

City of Ramsey
REVISED Agenda
Regular Planning Commission
Thursday, September 7, 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:
 - Planning Commission Meeting Minutes Dated July 6, 2017
 - Planning Commission Meeting Minutes Dated August 3, 2017
5. **Public Hearing**
 1. PUBLIC HEARING: Consider a Request for a Conditional Use Permit for a Two-Story Accessory Building (Project No. 17-107); Case of Raymond & Linda Bonifas.
 2. PUBLIC HEARING: Consider Multiple Actions Related to a Request to Install and Maintain a Ground-Mounted Solar Energy System on the Property Legally Described as Lot 3, Block 1 River Crossing Addition (Project No. 17-135); Case of Connexus Energy
 1. Appeal for issuance of a Development Permit on an officially mapped parcel.
 2. Zoning Amendment to include Solar Energy Systems as a principal use with the issuance of a Conditional Use Permit in the Public/Quasi-Public District.
 3. Zoning Amendment to rezone a property from R-2 Residential to Public/Quasi Public.
 4. Conditional Use Permit to install and maintain a Solar Energy System.
 3. CASE ADDED/PUBLIC HEARING: Consider Resolution #17-09-217 Granting a Variance to Front Yard Setback for Parking Lots and Resolution #17-09-218 Granting a Conditional Use Permit for Motor Vehicle Sales at 7103 Highway 10 NW (Project No. 17-140); Case of Motors on 10
6. **Commission Business**
 1. Receive Update on Proposed Plat Known as Northfork Meadows Located Near Puma Street and Alpine Drive; Case of Paxmar (Project No. 17-126)
 2. Discussion Topic: Event Centers in Residential Areas (Ag areas/farms)
 3. Discussion Topic: Temporary Health Care Dwelling Units and Tiny Homes
7. **Comprehensive Plan Update Items**

8. Commission/Staff Input

1. Zoning Bulletins

9. Adjournment

Regular Planning Commission

4. 1.

Meeting Date: 09/07/2017

By: JoAnn Shaw, Community Development

Information

Title:

Approve the Following Planning Commission Meeting Minutes:

- Planning Commission Meeting Minutes Dated July 6, 2017
- Planning Commission Meeting Minutes Dated August 3, 2017

Purpose/Background:

N/A

Notification:

Observations/Alternatives:

Funding Source:

Recommendation:

Action:

Attachments

[07.06.17 Minutes](#)

[08 03 17 Minutes](#)

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 09/01/2017

Reviewed By

JoAnn Shaw

Date

09/01/2017 10:25 AM

Started On: 08/11/2017 12:26 PM

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, July 6, 2017, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

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

Members Absent: None

Also Present: Community Development Director Timothy Gladhill
 City Planner Chris Anderson
 Civil Engineer II Leonard Linton
 Planning Intern Alec Henderson

1. CALL TO ORDER

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

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

Motion Carried. Voting Yes: Chairperson Bauer, Commissioners VanScoy, Surma, Anderson, Brauer, Gengler, and Nosan. 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 June 1, 2017

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to approve the following minutes as presented: Planning Commission Meeting Minutes dated June 1, 2017.

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

4.01.2: Planning Commission Meeting Minutes Dated June 12, 2017

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to approve the following minutes as presented: Planning Commission Meeting Minutes dated June 12, 2017.

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

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider Variance to Cul-de-Sac Length for Riverstone Phase 1; Case of Riverstone Development, LLC (Capstone Homes)

Public Hearing

Chairperson Bauer called the public hearing to order at 7:01 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating this case was withdrawn after a Public Hearing Notice was sent. The Developer will now be making a second connection with Phase 1 to eliminate a cul-de-sac condition that exceeds 600 feet in length. The only action necessary at this time is to close the Public Hearing to avoid any ambiguity.

Citizen Input

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

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

Chairperson Bauer closed the public hearing closed at 7:02 p.m.

5.02: Public Hearing: Consider a Request for a Variance for a Fence Installation at 7214 167th Terrace NW; Case of Brandon Sis

Public Hearing

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

Chairperson Bauer disclosed for the record that Brandon Sis served on the Park Board and noted he served as a Deacon at St. Catherine Drexel Church, where Brandon Sis was also a member.

Presentation

Civil Engineer II Linton presented the staff report stating the resident at 7214 167th Terrace NW (the "Subject Property") submitted a fence permit application in 2016. Staff rejected the application on the grounds that most of the back yard is encumbered with drainage and utility easement and is part of the stormwater ponding system for the development. The City does not allow fences through stormwater ponds. Staff recommendation will be dependent on the determination of the wetland status by ACD and BWSR staff. If the wetland is still partially functioning, then staff recommends denying the variance to allow placing a fence around most of the perimeter of the back yard. Staff would support placing a fence along the northerly line of the property to define the property boundaries and address the trespassing concerns the applicant has raised. Staff would also support placing a closed fence near the house to separate the children and pets from the pond. If the wetland is nonfunctioning and does not need wetland protection, then Staff would support the variance request to place the fence around the entire perimeter of the back yard as proposed.

Citizen Input

Chairperson Bauer recommended this item be tabled until the Planning Commission had further information available regarding the wetlands.

Civil Engineer II Linton reported it would take professionals to determine if this area was still a wetland.

Commissioner Anderson asked if this area had water in it currently.

Chairperson Bauer stated the pond area had water.

Commissioner Nosan questioned if the City could get into this area to further evaluate.

Civil Engineer II Linton explained there was a drainage and utility easement over a good portion of the rear property that allows stormwater to be stored on the site. He explained the City would have viable access to the area by foot.

Commissioner VanScoy questioned if all rear yard fences abutting a stormwater pond had to have gates.

City Planner Anderson stated this was not a City requirement.

Brandon Sis, 7214 167th Terrace NW, thanked the Commission for their time. He stated his primary reason for making the Variance request was for safety purposes. He explained that last year a brush fire was started on the south side of the pond. He indicated he wanted to keep his rear yard safe for his children and believed a fence was the best option.

Jason Hubler, 7218 167th Terrace NW, explained he has lived in his home for the last eight years. He commented on the wetland in his rear yard and how it flooded throughout the year with heavy rains. He discussed how Mr. Sis has begun altering the area abutting the wetland by mowing and pumping. He asked that the City protect this area and not allow a permanent fence to be installed in a protected wetland area.

Commissioner Anderson asked if Mr. Hubler had a fence in his rear yard.

Mr. Hubler stated he had a two to three-foot plastic white picket fence in his rear yard. He reported that all of the land between his property and the wetland was undisturbed.

Commissioner Brauer requested further information on the wetland altering or draining that was conducted by Mr. Sis.

Mr. Hubler explained that Mr. Sis had dug a trench in order to put in drain tile, which was removed after receiving complaints. He indicated Mr. Sis has been running a pump with a hose to the pond.

Mr. Sis reported he was not aware of what could and could not be done in the wetland area. He stated after installing drain tile he was informed this was not allowed and has since removed the drain tile and restored the area to its original condition. He commented the pump was used to get rid of the standing water in his rear yard after a large rain event. He explained the water was pumped to other areas of his property. He did not believe he has modified the wetland area over time.

Catherine Epp, 7158 167th Terrace, stated she formed a petition for this Planning Case. She explained she has lived in her home for nearly eight years and has enjoyed living in Ramsey. She indicated she purchased her lot with the understanding the land behind her home would remain untouched. She expressed concern with how the pond has deteriorated over time and was frustrated by the fact her neighbor was doing things he was not supposed to be doing. She believed the wetland had become an eyesore when it should have remained untouched. She stated that Mr. Sis had removed the natural barrier between his property and the wetland. She provided further comment on how Mr. Sis has been adversely impacting the wetland over the past several years. She expressed frustration with how the City has handled this situation over time and encouraged the Commission to deny the fence request as this would further reduce her property value.

Community Development Director Gladhill requested the Commission focus their comments and discussion on the fence proposal and not on previous code violations. He followed up on several items stating the City was aware of the drain tile situation noting this had been corrected.

Amanda Hora, 7190 167th Terrace NW, believed the proposed fence would provide safety for her three children. She understood the land behind her home would remain untouched. She stated she could support the proposed fence.

Danielle Hubler, 7218 167th Terrace NW, stated the Sis family were great neighbors. She commented on the current condition of the pond noting there was no standing water at this time. She expressed concern with Mr. Sis being allowed to construct a permanent structure in a DNR protected wetland area. She commented on how Mr. Sis's actions have already altered the wetland through the drain tile installation and pumping. She reported her small decorative fence was placed in its location due to the DNR requirements and for the health of the pond. She recommended that Mr. Sis not be allowed to install a fence as this would further alter the wetland and would negatively impact property values. She believed it was not environmentally responsible and feared a precedent would be set by the City if this fence were approved.

City Planner Anderson provided several areas of clarification noting the wetland area in question was not a designated DNR protected wetland, due to its size. He reported the wetland was below the 2.5-acre threshold. He recalled that wetland buffer signs were in place at one point in time. However, some time ago, the signs were removed after the City's buffer requirements were lifted.

Chairperson Bauer noted for the record the Planning Commission had received an advisory petition, along with the letter offering support to the request.

Scott Ostrander, 16772 Limonite Street, agreed with the points being made by his neighbors and stated he opposed the fence request. He believed that if fences were not allowed around stormwater ponding areas, a fence should not be allowed in the Sis backyard either. He did not want to see the City bending the rules for this one property.

Mr. Sis explained when he purchased his lot promises were made by realtors and he believed it was within his right to mow his property. He stated that any pumping he does goes through a buffer area and noted the grass adjacent to the pond remains untouched. He was of the opinion that the fence would improve the safety for his children and he did not want neighboring children accessing the pond through his yard.

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

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

Chairperson Bauer closed the public hearing closed at 7:56 p.m.

Commission Business

Community Development Director Gladhill commented the wetland area was not considered to be a recreational public pond. He anticipated this Variance request would spark broader neighborhood discussions. He requested the Commission not hold the allegations over Mr. Sis and that only the fence request be considered at this time.

Commissioner Surma stated he would like to see this item tabled until the wetland status could be verified.

Motion by Commissioner Surma, seconded by Commissioner VanScoy, to table action on this item until the Planning Commission could receive further information on the wetland status.

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

Commissioner Surma encouraged Mr. Sis to reconsider his request given the fact he had 30 neighbors that opposed his request. He suggested a smaller or shorter fence be considered as a compromise.

5.03: Public Hearing: Consider Preliminary Plat Plan, Zoning Amendment, Comprehensive Plan Amendment for Estates of Silver Oaks 2nd Addition (Project No. 17-119); Case of John Peterson

Public Hearing

Chairperson Bauer called the public hearing to order at 8:04 p.m.

Presentation

Planning Intern Anderson presented the staff report stating the purpose of this file is to review the official Preliminary Plat Plan, prepared by Roshell Engineering, LLC, for Estates of Silver Oaks 2nd Addition. This subdivision would create eight (8) new single family residential lots and it located on Lithium Street NW, PID #14-32-25-12-0011 (the "Subject Property"). The Preliminary Plat Plan submitted includes nine (9) sheets. The application also includes a request for a Zoning Amendment and Comprehensive Plan Amendment. The Planning Commission reviewed the Sketch Plan for this project at the June 1, 2017 meeting. City Staff is recommending that the Preliminary Plat, Zoning Amendment, and Comprehensive Plan Amendment be approved contingent upon compliance with the Staff Review Letter.

Citizen Input

John Peterson, 2281 County Road B West in Roseville, thanked the Commission for their consideration. He stated he appreciated staff's assistance and noted he was supported all of staff's recommendations.

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

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

Chairperson Bauer closed the public hearing closed at 8:08 p.m.

Commission Business

Motion by Commissioner VanScoy, seconded by Commissioner Anderson, to recommend that City Council adopt Ordinance #17-09 approving a Zoning Amendment for the Subject Property to R-1 Residential (MUSA).

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

Motion by Commissioner VanScoy, seconded by Commissioner Nosan, to recommend that City Council adopt Resolution #17-07-160 approving a Comprehensive Plan Amendment to reguide the Subject Property as Low Density Residential.

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

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #17-07-161 granting preliminary plat approval of Estates of Silver Oaks 2nd Addition contingent upon compliance with the Staff Review Letter.

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

5.04: Public Hearing: Consider Preliminary Plat for Cole Addition (Project No. 17-132); Case of Bryon and Lynn Cole

Public Hearing

Chairperson Bauer called the public hearing to order at 8:11 p.m.

Presentation

Planning Intern Anderson presented the staff report stating the purpose of this file is to review the Preliminary Plat for Cole Addition, an eight (8) lot subdivision located northwest of the

intersection of 168th Avenue NW and Garnet Street NW. The project is a re-plat of an existing residential lot at 6951 168th Ave NW and two adjacent, small outlots (together the "Subject Property"). The Planning Commission reviewed the Sketch Plan for this project at its June 12, 2017 special meeting. As long as the plans can be revised in accordance with the Staff Review Letter, including solving for the drainage (and easement vacation) concern and the cul-de-sac design, Staff would recommend approval of the Preliminary Plat. If the revisions result in a change in lot configuration, number of lots, and/or deficiencies in lot size, the revised Preliminary Plat could be routed back through the Planning Commission.

Citizen Input

Commissioner VanScoy questioned how the plat would be impacted if a portion of the site was determined to be a wetland.

Civil Engineer II Linton explained if a portion was determined to be a wetland the plat boundaries would have to be redrawn and the applicant would have to come back before the Planning Commission.

Commissioner VanScoy asked if structures on the site would be removed.

Planning Intern Anderson stated the structures would be demolished.

Chairperson Bauer asked if it would be best to table action on this item until further information was known about the wetland and cul-de-sac.

Reid Schultz, Landform Professional Services, thanked staff for their assistance on the Preliminary Plat. He commented on the Preliminary Plat and stated at this time, there has been no determination that there are wetlands on the site. He stated he looked forward to working with staff on the cul-de-sac issue. He requested the Commission offer their support to the Preliminary Plat and that he be allowed to work with staff on the cul-de-sac.

Commissioner Surma questioned the length of the cul-de-sac.

Mr. Schultz stated the existing temporary cul-de-sac would be extended an additional 240 feet, which would.

City Planner Anderson reported the proposed cul-de-sac would comply with the City's maximum length requirements.

Thomas Hunt, 16850 Grant Street West, stated he would like to see a temporary cul-de-sac be developed as this would allow him to subdivide his property at some point in the future.

Josh Underbakke, 6960 169th Lane, requested the developer consider sparing the trees on the north side of the subject property.

Doug Barren, 7008 168th Lane, stated he lived on the south side of the temporary cul-de-sac. He understood that the neighborhood was changing and would continue to change. He stated he supported the proposed Preliminary Plat.

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

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

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

Commission Business

Commissioner VanScoy asked if the house on the northern end touches the property line.

City Planner Anderson stated this home would have had to meet the six-foot side yard setback when constructed.

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #17-07-162 contingent upon compliance with the Staff Review Letter.

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

5.05: Public Hearing: Consider Preliminary Plat and Zoning Amendment for Pearson place (Project No. 16-31); Case of Development Consulting Services, LLC

Public Hearing

Chairperson Bauer called the public hearing to order at 8:32 p.m.

Presentation

City Planner Anderson presented the staff report stating the City has received an application for a Zoning Amendment and Preliminary Plat for Pearson Place, a proposed twelve (12) lot single family residential subdivision located on the north side of Bowers Drive near the end of the cul-de-sac where there is a gap between existing homes (the "Subject Property"). The Planning Commission reviewed a concept plan for this project in March of 2016 and the City also hosted two (2) public workshops regarding that concept plan in 2016 as well. The Planning Commission reviewed the official Sketch Plan for Pearson Place on June 1, 2017. Staff recommends approving the Zoning Amendment and Preliminary Plat contingent upon compliance with the Staff Review Letter.

Citizen Input

John Dobbs, 22 Clement Street in Maplewood, thanked staff for their assistance through the Preliminary Plat process. He stated he was excited to be bringing a development to the City of Ramsey.

Terry Lueck, 14250 Bowers Drive, stated he loved living in the country. He expressed concern with the zoning for the property to the north and east beyond the 50-foot area. He questioned if this land would be zoned high density.

Chairperson Bauer indicated this property was not being considered this evening but noted it was currently zoned R-1 Residential MUSA.

Joshua Fear, 14573 Bowers Drive, stated he was generally in favor of the proposed Preliminary Plat and urged the Commission to offer their support.

John Jacobson, 14691 Bowers Drive, expressed concern with the zoning of the property behind his home. He understood a 50-foot buffer was in place, but he did not want to see an apartment complex behind his home.

Chairperson Bauer reported the land behind Mr. Jacobson was not being considered this evening.

Mr. Dobbs explained the 50-foot buffer zone was an outlot that would be deeded to the City.

Mr. Lueck appreciated the plat that has been presented and encouraged the Commission to offer their support.

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

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

Chairperson Bauer closed the public hearing closed at 8:51 p.m.

Commission Business

Commissioner VanScoy thanked the developer for working with the neighborhood on this project.

Motion by Commissioner VanScoy, seconded by Commissioner Surma, to recommend that City Council adopt Ordinance #17-010 approving the Zoning Amendment.

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

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #17-07-163 approving the Preliminary Plat for Pearson Place, contingent upon compliance with the Staff Review Letter.

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

6. COMMISSION BUSINESS

6.01: Review Sketch Plan for Bunker Lake Industrial Park; Case of PSD, LLC

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to review a concept plan in design stages for Bunker Lake Industrial Park by PSD, LLC. This Sketch Plan is for the first two (2) buildings (9.05 acres) of a 45-acre future industrial park along Bunker Lake Boulevard. The purpose of Sketch Plan Review is to provide initial feedback to the Developer before preparing more detailed construction and plat documents. The first building proposed for construction is proposed for Adrenaline Sports Center. The Planning Commission had previously reviewed that concept for another location in Ramsey. Adrenaline has chosen not to move forward at that location, and is now working with PSD, LLC at the Bunker Lake Industrial Park. Adrenaline Sports Center desires to occupy the facility in January or February, which is an aggressive schedule for the status of this greenfield development. Staff will attempt to accomplish a timely review wherever possible. This may require advanced approvals and special meetings along with certain risks of plan amendments to the Developer.

Commission Business

Matt Kuker, PSD, thanked the Commission for their consideration of his request and for fast tracking this project.

Commissioner Brauer believed this was an exciting project.

Chairperson Bauer agreed and stated the Adrenaline Sports Complex would bring a lot of traffic to the City of Ramsey.

The consensus of the Commission was to direct the applicant to proceed to the Preliminary Plat phase.

6.02: Consider Sketch Plan Review for Greenway Terrace; Case of Aeon (Project No. 16-84)

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to review a sketch site plan and plat for a 1 lot subdivision that would be developed as a 54-unit apartment building. A Sketch Plan affords the Planning Commission the opportunity to review a project before it enters the official Preliminary Plat stage. The Preliminary Plat (future step) is the most important step in the review process and gives the project 'entitlement' to the project.

Commission Business

Commissioner VanScoy believed the proposed structure was remarkable that would enhance The COR.

Commissioner Anderson agreed.

Commissioner Nosan questioned what the building color scheme would be.

Bart Nelson, Aeon representative, provided the Commission with detailed information on the building color scheme.

Commissioner Surma requested the stacks on the roof be painted to match the building.

The consensus of the Commission was to direct the applicant to proceed to the Preliminary Plat phase.

6.03: Consider Appeal of Architectural Review for Single-Family Home in The COR; Case of Purmort Homes

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to respond to an appeal of a Staff interpretation from Purmort Homes, Inc. on an interpretation of architectural requirements in The COR. At issue is the definition of a front porch, a required element of The COR Design Framework (the Zoning Code for The COR). A reminder that these enhanced architectural requirements only exist in The COR Zoning District and not in all areas of the community. Staff recommends that this model not be approved until the City finishes the update to The COR Development Framework. However, if the Planning Commission feels the original intent of the guideline is met, Staff will feel comfortable in approving the model and use this as policy directive moving forward.

Commission Business

Commissioner Anderson disclosed that he lived in this neighborhood and he had seen the model homes that were presenting in the neighborhood.

Shawn Rogers, Purmort Homes representative, thanked the Commission for their time. He believed there was not a lot of clarity within the Code. He explained he has had the proposed elevation (with a 6 x 8-foot porch) in other locations in the City. He provided further comment on the four-level split and stated from the street this home would look the same as a Rambler. He requested the Commission approve his request and allow for a split-entry model in The COR.

Commissioner VanScoy stated the original intent was to have street oriented, pedestrian friendly neighborhoods. He did not believe a recessed covered area was the same as a porch. He asked staff how many split entry homes the City has approved since 2012.

Community Development Director Gladhill stated he had not counted the number specifically noting it was difficult to plan backwards. He understood there was a gap in the code which made this situation difficult.

Commissioner VanScoy reiterated that he was looking for a porch on these homes.

Commissioner Brauer agreed and stated split entries were never intended to be approved in The COR.

Commissioner Anderson respectfully disagreed and stated he believed the proposed elevation did have a porch-like amenity that was enclosed on three sides that appealed to the pedestrian friendly neighborhood.

Mr. Rogers asked if there was one property that met the true intent of the City Code and had a three-sided open front porch. He suggested the garage be pushed back in order to create a 6' x 8' unobstructed three-sided porch.

Commissioner VanScoy did not believe the porches had to be six feet in front of the garages in order to have three sides open.

Commissioner Brauer expressed frustration with this whole situation. He believed that the Planning Commission should support staff and their ability to interpret City Code unless there was a major reason not to. He recommended the developer work this issue out with the staff.

Commissioner Nosan asked if there were lots that had to be a split entry.

Mr. Rogers commented on the water table and noted how some lots would benefit by being a split entry versus a Rambler, but reported they did not have to be built as a split entry. He stated that if a split entry was not built the home would just be six or more steps above ground level. He believed that if split entries were allowed, this would create a more diverse housing stock.

Commissioner Nosan questioned how big the proposed recessed area was on the split entry homes.

Mr. Rogers stated the area was roughly 6' x 9' or 54 square feet in size.

Commissioner Surma believed the City's pictures with porches were not clear.

Community Development Director Gladhill commented on the porch issue further with the Commission.

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend that City Council approve the appeal request for a split entry model in The COR.

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

Commissioner VanScoy excused himself from the meeting at 9:55 p.m.

6.04: Discuss Concerns Raised on Accessory Building Architectural Standards

Presentation

Planning Intern Anderson presented the Staff Report stating at the June 13, 2017 City Council Meeting, concerns about the architectural standards for accessory buildings were brought up by a resident of Ramsey. The comments concerned a metal paneled pole barn that was recently constructed on his neighbor's property and whether these metal panel structures should be allowed on smaller lots. The City Council suggested the Planning Commission review the standards associated with accessory building and metal panel structures in particular to determine whether any additional design and architectural controls are warranted. Staff requested feedback from the Commission on this matter.

Commission Business

Chairperson Bauer asked where an accessory building would be allowed.

City Planner Anderson reviewed the lot sizes and zoning districts where an accessory building would be allowed.

Community Development Director Gladhill commented on the initial concerns that were raised and stated the placement of a metal paneled structure was of concern along with the minimum roof pitch.

Chairperson Bauer stated the roof pitch could make a building even more overbearing.

Commissioner Anderson believed that the structure in question had more square footage than the home. It was his opinion the accessory structure looked out of place and should have been pushed to the rear yard. He recommended that all accessory structures match the colors of the principle structure.

Chairperson Bauer agreed with this suggestion and recommended the Commission discuss this portion of City Code in further detail.

7. COMPREHENSIVE PLAN UPDATE ITEMS

7.01: Receive Progress Report on Comprehensive Plan Update

Community Development Director Gladhill provided the Planning Commission with a progress report on the Comprehensive Plan describing the input the City has received from public workshops in preparation for the Comprehensive Plan Update. The Comprehensive Plan Steering Committee wrapped up the first phase of public engagement in June. This first phase focused on listening and allowing the community to define topics and priorities. Raw data, mark-up, comments, etc. are available upon request. The Comprehensive Plan Steering Committee will be reviewing first drafts of the Framework Chapter, Community Background Chapter, and Land Use Chapter at their July Meeting. Staff reported the Comprehensive Plan Update will also have a presence at the July 13 Draw Summer Event Series.

7.02: Consider Authorization to Distribute The COR Interim Development Plan for Public Comment

Community Development Director Gladhill presented the Staff Report stating the purpose of this case is to review a preliminary draft of The COR Interim Development Plan, which essentially puts into motion a more formal amendment to the master plan. Details of the recommendations prepared by the Planning Commission over a series of workshops were reviewed by staff. Direction from the April 25, 2017 Joint Work Session was to review this draft with advisory boards and commissions. The draft was reviewed by the Economic Development Authority on May 25, 2017 and by the Parks and Recreation Commission at their June 8, 2017 meeting. Staff will be seeking authorization for public comment on the draft in July.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Surma, to recommend staff distribute The COR Interim Development Plan to the City Council.

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

8. COMMISSION/STAFF INPUT

8.01: Receive Staff Update

The Staff Update was noted.

8.02: Zoning Bulletins

Zoning Bulletins were noted.

9. ADJOURNMENT

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

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

The regular meeting of the Planning Commission adjourned at 10:16 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

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

The Ramsey Planning Commission conducted a regular meeting on Thursday, August 3, 2017, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Vice Chair Gary Van Scoy
 Commissioner Bruce Anderson
 Commissioner Ralph Brauer
 Commissioner Cheri Gengler
 Commissioner Cindy Nosan
 Commissioner Patrick Surma

Members Absent: Chairperson Randy Bauer

Also Present: Community Development Director Timothy Gladhill
 City Planner Chris Anderson
 Planning Consultant Eric Maass
 Planning Intern Alec Anderson

1. CALL TO ORDER

Vice Chair Van Scoy called the regular meeting to order at 7:00 p.m.

2. CITIZEN INPUT

None.

3. APPROVAL OF AGENDA

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Anderson, Brauer, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer.

4. APPROVE PLANNING COMMISSION MINUTES

4.01: Approve the Following Planning Commission Minutes:

None.

5. PUBLIC HEARINGS/COMMISSION BUSINESS

5.01: Public Hearing: Consider a request for Preliminary Plat approval of Bunker Lake Industrial Park (Project #17-127); Case of PSD, LLC

Public Hearing

Vice Chair Van Scoy called the public hearing to order at 7:02 p.m.

Presentation

Planning Intern Moss presented the staff report stating the purpose of this case is to review the preliminary plat for a new Business Park being proposed near the southeast corner of Bunker Lake Boulevard and Puma St. The total area is about forty-five (45) acres in size, but only a portion of that is being proposed for development initially. It should be noted that the City Council has approved a Tree Clearing and Grading Agreement for the Developer to allow some of the site preparation work to begin in advance of final approvals to aid in getting Lots 1 & 2 pad ready as soon as possible. Staff recommends approval of the Resolution granting preliminary plat approval of Bunker Lake Industrial Park, contingent upon compliance with the Staff Review Letter dated July 27, 2017.

Citizen Input

Matt Kuker, PSD, stated he recently completed a tree inventory for the site and addressed the 30% replanting plan. He explained staff cleared him to begin mass grading and tree removal this week. He noted he would begin a spec building yet this fall to have the home occupied by February 1st.

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Anderson, Nosan, Brauer, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer.

Vice Chair Van Scoy closed the public hearing closed at 7:06 p.m.

Commission Business

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend that City Council adopt Resolution #17-08-192 granting preliminary plat approval of Bunker Lake Industrial Park, contingent upon compliance with the Staff Review Letter dated July 27, 2017.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Surma, Anderson, Brauer, and Gengler. Voting No: None. Absent: Chairperson Bauer.

5.02: Public Hearing: Consider a request for Preliminary Plat and Site Plan for Jaspar Industrial park (Project #16-69); Case of Sharp Associates, LLC

Public Hearing

Vice Chair Van Scoy called the public hearing to order at 7:07 p.m.

Presentation

Planning Intern Moss presented the staff report stating the City has received an application for Preliminary Plat and Site Plan for Jaspar Business Park. The Applicant is proposing a 52,000-square foot multi-tenant building for small or startup businesses in manufacturing and services. The project is proposed on the southeast corner of 143rd Avenue and Jaspar Street and east of the current public works facility. The Developer, Sharp & Associates, has proposed a three-lot subdivision with one buildable lot for the proposed building and two outlots (one of which is potentially to site the future public works facility). Staff recommend approval of the preliminary plat and site plan, contingent on revisions outlined in the Staff Review Letter.

Citizen Input

Dan Sharp, Sharp & Associates, commented on the multi-tenant building he was proposing to construct for startup businesses. He explained there was a demand for this type of use. He anticipated the users would be machine shops, contractors or small manufacturing businesses. He indicated the tenant sites would range in size based on the needs of the business.

Commissioner Brauer stated he was pleased to see a small business incubator location coming to the City of Ramsey.

Commissioner Nosan agreed stating this was a nice concept.

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Surma, Nosan, Anderson, Brauer, and Gengler. Voting No: None. Absent: Chairperson Bauer.

Vice Chair Van Scoy closed the public hearing closed at 7:16 p.m.

Commission Business

Motion by Commissioner Surma, seconded by Commissioner Anderson, to recommend that City Council adopt Resolution #17-08-193 approving the Preliminary Plat for Jaspar Business Park, and recommend adoption of Resolution #17-08-194 approving the Site Plan for Jaspar Business Park, both contingent upon revisions outlined in the Staff Review Letter.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Surma, Anderson, Brauer, Gengler, and Nosan. Voting No: None. Absent: Chairperson Bauer.

5.03: Public Hearing: Consider Request for a Variance to cul-de-sac size requirements (Project #117-132); Case of Bryon Cole

Public Hearing

Vice Chair Van Scoy called the public hearing to order at 7:17 p.m.

Presentation

Planning Intern Anderson presented the staff report stating the City has received an application from Bryon and Lynn Cole (the "Applicant") requesting a variance to minimum cul-de-sac radius for the Cole Addition. The Cole Addition would subdivide three existing lots totaling 2.7 acres into eight lots for single family homes, including the existing Cole residence at 6851 168th Avenue NW. The development proposes to remove the existing temporary cul-de-sac and extend 168th Lane into a new cul-de-sac. Engineering, Fire, Public works, and Planning departments are not supportive of the variance to the standard cul-de-sac bulb radius. Fire and engineering will submit memos describing their concerns with supporting substandard cul-de-sacs.

Citizen Input

Vice Chair Van Scoy noted a decision made by the Planning Commission will stand and will not be reviewed by the City Council, unless the decision is appealed.

Darren Lazan, Landform Professional Services, stated he was representing Bryon Cole, who was a 40-year resident of Ramsey. He described how the land around Mr. Cole has changed and urbanized over the years. He reviewed a plat surrounding Mr. Cole's property in detail with the Commission and commented on the proposed cul-de-sac. He noted there was no City Code that prohibited temporary cul-de-sac's in the City of Ramsey. He described an alternative plat with the Commission which would require him to drop a lot, which was a tremendous hardship.

Community Development Director Gladhill reported staff had not reviewed the alternative and this was not being considered by the Planning Commission this evening.

Mr. Lazan stated he was simply requesting feedback from the Commission on the alternative and if this was a better option for the plat.

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Surma, Nosan, Anderson, Brauer, and Gengler. Voting No: None. Absent: Chairperson Bauer.

Vice Chair Van Scoy closed the public hearing closed at 7:35 p.m.

Commission Business

Vice Chair Van Scoy stated he was most concerned with the safety issues regarding the proposed cul-de-sac size and for this reason, explained he would not be supporting the variance request.

Community Development Director Gladhill suggested that if the Commission was going to deny the variance request that Items 2 through 5 be removed from Resolution #17-08-196.

Motion by Vice Chair Van Scoy, seconded by Commissioner Gengler, to adopt Resolution #17-08-195 approving unfavorable findings of fact #0982 for the cul-de-sac bulb size variance.

Further discussion

Community Development Director Gladhill reviewed the language within the unfavorable findings of fact.

Commissioner Brauer recommended the last two findings be removed and that an additional finding be added stating: It is the opinion of the Fire Chief that this cul-de-sac does not meet the minimum specifications for fire apparatus access.

Vice Chair Van Scoy and Commission Gengler accepted this friendly amendment.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Gengler, Anderson, Brauer, Nosan, and Surma. Voting No: None. Absent: Chairperson Bauer.

Motion by Vice Chair Van Scoy, seconded by Commissioner Nosan, to adopt Resolution #17-08-196 denying the variance for cul-de-sac bulb size, striking Items 2 through 5.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Anderson, Brauer, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer.

Further discussion ensued regarding the alternative plans submitted by the applicant. Community Development Director Gladhill noted staff would be reviewing these plans with the applicant in the coming weeks.

Commissioner Brauer thanked the applicant for bringing in an alternative.

Vice Chair Van Scoy stated he supported the alternative moving forward and asked if the applicant had spoken to the property owner to the east.

Mr. Lazan explained he had not spoken to the land owner recently but understood he would like access to his site.

5.04: Public Hearing: Consider Request for an Amended Conditional Use Permit for Motor Vehicle Sales and Repair at 6845 Highway 10 NW (Project No. 17-136); Case of EJ Properties LLC

Public Hearing

Commissioner Brauer recused himself from taking action on this item and excused himself from the meeting at 7:54 p.m.

Vice Chair Van Scoy called the public hearing to order at 7:54 p.m.

Presentation

Community Development Director Gladhill presented the staff report stating in March of 2010, the City approved a Conditional Use Permit for motor vehicle sales and repair on the property located at 6845 Highway 10 NW (the "Subject Property"). However, the property owner, EJ Properties LLC (the "Applicant"), has approached the City about the potential to make some internal building modifications to accommodate additional tenants conducting motor vehicle sales and repair. That represented an expansion of the conditional use and thus, the Applicant submitted a request to amend the existing conditional use permit. Staff recommends approval of the Amended Conditional Use Permit contingent upon the Applicant bringing the property into compliance with the terms of the Conditional Use Permit and Zoning Code (this would include removing inoperable vehicles, removing the numerous small signs in the greenspace area, removing the 'tiny home' displayed on grass, and eliminating the overnight and/or longer-term parking/storage of semis).

Citizen Input

Ed Prater, 6540 169th Lane, introduced himself to the Commission and thanked them for their consideration. He explained he was proposing to amend his CUP to allow for motor vehicle sales and repair.

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Anderson, Surma, Gengler, and Nosan. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

Vice Chair Van Scoy closed the public hearing closed at 8:00 p.m.

Commission Business

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to recommend that City Council adopt Resolution #17-08-197 approving an Amended Conditional Use Permit contingent

upon bringing the Subject Property into compliance with the terms of the Conditional Use Permit and Zoning Code.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Anderson, Nosan, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

5.05: Public Hearing: Review Sketch Plan for Lavern Estates (Project No. 117-137); Case of Joshua Peterson

Public Hearing

Vice Chair Van Scoy called the public hearing to order at 8:01 p.m.

Presentation

Planning Intern Anderson presented the staff report stating this file is to review the Sketch Plan Submittal for Lavern Estates. The Sketch Plan proposes to subdivide one 36.17 Acre Lot into two (2) buildable lots; Lot 1 is 35.49 Acres and Lot 2 is 4.05 Acres. The submittal consisted of one (1) sheet, prepared by Developer John Peterson (You Wish You Had This Land, L.L.C.) and Carlson McCain dated October 3, 2016. The submittal also includes a request for a Zoning Amendment and Comprehensive Plan Amendment to rezone the property from R-1 Residential (MUSA) to R-1 Residential (Rural Developing) and to re-guide the land from Low Density Residential to Rural Developing (Received July 6, 2017). The land use and zoning amendments will officially occur during Preliminary Plat approvals. Staff recommends that the Developer proceed with preparation of the Preliminary Plat, contingent upon the directives of the Staff Review Letter, including the necessary Comprehensive Plan Amendment.

Community Development Director Gladhill reported staff was not completely supportive of the proposed Sketch Plan as it was creating a number of flag lots. He believed another local road should be considered to serve these homes.

Citizen Input

Vice Chair Van Scoy asked if the surrounding property owners were aware of the proposed zoning change.

Community Development Director Gladhill explained all of the adjacent landowners were aware of the applicant's intent, but noted their approval was not required.

Vice Chair Van Scoy questioned how long it would take City water and sewer to get to this area.

Community Development Director Gladhill estimated this would take 10 to 15 years, if ever.

Lonnie Gray, 17530 Nowthen Boulevard, stated the back of his property abuts the property in question. He stated his only concern was with the increased number of cars that would be traveling past his property. He requested numerous lots not be developed.

Community Development Director Gladhill clarified the applicant was proposing to develop 2.5 acre lots.

Mr. Gray questioned how this property would be impacted by the proposed Comprehensive Plan Amendment.

Community Development Director Gladhill reported the impacts would be very minimal to adjacent property owners.

Norm Novak, 7041 175th Avenue, indicated he has lived in his home for the past 16 years. He explained his property abuts the proposed project as well. He stated he has been trying to purchase five or six acres from the applicant for some time and was told by the City the property could not be rezoned. He expressed frustration that he was not able to purchase these five acres.

Community Development Director Gladhill commented the property owner and Mr. Novak could come to an agreement, but recommended this remain separate from the request before the Planning Commission.

Josh Peterson, 7009 175th Avenue, stated he did speak to all of his neighbors north of 175th and west of Nowthen Boulevard. He stated all but three or four signed off on the project.

Vice Chair Van Scoy asked if the applicant had any objections to the staff recommendations and conditions for approval.

Mr. Peterson stated he has yet to review this letter in detail.

Community Development Director Gladhill recommended staff review this information in further detail with the application.

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Anderson, Nosan, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

Vice Chair Van Scoy closed the public hearing closed at 8:22 p.m.

Commission Business

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend that City Council approve the Comprehensive Plan Amendment and Zoning Amendment to change the zoning from the urban service area to Rural Developing, contingent upon the Staff Review Letter.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Surma, Anderson, and Gengler. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

6. COMMISSION BUSINESS

6.01: Discussion Item: Update on Variance Request for a Fence Installation at 7214 167th Terrace NW; Case of Brandon Sis

Presentation

Community Development Director Gladhill presented the staff report stating at the July 6 Planning Commission meeting, a Public Hearing was held regarding a request to construct a fence partially within a stormwater management area, including wetland. Representatives from both the Anoka Conservation District (ACD) and the Board of Water and Soil Resources (BWSR) were going to visit the property at 7214 167th Terrace NW (the "Subject Property") to make a determination about the status of the wetland area. However, at the time of the Public Hearing, that site visit had not occurred. Ultimately, the Planning Commission closed the Public Hearing but tabled action on the requested variance until additional information was received on the wetland status.

Community Development Director Gladhill explained representatives from BWSR and ACD conducted a site visit on the Subject Property the week of July 10. City Staff met with ACD staff and did a follow up site visit of the Subject Property the week of July 17. It was found that the wetland area still meets the criteria to be defined as a wetland, both on the Subject Property as well as many of the surrounding properties. It appears that there have been some significant encroachments into the wetland area, with fill, sod, structures, etc., over time. It is clear that there is a broader wetland encroachment issue than just the request for the Subject Property.

Community Development Director Gladhill explained as was noted in the ACD review, it is unclear whether encroachments were the result of the initial development itself, the builder(s), or past/current homeowners. Additional time is needed to explore what options are available to resolve the cumulative encroachments rather than attempting to address them individually. This likely will require broader policy discussion with, and direction from, the City Council as to how best to address this issue. Staff believes that it will ultimately be beneficial for all of these property owners to look at this matter (and available options) holistically and therefore does not recommend any action by the Planning Commission this evening.

Commission Business

Commissioner Nosan asked if the applicant had submitted new plans for the fence. Brandon Sis, 7214 167th Terrace, stated he has not submitted any other plans for the fence. He was still asking for consideration on the original request.

6.02: Site Plan for Greenway Terrace (Project (#16-84); Case of Aeon, LLC

Presentation

Planning Intern Moss presented the staff report stating the purpose of this case is to review an application for site plan approval of Greenway Terrace. This site is generally located south of 146th Avenue NW, west of Traprock Street NW, and North of East Ramsey Parkway and is identified as PID 28-32-25-13-0033. Staff recommends approval of Resolution #17-08-189 granting Site Plan approval of Greenway Terrace.

Commission Business

Leslie Maring, Aeon, LLC, thanked the Commission for their consideration. She updated the Commission on the project timeline and stated she hoped to break ground on this project in October.

Vice Chair Van Scoy indicated he supported the proposed project.

Commissioner Nosan stated she was really excited for this project to be completed in Ramsey.

Ms. Maring questioned what preference the Commission had for the entrance.

Commissioner Anderson recommended the entrance way be covered in brick. The Commission supported this recommendation.

Vice Chair Van Scoy asked if the applicant had any concerns with the Staff Review Letter.

Ms. Maring stated she had no concerns with the Staff Review Letter.

Motion by Commissioner Anderson, seconded by Commissioner Nosan, to recommend that City Council adopt Resolution #17-08-189 granting Site Plan approval of Greenway Terrace contingent upon compliance with Staff Review Letter dated July 27, 2017.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Anderson, Nosan, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

6.03: Recommend Approval of Final Home Designs for Vistas at North Commons; Case of Morning Sun Homes

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to approve final model home designs for Vistas at North Commons. This case has been updated to include final model designs and Staff review. Architectural review and approval was a

contingency of plat approval to finalize architectural design. No homes have yet been constructed within this plat. This is a step in plat approval, versus Building Permit Review. With that in mind, this is not an appeal process as was the case with recent requests. This step is crucial to provide clarity for Staff to be able to approve Building Permits in a timely fashion and in a manner consistent with Planning Commission and City Council approval. Staff recommends authorizing the proposed models.

Commission Business

Vice Chair Van Scoy asked what kind of conversations staff has had with the developer.

Community Development Director Gladhill commented on the conversations staff has had with the developer regarding the proposed front facades and front porches. Staff feels they have taken these conversations as far as they could with the developer.

Mark Milner, Owner of Morning Sun Homes, understood there was a gap between his proposed home models and noted he was willing to alter the homes slightly. He explained these proposed improvements would increase costs. He stated he was not in favor of putting stone along the back sides of the homes as there would be no benefit to the homeowner.

Vice Chair Van Scoy indicated the requested improvements were being made because this development abutted a major roadway. For this reason, the City was hoping to have the rear facades of the homes enhanced architecturally.

Commissioner Anderson stated he would like to see a sliding glass door as an option for these homeowners. In addition, he wanted to see homeowners have the option of a rear façade that was two-tone.

Commissioner Nosan understood it was different to dress up the rear façade of a home. However, these homes would abut a main drag in Ramsey and numerous people would be driving by the rear side of these homes.

Vice Chair Van Scoy suggested the developer consider shutters for the front and rear facades.

Community Development Director Gladhill summarized the comments made by the Commission to enhance the rear façade of the proposed homes.

Commissioner Surma stated he would like to see the buildings match and compliment the other homes in the area.

Commissioner Nosan supported these homes blending in with the adjacent neighborhood as well.

Commissioner Gengler believed it would be difficult to make a decision on the proposed models without further information.

Vice Chair Van Scoy stated he would like more articulation on the rear façade.

Bill Gleason explained the drawings presented to the Commission were not of the greatest quality. He commented further on how the rear facades and plantings would be enhanced.

Motion by Commissioner Nosan, seconded by Commissioner Gengler, to recommend that City Council authorize the proposed model homes for Vistas at North Commons.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Gengler, Anderson, and Surma. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

6.04: Review Sketch Plan for Davis Addition; Case of Green Valley Greenhouse

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to consider a lot split that will ultimately allow for the future expansion of Green Valley Greenhouse. Ideally, the lot split would occur concurrently with a Comprehensive Plan Amendment from Low Density Residential to something that would allow the expansion of this existing commercial greenhouse. However, the time to consider and approve will take a longer period of time than Green Valley Greenhouse has with an existing purchase agreement. A closing is scheduled for the end of August.

Community Development Director Gladhill reported staff believes that any liability can be covered in a Development Agreement. By approving this lot split, there is no approval of any site plan for expansion of Green Valley Greenhouse. Green Valley will still need a Comprehensive Plan Amendment and Site Plan Approval prior to any construction activities that would expand the footprint of the existing facility. Staff recommends approval of this Plat, contingent upon the Applicant entering into a Development Agreement with the City and the completion of a Comprehensive Plan Amendment prior to any actual construction activities.

Commission Business

Commissioner Nosan asked if the pending purchase agreement was for Lot 1, Block 1.

Community Development Director Gladhill stated this was correct and noted this was an “L” shaped lot that was approximately 64.37 acres in size. He reported the homestead would remain on 12 acres of land. He provided further comment on the proposed land transaction.

Brad Wolf, 6421 Green Valley Road, discussed with the Commission his proposed building expansion and described how his business has been growing in recent years.

Vice Chair Van Scoy congratulated Mr. Wolf on his successful business.

Scott Nill, 6231 177th Lane, stated he supported this thriving local business but expressed concern with how the traffic was impacting his neighborhood. He believed that soon it would appear the Green Valley Greenhouse has turned into an industrial park.

Anthony Belknap, 6230 177th Lane NW, stated he had concerns with the growth that has occurred at the Green Valley Greenhouse considering the site was not zoned for a business use. He explained the surrounding property was all zoned agricultural and he would like to see this remain. He expressed concern with the high level of noise and traffic coming to and from the business. He indicated he was also concerned with the amount of well water was being used by the greenhouse.

Vice Chair Van Scoy explained the City views Green Valley Greenhouse to be an agricultural use and are a conditional use in the R-1 zoning district.

Community Development Director Gladhill stated this was the case but understood the City's intent was not to have greenhouses of this size in the R-1 zoning district. He reported this would be the maximum size for the greenhouse.

Vice Chair Van Scoy thanked the public for bringing their concerns and feedback forward this evening.

Motion by Commissioner Nosan, seconded by Commissioner Surma, to recommend approval of this Plat, contingent upon the Applicant entering into a Development Agreement with the City and the completion of a Comprehensive Plan Amendment prior to any actual construction activities.

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Surma, Anderson, and Gengler. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

6.05: Review Concept Plan for 175 Unit Market Rate Apartments in The COR; Case of Inland Group

Presentation

Community Development Director Gladhill presented the staff report stating The City has been approached by Inland Development Group about a potential market-rate apartment building in Ramsey. In order to set up a smooth review process learning from lessons of the past, the City has prepared Concept/Context Maps and Architectural Renderings on the front end of the Purchase Agreement phase. The Inland Group is looking at purchasing property from the City of Ramsey. Traditionally, these real estate contracts are reviewed by the City's Economic Development Authority (EDA) in the context of real estate management and financial analysis. In the past, the City has identified a need to involve the Planning Commission to a greater degree earlier in the purchase agreement phase to avoid perceptions of full project approval at the time of Purchase Agreement approval.

Community Development Director Gladhill explained the purpose of tonight is simply to introduce the topic and see what questions exist as Inland Group continues to discuss with City Staff. He

explained there are certainly items that will need to be tweaked and plans to be formally adopted as part of this discussion. Staff believes that this generally meets the spirit and intent of The COR Interim Development Plan. Staff will identify any deficiencies in these concepts in future review with the Planning Commission. This evening is simply a high-level review and introduction. Staff will come with a more formal recommendation on preferred alternatives at future steps.

Community Development Director Gladhill stated staff acknowledges that additional discussion needs to occur surround parking strategies and architectural design. The Developer appears to at least be proposing a strategy to attempt to reduce the amount of surface parking required (underground parking). It may be premature to get into great detail on this topic at this stage. Staff is simply attempting to get to a purchase agreement to be able to have more detailed conversations in the near future. Staff requested feedback from the Commission on how to proceed.

Commission Business

Keith James, Inland Group, thanked the Commission for their time and introduced Inland Group. He stated he has completed 18 communities throughout the country and noted he recently started a development in Eagan, Minnesota. He described the proposed age restricted community and commented on the amenities that would be provided. He reported the demographics in Ramsey show this was a strong market for the proposed development. He believed The COR would be a great location for an Affinity community.

Commissioner Surma believed the proposed senior housing would be a complimentary development within The COR.

Commissioner Nosan stated she was thrilled to see this type of development being proposed for Ramsey and believed this would be a great option for Baby Boomers and would allow them to remain in the community.

Vice Chair Van Scoy agreed and believed this was an exciting project that had great value. He stated it would be a great fit for The COR.

Commissioner Anderson suggested the location of the proposed development be moved to a COR1 area.

Further discussion ensued regarding the differences between COR1 and COR2.

Community Development Director Gladhill summarized the comments made by the Commission and understood there was general consensus for the project, noting details still had to be worked out.

7. COMPREHENSIVE PLAN UPDATE ITEMS

Community Development Director Gladhill had no update on the Comprehensive Plan at this time.

8. COMMISSION / STAFF INPUT

8.01: Receive Staff Update

The Staff Update was noted.

8.02: Zoning Bulletins

Zoning Bulletins were noted.

8. ADJOURNMENT

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

Motion Carried. Voting Yes: Vice Chair Van Scoy, Commissioners Nosan, Anderson, Gengler, and Surma. Voting No: None. Absent: Chairperson Bauer and Commissioner Brauer.

The regular meeting of the Planning Commission adjourned at 9:50 p.m.

Respectfully submitted,

Tim Gladhill
Community Development Director

ATTEST:

JoAnn Shaw
Community Development Assistant

Drafted by Heidi Guenther
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

5. 1.

Meeting Date: 09/07/2017

Submitted For: Tim Gladhill, Community Development

By: Eric Maass, Community Development

Information

Title:

PUBLIC HEARING: Consider a Request for a Conditional Use Permit for a Two-Story Accessory Building (Project No. 17-107); Case of Raymond & Linda Bonifas.

Purpose/Background:

The Applicant is requesting a Conditional Use Permit (CUP) for the construction of a two-story accessory building at 6451 170th Lane NW. Minnesota State Building Code classifies the storage space located in the attic space of the proposed accessory building due to the height from floor to ceiling.

Notification:

Staff attempted to notify all Property Owners within a 350 foot radius of the Subject 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 within the R-1 Rural Residential District. This district allows for two-story accessory buildings with the issuance of a Conditional Use Permit (CUP). The Applicant has indicated that no commercial operation or habitation will take place within the second story of the accessory building. The second story of the building is the storage space within the trusses of the proposed building. As designed the measurement from floor to ceiling is classified as a second story by Minnesota State Building Code and as a result a CUP is required.

The proposed structure meets all requirements of City Code Section 117-349 governing accessory buildings for front, rear, side yard setbacks as well as height from finished grade to mean gable. The Applicant has indicated that the building will be wrapped with the same vinyl siding and trim as the principal structure.

Alternative 1: Recommend approval of Resolution #17-09-208 adopting findings of fact, and approval of Resolution #17-09-209 granting a Conditional Use Permit to allow the construction of a two-story accessory building on the Subject Property. The proposed building meets all requirements of the zoning code as it related to accessory buildings and conditional uses. Staff is supportive of this alternative.

Alternative 2: Do not recommend approval of the Conditional Use Permit to allow the construction of a two-story accessory building on the Subject Property. Staff is not supportive of this alternative.

Funding Source:

The Applicant is responsible for all costs associated with this request.

Recommendation:

Staff recommends approval of the requested Conditional Use Permit.

Action:

Motion to recommend that the City Council adopt Resolution #17-09-208 adopting findings of fact #0789, and recommend that the City Council adopt Resolution #17-09-209 approving a Conditional Use Permit contingent upon the terms of the Conditional Use Permit and Zoning Code.

Attachments

[Site Location Map](#)

[CUP Application](#)

[Building Plans](#)

[Site Plan](#)

[Staff Review Letter](#)

[Resolution #17-09-209: Findings of Fact and Conditional Use Permit](#)

Form Review

Inbox

Tim Gladhill

Chris Anderson

Form Started By: Eric Maass

Final Approval Date: 08/31/2017

Reviewed By

Tim Gladhill

Chris Anderson

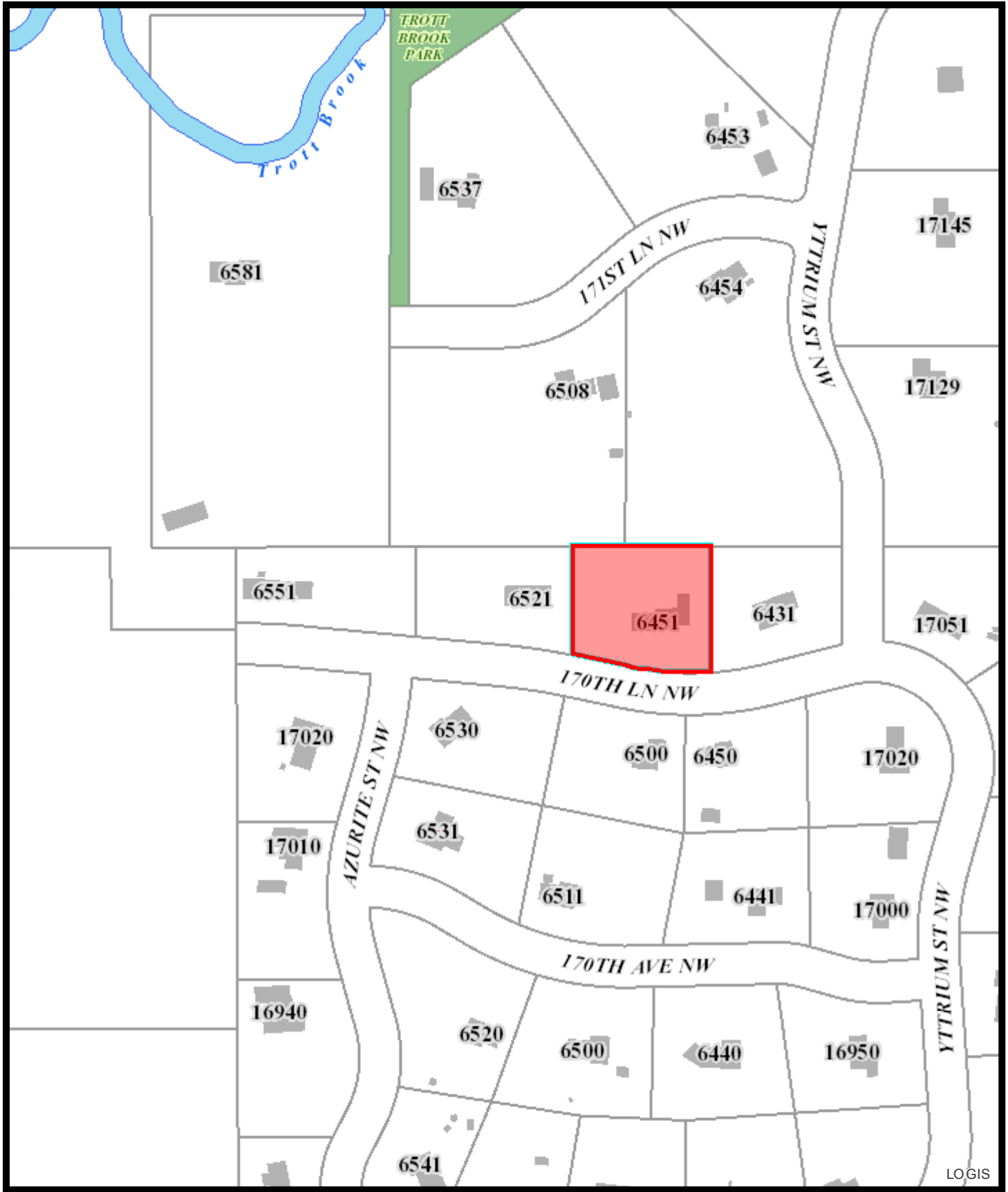
Date

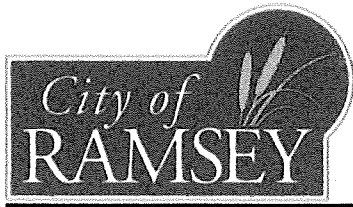
08/30/2017 01:14 PM

08/31/2017 08:47 AM

Started On: 08/26/2017 11:16 AM

Site Location Map





17-109

Land Use Application

<input type="checkbox"/> Plat – Sketch Plan	<input type="checkbox"/> Plat – Preliminary Plat	<input type="checkbox"/> Plat – Final Plat
<input type="checkbox"/> Administrative Plat	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Easement/ROW Vacation
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Zoning Amendment	<input type="checkbox"/> Home Occupation Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Dwelling Moving Permit	<input type="checkbox"/> Environmental Permit	<input type="checkbox"/> Registered Land Survey
<input type="checkbox"/> Non-Traditional Animal License	<input type="checkbox"/> Beekeeping License	<input type="checkbox"/> Private Kennel License

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:	Raymond A Bonifas		
Street Address:	6451 170th Ln NW		
City, State, ZIP:	Ramsey, MN 55303		
Home Phone:	763-753-4031	Work Phone:	Cell 612-834-4625
Email:	rabonifas@comcast.net	Fax Number:	
Name of Business (if applicable):			
Business Address (if applicable)			
Business City, State, ZIP			
Business Phone:		Business Fax:	

Subject Property Information

(Location of Application)

Address	6451 170th Ln NW, Ramsey, MN
PIN	
Legal Description	Lot 3 Block 1 Shady Lawn Estates
Zoning District	

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

(If different than Applicant)

Name:			
Street Address:			
City, State, ZIP:			
Home Phone:		Work Phone:	
Email:		Fax Number:	

Please provide a detailed description of your request and attached a copy of a scaled site plan

Separate free standing structure 30' x 50' with upper level storage. Main level will have 2 automobile stalls and a hobby/entertainment area. This structure will not be for habitat nor for business use, it will also match the existing house trim and siding.

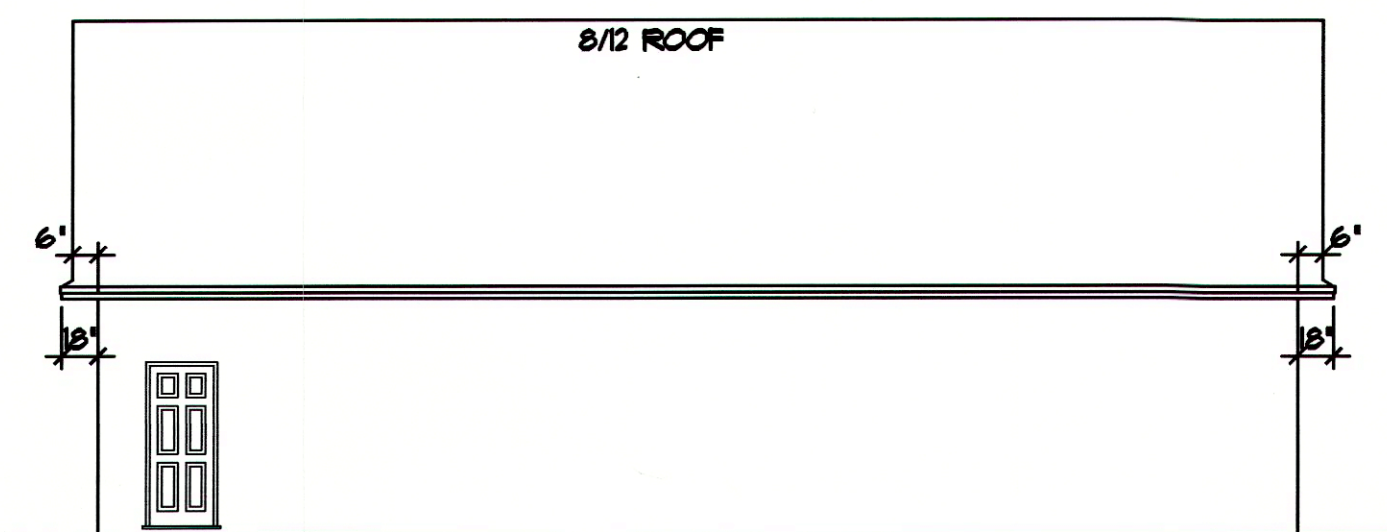
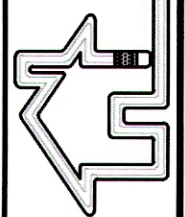
A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature	<i>Raymonda Bonifas</i>	Co-Applicant Signature	<i>Linda K Bonifas</i>
Printed Name	Raymond A Bonifas	Printed Name	Linda K Bonifas
Title		Title	
Date	7/19/2017	Date	7/19/2017

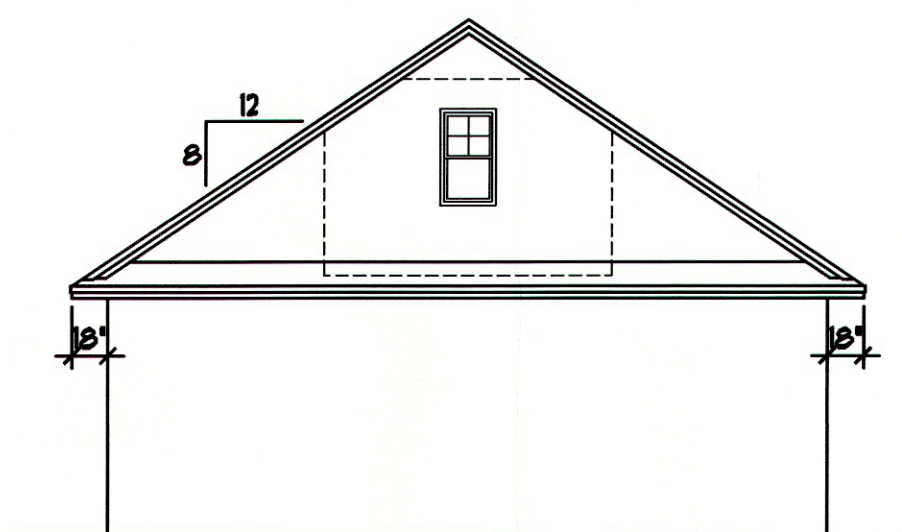
I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature	<i>Raymond A Bonifas</i>	Property Owner Signature	<i>Linda K Bonifas</i>
Printed Name	Raymond A Bonifas	Printed Name	Linda K Bonifas
Title		Title	
Date	7/19/2017	Date	7/19/2017

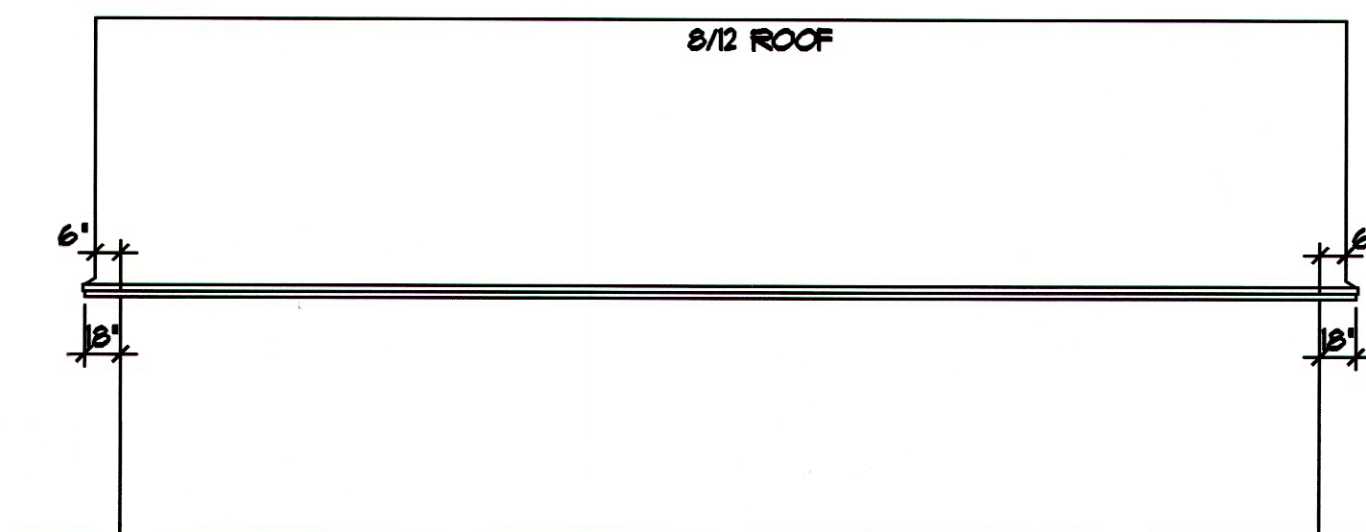
I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.



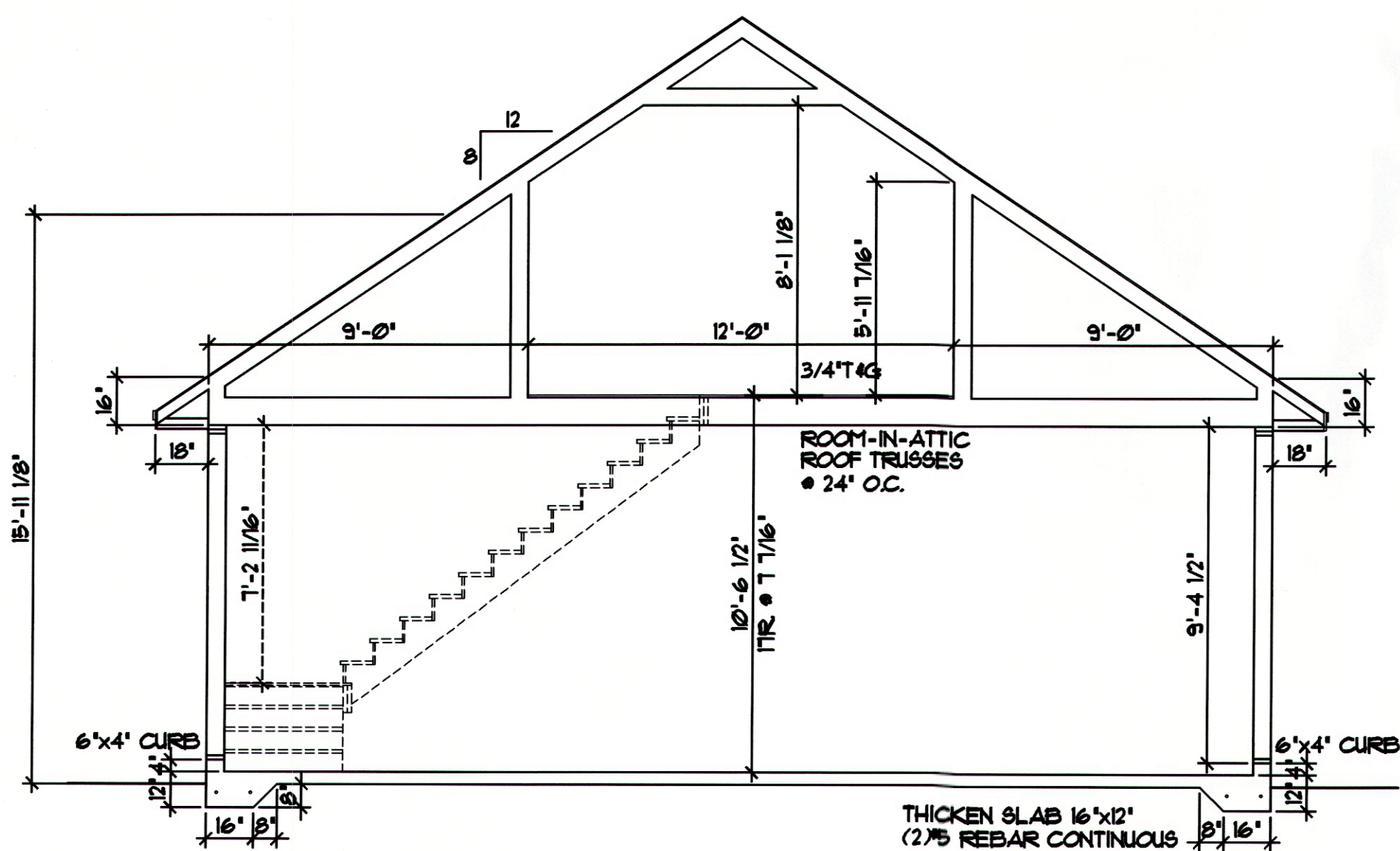
RIGHT ELEVATION 1/8"=1'-0"



REAR ELEVATION 1/8"=1'-0"



LEFT ELEVATION 1/8"=1'-0"



CROSS SECTION 1/4"=1'-0"

ROOF VENTS AS REQ'D.
ASPHALT SHINGLES
ICE & WATERSHIELD
15# FELT PAPER
1/2" OSB SHEATH'G.

ALUMINUM FASCIA
ALUMINUM SOFFITS

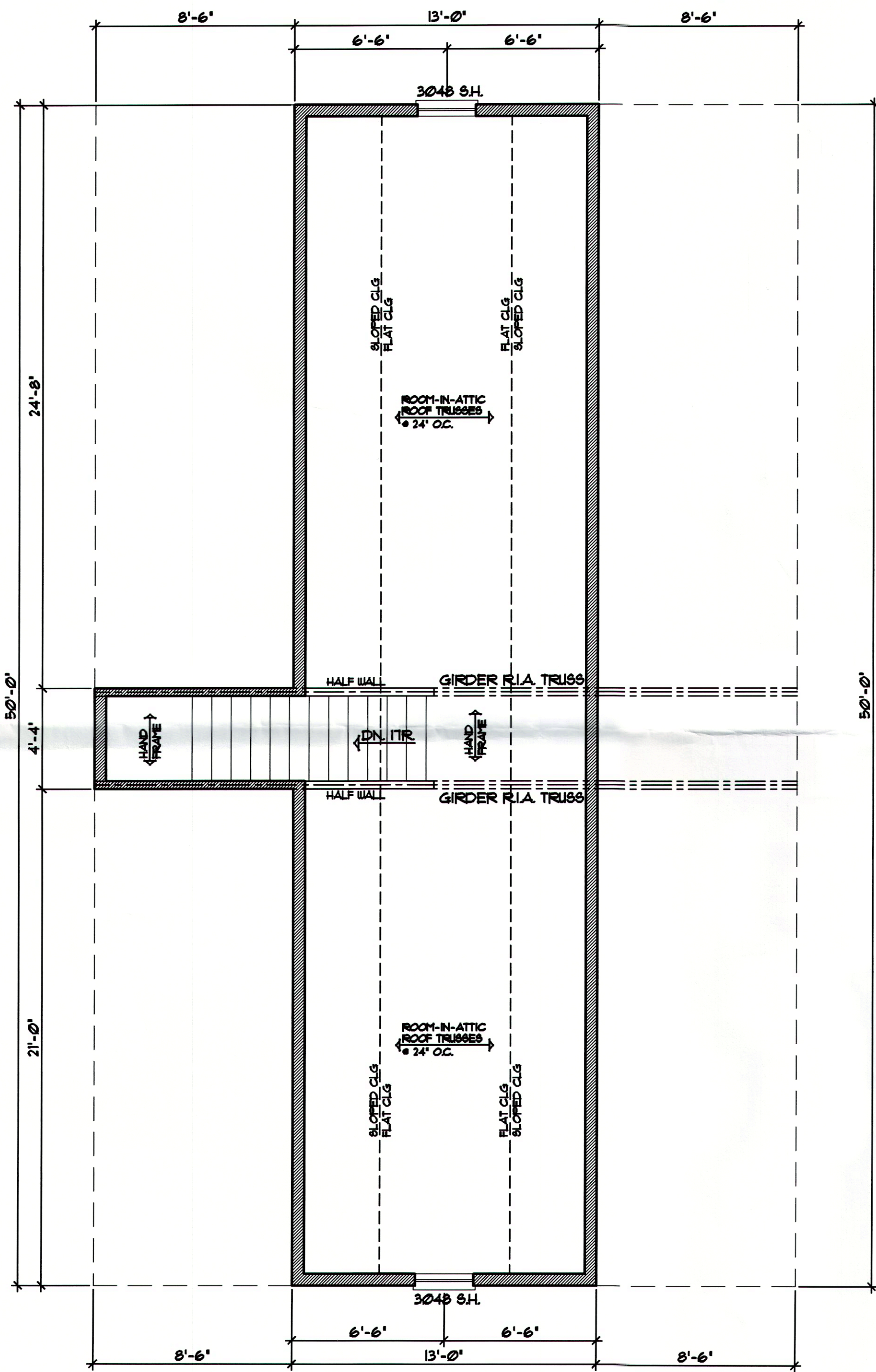
SIDING PER SPEC'S.
1/16" OSB SHEATHING
2x6 STUDS @ 16" O.C.

THICKEN SLAB 16"x12"
(2) #5 REBAR CONTINUOUS @ 16"

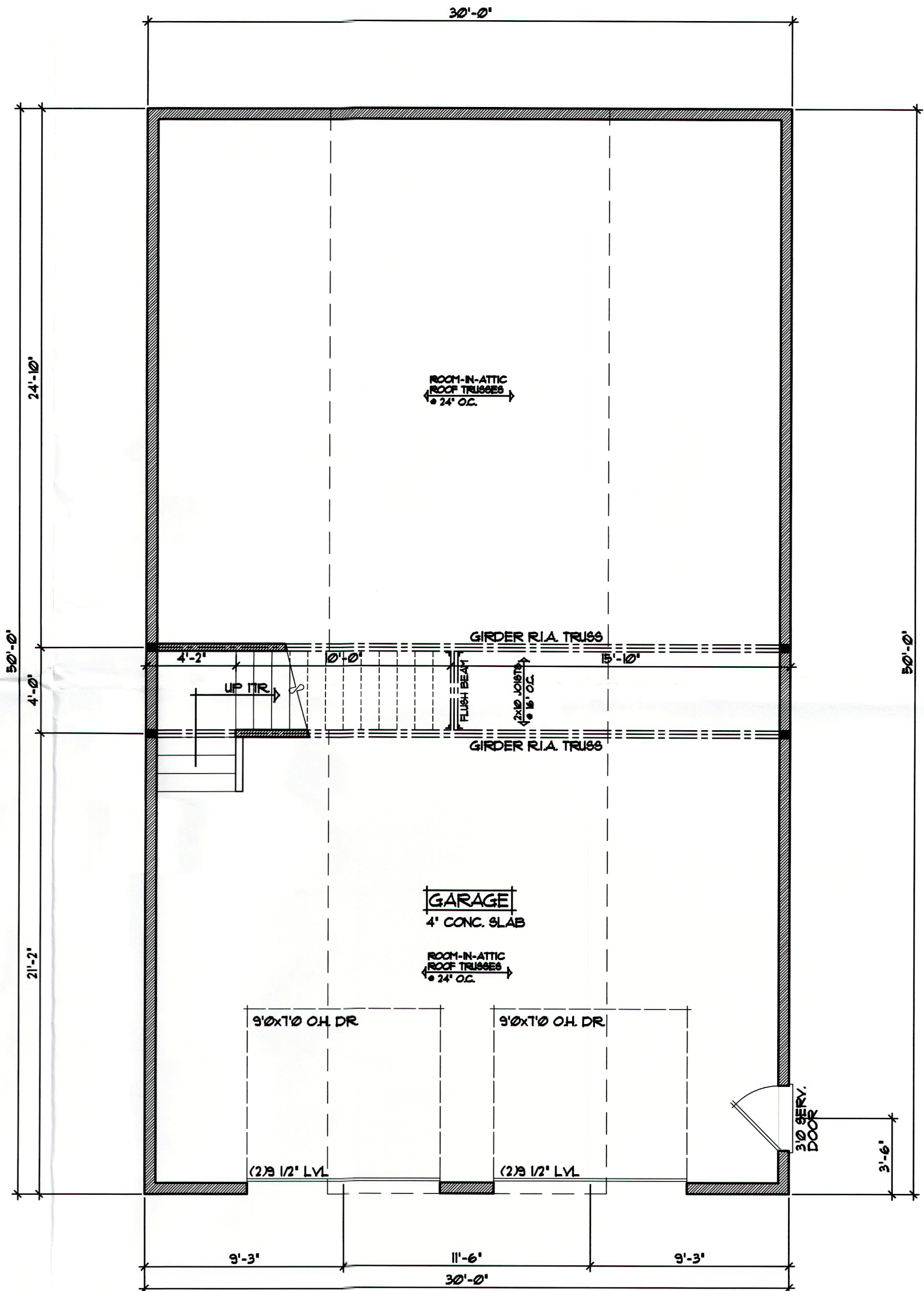


FRONT ELEVATION 1/4"=1'-0"

RECEIVED
JUL 07 2017
BY: 35224



SECOND FLOOR PLAN 1/4"=1'-0"
6500 SQFT. SECOND FLOOR



GARAGE PLAN 1/4"=1'-0"
1500 SQFT. NEW GARAGE

RECEIVED
JUL 07 2017
BY: *35224*

REVISIONS:
XX-XXX

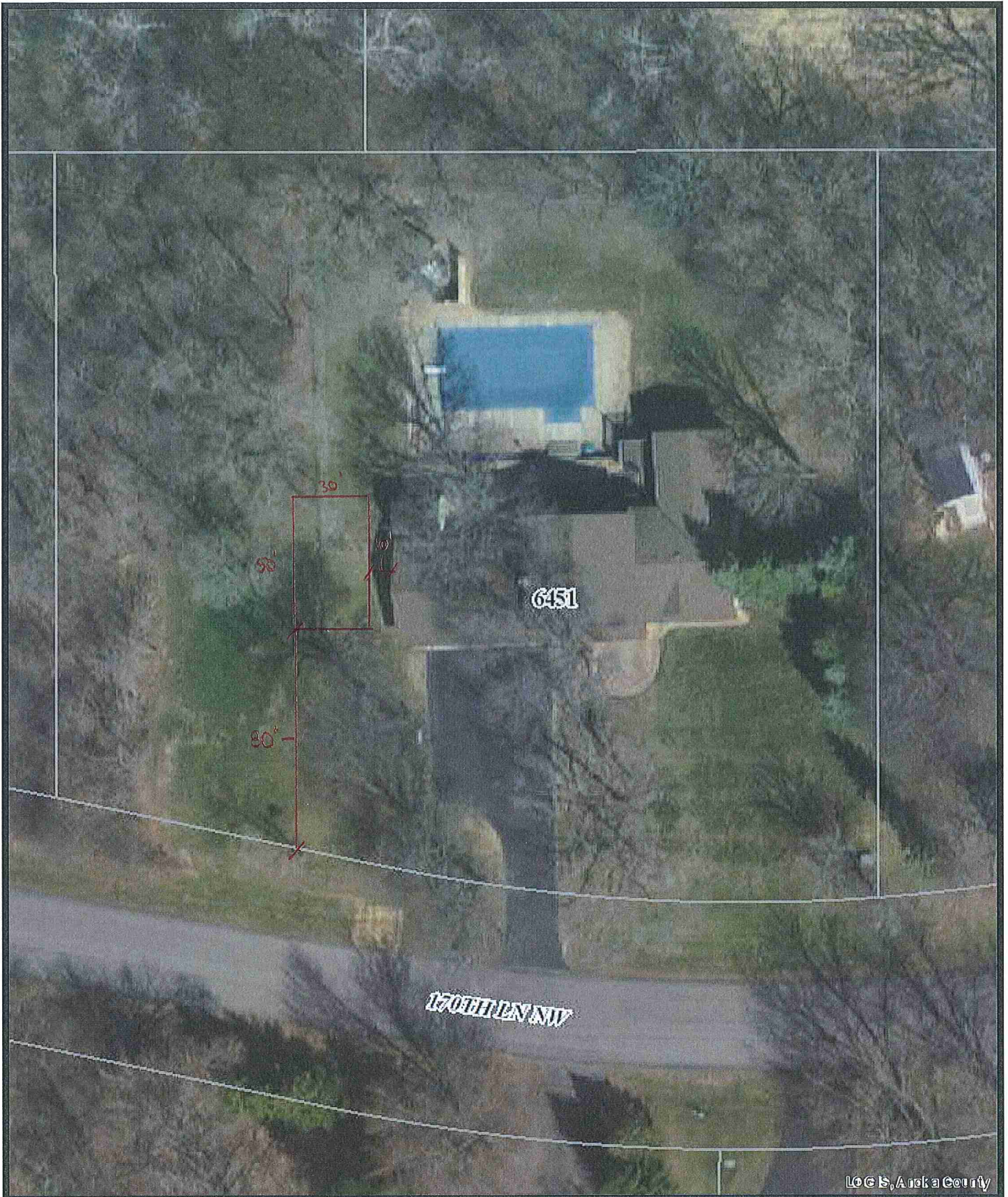
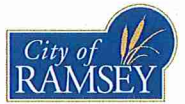
BIRCH HOME DESIGN, LLC
ARCHITECTURAL DESIGN & DRAFTING
BIRCHHOMEDESIGN.COM

BONIFAS RESIDENCE
6451 110TH LANE NW
RAYSET, MINNESOTA

GARAGE PLAN

DATE: 6/20/2017
FILE: 17-054
SHEET 2 OF 2

Bonifas CUP Request



LOGS, Araska County

Feet
0 10 20 30 40

A horizontal scale bar with markings at 0, 10, 20, 30, and 40 feet.

CITY OF RAMSEY LAND USE APPLICATION
TECHNICAL REVIEW FILE

DATE	AUGUST 29, 2017	PROJECT ADDRESS	6451 170 TH LN NW
PROJECT. TITLE	BONIFAS TWO-STORY ACCESSORY BUILDING CUP		
ESCROW #			
DEPARTMENT:	Community Development: Planning Division		
TECHNICAL REVIEWER:	Name: Eric Maass Phone: 763-576-4306 Email: EMaass@wsbeng.com		

Conditional Use Permit

We offer the following comments regarding the Conditional Use Permit (CUP) request at 6451 170th Lane NW for a two-story accessory building by Raymond and Linda Bonifas as it relates to the City's Zoning Code.

Staff provides the following comments for general review of applications:

Conditional Use Permit

In accordance with the R-1 Residential (Rural Developing) District standards, the submittal includes an application for a Conditional Use Permit for (CUP) which is required for a two-story accessory building on a parcel outside of the Municipal Urban Service Area (MUSA) and which the subject property is less than two acres in size.

Minnesota State Building Code classifies the bonus area in the roof of the structure as a second story as the measurement from floor to ceiling is 8' 1.5" constituting the requirement for a conditional use permit.

Exterior Finish

City Code Section 117-349(d)(6) outlines acceptable exterior wall finishes and indicates that the materials shall be generally consistent with the exterior finish of the principal building or finished with hardboard lap siding, vinyl lap siding, aluminum or metal siding, metal panels, textured wood (painted) and/or masonry. The Applicant has indicated that the materials for the proposed structure will be brick, vinyl siding, and shakes that match the principal structure.

Dimensional Standards

	Required by Code	Proposed by Applicant
Height (Less than 2 acres)	16 feet (mean gable)	15 feet 11 1/8 inches (mean gable)

Front Setback	40 feet (not in front of principal structure)	80 feet (and behind principal structure)
Side Setback	10 feet	90 feet
Rear Setback	5 feet	128 feet

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

RESOLUTION #17-09-209

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR A TWO-STORY ACCESSORY STRUCTURE ON THE PROPERTY GENERALLY KNOWN AS 6451 170TH LANE NW AND DECLARING TERMS OF SAME.

RECITALS

1. Raymond Bonifas and Linda Bonifas, hereinafter referred to as the “Permittee” have properly applied for a Conditional Use Permit to construct a two-story accessory structure at the property located at 6451 170th Lane NW and legally described as follows:

LOT 3, BLOCK 1, Shady Lawn Estates, Anoka County, Minnesota.

(“Subject Property”)

2. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 117-52 of the Ramsey City Code on September 7th, 2017, and that the public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
3. That Planning Commission met on September 7, 2017, conducted the public hearing and recommended City Council approve/deny the request.
4. That the Subject Property is zoned R-1 Residential (Rural Developing) District; all adjacent parcels are also zoned R-1 Residential (Rural Developing).
5. That the Subject Property is approximately 0.97 acres in size.
6. That Minnesota State Building Code classifies the bonus area in the roof of the structure as a second story as the measurement from floor to ceiling is 8’ 1.5” constituting the requirement for a conditional use permit.
7. The Applicant has stated that the bonus area in the roof of the accessory building will not be used for any home occupation or habitation.
8. The proposed structure will have an exterior finish of brick, vinyl siding, and shakes to match the principal structure.

FINDINGS OF FACT

1. That the proposed use will/will not adversely impact traffic in the area.

2. That the proposed use will/will not substantially or adversely impair the use, enjoyment or market value of surrounding properties.
3. That the proposed use will/will not be constructed 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.
4. That the proposed use will/will not create additional requirements at public cost for public facilities and services.
5. That the proposed use will/will not be detrimental to the economic welfare of the community.
6. That the proposed use will/will not be disturbing or hazardous to existing or future neighboring uses.
7. 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.
8. That the proposed use will/will not be in accordance with the objectives of the intent of Section 117-51 (Conditional Use Permits) of the City Code.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the “Permit”) for a two-story accessory structure (the “Building”) on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That there shall be no additional accessory structures constructed on the **Subject Property**, unless in accordance with City Code.
2. That the **Permittee** shall construct the **Building** in accordance with all other provisions of City Code Section 117-349 (Accessory Uses and Buildings) and City Code Section 117-111 (R-1 Residential District).
3. That the **Permittee** shall extend the existing driveway to provide access to the **Building** and that the driveway shall comply with the standards in City Code Section 117-111.

4. That the **Permittee** agrees that there will not be any commercial activities within the detached accessory building unless in full compliance with City Code Section 117-351 (Home Occupations).
5. That the **Permittee** agrees that there will not be any habitation within the detached accessory building.
6. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
7. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
8. That the **Permittee** shall obtain all necessary permits prior to commencing any construction of the **Building**, including a Building Permit.
9. That the City Administrator, or his/her designee, shall have the right to inspect the **Subject Property** for compliance and safety purposes annually or at any time, upon reasonable request.
10. That this **Permit** shall automatically expire if the use is not initiated by September 12, 2018 and issuance of the Building Permit shall constitute initiation.

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 12th day of September, 2017.

CITY OF RAMSEY

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me a Notary Public personally appeared Sarah Strommen and Jo Ann M. Thieling, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Sarah Strommen and Jo Ann M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
The City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

This document reviewed by:
Ratwik, Roszak & Maloney
730 Second Ave. S., Suite 300
Minneapolis, MN 55402

Regular Planning Commission

5. 2.

Meeting Date: 09/07/2017**Submitted For:** Tim Gladhill, Community Development**By:** Eric Maass, Community Development

Information**Title:**

PUBLIC HEARING: Consider Multiple Actions Related to a Request to Install and Maintain a Ground-Mounted Solar Energy System on the Property Legally Described as Lot 3, Block 1 River Crossing Addition (Project No. 17-135); Case of Connexus Energy

1. Appeal for issuance of a Development Permit on an officially mapped parcel.
2. Zoning Amendment to include Solar Energy Systems as a principal use with the issuance of a Conditional Use Permit in the Public/Quasi-Public District.
3. Zoning Amendment to rezone a property from R-2 Residential to Public/Quasi Public.
4. Conditional Use Permit to install and maintain a Solar Energy System.

Purpose/Background:

Connexus Energy has applied for a Zoning Amendment and a Conditional Use Permit to construct a new solar garden on the property legally described as Lot 3, Block 1 River Crossing Addition (the "Subject Property"). The system would have the capability of producing 3.5 megawatts (MW) with ground mounted solar photovoltaic panels and would include 6 MW of battery energy storage. This is one of three (3) sites within Anoka County that Connexus Energy is developing to produce solar energy.

The Subject Property is owned by Anoka County and would be leased by Connexus Energy. When the City contemplated solar energy systems several years ago, the Zoning Code was amended to consider ground or building mounted solar energy systems as a permitted accessory use in any zoning district. However, it did not account for, or address, the possibility of a solar energy system being the principal use of a property, as would be the case with Connexus' proposal.

Both the current zoning standards for solar energy systems and the information submitted by Connexus are attached for reference. The final design plans are in the process of being prepared by the solar developer (based on site work being conducted now) but are not complete at this time. They have stated that they do not anticipate any major changes from the initial proposed layout and the Site Plan would still be subject to review and approval by the City.

Notification:

Staff attempted to notify all Property Owners within a 350 foot radius of the Subject 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:

As noted, the Subject Property is owned by Anoka County and was initially acquired to accommodate a future bridge crossing. In 2007, the Subject Property was designated with an Official Map to prevent future development from occurring in advance of the bridge crossing. However, the current Highway 10 Access Planning Study no longer identifies this parcel as needed for a potential bridge crossing (with the new Armstrong Blvd overpass alignment). The Planning Commission has assumed the duties of the Official Map Board of Appeals and Adjustments and therefore, will need to take action on an appeal to issue any type of development permit on the Subject Property per City Code Section 117-4 (Official Map).

As part of the Official Map process in 2007, it was noted that the Subject Property was zoned R-2 Residential and that the intention was to re-guide the parcel as Public/Quasi-Public with the 2008 Comprehensive Plan Update and then subsequently rezone the parcel to Public/Quasi Public. That action did not occur. However, based on the current owner of the Subject Property (Anoka County) and the proposed use (solar farm), it seems reasonable to rezone the property as Public/Quasi-Public (this would also complete the stated intent when the area was officially mapped) and to amend the uses of that zoning district to identify Solar Energy Systems as a principal use with the issuance of a Conditional Use Permit (this district already identifies municipal and private substations as a permitted use).

The Environmental Policy Board (EPB) was introduced to this concept at their July meeting and then officially reviewed this request at their August meeting. Questions that the EPB had asked are outlined below along with the responses from the solar developer and/or Connexus Energy.

- Nuisance noise: The solar energy system will not have any moving parts (fans, panel movement/rotation, etc.) and therefore there should be no discernible noise generated, with the exception of the initial installation of the solar farm. The battery storage units would include air conditioning. As with any air conditioning system, the air condensing units would be outside and would generate some noise, but should be within allowable standards.
- Glare: The panels will be at a fixed tilt, permanently facing south (away from Highway 10), and manufactured with anti-reflective glass specifically designed to reduce glare. A glare study was provided by the solar developer. While it does indicate some glare would be produced at a particular receptor (near the southern touch-down point of the Armstrong Blvd overpass), it is minimal and has low potential to create any after-image.
- Environmental Benefits/Impacts: According to the U.S. Department of Energy, few power generating technologies have as little environmental impact as photovoltaic solar panels. A ground mounted solar array generates electricity without any moving parts, requires no water, and produces no direct emissions. Underneath the ground mounted equipment, native vegetation will be established, providing pollinator habitat as well as erosion control and stormwater runoff benefits. Connexus noted that all power generated by this solar energy system would remain in Ramsey.
- Final Site Plan plans are being developed presently. Their design team is completing field work on the Subject Property necessary to complete the final design and Site Plan. However, it is not anticipated to have any significant impacts to the conceptual layout provided.

While a complete Site Plan is not yet available, consideration of and a recommendation regarding the requested Appeal for a development permit, the Zoning Amendments (both text and map), and Conditional Use Permit can still be addressed. The EPB recommended approval of the Zoning Amendments and Conditional Use Permit with the following conditions (which have been incorporated into the draft Conditional Use Permit):

- Submittal of final Site Plan for review and approval by the City.
- Submittal of a Glare Study (already received).
- Submittal of a Decommissioning Plan (how the site will be deconstructed and restored upon the abandonment of the operation).
- Installation of native, sustainable landscape underneath the ground mounted equipment.

The City's Comprehensive Plan does address solar access protection within the Land Use Chapter. One of the identified policies for solar access protection is to work with the League of Minnesota Cities, University of Minnesota Extension Services, Minnesota Office of Environmental Assistance, Anoka County, and other agencies to develop programs that increase the use of solar energy systems. It appears that the proposed project would further this policy.

Note that the attached, draft Conditional Use Permit was prepared as if the Zoning Amendments, both the text and map amendments, were in effect already.

Alternatives

Alternative 1: Approve the Appeal for the issuance of a development permit in the Official Map area and recommend adoption of both Ordinance Amendments and the request for a Conditional Use Permit. Based on the alignment of the Armstrong Blvd overpass, the Subject Property is no longer needed for a future bridge crossing, and therefore, the issuance of a development permit would not have an impact to future transportation needs. Solar

energy systems as a principal use of property in the Public/Quasi-Public District would encourage development of this renewable energy source while allowing the City to address requests on a case by case basis and apply reasonable conditions to an approval. Staff supports this alternative.

Alternative 2: Do not approve the appeal for the issuance of a development permit in the Official Map and therefore, do not recommend approval of either Ordinance Amendment or the Conditional Use Permit. The City is working toward amending the overall Official Map to eliminate those parcels no longer needed for future transportation corridors, which includes the Subject Property. Thus, Staff would not support Alternative 2.

Funding Source:

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

Recommendation:

The Environmental Policy Board recommended approval of the Zoning Amendments and Conditional Use Permit. City Staff also supports the recommended approvals as well as the appeal for the issuance of a development permit within an officially mapped area.

Action:

Motion to adopt Resolution #17-09-211 approving an appeal for issuance of a development permit for the Subject Property for the installation of a solar energy system;

-and-

Motion to recommend adoption of Ordinances #17-13 and #17-14 to rezone the Subject Property to Public/Quasi-Public and to amend Section 177-122 (Public/Quasi-Public) to identify solar energy systems as a principal use with the issuance of a Conditional Use Permit;

-and-

Motion to recommend approval of Resolution #17-09-212 granting a Conditional Use Permit for the installation and maintenance of solar energy system on the Subject Property contingent to review and approval as to legal form by the City Attorney.

Attachments

Site Location Map

Application Submittal

Draft EPB Meeting Minutes Dated August 21, 2017

Glare Study

Manufacturer Equipment Specification Sheet

Existing Solar Energy System Regulations

Resolution #17-09-211: Official Map Appeal

Ordinance #17-13: Zoning Map Amendment

Ordinance #17-14: Zoning Text Amendment

Resolution #17-09-212: Conditional Use Permit

Form Review

Inbox

Reviewed By

Date

Tim Gladhill

JoAnn Shaw

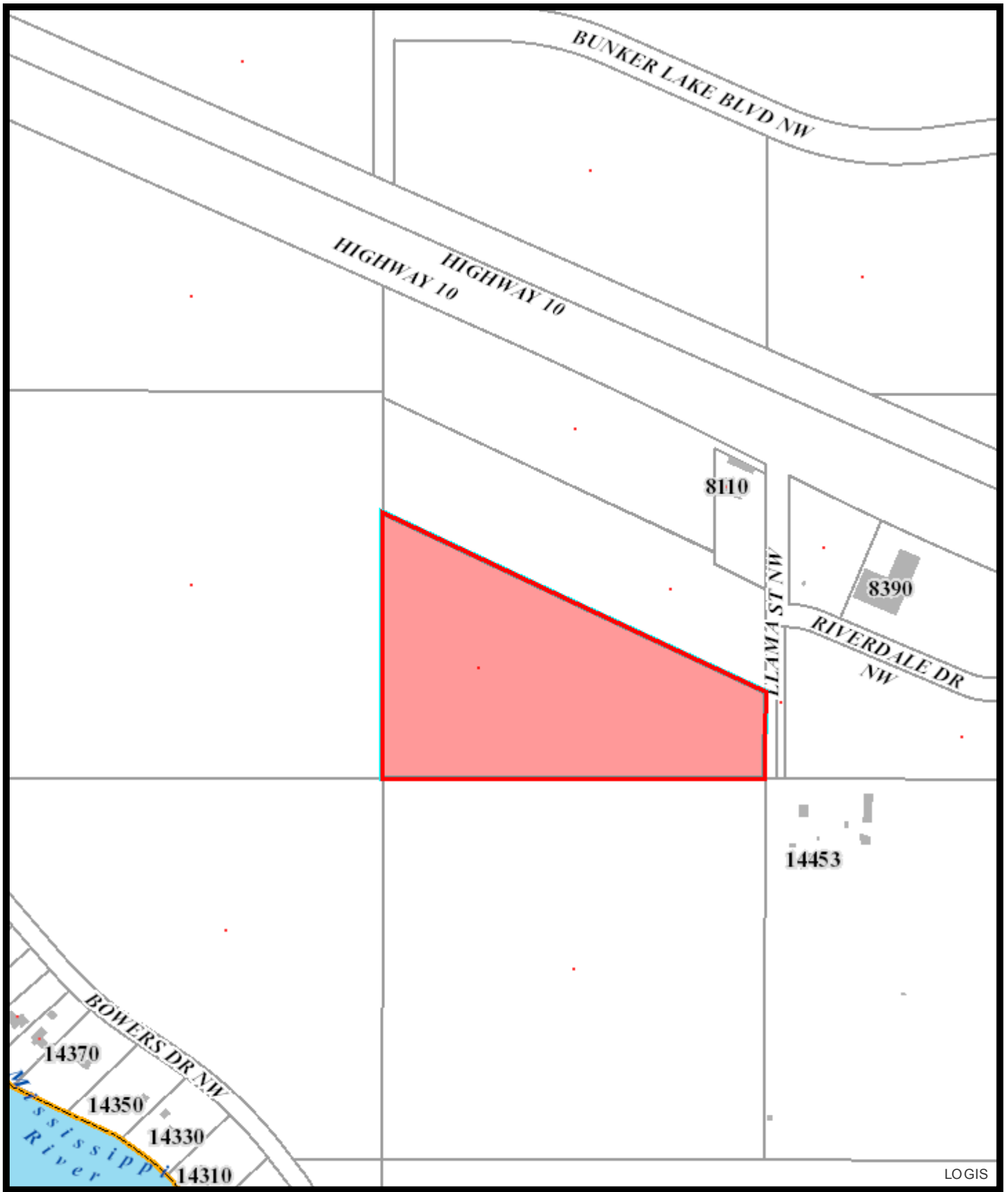
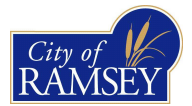
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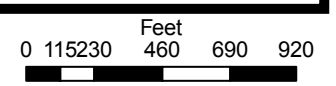
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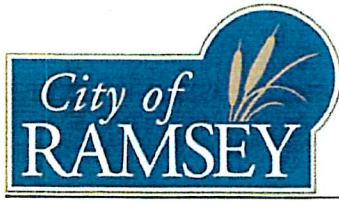
Final Approval Date: 09/01/2017

Site Location Map



LOGIS





Land Use Application

<input type="checkbox"/> Plat – Sketch Plan	<input type="checkbox"/> Plat – Preliminary Plat	<input type="checkbox"/> Plat – Final Plat
<input type="checkbox"/> Administrative Plat	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> Easement/ROW Vacation
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Interim Use Permit	<input type="checkbox"/> Comprehensive Plan Amendment
<input type="checkbox"/> Zoning Amendment	<input type="checkbox"/> Home Occupation Permit	<input type="checkbox"/> Variance
<input type="checkbox"/> Dwelling Moving Permit	<input type="checkbox"/> Environmental Permit	<input type="checkbox"/> Registered Land Survey
<input type="checkbox"/> Non-Traditional Animal License	<input type="checkbox"/> Beekeeping License	<input type="checkbox"/> Private Kennel License

Applicant Contact Information

Please note: All official communication will be routed through this contact.

Name:	Brian Burandt		
Street Address:	14601 Ramsey Blvd.		
City, State, ZIP:	Ramsey, MN 55303		
Home Phone:	—	Work Phone:	763-323-2785
Email:	brian.burandt@	Fax Number:	763-323-2785
Name of Business (if applicable):	<small>connexusenergy.com</small> Connexus Energy		
Business Address (if applicable)	14601 Ramsey Blvd.		
Business City, State, ZIP	Ramsey, MN 55303		
Business Phone:	763-323-2785	Business Fax:	763-323-2785

Subject Property Information

(Location of Application)

Address	Unassigned, Ramsey, MN 55303
PIN	29-32-25-24-0007
Legal Description	See attachment
Zoning District	R2 - Medium Density Residential

Contact the Planning Division at 763-433-9824 or planning@cityoframsey.com to request a Zoning Verification

Property Owner Information

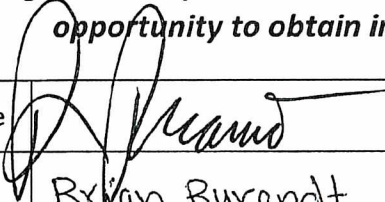
(If different than Applicant)

Name:	Anoka County		
Street Address:	1440 Bunker Lake Blvd.		
City, State, ZIP:	Andover, MN 55304		
Home Phone:	—	Work Phone:	763-323-5693
Email:	jerry.soma@co.anoka. <small>mn.us.</small>	Fax Number:	—

Please provide a detailed description of your request and attached a copy of a scaled site plan

Request to install 3.5 megawatts (MW) of solar photovoltaic panels and 6 MW of battery energy storage.
Sizing of PV and energy storage subject to final design criteria.

A "Land Use Sign" will be placed on the Subject Property to allow Ramsey Residents the opportunity to obtain information about your request.

Applicant Signature		Co-Applicant Signature	
Printed Name	Bryan Burandt	Printed Name	
Title	VP, Power Supply & Business Development	Title	
Date	6/9/17	Date	

I understand that the application fee is non-refundable. All costs associated with the processing of this application are the responsibility of the applicant whether this application is approved or denied. Any excess of escrow account deposits over expenditures will be refunded at the time of account closure. I also understand that as the applicant, it is my responsibility to obtain all other permits or licenses required by any applicable regulatory agencies for this Land Use Application.

Property Owner Signature		Property Owner Signature	
Printed Name	Jerry Soma	Printed Name	
Title	County Administrator	Title	
Date	8-22-17	Date	

I hereby certify that I am the fee title owner/contract for deed vendee of record for the above-mentioned property. Failure to prove ownership may void any agreements entered into the City and I will be held liable for any and all costs incurred by the City.

Legal Description:

Parcel # 29-32-25-24-0007

That part of the Northeast Quarter of the Northwest Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota, lying southwesterly of the northeasterly right of way line of U.S. Highway No. 10.

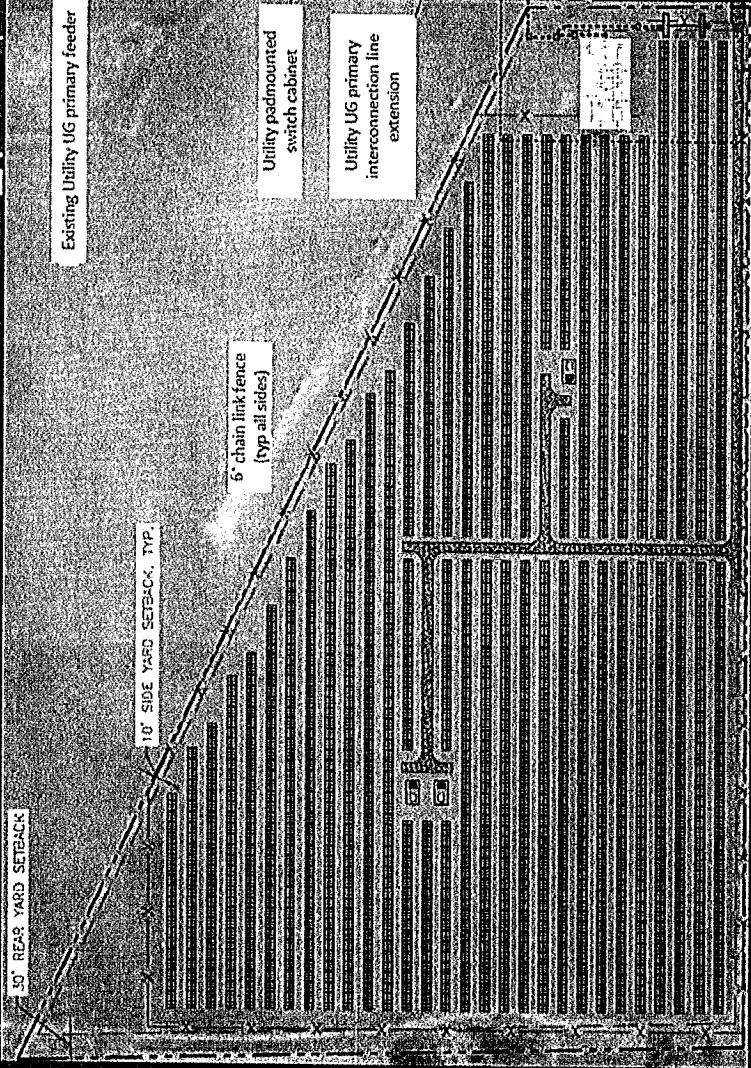
And

The Southeast Quarter of the Northwest Quarter of Section 29, Township 32, Range 25, Anoka County, Minnesota, except that part described as follows:

Beginning at a point on the east line of the Southeast Quarter of the Northwest Quarter of Section 29, Township 32, Range 25, distant 30 feet south of the intersection of said line with the southerly boundary of the right of way of U.S. Highway No. 10; thence northwesterly and parallel with said U.S. Highway No. 10 and 30 feet southwesterly thereof, a distance of 200 feet; thence southerly and parallel with the east line of said Southeast Quarter of the Northwest Quarter, a distance of 400 feet; thence southeasterly and parallel with said U.S. Highway No. 10, a distance of 200 feet to the east line of said Southeast Quarter of the Northwest Quarter; thence north along the east line of said Southeast Quarter of the Northwest Quarter 400 feet to the point of beginning.

Solar Generation + Battery Storage Installation
Proposed Layout and Interconnection Plan
City of Ramsey, Anoka County

Property:
Lot 3 Block 1 River Crossing Addition
NE ¼ of the NW ¼ of Sec. 29 T32 R25



Existing Utility OH
Primary feeder

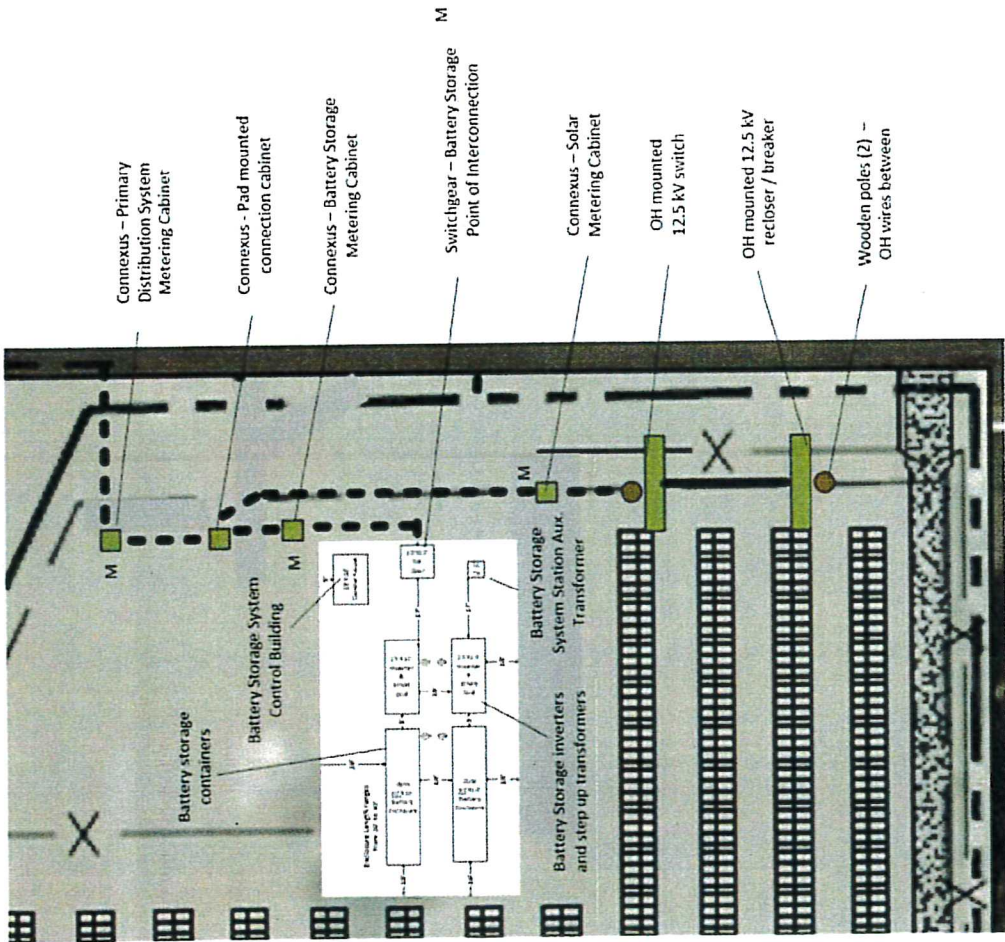
Existing Utility UG
primary feeder

30' FRONT YARD SETBACK

Connexus Energy
PV - BESS Plan
Anoka Site
Preliminary Engineering Concept Plan - 6/8/17
Plot Plan
Sheet 1 of 3

See Inset for Battery Storage
and Interconnection Detail

Property Boundary



GENERAL NOTES:

- Layout as shown is preliminary – actual detailed layout of panel array and placement of interconnection equipment may change as part of detail design.
- Solar panels will be pier mounted fixed access, azimuth at 180 degrees.
- Solar panel maximum height - 15' (based on preliminary information – not vendor specific)
- All setbacks to solar panels shall be located such that the distance to any property line is at least equal to the height of the solar panels at maximum designed tilt.
- All electrical collection lines inside the property shall be underground, except for overhead pole mounted equipment near the point of interconnection as indicated.
- Solar field will be surrounded by 6' chain lockable chain link fence.
- Power line extension to interconnect the facility will be buried line along Lama St
- Connexus Connection Cabinet and Metering Cabinet approximate dimensions: 5' x 5' footprint, 5' high

Inset from Page 1 – Battery Storage and Interconnection Equipment



Solar Panels – Typical view



Battery containers – Typical view



5.01: Consider Request for a Zoning Amendment and Conditional Use Permit for the Installation of a Solar Garden at the Property Legally Described as Lot 3, Block 1, River Crossing Addition (Project No. 17-135); Case of Connexus Energy

City Planner Anderson presented the staff report. He stated that Connexus Energy has applied for a Zoning Amendment and a Conditional Use Permit to construct a new solar garden on the property legally described as Lot 3, Block 1, River Crossing Addition. He stated that the subject property is owned by Anoka County and would be leased by Connexus Energy. He stated that when the City contemplated solar energy systems several years ago, the Zoning Code was amended to consider ground or building mounted solar energy systems as permitted accessory use in any zoning district; however, it did not account for or address the possibility of a solar array being the principal use of a property, as would be the case with the Connexus proposal.

Brian Burandt stated that the proposed site would be 14 times the size of the existing solar array on the Connexus campus and would generate the power supply for 600 homes, noting that energy would remain in Ramsey. He stated that there are tax credits available for the solar system, battery system, and storage system which decrease the project costs. He explained that the midday solar peak and later peak of energy use, the storage system will allow that energy to be stored until the use is needed. He stated that Connexus approached municipalities to determine interest and there are three willing partners with land available through Anoka County, St. Francis, and the National Sports Center. He stated that this would be the largest multi-site community solar array in the midwest. He provided additional details on the proposed sites which would include fencing and pollinator habitat. He stated that they have learned key takeaways from the solar array on the Connexus campus.

Board Member Trossen asked the size of the battery and average lifespan.

Mr. Burandt provided additional details on the size and lifespan of the batteries. He explained how the batteries would be charged and store energy in order to disburse the energy during peak demand times.

Board Member Valentine asked for information on fire safety.

Mr. Burandt provided additional details on the batteries and noted that the batteries are safe and the price of batteries have actually been reduced because of the competition that has been brought to the market. He confirmed that there would be fire suppression as well.

Board Member Covart asked if the members would be offered a buy-in on the project.

Mr. Burandt explained that Connexus is leasing the land through municipalities and the energy will be used to lower the costs to all Connexus customers rather than offering a buy-in. He stated that there is not an issue with glare. He stated that after 25 years the equipment would be removed and the site would be restored for Anoka County to do what they wish with it.

City Planner Anderson stated that he spoke with the solar developer and was assured that the developer would create a decommissioning plan for the removal of the equipment and restoration of the land that would occur after that leased period expires.

Mr. Burandt stated that the storage developer has not yet been named but provided examples of storage containers that could be used in the solar array. He noted that the storage containers would be located on the back side of the swale if you were looking from Highway 10.

City Planner Anderson stated that staff does not have a final Site Plan as that would be contingent on final site work that is being done. He stated that part of the mapping process that was done in 2007 to prepare for the Comprehensive Plan update identified this land as Public/Quasi Public but the regrading of the land never occurred. He stated that currently the property is zoned as R-2/medium residential. He stated that staff believes that it would be appropriate to rezone the property as Public/Quasi-Public, especially because the County owns the property. He noted that substations are allowed in that zoning district and while a solar array is not a specified use, it would be similar. He stated that staff would recommend adding a text amendment to the zoning district to allow solar energy systems as a principal use with the issuance of a Conditional Use Permit. He noted that a Conditional Use Permit could then be used to allow the solar array. He stated that this would move forward to the Planning Commission for a public hearing at their September 5th meeting and would then move to the City Council.

Mr. Burandt stated that Connexus originally wanted to have a showcase on their property, as they have 18 acres of land but staff was hesitant and stated that they would support the solar array on another piece of property as they would rather see the land near the Connexus site preserved for a business park.

City Planner Anderson agreed that from an economic development perspective, Ramsey is short on industrial/business park land and therefore the remainder of the Connexus property would be desirable for that purpose. He stated that discussion has brought this idea to the County owned land, which would be a good marriage of the County owned land and the solar array.

Board Member Hiatt asked if there has been any feedback from the residents on Bowers Drive.

Mr. Burandt stated that they have not spoken with the residents in that area yet but would be open to holding a public meeting.

City Planner Anderson stated that if Connexus is interested, staff could open up City Hall earlier for an open house prior to the Planning Commission meeting for residents to ask more questions if desired.

Mr. Burandt stated that he has not heard any negative comments about creating more renewable energy.

Motion by Chairperson Stodola and seconded by Board Member Valentine to recommend approval of a Zoning Amendment to rezone the subject property to Public/Quasi Public and to add solar energy systems as a principal use with the issuance of a Conditional Use Permit.

Motion carried. Voting Yes: Chairperson Stodola, Board Member Valentine, Anderson, Covart, Hiatt, and Trossen. Voting No: None. Absent: Board Member Bernard.

Motion by Board Member Valentine and seconded by Board Member Hiatt to recommend approval of a Conditional Use Permit for the installation of a solar energy system on the subject property with contingencies.

Motion carried. Voting Yes: Chairperson Stodola, Board Member Valentine, Hiatt, Anderson, Covart, and Trossen. Voting No: None. Absent: Board Member Bernard.

Site Configuration: Site 1

Project site configuration details and results.



Created **Aug. 22, 2017 10:58 a.m.**
 DNI **varies** and peaks at **1,000.0 W/m²**
 Analyze every **1 minute(s)**
0.5 ocular transmission coefficient
0.002 ft pupil diameter
0.017 ft eye focal length
9.3 mrad sun subtended angle
 Site Configuration ID: 9859.1692

Summary of Results Glare with low potential for temporary after-image predicted

PV name	Tilt	Orientation	"Green" Glare	"Yellow" Glare	Energy Produced
	deg	deg	min	min	kWh
PV array 1	25.0	180.0	598	0	-

Component Data

PV Array(s)

Name: PV array 1
Axis tracking: Fixed (no rotation)
Tilt: 25.0 deg
Orientation: 180.0 deg
Rated power: -
Panel material: Smooth glass with AR coating
Vary reflectivity with sun position? Yes
Correlate slope error with surface type? Yes
Slope error: 8.43 mrad

Vertex	Latitude	Longitude	Ground elevation	Height above ground	Total elevation
	deg	deg	ft	ft	ft
1	45.234163	-93.480778	885.40	0.00	885.40
2	45.235825	-93.485649	875.23	0.00	875.23
3	45.233936	-93.485541	868.51	0.00	868.51
4	45.233860	-93.480713	884.62	0.00	884.62

Discrete Observation Receptors

Number	Latitude	Longitude	Ground elevation	Height above ground	Total Elevation
	deg	deg	ft	ft	ft
1	45.239919	-93.488910	883.91	0.00	883.91
2	45.238680	-93.485155	881.20	0.00	881.20
3	45.237698	-93.482108	874.43	0.00	874.43
4	45.236973	-93.479533	877.22	0.00	877.22
5	45.235734	-93.475842	879.92	0.00	879.92
6	45.233679	-93.473461	873.86	0.00	873.86

PV Array Results

PV array 1 low potential for temporary after-image

Component	Green glare (min)	Yellow glare (min)
OP: 1	0	0
OP: 2	0	0
OP: 3	0	0
OP: 4	0	0
OP: 5	13	0
OP: 6	585	0

PV array 1 - OP Receptor (1)

No glare found

PV array 1 - OP Receptor (2)

No glare found

PV array 1 - OP Receptor (3)

No glare found

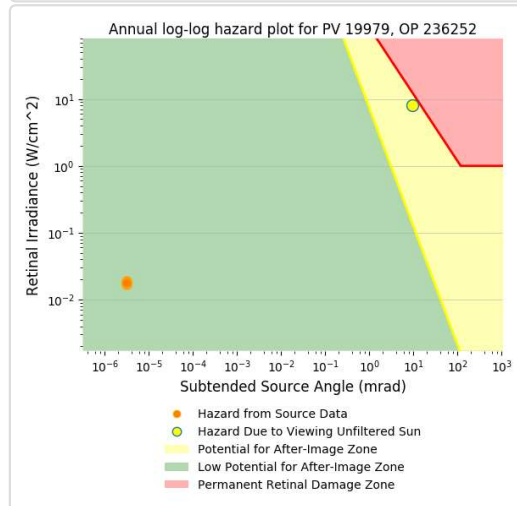
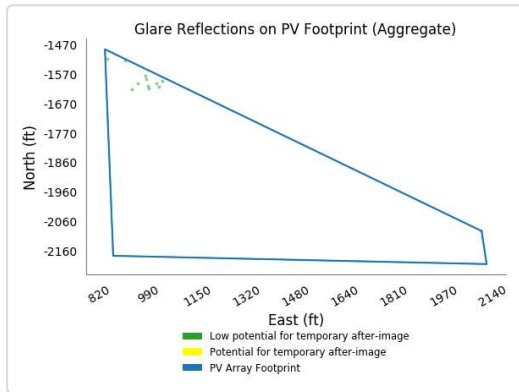
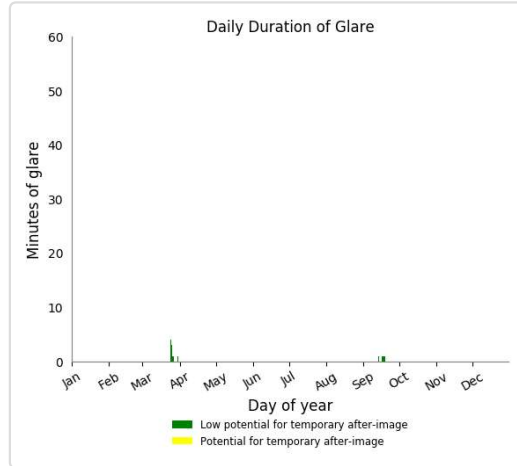
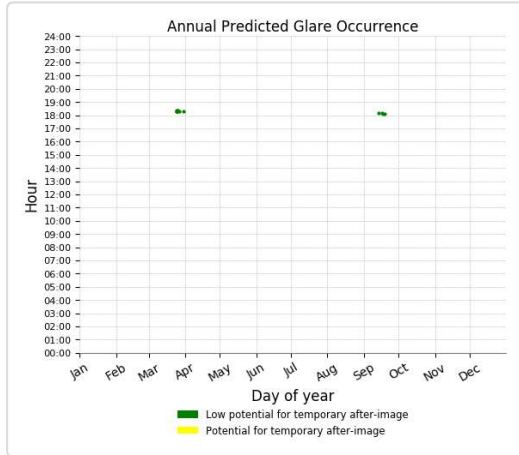
PV array 1 - OP Receptor (4)

No glare found

PV array 1 - OP Receptor (5)

PV array is expected to produce the following glare for receptors at this location:

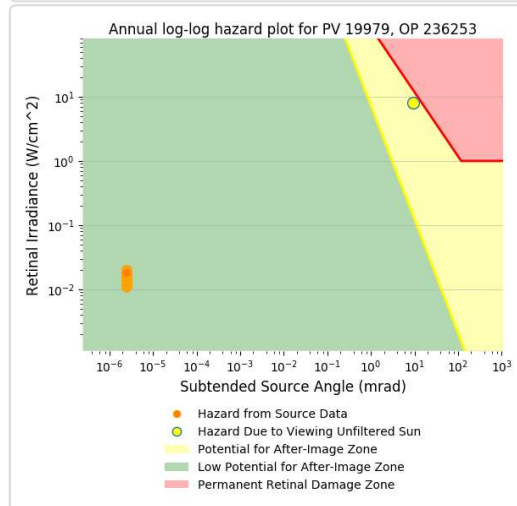
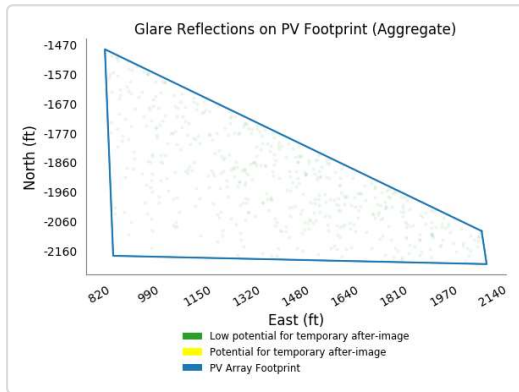
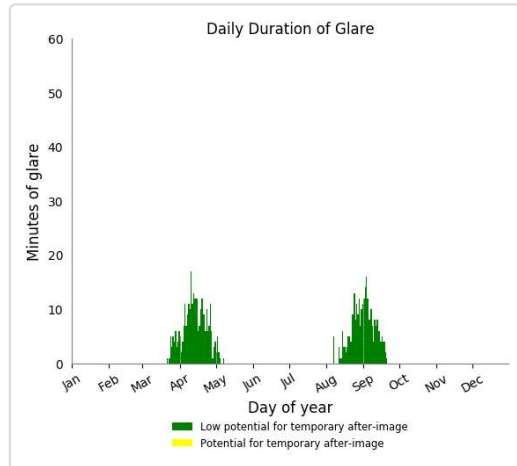
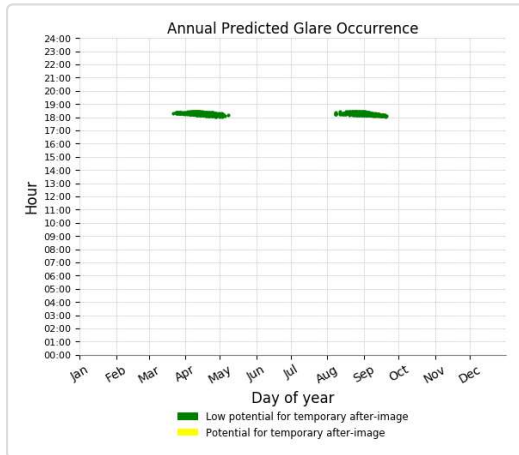
- 13 minutes of "green" glare with low potential to cause temporary after-image.
- 0 minutes of "yellow" glare with potential to cause temporary after-image.



PV array 1 - OP Receptor (6)

PV array is expected to produce the following glare for receptors at this location:

- 585 minutes of "green" glare with low potential to cause temporary after-image.
- 0 minutes of "yellow" glare with potential to cause temporary after-image.



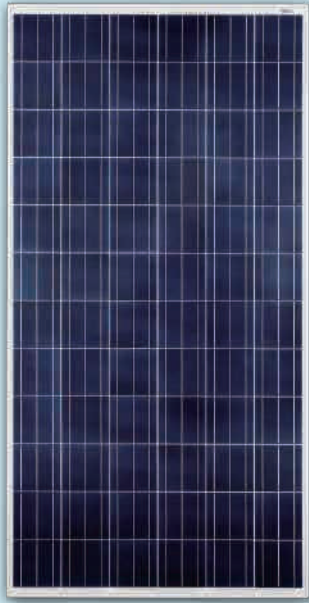
Assumptions

- Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.
- Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.
- The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values may differ.
- Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

JAP6

72/300-320/3BB

MULTICRYSTALLINE SILICON MODULE



JA Solar Holdings Co., Ltd.

JA Solar Holdings Co., Ltd. is a world-leading manufacturer of high-performance photovoltaic products that convert sunlight into electricity for residential, commercial, and utility-scale power generation. The company was founded on May 18, 2005, and was publicly listed on NASDAQ on February 7, 2007. JA Solar is one of the world's largest producers of solar cells and modules. Its standard and high-efficiency product offerings are among the most powerful and cost-effective in the industry.

Address: NO.36, Jiang Chang San Road, Zhabei, Shanghai 200436, China

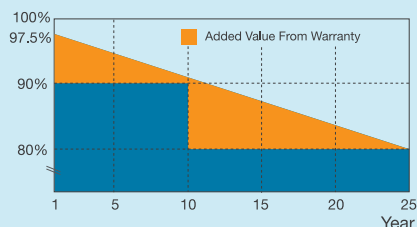
TEL: +86 21 6095 5888 / +86 21 6095 5999

FAX: +86 21 6095 5858 / +86 21 6095 5959

Email: sales@jasolar.com market@jasolar.com

Superior Warranty

- 10-year product warranty
- 25-year linear power output warranty



Key Features



Multicrystalline modules designed for commercial and solar farm grid-tied applications



High output, 16.51% highest conversion efficiency



Designed for IEC DC 1000V applications



Anti-reflective and anti-soiling surface reduces power loss from dirt and dust



Outstanding performance in low-light irradiance environments



Excellent mechanical load resistance: Certified to withstand high wind loads (2400Pa) and snow loads (5400Pa)



High salt and ammonia resistance certified by TÜV NORD

Reliable Quality

- Positive power tolerance: 0~+5W
- 100% EL double-inspection ensures modules are defects free
- Modules binned by current to improve system performance
- Potential Induced Degradation (PID) Resistant

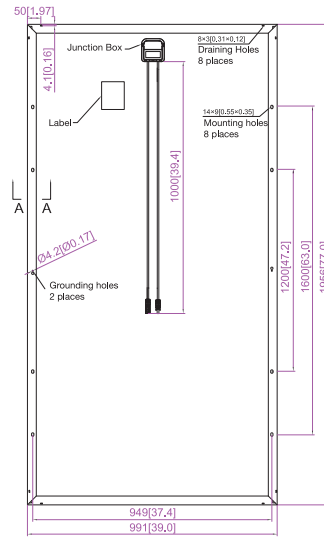
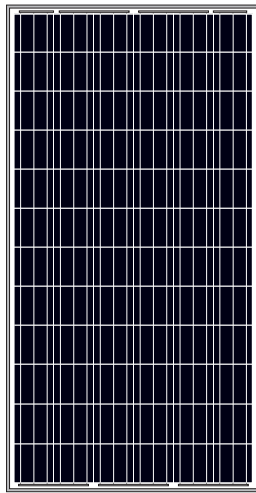
Comprehensive Certificates

- IEC 61215, IEC 61730, UL1703, CEC Listed, MCS and CE
- ISO 9001: 2008: Quality management systems
- ISO 14001: 2004: Environmental management systems
- BS OHSAS 18001: 2007: Occupational health and safety management systems
- Environmental policy: The first solar company in China to complete Intertek's carbon footprint evaluation program and receive green leaf mark verification for our products



Specifications subject to technical changes and tests. JA Solar reserves the right of final interpretation.

Engineering Drawings



■ customized cable length available upon request

MECHANICAL PARAMETERS

Cell (mm)	Poly 156x156
Weight (kg)	26 (approx)
Glass Thickness	4 mm
Dimensions (LxWxH) (mm)	1956x991x45
Cable Cross Section Size (mm ²)	4
No. of Cells and Connections	72 (6x12)
Junction Box	IP67, 3 diodes
Connector	MC4 Compatible
Packaging Configuration	23 Per Pallet

WORKING CONDITIONS

Maximum System Voltage	DC 1000V (IEC)
Operating Temperature	-40°C ~ +85°C
Maximum Series Fuse	15A
Maximum Static Load, Front (e.g., snow and wind)	5400Pa (112 lb/ft ²)
Maximum Static Load, Back (e.g., wind)	2400Pa (50 lb/ft ²)
NOCT	45±2°C
Application Class	Class A

ELECTRICAL PARAMETERS

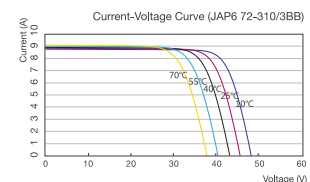
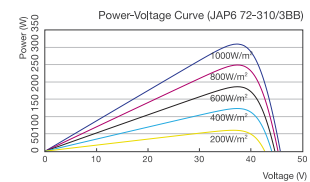
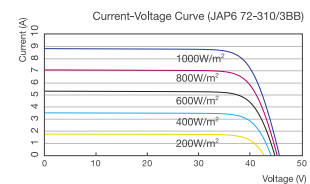
TYPE	JAP6 72-300/3BB	JAP6 72-305/3BB	JAP6 72-310/3BB	JAP6 72-315/3BB	JAP6 72-320/3BB
Rated Maximum Power at STC (W)	300	305	310	315	320
Open Circuit Voltage (Voc/V)	45.20	45.35	45.45	45.60	45.82
Maximum Power Voltage (Vmp/V)	36.41	36.71	37.00	37.28	37.56
Short Circuit Current (Isc/A)	8.73	8.79	8.85	8.91	9.03
Maximum Power Current (Imp/A)	8.24	8.31	8.38	8.45	8.52
Module Efficiency [%]	15.48	15.73	15.99	16.25	16.51
Power Tolerance (W)	-0~+5W				
Temperature Coefficient of Isc (αIsc)	+0.058%/°C				
Temperature Coefficient of Voc (βVoc)	-0.330%/°C				
Temperature Coefficient of Pmax (γPmp)	-0.410%/°C				
STC	Irradiance 1000W/m ² , Cell Temperature 25°C, Air Mass 1.5				

NOCT

TYPE	JAP6 72-300/3BB	JAP6 72-305/3BB	JAP6 72-310/3BB	JAP6 72-315/3BB	JAP6 72-320/3BB
Max Power (Pmax) [W]	217.80	221.43	225.06	228.69	232.32
Open Circuit Voltage (Voc) [V]	42.31	42.47	42.58	42.63	42.78
Max Power Voltage (Vmp) [V]	33.77	33.91	34.05	34.08	34.28
Short Circuit Current (Isc) [A]	6.89	6.93	6.99	7.06	7.16
Max Power Current (Imp) [A]	6.45	6.53	6.61	6.71	6.78

Condition Under Normal Operating Cell Temperature, Irradiance of 800 W/m², spectrum AM 1.5, ambient temperature 20°C, wind speed 1 m/s

I-V CURVE



Sec. 117-430. - Alternative energy systems.

- (c) *Solar energy systems* . In all districts, solar energy systems shall be permitted as an accessory use in accordance with the standards in this section.
- (1) *Exemptions* . Passive or building-integrated solar energy systems are exempt from the requirements of this section and shall be regulated as any other building element.
- (2) *Standards*.
- a. *Location*. Ground-mounted solar energy systems may be permitted in any yard.
1. *In residential districts, the location of ground-mounted solar energy systems shall be in accordance with the accessory building location standards in City Code section 117-349(d)(12).*
- b. *Setbacks*.
1. Ground-mounted solar energy systems shall be located on a property such that the distance to the closest property boundary is at least equal to the height of the solar energy system at its maximum designed tilt.
2. Building-mounted solar energy systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the perimeter of the building on which the system is mounted unless the mounting system has been explicitly engineered to safely extend beyond the edge.
3. In residential districts, front, side and rear yard setbacks for ground-mounted solar energy systems shall be in accordance with accessory building setbacks outlined in City Code section 117-111(d).
- c. *Height*.
1. The height of ground-mounted solar energy systems at maximum designed tilt shall not exceed the distance from the nearest property boundary or the maximum allowable building height for the applicable zoning district, whichever is more restrictive.
2. Building-mounted solar energy systems shall comply with the maximum allowable building height for the applicable zoning district.
3. In residential districts, the height of ground-mounted solar energy systems shall be in accordance with accessory building height limitations outlined in City Code section 117-349(d)(6).
- d. *Easements*. Solar energy systems shall not encroach on public drainage, utility, roadway or trail easements.
- e. *Feeder lines*. The electrical collection system shall be placed underground within the interior of each property. The collection system may be placed overhead near substations or points of interconnection to the electric grid.
- f. *Aesthetics*. All solar energy systems shall be designed to blend into the architecture of the building and to minimize glare toward vehicular traffic and adjacent properties to the extent possible without impacting the performance of the system.
- g. *Abandonment*. If a solar energy system remains non-functional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after obtaining a demolition permit.
- h. *Permits*. A permit(s) shall be obtained for any solar energy system in accordance with Minnesota State Building Code prior to installation.

- i. *Glare.* The panels of ground mounted solar energy systems shall be placed and arranged such that reflected solar radiation or glare shall not be directed onto adjacent buildings, properties or roadways.
 - 1. Prior to the issuance of a permit for a ground mounted solar energy system in a residential district or on a property abutting a residential district, the permit applicant must provide an analysis demonstrating that the ground mounted system will not impact aesthetics of adjacent residential properties due to glare.

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

RESOLUTION #17-09-211

A RESOLUTION APPROVING A DEVELOPMENT PERMIT TO ALLOW THE CONSTRUCTION AND MAINTAINENCE OF A SOLAR ENERGY SYSTEM.

RECITALS

1. Connexus Energy (Permittee), applied for a development permit (the "Permit") to construct and maintain a solar energy system on an officially mapped parcel legally described as follows:

 Lot 3, Block 1 River Crossing Addition, Anoka County, Minnesota

 (the "Subject Property").
2. Section 117-4(g) of the City Code requires that every application for a development permit concerning an area designated on an official map be denied.
3. In accordance with the City Code, Permittee's application permit was denied.
4. Permittee appealed the denial to the Official Map Board of Appeals, pursuant to Section 117-4(h) of the City Code.
5. The Planning Commission, acting as the Official Map Board of Appeals and after duly publishing notice, met on September 7, 2017, and conducted a public hearing.

FINDINGS

1. The property, of which the Subject Property is a part, is owned by Anoka County and was made part of an official map because of the intent to use the property for the approach to a bridge crossing the Mississippi River.
2. Due to changes in the road system in the area, the property, including the Subject Property, will likely never be used for the purpose for which it was officially mapped.
3. The Subject Property cannot yield a reasonable return unless a development permit is granted.
4. The granting of a development permit is required by considerations of justice and equity.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, ACTING AS THE OFFICIAL MAP BOARD OF APPEALS, as follows:

1. The denial of the **Permit** to install and maintain a solar energy system on the Subject Property is hereby reversed and the Permit is approved contingent upon the Permittee obtaining all other necessary approvals and permits including, but not necessarily limited to, a Zoning Text Amendment, a Zoning Amendment to rezone the **Subject Property** to Public/Quasi-Public, the issuance of a Conditional Use Permit for installing and maintaining a solar energy system as a principal use on the **Subject Property**, and a Building Permit.

2. The **Permittee** shall submit to the City for review and approval a final Site Plan, which shall specify the exact layout of the solar energy system, height(s) of the equipment, location of battery storage units, security measures (e.g. fencing), etc., for the proposed improvements on the **Subject Property**.

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 7th day of September, 2017.

ORDINANCE #17-13

**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 property is hereby rezoned from R-2 Residential to Public/Quasi-Public.

Lot 3, Block 1 River Crossing Addition, Anoka County, Minnesota, subject to easement of record.

(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.

Mayor

ATTEST:

City Administrator

Introduction date:

Posting dates:

Adoption date:

Publication date:
Effective date:

**ORDINANCE #17-14
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 117-122 (PUBLIC/QUASI-PUBLIC DISTRICT) 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 117-122 – Public/Quasi-Public District is hereby amended to read as follows:

Sec. 117-122 – Public/Quasi-Public District.

- (a) *Intent.* The intent of the Public/Quasi-Public District is to provide for and regulate uses that are public or semi-public in nature and to provide the community with area designated specifically for open spaces, community gathering places, public and private recreational spaces, educational facilities, and government buildings.
- (b) *Permitted uses.*
 - (1) Government buildings and facilities.
 - (2) Public recreational facilities.
 - (3) Private recreational facilities including golf courses.
 - (4) Schools, public and private.
 - (5) Private utility substations.
 - (6) Municipal utility substations.
- (c) *Conditional uses.*
 - 1. Solar Energy Systems as a principal use
- (d) *Site plan required.* Any construction of buildings in the Public/Quasi-Public District will be subject to the site plan review process, as outlined in section 117-54.

SECTION 3. SUMMARY

The following is the official summary of Ordinance #17-14, 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 #17-14 to amend Ramsey, Minnesota City Code Section 117-122 to identify Solar Energy Systems as a principal use with the issuance of a Conditional Use Permit.

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:

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

RESOLUTION #17-09-212

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO CONNEXUS ENERGY TO ALLOW THE INSTALLATION AND MAINTENANCE OF A SOLAR ENERGY SYSTEM ON AS A PRINCIPAL USE IN THE PUBLIC/QUASI-PUBLIC DISTRICT AND DECLARING TERMS OF SAME

RECITALS

1. Connexus Energy, hereinafter referred to as the “Permittee”, has properly applied for a Conditional Use Permit to install and maintain a solar energy system as the principal use on the property legally described as follows:

Lot 3, Block 1 River Crossing Addition

(the “Subject Property”)
2. The City of Ramsey received an application for a Zoning Amendment and Conditional Use Permit on June 30, 2017.
3. That on August 15, 2017, the City informed the Permittee that it was invoking a 60-day extension as permitted by State Statute.
4. That the Environmental Policy Board reviewed the request at their August 21, 2017 meeting and recommended approval of the request with contingencies including submittal of a final Site Plan for review and approval by the City, installation of a native landscape, submittal of a glare study, and submittal of a decommissioning plan.
5. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Sections 117-4 (Official Map) and 117-51 (Conditional Use Permits) of the Ramsey City Code on September 7, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
6. That the Subject Property is zoned Public/Quasi Public District. Properties to the west and south of the Subject Property are R-1 Residential (MUSA); parcels to the north are zoned R-2 Residential; and parcels to the east are zoned B-2 Highway Business.
7. That in the Public/Quasi-Public District, solar energy systems as a principal use are permitted with the issuance of a Conditional Use Permit.
8. That the Subject Property is approximately 18.6 acres in size.
9. That the Subject Property is owned by Anoka County.

10. That the Subject Property is part of an Official Map.
11. That due to changes in the road system in the area, the Subject Property will likely never be used for the purposes of a future bridge crossing.
12. That the Planning Commission, who serves as the Official Map Board of Appeals and Adjustments, conducted a public hearing to consider an appeal for the issuance of a development permit per City Code Section 117-4.
13. That the Permittee was initially considering the use of their existing campus for this project but that the City had requested they seek an alternative site so that the undeveloped portion of the Permittee's corporate campus could be reserved for future economic growth purposes.
14. That the solar energy system would include the installation of 3.5 Megawatts (MW) of ground-mounted photovoltaic panels and 6 MW of battery energy storage.
15. That the solar developer working with the Permittee has submitted a glare study at the request of the City.
16. That the glare study did identify one receptor that would experience some glare at certain times of the year for limited durations but that it has very low potential for hazardous glare.
17. That the project would include installation of native plants underneath the solar panels providing enhanced wildlife and pollinator habitat improved stormwater management.
18. That the solar panels will be at a fixed tilt facing south and will not include any moving parts and therefore, will not produce any discernible noise.
19. That the battery storage units will be air conditioned and the air condenser units will be outside, which will produce some noise but will be within allowable standards outlined in State Statute and City Code.
20. That the battery storage units will include fire suppression.
21. That the City's Comprehensive Plan addresses solar access protection and through stated policies, encourages cooperation with other agencies to develop programs that increase the usage of solar energy systems.
22. That the Planning Commission met on September 7, 2017, conducted a public hearing and recommended City Council approve/deny the request.

FINDINGS OF FACT

1. That the solar energy system will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfar.
2. That the solar energy system will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.
3. That the solar energy system will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
4. That the solar energy system will/will not be hazardous to existing or future neighboring uses.
5. That the solar energy system will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That the solar energy system will/will not create excessive additinoal requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the solar energy system will/will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the “Permit”) for the installation and maintenance of a solar energy system as the principal use on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That this **Permit** allows for the installation and maintenance of a solar energy system as the principal use on the **Subject Property**.
2. That the **Permittee** shall submit the final Site Plan for review and approval of the City.
3. That the **Permittee** shall obtain all necessary permits, including a Building Permit, prior to installation of the solar energy system on the **Subject Property**.
4. That the **Permittee** shall update the glare study to include receptors on all sides of the **Subject Property**.
5. That the solar energy system shall not create or cause unreasonable glare on properties or public roadways. Unreasonable glare shall mean a public safety hazard as determined by the City Council or the appropriate roadway authority.

6. That the **Permittee** shall provide the City with a decommissioning plan that addresses how the site will be deconstructed and restored when the solar energy system is removed.
7. That the final Site Plan shall include a landscaping plan that includes the native plants that will be established on the **Subject Property** and outline any necessary maintenance activities to ensure the landscape is properly established on the **Subject Property**.
8. That this **Permit** shall be perpetual in duration as long as the terms are herein complied with.
9. That the **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Permit**.
10. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
11. That this **Permit** shall automatically expire if the use is not initiated by October 10, 2018.

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 10th day of October, 2017

PERMITTEE

Connexus Energy hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Connexus Energy, a Domestic Cooperative under the laws of Minnesota, on behalf of the Cooperative, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

PROPERTY OWNER

Anoka County hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)

) SS.

COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Anoka County, a Municipal Corporation under the laws of Minnesota, on behalf of the Corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

Regular Planning Commission

5. 3.

Meeting Date: 09/07/2017

By: Tim Gladhill, Community Development

Information

Title:

CASE ADDED/PUBLIC HEARING: Consider Resolution #17-09-217 Granting a Variance to Front Yard Setback for Parking Lots and Resolution #17-09-218 Granting a Conditional Use Permit for Motor Vehicle Sales at 7103 Highway 10 NW (Project No. 17-140); Case of Motors on 10

Purpose/Background:

The purpose of this case is to consider the following:

1. Conditional Use Permit - Motor Vehicle Sales
2. Variance - Front Yard Setback (Parking Lot)

Notification:

Staff has attempted to notify all Property Owners within 350 feet of the Property of the Public Hearing. The Public Hearing Notice was published in the Anoka County UnionHerald.

Observations/Alternatives:

The request for Conditional Use Permit will allow the expansion of a parking lot to facilitate motor vehicle sales. For enforcement and review purposes, the City made motor vehicle sales a Conditional Use Permit in 2009. The request, overall, seems reasonable, with exceptions outlined below.

The expansion shall require an easement with the City for use of City-owned property for portions of the proposed stormwater improvements.

The proposed expansion is deficient in front yard setbacks for parking lots. If the Planning Commission so desires, approval shall require the issuance of a Variance. The parcel is odd-shaped, and the building is screened from view from Highway 10. The City has had enforcement difficulties with past users of this parcel, using the unimproved area for display of vehicles for sale in violation of City Code. Expansion of the parking lot would improve the condition of the property and reduce the amount of enforcement action necessary on the parcel.

When considering a Variance, the Planning Commission shall consider the following factors:

1. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
3. The variance, if granted, will not alter the essential character of the locality.
4. Economic considerations alone do not constitute practical difficulties

Funding Source:

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

Recommendation:

Staff recommends approval of the Conditional Use Permit to allow the expansion of the parking lot.

The Planning Commission must decide if the request to variance to the 20 feet front yard setback (parking lot) is a reasonable request. The Applicant has stated that the built environment surrounding the parcel (the adjacent parcel to the west is lawful, non-conforming and does not have the 20 foot setback), that the request is reasonable. The Planning Commission is making the final decision on the request for Variance; it is not a recommendation to the City Council.

Action:

Motion #1 (separate motion): Motion to **adopt** Resolution #17-09-217 granting a Variance to Front Yard Setbacks for Parking Lots. (Note: the Planning Commission is making a quasi-judicial decision on this motion, not a recommendation)

Motion #2 (separate motion): **Motion to recommend that the City Council adopt** Resolution #17-09-218 granting a Conditional Use Permit for Motor Vehicle Sales, contingent upon compliance with the Staff Review Letter.

Attachments

Site Location Map

Plan Set

Staff Review Letter

Resolution #17-09-217: Variance

Resolution #17-09-218: Conditional Use Permit

Form Review

Inbox

Tim Gladhill (Originator)

Form Started By: Tim Gladhill

Final Approval Date: 09/05/2017

Reviewed By

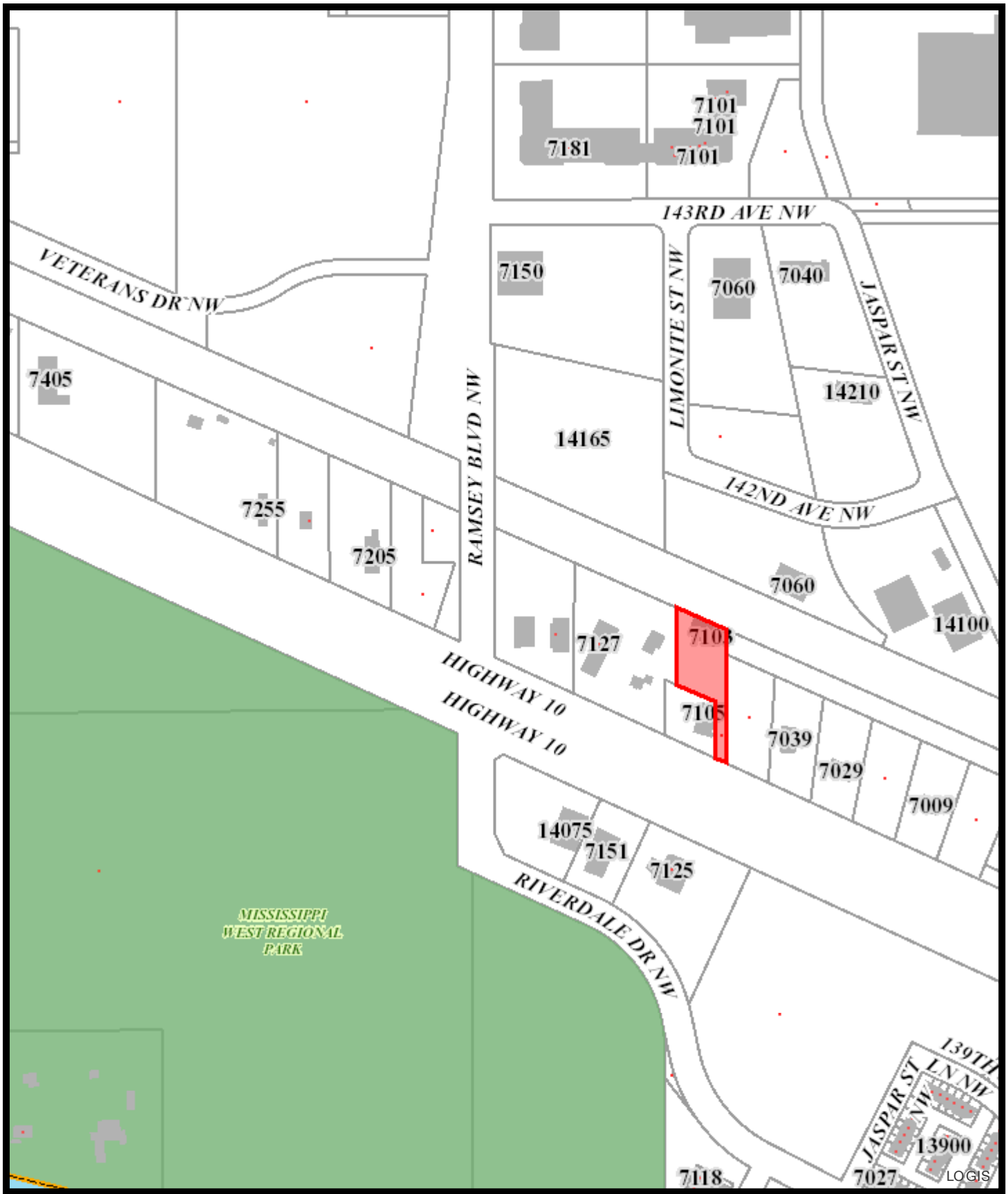
Tim Gladhill

Date

09/05/2017 04:23 PM

Started On: 08/30/2017 01:51 PM

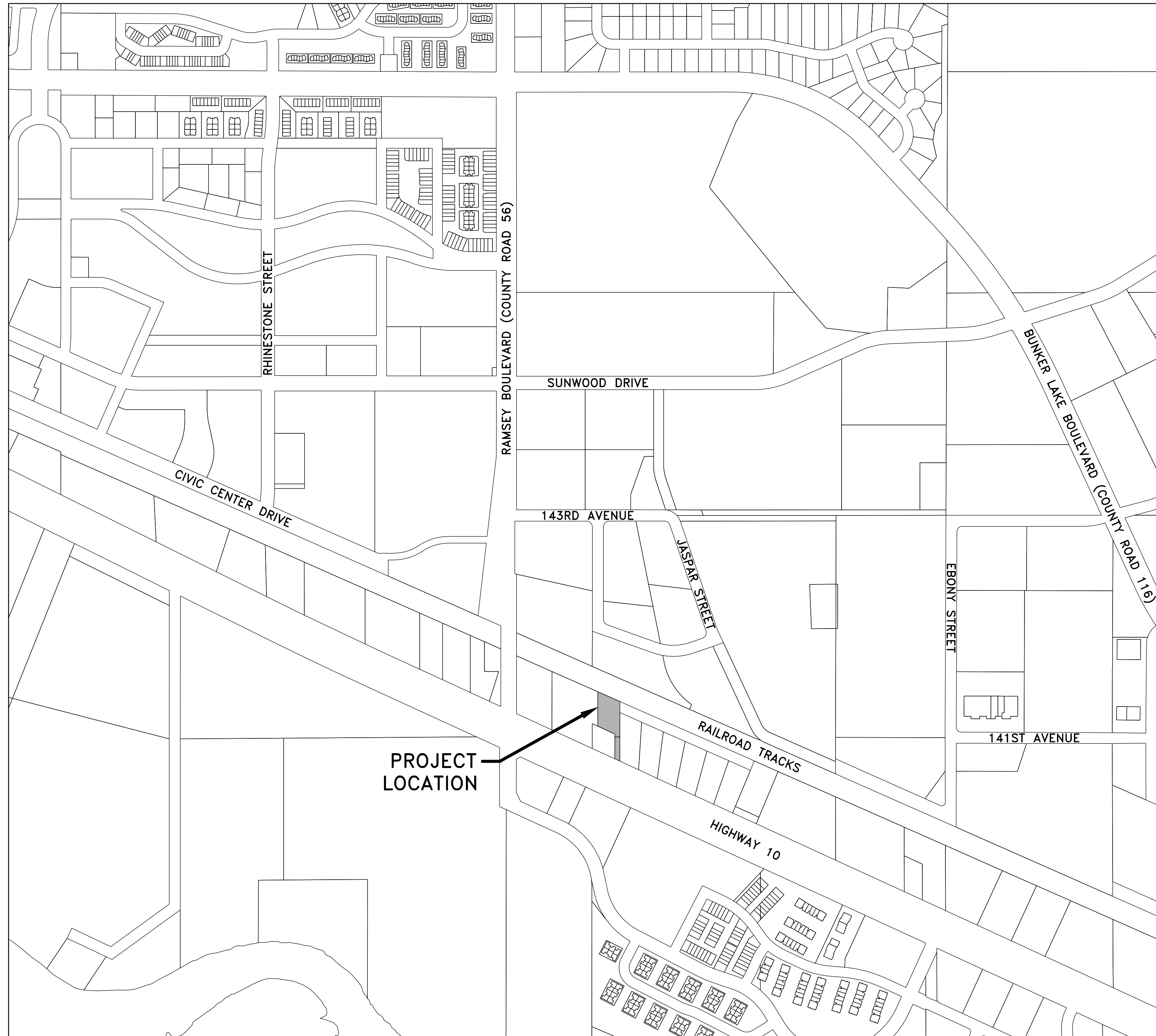
Site Location Map



MOTORS ON 10

CONSTRUCTION PLANS FOR SITE GRADING AND PARKING LOT AND MISCELLANEOUS CONSTRUCTION

CITY OF RAMSEY

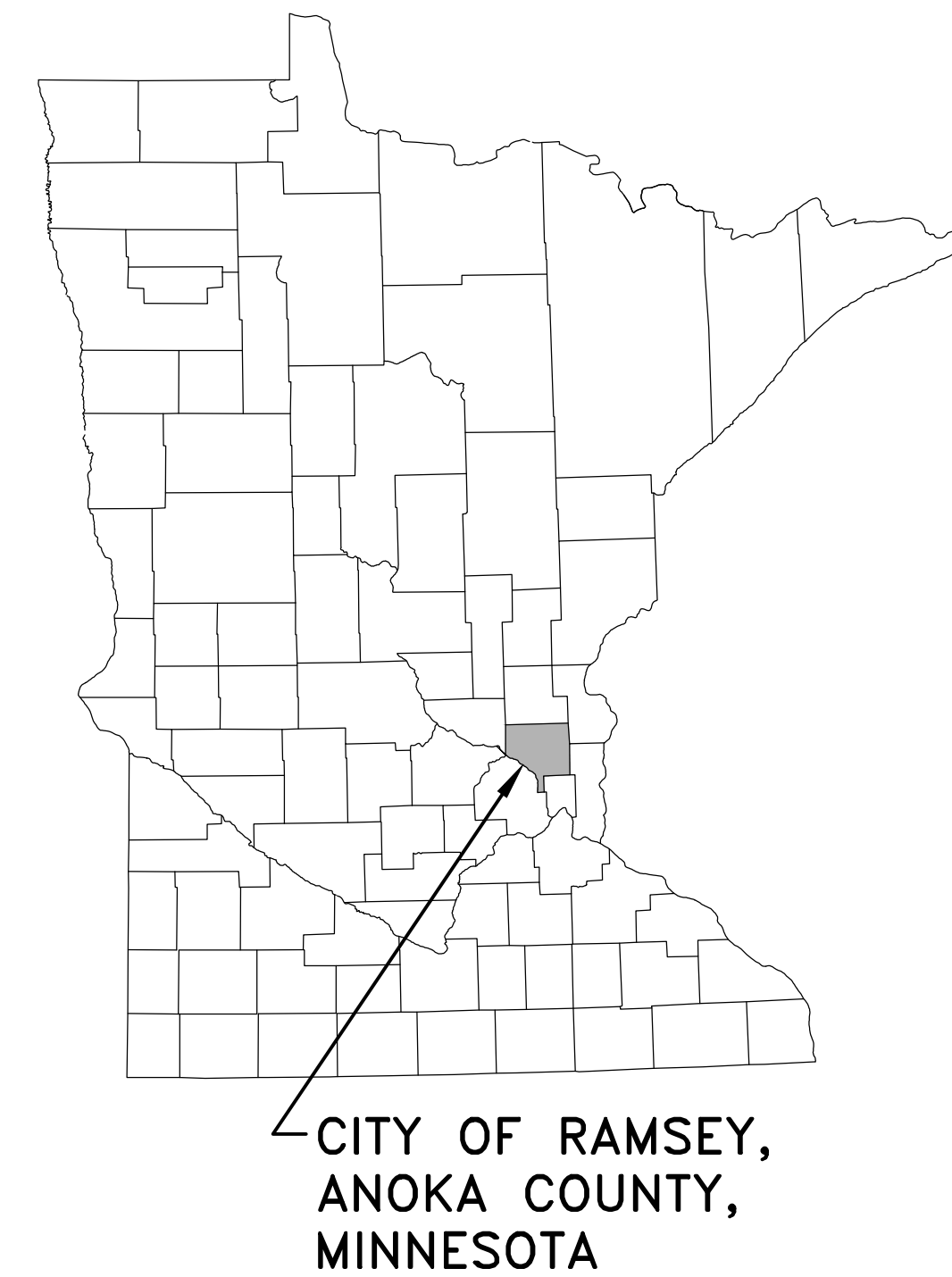


OWNER

STEVE JUNG
M&G TRAILER SALES
7575 HIGHWAY 10 NW
RAMSEY, MN 55303
steve@mgtrailer.com
763-506-0930

ENGINEER

HAKANSON ANDERSON
3601 THURSTON AVE.
ANOKA, MN 55303
CRAIG J. JOCHUM, P.E.
craigj@haa-inc.com
763-427-5860
763-427-0520 (FAX)



GOVERNING SPECIFICATIONS

THE 2016 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" AND "MATERIALS LAB SUPPLEMENTAL SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN FOR SITE WORK.

ALL FEDERAL, STATE AND LOCAL LAWS, REGULATIONS, AND ORDINANCES SHALL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

ALL TRAFFIC CONTROL DEVICES AND SIGNING SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

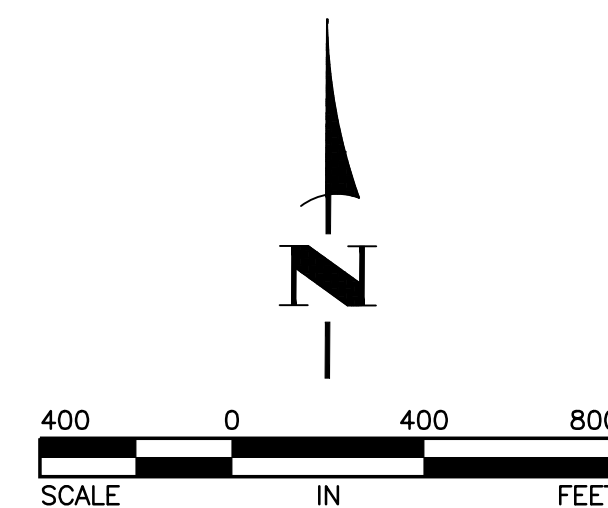
SHEET INDEX
THIS PLAN CONTAINS 6 SHEETS

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	CONSTRUCTION NOTES AND DETAILS
3	EXISTING TOPOGRAPHY AND REMOVALS PLAN
4	GRADING, DRAINAGE AND EROSION CONTROL PLAN
5	RESTORATION PLAN
6	PROPERTY AREA EXHIBIT

PROJECT LOCATION

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA."

Hakanson Anderson
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Craig J. Jochum 23461 DATE 7/20/17
CRAIG J. JOCHUM, P.E. LIC. NO.
HAKANSON ANDERSON
DESIGN ENGINEER

DATE	REVISION

GENERAL CONSTRUCTION AND SOILS NOTES:

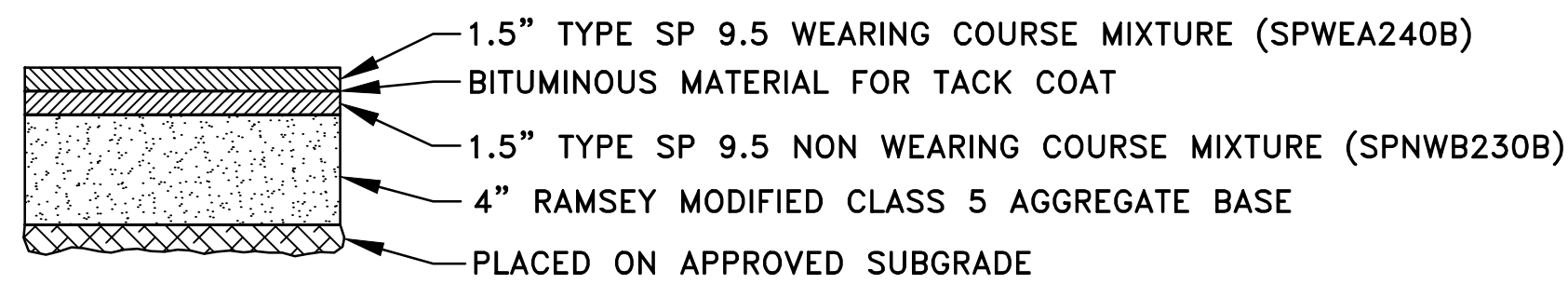
- CONTRACTOR SHALL STRIP THE TOP 3 INCHES OF INPLACE TOPSOIL IN AREAS TO BE DISTURBED BY CONSTRUCTION AND REUSE AS SLOPE DRESSING. IN AREAS OF PARKING LOT CONSTRUCTION, THE EXPOSED SAND SHALL BE SURFACE COMPACTED TO AT LEAST 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY, ASTM D698, IN AT LEAST THE UPPER 3 FEET.
- UNLESS OTHERWISE RECOMMENDED IN THESE PLANS, THE GRADING SUBGRADE SHALL BE CONSTRUCTED OF SUITABLE GRADING MATERIAL. THE FILL SHALL BE PLACED IN 8" TO 10" LOOSE LIFTS, AND COMPACTED TO 100% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY.
- SUITABLE GRADING MATERIAL FOR THIS PROJECT SHALL CONSIST OF ALL SOILS ENCOUNTERED WITH THE EXCEPTION OF TOPSOIL, SILT, DEBRIS, ORGANIC MATERIAL AND OTHER UNSTABLE MATERIAL.
- THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL OFF SITE.
- DISTURBED AREAS SHALL BE STABILIZED WITHIN 7 DAYS OF ROUGH GRADING. SEE SHEET 5 FOR THE SITE RESTORATION PLAN.
- CONTRACTOR SHALL SWEEP ALL DEBRIS FROM HIGHWAY 10 AS NECESSARY OR AS DIRECTED BY THE ENGINEER IN THE FIELD.
- SLOPES SHALL BE A MAXIMUM OF 4:1.
- PRIOR TO IMPORTING OR EXPORTING MATERIAL FROM THE SITE, CONTRACTOR SHALL CONSTRUCT A ROCK CONSTRUCTION ENTRANCE PER **4/2**.

GENERAL EROSION CONTROL NOTES:

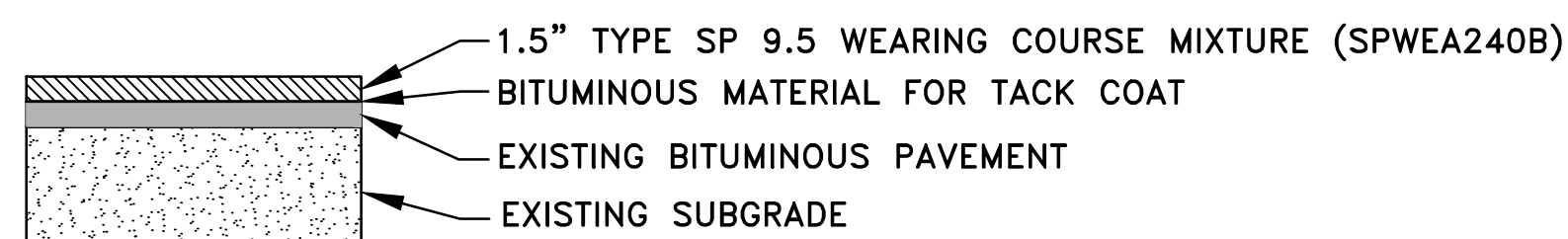
- EROSION CONTROL SHALL CONFORM TO THE MN/DOT EROSION CONTROL HANDBOOK.
- THE CONTRACTOR SHALL INSTALL EROSION AND SEDIMENT CONTROL FACILITIES (BMP'S) PRIOR TO GRADING AND REMOVAL ACTIVITIES. BMP'S SHALL BE MAINTAINED FOR THE DURATION OF CONSTRUCTION ACTIVITIES AND POTENTIAL FOR EROSION HAS PASSED.
- THE CONTRACTOR SHALL SCHEDULE HIS OPERATION TO MINIMIZE THE AMOUNT OF DISTURBED AREA AT ANY GIVEN TIME.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE PROPERLY DISPOSED OF WITHIN THIRTY DAYS OF FINAL STABILIZATION.

REFERENCE NOTES:

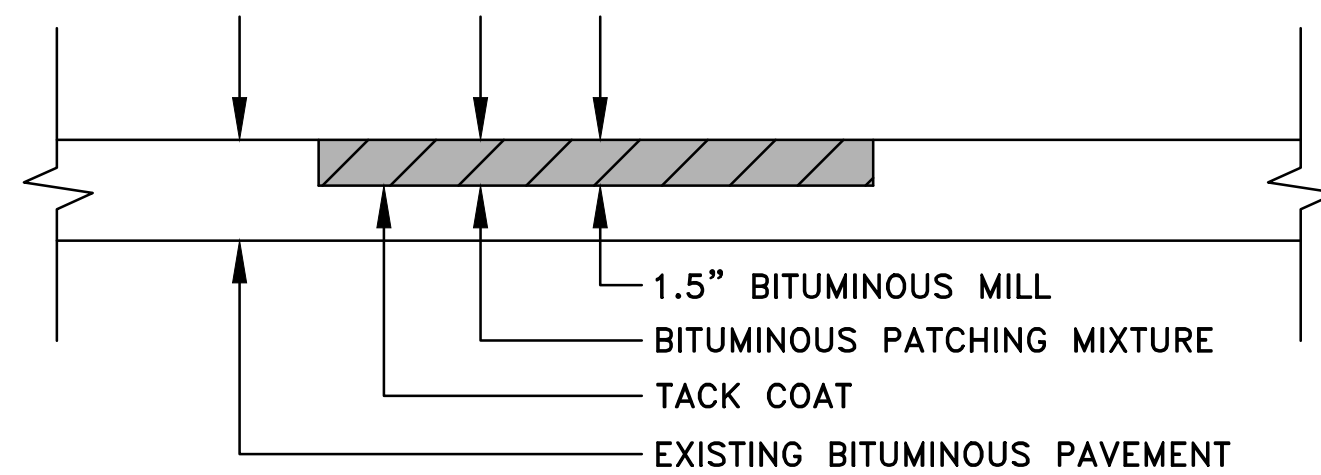
- PAVEMENT SECTION SHALL BE VERIFIED BY GEOTECHNICAL ENGINEER.
- OWNER AND ENGINEER WILL MARK AREAS FOR PATCHING PRIOR TO BITUMINOUS OVERLAY.
- SELECT GRADING MATERIAL SHALL BE ON SITE SUITABLE GRADING MATERIAL WITH A UNIFIED SOIL CLASSIFICATION OF SP OR SP-SM.
- AGGREGATE BACKFILL SHALL MEET THE REQUIREMENTS OF MN/DOT SPEC. 3149.2H.
- PIPE SHALL BE PERFORATED PER AASHTO CLASS 2 PERFORATION PATTERNS. CORRUGATED POLYETHYLENE PIPE (CPP) SHALL MEET THE REQUIREMENTS OF AASHTO M294 AND DESIGN SECTION 18 OF THE AASHTO STANDARD SPECIFICATIONS FOR HIGHWAY BRIDGES. CONNECTIONS SHALL BE MADE WITH BELL AND SPIGOT JOINTS. CLAMP-ON BANDS WILL NOT BE ALLOWED. PIPE BEDDING SHALL BE PER THE MANUFACTURER'S RECOMMENDATION.



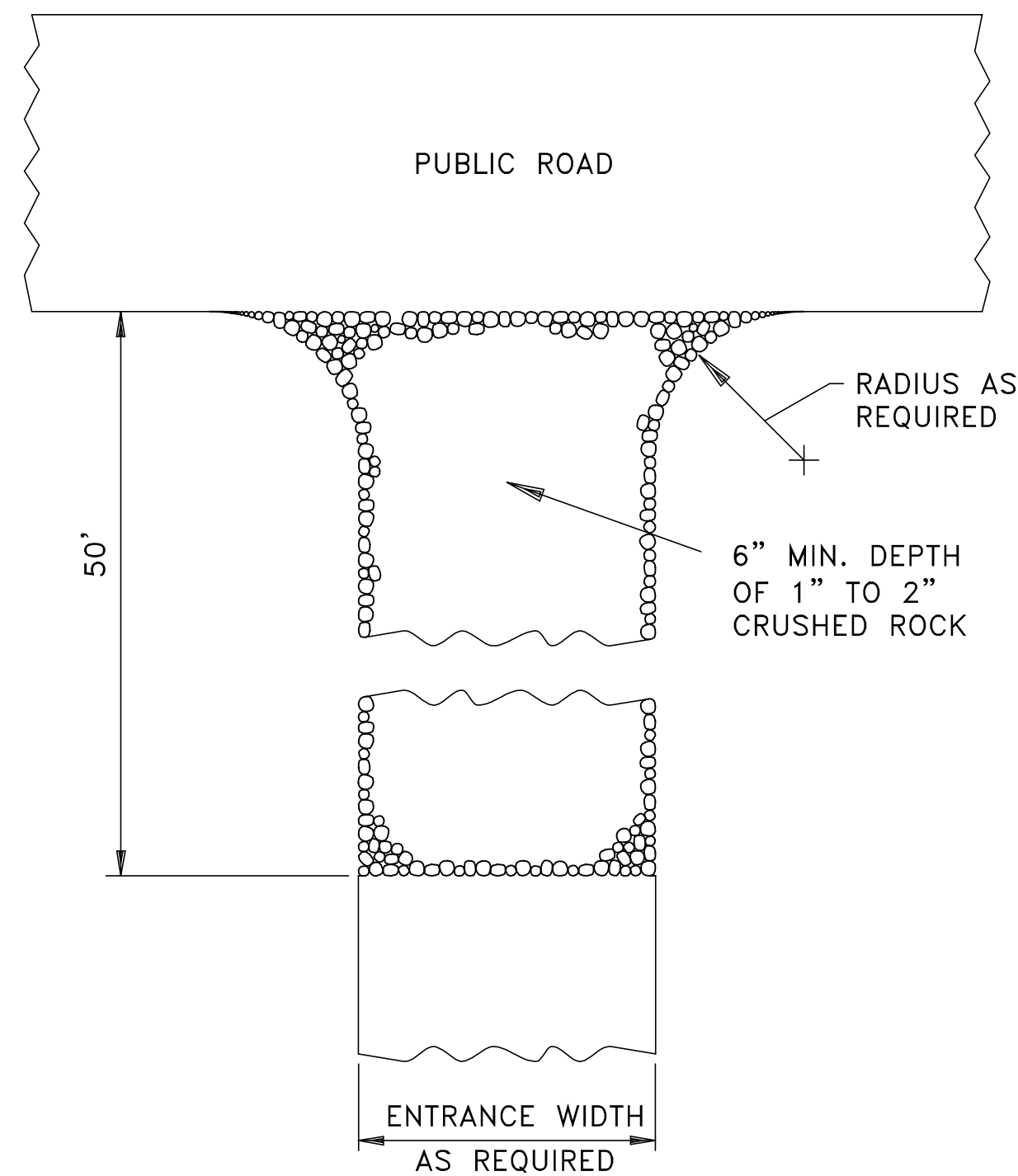
1 BITUMINOUS PAVEMENT SECTION ①
NO SCALE



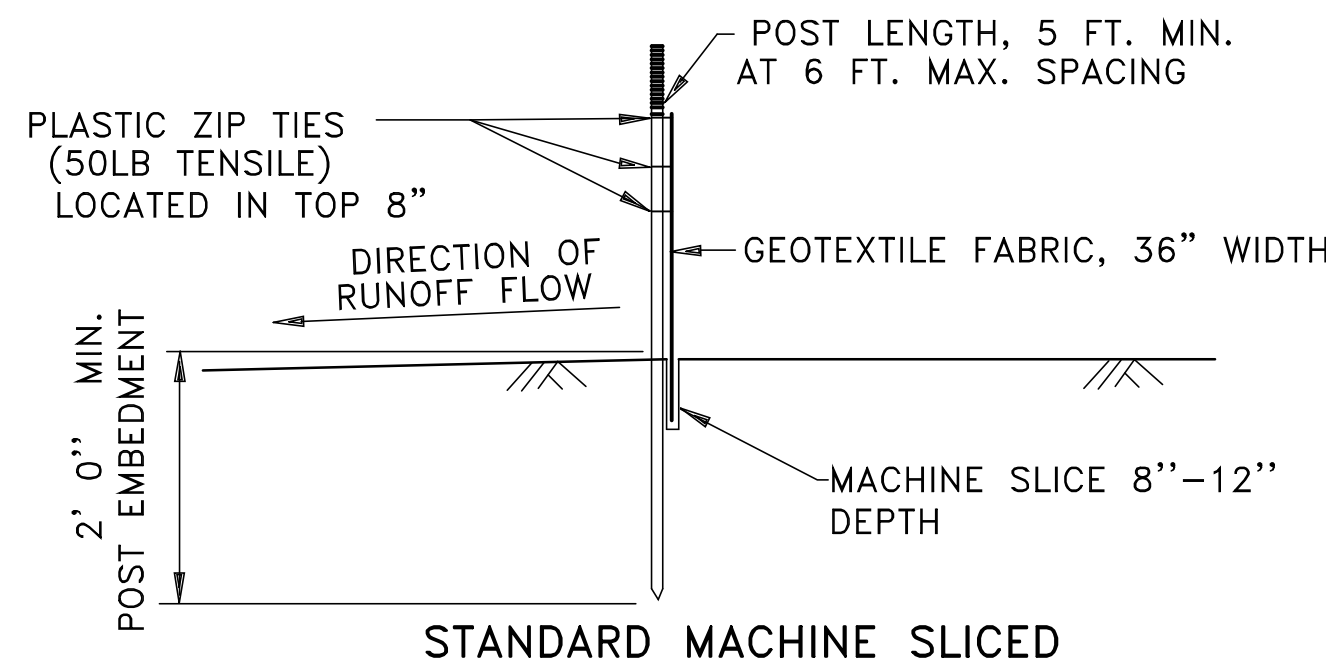
2 BITUMINOUS OVERLAY SECTION
NO SCALE



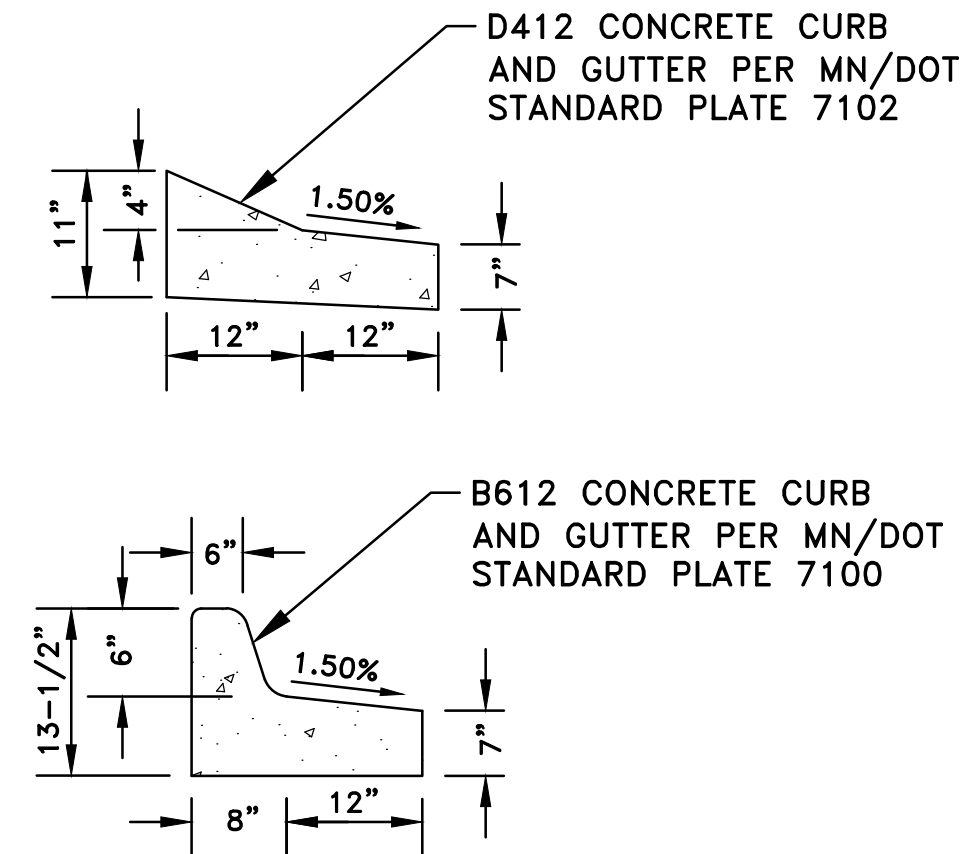
3 BITUMINOUS PATCHING DETAIL ②



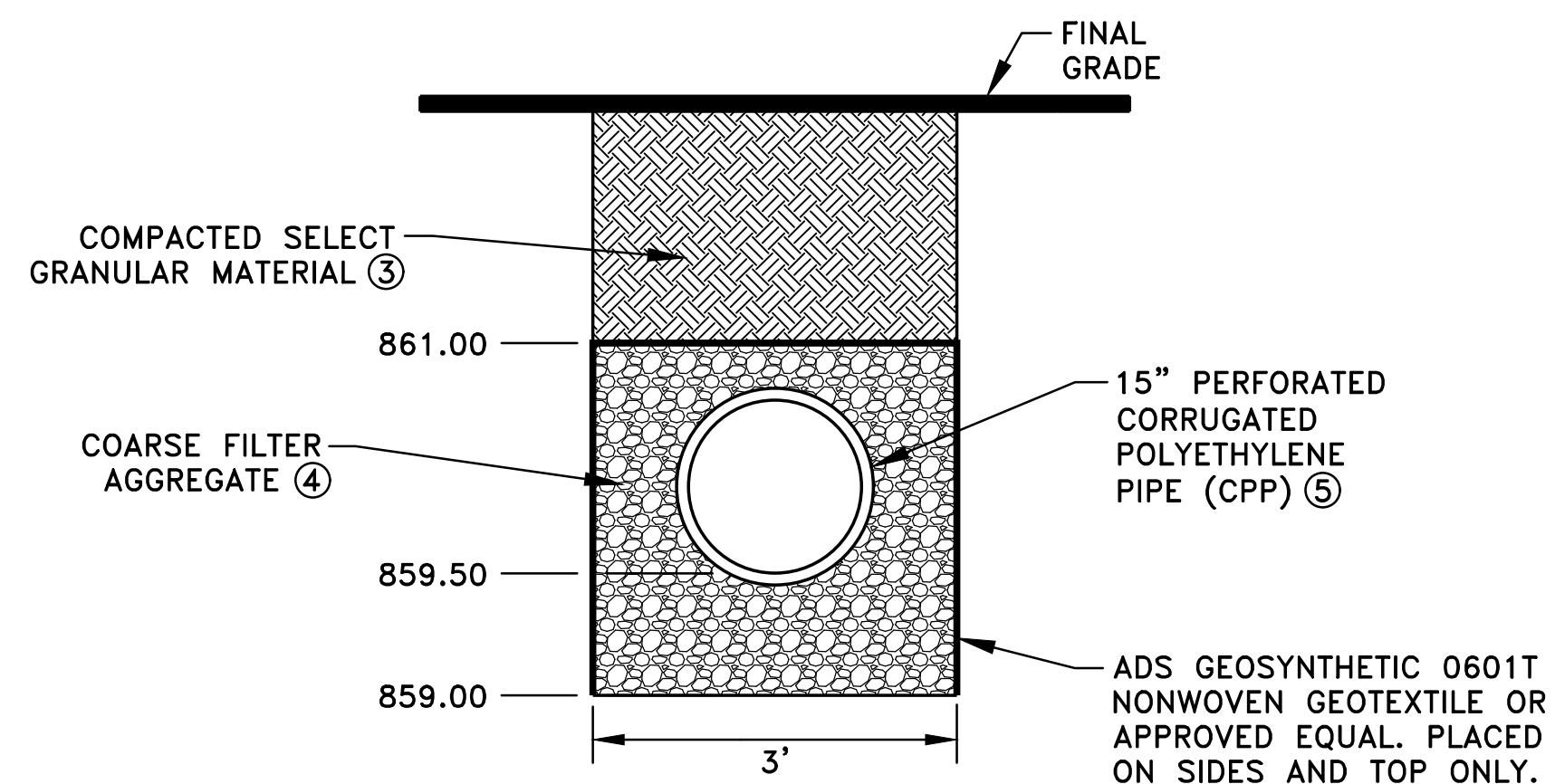
4 ROCK CONSTRUCTION ENTRANCE



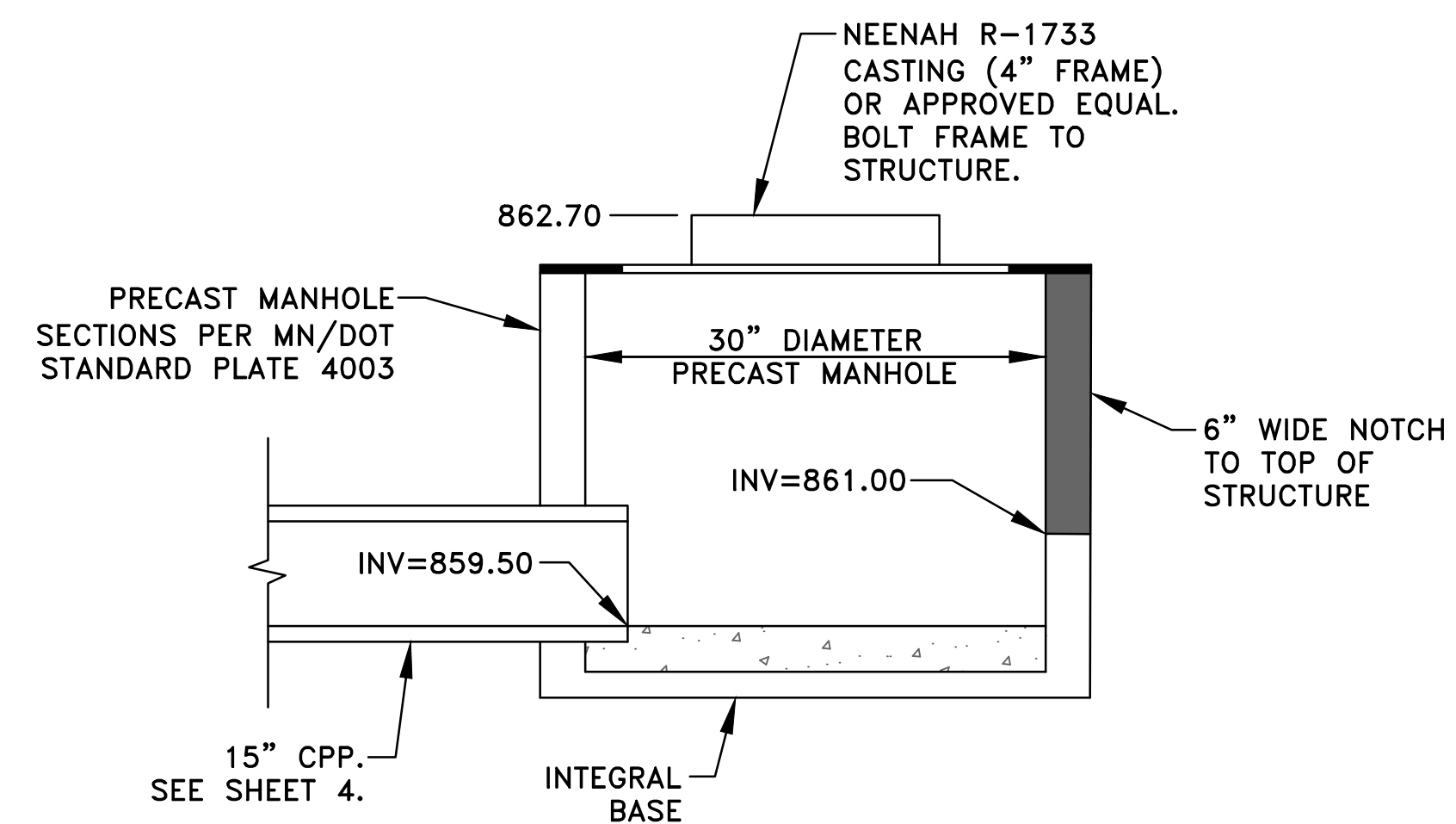
5 SILT FENCE DETAILS



6 TIPOUT CURB DETAILS
NO SCALE



7 INFILTRATION TRENCH



8 OUTLET CONTROL DETAIL
NO SCALE

Jul 21, 2017 - 10:35am K:\cad_eng\PROJECTS\PRIVATE\3990.02.dwg\399002DETAIL.S.dwg

DATE	REVISION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Craig J. Johnson, P.E.
Date 7/20/17 Lic. No. 23461

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

Hakanson Anderson
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3601 Thurston Ave., Anoka, Minnesota 55303
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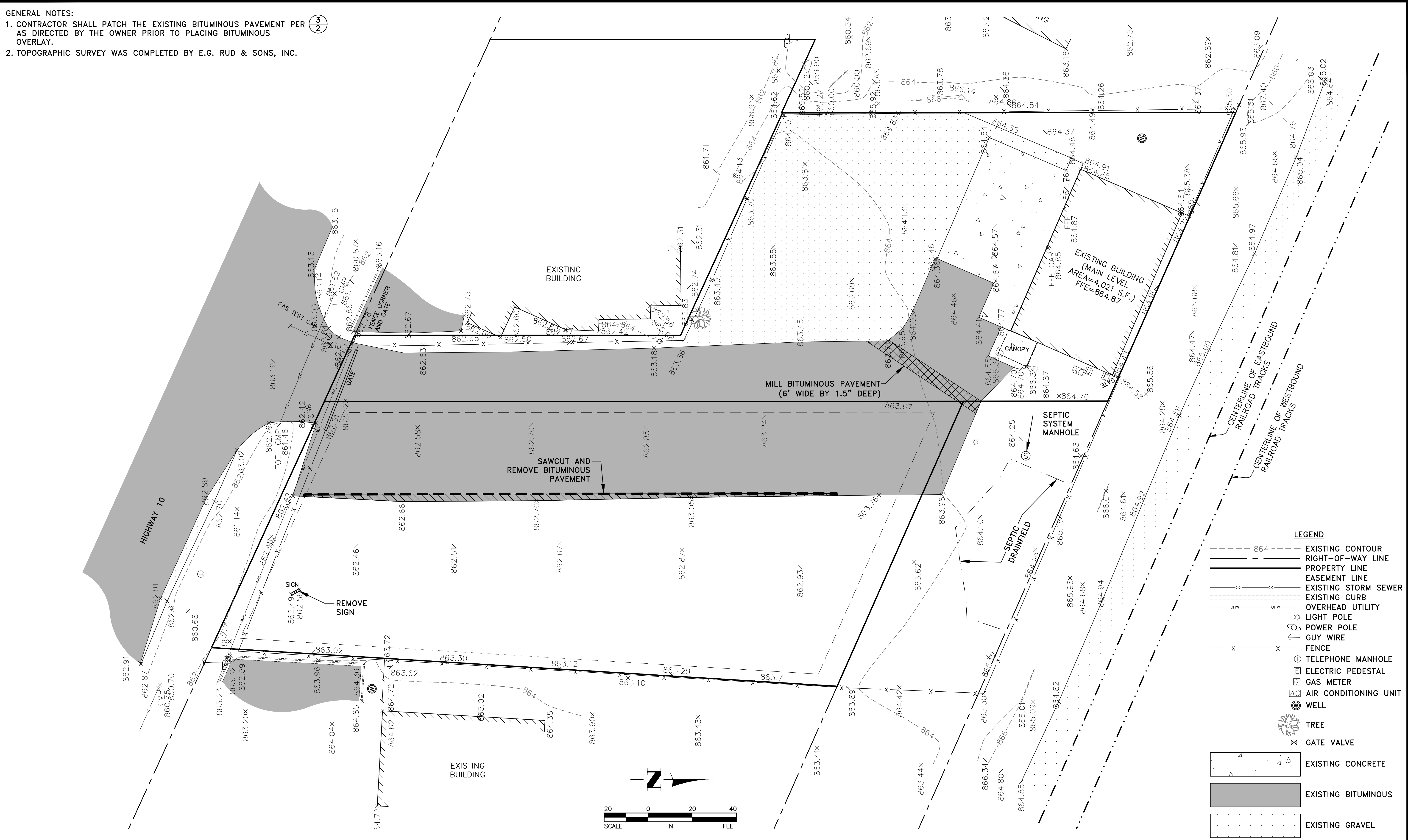
MOTORS ON 10

CONSTRUCTION NOTES AND DETAILS
CITY OF RAMSEY, MINNESOTA

SHEET 2 OF 6 SHEETS
3990.02

- GENERAL NOTES:
- CONTRACTOR SHALL PATCH THE EXISTING BITUMINOUS PAVEMENT PER AS DIRECTED BY THE OWNER PRIOR TO PLACING BITUMINOUS OVERLAY.
 - TOPOGRAPHIC SURVEY WAS COMPLETED BY E.G. RUD & SONS, INC.

3/2



LEGEND

	864	EXISTING CONTOUR
		RIGHT-OF-WAY LINE
		PROPERTY LINE
		EASEMENT LINE
		EXISTING STORM SEWER
		EXISTING CURB
		OVERHEAD UTILITY
		LIGHT POLE
		POWER POLE
		GUY WIRE
		FENCE
		TELEPHONE MANHOLE
		ELECTRIC PEDESTAL
		GAS METER
		AIR CONDITIONING UNIT
		WELL
		TREE
		GATE VALVE
		EXISTING CONCRETE
		EXISTING BITUMINOUS
		EXISTING GRAVEL

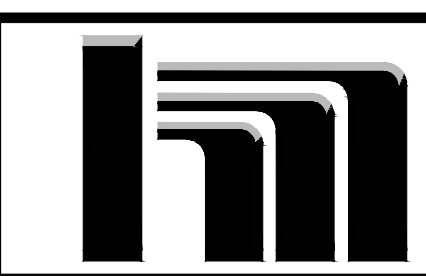
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DATE	REVISION
8/3/17	PLAN REVISIONS PER CLIENT REVIEW

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Date 7/20/17 Craig J. Johnson, P.E. Lic. No. 23461

DESIGNED BY: TAE
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 CHECKED BY: CJJ



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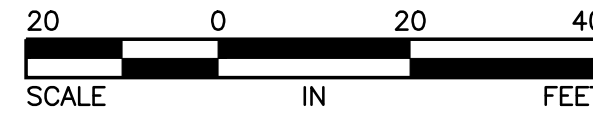
MOTORS ON 10

EXISTING TOPOGRAPHY AND REMOVALS PLAN
 CITY OF RAMSEY, MINNESOTA

SHEET 3 OF 5 SHEETS
 3990.02

REFERENCE NOTES:

- ① THE LIMITS OF THE INFILTRATION AREAS ARE DEFINED AS THOSE AREAS SHOWN ON SHEET 5 DENOTED FOR SEED MIX 33-261. CONTRACTOR SHALL REMOVE ALL ORGANIC SOILS IN THE INFILTRATION AREAS AND REPLACE WITH SIMILAR NATIVE SANDS. INFILTRATION AREAS SHALL BE TOP DRESSED WITH 2 INCHES OF ONSITE SANDY TOPSOIL. ONLY LOW PRESSURE EQUIPMENT SHALL BE ALLOWED IN THE INFILTRATION AREAS. COMPACTION SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICAL. CONTRACTOR SHALL SCARIFY THE TOP 18 INCHES OF THE SOIL PRIOR TO PLACING THE TOPSOIL.
- ② RCP/CPP JOINT SHALL BE PER ADS STANDARD DRAWING STD-603 OR STD-604.
- ③ CONSTRUCT STORM SEWER AND INFILTRATION TRENCH PER (7/2).
- ④ CONTRACTOR SHALL CREATE A ONE FOOT DEPRESSION IN THE RIPRAP IN BOTH DIRECTIONS.
- ⑤ STRUCTURE SHALL MEET THE REQUIREMENTS OF MN/DOT STANDARD PLATE 4003.
- ⑥ CONSTRUCT STRUCTURE PER (8/2). DAYLIGHT NOTCH TO DITCH.



HIGHWAY 10

RAILROAD TRACKS

CB #1
30" DIA. (R-1733) (6)
RIM=862.70
INV=859.50

CB/MH #2 (5)
30" DIA. (R-2573-1)
RIM=862.00
(N&S) INV=859.50
SUMP=857.00

CB/MH #3 (5)
30" DIA. (R-2573-1)
RIM=862.20
(N&S) INV=859.50
SUMP=857.00

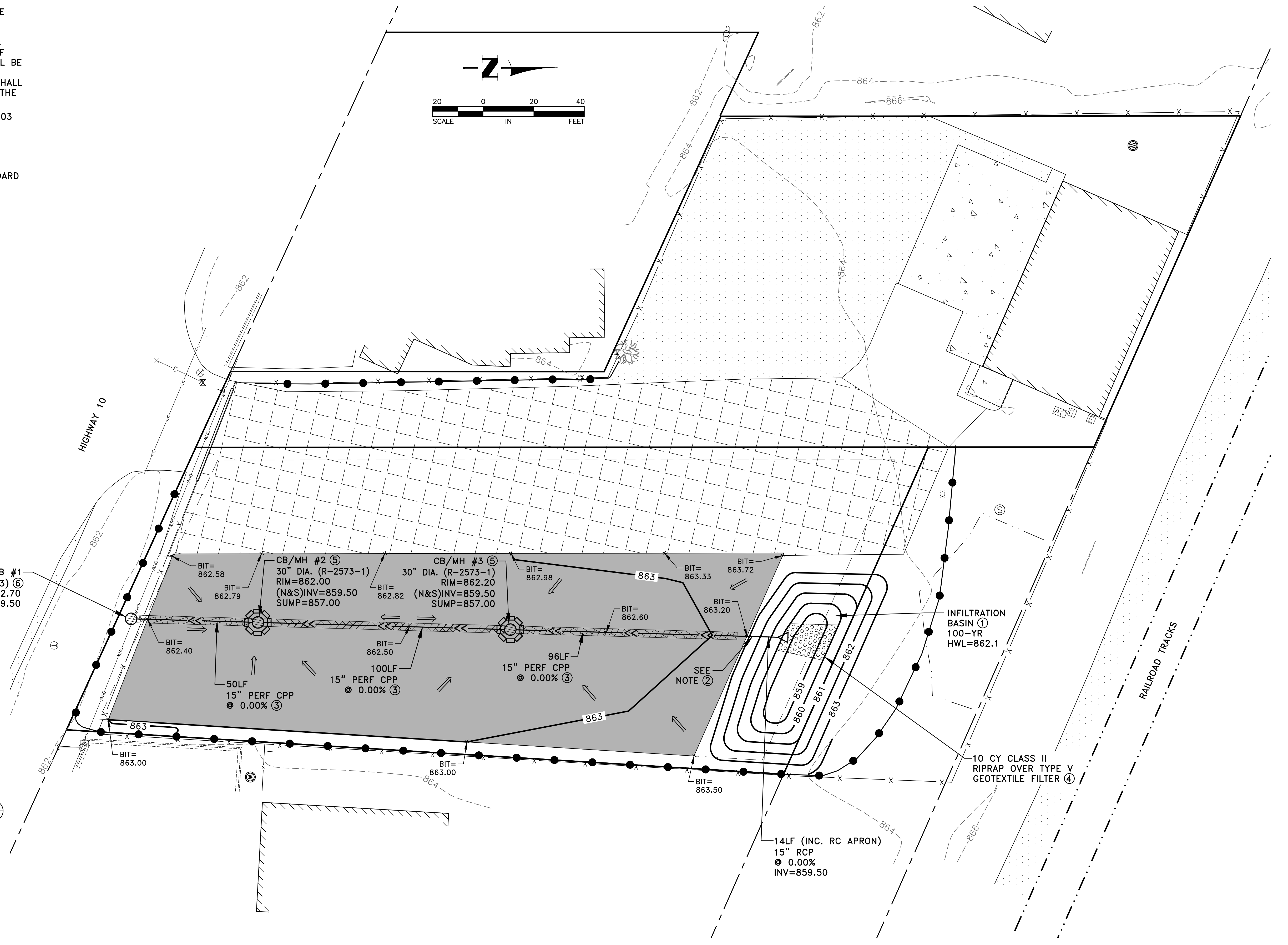
INFILTRATION BASIN (1)
100-YR
HWL=862.1

10 CY CLASS II
RIPRAP OVER TYPE V
GEOTEXTILE FILTER (4)

14LF (INC. RC APRON)
15" RCP
@ 0.00%
INV=859.50

LEGEND

- >> PROPOSED STORM SEWER
- ⊗ PROPOSED CATCH BASINS
- ▽ PROPOSED CONCRETE APRON
- ⊗ STORM DRAIN INLET PROTECTION DEVICE
- ▨ PROPOSED TIPOUT CURB PER (6/2)
- SILT FENCE PER (5/2)
- ⇒ DRAINAGE ARROW
- PROPOSED BITUMINOUS PAVEMENT PER (1/2)
- ▨ PROPOSED BITUMINOUS OVERLAY PER (2/2)
- ▨ INFILTRATION TRENCH PER (7/2)
- BIT= 908.55 PROPOSED FINAL SPOT ELEVATION (BITUMINOUS)



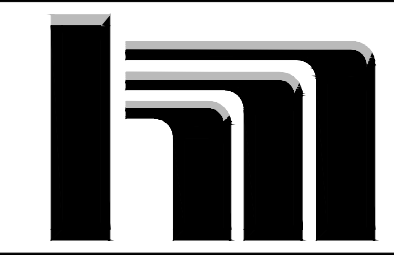
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DATE	REVISION
8/3/17	PLAN REVISIONS PER CLIENT REVIEW

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Craig J. Johnson, P.E.
Date 7/20/17 Lic. No. 23461

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ



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MOTORS ON 10




GRADING, DRAINAGE AND
EROSION CONTROL PLAN
CITY OF RAMSEY, MINNESOTA

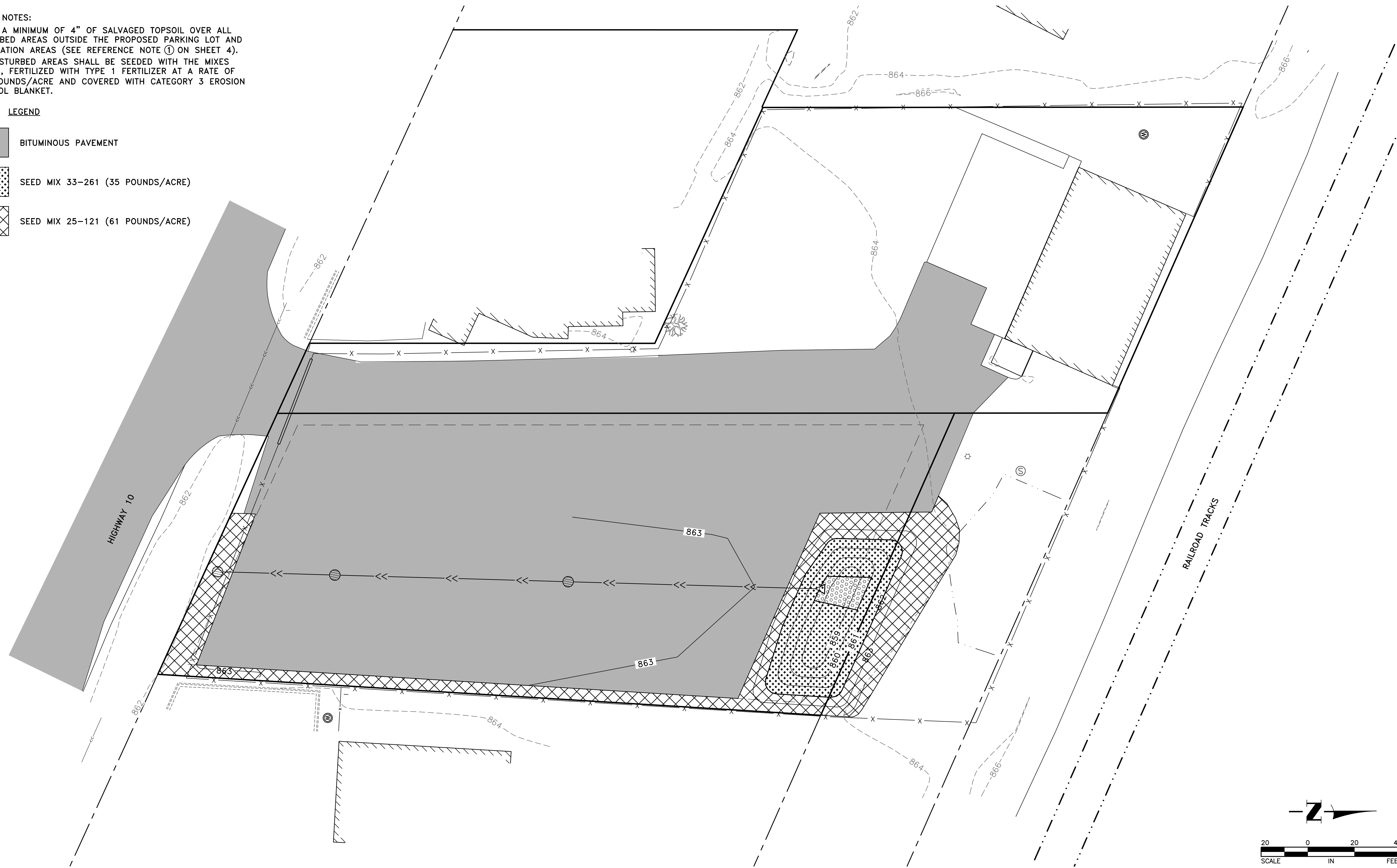
SHEET 4 OF 6
SHEETS
3990.02

GENERAL NOTES:

1. PLACE A MINIMUM OF 4" OF SALVAGED TOPSOIL OVER ALL DISTURBED AREAS OUTSIDE THE PROPOSED PARKING LOT AND INFILTRATION AREAS (SEE REFERENCE NOTE ① ON SHEET 4).
2. ALL DISTURBED AREAS SHALL BE SEEDED WITH THE MIXES SHOWN, FERTILIZED WITH TYPE 1 FERTILIZER AT A RATE OF 300 POUNDS/ACRE AND COVERED WITH CATEGORY 3 EROSION CONTROL BLANKET.

LEGEND

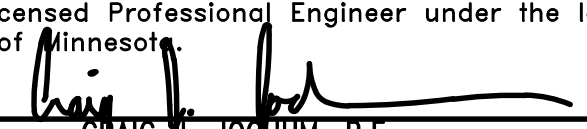
-  BITUMINOUS PAVEMENT
-  SEED MIX 33-261 (35 POUNDS/ACRE)
-  SEED MIX 25-121 (61 POUNDS/ACRE)



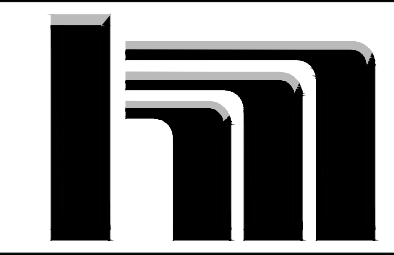
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DATE	REVISION
8/3/17	PLAN REVISIONS PER CLIENT REVIEW

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.


 CRAIG J. JOHNSON, P.E.
 Date 7/20/17 Lic. No. 23461

DESIGNED BY:
TAE
 DRAWN BY:
TAE
 CHECKED BY:
CJJ



Hakanson Anderson
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.hakanson-anderson.com

MOTORS ON 10

RESTORATION PLAN
 CITY OF RAMSEY, MINNESOTA

SHEET 5 OF 6 SHEETS
 3990.02

SUMMARY OF PROPOSED IMPERVIOUS SURFACE AND GREEN SPACE CALCULATIONS

TOTAL EXISTING AREA 66,638 SF
 EXISTING IMPERVIOUS AREA 29,036 SF (43.57%)
 EXISTING GRAVEL AREA 10,343 SF (15.52%)
 EXISTING GREEN SPACE AREA 27,259 SF (40.91%)

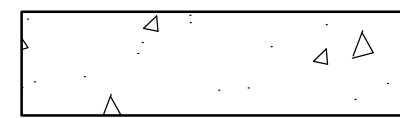

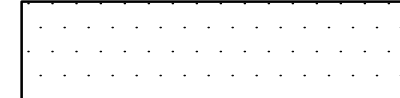
EXISTING IMPERVIOUS PLUS GRAVEL AREA 39,379 SF (59.09%)

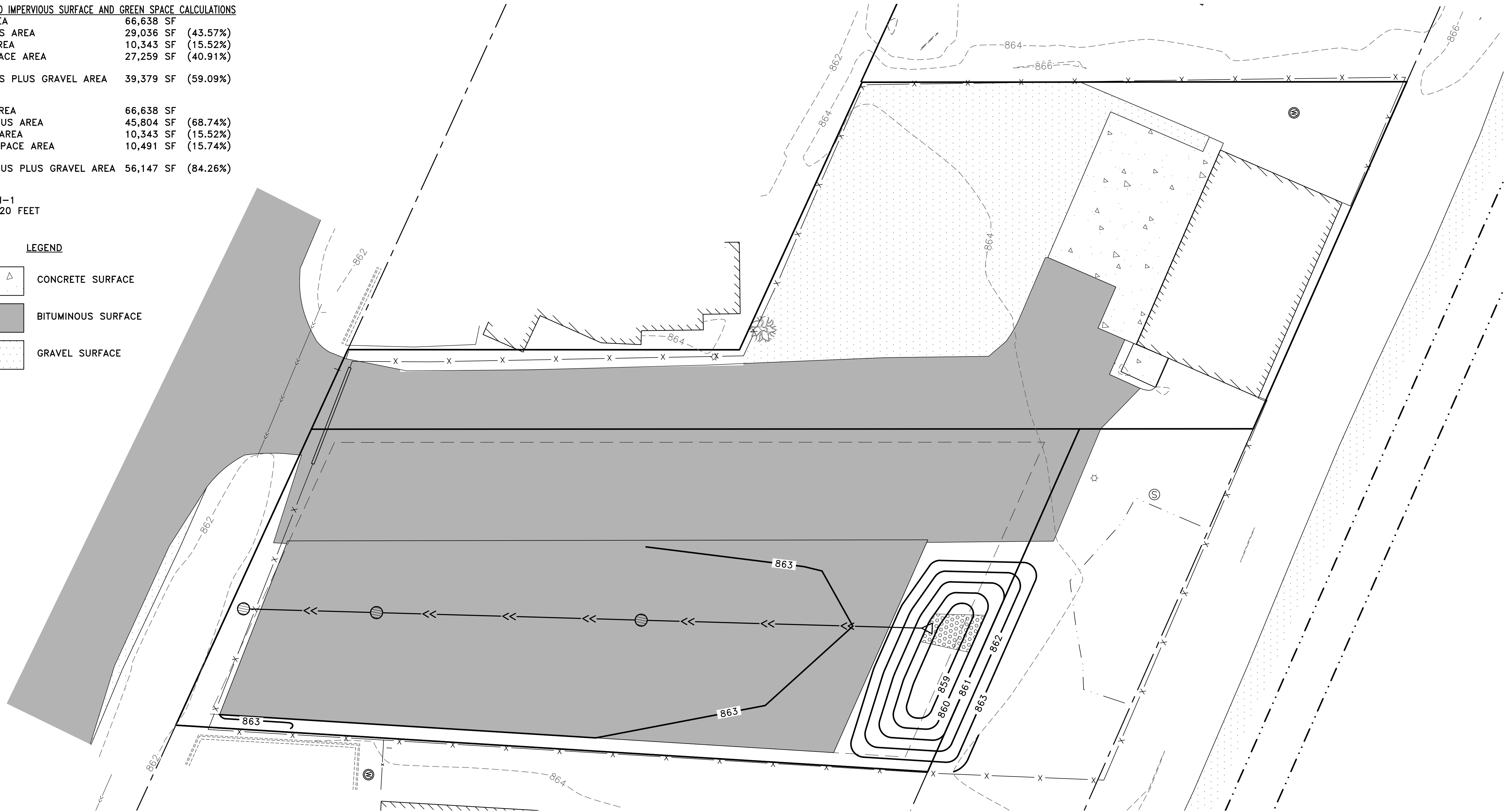
TOTAL PROPOSED AREA 66,638 SF
 PROPOSED IMPERVIOUS AREA 45,804 SF (68.74%)
 PROPOSED GRAVEL AREA 10,343 SF (15.52%)
 PROPOSED GREEN SPACE AREA 10,491 SF (15.74%)

PROPOSED IMPERVIOUS PLUS GRAVEL AREA 56,147 SF (84.26%)

CURRENT ZONING: H-1
 PARKING SETBACK: 20 FEET

LEGEND

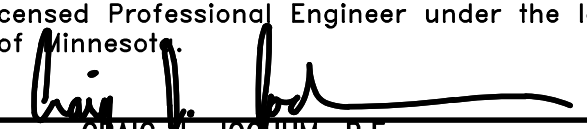
-  CONCRETE SURFACE
-  BITUMINOUS SURFACE
-  GRAVEL SURFACE



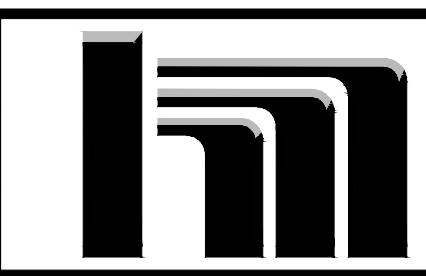
Aug 03, 2017 - 8:26am K:\cad_eng\PROJECTS\PRIVATE\3990.02.dwg\399002EXIBIT-PROPERTY.dwg

DATE	REVISION
8/3/17	PLAN REVISIONS PER CLIENT REVIEW

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.


 CRAIG J. JOHNSON, P.E.
 Date 7/20/17 Lic. No. 23461

DESIGNED BY:
TAE
 DRAWN BY:
TAE
 CHECKED BY:
CJJ

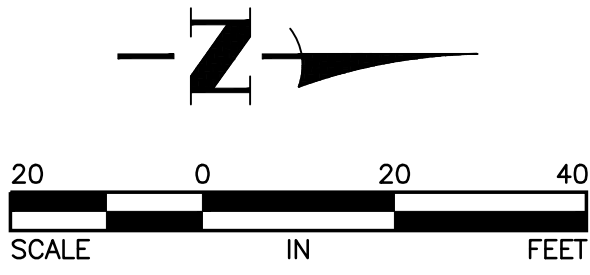


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MOTORS ON 10

PROPERTY AREA EXHIBIT
 CITY OF RAMSEY, MINNESOTA

SHEET 6 OF 6 SHEETS



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

DATE	AUGUST 28, 2017	PROJECT ADDRESS	7103 TH 10 NW
PROJECT. TITLE	MOTORS ON 10 PARKING LOT EXPANSION		
ESCROW #	115491		
DEPARTMENT:	Engineering		
TECHNICAL REVIEWER:	Name: Joe Feriancek Phone: 763 433-9893 Email: jferiancek@cityoframsey.com		

The Engineering Department offers the following comments regarding the Construction Plans for Site Grading and Parking Lot and Miscellaneous Construction. The submittal consists of 6 sheets prepared by Hakanson Anderson dated July 20, 2017, Revised per Client 8/2/17, and a Stormwater Management Plan dated July 21, 2017, both received August 4, 2017.

General comments:

1. A legend must be shown on **all sheets**. *All symbols used on that sheet must be added to the legend for the sheet.* Several symbols and line types are not included in the legends.
2. Provide addresses for the parcels shown on the plans.

Sheet Specific Comments:

Sheet 3

1. Protect the existing septic drainfield with construction fence.
2. Show the elevation at the eastern edge of existing bituminous at the mill bituminous pavement location.

Sheet 4

1. Protect the infiltration basin with silt fence.
2. Tipout Curb is shown in the legend, but not located in the plans.
3. Reference Note 2 calls out drawing STD-603 or STD-604, provide this drawing in the details.
4. Complete the legend per general comment 1.

Sheet 5

1. Complete the legend per general comment 1.

Stormwater Management Plan

1. The Drainage Diagram numbers are reversed on HydroCAD, start over with report and map number lines.
2. The pond area scaled from the plans is < 10% of the HydroCAD area.
3. Need MIDS Calculation for infiltration.
4. A soil boring is required in the infiltration basin to a depth 15 feet below the surface.
5. The perforated pipe, infiltration trench, is not in the model.

****Please return annotated review sheet documenting changes****

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

RESOLUTION #17-09-217

A RESOLUTION APPROVING THE ISSUANCE OF A VARIANCE TO THE PARKING AND PAVING SETBACK FROM STREET RIGHT OF WAY.

RECITALS

1. Motors on Ten, LLC (Permittee), has properly applied for a variance (the "Variance") from the parking and paving setback from street right of way in the H-1 Highway 10 Business District on the property generally known as 7103 Highway 10 and legally described as follows:

That part of the Southwest Quarter of the Southwest Quarter Section 27, Township 32, Range 25 described as follows: Beginning at a point on the northeasterly right of way boundary of Trunk Highway No 10, 710.23 feet southeasterly from intersection of said right of way with west line of said Quarter Quarter, thence on assumed bearing south 65 degrees, 22 minutes, 49 seconds, east along said right of way 33.01 feet, thence on bearing north parallel with west line of said Quarter Quarter and its southerly extension, 355.61 feet to southerly rail road right of way, thence north 66 degrees, 11 minutes, 34 seconds west, along said rail road right of way 143.37 feet, thence on bearing south 205.79 feet, thence south 65 degrees, 22 minutes 49 seconds east 111.28 feet, thence on bearing south, 147.58 feet to point of beginning, except road subject to easement of record, Anoka County, Minnesota

And

That part of Lot 5 Auditors Subdivision No 31, beginning at northwest right of way of Trunk Highway No. 10 and the southwest corner of Kovar Addition, thence northwesterly along said right of way 33.01 feet, thence north to north line of Section 34, Township 32, Range 25, thence east along said north line to west line of said Kovar Addition, thence south along said west line to point of beginning, Anoka County, Minnesota

And

Lot 1, Block 1 Kovar Addition, Anoka County, Minnesota

(the "Subject Property"); and

2. That That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-53 of the Ramsey City Code on September 7, 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.

3. That the Subject Property is zoned H-1 Highway 10 Business District and is approximately 1.52 acres in size.
4. That the Subject Property abuts the railroad tracks to the north, Highway 10 to the south, and parcels to the east and west of the Subject Property are zoned H-1 Highway 10 Business District.
5. That the Permittee has submitted a Site Plan to expand the paved area on the Subject Property to provide additional area to display motor vehicles for sale.
6. That Section 117-120 of the City Code requires all parking and pavement (including maneuvering, sales, and display areas), setback from street right-of-way at least twenty (20) feet.
7. That a portion of the Subject Property is already paved, is within the required greenspace, and is considered lawful, nonconforming.
8. That the two adjacent parcels also have paved areas within the required greenspace and are also considered to be lawful, nonconforming.
9. That the expansion of the paved area is an attempt to bring and keep the Subject Property in compliance with zoning standards.

FINDINGS

1. That the plight is/is not due to circumstances unique to the Subject Property.
2. That the plight was/was not created by the Permittee.
3. That, if granted, the Variance will/will not alter the locality's essential character.
4. That, if granted, the Variance will/will not impair an adequate supply of light and air to adjacent property.
5. That, if granted, the variance will/will not have the effect of allowing a use that is prohibited in the applicable zoning district.
6. That, if granted, the variance will/will not increase the congestion on the public street.
7. 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.
8. That, if granted, the Variance will/will not permit standards that are lower than those required by state law.
9. That, if granted, the variance will/will not diminish established property values within the neighborhood.

10. That, if granted, the variance requested is/is not the minimum variance necessary to accomplish the intended purpose of the Permittee.
11. That, if granted, the variance will/will not grant the Permittee any special privilege that is denied to the owners of other land in the same district.

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

CONDITIONS

1. That a **Variance** to the required paving and parking setback from street right-of-way is hereby granted in accordance with the plans prepared by Hakanson Anderson and dated July 20, 2017, revised August 3, 2017, contingent upon compliance with the Staff Review Letter dated August 28, 2017.
2. That the **Permittee** shall be responsible for obtaining a Conditional Use Permit for the expansion of a lawful, non-conforming use on the **Subject Property**.
4. The **Permittee** shall be responsible for all City costs incurred in administering and enforcing this **Variance**.
5. The **Variance** shall become null and void if the use is not initiated by September 7, 2018 and pavement installation shall be considered initiation.

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 7th day of September, 2017.

Motors on Ten, LLC hereby acknowledges receipt of this variance and that they have reviewed the terms of the variance and have agreed that they will comply with the terms of the variance.

By: _____

Its: _____

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

RESOLUTION #17-09-218

A RESOLUTION APPROVING THE ISSUANCE OF A CONDITIONAL USE PERMIT TO MOTORS ON TEN, LLC, TO EXPAND A LAWFUL NONCONFORMING USE AND TO ALLOW MOTOR VEHICLE MOTOR VEHICLE SALES IN THE H-1 HIGHWAY 10 BUSINESS DISTRICT AND DECLARING TERMS OF SAME:

RECITALS

1. Motors on Ten, LLC, hereinafter referred to as the “Permittee” has properly applied for a Conditional Use Permit to expand a lawful, conforming use and allow motor vehicle sales on the property generally known as 7103 Highway 10 NW and legally described as follows:

That part of the Southwest Quarter of the Southwest Quarter Section 27, Township 32, Range 25 described as follows: Beginning at a point on the northeasterly right of way boundary of Trunk Highway No 10, 710.23 feet southeasterly from intersection of said right of way with west line of said Quarter Quarter, thence on assumed bearing south 65 degrees, 22 minutes, 49 seconds, east along said right of way 33.01 feet, thence on bearing north parallel with west line of said Quarter Quarter and its southerly extension, 355.61 feet to southerly rail road right of way, thence north 66 degrees, 11 minutes, 34 seconds west, along said rail road right of way 143.37 feet, thence on bearing south 205.79 feet, thence south 65 degrees, 22 minutes 49 seconds east 111.28 feet, thence on bearing south, 147.58 feet to point of beginning, except road subject to easement of record, Anoka County, Minnesota

And

That part of Lot 5 Auditors Subdivision No 31, beginning at northwest right of way of Trunk Highway No. 10 and the southwest corner of Kovar Addition, thence northwesterly along said right of way 33.01 feet, thence north to north line of Section 34, Township 32, Range 25, thence east along said north line to west line of said Kovar Addition, thence south along said west line to point of beginning, Anoka County, Minnesota

And

Lot 1, Block 1 Kovar Addition, Anoka County, Minnesota

(“Subject Property”)

2. That the Permittee appeared before the Planning Commission for a public hearing pursuant to Section 117-51 (Conditional Use Permits) of the Ramsey City Code on September 7, 2017, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

3. That the Subject Property is zoned H-1 Highway 10 Business District and is approximately 1.52 acres in size.
4. That the Subject Property abuts the railroad tracks to the north, Highway 10 to the south, and parcels to the east and west of the Subject Property are zoned H-1 Highway 10 Business District.
5. That the Permittee has submitted a Site Plan to expand the paved area on the Subject Property to provide additional area to display motor vehicles for sale.
6. That Section 117-120 of the City Code requires all parking and pavement (including maneuvering, sales, and display areas), setback from street right-of-way at least twenty (20) feet.
7. That the Permittee has applied for a Variance to the setback requirement.
8. That motor vehicle, implement, and recreation equipment sales and service is a conditional use in the H-1 Highway 10 Business District.
9. That motor vehicle sales had been occurring on the Subject Property when City Code was amended to identify motor vehicle sales as a Conditional Use and has been occurring continuously on the Subject Property since that amendment.
10. That the Permittee has requested a Conditional Use Permit to expand the lawful non-conforming use by expanding the paving/parking area and to allow for motor vehicle sales on the Subject Property.
11. That City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) requires one (1) dedicated customer parking space for every ten (10) vehicles displayed; three (3) dedicated customer parking spaces for each enclosed bay; and one (1) dedicated parking space for each full time employee.
12. That vehicles displayed for sale shall be restricted to bituminous or concrete surfaces only.
13. That the Planning Commission met on September 7, 2017, conducted a public hearing and recommended City Council approval/denial of the request.

FINDINGS OF FACT

1. That motor vehicle sales will/will not be unduly dangerous or detrimental to persons residing or working in the vicinity of the use, or to the public welfar.
2. That motor vehicle sales will/will not substantially adversely impair the use, enjoyment or market value of any of the surrounding properties.

3. That the motor vehicle sales operation will/will not be maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will/will not change the essential character of the area.
4. That motor vehicle sales will/will not be hazardous to existing or future neighboring uses.
5. That motor vehicle sales will/will not impact essential public facilities and services, such as highways, streets, police and fire protection.
6. That motor vehicle sales will/will not create excessive additional requirements at public cost for public facilities and services and will/will not be detrimental to the economic welfare of the community.
7. That motor vehicle sales will/will not involve uses, activities and equipment that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

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

That the Ramsey City Council hereby grants approval of a Conditional Use Permit (the "Permit") for the expansion of a lawful nonconforming use and for motor vehicle sales on the Subject Property contingent upon the following conditions:

CONDITIONS

1. That this Permit allows for motor vehicle sales to occur on the Subject Property.
2. That the expansion of the paved area shall be in accordance with the plans prepared by Hakanson Anderson and dated July 20, 2017, revised August 3, 2017, and in compliance with the Staff Review Letter dated August 28, 2017.
3. That motor vehicle sales and repairs shall only be conducted within the building located on the Subject Property.
4. That the Permittee shall maintain the Subject Property in compliance with City Code Section 117-356 (Commercial and Industrial Development Off-Street Parking) and Chapter 30 (Nuisances) at all times.
5. That there shall be no salvaging of parts from inoperable motor vehicles on site to be used to repair other motor vehicles.
6. That there shall be no outside storage of parts or cannibalized vehicles on the Subject Property.

7. That the Permittee shall obtain all necessary permits to complete any required building modifications.
8. That the Permittee (and tenants) shall obtain all necessary licenses to lawfully operate motor vehicle sales operations on the Subject Property.
9. That the Permittee shall stripe all required customer parking stalls and those stalls shall not be used for any use other than customer parking.
10. That the Permittee shall maintain all required drive aisle widths in accordance with City Code Section 117-356.
11. That this Permit shall be perpetual in duration as long as the terms are herein complied with.
12. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.
13. That the City Administrator, or his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
14. That this Permit shall automatically expire if the use is not initiated by September 12, 2018.

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 12th day of September, 2017

Motors on Ten, LLC hereby acknowledges receipt of this Permit and that they have reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF MINNESOTA)
) SS.
 COUNTY OF _____)

On this _____ day of _____, _____, before me, a Notary Public, personally appeared _____, the _____ of Motors on Ten, LLC, a Limited Liability Corporation (Domestic) under the laws of Minnesota, on behalf of the Corporation, to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Notary Public

CITY OF RAMSEY:

By: _____
Mayor

By: _____
City Clerk

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

On this _____ day of _____, _____, before me a Notary Public personally appeared Sarah Strommen and Jo Ann M. Thieling, to me personally known, who, being each by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Ramsey, the Municipal Corporation named in the foregoing instrument, and seal affixed to said instrument is the corporate seal of said Municipal corporation, and the said instrument was signed and sealed on behalf of said Municipal Corporation by authority of its City Council, and said Sarah Strommen and Jo Ann M. Thieling acknowledge said instrument to be the free act and deed of said Municipal Corporation.

Notary Public

This document drafted by:
City of Ramsey
7550 Sunwood Dr NW
Ramsey, MN 55303

This document reviewed by:
Ratwik, Roszak & Maloney
730 Second Ave. S., Suite 300
Minneapolis, MN 55402

Regular Planning Commission

6. 1.

Meeting Date: 09/07/2017

By: Tim Gladhill, Community Development

Information

Title:

Receive Update on Proposed Plat Known as Northfork Meadows Located Near Puma Street and Alpine Drive; Case of Paxmar (Project No. 17-126)

Purpose/Background:

The purpose of this case is to receive an update and provide general policy direction prior to the Developer (Paxmar) submitting a Preliminary Plat for official review. The City Council previously reviewed this case on June 27. Direction at that time was to host a public engagement workshop. The City Council noted two (2) topics to focus on:

1. Density Transitioning
2. Reliability/Consistency of the Comprehensive Plan

The original concept has undergone Sketch Plan Review with the Planning Commission. The Planning Commission outlined a number of concerns indicated in the attached minutes from June 13. The City then held a public workshop on August 3, 2017.

The City Council discussed next steps for review of this project on August 22nd. Concept #1 as outlined below was presented to the City Council. Subsequent to that discussion, the Developer provided a second concept to consider at this time (all 65 foot wide, detached single-family lots, no detached townhomes). Staff will give a more detailed presentation at the meeting. One element removed on the second concept is the level of density transitioning originally proposed (although the overall density is reduced).

Medium Density Residential Concept (65 foot wide single-family lots + detached townhomes)

Subsequent to that workshop, the Developer revised the concept to include better transitioning as discussed with the City Council. General feedback from the workshop included some support for the overall concept, with the improved density transitioning (lot size, lot width, lot depth, landscaping buffer). Staff does note, however, that a number of area stakeholders prefer to leave the Comprehensive Plan as Low Density Residential, but Staff believes there is room for compromise and there are some benefits of the proposed development.

Low Density Residential Concept (65 foot wide single-family lots)

Following City Council Review on August 22, 2017, the Developer presented Staff with a concept of all lots approximately 65 feet wide. Assuming the net density was within the range of 2.5 units per acre and four (4) units per acre, the project could move forward without a Comprehensive Plan Amendment. However, under this scenario, a Zoning Amendment to Planned Unit Development would be required, as the proposed lots would be deficient in lot width. Density transitioning would still be required where adjacent to Rural Developing lots. Planned Unit Developments do require the Developer adding an element of public benefit in exchange for negotiating certain design standards (such as lot width).

Current Stage/Purpose of Sketch Plan Review

A Sketch Plan affords the City the opportunity to review a project before it enters the official Preliminary Plat stage. The Preliminary Plat (future step) is the most important step in the review process and gives 'entitlement' to the project.

Please note that the request requires a Zoning Amendment and/or Comprehensive Plan Amendment. The City can, but is not obligated to, approve said amendment. The City has discretion on how to move forward with the request. It is worth noting that an existing goal of the Comprehensive Plan is to provide for more meaningful density transitioning. This goal was in response to the practice of simply relying on landscaping buffer as a means of transition, as opposed to transition of actual lot size. This goal seems to have been confirmed through the early stages of the 2040 Comprehensive Plan Update.

Notification:

Staff attempted to notify all Property Owners within 700 feet of the Subject Property of the Sketch Plan Review.

Observations/Alternatives:

There are a number of layers to the review of this project. Please see the attached review letter for specific review. Topics include, but are not limited to, the following:

- Comprehensive Plan Amendment
- Compliance with Zoning and Subdivision Code

In this case, Sketch Plan Review is a critical path for this project given that a Comprehensive Plan Amendment is required. There is known opposition to the project. The project also appears to have a level of support as well. There is not strong consensus in either direction. Staff needs Planning Commission and City Council direction in order to respond to the request. At this time, Staff can only layout pros and cons to the project.

Pros

- Additional residential units/tax base/demographics for retail growth.
- Completion of Puma Street concurrently to existing project (Riverstone Addition/Bunker Lake Industrial Park).
- Potential for a quality residential project. Potential to be similar to adjacent project that has existing support from community.
- Manages growth of community into strategic locations (concentrate development near The COR, preserve rural residential areas in other areas identified in the Comprehensive Plan).
- Perceived diversification of builders for sustained growth.

Cons

- Weaker density transitioning than previously planned.
- Not consistent with Comprehensive Plan that was confirmed after public engagement process in 2013, refreshed in 2016.
- Known/assumed opposition from neighboring property owners.
- Extends risk to City related to cost-share of Puma Street construction.
- Perceived saturation of product type in small geographic area.

As proposed, this project would also have the potential for financial obligations to the City to complete the final segment of Puma Street. The proposed development would complete a portion of Phase 2 of Puma Street at the cost of the Developer (amount to be determined with future steps and known costs). The Developer then proposes that the remaining cost be split between the City and Riverstone Addition (Capstone), which is located to the west of this project site. Staff is not proposing to discuss this aspect of the project at this time, but at a future review step once additional direction on land use and zoning is provided. There is room for negotiation on this topic with future cases.

Funding Source:

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

Recommendation:

Staff does believe it is reasonable to move to the next step in the review process to include Preliminary Plat and Comprehensive Plan Amendment. Taking this step does not obligate the City Council to approve the project, but will continue discussions and continue momentum towards compromise.

Action:

Provide high-level feedback to the Developer to aide in deciding whether to move forward with the Preliminary Plat and Comprehensive Plan Amendment.

Attachments

Site Location Map

Medium Density Concept

Low Density Residential Concept

Adjacent Project Context Map

Developer Narrative

Letters of Support

Letters of Opposition

Developer Supplemental Submittal

Density Comparison

Draft Planning Commission Minutes dated June 12, 2017

Additional Tafoya Comments

DRAFT City Council Meeting Minutes dated June 27, 2017

DRAFT City Council Meeting Minutes dated August 22, 2017

Form Review

Inbox

Tim Gladhill (Originator)
Chris Anderson
Form Started By: Tim Gladhill
Final Approval Date: 08/31/2017

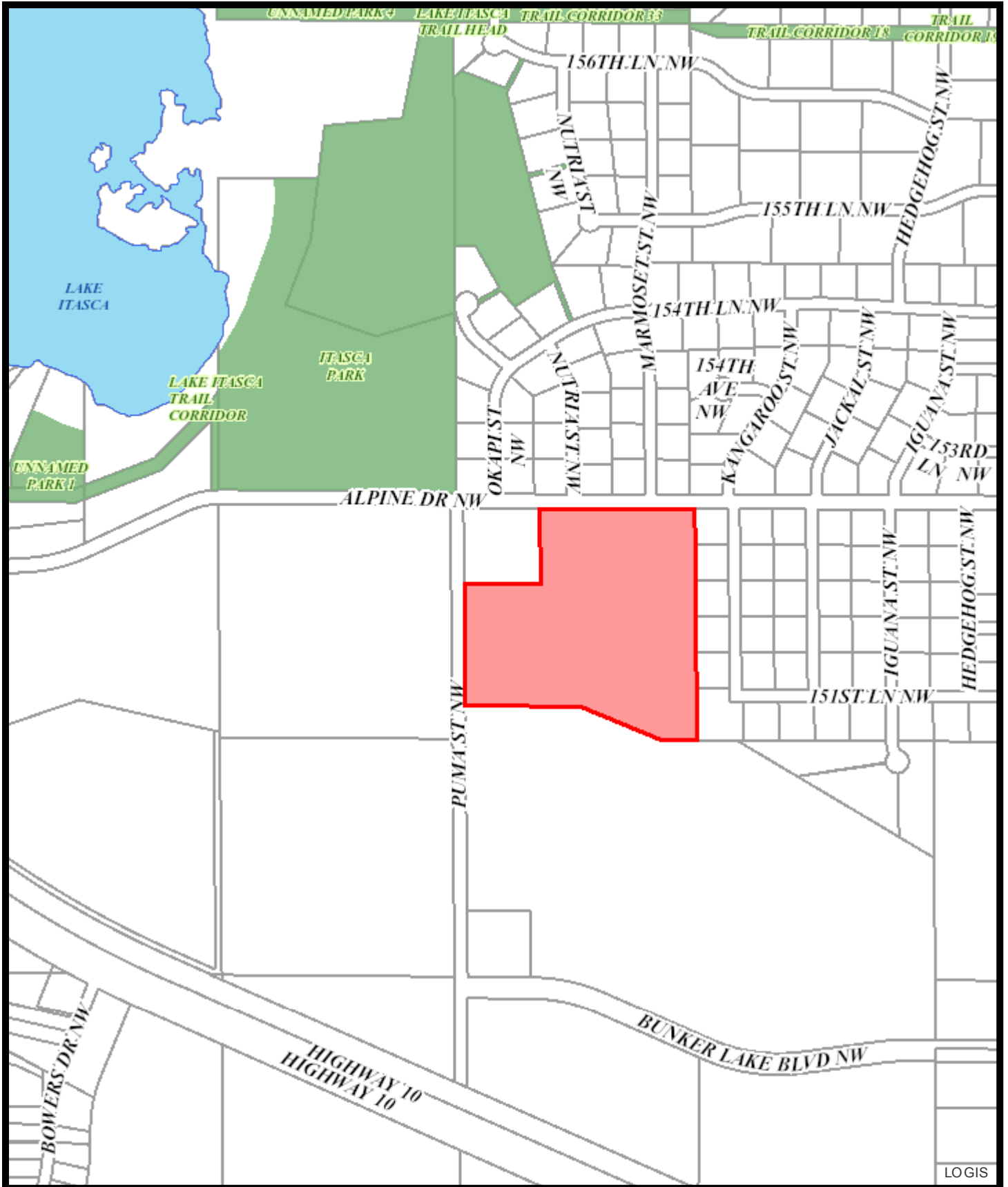
Reviewed By

Tim Gladhill
Chris Anderson

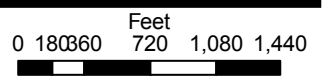
Date

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Started On: 08/30/2017 01:16 PM

Site Location Map

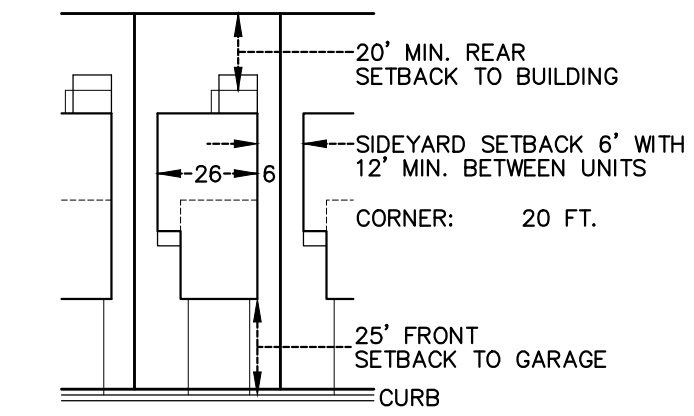


LOGIS

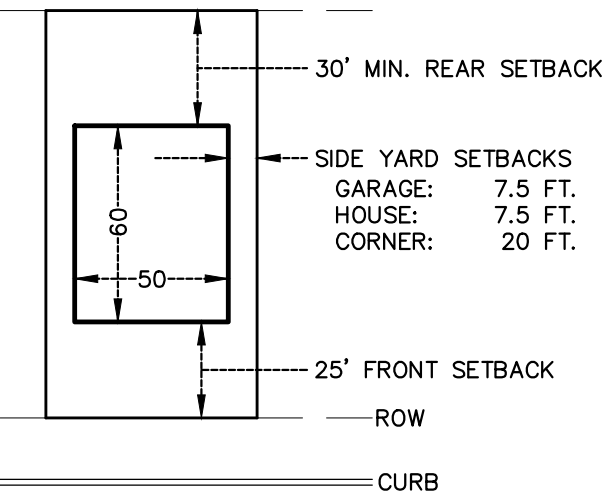




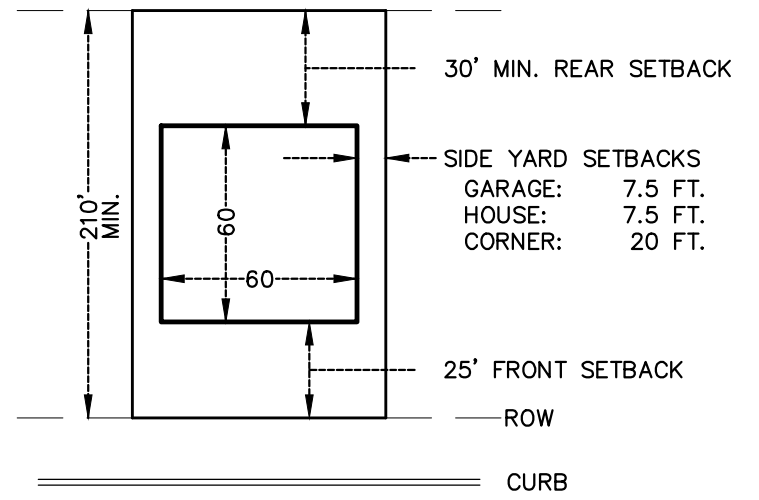
DETACHED TOWNHOME DETAIL



65' LOT DETAIL



80' LOT DETAIL



LEGAL DESCRIPTION

Outlot A and part of Outlot C, ALPHA DEVELOPMENT, Anoka County, Minnesota

(Outlot C legal description subject to change at a future date.)

NOTES

- 1) No field work has been completed at this time.
- 2) Subject property address - Southeast quadrant of Puma Street & Alpine Drive NW, Ramsey, MN 55303.
- 3) Topography shown is LIDAR which was provided by the Minnesota Department of Natural Resources.
- 4) Boundary and wetlands shown taken from ALTA/NSPS LAND TITLE SURVEY prepared by Anderson Engineering, dated September 28, 2016.
- 5) No Title Work has been furnished for this survey, property is subject to all easements of record, if any.

SITE DATA

TOTAL BOUNDARY AREA	±33.5 AC.
TOTAL ROW AREA	±3.0 AC.
TOTAL WETLAND AREA	±1.7 AC.
TOTAL NUMBER OF LOTS	132
65 FT. LOTS	37
80 FT. LOTS	11
DETACHED TOWNHOME LOTS	84
NET DENSITY (EXCLUDES ROW AND WETLAND)	4.58 LOTS/AC

65 & 80ft. BUILDING SETBACK DATA

FRONT:	25 FT.
SIDE:	7.5 FT.
REAR:	30 FT.
CORNER:	20 FT.

DETACHED TOWNHOME SETBACK DATA

FRONT: GARAGE	25 FT.
SIDE:	6.0 FT.
REAR:	20 FT.
CORNER:	20 FT.

REVISIONS

1.	07/31/17	Rev.'d layout.
2.	08/09/17	Rev.'d layout.
3.		
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6.		
DRAWN BY:		C#
ISSUE DATE:	06/03/17	
FILE NO:		XXX

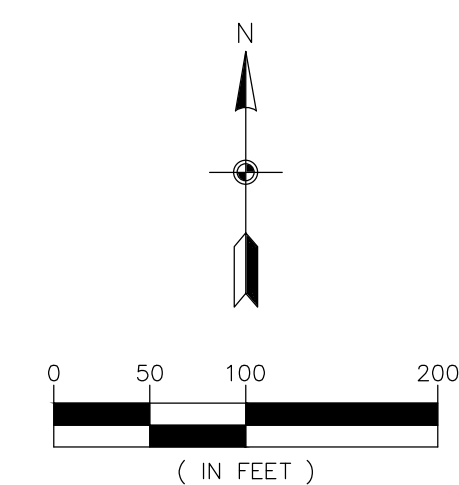


SITE DATA

TOTAL BOUNDARY AREA _____ ±33.5 AC.
 TOTAL NUMBER OF 65' LOTS _____ 103

65ft. BUILDING SETBACK DATA

FRONT: _____ 25 FT.
 SIDE: _____ 7.5 FT.
 REAR: _____ 30 FT.
 CORNER: _____ 20 FT.



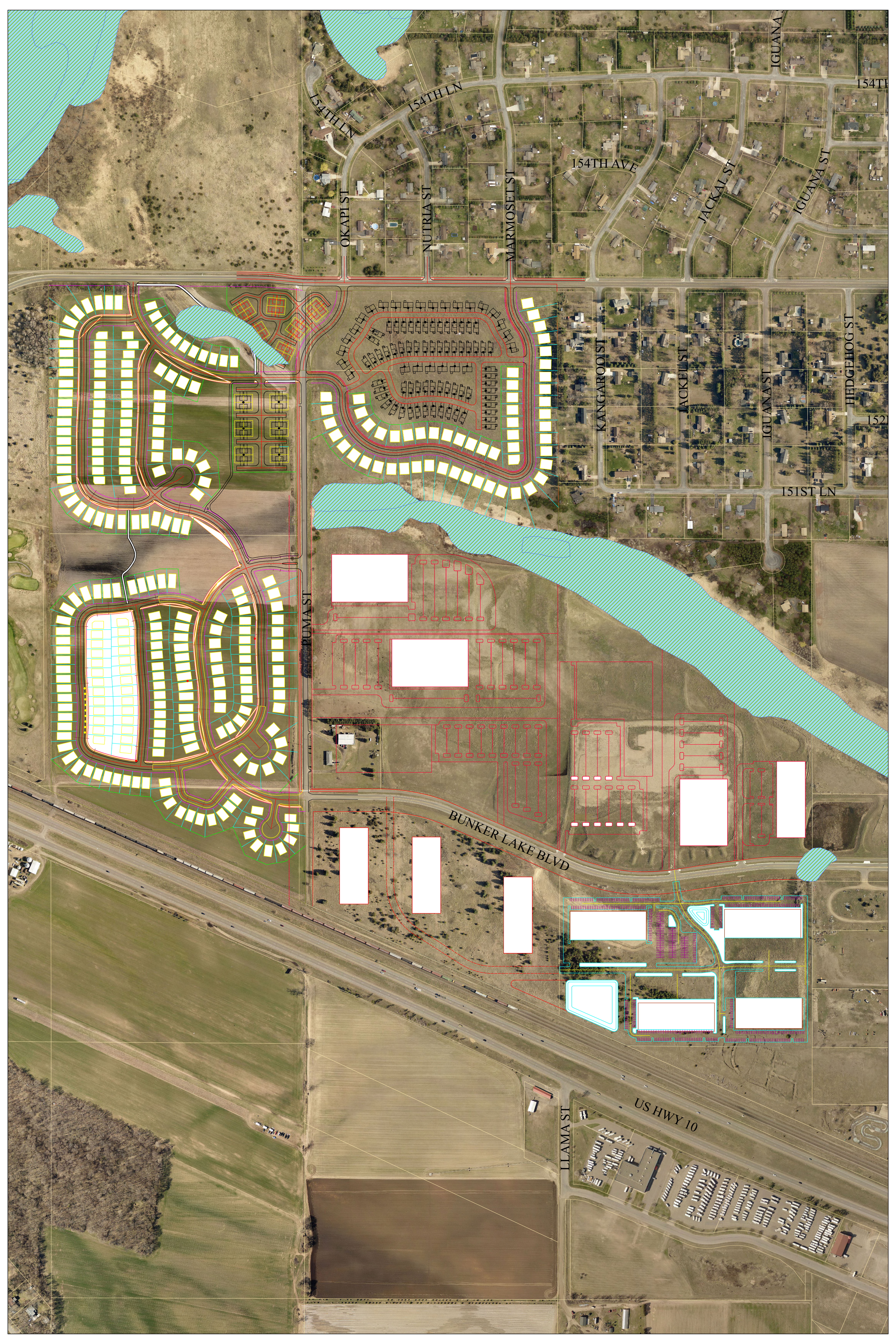
CONCEPT PLAN

HAGEMAN SITE
 Ramsey, Minnesota

PAXMAR
 3495 Northdale, Suite 210
 Coon Rapids, Minnesota 55448

REVISIONS

1.	08/28/17. Rev. layout.
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6.	
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ISSUE DATE: _____ 05/04/17	
FILE NO: _____ XXX	



154TH LN

154TH LN

154TH AVE

OKAPI ST

NUTRIA ST

MARMOSET ST

IGUANA ST

154TH LN

JACKAL ST

IGUANA ST

PUMA ST

KANGAROO ST

JACKAL ST

IGUANA ST

HEDGEHOG ST

151ST LN

BUNKER LAKE BLVD

LLAMA ST

US HWY 10

Paxmar Recommendations for City Support of Northfork Meadows Addition

The following talking points were provided by the Developer of Northfork Meadows (Paxmar) as suggestions for supporting a change to the Comprehensive Plan Amendment from Low Density Residential to Medium Density Residential.

Please note that City Staff does not necessary support nor endorse each of these items. City Staff is avoiding responding to each of these talking points to avoid a loop of 'point/counter-point'.

Reasons city should consider approval:

1. Have a developer who is willing to pay almost 60% up front for overall projected costs of Puma extension (total estimated costs puma street extension \$1.4 million- developer portion \$800,000). [Staff note: this cost-share agreement has not been reviewed by the City Council. It would still obligate the City to certain future expenses.]
2. Plan increases density, which will increase long-term tax revenue.
3. Not feasible to develop under straight [Low Density Residential/R-1 Residential District].
4. Plan fits to area- Not a lot of amenities to area and is basic flat field located next to business park to south, multi- family to west, busy street to north and single family to east.
5. Would increase rooftops to attract commercial/business users in new business park and existing COR.
6. Give community more choices on housing stock for area and not limit to [one] builder.
7. Decrease city exposure of failure to [recoup] fees by allowing multiple builders/product being built.
8. Finishes entire area with least amount of prolonged roads under construction.
9. Shows strong support to business leaders that city's growth is important- lots of housing options for workforce.
10. Would give city a surge of cash with lots of [fees], [Sewer Availability Charge (SAC) and [Water Availability Charge (WAC)] fees being paid. [Staff note: the goal for the City is not to maximize collection of fees. Fees are being collected to offset impacts of development and to pay for infrastructure needed to serve the proposed development. Staff would recommend that this not be a finding to support the request.]



6701 W 23rd St
St Louis Park, MN 55426
952-544-1561

June 2, 2017

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Att'n: ✓ Tim Gladhill, Community Development Director
Patrick Brama, Economic Development Manager/Ass't City Administrator

Re: Paxmar/Hageman site
Our support for the development with higher density

Hi Tim and Patrick,

Thanks again for your time in our March meeting to discuss the progress of development in the City of Ramsey. It furthered my understanding of the value our parcel may add for all parties.

It has come to my attention of another proposed residential development on the Hageman property near our parcel on Armstrong Blvd and Bunker Lake Blvd. I want to express my support **for** this residential development. The R-1 zoning should be changed to allow for a higher density for this Hageman parcel.

It fits well with the City of Ramsey to have higher density residential development near the City center, which supports further retail business development. Such development provides a sound property tax base, strengthen the ability for commercial/retail establishments to locate in the area with a stable property tax base. The vehicular traffic generated from this site to Highway 10 via Bunker Lake Blvd and Armstrong Blvd is not an issue for our parcel, and will most likely be considered a benefit for the business(s) that ultimately locate on our site.

Again, I **support** the higher density residential development as represented for the Paxmar/Hageman site.

Feel free to contact me with any questions or concerns. I will continue to keep you informed as we proceed with the sale of our parcel.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott A. Weicht', is written over the typed name.

Scott A. Weicht
President

Enclosures

cc: David Adolfson, Jr.
Alan Roessler, Paxmar

Rodney A Lee
City of Ramsey Commercial Property Owner

Tim Gladhill
Community Development Director
City of Ramsey
7550 Sunwood Dr. NW
Ramsey, MN 55303

Mr. Gladhill,

The basis of this letter is to show support for the proposed development by Paxmar. As a property owner, I see many benefits to the City, Residents and Businesses.

The proposed development has multiple housing styles and price points. A variety of housing product types and builders in the community will be a great draw to potential buyers/residents. Ramsey has many great attributes and an increased housing stock seems to be needed to meet demand. The proposed development has a bit more density than the R-1 zoning, but it fits the location. A development with multiple housing types would complement not only the existing Single Family to the east, but the business park to the south, busy Alpine Road to the north, and proposed multifamily to the west.

Along with a higher density, also comes an increase in City fees and property tax revenues. With the City having a per lot/unit fee structure, every additional unit means increased fee revenue. The tax valuation will also be higher with the increased density, leading to more property taxes.

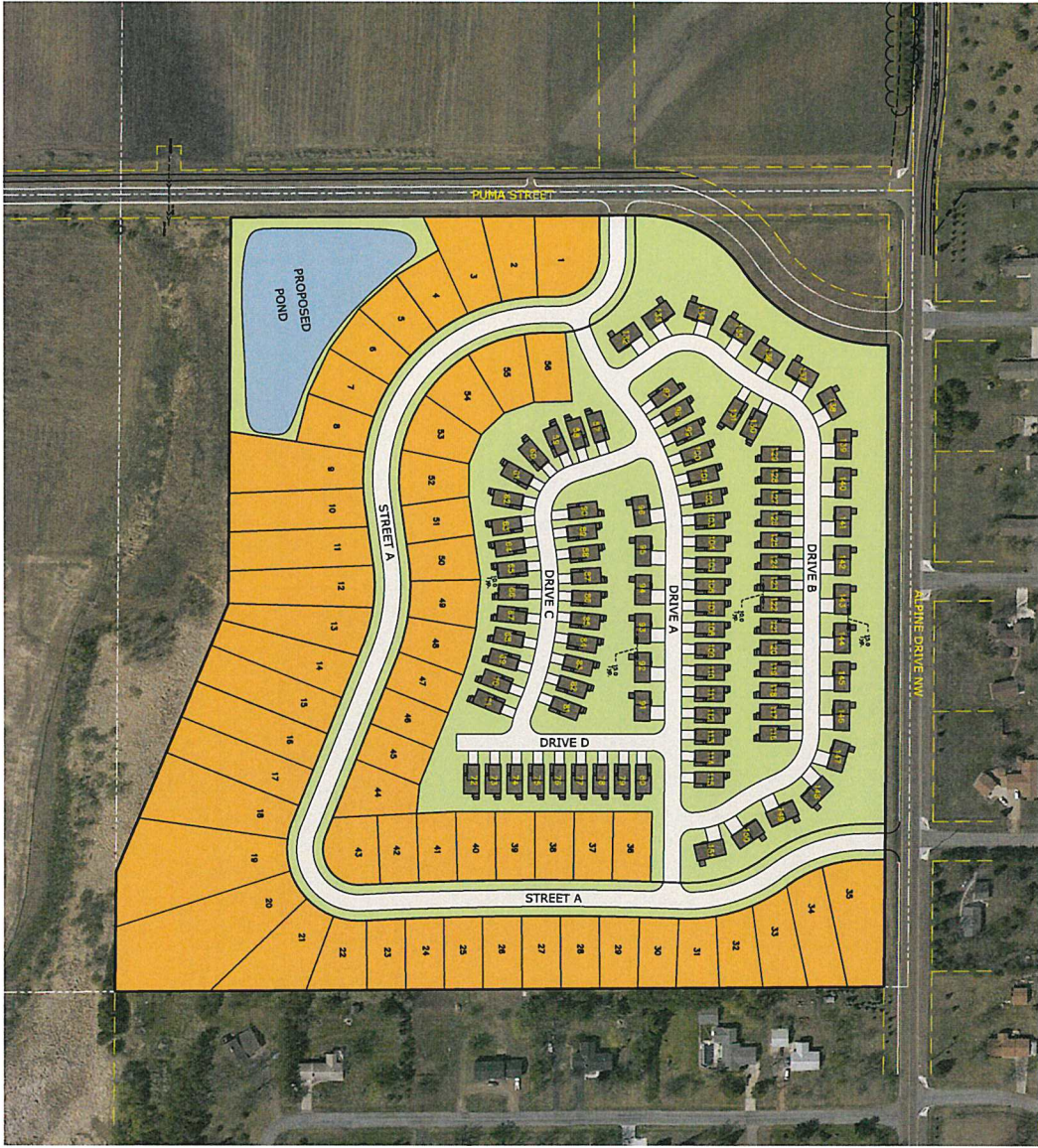
The proposed development would also speed up the Puma Street project. Any reductions in the amount Puma is under construction should be welcomed by the City.

All in all, the proposed development seems like a great fit for the location and I urge the City representatives to approve the project.

Sincerely,



Rodney A Lee
Broker/Owner
Premier Commercial Properties



SITE DATA

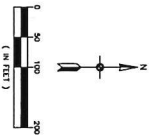
TOTAL BOUNDARY AREA— 433.5 AC.
 TOTAL NUMBER OF LOTS— 151
 65 FT. LOTS— 156
 DETACHED TOWNHOME LOTS— 95


SEMI-BUILDING SETBACK DATA

FRONT— 5 FT.
 SIDE— 7.5 FT.
 REAR— 30 FT.
 CORNER— 20 FT.

DETACHED TOWNHOME SETBACK DATA

FRONT HOUSE— 5 FT. OR 7.5 FT.
 SIDE— 7.5 FT. (SEE ILLUSTRATION FOR TYPICAL)
 REAR— 20 FT.
 CORNER— 20 FT.



1 of 1	PAXMAR 3495 Northdale, Suite 210 Coon Rapids, Minnesota 55448	CONCEPT PLAN HAGEMAN SITE Ramsey, Minnesota	 ENVIRONMENTAL • ENGINEERING • SURVEYING 3890 Pheasant Ridge Drive NE, Suite 100, Blaine, MN 55449 Phone: 763-489-7900 Fax: 763-489-7959
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May 25, 2017

Tim Gladhill
Community Development Director
City of Ramsey
7550 Sunwood Dr. NW
Ramsey, MN 55303

Mr. Gladhill,

We are writing this letter to ask your support for the development proposal by Paxmar that will be discussed at the Planning Commission meeting on June 1, 2017.

As a large land owner in Ramsey, I'd like to urge the City Council to consider the development proposal by Paxmar in a favorable manner. Paxmar's proposal will provide a variety of housing types and increase the tax base for City of Ramsey while improving the Puma St/Alpine corridor. Hageman Holdings has worked with the City providing flexibility to zoning and improvements in the Bunker Lake/Puma corridor to support growth. The proposed density increase, we feel, fits into the overall growth vision of Hageman Holdings and City of Ramsey.

As a business owner, I know we look favorable on a community that has a growing variety of housing stock. It is not only valuable from a workforce point of view, but also addition potential customers. The City of Ramsey has invested a large amount of money into the business park and COR areas which by approving this housing project will do nothing but help these areas grow and thrive.

Additional reasons for the support of the PAXMAR development include:

Puma Street extension:

The Puma Street extension is an estimated \$1.4 million-dollar project. Paxmar is willing to pay 60% of that cost, reducing the City and adjacent landowners share of the project.

City Fee/ Tax Revenue:

The proposed plan will increase the density of the site. This will, in turn, increase the amount of fees the city will collect from the normal building process. It will also increase the tax base and tax revenue the City gets on a yearly basis.

Surrounding Area:

The site has certain aesthetic limitations. It is a mostly flat field abutting to a future Business Park to the South, Multi-family to the West (Capstone proposed increased density), Alpine Drive to the North, and Single family to the East. There is little to no elevation changes and very marginal tree cover. The diversified housing of single family and detached townhomes is a good fit for its surrounding.

Variety of Housing Price Points:

Per Minnesota Housing Finance Agency, Median home prices in the Twin Cities Metro area are \$245,000. The community needs for sale housing at affordable prices and a portion of this plan would be directed at those types of products. It also has a product for a traditional "move-up" buyer.

Roof Tops:

An increase of housing activity is sure to bring additional interest for the commercial/business park/COR retail developments in the City of Ramsey. Housing for workers and additional customers are very important for prospective offices/businesses and increasing the retail business like restaurants.

Builder Diversity:

Having additional builders in the community will help the buyers considering purchasing in Ramsey by offering multiple choices and price points. Only having 1 builder in this corridor may hamstring the city by artificially delaying development of multiple parcels.

Pace of development:

This proposal would finish the area with the least amount of prolonged road construction and all work would be completed at the same time. Opening Puma street multiple times for varying lengths of time is not beneficial to surrounding residents or businesses and increases the overall costs to parties involved.

Business Support:

Giving the proposal approval would be a strong sign of support to business leaders of the community, showing Ramsey's commitment to a growing work force and customer base.

The potential for this development to also decrease the City's contribution to the Puma Street project should not be overlooked. If Paxmar is willing to go above and beyond 50% of the cost, it should be seriously considered by the City, not to mention that more infrastructure around adds value and interest to the surrounding properties.

Development is needed in this part of the City. More building will mean more interest, demand, and value of the surrounding properties. If you would like to further discuss please let us know.

Best Regards,

A handwritten signature in black ink, appearing to read "Michael Altimari", with a long horizontal flourish extending to the right.

Michael Altimari

Executive Director of Campus Development
Hageman Holdings, LLC



City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Attn: Tim Gladhill, Community Development Director
Patrick Brama, Economic Development Manager/Asst City Administrator

Re: Paxmar/Hageman site
Our support for the development with higher density

In regard to the possible future of the Hageman Site in the City of Ramsey:

In my opinion, because of the shortage for new construction affordable housing throughout Anoka County, this would be a great opportunity for the City of Ramsey to add to their tax base and would definitely boost and benefit local businesses as well, creating outstanding stability for the city. The new development site would potentially attract new and existing businesses to expand or relocate to this area.

Ramsey has much to offer and this new development project could complement the established homes and businesses.

To note: I am a Ramsey resident and currently own and operate a Commercial and Residential Real Estate business.

I want to express my support **for** this residential development.

Feel free to contact me with any questions or concerns.

Regards,
Chris Fritch
763-746-3996



May 25, 2017

Tim Gladhill
Community Development Director
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Dear Tim –

We have reviewed the Paxmar concept plan on the Hageman property, located at the southeast corner of Alpine Drive and Puma Street. Although we favor residential growth in this area of Ramsey, we cannot support the concept plan in its current configuration. It seems this layout was completed with sole purpose of maximizing the number of units, without regard for good land planning or thoughtful growth for the City. The current City zoning of this parcel is R1, but the concept shows twice that number of units. These units are very small compared to R1 standards and do not fit the character of the existing single family homes, adjacent to the site.

If a plat were to be brought forward using the R1 zoning standards currently in place, it would present a great opportunity for success in the current marketplace; very similar to the success we are seeing in the Brookfield neighborhood. Not only would R1 housing be a complement to the existing neighborhood, it would also balance nicely with the residential lots in the Riverstone neighborhood offering a wider range of home styles for those seeking to purchase a new home in Ramsey. This would allow the City's current zoning plan to be implemented according to current policy.

Typically, R1 single family lots (80' wide) on a standard parcel of land will produce 2.3 units per acre gross. Paxmar's proposal is requesting a density of 4.5 units per acre and would add 74 additional units on this 33-acre parcel. In comparison, the Riverstone plat is 3.3 units per acre and is zoned mid density. For Paxmar, that would be a significant increase in density that certainly works well for the developer, but doesn't appear to be in the best interest of the overall zoning plan of the City.

For the City, this plan would flood the market with mid density housing, making it increasingly susceptible to market conditions and in turn, pushing home prices down below market levels. The Riverstone plat alone has 293 mid density units, and this concept proposal would add an additional 151 units. 444 mid density units, only separated by a single street.

In addition, we have reviewed the proposal by Paxmar to construct Phase 2 of Puma Street. Simply stated, it seems Paxmar's current proposal to build the Puma Street infrastructure is being offered in return for the developer receiving 74 additional units through rezoning.

It is our request that the City follow the current zoning plan and require R1 housing units on this parcel of land. We are happy to discuss this further, and it is our goal to create the strongest possible land use plan for this area of Ramsey.

Sincerely,

Stephen A. Bona
Vice President of Land Development

Capstone Homes, Inc.
14015 Sunfish Lake Blvd NW, Suite 400
Ramsey, MN 55303
Office: (763) 427-3090 Fax: (763) 712 -9060

Tim

We as the city of Ramsey put a lot of work and money into developing the Comp Plan and we feel it needs to remain as it is and would not like to see it amended.

We as a [border land-owner] would not like to see the mid density that is desired on the Hageman Holdings NW acres on Puma and Alpine instead of the low density that the Comp Plan calls for.

I, Al, personally, when on the City Council, did a lot of work years ago on the Comprehensive Plan so I have a vested interest in the plan and would not want to see it amended.

We as a family 100% support land owners right to develop their own land, but we believe development needs to comply with what fits the area.

Alan Pearson & Family

Tim Gladhill

From: Val Kruger <Val.Kruger@psdlanddevelopment.com>
Sent: Monday, June 12, 2017 3:34 PM
To: Tim Gladhill
Subject: Opposing Letter to the Paxmar Project

Tim:

My husband and I are writing this letter of opposition to the proposed Paxmar development which is directly behind our residence where we have lived for 40+ years. We feel this type of high density development is going to change the essential character of our neighborhood.

When we first built our home we were surrounded by farm fields and there was never any mention of any high density developments and that is one of the reasons we chose to build where we did in Ramsey.

If the City feels it must move ahead with this project, we would like to see some type of noise/visual buffer between our property and the high density housing proposed. We would like to suggest a tree screening buffer and/or a berm to separate the properties.

Ramsey has changed drastically over the past forty years while our neighborhood has been able to keep the rural small town feel. Please do not take this away from us nor take away our quiet enjoyment that is sure to be created by a high density housing right in our back yard.

Sincerely,

Lonnie and Val Kruger
15210 Kangaroo Street NW
Ramsey, MN 55303

Val Kruger

Tim Gladhill

From: Kent Roessler <kent@paxmar.com>
Sent: Monday, June 19, 2017 11:19 AM
To: Tim Gladhill
Cc: Alan Roessler; Philip Rondeau; Pankratz, Brian L. @ Minneapolis
Subject: Lot layout on east end and adjacent values
Attachments: Property values of neighbors.pdf; East side Lot Comparison Sketch.pdf

Tim

We laid out east end to show existing zoning and what would be allowed alongside of our proposal. As you can see we net 3 extra lots which helps pay for puma.

We also pulled the values from Anoka County Assessor dept for 2017 values. Pretty hard to back up a \$400k 80' lot build to a bunch of \$200k properties.

Please add these to your packets and if we have time I would like to calculate a cost comparison to add for total build/revenue for city. Please let me know what cut off time for packets will be.

Thanks

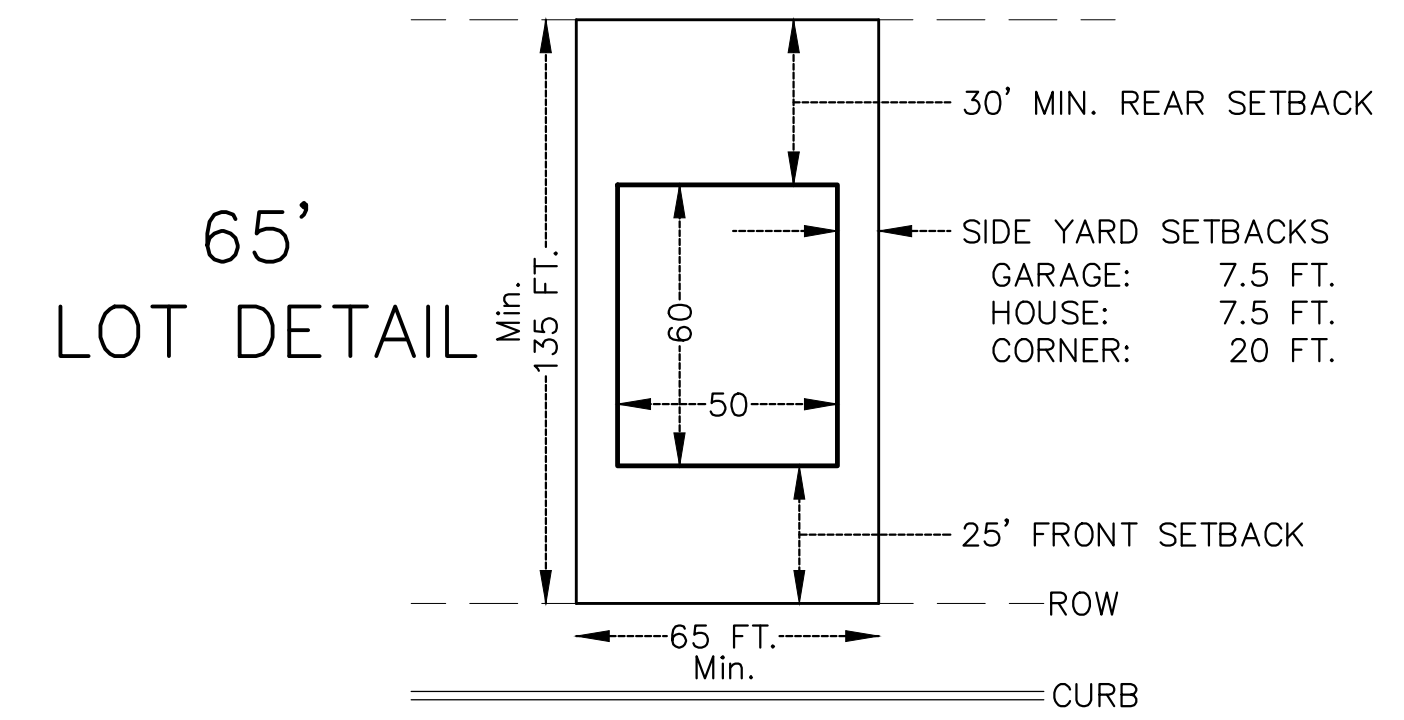
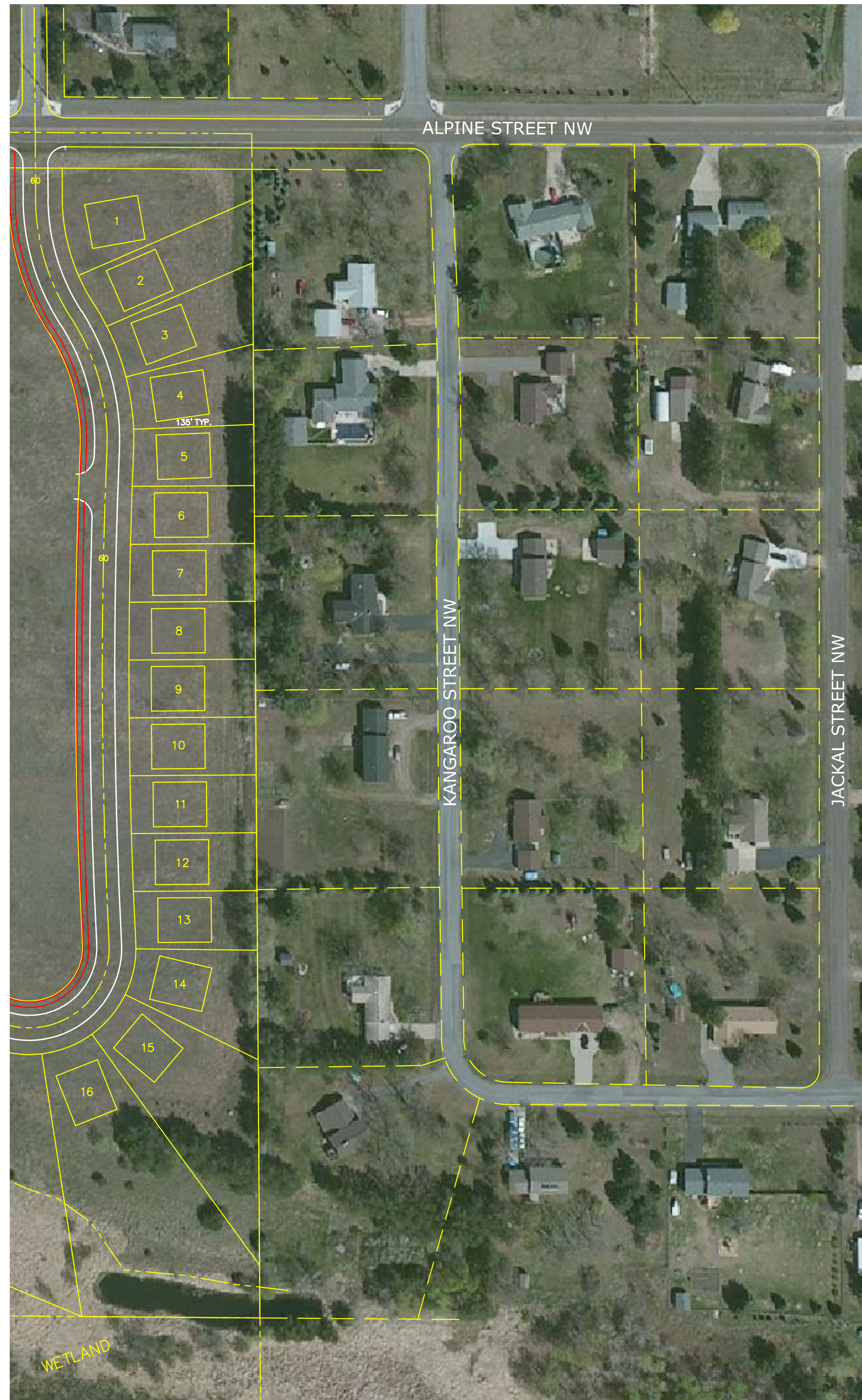
Kent Roessler

Cell (612) 242-5051 | Fax (763) 753-9812

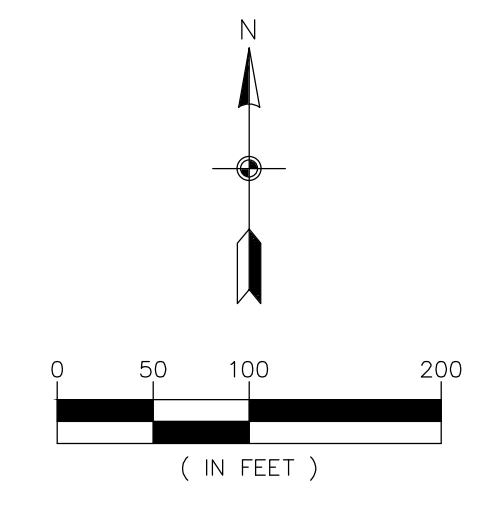
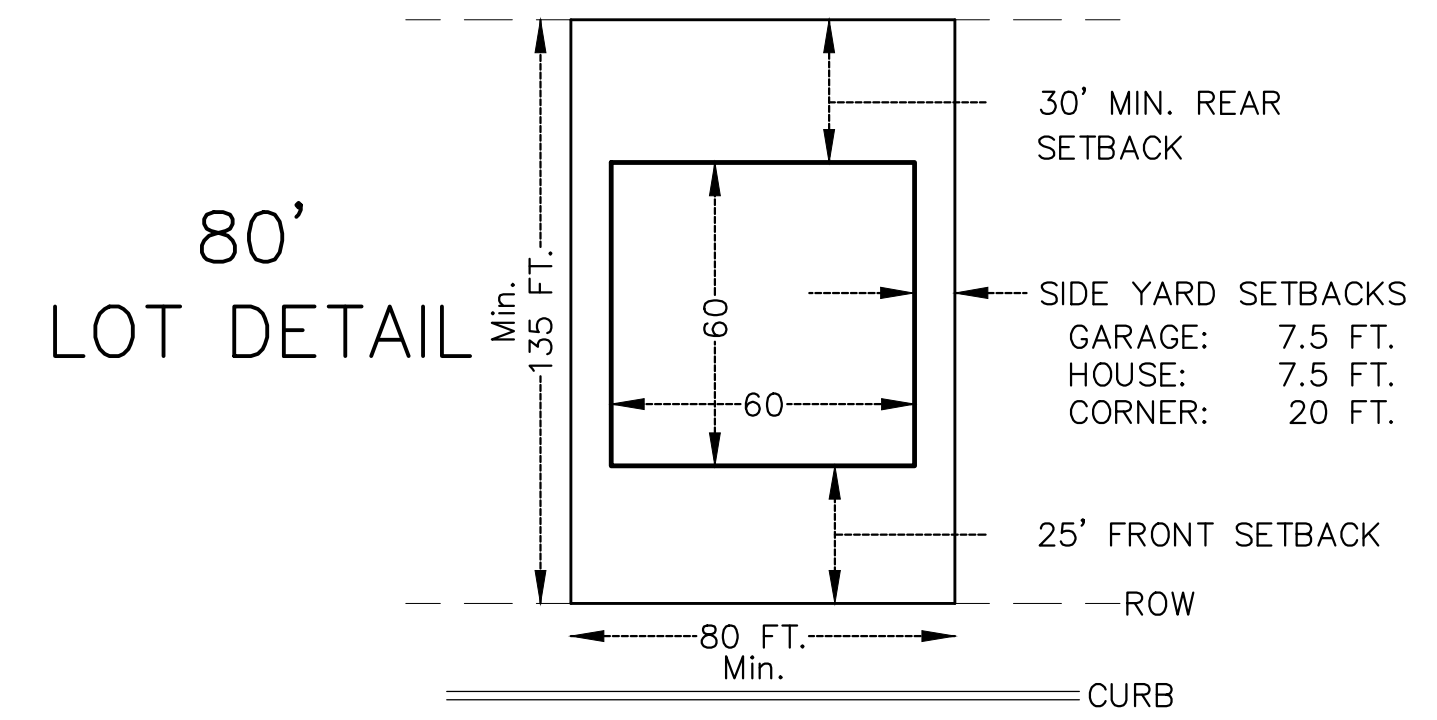
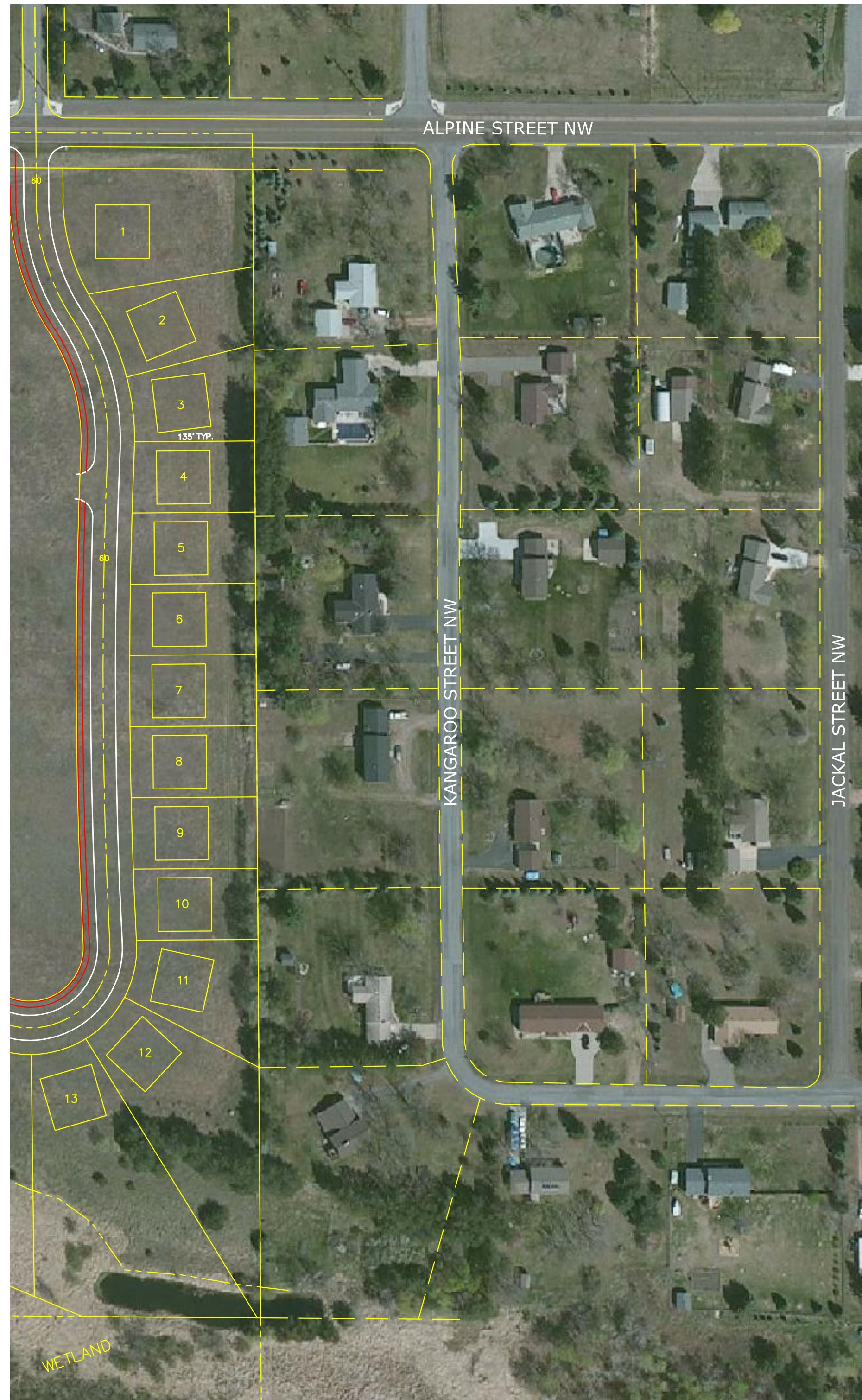
www.paxmar.com | kent@paxmar.com

PAXMAR®

PROPOSED PUD ZONING



R-1 ZONING



**Carlson
McCain**
ENVIRONMENTAL · ENGINEERING · SURVEYING
3890 Pheasant Ridge Drive NE,
Suite 100, Blaine, MN 55449
Phone: 763-489-7900 Fax: 763-489-7959

LOT EXHIBIT

NORTH FORK MEADOWS
Ramsey, Minnesota

PAXMAR
3495 Northdale, Suite 210
Coon Rapids, Minnesota 55448

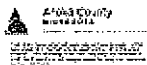
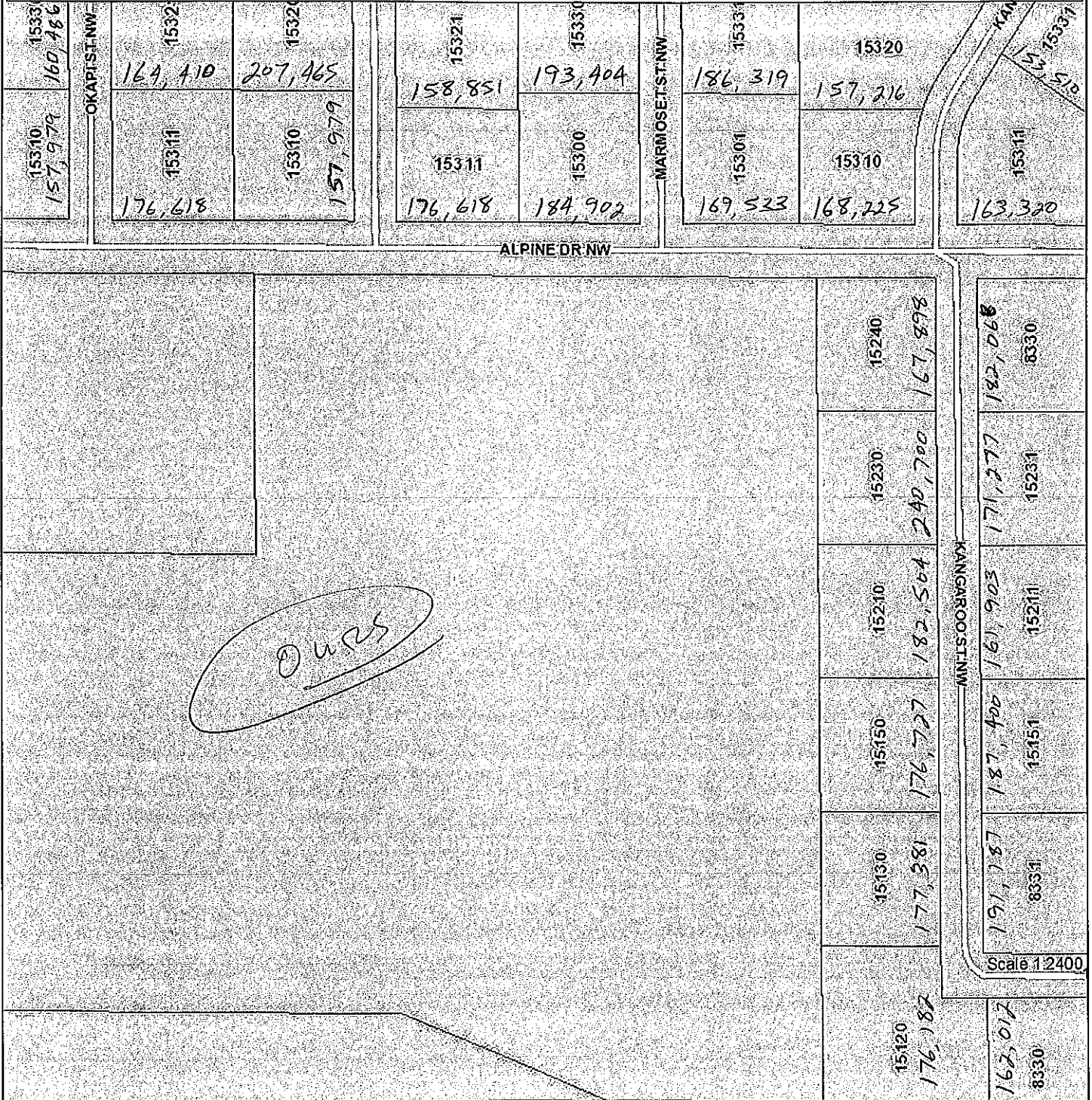
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FILE NO:	XXX



<Title>

2017 TMTV



Aerial Photo: Flown Spring of 2014





<u>Description</u>	<u>Unit Price</u>	<u>R-1 Zoning</u>	<u>Total R-1</u>	<u>PUD</u>	<u>TOTAL PUD</u>	<u>Notes</u>
<u>Park Dedication and Trail Development</u>						
		<u>Units</u>		<u>Units</u>		
Park Dedication	\$ 2,800.00	66	\$ 184,800.00	149	\$ 417,200.00	
Trail Development	\$ 800.00	66	\$ 52,800.00	149	\$ 119,200.00	
			\$ -		\$ -	
<u>Water and Sewer Fees</u>						
Water Fees - Trunk / Connection	\$ 1,720.00	66	\$ 113,520.00	149	\$ 256,280.00	
Sewer Fees - Trunk / Connection	\$ 1,154.00	66	\$ 76,164.00	149	\$ 171,946.00	
			\$ -		\$ -	
<u>Stormwater Management Fees</u>						
Stormwater Management	\$ 473.00	66	\$ 31,218.00	149	\$ 70,477.00	
			\$ -		\$ -	
<u>Street Light fees</u>						
Three (3) Years Operation and Maintenance	\$ 294.00		TBD		TBD	Fixture Count Needed
Total Development Fees			\$ 458,502.00		\$ 1,035,103.00	
<u>Sewer & Water Charges</u>						
Water Accessibility Charge (WAC)	\$ 1,267.00	66	\$ 83,622.00	149	\$ 188,783.00	
Sewer Accessibility Charge (SAC)	\$ 2,485.00	66	\$ 164,010.00	149	\$ 370,265.00	Collected with Building Permit
SAC/WAC Totals			\$ 247,632.00		\$ 559,048.00	
Proposed Additional City Development Fees			\$ 576,601.00			
Proposed Additional SAC/WAC Fees			\$ 311,416.00			
Total Proposed Additional Fees			\$ 888,017.00			



Project Cost Comparison

North Fork Meadows

<u>Description</u>	<u>R-1 - 66 units</u>	<u>/unit</u>	<u>PUD - 149 units</u>	<u>/unit</u>
Hard Cost - Grading, Pipe, Roads, Etc.	\$ 2,300,000.00	\$ 34,848.48	\$ 2,300,000.00	\$ 15,436.24
10% City Escrow Fee	\$ 230,000.00	\$ 3,484.85	\$ 230,000.00	\$ 1,543.62
Puma St. Extension	\$ 800,000.00	\$ 12,121.21	\$ 800,000.00	\$ 5,369.13
10% City Escrow Fee	\$ 80,000.00	\$ 1,212.12	\$ 80,000.00	\$ 536.91
Engineering	\$ 330,000.00	\$ 5,000.00	\$ 521,500.00	\$ 3,500.00
City Fees	\$ 458,502.00	\$ 6,947.00	\$ 1,035,103.00	\$ 6,947.00
	\$ 4,198,502.00	\$ 63,613.67	\$ 4,966,603.00	\$ 33,332.91

The cost of each project is substantially similar, regardless of the product developed. The only major deviations are the City Fees and Engineering, which are based per unit.

Our proposal significantly lowers the per unit costs to a point where it is fiscally feasible to move forward.

**Costs do not include any profit margin for the developer or Land cost*



Property Tax Comparison

North Fork Meadows

	R-1 - 80' SF	65' SF Lots	Detached Townhome	PUD
Units	66	56	93	149
Taxable Market Value/unit	\$ 330,000.00	\$ 300,000.00	\$ 225,000.00	
Property Tax/unit (homesteaded)	\$ 4,046.00	\$ 3,643.00	\$ 2,636.00	Total PUD TMV
Total Taxable Market Value	<u>\$ 21,780,000.00</u>	\$ 16,800,000.00	\$ 20,925,000.00	<u>\$ 37,725,000.00</u>

Paxmar Proposed additional Taxable Market Value over and above current zoning

\$ 15,945,000.00

Yearly Property Tax gain if rezoned to Paxmar proposed PUD

\$ 182,120.00

**Tax based on Anoka County estimated tax calculator*

North Fork Meadows/Riverstone Comparison

The developable area is approximately 33.5 acres in size. Both projects have a variety of lot sizes, but overall/gross density is generally comparable. Capstone is proposing two styles of lot sizes in their detached single-family portion of the development, with lot sizes of 65 foot wide and 50 foot wide lots. Capstone is also proposing six (6) four unit attached single-family townhomes (48 units). Paxmar is proposing 65 foot wide single-family lots and 38 foot wide detached townhome lots.

Comparison

	Riverstone (Capstone) 293 units	North Fork Meadows (Paxmar) 149 units
Detached Single-Family	65 foot wide & 50 foot wide 245 units (83.5% of the project) 62.27 acres of the project Density = 3.93 units/acre	65 feet wide 56 units (37.5% of the project) 20 acres of the project Density = 2.8 units per acre
Townhomes	Attached (4 unit) 50 foot wide individual lots 48 units (16.5% of the project) 7.38 acres of the project Density = 6.5 units/acre	Detached 38 foot wide lots 93 units (62.5% of the project) 13.5 acres of the project Density = 6.88 units/acre
Dedicated/Protected Open Space	20.67 acres	0 acres

In terms of gross density, Riverstone calculates at 3.24 units per acre while North Fork Meadows calculates at 4.45. Two factors generally contribute to the difference in density.

1. Riverstone has more open space planned compared to North Fork Meadows. When we look at net density, removing these open spaces from the calculation, the comparison is more similar.
2. North Fork Meadows has a higher percentage mix of the higher density units (townhomes) compared to Riverstone.

5.02: Consider Sketch Plan Review for Northfork Meadows located Near Puma Street and Alpine Drive; Case of Paxmar (Project #17-126)

Presentation

Community Development Director Gladhill presented the staff report stating the purpose of this case is to review a sketch plan for a 149-lot subdivision (56 detached single-family lots with 65-foot-wide lots, and 93 detached townhome lots). A Sketch Plan affords the Planning Commission the opportunity to review a project before it enters the official Preliminary Plat stage. The Preliminary Plat (future step) is the most important step in the review process and gives the project 'entitlement' to the project. Please note that the request requires a Comprehensive Plan Amendment. The City can approve said amendment, but is not obligated to approve said amendment. The City has discretion on how to move forward with the request.

Commission Business

Chairperson Bauer stated he was not on the Planning Commission when the current Comprehensive Plan was put in place. He understood the Commission had to thoroughly evaluate each change and questioned why the current zoning designation was put in place.

Community Development Director Gladhill explained the current zoning designation (Low Density Residential) has been in place for the past 20 years. However, in the yearly 2000's Pulte homes proposed a housing development which matched the LDR zoning. He indicated this development was never completed. He reported this zoning designation was reconfirmed in the 2030 Comprehensive Plan.

Commissioner Brauer recalled this property had been zoned LDR since before The COR was developed.

Commissioner Gengler asked if the neighborhood to the east was zoned LDR.

Community Development Director Gladhill reported this property was zoned Rural Developing and was outside of the MUSA.

Commissioner Nosan questioned if Capstone's subdivision would be across the street from Paxmar's proposed project.

Community Development Director Gladhill stated this was the case.

Commissioner Nosan inquired what the differences were between the Capstone and Paxmar developments.

Community Development Director Gladhill explained both developments were medium density projects. He described the differing buffers between the two projects.

Kent Roessler, Paxmar Land Development, introduced himself to the Commission and thanked them for their time. He explained he had several national and local builders that were interested in a housing development in Ramsey. He stated he currently had a development in Elk River with 250 to 300 lots, and other developments he was working on in Blaine, Buffalo and North Branch. He discussed the proposed detached townhouse community in further detail with the Commission and indicated these types of units were in demand. He reported this development would have a homeowner's association to maintain the exterior of the units. He provided further comment on the styles and types of detached townhome units

that would be constructed, along with the proposed price points. He then discussed the advantages of his proposed upscale neighborhood.

Commissioner Brauer asked if the developer believed the site was being proposed for multi-family based on the site or current market conditions.

Mr. Roessler stated he had considered both the site location and the market conditions. He discussed the developments that surrounding the subject property and recommended the Commission consider re-guiding the property. He anticipated his development would nicely complement the Capstone development.

Commissioner Brauer commented on the density transition issue. He questioned if the developer could amend his plans.

Mr. Roessler explained there was no easy way to completely buffer the project from the three adjacent homeowners. He reported there was an existing tree line in place that was quite dense. He stated he could work with staff to enhance the rear elevation of the units.

Commissioner Gengler asked what the price range would be for the detached townhome units.

Mr. Roessler stated the single-family homes would be in the high \$200,000 to \$400,000. He noted the detached townhome units would range in price from \$190,000 to \$250,000.

Commissioner Nosan believed Paxmar completed nice developments and noted her daughter lived in a Paxmar development in Monticello. She stated she was having a hard time with the transition between the proposed project and the existing homeowners. She questioned how much space was between the new units and the existing homes.

Mr. Roessler reviewed the rear yard setback (30 feet) with the Commission and noted most of his units were 50 feet from the property line. He encouraged the Commission to consider the greater good for the entire community and not strictly how six properties will be impacted.

Community Development Director Gladhill provided further comment on the City's landscaping and buffer requirements. He understood that more work had to be done to address density transition and stated the City was aware of the fact that the existing residents were important to Ramsey.

Commissioner Brauer recommended that the City keep the promises that it has made to its existing residents.

Commissioner Anderson stated he was not in favor of 28 foot streets as this was too narrow. He reviewed the variances from City Code within the project and suggested these areas of the development be further considered. He questioned if the detached townhouse units would have brick.

Mr. Roessler reported the front of the units would have brick or stone.

Commissioner Anderson indicated he was struggling with the proposed unit types but stated he would be willing to listen to future plans from the developer.

Commissioner Surma expressed concern with the existing homeowners and how their property rights would be impacted.

Steve Bona, Capstone Homes, stated he did not oppose the development of this property. He explained he designed his neighborhood with the understanding the subject property would be zoned R-1. He feared the market would be flooded with too many high to mid-density units if both projects were completed. He believed the Paxmar units did not fit with the character of the surrounding neighborhood and for this reason he encouraged the Commission to keep this property zoned R-1.

Chairperson Bauer recommended a worksession meeting be held on this development to allow for further discussion of the project.

Community Development Director Gladhill stated staff could set a date for a worksession meeting.

Commissioner Brauer stated he would like to see the neighboring property owners involved in the discussions for the proposed development. He did not see how the Planning Commission could move forward on this project until the Commission received direction from the City Council on the Comprehensive Plan amendment. He explained he did not see a compelling reason to change the Comprehensive Plan at this time.

Commissioner Brauer encouraged the developer to continue to work with the City and not take the feedback from the Commission as a no.

Chairperson Bauer recommended a work session meeting be scheduled if the City Council supports the Comprehensive Plan amendment.

Community Development Director Gladhill anticipated that a worksession meeting would not be able to be scheduled until July.

Tim Gladhill

From: Tafoya Salon and Day Spa <tafoyasalon@aol.com>
Sent: Monday, August 28, 2017 4:10 PM
To: Sarah Strommen; Kristine Williams; John LeTourneau; Jill Johns; Mark Kuzma; Melody H. Shryock; Chris Riley
Subject: Northfork Meadows

Mayor Strommen and Council members,

First, thank you for all your time that you put into serving the City of Ramsey. I do watch the meetings on cable and know how much time people can take repeating the same thing and I didn't want to do that last Tuesday evening. If you can take a few minutes to read this it would be appreciated.

George and I built our house 41 years ago. We raised our 3 kids here and have loved it here. Besides the farming that was done behind our house in the past and in recent years that area has been empty except for the deer, coyotes, wolves, pheasants, ducks, loons, other birds and even the mountain lion that walked across the back of my yard a couple years ago, and my son even found Indian artifacts on the land -- it's a shame that it will have more than 150 homes built on it. It's just too bad that it wouldn't be made into a preserve.

Here are some of the comments that I think weren't brought out tonight.

1. 440 housing units are going to be packed into that small area by Capstone and Paxmar. That means at least 880 cars making 1 to 8 trips in and out of that area every day. Just think about that. This project doesn't fit. There should be a better transition between the 1 acre lots and the new development.
2. A comment was brought up that there was no neighborhood opposition to the Capstone project. Well, there are no neighbors by the Capstone project, and none of us in the surrounding area were ever notified of the project.
3. The Comprehensive Plan is a promise between the City and the residents. It should not be changed for a developer.
4. Personal privacy rights are being invaded.
5. Green Space!!!

If you go into this neighborhood and just imagine living with 400+ more people and 800+ more cars, I'd like to know how you would feel if that happened in your neighborhood. I'm not sure if that many townhomes are 'crammed' into the COR...

Thanks for taking the time for reading this and please take these and our other neighborhood comments into consideration. Extra tax revenue is not always a good thing!

Sincerely,

Mary Tafoya

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

The Ramsey City Council conducted a City Council Work Session on Tuesday, June 27, 2017, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Sarah Strommen
Councilmember Jill Johns
Councilmember Mark Kuzma
Councilmember Chris Riley (arrived at 5:35 p.m.)
Councilmember Melody Shryock

Members Absent: Councilmember John LeTourneau
Councilmember Kristine Williams

Also Present: City Administrator Kurtis Ulrich
Police Chief Jeff Katers
Public Works Superintendent Grant Riemer
Community Development Director Timothy Gladhill
City Engineer Bruce Westby
City Planner Chris Anderson
Asst. City Administrator/Economic Development Manager Patrick Brama
Information Technology Manager Jason Fredrickson
Elwyn Tinklenberg, The Tinklenberg Group
Greg Damron, CivicPlus
Jaime Shannon, CivicPlus

1. CALL TO ORDER

Mayor Strommen called the City Council Work Session to order at 5:33 p.m.

2. TOPICS FOR DISCUSSION

2.01: City of Ramsey Website Redesign Update, Recommendation, and Demonstration

Asst. City Administrator/Economic Development Manager Brama reviewed the staff report.

Councilmember Riley arrived at 5:35 p.m.

Greg Damron, CivicPlus, introduced himself noting that his company has been in business for 20 years and has designed over 2,600 websites. He explained that they only work with governmental entities.

Jaime Shannon, CivicPlus, provided examples of other municipal websites that they have created for cities of similar sizes. She highlighted features which allow users to sign up for mobile/email alerts. She stated that the attention span of users is very short, six to 11 seconds and therefore it must be easy for users to find the information they need. She stated that the “how do I” drop down menu makes it easy for residents to find the page they need within the website without having to know which department handles that duty. She noted that a search bar within the website also makes it easy for users to find the information they are looking for.

Mr. Damron stated that they try to make it easy for users to find the information they need through multiple options, so they can choose the option they are most used to using.

Ms. Shannon stated that more pictures and less text also helps to draw people in and keep their attention. She highlighted a City events calendar noting that each department can update their own events which will then load into an overall calendar with the same formatting. She provided details on the ease of uploading information and pictures to the website for City staff members. She provided additional details on how an online forum can be set up on the website in order to gather information from residents and then noted that a select staff person can be set up to receive the forum information. She stated that analytics for online surveys can also be provided. She stated that the website can be set up to accept reservations for amenities such as park shelters, with each amenity linking to its own calendar and able to accept e-payments to complete the reservation.

Mr. Damron stated that all of the features available for the website can also be made available for the City’s intranet, noting that just as residents can reserve park facilities, staff can reserve conference rooms through the intranet. He stated that everything that they use for the site is ADA compliant and mobile responsive. He stated that the City would also have the ability to create an app but noted that he would not necessarily recommend that as the entire site is mobile responsive and therefore the only benefit to an app would be the ability for push notifications.

Ms. Shannon highlighted another city website that features a scrolling newsfeed with items from each department that bring you to the specific department page when clicked on.

Mr. Damron provided an example of a department header. He explained that most companies will create a subsite for each department but noted that his company can carry forward the same type of dropdown menu and features as the homepage but specific to each department.

Councilmember Kuzma asked how the past archives and history would be handled.

Ms. Shannon stated that there is a document center and archive center that would be created in order to be searchable on the site.

Mr. Damron stated that they would also optimize the current content. He explained that they will condense the eight-sentence paragraph into two or three sentences. He stated that they make it simple to update, using the example of an employee that receives a promotion and noting that the title can be updated in one place and it will automatically update that title in each of the locations that title appears.

Councilmember Kuzma stated that it seems that the onboarding process is six to eight months.

Mr. Damron stated that the typical timeline is 16-26 weeks and they have never missed a go live date because of something that they have done. He noted that sometimes there are delays in receiving necessary information from departments, which can push the timeline slightly.

Ms. Shannon stated that website security is one of their priorities. She noted that it is a proprietary system that is hosted in a tier two facility and they have never had a breach of information. She stated that they monitor 24/7 because they manage local government websites.

Councilmember Kuzma asked if there is backup.

Ms. Shannon stated that they have three redundant data centers around the country.

Mr. Damron stated that you will never have to call the company with a security problem, the company would be calling you. He stated that they created and manage the Ferguson, Missouri website and that did not get hacked or go down during that incident.

Councilmember Shryock asked the benefit of having an app.

Mr. Damron stated that if you have multiple products (Civic Engage, Civic HR, Civic Rec), you can manage all of the products within that one app.

Ms. Shannon stated that as a resident if you have signed up for “notify me” you will get a push notification when the City updates a notifying item.

Councilmember Kuzma asked if the package would include the app.

Mr. Damron stated that the package the City has been quoted does not include the app but that could be added if the City desires.

Mayor Strommen stated that this has been a great demonstration. She confirmed the consensus of the Council to select this vendor based upon what they have seen tonight. She asked staff at what point the Council will be brought in to give some update.

Information Technology Manager Fredrickson stated that they are just getting the Civic Engage package. He noted that the City can select additional aspects if they would like.

Asst. City Administrator/Economic Development Manager Brama stated that he has tracked the questions tonight and can bring some information back to the Council along the way.

2.02: Update on WiFi Service

Information Technology Manager Fredrickson reviewed the staff report. He noted that he has begun to research the dead spots within the City Hall and confirmed that there are funds available through QCTV to address the problem.

2.03: Update on Past Legislative Session and Other Transportation Related Legislative Activity

Elwyn Tinklenberg, The Tinklenberg Group, provided an update on recent legislative action. He stated that the work that has gone on within the community from staff and the Council has made a huge difference to make people understand why these rail crossing projects are so important. He stated that they were not able to get in the House or Senate bonding bill for the crossings. He commended Senator Abeler for his efforts and his willingness to assist but noted that both Senator Abeler and Representative Whelan had other priority items that they were working on as well. He provided additional details on the process that was followed to get language added specifying that any excess funding from the Hanson Boulevard crossing would be used for another priority project, which would be Ramsey. He stated that was done within the last two hours and the only reason that happens is because of the work the community has done. He stated that \$1,500,000 was included in the Hanson Boulevard crossing for Ramsey and it is equally important that the funds be made available to Ramsey rather than waiting for the Hanson crossing to be completed before releasing the remaining funds for Ramsey.

Mayor Strommen asked at what point the County can specify the portion of the funds that Hanson Boulevard will use and declare the remainder surplus that can be used for Ramsey.

Mr. Tinklenberg stated that Hanson Boulevard has already received additional funds and he believes that the County can move forward and determine funds that will be surplus and can be used for Ramsey. He also advised of additional funds that may be available for work near the Armstrong interchange. He stated that Representative Hortman would also like a list of projects that can be available for the next legislative session, which is good for the projects along Highway 10. He stated that it was an interesting session that opens the door for what can be done in the future.

Councilmember Riley asked what the Council needs to do.

Mr. Tinklenberg stated that the discussion tomorrow will be important as there were a lot of people that were not in the room when the last-minute legislative discussions were occurring. He stated that it will be important for the elected officials to be a part of the discussion with the County.

City Administrator Ulrich stated that tomorrow the meeting is for the Highway 10 Working Group. He stated that they have a clear agenda and talking points set.

Mayor Strommen stated that it is important for all of the folks at the meeting tomorrow to get into the loop on what the funds are meant for and noted that the discussion on timing and when Ramsey can have access to the funds will most likely occur in a separate meeting with the County. She thanked Mr. Tinklenberg for his continued efforts.

2.04: Consider Options for Proposed Plat Known as Northfork Meadows Located Near Puma Street and Alpine Drive; Case of Paxmar (Project #17-126)

Community Development Director Gladhill reviewed the staff report.

Mayor Strommen noted that the discussion tonight should focus on whether the City is willing to entertain more conversation to this and not alternative plans.

Councilmember Riley asked why staff would prefer a PUD rather than changing the zoning.

Community Development Director Gladhill noted that the PUD is a change to the zoning but it also allows flexibility for other items.

Councilmember Kuzma stated that if the density was able to be figured out for Capstone, he would not have a problem with this but would like to see a wider street.

Community Development Director Gladhill stated that with Capstone was consistent with the Comprehensive Plan with massaging at the edges while this would be a change.

Kent Roessler, Paxmar Development, stated that they are a local developer and brought this request to staff. He stated that the problem with this is the infrastructure and the investment that would be needed for Puma Street. He stated that they went back to the drawing board and came up with a version that would allow them to fund \$800,000 in infrastructure. He stated that all the units, single family and townhomes, would be involved in the homeowners' association. He stated that there are several users interested in this site. He stated that they develop single family lots for home builders. He stated that Ramsey is an up and coming community and builders want to build products in the community. He stated that this would add multiple builders, up to six, to build products in Ramsey. He noted that the problem is that in order to fund the \$800,000 on Puma investments, you cannot do a straight R-1 development without reaching \$400,000 homes. He stated that they would like direction from the Council on whether they should invest the funds to move forward on this process or not. He stated that they would like to be here and work with the City.

City Administrator Ulrich stated that the developer would be willing to work with the neighborhoods, noting that this is an extraordinary step to change the Comprehensive Plan. He stated that if the developer is willing to work with the neighbors, hopefully they can develop a compromise as it moves along.

Councilmember Shryock agreed that they should try to do work with the existing residents in the area. She stated that she is supportive of the option to work with different builders and would like to see a different transition option.

Councilmember Johns echoed the comments regarding the public process and density transition.

Councilmember Riley stated that he is absolutely interested in working with the developer and looking at different options for density transition. He stated that they are probably aware of what the neighborhood thinks and therefore that should be fairly short.

Mayor Strommen stated that she shares the concerns regarding density transition but also has a concern that in the past when Ramsey was going through a housing boom and did several Comprehensive Plan amendments, the Plan became kind of a non-plan. She stated that she is interested in remaining true to the essence of the plan but also keeping that fluid when necessary. She stated that she is not interested in reopening the wounds of the community in the constant changing of the Comprehensive Plan.

Councilmember Shryock stated that perhaps through this process it would be helpful to have comparison drawings of what could occur under the current zoning and what would be proposed. She stated that helps to remove the fear of the unknown and provides a comparison.

Councilmember Johns stated that she agrees that the public process piece is important to not just the adjacent neighbors but the community as a whole as this would be a change to the Comprehensive Plan.

Mayor Strommen stated that it comes down to whether you can rely on what the Comprehensive Plan says, noting that she has experience with a piece of park land that no longer became park land.

Additional written comments were received from Stephen Bona, Capstone Homes, Inc. and Mary and George Tafoya, 15130 Kangaroo Street NW, Ramsey, after the agenda was published. Those written comments are attached to be a part of the permanent record for this case.\

The consensus of the Council was to continue the discussions and to include a public process.

3. TOPICS FOR FUTURE DISCUSSION

3.01: Review Future Topics/ Calendar

Noted.

4. MAYOR / COUNCIL / STAFF INPUT

None.

5. ADJOURNMENT

The Work Session of the City Council was adjourned at 6:58 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

DRAFT

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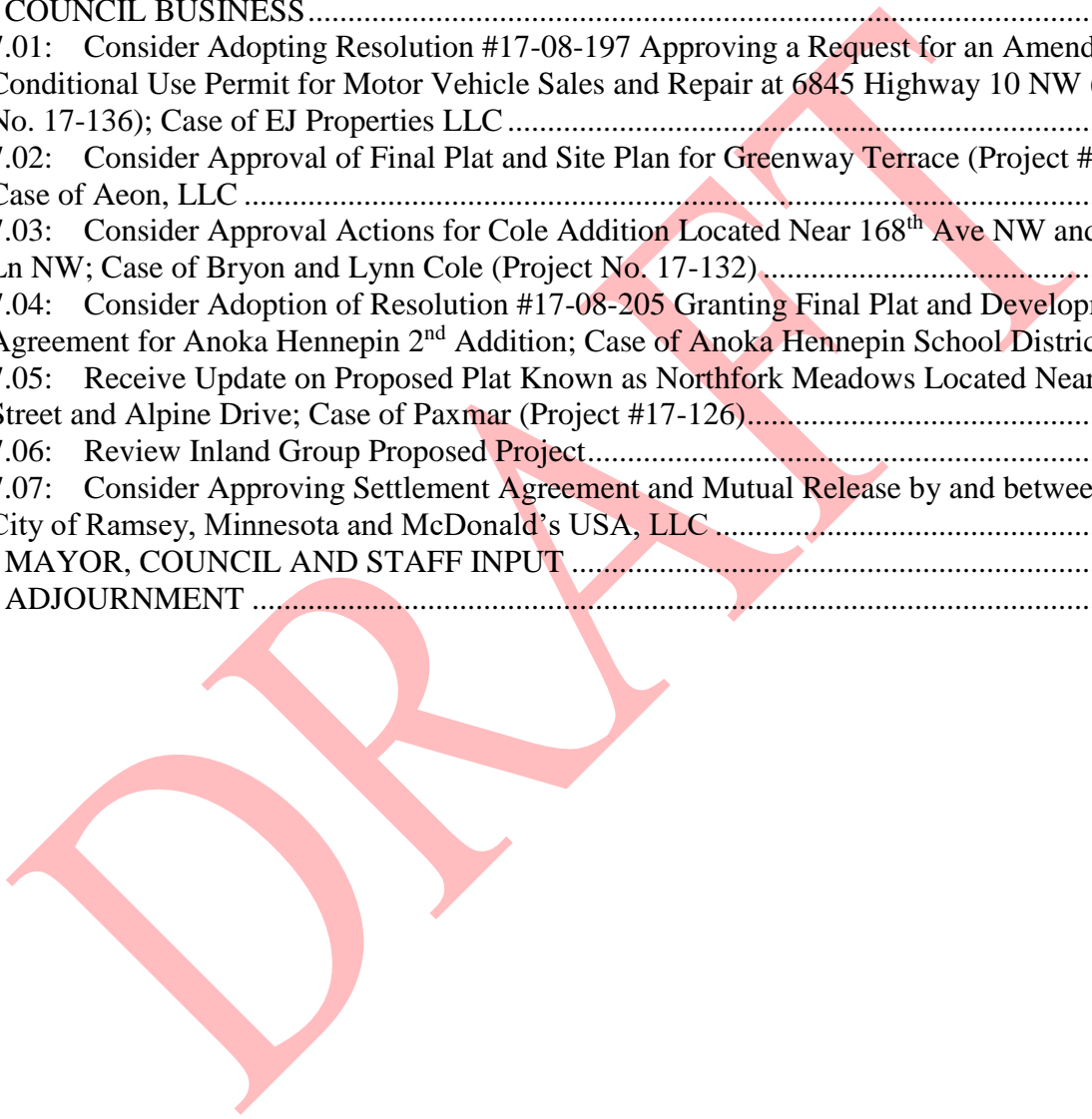
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**CITY COUNCIL
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a regular meeting on Tuesday, August 22, 2017, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Sarah Strommen
Councilmember Jill Johns
Councilmember Mark Kuzma
Councilmember John LeTourneau
Councilmember Chris Riley
Councilmember Melody Shryock
Councilmember Kristine Williams

Members Absent: None

Also Present: City Administrator Kurtis Ulrich
Police Chief Jeff Katers
Parks and Assistant Public Works Superintendent Mark Riverblood
Public Works Superintendent Grant Riemer
Community Development Director Timothy Gladhill
City Engineer Bruce Westby

1. CALL TO ORDER

Mayor Strommen called the regular meeting of the Ramsey City Council to order at 7:02 p.m., followed by the Pledge of Allegiance led by Mayor Strommen.

2. PRESENTATION

None.

3. CITIZEN INPUT

Patrick Surma, 161st Avenue NW, stated that there are big events, such as the Game Fair, where the parking fills up. He stated that with the trail connection the crosswalk needs to be improved. He noted that there also needs to be a way to move people down the road to the crosswalk and wanted to make sure that the topic stays on the top of the agenda for the City. He noted that he intended to attend the County Board meeting earlier today but was not able to.

4. CONSENT AGENDA

Motion by Councilmember LeTourneau, seconded by Councilmember Johns, to approve the following items on the Consent Agenda:

4.01: Receive July 2017 Financial Reports – General Fund and Enterprise Funds

4.02: Note the Following Boards and Commissions Meeting Minutes:

- Planning Commission Meeting Minutes dated June 1, 2017
- Economic Development Authority Meeting Minutes dated June 8, 2017
- Park and Recreation Meeting Minutes dated June 8, 2017
- Special Planning Commission Meeting Minutes dated June 12, 2017
- Environmental Policy Board Meeting Minutes dated June 19, 2017

4.03: Approve Licenses:

Transient Merchant

JWT Heavenly Springers/5900 75th Ave SE, St. Cloud/8241 161st Ave NW

Transient Merchant

FML Solutions Inc./429 Minnesota St N, Ortonville/8154 161st Ave NW

Transient Merchant

Ice Coffee Girl/14540 Bowers Dr NW/8404 161st Ave NW

Transient Merchant

G.I. Joe's Food Truck/10006 Oakwood Ct N, Brooklyn Park/8204 161st Ave NW

Therapeutic Massage Establishment

Balance Through Bodywork, LLC/14141 Iodine St NW

Therapeutic Massage Therapist

Michele Reid – Balance Through Bodywork, LLC/14141 Iodine St NW

4.04: Approve Rental Licenses

4.05: Approve the following Meeting Minutes:

- 1) City Council Work Session dated August 8, 2017
- 2) City Council Regular dated August 8, 2017

4.06: Approve Lease Agreement Amendment: Northern Light Church: 6701 Highway 10 Office Space

4.07: Adopt Resolution #17-08-204 Approving Cash Disbursements Made and Authorizing Payment of Accounts Payable Invoicing Received during the Period of August 3, 2017 through August 6, 2017

4.08: Adopt Resolution #17-08-203 Approving an Encroachment Agreement for a Chain Link Fence in a Drainage and Utility Easement at 7066 167th Crossing NW

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Johns, Kuzma, Riley, Shryock, and Williams. Voting No: None.

5. APPROVE AGENDA

Motion by Councilmember Shryock, seconded by Councilmember Johns, to approve the agenda as presented.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Shryock, Johns, Kuzma, LeTourneau, Riley, and Williams. Voting No: None.

6. PUBLIC HEARING

None.

7. COUNCIL BUSINESS

7.01: Consider Adopting Resolution #17-08-197 Approving a Request for an Amended Conditional Use Permit for Motor Vehicle Sales and Repair at 6845 Highway 10 NW (Project No. 17-136); Case of EJ Properties LLC

Community Development Director Gladhill reviewed the staff report and recommendation to approve Resolution #17-08-197 granting an Amended Conditional Use Permit to allow additional motor vehicle sales/repair tenants to operate on the subject property; as long as the applicant brings the property into compliance with the terms of the Conditional Use Permit and Zoning Code. He noted that staff and the Planning Commission support this recommendation.

Motion by Councilmember Kuzma, seconded by Councilmember LeTourneau, to Adopt Resolution #17-08-197 Approving the Issuance of an Amended Conditional Use Permit to EJ Properties LLC, to Allow Motor Vehicle Repairs and Motor Vehicle Sales in the H-1 Highway Business District and Declaring Terms of Same, contingent upon bringing the subject property into compliance with the terms of the Conditional Use Permit and Zoning Code.

Further discussion: Councilmember LeTourneau stated that obviously the issues on the site would need to be brought into compliance and wanted to ensure that it remain a high priority. He stated that he would like an effort to be put together to ensure that this property remains in compliance and was unsure how the property keeps getting out of compliance. He stated that it is odd that a user would not be in compliance with code and then would ask for a conditional use permit for an exception outside of that code. Community Development Director Gladhill noted that the easy to address items have been addressed and confirmed that would continue to remain a focus as that is a goal of the City Council.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Kuzma, LeTourneau, Johns, Riley, Shryock, and Williams. Voting No: None.

7.02: Consider Approval of Final Plat and Site Plan for Greenway Terrace (Project #16-84); Case of Aeon, LLC

Community Development Director Gladhill reviewed the staff report and recommendation to approve the requested Final Plat and Site Plan. He noted that the proposed project appears to comply with the bulk standards of The COR Design Framework and the proposed use would be an asset to The COR development as well as the City of Ramsey. He stated that staff supports this recommendation contingent upon compliance with the Staff Review Letter.

Councilmember LeTourneau stated that the Council has seen this a number of times and noted that he does support the request. He recognized that the Planning Commission recommended approval, the project meets objectives of the Strategic Plan, provides housing that is needed and

also helps the City to accomplish goals that the rest of the community wants in terms of retail and entertainment. He noted that as more housing units are provided, that inches the City towards the goal of getting more businesses.

Motion by Councilmember LeTourneau, seconded by Councilmember Shryock, to Adopt Resolution #17-08-188 Granting Final Plat Approval of Greenway Terrace and Resolution #17-08-189 Granting Site Plan Approval for Greenway Terrace, contingent upon compliance with the Staff Review Letter.

Further discussion: Mayor Strommen stated that this will provide an opportunity for the other amenities in The COR that the rest of the community desires. She stated that the original vision for The COR included apartments and townhomes and a large amount of density. She stated that the idea was always to concentrate density around the transit oriented development. She noted that while people may have thought those elements would all come in together, the timing may not be coordinated in the way people may want, as it comes in pieces. Community Development Director Gladhill stated that the piece that people often forget is the strategy for the community to plan for growth in order to maintain the rural character of the community that has been echoed throughout by many residents. He noted that this strategy allows the City to better manage its growth to reach goals and maintain that rural character while still providing options for life cycle housing. He noted that there are now housing products available for those moving out of their parent's home, buying their own home with their family, and for the senior stages when people often downsize or move into senior housing.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers LeTourneau, Shryock, Johns, Kuzma, Riley, and Williams. Voting No: None.

7.03: Consider Approval Actions for Cole Addition Located Near 168th Ave NW and 168th Ln NW; Case of Bryon and Lynn Cole (Project No. 17-132)

- 1. Introduce Ordinance #17-12 Vacating Certain Drainage and Utility Easements**
- 2. Adopt Resolution #17-08-202 Approving Final Plat and Development Agreement**

Community Development Director Gladhill reviewed the staff report and recommendation to introduce Ordinance #17-12 Vacating Drainage and Utility Easements on the subject property and adopt Resolution #17-08-202 granting Final Plat approval for Cole Addition contingent upon compliance with the Staff Review Letter. He noted that the developer has revised the plans to meet the minimum design standards for the cul-de-sac and provided sufficient documentation to verify that no wetlands exist on the subject property.

Councilmember Kuzma asked for more information on the variance on the sidewalk and if that would delay the project.

Community Development Director Gladhill stated that variances are issued by the Planning Commission and therefore the developer would need to make that request to be reviewed by the Planning Commission. He stated that the deadline for the September meeting is tomorrow and he was unsure that could be met. He noted that the variance would be reviewed by the physical

conditions of the site and therefore he was unsure that would be granted. He stated that in the position of the developer, time is of the essence, and therefore they have decisions to make as well. He noted that the developer can choose to take the decision of the City Council or could choose to pursue the option for a variance but noted that there is no guarantee the variance would be approved.

Brian Cole, 6918 118th Avenue NW, thanked Community Development Director Gladhill and his staff for getting the process to this point as he began working on this years ago. He stated that he has been a Ramsey resident for 40 years, 20 of that at his current home. He stated that the only issue is the sidewalk issue. He stated that he has no problem putting the sidewalk on his plat, if that is required by the Code, but asked who would be responsible for the cost outside of his plat, as he does not believe he should be responsible for that cost. He noted that there are four cul-de-sacs within Brookfield and only one has a sidewalk. He thanked Community Development Director Gladhill and his staff for all their time and hard work throughout this process.

Councilmember Kuzma asked if it would make a difference if there is a sidewalk or not.

Mr. Cole stated that it does not matter to him. He stated that he spoke with the neighbor to the north last week and told him he did not think there would need to be a sidewalk. He stated that once he heard from staff he updated the neighbor. He stated that it is not a hardship for him but he cannot speak for the neighbor.

Councilmember Kuzma stated that if it does not affect the project, he would support this going back to the Planning Commission to see if a variance could be granted to waive the sidewalk requirement.

Mayor Strommen stated that the applicant would need to apply for that variance and he is not asking for that.

Councilmember Johns stated that there was a mention that there would be a credit for the portion for the sidewalk not within his plat and asked for more information.

Community Development Director Gladhill stated that the estimate was \$10,000 to extend the sidewalk outside of this parcel and believed the trail credit would be about \$4,800, which would leave a gap. He stated that the Council could direct staff to look for a funding mechanism to fill the gap if desired. He identified the parcel that is opposed to the sidewalk, noting that the property owner prefers to park vehicles that would then overhang the sidewalk. He advised that the portion of land is still within the public right-of-way.

Motion by Councilmember Johns, seconded by Councilmember Williams, to introduce Ordinance #17-12 vacating certain drainage and utility easements in the City of Ramsey, Anoka County, Minnesota and to Adopt Resolution #17-08-202 Granting Approval of a Development Agreement and Final Plat for Cole Addition, contingent upon compliance with the staff review letter.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Johns, Williams, Kuzma, LeTourneau, Riley, and Shryock. Voting No: None.

7.04: Consider Adoption of Resolution #17-08-205 Granting Final Plat and Development Agreement for Anoka Hennepin 2nd Addition; Case of Anoka Hennepin School District

Community Development Director Gladhill reviewed the staff report and recommendation to approve of the Plat. He noted that this is a Minor Plat (with three or less lots and no public infrastructure at this time) and therefore the request was not reviewed by the Planning Commission. He noted that the Commission will review all future steps in the review process.

Chuck Holden, Anoka Hennepin School District, stated that they have great plans for Ramsey noting that it is an exciting time. He stated that part of the global referendum going to the voters in November is a new school in Ramsey which would be a sister school to Oxbow Elementary and Rum River Elementary which are two-story schools. He provided a mockup of the new school which would align the entrance to 170th Street. He stated that the site would be about 34 acres in size and could house 1,000 students with 42 classrooms. He reviewed the two-story design and explained that the two-story concept would allow pods of grade levels around the gym, media center and cafeteria while still providing additional classroom space on the upper level. He stated that they spoke with staff at Oxbow and Rum River in order to obtain tips on what works and does not work in the layout and design. He noted that the two-story design works well and would be an attractive building and site. He stated that they are looking to do the same thing in Blaine on Lever Street as the population in that city is increasing even more quickly than Ramsey. He stated that if approved and if the referendum is approved they would bid the project this winter and begin construction in the spring with the intent to open in the 2019/2020 school year. He noted that the intent with the referendum would also be to remodel Anoka High School. He stated that the use of portable classrooms is a safety risk as they require children to walk outside in all types of weather. He noted that they would intend to remove the portable classrooms as Anoka High School and Anoka Middle School. He noted that the referendum would also support remodel of other facilities including libraries to meet the demand of the current time. He stated that the tax impact for the entire referendum is about \$11 per month for the average home price in the School District at \$200,000.

Councilmember Riley stated that this looks great and asked if this would keep all the Ramsey kids in Ramsey.

Mr. Holden confirmed that would be the intent, to cut down the population at Ramsey Elementary and allow growth for both locations. He noted that middle school students would still attend Anoka Middle School with upgrades to those classrooms as well.

Councilmember LeTourneau asked for information on the rumor that he has heard that Ramsey Elementary is at capacity and is not allowing additional enrollment.

Mr. Holden noted that the current enrollment for Ramsey Elementary is 1,330 which is over capacity. He stated that there are 145 Ramsey kindergarten students that will attend Wilson Elementary.

Mayor Strommen stated that she has a student that recently graduated Ramsey Elementary and attested that the school is busting at the seams.

Councilmember LeTourneau stated that he has heard many comments about this topic from residents and is happy to see this solution coming forward.

Mayor Strommen noted that Councilmember Williams participated in the Task Force for the School District on this topic.

Councilmember Williams acknowledged that there was a lot of thoughtful discussion on the topic, the needs, issues of capacity, and the referendum. She stated that the School Board took into consideration all the input received from the public to make an informed discussion. She commended the teachers and administrative staff that have done an amazing job using buildings that are past their lifespan. She expressed the importance of getting out and speaking and finding a way to plan for the future.

Mr. Holden thanked Councilmember Williams for her work and thoughtful contributions.

Motion by Councilmember Williams, seconded by Councilmember Johns, to Adopt Resolution #17-08-205 Granting Final Plat and Development Agreement Approval of Anoka Hennepin 2nd Addition.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Williams, Johns, Kuzma, LeTourneau, Riley, and Shryock. Voting No: None.

7.05: Receive Update on Proposed Plat Known as Northfork Meadows Located Near Puma Street and Alpine Drive; Case of Paxmar (Project #17-126)

Community Development Director Gladhill reviewed the staff report and stated that staff believes that it is reasonable to move to the next step in the review process to include Preliminary Plat and a Comprehensive Plan Amendment. He noted that taking this step does not obligate the City Council to approve the project but will continue discussions and continue momentum towards compromise.

Community Development Director Gladhill confirmed that the majority of the site would require a Comprehensive Plan amendment, although a portion of the site could go by without it. He stated that another opportunity would be to use a Planned Unit Development, which would provide flexibility in addition to the Comprehensive Plan Amendment.

Mayor Strommen asked if any of the discussions have included the issue of whether the City has the right designation in the Comprehensive Plan. She stated that she has a high threshold for

significant amendments to the Comprehensive Plan. She questioned if something has changed and whether that should be considered from a higher-level planning perspective.

Community Development Director Gladhill stated that staff has not done a full market study but the developer brings up a number of points as to what is happening around there and what can be sustained as well as what needs to be pulled through that site in terms of infrastructure. He stated that staff is trying to work towards something in the middle in terms of density. He stated that the property owner is willing to provide conservation easements and contributions towards the Itasca Trail Corridor which would be a benefit to the community. He stated that the big picture would look at the overall development in this area and what would be appropriate density transition. He noted that the same developer owns another parcel and similar conversations will occur for that parcel.

Councilmember Riley asked for information from the resident meetings and asked whether the residents agree that the density transitioning is a good compromise.

Community Development Director Gladhill stated that some supported that transitioning as a compromise but there is still some sentiment that this property has been guiding as low-density residential for years.

Councilmember Shryock stated that there are still a lot of comments from residents regarding the density transitioning. She stated that there are also comments regarding the public utilities and infrastructure and whether existing residents in already built developments would be required to hook-up.

Community Development Director Gladhill stated that the public sewer and water would only be pulled into this parcel and not existing developments. He noted that even if the infrastructure were being pulled through previous developments, the City Charter specifies that existing residential properties would have the option whether or not to hook-up to services and would not be required to hook-up.

Councilmember LeTourneau stated that he appreciates the input and participation from staff and the public along with the developer. He stated that he continues to be curious how to best move forward as he would like to learn more and encourage the engagement between staff and the community. He stated that he supports the continuation of this adventure.

Community Development Director Gladhill stated that staff intends to continue the trend of resident participation and noted that there would be more opportunities to continue the community engagement process.

Mayor Strommen stressed that decisions have not been made at this point one way or the other.

Councilmember Riley stated that he likes the density transitioning and from that standpoint it would make sense.

Councilmember Kuzma stated that he would like to hear input from residents.

Mayor Strommen stated that they could allow resident input but encouraged the input to remain on a high level as this is very early in the process.

Val Kruger, 15021 Kangaroo Street, thanked the Council for allowing her to present her opinion on the proposed Comprehensive Plan amendment, noting that 97 percent of her neighbors have signed a petition of the same opinion. She stated that she and her husband have lived in Ramsey for over 40 years and have lived in a quite atmosphere as they desired even though the City continued to grow. She stated that they always knew that the land near them would be developed under low density residential as identified in the Comprehensive Plan. She stated that her worry is that if the density is changed that would change the quiet life that people in that area have enjoyed for years. She stated that the increased density would increase traffic and noise. She acknowledged that those items would still exist with lower density but the stress on traffic and noise would be lessened with lower density. She stated that they oppose the change in zoning but are not opposed to development of the parcel. She stated that they support low density residential, which would be a good transition from the rural residential lots that they live on. She stated that they attended the public meeting with the developer and staff and while the revised plan is a step in the right direction, they still question if changing the Comprehensive Plan is the right decision for Ramsey. She noted that the developer is asking for a lot of changes that make the development work for the developer only. She stated that they would support the larger lot size required under the zoning. She stated that if the Council does allow this to move forward she would ask that the lot size be made 80 feet for the homes along Kangaroo Street, which has been provided in the revised plan. She also asked for a noise buffer along the homes on Kangaroo Street through a landscape berm and trees. She referenced the comparison of the Capstone development and noted that includes a lot of open space for its residents to play on while this proposal does not include any. She stated that they are not opposing the growth of the City but the change to the Comprehensive Plan and zoning code.

Lonnie Brock, 14215 Kangaroo Street, stated that her property has already been reduced because Alpine is growing in what it was designated to be. She asked which direction the City sewer and water would come to reach this site, whether it would come from Alpine or Bunker. She stated that if it comes down Alpine she would not have to hook-up to it but believed that she would have to pay for it to come past her house. She stated that if the density is too high, it would be hard for the residents on her street to get onto the roadway. She stated that she built on her property because it was an open, rural community and noted that if the City starts putting in high density housing, when the land is zoned low density, she would hope not to live long enough to see it happen. She stated that it would be such a change in what she intended and has been able to live on her property for years. She believed that her opinion should count at least a little bit.

Community Development Director Gladhill noted that the utilities would come from Bunker and Puma Street. He noted that eventually a line may come down Alpine in order to loop the watermain to provide redundancy in the system. He noted that even if there is a line in the future to loop the trunk line, existing residents would not have to hook-up to the service. He noted that if the utility is pulled past a home, that would not be the obligation of the homeowner. He provided an example of Garnett Street in which sewer and water were provided but the homeowners were only charged if they desired to hook-up to the utility.

Leslie Clark, 15150 Kangaroo Street, stated that when they purchased their property they did their research to determine the homes that would eventually be built behind them. She stated that Kangaroo Street has the least number of trees behind their property and the concern would be that she would see 4.5 homes behind her. She stated that she could envision two to three homes, which would be the 80-foot lot width, but did not want to see 4.5 homes behind her home as that would change the rural character of her home. She stated that while she likes the idea of trees or a berm that was suggested by another resident, she loves to be around people and the opportunity to meet new neighbors and therefore felt that a trail would be a great amenity. She stated that she would also want to see a park as there would be a lot of homes in that area without a park to play in. She stated that this would also put more pressure on the schools so she was glad to hear the presentation from Mr. Holden. She noted that her home is in the boundaries for Franklin Elementary in Anoka and therefore do not attend school in Ramsey.

May Tafoya, [redacted] Kangaroo Street, echoed the comments made by Val and Lonnie and urged the City not to change the Comprehensive Plan.

Mayor Strommen thanked the residents for their input tonight and throughout the process thus far.

Kent Racer, Paxmar, stated that they had the opportunity to meet the residents at the public meeting and are happy to meet some of their desires. He noted that it would not be feasible to build homes with 80-foot lots. He stated that they have a lot of experience and know what would work and what would not work. He stated that they have incorporated the concessions that the residents asked for at the public meeting into the revised plan except for making all the homes 80-foot lots. He stated that they decreased the density by 19 lots, extended the lot lines along the homes on Kangaroo Street to 80-foot lots and added the additional screening between those homes. He stated that they are here tonight to get the input of the Council before they invest more money into this process. He stated that if the Council is not interested, they would like to hear that now before they go further.

Mayor Strommen stated that she would not want to cut off the conversation prematurely. She stated that the Comprehensive Plan looks at the big picture to infrastructure and roadways. She recognized the concern with traffic and the impacts on Highway 10. She stated that therefore the risks to changing the plan needs to be considered. She agreed with the comments regarding greenspace. She noted that with this many families there needs to be places close to home for those kids to play rather than expecting families to get in the car to travel to a bigger park further away.

Councilmember Shryock stated that through the planning process she always appreciates everyone being able to comment. She noted that the residents have been great stepping up and Paxmar has been listening to find something that everyone can live with. She was confident that they would be able to find something that everyone will like in the end. She agreed that keeping communication open would be important.

Councilmember LeTourneau stated that he cannot provide an opinion at this point and would like more time to process all the information to understand the underlying reasons are for the concerns.

Councilmember Riley stated that this seems to fit pretty well with what was approved with Capstone and would seem to be an extension of that. He noted that the decision for Capstone was not slaved over, most likely because of the lack of neighbors that came forward.

Councilmember LeTourneau agreed that is what he is struggling with.

Community Development Director Gladhill noted that the super majority of the Capstone parcel was already zoned correctly for that development but acknowledged that a Comprehensive Plan amendment was needed for a portion of that site that was designated commercial.

Councilmember Kuzma stated that the landowner has land that he wants to sell to a developer and acknowledged the concern of the neighbors but noted that there is a balance there.

Lonnie Brock asked if there could be a signal light at Alpine and Highway 10, noting that you cannot get onto Highway 10 from Alpine because of the traffic.

Mayor Strommen replied that the City is in the business of eliminating the lights on Highway 10 rather than putting more lights onto the highway.

Community Development Director Gladhill noted that there is a Highway 10 planning study which identifies an improvement for that intersection outside of a stoplight.

7.06: Review Inland Group Proposed Project

City Administrator Ulrich reviewed the staff report. He noted that the Planning Commission and EDA have reviewed this information and based on the input from the developer, EDA and Planning Commission, Concept Layout C appears to be the preferred site. He asked for input from the Council.

Keith James, Inland Group, thanked the Council for their time. He noted that this is his third time out to meet a body of the Ramsey government and stated that he continues to be impressed. He stated that Inland began about 30 years ago with a focus on multi-family construction. He stated that they branched out into affordable senior housing as well as traditional retirement housing. He stated that there seemed to be a gap in the affordable senior housing and the traditional retirement housing which left a gap for seniors in the middle of those two groups that did not qualify for the income limits of the affordable product and did not need the service provided in traditional retirement communities/assisted living. He stated that the Affinity brand was then born. He stated that they came to Minnesota with their product and they like to have a node within a market. He provided a summary of the units that would be available at the development. He noted that the Affinity product does not use an activities staff person to draw people out and instead use a grassroots effort. He explained that there are many residents with gardening knowledge and therefore they are beneficial to the gardening program. He noted that

the grassroots concept helps to build a sense of community between the residents. He stated that while they are based in Washington, they would hire local contractors, builders, and architects. He stated that they are not attempting to rebuild the wheel and would instead use local expertise. He hoped that the welcome they received from the EDA and Planning Commission would continue with the Council.

Councilmember Kuzma asked for more information on the financial stability and how the project would be funded.

Mr. James replied that of the 20 communities that have been built or under construction have been privately financed. He stated that they have a portfolio that would support private financing and they would use their own equity. He estimated 18 months to construct and about 12 months to stabilize at which point they would get permanent funding noted that they have substantial relationships with lenders such as USBank.

Councilmember Shryock stated that this is a timely product and agreed that there is a needed niche in the market. She stated that she agrees with Concept C and appreciates that the residents would have access to the park and the other residents in the community would also have access to that park that has always been desired.

Mr. James stated that Concept C was their clear choice as well, mostly because of the view of the park that would be provided to residents. He stated that they also like that Concept C did not have a building along Sunwood, noting that if his building was placed along Sunwood that could create a canyon affect along the roadway. He stated that he much prefers the building setback with the ability for commercial and retail buildings to fill in on Sunwood.

Councilmember LeTourneau stated that he is happy that Mr. James is here and believes that the project is worthy and likes the idea of 55 plus housing. He stated that he likes that Mr. James understands the needs in the market and the gap that this project would fill. He stated that he would prefer the building to be along the roadway to understand why the early concept for The COR was to have building on the roadway and not parking lots. He stated that he does like the integration of retail but is unsure of the awkward visual that could create.

Mr. James stated that these are conceptual plans and not the actual concept of the developer. He stated that their intent would be to park within a garage structure under the building and therefore would shoot for less surface parking than what is shown. He stated that they like the idea of a central park and having that open on all sides.

Councilmember LeTourneau stated that he is more concerned with the retail space and parking along Sunwood that would be proposed. He stated that Concept D aligns more with his perception.

Community Development Director Gladhill confirmed that these concepts were developed by economic development staff in order to discuss possible locations and not from the developer.

Mayor Strommen stated that part of the confusion is that this discussion is regarding site location and the layout is different for each concept because it was developed by staff.

Councilmember Williams stated that in the EDA meeting the group liked Concept C because it would allow the commercial development to remain on Sunwood Drive and would push the residential development further from the roadway. She provided additional details on the road alignment and how that could be moved. She stated that there was also discussion with what a four-story building might look like compared to the existing buildings in The COR. She noted that Concept C was the preference of the EDA.

Councilmember Johns stated that she is very excited to see this product come to Ramsey as it is a very needed product here. She agreed with Councilmember LeTourneau that she does not want to see parking lots lining Sunwood Drive and perhaps drawing the building forward. She believed that either Concept C or D would be a good fit. She was very supportive of the project and would love to see it move through to the next stage.

Mayor Strommen also agreed that this is a good project and agreed that Concept C is a good fit. She stated that people seem to be caught up on the parking for the remnant commercial parcel that would be left and noted that if the concept was drawn differently with the parking that could have eliminated the comments on that element. She noted that this appears to be heading in the right direction and hoped to see Mr. James back in the future.

7.07: Consider Approving Settlement Agreement and Mutual Release by and between the City of Ramsey, Minnesota and McDonald's USA, LLC

City Administrator Ulrich reviewed the staff report and recommendation to approve the settlement agreement mutual release by and between the City of Ramsey and McDonald's USA, LLC.

Councilmember Riley asked if this would release the City from all claims.

Jason Asmith, Brigs and Morgan, confirmed that the settlement would give both parties release from any claims the other party may have. He stated that by virtue of filing the resolution and quick claim deed the title would be returned to the City.

Mayor Strommen stated that this has been a thoroughly frustrating and disappointing experience.

Councilmember Williams stated that while a McDonald's would have been preferred, she is excited to see what better options may come forward.

Motion by Councilmember Williams, seconded by Councilmember LeTourneau, to approve the settlement agreement and mutual release by and between the City of Ramsey, Minnesota and McDonald's USA, LLC.

Motion carried. Voting Yes: Mayor Strommen, Councilmembers Williams, LeTourneau, Johns, Kuzma, Riley, and Shryock. Voting No: None.

8. MAYOR, COUNCIL AND STAFF INPUT

City Administrator Ulrich announced upcoming meetings and events.

9. ADJOURNMENT

Motion by Councilmember Shryock, seconded by Councilmember Kuzma, to adjourn the meeting.

Motion carried.

The regular meeting of the City Council adjourned at 9:05 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Jo Ann M. Thieling
City Clerk

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

Regular Planning Commission

6. 2.

Meeting Date: 09/07/2017**Submitted For:** Alec Henderson, Community Development**By:** Alec Henderson, Community Development

Information**Title:**

Discussion Topic: Event Centers in Residential Areas (Ag areas/farms)

Purpose/Background:

The purpose of this case is to get feedback from the Planning Commission on the topic of Event Centers in residential/agricultural areas, a request/inquiry that is becoming more frequent. Several cities in Minnesota have allowed accessory buildings to be used as event facilities via Conditional Use Permits and/or Interim Use Permits. Examples of events that may be held in such a structure include weddings and/or auctions (note these are just examples, other events may be offered too). Attached to this case are sample ordinances from the cities of Grant, MN and Lake Elmo, MN.

Notification:**Observations/Alternatives:****Rural Event Center Considerations:**

1. Using accessory buildings as event facilities could be a conditional use (Or interim?).
2. Set minimum or maximum parking requirements (dedicated parking areas)
3. Reduce issues related to temporary increases in traffic.
4. Agricultural type zoning for event facilities?
5. Safety could be a concern. Inspect buildings proposed as event facilities for fire and building code standards to allow for larger volume of people.
6. Waste and water requirements.
7. Nuisances, Noise requirements (no amplified music after and before a certain time?)
8. Property size and allowed attendance (e.g. 5 acres – 60 people, 10 acres – 150 people , 20 acres – 300 people, over 30 acres – max 400 people?)
9. ADA Requirements
10. Signage
11. Restroom requirements

Funding Source:**Recommendation:****Action:**

No specific action is needed. Staff is simply looking for some general discussion and feedback to determine if any further research and/or effort should be put toward this topic.

Attachments[City of Grant-Rural Event Facilities Ordinance](#)[City of Lake Elmo-Wedding Venues Ordinance](#)[Barn Wedding Example](#)

Event Center Tent Example

Farm Auction Example

Form Review

Inbox

Chris Anderson

Tim Gladhill

Form Started By: Alec Henderson

Final Approval Date: 09/01/2017

Reviewed By

Chris Anderson

JoAnn Shaw

Date

08/31/2017 03:36 PM

09/01/2017 10:25 AM

Started On: 08/30/2017 02:33 PM

CITY OF GRANT
WASHINGTON COUNTY, MINNESOTA
ORDINANCE 2014-31

**An Ordinance Amending the Grant Code of Ordinances
Establishing Section 32-352 of Chapter 32, Zoning
Regarding Rural Event Facilities**

The City Council of the City of Grant, Washington County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-1, “Definitions” is hereby AMENDED to ADD the following:

“*Rural Event Facility* means a facility that operates on a for-profit basis to host outdoor or indoor gatherings. The gatherings may include, but are not limited to, events such as weddings or other ceremonies, banquets, picnics or any other gatherings of a similar nature. Such facilities shall be required to obtain a Conditional Use Permit, and must meet the following additional minimum standards:

- Located on a minimum of 20 acres, as defined in Section 32-246(c) 4, and zoned A1 or A2;
- Have direct access to County or State Road”

SECTION 2. AMENDMENT OF CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Article I, Section 32-245, “Table of uses”, Item (c) is hereby AMENDED to ADD the following:

USE					
(KEY) CC=Certificate of Compliance N=Not Permitted		Agricultural A1	Agricultural A2	Residential R1	General Business (GB)
Rural Event Facility	Conservancy N	C	C	N	N

SECTION 3. ESTABLISHMENT OF SECTION 32-352 OF ARTICLE IV, CHAPTER 32, ZONING, OF THE CITY’S CODE OF ORDINANCES.

That City Code Chapter 32, Zoning, Article IV, Division 1, Section 32-352 “**Rural Event Facility**” is hereby ADDED as follows:

“Sec. 32-352. Rural Event Facility.”

- (a) *Purpose and intent.* The purpose is to establish regulations and performance standards related to Rural Event Facilities that allow for reuse and adaption of historically important structures within the city, while ensuring protection of adjacent properties and rural residential neighborhoods. For example, the reuse of an historic barn on a site which can be protected and reused as a rural event facility will ensure such structure is retained as a part of the rural character of the community.
- (b) *Permitted use.* The reuse and adaption of an accessory structure for purposes of a rural event facility, as previously defined, is a permitted use within the A-1 and A-2 zoning districts with the issuance of a Conditional Use Permit.
- (c) *Performance standards.* The rural event facility must comply with all rules and regulations of Federal, State, County, and local agencies and the following performance standards:
- 1) A rural event facility may only be located on a site where such facility is accessory to a principal residential use.
 - 2) Events shall be limited to a maximum of 300 persons.
 - 3) Adequate utilities, including sewage disposal, must be available on the site. The applicable portion of the building code shall determine the appropriate type of bathroom facilities required on a site, and any on-site sewage treatment facilities needed shall be installed under a permit issued by Washington County.
 - 4) The rural event facility shall have its primary frontage on a County or State road, and such road shall be used for the exclusive and only access to the facility.
 - 5) The rural event facility shall be 20 acres or greater, where lot size is defined consistently with Section 32-246 (c) 4 of this zoning ordinance.
 - 6) The rural event facility shall provide on-site parking sufficient to handle all guests, staff, vendor and owner vehicles. All parking standards shall be consistent with those stated within the City’s Code of Ordinance.
 - 7) Sound amplification is permitted for ceremonies whether located within the rural event facility or on the grounds. All other sound amplification is permitted only within the facility’s building, and must adhere to all local and County sound ordinances. Events shall not generate noise that unreasonable annoys, disturbs, or endangers the comfort or peace of any persons, or precludes their enjoyment of property or affects their property’s value.
 - 8) The rural event site shall be located at least 100 feet from any side lot line, and additional screening may be required for any outdoor event areas. All potential event areas shall be designated on the site plan submitted for review.
 - 9) The rural event facility shall be architecturally designed to be consistent with the principal structure; with particular interest in re-use and adaption of historically significant structures within the City.
 - 10) The rural event facility must comply with all rules and regulations of Federal, State, County and Local agencies.

11) The City may impose conditions related to landscaping, access, security, sanitary sewer, liability or other insurance requirements, and other conditions as necessary.

SECTION 4. SEVERABILITY.

In the event that court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 5. EFFECTIVE DATE.

This ordinance takes effect upon its adoption and publication according to law.

WHEREUPON, a vote, being taken upon a motion by Council member _____ and seconded by Council member _____, the following upon roll call:

Voting AYE:

Voting NAY:

Whereupon said Ordinance was declared passed adopted this ___ day of _____, 2014.

Thomas Carr, Mayor

Attest: Kim Points, City Clerk

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-107

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY ADDING PROVISIONS CONCERNING COMMERCIAL WEDDING CEREMONY VENUES AND ALLOWING SUCH USES AS AN INTERIM USE IN A AND RT ZONING DISTRICTS

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title I: General Provisions; Chapter 11: General Code Provisions, is hereby amended by adding the following definitions:

Wedding Ceremony: The formal activities and observances during which people are united in marriage. A wedding ceremony typically involves an exchange of vows, presentation of a gift, and a public proclamation of marriage by an authority figure or leader. Music, poetry, or readings from religious texts or literature are also commonly incorporated into the ceremony.

Wedding Reception: A wedding reception is a party held after the completion of a marriage ceremony. It is held usually as hospitality for those who have attended the wedding and typically occurs in a different venue than the wedding itself.

SECTION 2. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.012 Zoning Use Types and Classifications

B. Use Types and Classifications.

12. Accessory Uses

Commercial Wedding Ceremony Venue. A use involving a location to conduct wedding ceremonies, not including receptions, and usually operated in exchange for remuneration by providing the venue to the public.

SECTION 3. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§154.400 Permitted and Conditional Uses.

Table 9-1 lists all permitted and conditional uses allowed in the rural districts. "P" indicates a permitted use, "C" a conditional use, and "I" an interim use. Uses not so indicated shall be considered

prohibited. Cross-references listed in the table under “Standards” indicate the location within this Ordinance of specific development standards that apply to the listed use.

Table 9-1: Permitted and Conditional Uses, Rural Districts

	RT	A	RR	RS	RE	Standard
Accessory Uses						
Commercial Wedding Ceremony Venue			-	-	-	155.111.C

SECTION 4. The City Council of the City of Lake Elmo hereby ordains that Title XV: Land Usage; Chapter 154: Zoning Code, is hereby amended by adding the following:

§ 154. 310 Standards for Accessory Uses

- D. *Commercial Wedding Ceremony Venue.* A commercial wedding venue is allowed as an accessory use with an interim use permit in the A - Agriculture and RT - Rural Transitional on parcels greater than 10 acres size. The suitability of a parcel for a wedding venue shall be determined by the characteristics of the site and by the unique capacity of the parcel to accommodate the use while preserving the essential rural character of the neighborhood and the site on which the use is located, by the ability of the parcel to accommodate the use without negative impact on the general health, safety, and welfare of the community, and by other factors the City may deem appropriate for consideration.
 1. *Ownership.* The property will be the primary residence of the venue operator(s). The operator must be on the premises for the duration of each event.
 2. *Maximum Number of Guests.* The maximum numbers of guests is limited to 150 for each event.
 3. *Food and Beverages.* The serving of food and beverages is permitted only as part of the ceremony.
 4. *Seasonal Operation.* Ceremonies are limited to no more than twice per week and are permitted only during the months of May through October.
 5. *Hours of Operation.* Events shall only be allowed between the hours of 10:00 a.m. and 10:00 p.m. All guests and staff must vacate the premises by 10:00 p.m. All lights associated with the event must be turned off by 10:00 p.m. Any one ceremony is limited to a maximum duration of three (3) hours.
 6. *Overnight Accommodations.* No overnight accommodations are allowed.
 7. *Off-Street Parking.* Off-street parking shall be required in the ratio of one (1) parking space for each three attendees based on the maximum number of attendees planned for the site. The off-street parking area and the number of parking spaces shall be documented on the required site plan.
 8. *Setbacks.* The minimum setbacks from neighboring houses and property lines for the various activities associated with the wedding venue shall be as follows:
 - a. Parking: 100 feet from residential property lines; 200 feet from neighboring houses.
 - b. Outdoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.

- c. Indoor Activity Spaces: 300 feet from residential property lines; 400 feet from neighboring houses.
- 9. *Landscaping/Screening.* Landscaping may be required to buffer the use from adjacent land uses and to provide screening when such screening does not presently exist on the site. A landscape plan shall be submitted at the time of application for an Interim Use Permit.
- 10. *Grading.* Any proposed grading shall observe all requirements of Section 151.017 of the City Code. If a grading plan is required, it shall be submitted in conjunction with an application for an Interim Use Permit.
- 11. *Traffic.* A transportation management plan shall be submitted as part of an application for an Interim Use Permit. The plan shall address traffic control, including traffic movement to the public street system and impact on the surrounding roadways.
- 12. *Structures.* All existing or proposed structures to be used for the wedding ceremony venue shall be inspected by the City's Building Official and must meet applicable Building Code requirements.
 - a. *Temporary Structures.* Temporary structures, including tents and canopies, may be allowed. Tents and canopies may be erected no more than one (1) day prior to an event and must be removed no more than 72 hours following the event.
- 13. *Application.* An application for a commercial wedding venue shall follow the application and review procedures for an Interim Use Permit as specified in Section 154.107. In addition to the submission requirements of Section 154.107, an application for a commercial wedding venue shall include the following information:
 - a. The expected number of attendees per ceremony;
 - b. The number of ceremonies per year;
 - c. The number of employees;
 - d. The hours of operation;
 - e. Sanitary facilities;
 - f. Lighting;
 - g. Sound amplification to be used and a plan to minimize any amplified sounds;
 - h. Temporary structures or tents to be used in association with the planned events;
 - i. Signage;
 - j. Security to be provided;
 - k. Location of all trash receptacles;
 - l. Traffic management plan;
 - m. Other documentation as specified herein;
- 14. *Sanitary Facilities.* Sanitary facilities adequate for the number of attendees shall be provided. Portable toilets may be approved for temporary use, and must be screened from view from roads and neighboring properties by landscaping or a wooden enclosure. No portable toilets shall be located closer than 400 feet from a neighboring residential structure.
- 15. *Lighting.* Lighting associated with the wedding venue shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties. Lighting shall comply with Section 150.035 of the City Code.

16. *Noise.* All wedding venues shall comply with City's noise standards found in Section 130.45 through 130.48 of the City Code.
17. *Sound Amplification.* Amplification of music and participants and is allowed only in conjunction with a wedding ceremony. There shall be no other amplification of music or sound outside of the ceremony.
18. *Waste.* All solid waste must be stored in a manner that prevents the propagation, harborage, or attraction of flies, rodents, or other nuisance conditions and must be removed at least once every seven days by a licensed solid waste hauler.
19. *Liability.* The applicant shall secure adequate liability coverage, which shall be in place at least one week prior to any event.
20. *Other Activities.* Other than the commercial wedding ceremonies authorized under this section, no other commercial ceremonial activities may be conducted on the site.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.


SECTION 6. Adoption Date. This Ordinance 08-107 was adopted on this 6th day of May 2014, by a vote of 3 Ayes and 0 Nays.

LAKE ELMO CITY COUNCIL



Mike Pearson, Mayor

ATTEST:



Adam Bell, City Clerk

This Ordinance 08-107 was published on the ____ day of _____, 2014.







Regular Planning Commission

6. 3.

Meeting Date: 09/07/2017

Submitted For: Alec Henderson, Community Development

By: Alec Henderson, Community Development

Information

Title:

Discussion Topic: Temporary Health Care Dwelling Units and Tiny Homes

Purpose/Background:

The State passed legislation last session allowing Temporary Health Care Dwellings on single family residential lots. The City opted out as permitted by State Statute. However, the City Council wanted to revisit this topic and potentially develop the City's own set of standards to address them. The goal of this case is to open a discussion on how Ramsey should tackle Temporary Health Care Dwellings. This may also be an opportune time to evaluate the viability of Tiny Homes in Ramsey as well.

Topics:

1. Temporary Health Care Dwellings
2. Tiny Homes

Notification:

Observations/Alternatives:

Zoning Code:

Under current City Code standards, accessory dwelling units (ie carriage homes) are not permitted as outlined in Sec 117-349 (d)8:

"Detached accessory buildings shall be prohibited from containing complete independent living facilities (accessory apartments), which would include permanent provisions for living, sleeping, eating, and sanitation. Independent living facilities shall be considered those which meet three or more of the criteria in subsection (6)d of this section and have provisions for separating the living space."

Temporary Health Care Dwelling Considerations (See Minnesota Statute Attachment)

1. Appearance/architectural standards and community character
2. Building codes, fire codes, meet code standards
3. Occupancy number
4. Access to electricity, water, heat, waste considerations.
5. Residential zones only
6. Initial permit cost, renewal cost,
7. Temporary for how long? One year? Six Months? Renewal every six months?

Tiny Home Considerations (See attached Fresno Code Example)

Tiny homes have been gaining popularity and many are made to function as RVs (on wheels and chassis). They also have the potential to offer an affordable first home for people with less means or who wish to live in smaller homes. However, City Code Section 117-111 (R-1 Residential) specifies a minimum floor area for various types floor plans, ranging from 720 square feet to 912 square feet. A typical tiny home will not meet that minimum square footage requirement.

1. Should Ramsey start considering secondary, or accessory dwelling units on properties?
2. What should be the minimum lot sizes for these secondary dwelling units?
3. Should these have permanent foundations or be on chassis and wheels?

4. Fresno allows several different sizes of additional dwelling units: Secondary Units (larger), Cottages or tiny homes (smaller), Accessory living quarters (no kitchens or cooking devices).
5. Parking requirements and driveways
6. Access to water, electricity, heat, waste
7. Tiny homes as primary structure vs secondary?

Funding Source:

Recommendation:

Action:

No formal action is required, Staff is looking for general discussion and feedback on this topic to guide what, if any, further work is needed.

Attachments

[Temporary Health Care Dwellings- Minn. Statute](#)

[Secondary Dwelling Units-Fresno](#)

[Tiny Home Trailer Example](#)

[Tiny Home 2 Example](#)

[Tiny Home Cottage \(Foundation\) Example](#)

[Tiny Home \(Disaster Proof\) Example](#)

Form Review

Inbox	Reviewed By	Date
Chris Anderson	Chris Anderson	08/31/2017 03:36 PM
Tim Gladhill	JoAnn Shaw	09/01/2017 10:25 AM
Form Started By: Alec Henderson		Started On: 08/30/2017 02:33 PM
Final Approval Date: 09/01/2017		

462.3593 TEMPORARY FAMILY HEALTH CARE DWELLINGS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. **Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the

provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. Inspection. The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

History: 2016 c 111 s 3

Recently enacted City of Fresno Development Code Requirements for Second Dwelling Units, Backyard Cottages (including Tiny Homes on Wheels), and Accessory Living Quarters (Effective January 3, 2016)

15-2754 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters

A. Purpose. The purpose of this section is to:

- 1. Maintain the character of single-family neighborhoods;**
- 2. Ensure that new units are in harmony with developed neighborhoods; and**
- 3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).**

B. Architectural Compatibility. If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.

C. District Standards. Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.

D. Minimum Lot Sizes.

- 1. Second Dwelling Unit. 6,200 square feet.**
- 2. Backyard Cottage.**
 - a. *Interior Lot Size:* 6,000 square feet.**
 - b. *Corner Lot Size:* 5,000 square feet.**
- 3. Accessory Living Quarters. 5,000 square feet.**

E. Type of Unit.

- 1. Second Dwelling Unit.** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the

primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.

2. Backyard Cottage. May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.

a. A Tiny House may be considered a Backyard Cottage if it meets all the requirements of this section.

b. The Director shall review the design of the Tiny House to insure that the structure is compatible with the main home and the neighborhood.

3. Accessory Living Quarters. Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an undercounter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.

F. Maximum Floor Area. The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.

1. Second Dwelling Units. 1,250 square feet.

2. Backyard Cottages. 440 square feet.

3. Accessory Living Quarters. 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.

G. Development Standards. Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.

H. Lot Coverage. Per the underlying zone district.

I. Setbacks.

1. Front Yards. Per the underlying zone district.

2. Side Yards/Street Side Yards. Per the underlying district.

3. Rear Yards. Shall be separated from the main home by a minimum of six feet.

a. *Second Dwelling Unit.* Per the underlying zone district.

b. *Backyard Cottage and Accessory Living Quarters.*

i. Alley Present. Three feet.

ii. No Alley Present.

(1) *Abutting an RS.* 10 feet.

c. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.

d. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.

3. Backyard Cottage. No additional parking required.

4. Accessory Living Quarters. No additional parking required.

O. Access. Vehicular access shall be provided in the following manner:

1. Driveways. Shall be provided per the underlying district.

2. Pedestrian access. An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.

P. Mechanical Equipment. Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.

Q. Utility Meters/Addresses.

1. Second Dwelling Units. Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.

2. Backyard Cottage and Accessory Living Quarters. Separate utility meters and/or addresses are not permitted.

R. Home Occupations. Home occupations are permitted pursuant to Section 15-2735, Home Occupations.

S. Airports. All applications shall comply with operative airports plans.

T. Owner Occupancy Requirements. The following shall apply prior to the issuance of a building permit.

1. Second Dwelling Unit and Backyard Cottage.

a. Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.

b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.

d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.

Definition of Tiny House added to City of Fresno Development Code

Tiny House. A structure intended for separate, independent living quarters for one household that meets these six conditions:

- 1. Is licensed and registered with the California Department of Motor Vehicles and meets ANSI 119.2 or 119.5 requirements;**
- 2. Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this Code, the wheels and undercarriage shall be skirted;**
- 3. Is no larger than allowed by California State Law for movement on public highways;**
- 4. Has at least 100 square feet of first floor interior living space;**
- 5. Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and**
- 6. Is designed and built to look like a conventional building structure.**









Regular Planning Commission

8. 1.

Meeting Date: 09/07/2017

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

Form Review

Inbox

Tim Gladhill

Form Started By: JoAnn Shaw

Final Approval Date: 08/31/2017

Reviewed By

JoAnn Shaw

Date

08/31/2017 02:35 PM

Started On: 08/31/2017 02:17 PM

Zoning Bulletin

in this issue:

Eminent Domain—State and local regulations bar separate sale or development of undersized, contiguous parcels under common ownership	2
Conditional Use/Grounds for Grant or Denial—County grants conditional use permit for funeral home, and community members appeal	6
Nonconforming Use/Due Process—Neighbor appeals town grant of permits to expand applicant's nonconforming structure	9
Zoning News from Around the Nation	11



Eminent Domain—State and local regulations bar separate sale or development of undersized, contiguous parcels under common ownership

Property owners allege regulations constitute a regulatory taking under the Fifth Amendment

Citation: *Murr v. Wisconsin*, 2017 WL 2694699 (U.S. 2017)

Contributors

Corey E. Burnham-Howard

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The United States Supreme Court has appellate jurisdiction over all federal courts and state court cases involving issues of federal law, as well as original jurisdiction over a small range of cases.

SUPREME COURT OF THE UNITED STATES (WISCONSIN) (06/23/17)—This case addresses the issue of, when determining whether a regulatory taking has occurred, what is the proper unit of property against which to assess the effect of the challenged governmental action.

The Background/Facts: The Murr siblings (the “Murrs”) own two adjacent lots—Lot E and Lot F—along the lower portion of the St. Croix River in the town of Troy, St. Croix County, Wisconsin. The Murrs’ parents purchased Lot F in 1960, and built a small recreational cabin on it. In 1961, the ownership of Lot F was transferred to the family plumbing company. In 1963, the Murrs’ parents purchased Lot E, which they held in their own names. In 1994, Lot F was transferred to the Murrs. In 1995, Lot E was transferred to the Murrs.

Eventually, the Murrs sought to move the cabin on Lot F to a different portion of the lot. They also sought to sell Lot E to fund the cabin relocation project. However, the unification of the lots under common ownership in the 1990s implicated state and local rules that barred their separate sale or development.

For the area where the Murrs’ property is located, Wisconsin rules prevent the use of lots as separate building sites unless they have at least one acre of land suitable for development. (Wis. Admin. Code §§ NR 118.04(4), 118.03(27), 118.06(1)(a)(2)(a), 118.06(1)(b) (2017).) Under a grandfather clause, substandard lots which were “in separate ownership from abutting lands” on January 1, 1976, the effective date of the regulation, may qualify as separate building sites (Wis. Admin. Code § NR 118.08(4)(a)(1).) The state rules also include a merger provision, which provides that adjacent lots under common ownership may not be “sold or developed as separate lots” if they do not meet the size requirement. (Wis. Admin. Code § NR 118.08(4)(a)(2).) Because Wisconsin rules require localities to adopt parallel provisions, the St. Croix County zoning ordinance contains identical restrictions. (See Wis. Admin. Code § NR 118.02(3) and St. Croix County Ordinance § 17.36I.4.a (2005).) The Wisconsin rules also authorize the local zoning authority to grant variances from the regulations where enforcement would create “unnecessary hardship.” (§ Wis. Admin. Code NR 118.09(4)(b); St. Croix County Ordinance § 17.09.232.)

The Murrs sought variances from the St. Croix County Board of Adjustment (the “Board”) to enable their building and improvement plan, including a variance to allow the separate sale or use of Lots E and F. The Board denied the requested variances.

The Murrs appealed. The state courts affirmed. In particular, the Wisconsin Court of Appeals determined that the relevant St. Croix County Ordinance “effectively merged” Lots E and F, so the Murrs “could only sell or build on the single large lot.”

The Murrs then filed an action in state court. They alleged that the state and county regulations worked a regulatory taking by depriving them of “all, or practically all, of the use of Lot E because the lot [could not] be sold or developed as a separate lot.”

The Takings Clause of the Fifth Amendment of the United States Constitution provides that private property shall not “be taken for public use, without just compensation.” The Takings Clause is made applicable to the States through the Fourteenth Amendment. Generally, the Takings Clause requires private property owners be compensated when their property is acquired by the government for a public purpose. Courts have also recognized that government regulation may be so onerous as to constitute a taking, such as: when a regulation “denies all economically beneficial or productive use of land;” and when a regulation “impedes the use of property without depriving the owner of all economically beneficial use.” Still, courts recognize that “[t]he complete deprivation of use will not require compensation if the challenged limitations ‘inhere . . . in the restrictions that background principles of the State’s law of property and nuisance already placed upon land ownership.’”

Here, the Murrs contended that the state and county regulations deprived them of all economically beneficial or productive use of Lot E, which they submitted was appraised at a value of \$40,000.

The State of Wisconsin (“Wisconsin”) and St. Croix County (the “County”) (hereinafter, collectively, the “Respondents”) countered that in looking at the issue of whether there was a regulatory taking here, the two lots had to be considered as a single whole lot due to their merger under the regulations. Respondents submitted appraisal values of: \$698,300 for the two lots together as regulated, and \$771,000 for the lots as two distinct buildable properties; and \$373,000 for Lot F as a single lot with improvements.

Finding there were no issues of material fact in dispute, and deciding the matter on the law alone, the County Circuit Court granted summary judgment to the Respondents. The court found that the relevant regulations did not constitute a regulatory taking because the Murrs could still build a new cabin on either lot or across both. The court also found that the Murrs had not been deprived of all economic value of their property, because the decrease in market value of the unified lots as compared to the lots had they been distinct buildable properties was less than 10 percent (e.g., \$771,000 vs. \$698,300).

The Murrs appealed. The State Court of Appeals affirmed. The court held that the regulatory takings analysis properly focused on Lots E and F together and that, using that framework, the merger regulations did not effect a taking.

The Murrs again appealed. The Supreme Court of Wisconsin denied discretionary review. The Supreme Court of the United States granted certiorari.

DECISION: Judgment of Wisconsin Court of Appeals affirmed.

The Supreme Court of the United States held that the state and county regulations challenged by the Murrs did not work a regulatory taking on the Murrs.

The Court explained that because a test for regulatory taking requires a court to compare the value that has been taken from the property with the value that remains in the property, the court must, critically, determine how to define the unit of property “whose value is to furnish the denominator of the fraction.” Again, here, the Murrs had argued that the “denominator” was Lot E, such that with the value of Lot E as both the numerator and denominator—

the whole value of Lot E was “taken” by the regulations. And, again, Wisconsin had argued that the “denominator” was Lots E and F together as one parcel, such that any value of Lot E that was “taken” by the regulations was only a portion, and not all, of the parcel. The Court agreed with Wisconsin. The Court held that, for the purposes of determining whether a regulatory taking occurred here, the proper unit of property against which to assess the effect of the challenged regulations was the single parcel consisting of Lots E and F together.

In reaching that conclusion, the Court emphasized that “no single consideration can supply the exclusive test for determining the denominator.” Instead, said the Court, courts must consider a number of factors, including: the treatment of the land under state and local law; the physical characteristics of the land; and the prospective value of the regulated land. Moreover, the court said, “[t]he endeavor should determine whether reasonable expectations about property ownership would lead a landowner to anticipate that his holdings would be treated as one parcel, or, instead, as separate tracts.” More specifically, the Court provided the following “multifactor standard”:

First, courts should give substantial weight to the property’s treatment, in particular how it is bounded or divided, under state and local law. Second, courts must look to the property’s physical characteristics, including the physical relationship of any distinguishable tracts, topography, and the surrounding human and ecological environment. Third, courts should assess the property’s value under the challenged regulation, with special attention to the effect of burdened land on the value of other holdings.

Here, applying that standard, the Court first found that the treatment of the property under state and local law indicated that the Murrs’ property “should be treated as one when considering the effects of the restrictions.” The state and local regulations merged Lots E and F. The merger provision, held the Court, was a legitimate exercise of government power. Moreover, noted the Court, the Murrs’ land was subject to that regulatory burden only because of the “voluntary conduct in bringing the lots under common ownership after the regulations were enacted.” Thus, concluded the Court, the valid merger of Lots E and F under state and local law “informs the reasonable expectation that they [would] be treated as a single property.”

Applying the second factor, the Court concluded that the physical characteristics of the Murrs’ property supported its treatment as a unified parcel. The lots’ rough terrain, narrow shape, and location along the river, all led to the reasonable expectation that their uses may be limited and subject to public regulation, said the Court.

Applying the third factor, the Court concluded that the prospective value that Lot E brought to Lot F supported considering the two as one parcel for purposes of determining whether there was a regulatory taking. While the Murrs were prohibited from selling Lots E and F separately, that restriction was, found the Court, “mitigated by the benefits of using the property as an integrated whole, allowing increased privacy and recreational space, plus the optimal location of any improvements.” More specifically, noted the Court, the combined lots were valued at \$698,300, which was far greater than the summed value of the separate regulated lots (Lot F with its cabin at \$373,000, and Lot E at \$40,000, according to values submitted by the Respondents and the Murrs).

Thus, holding that the the Court of Appeals was correct to treat Lots E and F as one parcel, the Court also concluded that the Court of Appeals was correct to conclude that the Murrs could not establish a compensable taking. They had not been deprived of all economically beneficial use of their property; they still could have a cabin on one of the lots or across both. Nor had the regulation impeded their use of land through a significant economic impact or interference with their investment backed expectations: The regulations devalued the property by less than 10%, and the regulations predated the Murrs' acquisition of both lots. Finally, the governmental action, noted the Court, "was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and local effort to preserve the river and surrounding land."

See also: *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 43 S. Ct. 158, 67 L. Ed. 322, 28 A.L.R. 1321 (1922).

See also: *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003, 112 S. Ct. 2886, 120 L. Ed. 2d 798, 34 Env't. Rep. Cas. (BNA) 1897, 22 Env't. L. Rep. 21104 (1992).

See also: *Palazzolo v. Rhode Island*, 533 U.S. 606, 121 S. Ct. 2448, 150 L. Ed. 2d 592, 52 Env't. Rep. Cas. (BNA) 1609, 32 Env't. L. Rep. 20516 (2001).

Case Note:

In its decision, the Court emphasized that there is no "categorical rule" or "any simple test" that all contiguous, commonly owned holdings must be combined for Takings Clause analysis. Rather, the Court said that courts must "define the parcel in a manner that reflects reasonable expectations of the property," through the application of the multifactor standard that the Court laid out in its decision.

Conditional Use/Grounds for Grant or Denial—County grants conditional use permit for funeral home, and community members appeal

Community members contend county failed to consider adverse effects, including Asian community "cultural aversion to the death industry"

Citation: *Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 2017 WL 2687761 (Md. 2017))

MARYLAND (06/22/17)—This case addressed the issues of whether, in granting a conditional use permit for a funeral home, a county board of appeals was required to: apply a zoning regulation that related generally to pub-

lic health, safety, security, or general welfare conditions; identify ordinary or inherent adverse effects of a funeral home; or consider “cultural aversion to the death industry” in its considerations.

The Background/Facts: Donaldson Properties (“Donaldson”) sought to build a funeral home and mortuary in a Rural Residential-Density Exchange Option (“RR-DEO”) zoning district in Howard County (the “County”). Funeral homes were authorized as a conditional use in the RR-DEO zoning district in the County, subject to requirements contained in Howard County Zoning Regulation (“HCZR”) §§ 131.B and 131.N.22. (See HCZR § 105.G.)

In June 2009, Donaldson filed a proposed conditional use plan (“CUP”) for the funeral home and mortuary. Donaldson later submitted two revised CUPs. In July 2013, the County Board of Appeals (the “Board”) issued a Decision and Order, finding that Donaldson’s revised CUP “met all of the legal criteria for the conditional use.” The Board based its conclusions “exclusively” on the General Standards for Use Approval contained in HCZR § 131.B and the Specific Criteria for Funeral Homes and Mortuaries contained in HCZR § 131.N.22.

Under § 131.B.2 of the HCZR, the Board had the power “to permit a conditional use provided that the proposed location [would] not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses.” In evaluating a CUP under that standard, § 131.B.2 provided that the Board had to consider the following four adverse effect criteria: (a) physical conditions; (b) structures, walls, fences, and landscaping; (c) parking areas, loading areas, driveways, and refuse areas; and (d) safe access.

Section 131.N.22 provided that a conditional use may be granted for funeral homes or mortuaries in certain zoning districts, provided that certain land and building size and setback requirements were met.

Following the Board’s approval of Donaldson’s CUP, community members, organized as Clarksville Residents Against the Mortuary, Inc. (the “Opponents”), filed a petition for judicial review in the County circuit court. The court affirmed the Board’s decision.

The Opponents then appealed to the Special Court of Appeals, which affirmed the judgment of the circuit court.

The Opponents then filed a petition for writ of certiorari, which the Court of Appeals of Maryland granted. On appeal, among other things, the Opponents presented several arguments. First, the Opponents maintained that the Board, in analyzing Donaldson’s CUP, was required to apply HCZR § 130.C, which requires that in considering and deciding certain matters within the scope of the HCZR, the Board consider certain public health, safety, security, and general welfare considerations. The Opponents argued that, before granting the CUP, the Board was required to consider a “three-part scheme” of HCZR §§ 130.C, 131.B, and 131.N.22, and that the Board had failed to consider HCZR § 130.C. Second, the Opponents also argued that, before granting the CUP, the Board was required to identify the ordinary or inherent adverse effects of a funeral home. Third, the Opponents argued that the Board should have considered the Asian community members’ cultural aversion to the death industry, and that the Board erred in discounting “the cultural

sensitivity issue as ‘not a physical condition’ ” to be considered under HCZR § 131.B.2. The Opponents also argued that the mental health of the Asian community should have been considered by the Board before its issuance of the CUP because the legislative intent of the HCZR was to “preserv[e] and promot[e] health, safety, and welfare of the community.”

DECISION: Judgment of Court of Special Appeals affirmed.

The Court of Appeals of Maryland held that the Board properly analyzed Donaldson’s CUP. In so holding, the court rejected all of the Opponents arguments:

The court held that HCZR did not, as the Opponents had argued, contemplate Board consideration of “a three-part scheme,” including application of HCZR § 130.C, when reviewing a CUP. While HCZR § 130.C related generally to “public health, safety, security, and general welfare” considerations, the court found that HCZR § 131 “specifically address[ed] conditional uses, and provide[d] both general and specific standards that govern[ed] the [Board’s] approval of a conditional use.” Thus, looking to the legislative intent of the HCZR, and the plain words of the statute, while giving a “degree of deference” to the Board, the court concluded that “the standards set forth in HCZR § 130.C do not govern the [Board’s] consideration of conditional use applications” because: the zoning regulation governing the relevant zoning district specifically stated that the conditional uses authorized in that zone were subject to the “detailed requirements for conditional uses given in Section 131” (see HCZR § 105.G); and “the plain language of HCZR § 130, when read as whole, d[id] not specifically address conditional uses, except to state that the [Board] ha[d] the power ‘[t]o approve conditional uses as to location’ pursuant to HCZR § 131” (see HCZR § 130.B.5).

The court also held that the Board was not required to identify ordinary or inherent adverse effects of a funeral home before approving the CUP application. The court said this was because “those adverse effects were previously identified and weighed by the local legislature in deciding whether the use [was] compatible with other permitted uses within a given zone.”

And, the court held that “the Board properly concluded that the evidence of ‘cultural sensitivit[y]’ was not sufficient” to deny Donaldson’s CUP application. Addressing the Opponents’ argument that the mental health of the Asian community should have been considered by the Board before its issuance of the CUP because the legislative intent of the HCZR was to “preserv[e] and promot[e] health, safety, and welfare of the community,” the court reiterated its determination that, in approving funeral homes as a conditional use, the County Council had “already balanced the impact a funeral home would have on the general welfare and whether the use was compatible with the permitted uses in the zoning district.” Furthermore, the court noted that the plain language of the zoning regulations supported the finding that the Board, in deciding to grant or deny a CUP, was only required to consider the enumerated conditions contained in HCZR § 131.B (e.g., physical conditions; structures, walls, fences, and landscaping; parking areas, loading areas, driveways, and refuse areas; and safe access). The court found that the testimony provided by several members of the Asian community, explaining their “cultural aversion to the death industry[,]” “failed to provide a substantial

nexus” between their “cultural sensitivities” and those enumerated conditions the Board was required to consider. Accordingly, the court concluded that absent that substantial nexus, the Board did not err in concluding that Donaldson’s CUP would not “create an adverse cultural impact on vicinal properties or that such impact will be above and beyond those ordinarily associated with funeral home and mortuary uses in the RR-DEO zoning district.”

See also: *Schultz v. Pritts*, 291 Md. 1, 432 A.2d 1319 (1981).

See also: *Anderson v. Sawyer*, 23 Md. App. 612, 329 A.2d 716 (1974).

Nonconforming Use/Due Process— Neighbor appeals town grant of permits to expand applicant’s nonconforming structure

Neighbor argues town misinterpreted ordinance, as well as violated his due process rights with ex parte emails

Citation: *Wolfram v. Town of North Haven*, 2017 ME 114, 2017 WL 2438530 (Me. 2017)

MAINE (06/06/17)—This case addressed the issue of whether a town’s grant of a land use permit for the expansion of a nonconforming use violated the local ordinance governing nonconforming structures, including area and lot coverage restrictions. It also addressed whether an objector’s due process rights were violated by bias and ex parte communications.

The Background/Facts: Nebo Lodge, Inc. and Nebo Real Estate, LLC (collectively, “Nebo”) owned property in the Village District in the Town of North Haven (the “Town”). The size of the Nebo property was less than the 20,000-square-foot minimum lot in the Village District. Accordingly, the two existing structures on the Nebo property were nonconforming. One of the two structures, a lodge, which housed an inn and restaurant, had been renovated and expanded in 2009 and 2010. In October 2013, Nebo filed applications for land use permits, seeking to tear down the majority of the second structure, a “bungalow,” rebuild it as an “annex,” and increase its size, and change its use to include staff housing, an office, storage, and a kitchen.

The Town’s Planning Board approved Nebo’s applications with conditions. The owner of the property across the street from Nebo’s property, Steven Wolfram (“Wolfram”), opposed Nebo’s land use permit applications. Wolfram appealed the Town’s approval of the permits to the Town’s Board of Appeals (“BOA”). The BOA affirmed the Planning Board’s decision.

Wolfram appealed to the Superior Court, which affirmed the BOA’s decision.

Wolfram again appealed. Wolfram contended that the BOA erred in interpreting various provisions in the Town’s Land-Use Ordinance (the

“Ordinance”). More specifically, Wolfram contended that the proposed annex: exceeded the Ordinance’s allowable expansion of a nonconforming structure; violated a section of the Ordinance that only allowed restoration or reconstruction of a nonconforming structure for “cause other than the wilful act of the owner;” and violated a 20% lot coverage restriction applicable to guest houses. Wolfram also argued that his due process rights were violated by bias and ex parte communications—specifically emails between Nebo representatives and members of the Planning Board.

DECISION: Judgment of Superior Court affirmed.

The Supreme Judicial Court of Maine rejected all of Wolfram’s arguments, and concluded that the BOA had not erred when affirming the land use permits issued to Nebo. Further, the court concluded that Wolfram’s due process rights were not violated.

In reaching its conclusions, the court looked at the common meaning of the language of the Ordinance, and construed the Ordinance “as a whole” “in order to achieve a harmonious result.”

Section 2.5 of the Ordinance allowed enlargement of grandfathered nonconforming structures without a variance, so long as “the enlargement . . . contains no more than 33% of the ground area of the grandfathered structure.” Wolfram had interpreted section 2.5 to limit the total expansion of all nonconforming structures on a lot to 33% of the ground area of a single nonconforming structure. He thus interpreted section 2.5 to require the Town to aggregate each expansion on the lot and to prohibit further expansion once that percentage, tied to a single nonconforming structure, had been reached. Wolfram had argued that because Nebo had already expanded the lodge, further expansion to the separate annex would, in the aggregate, exceed 33% of the original lodge’s ground area, which was not permitted.

The court found Wolfram’s interpretation was “unsupported by the language of the Ordinance.” The court found that the plain language of the Ordinance “clearly” permitted “any nonconforming structure to be expanded by up to 33% of the ground area of the previous structure.” Thus, here, the court said that Nebo’s two nonconforming structures—the annex and the lodge—could each be enlarged by up to 33% of the ground area of the structure that it replaced and comply with section 2.5. The court found that the annex expansion did not exceed 33% of the ground area of the structure that it replaced, the bungalow.

The court also rejected Wolfram’s argument that the annex expansion violated section 2.6 of the Ordinance, which provided that “[a]ny nonconforming use or structure which is hereafter damaged or destroyed by fire or cause other than the willful act of the owner of his agent, may be restored or reconstructed to its original dimensions, and used as before.” Wolfram had interpreted section 2.6 to prohibit restoration or replacement of the bungalow/annex—a “willfully demolished nonconforming structure.” The court interpreted section 2.6 to not apply to a willful demolition for renovation purposes undertaken with municipal approval, particularly as expansion of a nonconforming structure was explicitly permitted by section 2.5. In other words, the court concluded that even though Nebo was willfully demolishing the bungalow to build an expanded annex, that did not violate section 2.6.

As to Wolfram's argument that the annex violated a 20% lot coverage restriction applicable to guest houses, the court concluded that the annex was not a "guest house" since the bedrooms in the annex would be used by staff and not paying guests. Accordingly, the court concluded that the 20% lot coverage restriction was inapplicable here.

Finally, the court also rejected Wolfram's contentions that his due process rights were violated by bias and ex parte emails between Nebo and the Planning Board. The court found that one of the communications identified by Wolfram "implicate[d] the BOA's impartiality," and that many of the emails were directed at "complying with the permit process, the Ordinance, and other applicable standards prior to the Planning Board hearing." The court concluded: "Assuming the emails were improper ex parte communications, this would not be a basis to vacate the BOA's decision . . . because Wolfram . . . failed to point to any evidence that the communications in fact affected that decision." Finding a "dearth of evidence in the record that the BOA decision was the product of bias or procedural unfairness," the court concluded that the decision did not violate Wolfram's due process rights.

See also: *Zegel v. Board of Social Worker Licensure*, 2004 ME 31, 843 A.2d 18, 21 I.E.R. Cas. (BNA) 31 (Me. 2004).

Case Note:

Nebo had applied for a conditional use permit for the annex use. In his appeal, Wolfram had also argued that the BOA improperly failed to consider the Nebo property as a whole when assessing, as required by the Ordinance for conditional use permit applications, whether the use would have an adverse impact on the "quiet possession of surrounding properties." The court found that since "the evidence did not compel a finding that there was a 'substantial increase or expansion in the volume or intensity of the inn and restaurant use," the BOA was not required to consider the Nebo property as a whole. Rather, the court found that the BOA properly applied the Ordinance when finding that the annex use, alone, would not have such an adverse impact.

Zoning News from Around the Nation

FLORIDA

A new state law, effective July 1, preempts "local governments from regulating medical cannabis dispensaries any more than they regulate pharmacies." Reportedly, municipalities are considering options of: changing zoning laws for pharmacies, and applying already proposed medical marijuana rules to both dispensaries and pharmacies; or completely banning medical marijuana dispensaries.

Source: *Miami Herald*; www.miamiherald.com

OHIO

Reportedly, a state legislative conference committee has voted to reject an amendment to the budget bill that would have eased restrictive state zoning requirements on wind farms. The bill was expected to be voted on and signed into legislation by Governor Kasich before June 30th.

Source: *Cleveland.com*; www.cleveland.com

PENNSYLVANIA

In an effort to increase affordable housing options, Philadelphia City Council members have introduced a bill that “would require that every major development [of projects with more than nine units], whether housing or rentals, include reduced-priced units,” with “[t]en percent of the units . . . priced for the working poor.” The bill would provide “inclusionary housing bonuses,” through zoning incentives that include allowing developers to construct buildings that are “taller and denser than Philadelphia’s zoning code normally allows.”

Source: *Philly.com*; www.philly.com

Zoning Bulletin

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Standing—Landlord seeks and is granted rezoning request

When tenant challenges zoning decision, landlord argues tenant does not have standing to make such a challenge

Citation: *Stuttering Foundation, Inc. v. Glynn County*, 2017 WL 2623872 (Ga. 2017)

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GEORGIA (06/19/17)—This case addressed the issue of whether a short-term tenant of real property has standing (i.e., the legal right) to challenge a zoning decision made at the request of the tenant's landlord.

The Background/Facts: The Stuttering Foundation, Inc. (the "Foundation") was a tenant of office space in a commercial development in Glynn County (the "County") that was owned by Lucas Properties Holdings III, LLC ("Lucas"). The Foundation's lease term was for five years. During the tenancy, Lucas sought to construct an addition to the rear of one of the existing buildings in the development. In furtherance of that goal, Lucas filed with the County an application for rezoning of the property. Lucas also sought approval of a site plan for the proposed construction. In March 2016, both the rezoning request and the site plan were approved by the County.

The Foundation was opposed to the new development. Among other things, the Foundation asserted that the property was subject to easements and restrictive covenants, and that various details of the site plan would violate the terms of the easements and covenants. The Foundation alleged that those violations would diminish the value of its leasehold interest in the property.

The County filed a motion to dismiss, asking the court to dismiss the Foundation's complaint. The trial court granted the County's motion to dismiss. The trial court found that the Foundation, as the tenant of the property, lacked standing to challenge a rezoning decision made at the request of the fee simple owner (i.e., the landlord/property owner).

The Foundation appealed.

DECISION: Judgment of Superior Court affirmed in relevant part.

The Supreme Court of Georgia held that the Foundation did not have standing to challenge the rezoning decision here.

In so holding, the court explained that there is a two-step test for determining a party's standing to challenge a rezoning decision. Known as the "substantial interest-aggrieved citizen" test, the test is: (1) whether a person claiming to be aggrieved has a substantial interest in the zoning decision; and (2) whether that interest is in danger from "suffering some special damage or injury not common to all property owners similarly situated." An affirmative answer to both parts of the test concludes that the party has standing to challenge the rezoning decision.

Here, the court concluded that the Foundation's status as a short-term tenant did not confer upon it the necessary "substantial interest" in the zoning decision sufficient to create standing to challenge the zoning decision here. The court found that the lease between the Foundation and Lucas created a usufruct (i.e., a "license in real prop-

erty . . . to do a particular act or series of acts on land of another without possessing any estate or interest therein”), not an estate for years. Finding that the usufruct granted in the lease did not convey an interest in real property, the court held that the Foundation had “no cognizable interest in this zoning decision that it could assert adversely to the actual property owner’s interest.” Under those circumstances, said the court, “it cannot be said that the tenant has a substantial interest in this zoning decision that grants it standing to challenge the decision.”

See also: *DeKalb County v. Wapensky*, 253 Ga. 47, 315 S.E.2d 873 (1984) (finding party holding vested or inchoate title to real property satisfied first prong of standing test regarding “substantial interest”).

See also: *Miller v. Fulton County*, 258 Ga. 882, 375 S.E.2d 864 (1989) (finding that challenger of zoning decision who has no estate or interest in real property has no standing because he/she can not show substantial interest in zoning decision).

Case Note:

In its decision, the court noted that, although the Foundation lacked standing to pursue a reversal of the County’s zoning decision, the Foundation may have a contractual remedy for damages that it alleged it suffered if Lucas’ property development impaired or destroyed the value of the Foundation’s usufruct interest. More broadly, the court noted:

“[T]he terms of a lease may impose a duty on the landlord to seek or oppose a zoning decision in order to effectuate the intent of parties, but such a duty is contractual and may be enforced by an action against the landlord. Conversely, if the landlord obtains or resists a zoning decision such that the tenant’s rights under the lease are adversely impacted or damaged, the tenant may have a remedy against the landlord for breach of contract.”

Case Note:

The Foundation had cited case law from other jurisdictions to support its assertion that a tenant has standing to challenge a zoning decision. The court found reliance upon those cases was “unpersuasive” because “Georgia’s landlord and tenant law is unusual in that it is based not on the common law but upon the statutory provision that the grant of a right simply to possess and enjoy the use of real estate passes no estate to the tenant but only a usufruct.” (See OCGA § 44-7-1 (a).)

Case Note:

The Foundation had also argued that it had a substantial interest in the zon-

ing decision, and thus had standing here, because it was a beneficiary of the easements and covenants that burdened Lucas' property. The court rejected that argument, finding that the easements and covenants did not grant beneficiary status to the Foundation. Moreover, the court noted that the Foundation's remedy for any interference or violation of the easement rights by Lucas would be a claim for breach of contract.

Validity of Zoning Ordinance— Voters enact initiative that requires voter-approved site plan for certain development

Developers challenge validity of initiative, arguing its administrative in nature and thus in excess of initiative power

Citation: *Park At Cross Creek, LLC v. City of Malibu*, 12 Cal. App. 5th 1196, 2017 WL 2665935 (2d Dist. 2017)

CALIFORNIA (06/21/17)—This case addressed the issue of whether a city's initiative and referendum, which required a voter-approved site plan for certain development in excess of 20,000 square feet was invalid in excess of the initiative power. It also addressed whether a city's initiative, which required establishment-specific conditional use plans for formula retail establishments, was illegal.

The Background/Facts: In November 2014, the voters of the City of Malibu (the "City") enacted Measure R. Measure R was an "initiative designed to limit large developments and chain establishments." It had two primary components. First, Measure R required the City Council to prepare a specific plan for every proposed commercial or mixed-use development in excess of 20,000 square feet for the commercial area. Among other things, the specific plan had to address the following: floor area; requirements "to ensure the retention of retail businesses serving local residents and visitors"; preserving important view corridors and vistas; traffic; public facilities, services, and economic analysis; open space; parking; enlargement of the commercial area; and geological, hydroelectrical, and wastewater impacts. The City's specific plan then had to be placed on the ballot for voter approval. Second, Measure R restricted formula retail establishments, defined as "an establishment having 10 or more retail establishments in

the world and maintaining two or more of the following features: standardized array of merchandise or menu; standardized color scheme; standardized decor, facade, layout or signage; a servicemark or a trademark; 'and' uniform apparel." Measure R restricted the size of chain establishments. It also required that "formula retail establishments" obtain a conditional use permit ("CUP"), to be approved by the City's planning commission only upon findings that the proposed formula retail establishment: "complies with the size and occupancy limitations;" "will not impair the city's unique, small-town community character by promoting a predominant sense of familiarity or sameness, with consideration for all existing formula retail establishments;" and will promote a diverse commercial base." Further, Measure R provided that such approved CUPs "shall run solely with the operation of the formula retail establishment for which it was approved and continue to be valid upon change of ownership of the formula retail establishment, the land, or any lawfully existing building or structure on the land."

The Park at Cross Creek, LLC (the "Park") and Malibu Bay Company ("Malibu Bay"), both of which were developing projects in the City, petitioned the trial court to have Measure R declared invalid. They argued that Measure R improperly subjected administrative acts to vote, created an illegal CUP, and violated their substantive due process rights.

The trial court agreed with the Park and Malibu Bay. It held that Measure R's specific plan and voter approval requirements exceeded the scope of the initiative power and violated substantive due process. The court also held that Measure R created an illegal CUP that was "establishment-specific" and did not run with the land. Accordingly, the court declared Measure R facially invalid and enjoined the City from enforcing it.

The City, along with individuals who were the official proponents of Measure R, (hereinafter, collectively, the "City") appealed.

DECISION: Judgment of Superior Court affirmed.

The Court of Appeal, Second District, Division 3, California, held that Measure R exceeded the City's initiative power and was illegal.

In so holding, the court explained that California's Constitution "guarantees the local electorate's right to initiative and referendum, and that right is generally coextensive with the local governing body's legislative power." The electorate has the power to initiate legislative acts but not administrative or adjudicatory ones, said the court. The court explained the "rationale for this rule": "to allow the referendum or initiative to be invoked to annul or delay the executive or administrative conduct would destroy the efficient administration of the business affairs of a city or municipality."

The court further explained that to determine whether an initiative—such as Measure R—enacts legislation, the test is based on substance; the initiative is legislative in nature if it prescribes a new policy or plan, and it is administrative in nature if it “merely pursues a plan already adopted by the legislative body itself, or some power superior to it.” More specifically, said the court, “[i]n the land use context, legislative acts are distinguished from administrative or adjudicative ones on a categorical basis.” For example, emphasized the court, zoning ordinances and adoption of specific plans are legislative, while variances, CUPs, and subdivision map approvals are adjudicative, and adoption.

The City had argued that because Measure R concerned specific plans and voter approval of them, Measure R was a legislative act and therefore did not exceed the initiative power. The court disagreed, citing a difference between voter approval of a specific plan and requiring a city council to prepare a specific plan to be submitted for voter approval. The court found that while the former is a legislative act, the latter is an adjudicative one. More importantly, the court found that, in substance, Measure R was not setting legislative policy. It did not set standards for building height, size, or configuration, but instead required specific plans be prepared containing such details and to be submitted to the electorate. “The problem is Measure R requires details to be in specific plans that are voter-approved but sets no substantive policy or standards for those plans,” said the court. Moreover, Measure R “does not merely formalize any existing power of the electorate. It creates a new power—the requirement of a specific plan—and subjects it to voter approval. In this respect, Measure R limits [the City’s] governing body from carrying out its duties pursuant to its police power,” noted the court. Further, the court found Measure R withdraws from the City Council “the ability to issue discretionary land use entitlements or permits concerning a development project—unless and until voters approve a specific plan for that project,” which makes it a project-by-project review that would otherwise be subject to administrative, not voter, approval. And, the court found that “Measure R not only withdraws administrative authority but it also adds ‘layers’ to the administrative process,” “invalidly annul[ing] or delay[ing] executive or administrative conduct.”

With regard to Measure R’s CUP requirements, the court found they were illegal. Under “well-established principles,” a CUP “is administrative permission for uses not allowed as a matter of right in a zone, but subject to approval,” explained the court. A CUP is not a personal interest and does not attach to the permittee, but rather creates a right that runs with the land. Conversely, a condition which relates solely to the individual or applicant for the CUP does not relate to the property’s use and zoning, said the court.

Here, the court found that Measure R CUPs were establishment-

specific and restricted in their transferability—features contrary to the well-established CUP principles. By defining a specific formula retail establishment (e.g., Starbucks) as a “proposed use” and by requiring the land to be used only for that establishment (e.g., Starbucks), Measure R “conditions the CUP on the character of the permittee or applicant rather than on the use of the land,” and is thus illegal, found the court.

See also: *DeVita v. County of Napa*, 9 Cal. 4th 763, 38 Cal. Rptr. 2d 699, 889 P.2d 1019 (1995).

See also: *Citizens for Planning Responsibly v. County of San Luis Obispo*, 176 Cal. App. 4th 357, 97 Cal. Rptr. 3d 636 (2d Dist. 2009).

See also: *Wiltshire v. Superior Court*, 172 Cal. App. 3d 296, 218 Cal. Rptr. 199 (4th Dist. 1985).

See also: *Citizens for Jobs and the Economy v. County of Orange*, 94 Cal. App. 4th 1311, 115 Cal. Rptr. 2d 90 (4th Dist. 2002), as modified on denial of reh’g, (Feb. 4, 2002).

See also: *Anza Parking Corp. v. City of Burlingame*, 195 Cal. App. 3d 855, 241 Cal. Rptr. 175 (1st Dist. 1987) (holding a CUP is not personal but runs with the land).

Case Note:

The City had argued that any invalid portions of Measure R could be severed. The appellate court disagreed and concluded that Measure R was invalid.

Eminent Domain— Property owner claims city inversely condemned his neighboring building through taking of parking lot

City argues building was not inversely condemned because it retained some economic value and revenue source

Citation: *Barton v. City of Norwalk*, 326 Conn. 139, 2017 WL 2806277 (2017)

CONNECTICUT (07/04/17)—This case addressed the issue of whether a city inversely condemned a property owner’s building when it took his neighboring parking lot by eminent domain.

The Background/Facts: In 1981, Robert Barton (“Barton”) purchased a four-story walk-up commercial building at 70 South Main in the City of Norwalk (the “City”). In order to comply with the City’s zoning regulations that required more parking spaces for commercial use of his building, Barton also purchased a vacant lot at 65 South Main, creating 44 parking spaces. Over time, Barton leased space in the building to a number of commercial tenants.

Then, in February 2002, the City condemned the parking lot at 65 South Main in order to build a new police headquarters on the land. The City paid Barton \$127,000 as just compensation for the condemned land.

Barton challenged the compensation offered, arguing that 65 South Main’s “highest and best use,” for which Barton should be compensated, was as a mixed use development worth considerably more than that paid by the City. The trial court agreed, finding 65 South Main was worth \$310,000 as a mixed use development.

In that action, Barton had also tried to add a claim for losses to 70 South Main as a result of the taking of 65 South Main. However, the City had successfully objected to Barton’s attempts to amend the pleadings to add that claim. As a result, Barton later filed a second action against the City in which he alleged that the City had inversely condemned 70 South Main when it took 65 South Main.

In that second action, the trial court found that the lack of parking, caused by the taking of 65 South Main, had “substantially destroyed [Barton’s] ability to operate [70 South Main] as a leasable facility and enjoy even a modicum of financial success.” The court found that the evidence showed that 70 South Main had “substantially depreciated in value, by [more than 80 percent]” because of the “taking through eminent domain of the dedicated parking spaces [at 65 South Main].” The court concluded that the City, in taking 65 South Main, had thus also inversely condemned 70 South Main. The court awarded Barton \$899,480 in damages plus \$543,384.49 in prejudgment interest.

The City appealed. Among other things, the City argued that 70 South Main was not inversely condemned because it retained economic value, was approximately one half occupied, and continued to generate revenue.

DECISION: Judgment of Appellate Court affirmed.

The Supreme Court of Connecticut held that the City had inversely condemned 70 South Main when it took 65 South Main because Barton’s use and enjoyment of 70 South Main was “substantially destroyed.”

The court explained that “[i]nverse condemnation is a cause of action against a governmental defendant to recover the value of property

which has been taken in fact by the governmental defendant, even though no formal exercise of the power of eminent domain has been attempted by the taking agency. . . .” In other words, an inverse condemnation action is “an eminent domain proceeding initiated by the property owner rather than the condemnor.” The court further explained that property may be “taken without any actual appropriation or physical intrusion” if “the property cannot be utilized for any reasonable and proper purpose” such as with “total destruction of a property’s economic value or substantial destruction of an owner’s ability to use or enjoy the property.”

Here, the court found that the City had inversely condemned 70 South Main when it took 65 South Main as evidenced by Barton’s “extreme difficulty renting space at 70 South Main [due to the lack of parking], which, in turn, resulted in a more than 80 percent diminution of its value.” Specifically, the court found that the evidence showed that the lack of parking had rendered 70 South Main undesirable to prospective tenants as evidenced by: a drop in leased space from 97% in 2001 to 5% in 2011; and a real estate broker conclusion that prospective tenant interest in 70 South Main would not materialize into a lease principally due to the lack of parking. The court also found that when Barton attempted to obtain from the City necessary permits for certain maintenance services at 70 South Main, City agencies “rebuffed” him on the basis of lack of parking. Moreover, the court found that, based on documentary and oral expert testimony of a commercial real estate appraiser, the value of 70 South Main had fallen by more than 80% due to the “absence of available parking.”

Responding to the City’s arguments, the court was unpersuaded “that the fact that 70 South Main retain[ed] some economic value undermine[d] the trial court’s conclusion that the [Barton’s] use and enjoyment of the property was substantially destroyed.” The court reiterated that “Connecticut law on inverse condemnation requires total destruction of a property’s economic value or substantial destruction of an owner’s ability to use or enjoy the property.” Therefore, the court concluded, “[I]logic dictates that where inverse condemnation is found for substantial—but not complete—destruction of an owner’s ability to use or enjoy property, the remaining quantum of use or enjoyment will be reflected in some economic value.” Thus, where, as here, the plaintiff (i.e., Barton, here) has shown that his or her use and enjoyment of property has been substantially destroyed, “the taking is of constitutional magnitude and the plaintiff is entitled to just compensation for the inverse condemnation of his property” with the usual measure of damages being the difference between the market value of the property before the taking and the market value of the property thereafter.

In sum, the court concluded that Barton had proven his theory of inverse condemnation as to 70 South Main.

See also: *Caruso v. Zoning Bd. of Appeals of City of Meriden*, 320 Conn. 315, 130 A.3d 241 (2016).

Case Note:

On appeal, the City had also argued that Barton was judicially estopped from bringing an action for inverse condemnation as to 70 South Main. Specifically, the City had argued that Barton should be estopped from asserting that 70 South Main should be valued with the use of 65 South Main as a parking lot since, in his previous eminent domain action, Barton had argued the highest and best use of 65 South Main as a mixed use development and not as a parking lot.

The court explained that judicial estoppel applies if: (1) “a party’s later position is clearly inconsistent with its earlier position;” (2) “the party’s former position has been adopted in some way by the court in the earlier proceeding;” and (3) “the party asserting the two positions would derive an unfair advantage against the party seeking estoppel.”

The City’s argument here rested on the first element of judicial estoppel. The City claimed that Barton’s positions with respect to 65 South Main were “clearly inconsistent” in the two eminent domain actions. Barton claimed that the positions were not inconsistent “because a person need not actually use property in accordance with its asserted highest and best use.” The Supreme Judicial Court of Connecticut agreed with Barton.

Zoning News from Around the Nation

CONNECTICUT

Governor Dannel P. Malloy has vetoed House Bill 6880—an affordable housing relief bill. Reportedly, the bill would have “made it harder for developers to appeal zoning denials by towns of projects.” The bill had received 116 votes in the House and 30 votes in the Senate.

Source: *New Haven Register*; www.nhregister.com

NEW YORK

Southampton’s Town Board has voted to halt future applications for Planned Development Districts. Such districts “grant special zoning regulations—such as creating mixed-use or affordable housing units for a property in a residential zone without changing the zoning for the

entire area—in exchange for predetermined public benefits, such as open space.” Board members cited overdevelopment and “too much unpredictability in the zoning process,” as reasons for the change.

Source: *Newsday*; www.newsday.com

WISCONSIN

In mid-June, a bill was introduced in the state House of Representatives, which aims to “loosen government control” over land within the St. Croix National Scenic Riverway. In the state Senate, a companion bill was introduced. The bill provides that “neither the Wisconsin Department of Natural Resources nor St. Croix County can ‘prohibit the operation of an event facility and lodging establishment in existing buildings on a property located in the riverway that was historically used as a recreational campground.’”

Source: *Minneapolis Star Tribune*; www.startribune.com

ZONING PRACTICE

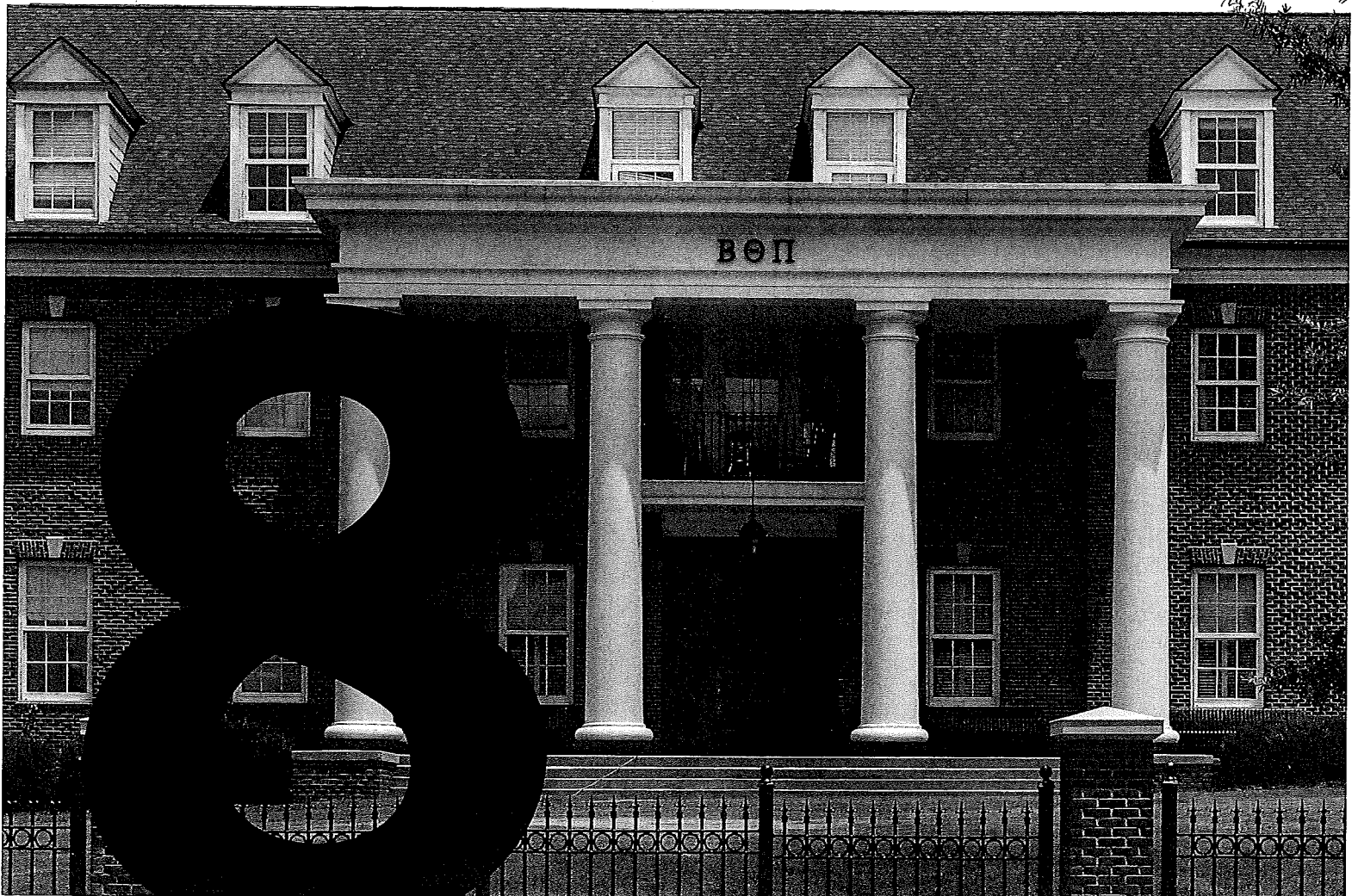
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PRACTICE STUDENT HOUSING



Meeting and Beating the Challenge of Off-Campus Student Housing

By Dwight Merriam, FAICP

One way to start a spirited discussion of the problems of off-campus college housing is to offer that it always seems to come in a fixed ratio of eight guys/four cars/two kegs. But the glib purported “ratio” of guys-cars-kegs says too much and too little at the same time. Indeed, while speaking on the issues in Utah I was told: “Here in Utah, you can pretty much skip the ‘two kegs’ part.” It also says too little because, of course, it is not just young men, but women who choose off-campus housing. And most of the students living off-campus conduct themselves responsibly and make good neighbors.

Off-campus private student housing can be a real positive in maintaining and enhancing the attractiveness of an educational institution and meeting the demand for housing when colleges might not have the wherewithal to provide it.

Problems inevitably ensue when no one plans for private-market housing. Colleges fail to partner with their host communities or, even worse, neglect their responsibility to provide housing, and college towns do nothing to meet the housing demand. Off-campus student housing is good for all stakeholders, if it is done properly in the right place. Though the challenges are great, off-campus student housing problems can be eliminated and prevented with the right planning, carefully thought-out regulation, effective enforcement, and continuing cooperation and coordination between town and gown.

THE DEMAND FOR HOUSING

There are nearly 5,000 two- and four-year colleges in the United States and more than 20 million students (U.S. Department of Education 2017). Most college students commute to campus (Snyder and Dillow 2015, Table 311.10). Many live off campus to save money (Gordon 2015).

A dozen schools do not have an off-campus housing problem because 100 percent of their students live on campus. Among

them are the service academies. Many others, such as Harvard and Bennington, have nearly all their students living on campus.

At the other end of the spectrum, there are over 30 colleges with no on-campus housing, including Cooper Union in New York, Louisiana State University-Shreveport, and the University of Michigan-Dearborn (*U.S. News & World Report* 2017). Everyone there lives off-campus, commuting from home or living in private-market housing.

THE ECONOMIC IMPERATIVE

Room and board now averages about \$12,000 (College Board 2017). That is more than \$1,300 a month, often for a shared room (raise your hand if you shared an on-campus room with at least one other person), common bathroom, and a fabulous, gourmet dining experience in a relaxing communal setting.

Now take eight students and combine their room and board money—you have more

than \$10,000 a month to bid against the local economy for housing and food. Medians, means, all manner of statistics mean little given that many of these off-campus housing markets are geographically small, but Zillow reports that the average rent for a four-bedroom house ranges from \$1,195 in Missouri to \$4,000 in New York, which includes New York City. Even if our students only paid half of their pooled room and board money for housing, they could still easily outbid the highest average.

These are averages. Boston University charges \$15,270 per academic year for a shared room with the required meal plan (2017). Get eight BU students together and you unleash \$122,000 of rent-bidding and food-buying power on the community. Take half of that for housing, and you have \$61,000 to spend, more than \$5,000 a month. What “normal” household can compete with that?



Wikimedia (CC)



Student homes and on-street parking in the South Student Neighborhood near the University of Dayton in Dayton, Ohio.

The plain fact is that college students can almost always outbid more traditional households for an apartment or house. Even in Boston, with its red-hot real estate market, the students win. The *Boston Globe* Spotlight Team, the same people portrayed in the 2015 biographical crime drama film *Spotlight*, which won Oscars for Best Picture and Best Original Screenplay, published a “Shadow Campus” series describing the takeover of a single-family neighborhood by college students (2013).

The reporters describe one house with on-file building plans showing six bedrooms, yet it had 14 people living in 12 bedrooms, including three in an illegal basement apartment. A Boston University senior, Binland Lee, was killed in a fire in that house when she was trapped in her illegal attic room. A year earlier, right across the street, another student escaped a fire by jumping from an attic window, suffering permanent traumatic brain injury.

Economics are the driver here: from the landlords seeking the highest revenues, to the students struggling for affordability, to the colleges that admit more students than they can or will provide housing for. This is a life-safety issue, and more will die and others will be injured, some for life, if the off-campus student housing demand is not met and the problems are not aggressively addressed. If we assist the private market in building new, clean, safe, student-adapted moderate- and high-density housing close to campus, we will go far toward protecting our young people—and our single-family neighborhoods.

THE SAD STATE OF THE LAW

Exacerbating—maybe it is better described as aiding and abetting—the problem is the troubling precedent in the U.S. Supreme Court, the failure to address the issues at the state level, and the utter lack of effective local regulation that would help bring order to the chaos.

The U.S. Supreme Court in *Village of Belle Terre v. Borass* (1974) ruled for the village in a student off-campus housing case, thus validating as a matter of federal constitutional law a definition of family designed to keep the students out:

[o]ne or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit,



Discgts11, Wikimedia (CC BY-SA 3.0)

➡ The Greek Village near the University of South Carolina's campus in Columbia is home to 20 purpose-built fraternity and sorority houses.

exclusive of household servants. A number of persons but not exceeding two (2) living and cooking together as a single house-keeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

The Court accepted the belief that:

The regimes of boarding houses, fraternity houses, and the like present urban problems. More people occupy a given space; more cars rather continuously pass by; more cars are parked; noise travels with crowds.

The *Belle Terre* decision is still good law. But it interprets the U.S. Constitution only, not the state constitutions. A half-dozen or more state courts have held similar definitions of family to be unconstitutional under their state constitutions. For example, New York courts in a series of decisions interpreting its state constitution have essentially reversed *Belle Terre*.

Where does *Belle Terre* and the law in most states leave us with regard to off-campus housing? To the extent that local zoning defines “family” or “household” in a similarly restrictive way, and most do, the result is a nation of willful violators—principally, the landlords who rent to households that do not qualify under zoning to live together and the tenants, and home owners,

who intentionally and in knowing violation of the law choose to live together when they are not, by definition, a legal “family” or “household” (Durning 2012 and Olevri 2015). This turning a blind eye to the law can be avoided with good regulation, while at the same time protecting the so-called “family values” that are sometimes a pretext for exclusion, not the avoidance of nuisance.

A ‘MONKEY WRENCH’ INTO THE WORKS

The Fair Housing Amendments Act (FHAA) protects the rights of protected classes of people—physically disabled or developmentally challenged, for example—to live most places where any single family might. The FHAA trumps local zoning and is used most often to permit the location of sober houses for recovering alcoholics and substance abusers. About half of the federal circuits support a “rule of eight” limiting such houses to eight people. State statutes often mimic the federal law and provide their own level of protection. When considering the definition of family in the context of off-campus student housing regulation, it is essential to consider how you will handle group homes.

And it is not just the FHAA. Planners need to consider the needs of other “alternative household” types: extended families that share no relationship by blood, marriage, or adoption; cohousing; group homes

for those not protected by the FHAA, among them halfway houses and alternatives to incarceration; short-term rentals such as Airbnb; fraternities and sororities; group homes for abused and neglected youths and runaways; shelters for battered women; homes for teenage mothers and their children; homes for the elderly; foster care and short-term support homes; respite care; and many more. Over-inclusive regulation to stop off-campus housing can wipe out housing opportunities for other types of households. Under-inclusive regulation to avoid those unintended consequences can leave the door open to the off-campus housing you are trying to control. It is a hard line to draw.

PROVEN TECHNIQUES TO ADDRESS THE ISSUES

We have almost 40,000 counties, municipalities, and townships in the U.S. (U.S. Census 2012), and with a little digging we can find many good, workable approaches to the off-campus student housing problem.

Coordinate, Plan, and Measure to Meet Demand

Most important is creating and maintaining a working town and gown relationship. It isn't easy, but it is essential (Hamden 2015 and Kovner 2015). Good examples abound. Check out Chapel Hill, North Carolina, and its efforts to work together with the University of North Carolina (2017). Take a look at their guidance for off-campus living and their "Good Neighbors" brochure that applies a "gentle touch" to the issue of property maintenance and code enforcement (2013 and 2009).

Even with the town's best efforts, the economics of the demand for off-campus housing continues to put pressure on the affordable housing stock (Ball 2015). In response, the town has formed a partnership with the university and Self-Help, a local nonprofit community developer, to work with residents to create more affordable housing. The resulting Northside Neighborhood Initiative (NNI), steered by residents of the traditionally African American Northside neighborhood on the edge of downtown, invests funds from the partner organizations to acquire and build affordable units.

Chapel Hill's housing and community director Loryn Clark, AICP, notes that "already, after just two years, the NNI has helped to increase the stock of affordable housing available to families, in a way that

empowers community members." Chapel Hill's planning and development services director, Ben Hitchings, AICP, adds, "pairing proactive outreach to students with creative community partnerships can help reduce the impacts of off-campus student housing and build the stock of affordable units available to local residents."

Exemplary regulations along the same lines of "if you can't beat 'em, accommodate 'em" abound.

College Station, Texas, has three Northgate overlay districts "characterized as a unique 'campus neighborhood' containing local businesses, churches, and off-campus housing in close proximity to the University" (§12-5.8.B). According to College Station's planning director, Lance Simms, AICP, these districts have "been instrumental in helping the city accommodate the ever-growing student population." Simms says that residents of the city's "established single-family neighborhoods often view student rentals as a threat and the Northgate districts help relieve the rental pressure by providing a place for students to live, work, eat, and recreate near the university."

Las Cruces, New Mexico, has similarly been proactive in meeting the demand with its University Overlay District, by which it intends to allow greater flexibility to developers and land owners while encouraging the development of a vibrant, mixed use University District (§38-44). The purpose "is to implement transportation, land use and urban design policies as established in the University District plan." The "walkable, mixed-use, higher density" district "supports sustainable development by providing an alternative to low-density development in peripheral areas." The city's community development director, David Weir, AICP, says that "the city and New Mexico State University have collaborated through the overlay district to plan, develop, and redevelop the University Avenue [area] for over 20 years." According to Weir, the overlay helps satisfy demand for student housing, while protecting older single-family neighborhoods from the negative effects of student encroachment. "The overlay has fostered improved aesthetics for the entire the corridor and the interface between the city and university," says Weir.

Zoning to meet demand and to reduce the impacts is not a cure-all, however. There can still be tensions. Ames, Iowa, has a

high-density residential district as well as a Campustown Service Center mixed use district for certain areas adjacent to the Iowa State University campus (§29.704 & §29.809). According to the city's planning and housing director, Kelly Diekmann, "in the areas near campus we have had a lot of tension of balancing neighborhood livability issues with student housing demands." In response, the city is reviewing its parking regulations and occupancy rules to help mitigate some of the impacts of student housing in established single-family neighborhoods. Diekmann says the city permits up to five unrelated persons per dwelling unit in higher density areas, but has also typically required more off-street parking in those areas. The exception is the Campustown district, where off-street parking requirements are lower to encourage redevelopment.

According to Diekmann, Ames is also considering changes to its occupancy standards, rental concentration restrictions on the number of homes that can be licensed for rental in certain areas, additional property and building improvement requirements for rentals, provisions to manage teardowns and rebuilds or additions that could affect neighborhood character, and greater articulation of the differences between group living and household living.

REGULATE IN AREAS SUBJECT TO INVASION

The impacts of existing student housing on single-family neighborhoods can be addressed with zoning regulations that prevent or ameliorate these impacts. Ames, Iowa, uses an overlay district in "impacted" areas east and west of the campus to prevent the demolition of fraternities and sororities on the east side and to relieve off-campus student housing pressures on the west side (§§29.1110–1111).

The range of alternative approaches is illustrated by the other communities with overlay districts including St. Paul, Minnesota (§67.700); Columbia, Missouri (§29-21.1); East Lansing, Michigan (§50-772 et seq.); and Oxford, Mississippi (§A.2:148).

Some communities control development near campus with form-based codes. In 2014, Ithaca, New York, adopted six Collegetown Area Form Districts for an area near Cornell University to help implement the city's 2009 *Collegetown Urban Plan and Conceptual Design Guidelines* (§32-45.1 et seq.).



➡ Purpose-built student housing in Minneapolis's Dinkytown neighborhood near the University of Minnesota.

According to Ithaca's director of planning and development, JoAnn Cornish, the melding of form-based codes with student housing zoning has "given the city the power to mandate certain design and aesthetic principles to developers who are snapping up real estate at about \$3 million an acre in our Collegetown." The prescriptive standards in the form districts ensure that developers are clear about what the city expects. "They can't cheap out on design and materials just because they paid so much for the property," says Cornish. "That argument won't fly in Ithaca."

Similarly, Tallahassee, Florida's University Urban Village District is an overlay zone with a regulating plan (§10-205 & §10-280 et seq.). According to Tallahassee-Leon County principal planner Artie White, AICP, "The University Urban Village District has very successfully catalyzed the redevelopment of a largely vacant warehouse district located between two major universities, creating a walkable mixed use activity center that continues to attract significant private investment." White points out that, while the residential development is largely geared to students, the district's urban design guidelines have helped shape the district "into a distinctive place with commercial and retail

uses that are supported not only by students, but by the entire community."

Define Student Housing

There is a lot of law to be found in the definitions. Types of households can be defined to include or exclude off-campus student housing arrangements in various housing types, among them private dormitories, purpose-built multifamily student housing, fraternity/sorority/cooperative living houses, and student rental homes. A "student residence" in Allentown, Pennsylvania, is a living arrangement where three or four full-time or part-time students live together. The definition applies only in the Student Residence Overlay District, while the traditional definition of family applies elsewhere (§1303). In Newark, Delaware, a "student home" is limited to three students and then, in somewhat unusual fashion, the definition lists 28 streets or street segments where student homes are not permitted (§32-4.123.1). The same term is defined in State College, Pennsylvania, and then linked to restrictive provisions in three residence districts (§19.B.201 & §19.D.501.1(6)).

A "student dwelling" in Williamsburg, Virginia, is imprecisely defined as "a building

containing three or more dwelling units located in close proximity to the campus of the College of William & Mary and designed to be occupied by students at the college" (§21-2). The regulations limit them to no more than two students in efficiency/one-bedroom units and up to four students in two or more bedrooms, only in the Urban Business District by special permit §21-355.1 & §21-354). As a condition of approval, applicants must either demonstrate that the dwelling is managed by the college or submit a management plan for upkeep and maintenance.

You can find "student housing" defined so as to limit it to housing designed for student rental with a bathroom for each bedroom, and also in typical construction multifamily buildings with apartments of three or more bedrooms. In Orange County, Florida, there are also criteria for student housing developments that, among other things, require a 400-foot separation from single-family uses measured from the property line and a six-foot masonry wall when the student housing is along a right-of-way (§38-1259).

Out west in Pueblo, Colorado, you will find "student housing" to be defined broadly as "a residence for occupancy by groups of people not defined as a family, where such building is specifically designed for students of a college, university, trade school or nonprofit

organization for the purpose of providing rooms for sleeping and living purposes . . .” (§17-2-2). They are allowed only by special permit with 14 site, design, operation, and transportation considerations (§17-4-12). Minor changes to the site plan can be approved without a new special permit process.

Finally, a “private dormitory” is the term used in Auburn, Alabama’s regulations to describe student-adapted private market apartments, typically with a bathroom provided for each bedroom (§203). The private dormitories are limited to the three Urban Neighborhood districts (§502.02.H).

GET RID OF THAT BELLE TERRE DEFINITION OF FAMILY

It does not work today and it probably did not when the case was decided. First, ease up on the definition of family to enable those who are a little different than the traditional family to live where they want without being in violation of the zoning. An extended straight, gay, or lesbian unmarried couple with foster children is just as good as any other family. They deserve to live where everyone else does.

Next, consider the government’s responsibilities under the FHAA and analogous state laws, and fold into the regulatory strategy the siting of protected group homes. Then consider group homes that may not be directly protected by federal and state statute, such as a homeless shelter.

While you are blending all this together, think what to do about those pesky off-campus college students. Remember, you have already coordinated with the college, found out what housing it expects to provide, and determined what the demand is for student housing. In the process you have worked with private developers to learn more about what students want, including roommates or not, price points, amenities, and transportation options. You have provided zoning in appropriate locations for moderate- to high-density development specifically targeted to students to take the pressure off the rest of the town. Still, how do you break the eight guys/four cars/two kegs conundrum created by the students outbidding the private market for single-family houses and apartments all over town?

Define the ‘Functional Family’

There is a definitional and procedural approach that can serve to protect the single-family

residential district while allowing greater numbers of people who are unrelated yet share common bonds, that is, a “functional family,” to live in single-family zoning districts. Remember, this definitional approach is an adjunct to zoning specifically for off-campus student housing and is intended to enable alternative households other than students to live in single-family areas.

Poughkeepsie, New York, has eased into this by allowing a “rebuttable presumption” that five unrelated people living together who are not related by blood, marriage is not a family. The household can rebut the presumption by providing evidence that it is the “functional equivalent of a family” (§210-9).

Painesville, Ohio, has collected examples of other functional family definitions (2013).

The Court of Appeals of Michigan in *Stegeman v. City of Ann Arbor* (1995) upheld the right of a functional family subject to a special use permit to occupy a single-family dwelling. In that case the regulations defined a functional family as “a group of no more than 6 people plus their offspring, having a relationship which is functionally equivalent to a family” It explicitly excluded groups of students or other individuals “where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.”

The use of the “functional family” is by no means without problems. Some argue there is too much discretion and too much opportunity for misuse. More importantly, when it is used for protected classes under the FHAA, it may stigmatize the potential residents. Is it right to require an adult with an intellectual disability or a clean and sober person in recovery from substance abuse or their representatives to be subjected to a public hearing and questioning in order to live like any other family? That is in part a legal issue in some jurisdictions, but everywhere it is a front-and-center public policy issue that needs to be talked through. Perhaps it is better to have an opportunity to accommodate the alternative household types through a special use permit process than not at all, especially when it will enable the exclusion of college students from a neighborhood.

Talk Softly and Carry a Big Stick

Most regulations are no good unless enforced. Enforcement of zoning and other local regulations needs to be swift, certain, and consistent in single-family

neighborhoods where students have taken over detached houses and apartments. One of the keys to successful enforcement is to know where off-campus student housing is, and that the housing is appropriate and safe. Licensing and inspection requirements can help. Landlords in Gainesville, Florida (§14-5.1 et seq.); Lawrence, Kansas (§6-1301 et seq.); and West Lafayette, Indiana, (§117.01 et seq.) are required to get permits and submit to periodic inspections in order to rent. Colleges warn their students to check for required licenses before renting (Georgetown University n.d.).

The most interesting example of strict enforcement comes from Narragansett, Rhode Island, where students from the University of Rhode Island in nearby North Kingston have had a major impact on the housing market. The town of Narragansett got tough on enforcement. Party too hard and get busted for having an “unruly gathering.” You are warned, and the police are required to post a 10” by 14” bright orange sticker by the front door entitled “Notice of Public Nuisance” that warns of the consequences of a second offense (§46-32).

Sound like the scarlet letter? Can they do that? Yes, the can, said the First Circuit Court of Appeals, acknowledging Nathaniel Hawthorne in its decision (*URI Student Senate* 2011, footnote 1).

Syracuse, New York, has a “Nuisance Party Ordinance” with a dozen types of nuisances that aptly describe the usual party house (§16-65 et seq.). The city defines a “nuisance party” as “a social gathering which is conducted on premises within the City of Syracuse and which, by reason of the conduct of the persons in attendance, results in any one (1) or more of the . . . [listed] conditions or events occurring at the site of the said social gathering, or on neighboring public or private property. . . .” The penalty? Up to \$500 or 15 days of imprisonment.

Flagstaff, Arizona, has a noise control ordinance that includes a “Nuisance Parties” section defined similarly to that in Syracuse, but with escalating fines for repeat offenders (§6-08-001-0005). Note that these ordinances are not in the zoning law.

And in Bloomington, Indiana, the city goes after the problem from the traffic side, with an ordinance typical of many places requiring resident parking permits. In this case, it is one per vehicle per resident

(§15.37). The unintended consequence of such regulations can be cars parked on lawns.

SUMMING IT UP

The last thing you want to do is enforce regulations to stop nuisance parties. It is a losing game of Whac-A-Mole. Instead, town

and gown need to coordinate and cooperate, and the housing demand must be met, preferably in optimal locations. There are better ways to protect family values than the *Belle Terre* definition of family, but it takes work. Some towns are winning the battle and winning the war. It can be done. Overarching the

efforts to get the right use in the right place is the need to protect those households that federal and state laws require be afforded equal housing opportunity. Social equity demands the same for many other types of households. Zoning and other regulations can do this.

Remember what the U. S. Supreme Court said in the first zoning case, *Village of Euclid v. Ambler Realty* (1926): "A nuisance may be merely a right thing in the wrong place—like a pig in the parlor instead of the barnyard." We respect our college students and their need or desire to live off campus. We just need to get them in the right place.

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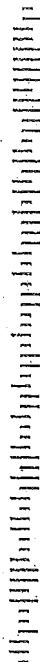
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