

City of Ramsey
Agenda
Regular Planning Commission
Thursday August 2, 2012
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 Meeting Minutes:

Planning Commission Meeting Minutes Dated July 12, 2012
- 5. Note City Council Minutes**
 1. Note the Following City Council Meeting Minutes:

City Council Meeting Minutes Dated May 22, 2012
City Council Meeting Minutes Dated June 12, 2012
City Council Meeting Minutes Dated June 26, 2012
- 6. Public Hearing/Commission Business**
 1. PUBLIC HEARING: Consider Preliminary Plat Approval for COR TWO (Sunwood Retail) Located South of Sunwood Drive (realigned) and East of Armstrong Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority (HRA)
 2. Consider Request for Site Plan Approval of Wiser Choice Liquor
 3. Staff Update
 4. Zoning Bulletins
- 7. Commission/Staff Input**
- 8. Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 08/02/2012

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Meeting Minutes:

Planning Commission Meeting Minutes Dated July 12, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

Planning 7.12.12

Form Review

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 12, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Ralph Brauer
 Commissioner Joseph Field
 Commissioner Jessica Perez
 Commissioner Robert Schiller

Members Absent: Commissioner Randy Bauer
 Commissioner Gary Van Scoy

Also Present: Senior Planner Tim Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson
 Development Manager Darren Lazan
 Planning Consultant Tina Goodroad

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated June 7, 2012

4.01.2: Planning Commission Special Meeting Minutes Dated June 19, 2012

Motion by Commissioner Field, seconded by Commissioner Brauer, to approve the following minutes as presented: Planning Commission Meeting Minutes dated June 7, 2012 and Special Planning Commission Meeting Minutes dated June 19, 2012.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Request for an Interim Use Permit for Grading and Mining Activities on Outlots A & B Elmcrest Sanctuary; Case of Oakwood Land Development Inc.

Public Hearing

Chairperson Levine called the public hearing to order at 7:02 p.m.

Presentation

Planning Consultant Goodroad presented the staff report indicating the applicant is requesting an interim use permit in order to establish a wetland and will be exporting material, which based on its amount requires an IUP. The purpose of creating the wetland is that the applicant wants to create a mitigation bank on the property. The site is ideal because of its development constraints. The project will be completed in a single phase with five year maintenance monitoring. The owner has agreed to limited activities due to nearby residential properties.

Planning Consultant Goodroad stated the City Engineer has reviewed the proposal and supports the project based on two conditions to address existing drainage issues adjacent to the subject property. Staff supports the request. The owners would like to start the process this year; however, since the permit process is taking longer than expected, Staff suggests extending the expiration to August 1, 2013.

Commissioner Field asked the number and proximity of residents affected.

Planning Consultant Goodroad showed nearby residents on the map noting none are in immediate proximity.

Commissioner Field asked the standard time period for this type of project questioning the start time on Saturday mornings. He noted on weekdays 7:00 AM is less intrusive due to work but suggested pushing it up an hour on Saturdays.

Associate Planner/Environmental Coordinator Anderson noted City code regulates the hours of operations for contractors with a begin time of 7:00 AM. He added the applicants would be flexible on the hours and willing to work with the City.

Senior Planner Gladhill added reasonable conditions can be attached to the IUP if the Commission chooses.

Consensus was to implement a start time of 8:00 AM on Saturdays.

Mr. John Peterson, President, Oakwood Land Development, provided background on the parcel noting several issues to building houses on the property. After discussions, they decided on a wetland creation. He noted they are not bringing additional water into the area; they are digging a basin to hold water. He referenced government entities involved in this type of project, noting their rules don't always match up. He added there are businesses that need wetland credits and these will be put in a bank and available for purchase, which is their return.

Commissioner Schiller questioned if an August 1st deadline is long enough and suggested October 1st.

Mr. Peterson stated he is comfortable with August 1st.

Discussion ensued whether the deadline should be August, as recommend by Staff, or extended to October.

Associate Planner/Environmental Coordinator Anderson noted that the August 1st deadline came from conversations with the engineering firm but that Staff would not be opposed to an October 1st deadline.

Mr. Peterson stated the credits should be bought within the same watershed if possible but it is not required by law. He noted the City may need some in The COR area.

The map was reviewed in terms of exactly where the upland will be turned into wetland.

Associate Planner/Environmental Coordinator Anderson discussed layers of the wetland on the map presented. He noted the focus of the application is on exporting of the materials. He concluded Staff is comfortable as several agencies are overseeing the plan.

Commissioner Brauer questioned traffic circulation, why left out instead of right.

Mr. Peterson noted it is the shortest route.

Commissioner Field asked if there are an established percentage of wetlands to be preserved or created in Ramsey.

Associate Planner/Environmental Coordinator Anderson stated the purpose of the project is that the owner is looking for an opportunity to capture some monetary value in the land and since there are some obstacles for future residential development, this may be a more feasible way to benefit from the property.

Senior Planner Gladhill noted there is no minimum percentage of wetlands but Staff often receives proposals that impact wetlands so this is an avenue to mitigate.

Citizen Input

None.

Motion by Commissioner Schiller, seconded by Commissioner Perez, to close the public hearing.

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

Chairperson Levine closed the public hearing at 7:38 p.m.

Commission Business

Further discussion ensued regarding the deadline date.

Commissioner Field questioned the expiration date of six months from City Council approval. He noted setting a reasonable time limit is an incentive to complete the project.

Senior Planner Gladhill recommended the actual permit be six months from LRRWMO approval, not to exceed December 31, 2013.

Commissioner Field questioned if there is an ordinance preventing work being done on Sundays. He proposed to amend the Findings of Fact to 7:00 AM to 7:00 PM Monday through Friday, 8:00 AM to 7:00 PM Saturday and no work done on Sunday.

Commissioner Brauer suggested the times be edited under the permit rather than findings.

Motion by Commissioner Field, seconded by Commissioner Perez, to amend the Findings of Fact #11 to specify excavation work and use of equipment be limited to the hours of 7:00 AM to 7:00 PM Monday through Friday, 8:00 AM to 7:00 PM Saturday and no work done on Sunday.

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

Motion by Commissioner Brauer, seconded by Commissioner Field, to incorporate Findings of Fact favorable to applicant with the substitution of new language in #11.

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

Motion by Commissioner Brauer, seconded by Commissioner Schiller, to recommend to City Council for approval as amended along with language proposed by Associate

Planner/Environmental Coordinator Anderson and by Senior Planner Gladhill in Findings of Fact #10.

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

5.02: Public Hearing: Consider Revised Comprehensive Plan Amendment for The COR

Public Hearing

Chairperson Levine called the public hearing to order at 7:50 p.m.

Presentation

Commissioner Brauer left the Chambers at 7:51 p.m.

Senior Planner Gladhill presented the staff report noting this is an amendment to the Comprehensive Plan. After review with the Metropolitan Council noted was a variation of boundaries listed in the forecast associated with the new COR master plan. He noted there is no change in the forecast due to no change in actual land use designation. Staff is requesting review of the changes in the Comprehensive Plan.

Development Manager Lazan presented and described the differences between the old and the new Plan. He noted work was done to address concerns in the discrepancy of the number of units within the development. He explained the history of unit changes and the cause for the current change. The process was to take the new unit count and work the differences and boundaries into one Plan.

Senior Planner Gladhill stated the technical memorandum is a work in progress and Staff is looking for feedback and a recommendation on the revised Comprehensive Plan. He noted two key pieces are the development plan and the forecast.

Citizen Input

None.

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

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

Chairperson Levine closed the public hearing at 8:00 p.m.

Commissioner Brauer returned to the Chambers at 8:01 p.m.

Commission Business

Chairperson Levine questioned the difference between where they started and where they are now in terms of housing.

Senior Planner Gladhill demonstrated site plan changes on the map presented.

Chairperson Levine asked the percent difference between residential and commercial.

Development Manager Lazan replied the major difference is the unified boundary criteria, there is more commercial than residential. He noted a fundamental shift on the west side of the project, opening it up to more commercial.

Commissioner Brauer questioned the Metropolitan Council projections and asked if they were still insisting on more houses.

Senior Planner Gladhill stated the Metropolitan Council is investing in the rail station and grants so they want to ensure the amendment is still consistent with their plan for grant approval.

Commissioner Field questioned the housing unit decrease from original and asked if they were looking to reestablish the original threshold.

Senior Planner Gladhill presented the areas on the site map.

Development Manager Lazan noted the most significant part is they now have a unified consolidated set of criteria.

Commissioner Brauer asked about The COR vision.

Development Manager Lazan stated The COR plan has a market focus, is a home for the community and is the center of Ramsey. It has all three components – rural, suburban and urban.

Motion by Commissioner Field, seconded by Commissioner Schiller, to recommend that City Council adopt the resolution granting approval of the Revised Comprehensive Plan Amendment for The COR.

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

5.03: Public Hearing: Consider GF Game Fair Off-Street Parking Overlay District

Public Hearing

Chairperson Levine called the public hearing to order at 8:19 p.m.

Presentation

Senior Planner Gladhill presented the staff report. He stated since Game Fair does not provide onsite parking many residents use their parcels for parking on the grass. In the past, they have received questions why this is allowed since the City has an off-street parking policy. With the proposed amendment, the City will now have something in code to provide an exemption. No additional permits or processes are being proposed.

Citizen Input

None.

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

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

Chairperson Levine closed the public hearing at 8:22 p.m.

Commission Business

Commissioner Field noted Game Fair is a unique event and draws people throughout the State; it is in a class of its own.

Commissioner Brauer noted the safety measure aspect. He stated if this off-street parking is not allowed, there is no area set up for people with disabilities as well as people are trying to cross streets in traffic.

Motion by Commissioner Field, seconded by Commissioner Perez, to recommend that City Council adopt the resolution establishing the GF Game Fair Off-Street Parking Overlay District.

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

5.04: Staff Update

The Staff Update was noted.

5.05: Zoning Bulletins

Zoning Bulletins were noted.

6. COMMISSION/STAFF INPUT

6.01: Absentee Voting

Member Field stated the primary is August 14th and reminded voters can vote by absentee ballot.

7. ADJOURNMENT

Motion by Commissioner Schiller, seconded by Commissioner Field, to adjourn the meeting.

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

The regular meeting of the Planning Commission adjourned at 8:28 p.m.

Respectfully submitted,

Tim Gladhill
Senior Planner

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Cheryl Felix
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 08/02/2012

By: JoAnn Shaw, Community Development

Information

Title:

Note the Following City Council Meeting Minutes:

City Council Meeting Minutes Dated May 22, 2012

City Council Meeting Minutes Dated June 12, 2012

City Council Meeting Minutes Dated June 26, 2012

Background:

n/a

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Attachments

City Council 5.22.12

City Council 6.12.12

City Council 6.26.12

Form Review

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Tim Gladhill

Form Started By: JoAnn Shaw

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Tim Gladhill

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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 22, 2012, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember David Elvig
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise (left the meeting at 8:17 p.m.)

Members Absent: Councilmember Colin McGlone

Also Present: Finance Director Diana Lund
City Engineer Tim Himmer
City Clerk Jo Thieling
Fire Chief Dean Kapler
Human Resources Representative Colleen Lasher
Parks Supervisor Mark Riverblood
Senior Planner Timothy Gladhill
City Attorney William Goodrich

1. CALL TO ORDER

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

2. PRESENTATION

None.

3. CITIZEN INPUT

None.

4. CONSENT AGENDA

Motion by Councilmember Strommen, seconded by Councilmember Backous, to approve the following items on the Consent Agenda as revised to remove Items 4.02, 4.09, and 4.12:

4.01: Note the following Commission and Board Meeting Minutes:

- 1) Environmental Policy Board Meeting Minutes Dated April 2, 2012
- 2) Planning Commission Meeting Minutes Dated April 5, 2012
- 3) Economic Development Authority Meeting Minutes Dated April 12, 2012
- 4.02: ~~Accept Plans and Specifications and Authorize the Bidding of the Sunwood Drive Realignment Project: City Improvement Project 12-20~~ This item was removed from the Consent Agenda and considered as Item 7.07
- 4.03: Approve the following City Council Meeting Minutes:
 - 1) City Council – Regular – March 13, 2012
 - 2) City Council – Regular – March 27, 2012
 - 3) City Council – Regular – April 10, 2012
 - 4) City Council – Regular – April 24, 2012
 - 5) City Council – Regular – May 8, 2012
- 4.04: Approve Licenses:

Special Events
City of Ramsey/Ramsey Foundation
7550 Sunwood Drive NW, Ramsey, MN 55303
- 4.05: Approve Exemption for a Gambling License for Capable Partners
- 4.06: Approve Exemption for a Gambling License for Anoka Area Chamber of Commerce
- 4.07: Approve Contract for New Map of the City of Ramsey with Village Profile
- 4.08: Approve Plans and Specifications for the 2012 Street Maintenance Program, and Authorize for Bid
- 4.09: ~~Adopt Resolution Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 3, 2012, through May 16, 2012~~ This item was removed from the Consent Agenda and considered as Item 7.06
- 4.10: Adopt Resolution #12-05-067 Adopting Findings of Fact #0900 relating to a Request from Gaughan Companies for a Waiver from City Code Paving Standards to Utilize a Class V Parking Surface on the Property Located at 6390 McKinley Street NW
- 4.11: Adopt Resolution #12-05-068 Authorizing Partial Payment to Knutson Construction for IP10-22 Municipal Ramp, Phase II
- 4.12: ~~Report from the Personnel Committee Meeting dated May 8, 2012~~ This item was removed from the Consent Agenda and considered as Item 7.07

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

5. 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, Strommen, and Tossey. Voting No: None. Absent: Councilmember McGlone.

6. PUBLIC HEARING

6.01: Public Hearing: Application for On-Sale, Sunday, and 2:00 a.m. Intoxicating Liquor License; Case of Whiskey Jacks of Ramsey, LLC d/b/a Whiskey Jacks, 6415 Highway #10 NW, Ramsey

Mayor Ramsey closed the regular portion of the City Council meeting at 7:02 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:02 p.m.

Presentation

City Clerk Thieling reviewed the staff report.

Citizen Input

Tom DeQuattro, Whiskey Jacks of Ramsey, introduced himself and stated he looks forward to being in Ramsey.

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

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

The public hearing was closed at 7:05 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:05 p.m.

Motion by Councilmember Wise, seconded by Councilmember Elvig, to approve an on-sale Sunday and 2:00 a.m. intoxicating liquor license application for Whiskey Jacks of Ramsey, LLC, d/b/a/ Whiskey Jacks.

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

7. COUNCIL BUSINESS

7.01: Consider Request for a Conditional Use Permit to Process Demolition Concrete in the E-2 Employment District at 6651 141st Avenue NW and to Stockpile Sand/Soil on a Vacant Property at 14191 Ebony Street NW; Case of Sauter and Sons, Inc.

Senior Planner Gladhill reviewed the staff report.

Tom Sauter, representing Sauter and Sons, Inc., stated it will take one day to set up and the crushing operation would last three days. He assured the Council that the crushing operation was not that loud unless a piece gets caught, but that seldom happens. Mr. Sauter stated the issue of dust control can be added to keep down dust during the crushing operation.

Senior Planner Gladhill explained a Conditional Use Permit (CUP) runs with the property into perpetuity if conditions are abided, with no sunset clause or end date. An Interim Use Permit (IUP) is interim use with an end date that can be extended or tied to an event.

The Council debated whether this consideration should involve an IUP, which offers future Councils additional flexibility, rather than a CUP that runs with the property. It was noted it may be considered a benefit for the City to have this type of heavy use in the industrial park. A distinction was made that this request involved bringing material to the site, not mining material from the site.

Senior Planner Gladhill clarified that City Code directs this type of request to be a CUP. He explained the discussion of the Planning Commission related to whether an ordinance amendment should be considered to direct future requests for this type of use to be an IUP.

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to adopt Resolution #12-05-069 adopting Findings of Fact #0901 in the affirmative relating to the request for a Conditional Use Permit for processing demolition concrete and asphalt in the E-2 Employment District on property at 6651 141st Avenue NW and adopt Resolution #12-05-070 approving the request for a Conditional Use Permit for processing demolition concrete and asphalt on the property at 6651 141st Avenue NW contingent upon review and approval of a drainage and erosion control plan and declaring the terms of the permit, based on findings of fact.

Further discussion: The Council indicated its frustration with after-the-fact applications.

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

Motion by Councilmember Elvig, seconded by Councilmember Tossey, to adopt Resolution #12-05-072 adopting Findings of Fact #0902 in the affirmative relating to the request for a Conditional Use Permit for open and outside storage as the principal use in the E-2 Employment District on property at 14191 Ebony Street NW and adopt Resolution #12-05-070 approving the request for a Conditional Use Permit for open and outside storage as a principal use on the

property at 14191 Ebony Street NW contingent upon review and approval of a drainage and erosion control plan and declaring the terms of the permit, based on findings of fact.

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

7.02: Introduce Ordinance to Amend City Code Chapter 10 (Animals) Related to Keeping of Non-Domestic Animals on Parcels Less Than Three (3) Acres in Size

Senior Planner Gladhill reviewed the staff report.

The Council agreed with the suggestion of Mayor Ramsey to increase the number of chickens to six on a parcel up to one-quarter acre in size.

Motion by Mayor Ramsey, seconded by Councilmember Backous, to introduce an ordinance to amend City Code Chapter 10 (Animals) to reduce the minimum lot size threshold for certain non-domestic animals and provide proper standards for allowing for bee keeping in certain circumstances, as amended.

Further discussion: Senior Planner Gladhill indicated the typographical error noted by Councilmember Strommen will be corrected prior to second reading.

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

7.03: Consider Award of Contracts for the 2012 Storm Sewer Improvement Projects; City Improvement Project #12-24

City Engineer Himmer reviewed the staff report and presented bids.

Motion by Councilmember Backous, seconded by Mayor Ramsey, to adopt Resolution #12-05-073 awarding a contract for Division A of the 2012 storm sewer improvements; City Improvement Project #12-24 to Driden Excavating in the amount of \$157,262 plus overhead costs; and adopt Resolution #12-05-074 awarding a contract for Division B of the 2012 storm sewer improvements; City Improvement Project #12-24 to Julian Johnson, in the amount of \$77,383 plus overhead costs.

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

7.04: Adopt Resolution #12-05-XXX for Continuing Efforts Towards a Shared Fire Service

Fire Chief Kapler presented the staff report and indicated the proposed resolution had been presented to all five communities involved, adopted by three (Nowthen, Oak Grove, St. Francis),

was being considered by Ramsey tonight, and he had not yet heard back from one community (Bethel).

The Council discussed the recommendation of the Study Group that it found merit to continue exploring the issues raised in its report. It was noted the proposed resolution would indicate the City's support to continue discussions but would not result in a commitment. The Council acknowledged that some additional research into issues identified may depend on the number of communities that support continuing to explore.

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to adopt Resolution #12-05-075, to Continue Efforts Towards a Shared Fire Service.

Further discussion: Councilmember Strommen thanked Fire Chief Kapler for his support to the Study Group during this discussion. The Council indicated concern remained about how to dissolve the shared fire service arrangement in the future, if needed.

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

7.05: Report from the Personnel Committee Meeting dated May 8, 2012:

7.05.1: Adopt Resolution #12-05-XXX Ending the Probation Period of a Patrol Officer

7.05.2 Adopt Resolution #12-05-XXX to Accept a Planning Commission Resignation and Appoint a New Planning Commissioner

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to ratify the recommendations of the Personnel Committee to adopt Resolution #12-05-076 to remove Mr. Kyle Hemmerich from probation and retain him as a full-time regular Patrol Officer; and, adopt Resolution #12-05-077 to accept Mr. Andrew Dunnaway's resignation and appoint Jessica Perez to the Planning Commission for a partial term ending on March 31, 2013.

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

7.05.3 Adopt Resolution #12-05-XXX to Accept the Resignation of the Public Works Director, Appoint the Fire Chief and the City Engineer to 3-month Interim Assignments, and to Authorize a Recruitment

Human Resources Representative Lasher presented the staff report and answered questions of Council.

The Council discussed whether the Public Works Department and Engineering Department should be permanently separated, as recommended by City Administrator Ulrich, whether the redesignation of City Engineer Himmer was an on-going or interim assignment, and if it would be considered a Department Head position.

The Council discussed its concern with assigning additional duties to Fire Chief Kapler and City Administrator Ulrich. Due to questions related to the level of compensation for assuming additional responsibilities, impact of permanently splitting the Public Works Department and Engineering Department, and need for a revised organizational plan that addressed staffing changes, support was expressed to delay consideration to the May 29, 2012, Special Session when City Administrator Ulrich is in attendance.

Motion by Councilmember Strommen, seconded by Councilmember Tossey, to ratify the recommendation of the Personnel Committee and adopt Resolution #12-05-078 to do the following:

- 1) Accept Mr. Brian Olson's resignation as Public Works Director;
- 2) Appoint Fire Chief Kapler to an interim assignment for up to a 3-month period to oversee the Public Works Building Maintenance, Parks, Streets, and Utilities Divisions; and
- 3) Appoint City Engineer Himmer to oversee the Engineering Division on an interim basis.

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

The consensus of the Council was to schedule the following for the May 29, 2012, Special Session meeting agenda:

- 1) Conduct an internal and/or external recruitment process to relieve Fire Chief Kapler from the interim duties of overseeing the operations side of the Public Works Building Maintenance, Parks, Streets, and Utilities Divisions; and,
- 2) To restructure the Public Works Department into two separate areas such as Engineering will be led by City Engineer Himmer and the operations side of Public Works, including Building Maintenance, Parks, Streets and the Utilities Divisions will be led by the individual promoted or hired during the recruitment process.

7.06: Adopt Resolution #12-05-XXX Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 3, 2012, through May 16, 2012

Finance Officer Lund reviewed the staff report and how the payment to Landform was calculated.

Motion by Councilmember Backous, seconded by Mayor Ramsey, to adopt Resolution #12-05-079 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 3, 2012, through May 16, 2012.

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

7.07: Accept Plans and Specifications and Authorize the Bidding of the Sunwood Drive Realignment Project: City Improvement Project 12-20

To avoid appearance of a conflict, Councilmember Wise left the Council Chambers at 8:17 p.m.

Councilmember Elvig stated he was not against this project, but had concerns with the timing since several land sale proceeds and grants had not been received, requiring reliance on internal revolving funds and \$500,000 of TIF dollars.

The Council acknowledged these concerns; however, the majority supported the use of TIF in this circumstance because it involved infrastructure improvements within the TIF district. It was mentioned that this project was a top priority to create catalyst for The COR and making this investment now would establish the City's position that the State needed to address the deficiencies with Highway 10.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to approve Plans and Specifications and Authorize the Bidding of the Sunwood Drive Realignment Project: City Improvement Project 12-20.

Further discussion: The Council debated the motion and asked questions of City Engineer Himmer who explained the JPA funding formula. The Council asked staff to assure it was tracking all project/cost investment so it could be counted towards the City's share in the overpass project. City Engineer Himmer indicated there is no guarantee that these costs will be counted toward the City's 50% match. The Council agreed with the need to objectively address funding scenarios to assure sources are adequate given the City is considering a number of projects. City Engineer Himmer clarified the action before the Council is to approve plans and advertise for bids, not award the project. Councilmember Elvig stated he would support the motion since the bids would provide additional project costs, hopefully lower than estimated. He supported including a letter of prejudice stipulation in the JPA. City Engineer Himmer acknowledged there will be additional project costs, including an HRA consideration of a \$250,000 project to provide access to the new Sunwood Drive realignment. The Council asked staff to provide an entire funding "picture."

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

8. MAYOR, COUNCIL AND STAFF INPUT

Announcements were made related to election filings and the June 14, 2012, Flag Day event at Veteran's Lake. City Engineer Himmer provided project updates and answered questions of the Council.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 8:44 p.m.

Respectfully submitted,

Diana Lund
Finance Director

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
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, June 12, 2012 at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Bob Ramsey
Councilmember Randy Backous
Councilmember Colin McGlone
Councilmember Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: Councilmember David Elvig

Also Present: City Administrator Kurtis Ulrich
City Engineer Tim Himmer
Finance Director Diana Lund
Fire Chief Dean Kapler
Police Chief James Way
Parks Supervisor Mark Riverblood
Human Resources Representative Colleen Lasher
Street Supervisor Grant Reimer
Associate Planner/Environmental Coordinator Chris Anderson
City Attorney William Goodrich
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

2.01: Presentation of the 2011 Audit Report by the City's Audit Firm of Malloy, Montague, Karnowski, Radosevich & Company

Finance Director Lund introduced Aaron Nielson of Malloy, Montague, Karnowski, Radosevich and Company (MMKR) to present the 2011 Audit Report.

Mr. Nielson, MMKR, presented the 2011 Audit Report, noting an unqualified opinion has been issued.

City Administrator Ulrich commended Finance Director Lund and her staff, noting the audit and management of the budget throughout the year is a big work effort.

Finance Director Lund stated her thanks to Senior Accountant Denelle McAlpine, who did the majority of work compiling the CAFR. She indicated if the Certificate of Excellence is awarded, it will be for the 18th consecutive year.

3. CITIZEN INPUT

John Enstrom, 8702 – 181st Avenue NW, announced the June 14, 2012, annual Flag retirement, described what will take place, and provided the City with a press release for this event.

4. CONSENT AGENDA

Councilmember Wise stated he will abstain from voting on the Consent Agenda since Item 4.06 includes the renewal of a liquor license for a business he owns, Wisser Choice Liquor.

Motion by Mayor Ramsey, seconded by Councilmember Strommen, to approve the following items on the Consent Agenda:

- 4.01: Receive Cash and Investments for Period Ending April 30, 2012
- 4.02: Receive 2011 Comprehensive Annual Financial Report (CAFR)
- 4.03: Receive April 2012 Financial Reports – General Fund and Enterprise Funds
- 4.04: Approve License Applications:

Special Events

Cynthia Warneke for event at Central Park, 7925 – 161st Avenue NW, Ramsey, MN 55303
Century Link, 6651 – 141st Avenue NW, Floor 2, Ramsey, MN 55303
Minnesota State Society DAR, 27157 Dakota Avenue, Elko, MN 55020

Peddler

Christopher Bearup, 16315 – 230th Avenue NW, Elk River, MN 55330

- 4.05: Approve the following Council Meeting Minutes:
 - 1) City Council Work Session – March 13, 2012
 - 2) City Council Special Session – March 20, 2012
 - 3) City Council Work Session – March 27, 2012
 - 4) City Council Work Session – April 10, 2012
 - 5) City Council Work Session – April 24, 2012
 - 6) City Council Work Session – May 1, 2012
 - 7) City Council Work Session – May 8, 2012

- 4.06: Approve Off-Sale Intoxicating Liquor, Off-Sale 3.2% Liquor, On-Sale Intoxicating Liquor, Beer, Sunday Sales, and Optional 2:00 a.m. Closing

Off Sale Intoxicating

Rum River Wine & Spirits, Inc. d/b/a/ Run River Wine & Spirits
J.N.T. Enterprise, Inc. d/b/a/ M & L Country Liquors
Coborn's, Inc. d/b/a Coborn's Liquor
Wisser Choice Liquor, Inc. d/b/a Wisser Choice Liquor
On Sale & Sunday Intoxicating and 3.2 and/or Beer & Optional 2:00 a.m.

The Links at Northfork G.C. LLC d/b/a The Links at Northfork*
Fairways on the Rum, Inc. d/b/a McDuff's Eatery & Pub
Templer Group, Inc. d/b/a JR's Outpost
M&M Super Bowl, Inc. d/b/a Super Bowl
Wells Catering, Inc. d/b/a Wells Catering
SPM Properties, Inc. d/b/a Penalty Box Bar & Grill*
Acapulco of Ramsey, Inc. d/b/a Acapulco Mexican Restaurant
Whiskey Jacks of Ramsey LLC d/b/a Whiskey Jack's*

*Contingent upon proper paperwork being received.

3.2% Off Sale

Rademacher Companies, Inc. d/b/a Bill's Superette #8
Northern Tier Retail LLC d/b/a SuperAmerica #4508
Yamoutpour, Frank d/b/a Sunfish Express
Coborn's, Inc. d/b/a Coborn's Superstore

- 4.07: Approve the Policy for the Disposition of Surplus City Owned Land
- 4.08: Adopt Resolution #12-06-080 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of May 17, 2012, through June 6, 2012
- 4.09: Adopt the City Land Acquisition Policy
- 4.10: Adopt Resolution #12-06-081 to Accept the Resignation of the Deputy City Clerk
- 4.11: Adopt Resolution #12-06-082 to Accept the Resignation of the City Engineer
- 4.12: Adopt Resolution #12-06-083 Authorizing a Fixed Rate Membership in the 4M Fund
- 4.13: Report from the Public Works Committee meeting dated May 15, 2012:
- 1) Consider Stormwater Improvements at 149th Lane – A Continuation of Discussion Related to 2011 Flooding Concerns – *This item is being presented as a separate case at tonight's meeting.*
 - 2) Consider Stormwater Improvements at Rum River Hills Golf Course – A Continuation of Discussion Related to 2011 Flooding Concern – *This item is being presented as a separate case at tonight's meeting.*
 - 3) Consider Stormwater Improvements at 148th Lane – A Continuation of Discussion Related to 2011 Flooding Concerns – *This item is being presented as a separate case at tonight's meeting.*
 - 4) Consider Installation of Stop Signs and an In-Street Pedestrian Crossing Sign Near 150th Lane NW and Ute Street – *Ratify the recommendation of the Public Works Committee to approve the installation of pedestrian signage on either side of the existing trail crossing along 150th Lane to push them out far enough in advance to caution of pedestrian crossing ahead, and review the sight lines in the area at the approaches.*
 - 5) Discuss Trail Easement at 15620 Krypton Street W. – *Ratify the recommendation of the Public Works Committee that upon closing on the property, the City enter into an agreement with new homeowners whereby they would dedicate a 7.5-foot wide pedestrian trail easement along their easterly lot line in exchange for the City removing the existing bituminous trail that falls outside of this easement area and reestablishing the turf.*
 - 6) Winter Maintenance Summary – *No action taken, for discussion purposes.*

- 7) The Use of AVL System in Public Works – *Ratify the recommendation of the Public Works Committee to direct staff to continue to gather information and pricing for consideration in the 2013 budget.*

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

5. APPROVE AGENDA

Motion by Councilmember Tossey, seconded by Councilmember Wise, to approve the agenda as revised to add Item 7.08: Report from the Personnel Committee meeting dated June 10, 2012.

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

6. PUBLIC HEARING

6.01: Public Hearing to Consider Introducing an Ordinance Amending Chapter 8 (Public Improvements and Special Assessments) of the City Charter as Recommended by the Charter Commission

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 Attorney Goodrich reviewed the staff report and recommendation of the Charter Commission. He explained how the Charter Commission is appointed by the District Court Chief Judge, its role, and items under its jurisdiction.

Charter Commission Chair Joe Field, 8020 152nd Lane, reported on the consensus of the Charter Commission that a 50% margin for the petition process made sense to indicate the desire of the majority and not needlessly expend City resources.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:21 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:21 p.m.

The Council discussed its support for the ordinance amendment due to the considerable cost to start a construction project.

Councilmember Backous indicated he was not fan of assessments because that process was too complicated, inefficient, and expensive in some cases. However, he will support the ordinance amendment since he found it was a “step in the right direction.”

Motion by Councilmember Wise, seconded by Councilmember Backous, to introduce an Ordinance Amending Chapter 8 (Public Improvements and Special Assessments) of the City Charter.

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

7. COUNCIL BUSINESS

7.01: Adopt Ordinance No. __ Amending City Code Chapter 10 (Animals) Related to the Keeping of Non-Domestic Animals on Parcels Less Than Three (3) Acres in Size

Associate Planner/Environmental Coordinator Anderson reviewed the staff report and recommended an amendment to Section F to add: “and no crowing hens.”

City Attorney Goodrich recommended inclusion of the nuisance ordinance.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to adopt Ordinance No. 12-06 Amending City Code Chapter 10 (Animals) Related to the Keeping of Non-Domestic Animals on Parcels Less Than Three (3) Acres in Size, as amended to include the nuisance ordinance and language restricting “crowing hens.”

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.02: Adopt Ordinance No. __ Amending Chapter 54 of the Ramsey City Code, Known as the Traffic and Vehicle Chapter, Article IV, Sections 96-105 – Recreational Vehicles

Police Chief Way reviewed the staff report and responded to questions of the Council. He indicated a valid driver's license is required as part of the application process. However, Ramsey would not be aware should a permit holder receive a DUI and lose his/her license if that violation occurred out of Ramsey's jurisdiction. Police Chief Way indicated State Statute takes away the right to drive an ATV or snowmobile due to DUI but that is not true with golf carts.

Councilmember Backous stated his intent to not support the ordinance because of the staff resources it would consume for vetting applications, issuing permits, training permittees, enforcing the ordinance, and because it allows someone that has lost his/her license due to DUI or negligent driving to drive this type of vehicle on the City's streets.

Councilmember Strommen stated her intent to not support the ordinance due to concerns she had previously expressed relating to the safety of Ramsey residents, both those driving ATVs/golf carts and those driving other vehicles. She indicated she would feel more comfortable if confined to rural areas or to facilitate trail access. In addition, given the current condition of many City streets, she did not support adding ATV and golf cart traffic.

A majority of the Council spoke in support of the ordinance amendment, thinking it would not result in a safety concern or overwhelming number of requests and would provide additional freedom to the City's residents in terms of transportation options.

Following discussion, Fire Chief Way indicated he will add language relating to an age requirement of 18 years, requiring a slow moving sign on golf carts, and break lights if on the road at night.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to adopt Ordinance No. 12-07 Amending Chapter 54 of the Ramsey City Code, Known as the Traffic and Vehicle Chapter, Article IV, Sections 96-105 – Recreational Vehicles.

Further discussion: Police Chief Way indicated the \$10 permit fee will cover the \$5 to \$8 per permit cost and a Code citation would be a petty misdemeanor requiring a fine of up to \$300 but no jail time.

A roll call vote was performed by the Recording Secretary:

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

Councilmember Strommen nay
Mayor Ramsey aye

Motion carried.

The Council requested an update at the next meeting relating to timing for issuance of permits.

7.03: Consider Stormwater Improvements on 148th Lane NW and 149th Lane NW, and Approve Change Orders for City Improvement 12-24

City Engineer Himmer reviewed the staff report.

Motion by Councilmember Backous, seconded by Councilmember Tossey, to approve change order for Improvement Project 12-24 – Division B, with Julian M. Johnson Construction in the amount of \$16,460; and, change order for Division A, 2012 Storm Sewer Improvement Project (IP #12-24), in the amount of \$119.

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

7.04: Consider Scope of Services and Authorize the Preparation of Plans and Specifications for Stormwater Improvements at Rum River Hills Golf Course

City Engineer Himmer reviewed the staff report.

Motion by Councilmember Wise, seconded by Mayor Ramsey, to authorize the proposed storm sewer improvements for the Rum River Hills Golf Club; including a contract with Hakanson Anderson for the preparation of plans and specifications, surveying staking, inspections, and construction administration in an amount not to exceed \$57,000; and, authorize soliciting quotes to complete the improvements.

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

Councilmember Backous left the Chambers at 8:10 p.m.

7.05: Approve Irrigation and Topsoil Test Plots for North Commons

Parks Supervisor Riverblood reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Strommen, to approve a not-to-exceed amount of \$33,615 from the Park Trust Fund, and \$14,499 from the Municipal Water Utility for irrigation and topsoil test plot development and associated improvements at North Commons.

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

Councilmember Backous returned to the Chambers at 8:13 p.m.

7.06: Adopt Resolution #12-06-XXX to Reclassify Two Public Works Employees

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to adopt Resolution #12-06-084 to Reclassify Two Public Works Employees.

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

The consensus of the Council was to reorder the agenda to next consider Item 7.08.

7.08: Report from the Personnel Committee meeting dated June 12, 2012:

7.08.1: Adopt Resolution #12-06-XXX to Authorize Reallocation of Staff Time and Resources Due to Organizational Changes

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember Tossey, seconded by Councilmember Strommen, to Ratify the recommendation of the Personnel Committee to adopt Resolution #12-06-085 Authorize Reallocation of Staff Time and Resources Due to Organizational Changes.

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

7.08.2: Adopt Resolution #12-06-XXX to Authorize a Recruitment for a Replacement Part-time Police Technician

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember Tossey, seconded by Councilmember Strommen, to ratify the recommendation of the Personnel Committee to adopt Resolution #12-06-086 Authorize a Recruitment for a Replacement Part-Time Police Technician.

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

7.07: Update on Required Land Acquisitions for the Sunwood Drive Realignment Project – Portions of this discussion may be closed to the public

Councilmember Wise recused himself due to a potential conflict of interest and left the Council Chambers at 8:21 p.m.

City Attorney Goodrich reviewed the staff report and status of acquiring five parcels relating to the Sunwood Drive Realignment Project.

City Engineer Himmer reviewed acquisition costs, noting they are higher than anticipated at \$6.2 million. The funding package equals \$5.9 million for a funding gap of approximately \$289,000. He indicated that bids will be presented, once received, along with costs for street lighting and consulting engineer.

The Council discussed the funding options and asked questions of staff. It was noted the HRA will be discussing possible disbursement of land sale proceeds at tonight's meeting.

Finance Director Lund presented funding options based on acquisition costs of \$6,232,000 including legal costs and answered questions of the Council. She indicated the intention is to give the funds, not loan the funds, for this purpose.

City Administrator Ulrich indicated the Council needs to identify funding prior to ordering the project, the cost of which will not be known until bids are opened. He explained project costs and land sale proceeds will come together at the next meeting but staff wanted to discuss the land proceed policy with the HRA tonight to identify enough funding to allow this project to move forward on the anticipated schedule.

Councilmember Tossey expressed an unwillingness to consider use of the Equipment Revolving Fund in case of equipment failure.

Councilmember Strommen stated she has been on board with this project; however, is growing uncomfortable due to higher than anticipated costs, lower land proceeds, and loss of TOD grant funding. She stated she was reluctant to consider budgeting all funds and future land proceeds to this project when it has not yet been identified how those funds will be paid back.

The Council discussed the priority of the Sunwood Drive Realignment Project and consensus was reached this was an important project and would create synergy for The COR and interchange project. However, funding needed to be identified.

City Administrator Ulrich recommended purchasing the right-of-way if the Council thinks the project will eventually be completed, noting the Oasis property has already been purchased at \$1 million in anticipation of this and the interchange project. He indicated the City Attorney has negotiated offers and delaying purchase of right-of-way parcels may result in issues with the property owner. City Administrator Ulrich stated it would not be a bad investment to purchase rights-of-way even if the City has to wait to identify land proceeds to pay for the rest of the project, and a funding package can be created that does not include Equipment Revolving Funds.

The Council discussed the option raised by City Administrator Ulrich to make rights-of-way acquisitions at this time and phase the rest of the project. Agreement was reached that TIF was intended for this purpose, infrastructure.

City Engineer Himmer estimated there has been \$420,000 in engineering costs to date. He noted the Billmark purchase includes improvements that are part of this project, connection to sanitary sewer. However, there are options to offer all cash with no connection or to provide for the sewer connection under a smaller contract since the pipe is already there.

Development Manager Lazan reviewed project costs, areas of anticipated savings, and possible funding scenarios.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to direct the City Attorney to continue acquisition of the four listed properties and present purchase agreements at a future meeting, as necessary.

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

Motion by Mayor Ramsey, seconded by Backous, to approve entering to a Purchase Agreement with the Solveig B. Nordvik Trust for the purchase of the entire site at 8020 – 147th Avenue NW for a total of \$855,000.

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

Councilmember Wise returned to the meeting at 8:57 p.m.

7.08: Report from the Personnel Committee meeting dated June 12, 2012:

This item was considered prior to Item 7.07.

8. MAYOR / COUNCIL / STAFF INPUT

Mayor Ramsey cautioned residents about several recent bear sightings. He announced the summer schedule for The Draw and event sponsors and reminded residents of the option to vote via absentee ballots.

City Administrator Ulrich advised of the cancellation of the July 3, 2012, Council meeting and announced upcoming meetings and events.

9. ADJOURNMENT

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

Motion carried.

The regular meeting of the City Council adjourned at 9:04 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

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 7.08: Adopt Ordinance Amending Chapter 8 (Public Improvements and Special Assessments) of the City Charter as Recommended by the Charter Commission 10

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9. ADJOURNMENT 11

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

The Ramsey City Council conducted a regular meeting on Tuesday, June 26, 2012 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 Sarah Strommen
Councilmember Jason Tossey
Councilmember Jeffrey Wise

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
City Engineer Tim Himmer
Finance Director Diana Lund
Fire Chief Dean Kapler
City Clerk Jo Ann Thieling
Human Resources Representative Colleen Lasher
Parks and Public Works Superintendent Mark Riverblood
Senior Planner Timothy Gladhill
Associate Planner/Environmental Coordinator Chris Anderson
Management Analyst Patrick Brama
City Attorney William Goodrich
Development Manager Darren Lazan

1. CALL TO ORDER

Mayor Ramsey called the regular meeting of the Ramsey City Council to order at 7:04 p.m., followed by the Pledge of Allegiance led by Mayor Ramsey.

2. PRESENTATION

2.01: Presentation for Recognition of Twenty Consecutive Years as a Tree City USA

Senior Planner Gladhill described the components required to be recognized as a Tree City USA and extended appreciation to Associate Planner/Environmental Coordinator Anderson, Parks and Public Works Superintendent Riverblood, and the Environmental Policy Board.

Mayor Ramsey presented the Tree City USA Award to EPB Chair Max and Board Members, noting their efforts were instrumental in Ramsey receiving this award for twenty consecutive years.

Associate Planner/Environmental Coordinator Anderson introduced EPB Members in attendance and thanked the Parks, Streets, and Engineering staff for their work that resulted in this recognition.

3. CITIZEN INPUT

John Enstrom, 8702 – 181st Avenue NW, suggested the City consider instituting a rodent bounty system and offered assistance in training how to trap rodents.

Levi Dargis, 6741 – 157th Lane NW, stated his road was paved last year and is already falling apart. He described the large sized holes that were not fixed before being paved and stated residents are not happy with the project they paid for.

City Administrative Ulrich stated engineering staff will explore options and address issues before the warranty expires. It was indicated this item could be considered by the Public Works Committee at its July 17, 2012, meeting.

4. CONSENT AGENDA

Motion by Mayor Ramsey, seconded by Councilmember Backous, to approve the following items on the Consent Agenda as revise to remove Item 4:14:

- 4.01: Receive Cash and Investments for Period Ending May 31, 2012
- 4.02: Note the following Boards and Commissions Meeting Minutes:
 - 1) Planning Commission meeting minutes dated May 3, 2012
 - 2) Environmental Policy Board meeting minutes dated May 7, 2012
 - 3) Economic Development Authority meeting minutes dated May 10, 2012
- 4.03: Consider Escrow Agreement for Property Identification Number Division at 14503 Bowers Drive; Case of Ann Tolkinen
- 4.04: Approve Exemption for a Gambling License for Wounded Warriors Guide Service, Inc.
- 4.05: Approve Purchase of Customer Request Management (CRM) Software
- 4.06: Adopt Resolution #12-06-XXX Approving Cash Disbursement Made and Authorizing Payment of Accounts Payable Invoicing Received During the Period of June 7, 2012, through June 20, 2012
- 4.07: Adopt Resolution #12-06-XXX to Enter into a Contract with the MN DNR for Community Forest Bonding Grant Monies for North Commons Landscaping
- 4.08: Adopt Resolution #12-06-XXX Authorizing Partial Payment to Knutson Construction for IP10-22 Municipal Parking Ramp, Phase II
- 4.09: Adopt Resolution #12-06-XXX Authorizing Final Payment to Dryden Excavating for IP 10-24; Wetland 656 W Outlet
- 4.10: Adopt Resolution #12-06-XXX Authorizing Partial Payment to Sandstrom Land Management, LLC for IP 09-24 COR Wetland Mitigation

- 4.11: Adopt Resolution #12-06-XXX Authorizing Final Payment to Dryden Excavating for IP 10-32; 176th Avenue Culvert Replacement
- 4.12: Adopt Resolution #12-06-XXX to Authorize a Paid-on-call Firefighter Recruitment and Streamline Future Recruitments
- 4.13: Adopt Resolution #12-06-XXX Assigning an Approved Conditional Use Permit for Motor Vehicle Sales at 6740 Highway 10 NW to MSM Auto LLC
- ~~4.14: Adopt Resolution #12-06-XXX Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council on Local Results and Innovation (Created by the Legislature in 2010) This item was removed from the Consent Agenda and considered as Item 7.9.~~

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

5. APPROVE AGENDA

Motion by Councilmember Elvig, seconded by Councilmember Wise, to approve the agenda as revised to add Item 7.10, Consider Resolution #12-06-XXX to Offer a Voluntary Early Separation Program.

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

6. PUBLIC HEARING

6.01: Public Hearing: Application for Off-Sale Intoxicating Liquor License; Case of Fairway Liquors, 5900 – 167th Avenue NW

Mayor Ramsey closed the regular portion of the City Council meeting at 7:17 p.m. in order to conduct a public hearing.

Public Hearing

Mayor Ramsey called the public hearing to order at 7:17 p.m.

Presentation

City Clerk Thieling reviewed the staff report.

Bruce Mathson introduced himself and stated he is excited to reopen as Fairway Liquors.

Citizen Input

There was none.

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

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

The public hearing was closed at 7:18 p.m.

Council Business

Mayor Ramsey called the regular City Council meeting back to order at 7:18 p.m.

Motion by Councilmember Wise, seconded by Councilmember Tossey, to approve an On-Sale Intoxicating Liquor License application for Bruce Mathson of Atlantic Cargo Company, Inc., d/b/g Fairway Liquors.

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

7. COUNCIL BUSINESS

7.01: Request for an Interim Use Permit to Allow for the Operation of a Church in the H-1 Highway 10 Business District on the Property Located at 6937 Highway 10 NW; Case of Freedom Christian Church

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to adopt Resolution #12-06-XXX adopting Findings of Fact relating to the request for an Interim Use Permit.

Further discussion: Councilmember McGlone stated his support to limit approval to a term of five years. Mayor Ramsey declared the motion to be out of order since it supported staff's recommendation that the term be tied to an event, not a yearly term.

Motion by Councilmember McGlone, seconded by Councilmember Tossey, to adopt Resolution #12-06-XXX adopting Findings of Fact relating to the request for an Interim Use Permit.

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

Motion by Councilmember McGlone, seconded by Councilmember Elvig, to adopt Resolution #12-06-XXX approving the request for an Interim Use Permit that will expire in five years maximum and declaring the terms as proposed, subject to review of the City Attorney and contingent upon receiving written consent of the Subject Property owner.

Further discussion: In response to the Council's questions, Associate Planner/Environmental Coordinator Anderson indicated State Statute requires a public hearing for renewal of or a new Interim Use Permit. He stated the costs would be a \$200 application fee and \$600 escrow to cover the cost to publish public hearing notice, mailing, and staff time to process the application.

Councilmember Tossey stated his intent to vote against the motion, preferring staff's recommendation to streamline the process by tying the term to an event as opposed to an arbitrary date.

Amendment motion by Mayor Ramsey that the City to reimburse permit and escrow soft costs (i.e., publication costs) in consideration of the hardship caused to this nonprofit.

Motion died for lack of a second.

Original motion carried. Voting Yes: Mayor Ramsey, Councilmembers McGlone, Elvig, Backous, Strommen, and Wise. Voting No: Councilmember Tossey.

7.02: Consider Approval of Environmental Policy Board's 2012-2013 Work Plan

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

Motion by Councilmember Backous, seconded by Councilmember Strommen, to adopt Resolution #12-06-XXX approving the EPB's annual work plan as amended to coordinate with the Lower Rum River Water Management Organization.

Further discussion: The Council acknowledged its discussion during Work Session asking the EPB to notify the Council should an item come up mid-year for inclusion in the Work Plan. Councilmember Backous recognized the EPB members, past and present, and thanked each for their efforts on behalf of Ramsey.

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

7.03: Consider East Side Oil Equipment Lease

Councilmember McGlone recused himself due to a potential conflict of interest and left the Council Chambers at 7:31 p.m.

Associate Planner/Environmental Coordinator Anderson reviewed the staff report.

City Attorney Goodrich indicated the lease contains standard indemnity language recommended by the League of Minnesota Cities that requires East Side Oil Company to hold the City harmless for things like malfunction of equipment should a spill occur.

Motion by Mayor Ramsey seconded by Councilmember Wise, to authorize staff to execute an equipment lease agreement that contains environmental indemnity language to protect the City in the event of an oil spill, with East Side Oil Companies, subject to review by the City Attorney as to legal form.

Further discussion: The Council discussed that this service is of benefit for the City's residents and the lease contains a 30-day termination so should it be found the program is not working. A

suggestion was made to ask the EPB to review the program in one year to determine if it is successful and make a recommendation. Concern was expressed by several Councilmembers that the indemnity language was only good if the company was still in business and they supported better positioning to assure the City is protected. It was pointed out that the Council had previously directed staff to explore the option of East Side Oil Companies leasing City land for its equipment, which would better position the City to limit liability. Associate Planner/Environmental Coordinator Anderson explained staff was confident the indemnity language and positive response from other communities placed the City in a good position, but would have no issue exploring a lease-back opportunity with Eastside Oil Company.

Substitute motion by Mayor Ramsey seconded by Councilmember Elvig, to postpone consideration of equipment lease agreement with East Side Oil Companies to the next meeting to allow time for staff to explore a lease-back option with East Side Oil Companies.

Substitute motion carried. Voting Yes: Mayor Ramsey, Councilmembers Elvig, Backous, Strommen, Tossey, and Wise. Voting No: None. Absent: Councilmember McGlone.

Councilmember McGlone returned at 7:48 p.m.

7.04: Authorize Interim City Engineer Contract

City Engineer Himmer reviewed the staff report and presented the contract costs, noting the Hakanson Anderson proposal was for a \$8,600/month stipend but included development review, plat and other reviews.

Motion by Mayor Ramsey, seconded by Councilmember Wise, to accept the Hakanson Anderson proposal and appoint Hakanson Anderson as the Interim City Engineer.

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

7.05: Approve Comprehensive Utility Reports; Sanitary Sewer and Water System Studies

City Engineer Himmer reviewed the staff report.

Motion by Councilmember Elvig, seconded by Mayor Ramsey, to adopt the 2012 Comprehensive Sanitary Sewer and Water System Studies.

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

7.06: Consider Award of Contract for City Improvement Project 12-20; Sunwood Drive Realignment

City Engineer Himmer reviewed the staff report and projects that the City would administer in-house. He noted the contract includes two inspectors and there is flexibility within the WSB and

Landform contracts to use the engineering professional services budget if someone is needed. City Engineer Himmer explained how the \$175,000 construction administration would be divided between the City, WSB, Landform, and legal.

Motion by Mayor Ramsey, seconded by Councilmember Tossey, to adopt Resolution #12-06-XXX Awarding a Contract for the City Improvement Project 12-20; Sunwood Drive Realignment to North Pine Aggregate in the amount of \$2,342,825.82.

Further discussion: City Engineer Himmer responded to the Council's request for additional information relating to "who is doing what" with this project and clarified the Landform contract is with the HRA and this is a City contact. It was noted the JPA allows Anoka County to have some say on who is contracted for its jobs and had indicated a preference for WSB. City Engineer Himmer and City Administrator Ulrich reviewed funding sources. Development Manager Lazan responded to concerns expressed relating to "lack of sales" and generation of land proceeds to fund this project by advising of purchase agreements with Jeffrey Wise, a second user in that quadrant, and negotiations for West 30 sites. Development Manager Lazan addressed the construction administration component of the contract and advocated for awarding Landform with construction staking, suggesting it is in Landform's "wheelhouse" and Landform is better positioned to complete that work. City Administrator Ulrich described staff's interpretation of the Landform contract, noting a preference is given to Landform for projects within The COR. However, a distinction was drawn between HRA projects versus City rights-of-way projects. City Attorney Goodrich stated he would need to review the Landform contract before rendering an opinion. The Council discussed the competitive bid that had been received, noting it was \$500,000 lower than estimated, which addressed some of the funding concerns. It was noted the Council needed to reach a decision before expiration of the \$500,000 LRIP grant and \$1.7 million funding from Anoka County. City Administrator Ulrich clarified it is possible to award the contract, move forward with the City doing some of the construction administration, and then decide on the staking contract at the July 10, 2012, once more facts are gathered relating to Landform's contract. City Engineer Himmer stated this contract award could be a stand-alone consideration; however, a decision is needed within a week or two because data has to be transferred and signage posted.

Substitute motion by Councilmember Elvig, seconded by Councilmember Backous, to postpone consideration of Award of Contract for City Improvement Project 12-20; Sunwood Drive Realignment, pending close of purchase agreements.

Further discussion: The Council discussed the substitute motion to postpone. It was noted the road project is required to bring buyers for the sites; however, it was also noted that buyers would know the City was committed to build the roads once the sites were purchased so the City could lower its risk by delaying road construction until purchase agreements were in hand. City Engineer Himmer advised the bids are good for 30 days. Councilmember Wise stated his intent to participate in the vote on this item since Wiser Choice Liquors now has a purchase agreement, that dollar amount is not going to change, and the motion under consideration relates to a road project.

Substitute motion failed. Voting Yes: Councilmembers Elvig and Backous. Voting No: Mayor Ramsey, Councilmembers McGlone, Strommen, Tossey, and Wise.

City Attorney Goodrich indicated the City Council had previously given direction to proceed with purchase agreements for road rights-of-way.

City Engineer Himmer noted acquisition of Wiser Choice Liquors is included in the \$2.7 million, which was approved at the last Council meeting.

City Attorney Goodrich advised that the site acquired by Wiser Choice Liquors has the option for an alternate access from Sunwood Drive in case this project does not move forward. Thus, that relocation and purchase is not predicated on this road project.

The Council debated the merits of the Sunwood Drive Realignment project, each stating their position, for or against.

Councilmembers Tossey, McGlone, and Wise advocated strongly to proceed with award of the contract as recommended by staff.

Councilmember Elvig stated he understands the need for this project but is concerned with timing and funding, wanting to understand all costs including acquisition before awarding bids to assure the City's funds were not dangerously depleted.

Councilmember Strommen asked questions of staff relating to funding for this project and impact on utility funds.

City Engineer Himmer reviewed the \$5.35 million funding package as presented in March, noting the only difference is to add street lighting, which will be a separate contract with Connexus, and the temporary road on Zeolite Street. He described how he analyzed the bid, line by line, to identify items related to water, storm water, and sanitary sewer. The funding being presented reflects real bid prices and correlate to those specific items plus a small overhead for engineering components.

Finance Director Lund advised there are healthy balances in the Water Utility Fund, Stormwater Utility Fund, and Sanitary Sewer Fund to cover these costs. With regard to the Equipment Fund, Finance Director Lund indicated the 2013 budget contains \$581,000 of equipment purchases and the Council will determine whether to issue equipment certificates or use the Equipment Fund.

Councilmember Backous stated he thought Councilmember Elvig's motion was worthwhile to lower the City's risk, but he supported this effort to get ready for the overpass, which is key to developing The COR.

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

7.07: Consider Award of Contract for City Improvement Project 12-00; 2012 Street Maintenance Program

City Engineer Himmer reviewed the staff report and explained bids from the previous year are used to determine engineer's estimates.

Motion by Councilmember McGlone, seconded by Councilmember Wise, to adopt Resolution #12-06-XXX, awarding a contract for City Improvement Project 12-00; 2012 Street Maintenance Program, to Allied Blacktop in the amount of \$514,110.74.

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

7.08: Adopt Ordinance Amending Chapter 8 (Public Improvements and Special Assessments) of the City Charter as Recommended by the Charter Commission

City Attorney Knutson reviewed the staff report and advised of required Council votes for passage depending on the percentage of petitioning property.

Motion by Mayor Ramsey, seconded by Councilmember McGlone, to waive the requirement of the City's Charter to read aloud the ordinance and adopt the Charter Commission recommended Ordinance #12-XX Amending Chapter 8 (Public Improvement and Special Assessment).

A roll call vote was performed by the Recording Secretary:

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

Motion carried.

7.09: Adopt Resolution #12-06-XXX Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council on Local Results and Innovation (Created by the Legislature in 2010)

The Council thanked staff for bringing forward this program for Performance Measures, noting it will provide translation between dollars or percentage of budget spent on service to level of service residents receive.

Motion by Councilmember Strommen, seconded by Councilmember Elvig, to adopt Resolution #12-06-XXX, Declaration of the City of Ramsey that the City has Adopted the Corresponding 10 Performance Measures developed by the Council.

Further discussion: The Council discussed opportunities to use the \$3,000 grant to obtain resident input and indicated this would be discussed at a future Work Session.

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

Councilmember Wise left the Council Chambers at 9:10 p.m.

7.10: Consider Resolution #12-06-XXX to Offer a Voluntary Early Separation Program

Human Resources Representative Lasher reviewed the staff report.

Motion by Councilmember Tossey, seconded by Councilmember Strommen, to adopt Resolution #12-06-XXX, to Offer a Voluntary Early Separation Program.

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

8. MAYOR, COUNCIL AND STAFF INPUT

Mayor Ramsey announced the City Council Work Session on July 3, 2012, has been cancelled.

City Administrator Ulrich announced upcoming meeting schedules and events. He thanked City Engineer Himmer for his great work on behalf of the City of Ramsey and wished him well as the Coon Rapids City Engineer.

Councilmember Elvig presented Sunwood Drive Realignment Project estimates that had been presented and discussed in March.

9. ADJOURNMENT

Motion by Councilmember Tossey, seconded by Mayor Ramsey, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:13 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Carla Wirth
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

6. 1.

Meeting Date: 08/02/2012

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Preliminary Plat Approval for COR TWO (Sunwood Retail) Located South of Sunwood Drive (realigned) and East of Armstrong Boulevard; Case of the City of Ramsey Housing and Redevelopment Authority (HRA)

Background:

The City of Ramsey Housing and Redevelopment Authority (HRA) has submitted a preliminary plat to to subdivide three (3) additional buildable lots in the RAMEY TOWN CENTER ADDITION and reconfigure lot lines for two (2) existing parcels in RAMSEY TOWN CENTER 3rd ADDITION. The proposed development is located south of the re-aligned Sunwood Drive and east of Armstrong Boulevard.

Notification:

In accordance with City Code, residents within 700 feet were notified of the subject property were notified of the preliminary plat public hearing. The Public Hearing was published in the Anoka County Union.

Observations:

The subject property is currently zoned COR-2 Commercial. The COR-2 sub-district allows for a traditional and convenience retail.

The development is proposing pads for three (3) retail users. Concurrently, an Application has been submitted for Site Plan Review for Wisser Choice Liquors. That request will be reviewed separately. In addition, the remaining two (2) future users will submit site plan applications at a later date.

The proposed development will be serviced by existing and re-aligned Sunwood Drive. All users will derive access from shared access points as indicated on the Plan. As noted, based on the proposed parcel configuration, a shared access easement will need to be reviewed by the City Attorney prior to releasing the Final Plat for recording.

Staff has calculated parking requirements based on Lots 4-5 as a whole, with the assumption of shared-parking arrangements. Staff has noted some potential amendments to the Design Framework as it relates to future site plan reviews for this sub-district to ensure consistency with the approved Development Plan, and will review said findings at the meeting.

The Grading and Drainage and Utility Plans have been reviewed. A preliminary list of revisions are listed in the City Staff Review Letter. Staff is still receiving and reviewing updates to the drainage, grading, street, and utility plans. Additional information and revisions may be required once the Staff review is complete. It appears that at least one easement will need to be vacated, potentially requiring an application for Easement Vacation.

A Landscaping Plan will need to be submitted prior to review by the City Council.

Funding Source:

Review of the application is being handled as part of regular Staff duties.

Staff Recommendation:

Staff recommends approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Review File dated July 27, 2012

Committee Action:

Motion to recommend that the City Council adopt the resolution to approve the Preliminary Plat contingent upon compliance with the Staff Review File dated July 27, 2012.

Attachments

Site Location Map

Preliminary and Final Plat Documents

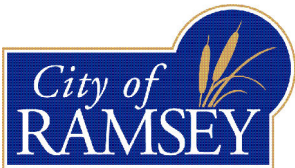
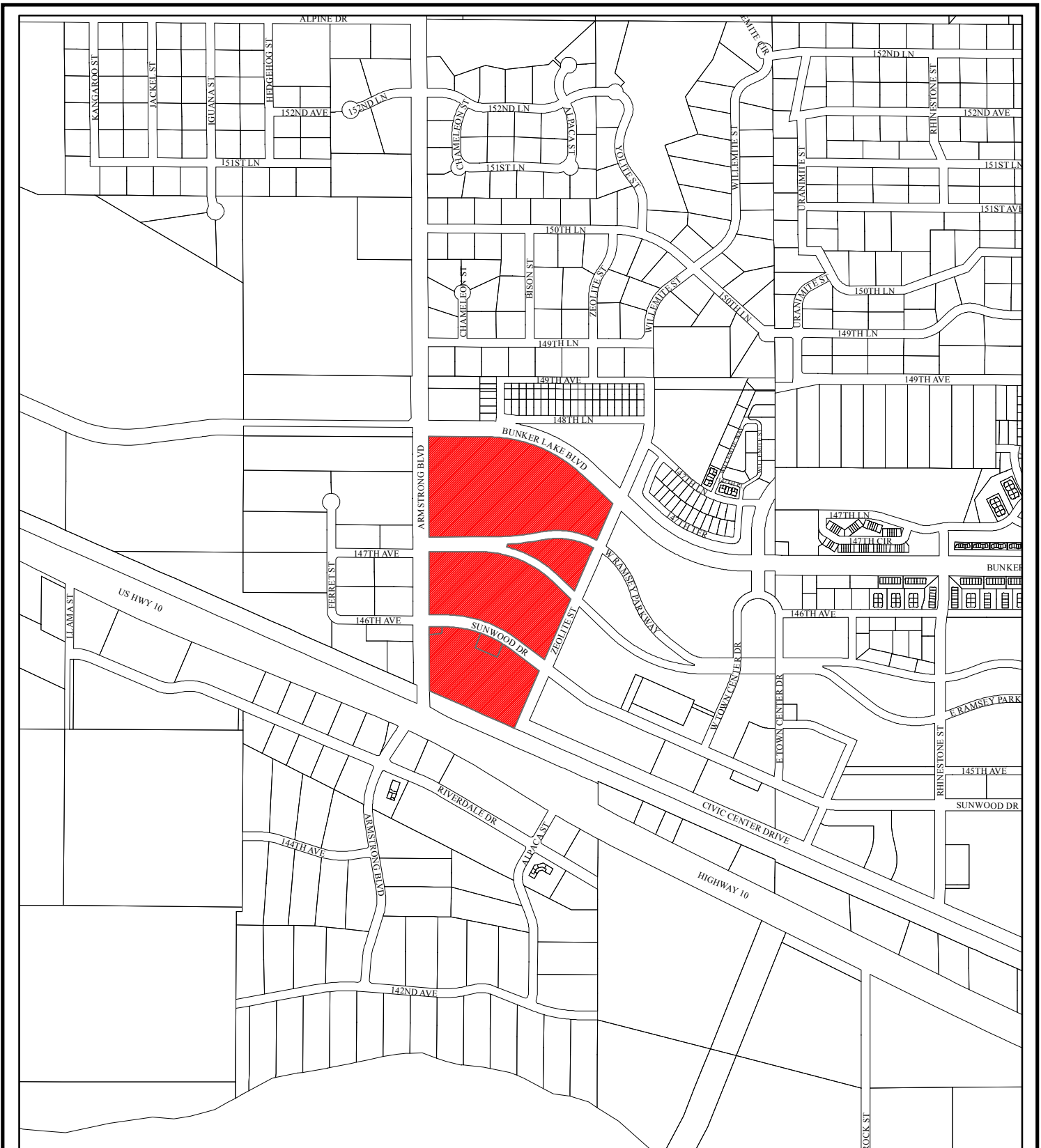
Sketch Plan Review Letter (Previous Review)

Preliminary Plat Resolution

Staff Review Letter

Form Review

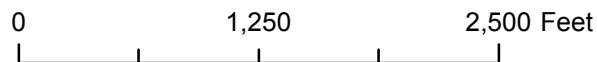
Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	07/27/2012 03:21 PM
Tim Gladhill (Originator)	Tim Gladhill	07/27/2012 03:23 PM
Form Started By: Tim Gladhill		Started On: 07/25/2012 01:15 PM
	Final Approval Date: 07/27/2012	



COR TWO

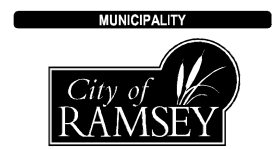
Legend

- Site
- Parcels



EXISTING CONDITIONS
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DEVELOPER
RAMSEY HRA
 7550 SUNWOOD DRIVE
 RAMSEY, MN 55303
 TEL (763) 427-1410 • FAX (763) 427-5543



PROJECT
SUNWOOD RETAIL COR TWO
 RAMSEY, MINNESOTA

SHEET INDEX

SHEET	TITLE
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C1.1	EXISTING CONDITIONS
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C1.4	FINAL PLAN (SHEET 2 OF 2 SHEETS)
C2.1	PRELIMINARY SITE PLAN
C3.1	DRAINAGE, DRAINAGE, PAVING & EROSION CONTROL UTILITIES

REVISION HISTORY
 CONTACT ENGINEER FOR ANY PROPOSED

DATE	REVISION	REVIEW
09 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC

PROJECT MANAGER REVIEW

BY CVC	DATE 07/23/2012

CERTIFICATION

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

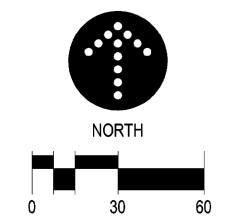
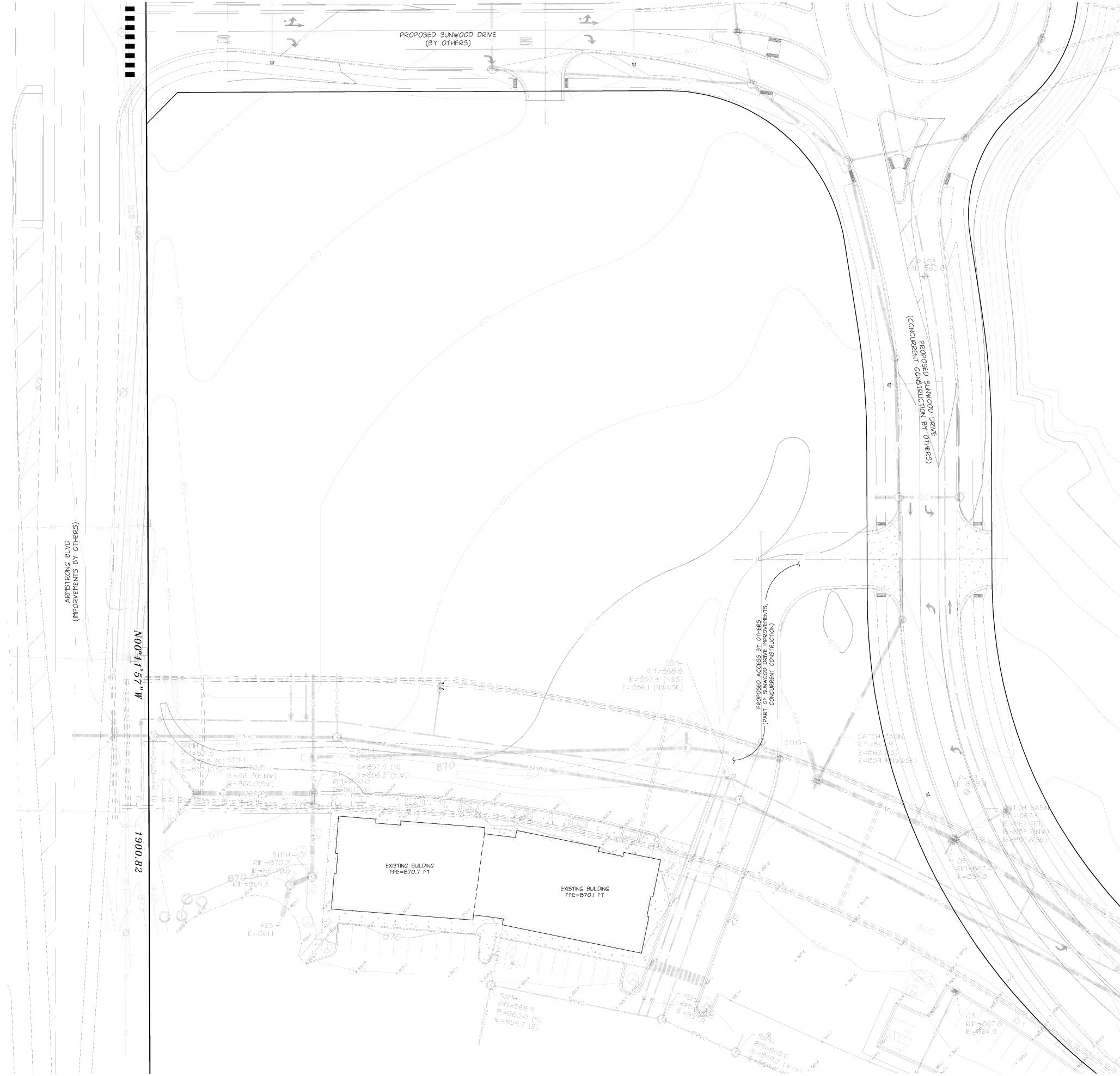
PRELIMINARY SITE PLAN SUBMITTAL
 09 JULY 2012



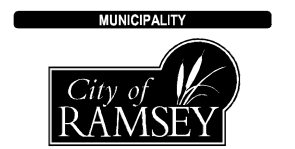
105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME C:\01RAM\020.DWG
 PROJECT NO. RAM12020

EXISTING CONDITIONS
C1.1



DEVELOPER
RAMSEY HRA
 7550 SUNWOOD DRIVE
 RAMSEY, MN 55303
 TEL (763) 427-1410 • FAX (763) 427-5543



PROJECT
SUNWOOD RETAIL
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C2.1	PRELIMINARY SITE PLAN
C3.1	DRAINAGE, PAVING & EROSION CONTROL
C4.1	UTILITIES

REVISION HISTORY

DATE	REVISION	REVIEW
01 JAN 2012	PRELIMINARY SUBMITTAL	XXX
04 JUL 2012	PRELIMINARY SUBMITTAL	XXX

PROJECT MANAGER REVIEW
 BY: [Signature] DATE: [Date]

CERTIFICATION

PRELIMINARY SUBMITTAL
 29 JUNE 2012

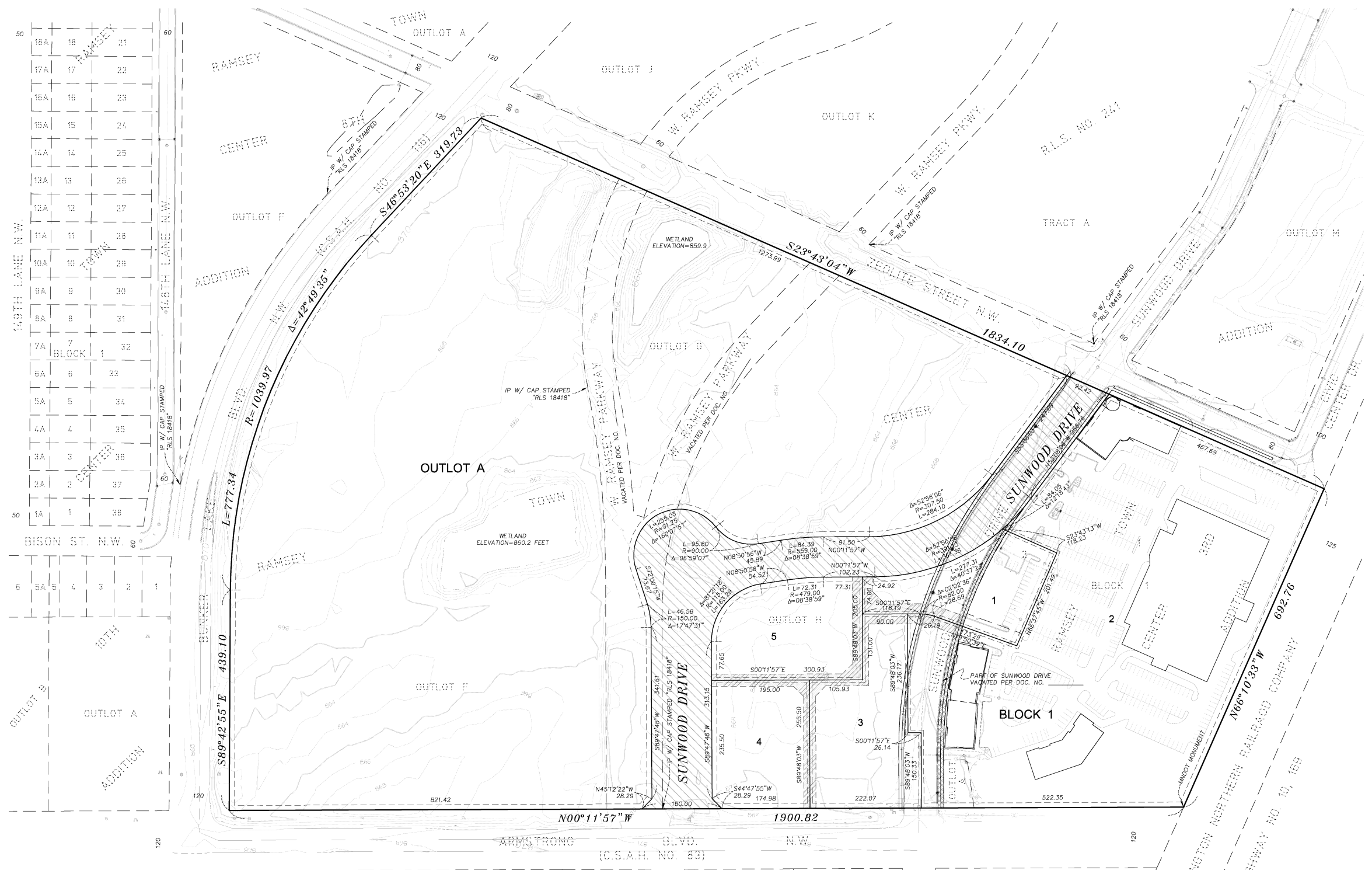
LANDFORM
 From Site to Finish

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

FILE NAME: plat-RAM020
 PROJECT NO: RAM12020

PRELIMINARY PLAT
C1.2

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EXISTING CONDITIONS

BACKGROUND INFORMATION SHOWN IS FROM SURVEY BY LANDFORM, MINNEAPOLIS, MN, ON DATEXXXX, EXPRESSLY FOR THIS PROJECT. CITY OF RAMSEY, MN RECORD DRAWINGS, AND UTILITY SERVICE PROVIDERS. LANDFORM OFFERS NO WARRANTY, EXPRESSED OR WRITTEN, FOR INFORMATION PROVIDED BY OTHERS. EXISTING PROJECT CONDITIONS SHALL BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ENGINEER.

EXISTING LOT AREAS

OUTLOT F, RAMSEY TOWN CENTER	=846,384 SQ. FT. OR 19.43 ACRES
OUTLOT C, RAMSEY TOWN CENTER	=116,200 SQ. FT. OR 2.67 ACRES
OUTLOT H, RAMSEY TOWN CENTER	=928,273 SQ. FT. OR 21.3 ACRES
WEST RAMSEY PARKWAY (TO BE VACATED)	=143,770 SQ. FT. OR 3.30 ACRES
SUNWOOD DRIVE (TO BE VACATED)	=84,003 SQ. FT. OR 1.93 ACRES
LOT 1, BLOCK 1, RAMSEY TOWN CENTER 3RD ADDITION	=389,693 SQ. FT. OR 8.92 ACRES
LOT 2, BLOCK 1, RAMSEY TOWN CENTER 3RD ADDITION	=20,539 SQ. FT. OR 0.47 ACRES
OUTLOT A, RAMSEY TOWN CENTER 3RD ADDITION	=5,071 SQ. FT. OR 0.12 ACRES
TOTAL	=2,132,873 SQ. FT. OR 48.96 ACRES

PROPOSED LOT AREAS

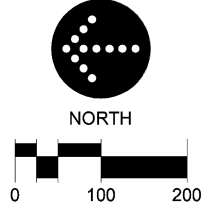
LOT 1, BLOCK 1, COR TWO	= 47,289 SQ. FT. OR 1.09 ACRES
LOT 2, BLOCK 1, COR TWO	= 417,794 SQ. FT. OR 9.59 ACRES
LOT 3, BLOCK 1, COR TWO	= 65,780 SQ. FT. OR 1.51 ACRES
LOT 4, BLOCK 1, COR TWO	= 49,820 SQ. FT. OR 1.14 ACRES
LOT 5, BLOCK 1, COR TWO	= 57,010 SQ. FT. OR 1.31 ACRES
OUTLOT A, COR TWO	= 134,051 SQ. FT. OR 3.07 ACRES
SUNWOOD DRIVE RIGHT OF WAY	= 194,869 SQ. FT. OR 4.50 ACRES
TOTAL	=2,132,873 SQ. FT. OR 48.96 ACRES

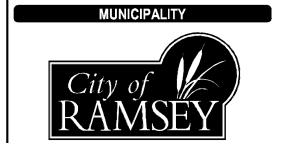
PRELIMINARY PLAT INFORMATION

- PROPOSED PLAT NAME: COR TWO
- EXISTING LEGAL DESCRIPTION:
 LOT 1 AND 2, BLOCK 1, RAMSEY TOWN CENTER 3RD ADDITION
 OUTLOT A, RAMSEY TOWN CENTER 3RD ADDITION
 VACATED WEST RAMSEY PARKWAY LYING BETWEEN ARMSTRONG BLVD. AND ZEOLITE STREET N.W.
 VACATED SUNWOOD DRIVE LYING BETWEEN ARMSTRONG BLVD. AND ZEOLITE STREET N.W.
- OWNER/SUBDIVIDER: RAMSEY HRA
 7550 SUNWOOD DRIVE
 RAMSEY, MN 55303
- DESIGNER/SURVEYER: LANDFORM
 105 SOUTH FIFTH AVENUE
 SUITE 513
 MINNEAPOLIS, MN 55401
- AREA SUMMARY: SEE AREA TABLES
- EXISTING ZONING: COR-4 AND COR-5
- PROPOSED ZONING: COR-4
- RESIDENTIAL INFORMATION
 AS TO BLOCK 1:
 PROPOSED SINGLE FAMILY RESIDENTIAL WITH 13 LOTS
 APPROXIMATE GROSS DENSITY 14.670 D.U.A.
 APPROXIMATE NET DENSITY 9.953 D.U.A.
 AS TO BLOCK 2: PROPOSED SINGLE FAMILY RESIDENTIAL WITH 4 LOTS
 APPROXIMATE GROSS DENSITY 9.018 D.U.A.
 APPROXIMATE NET DENSITY 9.018 D.U.A.

PROPOSED EASEMENTS

- PROPOSED ACCESS EASEMENT
- PROPOSED SUNWOOD DRIVE RIGHT OF WAY EASEMENT
- PROPOSED SIDEWALK EASEMENT





PROJECT
**SUNWOOD RETAIL
 COR TWO**
 RAMSEY, MINNESOTA

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C1.3	FINAL PLAN (SHEET 2 OF 2 SHEETS)
C2.1	PROPOSED SITE PLAN
C3.1	DRAINAGE, DRAINAGE, PAVING & EROSION CONTROL UTILITIES

REVISION HISTORY		
CONTACT ENGINEER FOR ANY PROGRESS		
DATE	REVISION	REVIEW
29 JUN 2012	PRELIMINARY SUBMITTAL	XXX

PROJECT MANAGER REVIEW

BY	DATE

CERTIFICATION

PRELIMINARY SUBMITTAL
 29 JUNE 2012

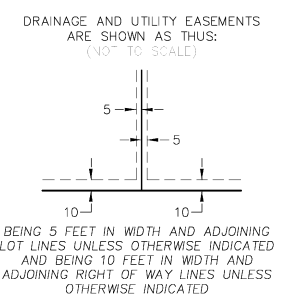
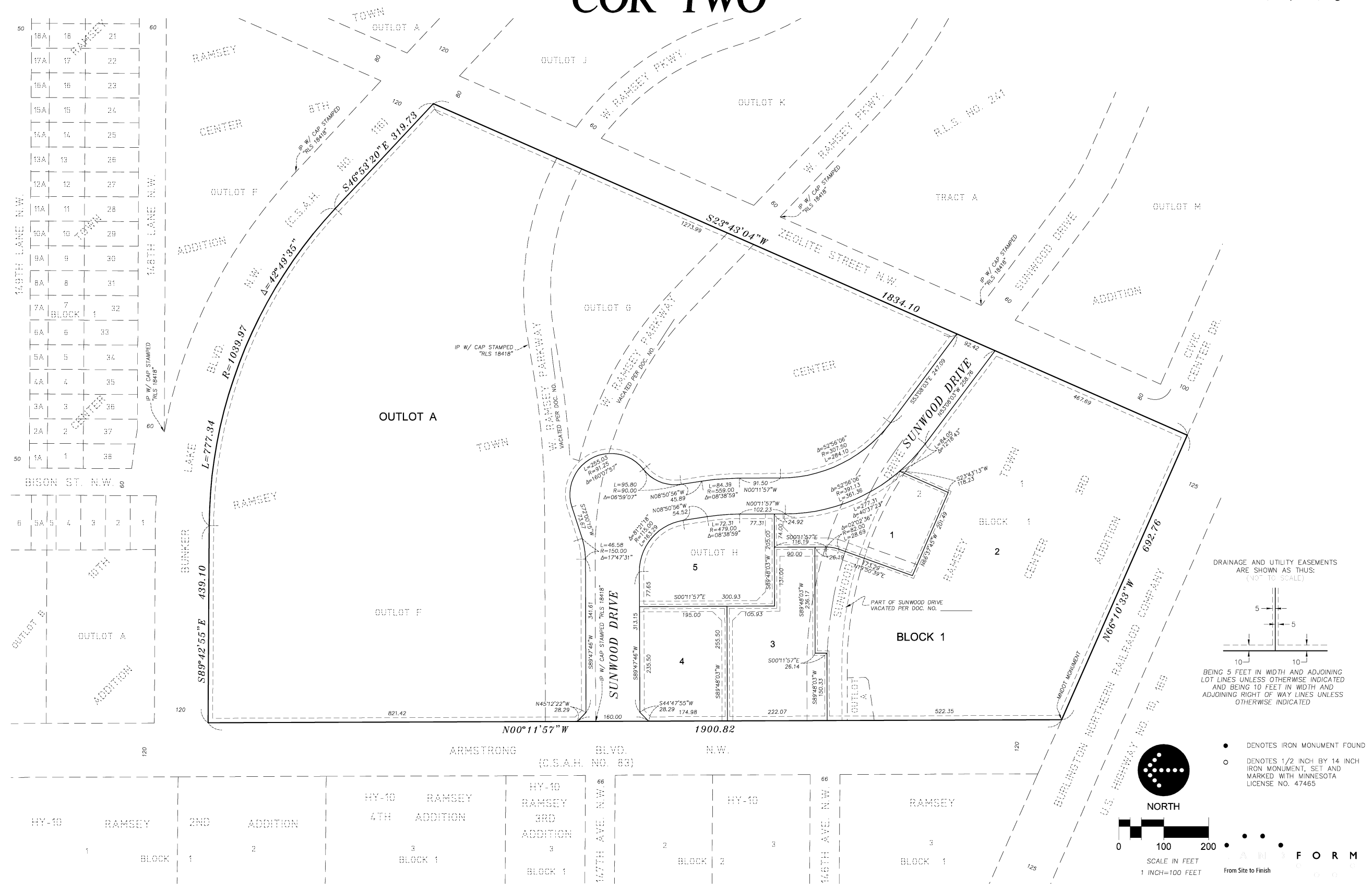


105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
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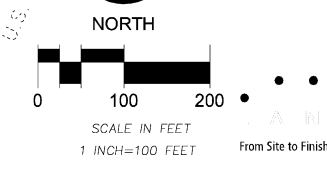
FILE NAME plat-RAM020
 PROJECT NO RAM12020

FINAL PLAN
 SHEET TWO OF TWO SHEETS
C1.4

COR TWO



- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT, SET AND MARKED WITH MINNESOTA LICENSE NO. 47465



18A	16	21
17A	17	22
16A	16	23
15A	15	24
14A	14	25
13A	13	26
12A	12	27
11A	11	28
10A	10	29
9A	9	30
8A	8	31
7A	7	32
6A	6	33
5A	5	34
4A	4	35
3A	3	36
2A	2	37
1A	1	38

8	5A	5	4	3	2	1
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HY-10	RAMSEY	2ND	ADDITION	HY-10	RAMSEY	4TH	ADDITION	HY-10	RAMSEY	3RD	ADDITION	HY-10	RAMSEY	147TH AVE. N.W.	RAMSEY
1	BLOCK 1	2	BLOCK 1	3	BLOCK 1	2	BLOCK 2	3	BLOCK 1	3	BLOCK 1	2	BLOCK 2	3	BLOCK 1

June 1, 2012

City of Ramsey Housing and Redevelopment Authority
Attn: Kurt Ulrich, Executive Director
7550 Sunwood Dr NW
Ramsey, MN 55303

Re: Sketch Plan—THE COR

Kurt:

We are in receipt of your sketch plan for the overall subdivision of The COR to reconfigure lot lines. The reconfigured lot lines are to clean up previous subdivisions to match the revised Development Plan 5.03. We understand that Development Plan 6.0 is under consideration. Staff will verify conformance to Development Plan 6.0 at the Preliminary Plat stage. This area is currently platted as Ramsey Town Center Addition.

It is anticipated that these areas will be phased through a series of Final Plats known as COR TWO through COR Six. The sketch plan process provides the Planning Commission the opportunity to relay to the developer components of the proposed subdivision related to street network, building layout, and overall design that are acceptable and components that may need further analysis during preliminary plat submittal. The sketch plan includes three (3) sheets prepared by Landform dated May 7, 2012. *Specific zoning conformance review will be reviewed for each individual addition will be reviewed at the Preliminary Plat stage of each addition.*

We offer the following comments regarding your application:

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

General: The Subject Property is part of The COR development, comprising of approximately 322 acres. The proposed plat would reconfigure existing lot lines and create additional buildable lots in order to allow for future development.

COR TWO

COR TWO is located on the western edge of The COR, north of Highway 10, south of Bunker Lake Boulevard, east of Armstrong Boulevard, and west of Zeolite Street (future). This plat is located within The COR-2 sub-district which allows for various scales of commercial retail. A site plan application shall be required for any development within this district. Specific architectural and site design will be approved with the site plan application. Conceptual layout will be reviewed using Development Plan 5.03 (or 6.0 when approved).

COR THREE

COR THREE is a small lot, single-family development consisting of seventeen (17) lots located north of Bunker Lake Boulevard and west of Armstrong Boulevard and is located in The COR-4 sub-district. The gross density of COR THREE is 3.2 units per acre (17 lots/5.22 acres). Block 1 appears to also include a stormwater pond. Please provide the size of this improvement in acres, rounded to two (2) decimal places, in order to calculate net density. Development is subject to the Design Framework and must be approved at time of Preliminary Plat.

COR FOUR

COR FOUR is located north of Highway 10, south of Sunwood Drive, east of Peridot St, and west of Ramsey Boulevard. This area is located in the COR-3 sub-district that allows for office uses and limited retail and key transportation nodes. The Sketch Plan contemplates one (1) buildable lot at the south west intersection of Ramsey Boulevard and Sunwood Drive. A site plan will be required for any development and is subject to the Design Framework.

COR FIVE

COR FIVE consists of the transit village area in the center of the project. A majority of the Plat is located in the COR-1 sub-district, the area of greatest density and mixed use, centered around the future rail station. This Plat is largely for reconfiguration of rights-of-way and property lines. There is a substantial amount of rights-of-way and easements that will be necessary to vacate. An application for Easement Vacation shall be submitted with the Preliminary Plat.

COR SIX

COR SIX is located at the south west intersection of Ramsey Boulevard and Bunker Lake Boulevard. Development Plan 5.03 shows this a COR-4, contemplating medium density residential. A site plan shall be required prior to any development, subject to the Design Framework. The Sketch Plan indicates one (1) outlot.

Zoning: The property is located in The COR. Within this district, various sub-districts exist. The COR District is a mixed use district that allows for a mix of high-density residential, employment, and commercial uses. The zoning district allows for flexibility in site planning and zoning. Architectural design is subject to the revised Design Framework approved in 2012. *For single-family lots, please provide floor plans and architectural elevations at the preliminary plat stage for approval. A site plan for single-family lots must be approved at time of preliminary plat.*

Lot Size and Width Requirements: It appears that all dimensional standards are met based on the submitted Sketch Plan.

Engineering Review
Reviewer: Tim Himmer, City Engineer
thimmer@ci.ramsey.mn.us
763-433-9893

The following comments are provided in regards to the Civil Engineering review component of the Sketch Plan:

- **COR 2/3**
 - Drainage & utility easements are required on the COR 3 plat to account for the 100 yr. flood elevation for the proposed pond in Block 1.
 - Standard drainage & utility easements are required abutting the right-of-way, side lots, and rear lots of all single family properties. Additionally, pedestrian trail easements are required, if necessary, for the approved design of North Commons
 - Grading and utility plans are required to review how this plat will be serviced & drainage will function, including utility modifications to provide an outlet from the pond in Block 1, COR 3 to future Lake Ramsey on the south side of Bunker Lake Boulevard
 - What is the timing on lots in Block 1, COR 2? The discussions to date have centered on only platting what is immediately pending, and leaving the greatest amount of flexibility for future development
 - A minimum of 90 feet of right-of-way is required for the south leg of the proposed round-a-bout on the realigned Sunwood Drive
 - Drainage & utility easements, and pedestrian trail easements must be dedicated in the existing Sunwood Drive roadway alignment to cover the existing public utilities in this location, and the future plans for a pedestrian tunnel under the future interchange
 - Please make sure that the access road to the Northstar Market Place, from the realigned Sunwood Drive is placed in such a way that no parcels are left landlocked
 - What is the plan for proposed Outlot A, COR 2? I believe this is a City owned property that will definitely become landlocked
- **COR 4:**
 - Is the sale of Lot 1 pending?
 - Information must be submitted on the proposed access to Lot 1 from Sunwood Drive. This matter has been discussed and staff is awaiting information on future traffic volumes, turning movements, roadway geometrics, and potential roadway modifications (now and in the future)? The access proposed is concerning with respect to distance from Ramsey Boulevard, and conflicts with the existing northbound left turn lane on Sunwood Drive
 - Standard drainage and utility easements are required for Lot 1. In addition it was always anticipated that drainage from Sunwood Drive would be routed through this location to the existing pond in Outlot HH; this must be accommodated in some fashion with this plat & easements dedicated.
 - What is the width of Outlot A? If this is to potentially become a local roadway (right-of-way), it must be a minimum of 60 feet wide.
- **COR 5:**
 - Why is the realignment of Center Street, north of East Ramsey Parkway being modified now? Can the proposed right-of-way accommodate the intended design; including a future signalized intersection at Bunker Lake Boulevard?
 - Please make sure there is adequate right-of-way at the intersection of Center Street & East Ramsey Parkway to accommodate a round-a-bout or other such roadway treatment that may be proposed; specifically the south leg (60' ROW shown)
 - Are we locked in and have an approved plan for the design & size of Municipal Plaza?
 - Have we officially approved the realignment of Center Street from its current location, including the associated costs for impacts to Sunwood Drive and the existing utilities? If so, can the 60 foot right-of-way accommodate the planned on-street parking proposed?

- Drainage & utility easements are required over Lake Ramsey, and all public water/forebay treatment areas
- Sapphire Street should remain as dedicated public right-of-way
- The municipal well house should be a separate dedicated lot, if not already

Development Fees

Municipal Water and Sanitary Sewer Trunk (Connection) Charges: The 2012 *residential* water and sanitary sewer trunk fees are \$2,226.00 and \$1,271 per unit respectively. The 2012 *commercial* water and sanitary sewer trunk fees are \$8,337.00 and \$3,824.00 per acre respectively. Fees will be evaluated with the Preliminary Plat.

Municipal Water and Sanitary Sewer Lateral Benefit Charges: Lateral benefit charges will be reviewed at time of Preliminary Plat upon review of the Utility Plan.

Stormwater Management: The 2012 *residential* stormwater management fees are \$448.00 per unit. The 2012 *commercial* stormwater management fees are \$4,465.00 per acre. Fees will be evaluated with the Preliminary Plat

Trail Development Fees: The 2012 *residential* trail development fee is \$600.00 per unit. The 2012 *commercial* trail development fee is \$1,090.00 per acre. Fees will be evaluated with the Preliminary Plat.

Park Dedication: The 2012 *residential* park dedication fee is \$2,475.00 per unit. The 2012 *commercial* park dedication fee is \$4,738.00 per acre. Park Dedication requirements for the plat will be reviewed by the Parks and Recreation Commission, who will forward a recommendation to the City Council. Fees will be evaluated with the Preliminary Plat.

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. This fee will be determined as individual site plans are brought forward for review and developed.

The Planning Commission will be meeting at 7:00 p.m. on Thursday, June 21, 2012 to review your sketch plan. You, or your representative, are strongly encouraged to attend the meeting in order to answer any questions that may arise. If you have any questions or need additional information, please don't hesitate to call us.

Respectfully,

CITY OF RAMSEY

Tim Gladhill
Senior Planner

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

RESOLUTION #12-08-____

A RESOLUTION GRANTING PRELIMINARY PLAT APPROVAL OF COR TWO

WHEREAS, the Ramsey Housing and Redevelopment Authority (HRA), hereinafter referred to as “Applicant”, has properly applied for preliminary plat approval of COR TWO on the following described property located in the City of Ramsey:

Outlots F, G, and H, RAMSEY TOWN CENTER ADDITION, Anoka County, Minnesota;

-AND-

Lots 1 and 2, Block 1, and Outlot A, RAMSEY TOWN CENTER 3rd ADDITION, Anoka County, Minnesota;

-OR UPON RECORDING-

Lots 1-5, Block 1, COR TWO;

-AND-

Outlot A, COR TWO

(the “Subject Property”)

WHEREAS, on May 7th, 2012, the City of Ramsey received an application and sketch plan from Housing and Redevelopment Authority for a plat to be named COR ADDITION; and

WHEREAS, on June 7th, 2012 the Planning Commission reviewed the sketch plan and recommended that the Developer proceed to the preliminary plat stage; and

WHEREAS, on July 11th, 2012, the Developer submitted a preliminary plat for COR TWO to the City; and

WHEREAS, on August 2ND, 2012, the Planning Commission conducted a public hearing and recommended the City Council approve the preliminary plat COR TWO; and

WHEREAS, on August 28th, 2012, the City Council reviewed the preliminary plat for COR TWO; and

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

That the Ramsey City Council hereby grants preliminary plat approval to COR TWO, contingent upon compliance with City Staff File Letter dated July 27, 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 28th day of August, 2012.

Mayor

ATTEST:

City Clerk

July 27, 2012

City of Ramsey Housing and Redevelopment Authority
Attn: Kurt Ulrich, Executive Director
7550 Sunwood Dr NW
Ramsey, MN 55303

**Re: Major Subdivision Review
COR TWO**

Dear Mr. Ulrich:

The City of Ramsey has received your application for a Major Plat for a three (3) lot retail subdivision at Sunwood Drive and Armstrong Boulevard. Under separate review, the City is also reviewing a site plan for Wisner Choice Liquor. Comments from that Review File dated July 28, 2012 must also be addressed as part of this application. City Staff is recommending to the Planning Commission approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated July 27, 2012

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, August 2nd 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, August 28th 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
Development Services Manager

Enclosures

**CITY OF RAMSEY PLANNING DIVISION
REVIEW FILE**

DATE	7/27/2012	PROJECT ADDRESS	TBD
PROJECT. TITLE	COR TWO		
REVIEW FILE #			
APPLICANT:	City of Ramsey HRA		
PRIMARY REVIEWER:	Tim Gladhill– Development Services Manager 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 COR TWO. The submittal consists of the following sheets:

- Sheets C0.1, C1.1, C1.2, C1.3, C1.4, C2.1, C3.1, C4.1
- Architectural Elevations prepared by Wilkus Architects, P.A. dated 7/20/2012

(the “Plans”)

Please note that our plan review was based on plans dated July 9, 2012 (submitted July 11, 2012). On July 25, 2012, City Staff received revised site plan drawings on Wednesday, July 25th that impact the proposed lot lines. These comments will need to be revised upon submittal of revised Preliminary and Final Plat sheets. Said revised sheets shall be submitted to the City as soon as possible, but no later than Friday, August 10th in order to allow for sufficient review time for the August 28th City Council Meeting. We offer the following comments regarding your site plan and plat submittal:

Planning and Zoning

Reviewer: Tim Gladhill, Development Services Manager
tgladhill@ci.ramsey.mn.us
763-576-4308

General: The proposed plat consists of three (3) additional buildable lots to facilitate the development of a retail development. The proposed plat also includes minor re-platting of existing Lots 1 and 2, Block 1, RAMSEY TOWN CENTER 3rd ADDITION.

Lot Dimensions: The proposed lot dimensions (and required minimums) are as follows (approximate):

Minimum Lot Size	Proposed	Required
Lot 3	1.51 acres	n/a
Lot 4	1.14 acres	n/a
Lot 5	1.31 acres	n/a

-continued on next page-

Minimum Lot Width	Proposed	Required
Lot 3*	93/191 feet	80 feet
Lot 4	255 feet	80 feet
Lot 5	200 feet	80 feet

*Lot 3 has frontage along Armstrong Boulevard. However, access is not being proposed on Armstrong Boulevard. Access is being proposed along Sunwood Drive. Lot 3 does not have frontage along Sunwood Drive, but is proposed to gain access through a shared access easement. Ideally, Lot 3 would have frontage on Sunwood Drive, with a shared access easement conveyed to Northstar Marketplace. Understanding the impacts of the Sunwood Drive realignment and need to maintain existing access points for Northstar Marketplace, Staff is willing to review the request in its current form. The format of the shared access easement shall be subject to review by the City Attorney. *Please submit a draft shared access easement for review by the City Attorney prior to review by the City Council.*

Minimum Lot Depth	Proposed	Required
Lot 3	387 feet	100 feet
Lot 4	226 feet	100 feet
Lot 5	260 feet	100 feet

It appears that the proposed plat conforms to all lot dimensional requirements as it relates to the Major Subdivision request.

Streetscape. Lots with direct frontages along Sunwood Drive will be responsible for streetscape improvements as required by the Design Framework, including parking lot screening.

Easements. There are several easements that are required and indicated on the proposed plat. These easements shall be subject to the review of the City Attorney. In addition, if private utilities are requested to be relocated, advanced notification is required. Staff understands that this process has been started. Please coordinate with the City’s Engineering Division to ensure proper steps are taken to ensure the relocation of these private utilities is done in a timely manner.

For existing, underlying easements, please submit an Application for Easement Vacation as soon as possible, with required data. This request must be processed concurrently with the remaining review with the City Council.

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.). Many of these comments will be deferred to individual site plan review. 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, or otherwise agreed to defer to site plan approval.

Civil Engineering
Reviewer: Leonard Linton, Civil Engineer
llinton@ci.ramsey.mn.us
763-433-9834

All civil engineering review comments are included in the site plan review for Wisser Choice Liquor. Any approval for COR TWO is contingent upon the Staff Review File for said site plan review application. Comments from said review file are hereby incorporated by reference and available upon request.

DEVELOPMENT FEES

Development Fees for all three (3) proposed lots are included on Exhibit A, attached hereto. As this is a commercial development, development fees are calculated on a per-acre basis, based on increase in net-developable area. Net-developable area is defined as the total size of the lot, subtracting any areas that are not able to be developed (such as wetlands, right-of-ways, and any areas under the 100-year flood elevation).

As a portion of the Property is proposed to be vacated right-of-way for existing Sunwood Drive, it may be appropriate to not include this area in the calculation for development fees. The City does not ordinarily retroactively collect per acre development fees to existing properties when vacating right-of-way. Per City Code and previous approvals, areas of shared access and shared parking are not excluded from development fee calculations. However, the shared access that is an extension of an existing access to Northstar Marketplace is related to the Sunwood Drive re-alignment, a City Improvement Project. As part of that project, the City is working to maintain this access point. Staff will need to review if this has any impacts on net-buildable area as it relates to development fees. *Staff will need policy direction from the City Council in addressing the area of vacated right-of-way as it relates to development fees.*

Please note that the draft development fee spreadsheet attached will need to be revised based upon these discussions. A final draft of development fees will be available prior to review with the City Council.

GENERAL INFORMATION

Additional Review. Due to its location, the request has been forwarded to Anoka County Highway Department for review and comment. Comments will be forwarded to you for review when available.

Next Steps. The case is scheduled for review by the Planning Commission on Thursday, August 2, 2012 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, August 28.

-end of report-

**EXHIBIT A
DEVELOPMENT FEES**

Parcel	Lot Size (Sect. 2)	Connections	Lights	Park Dedication	Trail Development	Sanitary Sewer Trunk	Water Trunk	Sanitary Sewer Lateral	Water Lateral	Stormwater Management	Street Lights	Street Light O & M	Total
Lot 1*	0.62	0	0	\$ 2,938	\$ 676	\$ 2,371	\$ 5,169	\$ -	\$ -	\$ 2,768	\$ -	\$ -	\$13,922
Lot 2*	0.67	0	0	\$ 3,174	\$ 730	\$ 2,562	\$ 5,586	\$ -	\$ -	\$ 2,992	\$ -	\$ -	\$15,045
Lot 3	1.51	1	4	\$ 7,154	\$ 1,646	\$ 5,774	\$ 12,589	\$ 3,847	\$ 8,777	\$ 6,742	\$ 10,400	\$ 1,176	\$58,112
Lot 4	1.14	1	4	\$ 5,401	\$ 1,243	\$ 4,359	\$ 9,504	\$ 3,847	\$ 8,777	\$ 5,090	\$ 10,400	\$ 1,176	\$49,804
Lot 5	1.31	1	4	\$ 6,207	\$ 1,428	\$ 5,009	\$ 10,921	\$ 3,847	\$ 8,777	\$ 5,849	\$ 10,400	\$ 1,176	\$53,621

*Based on net increase of buildable area.

**NET BUILDABLE AREA CALCULATIONS
(IN ACRES)**

Section 1

Net Lot Size INCREASE Lots 1 & 2	Existing Lot Size	Proposed Lot Size	Net Increase
Lot 1	0.47	1.09	0.62
Lot 2	8.92	9.59	0.67
Lot 3	0	1.51	1.51
Lot 4	0	1.14	1.14
Lot 5	0	1.31	1.31

Section 2

ROW Vacation	Credit	Final Lot Size
Lot 1		
Lot 2		
Lot 3		
Lot 4		
Lot 5		

Current Development Fee Rates

Park Dedication Fee	\$4,738 per acre
Trail Development Fee	\$1,090 per acre
Sanitary Sewer Trunk Fee	\$3,824 per acre
Water Trunk Fee	\$8,337 per acre
Sanitary Sewer Lateral Fee	\$3,847 per connection
Water Lateral Fee	\$8,777 per connection
Stormwater Management Fee	\$4,465 per acre
Street Lights	\$2,600 per light
Street Lights Operation and Maintenance	\$294 per light

Regular Planning Commission

6. 2.

Meeting Date: 08/02/2012

By: Tim Gladhill, Community Development

Information

Title:

Consider Request for Site Plan Approval of Wiser Choice Liquor

Background:

The City has received an Application for Site Plan Review for Wiser Choice Liquor, a proposed 10,000 square foot retail building located in the COR-2 sub-district. The proposed building is a multi-tenant retail space located north of RAMSEY TOWN CENTER 3rd ADDITION (Coborn's anchored retail development). Also reviewed concurrently is COR TWO, the Major Plat necessary to subdivide this Property for development.

Notification:

Notification is not required for Site Plan Review. However, City Staff attempted to notify all Property Owners within 700 feet of the Public Hearing for COR TWO.

Observations:

The proposed building is noted as approximately 10,000; however measurements indicate actual square footage may be closer to 12,000 square feet.

The City has received colored architectural renderings for the proposed building. However, the submittal does not include a list of materials to be used. A list of materials shall be required prior to review by the City Council.

Funding Source:

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

Staff Recommendation:

Staff recommends approval of the Site Plan, contingent upon compliance with the Staff Review File dated July 27, 2012.

Committee Action:

Motion to recommend that the City Council approve the Site Plan for Wiser Choice Liquors, contingent upon compliance with the Staff Review File dated July 27, 2012.

Attachments

Site Location Map

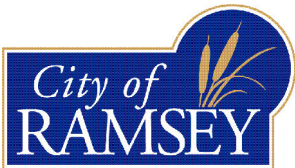
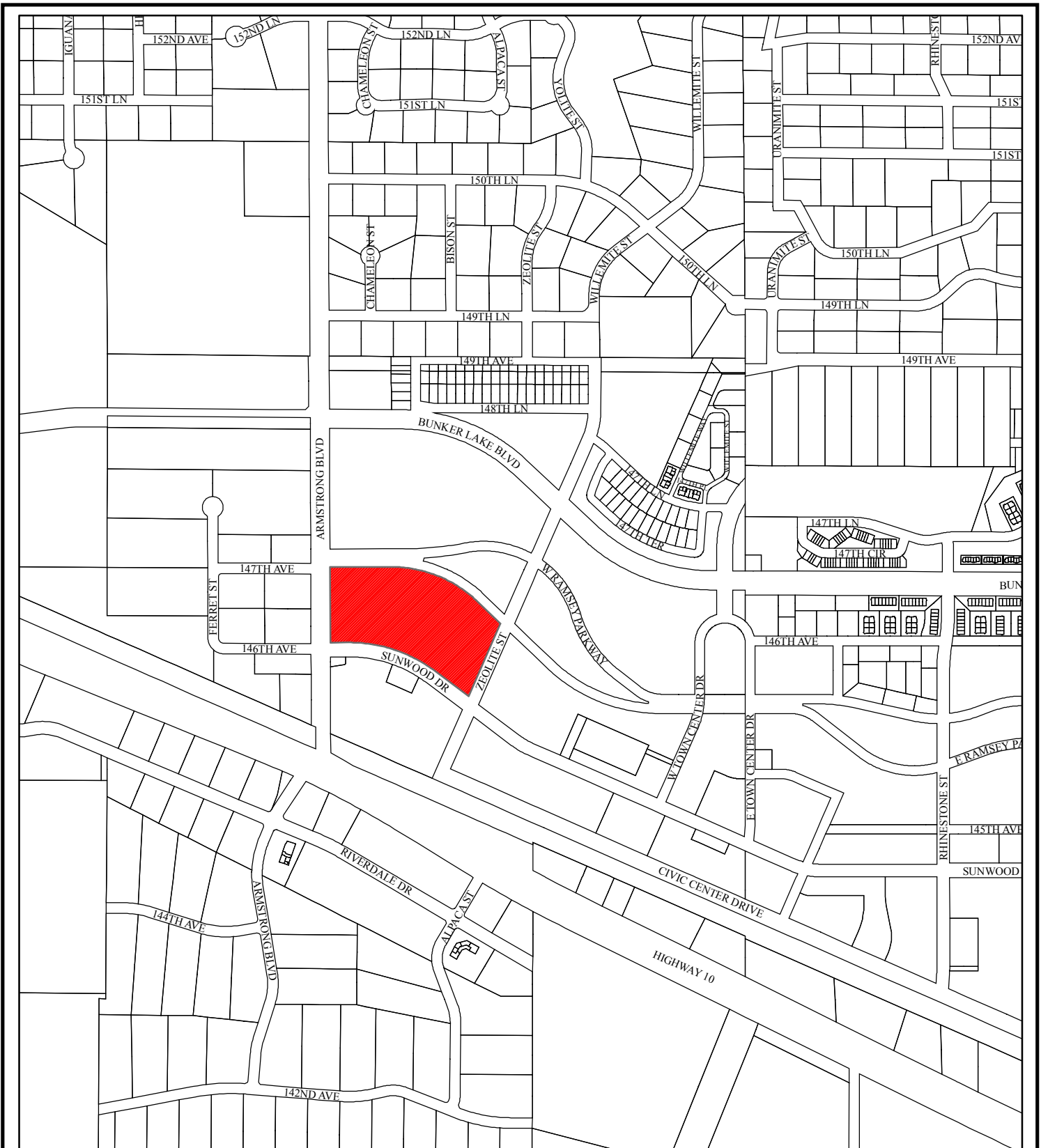
Plan Submittal

Architectural Elevations

Staff Report

Form Review

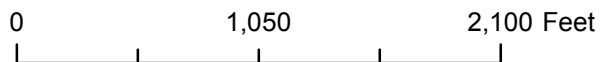
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Tim Gladhill (Originator)	Tim Gladhill	07/27/2012 03:17 PM
Form Started By: Tim Gladhill		Started On: 07/25/2012 01:12 PM
Final Approval Date: 07/27/2012		



Wiser Choice

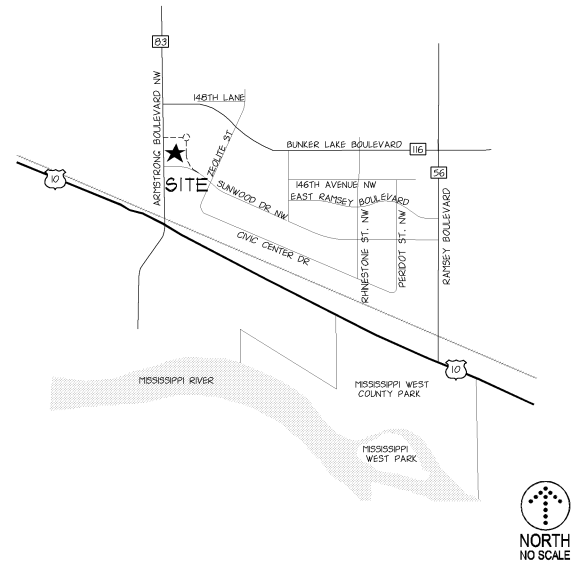
Legend

- Site
- Parcels



RAMSEY, MN

AREA LOCATION MAP



SUNWOOD RETAIL RAMSEY, MN

ABBREVIATIONS

0	Angle	JT.	Joint
&	And	L.F.	Lineal Feet
100 YR.	100 Year Flood Elevation	L.P.	Low Point / Liquid Petroleum
A.B.	Anchor Bolt	LB.	Lead
A.D.	Area Drain	L.G.U.	Local Government Unit
A/C	Air Conditioning Unit	L.L.C.	Local Limit
ADD.	Addendum	L.T.	Light / Lighting
ADJ.	Adjacent / Adjust	MANIT.	Maintenance
ADJ.	Adjacent / Adjust	M.S.	Masonry
AL.T.	Alternate	MATL.	Material
ALUM.	Aluminum	MECH.	Mechanical
ANOD.	Anodized	MED.	Medium
APPROX.	Approximate	MFR.	Manufacturer
ARCH.	Architect / Architectural	MH	Manhole
AUTO.	Automatic	MIL.	Millim
AVC.	Average	MISC.	Miscellaneous
B.C.	Back of Curb	MNDOT	Minnesota Department Of Transportation
B.F.	Bottom of Floor Elevation	MUL.	Mulch / Mulch
B.M.	Benchmark	N.	North
B/W	Bottom of Wall	N.C.	Not in Contract
BSF	Beumous (Asphalt)	NO. OR #	Number
BIT	Building	NOM.	Normal
BLDC	Basement	NTS	Not to Scale
B.M.T.	Basement	NWE	Normal Water Elevation
C.F.	Cubic Feet	NWL	Normal Water Level
C.F.S.	Cubic Feet Per Second	O.C.	On Center
C.C.	Corner Guard	O.D.	Outside Dimension
C.C.	Control Joint	O.E.	Overhead Electric
C.U.	Concrete Masonry Unit	OH	Overhead
C.M.U.	Concrete Masonry Unit	OH/W	Overhead High Water Level
C.O.	Concrete Masonry Unit	OPNG.	Opening
C.O.E.	U.S. Army Corps Of Engineers	OPNG.	Opening
C.Y.	Cubic Yards	P.C.	Part of Curvature
CB	Catch Basin	P.V.	Part of Vertical Intersection
CBMH	Catch Basin Manhole	P.V.	Part of Vertical Tangency
CEM.	Cement	P.V.	Part of Vertical
CI	Cast Iron Pipe	P.L. OR P/L	Part of Line
OMP	Corrugated Metal Pipe	P.O.B.	Point of Beginning
CONC.	Concrete (Portland)	P.S.F.	Pounds Per Square Foot
CONN.	Construction	P.S.I.	Pounds Per Square Inch
CONST.	Construction	P.T.	Part of Tangency
CONT.	Contractor	P.V.C.	Part of Vertical Curvature
CONTR.	Contractor	P.V.I.	Part of Vertical Intersection
COP.	Copper	P.V.T.	Part of Vertical Tangency
C.S.	Catch Basin	PE	Polyethylene
D.S.	Down Spout	PEF.	Pedestal / Pedestrian
DEG.	Degrees	PEP.	Preparation
DEMO.	Demolition / Demolish	PROP.	Proposed
DEPT.	Department	PVC	Poly-Vinyl-Chloride (Pvc)
DET.	Detail	P.V.M.	Powder
DIA.	Diameter	QTR.	Quarter
DIAG.	Diagram	QUAN.	Quantity
DI.	Diameter	R.	Radius
DP	Ductile Iron Pipe	RAD.	Radius
DN	Down	R.D.	Roof Drain
DWG.	Drawings	R.E.	Remove Existing
E	East	R.F.	Rough Form
E.J.	Expansion Joint	R.C.P.	Reinforced Concrete Pipe
E.O.S.	Emergency Overflow Spile	R.S.	Rough Slab
E.W.	Each Way	R.E.	Reinforcing
EA.	Each	REIN.	Reinforced
EL.	Elevation	REV.	Revised / Revised
ELEC.	Electrical	REGD.	Regulatory Government Unit
ELEV.	Elevation	R.O.W. OR R/W	Right of Way
EMERG.	Emergency	S.	South
ENGR.	Engineer	S.F.	Square Feet
ENTR.	Entrance	SAN.	Sanitary Sewer
EQU.	Equipment	SECT.	Section
EQUIP.	Equipment	SEW	Sanitary Sewer
EXST.	Existing	SHT	Sheet
F & I	Furnish and Install	SHT	Sheet
F.B.O.	Furnished by Others	SHT	Sheet
F.C.	Face of Curb	SHT	Sheet
F.D.	Floor Drain	SHT	Sheet
F.D.C.	Fire Department Connection	SHT	Sheet
F.V.	Full Basement	SHT	Sheet
FB	Full Basement	SHT	Sheet
FB/W	Full Basement Walk Out	SHT	Sheet
FBS	Full Basement Walk Out	SHT	Sheet
FEN.	Finished End Section	SHT	Sheet
FF	Finished Floor Elevation	SHT	Sheet
FLR.	Floor	SHT	Sheet
F.T. OR (')	Foot	SHT	Sheet
FUT.	Future	SHT	Sheet
G.B.	Grade Break	SHT	Sheet
G.C.	General Contractor	SHT	Sheet
GAL.	Gallon	SHT	Sheet
GALV.	Galvanized	SHT	Sheet
GFE	Garage Floor Elevation	SHT	Sheet
G.	Glass	SHT	Sheet
GR.	Grade	SHT	Sheet
H.P.	High Point	SHT	Sheet
HDPEP	High Density Polyethylene Pipe	SHT	Sheet
HGT.	Height	SHT	Sheet
HORIZ.	Horizontal	SHT	Sheet
HVAC	Heating, Ventilation, Air Conditioning	SHT	Sheet
H/D	Hydrom	SHT	Sheet
I.D.	Inside Dimension	SHT	Sheet
IN. OR (')	Inches	SHT	Sheet
INFO.	Information	SHT	Sheet
INL.	Inlet Elevation	SHT	Sheet
INSUL.	Insulation	SHT	Sheet
INV.	Invert Elevation	SHT	Sheet
		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 MAN
	IRON MONUMENT FOUND		ROOF DRAIN COLLECTOR
	IRON PIPE MONUMENT SET		WATER MAN
	P.K. NAL		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
	CLY WIRE		ELECTRIC-UNDERGROUND
	REOBSTR OF TILES		TELEPHONE-OVERHEAD
	COUNTY RECORDER		TELEPHONE-UNDERGROUND
	STORM SEWER LINE		UNDERGROUND CABLE/TV
	SANITARY SEWER LINE		UNDERGROUND CABLE T.V.
	WATER MAN		WELL
	UNDERGROUND GAS		RESTRICTED ACCESS
	OVERHEAD TELEPHONE		NOTE NUMBER
	UNDERGROUND TELEPHONE		DENOTES BITUMINOUS SURFACE
	UNDERGROUND ELECTRIC		
	OVERHEAD ELECTRIC		
	UNDERGROUND CABLE T.V.		
	OVERHEAD CABLE T.V.		

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)

BENCHMARKS

PROJECT BENCHMARKS:
 COR CONTROL POINT "HYATT"
 CONTROL POINT LOCATED AT SE. ANGLE POINT OF ZEGLITE STREET & CIVIC CENTER DRIVE
 ELEVATION = 878.61 (NGVD 29)
 TOP NUT OF HYDRANT
 LOCATED ON SOUTH SIDE OF BUNKER LAKE BLVD APPROX. 600 FT FROM ARISTRONG BLVD
 ELEVATION = 864.96 (NGVD 29)

CITY NOTES

- SITE GRADING, LANDSCAPING AND UTILITY INSTALLATIONS MUST BE COMPLETED AS SHOWN WITHOUT ALTERATION. DEVIATIONS FROM PLANS MUST BE CHECKED AND APPROVED BY THE ENGINEERING DEPARTMENT AND/OR THE PLANNING COMMISSION PRIOR TO SAID CHANGE.
- REQUIRED EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS AS SHOWN.
- MAN JOB-SITE ENTRANCE MUST BE POSTED WITH THE PROJECT ADDRESS SO THAT IT IS CLEARLY VISIBLE FROM THE STREET. JOB-SITE ADDRESS SIGN MUST BE INSTALLED IN PLACE UNTIL FINAL OCCUPANCY.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION, ELEVATION AND MARK ALL EXISTING UTILITIES 48 HOURS BEFORE CONSTRUCTION STARTS. THE ENGINEER, ARCHITECT, OR OWNER DOES NOT GUARANTEE THAT ALL UTILITIES ARE MAPPED OR IF MAPPED, ARE SHOWN CORRECTLY. CONTACT UTILITY OWNER IF DAMAGE OCCURS DUE TO CONSTRUCTION.

SHEET INDEX

C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS
C1.2	PRELIMINARY SITE PLAN
C1.3	FINAL PLAN (SHEET 1 OF 2)
C1.4	FINAL PLAN (SHEET 2 OF 2)
C2.1	SITE PLAN
C3.1	GRADING, DRAINAGE, PAVING, & EROSION CONTROL
C4.1	UTILITIES

DEVELOPER

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MUNICIPALITY



PROJECT

**SUNWOOD RETAIL
 COR TWO
 RAMSEY, MINNESOTA**

SHEET INDEX

SHEET	TITLE
C0.1	CIVIL TITLE SHEET
C1.1	EXISTING CONDITIONS
C1.2	PRELIMINARY SITE PLAN
C1.3	GRADING, DRAINAGE, PAVING & EROSION CONTROL
C4.1	UTILITIES

REVISION HISTORY

DATE	REVISION	BY
09 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC
25 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC

PROJECT MANAGER REVIEW

BY CVC	DATE 07/25/2012
--------	-----------------

CERTIFICATION

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE ARE NOT VISIBLE, THIS SHEET HAS BEEN REPRODUCED WITHOUT INTENTIONAL READABILITY AND IS BEING REPRODUCED WITHOUT PLUMB CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

PRELIMINARY SITE PLAN SUBMITTAL
 25 JULY 2012

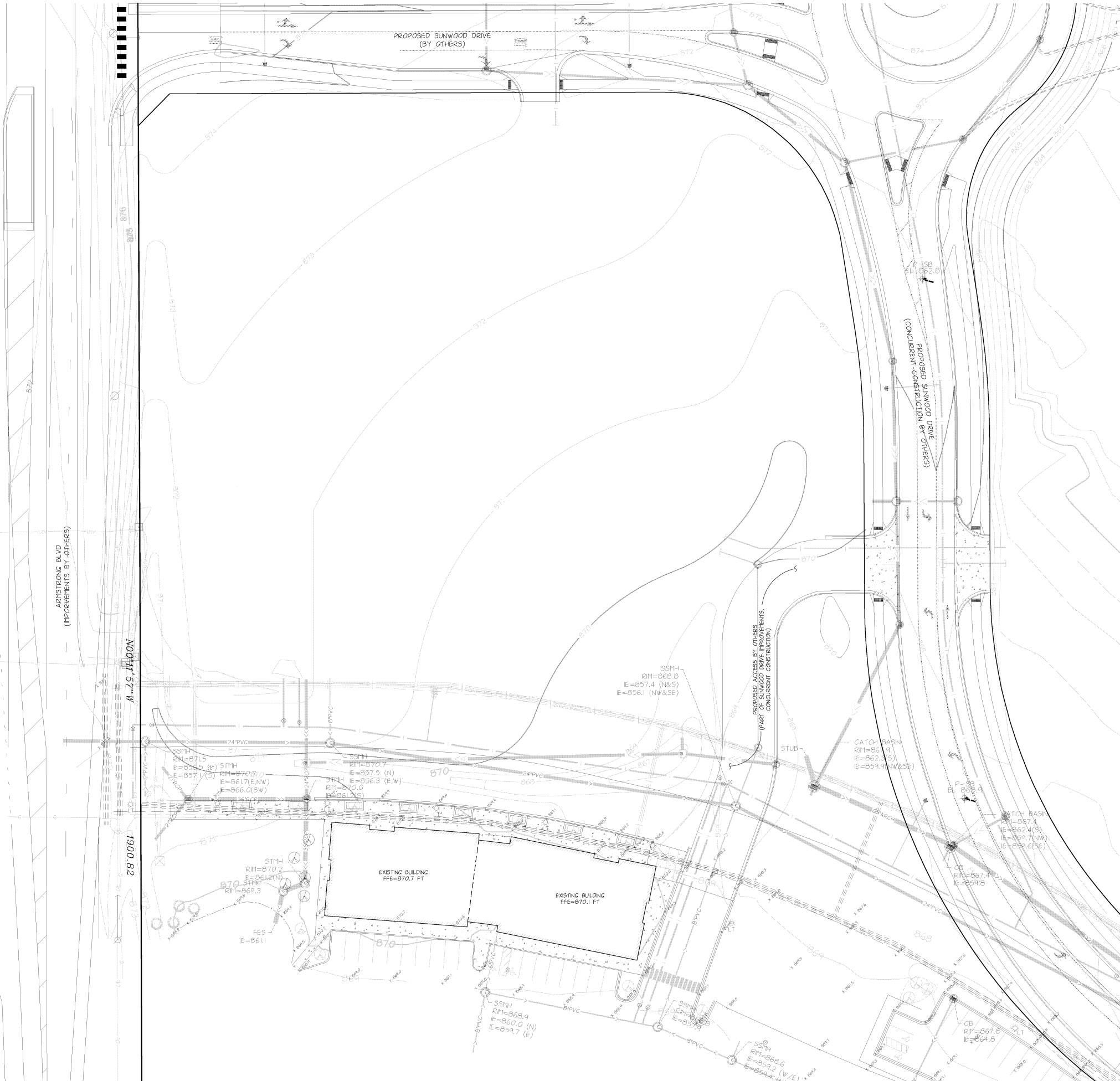


105 South Fifth Avenue Suite 513
 Minneapolis, MN 55401
 Tel: 612-252-9070
 Fax: 612-252-9077
 Web: landform.net

FILE NAME: C001RAM025.DWG
 PROJECT NO: RAM12025

CIVIL TITLE SHEET

C0.1



EXISTING CONDITIONS

BACKGROUND INFORMATION SHOWN IS FROM SURVEY BY LANDFORM, MINNEAPOLIS, MN, EXPRESSLY FOR THIS PROJECT, CITY OF RAMSEY, MN RECORD DRAWINGS, AND UTILITY SERVICE PROVIDERS. LANDFORM OFFERS NO WARRANTY, EXPRESSED OR WRITTEN, FOR INFORMATION PROVIDED BY OTHERS. EXISTING PROJECT CONDITIONS SHALL BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ENGINEER.

DEVELOPER

RAMSEY HRA

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MUNICIPALITY



PROJECT

**SUNWOOD RETAIL
COR TWO
RAMSEY, MINNESOTA**

SHEET INDEX

SHEET	TITLE
C01	CIVIL TITLE SHEET
C11	EXISTING CONDITIONS
C21	PRELIMINARY SITE PLAN
C31	GRAVING DRAMAGS, PAVING & EROSION CONTROL
C41	UTILITIES

REVISION HISTORY

DATE	REVISION	REVIEW
09 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC
25 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC

PROJECT MANAGER REVIEW

BY: CVC DATE: 07/25/2012

CERTIFICATION

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

**PRELIMINARY SITE PLAN SUBMITTAL
25 JULY 2012**

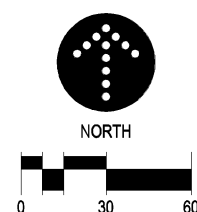


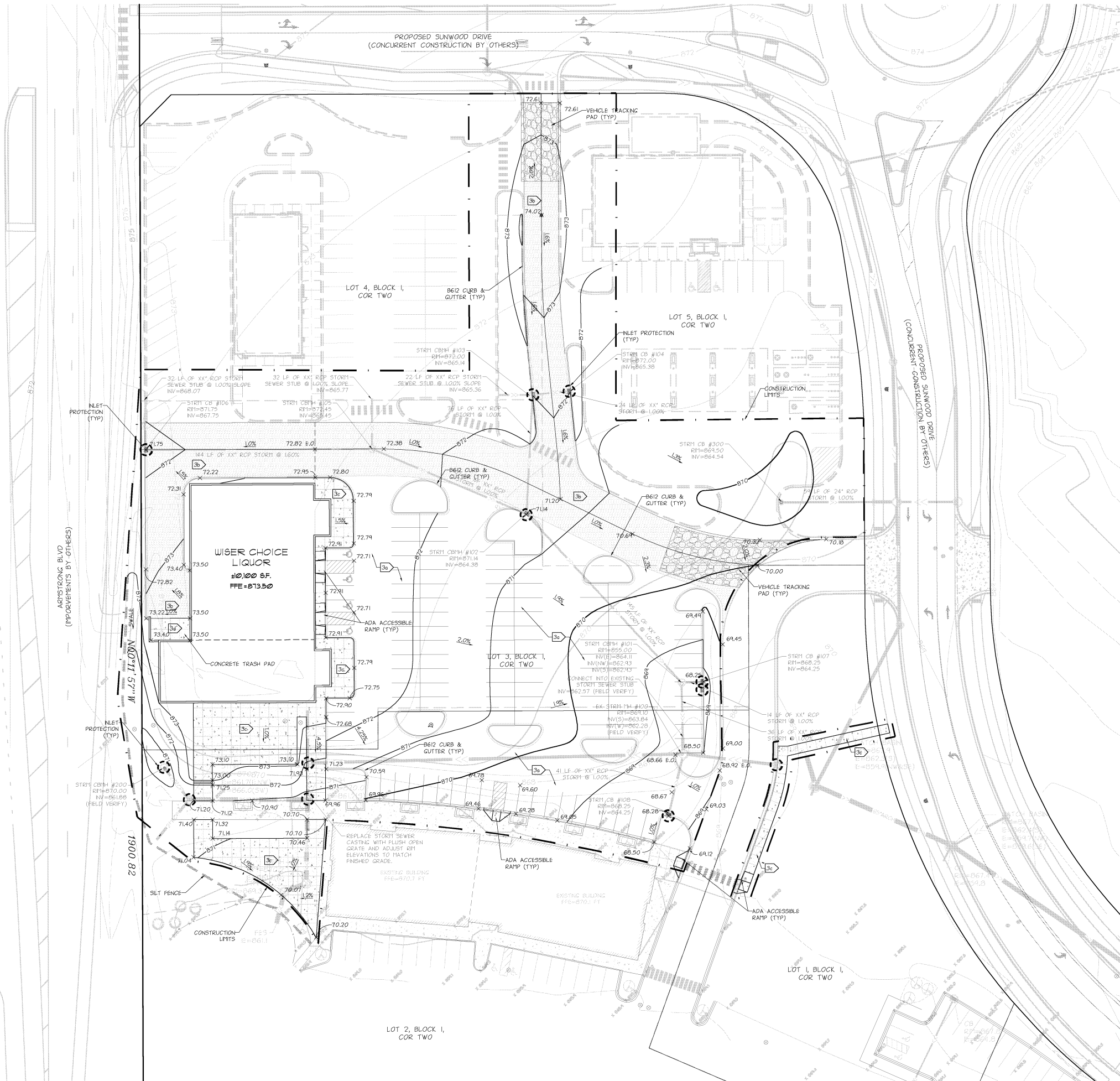
105 South Fifth Avenue Suite 513 Minneapolis, MN 55401
Tel: 612-252-9070 Fax: 612-252-9077 Web: landform.net

FILE NAME: C:\01RAM\025.DWG PROJECT NO: RAM12025

EXISTING CONDITIONS

C1.1





GRADING NOTES

- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING GRADING.
- REMOVE TOPSOIL FROM GRADING AREAS AND STOCKPILE SUFFICIENT QUANTITY FOR REUSE.
- REMOVE SURFACE AND GROUND WATER FROM EXCAVATIONS. PROVIDE INITIAL LIFTS OF STABLE FOUNDATION MATERIAL IF EXPOSED SOILS ARE WET AND UNSTABLE.
- REFER TO STRUCTURAL SPECIFICATIONS FOR EARTHWORK 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 90% OF MAXIMUM DRY DENSITY, STANDARD PROCTOR (ASTM D698) EXCEPT THE TOP 3 FEET WHICH SHALL BE COMPACTED TO 100%. COMPACT TO 90% 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.
- PAVING SECTIONS
 - a. BITUMINOUS PAVING (LIGHT DUTY)
 - 1.5-INCH WEAR
 - TACK COAT
 - 1.5-INCH BASE
 - 6-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - b. BITUMINOUS PAVING (HEAVY DUTY)
 - 1.5-INCH WEAR
 - TACK COAT
 - 2.5-INCH BASE
 - 6-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - c. CONCRETE WALKWAYS
 - 4-INCH CONCRETE WALK
 - 4-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL
 - d. CONCRETE DRIVES, APRONS, AND EXTERIOR SLABS
 - 8-INCH CONCRETE
 - 4-INCH AGGREGATE BASE (MNDOT 313B, CLASS 5)
 - COMPACTED SUBSOIL

EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- INSTALL PERIMETER 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 2975
- SEE LANDSCAPING SHEETS FOR PERMANENT TURF ESTABLISHMENT. **(NOT INCLUDED IN PRELIMINARY SET)**
- SWEEP ADJACENT STREETS CLEAN DAILY.

NPDES AREA SUMMARY

	EXISTING*	PROPOSED	ULTIMATE
PERVIOUS	1.35 ACRES	0.11 ACRES	0.11 ACRES
IMPERVIOUS	.03 ACRES	1.27 ACRES	1.27 ACRES
TOTAL	1.38 ACRES	1.38 ACRES	1.38 ACRES

*EXISTING AREA'S ARE BASED ON THE PROPOSED CONDITIONS OF THE SUNWOOD REALIGNMENT PLANS.

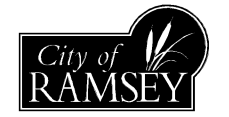
LEGEND

- CONSTRUCTION LIMITS
- SILT FENCE
- INLET PROTECTION
- - - GRADE BREAK

DEVELOPER

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MUNICIPALITY



PROJECT

**SUNWOOD RETAIL
 COR TWO
 RAMSEY, MINNESOTA**

SHEET INDEX

SHEET	TITLE
C01	CIVIL TITLE SHEET
C02	EXISTING CONDITIONS
C03	PRELIMINARY SITE PLAN
C04	GRADING, DRAINAGE, PAVING & EROSION CONTROL
C05	UTILITIES

REVISION HISTORY

DATE	REVISION	REVISION
09 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC
25 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	

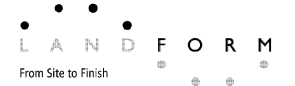
PROJECT MANAGER REVIEW

BY: CMC DATE: 07/23/12

CERTIFICATION

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

PRELIMINARY SITE PLAN SUBMITTAL
 25 JULY 2012



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

FILE NAME: C301RAM025.DWG
 PROJECT NO: RAM12025

**GRADING, DRAINAGE, PAVING
 & EROSION CONTROL PLAN**

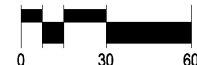
C3.1

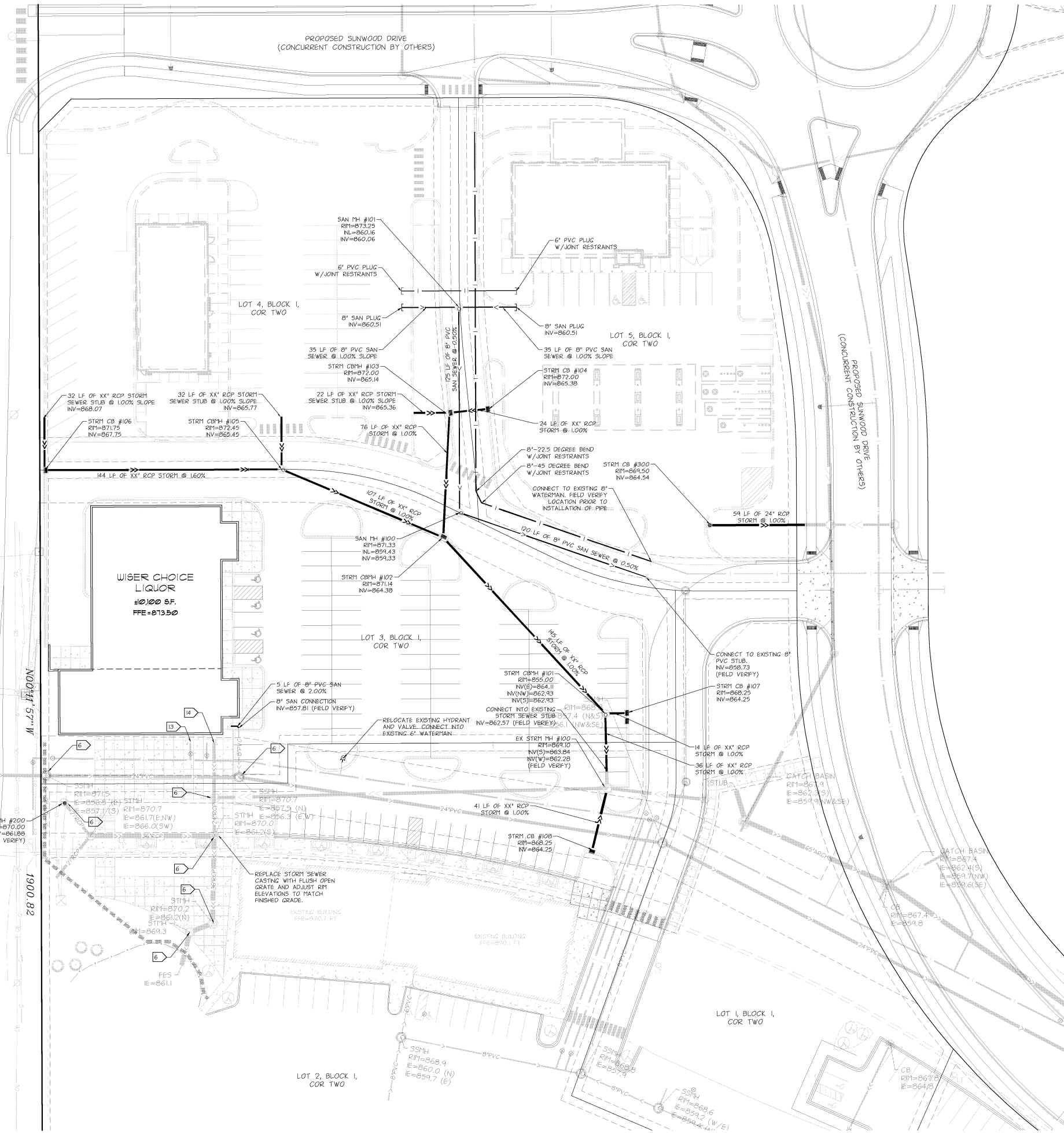


Know what's Below.
 Call before you dig.



NORTH





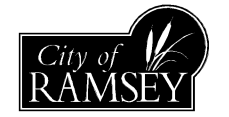
UTILITY NOTES

- PIPE MATERIALS
 WATERMAIN DP CLASS 52
 SANITARY SEWER PVC SDR 35
 STORM SEWER RCP CLASS 5
 GREASE TRAP SERVICE PVC SCHEDULE 40
- 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 WET TAP INSPECTION.
- MAINTAIN 7.5 FEET OF COVER ON WATER.
- DEFLECT WATER TO MAINTAIN 18-INCH MINIMUM SEPARATION AT SEWER CROSSINGS. CENTER PIPE LENGTHS TO PROVIDE GREATEST SEPARATION BETWEEN JOINTS.
- CONTACT CITY OF RAMSEY BUILDING DEPARTMENT, FOR FLUSHING AND PRESSURE TEST INSPECTIONS.
- BRING WATER AND SEWER SERVICES INTO BUILDING PER MECHANICAL DRAWINGS. JOIN AND ROUTE BUILDING STORM DRAINS AND CONNECT TO STORM SEWER STUB.
- CONNECT TO DOWNSPOUT WITH TRANSITION TO 6-INCH PVC AND ROUTE TO STORM SEWER STUB.
- THE CONTRACTOR IS REQUIRED TO OBTAIN THE APPROPRIATE PERMIT FOR THE 104 DNR IF DEWATERING IS REQUIRED TO COMPLETE ANY WORK. THE CITY NEEDS TO REVIEW EACH PERMIT PRIOR TO IMPLEMENTATION.

DEVELOPER

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MUNICIPALITY



PROJECT

SUNWOOD RETAIL COR TWO
 RAMSEY, MINNESOTA

SHEET INDEX

SHEET	TITLE
C4.1	CIVIL TITLE SHEET
C2.1	EXISTING CONDITIONS
C2.2	PRELIMINARY SITE PLAN
C3.1	GROUND DRAINAGE, PAVING & EROSION CONTROL
C4.1	UTILITIES

REVISION HISTORY

DATE	REVISION	REVISION
09 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	CVC
25 JUL 2012	PRELIMINARY SITE PLAN SUBMITTAL	

PROJECT MANAGER REVIEW

BY: CMC DATE: 07/25/2012

CERTIFICATION

PRELIMINARY SITE PLAN SUBMITTAL
 25 JULY 2012

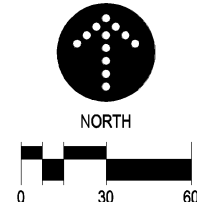


105 South Fifth Avenue Tel: 612-252-9070
 Suite 513 Fax: 612-252-9077
 Minneapolis, MN 55401 Web: landform.net

FILE NAME C401RAM025.DWG
 PROJECT NO. RAM12025

UTILITIES

C4.1



July 27, 2012

City of Ramsey Housing and Redevelopment Authority (HRA)
Attn: Kurt Ulrich, Executive Director
7550 Sunwood Dr NW
Ramsey, MN 55303

**Re: Site Plan Review
Wiser Choice Liquor**

Dear Mr. Ulrich:

The City of Ramsey has received your application for Site Plan Review to construct an approximately 10,000 square foot retail building on approximately 1.5 acres. City Staff is recommending to the Planning Commission approval of the request contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated June 27, 2011

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, August 2nd 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, August 28th 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
Development Services Manager

Enclosures

**CITY OF RAMSEY PLANNING DIVISION
REVIEW FILE**

DATE	7/27/2012	PROJECT ADDRESS	TBD
PROJECT TITLE	WISER CHOICE LIQUOR		
REVIEW FILE #			
APPLICANT:	City of Ramsey Housing and Redevelopment Authority		
PRIMARY REVIEWER:	Tim Gladhill– Development Services Manager Phone: 763-576-4308 Fax: 763-433-9848 e-mail: tgladhill@ci.ramsey.mn.us		

We are in receipt of the proposed Site Plan for Wisser Choice Liquor. The submittal consists of the following sheets:

- Sheets C0.1, C1.1, C1.2, C1.3, C1.4, C2.1, C3.1, C4.1
- Architectural Elevations prepared by Wilkus Architects, P.A. dated 7/20/2012

(the “Plans”)

Please note that our plan review was based on plans dated July 9, 2012 (submitted July 11, 2012). On July 25, 2012, City Staff received revised site plan drawings on Wednesday, July 25th that impact the proposed lot lines. These comments will need to be revised upon submittal of revised Preliminary and Final Plat sheets. Said revised sheets shall be submitted to the City as soon as possible, but no later than Friday, August 10th in order to allow for sufficient review time for the August 28th City Council Meeting. We offer the following comments regarding your site plan and plat submittal:

MAJOR PLAT: COR TWO

Planning and Zoning

Reviewer: Tim Gladhill, Development Services Manager

tgladhill@ci.ramsey.mn.us

763-576-4308

General: The proposed site plan will also require the approval of COR TWO, also being processed concurrently with this request. Obligations of said Major Plat approval must be satisfied prior to proceeding forward with development of this site plan. Please see review of COR TWO under separate cover.

SITE PLAN

Planning and Zoning

Reviewer: Tim Gladhill, Development Services Manager

tgladhill@ci.ramsey.mn.us

763-576-4308

General: The development proposal consists of a one story, 10,000 square foot retail building. The facility will be located on a 1.5 acre future parcel. The site will be located on the southeast corner of Armstrong Boulevard (CSAH 83) and Sunwood Drive. The Property is located on a Destination Street as identified in the Design Framework for The COR.

Zoning: The site is zoned COR-2 Commercial Sub-district. This area is intended to encourage a mix of large and small places accommodating auto-oriented uses. This suggests even greater attention be paid to public realm and streetscape improvements that not only accommodate vehicles, but also invite bicycle and pedestrian traffic. Retail buildings are a permitted use in this district.

Building Height: The COR-2 Sub-District allows for building heights between one (1) and four (4) stories on a Destination Street. The proposed building appears to have one story with varying roof heights and a taller accent at the entrance.

Maximum Structure Area. The COR-2 Sub-District does not have maximum building coverage or minimum floor area ratio requirements.

Setbacks: The COR-2 Sub-District requires build-to lines as provided below.

The proposed placement of the structure is generally consistent with the approved Development Plan. The Built-To capacity of this block will be achieved with future developments along Sunwood Drive based on placement of future buildings. Similar to the approval for Northstar Marketplace (Ramsey Town Center 3rd Addition-Coborn's anchored center), users were allowed traditional setbacks in the rear of the lot, with other retail lining the street to provide the build-to scenario.

Exterior Materials. The application includes one (1) sheet of architectural elevations. However, the materials used are not noted on the plan. Design and exterior materials are subject to the Design Framework of The COR, which is incorporated by reference as part of the Zoning Code. *Please submit a list of exterior materials prior to City Council review.*

Waste Storage: The waste storage area is proposed to be contained in an enclosure at the rear of the building, along Armstrong Boulevard. Exterior materials should be complimentary and consistent with the proposed building. Staff strongly encourages making the waste enclosure an integral portion of the building. Additionally, Staff recommends working with adjacent properties to consider a shared waste storage enclosure. Finally, please ensure that there is adequate radius for vehicles to access to proposed trash enclosure. *Please submit a turning movement exhibit for this area to ensure adequate access, to be submitted prior to the City issuing a Building Permit.*

Off-Street Parking - Spaces Required: The COR-2 Sub-District sets a minimum parking space standard of two (2) spaces per 1,000 square feet and a maximum of four (4) spaces per 1,000 square feet for retail uses. In addition, a minimum of three (3) spaces per 1,000 square feet and a maximum of five (5) spaces per 1,000 square feet for restaurant users. The site plan proposed 76 off-street parking spaces. The Design Framework allows for overages of maximum parking through the issuance of a Conditional Use Permit. However, when looking at all three lots of Block 1 as a unified development, it appears that maximum parking would not be exceeded. To address this issue, plus requirements of the Design Framework, parking should be allowed to be shared with adjacent users and encumbered by a shared

Review File: Wiser Choice Liquors

Site Plan Review

July 25, 2012

Page 4 of 6

parking easement. *Please submit a shared parking easement for review, to be submitted prior to the City releasing the Building Permit.*

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.

Landscape Review

Reviewer: Chris Anderson

canderson@ci.ramsey.mn.us

763-433-9905

Landscaping Plan: The submitted plans are deficient of a landscaping plan. A Landscaping Plan must be submitted prior to review by the City Council.

Tree Preservation: This site is devoid of any significant tree cover and therefore, no tree preservation plan is necessary.

Engineering Review

Reviewer: Leonard Linton, Civil Engineer II

llinton@ci.ramsey.mn.us 763-433-9834

Grading and Drainage: The following comments are offered regarding the July 25, 2012 Preliminary Site Plan Submittal 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.
- A detail sheet was not included in this submittal. City Standard details must be used for all work in public right of ways and for water, sanitary sewer and storm sewer serving multiple parcels.
- 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 MnDOT approved detail and design.
- A stormwater management plan must be submitted. Each parcel in the COR must provide water quality treatment for the first 0.75 inches of runoff. These structures must be placed in drainage and utility easements if they treat runoff from more than 1 parcel. The 100 year flood elevation must be indicated for the existing pond.
- Work is shown on Lot 2, Block 1, COR TWO which is outside of this property. The plan indicates the work to be performed includes removing and replacing curb and gutter and pavement, raising grades and installing concrete patios and walks, and installation of parking lot islands. Please provide written approval for installation of improvements outside of the property boundaries. The concrete patios will require fill over a slope leading to the existing drainage pond. Contours are not show for this work. The maximum slope is 4:1. The patio will raise grades over existing utility structures. The structures must be raised to match the new grades. The City Standard is a minimum of 2 adjusting rings and a maximum of 6 adjusting rings on storm and sanitary structures. Additional adjustments will require adding precast concrete

sections. The method of adjusting the structures must be shown on the plans. There are also water valve castings that will require adjustment.

- One of the existing water stubs at the building location is the supply for the existing irrigation system in Sunwood Drive. A new connection must be provided as part of this project.
- New utility easements must extend from existing sanitary sewer line south to existing right of way as there are in-place small utilities and new construction is not proposed in this area. The utility easement shall be 20 feet north of the existing sanitary sewer line.
- There is an existing 21" storm sewer stub south of STRMCB #200 that does not pick up runoff. It should be evaluated for removal and bulkheading at the structure.

The manhole details should be updated to include language for a water tight wrap around the adjusting rings and include carsonite 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 shall 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.

The City must review the dewatering plan for utility installation prior to implementation. No dewatering activities can occur until the required permit is secured and submitted for review.

Street and Building Access: The site will derive access from shared access ways across the plat of COR TWO. These accesses must be covered by access easements. The maintenance of these shared driveways will be the responsibility of the adjacent property owners. There is a potential for conflict between trucks accessing the area west of the building and traffic exiting lot 4.

Utilities:

- The size of storm sewers must be specified.
- All ductile iron watermain 6" in diameter and smaller shall be class 53 material.
- A water connection must be provided for the existing irrigation system along Sunwood Drive. The connection must be located in a drainage and utility easement or right of way.
- The existing hydrant is proposed to be relocated. The watermain in this area is deeper than 7.5 feet. An extension may be required.

All hydrants must be hand painted after installation.

There are existing small utilities crossing Lot 3, Block 1 COR TWO. The facility owners must be notified of the need to move their facilities and the timeline for completion of the move.

Sidewalk and Trails. Sidewalks are being constructed along Sunwood Drive as part of the Sunwood Drive Realignment Project. Due to the future reconstruction of Armstrong Boulevard, Staff recommends that a trail not be constructed along Armstrong Boulevard at this time, to be constructed with the future Armstrong Boulevard interchange.

Review File: Wiser Choice Liquors

Site Plan Review

July 25, 2012

Page 6 of 6

Permits: The applicant is responsible to secure all required permits for this project; including but not limited to an MPCA NPDES construction permit and a Lower Rum River Watershed Organization permit. 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 County road 5 and Trunk Highway 47. The applicant is responsible for the installation, and 3 years of operations and maintenance, of all boulevard lighting consistent with the Town Center master lighting plan. Please contact Leo Offerman at Connexus Energy to coordinate the installation of the required lighting.

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 REU will be calculated after stormwater calculations are received and reviewed.

Fire Department/Public Safety Review

Reviewer: Matt Kohner, Fire Marshal

mkohner@ci.ramsey.mn.us

763-433-9832

Access:

- The Fire Department access roads require a minimum unobstructed width of 20ft. All roads shown on proposed plan appear to meet requirements
- The proposed building does not have an emergency vehicle access road within 150ft of all exterior portions of the structure, therefore a fire department access road must be provided or the building must be sprinkled.
- The turning radius for emergency vehicles meet code requirements.

Water Flow and Hydrants: The number and location of hydrants meet requirements, however a fire flow test is required to verify available fire flow.

DEVELOPMENT FEES

Development Fee information is included in the review packet for COR TWO.

GENERAL INFORMATION

Additional Review. Due to its location, the request has been forwarded to Anoka County Highway Department for review and comment. Comments will be forwarded to you for review.

Next Steps. The Site Plan is scheduled for review by the Planning Commission on Thursday, August 2, 2012 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, August 28th.

-end of report-

Regular Planning Commission

6.3.

Meeting Date: 08/02/2012

By: Tim Gladhill, Community Development

Information

Title:

Staff Update

Background:

The following is a brief summary of approvals given in July that may be of interest to the Planning Commission :

Consider Preliminary Plat, Final Plat, and Zoning Amendment for COR THREE. The City Council approved the request for Preliminary Plat, Final Plat, and Zoning Amendment for COR THREE. COR THREE is a seventeen (17) lot, single-family development located north of Bunker Lake Boulevard within The COR.

Introduce Ordinance to Establish the Game Fair Off-Street Parking Overlay District. The City Council introduced the ordinance to establish the Game Fair Off-Street Parking Overlay District. The ordinance will be eligible for adoption at the August 13th City Council Meeting.

Consider Request for an Interim Use Permit in Elmcrest Sanctuary for Grading and Mining Activities; Case of Oakwood Land Development. The City Council approved the request for an Interim Use Permit for grading and mining activities for Oakwood Land Development to create a wetland bank area.

Consider Request for Amendmend Development Contract for STONEY RIVER and Release from Previous Development Agreement for THE PONDS; Case of First Phoenix Ramsey, LLC. The City Council approved a request from First Phoenix Ramsey, LLC to amend the approved Development Contract to address timing of Development Fees, consistent with City Code requirements. Stoney River is a 72-unit assisted living and memory care facility. The project is expected to commence construction in late summer.

Consider Revised Comprehensive Plan Amendment for The COR. The City Council approved the revised Comprehensive Plan Amendment for The COR. The Amendment will now continue to adjacent jurisdiction and Metropolitan Council Review.

Update on Zoning Code Amendments. As the Planning Commission may recall, Staff reviewed a series of proposed and potential zoning amendments necessary for completion of the 2030 Comprehensive Plan as well as other high-priority, desired amendments by the Planning Commission and City Council. Staff reviewed the drafts in two (2) separate Work Sessions, most recently on July 24th. Staff will be scheduling a Public Hearing for consideration on the final drafts in September.

Notification:

Observations:

Funding Source:

Staff Recommendation:

Committee Action:

Form Review

Inbox
Tim Gladhill (Originator)

Reviewed By
Tim Gladhill

Date
07/25/2012 02:21 PM

Form Started By: Tim Gladhill

Started On: 07/25/2012

Final Approval Date: 07/25/2012

Regular Planning Commission

6. 4.

Meeting Date: 08/02/2012

By: JoAnn Shaw, Community Development

Information

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	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/27/2012 11:20 AM
Form Started By: JoAnn Shaw		Started On: 07/26/2012 02:56 PM
		Final Approval Date: 07/27/2012

Zoning Bulletin

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Uses—Schools and Education—Private College Seeks Application of Dover Amendment, Exempting it from Local Zoning Regulations

Town rejects college's petition, finding

Contributors

Corey E. Burnham-Howard

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educational purpose of proposed development is secondary

Citation: *Regis College v. Town of Weston*, 462 Mass. 280, 2012 WL 1815663 (2012)

MASSACHUSETTS (05/22/2012)—This case addressed the issue of whether a private college's proposed development of residential and educational facilities for older adults qualified for protection from local zoning laws under the state's Dover Amendment.

The Background/Facts: Regis College ("Regis") is a private college located in the town of Weston, Massachusetts (the "Town"). In 2005, Regis proposed a development called "Regis East." Regis East was to be across the street from Regis' main campus, on a site of approximately 60 acres. Regis East was to be comprised of eight buildings with a total 766,600 square feet, 60% of which were to be residential units. Residents at Regis East were to: be an average of 75 years of age at the time of their arrival; be required to pay an entrance fee of between \$700,000 and \$1 million; and, while at Regis East, live in 1,300-square-foot apartments and be required to enroll in a minimum of two courses per semester.

In proposing the Regis East development, Regis petitioned the Town's zoning board of appeals (the "ZBA") for relief from certain of the Town's municipal zoning regulations that would otherwise preclude construction of the Regis East development. Regis asked the ZBA to find that Regis was exempt from these zoning regulations under the Dover Amendment (G.L. c. 40A, § 3, second par.).

The Dover Amendment is a state law that, among other things, exempts from certain local zoning laws land or structures that are to be used by nonprofit educational institutions for "educational purposes."

The ZBA denied Regis' petition for exemption.

Regis appealed to land court. Finding there were no material issues of fact in dispute, the land court judge ultimately granted summary judgment, on the law alone, to the Town. The judge concluded that Regis' proposed use of Regis East did not fall within the protection of the Dover Amendment because Regis East's educational purpose "seem[ed] subordinate to [Regis'] desire to provide elderly housing and/or a source of revenue."

Regis appealed.

DECISION: Vacated and matter remanded.

The Supreme Judicial Court of Massachusetts held that the Regis East project had an educational purpose, but that a question of fact remained (for the Land Court to decide) as to whether its educational purpose was primary and dominated over other purposes—so as to qualify it for exemptions from local zoning regulations under the Dover Amendment.

The court first determined that the Dover Amendment protects “only those uses serving primarily educational purposes.” The court emphasized that the word “education” is a “broad and comprehensive term,” and that the Dover Amendment protections are not limited to “protection of traditional or conventional educational regimes.” Thus, “[a] proposed use of land or structures may have an educational purpose notwithstanding that it serves nontraditional communities of learners in a manner tailored to their individual needs and capabilities.” Accordingly, Regis East’s proposed promotion of the “cognitive and physical well being of elderly persons” through academic and physical instruction could be an educational purpose under the Dover Amendment, concluded the court.

Still, said the court, to be eligible for Dover Amendment protections, a landowner must demonstrate that its use of land will have as its “primary or dominant purpose” a goal that can reasonably be described as “educationally significant.” Thus here, the court said that Regis must show not only that Regis East will serve educational purposes, but that such purposes are “primary or dominant”—that the educational purposes “predominate over Regis East’s residential and recreational components.” The court explained that in order for Regis East to qualify for Dover Amendment protection, Regis had to establish that the residential and recreational aspects of Regis East would not constitute its primary purpose but instead would support the project’s dominant educational purpose of providing academic and health-related instruction to older adults.

Addressing the summary judgment motion brought by the Town (which asked the court to find there were no material issues of fact and to decide the matter in its favor on the law alone), the court determined that Regis had shown that the record contained evidence sufficient to create a material dispute of fact as to whether Regis East had as its dominant purpose a goal that

“reasonably could be described as educationally significant”—thus precluding summary judgment. The court remanded the matter back to the Land Court to determine the answer to that issue.

See also: *Whitinsville Retirement Soc., Inc. v. Town of Northbridge*, 394 Mass. 757, 477 N.E.2d 407 (1985).

See also: *Fitchburg Housing Authority v. Board of Zoning Appeals of Fitchburg*, 380 Mass. 869, 406 N.E.2d 1006 (1980).

Case Note:

Regis challenged the “dominant purpose” requirement, noting those words were not in the Dover Amendment’s statutory text. The court rejected that argument and held that the primary purpose requirement “helps ensure that a party invoking the Dover Amendment protection does so without engrafting an educational component onto a project in order to obtain favorable treatment under the statute.”

Due Process/Revocation of Permits—City Issues Business Owner Permits, Then Revokes Them Two Months Later

Business owner claims deprivation of constitutional due process

Citation: *Bowlby v. City of Aberdeen, Miss.*, 2012 WL 1662936 (5th Cir. 2012)

The Fifth Circuit has jurisdiction over Louisiana, Mississippi, and Texas.

FIFTH CIRCUIT (MISSISSIPPI) (05/14/12)—This case addressed the issue of whether the revocation of permits to a business owner, without notifying the business owner prior to the revocation, violated her constitutional right to procedural due process. The case also addressed whether an individual claiming a due process violation must first exhaust all administrative remedies in order for any deprivation of property to be “final” and the claims to be ripe for adjudication.

The Background/Facts: Debra Bowlby ("Bowlby") sought to operate a "Sno Cone" hut at an intersection in the city of Aberdeen, Mississippi (the "City"). On July 15, 2009, Bowlby appeared before the City's Planning and Zoning Board (the "Board"), seeking permits for the "Sno Cone" hut at the specific intersection. The Board granted Bowlby the requested permits.

Two months later, the Board again discussed the location of Bowlby's business, and decided to revoke the permits it had given her to operate the Sno Cone hut at that location. The Board made this decision based on, among other things: its determination that the location posed a safety concern because the busy intersection was not safe for children; the location was zoned and intended for larger businesses; and that the overall look of the business was offensive and not appropriate for the eastern entrance to the City. Bowlby was not invited to this meeting, nor informed that the Board was reviewing the issue. The next day, Bowlby was notified that she immediately had to close her business because the Board had determined that it did not conform to the laws and regulations of the City.

The City's Zoning Ordinance required all appeals of Board decisions be made to the mayor and Board of Aldermen, and then to the courts. However, Bowlby instead brought suit against the City and the Board (hereinafter, collectively, the "City") in the United States District Court for the Northern District of Mississippi. Among other things, she claimed that her business was closed without notice or hearing, in violation of the United States Constitution's 14th Amendment Due Process Clause.

The City asked the court to dismiss the action. The court granted the motion to dismiss. Among other things, the court held that the Board had not violated Bowlby's due process rights because there had not yet been a final deprivation by the state since she had not administratively appealed the decision to revoke permission to operate her business.

Bowlby appealed the court's decision. On appeal, she argued that she had a property interest in being allowed to operate her business, and that the Board's revocation of her business permits without prior notice or hearing violated her 14th Amendment right to procedural due process. She also argued that her claim was actionable as soon as a predeprivation hearing was denied, and that she was not required to exhaust administrative remedies in order to bring a claim under 42 U.S.C.A. § 1983.

DECISION: Reversed, and matter remanded.

The United States Court of Appeals, Ninth Circuit, held that Bowlby had a property interest in the permits that were issued to her by the Board and that she was deprived of due process when the Board revoked the permits.

The court explained that “[p]rivileges, licenses, certificates, and franchises . . . qualify as property interests for purposes of procedural due process . . . because, once issued, a license or permit ‘may become essential in the pursuit of a livelihood.’ ” Here, the Board had issued permits to Bowlby, allowing her to operate a business “in the pursuit of a livelihood.” Thus, concluded the court, Bowlby had a property interest in the permits. Moreover, because the Board had issued the permits for a specific location, by extension, she had a property interest in operating at the location it identified, said the court.

Because Bowlby’s permit related to her livelihood and was thus a property interest, it could not be taken away by the state without due process, said the court. This meant that prior to the revocation of her permits, she was due an opportunity to be “heard at a meaningful time and in a meaningful manner.”

The court explained that in determining whether Bowlby was provided adequate due process prior to the revocation of her permits, it must weigh three distinct factors: (1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Applying those factors, here, the court found that: (1) the private interest affected by the Board’s action was Bowlby’s ability to operate her business; (2) the Board’s failure to provide any process prior to revoking Bowlby’s permits increased the risk of an erroneous deprivation, and meant that any procedural safeguards would be highly valuable; and (3) while the City may have had a strong interest in properly regulating businesses, providing some sort of predeprivation procedure to Bowlby would not have been overly burdensome. The court concluded that while the balancing test “permits varied types of hearings, . . . [i]n a

situation such as Bowlby's, however, due process demands more than no hearing at all."

The district court had held that Bowlby "has not yet been denied such process" because her "pre-deprivation hearings are the appeal to the Mayor and Board of Alderman and if necessary, to the circuit court that serves as an appellate court for the decision." Since her "property interest has not been effectively destroyed, as the Mayor and Board of Alderman could theoretically disagree with the Zoning Commission's decision tomorrow," a "[d]eprivation by the state has not yet occurred," concluded the district court. The Fifth Circuit disagreed. It held that the due process injury—the taking without sufficient process—was complete at the time the process was denied (i.e., when the Board revoked Bowlby's permits without allowing her a hearing). In addition, noted the court, exhaustion of state remedies is not required before a plaintiff can bring suit under § 1983 for denial of due process. Consequently, concluded the court, Bowlby was not required to go through the appeal process set out in the City Zoning Ordinance in order to state a cognizable procedural due process claim. Because Bowlby was due predeprivation process, she suffered a due process injury when the City revoked her business permits, notwithstanding the fact that they may have been reinstated at some later date had she appealed the Board's decision, said the court.

The Fifth Circuit reversed the district court's dismissal of Bowlby's procedural due process claim.

See also: *Mathews v. Eldridge*, 424 U.S. 319, 96 S. Ct. 893, 47 L. Ed. 2d 18 (1976).

See also: *Williamson County Regional Planning Com'n v. Hamilton Bank of Johnson City*, 473 U.S. 172, 105 S. Ct. 3108, 87 L. Ed. 2d 126 (1985).

Case Note:

In its holding, the court noted that even due process violations with de minimis damages are actionable.

Case Note:

Bowlby had also brought a claim for an equal protection violation. The court found that she failed to properly state the claim because: she

failed to allege that the City's treatment of her was the result of intentional discrimination; or that she was similarly situated to other business owners to whom she broadly referred.

Uses-Mining—Township Zoning Ordinance Allows “Oil and Gas Production” as Permitted Principal Use

However, Township contends that natural gas compression station adjacent to wellhead is not a permitted use

Citation: *In re Township of Bradford, Tp. Zoning Hearing Board, 2012 WL 1622495 (Pa. Commw. Ct. 2012)*

PENNSYLVANIA (05/09/12)—This case addressed the issue of whether a compression station adjacent to a natural gas wellhead was a “permitted use” under a municipal zoning ordinance that allows “oil and gas production” as a permitted use.

The Background/Facts: New Century Pipeline (“New Century”) operated a gas pumping operation in a “Forest/Slope Residence District” (the “Forest District”) in Bradford Township, Pennsylvania (the “Township”). Adjacent to New Century’s pump was a small compressor and stripper station, which purified the natural gas before placing it in a pipeline for movement from the site.

In August 2009, the Township’s Zoning Officer (the “ZO”) issued an enforcement notice to New Century. The notice charged New Century with a violation of the Township’s Zoning Ordinance. Specifically, the ZO contended that the compressor station was not a permitted use in the Forest District.

The relevant provision of the Zoning Ordinance permitted as a principal use: “oil and gas production, including equipment nec-

essary to drilling or pumping operations.” In addition to permitting that principal use, the Zoning Ordinance permitted uses accessory thereto. An “accessory use” was defined as one “customarily incidental and subordinate to the principal use . . . located on [the] same lot” with the principal use.

The ZO asserted that that New Century’s compressor station was not equipment “necessary to drilling or pumping operations” and was not incidental to a gas pumping operation. Rather, the ZO and the Township contended that the compressor station was processing gas, and that, pursuant to the Zoning Ordinance, “oil and gas refining, processing, storage and transmission” could only be done in the Township’s General Manufacturing District.

New Century appealed to the Township’s Hearing Board (the “Board”). New Century maintained that without the compressor station, it could not move its gas from the wellhead. Accordingly, it argued the compressor station was equipment necessary to gas production or, alternatively, a permitted accessory use.

After a hearing, the Board held that New Century’s compressor station violated the Zoning Ordinance because, among other things: it was processing gas, an activity that could only take place in the Manufacturing District. The Board ordered New Century to remove the compressor station.

New Century appealed. The trial court affirmed the Board’s decision.

New Century again appealed.

DECISION: Reversed.

The Commonwealth Court of Pennsylvania held that the compressor station was equipment necessary to gas production and, thus, permitted under the Zoning Ordinance.

Noting that where there is doubt as to the intended meaning of language in an ordinance, it must be construed in favor of the property owner and against any implied extension of the restriction, the court said that: “To the extent a doubt exists that the Zoning Ordinance prohibits the use of a compressor station in the Forest District, [the Zoning Ordinance] must be construed in New Century’s favor.” The court found that “the evidence [was] uncontroverted that without the compressor station, New Century’s gas at the wellhead [was] useless, except, perhaps, for flaring and roasting marshmallows.” New Century had also presented evidence showing that the Pennsylvania Department of Environ-

mental Protection considered the compressor station to be a production tool and, for that reason, required New Century to obtain a permit. The United States Environmental Protection Agency defines facilities in the oil and natural gas production source category to include "a compressor station that transports natural gas to a natural gas processing plant, and natural gas processing plants." Accordingly, the court held that "operation of the compressor station [was] 'gas production,' as that term was used in [the Zoning Ordinance], and, as such, [was] a permitted use." Any other interpretation, said the court, would make "gas production, including equipment necessary to drilling or pumping operations," impermissible, which would contradict the Zoning Ordinance's express authorization of gas production in the Forest District.

Zoning News from Around the Nation

CALIFORNIA

The California Supreme Court recently agreed to hear a case about whether cities can use their zoning codes to prohibit medical marijuana dispensaries. The case involves the city of Lake Forest and the Evergreen Holistic Collective.

Source: *Lake Forest Patch*; <http://lakeforest-ca.patch.com>

MASSACHUSETTS

Massachusetts' House of Representatives is considering an economic development bill. Proponents of the bill, An Act Relative to Infrastructure Investment, Enhanced Competitiveness and Economic Growth in the Commonwealth (H 4093), reportedly say it "takes a sweeping approach toward boosting startups, research and manufacturing in the state." Reportedly, some express concern that provisions of the bill could "hamper local control over zoning"; one provision "specifically rules out oversight on local authorities that are established to oversee development districts and have the power to borrow money based on the promise of new property tax revenues," and another "prohibits municipalities from passing any ordinance or bylaw that interferes with interstate or intrastate commerce."

Source: *Boston Herald*; www.bostonherald.com

PENNSYLVANIA

On May 10, 2012, Pennsylvania's Public Utility Commission "approved final guidelines for most of the new Marcellus Shale drilling law, though rules regarding the zoning provisions being challenged in the state court system were put on hold." Reportedly, the "zoning-related rules likely will not be finalized until the pending lawsuit seeking overturn [of] that section of the law is decided."

Source: *Pittsburgh-Post Gazette*; <http://shale.sites.post-gazette.com>

RHODE ISLAND

Rhode Island's General Assembly is considering a bill, H7866, which would amend the state's building code. Among other things, "[p]rovisions in the bill would significantly shrink the acceptable 'buildable lot size' from 80,000 square feet to 40,000 square feet, eliminate the assessment of slope when calculating buildable area and add a definition of . . . 'conservation development' to the code." "Opponents say the bill would hamstring local zoning officials and open up hundreds of thousands of acres in rural Rhode Island to development" by increasing density in rural areas. Proponents say the bill "simply clarifies the building code for building officials."

Source: *eco RI news*; www.ecori.org

ZONING PRACTICE

JULY 2012



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 7

PRACTICE ACCESSORY HOUSING



Zoning for Accessory Housing

By Tom Daniels

Compact, walkable, and well-designed development is a primary goal of smart growth, and accessory housing can provide affordable housing opportunities that promote smart growth without sacrificing appearance.

Accessory housing may either be a detached dwelling unit with full services—bath, sleeping quarters, and kitchen—or an autonomous apartment attached to a house.

Accessory apartments are often known as “granny flats” or “in-law suites” because of the common practice of keeping an elderly parent as part of the household but in a largely independent living situation. An apartment may be inconspicuously built over an attached or detached garage or added on to the back of a house.

Whether attached or detached, accessory housing can increase residential densities and encourage walkability. However, many older zoning ordinances present major obstacles to the creation of accessory dwelling units (ADUs).

Accessory housing is one response to major changes in demographics and the real estate market. First, the number of single-person households is growing, especially among young adults who are marrying later and don’t need large homes. Second, many people are living longer and want to age in place with family members nearby, rather than join their fellow senior citizens in an assisted-living complex. Third, many empty nesters are downsizing, and an apartment makes good sense. Fourth, the popularity of off-campus living among college students means a steady demand for apartments, especially within walking distance of school. Finally, people who work in a high-end community often cannot afford to live there as well. ADUs can provide affordable workforce housing for local workers.

Efforts to retrofit suburbs and encourage infill in cities have often focused on large projects such as redeveloping dead

malls and multistory mixed use commercial and residential buildings. But financing for these projects is less available since the 2007 downturn in the real estate market. While these large projects are certainly needed to promote mixed uses and walkability, the residential market has lately favored renters over buyers. Still, proposals for multifamily rentals often spark a backlash, especially in newer suburbs. One less conspicuous way to provide more rental units is through an accessory housing ordinance in single-family residential districts.

ADVANTAGES OF ACCESSORY HOUSING

1. A way to create mixed income neighborhoods without reducing property values (a traditional use of zoning).
2. A way to increase density in urban and suburban areas without multifamily development. Little burden on community services compared to property taxes generated.
3. A way to provide housing for the elderly, especially for an older family member. This enables senior citizens to “age in place.”
4. Workforce and student housing.

Interest in accessory housing has existed for decades. In 1985 author Martin Gellen estimated that there were 10 to 18 million houses with sufficient space to add an accessory dwelling unit, and if just 15 percent of these units were actually built, at least 150,000 units could be added to the nation’s housing stock. In much of the 1980s and 1990s cities and inner suburbs

grew more slowly or lost population compared to most suburbs and exurban areas, where builders could offer large houses on large lots. In the 2000s, this big-house strategy contributed to the housing meltdown in two ways. First, many people paid more than they could afford for these large houses, and second, home builders created an oversupply of houses, which exacerbated the downturn in home prices and left many recent buyers “underwater”—owing more on their mortgage than their house was worth. Although housing prices seem to be stabilizing after five years of declines, rental opportunities remain attractive.

Several studies have shown that accessory apartment units rent for below-market rates, in part because the accessory apartments are less expensive to build onto existing houses or garages. Pedestrian access to commercial uses and transit are important, especially for older people who may no longer drive and for young adults who cannot afford a car or may not want to own a car. Thus, accessory units tend to be more pedestrian- and transit-friendly within cities and inner suburbs, rather than in newer suburbs where residential and commercial areas are typically separated and a car is needed for transportation.

Two potential longer term threats to accessory housing are gentrification and rising property taxes. Gentrification can lead to reductions in accessory housing supply when wealthier residents moving into a neighborhood “mothball” or remove accessory units. Also, as property values rise, the rents on the ADUs can rise beyond the affordability of low- to moderate-income residents. It is also important to keep in mind that the construc-

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About the Author

Tom Daniels is a professor in the Department of City and Regional Planning at the University of Pennsylvania. He teaches Land-Use Planning, Environmental Planning, and Growth Management. Daniels is the coauthor of the *Small Town Planning Handbook* (APA Planners Press, 2007) and the *Planners Guide to CommunityViz* (APA Planners Press, 2011).

tion of an ADU, whether detached or an attached apartment, will result in higher property taxes for the property owner.

CREATING AN ACCESSORY HOUSING ORDINANCE

Zoning is not known as a tool that local governments use to respond quickly to demographic trends or changes in the real estate market. The main purpose of zoning remains the separation of conflicting uses, which is closely tied to the protection of property values. But there is a sequence of steps that a local government can take to create a legally and politically sound accessory housing ordinance.

First, planners and elected officials should make sure that the community generally supports ADUs. Then they can add an affordable housing goal to the comprehensive plan (if such a goal does not already exist). Next, planners and elected officials can include a policy objective to promote ADUs in the housing section of the comprehensive plan and amend the future land-use map to indicate where ADUs are allowed. Planners should have a sense of the maximum build-out potential for accessory dwelling units, and accessory units should only be allowed in areas with adequate central sewer and water service. This first step shows that the elected officials and planners support accessory housing.

Second, make sure that the accessory housing provisions of the zoning ordinance are consistent with the local comprehensive plan. The affordable housing goal and accessory dwelling objective give direction to the zoning ordinance and establish a legal basis for the accessory dwelling provisions

within the zoning ordinance. The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map. The overall consistency of the zoning ordinance and zoning map with the affordable housing goal, the accessory housing objective, and the future land-use map of the comprehensive plan will make the accessory housing ordinance more likely to withstand legal challenges.

An important decision is whether to allow accessory dwellings by right or through a special exception. A conditional use permit makes little sense because accessory housing generally does not affect the entire community but rather certain neighborhoods. The advantage of the special exception approach is that the zoning ordinance can impose certain limits on the number of occupants of the accessory housing. The special exception process involves

The location of where ADUs are allowed on the zoning map should coincide with locations identified as appropriate on the future land-use map.

Third, the addition of the accessory housing provisions in the zoning ordinance helps to avoid rezoning and variance battles, which can be expensive and engender bad feelings with neighbors. In drafting the ADU ordinance, planners should meet with residential property owners and neighborhood associations and negotiate design standards, parking, and rules for ADUs, such as "no more than two people may reside in an accessory unit." This community outreach serves to head off political opposition to the accessory housing ordinance and to incorporate as much as possible the comments of the people who will live near and next to the ADUs. The ADU ordinance emphasizes revising single-family zoning districts to allow accessory dwellings. ADUs, both detached units and attached apartments, must be defined in the ordinance.

a review of the ADU that the home owner is proposing, a fee, and approval from the Zoning Board of Adjustment.

On the other hand, allowing an ADU by-right can speed the review process while maintaining certain performance standards, such as a required tie-in to central sewer and water, limits on size, and number of residents. A site plan review is commonly required whether the zoning to allow accessory dwellings is by-right or by special exception.

Fourth, land development and building design standards are key issues, especially for detached units. Setbacks from property lines are usually stated in the zoning ordinance rather than left up to the variance process. For the sake of good neighbor relations and appearance, a specific setback of

10 or 15 feet is recommended. Maximum lot coverage can be the same standard as for single-family dwellings. Height limits may be no more than 20 feet. The idea is that a single floor with some storage space above is adequate, or that an apartment above a garage should not loom over a neighbor's property. The maximum size is a common issue. A maximum square footage should be spelled out, such as 800 square feet. Design and landscaping requirements for a detached accessory unit should not be dissimilar from the rest of the neighborhood. Graphic illustrations of design and landscaping standards in the ordinance can be particularly helpful. Parking, however, can be a problem. An accessory dwelling unit will most likely rely upon on-street parking. Adding a parking space on the property could be difficult. In addition, the property owner must demonstrate that there is adequate central sewer and water service for the accessory dwelling unit. Typically, no more than one accessory dwelling is allowed with a primary residence, and often, the owner of the primary residence must live on the property, either in the primary residence or in the accessory unit. Also, an ADU must meet the local building code before the local government will issue an occupancy permit.

Finally, it is important to demonstrate that builders are interested in constructing detached ADUs and attached accessory apartments. Local lenders should be made aware that accessory dwellings are permitted and that a construction loan should be forthcoming pending zoning approval.

WHERE HAS ACCESSORY HOUSING WORKED?

Cities appear to have had more success in constructing ADUs than suburbs. And West Coast cities, in particular, have made innovative efforts to encourage accessory units in part to provide affordable housing and to promote compact development.

Portland, Oregon

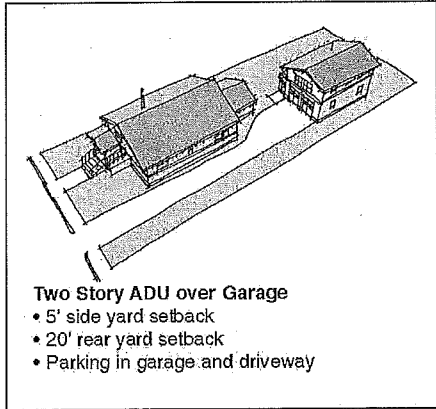
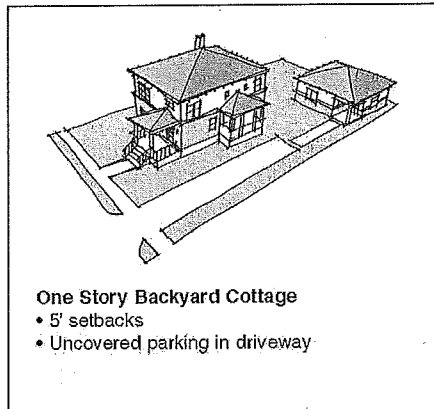
Portland is often cited as a paragon of smart growth. Portland's zoning code provides standards for ADUs in all of its residential zones and was last updated in 2010. ADUs can be created by right in a detached single-family house, an attached row house, or a manufactured home. The ADU can result from converting existing living area, finishing an existing basement or attic, building a new structure, or making an addition to an existing structure.

The purposes of the accessory dwelling provisions in the Portland zoning ordinance include:

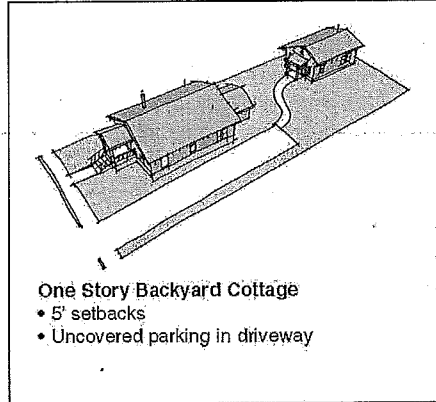
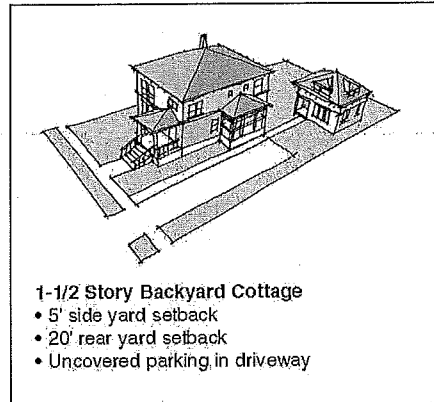
- increasing the housing stock while respecting the appearance and scale of single-dwelling neighborhoods;
- providing a mix of housing that responds to changing family needs and smaller households;
- providing a means for residents—particularly seniors, single parents, and families with grown children—to remain in their homes

defines a household rather broadly: "One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit."

The emphasis in Portland's accessory dwelling approval process is on mitigating off-site impacts, for example requiring an erosion-control plan and a stormwater plan if the ADU will add more than 500 square feet of impervious surface. In addition, there is a system development charge (think impact fee) of about \$6,000 to \$10,000 for



City of Santa Cruz, California



⊕ These illustrations show a range of detached ADU types. Owners looking to create an ADU rental for supplemental income may elect to construct a detached unit to maximize privacy.

and neighborhoods and obtain extra income, security, companionship, and services; and

- providing a broader range of accessible and more affordable housing.

The ordinance defines an ADU as a second dwelling unit created on a lot with an existing house, row house, or manufactured home, where the second unit is auxiliary to and smaller than the existing unit.

Portland's ordinance allows a household to inhabit an ADU. The ordinance

sewer and water service, recreation, and streets.

The density requirements are quite favorable for adding accessory dwellings. In the single-dwelling zones, ADUs are not included in the minimum or maximum density calculations for a site. In other words, density is not an issue. In all other residential zones ADUs are included in the minimum density calculations but are not included in the maximum density calculations. This is an incentive not to create large lots. Keep

in mind that the general standard for new development inside the greater Portland metropolitan service boundary is 10 to 12 dwelling units per acre. The ADU ordinance is designed to help achieve that density.

For an existing house the ADU can be no more than 75 percent of the total living area of the house or a maximum of 800 square feet, whichever is less. To keep detached accessory dwellings inconspicuous, a unit must be at least 60 feet from the front property line, or the unit must be at least six feet behind the house, row house, or manufactured

cannot cover more than 15 percent of the entire lot. As for design, the exterior of the accessory dwelling unit must be the same as or visually match the primary dwelling. For instance, the roof pitch of the accessory dwelling must be same as the pitch for the primary dwelling, and the trim and the windows should match. Unfortunately, though, the ordinance does not contain any graphics for the reader to follow in trying to understand the design standards.

Finally, Portland requires that an applicant for an ADU submit a site plan,

Most of the new ADUs have been built on the east side of the city fairly close to downtown. About 40 percent of the ADUs built have been detached cottage units and 60 percent attached apartments, typically above a garage.

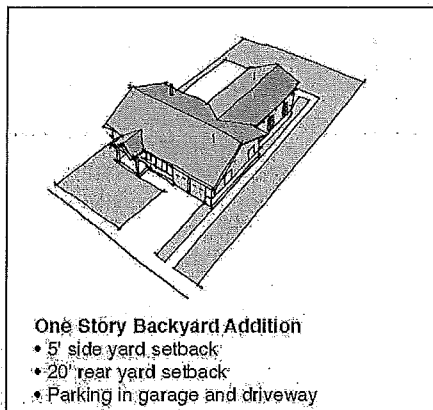
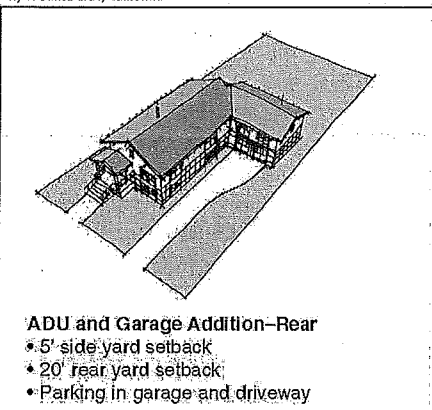
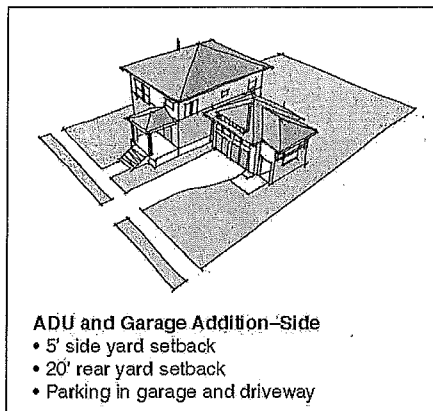
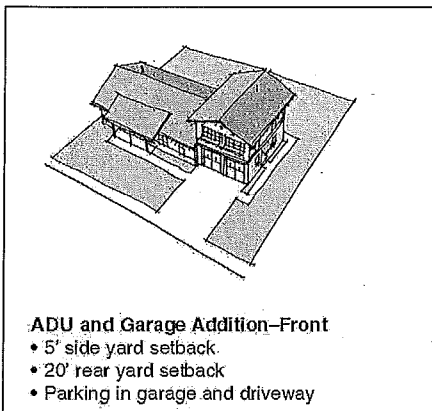
Spokane, Washington

Spokane has taken a unique approach to accessory dwellings by adopting a cottage housing ordinance in 2006. Although this ordinance may not be applied as widely as a typical accessory housing ordinance, it offers a way to increase density and affordability through the construction of small houses. The purpose of the Spokane ordinance is to “support the diversity of housing, increase the variety of housing types for smaller households and provide the opportunity for small, detached single-family dwelling units within existing neighborhoods.”

The cottage ordinance applies in the city’s single-family residential district and the residential agricultural district. The ordinance requires a minimum of half an acre and a minimum of six units, with a maximum of 12 units, and offers the property owner a 20 percent density bonus. Properties that meet the minimum acreage standard are most often on the edge of a city, and hence the cottage ordinance could be especially helpful as a city with annexation powers adds land within the city limits.

The maximum square footage is 1,000 square feet, excluding any floor area where the floor-to-ceiling height is less than six feet. But half of the cottages can have no more than 650 square feet on the main floor and half can have no more than 1,000 square feet on the main floor. Once a cottage is built, it cannot be expanded.

Maximum lot coverage is 40 percent. The height limit is 18 feet, except if the dwelling has a pitched roof. Then the maximum height is 25 feet. All cottages are required to have covered porches, which are oriented toward common open space or to the street. For each cottage there must be at least 250 square feet of common open space and 250 square feet of private open space. The common open space must be landscaped and maintained by a home owners association. Setbacks for all structures from the property lines must average 10 feet but cannot be less than five feet, and not less than 15 feet from a public street. This last standard is similar to the front yard setback required of any detached single-family residence.



City of Santa Cruz, California

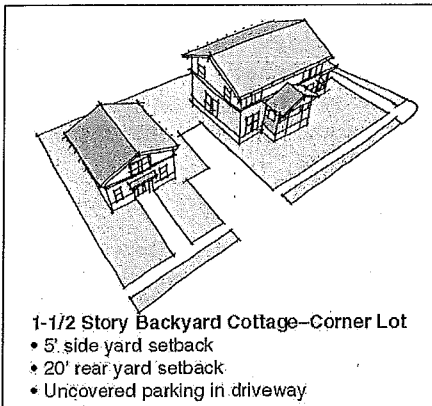
⊕ These illustrations show a range of attached ADU types. Attached ADUs may be preferable for housing extended family members.

home. For fire safety, the detached ADU must be at least six feet from the primary dwelling. Portland does not require additional on-site parking for an accessory dwelling. Thus, on-street parking can be used. Design review is required if changes are proposed to the exterior of an existing house.

The height limit for a detached accessory dwelling unit is 18 feet. The lot coverage of the detached accessory dwelling unit cannot exceed the lot coverage of the primary dwelling. Together, the two dwellings

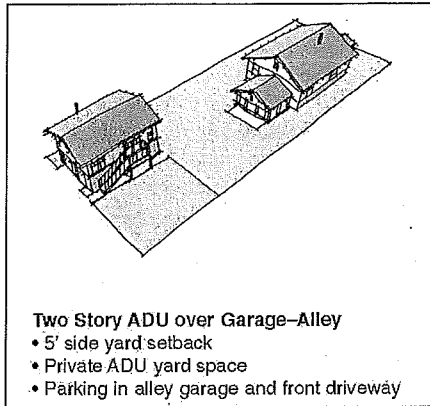
architectural plans, and structural plans.

From 2002 through 2011 Portland issued a total of 316 accessory dwelling permits. The downturn in the national economy was also reflected in ADU activity. In 2007, 31 permits were issued; only 19 were issued in 2008 and 22 in 2009. The Portland City Council then enacted a waiver of the system development charges for three years for new accessory dwelling units. The new policy seems to be working. In 2010, the city issued 61 permits; in 2011, 64.



1-1/2 Story Backyard Cottage—Corner Lot

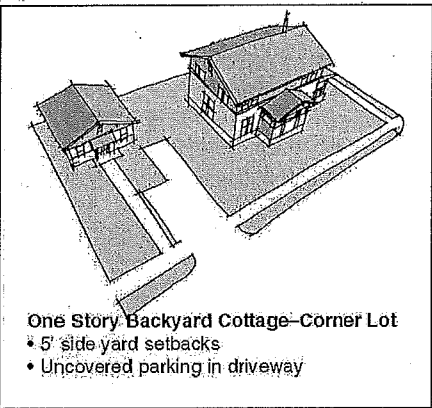
- 5' side yard setback
- 20' rear yard setback
- Uncovered parking in driveway



Two Story ADU over Garage—Alley

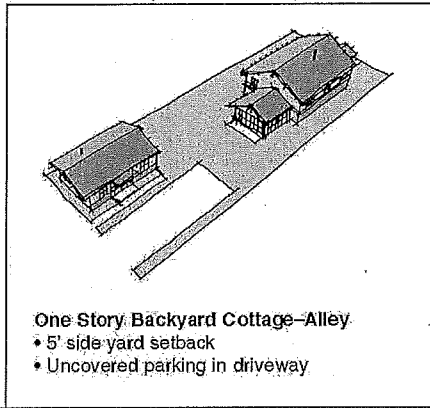
- 5' side yard setback
- Private ADU yard space
- Parking in alley garage and front driveway

City of Santa Cruz, California



One Story Backyard Cottage—Corner Lot

- 5' side yard setbacks
- Uncovered parking in driveway



One Story Backyard Cottage—Alley

- 5' side yard setback
- Uncovered parking in driveway

⊕ These illustrations show how detached ADUs can be sited on corner lots and lots with access to an alley.

RSF-C district would have a minimum lot size of 3,000 square feet, a minimum lot width of 36 feet, and a minimum front lot line of 30 feet.

Santa Cruz, California

Santa Cruz is located about 70 miles south of San Francisco on the Pacific Ocean. It is a college town that has experienced considerable growth from its proximity to Silicon Valley to the northeast. Santa Cruz created its accessory dwelling ordinance in 2003 in response to California law AB 1866 of 2002, which not only sought to promote the creation of accessory dwelling units but made it so that local governments could not prohibit the development of an ADU if it meets development standards. The purpose of the Santa Cruz ADU program is to provide more rental housing, encourage infill development and thus protect green space on the edge of the city, and to promote the use of public transportation. Santa Cruz has one of the least affordable housing markets in the United States. The city estimates that less than seven percent of the city's residents can afford to buy a local median-priced house. On the other hand, Santa Cruz has more than 18,000 single-family lots, which suggests a good opportunity to create affordable rental housing.

Santa Cruz formed the Accessory Dwelling Unit Development Program, which featured changes to the zoning ordinance, a strong public education effort, and financial assistance. The city removed a requirement that a single-family home had to have a covered parking structure (garage or carport), which made space available for

Parking must be clustered in groups of five spaces and set back at least 20 feet from the street. Each cottage must have access to a sidewalk.

The cottage ordinance calls for variety in design. Only one-fifth of the cottages can have the same design, and no two similar designed cottages can be placed next to each other. Each cottage must have at least four elements from a list of 14. These include, for example, varying roof shapes, dormers, bay windows, and variation in building materials and colors.

Spokane has had difficulty in implementing the cottage ordinance. So far only three projects have been proposed. Objections from neighbors have been a major problem. But in 2009, the Washington Court of Appeals issued a ruling upholding the city's approval of a 24-unit cottage development on two acres. The court found that the cottages would have no significant adverse effect on the neighborhood. Another obstacle has been minimum lot size of 4,350 square feet with a minimum lot width of 40 feet and a minimum front

lot line of 40 feet. In 2011, an Infill Housing Task Force recommended creating a new compact residential single-family zoning district (RSF-C) in addition to the existing residential single-family district (RSF) in order to promote the cottage ordinance. The



City of Spokane, Washington

⊕ Permitting two or more small cottages on a single lot provides an alternative to the standard accessory dwelling model.

an ADU. ADUs are allowed on single-family lots of 5,000 or more feet, and must meet setback, height, and parking requirements. Two-story ADUs that are located within a rear yard setback or any ADU that does not meet applicable zoning standards require a public hearing and an administrative use permit.

Next, the city had architects draft designs of accessory units that met both size (500 square feet) and style requirements that home owners could follow to speed the review and approval process. Then the city drafted an ADU manual describing how home owners could work their way through design, review, and city approval to construction. The city also held five public workshops to explain the ADU process.

In 2003 a total of 35 accessory dwelling units were built in Santa Cruz, up from just eight in 2001. In 2004, the city added a progressive Fee Reduction/Waiver Program for property owners who build an ADU for a household whose income level is at or below 60 or 50 percent of the Area Median Income (AMI). Fees may vary by unit size and other design components. Typical city development fees for a new one-bedroom, 500-square-foot ADU might be about \$9,000. For providing rental housing to low-income households at 60 percent of the AMI, a home owner would save about \$6,000 in city development fees. For very low-income housing at 50 percent of the AMI, the full \$9,000 would be saved.

The Santa Cruz Community Credit Union offered loans of up to \$100,000 at 4.5 % interest for Santa Cruz home owners looking to build an affordable ADU. To qualify, home owners had to sign a covenant stating that the ADU would be rented at a price affordable to low- to moderate-income residents.

In 2004 the city received the Policies and Regulations Smart Growth Achievement Award from the U.S. Environmental Protection Agency. Since 2003, Santa Cruz has added more than 170 accessory dwelling units.

CONCLUSION

The accessory housing concept is an old idea, but has seen renewed interest over the past 30 years and especially since the rise in real estate prices in the late 1990s. Local governments have adopted accessory dwelling ordinances to encourage housing for elderly relatives and rental opportunities for young adults, including students. A local government can identify accessory housing as an objective in the comprehensive plan and provide for it in the local zoning ordinance.

Portland and Santa Cruz have created successful accessory dwelling unit programs that seek to streamline the development process yet maintain good design that fits in with the neighborhood. Both cities have offered financial incentives. Portland has temporarily waived the system development charges on new accessory dwelling units, and Santa Cruz has offered low-cost financing.

Eleven cities in Washington, including Spokane, have adopted cottage ordinances. Spokane's experience shows that site design is also important, not just zoning. In effect, a unified development code that combines zoning and land develop-

ment regulations would help landowners understand what they have to do to create an ADU as well as streamline the approval process. Opposition from neighbors is to be expected, especially if the city does not undertake an educational effort. Even then, accessory units can make neighbors feel encroached upon as well as raise concerns about impacts on property values.

With the U.S. population expected to add more than 100 million people over the next 40 years, accessory housing can play a small, but significant role in offering affordable housing and walkable, compact development that helps to revitalize cities.

RESOURCES BOX

Resources on Accessory Housing

Georgia Department of Community Affairs

"Accessory Housing Units." www.dca.state.ga.us/intra_nonpub/Toolkit/Guides/AcsryHsngUnts.pdf

Portland (Oregon) Bureau of Development Services, City of
"Accessory Dwelling Units (ADUs)."

www.portlandonline.com/bds/index.cfm?c=36676

www.portlandonline.com/bds/index.cfm?&a=53301

Spokane (Washington), City of

2012. Municipal Code. Section 17C.110.350: Cottage Housing.

www.spokanecity.org/services/documents/smc/?Section=17C.110.350

Santa Cruz (California), City of

"Accessory Dwelling Unit Development Program"

www.cityofsantacruz.com/index.aspx?page=1150

www.huduser.org/rbc/newsletter/vol6iss2more.html

Washington Appeals Court, State of

2009. *William Davis et al. v. City of Spokane and Konstantin Vasilenko*, No. 29204-5-III.

<http://statecasefiles.justia.com/documents/washington/court-of-appeals-division-iii/292045.unp.doc.pdf?ts=1323968271>

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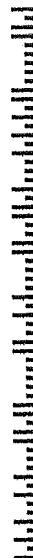
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HOW DOES YOUR COMMUNITY
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HOUSING?

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