

City of Ramsey
Agenda
Special Planning Commission
Thursday July 18, 2013
7:00 pm
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the Following Planning Commission Meeting Minutes:
Planning Commission Meeting Minutes Dated June 6, 2013
- 5. Public Hearing/Commission Business**
 1. Receive Presentation of City's Strategic Plan
 2. Consider Site Plan for Building Expansion at 14350 Azurite St NW; Case of Diamond Graphics, Inc.
 3. Consider Sketch Plan Review of Oakwood Acres Located Along 167th Avenue, West of Nowthen Boulevard; Case of Oakwood Land Development
 4. PUBLIC HEARING: Consider Ordinance #13-15 to Establish Armstrong Boulevard Interchange Overlay District
 5. Zoning Bulletins
 6. FOR UPDATE ONLY: Receive Report on Monthly Activities
- 6. Commission/Staff Input**
- 7. Adjournment**

Special Planning Commission

4. 1.

Meeting Date: 07/18/2013

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

Planning Commission Meeting Minutes Dated June 6, 2013

Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Staff Recommendation:

Action:

Attachments

06.06.13 Planning

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/12/2013 08:07 AM
Form Started By: JoAnn Shaw		Started On: 07/11/2013 01:22 PM
	Final Approval Date: 07/12/2013	

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, June 6, 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 7:01 p.m.)
 Commissioner Joseph Field
 Commissioner Matthew Maul
 Commissioner Cindy Nossen
 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 Maul, to approve the agenda as presented.

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

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

4.01.1: Planning Commission Meeting Minutes Dated May 2, 2013

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

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Request for Conditional Use Permit to Maintain Two Horses on 2.50 Acres Located at 8010 176th Lane NW; Case of Linda Eidem

Public Hearing

Chairperson Levine called the public hearing to order at 7:03 p.m.

Presentation

Development Services Manager Gladhill presented the staff report noting the City received a request for a Conditional Use Permit to maintain two (2) horses at 8010 176th Lane NW. City Code allows horses to be maintained on parcels between 1.5 acres and 2.99 acres in size as a conditional use. Staff reviewed the site plan in detail with the Commission. He explained that as long as the owner can abide by the terms of the ordinance and the Conditional Use Permit, the City may grant approval as requested in the amended Resolution.

Citizen Input

Vicky Orcott, 17631 Carnelian Street, did not object to the horses. She recommended the Commission approve the request.

Scott Moline and Linda Eidem, 8010 176th Lane NW, thanked the Commission for considering their request this evening. Mr. Moline stated he lives and works in Ramsey. He indicated his daughter worked with horses. Ms. Eidem expressed concern with her adjacent neighbors and the trash in their yard stating the issue with their neighbors led to the Conditional Use Permit request.

Commissioner Field was pleased that one neighbor was her voicing support this evening. He encouraged the applicants to move forward and work through the issues with their neighbor.

Commissioner Brauer questioned how long the horses have been on this property.

Ms. Eidem estimated the horses have been on the property for the past six years. She stated the second horse was for her daughter and the permit would allow for training in the future.

Commissioner Bauer asked how many horses could reside on the property full-time.

Development Services Manager Gladhill commented a lot this size would allow for two horses.

Commissioner Brauer inquired if the code would allow for temporary housing of horses to allow for their daughter to provide training.

Development Services Manager Gladhill stated the code was silent on this as it states two horses were allowed on parcels 2.5 acres in size.

Commissioner VanScoy interpreted the horses coming to the property for training to be transients and would be allowed short term on the property.

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

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

Chairperson Levine closed the public hearing closed at 7:23 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner Brauer, to recommend that City Council adopt Resolution #13-06-087 adopting Findings of Fact #0912 related to the request for a Conditional Use Permit.

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

Motion by Commissioner VanScoy, seconded by Commissioner Bauer, to recommend that City Council adopt the amended Resolution #13-06-033 granting approval of the Conditional Use Permit for Linda Eidem.

Further discussion

Commissioner Field requested clarification on the motion.

Commissioner VanScoy indicated his motion was to approve the amended draft Resolution.

Commissioner Brauer suggested the Resolution state the applicant shall cleanup all manure on City streets from their horses.

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

5.02: Public Hearing: Consider Request for a Conditional Use Permit to Exceed Allowable Square Footage for a Detached Accessory Building; Case of Michael and Diane Dahlberg

Public Hearing

Chairperson Levine called the public hearing to order at 7:29 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report stating the City received an application for a conditional use permit to exceed the allowable square footage for accessory building space on the property located at 9321 169th Avenue NW. The purpose of the request was to create storage space for vehicles, equipment and other items, while also providing additional storage space for special needs equipment and a handicap accessible van for a family member. He noted the subject property was 2.21 acres in size and could have up to 2,400 square feet of accessory building space and up to three (3) accessory buildings. The requested detached accessory building was 3,072 square feet in size. Staff reviewed the site plan in detail with the Commission and recommended approval of the conditional use permit request.

Citizen Input

Michael Dahlberg, 9321 169th Avenue NW, thanked the Commission for considering his request this evening and for all of the assistance he has received from staff.

Commissioner Field asked when the two existing accessory structures were built.

Mr. Dahlberg estimated the buildings were built in the late 70's or early 80's.

Commissioner VanScoy commented the ordinance allows for 2,400 square feet. He questioned why Mr. Dahlberg was requesting a building over this amount. He wanted to be assured the space was needed.

Mr. Dahlberg explained the building would meet the needs of his family while also allowing him to park his classic cars indoors.

Chairperson Levine inquired the square footage of the two existing accessory structures.

Associate Planner/Environmental Coordinator Anderson estimated this to be 1,750 square feet.

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

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

Chairperson Levine closed the public hearing closed at 7:44 p.m.

Commission Business

Commissioner Field requested information from staff on the necessary requirements for a conditional use permit.

Development Services Manager Gladhill reviewed these elements with the Commission noting there was some level of flexibility within each request.

Commissioner Field was pleased to see the applicant had nine letters of support for this project. He asked if the surrounding properties were 2+ acres in size.

Associate Planner/Environmental Coordinator Anderson commented the neighboring properties ranged from about 1.5 to 2+ acres.

Commissioner Field was pleased that the old structures would be removed to make room for the new building. He noted the applicant had enough space on his corner lot for the structure and had the support of his neighbors. For these reasons, he supported the request.

Commissioner Bauer added that the proposed building would clean up the applicant's property.

Commissioner VanScoy agreed.

Commissioner Brauer approved of the overage due to the fact medical equipment would be stored in the accessory structure. It was his opinion that without the medical equipment, the applicant could meet the City's standards.

Chairperson Levine agreed stating he supported the request from Mr. Dahlberg.

Motion by Commissioner Field, seconded by Commissioner Bauer, to recommend that City Council adopt Resolution #13-06-104 adopting Findings of Fact #0915 relating to the applicant's request for a Conditional Use Permit.

Further discussion

Commissioner Brauer suggested the findings of fact note that the applicant would be storing 200 to 300 square feet of medical equipment that would be stored in the proposed accessory structure.

Commissioner Field suggested this language not be added. The Commission agreed.

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

Motion by Commissioner Bauer, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #13-06-105 approving a Conditional Use Permit for an overage in allowable accessory structure square footage based on Findings of Fact #0915 and contingent upon compliance with the Staff Report dated May 31, 2013.

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

5.03: Public Hearing: Condition Request for a Conditional Use Permit for motor vehicle sales located at 7820 Riverdale Drive NW; Case of Bethel Properties, LLC

Public Hearing

Chairperson Levine called the public hearing to order at 7:59 p.m.

Presentation

Development Services Manager Gladhill presented the staff report stating the applicant, Bethel Properties, LLC, has submitted an application for a Conditional Use Permit to operate a small business used car dealer office and shop. The proposal indicates individual dealers would be provided office space, storage for records and up to five (5) car stalls on the lot for vehicle display to operate their own individual business. The property is located within the B-2 Highway Business District and motor vehicle sales and repair was listed as a conditional use. Staff reviewed the site plan in detail with the Commission and recommended approval of the Conditional Use Permit.

Citizen Input

John Buzik, Bethel Properties, stated he had several similar car lots in the metro area and noted the proposed business model allowed for several dealers to begin their own business. He explained there would be nine dealers operating out of this location.

Commissioner Field asked if the vehicle test drives would take place on residential streets or on the highway. He requested the test drives not become a nuisance to the adjacent homeowners.

Mr. Buzik was uncertain, but anticipated the test drives would take place on the highway.

Development Services Manager Gladhill commented this could be added as a condition for approval.

Commissioner VanScoy did not feel this was necessary as it would be difficult to enforce.

Commissioner Nossen requested this car lot be nicely landscaped and screened due to the fact it was along Highway 10.

Mr. Buzik discussed the proposed improvements for the site.

Commissioner Brauer supported the proposed business model.

Commissioner Field noted the hours of operation for detailing. He questioned if major auto repairs would take at this location.

Mr. Buzik stated the site would be used for detailing and cosmetic repairs. He did not object to the proposed detailing hours of operation from staff.

Commissioner VanScoy asked if the applicant had any concerns about the required screening.

Mr. Buzik commented he would work with staff on this issue.

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

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

Chairperson Levine closed the public hearing closed at 8:20 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that City Council adopt Resolution #13-06-102 adopting Findings of Fact #0915.

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

Motion by Commissioner Field, seconded by Commissioner Nossen, to recommend that City Council adopt Resolution #13-06-103 approving the Conditional Use Permit for motor vehicle sales contingent upon compliance with the Staff Report dated May 31, 2013.

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

5.04: Public Hearing: Consider Request for Site Plan Review and Variance to the Front Yard Setback on the Property Located at 6815 McKinley Street NW; Case of Sharp & Associates LLC

Public Hearing

Chairperson Levine called the public hearing to order at 8:21 p.m.

Presentation

Associate Planner/Environmental Coordinator Anderson presented the staff report stating the applicant is proposing an 11,659 square foot addition to the south elevation of an existing building located at 6815 McKinley Street. The addition will accommodate warehousing needs for Cullinan Rigging, which currently operates on this site. The addition meets all required setbacks except for the thirty-five (35) foot front yard setback. He explained the applicant was requesting a 13-foot deviation along McKinley Street. The variance requirements were reviewed in detail along with the business being conducted on this site. It was noted the triangular lot shape was unique. Staff reviewed the site plan further with the Commission and recommended approval of the variance to the front yard setback and site plan.

Citizen Input

Dennis Sharp, Sharp & Associates, discussed the equipment hauling that took place on this property, along with how traffic flowed in and out of the site. He then thanked the Commission for considering his request this evening.

Commissioner Field understood the business needed to expand. He questioned if other design plans were reviewed.

Mr. Sharp stated the property to the north was contacted to see if additional property could be purchased. The northern property owner was not in favor of this option. For this reason, the addition was being proposed as is to meet the growing needs of the business.

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 Nossen. Voting No: None. Absent: None.

Chairperson Levine closed the public hearing closed at 8:36 p.m.

Commission Business

Commissioner VanScoy supported the addition stating it would fit well into the neighborhood.

Commissioner Field agreed.

Motion by Commissioner Bauer, seconded by Commissioner Field, to adopt Resolution #13-06-100 approving Findings of Fact #0913.

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

Motion by Commissioner Bauer, seconded by Commissioner Field, adopt Resolution #13-06-101 approving the Variance to the Front Yard Setback.

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

Motion by Commissioner Field, seconded by Commissioner VanScoy, to recommend that City Council approve the Site Plan contingent upon compliance with the Staff Report dated May 31, 2013.

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

5.05: For Discussion and Update Only: Consider Authorizing Staff to Prepare Ordinance for Highway Interchange Sign Overlay District

Presentation

Development Services Manager Gladhill presented the City has been active in completing a design for the future Armstrong Boulevard Interchange at US Highway 10. The project involves converting the existing at-grade, signalized intersection to a grade-separated interchange. With the grade-separated interchange, the parcels along US Highway 10 at Armstrong Boulevard will be impacted by reduced visibility. The City has considered additional sign height allowances. Staff suggested the implementation of an overlay district for certain areas surrounding the interchange. Staff requested the Commission provide direction to staff on this topic.

Commission Business

Chairperson Levine recommended the overlay district proceed.

Commissioner Bauer asked if the City would need to acquire any right-of-way at this interchange.

Development Services Manager Gladhill discussed the properties that would be impacted with the realignment of this interchange. He noted the new interchange would have full access.

Consensus of the Commission was to proceed forward with the process for implementing an overlay district.

5.06: Review Draft of Alternative Urbanwide Area Review (AUAR) Update for The COR (formerly Ramsey Town Center)

Presentation

Development Services Manager Gladhill presented the staff report stating in 2003 the Council approved an Alternative Urban Areawide Review (AUAR) for the development known as Ramsey Town Center. The AUAR was a tool to review environmental effects in advance of development, thus providing for a shorter review timeframe at time of development. He noted the City's AUAR was in need of update for two reasons. First the AUAR must be updated every five (5) years and that there had been changes in preferred land use plans. Staff reviewed the recommended updates to the AUAR and requested comments from the Commission.

Commission Business

Commissioner Bauer asked if Met Council supported a third lane on Highway 10.

Development Services Manager Gladhill stated this was always open to discussion within the long-range plans. He commented it would continue to be discussed, but there were no plans at this time.

Commissioner Brauer indicated the northern suburbs had the longest commutes in the metro area. He recommended the third lane on Highway 10 be pursued by the City.

Commissioner Bauer inquired which department made the determination on which intersections would be signalized.

Development Services Manager Gladhill commented this was a determination made in conjunction with Mn/DOT and Anoka County based on research done for the AUAR and from traffic studies.

Commissioner Field requested further information on the blanding turtles.

Commissioner Brauer stated these turtles were an endangered species and were quite common in Anoka County.

Development Services Manager Gladhill deferred to the comments from the DNR stating he would report back to the Commission with additional information at a future meeting.

5.07: Planning Update

The report on monthly activities was received.

Commissioner Brauer requested the Council's strategic plan be forwarded to the Commission at a future meeting.

Development Services Manager Gladhill stated he would have this information available in July.

5.08: Zoning Bulletins

Zoning Bulletins were noted.

6. COMMISSION / STAFF INPUT

6.01: Determine July meeting date due to the 4th of July Holiday

Development Services Manager Gladhill requested the Commission reschedule the July meeting to Thursday, July 18th. He indicated this shift would allow for all requests to be heard in July without having to call two meetings. There was a consensus of the Commission to move the meeting to Thursday, July 18th.

Discussion ensued regarding the fee schedule for City permits. The Commission requested the permit fee schedule be reviewed. Development Services Manager Gladhill stated he would bring this forward at a future meeting.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 9:18 p.m.

Respectfully submitted,

Tim Gladhill
Development Services Manager

ATTEST:

JoAnn Shaw
Planning Division Secretary

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Special Planning Commission

5. 1.

Meeting Date: 07/18/2013

By: Tim Gladhill, Community Development

Information

Title:

Receive Presentation of City's Strategic Plan

Background:

At the June 6, 2013 Planning Commission, it was requested that Staff update the Planning Commission on the current Strategic Plan recently adopted by the City Council. The City Administrator will be present to provide a presentation on the Strategic Plan. A copy of the Strategic Plan is attached for your review.

Notification:

Observations/Alternatives:

Funding Source:

Staff Recommendation:

Action:

Attachments

Strategic Plan Final Report

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator) Form Started By: Tim Gladhill	Tim Gladhill	07/12/2013 11:49 AM Started On: 07/10/2013 10:22 AM
	Final Approval Date: 07/12/2013	

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ACKNOWLEDGEMENT

Strategic Planning Committee

Sarah Strommen, Mayor
Randy Backous, Councilmember at Large
David Elvig, Councilmember Ward 1
Mark Kuzma, Councilmember Ward 2
John LeTourneau, Councilmember at Large
Chris Riley, Councilmember Ward 4
Jason Tossey, Councilmember Ward 3
Kurt Ulrich, City Administrator
Diana Lund, Finance Director
Dean Kapler, Fire Chief
Jim Way, Police Chief
Colleen Lasher, Human Resources Manager
Tim Gladhill, Development Services Manager
Grant Riemer, Public Works Superintendent
Len Linton, Civil Engineer II
Jo Thieling, City Clerk

Graphic Design

Patrick Brama, Assistant to the City Administrator

Production and Editing Services

Kathy Schmitz, Pam Miller and Jo Thieling

Consulting Services

Anita S. Duckor, President

Duckor & Associates



EXECUTIVE SUMMARY

BACKGROUND

Our complex and dynamic world creates new challenges for all types of organizations. The City of Ramsey is no exception. 2012 was a tumultuous year for the city – significant staff transitions and turnover, a highly contested city election, and a major development (The COR at Ramsey) that continues to be a drain on the city’s resources.

The City Council in January 2013 acknowledged that the city could benefit by developing a strategic direction that guides its decision-making in the coming years. The decision was motivated by the lack of trust between the elected officials and staff, the financial challenges, and the need for the city to become a proactive organization rather than a reactive one.

The City of Ramsey could not afford to continue governing and operating as it has – and it was imperative that the elected officials and staff develop an effective working relationship. The City of Ramsey, its community members, elected officials and staff, deserve “A New Beginning...A New Day.”

Tumultuous times create the opportunity to think conventionally or unconventionally. The planning partners (City of Ramsey elected officials and city departments, and the consulting firm) did both. Challenging times gave us the gift of opportunity to assess the City of Ramsey - candidly and thoroughly.

The City Council hired Duckor & Associates to help develop this Three - Year Strategic Action Plan. The key benefits of the comprehensive planning process were:

- Achieving a shared strategic framework
- Achieving a shared understanding of clear roles, responsibilities and deliverables for elected officials and staff
- Building trust among the elected officials and staff
- Achieving goal consensus that directs the City of Ramsey’s work efforts
- Articulating doable objectives
- Maximizing effective use of resources
- Energizing the team leadership and enhancing teamwork.



PURPOSE

The underlying goal of Ramsey's strategic planning effort was to create an open, transparent working environment among the elected officials and staff in order to restore the faith and confidence in the City of Ramsey, build an effective elected governing body, and help build staff morale.

The specific goals were to:

- Develop a shared working mission and vision;
- Develop a Three - Year Strategic Action Plan including measurements;
- Develop measurable goals and a tracking system that is monitored monthly;
- Develop clear roles, responsibilities and deliverables for elected officials, appointed commission members, and staff;
- Design a transparent governance structure for both elected officials and staff that includes: guiding and operating principles, code of conduct, conflict of interest policies, etc.;
- Determine current staff structure's capacity to deliver high-quality services, and
- Develop a common understanding of what a vibrant, healthy community looks like.

The following plan establishes a solid foundation and framework to truly have "A New Day...A New Beginning" for the City of Ramsey.

There is a high degree of confidence that the plan will be successfully implemented because the planning process was highly interactive with the mayor, city council, and leadership team, including input from appointed commission members and staff. Candid and open discussions occurred in the workshops and staff meetings, which strategically helped shape the plan. Everyone had a voice in the planning process, which helps achieve buy-in of the plan.

IMPLEMENTATION CHALLENGE

The Three - Year Strategic Action Plan is dependent on the level of funding that is approved by the City Council for 2014 and subsequent years. It is also dependent on the 'political will' of identifying and implementing new funding sources. The 2013 budget is not sustainable long-term – the current staffing level is stretched to the maximum, and no long-term financial solution is in place for meeting the road maintenance and reconstruction requirements.



PLANNING PROCESS & METHODOLOGY

Undertakings of the Consultant:

Internal Input and Reporting

- City Administrator identified the internal participants to be interviewed.
- Developed two interview instruments (elected officials and leadership team), which was approved by City Administrator.
- Sixteen interviews were conducted in person, each lasting approximately 60 minutes.
- Developed and submitted the Hopes and Dreams and SWOT Analysis – Interview Summary Reports (elected officials and leadership team.)

Staff and Commission Members Input

- Developed two online surveys that were approved by City Administrator and Human Resources Manager.
- All staff members were invited to complete an online survey; 100 percent completed the surveys.
- All commission members were invited to complete an online survey; 74 percent commission members completed the surveys.
- Developed and distributed the Staff's Survey Summary Report at the all-staff meeting on April 24, 2013.
- Distributed the Commissions' Member Survey Summary Report.

Pre Planning Effort

- Met with City Administrator and other appropriate staff members to review planning materials; met with the City Administrator throughout the planning process.

Planning Workshops

- Conducted five strategic planning workshops with the Strategic Planning Committee members from January through April.
- For each workshop, consultant prepared agendas, included pre-meeting assignments, and identified meeting outcomes. The consultant, who facilitated whole group discussions and smaller group discussions with team electing a spokesperson to report on group's work, conducted workshops.

The consultant worked with the City Administrator's staff at staff meetings and one-on-one meetings throughout the planning timeframe.



It was critical to establish trust and determine how the Strategic Planning Committee could most effectively work together. The group built a solid foundation by establishing principles of engagement, identifying the 'Lessons Learned' from the past, and reviewing and discussing handouts provided by the consultant about the subject of trust, a glossary of planning terms and a city's success profile.

The workshop members developed and agreed-to the following principles of engagement:

We commit to...

1. Coming prepared for each meeting
2. Actively participating in the discussion
3. Staying on topic – using the Parking Lot as a place holder for ideas that are not on topic
4. Staying focused – avoiding the use of cell phones and computers
5. Proactively listening to one another – no cross talking, no side bars
6. Speaking with the “I” voice
7. Honoring the full spectrum of perspectives
8. Asking clarifying questions when we don't understand
9. Ensuring all voices are heard
10. Being part of the solution

To move forward with our planning, we began by examining the past. The Strategic Planning Committee identified the following “Lessons Learned” of the past:

Purpose

- None of us is bigger than the organization; we are here for the residents – they are at the top of the organization chart.
- If it doesn't contribute to the vision, don't do it.

Financial Impacts

- The city's negative image is far-reaching, hard to reverse, and has financial implications.
- Lack of trust has a cost.
- Lack of preparation has a cost.
- Don't throw good money after bad money.



Decision-Making

- Work toward consensus but understand that it isn't critical that you all agree.
- Don't question the motivations behind the decisions because it undermines the trust and respect of one another.

Personal Accountability

- Hold people accountable.
- All voices must be heard.
- Bring issues to meetings.
- Don't take it personally.
- Verify before crucify.
- Don't get too comfortable because things will change.

Communications

- Good communications both internally and externally that are timely and well-distributed will help minimize misunderstandings and mistrust.
- One-to-one communication is best.

At the end of the Three - Year Strategic Action planning effort, the Strategic Planning Committee hoped to accomplish the following:

Tangible Outcomes

- A uniform and agreed-to direction
- Well-defined goals that are obtainable, measurable, and within budget
- Clear expectations between staff and the City Council
- Clearly defined plan; what are we going to do, how are we going to do it, and for whom
- Provide a level of service that is acceptable to the customer
- A process for maintaining the Three - Year Strategic Action plan
- Take care of staff (internal customers) in order to take care of external customers



Policy-making Implications

- Recognize the city's resource limitations (financial and staffing capacity)

Communications

- Create and implement clear and timely messages for residents

The Strategic Planning Committee vetted the Hopes and Dreams for the city and the SWOT Analysis (strengths, weaknesses, opportunities and threats) report that the consultant developed based on the one-on-one interviews. SWOT Analysis is a tool for discovering and learning that lays the foundation of a strategic plan. Please see Appendix A for the vetted City Council SWOT Analysis.

To ensure that the planning process would be driven by customer needs, committee members presented a list of their internal and external customers to the Strategic Planning Committee; the consultant developed a Constituencies/Customer list, please see Appendix B.



VISIONARY STRUCTURE

In 2006, the City of Ramsey launched Ramsey3, an innovative grassroots initiative dedicated to imagining the future of Ramsey. This collaborative process provided the visionary framework for the city. The Strategic Planning Committee determined that it would be helpful to supplement the City's visions with a visionary structure that was focused on a three to five year period to address the pressing issues facing the city.

To address the lack of trust and ensure that the city operates in a transparent and open environment, the following documents were also developed: guiding principles, city's organization values, code of conduct, and roles and responsibilities for elected officials, appointed commission members, staff, and consultants.

Three-Year Working Mission Statement

To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services.

Three-Year Working Vision Statement

Achieve economic vitality with strategic infrastructure investments through market-driven growth.



OUR GUIDING PRINCIPLES

The elected officials, appointed commission members and staff will:

1. Ensure responsiveness to the public (residents, business owners, taxpayers) that fosters an atmosphere of communication within and outside the organization.
2. Ensure alignment of goals and resources.
3. Take personal ownership for the success of the City of Ramsey.
4. Operate with clear roles, responsibilities, authority, and accountability.
5. Operate in a transparent environment.
6. Strive for “win-win” strategic thinking and planning under which interests and objectives of the city, commissions, and departments are considered; avoid personal agendas and department and commission turf protection.
7. Take action based upon objective analysis of the facts.



OUR CITY'S ORGANIZATIONAL VALUES

We commit to:

ETHICS AND INTEGRITY

We believe that ethics and integrity are the foundation blocks of public trust and confidence and that all meaningful relationships are built on these values.

FISCAL RESPONSIBILITY

We believe that fiscal responsibility and the prudent stewardship of public funds are essential for citizen confidence in government.

COOPERATION AND TEAMWORK

We believe that the public is best served when elected officials, departments, commission members, and employees work cooperatively as a team in a trusting environment.

OPEN AND HONEST COMMUNICATIONS

We believe that open and honest communication is essential for an informed and involved citizenry, to build trust, and to foster a positive working environment for employees.

EXCELLENCE AND QUALITY IN THE DELIVERY OF SERVICES

We believe that service to the public is our reason for being and strive to deliver quality services in a highly professional and cost-effective manner.

TREATING PEOPLE WITH RESPECT AND FAIRNESS

We believe that all people are to be treated with courtesy and respect and deserve the best service we can provide. Decisions are to be fair and based upon the interest of the whole community.

ADAPTABILITY AND CONTINUOUS LEARNING

We believe that individuals need to be adaptable to changing environments and circumstances. Continuous learning, education and training of our elected and appointed officials and employees enables us to better recognize current opportunities, anticipate change, and prepare for the future.

The organization's Code of Conduct in Appendix C outlines the behavior we desire. Appendix D articulates the roles and responsibilities of the organization.



MOVING FORWARD: A NEW DAY...A NEW BEGINNING

MISSION-DRIVEN BUILDING BLOCKS

Mission-driven building blocks are what an organization needs to fulfill its vision. Mission-driven strategic imperatives are major areas of focus of an organization that move the organization toward its vision. The mission-driven strategic imperatives for the city are: financial stability, a connected community and a smart, citizen-focused government.

CAPACITY-DRIVEN BUILDING BLOCK

Capacity-driven building blocks are what an organization needs to fulfill its mission. Capacity-driven strategic imperatives are major areas of focus of the organization that ensure the organization has the capacity to deliver its mission. The capacity-driven strategic imperative for the city is: an effective organization.

The following page describes the strategic imperatives and strategic initiatives for each type of building block.

Please see Appendix E for the detailed Three - Year Strategic Action Plan that includes the following by each strategic imperative: strategic initiative, department, tactics, initiation date, completion date, additional resources that are required but are not included in the 2013 budget, additional tools, responsible party and key outcome indicators/metrics.

To ensure that the Three - Year Strategic Action Plan was supported by the staff, department plans were developed or updated that include department's mission, responsible party, service offering description, primary external and internal customers and strategic partnerships with respective requirements, goals, measurements, and resources required. The following departments have updated plans: Administration, Community Development, Economic Development, Engineering, Finance, Fire, Human Resources, Police, and Public Works.



To move forward, the City will invest and build the following blocks, focusing on the four strategic imperatives and initiatives:

Mission-Driven Building Blocks	Strategic Imperative	Strategic Imperative Definition	Strategic Initiatives
	I. Financial Stability	Ensure strategic economic development that complements the City's desired quality of life and builds a stable tax base, all while maintaining a low tax levy.	<ul style="list-style-type: none"> • Ensure financial stability • Optimize TIF to support infrastructure improvements • Increase economic growth • Maximize land use • Enhance infrastructure development to meet city's growth
	II. A Connected Community	Ensure that the city is a connected city that is part of a comprehensive regional transportation system that enables all to easily navigate the community and attracts business development.	<ul style="list-style-type: none"> • Enhance the state, county and city's transportation system • Enhance trail way system
	III. Smart, Citizen-Focused Government	Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.	<ul style="list-style-type: none"> • Ensure quality services based on customer requirements • Ensure a safe city • Expand shared services • Improve safety and quality of housing stock • Enhance recreational and cultural opportunities • Build and expand community connections • Enhance the election experience
Capacity-Driven Building Block	IV. An Effective Organization	Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the ever-changing, increasing needs of the organization.	<ul style="list-style-type: none"> • Enhance governance structure • Enhance organizational structure • Create a high-performance work environment and workforce • Maximize consultants' accountability • Streamline internal processes • Enhance internal/external communications

BUDGET

The investment to implement the Three - Year Strategic Action Plan was estimated based on the following assumptions:

- The budget uses the 2013 General Fund Budget of \$10,293,837 as its baseline for moving forward.
- The current baseline for staff level is \$5,806,331 of personnel costs, including salaries benefits and health insurance.
- Additional staff recommended in the Plan includes 7.5 FTEs (5 in 2014, 2.5 in 2015 – two Police Officers, one Building Official to replace contracted services, one Office Assistant, one Engineering Technician III, half-time IT Technician, and two Public Works positions (one funded from the General Fund and one from Enterprise Funds.)
- Budget does not include adjustment for inflation or cost-of-living adjustments.
- Implementation of the 40-Year Road Construction Plan would cost approximately \$3 million a year.
- The budget suggests an increase of \$579,749 for staffing and \$1,916,500 for the first year of implementation of transportation improvements and escalates accordingly -- \$393,720 for staffing in 2014 and \$572,440 in 2015.

Identifying and securing other funding mechanisms/sources will help fund the Three-Year Strategic Action Plan. The timeframe for implementation will be determined by the City Council's approved budget for the following years: 2014, 2015, 2016.

Other potential funding mechanisms/sources include: selling city-owned properties, implementing a franchise fee or a dedicated transportation fee, or increasing property taxes.

It is critical that the city does NOT rely on one-time sources of money to fund on-going operations of the city.



PERFORMANCE MEASUREMENT

In order to achieve the goals of the Three - Year Strategic Action Plan, it's critical to focus on results. The City of Ramsey will implement a Balanced Scorecard performance measurement tool that will help the mayor, City Council, and staff be focused on the critical areas of work that must be accomplished each year. The following Balanced Scorecard reflects full funding of the action plan. In addition, the newly designed Department Plans will include appropriate measurements for their respective departments. If the action plan is not fully funded, the goals and metrics will need to be reviewed and changed.

Three-Year Working Mission Statement

To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services

2013-2015 Balanced Scorecard

Fiduciary Perspective <i>"If we succeed, how will we look to our property owners?"</i>	Customer/Stakeholder Perspective <i>"To achieve our vision, how must we look to our customers?"</i>
<ul style="list-style-type: none"> • Maintain the City's AA+ rating (ongoing) • Maintain a stable tax levy rate • Economic Development Director to initiate economic development efforts in 2013 (ongoing) 	<ul style="list-style-type: none"> • Achieve a 70 percent or higher rating amongst residents' customer satisfaction for overall public services and safety in the community (ongoing) • Achieve 8 minutes, 36 seconds or better for average police response time (ongoing) • Achieve the ISO rating of 5 in serviced areas (ongoing) • Achieve 8 minutes, 39 seconds or better for average fire response time (ongoing) • Achieve city's ratings of 6.5 average of road conditions (ongoing) • Achieve a 70 percent or higher rating for business customer satisfaction with Economic Development and Police Business Services (ongoing)
Internal Perspective <i>"To satisfy our customers, property owners, and mission, what business processes must we excel at?"</i>	Learning and Growth Perspective <i>"To achieve our vision, how must our people learn, communicate, and work together?"</i>
<ul style="list-style-type: none"> • Achieve 70 percent or higher satisfaction rating of policy makers by providing timely, pertinent, comprehensive information with options and recommendations to policy-makers and staff by 2013 (ongoing) • Monitor Development Review timeline (ongoing) 	<ul style="list-style-type: none"> • Achieve 100 percent of revised job descriptions, development plans, and develop a performance rating strategy for employees by December 2013 • Achieve a 70 percent or higher rating among employees' satisfaction with Leadership Team (ongoing)

Definition: "A Balanced Scorecard is a management system that can channel the energies, abilities, and specific knowledge held by people throughout the organization toward achieving long-term strategic goals (strategic initiatives.) It is also a measurement system. The Balanced Scorecard uses measures in four categories – financial performance, customer knowledge, internal business (organization) process and learning and growth – to align individual, organizational, and cross-departmental initiatives and to identify entirely new processes for meeting customer and shareholder (community) objectives." (Designed by Kaplan and Norton)



REPORTING PROCESS

The City Administrator will report on the progress of the plan using the Balanced Scorecard at a City Council meeting every month. The progress report will also be shared with the staff. The City Administrator is the gatekeeper of the performance measurement of the Three - Year Strategic Action Plan. The Balanced Scorecard update should be on the last City Council meeting of each month.

If there are internal or external challenges in achieving the plan outcomes, the City Administrator will submit a course of action to address the problem or opportunity for the City Council to review and approve.

The City Administrator will hold each department head accountable for his/her contribution to the implementation of the plan. The Leadership Team will review progress toward goals and adjust course of action, if required, monthly.

ACCOUNTABILITY

The agreed-to Balanced Scorecard goals and metrics will be part of the City Administrator and Leadership Team's performance evaluation each year.

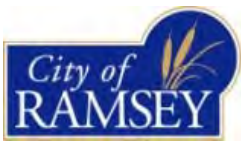


SUCCESS FACTORS

In order to successfully implement the Three - Year Strategic Action Plan, the following key success factors should be an on-going focus and should be monitored at all times:

- Presence of a strategic fit – with the three-year working mission and vision statements, and strategic imperatives;
- Consensus between policy makers and staff on strategic direction;
- Renewed focus on trust by adhering to the Code of Conduct, Guiding Principles and Organizational Values;
- Timely, concise and ‘on message’ communications, internally and externally;
- Well-designed key processes, well-developed policies and documented procedures;
- Smart budgeting for an era of limits; solid budgeting to sustain mission-driven growth, including shifting of resources to meet the Three-Year Working Vision;
- Proactive engagement and full participation at meetings so that all staff members are part of the solution;
- Well-thought-out strategies to address any external factors that impact the success of the organization: economic conditions, political and legal forces, technological trends, social and cultural forces, and regulatory actions.





Appendix A

City Council's One-on One Interview Summary Report vetted by the City Council.

Visionary Framework

Hopes and Dreams for the City Council

What we hope to do!

- To be selfless stewards of the people's city
- To serve the people with dignity and honor
- To promote the city, not to embarrass it
- To bring the Council and citizens together

How will we do it?

We will:

- Collaborate
- Be proactive
- Ask good questions
- Be results-oriented
- Be professional
- Be respectful
- Build back the trust
- Listen to all information, input and opinions
- Stand behind the City Council's decisions
- Do solid planning that narrows the City's focus on two to four items (strategic imperatives) that is most critical for the community in the next three years
- Build an organizational framework around the strategic imperatives that empowers the staff to do the work they need to do to deliver on the vision and the three year strategic action plan
- To rely on commissions' recommendations

Hopes and Dreams for the Commissions

We have the following expectations:

- To give the City Council their honest and best-informed advice
- To do their homework, consider carefully and tell us what we need to hear, not what we want to hear
- To provide recommendations/actions to the City Council

How will the Commissions fulfill our expectations?

- Bring good outside ideas to the City
- Provide more detail
- Recommend action to the City Council





Appendix A

How will the commissions do it?

By being:

- Candid
- Responsible
- Diligent
- Inquisitive
- Engaged and ensuring that all voices are heard

The City Council's Expectations of the Staff

We need the staff:

- To give the City Council their honest and best-informed advice
- To do their homework, consider carefully and tell us what we need to hear, not what we want to hear
- To utilize their expertise. Recommend actions that the council can rely on

How will staff deliver on our expectations?

- To take the direction of council, identify opportunities in a process matrix that offers four – five alternative solutions. Evaluate each solution that includes implications; SWOT style comparison and weight rank the alternatives. Select the top two - three ranked solutions. Support and present to Council the staff's professional recommendation.
- To stop pandering to politicians by doing their jobs effectively and efficiently

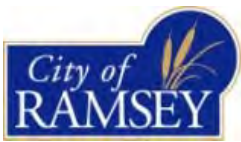
What does the staff need to be?

- Professional
- Proactive
- Diligent
- Inquisitive
- Candid

SWOT ANALYSIS

Duckor & Associates





Strengths (S in the SWOT)

Human Capital

- Good and knowledgeable staff
- Great leadership under the newly-elected Mayor
- *Committed and dedicated City Council (consultant)*

Financial Capital

- Good financial position – AA+ credit rating

Development Opportunities

- City-wide opportunities for smart development
- Good soil conditions to build on

Infrastructure Assets

- Transportation: a direct link to urban transportation
- Train station

Physical Community Attributes

- Geography: a true mixture of urban and rural
- Natural resources; two rivers, one lake
- Location – gateway to the north; easy access to major corridors
- Parks and trail systems (green ways and corridors)

Community Profile

- City of Ramsey has one of the highest household per capita incomes (\$24,000) in the surrounding areas
- Game Fair at Armstrong Kennels (40,000 visitors over two weekends in August)
- *Links at Northfork and Rum River Hills golf courses (consultant)*

Other

- Outstanding sports organization
- Free markets, property rights, limited government and involvement



Weaknesses (W in the SWOT)

Current Environment

- Poor reputation - negative publicity
- Failed development
- Lack of representation at all levels of higher government
- Lack of good relations with the Anoka County Commissioners and state legislators
- Lack of staff capacity; how many positions are needed, who needs to be in those positions, and what positions are open
- Low staff morale is perceived
- Lack of information exchange
- Loss of institutional memory

Behavior

- Cronyism
- Inferiority complex (Jan Brady syndrome it has with Anoka and Elk River)
- Self negative northern metro mentality – ugly step child, known as the bullies from the other side of the tracks (beginning at the schools)
- Reputation
- Old habits that need to be changed
- Lack of trust
- Inability to bring factions together

Development Issues

- City acting as the developer
- Subsidies
- City-driven economic development
- Lack of identity
- Lack of an exit strategy for The COR
- The COR developer
- City Council and the HRA/EDA relationship
- Poor appearance on Highway 10; dangerous intersections on Highway 10

Finance

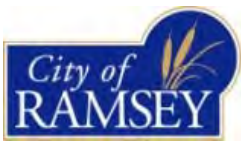
- Fund balances
- Lack of focus on the revenue side of the balance sheet – protect the tax base by identifying new sources of revenue

* *Lack of a shared vision for the city, which helps shape decisions (Consultant)*

* *Lack of a systematic process to evaluate development projects (Consultant)*

* *Lack of a separate postal zip code (Consultant)*





Opportunities (O in SWOT Analysis)

Governance and Human Capital

- Maintain an efficient workforce that does its job without creating three supervisors to every employee
- Build a new City Council team

Planning and Development

- City of Ramsey has a wide open future with many options available
- Significant land to develop – The COR, industrial land, and business incubator
- Sell The COR
- Good infrastructure: roads, highways, trains (train station) and buses
- Looking at new ways of doing business
- Looking for new sources of information/services

Market Opportunities

- Capitalize on the outdoor business
- Livable city with parks, trails, amenities
- Recreational opportunities (rivers)

Communications

- Tell a new story; need communications and public relations



Threats (T in SWOT Analysis)

Governance and Human Capital

- A city with a top down, rather than a bottom up government
- Statism: the practice of doctrine of giving a centralized government control over economic development and policy
- Distrust with our citizens
- Lack of trust amongst staff and between City Council and staff
- Decimated staff – in capacity, retaining and attracting; not understanding what isn't being done
- Lack of a Conflict of Interest policy
- *Lack clear roles, responsibilities, and deliverables for the elected body, commissions, and staff (Consultant)*

Politics

- Internal politics
- Regional politics

Development

- Reputation in the development world
- Landform contract
- Lack of an exit strategy for The COR
- Land development within THE COR

Behavior

- Cronyism
- Fear mongering
- "Ramtucky" mentality

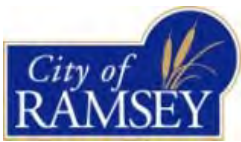
Finance

- Use of subsidies
- Declining reserve funds

Market

- Negative market exposure





Interview Questions/Summary Response

Visionary

- 1. How effective is the City's Vision
Not effective -28%, somewhat effective – 28 % and very effective – 43%

- 9. How effective is the City's mission
Not effective – 14%, somewhat effective-43%, effective – 28%, and very effective-14%

Governance

- 1. How effective was the City Council's leadership in the past five to ten years?
Not effective – 86% and somewhat effective – 14%

- 2. How effective was the City Council in providing leadership and guidance to the commissions?
Don't know – 14%, not effective – 58%, somewhat effective – 14% and very effective -14%

- 3. How effective was the Commission's structure?
Not effective – 14%, somewhat effective – 14%, and effective – 72%

- 4. How effective was the Commission's leadership?
Don't know – 14%, not effective – 14%, somewhat effective, and effective – 72%

- 5. How effectively did the City manage its assets?
Not effective – 42%, somewhat effective 29%, and effective – 29%

- 6. How effectively did the City Council hold staff accountable for delivering the City's mission?
Don't know – 14%, not effective – 57%, somewhat effective 14% and very effective – 14%

- 7. Does the community have faith and confidence in the governing body?
No – 86%, somewhat – 14%

- 8. Does the community have faith and confidence in the Commissions?
Don't know – 29% No – 14%, somewhat – 42%, and yes – 29%

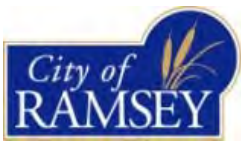
- 9. Do the elected officials have faith and confidence in staff?
No – 29%, somewhat – 43%, yes – 14%, and very much so – 14%

- 10. Do the commission members have faith and confidence in staff?
Don't know – 29%, somewhat – 57%, and yes – 14%

- 11. How effectively did staff support the City Council's efforts?
Somewhat – 43%, effective – 29%, and very effective – 9%(command and control)

- 12. How effectively did staff support the Commissions' efforts?
Somewhat – 14%, effective – 57%, and very effective – 29%





Appendix A

City of Ramsey Charter

1. How does it support the City Administrator's leadership capabilities?

Don't know – 14%, no support – 57%, somewhat supports – 14%, and highly supportive – 14%

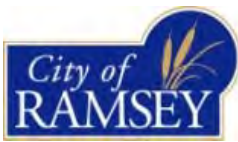
2. How does it impact the City Administrator's ability to truly direct, manage, and coach the staff?

Don't know – 14%, no impact – 14%, impacts – 14%, and highly impacts – 57% (negatively)

3. How does it impact the City Council's ability to function as a policy and directive governing entity vs. a management entity?

No impact – 14%, impacts – 29%, and highly impacts – 57% (negatively)



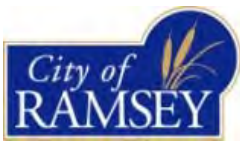


APPENDIX B

**The City of Ramsey/City Council/ Staff
External Constituencies/Customers**

Stakeholders	Strategic Partners	Customers	Consultants/Contractors/Vendors
Taxpayers	Federal elected leaders Regulatory agencies - IRS - EPA - Army Corps of Engineers - US Census Bureau - National Parks Service (NPS) - Department of Labor and Industry (DLI)	Taxpayers Residents (current and future)	Finance/Bonding Utilities (OPUS 21) Auditors Banking Services Insurance Services Legal Services Engineering Services Title Companies/Special Assessment Searches Software Searches: LOGIS
	Minnesota Legislature Regulatory agencies - State Auditor - Department of Revenue - DEED - DNR - MDH - MNDOT - MPCA - EQB - Other public safety agencies	Business owners/nonprofit organizations	
	Regional leaders/Met Council	Visitors to the city	
	Anoka County Commissioners	General public	
	Lower Rum River Watershed Management Organization (WMO)		
	North Metro Mayors Association		
	Neighboring cities – Elk River, Anoka, and other Hwy 10 towns	Transients	
	Builders/Contractors/Developers	Credit card users	
	Real estate brokers	Rental property/lessees	
	Utilities	Mutual/Auto Aid customers	
	Media/Official Newspaper		Media/newspapers
	QCTV		
	K-12 School Systems (Anoka/Elk River)		





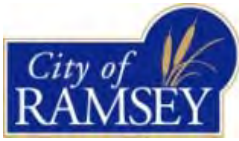
APPENDIX B

**The City of Ramsey/City Council/Staff
Internal Constituencies/Customers**

Stakeholders	Strategic Partners	Customers	Consultants/Contractors/ Vendors
		City Administrator/City Department Heads/Managers and Supervisors City Employees	Legal Services Strategic Planning Services
		Departments: - Administration - Finance - Community Development - Planning, Building & Zoning, - Environmental - Engineering - Public Safety: Police - Public Safety: Fire - Public Works: Parks/Streets/Utilities (sanitary sewer/water)	Planning Services Engineering Services Building Permit Services GIS Services Sweeping Services
		Boards and Commission members: Board of Adjustment Charter Commission Economic Development Authority (EDA) Environmental Policy Board (EPB) Housing Development Authority (HRA) Parks and Recreation Commission Planning Commission	
		Committees - Finance - Personnel - Public Works	

The list is not meant to be all-inclusive.





Code of Conduct

We are dedicated to promoting values and integrity of local government and committed to governing efficiently and effectively. We hereby agree to conduct ourselves in accordance with the following Code of Conduct:

- The professional and personal conduct of all members of our organization must be above reproach and avoid the appearance of impropriety. We should refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of members of the council, boards, commissions, staff or the public intended to disrupt and not further the city's business.
- We shall abide by applicable state laws, city ordinances and other doctrines relating to conduct of a public official, including, but not limited to: conflict of interest, data practices and the open meeting law.
- We shall maintain the confidentiality of information concerning property, personnel or legal affairs of the city. They shall neither disclose confidential information, without proper legal authorization, nor use such information to advance their personal or family financial or other private interests.
- No member of our organization shall use their official position to secure special privileges or exemptions for themselves or others.
- No member of our organization shall, except as specifically permitted by Minnesota statutes, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form under circumstances in which it could be reasonably expected to influence them in the performance of their official duties or intended as a reward for their official actions.
- Each member of our organization supports the maintenance of a positive and constructive work place environment for city staff, private citizens, property owners and businesses dealing with the city. We will recognize their individual roles and responsibilities as outlined above and as delineated in the city charter, city code and state statutes.
- We serve as a whole when representing the official policies and positions of the city. If speaking as an individual citizen, it is important to share that is the perspective being presented and not on behalf of the city.
- No member of our organization will testify in their capacity as a city official, before any other board, commission, administrative officer or agent of the federal government, the state of Minnesota or of any county or other municipal corporation, including cities, except as authorized by the city, or testifying in such capacity pursuant to a lawfully issued subpoena.

Code of Conduct (Continued)

- We will be open about potential conflicts of interest and follow applicable rules for disclosing and dealing with the conflict (such as refraining from voting on a particular issue) to avoid even the appearance of impropriety.
- We shall practice open, honest, and thorough communication that facilitates objective decision-making based upon an analysis of all facts.

Conflict of Interest

Generally, state law prohibits public officers from having a personal financial interest in a sale, lease, or contract they are authorized to make in their official capacity. A “public officer” would include a mayor, council member, appointed board member, or a member of staff.

An interested officer should disclose his or her interest at the earliest stage and abstain from voting or deliberating on any contract in which he or she has an interest. There are some exceptions to the general prohibition on contracting with city officials defined in state law. When the exceptions are used, generally the contract must be approved by unanimous vote of the council. To help determine if a conflict exists consider the:

- nature of the decision being made;
- nature of the financial interest;
- effect of the individual interest on the outcome of the decision by the council.

Another conflict of interest situation may occur when the official’s own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter. Some common areas are planning and zoning issues, public improvements, special assessments, licenses, land purchases and vacation of streets. Some other areas are church memberships, family associations and club memberships.

There are detailed procedures that must be followed to use any exception to the conflict of interest law. State statute and the city attorney should be consulted on procedures to follow.

Accountability

- ***Personnel Policy/Labor Contracts***

Employees of the city shall be held accountable in accordance with procedures established by the City Personnel Policy and respective labor contracts.

- ***Public Apology***

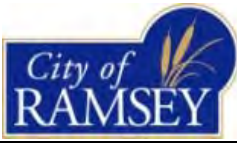
If appropriate, appointed officials may choose to make a public statement of apology for previous conduct.

- ***Censure of a Public Official***

Censure is the public reprimanding of a public official for inappropriate behavior. When the public official is censured, it serves merely as a condemnation and has no direct effect on the validity of the office, nor are there any other particular legal consequences. [Demeter's Manual](#) notes, "It is a reprimand, aimed at reformation of the person and prevention of further offending acts."

- ***Recall of Elected Officers***

The City of Ramsey charter does not permit the City Council to remove or recall an officer from office. The holder of any elective office may be removed at any time by registered voters under Ramsey City Charter, Chapter 5 Initiative, Referendum and Recall, available online at www.cityoframsey.com – City Code.



Roles and Responsibilities

CITY COUNCIL:

- Provide leadership, direction, and long-range planning for the City
- Determine policy for the City
- Hire and evaluate the performance of the City Administrator
- Act upon personnel recommendations of the City Administrator
- Adopt an annual budget for the City
- Represent, partner and work with the citizens of the City for the best interests of the City
- Inform residents of major issues facing the City
- Make appointments to advisory committees

INDIVIDUAL COUNCILMEMBERS:

- Represent the citizens and be accessible to them
- Make leadership and policy decisions for the greater good of the City
- Be prepared for, and participate in, Council meetings
- Act professionally and listen respectfully to other Councilmembers, staff, and citizens
- Share information and communicate openly with the City Administrator, and other Councilmembers

MAYOR:

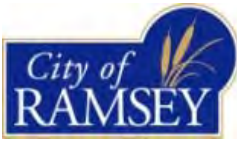
- Conduct orderly and effective City Council meetings
- Represent the City at public functions
- Provide Council leadership
- Facilitate discussions on agenda items and help resolve conflict among Councilmembers
- Sign the City's legal documents
- Also function as a Councilmember

BOARDS AND COMMISSIONS:

- Provide leadership, direction, and long-range planning for the City
- Recommend policy for the City
- Represent, partner and work with the citizens of the City for the best interests of the City
- Inform residents of major issues facing the City
- Be prepared for, and participate in, meetings

CITY ADMINISTRATOR:

- Prepare and provide information for the Council, to make policy recommendations based on the information, and implement adopted policies
- Provide timely and accurate information
- Recognize City needs and make recommendations to the Council for action
- Be a liaison between the Council and staff
- Provide leadership and foster a positive work environment for the City's employees
- Develop and administer the City's annual budget



- Develop and evaluate City employees
- Recommend the appointment of new City employees and discipline (when necessary)

DEPARTMENT HEADS:

- Provide leadership and goals for their departments
- Manage the day-to-day operations of their departments
- Recognize City needs and make recommendations to the City Administrator and Council for action
- Provide timely and accurate information
- Prepare the department's annual budget
- Communicate and cooperate with other entities in the City
- Keep the City Administrator, Council, public, and staff informed
- Foster a positive work environment for department employees
- Provide training and development opportunities for department employees
- Evaluate employee performance
- Recommend "new hires" to the City Administrator and City Council

STAFF AND ALL POLICY MAKERS:

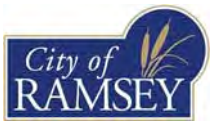
- Have a positive attitude towards their job and when dealing with the public
- Be team players
- Be fiscally responsible
- Be positive representatives and ambassadors of the City
- Have integrity and a strong work ethic
- Be adaptable
- Be receptive to, and participate in, training and development opportunities
- Be honest about workload limitations

CONSULTANTS:

- Be respectful of the process for conducting City business
- Be mindful one is hired to serve the entire City – not individual Councilmembers or staff members
- Act in an ethical and respectful manner as a representative of the City
- Communicate all actions and activities through the City Administrator
- Shall not actively support or endorse any candidate for local office (e.g. Mayor, Councilmember)
- Provide timely and accurate information

CITIZENS:

- Vote in City elections
- Provide fiscal support for City services and operations (i.e., pay taxes)
- Keep informed on issues that affect the City and to communicate their concerns to the City's officials in a respectful manner
- Be involved in community affairs
- Be positive contributors to the community



Appendix E

Scenario: A New Day (Working Document)



Strategic Imperative I: Financial Stability

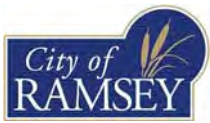
Ensure strategic economic development that complements the city’s desired quality of life and builds a stable tax base, all while maintaining a low tax levy.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
Ensuring financial stability	Finance	Determine adequate balances Develop policy that outlines fund balance minimums per fund Examine sufficient balance of overall rainy day funds to avoid the need to borrow	7/2013	Ongoing	None	None	Diana Lund	<ul style="list-style-type: none"> Retained bond rating of AA+
	Finance	Calculate square footage cost basis for The COR	6/2013	7/2013	None	None	Diana Lund	<ul style="list-style-type: none"> Recouped at least 100 percent of City’s net costs
	City Administration/ Department Heads	Evaluate other revenue generating sources: franchise fees, increased permit fees, etc.	2013	2014	None	None	Leadership Team	<ul style="list-style-type: none"> Implemented new revenue sources
	City Administrator/Finance	Evaluate selling city-owned properties	2013	2014	None	None	Kurt Ulrich/Diana	<ul style="list-style-type: none"> Source of one-time monies
Optimizing TIF to support infrastructure improvements	Finance/ED	Conduct a comprehensive study to determine correct size of TIF 14	6/2013	8/2013	\$8,000 TIF 14		Diana Lund/ED	<ul style="list-style-type: none"> Return 10 percent of TIF 14 taxable value to general tax base
	Engineering/ED	Identify needed infrastructure improvements in TIF districts Prioritize needs and establish timeline for completion of improvements	2013	2018	None	None	Bruce Westby/ED	<ul style="list-style-type: none"> Completed infrastructure improvements in TIF districts

Strategic Imperative I: Financial Stability (Continued)

Ensure strategic economic development that complements the city's desired quality of life and builds a stable tax base, all while maintaining a low tax levy.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Increasing economic growth</i>	ED/Engineering	Develop a well-designed marketing and sales plan for city's development opportunities (commercial/industrial) Develop/refine City promotional materials to attract economic growth e.g., Fact Sheets for marketable City-owned land	10/2013	4/2014	None	None	ED/Bruce Westby	<ul style="list-style-type: none"> Launched a successful marketing plan that informs businesses, developers and real estate brokers that the City is Open For Business – It is a <i>New Day and a New Beginning</i> Achieved X number of jobs, private capital investment, and sold X acres in 2015
	Administration	Approve exit strategy for COR	4/2013	7/2013	None	None	Kurt Ulrich	<ul style="list-style-type: none"> Selected course of action
<i>Maximizing land use</i>	CD	Determine appropriate land uses and development opportunities for property including but not limited to the following: <ul style="list-style-type: none"> ➤ Industrial Park development ➤ 167th commercial node ➤ Sunfish Lake Blvd/ Sunwood Drive commercial node ➤ Legacy/Hageman site ➤ West of Armstrong area ➤ Former municipal center ➤ Pearson property south of 10 ➤ River's Bend site ➤ 181st and Bagh/Armstrong Blvd 	2013	2013	Can accomplish if new staff is hired	None	Tim Gladhill	<ul style="list-style-type: none"> Finalized development options
	CD	Identify roadmap for future development	1/2015	12/2018	\$20,000 (General Funds)	None	Tim Gladhill	<ul style="list-style-type: none"> Adopted Comprehensive Plan Update by City Council and approved by Metropolitan Council
	CD	Secure funding to achieve land use vision and goals	1/ 2013	Ongoing	Can accomplish if new staff is hired	None	Tim Gladhill	<ul style="list-style-type: none"> Secured at least one Community Development Block Grant (CDBG) grant annually Secured at least one Livable Communities Act (LCA) grant annually



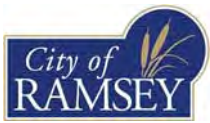
Appendix E
Scenario: A New Day (Working Document)



Strategic Imperative I: Financial Stability (Continued)

Ensure strategic economic development that complements the city's desired quality of life and builds a stable tax base, all while maintaining a low tax levy.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing infrastructure development to meet city's growth</i>	PW/Engineering	Secure Bury Carlson property for future PW site	2013	2013	None	None	PW/Engineering	<ul style="list-style-type: none"> City Council dedicates this property for future PW site
	PW/Engineering	Conduct preliminary space study and design for PW facility	2015	2016	\$20,000 (General Funds)		PW/Engineering	<ul style="list-style-type: none"> Plan for new PW facility
	PW/Engineering	Work for a regional solution for a water treatment plant	2013	2014	State and regional funding	Design of future treatment plant	PW/Engineering	<ul style="list-style-type: none"> Commitment to a regional solution for long-term water supply
	Engineering/Finance	Conduct a revised water study based on regional feasibility	2015	2015	\$12,500 (Enterprise Fund)	Consultant	Engineering	<ul style="list-style-type: none"> Achieved a stable long-term water supply at reasonable rates
	Fire/Finance	Determine cost and funding mechanism for new fire station (if station #2 is relocated)	4/2013	2014	\$2.5 M (CIP – General Obligation Bond)	Architectural Plan	Dean Kapler/Diana Lund	<ul style="list-style-type: none"> Built new fire station
	Engineering/CD	Work with Anoka County (Joint Powers Agreement) regarding Alternative Urban Area Review (AUAR) improvements	6/2013	12/2013	None	None	Bruce Westby	<ul style="list-style-type: none"> Approved AUAR road improvement schedule



Appendix E

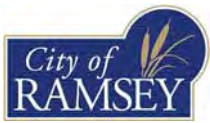
Scenario: A New Day (Working Document)



Strategic Imperative II: A Connected Community

Ensure that the city is a connected city that is part of a comprehensive regional transportation system that enables all citizens to easily navigate the community and attracts business development.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing the State, County and City's transportation system</i>	CD/Engineering/Finance	Analyze Right-of-Way Acquisition Loan Fund (RALF) program Work with MNDOT on status	2013	2013	None	None	Bruce Westby	<ul style="list-style-type: none"> MNDOT continues RALF program
	PW/Engineering	Develop and implement a long-term road maintenance plan/policy	2013	Ongoing	\$808,500 (General Fund) \$2,191,500 annually (New revenue - use of other funding sources) 1 FTE Engineering Technician	None	Grant Riemer/Bruce Westby	<ul style="list-style-type: none"> Approved maintenance policy Maintain street pavement rating to 7 to 10+
	Finance/Engineering	Conduct analysis of funding for road construction and explore financing mechanisms Update/amend Charter	4/2013	12/2013	Can accomplish if new staff is hired	None	Diana Lund/Bruce Westby	<ul style="list-style-type: none"> Approved dedicated financing mechanism that supports improvements
	City Administration/Engineering/Finance	Determine funding partners and city's contribution and source to construct Armstrong Interchange	2013	TBD	None	TBD	Kurt Ulrich	<ul style="list-style-type: none"> Secure funding for Armstrong Interchange
Enhancing trail way system	PW/Parks	Expand Mississippi River Trail (MRT)	2015	2017	Build alliance with Kelly Farm (Grant Funding)	Letters of support for legislators	Mark Riverblood	<ul style="list-style-type: none"> Achieved grant funding Expanded MRT by 1.5 miles



Appendix E

Scenario: A New Day (Working Document)



Strategic Imperative III: Smart, Citizen-Focused Government

Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Ensuring quality services based on customer requirements</i>	City Administration	Develop a plan for increased citizen engagement by monitoring inquiries/utilities consumption	2013	Ongoing	Can accomplish if new staff is hired	Enhance CRM tool/website	Kurt Ulrich	<ul style="list-style-type: none"> Achieved X percent increase in suggestions from citizens
	PW	Purchase additional snow removal equipment	2013	2015	\$180,000 (CIP)		Grant Riemer	<ul style="list-style-type: none"> Provided snow removal services within 8 hours
	PW/Utilities	Upgrade and replace 1- ton pickup for daily operations and lift station maintenance Expand staffing	2013 2014	2015 Ongoing	\$6,000 upgrade (Enterprise Funds) 1 FTE PW/Park Maintenance	Truck	Grant Riemer	<ul style="list-style-type: none"> Maintain level of service
	HR/Police	Review employment of the "Code Enforcement Intern"	2014	Ongoing	1 Seasonal Intern (General Funds)	None	Colleen Lasher/Jim Way	<ul style="list-style-type: none"> Achieved reporting time within 14 days
								<ul style="list-style-type: none">
<i>Ensuring a safe city</i>	Police	Place cameras at locations around city/parks	2014	2014 - ongoing	\$25,000 (General Funds)	Cameras	Jim Way	<ul style="list-style-type: none"> 10% decrease in number of vandalisms
	Police	Conduct on-site visits/surveys of businesses	2013	2013	None	Survey	Jim Way/Police Staff	<ul style="list-style-type: none"> Achieve 100 percent business participation in business outreach program
	Police	Publish public notifications of crime	2013	Ongoing	None	None	Jim Way	<ul style="list-style-type: none"> Enhanced awareness of citizens
	Police	Restore Police Force	2014	2014	Add one FTE, Officer (General Funds)	None	Jim Way	<ul style="list-style-type: none"> Expanded police coverage
	Police	Expand Police Force by assigning an officer on the Drug Task Force	2015	Ongoing	Add one FTE, Officer (General Funds)	None	Jim Way	<ul style="list-style-type: none"> Increased levels of drug arrests in community by X percent
	Department Heads	Investigate the use of all employees as "Roger Ramsey" "community watchers"	2014	Ongoing	Can accomplish if new staff is hired	TBD/Badges	Department Heads	<ul style="list-style-type: none"> Increased team approach to identifying issues and opportunities

Three - Year Strategic Action Plan

Strategic Imperative III: Smart, Citizen-Focused Government (Continued)

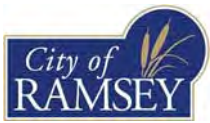
Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Expanding shared services</i>	Fire/City Administration/Finance	Conduct a detailed feasibility study of joining fire services across community lines	10/2011	2013	Participation by other communities	None	Dean Kapler/Kurt Ulrich	<ul style="list-style-type: none"> Completed study with recommendation
	Fire	Research opportunities for sharing costs for required training	2013	Ongoing	Participation by other communities	TBD	Dean Kapler	<ul style="list-style-type: none"> Completed cost comparison with recommendation including quality of training rating
<i>Improving safety and quality of housing stock</i>	CD	Adopt Housing Assistance Policy	3/2013	2013	None	None	Tim Gladhill	<ul style="list-style-type: none"> Implemented Housing Assistance Policy
	CD	Determine if Rental Licensing Program should be expanded	2014	2014	.5 FTE Building Inspection Intern/Technician (General Funds)	None	Tim Gladhill	<ul style="list-style-type: none"> Adopted Rental Licensing Program Amendment – City Council
<i>Enhancing recreational and cultural opportunities</i>	PW/Parks	Examine/study need for comprehensive community and recreational programming	2015	2017	Can accomplish if new staff is hired	None	Mark Riverblood	<ul style="list-style-type: none"> Completed survey
	PW/Parks	Build with Anoka Technical College/Hennepin College as an in-service work site for outdoor landscape programs	2014	Ongoing	.5 FTE Intern (General Funds)	None	Mark Riverblood	<ul style="list-style-type: none"> Enhanced landscaping
	PW/Parks	Examine/study to establish a nonprofit Friends of Ramsey Parks to raise private funds	2015	Ongoing	Can accomplish if new staff is hired	None	Mark Riverblood	<ul style="list-style-type: none"> Achieved private fundraising to enhance City's parks

Strategic Imperative III: Smart, Citizen-Focused Government (Continued)

Continue the delivery of quality services to ensure the city will have safe and thriving neighborhoods and business districts, and a clean environment.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing recreational and cultural opportunities</i>	CD	Identify potential for future indoor community/recreational center	1/2015	1/2018	Can accomplish if new staff is hired	None	Tim Gladhill	<ul style="list-style-type: none"> Agreed to preferred business model (location and amenities) for future approval by City Council
	PW/Parks	Develop a plan for Public Art at Northstar Rail Station	2013	2014	Can accomplish if new staff is hired	Engage artist to develop schematic design	PW/Parks	<ul style="list-style-type: none"> Partner with Metro Transit (Met Council) Secured Legacy/other non-city funding
	Finance/PW/Parks	Conduct a cost/benefit analysis of community programs	2013	2013	None	None	Diana Lund	<ul style="list-style-type: none"> Allocation of dollars in line with Council's priorities
<i>Building and expanding community connections</i>	City Administration	Evaluate and develop a "Get Healthy" program	2015	2015	Can accomplish if new staff is hired (Grant Funds)	Mailings	Kurt Ulrich	<ul style="list-style-type: none"> Secured grant funding Achieved 1,000 citizens participating in program
<i>Enhancing the election experience</i>	City Clerk	Utilize certified Election Judges for assistance with pre-election tasks and with in-person absentee voting	Date dependent on primary election	Ongoing	Can accomplish if new staff is hired	Election Budget	Jo Thieling	<ul style="list-style-type: none"> Enhanced use of City's staffing time Provided updated election information by certified Election Judges



Appendix E

Scenario: A New Day (Working Document)



Strategic Imperative IV: An Effective Organization

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the ever-changing, increasing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing governance structure</i>	City Administration/ City Council/ Charter Commission	Modify the authority of the City Administrator	6/2013	12/2013	Council/Commissions Time	None	Kurt Ulrich/Colleen Lasher/Jo Thieling	<ul style="list-style-type: none"> Centered responsibility and accountability of City's performance with one person Achieved significant savings by reducing the number of Personnel Committee meetings and Council agenda items
	City Administration /City Council	Dissolve HRA	2013	2013	None	None	Kurt Ulrich/City Council	<ul style="list-style-type: none"> Reduced redundancy, administrative work, and time Decreased stipend expenses by X percent

Strategic Imperative IV: An Effective Organization (Continued)

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the increasingly ever-changing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing organizational structure</i>	City Administration	Review organizational structure for efficiency and effectiveness (reporting, grouping like work groups, etc.)	2014	2015	.5 FTE Administrative Intern Can accomplish if new staff is hired	None	Kurt Ulrich/Colleen Lasher	<ul style="list-style-type: none"> Develop a three year staffing projection Established highly-functioning and sustainable organizational structure
	City Administration/Human Resources	Reclassification of jobs	2013	Ongoing	\$16,968 – 2014, \$28,863-2015 (General Fund)	None	Kurt Ulrich/Colleen Lasher	<ul style="list-style-type: none"> Retained employees
	Administrative Services/Department Heads	Update key human resource tools- job descriptions (basis for employee performance and pay strategy) and development plans Update and distribute Personnel Policy; ensure Personnel Policy mirrors labor agreements	7/2013	2/2014	Can accomplish if new staff is hired	League of Minnesota Cities template Job Description/development plan templates	Colleen Lasher/Department Heads	<ul style="list-style-type: none"> 100 percent updated job descriptions Updated Personnel Policy Enhanced clarity and transparency among staff
	Administrative Services/Department Heads	Develop a cross-training, succession planning, 3 Deep strategy	2014	2014	Can accomplish if new staff is hired	TBD	Colleen Lasher/Department Heads	<ul style="list-style-type: none"> A plan to increase bench strength
	Administrative Services/Department Heads	Develop and implement a supervisor training program	2014	2014	\$5,000 Training (General Fund)	None	Colleen Lasher/Department Heads	<ul style="list-style-type: none"> 100% trained supervisors
	Administrative Services/Department Heads	Evaluate performance management HRIS systems	12/2013	2/2014	Can accomplish if new staff is hired	Manager & Supervisor Training	Colleen Lasher/Department Heads	<ul style="list-style-type: none"> Adopted up-to-date HR security and tracking

Strategic Imperative IV: An Effective Organization (Continued)

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the ever-changing, increasing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Creating a high-performance work environment and workforce</i>	City Administration	Conduct meetings regarding the new strategic framework, strategic imperatives, and goals (All Staff and All Commissions)	5/2013	7/2013	None	None	Kurt Ulrich	<ul style="list-style-type: none"> Achieve buy-in of Three-Year Strategic Action Plan
	City Administration	Publish and promote the approved Three - Year Strategic Action Plan	5/2013	Ongoing	None	None	Kurt Ulrich	<ul style="list-style-type: none"> Informed community
	City Administration	Write newsletter/blog focused on new strategic direction (e.g., Kurt's Korner)	2014	Six times annually	Can accomplish if new staff is hired	None	Kurt Ulrich	<ul style="list-style-type: none"> Enhanced contact six times a year
	City Administration	Establish and hold accountable department heads for agreed-to measureable goals	6/2013	Annually	None	None	Kurt Ulrich	<ul style="list-style-type: none"> Conducted performance reviews based on achieving department goals
	City Administration	Enhance engagement with staff by -implementing revised management/staff "Koffee with Kurt" - conducting regular department meetings - resume informal all staff quarterly meetings (2 appreciation meetings/2 regular meetings	2014	Depending on type of meeting	None	None	Kurt Ulrich	<ul style="list-style-type: none"> Increased X percent of employee participation Increased visibility of City Administrator/Leadership Team Enhanced trust Achieved "buy-i

Strategic Imperative IV: An Effective Organization (Continued)

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the increasingly ever-changing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Creating a high-performance work environment and workforce (cont'd)</i>	City Administration	Design and implement a "Team Awards" program	2015	Annually	Can accomplish if new staff is hired	Awards	Kurt Ulrich	<ul style="list-style-type: none"> Rewarded X number of teams annually
	City Administration	Conduct an annual employee survey; analyze results from previous years	12/2013	Annually	None	Survey	Kurt Ulrich	<ul style="list-style-type: none"> Achieved 100 percent participation rate
	Human Resources/City Clerk	Provide overall administrative services Provide back up for two key areas of work Supports City Council requests and outreach	2014	Ongoing	1 FTE Administrative Assistant	None	Colleen Lasher/Jo Thieling	<ul style="list-style-type: none"> Services being provided at the appropriate job level
	Finance	Provide application and Desk Top support	2014	Ongoing	.5 FTE IT Tech	None	Diana Lund	<ul style="list-style-type: none"> Timely IT support
	Department Heads	Evaluate the selection, management, and performance of 'outsourcing' key functions	2014	2014	Can accomplish if new staff is hired	None	Colleen Lasher/Department Heads	<ul style="list-style-type: none"> Efficient use of staffing strategies
	City Administration/Department Heads	Develop and implement a regular citizen survey	2014	Ongoing	\$7,500 professional survey study	Balanced Scorecard	Kurt Ulrich	<ul style="list-style-type: none"> Collect metric feedback for approved Balanced Scorecard
<i>Maximizing consultants' accountability</i>	Department Heads	Fully vet proposals for services Review and approve work product prior to authorizing payment Conduct a 'lessons learned' session after each major contract	2013	Ongoing	Can accomplish if new staff is hired	None	Department	<ul style="list-style-type: none"> Reduced or eliminated change orders on consultants contracts/ construction contracts Implemented Lessons Learned

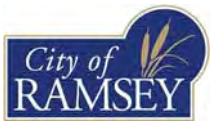
Three - Year Strategic Action Plan

Strategic Imperative IV: An Effective Organization (Continued)

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the ever-changing, increasing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Streamlining internal processes</i>	ED/CD	Design a seamless development process	6/2013	2014	.50 FTE Planning Intern (General Funds)	TBD	ED/Tim Gladhill	<ul style="list-style-type: none"> Implemented a seamless development process driven by customer requirements
	CD	Streamline a centralized permitting center Implement ePermit system and file system library procedure	1/2013	2014	1 FTE Building Official (\$2,000 net costs from General Funds) (General Funds) (Costs are offset by current contractor \$)	Software	Tim Gladhill	<ul style="list-style-type: none"> Implemented a highly efficient/effective permitting process with metrics
	Department Heads	Train staff on process design/redesign of work processes	2015	2015	\$10,000/Consultant	Process Design Handbook	Kurt Ulrich	<ul style="list-style-type: none"> Acquired internal knowledge and ability to redesign work processes
	CD/City Clerk/Fire/Police	Study and develop a centralized licensing center	2015	2015	Can accomplish if new staff is hired	TBD	Tim Gladhill/Jo Thieling	<ul style="list-style-type: none"> Implemented a highly efficient/effective licensing process with metrics
	Department Heads	Maximize meeting effectiveness by developing an agenda template that includes purpose, timeframes, responsible parties, and outcomes	4/2013	Ongoing	None	Meeting Template	Kurt Ulrich/Department Heads	<ul style="list-style-type: none"> Conducted highly effective and efficient meetings
	Department Heads	Increase safety operations by reviewing safety policies and resuming Safety Committee meetings Resume Labor Management Committee meetings twice a year	6/2013	Ongoing	None	None	Colleen Lasher	<ul style="list-style-type: none"> Streamlined safety policies Decreased work accidents by X percent
	Administrative Services/City Clerk/HR	Determine Personnel Committee related work processes that need to be redesigned	6/2013	12/2013	None	None	Jo Thieling Colleen Lasher	<ul style="list-style-type: none"> Enhanced HR processes Achieved time savings of Mayor/City Council Achieved X percent of cost savings

Three - Year Strategic Action Plan



Appendix E
Scenario: A New Day (Working Document)



Strategic Imperative IV: An Effective Organization (Continued)

Maintain a highly functional staff, citizen volunteers, and elected officials and governance structure that meet the ever-changing, increasing needs of the organization.

Strategic Initiative	Department	Tactics	Initiation Date	Completion Date	Additional Resources Required	Additional Tools Required	Responsible Party	Key Outcome Indicators/Metrics
<i>Enhancing internal/external communications</i>	City Administration/City Clerk/Administrative Services	Employ communications services	2014	Ongoing	\$50,000 contract or 1 FTE (General Funds)	Study	Kurt Ulrich/Colleen Lasher/Jo Thieling	<ul style="list-style-type: none"> Enhanced internal/external communications
	City Administration/Department Heads	Develop a communications plan ensuring key messages and information is aligned with city's strategic framework	2014	Ongoing	Can accomplish if staff is hired or work is contracted	None	Kurt Ulrich/Colleen Lasher/Jo Thieling	<ul style="list-style-type: none"> Highly informed community

Special Planning Commission

5. 2.

Meeting Date: 07/18/2013

Submitted For: Tim Gladhill

By: Tina Goodroad, Community Development

Information

Title:

Consider Site Plan for Building Expansion at 14350 Azurite St NW; Case of Diamond Graphics, Inc.

Background:

Diamond Graphics, located at 14350 Azurite Street NW, is requesting Site Plan Approval for a 28,034 square foot building addition to expand their manufacturing facility. A site plan review and approval by the Planning Commission and City Council is required for commercial and industrial developments and expansions.

Notification:

Notification is not required for Site Plan review.

Observations/Alternatives:

The subject property is located in the E-1 Employment District. The intent of this district is to accommodate general industrial activities. The E-1 Employment District allows manufacturing uses as a permitted use.

The applicant is proposing a 28,034 square foot expansion to the north side of the building. The building addition will accommodate expansion of the existing manufacturing uses. Access to the site will be unchanged. A bituminous drive will be extended around the proposed building and parking lot expansion on the west side of the addition. Full drive circulation will be provided around the building and its expansion. The site meets all E-1 Employment District standards for lot size, width, building coverage and building/parking lot setbacks.

The project includes the addition of 124 parking stalls in two (2) rows along the west side of the building. While this exceeds the minimum parking standards, it substantially complies with the originally approved site plan and it is assumed that the additional parking would satisfy part of all of the parking needs of a future user of the adjacent parcel (the applicant has an executed purchase agreement in place and is scheduled to close on the adjacent parcel later this month). An executed cross-access easement will be necessary as part of the parking will span the two parcels.

The proposed elevations for the addition will utilize the same materials and colors to match the existing building.

Funding Source:

All costs associated with processing this request are the Applicant's responsibility.

Staff Recommendation:

Staff recommends approval of the Site Plan contingent upon compliance with the City Staff Review Letter dated July 12, 2013.

Action:

Motion to recommend that City Council approve the Site Plan submittal contingent upon compliance with the City Staff Review Letter dated July 12, 2013.

Attachments

Site Location Map

Site Plan

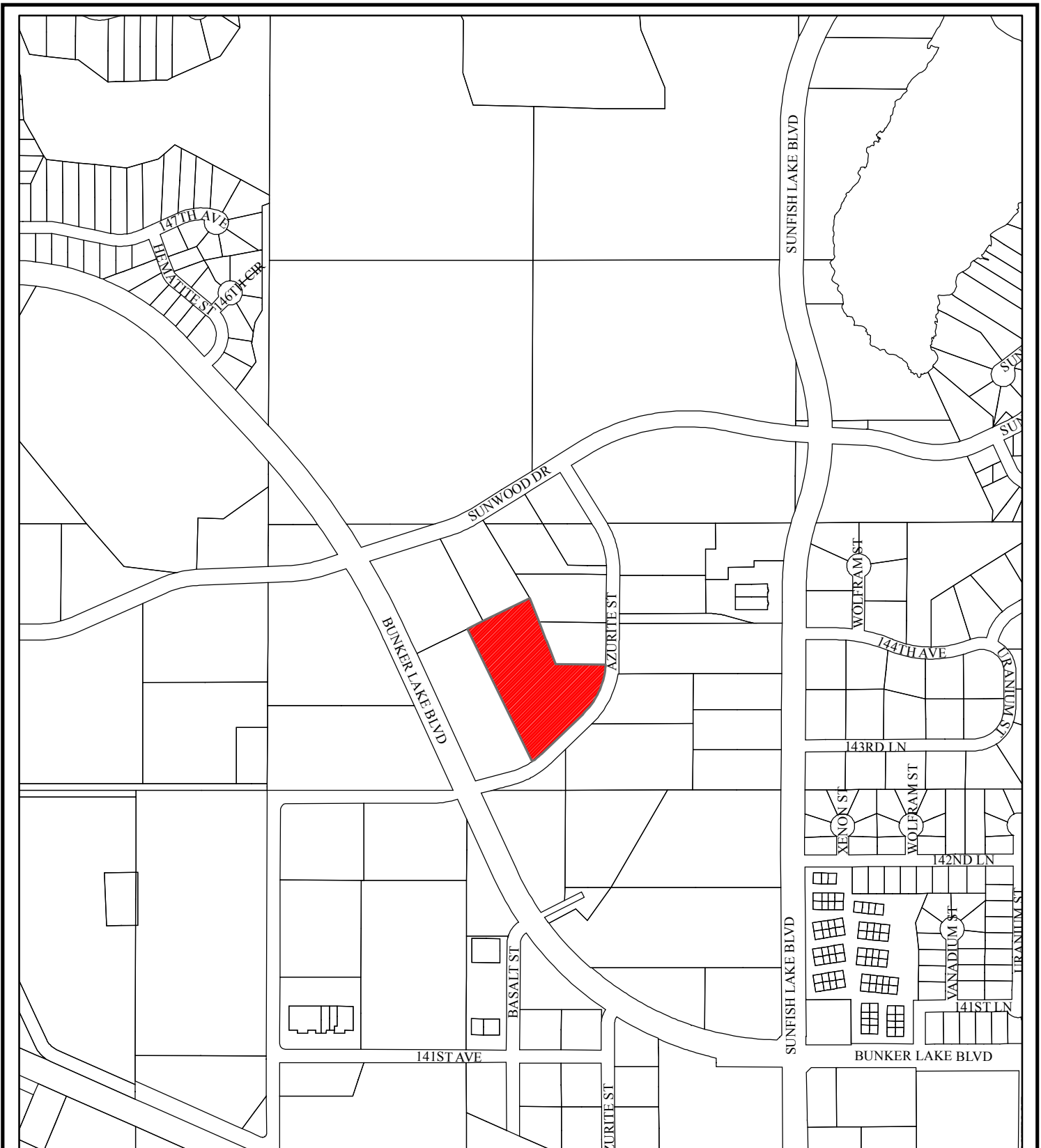
Building Elevations

Landscape Plan

Staff Review File dated July 12, 2013

Form Review

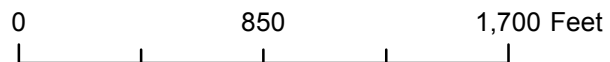
Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	07/11/2013 12:53 PM
Tim Gladhill	Tim Gladhill	07/12/2013 08:25 AM
Form Started By: Tina Goodroad		Started On: 07/09/2013 02:22 PM
Final Approval Date: 07/12/2013		



Diamond Graphics, Inc.
14350 Azurite Street NW

Legend

- Site
- Parcels



Rosa
Architectural
Group
Inc.

1084 Sterling Street
St. Paul, Minnesota 55119
tel: 651-739-7988
fax: 651-739-3165

PROPOSED
ADDITION TO
DIAMOND
GRAPHICS

14350 AZURITE ST NW
RAMSEY, MN

VANGUARD
CONSTRUCTION

2350 WYCLIFF STREET
ST. PAUL, MN 55114

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: _____
SIGNED: _____
DATE: _____ REG. NO. _____

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR
REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: RUSS ROSA
SIGNED: *Russ Rosa*
DATE: 6/24/13 REG. NO. 18039

PROJECT NUMBER: 21323
DATE: JUNE 24, 2013
DRAWN BY: JL
CHECKED BY: RR
REVISIONS: _____

PROPOSED SITE PLAN

A1

GENERAL PROJECT INFORMATION:

NAME: DIAMOND GRAPHICS, INC
ADDRESS:

14350 AZURITE ST NW
RAMSEY, MN

PRESENT ZONING AND LAND USE:
E-1 EMPLOYMENT DISTRICT

OWNER'S REP:
DON PATTERSON
14350 AZURITE ST NW
RAMSEY, MN

ARCHITECT:
ROSA ARCHITECTURAL GROUP, INC
1084 STERLING STREET N
ST. PAUL, MN 55119

ENGINEER:
HAKANSON ANDERSON
3601 THURSTON AVENUE
ANOKA, MN 55303

EMPLOYEES ON SITE:
APPROX 75 EMPLOYEES

PRESENT BUILDING USE:
MANUFACTURING

ADJACENT PROPERTIES:
HARBOR INDUSTRIES (E-1)
PANTHER PRECISION MACHINE (E-1)
ROTARY SYSTEMS (E-1)
CABINERY CONCEPTS (E-1)

PROPOSED BUILDING AREA:
28,034 SF.

SITE AREA:
411,504 SF.

SITE ACREAGE:
10.82 ACRES

TOTAL BUILDING COVERAGE:
55,944 + 28,576 = 84,520 SF

BUILDING COVERAGE PERCENTAGE OF SITE:
17.93 %

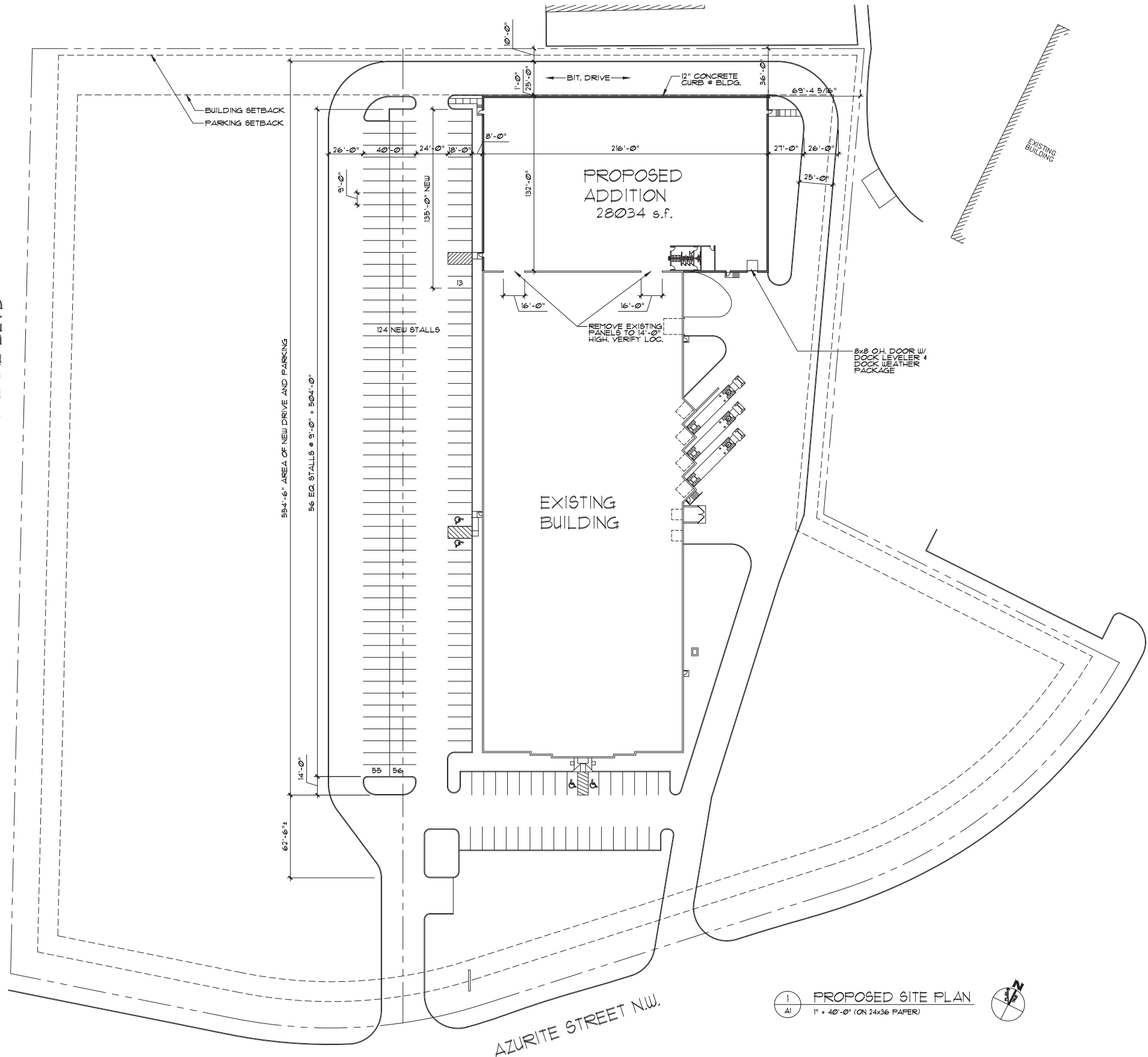
TOTAL IMPERVIOUS SF.:
197,275 SF.

IMPERVIOUS PERCENTAGE OF SITE:
41.84 %

TOTAL GREEN AREA SF.:
214,229 SF.

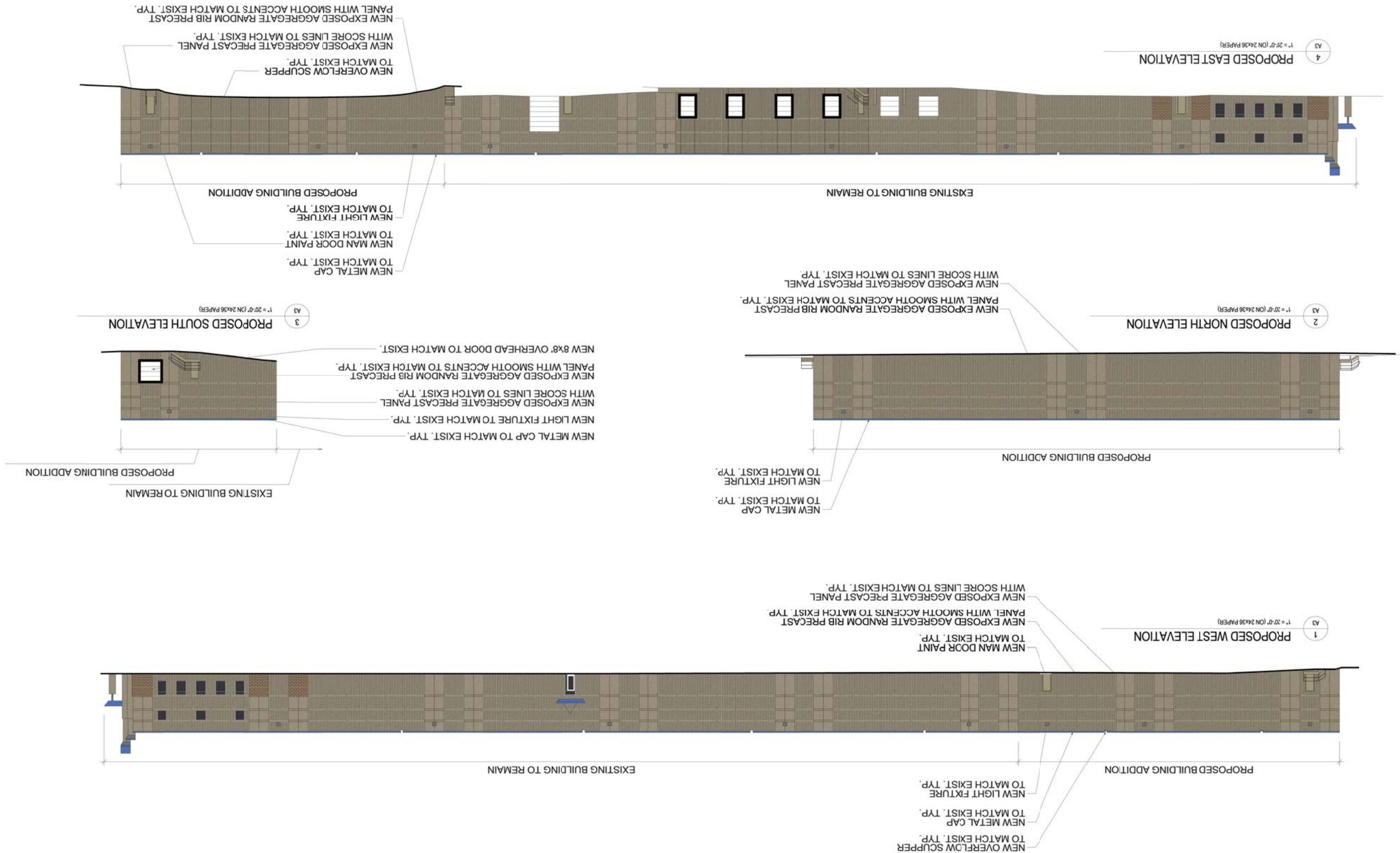
GREEN PERCENTAGE OF SITE:
58.16 %

BUNKER LAKE BLVD



1 PROPOSED SITE PLAN
A1 1" = 40'-0" (ON 24x36 PAPER)

CITY SUBMITTAL SET ONLY - NOT FOR CONSTRUCTION



DATE: _____
SCALE: _____
PRINT NAME: _____

DATE: 6/24/13
SCALE: 18039

PROJECT NUMBER: 21323
DATE: JUNE 24, 2013
DRAWN BY: JL
CHECKED BY: RR
REVISIONS:

PROPOSED COLORED
ELEVATIONS

A3-C

COPYRIGHT 2013 ROSA ARCHITECTURAL GROUP

1084 Sterling Street
St. Paul, Minnesota 55119
tel: 651-739-7988
fax: 651-739-3165

PROPOSED
ADDITION TO
DIAMOND
GRAPHICS

14350 AZURITE ST NW
RAMSEY, MN

VANGUARD
CONSTRUCTION

2350 WYCLIFF STREET
ST. PAUL, MN 55114

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UNDER THE LAWS OF THE STATE OF MINNESOTA.

PRINT NAME: RUSS ROSA
SIGNED: *Russ Rosa*
DATE: 6/24/13 REG. NO. 18039

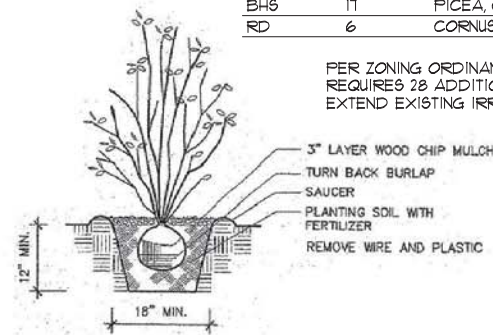
PROJECT NUMBER: 21323
DATE: JUNE 24, 2013
DRAWN BY: JL
CHECKED BY: RR
REVISIONS: _____

PROPOSED LANDSCAPE &
SITE LIGHTING PLAN

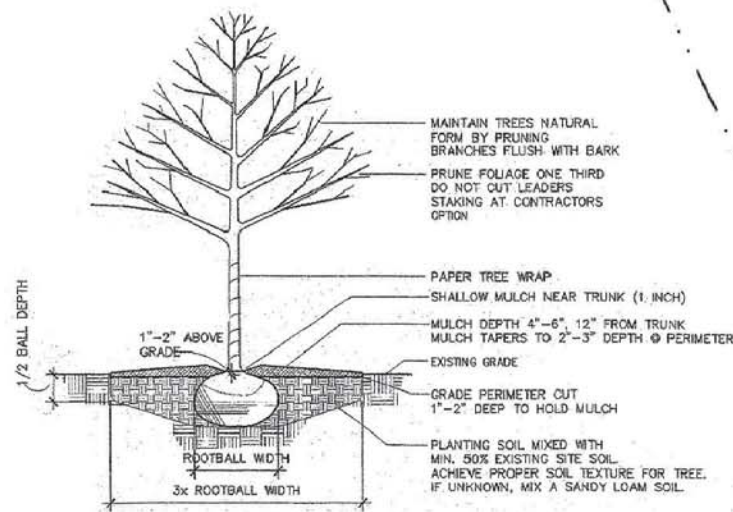
NEW PLANTINGS PLANT SCHEDULE-LANDSCAPE PLAN

CODE	QUANTITY	LATIN NAME	COMMON NAME	SIZE	ROOT
SGM	11	ACER SACCHARUM	SUGAR MAPLE	2.5"	B4B
BH6	17	PICEA, GLAUCA DENSATA	BLACK HILLS SPRUCE	6'	B4B
RD	6	CORNUS RUGOSA	ROUNDLEAF DOGWOOD	2' HIGH	CONT.

PER ZONING ORDINANCE, ONE TREE REQUIRED FOR EVERY 1000 SF. OF ADDITION
REQUIRES 28 ADDITIONAL TREES BASED ON THE PROPOSED 28000 SF. ADDITION.
EXTEND EXISTING IRRIGATION SYSTEM TO COVER NEW TREES, SHRUBS, AND SOD PLANTINGS



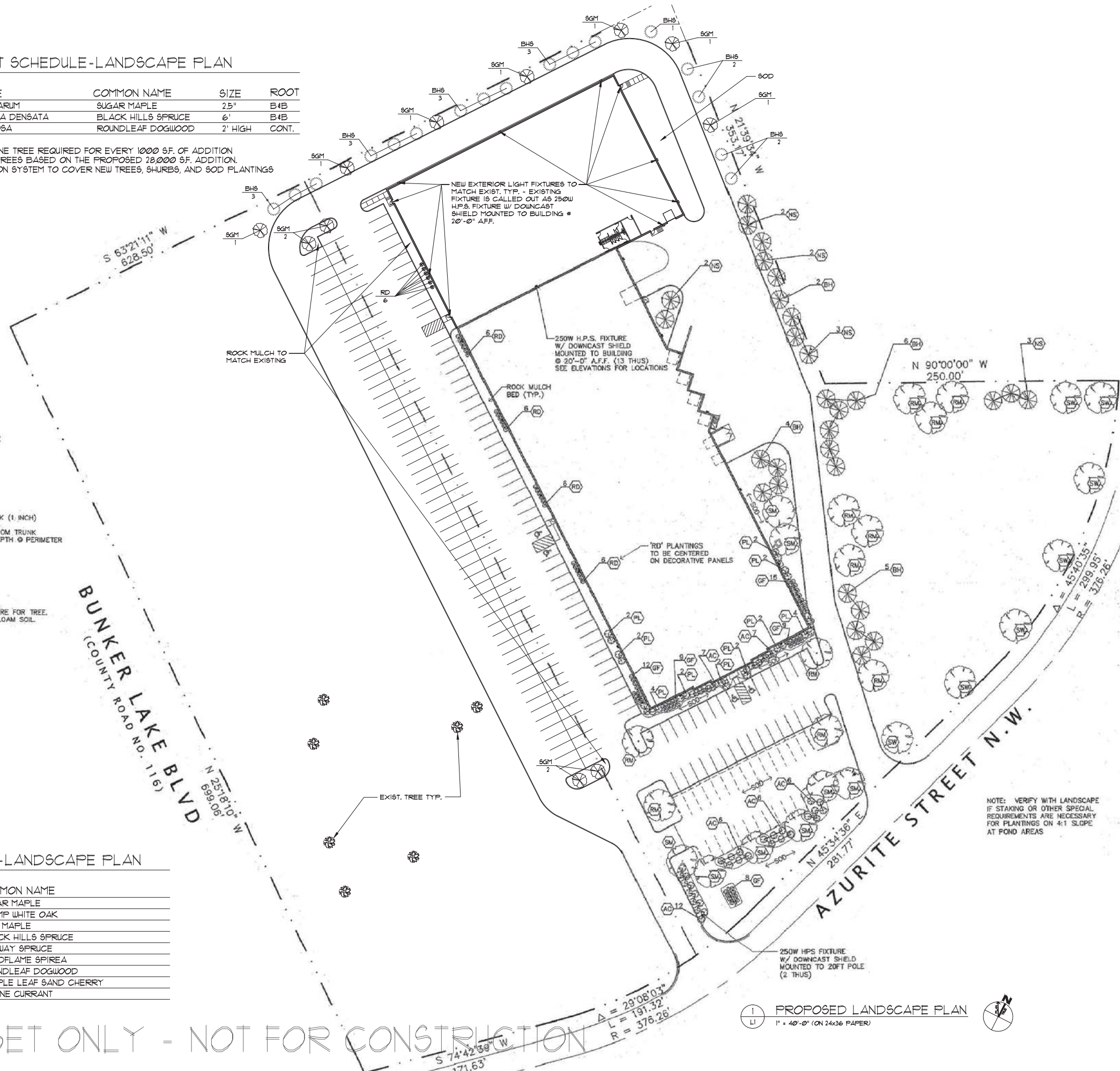
3 SHRUB PLANTING DETAIL
L1 NOT TO SCALE



2 TREE PLANTING DETAIL
L1 NOT TO SCALE

EXIST. PLANTINGS PLANT SCHEDULE-LANDSCAPE PLAN

CODE	LATIN NAME	COMMON NAME
SM	ACER SACCHARUM	SUGAR MAPLE
RE	QUERCUS BICOLOR	SWAMP WHITE OAK
RM	ACER RUBRUM	RED MAPLE
BH	PICEA, GLAUCA DENSATA	BLACK HILLS SPRUCE
NS	PICEA ABIES	NORWAY SPRUCE
CF	SPIRACA JAPONICA 'GOLDFLAME'	GOLDFLAME SPIREA
RD	CORNUS RUGOSA	ROUNDLEAF DOGWOOD
PL	PRUNUS x CISTENA	PURPLE LEAF SAND CHERRY
AC	RIBES ACINUM	ALPINE CURRANT



1 PROPOSED LANDSCAPE PLAN
L1 1" = 40'-0" (ON 24x36 PAPER)



CITY SUBMITTAL SET ONLY - NOT FOR CONSTRUCTION

July 12, 2013

Diamond Team Properties LLC
Attn: Don Patterson
14350 Azurite St NW
Ramsey, MN 55303

Re: Site Plan Review—Diamond Graphics Inc.

Dear Mr. Patterson:

The City of Ramsey has received your application for Site Plan Review to construct a 28,000 square foot addition to an existing building located at 14350 Azurite St NW. City Staff is recommending to the Planning Commission approval of the Site Plan contingent upon the following:

- Required amendments as outlined in the attached Staff Report dated July 12, 2013.
- Execution of a Development Permit (draft included)

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 Staff Report and draft Development Permit are attached for your review. The Planning Commission will review the request on **Thursday, July 18th, 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 Site Plan request will need to be reviewed for a final decision by the City Council. This hearing would tentatively be scheduled for Tuesday, August 13th, 2013, 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) 433-9905 or by email at canderson@ci.ramsey.mn.us.

Sincerely,

CITY OF RAMSEY

Chris Anderson
Associate Planner/Environmental Coordinator

Enclosures

Cc: Hakanson Anderson, Attn: Tim Eggerichs, 3601 Thurston Ave, Anoka, MN 55303
Rosa Architectural Group Inc., Attn: Russ Rosa, 1084 Sterling St, St. Paul, MN 55119

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE	7-12-13	PROJECT ADDRESS	14350 AZURITE STREET NW
PROJECT. TITLE	DIAMOND GRAPHICS- SITE PLAN FOR BUILDING ADDITION		
ESCROW #	113681		
DEPARTMENT:	Planning		
TECHNICAL REVIEWER:	Name: Tina Goodroad Phone: 651-967-4537 Email: tina.goodroad@stantec.com		

We offer the following comments regarding your request for Site Plan approval.

General: The request is for a Site Plan Review for a 28,034 square foot building addition to expand the existing manufacturing facility. A site plan review and approval by the Planning Commission and City Council is required for commercial and industrial developments and expansions. The property is located at 14350 Azurite Street NW.

Zoning: The subject property is located in the E-1, Employment District. The intent of this district is to accommodate general industrial activities. The E-1 District allows manufacturing uses as a permitted use.

Site Plan: The project proposes a 28,034 square foot expansion to the north side of the building. The building addition will accommodate expansion of the existing manufacturing uses. Access to the site will be unchanged. Existing loading docks will remain. A bituminous drive will be extended around the proposed building and parking lot expansion on the west side of the addition. Full drive circulation will be provided around the building and its expansion.

The site meets the E-1 standards for lot size and lot width. The building addition meets all required building and parking setback requirements.

The proposed building area coverage is 17.93% of the total site, while the total impervious surface is 41.84% of the site which is below the 45% maximum lot coverage allowed.

Parking: Required parking is based on the proposed use. The expansion includes 28,034 square feet of additional warehouse space. The zoning ordinance requires one space for each 1,000 square feet of industrial space, or twenty-eight (28) additional parking spaces. The site has seventy-three (73) existing parking stalls along the south and west sides of the building. The Applicant also states that there are currently 75 employees. The site plan shows two (2) additional rows of parking along the west property line for an additional 124 parking spaces, where only twenty-eight (28) are required. It is Staff's understanding that Diamond Graphics will be acquiring the adjacent vacant parcel, which is currently owned by the City. A closing is scheduled for sometime in July. The assumption is that the additional parking spaces will be used to meet in whole or in part the future parking needs for a user on the adjacent parcel. *A cross-access easement must be executed and recorded against both 14350 Azurite St NW and the adjacent vacant parcel to the west that will be partially encumbered by the new parking area.*

No additional loading bays are proposed.

Landscaping: A minimum of one (1) tree per 1,000 square feet of additional building area is required as well as one (1) tree per every ten (10) new parking stalls, resulting in the need for forty (40) additional trees (twenty-eight [28] for the building addition and twelve [12] for the additional parking spaces). The landscape plan indicates that twenty-eight (28) new trees, along with six (6) dogwood shrubs, will be installed. The following revisions to the landscape plan are needed:

- *Inclusion of twelve (12) additional trees, with at least some of them in the islands within the parking lot.*
- *Additional islands must be incorporated into the two (2) rows of proposed new parking to satisfy parking lot landscaping requirements.*
- *It is strongly recommended to use a species other than Sugar Maple within the parking areas (a species more tolerant of harsh, urban growing conditions).*
- *Rock mulch within the parking lot islands is not acceptable, alternatives such as sod, mulch or other natural ground covers should be utilized.*
- *Each parking lot island must provide a planting/rooting area of at least 162 square feet; please include square footage of each island on landscape plan.*
- *Revise tree planting detail to include the following:*
 - *Only prune out dead or deformed branches; pruning cuts shall be made just outside the branch bark collar.*
 - *Planting depth shall be such that the first set of primary roots is at finished grade.*
 - *Cut or fold back burlap and remove at least top 1/3 of wire basket for ball and burlap root stock.*

Lighting: Proposed lighting consists of ten new building mounted light fixtures that are to be downcast.

Building Elevations: The proposed elevations for the addition are intended to match the existing building. The new elevations will extend the same aggregate random rib pre-cast panel system with smooth accents to match the existing elevations. As the addition will contain mainly manufacturing space, only services doors and an overhead door on the south elevation of the additional are proposed. The existing panel system with score lines will continue on all four elevations of the addition. The score lines will serve as visual breaks in the otherwise flat wall line. The addition meets architectural standards of the E-1 district.

**CITY OF RAMSEY SITE PLAN APPLICATION
TECHNICAL REVIEW FILE**

DATE	7/10/13	PROJECT ADDRESS	14350 AZURITE ST NW
PROJECT. TITLE	DIAMOND GRAPHICS		
ESCROW #	113681		
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

We offer the following comments regarding your site plan application: We reviewed plans consisting of sheets 1 – 4 titled “Construction Plans for Aggregate Base, Bituminous Pavement, Curb & Gutter, Grading, Storm Sewer and Miscellaneous Construction for Vanguard Construction” (Civil Plans) prepared by Hakanson Anderson dated June 21, 2013, revised June 27, 2013. We also reviewed plans consisting of sheets A1, A2, A3, A3-C and L1 titled “Proposed Addition to Diamond Graphics” (Architectural Plans) prepared by Rosa Architectural Group, Inc. dated June 24, 2013.

Civil Plans

- Sheet 2 – Replace Silt Fence Detail and Concrete Valley Gutter Details with City Standard Details. Revise wording of Erosion Control Note 5 to indicate observations are recorded in the inspection log.
Add note: “All disturbed areas must be restored with 4” of Premium Topsoil and Sod.”
- Sheet 4 – Consider adding manhole between CBMH 2 and CBMH 4 in order to move storm sewer line away from building footing.
The detail sheet shows heavy duty and light duty pavement sections, the areas to receive each type of pavement are not specified on the plan sheet.

This project will disturb more than one (1) acre. A Lower Rum River Water Management Organization permit will be required. Their rules require infiltration of the first one (1) inch of runoff from all new impervious surfaces. The storm sewer system may require modification in order to comply with the new requirements. Please submit a copy of the storm water calculations to the City.

Architectural Plans

- Sheet A1 – Please label the inside radius of the bituminous drive. The minimum inside radius for fire apparatus access is 30 ft.

Special Planning Commission

5. 3.

Meeting Date: 07/18/2013

By: Tim Gladhill, Community Development

Information

Title:

Consider Sketch Plan Review of Oakwood Acres Located Along 167th Avenue, West of Nowthen Boulevard; Case of Oakwood Land Development

Background:

The submitted minor subdivision proposes to plat approximately 1.1 acres to create three (3) buildable single-family lots. The subject property is generally located west of Nowthen Boulevard, south of 167th Avenue NW. The Property is located along the re-aligned portion of 167th Avenue.

City Code defines a Minor Plat as a subdivision action that involves three (3) or less lots and does not create the need for additional public infrastructure. In this case, the request is for three (3) lots and the necessary infrastructure (roads and utilities) have already been installed. The Minor Plat eliminates the need for a Preliminary Plat and Public Hearing that is required with a Major Plat.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the Sketch Plan Review via Standard U.S. Mail.

Observations/Alternatives:

Zoning: The Property is located in the R-1 Residential: MUSA Zoning District. Single-family detached dwellings are a permitted use in this district. The Property is adjacent to other R-1 Residential: MUSA parcels. Density Transition requirements are not necessary.

Lot Size Requirements: There are minimum lot size requirements. The minimum required lot area is 10,800 square feet. The minimum required lot width is 80 feet.

Setbacks, Building Coverage, and Other Bulk Standards. It appears that the proposed lots will be able to accommodate required minimum standards as illustrated in the Sketch Plan. It is noted the unique configuration of Lot 1 may create some difficulty in designing an appropriate floor plan. By accepting the proposed configuration, the Applicant acknowledges that it is responsible for providing a floor plan that can be accommodated on Lot 1 without the issuance of a variance. If the the Planning Commission feels that the Applicant has not successfully demonstrated that it can accommodate a floor plan on Lot 1 without the issuance of a Variance, then the Planning Commission should consider a recommendation of a two (2) lot Plat instead of three (3) lots. It is noted that Staff believes that there would be a design available to be accommodated on the lot, so a reduction in lots is not necessary.

Access and Streets: The Property proposes to provide access to each three (3) lots from 167thAvenue, a Municipal State Aid (MSA) street. The intent of the MSA system is to limit direct access wherever possible. However, in this situation, there is no other viable alternative. In addition, when 167thAvenue was re-aligned, it was anticipated that these lots would be created and gain access from 167thAvenue as made evident by the placement of sewer and water services.

Traffic Analysis: A traffic analysis will not be required due to the size of the project.

Grading and Drainage: The Sketch Plan does not include grading/drainage information. This information is not required for Sketch Plan Review. However, this information must be submitted with the Final Plat Application, as

directed by the City Engineer. A permit from the Lower Rum River Water Management Organization and NPDES from MPCA will be required.

Landscaping. The Applicant is responsible for the planting of two (2) trees per dwelling unit at the time of construction of a dwelling unit. The Applicant is also responsible for the installation of topsoil, consistent with City Code requirements. Other landscaping requirements will be spelled out with Building Permit review.

Easements: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for drainage and utility easement dedication. Drainage and utility easements must be ten (10) feet in width abutting dedicated right-of-way, five (5) feet in width along both side and rear lot lines, and encumber any 100-year flood zone for all existing and proposed surface waters and wetlands.

Right-of-Way Dedication: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for right-of-way dedication. The City requests that the City-owned parcel used for the placement of 167th Avenue be included in the Final Plat as dedicated right of way. This scenario was agreed to with the Property Owner when the Property was allowed to be subdivided by metes and bounds description.

Utilities: Municipal Water and Sanitary Sewer have been extended to the site. The Applicant will be responsible for applicable connection fees to be outlined during the Final Plat Review.

Other Development Fees. The Applicant will also be responsible for Park Dedication, Trail Development, and Stormwater Management Fees. A full analysis of applicable development fees will be provided with the Final Plat Review.

Funding Source:

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

Staff Recommendation:

Staff recommends approval of the Sketch Plan, which will then allow the Applicant to submit for Final Plat Review.

Action:

The Sketch Plan Review provides the Planning Commission the opportunity to review the conceptual layout of a Plat prior to preparation of the required Final Plat. This is an opportunity for the Planning Commission to relay important information to the Applicant in preparing the Final Plat.

No motion is necessary. If the Planning Commission desires major changes to the Sketch Plan, it should motion to direct the Applicant to prepare a revised Sketch Plan for Planning Commission Review.

As this is a Minor Plat, by directing the Applicant to proceed forward to the next step, the request will be forwarded directly to the City Council as a Final Plat.

Attachments

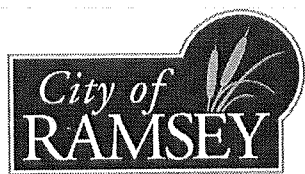
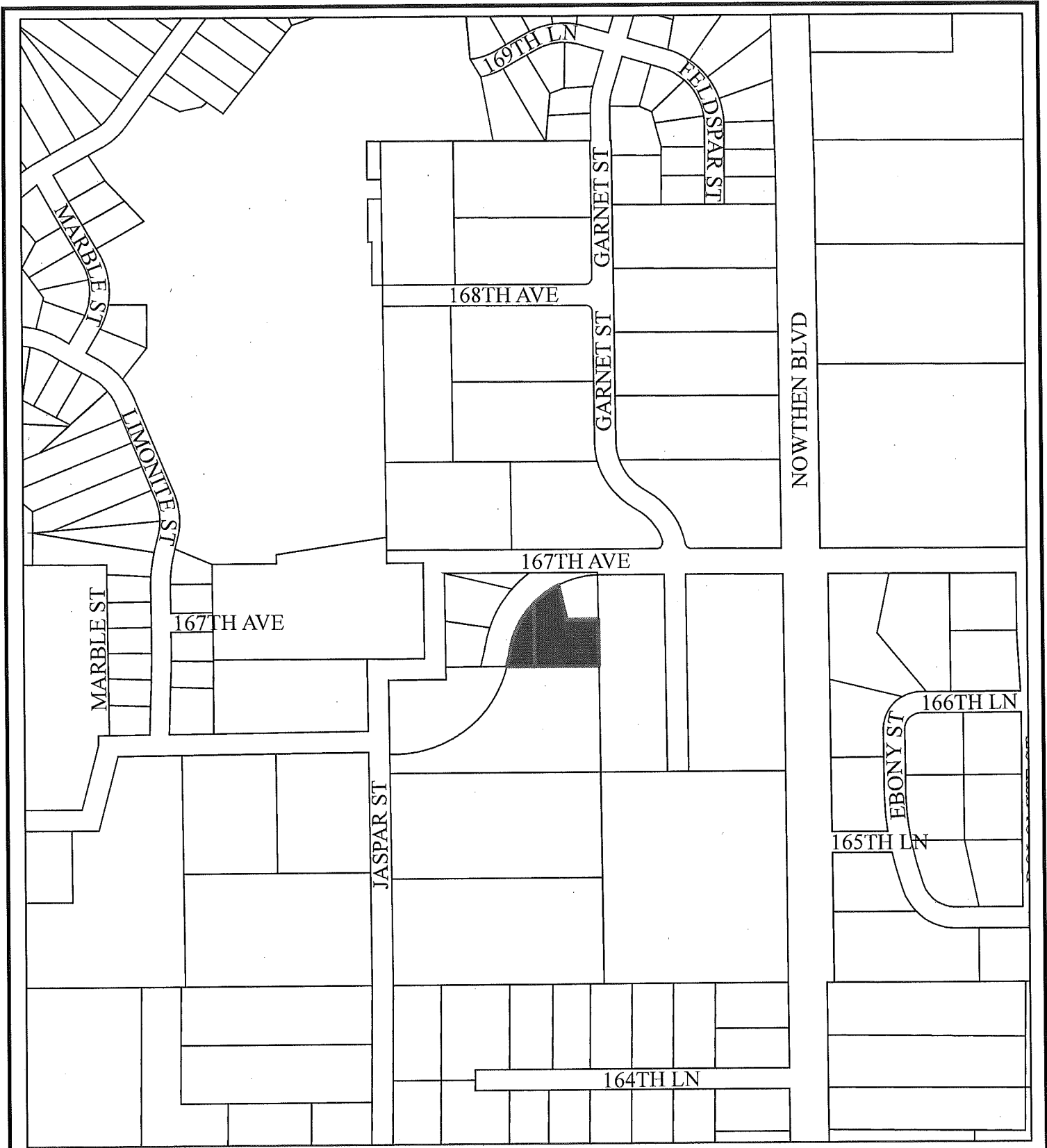
[Site Location Map](#)

[Sketch Plan](#)

[Staff Review File dated July 12, 2013](#)

Form Review

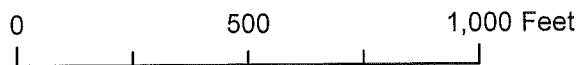
Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	07/12/2013 08:07 AM
Form Started By: Tim Gladhill		Started On: 07/10/2013 10:24 AM
	Final Approval Date: 07/12/2013	



OAKWOOD ACRES

Legend

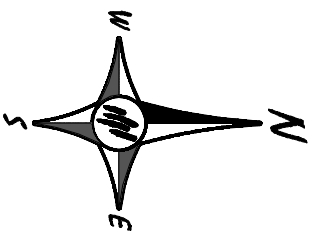
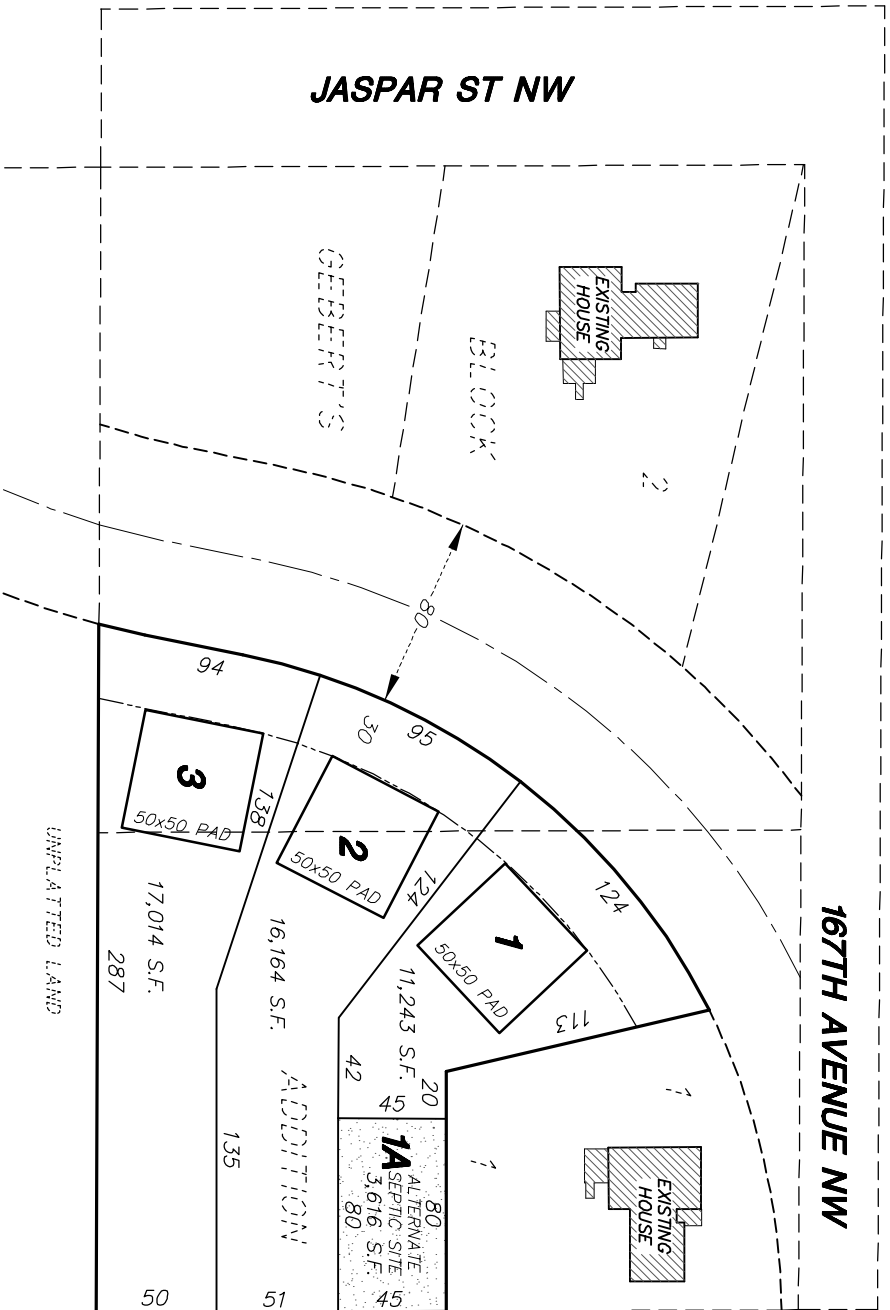
-  Site
-  Parcels



SKETCH OF PROPOSED LOTS OAKWOOD ACRES

(PART OF LOTS 1 AND 2, BLOCK 1, GEBBERT'S ADDITION)

TOTAL AREA = 48,037 S.F. OR 1.1 ACRES



SCALE IN FEET
1 INCH = 80 FEET

LOOYEN'S ADDITION
LOT 1, BLOCK 1

ANDERSON PASSE & ASSOC., INC.

REGISTERED PROFESSIONAL ENGINEERS
LICENSED LAND SURVEYORS

DWG: 75-13 JUNE 12, 2013

July 12, 2013

Oakwood Land Development
Attn: John R. Peterson
2281 County Road B West
Roseville, MN 55113

Re: Sketch Plan Review of Oakwood Acres (Minor Plat) request

Dear Mr. Peterson:

The City of Ramsey has received your application for a Sketch Plan Review for Oakwood Acres generally located west of Nowthen Boulevard, south of 167th Avenue NW. 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 12, 2013.

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 Staff Report is attached for your review. The Planning Commission will review the request on **Thursday, July 18th, 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 Minor Plat request will be reviewed for a final decision by the City Council. This hearing has not yet been scheduled, as the City has not yet received a Final Plat for review.

Please let me know if you have any questions or concerns. I can be reached at (763) 576-4308 or tgladhill@ci.ramsey.mn.us.

Sincerely,

CITY OF RAMSEY

Tim Gladhill
Development Services Manager

Enclosures

**CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE**

DATE	7/12/13	PROJECT ADDRESS	TBD-167 TH AVENUE NW
PROJECT. TITLE	OAKWOOD ACRES		
ESCROW #	113680		
DEPARTMENT:	PLANNING DIVISION		
TECHNICAL REVIEWER:	NAME: TIM GLADHILL PHONE: 763-576-4308 EMAIL: TGLADHILL@CI.RAMSEY.MN.US		

We are in receipt of your Sketch Plan for a subdivision to create three (3) buildable lots. The Sketch Plan includes one sheet prepared by Anderson Passe & Associations, Inc., dated June 13, 2013. We offer the following comments regarding your application:

General: The submitted minor subdivision proposes to plat approximately 1.1 acres to create three (3) buildable single-family lots. The subject property is generally located west of Nowthen Boulevard, south of 167th Avenue NW. The Property is located along the re-aligned portion of 167th Avenue.

Zoning: The Property is located in the R-1 Residential: MUSA Zoning District. Single-family detached dwellings are a permitted use in this district. The Property is adjacent to other R-1 Residential: MUSA parcels. Density Transition requirements are not necessary.

Lot Size Requirements: There are minimum lot size requirements. The minimum required lot area is 10,800 square feet. The minimum required lot width is 80 feet. According to the submitted Sketch Plan, it appears that these minimum standards are met.

Setbacks, Building Coverage, and Other Bulk Standards. It appears that the proposed lots will be able to accommodate required minimum standards as illustrated in the Sketch Plan. It is noted the unique configuration of Lot 1 may create some difficulty in designing an appropriate floor plan. ***By accepting the proposed configuration, the Applicant acknowledges that it is responsible for providing a floor plan that can be accommodated on Lot 1 without the issuance of a variance. This includes future expansions such as decks. If the Planning Commission feels that the Applicant has not successfully demonstrated that it can accommodate a floor plan on Lot 1 without the issuance of a Variance, then the Planning Commission should consider a recommendation of a two (2) lot Plat instead of three (3) lots. It is noted that Staff believes that there would be a design available to be accommodated on the lot, so a reduction in lots is not necessary.***

Access and Streets: The Property proposes to provide access to each three (3) lots from 167th Avenue, a Municipal State Aid (MSA) street. The intent of the MSA system is to limit direct access wherever possible. However, in this situation, there is no other viable alternative. In addition, when 167th Avenue was re-aligned, it was anticipated that these lots would be created and gain access from 167th Avenue as made evident by the placement of sewer and water services.

Tree Preservation Plan: The City's Tree Preservation Ordinance does not apply to your proposed plat, as the Property is devoid of significant tree cover.

Traffic Analysis: A traffic analysis will not be required due to the size of the project.

Grading and Drainage: The Sketch Plan does not include grading/drainage information. This information is not required for Sketch Plan Review. However, this information must be submitted with the Final Plat Application as directed by the City Engineer. A permit from the Lower Rum River Water Management Organization and NPDES from MPCA will be required.

Landscaping. The Applicant is responsible for the planting of two (2) trees per dwelling unit at the time of construction of a dwelling unit. The Applicant is also responsible for the installation of topsoil, consistent with City Code requirements. Other landscaping requirements will be spelled out with Building Permit review.

Easements: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for drainage and utility easement dedication. Drainage and utility easements must be ten (10) feet in width abutting dedicated right-of-way, five (5) feet in width along both side and rear lot lines, and encumber any 100-year flood zone for all existing and proposed surface waters and wetlands.

Right-of-Way Dedication: With the Final Plat Application, Staff will be reviewing compliance with the standard requirements for right-of-way dedication. The City requests that the City-owned parcel used for the placement of 167th Avenue be included in the Final Plat as dedicated right of way. This scenario was agreed to with the Property Owner when the Property was allowed by be subdivided by metes and bounds description.

Utilities: Municipal Water and Sanitary Sewer have been extended to the site. The Applicant will be responsible for applicable connection fees to be outlined during the Final Plat Review.

Other Development Fees. The Applicant will also be responsible for Park Dedication, Trail Development, and Stormwater Management Fees. A full analysis of applicable development fees will be provided with the Final Plat Review.

Special Planning Commission

5. 4.

Meeting Date: 07/18/2013

By: Tim Gladhill, Community Development

Information

Title:

PUBLIC HEARING: Consider Ordinance #13-15 to Establish Armstrong Boulevard Interchange Overlay District

Background:

The City has been actively pursuing the construction of an interchange at Armstrong Boulevard and U.S. Highway 10. The City has been successful in securing a portion of the funding required for this project. More importantly, the Anoka County Highway Department has completed the necessary environmental review to proceed with final design of the interchange. As part of the public comment period during the environmental review portion of the project, several commercial property owners expressed concern with loss of visibility due to the vertical nature of the proposed structure.

The following case borrows a model ordinance used in the Central Avenue (TH 65) improvement project at Main Street (CSAH 14) in Blaine. In this circumstance, a similar situation existed during the conversion of an at-grade intersection to a grade-separated interchange. The proposed overlay district allows for additional sign height and size.

Notification:

The Public Hearing was published in the Anoka County Union.

Observations/Alternatives:

The proposed Overlay District would allow commercial properties within the district a maximum height of fifty (50) feet and a maximum size of 150 square feet per face (aggregate 300 square feet). The underlying zoning requirements would allow a maximum of twenty-five (25) feet in height and a maximum size of 100 square feet.

The proposed interchange structure would have a minimum clearance over Highway 10 of slightly less than twenty (20) feet. The bridge deck structure would appear to be less than ten (10) feet for a total of thirty (30) feet clearance necessary for visibility of signs immediately adjacent to the interchange structure. As the proposed height allowance is fifty (50) feet, this would appear to be sufficient additional height, allowing for additional clearance for larger vehicles. These measurements are preliminary, subject to completion of the final design of the interchange.

The Overlay District is proposed to be established for parcels within 750 feet of the centerline of Highway 10, extending to the centerline of Traprock Street and extending to the centerline of Llama Street. As currently proposed, this overlay district would not apply to The COR District, as that district contains separate, specific sign regulations. An exhibit is attached hereto as reference.

These measurements are intended as a starting point for discussion. The Planning Commission has the legislative authority to recommend that the initial measurements be amended.

Funding Source:

Preparation of the Ordinance is being handled as part of regular Staff duties.

Staff Recommendation:

Staff recommends approval of Ordinance #13-15.

Action:

Motion to recommend that the City Council adopt Ordinance #13-15 establishing the Armstrong Boulevard Sign Overlay District.

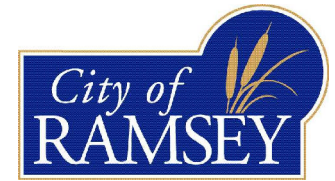
Attachments

Proposed Overlay District Map

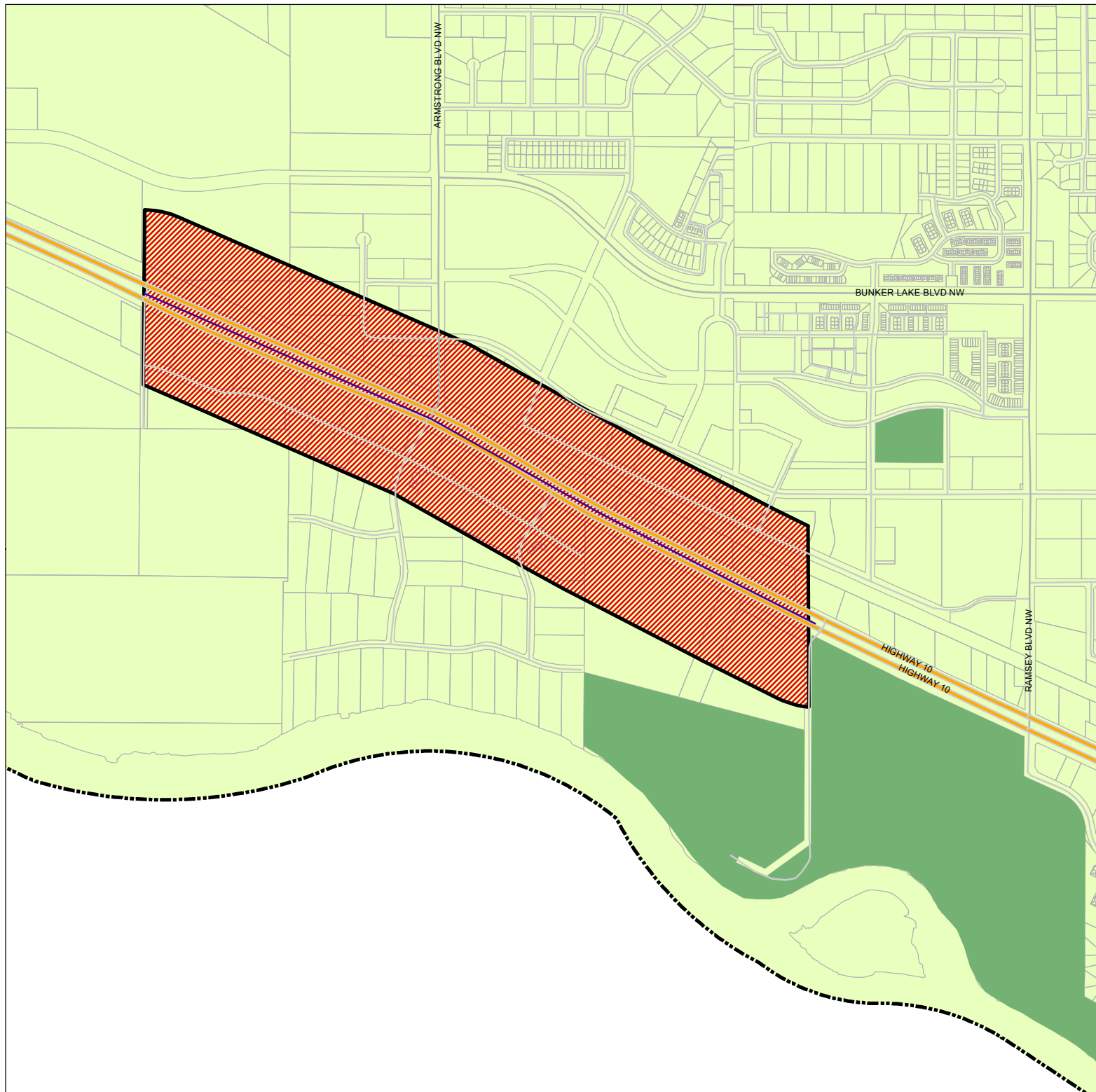
Proposed Ordinance



Form Review

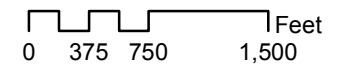
Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	07/12/2013 10:17 AM
Tim Gladhill (Originator)	JoAnn Shaw	07/12/2013 11:04 AM
Form Started By: Tim Gladhill		Started On: 07/10/2013 10:23 AM
	Final Approval Date: 07/12/2013	



Armstrong Boulevard Proposed Sign Overlay District



-  Overlay District
-  Parcels



This map has been compiled using information gathered from various governmental offices and other sources and is to be used for reference purposes only. It is neither a legally recorded map nor a survey and is not intended for use as one. The Geographic Information System (GIS) data used to develop this map is not warranted by the City as being error-free. The City does not represent that the GIS data can be used for exact measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found, please contact (763) 427-1410.

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**ORDINANCE #13-15
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

AN ORDINANCE AMENDING CITY CODE CHAPTER 117 (ZONING AND SUBDIVISIONS) TO AMEND SECTION 117-1 (DEFINITIONS) AND CHAPTER 117 ARTICLE II, DIVISION 8 (SIGNS) ESTABLISHING THE ARMSTRONG INTERCHANGE SIGN OVERLAY DISTRICT.

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This ordinance is adopted pursuant to and under the authority of the Charter of the City of Ramsey.

SECTION 2. AMENDMENT

City Code Section 117-1 (Definitions) is hereby amended to include the following text.

ARMSTRONG BOULEVARD INTERCHANGE OVERLAY DISTRICT: A district for purposes of allowing additional signage in a specified area, described as all commercially zoned property located within 750 feet of the Centerline of Highway 10 and extending to the Centerline of Traprock Street and extending to the Centerline of Llama Street. Parcels located within The COR District are exempted from this overlay district, as sign regulations for that district are located in a separate section of City Code.

City Code Section 117-519 (Business type signs) is hereby amended to include the following text:

(c) Permitted freestanding signs under previous Section 117-519, subd. (a) (business use signs), and located within the Armstrong Boulevard Interchange Overlay District as defined by this ordinance, shall be allowed to a height of not more than fifty (50) feet and an area of not greater than one-hundred fifty (150) square feet. Signs permitted under this section shall have a monument style base constructed of materials that are consistent with the principal building to a minimum height of six (6) feet.

SECTION 3. SUMMARY

This ordinance establishes a new zoning overlay district for the purposes of allowing for additional signage in the area adjacent to the future Armstrong Boulevard Interchange. A copy of a map illustrating the district is attached as Exhibit A, hereto.

SECTION 4. EFFECTIVE DATE

This Ordinance becomes effective 30 days after its passage and publication, subject to City Charter Section 5.04.

PASSED by the City Council of the City of Ramsey, Minnesota, the ____ day of ____, 2013.

Mayor

ATTEST:

City Clerk

Introduction date:

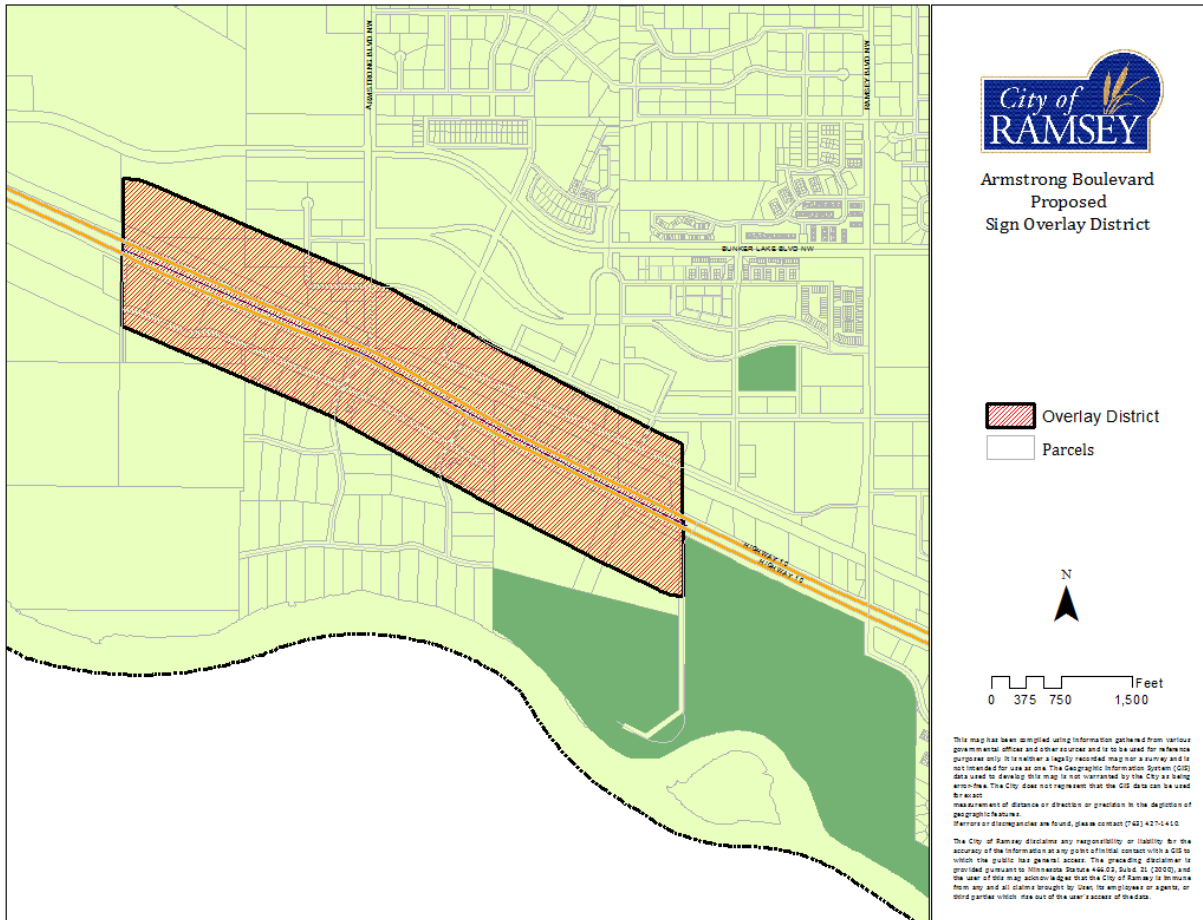
Posting dates:

Adoption date:

Publication date:

Effective date:

Exhibit A Armstrong Boulevard Interchange Overlay District



Special Planning Commission

5. 5.

Meeting Date: 07/18/2013

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations/Alternatives:

Funding Source:

Staff Recommendation:

Action:

Attachments

Zoning Bulletins

Form Review

Inbox	Reviewed By	Date
Tim Gladhill	Tim Gladhill	07/12/2013 08:07 AM
Form Started By: JoAnn Shaw		Started On: 07/11/2013 03:57 PM
	Final Approval Date: 07/12/2013	

Zoning Bulletin

in this issue:

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Use—School district seeks to install solar energy field as “accessory use”	6
Time for Proceedings/Interpretation of Zoning Regulations—Town says deck built four years prior violates zoning code, must be removed	9
Zoning News from Around the Nation	11

Preemption—Medical marijuana dispensary operator challenges city ordinances banning medical marijuana dispensaries

Dispensary operator claims city ordinances are preempted by California's Compassionate Use Act and Medical

Contributors

Corey E. Burnham-Howard

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Marijuana Program Act

Citation: *Conejo Wellness Center, Inc. v. City of Agoura Hills*, 154 Cal. Rptr. 3d 850 (Cal. App. 2d Dist. 2013)

CALIFORNIA (03/28/13)—This case addressed the issue of whether city ordinances banning medical marijuana dispensaries were preempted by California’s Compassionate Use Act (“CUA”) and/or California’s Medical Marijuana Program Act (“MMPA”). It also addressed whether town ordinances banning medical marijuana dispensaries deprived the dispensary operator of a vested property right.

The Background/Facts: Beginning in June 2006, Conejo Wellness Center, Inc. (“Conejo”) was a California cooperative corporation that operated as a nonprofit collective engaged in the distribution of medical marijuana to its members. Conejo operated in a Business Park Manufacturing District in the City of Agoura Hills (the “City”).

Under the City’s zoning ordinance, a “medical marijuana dispensary” was not listed as a permitted use within any commercial district. As such, it was a prohibited use under the zoning ordinances.

In September 2008, the City adopted ordinance No. 08-355, which added § 9660 to the Agoura City Hills Municipal Code (“AHMC”). Section 9660 expressly stated that the operation of a medical marijuana dispensary was not a permitted use anywhere in the City. Under the AHMC, a violation of the ban on medical marijuana dispensaries was punishable by six months in jail or a \$1,000 fine or both.

In October 2010, the City adopted Ordinance No. 10-379, which added § 4125 to the AHMC. Section 4125 expressly prohibited any medical marijuana dispensary from receiving “compensation” for the distribution of medical marijuana. Ordinance No. 10-379 also made other changes to the AHMC, including: requiring nonprofit businesses to obtain an annual business registration permit prior to operation; and expressly prohibiting operation of a business without a valid business permit.

In November 2010, Conejo applied for a 2011 business registration permit. The permit was denied because medical marijuana dispensary was not a permitted use under the AHMC.

Subsequently, Conejo filed a legal complaint seeking injunctive and declaratory relief against the City based on Ordinance No. 08-355 and Ordinance No. 10-379. Among other things, Conejo argued that California’s CUA and MMPA preempted Ordinance No. 08-355, parts of Ordinance No. 10-379, and the various AHMC provisions that made violation of those ordinances either misdemeanors or public nuisances subject to abatement.

The City filed a cross-complaint seeking both declaratory and injunc-

tive relief. The City sought a permanent injunction to abate Conejo's continued operation as a public nuisance based on Conejo's: failure to obtain proper permits; failure to obtain a valid business license; violation of Ordinance No. 08-355; and violation of Ordinance No. 10-379.

The trial court entered judgment against Conejo on both Conejo's complaint and on the City's cross-complaint. The court permanently enjoined Conejo from "selling, providing, or otherwise making available marijuana at or from" its location or any other location within the City.

Conejo appealed.

DECISION: Affirmed.

Among other things, the Court of Appeal, Second District, Division 8, California, held that the City's ordinance banning medical marijuana dispensaries was not preempted by the CUA or the MMPA.

In so holding, the court explained the law of preemption. The court explained that local legislation is preempted by state law and is therefore void when the local law: (1) duplicates state law; (2) contradicts state law; or (3) enters an area or field fully occupied by state law. The court further explained: "Local legislation is duplicative when it is coextensive with state law. . . . It is contradictory when it is 'inimical to or cannot be reconciled with state law.' . . . [It] enters an area or field that is 'fully occupied' by state law when the Legislature has either (1) expressly manifested its intent to fully occupy the area or (2) impliedly has done so."

Here Conejo had argued: (1) the CUA and MMPA created a state right to cultivate, distribute, or otherwise obtain marijuana collectively, and thereafter to possess and use it, for medical purposes; and (2) the AHMC, through various provisions, conflicted with that right by prohibiting and/or punishing its exercise.

The court rejected Conejo's argument. The court held that although both Ordinance No. 08-355 (AHMC § 9660) and Ordinance No. 10-379 (AHMC § 6800) either directly or indirectly prohibited Conejo's operation as a medical marijuana dispensary, neither the CUA nor the MMPA created the right to distribute marijuana, and therefore the Ordinances were not preempted by the CUA or MMPA.

The court explained that the CUA immunized qualified patients and caregivers from criminal prosecution; it did not create a constitutional right to obtain marijuana or allow the sale or nonprofit distribution of marijuana by medical marijuana cooperatives. The CUA, then, "does not create a 'right' to cultivate, distribute, or otherwise obtain medical marijuana collectively," said the court. "Rather, it simply provides two specifically identified groups of persons with a limited defense to two specific state criminal statutes. It does not mention, let alone authorize,

medical marijuana collectives or dispensaries.” Moreover, the court found that the CUA “does not expressly prohibit further legislation in the area of medical marijuana use,” but in fact “expressly acknowledges the potential validity of other legislation intended to prevent or regulate related conduct that might endanger the general citizenry.”

Accordingly, the court concluded that the referenced City ordinances were not coextensive with the CUA and therefore did not duplicate it. The court also found that since the CUA does not create a right to cultivate, distribute, or otherwise obtain medical marijuana collectively, local prohibition of such conduct does not contradict it. Also, the court found that, given its limited scope and express recognition of the validity of additional legislation in the area, the CUA was not intended explicitly or implicitly to occupy fully the entire field of medical marijuana use.

The court also explained that although the MMPA extends immunity from prosecution to include those who “collectively or cooperatively . . . cultivate marijuana for medical purposes,” it similarly does not affirmatively create any right, constitutional or otherwise, to cultivate or distribute medical marijuana through collectives or dispensaries. Nor, said the court, does the MMPA expressly forbid local regulation in the area of medical marijuana use. In fact, the MMPA expressly permits “civil and criminal enforcement” of local ordinances “that regulate the location, operation, or establishment of a medical marijuana cooperative or collective.”

The court concluded that “none of the three bases for preemption exist[ed] here”: The [City] ordinances were not coextensive with and therefore [did] not duplicate the MMPA. Further, the [City] ordinances [did] not contradict the MMPA [since the MMPA did not prohibit the City’s ban of dispensaries].” Finally, the court held that the MMPA does not preempt by field occupation the City ordinances; the MMPA, in fact, contemplated additional local regulation of medical marijuana.

See also: *Nordyke v. King*, 27 Cal. 4th 875, 118 Cal. Rptr. 2d 761, 44 P.3d 133 (2002).

See also: *City of Claremont v. Kruse*, 177 Cal. App. 4th 1153, 100 Cal. Rptr. 3d 1 (2d Dist. 2009).

Case Note:

Conejo has also asserted that the permit requirements of Ordinance No. 10-379 deprived it of a vested property right in the continued operation of a dispensary from its leasehold, and thus violated its “substantive and procedural due process rights.” The court rejected this argument based on: the fact that Conejo’s operation of the collective medical marijuana dispensary was never a lawful use within the City’s Manufacturing District; and on the court’s de-

termination that neither the CUA nor the MMPA creates a right to operate a collective medical marijuana dispensary.

Case Note:

The court also rejected Conejo's assertion that Ordinance No. 10-379 was void because the City did not comply with notice and other requirements under the state statute—Government Code 65853—governing enactments and amendments of zoning ordinances. The court held that § 65853 was inapplicable to Ordinance No. 10-379 because Ordinance No. 10-379 was neither a zoning ordinance nor an amendment of a zoning ordinance. (Again, Ordinance No. 10-379 required nonprofit entities to obtain annual business registration permits, banned medical dispensaries from receiving permits and from receiving compensation from the distribution of medical marijuana.)

Use—School district seeks to install solar energy field as “accessory use”

Zoning Hearing Board denies approval, saying proposed use is not “customarily incidental” to a school

Citation: Northampton Area School Dist. v. Zoning Hearing Bd. of Tp. of Lehigh, 2013 WL 1409883 (Pa. Commw. Ct. 2013)

PENNSYLVANIA (04/09/13)—This case addressed the issue of whether a solar energy field was permitted as of right on a public school property under a local zoning ordinance that allowed solar energy units as a permitted accessory use in all zones “subject to the requirements of that zone.”

The Background/Facts: The Northampton Area School District (the “School District”) owned 19 acres of land in the Agricultural/Rural Residential (“A/RR”) Zoning District of Lehigh Township (the “Township”) (the “Property”). The principal use of the Property was “public education.” The “Lehigh Elementary School” (the “School”) was located on the Property.

In October 2010, the School District and Alliance Energy Group, LLC (hereinafter, collectively, the “School District”) applied to the

Township's Zoning Officer for approval to install a solar energy field on four acres on the Property. The proposed solar energy field would consist of 7,000 solar energy panels, divided into 280 individual units, with each complete unit being approximately 13.5 feet wide and 26 feet long. The School District intended to use the solar energy panels to generate electric power to the School. The School District maintained that the proposed solar energy field would: allow the School District to save between approximately \$2 and \$4 million over a 20-year term in lower energy costs; provide an educational component to students; comply with all building codes; comply with all appropriate setbacks and requirements of the A/RR Zoning District; and not cause any "deleterious effects on the surrounding neighborhoods."

The Zoning Officer denied the application and opined that the proposed use constituted a "second commercial principal use" of the Property.

The School District appealed to the Township's Zoning Hearing Board (the "ZHB"). The School District contended that the proposed use was not a second principal use. They argued that the use was a permitted "accessory use" under § 180-25(A) of the Township's Zoning Ordinance. Section 180-25(A), entitled "Accessory Uses—Alternative Energy Systems," provided: "Solar energy units shall be permitted in any zone and subject to the requirements of that zone."

The ZHB agreed that the proposed use did not constitute a "second principal use." However, the ZHB rejected the School District's argument that § 180-25(A) of the Zoning Ordinance permitted a solar energy field as an accessory use "as of right" in the A/RR Zoning District. The ZHB reasoned that § 180-25(A) allowed solar energy units subject to the "requirements of the zone." Since public schools were permitted by special exception in the A/RR Zoning District, the ZHB looked at the Zoning Ordinance's special exception standards for public schools—specifically § 180-94(G), which permitted "accessory uses customarily incidental" to a public and private school. The ZHB ultimately determined that solar fields were not an "accessory use customarily incidental" to a public or private school and therefore was not a permitted "accessory use."

The School District appealed. The common pleas court affirmed the ZHB's opinion.

The School District again appealed. Among other things, on appeal, the School District argued that their proposed energy field was permitted as of right on the Property under § 180-25(A) of the Zoning Ordinance which specifically designated solar energy units as an "accessory use" allowed in every Zoning District.

DECISION: Reversed, and matter remanded.

The Commonwealth Court of Pennsylvania agreed with the School

District. It found that the plain language of § 180-25(A) of the Zoning Ordinance stated that solar energy units were permitted as an “accessory use” in any zone. Under the Zoning Ordinance, “accessory use” was defined as “[a] subordinate use or building customarily incidental to, and located on the same lot occupied by, the main use or building.” Thus, by stating that solar energy was a permitted “accessory use,” the Township had already legislatively determined that solar energy units were “customarily incidental” to every principal use in every Zoning District. By further undertaking the inquiry as to whether the use was “customarily incidental” to a school, the ZHB erred, said the court.

Addressing the fact that solar energy uses were a permitted “accessory use” so long as they meet the “requirements of the zone,” the court noted that the Ordinance did not define “requirements of the zone.” The court however found it clear that such language referred to the height, area, setback and coverage standards applicable to accessory uses in each particular zone. By all accounts, the School District’s proposed use had met those standards.

Given that solar energy units were permitted as an accessory use in the A/RR Zone and that the School District’s proposed solar field met height, area, setback and coverage standards applicable to accessory uses in the A/RR Zone, the court remanded the matter to the ZHB with direction to approve the School District’s application to install the solar energy field as an “accessory use” to the School.

Case Note:

In its decision, the court noted that it found ZHB’s interpretation—that the solar energy field use must be “customarily incidental” to the School—would: “force landowners wishing to further the intent of § 180-25(A) [—which the court found was to encourage on-site generation of electric power from this alternative energy—] to first demonstrate that such alternative energy uses are ‘customarily incidental’ to their underlying use, which w[ould] be difficult, if not impossible, to show given [the] relative newness and dearth [of solar energy fields].”

Time for Proceedings/Interpretation of Zoning Regulations—Town says deck built four years prior violates zoning code, must be removed

Homeowner contends state statute applies a three-year statute of limitations on enforcement actions on nonconforming buildings

Citation: *Tine v. Zoning Bd. of Appeals of Town of Lebanon*, 308 Conn. 300, 2013 WL 1500857 (2013)

CONNECTICUT (04/23/13)—This case addressed the issue of whether a deck attached to a residential property is a “building” as that term is used in Connecticut General Statutes § 8-13a(a)—which applies a three-year statute of limitations to enforcement actions on buildings that have existed as nonconforming for more than three years without an action to enforce regulations.

The Background/Facts: In 1999, Dean V. Tine and Robin Tine (the “Tines”) acquired lakefront property in the town of Lebanon (the “Town”). The Tines obtained a variance from the Town’s zoning board of appeals (the “Board”) to construct a single-family house on the property. The variance allowed the house to extend 35 feet into what otherwise would have been a prohibited setback area, which was designed to protect the water quality of the lake.

After obtaining the variance, the Tines applied for and received a zoning permit and a building permit from the Town to construct the house. The construction plans submitted to the Town did not include a deck.

In 2003, the Tines completed construction of the house.

In April and May 2004, the Tines constructed a deck. The deck connected to the back of the house and included stairs for ingress and egress to the house through doors. The Tines did not apply for or receive the required building permits for the deck, nor did they notify the Town of the deck’s construction.

In the fall of 2008, the Tines sought a certificate of zoning compliance and a certificate of occupancy from the Town in connection with a potential sale of the property. The Zoning Enforcement Officer (“ZEO”) inspected the property and discovered that the deck violated

the Town's zoning regulations because it extended beyond the permitted setback.

The Tines sought a variance for the deck. The Board denied the variance request.

In January 2009, the ZEO issued a cease and desist order to the Tines. The order required the Tines to abate the setback violation, presumably by removing the deck.

The Tines appealed to the Board. They argued that the ZEO was barred from pursuing the enforcement action against them because the violation had existed for more than three years at the time the cease and desist order was issued. Therefore, they contended, the statute of limitations set forth in Conn. Gen. Stat. § 8-13a(a) had run.

Section 8-13a(a) provides in relevant part: "When a building is so situated on a lot that it violates a zoning regulation of a municipality which prescribes the location of such a building in relation to the boundaries of the lot . . . and when such building has been so situated for three years without the institution of an action to enforce such regulation, such building shall be deemed a nonconforming building in relation to such boundaries"

The Tines contended that the deck was a "nonconforming building" under the statute and that, therefore, the three-year statute of limitations applied and the notice of violation and cease and desist order was invalid.

The superior court agreed.

The Board and ZEO sought a certification to appeal to the Appellate Court. The Supreme Court transferred the appeal.

DECISION: Reversed, and matter remanded.

The Supreme Court of Connecticut held that the deck was not a "building" under the Conn. Gen. Stat. § 8-13a(a) and that, therefore, the three-year statute of limitations did not apply and the notice of violation and cease and desist order was valid.

In so holding, the court interpreted § 8-13a(a). Finding § 8-13a(a) did not define "building," the court looked to the definition of "building" in dictionaries. Generally, the court found that "building" was defined as a structure with walls and a roof. The court also found further support for a differentiation between a "building" and a "structure" in the fact that Connecticut statutes were "replete with provisions that distinguish between 'buildings' and 'structures.'" Accordingly, because § 8-13a (a) applies only to "buildings" and not all "structures," defining "building" to include all "structures" would produce "absurd and unworkable results," determined the court.

The court therefore concluded that the plain meaning of the term "building" as it is used in § 8-13a (a) refers to "an edifice designed to

stand permanently, with a roof and walls.” The court found it undisputed that the Tines’ deck had neither walls nor a roof. Thus, the court concluded that the Tines’ deck was not a “building” under the statute, and therefore was not entitled to protection under the three-year statute of limitations on enforcement actions for nonconforming buildings.

See also: *Benson v. Zoning Bd. of Appeals of Town of Westport*, 89 Conn. App. 324, 873 A.2d 1017 (2005).

Case Note:

The Tines had also argued that even if the deck was not a “building,” it was nevertheless covered by § 8-13a(a) because it was “an integral and necessary part of the house.” The court disagreed. The court said if the deck was an essential component of the house, it would have been included in the construction plans originally submitted to the Town. Additionally, the court noted that if the deck had been deemed to be part of the house and exempt from an enforcement action, notwithstanding the fact that the town never approved the deck’s construction, property owners would be incentivized to omit such structures from construction plans, particularly when a variance is sought to accommodate construction of a house, and then commence construction of the deck after approval of the construction plans for the house has been received.

Zoning News from Around the Nation

IDAHO

The state House of Representatives is considering SB 1192a. The bill, which was passed by the Senate, would “exempt a state parking garage project near the Capitol from Boise city planning and zoning requirements.”

Source: *The Spokesman-Review*; <http://www.spokesman.com>

MICHIGAN

The state Senate recently approved legislation that would impart “tougher penalties” on owners of blighted and neglected property who do not pay their fines. Under the bills, “if a person has more than \$1,000 unpaid fines on a second blight violation, he or she could face misdemeanor charges punishable by up to 93 days in jail, a fine up to \$500, or both. If the owner has three or more blight violations, the penalty is up to a year in jail.” The bills now head to the House for consideration.

Source: *CBS Detroit*; <http://detroit.cbslocal.com>

NEW YORK

A proposed state law, Assembly Bill 5360 and Senate Bill 2384, would reportedly “exempt agricultural facilities from local zoning laws.” Under the proposed state regulations, “any association of farmers may lease their grounds for exhibitions and events” and “provisions of any special or local law or municipal ordinance . . . shall not apply to any exhibition or entertainment” held on the grounds.

Source: *Daily Freeman*; www.dailyfreeman.com

TEXAS

The state Senate approved legislation that “would provide zoning protection to Austin neighborhoods when the state develops its land with public-private partnerships.” One bill would require “the state to submit plans for public-private projects on state land—other than the Capitol complex—to municipal zoning,” allowing for appeal to a seven-member board that includes a majority of state officials.

Source: *American-Statesman*; www.statesman.com

Zoning Bulletin

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Signs—Resort's sign on one lot gives directions to resort registration office on different lot	9
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Preemption—Town's zoning amendment bans hydrofracking for oil, natural gas

Zoning amendment is challenged as being preempted by state statute regulating the oil and gas industries

Citation: *Norse Energy Corp. USA v. Town of Dryden*, 2013 WL 1830800 (N.Y. App. Div. 3d Dep't 2013)

Contributors

Corey E. Burnham-Howard

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NEW YORK (05/02/13)—This case addresses the issue of whether New York’s Oil, Gas and Solution Mining Law (“OGSML”) preempts municipal zoning ordinances banning all activities related to the exploration for, and the production or storage of, natural gas and petroleum.

The Background/Facts: In August 2011, the Town of Dryden (the “Town”) amended its zoning ordinance to “ban all activities related to the exploration for, and the production or storage of, natural gas and petroleum” (the “Zoning Amendment”). The Zoning Amendment occurred in the midst of growing local concern over the proposed use of high volume hydraulic fracturing, commonly known as “hydrofracking,” to recover natural gas from underground shale deposits.

Anschutz Exploration Corporation (“AEC”) was a driller and developer of oil and natural gas wells. AEC owned leases covering approximately 22,200 acres of land in the Town. Following the adoption of the Town’s Zoning Amendment, AEC brought a legal action for declaratory judgment. AEC asked the court to declare that the Town’s Zoning Amendment was invalid on the ground that it was preempted by the OGSML (New York Environmental Conservation Law 23-0301 to 23-2723). AEC pointed to the supersession clause in the OGSML. That clause provides: “[t]he provisions of [the OGSML] shall supersede all local laws or ordinances relating to the regulation of the oil, gas and solution mining industries; but shall not supersede local government jurisdiction over local roads or the rights of local governments under the real property tax law.” (ECL 23-0303[2].)

The supreme court issued summary judgment in favor of the Town. It declared that that the Zoning Amendment was not preempted by the OGSML.

AEC appealed.

DECISION: Affirmed.

The Supreme Court, Appellate Division, Third Department, New York, held that the OGSML does not preempt, either expressly or impliedly, a municipality’s power to enact a local zoning ordinance banning all activities related to the exploration for, and the production or storage of, natural gas and petroleum within its borders.

In so holding, the court explained that local government power to enact zoning laws may be limited by the Legislature’s express or implied intent to preempt such laws. Here, the court found that the OGSML neither expressly nor impliedly preempted the Town’s Zoning Amendment.

Addressing express preemption, the court analyzed the OGSML’s supersession clause. The court found that the supersession clause prohibits municipalities from enacting laws or ordinances “relating to the *regulation* of the oil, gas and solution mining industries” (ECL 23-0303[2]) (emphasis added). The court said that while the Town’s Zoning Amendment would have an incidental effect upon the oil, gas, and solution mining industries, it did not regulate the details or procedure of the oil, gas, and solution mining industries. The court found the Zoning Amendment did not conflict

with the state's interest in establishing uniform procedures of the operational activities of those industries, but simply established permissible and prohibited uses of land within the Town for the purpose of regulation land generally. Thus, the court held that the OGSML supersession clause did not expressly preempt the Town's Zoning Amendment. More generally, the court concluded that the OGSML supersession clause: "does not serve to preempt a municipality's authority to enact a local zoning ordinance prohibiting oil, gas and solution mining or drilling within its borders."

The court also concluded that the Town's Zoning Amendment was not impliedly preempted by the OGSML. The court found that the Zoning Amendment "neither conflict[ed] with the language nor the policy of the OGSML." The court found that the Zoning Amendment dictated in which, if any, districts, drilling could occur, while the OGSML instructed operators as to the proper spacing of well units within those districts in order to prevent waste. The court also found that while the OGSML sought to avoid waste (i.e., inefficient and ineffective drilling operations), that did not equate to an intention to require oil and gas drilling operations to occur in each and every location where such resource is present, regardless of the land uses existing in that locale. "Indeed," noted the court, "the policy of the OGSML explicitly seeks to protect the rights of 'all persons including landowners and the general public'—not just the owners of oil and gas properties, such as petitioner (former Conservation Law § 70; L 1963, ch. 959), a goal which is realized when individual municipalities can determine whether drilling activities are appropriate for their respective communities."

Accordingly, the court concluded that the Town's Zoning Amendment, prohibiting the activity of hydrofracking, did not conflict with the state Legislature's intent via the OGSML to ensure that, where oil or gas drilling occurs, the operations are as efficient and effective as possible.


See also: *Frew Run Gravel Products, Inc. v. Town of Carroll*, 71 N.Y.2d 126, 524 N.Y.S.2d 25, 518 N.E.2d 920 (1987) (similarly holding that New York's Mined Land Reclamation Law did not preempt a town's zoning law which established a zoning district where sand and gravel operations were not a permitted use).

Case Note:

During the pendency of the appeal, AEC assigned its interest in certain oil and gas leases in the Town to Norse Energy Corporation USA ("Norse"). Norse was thereafter substituted in the proceeding.

Case Note:

The Supreme Court did hold as invalid a provision of the Town's Zoning Amendment that invalidated permits issued by other local or state agencies.



Case Note:

In its decision, the court also concluded that Dryden Resources Awareness Coalition ("DRAC")—an association of residents and landowners in the Town—did not have standing to intervene in the matter. The court found that DRAC had failed to demonstrate a substantial interest in the outcome of the action different from other residents of the Town.

Standing—After ZBA grants variance to competitor, supermarket challenges decision

Town argues supermarket lacks standing to appeal because it failed to show proximity or injury


Citation: *Hannaford Bros. Co. v. Town of Bedford*, 2013 WL 1769794 (N.H. 2013)



NEW HAMPSHIRE (04/25/13)—This case addressed the issue of whether a commercial business that operated within four miles of its competitor's proposed site had standing to challenge the grant of a variance to the competitor.

The Background/Facts: Hannaford Brothers Company ("Hannaford") owned and operated a 36,541-square-foot supermarket in a commercial district on Route 101 in the Town of Bedford, New Hampshire (the "Town"). Hannaford's supermarket had been approved in November 2006, shortly after the Town enacted a zoning ordinance amendment restricting the size of any single building in the commercial district to 40,000 square feet (the "Ordinance").

Retail Management and Development, Inc. ("RMD") developed supermarkets for Demoulas Super Markets, Inc. RMD sought to develop a 78,332-square-foot supermarket in the Town's commercial district on Route 114. The site of RMD's proposed supermarket was 3.8 miles from Hannaford's supermarket.



In November 2010, RMD applied to the Town's Zoning Board of Adjustment ("ZBA") for a variance to exceed the Ordinance's 40,000-square-foot restriction. The ZBA granted the variance. In doing so, the ZBA found, among other things, that: the "spirit of the ordinance" was intended to limit the size of buildings on Route 101, but not on Route 114, where RMD sought to build. It also found that: the area on Route 101 where Hannaford's supermarket was located could not support buildings

with a footprint larger than 40,000 square feet due to the limited depth of the commercial zone along Route 101; there was a desire to maintain the "rural character" of the area and to avoid "massing," or visual takeover of the area; and RMD's 17-acre parcel on Route 114 was a "unique piece" of commercially zoned land surrounded by industrial properties.

Hannaford had objected to RMD's variance application. After the ZBA granted the variance, Hannaford sought a rehearing. The ZBA denied the rehearing request, finding that Hannaford was not a "person directly affected" by its decision and, thus, lacked standing (i.e., the legal right) to move for rehearing.

Hannaford appealed.

DECISION: Affirmed.

The Supreme Court of New Hampshire also concluded that Hannaford lacked standing to challenge the ZBA's grant of a variance to RMD.

In so concluding, the court noted that, under New Hampshire statutory law, RSA 677:4, "[a]ny person aggrieved" by an order of a zoning board of adjustment may petition the superior court for review. In other words, if Hannaford was found to be a "person aggrieved," it would have standing to challenge the ZBA's grant of the variance to RMD.

The court explained that a "'person aggrieved' includes any party entitled to request a rehearing under RSA 677:2." Under RSA 677:2, a person entitled to apply for rehearing includes: "any party to the action or proceedings, or any person directly affected thereby." Here, Hannaford was not a "party to the action"; thus, the court considered whether Hannaford was a "person directly affected" by the ZBA's decision. The court looked to whether Hannaford had "some direct, definite interest in the outcome of the [decision to grant the variance]."

The court further explained that whether Hannaford had an interest that was "sufficient to confer standing" required an analysis of the following factors: (1) the proximity of Hannaford's property to RMD's site; (2) the type of change proposed; (3) the immediacy of the injury claimed; (4) Hannaford's participation in the administrative hearings; and (5) "any other relevant factors" bearing on whether Hannaford had a direct, definite interest in the variance request.

Here, the court found that: (1) because Hannaford's supermarket was located 3.8 miles away from RMD's development site, it lacked proximity; (2) the type of change proposed by RMD was substantial; (3) Hannaford failed to allege any concrete injury to its particular property; (4) Hannaford did actively participate in the ZBA's hearing; and (5) Hannaford failed to show how the ZBA's decision had directly and specifically affected its own rights.

In regard to the third factor, Hannaford had argued that ZBA's comparison of Hannaford's location in the district to RMD's proposed location established sufficient injury to confer standing. The court rejected this argument. The court pointed out that the ZBA's comparison of the two

properties was made under its required examination of the character of the locality in determining whether the variance would be consistent with the “spirit of the ordinance.” The court also noted that the statutory mandate limits standing to persons “directly affected” by the ZBA’s decision (See RSA 677:2,;4). It also found that Hannaford’s “generalized interest” in the outcome of the ZBA’s proceeding was insufficient.

Hannaford had also argued that it suffered a “direct injury” because the ZBA’s decision allowed for “unfair or illegal” competition—caused by the ZBA’s grant to RMD of a variance from a “generally-applicable” zoning ordinance. The court noted that, in effect, Hannaford was arguing that any business should be permitted to challenge the validity of any ZBA decision to grant a variance to a competitor. The court rejected such a standard, saying that the “appeal of a ZBA decision is not a weapon to be used to stifle business competition.”

In conclusion, the court held that, although the second and fourth factors weighed in favor of standing, because Hannaford lacked proximity and failed to allege any concrete injury to its particular property as a result of the ZBA’s determination, the factors, on balance, did not support Hannaford’s standing to appeal.

See also: *Weeks Restaurant Corp. v. City of Dover*, 119 N.H. 541, 404 A.2d 294 (1979).

See also: *Nautilus of Exeter, Inc. v. Town of Exeter*, 139 N.H. 450, 656 A.2d 407 (1995).

First Amendment—City zoning ordinances restrict location options for adult entertainment businesses

Prospective adult club owner argues insufficient available sites remain in violation of the First Amendment

Citation: *Lund v. City of Fall River, MA*, 2013 WL 1731263 (1st Cir. 2013)

The First Circuit has jurisdiction over Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island.

FIRST CIRCUIT (MASSACHUSETTS) (04/22/13)—This case addressed the issue of whether city ordinances restricting the location of adult entertainment businesses provided reasonable alternative avenues of communication so as to withstand a First Amendment challenge.

The Background/Facts: Gary Lund (“Lund”) sought to open an adult entertainment business—“Club Martinique”—at a location in an Industrial

District in the City of Fall River (the "City") (the "Site"). Under the City's zoning ordinance, adult entertainment providers had to obtain a "special permit." The special permit would only be granted to applications that met a variety of zoning conditions.

Lund applied to the City for a special permit. The City denied his application because: (1) the proposal would have violated City Zoning Ordinance § 86-88, which placed requirements on parking spaces and landscaping; and (2) the proposed site was within an Industrial District and § 86-201 ordinance forbid adult entertainment on a site within an Industrial District.

Lund appealed to the Zoning Board of Appeals (the "ZBA") for a variance from the ordinances. The ZBA denied Lund's variance request.

Lund appealed to court. He alleged that the City's ordinances—§§ 86-88 and 86-201—violated the First Amendment of the United States Constitution (i.e., freedom of speech) because they denied him "a reasonable opportunity and accommodation to open, and operate within the City, an adult entertainment club."

The district court found that 28.53 (0.24%) of the City's developable acres, on eight separate sites, were available as adult entertainment venues. The court held that this provided Lund with reasonable room to exercise his protected expressive right. As such, the court concluded that the ordinances did not violate the First Amendment. The court entered judgment for the City.

Lund appealed.

DECISION: Affirmed.

The United States Court of Appeals, First Circuit, held that the City ordinances did not violate the First Amendment.

The court explained that, as time, place and manner regulations, the ordinances would survive the First Amendment challenge if they were found to be: (1) content neutral; (2) advanced a substantial governmental interest; and (3) left reasonable means of commercial adult activity as an alternative to their restrictions.

Lund had conceded that the ordinances were content neutral and that the City's interest was substantial. So the court looked at whether the land available in the City for adult entertainment business use (i.e., that land which complied with the zoning ordinances) allowed for "reasonable alternative avenues of communication." More specifically, the court looked to "multiple factors," including: "the percentage of acreage within the zone [for adult business use] compared [with] the acreage available to commercial enterprises" and "[t]he number of sites available to adult entertainment businesses."

Lund had contended that the district court had erred in finding there was 28.53 acres on eight sites "available" for adult entertainment. He argued that the sites that had long-term leases or required costly redevelopment should have been excluded from that tally of "available" sites, thus greatly

diminishing the quantity of land “available.” The First Circuit court disagreed. It said that it could look only at the restrictions imposed by the ordinances, not to the market effects of other people’s commerce or the economics of site clearance. Whether it would make sense for Lund to finance a costly redevelopment or to pay what current tenants would demand to break their leases were simply private business considerations; not facts subject to constitutional analysis. In other words, the fact that Lund had to fend for himself in the real estate market, on an equal footing with other prospective purchasers and lessees, did not give rise to a First Amendment violation, said the court.

The court concluded that, although only 0.24% of the City’s developable acres, on eight separate sites, remained a possible option for Lund’s adult entertainment business, those options provided Lund with a “reasonable means of commercial adult activity as an alternative to [the zoning ordinances’] restrictions.” Accordingly, the court concluded that the ordinances did not violate the First Amendment.

See also: *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 106 S. Ct. 925, 89 L. Ed. 2d 29, 12 Media L. Rep. (BNA) 1721 (1986).

See also: *D.H.L. Associates, Inc. v. O’Gorman*, 199 F.3d 50 (1st Cir. 1999).

Case Note:

In evaluating the percentage of available land in the City for adult entertainment businesses, the district court had “rested on explicit consideration of the City’s urban nature, and the City’s larger land mass.”

Signs—Resort’s sign on one lot gives directions to resort registration office on different lot

Town Selectboard contends sign violates ordinance prohibiting off-premises signs

Citation: *Town of Bartlett Bd. of Selectmen v. Town of Bartlett Zoning Bd. of Adjustment*, 2013 WL 1497323 (N.H. 2013)

NEW HAMPSHIRE (04/12/13)—This case addressed the issue of whether a resort’s sign on one lot giving directions to a registration office located on a different lot -with both lots geographically located at the resort’s place of business—was permitted under a town’s zoning ordinance prohibiting off-premise signs.

The Background/Facts: River Run Company, Inc. (“River Run”)

maintained vacation ownership units at Attitash Mountain Village, a resort in Bartlett, New Hampshire (the "Town"). In September 2009, River Run applied to the Town's Board of Selectmen (the "Selectboard") for a permit to place a sign on Route 302, advertising, "The Suites at Attitash Mountain Village." The Selectboard approved River Run's application. River Run then erected the sign at the westerly entrance to the resort area. At some point, an additional, smaller sign was affixed underneath the approved sign. The additional sign read: "REGISTRATION .3 MILES BACK ON LEFT." The sign referred to the registration office where patrons registered for Attitash Mountain Village. The office was located on a lot within Attitash Mountain Village, separate from the lot on which the sign was located.

Thereafter, the Selectboard informed River Run that the additional sign violated the Town's Zoning Ordinance (the "Ordinance"). The Selectboard contended that the sign violated: Article XVI, section A-10 of the ordinance, which prohibited the erection of an outdoor sign "on any premises other than on the premises where the activity to which the sign pertains is located"; and Article XVI, Section D, which prohibited off-premise signs "in all districts except as provided elsewhere in [the] Ordinance." The Selectboard reasoned that because the sign advertised the registration office which was not on the property where the sign was, the sign was considered an off premise sign and therefore not permitted.

River Run appealed to the Town's Zoning Board of Adjustment (the "ZBA"). The ZBA determined "that the sign served as a directional sign for patrons," and thus, pursuant to another section of the Ordinance, was exempt from the provisions of the Ordinance prohibiting off-premise signs.

The Selectboard moved for rehearing. The ZBA denied the Selectboard's rehearing request.

The Selectboard then appealed to superior court. On appeal, among other things, it argued that River Run's sign was not exempt as a directional sign.

The trial court ruled that the sign was not an off-premises sign. The court found that the term "premises" in the Ordinance could be interpreted to mean more than a single lot of land, and could mean multiple lots under the same ownership.

The Selectboard appealed. It argued that the term "premises" referred more accurately to a single lot of land. Again, it maintained that the sign advertised the registration office which was not on the same lot as the sign, and therefore the sign was considered an off premise sign and not permitted under the Ordinance.

DECISION: Affirmed.

The Supreme Court of New Hampshire held that the sign was not an off-premises sign and therefore was permitted under the Town's Ordinance.

In so concluding, the court looked to the ordinary and plain meaning of the language of the Ordinance. Finding the Ordinance did not define

“premises,” it then looked “to the common and approved usage of” the word. The court found that *Black’s Law Dictionary* defined “premises,” in relevant part, as “[a] house or building, along with its grounds.” It found that *Webster’s Third New International Dictionary* defined “premises,” in pertinent part, as “a specified piece or tract of land with the structures on it” or “the place of business of an enterprise or institution.”

Based on those definitions, the court concluded that the word “premises” in this case included the buildings and grounds associated with the place of business of Attitash Mountain Village—namely, vacation ownership units, including its registration office—regardless of whether the buildings and grounds were located on separate lots. Thus, here, although the sign and the registration office were on different lots, both were geographically located at the place of business of Attitash Mountain Village and, therefore, were on the same “premises.” Accordingly, the sign was not a prohibited off premises sign.

Addressing the Selectboard’s argument that “premises” more accurately referred to a single lot of land, the court reasoned that, had it been the intent of the drafters of the Ordinance to interpret the word “premises” as a single lot of land, they could have done so by using the word “lot.”

See also: *State v. Thiel*, 160 N.H. 462, 999 A.2d 367 (2010).

See also: *General Linen Services, Inc. v. Franconia Inv. Associates, L.P.*, 150 N.H. 595, 842 A.2d 105 (2004).

Case Note:

The Selectboard had voiced concern that interpreting the word “premises” to mean the buildings and grounds associated with the place of business would lead to a proliferation of business signs in the Town. The court disagreed. It found such interpretation merely allowed for the placement of outdoor signs on the premises of the business. The court did not read the word “premises” so broadly as to refer to multiple businesses located throughout Bartlett which happen to be operated by a single owner. Thus, while River Run also owned several other businesses at different properties, it could not place signs related to one business on the property of another business.

Zoning News from Around the Nation

CALIFORNIA

The California Supreme Court has determined that “local jurisdictions can ban marijuana operations.” The court held that the state’s Compassionate Use Act (CUA) and Medical Marijuana Program (MMP) did not

“override the zoning, licensing, and police powers of local jurisdictions,” or “mandate local accommodation of medical marijuana cooperatives, collectives, or dispensaries.” Meanwhile, the state Legislature is considering pending medical marijuana regulatory bills, including SB 439 and AB 473. (Look for a summary of this court decision in the next Bulletin.)

- Source: *Beverly Hills Patch*; <http://beverlyhills.patch.com>

ILLINOIS

In St. Clair County, property owners “now face hefty fines unless they remove graffiti etched or painted on buildings and fences within five to 14 days of notice from county inspectors.” Newly revised legislation recently approved by the County Board allows the county to fine property owners between \$75 to \$750 for each day the graffiti is not removed. Reportedly, the change in the ordinance is an effort to eliminate gang graffiti.

Source: *Belleville News Democrat*; www.bnd.com

MASSACHUSETTS

Massachusetts public health officials have approved regulations for the use of medical marijuana. The Commonwealth’s Department of Public Health “approved regulations to govern the 35 dispensaries to be licensed around the state and allow patients, with cancer, Parkinson’s or other debilitating conditions determined by a doctor, to receive medical marijuana. Under the rules, patients approved for medical marijuana can receive up to 10 ounces as a 60-day supply, though some acutely ill patients could receive more with permission from their doctor.” The new rules officially go into effect on May 24. Still, dispensaries may not be operable for some time. “While Attorney General Martha Coakley has ruled that towns cannot explicitly bar medical marijuana treatment centers from being established within their borders, they can impose zoning restrictions on the dispensaries, which may create obstacles for operators looking to establish a facility.” Also, many area towns have placed moratoriums on the operation of dispensaries.

Source: *Milford Daily News*; www.milforddailynews.com

NORTH CAROLINA

Under a bill that has passed the state House, the town of Weaverville would “lose the ability to enforce its zoning rules in an area up to a mile from town limits.” Reportedly, the bill would also end the practice of nontown residents serving on two Weaverville zoning boards.

Source: *Black Mountain News*; www.blackmountainnews.com

Zoning Bulletin

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Preemption—City Zoning Ordinances Ban Facilities That Distribute Medical Marijuana

Medical marijuana dispensary says ban is invalid as preempted by state statutes

Citation: *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 2013 WL 1859214 (Cal. 2013)

CALIFORNIA (05/06/13)—This case addressed the issue of whether

Contributors

Gorey E. Burnham-Howard

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California's medical marijuana statutes preempt a local ban on facilities that distribute medical marijuana.

The Background/Facts: Since 2009, Inland Empire Patients Health and Wellness Center, Inc. ("Inland Empire") operated a medical marijuana distribution facility in the City of Riverside, California (the "City"). In January 2009, the planning division of the City's Community Development Department sent a written notice to the lessee of the property (the "Property") on which Inland Empire's facility was located, Lanny Swerdlow ("Swerdlow"). That notice explained that the City's zoning ordinances (the "RMC" or the "ordinances") banned medical marijuana dispensaries, medical marijuana collectives, and medical marijuana cooperatives. The RMC further provided that violation of the ordinances was a public nuisance which may be abated by the City.

In May 2010, the City filed a complaint in court against: Inland Empire; Swerdlow; the owners and lessors of the Property; the Property mortgagor; the Property management service provider; a medical clinic immediately adjacent to Inland Empire's medical marijuana distribution facility; and a board member and manager of Inland Empire (hereinafter, collectively, the "Dispensary"). The City asked the court for a preliminary injunction against operation of Inland Empire's facility. The trial court granted the preliminary injunction. It prohibited the Dispensary and all persons associated with them from using, or allowing use of, the Property to conduct "any activities or operations related to the distribution of marijuana."

The Dispensary appealed. Challenging the injunction, the Dispensary argued that the City's total ban on facilities that cultivate and distribute medical marijuana in compliance with California's Compassionate Use Act (the "CUA") (Health & Saf. Code, § 11362.5) and Medical Marijuana Program (the "MMP") (Health & Saf. Code §§ 11362.7 to 11362.9) was invalid. Among other things, the CUA and the MMP exempt the "collective[] or cooperative[] cultiva[tion]" of medical marijuana by qualified patients and their designated caregivers from prosecution or abatement under specified state criminal and nuisance laws that would otherwise prohibit those activities. The Dispensary maintained that the City's ordinances banning medical marijuana dispensaries were in conflict with, and were thus preempted by, the CUA and MMP.

The Court of Appeals disagreed with the Dispensary. It found that the City's zoning ordinances banning medical marijuana dispensaries did not duplicate or contradict the state statutes concerning medical marijuana, and that they did not invade a field expressly or impliedly occupied by those laws. The Court of Appeals affirmed the trial court's grant of the preliminary injunction.

The Dispensary again appealed.

DECISION: Affirmed.

The Supreme Court of California held that the CUA and MMP did not expressly or impliedly preempt the City's zoning provisions declaring a medical marijuana dispensary to be a prohibited use and a public nuisance anywhere in the City limits.

The court explained that the City zoning ordinances would only be preempted by the CUA and MMP, and thus void, if the zoning ordinances conflicted with the CUA and MMP by: (a) being duplicative (i.e., coextensive therewith); (b) being contradictory (i.e., inimical thereto); or (c) entering an area that was "fully occupied" by the CUA and MMP.

The court found none of those bases for preemption existed here. Rather, the court found that the CUA and the MMP were "limited in scope": "They merely declare that the conduct they describe cannot lead to arrest or conviction, or be abated as a nuisance, as violations of enumerated provisions of the Health and Safety Code. Nothing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land, including the authority to provide that facilities for the distribution of medical marijuana will not be permitted to operate within its borders," found the court.

More specifically, the court found that neither the CUA nor the MMP expressly preempted local zoning laws. The court noted that the CUA "makes no mention of medical marijuana cooperatives, collectives, or dispensaries." It merely provides that state laws against the possession and cultivation of marijuana shall not apply to certain persons; it creates no "broad right to use [medical] marijuana without hindrance or inconvenience." The court found that while the MMP does address collectives and cooperatives, it similarly: is narrow—specifying only that qualified persons are exempt from prosecution and conviction under enumerated state antimarijuana laws; and creates no "broad right" of access to medical marijuana "without hindrance or inconvenience." "No provision of the MMP explicitly guarantees the availability of locations where such activities may occur, restricts the broad authority traditionally possessed by local jurisdictions to regulate zoning and land use planning within their borders, or requires local zoning and licensing laws to accommodate the cooperative or collective cultivation and distribution of medical marijuana," found the court.

Under those same considerations, the court also found that neither the CUA nor the MMP impliedly preempted the City's zoning ordinances banning medical marijuana dispensaries: "Neither the CUA nor the MMP requires the cooperative or collective cultivation and distribution of medical marijuana that [the City's] ordinance deems a

prohibited use of property within the city's boundaries. Conversely, [the City's] ordinance requires no conduct that is forbidden by the state statutes. Persons who refrain from operating medical marijuana facilities in [the City] are in compliance with both the local and state enactments."

Finally, the court found no attempt by the Legislature to fully occupy the field of medical marijuana regulation as a matter of statewide concern. On the contrary, the court found that the CUA and MMP took only modest steps to exempt particular medical marijuana activities from state laws that would otherwise prohibit them; they offered "no comprehensive scheme or system for authorizing, controlling, or regulating the processing and distribution of marijuana for medical purposes, such that no room remains for local action."

The court affirmed the grant of the preliminary injunction, prohibiting the Dispensary and all persons associated with them, from using, or allowing use of, the Property to conduct "any activities or operations related to the distribution of marijuana."

See also: *City of Claremont v. Kruse*, 177 Cal. App. 4th 1153, 100 Cal. Rptr. 3d 1 (2d Dist. 2009).

See also: *Ross v. RagingWire Telecommunications, Inc.*, 42 Cal. 4th 920, 70 Cal. Rptr. 3d 382, 174 P.3d 200, 20 A.D. Cas. (BNA) 223, 155 Lab. Cas. (CCH) P 60553, 57 A.L.R.6th 727 (2008).

See also: *People v. Mentch*, 45 Cal. 4th 274, 85 Cal. Rptr. 3d 480, 195 P.3d 1061, 50 A.L.R.6th 673 (2008), as modified, (Dec. 17, 2008).

See also: *County of Los Angeles v. Hill*, 192 Cal. App. 4th 861, 121 Cal. Rptr. 3d 722 (2d Dist. 2011), review denied, (May 11, 2011).

Case Note:

In its discussion, the court made clear that the CUA and MMP did not "authorize" [medical marijuana dispensaries], to the exclusion of local bans, simply by exempting those activities from otherwise applicable state prohibitions. The Dispensary had urged that by exempting the collective or cooperative cultivation of medical marijuana by qualified patients and their designated caregivers from treatment as a nuisance under the state's drug abatement laws, the MMP barred local jurisdictions from adopting and enforcing ordinances that treated those very same activities as nuisances subject to abatement. The court, however, disagreed. It noted that "[n]uisance law is not defined exclusively by what the state makes subject to, or exempt from, its own nuisance statutes. Unless exercised in clear conflict with general law, a city's or county's inherent, constitutionally recognized power to determine the appropriate use of land within its borders allows it to define nuisances for local purposes, and to seek abatement of such nuisances." Here,

while the MMP signaled that the state would not regard medical marijuana collectives or cooperatives as nuisances or criminal violations, “the MMP’s limited provisions neither expressly or impliedly restrict or preempt the authority of individual local jurisdictions to choose otherwise for local reasons, and to prohibit collective or cooperative medical marijuana activities within their own borders. A local jurisdiction may do so by declaring such conduct on local land to be a nuisance, and by providing means for its abatement.”

Nonconforming Uses—Bar Owner Says Operation of Floating Bar on State-owned Lake is Outside of City’s Zoning Authority

City says use of property as ingress, egress, parking, and related bathroom use for patrons of bar is outside the nonconforming marina use

Citation: *City of Okoboji v. Parks*, 2013 WL 1785992 (Iowa 2013)

IOWA (04/26/13)—This case addressed the issue of whether a city can enjoin from operation uses on property within its geographic boundaries that support activities outside its geographic boundaries, as inconsistent with a preexisting nonconforming use.

The Background/Facts: Historically, two marinas were located on the lakeshore of West Lake Okoboji. In 1972, the City of Okoboji (the “City”) enacted a zoning ordinance, which zoned the properties where the marinas were located as “lakeshore residential.” In that zone, the only permitted principal use permitted was single-family dwellings. The City zoning ordinance further prohibited the use of property in a lakeshore residential zone as an entry point for commercial access.

In 1973, the two marinas received special-use permits that grandfathered in their then-existing operations as nonconforming uses under the ordinance. In 1975, the two marinas merged into a single marina known as Okoboji Boat Works.

In 2001, Leo Parks, Jr. (“Parks”) purchased Okoboji Boat Works. Parks sought to build a bar on the marina property that would serve on-

site liquor. The City denied Parks' request for a commercial liquor license. The City said such a use represented an unpermitted, substantial change in the nature and character of the use permitted under the special use permit.

Eventually, the City obtained in court a permanent injunction against use of the property as a bar. The court agreed with the city that such an activity illegally changed the nature and character of the nonconforming use. As a result, the court held that a bar could not be an accessory use to the operation of the marina.

Undeterred, Parks sought to operate a bar on an excursion boat—a 30-by-40-foot structure on pontoons—on the lake bed. The lake bed was under the State of Iowa's jurisdiction. Parks obtained a liquor license from the State and began operating the "Fish House Lounge" on the excursion boat.

The City again brought an action in court, asking the court to prohibit operation of the Fish House Lounge.

Parks argued that the City had no zoning authority over the land beneath the mean high water mark of the lake and the lake bed because it was within the State's jurisdiction.

The City argued it only sought to regulate the use of the real property on the upland estate that supported activities occurring on the Fish House Lounge, including: ingress, egress, parking, and restroom facilities. The City maintained that those uses were outside the nonconforming use of marina operations and could not be considered permitted accessory uses.

The district court entered an injunction prohibiting Parks from: (1) "using the upland property to provide access to or from, provide parking for persons seeking access to or from, or provide supporting services including bathroom facilities to patrons of . . . [the Fish House Lounge], while [it was] moored . . . [to the dock on the premises]"; and (2) from "[operating a bar] [on any boat] . . . moored or attached to the premises or . . . to a dock extending from said premises."

Parks appealed.

DECISION: Affirmed as modified.

The Supreme Court of Iowa held that the City had shown a use of the property that exceeded the scope of the prior nonconforming use allowed under the special-use permits.

The court found that, although Parks had moved the bar over the lake bed—and out of the City's jurisdiction—the fact remained that Parks proposed to use real property within the City limits to support an expansion of activities associated with the marina—a floating bar—by providing ingress, egress, parking, and restroom facilities. The court held that the use of the upland for access or as an accessory use in

contravention of zoning regulations to support activities on lands lying underwater amounted to a zoning violation.

The court concluded that: “[t]he use of the property for ingress and egress, for restroom facilities, and for parking to a floating bar moored at the marina” were not accessory uses to the valid, nonconforming use of the marina. The court also found that those uses of the upland real estate were also in violation of portions of the City’s zoning ordinance, which prohibited such lakeshore lots from being used for access to commercial activities. Also, the court concluded that the City had met its burden of showing the need for injunctive relief.

See also: *City of Okoboji, Iowa v. Okoboji Barz, Inc.*, 717 N.W.2d 310 (Iowa 2006).

Case Note:

The court disagreed with the district court in one respect. The court concluded that the injunction should not enjoin the provision of or sale of liquor on boats when moored at the docks as compared to those moored directly to the shoreline. This distinction, however, made little difference, as the City showed entitlement to an injunction that prohibited Parks from using the upland to provide ingress, egress, parking, or restroom facilities to patrons of boats selling alcohol or engaging in bar-type activities while docked at the marina.

Preemption/Constitutional Validity— County Ordinance Limits Location, Number of Plants of Medical Marijuana Collectives

Medical marijuana collective challenges ordinance as invalid in conflict with state law and unconstitutional in violation of equal protection

Citation: *County of Tulare v. Nunes*, 215 Cal. App. 4th 1188, 155 Cal. Rptr. 3d 781 (5th Dist. 2013)

CALIFORNIA (04/29/13)—Among other things, this case addressed the issue of whether a municipal ordinance restricting the total number of medical marijuana plants in any medical marijuana collective

“MMC”) conflicts with California’s Compassionate Use Act (“CUA”) or Medical Marijuana Program Act (“MMP”). It also addressed the issue of whether an ordinance restricting MMC’s to commercial and manufacturing zones violates the equal protection clause of the California Constitution.

The Background/Facts: The County of Tulare (the “County”) restricted the location of medical marijuana collectives and cooperatives (“MMC’s”) to commercial and manufacturing zones, pursuant to § 15.3 of the County zoning ordinance (the “Ordinance”). Jeffrey Nunes, Jr. and Foothill Growers Association, Inc. (collectively, the “Collective”) operated an MMC in an agricultural zone in the County. The County brought an action for injunctive relief. It sought to require the Collective to discontinue the nonconforming use of the property. It argued that the Collective’s use of the property violated the Ordinance and also, based on that violation, was a public nuisance.

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the trial court issued summary judgment in favor of the County. The court issued an injunction prohibiting the Collective from operating an MMC at that location in violation of the zoning ordinance.

The Collective appealed. They argued that the Ordinance was invalid and unenforceable because: (1) it conflicted with the CUA and the MMP; and (2) it was unconstitutional in violation of the equal protection clause of the California Constitution.

Among other things, the CUA (Health & Saf. Code, § 11362.5) and the MMP (Health & Saf. Code, §§ 11362.7 to 11362.9) exempt the collective or cooperative cultivation of medical marijuana by qualified patients and their designated caregivers from prosecution or abatement under specified state criminal and nuisance laws that would otherwise prohibit those activities.

The equal protection clause of the California Constitution provides that “persons similarly situated with respect to the legitimate purpose of the law receive like treatment.” (See Cal. Const., art. I, § 7.)

The Collective argued, among other things, that the Ordinance’s restriction of the total number of marijuana plants in any MMC to 99 was contrary to, and therefore preempted by, the CUA and MMP. Also, the Collective argued that the Ordinance violated the equal protection clause of the California Constitution because it treated MMC’s unequally from individuals who grow medical marijuana—singling out MMC’s for special zoning restrictions (as to location).

DECISION: Affirmed.

The Court of Appeal, Fifth District, California, held that the Ordinance’s restriction of the total number of marijuana plants in any

MMC to 99 did not conflict with the CUA or the MMP. The court found that since the CUA is narrow in scope, merely provides a defense to certain crimes, and does not provide for collectives or cooperatives, the Ordinance's quantity limitation applicable to MMC's did not conflict with the CUA. The court also found that the Ordinance's quantity limitation did not conflict with a provision of the MMP (§ 11362.77) that outlined amounts of medical marijuana that qualified patients and caregivers could possess. The MMP provision was not a guarantee but merely an outer limit on possession amounts without prosecution, said the court.

The Court of Appeal also held that the Ordinance did not violate the equal protection clause of the California Constitution. The court acknowledged that the Ordinance did single out MMC's for special zoning restrictions (as to location). However, the court also found that it did not appear that MMC's were similarly situated to individuals for purposes of the Ordinance. Moreover, the court found the different treatment of MMC's bore a rational relationship to legitimate government interests: Since an MMC would involve a number of individuals associating, cooperating, or operating together, there would be an increased likelihood of a higher concentration of plants in cultivation and/or a greater quantity of medical marijuana present in one place. As such, found the court, it would be "reasonable for the County to assume that MMC's would tend to increase the risk factors of such a land use above that of individual cultivation."

See also: *People v. Kelly*, 47 Cal. 4th 1008, 103 Cal. Rptr. 3d 733, 222 P.3d 186 (2010).

Case Note:

The Collective had also argued that the Ordinance conflicted with the MMP because the Ordinance defined MMC's and the MMP did not. The court found no conflict, and determined that the Ordinance merely gave the "collective" and "cooperative" concepts reasonable specification and parameters.

Case Note:

The Collective had also argued that, since one of the objectives of the MMP was greater uniformity in applying the CUA in each county, the Legislature could not have intended that medical marijuana collectives, cooperatives, or dispensaries would be regulated or restricted by local zoning laws such as the County's Ordinance. The court here disagreed. It noted that the Legislature has rejected that proposition in the recent amendments to the MMP, which clarified that a city or other local governing body may "[a]dopt[] local ordinances that regulate the location, operation, or establishment of a medical

marijuana cooperative or collective." (§ 11362.83, subd. (a); see also, § 11362.768, subds. (f), (g).) It also agreed with "the analyses and conclusions of other Courts of Appeal that have held that local governing bodies may, under their traditional police powers, regulate medical marijuana land uses by means of local zoning ordinances and other regulations." (See also *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 2013 WL 1859214 (Cal. 2013), highlighted in this Bulletin.)

Zoning News from Around the Nation

MASSACHUSETTS

Lawmakers have recently introduced a bill "that for the first time in 37 years would update the state law that governs municipal zoning, subdivision control, and planning." Proponents of the proposed update to the Massachusetts enabling law (established in 1975) say that a "contemporary law to deal with modern circumstances" is needed. Among other things, the bill—"An Act Promoting the Planning and Development of Sustainable Communities"—would reportedly:

- abolish a law that allows subdivisions to be built with no planning board review or approval if the proposed homes front an existing road;
- allow a community to require only a simple majority vote to change a zoning law;
- authorize "inclusionary zoning," providing more affordable homes in exchange for more homes to be built on a lot than permitted under zoning;
- allow a majority vote on a zoning or planning board in order to issue a special permit;
- approve impact fees for a community to recoup some of the capital costs for private developments;
- create an alternative process to resolve disputes among applicants, municipal officials and the public with a "neutral facilitator";
- overhaul the current law on issuing variances from zoning ordinances or bylaws;
- create the option of consolidated permitting for projects;
- update the elements of a master plan to include five requirements: goals and objectives, housing, natural resources and energy, land use and zoning, and putting the plan into effect;

- allow local regulations to require dedicating up to 5% of subdivision land for park or playground use by residents; and
- provide additional tools and incentives to communities that vote to “opt-in” on a state strategy called “planning ahead for growth.”

Source: *The Republican*; <http://www.masslive.com>

NEW YORK

The Lansing Town Board unanimously passed an extension to the Town’s moratorium on high impact commercial and industrial activities. The moratorium is intended “to protect the town against the threat of hydrofracking while the town updates ordinances and plans to offer permanent protection against potential environmental and road damage to town property.” The new law extends the moratorium for another year.

Source: *The Lansing Star*; www.lansingstar.com

NORTH CAROLINA

Bills (Senate Bill 287 and House Bill 504) pending before the State General Assembly “would enable certain towns and counties, as well as the state Department of Environment and Natural Resources, to only have to advertise their public meetings on their websites, dropping the requirement that they publish meeting notices in newspapers.”

Source: *Carteret County News-Times*; <http://www.carolinacoastonline.com>

ZONING PRACTICE

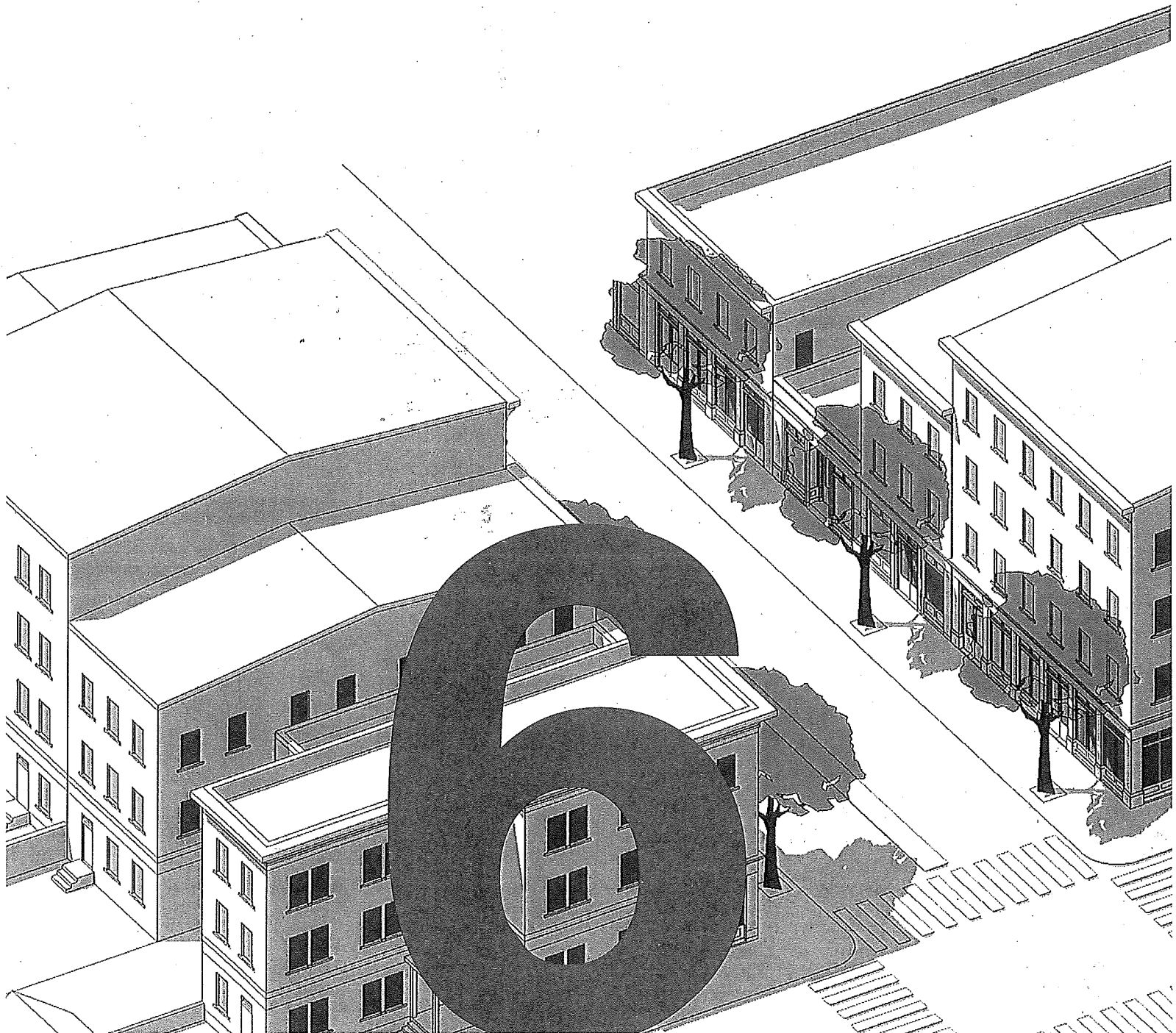
JUNE 2013



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 6

PRACTICE FORM-BASED ZONING



Avoiding Common Form-Based Code Mistakes, Part 2

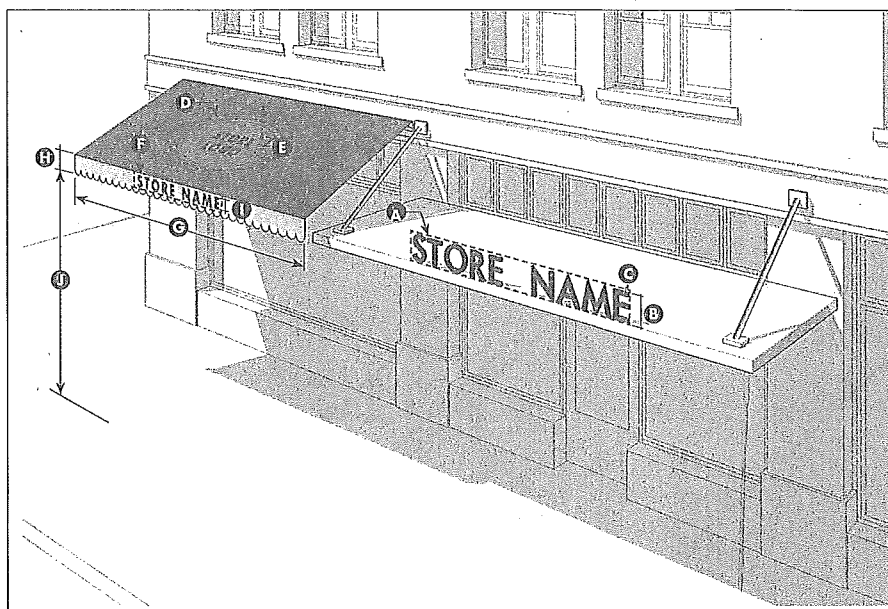
By Daniel Parolek

This article is the second part of a two-part series intended to arm city planners and code writers with the knowledge to effectively lead, coordinate, or contract out for a form-based coding project.

Part one focused on misconceptions and common mistakes related to the practice of form-based coding. It also reinforced that form-based coding represents a paradigm shift in zoning and should not be thought of as simply a way to refine a Euclidean zoning ordinance. The table included in part one presented a range of different approaches to regulating urban form and introduced terminology to differentiate these approaches. Some of the themes from part one spill over to this issue, such as the discussion about the role of land-use tables within form-based codes (FBCs), the importance of the community character analysis and visioning phases, and the effective use of the urban to rural transect. This issue continues the list of common mistakes to avoid and concludes with a list of tips for creating an effective FBC.

NOT CAREFULLY VETTING ALL DEVELOPMENT STANDARDS

Most standards within Euclidean zoning codes are based on a suburban paradigm of separating and buffering uses. Consequently, these codes include many barriers to creating walkable urban environments and often include provisions that are not relevant, or at least less important, in a walkable urban environment. Therefore it is crucial to evaluate all use-specific and general development standards, including parking, landscaping, lighting, signage, and stormwater standards, from the perspective of whether or not they are applicable to creating or reinforcing walkable urban places. Specific examples of this include landscape buffers, extensive parking lot landscaping standards, lengthy and complicated signage standards, and the convoluted way in which many codes try to define mixed use or live/work.



A. Description		Size (continued)	
Awning Signs. Awnings are a traditional storefront fitting and can be used to protect merchants' wares and keep storefront interiors shaded and cool in hot weather. Retail tenant signs may be painted, screen printed, or appliquéed on the awnings.		Valance	
B. Standards		Sign Area	75% coverage max. (F)
Size		Width	Storefront width, max. (G)
Projecting	1 sq. ft. per linear foot of shopfront, max. (A)	Height	8" min.; 16" max. (H)
Sign Area	16" max. (B)	Lettering Height	8" max. (I)
Lettering Height	6" max. (C)	Location	
Lettering Thickness		Clear Height	8' min. (J)
Sloping Plane		Signs per Awning	1 projecting; or 1 valance and 1 sloping plane max.
Sign Area	25% coverage max. (D)	Miscellaneous	
Lettering Height	18" max. (E)	Only the tenant's store name, logo, and/or address should be applied to the awning. Additional information is prohibited.	
		Open-ended awnings are strongly encouraged.	
		Vinyl or plastic awnings are strongly discouraged.	

➔ Effective form-based codes address and refine all general development standards such as this signage extract from a typical FBC.

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of June to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Daniel Parolek will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice Web pages.

About the Author

Daniel Parolek is coauthor of the first comprehensive book on FBCs, *Form-Based Codes: A Guide for Planners, Urban Designers, Municipalities, and Developers*. He is a founding board member of the Form-Based Codes Institute, and founding principal of Opticos Design, Inc., a California Benefit Corporation. Opticos's recent and current form-based coding work includes a citywide FBC for Cincinnati, Ohio, FBCs for downtown Mesa, Arizona, and three major commercial corridors in Richmond, California, and a SmartCode update for Petaluma, California's SMART Station Area.

NOT REFINING THE USE TABLES

One of the most positive influences FBCs have had on many recent zoning reform efforts, form-based or not, is simplifying and clarifying the approach to use tables. The following are recommendations for use tables within an FBC:

1. Do not pull your existing use tables into your FBC without carefully refining them.
2. Organize your table by clearly defined but generalized use types. This allows the list to be shorter and for staff to determine what general use type category a use fits into.
3. Make sure that you have an administrative use permit level of approval that allows staff to determine if potentially supportive uses are appropriate for a zone.
4. Be sure to consider the size of use as well as the use itself in terms of appropriateness and impact.

For example, along a neighborhood main street, general commercial should be permitted by right up to a certain size, usually around 10,000 square feet. Larger retail uses typically serve a regional market and have greater impacts due to their traffic generation. Therefore, you could permit up to 10,000 square feet by right, allow between 10,001 and 15,000 square feet


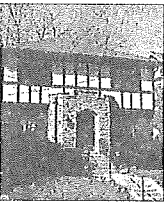

- ➔ Building type standards, when included, are supplemental to building form standards. Typically a range of building types are allowed for each form-based zone, and the building type standards define and regulate characteristics of each permissible building type.

with an administrative use permit, and require a conditional use permit for anything larger.

OVERCOMPLICATING TRANSECT CALIBRATION

As mentioned in part one, not all FBCs are transect based; it is simply one of many different possible organizing principles. But the transect has proven to be an effective tool for site-specific and citywide applications in cities like Miami, Cincinnati, Flagstaff, Arizona, and even small towns like Kingsburg, California. Other cities, like Fresno and Tehachapi, California, used the transect as a foundation but changed the terminology at the request of

the community. When calibrating the transect to make it specific to your community, you should always use the six base transect zones as a starting point and tier subzones off of those bases. If you create more than six base transect zones, you may overcomplicate the coding process. It is likely, especially if you are applying the code city- or countywide, that you will need to create subzones underneath the six base zones. For example, Miami's FBC has seven T-6 Urban Core zones, and Beaufort County, South Carolina, on the more rural side, has an early draft with two T2 zones and three T3 zones.

Building Type	Transect Zones										
 <p>Rowhouse. This Building Type is a small- to medium-sized typically attached structure that consists of 2–8 Rowhouses placed side-by-side. In a feature unique to Cincinnati, this Type may also occasionally be detached with minimal separations between the buildings. This Type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability. Syn: Townhouse</p>	<table border="1"> <tr><td>T3E</td><td>T3N</td></tr> <tr><td>T4N.1</td><td>T4N.2</td></tr> <tr><td>T5MS</td><td>T5N.1</td></tr> <tr><td>T5N.2</td><td>T5F</td></tr> <tr><td>T6C</td><td></td></tr> </table>	T3E	T3N	T4N.1	T4N.2	T5MS	T5N.1	T5N.2	T5F	T6C	
T3E	T3N										
T4N.1	T4N.2										
T5MS	T5N.1										
T5N.2	T5F										
T6C											
 <p>Multi-plex: Small. This Building Type is a medium structure that consists of 3–6 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This Type has the appearance of a medium-sized family home and is appropriately scaled to fit sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<table border="1"> <tr><td>T3E</td><td>T3N</td></tr> <tr><td>T4N.1</td><td>T4N.2</td></tr> <tr><td>T5MS</td><td>T5N.1</td></tr> <tr><td>T5N.2</td><td>T5F</td></tr> <tr><td>T6C</td><td></td></tr> </table>	T3E	T3N	T4N.1	T4N.2	T5MS	T5N.1	T5N.2	T5F	T6C	
T3E	T3N										
T4N.1	T4N.2										
T5MS	T5N.1										
T5N.2	T5F										
T6C											
 <p>Multi-plex: Large. This Building Type is a medium- to large-sized structure that consists of 7–18 side-by-side and/or stacked dwelling units, typically with one shared entry. This Type is appropriately scaled to fit in within medium-density neighborhoods or sparingly within large lot predominantly single-family neighborhoods. This Type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.</p>	<table border="1"> <tr><td>T3E</td><td>T3N</td></tr> <tr><td>T4N.1</td><td>T4N.2</td></tr> <tr><td>T5MS</td><td>T5N.1</td></tr> <tr><td>T5N.2</td><td>T5F</td></tr> <tr><td>T6C</td><td></td></tr> </table>	T3E	T3N	T4N.1	T4N.2	T5MS	T5N.1	T5N.2	T5F	T6C	
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T5MS	T5N.1										
T5N.2	T5F										
T6C											

Opticos Design, Inc.

CONFUSING BUILDING TYPES WITH FORM-BASED ZONE STANDARDS

The most effective FBCs replace use-based zones with form-based zones. The development standards for the form-based zones, often called building form standards, include prescriptive requirements for building location, height, size and massing, and parking location. In addition to defining a maximum development envelope on a lot, building form standards regulate how the buildings relate to one another to create a certain type of place.

In contrast, building types standards, if used in an FBC, are typically supplemental to the zone standards and define a set of allowed building types for each zone (typically more than one building type per zone). Each building type will then typically have type-specific design standards such as minimum size of a courtyard for a courtyard building type. Building types are a great way to articulate the ways that new development can complement an existing pattern to be reinforced or protected. While conventional zoning standards such as density and floor-area ratio (FAR) fail to acknowledge the patterns that make up the physical character of a community, the FBC applies components such as building types to recognize and address this character.

NOT SAYING NO TO PROJECTS THAT DO NOT MEET THE CODE

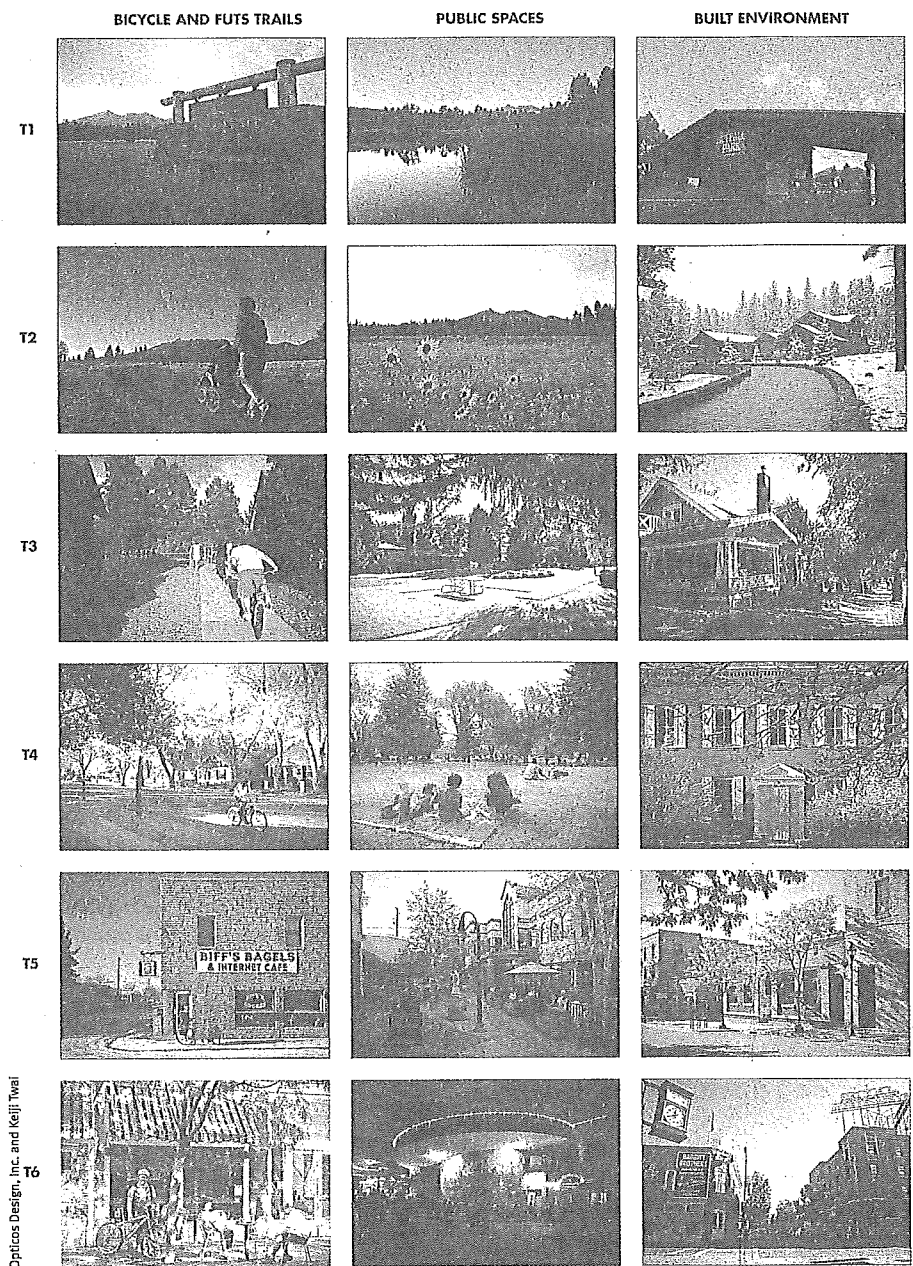
Your FBC can only work if your decision makers support it and use it as intended. Political pressure to compromise may come from a national drugstore or fast-food chain that petitions for an exception to the FBC's standards. Local officials must be willing to say no to projects that do not meet the community's vision and the code's intent. An important aspect of getting to this point is carefully integrating decision makers throughout the visioning process to enable them to have their say, to educate them on the intent, and to ultimately understand the long-term benefits of saying no.

TIPS FOR CREATING AN EFFECTIVE FBC

The final portion of this article focuses on tips for creating an effective FBC and includes guidance to help communities select a knowledgeable consultant.

Conduct a Community-Character Analysis

The most important step in creating an effective FBC is the community-character analysis, which establishes an understanding of a community's



Opticos Design, Inc. and Keiji Twai

➔ Extensive photo documentation of Flagstaff's unique community character informed the FBC effort.

unique DNA and makes it the foundation for the new zoning code. This analysis provides the missing link in zoning back to the unique aspects of a community. This step is also likely the most important differentiator between a conventional approach to zoning and a form-based coding approach. Instead of using the existing regulations as the foundation for the new regulations, the community character analysis enables the FBC to use the local character as the foundation and then compares it to the preexisting regulations to ensure that the code is not downzoning, ignoring

policy direction previously made by the city, or potentially causing other legal issues.

The community character analysis typically includes both macro-scale (citywide) and micro-scale (block, lot, and building) work, involving extensive mapping, photographing, and often measuring specific characteristics of a range of prototypical places within a community. The mapping will typically include transportation networks, building footprints, natural features, public spaces, neighborhood boundaries (ideally based on a quarter-mile walk

radius), existing zoning, and special features, such as topography. The photography helps illustrate specific building, frontage, and public space types as well as other opportunities and issues that will inform the visioning and coding process. Photographs also serve as the basis for poster boards showing the general community character for different types of places within a community. For these reasons, photographs are invaluable to the public-engagement process. For a more detailed explanation, see *Form-Based Codes* (Wiley 2008).

For a site-specific or neighborhood application, the community character analysis will show how the FBC application area relates to its larger context and build an understanding of the kit of parts for the FBC. In a citywide or countywide application this process is invaluable for developing an understanding of the different types of places that exist and developing a hierarchy of place types that should be integrated into comprehensive planning and reinforced by the FBC. An example of this is the rural crossroads place type that was defined for rural Beaufort County, South Carolina, as part of the community character analysis for its FBC.

For all scales of application, this process establishes a foundation for a vision and an FBC that is rooted in the history and culture of place. It is an excellent education tool and enables the coding team to build a level of trust with the community that the FBC will reinforce the unique and desirable aspects of the place.

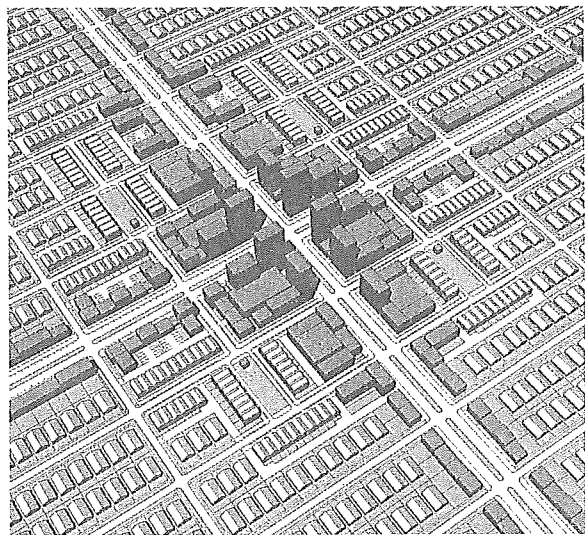
Complete a Visioning Process

FBCs are often described as a zoning tool that can predictably implement a community's vision. But to be effective as a foundation for an FBC, this vision needs to be more than just inspirational photos from other communities, generalized urban design diagrams, or broad policy statements advocating a mix of uses and walkability. A detailed visioning and public engagement process is invaluable to the long-term success of an FBC.

For citywide and other larger codes, there are two different approaches to visioning. The first approach focuses on prototypical design issues and how the code will address them. This does not necessitate a charrette but does include extensive public engagement. Miami's form-based coding team used this approach to visioning in creating Miami 21, a citywide FBC. The second strategy for large-scale visioning involves selecting prototypical priority sites or neighborhoods throughout the city or county,

hosting design charrettes for these sites, and using the resulting case studies to inform how the FBC will be effectively applied to similar types of places throughout the city or county. This approach was used in Livermore and Kingsburg, California; Flagstaff, Arizona; Cincinnati; and Beaufort County, South Carolina.

It is important to clarify that the charrette, as used here, is a multiday process—which is usually a minimum of four days of consistent engagement or four or more days broken into two, two-plus day sessions—involving a multidisciplinary team including an economist, transportation consultant, and other specialists needed to address place-specific issues such as affordable housing or main-street retail programming.



➔ For Miami's FBC, the code team used the visioning process to address appropriate transitions from high-intensity corridors into single-family neighborhoods and used this to inform the code standards and mapping along the corridors.

This information helps the code writers to anticipate and respond to the needs of the emerging plan, and it serves to help participants better understand the implications and features of the expected results. For more information on charrettes see *The Charrette Handbook* (APA Planners Press 2006).

While an FBC is not written during the charrette, it is important to make progress on the code during the charrette. Often, a charrette provides an opportunity to vet the intent of the code, finalize a list of form-based zones, and consider potential allowed uses. Furthermore, a charrette can be useful for fleshing out key dimensional regulations for zones; refining a list of frontage, building, and civic space types along with their descriptions and dimensional regulations; giving an overview of the typical code format; formulating one or more drafts of regulating plans that map form-based zones; outlining a strategy for plugging the FBC into a community's regulatory framework; and

discussing components of the FBC with city staff and other community stakeholders.

Graphically Assess Your Existing Code

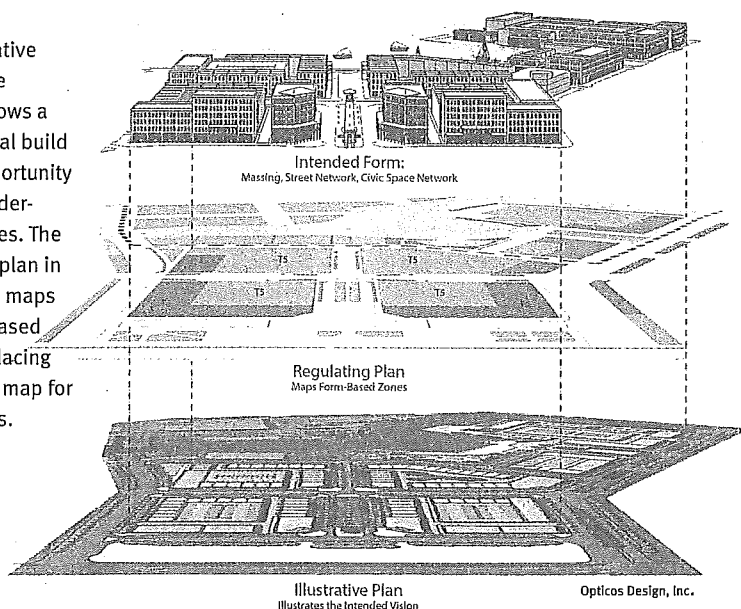
Unpredictable build out under Euclidean zoning codes is one of the primary reasons many communities are looking for alternative zoning approaches like FBCs. The numerical parameters of Euclidean codes, while easy to compare, do not create predictable built results and often preclude walkable, urban development.

To target these issue areas in your existing code your FBC process should use three-dimensional studies to graphically assess each existing zoning district (starting with medium-density residential, then moving on to commercial

districts in neighborhood main street and downtown areas) for two or three typical lot sizes that exist in those zones. This is most important in existing walkable urban areas. The studies should enable you to assess the following:

1. What regulation or set of regulations is the most limiting factor in development? This is typically parking but can also be lot coverage, FAR, setbacks, etc.
2. What regulations are promoting bad development? These may be provisions encouraging lot aggregation and large buildings in a context where smaller buildings are more appropriate, or they may be simple things like allowing parking in the front of houses or not requiring a large enough rear setback for medium-density residential areas.
3. Is your code disincentivizing smaller units? This is typically due to high parking requirements for small units.

➔ The illustrative plan on the bottom shows a hypothetical build out on opportunity sites or under-utilized sites. The regulating plan in the middle maps the form-based zones, replacing the zoning map for these areas.



and a more conventional approach to zoning can be used to regulate drivable suburban areas. Secondly, the community must determine the desired degree of change for each of these areas. This will ultimately help inform the vision process and the goal of the FBC. Ideally, a comprehensive plan also introduces a palette of walkable urban place types and the terminology of community character such as building types, frontage types, and transect zones (if you are going to use that as an organizing principle for your FBC). If a land-use map is required, it is helpful to also include a community character map or set of maps that lay out the desired place-type structure within the community as a supplement to the land-use map.

Rewrite Your Administration and Procedures Provisions

From an administrative perspective, the number one goal for any FBC is a clear path to entitlement for projects that meet the standards. Therefore an FBC process should start by diagramming the existing path—from submittal to approval—for the different types of projects or applications and then work to simplify this path for each type of project within the FBC application area. The public process defined above should enable and allow more administrative review and eliminate the need to publicly scruti-

4. What suburban DNA is inherent in the development standards? For example, when multifamily or commercial buildings get bigger, do the existing standards require a larger setback to “buffer” them from one another (suburban), or do the regulations encourage the buildings to get closer together and to the street (urban)?

Adopt a Comprehensive Plan That Sets the Stage for an FBC

The most important thing to do when writing a comprehensive plan in the context of preparing for an FBC is to designate, differentiate, and map (existing and desired) walkable urban and drivable suburban areas. The form-based coding will be used to regulate the walkable urban areas,

R-3 MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL

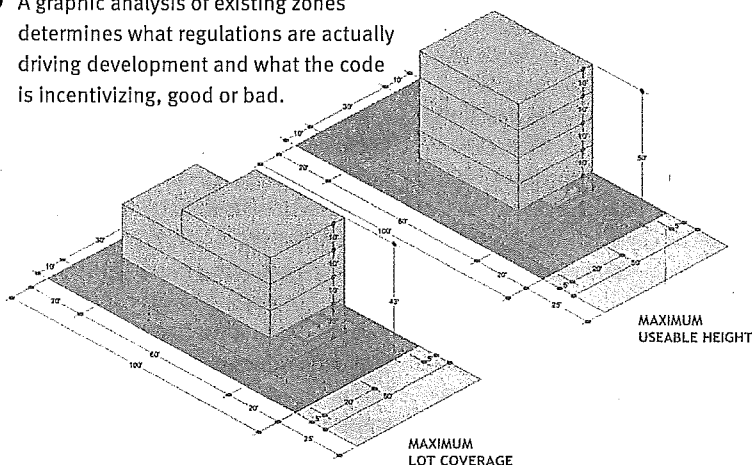
INTENT

- Areas designated as multi-family medium density residential allow single-family, duplex and multifamily structures up to and including low-rise apartment structures. This category allows a maximum density of sixty five (65) units per net acre.
- Allowed within this district, and subject to specific limitations, are supporting services such as places of worship, primary and secondary schools, daycare, community based residential facilities and convenience establishments.

DISTRICT REGULATIONS

LOT AREA (sf)	min	5,000 sf
LOT WIDTH (ft)	min	50 ft
LOT COVERAGE (footprint)	max	0.4 x GLA
FRONTAGE REQUIREMENTS		N/A
FLOOR AREA RATIO - (FAR)	max	0.75 x GLA
GREEN SPACE (open space)	min	0.15 x GLA
DENSITY (units/acre)	max	65 units per net acre
SETBACKS		
• FRONT (ft)	min	20'
• SIDE (ft)	min	10'
• REAR (ft)	min	10' / 20' abutting LDR
PARKING REQUIREMENTS	min	1/1 bd • 2/2&3 bd • 3/4 bd+ • 1/10 du guests
PRINCIPAL BUILDING HEIGHT	max	50 ft
CASE DATA (Standard-Size/ Single-Frontage Lot)		
NET LOT AREA - (NLA)		5,000 sf
GROSS LOT AREA - (GLA)		6,250 sf
FLOOR AREA RATIO - (FAR)		4,687.5 sf
LOT COVERAGE		2,500 sf
BUILDABLE AREA		2,100 sf
GREEN SPACE		937.5 sf
YARDS		
• FRONT (sf)		1,000 sf
• SIDES (sf)		600 sf
• REAR (sf)		500 sf

➔ A graphic analysis of existing zones determines what regulations are actually driving development and what the code is incentivizing, good or bad.



ANALYSIS

- R-3 maintains the minimum lot size for the low density residential districts (R-1 & R-2); FAR increases by 20% and DENSITY increases by 72% while the BUILDABLE AREA decreases by 12.5% due to setback changes.
- It should be noted that there is no category allowing for densities between 18 units per acre and 65 units per acre.
- Based on the assumptions of a 50' PROW and a single frontage lot; the LOT COVERAGE is 2,500 sf which exceeds the BUILDABLE AREA of 2,100 sf. Providing more than 4 dwelling units is difficult due to FAR constraints, this encourages lot aggregation.
- R-3 typically yields an open and paved ground floor with a residential program located in a building elevated “on stilts”. There is no requirement for a habitable liner to screen parking from the street.
- Parking becomes a critical concern in R-3 greatly favoring one bedroom units at the expense of larger units desirable for households numbering 3 or more people. Parking constraints limit the density as multilevel parking is impossible on small lots.

nize every proposed project. In addition, the administration and procedures need to build in the right type of flexibility. Flexibility from the current standards is seen as general relief. Flexibility in a good FBC is seen as topical and always relates to the physical form and character of the vision that's being implemented.

Make FBCs Part of Your Economic Development Strategy

With the growing demand for walkable urban places, urbanism should be an important part

of every community's economic development strategy. In a December 2010 *Planning* magazine article titled "Sarasota's Smart Growth Dividend," Peter Katz and Joe Minicozzi, AICP, discussed the economic benefits of compact urban development compared to sprawl, drawing on research from several cities and counties across the country. For example, according to Minicozzi, suburban-style big-box stores yield about \$51,000 in tax revenue per acre to the city of Asheville, North Carolina, while an average six-story mixed use building in

downtown pays more than \$250,000 in taxes per acre to the city. A form-based code is the ideal zoning tool to promote compact, urban development.

Conclusion

Form-based coding is a paradigm shift in zoning to create more walkable, sustainable places. Don't be intimidated. Start small, and let the application of FBCs grow. Be sure not to hesitate to bring in assistance because form-based coding requires a new skill set.

TIPS FOR SELECTING A FORM-BASED CODE CONSULTANT

1. Questions to ask about a firm's FBC experience:

- ◆ Which of your FBCs use form as the organizing principle? Explain how and why the particular system was chosen.
- ◆ How were the form-based zones locally calibrated?
- ◆ Do your FBCs use or rely on design guidelines?
- ◆ How do your FBCs relate to and plug into existing codes?
- ◆ Do your FBCs replace the underlying base zones? If not, what status do the underlying base zones still have?
- ◆ How do you differentiate between regulatory and illustrative drawings in your codes?
- ◆ Explain how thoroughfare standards have been included in your FBCs.
- ◆ Explain how multiday charrettes were integrated into your past coding efforts.
- ◆ Did your code change zone boundaries or use the existing zone boundaries?
- ◆ What zone standards did you find that were obstacles to creating good urban projects/infill, and what did you replace them with?

2. Process/Approach checklist for proposed approach (allows all proposals to be compared equally):

- ◆ Use form (physical character) as organizing principle rather than use.
- ◆ Photograph local or regional precedents for building types, frontage types, and form-based zones/transect zones.

- ◆ Conduct a micro-scale analysis/DNA sampling of local precedent areas.
- ◆ Hold a multiday design charrette to test or further develop the vision.
- ◆ Replace underlying base zones with form-based zones.
- ◆ Create refined/simplified land-use tables.
- ◆ Revise parking requirements and design parameters.
- ◆ Revise residential open space requirements.
- ◆ Determine if landscape requirements are necessary.
- ◆ Rewrite administration and procedures provisions for the FBC area.
- ◆ Determine conflicting regulations for standards that are specific to uses.
- ◆ Vet thoroughfare standards with city engineers, public works staff, or state department of transportation staff (if applicable).
- ◆ Assess and redefine boundaries of existing zones as they are replaced with form-based zones.
- ◆ Use three-dimensional graphics to illustrate flaws in existing development standards.
- ◆ Use maps to analyze connectivity, the figure ground plan, and the larger context (e.g., pedestrian sheds).
- ◆ Prepare detailed illustrative plans with building footprints (using pedestrian sheds as walkability basis).
- ◆ Provide a clear way that the FBC will plug into and relate to the existing zoning code.

Cover Image: Opticos Design, Inc.; design concept by Lisa Barton

VOL. 30, NO. 6

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AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.
Suite 1200
Chicago, IL 60601-5927

1030 15th Street, NW
Suite 750 West
Washington, DC 20005-1503

*****AUTO**3-DIGIT 553
TIM GLADHILL
CITY OF RAMSEY
7550 SUNWOOD DR NW
RAMSEY MN 55303-5137

826 SS P7



REC'D JUN 19 2013



DO YOU KNOW HOW TO
CALLIBRATE A FORM-BASED
CODE?

6

Special Planning Commission

5. 6.

Meeting Date: 07/18/2013

By: Tim Gladhill, Community Development

Information

Title:

FOR UPDATE ONLY: Receive Report on Monthly Activities

Background:

The attached reports provide an update on development review and land use policy activities completed by City Council, Boards and Commissions, and City Staff. The attached reports provide the most recent updates on development projects within the community.

Notification:

Observations/Alternatives:

Funding Source:

Preparation of the monthly updates are being handled as part of regular Staff duties.

Staff Recommendation:

Action:

For update only. No action requested.

Attachments

Update dated June 6, 2013

Update dated June 13, 2013

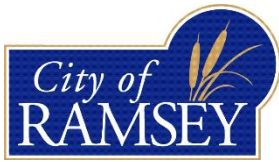
Update dated June 20, 2013

Update dated June 27, 2013

Updated dated July 11, 2013

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	07/12/2013 09:40 AM
Form Started By: Tim Gladhill		Started On: 07/12/2013
	Final Approval Date: 07/12/2013	



City of Ramsey Development Update

June 6, 2013

Report Background

The following report is updated weekly.

Seasons of Ramsey [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at www.essenceproperties.com, 320-255-9910, or info@essenceproperties.com.

Work has commenced and continues on the project. Staff will provide updates as needed.

The Developer has requested minor revisions to the approved exterior materials of the units. A case has been prepared for the June 11, 2013 City Council Meeting. [Updated June 6, 2013]

McDonalds (Sunwood Retail in The COR) [Updated]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketplace. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

The next step in the process is to award bids on the Stage I Improvements, after the posting period is complete. A case to consider accepting bids awarding and awarding a contract is scheduled for the Tuesday, June 11, 2013 HRA Meeting. Construction would be anticipated to start this summer on the Stage I Improvements, with construction of the McDonald's building to follow. [Updated June 6, 2013]

Northgate Performing Arts Center [Updated]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

Construction has officially commenced on the facility. [Updated June 6, 2013]

Super America (Sunwood Retail in The COR) *[No Update]*

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

North Commons (COR THREE) *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve. [Updated March 30, 2013]

Residence at The COR *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Residence at The COR, a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center in 2011. The City Council approved the request in November, 2011. The project is currently under construction. The Developer anticipates the opening of a leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit www.corapts.com or call 763-208-5931.

A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June. [Updated May 30, 2013]

Stoney River *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit. [Updated April 25, 2013]

Mary T, Inc. Housing [No Update]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City has requested Planning Commission review of a concept plan for housing for disabled veterans on a parcel located within The COR.

The Planning Commission held a work shop to receive a presentation from Mary T., Inc. on Thursday, March 14, 2013. The Developer must now submit the required land use applications. Staff anticipates said applications in the spring of 2013. The Developer has stated they desire to start construction in 2013.

Staff has received notification that the Developer is now exploring multiple options for sites within Ramsey, other than the site originally identified. Staff will be meeting with the Developer in mid-May to discuss potential options. [Updated April 25, 2013]

Housing Assistance Policy [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council in June. [Updated May 30, 2013]

167th Avenue Retail Node [Updated]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting.

Staff held a Stakeholder Meeting on June 5, 2013. Staff will forward feedback from said meeting in the near future. [Updated June 6, 2013]

Former Municipal Center Future Land Uses [Updated]

Primary Contact: Patrick Brama (pbrama@ci.ramsey.mn.us; 763-433-9903)

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to

7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project. Staff will be presenting a case to discuss possible next steps, tentatively scheduled for the June 11, 2013 City Council Meeting. Staff has completed the case to consider submitting an application for Comprehensive Plan Amendment. A detailed timeline is included with the case to City Council. [Updated June 6, 2013]

June Planning Commission Cases

The following cases will be forwarded to the June Planning Commission (details are included in the technical reports to the Planning Commission [www.cityoframsey.com/agendas-minutes]):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167th Ln NW; Case of Linda Eidem
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg

July Planning Commission Date

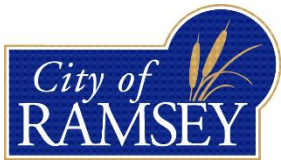
The regularly scheduled Planning Commission for July would normally be July 4, 2013. As City Offices are closed that day, the meeting has been tentatively re-scheduled for July 18, 2013.

Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit www.cityoframsey.com/planning-division.



Tim Gladhill, Development Services Manager



City of Ramsey Development Update

June 13, 2013

Report Background

The following report is updated weekly.

Seasons of Ramsey [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at www.essenceproperties.com, 320-255-9910, or info@essenceproperties.com.

Work has commenced and continues on the project. Staff will provide updates as needed.

The City Council approved a request to amend exterior materials on June 11, 2013, consistent with acceptable exterior materials per Zoning Code. [Updated June 13, 2013]

McDonalds (Sunwood Retail in The COR) [Updated]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketplace. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

The Ramsey Housing and Redevelopment Authority (HRA) accepted bids and awarded a contract to construct the Stage I (common) Improvements for the three (3) lots within the COR TWO/Sunwood Retail area. The HRA also approved an extension to the Real Estate Contract to allow the Stage I Improvements to be completed and the due-diligence process to be completed. Construction is anticipated to begin on the facility itself this fall (2012). [Updated June 13, 2013]

Northgate Performing Arts Center [Updated]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW) on October 4, 2012. The City Council approved the request on October 23, 2012.

Construction has officially commenced on the facility. The Contractor has requested a temporary closure of one (1) block on Peridot Street, adjacent to the site and NAU Country Insurance. The closure is planned for June 18, 2013 to June 21, 2013 in order to set building panels along Peridot Street. The closure would only be from Sunwood Drive north to 145th Avenue (one [1] block). The closure will also impact traffic patterns for PACT Charter School, which is currently not in regular session. The detour would use 145th Avenue west to Peridot Street, then south to Sunwood Drive. The Contractor will be forwarding Staff a detour plan/map. A sketch provided by the Contractor is shown below. When a more detailed map is provided, Staff will ensure proper communication with the City Council and adjacent property owners. [Updated June 13, 2013]



Super America (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

North Commons (COR THREE) [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve.

The Ramsey Housing and Redevelopment Authority (HRA) reviewed a potential purchase offer on all or portions of the four (4) lots along the park. The HRA will be reviewing current market conditions and seeking additional qualified offers on these lots. A more detailed work plan will be provided soon. [Updated June 13, 2013]

Residence at The COR [No Update]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Residence at The COR, a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center in 2011. The City Council approved the request in November, 2011. The project is currently under construction. The Developer anticipates the opening of a leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit www.corapts.com or call 763-208-5931.

A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June. [Updated May 30, 2013]

Stoney River [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit.

Staff did receive communication from the Developer's Managing Director for Minnesota that the project was awarded financing and expects to close on said financing within the next month. The Developer anticipates construction to begin mid-to-late summer. Staff is working on final review of the Building Permit with this most recent communication. [Updated June 13, 2013]

Mary T, Inc. Housing [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City has requested Planning Commission review of a concept plan for housing for disabled veterans on a parcel located within The COR.

The Planning Commission held a work shop to receive a presentation from Mary T., Inc. on Thursday, March 14, 2013. The Developer must now submit the required land use applications. Staff anticipates said applications in the spring of 2013. The Developer has stated they desire to start construction in 2013.

Staff has received notification that the Developer is now exploring multiple options for sites within Ramsey, other than the site originally identified. Staff will be meeting with the Developer in mid-May to discuss potential options.

City Staff met with staff from Mary T., Inc. on Friday, May 28, 2013. The Developer is still interested in a project within Ramsey, and has broadened their search scope. Staff continues to review viable alternatives for site selection. [Updated June 13, 2013]

Housing Assistance Policy [Updated]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council in June.

Staff provided an update to the City Council on June 11, 2013, and received positive feedback on direction to continue along the current path for completion. The next meeting of the Sub-Committee is scheduled for June 25, 2013. [Updated June 13, 2013]

167th Avenue Retail Node [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting.

Staff held a Stakeholder Meeting on June 5, 2013. Staff will forward feedback from said meeting in the near future. [Updated June 6, 2013]

Former Municipal Center Future Land Uses [\[Updated\]](#)

Primary Contact: Patrick Brama (pbrama@ci.ramsey.mn.us; 763-433-9903)

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project.

Staff presented a case to discuss possible next steps at the June 11, 2013 City Council Meeting. The City Council directed Staff to re-engage the surrounding public through a collaborative process utilizing a task force to continue to review options for the site. A more detailed work plan and task force setup will be forwarded to City Council for review, potentially on June 25, 2013. [Updated June 13, 2013]

Alternative Urban Areawide Review (AUAR) Update for The COR [\[New\]](#)

In 2003, an Alternative Urban Areawide Review (AUAR) was prepared for the development formerly known as Ramsey Town Center, now known as The COR. The AUAR is an environmental review process that is an alternative to the standard, required environmental review for certain sized project. This alternative is a proactive, rather than individual reactive review, of the development as a whole as opposed to review with each individual project.

Minnesota Rules guiding the length of time this review is valid requires that the City update this document if it is to be used for current environmental review purposes. In addition, the preferred development alternative has changed from the original preparation.

On May 28, 2013, the City Council 'ordered' the AUAR, which sent the completed update for an official review process. The comment period ended on June 12, 2013. Staff received comments from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Transportation (Mn/DOT), and the Minnesota Pollution Control Agency (MPCA). Staff will now complete the final draft, including submitted comments, and distribute for final review. It is anticipated that the City Council will consider adopting the final document on July 9, 2013. [Updated June 13, 2013].

Potential Sign Overlay District for Armstrong Boulevard Interchange Area [\[New\]](#)

As part of the public review process for the Armstrong Interchange, several comments from commercial (retail) property owners discussed concern with loss of visibility to their business due to the height of the interchange. It was discussed as a potential solution to increase the allowable height for properties surrounding the interchange. One property owner has requested that the City consider implementing a zoning solution as soon as possible, to ensure when construction does begin, a tool is already in place to allow additional height.

The Planning Commission briefly discussed the request to begin a process on June 6, 2013, and directed Staff to begin the process of establishing an Overlay District related to signs adjacent to the Armstrong Boulevard Interchange. [Updated June 13, 2013]

June Planning Commission Cases [Updated]

The following cases were reviewed by the June Planning Commission (details are included in the technical reports to the Planning Commission [www.cityofframsey.com/agendas-minutes]):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging *[Recommended for approval. Variance was approved. City Council to consider final approval on June 25, 2013]*
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167th Ln NW; Case of Linda Eidem *[Recommended for approval. The Planning Commission would like to review rates and fees for Conditional Use Permits and consider a staggered fee structure depending on application type. Staff will prepare a future topic report for discussion.]*
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties *[Recommended for approval]*
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg *[Recommended for approval]*

July Planning Commission Date

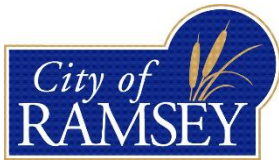
The regularly scheduled Planning Commission for July would normally be July 4, 2013. As City Offices are closed that day, the meeting has been **officially** re-scheduled for July 18, 2013.

Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit www.cityofframsey.com/planning-division.



Tim Gladhill, Development Services Manager



City of Ramsey Development Update

June 20, 2013

Report Background

The following report is updated weekly.

Seasons of Ramsey [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at www.essenceproperties.com, 320-255-9910, or info@essenceproperties.com.

Work has commenced and continues on the project. Staff will provide updates as needed.

The City Council approved a request to amend exterior materials on June 11, 2013, consistent with acceptable exterior materials per Zoning Code.

Building Permits have been issued for twenty-eight (28) of the fifty (50) units as well as the community building. Framing and wall section construction has begun on multiple buildings. [Updated June 20, 2013]

McDonalds (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketplace. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

The Ramsey Housing and Redevelopment Authority (HRA) accepted bids and awarded a contract to construct the Stage I (common) Improvements for the three (3) lots within the COR TWO/Sunwood Retail area. The HRA also approved an extension to the Real Estate Contract to allow the Stage I Improvements to be completed and the due-diligence process to be completed. Construction is anticipated to begin on the facility itself this fall (2012). [Updated June 13, 2013]

Northgate Performing Arts Center [Updated]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW) on October 4, 2012. The City Council approved the request on October 23, 2012.

Construction has officially commenced on the facility. The City has approved a temporary closure of one (1) block on Peridot Street for June 18, 2013 to June 21, 2013 in order to set building panels along Peridot Street. The closure would only be from Sunwood Drive north to 145th Avenue (one [1] block). The closure will also impact traffic patterns for PACT Charter School, which is currently not in regular session. The detour would use 145th Avenue west to Peridot Street, then south to Sunwood Drive. The Contractor will be forwarding Staff a detour plan/map. A sketch provided by the Contractor is shown below. When a more detailed map is provided, Staff will ensure proper communication with the City Council and adjacent property owners. *Below is an updated road closure map.*



Below are recent project photos. [Updated June 20, 2013]



Photo taken June 20, 2013 at Sunwood Drive and Peridot Street looking north east.



Photo taken June 20, 2013 at Sunwood Drive and Peridot Street looking north east.

Super America (Sunwood Retail in The COR) *[No Update]*

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

North Commons (COR THREE) *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve.

The Ramsey Housing and Redevelopment Authority (HRA) reviewed a potential purchase offer on all or portions of the four (4) lots along the park. The HRA will be reviewing current market conditions and seeking additional qualified offers on these lots. A more detailed work plan will be provided soon. [Updated June 13, 2013]

Stoney River *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit.

Staff did receive communication from the Developer's Managing Director for Minnesota that the project was awarded financing and expects to close on said financing within the next month. The Developer anticipates construction to begin mid-to-late summer. Staff is working on final review of the Building Permit with this most recent communication. [Updated June 13, 2013]

Residence at The COR *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Residence at The COR, a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center in 2011. The City Council approved the

request in November, 2011. The project is currently under construction. The Developer anticipates the opening of a leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit www.corapts.com or call 763-208-5931.

A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June.

Below are recent project photos. [Updated June 20, 2013]



Photo taken June 20, 2013 along Sunwood Drive at the Municipal Center looking west.



Photo taken along Sunwood Drive at the west end of the project looking east.

Housing Assistance Policy [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council. Staff would like to provide a status update with the City Council in June.

Staff provided an update to the City Council on June 11, 2013, and received positive feedback on direction to continue along the current path for completion. The next meeting of the Sub-Committee is scheduled for June 25, 2013. [Updated June 13, 2013]

167th Avenue Retail Node [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution). Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting.

Staff held a Stakeholder Meeting on June 5, 2013. Staff will forward feedback from said meeting in the near future. [Updated June 6, 2013]

Former Municipal Center Future Land Uses [Updated]

Primary Contact: Patrick Brama (pbrama@ci.ramsey.mn.us; 763-433-9903)

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project.

Staff presented a case to discuss possible next steps at the June 11, 2013 City Council Meeting. The City Council directed Staff to re-engage the surrounding public through a collaborative process utilizing a task force to continue to review options for the site.

Staff met to discuss possible alternatives for the new public process, and anticipates bringing forward alternatives for consideration to the July 9, 2013 City Council Meeting. [Updated June 20, 2013]

Alternative Urban Areawide Review (AUAR) Update for The COR [Updated]

In 2003, an Alternative Urban Areawide Review (AUAR) was prepared for the development formerly known as Ramsey Town Center, now known as The COR. The AUAR is an environmental review process that is an alternative to the standard, required environmental review for certain sized project. This alternative is a proactive, rather than individual reactive review, of the development as a whole as opposed to review with each individual project.

Minnesota Rules guiding the length of time this review is valid requires that the City update this document if it is to be used for current environmental review purposes. In addition, the preferred development alternative has changed from the original preparation.

On May 28, 2013, the City Council 'ordered' the AUAR, which sent the completed update for an official review process. The comment period ended on June 12, 2013. Staff received comments from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Transportation (Mn/DOT), and the Minnesota Pollution Control Agency (MPCA). Staff will now complete the final draft, including submitted comments, and distribute for final review. It is anticipated that the City Council will consider adopting the final document on July 9, 2013.

On June 19, 2013, the City also received advisory comments from the Metropolitan Council. These comments will also be incorporated into the final document, still tentatively scheduled for City Council consideration on July 9, 2013. [Updated June 20, 2013].

Potential Sign Overlay District for Armstrong Boulevard Interchange Area [No Update]

As part of the public review process for the Armstrong Interchange, several comments from commercial (retail) property owners discussed concern with loss of visibility to their business due to the height of the interchange. It was discussed as a potential solution to increase the allowable height for properties surrounding the interchange. One property owner has requested that the City consider implementing a zoning solution as soon as possible, to ensure when construction does begin, a tool is already in place to allow additional height.

The Planning Commission briefly discussed the request to begin a process on June 6, 2013, and directed Staff to begin the process of establishing an Overlay District related to signs adjacent to the Armstrong Boulevard Interchange. [Updated June 13, 2013]

June Planning Commission [Updated]

The following cases were reviewed by the June Planning Commission (details are included in the technical reports to the Planning Commission [www.cityoframsey.com/agendas-minutes]):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging [Recommended for approval. Variance was approved. City Council to consider final approval on June 25, 2013]
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167th Ln NW; Case of Linda Eidem [Recommended for approval. The Planning Commission would like to review rates and fees for Conditional Use Permits and consider a staggered fee structure depending on application type. Staff will prepare a future topic report for discussion.]
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties [Recommended for approval]
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg [Recommended for approval]

These cases will be considered by the City Council on June 25, 2013. [Updated June 20, 2013]

July Planning Commission [Updated]

The regularly scheduled Planning Commission for July would normally be July 4, 2013. As City Offices are closed that day, the meeting has been **officially** re-scheduled for July 18, 2013. Cases tentatively include the following:

1. Consider Request for Sketch Plan Review of Alpine Woods 3rd Addition; Case of Oakwood Land Development
 - a. The request is to create one (1) buildable lot at the terminus of Uranium Street. The existing outlet was platted with the intention of converting to a buildable lot at such time Uranium Street would be extended to the north. Due to recent construction of a home on the parcel to the north, it is unknown at this time if said roadway would be extended in the future. A temporary cul-de-sac exists on the Subject Property.
2. Consider Request for Sketch Plan Review of Oakwood Acres; Case of Oakwood Land Development
 - a. The request is to create three (3) new buildable lots along the re-aligned 167th Avenue, west of Nowthen Boulevard.
3. Consider Request for Site Plan Review for Expansion of Diamond Graphics Facility Located at 14350 Azurite St NW; Case of Diamond Graphics, Inc.
4. Consider Ordinance to Amend Official Zoning Map to Establish Sign Overlay District Adjacent to Intersection of U.S. Highway 10 and Armstrong Boulevard to Address Sign Height for Future Interchange Area; Case of the City of Ramsey

Building Permit Update/New Housing Information [\[New\]](#)

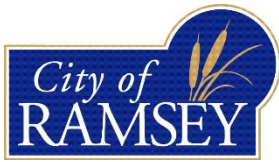
Since January 1, 2013, the City has approved Building Permits for forty-three (43) new detached, single-family units and fifty-two (52) new attached, single-family units for a total of ninety-five (95) new housing units for 2013 through June 20, 2013. This exceeds the base trend for the past several years, including 2012. The City has issued a total of 851 Building Permits year to date. [Updated June 20, 2013]

Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit www.cityoframsey.com/planning-division.



Tim Gladhill, Development Services Manager



City of Ramsey Development Update

June 27, 2013

Report Background

The following report is updated weekly.

Seasons of Ramsey [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at www.essenceproperties.com, 320-255-9910, or info@essenceproperties.com.

Work has commenced and continues on the project. Staff will provide updates as needed.

The City Council approved a request to amend exterior materials on June 11, 2013, consistent with acceptable exterior materials per Zoning Code.

Building Permits have been issued for twenty-eight (28) of the fifty (50) units as well as the community building. Framing and wall section construction has begun on multiple buildings.

Project Photos:



Photo taken on June 27, 2013 from Bunker Lake Boulevard looking west. [Updated June 27, 2013]

McDonalds (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketplace.

The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

The Ramsey Housing and Redevelopment Authority (HRA) accepted bids and awarded a contract to construct the Stage I (common) Improvements for the three (3) lots within the COR TWO/Sunwood Retail area. The HRA also approved an extension to the Real Estate Contract to allow the Stage I Improvements to be completed and the due-diligence process to be completed. Construction is anticipated to begin on the facility itself this fall (2012). [Updated June 13, 2013]

Northgate Performing Arts Center [Updated]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

Construction has officially commenced on the facility. The City has approved a temporary closure of one (1) block on Peridot Street for June 18, 2013 to June 21, 2013 in order to set building panels along Peridot Street. The closure would only be from Sunwood Drive north to 145th Avenue (one [1] block). The closure will also impact traffic patterns for PACT Charter School, which is currently not in regular session. The detour would use 145th Avenue west to Peridot Street, then south to Sunwood Drive. The Contractor will be forwarding Staff a detour plan/map. A sketch provided by the Contractor is shown below. When a more detailed map is provided, Staff will ensure proper communication with the City Council and adjacent property owners. *Below is an updated road closure map.*

Below are recent project photos. [Updated June 27, 2013]



Photo taken June 27, 2013 at Sunwood Drive and Peridot Street looking north east.



Photo taken June 20, 2013 at Sunwood Drive and Peridot Street looking north west.

Super America (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

North Commons (COR THREE) [No Update]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve.

The Ramsey Housing and Redevelopment Authority (HRA) reviewed a potential purchase offer on all or portions of the four (4) lots along the park. The HRA will be reviewing current market conditions and seeking additional qualified offers on these lots. A more detailed work plan will be provided soon. [Updated June 13, 2013]

Stoney River [No Update]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit.

Staff did receive communication from the Developer's Managing Director for Minnesota that the project was awarded financing and expects to close on said financing within the next month. The Developer anticipates construction to begin mid-to-late summer. Staff is working on final review of the Building Permit with this most recent communication. [Updated June 13, 2013]

Residence at The COR [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Residence at The COR, a 230 unit apartment development along Sunwood Drive next to the Ramsey Municipal Center in 2011. The City Council approved the request in November, 2011. The project is currently under construction. The Developer anticipates the opening of a leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit www.corapts.com or call 763-208-5931.

A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June.

The dental office occupying the 3,000 square foot retail space is now open. Below are recent project photos. [Updated June 27, 2013]



Photo taken June 27, 2013 along Sunwood Drive at the Municipal Center looking west.



Photo taken the Municipal Center Plaza in front of the retail space.

Housing Assistance Policy [Updated]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council.

Staff provided an update to the City Council on June 11, 2013, and received positive feedback on direction to continue along the current path for completion.

To date, the sub-committee has completed an initial review of demographic data, established an Interim Policy Statement, and established a framework of the proposed policy (product type priorities, minimum thresholds, and scoring/ranking matrix). The ad-hoc sub-committee met on Tuesday, June 25, 2013 and finished a draft of the Minimum Thresholds. The Minimum Thresholds are based on the Housing Chapter Goals and Implementation Strategies of the 2030 Comprehensive Plan. The final step is to complete a draft of the Scoring/Ranking Matrix. This is anticipated to be completed over two (2) to three (3) sub-committee meetings. At that point, a full draft would be reviewed by Planning Commission, EDA, and City Council. [Updated June 27, 2013]

167th Avenue Retail Node [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting.

Staff held a Stakeholder Meeting on June 5, 2013. Staff will forward feedback from said meeting in the near future. [Updated June 6, 2013]

Former Municipal Center Future Land Uses *[No Update]*

Primary Contact: Patrick Brama (pbrama@ci.ramsey.mn.us; 763-433-9903)

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

The Open House was held as scheduled despite weather concerns. Staff continues to compile results and comments from that Open House and presented preliminary findings to the City Council on Tuesday, April 23, 2013. Based on the results of that open house, Staff will presenting the detailed results to the Planning Commission, EDA, and City Council in May prior to taking any further steps. It is at this stage that Staff will discuss future direction, if any direction is desired at this time.

Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project.

Staff presented a case to discuss possible next steps at the June 11, 2013 City Council Meeting. The City Council directed Staff to re-engage the surrounding public through a collaborative process utilizing a task force to continue to review options for the site.

Staff met to discuss possible alternatives for the new public process, and anticipates bringing forward alternatives for consideration to the July 9, 2013 City Council Meeting. [Updated June 20, 2013]

Alternative Urban Areawide Review (AUAR) Update for The COR *[No Update]*

In 2003, an Alternative Urban Areawide Review (AUAR) was prepared for the development formerly known as Ramsey Town Center, now known as The COR. The AUAR is an environmental review process that is an alternative to the standard, required environmental review for certain sized project. This alternative is a proactive, rather than individual reactive review, of the development as a whole as opposed to review with each individual project.

Minnesota Rules guiding the length of time this review is valid requires that the City update this document if it is to be used for current environmental review purposes. In addition, the preferred development alternative has changed from the original preparation.

On May 28, 2013, the City Council 'ordered' the AUAR, which sent the completed update for an official review process. The comment period ended on June 12, 2013. Staff received comments from the Minnesota Department of Natural Resources (DNR), the Minnesota Department of Transportation (Mn/DOT), and the Minnesota Pollution Control Agency (MPCA). Staff will now complete the final draft, including submitted comments, and distribute for final review. It is anticipated that the City Council will consider adopting the final document on July 9, 2013.

On June 19, 2013, the City also received advisory comments from the Metropolitan Council. These comments will also be incorporated into the final document, still tentatively scheduled for City Council consideration on July 9, 2013. [Updated June 20, 2013].

Potential Sign Overlay District for Armstrong Boulevard Interchange Area *[No Update]*

As part of the public review process for the Armstrong Interchange, several comments from commercial (retail) property owners discussed concern with loss of visibility to their business due to the height of the interchange. It was discussed as a potential solution to increase the allowable height for properties surrounding the interchange. One property owner has requested that the City consider implementing a zoning solution as soon as possible, to ensure when construction does begin, a tool is already in place to allow additional height.

The Planning Commission briefly discussed the request to begin a process on June 6, 2013, and directed Staff to begin the process of establishing an Overlay District related to signs adjacent to the Armstrong Boulevard Interchange. [Updated June 13, 2013]

June Planning Commission **[Updated]**

The following cases were reviewed by the June Planning Commission (details are included in the technical reports to the Planning Commission [www.cityoframsey.com/agendas-minutes]):

1. Consider Request for Site Plan Review and Variance to Front (Side-Corner) Yard Setback for an Expansion Located at 6815 McKinley St NW; Case of Cullinan Rigging *[Recommended for approval. Variance was approved. City Council to consider final approval on June 25, 2013]*
2. Consider Request for Conditional Use Permit to Allow Two (2) Horses on 2.5 Acres Located at 8010 167th Ln NW; Case of Linda Eidem *[Recommended for approval. The Planning Commission would like to review rates and fees for Conditional Use Permits and consider a staggered fee structure depending on application type. Staff will prepare a future topic report for discussion.]*
3. Consider Request for Conditional Use Permit for Motor Vehicle Sales 7820 Riverdale Dr NW; Case of Bethel Properties *[Recommended for approval]*
4. Consider Request for Conditional use Permit for Oversizing of Accessory Structure Size; Case of Mike and Diane Dahlberg *[Recommended for approval]*

All cases noted above were approved by the City Council on June 25, 2013. [Updated June 27, 2013]

July Planning Commission **[Updated]**

The regularly scheduled Planning Commission for July would normally be July 4, 2013. As City Offices are closed that day, the meeting has been **officially** re-scheduled for July 18, 2013. Cases tentatively include the following:

1. Consider Request for Sketch Plan Review of Oakwood Acres; Case of Oakwood Land Development
 - a. The request is to create three (3) new buildable lots along the re-aligned 167th Avenue, west of Nowthen Boulevard.
2. Consider Request for Site Plan Review for Expansion of Diamond Graphics Facility Located at 14350 Azurite St NW; Case of Diamond Graphics, Inc.
3. Consider Ordinance to Amend Official Zoning Map to Establish Sign Overlay District Adjacent to Intersection of U.S. Highway 10 and Armstrong Boulevard to Address Sign Height for Future Interchange Area; Case of the City of Ramsey

Building Permit Update/New Housing Information **[Updated]**

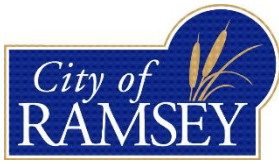
Since January 1, 2013, the City has approved Building Permits for forty-three (47) new detached, single-family units and fifty-two (52) new attached, single-family units for a total of ninety-five (99) new housing units for 2013 through June 27, 2013. This exceeds the base trend for the past several years, including 2012. The City has issued a total of 904 Building Permits year to date. [Updated June 27, 2013]

Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit www.cityoframsey.com/planning-division.



Tim Gladhill, Development Services Manager



City of Ramsey Development Update

July 11, 2013

Report Background

The following report is updated weekly.

Seasons of Ramsey [Updated]

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Seasons of Ramsey is a 50 unit rental townhome development located in the Town Center Gardens plat at the northeast intersection of Bunker Lake Boulevard and Town Center Drive (also known as Center Street). The Planning Commission reviewed the Sketch Plan of the Plat on December 6, 2012. The Planning Commission held a Public Hearing on the Preliminary Plat and reviewed the Site Plan on January 31, 2013. The City Council approved the Preliminary Plat, Final Plat, Site Plan, and associated requests of February 12, 2013. The Developer has submitted an Application for Building Permit.

The Developer was able to successfully close on the Property on Tuesday, March 19, 2013. The Developer anticipates to complete the entire project by December 31, 2013. The City is awaiting a request from the contractor to issue the Building Permit. Leasing information is available at www.essenceproperties.com, 320-255-9910, or info@essenceproperties.com.

Work has commenced and continues on the project. Staff will provide updates as needed.

The City Council approved a request to amend exterior materials on June 11, 2013, consistent with acceptable exterior materials per Zoning Code.

Project Photos:



Photo taken on June 27, 2013 from Bunker Lake Boulevard looking west.

Building Permits have been issued for twenty-eight (28) of the fifty (50) units as well as the community building. Framing and wall section construction has begun on multiple buildings. Staff completed review of an additional four (10) units, ready to be issued. [Updated July 11, 2013]

McDonalds (Sunwood Retail in The COR) [No Update]

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for McDonalds on January 3, 2013. The site is located along the re-aligned Sunwood Drive at Armstrong Boulevard, located just north of Northstar Marketplace. The City Council approved the site plan and associated requests on January 22, 2013. The project is now eligible to submit a Building Permit. The City has received an Application for Building Permit.

The HRA approved Plans and Specifications and authorized Staff to advertise for bids for the Stage I Improvements as directed by the HRA for the May 14, 2013 HRA meeting. Initial Building Permit Plan Review has been completed, subject to revisions as requested by the City's Technical Review Staff. Staff also continues work with McDonald's to complete pre-development activities and review the plan sheets submitted for Building Permit review.

The Ramsey Housing and Redevelopment Authority (HRA) accepted bids and awarded a contract to construct the Stage I (common) Improvements for the three (3) lots within the COR TWO/Sunwood Retail area. The HRA also approved an extension to the Real Estate Contract to allow the Stage I Improvements to be completed and the due-diligence process to be completed. Construction is anticipated to begin on the facility itself this fall (2012). [Updated June 13, 2013]

Northgate Performing Arts Center [Updated]

Primary Reviewer: Consulting Planner (Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Site Plan Review and Conditional Use Permit for Northgate Performing Arts Center located at 7295 Sunwood Drive NW (northeast intersection of Sunwood Drive and Peridot Street NW on October 4, 2012. The City Council approved the request on October 23, 2012.

Construction has officially commenced on the facility. The City has approved a temporary closure of one (1) block on Peridot Street for June 18, 2013 to June 21, 2013 in order to set building panels along Peridot Street. The closure would only be from Sunwood Drive north to 145th Avenue (one [1] block). The closure will also impact traffic patterns for PACT Charter School, which is currently not in regular session. The detour would use 145th Avenue west to Peridot Street, then south to Sunwood Drive. The Contractor will be forwarding Staff a detour plan/map. A sketch provided by the Contractor is shown below. When a more detailed map is provided, Staff will ensure proper communication with the City Council and adjacent property owners. *Below is an updated road closure map.*

Below are recent project photos. Progress has been made on the completion of the precast walls, with work beginning on placement of the roof. [Updated July 11, 2013]



Photo taken June 27, 2013 at Sunwood Drive and Peridot Street looking north east.



Photo taken June 20, 2013 at Sunwood Drive and Peridot Street looking north west.

Super America (Sunwood Retail in The COR) *[No Update]*

Primary Reviewer: Chris Anderson (canderson@ci.ramsey.mn.us; 763-433-9905)

The Planning Commission reviewed a Request for Site Plan Review for Super America located in the Sunwood Retail Center of The COR, along the realigned Sunwood Drive on October 4, 2012. The City Council approved the request on October 16, 2012.

The City is awaiting said submittal of the Building Permit. [Updated March 14, 2013]

North Commons (COR THREE) *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed a Request for Minor Plat Review of COR THREE, a seventeen (17) lot single-family development located north of Bunker Lake Boulevard in The COR on June 19, 2012. The City Council approved the request on July 10, 2012.

Preliminary grading and utility work commenced at the end of 2012. The Plat will need to be recorded prior to any Building Permit issuance.

On May 28, 2013, the HRA amended the scope of the project to focus on four (4) of the seventeen (17) lots that are located abutting North Commons (park). The remaining thirteen (13) lots that were approved along Bunker Lake Boulevard could be re-evaluated in the future as market conditions improve.

The Ramsey Housing and Redevelopment Authority (HRA) reviewed a potential purchase offer on all or portions of the four (4) lots along the park. The HRA will be reviewing current market conditions and seeking additional qualified offers on these lots. A more detailed work plan will be provided soon. [Updated June 13, 2013]

Stoney River *[No Update]*

Primary Reviewer: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission reviewed the request for Site Plan Review of Stoney River, a 72 unit assisted living and memory care development at the northwest intersection of Nowthen Boulevard and Saint Francis Boulevard in August, 2011. The site is adjacent to the Lord of Life Lutheran Church Campus. The City Council approved the request in August, 2011.

The City has reviewed the Building Permit, and is awaiting final revisions as requested. According to Anoka County Property Records, the site is now owned by First Phoenix Ramsey, LLC. The Developer has stated they anticipate to close on the financing package sometime on in mid-April and has now agreed to submit the required financial surety in the form of the City's standard Letter of Credit.

Staff did receive the required Plumbing Plan Review from the State of Minnesota. Staff is still awaiting revised plan sheets, which are assumed to be under development to complete the Building Permit Review. Staff is also awaiting the required Letter of Credit.

Staff did receive communication from the Developer's Managing Director for Minnesota that the project was awarded financing and expects to close on said financing within the next month. The Developer anticipates construction to begin mid-to-late summer. Staff is working on final review of the Building Permit with this most recent communication. [Updated June 13, 2013]

Residence at The COR **[Updated]**

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leasing office on a temporary basis in the coming weeks. The Developer desires to open a portion of the project (approximately 50 units) in early May, at which time an existing unit will take the place as the leasing office until the actual leasing/management office is complete. For more information, visit www.corapts.com or call 763-208-5931.

A temporary Certificate of Occupancy has been issued on approximately 50 units. The Developer anticipates opening the remainder in two (2) phases, with Phase II desired opening in late June.

A second Temporary Certificate of Occupancy has been issued for an additional four (4) units. [Updated July 11, 2013]



Photo taken June 27, 2013 along Sunwood Drive at the Municipal Center looking west.



Photo taken the Municipal Center Plaza in front of the retail space.

Housing Assistance Policy [No Update]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The City Council has directed Staff to complete a Housing Assistance Policy. The intent of the policy is to provide a framework for which to review requests for housing assistance and provide a mechanism to review proposals for compatibility with the City's housing goals. The Policy was forwarded to the Planning Commission for development. The Planning Commission has established an ad-hoc sub-committee to assist in the development of the policy.

The Housing Sub-Committee has met on two (2) occasions to date. Current accomplishments include completion of an Interim Policy Statement (until the final policy is adopted), agreement on the framework of the policy, and establishment of housing-type priorities. All drafts must still be approved by the City Council.

Staff provided an update to the City Council on June 11, 2013, and received positive feedback on direction to continue along the current path for completion.

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167th Avenue Retail Node [Updated]

Primary Contact: Tim Gladhill (tgladhill@ci.ramsey.mn.us; 763-576-4308)

The Planning Commission and EDA have both discussed the status of the retail node located at the intersection of 167th Avenue and Saint Francis Boulevard (TH 47). The City had previously been asked to review two (2) potential users at 6001 167th Ave NW (indoor shooting range and clothing recycling warehouse distribution. Per EDA

discussion, Staff will be setting up stakeholder meetings to discuss a comprehensive approach with all property owners of the node in regards to future land uses as well as mechanisms to achieve desired future land uses. A more detailed summary will be provided following the outcomes of these stakeholder meetings.

Staff has scheduled a Stakeholder/Property Owner Meeting with owners of commercial/retail property in the area for Wednesday, June 5, 2013. The intent of the meeting is to outline options (land use and economic development related) for Property Owners and discuss a unified vision for the future of the current retail node. Staff will provide an update to the Planning Commission, EDA, and City Council following the Stakeholder Meeting.

The EDA discussed the topic at their July 11, 2013 Meeting. The EDA has tentatively scheduled a Special Meeting on July 18, 2013 to finalize a recommendation on formulating current policies and recommendations as well as potential next steps. Staff will update the City Council in the near future. [Updated July 11, 2013]

Former Municipal Center Future Land Uses [Updated]

Primary Contact: Patrick Brama (pbrama@ci.ramsey.mn.us; 763-433-9903)

In 2006, the City relocated the Ramsey Municipal Center from 15153 Nowthen Blvd NW to 7550 Sunwood Dr NW. The former location still operates as Fire Station #2. The City has been exploring options for future use of this campus and relocation of Fire Station #2. To assist in the analysis of acceptable land uses for this campus for future development, an Open House has been scheduled for Thursday, April 18th from 6:00 to 9:00 p.m. in the Council Chambers (7550 Sunwood Dr NW). The Open House will explore options for single-family and data center users. Multiple smaller group stations, with full size maps and ability for written comments, will be available from 6:00 to 7:00 p.m. A brief presentation will be presented, with ability for large group comment, from 7:00 to 7:30 (or until comments are complete). Small group stations will re-convene following the presentation and comment period.

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Staff has updated the Planning Commission (5/2/13) and the EDA (5/16/13) on the status of the project.

Staff presented a case to discuss possible next steps at the June 11, 2013 City Council Meeting. The City Council directed Staff to re-engage the surrounding public through a collaborative process utilizing a task force to continue to review options for the site.

Staff met to discuss possible alternatives for the new public process, and anticipates bringing forward alternatives for consideration to the July 9, 2013 City Council Meeting.

The City Council approved the development of a Study Group to begin a collaborative input process to be held at a later date, in order to continue discussions with surrounding property owners as to desired future land uses for the site. Staff will be seeking interested individuals to participate in the process in the near future. Interested names in participating in the process will be brought forward to the City Council at a later date. [Updated July 11, 2013]

Alternative Urban Areawide Review (AUAR) Update for The COR [No Update]

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Potential Sign Overlay District for Armstrong Boulevard Interchange Area *[No Update]*

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Detailed Report Information

For more information regarding the project listed above, please contact the Tim Gladhill at 763-576-4308 or visit www.cityoframsey.com/planning-division.



Tim Gladhill, Development Services Manager