

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, May 2, 2013, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer (arrived at 7:02 p.m.)
 Commissioner Joseph Field
 Commissioner Matthew Maul
 Commissioner Cindy Nosan
 Commissioner Gary VanScoy

Members Absent: None

Also Present: Development Services Manager Timothy Gladhill
 Associate Planner/Environmental Coordinator Chris Anderson

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 VanScoy, seconded by Commissioner Nosan, to approve the agenda as presented.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Nosan, Bauer, Field, and Maul. Voting No: None. Absent: Commissioner Brauer.

Note: The agenda was revised following approval of Planning Commission minutes.

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated April 4, 2013

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to approve the following minutes as presented: Planning Commission Meeting Minutes dated April 4, 2013.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Field, Maul, and Nosan. Voting No: None. Absent: Commissioner Brauer.

Commissioner Brauer arrived at the meeting at 7:02 p.m.

3. APPROVAL OF AGENDA (continued)

Chairperson Levine requested the agenda be amended to consider Item 5.04 prior to Item 5.01.

Motion by Commissioner Field, seconded by Commissioner VanScoy, to revise the agenda as requested.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Field, VanScoy, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.04: For Discussion Only: Receive Update on Former Municipal Center Land Use Open House

Presentation

Development Services Manager Gladhill presented the staff report. He explained the City hosted an Open House on April 18, 2013 to discuss potential future land uses for the former municipal center located at 15153 Nowthen Boulevard. It was noted the site would need to be rezoned. He provided a detailed presentation to the Commission on potential uses for the 20-acre site. Two potential land uses were discussed which included a 47 lot single-family development and a data center. He commented the preferred concept after holding the Open House was the single-family residential development as it was most compatible with the surrounding land uses. The pros and cons of each proposal were reviewed with the Commission in detail. A response from the Anoka County Highway Department was discussed. He requested the Commission discuss the concepts and provide comments to Staff.

Commissioner Bauer questioned how many households were able to attend the Open House.

Development Services Manager Gladhill explained that there were approximately 30 residents present at the event and an additional 69 households had signed a petition. He indicated that

there was a snow event on the date of the Open House and a second Open House may be scheduled to gain additional feedback from the public.

Commissioner Bauer commented the primary access point to the former municipal site could greatly impact the adjacent residents if the site were to be developed as single family residential lots.

Development Services Manager Gladhill reviewed the proposed access points as recommended by the Anoka County Highway Department.

Commissioner VanScoy questioned how the traffic would differ between a residential development and the data center. He anticipated that the data center would create less traffic to the neighborhood.

Development Services Manager Gladhill stated the data center would not create a large number of jobs and traffic, but would create a large building adjacent to the residential neighborhood. He estimated the traffic trips per day to the data center would be less than the trips created by the proposed 47 unit single-family residential development.

Commissioner Brauer discussed the history of this property noting a residential development had been considered in the past; however, this was never completed. He commented there has also been discussion of a high school or middle school on this parcel. He noted this was not going to happen due to the fact an elementary school was located across the street. He discussed the valuable infrastructure the City of Ramsey had in place for future technology developments. He expressed frustration with Connexus Energy and their inability to work with the City on the data center. He questioned why the railroad tracks were a concern. He suggested the data center be located in the Town Center.

Development Services Manager Gladhill commented the City would be receiving a second opinion on this matter. He stated the City welcomed a data center somewhere within the community as well.

Commissioner Nosan asked if the data center were built if the current structure on the site would be taken down.

Development Services Manager Gladhill stated this was the case.

Chairperson Levine thanked the Commission for their input this evening and recommended further comments be forwarded to Staff.

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

Public Hearing

Chairperson Levine called the public hearing to order at 7:47 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained that Oakwood Land Development, Inc. was granted an Interim Use Permit (IUP) for grading and mining activities on Outlot A and B, Elmcrest Sanctuary in July of 2012. The IUP allowed the applicant to export approximately 60,000 cubic yards of soil from the site to create/expand a wetland for the purposes of a wetland mitigation bank. The IUP was set to expire on August 1, 2013 or six months following approval by the Lower Rum River Watershed Management Organization (LRRWMO). The applicant received permit approval from LRRWMO; however, the applicant was unable to find a qualified contractor and end market for the exported soil.

Associate Planner/Environmental Coordinator Anderson indicated that Forest Lake Contracting has been hired for the work and would be capable of completing the project and finding a home for the exported soil. The applicant has requested an extension to the existing IUP to December 31, 2014 to allow for the completion of the grading and mining activities. He reported all other basic terms of the IUP would remain the same. Staff recommended the Commission approve an extension to the IUP.

Citizen Input

John Peterson, applicant, indicated he had difficulty in finding a contractor willing to remove the soil from the site. He stated Forest Lake Contracting has agreed to complete the work after they find a home for the material. This has taken time, which led to the request for the IUP extension. He noted all truck hauling operations would be conducted around the park use. Mr. Peterson thanked the Commission for considering his request this evening.

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Brauer, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:01 p.m.

Commission Business

Commissioner VanScoy asked why the applicant was proposing to create a wetland bank.

Mr. Peterson stated the proposed wetland bank would give the City wetland credits with 7.4 acres of new ponding, which would be an asset to the community.

Associate Planner/Environmental Coordinator Anderson explained the site proposed for grading and mining would be challenging to develop due to the existing wetlands.

Commissioner Nosan approved of the proposed grading and mining.

Commissioner Brauer questioned if it would be possible to assure that the project was completed entirely by Forest Lake Contracting in one phase.

Mr. Peterson stated Forest Lake Contracting would be providing him with a bond to assure the work was done in its entirety. This would assure the project was not left half-done.

Commissioner VanScoy inquired if six months was an adequate amount of time to complete the project, once started.

Associate Planner/Environmental Coordinator Anderson stated the extension would allow 18 months to complete the entire project. It was Staff's opinion this was a reasonable amount of time to complete the proposed grading and mining. He commented that once the work begins the applicant would have six months to finish the work.

Mr. Peterson stated if the contractor was not able to find the right combination of projects to take all of the material he may be requesting another extension. He discussed that flexibility within the project was somewhat necessary as he did not know what projects the contractor would find for the soil. He requested he be allowed until December 31, 2014 to complete the project.

Associate Planner/Environmental Coordinator Anderson stated Staff was comfortable with this request noting the six month clause could be eliminated from the IUP.

Development Services Manager Gladhill recommended the drop dead date remain five years from the IUP first being approved. He suggested that if the work does not begin in the next year, that another notification be sent to the surrounding neighbors. He commented the Commission could consider a six month clause, excluding the winter months.

Commissioner Bauer was in favor of having a 12 month completion clause once the hauling begins.

Chairperson Levine indicated the Planning Commission was trying to protect the surrounding properties and City streets to assure that gravel was not going to be hauled from this site "on and off" for the next five years.

Commissioner Brauer stated the applicant does not currently have a plan on how the dirt would be removed and that was what the Commission was looking for.

Development Services Manager Gladhill suggested the terms of the IUP be amended as follows to have the permit expire on December 31, 2018 and upon commencement of activities the

applicant would have 12 months to complete the work. In addition, the City would be added to the contractor's bond and notification would be sent to the surrounding property owners upon commencement of the grading and mining work.

Mr. Peterson supported the recommended amendments.

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to amend the Interim Use Permit as recommended by Staff.

Further discussion

Commissioner VanScoy requested the permit expire five years from the date the Council approves the IUP.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, VanScoy, Brauer, Field, Maul, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #13-05-068 adopting Findings of Fact relating to the request for an extension of an existing Interim Use Permit.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, Field, and Nosan. Voting No: None. Absent: None.

Motion by Commissioner Bauer, seconded by Commissioner Field, to recommend that City Council adopt Resolution #13-05-069 approving the request for an extension of an existing Interim Use Permit with the following amendments to the IUP:

- Permit is extended to May 14, 2018 (five [5] years from the date of City Council approval); and
- Once excavation and hauling activities commence, that work shall be completed within twelve (12) months; and
- The City will be named on the contractor's bond; and
- Applicant would notify the City and surrounding property owners prior to commencing excavation and hauling activities.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Field, Brauer, Maul, Nosan, and VanScoy. Voting No: None. Absent: None.

5.02: Public Hearing: Consider Amendments to the Tree Preservation Ordinance.

Public Hearing

Chairperson Levine called the public hearing to order at 8:26 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He commented in 2003 the City adopted a Tree Preservation Ordinance to establish reasonable protection of the community forest during development. The intent of this Ordinance was to guide more sustainable development and encourage preservation of existing trees. He indicated the Environmental Policy Board (EPB) reviewed the Ordinance as recommended by the City Council and identified several revisions that would improve the current Ordinance while incorporating more flexibility for replacement of trees removed during development.

Michael Max, Environmental Policy Board, commented the Board revisited the Ordinance and found several inconsistencies. These areas were clarified to remain consistent with the City Code.

Associate Planner/Environmental Coordinator Anderson discussed the definition of a significant tree within the Ordinance. The other minor revisions and exemptions were reviewed with the Commission in detail. He requested the Commission recommend the City Council adopt an Ordinance amending City Code Article II, Division 5.

Citizen Input

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Field, Bauer, Brauer, Maul, and Nosan. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:34 p.m.

Commission Business

Commissioner Brauer was pleased that the Scenic Rivers Ordinance was taken into consideration with the proposed revisions.

Commissioner Bauer requested further information on the replacement standards within the revised Ordinance.

Associate Planner/Environmental Coordinator Anderson discussed the standards in detail with the Commission. He reiterated that the replacement standards would be calculated over an entire development, and not single lots.

Commissioner Brauer did not find the new requirements to be burdensome.

Commissioner Field understood that the replacement of trees would only be required once a certain tree removal threshold was met.

Associate Planner/Environmental Coordinator Anderson stated this was the case. He stated invasive or diseased trees would be exempt from replacement.

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council adopt Ordinance #13-10 amending City Code Article II (Zoning) Division 5 (Tree Preservation).

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Brauer, Field, Nosan, and VanScoy. Voting No: None. Absent: None.

Commissioner Brauer excused himself from the meeting at 8:49 p.m.

5.03: Request for Site Plan Approval for an Expansion of an Outdoor Patio and Covered Bar at 6415 Highway 10 NW; Case of Willy McCoys

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report. He explained Willy McCoys was proposing to expand its outdoor patio area and was proposing a new outdoor covered bar at their restaurant facility located at the south end of the Sunfish Commons retail center at the intersection of Highway 10 and Sunfish Lake Boulevard. He commented a parking agreement may be necessary with the adjacent property owner. It was noted the property was located within the Critical River Overland District. Staff reviewed the proposed site plan expansion in detail with the Commission and recommended approval of the Site Plan contingent upon compliance with the City Staff Review letter dated April 26, 2013 and suggested conditions.

Citizen Input

Tom DeQuatro, 13281 Redwood Street in Andover, thanked the Commission for considering his request this evening. He stated the proposed patio would greatly benefit the patrons visiting his restaurant during the summer months.

Commissioner Bauer asked if the patio area could be accessed from the parking lot.

Mr. DeQuatro commented staff would seat patrons in the patio area from the main entrance of the restaurant. Patrons would not be able to seat themselves in the patio from the parking lot.

Associate Planner/Environmental Coordinator Anderson explained that gates would be necessary in the patio area for emergency purposes. This would be reviewed by the building official and fire marshal.

Commissioner Nosan questioned how far the patio would be from Highway 10.

Associate Planner/Environmental Coordinator Anderson explained that the patio setback exceeded the City's requirements.

Commissioner VanScoy supported the proposed patio and covered bar improvements.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council approve the Site Plan contingent upon compliance with the Staff review File dated April 26, 2013 and with the following conditions:

- 1.) No alcoholic beverages or food shall be served to persons outside of the designated outdoor seating area. Signage shall be posted that restricts the consumption of alcohol outside of the designated outdoor seating area as approved by staff.
- 2.) Patrons shall access the outdoor seating area through the main entrance or host station and shall be seated by a staff person.
- 3.) Any speaker devices used in the patio area shall be turned off by 10:00 p.m.
- 4.) No temporary structures, other than those approved under separate permit, shall be erected during the winter months for smoking purposes.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Bauer, Maul, Field, Nosan, and VanScoy. Voting No: None. Absent: Brauer.

5.04: For Discussion Only: Receive Update on Former Municipal Center Land Use Open House

This item was considered prior to Item 5.01.

5.05: For Update Only: Receive Report on Monthly Activities

Development Services Manager Gladhill reviewed the recent development activities with the Commission.

5.06: Zoning Bulletins

Zoning Bulletins were noted.

6. COMMISSION / STAFF INPUT

None.

7. ADJOURNMENT

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Field, and Nosan. Voting No: None. Absent: Brauer.

The regular meeting of the Planning Commission adjourned at 9:03 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.