

City of Ramsey
Agenda
Regular Planning Commission
Thursday February 5, 2015
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 January 8, 2015 Planning Commission Meeting Minutes
5. **Public Hearing/Commission Business**
 1. PUBLIC HEARING: Consider Request for a Variance to the Minimum Front Yard Setback Requirement on the Property Located at 16877 Feldspar Street NW; Case of 21st Century Bank
 2. Review Sketch Plan of Harvest Estates Located at 15153 Nowthen Blvd NW; Case of N.I.K. Management, Inc.
 3. Consider Forwarding New Policy for the Sale of City Owned Land to the City Council
 4. 2040 Comprehensive Plan Update: Consider Preliminary Framework for Citizen Engagement and Formation of Steering Committee
6. **Commission/Staff Input**
 1. Staff Update
 - General Development Update
 - Update on City Council Action on Planning Commission Cases
 2. Zoning Bulletins
7. **Adjournment**

Regular Planning Commission

4. 1.

Meeting Date: 02/05/2015

By: JoAnn Shaw, Community Development

Information

Title:

Approve the January 8, 2015 Planning Commission Meeting Minutes

Purpose/Background:

n/a

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

01.08.15 Minutes

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 01/30/2015

Reviewed By

Tim Gladhill

Date

01/30/2015 02:25 PM

Started On: 01/30/2015 02:22 PM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, January 8, 2015, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Gary Levine
 Commissioner Randy Bauer
 Commissioner Ralph Brauer
 Commissioner Matthew Maul
 Commissioner Cindy Nosan
 Commissioner Gary VanScoy

Members Absent: None

Also Present: Community Development Director Timothy Gladhill
 City Planner Chris Anderson
 Assistant City Administrator/Economic Development Manager Patrick Brama

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

Motion Carried. Voting Yes: Chairperson Levine, Commissioners Nosan, Maul, Bauer, Brauer, and VanScoy. 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 December 4, 2014

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to approve the following minutes as presented: Planning Commission Meeting Minutes dated December 4, 2014.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Request for Sketch Plan and Preliminary Plat Review of Brookfield 5th Addition; Case of 21st Century Bank

Public Hearing

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

Presentation

City Planner Anderson presented the staff report stating the 21st Century Bank has submitted an application for Sketch Plan and Preliminary Plat for a proposed minor plat known as Brookfield 5th Addition. The minor subdivision proposes to re-plat approximately 0.31 acres to create one (1) buildable single-family lot. The proposed plat would not reconfigure existing property lines. The proposed subdivision would convert an existing outlot to a buildable lot. The property is generally located west of Nowthen Boulevard along Feldspar Street. This item was previously considered by the Planning Commission at a public hearing in August of 2014. At that time, the Commission continued the public hearing to the September meeting to provide additional time for the applicant to address concerns identified by staff. Prior to the September meeting, the applicant contacted the City stating that they desired to postpone the public hearing to afford them more time to work with the adjacent residents on a potential sale of the property. Recently, the applicant notified the City that an agreement on the sale of the property could not be reached and subsequently resubmitted an application for Sketch Plan and Preliminary Plat for Brookfield 5th Addition. Staff reviewed the request in detail and recommended approval of the preliminary plat contingent upon obtaining variances to the cul-de-sac standards and the front yard setback and upon compliance with the Staff Review Letter dated January 2, 2015.

City Planner Anderson also reported that this current submittal addresses three primary concerns: density transitioning; drainage and utility easements; and providing the actual home footprint overlaid on the lot. He stated that the applicant has addressed all of these concerns. Anderson also noted that Staff is developing policy for future requests of this nature.

Matt Soens, 16878 Feldspar Street, stated he was speaking on behalf of his family and his neighbors to the North. He stated that the neighborhood feels this proposal deviates from Brookfield 1st Addition; the request for the setback is going to infringe on the neighbors to the North; and that if the easement is granted, the neighborhood wants the city to do something about

the temporary cul-de-sac. He requested that the city improve the cul-de-sac to make it a proper cul-de-sac.

City Planner Anderson stated that the cul-de-sac does meet the temporary cul-de-sac requirements. He also stated that he has discussed the condition of the cul-de-sac with the City Engineer who has stated that the road has been maintained no differently than other public roads.

Mr. Soens talked about a sidewalk that does not meet minimum standards.

City Planner Chris Anderson replied that according to the city engineer, the sidewalk is compliant with current ADA standards.

Bill Dorn, attorney for Century 21st Bank, spoke about posting a security to cover road repairs needed after construction; the previous developer being required by ordinance to put a stub road in; the precedent set by the approval of Alpine Woods 3rd Addition; the proposal meeting the standards of Brookfield 1st Addition; and, their unsuccessful attempt to work out a sale with the neighborhood. He asked the city to let them move forward.

Gary Smith, 16821 Garnett Street, spoke about his desire not to sell his property. He would like the City to listen to residents when they say they do not want to sell to avoid situations like this. He did not want to see a temporary cul-de-sac as this would not meet the full requirements of a permanent/full cul-de-sac and special exceptions would be needed to build a home.

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

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

Discussion took place regarding setback variances; the potential of putting a house pad on this lot without a variance; meeting fire and public safety requirements; basing a decision on where the cul-de-sac might be in the future throwing another lot out of compliance; deviations being reviewed by the City's Public Works department; limited turn-around space; a setback affecting the existing berm; a future policy to require a full cul-de-sac; the lot being a buildable lot without a variance; the dedication of a right of way for the lot in question; the temporary easement size; the impact on the status of the cul-de-sac if the proposal is approved; viewing the cul-de-sac as permanent and the effect on surrounding property owners; the berm issue and upgrading the cul-de-sac being forwarded to the Public Works Committee; and house placement for this lot coming back to the Planning Commission for approval.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt Resolution #15-01-012, granting approval of the Preliminary Plat contingent upon obtaining variances to the cul-de-sac standards (design and construction) and the front yard

setback and upon compliance with the Staff Review Letter dated January 2, 2015. VanScoy added a recommendation that this cul-de-sac be brought up to permanent standards.

Community Development Director Gladhill suggested a friendly amendment to remove the variance language from the motion and handle it in a separate resolution if a variance is needed.

Commissioners VanScoy and Maul agreed to the offered friendly amendment.

Further Discussion:

The Board discussed the importance of making the cul-de-sac a permanent cul-de-sac.

Voting Yes: Chairperson Levine, Commissioners VanScoy, Maul, Bauer, Brauer, and Nosan.

Voting No: None. Absent: None.

5.02: Public Hearing: Consider Ordinance #15-01 Approving a Zoning Amendment for R-1 Residential (MUSA) at 15153 Nowthen Boulevard NW; Case of the City of Ramsey

Public Hearing

Chairperson Levine called the public hearing to order at 7:55 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case was to adopt a Resolution to approve a Zoning Amendment for the former municipal center located at 15153 Nowthen Boulevard NW. The site is currently being used as Fire Station #2. The City Council previous adopted a Comprehensive Plan Amendment to allow for this subsequent Zoning Amendment on October 28, 2014. The City has been exploring future redevelopment options for this site over the past 12 to 18 months. It was noted there was not a development proposed at this time and the rezoning would begin the process to ultimately allow the property to be redeveloped at a later date. Staff reviewed the findings from a Study Group that focused on the potential for a data center on this site and recommended the Commission adopt Ordinance #15-01.

Citizen Input

Kristen Kimsey, 5722 152nd Way NW, asked, on behalf of herself and her neighbors, for a park and pond to be extended running east/west to act as a buffer if a residential area was built.

Community Development Director Gladhill commented that this would be taken into consideration in the City's planning. He cautioned that the City could not promise a water level in a pond.

The Commission reviewed a map of the area and discussed what residents were told the land would be used for when they bought their homes.

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

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

Chairperson Levine closed the public hearing closed at 8:04 p.m.

Discussion took place regarding the pond; possible rezoning; the need for consistent zoning; and, avoiding re-zoning in a piecemeal fashion.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Maul, to recommend that City Council adopt Ordinance #15-01.

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

Commission Bauer indicated he voted against based on wanting to re-zone the entire area.

5.03: Public Hearing: Consider Approvals Related to Site Plan Review of Casey's General Store:

- 1. Sketch Plan (Minor Plat)**
- 2. Site Plan Review**
- 3. Conditional Use Permit (Sign Plan)**

Public Hearing

Chairperson Levine called the public hearing to order at 8:12 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to forward a recommendation to the City Council regarding a proposed Casey's General Store development at the southwest intersection of Ramsey Boulevard and Sunwood Drive in the COR. This is a city-owned property and the city has entered into a purchase agreement. Staff is comfortable with the access location, location of the trash receptacles, fencing and signage location and size. Staff reviewed the request in further detail and recommended approval.

Citizen Input

John Schuette, Design Tree Engineers and Land Surveying and representing the applicant, asked for approval of the plan and indicated they were are hoping to get started this spring.

Chairperson Levine asked about construction of a gas/spill containment system being recommended but optional.

Community Development Director Gladhill stated that standards/policies are not currently in place to require a spill containment plan but that the City feels it should be looked at in the negotiations.

Chairperson Levine inquired about what happens to Casey's down the street.

Mr. Schuette replied that the plan is for that station to stay open.

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

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

Chairperson Levine closed the public hearing closed at 8:23 p.m.

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to adopt Resolution #15-01-013 Approving Findings of Fact #0939 related to Sign Plan; Resolution #15-01-014 approving Conditional Use Permit for Sign Plan; and Resolution #15-01-015 Approving the Plat entitled 'CASEY'S ADDITION'; and the Site Plan for Casey's General Store.

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

5.04: PUBLIC HEARING: Consider Ordinance #15-03 Amending City Code Section 117-351 (Home Occupations)

Public Hearing

Chairperson Levine called the public hearing to order at 8:25 p.m.

Presentation

City Planner Anderson presented the staff report stating the purpose of this case is to consider amendments to the City Code Section 117-351 (Home Occupations). As the Planning

Commission may recall, this Section of City Code was discussed early in 2014 in response to several recent applications for Home Occupation Permits. At that time, the Planning Commission expressed support for potential amendments that would better ensure the peace, safety, and aesthetics typical of a residential neighborhood. The proposed revisions are intended to provide clarification for when a Home Occupation Permit is required, attempts to provide provisions for or differentiate an independent contractor and other home occupations, and attempts to strengthen the overall ordinance to ensure the tranquility of a neighborhood is maintained. Key revisions included limiting to one the number of commercial vehicles and equipment being stored on a property; how excessive traffic is defined; reiteration of how a low impact home-based business is defined; clarification of the meaning of “employee”; signage regulations; and delivery regulations. Staff further discussed the request and recommended the Planning Commission recommend that the City Council adopt Ordinance #15-03.

City Planner Anderson stated that staff is interested in the Commission’s feedback on the ordinance revision and would like to get a policy statement from the Commission. Staff’s intent is to bring this ordinance to a City Council work session before bringing it to the City Council for their approval.

Citizen Input

There was no public input.

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

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

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

Commission Business

Motion by Commissioner Bauer, seconded by Commissioner VanScoy, to recommend that the City Council adopt Ordinance #15-03 Amending City Code Section 117-351 (Home Occupations)

Further discussion

Commission Bauer asked for clarification of the Commission’s role with regard to this ordinance.

City Planner Anderson stated that if the Planning Commission feels the language is appropriate and that it addresses all the concerns that have been raised based on past home occupations, Staff is looking for City Council to adopt the ordinance.

Community Development Director Gladhill stated that the ordinance is being brought before the Planning Commission for approval and then will go to a City Council work session and then be approved by the Council.

Chairperson Levine indicated concern that he was not comfortable adopting an ordinance that was not an ordinance yet.

Community Development Director Gladhill stated that the Commission is acting on Ordinance #15-03 that includes existing amendments to the City Code and that is what Staff is asking the Commission to act on tonight.

Commissioner Bauer discussed the permit application process that gives opportunities for citizens to give their input.

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

5.05: Review Concept Plan for a Telecommunications Tower of at least 200 Feet in Height; Case of Connexus Energy

Public Hearing

Chairperson Levine called the public hearing to order at 8:40 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case was to review a concept from Connexus Energy to construct a communications tower of at least 199 feet in height on the Connexus Energy Campus located at 14601 Ramsey Boulevard NW. The proposed tower would be of monopole design. The purpose of this tower, according to Connexus Energy staff is to implement 'smart-grid' communications that would allow Connexus Energy to instantly communicate with various equipment such as sub-stations and customer's electric meters. This is not an official request for a land use application but an opportunity for the City to provide policy feedback to assist Connexus Energy in preparing a request to the City. Staff reviewed the item further and is requesting feedback from the Commission with regard to their desire for a 199 foot tower to service Connexus Energy and if they Commission is comfortable with the height. The city will work with Connexus to bring back some sort of proposal.

Citizen Input

There was no public input.

Further Discussion

Matt Wyseth, Tom Tormson and Brian Bryant, Connexus Energy representatives, were available to answer Commission questions.

Tom Tormson, Staff Engineer with Connexus, provided background information for the Commission. He stated that Connexus Energy was looking at building a tower to enhance grid automation and communication for their trucks. There has been a consultant recommendation to have a tower at this height and to locate it on Connexus Energy property. There is an existing tower on the property that is taller but is structurally deficient and by law, they cannot add anything to the tower. The 199 foot tower would allow them to get the best possible coverage they can while at the same time staying under 200 feet to avoid FCC regulations/requirements. He also spoke about co-location possibilities.

Commissioners asked questions regarding safety and minimizing dead spots, line of sight requirements; location and replacing of the existing tower; safety and setback of the tower; and City ordinance requirements and variances.

Community Development Director Gladhill asked if there was any objection before Staff goes forward and works with Connexus Energy on the tower.

General board consensus was to go forward on a variance basis.

The Planning Commission agreed with the request of Chairperson Levine to address Case 5:06 after Case 5:08.

5.07: Review Concept Plan for Old Municipal Center Site as a Single-Family Subdivision; Case of N.I.K. Management, Inc.

Presentation

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to review concept plans for a single-family development on the former municipal center campus located at 15153 Nowthen Blvd NW. This is not an official subdivision review. The intent of this case is to provide broad policy direction in preliminary design. As the Planning Commission is aware, the City has been in the process of reviewing appropriate redevelopment scenarios of the former municipal center campus. As an outcome of that process, the City began the process of updating the Comprehensive Plan and Official Zoning Map. The site is still being actively used as Fire Station No. 2. The City is in the process of completing final design of a new Fire Station No. 2 on an adjacent parcel, tentatively scheduled to being construction in Spring, 2015. Per City Council direction, the City recently began negotiating a Purchase Agreement with N.I.K. Management, Inc. for a two (2) phase purchase of the site. As part of the negotiation, Staff has been discussing subdivision design with the prospect. At this time, Staff is asking if the

Commission desires to stick to the ordinance as is or would it be comfortable applying a planned unit development to look at slightly smaller lot sizes.

Commission Business

Phil Krzyaniak, representing NIK Management, was available to answer the Commission's questions.

Commissioner VanScoy asked if something is being given back to the community, such as green space as compensation for the smaller lots.

Community Development Director Gladhill stated that public benefits such as a buffer, more green space and enhancements to architectural or energy efficient design will be considered. Staff has not gotten to that level yet.

Chairperson Levine asked about doing a PUD on the pond/wetland area to determine if we could hold some of the lots back a little bit in order to provide more buffer space for residents.

Community Development Director Gladhill stated that this is a possibility and that Staff will work through the design.

Commissioner VanScoy asked at what point we consider putting in a small park.

Community Development Director Gladhill stated that this would come up through the Park and Recreation Commission and noted the City's focus has been on existing parks locations rather than adding parks.

Commission Bauer expressed concerned with funneling traffic through a residential neighborhood to the east and encouraged Staff to look at having access to Nowthen Blvd.

Community Development Director Gladhill will bring this issue to the developer and report back to the Commission. There will also be discussions with the Anoka County Highway Department. Community Development Director Gladhill asked if there was anything within the concepts to which the Commission would be totally opposed.

Commission Bauer stated his strong opposition to any development that did not have a western access.

Several Commissioners agreed with this opinion.

At the request of Community Development Director Gladhill, Assistant City Administrator/Economic Development Manager Brama, who is working with N.I.K. on the purchase agreement, clarified the Commission's concerns with the Nowthen Boulevard access issue and stated this issue will become part of the purchase agreement negotiations.

Commission Brauer spoke about the school crossing and making a case for a traffic signal on Highway 5.

Community Development Director Gladhill stated that Staff will look into the cost implications of these issues and will work with the City Engineer with regard to the safety concerns.

Commissioner VanScoy stated that if the City can get the connection they are talking about, he would be willing to look at additional density.

Commissioner Nosan asked about the number of walkers to the elementary school.

5.08: Discuss Feasibility of Indoor Self Storage Facility at North East Intersection of Bunker Lake Boulevard and Ramsey Boulevard; Case of N.I.K. Management, Inc.

Presentation

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to provide feedback to a potential Buyer of the vacant parcel(s) located at the North East intersection of Bunker Lake Boulevard and Ramsey Boulevard. In 2004 and 2007, the City did review a similar request on this site. Previously, the site had been used for single-family residential. Architecture and access to county roads was looked at in the 2007 request. Staff would like to know if the Commission is comfortable with using the 2007 case to frame the Staff's review of this concept plan. Staff requested comment and direction from the Commission.

Commission Business

Community Development Director Gladhill indicated that there have not been any changes to the neighborhood since the 2007 review.

Commissioners requested that Staff move forward on this case.

5.06: Review Draft Closed Landfill Land Use Plan; Case of Minnesota Pollution Control Agency (MPCA)

Presentation

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to review a draft of the Closed Landfill Land Use Plan prepared by the Minnesota Pollution Control Agency and to provide comment and timelines for implementation. The City is not approving this Plan at this point, but providing comment on the draft to be incorporated in the next Comprehensive Plan Update. Staff is seeking policy direction on two (2) smaller areas

of the site that are currently guided for future development in the Comprehensive Plan. MPCA members were not able to attend the meeting tonight.

The Closed Landfill Program is established within Minnesota Statute 115B. This Statute requires that the MPCA develop a land use plan for the closed landfill and for the City to make their land use plans consistent with the Closed Landfill Land Use Plan. The Statute gives the MPCA broad land use authority over this area.

The purpose of the Land Use Plan is to:

1. Protect the integrity of the landfill's remediation and monitoring systems
2. Protect human health and public safety at each landfill
3. Accommodate local government needs and desires for land use at the qualified facility with consideration for health and safety requirements

The City is interested the southeast quadrant of the landfill for the purpose of a business park or public works campus. The MPCA objects to this use and desires to retain soil rights to the area.

Community Development Director Gladhill requested comment from the Commission on this matter.

Commission Business

Discussion took place regarding the landfill soil; if the land would ever be on the market; and, potential uses for the land.

The Commissioners did not object to a draft being incorporated in the next Comprehensive Plan Update regarding the southeast quadrant of land.

5.09: Public Hearing: Consider Ordinance #15-02 Amending City Code Section 117-54 (Site Plan Review) and City Code Section 117-589 (Minor Plats)

Public Hearing

Chairperson Levine called the public hearing to order at 9:53 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to hold a Public Hearing on Ordinance #15-02 regarding a potential amendment to City Code Section 117-54 (Site plan review) to expand the use of administrative site plan review and City Code Section 117-589 (Minor plat) to streamline the approval process for Minor Plats. The effect of the ordinance would be to allow site plan review for smaller expansions of existing buildings that currently require full site plan review to proceed directly to Building Permit Review and reduce the time and number of steps required to approve a Minor Plat.

Community Development Director Gladhill noted that the Planning Commission did review a similar amendment as part of a larger, single ordinance in 2012 that was ultimately not adopted. This amendment was a smaller portion of the previous ordinance that showed support for moving forward. The original amendment was coming forward as the City's Strategic Plan was coming forward, so it was a logical spot to pause and let that process unfold first. The current amendment fits in well with the City's Strategic Goal to streamline many of our processes. The Planning Commission recommended that this administrative process be expanded to Minor Plat to streamline that process as well. He discussed the request further and suggested the Planning Commission recommend that the City Council adopt Ordinance #15-02.

Citizen Input

Commissioner VanScoy asked for clarification on the zoning administrator and the definition of minor versus major plats.

Community Development Director Gladhill discussed the differences between a minor and major plats.

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

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

Chairperson Levine closed the public hearing closed at 9:57 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Bauer, to recommend that the City Council adopt Ordinance #15-02.

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

5.10: Discuss Sign Standards for Highway 10 Corridor

Presentation

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to provide broad policy direction on potential amendments to the City's sign regulations based on business community feedback and previous sign approvals. This is an introductory discussion topic at this point. No suggested amendments to City Code have been prepared at this time. Staff asked for policy direction and focused on sign height.

Sign height was the focus. Staff wants policy direction.

Commission Business

Discussion took place regarding the need to address sign height via a conditional use permit and the Commission's need for more visuals.

Community Development Director Gladhill stated he is hearing that the Commission is somewhat open to a policy change on sign height requirements, but more visuals would be required.

Assistant City Administrator/Economic Development Manager Brama stated that McDonalds has indicated it would be willing to co-locate. He stated that this is an important topic for retailers and the need for more discussions.

6. COMMISSION/STAFF INPUT

6.01: Staff Update

Community Development Director Gladhill reported that Staff is continuing to work with Connexus Energy on lighting at the Lord of Life/Stony River shared entrance; Country Club Hills continues to work on their final plans and are looking at financing; and Common Bond Community is working on their design. He commented on a very successful Armstrong Boulevard interchange thank you event. Community Development Director Gladhill reported that he is trying to schedule a strategic planning session for the Planning Commission via e-mail and that the City holiday party will be held January 9th.

6.02: Receive Update on City Council Work Session Discussion with Representative of the Metropolitan Council

Noted.

6.03: Review Term Schedule for Planning Commissioners

Noted.

6.04: Zoning Bulletins

Zoning Bulletins were noted.

Commissioner Vanscoy asked when the vision and ordinances for The COR will be reviewed.

Community Development Director Gladhill replied that he is planning to review this at the City Council's strategic planning meeting coming up in January.

7. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 10:15 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Denise Bosch
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 02/05/2015

By: Chris Anderson, Community
Development

Information

Title:

PUBLIC HEARING: Consider Request for a Variance to the Minimum Front Yard Setback Requirement on the Property Located at 16877 Feldspar Street NW; Case of 21st Century Bank

Purpose/Background:

The City has received an application from 21st Century Bank (the "Applicant") requesting a variance to the minimum front yard setback on the property located at 16877 Feldspar St NW (the "Subject Property"). As the Planning Commission will recall, a public hearing was recently held to consider a Preliminary Plat for Brookfield 5th Addition to convert the Subject Property from an outlot to a buildable lot. On January 27, 2015, the Applicant received City Council approval of both the Preliminary Plat and Final Plat for BROOKFIELD FIFTH ADDITION. This variance request is an attempt to mitigate a concern raised at the previous public hearing regarding the position of a new home on the Subject Property in relation to the existing home on the lot to the north.

Notification:

Staff attempted to notify all Property Owners within a 350 foot radius of the Property of the Public Hearing via Standard US Mail. The Public Hearing was also published in the City's official newsletter, the Anoka County Union Herald.

Observations/Alternatives:

The Subject Property was initially platted as an outlot as part of Brookfield 1st Addition and was encumbered with a cul-de-sac and temporary road easement to facilitate an anticipated extension of Feldspar Street to service future redevelopment of the larger, existing lots to the south. When the Subject Property was re-platted as Brookfield 5th Addition, it reinforced the fact that the cul-de-sac is serving more as a permanent road rather than in a temporary capacity. The configuration of the cul-de-sac bulb results in a new home on the Subject Property needing to be much further east than that of the homes north of it.

In submitting the application for a variance, the Applicant is attempting to address the concern previously raised that by meeting the minimum front yard setback, the new home's front windows would essentially be behind, and therefore create the ability to look into, the rear facing windows of the home to the north. The Applicant is seeking a variance to permit a setback of twenty (20) feet from the front property line. This would allow the home to be shifted west enough so that it is not entirely behind the rear wall of the home to the north while at the same time maintaining enough space from the street edge to ensure adequate snow storage capacity and vehicle parking.

When contemplating a variance request, there is a three (3) factor test for practical difficulties that must be met by the Applicant. The following are the three (3) factors:

1. Is the property owner proposing to use the property in a reasonable manner?
2. Is the landowner's problem due to circumstances unique to the property and not caused by the landowner?
3. If granted, would the variance alter the essential character of the locality?

A single family residential dwelling on the Subject Property would be a reasonable use of the property. The configuration of the cul-de-sac bulb, which was permitted as part of the Brookfield 1st Addition plat, is unique to the Subject Property and was not caused by the Applicant. Approval of the variance would allow the proposed dwelling to be shifted further west, improving its alignment with the existing homes to the north. If the variance were not granted, it would cause the proposed dwelling to be completely east of the adjacent home to the north,

likely resulting in views from its front windows into the rear windows of the home to the north, which could be perceived as altering the essential character of the neighborhood.

Alternatives

Option #1. Approve Resolutions #15-02-031 and #15-02-032 adopting Findings of Fact #0940 and granting a variance to the front yard setback requirement. The Applicant has provided an exhibit confirming that the lot is buildable without the issuance of a variance. However, due to the unique design and configuration of the cul-de-sac bulb, which was not the result of actions by the Applicant, without a variance, the front of the proposed home would be east of the rear wall of the home to the north, resulting in an undesirable alignment. Granting a variance to allow a front setback of twenty (20) feet allows the home to be shifted west so that its alignment with the homes to the north is improved while also still providing sufficient space for snow storage and vehicle parking. Staff supports this option.

Option #2. Approve amended Resolutions #15-02-031 and #15-02-032 adopting amended Findings of Fact #0940 and granting a variance to the front yard setback requirement. This option would be based on discussion but accounts for alternative positioning of the home should the Planning Commission find that more desirable.

Option #3. Do not approve Resolutions #15-002-031 and #15-02-032. While a home could still be constructed on the Subject Property without the issuance of a variance, it would result in an undesirable alignment and position the home very near the boundary of a Drainage and Utility Easement resulting in little usable (buildable) area behind the home. Furthermore, without a variance, it could be argued that the character of the neighborhood would be altered due to the alignment of the homes and the potential infringement of privacy of the property owner to the north. Staff does not support this option

Funding Source:

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

Recommendation:

Staff recommends approving Resolutions #15-02-031 and #15-02-032 adopting Findings of Fact #0940 and granting a variance to the front yard setback requirement (option #1).

Action:

Motion to adopt Resolution #15-02-031 approving Findings of Fact #0940 and Resolution #15-02-032 approving the request for a variance to the front yard setback requirement.

Attachments

Site Location Map

Variance Exhibit

Examples of Existing Home Alignments on Cul-de-Sacs

Resolution #15-02-031: DRAFT Findings of Fact

Resolution #15-02-032: DRAFT Variance

Form Review

Inbox

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 01/30/2015

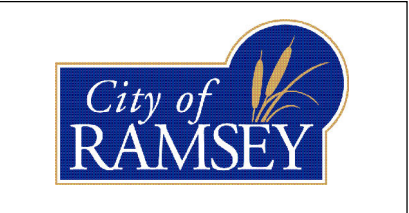
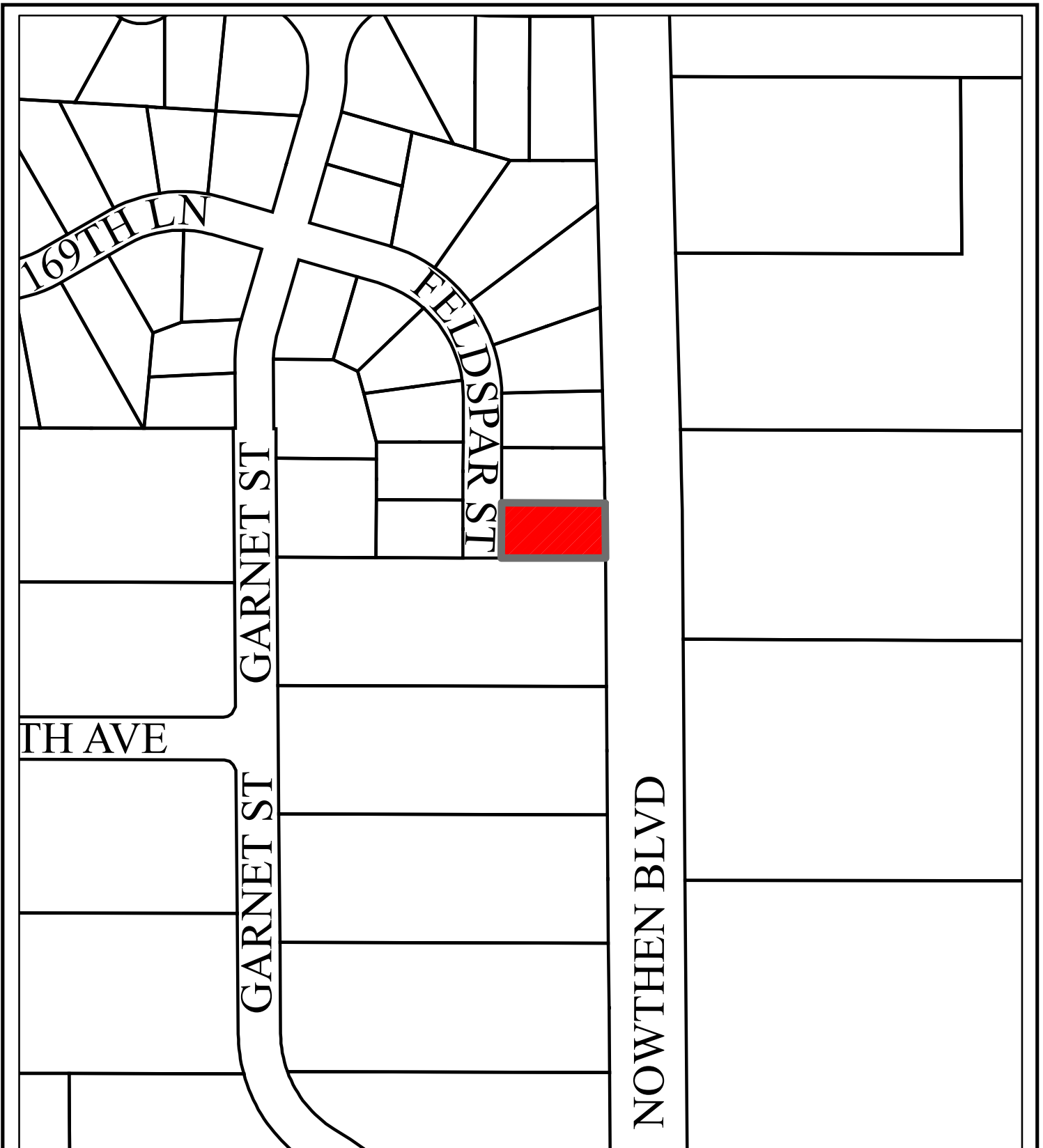
Reviewed By

Tim Gladhill

Date

01/30/2015 01:42 PM

Started On: 01/23/2015 10:39 AM



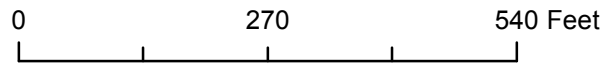
Brookfield Fifth Addition

Legend

-  Site
-  Parcels



A north arrow pointing upwards, with the letter "N" above it.

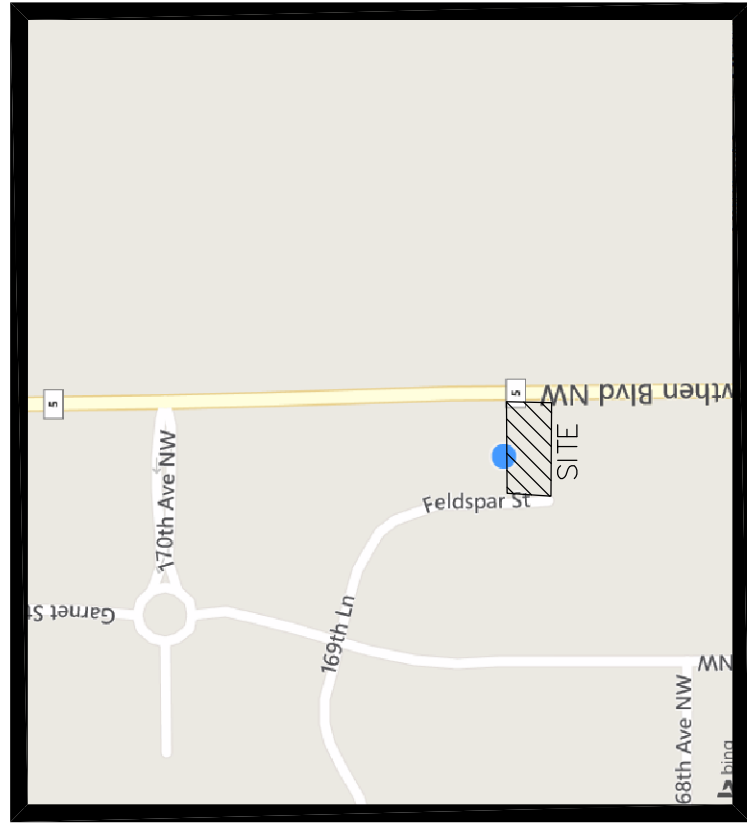


PRELIMINARY PLAT

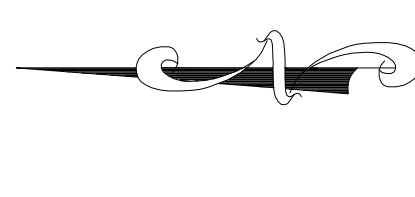
~of~ BROOKFIELD FIFTH ADDITION
 ~for~ 21ST CENTURY BANK
 9380 CENTRAL AVENUE NE
 BLAINE, MN 55434

VICINITY MAP

PART OF SEC. 10, TWP. 32, RNG. 25

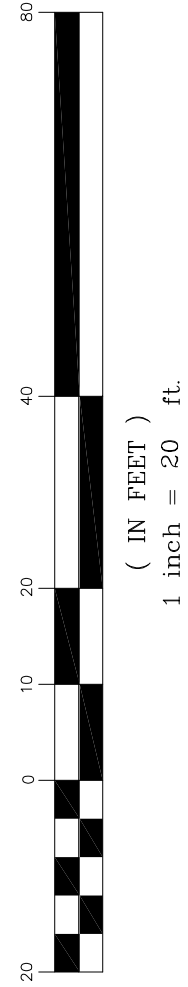


ANOKA COUNTY, MINNESOTA
 (NO SCALE)



NORTH

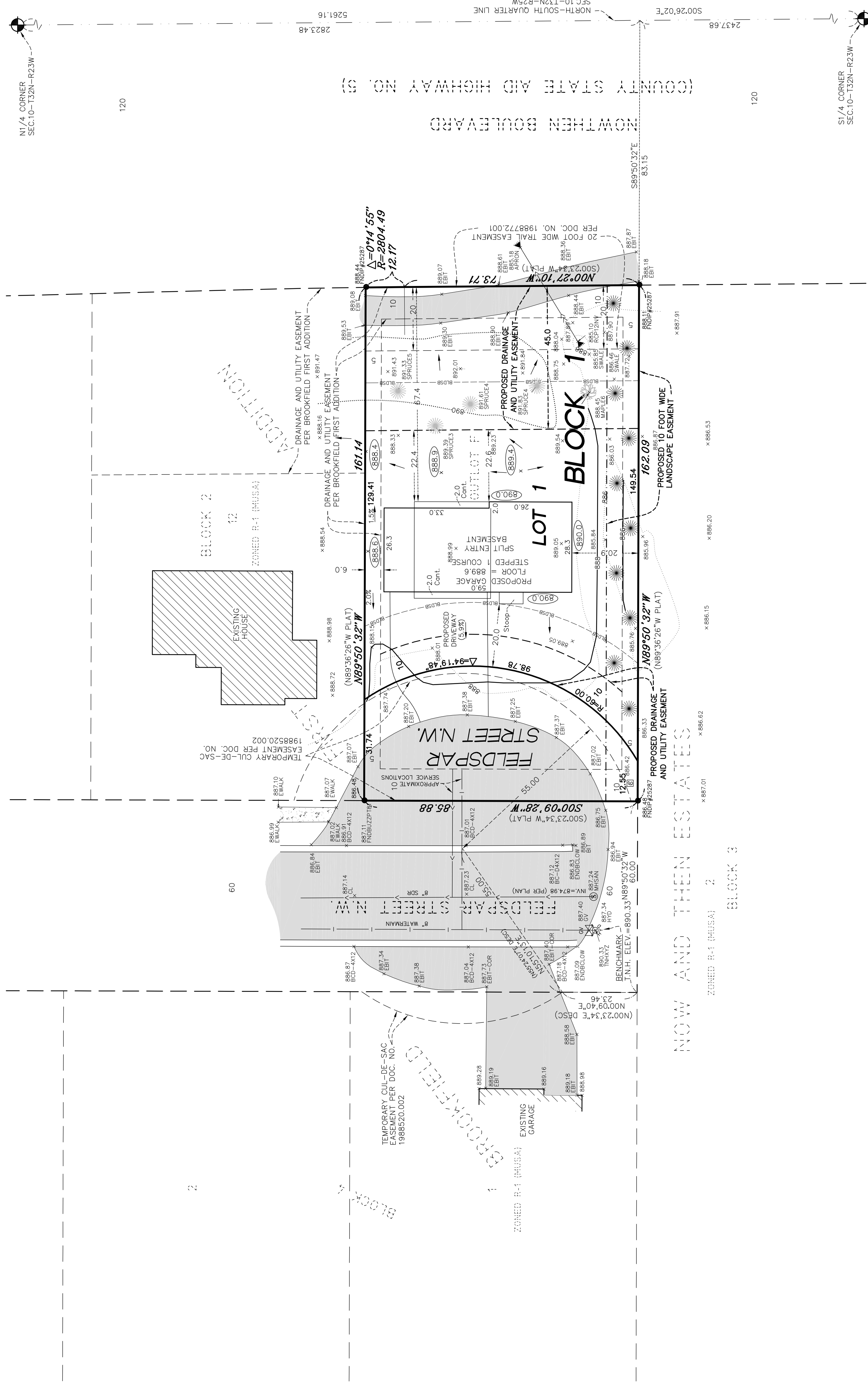
GRAPHIC SCALE



LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- ◻ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ◻ DENOTES CABLE PEDESTAL
- ◻ DENOTES SANITARY SEWER MANHOLE
- ◻ DENOTES HYDRANT
- ◻ DENOTES GATE VALVE
- x 192.36 DENOTES EXISTING SPOT ELEVATION
- ◁ DENOTES STORM SEWER APRON
- ◁ DENOTES EXISTING CONTOURS
- ◁ DENOTES EXISTING SANITARY SEWER
- ◁ DENOTES EXISTING STORM SEWER
- ◁ DENOTES EXISTING WATER MAIN
- ◁ DENOTES BUILDING SETBACK LINE
- ◁ DENOTES CONCRETE SURFACE
- ◁ DENOTES BITUMINOUS SURFACE
- ◁ DENOTES PROPOSED CONTOURS
- ◁ DENOTES PROPOSED ELEVATION.
- ◁ DENOTES DIRECTION OF DRAINAGE.
- ◁ DENOTES PROPOSED CONIFEROUS TREE PLANTING (SIZE, CALIBER AND SPECIES PER CITY SPECIFICATIONS)

E.G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com



PROPERTY DESCRIPTION

- Outlot F, BROOKFIELD FIRST ADDITION, Anoka County, Minnesota.
- Field survey was completed by E.G. Rud and Sons, Inc. on 06/17/14 and 8-6-14.
- Bearings shown are on the Anoka County Coordinate System.
- Curb shots are taken at the top and back of curb.
- This survey was prepared based upon Title Commitment File No. 3205-21-2283, prepared by WFC National Title Insurance Company, dated June 25, 2014.

NOTES

AREA COMPUTATIONS

TOTAL SITE AREA: 13,881± S.F.
 PROPOSED SINGLE FAMILY LOT: 10,870± S.F.
 PROPOSED RIGHT OF WAY: 3,071± S.F.
 1 PROPOSED SINGLE FAMILY LOT
 DENSITY: 3.1 LOTS/ACRE

ZONING AND SETBACKS

CURRENT ZONING IS R-1 RESIDENTIAL (MUSA)
 PROPOSED ZONING IS R-1 RESIDENTIAL (MUSA)

FRONT SETBACK 35 FEET (FROM BITUMINOUS CUL-DE-SAC) [VARIANCE REQUIRED]
 20 FEET (FROM RIGHT-OF-WAY)
 HOUSE SIDE SETBACK (INTERIOR) 10 FEET
 GARAGE SETBACK 6 FEET
 REAR SETBACK 30 FEET

DEVELOPMENT REQUIREMENTS FOR ZONE R-1 RESIDENTIAL (MUSA)
 MINIMUM LOT AREA 10,800 S.F.
 MINIMUM LOT WIDTH 80 FEET AT SETBACK LINE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: 1-23-2015 License No. 41578

NO.	DATE	DESCRIPTION	BY
1	08/07/14	Additional Topo	JEN
2	12/05/14	Revision per city meeting	JEN
3	1/05/15	Revision per city staff	JEN
4	1/23/15	Rev. Variance per city staff	JEN



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

RESOLUTION #15-02-031

RESOLUTION ADOPTING FINDINGS OF FACT #0940 RELATING TO A REQUEST FROM 21ST CENTURY BANK FOR A VARIANCE TO THE FRONT YARD SETBACK REQUIREMENT.

WHEREAS, 21st Century Bank, hereinafter referred to as “Applicant,” has properly applied for a variance to the front yard setback requirement established in Section 117-111 (R-1 Residential District) of the Ramsey City Code on the property generally known as 16877 Feldspar Street NW and legally described as follows:

Outlot F, Brookfield First Addition, Anoka County, Minnesota

Or upon recording

Lot 1, Block 1, Brookfield 5th Addition, Anoka County, Minnesota

(the “Subject Property”).

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

1. That the Applicant submitted an application for a variance on January 15, 2015.
2. That the Applicants appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on February 5, 2015, and that said public hearing was properly advertised, and that the minutes of said public hearing are hereby incorporated as a part of these findings by reference.
3. That the Subject Property is zoned R-1 Residential (MUSA) and is approximately 10,800 square feet in size.
4. That the Subject Property is surrounded by properties also zoned R-1 Residential (MUSA).
5. That Section 117-111 (d) of the Ramsey City Code establishes a front yard setback of thirty (30) feet from the right-of-way of public roads for properties within the Metropolitan Urban Service Area (MUSA).
6. That the Subject Property received preliminary and final plat approval on January 27, 2015 and consists of one (1) urban single family residential lot served by municipal sewer and water.
7. That the Feldspar Street cul-de-sac bulb was designed in such a way that the majority of the bulb lies east of the north/south stretch of Feldspar Street.

8. That the existing configuration of the cul-de-sac bulb causes the placement of a home on the Subject Property that meets the minimum required setback to be located entirely east of the rear wall of the existing home to the north, likely resulting in a partial loss of privacy for the adjacent property owner.
9. That the Applicant is requesting the setback to better align a new home on the Subject Property with the existing home to the north and to provide more usable (not encumbered with easement) rear yard space on the Subject Property.
10. That the design of the Feldspar Street cul-de-sac bulb creating the practical difficulty was not the result of actions by the Applicant.
11. That the plight is/is not due to circumstances unique to the Subject Property.
12. That the plight was/was not created by the Applicant.
13. That, if granted, the Variance will/will not alter the locality's essential character.
14. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
15. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
16. That, if granted, the variance will/will not increase the congestion on the public street.
17. That, if granted, the variance will/will not adversely impact the degree of public health, safety and general welfare provided for in the Ramsey City Code.
18. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
19. That, if granted, the variance will/will not diminish established property values within the neighborhood.
20. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Applicants.
21. That, if granted, the variance will/will not grant the Applicants any special privilege that is denied to the owners of other land in the same district.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly adopted by the Ramsey Planning Commission this the 5th day of February, 2015.

Chairperson

ATTEST:

City Clerk

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

RESOLUTION #15-02-032

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO THE FRONT YARD SETBACK ON THE PROPERTY LOCATED AT 16877 FELDSPAR STREET NW AND DECLARING TERMS OF SAME.

WHEREAS, 21st Century Bank (Permittee), has properly applied for a variance (the "Variance") to the front yard setback from a public street requirement in the R-1 Residential District on the property generally known as 16877 Feldspar Street NW and legally described as follows:

Outlot F, Brookfield First Addition, Anoka County, Minnesota

Or upon recording

Lot 1, Block 1, Brookfield 5th Addition, Anoka County, Minnesota

(the "Subject Property")

WHEREAS, the Planning Commission conducted a public hearing on February 5, 2015, pursuant to Section 117-53 of the Ramsey City Code, relating to the request for a variance from the front yard setback requirements on the Subject Property.

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

1. That based on Findings of Fact #0940, a **Variance** to construct a new single family dwelling within the required front yard setback area on the **Subject Property** is hereby granted.
2. That the dwelling on the **Subject Property** shall maintain a front yard setback of twenty (20) feet from the public road right of way as shown on the attached Exhibit A.
3. No construction shall commence until the approved final plat of BROOKFIELD FIFTH ADDITION and an executed Development Agreement regarding said plat have been recorded against the Subject Property and after the issuance of a Building Permit for the dwelling.
4. That this **Variance** shall automatically expire if the use is not initiated by February 5, 2016 and issuance of a Building Permit shall constitute initiation.
5. The **Permittee** shall be responsible for all City costs incurred in administering and enforcing this variance.

Meeting Date: 02/05/2015

By: Tim Gladhill, Community Development

Information

Title:

Review Sketch Plan of Harvest Estates Located at 15153 Nowthen Blvd NW; Case of N.I.K. Management, Inc.

Purpose/Background:

The purpose of this case is to review the Sketch Plan for Harvest Estates, a proposed 45-lot detached, single-family subdivision on the former municipal center campus located at 15153 Nowthen Blvd. NW. Sketch Plan Review is a process outlined in City Code that provides an opportunity for the Planning Commission to review compliance with the Comprehensive Plan as well as Zoning and Subdivision Codes (City Code Chapter 117) before an Applicant spends resources on detailed civil engineering drawings. This step is not required by Minnesota Statute Chapter 462; however, it provides for a more proactive and collaborative design approach in an effort to avoid issues at a later date.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the boundaries of the Subject Property of the Sketch Plan Review via Standard US Mail.

Observations/Alternatives:

Observations

The City is currently in the process of completing the necessary steps for the required Comprehensive Plan Amendment and Zoning Amendment if the site is to redevelop as proposed.

The proposed 45-lot single-family subdivision appears to comply with all minimum bulk standards of City Code Chapter 117 Article III (Subdivision Standards) and Section 117-111 (R-1 Residential District). A detailed analysis of this review is included in the attached Staff report. The Applicant is required to demonstrate in additional detail compliance with required setbacks for future structures.

The site is still actively being used as Fire Station No. 2. The City Council recently approved the site plan, accepted final plans and specifications, and authorized Staff to advertise for competitive bids for construction of a new Fire Station No. 2 as reviewed by the Planning Commission. In the coming months, the City Council will consider awarding a contract for construction. The redevelopment of the site will need to happen in phases.

Nowthen Boulevard Access

A significant topic of discussion thus far has been direct access to Nowthen Boulevard. At this time, upon further traffic analysis (unofficial), Staff recommends that the access to Nowthen Boulevard be closed and that the redevelopment focus on better internal circulation and avoidance of dead end streets in excess of 600 feet. The current concept accomplishes these goals. A more detailed analysis is attached as part of the Staff report.

The overall cost of re-aligning the access to allow said access to continue on Nowthen Boulevard would likely increase the costs to the project by several hundred thousand dollars. Initial analysis indicates that by closing the access to Nowthen Boulevard, all roads will continue to operate at acceptable levels of service, even with increased levels of traffic at each of these nodes. Additionally, the site will have reasonable access to three (3) major roads; 1) Nowthen Boulevard (at 150th Lane); 2) Alpine Drive (at Helium Street); and 3) TH 47/Saint Francis Boulevard (at 152nd Avenue). Finally, although the Anoka County Highway Department will technically allow either scenario,

they are highly opposed to full access, but may support a right-in/right-out 'half-access' with center medians and turn lanes. Access spacing and on-going safety concerns in the vicinity of the Ramsey Elementary School are primary concerns. The cost of these improvements would be the responsibility of the City to delegate costs how it sees fit. A cost estimate and impact to the project pro-forma is attached as part of the Staff report.

Phasing Plan/Interim Improvements

The current concept does appear to work better than previous concepts, eliminating one (1) of two (2) areas impacted by interim improvements. During Phase I, Staff finds it acceptable to utilize the parking lot from the former Police Station as a temporary 'cul-de-sac'. The Development Agreement and financial surety (Letter of Credit) will protect the City from potential delays in Phase II, allowing the City to construct a more permanent cul-de-sac at full size if Phase II does not commence in 2016.

Frequently Asked Questions

As the redevelopment of the old municipal center has been discussed over a number of years and has taken a number of forms, Staff has highlighted key Frequently Asked Questions focused on residential redevelopment as part of the Staff report. This is a working document that can be added to during the course of review by the City.

Alternatives

Alternative #1. Direct the Applicant to prepare a Preliminary Plat as presented. Staff recommends this option for reasons stated above.

Alternative #2. Direct the Applicant to prepare a Preliminary Plat with modifications. The likely modifications based on previous discussions would be the Nowthen Boulevard access and potential elimination of a portion of the cul-de-sacs. Staff does not recommend this option due to the cost of the improvements when compared to the benefit.

Alternative #3. Do not direct the Applicant to prepare a Preliminary Plat and completely redesign the Plat. Staff does not recommend this option, as it appears that the concept of a residential redevelopment and current layout is generally supported by the community, with just a few key topics left to address on a policy level.

Funding Source:

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

The Applicant/Developer shall be responsible for required infrastructure costs and development fees required to serve the development.

This project is subject to a Purchase Agreement between the City and N.I.K. Management, as the Subject Property is currently owned by the City. Infrastructure costs have the potential to impact the net revenue of the project pro-forma.

Recommendation:

Staff recommends that the City direct the the Applicant to proceed to Preliminary Plat design stage.

Action:

While City Code does not require a motion of the Planning Commission related to Sketch Plan Review; given the complexity of the request, Staff does request a motion of the Planning Commission in this instance. Specifically, Staff request direction of the Planning Commission regarding access to Nowthen Boulevard.

Motion to direct the Applicant to proceed to the Preliminary Plat design stage with/without amendment.

Attachments

[Site Location Map](#)

[Sketch Plan](#)

[Tentative Review Schedule](#)

[Staff Review File](#)

[Letter dated 2.4.15](#)

[PC Supplemental Report](#)

Form Review

Inbox

Chris Anderson

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 01/30/2015

Reviewed By

Chris Anderson

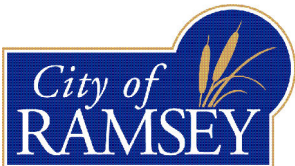
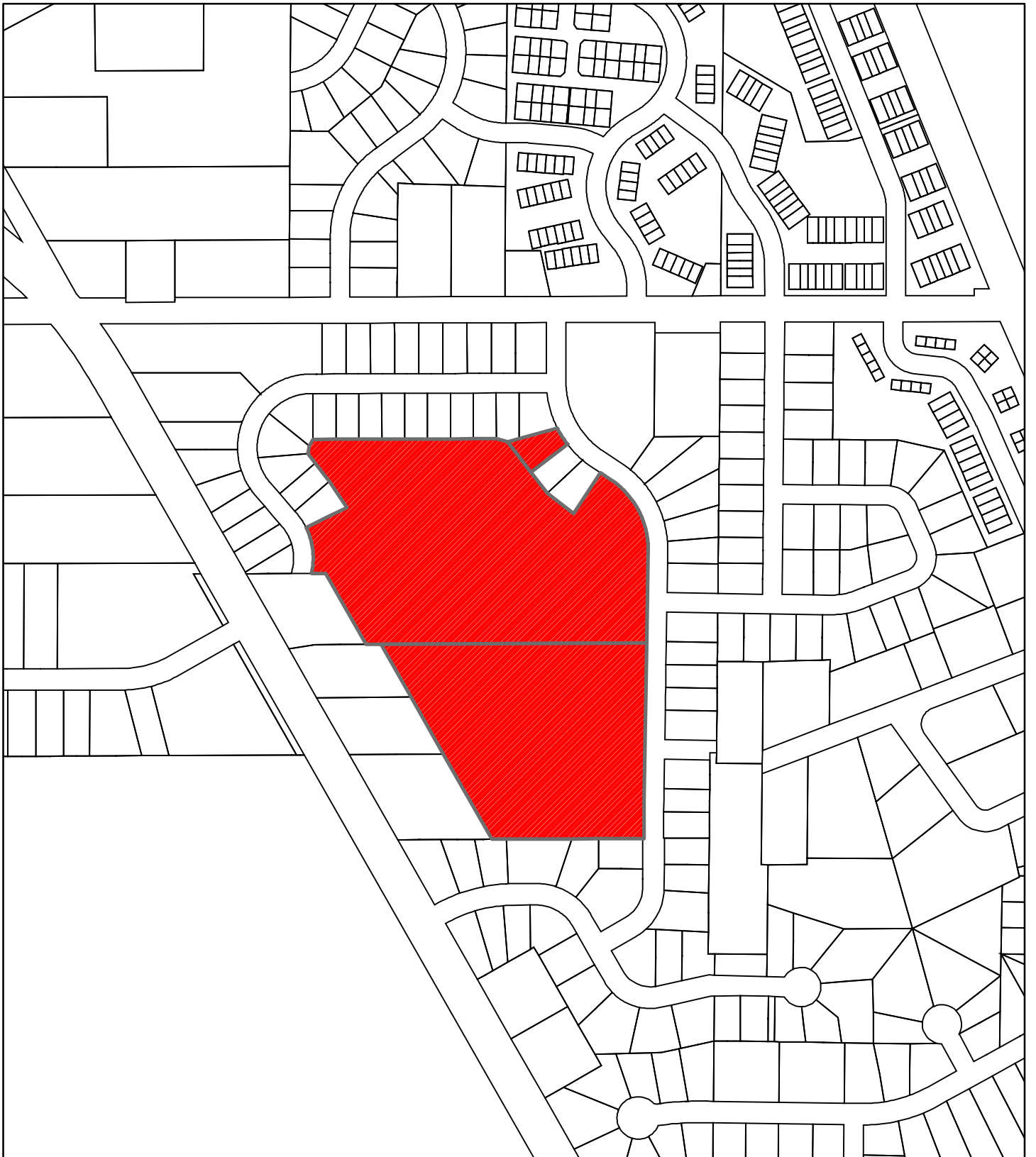
JoAnn Shaw

Date

01/30/2015 02:35 PM

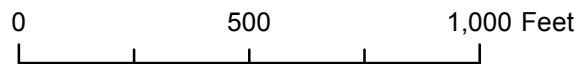
01/30/2015 02:38 PM

Started On: 01/28/2015 05:02 PM



Harvest Estates

Legend
Site
Parcels



HARVEST ESTATES

JOB NO.
141029

REVISIONS	DATE	DATE
REMARKS		

LEGAL DESCRIPTION

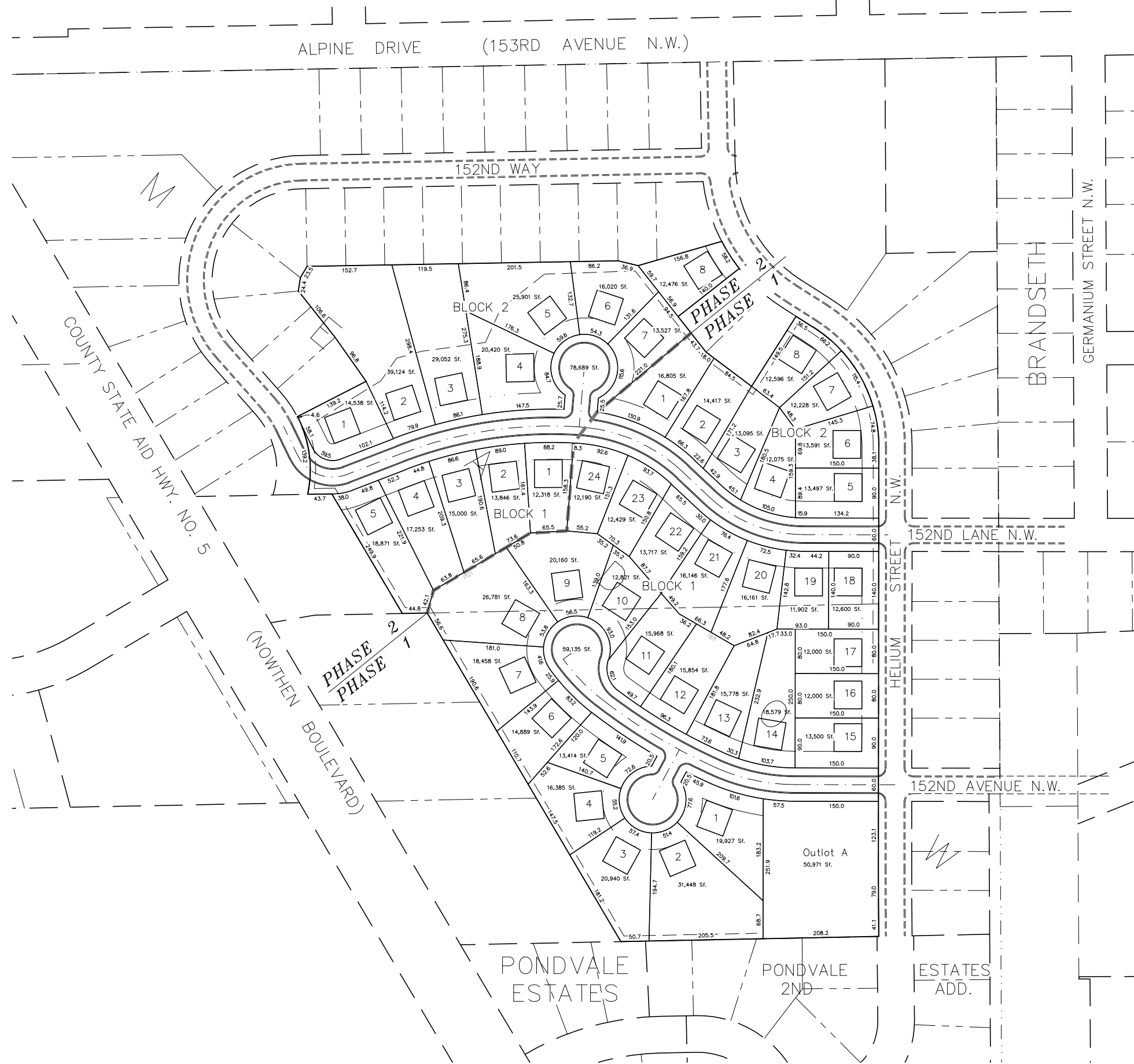
Lot 4, 5 and 21, Block 1, MEADOW.
Property Area = 939,490 Sf. - 21.568 Ac.

MINIMUM LOT REQUIREMENTS

Area 10,800 square feet
Lot width:
Corner 90 feet
Interior 80 feet
Setbacks:
Front yards 30 feet
Side yards 10 feet habitable
6 feet uninhabitable
Rear yards 30 feet
20 feet adjacent to park
Maximum building coverage
35 percent

Site Data:

Phase 1:
Area = 14.86 Ac.
Lots = 32
Phase 2:
Area = 6.70 Ac.
Lots = 13



CERTIFICATION:

HEDLUND
PLANNING ENGINEERING SURVEYING
2005 Pin Oak Drive
Eagan, Minnesota 55122
PHONE: (612) 405-6600

PREPARED BY: SKETCH PLAN - HARVEST ESTATES
PREPARED FOR: REPLAT OF PORTIONS OF MEADOW
RAMSEY, MINNESOTA

DRAWN	CHECKED	DESIGN
gbh		gbh
SHEET NUMBER		
1		

DATE 1/23/2015
REV. --/--/--

Tentative Schedule for Harvest Estates (Major Plat)
 Developer: N.I.K. Management, Inc.
 Engineer: Hedlund Engineering

Note: Both options assume a streamlined review. Both options have the Developer submitting Final Plat and Final Construction Documents PRIOR TO final approval of the Preliminary Plat. Please contact Tim Gladhill if you want a schedule to show submittal of final plans AFTER Preliminary Plat Approval (leading to final approval of all plans in June).

Option #1: Special Planning Commission Meeting on March 19 and Final Plans Submitted on March 28, 2015: **NOT CONFIRMED**

Milestone	Date
Sketch Plan: Submitted to City	1/23/15
Preliminary Plat: Start Design (30 days)	1/23/15
Sketch Plan: Reviewed by Planning Commission	2/5/15
Preliminary Plat: Submitted to City	2/19/15
Preliminary Plat: Development Review Meeting	2/24/15
Preliminary Plat: Public Hearing Due	3/4/15 @ 10:00 a.m.
Preliminary Plat: Public Hearing Published	3/6/15
Preliminary Plat: Planning Commission Review (Public Hearing)	3/19/15
<u>Final Plat: Submit to City for Review¹</u>	<u>3/28/14</u>
Preliminary Plat: City Council Review	4/14/15
Final Plat: City Council Review	4/28/15
Contingency: Additional City Council Meeting	5/12/15

Option #2: Normal Planning Commission Schedule and Final Plans Submitted on April 1, 2015

Milestone	Date
Sketch Plan: Submitted to City	1/23/15
Preliminary Plat: Start Design (30 days)	1/23/15
Sketch Plan: Reviewed by Planning Commission	2/5/15
Preliminary Plat: Submitted to City	3/5/15
Preliminary Plat: Development Review Meeting	3/10/15
Preliminary Plat: Public Hearing Due	3/18/15 @ 10:00 a.m.
Preliminary Plat: Public Hearing Published	3/20/15
<u>Final Plat: Submit to City for Review²</u>	<u>4/1/14</u>
Preliminary Plat: Planning Commission Review (Public Hearing)	4/2/15
Preliminary Plat: City Council Review	4/28/15
Final Plat: City Council Review	5/12/15
Contingency: Additional City Council Meeting	5/26/15

Please note that as of Friday, January 23, Hedlund Engineering was not able to commit to a submittal date for the Final Plat and Final Construction Plans. The dates above are subject to change based on scheduled availability and status of submitted plans. **The above dates are estimates only!**

¹ Hedlund Engineering cannot commit to date of submittal of Final Plat. This date is estimated only.

² Hedlund Engineering cannot commit to date of submittal of Final Plat. This date is estimated only.

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	01/30/2014	PROJECT ADDRESS	15153 NOWTHEN BOULEVARD
PROJECT. TITLE	HARVEST ESTATES		
ESCROW #	114538		
DEPARTMENT:	Community Development: Planning Division (Comprehensive Plan and Zoning Code)		
TECHNICAL REVIEWER:	Name: Tim Gladhill, Community Development Director Phone: 763-433-9826 Email: tgladhill@cityoframsey.com		

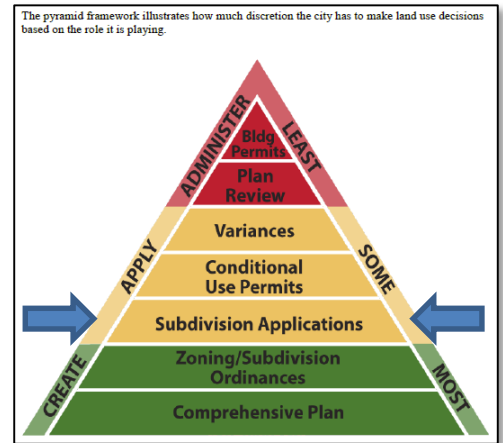
General: The purpose of this file is to review the official Sketch Plan prepared by N.I.K. management for the redevelopment for the former municipal campus located at 15153 Nowthen Blvd. NW as a 45-lot single-family residential development. The site is currently owned by the City of Ramsey, which has approved a Purchase Agreement to sell the site in two (2) phases to N.I.K. Management. The Planning Commission has reviewed a previous concept, which has now been revised per the suggestion of City Staff. The updated concept avoid dead-end streets exceeding maximum length allowed by City Code and provides a better phasing and staging plan.

Fire Station No. 2 does currently operate from the existing building on the site. The City Council also recently approved the site plan, final plans, and authorized advertisement for competitive bids to construct a new Fire Station to be located at 5650 Alpine Drive, adjacent to the site. The Final Plat would be approved in phases to allow the Fire Department to continue to operate at the current Fire Station No. 2 until construction of the new Fire Station No. 2 is completed. The Preliminary Plat must address interim improvements as needed to address the interim solution and the event that Phase 2 of redevelopment is delayed.

Applications & Assumptions: Sketch Plan Review is the first of several steps in reviewing a Major Plat.

1. Sketch Plan Review
2. Preliminary Plat
3. Final Plat

A proposed schedule of events is attached to this report. The City Council has approved a Comprehensive Plan Amendment to Low Density Residential, which will now be processed administratively by the Metropolitan Council. The City Council has also introduced an ordinance to approve a Zoning Amendment to R-1 Residential (MUSA). With those assumptions, the case is being reviewed per [City Code Section 117-111](#) entitled R-1 Residential District and [Chapter 117, Article III](#) entitled Subdivisions.



Comprehensive Plan: The Property is currently designated as Public/Quasi-Public in the [Comprehensive Plan](#). However, the City Council has approved a Comprehensive Plan Amendment as noted above to LDR: Low Density Residential. Areas guided Low Density Residential must have urban services before development can take place. These areas will average three (3) units per acre and contain single family, detached dwellings. The Developer shall provide calculations for Net Density (45 units / net developable area [excluding rights of way]).

Zoning: The Property is located within the Public/Quasi-Public Zoning District. However, the City is in the process of adopting a Zoning Amendment to R-1 Residential (MUSA) as noted above. The intent of the R-1 Residential District is to allow for the construction of single-family dwellings on suitable land. All newly created lots located within the Metropolitan Urban Service Area (MUSA) shall be serviced by municipal sanitary sewer and water supply, with the exception of a lot of record not less than five (5) acres in size. The proposed use appears to be consistent with this District.

Dimensional Standards. When preparing the Preliminary Plat, the Developer must demonstrate compliance with the following bulk standards.

Standard	Requirement
Minimum Lot Area	10,800 square feet
Density	One (1) lot per three (3) net developable acres.
Minimum Lot Width	80 feet (90 feet on corner lots)
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback (habitable)	10 feet
Minimum Side Yard Setback (uninhabitable)	6 feet
Minimum Side Yard Setback on Corner Lot	30 feet
Minimum Rear Yard Setback	30 feet
Maximum Building Coverage	35%
Maximum Driveway Width at Street	30 feet (24 feet cul-de-sacs)
Maximum # of Driveways	One (1) per road frontage
Minimum Floor Areas	
Rambler with Garage	912 square feet
Split Level with Garage	720 square feet (total of main living areas)
Full Two Story with Garage	720 square feet (main floor)
Accessory Structure Setbacks	
Minimum Front Yard Setbacks	30 feet or same as principal structure (whichever is greater)
Minimum Rear Yard Setback	5 feet (but must remain outside of drainage and utility easements)
Minimum Side Yard Setback	6 feet
Minimum Side Yard Setback on Corner Lot	30 feet

Access. The plat proposed to gain access from Helium Street and Krypton Terrace, existing internal residential roads. The layout has been amended since it was last reviewed by the Planning Commission, at the suggestion of City Staff. Although there is a net increase in the number of cul-de-sacs created, these proposed dead-end streets would comply with maximum lengths of 600 feet allowed by City Code. The revised concept also avoids terminating Krypton Terrace, a roadway that currently has another outlet.

Nowthen Boulevard Access

A primary discussion topic of the Planning Commission when informally reviewing the previous comment was the existing Nowthen Boulevard access. At this time, Staff recommends that the access to Nowthen Boulevard be closed and the plat continued to be designed as presented with enhanced internal circulation. A justification for the Staff Recommendation follows.

This access currently is the driveway to the former municipal center campus. The Planning Commission, by consensus, desired to explore keeping open or re-aligning the direct access to Nowthen Boulevard. Staff has continued to discuss this access point with the Anoka County Highway Department. At this time, Anoka County would highly oppose a full access in its current or re-aligned location. Anoka County may support a partial access (right-in, right-out only), which would require the construction of center medians and turn lanes. These additional improvements would be the obligation of the City, or delegated to the Developer, impacting the project pro-forma.

General Comments from Anoka County

- The new Alpine/CSAH 5 intersection was designed for this proposed development (from a safety and traffic circulation perspective). This intersection was a significant investment. County staff would like to see this investment fully utilized.

- Alpine/CSAH 5 will soon be signaled. When the northbound/southbound lights are green, southbound traffic will enter the school zone at top-speeds. Previously, traffic stopped at Nowthen Boulevard/Alpine Drive before entering this school zone (all way stop sign). If access is allowed to Nowthen Boulevard from this new development, the County would have serious safety concerns for both commuters on CSAH 5 and the nearby school (pedestrians, buses, parents, etc.).
- The proposed access to this site does not meet the County minimum 1/4 mile setback from the Alpine/CSAH 5 intersection. This results in additional safety concerns by County staff.
- County staff opposes supporting any access to CSAH 5 from the City's site. However, if the City decided access is required to CSAH 5, the County will not dis-approve said request. If access to CSAH 5 is a City requirement, County staff would strongly recommend requiring a right-in/right-out access only; and the addition of applicable turn lanes. All costs associated with turn lanes and a medians (for right-in /right-out) would be the sole cost of the City.
- County staff believes the two nearby accesses (Alpine Drive and 150th) provide reasonable and efficient access to the new proposed development (and connection to the nearby school).
- County staff indicated the nearby elementary school has significant safety concerns regarding traffic along CSAH 5 now; and believes this new proposed access will worsen said concerns.

Attached to this report is a brief traffic analysis. Please note that this analysis has not been prepared by a licensed traffic engineer and is for illustrative purposes only. The City accepts no liability for sharing this information. This is a working document that allows the City to adjust travel splits to impacted intersections based on local knowledge and experience. The intent of this document is to illustrate cost versus benefit of requiring an additional connection to Nowthen Boulevard.

The site will have three (3) access points to major roads: 1) Nowthen Boulevard (at 150th Lane); 2) Alpine Drive (at Helium Street); and 3) Trunk Highway (TH) 47/Saint Francis Boulevard (at 152nd Avenue). Based on a split between these three intersections upon full build-out (existing homes + proposed development), it appears that the traffic levels would continue to be within acceptable levels of service.

With a long-term net cost to the City of approximately \$300,000 to \$500,000 in construction, construction administration, and property acquisition (\$500,000 to \$700,000 up front without return on investment in property acquisition), Staff does not believe that the time savings of approximately one (1) to three (3) minutes is justifiable at this time.

Interim Improvements

A portion of the northernmost proposed road is impacted by the phasing plan. This area is located near the former Police Department building. Staff recommends that the parking lot for this building serve as an interim turnaround due to the proposed schedule, as opposed to constructing a full-sized cul-de-sac. However, the Developer is working on an interim, full-sized cul-de-sac in the event Phase II does not commence construction in 2016. The Development Agreement and financial surety requirement shall address this staging issue to ensure the City can react as needed.

Architectural Standards. Architectural renderings are not required as part of Sketch Plan Review. City Code Section 117-111 requires that all structures be constructed with exterior materials consisting of face brick, natural stone, aluminum, steel, or vinyl siding, wood, Masonite products, or other compatible residential materials that may be approved by the City. The assumption is that the Developer will be constructing homes similar to those constructed in MEADOW, the adjacent residential development constructed in 2005.

Development Fees. The Developer will be required to pay development fees consistent with the City’s approved schedule of Rates and Charges.

Fee	Amount	# of Units	Total
Park Dedication	\$2,600/unit	45	\$117,00
Trail Development	\$700/unit	45	\$31,500
Water Trunk	\$1,597/unit	45	\$71,865
Sanitary Sewer Trunk	\$1,126	45	\$50,670
Stormwater Management	\$459/unit	45	\$50,670
Street Light	\$1,300/light	TBD	TBD
Street Light O & M		TBD	TBD

Building Permit Fees. The Developer shall contact the City’s Building Division to provide an estimate of fees due with each Building Permit. It is hereby noted that Sewer Availability Charges (SAC) and Water Availability Charges are due at time of building permit in addition to the above at a rate of \$2,485 per unit and \$1,177 per unit respectively.

Frequently Asked Questions from the Public. To aide in your preparation for future presentations, City Staff has prepared a list of frequently asked questions from the public in reviewing this site as single-family residential. This document is attached at the end of this file.

Recommendation. City Staff is recommending that the Planning Commission approve the Sketch Plan and direct the Developer to proceed to preparing a Preliminary Plat, with amendments as outlined in this Staff Review File.

Next Steps. The Sketch Plan Review process affords the Planning Commission to opportunity to provide early direction on the layout of the proposed plat, before the Developer prepares detailed Preliminary Plat plans. A schedule of events follows this section. A key decision will occur at Preliminary Plat, in which the layout will be approved, subject to approving final construction plans and Final Plat documents. At that time, the City will review items including, but not limited to, Grading Plan, Utility Plan, Landscape Plan, and Street Light Plan. You will be required to enter into a Development Agreement with the City to ensure the timely construction of required improvements. The Development Agreement will also require a financial surety in the amount of 125% of the cost of required improvements. The financial surety shall be in the form of a Letter of Credit or cash escrow only. The Development Agreement will also require an Engineering Inspection Fee of 5% of the cost of required improvements. The escrow must be in the form of a cash escrow. The City will prepare a draft Development Agreement for your review. This will occur as part of approval of the Final Plat.

Please note that the City will need to discuss the relocation of existing utilities as part of the design of the Plat.

Old Municipal Center Redevelopment Frequently Asked Questions: Single-Family Residential Development

What are the sizes of the proposed lots?

The lots are proposed to be consistent with minimum standards established in City Code Section 117-111 entitled R-1 Residential District. Generally speaking, the lots will be at least one-quarter acre in size, which is similar, if not slightly larger, than the single-family lots created in MEADOW in 2005.

Will the development include an access to Nowthen Boulevard?

The site layout concept has been amended from initial concepts. As proposed, the new development will not include a direct access to Nowthen Boulevard. Additionally, the existing driveway access to Nowthen Boulevard is proposed to be closed.

The updated concept focuses on better internal circulation, avoidance of dead end streets in excess of 600 feet in length, and still provides three (3) outlets to three (3) major roads in close proximity. The City has had significant discussions with the Anoka County Highway Department on this issue. At this time, Anoka County does not support a full access in this or the previously discussed realigned location. Anoka County MAY support a right-in/right-out 'half-access' which would include a center median. All improvements to Nowthen Boulevard including, but not limited to, turn lanes, medians, and property acquisition would be the responsibility of the City. The City could choose to delegate this cost to the Buyer of the Site; however, that would impact the project pro-forma.

For more information on this topic, please see the Traffic Analysis provided at the end of this document.

Will the development include a park?

The City's Master Park and Trail Plan does not call for an additional park within the boundaries of the former municipal center. The City has received this question from a number of residents, and wants to ensure that the community knows that the City values its parks and trail system as a primary service of our residents.

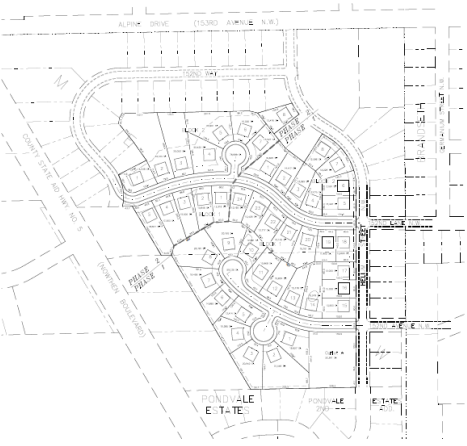
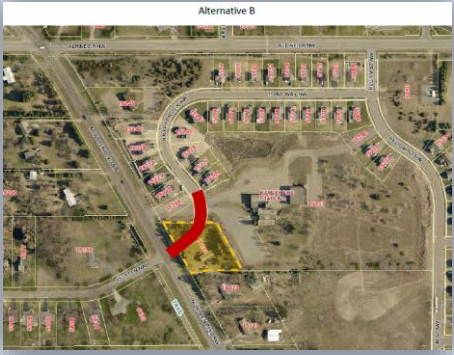
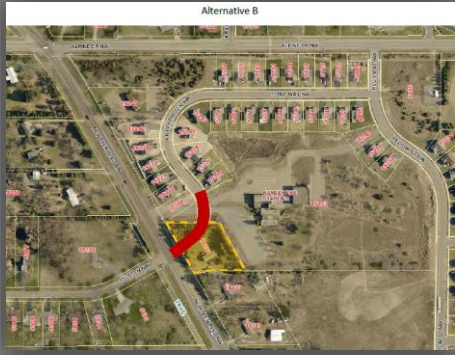
Generally speaking, the City's policy has been to focus on larger, higher-quality parks in close proximity to residential neighborhoods connected through a well-developed system of trails and open space.

The focus of delivery of parks and open space in this area has been Soltice Park to the south and Alpine Park to the west through a well-connected trail system. That being said, this comment has been raised in the past, and we will forward your idea to the City Council. I won't promise any sort of outcome, but remain committed to forwarding all ideas and comments forward. The Site is in close proximity to two (2) community parks; 1) Elmcrest Park and 2) Alpine Park. Additionally, play equipment is available at Alpine Park and Woodland Green Park. Open Space is available at Elmcrest Park, Alpine Park, Woodland Green Park, Bear Park, and Sunfish Lake Park.

Additionally, any new development that comes forward will contribute to our Park Dedication and Trail Development Fee which will allow us to further enhance and connect our existing system and future planned parks. The Parks and Recreation Commission will consider officially confirming this policy at their February meeting.

Can the existing stormwater pond on the northern end of the Site be expanded to the east to provide additional buffer to existing residences to the north?

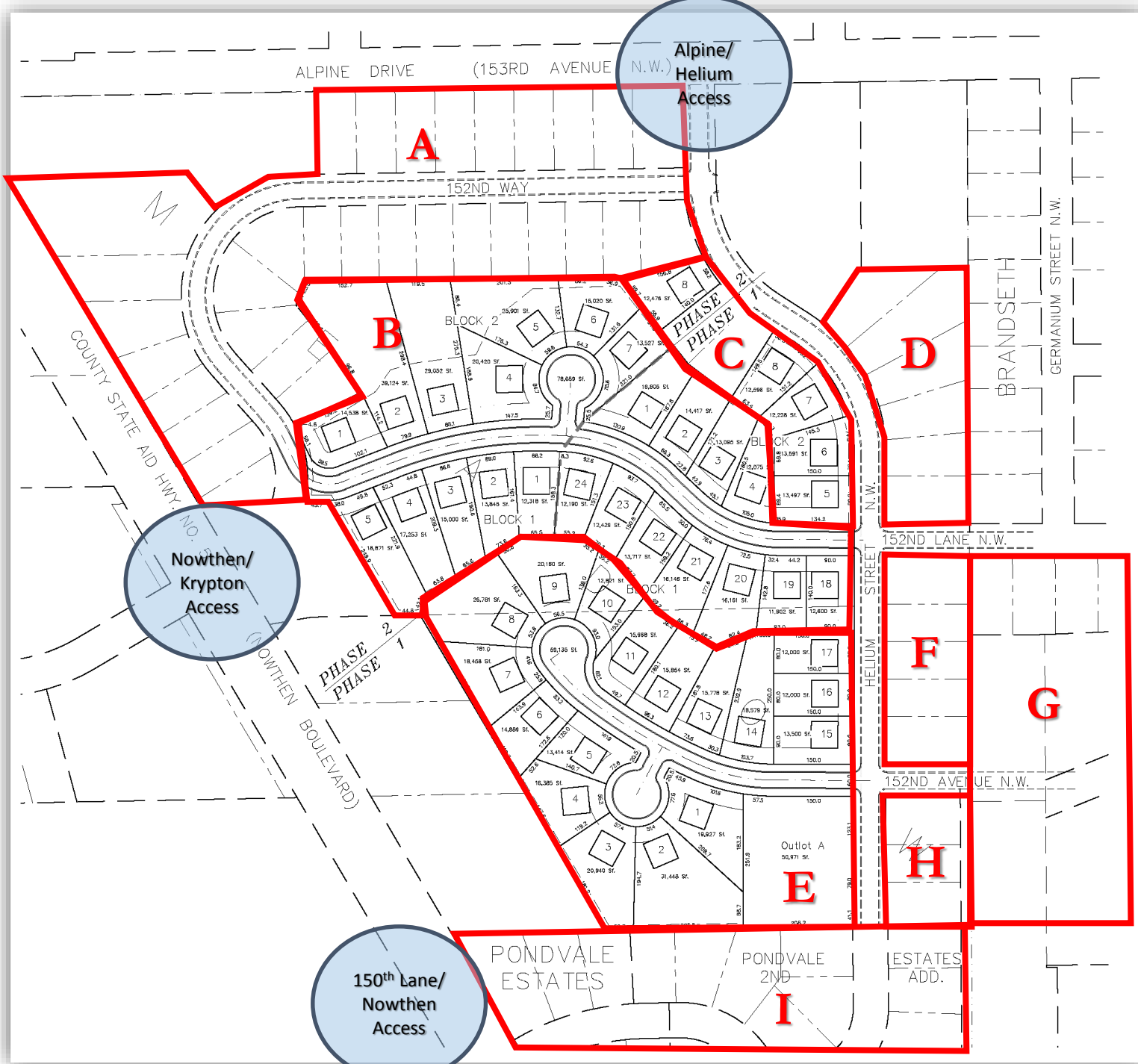
Physically speaking, the pond could be expanded in size. However, it appears that it would not be needed for stormwater purposes, would not be required for density transition purposes and would be a voluntary option to do so. The City encourages the developer to consider vegetative screening as an option to address the concerns of existing residences.

Site Concept	Access Closed	Half Access Open (Right In Right Out)	Access Open
Traffic Generated from new development (ADT = Average Daily Trips)			
470 trips per day (10 per household)	470 trips per day (10 per household)	470 trips per day (10 per household)	470 trips per day (10 per household)
Nowthen Boulevard Access (Krypton Terrace)			
Traffic Count at Nowthen Boulevard Access as a result of new development	0 ADT	147 ADT	251
Total Traffic Count on 150 th Lane and Nowthen Boulevard	0 ADT	307 ADT	498
Increase in traffic at 150 th Lane and Nowthen Boulevard due to closure from new development only	-251 ADT	-104 ADT	N/A
Alpine Drive			
Traffic Count on Alpine Drive and Helium Street as a result new development	207 ADT	102 ADT	33
Full Build Out: Total Traffic Count on Alpine Drive and Helium Street	486 ADT	286 ADT	174
Increase in traffic at Alpine Drive and Helium Street due to closure from new development only	+175 ADT	69 ADT	N/A
150th Lane			
Traffic Count at 150 th lane as a result of new development	175 ADT	152 ADT	118
Full Build Out: Total Traffic Count at 150 th lane	473 ADT	393 ADT	315
Increase in traffic at 150 th Lane and Nowthen Boulevard due to closure from new development only	+58 ADT	+35 ADT	N/A
TH 47/Saint Francis Boulevard			
Traffic Count 152 nd Avenue and Saint Francis Boulevard from new development	88 ADT	70 ADT	70
Full Build Out: Total Traffic Count on 152 nd Avenue and Saint Francis Boulevard	222 ADT	195 ADT	195
Increase in traffic at Alpine Drive and Helium Street due to closure from new development only	+19 ADT	0 ADT	N/A
Miscellaneous			
Maximum AM Drive Time in Study Area TO Ramsey Elementary School (new development area + Meadow)	4.08 minutes	4.08 minutes	2.95 minutes
Maximum PM Drive Time in Study Area FROM Ramsey Elementary School (new development area + Meadow)	4.08 minutes	1.95 minutes	2.95 minutes
Added Construction Cost of Realignment (delta from baseline concept)	\$100,000 or less (may be \$0)	\$300,000	\$300,000
Cost of County Roadway Enhancements	TBD (~\$200,000)	TBD (~\$200,000)	TBD
Cost of Property Acquisition (Anoka County Assessed Value)	\$49,000 (\$65,000 asking price)	\$206,700 + \$65,000	\$206,700
Cost to remove old buildings, utilities, and infrastructure	TBD (\$200,000+)	TBD (\$200,000+)	TBD (\$100,000+)
Return on Investment of Right of Way Acquisition	\$50,000	\$150,000	\$100,000
Total Up Front Costs	\$565,000	\$971,700	\$406,700
Offer Price (\$929,000) – Total Costs + Return on Investment (Total Return on Investment Long Term)	TBD (~\$315,000)	TBD (likely <\$0)	TBD (<\$100,000)

Notes:

- Anoka County will not support a full access at Nowthen Boulevard at the current access to the site.
- Anoka County MAY support a right-in, right-out at Nowthen Boulevard at the current access to the site at City cost.
- Current and future roadways well under capacity for allowable traffic (1,500 ADT to 2,000 ADT begins to exceed capacity).

Harvest Estates Traffic Analysis Zones (Unofficial)



TH 47/
152nd
Avenue
Access

Harvest Estates
Traffic Analysis: Full Nowthen Access

Block	Num_Homes	Trips_Per	Total_Trips
A		29	10
B		23	10
C		7	10
D		6	10
E		17	10
F		5	10
G		12	10
H		3	10
I		16	10
Total			1180

Block	Nowthen_Percentage	Alpine_Percentage	150th_Percentage	TH47_Percentage	Total
A	70%	20%	5%	5%	100%
B	85%	5%	5%	5%	100%
C	30%	30%	30%	10%	100%
D	40%	40%	10%	10%	100%
E	20%	0%	50%	30%	100%
F	25%	25%	25%	25%	100%
G	5%	15%	40%	40%	100%
H	5%	15%	40%	40%	100%
I	0%	15%	65%	20%	100%

Block	Nowthen_Trips	Alpine_Trips	150th_Trips	TH47_Trips
A	203	58	15	15
B	196	12	12	12
C	21	21	21	7
D	24	24	6	6
E	34	0	85	51
F	13	13	13	13
G	6	18	48	48
H	2	5	12	12
I	0	24	104	32

Total	498	174	315	195	Total Trips =	1180
-------	-----	-----	-----	-----	---------------	------

THIS DOCUMENT HAS NOT BEEN PREPARED BY A LICENSED TRAFFIC ENGINEER
NOT AN OFFICIAL TRAFFIC ANALYSIS: FOR BASELINE DISCUSSION ONLY!

Harvest Estates
Traffic Analysis: Half Nowthen Access

Block	Num_Homes	Trips_Per	Total_Trips	
A		29	10	290
B		23	10	230
C		7	10	70
D		6	10	60
E		17	10	170
F		5	10	50
G		12	10	120
H		3	10	30
I		16	10	160
Total				1180

Block	Nowthen_Percentage	Alpine_Percentage	150th_Percentage	TH47_Percentage	Total
A	40%	35%	20%	5%	100%
B	40%	35%	20%	5%	100%
C	30%	30%	30%	10%	100%
D	40%	40%	10%	10%	100%
E	20%	0%	50%	30%	100%
F	25%	25%	25%	25%	100%
G	5%	15%	40%	40%	100%
H	5%	15%	40%	40%	100%
I	0%	15%	65%	20%	100%

Block	Nowthen_Trips	Alpine_Trips	150th_Trips	TH47_Trips
A	116	102	58	15
B	92	81	46	12
C	21	21	21	7
D	24	24	6	6
E	34	0	85	51
F	13	13	13	13
G	6	18	48	48
H	2	5	12	12
I	0	24	104	32
Total	307	286	393	195

Total Trips = 1180

THIS DOCUMENT HAS NOT BEEN PREPARED BY A LICENSED TRAFFIC ENGINEER
NOT AN OFFICIAL TRAFFIC ANALYSIS: FOR BASELINE DISCUSSION ONLY!

Harvest Estates
Traffic Analysis: No Nowthen Access

Block	Num_Homes	Trips_Per	Total_Trips	
A		29	10	290
B		23	10	230
C		7	10	70
D		6	10	60
E		17	10	170
F		5	10	50
G		12	10	120
H		3	10	30
I		16	10	160
Total				1180

Block	Nowthen_Percentage	Alpine_Percentage	150th_Percentage	TH47_Percentage	Total
A	0%	60%	35%	5%	100%
B	0%	60%	30%	10%	100%
C	0%	50%	30%	20%	100%
D	0%	60%	20%	20%	100%
E	0%	20%	50%	30%	100%
F	0%	30%	40%	30%	100%
G	0%	20%	40%	40%	100%
H	0%	20%	40%	40%	100%
I	0%	15%	65%	20%	100%

Block	Nowthen_Trips	Alpine_Trips	150th_Trips	TH47_Trips
A	0	174	102	15
B	0	138	69	23
C	0	35	21	14
D	0	36	12	12
E	0	34	85	51
F	0	15	20	15
G	0	24	48	48
H	0	6	12	12
I	0	24	104	32
Total	0	486	473	222

Total Trips = 1180

THIS DOCUMENT HAS NOT BEEN PREPARED BY A LICENSED TRAFFIC ENGINEER
NOT AN OFFICIAL TRAFFIC ANALYSIS: FOR BASELINE DISCUSSION ONLY!

Summary of Average Daily Trips per Scenario

Full Build Out

Nowthen Access	Nowthen Boulevard	Alpine Drive	150th Avenue	TH 47	Totals
Full Access at Nowthen	498	174	315	195	1180
Half Access at Nowthen	307	286	393	195	1180
No Access at Nowthen	0	486	473	222	1180

New Development Only

Nowthen Access	Nowthen Boulevard	Increase at Nowthen	Alpine Drive	Increase at Alpine	150th / Increase at 150th	TH 47	Increase at TH 47	Totals	
Full Access at Nowthen	251		33		118	70		470	
Half Access at Nowthen	147	-104	102	69	152	35	70	0	470
No Access at Nowthen	0	-251	207	175	175	58	88	19	470

Maximum Travel Time to Ramsey Elementary School

Alternative	Distance (FT)	MPH	Equation	FPM	Travel Time	Delays (Min)	Total
Nowthen Open AM	2,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	0.95	1.00	1.95
Nowthen Open PM	2,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	0.95	1.00	1.95
Nowthen 1/2 AM	5,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	2.08	2.00	4.08
Nowthen 1/2 PM	2,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	0.95	1.00	1.95
Nowthen Closed AM	5,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	2.08	2.00	4.08
Nowthen Closed PM	5,500	30	$30 \text{ MPH} \times 5,280 \text{ feet} = 158,400 \text{ feet per hour} / 60 \text{ minutes} = 2,640 \text{ feet per minute}$	2640	2.08	1.00	3.08

Tim Gladhill

From: Neal Krzyzaniak <nealkay@live.com>
Sent: Wednesday, February 04, 2015 10:17 AM
To: Tim Gladhill; Tim Gladhill
Subject: Planning Commission Meeting

Tim , would you please pass this on to the planning commission for Thursday evening as I do not know if I will be able to attend based on other commitments.

Planning commission members I will plan on being present going forward with our Preliminary and Final plat and I look forward to meeting all of you and getting these lots in the ground starting in May. I have a couple items I would like to address .

I feel it is a decision to be made either by the city or the county regarding access to Nowthen BLVD NW as we have done a # of layouts working with staff to come up with access that works in phase 2 and that is shown on the latest plan you have in front of you. It makes for a good design and will allow traffic to move in all directions .

The storm water ponding has been designed to handle the projects 100 year flood mark so there is no need to increase the pond size.

As of today we plan on being the sole builder and we have heard a few concerns regarding all the same homes being built . We will be recording covenants that will say it will not be allowed to build the same two elevations next to each other nor will the same exterior colors be allowed side by side.

I have developed and built out many subdivisions with these covenants and have never had people complain . We are investing a few million dollars into the land and improvements and it is in our best interest to build a development that follows these covenants as we want to have people wanting to live in Harvest Estates .

Sincerely
Neal K

Anoka County Highway Department Staff has completed an **unofficial high-level concept review** of potential improvements necessary to Nowthen Boulevard (CSAH 5) if the City desires to leave access to Nowthen Boulevard open with the redevelopment of the old municipal center located at 15153 Nowthen Blvd. NW.

This is not an official development review of the Anoka County Highway Department and has not been reviewed by the Anoka County Board of Commissioners.

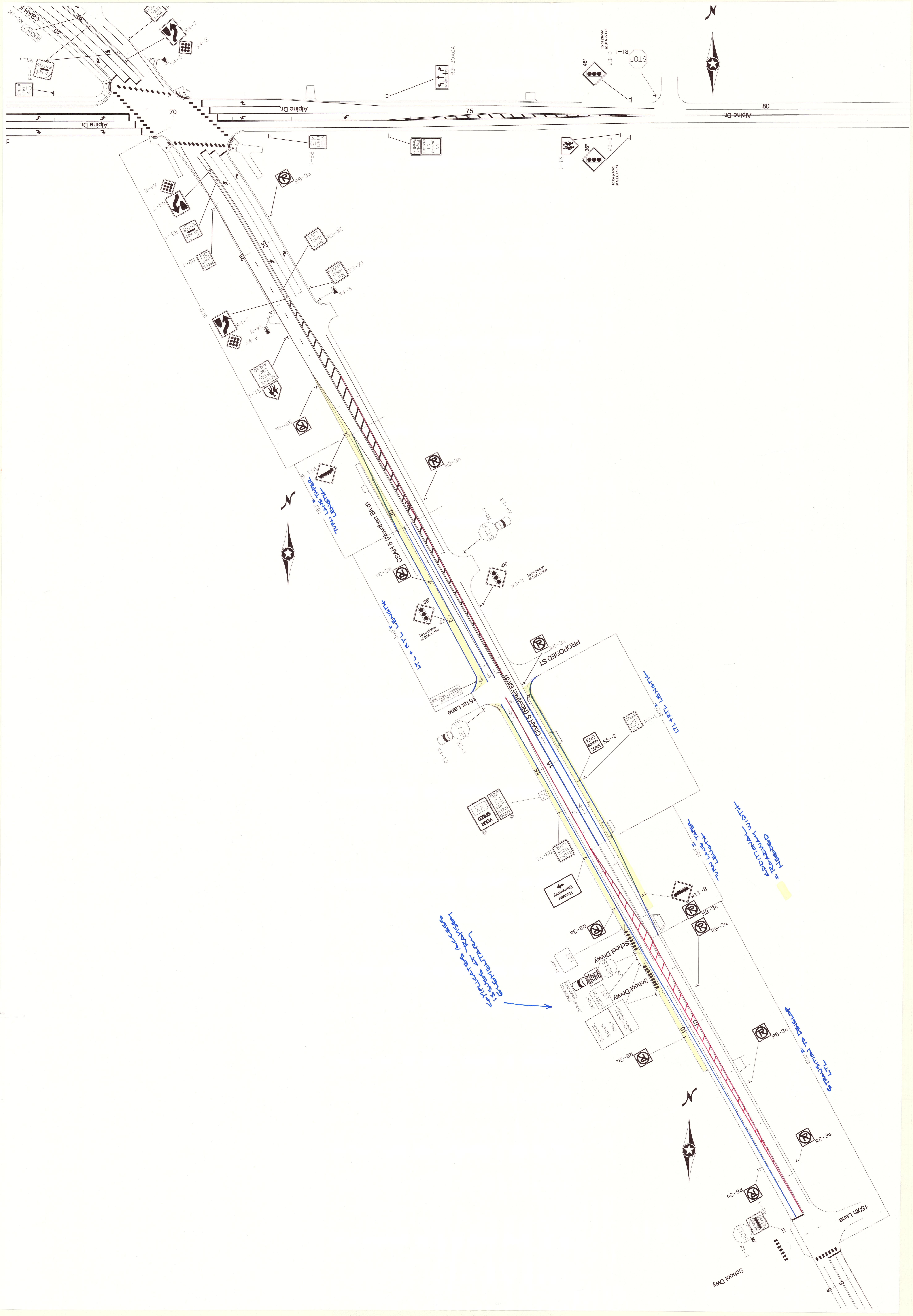
The following bullet list is a summary of the unofficial plan sheet prepared by the Anoka County Highway Department:

- Yellow and blue = new improvements.
- Nowthen Boulevard (CSAH 5) would need to be widened.
- The Plans do not show a “hard boulevard” otherwise known as a concrete median –this would just be painted.
- The Anoka County Highway Department is unsure if property acquisition would be required at this point. If the City chooses to move forward with the open access alternative, preliminary design will need to be completed to better understand right of way needs.
- Widening of Nowthen Boulevard (CSAH 5) may also negatively impact the existing pedestrian trail.
- Even with the County requirements, County staff believes this proposed access will create confusing/unsafe movements both north and south of this intersection.
- The Anoka County Highway Department roughly estimated costs at \$750,000 (high end).
- The Anoka County Highway Department believes a full access intersection here will “snow-ball” into additional needed improvements near the elementary school.
- This is a rough/unofficial draft and review for discussion purposes only.

In regards to the Anoka County Highway Development Review Manual, below are a couple of highlights as it relates to this situation:

1. Per page 11 and 13, the County would require turn lanes and widening of roadway for this proposed access.
2. Per page 21, the County requires a ½ mile setback from the Alpine/CSAH 5, this intersection would be .189 miles set back (1,000 feet).

As discussed before, if the City required this access, the County would not stand in the City’s way. However, County Staff would strongly oppose/recommend against this proposed access (especially full access). County staff mentioned again, that all costs would be borne by the City (or developer).



Regular Planning Commission

5. 3.

Meeting Date: 02/05/2015

Submitted For: Patrick Brama, Administrative Services

By: Patrick Brama, Administrative Services

Information

Title:

Consider Forwarding New Policy for the Sale of City Owned Land to the City Council

Purpose/Background:

Purpose:

With the recent dissolution of the Ramsey HRA, it was recommended by the Council that the City consider a new policy for selling City-owned land. This policy outlines the Ramsey EDA's role in the sale of City-owned land.

Background (HRA Dissolution):

The City Council has officially dissolved the Ramsey Housing and Redevelopment Authority (HRA). On November 12, the HRA passed a resolution to transfer all HRA assets to the City and to dissolve the HRA (attached to case). HRA assets include a large inventory of City-owned land located within The COR. On December 09, the City Council held a public hearing to dissolve the HRA. Remaining tasks to complete the HRA dissolution are administrative (i.e. transfer of title and agreements).

Background (Policy):

Attached to this case is the proposed policy. The intent of this policy is to route all land sale transactions through the EDA for a recommendation to the City Council. This policy is intended to be flexible, to account for special/market circumstances. Included in this policy is updated language from the City's previous policy for selling City-owned land; which was called a disposition policy (concentrated on previous park land). In summary, this policy covers three major areas: governance, processes (surplus city owned land, marketing, sale), and required terms/conditions for purchase agreements. This case/policy was been reviewed by the EDA in December 2014 and January 2015.

What's Next?

The City Council will consider this policy and EDA recommendations on February 24.

Notification:

Observations/Alternatives:

NA

Funding Source:

NA

Recommendation:

Provide feedback and suggested amendments to the attached draft policy.

Action:

NA

Attachments

Policy 01282015

HRA Owned Parcels

HRA Resolution

Former Disposition Policy

Form Review

Inbox

Kurt Ulrich

Form Started By: Tim Gladhill

Final Approval Date: 01/30/2015

Reviewed By

JoAnn Shaw

Date

01/30/2015 02:28 PM

Started On: 01/07/2015 11:31 AM

POLICY FOR THE SALE OF CITY OWNED LAND

City of Ramsey, Anoka County, Minnesota

Adopted: February 24, 2015

SECTION 1: PURPOSE

- A. Establish a formal, equitable and efficient process for the sale of city owned land.
- B. Establish decision-making criteria to aid policy makers as they consider offers to purchase city owned land.
- C. Establish general policy direction to aid staff as they negotiate with prospect buyers interested in purchasing city owned land.

SECTION 2: GOVERNANCE

This policy and process shall be facilitated by the Ramsey Economic Development Authority (EDA). The Ramsey EDA shall develop recommendations related to this process and policy for City Council consideration. The Ramsey EDA does not have final decision-making authority related to this policy and process. With reasonable cause, including responding to prospects in a timely manner, the City Council may bypass the EDA from any, or all, portions of this policy or process.

SECTION 3: PUBLIC BENEFIT

The sale of surplus City-owned properties has a number of benefits to the community:

- (1) Reduced City property maintenance costs
- (2) Reduced City liability
- (3) Increased property tax revenues
- (4) Reduced City resources needed for management of City owned parcels
- (5) Reallocation of parcels to fit in line with long term City needs and goals

SECTION 4: SURPLUS CITY OWNED LAND PROCESS

Upon direction from the City Council, city staff shall develop an inventory of city owned land; and determine properties unneeded for current or future city functions and available for sale. The City may consider parcels surplus City owned land if at least one of the following criteria/needs is not met:

- (1) Economic development purposes; including removal of blighted properties and enhancing the City's tax base
- (2) Housing development purposes; including removal of blighted properties
- (3) Public works, maintenance, engineering, administration, recreation or public safety: facilities, staging or storage areas
- (4) Public right of way; including roads, railroads and airports
- (5) Drainage, wetland and utility easements
- (6) Public parks, trails and open space
- (7) Any other reasonable use determined by the City Council

After a property is deemed surplus City owned land, consideration for the sale or disposition of property depend on the criteria outlined below.

- (1) Ability to develop (utilities, size, stormwater, soils, roads, legal restrictions, etc.)
- (2) Public input and feedback regarding potential future development
- (3) Feasibility Report:

All costs incurred by the City in order to sell surplus City owned land should be weighed against a payback to the City in property taxes; and land sale proceeds. A present value calculation of property tax cash flows with a discount rate determined by the City's financial advisor shall be utilized. This specific calculation, and the City's acceptance threshold may change on a project-to-project basis.

- (4) Any other reasonable cost determined by the City Council

SECTION 5: MARKETING PROCESS

Upon direction from the City Council, city staff shall actively market city surplus owned property available for sale. The process of marketing City owned land should include the following items:

Marketing Process

- a. Establish whom shall actively market the sale of City owned land: city staff or a third-party professional services firm.
- b. Establish an asking price.
- c. Establish an acceptable sale price range*
- d. Develop and Distribute Basic Marketing Materials and Site Information
- e. Complete site preparation due diligence; see below.
Standard due diligence will be completed for all properties available for sale. Staff will develop a recommendation for EDA and Council consideration for optional and situational due diligence.

STANDARD

- i. ALTA Survey (Table A, items: 1-6, 8, 11a, 21)
- ii. Title Commitment

OPTIONAL

- iii. Phase 1 Environmental Site Assessment
- iv. Geotechnical Soils Evaluation

SITUATIONAL

- v. Hazardous Materials Survey
- vi. Wetland Delineation
- vii. Concept Site Design
- viii. Building Demolition and or Site Clean-Up
- ix. Conduct Analysis of Available Economic Development Incentives

*Acceptable Price Range

An acceptable sale price range will be developed by a third party professional; and subsequently adopted by the City Council in closed session. Staff will utilize this price range to negotiate land sale prices with prospects. Staff will attempt to maximize the sale price in all land transactions; and shall be authorized to make counter offers to prospective buyers. If offers received are below the acceptable price range, staff has the authority to deny an offer. The City may decide to sell a property below the acceptable sale price range for economic development purposes, to achieve strategic goals set by the City Council, or any other reasonable cause determined by the City Council. Economic development projects should be evaluated within the context of the City's adopted business subsidy policy.

SECTION 6: SALE PROCESS

The purpose of this section is to outline the process in which staff shall work with prospect buyers to negotiate the sale of surplus City owned land.

Step 1: Letter of Intent (LOI)

- A. Prospect buyer submits written correspondence identifying their interest in purchasing City owned land. Correspondence should include as much detail as reasonably possible.
- B. Staff shall review the written proposal. Based on staff's determination, if the proposed offer fails to meet the intent of this policy or direction from the City Council and EDA, staff shall have provide a recommendation to the prospect buyer to reconsider/amend their LOI; or request additional information.
- C. EDA and City Council LOI consideration. Staff shall prepare a case write-up, decision alternatives, and recommendation for action. The EDA shall then provide a recommendation for City Council consideration. The City Council shall provide general policy direction. The City Council may provide direction to the prospect buyer to draft a formal purchase agreement for further consideration.

Step 2: Purchase Agreement (PA)

- A. Prospect buyer submits a formal PA identifying their proposed terms and conditions for purchasing City owned land.
- B. Staff and the City attorney shall evaluate the proposed PA in context of the City's preferred PA terms outlined in Section 7 of this policy. Based on staff's determination, if the proposed PA fails to meet the intent of this policy or direction from the City Council and EDA, staff shall provide a recommendation to the prospect buyer to reconsider/amend terms and conditions within the proposed PA.
- C. EDA and City Council PA consideration. Staff shall prepare a case write-up, decision alternatives, and recommendation for action. The EDA shall then provide a recommendation for City Council consideration. The City Council shall then consider the proposed PA and may provide direction to reject, amend or execute.

Step 3: Closing

- A. Staff and the City Attorney shall execute the closing of all PAs. Staff will execute closing based on language included in the respective PA and Section 7 of this policy.

EDA Review Alternatives

The EDA may utilize the following methods for review: (1) regular monthly EDA meeting (2) special EDA meeting; which may not require a quorum (3) EDA participation in City Council meeting (4) no EDA review. Review alternatives shall be utilized based on the order outlined in this provision. Please see Section 2 of this policy for details on governance.

SECTION 7: REQUIRED TERMS & CONDITIONS

The purpose of this section is to outline minimum terms and conditions that shall be included in PAs for the sale of City owned land. These terms and conditions may be waived or negotiated by the City Council.

A. Termination Date/Initial Closing Date/ Due-Diligence Period

The initial closing date shall be set for within 10 days after all buyer and seller contingencies can be reasonably met. The normally acceptable due-diligence period shall be tied to when City entitlements are met; which commonly include: zoning verification, site plan approval, plat approval, and development agreement approval. City staff shall target 6-7 months as a standard due-diligence period. However, depending on the use, size and complexity of a proposed project, a longer due-diligence period may be acceptable.

B. Earnest Money

The City shall require earnest money for all land transactions. City staff shall have the authority to negotiate an acceptable level of earnest money and provide a recommendation for EDA and City Council review. The required minimum earnest money shall be determined on a project-by-project basis.

C. Contract Extensions

Unforeseen circumstances may arise while completing due-diligence for the development of real estate. Often times, this results in a request from a prospective buyer for a PA due-diligence period extension. Staff will work with prospective buyer to develop a reasonable and attainable initial closing date; as outlined in Paragraph A above.

If the prospective buyer requests an extension to the initial closing date, the City shall require compensation. Each 30-day PA extension shall require 33.3% of earnest money to become non-refundable. If a PA is terminated, all non-refundable dollars shall be received by the City.

D. Construction Deadlines

As part of a standard PA, the City does not require a minimum construction deadline for buildings and improvements. However, on a case-by-case basis, the Council may request for this provision to be included in PAs.

NOTE: this statement does not prohibit construction deadlines within other government permits and agreements (development agreements, building permits, business subsidy agreements, etc.).

E. Tax Exempt Uses

The City owns a large inventory of land located within The COR. This land is situated within a prime location for intense commercial, office and residential development. The development of The COR is anticipated to generate significant local property taxes. The City of Ramsey has identified several future high priority public improvement projects that rely on future property tax revenues from development within The COR. In order to meet future obligations to residents and businesses, the City is not seeking to sell City owned land located within The COR to tax exempt users.

NOTE: the City does anticipate a community center to be located within The COR. A community center user may be a tax exempt user. The City welcomes discussion of a community center with prospective developers.

F. Professional Services

City staff shall make a good faith effort to utilize local businesses for professional services required for land transactions (i.e. Title Commitment, Escrow Agent, Closing Services, ALTA Survey, etc.); subject to competitive pricing.

G. Pre-Development Meeting with City Staff

Before a PA is considered or executed by the EDA or City Council, the City may require the buyer to meet with the City's development team to discuss project timelines, property specifications, required public infrastructure, and land use regulations (known as a "Pre-Development" meeting by staff). The purpose of this meeting is to confirm that the preliminary project concept is physically and schematically possible, and to confirm the buyer understands City land use regulations, and to confirm what public infrastructure improvements will be requested. The City may require the buyer sign a non-binding MOU before executing a PA.

Staff is authorized to request the buyer supply a concept site plan for this process. A concept site plan is not intended to be a full, detailed site plan, but a generalized concept with sufficient detail to demonstrate compliance with zoning standards. Additionally, if deemed necessary, staff is authorized to request preliminary concept design to be reviewed by the Planning Commission as part of this process.

H. Land Sale Ordinance Contingency

The City Charter requires an ordinance be passed to sell City owned land. This process can take two to three months. The City shall include a provision in the contingencies section of all PAs requiring a land sale ordinance to be effective before closing.

Commissioner _____ introduced the following resolution and moved its adoption.

RESOLUTION #HRA-14-11-236

**RESOLUTION APPROVING TRANSFER OF HRA PROPERTY
TO THE CITY**

WHEREAS, the HRA is the fee owner of 28 parcels of real property within the City of Ramsey as well as the owner of personal property, including funds, as set forth on Exhibit A; and

WHEREAS, the HRA Board of Commissioners determined that it is in the best interests of the City for the HRA's assets to be transferred to the City and the HRA dissolved; and

WHEREAS, upon transfer of its assets to the City, the HRA will become inactive and thereafter dissolved as provided by law.

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AND
REDEVELOPMENT AUTHORITY OF THE CITY OF RAMSEY as follows:**

1. The real property listed in Exhibit A shall be transferred to the City of Ramsey as soon as practicable and prior to dissolution of the HRA. Staff is directed to prepare the requisite deeds to the City, and the HRA Chair and Executive Director are authorized to execute the deeds and any other documents necessary to effectuate the transfer. The deeds shall be recorded by the City at City expense.
2. In the event any properties listed in Exhibit A are subject to a pending purchase agreement, the HRA Chair and Executive Director are authorized to execute any amendment to the purchase agreement necessary to change the seller from the HRA to the City.
3. In the event the HRA holds right, title or interest in any other real property, including easements, such right, title or interest is hereby transferred to the City.
4. The existing agreement with CBRE to market the HRA's real estate assets, the prior agreement with Landform, and any other agreements to which the HRA is a party, shall be transferred to the City. The HRA Chair and Executive Director are authorized to execute any amendments to the agreements necessary to effectuate the transfers.

5. All other HRA property, assets, cash or other funds are hereby transferred to the City. The cash or other funds shall be used in a manner consistent with the restrictions set forth in Minnesota Statutes section 469.033, subdivision 7.

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

and the following voted against:

and the following abstained:

and the following were absent:

Whereupon said resolution was duly passed and adopted by the Ramsey Housing and Redevelopment Authority Board of Commissioners this _____ day of November, 2014.

Randy Backous, Chairperson

ATTEST:

HRA Executive Director

Resolution #HRA-14-11-236
Exhibit A

Property ID	Listed Owner
1. 283225130007	RAMSEY CITY OF HRA
2. 283225130033	RAMSEY CITY OF HRA
3. 283225130034	RAMSEY CITY OF HRA
4. 283225140007	RAMSEY CITY OF HRA
5. 283225140008	RAMSEY CITY OF HRA
6. 283225220056	RAMSEY CITY OF HRA
7. 283225240002	RAMSEY CITY OF HRA
8. 283225240003	RAMSEY CITY OF HRA
9. 283225240005	RAMSEY CITY OF HRA
10. 283225240006	RAMSEY CITY OF HRA
11. 283225240009	RAMSEY CITY OF HRA
12. 283225240011	RAMSEY CITY OF HRA
13. 283225240012	RAMSEY CITY OF HRA
14. 283225240013	RAMSEY CITY OF HRA
15. 283225140094	RAMSEY CITY OF HRA
16. 283225140095	RAMSEY CITY OF HRA
17. 283225210030	RAMSEY CITY OF HRA
18. 283225210033	RAMSEY CITY OF HRA
19. 283225210035	RAMSEY CITY OF HRA
20. 283225310009	RAMSEY CITY OF HRA
21. 283225410009	RAMSEY CITY OF HRA
22. 283225420017	RAMSEY CITY OF HRA
23. 283225420018	RAMSEY CITY OF HRA
24. 283225420019	HRA RAMSEY
25. 283225440012	RAMSEY CITY OF HRA
26. 283225240007	HOUSING AND REDEVELOPMENT AUTH
27. 283225240008	HOUSING AND REDEVELOPMENT AUTH
28. 343225130005	THE HOUSING AND REDEVELOPMENT AUTHORITY

POLICY FOR THE DISPOSITION OF SURPLUS CITY OWNED LAND

City of Ramsey, Minnesota

SECTION I: PURPOSE

- To maximize public benefit and efficient management of City-owned land by considering disposition of lands that are underutilized and/or unneeded for City functions.
- To establish disposition decision criteria and a disposition process.

SECTION II: POLICY STATEMENT

It is the policy of the City of Ramsey to periodically review and inventory City-owned land to identify parcels that are underutilized and/or unneeded for current or anticipated City functions. It also is the policy of the City of Ramsey to consider disposition of lands identified through this inventory according to established criteria and procedure.

SECTION III: PUBLIC BENEFIT

The disposition of underutilized City-owned properties has a number of benefits to the community:

- (1) Reduced City property maintenance costs
- (2) Reduced City liability
- (3) Increased base of taxable parcels
- (4) Reduction of surplus parcels unneeded by the City
- (5) Reduced City resources needed for management of City owned parcels
- (6) Reallocation of parcels to fit in line with long term City needs and goals

SECTION IV: DETERMINATION OF INVENTORY

City Council determines sites potentially available for disposition by means of a City owned land inventory developed by City staff. Upon direction from the City Council, staff shall develop an inventory of City owned land and determine an inventory of properties available for disposition by using the criteria outlined below. If a potential site does not meet the criteria, it shall be deemed potentially available for disposition.

The City shall consider the disposition of real estate if the subject property *does not* meet one of the following potential uses.

POTENTIAL USE CRITERIA

- (1) Economic development purposes; including removal of blighted properties and enhancing the City's tax base
- (2) Public works and maintenance facilities, staging and storage areas
- (3) Public safety facilities, staging and storage areas
- (4) Administrative service facilities
- (5) Public Right of Way; including roads, railroads and airports

- (6) Drainage, wetland and utility easements
- (7) Enhancement of housing stock; including redevelopment purposes
- (8) Public parks, trails and open space

Consideration for the disposition of real estate by the City shall be given based on the *compliance and consistency* with the criteria outlined below.

COMPLIANCE CRITERIA

- (9) City Comprehensive plan
- (10) City Comprehensive water and sewer plans
- (11) City Master parks and trails plan
- (12) City Transportation plan
- (13) Relevant City boards and commissions review
- (14) City Ordinances, Sec. 117-614. - Subdivision Design Standards

POLICY STATEMENT CRITERIA

- (15) The demand for public parks is shifting away from small neighborhood pocket parks to larger regional community parks. The cost to maintain a large number of small neighborhood pocket parks can be greater than the cost to maintain a small number of regional community parks. As such, the City will consider the consolidation of underutilized pocket parks in favor of larger regional parks.
- (16) The City shall not acquire real estate if there is no foreseeable current or future need for the property.

SECTION V: DISPOSITION DECISION CRITERIA

After a property is deemed unneeded and/or underutilized by the City, as outlined in section IV, consideration for disposition will be given by the City Council based on the decision criteria outlined below. This information will be presented to the Council in a findings-of-fact document.

- (1) Public input and feedback regarding a potential disposition
- (2) Maintenance costs
- (3) Title restrictions
- (4) Ability to develop
- (5) Stormwater and drainage limitations
- (6) Proposed future zoning
- (7) Utilities availability
- (8) Long term City needs and plans
- (9) Assessed value
- (10) Method to market and sell property
- (11) Cost to market and sell property

For properties that are legally dedicated, the City will consider the criteria below in addition to the previously stated list:

- (12) Legal costs, quiet title action
- (13) Legal costs, removal of legal dedication from title

The disposition decision criteria listed above, 1-13, will be reported in a findings-of-fact document for each property before it is brought forward to Council for consideration.

SECTION VI: PROCESS

As the City investigates the potential disposition of City owned lands, the process below shall be followed.

STEP 1

NOTIFY PUBLIC (A):

Notify affected property owners of a potential disposition; and, invite interested property owners to attend the next Mayor's Town Hall Meeting.

The purpose of this meeting is to gather, and document, public input on a potential disposition.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meeting.

FINDINGS OF FACT (B):

Staff will create a draft findings-of-fact document to be brought forward to the Council in a worksession meeting. The findings-of-fact document will contain the decision criteria outlined in Section II of this policy.

At the meeting, Council will review the findings-of-fact document and consider moving forward to step two of this process.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meeting.

STEP 2:

ORDINANCE:

An ordinance shall be passed to declare the intentions of the council. The City should not move forward with listing or rezoning properties until an ordinance is passed.

Adopting an ordinance allows the public another opportunity to voice their opinion, for the council to discuss their viewpoints and fulfills the legal process of selling City-owned land.

Mail notification will be given to property owners within 350' of the subject property 14 days before said meetings.

STEP 3:

ZONING AMENDMENT (A):

Third, properties shall be rezoned to the appropriate classification.

Rezoning a property before it is listed makes the property marketable. If properties are not rezoned, it may make potential buyers apprehensive. Furthermore, a rezoned property allows potential property owners to better evaluate the potential use of a property. This process is done by Ordinance and requires a Public Hearing.

For information on rezoning: Chapter 117, Section 49.

COMPREHENSIVE PLAN (B):

If the proposed zoning amendment also changes the land use designation on the Future Land Use Map, a Comprehensive Plan Amendment shall be required. This process requires approval by the Metropolitan Council, often times done administratively. This process is done by Resolution and requires a Public Hearing.

STEP 4:

MARKET:

Marketing properties could be done by means of a realtor, auction or for-sale-by-owner.

The City Council will make this decision on a case by case basis, based on the criteria outlined in the findings-of-fact document.

STEP 5:

PURCHASE AGREEMENT:

City staff and a potential buyer will negotiate a purchase agreement. After an agreement is negotiated, a draft will be brought back to the City Council for discussion and approval.

For properties identified as dedicated or restricted will begin this process at step one, as outlined above. Then, under direction of the City Attorney, follow the process outlined below:

- A. Contact previous property owner(s) to if they would be willing to give their property to the City, with free and clear title
- B. Take property title to court and attempt to remove restrictions
- C. Return property with free and clear title to original owner; or retain City ownership
- D. In the event the City retains ownership, the process would continue at step two outlined above. In the event the property is returned to the original owner, the disposition process would end.

Meeting Date: 02/05/2015

By: Tim Gladhill, Community Development

Information

Title:

2040 Comprehensive Plan Update: Consider Preliminary Framework for Citizen Engagement and Formation of Steering Committee

Purpose/Background:

The purpose of this case is to consider a Preliminary Framework for Citizen Engagement for the 2040 Comprehensive Plan Update.

On December 4, 2014, the Planning Commission recommended adoption the Preliminary Work Plan for the 2040 Comprehensive Plan Update. A key discussion item was the topic of citizen engagement as it related to the goals of the Organizational Strategic Plan and Citizen Survey Results. This report is intended to lay that framework to develop a Citizen Engagement Plan.

The City Council reviewed the Preliminary Work Plan at their January 27, 2015 Work Session. Consensus was to support the document and approach as presented.

Notification:

Notification is not required.

Observations/Alternatives:

Common feedback during the development of the current 2030 Comprehensive Plan noted a desire to improve and better integrate citizen engagement in the development of the Plan, rather than as a framework to react to a draft plan. Over the past several years, the City has worked to re-design its approach to citizen engagement. A key success of that goal has been the neighborhood and issue-specific focus. Additionally, the City has worked to include the public in the development of agendas, priorities, and alternatives in a more collaborative fashion. This involves asking the community the broader policy question first, and not leading with alternatives and solutions. This factor serves as the foundation of developing a Citizen Engagement Plan for the 2040 Comprehensive Plan Update.

The Preliminary Framework identifies the work plan, structure, and design for citizen engagement. Additionally, it includes recommendations on providing a variety of ways to engage the public including, but not limited to, workshops/open houses, leveraging existing City events, use of technology, and the development of a mobile kiosk. Please see the attached document for more information.

In reviewing the results of the 2014 Citizen Survey, the Planning Commission identified the 2040 Comprehensive Plan Update as a means to increase opportunities for the public to engage in the public process.

Funding Source:

Preparation of this document is being handled as part of normal Staff duties.

Recommendation:

Staff recommends that the City Council adopt the attached Preliminary Framework for Citizen Engagement for the 2040 Comprehensive Plan Update.

Action:

Motion to recommend that the City Council adopt the attached Preliminary Framework for Citizen Engagement for the 2040 Comprehensive Plan Update.

Attachments

UPDATED: Preliminary Work Plan

Citizen Engagement Framework

Steering Committee Structure

Form Review

Inbox

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 01/30/2015

Reviewed By

Tim Gladhill

Date

01/30/2015 11:47 AM

Started On: 12/05/2014 01:21 PM

**CITY OF RAMSEY PRELIMINARY WORK PLAN FOR:
2040 COMPREHENSIVE PLAN UPDATE
(DETAILED WORK PLANS TO BE DEVELOPED IN FUTURE STEPS)**

PURPOSE: The intent of this document is to BEGIN discussions on developing a Work Plan for the 2040 Comprehensive Plan Update.

What story does Ramsey want to tell?

This HAS been seen by the Planning Commission and recommendations from the Commission have been included. This has NOT been seen yet by the City Council.

This step is not intended to approve a work plan, nor authorize work to begin on updating the current 2030 Comprehensive Plan. Furthermore, acceptance of this preliminary/initial work plan does not indicate adoption or support of any component of the Comprehensive Plan or regional planning document of the Metropolitan Council. Due to the number of required elements and statutory deadlines, it will be important to plan for a workable, cost-effective work plan to accomplish the minimum necessary elements. This document is NOT a finished product and will evolve throughout the process. The City is required to update its Comprehensive Plan once every ten (10) years.

At the end of 2015, the Metropolitan Council will have completed updates to Regional System Plans (Water Resources, Transportation, Parks, and Housing). Information will then be compiled at the local, individual community level in the form of a System Statement. The System Statement is the official kick off to the required Comprehensive Plan Update for the City of Ramsey. This Work Plan is anticipated to be a 12-24 month process with periodic check-ins as needed.

The Work Plan is divided into several logical categories. Specific outcomes are not identified in this work plan, but a framework to complete the necessary steps. Based on feedback from the previous 2030 Comprehensive Plan Update, it will be important to start planning for citizen engagement and plan development early in the process in order to meet statutory deadlines.

This work planning will be key for budget planning purposes for the years 2016-2018 in order to identify benchmarks and required resources to complete.

Sometimes, each step can be accomplished in a single meeting. Others may take several meetings to complete. Likewise, a single meeting may accomplish multiple elements. Once general consensus is achieved, or at least as close to full consensus as possible, each individual end product will proceed through City advisory board review and then City Council adoption.

Each Element is likely to have several steps and is anticipated to commence with citizen engagement before developing alternatives or products.

The broad steps include, but are not limited to the following:

1. Ask the community the policy question
2. Identify Issues and Opportunities
3. Develop Alternatives
4. Seek Consensus on End Product

The intent of this work plan is to divide the 2040 Comprehensive Plan Update into smaller, manageable tasks that will maximize the opportunity for public input.

KEY MILESTONES:

- Fall 2015: System Statements Distributed: Comprehensive Plan Update Begins
- December 31, 2018: Comprehensive Plan Updates must be adopted

Public Element #1#2: VISION, VALUES, AND GOALS (including BACKGROUND & PURPOSE)
[Required Element] – NOTE: The order of the first two (2) elements have been swapped from the original version of this document.

Desired Outcome: Review and Amend if Desired Vision, Values, and Goals Chapter from the 2030 Comprehensive Plan.

Should the City update its land use vision, values, and goals?
What do you want in your back yard?

Review of End Product:

- Economic Development Authority
- Environmental Policy Board
- Parks and Recreation Commission
- Charter Commission
- Public Works Committee
- Planning Commission
- City Council

NOTE: Element #1 should be completed before Element #2.

Element #2#1: REGIONAL SYSTEM PLANS – NOTE: The order of the first two (2) elements have been swapped from the original version of this document.

Desired Outcome: Review Regional System Plans and City of Ramsey System Statement prepared by the Metropolitan Council. The intent of this step is to establish a framework and identify the question being asked of the community with this update:

“What is the future land use vision for the City of Ramsey through the year 2040?”

Additionally, this is an important step in identifying for the community why the City is updating the 2030 Comprehensive Plan. Furthermore, this forum will identify what a Comprehensive Plan is and the benefit it provides to the community.

The City will consider inviting our Metropolitan Council Member and Sector Representative to assist in the intro, explain why we are here, discussion regional policies, and value of planning.

NOTE: Element #2 should be completed before Element #3.

Element #3: LAND USE PLAN CHECK-IN #1 (DEVELOP FUTURE LAND USE MAP – THIS WILL BE CONTINUALLY/ITERATIVELY REVIEWED AT EACH STAGE) **[Required Element]**

Desired Outcome: Review and update current Future Land Use Map. NOTE: the City did hold an initial forum in 2014 and as able to gather initial feedback. The City will utilize a variety of forums to seek feedback on this map over the next 12-24 months.

What changes, if any, should the City make to its future land use map?
What do you want in your back yard?

The following smaller geographic areas need to be addressed as part of the overall Land Use Plan:

- Mississippi River Corridor Critical Area (MRCCA)
- Closed Landfill Land Use Plan
- South of Highway 10
- Highway 10 Access Planning Study Impacted Parcels

Review of End Product:

- Economic Development Authority
- Environmental Policy Board
- Parks and Recreation Commission
- Planning Commission
- City Council

NOTE: Element #3 should be completed before Elements #4 through #84.

Elements #4 through #8 can run concurrently if desired, with specific working groups with expertise and desire in specific topical categories.

Element #4: TRANSPORTATION PLAN [Required Element]

Desired Outcome: Review and Amend/Update the Transportation Chapter of the Comprehensive Plan.

What transportation infrastructure is necessary for Ramsey?

At minimum, the following factors need to be acknowledged in the 2040 Comprehensive Plan Update:

1. Armstrong Boulevard Interchange Design
2. US Highway 10 Access Planning Study

Review of End Product:

1. Economic Development Authority
2. Planning Commission
3. Public Works Committee
4. City Council

The City will consider inviting a representative from the Metropolitan Council Transportation Services Division and MnDOT to review the end product. As this is identified as one of the two (2) key regional policy issues for the community, the City will also invite our Metropolitan Council Member and Sector Representative for this element.

This item is connected to the City's Legislative Platform.

Element #5: WATER RESOURCES PLAN [Required Element]

Desired Outcome: Review and Amend/Update the Water Resources Plan. Components of this plan include:

How should Ramsey provide water to its residents?

1. Ground Water Supply (private and municipal)
2. Wastewater Treatment (private septic and regional sanitary sewer)
3. Surface Water

Review of End Product:

1. Minnesota Department of Natural Resources [advisory only as implementing agency for public wells]
2. Minnesota Department of Health [advisory only as implementing agency for private wells]
3. Minnesota Pollution Control Agency [advisory only as implementing agency for private septic systems]
4. Lower Rum River Watershed Management Organization [implementing agency for surface water and erosion control management]
5. Environmental Policy Board
6. Planning Commission
7. Public Works Committee
8. City Council

This element will require a high degree of interagency coordination (City, DNR, and Metropolitan Council). As this is identified as one of the two (2) key regional priorities for the community, the City will also invite our Metropolitan Council Member and Sector Representative.

This item is connected to the City's Legislative Platform.

Element #6: PARKS PLAN [Required Element]

Desired Outcome: Develop Comprehensive Parks Plan with metrics and financial forecasts based on the existing Master Parks and Trails Map.

What improvements to our parks and trail system would you like to see?

Review of End Product:

1. Anoka County Parks Department [advisory only as implementing agency for regional parks]
2. Parks and Recreation Commission
3. Planning Commission
4. City Council

4- The City will consider inviting a representative from the Metropolitan Council Parks Staff to review the end product.

Element #7: HOUSING PLAN [Required Element]

Desired Outcome: Review and update Housing Plan (developed 2006) and Housing Assistance Policy (developed 2014) and consolidate.

Review of End Product:

1. Anoka County Housing and Redevelopment Authority [advisory only]
2. Economic Development Authority
3. Planning Commission
4. City Council

4. The City will consider inviting a representative from the Metropolitan Council Housing Staff to review the end product.

Element #8: NATURAL RESOURCES PLAN [Required Element]

Desired Outcome: Review and update if necessary the Natural Resources Chapter of the 2030 Comprehensive Plan. At the core of this chapter is an inventory of high-quality natural resources used for advisory purposes.

This will also include the required land use plan for the Mississippi River Corridor Critical Area.

Review of End Product:

1. Environmental Policy Board
2. Planning Commission
3. City Council

The following are optional elements of the Comprehensive Plan:

Element #9: ECONOMIC DEVELOPMENT

Review of End Product:

1. Economic Development Authority
2. Planning Commission
3. City Council

Element #10: INTERGOVERNMENTAL COORDINATION

Review of End Product

1. Environmental Policy Board
2. Economic Development Authority
3. Parks and Recreation Commission
4. Charter Commission
5. Planning Commission
6. Public Works Committee
7. City Council

Element #11: REDEVELOPMENT AREAS

Desired Outcome: This would be an appropriate chapter to discuss the three (3) small area plans currently under development:

1. 167/47 Retail Node
2. Future Business Park West of Armstrong
3. Old Municipal Center

Review of End Product:

1. Economic Development Authority
2. Planning Commission
3. City Council

The following are miscellaneous chapters from the 2030 Comprehensive Plan (some of these elements 'live' within other elements above):

1. Community Identity
2. Public Facilities

Element #12 (REVIEW OF ELEMENT #3): LAND USE PLAN CHECK-IN #2 (DEVELOP FUTURE LAND USE MAP – THIS WILL BE CONTINUALLY/ITERATIVELY REVIEWED AT EACH STAGE) [Required Element]

Desired Outcome: Review and update current Future Land Use Map. NOTE: the City did hold an initial forum in 2014 and as able to gather initial feedback. The City will utilize a variety of forums to seek feedback on this map over the next 12-24 months.

The following smaller geographic areas need to be addressed as part of the overall Land Use Plan:

- Mississippi River Corridor Critical Area (MRCCA)
- Closed Landfill Land Use Plan
- South of Highway 10
- Highway 10 Access Planning Study Impacted Parcels

Review of End Product:

- Economic Development Authority
- Environmental Policy Board
- Parks and Recreation Commission
- Planning Commission
- City Council

Modeling 'What-If' Scenarios

Model alternate forecasts based on the following assumptions (two alternative forecast scenarios):

- No improvements to Highway 10
- No solution to groundwater supply issues/surface water supply study

**CITY OF RAMSEY CITIZEN ENGAGEMENT GENERAL FRAMEWORK FOR:
2040 COMPREHENSIVE PLAN UPDATE
(EACH ELEMENT WILL BE TAILORED TO SPECIFIC ELEMENT NEEDS)**

PURPOSE: The intent of this document is to establish a **GENERAL FRAMEWORK** for citizen engagement for the various elements of the 2040 Comprehensive Plan Update.

This has not yet been seen by the Planning Commission nor the City Council.

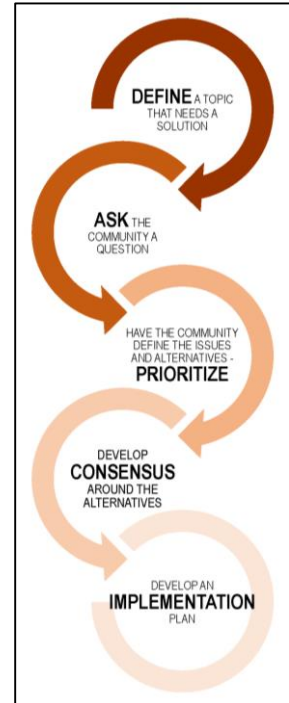
GENERAL FRAMEWORK

Each individual element/section/chapter of the Comprehensive Plan Update will follow a similar framework for citizen engagement and public input.

Each section will commence by asking the community a question that all can answer. The City will develop alternatives and solutions from the ground up. The City will not lead with alternatives and solutions for the community to react to. Rather, the City will ask the community the broader policy question, compile public input on current conditions and desired goals, then finally develop alternatives and solutions. The alternatives and solutions will first be developed by the community at large, rather than City Council, its advisory boards, and City Staff.

Some previous questions asked or feedback sought include, but are not limited to:

1. What do you want in your back yard?
2. Under what circumstances, if any, would a proposed use be an acceptable use for a City-owned parcel?
3. You are invited to discuss appropriate land uses for 167th Avenue Node at Saint Francis Boulevard.
4. You are invited to discuss a potential future business park.
5. You are invited to participate in the design process for the new Fire Station No. 2.



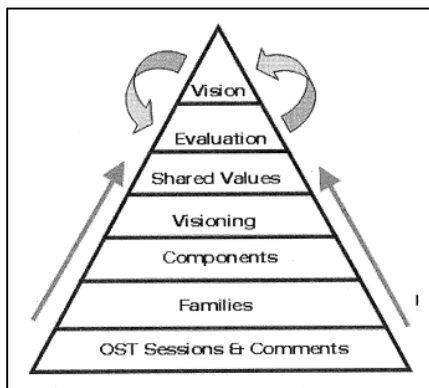
The format will be a three (3) part approach. At times, all three (3) steps may be accomplished in a single session. Other times, these steps may take multiple sessions to complete. The generalized steps include the following:

1. Scoping Meeting – Ask the community the question and identify prioritized issues and opportunities
2. Develop Alternatives and Solutions – these are to be developed collaboratively
3. Agree on Preferred Alternatives and Solutions – develop consensus around results



The intent is not to count a vote on preference of one alternative over another. The intent is to look for common trends and seek consensus around the topic.

The City will start simply ask the policy question without pre-developed alternatives. Participants will develop the discussion topics, agenda and priorities, most notably at the Scoping Meeting. The structure is as follows:

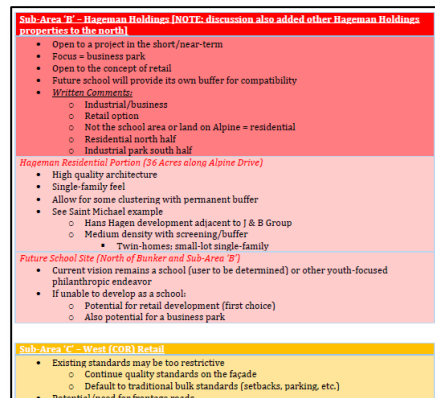
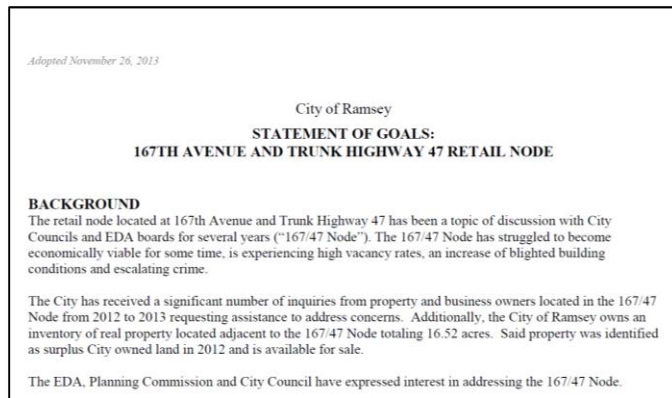


1. Write the topic you would like to discuss on the sheet of paper provided.
2. Say your name, read your topic out loud, and post the topic in one of the time slots noted for the sessions.
3. Convene your topic group at the posted time.
4. Discuss with those present the issues involved.
5. Write down the principles, strategies, and recommendations you have on the topic.
6. If you posted the topic, you are responsible for recording the outcomes in clear, succinct, and legible form. We can only use the input if it is recorded.



It is not the intent to develop revised land use maps, master plans, or site concept maps. It is the intent is to develop guiding principles and goals. These principles and goals may guide the community to changes to our land use vision, but it is not assumed that any structural changes are required.

Samples



MEDIUMS

The City will utilize a variety of mediums beyond traditional 'in-person' meetings, workshops, and open houses. The City recognizes the need to engage its citizens and stakeholders in a variety of ways.

Workshops and Open Houses

The City has utilized a variety of formats of workshops and open houses with great success at the neighborhood and issue-specific level. Regardless of the added mediums to our citizen engagement approach, the City will continue to utilize the existing approach of face-to-face interaction in workshop format. The City will strive to enhance this experience by branching out of City Hall and into other public and shared spaces in the community to reach individual neighborhoods.



Static Kiosks

The City will also provide a kiosk that can be mobilized to various sites around the community. Ideas include 'Pin-A-Map' and Comment Box. These kiosks can be utilized in any number of variety of public events, meetings, and other gatherings. Additionally, these kiosks can be set up in public facilities for display when not used at other events.

1. Ramsey Municipal Center
2. Fire Station
3. Parks (during major events such as Fall Jamboree and Super Soccer Saturday)
4. Quasi-Public Venues (churches, golf courses, etc.)

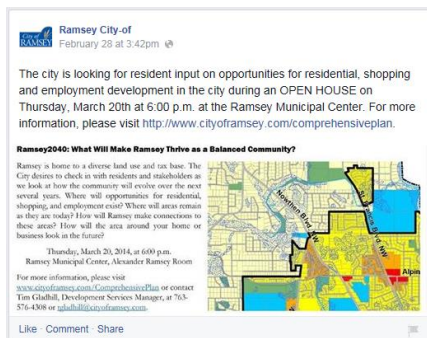


City Events

The City hosts a variety of special events that present a unique opportunity to capture an engaged audience of a large cross-section of our community. The City will utilize kiosks as a means of interaction to discover key 'hot-spots' and trending topics. This medium has been used informally at Happy Days and Business Expo, providing important feedback and topics.

1. Happy Days
2. Business Expo
3. The Draw Summer Event Series
4. Business Appreciation Day
5. Business Networking Event
6. Fire Department Open House
7. Pet Clinic

Social Media and Online Presence

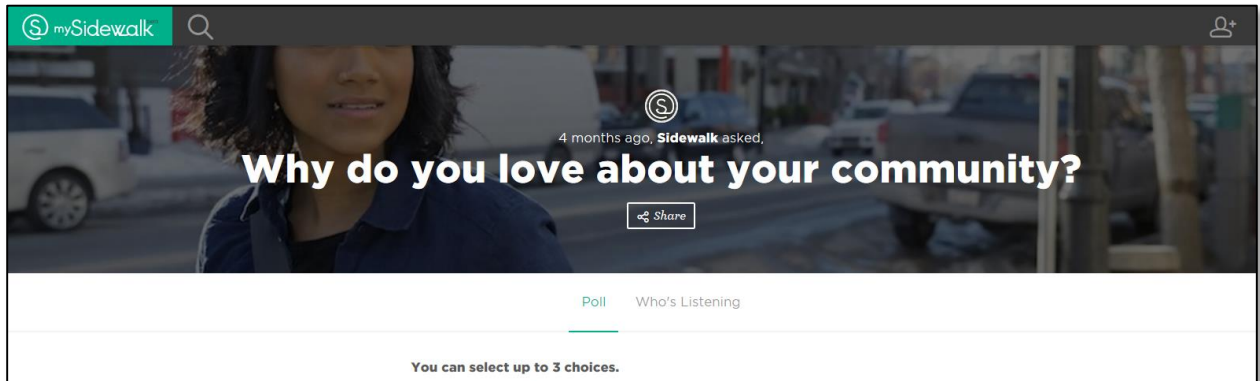


Social Media is an ever growing means for individuals and the community to interact. The City will utilize social media where appropriate to supplement the other forms of face-to-face interaction to broaden its interaction with the community. The City will explore free social media options such as Facebook and Twitter. These are good options to consider, as they are free and widely utilized. The cost to the City would be the time and resources needed to compile and present the data and results. The City recently used Facebook to ask the community a question about parks in The COR leading up to an in-person workshop. The intent was more to advertise for the event,

but the community did have to opportunity to comment on the Facebook post. The City ultimately received a larger number of ideas and feedback from the Facebook post than it did from the in-person workshop. The City not only gained insight on park-planning in The COR, but other ideas for desired uses for areas surrounding the area parks. The City was able to capture valuable feedback for little effort.

The City is also exploring the use of other software vendors for online engagement. Some are a 'fee for service' options while others are a free option. Any option would need to follow the preferred structure of the Citizen Engagement Framework by asking the community a question that all can answer, and then displaying trend data and priorities. These options would be used for the ability for the system to automatically compile and

display results and trend data, thus reducing Staff time in data compilation when compared to the Facebook and Twitter options.



CITY OF RAMSEY STEERING COMMITTEE STRUCTURE FOR: 2040 COMPREHENSIVE PLAN UPDATE

PURPOSE: To ensure that the City develops an appropriate Work Plan for the 2040 Comprehensive Plan Update, the intent of this document is discuss a structure for a potential steering committee to assist the City in establishing the structure and process for the Update to ensure an effective, efficient, and quality process.

This has not been seen by the Planning Commission nor the City Council.

Membership:

- (1) City Councilmember
- (1) Charter Commission Member
- (1) Planning Commissioner
- (1) Economic Development Authority (EDA) Member
- (1) Environmental Policy Board (EPB) Member
- (1) Parks and Recreation Commission Member
- (4) Citizen Member

Total Membership = 10

Public as a whole is invited to attend any session and provide input and ideas.

Primary Focus

The primary focus of the group is to establish a framework and preliminary work plan for the completion of the Update.

Time Commitment

The group is anticipated to meet once every two (2) months through the end of 2015. At that point, the group will provide oversight, guidance, and check-in throughout the plan development process.

The Update process will begin in Fall of 2015. The Update must be adopted by the City Council and Metropolitan Council by December 31, 2018. The City remains committed to the community's desire citizen engagement structure and meeting the statutory deadlines of the Update, creating a Work Plan today to be in place when the Update process officially begins is a critical component to its success.

Regular Planning Commission

6. 1.

Meeting Date: 02/05/2015

By: Tim Gladhill, Community Development

Information

Title:

Staff Update

- General Development Update
- Update on City Council Action on Planning Commission Cases

Purpose/Background:

Staff will provide a verbal update on the various development projects occurring around the community and recent City Council actions of interest to the Planning Commission.

Closed Landfill Plan

The consensus of the City Council was to move forward with adopting the Closed Landfill Plan as presented by the Minnesota Pollution Control Agency. Upon reviewing the guiding Statute in additional detail, the City Council determined that now was not the appropriate time to focus resources on a request for special legislation on the 40 acre parcel north of Sunwood Drive currently guided for future business park in light of more recent discussions of a future business park west of Armstrong Boulevard. MPCA Staff agreed to language in the City's Comprehensive Plan that would identify this as a goal for redevelopment at such time the area is no longer located in the groundwater area of concern and no longer needed for the operational purposes of the closed landfill operation. This would continue to be reviewed and discussed with each subsequent Comprehensive Plan Update (once every ten (10) years).

Expanded Environmental Policy Board Role in Development Review and Comprehensive Planning

As part of strategic planning for the Environmental Policy Board (EPB) and a subsequent joint meeting with the City Council, the core duties of the EPB are being expanded on a trial basis to include development review of select land use applications and a key proactive role in reviewing and developing the Natural Resources Chapter of the Comprehensive Plan Update. The EPB will now take on a more collaborative and advisory role directly with the Planning Commission. To ensure that their expanded role does not increase timelines on development review, the EPB will also consider a date change of their regular meeting to the third Monday of the month to allow their comments to be included prior to Public Hearings held by the Planning Commission.

Fire Station No. 2

The City Council approved the site plan, accepted final plans and specifications, and authorized Staff to advertise for bids for the new Fire Station No. 2 to be located at 5650 Alpine Drive. Staff will now complete the final plan set and advertise for competitive bids. The Project Team will then tabulate the bid responses and forward a case to the City Council to consider awarding a contract to commence construction this spring on the new Fire Station No. 2.

Organizational Strategic Plan & Boards/Commission Survey

The City Council authorized a contract with the Prouty Project to update the City's organizational Strategic Plan last completed in 2013. This process is scheduled with the City Council and Department Heads in February. In preparation for this process, Commissioners were asked to respond to a brief survey by Monday, February 2nd. Staff will update the Commission on the results of this survey once available.

Small Area Planning Exercise: Area South of Highway 10 between Llama Street and Bowers Drive

Consensus of the City Council was to proceed forward with the citizen engagement/stakeholder engagement for the area south of Highway 10. Staff will now schedule and advertise for this process for late-winter or early-spring.

Approval of Purchase Agreement for Parkview East: PSD, LLC

The Planning Commission previously reviewed a concept plan for this proposed high density residential development within The COR. The area was also subject to a Zoning Amendment related to Floor Area Ratio. The City Council approved a new Purchase Agreement with PSD, LLC for this site.

Cancellation of Purchase Agreement for 6710 Highway 10 NW

The City Council previously approved a Purchase Agreement for this site. Throughout the preliminary design process, All Seasons Garage Door determined the site was not large enough to suit their long-term growth needs. However, All Seasons still plans to re-locate to Ramsey and purchase an existing business park site.

Request for Home Occupation Permit: Frozen Food Sales and Delivery at 14920 Chameleon Street NW

The City Council approved this request.

Casey's General Store: Request for Plat, Site Plan, and Conditional Use Permit

The City Council approved this request.

Ridgepoint and Associated Joint Power Agreement with City of Anoka for Sanitary Sewer and Water Utilities

As a positive outcome of the Ridgepoint plat along Rivlyn Avenue near the border with the City of Anoka, utilities will be pulled closer to the border with Anoka. The City Council has approved a Joint Powers Agreement (JPA) with the City of Anoka in which the City of Ramsey agreed to allow Ramsey sanitary sewer and water services to be extended into the City of Anoka to serve that small area.

Request for Special March Meeting

N.I.K. Management, Applicant for Harvest Estates, has requested a Special Meeting for March 19 to review the Preliminary Plat. Please inform Staff at the meeting if you cannot make this meeting. If Staff does not receive an objection to the March 19 date, the Special Meeting will be scheduled.

The Regular Meeting on March 5 will still be held due to a timely land use application impacting title and closing of a single-family home. Details on this case will be included in the next packet.

Also at the March meeting, Staff will be forwarding ordinances to amend the City's accessory structure and fence standards due to a recent change in Minnesota State Building Code. Additionally, Staff will be forwarding an ordinance amending the City's topsoil requirements based on builder feedback and recent changes in common topsoil specifications. If you have thoughts on either of these ordinances, please forward your thoughts in preparation.

Notification:

Observations/Alternatives:

Funding Source:

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

Recommendation:

Action:

For update only. No action requested.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Tim Gladhill (Originator)	Tim Gladhill	01/30/2015 02:10 PM

Form Started By: Tim Gladhill
Final Approval Date: 01/30/2015

Started On: 01/28/2015 05:03 PM

Regular Planning Commission

6. 2.

Meeting Date: 02/05/2015

By: JoAnn Shaw, Community Development

Information

Title:

Zoning Bulletins

Purpose/Background:

Enclosed are zoning periodicals for your review.

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

Zoning Bulletins

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 01/30/2015

Reviewed By

JoAnn Shaw

Date

01/30/2015 02:38 PM

Started On: 01/30/2015 02:24 PM

Zoning Bulletin

in this issue:

Preemption—Town ordinance prohibits solid waste processing, except subject to conditional use permit	2
Nonconforming Use—Billboard company seeks to change nonconforming signs from vinyl to digital	4
Proceedings—After two intervenors file appeal in case, third intervenor files cross-appeal	6
Nonconforming Use—Legally nonconforming recreational gun range use grows to include commercial training use	9
Zoning News from Around the Nation	12



Preemption—Town ordinance prohibits solid waste processing, except subject to conditional use permit

Agricultural composting operator contends state laws preempt municipal ordinance regulation of its facility

Citation: *Dubois Livestock, Inc. v. Town of Arundel*, 2014 ME 122, 2014 WL 5573301 (Me. 2014)

Contributors

Gorey E. Burnham-Howard

For authorization to photocopy, please contact the **Copyright Clearance Center** at 222 Rosewood Drive, Danvers, MA 01923, USA (978) 750-8400, fax (978) 646-8600 or **Copyright Services** at 610 Opperman Drive, Eagan, MN 55123, fax (651) 687-7551. Please outline the specific material involved, the number of copies you wish to distribute and the purpose or format of the use.

This publication was created to provide you with accurate and authoritative information concerning the subject matter covered; however, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. The publisher is not engaged in rendering legal or other professional advice and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

Zoning Bulletin is published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. For subscription information: call (800) 229-2084, or write to West, Credit Order Processing, 620 Opperman Drive, PO Box 64833, St. Paul, MN 55164-9753.

POSTMASTER: Send address changes to Zoning Bulletin, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526.



THOMSON REUTERS

610 Opperman Drive
P.O. Box 64526
St. Paul, MN 55164-0526
1-800-229-2084

email: west.customerservice@thomsonreuters.com

ISSN 0514-7905

©2014 Thomson Reuters

All Rights Reserved

Quinlan™ is a Thomson Reuters brand

MAINE (11/04/14)—This case addressed the issue of whether Maine’s Agricultural Protection Act and/or Solid Waste Act preempted a municipal land use ordinance that prohibited solid waste processing, except subject to a conditional use permit.

The Background/Facts: Since 1981, Dubois Livestock, Inc. (“Dubois”) operated an agricultural composting operation in an “R-4” zone in the Town of Arundel (the “Town”). Dubois composted horse and cow manure, horse and cow bedding, and fish waste—none of which were generated on site. In 2000, the Town amended its land use ordinance (the “Ordinance”) to prohibit solid waste processing in an R-4 zone, except subject to a conditional use permit.

Pursuant to the Ordinance, Dubois applied for a conditional use permit from the Town Planning Board (the “Board”). The Board issued a conditional use permit to Dubois in February 2000, and reissued a conditional use permit to Dubois in February 2011.

Under the 2011 conditional use permit, Dubois was required to, among other things, provide certain information documenting materials processed at its facility and allow the Town’s code enforcement officer and the Town planner to inspect certain parts of the facility annually. In 2012, when Town representatives attempted to gather information from Dubois and inspect the facility, Dubois refused. The Town’s code enforcement officer then issued to Dubois a notice of violation of its 2011 conditional use permit.

Dubois appealed to the Town’s Zoning Board of Appeals (the “ZBA”). On appeal, Dubois admitted that it refused to comply with conditions imposed by the 2011 permit. However, Dubois argued that it was not subject to regulation by the Town pursuant to the Ordinance or the permit because state laws, specifically the Agricultural Protection Act and the Solid Waste Act, preempted the Ordinance.

The Agricultural Protection Act prohibits a municipality from determining that a farm’s method of operations violates a local ordinance if the farm has used “best management practices.” The Solid Waste Act prohibits municipal ordinances that are stricter with respect to solid waste facilities than those contained in the Solid Waste Act and the rules adopted under that Act.

The ZBA denied Dubois’s appeal. It concluded that neither the Agricultural Protection Act nor the Solid Waste Act preempted the Ordinance.

Dubois again appealed, and the superior court affirmed the ZBA’s decision.

Dubois once again appealed.

DECISION: Judgment of district superior court affirmed.

The Supreme Judicial Court of Maine held that neither the Agricultural Protection Act nor the Solid Waste Act preempted the Town’s Ordinance prohibiting solid waste processing except subject to a conditional use permit.

In so holding, the court explained that a state statute would preempt a local ordinance if: (1) the legislature expressly prohibited local regulation; or (2) the legislature intended to occupy the field and the municipal legislation would frustrate the purpose of the state law. Accordingly, the Ordinance would be preempted only if the state laws were “interpreted to create a comprehensive and exclusive regulatory scheme inconsistent with the local action.”

Here, the court concluded that the Agriculture Protection Act did not

preempt the Ordinance because: (1) the Legislature had expressly allowed local regulation of farms and thus had not expressed a clear intent to occupy the field; and (2) the Town's Ordinance did not frustrate the purpose of the Act.

Again, the Agricultural Protection Act prohibits a municipality from determining that a farm's method of operations violates a local ordinance if the farm has used "best management practices." Here, the court found that Dubois' operation was not a "farm" for the purpose of the Agriculture Protection Act, and Dubois had made no showing that it was following best practices when it violated the Ordinance by failing to share certain information and allow Town representative inspections.

The court also concluded that the Solid Waste Act did not preempt the Ordinance. Again, the Solid Waste Act prohibits municipal ordinances that are stricter with respect to solid waste facilities than those contained in the Solid Waste Act and the rules adopted under that Act. Here the court found that standards in the Ordinance were not stricter than those in the Act. The Ordinance required solid waste facilities to obtain conditional use permits, "just as solid waste facilities [were] required to obtain licenses under the Act." The court also found that the Ordinance's definitions were not inconsistent with those in the Act, as the Ordinance and the Act defined "solid waste facility" and solid waste "processing facility" almost identically. The court further found that, with similar standards and definitions, the Ordinance's provisions did not frustrate the purpose of the Act.

Case Note:

In concluding that Dubois' operation was not a "farm" for the purpose of the Agriculture Protection Act, the court noted that the Ordinance defined a farm as producing "agricultural products." The court found that Dubois did not produce "agricultural products" on site, but instead imported tons of waste materials. Moreover, the court opined that "[c]reating a product like compost, which may be used by landscapers, home gardeners, and perhaps farmers, [did] not make Dubois a 'farm' for the purposes [of the Act's] protection."

Nonconforming Use—Billboard company seeks to change nonconforming signs from vinyl to digital

Company and City dispute which zoning provision
applies and whether zoning code allows
alternations sought

Citation: *Key Ads, Inc. v. Dayton Bd. of Zoning Appeals, 2014-Ohio-4961, 2014 WL 5794546 (Ohio Ct. App. 2d Dist. Montgomery County 2014)*

OHIO (11/07/14)—This case addressed the issue of whether a zoning code allowed a billboard company to alter its nonconforming off-premises signs by converting the face of the signs from vinyl to electronic changeable copy panels.

The Background/Facts: Key Ads, Inc. (“Key Ads”) owned three billboards in the City of Dayton (the “City”). All three signs had been built before 2006. In 2006, the City had adopted zoning restrictions that rendered the signs noncompliant with the City’s Zoning Code. Accordingly, the signs were legally “non-conforming off-premises signs” under the Zoning Code.

In 2011, Key Ads filed zoning applications with the City. Under those applications, Key Ads requested to alter the three signs by changing the face of each sign from static vinyl panels to electronic changeable copy panels (i.e., digital panels). The City Zoning Administrator rejected Key Ads’ applications to convert the signs. In rejecting the applications, the Administrator determined that the requested alterations were not in compliance with the Zoning Code. The Zoning Administrator pointed to § 150.140.4 of the Zoning Code prohibited nonconforming signs from being “improved or reconstructed” if the “alteration, reconstruction, or improvement” cost exceeded 50% of the replacement value of the sign.

Key Ads appealed. Key Ads contended that another provision of the Zoning Code instead governed the alteration of nonconforming signs. Key Ads said that § 150.900.18(B)(2)(b) and (B)(3) allowed for nonconforming signs to be “repaired and renovated so long as the cost of such work [did] not exceed . . . [50] percent of the value of such sign.”

Here, expert witnesses had testified that the cost to convert each sign would be about \$200,000. Expert witnesses had testified that the fair market value of the signs at their “highest and best use” as electronic changeable copy was \$1 million to \$2 million. The Zoning Administrator had testified that the value of a vinyl sign in the City was no more than \$60,000.

The City’s Board of Zoning Appeals (the “Board”) affirmed the Zoning Administrator’s rejection of Key Ads’ applications.

Key Ads again appealed and the county court of common pleas reversed the Board’s decision. The court found that § 150.900.18(B)(2)(b) of the Zoning Code permitted the alteration of the signs from vinyl to electronic changeable copy. The court also found that the alteration complied with § 150.900.18(B)(3) because the cost to alter the signs would not exceed 50% of the signs’ value (as electronic signs).

The Board appealed. On appeal, the Board argued that § 150.140.4 of the Zoning Code governed the sign alteration request here and that the alteration cost of \$200,000 would exceed 50% of the replacement value of the sign based on the vinyl sign value of \$60,000.

DECISION: Judgment of court of common pleas reversed.

The Court of Appeals of Ohio, Second District, Montgomery County, agreed with the Board. The appellate court held that § 150.900.18(B) governed the requested sign alterations here. More specifically, the court found that conversion from vinyl to electronic changeable copy panels qualified as an “improvement” under § 150.140.4(B)(1).

In so holding, the court noted that “[w]hen confronted with such comparable

provisions as 150.140.4(B)(1) and 150.900.18(B), the Zoning Code require[d] the most restrictive provision to govern.” Specifically, section 150.100.5(B) of the Zoning Code stated that “[w]here the conditions imposed by any provision of this Zoning Code upon the use of land, buildings, or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Zoning Code; or of any other law, ordinance, resolution, rule or regulations of any kind, the regulations that are more restrictive shall govern.” In addition, § 150.100.5(C) of the Zoning Code provided that “[i]f the provisions of the Zoning Code are inconsistent with one another, the more restrictive provision shall control.”

The court found that § 150.140.4(B)(1) was the more restrictive provision, which had to be applied to the case at hand. The court noted that § 150.140.4(B)(1) permitted Key Ads to improve or alter nonconforming signs only if the use was changed to a use that was permitted in the district in which it was located, or if the Board otherwise approved of the improvement or alteration and its cumulative cost did not exceed 50% of the “replacement value” for the sign. In comparison, the less restrictive § 150.900.18(B)(2)(b) and (B)(3) permitted nonconforming signs to be altered by replacing a sign panel if the sign’s structure was not changed and the cost of the work did not exceed 50% of the “value” of the sign.

Applying § 150.140.4(B)(1) here, the court found that any improvements and alternations to Key Ads’ signs could not exceed 50% of the cost to replace the vinyl signs in their current condition (i.e., based on their current value as vinyl signs, not based on their predicted value as electronic changeable copy). Given that the conversion from vinyl to electronic changeable copy panels would cost \$200,000, the court found that it was “apparent that the project would exceed 50 percent of the signs’ \$60,000 to \$100,000 replacement value.” Therefore, under § 150.140.4(B)(1), the conversion was not permitted.

The court concluded that the Board’s decision affirming the rejection of Key Ads’ application to change the face of its signs from static vinyl panels to electronic changeable copy panels was lawful under the Zoning Code.

See also: *WCI, Inc. v. Ohio Liquor Control Comm.*, 116 Ohio St. 3d 547, 2008-Ohio-88, 880 N.E.2d 901 (2008).

Proceedings—After two intervenors file appeal in case, third intervenor files cross-appeal

Parties dispute whether the cross-appeal was timely filed under Hawai’i law

Citation: *Friends of Makakilo v. D.R. Horton-Schuler Homes, LLC*, 2014 WL 5483460 (Haw. 2014)

Hawai’i (10/30/14)—This case addressed a question of first impression: “when must a party that seeks judicial review of an administrative decision in the form of a cross-appeal file a notice of its cross-appeal in circuit court?”

The Background/Facts: In 2007, D.R. Horton-Schuler Homes, LLC (“HSH”) petitioned the Hawai’i’s Land Use Commission (the “LUC”), asking to reclassify certain lands in ‘Ewa District, O’ahu (the “Lands”) from agricultural to urban use. HSH later amended its petition in September 2008. In February 2009, the LUC permitted Friends of Makakilo (“Friends”) to intervene. In September 2009, the LUC granted Friends’ motion to declare the petition deficient, with leave to HSH to amend. HSH filed subsequent amendments to its petition in May and July 2011. In September 2011, the Sierra Club and Senator Clayton Hee were granted intervenor status. On June 21, 2012, the LUC issued its decision (the “Decision”), granting HSH’s petition to reclassify the Lands subject to certain conditions. A copy of the LUC’s Decision was delivered to Friends on June 23, 2012.

On July 20, 2012, Senator Hee and the Sierra Club filed a notice of appeal with the Circuit Court of the First Circuit, requesting judicial review of the Decision (“Sierra Club appeal”). On August 2, 2012, Friends filed a “Notice of Cross Appeal to Circuit Court.” On August 23 and 24, 2012, the LUC and HSH respectively filed motions to dismiss Friend’s “cross-appeal.”

Among other things, the circuit court held, pursuant to HRS § 91-14, that: (1) Friend’s “cross-appeal” was not allowed by law because aggrieved parties, as defined in Hawai’i Revised Statutes (“HRS”) § 91-14, have a right to appeal an agency decision, but not a right to cross-appeal; and (2) Friend’s “cross-appeal,” when viewed simply as a request for judicial review, was untimely.

Friends appealed. Friends argued that as an aggrieved party, pursuant to HRS § 91-15, it had a right to cross-appeal. Friends also argued that “the timely appeal by the Sierra Club/Hee divested the LUC of jurisdiction and cross-appeals were appropriate and allowed by Rule 4.1, Hawai’i Rules of Appellate Procedure (“H.R.A.P.”) thereby extending the deadline for a cross appeal to 14 days after the original appeal deadline of 30 days.”

DECISION: Judgment of circuit court affirmed.

The Supreme Court of Hawai’i first held that HRS § 91-14 specifically permits the filing of cross-appeals in circumstances where multiple parties request judicial review of an agency decision with the 30-day window provided in HRS § 91-14(b). As a matter of first impression (i.e., the first time the court addressed the issue), the Supreme Court of Hawai’i also held that a party seeking judicial review through cross-appeal was not entitled to a 14-day extension beyond the 30-day window in which to file a petition for judicial review.

In so holding, the court interpreted the plain language of the statute. HRS § 91-14 provides in part:

“(a) Any person aggrieved by a final decision and order in a contested case . . . is entitled to judicial review thereof under this chapter; but nothing in this section shall be deemed to prevent resort to other means of review, redress, relief, or trial de novo, including the right of trial by jury, provided by law

(b) Except as otherwise provided herein, proceedings for review shall be instituted in the circuit court . . . within thirty days after service of the certified copy of the final decision and order of the agency pursuant to rule of court The court in its discretion may permit other interested persons to intervene.”

(HRS § 91- 14.)

Looking at the dictionary meaning of “cross-appeal,” the court found that

where multiple requests for judicial review are initiated, “the appeal of each is called a ‘cross-appeal’ as regards that of the other[s].” In other words, said the court, “cross-appeals exist whenever more than one party requests judicial review of the same decision.”

The court further found that the plain language of HRS § 91-14(a) showed the Hawai’i Legislature contemplated that multiple requests for review of a single decision and order may be initiated. See HRS § 91-14 (“ Any person aggrieved . . . is entitled to judicial review” (emphasis added)). Thus, HRS § 91-14 specifically permits the filing of cross-appeals in circumstances where multiple parties request judicial review of an agency decision within the 30-day window provided in HRS § 91-14(b).

Again, Friends had contended that the 30-day deadline set forth in HRS § 91-14(b) did not apply to its cross-appeal. Instead, Friends had argued that court rules—specifically, Rule 4.1 of the H.R.A.P.—applied. Friends argued that Rule 4.1 conferred a “right” to cross-appeal in certain circumstances.

The court found there was “no need to comment on whether a ‘right’ to cross-appeal [was] bestowed by [H.R.A.P.] Rule 4.1, as the [H.R.A.P.] [did] not apply to a circuit court’s review of administrative decisions and orders.” The court explained that although a circuit court might assume an appellate role when reviewing administrative decisions, it is not an “appellate court” as that term is used in the H.R.A.P., and therefore the H.R.A.P.—including Rule 4.1—did not apply to it.

In its holding, the court also noted that the state of Nebraska had concluded that in the absence of a specific statutory provision, “cross-appeals” of administrative decisions—such as Friend’s here—were subject to the same filing deadlines as the initial appeal. The court found that the Hawai’i statute—HRS § 91-14(b)—was similar to the Nebraska statute evaluated in that case, with a similar omission of extended or different deadlines to file a cross-appeal.

Thus, the court concluded that, unless the Hawai’i legislature enacts a provision specifying the times for cross-appeals, an “aggrieved person” seeking judicial review of an administrative decision under the Hawai’i Administrative Procedures Act must institute review proceedings within 30-days after service of the final decision and order, as provided in HRS § 91-14.

The court affirmed the circuit court’s determination that Friends untimely filed its “cross-appeal.”

See also: *Lingle v. Hawaii Government Employees Ass’n, AFSCME, Local 152, AFL-CIO*, 107 Haw. 178, 111 P.3d 587, 177 L.R.R.M. (BNA) 2103 (2005).

Nonconforming Use—Legally nonconforming recreational gun range use grows to include commercial training use

County contends change in use is an impermissible expansion of the nonconforming use

Citation: *Kitsap County v. Kitsap Rifle and Revolver Club*, 337 P.3d 328 (Wash. Ct. App. Div. 2 2014)

WASHINGTON (10/28/14)—This case addressed the issue of whether a gun club's increased activity was permissible under the county zoning code provisions that regulated nonconforming uses. More specifically, it addressed the difference between permitted "intensification" of nonconforming uses (permitted under the county zoning code) and impermissible "expansion" of nonconforming uses.

The Background/Facts: The Kitsap Rifle and Revolver Club (the "Club") has operated a shooting range in Bremerton, Kitsap County, Washington, since 1926. In 1993, Kitsap County (the "County") adopted a new ordinance that limited the location of shooting ranges. That ordinance rendered the Club's use of the property as a shooting range to be a lawful nonconforming use.

As of 1993, the Club operated a rifle and pistol range, with members participating in shooting activities during daylight hours on weekends and during the fall "sign-in" season for hunting. Subsequently, the Club's property use changed. The Club allowed shooting between 7:00 a.m. and 10:00 p.m. The Club allowed the regular use of fully automatic "rapid-fire" weapons, as well as exploding targets and cannons. Commercial use of the Club also increased, including use by private for-profit companies, as well as military personnel training.

In 2011, the County filed a complaint for an injunction, declaratory judgment, and nuisance abatement against the Club. Among other things, the County alleged that the Club had impermissibly expanded its nonconforming use as a shooting range. The County also alleged that the Club's activities constituted noise and public safety nuisances. The County requested termination of the Club's nonconforming use status and abatement of the nuisances.

The trial court concluded that the Club's shooting range operation was no longer a legal nonconforming use because, among other things, the Club's activities constituted impermissible expansion rather than allowed intensification of the existing nonconforming use. The trial court issued a permanent injunction prohibiting use of the Club's property as a shooting range until issuance of a conditional use permit, which the County could condition upon application for all after-the-fact permits required under the Kitsap County Code ("KCC"). The trial court also issued a permanent injunction prohibiting the use of certain weapons and targets and the property's use as an outdoor shooting range before 9:00 a.m. or after 7:00 p.m.

The Club appealed.

DECISION: Judgment of superior court affirmed in part, reversed in part, vacated in part, and remanded.

The Court of Appeals, Division 2, held that the Club's increased hours of operation at the shooting range represented a permitted intensification of the legally nonconforming use. However, the court held that the commercial and military use of the shooting range, and the dramatically increased noise levels constituted an impermissible expansion of the Club's nonconforming use.

In so holding, the court explained that a legal nonconforming use is a use that "lawfully existed" before a change in regulation and is allowed to continue although it does not comply with the current regulations. Nonconforming uses, said the court, "are allowed to continue because it would be unfair, and perhaps a violation of due process, to require an immediate cessation of such a use." The court said that the law recognizes that nonconforming uses may grow in volume or intensity over time. Under the common law (i.e., court dictated, not statutory), an "intensification" of a nonconforming use generally is permissible, while the "expansion" of nonconforming use is prohibited. The court stated the standard for distinguishing between intensification and expansion:

"When an increase in volume or intensity of use is of such magnitude as to effect a fundamental change in a nonconforming use, courts may find the change to be proscribed by the ordinance. Intensification is permissible, however, where the nature and character of the use is unchanged and substantially the same facilities are used. The test is whether the intensified use is different in kind from the nonconforming use in existence when the zoning ordinance was adopted."

The court further recognized that the County Code adopted those common law standards.

Applying the standard here, the court held that the increased hours of shooting range activities here did not affect a "fundamental change" in the use and did not involve a use "different in kind" than the nonconforming use. Rather, the court found that the nature and character of the use remained unchanged despite the expanded hours. The court found that, by definition, represented an intensification of use rather than an expansion. Accordingly, the court concluded that the increased hours of shooting did not constitute an impermissible expansion of the Club's nonconforming use.

The court also held that the Club's use of the property to operate a commercial business primarily serving military personnel represented "a fundamental change in use" and was "completely different in kind than using the property as a shooting range for Club members and the general public." Accordingly, the court held that the Club's commercial and military use of the shooting range constituted an impermissible expansion of the Club's nonconforming use.

Further, although it found the types of weapons and shooting patterns used currently did not necessarily involve a different character of use than in 1993, when similar weapons and shooting patterns were used infrequently, the court did hold that "the frequent and drastically increased noise levels found to exist at the Club constituted a fundamental change in the use of the property" and that change represented a use different in kind than the Club's 1993 property use. Accordingly, the court concluded that the dramatically increased noise levels constituted impermissible expansions of the Club's nonconforming use.

The court also ultimately concluded that—under both the KCC and the common law—the termination of the Club’s nonconforming use status was not the proper remedy even though the Club did expand its use. Here, the court found that the use of the Club’s property as a shooting range remained lawful, and therefore any unlawful expansion of use, permitting violations, or nuisance activities could not trigger termination of the otherwise lawful nonconforming use. Under common law, the court found no Washington case holding that an unlawful expansion of a nonconforming use, permitting violations, or nuisance activities terminates a nonconforming use. Moreover, it found no Washington case had even suggested such a remedy.

The court determined that the appropriate remedy for the Club’s expansion of its nonconforming use had to “reflect the fact that some change in use—‘intensification’—is allowed and only ‘expansion’ is unlawful.” The court remanded to the trial court to determine the appropriate remedies for the Club’s expansion of its nonconforming use.

See also: *Keller v. City of Bellingham*, 92 Wash. 2d 726, 600 P.2d 1276 (1979).

Case Note:

The County had also alleged that the Club had engaged in unlawful development activities because the Club lacked the required permits. It was undisputed that the Club’s unpermitted development work on the property constituted unlawful uses.

Case Note:

The appellate court also held that the Club’s activities—including increased noise levels and operation without property safety measures—constituted public nuisances. The court said a nuisance was a “substantial and unreasonable interference with the use and enjoyment of another person’s property.” Under statutory law, “an actionable nuisance” is “whatever is injurious to health . . . or offensive to the senses, . . . so as to essentially interfere with the comfortable enjoyment of the life and property.” (RCW 7.48.010.) It is also defined as an “act or omission [that] either annoys, injures or endangers the comfort, repose, health or safety of others . . . or in any way renders other persons insecure in life, or in the use of property.” (RCW 7.48.120.)

The Club had argued that noise from its activities could not constitute a nuisance because noise regulations exempted shooting ranges (See, e.g., KCC 10.28.040 and KCC 10.28.145.) The court disagreed, noting that a nuisance can be found even if there is no violation of noise ordinances, and thus the exemption from such ordinances is immaterial.

The court affirmed the trial court’s injunction limiting certain activities at the Club in order to abate the Club’s nuisance activities.

Case Note:

Notably KCC 17.455.060, which specifically prohibited alteration or enlargement of a nonconforming use, was repealed after the trial court rendered its opinion. Neither

party discussed the effect of former KCC 17.455.060 being repealed. Because the court interpreted that ordinance as being consistent with the common law, the court found it did not need to address that issue.

Zoning News from Around the Nation

OHIO

In a court case challenging Broadview Height's ban on oil and gas drilling within city limits, the Ohio Department of Natural Resources (ODNR) has recently filed a motion, siding with two oil and gas companies. ODNR and the gas companies claim local governments have no authority to limit any activities relating to oil and gas. Broadview (and other cities) say the statute on which their opponents rely conflicts with the Ohio Constitution. A ruling by the Ohio Supreme Court was soon expected in the case.

Source: *Midwest Energy News*; www.midwestenergynews.com

TENNESSEE

The Cleveland Municipal Planning Commission has adopted new zoning regulations that will give developers "up to three years after receiving final approval of a plan to start a project and not be required to comply with new ordinances." The vote reportedly brings the city zoning regulations in line with a new state law that changes how and when development projects are vested. Prior to the new legislation, projects were not vested until a substantial financial investment had been made in the project. If new regulations were passed between the time the plan was approved and construction, then the project would have had to change to comply with the new requirements.

Source: *Cleveland Daily Banner*; www.clevelandbanner.com

WASHINGTON

In Seattle, the mayor's office recently proposed new zoning, packaging and testing legislation for medical marijuana dispensaries. Reportedly, under the mayor's proposal, dispensaries would be prohibited within 500 feet of child care centers, schools, parks, and similar facilities, and dispensaries with storefronts would be prohibited within 1,000 feet from each other to avoid clustering. The ordinance would also require criminal background checks for operators and testing marijuana for THC levels, molds, pesticides, and other impurities.

Source: *Puget Sound Business Journal*; www.bizjournals.com