

**City of Ramsey**  
**REVISED Agenda**  
**Regular Planning Commission**  
**Thursday, January 5, 2017**  
**7:00 pm**  
**Council Chambers, 7550 Sunwood Drive NW**

1. **Call to Order**
2. **Citizen Input**
3. **Approve Agenda**
4. **Approve Minutes**
  1. Approve the Following Planning Commission Meeting Minutes:
    1. Planning Commission Special Meeting Minutes Dated December 1, 2016
    2. Planning Commission Meeting Minutes Dated December 1, 2016
5. **Public Hearing/Commission Business**
  1. PUBLIC HEARING: Consider Request for Zoning Amendment for Woodlands 4th Addition (Project No. 16-102); Case of Lennar Corporation
  2. PUBLIC HEARING: Consider Request for an Interim Use Permit to Utilize a Membrane Tent Structure for a Secondary Showroom; Case of Skeeter Boat Center
  3. Review Sketch Plan for Brookview Estates (Project #17-102); Case of Eric Thomsen
  4. PUBLIC HEARING: Adopt Resolutions #17-01-013, #17-01-014, and #17-01-015 Related to the Preliminary Plat for Vistas at North Commons (Project No. 16-90); Case of Lifestyle Properties (Project Originally Known as Ramsey Town Center 12th Addition/Gleason Plat)
  5. Consider Concept Plan for Potential Trott Brook Hall Expansion
  6. Stone Brook Children's Academy & Daycare Purchase Agreement for OUTLOT B of COR ONE
  7. Review Concept Plan for Pearson Farm; Case of Capstone Homes
  8. PUBLIC HEARING: Consider Ordinance to Amend Board of Appeals and Adjustment/Official Map
6. **Comprehensive Plan Update Items**
  1. Receive Progress Report for the 2040 Comprehensive Plan Update
7. **Commission/Staff Input**

1. Staff Update
2. Zoning Bulletins
8. **Adjournment**

**Regular Planning Commission**

4. 1.

**Meeting Date:** 01/05/2017

**By:** JoAnn Shaw, Community Development

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**Information**

**Title:**

Approve the Following Planning Commission Meeting Minutes:

1. Planning Commission Special Meeting Minutes Dated December 1, 2016
2. Planning Commission Meeting Minutes Dated December 1, 2016

**Purpose/Background:**

n/a

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Recommendation:**

**Action:**

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**Attachments**

Special Meeting Minutes 12.1.16

Meeting Minutes 12.1.16

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 12/30/2016

**Reviewed By**

JoAnn Shaw

**Date**

12/30/2016 10:28 AM

Started On: 12/27/2016 12:35 PM

Planning Commissioners in attendance:

Planning Commissioner Bruce Anderson  
Planning Commissioner Randy Bauer  
Planning Commissioner Randy Brauer  
Planning Commissioner Cindy Nosan  
Planning Commissioner Patrick Surma  
Planning Commissioner Gary VanScoy

Comprehensive Plan Steering Committee Members in attendance:

Member Mickie Adams  
Member Bill Kingston  
Member Christopher Oullette

Staff in attendance:

Community Development Director Timothy Gladhill  
City Planner Christopher Anderson  
Consulting City Planner Breanne Rothstein

The Planning Commission met in a training session regarding land use planning and zoning administration. The training session was called to order at 5:30 p.m.

Community Development Director Gladhill led introduction of members in attendance.

Consulting Planner Rothstein provided a presentation on Planning and Zoning 101.

Commissioner Brauer noted that the Planning Commission previously reviewed one section of City Code per month several years ago, but has not done this in some time.

Commissioner Brauer asked about the City's policy for Planning Commission not reviewing Final Plats after Preliminary Plat after approval with conditions.

Consulting Planner Rothstein noted the ultimate decision lies with the City Council. The Planning Commission is an advisory board.

Discussion ensued about the merits of review of Final Plats by the Planning Commission.

Director Gladhill suggested that this topic be brought forward for further discussion at a future meeting.

Member Kingston inquired as to whether Conditional Use Permits ever expire.

Consulting Planner Rothstein noted they do not expire and run with the land. She then explained the process for Interim Use Permits that are allowed an expiration date and run with the Application/Property Owner, not the property.

Member Kingston inquired as to whether the City should enforce home owner association rules and regulations within a Planned Unit Development.

Consulting Planner Rothstein noted that home owners associations are an added level of regulations, but are enforced by a group of neighbors, not the City.

Director Gladhill noted that if the City has a rule it wants to enforce, it needs to be included within City Code. The City cannot enforce private covenants.

The meeting adjourned at 7:00 p.m.

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, December 1, 2016, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present:           Vice Chairperson Randy Bauer  
                                  Commissioner Bruce Anderson  
                                  Commissioner Ralph Brauer  
                                  Commissioner Cindy Nosan  
                                  Commissioner Patrick Surma  
                                  Commissioner Gary VanScoy

Members Absent:           None

Also Present:               Community Development Director Timothy Gladhill  
                                  City Planner Chris Anderson

**1.     CALL TO ORDER**

The regular meeting was called to order at 7:00 p.m.

**2.     CITIZEN INPUT**

Randy Bauer, 146 Iodine Court NW, stated long-time Chair of the Planning Commission Gary Levine passed away two days after the November meeting. He discussed the numerous ways Gary was involved in the community and his church. He then opened the meeting in prayer in honor of Chairperson Gary Levine.

Community Development Director Gladhill explained the City Council would be recognizing Chairperson Gary Levine as well.

Commissioner Brauer thanked Vice Chairperson Bauer for recognizing Gary Levine so appropriately.

**3.     APPROVAL OF AGENDA**

Community Development Director Gladhill requested Item 5.07 be added to the agenda to allow for the preliminary discussion of The COR Development Plan.

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to approve the agenda as amended.

Motion Carried. Voting Yes: Commissioners VanScoy, Anderson, Bauer, Brauer, Nosan, and Surma. 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 November 3, 2016**

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to approve the following minutes as presented: Planning Commission Meeting Minutes dated November 3, 2016.

Motion Carried. Voting Yes: Commissioners VanScoy, Surma, Anderson, Bauer, Brauer, and Nosan. Voting No: None. Absent: None.

#### **5. PUBLIC HEARINGS/COMMISSION BUSINESS**

##### **5.01: Appoint Chairperson and Vice Chairperson**

##### **Presentation**

Vice Chairperson Bauer requested the Planning Commission appoint a Chairperson and Vice Chairperson to serve through March 31, 2017.

##### **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Brauer, to appoint Randy Bauer as Chairperson of the Planning Commission through March 31, 2017.

Motion Carried. Voting Yes: Commissioners VanScoy, Brauer, Anderson, Bauer, Nosan, and Surma. Voting No: None. Absent: None.

Motion by Commissioner Brauer, seconded by Commissioner Nosan, to appoint Gary VanScoy as Vice Chairperson of the Planning Commission through March 31, 2017.

Motion Carried. Voting Yes: Commissioners Brauer, Nosan, Anderson, Bauer, Surma, and VanScoy. Voting No: None. Absent: None.

##### **5.02: Public Hearing: Consider a Request for a Variance to the Front Yard Setback on the Property located at 14950 Peridot Street NW; Case of Tara Wostrel and Justin Linder**

##### **Public Hearing**

Chairperson Bauer called the public hearing to order at 7:07 p.m.

### **Presentation**

City Planner Anderson presented the staff report stating the City has received an application from Tara Wostrel and Justin Linder (the "Applicant") requesting a variance to the minimum front yard setback on the property located at 14950 Peridot St NW (the "Subject Property") to allow a twenty-six (26) foot setback. Staff reviewed the request in further detail and recommended approval.

### **Citizen Input**

Commissioner Anderson stated he drove by the residence recently and understood the deck frame had already been constructed. He understood the neighboring home was in the same location as the subject property. His concern was that if the Commissioner were to grant a variance for this property, that another variance would have to be granted for the neighbors.

City Planner Anderson commented staff could follow up with the neighbors to identify their setbacks.

Commissioner Brauer indicated the developer could be at fault in this scenario.

Commissioner Anderson explained all four lots in this neighborhood had no space to build or add on to their homes.

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

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

Chairperson Bauer closed the public hearing closed at 7:15 p.m.

### **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to adopt Resolution #16-12-225 approving Findings of Fact #0974.

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

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to adopt Resolution #16-12-226 granting a variance to the front yard setback.

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

**5.03: Public Hearing: Consider Request for a Preliminary Plat for Woodlands 4<sup>th</sup> Addition and Variance Requests to the Lot Depth and Cul-de-Sac Length (Project No. 16-102); Case of Lennar Corporation**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 7:18 p.m.

**Presentation**

City Planner Anderson presented the staff report stating Lennar Corporation (the "Applicant") has applied for Preliminary Plat approval for Woodlands 4<sup>th</sup> addition. As part of the application submittal, the Applicant has also included a request for a variance to the maximum allowable length of a cul-de-sac and a variance to the lot depth standard specific to Lot 2, Block 1. Staff discussed the case further and recommended adopting Resolutions #16-12-215 and #16-12-216 granting a variance to allow a cul-de-sac length in excess of 600 feet to an approximate length of 1,300 feet. In addition, Staff recommends adopting Resolutions #16-12-217 and #16-12-218 related to the denial of a variance to lot depth standards for Lot 2, Block 1 of Woodlands 4<sup>th</sup> addition. Staff also recommends adopting Resolution # 16-12-219 approving the Preliminary Plat for Woodlands 4<sup>th</sup> Addition subject to compliance with a denied lot depth variance for Lot 2, Block 1.

**Citizen Input**

Commissioner VanScoy understood the EPB was concerned about the intrusion on the wetland. He commented the building pad on Lot 2 was 60' x 95' and noted the width of the buildable area was wider than 60'.

City Planner Anderson reported this was the case and explained Lot 2 was 100' in width at the street.

Commissioner VanScoy believed there was the capability to put a structure on this lot.

Commissioner Surma had no problems with the variance on the lot. He asked if the lot would have a 6" supply line.

Civil Engineer II Linton reported this area would be serviced by an 8" dead-end line.

Commissioner Surma stated he would not support the request as is and recommended the 8" line be looped rather than a dead-end due to the fact the line would become stagnant.

Community Development Director Gladhill indicated the lines were a challenge but commented there was no viable option close to allow the lines to be looped. He estimated that over two miles of line would be needed in order for a loop to be completed.

Commissioner Brauer asked if the line could be looped.

Civil Engineer II Linton reviewed the location of the nearest water main and stated it would not be possible to loop the water lines. He stated staff would be analyzing the turnover rate of the water at Brookfield.

Commissioner VanScoy questioned if the standard cul-de-sac requirements would be met.

City Planner Anderson reported this was the case.

Commissioner VanScoy asked how the negative impacts of the dead-end water lines could be mitigated.

Community Development Director Gladhill described how the City would mitigate the water line concerns noting the hydrants were flushed at least twice a year. He commented the City also treated its water for high-iron content.

Joe Jablonski, Lennar Corporation, appreciated the discussion being held by the Commission. He believed there was enough buildable space on Lot 2 for a home and future improvements. He understood the buffer setback was not buildable. He stated he has worked with longer cul-de-sacs in other developments and has had great success with the lines being flushed.

Commissioner Surma thanked Mr. Jablonski for being present. He believed Lennar was a great partner to the City and has completed great work in the community. He requested that the line flushing be written into the Development Agreement to ensure this work was completed at least three times a year.

Community Development Director Gladhill clarified the City would be conducting the maintenance work and flushing of the lines and not the developer.

Commissioner Anderson questioned if there was any other alternative or shift that could be made to Lot 2.

City Planner Anderson commented on the plans that had been discussed between staff and the applicant for Lot 2. He then offered the following findings if the Commission were to approve the variance to lot depth standards for Lot 2, Block 1.

1. The shape of the wetland boundary is fairly square and parallel to the house pad, compared to previous requests that have been denied.
2. The actual encroachment is much less than previous requests that have been contemplated.

3. The lot is shown with standard house pad dimension of 50' x 66'.
4. That a 25' front yard setback would eliminate the encroachment into the setback area.

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

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

Chairperson Bauer closed the public hearing closed at 7:55 p.m.

### **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to adopt Resolutions #16-12-215 approving the Favorable Findings of Fact and #16-12-216 granting a variance to allow a cul-de-sac length in excess of 600 feet to an approximate length of 1,300 feet.

### **Further discussion**

City Planner Anderson recommended the hydrant flushing concern be added as a condition to the Preliminary Plat.

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

Commissioner Brauer recommended the applicant pursue a 25' front yard setback versus the proposed variance plan for Lot 2.

Mr. Dilbanski supported the front yard setback and stated he would work with staff on this matter.

Chairperson Bauer questioned if the EPB's request for denial of the lot depth variance was based on a previous request made to the City.

City Planner Anderson reported this was the case and noted the EPB had no concerns with this individual lot. Staff believed there were enough differences between the previous request and the one before the Commission this evening to justify approval.

Community Development Director Gladhill asked if the Commission was comfortable moving this variance forward, given the fact another request was denied, or if a front yard variance should be pursued.

Commissioner VanScoy respected the work on the EPB, however, he understood the Planning Commission had to consider a specific land use request on a case by case basis. He believed if

the variance was approved, as requested, that the land would be useable for the future homeowner.

Commissioner VanScoy requested an additional finding be added to note that the buildable rear yard lot area would be larger if the lot remained a minimum of 60' x 100' in size.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to adopt Resolution #16-12-217 approving the favorable Findings of Fact with the following additions:

1. That a twenty-five (25) foot setback, if applied, would eliminate the encroachment, unlike previous requests that have been denied.
2. That the shape of wetland boundary is fairly square and parallel to the house pad compared to previous requests that have been denied, which maximizes developable area.
3. That the actual encroachment is much less than previous requests that have been denied.
4. That the lot is shown with a standard house pad and is not relying on a restricted size house pad or a specific home model unlike past requests that have been denied.
5. That there is additional buildable area beyond the 60'x100' area.

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, and Nosan. Voting Brauer: None. Absent: None.

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to adopt Resolution #16-12-218 approving the variance to lot depth standards for Lot 2, Block 1 of Woodlands 4<sup>th</sup> addition.

### **Further discussion**

Commissioner Brauer commented he did not support this variance request due to the fact it was not unique and did not follow the City's criteria.

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

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #16-12-219 approving the Preliminary Plat for Woodlands 4<sup>th</sup> Addition subject to the City completing additional maintenance on the water lines to eliminate water stagnation at the end of the water lines.

### **Further discussion**

Commissioner Brauer did not support the Preliminary Plat as presented.

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

#### **5.04: Public Hearing: Consider Interim Use Permit for Gravel Parking Lot Expansion at 7575 Highway 10 NW; Case of M&G Trailers**

##### **Public Hearing**

Chairperson Bauer called the public hearing to order at 8:20 p.m.

##### **Presentation**

Community Development Director Gladhill presented the staff report stating this case was amended on November 29, 2016. He explained the City has received a request for an expansion of a gravel parking/storage area at 7575 Highway 10 NW. The request has been made by M & G Trailers. These parking and storage areas are ordinarily required to consist of asphalt or concrete. However, in acknowledgement of impacts of future Highway 10 improvements, the City has adopted interim development standards for impacted parcels. In this case, the Highway 10 Access Planning Study call for a complete acquisition of this parcel in order to remove a private, direct access to Highway 10. A timetable has not been set for acquisition, and is an 'opportunity driven' priority. In other words, unless a safety hazard presents itself, confirmed by accident data, the acquisition will likely be one of the last implementation steps of the plan that spans the cities of Anoka, Ramsey, and portion of Elk River.

Community Development Director Gladhill reported the use of gravel in these interim areas is limited to expansions of existing paved lots. This would be the second expansion of this lot, previously approved via Interim Use Permit. The expansion is within the 150% the size of the paved lot as allowed by City Code. The proposal generally meets setback requirements, with amendments outlined in City Code. The Applicant must also provide a Landscape Plan to be reviewed by Staff prior to issuing the grading permit. The request also requires the approval of the Lower Rum River Watershed Management Organization. Key discussion topics:

- Code allows for gravel parking and storage areas in areas impacted by future public improvements or acquisition.
- This site is identified as a necessary acquisition in the Highway 10 Access Planning Study.
- Design requirements include, but are not limited to (copy of section of code attached):
  - 20 foot setback from front property line.
  - Cannot exceed 150% the size of the paved portion of the lot.
  - Proper grading and drainage (review complete).

- Proper stormwater management (review complete).

Community Development Director Gladhill stated the site has several compliance issues currently. The hope is that by allowing additional storage area, these issues can be corrected (storage within the 20-foot setback area, blockage of required drive aisles). Staff reviewed the request in further detail and recommended approval of the case, contingent upon amendments as outlined in the Staff Review Letter. The current recommendation does not include a termination date other than the future event in time of commencement of acquisition related to the Highway 10 Access Planning Study. The Planning Commission may add a termination date of five (5) years from the date of approval, per past approvals and allowed by City Code. An IUP may be renewed.

### **Citizen Input**

Commissioner Anderson asked if the additional would allow for loading and unloading of truck trailers on their property.

Community Development Director Gladhill reported this was the case.

Commissioner Surma was pleased that the dangerous situation on this property was being addressed.

Commissioner VanScoy questioned if the grading permit would address the proposed parking lot expansion.

Community Development Director Gladhill stated this was the case.

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

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

Chairperson Bauer closed the public hearing closed at 8:29 p.m.

### **Commission Business**

Commissioner VanScoy questioned when the interim use permit would sunset.

Community Development Director Gladhill reviewed the termination clause with the Commission, stating additional language could be added stating: If it is determined that this property is not needed for acquisition, the Interim Use Permit shall be terminated at that time.

Commissioner VanScoy requested this language be added.

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to recommend that City Council adopt Resolution #16-12-236 granting an Interim Use Permit to M & G Trailer Sales and Service, amending the sunset language.

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

**5.05: Public Hearing: Considering Ordinance #17-01 Amending Sign Standards for the Employment Districts to Allow a Second Ground Sign on Parcels with Multiple Road Frontages**

**Public Hearing**

Chairperson Bauer called the public hearing to order at 8:33 p.m.

**Presentation**

City Planner Anderson presented the staff report stating in 2010, the City amended the sign regulations relating to the Business Districts (B-1 and B-2) to allow a secondary permanent ground sign on parcels with multiple road frontages. At that time, it did not seem that there was a need to contemplate allowing a secondary ground sign in the Employment Districts since they are not generally oriented toward retail uses sought out by the general public. However, the City has had a couple inquiries over the past few years about the potential of a secondary ground sign that were not possible without the issuance of a Conditional Use Permit due to the limitation of one (1) permanent ground sign per parcel, regardless of the number of road frontages. Staff reviewed the request in further detail with the Commission and recommended approval.

**Citizen Input**

Commissioner Nosan questioned the difference between the City's Business and Employment Districts.

City Planner Anderson described the differences between the two zoning districts as being a place to work versus a place to shop.

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

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

Chairperson Bauer closed the public hearing closed at 8:38 p.m.

**Commission Business**

Motion by Commissioner Anderson, seconded by Commissioner Surma, to recommend that City Council adopt Ordinance #17-01 amending Section 117-520 (b) to allow a second permanent ground sign on parcels with multiple road frontages in the Employment Districts.

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

#### **5.06: Consideration of Recommending Preliminary City Council Approval of Draft Water Supply Plan**

##### **Presentation**

Civil Engineer II Linton presented the Staff Report stating the purpose of this case is to obtain a recommendation from the Planning Commission for preliminary City Council approval of the City of Ramsey's draft Water Supply Plan. Staff reviewed the draft water supply plan in detail with the Commission and requested the Commission grant preliminary City Council approval of the draft WSP with or without modifications.

Chairperson Bauer feared that ground water would disappear at some point in the future and understood some other water source may be needed to draw water for the City. He suggested the City further evaluate its sewer rates during the summer months. He proposed additional sewer funds collected during the summer months be used for future water supply needs of the City.

Civil Engineer II Linton indicated he would pass this suggestion on to the City Council. He commented at some point, the capacity of the existing aquifer would meet capacity and a regional solution would be sought to continue to provide water to the City of Ramsey.

Commissioner Brauer requested further information from staff on the water spike in 2012.

Civil Engineer II Linton explained he had not looked into the 2012 water usage in further detail to correlate them with weather patterns.

City Planner Anderson reviewed the City's underground irrigation requirements for commercial and townhome developments.

Further discussion ensued regarding the reuse of stormwater runoff for irrigation.

Commissioner VanScoy questioned if the City should also be addressing private wells.

Civil Engineer II Linton was unsure of any overarching regulatory agency that could regulate private wells.

Community Development Director Gladhill explained private wells were regulated by the Department of Health.

## **Commission Business**

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to recommend the City Council approve the preliminary draft of the Water Supply Plan, requesting the Council consider placing summer sewer funds be placed in a special fund to assist with the City's future water needs.

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

### **5.07: Discussion of The COR Development Plan**

#### **Presentation**

Chairperson Bauer discussed The COR Development Plan with the Commission.

Commissioner VanScoy recommended the Commission hold a worksession where the history and future of The COR be addressed. He requested this be held prior to the Commission holding a joint meeting with the City Council.

Commissioner Brauer believed the Commission was somewhat frustrated with the previous discussions held regarding The COR and a worksession would assist in focusing the group. He proposed a decision tree be used to help the Commission move forward on The COR.

Commissioner Nosan supported this recommendation.

Community Development Director Gladhill commented the suggestion to meet with the Council was to get everybody on the same page and to address certain policies. He stated he would want to run the decision tree process by the Council prior to staff proceeding. He clarified the Commission would be meeting jointly with the City Council on January 10<sup>th</sup>.

Commissioner Brauer stated the idea would be to put a draft together of potential decisions and then or staff to review this model in order for comments to be received from the Commission.

Chairperson Bauer asked if Commissioner Brauer could have something pulled together prior to the next meeting.

Commissioner Brauer reported he could have the decision tree ready to go in January.

Commissioner VanScoy stated he would prefer to have a worksession prior to meeting with the City Council.

Commissioner Surma suggested the Commission meet next week to address the decision tree.

Commissioner Brauer was not certain he could have the decision tree completed by next week.

Commissioner VanScoy requested the Commission further review Mr. Riverblood's presentation at this worksession meeting along with the history of The COR.

Community Development Director Gladhill requested the Commission come to a consensus on how to proceed. He suggested each of the Commission members provide staff with a bullet list of pivotal or sticking points.

Commissioner Surma recommended the Commission not dwell on the history but rather focus on the future of the site with only a reference to the history.

Commissioner VanScoy agreed he wanted to see the project move forward but believed the historical issues with the site should be explained.

Chairperson Bauer recommended the Commission meet with the City Council as scheduled on January 10<sup>th</sup> and have Commissioner Brauer prepare a decision tree that will be presented on January 5<sup>th</sup>, directing the Commission to provide staff with a list of their concerns regarding The COR.

Commissioner VanScoy preferred to hold a worksession prior to January 5<sup>th</sup> to discuss this matter.

Community Development Director Gladhill suggested the Commission hold a 5:30 p.m. worksession on January 5<sup>th</sup>.

The Commissioner supported this recommendation.

## **6. COMMISSION / STAFF INPUT**

### **6.01: Receive Staff Update**

The Staff Update was noted.

### **6.02: Zoning Bulletins**

Zoning Bulletins were noted.

## **7. ADJOURNMENT**

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

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

The regular meeting of the Planning Commission adjourned at 9:41 p.m.

Respectfully submitted,

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Tim Gladhill  
Community Development Director

**ATTEST:**

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JoAnn Shaw  
Community Development Assistant

Drafted by Heidi Guenther  
*TimeSaver Off Site Secretarial, Inc.*

**Regular Planning Commission**

**5. 1.**

**Meeting Date:** 01/05/2017

**Submitted For:** Tim Gladhill, Community Development

**By:** Eric Maass, Community Development

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**Information**

**Title:**

PUBLIC HEARING: Consider Request for Zoning Amendment for Woodlands 4th Addition (Project No. 16-102); Case of Lennar Corporation

**Purpose/Background:**

Lennar Corporation (the "Applicant") has applied for Zoning Amendment from R-1 Residential (Rural Developing) to R-1 Residential (MUSA) for property related to Woodlands 4th Addition.

**Notification:**

City Staff attempted to notify all property owners within 700 feet of the Subject Property of the request via U.S. mail and published a notice of public hearing in the Anoka Union Herald, the City's official newspaper.

**Observations/Alternatives:**

In conjunction with the Woodlands 4th Addition, the Applicant has proposed a Zoning Amendment to change the zoning on the property from R-1 Residential (Rural Developing) to R-1 Residential (MUSA). The proposed zoning designation is in keeping with the change in land use from Rural Developing to Low Density Residential which was previously recommended for approval by the Planning Commission. Staff is supportive of the proposed zoning amendment.

Alternative 1. Recommend approval of the Zoning Amendment for Woodlands 4th Addition. The Plat was reviewed based on R-1 Residential (MUSA) standards and a Comprehensive Plan Amendment has already been approved by City Council, contingent upon approval by the Metropolitan Council. The Zoning Amendment would align the zoning with the Future Land Use Map. Staff supports alternative 1.

Alternative 2. Recommend denial of the Zoning Amendment for Woodlands 4th Addition. Staff does not support this alternative as it would be in conflict with a previous approval for a Comprehensive Plan Amendment for this same project.

**Funding Source:**

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

**Recommendation:**

Staff Recommends Approval of Ordinance #17-02: Rezoning the Subject Property from R-1 Residential (Rural Developing) to R-1 Residential (MUSA).

**Action:**

Motion to recommend City Council adopt Ordinance #17-02 approving a Zoning Amendment for the Subject Property from R-1 Residential (Rural Developing) to R-1 Residential (MUSA).

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**Attachments**

Subject Property

Ord. #17-02: Zoning Amendment

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**Form Review**

**Inbox**

Chris Anderson

Tim Gladhill

Tim Gladhill

Form Started By: Eric Maass

Final Approval Date: 12/27/2016

**Reviewed By**

Chris Anderson

Tim Gladhill

Tim Gladhill

**Date**

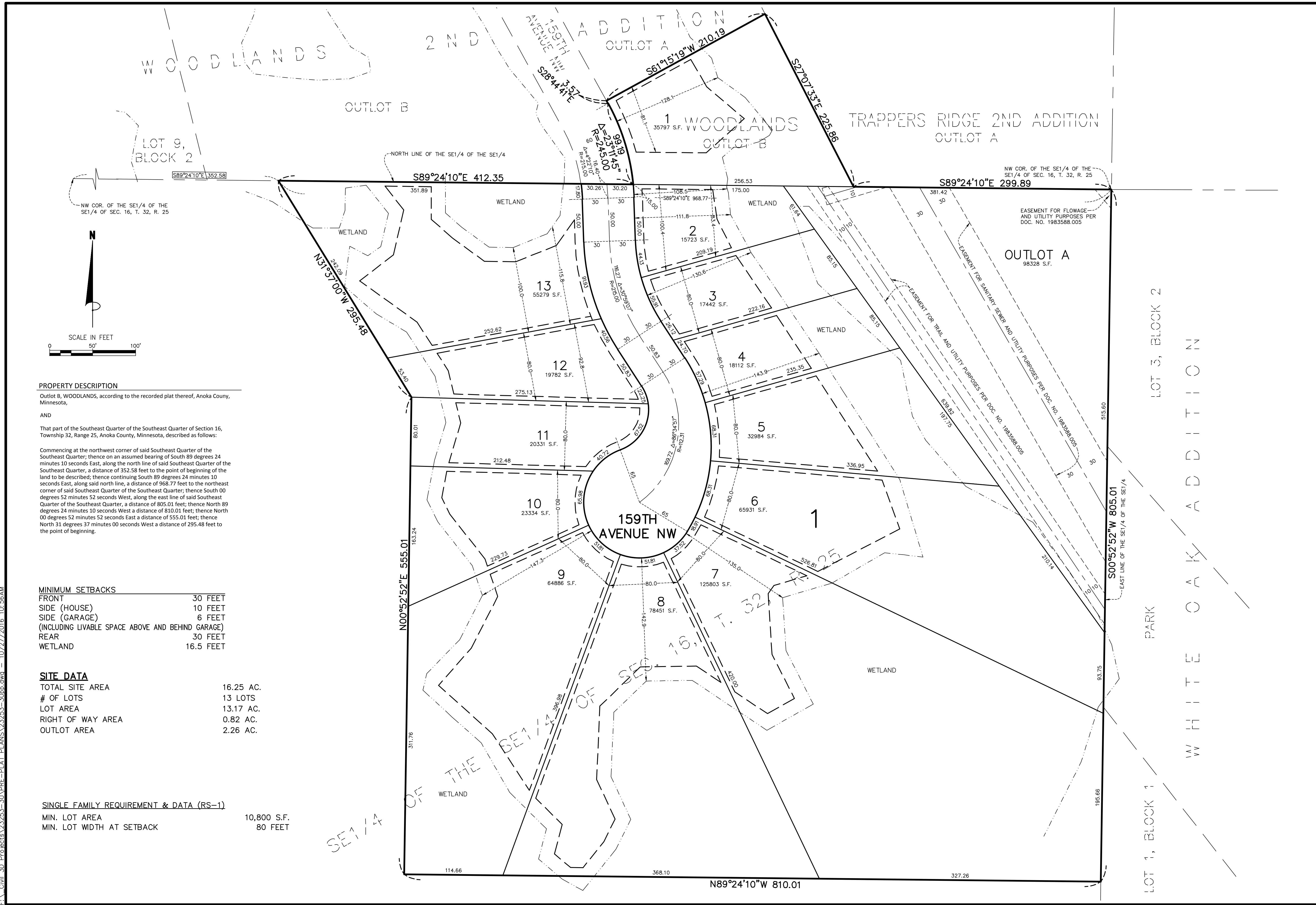
12/19/2016 02:53 PM

12/27/2016 08:33 AM

12/27/2016 08:33 AM

Started On: 12/14/2016 10:07 AM

F:\Civil\_3D\_Projects\23253-30 PRE-PLAT PLANS\23253-30pp.dwg - 10/27/2016 10:56AM



**PROPERTY DESCRIPTION**

Outlot B, WOODLANDS, according to the recorded plat thereof, Anoka County, Minnesota,

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Southeast Quarter; thence on an assumed bearing of South 89 degrees 24 minutes 10 seconds East, along the north line of said Southeast Quarter of the Southeast Quarter, a distance of 352.58 feet to the point of beginning of the land to be described; thence continuing South 89 degrees 24 minutes 10 seconds East, along said north line, a distance of 968.77 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 00 degrees 52 minutes 52 seconds West, along the east line of said Southeast Quarter of the Southeast Quarter, a distance of 805.01 feet; thence North 89 degrees 24 minutes 10 seconds West a distance of 810.01 feet; thence North 00 degrees 52 minutes 52 seconds East a distance of 555.01 feet; thence North 31 degrees 37 minutes 00 seconds West a distance of 295.48 feet to the point of beginning.

**MINIMUM SETBACKS**

FRONT	30 FEET
SIDE (HOUSE)	10 FEET
SIDE (GARAGE)	6 FEET
(INCLUDING LIVABLE SPACE ABOVE AND BEHIND GARAGE)	
REAR	30 FEET
WETLAND	16.5 FEET

**SITE DATA**

TOTAL SITE AREA	16.25 AC.
# OF LOTS	13 LOTS
LOT AREA	13.17 AC.
RIGHT OF WAY AREA	0.82 AC.
OUTLOT AREA	2.26 AC.

**SINGLE FAMILY REQUIREMENT & DATA (RS-1)**

MIN. LOT AREA	10,800 S.F.
MIN. LOT WIDTH AT SETBACK	80 FEET

**James R. Hill, Inc.**  
 PLANNERS / ENGINEERS / SURVEYORS  
 2500 W. CY. RD. 42, SUITE 120, BURNSVILLE, MN 55337  
 PHONE: (952)890-6044 FAX: (952)890-6244  
 mhampston@jhinc.com  
 www.jhinc.com

**ST. HILAIRE PROPERTY**  
 RAMSEY, MINNESOTA  
**PRELIMINARY PLAT**  
 FOR  
**LENNAR**  
 16305 36TH AVE N, #600, PLYMOUTH, MN 55448

DRAWN BY	PLM
DATE	10/7/16
REVISIONS	
CAD FILE	23253-30pp
PROJECT NO.	23253-30
	2.10

**ORDINANCE #17-02**

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

**AN AMENDMENT TO CHAPTER 117 WHICH IS KNOWN AS THE ZONING AND SUBDIVISIONS CHAPTER OF THE CITY CODE OF RAMSEY, MINNESOTA.**

**AN ORDINANCE AMENDING SECTION 117-90 "MAP" OF CHAPTER 117 OF THE CITY CODE OF RAMSEY, MINNESOTA.**

**SECTION 1. AMENDMENT**

The following legally described properties or portions thereof, are hereby rezoned from R-1 Residential (Rural Developing) to R-1 Residential (MUSA).

Outlot B, Woodlands Addition, Anoka County, Minnesota; and

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing at the northwest corner of said Southeast Quarter of the Southeast Quarter; thence on an assumed bearing of South 89 degrees 24 minutes 10 seconds East, along the north line of said Southeast Quarter of the Southeast Quarter, a distance of 352.58 feet to the point of beginning of the land to be described; thence continuing South 89 degrees 24 minutes 10 seconds East, along said north line, a distance of 968.77 feet to the northeast corner of said Southeast Quarter of the Southeast Quarter; thence South 00 degrees 52 minutes 52 seconds West, along the east line of said Southeast Quarter of the Southeast Quarter, a distance of 805.01 feet; thence North 89 degrees 24 minutes 10 seconds West a distance of 810.01 feet; thence North 00 degrees 52 minutes 52 seconds East a distance of 555.01 feet; thence North 31 degrees 37 minutes 00 seconds West a distance of 295.48 feet to the point of beginning.

(the "Subject Property")

**SECTION 2. MAP**

The City is hereby instructed to cause this amendment to be shown on the "City of Ramsey Zoning Map", which map was adopted pursuant to Section 117-90 of the Ramsey City Code.

**SECTION 3. EFFECTIVE DATE**

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

PASSED by the City Council of the City of Ramsey, Minnesota the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

ATTEST:

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City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:

Effective date:

## Regular Planning Commission

5. 2.

**Meeting Date:** 01/05/2017

**By:** Chris Anderson, Community  
Development

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### Information

**Title:**

PUBLIC HEARING: Consider Request for an Interim Use Permit to Utilize a Membrane Tent Structure for a Secondary Showroom; Case of Skeeter Boat Center

**Purpose/Background:**

The purpose of this case is to consider a request from Jim Peterson of Skeeter Boat Center, (the "Applicant") for an Interim Use Permit to erect and utilize a temporary membrane tent structure (the "Structure") as a secondary showroom on the property located at 9421 Highway 10 NW (the "Subject Property"). The Structure would be thirty feet by sixty feet (30' x 60') in size and would have sidewalls. The Applicant has noted that they would not provide heat for the Structure and would ensure access throughout the winter by plowing around the Structure.

The Applicant has stated that they have picked up a second line of boats and that their existing indoor showroom does not have sufficient space to accommodate the new line of products. The Applicant is proposing the use the Structure through the month of May to provide additional showroom space for customer viewing of boats in advance of the fishing opener.

**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 is on the north side of Highway 10 near the city's western border. The Subject Property is in the B-2 Highway Business District, as are the surrounding parcels to the east and west, and is bordered by right-of-way for Highway 10 to the south and BNSF right-of-way to the north. Motor vehicle, implement and recreation equipment sales and service is considered a conditional use in this zoning district; however, the Applicant's operation is considered lawful, non-conforming as this type of use has been in operation on the Subject Property pre-dating the amendment to City Code changing it from a permitted to conditional use.

The B-2 Highway Business District, like each of the other zoning districts, outlines the permitted exterior finishes of all buildings. The membrane style wall finish is not specifically permitted in this, or any other zoning district. However, alternative finishes may be permissible with the approval of the Planning Commission and the City Council. This has been the case for certain 'industry standard' finishes, such as storage buildings for salt and greenhouses for growing plant stock.

In some regards, this is similar to a Transient Merchant request (e.g. tent for fireworks and/or plant sales in a parking lot of a retail operation). However, per City Code, a Transient Merchant License is limited to a sales operation of not more than sixty (60) days. The Applicant has requested the use of the Structure for closer to 120 days, essentially double what would be permitted through the City's Transient Merchant License.

While the City does not have a specific policy addressing membrane structures, their exterior finish is not listed specifically within any of the zoning districts and therefore, these have been considered to be in violation of City Code. Over the years, the City has responded to complaints regarding these types of structures and when such a complaint is received, it is entered into the Code Enforcement program and property owners are informed that they

need to remove them. Many membrane structures, especially those designed for residential use, are not intended for long-term use as they do not withstand the elements for long periods of time. As a result, they can become an issue of blight.

The Subject Property, while on Highway 10, is not impacted by the Highway 10 Access Planning Study that was adopted by the City recently. It will not be affected by future improvements within this corridor like many of the parcels further east, especially on the north side of the highway. Additionally, the City's Strategic Plan contains a Strategic Initiative to improve the image of key corridors, including Highway 10. Erecting and maintaining a membrane structure in clear view from the Highway does not seem to be in concert with this strategic initiative.

The Applicant's business appears to be doing well and growing in this market. This is evident now with the lack of showroom space for their growing product line. While Staff wants to see continued growth for this business, there are concerns with the request related to the exterior finish and the location of the Structure. If a long-term solution were in place that would eliminate this need in future years, Staff would be more supportive if the Structure were in an alternative location that is less visible from Highway 10.

### Alternatives

Alternative 1: Motion to recommend City Council adopt Findings of Fact unfavorable to the Applicant and recommend denial of the IUP request. Historically, the City has considered membrane structures as non-compliant with Zoning Code based on exterior finish requirements. Approval could be viewed as contradictory to past (and ongoing) enforcement actions. Improving the image of key corridors, including Highway 10, has been identified as a priority by the City. The proposed location of the membrane structure would be in clear view from Highway 10, which would seem to be inconsistent with this initiative. Finally, this approach doesn't resolve the larger issue of inadequate indoor showroom space for the Applicant's needs and has the potential to become an annual request (or at least be requested again in the future).

Alternative 2: Motion to recommend City Council adopt Findings of Fact favorably to the Applicant and recommend approving the IUP request contingent upon the Structure being sited in a different location on the Subject Property, which is not so clearly visible from Highway 10. Staff understands the potential need for this temporary structure leading into the upcoming boating season. If the Structure were positioned further north on the Subject Property, where the principal building and/or existing trees may provide some screening of it from the highway, that would at least be more in line with the initiative to improve the image of Highway 10. Staff would still note though that a more permanent, long-term solution (i.e. improvements/expansion of the principal building to provide additional indoor showroom space) is needed to avoid this becoming a routine request each winter.

Alternative 3: Motion to recommend City Council adopt Findings of Fact favorable to the Applicant and approve the IUP as requested. The exterior finish of the Structure does not meet the minimum standards for the B-2 Highway Business District. However, alternative materials may be approved by the Planning Commission and City Council. While approval of alternative materials is permissible, approving a membrane structure for additional space beyond the timeframe of a Transient Merchant License creates a mixed message to the community about installing and utilizing these types of structures. Staff understands the Applicant's intent and would be more supportive of the request if there were a long-term solution in place (i.e. improvements to their existing building, this may be an annual request) to ensure that this does not become an annual request.

### **Funding Source:**

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

### **Recommendation:**

Staff is not supportive of the request as proposed.

### **Action:**

Motion to recommend City Council adopt Resolution #17-01-008 approving Findings of Fact unfavorable to the Applicant and to recommend City Council adopt Resolution #17-01-009 denying the request for an IUP.

-or-

Motion to recommend City Council adopt Resolution #17-01-008 approving Findings of Fact favorable to the Applicant and to recommend City Council adopt Resolution #17-01-009 approving the request for an IUP contingent upon the Applicant working with Staff to site the Structure such that it is not as readily visible from the highway.

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### Attachments

Site Location Map

Applicant's Site Plan

Aerial Image with Approximate Location of Tent

Sample Image of Tent

Resolution #17-01-008: DRAFT Findings of Fact

Resolution #17-01-009: IUP

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### Form Review

**Inbox**

Tim Gladhill  
Kurt Ulrich  
Chris Anderson (Originator)  
Tim Gladhill  
Kurt Ulrich  
Patrick Brama  
Tim Gladhill  
Kurt Ulrich  
Form Started By: Chris Anderson  
Final Approval Date: 12/30/2016

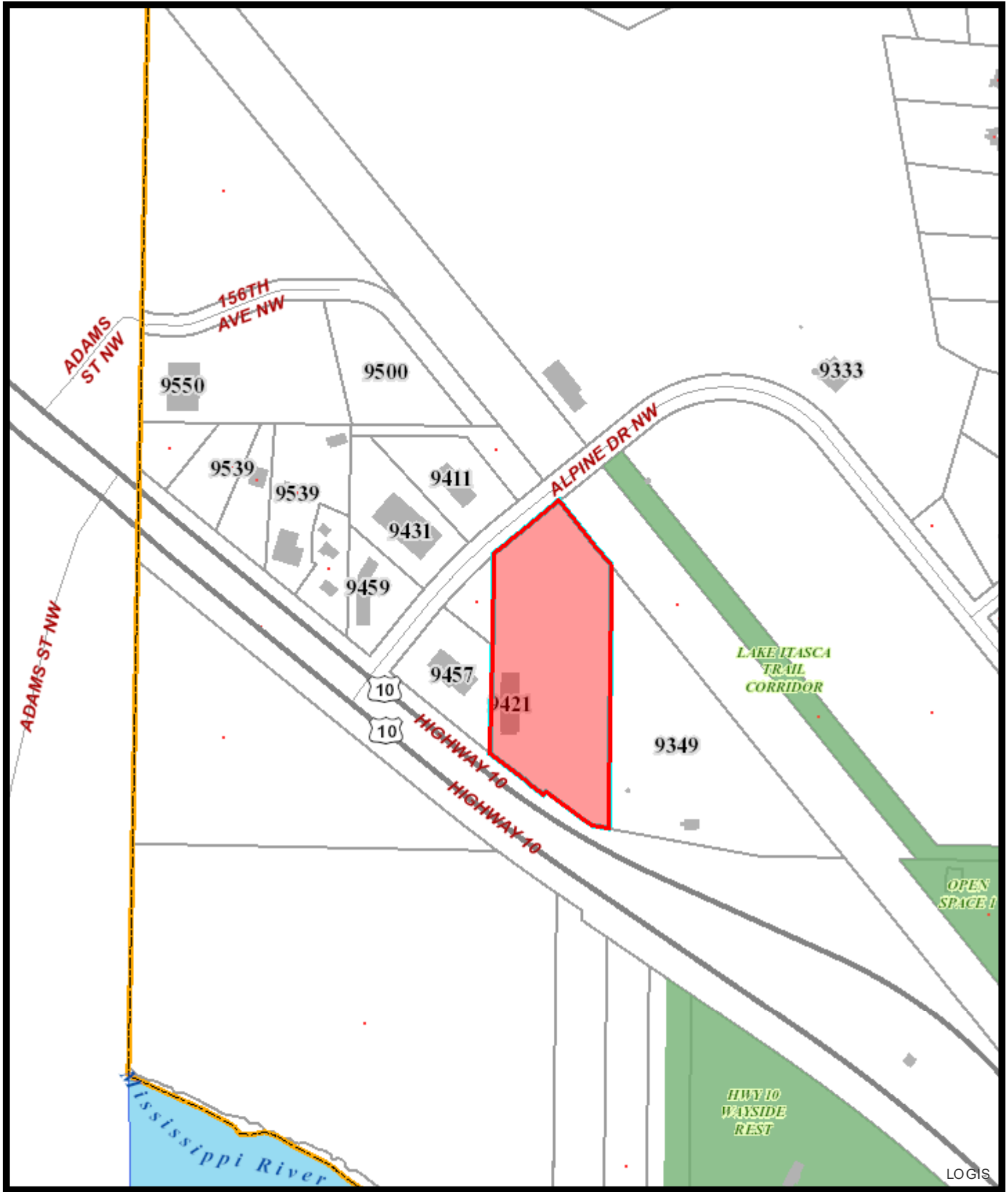
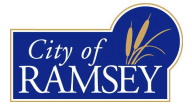
**Reviewed By**

Tim Gladhill  
Tim Gladhill  
JoAnn Shaw  
Tim Gladhill  
JoAnn Shaw  
JoAnn Shaw  
JoAnn Shaw  
JoAnn Shaw  
JoAnn Shaw

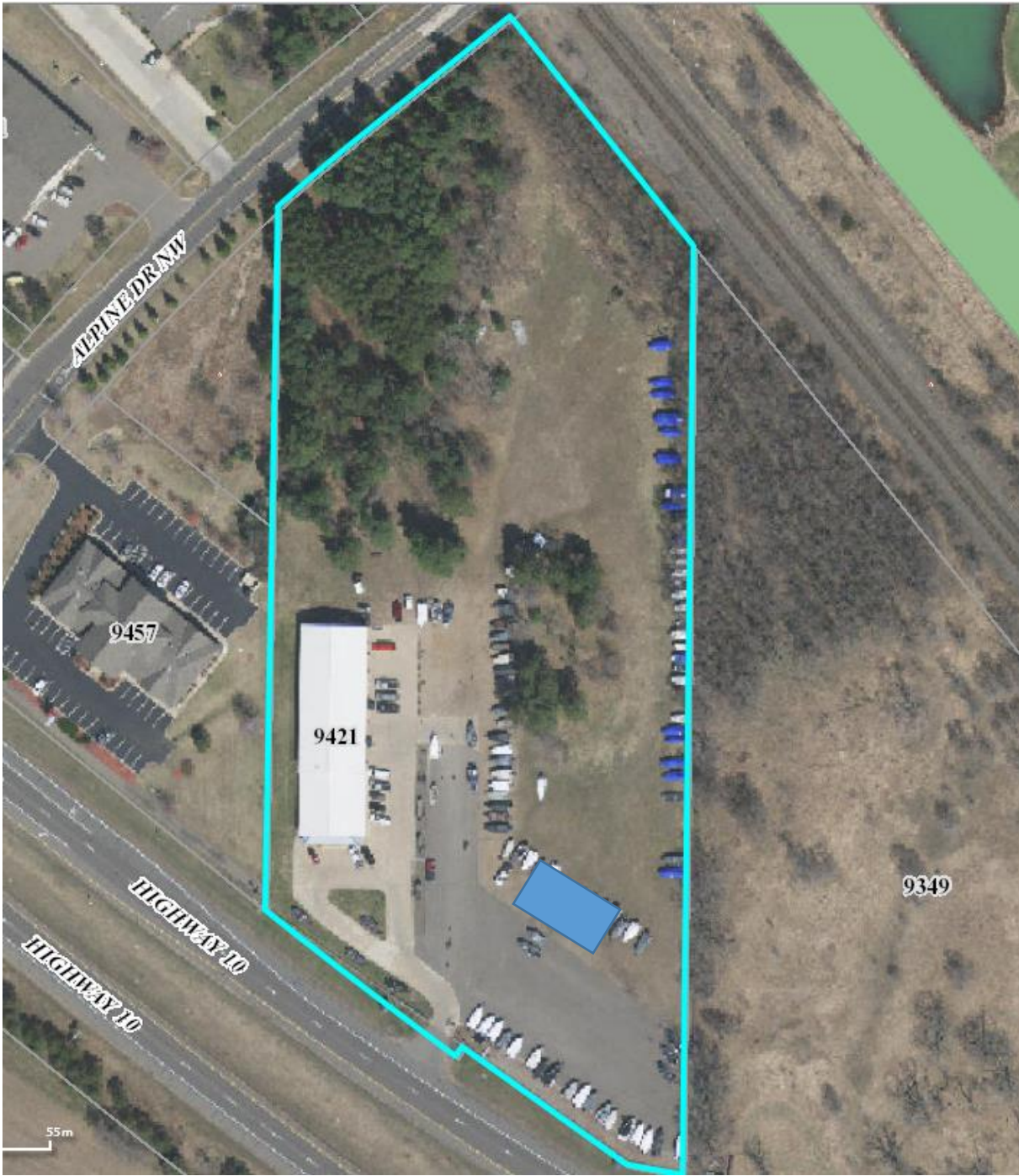
**Date**

12/27/2016 09:38 AM  
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12/27/2016 09:49 AM  
12/27/2016 11:17 AM  
12/30/2016 08:11 AM  
12/30/2016 08:13 AM  
12/30/2016 08:18 AM  
12/30/2016 08:27 AM  
Started On: 12/19/2016 03:23 PM

# Site Location Map







= Proposed Membrane Structure Location per Applicant's Site Plan



Example of Membrane Structure Tent. Note, the proposed tent would have sidewalls.

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #17-01-008**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0976 RELATING TO A REQUEST FOR AN INTERIM USE PERMIT TO ERECT AND MAINTAIN A TEMPORARY MEMBRANE TENT STRUCTURE AS A SECONDARY SHOWROOM**

**WHEREAS**, Jim Peterson of Skeeter Boat Center, LLC, hereinafter referred to as "Applicant", has properly applied to the City of Ramsey (the "City") for an interim use permit to erect and maintain a temporary membrane tent structure for a secondary showroom at the property located at 9421 Highway 10 NW and legally described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing on the north line of said Southwest Quarter of the Northwest Quarter at a point that is 418 feet, measured at a right angle, east of the west line of said Southwest Quarter of the Northwest Quarter; thence south, parallel with said west line, to the northerly boundary line of U.S. Highway No. 10; thence southeasterly, along said northerly line, 300 feet; thence North 1 degree 26 minutes 40 seconds East, parallel with said west line, said bearing is assumed, to the north line of said Southwest Quarter of the Northwest Quarter; thence South 88 degrees 55 minutes 50 seconds East, along said north line, a distance of 451.06 feet, to the actual point of beginning; thence continuing easterly along said north line, a distance of 10.78 feet, more or less, to its intersection with the southwesterly right-of-way line of the Burlington Northern Railway; thence South 38 degrees 16 minutes 50 seconds East, along said right-of-way line, a distance of 562.78 feet; thence South 0 degrees 37 minutes 18 seconds East, a distance of 697.99 feet; thence South 3 degrees 02 minutes 12 seconds East, a distance of 109.13 feet to the northerly boundary line of said Highway No. 10; thence northwesterly along said boundary line to its intersection with a line bearing South 1 degree 26 minutes 40 seconds West, also being parallel with the west line of said Southwest Quarter of the Northwest Quarter, through the point of beginning; thence North 1 degree, 26 minutes 40 seconds East, along said parallel line to the point of beginning.

Except that part thereof which lies northwesterly of a line and its northeasterly and southwesterly extensions, said line is described as follows:

Commencing at the most northerly corner of Outlot D, NORTHFORK, Anoka County, Minnesota; thence northwesterly on an assumed bearing of North 39 degrees 01 minutes 26 seconds west, along the southwesterly right-of-way line of the Burlington Northern Railroad a distance of 340.00 feet to point of beginning of line to be described; thence South 50 degrees 58 minutes 34 seconds west 162.00 feet; thence southwesterly along a tangential curve concave to the

southeast having a radius of 1887.83 feet, a central angle of 12 degrees 21 minutes 17 seconds, a distance of 407.07 feet and said line there terminating.

Subject to an 80 foot wide easement for public street and utility purposes conveyed to the City of Ramsey by deed recorded as Anoka County Recorder Document No. 867054.

(the "Subject Property")

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

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on January 5, 2017, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. That the Subject Property is zoned B-2 Highway Business District; the adjacent parcels to the east and west are also zoned B-2 Highway Business District and the Subject Property abuts right-of-way for Highway 10 to the south and right-of-way for the BNSF railroad to the north.
3. That the Subject Property is not impacted by the Highway 10 Access Management Plan nor is the Subject Property in the Official Map District.
4. That the Subject Property is approximately 6.92 acres in size.
5. That the Applicant operates a boat dealership on the Subject Property and also provides outdoor storage of marine equipment over the winter months.
6. That the Applicant has stated that they have picked up a second line of boats and needs additional showroom space to allow viewing by customers.
7. That the Applicant has stated that their existing indoor showroom is not large enough to accommodate the second line of boats and that it has low ceilings that make it challenging for customers to get up into the boats.
8. That the Applicant has proposed erecting a thirty foot by sixty foot (30' x 60') temporary membrane tent structure (the "Structure") with sidewalls for showroom space through May of 2017.
9. That the Applicant has stated that they do not intend to provide heating for the Structure.
10. That the Applicant has stated the Structure would be located adjacent to the paved parking/display area on the Subject Property and access would be maintained by plowing throughout the winter.

11. That the B-2 Highway Business District specifies that exterior wall finishes shall consist of face brick, stucco, glass, natural stone, specifically designed pre-cast concrete units whose surfaces have been integrally treated with an applied decorative material or texture, factory fabricated panel materials if the panel material is to be of the aforementioned finishes, or other materials as approved by the Planning Commission and City Council.
12. That past practice of the City has been to consider membrane type structures as a violation of City Code based on the exterior finish material.
13. That Building Code defines a temporary structure as a structure that is erected for less than 180 days.
14. That temporary structures are still subject to the provisions of the International Fire Code and Minnesota Building Code.
15. That a Temporary Tent/Canopy Permit is required to erect this Structure.
16. That the proposed duration of the Structure (approximately 120 days) exceeds that of a Transient Merchant as defined in City Code Section 26-549 (maximum of sixty [60] days).
17. That the City's Strategic Plan includes a Strategic Initiative to improve the image of key corridors, including Highway 10, and that the proposed use appears to conflict with this initiative.
18. That interim use permits are temporary in nature and must be aligned with a specific ending date or event.
19. That the Applicant has stated that the Structure would be needed through May 14, 2017 (the weekend of fishing opener).
20. That the proposed use does/does not conform to the zoning regulations within the B-2 Highway Business District.
21. That the date or event that will terminate the use can/cannot be identified with certainty.
22. That permission of the use will/will not impose additional costs to the public if it is necessary for the public to take the property in the future.
23. That the proposed use will/will not adversely impact traffic in the area.
24. That the proposed use will/will not be dangerous or detrimental to persons residing or working in the vicinity of the use or to the public welfare.
25. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.

26. That the proposed use will/will not be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and such use will/will not change the essential character of the area.
27. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
28. That the proposed use will/will not be detrimental to the economic welfare of the community.
29. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
30. That the proposed use will/will not involve uses, activities, processes, materials and equipment and conditions of operation that may be detrimental to any persons, property or the general welfare, by reason of excessive production of traffic, noise, smoke or glare.
31. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-52 (Interim Use Permits) of the City Code.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 24<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #17-01-009**

**RESOLUTION APPROVING/DENYING THE ISSUANCE OF AN INTERIM USE PERMIT TO ERECT AND MAINTAIN A TEMPORARY MEMBRANE TENT STRUCTURE AS A SECONDARY SHOWROOM BASED ON FINDINGS OF FACT #0976, AND DECLARING THE TERMS OF SAME.**

**WHEREAS**, Jim Peterson, on behalf of Skeeter Boat Center, LLC, hereinafter referred to as "Permittee", has properly applied to the City of Ramsey (the "City") for an interim use permit (Permit) to erect and maintain a temporary on the property located at 9421 Highway 10 NW and legally described as follows:

That part of the Southwest Quarter of the Northwest Quarter of Section 19, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing on the north line of said Southwest Quarter of the Northwest Quarter at a point that is 418 feet, measured at a right angle, east of the west line of said Southwest Quarter of the Northwest Quarter; thence south, parallel with said west line, to the northerly boundary line of U.S. Highway No. 10; thence southeasterly, along said northerly line, 300 feet; thence North 1 degree 26 minutes 40 seconds East, parallel with said west line, said bearing is assumed, to the north line of said Southwest Quarter of the Northwest Quarter; thence South 88 degrees 55 minutes 50 seconds East, along said north line, a distance of 451.06 feet, to the actual point of beginning; thence continuing easterly along said north line, a distance of 10.78 feet, more or less, to its intersection with the southwesterly right-of-way line of the Burlington Northern Railway; thence South 38 degrees 16 minutes 50 seconds East, along said right-of-way line, a distance of 562.78 feet; thence South 0 degrees 37 minutes 18 seconds East, a distance of 697.99 feet; thence South 3 degrees 02 minutes 12 seconds East, a distance of 109.13 feet to the northerly boundary line of said Highway No. 10; thence northwesterly along said boundary line to its intersection with a line bearing South 1 degree 26 minutes 40 seconds West, also being parallel with the west line of said Southwest Quarter of the Northwest Quarter, through the point of beginning; thence North 1 degree, 26 minutes 40 seconds East, along said parallel line to the point of beginning.

Except that part thereof which lies northwesterly of a line and its northeasterly and southwesterly extensions, said line is described as follows:

Commencing at the most northerly corner of Outlot D, NORTHFORK, Anoka County, Minnesota; thence northwesterly on an assumed bearing of North 39 degrees 01 minutes 26 seconds west, along the southwesterly right-of-way line of the Burlington Northern Railroad a distance of 340.00 feet to point of beginning of line to be described; thence South 50 degrees 58 minutes 34 seconds

west 162.00 feet; thence southwesterly along a tangential curve concave to the southeast having a radius of 1887.83 feet, a central angle of 12 degrees 21 minutes 17 seconds, a distance of 407.07 feet and said line there terminating.

Subject to an 80 foot wide easement for public street and utility purposes conveyed to the City of Ramsey by deed recorded as Anoka County Recorder Document No. 867054.

(the "Subject Property"); and

**WHEREAS**, the Planning Commission met on January 5, 2017, conducted a public hearing and recommended that the City Council approve/deny the request to erect and maintain a temporary membrane tent structure on the Subject Property; and

**WHEREAS**, the City Council met on January 24, 2017 to review the request for an interim use permit to erect and maintain a temporary membrane tent structure for a secondary showroom on the Subject Property.

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

This permit is issued pursuant to Section 117-52 (Interim Use Permits) of the Ramsey City Code. The conditions of this permit are as follows:

- 1) The **Permittee** is herein allowed to erect and maintain a thirty foot by sixty foot (30' x 60') temporary membrane tent structure (the "Structure") on the **Subject Property** until May 31, 2017.
- 2) This **Permit** shall commence on the date of City Council approval and shall expire on May 31, 2017, at which time the **Structure** shall no longer be present on the **Subject Property**.
- 3) This **Permit** shall become null and void in the event site operations permanently cease prior to the expiration date or upon the expiration date, whichever occurs first. The **Structure** must be removed from the **Subject Property** within thirty (30) days of the date of termination of site operations or by the expiration date of the **Permit**, whichever occurs first.
- 4) The **Permittee** shall be responsible for obtaining any other required permits, including, but not limited to, a Temporary Tent/Canopy Permit from the **City**.
- 5) The **Permittee** shall provide documentation verifying that the **Structure** complies with all applicable provisions of the International Fire Code and MN Building Code.
- 6) That all costs incurred by the **City** in administering and enforcing this **Permit** shall be the responsibility of the **Permittee**.

- 7) That the City Administrator or his or her designee shall have the right to inspect the **Subject Property** for compliance and safety purposes at any time.
- 8) That the failure of the **City** at any time to require performance by the **Permittee** of any provisions herein shall in no way affect the right of the **City** thereafter to enforce the same. Nor shall waiver by the **City** of any breach of any of the provisions hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.
- 9) That if any provision of this **Permit** shall be declared void or unenforceable, the other provisions shall not be affected but shall remain in full force and effect.
- 10) That this **Permit** shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the **City** and the **Permittee**.
- 11) That if the **Permittee** or its successors or assigns violates any material term or condition of this **Permit**, it is grounds for suspension or revocation hereof consistent with applicable law. Specifically, but without limiting the foregoing, the **City** may amend, suspend, or revoke this **Permit**, consistent with applicable law, if the City Council reasonably determines that continued operation of the facility places the public health, safety or welfare or the environment in jeopardy or creates a public nuisance due to odors, litter, debris or other nuisance factors. The change, alteration or amendment of any statute, regulation, ordinance or permit condition by any governmental authority other than the **City**, shall not excuse the **Permittee** from compliance with statutes, regulations, ordinances or **Permit** conditions in effect on the date of the original issuance of this permit unless compliance is waived or excused by the **City**.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 24<sup>th</sup> day of January, 2017.

#### **PERMITTEE**

Jim Peterson hereby acknowledges receipt of this **Permit** and has reviewed the conditions of this **Permit** and has agreed that he will comply with the terms of this **Permit**.

**SKEETER BOAT CENTER, LLC.**





## Regular Planning Commission

5. 3.

**Meeting Date:** 01/05/2017

**Submitted For:** Tim Gladhill, Community Development

**By:** Eric Maass, Community Development

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### Information

**Title:**

Review Sketch Plan for Brookview Estates (Project #17-102); Case of Eric Thomsen

**Purpose/Background:**

Note: This case will be revised the week of January 2 to include final Staff Reports.

The purpose of this file is to review the official Sketch Plan prepared by LHB, Inc. for the purpose of a proposed eleven (11) lot Planned Unit Development subdivision of Outlot A, Meadowbrook (the "Subject Property"), located generally west of Germanium Street and south of the Trott Brook. The Sketch Plan Review process affords the Planning Commission an opportunity to provide early direction on the layout of a proposed plat, before the Developer prepares detailed Preliminary Plat plans. A key decision will occur at Preliminary Plat, in which the layout can 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, Utility, Landscape, and Street Light Plans.

**Notification:**

Although a public hearing is not required, a notice of Sketch Plan Review was sent to surrounding properties. Because the proposed subdivision is located adjacent to the Trott Brook, the Department of Natural Resources was also notified.

**Observations/Alternatives:**

Sketch Plan Review is the first of several steps in reviewing a Major Plat, which includes Sketch Plan Review, Preliminary Plat, and Final Plat. This 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 Subject Property is guided for R-1 Rural Developing in the Comprehensive Plan. The intent of the Rural Developing land use designation is to allow for the construction of single-family dwellings without access to municipal sewer and water. All developing lots located within the proposed PUD will be served with individual septic systems and wells. The proposed use appears to be consistent with this land use guidance.

Zoning: The Subject Property is currently zoned as R-1 (Rural Developing) and the Developer is proposing a rezoning to a Planned Unit Development (PUD). This allows for the development of single family, detached dwellings. The proposed density is 1 lot per 2.1 acres where a maximum of 1 lot per 2.5 acres is allowed, hence the PUD request. The parcel in question is approximately 38 acres. The developer has proposed deeding fourteen (14) of those acres to the City. The proposed fourteen (14) acres straddle both sides of Trott Brook and contain a vast majority of the steep slopes around the brook. City Staff finds this land to be highly valuable land from a natural resources perspective and would also provide an option to extend the Trott Brook Greenway and Trail in the future.

Dimensional/Bulk Standards: When preparing the Preliminary Plat, the Developer must demonstrate the specific variations to the otherwise required bulk R-1 (Rural Developing) standards. The Developer should note only the largest deviations being requested from the bulk standards. The Sketch Plan indicates lots ranging in size from 1.02 acres up to 3.52 acres. Eight (8) of the proposed lots would be less than the minimum lot size requirement of 2.5 acres in the R-1 Residential (Rural Developing); however, this deviation can be approved through aPUD. It is unclear whether Lots 4-7, Block 1 meet the minimum lot width standard (200 feet) and that will need to be specified

as part of the Preliminary Plat. But, as with the lot size, through the PUD process, a deviation from the lot width standard can be approved.

Streets and Trails. The sketch plan shows two segments of streets, each terminating in a cul-de-sac. The proposed roads are connected via a singular access back to Germanium street. Germanium Street itself is a road which terminates in a cul-de-sac. The overall length of the proposed roadways as well as the length of Germanium would result in cul-de-sac runs in excess of 600 feet and as such, would require a variance to be approved. The Fire and Police Departments have issued review letters regarding these cul-de-sac roadways and those are attached to this case. If approved, each cul-de-sac would be required to be constructed to meet or exceed the minimum design standards for a cul-de-sac.

At this time, the Applicant is not proposing any trails; however, staff would like to explore with the Applicant the possibility for an access easement from the proposed roadway down to the fourteen (14) acres proposed to be deeded to the City, consistent with the Master Park and Trail Plan. No trail would be requested to be built at this time; however, the easement would reserve a corridor for the majority of the proposed neighborhood to access any future Trott Brook trail.

Septic/Drainfield. It is assumed that the Sketch Plan is proposing each of the eleven (11) lots to have individual septic systems. If directed to move forward with a Preliminary Plat, the Applicant will need to show a primary and secondary septic location and provide soil borings that demonstrate those locations can support a septic system as part of the Preliminary Plat submission.

Wells. The locations of proposed wells should be shown on the Preliminary Plat to ensure adequate spacing from drainfield locations.

**Funding Source:**

All costs associated with processing the Application are the responsibility of the Applicant. There are no City funds proposed to be utilized for the construction of this project.

**Recommendation:**

Planning Staff is comfortable with the proposed layout of the Sketch Plan and with the proposal to process as a Planned Unit Development with considerations listed in the Staff Review Letter. Should the development proceed as proposed, the City would receive approximately fourteen (14) acres of high quality wetland and moderate quality upland that also includes protection of steep slopes leading down to Trott Brook. However, the proposed length of cul-de-sacs would require a variance. This Subject Property is not within a hydranted area and this does create some concern from Public Safety Staff (see their comments in the Staff Review Letter).

**Action:**

Provide the applicant with feedback, and recommend any changes to the Sketch Plan prior to submission of Preliminary Plat. No formal action is required.

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**Attachments**

Site Location Map

Sketch Plan

Planning Staff Report

Police Department Staff Report

Engineering Staff Report

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**Form Review**

**Inbox**

Chris Anderson

**Reviewed By**

Chris Anderson

**Date**

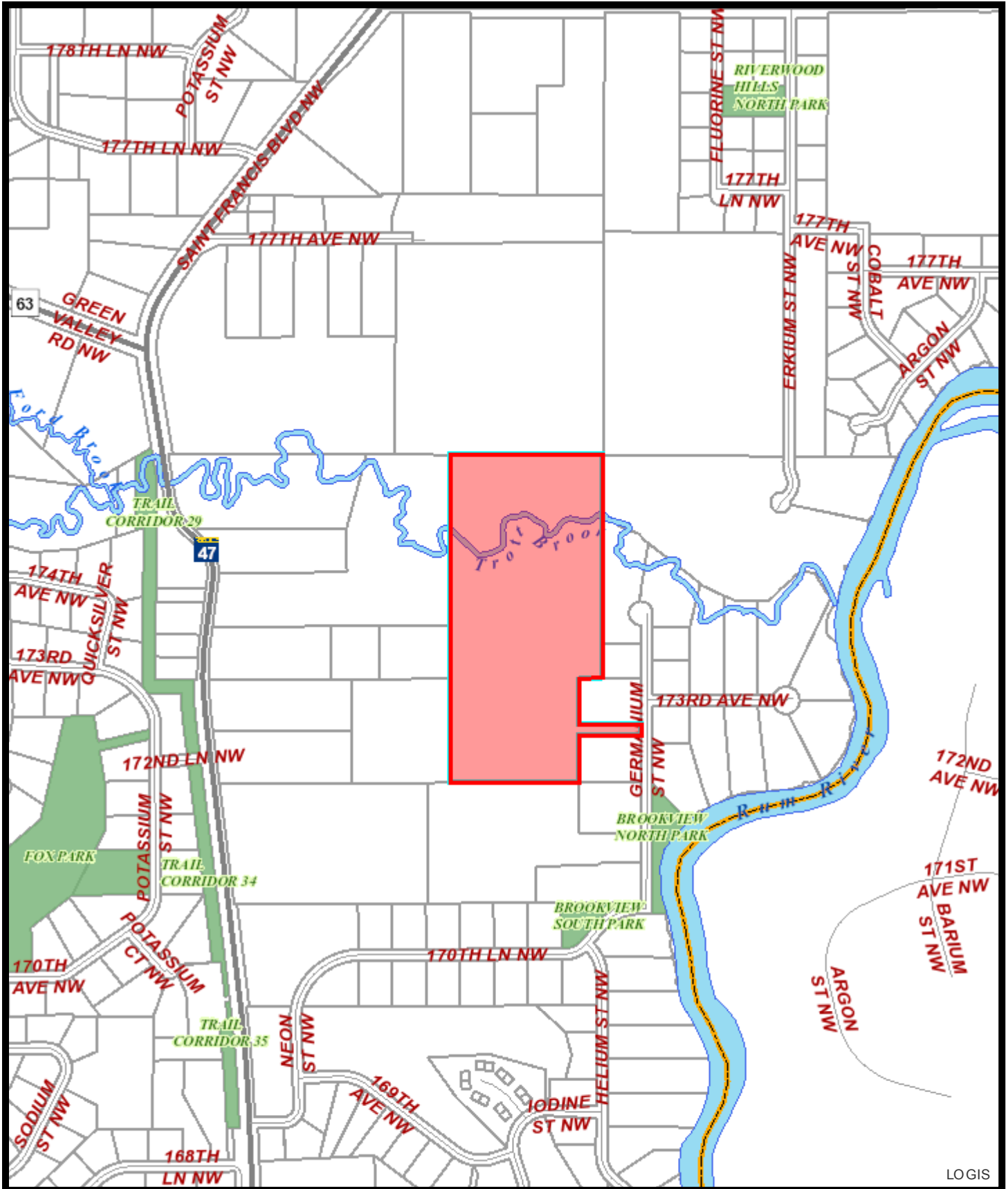
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Tim Gladhill  
Form Started By: Eric Maass  
Final Approval Date: 12/30/2016

Tim Gladhill

12/30/2016 07:18 AM  
Started On: 12/21/2016 10:12 AM

# Site Location Map





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

<b>DATE</b>	DECEMBER 30, 2016	<b>PROJECT ADDRESS</b>	WEST OF GERMANIUM ST NW, SOUTH OF TROTT BROOK
<b>PROJECT. TITLE</b>	BROOKVIEW ESTATES SKETCH PLAN		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Community Development: Planning Division (Zoning Code)		
<b>TECHNICAL REVIEWER:</b>	Name: Eric Maass, Consultant Planner Phone: (763) 576-4306 Email: <a href="mailto:EMaass@wsbeng.com">EMaass@wsbeng.com</a>		

**Sketch Plan Sheet – Items that need addressing prior to possible application for Preliminary Plat.**

- Need to add property owner and address to sheet.
- Show lot width measurement for each proposed lot. Lot width measurement to be shown at the building setback line. Note that each lot is required to have a minimum lot width of 200 feet.
- Wetlands – A wetland delineation will need to be completed. A setback of 16.5 feet will need to be provided around any identified wetlands. At the time of Preliminary Plat application, an exhibit should be included that clearly indicates the minimum required setback and accompanying easement encumbrance related to any identified wetlands. Note that area within the wetland setback should also be encumbered by the easement.
- Applicant will be required to complete the below table to indicate the requested deviation from the base R-1 Residential (Rural Developing) zoning requirements:

Required	Proposed (Minimum)
Front yard: 40 feet	
Side yard uninhabitable: 10 feet	
Side yard habitable: 10 feet	
Side yard corner lot: 40 feet	
Rear yard: 40 feet	
Minimum lot width*: 200 feet	
Lot depth**: 100 feet with a minimum width of 60 feet	
Wetland: 16.5 feet	

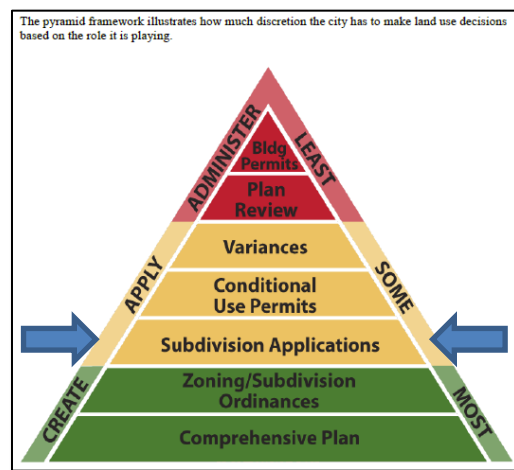
- Indicate total development acreage, acreage within proposed right-of-way, and proposed density of the development.
- Indicate location of both primary and secondary septic system locations.
- This project will trigger review by the Lower Rum River Watershed Management Organization (LRRWMO) for both the wetland delineation and also the stormwater calculations due to more than one acre being disturbed. The application packet to be submitted to the LRRWMO must be submitted and reviewed first by the City prior to it being submitted to the LRRWMO.
- Provide names for proposed roadways.
- Labeling – include “Block” where Blocks 1 and 2 are identified. Block 1 is signified twice.
- Pedestrian trails – an access easement should be explored with the intention of providing public access to the 14 acres proposed to be deeded to the City as Outlot A as it is intended that a trail will be developed along the entirety of the Trott Brook.
- Steep Slopes – Lots 5 and 6 of Block 1 encroach upon existing steep slopes. The Applicant should consider revising Lots 5 and 6 of Block 1 so that the rear of the lots stay roughly between the 890 and 900 contours.

We offer the following comments regarding the Sketch Plan submittal for Brookview Estates as it relates to the City's Zoning Code. Sketch Plan submittal consists of one (1) sheet, prepared by LHB, Inc.

**General.** The Sketch Plan proposes re-platting Outlot A, Meadowbrook into eleven (11) single family residential lots. All eleven (11) of the new lots would be accessed by roadway extensions stemming from Germanium St NW.

**Land Use and Zoning.** Outlot A, Meadowbrook is guided for Rural Development in the Comprehensive Plan and is zoned R-1 Residential (Rural Developing). The intent of the Rural Developing land use designation is to allow for the construction of single family dwellings to be serviced with private utilities (septic system and well).

*The Sketch Plan, as proposed, will require a Zoning Amendment to allow for the smaller lot sizes. The Applicant has requested a Zoning Amendment to a Planned Unit Development (PUD) zoning.*



**Lot Sizes.** The minimum lot size for the R-1 Residential (Rural Developing) District is two and a half (2.5) acres with a minimum lot width of 200 feet (at the building setback line). Note that lot width is measured at the property line abutting a street at the minimum setback line of the applicable zoning district. The Applicant has requested a rezoning to a Planned Unit Development (PUD), which allows for the City to consider approving lots that deviate from the base zoning requirements. City Staff must be able to identify the degree of proposed deviation from the base zoning requirements and as such the Applicant will need to provide lot width for each proposed property.

*With a Preliminary Plat, the Applicant will need to revise the plan sheet to show lot width dimensions for each proposed lot.*

**Setbacks and Dimensional Standards.** The Sketch Plan appears to deviate from the minimum lot size and minimum lot width standards for certain lots. At this time, Staff has not been informed of any other potential deviations to setbacks or dimensional standards and has therefore completed portions of table below. The Applicant shall, as part of the Preliminary Plat submittal, complete or amend the following table:

Required	Proposed (Minimum)
Front yard: 40 feet	40 feet
Side yard uninhabitable: 10 feet	10 feet
Side yard habitable: 10 feet	10 feet
Side yard corner lot: 40 feet	40 feet
Rear yard: 40 feet	40 feet
Minimum Lot Size: 2.5 acres	Applicant to provide
Minimum lot width*: 200 feet	Applicant to provide
Lot depth**: 100 feet with a minimum width of 60 feet	100 feet with a minimum width of 60 feet
Wetland: 16.5 feet	16.5 feet
Density: 1 unit per 2.5 acres	Applicant to provide

\*Note: Minimum Lot Width is measured at front yard setback line, property must abut built street.

\*\* Lot depth required is 100 feet for a width of 60 feet that is not encumbered by wetland, wetland setback area, floodway, or other unbuildable areas.

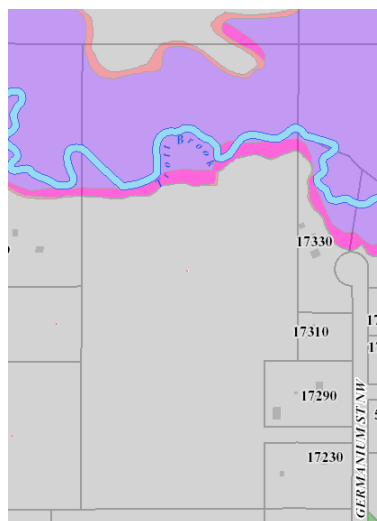
**Wetlands.** A wetland delineation will need to be completed for the property. Any wetlands identified will need to be encumbered with drainage and utility easements on the Preliminary and Final Plats. The project will be subject to review by the Lower Rum River Watershed Management Organization (LRRWMO) regarding both the wetland delineation as well as stormwater calculations. Note that City Code now requires a sixteen and a half foot (16.5') setback from a wetland edge and that setback area be encumbered with drainage and utility easement. *At the time of Preliminary Plat application, an exhibit should be included that clearly indicates the minimum required setback and accompanying easement encumbrance.*

**Trott Brook.** A portion of the lots will back up to Trott Brook, which is a tributary of the Rum River. The Scenic River Overlay District requires only a 100 foot setback from the OWH of the Trott Brook and has controlled vegetative cutting standards as well. As proposed, the Lots would be no closer than 150 feet from the Trott Brook. The Sketch Plan has been sent to the MN DNR for review and comment.

**Floodplains.** There are floodplains within the boundaries of the project area, including both Floodway and Floodfringe. There shall be no fill placed within the Floodway (purple shading).

As proposed, the lots are laid out in such a fashion that each of the home sites is located in the upland area of the property.

**Density.** The regulations for the Rural Developing area allow for a gross density of no more than one (1) unit per two and a half (2.5) acres. It appears that the property totals 38.41 acres and that 14.31 acres of that is shown as Outlot A, which would leave 24.10 acres as area to be developed as lots or public improvements. Based on eleven (11) lots (and associated improvements) over 24.10 acres, a density of 2.19 units/acre would be achieved. This is in conflict with the 2.5 units/acre maximum that is required but may be approved via the Planned Unit Development process.



*The Area Computations needs to be provided/verified by the Applicant. The application for a Planned Unit Development (PUD), if approved, would allow for the greater density as proposed.*

**Private Utilities.** It is assumed that each lot is proposed to be serviced by individual well and septic. The Applicant will need to show the proposed locations for both the primary and secondary septic locations for each proposed lot. Proposed locations must be in compliance with the Critical River Overlay District standards. Depending on the soils type(s) within the project area, soil borings may be needed to ensure that each lot can accommodate a septic system.

**Landscaping.** Each lot is required to have two (2) front yard trees installed. Deciduous trees shall be at least one (1) inch in diameter and coniferous trees shall be at least five (5) feet in height. Each lot will also be subject to the City's topsoil requirement for all areas where the soil is disturbed and this note should be included on the Landscape Plan at the time of Preliminary Plat application submittal. The topsoil shall meet the City's topsoil specification.

**Tree Inventory.** A tree inventory, prepared by an ISA Certified Arborist, shall be submitted at the time of Preliminary Plat application. The inventory shall include all oak trees and evergreens that are four (4) inches or greater in size and all other deciduous trees that are eight (8) inches or greater in size (together, considered to be the significant trees on site). At least forty percent (40%) of the diameter inches of significant trees on site shall be retained. The inventory shall clearly indicate the species, diameter, condition, and whether a tree will be preserved or removed. If a tree is to be removed, the inventory shall also indicate why (e.g. stormwater

pond, sidewalk, trail, etc.) as trees removed for certain required improvements are not counted toward the removal threshold.

**Streets and Access.** The Sketch Plan indicates that the lots will be serviced by a single access point from Germanium Street and will result in two cul-de-sacs. The Preliminary Plat should identify the proposed street names. Cul-de-sac length is limited to a maximum of 600 feet; the proposed length of the cul-de-sac(s) is in excess of that limitation.

*As proposed, a variance to cul-de-sac length would be necessary.*

**Grading and Drainage Plans.** Grading and drainage plans will need to be prepared as part of the Preliminary and Final Plat submittals. A permit from the LRRWMO will be required.

**Development Fees.** Development Fees will be due with the Plat including, but not limited to, Park Dedication, Trail Development, and Stormwater Management. These fees are collected at the time the Final Plat is recorded and at the rate in effect when the plat is recorded.

**Development Agreement:** An executed Development Agreement will be required prior to releasing the plat for recording.

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

<b>DATE</b>	12.30.16	<b>PROJECT ADDRESS</b>	OUTLOT A, MEADOWBROOK
<b>PROJECT. TITLE</b>	BROOKVIEW ESTATES SKETCH PLAN		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Police Department		
<b>TECHNICAL REVIEWER:</b>	Name: Tim Frankfurth Phone: 763-433-9846 Email: <a href="mailto:tfrankfurth@ci.ramsey.mn.us">tfrankfurth@ci.ramsey.mn.us</a>		

**General:** The PD has no issues with the development itself. The concern is the area is already a one in/one out accessed neighborhood around Rum River Hills golf course from HWY 47. There are only 11 lots planned for this development and it will add additional people into this scenario. I'm not sure if this can be corrected because I highly doubt the state will add an additional access to HWY 47. We've been giving variances for cul-de-sac lengths recently, and don't see this being an issue here.

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

<b>DATE</b>	DECEMBER 22, 2016	<b>PROJECT ADDRESS</b>	WEST OF GERMANIUM STREET NORTH OF 170 <sup>TH</sup> LANE NW
<b>PROJECT. TITLE</b>	BROOKVIEW ESTATES		
<b>ESCROW #</b>			
<b>DEPARTMENT:</b>	Engineering		
<b>TECHNICAL REVIEWER:</b>	Name: Leonard Linton Phone: 763 433-9834 Email: llinton@ci.ramsey.mn.us		

The Engineering Department offers the following comments regarding the Sketch Plan for Brookview Estates. The submittal consists of 1 sheet prepared by LHB. The plan is not dated.

**General comments:**

1. Verify the name of the Plat. There are not previous additions of Brookfield Meadows in Ramsey.
2. A legend is not shown. All symbols used on each sheet must be added to the legend for the sheet.
3. Ramsey City Details will be required in the Preliminary and Final Plat Documents.
4. Class 5 shall meet the Ramsey modified gradation. This gradation must be included in the details.
5. The 100 year flood elevation for Trott Brook must be shown. Please reference the Flood Insurance Study Effective December 15, 2015.
6. This project will require a stormwater permit from the Lower Rum River Watershed Management Organization (LRRWMO).
7. The LRRWMO requirements are presented at the end of this memo.
8. Drainage and utility easements are required over the ponding areas. The easement must include the 100 year high water elevation and also cover a minimum 15 ft wide access route from ROW to the pond for access purposes.
9. A SWPPP will be required for this project. Add a note to the inspection section: "Daily (after rain) and weekly inspection logs must be emailed to the City. The complete logs must be submitted to the City prior to finalizing the project. The City must grant approval for submittal of the Notice of Termination for the project."
10. The MPCA will be assigning a TMDL for dissolved oxygen to Trott Brook. Information in the SWPPP will need to be revised to reflect this change.

11. Soil borings must also be performed in the roadway areas to assist in designing the pavement section.

### **Stormwater Calculations**

A stormwater summary report will be required. The calculations must include all disturbed areas, along with existing and proposed conditions.

The LRRWMO requires volume reduction (infiltration) on all projects. The City uses the Walker spreadsheet to check for water quality treatment volume and P8 to evaluate infiltration removal efficiencies. The LRRWMO also requires rate control for the 2, 10 and 100 year storms, limiting discharge to existing rates. Water Quality treatment requirements are 90% removal of Total Suspended Solids and 60% removal of Total Phosphorus.

Pipe sizing calculations for the 10-year storm must be provided with the final plat.

A project manual which includes the bid form, contract and specifications must be submitted with the final plat.

All floor elevations must be at least 3 feet above the highest anticipated ground water table, 2 feet above the designated or designed 100-year flood elevation or 1 foot above the nearest emergency overflow, whichever is higher.

**Meeting Date:** 01/05/2017

**By:** Tim Gladhill, Community Development

---

**Information**

**Title:**

PUBLIC HEARING: Adopt Resolutions #17-01-013, #17-01-014, and #17-01-015 Related to the Preliminary Plat for Vistas at North Commons (Project No. 16-90); Case of Lifestyle Properties (Project Originally Known as Ramsey Town Center 12th Addition/Gleason Plat)

**Purpose/Background:**

The purpose of this case is to hold a Public Hearing and consider a recommendation on a Preliminary Plat for a development known as Vistas at North Commons. The proposed development consists of twelve detached single-family dwellings. The Sketch Plan has already been reviewed by the Planning Commission, which has provided policy direction on net density and sidewalk requirements.

**Notification:**

**Observations/Alternatives:**

Originally, this site was planned as multiple attached townhomes by the original Master Developer, RTC, LLC. That development proposal received some City review and approvals, but ultimately did not move forward. The development concept was similar to what is seen on the north west corner of Ramsey Boulevard and Bunker Lake Boulevard (constructed by Pulte Development).

The City has received a Purchase Agreement from Mr. Bill Gleason. Mr. Gleason is proposing a twelve (12) lot detached single-family development. Dwellings are proposed to be a single-level with walkout basement. The floor plan would allow for single-level living, with the basement space as 'bonus' space.

The Planning Commission previously provided policy direction on sidewalks. The Zoning Code would require sidewalks on all sides of public streets. However, the Developer has stated that the depth of lots makes it impossible to construct a sidewalk along Willimite Street, 147th Terrace, and Xenolith Street. Staff had discussed making changes to the design of the dwelling to provide more equal treatment to the rear facade to better match the front facade. However, this design also created other complications in design and perceived safety of rear yards due to shallow depth. The Planning Commission was comfortable in the Developer's preferred approach.

As noted, Staff would like to see some design enhancements on the rear facade. The Design Framework for The COR specifies equal treatment on all four (4) facades, otherwise discussed as 'four-sided architecture'. In areas where the City has deviated from this design requirement in this general location in the past, the City has received negative feedback regarding design.

The Applicant has noted a density of 4.0 units per acre. However, following the preferred definition, Net Density falls just below four units per acre. This sub-district requires a minimum of 4.0 units per acre. Bunker Lake Boulevard is an arterial road, and therefore excluded from the net density calculation. As the Commission is aware, the City has having ongoing discussions about the definition of Net Density as it relates to local, non-arterial roads being included in the Net Density calculation. Based on previous direction, a Variance to Net Density due to the complications of the layout of the site is being proposed. Adding one (1) additional lot to accommodate a density calculation would create significant design challenges for this style of the development. Alternatively, the Commission could choose to recommend that this style of development not move forward, and wait for a medium density development to present itself.

**Funding Source:**

All costs associated with processing the land use application are the responsibility of the Applicant. The project does include a real estate transaction with the City.

**Recommendation:**

Generally speaking, the proposed Preliminary Plat conforms with policy direction provided at Sketch Plan Review. Staff is generally comfortable with the Preliminary Plat. Approval is contingent upon final review by the City Engineer.

**Action:**

Motion #1: Motion to adopt Resolutions #17-01-013 (Findings of Fact) and #17-01-014 (Variance) granting a Variance to Vistas at North Commons as indicated in the report.

Motion #2: Motion to Adopt Resolution #17-01-015 recommending that the City Council approve the Preliminary Plat for Vistas at North Commons.

**Attachments**

Site Location Map

Preliminary Plat

Narrative

Staff Review Letter

Resolution #17-01-013: Findings of Fact

Resolution #17-01-014: Variance

Resolution #17-01-015: Preliminary Plat

**Form Review**

**Inbox**

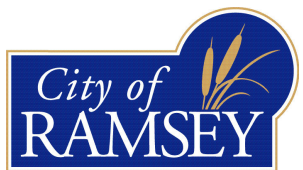
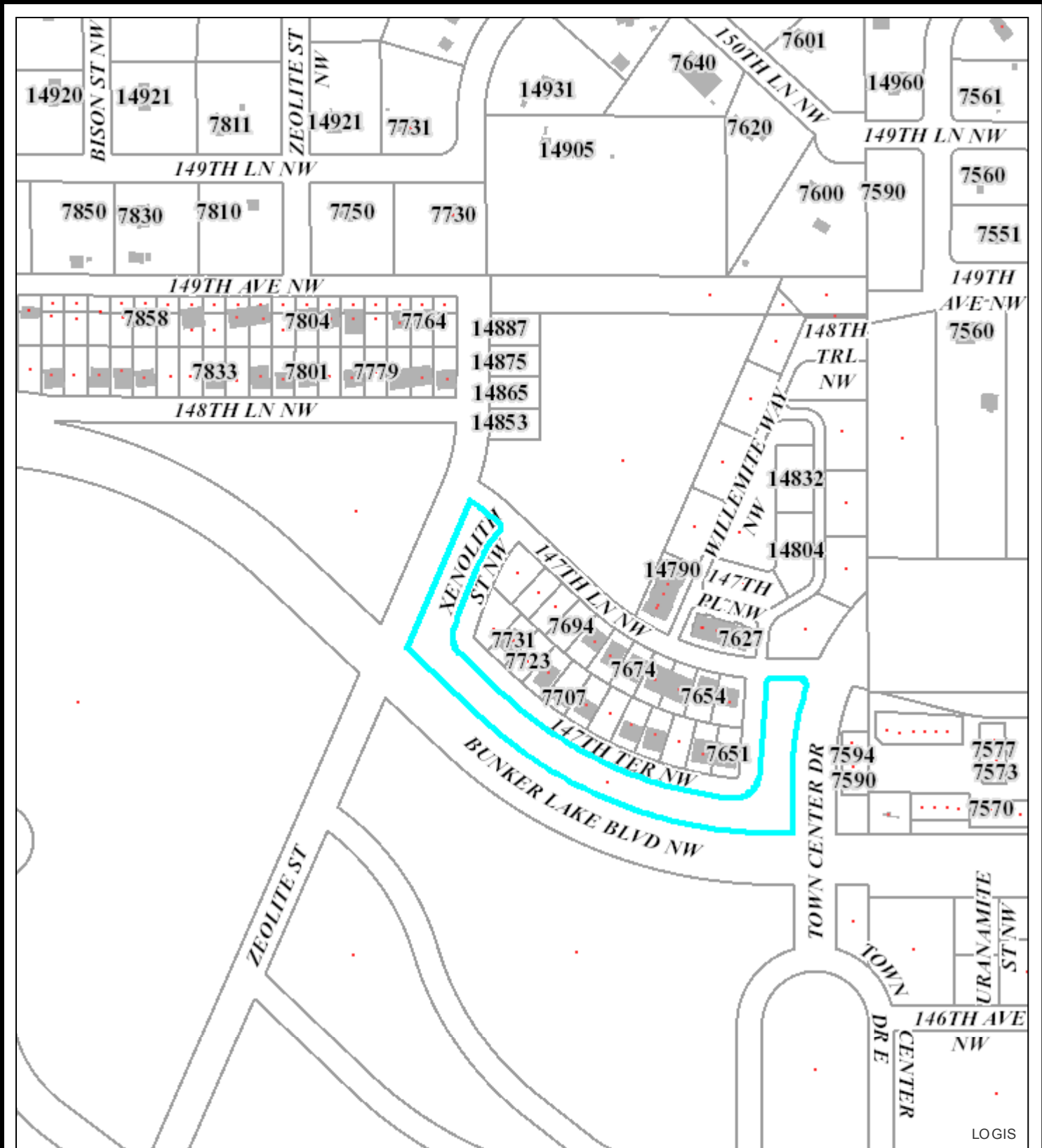
Tim Gladhill (Originator)  
Form Started By: Tim Gladhill  
Final Approval Date: 01/03/2017

**Reviewed By**

Tim Gladhill

**Date**



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### Site Location Map

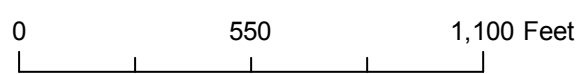
Vistas of North Commons

28-32-25-21-0030

- Legend**
-  Site
  -  Parcels



Print Date: December 21, 2016



# PUD Development Plan, Preliminary Plat & Final Plans

for

## Vistas at North Commons Ramsey, Minnesota

Prepared for:

**Morning Sun Homes**  
**8862 Zealand Avenue North Bay B**  
**Brooklyn Park, Minnesota 55445**  
**Contact: Mark Meuleners**  
**Phone: 763-424-4222**

Prepared by:

**Westwood**

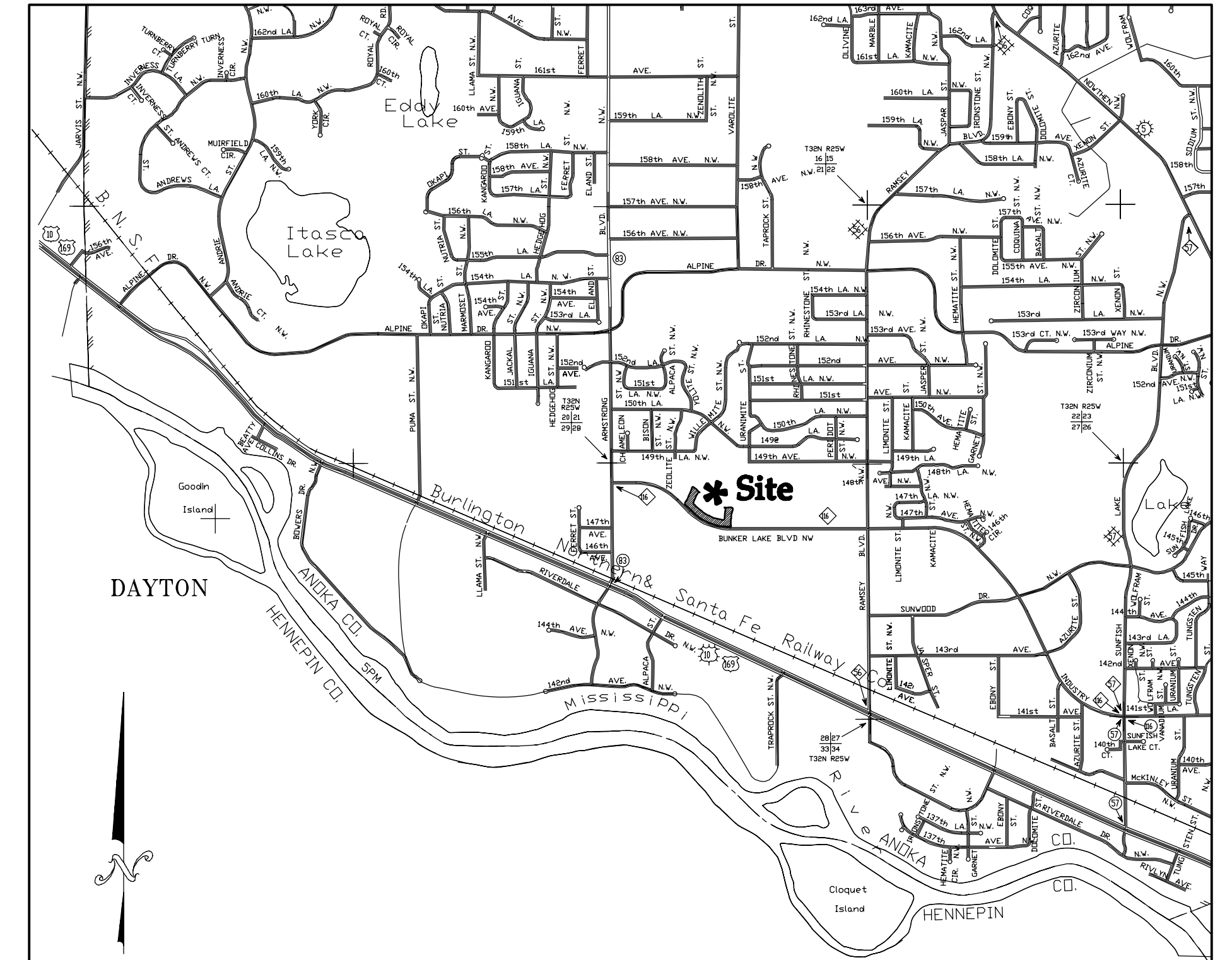
Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com

Westwood Professional Services, Inc.

Project number: 0009798.00

Contact: John Bender

### Vicinity Map



(Not to Scale)

NO.	DATE	REVISION	SHEETS
1	12/20/16	CITY COMMENTS	ALL

Sheet List Table	
Sheet Number	Sheet Title
1	Cover
2	Existing Conditions
3	Development Stage PUD – Preliminary Plat
4	Final Grading Plan & Erosion Control Plan
5	Final Utility Service Plan
6	Details
7	Final Landscape Plan
8	Landscape Details

## PUD Development Plan, Preliminary Plat & Final Plans

for

**Vistas at North Commons**  
 Ramsey, Minnesota

Date: 12/02/2016 Sheet: 1 of 8














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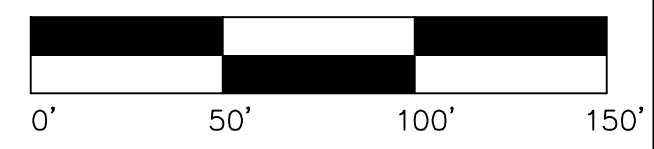
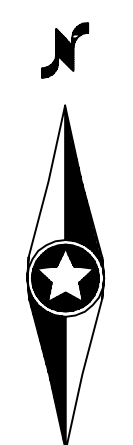
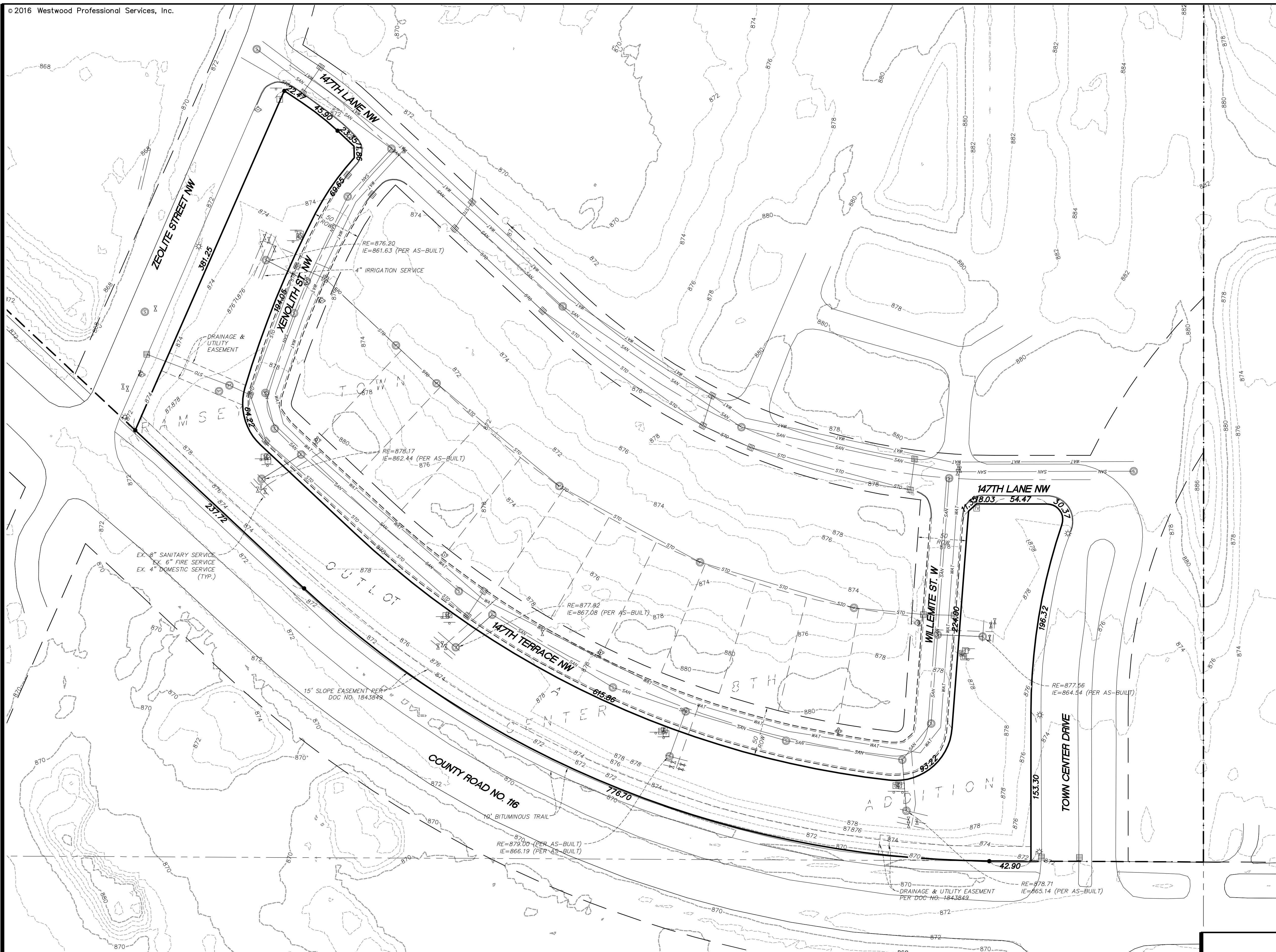
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HELD MNDOT STATION 0202 B = ELEV. 865.02

**PROPERTY DESCRIPTION:**

Outlot A, RAMSEY TOWN CENTER 8TH ADDITION, according to the  
recorded plat thereof, Anoka County, Minnesota.

**LEGEND**

-  BUSH/SHRUB
-  CONIFEROUS TREE
-  DECIDUOUS TREE
-  WETLAND
-  STEEL/WOOD POST
-  SIGN-TRAFFIC/OTHER
-  SIGN-TRAFFIC/OTHER
-  MAIL BOX
-  HANDICAPPED STALL
-  PERC TEST
-  MONITORING WELL
-  CABLE TV BOX
-  GAS METER
-  STREET LITE
-  GUY WIRE
-  POWER POLE
-  ELECTRIC BOX
-  ELECTRIC METER
-  ELECTRIC MANHOLE
-  ELECTRIC TOWER
-  SANITARY MANHOLE
-  SEWER CLEANOUT
-  BEEHIVE CATCH BASIN
-  CATCH BASIN
-  FLARED END SECTION
-  CONCRETE SURFACE
-  STORM MANHOLE
-  TELEPHONE BOX
-  TELEPHONE MANHOLE
-  TRAFFIC CONTROL BOX
-  HAND HOLE
-  TRAFFIC LIGHT
-  GATE VALVE
-  HYDRANT
-  WATER METER
-  CURB STOP BOX
-  WATER MANHOLE
-  WELL
-  CABLE TV
-  GAS LINE
-  POWER OVERHEAD
-  POWER UNDERGROUND
-  SANITARY SEWER
-  STORM SEWER
-  TELEPHONE OVERHEAD
-  TELEPHONE UNDERGROUND
-  WATERMAIN
-  FENCE LINE
-  DECIDUOUS TREE LINE
-  CONIFEROUS TREE LINE
-  CURB & GUTTER
-  BITUMINOUS SURFACE



0009798EXF01.dwg

Date: 12/02/2016 Sheet: 2 OF 8

**Vistas at North Commons**  
Ramsey, Minnesota

**Westwood**

Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL SURVEYOR under the laws of the State of Minnesota.

**Craig W. Morse**  
 Date: 12/20/16 License No. 23021

**Revisions:**

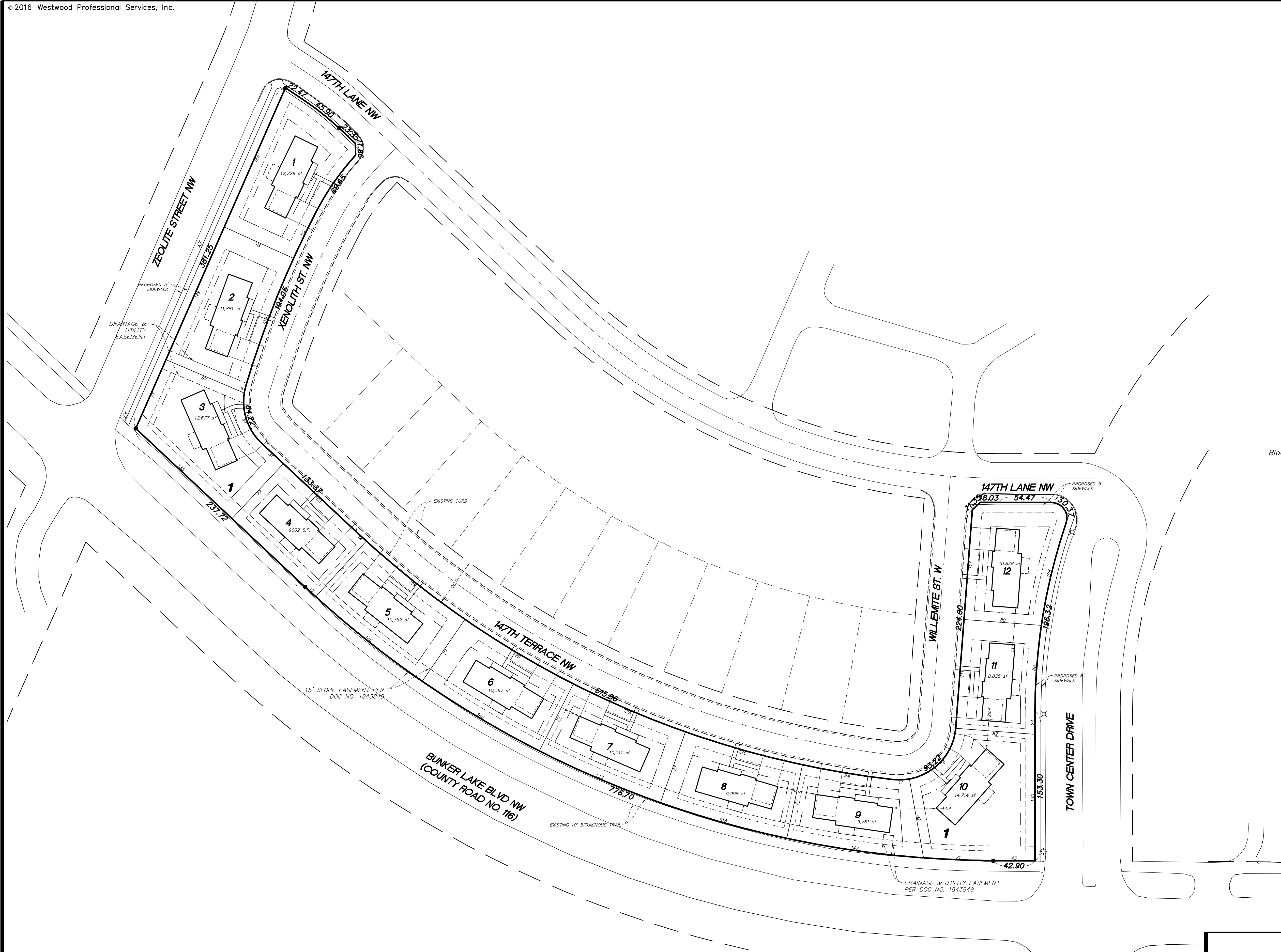
12/20/16: CITY COMMENTS

Designed: \_\_\_\_\_  
 Checked: \_\_\_\_\_  
 Drawn: \_\_\_\_\_  
 Record Drawing by/date: \_\_\_\_\_

Prepared for:

**Morning Sun Homes**  
 8662 Zealand Avenue North Bay B  
 Brooklyn Park, Minnesota 55445

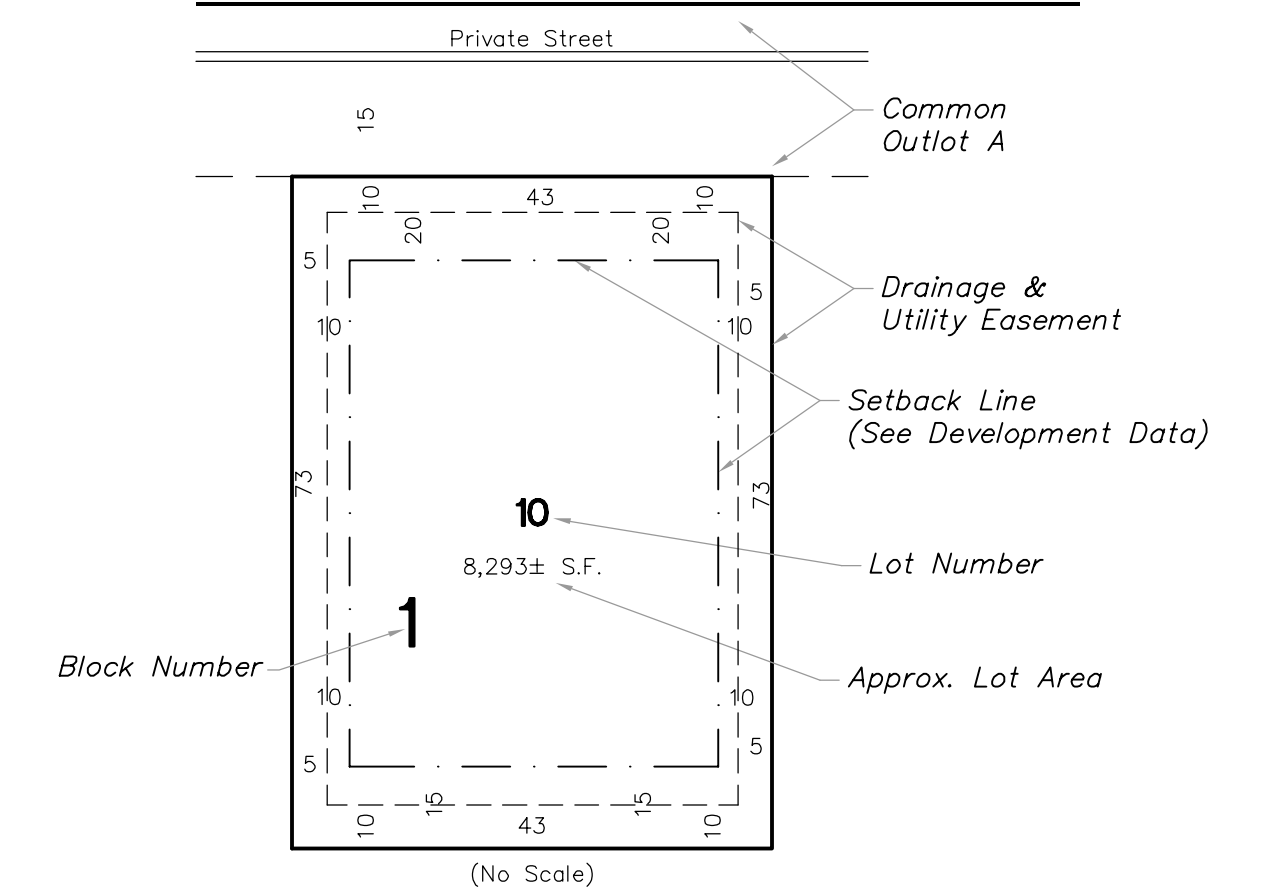
Existing Conditions



**Development Data**

Total Site Area:	3.00 ac.
Existing Zoning:	Town Center (See Master Plan for Sub-Districts)
Proposed Zoning:	xxxx
Proposed Units:	12
Development Standards:	
- Lot Width @ Setback:	Varies
- Lot Depth:	77'
- Lot Area:	8,835 sf (min)
- Average Lot Area:	10,888 sf
Setbacks (minimums):	
- Front Yard Setback:	20'
- Side Yard Setback:	10'/10' 20' Total
- Side Yard Setback (corner):	25'
- Rear Yard Setback:	15'

**Typical Lot (Varies)**

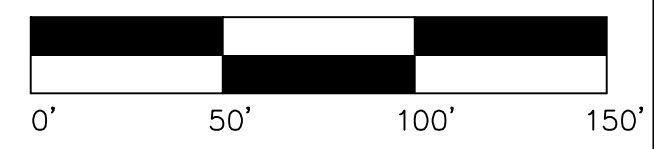
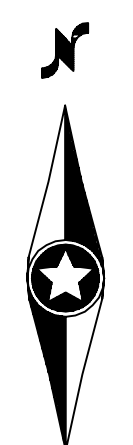


**PROPERTY DESCRIPTION:**

Outlot A, RAMSEY TOWN CENTER 8TH ADDITION, according to the recorded plat thereof, Anoka County, Minnesota.

**NOTE:**

The lot dimensions and areas on this plan are approximate. Refer to the final plat and supporting data for exact lot dimensions and areas.



0009798PPF01.dwg

Date: 12/02/2016 Sheet: 3 OF 8

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Prepared for:

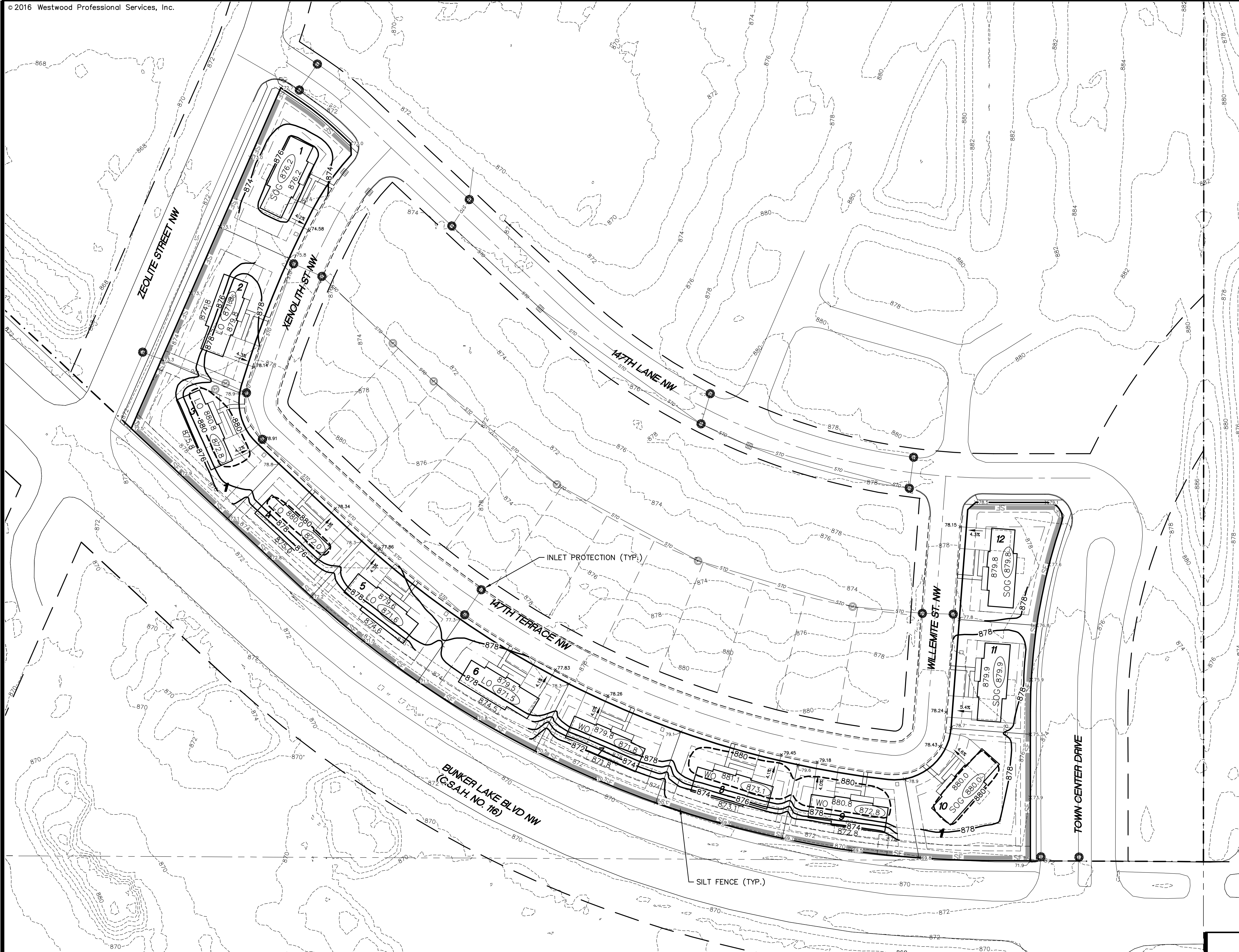
**Morning Sun Homes**

8862 Zealand Avenue North Bay B  
 Brooklyn Park, Minnesota 55445

**Vistas at North Commons**

Ramsey, Minnesota

Development Stage PUD  
 - Preliminary Plat



**NOTES:**

MASS GRADING AND EROSION CONTROL WAS DESIGNED BY OTHERS.

THIS PLAN IS INTENDED FOR USE IN PREPARING LOT CERTIFICATES, INDIVIDUAL HOME CONSTRUCTION AND LOT GRADING. ADDITIONAL MASS GRADING OF THE SITE IS NOT PROPOSED.

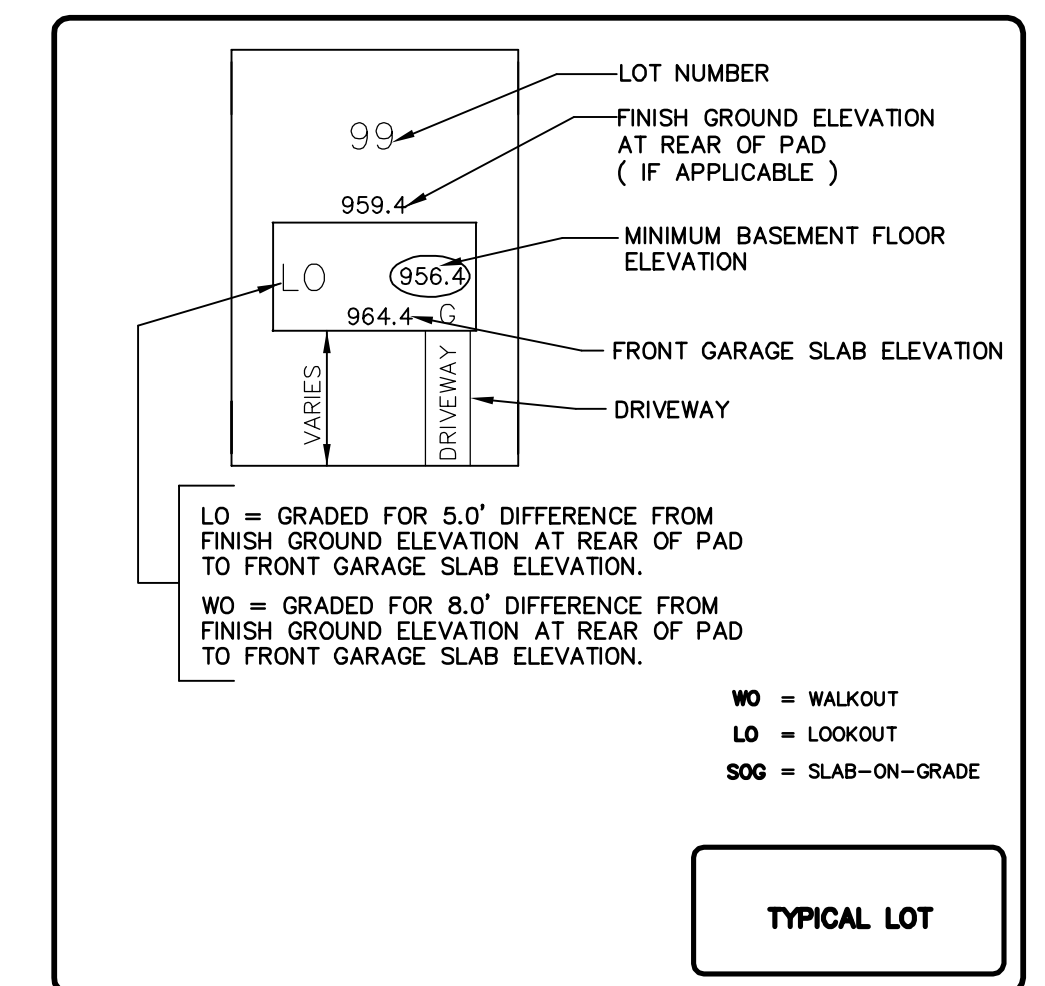
INDIVIDUAL HOME BUILDER(S) TO BE RESPONSIBLE FOR EROSION CONTROL DUE TO HOME CONSTRUCTION.

**EROSION CONTROL NOTES:**

- ALL SILT FENCE AND OTHER EROSION CONTROL FEATURES SHALL BE IN-PLACE PRIOR TO ANY EXCAVATION/CONSTRUCTION AND SHALL BE MAINTAINED UNTIL VIABLE TURF OR GROUND COVER HAS BEEN ESTABLISHED. EXISTING SILT FENCE ON-SITE SHALL BE MAINTAINED AND OR REMOVED AND SHALL BE CONSIDERED INCIDENTAL TO THE GRADING CONTRACT. IT IS OF EXTREME IMPORTANCE TO BE AWARE OF CURRENT FIELD CONDITIONS WITH RESPECT TO EROSION CONTROL. TEMPORARY PONDING, DIKES, HAY BALES, ETC., REQUIRED BY THE CITY SHALL BE INCIDENTAL TO THE GRADING CONTRACT.
- ALL STREETS DISTURBED DURING WORKING HOURS MUST BE CLEANED AT THE END OF EACH WORKING DAY. A ROCK ENTRANCE TO THE SITE MUST BE PROVIDED ACCORDING TO DETAILS TO REDUCE TRACKING OF DIRT ONTO PUBLIC STREETS.

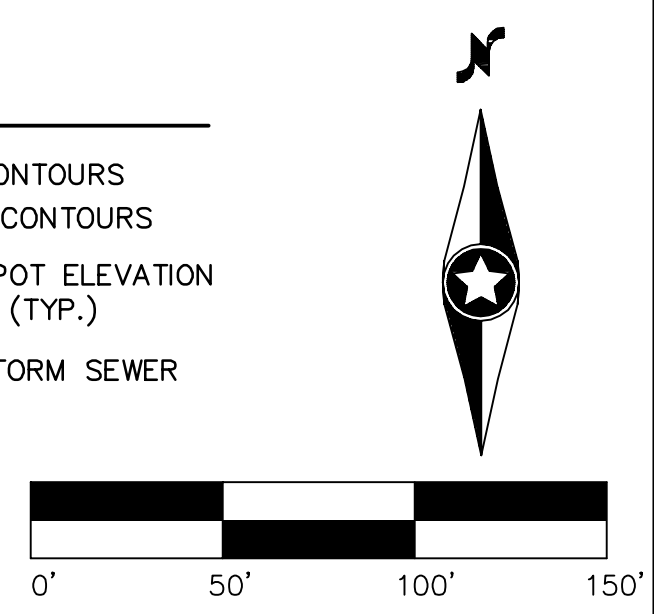
**GENERAL GRADING & DRAINAGE NOTES:**

- ALL CONTOURS AND SPOT ELEVATIONS ARE SHOWN TO FINISHED SURFACE/GUTTER GRADES UNLESS OTHERWISE NOTED.
- ALL DRIVEWAY SPOT ELEVATIONS ARE SHOWN TO TOP BACK CURB
- REFER TO THE SITE PLAN/RECORD PLAT FOR MOST CURRENT HORIZONTAL SITE DIMENSIONS AND LAYOUT.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF EXISTING UTILITIES AND TOPOGRAPHICAL FEATURES WITH THE OWNERS AND FIELD-VERIFY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
- ALL CONSTRUCTION SHALL CONFORM TO LOCAL RULES.
- POSITIVE DRAINAGE FROM THE SITE MUST BE PROVIDED AT ALL TIMES.



**LEGEND**

- 980 — DENOTES EXISTING CONTOURS
- 980 — DENOTES PROPOSED CONTOURS
- 23.46 DENOTES EXISTING SPOT ELEVATION AT TOP BACK CURB. (TYP.)
- DENOTES EXISTING STORM SEWER



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Date: 12/02/2016 Sheet: 4 OF 8

**Westwood**

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**John Bender**  
 Date: 12/20/16 License No. 43358

**Revisions:**

12/20/16: CITY COMMENTS	

Designed: JHB  
 Checked: JHB  
 Drawn: HW  
 Record Drawing by/date:

Prepared for:

**Morning Sun Homes**

8662 Zealand Avenue North Bay B  
 Brooklyn Park, Minnesota 55445

**Vistas at North Commons**

Ramsey, Minnesota

**Final Grading Plan & Erosion Control Plan**

### General Utility Notes

THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY THE OWNER OF ANY DIFFERENCES.

UNLESS OTHERWISE NOTED, ALL MATERIALS, CONST. TECHNIQUES AND TESTING SHALL CONFORM TO THE CITY OF RAMSEY ENGINEERING GUIDELINES & THE CURRENT EDITIONS OF THE "STANDARD UTILITIES SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING ASSOCIATION OF MINN." AND TO THE "STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION" MINN. DEPT. OF TRANS. THE CONTRACTOR SHALL BE REQUIRED TO FOLLOW ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY.

THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMITS.

VERIFY EXISTING INVERT LOC. & ELEV. PRIOR TO BEGINNING CONSTRUCTION.

THE WATER SERVICE SHALL BE INSTALLED WITH A MIN. OF 7.5 FT. OF COVER. THE CONTRACTOR SHALL VERIFY THE CITY AS-BUILT CONSTRUCTION PLANS TO CHECK LOCATION AND MATERIAL TYPE.

THE CONTRACTOR SHALL CONTACT "GOPHER STATE ONE CALL" FOR FOR UTILITY LOCATIONS PRIOR TO UTILITY INSTALLATION.

MAINTAIN MINIMUM 18" VERTICAL SEPARATION BETWEEN WATER MAIN & SANITARY SEWER.

(XXX.X) DENOTES APPROXIMATE SANITARY SEWER SERVICE INVERT @ 5' OUTSIDE BUILDING FOOTING.

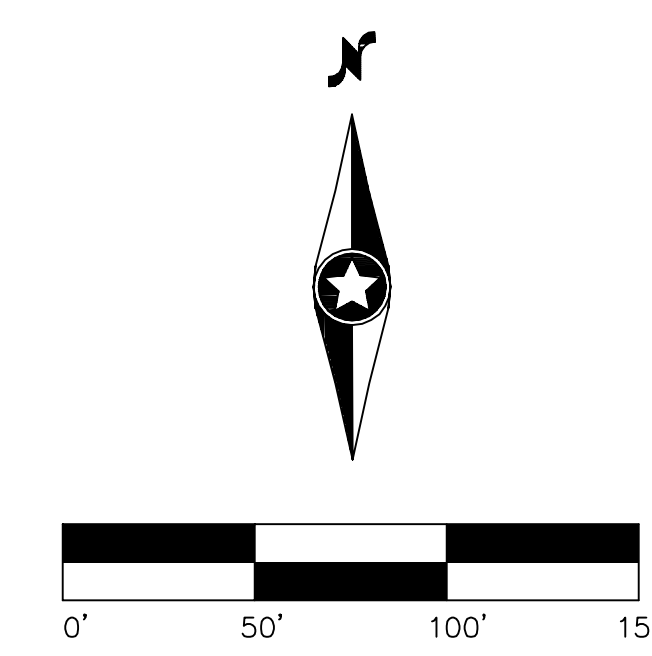
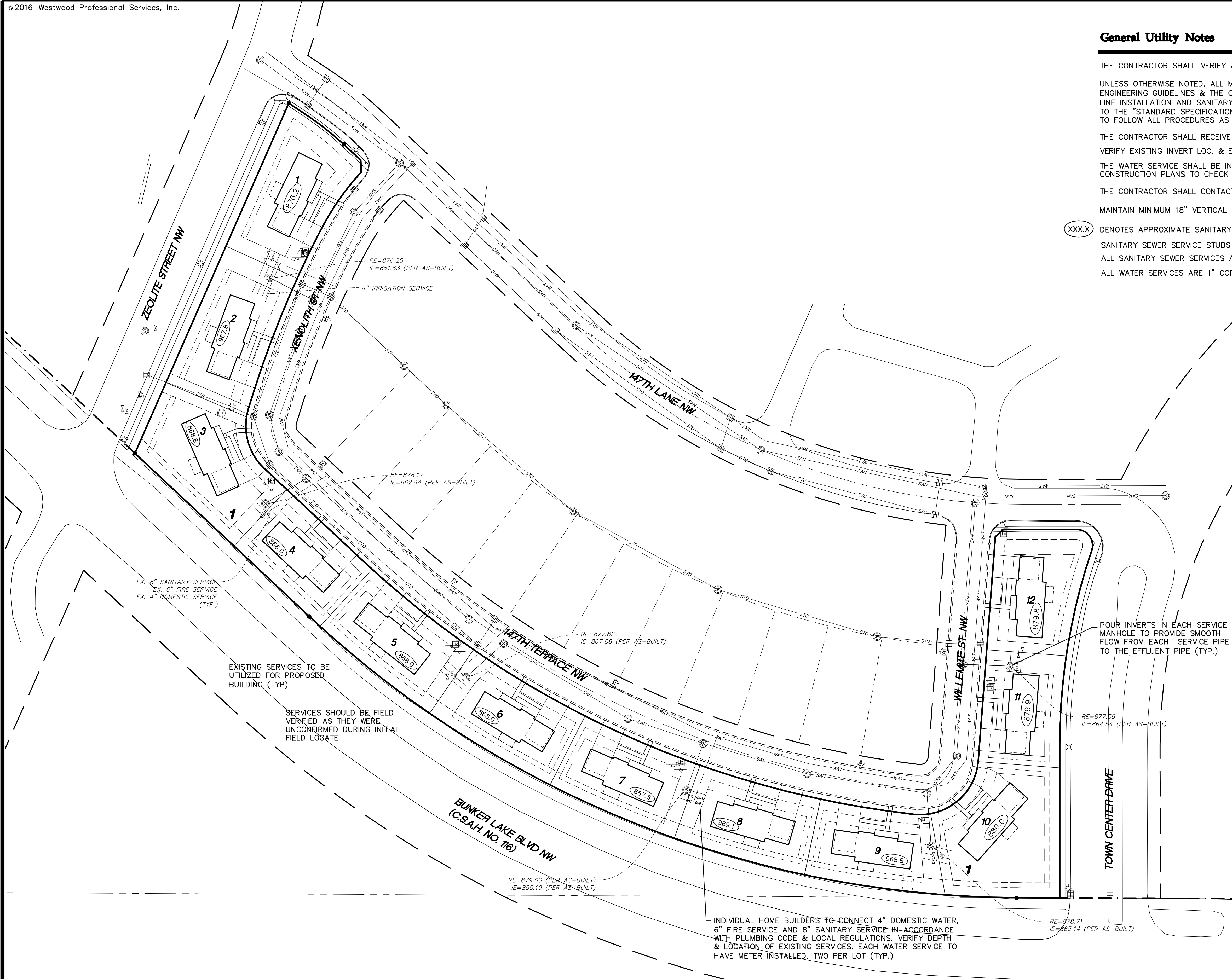
SANITARY SEWER SERVICE STUBS TYPICALLY 3' DOWNSTREAM OF WATER SERVICE CURB STOP

ALL SANITARY SEWER SERVICES ARE 4" SDR 26.

ALL WATER SERVICES ARE 1" COPPER.

### Legend

	BUSH/SHRUB		STORM MANHOLE
	CONIFEROUS TREE		TELEPHONE BOX
	DECIDUOUS TREE		TELEPHONE MANHOLE
	WETLAND		TRAFFIC CONTROL BOX
	STEEL/WOOD POST		HAND HOLE
	SIGN-TRAFFIC/OTHER		TRAFFIC LIGHT
	SIGN-TRAFFIC/OTHER		GATE VALVE
	MAIL BOX		HYDRANT
	HANDICAPPED STALL		WATER METER
	PERC TEST		CURB STOP BOX
	MONITORING WELL		WATER MANHOLE
	CABLE TV BOX		WELL
	GAS METER		CABLE TV
	STREET LITE		GAS LINE
	GUY WIRE		POWER OVERHEAD
	POWER POLE		POWER UNDERGROUND
	ELECTRIC BOX		SANITARY SEWER
	ELECTRIC METER		STORM SEWER
	ELECTRIC MANHOLE		TELEPHONE OVERHEAD
	ELECTRIC TOWER		TELEPHONE UNDERGROUND
	SANITARY MANHOLE		WATERMAIN
	SEWER CLEANOUT		FENCE LINE
	BEEHIVE CATCH BASIN		DECIDUOUS TREE LINE
	CATCH BASIN		CONIFEROUS TREE LINE
	FLARED END SECTION		CURB & GUTTER
	CONCRETE SURFACE		BITUMINOUS SURFACE



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Date: 12/02/2016 Sheet: 5 OF 8

**Vistas at North Commons**  
Ramsey, Minnesota

Final Utility Service Plan

**Westwood**  
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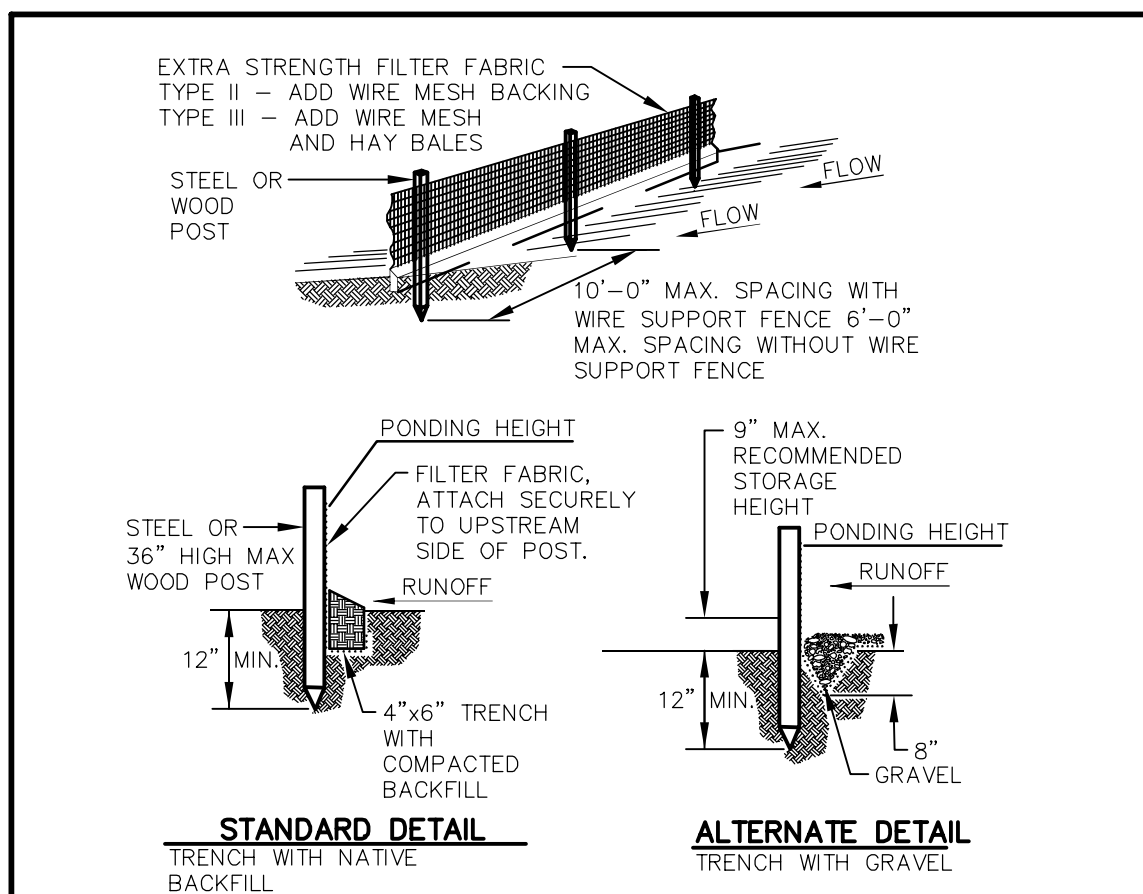
I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the State of Minnesota.  
**John Bender**  
Date: 12/20/16 License No. 43358

Revisions:  
12/20/16: CITY COMMENTS

Designed: JHB  
Checked: JHB  
Drawn: HW  
Record Drawing by/date:

Prepared for:

**Morning Sun Homes**  
8862 Zealand Avenue North Bay B  
Brooklyn Park, Minnesota 55445

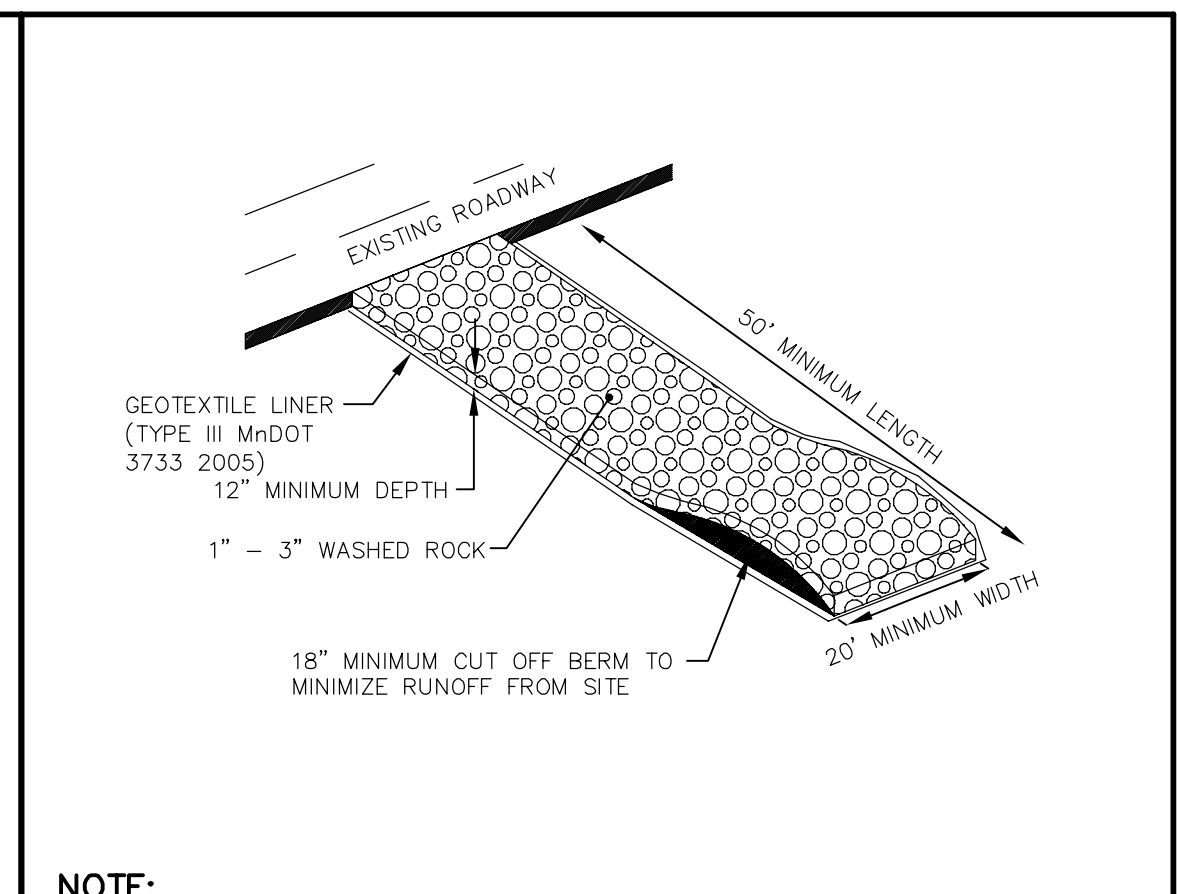


- NOTE:**
- INSPECT AND REPAIR FENCE AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY.
  - REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
  - SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.

<b>Westwood</b>	<b>SILT FENCE</b>	LAST REVISED: 03/03/08	<b>Westwood</b>	<b>ROCK CONSTRUCTION ENTRANCE</b>	LAST REVISED: 03/03/08
		GDO2			GD05

<b>SPECIFICATIONS AND STANDARDS</b>	
AISC MANUAL OF STEEL CONSTRUCTION, 9TH EDITION.	
AWS STRUCTURAL WELDING CODE - STEEL, D1.1-94.	
29 CFR 1926 - OSHA SAFETY AND HEALTH STANDARDS	
<b>DESIGN LOADS</b>	
ALLOWABLE AXLE WEIGHT LOAD	n/a
SAFETY FACTOR	n/a
WATER FLOW RATE (THROUGH POLYESTER SLEEVE)	0.476 cfs @ 3" head
MAXIMUM OVERFLOW RATE	2.14 cfs @ 15" head
<b>NOTE:</b>	
1. STREET CONTRACTOR TO INSTALL AFTER CURB & GUTTER IS INSTALLED. MAINTAIN UNTIL SITE IS STABILIZED.	

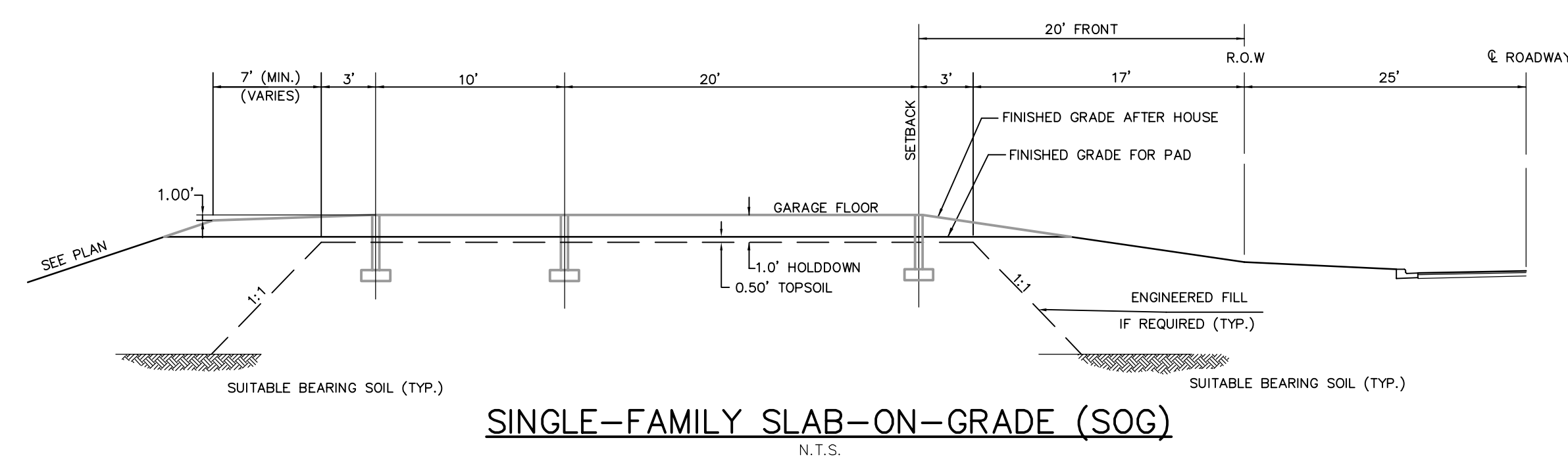
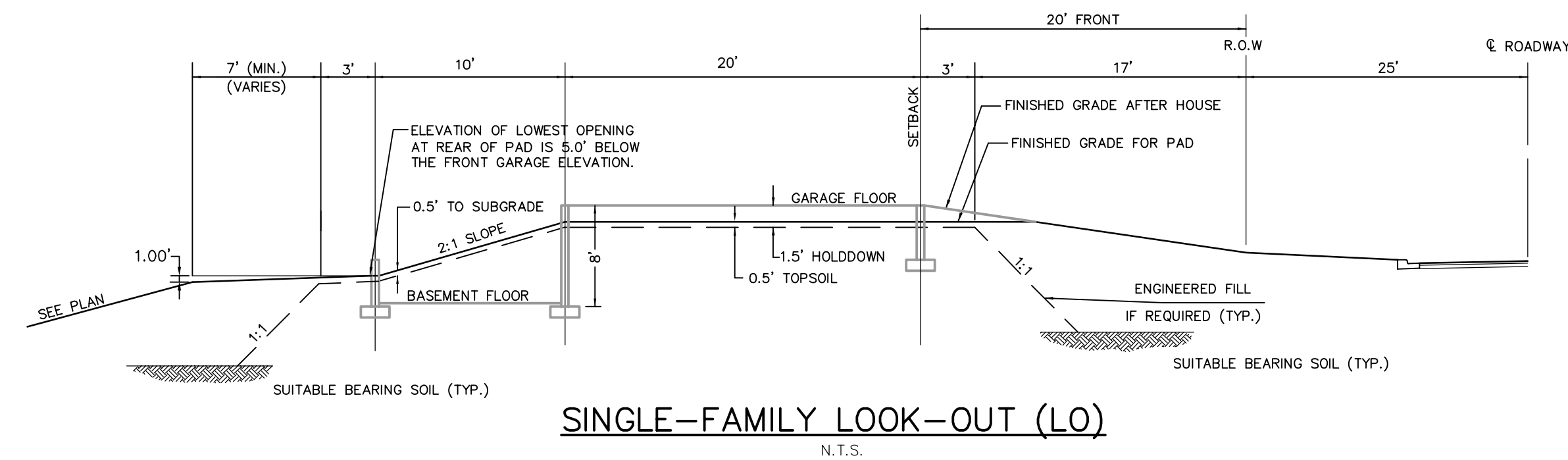
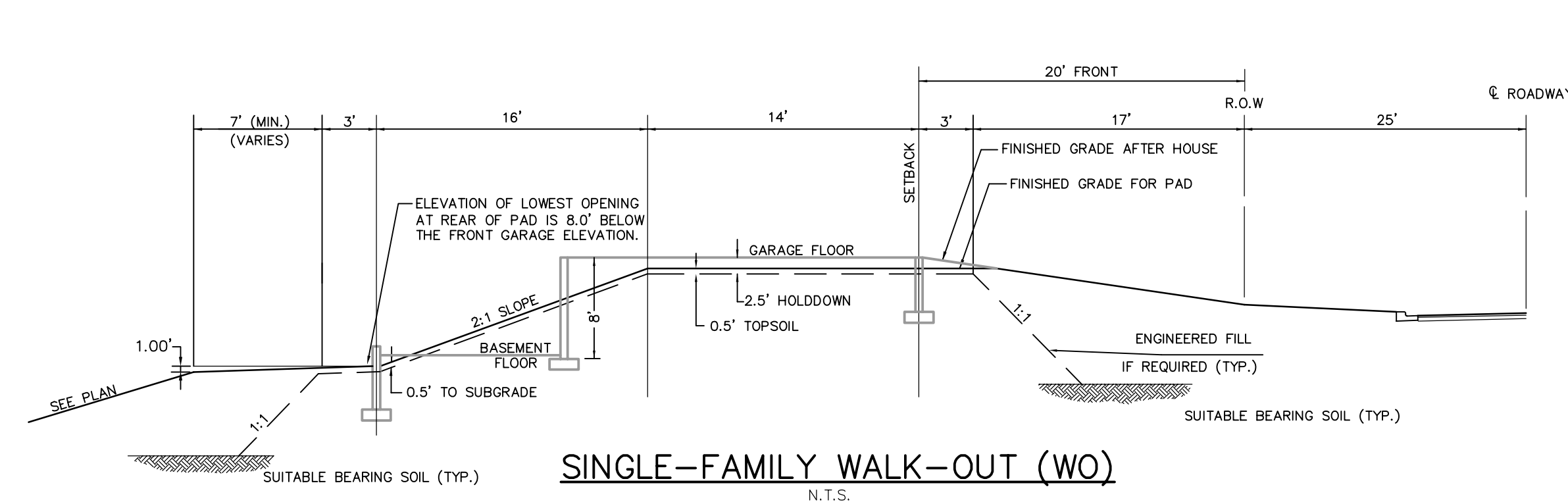
<b>Westwood</b>	<b>ROAD DRAIN CG-23</b>	LAST REVISED: 03/03/08	<b>Westwood</b>	<b>TEMPORARY EROSION BLANKETS</b>	LAST REVISED: 03/03/08
	"WIMCO" CURB INLET PROTECTION	GD12		TURF REINFORCEMENT MATS FOR SLOPES	GD21



<b>Westwood</b>	<b>TEMPORARY EROSION BLANKETS</b>	LAST REVISED: 03/03/08
	TURF REINFORCEMENT MATS FOR SLOPES	GD21

<b>CATEGORY OF BLANKET</b>	<b>STAPLE LENGTH</b>	<b>SPACING FOR STAPLES</b>
00	5"	2:1 (H:V) > 1.2 STAPLES
0	5"	2:1 - 1:1 1.7 STAPLES
1	4"	
2	4"	
3	6"	
4	6"	
5	5"	
6	5"	
7	5"	

<b>Westwood</b>	<b>TEMPORARY EROSION BLANKETS</b>	LAST REVISED: 03/03/08
	TURF REINFORCEMENT MATS FOR SLOPES	GD21



**Final Plant Schedule**

CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING	O.C.
ABM	11	Autumn Blaze Maple / <i>Acer x freemanii</i> 'Jeffersred'	1" BB/Cont.	AS SHOWN	
BVL	14	Boulevard Linden / <i>Tilia americana</i> 'Boulevard'	1" BB/Cont.	AS SHOWN	
PRE	14	Princeton Elm / <i>Ulmus americana</i> 'Princeton'	1" BB/Cont.	AS SHOWN	
BHS	33	Black Hills Spruce / <i>Picea glauca densata</i>	5' HT., BB	AS SHOWN	
BLC	9	Black Chokeberry / <i>Aronia melanocarpa elata</i>	#2 Cont.	5' O.C.	
CAD	14	Cardinal Dogwood / <i>Cornus sericea</i> 'Cardinal'	#2 Cont.	5' O.C.	
CAV	6	Compact American Viburnum / <i>Viburnum trilobum</i> 'Bailey Compact'	#2 Cont.	5' O.C.	
SUM	77	Staghorn Sumac / <i>Rhus typhina</i>	#2 Cont.	5' O.C.	

NOTE: QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.

**Landscape Provisions**

TOTAL LANDSCAPING PROVIDED:	72 TREES
* STREET TREES:	39 TREES
* EVERGREEN TREES:	33 TREES
* SITE SHRUBS:	106 SHRUBS

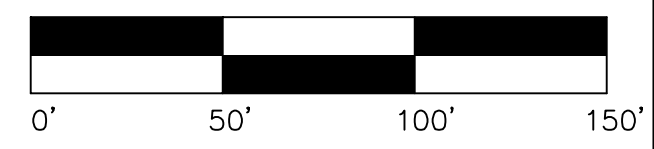
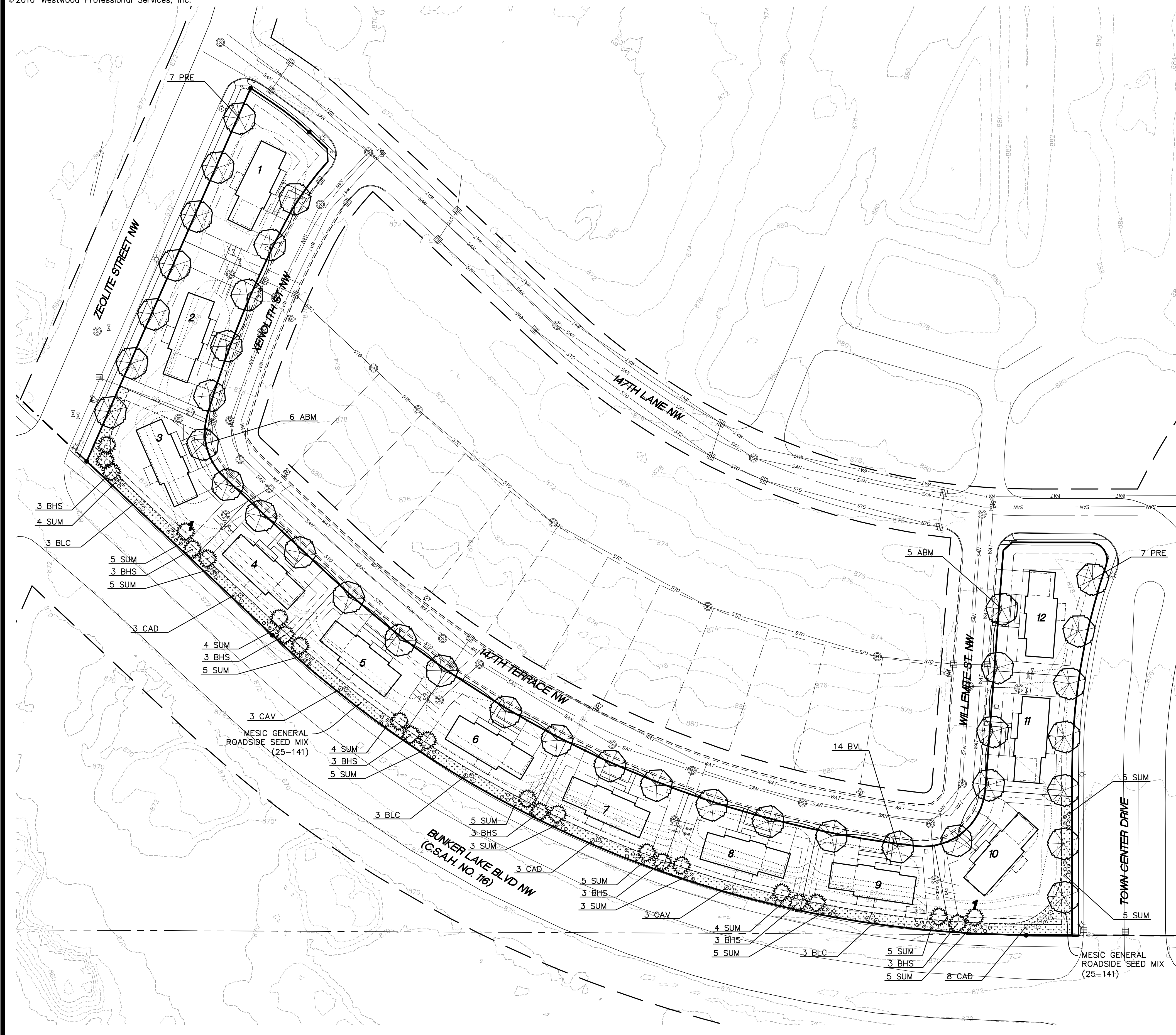
**Mesic General Roadside Seed Mix - MNDOT 250**

Common Name	Scientific Name	Rate (lb/ac)	Rate (kg/ha)	% of Mix (by weight)	Seeds/ sq ft
Park Kentucky bluegrass	<i>Poa pratensis</i> Park	15.75	17.65	26.69%	502.50
Perennial Ryegrass	<i>Lolium perenne</i>	13.25	14.85	22.46%	66.00
Smooth Brome	<i>Bromus inermis</i>	7.75	8.69	13.14%	25.42
Canada bluegrass*	<i>Poa compressa</i>	7.50	8.41	12.71%	412.00
fowl bluegrass	<i>Poa palustris</i>	4.00	4.48	6.78%	191.00
slender wheatgrass	<i>Elymus trachycaulus</i>	2.00	2.24	3.40%	5.08
Timothy	<i>Phleum pratense</i>	1.75	1.96	2.97%	49.50
switchgrass	<i>Panicum virgatum</i>	1.50	1.68	2.54%	7.70
	Grasses Subtotal	53.50	59.97	90.69%	1259.20
Alfalfa	<i>Medicago sativa</i>	3.50	3.92	5.92%	18.20
White Clover	<i>Trifolium repens</i>	2.00	2.24	3.39%	32.70
	Forbs Subtotal	5.50	6.16	9.31%	50.90
	<b>Total</b>	<b>59.00</b>	<b>66.13</b>	<b>100.00%</b>	<b>1310.10</b>

Purpose: General non-native mix for roadsides with mesic soils.  
 Planting Area: Statewide  
 Combine all components when blending this mix.  
 \*Species in the sheeps fescue complex (*Festuca* spp.) may be used interchangeably with Canada bluegrass in this mix. Varieties must match those listed on the substitution table.

 DENOTES MESIC GENERAL ROADSIDE SEED MIX (25-141)

NOTES: ALL DISTURBED AREAS TO BE SODDED UNLESS NOTED OTHERWISE.



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Date: 12/02/2016 Sheet: 7 OF 8

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 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

**Nicholas Meyer**  
 Date: 12/20/16 License No. 53774

Revisions:

12/20/16:	CITY COMMENTS

Designed:	NTM
Checked:	NTM
Drawn:	NTM
Record Drawing by/date:	

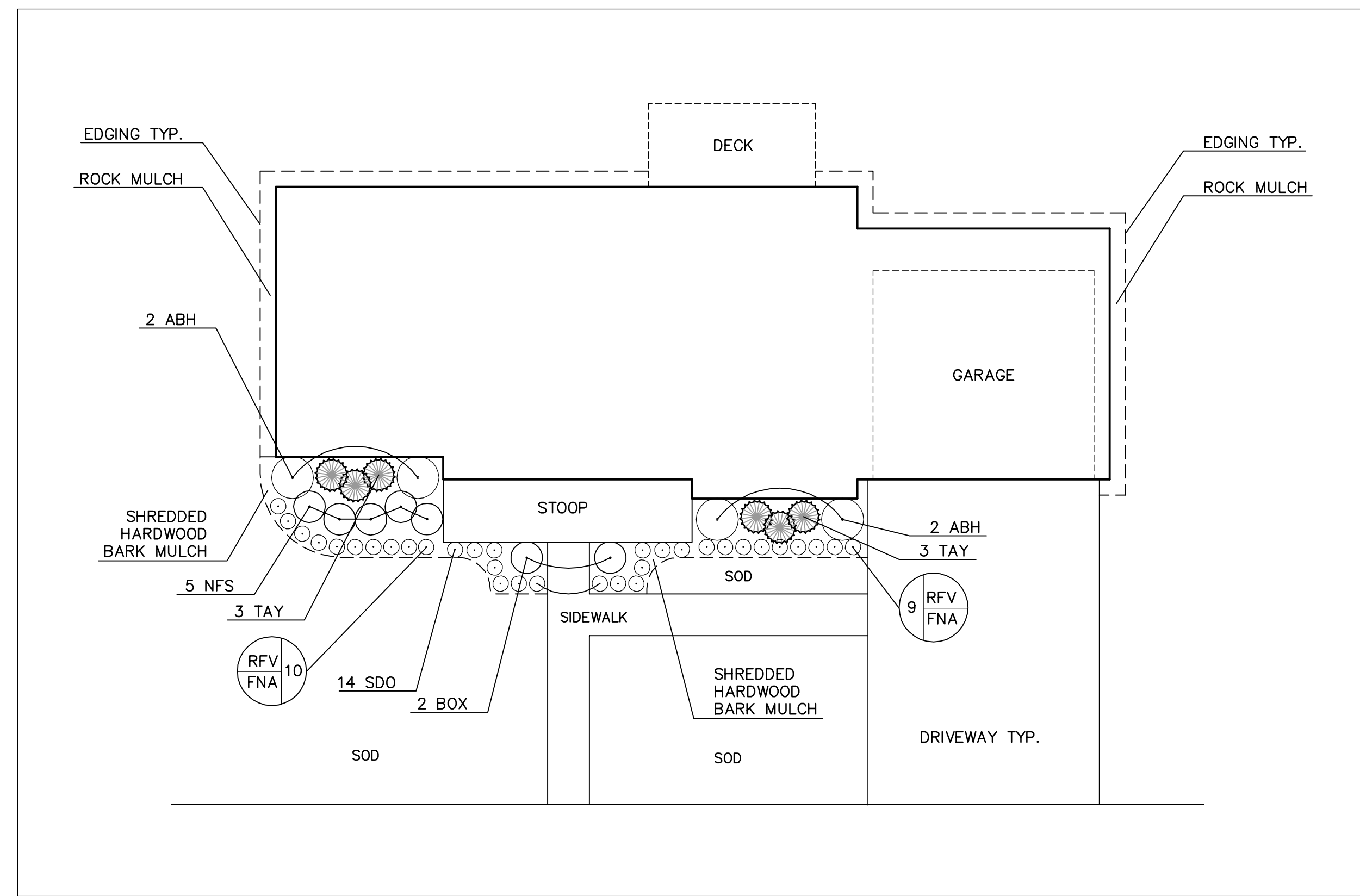
Prepared for:

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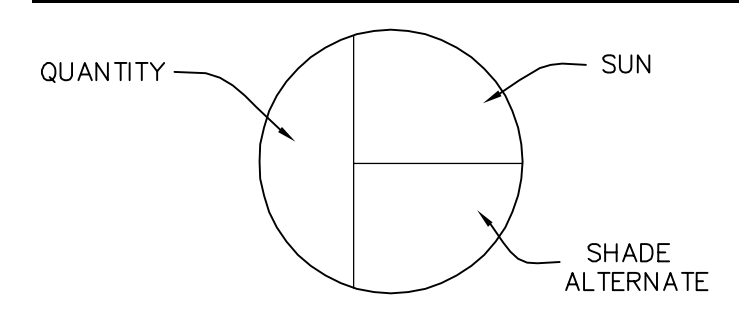
**Vistas at North Commons**  
 Ramsey, Minnesota

Final Landscape Plan

### Townhome Planting Plan



### Legend



### Townhome Plant Schedule

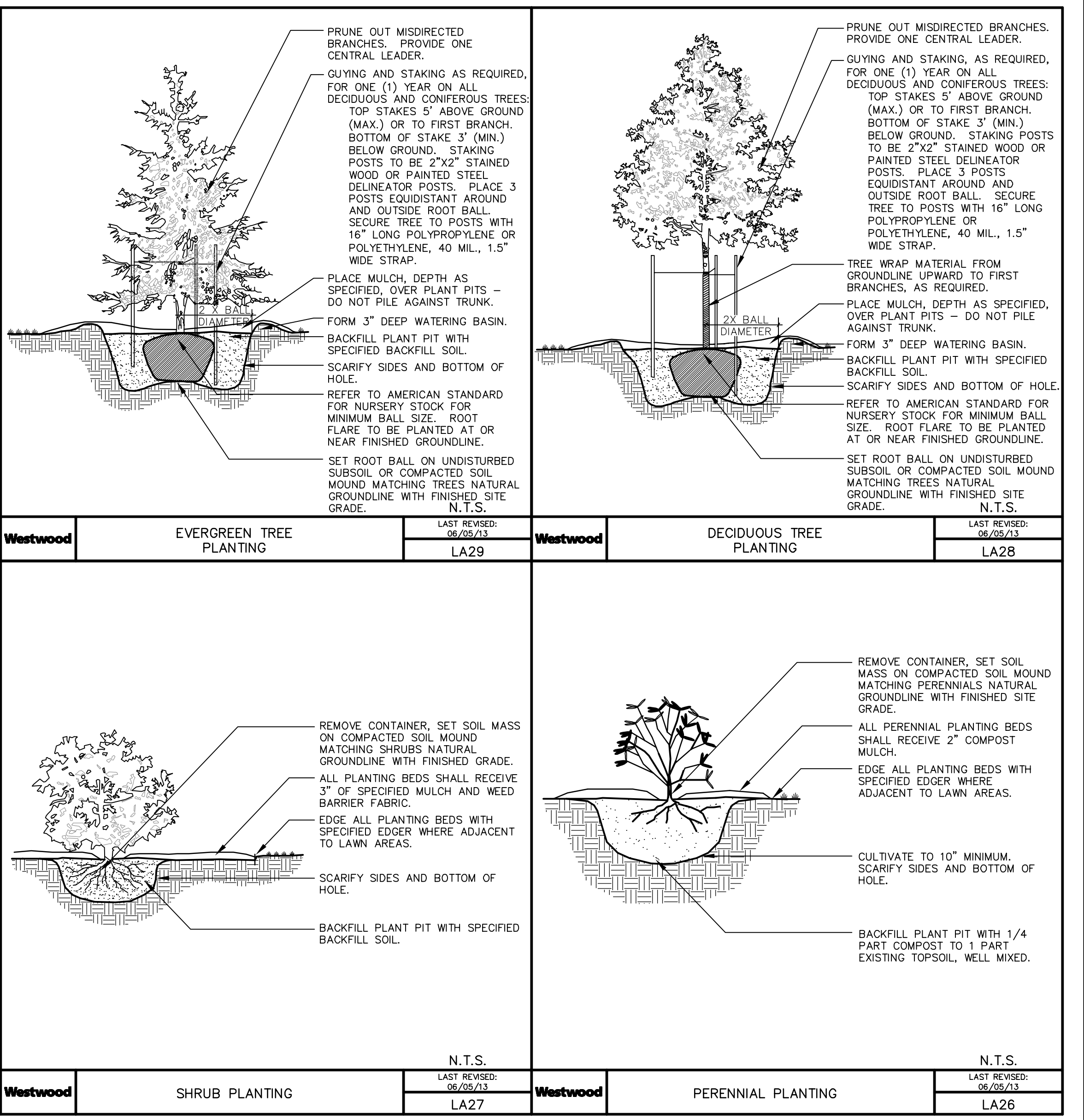
TYPE	CODE	QTY.	COMMON/BOTANICAL NAME	SIZE	SPACING O.C.
EVERGREEN SHRUBS	TAY	6	Taunton Yew / Taxus x media 'Taunton'	#5 CONT.	4'-0" O.C.
	<i>shade alt: no change</i>				
	BOX	2	Green Mountain Pyramid Boxwood / Buxus x 'Green Mountain'	#5 CONT.	3'-0" O.C.
<i>shade alt: no change</i>					
DECIDUOUS SHRUBS	NFS	5	Neon Flash Spirea / Spiraea japonica 'Neon Flash'	#5 CONT.	3'-0" O.C.
	<i>shade alt: no change</i>				
	ABH	4	Annabelle Hydrangea / Hydrangea arborescens 'Annabelle'	#5 CONT.	4'-0" O.C.
<i>shade alt: no change</i>					
PERENNIALS	SDO	14	Stella de Oro Daylily / Hemerocallis 'Stella de Oro'	#1 CONT.	18" O.C.
	<i>shade alt: no change</i>				
	RFV	19	Red Fox Veronica / Veronica spicata 'Red Fox'	#1 CONT.	18" O.C.
<i>shade alt: FNA Fanal Astilbe / Astilbe x arendsii 'Fanal'</i>					

- NOTES:
- QUANTITIES ON PLAN SUPERSEDE LIST QUANTITIES IN THE EVENT OF A DISCREPANCY.
  - CONTRACTOR TO SUBSTITUTE USING SHADE ALTERNATE SPECIES AS DETERMINED BY SOLAR ORIENTATION OF BUILDING (IE NORTH SIDE PLANTS RECEIVE SHADE ALTERNATE PLANTS). SEE RESPECTIVE PLANT KEY FOR ALTERNATE SPECIES SUBSTITUTIONS.
  - ALL PLANTING BEDS TO BE COVERED WITH SHREDDED HARDWOOD BARK MULCH.
  - 1.5' MAINTENANCE STRIP ALONG SIDE AND BACK OF UNITS TO BE ROCK MULCH.

### Planting Notes

- CONTRACTOR SHALL CONTACT COMMON GROUND ALLIANCE AT 811 OR CALL811.COM TO VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY PLANTS OR LANDSCAPE MATERIAL.
- ACTUAL LOCATION OF PLANT MATERIAL IS SUBJECT TO FIELD AND SITE CONDITIONS.
- NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- ALL SUBSTITUTIONS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO SUBMISSION OF ANY BID AND/OR QUOTE BY THE LANDSCAPE CONTRACTOR.
- CONTRACTOR SHALL PROVIDE ONE YEAR GUARANTEE OF ALL PLANT MATERIALS. THE GUARANTEE BEGINS ON THE DATE OF THE LANDSCAPE ARCHITECT'S OR OWNER'S WRITTEN ACCEPTANCE OF THE INITIAL PLANTING. REPLACEMENT PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE COMMENCING UPON PLANTING.
- ALL PLANTS TO BE SPECIMEN GRADE, MINNESOTA-GROWN AND/OR HARDY. SPECIMEN GRADE SHALL ADHERE TO, BUT IS NOT LIMITED BY, THE FOLLOWING STANDARDS: ALL PLANTS SHALL BE FREE FROM DISEASE, PESTS, WOUNDS, SCARS, ETC. ALL PLANTS SHALL BE FREE FROM NOTICEABLE GAPS, HOLES, OR DEFORMITIES. ALL PLANTS SHALL BE FREE FROM BROKEN OR DEAD BRANCHES. ALL PLANTS SHALL HAVE HEAVY, HEALTHY BRANCHING AND LEAFING. CONIFEROUS TREES SHALL HAVE AN ESTABLISHED MAIN LEADER AND A HEIGHT TO WIDTH RATIO OF NO LESS THAN 5:3.
- PLANTS TO MEET AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-2004 OR MOST CURRENT VERSION) REQUIREMENTS FOR SIZE AND TYPE SPECIFIED.
- PLANTS TO BE INSTALLED AS PER MNLA & ANSI STANDARD PLANTING PRACTICES.
- UPON ARRIVAL, ALL TREES INSTALLED BY DEVELOPER TO BE STACKED PRIOR TO INSTALLATION AND REVIEWED BY CITY. CITY SHALL BE NOTIFIED IMMEDIATELY UPON ARRIVAL SO THAT PLANTS CAN BE INSTALLED AS SOON AS POSSIBLE. PROPERLY HEEL-IN MATERIALS IF NECESSARY; TEMPORARY ONLY.
- PRIOR TO PLANTING, FIELD VERIFY THAT THE ROOT COLLAR/ROOT FLAIR IS LOCATED AT THE TOP OF THE BALLED & BURLAP TREE. IF THIS IS NOT THE CASE, SOIL SHALL BE REMOVED DOWN TO THE ROOT COLLAR/ROOT FLAIR. WHEN THE BALLED & BURLAP TREE IS PLANTED, THE ROOT COLLAR/ROOT FLAIR SHALL BE EVEN OR SLIGHTLY ABOVE FINISHED GRADE.
- OPEN TOP OF BURLAP ON BB MATERIALS; REMOVE POT ON POTTED PLANTS; SPLIT AND BREAK APART PEAT POTS.
- PRUNE PLANTS AS NECESSARY - PER STANDARD NURSERY PRACTICE AND TO CORRECT POOR BRANCHING OF EXISTING AND PROPOSED TREES.
- THE NEED FOR SOIL AMENDMENTS SHALL BE DETERMINED UPON SITE SOIL CONDITIONS PRIOR TO PLANTING. LANDSCAPE CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT FOR THE NEED OF ANY SOIL AMENDMENTS PRIOR TO PLANTING.
- BACKFILL SOIL AND TOPSOIL TO ADHERE TO MN/DOT STANDARD SPECIFICATION 3877 (COMMON TOPSOIL BORROW) AND TO BE NATIVE TOP SOIL FROM SITE FREE OF ROOTS, ROCKS LARGER THAN ONE INCH, SUBSOIL DEBRIS, AND LARGE WEEDS UNLESS SPECIFIED OTHERWISE. MINIMUM 4" DEPTH TOPSOIL FOR ALL LAWN GRASS AREAS AND 12" DEPTH TOPSOIL FOR TREE, SHRUBS, AND PERENNIALS.
- 3 INCHES OF HARDWOOD BARK MULCH TO BE USED AROUND ALL TREES WITHIN TURF AREAS.
- SHREDDED HARDWOOD BARK MULCH TO BE USED FOR LANDSCAPING OF ALL TOWNHOME AND VILLA UNITS. MULCH TO BE SPREAD TO A DEPTH OF 3" FOR ALL TREES AND SHRUBS AND 2" FOR ALL PERENNIALS. ROCK MULCH TO BE USED ON 1.5' MAINTENANCE STRIP ALONG UNIT IN AREAS VOID OF PLANTS. LANDSCAPE CLOTH TO BE LAID IN PLANTING BEDS TO SEPARATE ROCK MULCH FROM SOIL.
- EDGING TO BE VINYL EDGING, UNLESS OTHERWISE INDICATED. UTILIZE CURBS AND SIDEWALKS FOR EDGING WHERE POSSIBLE.
- ALL DISTURBED AREAS TO BE SODDED, UNLESS NOTED OTHERWISE. SOD TO BE STANDARD MINNESOTA GROWN AND HARDY BLUEGRASS MIX, FREE OF LAWN WEEDS. ALL TOPSOIL AREAS TO BE RAKED TO REMOVE DEBRIS AND ENSURE DRAINAGE.
- PROVIDE IRRIGATION TO ALL SODDED AREAS ON SITE. IRRIGATION OF STREET TREES & BOULEVARD SOD AREAS TO BE RESPONSIBILITY OF INDIVIDUAL LOTS; BUFFER TREES IN OUTLOTS TO BE IRRIGATED BY DEVELOPER/HOA. NO IRRIGATION TO BE PROVIDED IN CITY OWNED OUTLOT AREAS, UNLESS OTHERWISE NOTED. DRIP IRRIGATION TO BE PROVIDED FOR ALL PLANTING BEDS. IRRIGATION WILL BE DESIGN/BUILD BY LANDSCAPE CONTRACTOR. ALL INFORMATION ABOUT INSTALLATION AND SCHEDULING CAN BE OBTAINED BY THE GENERAL CONTRACTOR.
- CONTRACTOR SHALL PROVIDE NECESSARY WATERING OF PLANT MATERIALS UNTIL THE PLANT IS FULLY ESTABLISHED OR IRRIGATION SYSTEM IS OPERATIONAL. OWNER WILL NOT PROVIDE WATER FOR CONTRACTOR.
- REPAIR, REPLACE, OR PROVIDE SOD/SEED AS REQUIRED FOR ANY ROADWAY BOULEVARD AREAS ADJACENT TO THE SITE DISTURBED DURING CONSTRUCTION.
- REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.

### Planting Details



Call 48 Hours before digging:  
**811 or call811.com**  
 Common Ground Alliance

## Westwood

Phone (952) 937-5150 7699 Anagram Drive  
 Fax (952) 937-5822 Eden Prairie, MN 55344  
 Toll Free (888) 937-5150 westwoodps.com  
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL LANDSCAPE ARCHITECT under the laws of the State of Minnesota.

**Nicholas Meyer**  
 Date: 12/20/16 License No. 53774

Revisions:

12/20/16: CITY COMMENTS	

Designed: NTM  
 Checked: NTM  
 Drawn: NTM  
 Record Drawing by/date:

Prepared for:

**Morning Sun Homes**  
 8662 Zealand Avenue North Bay B  
 Brooklyn Park, Minnesota 55445

## Vistas at North Commons

Ramsey, Minnesota

Date: 12/02/2016 Sheet: 8 OF 8

### Landscape Details

0009798PLF02.dwg

## Vistas at North Commons

The property is u shaped and has road frontage on all sides. It was originally proposed as multi story condominiums which would be more facing traditional single family homes. The lots are shallow and backyards space is minimal and is facing roadways.

Our proposal is to design and build one story homes that would utilize the property to continue a single family home neighborhood. The homes would be of a “rambler” design and would incorporate walk out basements, look out basements and one level with no basements. All the homes would have two bedrooms, two bathrooms, kitchen, dining room, living room and laundry on one level. The homes will have an attached two car garage and a front porch to comply with the existing neighborhood and the architectural requirements of the area. Our overall design goal is to produce a product that is essential today to meet the changing residential real estate needs.

The property, Outlot A Ramsey Town Center 8<sup>th</sup> Addn. as part of the prior city approvals and approved construction plans for 147<sup>th</sup> Terrace, this street right-of-way was platted and constructed with a 50' right-of-way section. The existing street was offset from the center line with a sidewalk planned for the north side only. The original layout for condo buildings did not have a front sidewalk. The resulting separation from back of curb to the right-of-way on the south side is less than 5', which does not leave enough room to provide a side walk within the right-of-way. Placement of a sidewalk outside of the right-of-way and within the private lot areas is not a viable alternative, as there wouldn't be sufficient room for driveway parking without blocking the sidewalk, and conflicts would arise with the in-place small utilities. Given the existing shallow lot depths, there is no viable option for providing a sidewalk in the front yard without rendering the home sites being unbuildable.

It has been suggested looking into stairs from the rear walking trail to try to comply with the sidewalk approach, however that is not feasible or desirable from our perspective. The rear of the homes will be full walkouts and lookouts. Any rear stairs would be leading directly to the basement levels of the walkout homes. Pedestrians would have to enter to the home's main levels via stairs to a deck, which is awkward.

We feel there are significant security and privacy with having direct pedestrian from a private home to a public trail. As such, no sidewalk connections are planned out to the public trail.

Bill Gleason

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

<b>DATE</b>	JANUARY 3, 2017	<b>PROJECT ADDRESS</b>	ZEOLITE STREET/BUNKER LAKE BOULEVARD
<b>PROJECT. TITLE</b>	VISTAS AT NORTH COMMONS		
<b>PROJECT #</b>	16-90		
<b>DEPARTMENT:</b>	Community Development: Planning Division (Zoning Code)		
<b>TECHNICAL REVIEWER:</b>	Name: Tim Gladhill, Community Development Director Phone: (763) 433-9826 Email: <a href="mailto:tgladhill@cityoframsey.com">tgladhill@cityoframsey.com</a>		

We offer the following comments regarding the plan set prepared by Westwood Professional Services, LLC dated December 20, 2016.

**Land Use and Zoning:** The project area is generally located in the COR-4a Neighborhood District, which is intended to allow for a full range of housing types. The District requires a minimum net density of four (4) units per acre and a maximum of 10 units per acre. The Preliminary Site Plan indicates a net density of approximately three (3) units per acre. The Density shall require the issuance of a Variance, schedule for the same evening as Preliminary Plat Review.

**Lot Sizes:** There is no minimum lot size requirement in this sub-district

The COR4-a Zoning District requires the following lot standards. The proposed plat complies with these requirements.

Minimum lot size	None
Minimum lot width	20 feet
Minimum lot depth	80 feet

The COR4-a Zoning District requires the following setbacks. The proposed plan complies with these requirements, with the exception of lot depth, which is being handled as part of this case. .

Front yard	0 to 25 feet as measured from building front to edge of sidewalk;
Side yard	None, unless required by building code;
Rear yard	None, unless required by building code.

**Sidewalks.** The Zoning Code for The COR requires sidewalks to be installed on both sides of public streets. The proposed plat does not include sidewalks on Xenolith, 147<sup>th</sup> Terrace, or Willemite Street. Previous Planning Commission and City Council was to allow the plat to move forward without these sidewalks due to the lack of depth of lots, with the issuance of a Variance.

**Development Fees:** Development Fees will be due with the Plat including, but not limited to, Park Dedication, Trail Development, Municipal Water Trunk, Municipal Sanitary Sewer Trunk, and Stormwater Management. These fees are collected at the time the Final Plat is recorded and at the rate in effect when the plat is recorded.

**Building Elevations:** Elevations of the proposed homes were submitted. Individual homes must meet the minimum design standards of The COR District.

Review File: Vistas at North Commons: Preliminary Plat

January 3, 2017

Page 2 of 2

**Development Agreement:** An executed Development Agreement will be required prior to releasing the plat for recording.

**Civil Engineering Review.** Approval of the Plat will be contingent upon final review by the City Engineer.

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

<b>DATE</b>	DECEMBER 16, 2016	<b>PROJECT ADDRESS</b>	TBD
<b>PROJECT. TITLE</b>	RTC 12 <sup>TH</sup> ADDITION		
<b>ESCROW #</b>	115385		
<b>DEPARTMENT:</b>	Community Development: Planning Division (Landscape Plan & Environmental Resources)		
<b>TECHNICAL REVIEWER:</b>	Name: Chris Anderson, City Planner Phone: 763-433-9817 Email: <a href="mailto:canderson@cityoframsey.com">canderson@cityoframsey.com</a>		

We offer the following comments regarding the Landscape Plan prepared by Westwood Professional Services, Inc. and dated December 2, 2016:

- Proposed species are generally acceptable; however, it is recommended that additional shrub species be incorporated into the Final Plant Schedule (overall number is acceptable, just need more diversity). Ideally, no one species/genus should comprise more than twenty-five percent (25%) of the total number of plantings.
- Street trees must be provided in the boulevard space along Zeolite Street, Town Center Drive, and 147<sup>th</sup> Lane.
- Boulevard plantings shall be spaced at thirty-five (35) feet on center with spacing deviations possible due to vision clearance triangle avoidance and driveway, hydrant, and/or street light locations (it appears that proposed spacing is closer to 50-60 feet on center). Any deviations from the thirty-five (35) foot spacing requirement shall receive approval by the City prior to installation of tree(s). The plans must be revised to incorporate this language and with the adjusted spacing (this may result in the need for additional street tree plantings).
- The tree species shown in the approved Final Plant Schedule shall be the species installed. This will ensure a more consistent appearance and eliminate any chance of an unapproved species from being planted.
- Branching of boulevard trees shall begin no lower than six (6) feet above ground.
- No plantings shall be located within the vision clearance triangle as defined within [City Code Section 117-348](#).
- Boulevard and sidewalk widths shall each be six (6) feet.
- The boulevard area must be improved with topsoil and sod.
- The project is subject to the City's topsoil requirement, which states that all disturbed areas not otherwise improved with walkways, driveway, home and other impervious surfacing, shall receive four (4) inches of topsoil meeting the City's topsoil specification, ***including boulevard areas***. A topsoil inspection is required prior to landscaping being installed and copies of the load tickets are required as well. This is

reviewed at time of Building Permit Application and request for Certificate of Occupancy.

- The edge of existing streets (Zeolite, Town Center Drive, and 147<sup>th</sup> Lane) shall be shown on all sheets.
- The use of a seed mix rather than sod requires approval by the City Council. If a seed mix is to be used, potentially consider using mix #35-221 (Dry Prairie General) or #35-241 (Mesic Prairie General), both of which contain native species suitable along roadsides.
- Regardless of which seed mix is used, erosion control measures (e.g. erosion blankets) must be identified on the plan due to the slope along Bunker Lake Boulevard.
- The City requires a two (2) year maintenance surety on all tree/shrub plantings.
- Please revise Planting Details to specify that at least the top 1/3 of wire basket and burlap (on all B & B tree stock) shall be removed after the tree is placed in planting hole and partially backfilled with soil.
- There is a Slope Easement along Bunker Lake Boulevard indicating that there is a rather rapid grade change. *The Developer shall provide authorization from the Easement Holder that landscaping (trees/shrubs) is permissible within the easement.*
- Please provide clarification as to whether the seeded areas will be irrigated.

*Please submit a revised landscaping plan that addresses these matters (specific Sheet corrections are outlined below).*

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

**NRI:** The site is classified as Urban with Little Vegetative Cover and does not include any significant or high quality natural areas.

## Sheet Revisions

### Sheet 2

- Revise street name from Town Center Drive to Center Street
- Show the existing road edge of both Zeolite Street and Center Street

### Sheet 3

- Revise street name from Town Center Drive to Center Street
- Show the existing road edge of both Zeolite Street and Center Street
- Revise proposed sidewalk and boulevard widths to six (6) feet.

### Sheet 4

- Revise street name from Town Center Drive to Center Street
- Show the existing road edge of both Zeolite Street and Center Street

### Sheet 5

- Revise street name from Town Center Drive to Center Street

- Show the existing road edge of both Zeolite Street and Center Street

#### Sheet 7

- Revise street name from Town Center Drive to Center Street
- Show the existing road edge of both Zeolite Street and Center Street
- Revise Final Planting Schedule so that no one species/genus comprises more than twenty-five percent (25%) of the plantings.
- Street trees must be provided along both Zeolite Street and Center Street at a spacing of not more than thirty-five (35) feet on center.
- Adjust spacing of all street trees so that they are no more than thirty-five (35) feet on center.
- Add note stating that any deviation from the approved Final Plant Schedule shall require approval of the City prior to installation.
- Add Landscape Note stating that branching of street trees shall begin no lower than six (6) feet above grade.
- Add the Vision Clearance Triangle to each intersection and ensure that no plantings occur within it.
- Boulevard and sidewalk widths shall be revised to show six (6) feet.
- Add Landscape Note stating that boulevard areas to be improved with topsoil meeting the City's specification and sod.
- Add Landscape Note specifying that all areas not otherwise improved with impervious surfaces shall receive four (4) inches of topsoil meeting the City's topsoil specification. Copies of the load tickets shall be provided to the City and a topsoil inspection shall be completed prior to installation of any landscaping.
- Use of seed mix rather than sod requires approval by City Council. A Landscape Note shall be added to specify the application method, rate (lbs/acre), and erosion control measures.
- Due to the slope
- Add a Landscape Note that states the City requires a pre-planting meeting to review expectations for all street tree installations.

#### Sheet 8

- Planting Notes to be revised to specify that City requires a two (2) year maintenance warranty on all plantings.
- Revised Planting Detail to specify that the top 1/3 of wire basket and burlap (for B & B root stock) shall be removed after being placed in planting hole and partially backfilling.
- Due to the slope area along Bunker Lake Boulevard, add a Slope Planting Detail.

Commissioner \_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #17-01-013**

**A RESOLUTION ADOPTING FINDINGS OF FACT #0977 RELATING TO A REQUEST FOR A VARIANCE TO LOT DEPTH, NET DENSITY, AND SIDEWALK REQUIREMENTS FOR VISTAS AT NORTH COMMONS.**

**WHEREAS**, Lifestyle Properties, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for a variance to lot depth, net density, and sidewalk requirements for development of the property legally described as follows:

Outlot A, Ramsey Town Center 8<sup>th</sup> Addition, Anoka County, Minnesota; and

(the "Subject Property"); and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY OF RAMSEY PLANNING, as follows:**

- 1) That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-53 (Variances) of the Ramsey City Code on January 5, 2017, 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.
- 2) That Section 117-118 of City Code (The COR District) contains the following design requirements.

Design Standard	Required	Actual
Lot Depth	80 feet	77 feet
Net Density	Minimum = 4 units/acre Maximum = 10 units/acre	3 units/acre
Sidewalks	Both side of public roads	One side of road on Xenolith Street, 147 <sup>th</sup> Terrace, and Willemite Street.

- 3) That the Subject Property was originally designed for row-style townhomes circa 2005/2006, but said development proposal never moved forward.
- 4) That roads designed for the previous development proposal and existing, adjacent developments have already been installed.
- 5) That it is not feasible to move the public road to gain the necessary depth to meet City Code requirements for lot depth and create sufficient space to install a public sidewalk at required design standards.
- 6) That sidewalks exist on at least one side of public roads from previous development.

- 7) That sidewalks will still be installed on Zeolite Street, 147<sup>th</sup> Lane, and Center Street.
- 8) That in order to create a desirable detached single family product due to lot depth, the City believes adding an additional dwelling would create an undesirable product.
- 9) That the City believes that the Subject Property will no longer feasibly support an attached townhome product as originally planned.
- 10) That the proposed subdivision is in harmony with the surrounding properties and consistent with the Comprehensive Plan land use guidance.
- 11) That economic circumstances alone do/do not create the practical difficulties.
- 12) That the plight is/is not due to circumstances unique to the Subject Property.
- 13) That the plight is/is not created by the Applicant.
- 14) That, if granted, the Variance will/will not alter the locality's essential character.
- 15) That, if granted, the variance will/will not impair an adequate supply of light and air to adjacent property.
- 16) That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
- 17) That, if granted, the variance will/will not unreasonably increase the congestion on the public street.
- 18) 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.
- 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 Applicant.
- 21) That the unique circumstances on the Subject Property do/do not result from the actions of the Applicant.
- 22) That, if granted, the variance will/will not grant the Applicant 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 passed and adopted by the Ramsey Planning Commission this the 5<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Chairperson

**ATTEST:**

\_\_\_\_\_  
City Clerk

Commissioner \_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #17-01-014**

**A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO LOT DEPTH, NET DENSITY, AND SIDEWALK REQUIREMENTS FOR VISTAS AT NORTH COMMONS AND DECLARING TERMS OF SAME.**

**WHEREAS** Lifestyle Properties, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for a variance to lot depth, net density, and sidewalk requirements for development of the property legally described as follows:

Outlot A, Ramsey Town Center 8<sup>th</sup> Addition, Anoka County, Minnesota; and  
  
(the "Subject Property"); and

**WHEREAS**, the Planning Commission met on January 5, 2017, conducted the public hearing and adopted Findings of Fact #0977 relating to the request for a variance 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. Based on Findings of Fact #0977, a variance to lot depth, net density, and sidewalk requirements, is hereby granted for the Subject Property per the Preliminary Plat prepared by Westwood Professional Services dated December 20, 2016.
2. No construction of any building shall commence without the issuance of a building permit.
3. The Permittee shall be responsible for all City costs incurred in administering and enforcing this variance.
4. That this variance shall become null and void if not initiated by January 5, 2018 and initiation shall be considered recording of the Final Plat of Vistas at North Commons.

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 5<sup>th</sup> day of January, 2017.

DRAFT





Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #16-01-015**

**RESOLUTION GRANTING PRELIMINARY PLAT APPROVAL OF VISTAS AT NORTH COMMONS**

**WHEREAS**, Lifestyle Properties, hereinafter referred to as "Applicant", properly applied to the City of Ramsey (the "City") for Preliminary Plat Approval on the property legally described as follows:

Outlot A, Ramsey Town Center 8th Addition, Anoka County, Minnesota; and

(the "Subject Property"); and

**WHEREAS**, the Planning Commission reviewed the sketch plan on October 6, 2016; and;

**WHEREAS**, the City Council reviewed the Sketch Plan on October 25, 2016; and

**WHEREAS**, the Environmental Policy Board reviewed the Landscape Plan on December 19, 2016.

**WHEREAS**, the Planning Commission Reviewed the Preliminary Plat on January 5, 2017 and conducted a Public Hearing on said Preliminary Plat.

**WHEREAS**, on October 6, 2016, the Ramsey Planning Commission conducted a public hearing regarding the proposed preliminary plat.

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

- 1) That the Ramsey City Council hereby grants preliminary plat approval of Vistas at North Commons in accordance with relevant City Codes, subject to the following conditions:
  - a) Compliance with City Staff Review Letter dated December 3, 2017.
  - b) The Developer entering into a Development Agreement with the City.

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

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 24<sup>th</sup> day of January, 2017.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

DRAFT

**Regular Planning Commission**

5. 5.

**Meeting Date:** 01/05/2017

**By:** Chris Anderson, Community  
Development

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**Information**

**Title:**

Consider Concept Plan for Potential Trott Brook Hall Expansion

**Purpose/Background:**

Representatives of Trott Brook Hall met with City Staff recently to discuss a potential expansion of their building, which is located at 17301 Nowthen Blvd NW (the "Subject Property"). They did provide Staff with a Concept Plan for the potential expansion and Staff offered to route it through the Planning Commission for some very preliminary input/feedback before they incurred more expense in plan development.

**Notification:**

Notification is not required for review of a Concept Plan.

**Observations/Alternatives:**

Trott Brook Hall recently acquired the residential parcel to their north and has razed the structure(s) in anticipation of an expansion of their existing building. Their Concept Plan would include the need to complete a Minor Plat as they would be expanding the size of their parcel to accommodate their planned building and parking lot additions.

The building addition would be at the north end of the existing building. The expansion would also include additional parking area north of the building and would result in three (3) access points onto CSAH 5 (Nowthen Blvd). Should this project move forward, it will require review by the Anoka County Highway Department.

As part of the expansion project, there would be impacts to existing wetlands that most likely will require mitigation. Again, if the project does move forward, it would be subject to review by the Lower Rum River Watershed Management Organization (LRRWMO) both for the wetland delineation and wetland impacts, as well as for the grading activities that would be needed.

**Funding Source:**

This is being handled as part of Staff's regular duties.

**Recommendation:**

This is an opportunity for the Planning Commission to provide early feedback on the Concept Plan prior to the property owner incurring greater expenses for plan design and development.

**Action:**

No formal action is required. This is an opportunity for the Planning Commission to provide any comments and/or feedback on the Concept Plan before the property moves into the next stage (plan design/development).

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**Attachments**

Site Location Map

Certificate of Survey of Existing Site

Concept Plan

Preliminary Floor Plan

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: Chris Anderson

Final Approval Date: 12/27/2016

**Reviewed By**

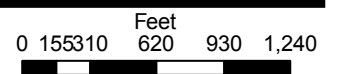
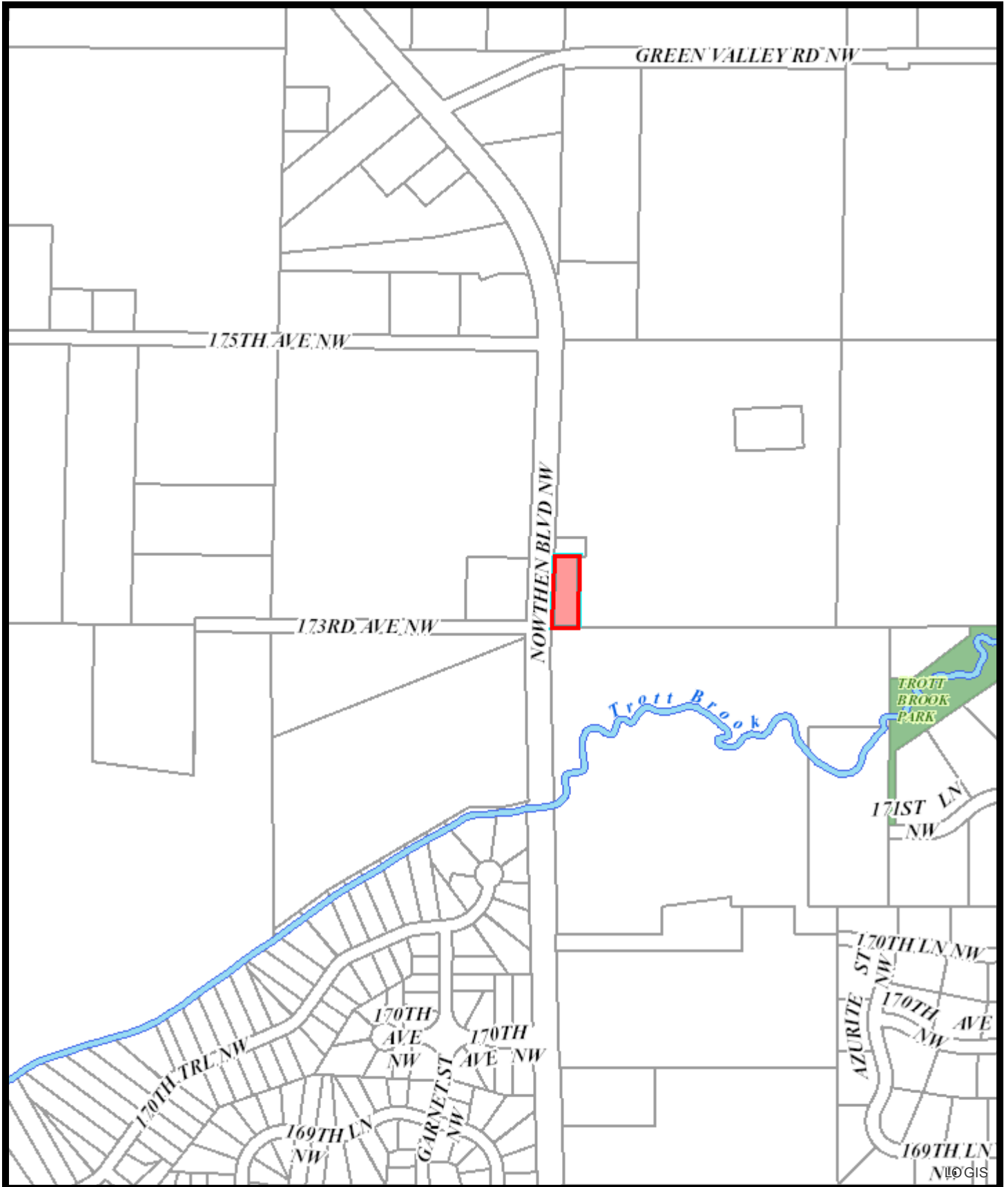
Tim Gladhill

**Date**

12/27/2016 09:37 AM

Started On: 12/21/2016 11:34 AM

# Site Location Map



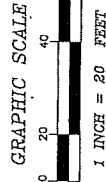
# CERTIFICATE OF SURVEY

for ~ TROTT BROOK HALL  
of ~ 17301 Nowthen Boulevard  
St. Francis, MN

## LEGAL DESCRIPTION

All of the following described property except the North ten (10) feet: That part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of Section Three (3), Township Thirty-two (32), Range Twenty-five (25) described as follows; to-wit: Commencing at the Southwest corner of the Southwest Quarter of the Southeast Quarter (SW 1/4 of SE 1/4) of said Section Three (3); thence North on the West line thereof a distance of Twenty-one (21) rods; thence East parallel with South line of said Southwest Quarter of Southeast Quarter (SW 1/4 of SE 1/4) a distance of eight (8) rods; thence South and parallel with the West line thereof to the South line thereof; thence West on the South line of said Southwest Quarter of Southeast Quarter (SW 1/4 of SE 1/4) Eight (8) rods to the point of beginning.

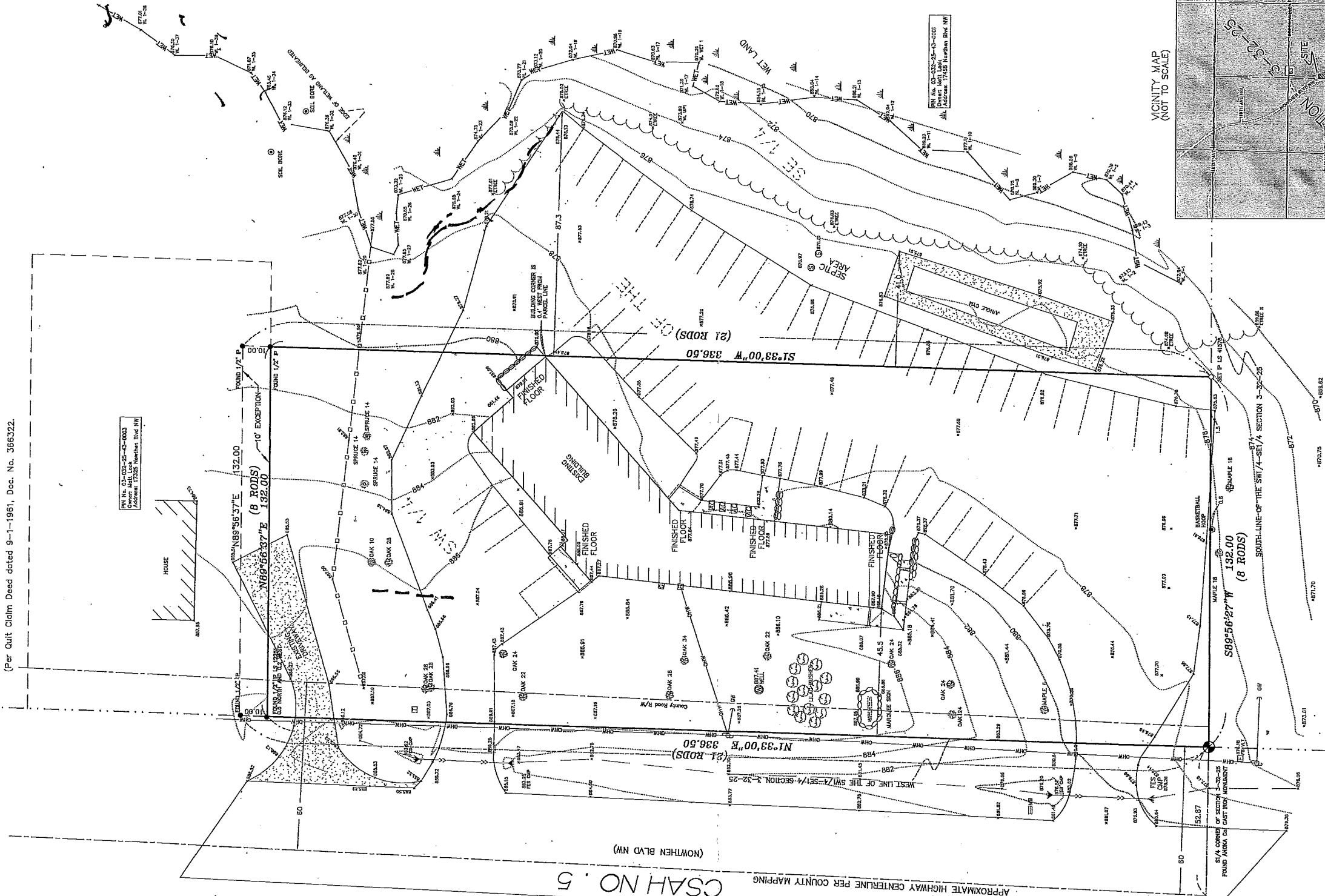
(Per Quit Claim Deed dated 9-1-1961, Doc. No. 3665322.



## BENCHMARK

Anoka County Benchmark No. 3078 in the NW 1/4 10-32-25.  
Description: west end of the centerline concrete culvert on CSAH No. 5 for Trott Brook. NAVD 88 Elevation of 867.97.

NORTH

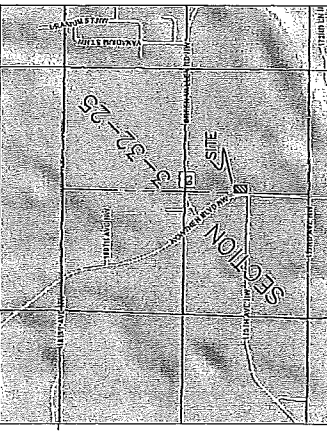


Pin No. 03-032-25-43-0003  
Owner: Matt Lusk  
Address: 17325 Nowthen Blvd NW

Pin No. 03-032-25-43-0002  
Owner: Matt Lusk  
Address: 17301 Nowthen Blvd NW

Pin No. 03-032-25-43-0002  
Owner: Matt Lusk  
Address: 17325 Nowthen Blvd NW

VICINITY MAP  
(NOT TO SCALE)



## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 09/23/16.
- Bearings shown are on Anoka County datum.
- Wetland delineation completed by Jacobson Environmental.
- Total parcel area 1.02 acres.
- Parcel ID: 03-032-25-43-0002
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊠ DENOTES ANOKA COUNTY CAST IRON MONUMENT
- ⊡ DENOTES AIR CONDITIONING UNIT
- ⊢ DENOTES BOLLARD OR POLE
- ⊣ DENOTES CABLE PEDESTAL
- ⊤ DENOTES ELECTRICAL BOX
- ⊥ DENOTES EXISTING SPOT ELEVATION
- ⊦ DENOTES FIBER OPTIC BOX
- ⊧ DENOTES GAS METER
- ⊨ DENOTES GUY WIRE
- ⊩ DENOTES MAILBOX
- ⊪ DENOTES POWER POLE
- ⊫ DENOTES SEPTIC SEWER MANHOLE
- ⊬ DENOTES STORM SEWER APRON

- ⊭ DENOTES TELEPHONE PEDESTAL
- ⊮ DENOTES WELL
- ⊯ DENOTES WET LAND
- ⊰ DENOTES WOOD FENCE
- ⊱ DENOTES RETAINING WALL
- ⊲ DENOTES EXISTING CONTOURS
- ⊳ DENOTES TREE LINE
- ⊴ DENOTES EXISTING SANITARY SEWER
- ⊵ DENOTES EXISTING STORM SEWER
- ⊶ DENOTES OVERHEAD WIRE
- ⊷ DENOTES BITUMINOUS SURFACE
- ⊸ DENOTES CONCRETE SURFACE
- ⊹ DENOTES GRAVEL SURFACE
- ⊺ DENOTES ADJACENT PARCEL OWNER INFORMATION (PER ANOKA COUNTY TAX INFORMATION)

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: 9/28/16 License No. 41578

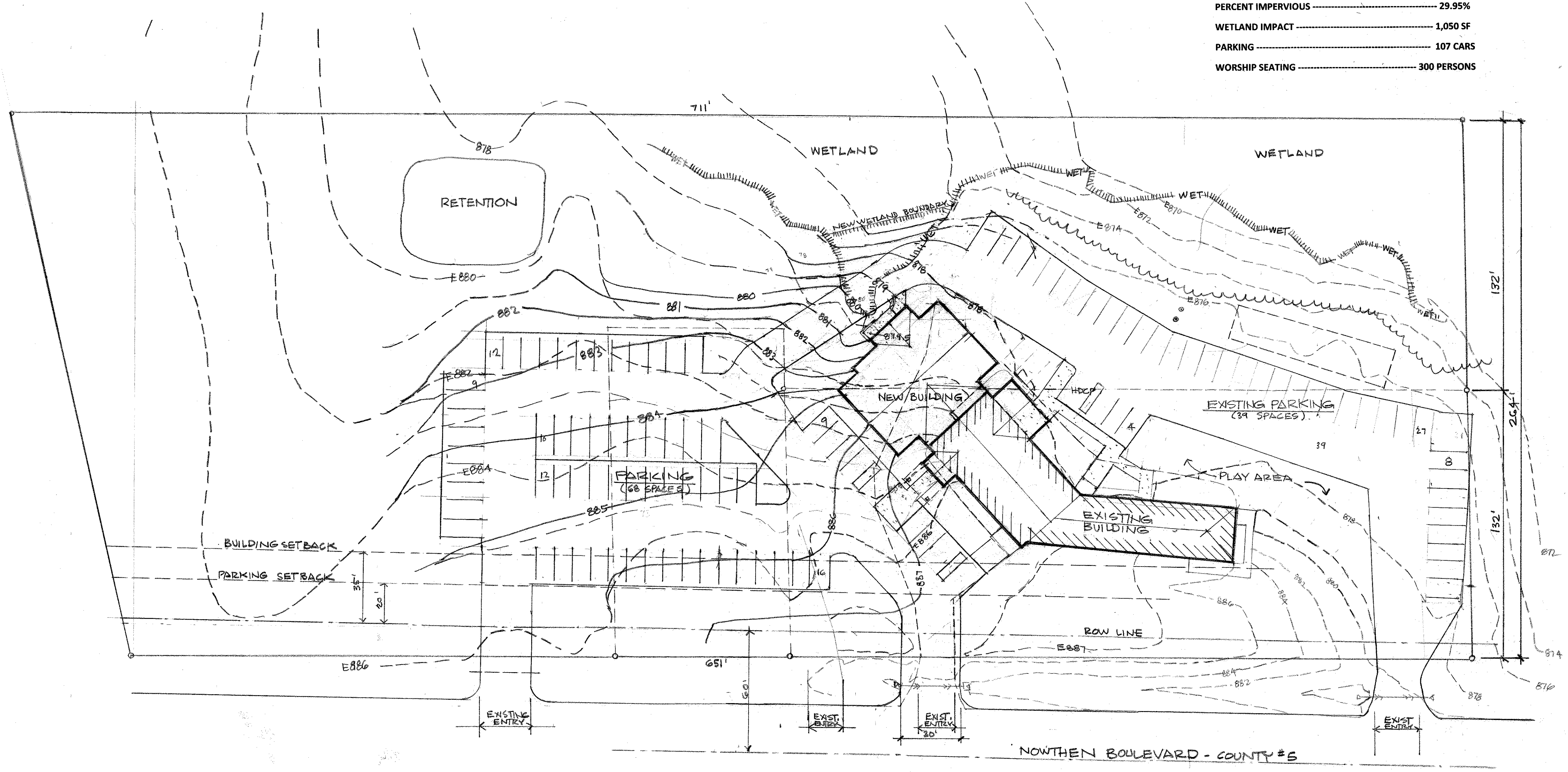
**E.G. RUD & SONS, INC.**  
Professional Land Surveyors  
6776 Lake Drive NE, Suite 110  
www.egrund.com

Pin No. 17-119-25-14-0002  
Owner: City of St. Francis

DRAWN BY: JSE JOB NO: 16753 DATE: 09/26/16  
CHECK BY: JER SCANNED  
1

**SITE DATA**

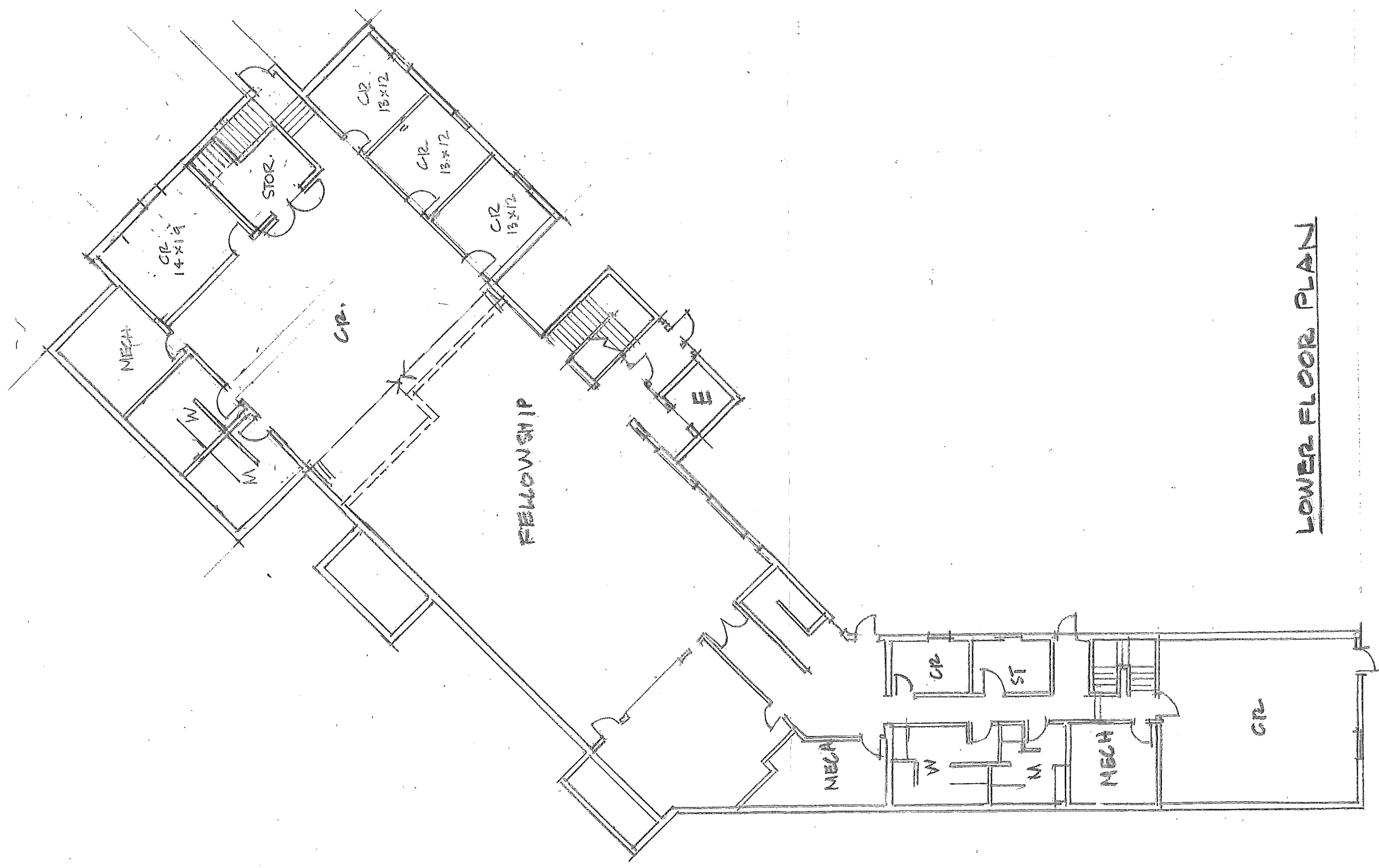
SITE AREA	4.12 ACRES
EXISTING BUILDING SITE COVERAGE	5,179 SF
PROPOSED BUILDING ADDITION SITE COVERAGE	3,694 SF
IMPERVIOUS PAVING	44,982 SF
TOTAL IMPERVIOUS SURFACE	53,855 SF
PERCENT IMPERVIOUS	29.95%
WETLAND IMPACT	1,050 SF
PARKING	107 CARS
WORSHIP SEATING	300 PERSONS



**SITE PLAN**

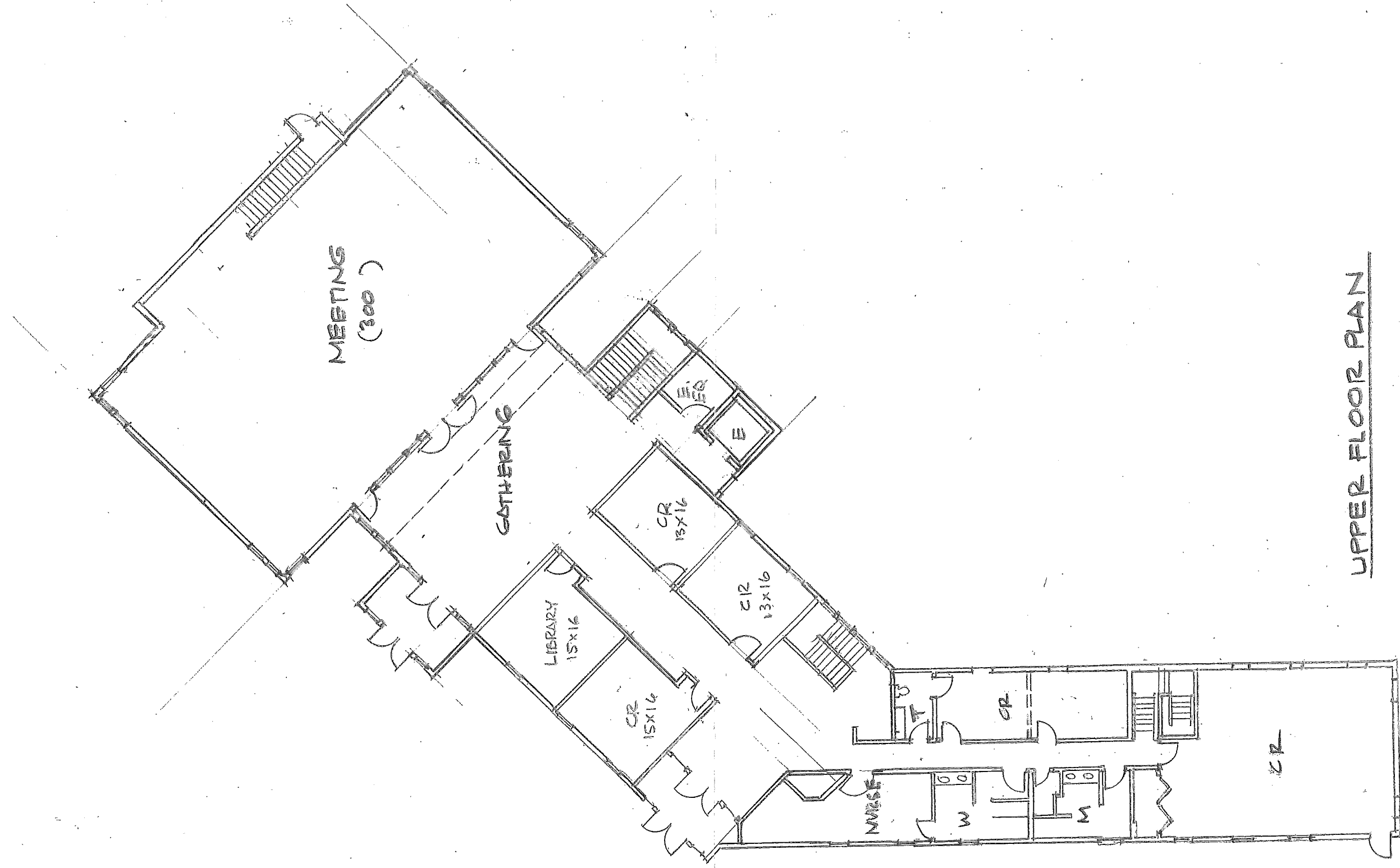
SCALE 1:30

NOWTHEN BOULEVARD - COUNTY #5



LOWER-FLOOR PLAN

RECEIVED  
DEC 09 2016  
BY:



MEETING  
(300)

GATHERING

LIBRARY  
15x16

CR  
15x14

CR  
15x14

CR  
13x16

NURSE

W

M

CR

CR

UPPER FLOOR PLAN

RECEIVED  
DEC 03 2016  
BY:

## Regular Planning Commission

5. 6.

**Meeting Date:** 01/05/2017

**Submitted For:** Patrick Brama, Administrative Services

**By:** Patrick Brama, Administrative Services

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### Information

**Title:**

Stone Brook Children's Academy & Daycare Purchase Agreement for OUTLOT B of COR ONE

**Purpose/Background:**

**PURPOSE**

The purpose of this case is for the Planning Commission to review the attached potential project site locations; and to provide feedback to the EDA and City Council--as they are considering a corresponding purchase offer (purchase agreement).

Attached to this case are eight site location options. Stone Brook would like to move forward with site location #1. The EDA has asked Stone Brook to also evaluate the other attached locations.

**BACKGROUND**

*-Stone Brook/ Prestmore Academy-*

Mr. Michael and Mrs. Michelle Johnson are former Ramsey residents (now Andover residents) and are both practicing doctors. They would like to establish a new children's academy in The COR.

This is a project they've been researching/ planning and saving up equity for, for over two years. They have reviewed the project with two developers, an architect, and with two banks. At this point, they are ready to make their dream a reality--they have their equity lined up--financing arranged--they are ready to apply for State Licensing--they are ready to go through the real estate entitlement process--they are ready to begin hiring/ training employees--and they are ready to enter into a purchase agreement with the City. Their goal is to begin construction in early summer 2017.

The new children's academy will be called Stone Brook. This start up company has an advantage. Mrs. Johnson's father started a children's academy franchise in Florida--called Prestmore Academy. Mr. and Mrs. Johnson will have the support of Mrs. Johnson's father--to make sure they are planning/ preparing correctly, and to help them get up and running. Here is a link to the Prestmore Academy website <http://www.prestmoreacademy.com/>. Please see "about" page for details. To begin, Mrs. Johnson will quit her current practice to operate Stone Brook. Mr. Johnson will continue his practice, until the businesses is self sustaining.

For Mr. and Mrs. Johnson, Stone Brook Academy is much more than a business idea. This project is the accumulation of several personal/ professional goals, and a deep rooted passion to give back to the world--through the education and development of children. This is their dream--rather than retire at this stage in their careers.

Both Mr. and Mrs. Johnson strongly believe in the vision of The COR-- especially the center of The COR. They believe in the principles of a walkable development, with close proximity to residential, close proximity to rail, high-quality architecture, and density. They believe their project is best located in/ near the center of The COR, as a destination (140 kids, 20 employees).

It is very important to Mr. and Mrs. Johnson to make strong connections to other users in The COR (and the

community), to have a high-quality/ high-tech/ high-security facility, and to provide high-quality service offerings (academy). They have indicated they are much more than a daycare, they are an educational institution/ asset to the community, and should not be compared to a daycare center (i.e. they are not a New Horizon).

*-Proposed Project-*

The proposed 10,000 sf, 1-story, Stone Brook Academy & Daycare facility will include seven class rooms, a gym, kitchen, offices, reception area, and a playground. The academy will be staffed by 15-20 employees (including State certified instructors), and will serve 140 children. Mr. and Ms. Johnson have indicated they intend to construct a very nice looking building (including brick/ glass) and they generally understand design standards for The COR. Also, they want to create a facility that becomes an asset for the community, interacts with residents, and draws people to The COR.

Mr. and Ms. Johnson reviewed sites in Ramsey and neighboring cities (Coon Rapids, Andover, Elk River, Otsego, Rogers, etc.). The central part of The COR is their ideal location, and where they are proposing their new facility. They looked at multiple site locations within The COR. Site #1 is their most desired location. At this point, they estimate a need for 0.9-1-acres of land.

**SITE SELECTION**

Attached to this case are the eight site locations considered by Stone Brook. They would like to move forward with Site #1.

**(A) If the City is okay with Site #1**, Stone Brook is ready to move forward with a purchase agreement. They would like to begin construction in early summer 2017. They are hoping to be open in fall 2017. RE Site #1, Stone Brook is asking for the City to decide how they want to approach the potential public road connection (Yolite Street)--is it required, or will a private stub road suffice?

**(B) If the City is not okay with Site #1**, Stone Brook is asking for direction on where they should be located/ and feedback RE the issues they have identified for other sites--each site has it's own unique set of circumstances/ obstacles. Stone Brook has indicated, this option will likely delay their project (likely will not be able to open in 2017).

**Notification:**

NA

**Observations/Alternatives:**

**OBSERVATIONS**

Please see attached eight site location memos. At a minimum, staff is requesting detailed feedback on Site #1.

**CONSIDERATIONS**

**(A)** An acre of development fees is estimated at about \$60,000 (2016): \$3,966 park, \$1,090 trail, \$6,131 water, \$3,391 sewer, \$4,577 storm water management, \$40,000 COR storm water.

**(B)** Tax base is estimated at about \$45,000 per year gross. Typically, the city receives about 1/4 of property taxes. However, in this particular scenario, the project is located in an existing TIF District (#14). Therefore, the City would collect roughly just over 50% of the tax base via TIF. This tax base is helpful for the city--as their is need to develop funding sources for other improvements in The COR.

**(C)** Stone Brook believes this project will drive 140 families to The COR on a daily basis (2x). Increased traffic counts help drive retail and restaurants.

**(D)** Stone Brook has indicated this project will create 15-20 new jobs.

**(E)** Stone Brook has indicated they intend to construct an impressive looking building that will fit in well

with The COR.

(F) Stone Brook has indicated they intend to become engaged in the community and The COR--and would like to develop relationships with organizations such as PACT Charter School.

**Funding Source:**

NA

**Recommendation:**

NA

**Action:**

**PURPOSE**

The purpose of this case is for the Planning Commission to review the attached potential project site locations; and to provide feedback to the EDA and City Council--as they are considering a corresponding purchase offer (purchase agreement).

Attached to this case are eight site location options. Stone Brook would like to move forward with site location #1. The EDA has asked Stone Brook to also evaluate the other attached locations.

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**Attachments**

Site 1

Site 2

Site 3

Site 4

Site 5

Site 6

Site 7

Site 8

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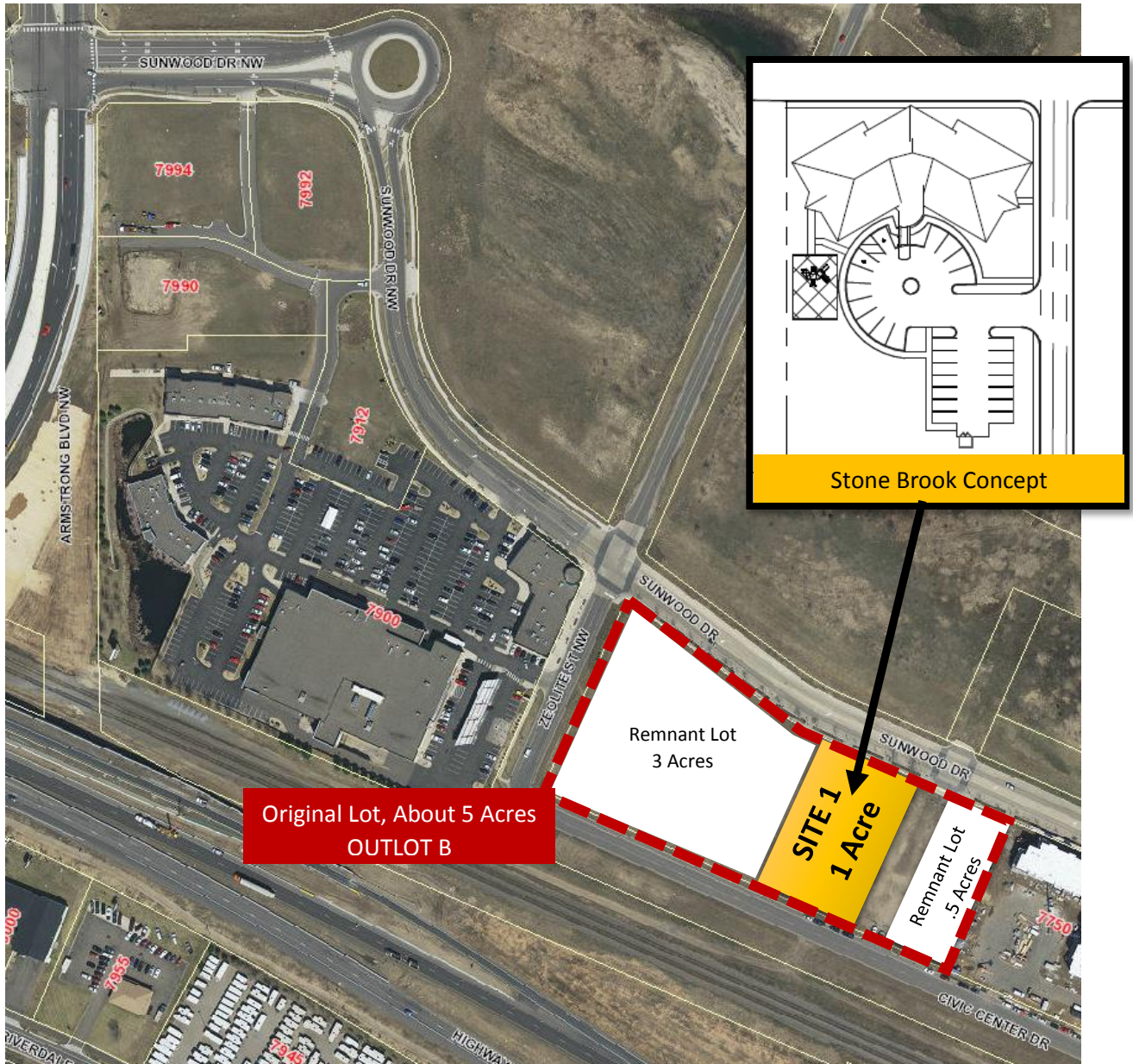
**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Kurt Ulrich	JoAnn Shaw	01/03/2017 03:20 PM
Tim Gladhill	Tim Gladhill	01/03/2017 03:47 PM
Form Started By: Patrick Brama		Started On: 01/02/2017 10:44 AM
Final Approval Date: 01/03/2017		

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 1**  
12/30/2016

# SITE 1



Outlot B is a roughly 4.95-acre parcel. The user, Stone Brook Academy, would like to utilize a roughly 1-acre portion of the property. This site is located in the COR-2 Retail district, on the border of the COR-1 Mixed district.

The shape/ dimensions of this site is ideal for development (rectangular). This site will require fill (is low), which will increase project costs for Stone Brook. Infrastructure generally is in place, and surrounds this site. The one question mark RE infrastructure is the potential Yolite Street connection. The other item worth noting, as a result of this 1-acre Stone Brook development, is the creation of two remnant lots.

# **(1) Stone Brook Feedback**

## **A. This is the #1 desired site for Stone Brook (the buyer/ owner)**

- Stone Brook has reviewed all available site locations in The COR on multiple occasions, over the past six months. This includes reviewing sites with developers, architects, banks, and walking sites. Stone Brook wants to purchase this property now (purchase agreement). They have been saving for the past two plus years—and are very interested in this specific site. They desire to begin construction in early summer 2017.
- Look/ feel/ vision are very important to Stone Brook. This site (in the central part of The COR) meets the vision of Stone Brook. They want a high-class, high-tech, high-amenity, well-respected, nice looking academy, that fronts Sunwood Drive, and fits in *WELL* with the surrounding area—which they believe is the center of The COR. This facility will be much more of a state-of-the-art children’s academy, rather than simply just a daycare center. This will be an asset/ destination for this community (please see case write up for details).
- Stone Brook believes in the City’s vision of The COR—and they are drawn to this specific site. They believe the heart of The COR is where family oriented uses/ destination uses are best located—like academy’s, community centers, theaters, train stations, municipal, parks, etc. (details in location section below).
- Stone Brook believes destination users, located in the center of The COR, will produce significant ADT for The COR (in this particular case--140 children/ parents, nearly 20 employees 2x per day), which will help Ramsey achieve it’s retail goals (especially on the west end).

## **B. Location is ideal for Stone Brook**

- Being located in the center of The COR, versus on one end or the other, provides better ability for Stone Brook to evenly pull from Ramsey’s major population areas (north and east of Ramsey Boulevard), and also to pull from future developable areas (west of new Armstrong interchange).
- Being located in the center of The COR allows Stone Brook to draw from nearby dense housing—including apartments, townhomes, and other residential developments within The COR—as a result, in many cases, this location may be walkable. Being located in the center of The COR may also attract people using the Northstar Commuter Rail.
- Stone Brook believes being located on Sunwood Drive, in the center of The COR, is important for fit/ feel/ safety of the academy. Traffic flow (ease of access, congestion) and nearby users impact the perceived safety/ fit of their facility. Stone Brook believes being located on either end of The COR detracts from these principles.

## **C. Price is very important, and is ideal at this particular location.**

- Stone Brook is a quasi-start-up business (being modeled after Prestmore Academy in Florida, their parents started that group, and are mentoring Stone Brook). This business requires a lot of FFE (furniture fixtures and equipment), a lot of employees, several licenses, and significant working capital. As a result, Stone Brook will need to come up with significant equity to make this deal happen, and to fund their operations for the first year. The price of land will have a direct impact on the operations of this business (i.e. cash flow), and is very important to Stone Brook.
- This type of business, a high-end children’s academy, is not commonly seen in Anoka County, if at all (however, is common in Hennepin County for example). It is critically important, to the

owners, that they are able to *deliver* top-notch services in a high-class facility. They will not open a facility in Ramsey if they cannot achieve that goal. Stone Brook believes their pricing structure is very sensitive/ risky in Ramsey (unproven market for this product). They need to do everything they can to keep user costs as low as possible in Ramsey (hence their emphasis on the land price—something they have some control over).

- Price negotiation (1-acre)
  - City listing price is \$5 psf (\$217,800)
  - Stone Brook first offer \$0 psf (\$0)
  - Stone Brook second offer \$2.5 psf (\$108,900)
  - EDA counter offer \$3.5 psf (\$152,460)
  - Stone Brook third offer \$3 psf (\$130,680) <<current offer>>
- Stone Brook believes other properties are too expensive in The COR, and restrict their ability to effectively operate their business (the higher the land cost, the more debt service, the lower the operating cash flow). Below is a snap shot.
  - McDonald's Pads
    - 1.23 acres, \$12.00 psf, \$642,945
    - 1.35 acres, \$12.00 psf, \$705,672\*see site #2 for details
  - Casey's, 6.00 psf, 1 acre, \$261,360\*  
\*see site #3 for details, will likely require infrastructure improvements
  - PSD LLC, \$12.00 psf, 1 acre, \$522,720\*  
\*see site #4 for details

#### **D. General comment from Stone Brook:**

- Stone Brook is open to purchasing other sites, if the City is willing to sell at “like-cost.” For example, \$150K-\$200K for the sites near McDonald's (NOTE: that would be a 400-500K reduction in land price). However, even if costs were the same, Stone Brook still prefers/ requests to be on this specific site (site #1), in the center of The COR.
- With the above in mind, Stone Brook is generally concerned other site options will be significantly more expensive, and in some cases, open up even more policy discussions (re infrastructure and land use)—which will delay their project they hope to begin in early summer 2017.

#### **E. Yolite Street issue, Stone Brook open to what works best for the City.**

- Stone Brook doesn't desire the Yolite Street public road connection. However, they are open to the connection, if the city requires (at a 60/40 split, the 40 to be shared). They are more concerned about moving the project forward soon. Stone Brook is also open to the stub road design/ private road, if the city desires.
- Regardless if Yolite is constructed, or becomes a private road stub, Stone Brook wants to be located west of the Yolite Street intersection (due to lot width requirements for their facility—east of the intersection physically won't work—it is too narrow).

## (2) Staff Feedback

### A. YOLITE STREET CONNECTION, Background:

- Development of this site *could* trigger the construction of a 275' public roadway connection (known as Yolite Street)--which would connect Sunwood Drive with Veterans Drive. Yolite Street is the only potential public mid-block connection between Zeolite and Sapphire Street in The COR (which are a half mile apart). Requiring the construction of Yolite Street is a policy question for the City to answer—and is very important to this proposed development. Direction is needed in order to move this project forward on this particular site.



- Stone Brook Academy is proposing to pay for 20% of costs related to Yolite Street (if the City requires this road). Stone Brook would like to use the City's previously utilized cost share arrangement on public roads located in commercial areas in The COR--which is a 60/40 split (60% City, 40% developer). Stone Brook is proposing to pay 20%, as they are only utilizing one side of the road. They are proposing the user on the other side of Yolite Street pay for the remaining share of the 40% developer portion (i.e. 20%).
- If the City does require the construction of Yolite, staff's proposed funding source is TIF District #1 (an old TIF district with an available balance)--which is also the proposed funding source for Zeolite Street (in The COR). The City could also consider other funding sources (land proceeds, EDA dollars, County dollars, TIF 14 dollars, etc.).

### Feasibility Report

- WSB completed a feasibility report to help the City understand the cost implications of the potential Yolite Street connection. The WSB feasibility analysis was very conservative, at \$394,000. The WSB feasibility analysis was intended to be a starting point—and to include ALL potential costs.
- The City's Engineering team reviewed the WSB feasibility analysis, and was able to reduce the estimated project costs to \$284,880. The City's Engineering Department feels another \$10,000-

\$50,000 could potentially be cut from the project. Below is a summary (this includes 10% contingency and 25% indirect costs).

	WSB Original	City Engineering Revised
Surface Improvements	\$186,800	\$134,000
Streetscape Improvements	\$93,600	\$39,380
Sanitary Improvements	\$37,800	\$37,800
Watermain Improvements	\$52,000	\$52,000
Storm Sewer Improvements	\$24,700	\$21,700
TOTAL	\$394,500	\$284,880

- Why the change? Many of the utilities will only need to run about 1/3 of the way into the site, not all the way through, as indicated by WSB. Storm water improvements are less than what WSB anticipated, as storm water outlets are available in Sunwood and Veterans. Some landscaping was pulled. Likely, requirements will only be trees/ sod for the construction of this road. Sidewalks/ other landscaping will be required as part of the Stone Brook site plan. Roadway costs reduced due to good soils (no need to remove) and availability of city owned base materials.
- Below are example cost shares for the split of road costs (\$284,880). The City does not have an official policy for sharing the cost to construct new public infrastructure. 60/40 is past practice.

	Party 1	Party 2
80% : 20%	\$227,904	\$56,976
60% : 40%	\$170,928	\$113,952
50% : 50%	\$142,440	\$142,440

**B. YOLITE STREET CONNECTION, Staff Development Review Comments**

- The current COR Master Plan (left) does *NOT* call for a public road connection at Yolite Street. The original COR Master Plan (right) *DOES*.



- Yolite Street is *NOT* accounted for in the City’s capital improvement plan.
- Yolite has *NOT* been platted (ROW has not been secured) on the south side of Sunwood Drive (property currently being considered by Stone Brook). Yolite *HAS* been platted (ROW has been secured) on the north side of Sunwood Drive (to service a potential parking ramp).
- Sunwood Drive and Veteran’s Drive were constructed ahead of development, based on the original COR Master Plan. Yolite Street was stubbed in on both Sunwood and Veteran’s Drive. An intersection has been constructed on Sunwood (for the anticipated Yolite Street).
- There is an existing stormwater line that runs through the proposed Yolite Street connection (between Sunwood and Veteran’s Drive). Therefore, even if the Yolite Street connection is not made, this storm water line will effect where buildings can be constructed (i.e. cannot be built over the stormwater line).
- From a traffic flow/public safety perspective, staff recommends the City make the proposed public road connection of Yolite Street between Sunwood Drive and Veterans Drive. At this point, there is no public road connection for about a half mile. In the event of an emergency or heavy traffic in The COR, having this connection will be very important.
  - i. Furthermore, if the Yolite Street connection is not made, and one of the two existing connections is blocked (in the case of an emergency/ major event/ construction), the next available connection will be more than a half mile away (which is a great distance in a dense/ walkable/ transit oriented development).
  - ii. Staff is also concerned that existing private driveways (such as Residents at The COR) will continue to experience significant public through traffic, due to the lack of public road connections. As The COR develops, this problem is expected to worsen—especially if connections like Yolite are not made.



- From a real estate development perspective, staff believes the Yolite Street connection is not needed. And, it is possible to run a private stub road into the proposed Stone Brook site. This alternative would save the City money (at this point, an estimated \$227,904--\$170,928 when paid back by future user).
- Additionally, from a real estate development perspective, an alternative does exist to wait for a developer that is willing to take down the entire available site (about 5 acres) at one time. In that scenario, circulation/ utilities/ infrastructure could be planned for the entire site as a whole, and would make this conversation much easier (they City wouldn't be in the role of master developer).
  - i. This scenario (waiting for a private master developer) would not allow Stone Brook to move forward with this proposed site. Stone Brook has respectfully opposed this option, and asked the City to reconsider. This site continues to be Stone Brook's #1 desired location. The challenge with this site location for the city is—timing/ opportunity cost (we have Stone Brook here today, but we don't have a private master developer that wants to take down the entire site today).

**C. REMNANT PARCELS, Staff Development Review Comments**

- If Stone Brook was allowed to move forward with this proposed 1-acre site, it would create two remnant lots.
  - i. The first remnant lot is roughly 1/2 acre, rectangular shaped, remnant parcel, located just east of the proposed 1-acre Stone Brook Academy site (just east of the potential Yolite Street connection). The lot would be roughly 65' wide and 85' deep.



Although this size of lot is not ideal/ and is not something the City should be seeking (staff would not recommend for standard practice), considering its location (within The COR), this remnant site still carries merit/ marketable value. The COR allows for zero setbacks/ green spaces, significant lot coverages, on-street parking, and does not

require storm water on-site. In fact, density is strongly encouraged in this development. These characteristics allow for this particular remnant site to be viable and usable.

Staff anticipates a 4,000-8,000 sf “foot-print” building could be placed on this site (could be two stories). Water/ sewer stubs are available to this site. Furthermore, staff would like to note, this type sized lot/ building foot-print is not uncommon for downtowns/ urban developments in cities across the country.

In many ways, the 1/2 remnant parcel is the result of two previous decisions: (1) the Common Bond project, not extending their site to Yolite Street created the 1/2 parcel, and (2) the location of pre-installed/ pre-determined infrastructure on Sunwood and Veterans. These issues will need to be addressed, now or in the future (by the City or by a master developer).

Lastly, staff would like to note, if Yolite Street was not required to be constructed, it is likely only a private stub road would be needed from Sunwood Drive (would not go through entire site). This alternative would likely increase the size of this remnant site from about .5 acres to about .75 acres (as the unused ROW would become available).

- ii. The second remnant lot is roughly 3-acres, located just west of the proposed Stone Brook Academy 1-acre lot, and is generally rectangular shaped.



Although this lot is smaller than the original larger 5-acre lot, this remnant 3-acre parcel is still of considerable size, and holds strong merit to be marketed/ developed. Sewer/ water stubs exist. Good access points exist. Location is good.

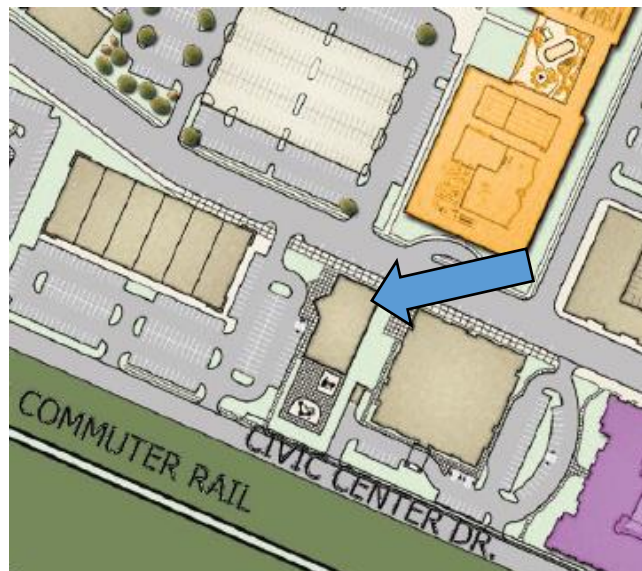
- Water/ sewer service have been pre-determined, ahead of development, for the larger 5-acre site. Stubs have been placed in the proposed Yolite row/ intersection, on Sunwood Drive; and stubs have been placed about midway within the remaining portion of the site.



- i. The location of these stubs would allow for services to be provided to the proposed Stone Brook site, and the two remnant lots. In summary, the pre-determined location of stubs is not a barrier to this proposed Stone Brook site location.

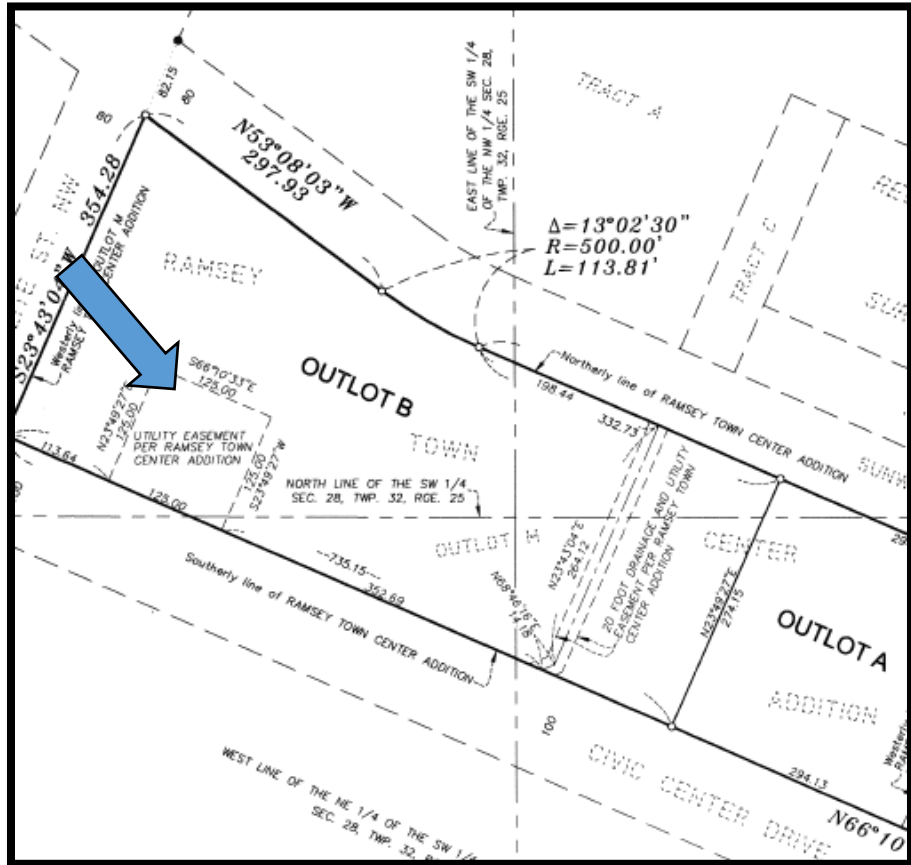
**D. PROPOSED USE, Staff Development Review Comments**

- The COR master plan coincidentally shows a day care center in this general location. This proposed use generally appears to be an allowed use in the designated zoning district (COR-2).



**E. WELL LOCATED ON LARGER PARCEL, Staff Development Review Comments**

- There is a public well in the SW corner of the larger 5-acre site. This well includes a 125' easement. The well/ easement is *NOT* located on the proposed Stone Brook site. However, it will affect the 3-acre remnant lot (located west of the 1-acre Stone Brook lot). Generally speaking, when the 3-acre remnant site is developed, the well easement it will restrict potential building layouts. Buildings can't be constructed over the easement—however, parking and greenspace may be allowed. Staff wanted to simply note this item. This will be an issue to deal with, regardless of Stone Brook.



### **(3) EDA Feedback**

- The EDA first reviewed this site 12/08/2016.
- The EDA is very interested in this project, and would like to welcome Stone Brook to Ramsey (and The COR). The EDA wants this deal to happen, and is excited to work with Stone Brook to find a solution. The EDA understands the many benefits this project can bring to Ramsey.
- The EDA was generally interested in obtaining more information from staff (RE the Yolite Street discussion/ the remnant lots), and hearing back from Stone Brook (on other potential site locations), before making a final recommendation on this particular site.
- The EDA was generally concerned about this specific site location/ site layout. The EDA is most interested in a comprehensive approach to developing this larger site (nearly 5 acres). The EDA generally believes a master developer can most effectively/ efficiently plan around the current site limitations/ challenges (listed below).
  - Yolite intersection/ connection.  
The EDA was concerned this connection is un-needed, and a waste of public dollars (originally \$394K total cost, now about \$284K). The COR master plan no longer calls for the Yolite connection. The EDA was generally open to discussing a private connection/ and or private stub road solution.
  - Remnant Parcels  
The EDA was concerned with the relatively fixed location of existing public infrastructure (below). These items create development layout/ lot size limitations—which restrict future development options. Please see “Staff Feedback Section” for details/ background.
    - (A) Water/ sewer stub locations in Sunwood.
    - (B) Location of public well in SW corner of larger site.
    - (C) An existing storm water line running down the future Yolite Street.
    - (D) Existing Yolite Street intersection on Sunwood Drive.

This proposed Stone Brook 1-acre site will create two remnant parcels. The EDA is generally concerned about the potential affects these remnant parcels will have on future development projects. Please see “Staff Feedback Section” for details/ background.

***(4) Planning Commission Feedback***

- XXXXXXXXXXXXXXXX
- XXXXXXXXXXXXXXXX
- XXXXXXXXXXXXXXXX

## ***(5) What about creative options staff?***

- Below are some other creative options, proposed by the EDA and staff, for this particular site (the 5-acre Outlot B). Included below each map are comments from Stone Brook.



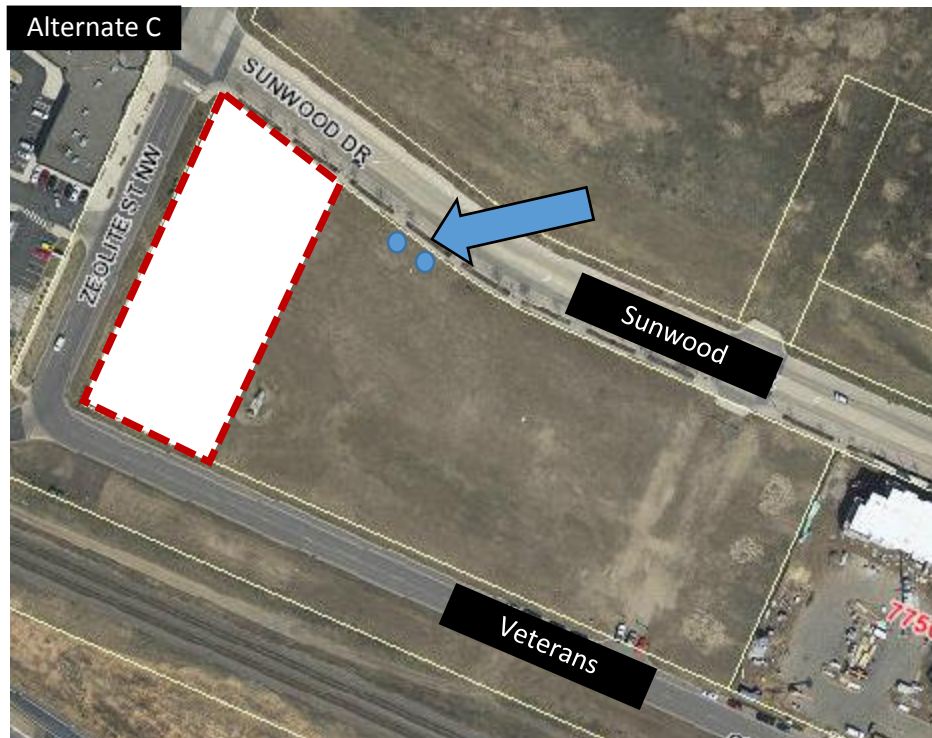
### Stone Brook Comments:

- Alternate A is physically too narrow, and too small to allow for what Stone Brook wants to accomplish (10,000 sf building plus a 1,500 sf playground). This was determined by their developer/ architect.
- Additionally, Stone Brook wants the focal point/ front of their building to be pressed up against Sunwood Drive (to be prominent). This layout would physically force the focal point of their building to be located central to the site (and the side of their building to be pressed against Sunwood). They feel this doesn't meet the "theme" of The COR.
- Lastly, Stone Brook needs a round-about drop-off at their entrance—which requires a min 100' of site width (this remnant lot site is roughly 85' wide). Ideally, they want to have at least a 185' wide site.



Stone Brook Comments:

- Alternate B rendered identical comments from Stone Brook (compared to Alternate A).
- Although they are able to pick up additional land to the south, the shape/ constraints of the lot still make it undesirable (as they want to front Sunwood with their building, on the north). The shape of this lot creates issues with their desired site layout.



Stone Brook Comments:

- Alternate C works for Stone Brook. They understand the public well issue, and are willing to work around. This is not their #1 option—but would be willing to consider.
- Unfortunately, water/sewer stubs are located central to this site. Therefore, staff is concerned about how this user will access water/ sewer. One option is to punch into Sunwood Drive for new stubs (not recommended by staff). Another option is to run utilities internal to the property (also not recommended by staff).
  - RE the water/ sewer stubs--the easy/ desired route would be to require this lot to be taken down all at once, or at least require the Stone Brook lot to extend all the way out to the utility stubs. In that scenario, Stone Brook would be picking up nearly 2x the land they need (which they would oppose—as would staff recommend against).
- Staff would also like to note, this user may “fit” better on the east side of this site (the 5-acre Outlot B). The western portion of this 5-acre site may be better suited for retail (as it’s located adjacent to retail). An academy/ daycare makes for a good transition (between residential/ retail).
- This option does have merit. If desired, staff would be happy to further investigate.

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 2**  
12/30/2016

# SITE 2



Site 2 includes three options. All options are nearly pad ready sites, and include internal infrastructure. Sites A and B have restrictive covenants in place from McDonald's for competing uses (NOTE: the restrictive covenants are expected to expire in the next 90 days). This area is zoned COR-2 Retail, and has been anticipated to be developed into restaurants and/ or small format retail. Access is good. Location is good. Visibility from Hwy 10 is fair.

# **(1) Stone Brook Feedback**

## **A. These sites are generally acceptable, but not desired**

- Stone Brook agrees these sites could work for their development, from a physical site layout perspective, and are willing to discuss. However, look/ feel/ vision are very important to Stone Brook. These sites don't meet their vision—and they don't believe having their facility located here meets the vision of The COR. Please see "Site 1 Log" for more information on their vision.

## **B. This location is not ideal for Stone Brook**

- Being located in the center of The COR is very important to Stone Brook. Please see "Site Log 1" for more background on their feedback on location.
- They believe this site pulls them too far west—away from Ramsey Boulevard, too far away from a "walkable location", and too far away from Northstar commuters. Lastly, traffic/ retail development doesn't provide the fit/ sense of safety they desire.

## **C. Price is an issue with these sites**

- These sites are more expensive than Stone Brook can afford (per square foot). Additionally, they are larger than what is needed (only 1 acre is needed—potentially .9 acres). As a result, placing Stone Brook on these sites will result in extra costs (land purchase), and wasted land.
- Stone Brook appears to like the 1.35 site (A) most—if they had to choose. However, the 1.23 site (B) results in less wasted land, and less cost for land. Site C only has about .45 acres of usable land available, and is too small for Stone Brook.
- Stone Brook would be happy to further consider these sites if the city was willing to drop the price down to \$150,000-\$200,000 per lot (similar to what they want to pay for the site near Yolite).
  - McDonald's Pads
    - 1.23 acres, \$12.00 psf, \$642,945
    - 1.35 acres, \$12.00 psf, \$705,672

## ***(2) Staff Feedback***

- Staff has not spent a significant amount of time reviewing these options. Generally, yes, these sites would work from a physical site layout perspective.
- These are nice sites (from a development readiness perspective). They include internal roadways, utilities, mass grading, have been platted, external arterial infrastructure in place, etc.
- Locating Stone Brook on these sites would make for a much easier/cleaner discussion for the City (from a real estate development perspective). These sites would generally allow for this type of use (from a zoning perspective).
- Staff would like to note—there are three potential issues with this site location for Stone Brook:
  - Stone Brook only needs 0.9 - 1.0 acres of land. Wasted land would result from development of Stone Brook on these pre-determined sized sites. Could range from about .25 acre to .45 acre of wasted land (depending on the site/ size of Stone Brook). Because of the pre-determined/ pre-platted lots—it would be challenging to reconfigure lots today.
  - These sites are considered premium sites, listed at premium prices (\$12 per square foot). These are arguably the only pad ready sites in The COR (most other sites will result in various policy/ development issues. Staff believes the City has the ability to capture more dollars in land proceeds on these sites (in comparison to what Stone Brook is offering—\$3.00 psf. Selling these properties at \$3.00 psf (or close to)—it would likely trigger a business subsidy process/ request—which Stone Brook is trying to avoid.
  - The policy question of “fit” does surface with this particular site location. Does a children’s academy fit here (from a master developer perspective)? Or, was this area visioned for more traditional retail/ restaurants? If the City does move forward with recommending this site location, staff believes this question may need to be discussed.

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

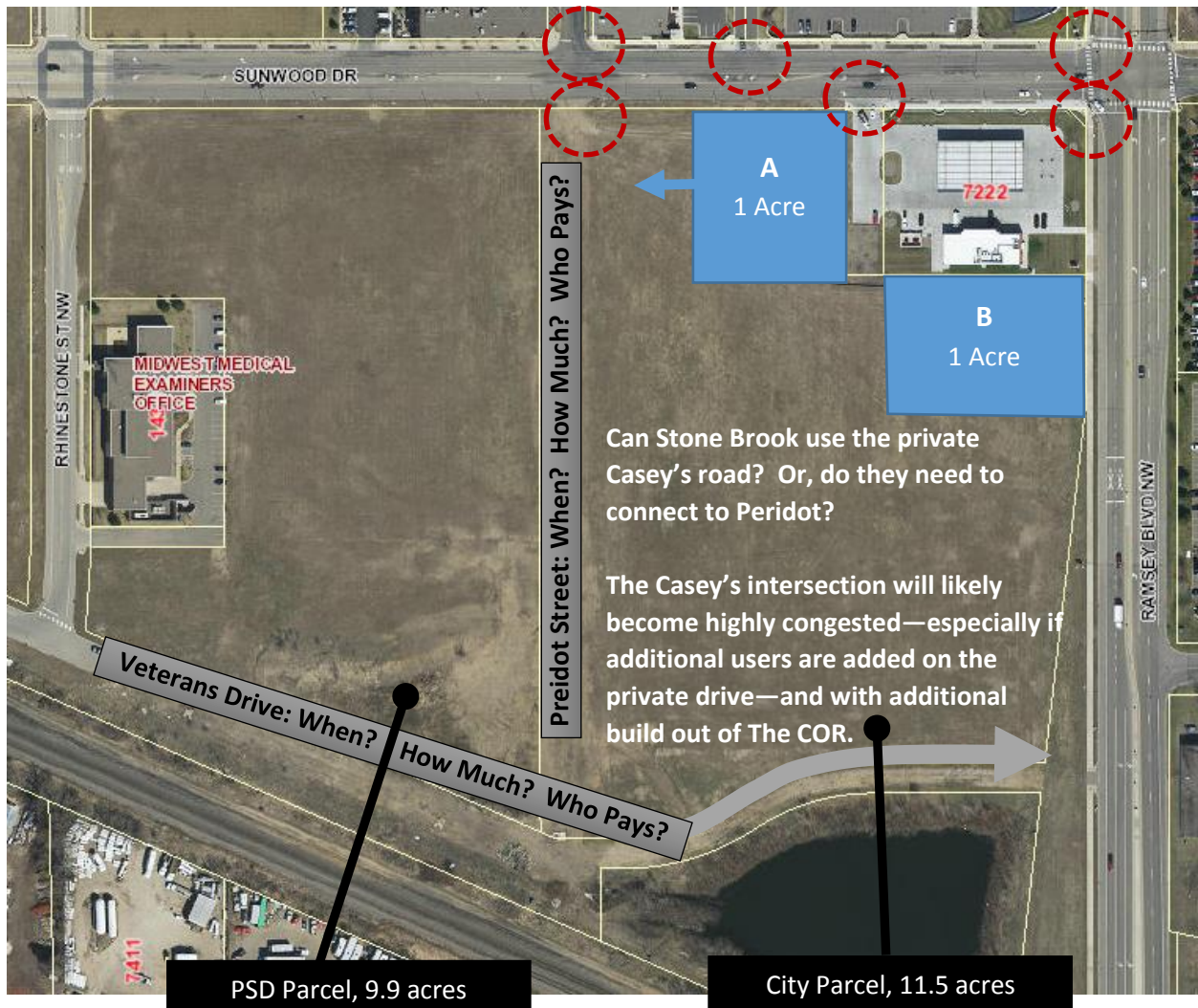
## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 3**  
12/30/2016

# SITE 3



Site 3 includes several options. Shown above are two general/ logical options. This area zoned for office park, and has been visioned for a medical office park (or corporate campus). Generally, the proposed use should be able to fit within this zoning district (due to the academy focus)—however, this should be further reviewed from a zoning perspective.

This site is not pad ready. As depicted in the above map, many development/ land-use related questions remain. Due to these many outstanding questions, it might be challenging to provide answers in a short timeframe to Stone Brook (i.e. less than six months)—as these questions will require research/ analysis and policy discussions.

# **(1) Stone Brook Feedback**

## **A. These sites are generally acceptable, but not desired**

- Stone Brook agrees these sites could work for their development, from a physical site layout perspective. However, look/ feel/ vision are very important to Stone Brook. These sites don't meet their vision. Please see "Site 1 Log" for more information on their vision.

## **B. This location is not ideal for Stone Brook**

- Being located in the center of The COR is very important to Stone Brook. Please see "Site Log 1" for more background on their feedback on location.
- They believe this site pulls them too far east—away from Armstrong Boulevard, too far away from a "walkable location", and too far away from Northstar commuters. Lastly, potential traffic issues with the private access drive/ and a gas station development don't provide the fit/ sense of safety they desire.

## **C. Price is an issue with these sites**

- These sites are more expensive than Stone Brook can afford (per square foot)—this site is listed at \$6.00. "Site Log 1" for more background on their feedback on price.
- Stone Brook would be happy to further consider these sites if the city was willing to drop the price down to \$150,000-\$200,000 per acre, or about \$3 psf (similar to what they want to pay for the site near Yolite).
- Stone Brook is concerned these sites will create just as large, or even larger policy issues/ discussion RE remnant lots/ required public infrastructure (which will result in increased project costs, and delay their project).

## ***(2) Staff Feedback***

- A. Staff has not spent a significant amount of time reviewing these options. Generally, yes, these sites would work from a physical site layout perspective.
- B. These sites are nice in the fact that some arterial public infrastructure is in place today (however, much is not). These sites generally appear to be high and dry, and have access to utilities.
- C. Pricing is still higher than what Stone Brook wants. However, negotiating down from \$6.00 psf seems more reasonable than \$12.00 (as is the case on most other COR sites).
- D. Staff would like to note—there are other concerns with this site option:
  - Staff is generally concerned about traffic congestion/ flow/ safety on Sunwood Drive in this area of The COR.
    - i. Staff is concerned the private Casey's access drive is located too close to Ramsey Boulevard, and is offset from the access drive across the Sunwood Drive (north side, Allina). Staff is concerned the physical layout of these existing private accesses will cause problems now and into the future—especially as ADTs increase on Sunwood.
    - ii. Furthermore, staff is concerned about adding additional users to the Casey's private access drive, and making the traffic problem worse. The Stone Brook Academy with 140 kids and 20 employees will generate significant traffic.
    - iii. From a traffic/ safety perspective, staff believes future access to this site, from Sunwood Drive, should come from Peridot Street. Below are two exceptions:
      - 1. Low impact/ low traffic user wants to be located off the Casey's private access drive (example would be OGA or the Medical Examiners)
      - 2. Master developer/ master plan for the site all at once, that accounts for traffic flow globally.
  - This site has been visioned for medical parks/ corporate parks/ etc.
    - i. When considering the Casey's store. And, now, potentially a children's academy/ day care, staff feels we are pulling away from the vision for this part of The COR. Staff is comfortable with that direction—if it is the intention of our policy makers. However, it should be noted as a potential conflict to the vision for The COR.
    - ii. If the City is seeking a corporate campus/ medical office park for this 11.5 acre site—they may be wise to be patient. Retaining maximum flexibility/ layout/ size is ideal for a future developer. Staff has received unofficial interest from PSD to combine lots to create an even larger/ more attractive corporate campus/ medical campus site (20+ acres). The more the City pulls away from our vision on this site, and the more we subdivide, the harder it will be to land a big project/ master developer in the future. Staff would like to note—a corporate campus/ medical campus will likely take years to attract (not a short term goal).

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

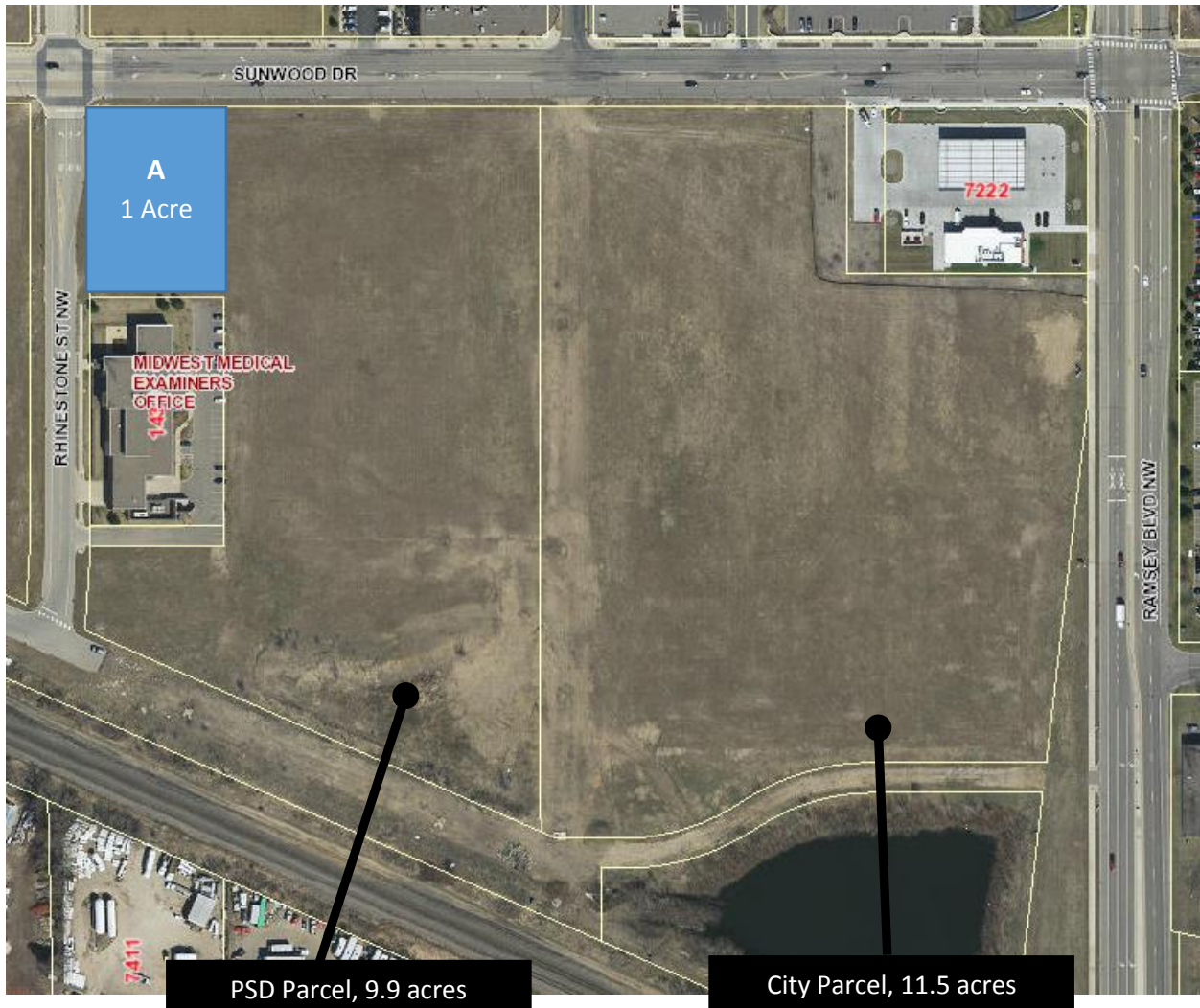
## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 4**  
12/30/2016

# SITE 4



Site 3 includes several options. Shown above is a logical option. This area is zoned for office park, and has been visioned for a medical office park (or corporate campus). Generally, the proposed use should be able to fit within this zoning district (due to the academy focus)—however, this should be further reviewed from a zoning perspective. This site is nearly pad ready. Infrastructure is in place, perfect shape/ size lot. Good location for Stone Brook—near the center of The COR.

# **(1) Stone Brook Feedback**

## **A. These site is desired by Stone Brook**

- Stone Brook does desire this site (as their second most desired site). Generally, it meets all of their needs. Please see “Site 1 Log” for details.

## **B. This location is ideal for Stone Brook**

- Being located in the center of The COR is very important to Stone Brook. Please see “Site Log 1” for more background on their feedback on location.
- PSD has expressed hesitancy towards this project. They would prefer owning the project and leasing back to Stone Brook. With that said, they are willing to discuss only if they can get \$12 psf.

## **C. Price is an issue with this site**

- This site is more expensive than Stone Brook can afford (per square foot)—this site is listed at \$12.00 (\$522,720). “Site Log 1” for more background on their feedback on price.
- Stone Brook would be happy to further consider this site if PSD was willing to drop the price down to \$150,000-\$200,000 per acre, or about \$3 psf (similar to what they want to pay for the site near Yolite).
- PSD is NOT willing to drop the price.

## ***(2) Staff Feedback***

- The only major conflict with this site location is the funding gap. The gap here (between what PSD wants, and what the Stone Brook wants) is about \$9 psf or \$392K.
- Staff did a TIF run on this project (for The COR TIF district). Over about 20 years, it would pull about \$510,000 in Future Value (FV) TIF or about \$315K in Present Value (PV) TIF—@4.00% discount rate. The City could use TIF to fill this gap. However, staff would note, this will pull the City's property tax generation on this project for 20 years (and there are *many* projects within The COR that could use TIF funding).
- This route would also require a business subsidy process/ application. Likely, if possible, all parties involved would want to avoid said alternative.
- Lastly, this proposed TIF assistance (\$315,000 PV/ \$500,000 FV) on a roughly \$2.5M project is significant, and may be cause for caution. For example, the roughly \$20M PSD apartment project was subsidized \$500,000 FV; the roughly \$10M Platinum Properties project was subsidized \$455,000 FV; the \$7M Life Fitness project was subsidized at about \$350,000 FV. This subsidy would likely stretch or exceed our policy guidelines for subsidies (based on preliminary staff review).
- With the above in mind, this site does present the least amount of “development/ land use/ infrastructure” concerns of all viable sites. This site is perfectly sized/ shaped, and in an ideal location for Stone Brook. If the City desires, staff may be able to find a creative solution to secure dollars to fill the funding gap on this project (via City subsidy). This alternative will likely delay the development process for Stone Brook by at least 60 days—which they are generally concerned with (as they still need to go through the entitlement/ state licensing processes). This alternative does carry the risk of uncertainty (PSD's official position, business subsidy process, public perception, etc.).

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 5**  
12/30/2016

# SITE 5



Site 5 includes a .37 acre option. This area is zoned for office park, and has been visioned for a medical office park (or corporate campus). Generally, the proposed use should be able to fit within this zoning district (due to the academy focus)—however, this should be further reviewed from a zoning perspective. This site is nearly pad ready. Infrastructure is in place and is perfect shaped lot. Fairly good location for Stone Brook.

## ***(1) Stone Brook Feedback***

- Stone Brook has indicated they have reviewed this site, and it is too small. They do not desire to further investigate. They generally liked the idea and location, and appreciate the suggestion.

## ***(2) Staff Feedback***

- NA—due to Stone Brook not willing to consider site.

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 6**  
12/30/2016

# SITE 6



Site 5 includes multiple layout options (as it is nearly 5 acres). This site is not owned by the City—it is bank owned. This site includes multiple zoning districts, and would require policy discussions/ potential zoning amendments. This site is located adjacent to The COR. This area is zoned for office park, and has been visioned for a medical office park (or corporate campus).

## ***(1) Stone Brook Feedback***

- Stone Brook has indicated they have reviewed this site, and it is not appropriately located (within The COR, near center of The COR). They do not desire to further investigate.

## ***(2) Staff Feedback***

- NA—due to Stone Brook not willing to consider site.

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 7**  
12/30/2016

# SITE 7



Site 5 includes multiple layout options (as it is about 2.5 acres). This is owned by the City. This site is zoned COR-2 retail. This site is located adjacent to The COR. This site is located adjacent to an existing old business park, with significant outside storage.

## ***(1) Stone Brook Feedback***

- Stone Brook has indicated they have reviewed this site, and it is not appropriately located (within The COR, near center of The COR). They are not okay with the neighboring uses. They do not desire to further investigate.

## ***(2) Staff Feedback***

- NA—due to Stone Brook not willing to consider site.

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

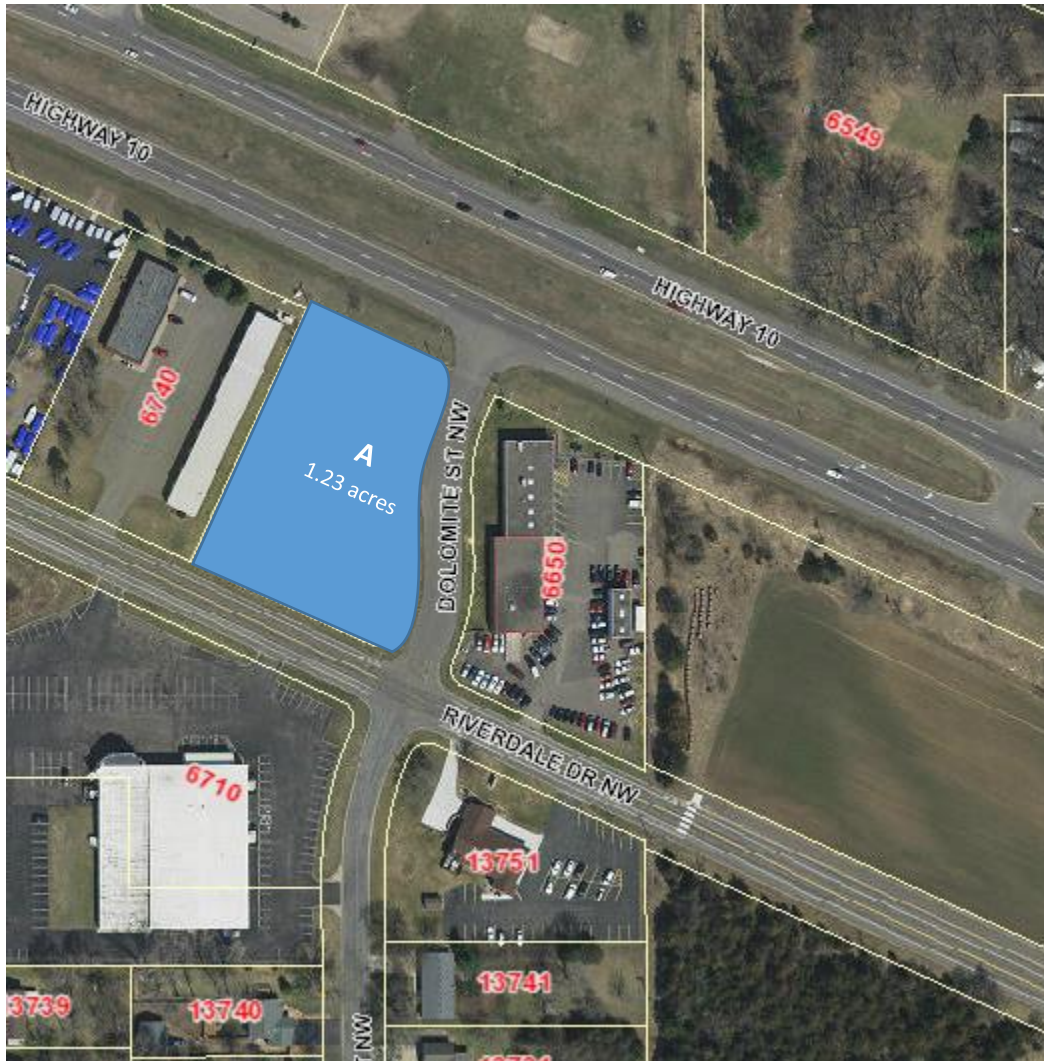
## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

Stone Brook Academy  
(previously known as Prestmore Academy)  
Site Selection Log

**SITE 8**  
12/30/2016

# SITE 8



Site 8 is about 1.23 acres. This is owned by the City, and within the price range of Stone Brook. This site is located off Highway 10/ Dolomite Street, and has great visibility. This site is not located within The COR. This site is located adjacent to an existing businesses significant outside storage.

## ***(1) Stone Brook Feedback***

- Stone Brook has indicated they have reviewed this site, and it is not appropriately located (within The COR, near center of The COR). They are not okay with the neighboring uses. They do not desire to further investigate.

## ***(2) Staff Feedback***

- NA—due to Stone Brook not willing to consider site.

### ***(3) EDA Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

## ***(4) Planning Commission Feedback***

- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX
- TBD, XXXXXXXXXXXXXXXX

**Regular Planning Commission**

5. 7.

**Meeting Date:** 01/05/2017

**By:** Tim Gladhill, Community Development

**Information**

**Title:**

Review Concept Plan for Pearson Farm; Case of Capstone Homes

**Purpose/Background:**

The purpose of this case is to provide preliminary feedback for a future plat currently known as Pearson Farm. This is not an official application at this time, but does include several unique policies.

- 1. Comprehensive Plan Amendment (subsequently a Zoning Amendment)
- 2. Use of Planned Unit Development District
  - 1. Lot Sizes
  - 2. Setbacks
- 3. Mandatory Environmental Review

**Notification:**

Notification is not required at this time, but will occur with future steps.

**Observations/Alternatives:**

As this is a conceptual plan at this point, Staff has not prepared a full report. Staff will prepare a more detailed presentation at the meeting. Staff is forwarding at this stage to introduce the concept early, especially in light of mandatory environmental review required by State Law. The Developer desires initial feedback on the concept before starting the official review process. The entire review process (City, State, Watershed, etc.) will likely mean a construction start date of approximately July.

**Funding Source:**

This case is being handled as part of normal staff duties.

**Recommendation:**

No recommendation at this point.

**Action:**

No action requested/recommended. Provide preliminary feedback only.

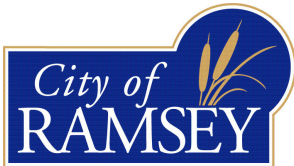
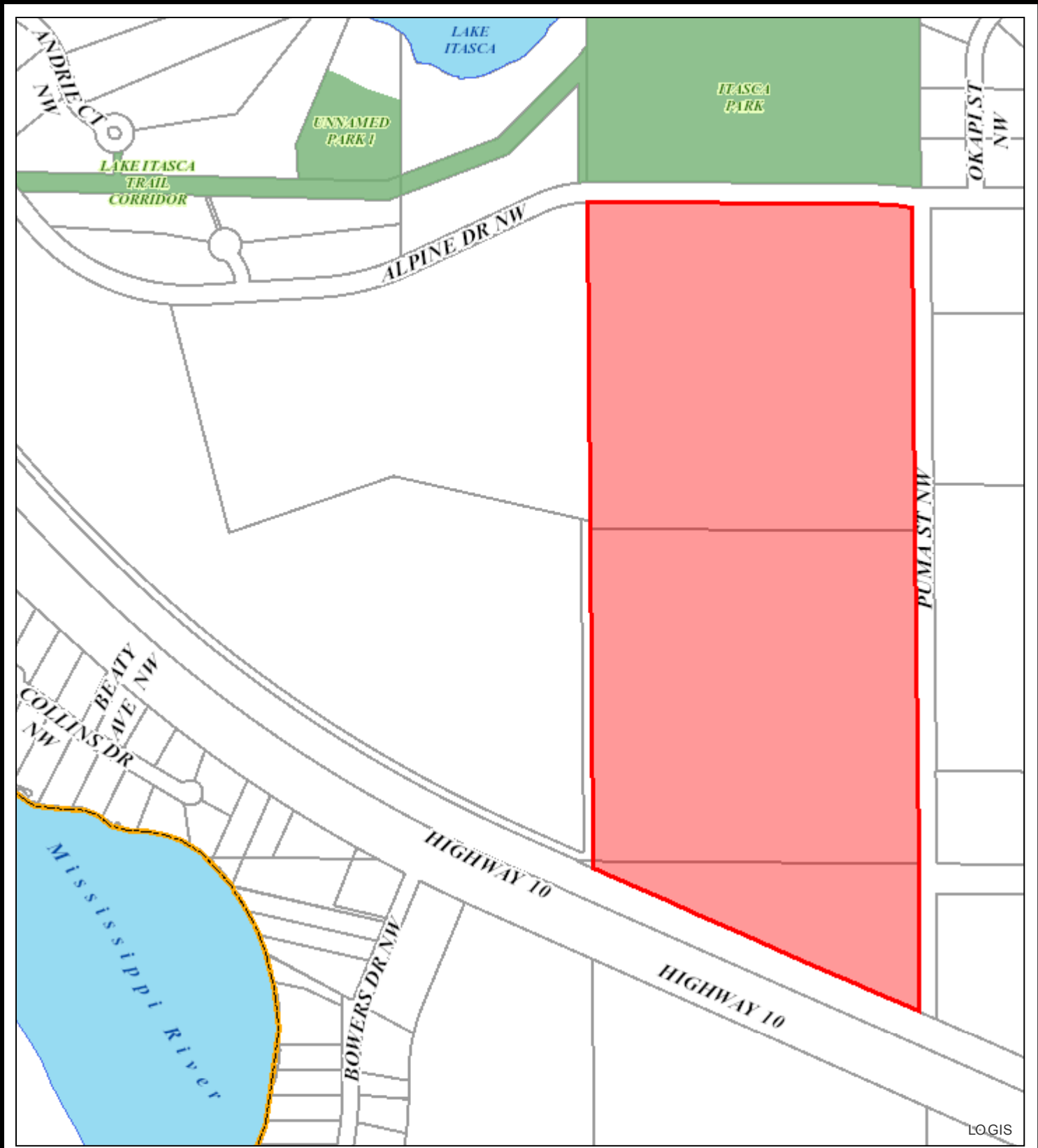
**Attachments**

Site Location Map

Concept Plan

**Form Review**

<b>Inbox</b>	<b>Reviewed By</b>	<b>Date</b>
Tim Gladhill (Originator)	Tim Gladhill	12/30/2016 07:47 AM
Form Started By: Tim Gladhill		Started On: 12/30/2016 07:20 AM
Final Approval Date: 12/30/2016		



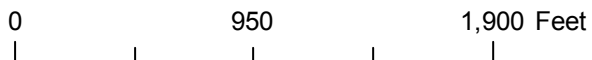
## Pearson Farm

### Legend

-  Site
-  Parcels



Print Date: December 30, 2016





**SITE DATA**

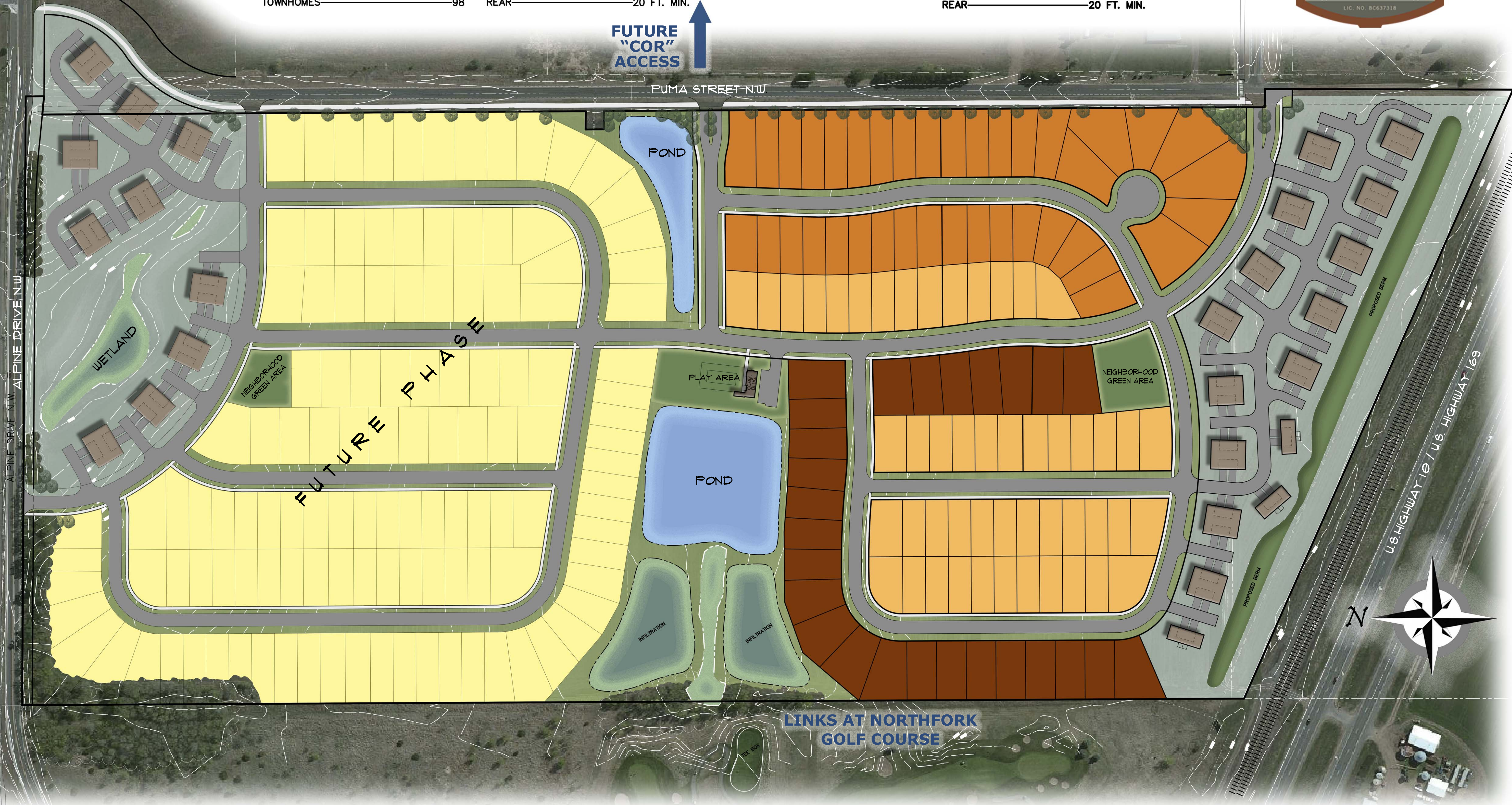
TOTAL AREA	±88.44 AC.	SETBACK DATA:	
TOTAL NUMBER OF LOTS	334	50' S.F. - SIDE	5 FT.
50' S.F.	82	65' S.F. - SIDE	7.5 FT.
65' S.F.	80	50' VILLAS - SIDE	5 FT.
50' VILLAS	74	FRONT (ALL)	25 FT.
TOWNHOMES	98	REAR	20 FT. MIN.

**SOUTH HALF DATA**

TOTAL NUMBER OF LOTS	171	SETBACK DATA:	
50' S.F.	49	50' S.F. - SIDE	5 FT.
65' S.F.	26	65' S.F. - SIDE	7.5 FT.
50' VILLAS	38	50' VILLAS - SIDE	5 FT.
TOWNHOMES	58	FRONT (ALL)	25 FT.
		REAR	20 FT. MIN.

FUTURE "COR" ACCESS

TO LAKE ITASCA PARK



FUTURE PHASE

ALPINE DRIVE N.W.

PUMA STREET N.W.

U.S. HIGHWAY 169 / U.S. HIGHWAY 169



**LEGEND**

	65' LOT
	50' LOT
	50' VILLA LOT
	FUTURE PHASE

ramsey, mn  
**pearson farm**

**Regular Planning Commission**

5. 8.

**Meeting Date:** 01/05/2017

**By:** Tim Gladhill, Community Development

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**Information**

**Title:**

PUBLIC HEARING: Consider Ordinance to Amend Board of Appeals and Adjustment/Official Map

**Purpose/Background:**

The City of Ramsey, along with the City of Anoka, Anoka County, and the Minnesota Department of Transportation recently accepted the Highway 10 Access Planning Study, which is now the comprehensive vision/plan for Highway 10 future improvements. This is the third version of said vision over the past several decades. In the 1990s, the Interregional Corridor Study was completed and included several planned improvements along Highway 10. That vision was amended in the mid 2000s through the completion of the Highway 10 Access Management Plan. That plan proved to be challenging to implement, and in response, the current Highway 10 Access Planning Study was completed. Due to the change in vision, Staff has been preparing for an update to the City's Official Map, which places certain land use controls over properties and portions of properties ultimately needed for public purposes, such as frontage roads, interchanges, and other improvements.

As part of that review, the City Attorney has recommended that the City's ordinance establishing a separate Board of Adjustment and Appeals for the Official Map Area be amended to consolidate into the Planning Commission's normal role as Board of Adjustment and Appeals. Both are powers granted under the State's Planning Enabling Law. It is the City Attorney's Legal Opinion that the Statute does not provide guidance to create two separate Board of Adjustment and Appeals. In response, the proposed ordinance is attached. This will be the first in a series of amendments related to the Official Map.

**Notification:**

The Public Hearing for the proposed ordinance was properly published in the City's Official Newsletter.

**Observations/Alternatives:**

**Funding Source:**

This case is being handled as part of normal Staff duties.

**Recommendation:**

Staff recommends approval of Ordinance #17-03.

**Action:**

Motion to recommend that the City Council adopt Ordinance #17-03.

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**Attachments**

[Draft Ordinance #17-03](#)

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**Form Review**

**Inbox**

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

**Reviewed By**

Tim Gladhill

**Date**

12/27/2016 11:52 AM

Started On: 12/16/2016 01:04 PM



**ORDINANCE #17-03  
CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

**AN AMENDMENT TO CHAPTER 2 OF THE CITY CODE, WHICH CHAPTER IS KNOWN AS  
ADMINISTRATION OF THE CITY CODE OF RAMSEY, MINNESOTA**

**AN ORDINANCE AMENDING SECTION 2-159 (DUTIES, RESPONSIBILITIES, AND  
OBJECTIVES) OF THE RAMSEY CITY CODE.**

The City of Ramsey Ordains:

**SECTION 1 AUTHORITY**

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

**SECTION 2 AMENDMENTS**

Section 2-159 is hereby established to read as follows (deletions indicated with ~~striketrough~~; additions indicated as underline):

Sec. 2-159. - Duties, responsibilities and objectives.

- (a) *Planning commission.* The primary objective of the planning commission is to advise the city council on land use concerns and other duties conferred upon it by this chapter or the city council. In addition, the planning commission shall serve as the planning agency and shall have the powers and duties given such agencies by Minn. Stats. §§ 462.351 to 462.364. The planning commission shall also serve as and be given the powers of the board of appeals and adjustment. Appeals to the board of appeals and adjustment may be taken by any affected person upon compliance with the procedures established by the zoning ordinance. The primary objective of the board of adjustment and appeals shall be to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance as well as to review and approve/deny variances from the provisions of chapter 117 where strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration. The planning commission shall be given the powers and duties given such agencies by Minn. Stats. § 462.357. The planning commission shall also be given the powers to consider appeals by owners of land within the official map area who have been denied a land use permit, zoning permit, approval for a building on land or any other city action taken pursuant to section 117-4 which may affect the landowner's land. The appeal procedures shall be pursuant to Minn. Stats. 462.359 and section 117-4.
- (b) *Park and recreation commission.* The primary objective of the park and recreation commission is to monitor and reflect the attitudes and concerns of the citizens of the city relative to the park system and recreation programs, and to advise the city council of citizen attitudes and policy matters relevant to the park and recreation function in the city. The commission shall:
  - (1) Develop, recommend, and upon adoption by the city council, monitor the execution of a comprehensive plan for the recreation and natural resources function of the city. Report to the city council regarding achievements toward fulfillment of the comprehensive plan and recommend amendments to the plan as necessary.

- (2) Continually review and evaluate the park system development and recreation programming. Develop and recommend methods to stimulate positive public interest in the recreation and natural resources functions.
  - (3) Monitor and reflect attitudes and consensus of citizens relative to the park system and recreation programs and serve as a forum for the citizens to voice their opinions regarding the recreation and natural resources function.
  - (4) Promote coordination with the school districts serving the city, encouraging the interchangeable use of city and school district facilities and programs to the best interests of the citizens. Encourage coordination with other communities to the extent appropriate in matters pertinent to the recreation and natural resources function.
  - (5) Encourage dissemination of information to, and coordinate with, city organizations interested in the recreation and natural resources function, such as athletic groups, youth groups, civic organizations, etc.
  - (6) Develop and recommend feasible programs relative to the conservation of our environment.
- (c) *Reserved.*

~~(d) *Board of appeals and adjustments/official maps.*~~

- ~~(1) *Objective.* The primary objective of the board of appeals and adjustments/official maps is to consider appeals by owners of land within the official map area who have been denied a land use permit, zoning permit, approval for a building on land or any other city action taken pursuant to section 117-4 which may affect the landowner's land. The appeal procedures shall be pursuant to Minn. Stats. § 462.359 and section 117-4.~~
- ~~(2) *Membership and term of office.* Notwithstanding section 2-156(c), there shall be five members of the board of appeals and adjustments/official maps who shall be appointed by the city's mayor for staggered four-year terms. At least one of the members shall be a current member of the planning commission. All other terms of this division shall be applicable to the board of appeals and adjustments/official maps.~~

- (e) *Environmental policy board.* The primary objective of the environmental policy board is to promote environmental awareness and conservation practice by citizens by advising the city council on policy issues, review of new development proposals, communication and education. Through careful review, the environmental policy board will present multiple perspectives, ideas, and new technologies that promote both discovery and accountability. The board shall:
- (1) Become familiar with state statutes, federal regulations, agency rules, and city ordinances on the subject of an environmental nature.
  - (2) Receive information regarding the role of the Watershed Management Organization, municipalities, department of natural resources, and Army Corps of Engineers and other regulatory agencies on environmental issues and review related data.
  - (3) Review environmentally related city policies and ordinances and recommend appropriate revisions and/or additions to the city council.
  - (4) Promote public outreach and education regarding environmental issues facing the city.
  - (5) Develop a work plan that is consistent with the city's strategic plan and initiatives.
  - (6) Review land use applications for major plats, site plans for new principal buildings, comprehensive plan amendments, and variances within environmental overlay districts and provide a recommendation for the planning commission focusing on natural resources and best management practices (BMPs).
  - (7) Develop, recommend, and upon adoption by the city council, monitor the execution of the comprehensive plan with regard to natural resources. Report to the city council regarding achievements toward fulfillment of the comprehensive plan and recommend amendments to the plan as necessary.

**SECTION 3. SUMMARY**

The following is the official summary of Ordinance #17-03, which has been approved by the City Council of the City of Ramsey as clearly informing the public of the intent and effect of the Ordinance.

It is the intent and effect of Ordinance #17-03 to amend Ramsey, Minnesota City Code Section 2-159 to consolidate the process for appeals and adjustments for all sections of Chapter 117 (Zoning and Subdivision) under one board. The Planning Commission will be delegated this authority as part of their existing role as the primary Board of Adjustment and Appeals. The Ordinance would eliminate a separate Board of Adjustment and Appeals for land impacted by the Official Map of the City. The Official Map is a tool that impacts private property impacted by future public need.

**SECTION 4. EFFECTIVE DATE**

The effective date of this Ordinance is thirty (30) days after its passage and publication, subject to City Charter Section 5.07.

Adopted by the Ramsey City Council the \_\_\_ day of \_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**Introduction Date:**  
**Posting Dates:**  
**Adoption Date:**  
**Publication Date:**  
**Effective Date:**

## Regular Planning Commission

6. 1.

**Meeting Date:** 01/05/2017

**By:** Tim Gladhill, Community Development

---

### Information

**Title:**

Receive Progress Report for the 2040 Comprehensive Plan Update

**Purpose/Background:**

As the Planning Commission is aware, the City has established an ad-hoc Comprehensive Plan Update Steering Committee. Once every ten (10) years, the City is required by Minnesota Statute 473 to update its Comprehensive Land Use Plan. Aside from the statutory obligation, the City's existing plan has become dated in terms of policies, demographics, and land use vision. In order to freshen the City's vision for land use, including systems such as transportation, housing, economic development, natural resources, and parks/open space to name a few, now is an appropriate time to update the Comprehensive Plan.

The Steering Committee has met twice so far on the project. The intent of the early meetings in 2016 is to set the stage and agree on a framework moving forward.

Next Steps

The primary next step in the process is to finalize a working draft of the City's land use Vision Statement and Future Land Use Map. These two (2) pieces will lay the foundation on future steps and will be used to check in as individual system plans are developed. The group desires to have a working draft of both documents available in February for public workshops and engagement. The Future Land Use Map is a vision of how land within the community will be used in the future. For example, the Future Land Use Map will guide where future business districts and residential neighborhoods will develop as well as what areas will be protected from future development. The case also include an Existing Land Use Map to indicate how land within the community is currently being used.

System Plans

A primary system plan to update is the Transportation Plan. Staff anticipates to bring a discussion to the January Public Works Committee in January to discuss steps moving forward. The Planning Commission will also discuss this structure at the February Meeting. No drafts have been prepared thus far, but Staff will be checking in on the framework to complete this portion of the update. Staff anticipates an public workshop and other engagement for this system plan in April.

The Environmental Policy Board has begun to discuss how to update the Natural Resources Chapter and will be providing an update to the Planning Commission and Comprehensive Plan Steering Committee in February or March. Citizen Engagement is planned starting in April.

The Parks and Recreation Commission will begin discussing a new format for the Parks, Recreation, and Open Space Plan beginning after the first of the year. Currently, the plan comprises of a future improvement/planning map alongside the Capital Improvement Program (CIP). The CIP is an important financial planning tool for the City and is intended to be complimentary to the Comprehensive Plan. The Parks and Recreation Commission along with the City Council desire to bolster the Comprehensive Recreation Plan into a more thematic and visionary document, looking more long term and comprehensively at the community's recreation needs, rather than simply a chronological financial planning tool.

Staff will be discussing the Economic Development Chapter with the Economic Development Authority (EDA) to gather their initial thoughts on a plan to update this chapter in January. Staff will report back to the Planning Commission in February and discuss a work plan to update this Chapter.

**Notification:**

Notification is not required for this case.

**Observations/Alternatives:**

Final touches are being placed on a draft Vision Statement and Future Land Use Map.

**Funding Source:**

This case is being handled as part of normal Staff duties. In addition, the City did receive a \$32,000 planning grant from the Metropolitan Council in order to aide in the completion of the 2040 Comprehensive Plan Update.

**Recommendation:**

Staff recommends that the Planning Commission recommend that the City Council authorize the first official public engagement for the Comprehensive Plan Update to include a working draft of the Vision Statement and Future Land Use Map. A draft of the Future Land Use Map developed over a series of workshops and City events is attached for consideration. Staff will be working with the Steering Committee on January 9 to finalize the draft Vision Statement.

**Action:**

Motion to recommend that the City Council authorize the first official public engagement for the Comprehensive Plan Update to include a working draft of the Vision Statement and Future Land Use Map.

---

**Attachments**

[Update Schedule](#)

[Future Land Use Map](#)

[Existing Land Use Map](#)

---

**Form Review**

**Inbox**

Tim Gladhill (Originator)  
Form Started By: Tim Gladhill  
Final Approval Date: 01/03/2017

**Reviewed By**

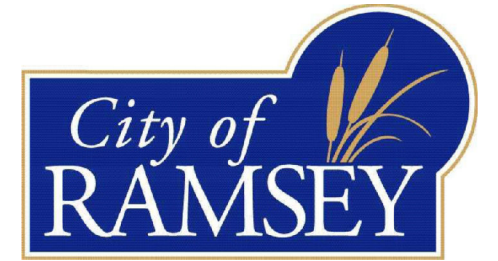
Tim Gladhill

**Date**

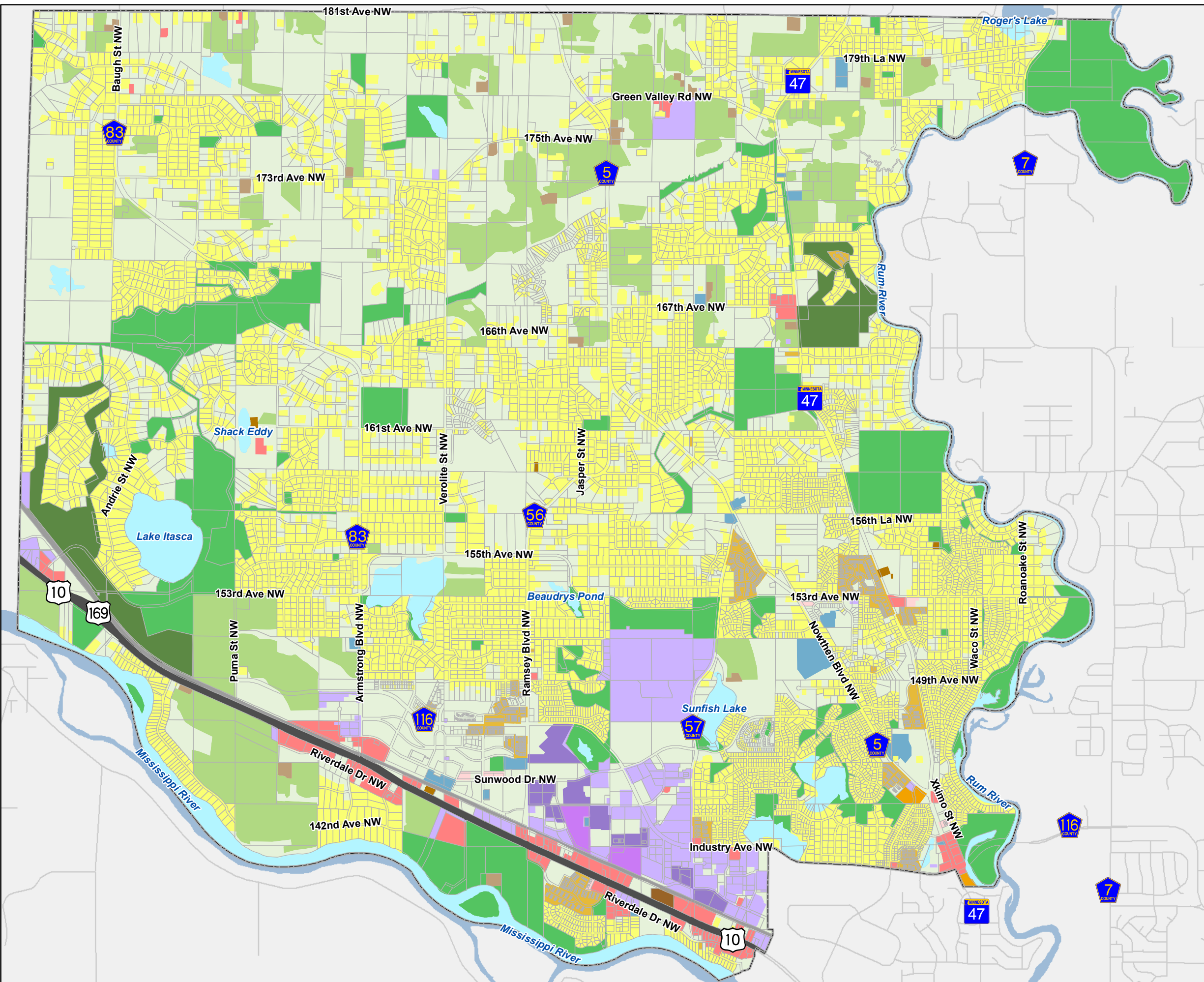
01/03/2017 04:51 PM  
Started On: 01/03/2017 03:50 PM



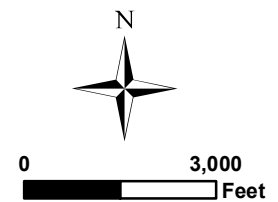




# Ramsey Comprehensive Plan Existing Land Use Map Ramsey, MN



	Ramsey Boundary		Mixed Use Industrial
	Parcel Boundary		Industrial and Utility
	Lakes And Rivers		Extractive
<b>2010 Generalized Existing Land Use</b>			Institutional
	Farmstead		Park, Recreational or Preserve
	Single Family Detached		Golf Course
	Manufactured Housing Park		Major Highway
	Single Family Attached		Railway
	Multifamily		Airport
	Retail and Other Commercial		Agricultural
	Office		Undeveloped
	Mixed Use Residential		Water



**Regular Planning Commission**

7. 1.

**Meeting Date:** 01/05/2017

**By:** Tim Gladhill, Community Development

---

**Information**

**Title:**

Staff Update

**Purpose/Background:**

Attached are updates that may be of interest to Planning Commissioners.

**Notification:**

**Observations/Alternatives:**

**Funding Source:**

**Recommendation:**

**Action:**

---

**Attachments**

December 15, 2016

December 21, 2016

December 31, 2016

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**Form Review**

**Inbox**

Tim Gladhill (Originator)  
Form Started By: Tim Gladhill  
Final Approval Date: 12/30/2016

**Reviewed By**

Tim Gladhill

**Date**

12/30/2016 08:26 AM  
Started On: 12/30/2016 08:24 AM

## Tim Gladhill

---

**From:** Tim Gladhill  
**Sent:** Thursday, December 15, 2016 8:29 AM  
**Subject:** Planning Commission Update - December 15, 2016

Commissioners:

Below are several updates that may be of interest to the Planning Commission. Staff will be making a larger effort to provide more frequent updates in between regular meetings.

### Parkview East (PSD, LLC)

This project is set to partially open January 1. Some units have not yet been completed, but all common areas are complete. The City issued the required Certificate of Occupancy yesterday (December 14). As with most projects, there are several smaller items to be completed in Spring.

### Station (D.R. Horton)

Permits have been issued for two (2) buildings. Footings and foundation are complete. Wall sections are in the process of being installed.

### Woodlands 4<sup>th</sup> Addition

Preliminary Plat will be considered by the City Council on January 10, 2017 or January 24, 2017.

### Brookfield 8<sup>th</sup> Addition

The City Council has approved the Comprehensive Plan Amendment, Zoning Amendment, and Preliminary Plat for Brookfield 8<sup>th</sup> Addition. Final Plat is in design and is anticipated to be considered by the City Council after the first of the year.

### Anderson Dahlen

Construction is underway for the 98,000 square foot expansion of Anderson Dahlen. Footings and foundation are complete. Wall sections are being installed.

### National Self Storage (Bunker Lake Boulevard/Ramsey Boulevard)

The Site Plan and Plat are being designed and is anticipated to be submitted in January, to be reviewed by the Planning Commission in February.

### Prestmore Academy and Day Care

The City has received interest from Prestmore Academy to construct a daycare in The COR. The Planning Commission has not yet seen this concept. Their preferred site is located just west of Sunwood Village (CommonBond). There are a number of master plan items to consider/resolve. Staff will be forwarding the concept plan to the Planning Commission for review prior to the City Council taking action on the Purchase Agreement (preferred site is owned by the City). Staff is also evaluating other sites that may be more pad ready. The EDA is reviewing the deal terms of the purchase agreement (price, due diligence, etc.).

## Comprehensive Plan Update

The Steering Committee for the Comprehensive Plan Update has now met twice to set the stage for the update process. Staff will provide an update and seek a recommendation from the Planning Commission that the strategies, outputs, and public input design processes are headed in the right direction at the January Planning Commission Meeting.

### Armstrong West (Future Business Park, Residential Development, Redevelopment of Existing Industrial to Retail, Potential Future School and/or Religious Institution)

The area west of Armstrong Boulevard along the extension of Bunker Lake Boulevard and Puma Street has been the discussion of many land use topics over the past several years. Of key note is the City's economic development goal to create a new industrial/business park. A number of assumptions have changed since the Planning Commission last reviewed this topic. Mainly, the land holdings held by Pearson Properties of Ramsey, LLC are now subject to Purchase Agreement for residential development with Capstone Homes. Staff will be forwarding a new Comprehensive Plan Amendment to the Planning Commission for a new land use plan for the area, that will still include future business park expansion on other parcels in the area.

Additionally, multiple projects in the area may trigger the need for mandatory environmental review. The City has multiple options to consider in this approach that impact the sequence of land use approval (after Comprehensive Plan). Staff will discuss these options in January as well.

## 2017 Budget

The City Council has approved the 2017 Budgets and Levies. Of note to the Planning Commission, additional dollars in support to the Planning Commission/Planning Division have been budgeted. Mainly, dollars have been added in professional services for the purposes of contracted services/planners to supplement City Staff on regular planning and zoning tasks as well as special projects identified in the Strategic Plan and Planning Commission Work Plan. Additionally, the City has purchased an online Plan Review System to better serve our Building Permit and Land Use Applicants through self-service and streamlined review processes. Once the product is live (spring), Staff will provide a demonstration to the Planning Commission on how this will aide Applicants, Staff, and Commissioners.

## **REMINDERS**

### Special Planning Commission/COR Development Plan Workshop

A reminder that we will be holding a Special Meeting on Thursday, January 5 at 5:30 p.m. in the Lake Itasca Room. The intent of this meeting is to focus on designing a process and work plan to complete the vision and land use plan for The COR so that the City can move to the next stage (system plan design – streets, utilities, stormwater, parks, etc.).

### Joint Work Session with City Council

A reminder that the Planning Commission and City Council will hold a Joint Work Session. Staff has amended the schedule and is now recommending that the Joint Work Session be held on **Tuesday, January 24 at 5:30 p.m.** This will allow the Planning Commission adequate time to complete the next task (process/work plan/policy questions) and have that output in time to publish on the City Council agenda. The City Council has asked that the Economic Development Authority be invited as well, as the EDA has a role in the development in terms of economic development goals and real estate transactions.

## **DRAFT AGENDA FOR JANUARY REGULAR MEETING**

- Brookview East Sketch Plan (11 Rural Residential Lots)

- Preliminary Plat for Gleason Subdivision (12 COR Single Family Lots)
- Skeeter Boats Tent/Membrane Structure as Long Term Temporary Showroom on Highway 10
- Trott Brook Hall Expansion Concept Plan
- Prestmore Academy Concept Plan and Site Selection
- Armstrong West Comprehensive Plan Amendment

Please let me know if you have any questions on any of the updates below.

Sincerely,



Tim Gladhill | [tgladhill@cityoframsey.com](mailto:tgladhill@cityoframsey.com)  
Community Development Director  
City of Ramsey | Community Development  
P: 763-433-9826 (also cell) | F: 763-433-9848  
7550 Sunwood Drive NW | Ramsey, MN 55303  
[www.cityoframsey.com](http://www.cityoframsey.com)

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

## Tim Gladhill

---

**From:** Tim Gladhill  
**Sent:** Wednesday, December 21, 2016 9:41 AM  
**To:** Tim Gladhill  
**Subject:** Planning Commission Update - December 21, 2016

**This message has been blind copied to all Planning Commissioners.**

Commissioners:

Below are several updates that may be of interest to the Planning Commission. Winter construction conditions are in effect. While construction activity has slowed for the winter, pre-development review has increased significantly.

### Parkview East Apartments (PSD)

One piece of clarification from last week's update. A full Certificate of Occupancy has been granted for all units, not just a portion of the units.

### National Self Storage (Bunker Lake Boulevard/Ramsey Boulevard)

Staff met with the design team for this project, and still anticipates a submittal in the next two weeks for review by the Planning Commission in February.

### Armstrong West (Future Business Park, Residential Development, Redevelopment of Existing Industrial to Retail, Potential Future School and/or Religious Institution)

As an update to last week's communication, Staff anticipates a Comprehensive Plan Amendment to be reviewed by the Planning Commission in February at the earliest.

- Future Business Park
- Capstone Residential Plat

Staff will be reviewing a concept plan with Capstone Homes this week. This will help determine the scale of Comprehensive Plan Amendment required, if at all. Staff is also working on conceptual layout alternatives for the Future Business Park.

An Environmental Assessment Worksheet (EAW) will likely be mandatory for the Capstone Residential Plat. An EAW may be mandatory for the Future Business Park. An alternative approach, known as an Alternative Urban Areawide Review (AUAR), may be used to consolidate these environmental reviews. Staff will review options with the Planning Commission and City Council when the project(s) are reviewed in the standard form (Comprehensive Plan, Plat, Site Plan)

## REMINDERS

### Special Planning Commission/COR Development Plan Workshop

A reminder that we will be holding a Special Meeting on Thursday, January 5 at 5:30 p.m. in the Lake Itasca Room. The intent of this meeting is to focus on designing a process and work plan to complete the vision and land use plan for The COR so that the City can move to the next stage (system plan design – streets, utilities, stormwater, parks, etc.).

## Joint Work Session with City Council

A reminder that the Planning Commission and City Council will hold a Joint Work Session. Staff has amended the schedule and is now recommending that the Joint Work Session be held on **Tuesday, January 24 at 5:30 p.m.** This will allow the Planning Commission adequate time to complete the next task (process/work plan/policy questions) and have that output in time to publish on the City Council agenda. The City Council has asked that the Economic Development Authority be invited as well, as the EDA has a role in the development in terms of economic development goals and real estate transactions.

## Potential Date Change for Regular Planning Commission Meetings

Please fill out the survey below as to your regular availability for potential meeting date changes. Staff is not suggesting a change needs to occur at this point, but wants to check in with the desires of the Commission.

<https://www.surveymonkey.com/r/ramseyplanningdate>

Over the past couple of years, Staff has received a handful of inquiries about the potential of moving the Regular Planning Commission Date. A couple of reasons for the request.

1. Quicker turnaround of projects to City Council. Currently, the City Council Agenda is published the same date as the Regular Planning Commission, but earlier in the day as Planning Commission meets after business hours.
2. Avoid conflicts with The Draw Summer Event Series. The Draw Summer Event Series continues to increase in popularity. Unfortunately, Commissioners are left to miss a number of these opportunities due to our current meeting day of Thursday. Additionally, Freeing up this evening allows the team to utilize The Draw Summer Event Series as a means of citizen/public engagement, whether it be the Comprehensive Plan Update, The COR Development Plan, or other land use topics.

Nothing says we have to change the date, and we certainly do not want to create a situation where an existing Commissioner can no longer participate. We would need full consensus to make the change. This is an opportunity to see if there is any desire to change, and bring the results forward for discussion. To reiterate, Staff would make no recommendation for change unless there was full consensus of the group.

## Staff Availability – December 23 through January 2

City Offices will be closed on the following dates:

- Friday, December 23
- Monday, December 26
- Monday, January 2

Planners will be out of the office December 27 through December 30. JoAnn will be available to route phone calls and emails as needed.

JoAnn Shaw  
763-433-9824  
[jshaw@cityoframsey.com](mailto:jshaw@cityoframsey.com)

## **DRAFT AGENDA FOR JANUARY REGULAR MEETING**

- Brookview East Sketch Plan (11 Rural Residential Lots)
- Preliminary Plat for Vistas at North Commons (Gleason) (12 COR Single Family Lots)

- Zoning Amendment for Woodlands 4<sup>th</sup> Addition (follow up to previous approval)
- Skeeter Boats Tent/Membrane Structure as Long Term Temporary Showroom on Highway 10
- Trott Brook Hall Expansion Concept Plan
- Prestmore Academy Concept Plan and Site Selection
- Consider Ordinance to Amend Board of Appeals and Adjustment/Official Map
- Receive Update from Comprehensive Plan Steering Committee
- Review Potential Dates for Regular Planning Commission Meetings

Please let me know if you have any questions on any of the updates below. Have a safe and enjoyable Holiday Break!

Sincerely,



Tim Gladhill | [tgladhill@cityoframsey.com](mailto:tgladhill@cityoframsey.com)  
Community Development Director  
City of Ramsey | Community Development  
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## Tim Gladhill

---

**From:** Tim Gladhill  
**Sent:** Friday, December 30, 2016 8:12 AM  
**Subject:** Planning Commission Update - December 30, 2016

**This message has been blind copied to all Planning Commissioners.**

Commissioners:

Below are several updates that may be of interest to the Planning Commission.

### Planning Commission Agenda

Later today, we will publish the January Planning Commission Agenda. Please note that due to holiday and vacation schedules, this will be a partially completed agenda. While we make every attempt to have a completely finalized agenda upon first publication, we were not able to accomplish this task this month. The agenda will include the requests themselves and Staff recommendations. We will follow up with finalized detailed Staff Reports as needed later next week. The good news is there are several exciting projects on the horizon that Staff wants to include the Commission early in the discussion. With that in mind, several of the cases are a chance to see the concept and ask clarifying questions before we enter an official review process and are under the 60 Day Rule.

### National Self Storage (Bunker Lake Boulevard/Ramsey Boulevard)

An official application has been submitted to the City for review beginning in February.

### Armstrong West (Future Business Park, Residential Development, Redevelopment of Existing Industrial to Retail, Potential Future School and/or Religious Institution)

As an update to last week's communication, Staff anticipates a Comprehensive Plan Amendment to be reviewed by the Planning Commission in February at the earliest.

- Future Business Park
- Capstone Residential Plat

Staff met with Capstone Homes on December 22. A concept plan for their proposed residential development 'Pearson Farm' has been submitted and is on the January Planning Commission for presentation only (no action). Staff is also working on conceptual layout alternatives for the Future Business Park.

An Environmental Assessment Worksheet (EAW) will likely be mandatory for the Capstone Residential Plat. An EAW may be mandatory for the Future Business Park. An alternative approach, known as an Alternative Urban Areawide Review (AUAR), may be used to consolidate these environmental reviews. Staff will review options with the Planning Commission and City Council when the project(s) are reviewed in the standard form (Comprehensive Plan, Plat, Site Plan). Staff will provide an overview of these options as an introductory presentation (no action/no recommendation yet).

## REMINDERS

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- Prestmore Academy Concept Plan and Site Selection
- Capstone Homes Residential Concept
- Consider Ordinance to Amend Board of Appeals and Adjustment/Official Map
- Receive Update from Comprehensive Plan Steering Committee
- Review Potential Dates for Regular Planning Commission Meetings

Please let me know if you have any questions on any of the updates above. See everyone next week!

Sincerely,



Tim Gladhill | [tgladhill@cityoframsey.com](mailto:tgladhill@cityoframsey.com)  
Community Development Director  
City of Ramsey | Community Development  
P: 763-433-9826 (also cell) | F: 763-433-9848  
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[www.cityoframsey.com](http://www.cityoframsey.com)

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**Regular Planning Commission**

7. 2.

**Meeting Date:** 01/05/2017

**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

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**Form Review**

**Inbox**

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 12/30/2016

**Reviewed By**

JoAnn Shaw

**Date**

12/30/2016 08:18 AM

Started On: 12/27/2016 12:37 PM

# Zoning Bulletin

## in this issue:

Due Process/Equal Protection—Village threatens to sue property owner for zoning violations	2
Jurisdiction—After amateur radio enthusiast is denied permit for tall tower, he appeals to federal court	6
Standing—After city council affirms planning commission's decision and grants variance, area residents appeal	9
Zoning News from Around the Nation	12



## Due Process/Equal Protection— Village threatens to sue property owner for zoning violations

Property owner alleges threatened litigation violates its due process and equal protection rights

### Contributors

Corey E. Burnham-Howard

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ISSN 0514-7905

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Citation: *Black Earth Meat Market, LLC v. Village of Black Earth*, 2016 WL 4468085 (7th Cir. 2016)

*The Seventh Circuit has jurisdiction over Illinois, Indiana, and Wisconsin.*

SEVENTH CIRCUIT (WISCONSIN) (08/24/16)—This case addresses the issue of whether a village's threat of litigation related to zoning violations violated a property owner's due process and/or equal protection rights under the United States Constitution.

**The Background/Facts:** In 2001, Black Earth Meats ("BEM") purchased property in a "B-1 General Commercial" zoning district in the Village of Black Earth (the "Village"). Although an animal slaughtering operation was not allowed in that zoning district, the property had been used as a slaughterhouse and retail butcher shop for the previous 60 years. Thus, BEM's use of the property as a slaughtering operation constituted a legal nonconforming use.

In 2008, Kemper Durand, Jr. ("Durand") purchased BEM. Within a year of that purchase, BEM's slaughter operations increased in both volume and frequency. That increase led to a large number of complaints from neighbors. A consulting firm hired by the Village to investigate the complaints found that BEM's slaughter operation was responsible for: "[i]ncreased truck traffic on local residential streets"; "[i]ncreased noise due to trucks and slaughter operations on the premises"; "[o]ffal runoff from the property that goes into storm sewers and adjacent properties"; "[f]lies and other vermin due to offal runoff and outdoor storage of animal waste that is not promptly removed from the property"; and "[a]nimals escaping from the property." As complaints continued from neighbors, the Village increased zoning enforcement efforts against BEM. Over a three-month period alone—in late 2013 to early 2014—BEM was issued nine citations for zoning violations. When the violations continued, the Village Board gave BEM 120 days to present "an acceptable plan for relocating its slaughter operation." The Village Board advised BEM via a letter that if BEM failed to timely present such a plan, the Village "intend[ed] to commence legal action to abate the nuisance and secure a court order enjoining slaughter operations."

Meanwhile, Durand had been looking for new financing for BEM's operations. BEM secured a loan with a bank that required a guarantee from the United States Department of Agriculture (USDA) Office of Rural Development. The USDA would only give a guarantee conditioned on there being "[n]o . . . suits . . . pending or threatened" against BEM. BEM later alleged that, as a result of the Village's threat of litigation, the USDA refused to guarantee the loan from the bank and BEM lost its financing. By August 2015, BEM had closed and listed its facility for sale.

In June 2014, BEM and Durand (hereinafter, collectively, "BEM")

sued the Village. Among other things, BEM alleged that the Village violated BEM's procedural due process rights under the 14th Amendment to the United States Constitution when, instead of rezoning the property and actually executing a taking, the Village threatened to sue, thus, "indirectly depriv[ing] BEM of financing and forc[ing] it to shut down." (The Due Process Clause of the 14th Amendment provides that no "State" shall "deprive any person of life, liberty, or property, without due process of law . . .") BEM also alleged that the Village violated its equal protection rights in that the Village intentionally and arbitrarily discriminated against BEM. (The 14th Amendment's Equal Protection Clause provides that no state shall deny to any person within its jurisdiction "the equal protection of the laws.")

Finding there were no material issues of fact in dispute, and deciding the matter on the law alone, the district court issued summary judgment in favor of the Village on BEM's procedural due process and equal protection claims.

BEM appealed.

**DECISION: Affirmed.**

The United States Court of Appeals, Seventh Circuit, concluded that BEM's procedural due process and equal protection claims both failed.

In so holding, the court explained that in determining whether the Village deprived BEM of its procedural due process rights, the court would look at: (1) whether BEM was deprived of a protected liberty or property interest; and (2) if so, whether the deprivation occurred without due process. Here, BEM had asserted two interests were deprived: a liberty interest in the occupation of slaughter and its interest in its financing agreement with the bank. The court acknowledged that those were interests protected under the due process clause of the 14th Amendment. However, the court found that the Village's actions did not actually deprive BEM of those protected interests. The court found none of the Village's actions were "more than a threat of litigation;" the Village did not actually forbid slaughter operations. Any causal link was far removed by many steps between the Village's threat of litigation and the deprivations, found the court.

Moreover, the court explained that a statement by the Village that BEM's actions were in violation of the law and the Village's threat of litigation did not amount to a deprivation of BEM's protected interests without notice and an opportunity to be heard. The statement of violation and threat of litigation was the "provision of notice," said the court. The ensuing litigation would have been the opportunity to be heard. In general, reiterated the court, "a threat to sue cannot qualify as a deprivation of procedural due process." Still, "[e]ven if the threat of litigation could in itself constitute a violation of due process and were a sufficiently direct cause of BEM's alleged deprivations," here the court

found there was “no reason to think that the process accorded to BEM was inadequate” as BEM had received a notice and opportunity to be heard at every step.

As to BEM’s equal protection claim, the court explained that in order to succeed on such a “class of one” equal protection claim, BEM had to show that it was “intentionally treated differently from others similarly situated and that there [was] no rational basis for the difference in treatment.” BEM had argued that where official action is motivated only by “sheer malice, vindictiveness, or malignant animosity,” the victim states an equal protection claim and is not required to provide evidence of a better-treated comparator. The court found “[t]he law on that point is up in the air,” but “assume[d] for present purposes that BEM’s position [was] correct.” Nevertheless, the court found that BEM’s claim failed because there was “no evidence of animus in this case.” The court found no evidence that the Village was motivated by malice or animosity. Rather, it was responding to a myriad of complaints by neighbors against BEM. “As a result, although the Village pursued a campaign against continued slaughter activities by BEM at its current location, it had a rational basis for doing so,” concluded the court.

See also: *Hussein v. City of Perrysburg*, 617 F.3d 828 (6th Cir. 2010).

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

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**Case Note:**

*In addressing the procedural due process claim, the court warned that if procedural due process claims made are actually takings claims, they are unripe to first be brought in federal court. Rather, under Wisconsin law, an inverse condemnation procedure allows a property owner to seek just compensation by initiating condemnation proceedings (see Wis. Stat. § 32.10). Here, the court found that BEM’s financing agreement with the bank and its “liberty interest in slaughter” both represented interests independent of the property itself, thus allowing BEM’s due process claim to be “properly construed as (non-takings) procedural due process claims, and therefore ripe [for adjudication by the federal court].”*

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**Case Note:**

*In its decision, the court also noted another, independent reason to reject BEM’s equal protection claim: BEM failed to suggest a similarly situated comparator (which was in similar circumstances and treated differently than BEM).*

## Jurisdiction—After amateur radio enthusiast is denied permit for tall tower, he appeals to federal court

Federal court analyzes federal preemption of local zoning laws and weighs whether it has jurisdiction over the appeal

Citation: *DePolo v. Board of Supervisors Tredyffrin Township*, 2016 WL 4525228 (3d Cir. 2016)

*The Third Circuit has jurisdiction over Delaware, New Jersey, and Pennsylvania.*

THIRD CIRCUIT (PENNSYLVANIA) (08/30/16)—This case involved the question of the federal preemptive effective of a federal rule on amateur radio towers to local zoning matters. The case addressed the issue of whether the federal court, in this instance, had jurisdiction over the matter.

**The Background/Facts:** Jeffrey DePolo (“DePolo”) was a federally licensed amateur or “ham” radio enthusiast. DePolo owned property in an R 1/2 Residential Zoning District in Tredyffrin Township (the “Township”). DePolo sought to construct a 180-foot radio antenna on his property so that he could “communicate with other ham radio operators around the world.” Since DePolo’s property was surrounded by mountains or hills, DePolo claimed that the 180-foot height of the tower was necessary for him to reliably communicate with other ham radio operators. In November 2013, DePolo applied to the Township zoning officer, requesting a building permit to construct the 180-foot tower on his property. The zoning officer denied DePolo’s application, noting that the Township’s zoning ordinance limited structures in the R 1/2 Residential Zoning District to 35-feet. Notwithstanding that restriction, the zoning officer offered DePolo a permit to construct a 65-foot tower. DePolo rejected that proposal and appealed the denial of his building permit application to the Township’s Zoning Hearing Board of Appeals (“ZHBA”). His appeal was accompanied by a variance application, requesting allowance to erect a tower that exceeded the height restriction in the ordinance.

The ZHBA also denied DePolo permission for a 180-foot tower, but agreed to a variance for a tower that was 65-feet tall. In so determining, the ZHBA found that DePolo’s proposed 180-foot tower was: “not compatible” with the surrounding residential neighborhood; would create an

adverse visual impact on the neighborhood; involved a “height, mass, and latticework design” of a type associated with a “industrialized complex”; and posed a safety hazard to neighboring properties since its fall radius extended “well into those properties.”

DePolo appealed the ZHBA’s decision. Rather than appeal to the state County Court of Common Pleas, DePolo filed suit in federal court. DePolo argued that the ZHBA’s 65-foot variance and the zoning ordinance’s fixed and firm height restriction of 35-feet, were preempted by federal law—specifically a ruling of the Federal Communications Commission (the “FCC”): PRB-1.

Under FCC regulations (47 C.F.R. § 97.15(b)), state and local regulations of a station antenna structure “must not preclude amateur service communications,” but must “reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority’s legitimate purpose.” Under the FCC’s ruling—PRB-1—“a zoning ordinance is preempted where a local municipality fails to apply land use regulation in a manner that reasonably accommodates amateur communications.”

The District Court dismissed DePolo’s suit “for failure to state a claim.” The court held that the Township’s 65-foot variance was a valid and reasonable accommodation for DePolo’s 180-foot tower request. It also held that the Township’s local zoning ordinance was not preempted by PRB-1.

DePolo appealed. Again, on appeal, DePolo claimed that the Township’s zoning ordinance, which prohibited any building taller than 35-feet, was preempted as enacted and as applied under the FCC regulations (47 C.F.R. § 97.15(b)), and the closely related FCC declaratory ruling known as PRB-1.

**DECISION: Appeal dismissed.**

The United States Court of Appeals, Third Circuit, also dismissed DePolo’s suit, finding it did not have jurisdiction to hear it.

In so concluding, the court first analyzed the law on regulation of amateur radio towers, looking to obtain a “complete understanding of [PRB-1’s] application.” The court noted that the federal government’s interest in preserving amateur radio communications stems from the fact that such communication towers “afford the federal government reliable emergency preparedness, national security, and disaster relief communications.” The result of the combination of federal interests and local land use interests is “a ‘perfect storm’ for conflict because there is a direct correlation between a ham’s antenna height and an ability to properly transmit signals,” said the court. The FCC’s PRB-1 was an attempt “to strike a balance between the federal interest in promoting amateur operations and the legitimate interests of local governments in regulating local zoning matters,” found the court.

The court noted that the FCC did not specify a minimum height below which local governments must allow for radio towers. Rather, the court found that, “as the FCC has explained, PRB-1 provides that ‘local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to accommodate reasonably amateur communications, and to represent the minimum practicable regulation to accomplish the local authority’s legitimate purpose.’” The court explained that: “Notwithstanding PRB-1’s somewhat vague language, several principles emerge. First, local municipalities must reasonably accommodate amateur communications. Second, zoning ordinances should be the minimum practicable restrictions which accomplish the local municipalities’ legitimate purposes. Third, local municipalities may not ban all amateur communications towers. Finally, the FCC has explicitly declined to regulate the specific permissible heights for antenna towers.”

Despite its analysis of the applicable law, the court, nonetheless determined that it did not, in this case, have jurisdiction to hear DePolo’s PRB-1 preemption claim and decide the matter on the merits. The court noted that while DePolo was aggrieved by the ZHBA’s decision, Pennsylvania law required that “[a]ll appeals from all land use decisions . . . shall be taken to the court of common pleas of the judicial district wherein the land is located.” The court found that DePolo had “adequate opportunity to litigate the matter beyond the ZHBA by appealing to the appropriate [state] Court of Common Pleas within 30 days of the ZHBA’s decision. However, rather than do that, DePolo filed his federal lawsuit and allowed the 30-day appeal period under state law to expire. That, said the court, was “fatal to his ability to obtain federal review of his claim.” DePolo, concluded the court, was “now bound by the final judgment of the ZHBA,” as its ruling was a “final judgment on the merits that is entitled to preclusive effect in federal court.”

See also: *Evans v. Board of County Com’rs of County of Boulder, Colo.*, 994 F.2d 755 (10th Cir. 1993) (interpreting PRB-1 and upholding its preemptive effect).

See also: *Thernes v. City of Lakeside Park, Ky.*, 779 F.2d 1187 (6th Cir. 1986) (*per curiam*) (interpreting PRB-1 and upholding its preemptive effect).

See also: *Williams v. City of Columbia*, 906 F.2d 994 (4th Cir. 1990) (interpreting PRB-1 and upholding its preemptive effect).

See also: *Howard v. City of Burlingame*, 937 F.2d 1376, 1380 (9th Cir. 1991) (interpreting PRB-1 and upholding its preemptive effect).

See also: *Izzo v. Borough of River Edge*, 843 F.2d 765 (3d Cir. 1988).

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*Case Note:*

*In concluding that it did not have jurisdiction to hear DePolo's PRB-1 preemption claim, the Third Circuit acknowledged that its decision "leaves amateur radio enthusiasts with limited avenues into federal court." The court explained that the federal court could have narrowly addressed the question of preemption here if DePolo had appealed the ZHBA's decision and stayed the matter in state court, while his federal claims were resolved. Alternatively, the court noted that the FCC has enforcement powers, and "conferring jurisdiction on the District Courts of the United States 'upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions.'"*

## **Standing—After city council affirms planning commission's decision and grants variance, area residents appeal**

City contends residents are not statutorily authorized to appeal the city council's variance decision

Citation: *Schmidt v. City of Minot*, 2016 ND 175, 883 N.W.2d 909 (N.D. 2016)

NORTH DAKOTA (08/31/16)—This case involved statutory interpretation of statutory provisions pertaining to zoning and variance procedures, and addressed the issue of whether neighbors had standing to appeal a city council's variance decision.

**The Background/Facts:** In August 2014, First Western Bank and Trust (the "Bank") applied for two variances from Minot City (the "City") zoning regulations for off-street parking. The City's Planning Commission approved the variance application. The City Council later affirmed the Planning Commission's decision. Subsequently, 16 City residents (the "Residents") appealed the City Council's approval of the Bank's application for the variances. The court ruled that the Residents lacked standing to appeal the City Council's approval of the zoning variances under North Dakota statutory law—N.D.C.C. §§ 28-34-01 and 40-47-12.

Under N.D.C.C. § 40-47-12, "the proper local authorities of the city" are "authorized" to "institute any appropriate action or proceeding" to restrain, correct, or abate zoning violations if "any building or structure

is erected constructed, reconstructed, altered, repaired, converted, or maintained, or . . . used in violation of” zoning laws. Also, N.D.C.C. § 40-47-11(1) authorizes review of a board of adjustment decision and provides a board of adjustment decision may be appealed to the governing body of the city “by either the aggrieved applicant or by any officer, department, board, or bureau of the city.” Under N.D.C.C. § 40-47-11(2), “[a] decision of the governing body of the city on an appeal from a decision of the board of adjustment may be appealed to the district court in the manner provided” by N.D.C.C. § 28-34-01.

The court explained that the City had not adopted an ordinance conferring standing on citizens to appeal a City Council decision to the district court under N.D.C.C. § 40-47-12, and that the Residents’ appeal did not involve the City Council’s review of a board of adjustment decision under N.D.C.C. § 40-47-11. (Rather, the City Council’s review here was of a Planning Commission decision). Thus, finding the statutes provided no avenue of standing for the Residents here, the court dismissed the Residents’ appeal and denied their request for reconsideration.

The Residents appealed. They argued that they did have standing to appeal the City Council’s approval of the zoning variances here. They argued that N.D.C.C. § 40-47-12 did not apply to their case because their appeal was not an action or proceeding to restrain, correct, or abate a zoning violation. They claimed instead that the Planning Commission was acting as a board of adjustment in granting the variances, and that the Residents had a right to appeal the City Council decision affirming the Planning Commission’s decision (made as it was acting as a board of adjustment) under N.D.C.C. §§ 28-34-01 and 40-47-11. They also claimed that if the Planning Commission was not acting as a board of adjustment, the Planning Commission had no authority to grant variances and the variances were void. In other words, they argued that the City could not delegate a board of adjustment’s functions to a planning commission in order to deprive Residents of the legislatively created right to appeal a board of adjustment’s variance decision.

The City maintained that the Planning Commission was not acting as a board of adjustment in granting the variances, and noted that the statutory procedure authorizing an appeal of a board of adjustment did not apply to the planning commission decision. The City claimed that its home rule ordinances did not provide for a board of adjustment and thus did not incorporate the statutory provisions pertaining to appeals form variance decisions by a board of adjustment. Therefore, the City contended that the City Council’s variance decision was final and not appealable.

**DECISION: Affirmed.**

The Supreme Court of North Dakota first agreed with the Residents

that N.D.C.C. § 40-47-12 did not apply to their case because the Residents were not “proper local authorities of the city” and they did not bring an action or proceeding to restrain, correct, or abate a zoning violation. Rather, the court found that the residents appealed a City Council decision granting the Bank’s application for two variances.

However, the court also agreed with the City, finding that the Residents were not statutorily authorized to appeal the City Council’s variance decision. In so ruling, the court did not decide whether the City was correct in its claim that it was authorized by statute, as a home-rule city, to have the Planning Commission decide variance appeals “and ostensibly preclude appeals from variance decisions to a district court.” Rather, the court simply pointed to the statutory language of N.D.C.C. § 40-47-11 again—noting it authorized review of a board of adjustment decision and provided a board of adjustment decision may be appealed to the governing body of the city “by either the aggrieved applicant or by any officer, department, board, or bureau of the city.” Interpreting “aggrieved applicant” as the “entity applying for a variance” (which here was the Bank), the court concluded that the Residents were not “aggrieved applicants” within the meaning of N.D.C.C. § 40-47-11. Accordingly, the court concluded that the Residents were not statutorily authorized to appeal the City Council’s variance decision in this case.

See also: *Munch v. City of Mott*, 311 N.W.2d 17 (N.D. 1981).

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**Case Note:**

In another case, *Munch v. City of Mott*, 311 N.W.2d 17 (N.D.1981), the Supreme Court of North Dakota had held that a city ordinance conferring standing to bring an action for injunctive relief upon “any affected citizen or property owner” did not exceed the city’s authority under N.D.C.C. §§ 40-47-04 and 40-47-12. The Court, in that case, had said that the city’s extension of standing requirements beyond N.D.C.C. § 40-47-12 to also include affected citizens or property owners was compatible with promoting the health, safety, morals, or general welfare of the community. In the case here (*Schmidt*), the court made clear that rationale in *Mott* did not extend standing to appeal to the Residents. While the *Mott* case involved a city ordinance extending standing to “any affected citizen or property owner” to bring an action or proceeding to restrain, correct, or abate zoning violations under N.D.C.C. § 40-47-12, the case here was instead about the statutory authorization to appeal a variance decision. Here, § 40-47-11 authorized only an appeal by an “aggrieved applicant” and the court had determined that the Residents were not aggrieved applicants.

# Zoning News from Around the Nation

## CALIFORNIA

The United States Postal Service (“USPS”) has reportedly filed a lawsuit against the city of Berkeley “over a zoning ordinance that depletes the value of the Berkeley Main Post Office building and allegedly prevents its sale.” The post office at issue is located in Berkeley’s Civic Center Historic District. In 2014, following USPS’s attempt to sell the building, Berkeley City Council passed a zoning ordinance restricting use of buildings in the Civic Center Historic District of Berkeley for civic and nonprofit uses. The USPS now alleges that zoning change “so drastically reduced the value of the property as to render a sale untenable.”

Source: *The Daily Californian*; [www.dailycal.org](http://www.dailycal.org)

## PENNSYLVANIA

Penn Township commissioners were expected to finish, in late September 2016, their review of a draft zoning ordinance “that has come under criticism for its rules on shale gas drilling.” On August 17, the first public hearing was held on the draft zoning laws since they were proposed in the fall of 2014. “Although they are still in draft form, they have been in effect.” In addition to regulating fracking, the draft zoning ordinance “would reduce the number of zoning districts in the township and make rules in those districts more adaptable.” The ordinance’s proposed mineral extraction overlay district has drawn the most attention, as the special zoning district “would open up more than half of the 30-square-mile township to unconventional drilling involving fracking.”

Source: *Pittsburgh Post-Gazette*; [www.post-gazette.com](http://www.post-gazette.com)

## TENNESSEE

Nashville’s Metro Council recently approved two bills that amount to “landmark action on affordable housing for Nashville.” “One bill approved a new three-year pilot program that will let residential developers who agree to build affordably priced units compete for financial incentives and grants totaling \$2 million.” A second bill approved will require, beginning in June, “that residential apartment developers in Nashville building five or more units include a percentage of new workforce units in their projects when they request a zoning variance for greater development rights, such as density or greater height.”

Source: *The Tennessean*; [www.tennessean.com](http://www.tennessean.com)

# Zoning Bulletin

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## Due Process—County Board enforces zoning regulations that were adopted without following procedures outlined under state law

Affected landowners allege Board's actions violated their constitutional due process rights

### Contributors

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



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ISSN 0514-7905  
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Citation: *Onyx Properties LLC v. Board of County Commissioners of Elbert County*, 2016 WL 5720529 (10th Cir. 2016)

*The Tenth Circuit has jurisdiction over Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.*

TENTH CIRCUIT (COLORADO) (10/03/16)—This case addressed the issue of whether the Due Process Clause of the United States Constitution requires notice and public hearings prior to the adoption of zoning regulations. It also addressed the issue of whether a county board of commissioners' purported conduct was sufficiently egregious so as to violate affected landowners' substantive due process rights.

**The Background/Facts:** In 1983, the Board of County Commissioners of Elbert County (the "Board") enacted comprehensive zoning regulations. Those zoning regulations referred to an official county zoning map. By 1997, the Board discovered that its files contained only six pages of the regulations and no zoning map. The Board authorized the County's Planning Director, Kenneth Wolf, to research historical zoning information and report his findings in a series of replacement maps and zoning regulations (the "Wolf Documents"). Although no public proceedings were conducted to approve the Wolf Documents, county officials treated them as authoritative.

Between 1997 and 2008, a number of landowners in Elbert County (the "County") sought to subdivide their properties. County officials informed them that their properties were zoned A-Agriculture, and that County regulations required the parcels to be rezoned as A-1 in order to be subdivided. At substantial expense, the landowners applied to the Board for rezoning, paid required fees, and obtained approval of their rezoning applications. Subsequently, however, the landowners became aware that, the Wolf Documents, which required the rezonings, had not been formally adopted in accordance with Colorado law. Colorado law requires that "before the adoption of any zoning resolutions, the board of county commissioners shall hold a public hearing thereon, the time and place of which at least fourteen days' notice shall be given." (Colo. Rev. Stat. § 30-28-112.)

One group of landowners brought a lawsuit alleging that the Board's actions violated their substantive and procedural due process rights. Another group of landowners brought another suit, raising the same claims. The landowners argued that after the Board lost the original documents reflecting the 1983 comprehensive zoning ordinance, the Board created the Wolf Documents without following proper state law procedures for enacting an ordinance—in violation of the landowners' rights to procedural due process. The landowners also alleged that the Board covered up their misconduct thus violating the landowners' substantive due process rights.

The Due Process Clause of the Fourteenth Amendment of the United States Constitution prohibits the state from depriving any person "of life, liberty, or property, without due process of law." (U.S. Const. amend. XIV, § 1.) "Procedural due process ensures the state will not deprive a party of property without engaging fair procedures to reach a decision, while substantive due process ensures the state will not deprive a party of property for an arbitrary reason regardless of the procedures used to reach that decision." In other words, procedural due process rights ensure that an affected party will receive

some kind of notice and some kind of hearing before being deprived of property rights, while substantive due process rights ensure that, regardless of the fairness of the procedures, certain egregious governmental actions are prohibited.

In the first case, the district court dismissed the substantive due process claim. Finding no material issues of fact and dispute and deciding the matter on the law alone, the court also granted summary judgment in favor of the Board on the procedural due process claim. In the second case, the district court dismissed both the procedural and substantive due process claims.

In both cases, the landowners appealed. Those appeals were consolidated.

**DECISION: Judgments of District Courts affirmed.**

The United States Court of Appeals, Tenth Circuit, held that the Board's adoption of the Wolf Documents as the official zoning regulations and maps was a legislative act, such that the Due Process Clause did not apply and no public hearings were required prior to the adoption. The court also held that the allegations of Board misconduct in covering-up and misrepresenting the Wolf Documents was not so egregious as to violate substantive due process rights.

In so holding, the court explained that violation of state procedural requirements (i.e., here, the Colorado statutory procedural requirements for adoption of zoning ordinances) "does not in itself deny federal constitutional due process." The board recognized that when a municipal board's actions have a limited focus, affecting a few people or properties and based on grounds that are individually assessed, it may be an adjudicative action that is subject to procedural due process requirements of notice and hearing. However, the court explained that the adoption of a general zoning ordinance, though felt differently by specific landowners, is a legislative action, involving the discretionary implementation of prospective policies, which is not subject to due process requirements of notice and hearing. In summary, the court concluded that the Board's adoption of the Wolf Documents was a legislative act for which the federal Constitution did not afford the landowners' right to a hearing.

With regard to the substantive due process claims, the court found these also failed because the allegations of Board misconduct did not rise to a level that "shocks the conscience of federal judges." The court explained that "only the most egregious official conduct can be said to be arbitrary [and thus violative of substantive due process rights] in the constitutional sense." "Intentionally or recklessly causing injury through the abuse or misuse of governmental power is not enough," said the court. Rather, the actions "must demonstrate a degree of outrageousness and a magnitude of potential or actual harm that is truly conscience shocking." Here, the court found no allegation of corruption, self-dealing, or bias against any protected group or activity. While the landowners alleged "clandestine activity and a cover-up," the transcript of a 1997 public Board meeting showed the Board publicly disclosed the loss of the zoning map. The court concluded that the allegations against the Board simply did not arise to actions that "shock the conscience," and thus did not violate the landowners' substantive due process rights.

See also: *Bi-Metallic Inv. Co. v. State Bd. of Equalization*, 239 U.S. 441, 36

*S. Ct. 141, 60 L. Ed. 372 (1915). As to other jurisdictions, see, e.g., Smithfield Concerned Citizens for Fair Zoning v. Town of Smithfield, 907 F.2d 239, 111 A.L.R. Fed. 835 (1st Cir. 1990) (enactment of zoning ordinance is a legislative act); County Concrete Corp. v. Town of Roxbury, 442 F.3d 159 (3d Cir. 2006) (municipal body's act of recommending or voting for change in permitted uses in a zoning district is legislative in character); Jackson Court Condominiums, Inc. v. City of New Orleans, 874 F.2d 1070 (5th Cir. 1989) (moratorium on establishment of time-share condominiums in residential area was a legislative zoning decision of broad applicability to which no procedural-due-process rights attached); Dennis v. Village of Tonka Bay, 156 F.2d 672 (C.C.A. 8th Cir. 1946) (enactment of zoning ordinance is "legislative in character"); Kuzinich v. Santa Clara County, 689 F.2d 1345 (9th Cir. 1982) ("[T]he enactment of a general zoning ordinance is a legislative act."); Kentner v. City of Sanibel, 750 F.3d 1274 (11th Cir. 2014), cert. denied, 135 S. Ct. 950, 190 L. Ed. 2d 831 (2015) (generally applicable, prospective, policy-making zoning ordinance restricting building of docks and piers is a legislative act); see also Calvert v. Safranek, 209 Fed. Appx. 816 (10th Cir. 2006) ("In Colorado, adopting zoning ordinances is a legislative function entrusted to the boards of county commissioners.").*

See also: *County of Sacramento v. Lewis, 523 U.S. 833, 118 S. Ct. 1708, 140 L. Ed. 2d 1043 (1998).*

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**Case Note:**

Notably, in its decision, the court indicated that the landowners here may be able to pursue in state court, under state law, their allegations that the Board allegedly violated state procedures in adopting the zoning ordinance. The court noted that "[a] procedural failure in the approval process may render legislation invalid under state law but does not change its character as legislation" (and legislation is not subject to federal due process requirements).

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## **Referendum and Initiative— Opponents of zoning resolution get referendum petition on general election ballot**

Zoning applicant challenges validity of referendum  
petition

Citation: *State ex rel. Jacquemin v. Union Cty. Bd. of Elections, 2016-Ohio-5880, 2016 WL 5222401 (Ohio 2016)*

OHIO (09/19/16)—This case addressed the issue of whether the summary contained in a referendum petition regarding a proposed zoning amendment was misleading so as to render the petition invalid.

**The Background/Facts:** Paul and Mary Jacquemin (the “Jacquemins”) owned two parcels of land in Jerome Township (the “Township”) in Union County (the “County”). Arthur and Elizabeth Wesner (the “Wesners”) owned one parcel of land in the Township. In late 2015, the Schottenstein Real Estate Group filed a rezoning application for the three parcels of land owned by the Jacquemins and the Wesners. In furtherance of a proposed Mixed Use Planned Development on those parcels, the rezoning application sought to rezone the parcels from U-1 Rural District to P.U.D. Planned Unit Development. The Township’s Board of Trustees (the “Board”) approved the rezoning application in an adopted Township Zoning Resolution (the “Zoning Resolution”).

Subsequently, opponents of the Zoning Resolution delivered a referendum petition on the Zoning Resolution to the Township. The Jacquemins and Wesners filed protests of the petition with the County Board of Elections (the “BOE”). They contended that the referendum summary was invalid because it contained six omissions and three errors. The BOE voted to deny the protests and to place the referendum issue on the November 8, 2016 general election ballot.

The Jacquemins then filed an action, asking the Supreme Court of Ohio to issue a writ of mandamus preventing the referendum regarding the Zoning Resolution from appearing on the ballot.

**DECISION: Writ granted.**

The Supreme Court of Ohio granted the writ of mandamus preventing the referendum regarding the Zoning Resolution from appearing on the November general election ballot.

In its decision, the court explained that Ohio statutory law—R.C. 519.12(H)—requires that each part of a petition seeking a referendum on a township zoning resolution contain “a brief summary” of the resolution’s contents. The main purpose of such a summary, explained the court, “is to present the question or issues to be decided fairly and accurately, so as to ensure that voters can make a free, intelligent, and informed decision.” For that reason, noted the court, “the petition summary must be accurate and unambiguous.” “If the summary is misleading, inaccurate or contains material omissions which would confuse the average person, the petition is invalid and may not form the basis for submission to a vote.”

Here, the court found that one of the Jacquemins’ arguments about inaccuracies in the summary had merit. The referendum petition summary stated that the nearest intersection to the parcels that were rezoned under the Zoning Referendum was “Hyland-Croy Road and SR 161-Post Road.” However, the court found that the closest intersection was actually Hyland-Croy Road and Park Mill Drive. While that error may have seemed minor on its face, a separate big-box retail use, which had involved a contentious zoning change, was near the Post Road intersection with Hyland-Croy Road. The court found that “[b]y misidentifying the nearest intersection as one that is near property that is already being developed for big-box retail use, the petition summary may have poisoned would-be signers against the new development, which is more than a quarter mile away from the intersection identified in the summary. At the very least, it suggests to a would-be signer that the developments would nearly overlap each other.” Having found the petition summary to be mislead-

ing, the court concluded that it could not form the basis to submit the issue to a vote.

See also: *State ex rel. Hamilton v. Clinton Cty. Bd. of Elections*, 67 Ohio St. 3d 556, 621 N.E.2d 391 (1993).

## Zoning Use—Landowner receives notice of zoning violation for short-term rentals of property in residential district

Landowner argues short-term rentals were not inconsistent with single-family dwelling use

Citation: *Marchenko v. Zoning Hearing Board of Pocono Township*, 2016 WL 4978459 (Pa., Sept. 19, 2016)

PENNSYLVANIA (09/19/16)—This case addressed the issue of whether short-term rentals of property were inconsistent with single-family dwelling use as per a township’s zoning ordinance.

**The Background/Facts:** Tatiana Marchenko (“Marchenko”) owned a single-family dwelling (the “Property”) in Pocono Township (the “Township”). The Property was located in the Township’s R-1 Low Density Residential Zoning District (“R-1 District”). Under the Township’s Zoning Ordinance (the “Ordinance”), uses permitted in the R-1 District included, among other things: single-family detached dwellings, customary accessory uses, churches and related uses, and home occupations.

In September 2014, the Township’s zoning officer issued to Marchenko a notice of zoning violation (the “Notice”). The Notice stated that Marchenko’s use of the Property for short-term rentals was use of the Property for a commercial purpose which was in violation of the Ordinance. Commercial uses were not one of the permitted uses in the R-1 District.

Marchenko appealed to the Township’s Zoning Hearing Board (“ZHB”). The ZHB found that Marchenko considered the Property to be her primary residence because she received mail at the Property, did not own other property, and listed the Property on her driver’s license. The ZHB found that Marchenko rented out the Property on weekends to help defray her housing expenses. It also found that, during the rental periods, she would stay with a friend and lock her personal effects in a room at the Property. The ZHB determined that, for the first 185 days that Marchenko owned the Property, she resided at it for 114 days (62% of the time) and rented out the Property 71 days (38% of the time). The ZHB heard testimony from neighbors who said that the people who rented the Property created noise and other disturbances in the neighborhood.

Ultimately, the ZHB denied Marchenko’s appeal. In doing so, the ZHB

found that no term in the Ordinance addressed “the short-term renting of a single-family dwelling to a series of different families, where only one family lives at the single-family dwelling during a rental period.” The Ordinance’s definition of “single-family dwelling” also failed to address such a short-term rental use. The Ordinance defined “single-family dwelling” as “[a] detached building designed for and occupied exclusively by one family.” The Ordinance defined “family” as: “One or more persons, related by blood, adoption or marriage, living and cooking together in a dwelling unit as a single housekeeping unit or a number of persons living and cooking together in a dwelling unit as a single housekeeping unit though not related by blood, adoption or marriage, provided that they live together in a manner similar to a traditional nuclear family.”

The ZHB determined that Marchenko’s rental activity, in fact, constituted a lodge use. Although the Ordinance did not define “lodge,” it did list “lodge” as an example of a “transient dwelling accommodation,” an undefined use that was only permitted in the Township’s RD Recreational District.

Marchenko appealed to the trial court, which affirmed the ZHB’s decision.

Marchenko again appealed. On appeal, she argued that her short-term rentals of the Property were not prohibited in the R-1 District and were not inconsistent with the single-family dwelling use. She also argued that the ZHB erred in concluding that her short-term rentals of the Property constituted use as a lodge.

**DECISION: Judgment of Court of Common Pleas reversed.**

The Commonwealth Court of Pennsylvania agreed with Marchenko’s arguments. It concluded that the ZHB erred in finding Marchenko’s short-term rentals of the Property were prohibited in the R-1 District. It also concluded that the ZHB erred in concluding that Marchenko’s short-term rentals of the Property constituted a “lodge” use.

In reaching its decision, the court focused on Marchenko’s personal use of the property. It noted that the Property was primarily used as a single-family dwelling by Marchenko, and thus determined that “the composition of the family living at the Property is not purely transient.” Moreover, the court noted that the Ordinance’s definition of “single-family dwelling” did not prohibit short-term rental activity, and short-term rental activity was not encompassed by any other use defined by the Ordinance. Under those circumstances, the court found that the ZHB “should have broadly interpreted the term ‘single-family dwelling’ to allow this rental activity rather than straining to designate the activity as a prohibited lodge use, which the Ordinance does not define.”

Similarly, noting that Marchenko used the Property as her primary residence and only rented it out “a minority of the time in order to defray her housing expenses,” the court found that designating it as a lodge use was inappropriate. The court noted that the purpose of a lodge, per dictionary definition, was to provide short-term accommodations, while the primary purpose of Marchenko’s property was for use as her primary residence.

See also: *Albert v. Zoning Hearing Bd. of North Abington Tp.*, 578 Pa. 439, 854 A.2d 401 (2004).

## Fees and In-Lieu Payments—City's inclusionary housing ordinance requires developers to set aside units as affordable housing or pay in-lieu fee

Developer contends in-lieu fee is an unconstitutional taking of property

Citation: *616 Croft Ave., LLC v. City of West Hollywood*, 3 Cal. App. 5th 621, 207 Cal. Rptr. 3d 729 (2d Dist. 2016)

CALIFORNIA (09/23/16)— This case addressed the issue of whether the in-lieu housing fees under a city's inclusionary housing ordinance were constitutionally valid.

**The Background/Facts:** Shelah and Jonathan Lehrer-Graiwer and 616 Croft Ave., LLC (collectively, "Croft") was a developer of a complex of residential rental units in the City of West Hollywood (the "City"). In 2004, Croft applied to the City for permits to demolish two single-family homes sitting on adjacent lots and to construct in their place an 11-unit condominium complex. In reviewing Croft's permit applications, the City determined that Croft's proposed development fell under the City's inclusionary housing ordinance (the "Ordinance"). The City had enacted the Ordinance in order to increase the availability of affordable housing in the City. The Ordinance required developers to sell or rent a portion of their newly constructed units at specified below-market rates or, if not, to pay an "in-lieu" fee designed to fund construction of the equivalent number of units the developer would have otherwise been required to set aside. The City calculated the "in-lieu" fee according to a schedule developed via resolution by the City Council. When issuing its approval of Croft's permits, the City inquired how Croft would comply with the Ordinance. Croft responded it would pay the in-lieu fee.

In 2005, the City approved Croft's permits application. The City conditioned the approval on Croft's agreement to, among other conditions, pay the in-lieu fees. Croft's development was delayed due, in part, to an economic downturn that began in 2007. The City agreed to extend its approval of Croft's permit application, and Croft agreed to be subject to new fee schedules.

In 2011, when Croft requested its building permits, the in-lieu housing fee totaled \$540,393.28. Croft paid the fee "under protest." Croft challenged the in-lieu fee as being invalid: (1) facially under the due process clause of the Fifth Amendment of the United States Constitution, and (2) "as applied" under that due process clause because "the City did not bear its burden in proving the fees were 'reasonably related' to the deleterious public impact caused by Croft's development." The Fifth Amendment's Due Process Clause provides that no one shall be "deprived of life, liberty or property without due process of law." Here, Croft was arguing that City's inclusionary housing

Ordinance and its in-lieu of fee was a restriction that violated the Fifth Amendment on its face and insofar as it governed Croft's future use of its property.

Croft also argued that the City violated California's Mitigation Fee Act. The Mitigation Fee Act provides the requirements for development impact fee programs.

Croft asked the court to issue a writ of mandate to compel the city to return the funds, or, alternatively, to hold an administrative hearing to determine the validity of the collection.

The court denied the writ, and Croft voluntarily dismissed its remaining claims and appealed.

**DECISION: Judgment of superior court affirmed.**

The Court of Appeal, Second District, Division 1, California, held that the in-lieu fees charged to Croft by the City were valid and legal.

In so holding, the court first determined that Croft's facial due process challenge failed for procedural reasons, finding it was time barred. With regard to Croft's as-applied challenge, the court found that the in-lieu fee charged under the City's inclusionary housing Ordinance was not an "exaction" which invoked the United States Constitution's Fifth Amendment. The court found the in-lieu housing fee here was "not to defray the cost of increased demand on public services resulting from Croft's specific development project, but rather to combat the overall lack of affordable housing." The fee was one voluntarily paid by a developer as an alternative to setting aside affordable housing units under the City's inclusionary housing Ordinance, said the court. In other words, it was, found the court, a condition of property development, not an exaction or special tax. Thus, finding the fee was a land use regulation (and not an exaction), the court explained that: "[a]s a general matter, so long as a land use regulation does not constitute a physical taking or deprive a property owner of all viable economic use of the property, such a restriction does not violate the takings clause insofar as it governs a property owner's future use of his or her property." The court emphasized that was "especially true when the regulation, like the one here, broadly applies nondiscretionary fees to a class of owners because the risk of the government extorting benefits as conditions for issuing permits to individuals is unrealized."

With specific regard to Croft's argument that the in-lieu fee violated the due process clause because "the City did not bear its burden in proving the fees were 'reasonably related' to the deleterious public impact caused by Croft's development," the court noted that the burden of proving an absence of a reasonable relationship between the impact of Croft's development project on the demand for affordable housing was, in fact, on the developer (Croft), and not the City (as Croft had argued). The court said that, as a general matter, so long as a land use restriction or regulation bears a reasonable relationship to the public welfare, the restriction or regulation is constitutionally permissible. In any case, here, the court said the "reasonableness test" applied to the creation of the fee schedule by the City, and not its application. Because Croft did not dispute the City's creation of the fee schedule, the court did not address the reasonableness of the fee schedule itself.

Given its determination that the in-lieu housing fee was not an exaction, the

court similarly concluded that the Mitigation Fee Act did not apply. That was because, noted the court, the Mitigation Fee Act only “applies when ‘a monetary *exaction* other than a tax or special assessment . . . is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project . . . .’”

See also: *California Building Industry Assn. v. City of San Jose*, 61 Cal.4th 435, 189 Cal.Rptr.3d 475, 351 P.3d 974 (2015).

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*Case Note:*

*Croft had also challenged other fees charged to it, including parks and recreation and traffic mitigation fees. The court concluded that those fees were also proper.*

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## Zoning News from Around the Nation

### NATIONWIDE

In a recently released “Housing Development Toolkit,” the White House calls for cities to update their zoning rules to increase the development of affordable housing. Specifically, the Toolkit provides that: “[t]he accumulation of state and local barriers to housing development—including zoning, other land-use regulations, and unnecessarily lengthy development approval processes—has reduced the ability of many housing markets to respond to growing demand. . . . The increasing severity of undersupplied housing markets is jeopardizing housing affordability for working families, exacerbating income inequality by reducing workers’ access to higher-wage labor markets, and stifling GDP growth by driving labor migration away from the most productive regions.” Among other things, the Toolkit “highlights 10 actions taken by states and local jurisdictions to promote healthy, responsive, high-opportunity housing markets,” including: streamlining permit processes; employing inclusionary zoning requirements; and eliminating parking requirements.

Source: *Affordable Housing Finance*; [www.housingfinance.com](http://www.housingfinance.com)

Source: “*Housing Development Toolkit*” (September 2016) [https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing\\_Development\\_Toolkit%20f.2.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf)

### TENNESSEE

Reportedly, “State Representative Micah Van Huss plans to propose a bill that would give counties across Tennessee more say in city zoning regulations.” Under the proposed legislation, where city land is bordered by more than 50% county property, county commissioners would be allowed to vote on how the city property is zoned. Those opposed to the bill say that it oversteps the jurisdiction of cities.

Source: *WCYB*; [www.wcyb.com](http://www.wcyb.com)

## VIRGINIA

In October, the Arlington County Council voted unanimously to advance proposed regulations governing “accessory homestays” such as Airbnb short-term rentals. “Under proposed changes to the zoning laws, homes in all residential areas of the county could be used in the online marketplace for short-term lodging.” The proposed regulations also outline “owner occupancy requirements, the maximum number of guests allowed and whether parking must be provided.”

Source: *WTOP*; <http://wtop.com>

# ZONING PRACTICE

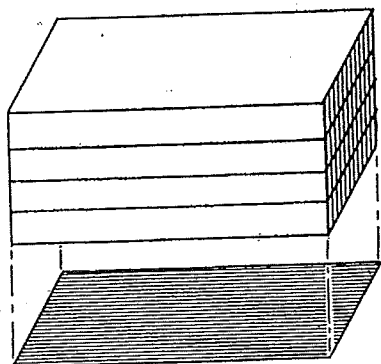
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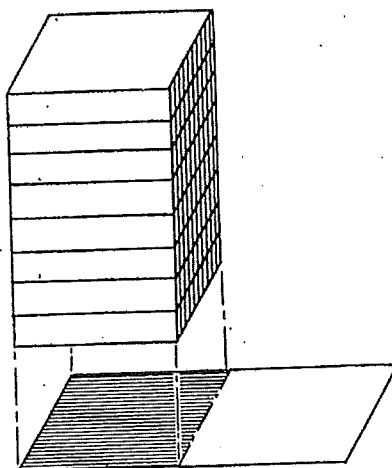
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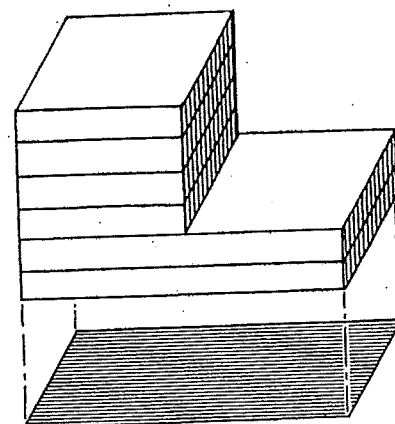
## PRACTICE ZONING 101



100 % LOT COVERED



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# 12

# Zoning Education for Communities

By Joseph DeAngelis

A Zoning 101 presentation as part of your outreach can help to educate the public, elected officials, staff, and other stakeholders on the very basics of zoning and your city's code, maps, and development process.

It's 7:30 on a Tuesday evening. You are at a public forum to discuss revisions to your city's zoning map. The recently revised comprehensive plan identified a declining low-rise commercial stretch as ideal for revitalization. The plan uses phrases such as "mixed use corridor," "town center-style," and "growth-oriented redevelopment."

Over the past three months your office has worked to translate the community aspirations identified in the plan visioning process into a concrete rezoning proposal requiring both a text and map change. The proposal includes a new zoning designation and re-mapping that incentivizes the very type of development in the very same location recommended by the consultant and the community in the comprehensive plan.

This includes, among other changes, doubling the floor area ratio (FAR) and increasing the height limit for mixed use buildings, a reduction in the parking requirement per residential dwelling unit (from two vehicles to 1.5), and the relocation of parking to the rear of the building.

The pushback from community members in attendance, some of whom participated in the visioning process and endorsed the plan's recommendation, is swift. Why are we reducing the parking requirement if we are encouraging new people to live here? Where are they going to park? How can someone own 1.5 cars? Everyone I know has at least two cars. The requirement should be three. Why are you putting parking behind the building? I don't want to have to walk around from the back of the building. What about the height? Why are you allowing taller buildings? A four-story building is completely out of character for this neighborhood. Will these be rental units? How much will they cost?

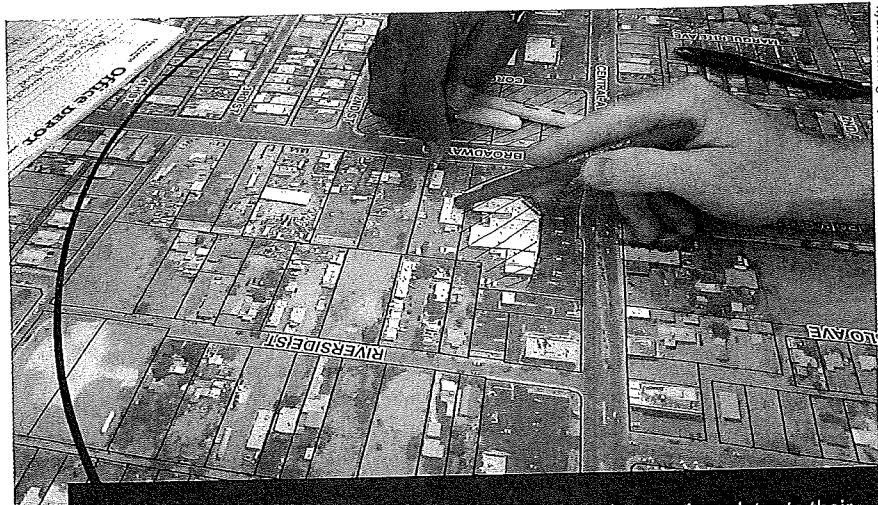
The questions come quickly, and your answers aren't good enough. You struggle to explain how parking requirements work, or how an FAR bonus for mixed use buildings or the relocation of parking to the rear is meant to realize the type of development recommended in the community's visioning plan. You explain that this is not a development proposal, but a rezoning, and you don't have any information on whether the new units will be rentals or owner occupied.

After the forum wraps up, you struggle to organize your notes. What did they think? Generally, they seemed to be opposed to the measure, though these same people were in favor when it was discussed in more illustrative terms during the visioning process. They liked the buildings and streetscape the consultant drew, but they seemed utterly confused by both the technical terminology you are using and the rules and requirements of the local zoning text and map. You need feedback on the proposal, but what feedback you did receive seemed utterly uninformed or confused. You remember that this isn't an isolated instance. This has happened before. Perhaps a Zoning 101 session is in order.

Zoning is complicated. It's complicated for residents, elected officials, administrators, developers, and architects. It's even complicated for planners not regularly steeped in the plan review or development process. Putting aside the intricacies of zoning as a concept, local zoning itself requires specialized knowledge, fine analytical skills, and big-picture understanding. Planners must understand the zoning code, the zoning map, the local development process, and how the three relate to each other. Think about the complexity of this process for the planner: the small frustrations with this bit of counterintuitive code, the

lines on the map inherited from four decades earlier dividing this residential district from that, or the bizarre flowchart of interagency and interdepartmental review in the development process. Now think about the citizen or elected official at a public meeting to discuss a variance sought by a developer or proposed changes to the zoning map. Do citizens and officials have the proper tools to offer informed feedback, or even to engage in discussion about some tweak to the FAR or parking requirement? Even highly engaged members of the community may only have the most rudimentary (and possibly misleading) picture of what zoning can and can't do. Elected officials often carry enormous weight with the community in the planning and development process, but they may also have serious misconceptions about what zoning is and what it can and can't do. Developers may regularly submit plans without the proper information, may repeatedly misinterpret some line of code, or may only be familiar with the code pertaining to a single district.

In an ideal world, these audiences would offer their vision for how the community should look and function in the comprehensive planning process. They would not be expected to weigh in on the specifics of the zoning code or map. Instead, the planners would become technicians, turning the vision of the community into a reality through some change to the parking requirement, commercial setbacks, or landscaping regulations. The community would be pleased to see the transformation of their vision into text and lines on the map. The reality, as always, is far messier. As a bulwark against the community pushback that arises out of confusion—rather than genuine disagreement—a short presentation, meeting, or forum on the very basics of zoning and



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➡ Stakeholders may have specific questions about how zoning relates to their homes and businesses. Come prepared to discuss this.

your local code and maps can be an extraordinarily useful primer for residents, elected officials, developers, or other city staff.

**WHAT IS THE CONTEXT FOR A ZONING 101 PRESENTATION?**

Before putting together a Zoning 101 presentation, take some time to think about the context. At what stage of the planning process is it? Is it a part of the traditional planning process at all? After all, this may be a stand-alone meeting with a civic group, the first step in a visioning process, or may even come just in advance of explicit zoning recommendations from your planning office. The following are a series of possible scenarios for a Zoning 101 discussion, and how your approach might differ.

**The Stand-Alone Neighborhood Meeting**

You may decide that talking to your community about zoning independent of any project, plan, or proposal may be helpful. Typically, a stand-alone meeting will allow more time for presentation and discussion than other Zoning 101 scenarios, making it easier to cover a wide range of topics. And holding the meeting at a community center, branch library, or other neighborhood gathering spot may be ideal for civic groups, neighborhood associations, chambers of commerce, or community boards. They may have participated in earlier planning exercises, either as representatives of their group or as private citizens, but perhaps never fully grasped what exactly zoning is and how it is used in planning. In some cases, these

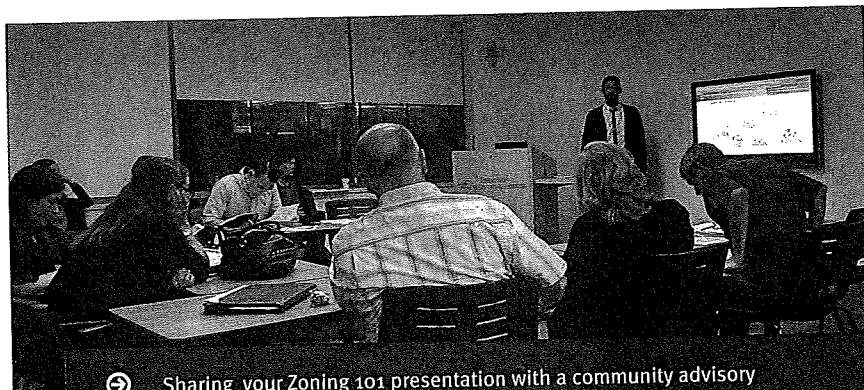
organizations may even repeatedly push back on your office's proposals. If you believe this push back comes from a point of confusion about zoning, then scheduling a stand-alone meeting with these organizations may be of help.

A one- or two-hour session can feature discussion on why zoning exists, the range of zoning districts in your town, a brief, jargon-free description (this is particularly important, as it is possibly the source of community confusion) of what is possible in those districts, and an overview of your local zoning map. Stakeholders in a specific neighborhood may be more interested in how zoning affects them personally rather than its impact communitywide. Providing local context in your presentation or discussion will be vital in both retaining your audience's attention and giving them actionable information. Obviously

a traditional presentation may be useful, but you should also consider preparing colorful handouts clearly illustrating the zoning map, what can be built in certain districts, and what the development process looks like. Be prepared to clearly answer specific questions about specific zoning districts, as attendees might be curious about where they are on the map and what this means for them.

**At a Forum for a New Planning Initiative**

The first forum announcing a new planning initiative may be crucial in establishing a baseline for your community. Whether this is a city-wide forum with a diverse set of stakeholders, or a "traveling roadshow" to various neighborhood groups and organizations, discussing zoning at this early stage can help educate the audience on some basic terminology and offer clear explanations of what is currently possible. Taking this step may ease complications in later stages of the planning process where you discuss changes. With enough time, you may be able to take a similar approach to the stand-alone meeting. This might include walking your community through the local zoning districts and where they are on a clear, colorful, and well-defined map. If your planning process will have an advisory group or council, this step is extraordinarily important. It is likely that members of this advisory group may have vastly different understandings of zoning. A transportation advocate may have little to no experience considering FAR. A housing association representative may have a very clear picture of her zoning district, but may be confused about mixed use building requirements in a commercial district. A chamber of commerce spokesperson might understand the value of increasing height limits, but



Joseph DeAngelis

➡ Sharing your Zoning 101 presentation with a community advisory committee at the start of a new planning initiative can help to ensure that all members are on the same page.

may be utterly lost on why a reduction in the parking requirements can be an incentive to development in downtowns. Here we can see the value in establishing a minimum baseline for your community to clear up early misconceptions and ensure that all participants are on the same page at the very beginning of the planning process.

### In Advance of Zoning Recommendations

You may find yourself nearer the end of a planning process rather than the beginning. It's not too late! A basic primer even at this stage may be valuable, especially if it is fresh on the minds of a community now tasked with weighing in on some tweak to lot coverage or setbacks. Take some time to consider the composition of your audience and the thoughts they have expressed through the planning process. It is possible some participants have been active throughout the process, while others may only be in attendance because changes are imminent. Are there specific elements related to zoning and land use that you think need a more thorough explanation? How can you catch up the new folks in the room so they can give informed feedback?

Of course, it is already standard practice to describe the current zoning before putting forward a change. Establishing the existing condition may be considered a pro forma step before giving your recommendations, but pay special attention to how well you are describing the current zoning code and map. Simply stating the various elements that comprise the current zoning district and then what you are proposing to change is not enough. This offers

no context to the attendee, especially those new to the process. To a person who does not know what a floor area ratio is, proposing a change from 0.5 to 0.6 is rather meaningless. Instead, give your recommendations some context by spending a few minutes discussing your zoning map, with a special focus on the district where you are proposing change, and simple diagrams and colorful maps outlining the current and proposed conditions. Give your existing zoning condition as much context, color, and jargon-free attention as your proposed scenario. As this presentation *will* (and should) discuss the changes in detail, foundational understanding of what you are changing is crucial. You probably don't have a lot of time, so it's important to make what time you have count.

### WHO IS YOUR AUDIENCE?

In the previous section we discussed how the context for your presentation matters, and we touched on how the composition of an advisory group may inform the content of the presentation. Tailoring your discussion to the given audience is crucial. Developers, architects, elected officials, the involved public, and the wider public are all different audiences with vastly different levels of understanding of zoning and land use. To complicate the matter, in many public forums, representatives of these groups are all likely to be in attendance. Still, there are opportunities to tailor the content of a Zoning 101 presentation to the needs of the audience. The examples below highlight some potential audience-specific needs and challenges that might influence how you develop

your presentation to best inform stakeholders in your community.

### The Public

You might be familiar with two groups of community members that comprise "the public." First, there is the wider public. They may be members of the community who don't often attend community meetings or forums, and are generally less involved in the community planning process. Alternatively, we also have the "involved public." These are those highly active participants who regularly attend meetings, may already have a relationship with your planning office, and have weighed in before on zoning discussions.

It is likely these groups are mixed at a community forum or public meeting. It is also likely that members of the wider public may have little understanding of zoning, and the involved public may be chronically confused about elements of the code or map.

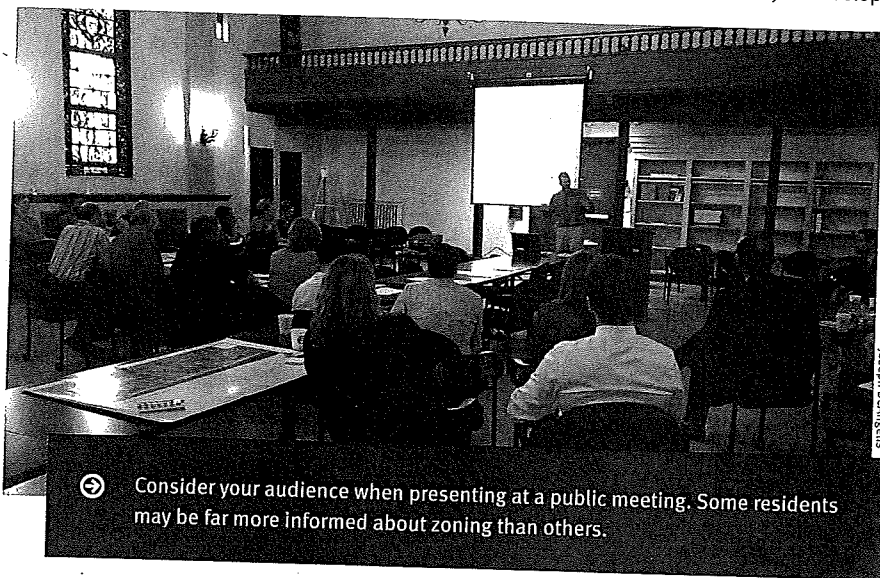
This is a fantastic opportunity to reestablish a baseline of zoning knowledge, and ensure that participants are on the same page. Again, illustrative examples of your zoning districts, simple maps, and vastly reduced jargon will be extraordinarily helpful in this case.

### Elected Officials

Your office may find it helpful (or necessary) to discuss zoning with your local elected officials. Whether happens as an independent informational meeting or in advance of a presentation to a council or commission, it is likely that elected officials, like the public, will have a widely varying understanding of zoning. A mayor may have a broad understanding of the city as a whole, while a council member may have an idea of the appropriate density for their district with little knowledge of what the zoning actually permits.

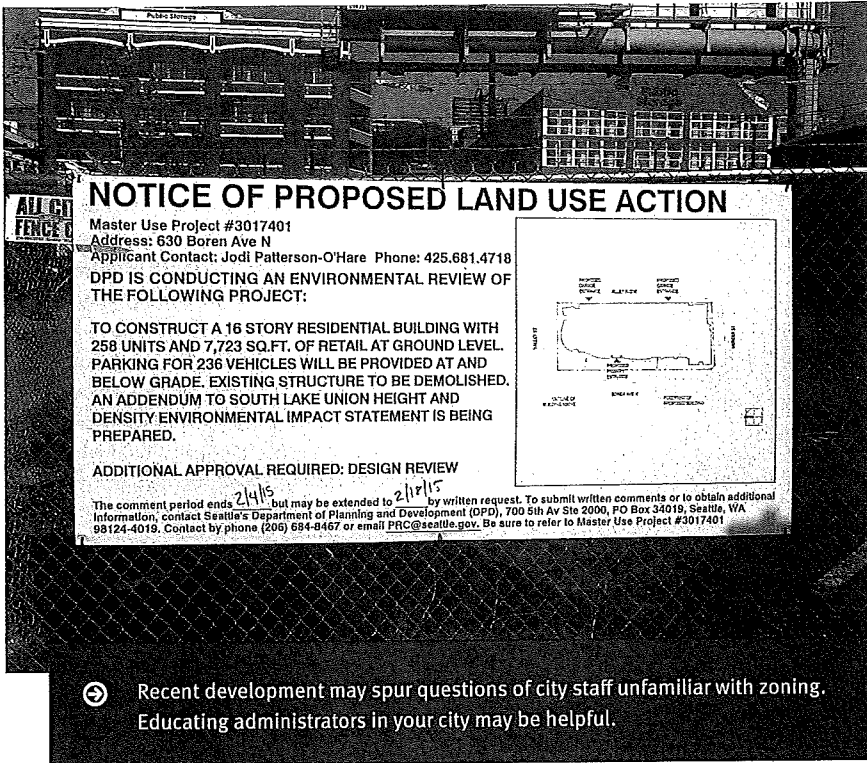
Consider also what elected officials in your city may want to learn more about. Do they have a general understanding of the city map, but would like a better picture of the development process to better answer questions in the community? Then perhaps a walk-through of the development review process may be useful. Elected officials will often be the first to field a question or concern from the public on questions of zoning, land use, or development.

Therefore, arming them with a basic understanding of the code and the map is crucial.



Joseph DeAngelis

⊕ Consider your audience when presenting at a public meeting. Some residents may be far more informed about zoning than others.



Recent development may spur questions of city staff unfamiliar with zoning. Educating administrators in your city may be helpful.

### The Development Community

Developers and architects are likely to have a clearer understanding of the code, map, and development process than other stakeholders in your community. And for good reason—their business depends upon it. Still, chronic misunderstandings may repeatedly manifest in yet another set of misfiled plans, another month of delays due to missed steps in the plan review process, or another missing piece of information. Rather than a more general presentation you may give to members of the public or local elected officials, you may want to highlight or mentally note those areas where confusion most often tends to manifest. A presentation based primarily around these topics is apt to be useful for you and the developer or architect.

### City Staff and Administrators

Zoning confusion doesn't spare your colleagues or other city administrators. The last contact your local transportation planner may have had with zoning may have been years earlier in planning school. The fire chief may understand her role in the development review process, but might have only the barest understanding of the local zoning map. Ensuring your colleagues have a working knowledge of the map, the districts in your city, and what

the development process looks like is vital. This is especially true if they are in regular contact with the public or regularly present at community meetings. The public may not distinguish between a building inspector, your land-use director, or an environmental planner. Cut down on misinformation and educate your colleagues in city government by developing a Zoning 101 presentation or course that is most pertinent to their role.

### WHAT IS THE FORMAT?

Now that you have considered the context and the audience, think about the format and the content. What will you present? The code? The map? Your city's plan review and approval process? Will you be talking about zoning more conceptually?

At the outset, remember your ultimate goal: empowering your audience with the necessary tools and knowledge of zoning, land use, and the development process to offer informed feedback. This will require rational organization, simplifying concepts (aided heavily by visuals), and reducing or eliminating jargon. Planners interested in reducing jargon are highly encouraged to reference the January 2015 issue of *Zoning Practice*, "Zoning Codes in Plain English" (Noble 2015). One of the primary barriers to zoning for those who

aren't planners is the "legalese" that makes up many zoning codes. This language often finds its way into presentations and discussions with the community or elected officials, leading to either more questions or looks of blank confusion. Planners may be seen as hiding behind overly complicated text. Avoid this fate by taking the time to prepare clear, plain English explanations in your Zoning 101 presentation.

### Organizing Your Presentation

An hour-long workshop for a civic organization will be quite different from a roundtable Q&A with a group of local developers. Yet both may require similar information. Therefore, you may find it useful to draw up a standard presentation that can be used for a number of different circumstances. Slides should be modular, allowing for sections to be easily removed or reorganized based on the needs of a specific audience.

I suggest an order that starts with an explanation of the concept of zoning and proceeds through your local zoning code and districts, the zoning map, and finally the development process.

### Part 1: What Is Zoning?

We don't want to scare people off from the very first slide, but it is unavoidable that conceptually, zoning can be complicated.

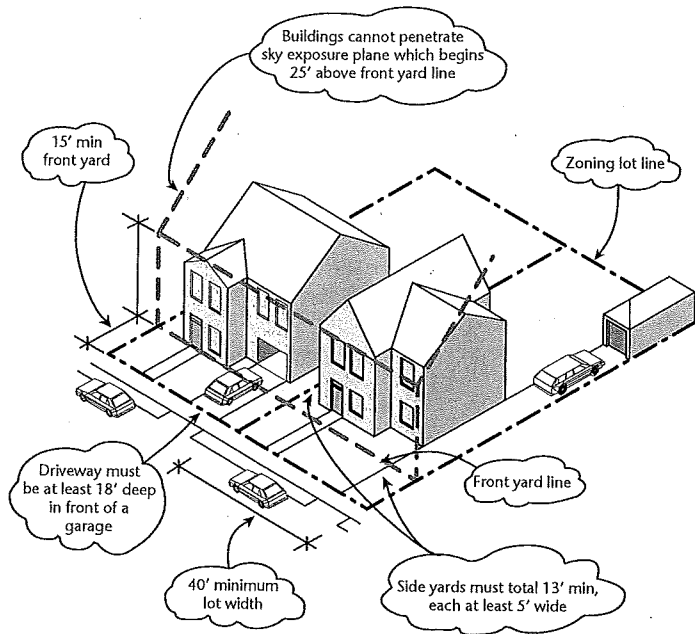
Try to strip away as much of the excess baggage that has (often inevitably) glommed onto zoning over the years.

Feel free to begin from your municipality's definition of zoning, which you can usually find in the Planning and Development section of your city's website. But also consider paring that definition down and focusing explicitly on what zoning looks like in your community.

For instance, this definition of zoning from Cornell University's Legal Information Institute is relatively succinct, but might be a bit too legalistic for your audience:

(Zoning is a . . .) legislative act dividing a jurisdiction's land into sections and regulating different land uses in each section in accordance with a zoning ordinance.

Here, from New York City's Department of City Planning, we have a more naturalistic explanation of the purpose of zoning and how it may impact people's lives:



Single-Family Detached Residences											
R2 <sup>1</sup>	Lot Width (min)	Lot Area (min)	FAR (max)	OSR (percent)	Front Yard (min)	Rear Yard (min)	Side Yards (min)			Building Height (max)	Required Parking (min)
	40 ft	3,800 sf	0.5	150.0	15 ft	30 ft	#	Total	Each	na <sup>2</sup>	1 per dwelling unit
							2	13 ft	5 ft		

<sup>1</sup> Regulations may differ in Lower Density Growth Management Areas  
<sup>2</sup> Height controlled by sky exposure plane, a sloping line that begins at a height of 25 feet above front yard line

New York City Department of City Planning

**📍 New York's Zoning Handbook** broadly outlines what can be built in each zoning district, along with simple graphics illustrating bulk, setbacks, and parking.

Zoning is the language of the physical city. It aims to promote an orderly pattern of development and to separate incompatible land uses, such as industrial uses and homes, to ensure a pleasant environment.

Illustrate your definition with a graphic, drawing, or map to give the reader context. Try to do this for all foundational concepts you might be presenting up front.

**Part 2: The Zoning Code and Zoning Districts**

It will likely be useful to order your city's zoning districts as they are presented in the zoning code. However, if you find your code's layout to be unintuitive, consider ordering by the intensity of use, starting with your residential zoning districts. Be sure to use to use basic diagrams illustrating what is permitted in each district. Consider developing these diagrams if you don't already have them (SketchUp is a free and useful tool for this) or scour the

Internet for good illustrative examples. For example, the New York City Department of City Planning publishes the extraordinarily helpful *Zoning Handbook*, which marries simple axonometric drawings with photographs of conforming buildings and clear explanations of the district (2016). I have used this handbook as a model for basic Zoning 101 discussions with communities in Staten Island, New York. There are clear benefits in having archetypal "blank" buildings to illustrate zoning.

Organize your presentation so that attendees can clearly see the differences between districts as you progress through the presentation. This visual contrast will be helpful for your audience, and will help to contextualize your zoning map. This is why ordering your presentation by intensity of use is beneficial. Your audience should be able to clearly see the progression of building type, size, and form as you progress from a low-intensity rural or suburban residential district

to a higher-intensity neighborhood or urban center district.

**Part 3: The Zoning Map**

Presenting your zoning map again offers the community a chance to put the zoning districts in context. You may want to use your existing zoning map for this portion, though I would caution against it if your local map is laden with lots of text, an endless series of crisscrossing black lines, and little if any color. If this is the case, opt for a radical simplification that relies on color, heavily weighted lines to divide districts, and a clear labeling scheme. This is not a replacement for your zoning map. Instead, it is a clear and simple representation of it in broad strokes. There are a number of tools that can be used to develop a map of this sort. ArcMap or other GIS applications may be most useful at the outset, especially if you already have zoning map data. Alternatively, the Adobe Suite of graphics applications (Illustrator especially) might be useful to either clean up maps created in ArcMap, or to draw directly on an existing orthophotography. There are also free tools built directly into Google Maps that allow you to create your own basic, color coded and labeled maps that I have found useful.

Take special care when noting zoning overlays and subdistricts. Adding them all from the very beginning has the potential to clutter your map with (to the layperson) arcane rules governing downtown districts and special environmental overlay areas. You can introduce these later, but ensure from the beginning that your audience is getting as clear a vision as possible of the base-level map.

**Part 4: The Land-Use Review and Development Process**

It will be useful to walk your audience through a basic representation of the land-use review and development process. A clear picture of how things get built in your city will be extremely helpful to residents who may have little idea about the layers of approval, negotiation, and review that make up the development process. In many cities this flowchart can get enormously complicated. As with our look at the zoning code and map, our goal is not the most precise representation possible of the process, but instead a broad-brush representation that allows the community to give informed feedback. Try not to pack your slide with an endless series of recursive ar-

rows, shapes, and diagrams. Ensure that your process *progresses* in a clear direction. Note departments and agencies clearly so that your audience knows who is responsible at a given stage in the development process.

### GENERAL CONCEPTS TO REMEMBER

If you find yourself stuck or straying too far into the esoteric world of zoning and land-use planning, here are a few key takeaways to help you refocus on your goal.

#### Use Visuals

Visuals and graphics should be used to illustrate and contextualize pieces of text. For existing graphics (such as a zoning map) try to simplify them as much as possible. Use color and clear lines.

#### Rely on Plain English

Avoid using complicated phrasing, sentences, or jargon straight from the zoning code. Translate this information for your audience.

#### Use Existing Resources

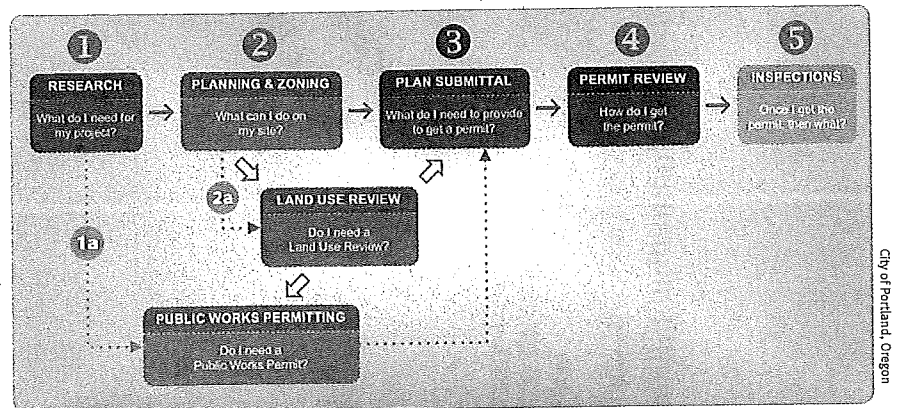
Rely on photographs, existing definitions, and statements of purpose (such as those on your city's website), or books you may still have from planning school. Scour the web for suitable illustrations, graphics, and explanations.

#### Tailor Your Message to Your Audience

Add or remove content based upon your audience. Develop your presentation for a general audience, but use your professional judgment to tailor this information for a room of developers, a sit-down with a council member, or a presentation to a local housing association.

### CONCLUSION

A good Zoning 101 presentation can be deployed in a variety of venues and audiences. It can be tacked onto an existing presentation to prime an audience before discussing a new zoning proposal, or can become a stand-alone session with interested community groups. It can become a series of printouts, a section on your community's website, or compiled as a published handbook. It can help elected officials and city staff to accurately discuss issues of zoning and land use with the public. Most importantly, it can demystify a complex and often esoteric process. Zoning 101 can help to narrow the knowledge gap between a city and its citizens, and equip them with the tools and the confidence to make informed decisions.



City of Portland, Oregon

Portland, Oregon, illustrates its land-use review process with a simple flowchart.

### ABOUT THE AUTHOR

Joseph DeAngelis is a planner and researcher with the American Planning Association in Chicago. Previously, he was a resiliency planner for the New York City Department of City Planning, where he worked on long-term planning and zoning solutions for communities impacted by Hurricane Sandy.

Cover: A New Zoning Plan for the District of Columbia. Harold M. Lewis, 1956.

Vol. 33, No. 12

Zoning Practice is a monthly publication of the American Planning Association. Subscriptions are available for \$95 (U.S.) and \$120 (foreign). James M. Drinan, JD, Chief Executive Officer; David Rouse, FAICP, Managing Director of Research and Advisory Services. Zoning Practice (ISSN 1548-0135) is produced at APA. Jim Schwab, FAICP, and David Morley, AICP, Editors; Julie Von Bergen, Senior Editor.

Missing and damaged print issues: Contact Customer Service, American Planning Association, 205 N. Michigan Ave., Suite 1200, Chicago, IL 60601 (312-431-9100 or customerservice@planning.org) within 90 days of the publication date. Include the name of the publication, year, volume and issue number or month, and your name, mailing address, and membership number if applicable.

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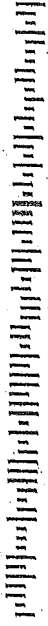
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