

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, October 6, 2011, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:           Vice Chairperson Gary Van Scoy  
                                  Commissioner Randy Bauer  
                                  Commissioner Ralph Brauer  
                                  Commissioner Joseph Field

Members Absent:           Chairperson Gary Levine  
                                  Commissioner Andrew Dunaway  
                                  Commissioner Rob Schiller

Also Present:               Senior Planner Tim Gladhill  
                                  Management Intern Patrick Brama

**CALL TO ORDER**

Vice Chairperson Van Scoy called the regular meeting to order at 8:05 p.m.

**CITIZEN INPUT**

None.

**APPROVAL OF AGENDA**

Motion by Commissioner Bauer, seconded by Commissioner Field, to approve the agenda as presented.

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

**APPROVE PLANNING COMMISSION MINUTES**

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

- 1) Joint Planning Commission and Environmental Policy Board meeting minutes dated September 8, 2011.
- 2) Planning Commission public hearing and regular meeting minutes dated September 8, 2011

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

## **NOTE CITY COUNCIL MINUTES**

The Council minutes were noted.

## **PUBLIC HEARINGS/COMMISSION BUSINESS**

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

### **Public Hearing**

Vice Chairperson Van Scoy called the public hearing to order at 8:06 p.m.

### **Presentation**

Senior Planner Gladhill presented the Staff Report.

### **Citizen Input**

Lisa Clampitt, 16051 Ramsey Blvd. NW, stated that the previous owner's mother-in-law passed away before she could move in so the cottage has been rented out from the beginning. She continued that she is in support of the applicant's request.

Tom Anderson, 16121 Ramsey Blvd. NW, stated it is tucked in the back, but they see it out their porch and see everything that happens there. He stated in the month and a half they have lived at their address, there have been two different tenants. The house is for sale on Craigslist, and he is concerned that the next tenant might not take as good care of it as the current owner.

Vice Chairperson Van Scoy asked if there was an ordinance that addresses maintenance of rental properties.

Senior Planner Gladhill stated that there is a property maintenance code and if the exterior of the building deteriorates code enforcement can be utilized. There is also a nuisance ordinance that would address such issues as long grass or off street parking.

Donald Kottschade, 16135 Ramsey Blvd. NW, stated he also observed that the house was for sale on Craigslist. He stated the rental house is in the back and towards the backyard of his house and he is concerned with the rental traffic. He has lived in his house since 2003 and there have been numerous tenants, fortunately all decent, but rental traffic can be concerning.

Anthony Reed, the applicant, 16101 Ramsey Blvd. NW, stated the history of the property. He stated he is not aware of any parking or police concerns with the cottage.

Vice Chairperson Van Scoy asked if a title search was done on the property and if Mr. Reed received a copy of the conditional use permit at the time of closing.

Mr. Reed stated he assumed it was done, as he purchased title insurance and he received a stack of papers but does not believe he received a copy of the conditional use permit.

Commissioner Brauer asked if the house was for sale on Craigslist.

Mr. Reed stated he is going in a different direction to clean up the neighborhood and is not selling the house at this time.

Commissioner Field asked if the accessory dwelling was currently rented.

Mr. Reed stated no, his uncle and aunt are currently living there.

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

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

Chairperson Levine closed the public hearing at 8:37 p.m.

### **Commission Business**

Discussion ensued regarding the use; is it lawful non-conforming, the CUP states it is not to be a rental property; however, it became a part of the rental licensing program, and how the history of rental of the accessory dwelling affects the amendment to the CUP.

Commissioner Bauer stated that the best use of the existing structure regardless of how it came about or how it has been used. The best case for it to be well maintained is to allow it be used as a residential facility.

Commissioner Field stated he likes that policy however, it appears to be rewarding not following what was previously approved. He likes the policy of allowing accessory dwellings as a potential rental. Today you see more and more relatives moving back in with relatives so there is more of a demand.

Vice Chairperson Van Scoy stated he is frustrated with the fact that we have a CUP that was very specific and the City issued a rental license and created the problem.

Senior Planner Gladhill asked if the Commissioners would like to have the City Attorney's opinion if the Commission is setting any precedence that a rental license was given and on the federal acts as well.

Commissioner Brauer stated that he is not just frustrated but angry, the commission passed this with a very specific requirement and he would like to know what happened that would allow

them to rent the accessory structure outside the terms of the CUP and secondly he needs to hear from the City Attorney on the legality of allowing only relatives before he could vote on the amendment.

Vice Chairperson Van Scoy stated the CUP states that it is not a rental dwelling and it will not be rented and what he needs to know from the City Attorney is if the mistake of issuing a rental license voids out the CUP.

Commissioner Bauer stated he does not favor tabling it, the CUP was given to the previous owner and that owner did not follow the specific conditions and he thinks the best use of this property for the current owner and future owners is to allow the second unit to be used as a rental unit.

Commissioner Field stated the Commission has been requested to recommend a policy related to accessory apartments and they haven't even gotten into the subject. He sees the necessity to deliberate on this particular subject further and is in favor of tabling the case to allow for further input and allow for more measured discussion as how to treat this situation and address the policy the council is seeking.

Motion by Commissioner Brauer, seconded by Commissioner Field to table the case for additional city attorney input.

### **Further Discussion**

Vice Chairperson Van Scoy stated that the intent was not to rent, but to let a relative stay there, so the issue of being a relative is not consequential.

Commissioner Brauer stated that the issue is on the table to look at developing a policy. He interjected to make it clear that his experience has been that the City has done an excellent job at enforcing CUPs and this is very unusual, he didn't want to imply that Staff is not performing well or that we have a problem with staff or issuances of CUPs.

Vice Chairperson Van Scoy stated that this was not an issue created by current staff. We have a motion to table and the applicant agrees with that.

Motion Carried. Voting Yes: Vice Chairperson Van Scoy, Commissioners Brauer, and Field. Voting No: Commissioner Bauer. Absent: Chairperson Levine, Commissioners Dunaway and Schiller.

### **Case #3: Staff Update**

The Staff Update was noted.

### **Case #4: Zoning Bulletins**

The Zoning Bulletins were noted.

**COMMISSION/STAFF INPUT**

**ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 8:23 p.m.

Respectfully submitted,

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Tim Gladhill  
Senior Planner

ATTEST:

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JoAnn Shaw  
Planning Division Secretary