
893	deciduous	10	
894	deciduous	6	
895	deciduous	10	
896	deciduous	16	
897	deciduous	10	
898	deciduous	8	
899	deciduous	10	
900	deciduous	6	
1209	coniferous	4	
1210	coniferous	4	
1217	coniferous	4	REMOVE
1218	coniferous	4	REMOVE
1219	deciduous	12	REMOVE
2242	deciduous	12	REMOVE
2243	deciduous	12	REMOVE



DEVELOPER

FIRST PHOENIX GROUP, LLC
 601 CARSLON PARKWAY
 SUITE 1050
 MINNEAPOLIS, MN 55405
 TEL: (612) 59-9877

MUNICIPALITY



PROJECT

STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C01	CIVIL TITLE SHEET
C10	OVERALL EXISTING CONDITIONS
C11	DEMOLITION
C21	OVERALL SITE PLAN
C21	SITE PLAN-SE
C22	SITE PLAN-NW
C31	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-SE
C32	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-NW
C41	UTILITIES
C42	UTILITIES
C71	CIVIL CONSTRUCTION DETAILS
C72	CIVIL CONSTRUCTION DETAILS
C73	CIVIL CONSTRUCTION DETAILS
L21	LANDSCAPE
L22	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

BY/CHK	DATE (6/7/2011)

CERTIFICATION

PRELIMINARY NOT FOR CONSTRUCTION

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED BEYOND INTENDED REPRODUCIBILITY AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

CITY SUBMITTAL
 JUNE 7, 2011

LANDFORM
 From Site to Finish

105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

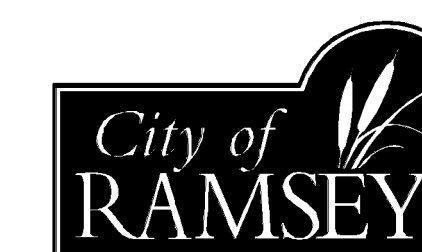
FILE NAME C:\01\FPG01.DWG

PROJECT NO. FPG1001

DEMOLITION

C1.1

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**STONEY RIVER
 ADDITION
 RAMSEY, MN**

SHEET	TITLE
C2.0	CIVIL TITLE SHEET
C1.0	OVERALL EXISTING CONDITIONS
C1.1	RESOLUTION
C2.0	OVERALL SITE PLAN
C2.1	SITE PLAN-SE
C2.2	SITE PLAN-NW
C3.1	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-SE
C3.2	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-NW
C4.1	UTILITIES
C4.2	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

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BY/CHK	DATE
	06/07/2011

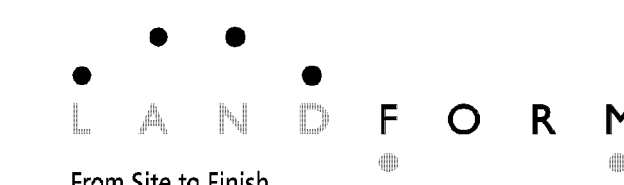
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CITY SUBMITTAL

JUNE 7, 2011

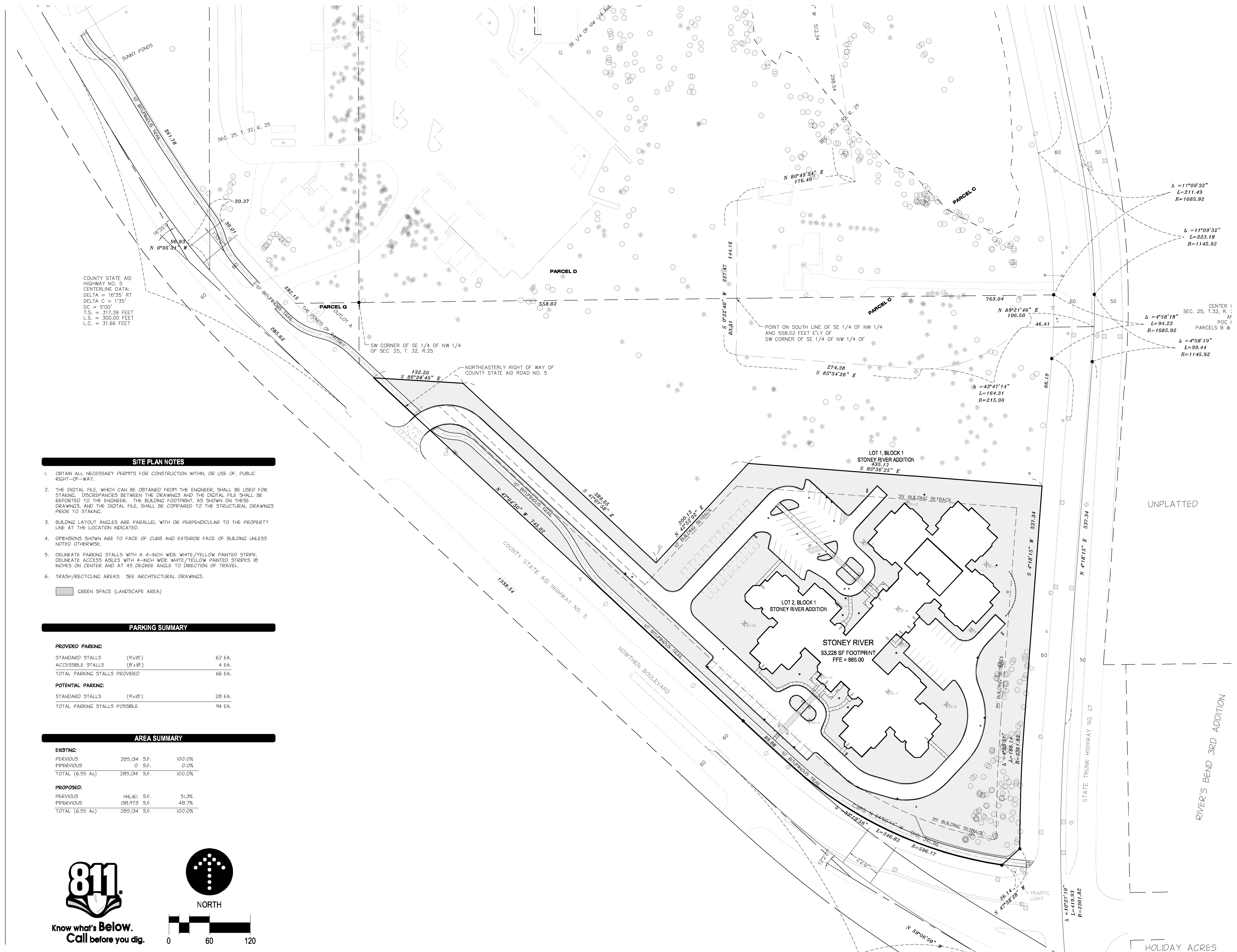


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 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME: C201FPG01.DWG PROJECT NO.: FPG1001

**OVERALL
 SITE PLAN
 C2.0**

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COUNTY STATE AID
 HIGHWAY NO. 5
 CENTERLINE DATA:
 DELTA = 16°35' RT
 DC = 5'00"
 T.S. = 317.39 FEET
 L.S. = 300.00 FEET
 L.C. = 31.66 FEET

SITE PLAN NOTES

- OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION WITHIN, OR USE OF, PUBLIC RIGHT-OF-WAY.
- THE DIGITAL FILE, WHICH CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING. DISCREPANCIES BETWEEN THE DRAWINGS AND THE DIGITAL FILE SHALL BE REPORTED TO THE ENGINEER. THE BUILDING FOOTPRINT, AS SHOWN ON THESE DRAWINGS, AND THE DIGITAL FILE, SHALL BE COMPARED TO THE STRUCTURAL DRAWINGS PRIOR TO STAKING.
- BUILDING LAYOUT ANGLES ARE PARALLEL WITH OR PERPENDICULAR TO THE PROPERTY LINE AT THE LOCATION INDICATED.
- DIMENSIONS SHOWN ARE TO FACE OF CURB AND EXTERIOR FACE OF BUILDING UNLESS NOTED OTHERWISE.
- DELINEATE PARKING STALLS WITH A 4-INCH WIDE WHITE/YELLOW PAINTED STRIPE. DELINEATE ACCESS AISLES WITH 4-INCH WIDE WHITE/YELLOW PAINTED STRIPES 18 INCHES ON CENTER AND AT 45 DEGREE ANGLE TO DIRECTION OF TRAVEL.
- TRASH/RECYCLING AREAS: SEE ARCHITECTURAL DRAWINGS.

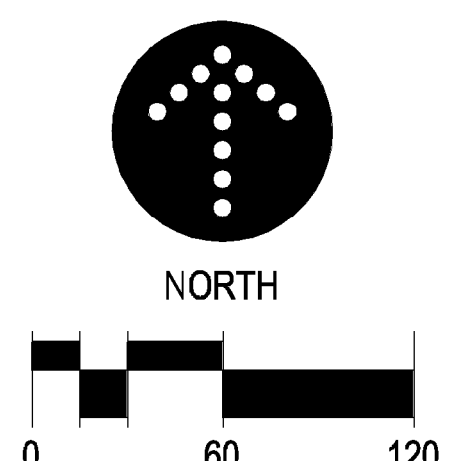
GREEN SPACE (LANDSCAPE AREA)

PARKING SUMMARY

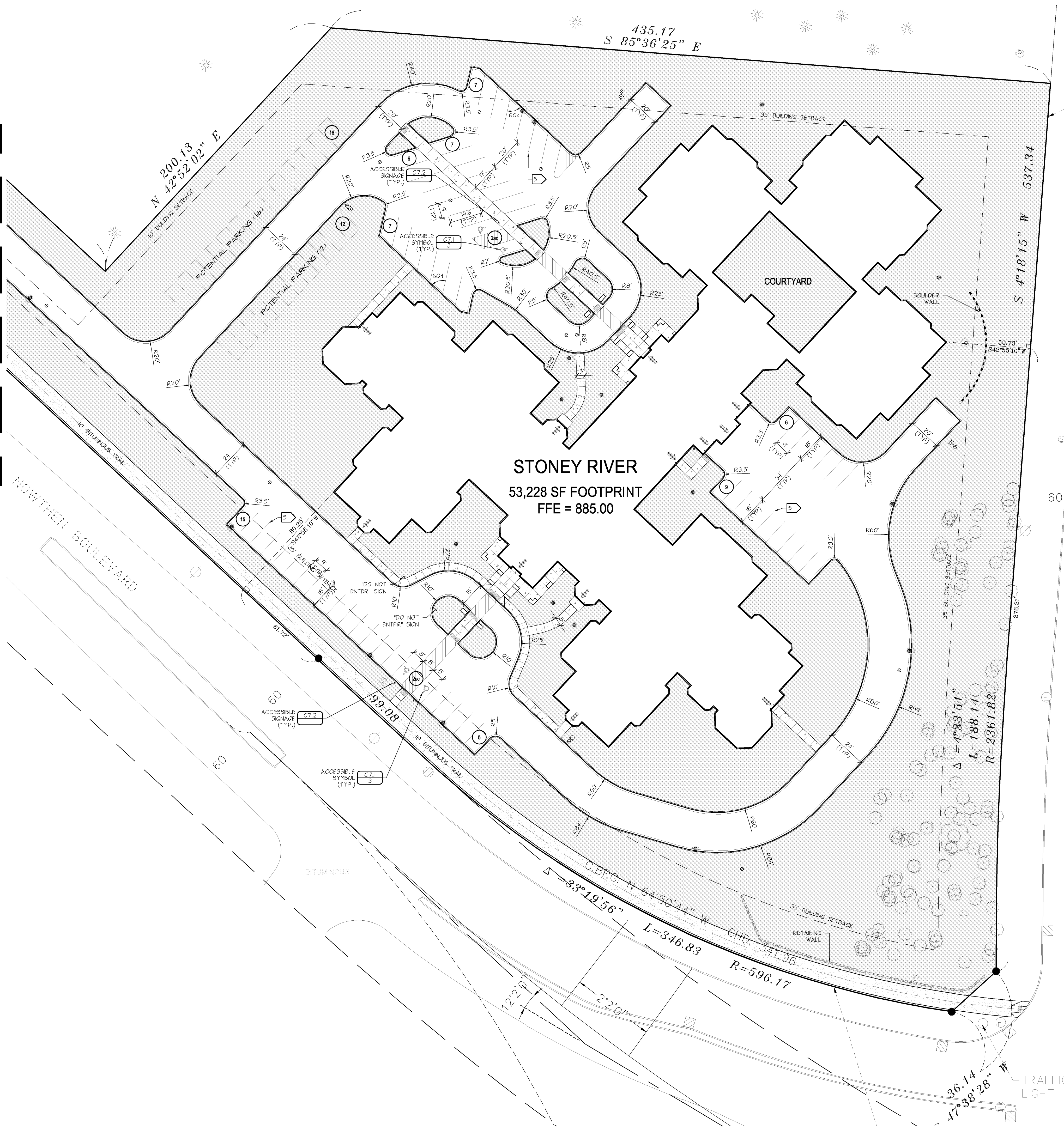
PROVIDED PARKING:		
STANDARD STALLS (9'x18')	62 EA.	
ACCESSIBLE STALLS (8'x18')	4 EA.	
TOTAL PARKING STALLS PROVIDED	66 EA.	
POTENTIAL PARKING:		
STANDARD STALLS (9'x18')	28 EA.	
TOTAL PARKING STALLS POSSIBLE	94 EA.	

AREA SUMMARY

EXISTING:		
PERVIOUS	285,134 S.F.	100.0%
IMPERVIOUS	0 S.F.	0.0%
TOTAL (6.55 Ac)	285,134 S.F.	100.0%
PROPOSED:		
PERVIOUS	146,161 S.F.	51.3%
IMPERVIOUS	138,973 S.F.	48.7%
TOTAL (6.55 Ac)	285,134 S.F.	100.0%



REFER TO SHEET C2.2



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- TRASH/RECYCLING AREAS: SEE ARCHITECTURAL DRAWINGS.

GREEN SPACE (LANDSCAPE AREA)

PARKING SUMMARY

PROVIDED PARKING:		
STANDARD STALLS	(9'x15')	62 EA.
ACCESSIBLE STALLS	(8'x15')	4 EA.
TOTAL PARKING STALLS PROVIDED		66 EA.
POTENTIAL PARKING:		
STANDARD STALLS	(9'x15')	28 EA.
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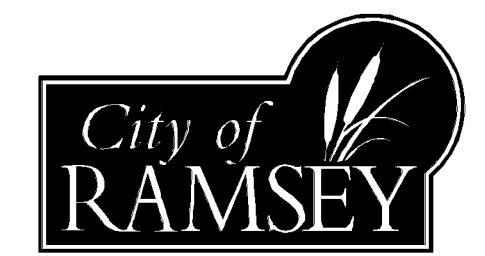
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DEVELOPER

FIRST PHOENIX GROUP, LLC
 601 CARLSON PARKWAY
 SUITE 1050
 MINNEAPOLIS, MN 55305
 TEL: (612) 759-0877

MUNICIPALITY



PROJECT

STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C2.0	CIVIL TITLE SHEET
C2.1	OVERALL EXISTING CONDITIONS
C2.2	OVERALL SITE PLAN
C2.3	SITE PLAN - SE
C2.4	SITE PLAN - NW
C2.5	GRADING, DRAINAGE, PAVING, & EROSION CONTROL - SE
C2.6	GRADING, DRAINAGE, PAVING, & EROSION CONTROL - NW
C2.7	UTILITIES
C2.8	CIVIL CONSTRUCTION DETAILS
C2.9	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
27 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

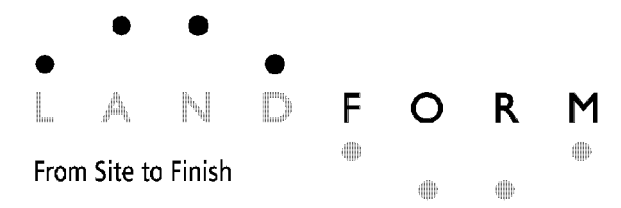
BY: EJK DATE: 06/07/2011

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CITY SUBMITTAL
 JUNE 7, 2011



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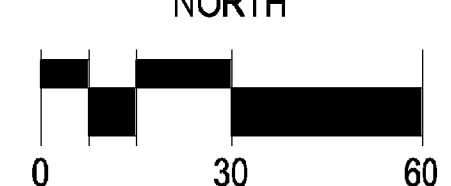
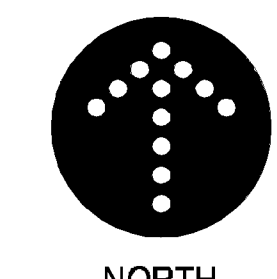
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 PROJECT NO.: FPG11001

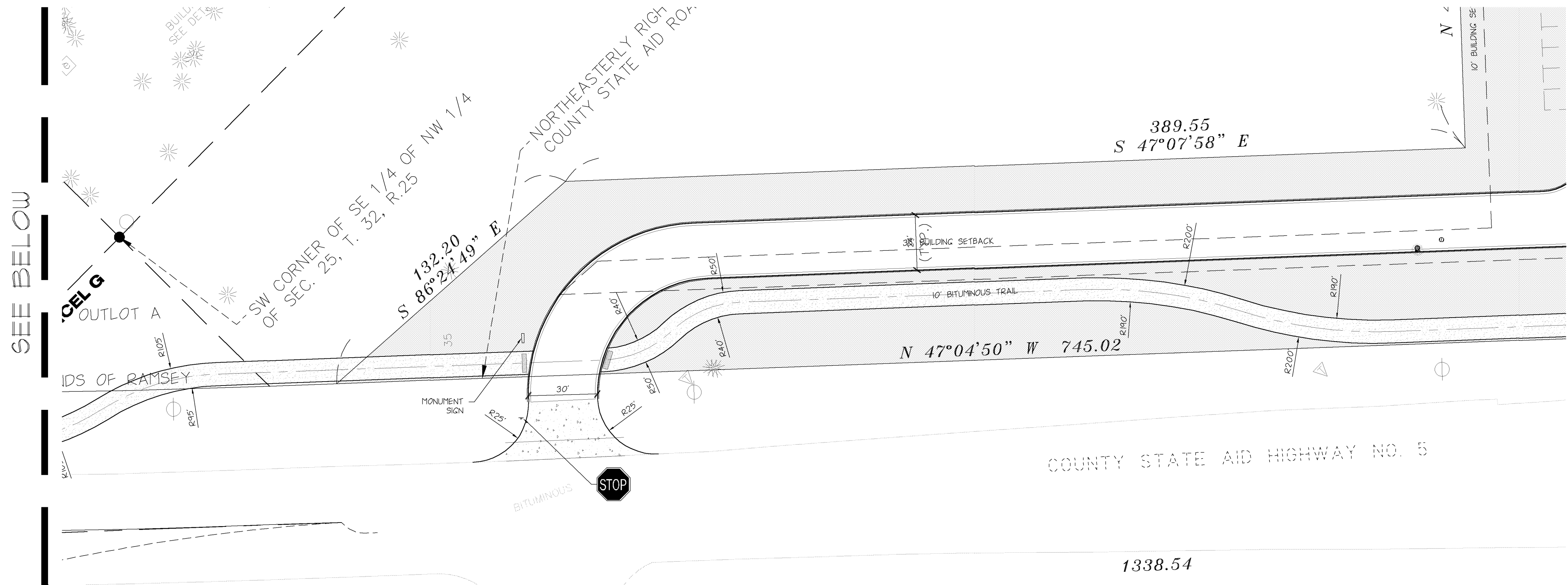
SITE PLAN - SE

C2.1



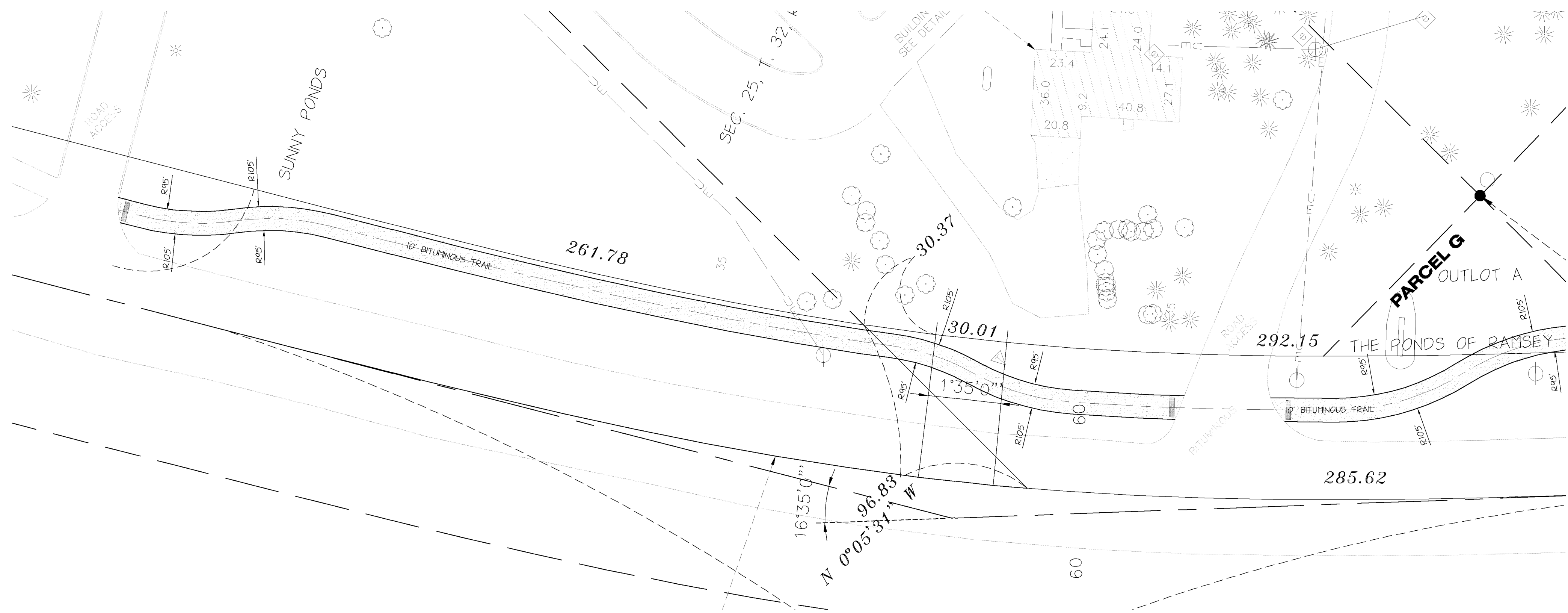
Know what's Below.
 Call before you dig.





SEE BELOW

REFER TO SHEET C2.1



SEE ABOVE

SITE PLAN NOTES

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GREEN SPACE (LANDSCAPE AREA)

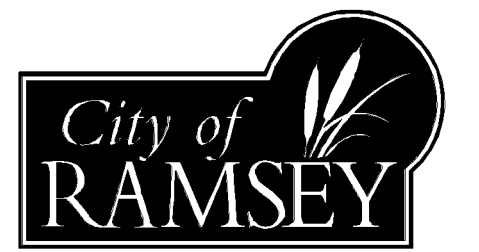
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DEVELOPER

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 801 CARSLON PARKWAY
 SUITE 1050
 MINNEAPOLIS, MN 55305
 TEL: (612) 759-0877

MUNICIPALITY



PROJECT

STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.0	OVERALL EXISTING CONDITIONS
C1.1	DEMOLITION
C2.0	OVERALL SITE PLAN
C2.1	SITE PLAN-SE
C2.2	SITE PLAN-NW
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C4.2	UTILITIES
C7.1	CIVIL CONSTRUCTION DETAILS
C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
27 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

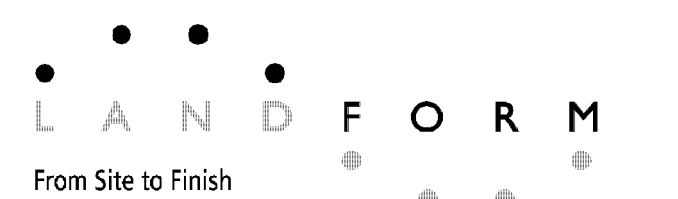
BY: [] DATE: 06/07/2011

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CITY SUBMITTAL
 JUNE 7, 2011



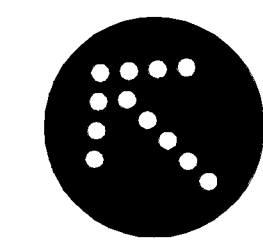
105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME: C202FFG01.DWG
 PROJECT NO.: FPG11001

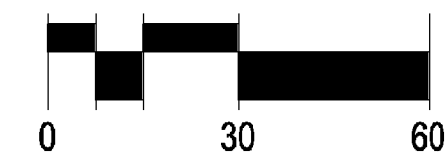
SITE PLAN - NW
C2.2



Know what's Below.
 Call before you dig.



NORTH



REFER TO SHEET C3.2



STONEY RIVER
53,228 SF FOOTPRINT
FFE = 885.00

GRADING NOTES

- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
- REFER TO THE GEOTECHNICAL REPORT PREPARED BY BRAUN INTEREC, DATED 03/04/10, FOR ADDITIONAL INFORMATION ON BACKFILL MATERIAL AND GROUNDWATER CONDITIONS.
- REMOVE TOPSOIL FROM GRADING AREAS AND STOCKPILE SUFFICIENT QUANTITY FOR REUSE. MATERIALS MAY BE FINED FROM LANDSCAPE AREAS FOR USE ON SITE AND REPLACED WITH EXCESS ORGANIC MATERIAL WITH PRIOR OWNER APPROVAL.
- REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE INITIAL LIFTS OF STABLE FOUNDATION MATERIAL IF EXPOSED SOILS ARE WET AND UNSTABLE.
- COORDINATE WITH ARCHITECTURAL DRAWINGS FOR HOLD DOWN INFORMATION FOR ROUGH GRADE BUILDING OF PAD.
- REFER TO STRUCTURAL SPECIFICATIONS FOR EARTH-WORK REQUIREMENTS FOR BUILDING PADS.
- AN INDEPENDENT TESTING FIRM SHALL VERIFY THE REMOVAL OF ORGANIC AND UNSUITABLE SOILS, SOIL CORRECTION, AND COMPACTION AND PROVIDE PERIODIC REPORTS TO THE OWNER.
- PLACE AND COMPACT FILL USING LIFT THICKNESSES MATCHED TO SOIL TYPE AND COMPACTION EQUIPMENT TO OBTAIN SPECIFIED COMPACTION THROUGHOUT THE LIFT.
- COMPACT MATERIAL IN PAVED AREAS TO 95% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 98% DENSITY WHERE FILL DEPTH EXCEEDS 10 FEET.

PAVING NOTES

- SPOT ELEVATIONS AT CURBLINES INDICATE FLOWLINES UNLESS NOTED OTHERWISE. SEE SHEET C4.1 FOR RIM ELEVATIONS OF CATCH BASINS.
 - MEET AND MATCH EXISTING CURB. PROVIDE 10 FOOT TRANSITION IF NECESSARY.
- PAVING SECTIONS (REFER TO GEOTECHNICAL REPORT)
- BITUMINOUS PAVING (LIGHT DUTY)**
 - 1.5-INCH WEAR
 - TACK COAT
 - 1.5-INCH BASE
 - 6-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - BITUMINOUS PAVING (HEAVY DUTY)**
 - 2-INCH WEAR
 - TACK COAT
 - 2-INCH BASE
 - 8-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - CONCRETE WALKWAYS**
 - 4-INCH CONCRETE WALK W/6X6 INCH #10 W/M
 - 4-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - CONCRETE DRIVES, APRONS, AND EXTERIOR SLABS**
 - 8-INCH CONCRETE W/4 REBAR AT 16 INCHES OC
 - 5-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- INSTALL PERIPHERY SEDIMENT CONTROLS PRIOR TO BEGINNING WORK AND MAINTAIN FOR DURATION OF CONSTRUCTION. REMOVE CONTROLS AFTER AREAS CONTRIBUTING RUN OFF ARE PERMANENTLY STABILIZED AND DISPOSE OF OFF SITE.
- LIMIT SOIL DISTURBANCE TO THE GRADING LIMITS SHOWN. SCHEDULE OPERATIONS TO MINIMIZE LENGTH OF EXPOSURE OF DISTURBED AREAS.
- MANAGEMENT PRACTICES SHOWN ARE THE MINIMUM REQUIREMENT. INSTALL AND MAINTAIN ADDITIONAL CONTROLS AS WORK PROCEEDS TO PREVENT EROSION AND CONTROL SEDIMENT CARRIED BY WIND OR WATER.
- EXCAVATE PONDS EARLY IN THE CONSTRUCTION SEQUENCE. REMOVE SEDIMENT FROM PONDS PERIODICALLY AND AFTER AREAS CONTRIBUTING RUN OFF ARE PERMANENTLY STABILIZED.
- RESTORE DISTURBED OPEN AREAS WITH TEMPORARY SEED OR SOD WITHIN 72 HOURS OF COMPLETING GRADING IN EACH AREA.
- SEED, SOD, MULCH AND FERTILIZER SHALL MEET THE FOLLOWING SPECIFICATIONS, AS MODIFIED.

ITEM	SPECIFICATION NUMBER
SOD	MNDOT 3878
SEED	MNDOT 3876
	TYPE 50 @ 40 LB/AC
	TYPE 10A @ 60 LB/AC
MULCH (TYPE I DISC ANCHORED)	MNDOT 3882
FERTILIZER	MNDOT 3881
GENERAL PLACEMENT	MNDOT 2575
- SEE LANDSCAPING SHEETS FOR PERMANENT TURF ESTABLISHMENT.
- SCRAPE ADJACENT STREETS CLEAN DAILY AND SWEEP CLEAN WEEKLY.

NPDES AREA SUMMARY

	EXISTING	PROPOSED	ULTIMATE
PERVIOUS	6.55 ACRES	3.36 ACRES	3.36 ACRES
IMPERVIOUS	0 ACRES	3.19 ACRES	3.19 ACRES
TOTAL	6.55 ACRES	6.55 ACRES	6.55 ACRES

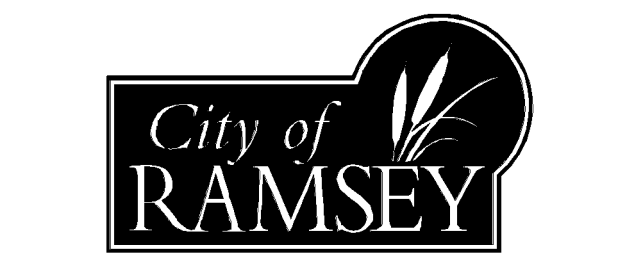
LEGEND

- CONSTRUCTION LIMITS WITHIN PROPERTY LINE UNLESS NOTED OTHERWISE.
- TW XXX.XX TOP OF WALL
- BW XXX.XX BOTTOM OF WALL
- SILT FENCE
- PAVEMENT SAWCUT
- INLET PROTECTION (REFER TO SHEET C7.1, DETAIL #8)

DEVELOPER

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601 CARSLON PARKWAY
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MUNICIPALITY



PROJECT

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RAMSEY, MN

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C2.86	OVERALL SITE PLAN
C2.87	OVERALL SITE PLAN
C2.88	OVERALL SITE PLAN
C2.89	OVERALL SITE PLAN
C2.90	OVERALL SITE PLAN
C2.91	OVERALL SITE PLAN
C2.92	OVERALL SITE PLAN
C2.93	OVERALL SITE PLAN
C2.94	OVERALL SITE PLAN
C2.95	OVERALL SITE PLAN
C2.96	OVERALL SITE PLAN
C2.97	OVERALL SITE PLAN
C2.98	OVERALL SITE PLAN
C2.99	OVERALL SITE PLAN
C2.100	OVERALL SITE PLAN

REVISION HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

DATE: 06/07/2011

CERTIFICATION

PRELIMINARY
NOT FOR
CONSTRUCTION

CITY SUBMITTAL
JUNE 7, 2011

LANDFORM
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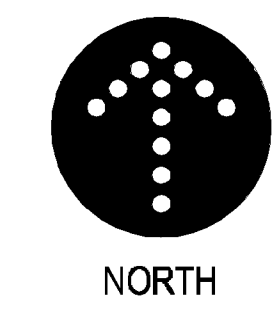
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GRADING, DRAINAGE, PAVING,
& EROSION CONTROL - SE

C3.1

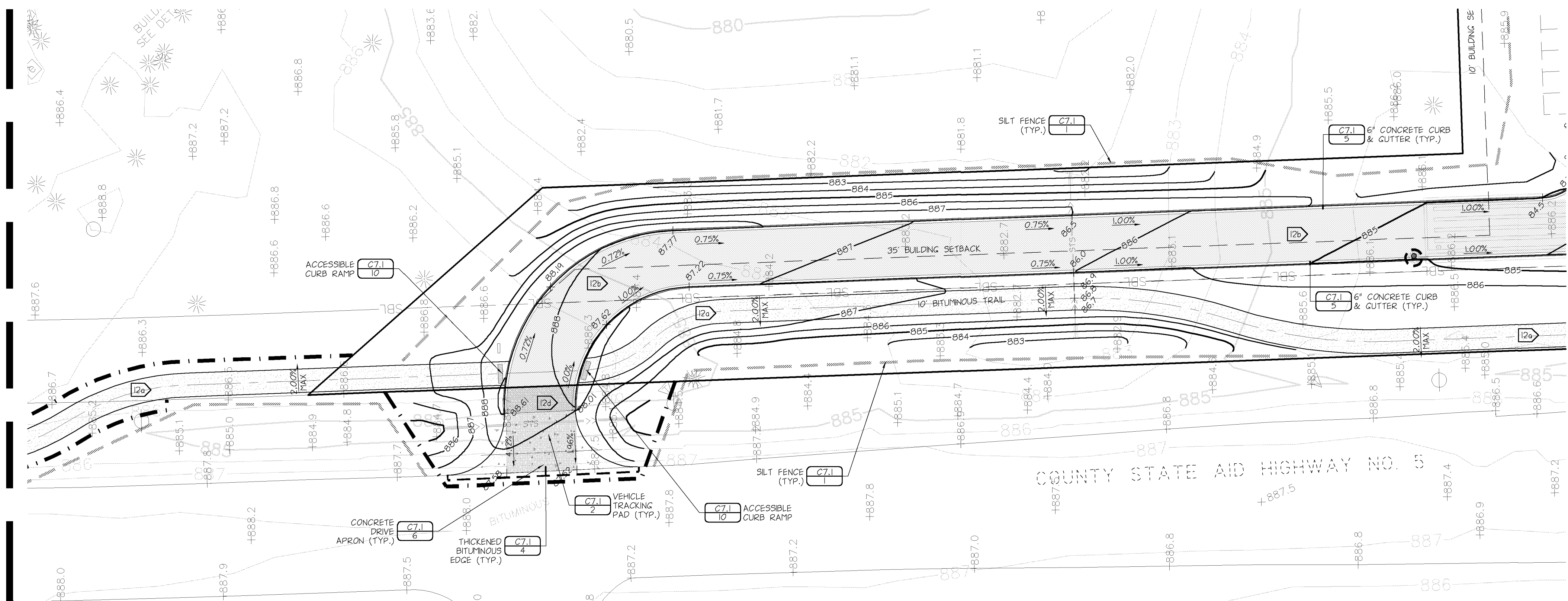


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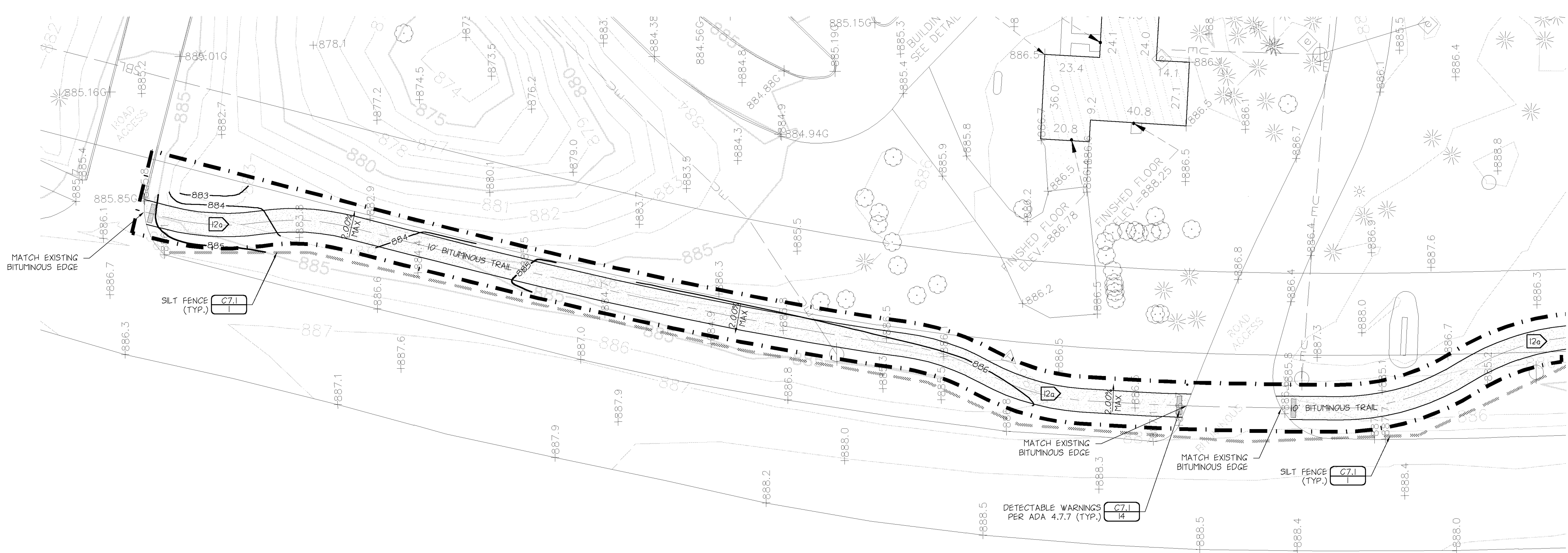


0 30 60

SEE BELOW



REFER TO SHEET C3.1



SEE ABOVE

GRADING NOTES

- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
- REFER TO THE GEOTECHNICAL REPORT PREPARED BY BRAUN INTERTEC, DATED 03/04/10, FOR ADDITIONAL INFORMATION ON BACKFILL MATERIAL AND GROUNDWATER CONDITIONS.
- REMOVE TOPSOIL FROM GRADING AREAS AND STOCKPILE SUFFICIENT QUANTITY FOR REUSE. MATERIALS MAY BE TINED FROM LANDSCAPE AREAS FOR USE ON SITE AND REPLACED WITH EXCESS ORGANIC MATERIAL WITH PRIOR OWNER APPROVAL.
- REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE INITIAL LIFTS OF STABLE FOUNDATION MATERIAL IF EXPOSED SOILS ARE WET AND UNSTABLE.
- COORDINATE WITH ARCHITECTURAL DRAWINGS FOR HOLD DOWN INFORMATION FOR ROUGH GRADE BUILDING OF PAD.
- REFER TO STRUCTURAL SPECIFICATIONS FOR EARTH-WORK REQUIREMENTS FOR BUILDING PADS.
- AN INDEPENDENT TESTING FIRM SHALL VERIFY THE REMOVAL OF ORGANIC AND UNSUITABLE SOILS, SOIL CORRECTION, AND COMPACTION AND PROVIDE PERIODIC REPORTS TO THE OWNER.
- PLACE AND COMPACT FILL USING LIFT THICKNESSES MATCHED TO SOIL TYPE AND COMPACTION EQUIPMENT TO OBTAIN SPECIFIED COMPACTION THROUGHOUT THE LIFT.
- COMPACT MATERIAL IN PAVED AREAS TO 95% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 98% DENSITY WHERE FILL DEPTH EXCEEDS 10 FEET.

PAVING NOTES

- SPOT ELEVATIONS AT CURBLINES INDICATE FLOWLINES UNLESS NOTED OTHERWISE. SEE SHEET C4.1 FOR RIM ELEVATIONS OF CATCH BASINS.
- MEET AND MATCH EXISTING CURB. PROVIDE 10 FOOT TRANSITION IF NECESSARY.
- PAVING SECTIONS (REFER TO GEOTECHNICAL REPORT)
 - BITUMINOUS PAVING (LIGHT DUTY)
 - 1.5-INCH WEAR TACK COAT
 - 1.5-INCH BASE
 - 6-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5) COMPACTED SUBSOIL
 - BITUMINOUS PAVING (HEAVY DUTY)
 - 2-INCH WEAR TACK COAT
 - 2-INCH BASE
 - 8-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5) COMPACTED SUBSOIL
 - CONCRETE WALKWAYS
 - 4-INCH CONCRETE WALK W/6X6 INCH, #10 W/M
 - 4-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5) COMPACTED SUBSOIL
 - CONCRETE DRIVES, APRONS, AND EXTERIOR SLABS
 - 8-INCH CONCRETE W/4 REBAR AT 16 INCHES OC
 - 5-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5) COMPACTED SUBSOIL

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- INSTALL PERIPHERY SEDIMENT CONTROLS PRIOR TO BEGINNING WORK AND MAINTAIN FOR DURATION OF CONSTRUCTION. REMOVE CONTROLS AFTER AREAS CONTRIBUTING RUN OFF ARE PERMANENTLY STABILIZED AND DISPOSE OF OFF SITE.
- LIMIT SOIL DISTURBANCE TO THE GRADING LIMITS SHOWN. SCHEDULE OPERATIONS TO MINIMIZE LENGTH OF EXPOSURE OF DISTURBED AREAS.
- MANAGEMENT PRACTICES SHOWN ARE THE MINIMUM REQUIREMENT. INSTALL AND MAINTAIN ADDITIONAL CONTROLS AS WORK PROCEEDS TO PREVENT EROSION AND CONTROL SEDIMENT CARRIED BY WIND OR WATER.
- EXCAVATE PONDS EARLY IN THE CONSTRUCTION SEQUENCE. REMOVE SEDIMENT FROM PONDS PERIODICALLY AND AFTER AREAS CONTRIBUTING RUN OFF ARE PERMANENTLY STABILIZED.
- RESTORE DISTURBED OPEN AREAS WITH TEMPORARY SEED OR SOD WITHIN 72 HOURS OF COMPLETING GRADING IN EACH AREA.
- SEED, SOD, MULCH AND FERTILIZER SHALL MEET THE FOLLOWING SPECIFICATIONS, AS MODIFIED.

ITEM	SPECIFICATION NUMBER
SOD	MNDOT 3878
SEED	MNDOT 3876
	TYPE 50 @ 40 LB/AC
	TYPE 10A @ 60 LB/AC
MULCH (TYPE I DISC ANCHORED)	MNDOT 3882
FERTILIZER	MNDOT 3881
GENERAL PLACEMENT	MNDOT 2575
- SEE LANDSCAPING SHEETS FOR PERMANENT TURF ESTABLISHMENT.
- SCRAPE ADJACENT STREETS CLEAN DAILY AND SWEEP CLEAN WEEKLY.

NPDES AREA SUMMARY

	EXISTING	PROPOSED	ULTIMATE
PERVIOUS	6.55 ACRES	3.36 ACRES	3.36 ACRES
IMPERVIOUS	0 ACRES	3.19 ACRES	3.19 ACRES
TOTAL	6.55 ACRES	6.55 ACRES	6.55 ACRES

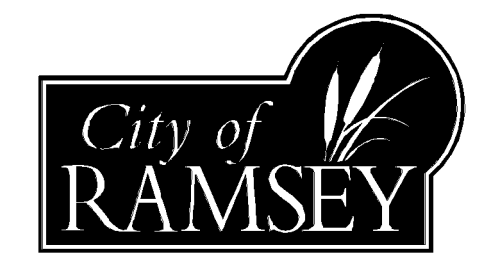
LEGEND

- CONSTRUCTION LIMITS WITHIN PROPERTY LINE UNLESS NOTED OTHERWISE.
- TW XXX.XX TOP OF WALL
- BW XXX.XX BOTTOM OF WALL
- SILT FENCE
- PAVEMENT SAWCUT
- INLET PROTECTION (REFER TO SHEET C7.1, DETAIL #8)

DEVELOPER

FIRST PHOENIX GROUP, LLC
 801 CARSLON PARKWAY
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 MINNEAPOLIS, MN 55305
 TEL: 612/799-0877

MUNICIPALITY



PROJECT

STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

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C1.1	DEMOLITION
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C2.2	SITE PLAN-NW
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C3.2	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-NW
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C7.1	CIVIL CONSTRUCTION DETAILS
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C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
27 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

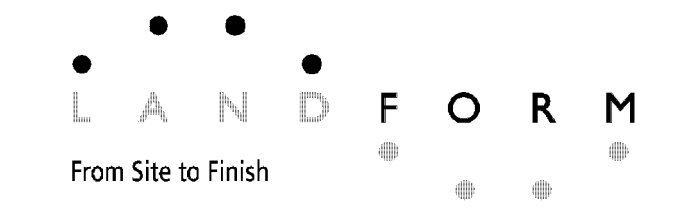
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CERTIFICATION

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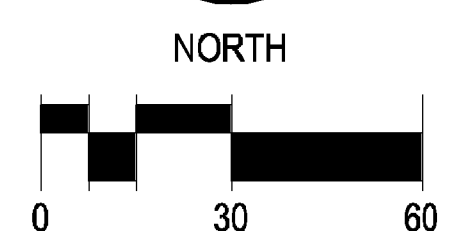
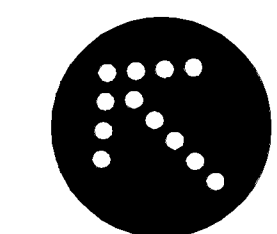
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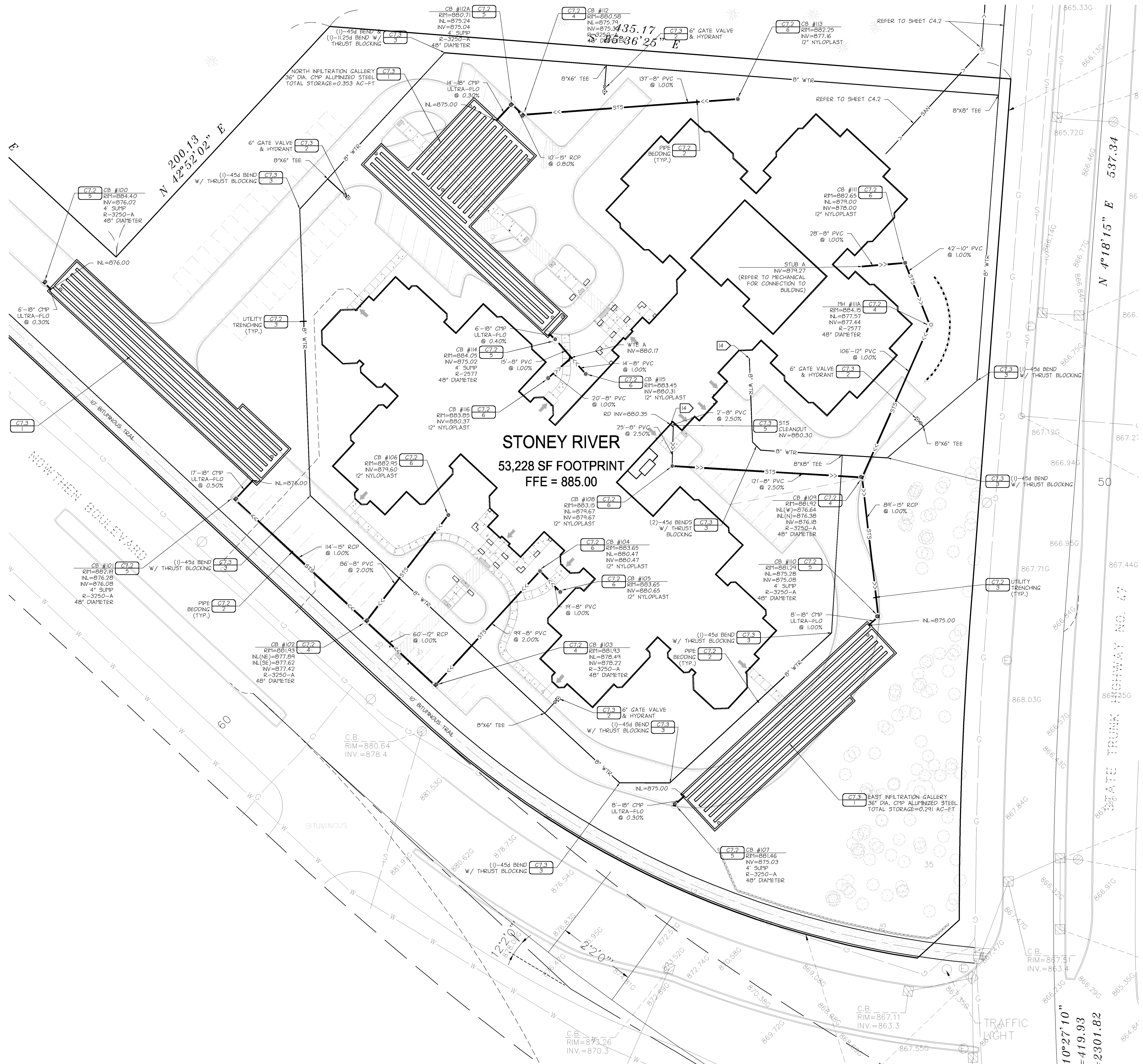
**GRADING, DRAINAGE, PAVING,
& EROSION CONTROL - NW**

C3.2



**Know what's Below.
Call before you dig.**





STONEY RIVER
 53,228 SF FOOTPRINT
 FFE = 885.00

- UTILITY NOTES**
- PIPE MATERIALS
 WATERMAIN: DIP CLASS 52, PVC SDR 35
 SANITARY SEWER: PVC SCHEDULE 40
 RCP CLASS 5
 CMP ALUMINIZED STEEL TYPE 2
 CMP ULTRA-FLO
 - CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
 - COORDINATE WITH PRIVATE UTILITIES TO PROVIDE ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES TO BUILDING.
 - PROVIDE MEANS AND MEASURES TO PROTECT ADJACENT PROPERTY FROM DAMAGE DURING UTILITY INSTALLATION.
 - PIPE LENGTHS SHOWN ARE FROM CENTER OF STRUCTURE TO CENTER OF STRUCTURE OR END OF END SECTION.
 - ADJUST STRUCTURES TO FINAL GRADE WHERE DISTURBED. COMPLY WITH REQUIREMENTS OF UTILITY. MEET REQUIREMENTS FOR TRAFFIC LOADING IN PAVED AREAS.
 - INSTALL TRACER WIRE WITH UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENTS.
 - CONNECT TO CITY UTILITIES IN ACCORDANCE WITH CITY OF RAMSEY STANDARDS.
 - CONTACT CITY OF RAMSEY FOR CONNECTION INSPECTIONS.
 - MAINTAIN 7.5 FEET OF COVER ON WATER.
 - CONTACT CITY OF RAMSEY BUILDING DEPARTMENT FOR FLUSHING AND PRESSURE TEST INSPECTIONS.
 - PROVIDE 4-INCH RIGID FOAM INSULATION ON SANITARY SEWER LESS THAN 6 FEET DEEP.
 - BRING WATER AND SEWER SERVICES INTO BUILDING PER MECHANICAL DRAWINGS. JOIN AND ROUTE BUILDING STORM DRAINS AND CONNECT TO STORM SEWER MANHOLE.
 - CONNECT TO DOWNSPOUT WITH TRANSITION TO 6-INCH PVC AND ROUTE TO STORM SEWER.
 - INSTALL IRRIGATION SLEEVES FURNISHED BY IRRIGATION CONTRACTOR.
 - THE PRIMARY ELECTRIC FEED, TRANSFORMER, AND METER ARE PROVIDED AND INSTALLED BY XCEL ENERGY. THE TRANSFORMER PAD DESIGN IS PROVIDED BY THE UTILITY AND CONSTRUCTION IS BY THE CONTRACTOR. CONTACT UTILITY FOR PAD DETAIL. THE SECONDARY ELECTRIC AND CONDUITS SHALL BE INSTALLED BY THE ELECTRICAL CONTRACTOR.
 - SEE ELECTRICAL SITE PLAN FOR ADDITIONAL INFORMATION.
 - XCEL ENERGY WILL FURNISH AND INSTALL GAS SERVICE PIPING FROM THE MAINLINE TO THE METER. GAS SERVICE FROM THE METER SHALL BE INSTALLED BY THE MECHANICAL CONTRACTOR.
 - COORDINATE WITH MECHANICAL AND ELECTRICAL DRAWINGS FOR LOCATIONS OF SERVICE CONNECTIONS AND CONTINUATION OF SERVICES WITHIN BUILDING.
 - PROVIDE ONE 4-INCH PVC CONDUIT WITH PULL-STRING FROM EXISTING TELEPHONE SERVICE TO BUILDING.
 - PROVIDE CONDUITS FOR CABLE TELEVISION AND OTHER ELECTRONIC COMMUNICATION.

DEVELOPER
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 TEL: 612/759 0877

MUNICIPALITY

CITY OF RAMSEY

PROJECT
STONEY RIVER ADDITION
RAMSEY, MN

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C2.2	SITE PLAN-NW
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C3.2	GRADING, DRAINAGE, PAVING, & EROSION CONTROL-NW
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C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY
 CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	REVISION	REVIEW
27 JUN 2011	CITY SUBMITTAL	SES

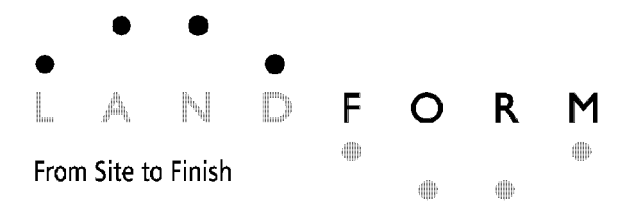
PROJECT MANAGER REVIEW
 DATE: 06/07/2011

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Tel: 612-252-9070
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FILE NAME: C401FFG01.DWG
 PROJECT NO.: FPG1001

UTILITIES
C4.1

811
 Know what's Below.
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NORTH

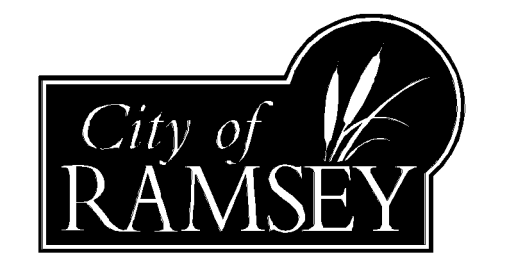
UTILITY NOTES

1. PIPE MATERIALS
WATERMAIN: DIP CLASS 53
SANITARY SEWER: PVC SDR 35
STORM SEWER: RCP CLASS 5
2. CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
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7. INSTALL TRACER WIRE WITH UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENTS.
8. CONNECT TO CITY UTILITIES IN ACCORDANCE WITH CITY OF RAMSEY STANDARDS.
9. CONTACT CITY OF RAMSEY FOR WET TAP INSPECTION.
10. MAINTAIN 7.5 FEET OF COVER ON WATER.
11. DEFLECT WATER TO MAINTAIN 18-INCH MINIMUM OUTSIDE SEPARATION AT SEWER CROSSINGS. CENTER PIPE LENGTHS TO PROVIDE GREATEST SEPARATION BETWEEN JOINTS.
12. CONTACT CITY OF RAMSEY BUILDING DEPARTMENT FOR FLUSHING AND PRESSURE TEST INSPECTIONS.
13. PROVIDE 4-INCH RIGID FOAM INSULATION ON SANITARY SEWER LESS THAN 6 FEET DEEP.
14. BRING WATER AND SEWER SERVICES INTO BUILDING PER MECHANICAL DRAWINGS. JOIN AND ROUTE BUILDING STORM DRAINS AND CONNECT TO STORM SEWER MANHOLE.
15. CONNECT TO DOWNSPOUT WITH TRANSITION TO 6-INCH PVC AND ROUTE TO STORM SEWER.
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17. THE PRIMARY ELECTRIC FEED, TRANSFORMER, AND METER ARE PROVIDED AND INSTALLED BY XCEL ENERGY. THE TRANSFORMER PAD DESIGN IS PROVIDED BY THE UTILITY AND CONSTRUCTION IS BY THE CONTRACTOR. CONTACT UTILITY FOR PAD DETAIL. THE SECONDARY ELECTRIC AND CONDUITS SHALL BE INSTALLED BY THE ELECTRICAL CONTRACTOR.
18. SEE ELECTRICAL SITE PLAN FOR ADDITIONAL INFORMATION.
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21. PROVIDE ONE 4-INCH PVC CONDUIT WITH PULL-STRING FROM EXISTING TELEPHONE SERVICE TO BUILDING.
22. PROVIDE CONDUITS FOR CABLE TELEVISION AND OTHER ELECTRONIC COMMUNICATION.

DEVELOPER

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PROJECT

STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

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C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
27 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

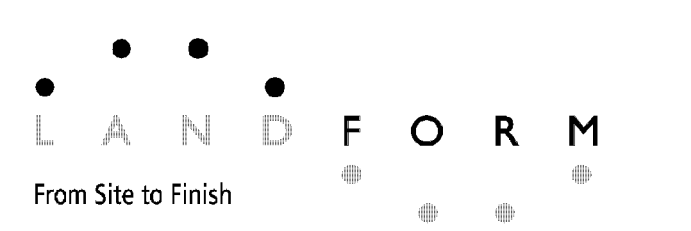
BY/CHK	DATE
	06/07/2011

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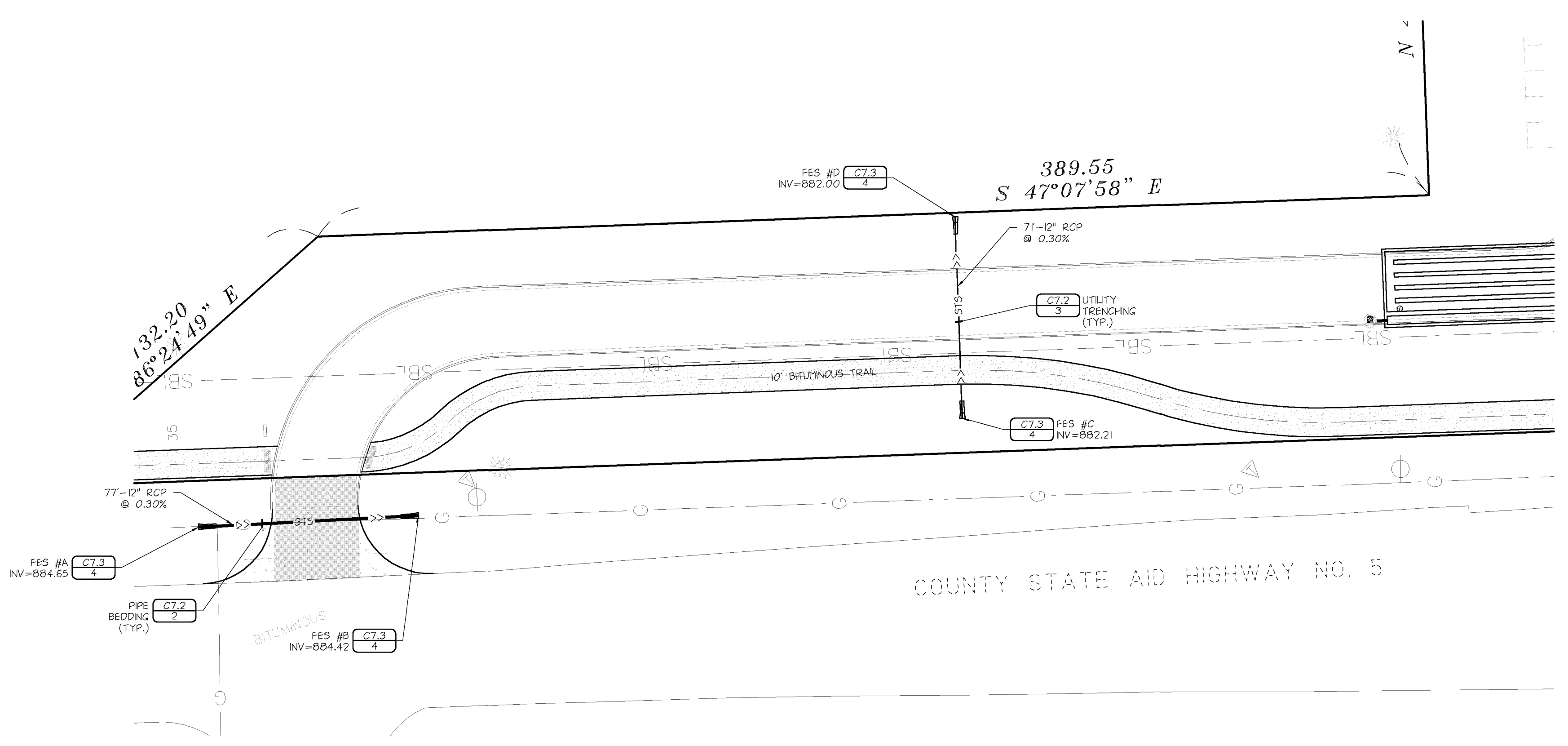
105 South Fifth Avenue Tel: 612-252-9070
Suite 513 Fax: 612-252-9077
Minneapolis, MN 55401 Web: landform.net

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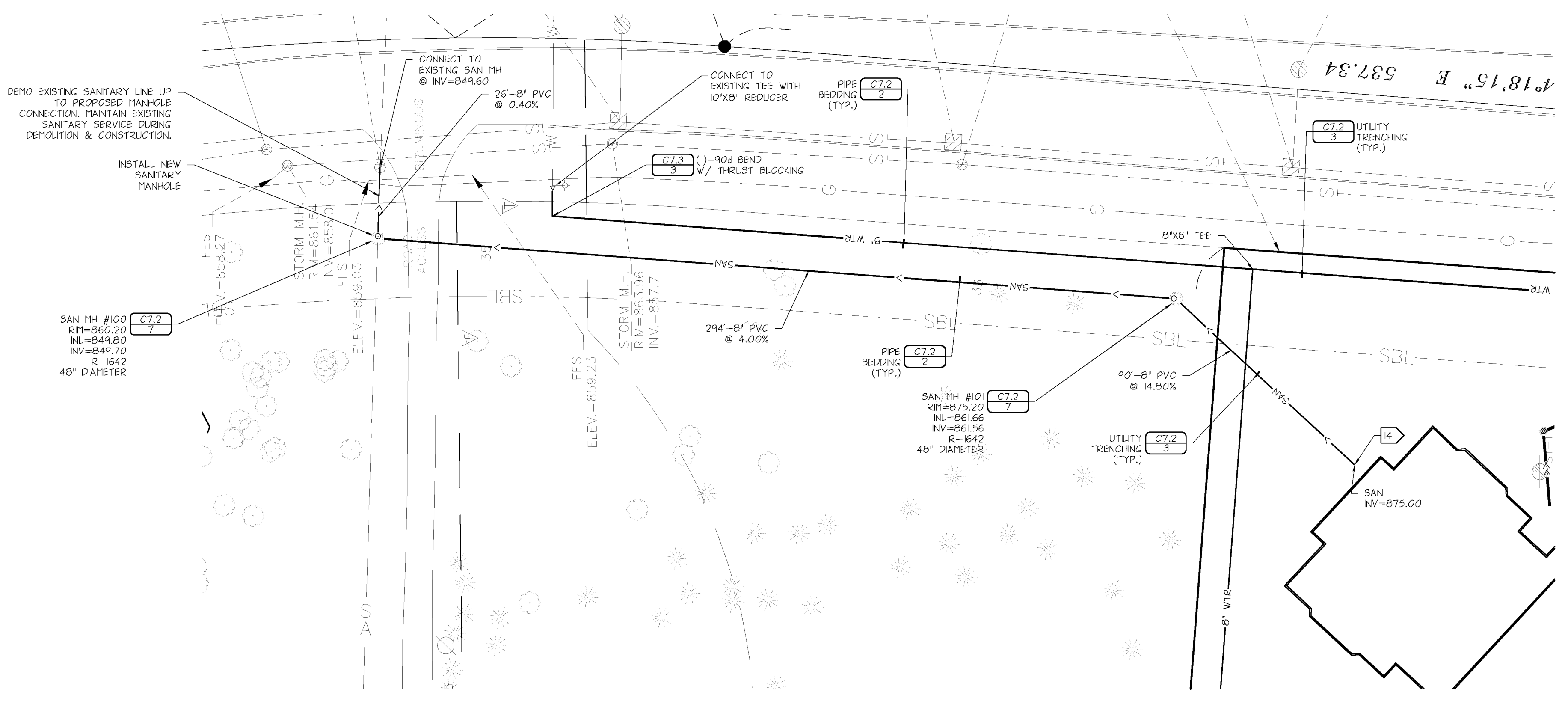
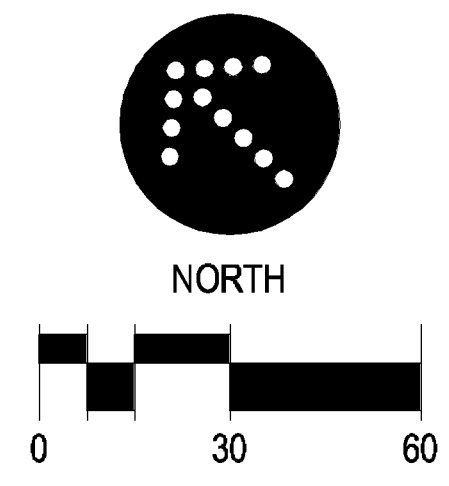
UTILITIES

C4.2

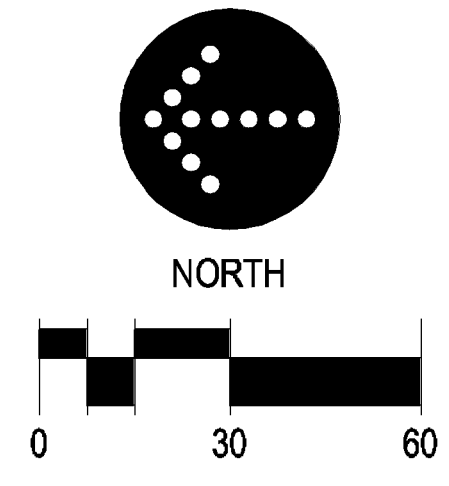
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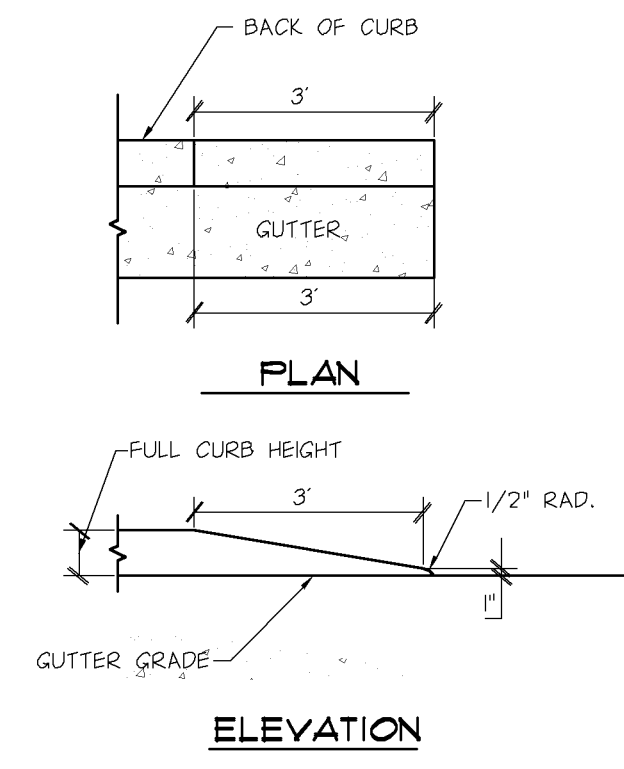
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REFER TO SHEET C4.1

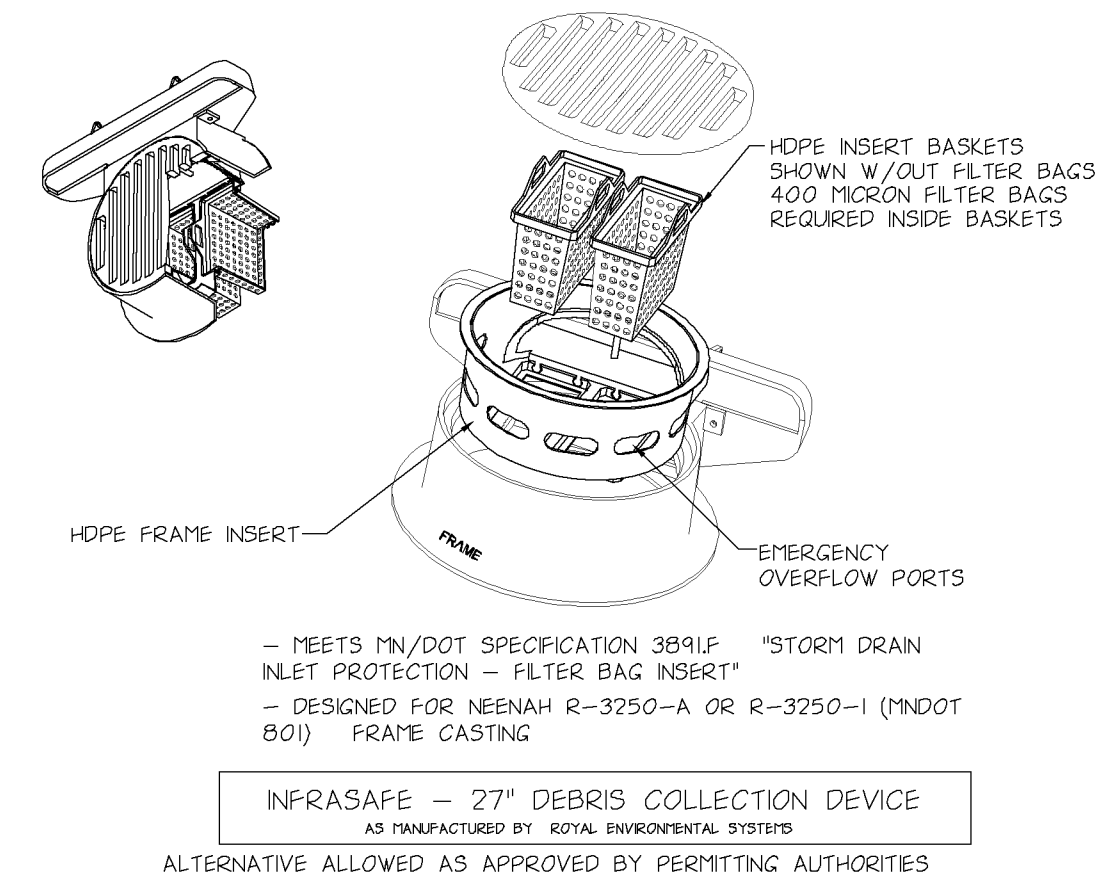


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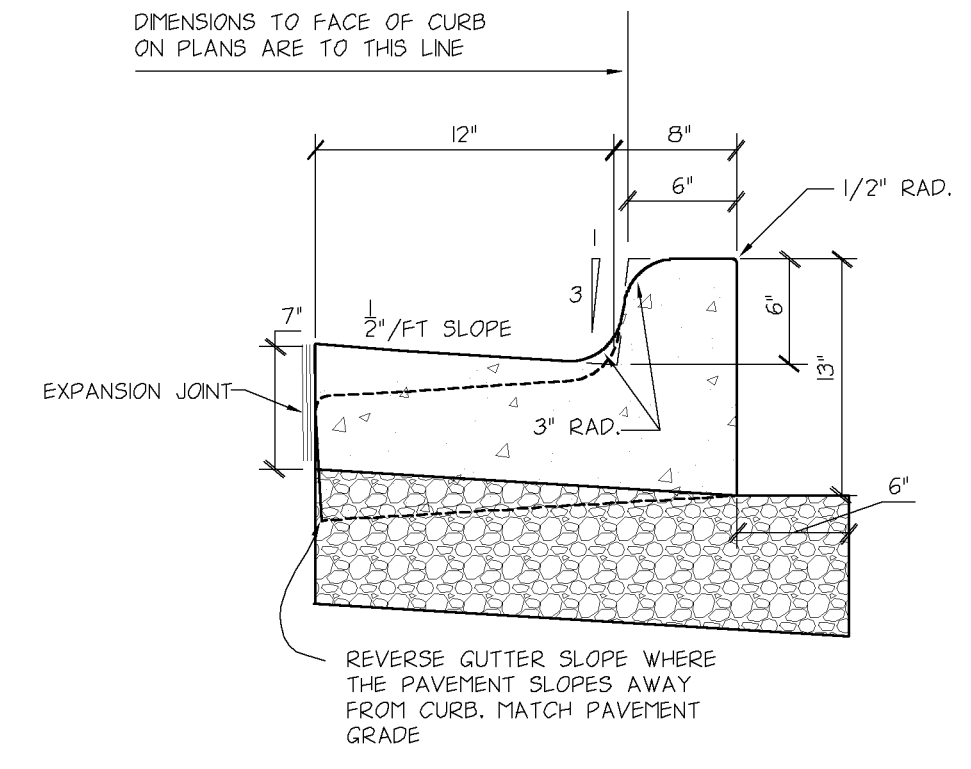
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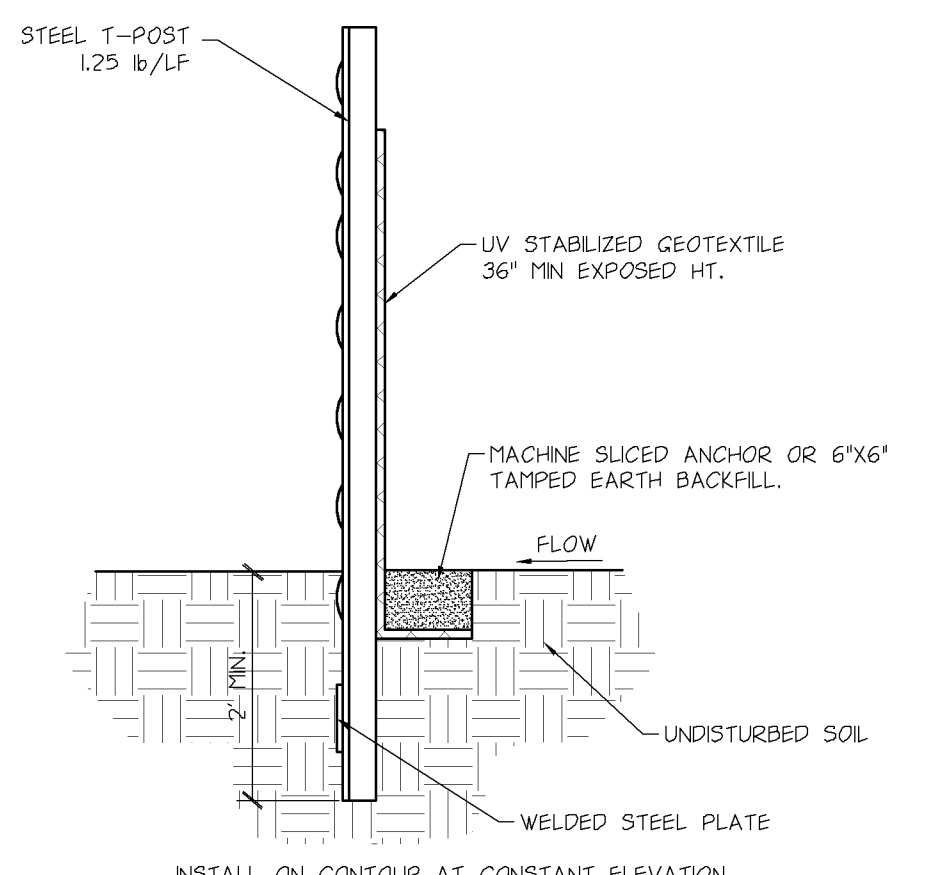
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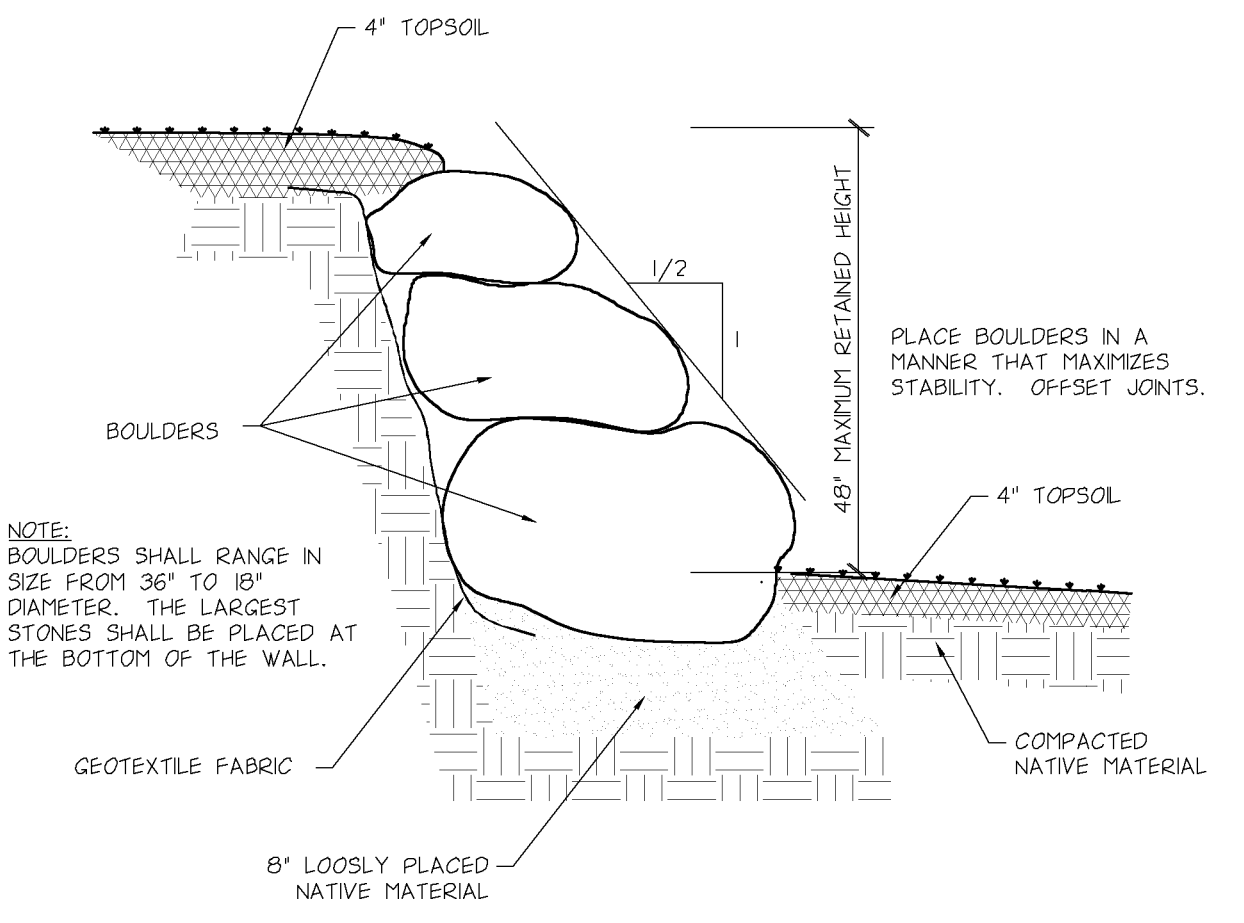
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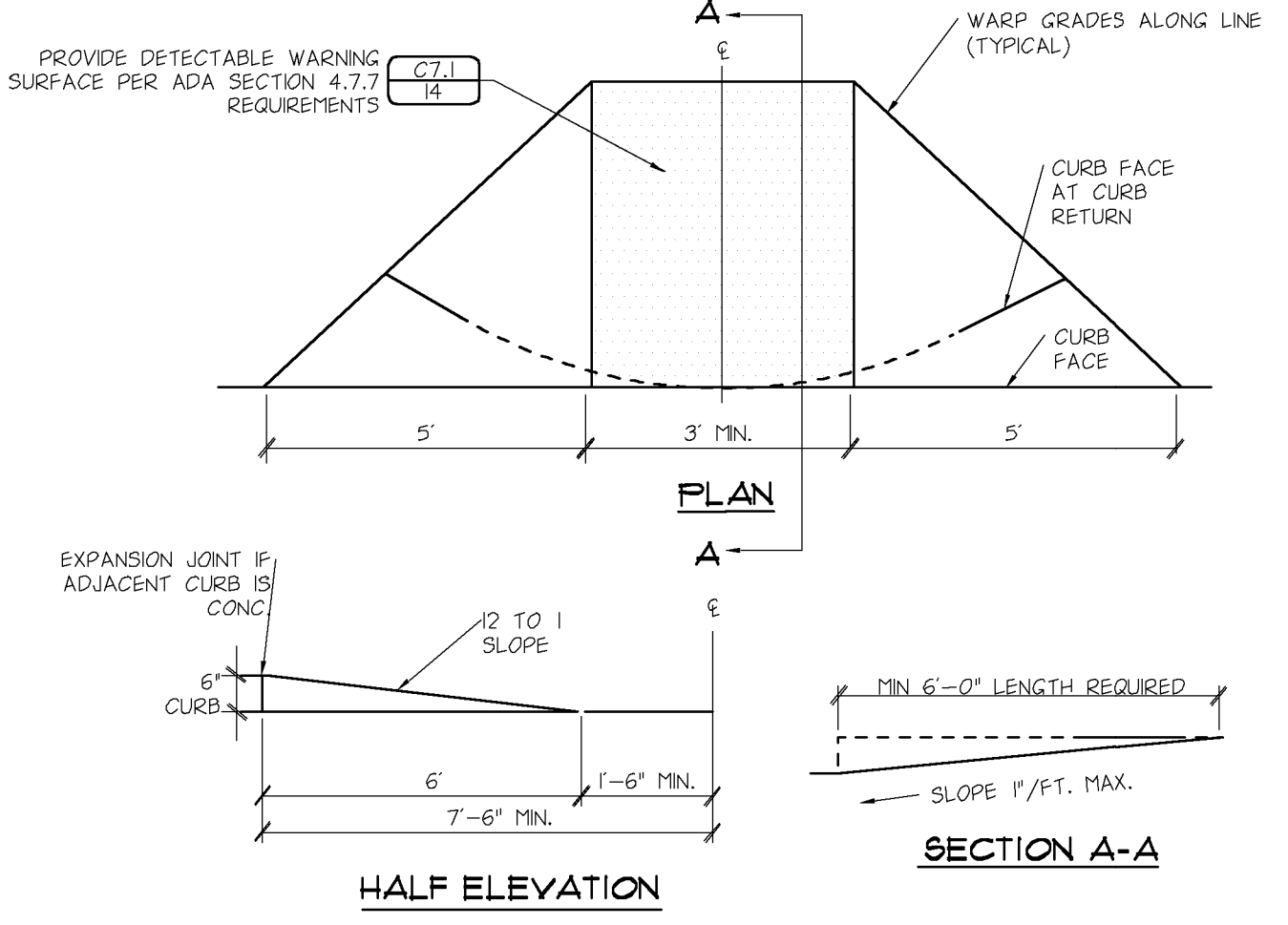
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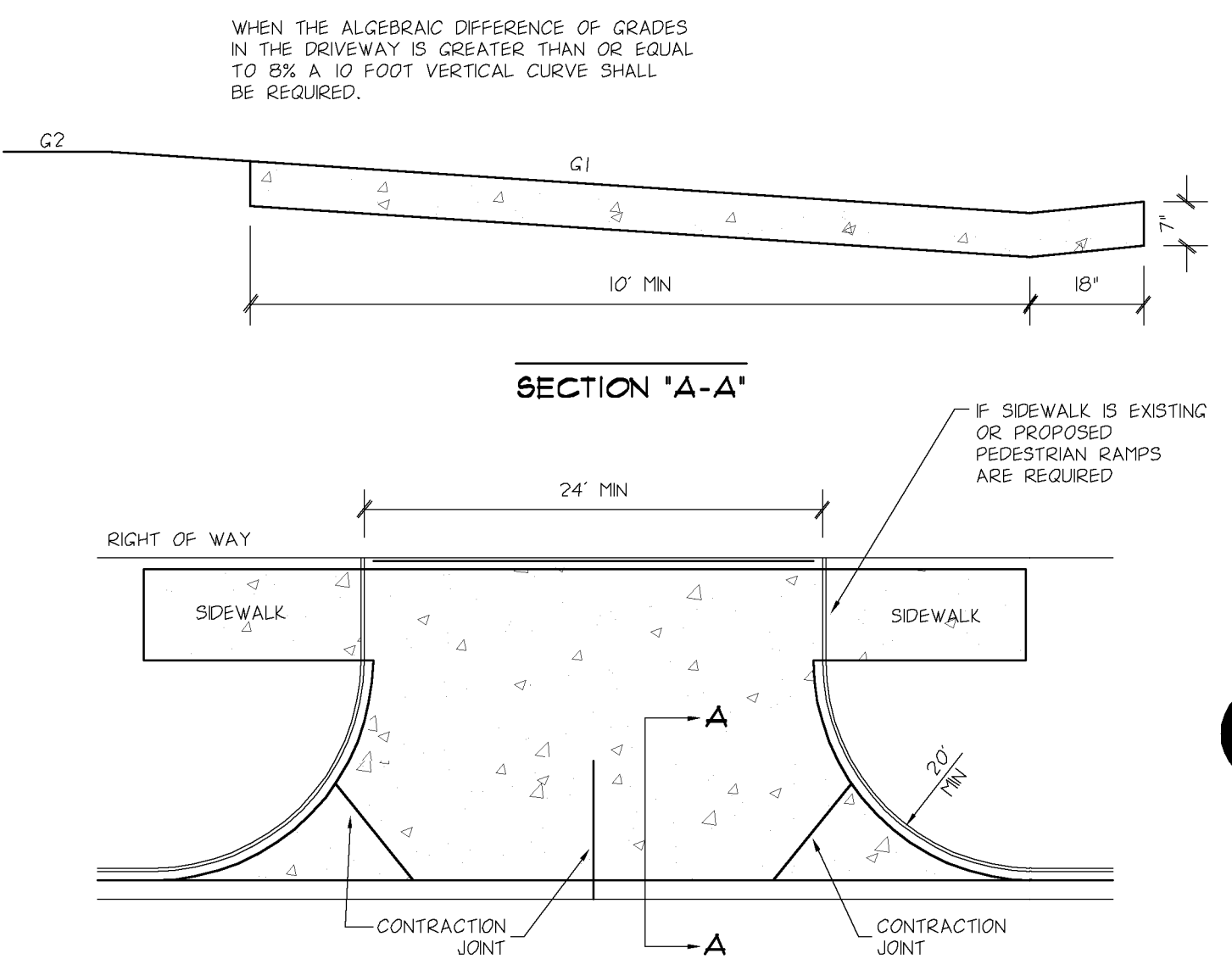
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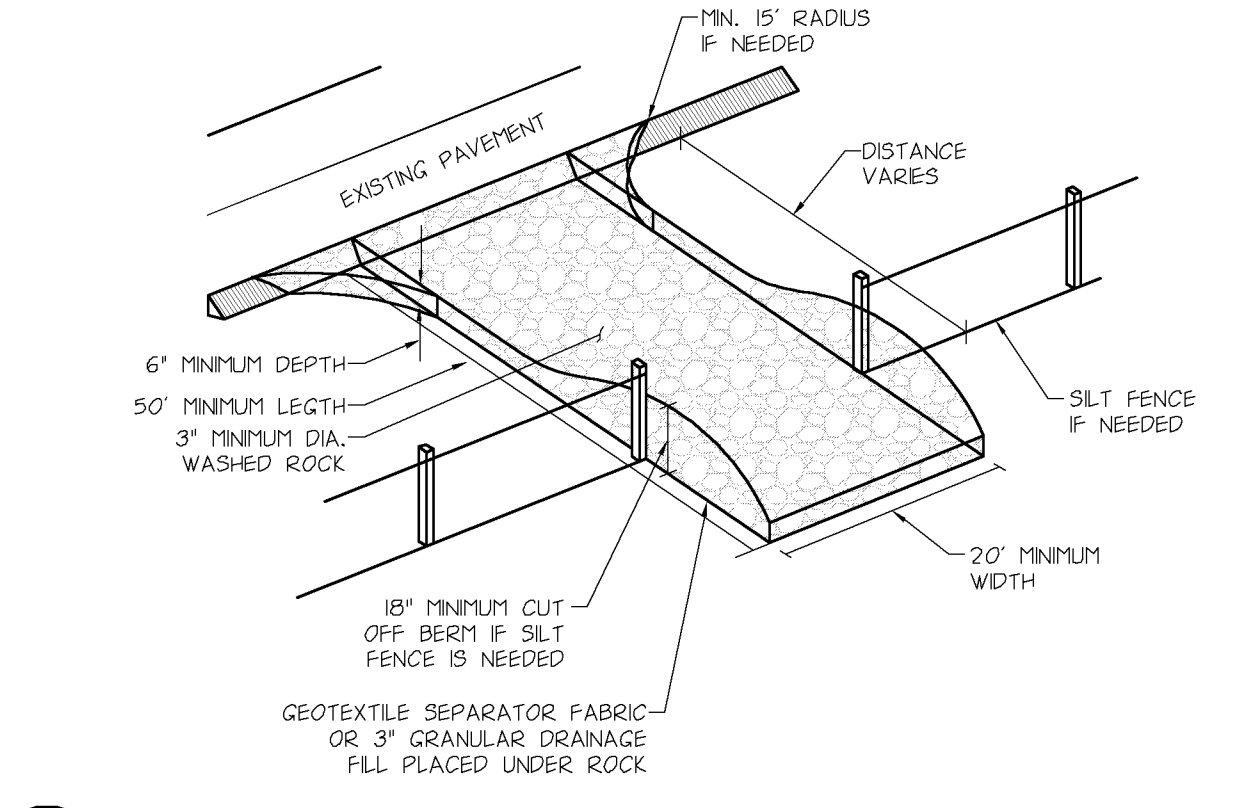
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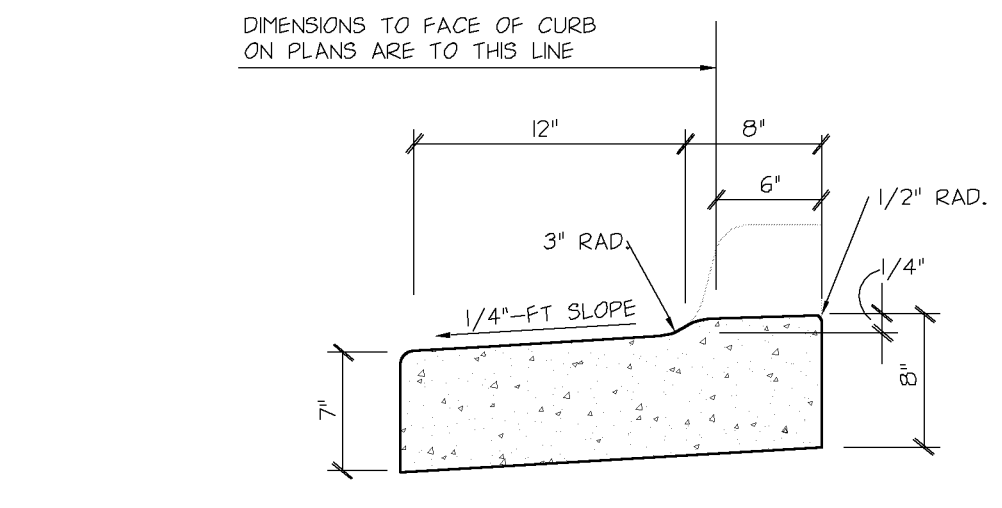
CONCRETE DRIVE APRON

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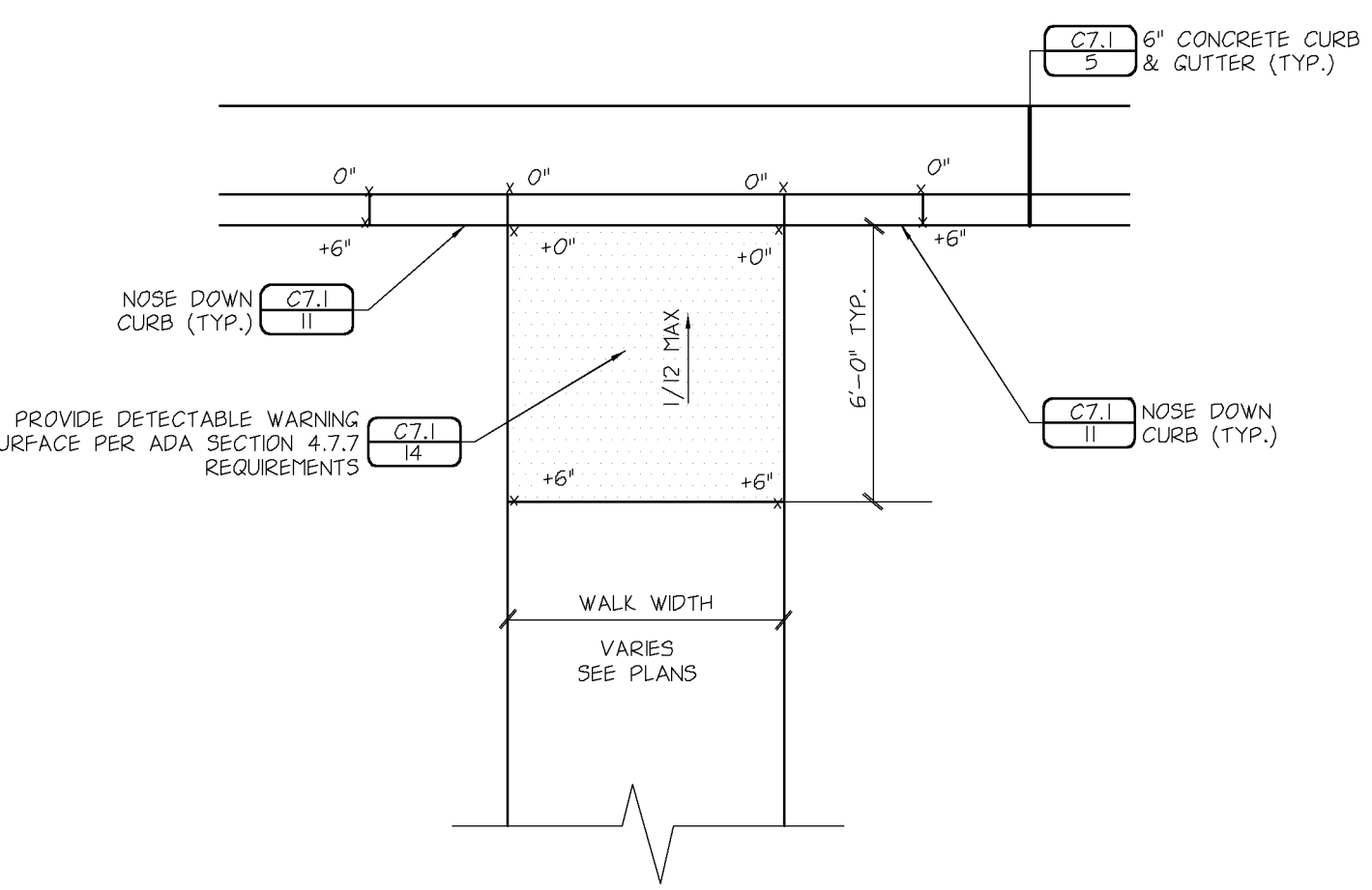
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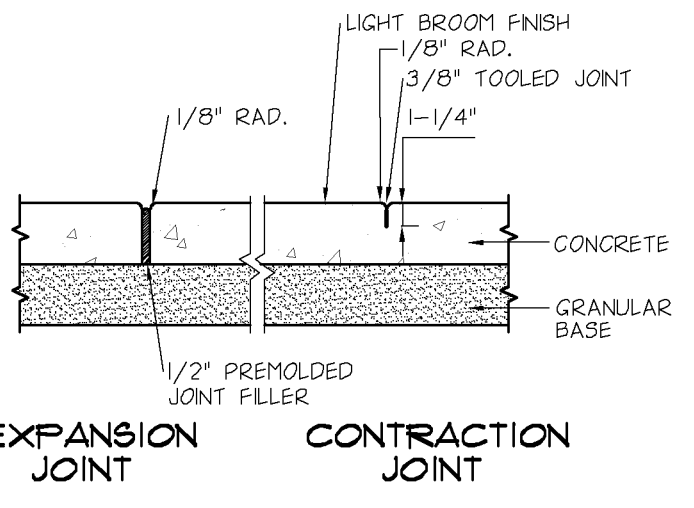
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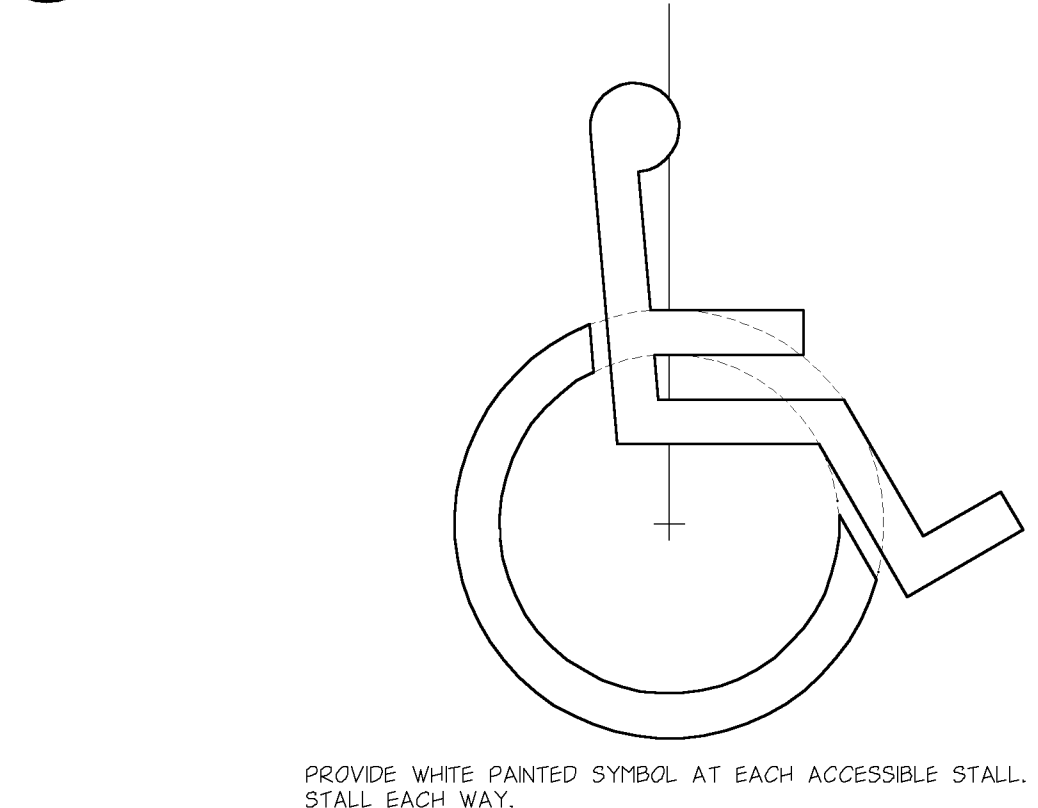
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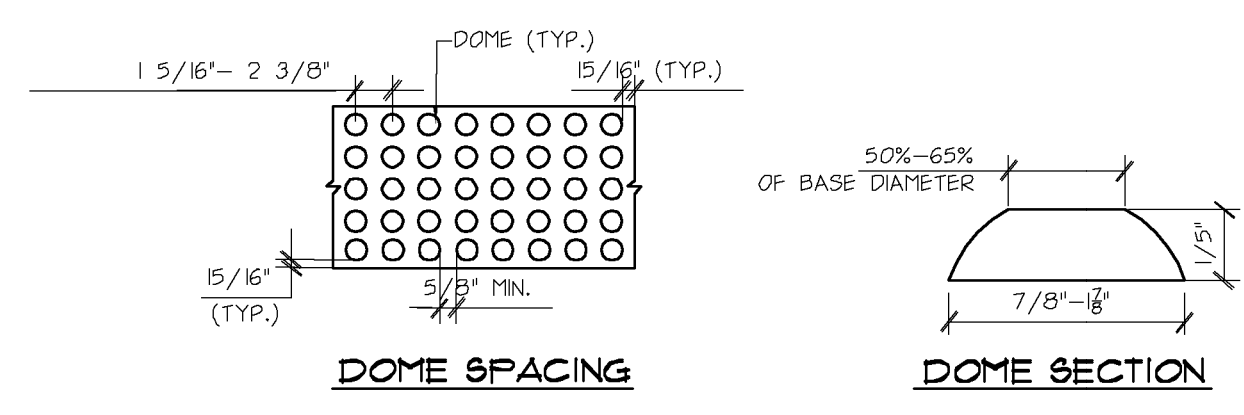
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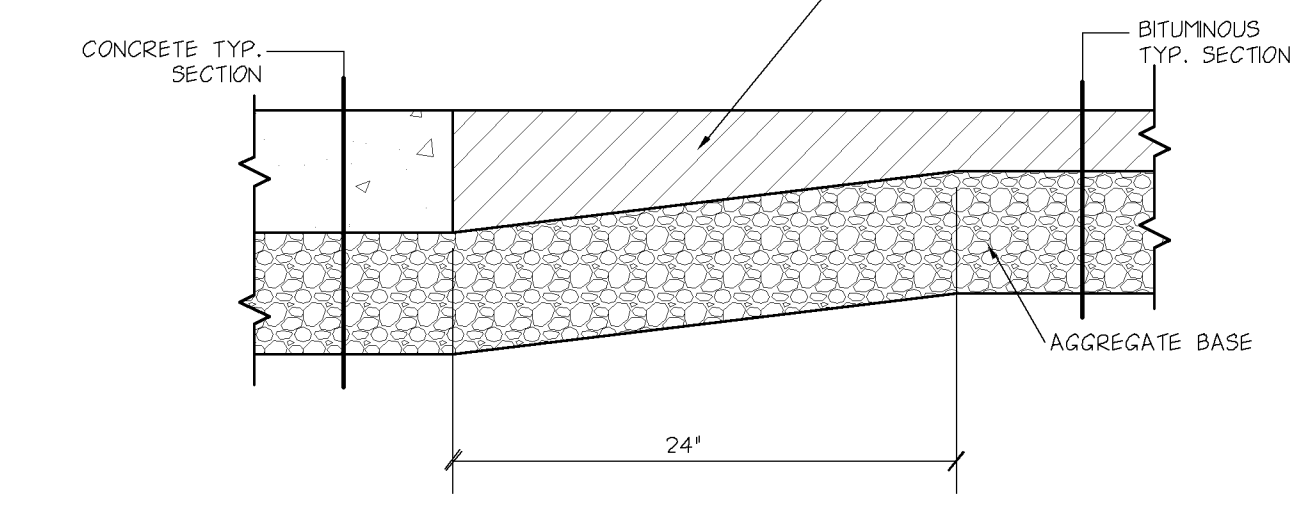
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DETECTABLE WARNINGS ADA 4.7.7

NO SCALE



THICKENED BITUMINOUS EDGE AND CONCRETE SURFACE

NO SCALE

DEVELOPER
FIRST PHOENIX GROUP, LLC
 801 CARSLON PARKWAY
 SUITE 1050
 MINNEAPOLIS, MN 55305
 TEL: 612/759-0877

MUNICIPALITY
City of RAMSEY

PROJECT
STONEY RIVER ADDITION
RAMSEY, MN

SHEET INDEX

BSHEET	TITLE
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C1.1	DEMOLITION
C2.0	OVERALL SITE PLAN
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REVISION HISTORY
 CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW
 BY/CHK: DATE: 06/07/2011

CERTIFICATION
PRELIMINARY NOT FOR CONSTRUCTION

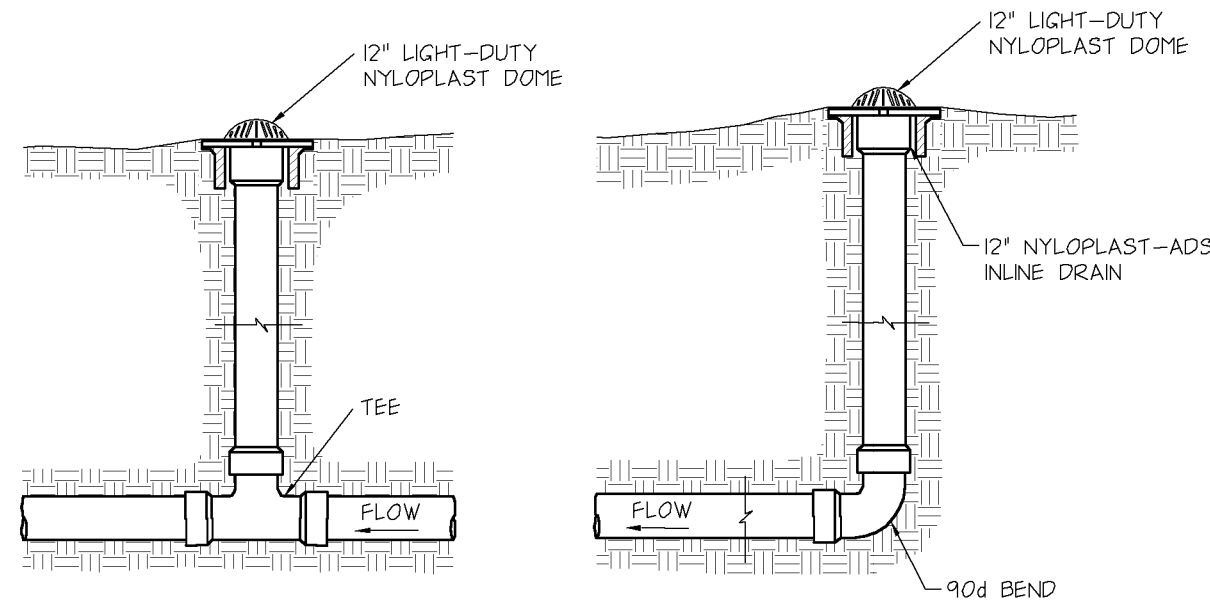
CITY SUBMITTAL
 JUNE 7, 2011

LANDFORM
 From Site to Finish

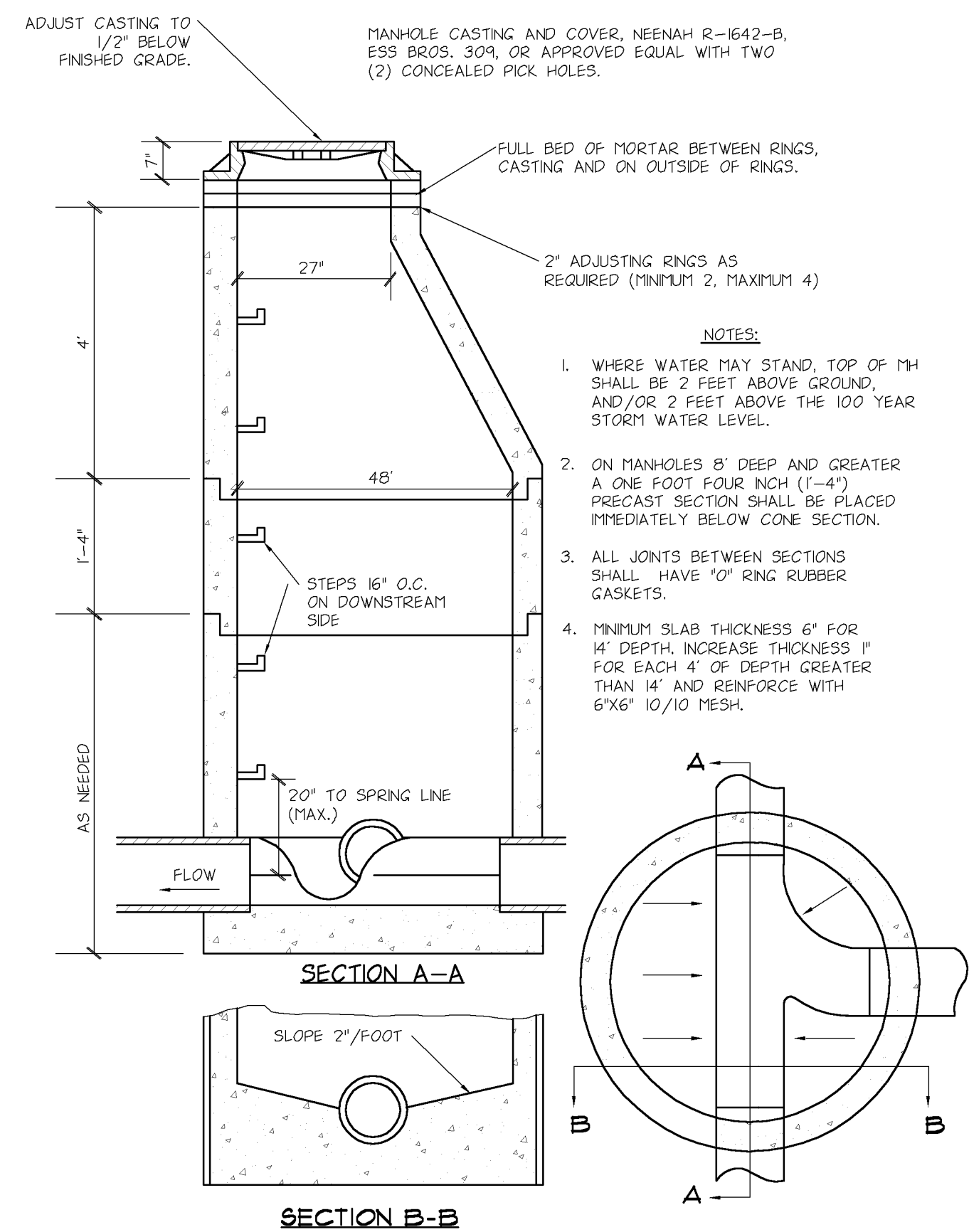
105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME: C701FFG01.DWG
 PROJECT NO.: FPG11001

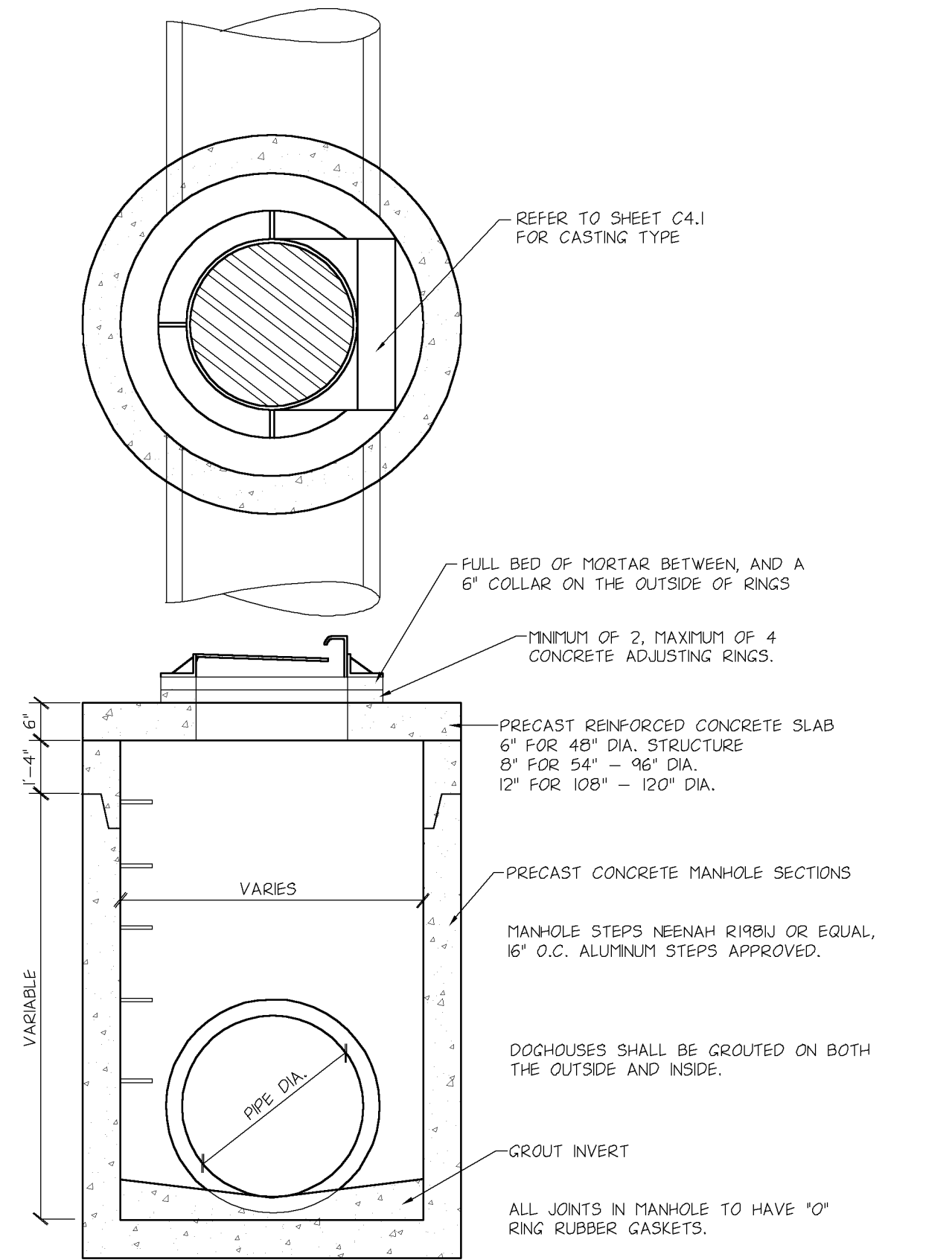
CIVIL CONSTRUCTION DETAILS
C7.1



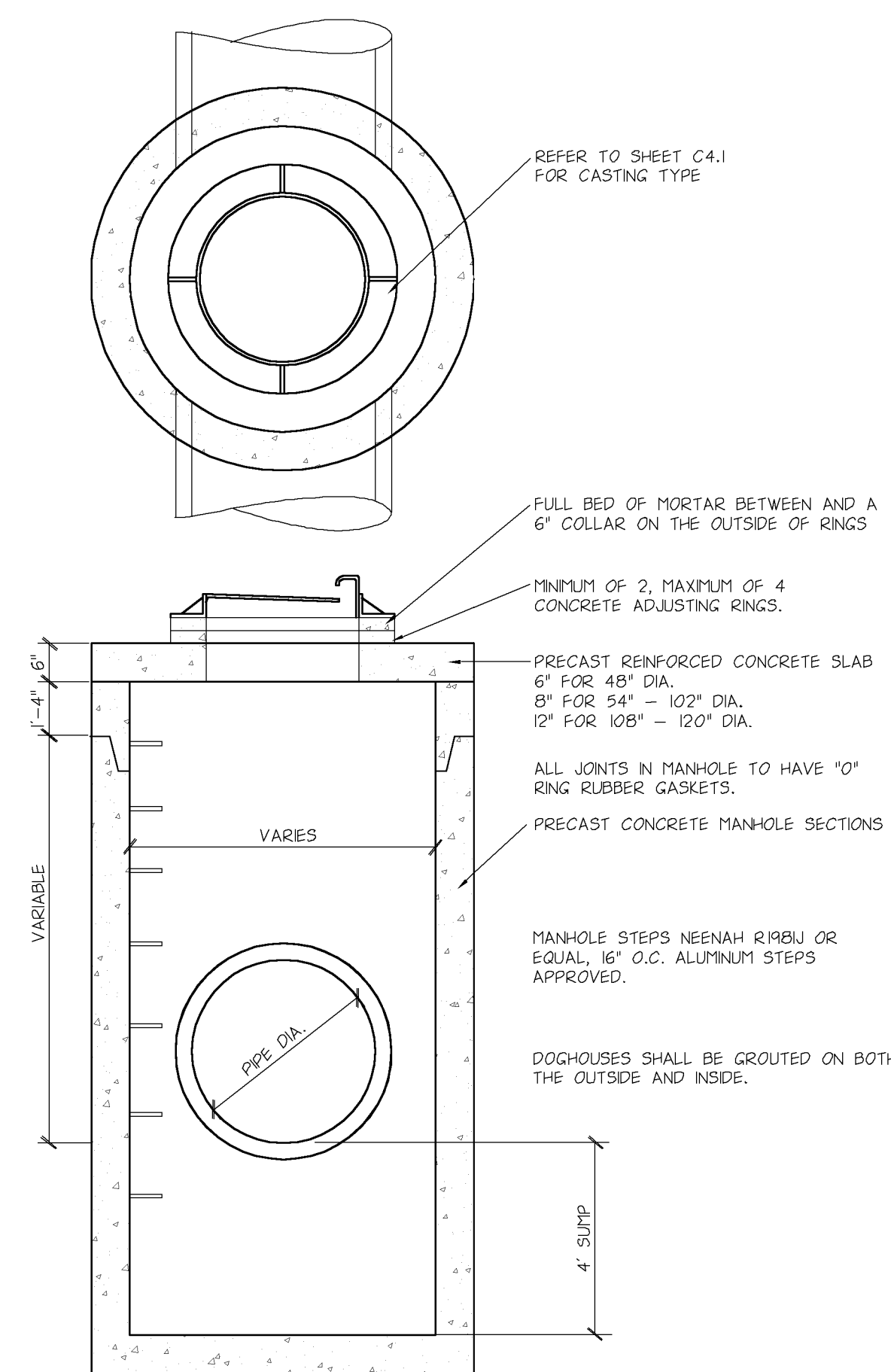
6 NYLOPLAST CATCH BASIN
NO SCALE



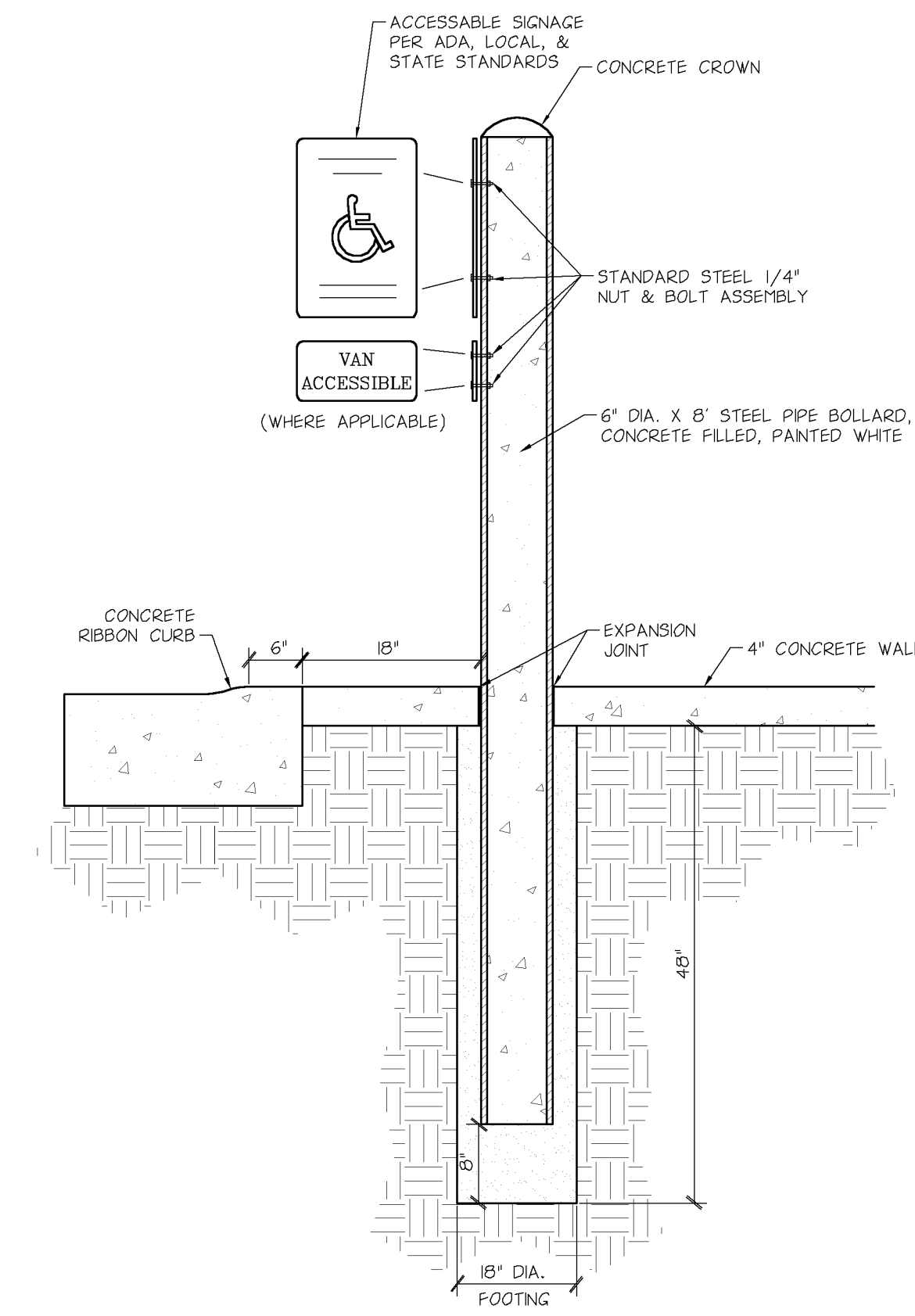
7 SANITARY SEWER MANHOLE
NO SCALE



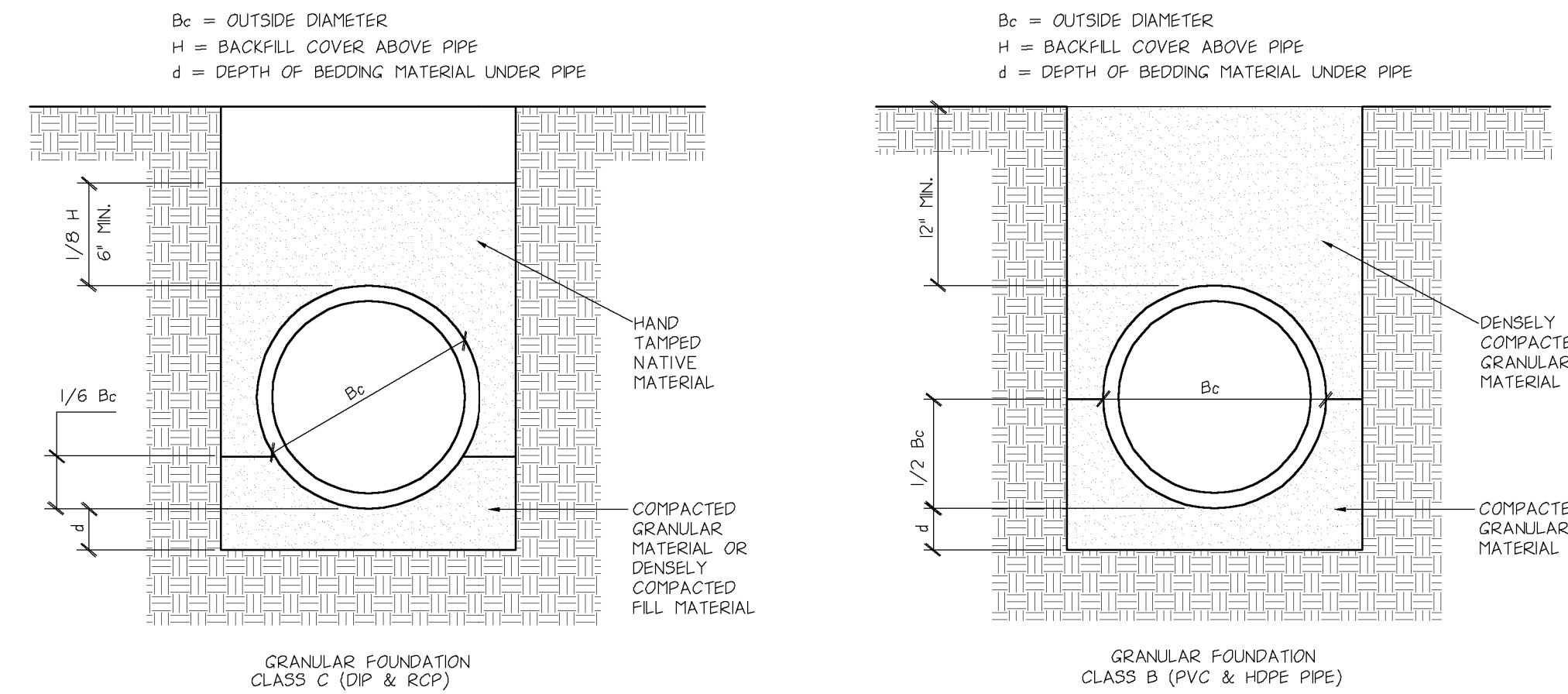
4 STORM SEWER CATCH BASIN MANHOLE
NO SCALE



5 SUMP STORM SEWER MANHOLE
NO SCALE

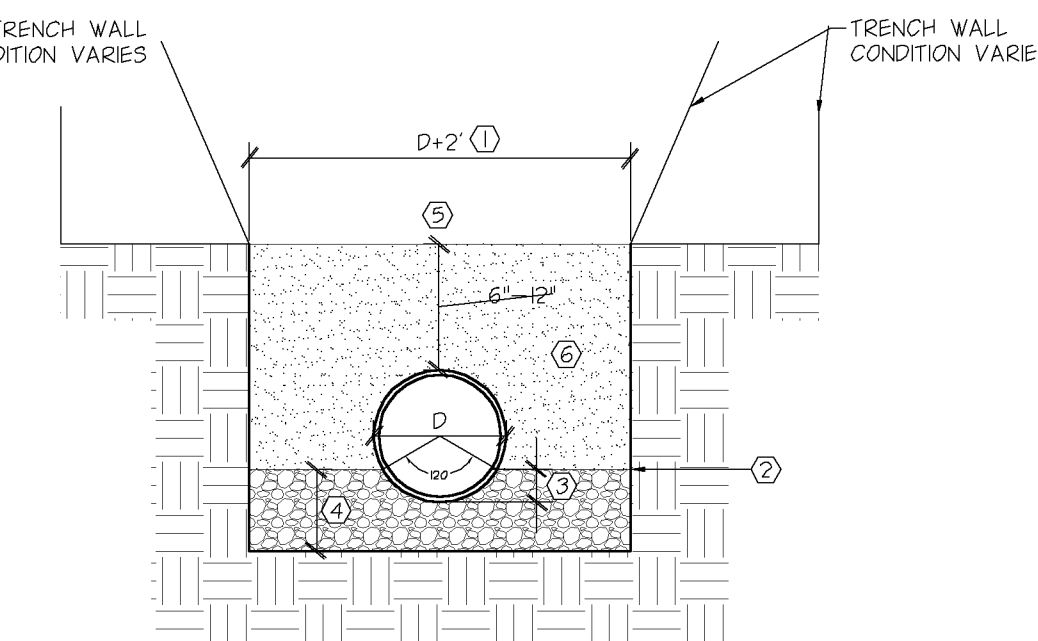


1 PIPE BOLLARD/ACCESSIBLE SIGN
NO SCALE

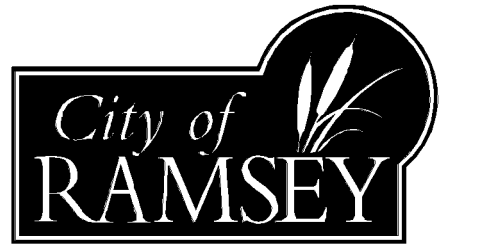


2 PIPE BEDDING
NO SCALE

- 2' FOR PIPE 4' OR LESS.
- MACHINE EXCAVATION LIMIT FOR RIGID PIPE.
- HAND SHAPE BOTTOM FOR SUPPORT OF RIGID PIPE.
- MACHINE EXCAVATION LIMIT FOR FLEXIBLE PIPE, GRANULAR FOUNDATION (IF REQUIRED), OR BEDDING REQUIRED FOR LOCAL CONDITIONS. DEPTH VARIES.
- PROVIDE LOCATING/MARKING TAPE MEETING LOCAL REQUIREMENTS
- SEE SPECIFICATIONS FOR BEDDING AND ENCASUREMENT



3 SITE UTILITY TRENCHING
NO SCALE



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C7.3	CIVIL CONSTRUCTION DETAILS
L2.1	LANDSCAPE
L2.2	LANDSCAPE

REVISION HISTORY

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27 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

CERTIFICATION

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CONSTRUCTION**

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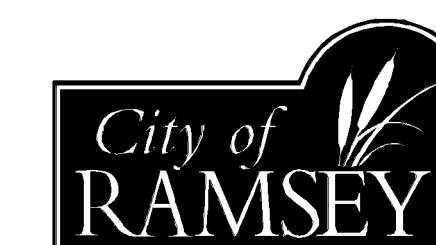
CITY SUBMITTAL
JUNE 7, 2011

LANDFORM
From Site to Finish

105 South Fifth Avenue Tel: 612-252-9070
Suite 513 Fax: 612-252-9077
Minneapolis, MN 55401 Web: landform.net

FILE NAME: C702PFG01.DWG
PROJECT NO.: FPG11001

**CIVIL CONSTRUCTION
DETAILS
C7.2**



BSHT	TITLE
C0.1	CIVIL TITLE SHEET
C1.0	OVERALL EXISTING CONDITIONS
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C2.0	OVERALL SITE PLAN
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C2.2	SITE PLAN-NW
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L2.1	LANDSCAPE
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PROJECT MANAGER REVIEW

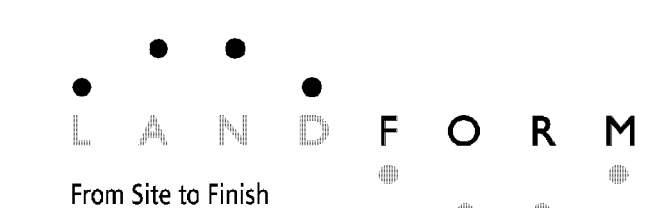
BY/CHK	DATE
	06/07/2011

CERTIFICATION

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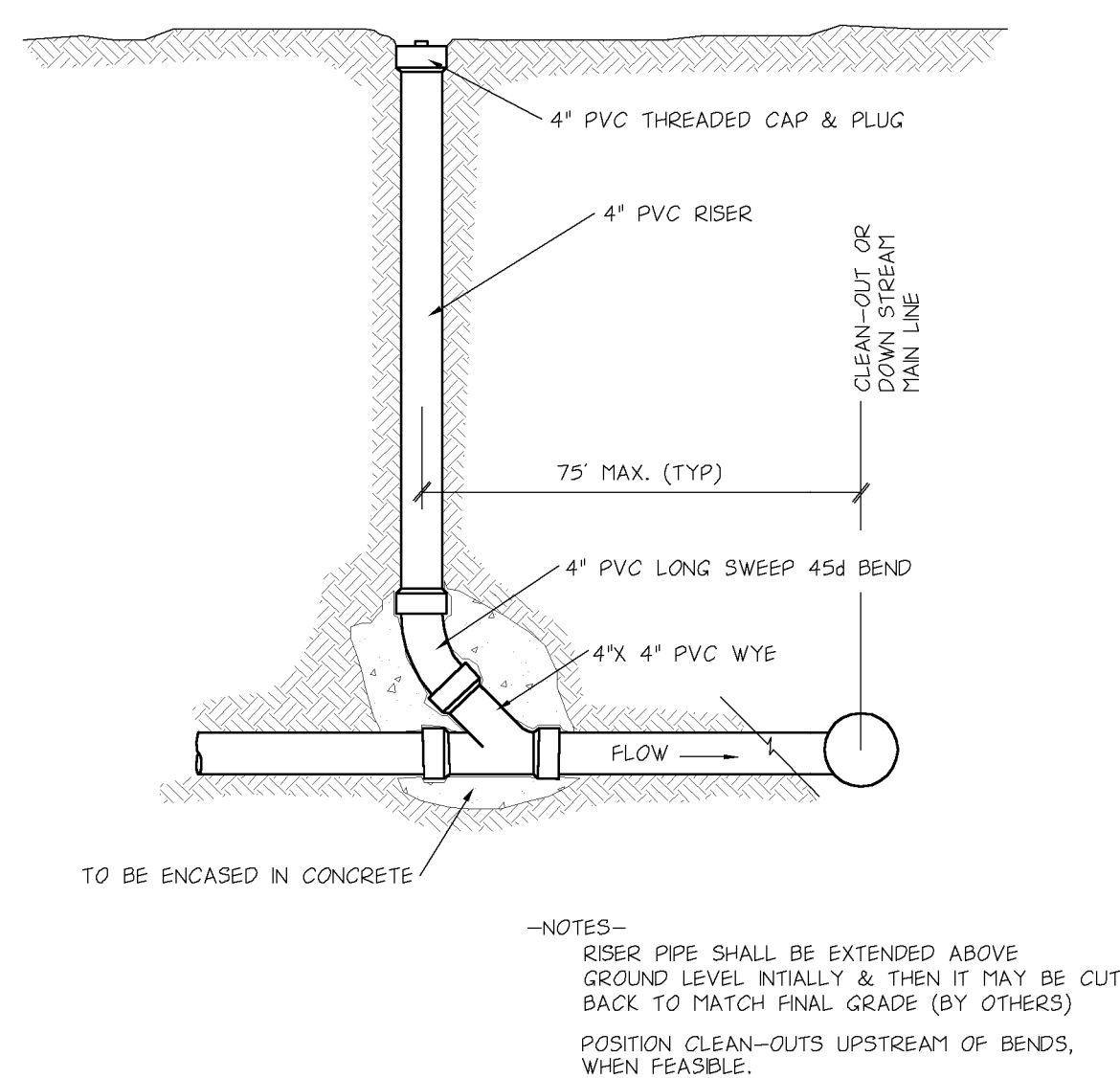
CITY SUBMITTAL
 JUNE 7, 2011



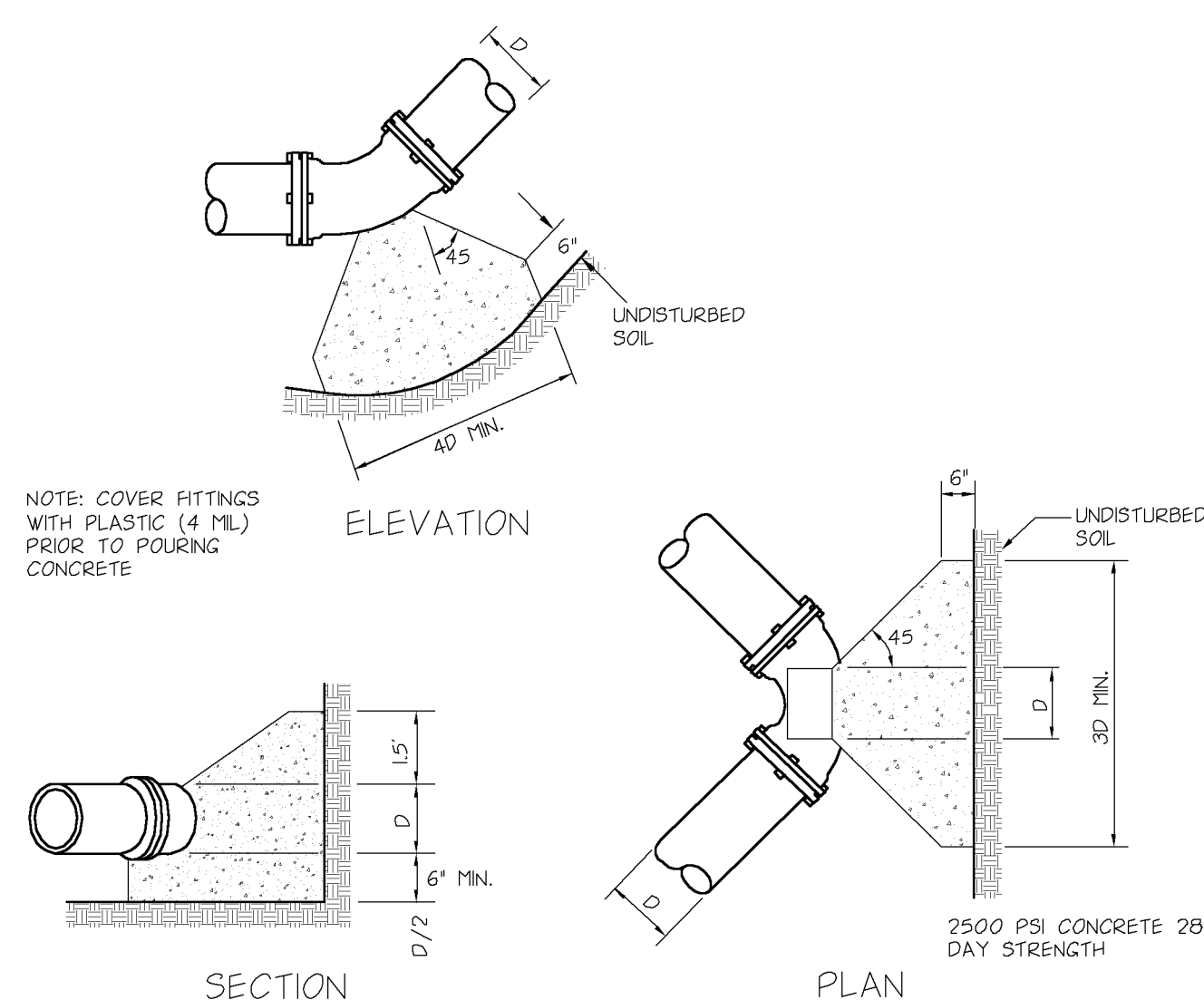
105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME C703FFPG01.DWG
 PROJECT NO. FPG11001

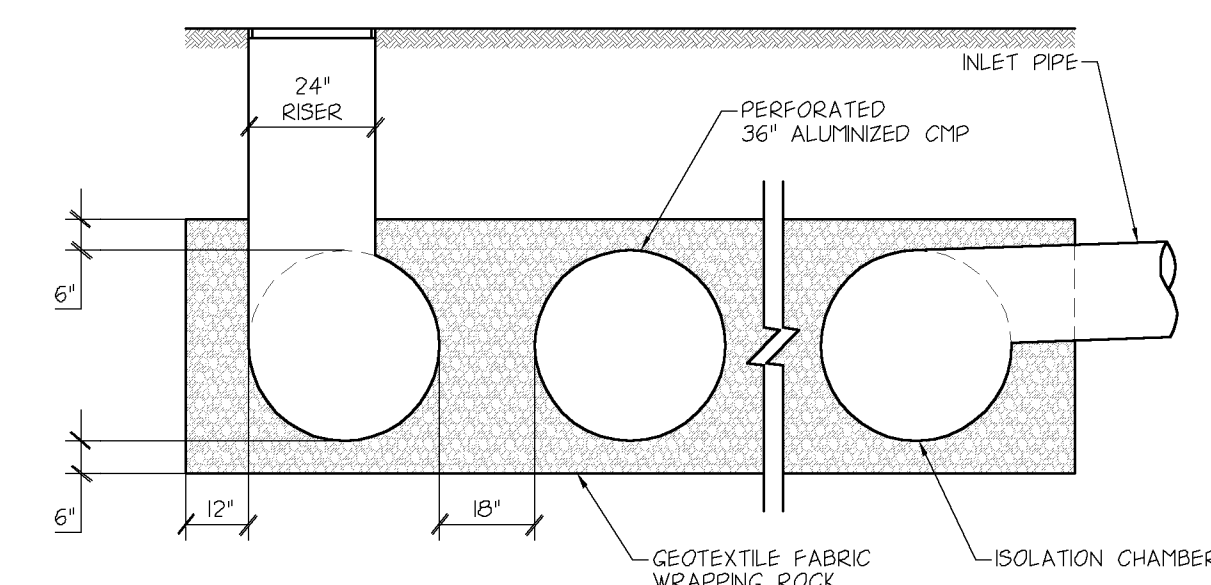
CIVIL CONSTRUCTION
 DETAILS
C7.3



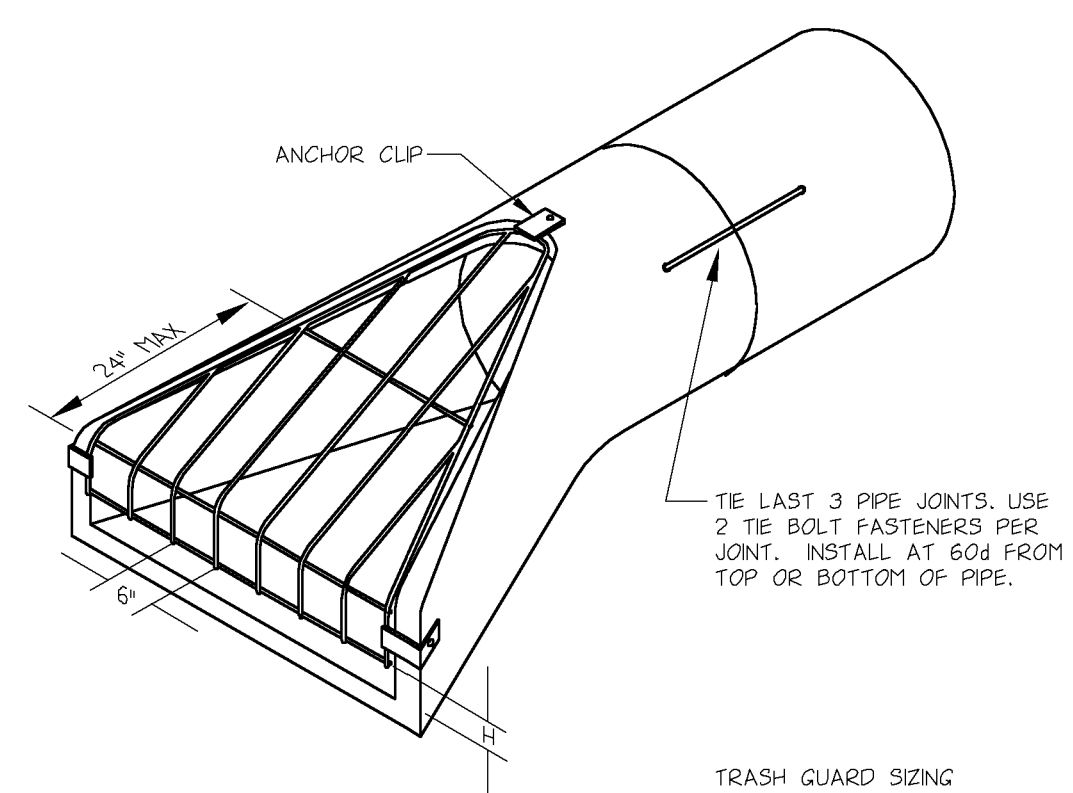
5 CLEAN-OUT STRUCTURE NO SCALE



3 CONCRETE THRUST BLOCKING NO SCALE



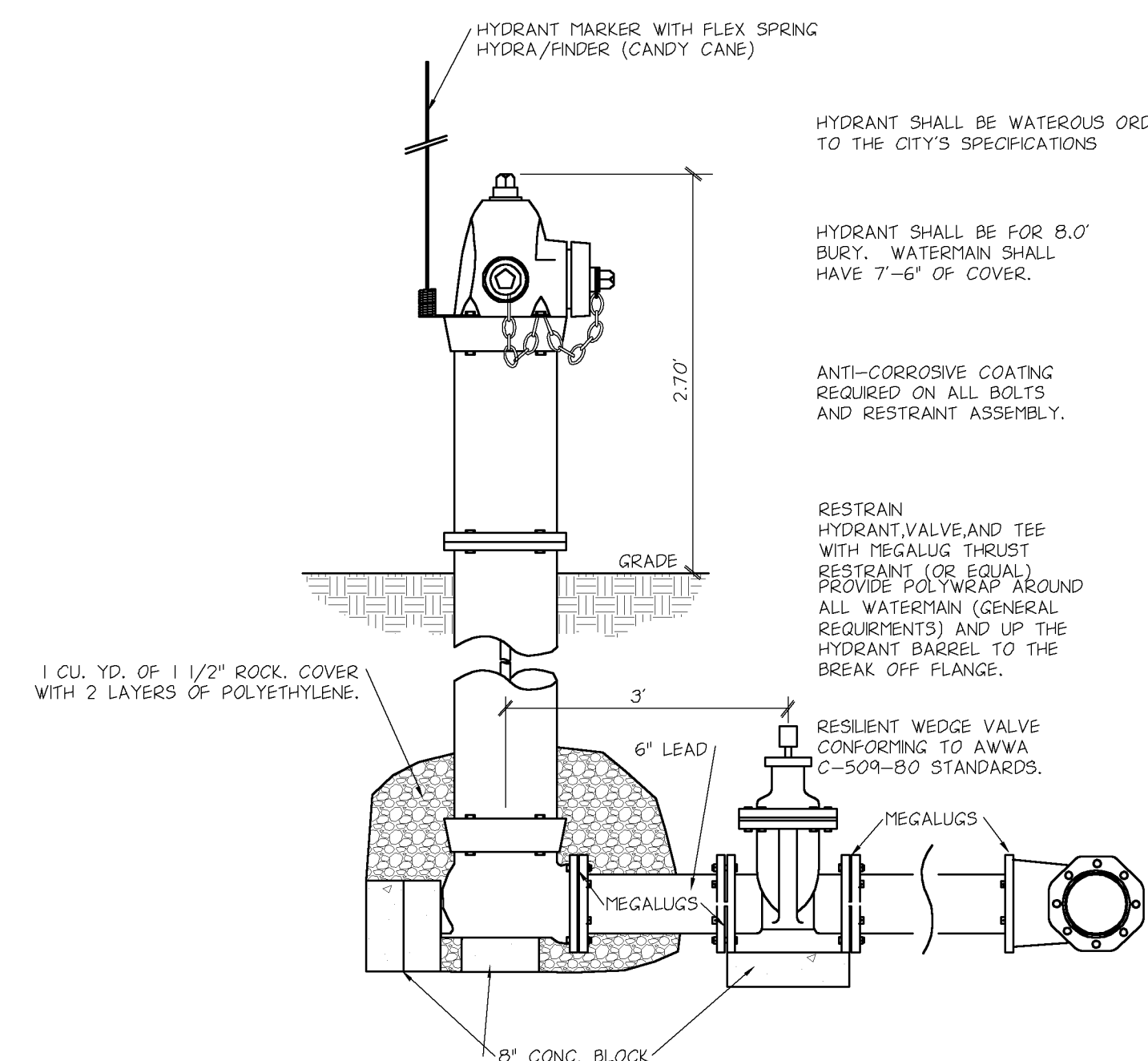
1 CMP INFILTRATION GALLERY NO SCALE



PIPE SIZE	TRASH GUARD SIZING	BAR	H	BOLTS
12"	3/4"	2	1/2"	5/8"
15"	3/4"	3"		5/8"
18"	3/4"	4"		5/8"
21"-24"	1"	4"		3/4"
27"-36"	1"	5"		3/4"
42"	1"	6"		3/4"
48"-54"	1 1/4"	6"		1"
60"-72"	1 1/4"	7"		1"
78"-90"	1 1/4"	8"		1"

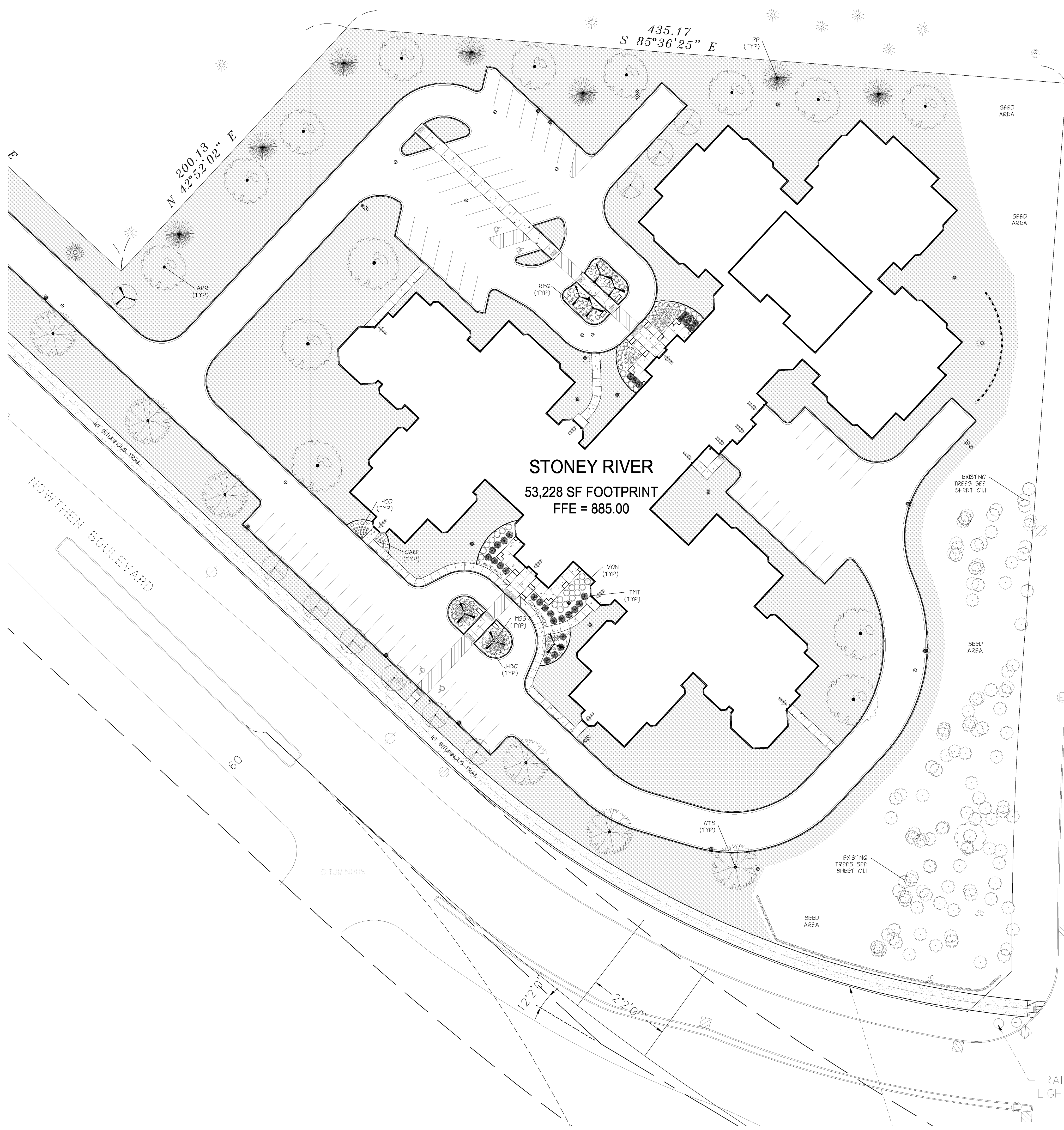
PROVIDE 3 ANCHOR CLIPS TO FASTEN TRASH GUARD TO FLARED END SECTION. HOT DIP GALVANIZE AFTER FABRICATION.

4 FLARED END SECTION AND TRASH GUARD NO SCALE



2 VALVE AND HYDRANT INSTALLATION NO SCALE

REFER TO SHEET L2.2



STONEY RIVER
53,228 SF FOOTPRINT
FFE = 885.00

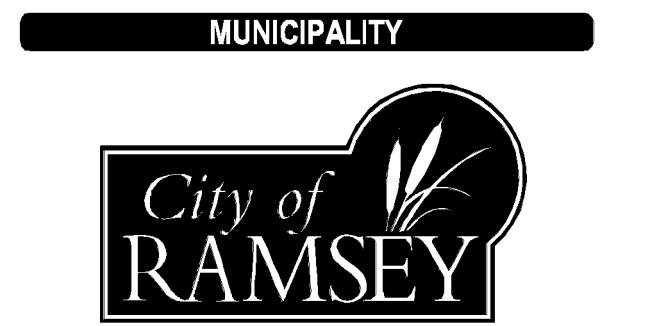
LANDSCAPE NOTES

NAME	KEY	COUNT	COMMON NAME	SCIENTIFIC NAME	NATURE SIZE	PLANTING SIZE	ROOT COND.
CONIFEROUS SHRUBS	JBC	46	BLUE CHOP JUNIPER	JUNIPERUS HORIZONTALIS 'BLUE CHOP'	2H x 4W	2 1/2' SP.	POT
CONIFEROUS TREES	TMT	31	TAMONTON SPREADING YEW	TAXUS Y. YEW 'TAMONTON'	4H x 6W	6' HT.	POT
CONIFEROUS TREES	PP	7	PONDEROSA PINE	PINUS PONDEROSA	60H x 40W	6' HT.	B&B
CONIFEROUS TREES	PTI	5	BLACK SPRUCE	PICEA MARIANA	70H x 30W	6' HT.	B&B
DECIDUOUS SHRUBS	VON	27	DWARF EUROPEAN CRANBERRYBUSH	VIBURNUM OPULIS 'NANUM'	5H x 5W	2.0' CAL.	B&B
DECIDUOUS TREES	TP	6	PRAIRIEFIRE CRABAPPLE	MALUS 'PRAIRIEFIRE'	20H x 20W	2.0' CAL.	B&B
DECIDUOUS TREES	MSS	10	SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	20H x 15W	2.5' CAL.	B&B
DECIDUOUS TREES	AFJ	5	AUTUMN BLAZE MAPLE	ACER x FREEMANI 'JEFFERSRED'	50H x 40W	2.5' CAL.	B&B
DECIDUOUS TREES	APR	6	ROYAL RED MAPLE	ACER PLATANOIDES 'ROYAL RED'	30H x 35W	2.5' CAL.	B&B
DECIDUOUS TREES	GTS	4	SHADEMASTER HONEYLOCUST	GLEDITSIA TRIACANTHOS 'SHADEMASTER'	50H x 35W	2.5' CAL.	B&B
GRASSES	CAF	51	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFOLIA 'CAVAL FOERSTER'	5H x 2W	1 CAL.	POT
PERENNIALS	RFC	60	BLACK EYED SUSAN	RUBICECIA FULGIDA 'GOLDSTORM'	30H x 22W	1 CAL.	POT
PERENNIALS	HSD	36	STELLA D'ORO DANIEL	HEPEROCALLIS 'STELLA D'ORO'	18" x 15W	1 CAL.	POT

LANDSCAPE NOTES

- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING.
- COORDINATE INSTALLATION WITH CONTRACTORS PERFORMING RELATED WORK.
- PLANT MATERIAL SHALL CONFORM TO THE AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND BE OF HARDY STOCK, FREE FROM DISEASE, INFESTATION, DAMAGE, AND DISFIGURATION. FOR DISCREPANCY BETWEEN THE NUMBER OF PLANTS ON THE SCHEDULE AND THE NUMBER SHOWN ON THE DRAWING, THE DRAWING SHALL GOVERN.
- PLANTING SOIL SHALL CONSIST OF 4 PARTS TOPSOIL TO 1 PART PEAT HUMUS, WITH 3 POUNDS OF COMMERCIAL FERTILIZER ADDED PER CUBIC YARD.
- SPREAD A MINIMUM OF 4 INCHES OF TOPSOIL AND SOD ALL TURF AREAS DISTURBED BY CONSTRUCTION.
- PLACE PLANTS ACCORDING TO LAYOUT WITH PROPER NOMINAL SPACING.
- INSTALL 3-4 INCH WOOD MULCH IN SHRUB BED AREAS.
- INSTALL A 4-FOOT DIAMETER SHREDDED HARDWOOD BARK MULCH DISH AROUND TREES NOT PLACED WITHIN A SHRUB OR PERENNIAL PLANTING BED.
- ALL SHRUB BEDS SHALL BE EDGED WITH 6-INCH BLACK VINYL EDGING (BLACK DIAMOND OR APPROVED EQUAL).
- AUTOMATIC IRRIGATION SYSTEM TO BE USED TO IRRIGATE ENTIRE MCDONALD'S PROPERTY, IRRIGATION CONTRACTOR TO SUBMIT SHOP DRAWING TO LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

DEVELOPER
FIRST PHOENIX GROUP, LLC
601 CARSLON PARKWAY
SUITE 1050
MINNEAPOLIS, MN 55305
TEL: (612) 559-0877



PROJECT
STONEY RIVER
ADDITION
RAMSEY, MN

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C7.2	CIVIL CONSTRUCTION DETAILS
C7.3	CIVIL CONSTRUCTION DETAILS
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L2.2	LANDSCAPE

REVISION HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SEF

PROJECT MANAGER REVIEW

CERTIFICATION

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CITY SUBMITTAL
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LANDFORM
From Site to Finish

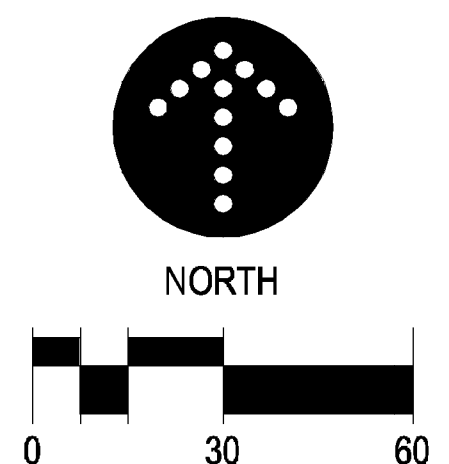
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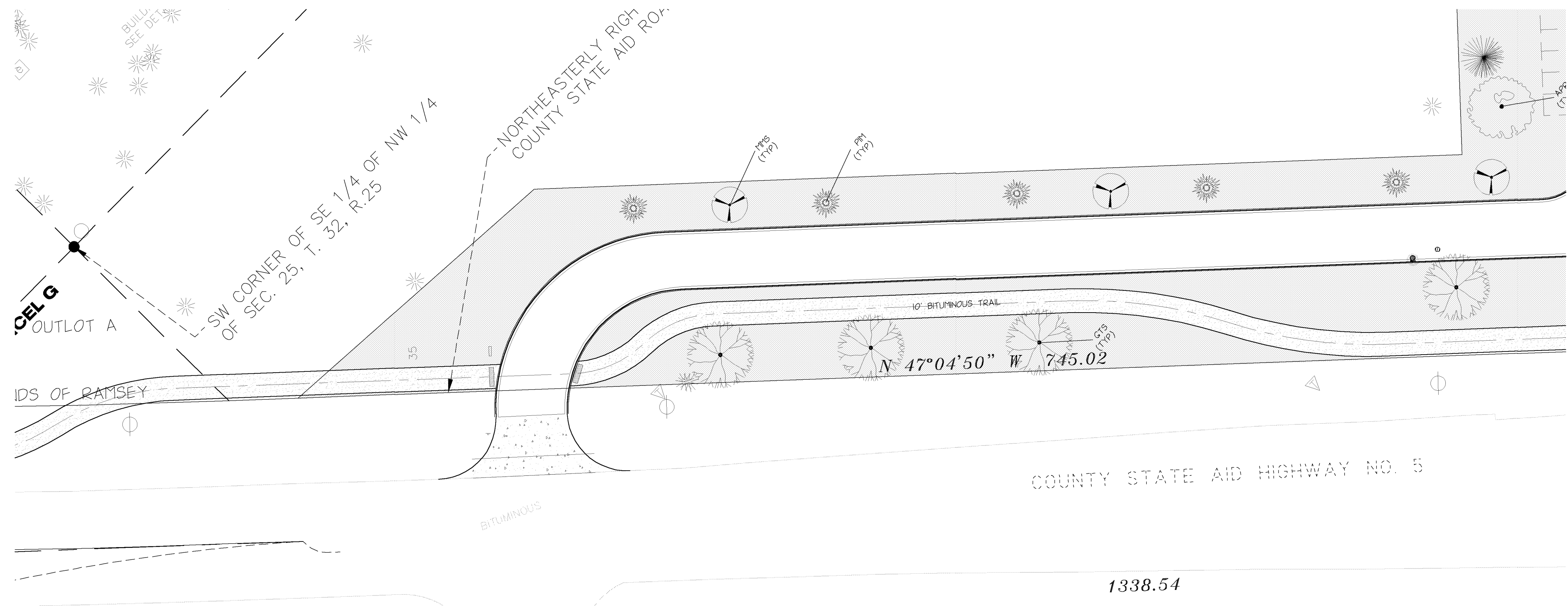
FILE NAME L201FPG01.DWG
PROJECT NO. FPG11001

LANDSCAPE - SE
L2.1



Know what's Below.
Call before you dig.





REFER TO SHEET L2.1

LANDSCAPE NOTES

NAME	KEY	COUNT	COMMON NAME	SCIENTIFIC NAME	MATURE SIZE	PLANTING SIZE	ROOT COND.
CONIFEROUS SHRUBS	JHC	46	BLUE CHIP JUNIPER	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	12H x 4W	24" SP.	POT
CONIFEROUS SHRUBS	THT	31	TALUTON SPREADING YEW	TAXUS X MEDIA 'TALUTON'	4H x 6W	6" HF.	POT
CONIFEROUS TREES	PP	7	PONDEROSA PINE	PINUS PONDEROSA	60H x 40W	6" HF.	B&B
CONIFEROUS TREES	PM	5	BLACK SPRUCE	PICEA MARIANA	70H x 30W	6" HF.	B&B
DECIDUOUS SHRUBS	VON	27	DWARF EUROPEAN CRANBERRYBUSH	VEKUNUM OPIULUS 'NAHUM'	5H x 5W	2.0' CAL.	B&B
DECIDUOUS TREES	MP	4	PEARREFIRE CRABAPPLE	MALUS 'PEARREFIRE'	20H x 20W	2.0' CAL.	B&B
DECIDUOUS TREES	MSS	10	SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	20H x 15W	2.0' CAL.	B&B
DECIDUOUS TREES	AFJ	5	AUTUMN BLAZE MAPLE	ACER X FRAXINUS 'JEFFERBRED'	50H x 40W	2.0' CAL.	B&B
DECIDUOUS TREES	APC	4	BOTIK RED MAPLE	ACER PLATANOIDES 'ROYAL RED'	30H x 35W	2.0' CAL.	B&B
DECIDUOUS TREES	CTS	4	SHAGBARK HONEYLOCUST	GLICHTIA TRACANTINOS 'SHAGBARK'	50H x 35W	2.0' CAL.	B&B
GRASSES	CAK	51	FEATHER REED GRASS	CALAMAGROSTIS ACUTIFOLIA 'CARL FORSTER'	3H x 2W	1 GAL.	POT
PERENNIALS	RFG	160	BLACK EYED SUSAN	RUDBECKIA FULGIDA 'GOLDSTRUM'	30H x 22W	1 GAL.	POT
PERENNIALS	HSD	36	STELLA D'ORO DAYLILY	HEPEROCALLIS 'STELLA D'ORO'	17" x 15W	1 GAL.	POT

SO

LANDSCAPE NOTES

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 SUITE 1050
 MINNEAPOLIS, MN 55305
 TEL: (612) 759-0877



PROJECT
STONEY RIVER ADDITION
RAMSEY, MN

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L2.2	LANDSCAPE

REVISION HISTORY

CONTACT ENGINEER FOR ANY PRIOR HISTORY

DATE	REVISION	REVIEW
07 JUN 2011	CITY SUBMITTAL	SES

PROJECT MANAGER REVIEW

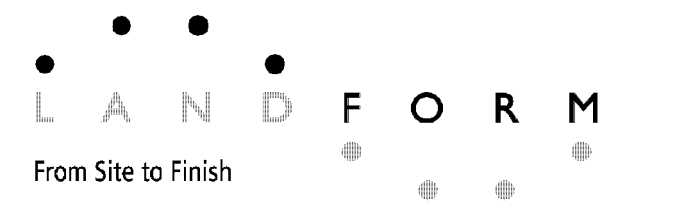
BY: [] DATE: 06/07/2011

CERTIFICATION

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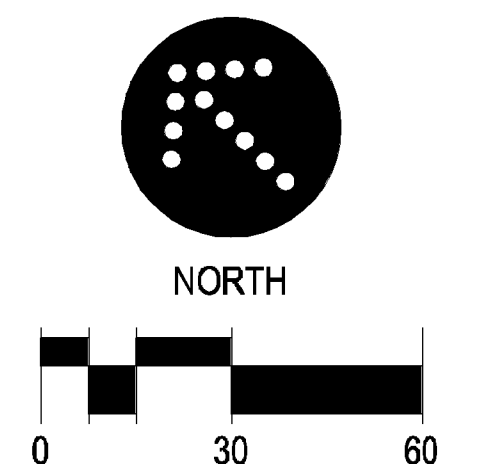
CITY SUBMITTAL
 JUNE 7, 2011



105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME: L202FPG01.DWG
 PROJECT NO.: FPG11001

LANDSCAPE - NW
L2.2

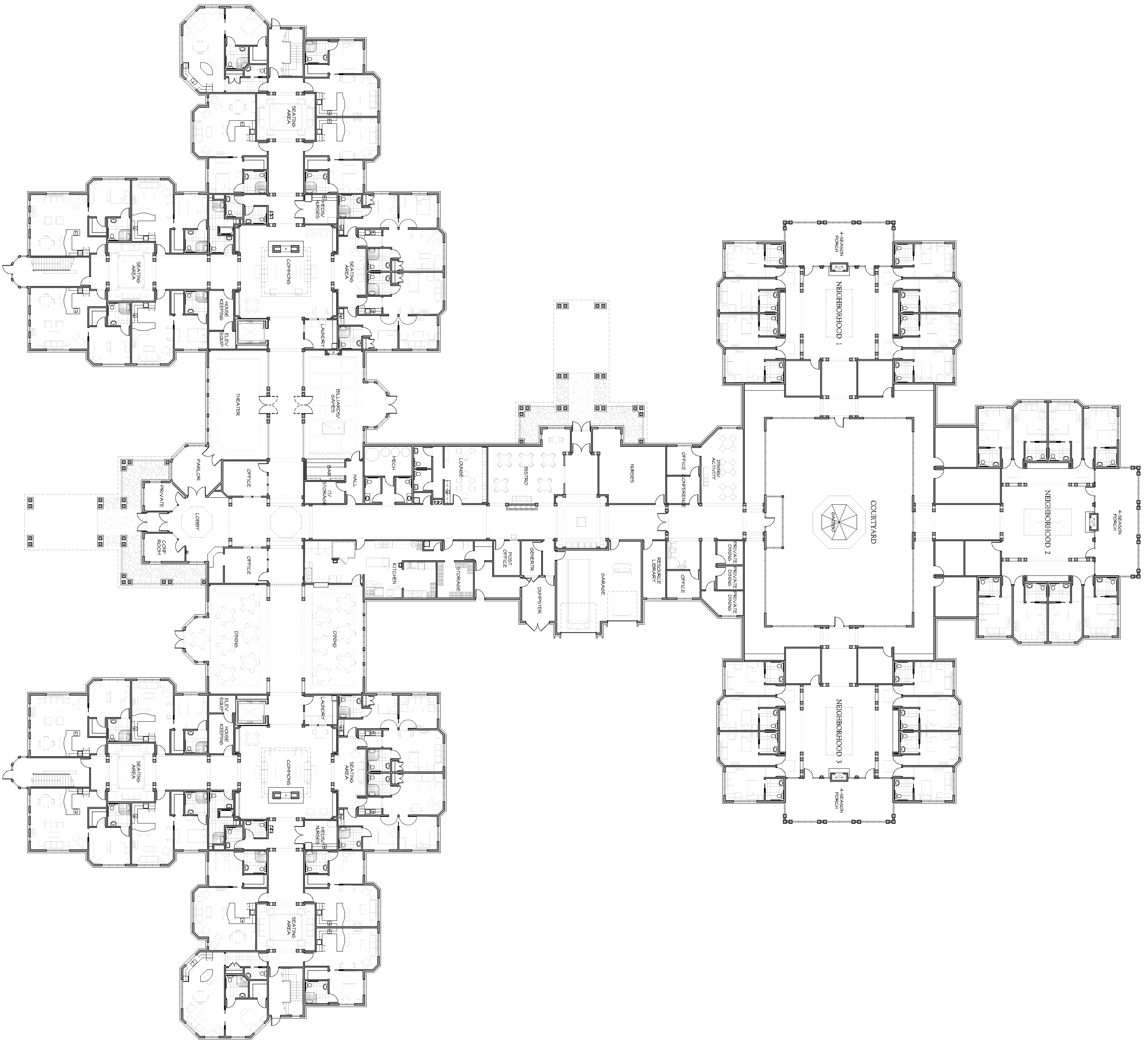




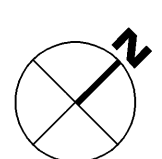
SOUTH ELEVATION

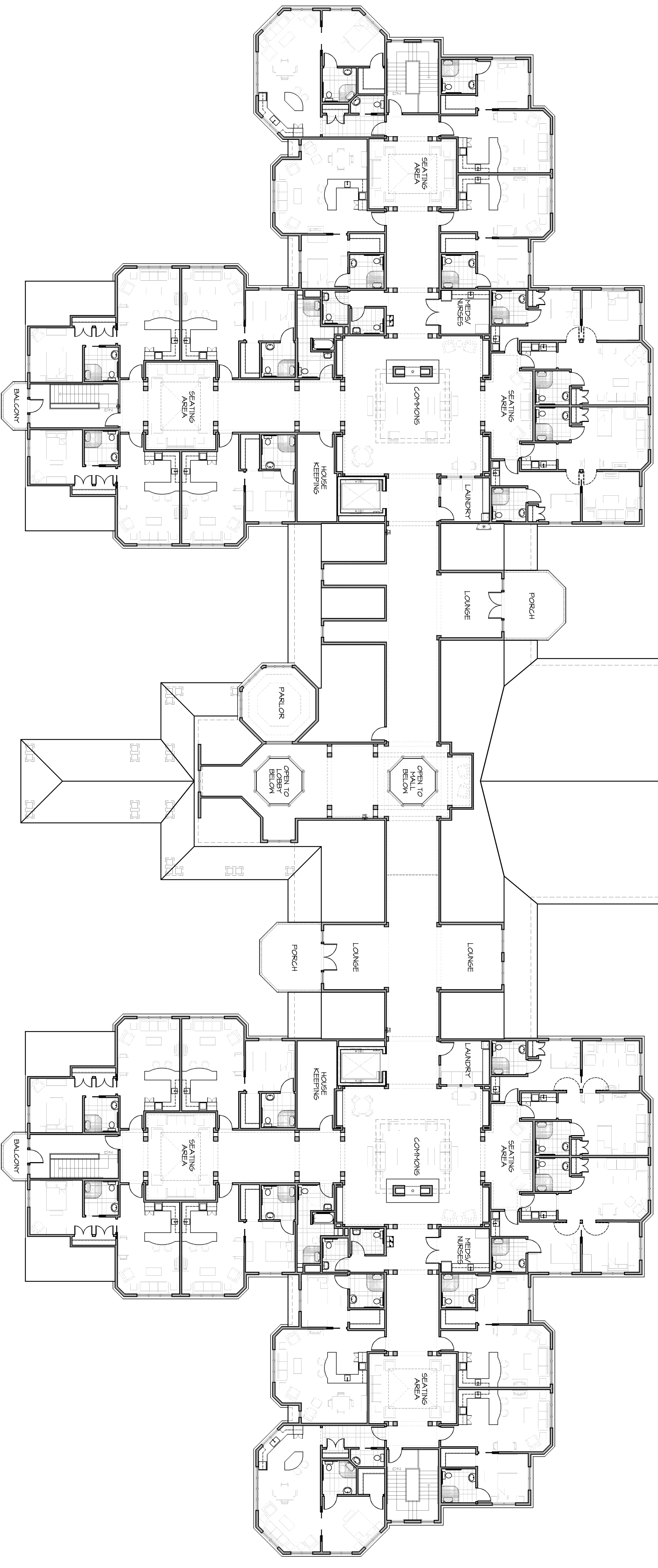
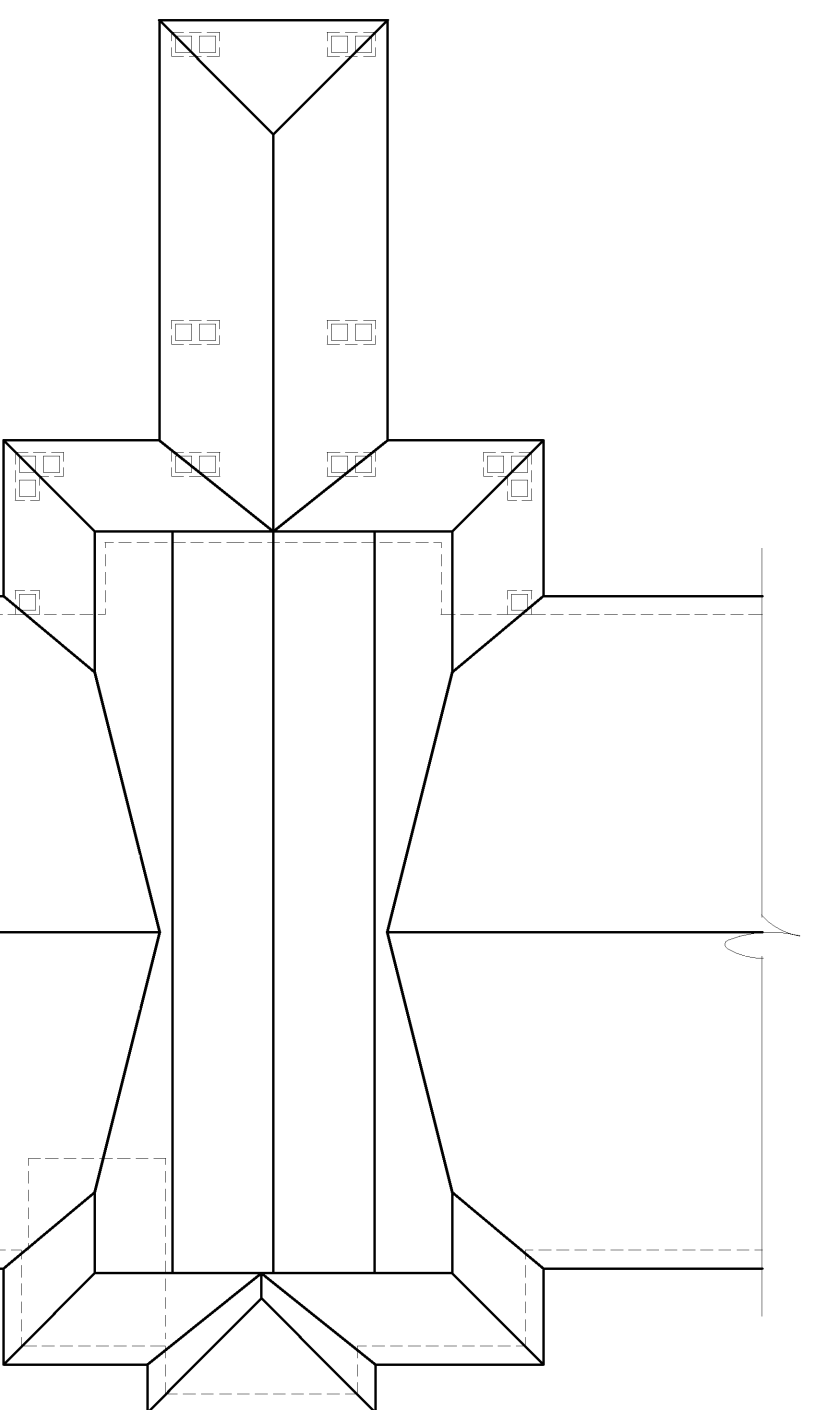
FIRST PHOENIX - MN, LLC





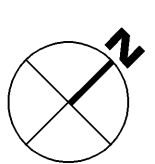
PROPOSED MAIN FLOOR PLAN
 1/16" = 1'-0"

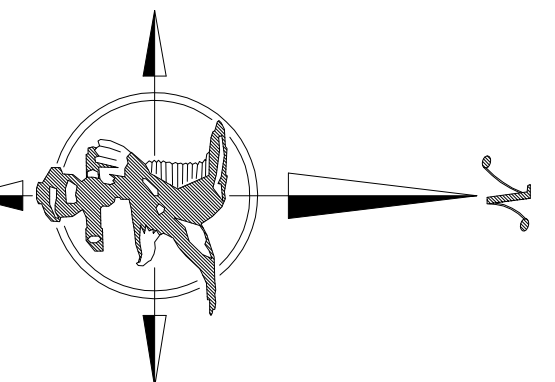




PROPOSED SECOND FLOOR PLAN

1/16" = 1'-0"





SCALE: 1 INCH = 60 FEET

REVISIONS

Date:	Plot name, add prop building & roadways
6/1/11	

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Thomas E. Hodoff
 Thomas E. Hodoff, L.S.
 Minnesota Reg. No. 23677

Date: May 26, 2011

SKETCH PLAN OF STONEY RIVER ADDITION

FOR:

FIRST PHOENIX GROUP

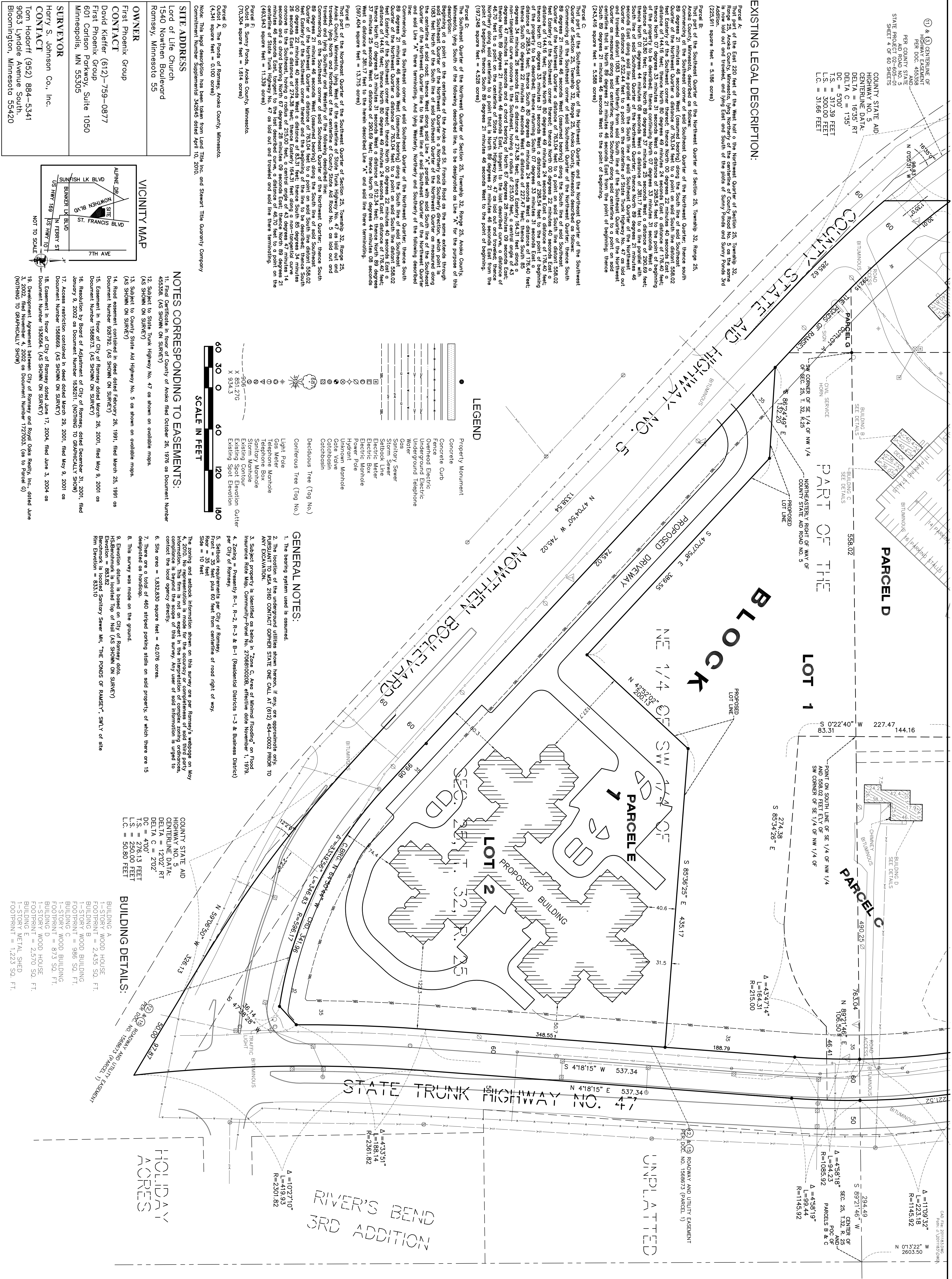
SITE:

LORD OF LIFE CHURCH
 1540 NORTWEN BOULEVARD
 RAMSEY, MINNESOTA

ANOKA COUNTY

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS
 9063 Lyndale Avenue South
 Bloomington, MN, 55437
 Tele: 952-884-5341 Fax 952-884-5344
 www.hsjsurveyors.com

Book: 618	File No: 1-3-8097PP
Page: 74	MO Number: 2011183
CD	Sheet No: 1 OF 2



① & ② CENTERLINE OF HIGHWAY 5 AND PER COUNTY STATE PROJECT 02-605-01 SHEET 4 OF 80 SHEETS

COUNTY STATE AID HIGHWAY NO. 5 CENTERLINE DATA: DELTA C = 1635.71 DC = 5100' TS = 317.39 FEET LS = 300.00 FEET LC = 31.66 FEET

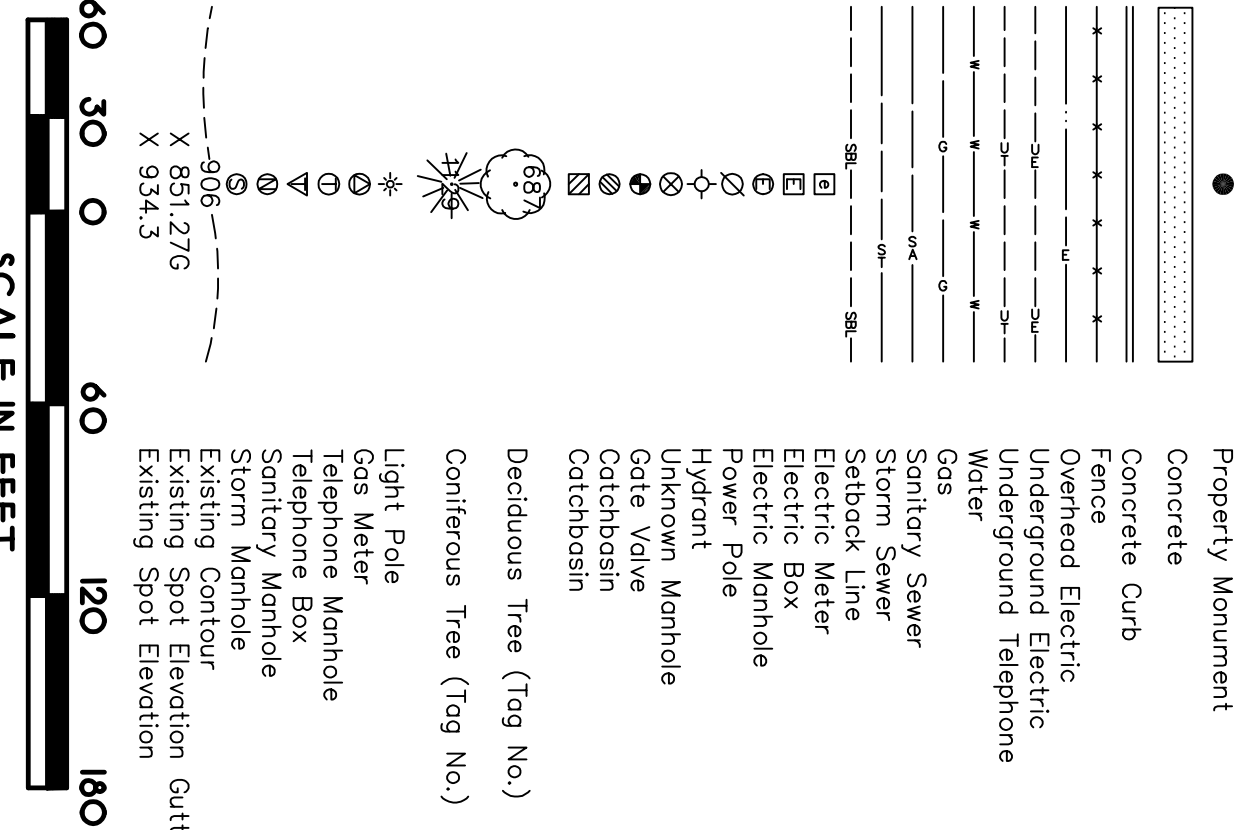
EXISTING LEGAL DESCRIPTION:

Parcel A: That part of the East 220 feet of the West half of the Northwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

Parcel B: That part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

Parcel C: That part of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

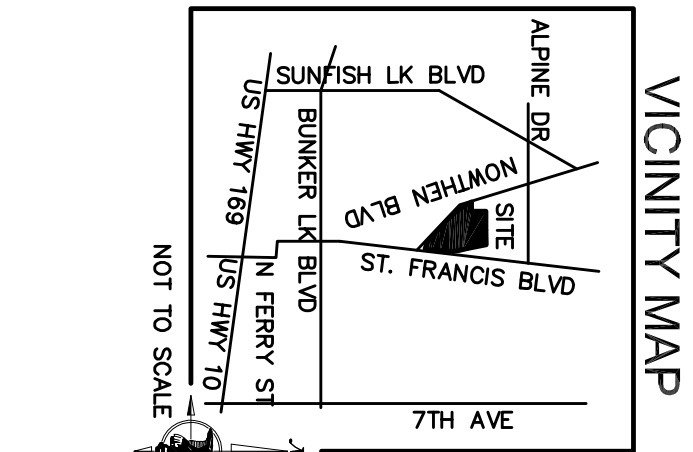
LEGEND



SCALE IN FEET

NOTES CORRESPONDING TO EASEMENTS:

- Final Certificate in favor of County of Anoka filed October 26, 1976 as Document Number 453358. (AS SHOWN ON SURVEY)
- Subject to State Trunk Highway No. 47 as shown on available maps. (AS SHOWN ON SURVEY)
- Subject to County State Aid Highway No. 5 as shown on available maps. (AS SHOWN ON SURVEY)
- Road easement contained in deed dated February 26, 1991, filed March 25, 1991 as Document Number 920792. (AS SHOWN ON SURVEY)
- Easement in favor of City of Ramsey dated March 26, 2001, filed May 9, 2001 as Document Number 1566673. (AS SHOWN ON SURVEY)
- Resolution by Board of Adjustment of City of Ramsey, dated December 31, 2001, January 9, 2002 as Document Number 1636211. (NOTHING TO GRAPHICALLY SHOW)
- Access restriction contained in deed dated March 29, 2001, filed May 9, 2001 as Document Number 1566669. (AS SHOWN ON SURVEY)
- Easement in favor of City of Ramsey dated June 17, 2004, filed June 3, 2004 as Document Number 1566684. (AS SHOWN ON SURVEY)
- Development Agreement between City of Ramsey and Royal Code Realty, Inc., dated June 3, 2002, filed November 4, 2002 as Document Number 1727003. (as to Parcel 5) (NOTHING TO GRAPHICALLY SHOW)



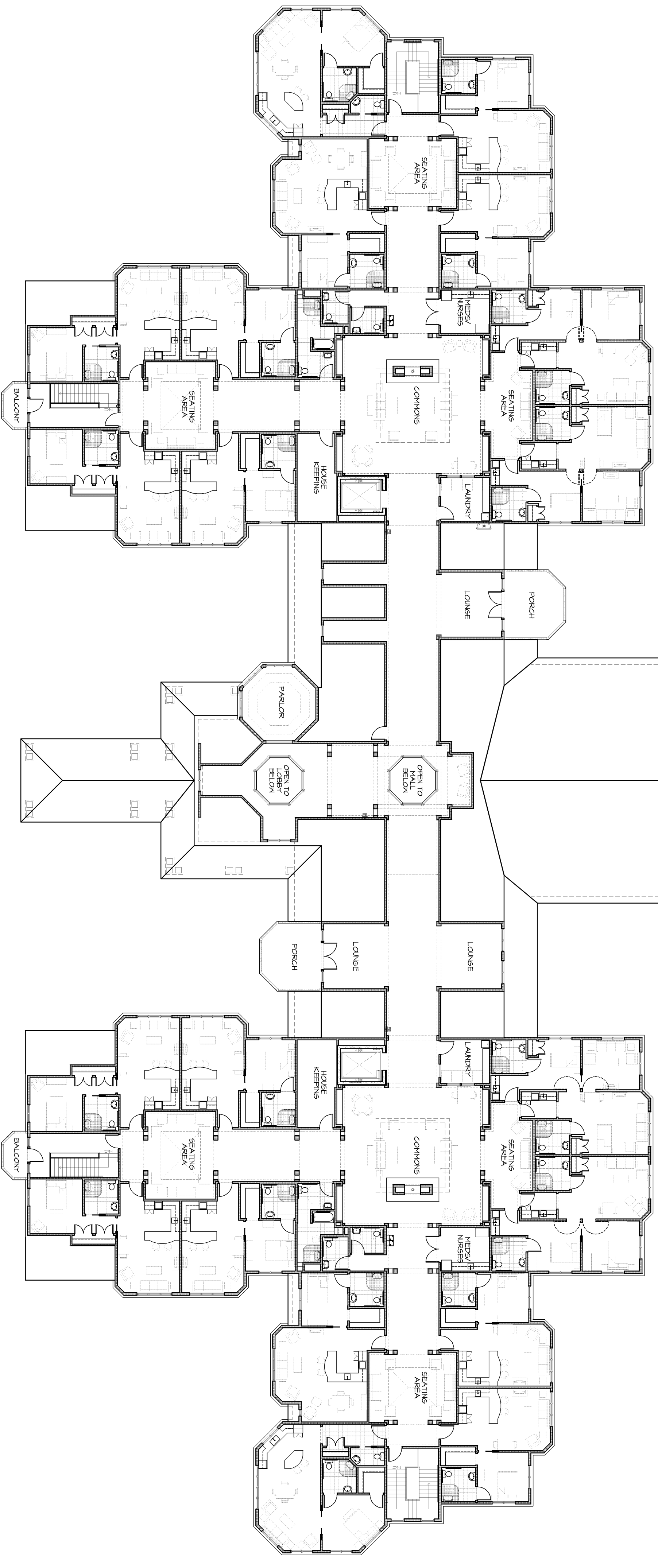
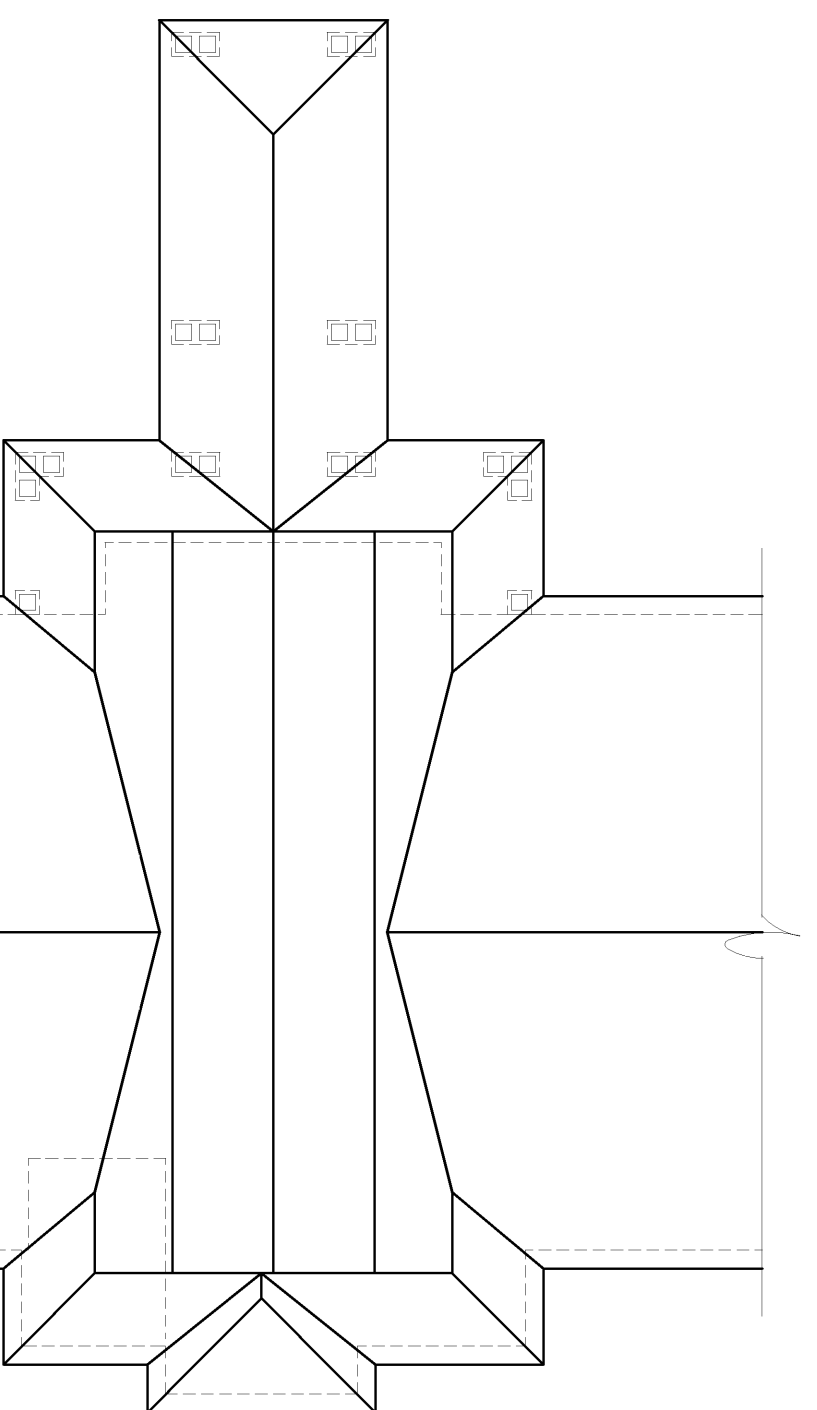
OWNER:
 First Phoenix Group

CONTACT:
 David Kieffer (612)-759-0877

601 Carlson Parkway, Suite 1050
 Minneapolis, MN 55305

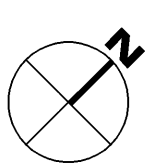
SURVEYOR:
 Harry S. Johnson Co., Inc.

CONTACT:
 Tom Hodoff (952) 884-5341
 9063 Lyndale Avenue South,
 Bloomington, Minnesota 55420



PROPOSED SECOND FLOOR PLAN

1/16" = 1'-0"



June 30, 2011

First Phoenix Group
Attn: David Kieffer
601 Carlson Parkway, Suite 1050
Minneapolis, MN 55305

**Re: Sketch Plan (Minor Plat) and Site Plan Review
Stoney River**

Dear Mr. Kieffer:

The City of Ramsey has received your application for a Minor Plat as well as a Site Plan to construct a 72 unit assisted living and memory care facility on approximately 6.5 acres of the existing Lord of Life campus. City Staff is recommending to the Planning Commission approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Review File dated June 28, 2011
- Processing necessary zoning amendments as it relates to assisted living and memory care as a permitted use outlined in the attached Staff Report.

Please note: this is only a recommendation that is subject to review by the Planning Commission and final decision by the City Council.

A copy of the review file and staff report are attached for your review. The Planning Commission will review the request on **Thursday, July 7th at 7:00 p.m.** at the Ramsey Municipal Center in the Council Chambers. You, or a representative of the development, are highly encouraged to attend this meeting. Please contact me at your earliest convenience prior to the meeting to verify if you will be attending. Following the Planning Commission, the request will need to be reviewed for a final decision by the City Council. This hearing is tentatively scheduled for Tuesday, July 26th at 7:00 p.m. in the Council Chambers. Please let me know if you have any questions or concerns. I can be reached at 763-576-4308 or by email at tgladhill@ci.ramsey.mn.us.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Senior Planner

CC: Eric Kellogg, Landform Professional Services
Harry S. Johnson Surveyors

Enclosures

*Review File: Stoney River
Sketch Plan and Site Plan Review
June 30, 2011
Page 2 of 10*

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**CITY OF RAMSEY PLANNING DIVISION
REVIEW FILE**

DATE	6/30/2011	PROJECT ADDRESS	TBD
PROJECT TITLE	STONEY RIVER ASSISTED LIVING AND MEMORY CARE		
REVIEW FILE #			
APPLICANT:	First Phoenix Group		
PRIMARY REVIEWER:	Tim Gladhill– Senior Planner Phone: 763-576-4308 Fax: 763-433-9848 e-mail: tgladhill@ci.ramsey.mn.us		

We are in receipt of the proposed sketch plan for STONEY RIVER as well as the proposed Site Plan for Stoney River. The submittal consists of the following sheets:

- Sketch Plan Sheets 1 and 2 prepared by Harry S. Johnson Co., Inc. dated 6/1/11
- Sheets C0.1, C1.0, C1.1, C2.0, C2.1, C2.2, C3.1, C3.2, C4.1, C4.2, C7.1, C7.2, C7.3, L2.1, and L2.2 prepared by Landform Professional Services dated 6/7/11
- South Elevation prepared by Mudrovich Architects undated
- Proposed Main and Second Floor Plans prepared by Mudrovich Architects dated 6/7/11

(the “Plans”)

We offer the following comments regarding your site plan and plat submittal:

MINOR PLAT: STONEY RIVER

Planning and Zoning

Reviewer: Tim Gladhill, Senior Planner

tgladhill@ci.ramsey.mn.us

763-576-4308

General: The proposed plat consists of one (1) additional buildable lot (Lot 2) consisting of approximately 6.5 acres to facilitate the development of the proposed assisted living and memory care facility. The proposed plat also consolidates several other parcels that create the campus for the Lord of Life Church.

Lot Dimensions: The proposed lot dimensions (and required minimums) in reviewing the newly created lot (Lot 2) are as follows (approximate):

	Proposed	Required
Minimum Lot Size	0.5 acres	6.55 acres
Minimum Lot Width	100 feet	435-600 feet
Minimum Lot Depth	150 feet	200-500 feet

It appears that the proposed sketch plan conforms to all lot dimensional requirements as it relates to the Minor Subdivision request.

Development Fees. Development Fee calculations will be provided as part of the Site Plan Review for the Stoney River Assisted Living and Memory Care facility. Based on the proposed plat, additional development fees may technically be triggered for the remainder of the Lord of Life campus. Alternatively, the developer should consider separating the future high density residential area as a separate outlot for future development. Also, the developer could show the remainder of the Lord of Life campus as an exception to the Plat and combine PINs following the recording of the Plat to achieve the same consolidation of multiple parcels as desired.

Easements. Additional, separate recordable trail easements will be required to be recorded simultaneously with the Plat as required by the Site Plan Review along Nowthen Boulevard (CSAH 5) and Saint Francis Boulevard (TH 47). Perimeter drainage and utility easements are required; and must be 10' in width adjacent to the right-of-way, and 5' in width on side/internal lot lines. Anoka County and Mn/DOT may also request restricted access dedication as well. Depending on the ultimate proposed stormwater management system, additional easements could be required for 100 year flood elevations on ponding areas. Additional easements may also be required over the watermain loop so that the City can exercise the valves and flush the hydrants to ensure proper functioning for adequate fire protection.

Development Contract. The developer shall be required to enter into a Development Contract with the City to ensure timely completion of required improvements and obligations. As part of the Development Contract, the Developer shall be responsible for certain securities and inspection fees related to required improvements. In order to determine these final numbers, the City will need a detailed, itemized listing and projected cost of all exterior improvements exclusive of the building (water, sanitary sewer, trail, parking lot, landscaping, etc.). A draft Development Contract will be available prior to review by the City Council. All associated development fees (trunk and lateral sanitary sewer, storm sewer, watermain, and trail) would also be referenced within and collected with the execution and recording of the development agreement. In order to complete the signature and acknowledgement pages of the Contract, the City will need the proper entity executing the documents. This includes the name and title of the individual authorized to sign on behalf of the entity.

SITE PLAN

*Planning and Zoning
Reviewer: Tim Gladhill, Senior Planner
tgladhill@ci.ramsey.mn.us
763-576-4308*

General: The development proposal consists of a two story, 72-unit assisted living/memory care. The facility will be located on a 6.5 acre portion of the current Lord of Life campus. The site will be located on the north west corner of Saint Francis Boulevard (Trunk Highway [TH] 47) and Nowthen Boulevard (County State Aid Highway [CSAH] 5).

Zoning: The site is zoned B-1 General Business District. This area is intended to provide a commercial area for goods and services for the surrounding neighborhoods and community on a smaller scale than the B-2 Highway Business District. Medical Clinics are a permitted use in this district, although City Code does not specifically provide for assisted living or memory care facilities, which include a residential component. The City is considering an amendment to the B-1 General Business District to specifically list this type of use. As backup, City Staff has prepared a Comprehensive Plan and Zoning Amendment

to change from B-2 General Business District to R-3 High Density Residential in the event the proposed amendment is not passed.

Building Height: The B-1 District requires a maximum building height of 35 feet (as measured to mean gable height) for all buildings within this district. The proposed building appears to have two stories with a gable/pitched roof. It is unclear if the submitted architectural renderings have a specific scale, so City Staff has not formally calculated building height. It is assumed that the building height is less than 35 feet; however, the developer should provide scaled renderings with the Building Permit to verify actual building height.

Maximum Structure Area. The B-1 District requires a maximum structure area of 35% of the lot area. The proposed structure appears to cover approximately 18% of the lot area.

Setbacks: The B-1 District requires setbacks as provided below.

	Proposed	Required
Front	75 feet	35 feet
Side	130 feet	10 feet
Rear	35 feet	35 feet
Abutting Residential	35 feet	35 feet
Parking/Maneuvering (ROW)	20 feet	20 feet
<i>Parking/Maneuvering (residential)</i>	<i>35 feet</i>	<i>15 feet</i>

It appears that a majority of the required setbacks are met with the proposed site plan. However, the required setback for parking and maneuvering areas when abutting residential areas is deficient. Given the tight spacing in the rear of the proposed lot, Staff encourages amending the rear property line to increase the size of the proposed lot, thus increasing the amount of green space provided to the proposed assisted living/memory care facility. This could be done for all, or a small portion of the rear property line. The fire access land is exempt from this setback. Alternatively, the Applicant could request that a variance be processed to account for the deficiency.

Exterior Materials. All exterior wall finishes on the proposed building shall be face brick, stucco, glass, wood, natural stone, or specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture. The City may approve other materials and combinations of materials are encouraged. It appears that there is a mixture of shakes, stone, and glass with various accents proposed. It is unclear based on the Plans the specific materials to be used. Prior to review by the Planning Commission and City Council, please provide City Staff with a list of materials to be used. If the City is asked to approve other materials other than those listed above, specific City Council will need to be granted.

Waste Storage: The waste storage area is proposed to be contained within the proposed building.

Off-Street Parking - Spaces Required: The B-1 District sets a minimum parking space standard of one (1) space per four (4) hospital beds plus an additional space for each employee. The site plan proposed 66 off-street parking spaces with space for an additional 28 spaces. It appears that there is ample parking for this type of use. Please provide the City with the number of employees for final verification of parking requirements.

Signs: Please note that all signs for the proposed building must be approved through a separate sign permit process. Sign regulations can be found in City Code Chapter 117, Article II, Division 8. The developer is encouraged to review these sign regulations early in the process to avoid any unnecessary delays due to potential needs for special permits. Staff has received a photo of a potential, similar sign proposed to be used. Please provide dimensions of the sign for review. Ground signs are reviewed on the following:

- Maximum of 100 square feet per face (200 square feet aggregate)
- Maximum of 25 feet tall
- Dynamic Display is limited to 35% of the sign face
- Off-premise advertising copy must be processed as a Conditional Use Permit
- The City has the flexibility to increase these maximums through the issuance of a Conditional use Permit

Landscape Review

***Reviewer: Chris Anderson, Associate Planner/Environmental Coordinator
canderson@ci.ramsey.mn.us
763-433-9905***

Landscaping & Tree Preservation Plans: Required landscaping in the B-1 District is based either on lineal feet of site perimeter or square footage of building footprint, whichever results in more plantings, as well as total number of parking spaces provided. Based on the lineal footage of the site (2,822 feet) and the number of parking stalls provided (66), a total of sixty-two (62) trees are required. Based on the square footage of the proposed building footprint (53,228 sq. ft.), a total of 177 shrubs are required. The Plans indicate a total of fifty-four (54) trees and 104 shrubs to be installed, which, in addition to roughly 120 existing trees that will be preserved, satisfy the required number of plantings. The following additional comments are offered regarding the Landscaping and Tree Preservation Plans:

- Tree save fencing must be identified on both the grading plan (sheet C3.1) and the landscaping plan (sheet L2.1) and must be installed prior to any land disturbance activities.
- The following should be added to the notes section on sheets L2.1 and L2.2: Topsoil, whether imported or amending the existing topsoil, must meet or exceed Mn/DOT's Premium Topsoil specification (3877.3). The City has a list of 'pre-certified' suppliers that have submitted test results verifying the material meets this specification. If you opt to use an alternative supplier, or if amending onsite topsoil, documentation must be supplied to the City verifying that the material meets Mn/DOT's Premium Topsoil Borrow specification. A copy of the load tickets will also be required to pass the topsoil inspection.
- The Plans indicate various areas will be seeded rather than improved with sod. All areas not otherwise improved shall be finished with sod. Any deviation from this condition requires City Council approval.
- Any disturbed areas of right-of-way shall be restored to County and Mn/DOT standards, whichever may be applicable.
- Should City Council approve the use of seed rather than sod, details must be added to sheets L2.1 and L2.2 outlining application rate(s) and installation method.
- Please review and resolve any conflicts that may exist between the landscaping and grading/utility plans such that no trees, bushes, etc. are not being placed in emergency overflow areas obstructing flow, or are located on top of permanent infrastructure items (manholes, cleanouts, etc.)

- Please add labels to sheets L2.1 and L2.2 indicating which symbols represent Autumn Blaze Maple and Prairiefire Crabapple.
- Note #10 on sheets L2.1 and L2.2 references a McDonald's site, revise to state Stoney River.
- Add planting details for deciduous and coniferous trees and shrubs. The detail must, at a minimum, indicate the following:
 - Planting depth shall be such that the first set of primary roots is at final grade.
 - Remove twine, wiring, ropes and burlap from top and sides of root ball.
 - At time of planting, only prune out dead or damaged branches. All necessary pruning cuts shall be made just outside of branch collar area.
 - Remove all tags and labels.
 - Wood chip mulch shall not be piled against the trunk of trees.
- A two (2) year maintenance guarantee is required on all landscaping after initial acceptance by the City. Please add this to the notes section of sheets L2.1 and L2.2.

Bufferyard: As outlined in City Code, a buffer yard twenty (20) feet wide, containing an additional twenty percent (20%) of plantings, would be required along the northern property line. However, the nearest adjacent structure is approximately 250 feet to the north of the proposed common property line and there are a number of existing trees within this space. It is Staff's opinion that the existing tree cover and considerable space meet the intent of the buffer yard requirement.

Civil Engineering Review

Reviewer: Tim Himmer, City Engineer

thimmer@ci.ramsey.mn.us

763-433-9893

Grading and Drainage: The following comments are offered regarding the June 7, 2011 Grading and Utility Plans prepared by Landform:

- Please make sure that all items shown on the various plan sheets are either clearly noted on the plans or are referenced in the legend.
- The B612 concrete curb detail should be amended to include base material extending to 1' beyond the back of curb. There are other City standard details that should also be included, and we can forward those to you for incorporation into the plans.
- The pedestrian ramp details have recently been modified at the state level, and the plans should be revised to include the most recent Mn/DOT approved detail and design.
- All retaining walls greater than 4' in height must be structural designed and certified by a registered engineer.
- We are continuing to evaluate the submitted stormwater plan and associated calculations so additional comments may be forthcoming, but there are some items that cause some immediate concern and/or clarification.
 - Please clarify the ultimate discharge points for the proposed storm sewer system. Three underground vaults are proposed but there is no conventional system in place to account for final discharge; is all water supposed to be infiltrated and never reach the surface? What would occur under a significant rainfall event or during frozen soil conditions?
 - Please provide the pre and post development rate of runoff calculations for this development.
 - A maintenance agreement will be required for the proposed storm sewer system outlining the expectations and requirements for the underground vault proposal. This document must be approved and recorded against the property at the time of platting.

- There is a considerable amount of runoff directed down the access road to a limited number of catch basins. It may be difficult for these catch basins to capture all the water with the limited inlet capacity, thereby creating ponding scenarios at the low points and triggering the overland overflows out into the right-of-way.
- Please submit the manufacturer's information related to the Ultra-Flo vault system; including but not limited to material, installation details, recommended maintenance, inspection manholes/clean-outs, and life expectancy.

The detail sheet must include the current City Details for any improvements proposed within the right-of-way. The manhole details should be updated to include language for a water tight wrap around the adjusting rings and include carconite markers for any manhole or gate valve that is located in unpaved areas.

The following notes should be added or amended on the plan set:

- Any impacts to City streets (wet tap and curb cut locations) should be brought to grade with class 5 by the end of the work day and paved within 24 hours.
- The contractor should have a sweeper on site or available within 3 hours. All material tracked onto City streets must be removed immediately upon discovery, or as directed by the City Engineer.
- Installation of silt fence and other down gradient sediment protection measures shall be completed and inspected prior to commencement of any site activities.

Please note on the plans if there is any dewatering required for this project. If so, the City will want to review the dewatering plan prior to implementation. No dewatering activities can occur until the required permit is secured and submitted for review.

Street and Building Access: One additional access point is being proposed for Lot 2, which is being located to line up with the existing Iodine Street on the southwest side of Nowthen Boulevard (CSAH 5). Staff is acceptable of this access and location, but it must be approved by Anoka County, as that road falls under their jurisdiction. ***Please clarify if this access road is proposed to have a crown in the road or will have superelevation and drain north to south.*** If it is intended to direct runoff to the south curblin, tipout curb and gutter should be installed along the north curblin and referenced in the plans with appropriate details.

Noise mitigation: It shall be the responsibility of the Developer to determine compliance with noise mitigation standards since this is a use that is adjacent to the Trunk Highway system and the County road system. The State, County, and City do not have any plans or moneys allocated to introduce noise mitigation adjacent to this property. Please provide a noise analysis and concurrence letter from the MPCA that the development is using the most reasonable and feasible methods to control the effects of the traffic noise that is already in place.

Utilities:

- Please confirm that the proposed 8" watermain is adequately sized for both domestic use and fire flow requirements.
- All ductile iron watermain 6" in diameter and smaller requires class 53 material.
- All hydrants must be hand painted.

Sidewalk and Trails. A ten (10) foot wide trail is required along Nowthen Boulevard (CSAH 5), as indicated on the Plans. Any portion of trail on the Subject Property (not within the right-of-way) shall be encumbered by a perpetual trail easement to encumber the trail plus five feet for maintenance purposes, except as agreed upon along the proposed retaining wall. The perpetual trail easement shall be reviewed and approved by the City Attorney.

In those locations which the trail on Nowthen Boulevard (CSAH 5) is located within the Anoka County Right of Way, it is necessary to receive a right of way permit from the Anoka County Highway Department. Concerns that they will have are not limited to but will include the perpetuation of drainage within the ditches and a requirement for cross section drawings at least every 50 feet.

Additionally, it is required to locate a trail on both sides of Trunk Highways, County Roads, State Aid roads and collector roadways through medium density housing land uses. Therefore there will be a trail required along the west side of Saint Francis Boulevard (TH 47).

Finally, Staff recommends that the Applicant consider a pedestrian connection in the Anoka County Right of way to Dysprosium Street. A site distance analysis should be completed and discussions should be held with Anoka County to determine the feasibility of including a crosswalk at that intersection.

Permits: The applicant is responsible to secure all required permits for this project; including but not limited to an MPCA NPDES construction permit, a Lower Rum River Watershed Organization permit, and Anoka County and MnDOT right-of-way permits. Additionally, the contractor performing the work will be required to get a City license and right-of-way permit.

Lighting: The City has not received a lighting plan for review. City standards require that the luminaire (light source) must not be visible from beyond the property line. Any lighting used to illuminate an off-street parking area, sign, or structure shall be arranged to deflect away from Nowthen Boulevard (CSAH 5) and Saint Francis Boulevard (TH 47). The Applicant is responsible for the installation, and three (3) years of operations and maintenance, of all boulevard lighting. A light should be included at the access point onto Nowthen Boulevard to adequately light this area.

REU Number: This property will be subject to a storm water utility charge based upon the amount of impervious surface on the site. The quarterly charge is dependent upon the number of Residential Equivalent Units (REU) calculated for this property. The site is proposed as 48.7% impervious. This leads to an REU of (2.66 x 6.55) 17.423 and a quarterly stormwater fee of \$646.04.

Fire Department/Public Safety Review
Reviewer: Matt Kohner, Fire Marshal
mkohner@ci.ramsey.mn.us
763-433-9832

Site Access: The required fire department access road shall be a minimum unobstructed 20 ft. in width and 13 ft. 6 in. clear height and shall be designed to support an apparatus with a gross axle weight of 75,000 lbs. The turning radius for emergency apparatus roads is 30 ft inside and 50 ft outside radius or as approved by the code official. The proposed building is required to have an emergency vehicle access road within 150 ft of any exterior portion of the structure. Please add these notes to the applicable sheets.

Site Water: The required spacing between fire hydrants is 400 ft. A fire flow test is required to verify fire flow requirement is available. All water mains and hydrants shall be installed and operate as soon as combustible materials arrive on construction site. Please add these notes to the applicable sheets.

DEVELOPMENT FEES

Park Dedication. The 2011 Park Dedication Fee for assisted living complexes is \$4,738 per acre. This equates to **\$31,043.00** (6.55 acres x \$4,738). The rate in effect at the time the Plat is recorded will be collected.

Trail Development Fees: The 2011 Trail Development Fee is \$600 per unit. This equates to **\$43,200.00** (72 units x \$600). The rate in effect at the time the Plat is recorded will be collected.

Sanitary Sewer Trunk/Connection. The 2011 Sanitary Sewer Trunk Fee is \$1,318 per unit. This equates to **\$94,896.00** (72 units x \$1,318). The rate in effect at the time the Plat is recorded will be collected.

Water Trunk/Connection. The 2011 Water Trunk Fee is \$2,308 per unit. This equates to **\$166,176.00** (72 units x \$2,308). The rate in effect at the time the Plat is recorded will be collected.

Sanitary Sewer Lateral Benefit. The 2011 Sanitary Sewer Lateral Benefit Fee is \$3,989 per connection. This equates to **\$3,989.00** (One [1] connection x \$3,989). The rate in effect at the time the Plat is recorded will be collected.

Water Lateral Benefit. The 2011 Water Lateral Benefit Fee is \$9,102 per connection. This equates to **\$9,102.00** (One [1] connection x \$9,102). The rate in effect at the time the Plat is recorded will be collected.

Stormwater Management. The 2011 Stormwater Management Fee is \$465 per unit. This equates to **\$33,480.00** (72 units x \$465). The rate in effect at the time the Plat is recorded will be collected.

GENERAL INFORMATION

Additional Review. Due to its location, the request has been forwarded to Anoka County Highway Department and Mn/DOT for review and comment. Mn/DOT has commented that a drainage permit shall be required. The Anoka County Highway Department has verbally commented that they desire that Lord of Life and Stoney River to share/consolidate access. City Staff, along with County Staff, will continue to explore the feasibility of a shared access. Additionally, the County is in the process of approving a resurfacing project for Nowthen Boulevard (CSAH 5). Although the construction limits of this project do not extend into the Subject Property, the County would like to explore the opportunity to coordinate these two (2) projects, as turn lanes will likely be required for the site plan. Comments will be forwarded to you for review.

Next Steps. The Sketch Plan (Minor Plat), Site Plan, and required zoning amendments are scheduled for review by the Planning Commission on Thursday, July 7, 2011 at 7:00 p.m. in the Council Chambers at the Ramsey Municipal Center. The request is tentatively scheduled for review by the City Council on Tuesday, July 26th.

Regular Planning Commission

6.3.

Meeting Date: 07/07/2011

By: Tim Gladhill, Community Development

Title:

Public Hearing - Consider Ordinance to Amend City Code Section 117-114 Related to Assisted Living and Memory Care Facilities

Background:

For a number of years, the City has been approached, and Staff has been reviewing, the ability for assisted living and memory care facilities to be located in commercial areas. Currently, medical clinics are listed as a permitted use in most of these areas. However, assisted living and memory care facilities are essentially residential in nature with medical support provided, often times 24/7. In addition, standard residential zoning regulations are often difficult to apply to these uses, such as parking and dwelling unit size.

Notification:

The Public Hearing Notice was properly advertised in the Anoka County Union, the City's official newspaper for public notifications.

Observations:

It appears that assisted living and memory care facilities are desiring to be located along major transportation corridors with high visibility, which are often times areas that are zoned as commercial. Furthermore, based on discussions Staff has had with several assisted living and memory care providers, they desire to be located near other services for their staff and visitors.

Densities for these facilities are most often those required for the R-3 Residential District. The minimum unit size within this district are often times in excess of the need for bedroom sizes for assisted living and memory care. Thus, it has proven difficult to apply standard residential standards to this type of use. Also, minimum parking standards for residential districts have proven an over-parking result for these types of uses. Owning a car in these types of facilities is not common, and thus, many parking spaces would go unused.

Staff is desiring feedback from the Planning Commission as to any other standards related to assisted living and memory care facilities it desires to include in the B-1 District standards including, but not limited to, buffering/transitioning to residential districts, parking standards, architectural standards, etc.

It is Staff's opinion that this use closely matches medical clinics and that the design standards reviewed are well suited for the B-1 General Business District.

Funding Source:

All costs associated with the request are the responsibility of the Application.

Staff Recommendation:

Staff recommends approval of the ordinance.

Committee Action:

Motion to recommend that City Council adopt the ordinance amending permitted uses in the B-1 General Business District.

Proposed Ordinance

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	06/29/2011 09:07 AM
Aaron Backman	Aaron Backman	07/01/2011 08:40 AM
Form Started By: Tim Gladhill		Started On: 06/29/2011 08:21 AM
Final Approval Date: 07/01/2011		

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. 117-114. - B-1 General Business District.

(a) *Intent.* The intent of the B-1 General Business District is to provide a commercial area for goods and services for the surrounding neighborhoods and community on a smaller scale than the B-2 Highway Commercial District.

(b) *Permitted uses.* The following are permitted uses, subject to general requirements and performance standards as specified by this chapter:

- (1) Enclosed retail activities without outdoor activities.
- (2) Restaurants and cafes.
- (3) Offices and banks.
- (4) Personal and professional services.
- (5) Funeral homes.
- (6) Medical clinics.
- (7) Laundromat, self-service washing and drying.
- (8) Dry cleaning.
- (9) Animal clinics and indoor small animal boarding facilities.
- (10) Adult uses - accessory.
- (11) Convenience grocery and/or food operations.
- (12) Off-sale liquor.
- (13) Assisted living and memory care facilities

(c) *Conditional uses.*

- (1) Animal clinics and outside small animal boarding facilities.

- (2) Commercial carwashes (drive through, mechanical, self service).
- (3) Convenience gas (no vehicle service or repair).
- (4) Day care centers.
- (5) On-sale liquor.
- (6) Uses with drive through service.
- (7) Oversizing of signs.
- (8) Expansion or enlargement of lawful nonconforming uses.
- (9) Cell towers.
- (10) Micro-scale WECS.
- (11) Medium-scale WECS.

(d) *Accessory uses.*

- (1) Off-street parking as regulated and required by this chapter.
- (2) Off-street loading as regulated and required by this chapter.
- (3) Signing as regulated by article II, division 8 of this chapter.

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 117-114 (B-1 General Business District) to include assisted living and memory care facilities as a permitted use.

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. 4.

Meeting Date: 07/07/2011

By: Tim Gladhill, Community Development

Title:

Public Hearing - Consider Request for Comprehensive Plan and Zoning Amendment at 14501 Nowthen Blvd NW

Background:

The City has received an application for Site Plan Review for Stoney River, a 6.5 acre subdivision for a 72-unit assisted living and memory care facility. The site is located within the B-1 General Business District. Assisted Living and Memory Care Facilities are not specifically listed as Permitted or Conditional Uses within the B-1 District, although Medical Clinic are. Although residential in nature, assisted living and memory care facilities certainly have a medical care focus, often times 24/7 medical care.

The City has prepared an ordinance amendment to specifically list Assisted Living and Memory Care as a Permitted Use within the B-1 District, but has prepared this case in the event the ordinance amendment is not adopted. The request would amend the land use designation for the Comprehensive Plan from Commercial to High Density Residential (HDR) and zoning from B-1 General Business District to R-3 Residential.

Notification:

Standard notification for Comprehensive Plan and Zoning Amendments are all properties within 350 feet. As part of the Sketch Plan Notification for the Minor Plat request associated with the Application, all properties within 700 feet of the Subject Property were notified of this request in addition to the Minor Plat and Site Plan Review. The Public Hearing Notice was properly notified in the Anoka County Union, the City's official newspaper for public notices.

Observations:

As stated, the request would re-zone approximately 6.5 acres of B-1 General Business District to R-3 Residential. Permitted density in the R-3 District is 7-15 units per net buildable acre. Formal calculation would increase the City's household forecasts by 45 households. The Metropolitan Council calculation uses the minimum density in the range to forecast households. Due to the size of the change and level of increase in households, Staff anticipates that this would fall under administrative review by the Metropolitan Council rather than full Metropolitan Council review.

This is a contingent, or fall back request in the event the ordinance to list Assisted Living and Memory Care as a permitted use in the B-1 General Business District is not adopted. If the original ordinance is adopted, this case will not be sent to City Council for consideration. Staff is attempting to limit the amount of delay in the event the ordinance is not adopted. The request applies to only to Lot 1, Block 1 of the proposed Stoney River Addition. Staff would prepare a new map only if the request is needed and approved.

Funding Source:

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

Staff Recommendation:

Staff recommends that the Planning Commission recommend to the City Council that the Comprehensive Plan and Zoning Amendments be adopted in the event the ordinance to amend the B-1 General Business District permitted uses is not adopted.

Committee Action:

Motion to recommend that the City Council approve the approve the Comprehensive Plan and Zoning Amendments in the event the ordinance to amend the B-1 General Business District permitted uses is not adopted and direct staff to prepare an updated Future Land Use Map and Official Zoning Map.

Attachments

Site Location Map

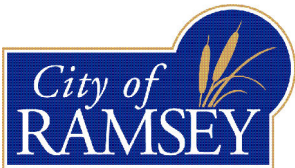
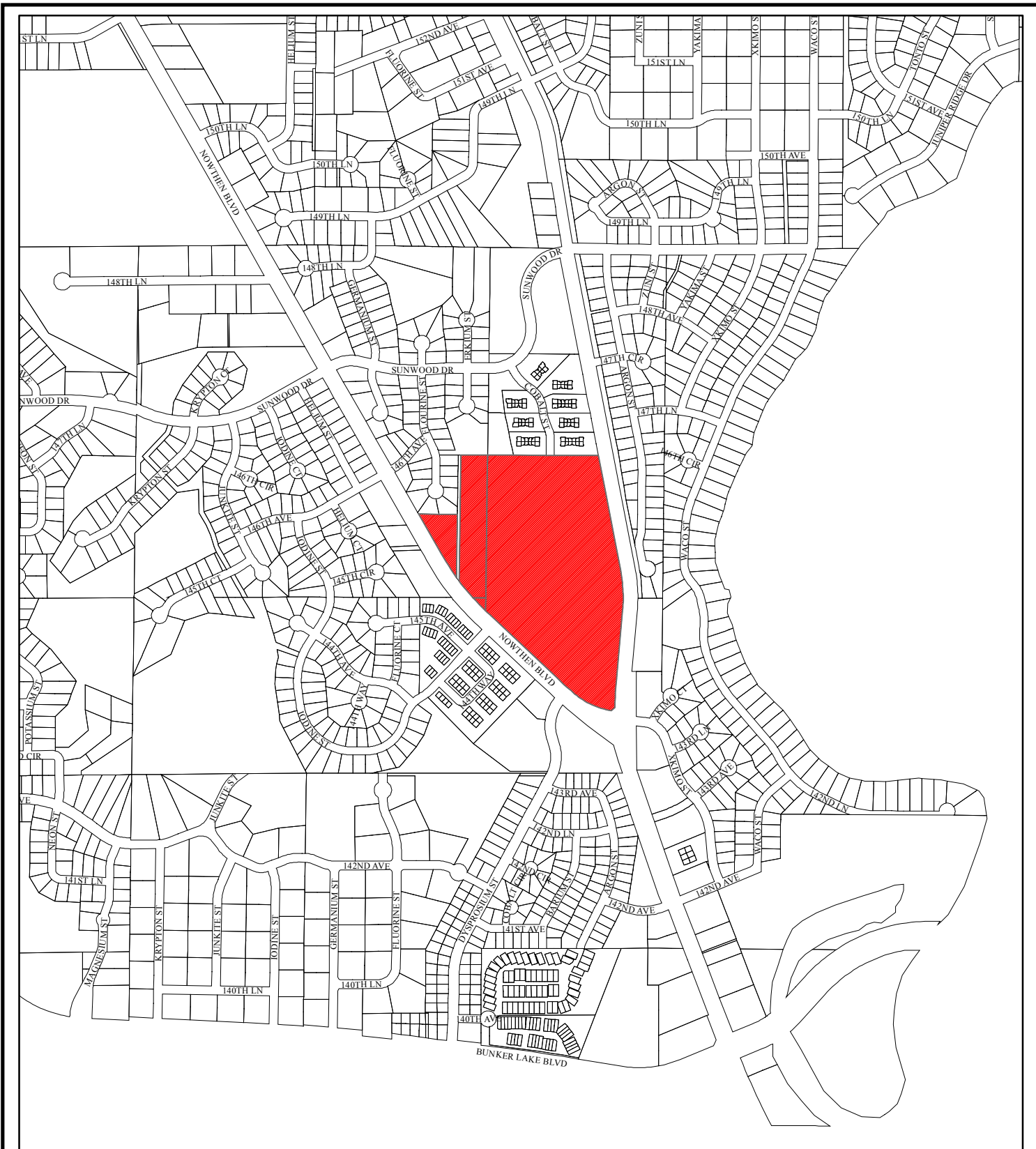
Sketch Plan Page 1

Comprehensive Plan Amendment Resolution

Zoning Amendment Ordinance

Form Review

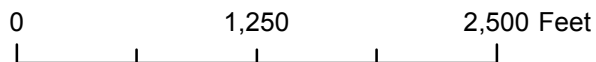
Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	06/29/2011 09:07 AM
Aaron Backman	Aaron Backman	06/29/2011 09:40 AM
Form Started By: Tim Gladhill		Started On: 06/29/2011 08:02 AM
	Final Approval Date: 06/29/2011	

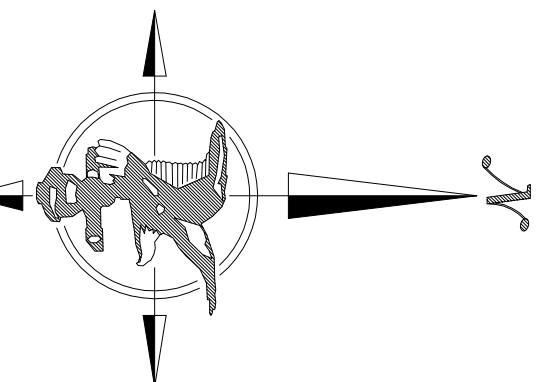


Stoney River

Legend

- Site
- Parcels





SCALE: 1 INCH = 60 FEET

REVISIONS

Date:	Plot name, add prop building & roadways
6/1/11	

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Thomas E. Hodoff, L.S.
 Thomas E. Hodoff, L.S.
 Minnesota Reg. No. 23677

Date: May 26, 2011

SKETCH PLAN OF STONEY RIVER ADDITION

FOR:

FIRST PHOENIX GROUP

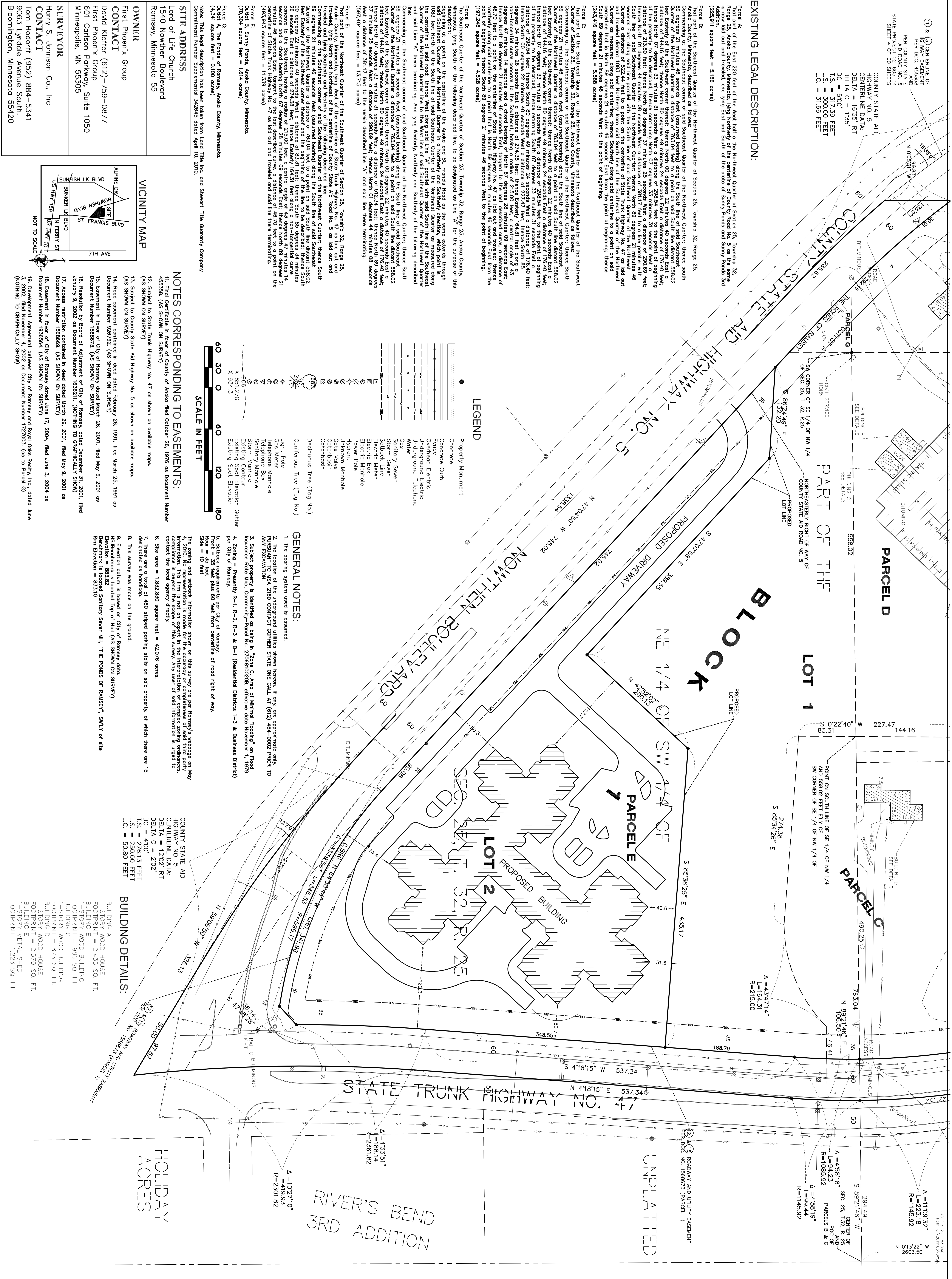
SITE:

LORD OF LIFE CHURCH
 1540 NORTWEN BOULEVARD
 RAMSEY, MINNESOTA

ANOKA COUNTY

HARRY S. JOHNSON CO., INC.
LAND SURVEYORS
 9063 Lyndale Avenue South
 Bloomington, MN, 55437
 Tele: 952-884-5341 Fax 952-884-5344
 www.hsjsurveyors.com

Book:	File No.
Page:	1-3-8097PP
Sheet:	2011183
CT:	1 OF 2



EXISTING LEGAL DESCRIPTION:

Parcel A: That part of the East 220 feet of the West half of the Northwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

Parcel B: That part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

Parcel C: That part of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, described as follows: ...

Parcel D: The Southeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying South of the following described line, to be designated as Line "A" for the purpose of this description: ...

Parcel E: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel F: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel G: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel H: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel I: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel J: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel K: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel L: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel M: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel N: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel O: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel P: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel Q: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel R: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel S: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel T: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel U: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel V: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

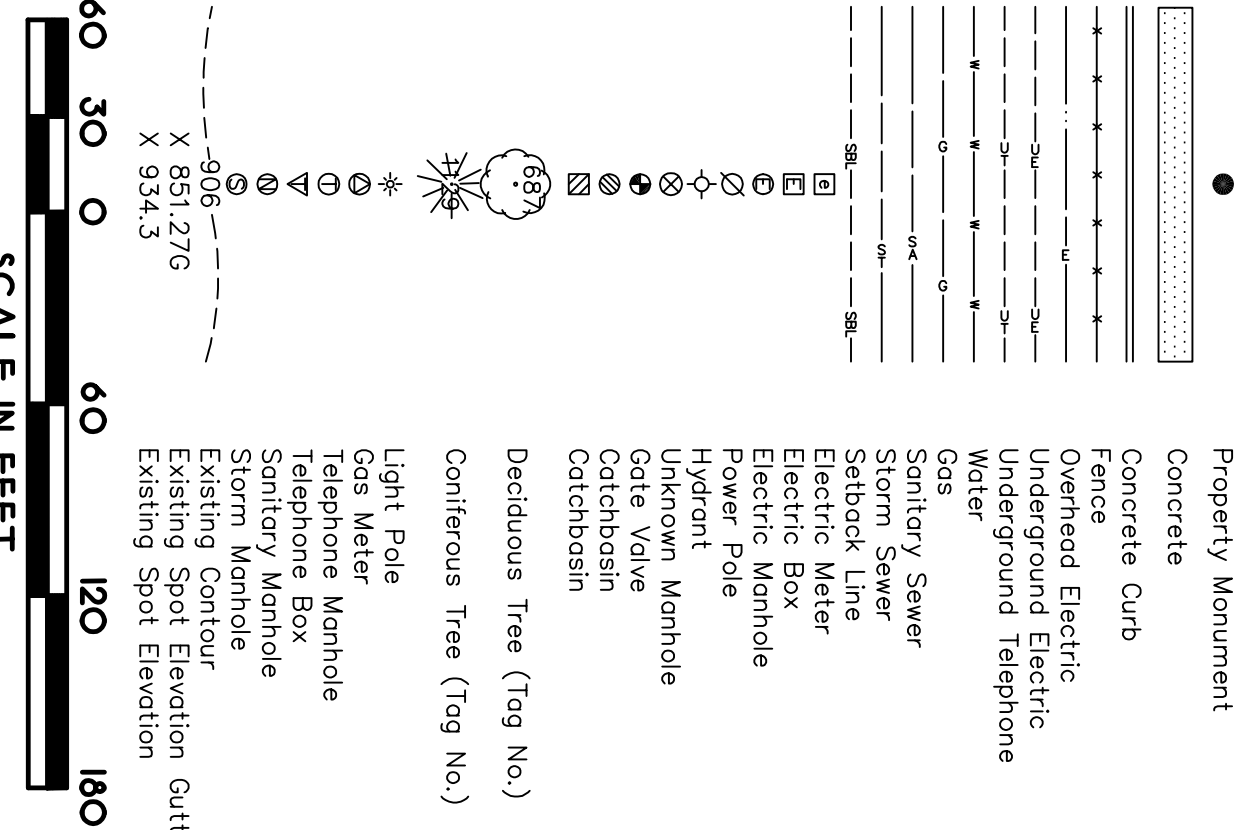
Parcel W: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel X: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel Y: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

Parcel Z: The Northwest Quarter of the Southwest Quarter of Section 25, Township 32, Range 25, Anoka County, Minnesota, lying West of the centerline of State Trunk Highway No. 47 as laid out and traveled: ...

LEGEND

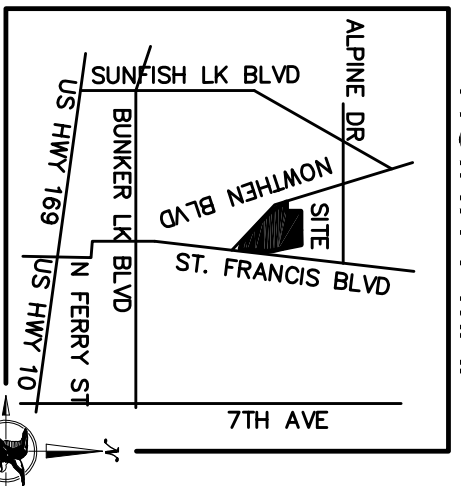


SCALE IN FEET

NOTES CORRESPONDING TO EASEMENTS:

- Final Certificate in favor of County of Anoka filed October 26, 1976 as Document Number 453358. (AS SHOWN ON SURVEY)
- Subject to State Trunk Highway No. 47 as shown on available maps. (AS SHOWN ON SURVEY)
- Subject to County State Aid Highway No. 5 as shown on available maps. (AS SHOWN ON SURVEY)
- Road easement contained in deed dated February 26, 1991, filed March 25, 1991 as Document Number 920792. (AS SHOWN ON SURVEY)
- Easement in favor of City of Ramsey dated March 26, 2001, filed May 9, 2001 as Document Number 1566673. (AS SHOWN ON SURVEY)
- Resolution by Board of Adjustment of City of Ramsey, dated December 31, 2001, January 9, 2002 as Document Number 1636211. (NOTHING TO GRAPHICALLY SHOW)
- Access restriction contained in deed dated March 29, 2001, filed May 9, 2001 as Document Number 1566669. (AS SHOWN ON SURVEY)
- Easement in favor of City of Ramsey dated June 17, 2004, filed June 3, 2004 as Document Number 1636694. (AS SHOWN ON SURVEY)
- Development Agreement between City of Ramsey and Royal Code Realty, Inc., dated June 3, 2002, filed November 4, 2002 as Document Number 1727003. (AS TO PORTION OF LOT 10 TO DEVELOP LOT 10)

VICINITY MAP



OWNER
 First Phoenix Group

CONTACT
 David Kieffer (612)-759-0877
 First Phoenix Group
 601 Carlson Parkway, Suite 1050
 Minneapolis, MN 55305

SURVEYOR
 Harry S. Johnson Co., Inc.
CONTACT
 Tom Hodoff (952) 884-5341
 9063 Lyndale Avenue South,
 Bloomington, Minnesota 55420

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

RESOLUTION #11-07-___

A RESOLUTION APPROVING A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE DESIGNATION ON THE PROPOSED PLAT OF STONEY RIVER FROM COMMERCIAL TO HIGH DENSITY RESIDENTIAL, AND AUTHORIZING CITY STAFF TO SUBMIT AN APPLICATION TO THE METROPOLITAN COUNCIL FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN

WHEREAS, the City of Ramsey, working in conjunction with First Phoenix (the “Applicant”) is requesting an amendment to the Comprehensive Plan to change the future land use designation from Commercial to High Density Residential for the following legally described property or portions thereof:

1. That the property or portions thereof proposed to be rezoned are legally described as follows:

That part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 25, lying westerly of the center line of Trunk Highway No. 47, except part platted as Birch Hill Lodges, also except part platted as CIC No. 129 Birch Hill Lodges, together with that part of the Northeast Quarter of Southwest Quarter of said section lying westerly of center line of Trunk Highway No. 47 and lying north and northeast, Anoka County, Minnesota.

-Or upon recording-

Lot 1, Block 1, Stoney River

(The Subject Property)

WHEREAS, the Comprehensive Plan approved in 2010 shows the designated land uses on the Subject Property as Commercial; and

WHEREAS, the City and the Applicant are requesting that the Subject Property land use designation be changed to High Density Residential; and

WHEREAS, the Ramsey Planning Commission met on July 7, 2011, conducted a public hearing, and recommended that the Ramsey City Council approve the request for an amendment to the Comprehensive Plan.

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

- 1) That the Ramsey City Council hereby approves the request for a land use designation change on the Subject Property from Commercial to High Density Residential.
- 2) That the Ramsey City Council hereby authorizes City Staff to submit the necessary documentation to the Metropolitan Council requesting an amendment to the 2030 Comprehensive Plan to change the land use designation to High Density Residential.
- 3) That this land use change shall become effective concurrent with the City’s receipt of notification of approval from Metropolitan Council.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember Elvig, 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 26th day of July, 2011.

Mayor

ATTEST:

City Clerk

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, are hereby rezoned from B-1 General Business to R-3 Residential.

That part of the Southeast Quarter of the Northwest Quarter of Section 25, Township 32, Range 25, lying westerly of the center line of Trunk Highway No. 47, except part platted as Birch Hill Lodges, also except part platted as CIC No. 129 Birch Hill Lodges, together with that part of the Northeast Quarter of Southwest Quarter of said section lying westerly of center line of Trunk Highway No. 47 and lying north and northeast, Anoka County, Minnesota.

-Or upon recording-

Lot 1, Block 1, Stoney River

(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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203225420009	213225210017	213225410005	163225330008	213225340025
213225430032	213225330014	163225320011	203225420010	213225430031
213225430030	213225330013	213225140006	213225340010	163225320009
213225430029	213225330025	163225310004	213225220012	163225320007
203225420025	213225330026	213225140004	213225140019	213225440028
203225410007	213225210010	213225420020	213225420037	213225120005
203225410011	213225330016	213225420041	163225320004	213225440016
163225340003	223225310014	213225410009	223225340013	203225410022
223225320009	223225310006	213225320025	223225340009	213225330007
223225310004	223225320013	213225210015	213225310010	223225310022
163225310007	223225330006	213225420019	223225310007	213225340008
163225320010	223225340018	213225430012	213225310011	213225340009
213225440026	223225330022	203225430002	213225220016	163225310006
223225310003	213225310008	213225220005	213225220018	213225410032
223225320019	213225420027	203225410015	213225220010	213225410014
223225310009	223225310017	223225310010	213225410027	213225410016
213225330002	213225410006	163225330009	213225220006	223225310002
213225440014	163225340006	213225430008	163225340014	213225430027
213225440019	163225320014	203225410010	213225110006	213225340016
213225440013	223225340006	213225410023	223225340011	213225340001
213225330022	223225330008	213225410031	223225330014	213225430035
213225330024	213225410008	163225330017	223225340007	213225430033
213225440020	213225320010	163225340005	213225440032	223225330012
213225440021	213225210001	213225410037	163225330016	213225320008
213225430020	213225340021	163225340020	203225410017	203225420017
213225440001	213225420016	163225340017	203225420030	203225410013

Regular Planning Commission

6. 5.

Meeting Date: 07/07/2011

By: Patrick Brama, Administrative Services

Title:

Public Hearing - Consider Ordinance to Amend City Code Section 117-53 Entitled Variances

Background:

On June 06, 2011 Minnesota amended its state variance statutes. It is the intent for the City of Ramsey to adopt the updated state regulations and amend existing city ordinances pertaining to variances.

A variance is an avenue that a city may use to allow deviation from zoning ordinances. The city's Board of Adjustments and Appeals hears and votes on variance requests. Based on state statute, variances may be granted in the event that a property owner passes (or proves) a three facet test.

Notification:

Notice of the Public Hearing was properly notified in the Anoka County Union, the City's official newspaper for Public Hearings.

Observations:

Previously, the three facet test that property owners had to pass (or prove) in order to attain a variance was called "undue hardship." Now the three facet test is called "practical difficulties." The original test, "undue hardship," required: (1) that the property cannot be put to a reasonable use if used under the conditions allowed by the official controls (2) the plight of the landowner is due to circumstances unique to the property not created by the property owner (3) if granted, the variance will not alter the essential character of the locality.

The newly adopted test, "practical difficulties," requires: (1) that the property owner proposes to use the property in a reasonable manner not permitted by an official control (2) the plight of the landowner is due to circumstances unique to the property not created by the property owner (3) if granted, the variance will not alter the essential character of the locality.

The key difference between the two versions of the three facet test is located in facet number one. Previously, property owners would only be granted a variance in the event that a property could not be put to a reasonable use. The new version states that variances may be granted if the property owner proposes to use the property in a reasonable manner.

As stated, it is the intent of the City of Ramsey to adopt and reflect said changes within city ordinances. Specifically, Section 117-53 Variances.

Attached to the case is the amending ordinance.

Funding Source:

The proposed ordinance is being handled as part of regular staff duties.

Staff Recommendation:

Adopt the ordinance amending City Code Chapter 117, Section 117-53 (Variances) of the city code of Ramsey, Minnesota.

Committee Action:

Motion to recommend that City Council adopt/not adopt the ordinance amending City Code Chapter 117, Section 117-53 (Variances) of the city code of Ramsey, Minnesota.

Attachments

League of Minnesota Cities Article

Approved Minnesota Legislative Bill

League of Minnesota Cities Variance Summary

Proposed Ordinance

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	06/22/2011 02:54 PM
Aaron Backman	Aaron Backman	06/22/2011 09:17 PM
Form Started By: Patrick Brama		Started On: 06/21/2011 09:00 AM

Final Approval Date: 06/22/2011

City Variance Authority

A Supreme Court ruling last year greatly limited cities' authority to grant variances.

During the 2011 legislative session, the League of Minnesota Cities will work to restore that authority. In the meantime, cities must make adjustments.

By Craig Johnson

In the world of law, a single court ruling can suddenly and unexpectedly change decades of precedence. That definitely proved to be true for municipal variance authority last year. In the case of *Krummenacher v. City of Minnetonka*, the Minnesota Supreme Court issued a decision last June that changed the longstanding interpretation of the statutory standard for granting zoning variances. The decision also went counter to 20 years of previous rulings by the Minnesota Court of Appeals.

Background

The City of Minnetonka issued a variance to a residential property owner, permitting the vertical expansion of a legal, non-conforming garage. The city, relying on a 1989 Minnesota Court of Appeals decision and other judicial precedence, concluded that the grant of the variance was appropriate. The city's decision was challenged by an adjacent property owner. Both the district court and the Minnesota Court of Appeals agreed with the city's decision. On June 24, 2010, the Minnesota Supreme Court reversed the Court of Appeals decision, and found the city's variance impermissible.

In *Krummenacher v. City of Minnetonka*, the Supreme Court examined the statutory definition of "undue hardship." The statutes that limit when a variance may be granted are found in *Minnesota Statutes*, section 462.357, subdivision 6, and list three tests that must be met for a variance to be appropriate due to an undue hardship. They are:

- The property in question cannot be put to reasonable use if used under

conditions allowed by the official controls.

- The plight of the landowner is due to circumstances unique to the property not created by the landowner.
- The variance, if granted, will not alter the essential character of the locality.

In its decision, the court held that the "reasonable use" prong of the "undue hardship" test is not whether the proposed use of the property is reasonable, but whether any reason-

In its decision, the court held that the "reasonable use" prong of the "undue hardship" test is not whether the proposed use of the property is reasonable, but whether any reasonable use of the property exists in the absence of a variance.

able use of the property exists in the absence of a variance. This establishes a high threshold for both the city and the property owner when considering variance requests. Furthermore, it means that in the vast majority of cases, cities do not have the authority to grant a variance to local zoning regulations.

The Supreme Court explicitly recognized that it was changing a longstanding standard that cities have relied on in considering variance requests. In particular, the court specifically rejected a 1989 Court of Appeals interpretation of the phrase "undue hardship," which allowed for the grant of a variance in

circumstances where the "property owner would like to use the property in a reasonable manner that is prohibited by the ordinance."

The Supreme Court stated that "unless and until the Legislature takes action to provide a more flexible variance standard for municipalities, we are constrained by the language of the statute to hold that a municipality does not have the authority to grant a variance unless the applicant can show that her property cannot be put to a reasonable use without the variance."

Counties in opposite position

The Supreme Court also reviewed the parallel county authority that allows for a variance in situations of "practical difficulties" or "hardship," which are found in *Minnesota Statutes*, section 394.27, subdivision 7. The court found that the city authority was more limited because it did not contain the "practical difficulties" provision found in that section.

Counties, meanwhile, have been adapting to a change in how that same section of law functions for them after a 2008 Supreme Court opinion (*Stads-vold v. County of Ottertail Board of Adjustments*). The court distinguished between "practical difficulties" and "particular hardships," the terms used in that section of law, and the types of variances to which each apply.

The court applied the more easily met standard—practical difficulties—to area variances where a property owner is seeking to avoid a lot restriction set in ordinance, such as a setback, fencing, height, density, or parking space. The court applied the more stringent

requirement—particular hardship—to use variance requests, which are requests to use the property in a way that is not otherwise allowed under adopted zoning regulations. The court reached this conclusion despite the fact that the statute specifically states that use variances are forbidden. The court went on to define a list of tests that would determine when a practical difficulty exists.

That ruling left counties in the exact opposite position of cities. In many cases, counties feel they have no option but to grant area variance requests, since “particular hardship” is no longer allowed to be used as a test in those cases, and because of the broad description given of what constitutes “practical difficulty.”

Interim impacts

Many cities have ordinances that are drafted to provide a solid baseline that protects public health, safety, and welfare while leaving room for appropriate exemptions that do not jeopardize those goals. They often allow for variances in cases where the standard cannot be reasonably met, the problem was not caused by the actions of the property owner, and the exception will not change the nature of the neighborhood.

The *Krummenacher* decision has left cities with the choice of hoping their variances aren’t challenged, making significant and complicated changes to how they have drafted their ordinances, or simply refusing to consider granting any variances until the Legislature resolves the issue. This means that a project that might have previously qualified for a variance cannot move forward in most communities right now. City officials are very concerned about what that could mean for badly needed economic and residential development projects.

This ruling gets even more problematic when coupled with state land use regulations. Many of those rules, such as state shoreland regulations and metropolitan land use regulations, are written intentionally to use the variance procedure to identify cases where a special case justifies a different solution within set parameters. In light of *Krummenacher*, the authority to grant variances in those cases is limited, which makes some of the standards unintentionally restrictive.

Because of the far-reaching nature of the decision, there are at least four

responses cities can consider to keep their regulatory systems functional until a legislative correction can be achieved:

- **Reevaluate the variance criteria.** Cities are reevaluating the criteria they have historically used in deciding whether or not to grant a variance. The Supreme Court’s decision limits a city’s discretion. The ruling limits the authority to circumstances where the property owner can demonstrate that there is not a reasonable use of the property absent the variance.
- **Make sure reasons for variances are clear.** In circumstances where the city council believes a variance is appropriate, the city must take great care to make a detailed finding describing why the grant of the variance is necessary to provide the property owner with a reason-

The *Krummenacher* decision has left cities with the choice of hoping their variances aren’t challenged, making significant and complicated changes to how they have drafted their ordinances, or simply refusing to consider granting any variances until the Legislature resolves the issue.

able use of his or her property. What constitutes a reasonable use of property is not defined and may differ depending on the unique circumstances of the property and attributes of various communities.

- **Reexamine the zoning code.** If a city routinely grants variances, this may be an indicator that it may want to reexamine its zoning code to ensure that standards, setbacks, uses, and other requirements are consistent with the city council’s current vision for the community. Some cities are using this ruling as an opportunity to review their land use practices.
- **Build in flexibility.** Cities can build greater flexibility into their existing conditional use permit, planned unit development, and setback regulations to explicitly afford greater

latitude to allow “variance-like” approvals under the zoning code. For instance, a city might establish alternative setback requirements to allow for construction that is consistent with neighborhood attributes.

Legislative solution

As noted by the comments of Chief Justice Gildea in the *Krummenacher* opinion, legislative action will be needed to restore the flexibility for municipalities to grant variances. Ideally, local government variance authority language that is clear, consistent, and well-defined will come out of this legislative session. While the legislation is not expected to be controversial, the League of Minnesota Cities has made this a priority issue to be resolved as quickly as possible in the 2011 legislative session. A quick resolution will help avoid confusion for city officials and the public, prevent needless changes to systems that functioned well, and avert costly litigation.

The need for this legislation also provides an opportunity to redraft the county and city variance authority language found in their respective sections of law to make them consistent. The League’s initial proposed legislative solution will likely make identical most of the language in *Minnesota Statutes*, section 462.357, subdivision 6 (2) and *Minnesota Statutes*, section 394.27, subdivision 7. This would eliminate confusion and the need for judicial cross-references about which wording, standards, and tests apply to cities and counties.

During the legislative interim, the League has worked with cities, counties, municipal law experts, and other interested parties to determine how to amend current statutes to clarify the issue for the courts. The goal is to do this without substantially changing the authority as it was understood prior to the *Krummenacher* case. The proposed legislation will use the term “practical difficulties” as the test for area variances, and will define what that term means for the purposes of granting variances.

To read the League’s policy on this issue (SD-23), access the *2011 City Policies* at www.lmc.org/policies.

Craig Johnson is intergovernmental relations representative with the League of Minnesota Cities. Phone: (651) 281-1259. E-mail: cjohnson@lmc.org.

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 shall
1.8 have the exclusive power to order the issuance of variances from the ~~terms~~ requirements
1.9 of any official control including restrictions placed on nonconformities. Variances shall
1.10 only be permitted when they are in harmony with the general purposes and intent of the
1.11 official control ~~in cases when there are practical difficulties or particular hardship in~~
1.12 ~~the way of carrying out the strict letter of any official control,~~ and when ~~the terms of~~
1.13 ~~the variance~~ variances are consistent with the comprehensive plan. ~~"Hardship" as used~~
1.14 ~~in connection with the granting of a variance means the property in question cannot be~~
1.15 ~~put to a reasonable use if used under the conditions allowed by the official controls; the~~
1.16 ~~plight of the landowner is due to circumstances unique to the property not created by the~~
1.17 ~~landowner; and the variance, if granted, will not alter the essential character of the locality.~~
1.18 Variances may be granted when the applicant for the variance establishes that there
1.19 are practical difficulties in complying with the official control. "Practical difficulties,"
1.20 as used in connection with the granting of a variance, means that the property owner
1.21 proposes to use the property in a reasonable manner not permitted by an official control;
1.22 the plight of the landowner is due to circumstances unique to the property not created by
1.23 the landowner; and the variance, if granted, will not alter the essential character of the
1.24 locality. Economic considerations alone shall do not constitute a hardship if a reasonable

2.1 ~~use for the property exists under the terms of the ordinance~~ practical difficulties. Practical
2.2 difficulties include, but are not limited to, inadequate access to direct sunlight for solar
2.3 energy systems. Variances shall be granted for earth sheltered construction as defined in
2.4 section 216C.06, subdivision 14, when in harmony with the official controls. No variance
2.5 may be granted that would allow any use that is ~~prohibited~~ not allowed in the zoning
2.6 district in which the subject property is located. The board of adjustment may impose
2.7 conditions in the granting of variances to. A condition must be directly related to and must
2.8 bear a rough proportionality to the impact created by the variance ~~insure compliance~~
2.9 and to protect adjacent properties and the public interest. The board of adjustment may
2.10 consider the inability to use solar energy systems a "hardship" in the granting of variances.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.12 Sec. 2. Minnesota Statutes 2010, section 462.357, subdivision 6, is amended to read:

2.13 Subd. 6. **Appeals and adjustments.** Appeals to the board of appeals and
2.14 adjustments may be taken by any affected person upon compliance with any reasonable
2.15 conditions imposed by the zoning ordinance. The board of appeals and adjustments has
2.16 the following powers with respect to the zoning ordinance:

2.17 (1) To hear and decide appeals where it is alleged that there is an error in any
2.18 order, requirement, decision, or determination made by an administrative officer in the
2.19 enforcement of the zoning ordinance.

2.20 (2) To hear requests for variances from the ~~literal provisions of the ordinance~~
2.21 ~~in instances where their strict enforcement would cause undue hardship because of~~
2.22 ~~circumstances unique to the individual property under consideration, and to grant such~~
2.23 ~~variances only when it is demonstrated that such actions will be in keeping with the spirit~~
2.24 ~~and intent of the ordinance. "Undue hardship" as used in connection with the granting of a~~
2.25 ~~variance means the property in question cannot be put to a reasonable use if used under~~
2.26 ~~conditions allowed by the official controls, requirements of the zoning ordinance including~~
2.27 restrictions placed on nonconformities. Variances shall only be permitted when they are in
2.28 harmony with the general purposes and intent of the ordinance and when the variances are
2.29 consistent with the comprehensive plan. Variances may be granted when the applicant for
2.30 the variance establishes that there are practical difficulties in complying with the zoning
2.31 ordinance. "Practical difficulties," as used in connection with the granting of a variance,
2.32 means that the property owner proposes to use the property in a reasonable manner not
2.33 permitted by the zoning ordinance; the plight of the landowner is due to circumstances
2.34 unique to the property not created by the landowner; and the variance, if granted, will not
2.35 alter the essential character of the locality. Economic considerations alone ~~shall~~ do not

H.F. No. 52, 2nd Engrossment - 87th Legislative Session (2011-2012) [H0052-2]

3.1 constitute ~~an undue hardship if reasonable use for the property exists under the terms of~~
3.2 ~~the ordinance. Undue hardship also includes~~ practical difficulties. Practical difficulties
3.3 include, but is are not limited to, inadequate access to direct sunlight for solar energy
3.4 systems. Variances shall be granted for earth sheltered construction as defined in section
3.5 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and
3.6 adjustments or the governing body as the case may be, may not permit as a variance any
3.7 use that is not ~~permitted~~ allowed under the zoning ordinance for property in the zone
3.8 where the affected person's land is located. The board or governing body as the case
3.9 may be, may permit as a variance the temporary use of a one family dwelling as a two
3.10 family dwelling. The board or governing body as the case may be may impose conditions
3.11 in the granting of variances ~~to insure compliance and to protect adjacent properties. A~~
3.12 condition must be directly related to and must bear a rough proportionality to the impact
3.13 created by the variance.

3.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.



VARIANCES

Frequently Asked Questions
(Reflects 2011 law change)

What is a variance?

A variance is a way that a city may allow an exception to part of a zoning ordinance. It is a permitted departure from strict enforcement of the ordinance as applied to a particular piece of property. A variance is generally for a dimensional standard (such as setbacks or height limits). A variance allows the landowner to break a dimensional zoning rule that would otherwise apply.

Who grants a variance?

Minnesota law provides that requests for variances are heard by a body called the board of adjustment and appeals; in many smaller communities, the planning commission or even the city council may serve that function. A variance decision is generally appealable to the city council. For more information, see [Minn. Stat. § 462.357](#).

When can a variance be granted?

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner “practical difficulties.” For the variance to be granted, the applicant must satisfy the statutory three-factor test for practical difficulties. If the applicant does not meet all three factors of the statutory test, then a variance should not be granted. Also, variances are only permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. For more information, see [Minn. Stat. § 462.357](#).

What kind of authority is the city exercising?

A city exercises so-called “quasi-judicial” authority when considering a variance application. This means that the city’s role is limited to applying the legal standard of practical difficulties to the facts presented by the application. The city acts like a judge in evaluating the facts against the legal standard. If the applicant meets the standard, then the variance may be granted. In contrast, when the city writes the rules in zoning ordinance, the city is exercising “legislative” authority and has much broader discretion.

What is practical difficulties?

Practical difficulties is a legal standard set forth in law that cities must apply the when considering applications for variances. It is a three-factor test and applies to all requests for variances. To constitute practical difficulties, all three factors of the test must be satisfied. For more information, see [Minn. Stat. § 462.357](#).

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

What are the practical difficulties factors?

The first factor is that the property owner proposes to use the property in a reasonable manner. This factor means that the landowner would like to use the property in a particular reasonable way but cannot do so under the rules of the ordinance. It does not mean that the land cannot be put to any reasonable use whatsoever without the variance. For example, if the variance application is for a building too close to a lot line, or does not meet the required setback, the focus of the first factor is whether the request to place a building there is reasonable.

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular piece of property, that is, to the land, and not personal characteristics or preferences of the landowner. When considering the variance for a building to encroach or intrude into a setback, the focus of this factor is whether there is anything physically unique about the particular piece of property, such as sloping topography or other natural features like wetlands or trees.

The third factor is that the variance, if granted, will not alter the essential character of the locality. Under this factor consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

Are there are other factors a city should consider?

Yes. State statute provides variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance, and when the terms of the variance are consistent with the comprehensive plan. So, in addition to the three-factor practical difficulties test, a city evaluating a variance application should make findings as to (1) whether or not the variance is in harmony with the purposes and intent of the ordinance, and (2) whether or not the variance is consistent with the comprehensive plan.

What about economic considerations?

Sometimes landowners insist that they deserve a variance because they have already incurred substantial costs or argue they will not receive expected revenue without the variance. State statute specifically notes that economic considerations alone cannot create practical difficulties. Rather, practical difficulties exists only when the three statutory factors are met.

What about undue hardship?

"Undue hardship" was the name of the three-factor test prior to a May 2011 change of law. Effective May 6, 2011 Minnesota Laws, Chapter 19, amended [Minn. Stat. § 462.357, subd. 6](#) to restore municipal variance authority in response to *Krummenacher v. City of Minnetonka*, 783 N.W.2d 721 (Minn. June 24, 2010). In *Krummenacher*, the Minnesota Supreme Court interpreted the statutory definition of "undue hardship" and held that the "reasonable use" prong of the "undue hardship" test was not whether the proposed use is reasonable, but rather whether there is a reasonable use in the absence of the variance.

What did the 2011 law change?

The 2011 law changed the first factor back to the “reasonable manner” understanding that had been used by some lower courts prior to the *Krummenacher* ruling. The 2011 law renamed the municipal variance standard from “undue hardship” to “practical difficulties,” but otherwise retained the familiar three-factor test of (1) reasonableness, (2) uniqueness, and (3) essential character. The 2011 law also provides that: “Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

Can a city grant a use variance?

Sometimes a landowner will seek a variance to allow a particular use of their property that would otherwise not be permissible under the zoning ordinance. Such variances are often termed “use variances” as opposed to “area variances” from dimensional standards. Use variances are not generally allowed in Minnesota—state law prohibits a city from permitting by variance any use that is not permitted under the ordinance for the zoning district where the property is located. For more information, see [Minn. Stat. § 462.357](#).

Is a public hearing required?

Minnesota statute does not clearly require a public hearing before a variance is granted or denied, but many practitioners and attorneys agree that the best practice is to hold public hearings on all variance requests. A public hearing allows the city to establish a record and elicit facts to help determine if the application meets the practical difficulties factors.

What is the role of neighborhood opinion?

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

What is the role of past practice?

While past practice may be instructive, it cannot replace the need for analysis of all three of the practical difficulties factors for each and every variance request. In evaluating a variance request, cities are not generally bound by decisions made for prior variance requests. If a city finds that it is issuing many variances to a particular zoning standard, the city should consider the possibility of amending the ordinance to change the standard.

When should a variance decision be made?

A written request for a variance is subject to Minnesota’s 60-day rule and must be approved or denied within 60 days of the time it is submitted to the city. A city may extend the time period for an additional 60 days, but only if it does so in writing before expiration of the initial 60-day period. Under the 60-day rule, failure to approve or deny a request within the statutory time period is deemed an approval. For more information, see [Minn. Stat. § 15.99](#).

How should a city document a variance decision?

Whatever the decision, a city should create a record that will support it. In the case of a variance denial, the 60-day rule requires that the reasons for the denial be put in writing. Even when the variance is approved, the city should consider a written statement explaining the decision. The written statement should explain the variance decision, address each of the three practical difficulties factors and list the relevant facts and conclusions as to each factor.

Can meeting minutes adequately document a variance decision?

If a variance is denied, the 60-day rule requires a written statement of the reasons for denial be provided to the applicant within the statutory time period. While meeting minutes may document the reasons for denial, usually a separate written statement will need to be provided to the applicant in order to meet the statutory deadline. A separate written statement is advisable even for a variance approval, although meeting minutes could serve as adequate documentation, provided they include detail about the decision factors and not just a record indicating an approval motion passed.

Can a city attach conditions to a variance?

By law, a city may impose a condition when it grants a variance so long as the condition is directly related and bears a rough proportionality to the impact created by the variance. For instance, if a variance is granted to exceed an otherwise applicable height limit, any conditions attached should presumably relate to mitigating the affect of excess height. For more information, see [Minn. Stat. § 462.357](#).

What happens to the variance once granted?

A variance once issued is a property right that “runs with the land” so it attaches to and benefits the land and is not limited to a particular landowner. A variance is typically filed with the county recorder. Even if the property is sold to another person, the variance applies.

Jed Burkett 2011/06

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 117-53 is amended as follows (additions indicated as underline, deletions indicated as ~~strike-through~~)

Sec. 117-53. - Variances.

(a) *Purpose.* The purpose of this section is to provide for deviations from the ~~literal provisions of this chapter in instances where their strict enforcement would cause undue hardship or practical difficulty because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this chapter~~terms of this chapter including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with this chapter. Practical difficulties, as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

(b) *General provisions and standards.*

(1) The planning commission shall serve as the board. However, any action of the board may be appealed to the council by any affected person if notice of such an appeal is received by the zoning administrator within ten days of the final action of the board.

(2) Review criteria. Conditions governing considerations of variance requests:

- a. In considering all requests for a variance and in taking subsequent action, the city staff, the board and the council shall make a finding of fact that the proposed action will not:
 1. Impair an adequate supply of light and air to adjacent property.
 2. Unreasonably increase the congestion in the public street.
 3. Have the effect of allowing any uses prohibited in the applicable zoning district, permit a lesser degree of public health, safety, and general welfare protection than established by this chapter, or permit standards which are lower than those required by state law.
 4. Increase the danger of fire or endanger the public safety.
 5. Unreasonably diminish or impair established property values within the neighborhood, or in any way be contrary to the intent of this chapter.
 6. Violate the intent and purpose of the comprehensive plan.
 7. Violate any of the terms or conditions of subsection (b)(2)b of this section.
- b. A variance from the terms of this chapter shall not be granted unless it can be demonstrated that that the conditions for granting a variance under Minn. Stats. § 462.357, subd. 6(2) have been satisfied.
- c. Application for a variance shall set forth reasons that the variance is justified in order to make reasonable use of the land, structure or building.
- d. Should the board find that the conditions outlined in this division apply to the proposed parcel, the board may grant a variance from the ~~strict application terms~~ of this chapter so as to relieve such practical difficulties ~~or hardships~~ to the degree considered reasonable, provided such relief may be granted without impairing the intent of this chapter. The board, in the case of variances, based upon a report and recommendation by the city staff, shall have the power to impose such conditions related to the variance regarding the location or structure, as it may deem advisable in the interest of the intent and purpose of this chapter.

(c) *Variance procedures; processing.*

(1) Request for variances, as provided within this chapter, shall be filed with the zoning administrator on an official application form. Such application shall be accompanied by a fee and deposit as provided for in section 117-48. Such application shall also be accompanied by a sufficient number of copies as required by city staff of detailed written and graphic materials fully explaining the requested variance and related development. The request shall be considered as being officially submitted when all the information requirements have been met. The information required for variance applications generally consists of the following items, and shall be submitted when applicable or requested by the city:

- a. Location of all buildings on parcels including both existing and proposed structures.
- b. Location and elevations of all adjacent buildings located within 150 feet of the exterior boundaries of the parcel in question.
- c. Location and number of existing and proposed curb cuts, driveways, number of parking spaces.

- d. Affected parcel dimensions and area.
- e. Dimensions of proposed and existing structures.
- f. Current and proposed setbacks of all buildings located on property in question.
- g. Existing contours at two-foot intervals.
- h. Proposed grading elevations.
- i. Drainage configuration. Storm sewer catchbasins, invert elevations, and storage areas.
- j. Proposed road profile.
- k. Location of all existing trees, type, diameter, and which trees will be removed.
- l. Requests for variance in nonresidential areas must submit site plan information in accordance with section 117-54

(2) Proof of ownership or authorization. If the applicant is other than the fee title owner, the fee title owner must join in the application.

(3) Upon the request for a variance being officially submitted, a public hearing before the board shall be scheduled following proper hearing notification.

(4) Notice of a hearing for a variance request shall consist of the following:

- a. The address and a legal description of the parcel;
- b. Description of request; and
- c. Time, place and purpose of the hearing.

The notice shall be published in the official newspaper at least ten days prior to the hearing and written notification of the hearing shall be mailed at least ten days prior to all parcel owners within 350 feet of the boundary of the parcel for which a variance is being sought. For the purpose of written notification, and in the absence of more accurate information, the parcel owner of record at the county shall be used. Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this section provided a good faith attempt has been made to comply with the notice requirements of this section.

(5) For properties within the floodway or flood fringe overlay district, the city shall submit to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten days notice of the hearing.

(6) The zoning administrator shall instruct the appropriate staff persons to prepare technical reports when appropriate, and provide general assistance in preparing a recommendation on the request to the board.

(7) At any time during the consideration of the request for a variance, the council, board, and/or city staff shall have the authority to request additional information from the applicant or to retain expert testimony with the consent and at the expense of the applicant, the information is to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter. Failure on the part of the applicant to supply all necessary supportive information shall be grounds for denial of the request or rejection of the

application as incomplete.

(8) The applicant or the applicant's representative shall appear at the board public hearing in order to answer questions concerning the request for a variance.

(9) After receiving the reports and recommendations of the city staff and, receiving any additional information referred to in this subdivision, and considering the criteria listed in this section, the board shall with a majority vote decide whether to approve or deny a request for variance.

a. To approve, the board must adopt by resolution findings of fact and conclusions that support approval of the requested variance and by resolution authorize the issuance of a variance. The resolution should list any condition or conditions that the board considers necessary to ensure compliance and to protect adjacent properties.

b. To deny, the board must adopt by resolution findings of fact and conclusions that support denial of the requested variance and by motion deny the issuance of a variance. This motion shall be the board's final action on the request for a variance.

(10) In accordance with section 117-187, a copy of all decisions granting variances for properties in the floodway or flood fringe shall be forwarded to the commissioner of natural resources within ten days of such action.

(11) Whenever an application for a variance has been considered and denied by the board, a similar application for a variance affecting substantially the same parcel shall not be considered again by the board for at least one year from the date of its denial. The board may permit the submittal of a new request for a variance within one year of denial if it finds that the new request or circumstances surrounding the new request have changed significantly.

(12) If a request for variance receives approval of the board, at the applicant's expense, city staff shall record such with the county recorder's office no sooner than ten days following the final action of the board.

(d) *Lapse of variance.* Unless otherwise specified by the board at the time it is authorized, a variance shall become null and void one year after the final action of the board if not initiated or utilized. The city shall notify the variance holder of such a lapse of variance at time of issuance. A variance holder may petition for an extension of time in which to complete or utilize the variance. Such extension shall be requested in writing and filed with the city at least 30 days before the expiration of the original variance. The request for extension shall state facts showing a good faith attempt to complete or use the variance. Such petition shall be presented to the council board for decision.

(e) *Performance security.*

(1) Upon approval of a variance, the city shall be provided, where deemed necessary by the board, with a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to the issuing of building permits or initiation of work on the proposed improvements or development. This security shall guarantee conformance and compliance with the conditions of the variance and the provisions of this Code.

(2) The security shall be in the amount equal to the city engineer's or building official's estimated costs of labor and materials for the proposed improvements or development.

(3) The city shall hold the security until completion of the proposed improvements or development and a certificate of occupancy indicating compliance with the provisions of the variance and this Code has been issued by the building official.

(4) Failure to comply with the conditions of the variance or appeal and the provisions of this Code shall result in forfeiture of the security.

(5) Whenever a performance guarantee is imposed by the city, the applicant shall be required to enter into a performance agreement with the city. This agreement is to provide authorization to the city to utilize the posted security and complete stipulated work should the applicant fail to meet the terms and conditions of the permit. Said agreement shall hold harmless the city for completion of the work and address other matters as may be determined by the city attorney.

(Code 1978, § 9.03.07; Ord. No. 73-05, 5-21-1973; Ord. No. 86-2, 8-25-1986; Ord. No. 03-20, 8-25-2003)

State law reference— Variances, Minn. Stats. § 462.357, subd. 6(2).

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 117-53 (Variances) to reflect amendments to Minnesota Statute Section 462.357 to remove the definition of undue hardship and replace with a new definition of practical difficulty as it relates to the interpretation of reasonable use.

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: 07/07/2011

By: Tim Gladhill, Community Development

Title:

Staff Update

Background:

The following is a brief summary of actions taken in June that may be of interest to the Planning Commission:

Adopt Ordinance to Amend City Code Section 117-90 "Map" of Chapter 117 Related to the 2030 Comprehensive Plan. The City Council adopted the ordinance to the amendment to the City's Official Zoning Map to re-zone properties currently zoned Central Rural Reserve to Rural Developing.

Adopt Ordinance to Amend City Code Section 117-349 (Accessory uses and buildings). The City Council adopted the ordinance to amend the City's accessory structure regulations. The ordinance is planned to be published in the June 24th Anoka County Union, meaning the ordinance becomes effective July 24th. Staff may review permits under the new standards, but cannot issue permits that require the amendment until the ordinance becomes effective.

Adopt Ordinance to Amend City Code Chapter 117 Relating to Required Depth of Topsoil. The City Council adopted the ordinance to reduce the required depth of topsoil from six (6) inches to four (4) inches.

Request for an Extension and Amendment to an Interim Use Permit for Grading and Mining Activities. As some of the Planning Commission may recall, the City recently approved an IUP for grading and mining activities to allow for contaminated soil in the BNSF railway related to a 1960s derailment. Due to delays in negotiations with the adjacent property owner, the Applicant has not been able to commence work until this July. Required remediation will take completion beyond the original expiration of the IUP. Additionally, after locating property lines, it became apparent that the agreed use of City (HRA) property is no longer needed. City Council approved the extension and amendment to eliminate the use of the City property.

Continuing to Refine the Review Process. You may have noticed in at least one of this month's cases City Staff continues to refine and improve the review process and review documents. Staff has also begun to include notifications for complete applications to increase communication with Applicants. Staff is using this as an opportunity to keep Applicants informed of timelines and status of review processes on a more frequent basis. Finally, Staff is in the process of researching electronic submittals of applications to streamline the submittal, tracking, and review process for land use applications.

Legacy Christian Academy. Legacy Christian Academy has informed the City that construction on the future campus will now tentatively commence in April of 2012, with opening tentatively scheduled for the 2013-2014 school year. Some site preparation is anticipated to commence this summer. The public improvement project approved by the City Council is scheduled to commence this summer (utility work underway currently). This project includes upgrading the intersection of Armstrong and Bunker Lake Boulevards, extending Bunker Lake Boulevard to Puma Street, and partial paving of Puma Street to Alpine Drive. Trails will also be constructed in various locations.

Training Opportunities. As a reminder, the following training opportunities are available. Contact Senior Planner Gladhill for more information.

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

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	06/29/2011 08:01 AM
Aaron Backman	Aaron Backman	06/29/2011 09:31 AM
Form Started By: Tim Gladhill		Started On: 06/23/2011 04:14 PM
	Final Approval Date: 06/29/2011	

Regular Planning Commission

6. 7.

Meeting Date: 07/07/2011

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
06/30/2011 10:52 AM
07/01/2011 08:35 AM
Started On: 06/30/2011 10:35 AM

Form Started By: JoAnn Shaw

Final Approval Date: 07/01/2011

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Zoning Bulletin

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Proceedings—Unseated Alternate Board Member Participates in Public Hearing and Board Deliberations on Application

Applicant argues alternate's participation was illegal

Citation: *Komondy v. Zoning Bd. of Appeals of Town of Chester*, 127 Conn. App. 669, 2011 WL 1161725 (2011)

CONNECTICUT (04/05/11)—This case addressed the issues of whether, under Connecticut statutory law, an unseated alternate zoning board of appeals member can: (1) participate in the public hearing; and/or (2) participate in the zoning board of appeals' deliberations.

The Background/Facts: Marguerite Komondy ("Komondy") owned a single-family home in the town. A fire destroyed Komondy's home in March 2005. Thereafter, under § 113B.5 of the town's zoning regulations, she applied for and was granted a six-month use permit to install a temporary mobile home on her property during the reconstruction of her home. Approximately one year and four months later, the mobile home remained on Komondy's property.

Contributors

Corey E. Burnham-Howard

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The town's Zoning Enforcement Officer (the "ZEO") issued a cease and desist order regarding the use of the mobile home. The ZEO then rejected Komondy's request for an extension of the permit.

Komondy then appealed to the town's zoning board of appeals (the "Board") from both the cease and desist order and the denial of her request for an extension. Additionally, she applied for a variance from the "[six] months' time limit" contained in § 113B.5.

The Board held a public hearing on Komondy's applications. After the hearing, the Board deliberated the merits of Komondy's applications. The Board ultimately voted to deny both the appeal from the decisions of the ZEO and the application for a variance from § 113B.5.

Komondy appealed to the superior court. Among other things, she argued that the Board acted illegally because it allowed Theresa Myers ("Myers"), an unseated alternate Board member, to participate in the public hearing and the Board's deliberations.

The superior court dismissed Komondy's appeal. In doing so, it rejected Komondy's claim that the Board acted illegally with regard to Myers' participation. In addition, the court concluded that the Board properly denied the variance application because the requisite hardship was lacking.

Komondy appealed. On appeal, she challenged only the superior court's determination regarding Myers' participation in the public hearing and the Board's deliberations. She did not challenge its determination related to the denial of the variance application.

DECISION: Affirmed.

The Appellate Court of Connecticut held that the Board did not act illegally in allowing Myers, an unseated alternate Board member, to participate in the public hearing. However, the court found that the Board did act illegally in allowing Myers to participate in the Board's deliberations.

In reaching its conclusion, the court first analyzed whether Myers' participation in the Board's proceedings ran afoul of Connecticut statutory law, General Statutes §§ 8-5(a) and 8-6(a). Myers had argued that the plain language of § 8-5(a) forbid an alternate member from participating in either the public hearing or board deliberations on an application unless that alternate had been seated pursuant to § 8-5(a).

Section 8-5(a) provided in relevant part: "In each municipality having a zoning commission there shall be a zoning board of appeals consisting of five regular members and three alternate members Such alternate members ... shall, when seated ... have all the powers and duties set forth in the general statutes relating to zoning boards

of appeals and their members” Section 8-6(a) enumerated the “powers and duties” of a zoning board of appeals. Those “powers and duties” included: “[t]o hear and decide appeals”

Analyzing the statute, the court found that the Legislature had been “silent” on the issue of participation by board members in the public hearing. Participation in public hearings was neither a power nor duty set forth in the statutes relating to zoning boards of appeals and their members, found the court. Accordingly, the court concluded that Myers’ participation in the public hearing did not contravene the statute.

As to participation in boards of appeal’s deliberations, the court found the statute was not silent. Section 8-6(a) vested boards of appeal with power to “decide” certain matters and to “determine and vary the application of the zoning ... regulations.” The court interpreted this to indicate that the boards’ powers included something other than simply voting on a particular matter; the intent of the legislature, found the court, was to include deliberations of a zoning board of appeals among the powers and duties set forth in § 8-6(a). Because under § 8-5(a) only “seated” alternate members possessed the powers and duties set forth in § 8-6(a), the court found that § 8-5(a) precluded the participation of an unseated alternate—like Myers—in board deliberations following the close of the public hearing.

Nevertheless, the court concluded that Myers’ participation in the Board’s deliberations did not result in material prejudice to Komondy; the superior court had found the requisite hardship for a variance was lacking and Komondy had not challenged this finding. Accordingly, the court concluded that Komondy’s appeal had been properly dismissed.

See also: *S.I.S. Enterprises, Inc. v. Zoning Bd. of Appeals of City of Bristol*, 33 Conn. App. 281, 635 A.2d 835 (1993).

See also: *State v. Anderson*, 227 Conn. 518, 631 A.2d 1149 (1993).

See also: *Murach v. Planning and Zoning Com’n of City of New London*, 196 Conn. 192, 491 A.2d 1058 (1985).

Case Note: The court found support for its decision regarding the permissibility of unseated alternate board members to participate in public hearings in: the fact that “the burden rests with the applicant to demonstrate its entitlement to the requested relief”; § 8-6(a) delineated matters that could be acted upon by a zoning board of appeals, and this did not include public hearing par-

ticipation; the court's determination that "[c]ommon sense" made clear that "the legislature did not intend to preclude participation of unseated alternate members in public hearings" since "a public hearing affords an opportunity ... for other members of the community to 'register their approval or disapproval' ... [and] to obtain any and all information relevant to the inquiring on hand"; and "the fact that an alternate member ... may well be called on to act in the place of a regular member [and thus it would not make sense to] vest in such an alternate the statutory power to decide the substantive matter before the board yet preclude that alternate from asking pertinent questions or otherwise commenting during the public hearing."

Case Note: Komondy had argued that the term "hear," as it was used in the phrase "hear and decide," constituted active participation in public hearings. The court disagreed, finding the term "hear" merely indicated that the zoning board of appeals was the proper forum for certain appeals and matters. In other words, the court found the term "hear" simply expressed the board's power to entertain such matters.

Case Note: In its decision, the court likened the participation of an unseated alternate board member to that of an alternate juror. The court said that, similar to the participation of an alternate juror in the jury's deliberations, the participation of an unseated alternate "tarnishes the deliberations of a zoning board of appeals, as it permits one not authorized to vote on the matter before the board to nevertheless pass on the merits thereof."

Proceedings—Board Denies Developer's Applications but Fails to Provide Required Statements of Its Reasons

Developer argues this failure should result in remand of the applications to the board

Citation: *Nexum Development Corp. v. Planning Bd. of Framingham*, 79 Mass. App. Ct. 117, 943 N.E.2d 965 (2011)

MASSACHUSETTS (04/18/11)—This case addresses the issue of whether a board's denial must be remanded, under Massachusetts

law, for failure to identify reasons for the denial, even where the board is legally obligated to deny the application(s).

The Background/Facts: Nexum Develop Corp. (“Nexum”) proposed development on a 32-acre tract of land in the town. Nexum planned to construct 24 detached single family residences in a condominium cluster development. Nexum planned to construct a common well and a common septic system for use by the condominium residences. In furtherance of its plans, Nexum applied for two separate but necessarily parallel applications: (1) a special permit for cluster development pursuant to the town’s open space residential development provisions in its zoning by-law; and (2) approval of the resulting definitive subdivision plan.

The town’s planning board (the “Board”) denied Nexum’s applications.

Nexum appealed to the superior court.

The superior court affirmed the denials. The judge concluded that the bylaw and applicable regulations required the denial of the applications because: (1) Nexum failed to comply with bylaw requirements to establish the permissible density of the project; and (2) Nexum could not comply with conditions imposed by the town’s board of health related to on-site water supply.

Nexum again appealed. It argued that: (1) the Board made no statement of its reasons for its decisions; (2) Nexum’s density calculation was valid without soils tests on each lot shown on the preliminary subdivision plan; and (3) the judge erroneously upheld the Board’s denials on the basis of inadequate water supply.

DECISION: Affirmed.

The Appeals Court of Massachusetts agreed that the Board had failed to identify reasons for its denials of Nexum’s applications, as required under Massachusetts statutory law, G.L. c. 41 § 81U and c. 40A, § 15. Still, although such a failure typically required a remand of the applications to the Board, the court found remand not appropriate here. Rather, the court concluded that the Board was legally obligated to deny the applications because: (1) Nexum failed to comply with by-law requirements in that it failed to perform soil tests on all proposed lots; and (2) Nexum could not comply with on-site water supply regulations.

As to the latter, the court noted that “[a] planning board may not approve a subdivision plan which does not comply with the recommendation of the board of health; the planning board’s options in such a case are limited to those of disapproving the plan or modifying it in such fashion as to bring it into conformity with the rec-

ommendation of the board of health.” Here, the town’s board of health had condition approval of Nexum’s special permit on future satisfaction of water supply issues. The record established, found the court, that Nexum could not achieve compliance with the conditions. Since no amendment to the applications could, as a practical matter, satisfy the board of health conditions, the Board had no choice but to deny the applications, said the court.

See also: *Wendy’s Old Fashioned Hamburgers of New York, Inc. v. Board of Appeal of Billerica*, 454 Mass. 374, 909 N.E.2d 1161 (2009).

See also: *Loring Hills Developers Trust v. Planning Bd. of Salem*, 374 Mass. 343, 372 N.E.2d 775 (1978).

Nonconforming Use—Court Finds Marina on Separate Lot is an Illegal Expansion of a Legally Nonconforming Clubhouse

Owner of marina and clubhouse says court erred and marina is legally operating

Citation: *Campbell v. Tiverton Zoning Bd.*, 2011 WL 1168315 (R.I. 2011)

RHODE ISLAND (03/25/11)—This case addressed the issue of whether development on a separate lot across the street from a legally nonconforming use, with the same ownership and serving the same clientele, is an illegal expansion of a legally nonconforming use.

The Background/Facts: The Tiverton Yacht Club (“TYC”) was incorporated in 1945. It opened a clubhouse at its current location in 1956. When the Town of Tiverton (the “Town”) adopted zoning in 1964, the TYC clubhouse became a legal nonconforming use located in a residential zoning district.

Across the road from TYC’s clubhouse, on a separate lot owned by TYC (the “Marina Lot”) located in a waterfront zoning district, TYC operated a marina.

In June 2003, TYC’s clubhouse was destroyed in a fire. TYC endeavored to rebuild the clubhouse. In December 2006, the Town’s building official approved a building permit for proposed building plans for a new clubhouse.

Owners of land abutting the site of the former and proposed location of the TYC clubhouse (the “Neighbors”) promptly appealed to the Town’s zoning board (the “Board”). Among other things, the

Neighbors argued that the building plans and permit “indicate[d] the expansion and intensification of a non-conforming use in a residential zone.”

Eventually, a superior court judge agreed with the Neighbors. Among other things, the judge concluded that: “the evidence clearly demonstrate[d] that the marina activities [were] intended to coalesce with operation of the clubhouse”; and “a tandem marina/clubhouse operation [was] contrary to the applicable law regarding non-conforming uses and must be disallowed.” The judge declared that the marina “was an unlawful expansion of a nonconforming use” and “must be prohibited” because such operations did not exist when the TYC clubhouse became a nonconforming use in 1964.

TYC appealed. Among other things, TYC argued that the trial judge erred when she prohibited it from operating the marina because the marina was located “on waterfront property zoned to permit such use as a matter of right.”

DECISION: Vacated in part.

The Supreme Court of Rhode Island held, among other holdings, that TYC’s marina was not an expansion of TYC’s nonconforming use of the clubhouse lot property. From the establishment of the marina, the TYC’s Marina Lot had been zoned to permit the operation of a marina. The court acknowledged that the clubhouse lot and the Marina Lot shared ownership and that the marina was for the exclusive use of TYC members. However, the court found it error that the trial judge had “reached across [the road] to prohibit the legal operation of the marina.” The marina was “physically separate and exist[ed] independently from the TYC [clubhouse] and vice versa,” found the court. As a private—property owner, TYC had the right to sell the Marina Lot, and the new owner could legally operate the marina. Accordingly, under those circumstances, the court found the trial judge erred in finding that the marina and the clubhouse were “tandem” entities and that the marina was an “impermissible expansion of a nonconforming use on a wholly distinct lot as a result of the TYC’s use of th[e] waterfront lot as a marina for its members.” Rather, the court found that the judge had “incorrectly treated the marina and clubhouse lots as essentially one lot, despite the presence of [the road] between them”

See also: *Sanfilippo v. Board of Review of Town of Middletown*, 96 R.I. 17, 188 A.2d 464 (1963).

Case Note: TYC had also appealed the judge's finding that the proposed rebuilding of the clubhouse represented an "unlawful expansion of a nonconforming use." The court found that part of the appeal was rendered moot by the Town's amendment of the zoning ordinance and map—which rezoned the lot on which existed the former and proposed clubhouse to "water-front-related." That zoning ordinance amendment extinguished the TYC clubhouse's status as a legal, nonconforming use in a residential district.

Fees—Agreement Between Developer and County Requires Payment of Impact Fees Without Regard to Issuance Of Building Permit

Developers says agreement violates statute, but county says parties could agree to such terms

Citation: *Effingham County Bd. of Com'rs v. Park West Effingham, L.P.*, 2011 WL 1023144 (Ga. Ct. App. 2011)

GEORGIA (03/23/11)—This case addressed the issue of whether a county and developer could agree to a contract regarding impact fees, the terms of which violated state law.

The Background/Facts: Park West Effingham, L.P. ("Park West") was a real estate developer building a subdivision of new homes in the County.

In April 2006, Park West's predecessor in title, DJ Development Company, Inc. ("DJ") signed an agreement with the County titled "Water, Sewer, and Re-Use Water Service Agreement (Impact Form)" (the "Agreement"). Section 5 of the Agreement, "Impact Fees; Re-Use Fees," provided: "To assist in the payment of the cost of constructing the County's water supply and distribution and sewage collection and treatment systems, [DJ] shall pay to the County impact fees as established by ordinance" Section 6 of the Agreement, "Guaranty and Security," set forth the developer's guaranteed impact fee payment to the County. Based upon DJ's anticipated 10-year build-out period, DJ agreed to pay "water and sewer impact fees and re-use capacity fees (if applicable) of not less than \$297,152.00 per year for the 10-year Project build-out period."

On March 18, 2009, the County served upon Park West a “Notice of Shortfall” seeking payment of approximately \$700,000 for impact fee payments. The notice sought payment of impact fees on the basis of the percentage provided for in the Agreement. It did not consider whether building permits had been issued. In fact, no building permits had been issued corresponding with the amount sought in the Notice of Shortfall.

Park West filed an action in court, challenging the County’s Notice of Shortfall. Park West asked the court to declare that Park West did not owe any prepayment of impact fees pursuant to the Agreement. In support of its position, Park West contended that the Agreement violated the provision of the Georgia Development Impact Fee Act, OCGA § 36-71-4(d) (“DIFA”). Section 36-71-4(d) prohibits the collection of impact fees before the issuance of a building permit.

The trial court agreed with Park West. Finding there was no material issue of fact in dispute and deciding the matter on the law alone, the court granted summary judgment in favor of Park West. The court found the Agreement was void because it violated § 36-71-4(d).

The County appealed.

DECISION: Affirmed.

The Court of Appeals of Georgia held that the fact that the County and DJ had agreed to the Agreement and impact fee schedule did not render the Agreement valid and enforceable. The court found that the Agreement violated OCGA § 36-71-d(4) and therefore was void.

On appeal, the County had argued that, absent a limiting statute or controlling public policy, it could contract with a developer “on any terms agreeable to both.” The court said that was true, but noted that the County was “overlook[ing] the controlling issue here: a limiting statute [was] present. OCGA § 36-71-4(d) forbid[] the prepayment of impact fees.” “An agreement to violate [a statute] [was] unlawful and against the public policy ... [and] unenforceable,” said the court. “Parties to a contract [could] not agree to alter state law.”

The court found that the Agreement was in violation of § 36-71-4(d) “in its basic purpose: the collection of impact fees to repay the [C]ounty’s loan from [the Georgia Environmental Facilities Authority (“GEFA”).” The Agreement calculated the payment of impact fees not in reference to the issuance of building permits, as required by the statute, but as sum certain. The Agreement further provided for a guarantee of payment of a minimum stated amount on a year-

ly basis for a 10-year period, and an irrevocable letter of credit to be provided immediately for one-half the total amount owed. The court found the letter of credit and the minimum payment constituted "pre-payment of impact fees for the purpose of retiring the [C]ounty's debt with GEFA." Since the Agreement constituted the entire method of calculating, collecting and enforcing payment, the court concluded that it violated § 36-71-4(d) by requiring prepayment of impact fees.

See also: *Moore v. Dixon*, 264 Ga. 797, 452 S.E.2d 484 (1994).

See also: *Shannondoah, Inc. v. Smith*, 140 Ga. App. 200, 230 S.E.2d 351 (1976).

Zoning News from Around the Nation

CALIFORNIA

San Francisco's Board of Supervisors is considering "urban agriculture" legislation that would "update zoning regulations to explicitly permit gardens in all areas of the City and allow for the sale of produce from those gardens." The legislation would allow for "gardens of less than one acre, while gardens one acre or larger would require a special Planning Commission exemption."

Source: *The Examiner*; www.sfexaminer.com

HAWAII

The United States Senate is considering two bills related to native Hawaiian sovereignty. The Native Hawaiian Reorganization Act (S. 675) would "create a native Hawaiian sovereign government within the state." S. 676 would reaffirm the authority of the Secretary of Interior to take Hawaii lands into trust for an Akaka tribe and exempt tribal businesses from state and county regulations (such as labor laws and zoning) and from state taxes such as income tax, property tax and excise tax.

Source: *Hawaii Reporter*; www.hawaiiireporter.com

NEW MEXICO

Farmington Councilors are considering an ordinance that would "limit where medical marijuana could be grown to areas zoned for industrial use." The proposed ordinance would also prohibit the production of medical cannabis within 300 feet of any school,

church or youth facility, and “adds a further zoning restriction by making illegal production for distribution purposes outside of industrial zones and planned industrial parks.”

Source: *The Daily Times*; www.daily-times.com

OREGON

A proposal to regulate “nudity” is being considered in the state legislature. “Senate Joint Resolution 28 would ask voters to amend the Oregon Constitution to allow governments to restrict live entertainment involving nudity.”

Source: *Northwest Cable News*; www.nwcm.com

The state house of representatives is considering a bill, House Bill 3047, which would “expand the definition of ‘farm use’ to include facilities for training dogs in canine skills on land zoned for exclusive farm use.”

Source: *Statesman Journal*; www.statesmanjournal.com

TENNESSEE

The Metro Council is considering legislation that would allow “business owners to register historic signs with the Metro Planning Commission, which would then provide protections for landmark signs around Davidson County.” To qualify, a sign would have to be at least 25 years old and have “cultural value” to the community.

Source: *The Tennessean*; www.tennessean.com

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Zoning Bulletin

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First Amendment—Amendments to City Ordinance Restrict the Location of Adult Businesses

Adult business operator says ordinance violates the First Amendment

Citation: *Big Dipper Entertainment, L.L.C. v. City of Warren*, 2011 WL 1378417 (6th Cir. 2011)

The Sixth Circuit has jurisdiction over Kentucky, Michigan, Ohio, and Tennessee.

SIXTH CIRCUIT (MICHIGAN) (04/13/11)—This case addressed the issue of whether a zoning ordinance restricting the location of adult businesses violated the First Amendment to the United States Constitution.

The Background/Facts: In October 2005, the city of Warren (the “City”) adopted a zoning ordinance—§ 14.01 of the City’s zoning code—that restricted the location of adult businesses in the City. The ordinance provided that sexually oriented businesses had to be

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located more than 750 feet from the nearest lot line of specific listed zoning districts.

On February 1, 2006, the City published notice of its intent to amend § 14.01. To maintain the status quo during consideration of the proposed amendment, the city council temporarily barred the issuance of new licenses for adult businesses in the downtown area of the City. In March 2006, the City amended § 14.01 to also prohibit sexually oriented businesses from locating within the City's Downtown Development District.

On February 14, 2006, Big Dipper Entertainment and Aquarius Investments (collectively, "Big Dipper") applied for permission to operate a topless bar on a parcel of land (the "Property") in the City. The March 2006 amendment to § 14.01 encompassed the Property. Thus, the § 14.01 amendment effectively prohibited Big Dipper from using the Property for an adult business. The City rejected Big Dipper's application.

Big Dipper eventually filed a legal action in federal district court, challenging the constitutionality of the October 2005 and March 2006 amendments to § 14.01. Big Dipper claimed that the amendments violated the First Amendment. In other words, Big Dipper argued that § 14.01 was an unconstitutional restriction upon speech.

The City moved for summary judgment—it asked the court to find there were no material issues of fact in dispute and to decide the matter on the law alone. The district court granted summary judgment in favor of the City.

Big Dipper appealed.

DECISION: Judgment of district court affirmed.

The United States Court of Appeals, Sixth Circuit, held that § 14.01 did not violate the First Amendment.

In so holding, the court first explained that "[n]ormally, a content-based restriction on speech is subject to strict scrutiny." However, "zoning ordinances that regulate adult businesses—which typically on their face are content-based—are treated differently. So long as they aim to limit the secondary effects of adult businesses, [the courts] treat the ordinances as content-neutral, which means they get less scrutiny."

Thus, here, if § 14.01 was limited to the secondary effects of adult businesses, the ordinance would be constitutionally valid if it was "designed to serve a substantial government interest and allow[ed] for reasonable alternative avenues of communication."

The court found that the City's predominate concerns in adopting the amendments to § 14.01 were with the secondary effects of adult businesses. The City had reviewed at least 49 studies and reports concerning the secondary effects of adult businesses before enacting the October 2005 amendments. Those reports were also valid for the March 2006 amendments. As well, the City council's minutes contained discussions about limiting secondary effects. The court thus concluded that the amendments to § 14.01 were content-neutral for purposes of the court's analysis.

The court also found that the ordinance was constitutionally valid in that it was designed to serve a substantial government interest and allowed for reasonable alternative avenues of communication. Big Dipper had argued that § 14.01 was too broad in geographic scope—leaving too few sites available for adult businesses in the city. The court said the available sites would be adequate so long as the ordinance gave Big Dipper a “reasonable opportunity to open and operate an adult [business] within the [City].” Whether that was the case, said the court, depended on the facts of the case, not necessarily on set percentages or formulas.

Here, the court found that the amendments left reasonable alternative avenues of communication for Big Dipper since 27 sites in the City remained available for an adult business and only two applications for adult businesses had been filed in the City during the preceding five years. The court concluded: “A supply of sites more than 13 times greater than the five-year demand [was] more than ample for constitutional purposes.” The ordinance allowed for reasonable alternative avenues of communication.

See also: *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 106 S. Ct. 925, 89 L. Ed. 2d 29, 12 Media L. Rep. (BNA) 1721 (1986).

Case Note: Big Dipper had argued that city council members were hostile to adult businesses and that hostility was a motivating factor in enacting the ordinance. The court noted that such motivation was “not sufficient to trigger heightened scrutiny of this type of ordinance.”

Case Note: Big Dipper had also argued that the City violated the First Amendment—by imposing a prior restraint on Big Dipper's speech—when the City took 24 days, rather than 20 as prescribed by the City's rules, to reject Big Dipper's application. The court disagreed. It found that the City taking 24 days rather than 20 to act on Big Dipper's application was “immaterial for consti-

tutional purposes.” Constitutional safeguards required only that the City make its decision whether to issue the license “within a specified and reasonable time period during which the status quo is maintained.” The court found that was the case here.

Standing—Residents Challenge Grant Of Subdivision Application To Developer

Developer asserts residents’ proximity to development alone is insufficient to establish standing to challenge grant

Citation: *Golf Course Investors of NH, LLC v. Town of Jaffrey*, 2011 WL 1399563 (N.H. 2011)

NEW HAMPSHIRE (04/12/11)—This case addressed the issue of whether town residents who lived in close proximity to a proposed development project had standing to challenge a planning board decision to grant the developer’s subdivision application.

The Background/Facts: Golf Course Investors of NH, LLC (“GCI”) submitted a major subdivision application to the Town of Jaffrey (the “Town”). It sought to subdivide its single 9.13-acre parcel into two lots, one consisting of 7.39 acres, and the other of 1.75 acres containing a building. GCI also sought to convert the existing building into a four-unit condominium.

The Town’s planning board voted that a special exception was not required to allow the proposed four-unit condominium. The planning board ultimately approved the major subdivision application.

Seven Town residents (the “Residents”) appealed the planning board’s decision to the Town’s zoning board of appeals (the “ZBA”). Each of the Residents lived within 450 to 2,400 feet of GCI’s lot. The Residents argued that the planning board erred in allowing the four dwelling units in the Mountain Zone on a plot of only 1.75 acres without a special exception. The Residents asserted that the standard zoning in the Mountain Zone required at least six acres for four units with town water, or at least 4.8 acres for Open Space Development Plan for four units with town water. They asked the ZBA to overturn the planning board’s decision. They maintained that they welcomed the building redevelopment by GCI as long as GCI’s proposed four-unit development was on at least 4.8 acres, as required by the Town’s zoning regulations.

GCI argued that the Residents lacked standing (i.e., the legal right) to appeal the planning board’s decision. GCI contended that

the Residents were not “persons aggrieved.” It argued that living close to the project or having a general interest in the proper enforcement of town ordinances was not enough to be “aggrieved.”

The ZBA voted that the Residents were “aggrieved.” It also voted to grant the Residents’ appeal, finding that a special exception to allow a multifamily use was required.

GCI appealed to court. The trial court ruled that the Residents lacked standing to bring their appeal. The court vacated the ZBA’s decision granting the appeal, reversing the planning board’s decision.

The Town appealed.

DECISION: Judgment of superior court affirmed.

The Supreme Court of New Hampshire held that the Residents were not “persons aggrieved,” and therefore lacked standing to appeal the planning board’s decision.

The court said that to have standing to appeal to the ZBA, the Residents had to be “aggrieved” by the planning board’s decision approving the major subdivision application without requiring a special exception. Citing the relevant state statute (RSA 677:2 and RSA 677:4), the court explained that “persons aggrieved” included any person “directly affected” by the challenged administrative action or proceeding. The appealing party had to show some “direct, definite interest in the outcome of the action or proceeding.”

In determining whether the Residents—all nonabutters—had a sufficient, definite interest to confer standing, the court said it must consider factors such as: proximity of the challenging party’s property to the site for which approval is sought; the type of change proposed; the immediacy of the injury claimed; and the challenging party’s participation in the administrative hearings. The court further noted that sufficiency of the challenging person’s interest is a factual determination to be undertaken on a case-by-case basis.

Here, the court found that all of the Residents lived within approximately 2,400 feet of GCI’s lot. However, the court noted that there was no “bright line rule identifying whether and to what extent physical proximity establishes direct interest sufficient to confer standing.” The court concluded that while close proximity is relevant to determining standing, it does not alone establish a direct, definite interest sufficient to confer standing.

Looking to the other factors it must consider, the court found that here: the type of change proposed was minimal; none of the Residents asserted or presented evidence supporting a particularized harm to them that would result from GCI’s proposed project; and only one of seven Residents participated in the planning board proceedings. The

Residents had failed to meet all of the other factors that would indicate they had a sufficient, definite interest to confer standing. Accordingly, the court concluded that the Town failed to demonstrate that the trial court's decision—finding the Residents lacked standing to challenge the planning board's grant of the subdivision application to GCI—was unsupported by evidence or legally erroneous.

See also: *Weeks Restaurant Corp. v. City of Dover*, 119 N.H. 541, 404 A.2d 294 (1979).

See also: *Johnson v. Town of Wolfeboro Planning Bd.*, 157 N.H. 94, 945 A.2d 13 (2008).

Decisions Reviewable—Residents Challenge City's Approval Of Developer's Plat

**City and developer argue residents can not challenge plat
because it is not a "development order"**

Citation: *Graves v. City of Pompano Beach ex rel. City Com'n*, 2011 WL 1376617 (Fla. Dist. Ct. App. 4th Dist. 2011)

FLORIDA (04/13/11)—This case addressed the issue of whether, under Florida law, municipal approval of a plat can be challenged as inconsistent with a city's comprehensive plan.

The Background/Facts: PPI, Inc. ("PPI") sought to expand an existing racetrack and casino in the City of Pompano Beach (the "City"). As required by the City's Land Development Code, PPI first filed an application for a plat approval for the "Pompano Park Racino" (the "Park"). The City approved the plat.

Thereafter, City residents (the "Residents") who lived around or near the Park brought a legal action in court against the City and PPI. The Residents challenged the approval of PPI's plat as inconsistent with the City's comprehensive plan.

The trial court dismissed the Residents complaint. It found that a plat approval was not a "development order" under the state statute that allowed challenges to consistency of a development order with a comprehensive plan (Fla. Stat. § 163.3215(3)).

DECISION: Judgment of circuit court approved.

The District Court of Appeal of Florida agreed with the trial court's conclusion. It upheld the dismissal of the Residents' complaint. It held that approval of PPI's plat was not a development order that, under state statute, could be challenged by the Residents.

The court noted that Fla. Stat. § 163.3215(3) allowed aggrieved persons to challenge decisions of local governments granting or denying an application for a development order.

The court explained that a “development order,” as defined by statute (Fla. Stat. § 163.3164(7)), is: “any order granting, denying, or granting with conditions an application for a development permit.” A “development permit” includes: “any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.” (Fla. Stat. § 163.3164(8).) Further, “development” means: “the carrying out of any building activity ... [or] the making of any material change in the use or appearance of any structure or land.” (Fla. Sta. § 380.04(1).) On the other hand, noted the court, a “plat” is simply: “a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision.” (Fla. Stat. § 177.031(14).)

The court found that the City, in approving PPI’s plat, “only approved a map of the Park, but did not permit PPI to begin building on the land or make any alternations to structures existing on the land.” The City’s land development code required additional steps before development could begin.

The court concluded that because PPI’s plat was not a “development order,” under the relevant Florida statutory law, its approval could not be challenged by the Residents.

Variance—Property Owner Seeks Variance To Permit Him To Not Have a Garage On His Property

City rejects variance request and orders construction of garage

Citation: *Cimino v. Cleveland Hts. Bd. of Zoning appeals*, 2011-Ohio-1803, 2011 WL 1419646 (Ohio Ct. App. 8th Dist. Cuyahoga County 2011)

OHIO (04/14/11)—This case details the factors that must be considered and weighed in determining whether a property owner has encountered a “practical difficulty” in the use of his property sufficient to allow the issuance of a variance.

The Background/Facts: In June 2006, William Cimino (“Cimino”) purchased a home in the city of Cleveland Heights (the “City”). Prior to his purchase, Cimino was aware that the detached two-car garage on the property was in disrepair and had six code violations. Upon purchase, Cimino had 90 days to correct the code violations. The City subsequently gave Cimino a series of extensions to replace the garage. During that time, it became apparent that the garage could not be repaired, but needed to be rebuilt.

In March 2009, Cimino applied to the City for a zoning variance. Section 1121.09(b) of the City’s Codified Ordinances required: “Two (2) off-street enclosed parking spaces ... for each dwelling unit”—either as an attached garage or a detached garage. Cimino had demolished the existing garage and planted a garden in its place. He now sought a variance to permit him to not have a garage on the property.

The City denied Cimino’s variance request.

Cimino appealed.

The common pleas court affirmed the City’s decision.

Cimino again appealed.

DECISION: Judgment of common pleas court affirmed.

The Court of Appeals of Ohio held that the City’s decision to deny Cimino’s variance request was supported by the preponderance of the evidence.

The court explained that the City’s ordinances required that a “practical difficulty” must exist before a variance would issue. A “practical difficulty” exists if the area zoning requirement, as applied to the property owner, is unreasonable, said the court. The court further explained that in making the determination as to whether a property owner seeking an area variance has encountered practical difficulties in the use of his property, certain factors must be considered and weighed, including but not limited to:

- (1) whether the property in questions will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (2) whether the variance is substantial;
- (3) whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variances;
- (4) whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
- (5) whether the property owner

purchased the property with knowledge of the zoning restriction; (6) whether the property owner's predicament feasibly can be obviated through some method other than a variance; (7) whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Here, the court found that Cimino failed to demonstrate practical difficulty. The court noted that he was aware of the zoning provisions related to the garage before he purchased the property. In addition, he did not demonstrate a special condition or circumstance that existed on his property. Also, there was no evidence to support his contention that building a garage would not yield a reasonable return on his investment in the property. Furthermore, the variance he sought was "substantial" in that it would eliminate the entire garage structure (as opposed to requesting a variance for a single-car garage). Finally, the variance he sought was "inconsistent with the spirit and intent of the zoning code, which is intended to protect property values in residential areas."

Considering and weighing the specific factors, the court concluded that Cimino had not encountered a practical difficulty and was not entitled to the grant of a variance.

See also: *Duncan v. Village of Middlefield, Ohio*, 479 U.S. 986, 107 S. Ct. 576, 93 L. Ed. 2d 579 (1986).

Case Note: Cimino also made two other arguments related to the court of common plea's review of evidence, which the appellate court rejected.

Zoning News from Around the Nation

CALIFORNIA

The state assembly recently approved a bill that would dissolve the city of Vernon. Reportedly, this is the first known attempt by legislature to disincorporate a charter city. The city of fewer than 100 residents is alleged to have had a "pattern of unprecedented corruption." Expected amendments to the bill include those that would "preserve the city's utility rates and zoning."

Source: *Los Angeles Times*; <http://latimesblogs.latimes.com>

San Francisco Mayor Ed Lee recently signed legislation that allows “urban agriculture” throughout the city. Previously, old zoning laws prohibited the selling of homegrown produce without a permit and a Planning Commission hearing. The new ordinance now “allows for the sale, pick-up and donation of fresh food and horticultural products grown on-site throughout the city. It also allows for the sale of ‘value-added products’ like jams, pickles or pies where the primary ingredients are grown and produced on-site in all areas except those zoned exclusively for residential uses.”

Source: *San Francisco Chronicle*; www.sfgate.com

FLORIDA

The state house is considering a bill, HB 7195, that would, among other things, prohibit cities and counties from imposing zoning and building restrictions only on charter schools.

Source: *Miami Herald*; www.miamiherald.com

The state house recently passed a bill that “gives teeth to an existing law that prohibits local governments to pass firearm regulations.” The bill allows “those ‘harmed’ by local gun regulations [to] sue local governments and receive up to \$100,000.” “The bill has implications for dozens of firearms discharge ordinances in communities across the state.” The bill still awaits consideration by the state senate.

Source: *Pensacola News Journal*; www.pnj.com

HAWAII

Pending in the state legislature is a bill, HB 44, which aims to suppress prostitution by instituting a penalty of a year in jail for solicitations within 750 feet of a school or park.

Source: *Honolulu Civil Beat*; www.civilbeat.com

MINNESOTA

The state legislature is considering bills (Senate File 270 and House File 389) that would provide that: “counties, cities, and towns may only adopt interim zoning maps or ordinances, commonly called moratoria, after public notice and a hearing and a two-thirds vote of the governing body.” The bills would also prevent interim ordinances from delaying, impeding, or interfering with uses, developments, or subdivisions for which a complete application is pending before the governing body. It also would set pa-

rameters on the conditions that a municipality may put into a development contract.

Sources: www.senate.leg.state.mn.us; *Winona Daily News*; www.winonadailynews.com

NEW JERSEY

The state senate recently passed legislation that would permit municipalities to “restrict the ability of known sex offenders to live near places where children congregate.” “The bill (S-837) responds to a 2009 state Supreme Court decision which invalidated 118 local ordinances that sought to create such ‘pedophile-free zones’ within communities.” The ordinances were invalidated because the then-primary source of “state law dealing with sexual offenders was silent on the subject of restricting where registered sex offenders may live.” The bill “would permit a municipality to enact an ordinance that would prevent most sex offenders convicted of committing a crime against a minor from residing within 500 feet of a school, playground or child care center.” Towns would not be able to “create a zoning scenario that would essentially block an offender from living anywhere within the municipality.” The state assembly will now consider the bill.

Source: *Gloucester County Times*; www.nj.com

PENNSYLVANIA

Collier is considering a proposed ordinance that would “limit gas and oil well use to nonresidential areas, establish zoning regulations for applicable mineral removal and define and permit natural gas processing plants, natural gas compressor stations and refinery uses.” Among other things, the “proposed ordinance would prohibit drilling in residentially zoned areas, but allow it in other zones, including special conservation.”

Source: *Pittsburgh Post-Gazette*; www.post-gazette.com