

City of Ramsey
Agenda
Special Planning Commission
Thursday, October 20, 2011
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
- 5. Note City Council Minutes**
- 6. Public Hearing/Commission Business**
 1. Request for an Amended Conditional Use Permit for an Accessory Dwelling at 16101 Ramsey Blvd NW (continued);
Case on Anthony Reed
- 7. Commission/Staff Input**
- 8. Adjournment**

Special Planning Commission

6. 1.

Meeting Date: 10/20/2011

By: Tim Gladhill, Community Development

Title:

Request for an Amended Conditional Use Permit for an Accessory Dwelling at 16101 Ramsey Blvd NW (continued);
Case on Anthony Reed

Background:

The City has received an application to amend an existing Conditional Use Permit (CUP) for an accessory dwelling in a detached accessory structure at 16101 Ramsey Blvd NW. The City approved a CUP in November, 2000 that allowed for an accessory dwelling on the Subject Property for use by a relative of the owner/tenant of the primary dwelling. The Subject Property was sold in May, 2010. The new owner of the Subject Property desires to lease the accessory dwelling to a non-relative for the purposes of gaining lease revenue. This appears to be in conflict with the CUP approved in 2000 and the City's current ordinances related to accessory apartments/dwellings. City Code currently does not allow for accessory dwellings.

Notification:

All property owners within 350 feet of the Subject Property were notified of the Public Hearing via Standard US Mail. A Notice of Public Hearing was also published in the Anoka County Union.

Observations:

Although accessory dwellings are not currently allowed by City Code, the City did approve the accessory dwelling by CUP in 2000, thereby affording the Subject Property certain lawful, non-conforming rights under Minnesota Statute Sect. 462.357 subd. 1 e and City Code Sect. 117-57. The question at hand is whether the Planning Commission believes that this request is an expansion of a lawful, non-conforming use. This type of use would be considered an accessory apartment or an accessory dwelling. Neither is listed as an allowable use under Chapter 117 of City Code. Furthermore, City Code Section 117-348 states that there shall be only one (1) main building per lot. The City Attorney is reviewing the term of restricting use to a relative of the primary dwelling as it relates to Minnesota Statutes and Fair Housing Act standards.

Mr. Reed purchased the Subject Property in 2010. At the time of sale, Staff was contacted by a real estate agent regarding the status of what was being marketed as a 'guest cottage'. With any request that was submitted to the City, a copy of the CUP that was approved in 2010 was sent as background, which included the provision that the tenant of this dwelling needed to be related to the primary dwelling tenant.

The City Council recently addressed accessory apartments and whether the City's policy should allow for these types of uses. However, at that time, questions regarding regulation of off-street parking and maintenance of the dwellings remained unresolved. There are certain benefits in allowing accessory apartments, especially from an affordable, life-cycle housing standpoint. Accessory apartments do allow independent living arrangements, especially for family members that have the need or desire to live in close proximity to other family members for a variety of reasons. However, Staff reminds the Planning Commission that it is acting in an administrative and advisory manner for these types of requests. If the Planning Commission desires to consider allowing this type of use for future requests, amendments to City Code will need to be processed and specifically address off-street parking and housing maintenance standards.

Finally, the Applicant does operate a Home Occupation on the Subject Property. It appears that the only business activity that occurs on the Subject Property is a home office for mailing and billing purposes. The Applicant operates a sign fabrication and installation company called Lumen Signs. According to the applicant, all other

activities other than the office occur at 4835 Lyndale Ave in Minneapolis. No non-resident employees nor vehicles or equipment related to the operation of Lumen Signs are located at the Subject Property. Based on this information, Staff would recommend that a Home Occupation Permit shall not be required.

At the October 6, 2011 Planning Commission Meeting, action was tabled to get additional feedback from the City Attorney to better understand the City's ability to enforce the family member clause of the CUP. Based on the feedback provided by the Planning Commission, the City Attorney continues to review the legalities of the clause further. A legal opinion will be provided to the Planning Commission and available to the public under separate cover prior to the meeting.

Funding Source:

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

Staff Recommendation:

Based on discussion.

Committee Action:

Motion to recommend that the City Council adopt the resolution approving findings of fact.

-AND-

Motion to recommend that the City Council adopt the resolution approving the conditional use permit.

-OR-

Motion to recommend that the City Council deny the resolution approving the conditional use permit, based on findings of fact.

Attachments

[Site Location Map](#)

[Aerial Photo](#)

[Applicant Photos](#)

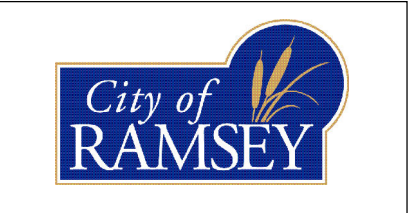
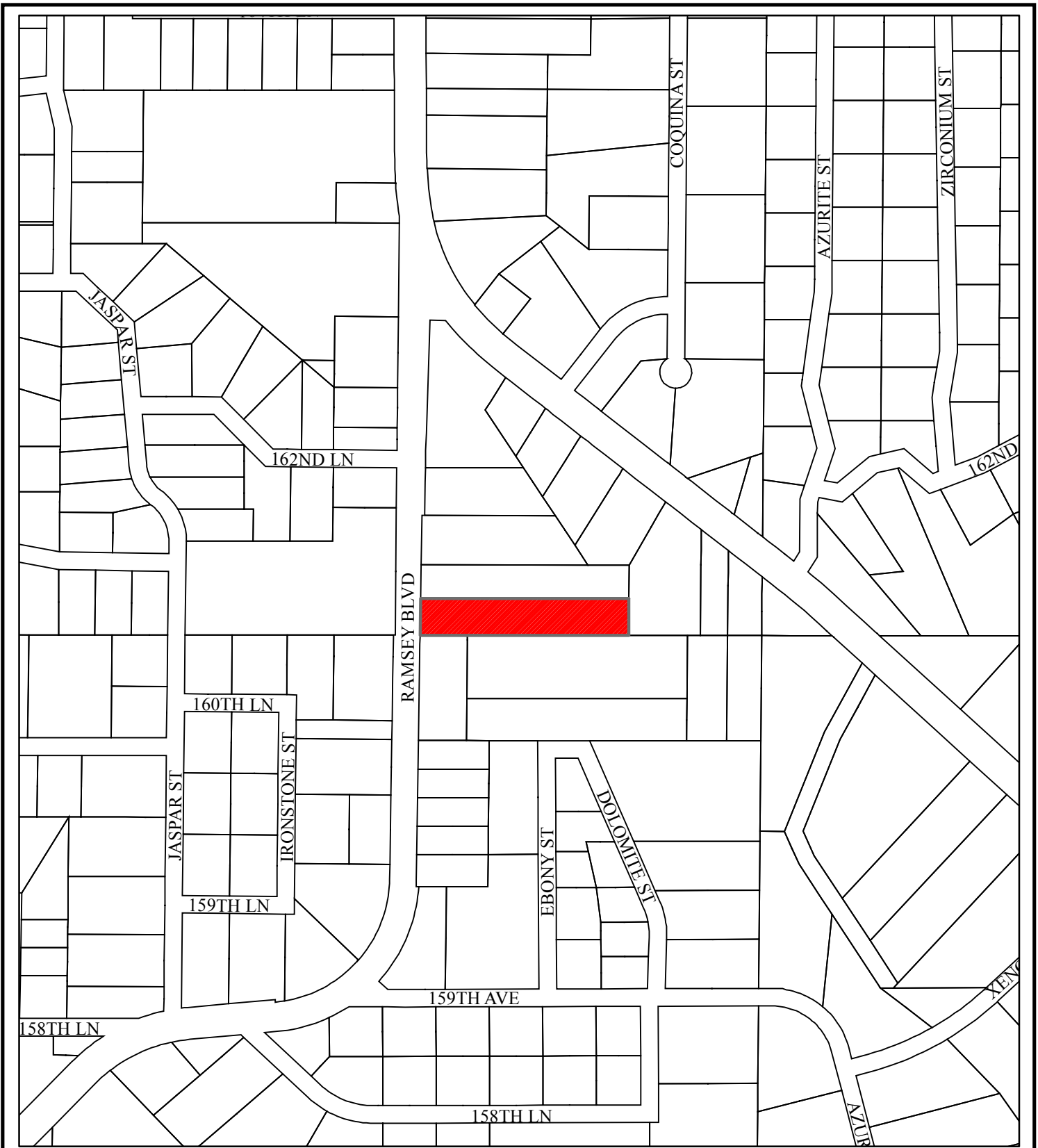
[Findings of Fact](#)

[Conditional Use Permit](#)

[Original CUP Information](#)

Form Review

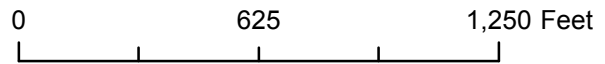
Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	10/13/2011 12:19 PM
Form Started By: Tim Gladhill		Started On: 10/12/2011
	Final Approval Date: 10/13/2011	



16101 Ramsey Blvd.

Legend

-  Site
-  Parcels





Accessory Dwelling



Primary Dwelling



56
Ramsey Blvd NW



View from Ramsey Blvd.

The Cottage sits approx. 240' back from Ramsey Blvd. Please note that the 6'tall brown wooden fence would be removed, increasing the frontage on Ramsey Blvd. from 30' to 65'+



West Elevation

Please note that the cottage sits 92' East of the main house and has separate gas/electric meters, separate septic system, and cable TV connections.



North Elevation



East Elevation



South Elevation



View from rear of cottage: looking West towards main house.



View from cottage looking North towards neighbors RV storage area.



09.12.2011

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

RESOLUTION #11-10-____

A RESOLUTION ADOPTING FINDINGS OF FACT #____ RELATING TO A REQUEST FROM ANTHONY REED FOR AN AMENDED CONDITIONAL USE PERMIT TO MAINTAIN TWO DWELLINGS ON THE PROPERTY LOCATED AT 16101 RAMSEY BOULEVARD NW.

WHEREAS, the City of Ramsey received an application from Anthony Reed for an amended conditional use permit to maintain a second dwelling on the property generally known as 16101 Ramsey Boulevard NW and legally described as follows:

South 138.4 feet of West 825 feet of Southwest quarter of Northeast quarter Section 15-32-25 as measured along West and South lines thereof excluding road 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 on November 28, 2000, the City approved a conditional use permit to maintain two dwellings on the Subject Property, provided that the occupant of the accessory dwelling was related to the occupant of the primary dwelling. The findings of fact and permit for that approval are hereby incorporated as reference. Said documents are in City files and available upon request.
2. That on August 18, 2011, Anthony Reed (the “Applicant”), properly applied for an amended condition use permit to maintain two (2) dwellings on the Subject Property.
3. That on August 25, 2011, the City invoked a 60-day extension to the 60-day time limit for reviewing the conditional use permit as permitted by Minnesota Statute 15.99.
4. That the Applicant appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 117-51 of the City Code on October 6, 2011, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
5. That the Subject Property is approximately 2.48 acres in size.
6. That the Subject Property and surrounding parcels are zoned R-1 Residential (Rural Developing).
7. That Section 117-358 (Newly erected buildings; lot grade elevations) of City Code states that there shall not be more than one main dwelling on a lot except as otherwise provided.

8. That City Code Section 117-111 (R-1 Residential District) does not list accessory apartments/dwellings as an allowable use.
9. That the Applicant's dwelling on the Subject Property is considered to be the main building and the Applicant is requesting to utilize the accessory dwelling to lease to a separate tenant with the intent to obtain lease revenue from use of the accessory dwelling.
10. That the 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 use will/will not substantially adversely impair the use, enjoyment or market value of any surrounding property.
12. That the use will/will not be harmonious with and in the specific objectives of the Comprehensive Plan.
13. That the use will/will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the use will/will not change the essential character of the area.
14. That the use will/will not be hazardous or disturbing to existing or future neighboring uses.
15. That the use will/will not be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, or schools.
16. That the use will/will not create excessive additional requirements at public cost for public facilities and services and the use will/will not be detrimental to the economic welfare of the community.
17. That the use will/will not involve uses, activities, processes, materials and equipment and conditions of operation 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.
18. That the use will/will not be consistent with the intent and purposes of City Code Chapter 117.

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 25th day of October, 2011.

Mayor

ATTEST:

City Clerk

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

RESOLUTION #~~1100-110-309~~___

A RESOLUTION APPROVING THE ISSUANCE OF AN AMENDED CONDITIONAL USE PERMIT BASED ON FINDINGS OF FACT # 0540 AND DECLARING TERMS OF PERMIT TO MAINTAIN A SECOND DWELLING ON A PARCEL.

WHEREAS, ~~Pamela and Stephen Upton~~Anthony Reed ~~have~~has properly applied for an amendment to the existing conditional use permit to maintain a second dwelling on the property generally known as 16101 Ramsey Boulevard and legally described as follows:

South 138.4 feet of West 825 feet of Southwest quarter of Northeast quarter Section 15-32-25 as measured along West and South lines thereof excluding road; subject to easement of record.

("Subject Property").

WHEREAS, the Planning Commission met on ~~November 6~~October 6, 2000~~11~~, conducted the public hearing and recommended that the City Council approveal of the request.

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

1. Based on Findings of Fact # 309, an amended conditional use permit ("Permit") to maintain a second dwelling on the Subject Property is hereby granted to ~~Pamela and Stephen Upton~~Anthony Duane Reed and Anisa Marie Thomas (~~the~~ "PermitteesPERMITTEES").
2. The second dwelling shall not be discontinued as an accessory use to the principal dwelling by way of sale, ~~lease, or use by other than a relative of the Permittees and a relative is defined as someone who is related by blood, marriage, or adoption to the Permittees,~~ unless the property is subdivided in accordance with relevant City Codes. ~~In addition, the permittee shall not be permitted to rent or lease the premises in exchange for any consideration.~~
3. The ~~Permittees~~PERMITTEES shall obtain a Certificate of Occupancy for the second dwelling on the Subject Property. The Building Official will conduct the appropriate inspections of the second dwelling to insure the structure meets Uniform Building Code requirements, prior to occupancy.
4. The ~~Conditional Use~~ Permit, upon written notice being provided by the City to the ~~Permittees~~ PERMITTEES but without further action by the Planning Commission or City Council, shall expire if the ~~permit holder~~PERMITTEE fails to initiate such conditional use permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization, or if the use is discontinued for a continuous twelve (12) month period, unless

a petition for an extension of time in which to complete or utilize the use that has been granted by the Council. Such extension shall be requested in writing and filed with the ~~City~~ CITY at least thirty (30) days before the expiration of the original ~~conditional-use permit~~ Permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the ~~conditional-use permit~~ Permit. Such petition shall be presented to the Planning ~~and Zoning~~ Commission for a recommendation to the Council and acted upon by the City Council.

5. The ~~Permittees~~ PERMITTEES shall be responsible for all ~~City~~ CITY costs incurred in administering and enforcing this Permit. Said expenses shall be paid within 15 days of billing by the ~~City~~ CITY and failure to pay the ~~City's~~ CITY'S expenses within the 15 day billing period will ~~permit~~ the ~~City~~ CITY to draw upon any of the escrows required by this agreement for payment.
6. The City Administrator and/or his/her designee shall have the right to inspect the premises for compliance and safety purposes annually or at any time upon reasonable request.
7. The ~~City~~ CITY shall record this Permit in the office of the Anoka County Recorder and the ~~Permittees~~ PERMITTEES agree to the terms and provisions of this Permit.

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

- ~~Mayor Gamee~~
- ~~Councilmember Connolly~~
- ~~Councilmember Hendriksen~~
- ~~Councilmember Anderson~~
- ~~Councilmember Zimmerman~~

and the following voted against the same:

~~None~~

and the following abstained:

~~None~~

and the following were absent:

~~None~~

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the ~~25~~²⁸th day of ~~November~~ October, 20~~11~~00.

~~Mr. and Mrs. Upton~~ Anthony Duane Reed and Anisa Marie Thomas, hereby acknowledge receipt of this permit and have reviewed the conditions of this permit and have agreed that they will comply with the terms of this permit.

By: _____
~~Mr. and Mrs. Upton~~ Anthony Duane Reed _____ Anisa Marie Thomas

STATE OF MINNESOTA)
) SS.
COUNTY OF)

On this _____ day of _____, 201100, before me a Notary Public personally appeared ~~Mr. and Mrs. Upton~~ Anthony Duane Reed and Anisa Marie Thomas, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same at her free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Administrator

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this _____ day of _____, 2000, before me a Notary Public personally appeared ~~Thomas G. Gamee~~ Bob Ramsey and ~~James E. Norman~~ Jo Thieling, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City ~~Administrator~~ 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 ~~Thomas G. Gamee~~ Bob Ramsey and ~~James E. Norman~~ Jo Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:

This document reviewed by:

The City of Ramsey
15153 Nowthen Boulevard N.W.
Ramsey, MN 55303

Randall, Dehn & Goodrich
2140 4th Avenue
Anoka, MN 55303

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

RESOLUTION #00-11-309

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT BASED ON FINDINGS OF FACT #0540 AND DECLARING TERMS OF PERMIT TO MAINTAIN A SECOND DWELLING ON A PARCEL.

WHEREAS, Mr. and Mrs. Upton have properly applied for a conditional use permit to maintain a second dwelling on the property generally known as 16101 Ramsey Boulevard and legally described as follows:

South 138.4 feet of West 825 feet of Southwest quarter of Northeast quarter Section 15-32-25 as measured along West and South lines thereof excluding road subject to easement of record.

("Subject Property").

WHEREAS, the Planning Commission met on November 6, 2000, conducted the public hearing and recommended City Council approval of the request.

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

1. Based on Findings of Fact #309, a conditional use permit ("Permit") to maintain a second dwelling on the Subject Property is hereby granted to Mr. and Mrs. Upton ("Permittees").
2. The second dwelling shall not be discontinued as an accessory use to the principal dwelling by way of sale, lease, or use by other than a relative of the Permittees and a relative is defined as someone who is related by blood, marriage, or adoption to the Permittees, unless the property is subdivided in accordance with relevant City Codes. In addition, the permittee shall not be permitted to rent or lease the premises in exchange for any consideration.
3. The Permittees shall obtain a Certificate of Occupancy for the second dwelling on the Subject Property. The Building Official will conduct the appropriate inspections of the second dwelling to insure the structure meets Uniform Building Code requirements, prior to occupancy.
4. The Conditional Use Permit upon written notice being provided by the City to the Permittees but without further action by the Planning Commission or City Council, shall expire if the permit holder fails to initiate such conditional use permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization, or if the use is discontinued for a continuous twelve (12) month period, unless a petition for an extension of time in which to complete or utilize the use that has been granted by the Council. Such extension shall be requested in writing and filed with the City at least thirty (30) days before

the expiration of the original conditional use permit. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. Such petition shall be presented to the Planning and Zoning Commission for a recommendation to the Council and acted upon by the Council.

5. The Permittees shall be responsible for all City costs incurred in administering and enforcing this Permit. Said expenses shall be paid within 15 days of billing by the City and failure to pay the City's expenses within the 15 day billing period will permit the City to draw upon any of the escrows required by this agreement for payment.
6. The City Administrator and/or his/her designee shall have the right to inspect the premises for compliance and safety purposes annually or at any time upon reasonable request.
7. The City shall record this Permit in the office of the Anoka County Recorder and the Permittees agree to the terms and provisions of this Permit.

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

Mayor Gamec
Councilmember Connolly
Councilmember Hendriksen
Councilmember Anderson
Councilmember Zimmerman

and the following voted against the same:

None

and the following abstained:

None

and the following were absent:

None

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of November, 2000.

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

RESOLUTION #00-11-308

A RESOLUTION ADOPTING FINDINGS OF FACT #0540 RELATING TO A REQUEST FROM STEPHEN AND PAMELA UPTON FOR A CONDITIONAL USE PERMIT TO MAINTAIN TWO DWELLINGS ON THE PROPERTY LOCATED AT 16101 RAMSEY BOULEVARD NW.

WHEREAS, the City of Ramsey received an application from Stephen and Pamela Upton for a conditional use permit to maintain a second dwelling on the property generally known as 16101 Ramsey Boulevard NW and legally described as follows:

South 138.4 feet of West 825 feet of Southwest quarter of Northeast quarter Section 15-32-25 as measured along West and South lines thereof excluding road 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 on October 7, 2000 Stephen and Pamela Upton, hereinafter referred to as the "Applicants," properly applied for a conditional use permit to maintain two dwellings on the Subject Property.
2. That the Applicant's appeared before the Ramsey Planning Commission for a public hearing pursuant to Section 9.03.04 of the City Code on November 6, 2000, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
3. That the Subject Property is approximately 2.6 acres in size.
4. That the Subject Property and surrounding parcels are zoned R-1 Rural Residential and located in the Rural Transition Area.
5. That Section 9.11.01 (General Requirements) of City Code states that there shall not be more than one main dwelling on a lot except as otherwise provided.
6. That the Applicants dwelling on the Subject Property is considered to be the main building and the Applicants are requesting a second main dwelling to provide separate living quarters for Mrs. Upton's mother when she visits for extended periods.
7. That the Applicants have stated that they will use the second dwelling for the Applicants relative who has health issues.

8. That City Code allows a total of 2,464 square feet of garage and accessory buildings on the Subject Property.
9. That the second dwelling, attached garage and detached accessory building on the Subject Property equals a total of 1,992 square feet and does not violate City Code 9.11.02 Accessory Uses.
10. That the second dwelling will not be harmonious with and in accordance with the specific objectives of the Comprehensive Plan.
11. That the second dwelling will not adversely impact traffic in the area.
12. That the second dwelling will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
13. That the second dwelling will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
14. That the second dwelling will not be hazardous or disturbing to existing or future neighboring uses.
15. That the second dwelling will be served adequately by public facilities and services such as highways and streets.
16. That the second dwelling will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
17. That the second dwelling 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 Zimmerman, and upon vote being taken thereon, the following voted in favor thereof:

Mayor Gamec
Councilmember Connolly
Councilmember Zimmerman
Councilmember Anderson
Councilmember Hendriksen

and the following voted against the same:

None


and the following abstained:

None

and the following were absent:


None

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of November, 2000.

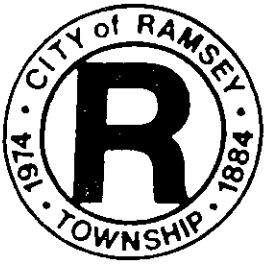


Mayor

ATTEST:



City Administrator



City of Ramsey

15153 NOWTHEN BOULEVARD N.W., RAMSEY, MINNESOTA 55303

PHONE: (763) 427-1410
FAX (763) 427-5543
TDD (763) 427-8591

November 22, 2000

Stephen and Pamela Upton
16101 Ramsey Blvd. NW
Ramsey, MN 55303

Re: Request for conditional use permit

Dear Stephen and Pamela Upton:

The Ramsey City Council will be considering your request for a conditional use permit to maintain a second dwelling at 7:00 p.m. on Tuesday, November 28, 2000 at the Ramsey Municipal Center, 15153 Nowthen Boulevard NW. I strongly suggest that you, or your representative, be present at the meeting to answer any questions that may arise.

For your information and review, I am enclosing a copy of the case cover sheet and the proposed findings of fact and conditional use permit. If you have any questions or need additional information, please don't hesitate to call me. Thank you for your cooperation in this matter.

Respectfully,

CITY OF RAMSEY

Megan Wald
Community Development Assistant

MW/js

Enclosures



City of Ramsey

15153 NOWTHEN BOULEVARD N.W., RAMSEY, MINNESOTA 55303

PHONE: (763) 427-1410

FAX (763) 427-5543

TDD (763) 427-8591

November 3, 2000

Stephen and Pamela Upton
16101 Ramsey Blvd. NW
Ramsey, MN 55303

Re: Request for Conditional Use Permit

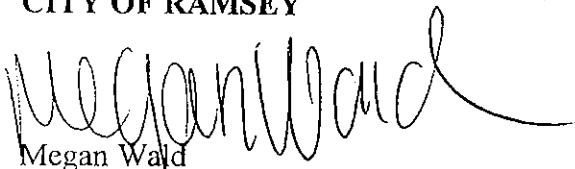
Dear Stephen and Pamela Upton:

The Ramsey Planning Commission will be meeting at 7:00 p.m. on Monday, November 6, 2000, to conduct a public hearing and consider your request for a Conditional Use Permit to maintain a second dwelling. I strongly suggest that you, or your representative, be present to answer any questions that may arise. For your information, I am enclosing a copy of the case cover sheet, proposed findings of fact and conditional use permit.

If you have any questions, please don't hesitate to call me at 427-1410. Thank you for your cooperation throughout this process.

Respectfully submitted,

CITY OF RAMSEY



Megan Wald
Community Development Assistant

MW/js

Enclosures

From: Frolik
To: Wald
Date: 11/20/00 4:45PM
Subject: Re: Pam Upton

Bill called me after you left today. He said go ahead and use the League language about relatives by blood or adoption but he says it will not hold up if challenged in court. I told him that if we are challenged at some point in the future, we can back off. We don't have to go to court over it, necessarily. So in your case you can say that the Planning Commission doesn't want to see this dwelling evolve into a revenue generating rental property because of the rural, single family residential character of the neighborhood, they are recommending that the permit restrict the occupancy of the secondary dwelling to relatives by blood or adoption (you have the language) of the occupants of the principal dwelling. How's that?

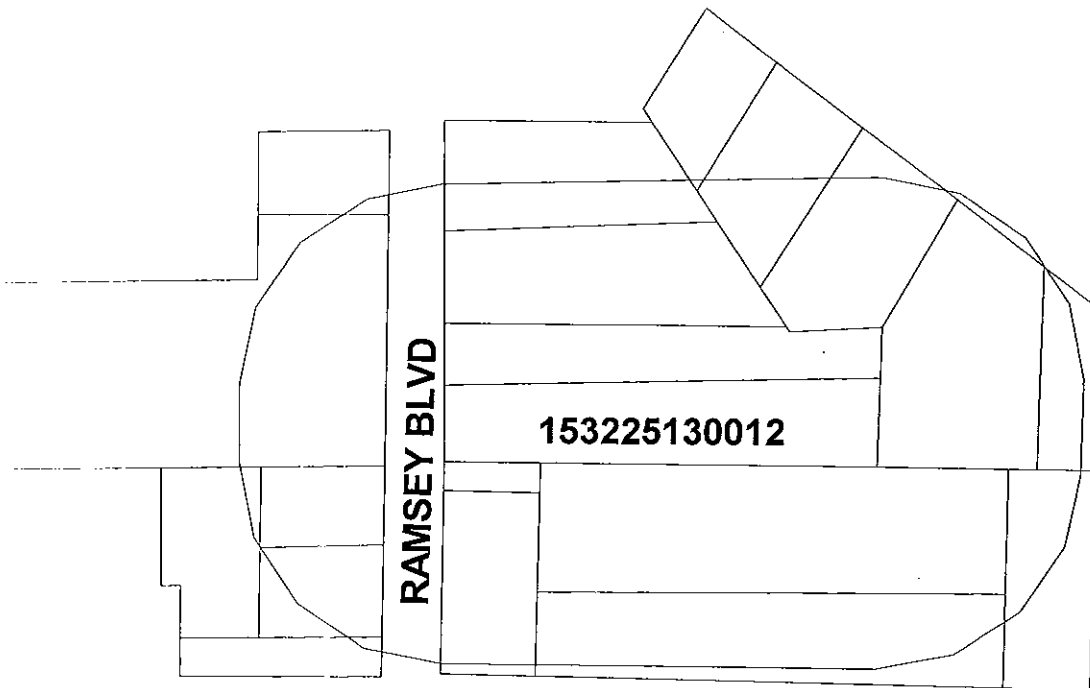
>>> Wald 11/20/00 03:07PM >>>

Pam is okay with waiting until December if we cannot get a complete case ready for the City Council. Obviously she would like to go in November but understands that it is better to go to the CC with a complete case instead of going to the Nov. CC with a higher possibility that it would get sent back to Staff for further research.

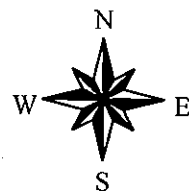
So I will tell Pam Miller tomorrow that the Upton Case is off of CC agenda if I do not hear from Bill.

Thanks, Megan

Parcel Search



350 feet



ANOKA COUNTY G.I.S.

10/24/00

2100 3RD AVENUE ANOKA, MN 55303

OFFICE: 763/422-7508 FAX: 763/422-7507

PIN: 153225110031	RAMSEY CITY OF 16391 YTTTRIUM NW RAMSEY MN 55303
PIN: 153225130006	HERSTROM MARK W & BARBARA J 16210 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225130007	BUNTROCK RONALD E & FORTUNATA 16201 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225130010	DAHL DARWIN F & KATHRYN 16135 RAMSEY BLVD NW ANOKA MN 55303
PIN: 153225130011	DEHLER PETER E & BARBARA C 16121 RAMSEY BLVD NW ANOKA MN 55303
PIN: 153225130012	UPTON STEPHEN S & PAMELA S 16101 RAMSEY BLVD NW RAMSEY MN 55303
PIN: 153225130013	HICKS LARRY A & JANICE J 16138 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225130014	HICKS LARRY A & JANICE J 16138 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225130021	HICKS KELLY J 16158 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225130025	MASHUGA KURT A & CINDY M 16151 RAMSEY BLVD NW RAMSEY MN 55303
PIN: 153225240001	RAMSEY CITY OF 15153 NOWTHEN BLVD NW RAMSEY MN 55303
PIN: 153225240026	GORHAM GREGORY J & T M 16154 RAMSEY BLVD NW RAMSEY MN 55303
PIN: 153225310001	CHAPMAN DAVID & RUTH H 16042 RAMSEY BLVD NW RAMSEY MN 55303
PIN: 153225310002	CHAPMAN DAVID D & RUTH H 16042 RAMSEY BLVD NW RAMSEY MN 55303
PIN: 153225310006	LARSON WILLIAM H & C A 16020 RAMSEY BLVD NW RAMSEY MN 55303

ANOKA COUNTY G.I.S.

10/24/00

2100 3RD AVENUE ANOKA, MN 55303

OFFICE: 763/422-7508 FAX: 763/422-7507

PIN: 153225310007	MCALONEY ALLEN W & KAY E 16045 IRONSTONE ST NW RAMSEY	MN	55303
PIN: 153225420002	CLAMPITT DAVID F 16051 RAMSEY BLVD NW RAMSEY	MN	55303
PIN: 153225420004	HICKS LARRY A & JANICE J 16138 NOWTHEN BLVD NW RAMSEY	MN	55303
PIN: 153225420005	HEDSTROM STEVEN B & JOANNA M 16031 DOLOMITE ST NW RAMSEY	MN	55303
PIN: 153225420006	EUGENE BROWN 14050 AZURITE ST ANOKA	MN	55303

~~PIN: 153225110031
RAMSEY CITY OF
16391 YTTRIUM NW
RAMSEY MN 55303~~

PIN: 153225130006
HERSTROM MARK W & BARBARA J
16210 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225130007
BUNTROCK RONALD E & FORTUNATA
16201 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225130010
DAHL DARWIN F & KATHRYN
16135 RAMSEY BLVD NW
ANOKA MN 55303

PIN: 153225130011
DEHLER PETER E & BARBARA C
16121 RAMSEY BLVD NW
ANOKA MN 55303

PIN: 153225130013
HICKS LARRY A & JANICE J
16138 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225130014
HICKS LARRY A & JANICE J
16138 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225130021
HICKS KELLY J
16158 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225130025
MASHUGA KURT A & CINDY M
16151 RAMSEY BLVD NW
RAMSEY MN 55303

~~PIN: 153225240001
RAMSEY CITY OF
15153 NOWTHEN BLVD NW
RAMSEY MN 55303~~

PIN: 153225240026
GORHAM GREGORY J & T M
16154 RAMSEY BLVD NW
RAMSEY MN 55303

PIN: 153225310001
CHAPMAN DAVID & RUTH H
16042 RAMSEY BLVD NW
RAMSEY MN 55303

PIN: 153225310002
CHAPMAN DAVID D & RUTH H
16042 RAMSEY BLVD NW
RAMSEY MN 55303

PIN: 153225310006
LARSON WILLIAM H & C A
16020 RAMSEY BLVD NW
RAMSEY MN 55303

PIN: 153225310007
MCALONEY ALLEN W & KAY E
16045 IRONSTONE ST NW
RAMSEY MN 55303

PIN: 153225420002
CLAMPITT DAVID F
16051 RAMSEY BLVD NW
RAMSEY MN 55303

PIN: 153225420004
HICKS LARRY A & JANICE J
16138 NOWTHEN BLVD NW
RAMSEY MN 55303

PIN: 153225420005
HEDSTROM STEVEN B & JOANNA M
16031 DOLOMITE ST NW
RAMSEY MN 55303

PIN: 153225420006
EUGENE BROWN
14050 AZURITE ST
ANOKA MN 55303

NOTICE OF PUBLIC HEARING

CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Ramsey Planning Commission will hold a public hearing on Monday, November 6, 2000 at 7:00 p.m. meeting at the Ramsey Municipal Center, 15153 Nowthen Boulevard NW, Ramsey, MN 55303.

The purpose of the hearing is to consider a request from Stephen and Pamela Upton for a Conditional Use Permit to maintain two dwellings on the property generally located at 16101 Ramsey Boulevard NW and legally described as follows:

South 138.4 feet of West 825 feet of Southwest quarter of Northeast quarter Section 15-32-25 as measured along West and South lines thereof excluding road subject to easement of record.

All interested persons are invited to attend the hearing and comment on the proposed conditional use permit. The City of Ramsey complies with the Americans With Disabilities Act and upon advance request, information will be provided in an alternative form and interpreters will be available. Any person with such a request should contact Community Development Secretary JoAnn Shaw at 427-1410 by noon on Wednesday, November 1, 2000. There is a TDD machine at Ramsey Municipal Center; the number is 427-8591.

Written comments are welcome and shall be addressed to the Ramsey Planning Commission, 15153 Nowthen Blvd. NW, Ramsey, MN 55303. Written comments shall be received at the above address prior to 5:00 p.m. on Monday, November 6, 2000.

James E. Norman
City Administrator

Dated: October 27, 2000

abcdefghijklmnopqrstuvwxy

Published in Anoka County Union
October 27, 2000

STATE OF MINNESOTA)
County of Anoka) SS

Peter G. Bodley, being duly sworn, on oath says that he is the managing editor of the newspaper known as the Anoka County Union, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed NOTICE OF PUBLIC HEARING, (Upton) which is attached was cut from the columns of said newspaper, and was printed and published once each week for one successive week; it was first published on Friday, the 27th day of October, 2000 and was thereafter printed and published on every Friday to and including Friday, the day of , 2000, and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxy

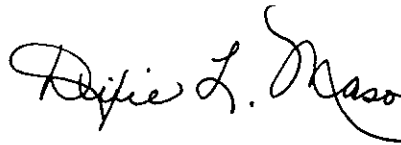
abcdefghijklmnopqrstuvwxy



Managing Editor

Subscribed and sworn to before me on

this 27th day of October, 2000



Notary Public



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$10.25
(Line, word, or inch rate)
- (2) Maximum rate allowed by law for the above matter \$10.25
(Line, word, or inch rate)
- (3) Rate actually charged for the above matter \$7.15
(Line, word, or inch rate)

Addendum to Conditional Use Permit

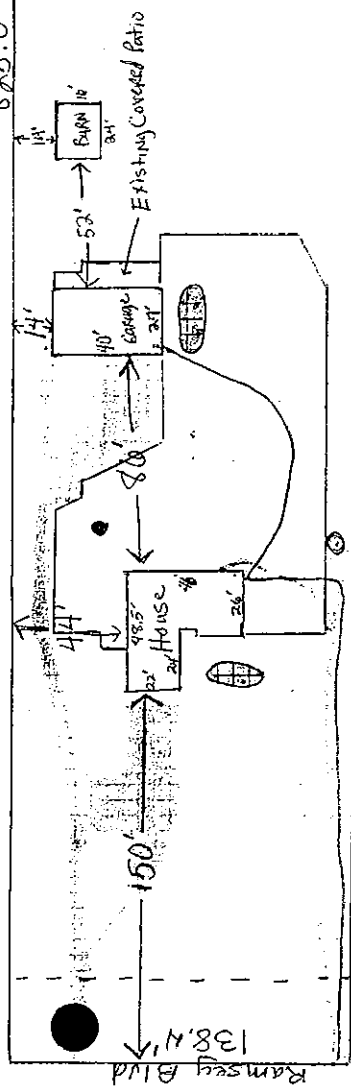
1. Street Address: 16101 Ramsey Blvd. N.W. Ramsey, MN 55303-6948
2. Legal Description: The South 138.4 Feet of the West 825.0 Feet of the Southwest Quarter of the Northeast Quarter of Section 15, Township 32, Range 25, Anoka County, Minnesota
3. Owners Name, Address & Phone:
Stephen S. and Pamela S. Upton
16101 Ramsey Blvd. N.W. Ramsey, MN 55303-6948
763-323-1440 Home
763-323-9853 Pam's Office
612-632-1186 Steve's Office
4. Applicant's Name Address & Phone:
SAME AS OWNER
5. Description of Request:
We would like to convert a detached 3-car garage into a guest cottage. The building is currently heated and sheet-rocked, has electricity, a telephone, and a bathroom. Pam's elderly mother visits 4-5 times per year and because of her heart condition, is unable to climb stairs to the second floor bedrooms of the home. This guest cottage would enable her to have the privacy of her own room when she visits, rather than sleeping on a pull out sofa in the living room. We have an attached two car garage and a 16' X 24' barn, so we don't need this separate garage for storage. (See attached photos.)
6. Present Zoning: R1
7. Site Plan: See attached
8. Drainage Plan: N/A
9. Access to Site: N/A
10. Garbage Container: N/A
11. Description of Construction and proposed materials: We plan to convert our large 3 car garage to guest cottage containing one bath, kitchenette with dining area, living room, one bedroom, mud room and garage. (See attached layout plan.) Detailed construction plans will be completed when we receive approval.
12. Meet with neighbors to discuss proposal: Have met with Barb Dehler, the neighbor to the north of our property, and Dave Clampitt, the neighbor to the south of our property, and have gained approval from both.
13. Effect of proposal on traffic in area: None

Note: There is a "guest cottage" on a property at 16042 Ramsey Blvd, about 100 yards from our home to the southwest. (See attached photo)

Site Plan - Upton Property
 16101 Ramsey Blvd NW, Ramsey MN 55303

Property Scale: 1" = 50'

N
 W + E
 S

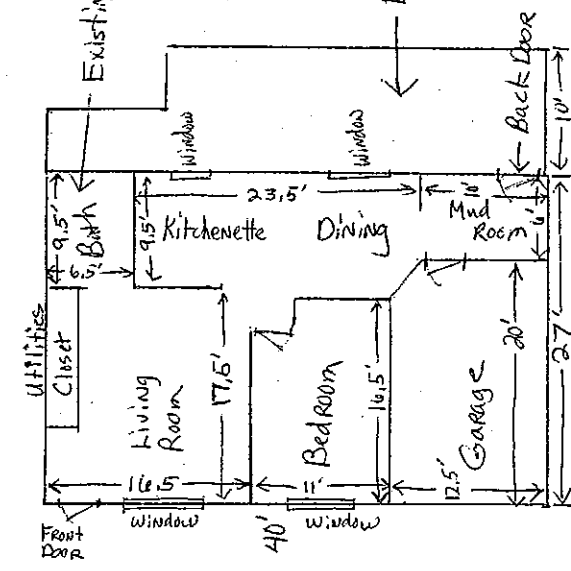


33' Road Frontage

825.0'

- = Proposed Cottage Conversion
- = Picket Fence
- ▨ = Driveway (Concrete + Blacktop)
- ▩ = Septic Systems
- = Well
- = Electricity Lines
- = Gas Lines
- = Phone Lines

Cottage Scale: 1" = 10'





City of Ramsey

15153 NOWTHEN BOULEVARD N.W., RAMSEY, MINNESOTA 55303

PHONE: (763) 427-1410

FAX (763) 427-5543

TDD (763) 427-8591

December 12, 2000

Stephen and Pamela Upton
16101 Ramsey Blvd. NW
Ramsey, MN 55303

Re: Request for Conditional Use Permit

Dear Stephen and Pamela Upton:

As you know, on November 28, 2000, the Ramsey City Council approved your request for a conditional use permit. Enclosed for review and signature are 3 copies of Resolution #00-11-309 declaring terms of the Permit. Please review the Permit and provide for the appropriate notarized signatures on all 3 copies. We do have notary services available at Ramsey Municipal Center. Return all 3 copies to me and I will obtain the signatures of the City Administrator and Mayor and return a fully executed copy to you, along with a copy of the Findings of Fact.

If you have any questions or need additional information, please don't hesitate to call me. Thank you for your cooperation throughout this process.

Respectfully,

CITY OF RAMSEY

Megan Wald
Community Development Assistant

MW/js

Enclosures



City of Ramsey

15153 NOWTHEN BOULEVARD N.W., RAMSEY, MINNESOTA 55303

PHONE: (763) 427-1410

FAX (763) 427-5543

TDD (763) 427-8591

January 9, 2001

Stephen and Pamela Upton
16101 Ramsey Blvd. NW
Ramsey, MN 55303

Re: Request for Conditional Use Permit

Dear Stephen and Pamela:

Enclosed for your records you will find fully executed copies of Resolutions #00-11-308 and #00-11-309 adopting findings of fact and declaring terms of a Conditional Use Permit for the operation of a hot asphalt mix production plant in Ramsey. The conditional use permit has been forwarded to Anoka County for recording. Once the City has been billed for the recording, I will authorize the Finance Department to close your escrow account #804838 and refund any credit balance remaining in that account.

If you have any questions or need any additional information, please don't hesitate to call me. Thank you for your cooperation in this process.

Respectfully,

CITY OF RAMSEY

Megan Wald
Community Development Assistant

MW/js

Enclosures

cc: Finance Office

Case #3: Request for a Conditional Use Permit to Maintain Two Dwellings on One Parcel; Case of Stephen & Pamela Upton

Community Development Director Frolik stated that City Code states that there shall not be more than one main building on a lot unless otherwise provided for in City Code. Mr. and Mrs. Upton reside at 16101 Ramsey Boulevard NW, Ramsey, and they are requesting a conditional use permit to maintain a second dwelling (guest cottage) on the property to provide separate living quarters for Mrs. Upton's mother when she visits for extended periods of time. The subject property is approximately 2.6 acres in size and is located in the rural services area. Mr. and Mrs. Upton have a 528 square foot attached garage (2 stall), and two other detached accessory buildings that are 384 square feet and 1,080 square feet in size. When the Uptons purchased the property, the 1,080 square foot detached accessory building was already heated, sheet rocked, and supplied with a working bathroom and electricity. The applicants would like to convert the existing detached accessory building into a guest cottage to provide separate living quarters for Mrs. Upton's mother when she stays for extended periods of time. Mrs. Upton's mother visits quite frequently and is unable to climb the stairs in the main dwelling. If the City approves the conditional use permit request, the applicants are proposing to install carpet, cabinets, windows, and a shower to provide for one bathroom, a kitchenette with dining area, living room, and one bedroom. Mr. and Mrs. Upton do not intend to rent or lease the dwelling to persons at large. Recently, Loving Care Senior Services received approval to maintain two dwellings on one parcel to provide for a nurse's living quarters and is the only past case that does not maintain compliance with the four units in 40 acres density rule. Upon reviewing Loving Care Senior Services and Don Kveton's request for a conditional use permit to maintain two dwellings on a parcel, the City Council stated that applications for two dwellings on a property should be viewed as a means to remedy a unique or already existing situation. The Council also noted that they do not intend to set a precedent in allowing two dwellings on a parcel when new construction is required. The Planning Commission conducted a public hearing and reviewed the request at their regular meeting on November 6, 2000. There were no written or verbal comments submitted to the Planning Commission. The Planning Commission recommended approval of Mr. and Mrs. Upton's request to maintain two dwellings on their property with restriction placed on the occupancy of the second dwelling. The Planning Commission does not want to see the dwelling be used as a revenue generating rental property due to the rural single family characteristic of the neighborhood. The Commission recommended that the City Council restrict the conditional use permit occupancy to relatives. City staff has defined the term "relative" to be someone who is related to the applicants by blood, marriage, or adoption.

City Attorney Goodrich stated that it has been a controversial issue as to whether or not a City can restrict a use to only family members, but the U.S. Supreme Court states that it is permissible.

Councilmember Hendriksen inquired if the applicant will be charging family members for use of the unit.

Steve Upton, 16101 Ramsey Boulevard NW, Ramsey, replied no.

Councilmember Hendriksen requested that a provision be added in the conditional use permit to prevent the applicant from renting the property.

Motion by Councilmember Connolly, seconded by Councilmember Zimmerman, to adopt Resolution #00-11-308 adopting Findings of Fact # 0540 relating to Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel.

Motion carried. Voting Yes: Mayor Gamec, Councilmembers Connolly, Zimmerman, Anderson, and Hendriksen. Voting No: None.

City Attorney Goodrich suggested adding the following language to condition #2 of the conditional use permit: "In addition, the permittee shall not be permitted to rent or lease the premises in exchange for any consideration."

Motion by Councilmember Connolly, seconded by Councilmember Hendriksen, to approve Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel located at 16101 Ramsey Boulevard, with language provided by the City Attorney, based on the findings of fact and adopting Resolution #00-11-309 declaring terms of same.

Motion carried. Voting Yes: Mayor Gamec, Councilmembers Connolly, Hendriksen, Anderson, and Zimmerman. Voting No: None.

Case #7: Request for Site Plan Review of M&W Holding Company; Case of Jef Wise

Community Development Director Frolik stated that the City of Ramsey has received a request for site plan review from M&W Holding Company. The site plan is proposing to construct a 3,200 square foot, off-sale liquor store. The area is generally located south of 146th Avenue and west of Armstrong Boulevard (County Road #83). The site is zoned B-3 Highway Business and off-sale liquor facilities are permitted in the Highway Business District. The structure meets all Highway Business setback requirements and is in compliance with the 35% lot coverage restriction. The site plan is proposing to gain access from 146th Avenue and another access point will be derived from an existing access off of County Road #83 (Armstrong Blvd.) that also serves the Oasis Market and video store. All driveways and off-street parking areas will be paved and finished with B-6/12 curbing. The exterior building materials are proposed to consist of vinyl siding and coronado field stone. The proposed siding deviates from the Highway Business architectural standards and will need City Council approval. Screening is not required because the adjacent parcels are zoned Highway Business and Industrial. The west portion of the property is proposed to be absent of bituminous pavement and concrete curbing. The applicant needs to clarify if the west portion of the property will remain in its current state, be irrigated or neutralized. Staff recommended that the area have some type of manicured lawn. The facility will be serviced by an on-site septic system. The site is proposing to share an existing well with bituminous immediately to the south. The applicant has talked to the State Health Department and they informed him that there is no regulations prohibiting the sharing of wells. City Code

**REQUEST FOR A CONDITIONAL USE PERMIT
TO MAINTAIN TWO DWELLINGS ON ONE PARCEL
CASE OF STEPHEN & PAMELA UPTON
By: Megan Wald, Community Development Assistant**

Background:

City Code states that there shall not be more than one main building on a lot unless otherwise provided for in City Code. Mr. and Mrs. Upton reside at 16101 Ramsey Blvd. NW and they are requesting a conditional use permit to maintain a second dwelling (guest cottage) on the property to provide separate living quarters for Mrs. Upton's mother when she visits for extended periods of time.

The following items are enclosed for your information:

- a) Site location map
- b) Floor plan
- c) Draft Planning Commission Meeting Minutes Dated November 6, 2000
- d) Proposed findings of fact
- e) Proposed conditional use permit

Notification:

State statute requires notification of the public hearing to property owners within 350 feet of the Subject Property.

Observations:

The Subject Property is approximately 2.6 acres in size and is located in the Rural Service Area. Mr. and Mrs. Upton have a 528 square foot attached garage (2 stall), and two other detached accessory buildings that are 384 square feet and 1,080 square feet in size.

When the Upton's purchased the property, the 1,080 square foot detached accessory building was already heated, sheet rocked, and supplied with a working bathroom and electricity. The Applicants would like to convert the existing the detached accessory building into a guest cottage to provide separate living quarters for Mrs. Upton's mother when she stays for extended periods of time. Mrs. Upton's mother visits quite frequently and is unable to climb the stairs in the main dwelling.

If the City approves the conditional use request, the applicants are proposing to install carpet, cabinets, windows, and a shower to provide for one bathroom, a kitchenette with dining area, living room, and one bedroom (see attached floor plan). Mr. and Mrs. Upton do not intend to rent or lease the dwelling to persons at large.

Recently Loving Care Senior Services received approval to maintain two dwellings on a parcel to provide for a nurse's living quarters and is the only past case that does not maintain compliance with the 4 units in 40 acres density rule.

Upon reviewing Loving Care Senior Services and Don Kveton's request for a conditional use permit to maintain two dwellings on a parcel, the City Council stated that applications for two dwellings on a property should be viewed as a means to remedy a unique or already existing situation. The Council also noted that they do not intend to set a precedent in allowing two dwellings on a parcel when new construction is required.

The Planning Commission conducted a public hearing and reviewed the request at their regular meeting on November 6, 2000. There were no written or verbal comments submitted to the Planning Commission.

Recommendation:

The Planning Commission recommended approval of Mr. and Mrs. Upton's request to maintain two dwellings on their property with restriction placed on the occupancy of the second dwelling. The Planning Commission does not want to see the dwelling be used as a revenue generating rental property due to the rural single family characteristic of the neighborhood. The Commission recommended that the City Council restrict the Conditional Use Permit occupancy to relatives. City Staff has defined the term "relative" to be someone who is related to the Applicants by blood, marriage, or adoption.

Commission Action:

Motion to adopt Resolution #00-11-____ adopting Findings of Fact #____ relating to Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel.

-and-

Motion to approve Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel located at 16101 Ramsey Blvd., based on the findings of fact and adopting Resolution #00-11-____ declaring terms of same.

-or-

Motion to deny Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel based on the findings of fact.

Review Checklist:
Community Development Director

Copies To:
City Attorney

CC: 11/28/00

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Johnson, Kociscak, and Reeve.
Voting No: None. Absent: Commissioners Griffiths and Wivoda.

Case #5: Request for a Conditional Use Permit to Maintain Two Dwellings on One Parcel; Case of Stephen and Pamela Upton

Chairperson Nixt closed the regular portion of the Planning Commission meeting at 7:26 p.m. in order to conduct the public hearing.

Public Hearing

Chairperson Nixt called the public hearing to order at 7:26 p.m.

Presentation

Community Development Assistant Wald stated that City code states that there shall not be more than one main building on a lot unless otherwise provided for in City code. Mr. and Mrs. Upton reside at 16101 Ramsey Boulevard NW, Ramsey, and they are requesting a conditional use permit to maintain a second dwelling (guest cottage) on the property to provide separate living quarters for Mrs. Upton's mother when she visits for extended periods of time. The subject property is approximately 2.6 acres in size and is located in the rural services area. Mr. and Mrs. Upton have a 528 square foot attached garage (2 stall), and two other detached accessory buildings that are 384 square feet and 1,080 square feet in size. When the Uptons purchased the property, the 1,080 square foot detached accessory building was already heated, sheet rocked, and supplied with a working bathroom and electricity. The applicants would like to convert the existing 1,080 square foot detached accessory building into a guest cottage to provide separate living quarters for Mrs. Upton's mother when she stays for extended periods of time. Mrs. Upton's mother visits quite frequently and is unable to climb the stairs in the main dwelling. If the City approves the conditional use permit request, the applicants are proposing to install carpet, cabinets, windows, and a shower to provide for one bathroom, a kitchenette with dining area, living room, and one bedroom. Mr. and Mrs. Upton do not intend to rent or lease the dwelling to persons at large. Upon reviewing Loving Care Senior Services and Don Kveton's request for a conditional use permit to maintain two dwellings on a parcel, the City Council stated that applications for two dwellings on a property should be viewed as a means to remedy a unique or already existing situation. The Council does not intend to set a precedent in allowing two dwellings on a parcel when new construction is required. Based upon the City Council's review of the previous two requests for a conditional use permit to maintain two dwellings on a parcel, it would appear that Mr. and Mrs. Upton's request for a guest cottage (second dwelling) would be considered new construction and contradicts the Council's desire to rectify only existing non-conforming second dwellings and their desire not to set a precedent in allowing two dwellings on a parcel.

Citizen Input

Steve Upton, 16101 Ramsey Boulevard NW, Ramsey, stated that they have lived in Ramsey for ten years. He explained that in that ten years they have done significant improvements to the property. He noted that their property is 2.5 acres in size and is next to properties of comparable size.

Pam Upton, 16101 Ramsey Boulevard NW, Ramsey, presented the Commission with signatures of six of their neighbors, directly adjacent to them, all stating that they do not oppose the request for the second dwelling. She explained that her mother had a stroke in August and heart attacks in September and in October and has a difficult time getting around. The main house has three bedrooms all on the upper level and she is unable to go up the stairs. The guest cottage would be a way to keep her comfortable while she is visiting.

Mr. Upton noted that the property across the street has a comparable guest structure already existing.

Chairperson Nixt inquired if the property that is across the street from the Uptons has a conditional use permit for their second dwelling.

Community Development Director Frolik replied that she thought that situation was a pre-existing situation.

Mrs. Upton explained that the building is currently left vacant and is already sheetrocked, heated, has a telephone, and air conditioning.

Commissioner Kociscak inquired if Mrs. Upton's mother is ambulatory.

Mrs. Upton replied that her mother is walking, but not real steady.

Motion by Commissioner Johnson, seconded by Commissioner Kociscak, to close the public hearing.

Motion Carried. Voting Yes: Chairperson Nixt, Commissioners Johnson, Kociscak, and Reeve. Voting No: None. Absent: Commissioners Griffiths and Wivoda.

The public hearing closed at 7:32 p.m.

Commission Business

Chairperson Nixt called the regular meeting of the Planning Commission back to order at 7:32 p.m.

Chairperson Nixt inquired if the conditional use permit is granted would it be possible for the second dwelling to be used as a rental property.

Commissioner Johnson stated that they could include in the conditional use permit that the second dwelling cannot be used as a rental property.

Motion by Commissioner Johnson, seconded by Commissioner Reeve, to recommend that City Council adopt Findings of Fact in the positive relating to Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel, including a finding of fact stating "That the applicants have stated that they will only use the second dwelling for a relative who has health issues" and having finding of fact #9 read "will not".

Motion Carried. Voting Yes: Commissioners Johnson, Reeve, and Kociscak. Voting No: Chairperson Nixt. Absent: Commissioners Griffiths and Wivoda.

Motion by Commissioner Johnson, seconded by Commissioner Kociscak, to recommend that City Council approve Mr. and Mrs. Upton's request for a conditional use permit based on the findings of fact including the language that the applicant will only use the second dwelling for a relative.

Further discussion: Community Development Director Frolik stated that based on discussions that staff has had with the City Attorney they have been told that the City cannot restrict use of the second dwelling to family members. Commissioner Reeve stated that he did not think they need to restrict the use to family members, but prevent the dwelling from being used as a revenue generating rental property. Community Development Assistant Wald explained that the way the court is defining family or relatives is so different that a true definition is difficult to be pinpointed. Commissioner Johnson stated that they could leave it up to the Council to define the term "relative" more specifically with the assistance of the City Attorney. Commissioner Kociscak stated that he would prefer that they limit the use to only family members and then if they don't comply with those terms, the conditional use permit can be revoked. Commissioner Johnson stated that he thinks that a guest cottage can be a reasonable accommodation on a large property.

Motion Carried. Voting Yes: Commissioners Johnson, Kociscak, and Reeve. Voting No: Chairperson Nixt. Absent: Commissioners Griffiths and Wivoda.

Case #2: Proposed Ordinance to Establish Density Transition Standards for New Residential Development

Chairperson Nixt closed the regular portion of the Planning Commission meeting at 7:44 p.m. in order to conduct the public hearing.

Public Hearing

Chairperson Nixt called the public hearing to order at 7:44 p.m.

Presentation

**REQUEST FOR A CONDITIONAL USE PERMIT
TO MAINTAIN TWO DWELLINGS ON ONE PARCEL
CASE OF STEPHEN & PAMELA UPTON
By: Megan Wald, Community Development Assistant**

Background:

City Code states that there shall not be more than one main building on a lot unless otherwise provided for in City Code. Mr. and Mrs. Upton reside at 16101 Ramsey Blvd. NW and they are requesting a conditional use permit to maintain a second dwelling (guest cottage) on the property to provide separate living quarters for Mrs. Upton's mother when she visits for extended periods of time.

The following items are enclosed for your information:

- a) Site location map
- b) Floor plan
- c) Proposed findings of fact
- d) Proposed conditional use permit

Notification:

State statute requires notification of the public hearing to property owners within 350 feet of the subject property.

Observations:

The Subject Property is approximately 2.6 acres in size and is located in the Rural Service Area. Mr. and Mrs. Upton have a 528 square foot attached garage (2 stall), and two other detached accessory buildings that are 384 square feet and 1,080 square feet in size. City Code allows a total of 2,464 square feet for accessory buildings on the parcel. The attached and detached structures on the parcel equal 1,992 square feet, which meets City Code requirements.

When the Upton's purchased the property, the 1,080 square foot detached accessory building was already heated, sheet rocked, and supplied with a working bathroom and electricity. The applicants have stated that they do not need the storage space that this detached accessory building provides.

The applicants would like to convert the existing 1,080 square foot detached accessory building into a guest cottage to provide separate living quarters for Mrs. Upton's mother when she stays stay for extended periods of time. Mrs. Upton's mother visits quite frequently and is unable to climb the stairs in the main dwelling.

If the City approves the conditional use request, the applicants are proposing to install carpet, cabinets, windows, and a shower to provide for one bathroom, a kitchenette with dining area, living room, and one bedroom (see attached floor plan). Mr. and Mrs. Upton do not intend to rent or lease the dwelling to persons at large.

Conditional use permits have been issued in the past for more than one dwelling on a residential lot. The Delaney family estate (Armstrong Kennels) has a conditional use permit for 4 dwellings. The Thomaswood Estate (Tom Kurak homestead) was granted a conditional use permit for two dwellings in order that the seller, Mr. Thorn, could live on the property for the rest of his life. Don Kveton received a Conditional Use Permit for two (2) dwellings on his property, his home and a dwelling for his caretakers. Recently Loving Care Senior Services received approval to maintain two dwellings on a parcel to provide for a nurse's living quarters. All of these cases, with the exception of Loving Care Senior Services, maintained compliance with the 4 units in 40 acres density rule.

Upon reviewing Loving Care Senior Services and Don Kveton's request for a conditional use permit to maintain two dwellings on a parcel, the City Council stated that applications for two dwellings on a property should be viewed as a means to remedy a unique or already existing situation. The Council does not intend to set a precedent in allowing two dwellings on a parcel when new construction is required.

Recommendation:

Based upon the City Councils review of the previous two requests for a conditional use permit to maintain two dwellings on a parcel. It would appear that Mr. and Mrs. Upton's request for a guest cottage (second dwelling) would be considered new construction and contradicts the Council's desire to rectify only existing non-conforming second dwellings and their desire not to set a precedent in allowing two dwellings on a parcel. However, in the event that there is a desire to recommend approval of the request, a boiler plate Conditional Use permit is enclosed for consideration.

Commission Action:

Motion to recommend that the City Council adopt findings of fact # _____ relating to Mr. and Mrs. Upton's request for a conditional use permit to maintain two dwellings on one parcel.

-and-

Motion to recommend that City Council approve Mr. and Mrs. Upton's request for a conditional use permit based on the findings of fact.

-or-

Motion to recommend that City Council deny Mr. and Mrs. Upton's request for a conditional use permit based on the findings of fact.

Review Checklist:
Community Development Director

Copies To:
City Attorney

PC: 11/06/00

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: We are in support of Pam & Steve's
Project. We are the house directly to the
south and it will have no impact to us.

Signed: Paul F. Cluyt
Address: 16051 Ramsey Blvd.

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: *In neighborhood we have no issues
at all. I feel it is something
that would work well for her mother.*

Signed: *[Signature]*
Address: *16121 Ramsey, Minn 55303*

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: _____

Signed: Janice Hicks
Address: 16138 Nowichen Blvd.

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: _____

Signed: Kathryn Hall
Address: 16135 Ramsey Blvd, Ramsey, MN

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: The plan sounds very nice.
We fully support the remodel
of this garage to a guest
cottage.

Signed: Cindy + Kurt Markhus
Address: 16151 Ramsey Blvd NW

TO: City of Ramsey Planning Committee

RE: Upton Land Use Application
16101 Ramsey Blvd NW

We understand that the Upton's plan to convert their existing detached 3-car garage into a guest cottage. Pam's elderly mother, who has a heart condition, visits 4-5 times per year and needs a private space that will not require climbing stairs. Because their home has all of the bedrooms on the second floor, they want to make this conversion to accommodate her health needs during her visits.

We indicate by our signatures below that we have no objection to the Upton's project.

Comments: Our only concern is that when
renovated this does not become a rental
unit in the future if & when the Uptons would
sell the property!

Signed: Ruth Chapman Ruth Chapman
Address: 16042 Ramsey Blvd NW